

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, October 9, 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 September 25, 2023 Planning Commission. -
Mirinda Hopkins, Development Coordinator

Unfinished Business**2. VAC-2023-0005: Vacation (612 W. CENTER ST/TRINITAS VENTURES, 483):**

Submitted by CLARK LAW FIRM PLLC for property located at 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.70 acres. The request is to vacate a 0.15-acre portion of alley right-of-way.

THIS ITEM WAS TABLED AT THE SEPTEMBER 11, 2023 & SEPTEMBER 25, 2023 PLANNING COMMISSION MEETINGS. - Jessica Masters, Development Review Manager

3. VAR-2023-0040: Planning Commission Variance (612 W. CENTER ST/TRINITAS DEVELOPMENT, 483):

Submitted by CLARK LAW FIRM PLLC for property located at 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.70 acres. The request is for a variance from parking requirements.

THIS ITEM WAS TABLED AT THE SEPTEMBER 25, 2023 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

New Business**4. ADM-2023-0039: Administrative Item (Amend The Planning Commission Rules Of Order):**

The request is to amend the Planning Commission Rules of Order and Procedure to require in-person attendance for a minimum of 12 of the regular Planning Commission meetings within a 12-month period of service. - Britin Bostick, Long Range Planning/Special Projects Manager

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

Submitted by EARTHPLAN DESIGN ALTERNATIVES, PA for property located at 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 to vary from sidewalk and Master Street Plan standards.

- Gretchen Harrison, Senior Planner

6. VAR-2023-0042: Planning Commission Variance (2518 W. MARTIN LUTHER KING JR BLVD/VALVOLUME, 558):

Submitted by BATES & ASSOCIATES for property located 2518 W. MARTIN LUTHER KING JR BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.70 acres. The request is for variances from Commercial, Office, and Mixed-Use Design Standards, Parking Lot Design Standards, and Access Management Standards. - Donna Wonsower, Planner

7. CUP-2023-0126: Conditional Use Permit (490 W. WILLOUGHBY RD/TERMINELLA, 718):

Submitted by FRANK TERMINELLA for property located at 490 W. WILLOUGHBY RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.14 acres. The request is for an accessory structure that exceeds 50% of the size of the primary structure. - Donna Wonsower, Planner

8. RZN-2023-0026: Rezoning (5839 W. DOT TIPTON RD/MARTINEZ, 475):

Submitted by JAIRO MARTINEZ for property located at 5839 W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.27 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE. - Gretchen Harrison, Senior Planner

9. RZN-2023-0028: Rezoning (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486):

Submitted by EMILY GENTRY for property located at 150 N. SKYLINE DR, UNIT 22. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.14 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL. - Jessica Masters, Development Review Manager

10. CUP-2023-0120: Conditional Use Permit (1117 N. WASHINGTON AVE/STEWART, 407):

Submitted by SIX PENCE PROPERTIES for property located at 1117 N. WASHINGTON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.22 acres. The request is to use the residence as a short-term rental. - Donna Wonsower,

Planner

11. CUP-2023-0122: Conditional Use Permit (4198 W. BRADSTREET LN/RANUCCI, 439):

Submitted by HOGUE HOMES for property located at 4198 W. BRADSTREET LN. 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

12. CUP-2023-0123: Conditional Use Permit (137 E. SPRING ST/DWB PROPERTIES, 485):

Submitted by DWB PROPERTIES for property located at 137 E. SPRING ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.12 acres. The request is to use the residence as a short-term rental. - Kylee Hevrdejs, Planner

13. CUP-2023-0127: Conditional Use Permit (101 E. BERTHA ST/COLLISHAW, 213):

Submitted by KATHLEEN AND DAVE COLLISHAW for property located at 101 E. BERTHA ST. 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. - Kylee Hevrdejs, Planner

14. CUP-2023-0130: Conditional Use Permit (3048 E. CALGARY ST/GREENLAW, 645):

Submitted by KUTAK ROCK LLP for property located at 3048 E. CALGARY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental. - Kylee Hevrdejs, Planner

15. CUP-2023-0124: Conditional Use Permit (1584 N. CADDO AVE/POMEROY, 399):

Submitted by SAMANTHA POMEROY for property located at 1584 N. CADDO 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. - Gretchen Harrison, Senior Planner

16. CUP-2023-0125: Conditional Use Permit (1748 E. ACACIA XING/NEXT ADVENTURE PROPERTIES, 526):

Submitted by NEXT ADVENTURE PROPERTIES for property located at 1748 E. ACACIA XING. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.14 acres. The request is to use the residence as a short-term rental.

ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Gretchen Harrison, Senior Planner

17. CUP-2023-0102: Conditional Use Permit (1633 W. HALSELL RD/SPARKS, 482):

Submitted by LIGHTHOUSE REAL ESTATE for property located at 1633 W. HALSELL RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to use the residence as a short-term rental. - Jessica Masters, Development Review Manager

18. CUP-2023-0128: Conditional Use Permit (388 S. HILL AVE/SPIKES, 522):

Submitted by WS RENTALS for property located at 388 S. HILL AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE and contains approximately 0.02 acres. The request is to use the residence as a short-term rental. - Jessica Masters, Development Review Manager

19. CUP-2023-0129: Conditional Use Permit (4184 W. SARDINIA WAY/FAYETTEVILLE TOWNHOUSES LLC, 400):

Submitted by MICHAELA WEBB LLC for property located at 4184 W. SARDINIA WAY. The property is zoned RMF-12, RESIDENTIAL MULTI-FAMILY, TWELVE UNITS PER ACRE and contains approximately 0.16 acres. The request is to use the residence as a short-term rental. - Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

20. FPL-2023-0003: Final Plat (W. MCLAREN DR/CRYSTAL SPRINGS VILLAGE PH 2 SD, 285):

Submitted by CRAFTON TULL for property located on W. MCLAREN DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 25.23 acres. The request is for the final plat of 97 residential lots. - Jessica Masters, Development Review Manager

21. LSP-2023-0039: Lot Split (8899 W. ATHENS LN/ATHERTON, 470):

Submitted by BLEW & ASSOCIATES for property located 8899 W. ATHENS LN. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 10.63 acres. The request is to split and adjust the property to contain two lots with 9.61, and 1.02 acres. - Donna Wonsower, Planner

22. LSP-2023-0041: Lot Split (548 W. DICKSON ST./FAYETTEVILLE DEPOT, 484):

Submitted by OLSSON for property located at 548 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains one parcel totaling 1.22 acres. The request is to subdivide the property into four lots containing 0.28, 0.25, 0.14, and 0.55 acres. - Jessica Masters, Development Review Manager

23. LSP-2023-0048: Lot Split (N. FUTRALL DR/MARINONI INC; PAM ANGUS LTD, 441):

Submitted by CRAFTON TULL for property located on N. FUTRALL DR. The property is zoned UT, URBAN THROUGHFARE and contains approximately 18.60 acres. The request is to subdivide the property into three lots containing 4.33, 3.48, and 10.79 acres. - 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, 9/25/2023			
Time:	5:30 PM					
Staff :	☐ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☐ Kylee Hevrdejs					
	☐ Britin Bostick ☐ Sherry Smith ☒ Josh Boccaccio ☐ Melissa Boyd ☒ Fire Marshall ☐ Chris Brown ☐ Alan Pugh					
	Roll Call	1) Minutes 09-11-2023	2) ADM-2023-0037 (SOUTHERN WOODS CLUSTER DEVELOPMENT)	3) ADM-2023-0041 (ATHERTON)	4) VAC-2023-0005 (TRINITAS VENTURES)	5) VAR-2023-0040 (TRINITAS DEVELOPMENT)
McGetrick	1	1	1	1	1	1
Sparkman	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Garlock	1	1	1	1	1	1
Madden	1	1	1	1	1	1
Payne	1	1	1	1	1	1
Gulley	V	1	1	1	1	1
Holcomb	0					
Winston	1	1	1	1	1	1
Agenda		Consent	Consent	Consent	Old	New
Motion By		Winston	Winston	Winston	Garlock	Garlock
Motion 2nd		Garlock	Garlock	Garlock	McGetrick	Sparkman
Vote		8-0-0	8-0-0	8-0-0	8-0-0	8-0-0
Action		Approve	Approve	Approve	Table	Table
Time		5:33 PM	5:33 PM	5:33 PM	5:43 PM	5:55 PM
Motion Detail					Passed, tabled till the October 9th Planning Commission Meeting.	Passed, tabled till the October 9th Planning Commission Meeting.
Public Comment					1	0

(pg. 2) Planning Commission			Monday, 9/25/2023		
	6) ADM-2023-0036 (VAUGHN RECYCLING)	7) VAC-2023-0009 (FHA DEVELOPMENT)	8) CUP-2023-0109 (SMALLING)	9) RZN-2023-0025 (BUILDERS LAND CAPITAL)	10) CUP-2023-0104 (VAN WINKLE)
McGetrick	1	1	1	1	0
Sparkman	1	1	1	1	0
Brink	1	1	1	Recuse	0
Garlock	1	1	1	0	0
Madden	1	1	1	0	0
Payne	1	1	1	1	1
Gulley	1	1	1	1	0
Holcomb					
Winston	1	1	1	1	0
Agenda	New	New	New	New	New
Motion By	Payne	Brink	Payne	Sparkman	Sparkman
Motion 2nd	Brink	Payne	Gulley	Payne	Payne
Vote	8-0-0	8-0-0	8-0-0	5-2-1	1-7-0
Action	Approve	Forward	Approve	Forward	Approve
Time	6:06 PM	6:14 PM	6:21 PM	6:40 PM	7:07 PM
Motion Detail	Passed	Passed, with all conditions as recommended by staff, including a partial vacation.	Passed, with all conditions as recommended by staff, striking requirement #3.	Passed, with a recommendation of approval by staff.	Failed
Public Comment	0	0	0	1	0

(pg. 3) Planning Commission			Monday, 9/25/2023		
	11) CUP-2023-0105 (VAN WINKLE)	12) CUP-2023-0106 (VAN WINKLE)	13) CUP-2023-0110 (JURGENS)	14) CUP-2023-0112 (CALESPRINGS LLC)	15) CUP-2023-0113 (RISK)
McGetrick	1	1	1	1	1
Sparkman	0	1	1	1	1
Brink	0	1	1	1	1
Garlock	0	1	1	1	1
Madden	0	1	1	1	1
Payne	1	1	1	1	1
Gulley	0	1	1	1	1
Holcomb					
Winston	0	1	1	1	1
Agenda	New	New	New	New	New
Motion By	Sparkman	Sparkman	Brink	Brink	Payne
Motion 2nd	Payne	Brink	McGetrick	Garlock	Madden
Vote	2-6-0	8-0-0	8-0-0	8-0-0	8-0-0
Action	Approve	Approve	Approve	Approve	Approve
Time	7:08 PM	7:09 PM	7:13 PM	7:20 PM	7:24 PM
Motion Detail	Failed	Passed, with all conditions as recommended by staff.	Passed, with all conditions as recommended by staff.	Passed, with all conditions as recommended by staff.	Passed, with all conditions as recommended by staff.
Public Comment	0	0	0	0	0

(pg. 4) Planning Commission		Monday, 9/25/2023			
	16) CUP-2023-0116 (VAN BRUWAENE)	17) CUP-2023-0117 (WOODRUFF)	18) CUP-2023-0118 (EARLY)	19) CUP-2023-0119 (TANNER)	
McGetrick	1	0	1	1	
Sparkman	1	0	1	1	
Brink	1	1	1	1	
Garlock	1	0	1	1	
Madden	1	0	1	1	
Payne	0	1	1	1	
Gulley	1	0	1	1	
Holcomb					
Winston	1	1	1	1	
Agenda	New	New	New	New	
Motion By	Brink	Sparkman	Brink	Sparkman	
Motion 2nd	Sparkman	Garlock	Garlock	Madden	
Vote	7-1-0	3-5-0	8-0-0	8-0-0	
Action	Approve	Approve	Approve	Approve	
Time	7:49 PM	7:55 PM	8:11 PM	8:18 PM	
Motion Detail	Passed, with an occupancy limit of 6, and no on-street parking.	Failed	Passed, with an occupancy limit of 6, and all other conditions as recommended by staff.	Passed, with an occupancy limit of 6, and no on-street parking.	
Public Comment	5	0	3	0	



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **VAC-2023-0005: Vacation (612 W. CENTER ST/TRINITAS VENTURES, 483):** Submitted by CLARK LAW FIRM for property located at 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.70 acres. The request is to vacate a 0.15-acre portion of alley right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2023-0005** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2023-0005** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

SEPTEMBER 11, 2023 AND SEPTEMBER 25, 2023 PLANNING COMMISSION MEETINGS:

Commissioners voted to table the item at both meetings until all requisite documents were received, specifically from the Water and Sewer division regarding the potential relocation of a significant amount of sewer infrastructure in the existing right-of-way. In the interim, the Water and Sewer Division received an initial memo regarding the sewer relocation study, and deemed that a relocation was feasible. The Water and Sewer Division also provided the necessary sign-off with added conditions of approval. Further, the applicant provided an additional traffic analysis reflecting the potential impacts of closure, as well as additional comments regarding emergency service provision and life safety implications; those memos are attached to this report for the Planning Commission's consideration.

BACKGROUND:

The overall subject property is in downtown Fayetteville and contains two separate parcels that straddle W. Gregg Alley (765-12934-000 and 765-01886-000). The site is developed with commercial structures that were developed from the early 1920s through the mid-1960s. In total, the property encompasses approximately 1.70 acres, and is zoned MSC, Main Street Center. The Downtown Design Overlay District also governs this site. Rather than being classified as an Urban/Downtown Street in the Master Street Plan, the alley received its designation in 2004 (Ordinance 4629). Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	MSC, Main Street Center
South	Multi-Family Residential	MSC, Main Street Center

East	Frisco Trail/Mixed-Density Residential	MSC, Main Street Center
West	Arkansas Missouri Railroad/University of Arkansas	MSC, Main Street Center

Proposal: The applicant proposes to vacate 0.15 acres of right-of-way that currently makes up S. Gregg Alley which connects W. Center Street to the south to W. Meadow Street to the north. The alley is currently paved with asphalt.

DISCUSSION:

City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff. From a land-use planning perspective, Planning staff finds that maintaining the right-of-way serves the public interest as far as maintaining a compact, complete, and connected downtown (Goal #3). On the other hand, the intended use of the property should the alley be vacated is for a multi-family housing development in an area with an infill score of 13. The associated development proposal would positively contribute to two other stated goals of City Plan 2040, which are to make appropriate infill the highest priority (Goal #1), as well as creating opportunities for additional housing, which supports and contributes (Goal #6). The vacation will also unlikely negatively affect pedestrian and bicycle transportation and connectivity, as the site is adjacent to the Razorback Greenway. On the balance of considerations, Planning staff supports the request. The applicant has supplied additional information for the Commission's consideration, including a traffic study memo which shows a minimal vehicle rate on the existing right-of-way, and also has supplied some emergency service provision information with the proposed development.

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

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections, provided all SWEPCO utilities affected by the ROW vacation are relocated as required by SWEPCO.
Black Hills Energy AR	No objections, provided all Black Hills Energy facilities located within said vacation are relocated by Black Hills Energy at owner/developer's expense.
AT&T	No objections, provided all AT&T utilities affected by the ROW vacation are relocated as required by AT&T.
Ozarks Electric	No objections and no comment.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections, provided relocation of impacted water and sewer lines will be required. Detailed engineering plans must be reviewed and approved by the City of Fayetteville prior to construction.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

Public Comment: Staff received verbal opposition to the request from a nearby property owner who would like to see connectivity through the alleyway maintained. Staff has also received written comment potentially in support of the request, though the individual indicated that they would like to see the overall site plan.

RECOMMENDATION: Staff recommends forwarding **VAC-2023-0005** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Relocation of impacted water and sewer lines will be required. Detailed engineering plans must be reviewed and approved by the City of Fayetteville prior to construction;
2. Right-of-way vacation is subject to approval and issuance of a grading permit in association with a multi-family development that occupies both 765-12934-000 and 765-01886-000;
3. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
4. All SWEPCO, AT&T, Black Hills Energy, and water and sewer facilities located within said right-of-way must be relocated as required by those entities.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Ordinance 4629
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- Supplemental Applicant Information
 - Alley Vacation Memo – Life Safety
 - Traffic Memo
- Public Comment
- One Mile Map

- Close-up Map
- Current Land Use Map

ORDINANCE NO. 4629

AN ORDINANCE APPROVING VAC 04-1178 TO VACATE A PORTION OF THE RIGHT OF WAY FOR GREGG STREET LOCATED BETWEEN CENTER STREET AND MEADOW STREET AND RECLASSIFYING THIS SUBJECT RIGHT OF WAY AS AN ALLEY AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described platted right of way is no longer required for corporate purposes.

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

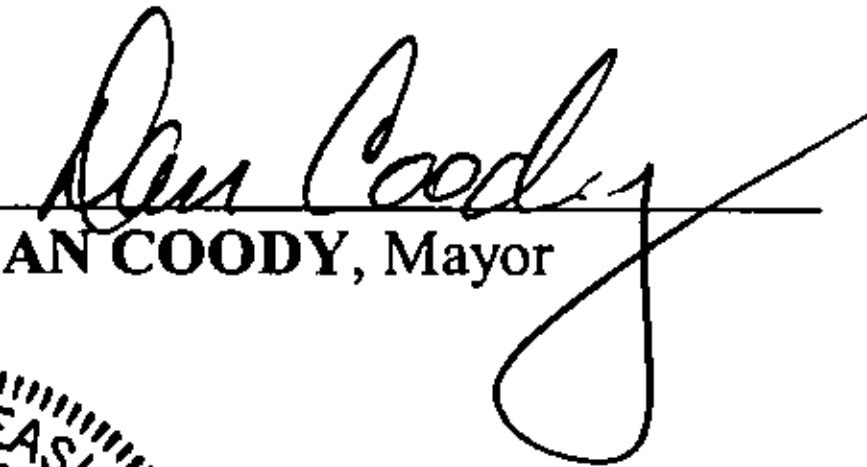
Section 1: That the City of Fayetteville, Arkansas hereby vacates and abandons the following described right of way, retaining the use as a public alley:

See Exhibit "A" attached hereto and made a part hereof.

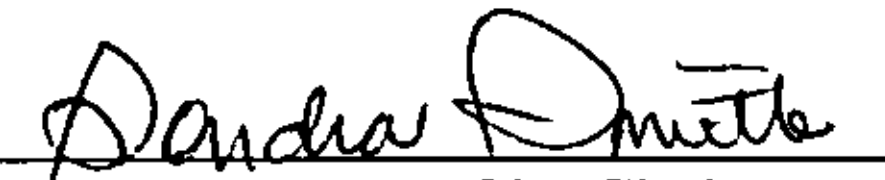
Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED and APPROVED this 19th day of October, 2004.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk




Doc ID: 007827850003 Type: REL
Recorded: 11/02/2004 at 08:53:31 AM
Fee Amt: \$11.00 Page 1 of 3
Washington County, AR
Bette Stamps Circuit Clerk

File **2004-00045127**



EXHIBIT "A"
VAC 04-1178

A PART OF THE WEST HALF (W1/2) BLOCK NUMBERED TWENTY-ONE (21) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND A PORTION OF GREGG AVENUE, ALTOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK TWENTY-ONE (21), SAID POINT BEING AN EXISTING IRON; THENCE N87°21'50"W 221.96 FEET ALONG THE NORTH LINE OF SAID BLOCK TWENTY-ONE (21) TO AN EXISTING RAILROAD RAIL WITH A CHISELED "X" ON THE EAST BOUNDARY OF A ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY, SAID POINT BEING ON A 714.49 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE SOUTHERLY ALONG SAID CURVE 312.95 FEET, THE CHORD FOR WHICH BEING S06°10'55"W 310.45 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE N78°38'34"W 87.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET TO AN EXISTING CHISELED "X" IN CONCRETE FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET, N78°38'34"W 10.86 FEET TO A SET ½" IRON REBAR ON THE WEST BOUNDARY OF SAID ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY; THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET AND RUNNING ALONG SAID WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 28.49 FEET TO A SET ½" IRON REBAR; THENCE LEAVING THE WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 5.44 FEET ALONG PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE; THENCE CONTINUING ALONG THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, N86°53'31"E 1.56 FEET; THENCE N02°42'36"E 239.14 FEET; THENCE N48°37'39"E 16.73 FEET TO A SET ½" IRON REBAR; THENCE LEAVING THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE AND RUNNING ALONG THE OLD EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, S02°42'48"W 286.38 FEET TO POINT OF BEGINNING, CONTAINING 3363 SQUARE FEET, MORE OR LESS.

Washington County, AR
I certify this instrument was filed on
11/02/2004 08:53:31 AM
and recorded in Real Estate
File Number 2004-00045127
Bette Stamps - Circuit Clerk

by 

NAME OF FILE: Ordinance No. 4629
w/Ex. A & B

CROSS REFERENCE:

Item #	Date	Document	
1	09/28/04	memo to mayor & City Council	
2		draft ordinance	
3		memo to Planning Commission	
4		copy of map	
5		copy of map	
6		copy of Close Up View	
7		copy of One Mile View	
8		Staff Review Form	
9		memo to Dawn Warrick	
10		Affidavit of Publication	
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NOTES:

1/2/04		filed at Wash. Co. Circuit Clerk office	

ORD
10/19/04
4629

VAC 04-1178/
Center &
Meadow
Streets

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: September 28, 2004

Subject: Easement Vacation for Gregg Avenue/Rivendell (VAC 04-1178)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a portion of Gregg Avenue right-of-way, as described and depicted herein.

BACKGROUND

The applicant currently has an associated Planned Zoning District request in process, unanimously recommended by the Planning Commission for approval to the City Council for the construction of a mixed-use development in the downtown area. The project plan has been developed around and is contingent upon the vacation of a particular portion of street right-of-way along Gregg Avenue between Meadow Street and Center Street.

Gregg Avenue is a Local Street on the Master Street Plan, requiring a right-of-way dedication of 25 feet from centerline (50 feet total). Currently a total of 34 feet of right-of-way exists in this location, with the existing structures located near or at the right-of-way line. Along with the vacation request, and as part of the Planned Zoning District proposal, the applicant is also requesting the Master Street Plan be amended for this portion of Gregg Avenue, down-grading its classification from a Local Street to an alley. The developer's proposal is to overlay the existing street and have the parking directly off of the new surface underneath the proposed buildings, a situation that is not allowed with Gregg Street's current classification and right-of-way requirements.

Request: The applicant requests to vacate approximately 12 feet of the eastern portion of the existing Gregg Street right-of-way along the subject property's frontage, and to dedicate the remaining area as a public alley as described and depicted in the attached documents.

DISCUSSION

Notification was provided to all utility representatives and adjoining property owners. No objections were submitted.

The Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval of the vacation request at the regular meeting of September 27, 2004.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1178 TO VACATE A PORTION OF THE RIGHT OF WAY FOR GREGG STREET LOCATED BETWEEN CENTER STREET AND MEADOW STREET AND RECLASSIFYING THIS SUBJECT RIGHT OF WAY AS AN ALLEY AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described platted right of way is no longer required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons the following described right of way, retaining the use as a public alley:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"
VAC 04-1178

A PART OF THE WEST HALF (W1/2) BLOCK NUMBERED TWENTY-ONE (21) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND A PORTION OF GREGG AVENUE, ALTOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK TWENTY-ONE (21), SAID POINT BEING AN EXISTING IRON; THENCE N87°21'50"W 221.96 FEET ALONG THE NORTH LINE OF SAID BLOCK TWENTY-ONE (21) TO AN EXISTING RAILROAD RAIL WITH A CHISELED "X" ON THE EAST BOUNDARY OF A ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY, SAID POINT BEING ON A 714.49 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE SOUTHERLY ALONG SAID CURVE 312.95 FEET, THE CHORD FOR WHICH BEING S06°10'55"W 310.45 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE N78°38'34"W 87.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET TO AN EXISTING CHISELED "X" IN CONCRETE FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET, N78°38'34"W 10.86 FEET TO A SET ½" IRON REBAR ON THE WEST BOUNDARY OF SAID ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY; THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET AND RUNNING ALONG SAID WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 28.49 FEET TO A SET ½" IRON REBAR; THENCE LEAVING THE WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 5.44 FEET ALONG PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE; THENCE CONTINUING ALONG THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, N86°53'31"E 1.56 FEET; THENCE N02°42'36"E 239.14 FEET; THENCE N48°37'39"E 16.73 FEET TO A SET ½" IRON REBAR; THENCE LEAVING THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE AND RUNNING ALONG THE OLD EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, S02°42'48"W 286.38 FEET TO POINT OF BEGINNING, CONTAINING 3363 SQUARE FEET, MORE OR LESS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of September 27, 2004

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
FROM: Jeremy Pate, Senior Planner
Matt Casey P.E. Staff Engineer
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: September 16, 2004

VAC 04-1178: Vacation (RIVENDELL, 483): Submitted by STEVE CLARK for property located at THE FORMER 100 FT. RAILROAD R/W ON THE WEST SIDE OF BLOCK 21 ORIGINAL TOWN PLAT. The property is zoned I-1, HEAVY COMMERCIAL/LIGHT INDUST and contains approximately 0.67 acres. The request is to vacate a portion of the Right-of-Way on Gregg Street.

Property Owner: DENELE CAMPBELL

Planner: JEREMY PATE

Findings: See the attached maps and legal descriptions for the exact locations of the requested utility easement vacation.

Background: The applicant currently has a PZD under review in the Planning Commission process for the construction of a commercial and multi-family development. The project plan has been developed around and is contingent upon the vacation of this portion of street right-of-way along Gregg Avenue, based on conversations with city staff and utility representatives.

Gregg Avenue is a Local Street on the Master Street Plan, requiring a right-of-way dedication of 25 feet from centerline. Along with the vacation request, and as part of the Planned Zoning District proposal, the applicant is also requesting the Master Street Plan be amended for this portion of Gregg Avenue, down-grading its classification from a Local Street to an alley. The developer's proposal is to overlay the existing street and have the parking directly off of the new surface underneath the proposed buildings, a situation that is not allowed with Gregg Street's current classification and right-of-way requirements.

Request: The applicant requests to vacate a portion of the existing Gregg Street right-of-way and to dedicate this area as a public alley as described and depicted in the attached documents.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

Cox Communications

RESPONSE

No Objections

No Objections

No Objections

No Objections

No Objections

RESPONSE

No Objections

No Objections

No Objections

No Objections

Conditions of Approval:

1. A 20' wide water and sewer easement shall be dedicated that runs north and south on the east side of the proposed buildings running generally with the proposed trail. It will need to connect from Meadow Street right-of-way to the Center Street right-of-way.

Date: September 27, 2004

Comments: _____

By _____

Title

Date _____

CITY COUNCIL ACTION: yes Required . **Date:** October 19, 2004

Description

We are requesting that a portion of Gregg Street between Center Street and Meadow Street be vacated and that the remainder of the street be changed to an alley. Gregg Street has always functioned more as an alley than as a street. There is very little traffic that uses the street on a regular basis.

The property that was acquired by Ms. Denele Campbell from the railroad was previously a railroad spur that had not been actively used in many years. The legal description of the railroad property overlapped the Gregg Street Right-of-Way along the east side of the ROW. In fact Ms. Campbell's West property line is as much as 18 feet into the Gregg Street ROW.

The development that is being proposed will require that most of the parking be located under the proposed buildings. In order for this to function it will be necessary to back out of the garage structure on to Gregg Street. In order for this to be legal the Street Row will need to be converted to an alley.

Rivardell P2D.

GRI

CITY PARKING LOT

1328

1327

VACATED

146.43

40'

50'

X 1328.0

VACATED
ORD 1070
APP. 09/20/54

100' N

8
Block

X 1323.0

WEST

SPRING

CITY PROPERTY

155.00'

151.50

4

3

5

6

161.76

418

416

414

108

9
Block
2

121

115
1

8
109

GREGG

546

1000' N

21
Block

512

510

5

9

11

21

34'

E 672800

55'

500' W

40'

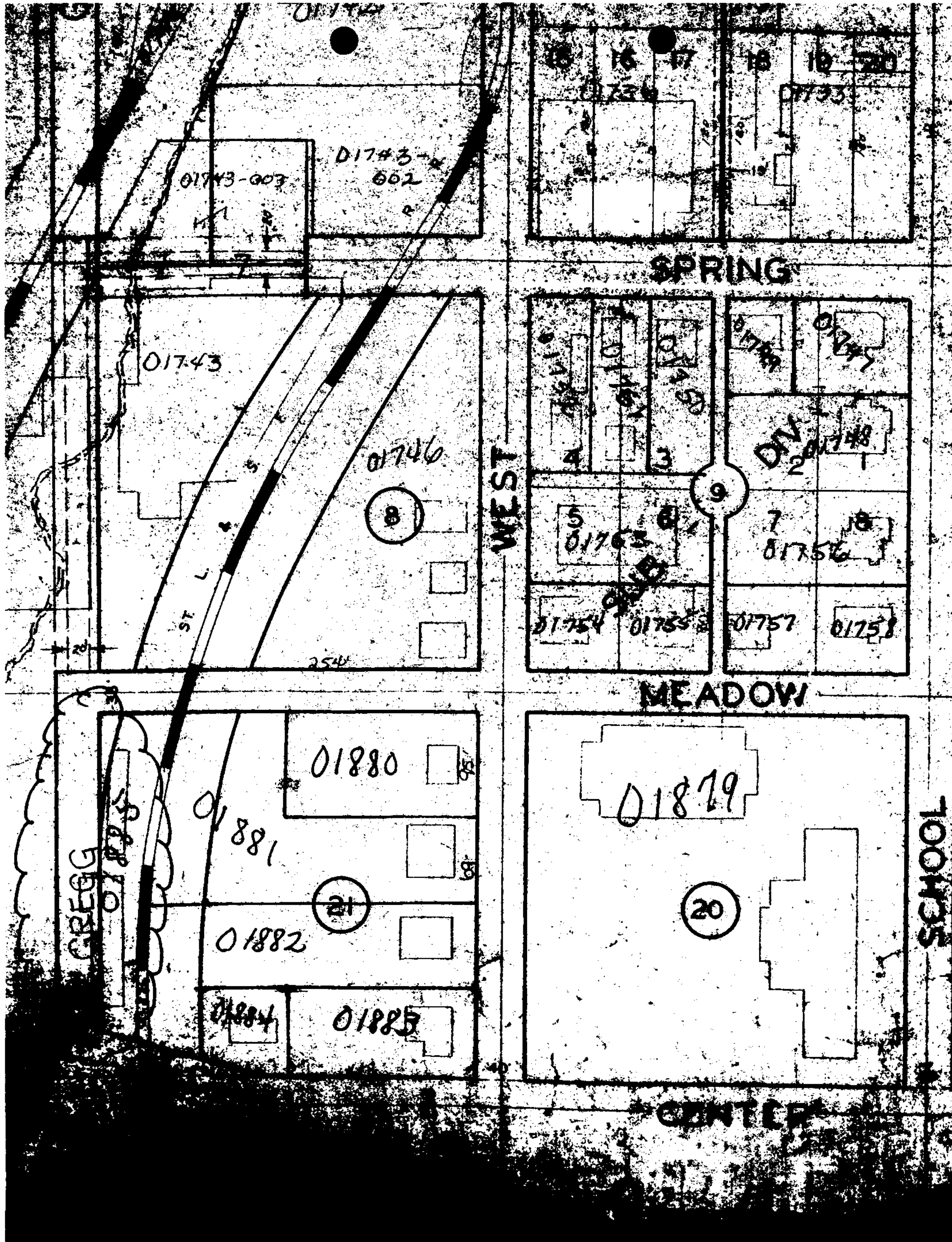
X 1323.0

MEADOW

20
Block

CENTER

400' W



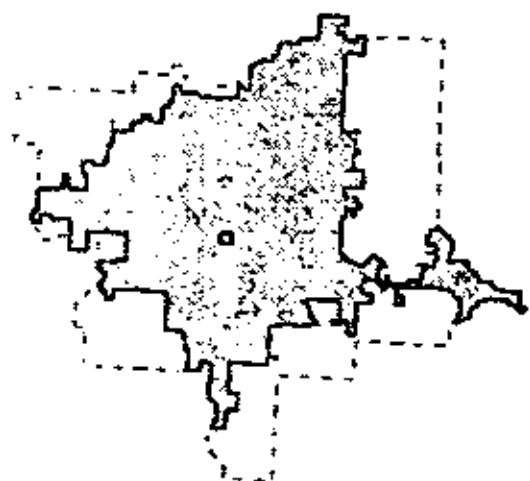
VAC04-1178

Close Up View

RIVENDELL



Overview



Legend

- | | | |
|------------------------|------------------------|------------------------|
| ○○○○○ Overlay District | — Principal Arterial | — FLOODWAY |
| Master Street Plan | — Minor Arterial | — 100 YEAR |
| Master Street Plan | - - - Collector | — 500 YEAR |
| Freeway/Expressway | ●●● Historic Collector | — LIMIT OF STUDY |
| | | - - - BaseLine Profile |
| | | ▨ VAC04-1178 |
| | | □ Fayetteville |
| | | ▨ Outside City |

0 75 150 300 450 600 Feet

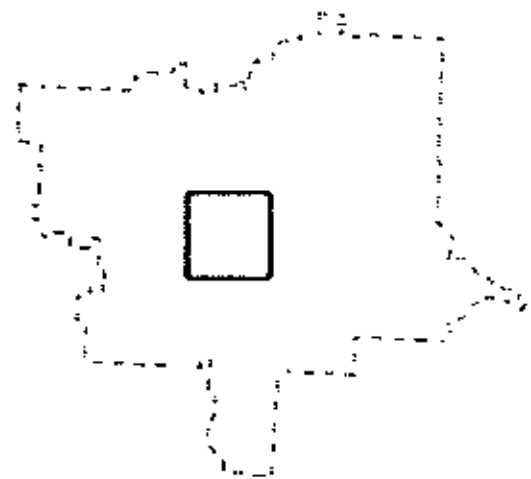
VAC04-1178

One Mile View

RIVENDELL



Overview



Legend

Subject Property



VAC04-1178

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

October 19, 2004

FROM:

Dawn T. WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

VAC 04-1178 was submitted by Steve Clark on behalf of Denele Campbell for property located north of Center Street and south of Meadow Street. The request is to vacate a portion of the Gregg Street right of way, rededicating this area as a public alley.

STAFF RECOMMENDATION: Approval

Dawn T. Warrick
Division Head10/1/04
Date

Received in Mayor's Office

10/4/04
Date *PH**[Signature]*
City Attorney10/1/04
Date*[Signature]*
Department Director10-5-04
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.10-5-04
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer10-5-04
Date

Orig. Contract Date:

[Signature]
Mayor10/5/04
Date

Orig. Contract Number:

New Item:

Yes

No



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
City Clerk Division

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

DEPARTMENTAL CORRESPONDENCE

To: Dawn Warrick
Planning Division

From: Clarice Buffalohead-Pearman 
City Clerk Division

Date: October 25, 2004

Re: Ordinance No. 4629

The City Council passed the above ordinance, October 19, 2004, vacating a portion of right of way reclassifying an area as an alley on Gregg Avenue. I have attached a copy of the ordinance.

This ordinance will be recorded in the city clerk's office and microfilmed. If anything else is needed please let the clerk's office know.

Attachment(s)

cc: LaDawnya Cossey, Planning
John Goddard, IT
Scott Caldwell, IT
Clyde Randall, IT
Ed Connell, Engineering

NORTHWEST ARKANSAS EDITION Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am
Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas
Times newspaper, printed and published in Lowell, Arkansas, and that
from my own personal knowledge and reference to the files of said
publication, that advertisement of:

Ordinance 4629 was inserted in the regular editions on
04.25.2004.

PO# 04-0003089-001

** Publication Charge: \$ 164.57

Subscribed and sworn to before me this

25th day of October, 2004.

Catherine Sell

Notary Public

~~~~~  
Catherine Sell  
Notary Public, State of Arkansas  
Washington County  
My Commission Expires 02/27/05  
~~~~~

My Commission Expires: _____

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
OCT 27 2004
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ORDINANCE NO. 4629

AN ORDINANCE APPROVING VAC 04-1178 TO VACATE A PORTION OF THE RIGHT OF WAY FOR GREGG STREET LOCATED BETWEEN CENTER STREET AND MEADOW STREET AND RECLASSIFYING THIS SUBJECT RIGHT OF WAY AS AN ALLEY AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION

Fayetteville
ARKANSAS

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described platted right of way is no longer required for corporate purposes.

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

Section 1: That the City of Fayetteville, Arkansas hereby vacates and abandons the following described right of way, retaining the use as a public alley:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED and APPROVED this 19th day of October, 2004.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

EXHIBIT "A"
VAC 04-1178

A PART OF THE WEST HALF (W1/2) BLOCK NUMBERED TWENTY-ONE (21) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND A PORTION OF GREGG AVENUE, ALTOGETHER BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK TWENTY-ONE (21), SAID POINT BEING AN EXISTING IRON; THENCE N87°21'50"W 221.96 FEET ALONG THE NORTH LINE OF SAID BLOCK TWENTY-ONE (21) TO AN EXISTING RAILROAD RAIL WITH A CHISELED "X" ON THE EAST BOUNDARY OF A ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY, SAID POINT BEING ON A 714.49 FOOT RADIUS CURVE CONCAVE TO THE EAST; THENCE SOUTHERLY ALONG SAID CURVE 312.95 FEET, THE CHORD FOR WHICH BEING S06°10'55"W 310.45 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET; THENCE N78°38'34"W 87.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET TO AN EXISTING CHISELED "X" IN CONCRETE FOR THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET, N78°38'34"W 10.86 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF SAID ONE HUNDRED (100) FOOT WIDE RAILROAD RIGHT-OF-WAY; THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF CENTER STREET AND RUNNING ALONG SAID WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 28.49 FEET TO A SET 1/2" IRON REBAR; THENCE LEAVING THE WEST RAILROAD RIGHT-OF-WAY LINE, N02°02'45"W 5.44 FEET ALONG PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE; THENCE CONTINUING ALONG THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, N86°53'31"E 1.56 FEET; THENCE N02°42'36"E 239.14 FEET; THENCE N48°37'39"E 16.73 FEET TO A SET 1/2" IRON REBAR; THENCE LEAVING THE PROPOSED EAST RIGHT-OF-WAY LINE OF GREGG AVENUE AND RUNNING ALONG THE OLD EAST RIGHT-OF-WAY LINE OF GREGG AVENUE, S02°42'48"W 288.38 FEET TO POINT OF BEGINNING, CONTAINING 3363 SQUARE FEET, MORE OR LESS.

RECEIVED

OCT 27 2004

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**



121 West South Street
PO Box 4248
Fayetteville, Arkansas 72702-4248

Tel: (479) 856-6380
Fax: (479) 856-6381

Suzanne G. Clark
sclark@clark-firm.com

AUGUST 2, 2023

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Attn: Planning Commission and City Council

Re: Right-of-Way Vacation Application– N. Gregg Avenue Alley

Clark Law Firm represents Trinitas Ventures (“Trinitas”) regarding their application to vacate the N. Gregg Avenue Alley, shown in the included Survey Exhibit, located between 546 Center Street and 600-612 Center Street, Fayetteville, AR 72701. This vacation request is a part of Trinitas’ plan to develop the two properties including and adjacent to the N. Gregg Avenue Alley.

The N. Gregg Avenue Alley is not an arterial or collector street. The Master Street Plan adopted by the Planning Commission and City Council does not identify N. Gregg Avenue Alley for future use as an arterial or collector street. The N. Gregg Avenue Alley is not a neighborhood, regional, or residential link.

Currently, the N. Gregg Avenue Alley is used as an alternative option to provide rear access to the Metro District. Vacating the N. Gregg Avenue Alley will not result in a lack of access to the rear of the Metro District as it will still be accessible from W. Meadow Street and from N. West Avenue, both of which are designated as Urban Center streets on the Master Street Plan. Vacating the N. Gregg Avenue Alley will not result in a disruption to pedestrian or bicycle traffic because the Alley is parallel and proximate to the Razorback Greenway. All utility companies have provided their approval of the vacation. Therefore, the public interest and welfare would not be adversely affected by the abandonment of the Alley.

I request the Petition to Vacate the N. Gregg Avenue Alley be passed with a recommendation for approval by the City Council. We are happy to provide any additional information that is needed or that may be helpful upon your review of the petition. Additionally, Trinitas understands that, because the right-of-way vacation is necessary to move forward with their development plans for the property, the approval, of the vacation may be contingent on commencement of the development, with reversion back to the City if, for any reason, the

development of the property does not proceed. Thank you for your consideration and please let me know you have any questions.

Sincerely,

/s/ Suzanne G. Clark

Suzanne G. Clark

PETITION

PETITION TO VACATE THE N.GREGG AVE ALLEY LOCATED BETWEEN 546 CENTER STREET AND 600-612 CENTER STREET IN 16-16-30, CITY OF-FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning
Commission and The Fayetteville City
Council

We, the undersigned, having an interest in the property herein described, and with the consent of the owners of the real estate described and abutting the N.Gregg Ave Alley hereinafter sought to be abandoned and vacated, lying between 546 Center Street and 600-612 Center Street in 16-16-30, City of Fayetteville, Arkansas, a municipal corporation, petition the City of Fayetteville to vacate the N.Gregg Ave Alley, which is described as follows:

(Legal Description of area to be vacated is attached)

That the abutting real estate affected by said abandonment of the alley are 546 Center Street and 600-612 Center Street, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the described Alley.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the attached described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the attached described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the attached described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this __day of __August 1__, 2023.

Trinitas Ventures

Brad Bennett

Authorized Representative

Printed Name and Title

Brad Bennett

1A2BFFD881BE41A...

Signature

EXHIBIT

612 W. CENTER ST., FAYETTEVILLE, AR 72701
WASHINGTON COUNTY

GIS Approved
08/08/2023

DESCRIPTION OF ALLEY VACATION

BEING A VARIABLE WIDTH EASEMENT FOR THE VACATION OF A PORTION OF GREGG AVENUE (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) AND LOCATED WITHIN A PART OF THE WEST HALF (W 1/2) BLOCK NUMBERED TWENTY-ONE (21) OF THE ORIGINAL TOWN MAT OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 21, THENCE ALONG THE NORTH LINE THEREOF THE FOLLOWING THREE (3) CALLS:

1. N87°22'39"W A DISTANCE OF 221.96 FEET TO A FOUND CHISELED "X" IN A RAILROAD RAIL,
2. N87°22'39"W A DISTANCE OF 38.09 FEET TO A SET 5/8" REBAR WITH CAP MARKED "GAGNER AR 1659",
3. N87°22'39"W A DISTANCE OF 67.02 FEET TO A SET MAG-NAIL, BEING LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID GREGG AVENUE AND BEING THE POINT OF BEGINNING;

THENCE ALONG THE EASTERLY LINE THEREOF S02°49'55"W A DISTANCE OF 10.22 FEET TO A TO A SET 5/8" REBAR WITH CAP MARKED "GAGNER AR 1659";

THENCE S48°44'51"W A DISTANCE OF 16.72 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED "1118";

THENCE S02°42'45"W A DISTANCE OF 239.14 FEET TO A SET 5/8" REBAR WITH CAP MARKED "GAGNER AR 1659";

THENCE S84°27'36"W A DISTANCE OF 1.56 FEET TO A SET 5/8" REBAR WITH CAP MARKED "GAGNER AR 1659";

THENCE S02°06'07"E A DISTANCE OF 5.44 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED "1118";

THENCE S02°06'07"E A DISTANCE OF 28.50 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED "1118" LOCATED AT THE INTERSECTION OF SAID EASTERLY LINE AND THE NORTHERLY LINE OF WEST CENTER STREET (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE ALONG THE NORTHERLY LINE THEREOF N79°55'08"W A DISTANCE OF 23.13 FEET TO A FOUND CHISELED "X" IN CONCRETE LOCATED AT THE INTERSECTION OF SAID NORTHERLY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID GREGG AVENUE;

THENCE ALONG THE WESTERLY LINE THEREOF N02°43'19"E A DISTANCE OF 291.99 FEET TO A SET MAG-NAIL;

THENCE DEPARTING SAID WESTERLY LINE S87°22'39"E A DISTANCE OF 33.64 FEET TO A THE POINT OF BEGINNING, CONTAINING 6,528 SQUARE FEET OR 0.150 ACRES, MORE OR LESS.

DESCRIPTION OF UTILITY EASEMENT

BEING A VARIABLE WIDTH UTILITY EASEMENT TO BE ABANDONED, LOCATED WITHIN A PART OF THE WEST HALF (W 1/2) BLOCK NUMBERED TWENTY-ONE (21) OF THE ORIGINAL TOWN MAT OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 21, THENCE ALONG THE NORTH LINE THEREOF N87°22'39"W A DISTANCE OF 221.96 FEET TO A FOUND CHISELED "X" IN A RAILROAD RAIL;

THENCE DEPARTING SAID NORTH LINE ON A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 313.07 FEET, WITH A RADIUS OF 714.49 FEET, WITH A CHORD BEARING OF S06°09'48"W, WITH A CHORD LENGTH OF 310.57 FEET TO A FOUND 5/8" REBAR LOCATED ON THE NORTHERLY LINE OF WEST CENTER STREET (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE ALONG THE NORTHERLY LINE THEREOF N78°36'20"W A DISTANCE OF 49.62 FEET TO A FOUND CHISELED "X" IN CONCRETE AND BEING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY LINE N78°36'20"W A DISTANCE OF 48.68 FEET TO A FOUND 5/8" REBAR WITH CAP MARKED "1118" LOCATED AT THE INTERSECTION OF SAID NORTHERLY LINE WITH THE THE EASTERLY LINE OF GREGG AVENUE (A PUBLIC VARIABLE WIDTH RIGHT-OF-WAY);

THENCE ALONG THE EASTERLY LINE THEREOF N02°06'07"W A DISTANCE OF 25.71 FEET;

THENCE DEPARTING SAID EASTERLY LINE S78°36'20"E A DISTANCE OF 73.66 FEET;

THENCE S00°52'44"E A DISTANCE OF 10.37 FEET TO A SET CHISELED "X" IN CONCRETE;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.78 FEET, WITH A RADIUS OF 9.29 FEET, WITH A CHORD BEARING OF S32°09'37"W, WITH A CHORD LENGTH OF 10.18 FEET TO A FOUND CHISELED "X" IN CONCRETE;

THENCE S84°28'36"W A DISTANCE OF 18.37 FEET TO THE POINT OF BEGINNING, CONTAINING 1,738 SQUARE FEET OR 0.040 ACRES, MORE OR LESS.

GENERAL NOTES

1. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
2. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

SURVEY JOB NO. 23-2941.01
DATE: 07/31/2023
PAGE 1 OF 3

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON THE EAST LINE OF THE WESTERN PARCEL OF THE SUBJECT PROPERTY, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF SOUTH GREGG STREET. THE BEARING IS DENOTED AS N02°43'19"E PER GPS COORDINATE OBSERVATIONS ARKANSAS STATE PLANE, NORTH ZONE NAD83.

SURVEYOR INFORMATION:

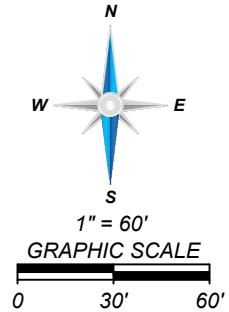
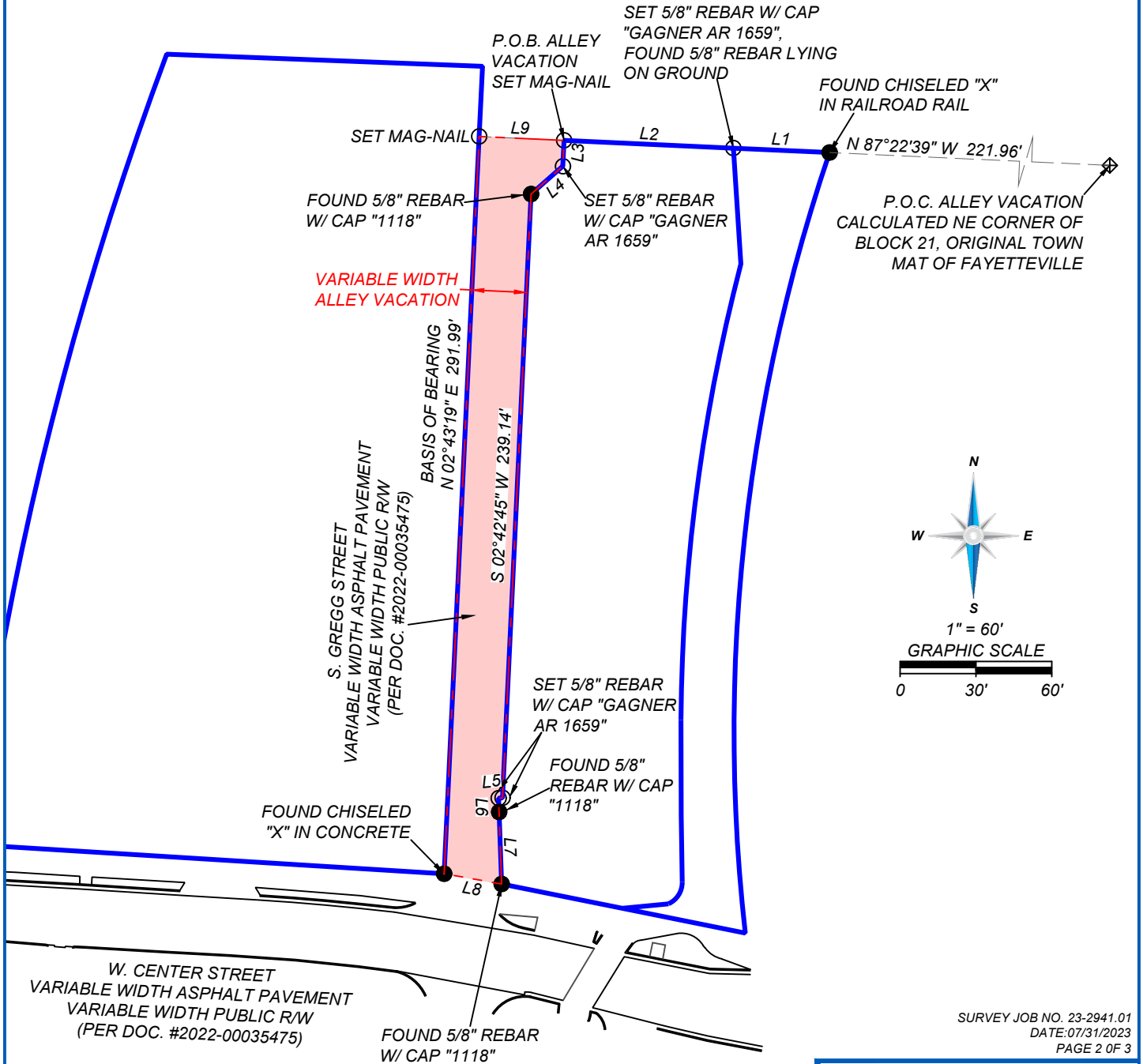
Surveying
Engineering
Mapping

BLEW & ASSOCIATES, PA
1050 TEXAN TRAIL
GRAPEVINE, TX 76051
SURVEY@BLEWINC.COM

Planning Commission
October 9, 2023

EXHIBIT

612 W. CENTER ST., FAYETTEVILLE, AR 72701
WASHINGTON COUNTY



LINE	BEARING	DISTANCE
L1	N 87°22'39" W	38.09'
L2	N 87°22'39" W	67.02'
L3	S 02°49'55" W	10.22'
L4	S 48°44'51" W	16.72'
L5	S 84°27'36" W	1.56'
L6	S 02°06'07" E	5.44'
L7	S 02°06'07" E	28.50'
L8	N 79°55'08" W	23.13'
L9	S 87°22'39" E	33.64'

LEGEND & SYMBOLS

- FOUND MONUMENT AS NOTED
- SET MONUMENT AS NOTED
- ⬢ COMPUTED POINT
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- BOUNDARY LINE
- - - EASEMENT LINE

SURVEY JOB NO. 23-2941.01
DATE: 07/31/2023
PAGE 2 OF 3

SURVEYOR INFORMATION:

BLEW & ASSOCIATES, P.A.

Surveying
Engineering
Mapping

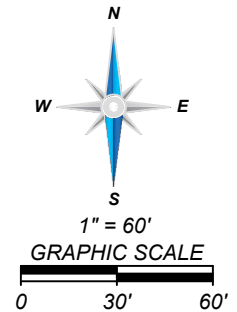
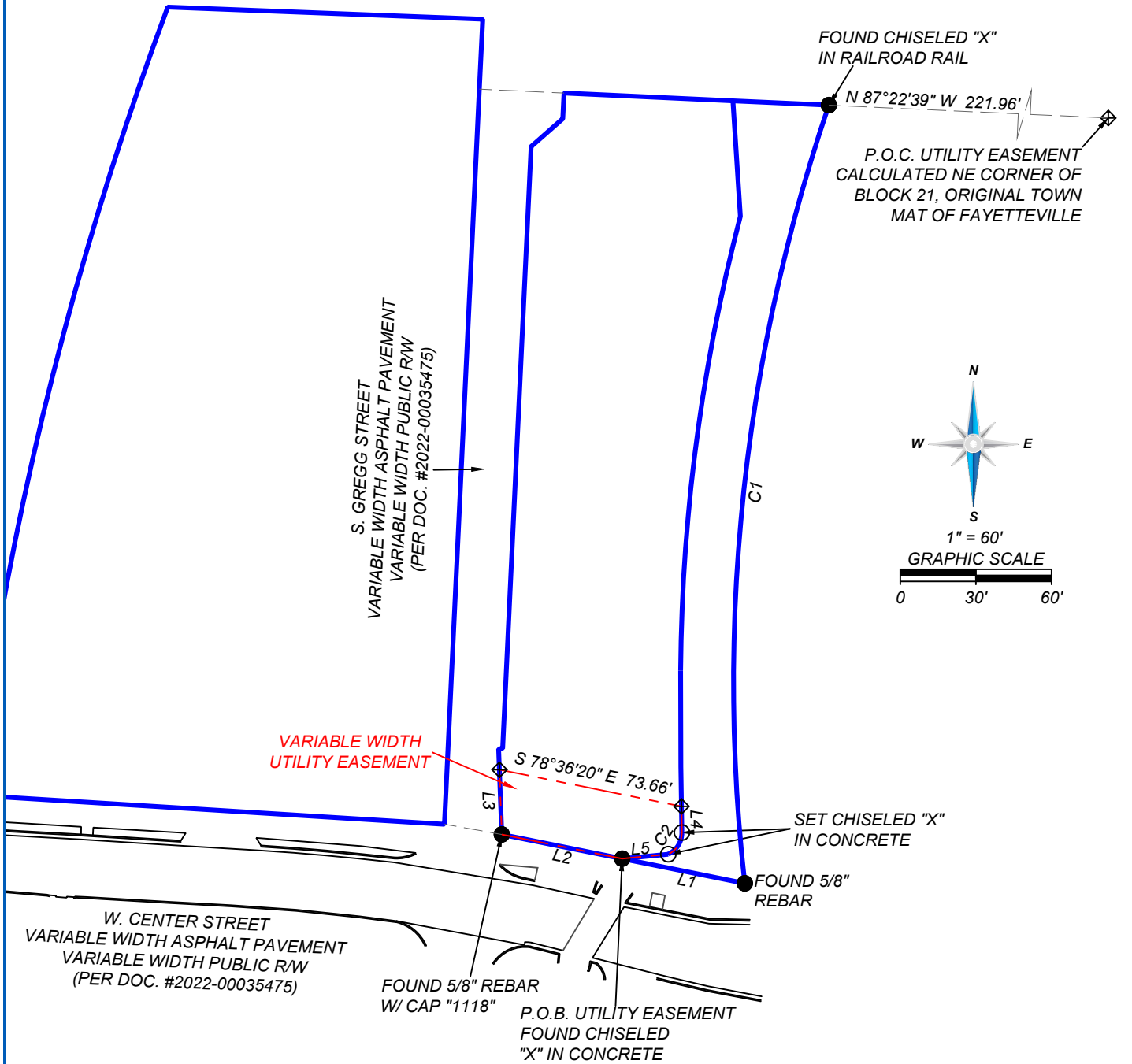
BLEW & ASSOCIATES, P.A.
1050 TEXAN TRAIL
GRAPEVINE, TX 76051
SURVEY@BLEWINC.COM

Planning Commission

October 9, 2023

EXHIBIT

612 W. CENTER ST., FAYETTEVILLE, AR 72701
WASHINGTON COUNTY



LEGEND & SYMBOLS

LINE	BEARING	DISTANCE
L1	S 78°36'20" E	49.62'
L2	S 78°36'20" E	48.68'
L3	S 02°06'07" E	25.71'
L4	S 00°52'44" E	10.37'
L5	N 84°28'36" E	18.37'

●	FOUND MONUMENT AS NOTED
○	SET MONUMENT AS NOTED
⬠	COMPUTED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
—	BOUNDARY LINE
- - -	EASEMENT LINE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	714.49'	313.07'	310.57'	N 06°09'48" E	25°06'20"
C2	9.29'	10.78'	10.18'	N 32°09'37" E	66°27'51"

SURVEY JOB NO. 23-2941.01
DATE: 07/31/2023
PAGE 3 OF 3

SURVEYOR INFORMATION:

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

BLEW & ASSOCIATES, PA
1050 TEXAN TRAIL
GRAPEVINE, TX 76051
SURVEY@BLEWINC.COM

Planning Commission
October 9, 2023



Alley Vacation Memo

Fayetteville Center St
600 W Center St. Fayetteville, AR

10.03.2023

Herein is provided supplemental information for the Gregg Alley Vacation request to respond to commissioner and public comment. Additional information will be provided in person at the Planning Commission Meeting on 10.9.2023. We are pleased that the sewer relocation modeling study being completed by the City of Fayetteville Engineering staff with RFN is complete and that they are consenting to the vacation. **This memo is specifically speaking to concerns of life-safety and the use of Gregg Alley within the city's street master plan.**

Included information:

- 1) **Center Street Section**
 - a. The section shows the street is widened to 26' in coordination with the fire department truck access
 - b. The section was also coordinated with the trails staff to accommodate the 10' Oak Ridge Trail
- 2) **600 W Center St Fire Department Access**
 - a. The plan was coordinated with the fire department to meet all requirements for the life and safety of the building
- 3) **Traffic Study Memo**
 - a. a traffic study is being completed for the project by Kimley Horn to assess vehicular, pedestrian, and trail access around the site. They have provided a memo for the staff and Planning Commission's review.

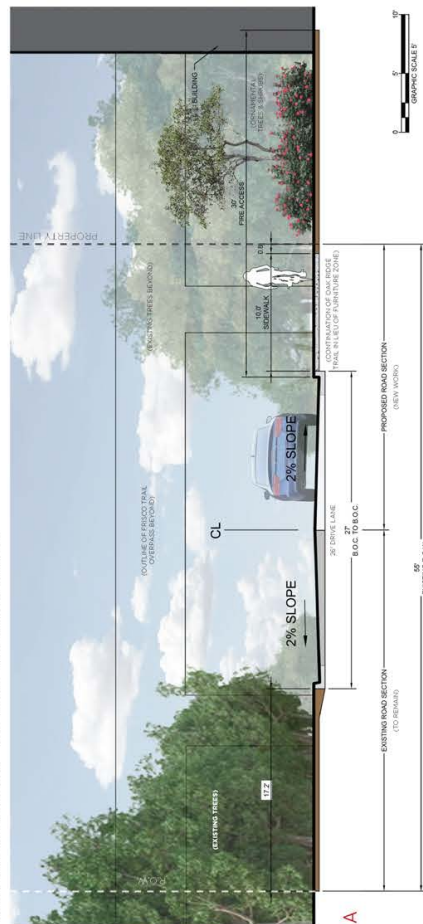
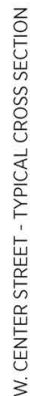


TRINITAS

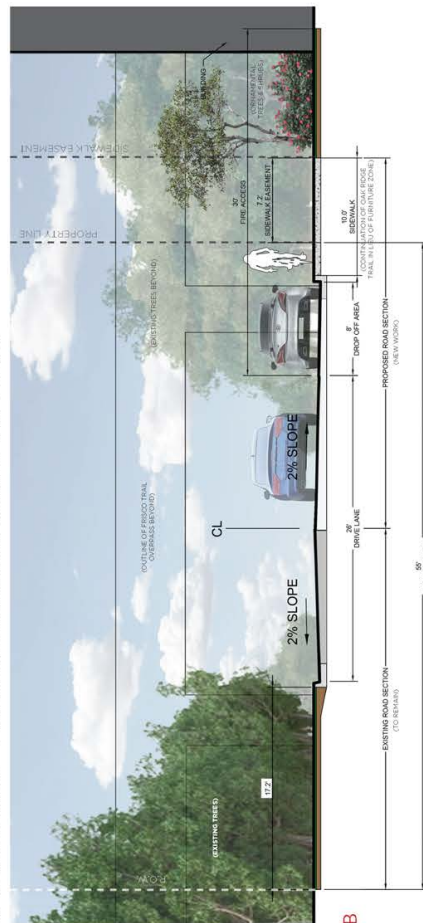
COMING FALL 2026

612 CENTER STREET

Student Housing | Fayetteville, Arkansas



W. CENTER STREET - TYPICAL CROSS SECTION WITH DROP-OFF AREA



Fire Department Access
- 600 W Center St Fire Access

TRANSFORMERS
41' UTILITY EASEMENT

150'-0" FIRE APPARATUS ACCESS

155'-0" HOSE PULL AREA

20' EASEMENT, POTENTIAL VEHICULAR ACCESS DRIVE

255'-0" HOSE PULL AREA

RAZORBACK GREENWAY

W MEADOW STREET

Center Street

LOBBY/LEASING 4404 SF
GEN/ER 351 SF
ELEC 304 SF
TRASH 1264 SF
LOADING 626 SF
BIKE STORAGE 1972 SF
STORAGE 687 SF

46 BIKES
28 BIKES
56 BIKES

123 TOTAL SPACES
43,332 SF

DOWN
UP

COMPACT
COMPACT

STORAGE 404 SF

0 20 40 80

N

Planning Commission

MEMORANDUM

To: Josh Boccaccio, PE
Engineering Development Review Manager, City of Fayetteville

From: Ryan Gill P.E.
Christian DeLuca, P.E. (Texas), PTOE

Date: October 4, 2023

Subject: Gregg Avenue Closure

The purpose of this memorandum is to support the closure of Gregg Avenue, the small local street connecting Center Street to West Avenue via Meadow Street. The closure of Gregg Avenue is a sensible decision for several reasons outlined below:

1. Response Times and Safety:

- The fire department that is closest to this service area is located east of the site along Center Street. The alleyway only helps response times if vehicles would be traveling from west to northeast but due to the location of the fire station, it is unlikely that the fire department would ever need to use Gregg Avenue between Center Street and Meadow Street.
- The City Fire Marshall met with the development and concurred that this roadway segment is not critical for their response times.
- The narrow nature of Gregg Avenue means emergency vehicles would likely use West Avenue already, making the closure impact minimal.

2. Improvements in Safety:

- The development and abandonment of Gregg Avenue reduces three curb cuts along Oak Ridge Trail to one, enhancing safety and experience for pedestrians and cyclists.
- The project eliminates a driveway close to the trail crossing location on Center Street and removes a blind corner for cyclists, significantly improving safety in the area.

3. Traffic Flow and Vehicle Volume:

- The closure improves vehicular flow on Center Street by consolidating access locations.
- Gregg Avenue services only 23 vehicles in a peak hour, whereas West Avenue handles 246, demonstrating how Gregg Avenue is not frequently used.

4. Development-Driven Improvements:

- The development is enhancing Center Street by widening sidewalks and the roadway to 26 feet, further improving traffic flow and pedestrian safety.
- A turnaround large enough for truck use will be constructed, addressing concerns about a dead end on Meadow Street.

5. Traffic Volume Analysis:

- West Avenue currently only uses 51% of its total capacity during its PM Peak Hour and 22% of its capacity in the AM Peak Hour.
- An analysis shown in **Table 1** demonstrates that transferring volumes from Gregg Avenue to West Avenue maintains stable volume-to-capacity ratios.
- West Avenue can easily accommodate the additional traffic, making the closure seamless.

Table 1 - Roadway Capacity Analysis

Street	Segment	Peak Hour	Capacity - LOS E	Existing Volume	Volume to Capacity	Total Volumes after Redistribution	Volume to Capacity
West Avenue	Center Street to Meadow Avenue	AM	480	105	22%	112	23%
		PM	480	246	51%	265	55%

Service Volumes used from FHWA Simplified Highway Capacity Calculation Method for the Highway Performance Monitoring System

6. Grid System and Alternative Routes:

- Fayetteville's closely spaced grid system provides numerous alternative routes between Center Street and Dickson Street, making Gregg Avenue redundant as a reliever route.
- With Center Street already connecting to West Avenue just 370 feet east of Gregg Avenue, the closure does not disrupt the City's overall traffic flow significantly.

In conclusion, the closure of Gregg Avenue aligns with the city's goals of improving safety, enhancing traffic flow, and maximizing resources effectively. The decision will not impact emergency response times nor existing traffic patterns while significantly improving safety conditions. We ask that the City of Fayetteville consider these points in support of the proposed closure of Gregg Avenue.

Thank you for your attention to this matter.

END

Attachments: Volume Exhibits

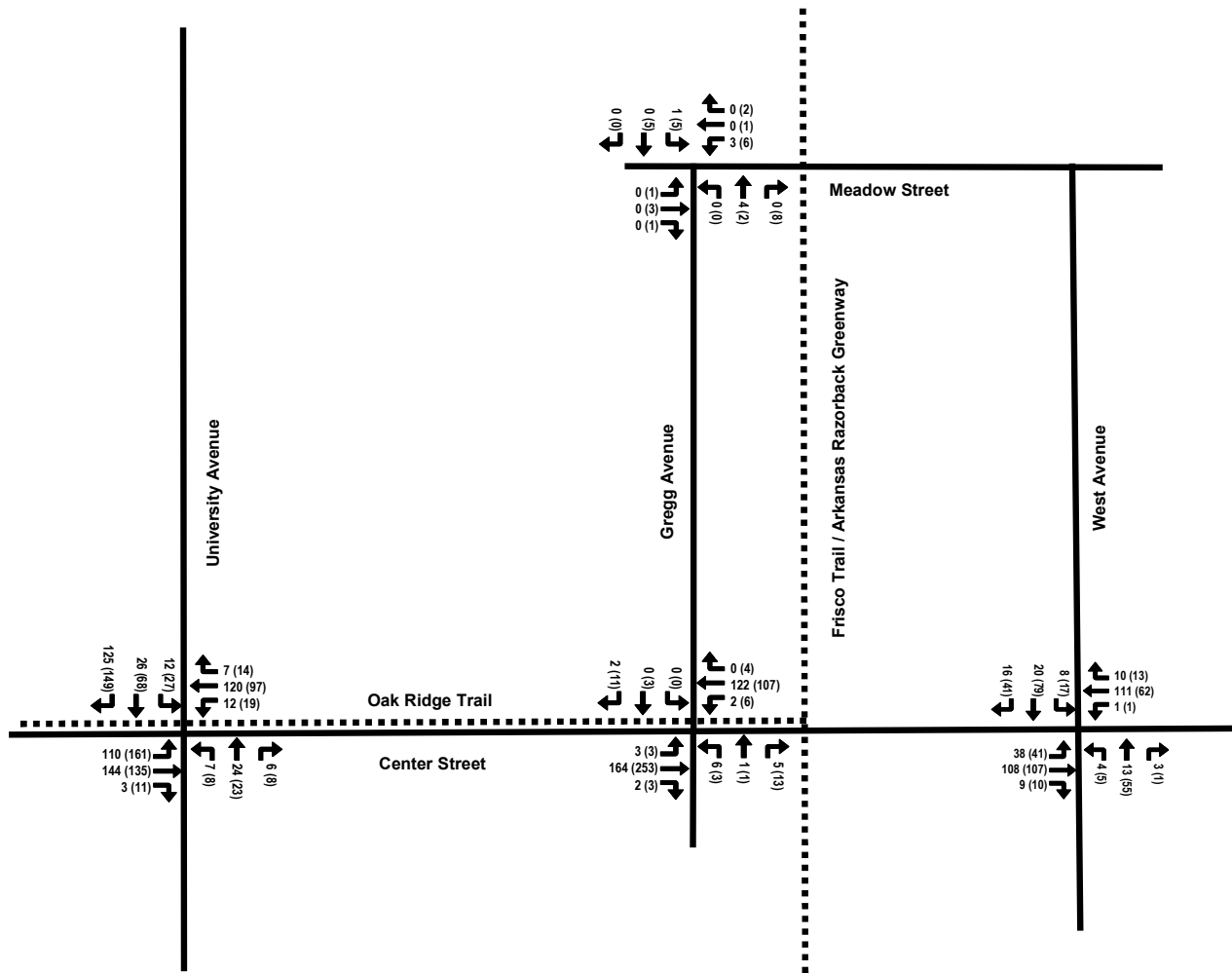


EXHIBIT 1

2023 Existing Traffic
612 Center Street - Fayetteville, Arkansas

Kimley»Horn

LEGEND:

X (Y)

X = Weekday AM Peak Hour Turning Movements

Y = Weekday PM Peak Hour Turning Movements

Volumes may not sum from point to point due to rounding and presence of smaller driveways not included in analysis.

North

↑
Not To Scale

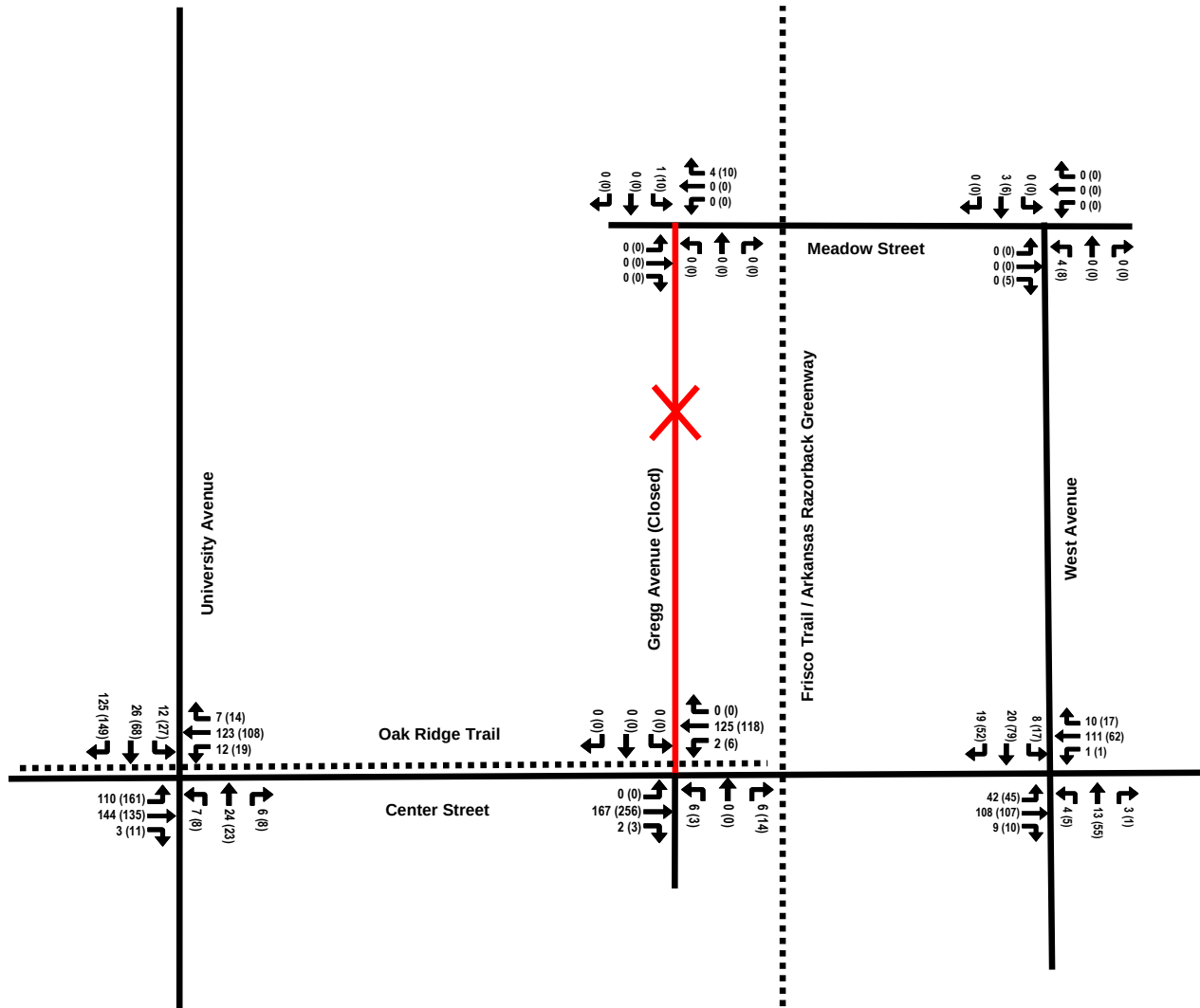


EXHIBIT 3

Existing Traffic + Redistributed Traffic From Gregg Avenue Closure
612 Center Street - Fayetteville, Arkansas

Kimley»Horn

LEGEND:
X (Y)
X = Weekday AM Peak Hour Turning Movements
Y = Weekday PM Peak Hour Turning Movements
Volumes may not sum from point to point due to rounding and presence of smaller driveways not included in analysis.

North
↑
Not To Scale

Public Comment
VAC-2023-0005

From: Mitch Weigel <mitch@dpreg.com>
Sent: Thursday, September 7, 2023 1:59 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Grace Ames <games@trinitas.ventures>; Suzanne Clark <sclark@clark-firm.com>; Payton C. Bentley <pbentley@clark-firm.com>
Subject: Re: Fayetteville Center St Project - Alley Vacation

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 would actually like to see the site plan for the development before completely committing to support of the vacation request.

Mitch Weigel, GRI, CRS
Principal Broker/Owner



The Pryor Center
1 E Center St, Ste 320B | Fayetteville, AR 72701
Office: 479.443.1313
Cell: 479.466.2369

On Sep 7, 2023, at 1:01 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Comment received, thank you.

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)
<image001.png>

From: Grace Ames <games@trinitas.ventures>
Sent: Friday, September 1, 2023 9:51 AM
To: Mitch Weigel <mitch@dpreg.com>; Suzanne Clark <sclark@clark-firm.com>
Cc: Payton C. Bentley <pbentley@clark-firm.com>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: Fayetteville Center St Project - Alley Vacation

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.

Mitch, that is great! You are welcome to reach out to Jessie Masters, she is our planning department contact. You are also just welcome to respond to this email. Our land-use Attorney, Suzanne Clark, is on the email and is collecting and submitting feedback to the planning committee. If you prefer to go through Jessie, feel free. Her email is below. We will be at the 9.11 planning commission meeting.

jmasters@fayetteville-ar.gov

GRACE AMES

Manager, Development Operations

TRINITAS | Creating Exceptional Real Estate
www.trinitas.ventures | P. 765.787.1946
201 Main Street, Suite 1000, Lafayette, IN 47901

From: Mitch Weigel <mitch@dpreg.com>
Sent: Friday, September 1, 2023 9:08 AM
To: Grace Ames <games@trinitas.ventures>
Subject: Re: Fayetteville Center St Project - Alley Vacation

I am in support. Who is the planner and I will reach out. When is the hearing?

Mitch Weigel, GRI, CRS
Principal Broker/Owner
Downtown Properties Real Estate Group, Inc.
www.DPREG.com
479-466-2369

Sent from my iPhone

On Sep 1, 2023, at 8:27 AM, Grace Ames <games@trinitas.ventures> wrote:

Mitch, I wanted to check back in on the below. Would you provide an email response confirming your support for the alley vacation? I have updated drawings I can walk you through if you're interested in the building design progress. Please let me know if you have any comments, questions and can provide a note of support.

GRACE AMES

Manager, Development Operations

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www.trinitas.ventures | P. 765.787.1946
201 Main Street, Suite 1000, Lafayette, IN 47901

Public Comment
VAC-2023-0005

From: Grace Ames

Sent: Wednesday, August 23, 2023 10:01 AM

To: mitch@dpreg.com

Cc: Suzanne Clark <sclark@clark-firm.com>; Payton C. Bentley <pbentley@clark-firm.com>; Anna Langner <alangner@clark-firm.com>; Todd Wendell <twendell@trinitas.ventures>; apaddock@amplifydevco.com

Subject: Fayetteville Center St Project - Alley Vacation

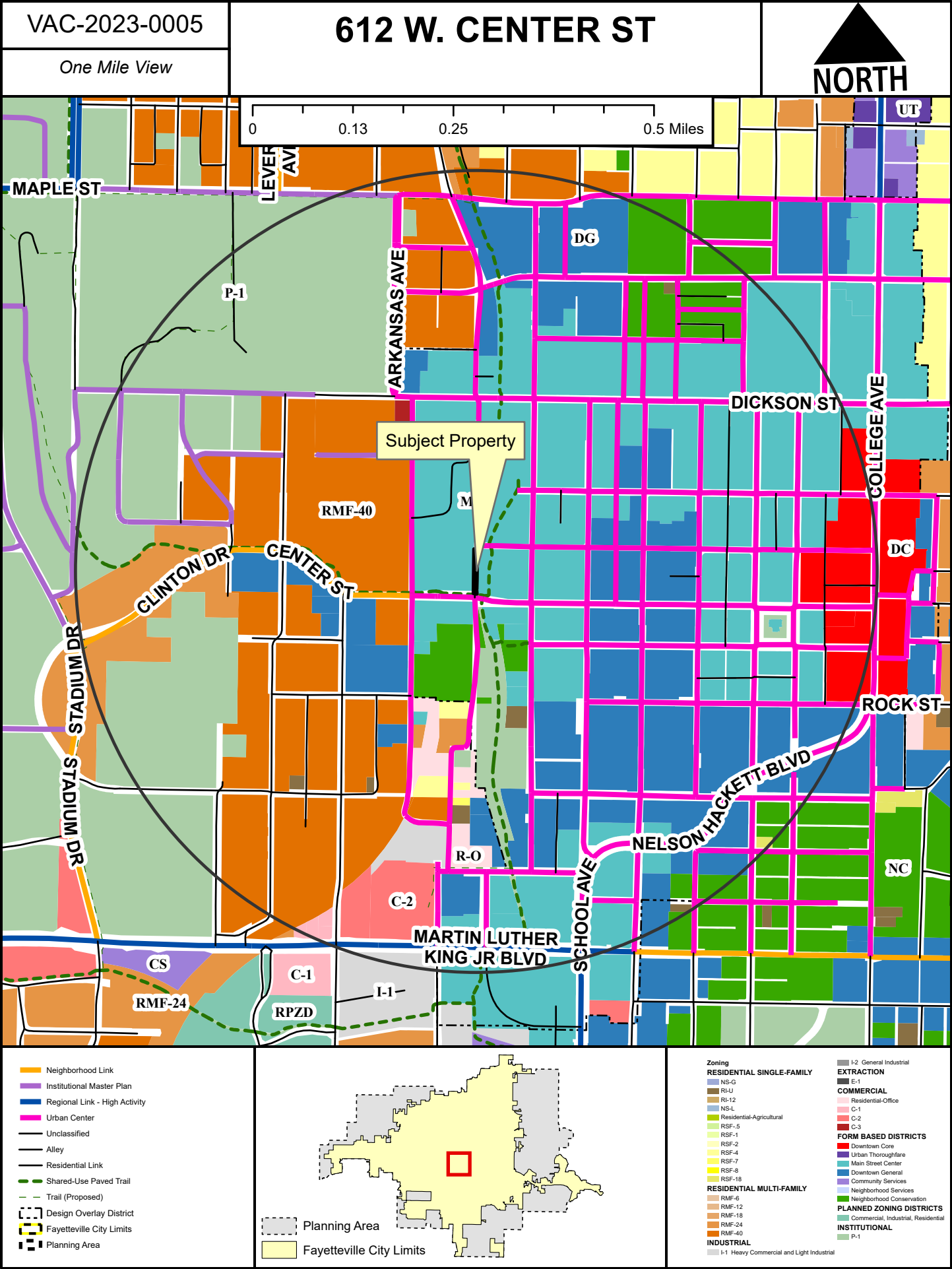
Mitch, I'm reaching out to let you know that we submitted a vacation request to the Fayetteville Planning Commission for Greg Alley and it is now public. A sign is posted on site and neighbors are being notified via certified mail. When we spoke about utilities, you were in favor of the closure. Are you willing to respond to the email with a note in favor of closing Greg Ally?

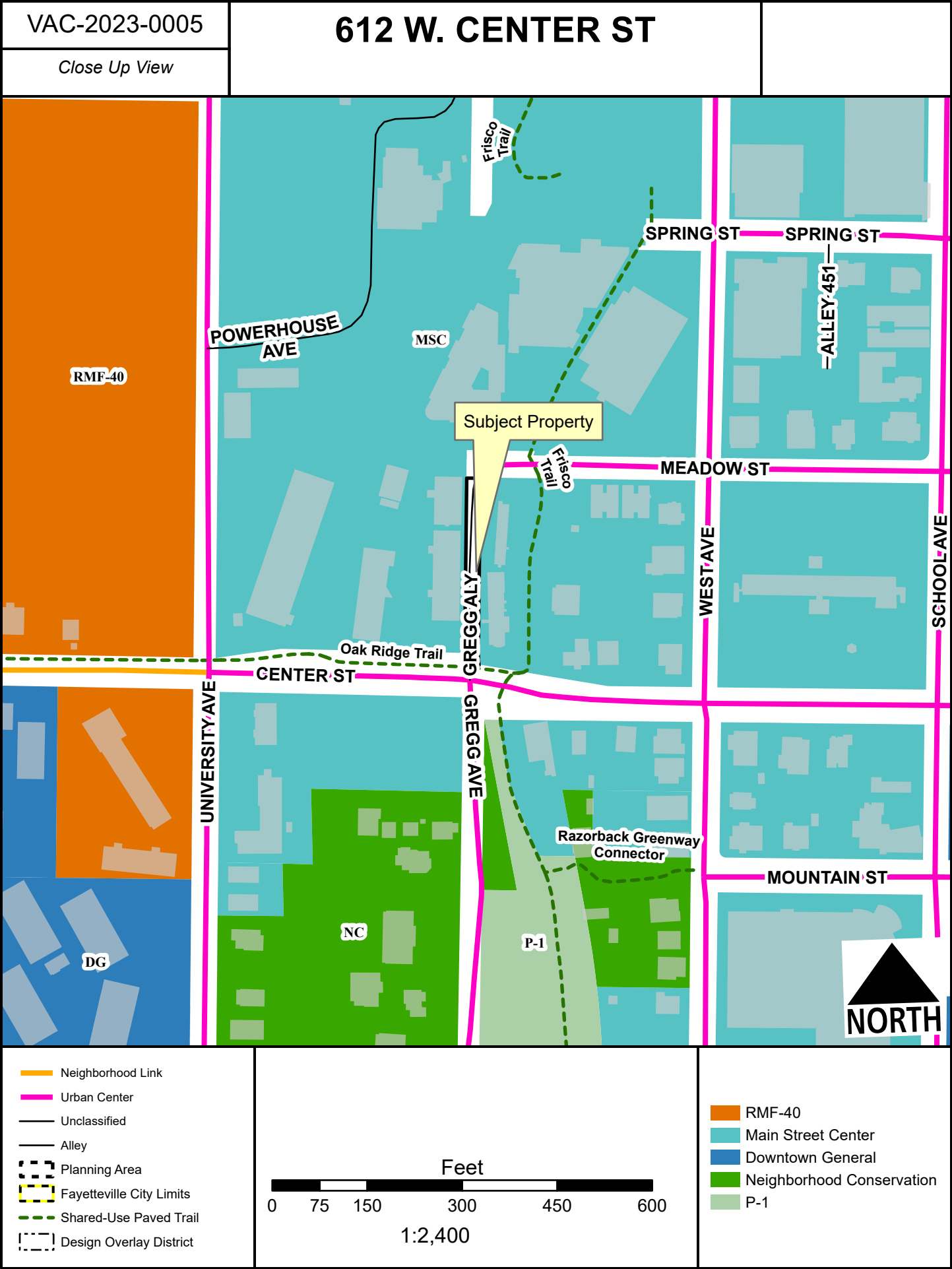
If you'd like, I'm available to run through the project progress with you. I can show what we've developed and issued to the city for a conceptual plat submission. Please let me know if you'd like a meeting to discuss the alley vacation and the project progress.

GRACE AMES

Manager, Development Operations

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201 Main Street, Suite 1000, Lafayette, IN 47901

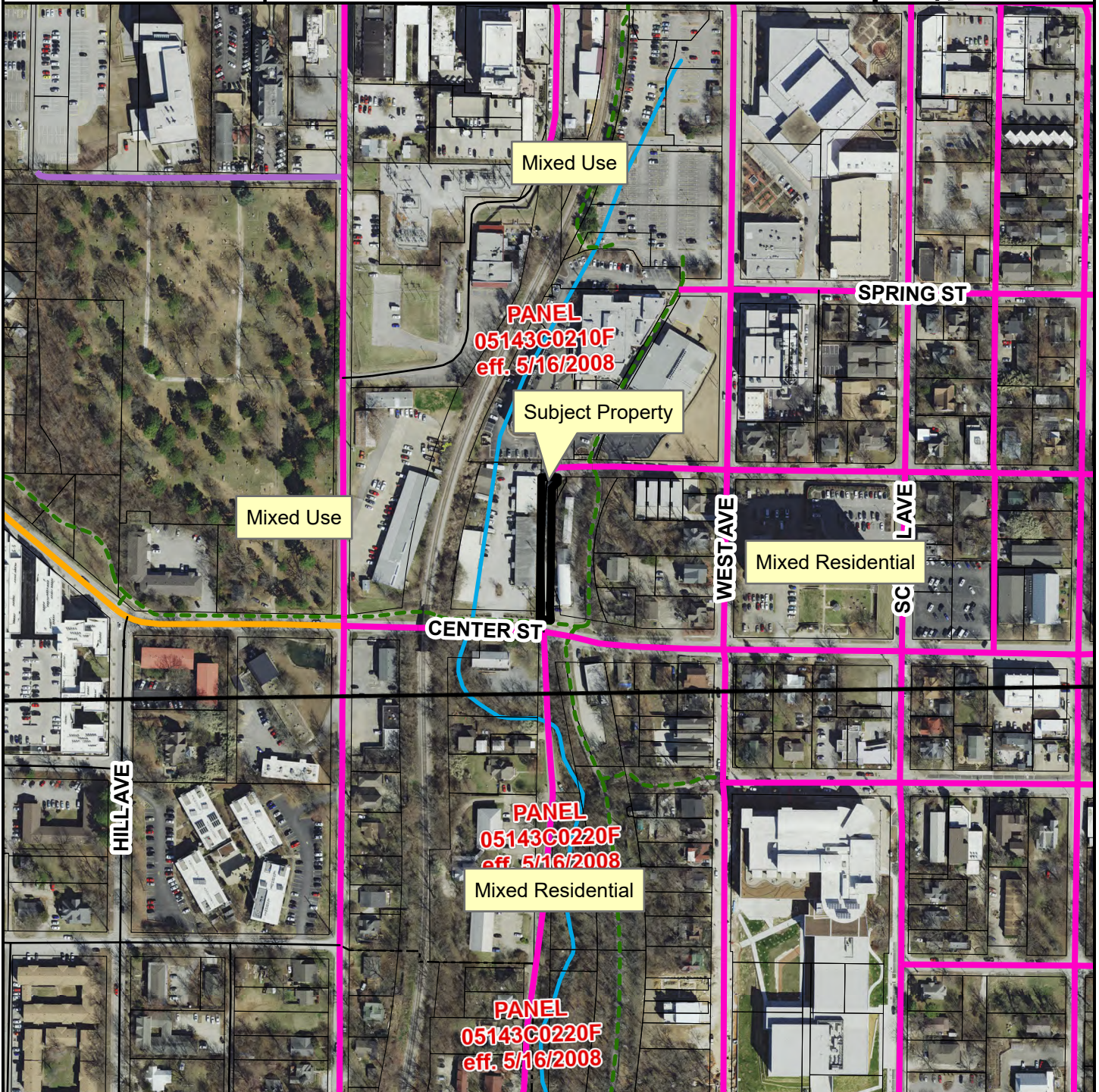




VAC-2023-0005

612 W. CENTER ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **VAR-2023-0040: Planning Commission Variance (612 W. CENTER ST/TRINITAS DEVELOPMENT, 483):** Submitted by CLARK LAW FIRM PLLC for property located at 612 W. CENTER ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.70 acres. The request is for a variance from parking requirements.

RECOMMENDATION:
Staff recommends tabling **VAR-2023-0040** indefinitely.

RECOMMENDED MOTION:
*"I move to table **VAR-2023-0040** indefinitely."*

SEPTEMBER 25, 2023 PLANNING COMMISSION MEETING:
The item was tabled by the Planning Commission at the applicant's request, to provide additional time to revisit the scale of the variance being requested. In the interim, the applicant has provided information regarding the installation of an off-site parking lot at the southeast corner of E. 15th and S. School Avenue. Off-site parking lots are subject to conditional use permit approval by the Planning Commission. The applicant is proposing this parking lot to be installed at the southeast corner of 15th Street and S. School Avenue.

BACKGROUND:
The subject property is in downtown Fayetteville and contains two separate parcels that straddle W. Gregg Alley (765-12934-000 and 765-01886-000). The site is developed with commercial structures that were developed from the early 1920s through the mid-1960s. In total, the property makes up approximately 1.70 acres, and is zoned MSC, Main Street Center. The Downtown Design Overlay District also governs this site. Rather than being classified as an Urban/Downtown Street in the Master Street Plan, the alley received its designation in 2004 (Ordinance 4629). An associated right-of-way vacation for Gregg Alley is also currently under consideration (VAC-2023-0005). Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	MSC, Main Street Center
South	Multi-Family Residential	MSC, Main Street Center
East	Frisco Trail/Mixed-Density Residential	MSC, Main Street Center
West	Arkansas Missouri Railroad/University of Arkansas	MSC, Main Street Center

Request: The applicant is requesting a variance to **Unified Development Code §172.05(2), which requires that the minimum and maximum number of spaces required for residential use shall conform to the ratios listed in Table 3. For multi-family structures, the ratio is one space per bedroom.** In the official request, the applicant requests construction of 228 parking stalls where 370 would be required by-right after allowable reductions outlined in chapter 172.05. In the intervening time, the applicant has requested to install an off-site parking lot at the southeast corner of E. 15th Street and S. School Avenue to make up the difference, which would ultimately eliminate the need for a variance to 172.05. However, the off-site parking lot will require Conditional Use Permit approval by the Planning Commission. Under 172.06, off-site parking lots are typically not permitted to be farther than 600 feet from the principal use. The applicant will be requesting a distance of 1.2 miles, or approximately 6300 feet.

DISCUSSION:

City staff recommended denial of the applicant's request to vary from the minimum parking requirements at 612 W. Center Street. Parking, and how to manage it effectively, is a significant challenge facing City planners. Fayetteville is a unique community in that for non-residential uses, Fayetteville enforces parking *maximums*, as opposed to typically-required parking minimums that are more commonly seen in cities throughout the country. The evidence that supports the elimination of parking minimums more broadly is written about and researched widely in planning literature, probably most famously in Donald Shoup's "*The High Cost of Free Parking*," which was originally published in 2005. Reducing parking minimums (and charging appropriate fees for the use of land for vehicle storage) nudges communities into better walkability, promotes transit growth, and encourages infill development by allowing for a more efficient and productive use of land.

Overall, the applicant is requesting a reduction to the parking requirements that apply to multi-family residential developments, outlined below in Table 2.

Table 2

Parking Requirements	Number of Bedrooms	Number of Required Spaces
1 space per bedroom	572 bedrooms	572 spaces
By-Right Allowable Reductions		
-15% reduction for proximity to a transit stop		-86 spaces
-10% reduction for additional bike racks		-58 spaces
-10% reduction for additional motorcycle spaces		-58 spaces
	Total:	370 Required Spaces
	Requested Number:	228 Spaces
	Variance Needed:	142

While Fayetteville has taken progressive steps to reduce parking requirements and create a community that relieves its citizens of the burdens of car ownership, including the prioritization of car storage as a land-consumptive need, the day-to-day reality of parking management continues to be an ongoing issue. Emergency service providers are faced with an enforcement problem, consistently running into issues of illegal parking, overparking on public streets, blockage of fire lanes, and interference with aerial apparatus access requirements. The Fire Department and the Police Department have provided memos discussing these day-to-day difficulties attached to this report, and have included specific information related to this request.

Further, a major concern on this specific site is a lack of available public parking surrounding the proposed development. In many cases in Downtown Fayetteville, there is available on-street or public parking to help absorb requested parking variances, alleviating concerns around minimizing parking requirements. In this case, there is no feasible alternative for parking in this area. No on-street parking is available on W. Center Street, nor S. Gregg Avenue, nor S. University Avenue. Under 156.03, Planning Commission is tasked with evaluating whether the typical parking requirements would cause an undue hardship to the developer, and whether the

situation is unique to the property in question. The existing challenges facing the site regarding utility provision and existing right-of-way that limit the site's developability are an unrelated issue, and the applicant is separately working to resolve those through an associated vacation request.

The applicant has provided information regarding their parking management plan, and additional information indicating an intent to work with the University of Arkansas to provide students with an off-site option for longer term vehicle storage; no official agreement has been entered, but staff would support a further conversation and exploration by the applicant to enter into shared parking agreements more formally. A shared parking agreement may help alleviate concerns about negative off-site impacts. In the meantime, without further, solidified information, staff finds that the applicant's request to reduce the amount of on-site parking below what is administratively approvable is likely to negatively affect neighboring residents and create a burden on the provision of emergency services. Therefore, staff does not find itself being able to support the request.

As far as the updated information supplied by the applicant regarding an off-site parking lot that is located over a mile away, staff finds that a full recommendation would have to be considered with a conditional use permit application. That said, Fire and Police have offered feedback in this attached memo on the proposed location. Planning staff also finds that an off-site parking lot at this distance, without entering into a more formalized agreement with an institution, could be difficult to manage, could not serve the intended purpose of offsetting the parking needs, and may not meet the spirit and intent of the proposed property's zoning district requirements, or the intent of the illustrative 71-B plan.

That said, with the applicant's intent to meet the required number of parking spaces, a variance to 172.05 is no longer necessary, which is why staff recommends tabling this item indefinitely.

RECOMMENDATION: Staff recommends Planning Commission table VAR-2023-0040 indefinitely; though recommends the following conditions should Planning Commission choose to approve the request:

Conditions of Approval:

1. **Planning Commission determination of a variance to §172.05(2), which requires one parking space per bedroom to be constructed with multi-family residential development.** *Staff recommends denial of the request for the reasons stated above.*
2. An in lieu fee of \$1,200.00 for 142 on-site parking spaces shall be paid to the city, for a total of \$170,400. This money shall be held in an interest-bearing account and shall be expended for public parking facilities within the district it is collected within ten (10) years from the date it is collected. If said money has not been so expended within ten (10) years of the date collected, said money, together with the interest thereon, shall be refunded to the person or entity who made the contribution;
3. Applicant must provide documentation of an approved shared parking agreement to be approved by the Planning Commission; this parking agreement can include the University of Arkansas to mitigate for those students who require long-term vehicle storage;
4. Approval of this variance request is only for the requests as stated above, and does not extend approval to any variances not yet reviewed for at this stage.
5. A conditional use permit applicant must be sought for a proposed off-site parking lot under the requirements as outlined in UDC chapter 175.06, and all requirements must be met, including the need to seek any necessary variances to that portion of code.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §172.05 Standards For The Number Of Spaces By Use
- Fire Marshal Memo
 - Variance Request Comments
 - Off-site Parking Lot Comments
- Police Memo
 - Variance Request Comments – Calls for Parking Management
 - Off-site Parking Lot Comments
- Applicant Request Letter
- Applicant Exhibits
 - Off-Site Parking Lot Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

172.05 Standards For The Number Of Spaces By Use

(A) *Required Parking.*

- (1) *Non-Residential Use.* There shall be no minimum number of spaces required for non-residential use. The maximum number of spaces shall be limited based on the ratios in Table 3 and the allowable increases over the baseline ratio as described in subsection 172.05. The applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition.
- (2) *Residential.* The minimum and maximum number of spaces required for residential use shall conform to the parking ratios listed in Table 3. The minimum and maximum number of spaces required for a use not specifically included in this section shall be as required for the most similar use listed or as otherwise determined by the Planning Division utilizing reference standards.
 - (a) *Reductions for Residential Use.* Residential uses may utilize the following reductions to the minimum number required off-street parking ratios listed in Table 3 when the following standards are met:
 - (i) *Transit Stops.* Properties located within a ¼ mile radius of a transit stop may further reduce the minimum off-street parking requirements by up to 15%.

- (ii) *Motorcycle and Scooter Spaces.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle/scooter parking at a rate of one (1) motorcycle/scooter space for one (1) automobile space.
- (iii) *Bike Racks.* Up to 10% of required automobile parking may be substituted with bicycle parking at a rate of one (1) additional bicycle rack for one (1) automobile space. This reduction shall be allowed in addition to other variances, reductions and shared parking agreements.
- (iv) *Shared Parking.* Parking requirements may be shared where it can be determined that the peak parking demand of the existing or proposed occupancy occur at different times (either daily or seasonally). Such arrangements are subject to the approval of the Planning Commission.
- (1) *Shared Parking Between Developments.* Formal arrangements that share parking between intermittent uses with non-conflicting parking demands (e.g. a church and a bank) are encouraged as a means to reduce the amount of parking required.
- (2) *Shared Parking Agreements.* If a privately owned parking facility is to serve two (2) or more separate properties, then a "Shared Parking Agreement" is to be filed with the city for consideration by the Planning Commission.
- (3) *Shared Spaces.* Individual spaces identified on a site plan for shared users shall not be shared by more than one (1) user at the same time.
- (3) *Maximum Number Allowed for Residential and Non-Residential Uses.* Residential and non-residential developments may utilize the following increases to the required spaces listed in Table 3 when the following standards are met:
 - (a) Developments may increase the number of off-street parking spaces by 15% above the parking ratios listed in Table 3.
 - (b) Developments may increase the number of off-street parking spaces by an additional 10% when alternative stormwater treatment techniques are utilized, such as:
 - (i) Bioswales
 - (ii) Constructed wetlands
 - (iii) Pervious pavement
 - (iv) Other such techniques that aid in improving water quality and quantity as approved by the City Engineer
 - (c) Developments may increase the number of off-street parking spaces by an additional 5% when one (1), 2-inch caliper tree for every ten (10) additional parking spaces is planted on-site in addition to all other landscaping requirements.
- (4) *Parking Ratio Calculation.* The number of spaces required for a use not specifically included in Table 3 shall be as required for the most similar use listed or as otherwise determined by the City Planning Division utilizing industry standards. For all parking space requirements resulting in a fraction, the fraction shall be:
 - (a) Rounded to the next higher whole number when the fraction is 0.5 or higher.
 - (b) Rounded to the next lower whole number when the fraction is less than 0.5.
- (5) *On-Street Parking.* Each permitted on-street parking space adjacent to a project frontage may count toward the parking requirements for all development. The approval of on-street parking is subject to approval by the Zoning and Development Administrator.
- (6) *Motorcycle and Scooter Parking.* One (1) Motorcycle and scooter parking. In parking lots containing twenty-five (25) parking spaces or more, one (1) space for every twenty-five (25) parking spaces of the required number of parking spaces for a use or combination of uses shall be striped as a motorcycle and scooter parking space.
- (7) Increases or reductions in excess of those identified herein shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03

TABLE 3
PARKING RATIOS
(Use/Required Spaces)

Residential

Single-family, duplex, triplex	2 per dwelling unit
Multi-family or townhouse	1 per bedroom

...

(Ord. No. 4567, 05-04-04; Ord. No. 4930, 10-03-06; Ord. No. 5118, 3-18-08; Ord. No. 5297, 12-15-09; Ord. No. 5435, 8-16-11; Ord. No. 5801 , §1(Exh. A), 10-6-15)



Date: September 20, 2023

To: Jessie Masters, Development Review Manager

From: Fire Chief Brad Hardin, Fire Marshal Jeremy Ashley

RE: VAR-2023-0040 / 612 W Center St.

The variance submitted by Trinitas is for a seven story, 572-bedroom, R-2 Residential Occupancy located at 612 W. Center St. They are seeking a variance of Section 172.05.A.7 Table 3 requesting a parking ratio of 0.452 spaces per bedroom instead of the 1 parking space per bed listed in the zoning code. The Fayetteville Fire Department is unable to support such a small parking ratio for college student-based housing and recommends denial of VAR-2023-0040.

One of the Fire Departments' main concerns is the lack of parking will push residents to park in areas located in adjacent neighborhoods and on side streets that are not equipped to handle parking. This creates situations that directly influence the response of emergency vehicles causing a distinct hazard to life and property.

Trinitas has submitted a parking plan that explains how they will police parking by their residents both on-property and off-site; the following are some of the concerns we have.

- Trinitas could sell the property and the new owner has no obligation to continue with parking restrictions. Example: Trinitas built a 628 bedroom / 524 parking space complex located approximately 1200 feet away from this proposed project which they sold. Atmosphere Fayetteville has a parking ratio greater than .75 and we have parking violations in and around the area every single day.
- Trinitas would require either an on-site lease for parking or proof that the resident has leased parking from another entity (i.e. a parking permit from the University of Arkansas). Most of the citations issued to student-based population have parking permits, having a permit does not guarantee that the student will park legally.
- The University of Arkansas (UA) has a student to parking ratio of 0.553. This ratio does not consider the university employees or graduate students. The UA issues 38,849 citations annually. In comparison the University of Nebraska in Lincoln has a parking ratio of 0.734 and issues 11,799 citations annually.
- The parking issues created by this request will cause additional stress on the Fire Marshals Office and Fayetteville Police responding to complaints and enforcing parking.

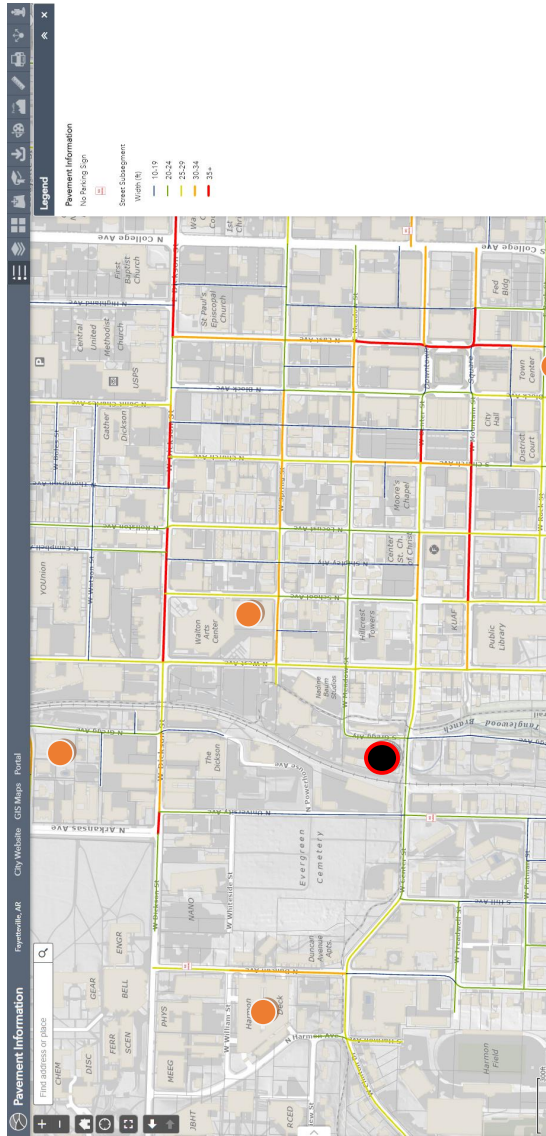


Trinitas submitted examples of other developments with decreased parking ratios that are compared with Fayetteville; the following are some of the concerns we have.

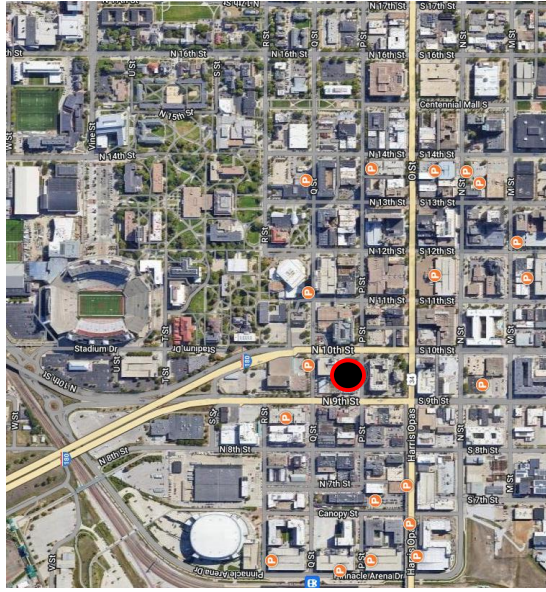
- The examples provided are new or newer, so it's hard to say the long-term impact of the low parking ratios.
- The Current at Latimer Square in Bloomington is 3.5 miles from campus and has a huge mall adjacent to the property with a large number of parking spaces.
- The Atmosphere in Lincoln has 8 parking lots and 15 garages within walking distance. The building is L-shaped with two sides bordering one of the public parking garages.
- There are no stats available for the parking in Tempe, but it is completely different than Fayetteville. Tempe is a suburb of the Phoenix Metro area which has a population of 4.6 million people. Tempe has a robust public transit system that carries 5.5 million riders annually.
- Austin, like Tempe, is not comparable. A population of 1 million and a metro population of 2.2 million.
- Ann Arbor is similar sized, but it is a suburb of Detroit. It also has more parking available in its downtown area, 6,807 spaces as compared to 2,796 in Fayetteville.

Trinitas (Atmosphere) Parking Analysis

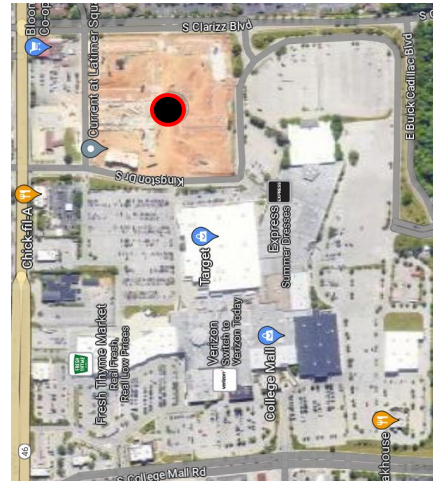
Fayetteville Street Widths



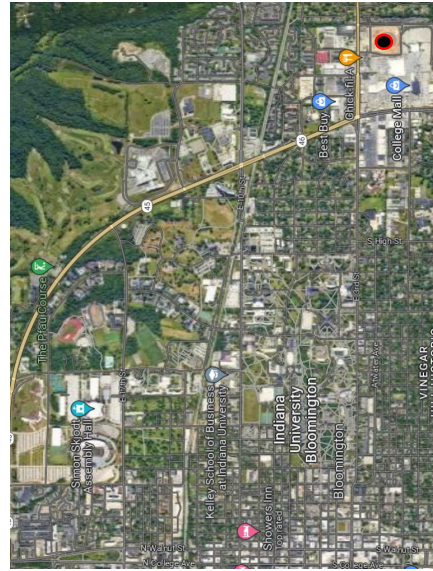
Downtown Lincoln



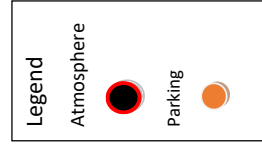
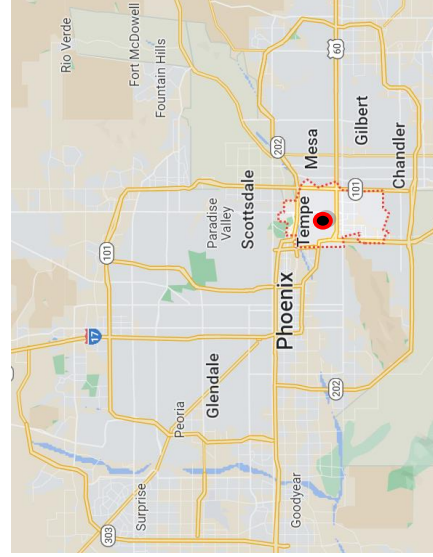
Bloomington



Bloomington Proximity to University



Tempe





Date: October 5, 2023

To: Jessie Masters, Development Review Manager

From: Fire Chief Brad Hardin, Fire Marshal Jeremy Ashley

RE: Remote parking variance / 612 W Center St.

The proposal submitted by Trinitas is seeking a variance for an off-site parking lot that does not meet the 600' requirement in the development code. The current proposal is 1.2 miles (6,336') away from the project.

The Fire Department has some questions regarding the request.

1. Has Trinitas used remote or off-site parking in any of their other projects?
 - a. If so, what were the conditions of use, distance from project and actual utilization of the remote parking lot?
2. Does the City of Fayetteville have any other projects within the City limits that utilize off-site parking?
 - a. If so, what were the conditions of use, do they fall within 600' of the project and does the off-site parking work as intended?
3. Please explain, in detail, any deed restrictions or requirements that would assure that the off-site parking would remain part of the original property and that new owners would be required to use the property in the same manner as intended, in the event that Trinitas sells the property.
4. Regarding public transit, which services are available and what are the hours of operation that provide transportation between the parent property and the off-site parking?

The Fire Department's primary concern is creating a situation where parking negatively influences an emergency response causing a distinct hazard to life and property. The requested variance is ten times the distance that is allowed by the current development code. We question whether the distance of the off-site parking will make this option under-utilized, which would cause parking issues around the property located at 612 W. Center.



MEMORANDUM

TO: Jessie Masters, Development Review Manager

FROM: Captain William Brown *WB*

DATE: September 23, 2023

SUBJECT: VAR-2023-0040 / 612 W. Center

The variance request submitted by Trinitas is for a 572-bedroom student-based housing development with a parking ratio of 0.452 parking spaces per bedroom to be located at 612 W. Center Street.

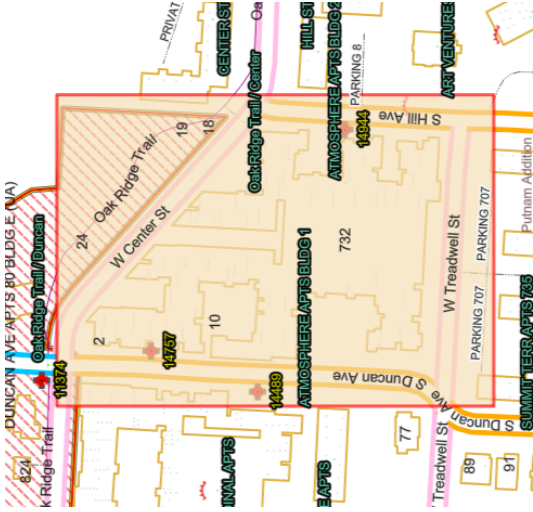
Trinitas built a similar complex, Atmosphere Fayetteville, a short distance from this proposal with an allowed variance of over 0.75 spaces per bedroom. Atmosphere Fayetteville has been a continual source of calls for police service because of parking violations on the adjacent streets. Since February of 2022, there have been eighty-nine calls for police service and extra-patrols due to parking complaints on streets adjacent to Atmosphere Fayetteville. During this same period, officers have issued three warnings and one hundred and seventy-three parking citations in response to these complaints.

VAR-2023-0040 is requesting a much lower ratio of parking spaces to residents. I have concerns that if granted, the lack of sufficient parking will cause residents to park illegally. This will generate burdensome number of parking complaints. For this reason, the Fayetteville Police Department is unable to support the above requested variance.

Please contact me if you have any questions.

Police Time Spent on Parking Complaints (Atmosphere)

Incident	Date And Time	Incident Number	Incident Type	Incident Address	Incident Address Common Name	Time on Call
	2/15/2022 2:38	2022-00010184	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:05:51
	2/19/2022 18:47	2022-00011539	EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:11:05
	2/24/2022 4:16	2022-00012493	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:15:20
	3/7/2022 16:22	2022-00015215	PARKING PROBLEM	W CENTER ST / S HILL AVE		0:13:09
	3/9/2022 1:28	2022-00015527	EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:08:04
	3/15/2022 0:15	2022-00016959	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:18:34
	3/15/2022 22:09	2022-00017203	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:05:42
	4/7/2022 7:51	2022-00022286	PARKING PROBLEM	S DUNCAN AVE / W CENTER ST		0:19:13
	4/9/2022 13:50	2022-00022874	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:04:54
	4/11/2022 22:08	2022-00023482	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	1:09:24
	4/17/2022 22:41	2022-00024851	SI PARKING PROBLEM	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:09:22
	5/21/2022 1:09	2022-00033435	SI EXTRA PATROL	55 S DUNCAN AVE		0:01:26
	5/28/2022 2:41	2022-00035224	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:08:02
	6/6/2022 22:50	2022-00037668	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:05:45
	6/16/2022 2:17	2022-00039965	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:06:44
	6/22/2022 4:03	2022-00041414	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:19:51
	7/5/2022 2:24	2022-00044725	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:05:29
	7/10/2022 23:23	2022-00046436	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:23:45
	8/14/2022 13:31	2022-00054596	SI PARKING PROBLEM	N DUNCAN AVE / W CENTER ST		0:27:12
	8/19/2022 9:26	2022-00055935	EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:15
	8/20/2022 0:15	2022-00056138	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:09:45
	8/23/2022 9:00	2022-00056883	SI PARKING PROBLEM	S DUNCAN AVE / W CENTER ST		1:27:49
	8/23/2022 16:39	2022-00056964	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:04:48
	8/23/2022 18:58	2022-00057007	PARKING PROBLEM	W CENTER ST / N DUNCAN AVE		0:52:10
	8/24/2022 8:01	2022-00057111	SI EXTRA PATROL	S DUNCAN AVE / W CENTER ST		0:03:54
	8/24/2022 8:11	2022-00057115	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:17:40
	8/24/2022 17:16	2022-00057253	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:47:24
	8/25/2022 12:01	2022-00057472	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:02:49
	8/29/2022 12:00	2022-00058634	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:05:28
	8/30/2022 5:07	2022-00058812	SI PARKING PROBLEM	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:07:30
	8/31/2022 14:01	2022-00059217	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:01:58
	9/1/2022 14:37	2022-00059548	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:27:11
	9/2/2022 8:17	2022-00059729	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:13:06
	9/2/2022 10:33	2022-00059760	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:18:09
	9/2/2022 17:36	2022-00059843	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:08
	9/6/2022 13:17	2022-00060929	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:35:23
	9/6/2022 15:50	2022-00060969	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:19:04
	9/7/2022 9:05	2022-00061117	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:10:20
	9/8/2022 4:54	2022-00061348	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:09:16
	9/9/2022 0:28	2022-00061634	PARKING PROBLEM	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:38:57
	9/9/2022 8:19	2022-00061705	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:07:45
	9/12/2022 16:03	2022-00062622	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	1:31:17
	9/12/2022 22:51	2022-00062709	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:16
	9/13/2022 4:16	2022-00062757	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:10
	9/14/2022 0:57	2022-00063003	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:49:12
	9/15/2022 7:54	2022-00063457	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:07:48
	9/16/2022 8:01	2022-00063830	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:08:59
	9/21/2022 17:41	2022-00065293	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:04:56
	9/22/2022 9:03	2022-00065425	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:10:36
	9/26/2022 10:01	2022-00066459	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:05:47
	10/4/2022 1:30	2022-00068428	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:03:03
	10/4/2022 1:32	2022-00068430	SI CHECKING VEHICLE	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:02:13
	10/5/2022 23:33	2022-00068935	EXTRA PATROL	W CENTER ST / S HILL AVE		0:03:40
	10/6/2022 17:52	2022-00069150	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	1:43:18
	10/25/2022 2:25	2022-00073793	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:01:39
	10/28/2022 12:43	2022-00074654	PARKING PROBLEM	S HILL AVE / W CENTER ST		0:02:34
	10/31/2022 3:38	2022-00075329	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:01:38
	11/11/2022 16:14	2022-00078331	PARKING PROBLEM	W CENTER ST / S DUNCAN AVE		0:38:24
	11/18/2022 22:17	2022-00080058	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:30:41
	12/7/2022 7:57	2022-00084311	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:09
	12/23/2022 16:20	2022-00088191	EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:11:12
	2/3/2023 16:42	2023-00007420	PARKING PROBLEM	W CENTER ST / S DUNCAN AVE		0:54:23
	2/6/2023 10:17	2023-00008063	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	1:37:56



2/8/2023 19:15	2023-00008665	PARKING PROBLEM	S HILL AVE / W TREADWELL ST	ATMOSPHERE APTS BLDG 1	0:26:08
2/17/2023 0:52	2023-00010706	SI CHECKING VEHICLE	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:07:27
2/20/2023 17:36	2023-00011596	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:06:49
2/27/2023 13:36	2023-00013358	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:53:36
3/2/2023 12:18	2023-00014152	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:13:11
3/3/2023 15:14	2023-00014419	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:28:33
3/9/2023 1:49	2023-00015818	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:03:55
3/9/2023 1:53	2023-00015819	SI CHECKING VEHICLE	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:05:53
4/3/2023 17:12	2023-00021956	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:22:58
4/12/2023 15:03	2023-00024240	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:48:29
4/12/2023 21:28	2023-00024318	PARKING PROBLEM	W CENTER ST / N DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:16:20
4/14/2023 8:36	2023-00024681	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:55:16
5/1/2023 4:48	2023-00028956	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:12:29
5/4/2023 5:10	2023-00029735	SI EXTRA PATROL	33 S HILL AVE	ATMOSPHERE APTS BLDG 2	0:06:59
5/4/2023 8:08	2023-00029752	SI PARKING PROBLEM	S DUNCAN AVE / W CENTER ST	ATMOSPHERE APTS BLDG 1	0:23:04
5/17/2023 13:55	2023-00033250	PARKING PROBLEM	11 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:01:34
6/6/2023 1:10	2023-00038129	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:18:15
8/11/2023 0:52	2023-00052398	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:11:49
8/14/2023 12:17	2023-00053266	SI PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:20:35
8/17/2023 8:59	2023-00054027	PARKING PROBLEM	S HILL AVE / W CENTER ST	ATMOSPHERE APTS BLDG 1	0:03:22
8/25/2023 15:50	2023-00056329	PARKING PROBLEM	10 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:30:52
8/30/2023 2:12	2023-00057440	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:03:48
9/6/2023 10:37	2023-00059218	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:53:07
9/12/2023 10:04	2023-00060759	PARKING PROBLEM	10 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:42:07
9/13/2023 12:55	2023-00061063	PARKING PROBLEM	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:53:15
9/16/2023 4:52	2023-00061810	SI EXTRA PATROL	22 S DUNCAN AVE	ATMOSPHERE APTS BLDG 1	0:00:04
89 Call Total Time Spent					29:59:47
89 Call Average Time Spent					0:20:13



MEMORANDUM

TO: Jessie Masters, Development Review Manager

FROM: Captain William Brown 

DATE: October 5, 2023

SUBJECT: VAR-2023-0040 / 612 W. Center for Off-Site Parking

I have reviewed the variance memo submitted by Trinitas and the associated map of the proposed remote parking lot location. I have some concerns.

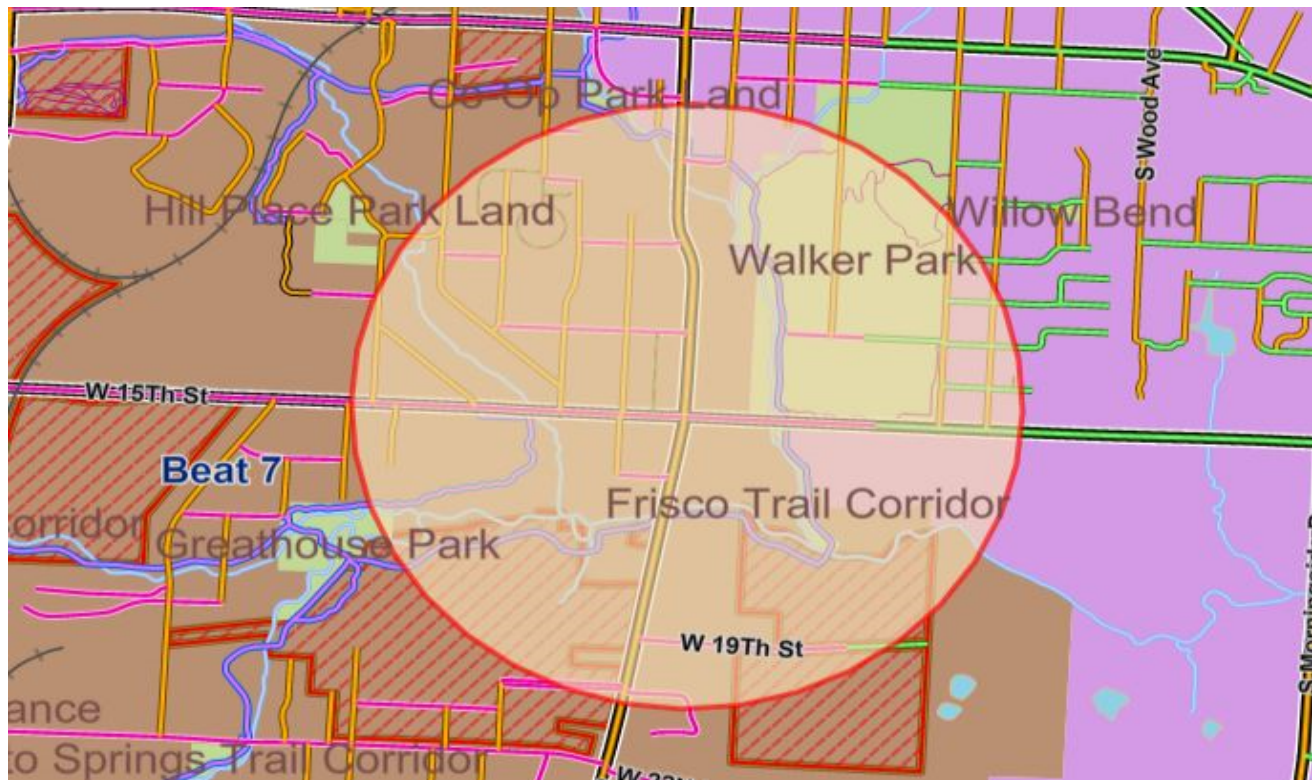
I have attached a query of calls for service since January 1, 2023, which are within a 2500' radius of the proposed remote parking lot. Within these 1638 calls for service are numerous disturbances, intoxicated persons, trespassing, and thefts. The proposed parking lot only abuts one 24-hour operating business. I believe the presence of numerous vehicles in this parking lot overnight would become the targets of vandalism, breaking or entering, and thefts.

The proposed remote lot is over a mile from the development. I understand the developer has proposed alternative transportation to and from this remote lot which includes bicycle, scooter, and bus. Ozark Regional Transit Route 20 South is out of service after 7:00pm, and Route 20 East is out of service after 7:30pm. This would leave only walking, scooter or bike transportation late at night and during inclement winter weather.

If the residents of this development choose to not use this lot for these or other reasons, I believe they will park illegally. This will generate a burdensome number of parking complaints for the police department.

For these reasons, I am unable to support the above requested variance. Please contact me if you have any questions.

FPD Incidents by Location - 2500' Radius from 15th and S. School



<u>Incident Address</u>	<u>Incident Date And Time</u>	<u>Incident Priority</u>	<u>Incident Type</u>
10 W 15TH ST	01/01/2023 14:14:10	1-High	DISTURBANCE
219 W 15TH ST	01/01/2023 15:29:34	1-High	DISTURBANCE
1500 S SCHOOL AVE	01/04/2023 18:00:53	1-High	DISTURBANCE
1036 S DUNN AVE	01/05/2023 19:50:00	1-High	DISTURBANCE
10 W 15TH ST	01/07/2023 16:12:48	1-High	DISTURBANCE
10 W 15TH ST	01/09/2023 10:29:41	1-High	DISTURBANCE
1701 S SCHOOL AVE	01/10/2023 07:54:16	1-High	SUICIDE THREAT
55 E 15TH ST	01/10/2023 11:32:48	1-High	DISTURBANCE
S SCHOOL AVE / W 19TH ST	01/11/2023 09:53:05	1-High	DISTURBANCE
1832 S SCHOOL AVE	01/11/2023 20:08:59	1-High	DISTURBANCE
1832 S SCHOOL AVE	01/12/2023 09:08:52	1-High	DISTURBANCE
1220 S UNIVERSITY AVE	01/12/2023 16:50:13	1-High	MISSING PERSON
1500 S SCHOOL AVE	01/13/2023 11:46:29	1-High	DISTURBANCE
S COLLEGE AVE / E 13TH ST	01/14/2023 16:56:05	1-High	DISTURBANCE
1500 S SCHOOL AVE	01/14/2023 18:31:45	1-High	SUICIDE THREAT
219 W 15TH ST	01/15/2023 15:25:14	1-High	SUICIDE THREAT
536 W 15TH ST	01/15/2023 22:20:56	1-High	DISTURBANCE
10 W 15TH ST	01/18/2023 02:29:39	1-High	SUICIDE THREAT
1701 S SCHOOL AVE	01/20/2023 12:15:29	1-High	CODE 9
219 W 15TH ST	01/20/2023 21:25:52	1-High	SUICIDE THREAT
1136 S DUNCAN AVE	01/21/2023 10:21:50	1-High	DISTURBANCE
219 W 15TH ST	01/27/2023 05:55:06	1-High	TRESPASSING
1212 S DUNN AVE	01/28/2023 21:25:34	1-High	SUICIDE THREAT

1832 S SCHOOL AVE	01/30/2023 12:37:31	1-High	DISTURBANCE
1832 S SCHOOL AVE	01/31/2023 12:52:47	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	01/31/2023 16:10:32	1-High	DISTURBANCE
10 W 15TH ST	01/31/2023 20:33:33	1-High	SUICIDE THREAT
1309 S WASHINGTON AVE	02/02/2023 16:43:37	1-High	DISTURBANCE
10 W 15TH ST	02/02/2023 20:14:44	1-High	SUICIDE THREAT
10 W 15TH ST	02/03/2023 11:50:24	1-High	DISTURBANCE
219 W 15TH ST	02/03/2023 14:50:12	1-High	DISTURBANCE
1036 S DUNN AVE	02/04/2023 01:05:35	1-High	DISTURBANCE
1645 S WEST AVE	02/06/2023 07:00:12	1-High	DEATH
251 W 19TH ST	02/06/2023 22:06:03	1-High	DISTURBANCE
1650 S SCHOOL AVE	02/07/2023 07:14:51	1-High	DISTURBANCE
1832 S SCHOOL AVE	02/07/2023 09:03:29	1-High	TRESPASSING
1221 S SCHOOL AVE	02/07/2023 14:22:05	1-High	SUICIDE THREAT
549 W 15TH ST	02/07/2023 15:53:22	1-High	DISTURBANCE
219 W 15TH ST	02/09/2023 22:06:03	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	02/10/2023 09:43:57	1-High	SUICIDE THREAT
1650 S SCHOOL AVE	02/10/2023 17:03:47	1-High	SUICIDE THREAT
219 W 15TH ST	02/12/2023 16:53:28	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	02/13/2023 15:33:50	1-High	CODE 8
219 W 15TH ST	02/16/2023 18:37:21	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	02/17/2023 05:11:36	1-High	DISTURBANCE
10 W 15TH ST	02/17/2023 12:26:19	1-High	THREAT
			BREAKING AND
1645 S SCHOOL AVE	02/18/2023 09:57:34	1-High	ENTERING
10 W 15TH ST	02/20/2023 12:38:42	1-High	DISTURBANCE
1832 S SCHOOL AVE	02/21/2023 08:36:46	1-High	DISTURBANCE
1131 S SCHOOL AVE	02/21/2023 09:13:47	1-High	ARMED PERSON
1701 S SCHOOL AVE	02/24/2023 18:30:50	1-High	SUICIDE THREAT
10 W 15TH ST	02/25/2023 13:33:31	1-High	DISTURBANCE
S BLOCK AVE / W 13TH ST	02/25/2023 19:07:09	1-High	SUICIDE THREAT
TOWN BRANCH TRL / SCHOOL AVE	02/25/2023 22:37:33	1-High	DISTURBANCE
1500 S SCHOOL AVE	02/26/2023 14:15:15	1-High	DISTURBANCE
55 E 15TH ST	03/04/2023 14:39:17	1-High	CODE 8
219 W 15TH ST	03/05/2023 14:59:13	1-High	SUICIDE THREAT
38 TRL TOWN BRANCH	03/05/2023 17:37:02	1-High	DEATH
1005 S SCHOOL AVE	03/06/2023 08:57:10	1-High	DISTURBANCE
FRISCO TRL / 15TH ST	03/10/2023 14:45:33	1-High	ARMED PERSON
219 W 15TH ST	03/10/2023 20:11:30	1-High	SUICIDE THREAT
1221 S SCHOOL AVE	03/11/2023 19:17:01	1-High	TRESPASSING
219 W 15TH ST	03/11/2023 23:26:34	1-High	DISTURBANCE
10 W 15TH ST	03/13/2023 19:29:17	1-High	DISTURBANCE
219 W 15TH ST	03/14/2023 05:44:41	1-High	DISTURBANCE
1832 S SCHOOL AVE	03/14/2023 12:56:41	1-High	TRESPASSING
219 W 15TH ST	03/14/2023 13:00:34	1-High	SUICIDE THREAT
1428 S SCHOOL AVE	03/14/2023 19:36:02	1-High	DISTURBANCE
1010 S DUNN AVE	03/14/2023 22:57:07	1-High	DISTURBANCE

251 W 19TH ST	03/16/2023 09:56:17	1-High	DISTURBANCE
219 W 15TH ST	03/18/2023 14:36:35	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	03/18/2023 14:38:43	1-High	ARMED PERSON
10 W 15TH ST	03/18/2023 19:27:59	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	03/20/2023 14:02:33	1-High	DISTURBANCE
219 W 15TH ST	03/20/2023 17:03:48	1-High	DISTURBANCE
1832 S SCHOOL AVE	03/23/2023 09:34:26	1-High	TRESPASSING
1832 S SCHOOL AVE	03/24/2023 14:23:55	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	03/24/2023 18:39:02	1-High	ARMED PERSON
1500 S SCHOOL AVE	03/29/2023 16:26:34	1-High	911 HANGUP
1500 S SCHOOL AVE	04/01/2023 20:06:03	1-High	DISTURBANCE
615 W CHESHIRE CT	04/01/2023 21:54:44	1-High	DISTURBANCE
S SCHOOL AVE / W 15TH ST	04/02/2023 10:45:53	1-High	ARMED PERSON
219 W 15TH ST	04/03/2023 06:30:40	1-High	TRESPASSING
1832 S SCHOOL AVE	04/03/2023 08:37:00	1-High	SUICIDE THREAT
10 W 15TH ST	04/04/2023 15:57:26	1-High	DISTURBANCE
1832 S SCHOOL AVE	04/05/2023 12:25:27	1-High	TRESPASSING
772 S LOCUST AVE	04/10/2023 22:03:08	1-High	DISTURBANCE
219 W 15TH ST	04/11/2023 01:43:43	1-High	DISTURBANCE
10 W 15TH ST	04/11/2023 21:18:33	1-High	SUICIDE THREAT
219 W 15TH ST	04/21/2023 23:43:45	1-High	SUICIDE THREAT
1107 S SCHOOL AVE	04/22/2023 10:12:37	1-High	TRESPASSING
1832 S SCHOOL AVE	04/23/2023 14:23:18	1-High	911 HANGUP
1895 S SCHOOL AVE	04/24/2023 02:05:14	1-High	DISTURBANCE
W 15TH ST / S SCHOOL AVE	04/24/2023 07:39:23	1-High	CODE 9
219 W 15TH ST	04/26/2023 02:33:47	1-High	DISTURBANCE
1005 S SCHOOL AVE	04/28/2023 03:05:33	1-High	TRESPASSING
10 W 15TH ST	04/29/2023 12:44:18	1-High	DISTURBANCE
10 W 15TH ST	04/30/2023 15:23:22	1-High	DISTURBANCE
1645 S WEST AVE	05/03/2023 20:53:42	1-High	DISTURBANCE
1005 S SCHOOL AVE	05/05/2023 16:28:46	1-High	DISTURBANCE
1832 S SCHOOL AVE	05/06/2023 19:57:52	1-High	DISTURBANCE
1221 S SCHOOL AVE	05/06/2023 22:08:17	1-High	TRESPASSING
1832 S SCHOOL AVE	05/08/2023 13:15:47	1-High	DISTURBANCE
1832 S SCHOOL AVE	05/09/2023 07:55:18	1-High	DISTURBANCE
219 W 15TH ST	05/13/2023 07:44:08	1-High	SUICIDE THREAT
10 W 15TH ST	05/15/2023 08:52:36	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	05/15/2023 09:06:32	1-High	SUICIDE THREAT
1650 S SCHOOL AVE	05/15/2023 12:26:42	1-High	CODE 8
10 W 15TH ST	05/15/2023 19:10:16	1-High	SUICIDE THREAT
10 W 15TH ST	05/15/2023 19:47:03	1-High	DISTURBANCE
219 W 15TH ST	05/17/2023 17:57:37	1-High	SUICIDE THREAT
615 W CHESHIRE CT	05/18/2023 04:12:29	1-High	MISSING PERSON
55 E 15TH ST	05/18/2023 20:14:00	1-High	DISTURBANCE
1832 S SCHOOL AVE	05/19/2023 02:22:52	1-High	DISTURBANCE
1331 S WEST AVE	05/20/2023 00:44:56	1-High	PROWLER
10 W 15TH ST	05/22/2023 17:48:25	1-High	DISTURBANCE

1221 S SCHOOL AVE	05/22/2023 20:25:35	1-High	ARMED PERSON
251 W 19TH ST	05/24/2023 04:50:59	1-High	DISTURBANCE
595 W 15TH ST	05/24/2023 18:52:11	1-High	DISTURBANCE
1832 S SCHOOL AVE	05/25/2023 10:43:51	1-High	ARMED PERSON
10 W 15TH ST	05/25/2023 18:02:19	1-High	DISTURBANCE
10 W 15TH ST	05/25/2023 18:40:49	1-High	DISTURBANCE
10 W 15TH ST	05/26/2023 19:38:29	1-High	DISTURBANCE
10 W 15TH ST	05/27/2023 17:46:51	1-High	DISTURBANCE
1428 S SCHOOL AVE	05/28/2023 23:02:41	1-High	SUICIDE THREAT
1005 S SCHOOL AVE	05/31/2023 09:22:41	1-High	TRESPASSING
1650 S SCHOOL AVE	05/31/2023 17:24:50	1-High	HARASSMENT
1832 S SCHOOL AVE	06/01/2023 13:35:14	1-High	ARMED PERSON
549 W 15TH ST	06/03/2023 06:03:02	1-High	TRESPASSING
1002 S COLLEGE AVE	06/03/2023 16:13:07	1-High	DISTURBANCE
215 E 13TH ST	06/05/2023 22:30:03	1-High	THREAT
1221 S SCHOOL AVE	06/06/2023 08:13:45	1-High	DISTURBANCE
S BLOCK AVE / W 13TH ST	06/07/2023 13:49:50	1-High	DISTURBANCE
S WEST AVE / W 11TH ST	06/07/2023 19:41:19	1-High	ARMED PERSON
1701 S SCHOOL AVE	06/08/2023 10:58:00	1-High	DISTURBANCE
251 W 19TH ST	06/08/2023 14:41:00	1-High	DISTURBANCE
1650 S SCHOOL AVE	06/09/2023 14:12:00	1-High	DISTURBANCE
10 W 15TH ST	06/09/2023 15:11:00	1-High	HARASSMENT
1500 S SCHOOL AVE	06/09/2023 15:18:00	1-High	TRESPASSING
615 W CHESHIRE CT	06/10/2023 03:11:00	1-High	ARMED PERSON
603 W CHESHIRE CT	06/10/2023 20:32:00	1-High	DISTURBANCE
251 W 19TH ST	06/14/2023 13:01:11	1-High	DISTURBANCE
S SCHOOL AVE / W 13TH ST	06/14/2023 19:23:00	1-High	DISTURBANCE
1832 S SCHOOL AVE	06/15/2023 09:51:00	1-High	TRESPASSING
1650 S SCHOOL AVE	06/16/2023 17:48:00	1-High	DISTURBANCE
1428 S SCHOOL AVE	06/17/2023 09:02:00	1-High	FRAUD
1221 S SCHOOL AVE	06/17/2023 17:28:00	1-High	DISTURBANCE
1500 S SCHOOL AVE	06/17/2023 20:40:00	1-High	DEATH
10 W 15TH ST	06/19/2023 14:58:40	1-High	DISTURBANCE
1414 S WASHINGTON AVE	06/22/2023 01:04:58	1-High	BURGLARY
1005 S SCHOOL AVE	06/22/2023 12:01:00	1-High	DISTURBANCE
1225 S SCHOOL AVE	06/23/2023 10:54:05	1-High	DISTURBANCE
1079 S SCHOOL AVE	06/23/2023 17:02:34	1-High	DISTURBANCE
615 W CHESHIRE CT	06/23/2023 23:42:39	1-High	DISTURBANCE
549 W 15TH ST	06/24/2023 06:27:57	1-High	DISTURBANCE
1560 S SCHOOL AVE	06/24/2023 11:54:46	1-High	DISTURBANCE
10 W 15TH ST	06/24/2023 16:17:51	1-High	STABBING
808 S LOCUST AVE	06/25/2023 22:28:04	1-High	BURGLARY
10 W 15TH ST	06/26/2023 21:26:46	1-High	DISTURBANCE
55 E 15TH ST	06/29/2023 03:42:46	1-High	THEFT
1225 S SCHOOL AVE	07/01/2023 11:45:00	1-High	DISTURBANCE
1309 S WASHINGTON AVE	07/02/2023 02:53:05	1-High	DISTURBANCE
1428 S SCHOOL AVE	07/03/2023 14:59:05	1-High	SUICIDE THREAT

10 W 15TH ST	07/05/2023 02:42:57	1-High	DISTURBANCE
800 S SCHOOL AVE	07/07/2023 12:10:23	1-High	THREAT
1309 S WASHINGTON AVE	07/07/2023 14:16:09	1-High	DISTURBANCE
10 W 15TH ST	07/07/2023 15:26:39	1-High	DISTURBANCE
10 W 15TH ST	07/09/2023 18:59:10	1-High	DISTURBANCE
1428 S SCHOOL AVE	07/12/2023 08:04:48	1-High	ROBBERY
10 W 15TH ST	07/14/2023 21:39:14	1-High	DISTURBANCE
10 W 15TH ST	07/15/2023 12:38:30	1-High	DISTURBANCE
1306 S SCHOOL AVE	07/16/2023 10:54:30	1-High	DISTURBANCE
1225 S SCHOOL AVE	07/18/2023 10:41:35	1-High	DISTURBANCE
1832 S SCHOOL AVE	07/18/2023 22:45:42	1-High	911 HANGUP
10 W 15TH ST	07/22/2023 17:09:52	1-High	DISTURBANCE
251 W 19TH ST	07/24/2023 02:08:09	1-High	TRESPASSING
1500 S SCHOOL AVE	07/24/2023 11:50:50	1-High	DISTURBANCE
1336 S SCHOOL AVE	07/24/2023 14:52:23	1-High	HARASSMENT BREAKING AND
1509 S CREWS LN	07/25/2023 00:09:58	1-High	ENTERING
10 W 15TH ST	07/25/2023 19:29:39	1-High	DISTURBANCE
606 W NATIONAL ST	07/27/2023 00:38:04	1-High	BURGLARY
1832 S SCHOOL AVE	07/27/2023 11:51:22	1-High	TRESPASSING
536 W 11TH ST	07/28/2023 09:23:36	1-High	TRESPASSING
1832 S SCHOOL AVE	07/28/2023 14:59:02	1-High	DISTURBANCE
10 W 15TH ST	07/28/2023 18:17:02	1-High	SUICIDE THREAT
1020 S SCHOOL AVE	07/29/2023 02:32:29	1-High	DISTURBANCE
10 W 15TH ST	07/29/2023 19:38:55	1-High	DISTURBANCE
10 W 15TH ST	07/29/2023 21:46:18	1-High	DISTURBANCE
55 E 15TH ST	07/31/2023 07:47:44	1-High	SUICIDE THREAT
615 W CHESHIRE CT	07/31/2023 22:44:24	1-High	BURGLARY
1221 S SCHOOL AVE	08/01/2023 15:12:56	1-High	DISTURBANCE
10 W 15TH ST	08/03/2023 19:25:00	1-High	DISTURBANCE
E 15TH ST / S WASHINGTON AVE	08/03/2023 20:00:53	1-High	DISTURBANCE
10 W 15TH ST	08/04/2023 22:35:04	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/05/2023 00:23:29	1-High	DISTURBANCE
85 W 15TH ST	08/05/2023 17:43:43	1-High	DISTURBANCE
903 S SCHOOL AVE	08/06/2023 15:24:38	1-High	SUICIDE THREAT
1356 S COLLEGE AVE	08/09/2023 12:46:50	1-High	BURGLARY
10 W 15TH ST	08/09/2023 20:29:07	1-High	SUICIDE THREAT
1356 S COLLEGE AVE	08/09/2023 22:47:17	1-High	TRESPASSING
10 W 15TH ST	08/10/2023 12:19:09	1-High	DISTURBANCE
615 W CHESHIRE CT	08/10/2023 16:24:27	1-High	DISTURBANCE
1000 S LT COL LEROY POND AVE	08/10/2023 21:15:54	1-High	DISTURBANCE
10 W 15TH ST	08/12/2023 14:10:11	1-High	DISTURBANCE
10 W 15TH ST	08/12/2023 19:44:23	1-High	SUICIDE THREAT
1212 S DUNN AVE	08/13/2023 00:09:37	1-High	PROWLER
251 W 19TH ST	08/15/2023 01:49:20	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/15/2023 04:02:20	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/15/2023 04:07:41	1-High	SUICIDE THREAT

W 15TH ST / TRL RG FRISCO	08/15/2023 07:40:37	1-High	CODE 9
10 W 15TH ST	08/15/2023 12:15:28	1-High	DISTURBANCE
10 W 15TH ST	08/15/2023 14:58:27	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/15/2023 21:46:50	1-High	ARMED PERSON
1431 S SCHOOL AVE	08/17/2023 13:00:53	1-High	THEFT
1005 S BLOCK AVE	08/17/2023 18:13:49	1-High	DISTURBANCE
1525 S SCHOOL AVE	08/19/2023 20:06:38	1-High	DISTURBANCE
10 W 15TH ST	08/23/2023 19:13:40	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/24/2023 07:12:05	1-High	DISTURBANCE
1832 S SCHOOL AVE	08/25/2023 15:08:36	1-High	DISTURBANCE
1645 S WEST AVE	08/26/2023 09:09:59	1-High	DISTURBANCE
10 W 15TH ST	08/26/2023 16:11:07	1-High	ARMED PERSON
1500 S SCHOOL AVE	08/27/2023 00:51:35	1-High	SUICIDE THREAT
1010 S DUNN AVE	08/28/2023 03:30:00	1-High	DISTURBANCE
1500 S SCHOOL AVE	08/28/2023 19:10:52	1-High	BURGLARY
1832 S SCHOOL AVE	08/29/2023 20:52:55	1-High	DISTURBANCE
1005 S SCHOOL AVE	08/30/2023 11:19:16	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/02/2023 21:07:55	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/05/2023 15:05:01	1-High	DISTURBANCE
85 W 15TH ST	09/05/2023 20:47:08	1-High	DISTURBANCE
10 W 15TH ST	09/07/2023 18:15:06	1-High	DISTURBANCE
10 W 15TH ST	09/09/2023 11:15:54	1-High	DISTURBANCE
1701 S SCHOOL AVE	09/09/2023 19:12:30	1-High	DISTURBANCE
10 W 15TH ST	09/10/2023 22:24:08	1-High	SEX OFFENSE
1391 S DUNCAN AVE	09/10/2023 22:31:29	1-High	PROWLER
10 W 15TH ST	09/11/2023 08:10:43	1-High	DISTURBANCE
10 W 15TH ST	09/11/2023 19:27:11	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/12/2023 15:57:53	1-High	DISTURBANCE
1500 S SCHOOL AVE	09/13/2023 20:08:21	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	09/15/2023 08:49:22	1-High	SUICIDE THREAT
10 W 15TH ST	09/15/2023 18:20:13	1-High	SUICIDE THREAT
1005 S BLOCK AVE	09/15/2023 23:43:09	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/16/2023 00:31:23	1-High	SUICIDE THREAT
10 W 15TH ST	09/16/2023 11:17:08	1-High	DISTURBANCE
1246 S SCHOOL AVE	09/16/2023 20:06:47	1-High	DISTURBANCE
1010 S DUNN AVE	09/17/2023 22:32:09	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/18/2023 07:54:48	1-High	DISTURBANCE
10 W 15TH ST	09/19/2023 22:45:49	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/21/2023 12:43:19	1-High	DISTURBANCE
10 W 15TH ST	09/22/2023 11:56:30	1-High	DISTURBANCE
1428 S SCHOOL AVE	09/22/2023 13:07:22	1-High	DISTURBANCE
251 W 19TH ST	09/23/2023 15:44:49	1-High	SUICIDE THREAT
10 W 15TH ST	09/24/2023 14:13:45	1-High	SUICIDE THREAT
1832 S SCHOOL AVE	09/24/2023 18:12:25	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/25/2023 08:56:26	1-High	DISTURBANCE
1225 S SCHOOL AVE	09/25/2023 11:34:44	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/25/2023 14:21:52	1-High	SUICIDE THREAT

1500 S SCHOOL AVE	09/26/2023 15:51:23	1-High	DISTURBANCE
1832 S SCHOOL AVE	09/26/2023 20:24:54	1-High	DISTURBANCE
615 W CHESHIRE CT	09/27/2023 00:17:57	1-High	DISTURBANCE
10 W 15TH ST	09/27/2023 14:42:48	1-High	DISTURBANCE
800 S SCHOOL AVE	09/28/2023 09:55:36	1-High	THEFT
1832 S SCHOOL AVE	09/28/2023 15:30:22	1-High	SUICIDE THREAT
1431 S SCHOOL AVE	09/29/2023 07:47:29	1-High	CODE 8
10 W 15TH ST	09/29/2023 16:57:11	1-High	DISTURBANCE
10 W 15TH ST	09/29/2023 18:32:03	1-High	DISTURBANCE
1701 S SCHOOL AVE	09/29/2023 19:57:59	1-High	DISTURBANCE
10 W 15TH ST	09/30/2023 11:40:30	1-High	DISTURBANCE
1700 S SCHOOL AVE	09/30/2023 20:21:24	1-High	DISTURBANCE
1832 S SCHOOL AVE	10/02/2023 22:21:25	1-High	DISTURBANCE
1832 S SCHOOL AVE	10/03/2023 10:01:24	1-High	SUICIDE THREAT
1500 S SCHOOL AVE	10/03/2023 10:55:18	1-High	THREAT
1832 S SCHOOL AVE	10/04/2023 01:06:45	1-High	STABBING
1832 S SCHOOL AVE	10/04/2023 07:24:54	1-High	DISTURBANCE
10 W 15TH ST	10/04/2023 11:14:20	1-High	DISTURBANCE

Priority 1 Total: 274

<u>Incident Address</u>	<u>Incident Date And Time</u>	<u>Incident Priority</u>	<u>Incident Type</u>
10 TRL FRISCO TRL	01/01/2023 13:21:31	2-Medium	911 HANGUP
55 E 15TH ST	01/02/2023 01:25:05	2-Medium	SHOTS HEARD
S SCHOOL AVE / W 15TH ST	01/03/2023 14:23:04	2-Medium	TRAFFIC HAZARD
549 W 15TH ST	01/04/2023 19:43:22	2-Medium	INDECENT EXPOSURE
S SCHOOL AVE / W 15TH ST	01/05/2023 19:04:52	2-Medium	TRAFFIC HAZARD
91 W 15TH ST	01/06/2023 10:27:47	2-Medium	911 HANGUP
			MENTAL HEALTH
TRL TOWN BRANCH / S SCHOOL AVE	01/06/2023 12:46:30	2-Medium	CRISIS
10 W 15TH ST	01/07/2023 03:25:01	2-Medium	ASSIST AGENCY
1428 S SCHOOL AVE	01/07/2023 19:41:04	2-Medium	INTOXICATED PERSON
W 15TH ST / S SCHOOL AVE	01/10/2023 09:20:35	2-Medium	TRAFFIC HAZARD
			MENTAL HEALTH
1420 S WEST AVE	01/10/2023 15:12:27	2-Medium	CRISIS
S SCHOOL AVE / W 15TH ST	01/10/2023 20:49:42	2-Medium	ASSIST AGENCY
1700 S SCHOOL AVE	01/11/2023 12:34:18	2-Medium	WELFARE CONCERN
1124 S DUNN AVE	01/11/2023 15:09:30	2-Medium	ALARM
219 W 15TH ST	01/13/2023 20:44:40	2-Medium	ASSIST AGENCY
1107 S WEST AVE	01/14/2023 00:15:54	2-Medium	ALARM
251 W 19TH ST	01/15/2023 06:08:08	2-Medium	911 OPEN LINE
219 W 15TH ST	01/15/2023 08:00:23	2-Medium	ASSIST AGENCY
219 W 15TH ST	01/18/2023 10:18:04	2-Medium	ASSIST AGENCY
1832 S SCHOOL AVE	01/19/2023 15:15:12	2-Medium	THEFT

1832 S SCHOOL AVE	01/20/2023 09:06:33	2-Medium	ASSIST AGENCY
10 W 15TH ST	01/21/2023 12:45:40	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	01/24/2023 09:15:41	2-Medium	ASSIST AGENCY
55 E 15TH ST	01/24/2023 17:08:26	2-Medium	911 HANGUP MENTAL HEALTH CRISIS
549 W 15TH ST	01/24/2023 17:08:46	2-Medium	BREAKING AND ENTERING
300 W 15TH ST	01/24/2023 21:43:49	2-Medium	
S SCHOOL AVE / W 15TH ST	01/26/2023 20:51:56	2-Medium	INTOXICATED PERSON
219 W 15TH ST	01/27/2023 08:40:44	2-Medium	ASSIST AGENCY
1832 S SCHOOL AVE	01/27/2023 09:45:34	2-Medium	INTOXICATED PERSON
1428 S SCHOOL AVE	01/28/2023 20:26:21	2-Medium	911 HANGUP
219 W 15TH ST	01/29/2023 00:45:43	2-Medium	INTOXICATED PERSON
S BLOCK AVE / W 13TH ST	01/29/2023 10:48:21	2-Medium	ASSIST AGENCY
S SCHOOL AVE / W 15TH ST	01/31/2023 07:05:27	2-Medium	TRAFFIC HAZARD MENTAL HEALTH CRISIS
219 W 15TH ST	01/31/2023 15:57:00	2-Medium	
219 W 15TH ST	01/31/2023 19:19:04	2-Medium	INTOXICATED PERSON
1500 S SCHOOL AVE	02/01/2023 18:48:55	2-Medium	ASSIST AGENCY
1002 S COLLEGE AVE	02/03/2023 12:58:10	2-Medium	911 HANGUP
1221 S SCHOOL AVE	02/04/2023 00:11:34	2-Medium	ALARM
219 W 15TH ST	02/04/2023 14:21:29	2-Medium	ASSIST AGENCY
1428 S SCHOOL AVE	02/04/2023 20:22:28	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	02/05/2023 04:39:56	2-Medium	ALARM
1221 S SCHOOL AVE	02/06/2023 01:17:17	2-Medium	ALARM
1645 S WEST AVE	02/06/2023 17:00:46	2-Medium	INTOXICATED PERSON
800 S SCHOOL AVE	02/07/2023 06:02:07	2-Medium	TRAFFIC HAZARD
1832 S SCHOOL AVE	02/07/2023 13:34:48	2-Medium	ASSIST AGENCY MENTAL HEALTH CRISIS
55 E 15TH ST	02/08/2023 10:30:18	2-Medium	DRUG
10 W 15TH ST	02/08/2023 16:47:02	2-Medium	911 HANGUP
1748 S SCHOOL AVE	02/08/2023 23:28:51	2-Medium	ASSIST AGENCY
1036 S DUNN AVE	02/09/2023 01:14:00	2-Medium	
1832 S SCHOOL AVE	02/09/2023 11:36:50	2-Medium	INTOXICATED PERSON
549 W 15TH ST	02/10/2023 14:36:51	2-Medium	INTOXICATED PERSON
1220 S ELLIS AVE	02/10/2023 15:59:49	2-Medium	ASSIST AGENCY
549 W 15TH ST	02/11/2023 17:18:04	2-Medium	INTOXICATED PERSON

525 W 15TH ST	02/12/2023 19:14:11	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	02/12/2023 22:31:43	2-Medium	ALARM
1832 S SCHOOL AVE	02/13/2023 15:38:25	2-Medium	911 HANGUP
			MENTAL HEALTH
1832 S SCHOOL AVE	02/13/2023 16:36:29	2-Medium	CRISIS
			MENTAL HEALTH
10 W 15TH ST	02/14/2023 19:13:32	2-Medium	CRISIS
			MENTAL HEALTH
219 W 15TH ST	02/16/2023 04:07:00	2-Medium	CRISIS
1832 S SCHOOL AVE	02/18/2023 05:55:04	2-Medium	DISTURBANCE
10 W 15TH ST	02/18/2023 11:39:27	2-Medium	ASSIST AGENCY
W 13TH ST / S BLOCK AVE	02/18/2023 11:59:10	2-Medium	ASSIST AGENCY
10 W 15TH ST	02/18/2023 15:37:38	2-Medium	INTOXICATED PERSON
690 W 15TH ST	02/18/2023 16:33:17	2-Medium	911 HANGUP
1224 S WASHINGTON AVE	02/19/2023 10:30:58	2-Medium	TRAFFIC HAZARD
1832 S SCHOOL AVE	02/22/2023 11:29:13	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	02/22/2023 15:48:45	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	02/24/2023 08:35:28	2-Medium	911 HANGUP
1650 S SCHOOL AVE	02/24/2023 15:53:51	2-Medium	INTOXICATED PERSON
W 15TH ST / TRL RG FRISCO	02/25/2023 01:23:14	2-Medium	TRAFFIC HAZARD
55 E 15TH ST	02/25/2023 18:35:30	2-Medium	WELFARE CONCERN
1431 S SCHOOL AVE	02/26/2023 11:31:40	2-Medium	SUSPICIOUS ACTIVITY
1431 S SCHOOL AVE	02/26/2023 11:54:34	2-Medium	SUSPICIOUS ACTIVITY
1064 S DUNN AVE	02/27/2023 04:15:42	2-Medium	SUSPICIOUS ACTIVITY
1221 S SCHOOL AVE	02/27/2023 14:45:42	2-Medium	SUSPICIOUS ACTIVITY
1832 S SCHOOL AVE	02/28/2023 10:03:44	2-Medium	DISTURBANCE
1832 S SCHOOL AVE	02/28/2023 13:27:08	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	03/01/2023 14:37:26	2-Medium	INTOXICATED PERSON
219 W 15TH ST	03/03/2023 06:04:12	2-Medium	DISTURBANCE
532 W 13TH ST	03/03/2023 17:17:46	2-Medium	DISTURBANCE
W 15TH ST / S SCHOOL AVE	03/03/2023 18:17:37	2-Medium	INTOXICATED PERSON
1650 S SCHOOL AVE	03/04/2023 14:32:47	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	03/04/2023 16:41:52	2-Medium	ASSIST AGENCY

S SCHOOL AVE / W 15TH ST	03/05/2023 13:03:25	2-Medium	INDECENT EXPOSURE
55 E 15TH ST	03/06/2023 13:25:07	2-Medium	INTOXICATED PERSON
10 W 15TH ST	03/06/2023 18:25:25	2-Medium	WELFARE CONCERN
1650 S SCHOOL AVE	03/07/2023 15:06:43	2-Medium	THEFT
1428 S SCHOOL AVE	03/09/2023 07:57:36	2-Medium	INTOXICATED PERSON
1107 S SCHOOL AVE	03/10/2023 13:13:17	2-Medium	911 HANGUP
W 13TH ST / S SCHOOL AVE	03/10/2023 16:11:25	2-Medium	TRAFFIC HAZARD
10 W 15TH ST	03/10/2023 21:21:36	2-Medium	MENTAL HEALTH
1428 S SCHOOL AVE	03/10/2023 23:54:13	2-Medium	CRISIS
S SCHOOL AVE / W 15TH ST	03/11/2023 12:41:02	2-Medium	ALARM
219 W 15TH ST	03/11/2023 23:02:34	2-Medium	CODE 7
300 W 15TH ST	03/12/2023 12:33:48	2-Medium	INTOXICATED PERSON
219 W 15TH ST	03/13/2023 18:48:48	2-Medium	911 HANGUP
219 W 15TH ST	03/13/2023 19:27:17	2-Medium	MENTAL HEALTH
1832 S SCHOOL AVE	03/14/2023 20:52:58	2-Medium	CRISIS
101 E 11TH ST	03/14/2023 20:53:08	2-Medium	CRIMINAL MISCHIEF
549 W 15TH ST	03/16/2023 07:43:47	2-Medium	911 HANGUP
1109 S SCHOOL AVE	03/16/2023 10:09:53	2-Medium	SUSPICIOUS ACTIVITY
1221 S SCHOOL AVE	03/16/2023 20:04:45	2-Medium	FRAUD
1832 S SCHOOL AVE	03/17/2023 16:02:13	2-Medium	INTOXICATED PERSON
55 E 15TH ST	03/17/2023 22:41:54	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	03/19/2023 01:14:11	2-Medium	SUSPICIOUS ACTIVITY
1246 S SCHOOL AVE	03/20/2023 14:51:16	2-Medium	ASSIST AGENCY
219 W 15TH ST	03/21/2023 09:30:48	2-Medium	SUSPICIOUS ACTIVITY
10 W 15TH ST	03/21/2023 20:11:59	2-Medium	CRIMINAL MISCHIEF
1832 S SCHOOL AVE	03/21/2023 22:30:00	2-Medium	ASSIST AGENCY
1428 S SCHOOL AVE	03/22/2023 11:47:41	2-Medium	THEFT
549 W 15TH ST	03/23/2023 14:12:22	2-Medium	ASSIST AGENCY
10 W 15TH ST	03/23/2023 18:50:07	2-Medium	ASSIST AGENCY
1107 S WEST AVE	03/24/2023 08:04:01	2-Medium	ALARM
1832 S SCHOOL AVE	03/24/2023 18:17:03	2-Medium	DISTURBANCE
W 15TH ST / S SCHOOL AVE	03/25/2023 10:18:13	2-Medium	TRAFFIC HAZARD
85 W 15TH ST	03/25/2023 20:21:05	2-Medium	INTOXICATED PERSON

S SCHOOL AVE / TRL TOWN BRANCH	03/26/2023 19:00:16	2-Medium	ASSIST AGENCY
S SCHOOL AVE / W 15TH ST	03/28/2023 08:02:30	2-Medium	INTOXICATED DRIVER MENTAL HEALTH
1832 S SCHOOL AVE	03/29/2023 08:34:49	2-Medium	CRISIS
S SCHOOL AVE / W 15TH ST	03/29/2023 12:05:39	2-Medium	CODE 7
W 15TH ST / S SCHOOL AVE	03/29/2023 16:24:19	2-Medium	TRAFFIC HAZARD
1500 S SCHOOL AVE	03/30/2023 13:10:57	2-Medium	INTOXICATED PERSON
1500 S SCHOOL AVE	04/01/2023 16:34:24	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	04/02/2023 18:35:47	2-Medium	ASSIST AGENCY
251 W 19TH ST	04/03/2023 20:18:14	2-Medium	DISTURBANCE
10 W 15TH ST	04/03/2023 23:09:40	2-Medium	INTOXICATED PERSON
1701 S SCHOOL AVE	04/04/2023 09:42:04	2-Medium	INTOXICATED PERSON
1011 S SCHOOL AVE	04/04/2023 21:25:58	2-Medium	INTOXICATED PERSON
1005 S BLOCK AVE	04/04/2023 22:02:35	2-Medium	ASSIST AGENCY
251 W 19TH ST	04/05/2023 06:51:52	2-Medium	911 HANGUP
1650 S SCHOOL AVE	04/05/2023 12:39:27	2-Medium	ABUSE
1428 S SCHOOL AVE	04/06/2023 09:40:35	2-Medium	INTOXICATED DRIVER
1585 S WEST AVE	04/08/2023 12:35:21	2-Medium	ALARM
129 E ELLA ST	04/08/2023 22:48:50	2-Medium	ASSIST AGENCY
536 W 11TH ST	04/09/2023 04:26:04	2-Medium	SUSPICIOUS ACTIVITY
251 W 19TH ST	04/10/2023 14:20:39	2-Medium	DISTURBANCE
422 W 13TH ST	04/12/2023 18:18:15	2-Medium	ASSIST AGENCY
10 W 15TH ST	04/13/2023 19:23:35	2-Medium	INTOXICATED DRIVER
615 W CHESHIRE CT	04/13/2023 21:05:35	2-Medium	ALARM
1221 S SCHOOL AVE	04/14/2023 09:49:14	2-Medium	DISTURBANCE
10 W 15TH ST	04/14/2023 20:31:23	2-Medium	SUSPICIOUS ACTIVITY
1064 S DUNN AVE	04/15/2023 22:23:45	2-Medium	911 OPEN LINE MENTAL HEALTH
1221 S SCHOOL AVE	04/17/2023 12:01:09	2-Medium	CRISIS ACCIDENT HIT AND
S SCHOOL AVE / W 15TH ST	04/18/2023 14:40:08	2-Medium	RUN
1832 S SCHOOL AVE	04/19/2023 12:13:58	2-Medium	INTOXICATED DRIVER
219 W 15TH ST	04/19/2023 17:41:11	2-Medium	INDECENT EXPOSURE
1585 S WEST AVE	04/21/2023 18:18:48	2-Medium	SUSPICIOUS ACTIVITY

91 W 15TH ST	04/22/2023 09:20:12	2-Medium	911 HANGUP
1832 S SCHOOL AVE	04/23/2023 14:33:44	2-Medium	911 HANGUP
251 W 19TH ST	04/24/2023 01:30:53	2-Medium	ASSIST AGENCY
1832 S SCHOOL AVE	04/24/2023 02:16:23	2-Medium	ASSIST AGENCY
251 W 19TH ST	04/24/2023 04:20:27	2-Medium	911 OPEN LINE
1275 S BLOCK AVE	04/24/2023 08:08:37	2-Medium	INTOXICATED PERSON MENTAL HEALTH
55 E 15TH ST	04/27/2023 08:26:51	2-Medium	CRISIS
1832 S SCHOOL AVE	04/27/2023 13:02:32	2-Medium	911 OPEN LINE MENTAL HEALTH
1832 S SCHOOL AVE	04/27/2023 14:40:08	2-Medium	CRISIS
300 W 15TH ST	04/27/2023 18:42:26	2-Medium	911 HANGUP
S SCHOOL AVE / W 15TH ST	04/27/2023 21:43:14	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	04/27/2023 23:35:46	2-Medium	911 HANGUP
1832 S SCHOOL AVE	04/28/2023 11:04:02	2-Medium	911 HANGUP
W 15TH ST / S SCHOOL AVE	04/28/2023 20:28:27	2-Medium	TRAFFIC HAZARD
251 W 19TH ST	04/28/2023 21:03:37	2-Medium	911 HANGUP
1650 S SCHOOL AVE	04/29/2023 21:31:22	2-Medium	ASSIST AGENCY
603 W CHESHIRE CT	04/30/2023 18:58:53	2-Medium	DISTURBANCE MENTAL HEALTH
603 W CHESHIRE CT	04/30/2023 19:15:33	2-Medium	CRISIS
532 W 13TH ST	05/02/2023 18:22:50	2-Medium	ASSIST AGENCY
10 W 15TH ST	05/02/2023 19:29:59	2-Medium	INTOXICATED PERSON ACCIDENT HIT AND RUN
W 15TH ST / S SCHOOL AVE	05/03/2023 15:55:50	2-Medium	ALARM
1204 S SCHOOL AVE	05/03/2023 17:55:21	2-Medium	ASSIST AGENCY
868 S LOCUST AVE	05/03/2023 21:40:54	2-Medium	MENTAL HEALTH
1832 S SCHOOL AVE	05/04/2023 09:43:18	2-Medium	CRISIS
251 W 19TH ST	05/04/2023 20:05:29	2-Medium	911 OPEN LINE
219 W 15TH ST	05/05/2023 09:02:10	2-Medium	SUSPICIOUS ACTIVITY
1002 S COLLEGE AVE	05/05/2023 19:29:26	2-Medium	CRIMINAL MISCHIEF
10 W 15TH ST	05/05/2023 19:51:56	2-Medium	WELFARE CONCERN
219 W 15TH ST	05/06/2023 12:08:59	2-Medium	WELFARE CONCERN
1306 S SCHOOL AVE	05/07/2023 14:11:02	2-Medium	911 HANGUP
10 W 15TH ST	05/07/2023 17:29:17	2-Medium	911 HANGUP
1832 S SCHOOL AVE	05/08/2023 16:05:43	2-Medium	INTOXICATED PERSON
1087 S BLOCK AVE	05/08/2023 19:06:14	2-Medium	911 HANGUP MENTAL HEALTH
10 W 15TH ST	05/08/2023 21:06:45	2-Medium	CRISIS
1832 S SCHOOL AVE	05/09/2023 13:18:15	2-Medium	WELFARE CONCERN

1832 S SCHOOL AVE	05/09/2023 18:07:41	2-Medium	MENTAL HEALTH CRISIS
1832 S SCHOOL AVE	05/10/2023 11:12:34	2-Medium	MENTAL HEALTH CRISIS
1431 S SCHOOL AVE	05/10/2023 14:07:15	2-Medium	SUSPICIOUS ACTIVITY MENTAL HEALTH
603 W CHESHIRE CT	05/11/2023 18:04:43	2-Medium	CRISIS
1650 S SCHOOL AVE	05/11/2023 20:33:11	2-Medium	WELFARE CONCERN
10 W 15TH ST	05/11/2023 20:56:44	2-Medium	INTOXICATED PERSON MENTAL HEALTH
1832 S SCHOOL AVE	05/12/2023 14:27:42	2-Medium	CRISIS
219 W 15TH ST	05/12/2023 18:22:44	2-Medium	911 HANGUP
S COLLEGE AVE / E 11TH ST	05/13/2023 22:48:26	2-Medium	INTOXICATED PERSON
10 W 15TH ST	05/14/2023 12:13:28	2-Medium	INTOXICATED DRIVER
1275 S BLOCK AVE	05/14/2023 20:42:08	2-Medium	911 OPEN LINE
S SCHOOL AVE / W 15TH ST	05/15/2023 08:54:30	2-Medium	TRAFFIC HAZARD
219 W 15TH ST	05/15/2023 16:58:03	2-Medium	DISTURBANCE
1079 S SCHOOL AVE	05/17/2023 12:24:18	2-Medium	INDECENT EXPOSURE
10 W 15TH ST	05/18/2023 17:15:14	2-Medium	INTOXICATED PERSON
10 W 15TH ST	05/18/2023 23:55:02	2-Medium	DISTURBANCE
706 W 15TH ST	05/20/2023 00:21:40	2-Medium	SUSPICIOUS ACTIVITY
1275 S BLOCK AVE	05/20/2023 14:45:47	2-Medium	911 HANGUP
1061 S ENGLISH PL	05/21/2023 03:02:54	2-Medium	SUSPICIOUS ACTIVITY
10 W 15TH ST	05/21/2023 20:12:07	2-Medium	SUSPICIOUS ACTIVITY
10 W 15TH ST	05/22/2023 15:27:26	2-Medium	DISTURBANCE BREAKING AND ENTERING
55 E 15TH ST	05/24/2023 00:40:02	2-Medium	ALARM
85 W 15TH ST	05/24/2023 00:51:48	2-Medium	THEFT
1005 S SCHOOL AVE	05/25/2023 13:56:45	2-Medium	ALARM
219 W 15TH ST	05/26/2023 17:51:17	2-Medium	
251 W 19TH ST	05/27/2023 12:48:39	2-Medium	INTOXICATED PERSON
91 W 15TH ST	05/27/2023 22:25:17	2-Medium	911 HANGUP
251 W 19TH ST	05/28/2023 01:25:14	2-Medium	INTOXICATED PERSON
251 W 19TH ST	05/28/2023 10:13:14	2-Medium	INDECENT EXPOSURE
417 W 15TH ST	05/28/2023 18:42:25	2-Medium	911 HANGUP

10 W 15TH ST	05/29/2023 16:10:17	2-Medium	911 HANGUP
10 W 15TH ST	05/29/2023 23:49:01	2-Medium	ASSIST AGENCY
1221 S SCHOOL AVE	05/30/2023 20:48:47	2-Medium	TRAFFIC HAZARD
			MENTAL HEALTH
1832 S SCHOOL AVE	06/01/2023 09:53:36	2-Medium	CRISIS
1221 S SCHOOL AVE	06/01/2023 11:50:56	2-Medium	ASSIST AGENCY
959 S BLOCK AVE	06/01/2023 15:05:06	2-Medium	911 HANGUP
S SCHOOL AVE / W 15TH ST	06/01/2023 21:50:48	2-Medium	TRAFFIC HAZARD
W 15TH ST / S SCHOOL AVE	06/02/2023 17:32:00	2-Medium	INTOXICATED DRIVER
203 E 12TH ST	06/04/2023 15:54:53	2-Medium	ASSIST AGENCY
			MENTAL HEALTH
10 W 15TH ST	06/05/2023 11:07:03	2-Medium	CRISIS
1650 S SCHOOL AVE	06/05/2023 12:57:59	2-Medium	INDECENT EXPOSURE
1560 S SCHOOL AVE	06/06/2023 12:33:48	2-Medium	INTOXICATED PERSON
35 TRL TOWN BRANCH	06/06/2023 13:16:02	2-Medium	ASSIST AGENCY
1527 S SCHOOL AVE	06/06/2023 14:04:30	2-Medium	911 HANGUP
1221 S SCHOOL AVE	06/06/2023 19:53:23	2-Medium	SUSPICIOUS ACTIVITY
1832 S SCHOOL AVE	06/07/2023 10:00:24	2-Medium	DISTURBANCE
1650 S SCHOOL AVE	06/07/2023 16:48:00	2-Medium	SUSPICIOUS ACTIVITY
10 W 15TH ST	06/08/2023 13:39:00	2-Medium	INTOXICATED PERSON
			MENTAL HEALTH
1832 S SCHOOL AVE	06/08/2023 15:05:00	2-Medium	CRISIS
1115 S SCHOOL AVE	06/09/2023 10:36:00	2-Medium	911 HANGUP
			MENTAL HEALTH
1832 S SCHOOL AVE	06/09/2023 10:42:00	2-Medium	CRISIS
W 15TH ST / S SCHOOL AVE	06/13/2023 06:12:00	2-Medium	INTOXICATED DRIVER
945 S COLLEGE AVE	06/14/2023 08:55:48	2-Medium	TRAFFIC HAZARD
W 15TH ST / S SCHOOL AVE	06/14/2023 17:09:00	2-Medium	911 HANGUP
			MENTAL HEALTH
251 W 19TH ST	06/15/2023 22:15:00	2-Medium	CRISIS
			MENTAL HEALTH
251 W 19TH ST	06/16/2023 20:11:00	2-Medium	CRISIS
10 W 15TH ST	06/18/2023 14:24:00	2-Medium	911 HANGUP
690 W 15TH ST	06/18/2023 20:58:11	2-Medium	911 HANGUP
461 W 15TH ST	06/18/2023 23:36:57	2-Medium	ASSIST AGENCY
10 W 15TH ST	06/20/2023 13:02:22	2-Medium	ASSIST AGENCY
10 W 15TH ST	06/20/2023 21:19:36	2-Medium	DISTURBANCE
251 W 19TH ST	06/21/2023 17:21:05	2-Medium	DRUG
W 11TH ST / S DUNN AVE	06/23/2023 12:06:54	2-Medium	INTOXICATED PERSON

219 W 15TH ST	06/23/2023 12:44:00	2-Medium	MENTAL HEALTH CRISIS
1221 S SCHOOL AVE	06/24/2023 11:16:54	2-Medium	INDECENT EXPOSURE
1204 S SCHOOL AVE	06/26/2023 21:01:26	2-Medium	ALARM
10 W 15TH ST	06/26/2023 21:41:50	2-Medium	ASSIST AGENCY
1258 S ELLIS AVE	06/27/2023 11:59:00	2-Medium	ASSIST AGENCY
1005 S SCHOOL AVE	06/27/2023 14:56:51	2-Medium	DISTURBANCE
W 15TH ST / S SCHOOL AVE	06/28/2023 15:51:26	2-Medium	CRIMINAL MISCHIEF
1000 S LT COL LEROY POND AVE	06/28/2023 16:36:56	2-Medium	INTOXICATED PERSON
549 W 15TH ST	06/28/2023 22:48:24	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	06/29/2023 07:32:43	2-Medium	ALARM
251 W 19TH ST	06/30/2023 07:22:45	2-Medium	DISTURBANCE
1832 S SCHOOL AVE	06/30/2023 12:04:51	2-Medium	MENTAL HEALTH CRISIS
1832 S SCHOOL AVE	07/03/2023 10:36:00	2-Medium	MENTAL HEALTH CRISIS
132 E 15TH ST	07/04/2023 13:14:50	2-Medium	INTOXICATED PERSON
220 W 15TH ST	07/05/2023 00:54:23	2-Medium	911 HANGUP
219 W 15TH ST	07/05/2023 17:51:56	2-Medium	ALARM
219 W 15TH ST	07/05/2023 19:51:37	2-Medium	SUICIDE THREAT
10 W 15TH ST	07/06/2023 07:31:29	2-Medium	INTOXICATED PERSON
1356 S COLLEGE AVE	07/07/2023 19:43:18	2-Medium	911 OPEN LINE
1331 S WEST AVE	07/09/2023 20:13:52	2-Medium	ASSIST AGENCY
1819 S SCHOOL AVE	07/10/2023 09:39:48	2-Medium	911 OPEN LINE
220 W 15TH ST	07/10/2023 11:46:19	2-Medium	ASSIST AGENCY
959 S BLOCK AVE	07/10/2023 21:09:33	2-Medium	911 HANGUP
1832 S SCHOOL AVE	07/12/2023 14:47:10	2-Medium	911 HANGUP
1221 S SCHOOL AVE	07/12/2023 16:31:22	2-Medium	DISTURBANCE
1650 S SCHOOL AVE	07/13/2023 07:48:27	2-Medium	WELFARE CONCERN
S WASHINGTON AVE / E 15TH ST	07/15/2023 00:00:48	2-Medium	SHOTS HEARD
1428 S SCHOOL AVE	07/15/2023 08:06:04	2-Medium	ALARM
1109 S SCHOOL AVE	07/15/2023 16:35:04	2-Medium	INDECENT EXPOSURE
55 E 15TH ST	07/15/2023 19:51:28	2-Medium	WELFARE CONCERN
10 W 15TH ST	07/16/2023 17:21:37	2-Medium	ASSIST AGENCY
219 W 15TH ST	07/17/2023 09:56:39	2-Medium	911 HANGUP
10 W 15TH ST	07/17/2023 19:56:41	2-Medium	ASSIST AGENCY
1832 S SCHOOL AVE	07/18/2023 22:22:36	2-Medium	911 OPEN LINE
1832 S SCHOOL AVE	07/19/2023 23:06:11	2-Medium	911 OPEN LINE
10 W 15TH ST	07/20/2023 18:09:30	2-Medium	MENTAL HEALTH CRISIS
1109 S SCHOOL AVE	07/20/2023 19:42:50	2-Medium	TRAFFIC HAZARD

1221 S SCHOOL AVE 36.046635757;-94.168730054	07/20/2023 22:43:54 07/21/2023 08:11:39	2-Medium 2-Medium	ASSIST AGENCY DISTURBANCE
1335 S WASHINGTON AVE 1832 S SCHOOL AVE	07/21/2023 12:31:27 07/21/2023 14:49:32	2-Medium 2-Medium	SUSPICIOUS ACTIVITY 911 HANGUP MENTAL HEALTH
1832 S SCHOOL AVE 10 W 15TH ST	07/21/2023 21:41:46 07/22/2023 10:55:00	2-Medium 2-Medium	CRISIS ABDUCTION FAMILY
1650 S SCHOOL AVE 10 W 15TH ST 1832 S SCHOOL AVE 251 W 19TH ST 1832 S SCHOOL AVE	07/23/2023 01:59:28 07/23/2023 22:08:21 07/24/2023 17:11:18 07/25/2023 07:04:14 07/26/2023 08:57:08	2-Medium 2-Medium 2-Medium 2-Medium 2-Medium	INTOXICATED DRIVER ASSIST AGENCY TRAFFIC HAZARD DISTURBANCE 911 HANGUP MENTAL HEALTH
1832 S SCHOOL AVE	07/27/2023 11:47:31	2-Medium	CRISIS
1005 S SCHOOL AVE	07/28/2023 11:15:20	2-Medium	INTOXICATED PERSON
1005 S BLOCK AVE	07/29/2023 06:02:58	2-Medium	INTOXICATED PERSON MENTAL HEALTH
219 W 15TH ST 796 S SCHOOL AVE S SCHOOL AVE / W 15TH ST 219 W 15TH ST	07/29/2023 07:41:56 07/30/2023 10:07:14 07/30/2023 16:56:18 07/31/2023 14:20:36	2-Medium 2-Medium 2-Medium 2-Medium	CRISIS DISTURBANCE TRAFFIC HAZARD 911 HANGUP
615 W CHESHIRE CT 615 W CHESHIRE CT	08/01/2023 06:58:52 08/01/2023 09:37:06	2-Medium 2-Medium	INDECENT EXPOSURE 911 HANGUP
W 11TH ST / S WEST AVE 1832 S SCHOOL AVE	08/01/2023 09:51:44 08/02/2023 12:47:40	2-Medium 2-Medium	INTOXICATED PERSON 911 HANGUP MENTAL HEALTH
1500 S SCHOOL AVE 615 W CHESHIRE CT 1832 S SCHOOL AVE 1832 S SCHOOL AVE	08/03/2023 17:25:00 08/03/2023 18:34:18 08/04/2023 03:29:53 08/04/2023 04:02:02	2-Medium 2-Medium 2-Medium 2-Medium	CRISIS THEFT DISTURBANCE ASSIST AGENCY
1650 S SCHOOL AVE 10 W 15TH ST 615 W 13TH ST	08/04/2023 16:15:48 08/04/2023 21:23:28 08/05/2023 10:04:00	2-Medium 2-Medium 2-Medium	INTOXICATED PERSON 911 HANGUP ASSIST AGENCY
1560 S SCHOOL AVE S SCHOOL AVE / W 19TH ST	08/05/2023 14:18:11 08/06/2023 15:42:31	2-Medium 2-Medium	INTOXICATED PERSON TRAFFIC HAZARD
1109 S SCHOOL AVE	08/08/2023 18:19:03	2-Medium	INTOXICATED DRIVER
549 W 15TH ST	08/08/2023 21:47:49	2-Medium	INTOXICATED PERSON

251 W 19TH ST	08/08/2023 22:38:16	2-Medium	911 HANGUP
1402 S WASHINGTON AVE	08/09/2023 18:12:56	2-Medium	911 OPEN LINE
1221 S SCHOOL AVE	08/10/2023 08:21:29	2-Medium	THEFT
1221 S SCHOOL AVE	08/10/2023 12:11:09	2-Medium	THEFT
1650 S SCHOOL AVE	08/14/2023 13:06:10	2-Medium	WELFARE CONCERN
1832 S SCHOOL AVE	08/15/2023 06:14:11	2-Medium	DISTURBANCE
251 W 19TH ST	08/15/2023 10:25:16	2-Medium	911 HANGUP
1109 S SCHOOL AVE	08/15/2023 12:25:17	2-Medium	THEFT
1832 S SCHOOL AVE	08/16/2023 07:02:10	2-Medium	SUSPICIOUS ACTIVITY
S SCHOOL AVE / W 15TH ST	08/16/2023 08:24:53	2-Medium	TRAFFIC HAZARD
1010 S DUNN AVE	08/17/2023 00:08:09	2-Medium	DISTURBANCE
1832 S SCHOOL AVE	08/18/2023 08:03:43	2-Medium	INDECENT EXPOSURE
TOWN BRANCH TRL / SCHOOL AVE	08/18/2023 21:34:02	2-Medium	INTOXICATED PERSON
251 W 19TH ST	08/20/2023 00:42:22	2-Medium	911 HANGUP
251 W 19TH ST	08/20/2023 08:18:54	2-Medium	INTOXICATED PERSON MENTAL HEALTH
S HILL AVE / S ELLIS AVE	08/21/2023 13:35:18	2-Medium	CRISIS
10 W 15TH ST	08/21/2023 18:18:28	2-Medium	DISTURBANCE
1221 S SCHOOL AVE	08/23/2023 02:25:53	2-Medium	ALARM
1428 S SCHOOL AVE	08/23/2023 16:14:27	2-Medium	INTOXICATED DRIVER
1431 S SCHOOL AVE	08/26/2023 11:27:47	2-Medium	INTOXICATED PERSON
55 E 15TH ST	08/26/2023 21:06:36	2-Medium	ASSIST AGENCY
10 W 15TH ST	08/27/2023 14:34:57	2-Medium	THEFT
1230 S DUNN AVE	08/28/2023 13:25:22	2-Medium	911 HANGUP
1650 S SCHOOL AVE	08/28/2023 14:56:33	2-Medium	DISTURBANCE
1832 S SCHOOL AVE	08/28/2023 19:36:55	2-Medium	WELFARE CONCERN
1645 S WEST AVE	08/29/2023 12:50:20	2-Medium	ALARM
10 W 15TH ST	08/29/2023 17:49:58	2-Medium	INTOXICATED PERSON
251 W 19TH ST	08/30/2023 18:10:55	2-Medium	INTOXICATED PERSON
1832 S SCHOOL AVE	08/30/2023 18:44:00	2-Medium	DISTURBANCE
1240 S DUNCAN AVE	08/30/2023 19:16:14	2-Medium	THEFT
1441 S WEST AVE	08/30/2023 20:09:24	2-Medium	SUSPICIOUS ACTIVITY
1645 S WEST AVE	08/31/2023 12:53:02	2-Medium	CRIMINAL MISCHIEF
1500 S SCHOOL AVE	09/02/2023 07:52:00	2-Medium	ALARM
1832 S SCHOOL AVE	09/03/2023 20:29:14	2-Medium	ASSIST AGENCY
238 W 15TH ST	09/03/2023 22:21:31	2-Medium	911 HANGUP
S SCHOOL AVE / W 15TH ST	09/04/2023 12:40:22	2-Medium	INTOXICATED DRIVER

1832 S SCHOOL AVE	09/05/2023 13:54:20	2-Medium	911 HANGUP
1832 S SCHOOL AVE	09/07/2023 03:19:01	2-Medium	INTOXICATED PERSON MENTAL HEALTH
1832 S SCHOOL AVE	09/08/2023 04:52:56	2-Medium	CRISIS
1832 S SCHOOL AVE	09/08/2023 10:04:56	2-Medium	INTOXICATED PERSON ACCIDENT HIT AND
1249 S ELLIS AVE	09/08/2023 16:42:36	2-Medium	RUN
W 13TH ST / S BLOCK AVE	09/10/2023 12:23:11	2-Medium	ASSIST AGENCY
536 W 11TH ST	09/10/2023 19:01:48	2-Medium	ALARM
1437 S WEST AVE	09/11/2023 17:15:19	2-Medium	ASSIST AGENCY MENTAL HEALTH
796 S SCHOOL AVE	09/12/2023 06:59:16	2-Medium	CRISIS
219 W 15TH ST	09/12/2023 07:57:08	2-Medium	ALARM
10 W 15TH ST	09/12/2023 11:18:23	2-Medium	911 HANGUP
1209 S ELLIS AVE	09/12/2023 17:14:48	2-Medium	ASSIST AGENCY
S DUNN AVE / W NATIONAL ST	09/14/2023 21:00:57	2-Medium	WELFARE CONCERN
1212 S DUNN AVE	09/14/2023 22:57:40	2-Medium	911 HANGUP
203 E 12TH ST	09/16/2023 19:26:22	2-Medium	ASSIST AGENCY
1500 S SCHOOL AVE	09/16/2023 21:45:48	2-Medium	INTOXICATED PERSON
10 W 15TH ST	09/17/2023 14:49:51	2-Medium	THEFT
10 W 15TH ST	09/18/2023 17:40:16	2-Medium	ASSIST AGENCY
E 15TH ST / S WASHINGTON AVE	09/23/2023 12:02:42	2-Medium	TRAFFIC HAZARD
10 W 15TH ST	09/25/2023 16:50:15	2-Medium	INTOXICATED PERSON
E 15TH ST / S WASHINGTON AVE	09/26/2023 16:43:56	2-Medium	CODE 7 MENTAL HEALTH
1832 S SCHOOL AVE	09/27/2023 09:09:59	2-Medium	CRISIS
1401 S WEST AVE	09/27/2023 10:23:05	2-Medium	911 HANGUP
S HILL AVE / S ELLIS AVE	09/27/2023 14:11:46	2-Medium	SUSPICIOUS ACTIVITY
10 W 15TH ST	09/27/2023 17:38:26	2-Medium	THEFT
1645 S WEST AVE	09/28/2023 07:16:02	2-Medium	ALARM
101 E 11TH ST	09/29/2023 09:41:06	2-Medium	ASSIST AGENCY
1832 S SCHOOL AVE	09/30/2023 11:19:53	2-Medium	INTOXICATED PERSON
1221 S SCHOOL AVE	10/01/2023 10:19:59	2-Medium	THEFT
10 W 15TH ST	10/02/2023 17:28:16	2-Medium	ASSIST AGENCY

Priority 2 Total: 381

<u>Incident Address</u>	<u>Incident Date And Time</u>	<u>Incident Priority</u>	<u>Incident Type</u>
251 W 19TH ST	01/01/2023 14:20:33	3-Low	DRUG
238 W 15TH ST	01/01/2023 14:39:10	3-Low	HARASSMENT

549 W 15TH ST	01/01/2023 15:42:00	3-Low	LOST PROPERTY
10 W 15TH ST	01/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/03/2023 07:22:43	3-Low	MISSING PERSON
85 W 15TH ST	01/03/2023 13:01:01	3-Low	ABANDONED VEH
85 W 15TH ST	01/03/2023 14:27:33	3-Low	CODE 6
10 W 15TH ST	01/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	01/04/2023 03:36:45	3-Low	THEFT
S VAN BUREN AVE / W 15TH ST	01/04/2023 13:39:24	3-Low	THEFT
1405 S ELLIS AVE	01/04/2023 15:27:06	3-Low	ABANDONED VEH
10 W 15TH ST	01/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
W 15TH ST / S VAN BUREN AVE	01/05/2023 09:23:03	3-Low	TRESPASSING
10 W 15TH ST	01/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	01/05/2023 21:15:21	3-Low	WELFARE CONCERN
1832 S SCHOOL AVE	01/06/2023 09:47:29	3-Low	ASSIST CITIZEN
1701 S SCHOOL AVE	01/06/2023 14:30:40	3-Low	WELFARE CONCERN
10 W 15TH ST	01/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
810 S LOCUST AVE	01/06/2023 21:05:00	3-Low	THEFT
1010 S DUNN AVE	01/07/2023 08:53:00	3-Low	THEFT
10 W 15TH ST	01/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1149 S WEST AVE	01/08/2023 00:32:44	3-Low	NOISE
10 W 15TH ST	01/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1585 S WEST AVE	01/09/2023 12:06:00	3-Low	FRAUD
1005 S BLOCK AVE	01/09/2023 14:00:39	3-Low	TRAF COMPL
3 TRL FRISCO TRL	01/09/2023 14:46:14	3-Low	LOITERING
10 W 15TH ST	01/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/10/2023 08:11:04	3-Low	LOITERING
S BLOCK AVE / W 13TH ST	01/10/2023 19:33:25	3-Low	WELFARE CONCERN
10 W 15TH ST	01/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S SCHOOL AVE / TRL TOWN BRANCH	01/11/2023 01:20:41	3-Low	EXTRA PATROL
1832 S SCHOOL AVE	01/11/2023 12:32:09	3-Low	HARASSMENT
1701 S SCHOOL AVE	01/11/2023 13:57:00	3-Low	THEFT
10 W 15TH ST	01/11/2023 19:36:42	3-Low	FOLLOW UP
10 W 15TH ST	01/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	01/11/2023 23:47:45	3-Low	TRESPASSING
219 W 15TH ST	01/12/2023 00:26:09	3-Low	TRESPASSING

800 S SCHOOL AVE	01/12/2023 09:26:39	3-Low	THEFT
1650 S SCHOOL AVE	01/12/2023 12:16:34	3-Low	WELFARE CONCERN
10 W 15TH ST	01/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	01/13/2023 06:10:29	3-Low	TRESPASSING
1832 S SCHOOL AVE	01/13/2023 10:15:00	3-Low	MISSING PERSON
1500 S SCHOOL AVE	01/13/2023 10:56:50	3-Low	CIVIL STANDBY
1701 S SCHOOL AVE	01/13/2023 13:02:00	3-Low	THEFT
1650 S SCHOOL AVE	01/13/2023 13:22:21	3-Low	RECOVERY REPORT
10 W 15TH ST	01/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
536 W 11TH ST	01/14/2023 11:16:00	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	01/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
251 W 19TH ST	01/14/2023 21:29:29	3-Low	WELFARE CONCERN
10 W 15TH ST	01/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1645 S SCHOOL AVE	01/16/2023 10:52:18	3-Low	TRESPASSING
1221 S SCHOOL AVE	01/16/2023 16:07:45	3-Low	THEFT
10 W 15TH ST	01/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
461 W 15TH ST	01/17/2023 12:32:00	3-Low	CRIMINAL MISCHIEF
1650 S SCHOOL AVE	01/17/2023 17:22:43	3-Low	TRESPASSING
10 W 15TH ST	01/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	01/18/2023 14:24:52	3-Low	ASSAULT BATTERY
10 W 15TH ST	01/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1220 S WASHINGTON AVE	01/19/2023 01:30:15	3-Low	NOISE
10 W 15TH ST	01/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/20/2023 10:48:13	3-Low	WELFARE CONCERN
10 W 15TH ST	01/20/2023 16:04:00	3-Low	THEFT
			BREAKING AND
1109 S SCHOOL AVE	01/20/2023 18:22:00	3-Low	ENTERING
10 W 15TH ST	01/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	01/20/2023 23:54:48	3-Low	TRESPASSING
1500 S SCHOOL AVE	01/21/2023 15:06:58	3-Low	TRESPASSING
10 W 15TH ST	01/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1749 S SCHOOL AVE	01/22/2023 10:52:09	3-Low	TRESPASSING
10 W 15TH ST	01/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/23/2023 15:08:22	3-Low	FOLLOW UP
219 W 15TH ST	01/23/2023 18:22:08	3-Low	TRESPASSING
219 W 15TH ST	01/23/2023 19:34:56	3-Low	ASSIST AGENCY

10 W 15TH ST	01/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	01/24/2023 10:25:32	3-Low	ASSIST CITIZEN
1832 S SCHOOL AVE	01/24/2023 11:21:00	3-Low	THEFT
606 W NATIONAL ST	01/24/2023 14:53:48	3-Low	WELFARE CONCERN
219 W 15TH ST	01/24/2023 15:41:19	3-Low	TRESPASSING
1149 S WEST AVE	01/24/2023 16:16:47	3-Low	TRANSPORT
219 W 15TH ST	01/24/2023 20:09:55	3-Low	ASSIST CITIZEN
219 W 15TH ST	01/24/2023 20:28:56	3-Low	ASSAULT BATTERY
10 W 15TH ST	01/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1428 S SCHOOL AVE	01/25/2023 09:04:05	3-Low	LOITERING
219 W 15TH ST	01/25/2023 09:43:39	3-Low	TRESPASSING
1832 S SCHOOL AVE	01/25/2023 14:06:10	3-Low	WELFARE CONCERN
10 W 15TH ST	01/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	01/26/2023 11:04:24	3-Low	ASSIST CITIZEN
10 W 15TH ST	01/26/2023 15:00:00	3-Low	THEFT
1221 S SCHOOL AVE	01/26/2023 20:52:53	3-Low	EXTRA PATROL
10 W 15TH ST	01/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	01/27/2023 16:54:58	3-Low	WELFARE CONCERN
219 W 15TH ST	01/27/2023 19:03:01	3-Low	ASSAULT BATTERY
10 W 15TH ST	01/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	01/28/2023 08:06:04	3-Low	TRESPASSING
219 W 15TH ST	01/28/2023 09:26:34	3-Low	TRESPASSING
10 W 15TH ST	01/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	01/29/2023 12:30:31	3-Low	TRESPASSING
10 W 15TH ST	01/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	01/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	01/31/2023 09:19:32	3-Low	WELFARE CONCERN
219 W 15TH ST	01/31/2023 20:02:32	3-Low	TRESPASSING
10 W 15TH ST	01/31/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	01/31/2023 23:11:24	3-Low	TRESPASSING
1832 S SCHOOL AVE	02/01/2023 11:00:17	3-Low	TRESPASSING
1215 S ELLIS AVE	02/01/2023 12:34:45	3-Low	CODE 6
1832 S SCHOOL AVE	02/01/2023 13:22:05	3-Low	ASSIST CITIZEN
1109 S SCHOOL AVE	02/01/2023 15:23:26	3-Low	THEFT
1431 S SCHOOL AVE	02/01/2023 18:51:45	3-Low	CODE 6
10 W 15TH ST	02/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	02/01/2023 22:43:28	3-Low	TRESPASSING

1109 S SCHOOL AVE	02/02/2023 17:24:50	3-Low	THEFT
187 E 12TH ST	02/02/2023 20:20:00	3-Low	EXTRA PATROL
10 W 15TH ST	02/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1255 S WASHINGTON AVE	02/03/2023 07:19:00	3-Low	BREAKING AND
1500 S SCHOOL AVE	02/03/2023 16:19:25	3-Low	ENTERING
10 W 15TH ST	02/03/2023 21:00:00	3-Low	THEFT
10 W 15TH ST	02/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	02/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1020 S SCHOOL AVE	02/06/2023 09:48:16	3-Low	THEFT
1020 S SCHOOL AVE	02/06/2023 10:02:02	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	02/06/2023 15:54:13	3-Low	RECOVERY REPORT
1832 S SCHOOL AVE	02/06/2023 17:12:04	3-Low	THREAT
10 W 15TH ST	02/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
85 W 15TH ST	02/07/2023 08:11:35	3-Low	WELFARE CONCERN
251 W 19TH ST	02/07/2023 17:08:26	3-Low	FOUND PROPERTY
10 W 15TH ST	02/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	02/08/2023 07:54:14	3-Low	CRIMINAL MISCHIEF
1020 S SCHOOL AVE	02/08/2023 16:10:03	3-Low	BURGLARY
10 W 15TH ST	02/08/2023 17:03:40	3-Low	WELFARE CONCERN
10 W 15TH ST	02/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/09/2023 10:26:10	3-Low	TRESPASSING
1645 S SCHOOL AVE	02/09/2023 13:01:00	3-Low	THEFT
1500 S SCHOOL AVE	02/09/2023 14:27:31	3-Low	EXTRA PATROL
10 W 15TH ST	02/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/10/2023 08:38:07	3-Low	FOUND PROPERTY
251 W 19TH ST	02/10/2023 09:50:00	3-Low	FRAUD
1832 S SCHOOL AVE	02/10/2023 13:07:43	3-Low	ASSAULT BATTERY
1010 S DUNN AVE	02/10/2023 15:54:23	3-Low	LOITERING
55 E 15TH ST	02/10/2023 17:31:21	3-Low	FOUND PROPERTY
1500 S SCHOOL AVE	02/10/2023 17:33:26	3-Low	TRESPASSING
1819 S SCHOOL AVE	02/10/2023 18:57:30	3-Low	TRESPASSING
10 W 15TH ST	02/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
W 15TH ST / S SCHOOL AVE	02/11/2023 15:19:05	3-Low	WELFARE CONCERN
10 W 15TH ST	02/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	02/11/2023 21:33:10	3-Low	TRESPASSING
1832 S SCHOOL AVE	02/11/2023 21:53:41	3-Low	TRESPASSING

10 W 15TH ST	02/12/2023 10:16:10	3-Low	TRAF COMPL
1500 S SCHOOL AVE	02/12/2023 14:46:18	3-Low	TRESPASSING
TOWN BRANCH TRL / SCHOOL AVE	02/12/2023 18:41:23	3-Low	WELFARE CONCERN
10 W 15TH ST	02/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	02/12/2023 21:26:23	3-Low	ASSIST CITIZEN
219 W 15TH ST	02/13/2023 12:03:00	3-Low	INFORMATIONAL
1109 S SCHOOL AVE	02/13/2023 15:32:05	3-Low	TRESPASSING
1832 S SCHOOL AVE	02/13/2023 15:44:56	3-Low	CODE 6
1832 S SCHOOL AVE	02/13/2023 19:22:09	3-Low	ASSIST CITIZEN
W SALVATION LN / S WEST AVE	02/13/2023 20:26:19	3-Low	WELFARE CONCERN
10 W 15TH ST	02/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/14/2023 03:28:07	3-Low	LOST PROPERTY
1645 S SCHOOL AVE	02/14/2023 09:36:51	3-Low	TRESPASSING
1832 S SCHOOL AVE	02/14/2023 10:14:03	3-Low	TRESPASSING
1020 S SCHOOL AVE	02/14/2023 11:50:00	3-Low	CODE 6
10 W 15TH ST	02/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	02/15/2023 03:58:10	3-Low	THEFT
1434 S WEST AVE	02/15/2023 11:54:00	3-Low	THEFT
1832 S SCHOOL AVE	02/15/2023 15:28:36	3-Low	TRAF COMPL
10 W 15TH ST	02/15/2023 20:57:30	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	02/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
800 S CHURCH AVE	02/16/2023 08:06:03	3-Low	ABANDONED VEH
10 W 15TH ST	02/16/2023 15:10:17	3-Low	TRESPASSING
1832 S SCHOOL AVE	02/16/2023 17:56:23	3-Low	WELFARE CONCERN
10 W 15TH ST	02/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/17/2023 14:55:29	3-Low	FOLLOW UP
603 W CHESHIRE CT	02/17/2023 20:40:31	3-Low	WELFARE CONCERN
10 W 15TH ST	02/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	02/17/2023 23:34:00	3-Low	TRESPASSING
1428 S SCHOOL AVE	02/18/2023 15:43:56	3-Low	TRESPASSING
10 W 15TH ST	02/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	02/19/2023 08:42:47	3-Low	THEFT
10 W 15TH ST	02/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/19/2023 23:50:30	3-Low	WELFARE CONCERN
1500 S SCHOOL AVE	02/20/2023 07:19:39	3-Low	TRESPASSING
219 W 15TH ST	02/20/2023 09:41:14	3-Low	EXTRA PATROL
S SCHOOL AVE / W 11TH ST	02/20/2023 15:09:38	3-Low	ASSAULT BATTERY
10 W 15TH ST	02/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1316 S WASHINGTON AVE	02/20/2023 23:08:26	3-Low	BURGLARY
1832 S SCHOOL AVE	02/21/2023 12:35:25	3-Low	TRESPASSING
S SCHOOL AVE / W NONNAMAKER	02/21/2023 15:27:54	3-Low	TRAFFIC CONTROL
55 E 15TH ST	02/21/2023 18:32:07	3-Low	TRESPASSING
10 W 15TH ST	02/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/22/2023 08:11:44	3-Low	TRESPASSING
10 W 15TH ST	02/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	02/22/2023 23:53:16	3-Low	NOISE
219 W 15TH ST	02/23/2023 06:00:47	3-Low	TRESPASSING
S SCHOOL AVE / W NONNAMAKER DR	02/23/2023 07:04:31	3-Low	SPECIAL ASSIGNMENT
1246 S SCHOOL AVE	02/23/2023 07:43:06	3-Low	STOLEN VEHICLE
1832 S SCHOOL AVE	02/23/2023 09:29:36	3-Low	ANNOYANCE
S SCHOOL AVE / W NONNAMAKER DR	02/23/2023 15:12:16	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	02/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	02/23/2023 23:44:49	3-Low	TRESPASSING
1109 S SCHOOL AVE	02/24/2023 14:47:23	3-Low	TRESPASSING
1431 S SCHOOL AVE	02/24/2023 17:45:42	3-Low	EXTRA PATROL
10 W 15TH ST	02/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	02/25/2023 19:20:46	3-Low	ASSIST CITIZEN
10 W 15TH ST	02/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1079 S SCHOOL AVE	02/26/2023 05:56:00	3-Low	CODE 6
S SCHOOL AVE / W 15TH ST	02/26/2023 11:16:20	3-Low	WELFARE CONCERN
1221 S SCHOOL AVE	02/26/2023 15:19:11	3-Low	TRESPASSING
1500 S SCHOOL AVE	02/26/2023 15:36:10	3-Low	CIVIL STANDBY
10 W 15TH ST	02/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
78 TRL FRISCO TRL	02/27/2023 14:26:49	3-Low	TRESPASSING
10 W 15TH ST	02/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	02/28/2023 12:40:50	3-Low	INFORMATIONAL
1428 S SCHOOL AVE	02/28/2023 13:36:55	3-Low	INFORMATIONAL
10 W 15TH ST	02/28/2023 14:26:12	3-Low	EXTRA PATROL
1414 S WASHINGTON AVE	02/28/2023 14:35:00	3-Low	LOST PROPERTY
10 W 15TH ST	02/28/2023 14:47:39	3-Low	HARASSMENT
10 W 15TH ST	02/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	03/01/2023 15:07:38	3-Low	TRESPASSING
1221 S SCHOOL AVE	03/01/2023 16:32:00	3-Low	INFORMATIONAL
10 W 15TH ST	03/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1650 S SCHOOL AVE	03/02/2023 11:33:28	3-Low	TRESPASSING
1064 S DUNN AVE	03/02/2023 12:48:03	3-Low	TRESPASSING
S SCHOOL AVE / W 19TH ST	03/02/2023 15:27:09	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	03/03/2023 07:51:59	3-Low	ASSAULT BATTERY
1221 S SCHOOL AVE	03/03/2023 11:07:08	3-Low	WELFARE CONCERN
1005 S BLOCK AVE	03/03/2023 14:27:23	3-Low	DRUG
1221 S SCHOOL AVE	03/03/2023 15:34:00	3-Low	WELFARE CONCERN
10 W 15TH ST	03/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	03/04/2023 11:15:02	3-Low	TRESPASSING
S SCHOOL AVE / W 15TH ST	03/04/2023 16:05:29	3-Low	TRAF COMPL
10 W 15TH ST	03/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	03/05/2023 10:51:48	3-Low	ASSIST CITIZEN
1000 S LT COL LEROY POND AVE	03/05/2023 11:02:00	3-Low	WELFARE CONCERN
1118 S DUNN AVE	03/05/2023 17:37:20	3-Low	EXTRA PATROL
10 W 15TH ST	03/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1306 S SCHOOL AVE	03/06/2023 09:10:00	3-Low	INFORMATIONAL
1650 S SCHOOL AVE	03/06/2023 11:23:10	3-Low	TRESPASSING
1200 S DUNCAN AVE	03/06/2023 17:54:09	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	03/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	03/07/2023 09:05:03	3-Low	TRESPASSING
10 W 15TH ST	03/07/2023 15:29:44	3-Low	THREAT
W 15TH ST / S SCHOOL AVE	03/07/2023 17:15:49	3-Low	WELFARE CONCERN
10 W 15TH ST	03/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	03/08/2023 16:30:51	3-Low	TRESPASSING
10 W 15TH ST	03/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1000 S LT COL LEROY POND AVE	03/09/2023 15:37:00	3-Low	ACCIDENT
10 W 15TH ST	03/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	03/10/2023 07:54:45	3-Low	WELFARE CONCERN
1650 S SCHOOL AVE	03/10/2023 08:02:33	3-Low	CODE 6
1650 S SCHOOL AVE	03/10/2023 09:34:38	3-Low	EXTRA PATROL
S SCHOOL AVE / W 15TH ST	03/10/2023 11:26:55	3-Low	TRAF COMPL
1000 S LT COL LEROY POND AVE	03/10/2023 12:21:28	3-Low	PARKING PROBLEM
10 W 15TH ST	03/10/2023 12:47:51	3-Low	LOITERING
219 W 15TH ST	03/10/2023 18:08:24	3-Low	ASSAULT BATTERY
10 W 15TH ST	03/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

10 W 15TH ST	03/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/12/2023 08:45:22	3-Low	CRIMINAL MISCHIEF
W 15TH ST / S SCHOOL AVE	03/12/2023 19:53:08	3-Low	TRANSPORT
10 W 15TH ST	03/12/2023 20:20:04	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
536 W 11TH ST	03/13/2023 13:43:00	3-Low	LOST PROPERTY
10 W 15TH ST	03/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1228 S WEST AVE	03/14/2023 12:41:00	3-Low	CRIMINAL MISCHIEF
1000 S LT COL LEROY POND AVE	03/14/2023 12:42:46	3-Low	PARKING PROBLEM
101 E 11TH ST	03/14/2023 15:33:30	3-Low	WELFARE CONCERN
1321 S WASHINGTON AVE	03/14/2023 16:20:39	3-Low	STOLEN VEHICLE
1221 S SCHOOL AVE	03/14/2023 16:33:36	3-Low	TRESPASSING
10 W 15TH ST	03/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/15/2023 09:28:35	3-Low	LOITERING
1832 S SCHOOL AVE	03/15/2023 12:30:26	3-Low	WELFARE CONCERN
10 W 15TH ST	03/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	03/17/2023 10:45:32	3-Low	TRESPASSING
1650 S SCHOOL AVE	03/17/2023 12:18:51	3-Low	TRESPASSING
1331 S WEST AVE	03/17/2023 18:36:09	3-Low	ASSIST CITIZEN
1428 S SCHOOL AVE	03/17/2023 20:51:48	3-Low	THEFT
10 W 15TH ST	03/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1331 S WEST AVE	03/17/2023 21:21:46	3-Low	ASSIST CITIZEN
1525 S SCHOOL AVE	03/18/2023 10:32:06	3-Low	FRAUD
219 W 15TH ST	03/18/2023 19:16:14	3-Low	TRESPASSING
10 W 15TH ST	03/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
606 W NATIONAL ST	03/19/2023 03:41:40	3-Low	ASSAULT BATTERY
1819 S SCHOOL AVE	03/19/2023 10:25:16	3-Low	ASSIST CITIZEN
1500 S SCHOOL AVE	03/19/2023 20:13:42	3-Low	TRESPASSING
10 W 15TH ST	03/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1428 S SCHOOL AVE	03/20/2023 18:04:00	3-Low	THEFT
10 W 15TH ST	03/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/20/2023 21:53:52	3-Low	CRIMINAL MISCHIEF
1500 S SCHOOL AVE	03/21/2023 13:01:35	3-Low	HARASSMENT
10 W 15TH ST	03/21/2023 16:31:05	3-Low	STOLEN VEHICLE

10 W 15TH ST	03/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1325 S ELLIS AVE	03/22/2023 01:02:24	3-Low	EXTRA PATROL
S WASHINGTON AVE / E 13TH ST	03/22/2023 12:21:04	3-Low	PARKING PROBLEM
772 S LOCUST AVE	03/22/2023 13:07:27	3-Low	ASSIST CITIZEN
1832 S SCHOOL AVE	03/22/2023 16:06:15	3-Low	DEATH NOTIFICATION
1153 S SCHOOL AVE	03/22/2023 16:12:31	3-Low	FOUND PROPERTY
10 W 15TH ST	03/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1700 S SCHOOL AVE	03/23/2023 09:55:34	3-Low	TRESPASSING
10 W 15TH ST	03/23/2023 15:30:00	3-Low	THEFT
10 W 15TH ST	03/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
W 15TH ST / TRL RG FRISCO	03/24/2023 11:57:09	3-Low	WELFARE CONCERN
1832 S SCHOOL AVE	03/24/2023 13:02:42	3-Low	FOLLOW UP
10 W 15TH ST	03/24/2023 13:03:17	3-Low	LOITERING
S COLLEGE AVE / E 15TH ST	03/24/2023 14:46:22	3-Low	TRAF COMPL
10 W 15TH ST	03/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/25/2023 10:00:10	3-Low	EXTRA PATROL
1221 S SCHOOL AVE	03/25/2023 16:45:21	3-Low	DUMPING LITTERING
1500 S SCHOOL AVE	03/25/2023 20:38:31	3-Low	ASSIST CITIZEN
10 W 15TH ST	03/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1701 S SCHOOL AVE	03/25/2023 21:12:39	3-Low	ESCORT
1701 S SCHOOL AVE	03/25/2023 21:51:23	3-Low	WELFARE CONCERN
1036 S DUNN AVE	03/25/2023 23:13:30	3-Low	WELFARE CONCERN
55 E 15TH ST	03/26/2023 11:57:33	3-Low	ASSAULT BATTERY
1832 S SCHOOL AVE	03/26/2023 14:19:03	3-Low	ASSIST AGENCY
1118 S DUNN AVE	03/26/2023 16:53:08	3-Low	EXTRA PATROL
10 W 15TH ST	03/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/27/2023 07:15:42	3-Low	CODE 6
205 E 12TH ST	03/27/2023 12:44:53	3-Low	WELFARE CONCERN
772 S LOCUST AVE	03/27/2023 13:45:00	3-Low	FRAUD
1338 S VAN BUREN AVE	03/27/2023 16:41:00	3-Low	INFORMATIONAL
10 W 15TH ST	03/27/2023 18:05:06	3-Low	DRUG
10 W 15TH ST	03/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S SCHOOL AVE / W NONNAMAKER	03/28/2023 06:38:39	3-Low	EXTRA PATROL
1832 S SCHOOL AVE	03/28/2023 09:33:41	3-Low	LOITERING
1109 S SCHOOL AVE	03/28/2023 10:38:59	3-Low	FRAUD
219 W 15TH ST	03/28/2023 17:10:26	3-Low	TRESPASSING
1005 S BLOCK AVE	03/28/2023 20:01:15	3-Low	MISSING PERSON

10 W 15TH ST	03/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	03/30/2023 17:17:06	3-Low	ASSIST CITIZEN
S SCHOOL AVE / W 15TH ST	03/30/2023 20:27:41	3-Low	TRAFFIC LIGHT MALFUNCTION
10 W 15TH ST	03/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
W 11TH ST / S DUNN AVE	03/31/2023 09:14:52	3-Low	PARKING PROBLEM
1005 S SCHOOL AVE	03/31/2023 16:27:24	3-Low	TRESPASSING
1079 S SCHOOL AVE	03/31/2023 20:45:41	3-Low	TRESPASSING
10 W 15TH ST	03/31/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/01/2023 10:41:36	3-Low	EXTRA PATROL
831 S SCHOOL AVE	04/01/2023 15:12:44	3-Low	WELFARE CONCERN
10 W 15TH ST	04/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
603 W CHESHIRE CT	04/03/2023 10:36:00	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	04/03/2023 13:01:54	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	04/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/05/2023 13:50:33	3-Low	FRAUD
219 W 15TH ST	04/05/2023 15:31:04	3-Low	FOLLOW UP
1650 S SCHOOL AVE	04/05/2023 17:59:59	3-Low	TRESPASSING
10 W 15TH ST	04/05/2023 20:28:10	3-Low	RECOVERY REPORT
10 W 15TH ST	04/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	04/06/2023 01:04:37	3-Low	ASSIST CITIZEN
1331 S WEST AVE	04/06/2023 10:49:12	3-Low	CODE 6
10 W 15TH ST	04/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	04/07/2023 11:11:00	3-Low	HARASSMENT
10 W 15TH ST	04/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1 TRL TOWN BRANCH	04/08/2023 08:14:04	3-Low	TRESPASSING
36.045526879;-94.169796667	04/08/2023 11:40:42	3-Low	TRESPASSING
1701 S SCHOOL AVE	04/08/2023 15:04:14	3-Low	TRESPASSING
1645 S WEST AVE	04/08/2023 17:44:51	3-Low	TRESPASSING
10 W 15TH ST	04/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	04/09/2023 19:27:00	3-Low	FRAUD
1221 S SCHOOL AVE	04/09/2023 19:27:00	3-Low	THEFT

1221 S SCHOOL AVE	04/09/2023 19:28:38	3-Low	FOLLOW UP
10 W 15TH ST	04/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	04/10/2023 12:38:26	3-Low	THEFT
1005 S SCHOOL AVE	04/10/2023 20:43:00	3-Low	INFORMATIONAL
10 W 15TH ST	04/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	04/11/2023 01:03:34	3-Low	TRESPASSING
219 W 15TH ST	04/11/2023 05:28:22	3-Low	TRESPASSING
1832 S SCHOOL AVE	04/11/2023 09:37:26	3-Low	THREAT
1555 S CREWS LN	04/11/2023 13:32:39	3-Low	TRESPASSING
W 15TH ST / S SCHOOL AVE	04/11/2023 20:50:12	3-Low	CODE 6
10 W 15TH ST	04/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	04/12/2023 19:38:20	3-Low	FOLLOW UP
10 W 15TH ST	04/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	04/13/2023 06:11:34	3-Low	LOITERING
10 W 15TH ST	04/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1560 S SCHOOL AVE	04/15/2023 14:16:38	3-Low	TRESPASSING
10 W 15TH ST	04/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/15/2023 22:10:44	3-Low	WELFARE CONCERN
1832 S SCHOOL AVE	04/16/2023 11:06:00	3-Low	INFORMATIONAL
1221 S SCHOOL AVE	04/16/2023 12:52:00	3-Low	TRESPASSING
10 W 15TH ST	04/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1525 S SCHOOL AVE	04/17/2023 12:00:15	3-Low	CODE 6
536 W 11TH ST	04/17/2023 18:26:47	3-Low	WELFARE CONCERN
10 W 15TH ST	04/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1519 S SCHOOL AVE	04/19/2023 10:20:12	3-Low	TRESPASSING
10 W 15TH ST	04/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	04/20/2023 19:10:15	3-Low	DRUG
10 W 15TH ST	04/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	04/22/2023 10:07:30	3-Low	TRAF COMPL
10 W 15TH ST	04/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

603 W CHESHIRE CT	04/23/2023 00:52:59	3-Low	NOISE
10 W 15TH ST	04/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
85 W 15TH ST	04/24/2023 07:01:39	3-Low	CODE 6
10 W 15TH ST	04/24/2023 10:22:00	3-Low	LOST PROPERTY
W 15TH ST / S SCHOOL AVE	04/24/2023 18:34:07	3-Low	WELFARE CONCERN
10 W 15TH ST	04/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
796 S SCHOOL AVE	04/25/2023 16:12:22	3-Low	TRESPASSING
10 W 15TH ST	04/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1104 S DUNN AVE	04/25/2023 23:09:35	3-Low	EXTRA PATROL
1104 S DUNN AVE	04/26/2023 07:55:00	3-Low	INFORMATIONAL
1108 S DUNN AVE	04/26/2023 09:44:08	3-Low	TRESPASSING
1832 S SCHOOL AVE	04/26/2023 12:46:45	3-Low	TRESPASSING
10 W 15TH ST	04/26/2023 19:00:00	3-Low	HARASSMENT
1500 S SCHOOL AVE	04/26/2023 19:18:00	3-Low	TRESPASSING
10 W 15TH ST	04/26/2023 19:52:36	3-Low	HARASSMENT
10 W 15TH ST	04/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1645 S SCHOOL AVE	04/27/2023 17:19:22	3-Low	TRESPASSING
1428 S SCHOOL AVE	04/27/2023 20:05:50	3-Low	TRESPASSING
1500 S SCHOOL AVE	04/27/2023 20:51:33	3-Low	WELFARE CONCERN
10 W 15TH ST	04/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	04/27/2023 22:44:35	3-Low	FOUND PROPERTY
1832 S SCHOOL AVE	04/28/2023 10:33:21	3-Low	TRESPASSING
10 W 15TH ST	04/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S DUNN AVE / W 11TH ST	04/29/2023 12:14:51	3-Low	EXTRA PATROL
10 W 15TH ST	04/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1101 S COLLEGE AVE	04/29/2023 22:17:30	3-Low	NOISE
549 W 15TH ST	04/30/2023 10:31:08	3-Low	LOITERING
10 W 15TH ST	04/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
251 W 19TH ST	05/01/2023 01:45:46	3-Low	DRUG
1832 S SCHOOL AVE	05/01/2023 02:24:18	3-Low	WELFARE CONCERN
1109 S SCHOOL AVE	05/01/2023 09:45:50	3-Low	FRAUD
1701 S SCHOOL AVE	05/01/2023 11:57:08	3-Low	FOUND PROPERTY
10 W 15TH ST	05/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1414 S WASHINGTON AVE	05/02/2023 08:44:26	3-Low	ABANDONED VEH
1500 S SCHOOL AVE	05/02/2023 10:03:41	3-Low	FOLLOW UP
1832 S SCHOOL AVE	05/02/2023 13:58:16	3-Low	SPECIAL ASSIGNMENT
E 13TH ST / S WASHINGTON AVE	05/02/2023 15:07:50	3-Low	ABANDONED VEH

10 W 15TH ST	05/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	05/02/2023 22:07:21	3-Low	NOISE
1005 S SCHOOL AVE	05/02/2023 22:29:17	3-Low	LOUD PARTY
E 13TH ST / S WASHINGTON AVE	05/03/2023 18:30:19	3-Low	NOISE
E 13TH ST / S WASHINGTON AVE	05/03/2023 19:15:29	3-Low	NOISE
10 W 15TH ST	05/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	05/03/2023 23:44:27	3-Low	TRESPASSING
W NONNAMAKER DR / S SCHOOL	05/04/2023 07:21:03	3-Low	TRAF COMPL
10 W 15TH ST	05/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/06/2023 05:51:35	3-Low	TRESPASSING
10 W 15TH ST	05/06/2023 07:01:35	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/06/2023 11:43:55	3-Low	EXTRA PATROL
1500 S SCHOOL AVE	05/06/2023 12:44:48	3-Low	LOITERING
10 W 15TH ST	05/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	05/06/2023 21:02:18	3-Low	TRESPASSING
55 E 15TH ST	05/07/2023 01:33:10	3-Low	TRESPASSING
1832 S SCHOOL AVE	05/07/2023 13:46:00	3-Low	THEFT
1221 S SCHOOL AVE	05/07/2023 20:22:57	3-Low	TRESPASSING
10 W 15TH ST	05/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	05/08/2023 02:10:37	3-Low	TRESPASSING
1832 S SCHOOL AVE	05/08/2023 14:54:06	3-Low	THEFT
10 W 15TH ST	05/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	05/09/2023 10:13:38	3-Low	TRESPASSING
10 W 15TH ST	05/09/2023 10:26:47	3-Low	FOUND PROPERTY
101 E 11TH ST	05/09/2023 13:40:02	3-Low	PARKING PROBLEM
1500 S SCHOOL AVE	05/09/2023 17:08:43	3-Low	TRESPASSING
10 W 15TH ST	05/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1118 S DUNN AVE	05/09/2023 21:53:47	3-Low	LOITERING
1500 S SCHOOL AVE	05/10/2023 08:49:33	3-Low	TRESPASSING
1832 S SCHOOL AVE	05/10/2023 11:35:37	3-Low	ASSIST CITIZEN
1104 S DUNN AVE	05/10/2023 11:59:00	3-Low	INFORMATIONAL
1428 S SCHOOL AVE	05/10/2023 12:45:39	3-Low	THREAT
1104 S DUNN AVE	05/10/2023 15:21:17	3-Low	FOUND PROPERTY
10 W 15TH ST	05/10/2023 15:33:52	3-Low	FOLLOW UP
1221 S SCHOOL AVE	05/10/2023 17:43:01	3-Low	WELFARE CONCERN
10 W 15TH ST	05/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

S DUNN AVE / W NATIONAL ST	05/11/2023 04:29:19	3-Low	PARKING PROBLEM
1832 S SCHOOL AVE	05/11/2023 09:05:05	3-Low	TRANSPORT
1212 S DUNN AVE	05/11/2023 13:07:58	3-Low	WELFARE CONCERN
1650 S SCHOOL AVE	05/11/2023 14:43:50	3-Low	HARASSMENT
10 W 15TH ST	05/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1204 S SCHOOL AVE	05/12/2023 16:42:49	3-Low	LOITERING
10 W 15TH ST	05/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/13/2023 13:55:39	3-Low	TRESPASSING
1221 S SCHOOL AVE	05/13/2023 17:58:28	3-Low	HARASSMENT
10 W 15TH ST	05/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	05/14/2023 11:06:44	3-Low	WELFARE CONCERN
10 W 15TH ST	05/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1428 S SCHOOL AVE	05/14/2023 23:30:00	3-Low	FRAUD
1525 S SCHOOL AVE	05/15/2023 16:16:02	3-Low	CODE 6
219 W 15TH ST	05/15/2023 16:55:09	3-Low	WELFARE CONCERN
219 W 15TH ST	05/15/2023 19:59:37	3-Low	TRESPASSING
10 W 15TH ST	05/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	05/16/2023 15:10:49	3-Low	EXTRA PATROL
S SCHOOL AVE / W NONNAMAKER	05/16/2023 15:15:00	3-Low	EXTRA PATROL
10 W 15TH ST	05/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1104 S DUNN AVE	05/17/2023 05:30:07	3-Low	TRESPASSING
10 W 15TH ST	05/17/2023 12:13:19	3-Low	SPECIAL ASSIGNMENT
W 11TH ST / S DUNN AVE	05/17/2023 13:54:17	3-Low	PARKING PROBLEM
1527 S SCHOOL AVE	05/17/2023 14:57:31	3-Low	TRESPASSING
1700 S SCHOOL AVE	05/17/2023 15:28:45	3-Low	EXTRA PATROL
1104 S DUNN AVE	05/17/2023 16:46:41	3-Low	ANNOYANCE
1560 S SCHOOL AVE	05/17/2023 17:48:50	3-Low	TRAF COMPL
10 W 15TH ST	05/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
203 E 12TH ST	05/17/2023 23:53:39	3-Low	WELFARE CONCERN
W NONNAMAKER DR / S SCHOOL	05/18/2023 06:56:58	3-Low	TRAFFIC CONTROL
1104 S DUNN AVE	05/18/2023 08:33:59	3-Low	PARKING PROBLEM
W NATIONAL ST / S LT COL LEROY	05/18/2023 10:55:46	3-Low	FOLLOW UP
1109 S SCHOOL AVE	05/18/2023 12:09:03	3-Low	FRAUD
1221 S SCHOOL AVE	05/18/2023 15:52:00	3-Low	HARASSMENT
10 W 15TH ST	05/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	05/19/2023 11:42:18	3-Low	TRESPASSING
10 W 15TH ST	05/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1061 S ENGLISH PL	05/20/2023 02:44:31	3-Low	ACCIDENT
10 W 15TH ST	05/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
203 E 12TH ST	05/22/2023 09:04:42	3-Low	WELFARE CONCERN
1221 S SCHOOL AVE	05/22/2023 20:26:00	3-Low	TRESPASSING
10 W 15TH ST	05/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	05/23/2023 11:10:17	3-Low	THEFT
10 W 15TH ST	05/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	05/25/2023 12:40:07	3-Low	TRESPASSING
1832 S SCHOOL AVE	05/25/2023 13:26:05	3-Low	WELFARE CONCERN
219 W 15TH ST	05/25/2023 14:27:00	3-Low	THEFT
219 W 15TH ST	05/25/2023 14:36:35	3-Low	FOLLOW UP
1221 S SCHOOL AVE	05/25/2023 18:04:01	3-Low	ASSIST CITIZEN
10 W 15TH ST	05/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1428 S SCHOOL AVE	05/26/2023 13:45:00	3-Low	THEFT
219 W 15TH ST	05/26/2023 16:01:07	3-Low	TRESPASSING
1236 S SCHOOL AVE	05/26/2023 18:59:32	3-Low	ASSIST CITIZEN
10 W 15TH ST	05/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	05/26/2023 21:08:39	3-Low	TRESPASSING
1500 S SCHOOL AVE	05/27/2023 20:47:00	3-Low	TRESPASSING
10 W 15TH ST	05/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
251 W 19TH ST	05/28/2023 08:37:46	3-Low	TRESPASSING
1000 S LT COL LEROY POND AVE	05/28/2023 09:33:46	3-Low	EXTRA PATROL
10 W 15TH ST	05/28/2023 10:46:43	3-Low	LOITERING
10 W 15TH ST	05/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1000 S LT COL LEROY POND AVE	05/29/2023 08:34:55	3-Low	SPECIAL ASSIGNMENT
1225 S SCHOOL AVE	05/29/2023 10:21:10	3-Low	CODE 6
219 W 15TH ST	05/29/2023 19:39:07	3-Low	FOLLOW UP
10 W 15TH ST	05/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1212 S DUNN AVE	05/30/2023 02:29:37	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	05/30/2023 10:28:57	3-Low	TRESPASSING
219 W 15TH ST	05/30/2023 20:24:32	3-Low	TRESPASSING
10 W 15TH ST	05/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1335 S WASHINGTON AVE	05/31/2023 12:16:54	3-Low	FRAUD
10 W 15TH ST	05/31/2023 14:49:43	3-Low	NOISE
1221 S SCHOOL AVE	05/31/2023 18:28:49	3-Low	TRESPASSING
10 W 15TH ST	05/31/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	05/31/2023 21:54:41	3-Low	ASSIST AGENCY
1011 S SCHOOL AVE	05/31/2023 23:08:39	3-Low	EXTRA PATROL
1832 S SCHOOL AVE	06/01/2023 07:47:41	3-Low	TRANSPORT
10 W 15TH ST	06/01/2023 11:00:35	3-Low	ASSIST AGENCY
1650 S SCHOOL AVE	06/01/2023 15:01:58	3-Low	FOLLOW UP
219 W 15TH ST	06/01/2023 17:15:18	3-Low	TRESPASSING
10 W 15TH ST	06/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	06/02/2023 09:54:02	3-Low	TRESPASSING
FRISCO TRL / 15TH ST	06/02/2023 17:06:20	3-Low	TRAF COMPL
S SCHOOL AVE / W 15TH ST	06/02/2023 19:29:59	3-Low	TRAF COMPL
10 W 15TH ST	06/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	06/03/2023 06:39:17	3-Low	EXTRA PATROL
10 W 15TH ST	06/03/2023 06:55:32	3-Low	LOITERING
62 TRL FRISCO TRL	06/03/2023 15:20:11	3-Low	DRUG
10 W 15TH ST	06/03/2023 19:24:12	3-Low	FOLLOW UP
10 W 15TH ST	06/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S SCHOOL AVE / W 15TH ST	06/04/2023 18:38:37	3-Low	FOUND PROPERTY
10 W 15TH ST	06/04/2023 19:23:16	3-Low	CIVIL STANDBY
10 W 15TH ST	06/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	06/05/2023 11:45:17	3-Low	EXTRA PATROL
1221 S SCHOOL AVE	06/05/2023 20:22:01	3-Low	LOITERING
10 W 15TH ST	06/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	06/06/2023 10:44:14	3-Low	WELFARE CONCERN
1327 S WASHINGTON AVE	06/06/2023 10:53:38	3-Low	ABANDONED VEH
1650 S SCHOOL AVE	06/06/2023 13:06:00	3-Low	INFORMATIONAL
603 W CHESHIRE CT	06/06/2023 14:27:11	3-Low	ASSIST AGENCY
1221 S SCHOOL AVE	06/06/2023 18:22:00	3-Low	BURGLARY
10 W 15TH ST	06/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
E 11TH ST / S COLLEGE AVE	06/07/2023 12:16:08	3-Low	EXTRA PATROL
1005 S SCHOOL AVE	06/07/2023 13:41:19	3-Low	TRESPASSING
1832 S SCHOOL AVE	06/07/2023 14:13:07	3-Low	TRESPASSING
10 W 15TH ST	06/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
810 S LOCUST AVE	06/08/2023 13:05:44	3-Low	DUMPING LITTERING
1306 S SCHOOL AVE	06/08/2023 16:00:00	3-Low	EXTRA PATROL

S SCHOOL AVE / W 19TH ST	06/08/2023 16:33:00	3-Low	TRAF COMPL
1410 S WASHINGTON AVE	06/08/2023 18:00:00	3-Low	FRAUD
10 W 15TH ST	06/09/2023 00:42:00	3-Low	SPECIAL ASSIGNMENT
615 W CHESHIRE CT	06/09/2023 10:58:09	3-Low	TRESPASSING
615 W CHESHIRE CT	06/10/2023 14:13:00	3-Low	FOLLOW UP
615 W CHESHIRE CT	06/10/2023 22:17:00	3-Low	EXTRA PATROL
1832 S SCHOOL AVE	06/11/2023 13:00:00	3-Low	INFORMATIONAL
1832 S SCHOOL AVE	06/12/2023 11:49:00	3-Low	TRESPASSING
603 W CHESHIRE CT	06/12/2023 21:14:00	3-Low	WELFARE CONCERN
1701 S SCHOOL AVE	06/13/2023 12:43:02	3-Low	WELFARE CONCERN
10 W 15TH ST	06/13/2023 14:25:00	3-Low	ANNOYANCE
10 W 15TH ST	06/13/2023 22:02:00	3-Low	SPECIAL ASSIGNMENT
615 W CHESHIRE CT	06/15/2023 16:38:00	3-Low	TRESPASSING
1221 S SCHOOL AVE	06/15/2023 19:58:00	3-Low	THEFT
55 E 15TH ST	06/15/2023 21:25:00	3-Low	NOISE
1832 S SCHOOL AVE	06/16/2023 13:48:00	3-Low	WELFARE CONCERN
1079 S SCHOOL AVE	06/16/2023 20:13:00	3-Low	THEFT
1079 S SCHOOL AVE	06/16/2023 20:18:00	3-Low	FOLLOW UP
10 W 15TH ST	06/17/2023 15:59:00	3-Low	HARASSMENT
10 W 15TH ST	06/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	06/19/2023 00:55:11	3-Low	NOISE
831 S SCHOOL AVE	06/19/2023 09:12:16	3-Low	CODE 6
10 W 15TH ST	06/19/2023 09:24:43	3-Low	WELFARE CONCERN
1832 S SCHOOL AVE	06/19/2023 10:01:57	3-Low	FOUND PROPERTY
10 W 15TH ST	06/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1079 S SCHOOL AVE	06/20/2023 09:29:45	3-Low	TRESPASSING
1650 S SCHOOL AVE	06/20/2023 12:33:40	3-Low	ASSIST CITIZEN
10 W 15TH ST	06/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1324 S WASHINGTON AVE	06/20/2023 21:41:48	3-Low	NOISE
1324 S WASHINGTON AVE	06/20/2023 23:47:14	3-Low	WELFARE CONCERN
1005 S SCHOOL AVE	06/21/2023 07:24:00	3-Low	THEFT
1560 S SCHOOL AVE	06/21/2023 09:34:58	3-Low	TRESPASSING
1431 S SCHOOL AVE	06/21/2023 18:11:26	3-Low	ANNOYANCE
10 W 15TH ST	06/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	06/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	06/23/2023 11:22:11	3-Low	ASSIST AGENCY
1525 S SCHOOL AVE	06/23/2023 15:28:08	3-Low	THEFT
1010 S DUNN AVE	06/23/2023 15:54:00	3-Low	THEFT
1525 S SCHOOL AVE	06/23/2023 19:51:33	3-Low	EXTRA PATROL

10 W 15TH ST	06/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	06/23/2023 22:04:27	3-Low	FOLLOW UP
10 W 15TH ST	06/24/2023 17:42:44	3-Low	LOITERING
10 W 15TH ST	06/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	06/25/2023 13:51:16	3-Low	CIVIL STANDBY
10 W 15TH ST	06/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	06/26/2023 09:59:09	3-Low	FOLLOW UP
10 W 15TH ST	06/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	06/27/2023 19:22:35	3-Low	WELFARE CONCERN
219 W 15TH ST	06/27/2023 20:32:00	3-Low	LOST PROPERTY
10 W 15TH ST	06/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1246 S SCHOOL AVE	06/28/2023 16:13:42	3-Low	FIREWORKS
10 W 15TH ST	06/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S SCHOOL AVE / W 15TH ST	06/29/2023 13:39:30	3-Low	CODE 6
1005 S BLOCK AVE	06/29/2023 15:02:22	3-Low	FIREWORKS
1500 S SCHOOL AVE	06/29/2023 20:31:15	3-Low	CIVIL STANDBY
10 W 15TH ST	06/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	06/29/2023 21:19:46	3-Low	CIVIL STANDBY
1832 S SCHOOL AVE	06/30/2023 09:05:19	3-Low	TRESPASSING
1832 S SCHOOL AVE	06/30/2023 09:52:58	3-Low	FOLLOW UP
1225 S SCHOOL AVE	06/30/2023 13:23:00	3-Low	THEFT
10 W 15TH ST	06/30/2023 20:52:47	3-Low	FIREWORKS
10 W 15TH ST	06/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S BLOCK AVE	07/01/2023 15:29:43	3-Low	FIREWORKS
10 W 15TH ST	07/01/2023 20:49:18	3-Low	SPECIAL ASSIGNMENT
E ELLA ST / ALLEY 242	07/01/2023 22:40:11	3-Low	FIREWORKS
10 W 15TH ST	07/02/2023 12:05:18	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	07/02/2023 14:48:11	3-Low	FOLLOW UP
10 W 15TH ST	07/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	07/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
55 E 15TH ST	07/04/2023 11:21:29	3-Low	THREAT
1221 S SCHOOL AVE	07/04/2023 14:14:59	3-Low	THEFT
55 E 15TH ST	07/04/2023 16:43:13	3-Low	CIVIL STANDBY
10 W 15TH ST	07/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

10 W 15TH ST	07/05/2023 01:13:56	3-Low	WELFARE CONCERN
1020 S SCHOOL AVE	07/05/2023 08:28:49	3-Low	BREAKING AND
S SCHOOL AVE / TRL TOWN BRANCH	07/05/2023 16:57:50	3-Low	ENTERING
219 W 15TH ST	07/05/2023 17:46:15	3-Low	WELFARE CONCERN
10 W 15TH ST	07/05/2023 21:00:00	3-Low	TRESPASSING
E 12TH ST / S WASHINGTON AVE	07/05/2023 21:16:57	3-Low	SPECIAL ASSIGNMENT
E 12TH ST / S WASHINGTON AVE	07/05/2023 21:19:33	3-Low	FIREWORKS
W 15TH ST / S SCHOOL AVE	07/06/2023 07:26:11	3-Low	FIREWORKS
10 W 15TH ST	07/06/2023 21:00:00	3-Low	WELFARE CONCERN
1579 S CREWS LN	07/07/2023 13:09:00	3-Low	SPECIAL ASSIGNMENT
1701 S SCHOOL AVE	07/07/2023 16:08:46	3-Low	THEFT
549 W 15TH ST	07/07/2023 18:50:54	3-Low	THREAT
10 W 15TH ST	07/07/2023 21:00:00	3-Low	EXTRA PATROL
1104 S DUNN AVE	07/08/2023 17:19:00	3-Low	SPECIAL ASSIGNMENT
1104 S DUNN AVE	07/08/2023 19:50:00	3-Low	THEFT
10 W 15TH ST	07/08/2023 21:00:00	3-Low	CRIMINAL MISCHIEF
1650 S SCHOOL AVE	07/09/2023 12:12:46	3-Low	SPECIAL ASSIGNMENT
1020 S SCHOOL AVE	07/09/2023 13:48:06	3-Low	THEFT
1108 S DUNN AVE	07/09/2023 15:24:29	3-Low	BREAKING AND
1020 S SCHOOL AVE	07/09/2023 18:30:07	3-Low	ENTERING
10 W 15TH ST	07/09/2023 21:00:00	3-Low	ABANDONED VEH
1212 S DUNN AVE	07/10/2023 11:25:23	3-Low	BREAKING AND
100 W 15TH ST	07/10/2023 11:29:07	3-Low	ENTERING
1650 S SCHOOL AVE	07/10/2023 12:54:52	3-Low	TRAFFIC COMPL
1127 S WASHINGTON AVE	07/10/2023 14:52:00	3-Low	CODE 6
10 W 15TH ST	07/10/2023 21:00:00	3-Low	INFORMATIONAL
1127 S WASHINGTON AVE	07/11/2023 06:55:56	3-Low	SPECIAL ASSIGNMENT
549 W 15TH ST	07/11/2023 10:04:06	3-Low	FOUND PROPERTY
1109 S SCHOOL AVE	07/11/2023 11:58:05	3-Low	ACCIDENT HIT AND
1500 S SCHOOL AVE	07/11/2023 13:44:42	3-Low	RUN
1109 S SCHOOL AVE	07/11/2023 16:10:23	3-Low	HARASSMENT
101 E 11TH ST	07/11/2023 18:32:42	3-Low	CODE 6
10 W 15TH ST	07/11/2023 21:00:00	3-Low	CIVIL STANDBY
10 W 15TH ST	07/12/2023 13:24:07	3-Low	TRESPASSING
1832 S SCHOOL AVE	07/12/2023 15:11:44	3-Low	SPECIAL ASSIGNMENT
			THEFT

1650 S SCHOOL AVE	07/12/2023 17:28:16	3-Low	TRESPASSING
10 W 15TH ST	07/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
BRIDGE SCHOOL / TOWN BRANCH	07/13/2023 08:37:24	3-Low	LOITERING
1832 S SCHOOL AVE	07/13/2023 10:16:00	3-Low	FOLLOW UP
1314 S SCHOOL AVE	07/13/2023 12:05:00	3-Low	THEFT
1334 S ELLIS AVE	07/13/2023 13:08:00	3-Low	THEFT
10 W 15TH ST	07/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	07/14/2023 07:07:30	3-Low	TRESPASSING
10 W 15TH ST	07/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	07/15/2023 17:26:06	3-Low	TRESPASSING
10 W 15TH ST	07/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	07/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	07/17/2023 10:16:23	3-Low	STOLEN VEHICLE
1832 S SCHOOL AVE	07/17/2023 15:11:37	3-Low	THREAT
1330 S ELLIS AVE	07/17/2023 18:41:00	3-Low	THEFT
10 W 15TH ST	07/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	07/18/2023 09:27:12	3-Low	FOLLOW UP
101 E 11TH ST	07/18/2023 09:55:48	3-Low	PARKING PROBLEM
1832 S SCHOOL AVE	07/18/2023 16:10:40	3-Low	WELFARE CONCERN
1700 S SCHOOL AVE	07/18/2023 17:11:09	3-Low	FOUND PROPERTY
10 W 15TH ST	07/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	07/19/2023 13:31:06	3-Low	TRESPASSING
1212 S DUNN AVE	07/19/2023 15:40:27	3-Low	ASSIST AGENCY
10 W 15TH ST	07/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	07/20/2023 10:32:42	3-Low	TRESPASSING
10 W 15TH ST	07/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	07/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
251 W 19TH ST	07/22/2023 13:29:34	3-Low	TRESPASSING
10 W 15TH ST	07/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1020 S SCHOOL AVE	07/22/2023 21:07:01	3-Low	BREAKING AND ENTERING
251 W 19TH ST	07/23/2023 16:28:56	3-Low	BREAKING AND ENTERING
10 W 15TH ST	07/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
101 E 11TH ST	07/23/2023 21:16:27	3-Low	EXTRA PATROL

251 W 19TH ST	07/23/2023 21:46:54	3-Low	ASSAULT BATTERY
10 W 15TH ST	07/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1131 S SCHOOL AVE	07/25/2023 05:43:24	3-Low	ASSAULT BATTERY
251 W 19TH ST	07/25/2023 09:09:09	3-Low	TRESPASSING
1832 S SCHOOL AVE	07/25/2023 09:26:15	3-Low	FOLLOW UP
1109 S SCHOOL AVE	07/25/2023 11:59:50	3-Low	CODE 6
10 W 15TH ST	07/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	07/26/2023 11:13:00	3-Low	THEFT
10 W 15TH ST	07/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
615 W CHESHIRE CT	07/27/2023 10:39:00	3-Low	CRIMINAL MISCHIEF
S SCHOOL AVE / W 15TH ST	07/27/2023 11:01:00	3-Low	ACCIDENT
1221 S SCHOOL AVE	07/27/2023 19:51:28	3-Low	NOISE
10 W 15TH ST	07/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	07/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	07/29/2023 08:41:53	3-Low	CRIMINAL MISCHIEF
1221 S SCHOOL AVE	07/29/2023 10:21:58	3-Low	TRESPASSING
1500 S SCHOOL AVE	07/29/2023 16:41:20	3-Low	TRESPASSING
10 W 15TH ST	07/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	07/30/2023 02:20:33	3-Low	WELFARE CONCERN
101 E 11TH ST	07/30/2023 11:22:11	3-Low	TRESPASSING
10 W 15TH ST	07/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
183 E 15TH ST	07/31/2023 08:11:34	3-Low	EXTRA PATROL
1832 S SCHOOL AVE	07/31/2023 15:00:00	3-Low	INFORMATIONAL
10 W 15TH ST	07/31/2023 16:01:55	3-Low	HARASSMENT
615 W CHESHIRE CT	07/31/2023 17:26:56	3-Low	HARASSMENT
10 W 15TH ST	07/31/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1115 S SCHOOL AVE	08/01/2023 09:28:34	3-Low	CRIMINAL MISCHIEF
10 W 15TH ST	08/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	08/01/2023 21:20:31	3-Low	HARASSMENT
10 W 15TH ST	08/02/2023 16:59:07	3-Low	ASSIST AGENCY
10 W 15TH ST	08/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	08/03/2023 08:17:33	3-Low	THEFT
1221 S SCHOOL AVE	08/03/2023 12:40:18	3-Low	TRESPASSING
1500 S SCHOOL AVE	08/03/2023 17:45:13	3-Low	TRESPASSING
10 W 15TH ST	08/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

10 W 15TH ST	08/04/2023 08:22:27	3-Low	SPECIAL ASSIGNMENT
S SCHOOL AVE / W 15TH ST	08/04/2023 20:26:51	3-Low	WELFARE CONCERN
10 W 15TH ST	08/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
101 E 11TH ST	08/05/2023 06:51:56	3-Low	PARKING PROBLEM
1509 S CREWS LN	08/05/2023 07:14:56	3-Low	FOLLOW UP
10 W 15TH ST	08/05/2023 07:44:43	3-Low	ASSIST AGENCY
			BREAKING AND
1650 S SCHOOL AVE	08/05/2023 08:40:38	3-Low	ENTERING
10 W 15TH ST	08/05/2023 09:20:09	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	08/05/2023 10:41:23	3-Low	FOLLOW UP
615 W CHESHIRE CT	08/05/2023 18:45:26	3-Low	BURGLARY
10 W 15TH ST	08/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	08/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	08/06/2023 21:57:26	3-Low	THEFT
10 W 15TH ST	08/06/2023 22:53:05	3-Low	THEFT
10 W 15TH ST	08/07/2023 19:23:46	3-Low	ASSIST CITIZEN
85 W 15TH ST	08/07/2023 20:52:01	3-Low	EXTRA PATROL
10 W 15TH ST	08/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1221 S SCHOOL AVE	08/08/2023 13:08:42	3-Low	LOITERING
10 W 15TH ST	08/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1410 S DUNN AVE	08/08/2023 23:14:43	3-Low	THEFT
1153 S SCHOOL AVE	08/09/2023 08:39:28	3-Low	LOITERING
10 W 15TH ST	08/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
BRIDGE SCHOOL / TOWN BRANCH	08/10/2023 15:28:52	3-Low	TRESPASSING
1005 S SCHOOL AVE	08/10/2023 20:11:20	3-Low	TRESPASSING
10 W 15TH ST	08/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1010 S DUNN AVE	08/10/2023 21:24:43	3-Low	ASSIST CITIZEN
10 W 15TH ST	08/10/2023 22:10:00	3-Low	LOST PROPERTY
10 W 15TH ST	08/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	08/12/2023 07:43:51	3-Low	TRESPASSING
1560 S SCHOOL AVE	08/12/2023 07:56:47	3-Low	TRESPASSING
701 W 15TH ST	08/12/2023 10:41:00	3-Low	THEFT
10 W 15TH ST	08/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1611 S CREWS LN	08/13/2023 04:39:32	3-Low	FIREWORKS
10 W 15TH ST	08/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1519 S SCHOOL AVE	08/14/2023 11:10:57	3-Low	THREAT
1109 S SCHOOL AVE	08/14/2023 13:36:50	3-Low	LOITERING
1109 S SCHOOL AVE	08/14/2023 17:43:19	3-Low	TRESPASSING
10 W 15TH ST	08/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	08/15/2023 06:04:35	3-Low	TRESPASSING
1519 S SCHOOL AVE	08/15/2023 07:49:16	3-Low	CODE 6
1416 S DUNCAN AVE	08/15/2023 13:33:00	3-Low	THEFT
1221 S SCHOOL AVE	08/15/2023 19:30:02	3-Low	WELFARE CONCERN
10 W 15TH ST	08/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	08/16/2023 16:44:23	3-Low	HARASSMENT
10 W 15TH ST	08/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1645 S SCHOOL AVE	08/17/2023 08:49:03	3-Low	PARKING PROBLEM
1104 S DUNN AVE	08/17/2023 11:53:14	3-Low	PARKING PROBLEM
1005 S BLOCK AVE	08/17/2023 17:45:50	3-Low	WELFARE CONCERN
10 W 15TH ST	08/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1104 S DUNN AVE	08/18/2023 14:13:02	3-Low	PARKING PROBLEM
10 W 15TH ST	08/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1064 S DUNN AVE	08/18/2023 22:15:46	3-Low	STOLEN VEHICLE
10 W 15TH ST	08/19/2023 14:18:14	3-Low	EXTRA PATROL
1104 S DUNN AVE	08/19/2023 19:17:20	3-Low	ASSIST CITIZEN
10 W 15TH ST	08/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1224 S WASHINGTON AVE	08/19/2023 23:06:53	3-Low	LOUD PARTY
S WASHINGTON AVE / E 13TH ST	08/20/2023 09:07:40	3-Low	PARKING PROBLEM
1527 S SCHOOL AVE	08/20/2023 14:59:25	3-Low	EXTRA PATROL
10 W 15TH ST	08/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1108 S DUNN AVE	08/21/2023 14:49:00	3-Low	HARASSMENT
10 W 15TH ST	08/21/2023 19:55:11	3-Low	EXTRA PATROL
10 W 15TH ST	08/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
831 S SCHOOL AVE	08/22/2023 04:17:04	3-Low	THEFT
1431 S SCHOOL AVE	08/22/2023 13:13:51	3-Low	CODE 6
1832 S SCHOOL AVE	08/22/2023 15:18:22	3-Low	WELFARE CONCERN
10 W 15TH ST	08/22/2023 18:39:36	3-Low	WELFARE CONCERN
10 W 15TH ST	08/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
615 W CHESHIRE CT	08/23/2023 08:39:22	3-Low	FOLLOW UP
615 W CHESHIRE CT	08/23/2023 13:59:56	3-Low	THEFT
10 W 15TH ST	08/23/2023 18:36:12	3-Low	ASSAULT BATTERY
1832 S SCHOOL AVE	08/23/2023 19:52:10	3-Low	THEFT

10 W 15TH ST	08/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
800 S SCHOOL AVE	08/23/2023 21:21:00	3-Low	WELFARE CONCERN
1246 S SCHOOL AVE	08/24/2023 15:27:06	3-Low	THEFT
10 W 15TH ST	08/24/2023 19:30:07	3-Low	EXTRA PATROL
10 W 15TH ST	08/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	08/25/2023 10:12:18	3-Low	ASSIST CITIZEN
1832 S SCHOOL AVE	08/25/2023 11:53:56	3-Low	SEX OFFENSE
10 W 15TH ST	08/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1031 S HILL AVE	08/25/2023 22:38:30	3-Low	EXTRA PATROL
10 W 15TH ST	08/26/2023 15:14:00	3-Low	THEFT
1500 S SCHOOL AVE	08/26/2023 16:04:47	3-Low	TRESPASSING
10 W 15TH ST	08/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1005 S SCHOOL AVE	08/27/2023 00:03:20	3-Low	LOUD PARTY
615 W CHESHIRE CT	08/27/2023 20:54:26	3-Low	TRAF COMPL
10 W 15TH ST	08/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	08/28/2023 06:52:37	3-Low	THEFT
1079 S SCHOOL AVE	08/28/2023 16:13:31	3-Low	ASSIST CITIZEN
1212 S DUNN AVE	08/28/2023 16:52:24	3-Low	THREAT
10 W 15TH ST	08/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	08/29/2023 07:32:00	3-Low	CRIMINAL MISCHIEF
1832 S SCHOOL AVE	08/29/2023 14:03:39	3-Low	FOLLOW UP
1832 S SCHOOL AVE	08/29/2023 18:25:45	3-Low	ASSAULT BATTERY
1650 S SCHOOL AVE	08/29/2023 20:28:30	3-Low	ASSIST CITIZEN
10 W 15TH ST	08/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
800 S SCHOOL AVE	08/30/2023 08:17:33	3-Low	CODE 6
1109 S SCHOOL AVE	08/30/2023 12:01:00	3-Low	THEFT
10 W 15TH ST	08/30/2023 15:54:20	3-Low	INFORMATIONAL
1832 S SCHOOL AVE	08/30/2023 18:26:00	3-Low	INFORMATIONAL
10 W 15TH ST	08/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
100 W 15TH ST	08/31/2023 07:15:00	3-Low	ACCIDENT
1000 S LT COL LEROY POND AVE	08/31/2023 16:29:54	3-Low	RECOVERY REPORT
10 W 15TH ST	08/31/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1212 S DUNN AVE	09/02/2023 00:05:48	3-Low	EXTRA PATROL
1416 S COLLEGE AVE	09/02/2023 17:19:00	3-Low	THEFT
10 W 15TH ST	09/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1410 S DUNN AVE	09/03/2023 00:19:02	3-Low	NOISE
780 S LOCUST AVE	09/03/2023 11:48:14	3-Low	WELFARE CONCERN
10 W 15TH ST	09/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	09/03/2023 21:02:33	3-Low	TRESPASSING
S COLLEGE AVE / E 13TH ST	09/04/2023 13:29:27	3-Low	TRAF COMPL
10 W 15TH ST	09/04/2023 19:19:34	3-Low	ASSAULT BATTERY
10 W 15TH ST	09/04/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1010 S DUNN AVE	09/04/2023 22:52:39	3-Low	ASSIST CITIZEN
1428 S SCHOOL AVE	09/04/2023 23:18:47	3-Low	WELFARE CONCERN
1431 S SCHOOL AVE	09/05/2023 08:16:50	3-Low	TRESPASSING
10 W 15TH ST	09/05/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
E 13TH ST / S WASHINGTON AVE	09/06/2023 14:24:56	3-Low	ABANDONED VEH
E 15TH ST / S COLLEGE AVE	09/06/2023 14:50:09	3-Low	TRAF COMPL
10 W 15TH ST	09/06/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	09/07/2023 08:50:22	3-Low	ASSAULT BATTERY
223 W 15TH ST	09/07/2023 11:40:46	3-Low	TRESPASSING
1412 S WEST AVE	09/07/2023 12:24:00	3-Low	THEFT
1090 S COLLEGE AVE	09/07/2023 14:21:13	3-Low	STOLEN VEHICLE
1700 S SCHOOL AVE	09/07/2023 15:46:06	3-Low	TRESPASSING
1749 S SCHOOL AVE	09/07/2023 16:19:42	3-Low	TRESPASSING
10 W 15TH ST	09/07/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1428 S SCHOOL AVE	09/08/2023 07:37:33	3-Low	WELFARE CONCERN
1749 S SCHOOL AVE	09/08/2023 13:48:23	3-Low	TRESPASSING
W 15TH ST / S SCHOOL AVE	09/08/2023 14:23:56	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/08/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1650 S SCHOOL AVE	09/09/2023 08:41:00	3-Low	TRESPASSING
1500 S SCHOOL AVE	09/09/2023 14:05:44	3-Low	TRESPASSING
10 W 15TH ST	09/09/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1500 S SCHOOL AVE	09/10/2023 14:08:07	3-Low	TRESPASSING
10 W 15TH ST	09/10/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
203 E 12TH ST	09/11/2023 10:22:33	3-Low	WELFARE CONCERN
1010 S DUNN AVE	09/11/2023 17:10:58	3-Low	WELFARE CONCERN
10 W 15TH ST	09/11/2023 18:34:13	3-Low	ANNOYANCE
E 15TH ST / S WASHINGTON AVE	09/11/2023 19:55:42	3-Low	CODE 6
10 W 15TH ST	09/11/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	09/12/2023 10:15:22	3-Low	HARASSMENT
800 S SCHOOL AVE	09/12/2023 13:27:47	3-Low	WELFARE CONCERN

1832 S SCHOOL AVE	09/12/2023 14:29:41	3-Low	ASSIST CITIZEN
10 W 15TH ST	09/12/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/13/2023 07:30:54	3-Low	DUMPING LITTERING
1560 S SCHOOL AVE	09/13/2023 12:20:24	3-Low	TRESPASSING
10 W 15TH ST	09/13/2023 15:02:38	3-Low	THEFT
10 W 15TH ST	09/13/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
S COLLEGE AVE / E 11TH ST	09/14/2023 10:05:40	3-Low	ASSIST CITIZEN
1832 S SCHOOL AVE	09/14/2023 13:36:00	3-Low	SEX OFFENSE
1330 S ELLIS AVE	09/14/2023 19:03:50	3-Low	CIVIL STANDBY
E 15TH ST / S WASHINGTON AVE	09/14/2023 20:30:41	3-Low	EXTRA PATROL
10 W 15TH ST	09/14/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/14/2023 22:46:39	3-Low	THEFT
1000 S LT COL LEROY POND AVE	09/15/2023 09:38:22	3-Low	PARKING PROBLEM
10 W 15TH ST	09/15/2023 17:15:00	3-Low	THEFT
606 W NATIONAL ST	09/15/2023 19:26:00	3-Low	THEFT
10 W 15TH ST	09/15/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/15/2023 21:24:57	3-Low	ASSAULT BATTERY
1005 S BLOCK AVE	09/15/2023 23:43:00	3-Low	INFORMATIONAL
S WASHINGTON AVE / E 12TH ST	09/16/2023 12:51:55	3-Low	DRUG
10 W 15TH ST	09/16/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1525 S SCHOOL AVE	09/17/2023 15:38:00	3-Low	INFORMATIONAL
10 W 15TH ST	09/17/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1064 S DUNN AVE	09/17/2023 22:09:18	3-Low	LOUD PARTY
945 S COLLEGE AVE	09/17/2023 22:54:06	3-Low	HARASSMENT
1832 S SCHOOL AVE	09/18/2023 14:09:10	3-Low	THEFT
10 W 15TH ST	09/18/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1109 S SCHOOL AVE	09/19/2023 06:16:05	3-Low	LOITERING
10 W 15TH ST	09/19/2023 09:25:29	3-Low	SPECIAL ASSIGNMENT
W 15TH ST / S SCHOOL AVE	09/19/2023 13:13:54	3-Low	EXTRA PATROL
1324 S VAN BUREN AVE	09/19/2023 13:17:00	3-Low	INFORMATIONAL
1832 S SCHOOL AVE	09/19/2023 13:51:12	3-Low	TRESPASSING
1010 S DUNN AVE	09/19/2023 15:36:41	3-Low	WELFARE CONCERN
1215 S ELLIS AVE	09/19/2023 17:01:04	3-Low	HARASSMENT
10 W 15TH ST	09/19/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1700 S SCHOOL AVE	09/20/2023 11:23:47	3-Low	WELFARE CONCERN
1107 S SCHOOL AVE	09/20/2023 15:52:21	3-Low	TRESPASSING

10 W 15TH ST	09/20/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
219 W 15TH ST	09/20/2023 21:33:21	3-Low	EXTRA PATROL
1005 S BLOCK AVE	09/21/2023 02:05:20	3-Low	INFORMATIONAL
222 E 13TH ST	09/21/2023 11:39:00	3-Low	INFORMATIONAL
1109 S SCHOOL AVE	09/21/2023 12:31:48	3-Low	FRAUD
10 W 15TH ST	09/21/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1064 S DUNN AVE	09/22/2023 17:15:52	3-Low	WELFARE CONCERN
800 S SCHOOL AVE	09/22/2023 17:50:00	3-Low	THEFT
10 W 15TH ST	09/22/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1036 S DUNN AVE	09/23/2023 00:04:46	3-Low	LOUD PARTY
1832 S SCHOOL AVE	09/23/2023 11:46:18	3-Low	FOLLOW UP
10 W 15TH ST	09/23/2023 12:16:54	3-Low	LOITERING
10 W 15TH ST	09/23/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/24/2023 18:17:41	3-Low	WELFARE CONCERN
10 W 15TH ST	09/24/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1331 S WEST AVE	09/25/2023 01:29:38	3-Low	ASSAULT BATTERY
10 W 15TH ST	09/25/2023 05:10:04	3-Low	WELFARE CONCERN
615 W CHESHIRE CT	09/25/2023 08:34:07	3-Low	STOLEN VEHICLE
10 W 15TH ST	09/25/2023 13:16:16	3-Low	FOLLOW UP
10 W 15TH ST	09/25/2023 13:16:16	3-Low	RECOVERY REPORT
10 W 15TH ST	09/25/2023 14:49:19	3-Low	LOITERING
10 W 15TH ST	09/25/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	09/26/2023 09:11:40	3-Low	THREAT
1064 S DUNN AVE	09/26/2023 12:18:00	3-Low	HARASSMENT
1832 S SCHOOL AVE	09/26/2023 15:38:31	3-Low	ASSAULT BATTERY
10 W 15TH ST	09/26/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
10 W 15TH ST	09/27/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1832 S SCHOOL AVE	09/28/2023 08:50:20	3-Low	TRESPASSING
1306 S SCHOOL AVE	09/28/2023 15:42:38	3-Low	TRESPASSING
10 W 15TH ST	09/28/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1010 S DUNN AVE	09/28/2023 23:18:22	3-Low	NOISE
1832 S SCHOOL AVE	09/29/2023 13:44:11	3-Low	THEFT
57 TRL TOWN BRANCH	09/29/2023 15:14:43	3-Low	SEX OFFENSE
10 W 15TH ST	09/29/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
1525 S SCHOOL AVE	09/30/2023 13:06:08	3-Low	TRESPASSING
10 W 15TH ST	09/30/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT

1212 S DUNN AVE	09/30/2023 23:29:43	3-Low	MISSING PERSON
1700 S SCHOOL AVE	10/01/2023 01:39:14	3-Low	THREAT
1700 S SCHOOL AVE	10/01/2023 10:30:31	3-Low	FOLLOW UP
10 W 15TH ST	10/01/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
945 S COLLEGE AVE	10/02/2023 09:22:17	3-Low	RECOVERY REPORT
1221 S SCHOOL AVE	10/02/2023 20:23:43	3-Low	LOITERING
10 W 15TH ST	10/02/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
85 W 15TH ST	10/03/2023 07:24:15	3-Low	ASSIST AGENCY
10 W 15TH ST	10/03/2023 07:54:16	3-Low	ASSIST CITIZEN
10 W 15TH ST	10/03/2023 21:00:00	3-Low	SPECIAL ASSIGNMENT
251 W 19TH ST	10/04/2023 08:34:47	3-Low	FOLLOW UP
1306 S SCHOOL AVE	10/04/2023 15:35:01	3-Low	TRESPASSING
1555 S CREWS LN	10/04/2023 15:40:35	3-Low	PARKING PROBLEM

Priority 3 Total: 983

Grand Total: 1638



Memorandum

Date: August 15, 2023
To: Planning Commission
City of Fayetteville, AR
From: Clark C. Christensen, Associate AIA
Project: **Center Street Residential Development**
612 Main Street
Subject: Parking Variance Request

Trinitas Ventures along with Amplify Development are proposing a residential development at 546 - 612 Center Street. The 2-acre site is located within the Main Street/Center zoning district along West Center Street, south of the Dickson Street corridor and due east of the University of Arkansas campus. The Frisco Trail (Razorback Greenway), which provides convenient pedestrian and bicycle access, runs along the east portion of the site, while the Oak Ridge Trail runs along the south edge of the project. According to the Fayetteville GIS infill map, the site infill grade is 13 out of 14, meaning the location is a high priority site for dense residential development. The proposed building is 7 stories tall with 5 stories of residential units over 2 levels of parking, amenities, and liner units. The building, at 239,906 square feet (gross enclosed), is designed as student housing project with 191 units and 572 bedrooms. Though designed as a student housing, any persons, friend group or family will be welcome as residents. To meet the housing needs of the community, the project will provide a creative mix of studio, 1-, 2-, 3-, and 4-bedroom units. Parking for 228 cars, 104 bikes, and 84 scooters are provided on the first 2 floors of the building. The proposed amenities open to tenants include a fitness center, study rooms and business center, shared lounge space, and a roof-top pool terrace. There are also two (2) internal courtyards for shared outdoor space.

The project is requesting a parking variance per 156.03 C 5 to provide a 0.4 space per bedroom ratio in lieu of the required 1.0 space per bedroom ratio.

PARKING VARIANCE METRICS

Section 172.05.A.7 Table 3 of the zoning code requires 1 parking space per bed and allows an increase in scooter and bike parking to reduce the requirement to 0.65 parking space per bedroom per Section 172.05.A.2.a. The project, with 572 bedrooms, requires 372 parking spaces via the 35% reduction. The project is providing 0.4 parking spaces per bedroom with 228 parking stalls, per the following Table:

Requirements per Section 172.05.A.7 & 172.10.	Provided in Project
1 space per bedroom 572 bedrooms = 572 spaces	372 spaces required via 35% reduction 228 parking spaces provided 144 parking space deficit
One (1) motorcycle/scooter space per 25 spaces for lots containing > 25 spaces 23 spaces	81 motorcycle/scooter spaces required 23 sp. + 58 sp. [35% reduction] = 81 sp. 84 spaces provided
One (1) bike rack per 30 dwelling units 7 bike racks	65 bike racks required 7 sp. + 58 sp. [35% reduction] = 65 sp. 104 stalls provided

Parking Reductions (per Section 172.05.A.2.a)

- Max 15% reduction when within ¼ mile of transit stop = 86 spaces
 - 572 bedrooms x 15% = 86 spaces
- Max 10% reduction when motorcycle/scooter space is substituted (1:1) = 58 spaces
 - 572 bedrooms x 10% = 58 spaces
- Max 10% reduction when Bike Rack is substituted (1:1) = 58 spaces
 - 572 bedrooms x 10% = 58 spaces
- Compact spaces allowed up to 35% of required total.
- Permitted on-street spaces may count towards project requirements.

Parking Metrics

Requirements (per Section 172.05.E.Table 1 & 172.10)	Provided in Project
Standard Stall: 9 ft. wide x 19 ft deep.	9 ft. wide x 19 ft deep.
Compact Stall: 7.5 ft. wide x 15 ft deep.	7.5 ft. wide x 15 ft deep.
One Way Aisle: • Standard: 24 ft; Compact: 22 ft.	Standard: 24 ft min.; Compact: 22 ft. min.
Two Way Aisle: • Standard: 24 ft; Compact: 24 ft.	Standard: 24 ft min.; Compact: 24 ft. min.
Motorcycle / Scooter Space: Width: 3 ft; Depth: 7 - 9 ft.	Width: 3 ft min.; Depth: 7 ft. min.
Bicycle Space: Width: 3 ft; Depth: 8 ft; 3 ft. O.C. serves 2 bikes.	Width: 3 ft; min. Depth: 8 ft. min.

See attached Conceptual Site plans for location of parking spaces within the structured parking levels of the proposed building at 612 W. Center Street

Strict enforcement of the zoning ordinance to provide a 1 space per bedroom ration would cause undue hardship due to existing site and community circumstances. This two-acre site rises significantly from west to east (R.R. viaduct over to the Razorback Greenway). These topographical challenges, in combination with the location of required vehicle site access points and Fire Department equipment aerial access parameters all limit the developable portion of the site. Furthermore, the site accommodates city utilities requiring individual easements for electricity, stormwater, sewer, and gas, additionally limiting the buildable site area. The building height and stories are limited per the prevailing building code. The project height is also held to a height commensurate with the underlying zoning and in character with the planning goals for the Fayetteville urban center. Lastly, the team is maximizing resident access to the existing adjacent public trails, thus enhancing the pedestrian and bikers' experiences of the existing greenways.

The design team has laid out the building footprint and program to maximize the community connection points while accounting for site constraints, as seen in the attached Conceptual Plan exhibit. The granting of the parking variance will be in keeping with the spirit and intent of the zoning ordinance as the variance requested is the minimum variance necessary to make possible the reasonable use of the project site. The project takes advantage of the 35% parking reduction achieved via the following means (per Section 172.05.A.2.a):

- Reduction due to Adjacency to a Transit Stop (Razorback Transit & Ozark Regional Transit)
- Reduction due to providing substitute motorcycle / scooter spaces; (Spaces provided within structured parking)
- Reduction due to providing substitute bicycle rack spaces (Spaces provided within structured parking)

The project is then requesting a 0.25 space per bedroom reduction on top of the 0.35 space per bedroom reduction noted above. In this case, the proposed project provides 0.4 parking spaces per bedroom. The project provision is consistent with the overall goal of dense residential infill and reducing car usage in the Main Street / Center district. Further, the requested parking reduction is fully accommodated by professional building management of the project's residents and parking allocation. Per meetings held prior to the parking variance submission, the project operators will comply with the fire marshal's request of signage and striping. Additionally, the building management will enforce keeping all fire lanes clear of vehicles. The project will also comply with section 156.03 C 5 which requires a \$1,200 in lieu fee per parking space not provided for the City to build funds for a future parking garage.

Fully combined, the student housing project provides an overall parking ratio of 0.72 to 1, with the total of bike, scooter/moped, and vehicular parking being 416 and the bedroom count being 572 bedrooms.

Alternate Parking Ratios for Parking Variance
Submission 08.31.2023
612 Center St
Base: 572 Beds, 228 Parking Stalls
.4 Stalls per bed



Parking Variance Research Memo

National Review of Parking Codes

In developing the request for a parking variance, Trinitas and Amplify looked at how other cities with urban universities are handling parking at a zoning level and locally at the housing challenges facing Fayetteville. We also looked internally at current projects that are being developed and managed with minimized parking provisions.

In reviewing the national basis for parking standards for housing in urban and university towns, we went to the Urban Land Institute (ULI) who is on the forefront of policy research for city development. ULI is the largest cross-disciplinary network of experts in real estate and land use in the US. In its goal to research and educate, ULI has created a database of zoning requirements based on progressive parking standards. The article and research tool on their website “Parking Policy Innovations in the United States” provides references to municipal ordinances throughout the United States that is a backdrop for other municipalities to make progressive changes in their parking policies. The link below is to their search engine.

<https://knowledge.uli.org/en/reports/research-reports/innovations-in-parking-policy?q&sortBy=relevance&sortOrder=asc&page=2>

The ULI parking policy resource highlighted the parking ordinance of Ann Arbor, Michigan (population 123,851 at 2020 U.S. Census). Ann Arbor, similar to Fayetteville, AR, is home to a division 1 university and welcomes students from well beyond the state line to The University of Michigan. The City of Ann Arbor’s off-street parking requirement for student group housing is 1 per 5 beds according to ordinance number: ORD-20-35 5.19-1 Off-Street Parking Spaces. Per ULI’s research report: “Parking Policy Innovations in the United States”, the reason cities are reforming their parking minimum standards is: “to manage the existing parking supply, reduce traffic, cut pollution, and bolster city finances. Reforms include eliminating minimum parking requirements for development projects, enabling developments and businesses to share parking facilities, and using technology solutions to efficiently manage the supply of on-street parking.”

Also similar to Fayetteville, the city of Austin, TX, (population 961,855 at the 2020 U.S. Census) who houses Division 1 school University of Texas at Austin, has sought to manage traffic and parking demands by removing their parking minimum completely for the University Overlay District. Per zoning ordinance 25-6-601, there are no minimum off-street parking requirements in the University Neighborhood Overlay District.

Strong Towns is a non-profit organization that seeks to analyze and educate about development in post-war United States. According to the Strong Town website, their goal is to: “advocate for cities of all sizes to be safe, livable, and inviting... to elevate local government to be the highest level of collaboration for people working together in a place.” Strong Town provided a report: “5 Cities That Repealed Parking Minimums in 2022.” In the article, Strong Town notes that “ceding so much space to cars reinforces car dependency.” Per the 2020 U.S. Census, the population for the city of Fayetteville is 93,949. For reference of the article, the cities studied are: Culver City California, population 39,970; Olympia, WA, population 52,882; Raleigh, NC, population 467,655; Nashville, TN, population 692,587; and Anchorage,

AK, population 288,000. The removal of parking minimums in a city's downtown is researched and implemented across the U.S. in cities of all sizes whether it's state capitols, university towns, or in entertainment districts.

The other side of minimizing parking provided to reduce dependency of vehicles is the increase in space allotted to housing. Per a study completed by The University of Arkansas Sam M Walton College of Business of Northwest Arkansas: "Measuring the Vitality of Downtowns in Bentonville, Fayetteville, Rogers, Siloam Springs, and Springdale" downtown Fayetteville has a low vacancy of multifamily housing. The executive summary notes: "the low vacancy rates for multifamily units showed the strong consumer demand for downtown living." Similarly, The Walton Family Foundation funded research and reports entitled: "Northwest Arkansas Housing Policy Landscape Assessment Phase One and Phase Two Reports." Phase one of the report informs: "On the supply side, almost half (46 percent) of the housing stock is detached, single-family homes with most of the remainder of the stock in small- and medium-scale multifamily buildings. In 2019, there was an insufficient number of available rental units for households at all low and moderate-income levels, with the exception of moderate-income households (80-120 percent of AMI), for which there were barely enough units to meet the need." Going further, the report states: "The university does not have sufficient housing on campus to accommodate the student population, creating significant pressure on the private rental market in the downtown and university area." The minimal amount of multifamily housing pushes the oversized student population to take the single-family housing stock away from the affordable housing options. By providing multi-family housing options near the university and downtown Dickson St, where students can walk to school and entertainment helps reduce dependency on cars and frees up single-family homes for the low- and moderate-income residents of Fayetteville.

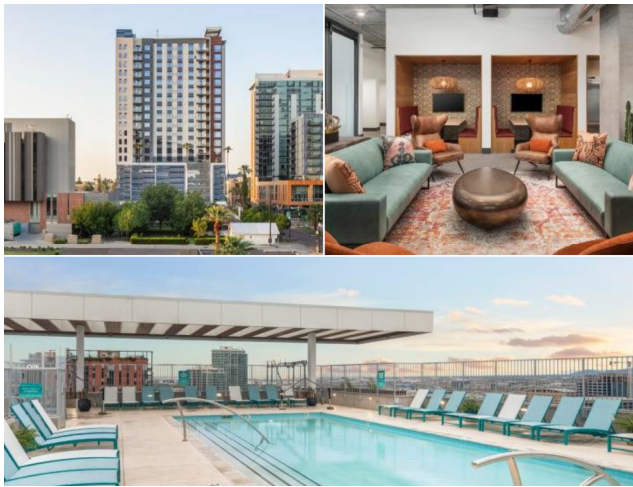
Trinitas Managed Properties

Last, Trinitas owns and manages properties with parking ratios below 50% per bed. The management team coordinates parking, schedules move-ins and keeps drop-offs clear of loitering vehicles.

Furthermore, on high-traffic days like move-in and move-out, management uses traffic cones, friendly traffic directors, and parking education to help students and parents understand the move-in process and to keep the flow of vehicular and pedestrian traffic moving.

In order to protect street clearances and adjacent neighborhoods, Trinitas, who will be managing the building, includes a clause in the tenant lease that states: "In order to avoid off-site vehicle parking by residents of the Property negatively impacting the Property's neighbors, Resident shall (a) lease parking from Landlord, (b) provide Landlord evidence satisfactory to Landlord, in Landlord's sole discretion, that Resident has obtained, and in fact uses, a lease or other permission to park Resident's vehicle(s) from a party other than Landlord, or (c) not bring any vehicles to the county in which the Property is located. Further, Resident shall not park Resident's vehicle(s) in any public or private parking space or other property within five hundred (500) yards of the Property unless Resident has a written lease or written permission from the parking space owner to use such space. Resident shall pay Landlord the Parking Violation Fee in which such violations occur for one or more violations of this Section 14, which amounts shall be considered additional Rent. If Resident uses parking from Landlord and loses any parking pass, Resident shall be subject to the Parking Pass Replacement Fee. "

Included below are 3 current projects developed, leased, and managed by Trinitas. Each of the buildings has below .5 parking stalls per bedroom. All the projects are student housing and integrated into the university town. The lease for tenants includes the language noted above as will be implemented in the leases in Fayetteville. While the 612 Center St site provides parking, it is also on city and Razorback bus lines that lead to UARK remote parking lots. This ensures ample options for legal and easily accessible parking spaces for tenants. Per the lease, students with a vehicle must show proof of off-site leased parking. The true benefit of having multi-family student housing options with on-site building management is that there are staff who oversee and enforce rules and expectations. The management team is the first line of defense with tenants which releases pressure from the city staff and services.



Atmosphere Tempe, located in Tempe Arizona, is an urban, pedestrian friendly student housing building. The project opened in 2021 with 530 beds. The parking ratio is .35 parking stalls per bed.



Current at Latimer Square is located in Bloomington, IN and is a student housing development opened in 2023. The building is rented and managed with .48 parking stalls for the 906 beds.



Atmosphere Lincoln, located in Lincoln, NE, houses students with 779 beds. The building partially opened in 2023 with .12 parking spaces per bed.

Cited Materials

Ann Arbor Ordinance Draft February 14, 2021

<https://www.a2gov.org/departments/planning/Documents/Planning/Discussion%20Draft%20-%20Parking%20Standards%20August%202021.pdf>

Austin, TX Municipal Code Chapter 26, July 25, 2023

https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT25LADE_CH25-6TR_ART7OREPALO_DIV7SPPRTRORDEDI_S25-6-611PARETRORDEDI

Strong Towns

<https://www.strongtowns.org/journal/2023/1/12/5-cities-that-repealed-parking-minimums-in-2022>

ULI Research Report May 12, 2021 "Parking Policy Innovations in the United States"

<https://knowledge.uli.org/en/reports/research-reports/innovations-in-parking-policy?q&sortBy=relevance&sortOrder=asc&page=2>

University of Arkansas Sam W Walton School of Business, October 2017, "Measuring the Vitality of Downtowns in Bentonville, Fayetteville, Rogers, Siloam Springs, and Springdale"

<https://8ce82b94a8c4fdc3ea6d-b1d233e3bc3cb10858bea65ff05e18f2.ssl.cf2.rackcdn.com/38/96/9c4db4bf4ea49aeceaced3cd8345/2018-downtown-vitality-report.pdf>

The Walton Family Foundation, October 2020, "Northwest Arkansas Housing Policy Landscape Assessment Phase One Report."

<https://8ce82b94a8c4fdc3ea6d-b1d233e3bc3cb10858bea65ff05e18f2.ssl.cf2.rackcdn.com/51/c7/f0cb1a7347c587aa3620fb4c4f7c/nwa-housing-policy-landscape-assessment-phase-1-final.pdf>

Research Reference Materials

Strong Towns

<https://www.strongtowns.org/journal/2021/11/23/a-new-way-to-look-at-minimum-parking-requirements>

ULI

<https://knowledge.uli.org/-/media/files/research-reports/2021/parking-policy-resources/impact-of-changing-mobility-preferences.pdf?rev=cdd40252b838436083fbf1abae78fb26&hash=DC26E53750223B1B2C1C39A5B4A88DBD>

The Walton Family Foundation, December 2020, "Northwest Arkansas Housing Policy Landscape Assessment Phase Two Report."

<https://8ce82b94a8c4fdc3ea6d-b1d233e3bc3cb10858bea65ff05e18f2.ssl.cf2.rackcdn.com/b7/74/143a3abe41a490b4688ffc366053/nwa-housing-policy-landscape-assessment-phase-2-final.pdf>



University of Arkansas Parking Map 2023-2024

Transit and Parking web site:

<http://parking.uark.edu>

Map is not drawn to scale.

Map last updated August 30, 2023.

Subject to change at any time.

Lot sign designation takes precedence over map designation.

Changes may have occurred since the last update.

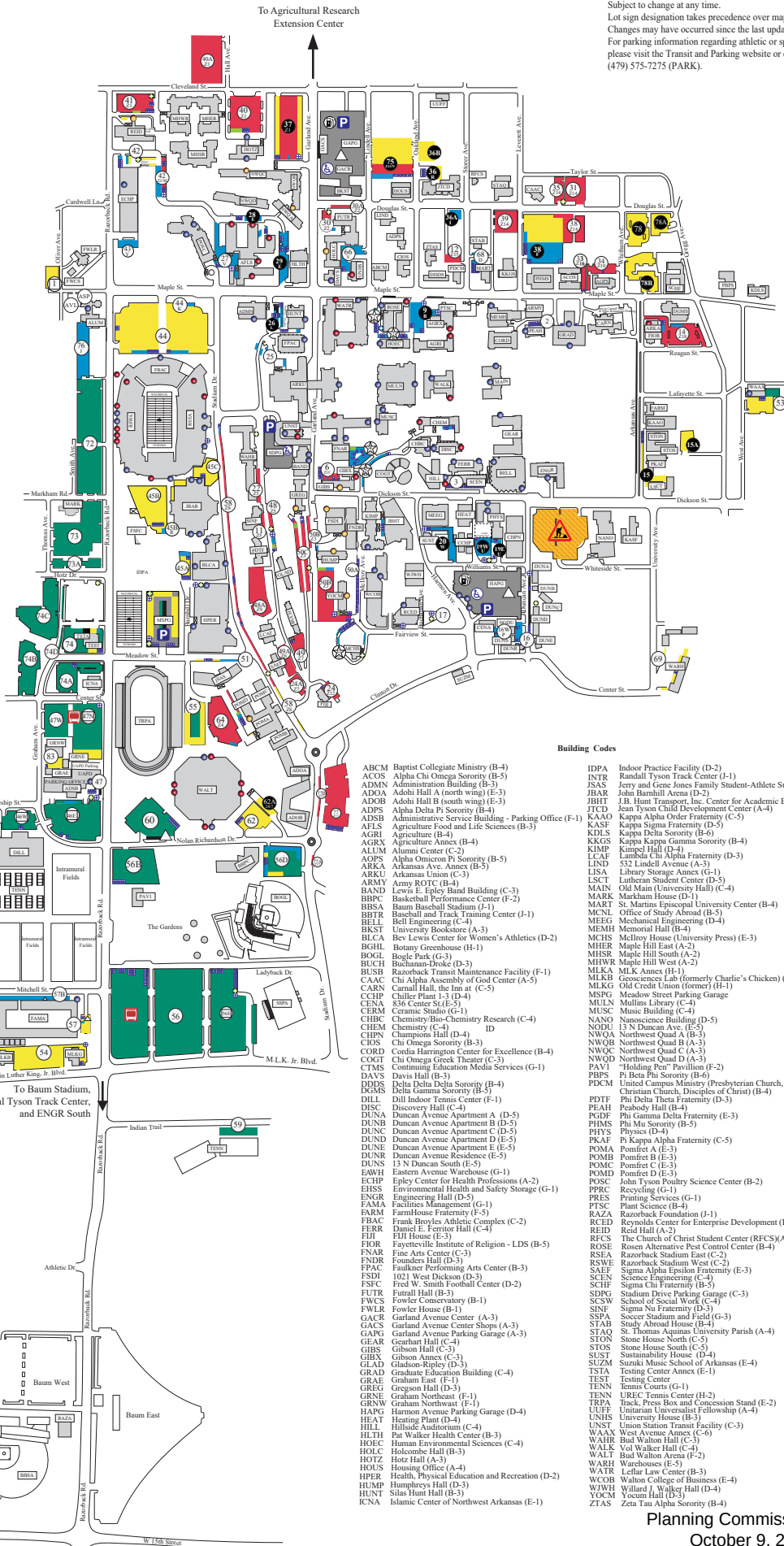
For parking information regarding athletic or special events, please visit the Transit and Parking website or call (479) 575-7275 (PARK).

- Legend**
- Economy
 - Reserved
 - Faculty/Staff
 - Resident Reserved (9 months)
 - Student
 - Parking Meters
 - Short-term Meters
 - Parking Garage (Metered Parking Available)
 - Construction Area
 - Building Code

- Under Construction
- ADA Parking
- Loading Zones
- Motorcycle Parking
- Scoter Parking
- Reserved Scooter Parking
- Night Reserved
- No Overnight (See list below)
- 47N
- 46E & 46W
- 56E
- MSPG
- Parking Lot Number/Zone
- Extended Hours
- Visitor Meter Parking
- Parking Garage (Metered Parking Available)
- Park and Ride
- Electric Vehicle Charging Station

Accessible Building Entrances

- Accessible Entrances
- Power Assisted Doors
- Housing Control Point



Building Codes

- | | |
|---|--|
| ABCM Baptist Collegiate Ministry (B-4) | IDPA Indoor Practice Facility (D-2) |
| ACOS Alpha Chi Omega Sorority (B-5) | INTR Randall Tyson Track Center (J-1) |
| ADMIN Administration Building (B-3) | JASAS John Barnhill Arena (D-2) |
| ADORA Adohi Hall A (north wing) (E-3) | JBAT 1.B. Hunt Transport, Inc. Center for Academic Excellence (D-4) |
| ADOB Adohi Hall B (south wing) (E-3) | JHBT Jean Tyson Child Development Center (A-4) |
| ADPS Alpha Delta Pi Sorority (B-4) | KAAO Kappa Alpha Order Fraternity (C-5) |
| ADSH Administrative Service Building - Parking Office (F-1) | KDLSS Kappa Delta Sorority (B-6) |
| AGRI Agriculture Food and Life Sciences (B-3) | KKGS Kappa Kappa Gamma Sorority (B-4) |
| AGRX Agriculture Annex (B-4) | KIMP Kimpel Hall (D-4) |
| ALUM Alumni Center (C-2) | LCAP Lambda Chi Alpha Fraternity (D-3) |
| ADPS Alpha Omega Psi Sorority (B-5) | LIND 532 Lindell Avenue (A-3) |
| ARKA Arkansas Ave. Annex (B-5) | LISA Library Storage Annex (C-1) |
| ARKU Arkansas Union (C-3) | LSCT Lutheran Student Center (D-5) |
| ARMY Army ROTC (B-4) | MALD Old Main (University Hall) (C-4) |
| BAND Lewis E. Epley Band Building (C-3) | MARK Markham House (D-1) |
| BBSA Baum Baseball Stadium (J-1) | MART St. Martin's Episcopal University Center (B-4) |
| BHTR Baseball and Track Training Center (J-1) | MCNL Office of Study Abroad (B-5) |
| BKST University Bookstore (A-3) | MEEG Mechanical Engineering (D-4) |
| BLCA Bessie Coleman Center for Women's Athletics (D-2) | MEMH Memorial Hall (B-4) |
| BHGL Botany Greenhouse (H-1) | MCHS Melroy House (University Press) (E-3) |
| BOGL Bogle Park (G-3) | MHER Maple Hill East (A-2) |
| BUCU Buchanan-Droke (D-3) | MHWR Maple Hill West (A-2) |
| BUSB Razorback Transit Maintenance Facility (F-1) | MLKA MLK Annex (H-1) |
| CAAC Chi Alpha Assembly of God Center (A-5) | MLKG Old Credit Union (former) (H-1) |
| CARN Carnall Hall, the Inn at (C-5) | MSPG Meadow Street Parking Garage |
| CCHP Chulter Plant 1-3 (D-4) | MULN Mullins Library (C-4) |
| CENA 836 Center St (E-5) | MUSC Music Building (C-4) |
| CERM Ceramic Studio (G-1) | NANO Nanoscience Building (D-5) |
| CHBC Chemistry Bio-Chemistry Research (C-4) | NODU 13 N Duncan Ave. (E-1) |
| CHEM Chemistry (C-4) | NWQA Northwest Quad A (B-3) |
| CHPN Champions Hall (D-4) | NWQB Northwest Quad B (C-2) |
| CLOS Chi Omega Sorority (B-3) | NWQC Northwest Quad C (A-3) |
| CORD Cordia Harrington Center for Excellence (B-4) | NWQD Northwest Quad D (A-3) |
| COGT Chi Omega Greek Theater (C-3) | PAYI "Holding Pen" Pavilion (F-2) |
| CTMS Continuing Education Media Services (G-1) | PBPS Pi Beta Phi Sorority (B-6) |
| DAVS Davis Hall (B-3) | PCDM United Campus Ministry (Presbyterian Church, Christian Church, Disciples of Christ) (B-4) |
| DDDS Delta Delta Delta Sorority (B-4) | PDTF Phi Theta Kappa Fraternity (D-3) |
| DILL Dill Indoor Tennis Center (F-1) | PEAH Peabody Hall (B-4) |
| DISC Discovery Hall (C-4) | PKGF Phi Gamma Delta Fraternity (E-3) |
| DUNA Duncan Avenue Apartment A (D-5) | PHMS Phi Mu Sorority (B-5) |
| DUNB Duncan Avenue Apartment B (D-5) | PHYS Physics (D-4) |
| DUNC Duncan Avenue Apartment C (D-5) | PKAF Pi Kappa Alpha Fraternity (C-5) |
| DUND Duncan Avenue Apartment D (E-5) | POMA Pomfret A (E-3) |
| DUNE Duncan Avenue Apartment E (E-5) | POMB Pomfret B (E-3) |
| DUNR Duncan Avenue Residence (E-5) | POMC Pomfret C (E-3) |
| DUNS 13 N Duncan South (E-5) | POMD Pomfret D (E-3) |
| EAWH Eastern Avenue Warehouse (G-1) | POSC John Tyson Poultry Science Center (B-2) |
| ECHP Epley Center for Health Professions (A-2) | PPRC Recycling (G-1) |
| EHSS Environmental Health and Safety Storage (G-1) | PREJ Printing Services (G-1) |
| ENGR Engineering Hall (D-5) | PTSC Plant Science (B-4) |
| FAMA Facilities Management (G-1) | RAZA Razorback Foundation (J-1) |
| FARM Farmhouse Fraternity (F-5) | RECD Reynolds Center for Enterprise Development (D-4) |
| FBAC Frank Boyles Athletic Complex (C-2) | REID Reid Hall (A-2) |
| FERR Daniel E. Ferriter Hall (C-4) | RFCS The Church of Christ Student Center (RSCS)(A-4) |
| FHJ FHJ House (E-3) | ROSE Rosen Alternative Pest Control Center (B-4) |
| FIOR Fayetteville Institute of Religion - LDS (B-5) | RSEA Razorback Stadium East (C-2) |
| FNAR Fine Arts Center (C-3) | RSEW Razorback Stadium West (C-2) |
| FNDP Founders Hall (D-3) | SAEF Sigma Alpha Epsilon Fraternity (E-3) |
| FPAC Faulkner Performing Arts Center (B-3) | SCHP Science Engineering (C-4) |
| FERR Daniel E. Ferriter Hall (C-4) | SCHF Sigma Chi Fraternity (B-5) |
| FUTR Futrell Hall (B-3) | SDPG Stadium Drive Parking Garage (C-3) |
| FWCS Fowler Conservatory (B-1) | SCHW School of Social Work (C-4) |
| FWLR Fowler House (B-1) | SINF Sigma Nu Fraternity (D-3) |
| GACR Garland Avenue Center (A-3) | SNSP Soccer Stadium and Field (G-3) |
| GACS Garland Avenue Center Shops (A-3) | STAB Study Abroad House (B-4) |
| GAPG Garland Avenue Parking Garage (A-3) | STAO St. Thomas Aquinas University Parish (A-4) |
| GEAR Gearhart Hall (C-3) | STON Stone House North (C-5) |
| GIBS Gibson Hall (C-3) | STOS Stone House South (C-5) |
| GIBX Gibson Annex (C-3) | SUST Sustainability House (D-4) |
| GLAD Gladson-Ripley (D-3) | SUZM Suzuki Music School of Arkansas (E-4) |
| GRAD Graduate Education Building (C-4) | TSTA Testing Center Annex (E-1) |
| GRAE Graham East (D-3) | TENN Tennis Courts (G-1) |
| GREG Gregory Hall (D-3) | TENN Track, Press Box and Concession Stand (E-2) |
| GRNE Graham Northeast (F-1) | UNIF Unitarian Universalist Fellowship (A-4) |
| GRNW Graham Northwest (F-1) | UNHS University House (B-4) |
| HAPG Harmon Avenue Parking Garage (D-4) | UNST Union Station Transit Facility (C-3) |
| HEAT Heating Plant (D-3) | WAAX West Avenue Annex (E-6) |
| HILL Hillside Auditorium (C-4) | WAIR Bad Walton Hall (C-3) |
| HLTH Pat Walker Health Center (B-3) | WALK Vol Walker Hall (C-4) |
| HOEC Human Environmental Sciences (C-4) | WALT Bud Walton Arena (F-2) |
| HOLC Holcombe Hall (B-3) | WARH Warehouses (E-5) |
| HOTZ Hotz Hall (A-3) | WATR Leifur Law Center (B-3) |
| HOUS Housing Office (A-4) | WCOB Walton College of Business (E-4) |
| HPER Health, Physical Education and Recreation (D-2) | WJWH Willard J. Walker Hall (D-4) |
| HUNT Silas Hunt Hall (B-3) | YOCM Yocum Hall (D-3) |
| ICNA Islamic Center of Northwest Arkansas (E-1) | ZTAS Zeta Tau Alpha Sorority (B-4) |

Planning Commission

October 9, 2023

VAR-2023-0040 (TRINITAS DEVELOPMENT) Page 126 of 450

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Reference Information for Access to
Non-Resident Student University Parking

UNIVERSITY OF
ARKANSAS

Business Affairs
Transit and Parking

QUICKLINKS

Search this site

Q

Maps ▾

Account ▾

Permits ▾

Citations ▾

Visitors ▾

Transit ▾

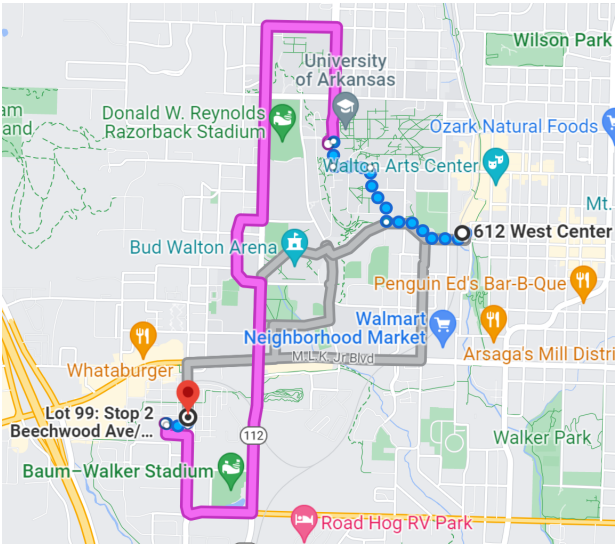
Permit Fees Fall 2023-Spring 2024

Resident Reserved	745.00
Reserved Disabled Student	205.00
Student	115.00
Economy	25.00
Motorcycle	77.00
Parking Garage Reserved (full year)	1,020.00
Scooter	77.00
Scooter Reserved	230.00

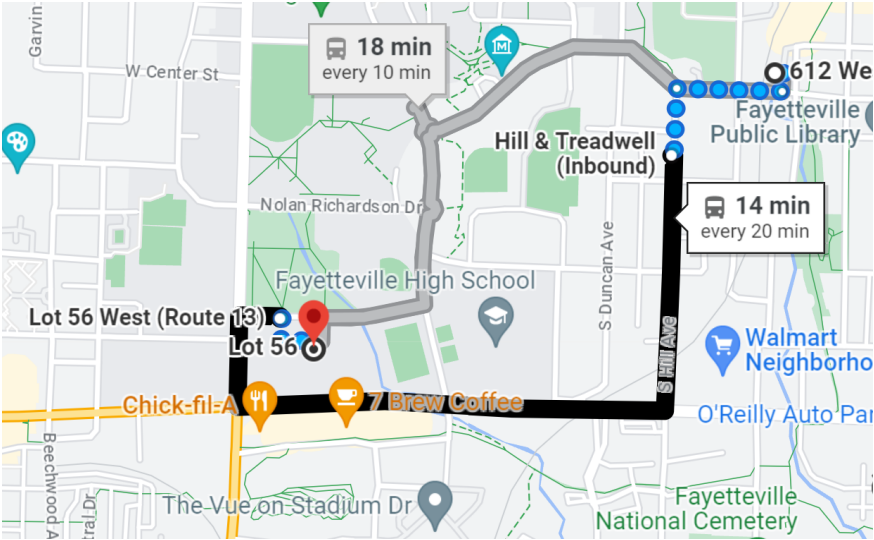
Lot 99 is Economy Parking - Always Open

- 17-20 Green Lots
- No space count; No limit on parking permits sold
 - Green lot parking closes for football and Men's basketball games

Orange Lot 99



Green Lot 56



Parking Variance Memo

The student housing project, being developed by Trinitas Development and Amplify Development Co at 612 W Center St in Fayetteville, AR, is requesting a variance for parking space allocation in order to serve the community with much needed student housing. Obtaining the requested parking variance is critical to the viability of the project and ensuring its long-term operational success.

Trinitas and Amplify specialize in the development and ownership of student oriented housing throughout the United States. Trinitas is one of the largest long-term operators and in-house property managers of student housing in the US. Every project within the companies' development portfolio is designed with the end-user, the community, and the long-term operational functionality in mind. Understanding every community has a specific set of unique requirements with respect to pedestrian and vehicular coordination, Trinitas and Amplify have expended a significant amount of time and effort ensuring the right program is planned for the project at 612 W Center Street. The proposed uses and space allocations are based on the specific market dynamics and supply/demand implications of the Fayetteville, University of Arkansas, and the direct location of this project.

Based on the collective experience of Trinitas and Amplify, this specific project requires limited parking due to its close proximity to the university, urban and entertainment center, and its access to public services including mass transit and trails. Additionally, the project is developed as student housing and is specifically designed and managed to meet the needs and livelihood of university students which have limited needs for personal vehicular access. The undue hardship to providing parking stalls per the zoning requirement is that the building height and area are limited by site constraints, utilities easements, and building code. The building area enclosed is at a maximum for the site and providing additional parking reduces other uses in the building, in this case: residential units. As the infill score, location, and 2030/ 2040 Fayetteville plans call for an increase in residential density in this location, replacing housing with parking is a hardship to the project and the city.

Location & Walk/Bike-ability

The project location is between W Center St and W Meadow St; 2 blocks south of Dickson St and 4 blocks west of the municipal Downtown Core. Reducing the need for cars, the site is walkable within a half mile to restaurants, bars, shopping, groceries, and Fayetteville Municipal Buildings. Additionally, the site is a half-mile to the University of Arkansas, which is linked through biking and walking trails. The construction of the student housing project allows continuity of the Oak Ridge Trail 10' path along the southern boundary line of the site leading west to the school. Additionally, the Razorback Greenway's Frisco Trail, which meanders along the site's eastern boundary, provides a pedestrian and bike friendly path to both Dickson St and to the University of Arkansas campus.

Alternative Transportation

Reducing the need for a personal vehicle to meet daily needs and to attend classes, the site is located along the city of Fayetteville and The University of Arkansas Razorback bus lines providing access to greater Fayetteville and the far reaches of the university. The city of Fayetteville also has rideshare programs: Uber and Lyft, that provide personal and shared rides for daily needs. Additionally, scooters,

bikes, and e-bikes have pathways and dedicated spaces throughout Fayetteville for personal use and share programs of Veo and Spin.

Benefits of Reduced Allocation of Parking

By reducing the allocation of parking, there is a reduction in the dependency on personal vehicles to meet daily needs. It encourages the use of publicly provided services: transit and trails, and of healthy activities: biking and walking; activities that are environmentally and socially equitable. Furthermore, providing residences within walking distance to Fayetteville's entertainment district with restaurants and bars encourages people to walk and use ride shares and discourages driving while under the influence of alcohol and drugs.

Finally, and most importantly, the parking ratio provided matches the standards of student housing projects that Trinitas Development and Amplify Development Co have developed and manages throughout university towns in the United States where schools are integrated into the urban center just as The University of Arkansas is integrated into Fayetteville. Across the country, the parking ratio for student housing developments in urban centers developed by the two companies is .25-.42 parking stalls per bedroom. Additionally, at 612 W Center St, we're providing liner units on the second level of the garage and amenities on levels 1 and 2 so neighbors and trail-users see an active, vibrant building. Last, we believe the safety and health benefits of the residents, the community, and the environment are worth the trade of parking. To make the best use out of the site and to benefit Fayetteville, maximizing the area used for housing and providing parking that is appropriate for the location of student housing in an urban center is the highest and best use of the 612 W Center St site in Fayetteville, AR. This development, in which Trinitas and Amplify are investing great resources, shows confidence that the building proposed will provide the city with much-needed housing, while also meeting the parking needs of the urban student.



Parking Variance Memo

Fayetteville Center St
600 W Center St. Fayetteville, AR

10.03.2023

Hearing the concerns of the fire department, the police department, and planning staff, the Parking Variance for 600 W Center St is being modified. The project will provide the zoning required parking. In order to balance the city required parking number with the city's goal of a pedestrian friendly and multi-modal downtown, the balance of parking will be accommodated in an off-site parking lot owned and managed by the 600 W Center St property. The remote lot is over 600' from the site and therefore does require a variance from 172.06 C.

Included information:

- 1) Zoning District and Location of the Remote Site
- 2) Location and Multi-Modal Access to Remote Site



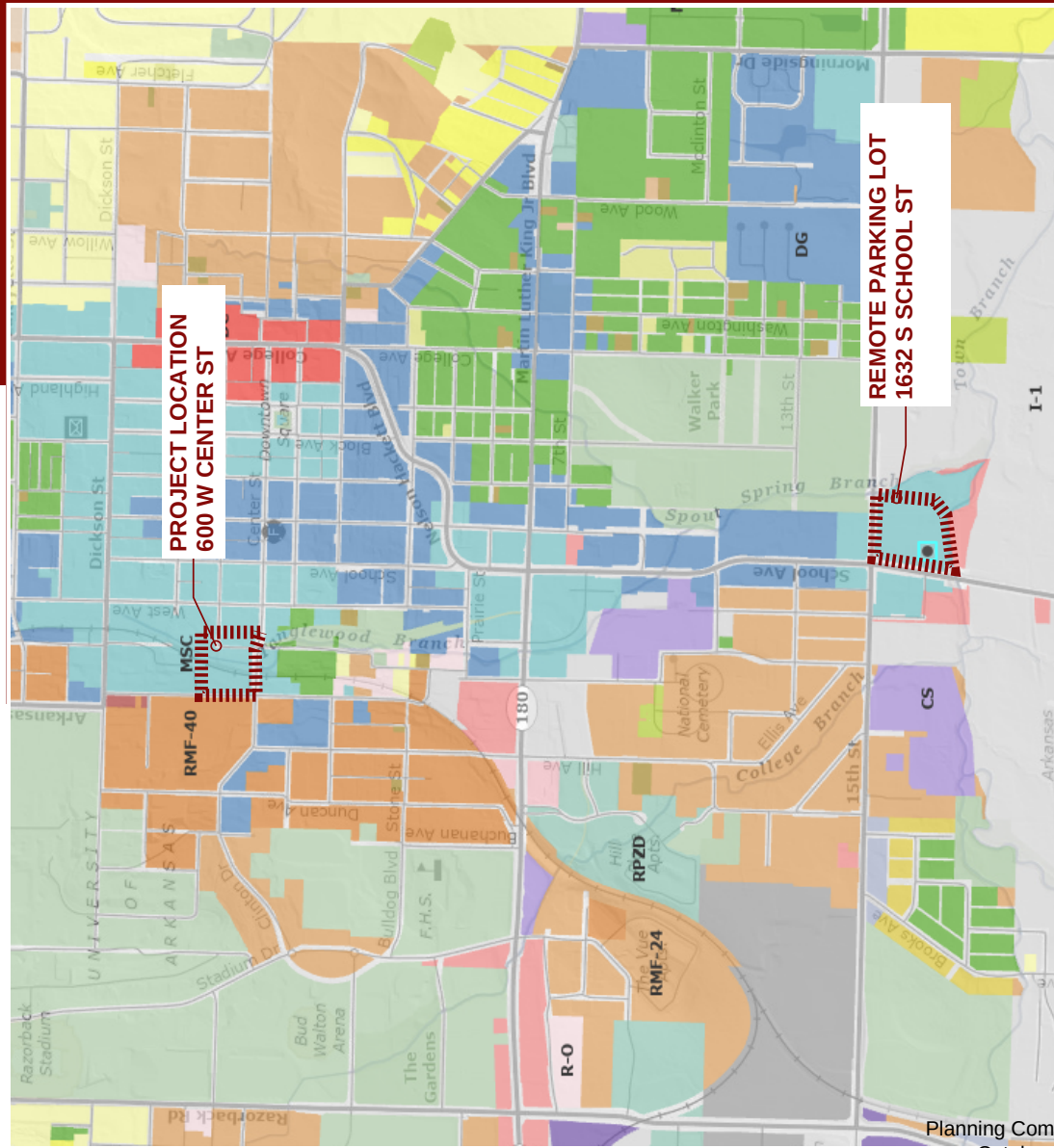
TRINITAS

COMING FALL 2026

612 CENTER STREET

Student Housing | Fayetteville, Arkansas

REMOTE PARKING ZONING



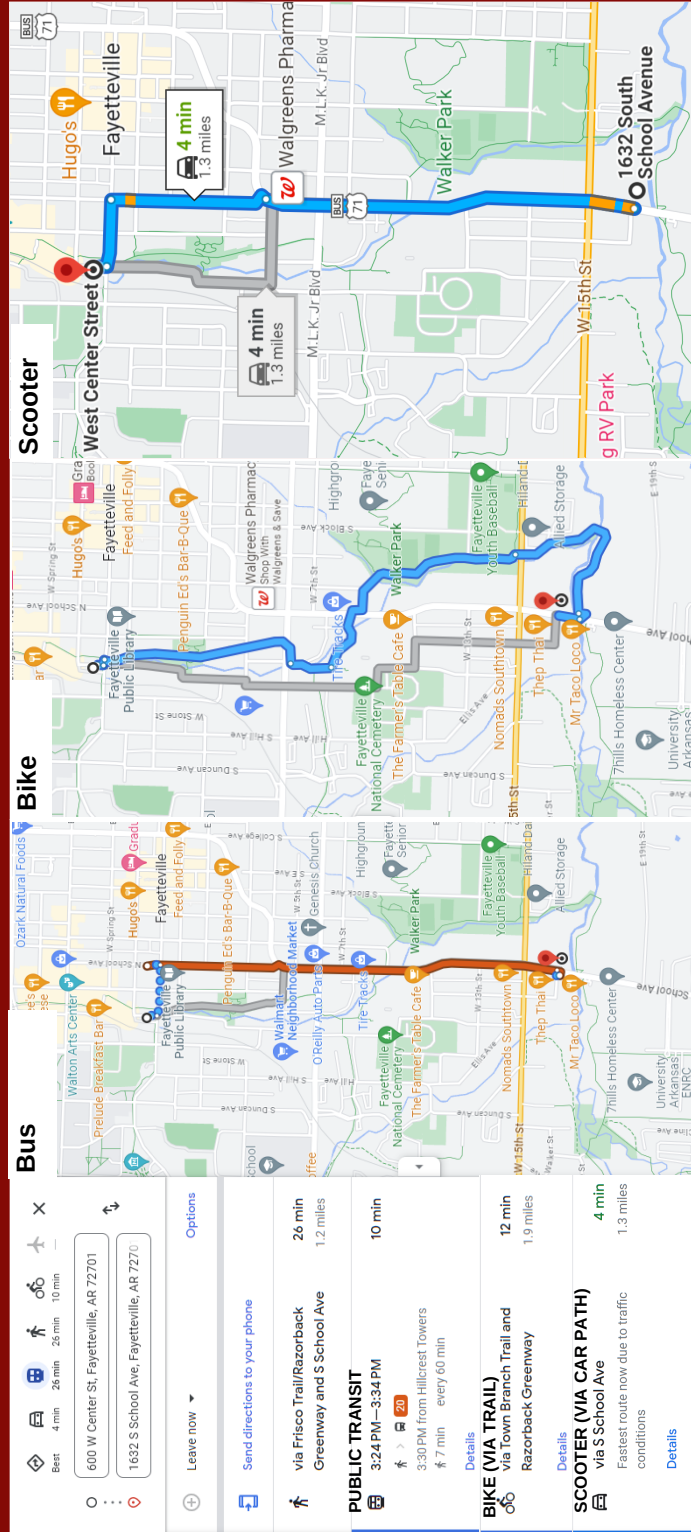
Remote Lot Zoning

-1632 S School Ave
Fayetteville

-Main Street Center Zoning District
-same as development

-Lot to be owned and managed by the
600 W Center St property

REMOTE PARKING LOCATION & ACCESS



-1632 S School Ave
Fayetteville

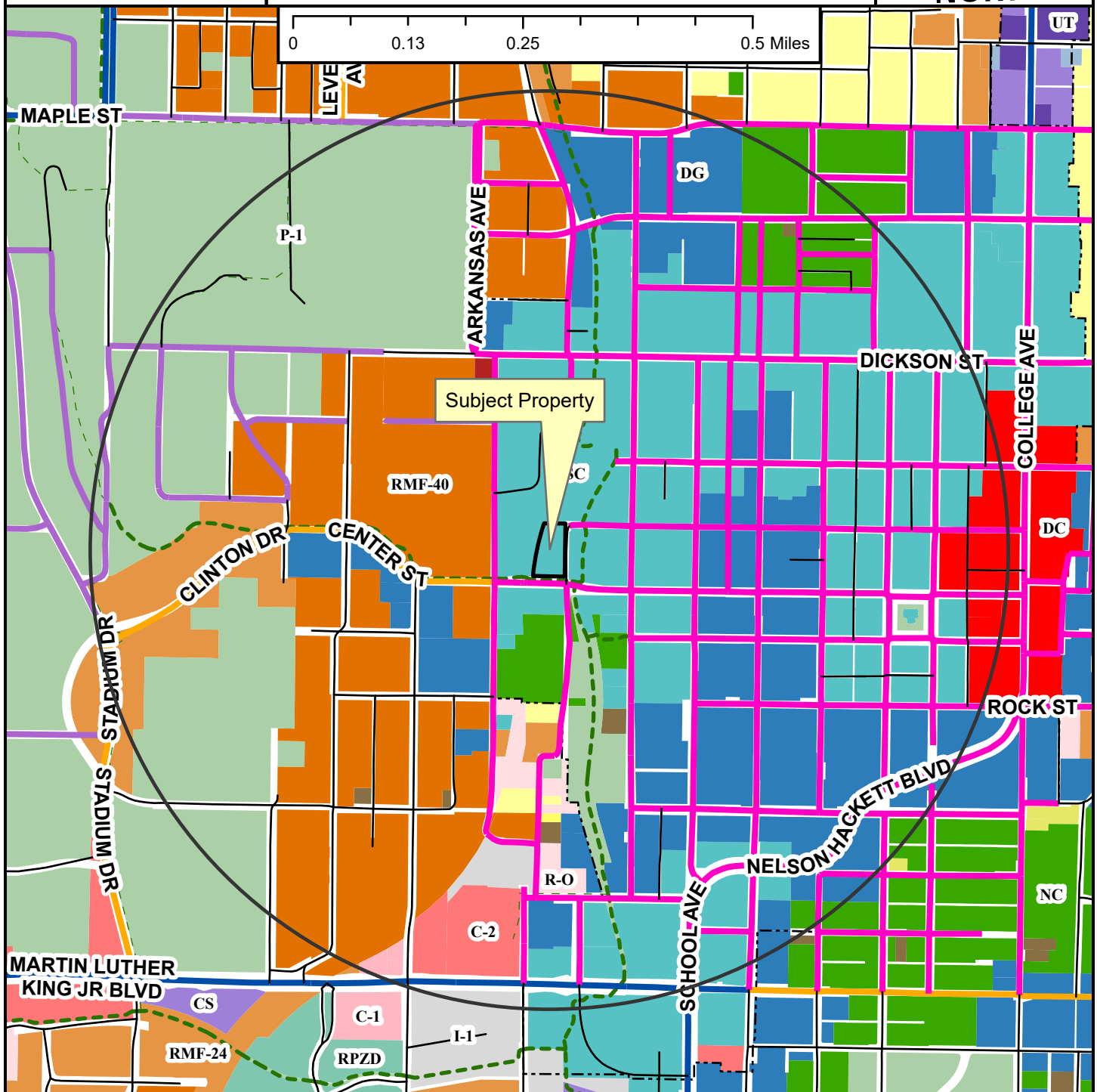
- 1.2 Miles from 600 W
Center St

-Access via Bike, Scooter, &
Bus

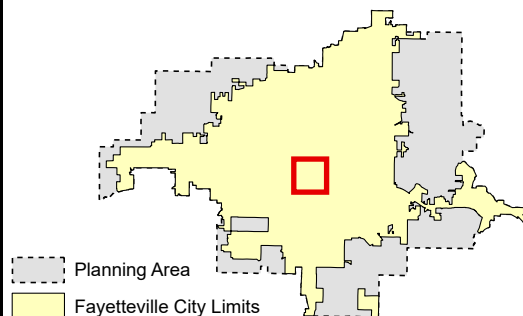
-Approximately 60% of
parking is on site at 600 W
Center St w/ 40% at off-site
parking lot

-Remote Parking Lot
encourages use of trails and
walkable location in lieu of
personal vehicles to meet
daily needs

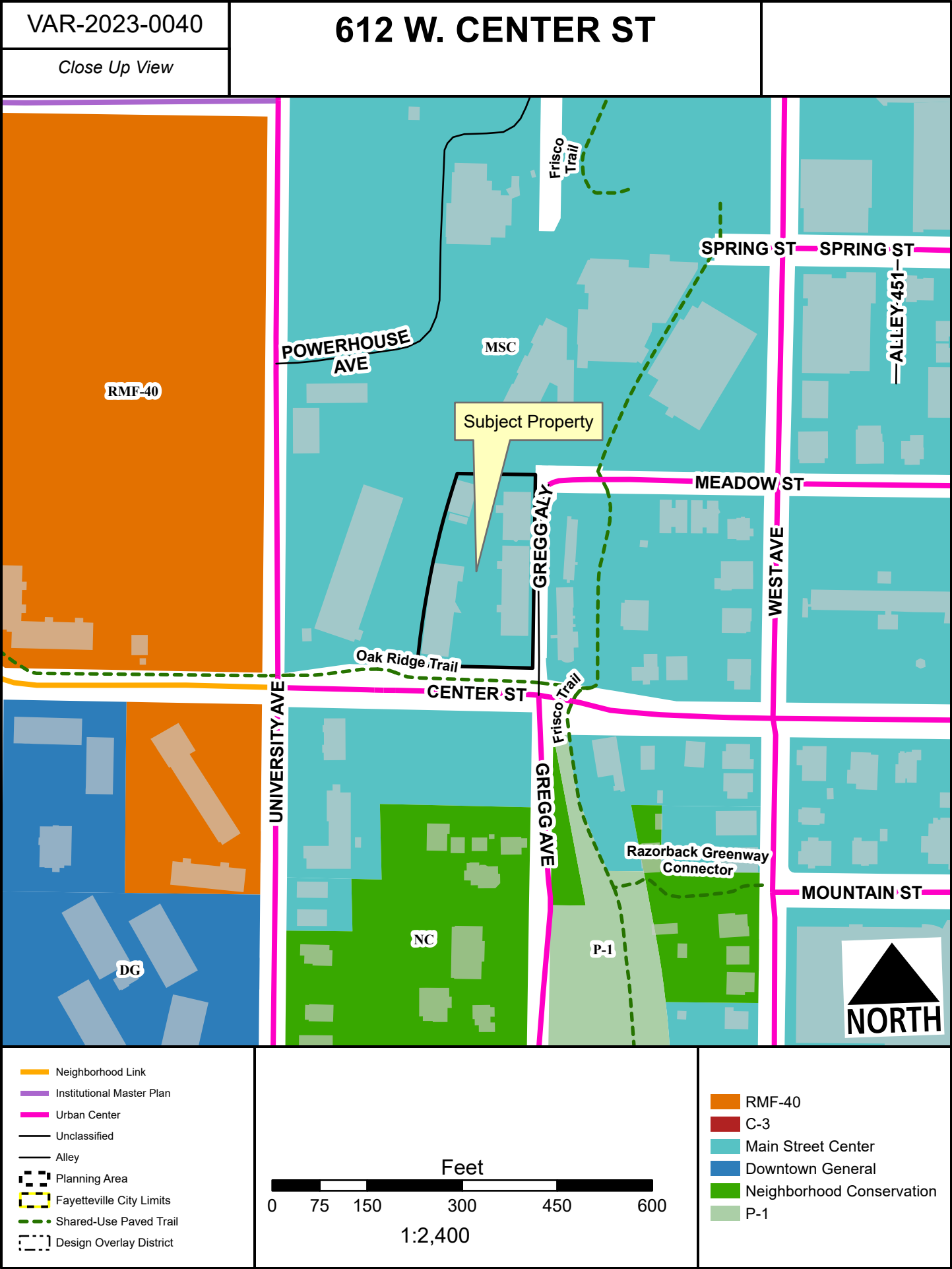
-Remote lot meets needs of
students driving to and from;
home to school



-  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



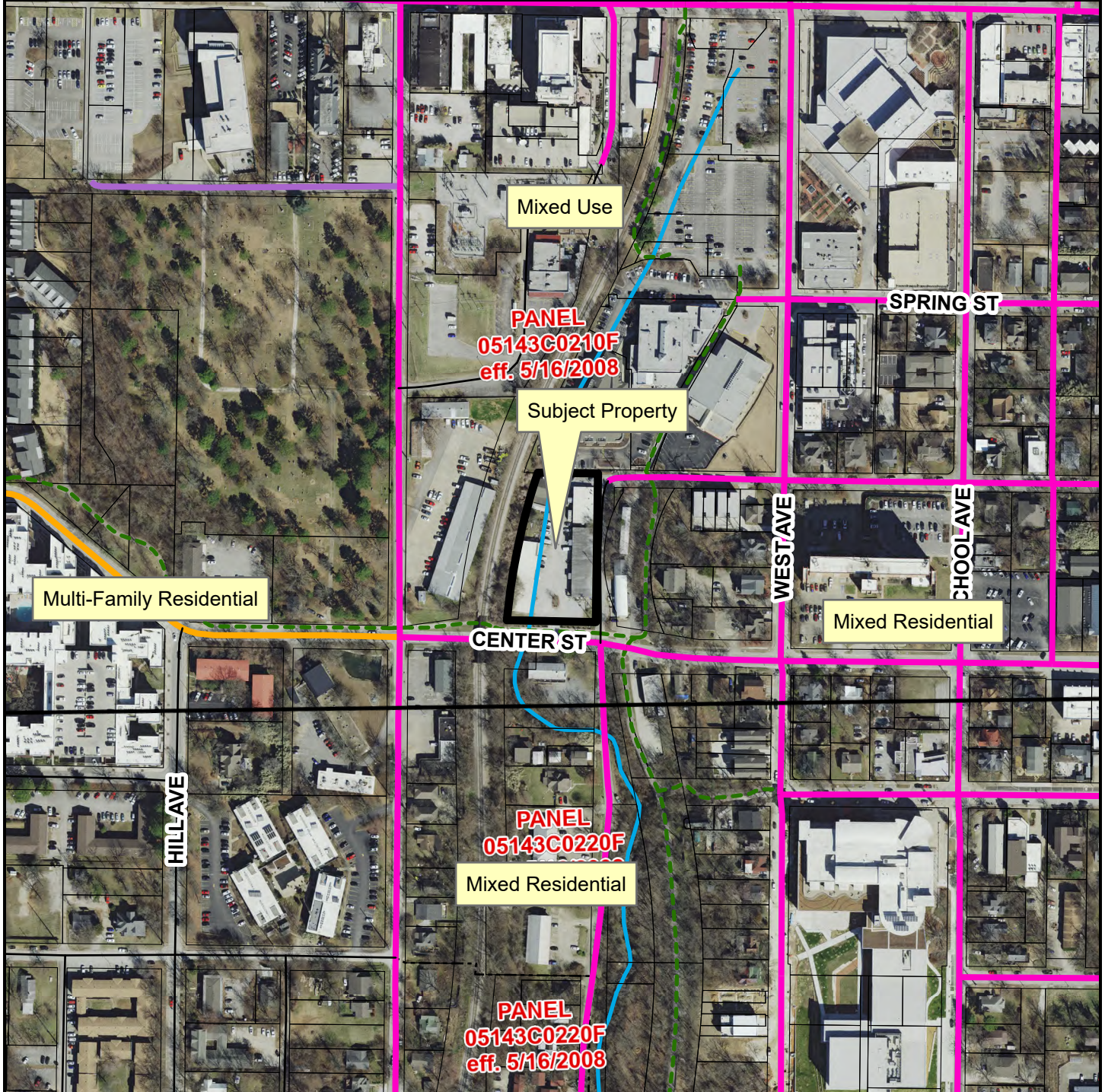
-
- Zoning**
- I-2 General Industrial
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-36
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- COMMERCIAL**
- E-1
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Redtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1



VAR-2023-0040

612 W. CENTER ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

FROM: Long Range Planning Committee
Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 9, 2023

SUBJECT: **ADM-2023-0039: Administrative Item (PLANNING COMMISSION RULES OF ORDER AND PROCEDURE):** Submitted by City Staff. The request is to amend the Planning Commission Rules of Order and Procedure to require in-person attendance for a minimum of 12 of the regular Planning Commission meetings within a 12-month period of service.

BACKGROUND:

At their July 20, 2023 meeting the Long Range Planning Committee discussed an amendment to the Planning Commission Rules of Order and Procedure (Bylaws) regarding in-person attendance. Commissioner Brink brought the item forward to require that 75% of the required minimum attendance for the Planning Commission's regular meetings – scheduled for the second and fourth Monday of each month at 5:30 p.m. except for December when there shall not be a second meeting per Section A.1. – shall be in person. Fayetteville Code of Ordinances Section 33.331 – Attendance Requirements establishes that "(A) Any citizen volunteer member of any city board, commission or committee, except the Civil Service Commission, the Library Board of Trustees, the Housing Authority, the Public Facilities Board, and the A & P Commission, who fails to attend at least 70% of all meetings of that committee within a twelve (12) month period of service shall be deemed to have resigned from the board, commission or committee and that person's position shall be deemed vacant." The proposed amendment adds language in Section A.4. to designate regular meetings as Section A.4.a. and to establish the attendance requirements under Section A.4.b. The 75% of minimum required attendance in person would be effectively 12 of the annual 23 regular meetings of the Planning Commission. Subdivision Committee, Agenda Session, Tours, and Annual Retreat meetings are excluded from both the proposed Bylaws amendment and this report on meeting attendance.

As of the date of this report, the Planning Commission had eighteen regular meetings in 2023, with five remaining in the calendar year. Commissioner attendance since the start of April 2023 is 90% overall, with 61% attendance in person and 29% via Zoom. Five Commissioners have 75% or more attendance in person, two Commissioners have between 42% and 58% attendance in person, and two Commissioners have 17% attendance in person. Two Commissioners have 0% virtual attendance, three Commissioners have 50-75% virtual attendance, and four Commissioners have 8-33% virtual attendance. No Commissioners were absent more than 17%.

Table: Commissioner Attendance since current term began April 1, 2023

Commissioner	Total In-Person	Total Virtual	Total Absent	% In Person	% Virtual	% Absent
1	2	8	2	17%	67%	17%
2	2	9	1	17%	75%	8%
3	7	4	1	58%	33%	8%
4	5	6	1	42%	50%	8%
5	9	1	2	75%	8%	17%
6	10	1	1	83%	8%	8%
7	10	0	2	83%	0%	17%
8	9	2	1	75%	17%	8%
9	12	0	0	100%	0%	0%

In the Planning Commission's Long Range Planning Committee meeting held on September 21, 2023, Commissioners present discussed the proposed amendment and the proposed number of meetings for the in-person requirements, how that could benefit meeting discussions and decision making, and show engagement to the community. Concerns expressed in opposition to the amendment included that the virtual meeting option provides flexibility for attendance and making quorum to conduct business. Commissioners present were not unanimous in their vote on whether to forward the item to the full Planning Commission, voting 3-1-0 to forward following a motion to forward by Commissioner Brink and a second by Commissioner Payne.

PLANNING COMMISSION ACTION: Required YES

Date: October 9, 2023

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Amended Planning Commission Rules of Order and Procedure Section A.1. – Strikethrough
- Amended Planning Commission Rules of Order and Procedure Section A.1. – Clean

RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE PLANNING COMMISSION

A. PLANNING COMMISSION MEETINGS

1. Regular Meetings

The Planning Commission shall meet in regular session on the second and fourth Monday of each month at 5:30 P.M. except for December when there shall not be a second meeting. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Planning Commission in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of Planning Commission meetings shall be in the Council Chambers (Room 219) in the City Hall unless another place has been previously set by the Planning Commission.

3. Special Meetings

Special meetings may be called by three or more members of the Planning Commission or by the Chair. Notification of a special meeting, including specific items to be considered, should be at least four days prior to the meeting, but under extraordinary circumstances may be called as soon as legally permissible pursuant to the Freedom of Information Act and any other legal notice requirements. Such notification shall be by personal service to each commissioner or by telephone, specifying time and place of meeting. The public shall be notified as soon as possible.

4. Virtual Planning Commission Meetings Authorized

a. Virtual Meetings. After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings.

a.b. In-Person Attendance. Planning Commissioners must attend at least 12 regular Planning Commission meetings in person within a 12-month period of service.

5. Quorum

A majority of the Planning Commission (five commissioners of the nine authorized for appointment) shall be necessary to constitute a quorum to do business at a Planning Commission meeting. The concurring vote of a majority of those attending a meeting shall

be sufficient to pass all motions except for Amendments to the Master Street Plan, Conditional Uses and any changes or revocation thereof, and Amendments to these Rules, which all require five affirmative votes to pass.

6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the Planning Commission. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at Planning Commission meetings

7. Presentation of Agenda Items at Planning Commission Meetings

a. **Consent Agenda.** Consent Agenda items shall be read by the Chair and voted upon as a group without discussion by the Planning Commission. If a Planning Commission Member wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

b. **Unfinished Business and New Business.**

(1) **Presentations by Staff and Applicants.** Agenda items at a Planning Commission meeting shall be introduced by the Chair. City staff shall then present a report. An agenda applicant (person seeking vacation or variance, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Planning Commission Member later to answer questions. City staff and applicants may use electronic visual aids in the Planning Commission meeting as part of the presentation of the agenda item. An Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the Planning Commission by unanimous consent or majority vote allows additional time.

(2) **Public Comments.** Public comment at a Planning Commission meeting shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. Speakers shall be limited to a maximum of (3) three minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the Planning Commission Members present and voting, this time limitation may be altered for a specific agenda item.

A simple majority of the Planning Commission Members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the development, rezoning or other matter to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed. However, the public may submit photos, petitions, etc. to be distributed to the Planning Commission.

Any member of the public desiring to speak shall first state his or her name and address, followed by a concise statement of the person's position on the question

under discussion. Repetitive comments should be avoided; this applies to comments made previously in earlier Planning Commission meetings. All remarks shall be addressed to the Chair or the Planning Commission as a whole and not to any particular member of the Planning Commission. No person other than the Planning Commission Member and the person having the floor shall be permitted to enter into any discussions without permission of the Chair. No questions shall be directed to a Planning Commission Member or city staff member except through the Chair.

- c. **Courtesy and Respect.** All members of the public, all city staff and all Planning Commissioners shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Citizens, city staff and Planning Commissioners shall confine their questions and comments to the particular agenda matter and issue before the Planning Commission at that time. Any member of the public who violates these standards or rules shall be ruled out of order by the Chair and must immediately cease speaking. The Chair may order that the speaker must immediately leave the podium or that the speaker may continue after promising to obey all the standards and rules in all further comments and questions.

8. **Cell Phones.**

Cell phones must be turned off or put in silent mode during Planning Commission meetings. These restrictions also apply during Agenda Sessions.

9. **Minutes**

Meetings of the Planning Commission and its Committees shall be audio and video recorded. In conjunction with documentation of attendance, motions, seconds, and votes, recordings shall serve as the official meeting record and minutes.

B. DUTIES AND PRIVILEGES OF PLANNING COMMISSIONERS AT PLANNING COMMISSION MEETINGS

1. **Seating**

Members shall occupy the respective seats in the Council Chambers assigned by city staff. The chair shall be seated near the center of the Council table.

2. **Conduct**

During Planning Commission meetings, commissioners shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Chair nor these Rules.

Every member of the Planning Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A commissioner once recognized shall not be interrupted while speaking unless called to order by the Chair,

unless a point of order is raised by another commissioner or unless the commissioner chooses to yield to questions from another commissioner.

If a commissioner is called to order while he or she is speaking, the commissioner shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the commissioner shall remain silent or shall alter his or her remark so as to comply with those rules.

3. Financial Interest

No member of the Planning Commission with a direct or indirect financial interest in any items before the Planning Commission shall participate in the discussion of or voting on such matter.

4. Voting

Every member present when a question is put to a vote shall vote either “yes” or “no”, except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member has previously stated the reason for the abstention. Except for a question necessary to clarify the meaning of the motion being voted upon, no questions or comments by members of the Planning Commission including the Chair shall be made during the voting on the pending motion. The Planning Commission will vote at the Planning Commission meetings in the order they are called, but with a progressively different position voting first at each meeting.

5. Roll Call

Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, however, items which may be approved by motion, may be grouped together and approved simultaneously with one roll call, under a Consent Agenda.

C. PROCEDURES AND PARLIAMENTARY RULES

1. Agenda

All items for discussion or action at the regular Planning Commission meeting shall be included in a Tentative Agenda provided to Planning Commission prior to an Agenda Session where the Planning Commission shall determine the final arrangement of the Agenda. At the regular meeting of the Planning Commission, the Planning Commission, by majority vote, may rearrange the order of the Agenda.

2. Precedence of Motions

The Planning Commission shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League's *Procedural Rules for Arkansas Municipal Officials*. In the event a matter is not covered by the *Procedural Rules for Arkansas Municipal Officials*, the most recent edition of Robert's Rules of Order shall apply. On questions of appeal, a majority of those present is required to overturn a ruling by the chair.

3. Motions to be Stated by the Chair/Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. After being stated by the Chair, a motion may not be withdrawn by the mover without the consent of the member seconding it.

4. Reconsideration

After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

5. Items Tabled Indefinitely

Any item tabled indefinitely may be taken from the table by majority vote of the Planning Commission during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the Planning Commission in the future unless brought forward as a new item.

D. OFFICERS

1. Nominations and Elections

The Chair shall appoint three (3) members from the Planning Commission to serve as a nominating committee for the positions of Chair, Vice-chair and Secretary. The nominating committee shall present its slate to the Planning Commission who shall elect the Chair, Vice-chair and Secretary annually no later than the first regular meeting in the month of April. An officer of the Planning Commission may serve in any one position for no more than two consecutive terms.

2. Powers of the Chair

The Chair shall preside at all meetings and public hearings of the Planning Commission and shall decide all points of order or procedure. All plans, plats, etc., requiring the signature of the Planning Commission shall be signed by the Chair, Vice-chair or the Secretary; when authorized by the Planning Commission. These officers or any of them shall sign all other documents on behalf of the Commission.

3. Vice-Chair

The Vice-chair shall assume the duties of the Chair in the Chair's absence. In the event of the absence or disability of both the Chair and Vice-chair at any meeting, the Secretary shall assume the duties of the Chair. The longest serving commissioner shall act as Chair if no officer is present during such meeting. Should any unusual circumstance prevent the election of officers at the regular annual meeting, officers shall serve until their successors are elected.

4. Removal from Office

An Officer may be removed from their position with a two-thirds affirmative vote of all currently appointed Planning Commission members. A motion to remove an officer may be made at any regularly scheduled Commission meeting or Special Session of the Planning Commission and need not be placed on the agenda prior to the meeting. The vote shall be taken in the same manner as described in Section B.4.

5. Replacement of Officers

The Commission may fill a permanent Officer vacancy as soon as the next regularly scheduled Commission meeting or Special Session. An Officer vacancy may be filled with a majority affirmative vote of all commissioners present.

E. COMMITTEES

1. Special Committees

The Planning Commission may establish such standing, special or advisory committees as it deems advisable, and may assign to each committee specific duties or functions and establish the terms of members of each such committee. Members of such committees may be persons other than members of the Planning Commission, but a member of the Planning Commission shall be named as chair, either active or ex-officio, of each such committee.

2. Appointments by Chair

The Chair of the Planning Commission shall name the chair and members of each such committee subject to approval of the Planning Commission and any vacancies on such committee shall be filled in the same manner.

3. Subdivision Committee

A Subdivision Committee consisting of at least three Planning Commissioners shall serve as a standing committee that reviews development items after Technical Plat Review and makes recommendations to the Planning Commission. The Chair shall designate three (3) teams of three (3) Planning Commissioners to alternate as Subdivision Committee members, along with a chair of each Subdivision Committee. All members of the Planning Commission shall be eligible as alternates who shall sit with full voting rights in lieu of a regular member or members who are absent from the meeting. The Chair shall designate the order of alternates.

- a. The Subdivision Committee shall approve, disapprove, refer back to the developer for more information, or refer to the Planning Commission development items.
- b. A unanimous vote of the Subdivision Committee is required for final approval of a Large Scale Development. An applicant has the right to have a rehearing before the full Planning Commission.
- c. No development item can receive final approval at Subdivision Committee level if waivers or variances are being sought. Any development with a waiver or variance request must be forwarded to the Planning Commission. All preliminary plats shall

be referred to the Planning Commission for action.

- d. In order to conduct the business of the Subdivision Committee, at least one (1) member shall be present. No item may be approved, however, unless at least two members present vote in favor of the request. Should two or more members of the committee abstain from an item or be absent, the item shall be forwarded for consideration by the Planning Commission. Should two members of the Subdivision Committee not agree on the recommended action for an item, the item shall be automatically forwarded to the full Planning Commission for consideration.

4. Long Range Planning Committee

A Long Range Planning Committee consisting of all nine Planning Commissioners shall be a standing committee of the Fayetteville Planning Commission. The Chair of the Planning Commission shall designate a chair of the Long Range Planning Committee. All members of the Planning Commission shall have full voting rights.

- a. The Long Range Planning Committee may review master plans and amendments, Unified Development Code amendments, and planning project items as well as planning and development initiatives and make recommendations to the Planning Commission.
- b. The Long Range Planning Committee shall meet after the second agenda session of each month, or at such other times designated by the Chair of the Long Range Planning Committee provided sufficient time is available to meet public notification requirements.
- c. In order to conduct the business of the Long Range Planning Committee, at least three (3) members shall be present. No motion to recommend an item may be approved, however, unless a simple majority of Commissioners present vote in favor of making a recommendation to the Planning Commission.
- d. Items may be placed on the Long Range Planning Committee agenda by the Chair, by any of the Commissioners, or by Staff. Requests for agenda additions must be made with sufficient time to meet public notification requirements.
- e. Items recommended to the Planning Commission for consideration may include, but are not limited to, proposed new master plans or amendments to existing master plans, proposed amendments to the Unified Development Code, proposed City-initiated rezonings, or other administrative items. The recommendations on such items may be for approval, disapproval, or recommendation of approval with revisions. Motions to make a recommendation on items do not require a roll call vote, but a roll call vote may be taken at the request of any Commissioner.
- f. The Long Range Planning Committee may seek consultation on general issues or specific initiatives. Consulted parties may have knowledge or experience including but not limited to former Planning Commissioners, planning professionals, architects, engineers, and other design professionals or persons knowledgeable on the topic being considered.

F. AMENDMENTS

These Rules of Order and Procedure may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Planning Commission. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular meeting for action unless ten (10) days' written notice of the proposal has been given to all Commissioners, in which case action may be taken at any regular or called meeting. However, an amendment may be made without notice if passed by a unanimous vote.

Revised and adopted by the Planning Commission of the City of Fayetteville, Arkansas, on the 9~~14~~th day of ~~August~~October, 2023.

APPROVED:

ATTEST:

Sarah Sparkman
Chair

Mary McGetrick
Secretary

RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE PLANNING COMMISSION

A. PLANNING COMMISSION MEETINGS

1. Regular Meetings

The Planning Commission shall meet in regular session on the second and fourth Monday of each month at 5:30 P.M. except for December when there shall not be a second meeting. When a holiday occurs on any such Monday, the regular meeting shall be held on the following Tuesday at the same hour unless otherwise provided for by motion. The regular meeting time may be rescheduled by the Planning Commission in special circumstances, but when so done the change must be made far enough in advance to allow normal public notification.

2. Location

The place of Planning Commission meetings shall be in the Council Chambers (Room 219) in the City Hall unless another place has been previously set by the Planning Commission.

3. Special Meetings

Special meetings may be called by three or more members of the Planning Commission or by the Chair. Notification of a special meeting, including specific items to be considered, should be at least four days prior to the meeting, but under extraordinary circumstances may be called as soon as legally permissible pursuant to the Freedom of Information Act and any other legal notice requirements. Such notification shall be by personal service to each commissioner or by telephone, specifying time and place of meeting. The public shall be notified as soon as possible.

4. Virtual Planning Commission Meetings Authorized

- a. **Virtual Meetings.** After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings.
- b. **In-Person Attendance.** Planning Commissioners must attend at least 12 regular Planning Commission meetings in person within a 12-month period of service.

5. Quorum

A majority of the Planning Commission (five commissioners of the nine authorized for appointment) shall be necessary to constitute a quorum to do business at a Planning Commission meeting. The concurring vote of a majority of those attending a meeting shall

be sufficient to pass all motions except for Amendments to the Master Street Plan, Conditional Uses and any changes or revocation thereof, and Amendments to these Rules, which all require five affirmative votes to pass.

6. Public Notification

The City will go further than legally required in order to inform citizens of the items to be considered by the Planning Commission. The means used may include press releases or advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, Government Channel announcements and presentation, and agenda copies available at Planning Commission meetings

7. Presentation of Agenda Items at Planning Commission Meetings

a. **Consent Agenda.** Consent Agenda items shall be read by the Chair and voted upon as a group without discussion by the Planning Commission. If a Planning Commission Member wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

b. **Unfinished Business and New Business.**

(1) **Presentations by Staff and Applicants.** Agenda items at a Planning Commission meeting shall be introduced by the Chair. City staff shall then present a report. An agenda applicant (person seeking vacation or variance, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Planning Commission Member later to answer questions. City staff and applicants may use electronic visual aids in the Planning Commission meeting as part of the presentation of the agenda item. An Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the Planning Commission by unanimous consent or majority vote allows additional time.

(2) **Public Comments.** Public comment at a Planning Commission meeting shall be allowed for all members of the audience on all items of unfinished and new business and subjects of public hearings. Speakers shall be limited to a maximum of (3) three minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the Planning Commission Members present and voting, this time limitation may be altered for a specific agenda item.

A simple majority of the Planning Commission Members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the development, rezoning or other matter to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed. However, the public may submit photos, petitions, etc. to be distributed to the Planning Commission.

Any member of the public desiring to speak shall first state his or her name and address, followed by a concise statement of the person's position on the question

under discussion. Repetitive comments should be avoided; this applies to comments made previously in earlier Planning Commission meetings. All remarks shall be addressed to the Chair or the Planning Commission as a whole and not to any particular member of the Planning Commission. No person other than the Planning Commission Member and the person having the floor shall be permitted to enter into any discussions without permission of the Chair. No questions shall be directed to a Planning Commission Member or city staff member except through the Chair.

- c. **Courtesy and Respect.** All members of the public, all city staff and all Planning Commissioners shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Citizens, city staff and Planning Commissioners shall confine their questions and comments to the particular agenda matter and issue before the Planning Commission at that time. Any member of the public who violates these standards or rules shall be ruled out of order by the Chair and must immediately cease speaking. The Chair may order that the speaker must immediately leave the podium or that the speaker may continue after promising to obey all the standards and rules in all further comments and questions.

8. Cell Phones.

Cell phones must be turned off or put in silent mode during Planning Commission meetings. These restrictions also apply during Agenda Sessions.

9. Minutes

Meetings of the Planning Commission and its Committees shall be audio and video recorded. In conjunction with documentation of attendance, motions, seconds, and votes, recordings shall serve as the official meeting record and minutes.

B. DUTIES AND PRIVILEGES OF PLANNING COMMISSIONERS AT PLANNING COMMISSION MEETINGS

1. Seating

Members shall occupy the respective seats in the Council Chambers assigned by city staff. The chair shall be seated near the center of the Council table.

2. Conduct

During Planning Commission meetings, commissioners shall preserve order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings. Neither shall they refuse to obey the orders of the Chair nor these Rules.

Every member of the Planning Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine herself or himself to the question under debate and shall avoid all personalities and indecorous language. A commissioner once recognized shall not be interrupted while speaking unless called to order by the Chair,

unless a point of order is raised by another commissioner or unless the commissioner chooses to yield to questions from another commissioner.

If a commissioner is called to order while he or she is speaking, the commissioner shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the commissioner shall remain silent or shall alter his or her remark so as to comply with those rules.

3. Financial Interest

No member of the Planning Commission with a direct or indirect financial interest in any items before the Planning Commission shall participate in the discussion of or voting on such matter.

4. Voting

Every member present when a question is put to a vote shall vote either “yes” or “no”, except that a member may abstain from voting if he or she has not participated in the preceding discussion of the question and if that member has previously stated the reason for the abstention. Except for a question necessary to clarify the meaning of the motion being voted upon, no questions or comments by members of the Planning Commission including the Chair shall be made during the voting on the pending motion. The Planning Commission will vote at the Planning Commission meetings in the order they are called, but with a progressively different position voting first at each meeting.

5. Roll Call

Upon every vote the affirmative and negative votes shall be called and shall be recorded on every motion, however, items which may be approved by motion, may be grouped together and approved simultaneously with one roll call, under a Consent Agenda.

C. PROCEDURES AND PARLIAMENTARY RULES

1. Agenda

All items for discussion or action at the regular Planning Commission meeting shall be included in a Tentative Agenda provided to Planning Commission prior to an Agenda Session where the Planning Commission shall determine the final arrangement of the Agenda. At the regular meeting of the Planning Commission, the Planning Commission, by majority vote, may rearrange the order of the Agenda.

2. Precedence of Motions

The Planning Commission shall follow the precedence and classification of motions as given in the most recent edition of the Arkansas Municipal League’s *Procedural Rules for Arkansas Municipal Officials*. In the event a matter is not covered by the *Procedural Rules for Arkansas Municipal Officials*, the most recent edition of Robert’s Rules of Order shall apply. On questions of appeal, a majority of those present is required to overturn a ruling by the chair.

3. Motions to be Stated by the Chair/Withdrawal

When a motion is made and seconded, it shall be stated by the Chair before debate. After being stated by the Chair, a motion may not be withdrawn by the mover without the consent of the member seconding it.

4. Reconsideration

After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider requires a simple majority for passage. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

5. Items Tabled Indefinitely

Any item tabled indefinitely may be taken from the table by majority vote of the Planning Commission during the calendar year in which it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be deemed denied and rejected for appellate and all other purposes on December 31st and shall not be considered by the Planning Commission in the future unless brought forward as a new item.

D. OFFICERS

1. Nominations and Elections

The Chair shall appoint three (3) members from the Planning Commission to serve as a nominating committee for the positions of Chair, Vice-chair and Secretary. The nominating committee shall present its slate to the Planning Commission who shall elect the Chair, Vice-chair and Secretary annually no later than the first regular meeting in the month of April. An officer of the Planning Commission may serve in any one position for no more than two consecutive terms.

2. Powers of the Chair

The Chair shall preside at all meetings and public hearings of the Planning Commission and shall decide all points of order or procedure. All plans, plats, etc., requiring the signature of the Planning Commission shall be signed by the Chair, Vice-chair or the Secretary; when authorized by the Planning Commission. These officers or any of them shall sign all other documents on behalf of the Commission.

3. Vice-Chair

The Vice-chair shall assume the duties of the Chair in the Chair's absence. In the event of the absence or disability of both the Chair and Vice-chair at any meeting, the Secretary shall assume the duties of the Chair. The longest serving commissioner shall act as Chair if no officer is present during such meeting. Should any unusual circumstance prevent the election of officers at the regular annual meeting, officers shall serve until their successors are elected.

4. Removal from Office

An Officer may be removed from their position with a two-thirds affirmative vote of all currently appointed Planning Commission members. A motion to remove an officer may be made at any regularly scheduled Commission meeting or Special Session of the Planning Commission and need not be placed on the agenda prior to the meeting. The vote shall be taken in the same manner as described in Section B.4.

5. Replacement of Officers

The Commission may fill a permanent Officer vacancy as soon as the next regularly scheduled Commission meeting or Special Session. An Officer vacancy may be filled with a majority affirmative vote of all commissioners present.

E. COMMITTEES

1. Special Committees

The Planning Commission may establish such standing, special or advisory committees as it deems advisable, and may assign to each committee specific duties or functions and establish the terms of members of each such committee. Members of such committees may be persons other than members of the Planning Commission, but a member of the Planning Commission shall be named as chair, either active or ex-officio, of each such committee.

2. Appointments by Chair

The Chair of the Planning Commission shall name the chair and members of each such committee subject to approval of the Planning Commission and any vacancies on such committee shall be filled in the same manner.

3. Subdivision Committee

A Subdivision Committee consisting of at least three Planning Commissioners shall serve as a standing committee that reviews development items after Technical Plat Review and makes recommendations to the Planning Commission. The Chair shall designate three (3) teams of three (3) Planning Commissioners to alternate as Subdivision Committee members, along with a chair of each Subdivision Committee. All members of the Planning Commission shall be eligible as alternates who shall sit with full voting rights in lieu of a regular member or members who are absent from the meeting. The Chair shall designate the order of alternates.

- a. The Subdivision Committee shall approve, disapprove, refer back to the developer for more information, or refer to the Planning Commission development items.
- b. A unanimous vote of the Subdivision Committee is required for final approval of a Large Scale Development. An applicant has the right to have a rehearing before the full Planning Commission.
- c. No development item can receive final approval at Subdivision Committee level if waivers or variances are being sought. Any development with a waiver or variance request must be forwarded to the Planning Commission. All preliminary plats shall

be referred to the Planning Commission for action.

- d. In order to conduct the business of the Subdivision Committee, at least one (1) member shall be present. No item may be approved, however, unless at least two members present vote in favor of the request. Should two or more members of the committee abstain from an item or be absent, the item shall be forwarded for consideration by the Planning Commission. Should two members of the Subdivision Committee not agree on the recommended action for an item, the item shall be automatically forwarded to the full Planning Commission for consideration.

4. Long Range Planning Committee

A Long Range Planning Committee consisting of all nine Planning Commissioners shall be a standing committee of the Fayetteville Planning Commission. The Chair of the Planning Commission shall designate a chair of the Long Range Planning Committee. All members of the Planning Commission shall have full voting rights.

- a. The Long Range Planning Committee may review master plans and amendments, Unified Development Code amendments, and planning project items as well as planning and development initiatives and make recommendations to the Planning Commission.
- b. The Long Range Planning Committee shall meet after the second agenda session of each month, or at such other times designated by the Chair of the Long Range Planning Committee provided sufficient time is available to meet public notification requirements.
- c. In order to conduct the business of the Long Range Planning Committee, at least three (3) members shall be present. No motion to recommend an item may be approved, however, unless a simple majority of Commissioners present vote in favor of making a recommendation to the Planning Commission.
- d. Items may be placed on the Long Range Planning Committee agenda by the Chair, by any of the Commissioners, or by Staff. Requests for agenda additions must be made with sufficient time to meet public notification requirements.
- e. Items recommended to the Planning Commission for consideration may include, but are not limited to, proposed new master plans or amendments to existing master plans, proposed amendments to the Unified Development Code, proposed City-initiated rezonings, or other administrative items. The recommendations on such items may be for approval, disapproval, or recommendation of approval with revisions. Motions to make a recommendation on items do not require a roll call vote, but a roll call vote may be taken at the request of any Commissioner.
- f. The Long Range Planning Committee may seek consultation on general issues or specific initiatives. Consulted parties may have knowledge or experience including but not limited to former Planning Commissioners, planning professionals, architects, engineers, and other design professionals or persons knowledgeable on the topic being considered.

F. AMENDMENTS

These Rules of Order and Procedure may be amended or repealed by an affirmative vote of not less than a majority of the full membership of the Planning Commission. Any proposed amendment shall first be presented in writing at a regular meeting and placed on the agenda of a subsequent regular meeting for action unless ten (10) days' written notice of the proposal has been given to all Commissioners, in which case action may be taken at any regular or called meeting. However, an amendment may be made without notice if passed by a unanimous vote.

Revised and adopted by the Planning Commission of the City of Fayetteville, Arkansas, on the 9th day of October, 2023.

APPROVED:

ATTEST:

Sarah Sparkman
Chair

Mary McGetrick
Secretary



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 9, 2023

SUBJECT: **VAR-2023-0027: Variance (420 S. LOCUST AVE./CHURCH & LOCUST TOWNHOMES, 523):** Submitted by EARTHPLAN DESIGN ALTERNATIVES, PA for property located at 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 to vary from sidewalk and Master Street Plan standards.

RECOMMENDATION:

Staff recommends denial of **VAR-2023-0027** based on the findings herein.

RECOMMENDED MOTION:

*"I move to deny **VAR-2023-0027**."*

BACKGROUND:

The subject property contains two parcels totaling 0.65 acres which are located one block south of Nelson Hackett Boulevard between Church Avenue and Locust Avenue. The western parcel is currently developed with a single-family dwelling that was built in 1926 and zoned DG, Downtown General, while the eastern parcel is developed with a single-family dwelling that was built in 1940 and zoned RI-U, Residential Intermediate-Urban. The property lies within the 71-B Corridor Plan and Walker Park Neighborhood Master Plan areas, and the western parcel received its current zoning designation of DG as a result of the latter plan in 2008. The eastern parcel received its current zoning designation of RI-U as a result of a rezoning that was approved last year (RZN-2022-0025). A small site improvement plan for a residential development containing four duplexes on this property is currently under review by city staff (SIP-2023-0002). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation; DG, Downtown General
South	Single-Family Residential; Multi-Family Residential	NC, Neighborhood Conservation; DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation
West	Multi-Family Residential; Commercial	MSC, Main Street Center

Request: The applicant is requesting two variances from the Unified Development Code that are associated with a planned residential development containing four duplexes which is currently

under administrative review as a small site improvement plan (SIP-2023-0002). Each variance is described further below alongside staff's recommendations.

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

DISCUSSION:

Variance #1: UDC §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.

The applicant is requesting to improve the platted right-of-way just north of the eastern parcel as a two-way Residential Rear Alley which varies from the typical street section included in the 2040 Master Street Plan. The Master Street Plan requires that those alleys have 20 feet of right-of-way to include two seven-foot parking lanes with a one-foot curb and two-foot greenspace on each side of the street. The applicant is proposing to improve the existing 40-foot-wide right-of-way to include a five-foot sidewalk, two drive lanes with a width of 12 feet and 10 feet, an eight-foot parking lane, one-foot curb, and five-foot greenspace.

Staff recommendation: Staff is not supportive of the applicant's request to improve the platted right-of-way as proposed. The applicant stated in their request letter that widening the alley to include an eight-foot parking lane would allow them to provide the number of parking spaces required by city code for their residential development. However, staff finds that 16 parking spaces are required for the development and 16 parking spaces are currently proposed on site in attached garages, so the parallel spaces in the alley are not required. Further, staff finds that the proposed alley improvements would result in, what is essentially, an Alternative Residential Link street with sidewalk at the back of curb and driveways that do not comply with the City's access management standards. Staff is ultimately not supportive of the applicant's request to vary from the typical street section for a two-way Residential Rear Alley since it would allow for parking that is not required, and since it would result a road that is essentially functioning as a public street while allowing the proposed buildings that are adjacent to it to be subject to fewer design standards.

Variance #2: UDC §171.14(A)(2)(b), Sidewalk, Driveway, and Trail Specifications. Sidewalks at the back of curb shall have a minimum effective width of 6.5 feet. The applicant is requesting a variance to provide a five-foot sidewalk at the back of curb along the south side of the proposed alley, which would not meet the shy distance requirements outlined in code. The applicant's request cites that there will be no curb between the sidewalk at the alley within the right-of-way.

Staff recommendation: Staff is not supportive of this variance request. Within the right-of-way, an eight-foot parking lane, one 10-foot drive lane, one 12-foot drive lane, and a five-foot sidewalk is proposed. Within the access easement to the west, an eight-foot parking lane, two 10-foot drive lanes, and a five-foot sidewalk is proposed. It is currently not clear to staff why the additional drive aisle width is needed for one portion of the site and not the other when the additional 1.5-foot sidewalk width would not shift the location of the drive lanes. Staff recommends denial of this variance since the applicant has not demonstrated why the sidewalk cannot be widened to meet shy distance requirements.

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

RECOMMENDATION: Staff recommends denial of VAR-2023-0027 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.11, Conformance to Plans and Regulations.** *Staff recommends denial of this variance for the reasons stated above.*
2. **Planning Commission determination of a variance to UDC §171.14(A)(2)(b), Sidewalk, Driveway, and Trail Specifications.** *Staff recommends denial of this request for the reasons stated above.*
3. Approval of this item does not constitute approval of the associated small site improvement plan. Review and approval of the small site improvement plan shall be required in accordance with city code.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied
Meeting Date: <u>October 9, 2023</u>
Motion:
Second:
Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.11 Conformance to Plans and Regulations
 - §171.14 Sidewalk, Driveway and Trail Specifications
- Engineering Memo
- Applicant Request Letters
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.11 Conformance To Plans And Regulations

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

171.14 Sidewalk, Driveway and Trail Specifications

(A) Sidewalks.

- (1) *Grades; Establishment of Property Lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.
- (2) *Minimum Width of Sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 5 feet. Effective sidewalk width is the actual sidewalk width, less:
 - (a) A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc.) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk.
 - (b) A shy distance of 1.5 feet for curb adjacent to the sidewalk.
 - (c) A shy distance of 1 foot for all other fixed obstacles.The greatest of the above distances shall apply for each side of the walk.
- (3) *Sidewalk Distances from the Curb.* The sidewalk setback distance from the curb shall follow the guidelines of the Master Street Plan, or be as specified in the final plat unless otherwise approved by the City Engineer.
- (4) *ADA Guidelines.* Sidewalks within rights of way shall conform to ADA guidelines.
- (5) *Sidewalk Elevation.* The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2%, unless otherwise approved by the City Engineer. This elevation shall be continuous through the driveway approach.
- (6) *Inspection.* All sidewalks and curb cuts made for driveway approaches require an inspection prior to the concrete placement.

(B) Access Ramps.

- (1) *ADA Requirements.* Access ramps shall conform to ADA requirements, including detectable warning devices such as truncated domes.
- (2) *Sidewalk Intersections.* Access ramps shall be installed at all sidewalk intersections with the street.
- (3) *Raised Crosswalk.* The raised or built-up access ramp shall not be installed on public streets without the approval of the City Engineer.
- (4) *Minimum Width.* The minimum width of a curb ramp shall be 48 inches.
- (5) *Slope.* The slope of the ramp shall not be greater than slopes specified in the *Minimum Street Standards*.

(C) Reserved.

(D) Multi-Use Trails.

- (1) *Minimum Width of Multi-Use Trails.* The minimum width of trails shall follow the trail cross-section guidelines of the Active Transportation Plan.
- (2) *ADA Guidelines.* Trails shall conform to ADA guidelines, to the extent possible.
- (3) *Bollards.* Bollards are required at trail intersections with streets.
- (4) *Trail Signage.* Trail signage shall comply with the Manual on Uniform Traffic Control Devices, Part 9 - Traffic Controls for Bicycle Facilities.
- (5) *Street Crosswalks.* Trails that intersect and cross public streets shall have a red colored concrete crosswalk with 2-foot wide white thermoplastic stripes on each side, a patterned thermoplastic overly for the full crossing area, or other approved treatment to clearly mark the trail crossing. For major streets, this crosswalk may be raised 2.5 inches above pavement surface.
- (6) *Striping.* Center line stripe and a diamond pattern stripe around the bollards shall be installed. Striping shall conform to the Manual on Uniform Traffic Control Devices, Part 9 - Traffic Controls for Bicycle Facilities. Additional striping may be required for increased safety in accordance with MUTCD standards.

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



TO: Gretchen Harrison, Senior Planner

FROM: Melissa Boyd, Staff Engineer

DATE: October 4, 2023

**SUBJECT: Planning Commission Engineering Comments for
VAR-2023-0027 CHURCH AND LOCUST TOWNHOMES**

The applicant is requesting a variance to UDC §171.17(A)(2)(b) to not increase the sidewalk width within the unbuilt right-of-way by 1.5 feet to meet the minimum effective sidewalk width of 5 feet where sidewalk is at back of curb. The request cites that there will be no curb between the sidewalk and the two-way alley within the right-of-way.

Staff recommends Planning Commission deny this variance. Within the right-of-way, an 8-ft parking lane, one 10-ft drive lane, one 12-ft drive lane, and a 5-ft sidewalk is proposed. Within the proposed access easement where there is parallel parking, they're showing an 8-ft parking lane, two 10-ft drive lanes, and a 5-ft sidewalk. It is not clear to staff why the additional width in the drive aisle is needed for one portion of the site and not the other when the additional 1.5-ft sidewalk width would not shift the drive lane locations.



August 30, 2023

City of Fayetteville
Planning Department
125 West Mountain Street
Fayetteville, AR 72701

RE: Church & Locust SIP VARIANCE submittal

Dear Planning Commission Chair:

We respectfully resubmit this Variance request in association with the Site Improvement Plan known as Church & Locust Townhomes SIP. We are requesting approval to add five parallel parking spaces off the north side of a proposed alley. Please view our submitted Exhibit A and the associated project Church & Locust Townhomes SIP. With our earlier Variance submittal, we had submitted two variances (one for alley parking and another for double road frontage); we have pulled the double road frontage variance request.

The ROW in question is approximately 0.13 acres of unimproved ROW that juts out above one of the project's parcels. Since the City's Master Street Plan (MSP) does not show a plan for continuing W 5th St through the subject parcels, we are proposing utilizing the ROW for a 2040 MSP Residential Rear Alley (Two Way) fire access alleyway for the ROW stub-out.

Our client provides the "middle ground" of housing by providing two-family units. By allowing 5 private parallel parking spaces off our proposed alley section, this enables us to meet the code's required parking spaces. Strict enforcement of the 2040 MSP's alley section does not otherwise leave enough room on this tight site to meet the required 24 parking spaces. With the subject properties being located within an area with a high infill score and with its location being "downtown", in an area with little undeveloped property, we feel that this is a good area to allow creative parallel parking spaces. Also, the City recently voted to rezone our eastern parcel to RI-U which is a higher-intensity land use from its prior zoning; the other parcel is zoned DG.

Adding five parallel parking spaces would utilize this unused ROW in a manner in which ROW is expected to be utilized. We feel that it is a creative ROW use for an unusual site situation where there is only approximately 50' of parcel frontage onto S Church Ave (a very narrow width to work with when trying

134 W. Emma Ave. Springdale, AR 72764 Phone: 479-756-1266
www.eda-pa.com

to increase density). We had hoped to have on-street parking but were unable to provide it due to site constraints.

We feel that granting this Variance request will be in keeping with the spirit and intent of the zoning ordinance due to the above reasons.

If you have any questions, please don't hesitate to call 479-756-1266.

Sincerely,



James Geurtz, PE
Principal / Civil Engineer



September 20, 2023

City of Fayetteville
Planning Department
125 West Mountain Street
Fayetteville, AR 72701

RE: Church & Locust SIP alley sidewalk VARIANCE submittal

Dear Planning Commission Chair:

We are respectfully requesting an addition to our prior Variance request ([VAR-2023-0027](#)) for the alley on our associated Church & Locust Townhomes SIP (SIP-2023-0002). The Variance we have already submitted for is for parallel parking off the proposed alley.

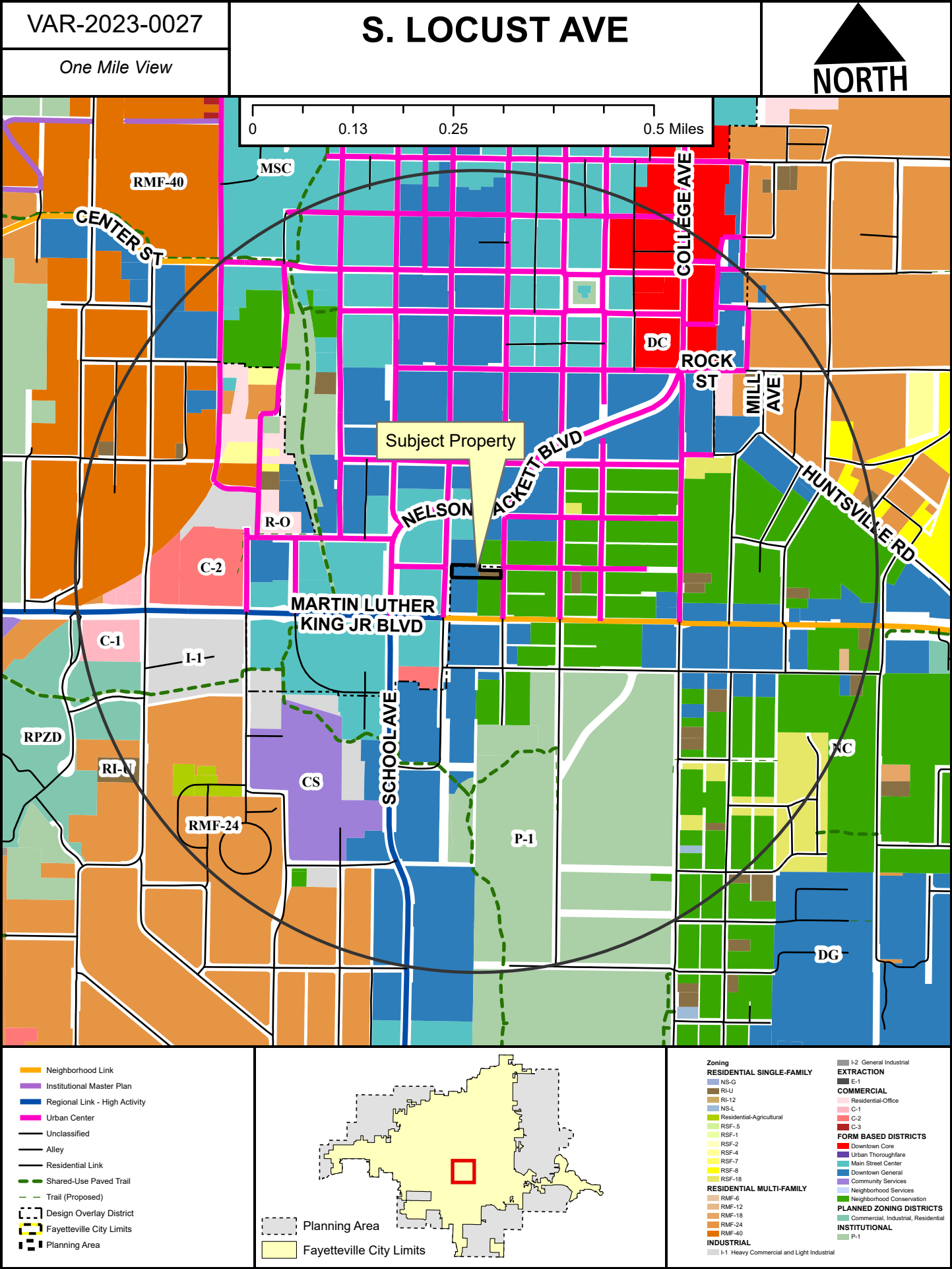
This Variance addition is to allow the sidewalk as shown on our submitted SIP plans. Section 171.14, A, 2, b of the code requires a shy width distance addition of 1.5' when curbing is adjacent to sidewalk. However, there is no curbing where this sidewalk is located. We therefore feel that this code requirement should not apply.

We feel that the shown 5' wide sidewalk is utilizing this unused ROW in a manner in which ROW is expected to be utilized – to connect the pedestrian realm between Church and Locust streets. We also feel that granting this Variance request will be in keeping with the spirit and intent of the zoning ordinance due to the above reasons.

If you have any questions, please don't hesitate to call 479-756-1266.

Sincerely,

James Gettys
Principal / Civil Engineer



Neighborhood Link

Institutional Master Plan

Regional Link - High Activity

Urban Center

Unclassified

Alley

Residential Link

Shared-Use Paved Trail

Trail (Proposed)

Design Overlay District

Fayetteville City Limits

Planning Area

Planning Area

Fayetteville City Limits

Zoning

RESIDENTIAL SINGLE-FAMILY

NS-G

RI-U

RI-12

NS-L

Residential-Agricultural

RSF-5

RSF-1

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

Down Town General

Community Services

Neighborhood Services

Neighborhood Conservation

PLANNED ZONING DISTRICTS

Commercial, Industrial, Residential

INSTITUTIONAL

P-1

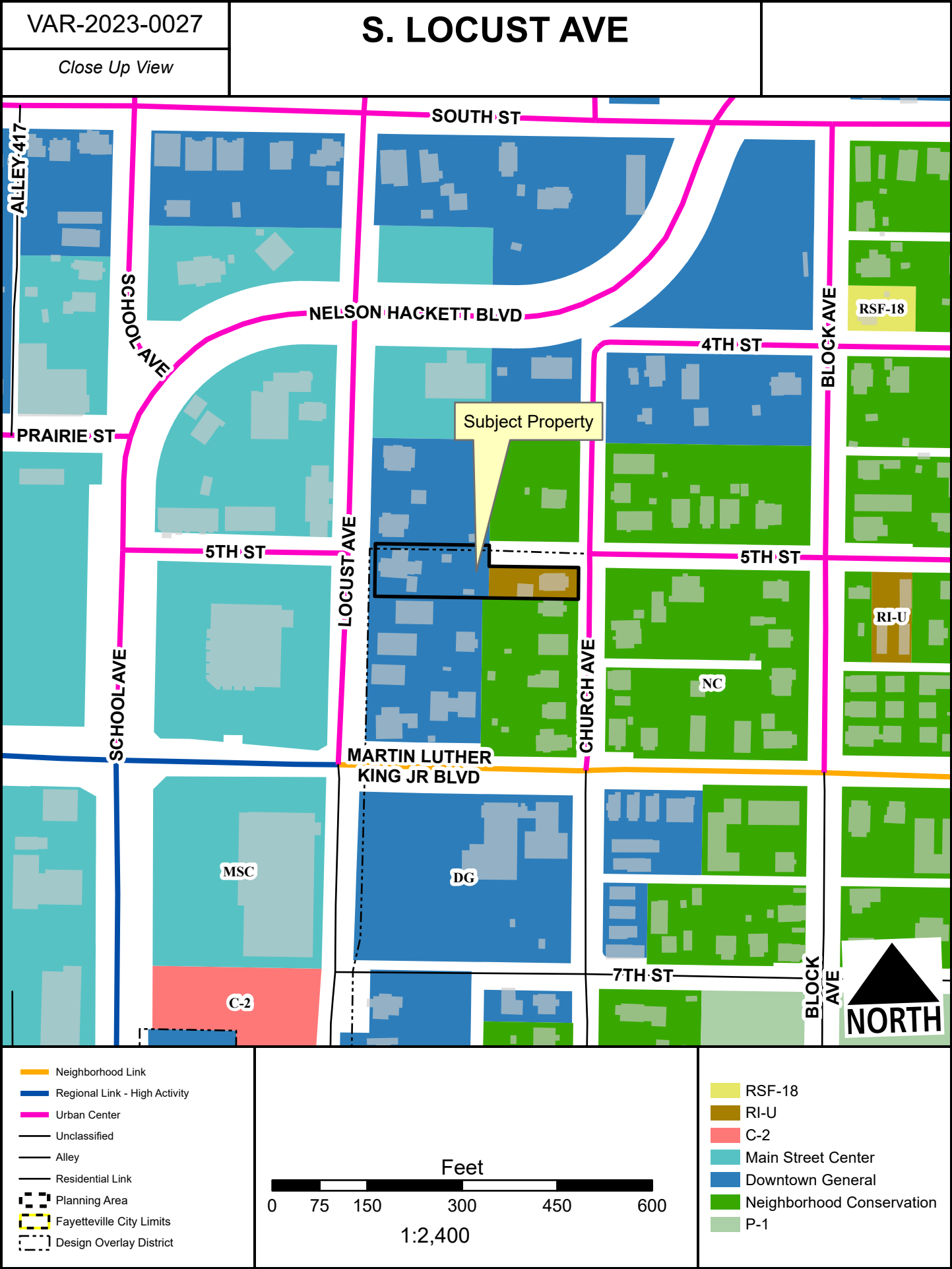
Planning Commission

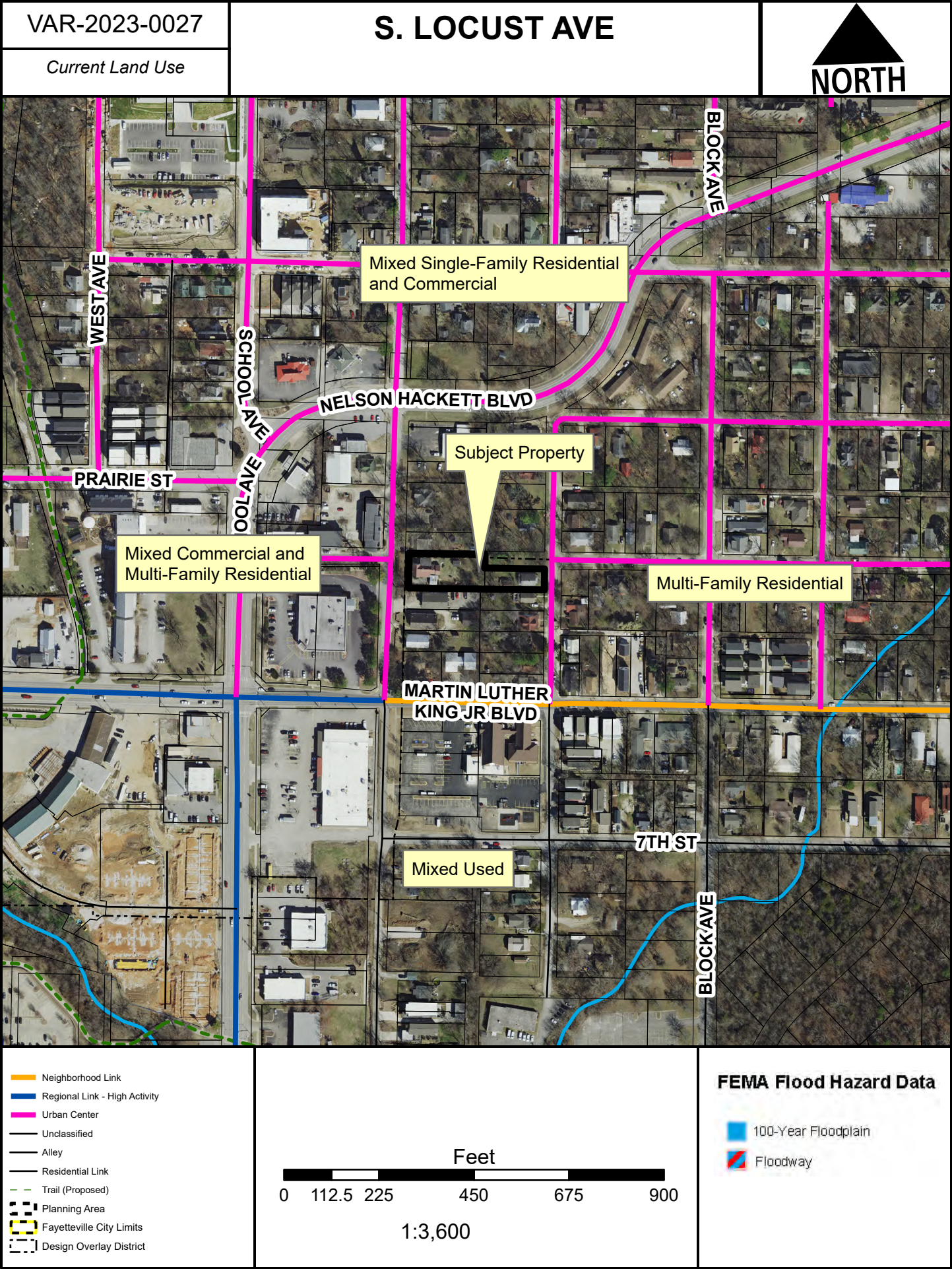
October 9, 2023

VAR-2023-0027 (CHURCH & LOCUST TOWNHOMES)

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: October 9, 2023

SUBJECT: **VAR-2023-0042: Planning Commission Variance (2518 W. MARTIN LUTRHER KING JR. BLVD/VALVOLINE, 558):** Submitted by BATES & ASSOCIATES for property located at 2518 W. MARTIN LUTRHER KING JR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.70 acres. The request is for variances from Commercial, Office, and Mixed-Use Design Standards, Parking Lot Design Standards, and Access Management Standards.

RECOMMENDATION:

Staff recommends approving **VAR-2023-0042**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2023-0042**, recommending:*

- In favor of the requested variance to §166.25(C)(4)) Prominent Entry.*
- In favor of the requested variance to §166.08(F) Access Management; and*
- Denial of the requested variance to §172.04(F)(4)(b)(iii) Internal Aisle Design;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the northwest corner of I-49 and W. Martin Luther King Jr. Blvd. The 0.70-acre property is zoned C-2, Thoroughfare Commercial and is part of the sign overlay district. The parcel currently consists of a "Vape & Glass Emporium" and associated parking. This building is intended to be demolished with the new construction. The Arkansas Department of Transportation (ARDOT) is in design for a complete reconstruction of the interchange with I-49 and W. Martin Luther King Jr. Blvd. As part of the project, ARDOT has agreed to construct 10-foot-wide shared use path with 6 feet of green space from the east side of I-49 to the west project limits west of the Lowe's west driveway. The street is proposed to include one additional right turn lane on S. Shiloh Dr., and both a left-turn lane and a third through lane for vehicles traveling west on W. Martin Luther King Jr. Blvd. Work is expected to begin on construction in 2025. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	I-49 Highway	NA
South	Mixed Retail / Multifamily Residential	C-2, Thoroughfare Commercial RMF-24, Residential Multifamily (24 units / acre)
West	Mixed Retail	C-2, Thoroughfare Commercial
East	I-49 Highway	NA

Request: The applicant requests building permit approval to construct an approximately 2,000-square foot auto-service building and associated parking. As a part of this proposal, the engineers have submitted requests for three variances as outlined below alongside staff's recommendations.

Staff notes that additional variances may be needed pending additional information.

- The applicant has stated their intent to request an administrative reduction of driveway separation distance for the driveway accessing W. Martin Luther King Jr. Blvd. If an administrative reduction is not approved by engineering, a variance will be required to §166.08(F)(2)(a) Curb Cut Separation.
- While the proposed site plans indicate the driveway remaining in its current location, ARDOT's preliminary plans indicate that the driveway will be moved to the edge of the new ROW, which will likely require a variance or redesign to meet throat length requirements in §172.04(F)(1).
- False windows were added to the east building façade adjacent to the drive aisle with the submittal provided on October 2, 2023. While the applicant has indicated an intent to meet §166.25(C), the east elevation does not currently meet the requirement to "avoid or minimize large blank, unarticulated wall surfaces."

DISCUSSION

Variance #1: §166.25(C)(4) Prominent Entry. 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). The applicant currently proposes one primary entry on the north side of the building, which faces S. Shiloh Dr. at an angle. While secondary doors are proposed on the southern elevation facing W. Martin Luther King Jr. Blvd., neither door is a prominent entry.

- *Staff recommendation:* Staff recommends in favor of the request subject to conditions of approval. The applicant notes safety concerns with a prominent second entry due to the presence of open pits within the building. While staff acknowledges the safety concerns inherent in the business and is in favor of the primary entry along W. Martin Luther King Jr. Blvd. being designated as a "staff-only" door, staff notes that the intent of the design standards includes "protect[ing] and enhance[ing] Fayetteville's appearance, identity, and natural and economic vitality," as well as "provid[ing] good civic design and arrangement." As most people who experience the property will likely do so driving by the site, staff recommends conditions be added that the primary entry on the southern façade shall be designed to be visually include a prominent entry through the addition of a canopy over the doors, glazing around the door similar to the northern façade, or other means to provide visual interest.

Variance #2: §166.08(F)(2)(a) Access Management. 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. The applicant's proposed development includes access onto both S. Shiloh Dr., a neighborhood link, and W. Martin Luther King Jr. Blvd, a high activity regional link via existing driveways. Both streets are within ARDOT right-of-way and will require state approval for any improvements.

- a. *Staff recommendation:* On the balance of considerations and in consultation with ARDOT, staff recommends in favor of this variance. Staff acknowledges the design

of the site may be subject to change pending final ARDOT design of the adjacent interchange. In their letter, the applicant cites the one-way nature of S. Shiloh Dr. and notes that they are unable to share access to MLK with the adjacent property owner. As the proposed plans indicate two-way access to and on the adjacent property, staff notes that sharing access to W. Martin Luther King Jr. Blvd. may be feasible via one of the two existing driveways on the adjacent property if the applicant is able to finalize cross access with their neighbor. However, preliminary ARDOT plans include the reinstallation of this driveway to the edge of the new ROW, along with a central median through this portion of W. Martin Luther King Jr. Blvd. This median would effectively limit the driveway to right-in, right-out only. Staff recommends a condition limiting the driveway to right-in, right-out only given the intersection of S. Shiloh Dr. and W. Martin Luther King Jr. Blvd. is currently a major location of traffic incidents (see staff exhibit). Further, if final ARDOT plans call for altering the driveway such that throat length requirements (§172.04(F)(1)) are no longer being met, a variance or redesign shall be required at that time.

Variance #3: §172.04(F)(3)(b)(iii) Internal Aisle Design. For parking lots containing eight (8) or fewer parking spaces, Aisles shall conform to the dimensional requirements of §172.04(C). For two-way aisles, this requires a width of 24 feet. Portions of the site at the north corner where the drive aisles transition from the driveway to the stacking/parking areas exceed 24 feet.

- *Staff recommendation* Staff recommends denial of the request. As noted, the subject property is an auto-oriented service station proposed on a long, narrow lot. Staff notes that the shape of the lot is unusual and will likely lead to difficulty developing any auto-oriented development on this parcel. However, staff has concerns regarding the safety of the proposed design because of a high number of potential vehicle conflicts, particularly in the northern portion of the site. While the site does meet the minimum requirements for vehicle stacking lanes, the orientation of the parking area is such that any vehicles stacking beyond the two indicated behind each service bay would likely block vehicles parked in the eastern parking area. Additionally, the proposed plan appears to be creating a condition where vehicles entering the property from Shiloh are driving into oncoming traffic from the drive-through lane on the eastern side of the building (see staff exhibit).

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

RECOMMENDATION: Staff recommends approval of VAR-2023-0042, with the following conditions.

Conditions of Approval:

2. **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. *Prominence of southern entry shall be increased through additional glazing, covered canopy, or other architectural features.*
 - b. *Southern entry may be designated as “Staff Only.”*

3. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.08(F)(2)(a) Access Management.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - a. Entry onto W. Martin Luther King Jr. Boulevard shall be right-in, right-out only as shown on the plans.
 - b. If final ARDOT plans call for altering the driveway such that throat length requirements (§172.04(F)(1)) are no longer being met, a variance or redesign shall be required at that time.
4. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(3)(b)(iii) Internal Aisle Design.** *Staff recommends denial of the requested variance for the reasons outlined above.*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Developed Code:
 - §166.08, Street Design and Access Management Standards
 - §166.25 Commercial, Office, and Mixed-Use Design Standards
 - §172.04 Parking Lot Design Standards
- Request Letter
- Site Plans
- Architectural Plans
- Staff Exhibits:
 - Traffic Safety Exhibit
 - Preliminary ARDOT Plans
 - Potential Vehicle Conflicts
- 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)



166.25 Commercial, Office and Mixed Use Design And Development Standards

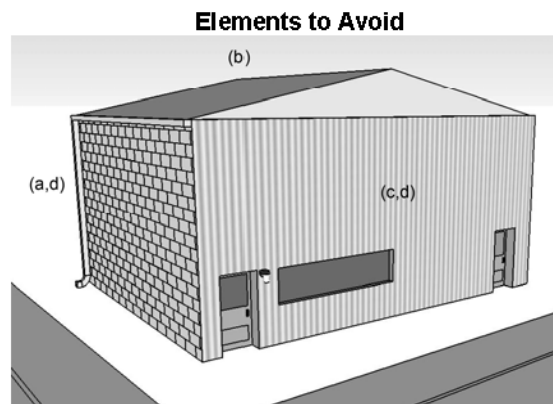
(A) *Purposes.*

- (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:

- (1) The elements to avoid or minimize include:
 - (a) Unpainted concrete precision block walls;
 - (b) Square "boxlike" structures;
 - (c) Metal siding which dominates the principal facade;
 - (d) Large blank, unarticulated wall surfaces;



- (2) A development which contains more than one (1) building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.
- (3) A development should provide compatibility and transition between adjoining developments.

(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).

(5) All buildings should be constructed of wood, masonry, or other similar durable material.

...

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

(Ord. No. 5526, 9-18-12; Ord. No. 5735, 1-20-15; Ord. No. 6091 , §1, 9-18-18; Ord. No. 6667 , §1, 6-6-23)

172.04 Parking Lot Design Standards

...

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

TABLE 1
DIMENSIONAL REQUIREMENTS

Angle (A)	Type	Width (in ft.) (B)	Curb length (in ft.) (C)	One-way aisle width (in ft.) (D)	Two-way aisle width (in ft.) (D)	Stall depth (in ft.) 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

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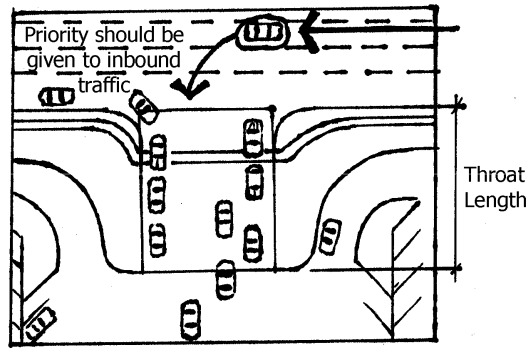
(F) *Parking Lot Circulation.*

- (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 (Signalized)	>200,000 GLA* (800) spaces	200 ft.
Smaller Developments (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.

- ...
- (3) *Entrances and Internal Aisle Design for Parking Lots Containing 8 Parking Spaces or Less.* 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. Parking lots shall not be located more than 100 feet from the street right-of-way. Commercial solid waste service is required.
- (ii) *Two-Way Access to Parking Lots.* For two way access, the driveway width shall be a minimum of 12 feet and a maximum of 24 feet. Parking lots shall not be located more than 100 feet from the street right-of-way. This standard shall only apply when a 2-yard dumpster is allowed.
- (iii) *Driveway Width Requirements for Parking Lots Located 100 Feet or More from the Street Right-of-Way.* Two (2) drive lanes a minimum width of 10 feet each, up to a maximum combined width of 24 feet, shall be required for adequate parking lot access.
- (iv) *Effective Curb Radius.* All driveway entrances serving 8 or less parking spaces shall have a minimum effective curb radius of 10 feet and a maximum of 20 feet.

(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).

- (c) *Variances.* Development proposals which do not meet these standards may apply for a variance from these requirements subject to Planning Commission approval.

Parking Lots With Eight (8) Spaces or Less	
	Driveway Dimensional Requirement
One Way Access <100 feet	12 feet Minimum - 16 feet Maximum
Two Way Access <100 feet	12 feet Minimum - 24 feet Maximum
>100 feet Driveway Length	2 Drive Lanes 10 feet Minimum Each - 24 feet Maximum Total Driveway Width
Effective Curb Radius	10 feet Minimum - 20 feet Maximum

....

(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)



Bates & Associates, Inc.

Civil Engineering - Land Surveying

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

October 2, 2023

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

Re: Valvoline GRD

Dear Planning Staff,

The Developer wishes to develop a quick-change oil business at the corner of Shiloh and MLK Blvd on parcel number 765-14664-000.

Applicant and Developer are seeking a variance to code section **166.25 C 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)."

Valvoline's highest priority is the safety and health of employees, customers and the communities where we live and operate. The company believes all incidents are preventable, and preventing workplace incidents is an integral part of our business strategy. Valvoline requires employees to comply with all applicable laws and regulations, as well as Valvoline's safety and health policies. Through the adoption of a zero-incident culture, our employees take responsibility for their safety-related actions because they are empowered to make informed decisions. Success depends on genuine commitment, basic operating principles, well-communicated visions and, most importantly, a business atmosphere where all employees care for each other.

The cornerstone of our zero-incident culture is the "Stay in Your Car Oil Change." Customers remain in their vehicles for an oil change or most other services. The one exception is a tire rotation. Because we must lift vehicle to rotate tires, customers are accompanied to wait in the waiting room while we perform tire rotation services. The building design affords employees engaged in maintenance work to conduct services from "service/repair pits" when the vehicles cover the pit. When the pit or pits are not covered or the safety nets are not deployed, the following actions are implemented by the employer:

1. The employee's safety training program will instruct employees to maintain a safe and clear distance from uncovered pits.
2. Highly visible contrasting lines are installed from the edge of pits.

3. Employer installs caution signs and ensure compliance by employees and the prohibition of customers entry the service area, support rooms or basement. Again, customers are only accompanied to the waiting room while tire rotation services are performed.

We believe that due to the nature of the business and Valvoline's typical safety standards, that providing another primary entry to the back of the building would be impossible as it would open and invite general members of the republic to fall into open pits within our open garage doors.

Applicant and Developer are also seeking a variance to code section **166.08 (F) (2)(a)** 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.

The lower classification street is a one way. And there is no way to share access with the neighboring property as they already have an existing curb cut. There is also an existing curb cut along the higher classification of street for both properties with no way to share access due to drainage infrastructure.

Applicant and Developer are also seeking a variance to code section 2. **UDC**
172.04(F)(3)(b)(iii) (iii) Aisles shall conform to the dimensional requirements of §172.04(C).

Due to the nature of the business and the awkward parcel configuration, it would be virtually impossible to put any drive through facility on this property without needing a variance from this code section, primarily because the lot is so long and narrow. See attached exhibit.

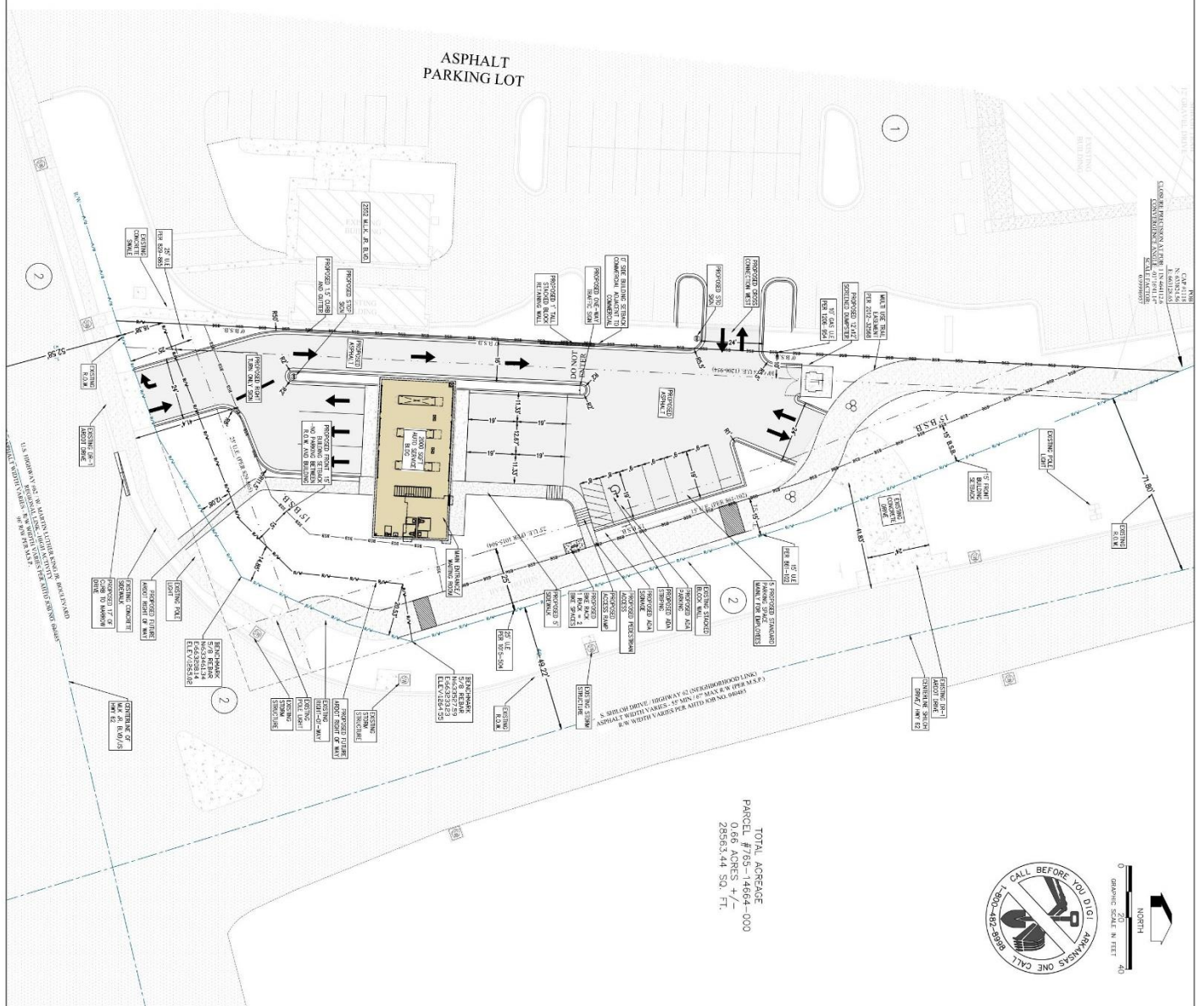
If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,



Jake Chavis
Bates & Associates, Inc.
479-442-9350

QUESTION	ANSWER	MARKS	TOTAL MARKS
1. Which of the following is not a type of soil?	1. Clay	1	1
2. Which of the following is not a type of rock?	2. Granite	1	2
3. Which of the following is not a type of mineral?	3. Gold	1	3
4. Which of the following is not a type of fossil?	4. Dinosaur	1	4
5. Which of the following is not a type of plant?	5. Mushroom	1	5
6. Which of the following is not a type of animal?	6. Elephant	1	6
7. Which of the following is not a type of insect?	7. Spider	1	7
8. Which of the following is not a type of bird?	8. Pigeon	1	8
9. Which of the following is not a type of fish?	9. Shark	1	9
10. Which of the following is not a type of tree?	10. Palm	1	10
11. Which of the following is not a type of flower?	11. Tulip	1	11
12. Which of the following is not a type of fruit?	12. Apple	1	12
13. Which of the following is not a type of vegetable?	13. Carrot	1	13
14. Which of the following is not a type of herb?	14. Basil	1	14
15. Which of the following is not a type of spice?	15. Pepper	1	15
16. Which of the following is not a type of condiment?	16. Ketchup	1	16
17. Which of the following is not a type of beverage?	17. Soda	1	17
18. Which of the following is not a type of food?	18. Bread	1	18
19. Which of the following is not a type of clothing?	19. Shirt	1	19
20. Which of the following is not a type of accessory?	20. Hat	1	20
21. Which of the following is not a type of furniture?	21. Chair	1	21
22. Which of the following is not a type of appliance?	22. Refrigerator	1	22
23. Which of the following is not a type of vehicle?	23. Car	1	23
24. Which of the following is not a type of building?	24. House	1	24
25. Which of the following is not a type of city?	25. New York	1	25
26. Which of the following is not a type of country?	26. France	1	26
27. Which of the following is not a type of continent?	27. Asia	1	27
28. Which of the following is not a type of planet?	28. Mars	1	28
29. Which of the following is not a type of star?	29. Sun	1	29
30. Which of the following is not a type of galaxy?	30. Milky Way	1	30
31. Which of the following is not a type of universe?	31. Everything	1	31
32. Which of the following is not a type of life?	32. All of them	1	32
33. Which of the following is not a type of death?	33. None of them	1	33
34. Which of the following is not a type of resurrection?	34. None of them	1	34
35. Which of the following is not a type of rebirth?	35. None of them	1	35
36. Which of the following is not a type of reincarnation?	36. None of them	1	36
37. Which of the following is not a type of afterlife?	37. None of them	1	37
38. Which of the following is not a type of heaven?	38. None of them	1	38
39. Which of the following is not a type of hell?	39. None of them	1	39
40. Which of the following is not a type of purgatory?	40. None of them	1	40
41. Which of the following is not a type of limbo?	41. None of them	1	41
42. Which of the following is not a type of purgatory?	42. None of them	1	42
43. Which of the following is not a type of limbo?	43. None of them	1	43
44. Which of the following is not a type of purgatory?	44. None of them	1	44
45. Which of the following is not a type of limbo?	45. None of them	1	45
46. Which of the following is not a type of purgatory?	46. None of them	1	46
47. Which of the following is not a type of limbo?	47. None of them	1	47
48. Which of the following is not a type of purgatory?	48. None of them	1	48
49. Which of the following is not a type of limbo?	49. None of them	1	49
50. Which of the following is not a type of purgatory?	50. None of them	1	50
51. Which of the following is not a type of limbo?	51. None of them	1	51
52. Which of the following is not a type of purgatory?	52. None of them	1	52
53. Which of the following is not a type of limbo?	53. None of them	1	53
54. Which of the following is not a type of purgatory?	54. None of them	1	54
55. Which of the following is not a type of limbo?	55. None of them	1	55
56. Which of the following is not a type of purgatory?	56. None of them	1	56
57. Which of the following is not a type of limbo?	57. None of them	1	57
58. Which of the following is not a type of purgatory?	58. None of them	1	58
59. Which of the following is not a type of limbo?	59. None of them	1	59
60. Which of the following is not a type of purgatory?	60. None of them	1	60
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64. Which of the following is not a type of purgatory?	64. None of them	1	64
65. Which of the following is not a type of limbo?	65. None of them	1	65
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72. Which of the following is not a type of purgatory?	72. None of them	1	72
73. Which of the following is not a type of limbo?	73. None of them	1	73
74. Which of the following is not a type of purgatory?	74. None of them	1	74
75. Which of the following is not a type of limbo?	75. None of them	1	75
76. Which of the following is not a type of purgatory?	76. None of them	1	76
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78. Which of the following is not a type of purgatory?	78. None of them	1	78
79. Which of the following is not a type of limbo?	79. None of them	1	79
80. Which of the following is not a type of purgatory?	80. None of them	1	80
81. Which of the following is not a type of limbo?	81. None of them	1	81
82. Which of the following is not a type of purgatory?	82. None of them	1	82
83. Which of the following is not a type of limbo?	83. None of them	1	83
84. Which of the following is not a type of purgatory?	84. None of them	1	84
85. Which of the following is not a type of limbo?	85. None of them	1	85
86. Which of the following is not a type of purgatory?	86. None of them	1	86
87. Which of the following is not a type of limbo?	87. None of them	1	87
88. Which of the following is not a type of purgatory?	88. None of them	1	88
89. Which of the following is not a type of limbo?	89. None of them	1	89
90. Which of the following is not a type of purgatory?	90. None of them	1	90
91. Which of the following is not a type of limbo?	91. None of them	1	91
92. Which of the following is not a type of purgatory?	92. None of them	1	92
93. Which of the following is not a type of limbo?	93. None of them	1	93
94. Which of the following is not a type of purgatory?	94. None of them	1	94
95. Which of the following is not a type of limbo?	95. None of them	1	95
96. Which of the following is not a type of purgatory?	96. None of them	1	96
97. Which of the following is not a type of limbo?	97. None of them	1	97
98. Which of the following is not a type of purgatory?	98. None of them	1	98
99. Which of the following is not a type of limbo?	99. None of them	1	99
100. Which of the following is not a type of purgatory?	100. None of them	1	100



TOTAL ACREAGE
PARCEL #765-14664-000
0.66 ACRES +/-
28563.44 SQ. FT.

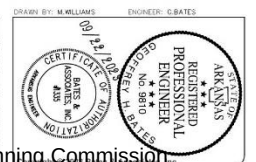


PROJECT NO. 23-096

23-096



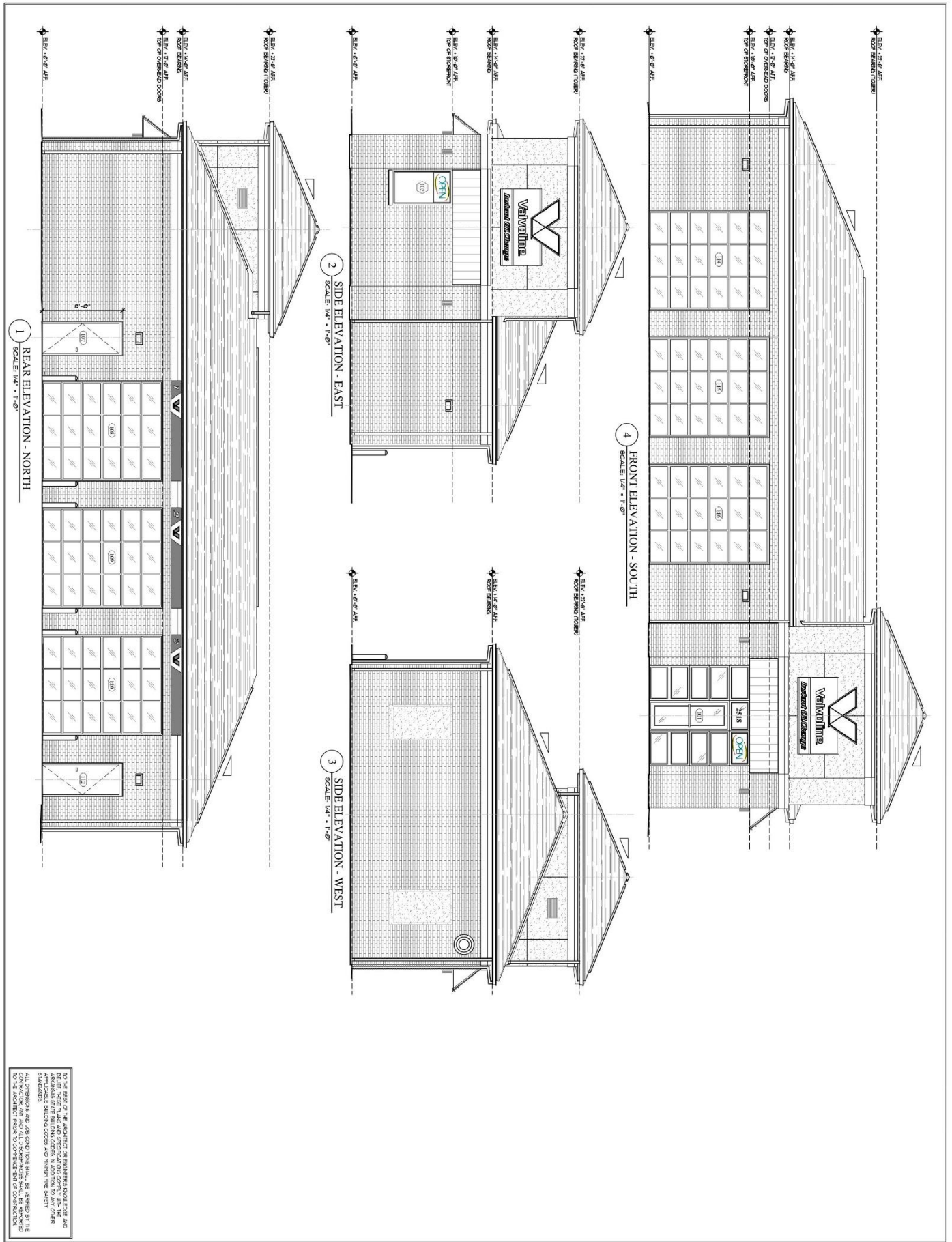
VALVOLINE
LARGE SCALE DEVELOPMENT
SITE PLAN
FAYETTEVILLE, ARKANSAS

[illegible]

Planning Commission

October 9, 2023

VAR-2023-0042 (VALVOLINE)
Page 13 of 20



THESE DOCUMENTS, DESIGNS, NOTES, DETAILS, SPECIFICATIONS AND CONCEPTS ARE THE SOLE PROPERTY OF PRAZE DESIGN, INC. AND SHALL NOT BE REPRODUCED, RE-USED OR COPIED FOR OTHER PROJECTS IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF FRANK PRAZE, ARCHITECT, AIA. ALL RIGHTS ARE RESERVED BY THE ARCHITECT IN ACCORDANCE WITH U.S. COPYRIGHT AND PATENT LAWS. UNAUTHORIZED REPRODUCTION WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. © COPYRIGHT PRAZE DESIGN, INC. - FRANK PRAZE, AIA, NCARB

ASSET TITLE
BUILDING
ELEVATIONS

ASSET NUMBER
A-5

Construction Documents for:

VALVOLINE INSTANT OIL CHANGE
2518 W MARTIN LUTHER KING JR BLDG
FAYETTEVILLE, AR 72704

FDIP# 23058.00

MEMBER OF

DATE: 09/23/2023

BY: ADP

REVIEW: 09/23/2023

REVIEW: 09/23/2023

REVIEW: 09/23/2023

REVIEW: 09/23/2023

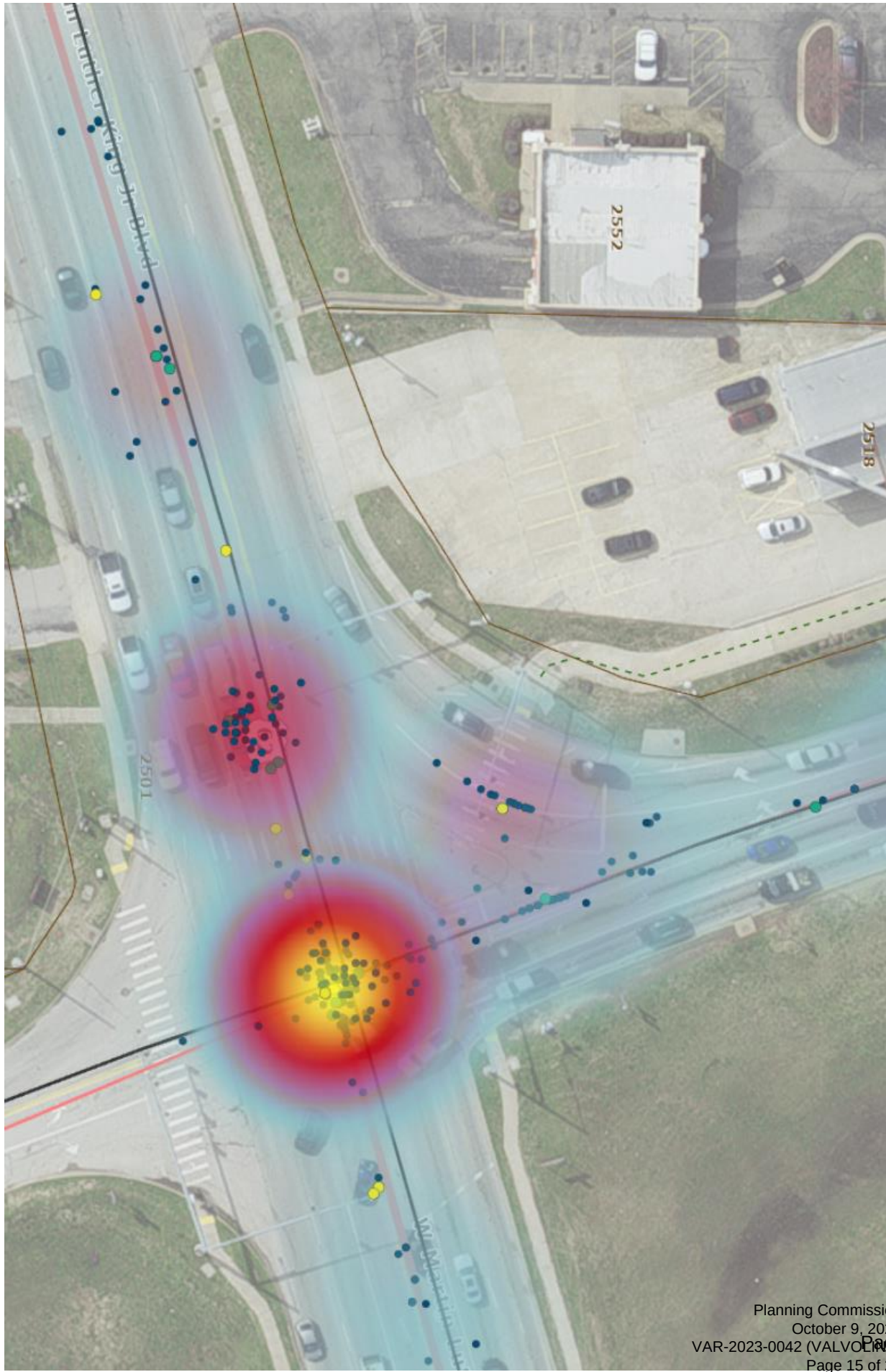
Planning Commission

October 9, 2023

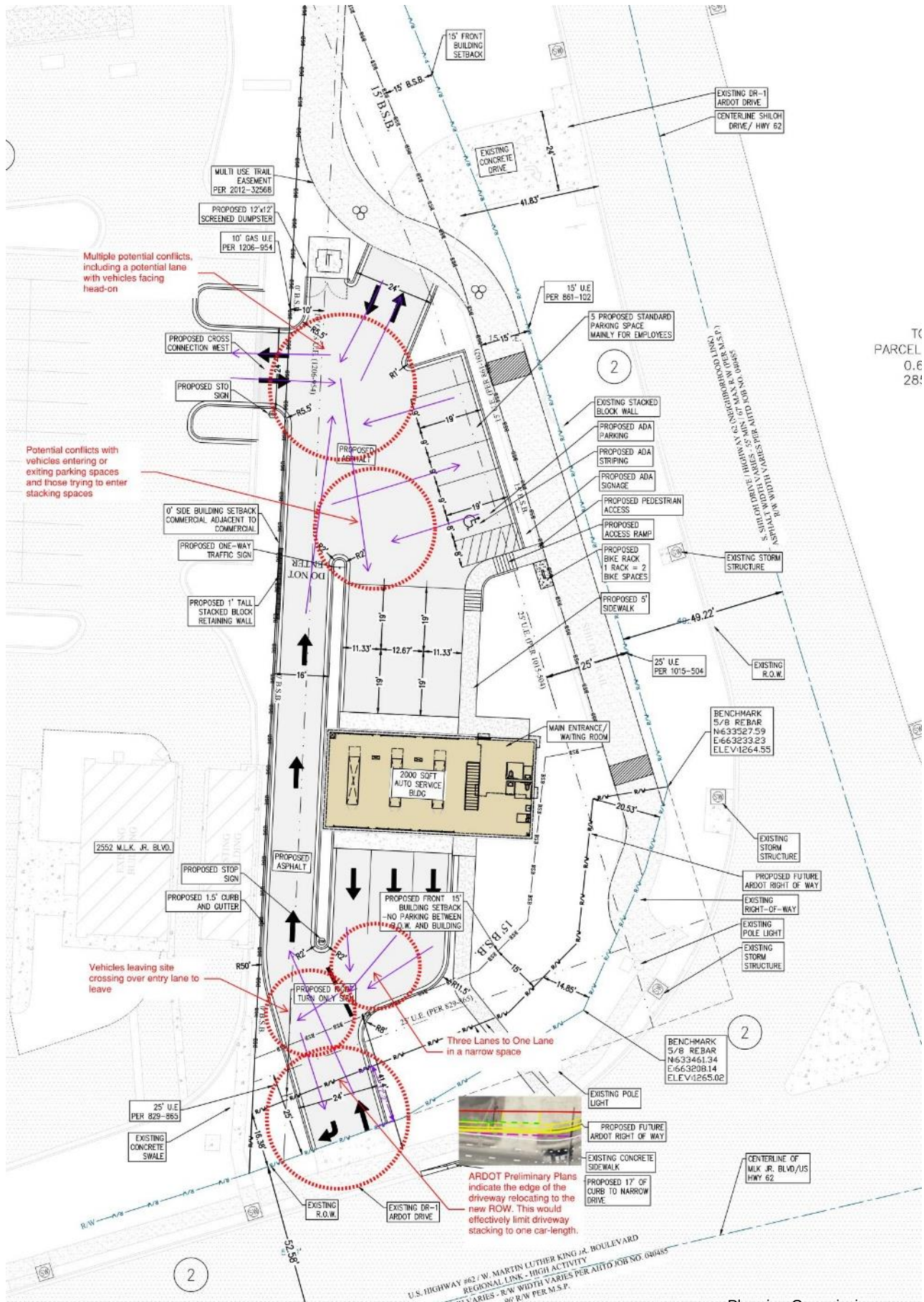
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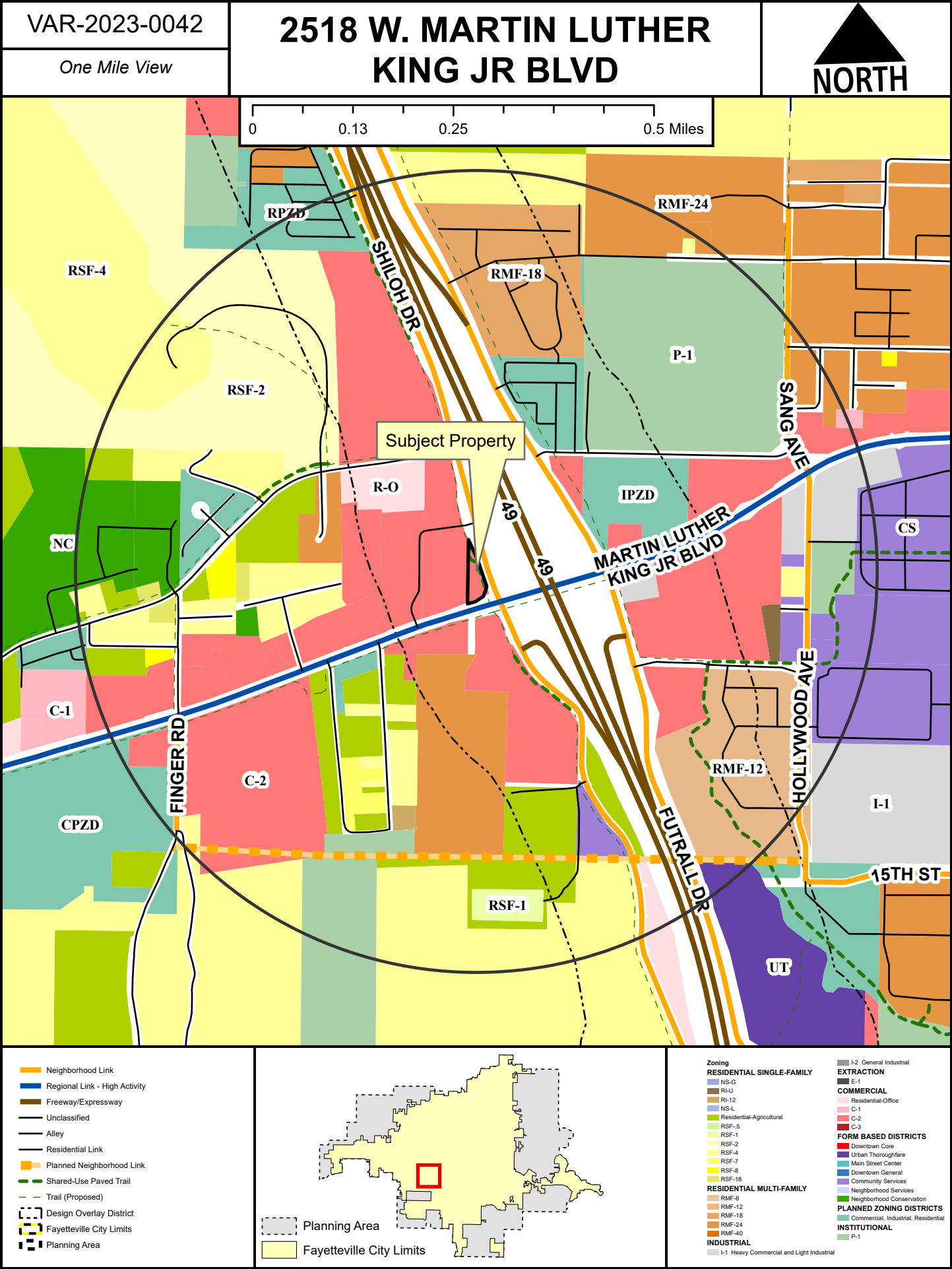
Page 181 of 450

STAFF EXHIBIT: TRAFFIC ACCIDENTS 2017-2021



TC
PARCEL
0.6
28'

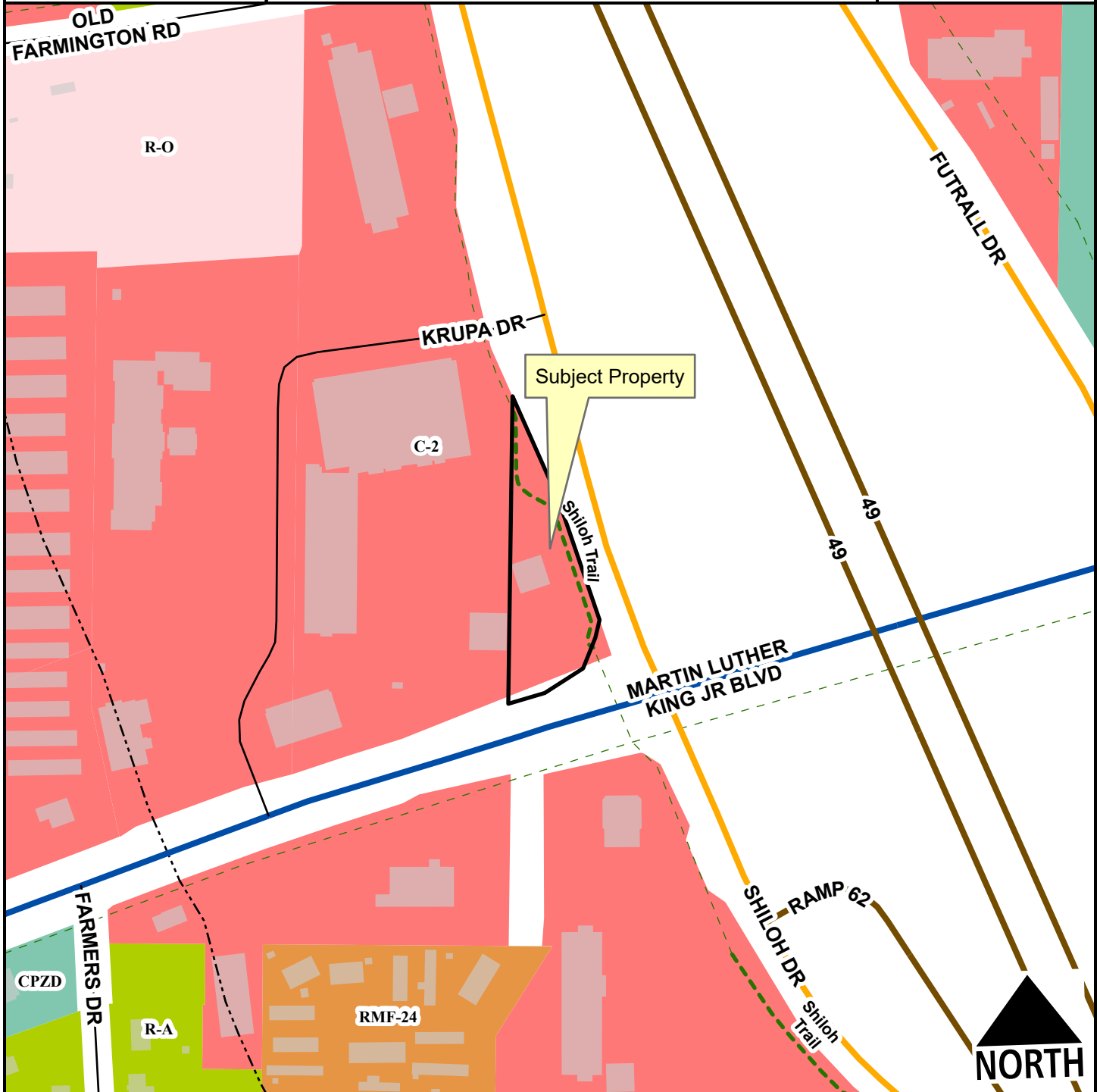




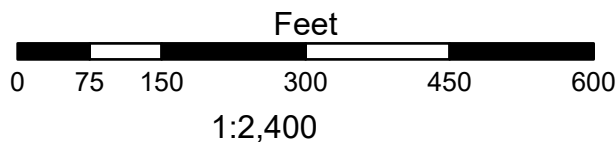
VAR-2023-0042

Close Up View

2518 W. MARTIN LUTHER KING JR BLVD



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

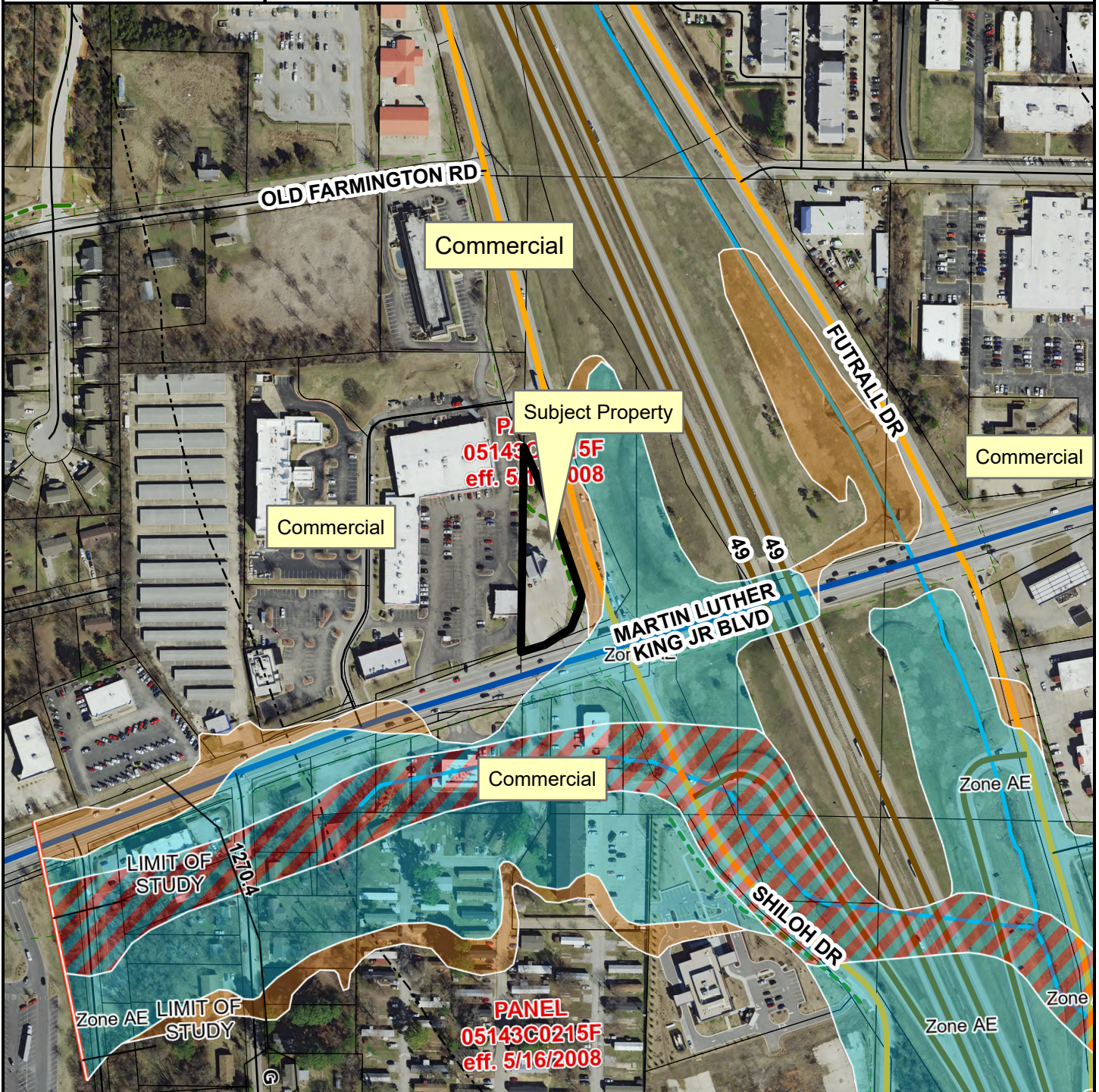


- Residential-Agricultural
- RMF-24
- Residential-Office
- C-2
- Commercial, Industrial, Residential

VAR-2023-0042

Current Land Use

2518 W. MARTIN LUTHER KING JR BLVD



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0109: Conditional Use Permit (490 W. WILLOUGHBY RD/TERMINELLA, 718):** Submitted by FRANK TERMINELLA for property located at 490 W. WILLOUGHBY RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.14 acres. The request is for an accessory structure that exceeds 50% of the size of the principle structure.

RECOMMENDATION:

Staff recommends denial of **CUP-2023-0126** based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to deny CUP-2023-0126."

BACKGROUND:

The subject property is located in south Fayetteville on W. Willoughby Rd. The property is approximately ½ mile north of Drake Field. The property contains approximately 1.14 acres and is currently zoned RSF-4, Residential Single-Family, Four Units per Acre. The parcel has been developed with a 2,470 square foot single family house and an existing 925 square foot garage per the Washington County Assessor's office. 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	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential Industrial Park	R-A, Residential Agriculture I-1, Heavy Commercial and Light Industrial
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre

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

Request: The applicant requests approval of a conditional use permit to allow placement of one accessory structure on a lot with existing principle and accessory structures. Under Unified Development Code §164.02, no accessory structure is to be erected on a property exceeding 50% the size of the principal structure. The applicant proposes a roughly 70 foot by 35.67-foot (2,497 square foot total) metal shop building ranging in height from 12 to 18 feet.

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

RECOMMENDATION: Staff recommends denial of **CUP-2023-0126**. If approved, staff recommends to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an accessory building exceeding 50% of the size of a principle structure with which it is associated.**
Staff finds the proposal to place one accessory structure exceeding 50% of the size of the principle structure to be incompatible for the reasons outlined in this report;
 2. Conditional use permit approval shall not constitute building permit approval;
 3. No business uses shall be permitted within the proposed shop building;
 4. Evergreen vegetative screening shall be planted adjacent to the southern façade in order to minimize the appearance and potential glare of the metal faced from the right-of-way.
 5. Any proposed outdoor lighting shall be subject to §176 Outdoor Lighting; and
 6. 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.
-

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for an accessory structure exceeding 50% the size of the principle 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: **On the balance of considerations, staff finds that granting the requested conditional use permit may adversely affect the public interest. The property has already been developed with a 2,470 square foot single-family residence and a 925 square foot garage (37.4% the size of the principle structure). Additionally, a roughly 625 square foot carport appears to have been added to the west side of the existing home between 2021-2022 based on aerial imagery; however, a building permit was not received for this work. The proposed 2,497 square foot shop building exceeds 100% the size of the principle structure alone (101%) and would exceed 138% the size of the principle structure when considered with the existing garage. Staff does not find that allowing accessory structures at 138% the size of the principle structure meets the intent of the ordinance, particularly the proposed location of the shop within 20 feet of an existing residential dwelling on the neighboring parcel. Staff finds that the proposal is a dramatic increase in development on the parcel, and that the shop will likely be visible from public right-of-way. The applicant has noted that the intent is to use of the building**

for personal use, and staff recommends that a condition be added prohibiting business uses in the proposed shop if approved.

(c.) The Planning Commission shall certify:

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

Finding: Per Unified Development Code §164.02, accessory structures exceeding 50% the size of the principle 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. The proposed shop is meeting setback requirements per the provided site plan. Staff finds that the proposed building may be compatible with the principle structure as the roof of the principle structure is also metal. Additionally, while the shop is proposed 20 feet from an existing dwelling on the neighboring parcel to the north, this dwelling also has metal siding and the shop is likely to be compatible.

(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: Two driveways currently exist on the subject property. One driveway is located on the western side and leads to covered carport installed between 2021 and 2022. A second driveway is shared between this property and the adjacent property owner to the east. The applicant intends to use the eastern driveway with no additional parking proposed. The applicant has noted that the intent is to use of the building for personal use, and staff recommends a condition be added that no business functions shall be permitted in the proposed shop. With only personal use, staff finds that the structure is unlikely to negatively impact traffic flow or 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 structure is proposed approximately 15 feet from the northern property line (20 feet from the adjacent dwelling). Staff recommends a condition that any proposed outdoor lighting shall be subject to §176 Outdoor Lighting. Staff anticipates parking to be either within the proposed

shop or on the existing driveways.

- (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 use of the building. The property owner is responsible for maintaining a clean property.

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

Finding: Existing six-inch sewer mains and a two-inch water main are present along W. Willoughby Rd. Service needs may be evaluated as necessary during building permit review.

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

Finding: While the accessory structure is proposed near the northern property line and will largely be screened by the existing principle structure, staff finds that the structure will likely be visible from W. Willoughby Rd. from the east due to the slope of the site. Because of this slope and the proposed location on the high side of the site, staff recommends that if approved, evergreen vegetative screening shall be planted adjacent to the southern façade in order to minimize the appearance and potential glare of the metal faced from the 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 the City's sign ordinance and all regulations therein.

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

Finding: One new structure is proposed with this conditional use permit. Compliance with building setbacks will be confirmed at the time of building permit submittal.

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

Finding: Staff finds that the proposal is incompatible with adjacent properties. Adjacent properties are generally rural or undeveloped, and properties adjacent to S. School Ave are zoned for industrial uses. The proposed shop building materials are generally compatible with the principle structure and the adjacent home to the north, and it is common for rural properties to have large accessory structures. However, staff also finds that the large size of the proposed accessory structure could potentially have negative impact on

the surrounding properties.

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

Finding: On the balance of issues, 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 an accessory structure exceeding 50% the size of the principle structure would allow for greater flexibility in the use of the parcel but would also increase intensity of uses on the parcel beyond what staff would consider compatible in this district.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §164.02, Accessory Structures and Uses
- Request Letter
- Site Plan
- Building Elevations
- Staff Exhibits:
 - Visibility from Right-of-Way
 - Unpermitted Carport Addition
- 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)

CONDITIONAL USE PERMIT REQUEST

- A) Request to build a 2450 sqft detached garage/shop structure at 490 W Willoughby Rd, Fayetteville, AR 72701
- B) Proposed building will be charcoal in color with slate color metal roof.
- C) No additional parking spaces will be provided outside of the structure; residents will use existing available parking. The existing driveway and approach is sufficient parking for the two residents. An existing drive currently runs close to the proposed shop building (along East side) and additional drive will not be necessary. This structure is strictly for personal use. There will be no business at this shop building.
- D) N/A
- E) No exterior lighting is proposed for this residential garage/shop
- F) N/A
- G) There is no existing screening, the adjacent property owner, Joe Terminella, is aware of the project and proposed structure and has no concerns. However, if screening is a requirement for approval, please provide more details on what an acceptable screen would be.
- H) Will use existing trash services of residence. No trash will be generated by this garage/shop. It is for storage purposes.
- I) Use existing driveway for ingress/egress
- J) Adjacent property owner, Joe Terminella, is aware of the project and has no concerns.

PROPERTY LINE ADJUSTMENT

ADJACENT LAND OWNERS

1) CITY OF FAYETTEVILLE
113 MOUNTAIN STREET
FAYETTEVILLE, AR 72701-0083
PARCELS #765-15518-000, #765-15523-000
& #765-15524-000
ZONED: RSF-4
2) TERMINELLA, JOSEPH E SR REV TRUST
TERMINELLA, SUDAN A REV TRUST
430 W WILLOUGHBY RD
FAYETTEVILLE, AR 72701
PARCEL #765-08475-000
ZONED: RSF-4
3) SWANSON LAND & CATTLE LLC
12 DOCKWOOD ST
WEST FORK, AR 72774
PARCEL #765-15479-003
ZONED: R-A

FIELD WORK:
JULY 1, 2 & 6, 2021
AUGUST 31, 2021

BASIS OF BEARING:
GIS OBSERVATION - AR NORTH ZONE

REFERENCE DOCUMENTS:
1) FINAL PLAT OF MILLER ADDITION
FILED IN BOOK 8 AT PAGE 5
2) PLAT OF SURVEY FILED IN
BOOK 2021 AT PAGE 30018
3) AHTD RIGHT-OF-WAY MAP JOB NO. R40059
4) WARRANTY DEED FILED IN
BOOK 2005 AT PAGE 10077
5) QUITCLAIM DEED FILED IN
BOOK 2016 AT PAGE 1632
6) QUITCLAIM DEED FILED IN
BOOK 1340 AT PAGE 526
7) EASEMENT DEED FILED IN
BOOK 1389 AT PAGE 831

PROPERTY ZONED:
RSF-4
HILLSIDE / HILLTOP OVERLAY DISTRICT (HHOD)

BUILDING SETBACKS:
FRONT 15ft
SIDE 5ft
REAR 15ft

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	107.34'	94.69'	91.65'	S 13°22'28" E	50°32'44"	50.68'
C2	107.34'	106.73'	102.39'	S 16°55'14" E	56°58'14"	58.24'

LINE	BEARING	DISTANCE
L1	S 86°38'50" W	19.10'
L2	S 84°49'13" E	51.83'

TOTAL ACREAGE
PARCELS
#765-08475-000
#765-08475-001
#765-08475-002
#765-08475-003
3.14 ACRES +/-

FAYETTEVILLE CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC BENEFIT, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE, AR, THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE: _____ JOSEPH TERMINELLA SR.
DATE: _____ FRANK TERMINELLA
DATE: _____ KELLY TERMINELLA

PROPERTY OWNERS:
1) TERMINELLA, JOSEPH E SR
430 W. WILLOUGHBY RD
FAYETTEVILLE, AR 72701
PARCELS #765-08475-002
2) TERMINELLA, JOSEPH E SR REV TRUST
430 W. WILLOUGHBY RD
FAYETTEVILLE, AR 72701
PARCELS #765-08475-000
3) TERMINELLA, FRANK & KELLY LIVING TRUST
430 WILLOUGHBY RD
FAYETTEVILLE, AR 72701
PARCELS #765-08475-001 & #765-08475-003

PLAT NOTES:
1. THIS PROPERTY IS PARTIALLY WITHIN THE CITY OF FAYETTEVILLE'S HILLSIDE / HILLTOP OVERLAY DISTRICT
2. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND UTILITIES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
3. COORDINATES SHOWN HEREON ARE INTERPOLATED FROM THE CITY OF FAYETTEVILLE GIS MAP AND SHOULD NOT BE USED TO ESTABLISH OR RE-ESTABLISH THE LOCATION OF ANY PROPERTY LINE OR PROPERTY CORNER.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PLAT #05143C0220F, DATED 05/16/2008)



Reviewed by:
Donna Wonsower, Planner
Development Services
APPROVED

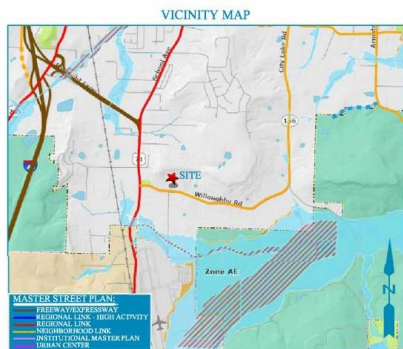
1. Approval is for CUP application only. MISC building permit will be approved separately.

GIS Approved
09/05/2023

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 31ST DAY OF AUGUST, 2021.



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



SURVEY DESCRIPTION:

PREVIOUS TRACT 1 (PER SURVEY 2021-2016):
A PART OF LOT 16 OF MILLER ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 16 AND RUNNING THENCE S89°04'27" E 307.66' TO AN EXISTING REBAR ON THE NORTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY #156, THENCE ALONG SAID RIGHT-OF-WAY N44°49'13" W 126.35' TO AN EXISTING CHISELED "X" IN THE CENTERLINE OF AN EXISTING CONCRETE DRIVEWAY, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID DRIVEWAY CENTERLINE THE FOLLOWING: N06°54'09" E 90.10' TO AN EXISTING CHISELED "X", N11°17'07" E 94.66' TO AN EXISTING CHISELED "X", ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 107.34' FOR A CHORD BEARING AND DISTANCE OF N13°22'28" E 91.65' TO AN EXISTING CHISELED "X", THENCE LEAVING SAID DRIVEWAY CENTERLINE N06°55'06" W 177.99' TO AN EXISTING REBAR, THENCE N03°04'04" E 205.36' TO THE POINT OF BEGINNING, CONTAINING 2.03 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

ADJUSTED TRACT 1:
A PART OF LOT 16 OF MILLER ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 16 AND RUNNING THENCE S89°04'27" E 307.66' TO AN EXISTING REBAR ON THE NORTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY #156, THENCE ALONG SAID RIGHT-OF-WAY N44°49'13" W 126.35' TO AN EXISTING CHISELED "X" IN THE CENTERLINE OF AN EXISTING CONCRETE DRIVEWAY, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID DRIVEWAY CENTERLINE THE FOLLOWING: N06°54'09" E 90.10' TO AN EXISTING CHISELED "X", N11°17'07" E 94.66' TO AN EXISTING CHISELED "X", ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 107.34' FOR A CHORD BEARING AND DISTANCE OF N13°22'28" E 91.65' TO AN EXISTING CHISELED "X", THENCE LEAVING SAID DRIVEWAY CENTERLINE N06°55'06" W 177.99' TO AN EXISTING REBAR, THENCE N03°04'04" E 205.36' TO THE POINT OF BEGINNING, CONTAINING 2.03 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

PREVIOUS TRACT 2 (PER SURVEY 2021-2016):
A PART OF LOT 16 OF MILLER ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 16 AND RUNNING THENCE S89°04'27" E 307.66' TO AN EXISTING REBAR ON THE NORTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY #156, THENCE ALONG SAID RIGHT-OF-WAY N44°49'13" W 126.35' TO AN EXISTING CHISELED "X" IN THE CENTERLINE OF AN EXISTING CONCRETE DRIVEWAY, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID DRIVEWAY CENTERLINE THE FOLLOWING: N06°54'09" E 90.10' TO AN EXISTING CHISELED "X", N11°17'07" E 94.66' TO AN EXISTING CHISELED "X", ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 107.34' FOR A CHORD BEARING AND DISTANCE OF N13°22'28" E 91.65' TO AN EXISTING CHISELED "X", THENCE LEAVING SAID DRIVEWAY CENTERLINE N06°55'06" W 177.99' TO AN EXISTING REBAR, THENCE N03°04'04" E 205.36' TO THE POINT OF BEGINNING, CONTAINING 1.11 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

ADJUSTED TRACT 2:
A PART OF LOT 16 OF MILLER ADDITION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S89°04'04" W 205.36' FROM AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 16 AND RUNNING THENCE S89°04'27" E 307.66' TO THE CENTERLINE OF AN EXISTING CONCRETE DRIVEWAY, THENCE ALONG SAID DRIVEWAY CENTERLINE THE FOLLOWING: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 107.34' FOR A CHORD BEARING AND DISTANCE OF S19°35'48" E 102.39' TO AN EXISTING CHISELED "X", S17°17'07" E 90.66' TO AN EXISTING CHISELED "X", S06°54'09" E 90.10' TO AN EXISTING CHISELED "X" ON THE NORTH RIGHT-OF-WAY OF ARKANSAS HIGHWAY #156, THENCE LEAVING SAID DRIVEWAY CENTERLINE AND ALONG SAID RIGHT-OF-WAY THE FOLLOWING: N06°54'09" E 90.10' TO AN EXISTING CHISELED "X", N11°17'07" E 94.66' TO AN EXISTING CHISELED "X", ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 107.34' FOR A CHORD BEARING AND DISTANCE OF N13°22'28" E 91.65' TO AN EXISTING CHISELED "X", THENCE LEAVING SAID RIGHT-OF-WAY N03°04'04" E 205.36' TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

FOR USE AND BENEFIT OF:

JOE & FRANK TERMINELLA
ADDRESS:
430 E 400 S, WILLOUGHBY ROAD
FAYETTEVILLE, ARKANSAS
DATE: 09/09/21 SCALE: 1" = 40'
SURVEYED: DRAFTED:
JRH AH
REVIEWED: DT
COA #1325



LEGEND:

- BOUNDARY LINE (MEASURED)
- PORTY LINES/TIE LINE
- OVERHEAD POWER LINE
- WATER LINE
- SEWER LINE
- FENCE
- BUILDING SETBACK
- UTILITY EASEMENT
- WATER METER
- GAS METER
- POWER POLE
- IRRIGATION VALVE
- CLEAR CUT
- SANITARY SEWER MH
- ELECTRICAL, PHOENIX
- A/C CONDENSER UNIT
- FOUND 1/2" REBAR
- RIGHT-OF-WAY MARKER
- SET 5/8" REBAR/CAP
- COMPLETED POINT
- SET CHISELED "X"
- FOUND 5/8" REBAR
- TELEPHONE PESTER
- ELECTRICAL, PHOENIX
- A/C CONDENSER UNIT



RECORDING NUMBER/DATE

Planning Commission
October 9, 2023
CUP-2023-0126 (TERMINELLA)

H ZONE

ITION

OB NO. R40059

DISTRICT (HHOD)

NY R/W

CRETE
RAIN

PARCEL #765-08475-002

TRACT 1 (PER 2021-30618)
2.03 ACRES +/- PREV. ACREAGE
2.00 ACRES +/- ADJ. ACREAGE

PARCEL #765-08475-000

SHED

GRAVEL

DECK

DECK

EXISTING HOUSE

PORCH

POB
ADJUSTED
TRACT 2

POB
PREVIOUS
TRACT 2

1

5.0'

11.9'

PARCEL #765-08475-003

35x70 detached
structure.
25' setback from
W property line.
15' setback from
N property line.

GARAGE

POOL

AWNING

GARAGE

EXISTING HOUSE

PARCEL #765-08475-001

TRACT 2 (PER 2021-30618)
1.11 ACRES +/- PREV. ACREAGE
1.14 ACRES +/- ADJ. ACREAGE

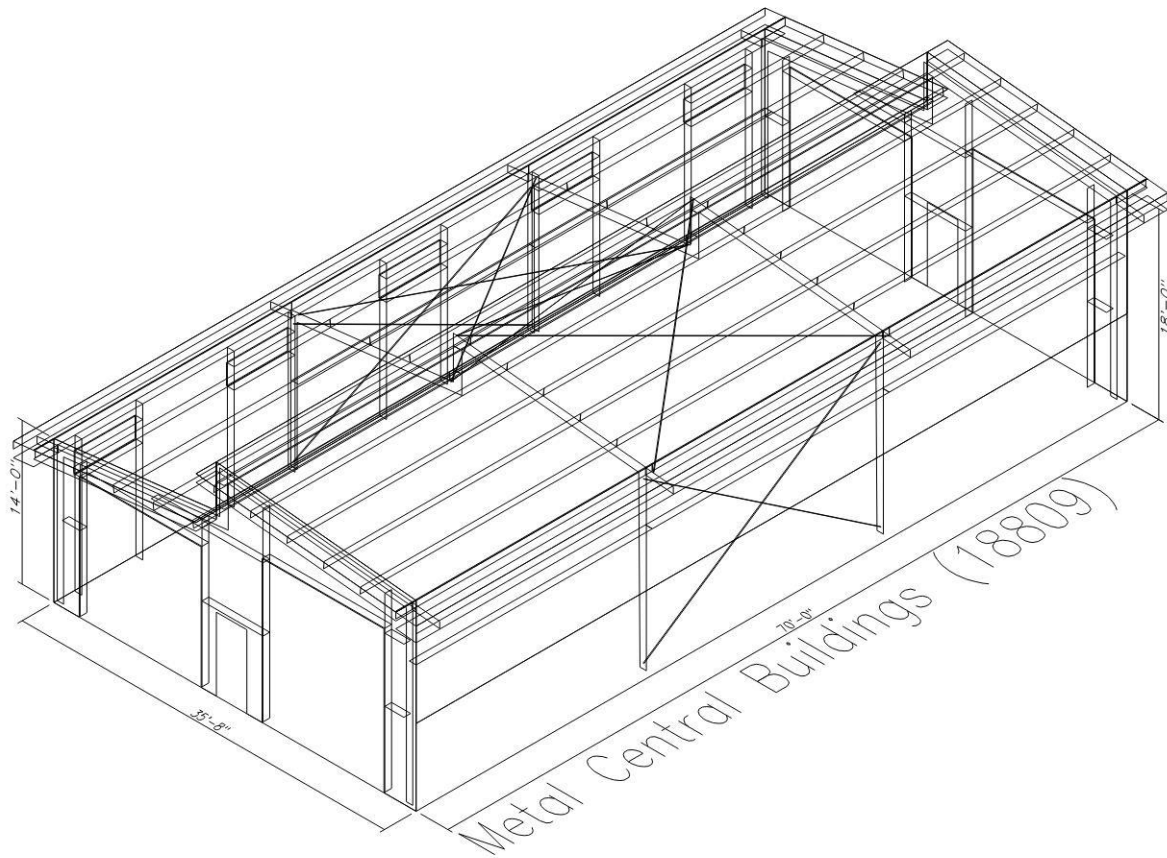
*HWY R/W DEDICATED PER
ESMNT. DEED 1389-833

Planning Commission

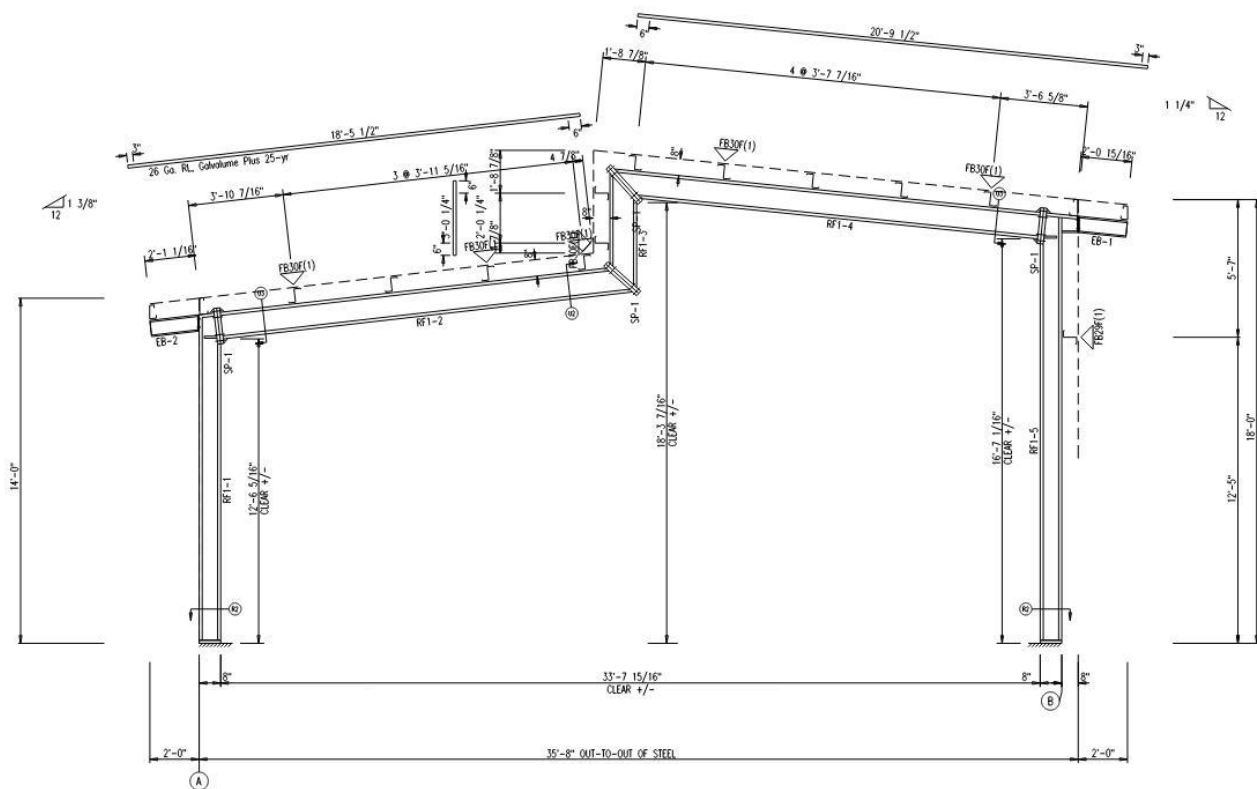
October 9, 2023

CUP-2023-0126 (TERMINAL)

Page 10 of 18

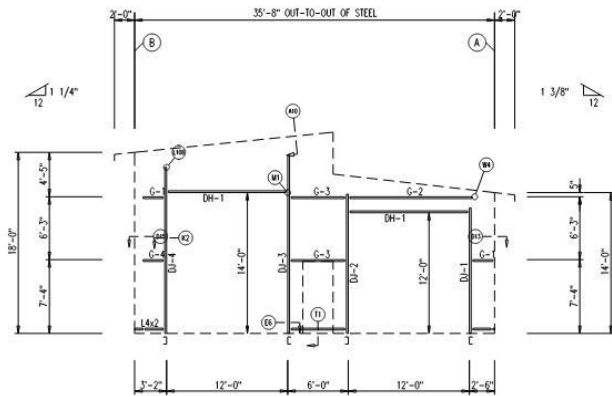


FLANGE BRACES: Both Sides(U.N.)
 FBof(1): 12=length(m)
 F = B2514

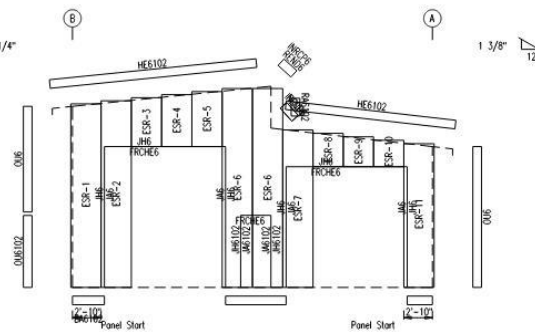


RIGID FRAME ELEVATION: FRAME LINE 1 4

Metal Central Buildings (18809)				
PROJECT	Terminella	RIGID FRAME ELEVATION	DRAFT:	CHECK:
ID	230804-2788-14	DATE: 10/10/23	SHEET	OF
PROJECT ADDRESS	Fayetteville, AR	DATE: 10/10/23	SHEET	OF



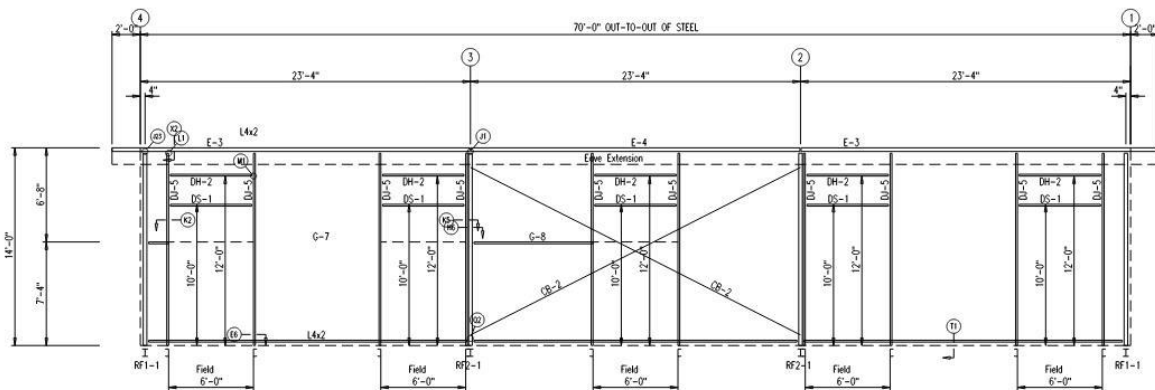
ENDWALL FRAMING: FRAME LINE 4



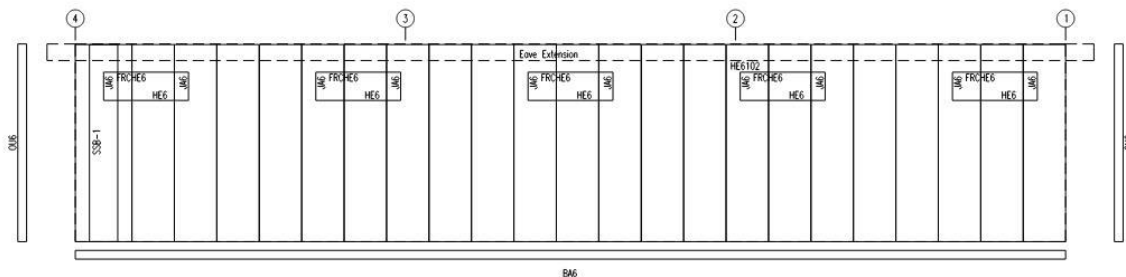
ENDWALL SHEETING & TRIM: FRAME LINE 4

PANELS: 26 Ga. RL - Need SMP Lifetime Color

Metal Central Buildings (18809)				
PROJECT	Terminello	ENDWALL FRAMING		
ID	230804-2788-R4-SH5	DESIGN:	DRAFT:	CHECK:
PROJECT	Fayetteville, AR	DATE:	8/14/23	SHEET
ADDRESS	PROJ ADR 2			OF



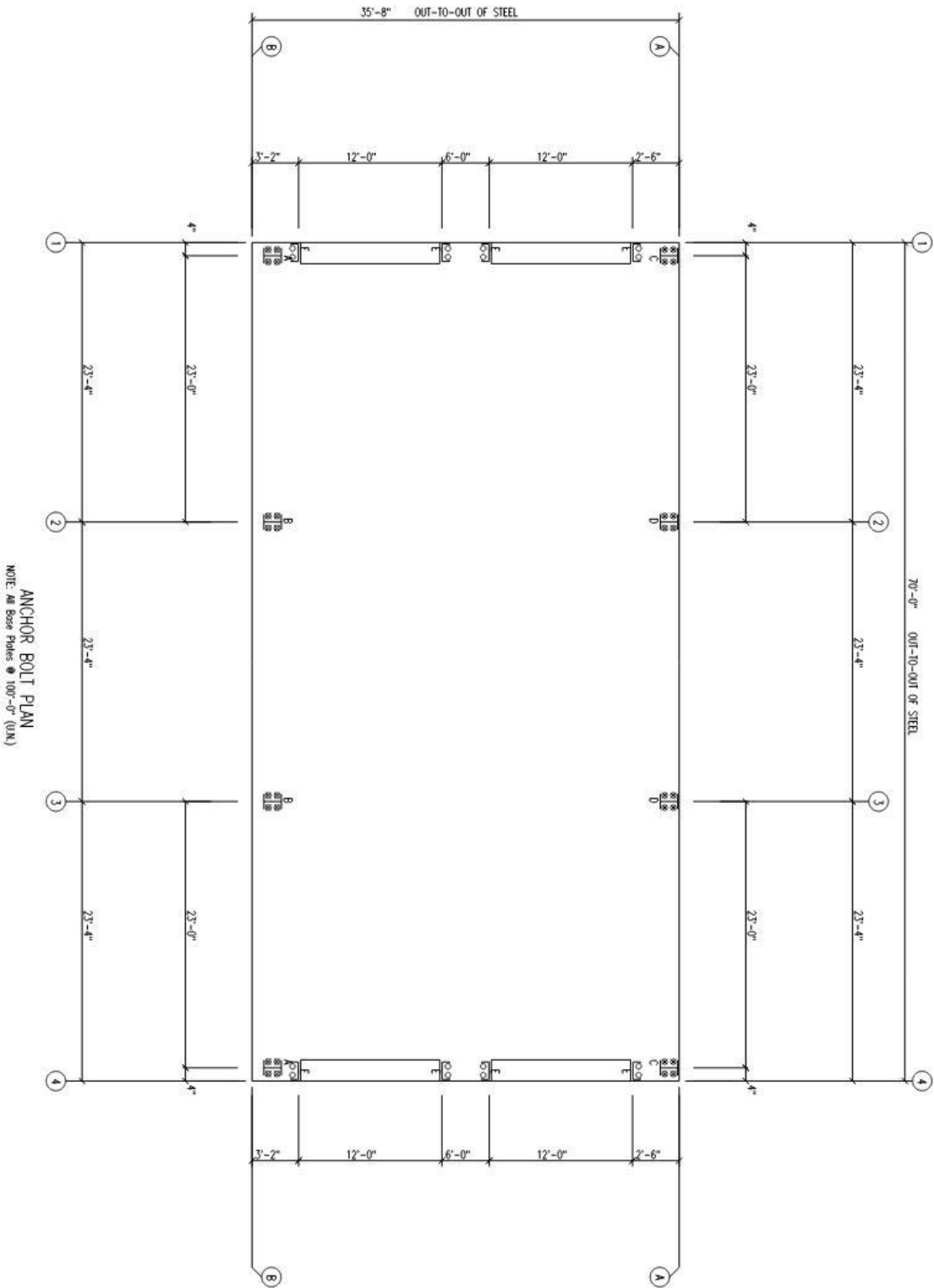
SIDEWALL FRAMING: FRAME LINE A



SIDEWALL SHEETING & TRIM: FRAME LINE A

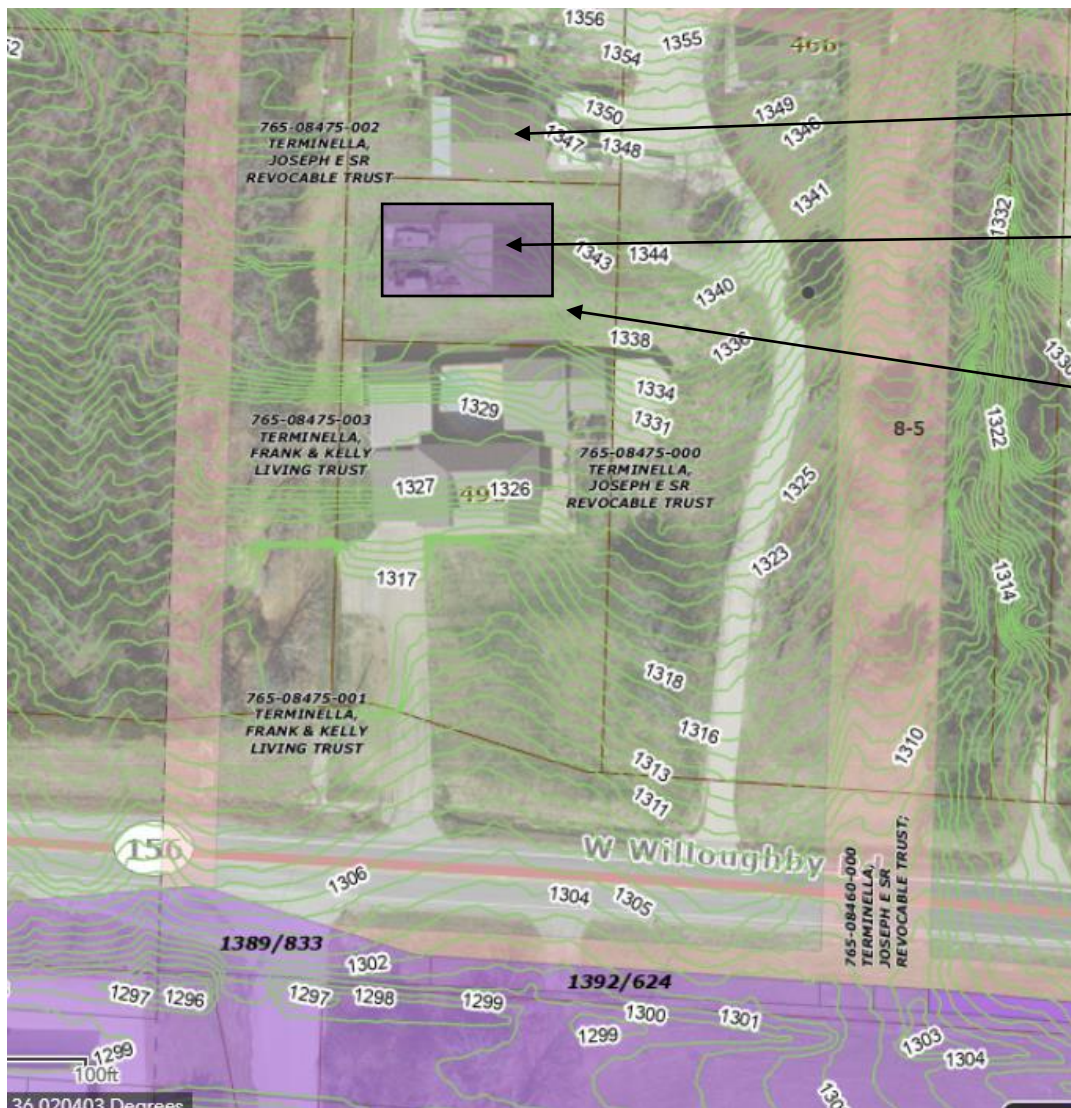
PANELS: 26 Ga. RL - Need SMP Lifetime Color

Metal Central Buildings (18809)				
PROJECT	Terminello	SIDEWALL FRAMING		
ID	230804-2788-R4-SH5	DESIGN:	DRAFT:	CHECK:
PROJECT	Fayetteville, AR	DATE:	8/14/23	SHEET
ADDRESS	PROJ ADR 2			OF



ANCHOR BOLT PLAN
NOTE: All Base Plates @ 100'-0" (U.N.)

Metal Central Buildings (18809)			
PROJECT	Terminal	ANCHOR BOLT PLAN	
ID	230804-2788-R4-SH5	DESIGN	DRAFT
PROJECT	Fayetteville, AR	DATE	8/14/23
ADDRESS	PROJ ADR 2	SHEET	CHECK
			OF



ADJACENT
STRUCTURE
VISIBLE FROM
ROW

APPROXIMATE
LOCATION OF
PROPOSED
SHOP

STAFF
RECOMMENDED
SCREENING

STAFF EXHIBIT: UNPERMITTED CARPORT ADDITION

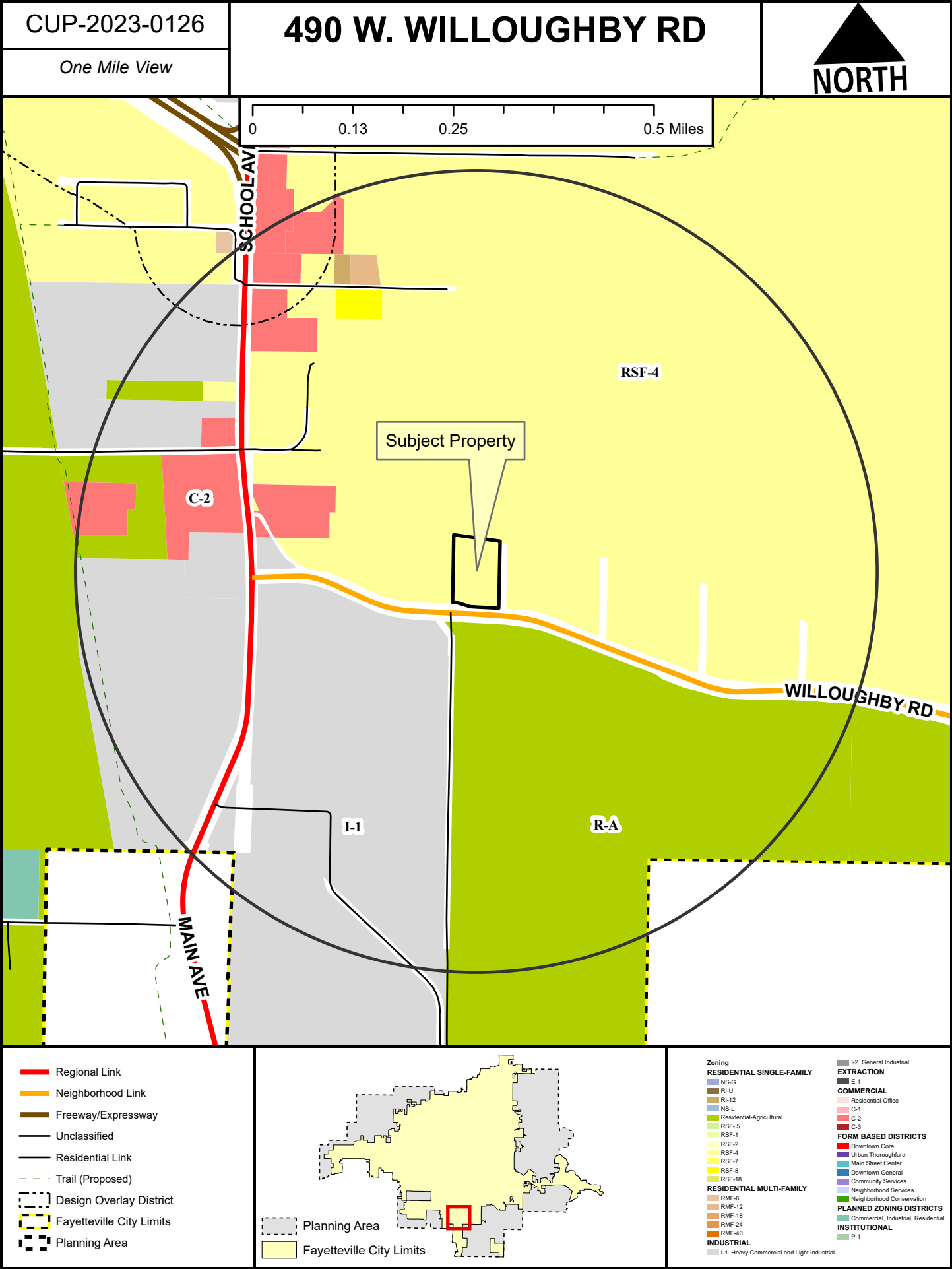


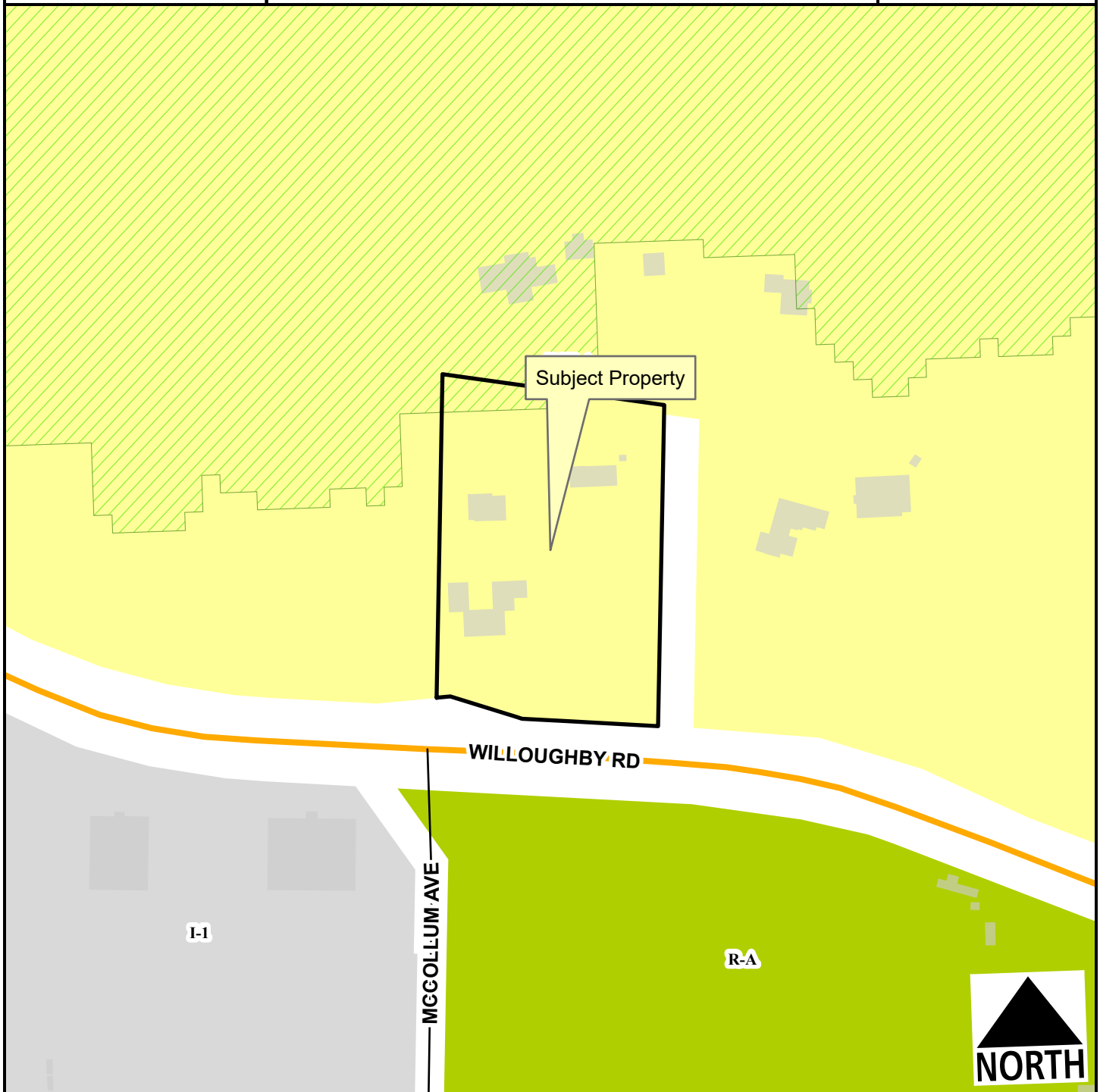
2021 Aerial



2022 Aerial









 Neighborhood Link  Unclassified  Planning Area  Fayetteville City Limits	Feet  0 112.5 225 450 675 900 1:3,600	FEMA Flood Hazard Data  100-Year Floodplain  Floodway
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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 9, 2023

SUBJECT: **RZN-2023-0026: Rezoning (5839 W. DOT TIPTON RD./MARTINEZ, 475):** Submitted by JAIRO MARTINEZ for property located at 5839 W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.27 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0026** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2023-0026** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in west Fayetteville on the south side of Dot Tipton Road about a quarter of a mile west of the street's intersection with 54th Avenue. The property includes three parcels totaling 5.27 acres. Each parcel is currently developed with a single-family dwelling and associated outbuildings and is zoned R-A, Residential-Agricultural. The property received its current zoning designation as a result of its annexation into the City of Fayetteville in 2006. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-1, Residential Single-Family, One Unit per Acre
South	Agricultural	R-A, Residential-Agricultural
East	Single-Family Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Agricultural	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-2, Residential Single-Family, Two Units per Acre.

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

INFRASTRUCTURE:

Streets: The subject property has frontage along Dot Tipton Road, a partially improved Residential Link street with asphalt paving and open ditches. Any street

improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing two-inch water main is present on the north side of Dot Tipton Road. City Engineering has indicated that no new irrigation meters would be allowed on this property, though meters for new residences may be permitted if septic approval from the Arkansas Department of Health is first provided.

Sewer: Sanitary sewer is not available to the subject property.

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

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately five 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 one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of RSF-2, Residential Single-Family, Two Units per Acre requires **20% minimum canopy preservation**. The current zoning district of R-A, Residential-Agricultural requires **25% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range between **0 and 1** for this site with a weighted score of **1** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (two-inch main, Willow Avenue)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning from R-A to RSF-2 to be somewhat compatible with the surrounding area. The intent of the RSF-2 zoning district is to provide a transition zone between small and large residential properties, particularly those containing less than 8,000 square feet or more than an acre. The three parcels in question currently have less lot width and area than what is required by the R-A zoning district, and they're located between large, agricultural properties to the south and west, and smaller residential properties to the east and north. Staff finds the requested rezoning to be compatible since the size and location of the parcels in question appear to be better aligned with the spirit and intent of the RSF-2 zoning district, and since the rezoning would allow three nonconforming lots that do not fully meet the requirements of the R-A zoning district to be brought into conformity. Further, staff finds that the requested rezoning is not likely to result in development that is incompatible with the surrounding area since the subject property is relatively small and has limited access to public infrastructure, and since the land uses and lot sizes permitted in the RSF-2 zoning district are largely similar to those nearby. By-right development in the RSF-2 zoning district is primarily restricted to single-family residences and all lots are required to maintain a minimum width of 100 feet and a minimum area of 17,860 square feet.

Land Use Plan Analysis: Staff finds the proposed rezoning to be somewhat consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-2 could allow for the creation, or maintenance, of residential properties with slightly reduced lot sizes and building setbacks. While a similar rezoning on a larger property may potentially encourage suburban sprawl and thus run afoul with Goal 2 of City Plan 2040, staff finds that the requested rezoning would allow for the creation of new lots and single-family residences that would be similar in both size and character to other residential properties along Dot Tipton Road. Though the property has a very low infill score ranging between 0 and 1, staff finds the requested rezoning to be relatively appropriate since it would bring the three parcels within the subject property into conformity while not allowing for development that is out of scale with the surrounding neighborhood.

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

Finding: Staff finds that rezoning the subject property to RSF-2 is somewhat justified since it contains three parcels that do not currently comply with the bulk and area regulations of the underlying R-A zoning district.

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

Finding: A rezoning from R-A to RSF-2 has the potential to increase traffic at this location when considering that RSF-2 would allow for residential development at a greater density than the existing R-A zoning. However, staff finds that a rezoning is not likely to create or appreciably increase traffic danger or congestion given the relatively small size of the lot and its limited access onto Dot Tipton Road.

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

Finding: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, staff finds that the proposed rezoning would not undesirably increase the load on public services. City Engineering has indicated that water meters for additional residences may be permitted if septic approval from the Arkansas Department of Health is first provided. The property does not currently have access to public sewer and any necessary improvements to Dot Tipton Road would be determined at the time of development review. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2023-0026 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §161.06 District RSF-2, Residential Single-Family – Two (2) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

161.06 District RSF-2, Residential Single-Family — Two (2) Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (1 acre and over) and areas that have developed with smaller lot sizes (8,000 square feet), and 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.*

(C) *Permitted Uses.*

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

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density*

Units per acre	2
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(F) *Bulk and Area Regulations.*

Lot width minimum	100 feet
Lot area minimum	17,860 square feet
Land area per dwelling unit	17,860 square feet

(G) *Setback Requirements.*

Front	Side	Rear
30 feet	15 feet	30 feet

(H) *Building Height Regulations.*

Building Height Maximum	3 stories
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(I) *Building Area.* None.

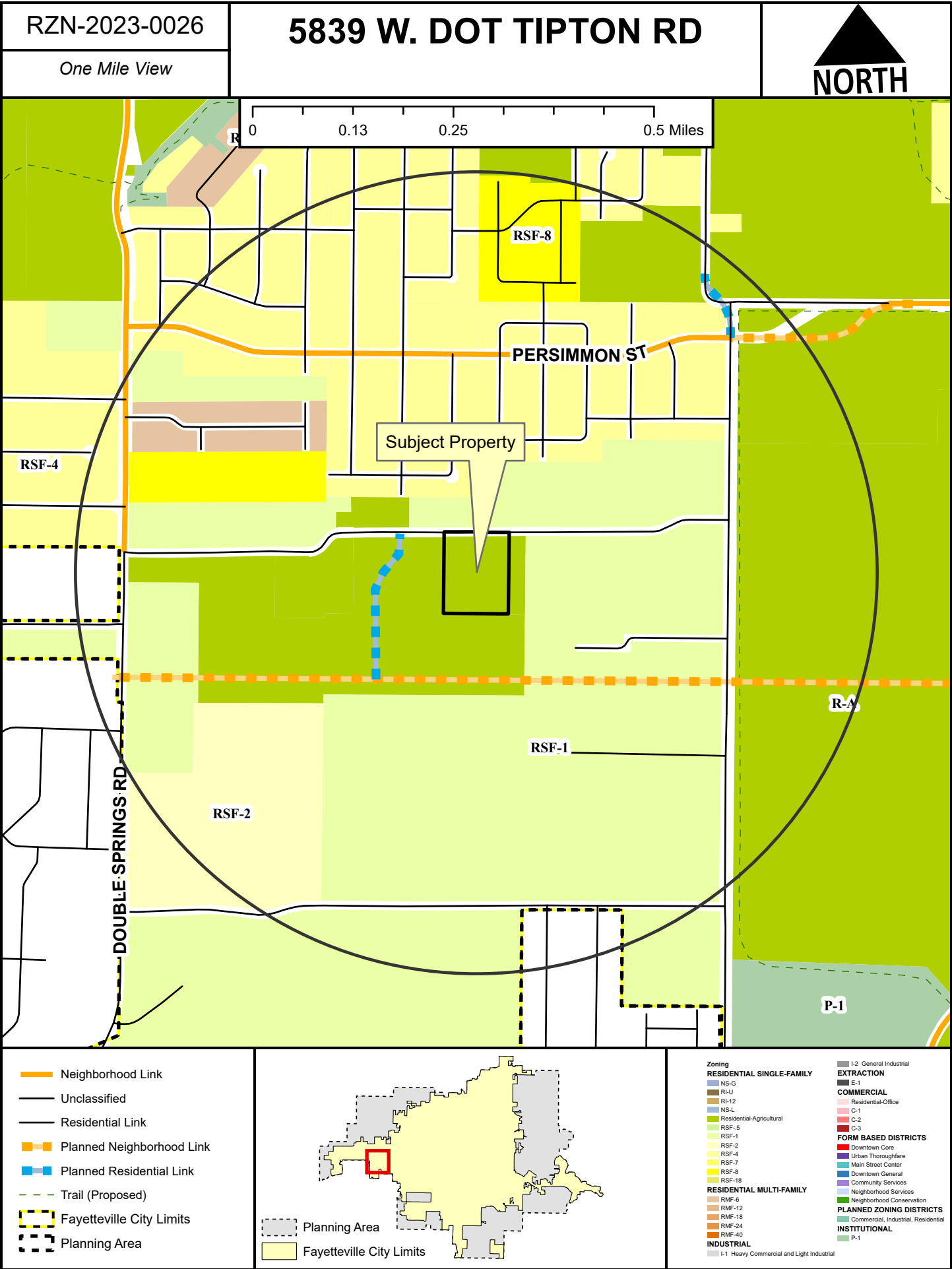
(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Hello to whom it may concern,

We are requesting to rezone our current zone from R-A to RSF-2. We are wanting to rezone in order to do a Lot split which will create two new Lots with at least one acre. There are multiple houses on our road with a house on at least one acre so it will still be compatible with the existing neighboring residents. Property has perked so it will be on a septic system like most of our neighbors. I have also spoken to the water and sewer department about an eligible water Tap, which I have been told there is multiple Taps available.

Overall it will not be much different than the current residents that are currently on our Road.

Thank You
Jairo Martinez



Neighborhood Link

Unclassified

Residential Link

Planned Neighborhood Link

Planned Residential Link

Trail (Proposed)

Fayetteville City Limits

Planning Area

Planning Area

Fayetteville City Limits

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

INSTITUTIONAL

P-1

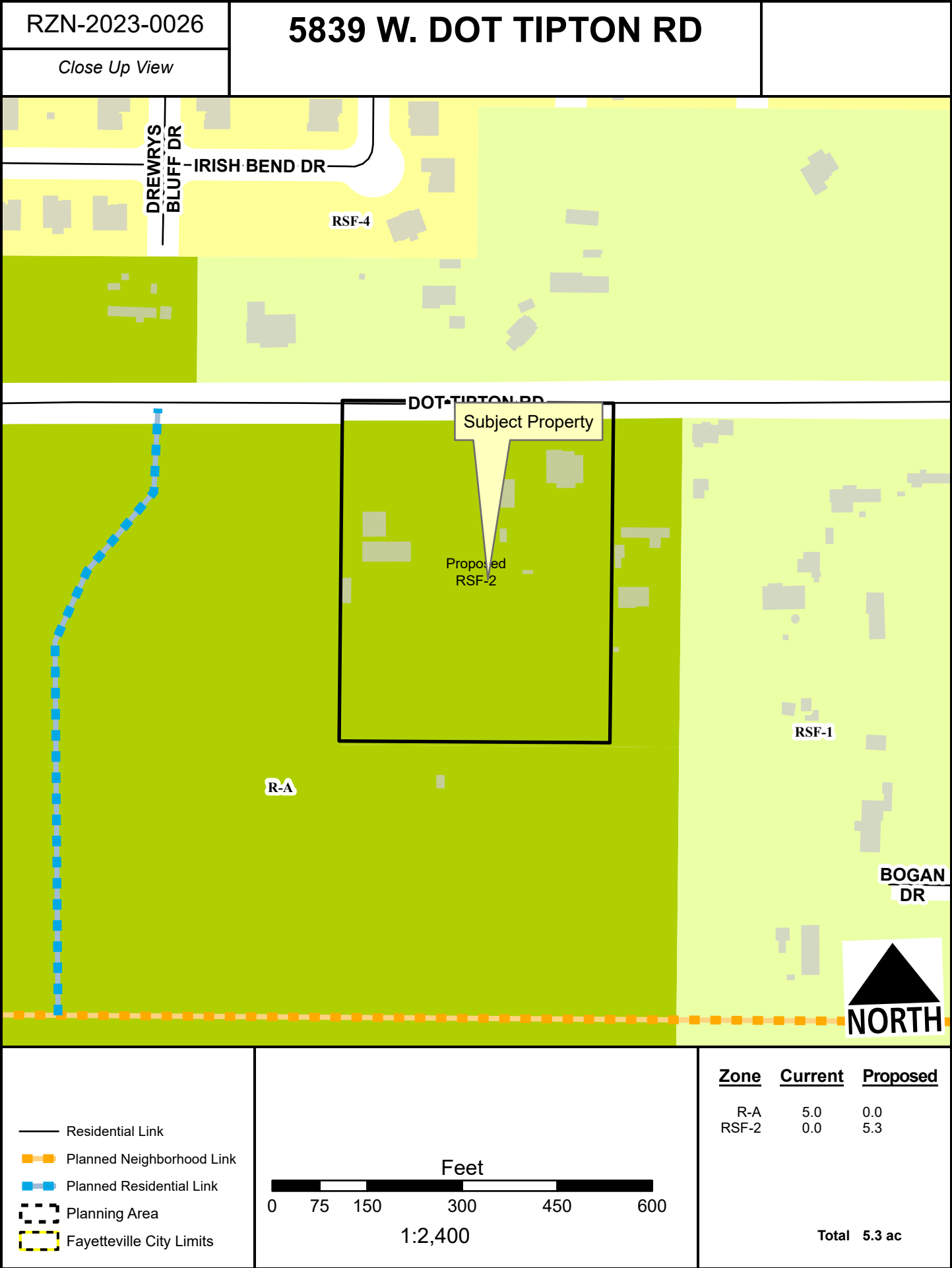
Planning Commission

October 9, 2023

RZN-2023-0026 (MARTINE)

Page 9 of 12

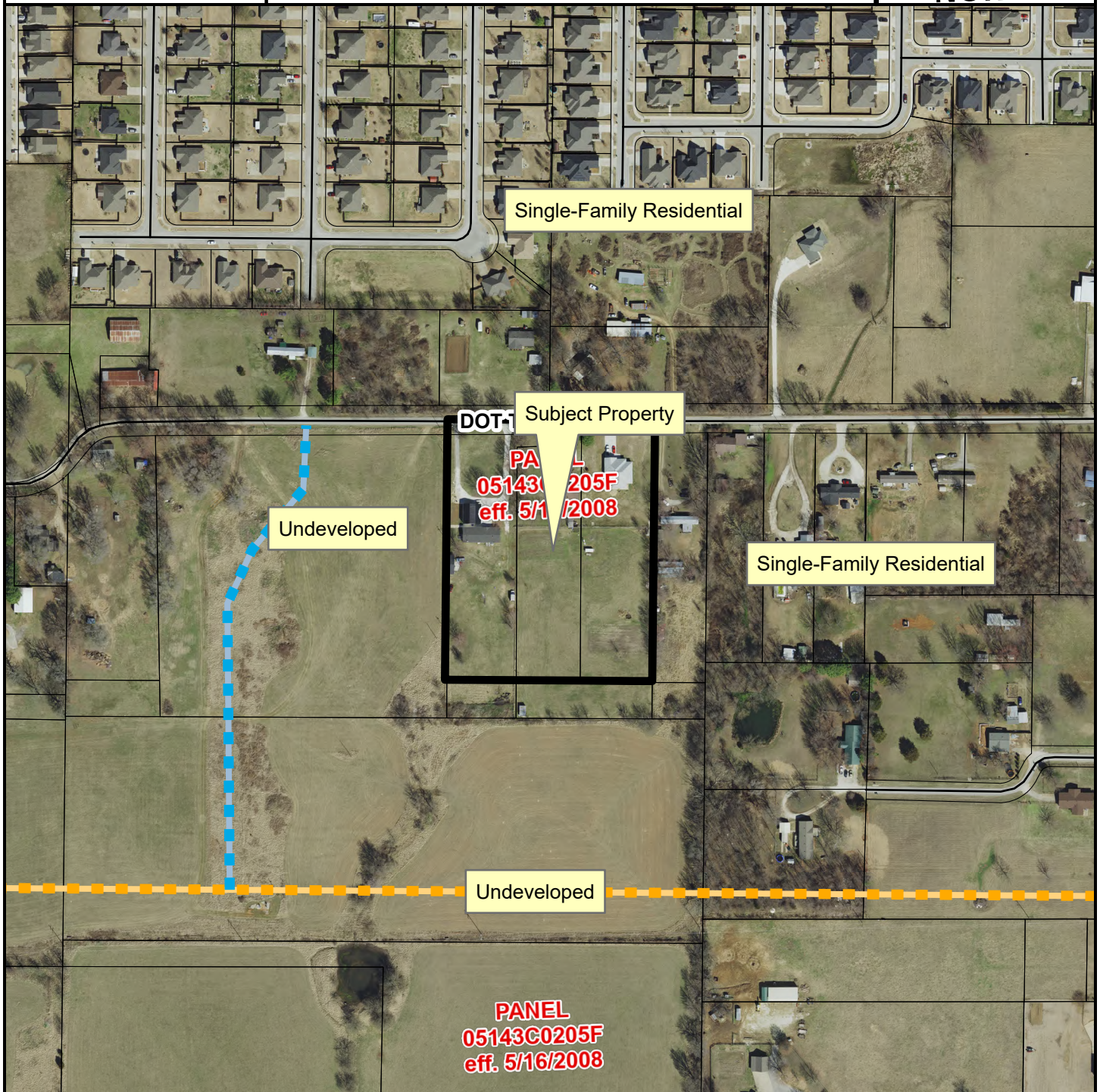
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RZN-2023-0026

5839 W. DOT TIPTON RD

Current Land Use

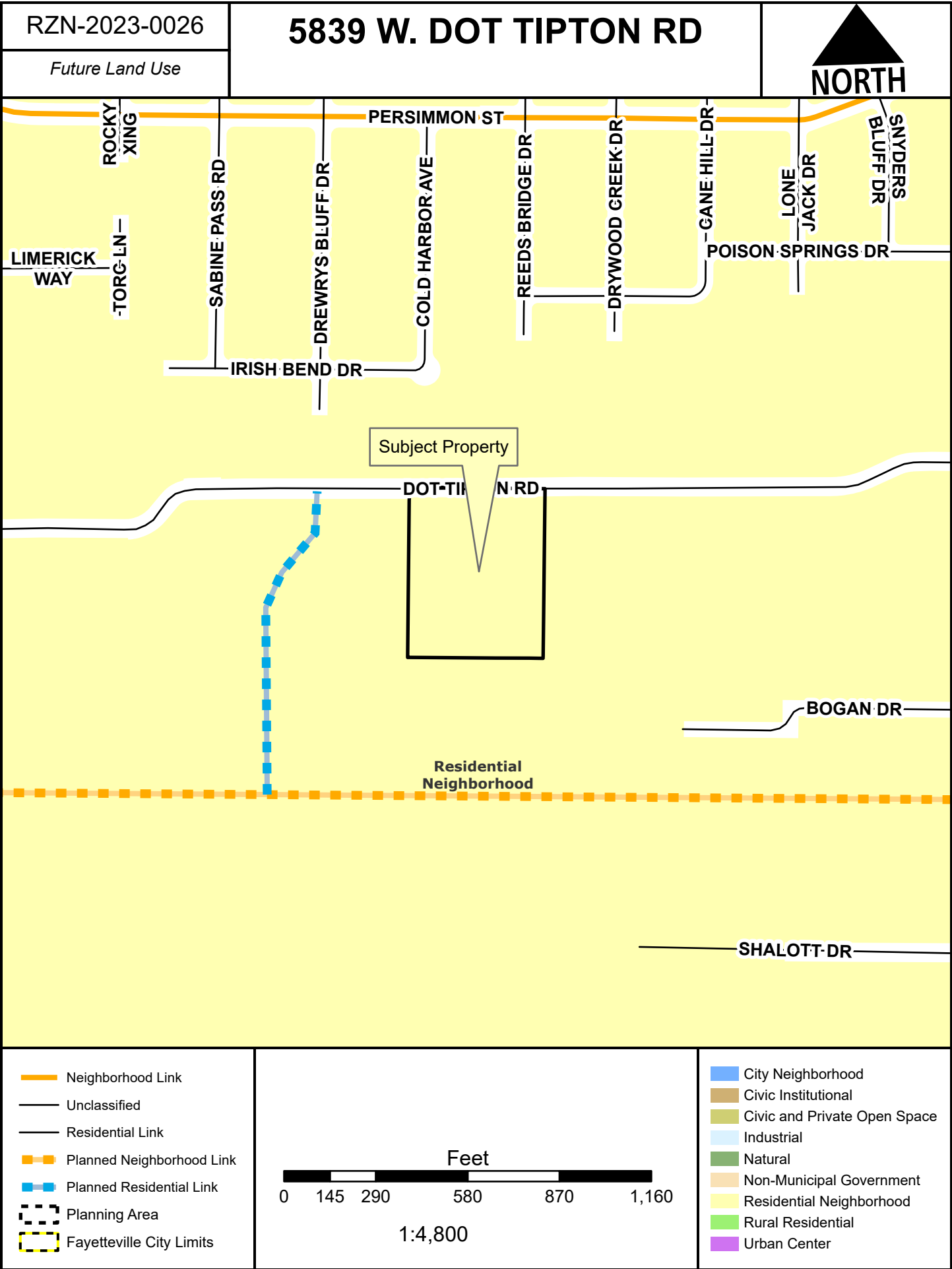


- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- - - Planning Area
- - - Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **RZN-2023-0028: Rezoning (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486):** Submitted by EMILY GENTRY for property located at 150 N. SKYLINE DR, UNIT 22. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.14 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0028** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2023-0028** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in east Fayetteville on Mount Sequoyah and is a portion of the Mount Sequoyah Center site. The overall property, including the requested rezoning for the 0.14-acre portion, is approximately 26 acres and zoned P-1, Institutional. Established as a Methodist Episcopal Church training and events center in 1922, Mount Sequoyah Center transitioned to a more secular cultural and events space in 2016. Earlier in 2023, a Planned Zoning District was proposed for the site in its entirety, but the applicant withdrew that request after receiving feedback from the surrounding community. The previously-requested PZD was never heard by the Planning Commission, or City Council. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Cultural and Recreational Facility	P-1, Institutional
South	Cultural and Recreational Facility	P-1, Institutional
East	Cultural and Recreational Facility	P-1, Institutional
West	Cultural and Recreational Facility	P-1, Institutional

Request: The request is to rezone 0.14 acres of the property from P-1, Institutional to NS-G, Neighborhood Services – General.

Public Comment: Staff received some public comment in support of the request to rezone a small portion of the site to allow for a coffee shop. Staff received public comment in opposition to the request as a Planned Zoning District; that public comment is not included due to the nature of the new application.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The overall subject area has frontage along Skyline Drive, which runs a loop around the Mount Sequoyah property. Skyline Drive is a partially improved Residential Link street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of a development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 8-inch water main is present running through the north side of the property in an existing easement. An existing 8-inch water main is present on the northwest side of Fayetteville right-of-way along Assembly Drive. An existing 6-inch water main is present on the southwest side of the Fayetteville right-of-way along the main drive. An existing 8-inch water main is present on the west side of E. Skyline Drive.

Sewer: Sanitary sewer is available to the subject area. A 6-inch sanitary sewer main is present along the west side of the right-of-way along the main drive (Assembly Drive). An existing 8-inch sanitary sewer main is present on the south side of S. Skyline Drive.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.4 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 lies within a FEMA floodplain, nor are there hydric soils present on the site. There are no protected streams present in the subject area.

The property is located within the Hillside-Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Tree Preservation:

The proposed zoning district of NS-G, Neighborhood Services - General requires **20% minimum canopy preservation**. The current zoning district of P-1, Institutional 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 a **Civic Institutional**.

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site, with a weighted score of 3.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (8" S. Skyline Drive, 6" West of Assembly Drive)
- Near Water Main (6" Assembly Drive, 8" South of N. Skyline Drive, 8" E. Skyline Drive)
- Near City Park (Mt. Sequoyah Woods)

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 organization, as it currently operates, is classified as Use Unit 4, a Cultural and Recreational Facility. This designation allows the property to host the existing cultural and recreational events that it does, such as weddings, camps, and art shows. Those uses generally draw members (and traffic) from the general public. However, due to the property's institutional zoning district, Mount Sequoyah has not been opened up for commercial uses or other businesses, aside from a fitness center (also classified as Use Unit 4 in zoning code). From a use perspective, the uses allowable in the proposed zoning district are largely compatible with the existing uses on the property. Limited in scale to a building 8000 sq. ft. or less, Use Unit 12b which allows for commercial businesses, ensures that larger commercial structures and businesses are precluded from being constructed on the site with this request. From a setback perspective, the two zoning districts are a bit different; P-1 has a 30-foot front setback, where NS-G follows a build-to-zone. In this case, however, less restrictive setbacks are likely compatible with the current surroundings. No subdivision of land is currently proposed for this location, so street frontage and side setbacks are not likely to become an issue. There is no building height maximum in P-1; there is a three-story building height maximum in NS-G. Mount Sequoyah Center has a variety of building types, sizes, scales and uses on the property, and staff finds that the request is compatible with surroundings.

Land Use Plan Analysis: Staff finds the proposal is somewhat inconsistent with the goals in City Plan 2040 and the future land use designation for this location. The Future Land Use Map identifies this area as a Civic Institutional Area, which is meant for buildings operated as a non-profit organization or other governmental or institutional use. While this request would open up the existing structure for commercial uses, staff finds that the scale of the proposal would not undermine the overall intent of the Future Land Use map classification. The property also has a low infill score, but the request at 0.14 acres means that only 2 dwelling units could be added to the site, and under Use Unit 12b, only a structure with a maximum size of 8000 square feet could be added to the site. The size and location of the request are not likely to alter the primary use of the overall property in a way that would be incompatible.

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 NS-G is justified. While the zoning district begins to insert commercial uses into a Civic Institutional Area, staff finds that the rezoning is incremental in scale.

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

Finding: Rezoning to NS-G at this location has the possibility to increase traffic to the site, but staff finds that given the size of the request, the intended commercial uses are likely to serve the individuals who are already on Mount Sequoyah for the existing programming, and is unlikely to appreciably increase 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 NS-G may increase the load on public services, but the impact is not expected to be detrimental. The size of the property and access to existing water and sewer infrastructure means future development will likely avoid the need for costly extensions to services. Fayetteville Public Schools did not comment on this request.

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommends approval of RZN-2023-0028.

PLANNING COMMISSION ACTION: Required YES

Date: October 9, 2023

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.32 District P-1, Institutional
 - §161.19 NS-G, Neighborhood Services - General
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §8, 1-18-22)

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

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

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945 , §7(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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."



Rezoning Application

August 30, 2023

by:

Emily Gentry

President & CEO

Mount Sequoyah Center, Inc.

479-443-4531

emily.gentry@mountsequoyah.org

Payment

Mount Sequoyah will submit proper payment for associated fees upon invoicing.

\$325 for the rezoning application fee

\$5 x 2 signs = \$10 for proper signage

Legal Description

GIS Approved
09/05/2023

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A FOUND 3" ALUMINUM MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 15, THENCE S40°08'31"W 2474.73 FEET TO THE TRUE POINT OF BEGINNING AND RUNNING, THENCE S02°40'10"E 16.73 FEET, THENCE S38°57'01"W 4.80 FEET, THENCE S24°54'50"W 15.66 FEET, THENCE S15°56'37"W 6.21 FEET, THENCE N71°28'53"W 3.90 FEET, THENCE S33°18'29"W 6.42 FEET, THENCE S53°45'29"W 16.71 FEET, THENCE S70°16'37"W 5.65 FEET, THENCE S57°57'51"W 5.39 FEET, THENCE S52°09'07"W 3.97 FEET, THENCE N82°35'28"W 11.19 FEET, THENCE N15°42'42"E 31.44 FEET, THENCE N08°13'22"E 5.92 FEET, THENCE N52°55'21"W 23.37 FEET, THENCE N25°22'26"W 3.74 FEET, THENCE N41°57'36"W 1.63 FEET, THENCE N16°24'39"W 1.60 FEET, THENCE N28°13'16"E 4.42 FEET, THENCE N04°29'25"E 7.80 FEET, THENCE N02°53'23"E 60.08 FEET, THENCE S87°07'14"E 37.36 FEET, THENCE S04°11'13"E 18.38 FEET, THENCE S85°34'26"E 5.50 FEET, THENCE S24°13'42"E 21.43 FEET, THENCE S39°53'54"E 12.35 FEET, THENCE S03°48'40"E 18.03 FEET, TO THE POINT OF BEGINNING. CONTAINING 0.140 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Statement

This rezoning is compatible with neighboring property and will not unreasonably adversely affect or conflict with surrounding land uses.

The neighborhood has had numerous meetings and discussions about the project and is overwhelmingly in support of rezoning one building on the Mount Sequoyah campus to become a coffee shop.

The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

A coffee shop in the Ozark Building is in direct support of the about statement.

Notification of Intent

Mount Sequoyah Center Inc.
Rezoning
150 N Skyline Drive
Fayetteville, AR 72701

This is a written notification to inform the residents of the Mount Sequoyah district and surrounding areas of the application and intent submitted to the City of Fayetteville by Mount Sequoyah Center, Inc. to change the current zoning district of the Ozark Building and patio area from P1 to Neighborhood Services - General

Project Description:

Mount Sequoyah Center, Inc. proposes a coffee shop at the Ozark Building located at 150 N Skyline Drive, Fayetteville, AR 72701.

Building and Land Use:

The building and surrounding patio area are to be used as a coffee shop.

Zoning:

Current zoning - P1, Institution

Proposed zoning - Neighborhood Services - General

Size of Property: 0.140 acres

Density/Intensity: Eighteen (18) or less per acre.

Public Hearings:

As of issuance of this letter, you can attend City meetings in person or online by going to to following City webpage and selecting the meetings listed below. Although the meetings and dates below are accurate, participation instructions are forthcoming or can be found the week of a meeting at

www.fayetteville-ar.gov/1503/meeting-agendas-and-video

Planning Commission: 5:30 PM; Insert Correct Date; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

Developer: N/A

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701

Monday - Friday, 8 AM - 5 PM; 479-575-8267

Thank you,

Emily Gentry
President & CEO
Mount Sequoyah Center, Inc.
479-443-4531
emily.gentry@mountsequoyah.org

September 26, 2023

Planning Commission City of Fayetteville
Administration Building Room 219
Fayetteville, Ar. 72701

Planning Commission:

I received the notification of intent from Emily Gentry of the Mount Sequoyah Center regarding the re-zoning of 0.140 acres for a coffee shop use.

I have no objection for the small coffee shop with a limit of time in operation.

However, if the coffee shop is not a success I do not agree to other uses for the property, but should return to the original zoning.

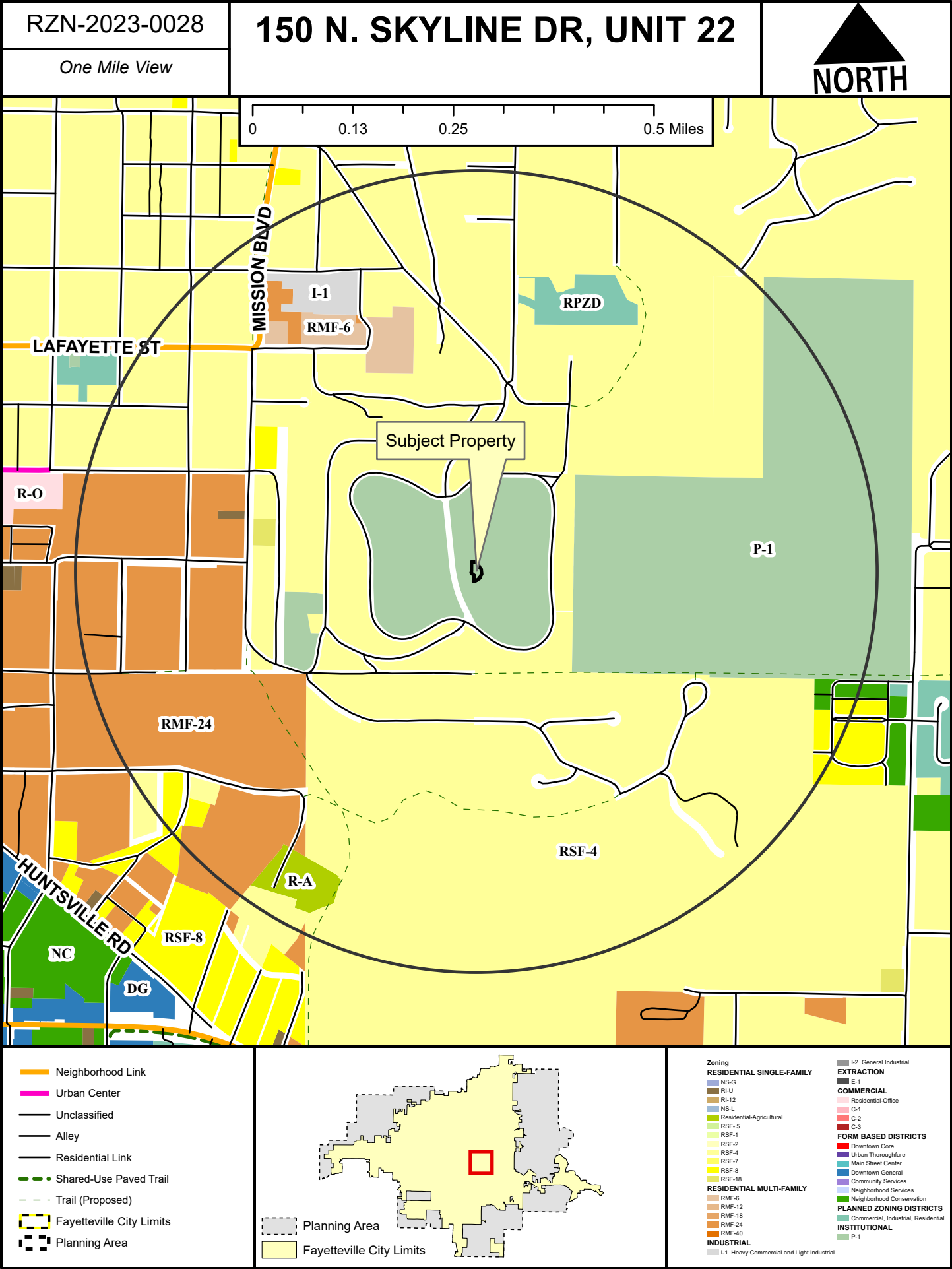
Mount Sequoyah is a tradition for Fayetteville of walking and enjoying green space near the city center. There is much activity at present now with tennis courts, pool, exercise program space, artists, etc.

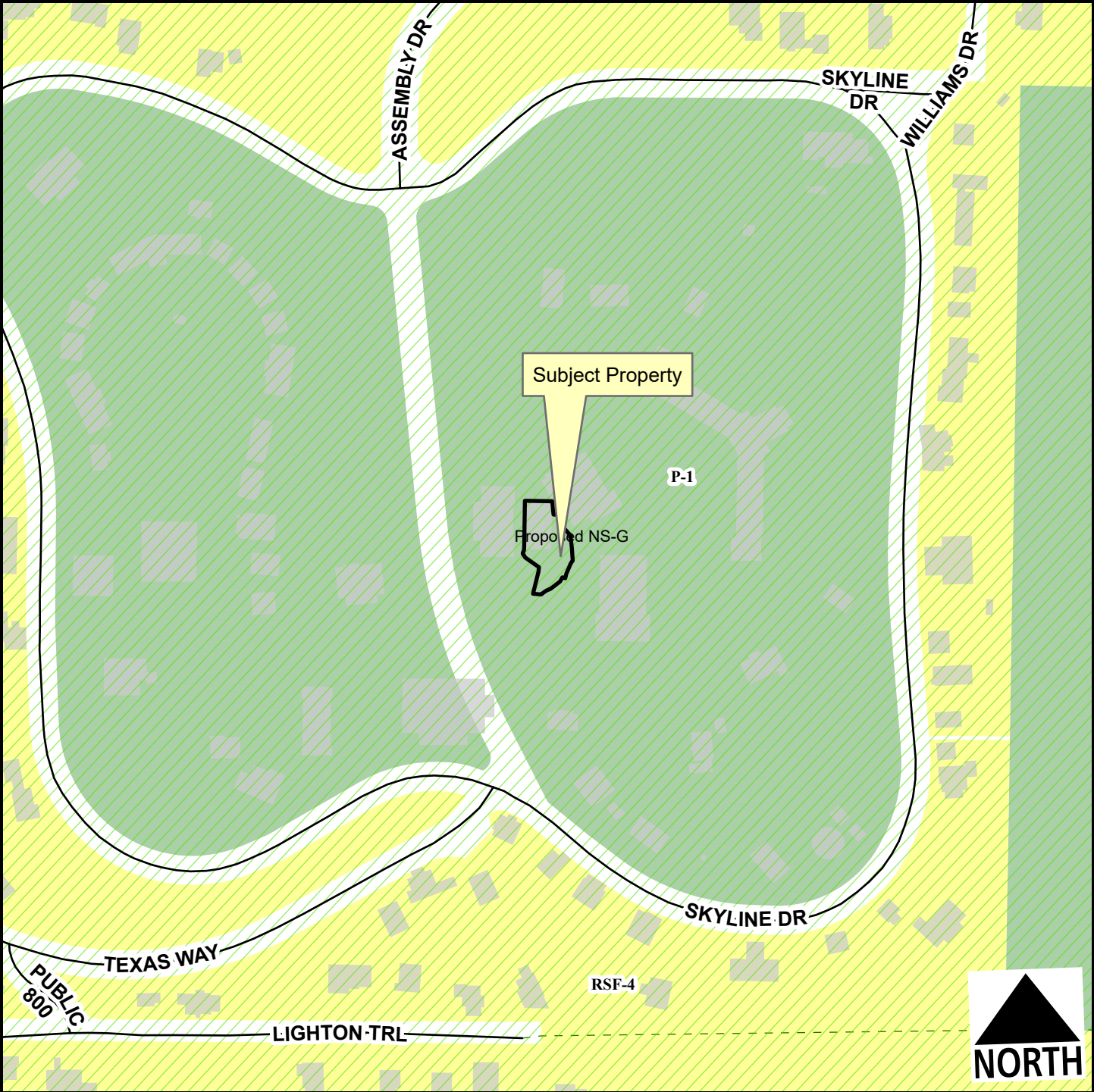
Keeping Mount Sequoyah as a quiet space is very special for Fayetteville. I will appreciate your consideration.

Regards from a long time resident,



Suzanne Buerkle Doughty





Residential Link Hillside-Hilltop Overlay District Trail (Proposed) Planning Area Fayetteville City Limits	Feet 075150300450600 1:2,400	Zone Current Proposed
		NS-G0.00.1 P-10.10.0 Total0.1 ac

RZN-2023-0028

150 N. SKYLINE DR, UNIT 22

Current Land Use

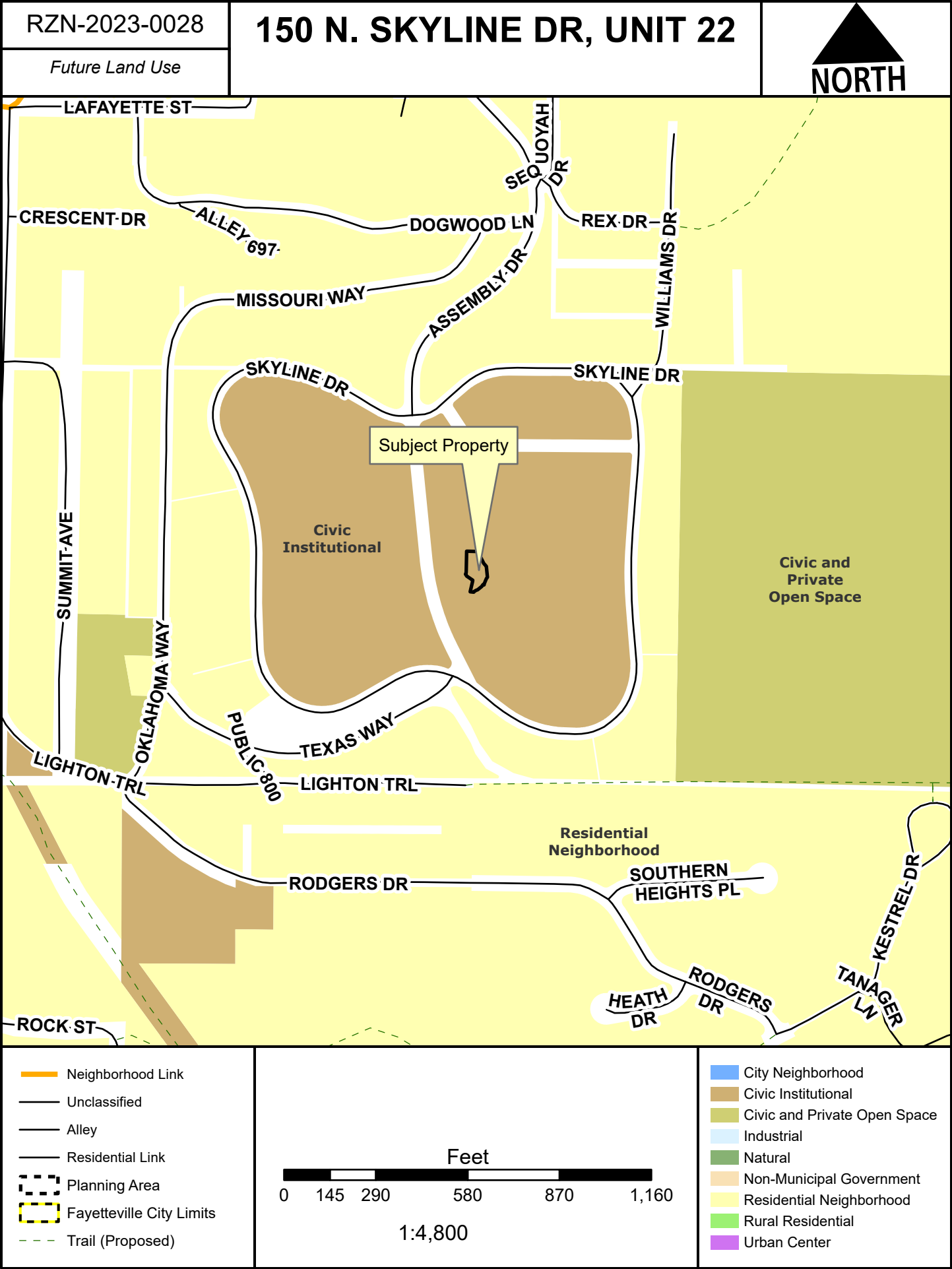


- Alley
- Residential Link
- - - Trail (Proposed)
- - - Planning Area
- - - Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0120: Conditional Use Permit (1117 N. WASHINGTON AV/STEWART, 407):** Submitted by SIX PENCE PROPERTIES for property located at 1117 N. WASHINGTON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.22 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0120**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0120** 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 central Fayetteville about 200 feet east of the UAMS Northwest Campus on N. Washington Ave. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre, and totals approximately 0.22 acres. The parcel is contained within the 71B Corridor Planning Area. A 1,753 square foot single-family structure was built on the property in 1951. 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	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Offices and Vehicle Sales Lot	C-2, Thoroughfare Commercial

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a 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-2023-0120**, 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 Business Regulations §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.

FINDINGS OF THE STAFF

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the 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. Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, 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 RSF-4 zoning which requires 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.

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.

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

Finding: 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. According to the applicant the structure has three bedrooms and four parking spaces; two spaces under an attached garage and another two in the driveway.

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

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

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

Finding: The application is for use of the property at 1117 N. Washington 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.

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

Finding: **Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of October 3, 2023, the City had issued 409 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. No exceptions are being requested.**

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of four off-street parking spaces will be available for guests in an existing driveway and carport. N. Washington Ave. does not have sufficient width to support on-street parking. City records indicate five other units within a quarter-mile radius of the subject property has an active Type 2 short-term rental business license. Due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. One prior zoning and code violation was previously reported for this property in 2021 for junk and debris under current ownership. The debris was removed, and the case was closed.**

§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 is accessed through a paved rear-loaded alley located on North St. A gravel driveway is available to accommodate vehicular ingress and egress off of this existing alley. Staff finds the proposal 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 use of the property for residential purposes.

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

Finding: A total of four off-street parking spaces are available in an existing driveway and attached carport. 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 residences along N. Washington Ave Avenue are all detached single-family dwellings, a former Hiway Inn previously used as public housing by the Fayetteville Housing Authority was located less than 100 feet to the northeast until it was demolished earlier this year. Further, a significant amount of the adjoining area south of E. North St. is zoned to allow multi-family dwellings by-right.

(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.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Applicant Request Letter (Including Photographs)
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and §164.26 successfully obtain a business license prior to operation.
- (Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

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

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

Editor's note(s)—Ord. No. 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."

Request Letter
1117 N. Washington Ave, Fayetteville AR 72703

Submitted by: SixPence Properties, LLC

(a) Building size in square feet; existing and proposed: 1753 sq ft

(b) Color elevations of all exterior sides of the structure: See Photos **(new house photos)**





(c) Number of off-street parking spaces to be provided / number required: **4 with parking in back of house - 2 under carport and 2 in driveway leading to the carport**



(d) When request applies to a business or non-residential use:

- Hours of operation: 24 hours

- Number of employees: 2

- Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour) - 6

(e) Outdoor lighting - 1 front porch, 1 front walkway, 1 back deck, 1 back stairs, 1 car port area



(f) Noise - complaint with city ordinances

(g) Screening or buffering from adjacent properties - empty lot and no fencing to the north



(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties). **Located in the backyard along the driveway by the carport.**

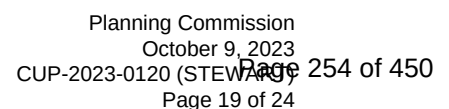


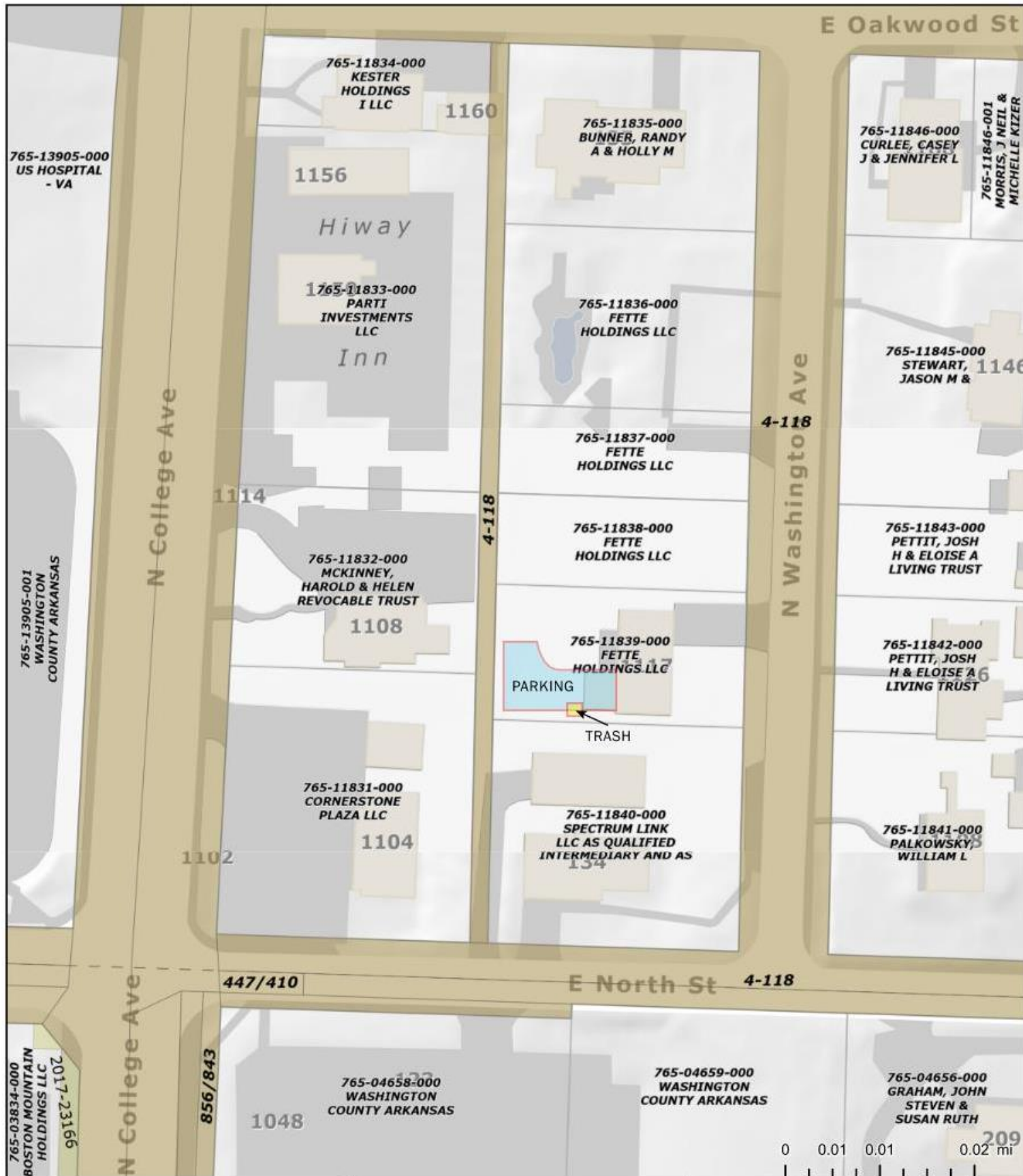
(i) Ingress and egress to the property; traffic impacts - driveway is on North St.



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

Renters will be limited to 6 people, no events allowed and noise in compliance with city ordinance. Plenty of parking in driveway behind the house.





- Quarter Section
- Section
- Township
- Sidewalk Easement
- Fayetteville
- Parcel Label

Site Map

Fayetteville, AR

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

Created: 8/15/2023
Credits: City of Fayetteville, AR
Map Author:

Planning Commission

October 9, 2023

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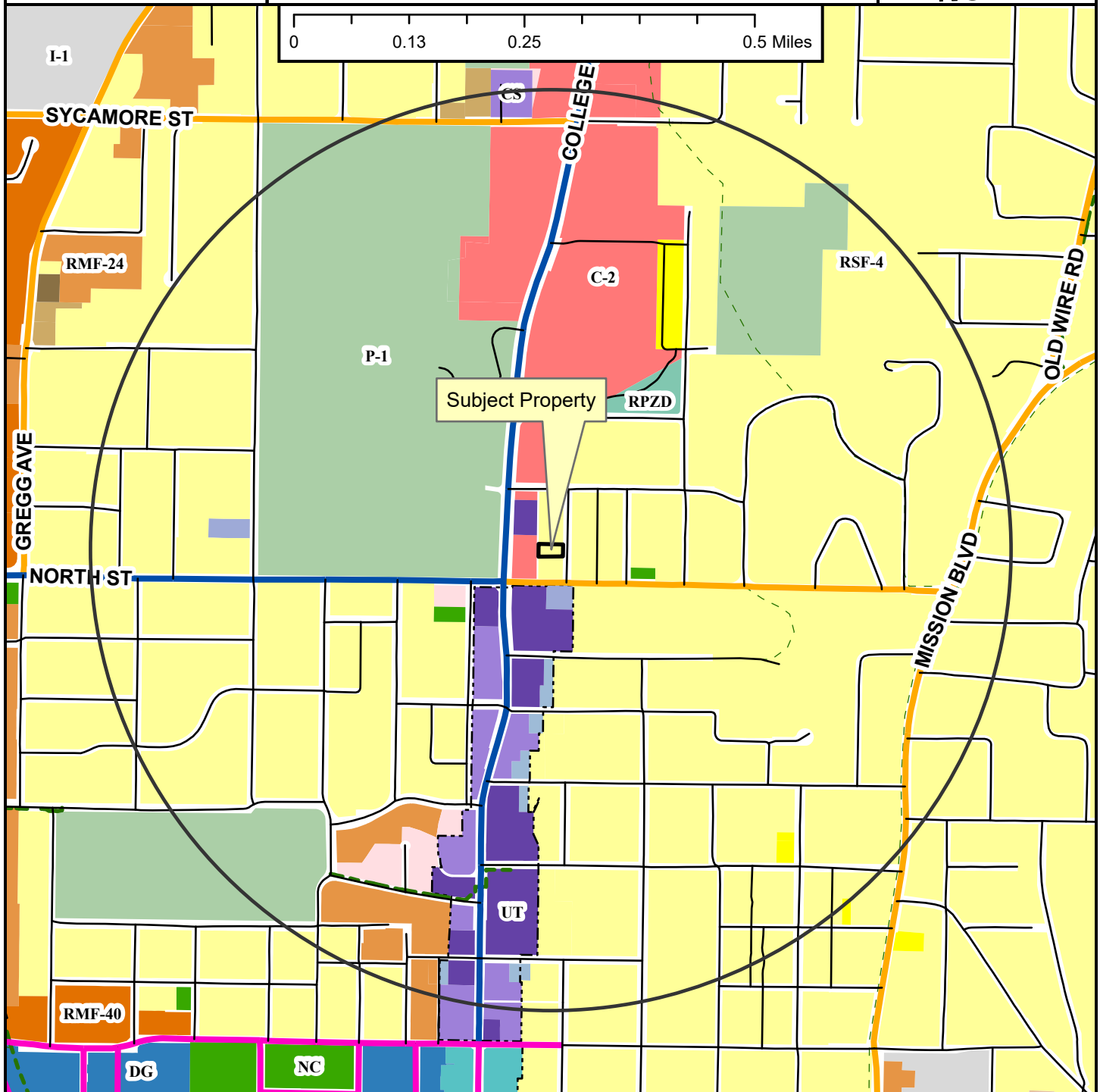
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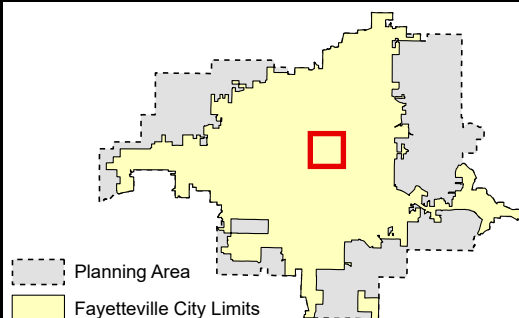
1117 N Washington

One Mile View

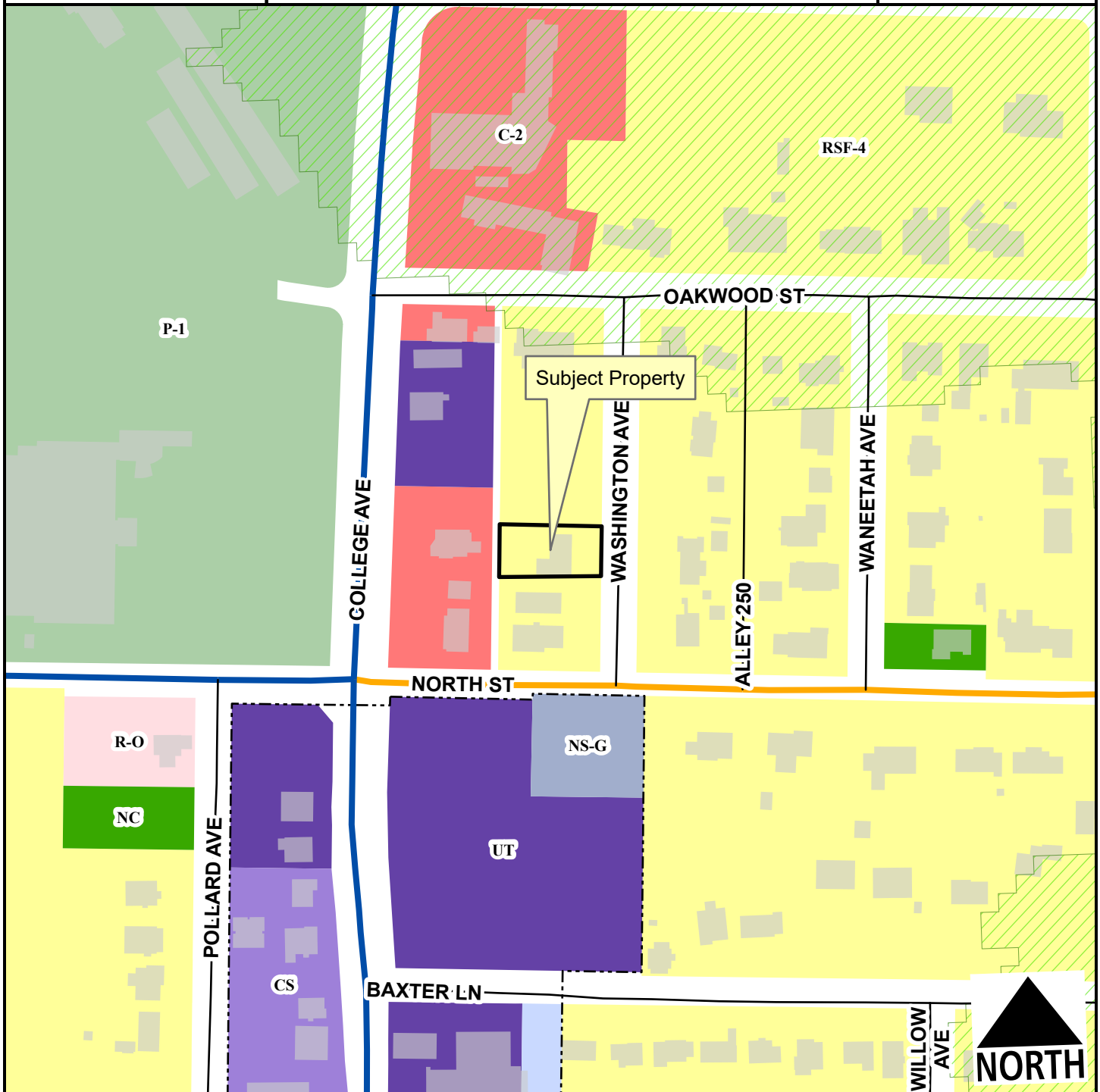
NORTH



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



-
- Zoning**
- I-2 General Industrial
 - E-1
 - E-1
- 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
- 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
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1



- Neighborhood Link
- Regional Link - High Activity
- Alley
- Residential Link
- ▨ Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Design Overlay District



- RSF-4
- Residential-Office
- C-2
- Urban Thoroughfare
- Community Services
- Neighborhood Services - Ltd.
- Neighborhood Services - Gen.
- Neighborhood Conservation
- P-1

CUP-2023-0120

1117 N Washington

Current Land Use



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



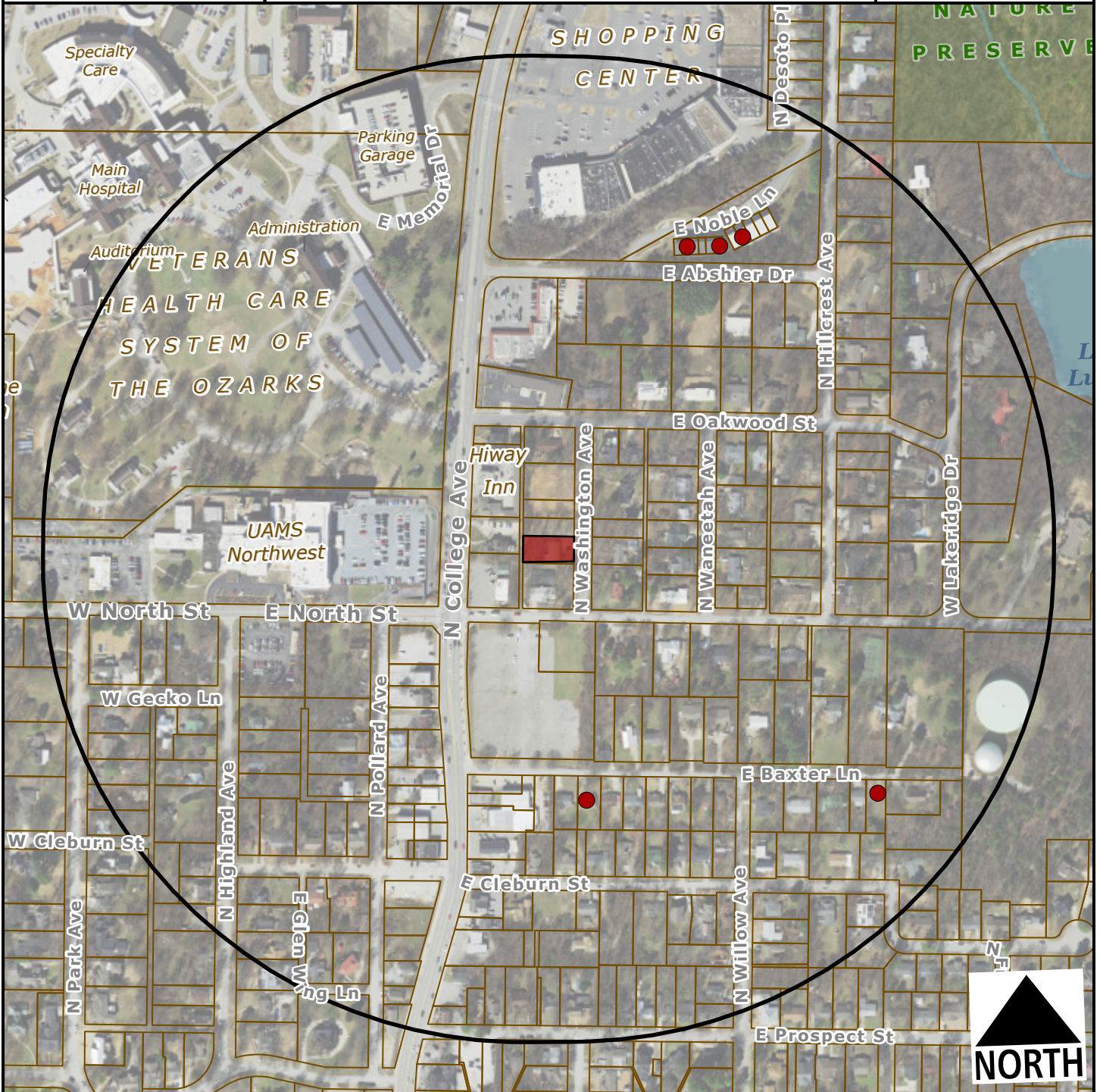
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

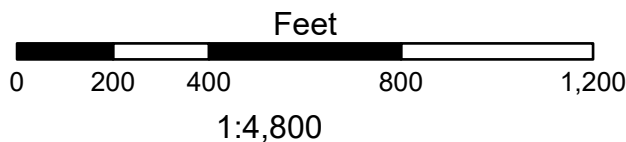
CUP-2023-0120

1117 N Washington

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 5



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0122: Conditional Use Permit (4198 W. BRADSTREET LN/RANUCCI, 439):** Submitted by HOGUE HOMES for property located at 4198 W. BRADSTREET LN. 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.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0122**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0122** 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 approximately ¼ mile north of Owl Creek School and ¼ mile west of the Boys and Girls Club. The property is zoned RPZD, Residential Planned Zoning District (Ripple Row, ORD 4580) and totals approximately 0.10 acres. The parcel is not part of any zoning overlay. A 2,116 square foot single-family structure was built on the parcel in 2007. 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	RPZD, Residential Planned Zoning District
South	Single-family Residential	RPZD, Residential Planned Zoning District
East	Single-family Residential	RPZD, Residential Planned Zoning District RSF-4, Residential Single-family, 4 Units per Acre
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: Staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0122**, 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 Business Regulations §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.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a 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. 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 RPZD zoning which requires 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.

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.

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

Finding: 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. According to the applicant the structure has three bedrooms and four parking spaces; two spaces in an attached garage and another two in the driveway.

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

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

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

Finding: The application is for use of the property at 4198 W. Bradstreet Ln. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of October 3, 2023, the City had issued 409 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. No exceptions are being requested.

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of four off-street parking spaces will be available for guests in an existing driveway and garage. W. Bradstreet Ln. has a on-street parking available. City records indicate one other unit within a quarter-mile radius of the subject property has an active Type 2 short-term rental business license. Due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. No previous zoning or code violations were reported for 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 property has frontage along W. Bradstreet Ln, a fully improved Residential Link Street with sidewalk on both sides. One on-street parking lane is available. Staff finds the proposal 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 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: According to the applicant the structure has three bedrooms and four parking spaces; two spaces in an attached garage and another two in the driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.

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

Finding: The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.

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

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

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

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

(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 PZD approved single, two, and three-family dwellings within the neighborhood, and a multi-family development is located approximately 300 feet to the northwest. Further, several properties along N. Ruppel Rd. are zoned to allow both commercial development and multi-family dwellings by-right. Staff finds that as the area only has one existing Type 2 short-term rental within ¼ mile, this portion of the city can likely support additional short-term rentals. However, due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating.

(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.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - RPZD excerpts (ORD 4580)
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and §164.26 successfully obtain a business license prior to operation.
- (Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

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)

PZD ORDINANCE EXCERPT

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a “neo-traditional” development consisting of 182 single-family residential dwelling units and 78 two-family residential units, for a total of 260 dwelling units. The proposed density for the R-PZD is **6.24 DU/acre.**

Proposed Uses: *R-PZD, Residential Planned Zoning District*

	Proposed Land Use
Lots 1-144	Single Family Residential Use Unit 8
Lots 145-183	Two-family Residential Use Unit 9
Lots 164, 165, 171	Two-family, Three-family Use Unit 9, 10
Lots 184-221	Single Family Residential Use Unit 8
Lots 222-226	Common Areas Maintained by POA

The project site is currently zoned RSF-4 and RT-12, allowing for single, two and three family dwelling units, in their respective districts. The developer proposes an unconventional residential subdivision, with all access and services to be from rear alleys, and dwelling units to be sited close to the street (a 5-foot front building setback is proposed). Lot sizes and setbacks are proposed to be much smaller than those allowed in typical zoning districts, thus the need for processing a Planned Zoning District. The typical lot size for single family use ranges from approximately 40-45 feet wide x 115-120 feet deep. The designated two/three family lots are proposed to be approximately 75 feet wide by 101 feet deep.

Access: Access is proposed in all four cardinal directions:

North: Two (2) connections to existing stub-outs from Meadowlands S/D

South: Two (2) new access points from Persimmon Street, to be constructed

East: One (1) connection onto Ruppel Road

West: One (1) connection into the approved Cross Keys PZD subdivision

Ruppel Road is a newly constructed street south of Wedington Drive. A new traffic signal was recently installed at the intersection of Ruppel Road and Wedington, the primary means of access to the subject property. The developer of the Ruppel Row PZD is also required to construct Persimmon Street east of the Cross Keys development, coordinating with the adjacent developer of Cross Keys to eventually complete an improved, through connection from 46th Avenue east to Ruppel Road.

Adjacent Master Street Plan Streets: Ruppel Road, Minor Arterial; Persimmon Street, Collector

Street Improvements Proposed: Six-foot sidewalks are required to be constructed along Ruppel Road and Persimmon Street, at the right-of-way line. Persimmon Street is to be constructed to city standards, with a 28-foot width including curb/gutter and storm drains. The developer is proposing to construct parallel parking spaces along Ruppel Road, interspersed with tree

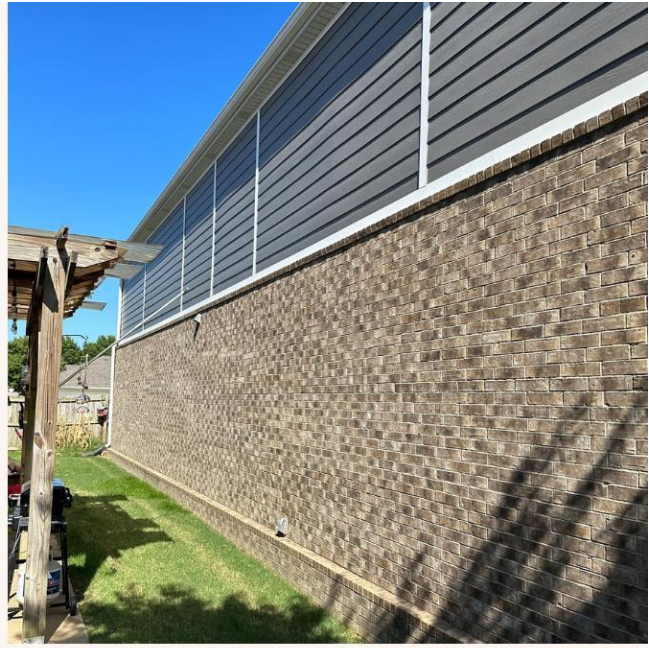
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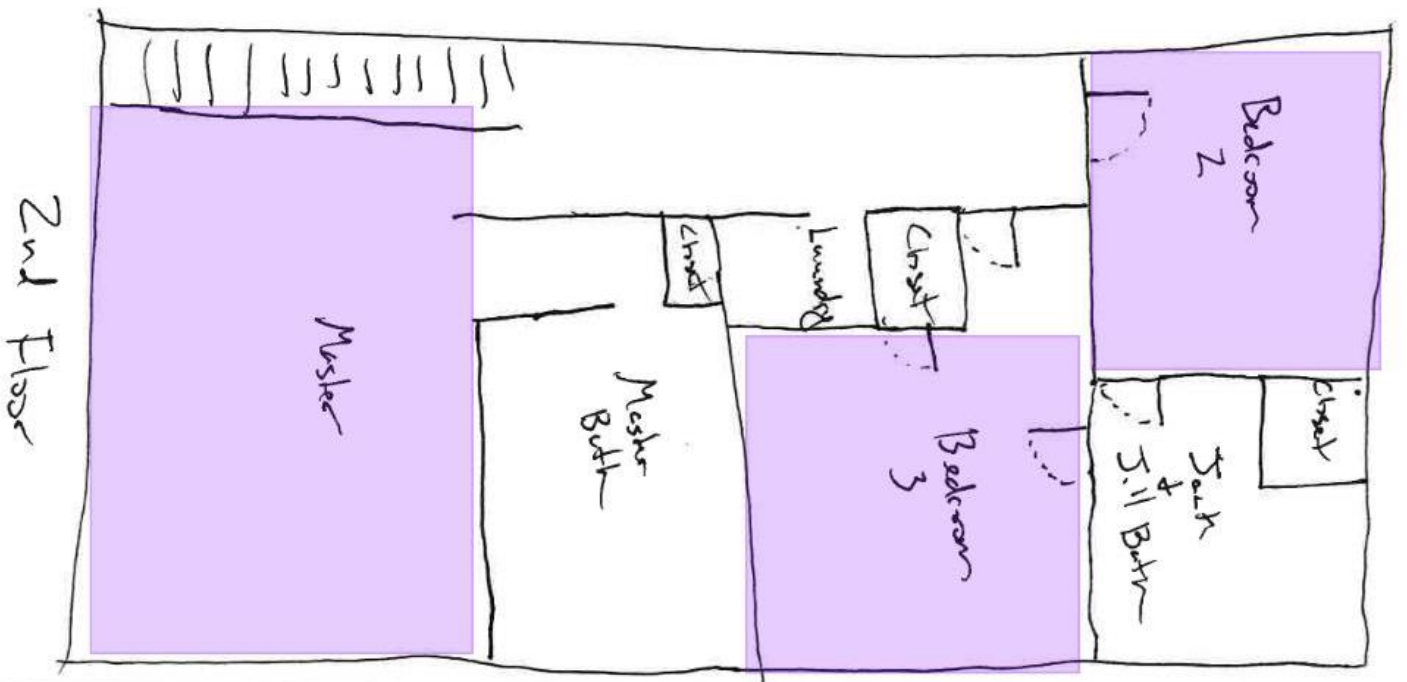
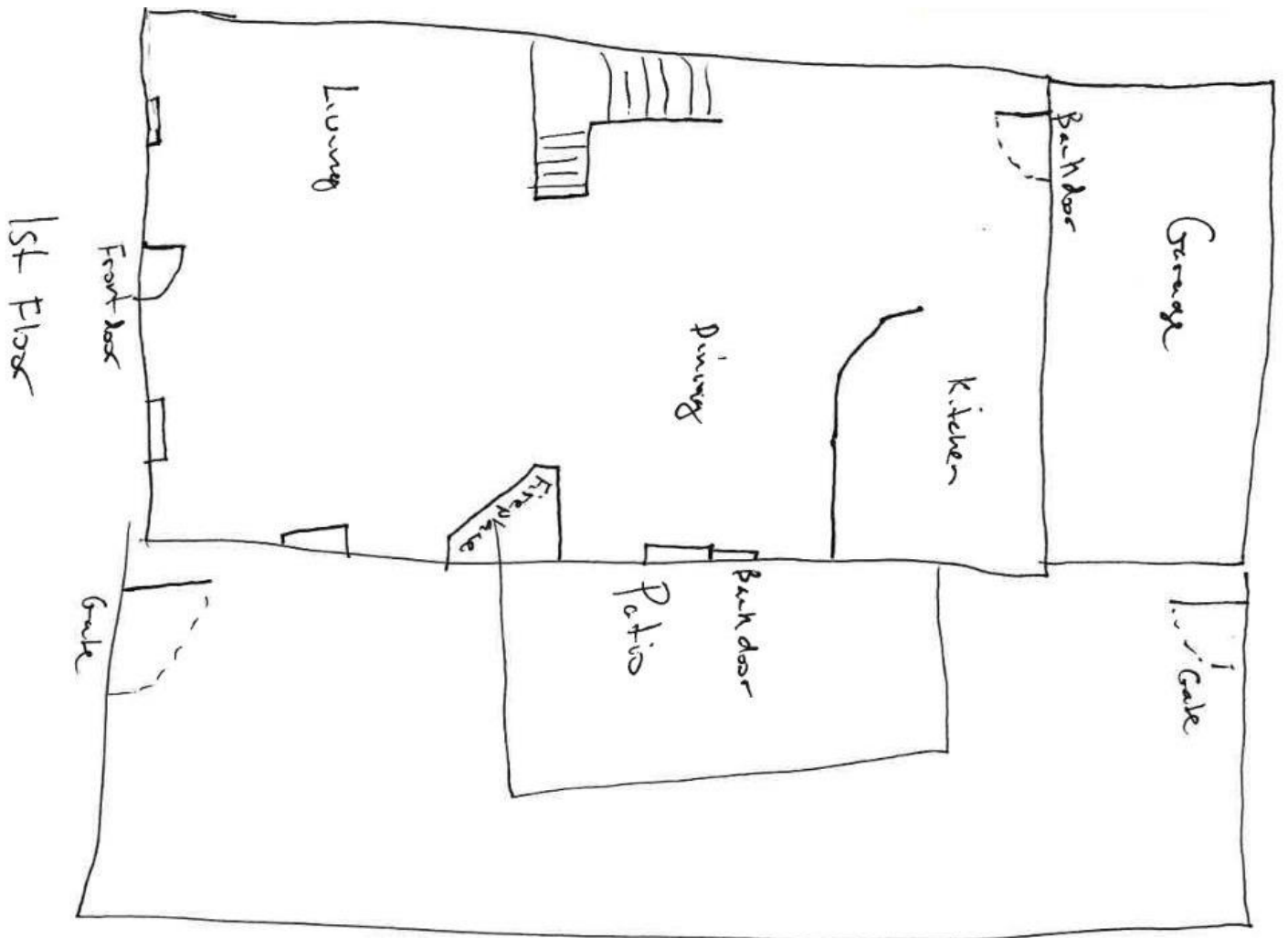
4198 W Bradstreet Lane Fayetteville, AR 72704

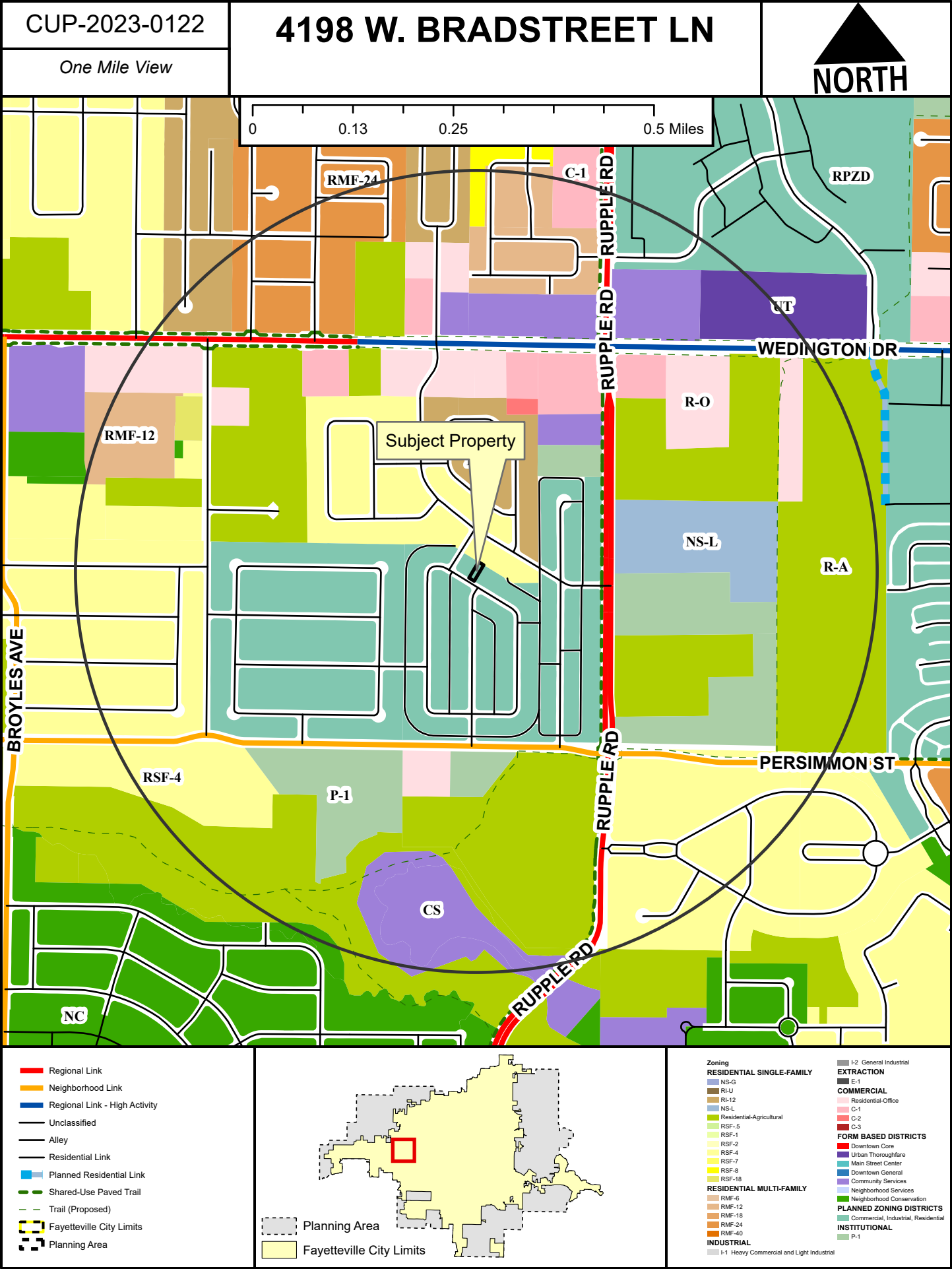
Legal Description:

Lot 111 Ruppel Row Subdivision

- (a) Building size: 2116 SQFT
- (b) Color elevations of all exterior sides of the structure: Painted Gray hardie board with white trim.
- (c) Number of off-street parking spaces to be provided / number required: 2 in garage, 2 in driveway.
- (d) Outdoor lighting: exterior lights in front and back as well as on the patio porch.
- (e) Noise: City of Fayetteville Noise Ordinance
- (f) Screening or buffering from adjacent properties: Neighboring property has a side facing subject properties patio area.
- (g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties): Trash pickup Wednesday morning by city of Fayetteville.
- (h) Ingress and egress to the property; traffic impacts: None
- (i) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood: Patio homes have side yard that butts up to the left side of the neighbors.



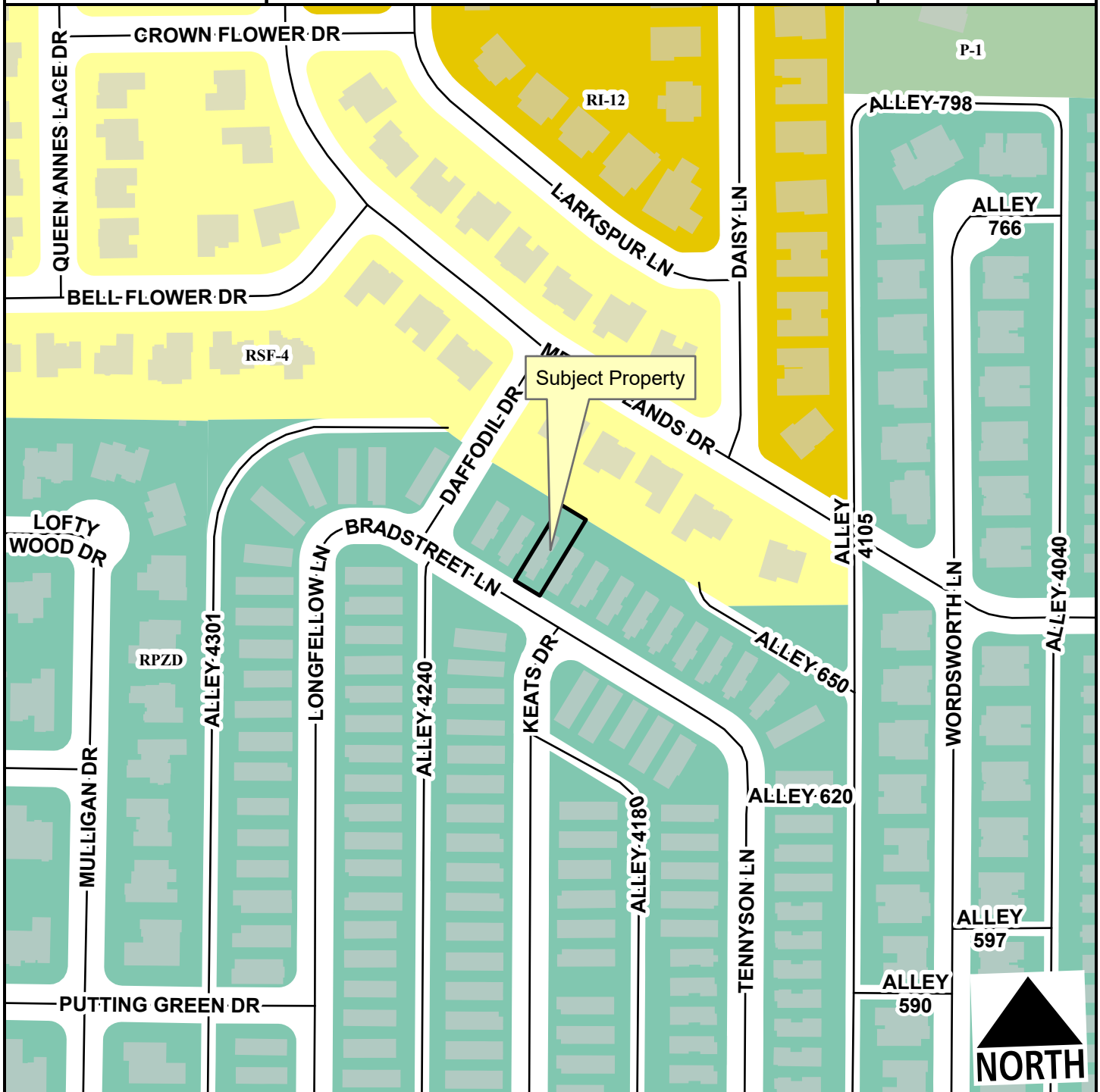




CUP-2023-0122

4198 W. BRADSTREET LN

Close Up View



 Alley
 Residential Link
 Planning Area
 Fayetteville City Limits

Feet

0 75 150 300 450 600

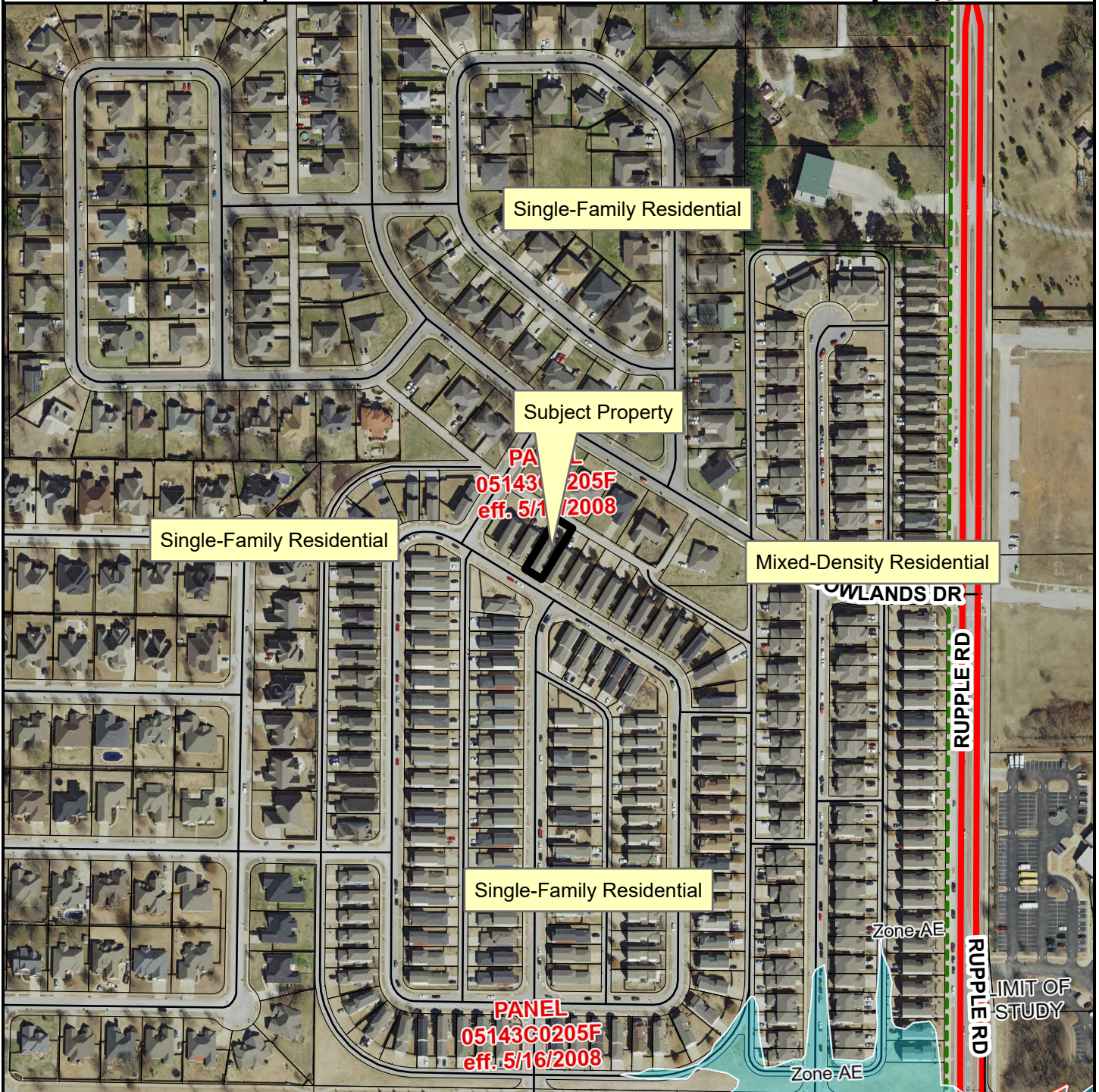
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RSF-4
 RI-12
 Commercial, Industrial, Residential
 P-1

CUP-2023-0122

4198 W. BRADSTREET LN

Current Land Use



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



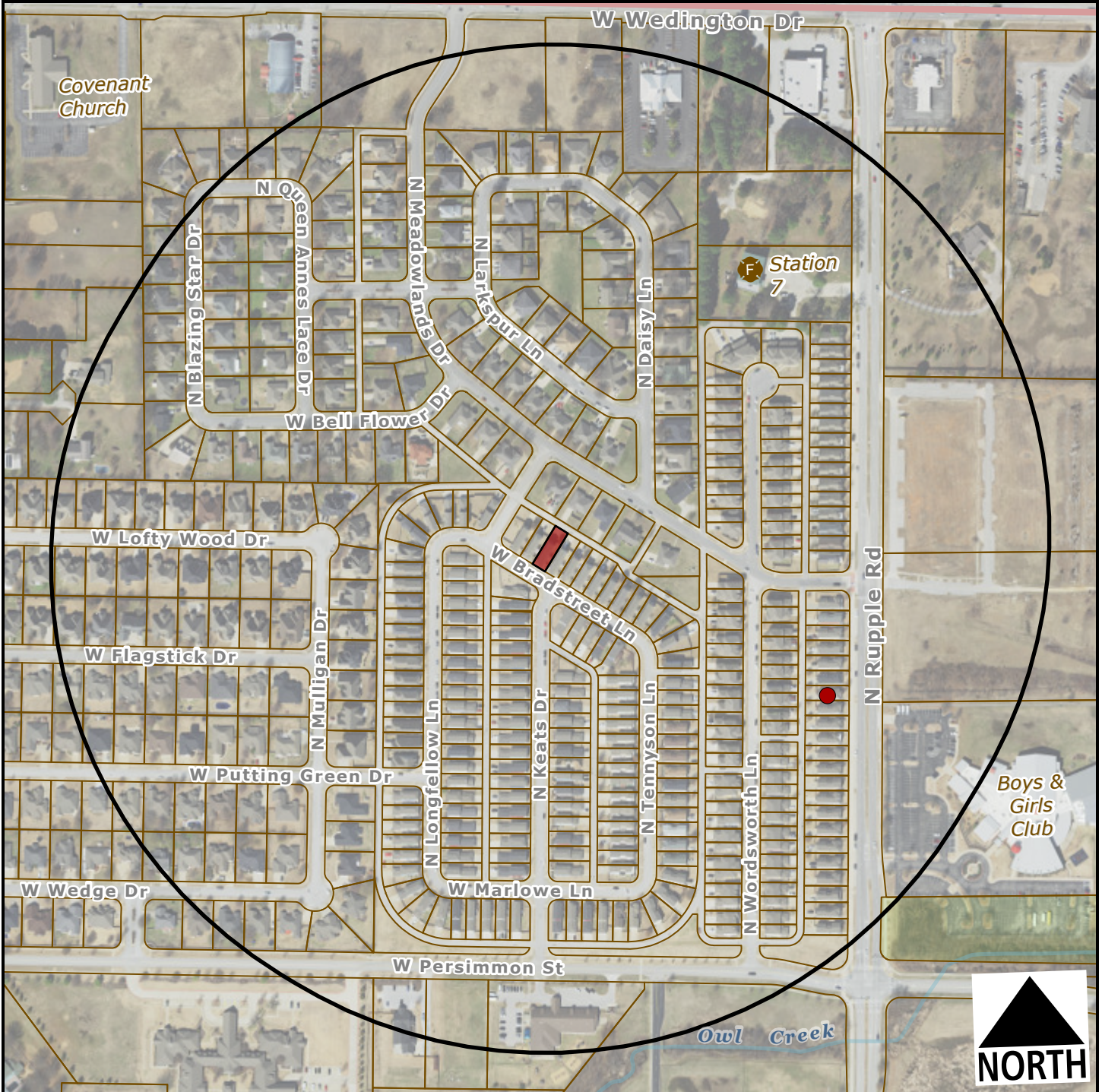
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0122

4198 W. BRADSTREET LN

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 1



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0123: Conditional Use Permit (137 E. SPRING ST./DWB PROPERTIES, 485):** submitted by DWB PROPERTIES for property located at 137 E SPRING ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.12 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0123**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0123** 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 downtown Fayetteville, east of N. College Ave. The property is zoned RMF-24, Residential Multi-family, 24 Units per Acre, and totals approximately 0.12 acres. There is a 2,425 sq. ft. single family home constructed in 2017. It is not included in any zoning overlays. 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	RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
East	Single-family Residential	RI-U, Residential Intermediate, Urban
West	Single-family Residential	RMF-24, Residential Multi-family, 24 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-2023-0123**, 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 Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative to the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-24 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

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

Finding: The request is to operate a Short-Term Rental, Use Unit 46, in RMF-24 zoning, which requires 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.

Finding: The dwelling has two bedrooms which would limit the occupancy to a maximum of six guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.

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

Finding: Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles can be parked outdoors on the property. According to the applicant submittal, four on-site parking spaces will be available to guests in an existing driveway and attached garage.

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

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

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

Finding: The application is for use of the property at 137 E. Spring St. Staff recommends a condition confirming that no recreational vehicle, trailer,

other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of October 3, 2023, the City had issued 409 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.

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of four off-street parking spaces will be available for guests in an existing driveway and garage. On-street parking does not appear to be available along N. Washington Ave. but may be available along the north side of E. Spring St. City records indicate that 10 other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license. Due to the annual business license renewal period that ends October 31, staff recognizes that other short-term rentals could have active licenses in the area, but are in the process of renewal, so they may not be populating. No prior zoning or code violations have been reported on the 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: A paved driveway onto N. Washington Ave. is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along two streets that are improved with a sidewalk to accommodate pedestrian access. Staff finds 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 six 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: A total of four off-street parking spaces are available in an existing driveway and attached 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. Staff recommends a condition confirming that the containers are stored in a location that is 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 the surrounding properties. The property is surrounded by residential uses, but 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. There are 10 other licenses Type 2 short-term rentals within a quarter-mile radius. Due to the annual business license renewal period that ends October 31, staff recognizes that other short-term rentals could have active licenses in the area, but are in the process of renewal, so they may not be populating. However, the active licenses are not clustered along any particular street or in a single neighborhood, so it does not appear that the area is currently bearing a higher burden on accommodating short-term rentals than others in the City.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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. These include a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units per Acre
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

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

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

(F) *Building Height Regulations.*

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

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

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

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

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

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."

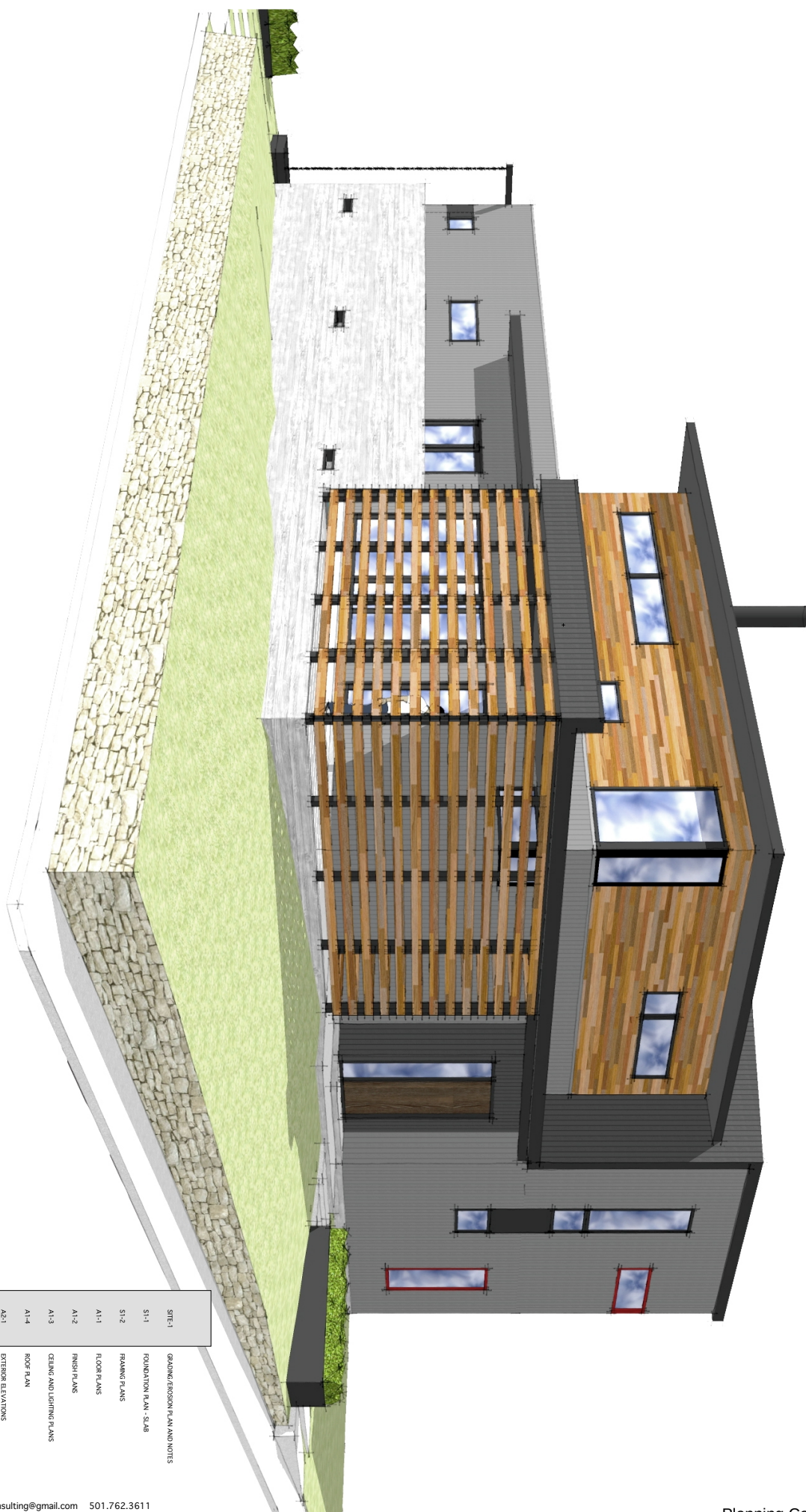
To whom it may concern,

The home located at 137 East Spring Street Fayetteville, Arkansas 72701, owned by DWB properties requests approval for use as a short-term rental property. Building size is 2544 sq ft. Color elevations have been included in this letter. There are 4 off-street parking spaces. The outdoor lighting is soffit and exterior motion lighting. No noise is to be expected. There is no screening or buffering. Trash and refuse service is set up through the city of Fayetteville on a weekly basis.

The trash is to be stored inside a four car garage when not in use.

Vehicles will access the property by heading south on Washington. Vehicles will turn west into the property through the driveway and may enter the home through the garage.

There is no ingress or egress to property. A driveway is in place. This is a residential home in a residential neighborhood. I have attached the current deed to the home including the legal description of this property.



SITE 1	GRADING/EROSION PLAN AND NOTES
S1-1	FOUNDATION PLAN - SLAB
S1-2	FOUNDING PLANS
A1-1	FLOOR PLANS
A1-2	FRESH PLANS
A1-3	CEILING AND LIGHTING PLANS
A1-4	ROOF PLAN
A2-1	OUTER ELEVATIONS
A2-2	OUTER ELEVATIONS
A2-3	BUILDING SECTION
A3-1	DOOR AND WINDOW SCHEDULES

masworksconsulting@gmail.com 501.762.3611

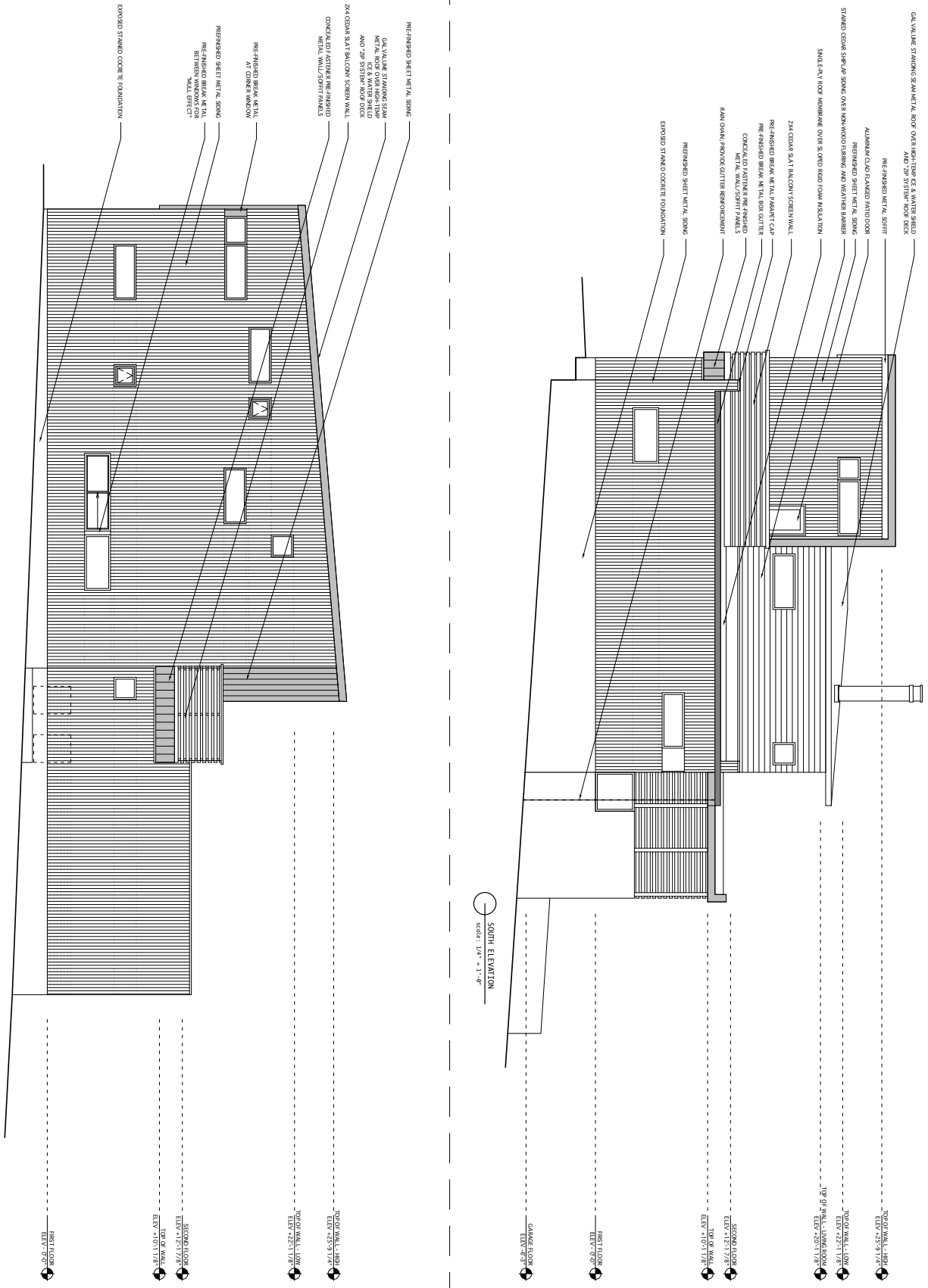
masWORKS
DESIGN + CONSULTING

11-July 2016
PERMIT SET

Planning Commission
October 9, 2023
rprimm - 137 SPRING ST FAYETTEVILLE, MS

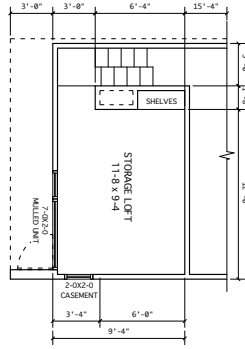
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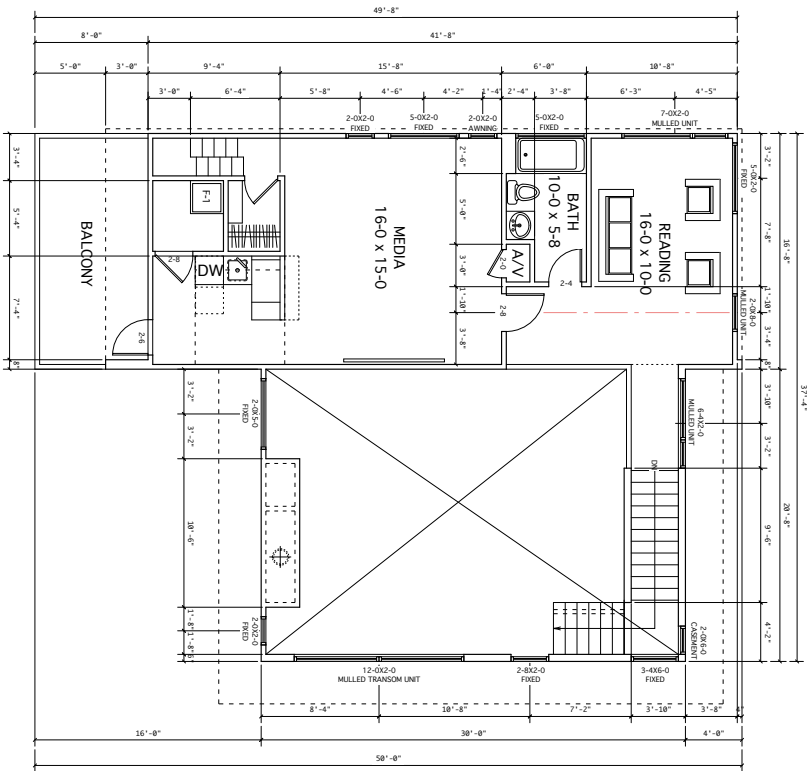


A2-2 11-July 2016
exterior ELEVATIONS

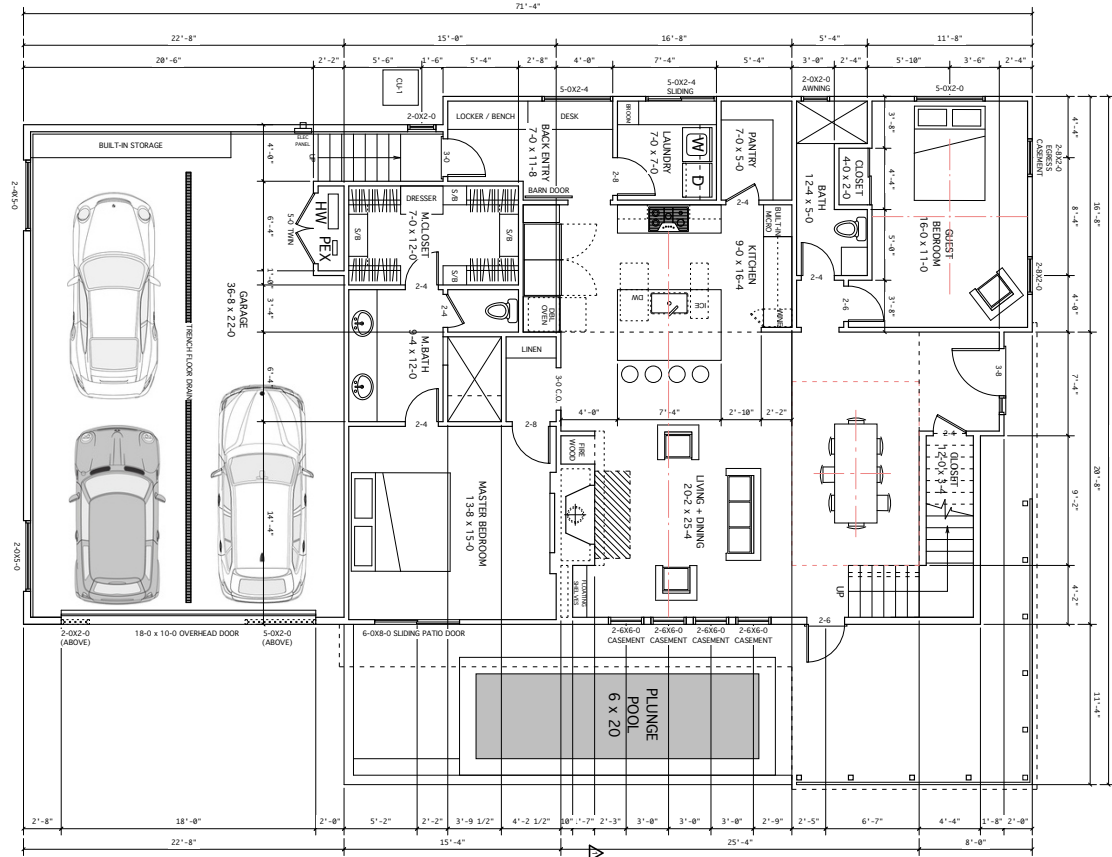
STORAGE LIFT PLAN
 scale: 1/4" = 1'-0"
 revised Jan-11-2016



SECOND FLOOR PLAN
 scale: 1/4" = 1'-0"
 revised Jan-11-2016



FIRST FLOOR PLAN
 scale: 1/4" = 1'-0"
 revised Jan-11-2016



scale: 1/4" = 1'-0"

AREAS (SF)

AREA	AREA (SF)	TOTAL AREA (SF)
1ST FLOOR	1713	
2ND FLOOR	1713	
POOL	27	
TOTAL AREA	3453	

A1-1

11-July 2016
 floor PLAN

masWORKS
 DESIGN + CONSULTING

masworksconsulting@gmail.com 501.762.3611

primm - 137 SPRING

[illegible]

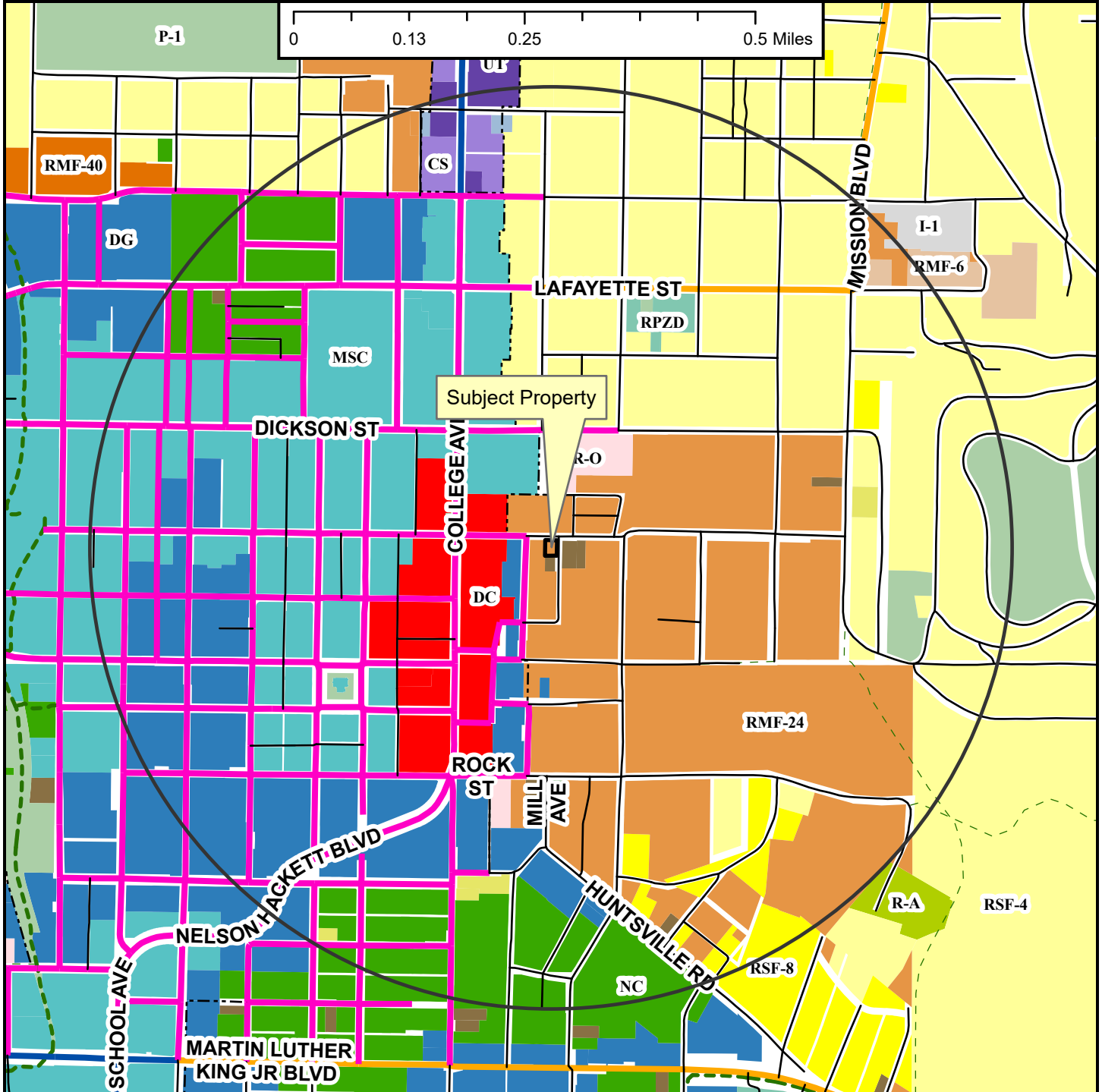
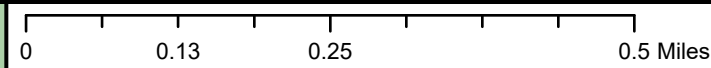
SITE PLAN
scale: 1/8" = 1'-0"

[illegible]

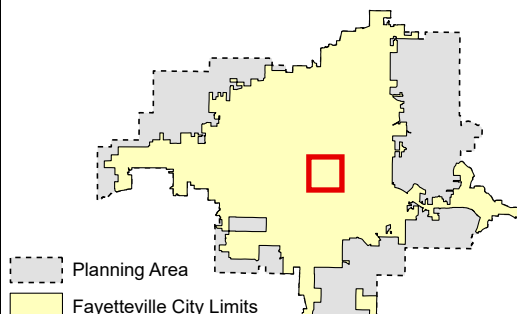
CUP-2023-0123

137 E. SPRING ST

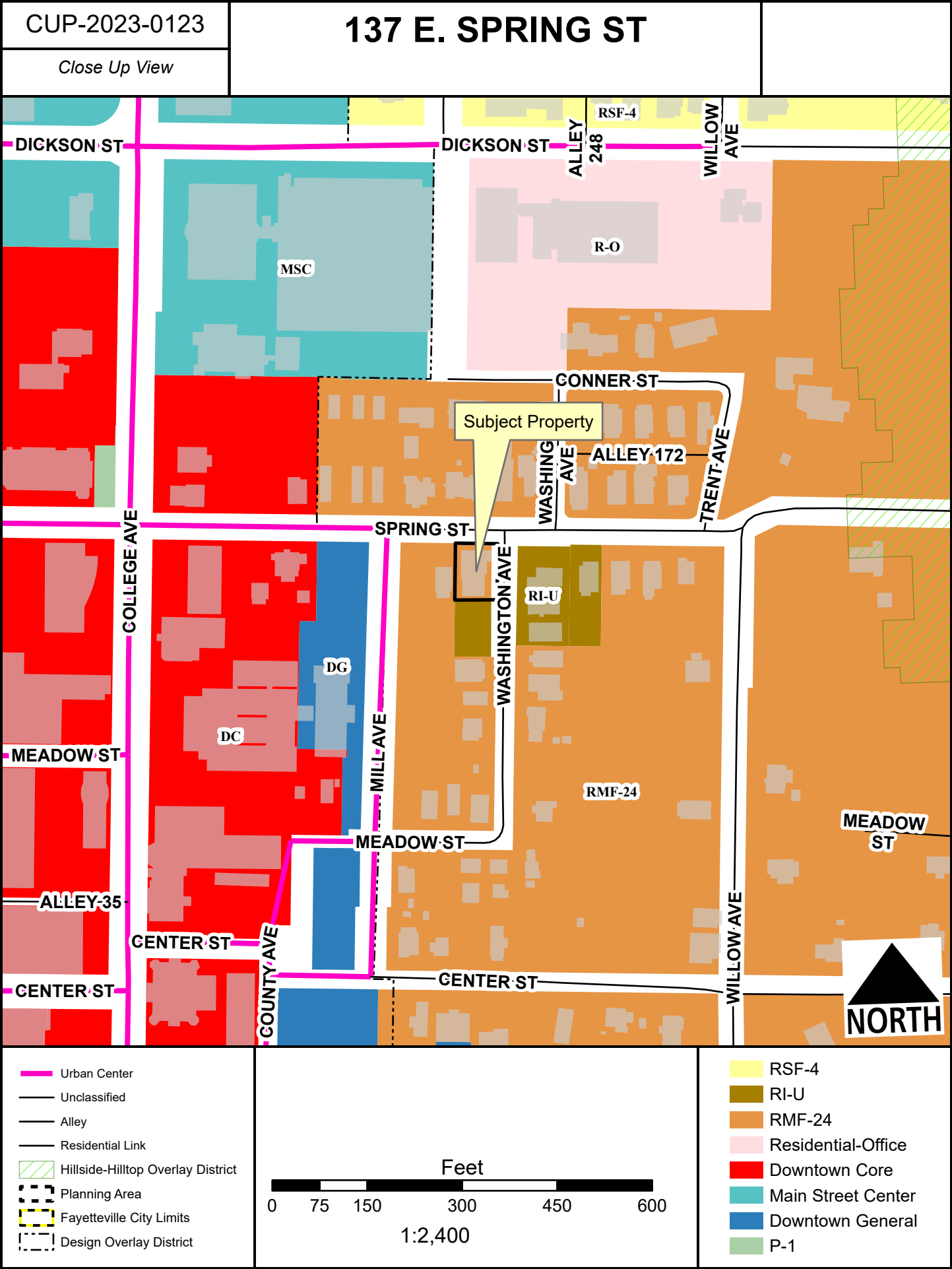
One Mile View



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



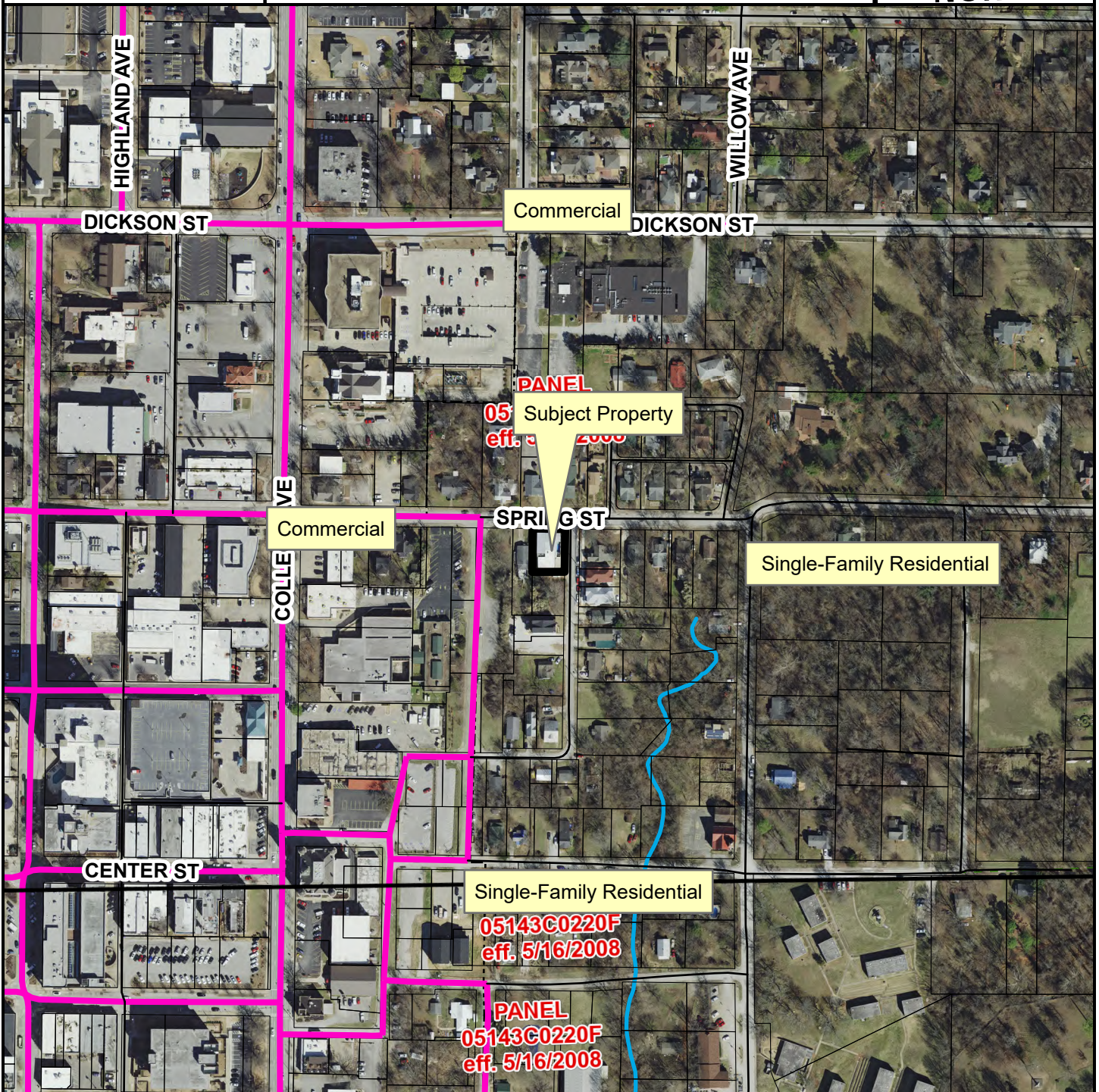
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RH-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 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
 - INSTITUTIONAL**
 - P-1



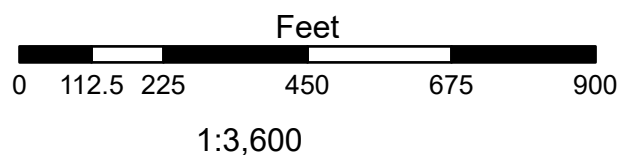
CUP-2023-0123

137 E. SPRING ST

Current Land Use



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



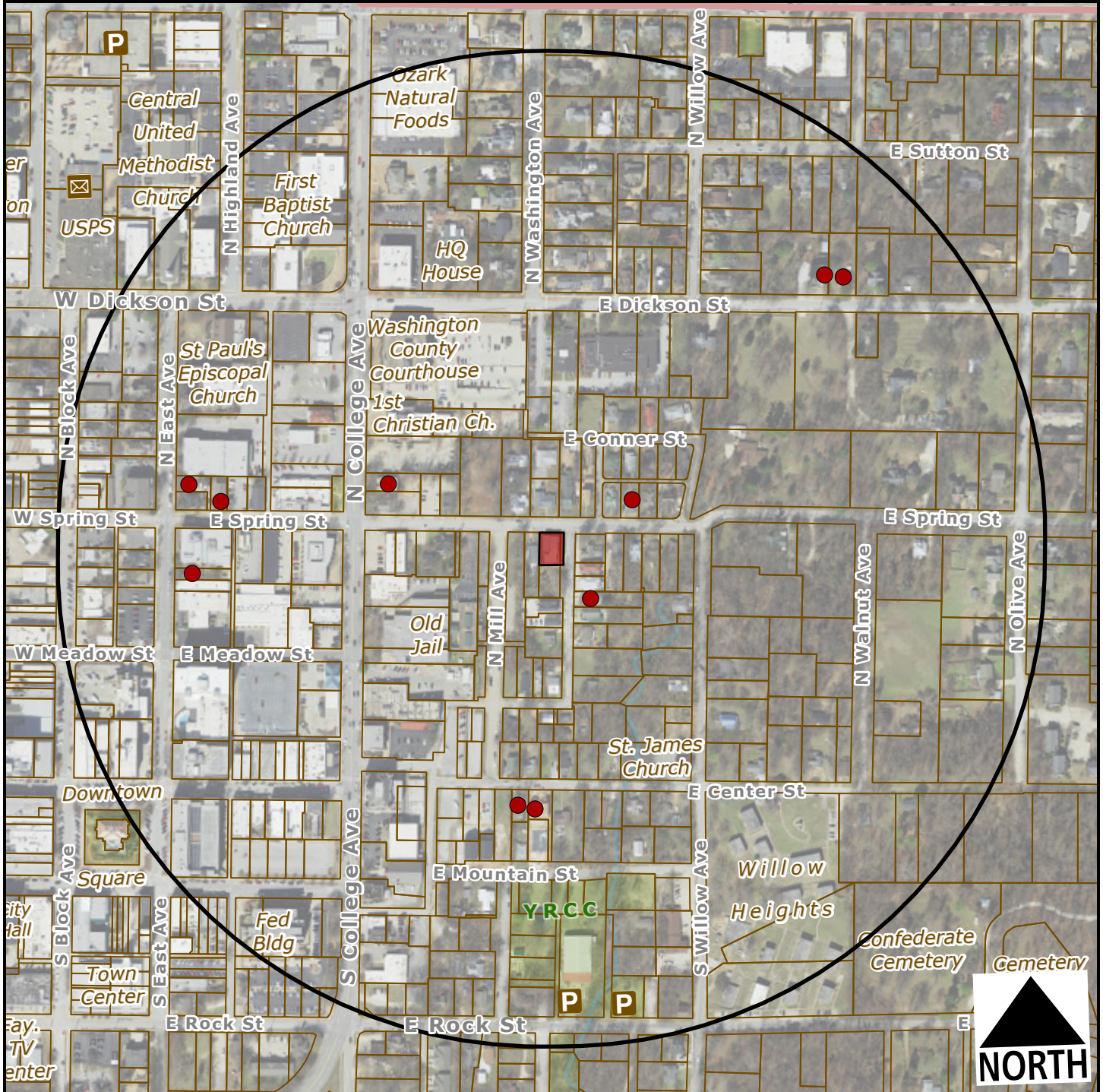
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0123

137 E. SPRING ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 10



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0127: Conditional Use Permit (101 E. BERTHA ST./COLLISHAW, 213):** Submitted by KATHLEEN AND DAVE COLLISHAW for property located at 101 E. BERTHA ST. 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 approval of **CUP-2023-0127**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0127** 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 north-central Fayetteville east of N. College Ave. The property is zoned RSF-4, Residential Single Family, Four Units per Acre, and totals approximately 0.30 acres with a 1,056 single-family home constructed in 1957. 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	Office	RO, Residential-Office
South	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a 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-2023-0127**, 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 Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative to the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a 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. 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.

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

Finding: The dwelling has three bedrooms which would limit the occupancy to a maximum of eight guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.

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

Finding: Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles can be parked outdoors on the property. According to the applicant submittal, three on-site parking spaces will be available to guests in an existing driveway and carport. Additional on-street parking is available along N. Lee Ave. and E. Bertha St.

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

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

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

Finding: The application is for use of the property at 101 E. Bertha St. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of October 3, 2023, the City had issued 409 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.

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of three off-street parking spaces will be available for guests in an existing driveway and carport. On-street parking does appear to be available along E. Bertha St. and N. Lee Ave. City records indicate that two other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license. Due to the annual business license renewal period that ends October 31, staff recognizes that other short-term rentals could have active licenses in the area, but are in the process of renewal, so they may not be populating. No prior zoning or code violations have been reported on the 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: A paved driveway onto E. Bertha Ave. is available to accommodate vehicular ingress and egress to the subject property. Staff finds 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 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 three off-street parking spaces are available in an existing driveway and carport. 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 a condition confirming that the containers are stored in a location that is 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 the surrounding properties. The property is surrounded by residential uses and there are 2 other licenses Type 2 short-term rentals within a quarter-mile radius. 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 goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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. These include a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.
- (Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

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

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

Editor's note(s)—Ord. No. 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."

Applicant Request Letter

CONDITIONAL USE

Fayetteville Arkansas

August 23, 2023

Dear City of Fayetteville (Arkansas),

Kathy and I have a residential Property in the City of Fayetteville. The property is located at 101 Bertha Street Fayetteville Arkansas 72703. We would like this property to be used for families and visitors over the next several years for rental use. This may be for month-to-month rentals or used as an Airbnb, VRBO and/or Cohobnb etc..... We would like a permit for Type 2 Short-Term Rental.

Please see below and attached for more information about the property.

Thank you for your consideration.

**Dave & Kathy Collishaw
Owners of the Property at 101 Bertha Street**

Location:

101 Bertha Street Fayetteville Arkansas 72703

Owners:

Dave Collishaw - (408) 655-7388 - globalsportsgroup@yahoo.com

Kathy Collishaw - (925) 234-1319 – kaddyd@aol.com

101 Bertha Street info:

3 bedrooms

2 bathrooms

Laundry room

Large Kitchen

Living Room

Huge backyard Patio and Grass area

Front Yard Deck

Parking:

6 Car parking area

Siding & Fencing:

Grey (new siding and windows 2023)

Black trim

Wood fencing surrounding area and chain link on one neighbor's side.

Building Size (Residential Property):

1100 sq feet

Color elevations:

Grey and Black

Number of off-street Parking:

6 cars at 101 Bertha Street

Over 50-100 parking stalls within 500-800 feet in commercial areas

Hours of Operation:

24/7 for rental

Number of employees:

Owners Dave & Kathy Collishaw

Also, to watch property

Alexa Adams (Daughter – 29) & Jake Collishaw (Son-27)

Number of Patrons:

6 guests per visit

Outdoor Lighting:

Front & Back yard LED solar lights as well as porch and back yard lighting.

Streetlights near by

Noise:

Near commercial properties – 101 Bertha Street is a residential property.

Screening and Buffering:

Fence surrounding areas, Fence Trees/Bushes separating neighbors side yard and back yard.

Trash and Refuse Services:

Fayetteville Services

Garbage is behind gates and fences.

Ingress and Egress:

101 Bertha is a corner lot.

Cross streets are Bertha Street and Lee Avenue – nearest streets are E. Harold Street and College Avenue

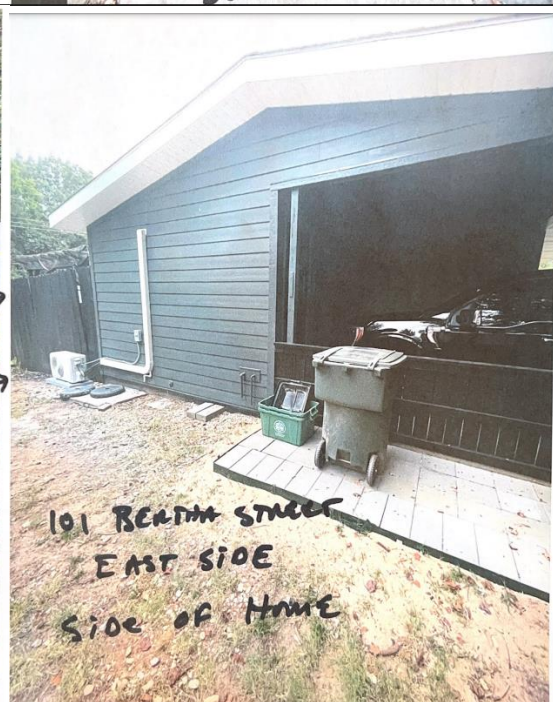
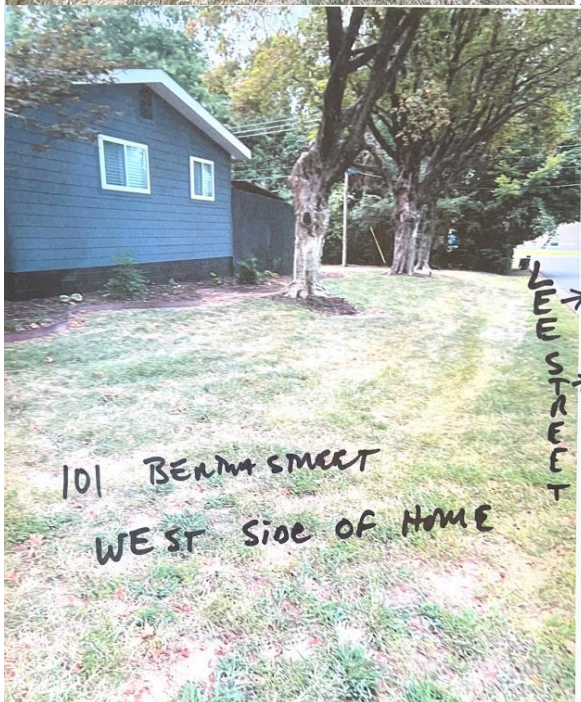
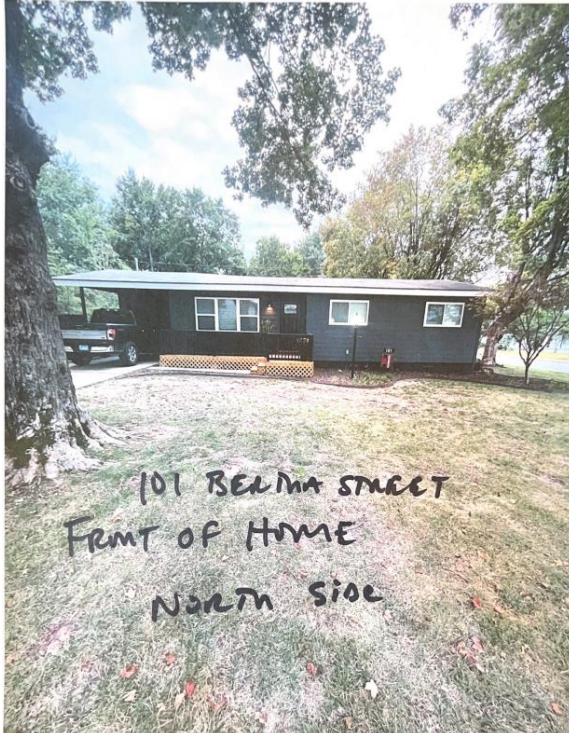
House Plans:

See existing floor plan – drawn – see attached.

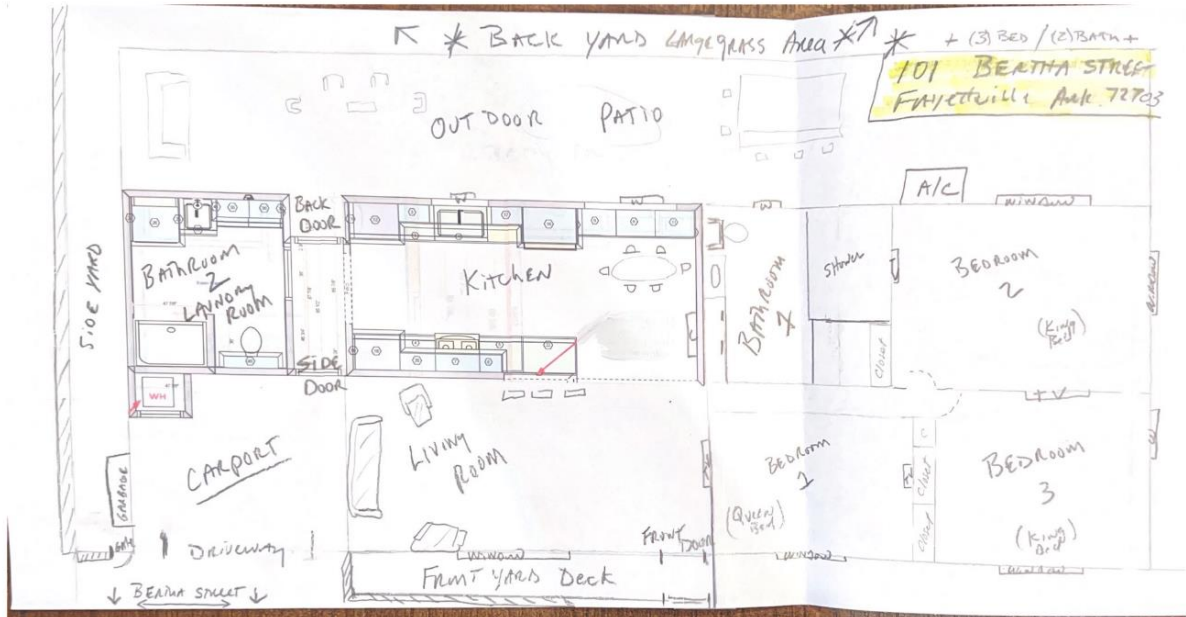
Map and photos:

See Attached

Building Elevations



Building Floor Plan



Site Plan



Driveway parking in red.

Applicant Request Letter

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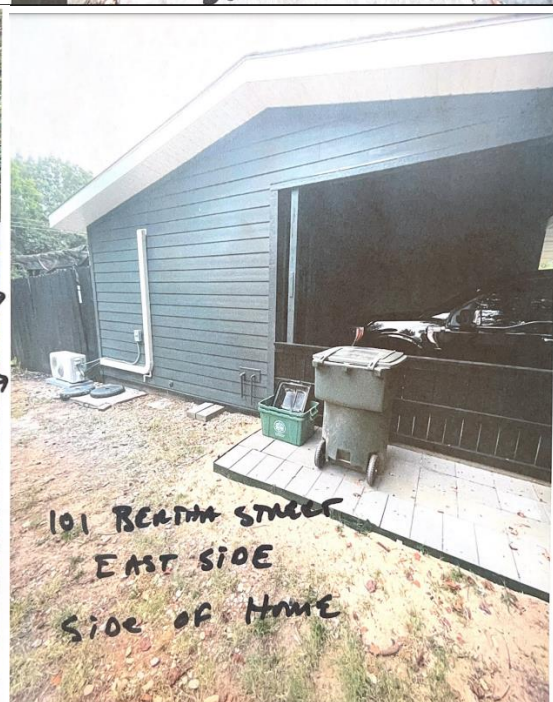
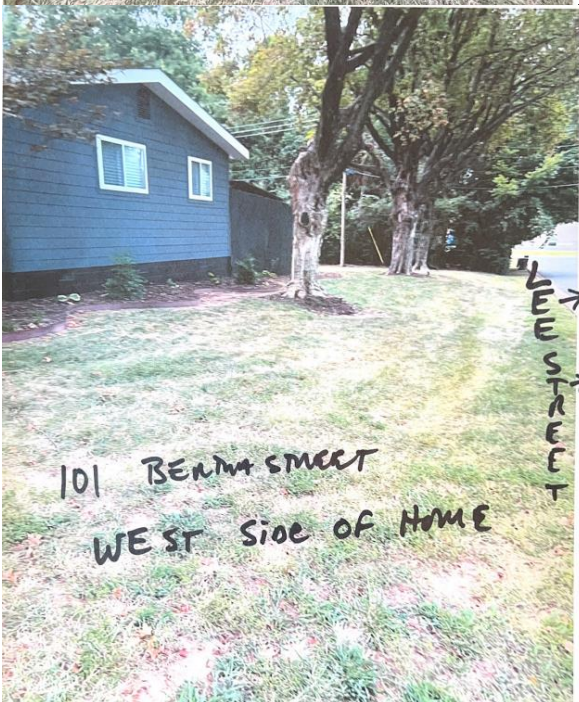
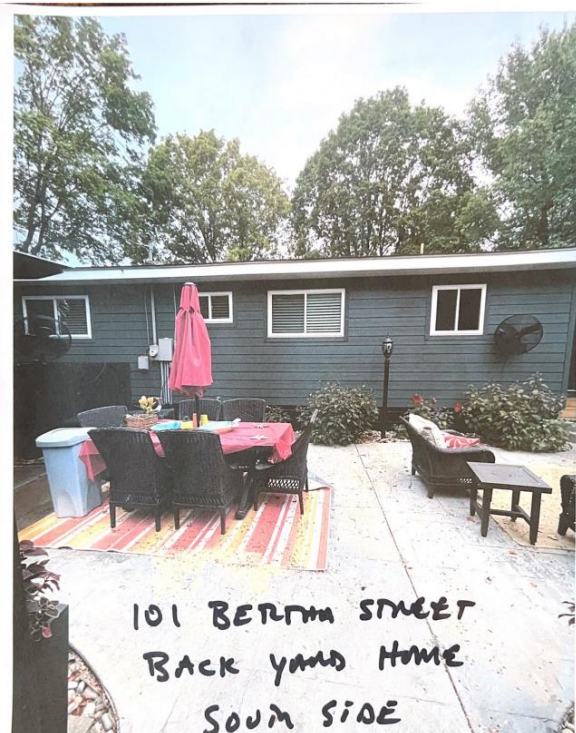
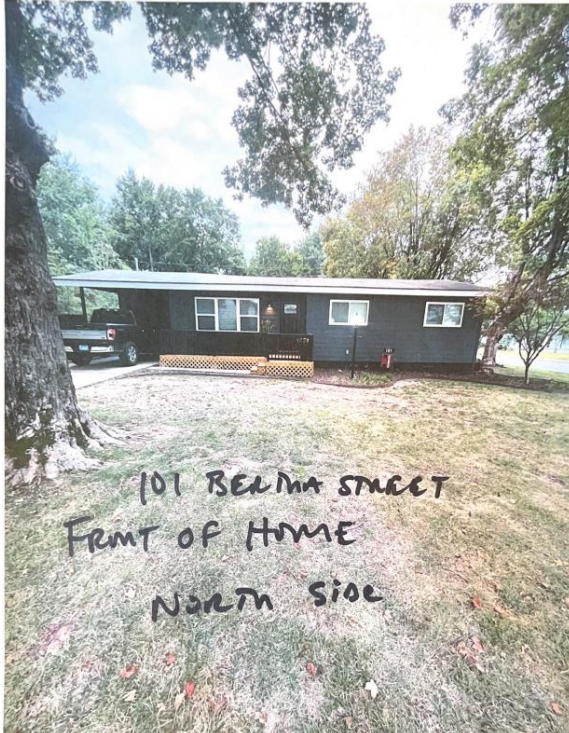
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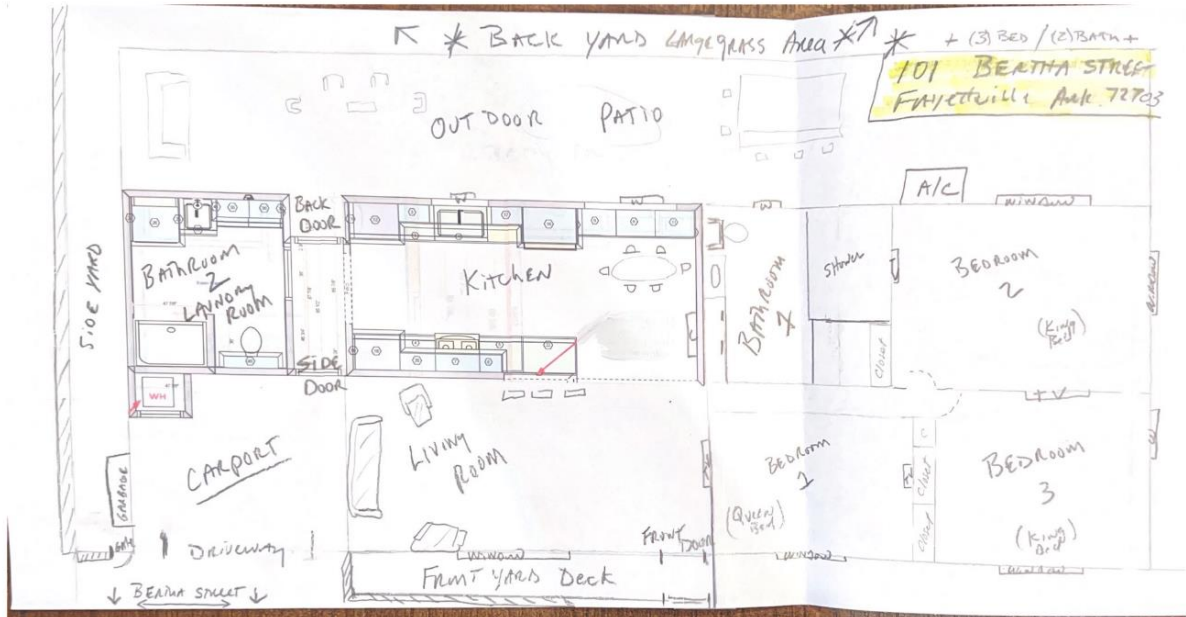
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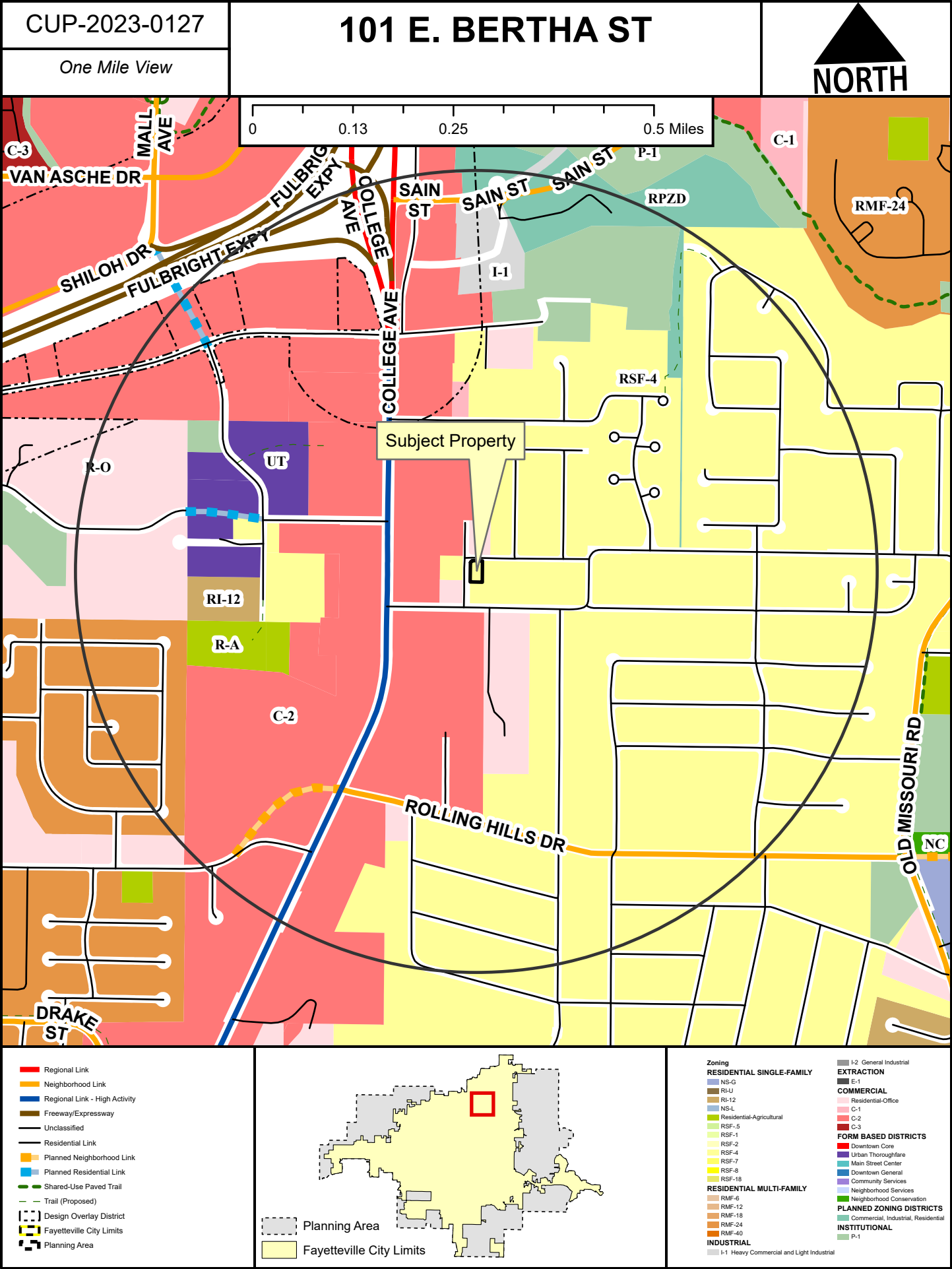
Building Floor Plan



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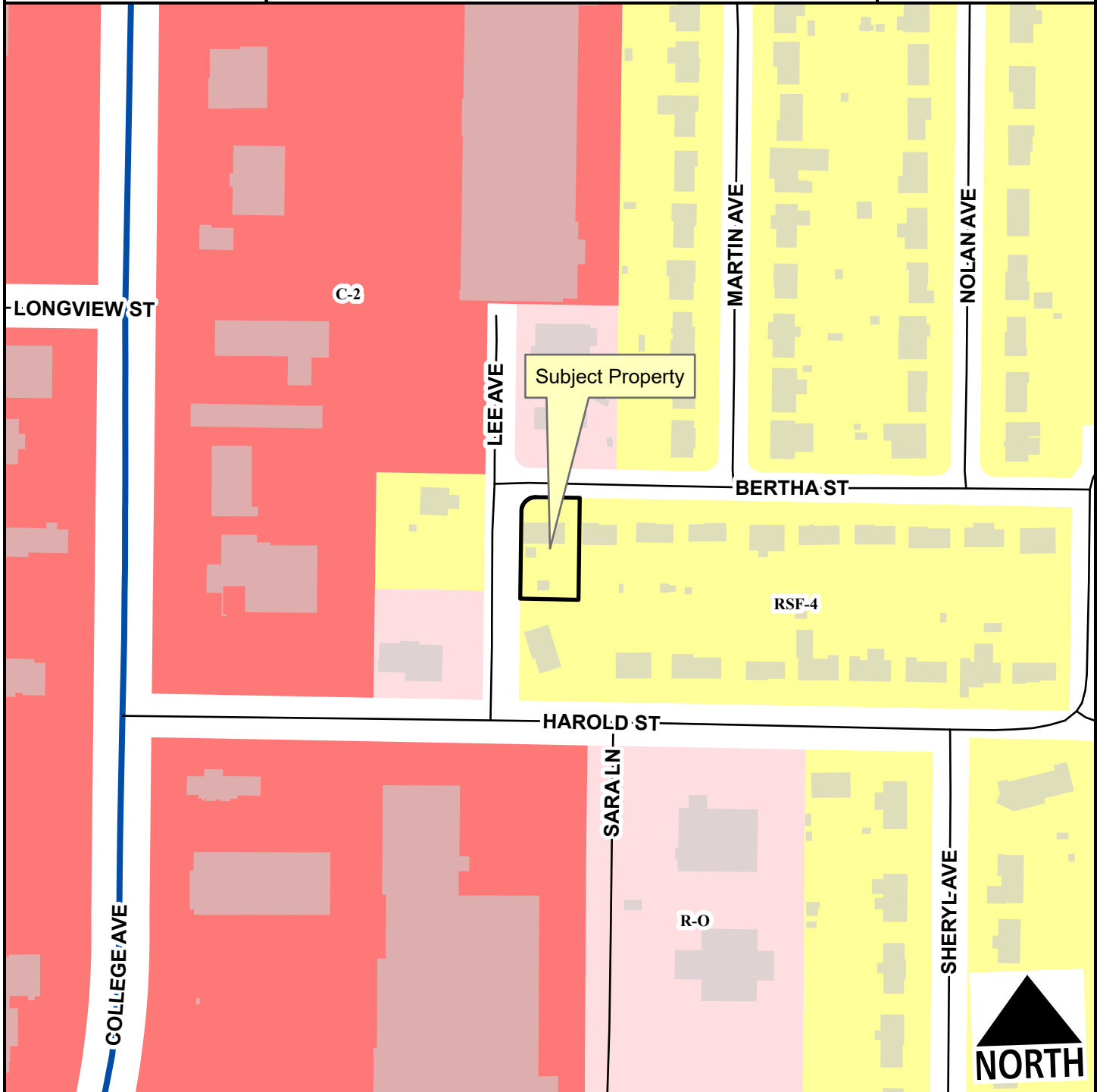
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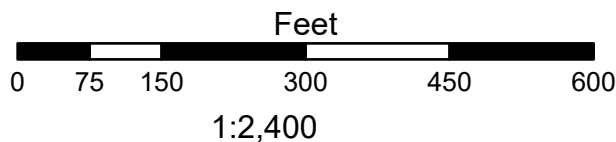
CUP-2023-0127

101 E. BERTHA ST

Close Up View



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



- RSF-4
- Residential-Office
- C-2

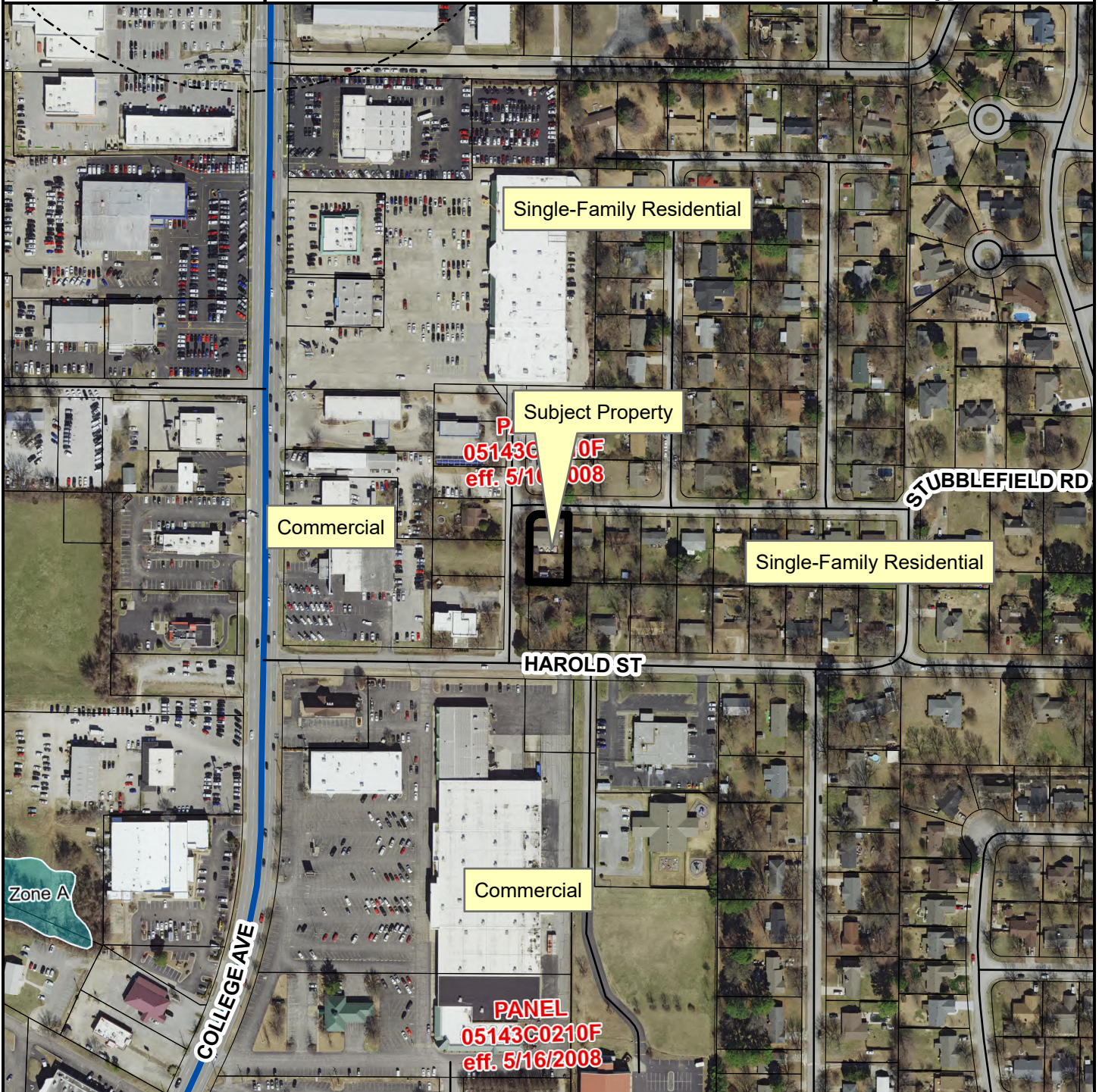


CUP-2023-0127

101 E. BERTHA ST



Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0127

101 E. BERTHA ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 2



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0130: Conditional Use Permit (3048 E. CALGARY ST./GREENLAW, 645):** Submitted by KUTAK ROCK LLP for property located at 3048 E. CALGARY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends denial of **CUP-2023-0130** based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to deny CUP-2023-0130."

BACKGROUND:

The subject property is located in southeast Fayetteville in the Riverwalk subdivision. The property is zoned RSF-4, Residential Single-family, Four Units Per Acre, and totals approximately 0.19 acres. There is a 2,667 sq. ft. single family home constructed in 2020. 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	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 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 received complaints from neighbors about the property hosting parties, illegal parking, and continued operation and advertising without a business license or CUP.

RECOMMENDATION: Staff recommends denial of **CUP-2023-0130**. Should the Planning Commission choose to approve the item, 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 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. The number of occupants is limited to a maximum of two people per bedroom, or eight total guests, 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 Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative to the Landlord's Representative Registry.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a 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. The applicant has not acted in good faith by continuing to illegally operate the short-term rental without a business license or conditional use permit.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

- A. Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, 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 RSF-4 zoning, which requires 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.

Finding: The dwelling has four bedrooms which would limit the occupancy to a maximum of ten guests per ordinance. However, parking limitations may indicate a reduction in occupancy. As a condition of approval, staff recommends limiting occupancy to eight guests. Occupancy limitations are confirmed by the applicant during licensing.

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

Finding: Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles can be parked outdoors on the property. According to the applicant submittal, four on-site parking spaces will be available to guests in an existing driveway (guests will not have access to the attached garage). However, the driveway only appears large enough to accommodate three vehicles without blocking pedestrian right-of-way on the sidewalk.

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

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

- E.** Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle,

trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 3048 E. Calgary St. Should the Planning Commission choose to approve this item, staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of October 3, 2023, the City had issued 409 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.

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be inadequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of two off-street parking spaces will be available for guests in an existing driveway. On-street parking does appear to be available along E. Calgary St. City records indicate that one other unit within a quarter-mile radius of the property has an active Type-2 short-term rental business license. Due to the annual business license renewal period that ends October 31, staff recognizes that other short-term rentals could have active licenses in the area, but are in the process of renewal, so they may not be populating. A zoning violation case (CVZD-2023-0404) was opened on July 5, 2023 to address complaints of an unlicensed short-term rental. The property owner was notified of the violation in July, but the property continued to be listed on Airbnb as recently as September 29, 2023. Several neighbor complaints have been received. Though there was an effort to come into compliance

after receiving the violation notice, it does not appear that the applicant is operating in good faith, as they continue to advertise and rent out the property without a business license.

§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: A paved driveway onto E. Calgary St. is available to accommodate vehicular ingress and egress to the subject property. A sidewalk along E. Calgary St. can accommodate pedestrian access. Staff finds 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 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 three off-street parking spaces are available in an existing driveway (guests will not have access to the 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. Should the Planning Commission choose to approve this conditional use permit, staff recommends a condition confirming that the containers are stored in a location that is 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 has stated the carts are stored on the side of the house behind the privacy fence.

(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 the surrounding properties. The property is surrounded by residential uses and there is one other licensed Type 2 short-term rental within a quarter-mile radius. There does not appear to be adequate parking to accommodate the number of guests permitted by ordinance. Staff anticipates that allowance of ten guests permitted by ordinance may result in adverse traffic impacts due use of on-street parking. As a condition of approval, staff recommends limiting occupancy to eight guests.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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. These include a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

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

- §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units per Acre
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- Public Comments
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.
- (Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

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

161.07 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."

Short-Term Rental Checklist

1. Payment \$205.00 (needs to be attached)
2. Legal Description: (also attached)

Lot 47, Riverwalk Subdivision, Phase II, Fayetteville, Washington County, Arkansas, as shown on plat record 24 at page 229.

We are seeking a conditional use permit for a Type 2 Short-term rental

Subject to recorded instruments, covenants, rights of way and easements.

3. Property owner wishes to use this property as a short-term rental property.

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

2667 Square feet existing, none proposed

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

White

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

(3) Drive Way Only- No vehicle access to garage

(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)

N/A

(e) Outdoor lighting

(3) Front of House (1) Back of house

(f) Noise

Normal Residential: No large groups, parties, or special events

(g) Screening or buffering from adjacent properties

Privacy Fence Backyard

(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

Right side of house, City of Fayetteville collection and container, inside privacy fence away from public view.

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

Residential Street to Driveway

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

The proposed use is for a short-term rental property which is compatible with how the others homes are used in the adjacent properties and neighborhood.

4. Site Plan

(Attached)

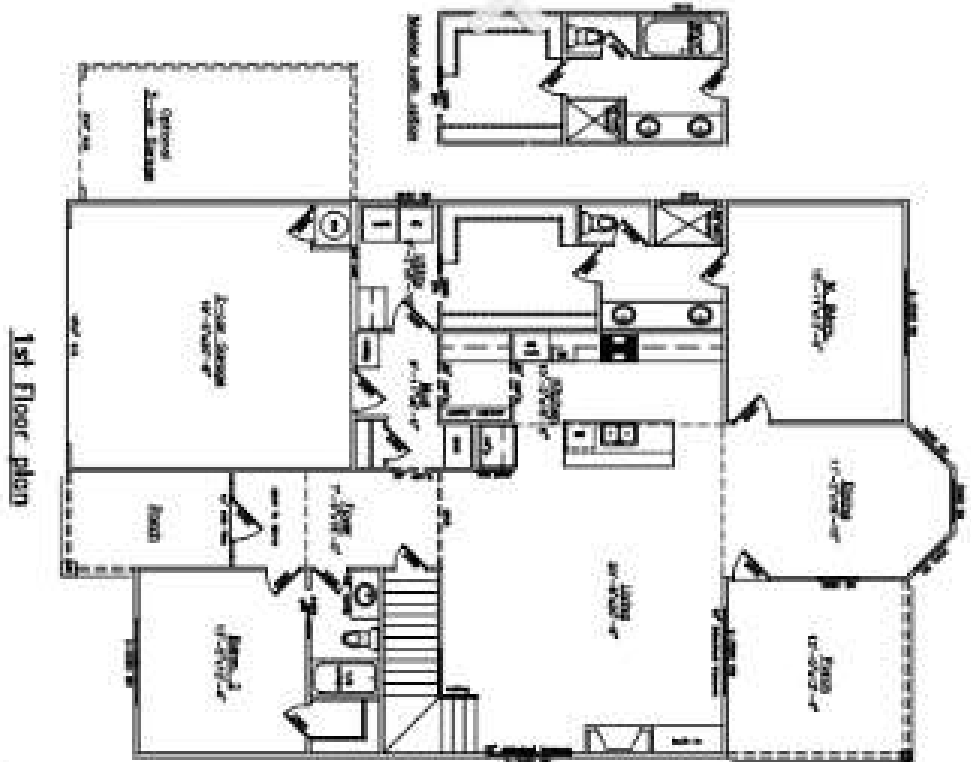
5. Floor Plan (also attached)

6. County Parcel Map (attached)

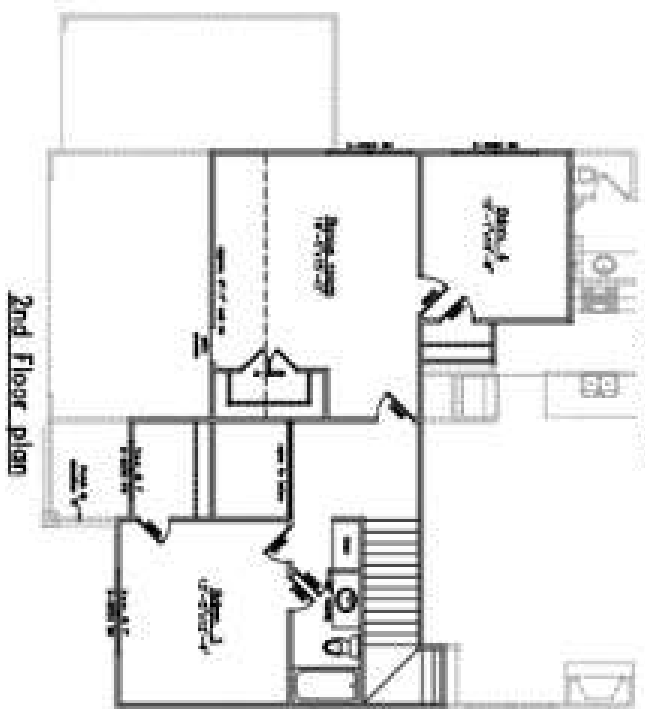
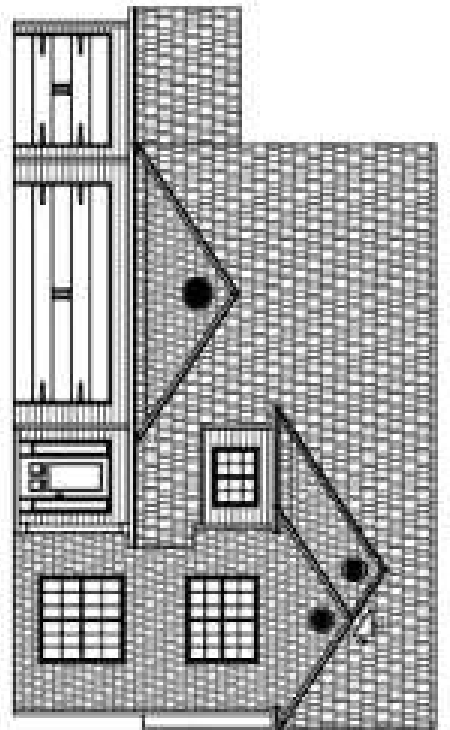
7. Signature by current property owner of record on consent of owner form or written verification signed by such owner designating a project representative.

8. The applicant is responsible for meeting the public notification requirements for a conditional use permit listed on the Notification Requirements pages in this application. This is required at a later date after initial submittal of request.





plan 010179-A (A below)
This plan is for the property at 1700 Greenway Dr. It is not to be used for any other project without the written consent of Riggins.



Washington County

Assessor's Office

Russell Hill, Assessor



Date Created: 8/2/2023
Created By: actDataScout

1 inch = 66 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.



Public Comment:

September 27, 2023

Neighbor complaint reported that property is still operating as STR without license.

September 12, 2023

Property still advertised on Airbnb.



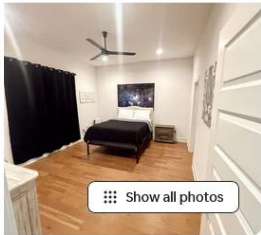
Start your search

Airbnb your home

Luxury Home in Fayetteville

★ 4.89 · 9 reviews · Fayetteville, Arkansas, United States

[Share](#) [Save](#)



Show all photos

Entire home hosted by Mikaela

8 guests · 4 bedrooms · 4 beds · 3 baths



**Self check-in**
Check yourself in with the lockbox.

**Great check-in experience**
100% of recent guests gave the check-in process a 5-star rating.

**Great communication**
100% of recent guests rated Mikaela 5-star in communication.

Bring the whole family to this beautiful home with lots of room for fun! Built in 2020, this spacious 4 bedroom 3 bath new build is minutes from Razorback Stadium.

Featured Amenities

📏 2667 Sq Ft...

[Show more](#) >

\$195 night

★ 4.89 · 9 reviews

CHECK-IN	CHECKOUT
9/25/2023	9/30/2023
GUESTS	
1 guest	

Reserve

You won't be charged yet

\$195 x 5 nights	\$975
Cleaning fee	\$175
Airbnb service fee	\$162
Total before taxes	\$1,312

 [Report this listing](#)

August 1, 2023

Planning Commission
October 9, 2023
CUP-2023-0130 (GREEN LAKE)
Page 19 of 25

Page 342 of 450

Reported by complainant: property still being operated as an STR. Property also still advertising on Airbnb.

July 20, 2023

CVZD-2023-0404 delivered.

July 17, 2023

Neighbor called to report more STR guests this past weekend.

July 10, 2023

Greetings,

This email is to inform you that there is an Airbnb that is unauthorized in riverwalk subdivision and currently listing the property for \$180 daily. Please find attached a link to Airbnb that has the property address listed on it. Additionally, the property owner resides in California. Earlier this evening, July 10, 2023, short term rentals were addressed in the Fayetteville city Council meeting. The reason the council approved the Airbnb in the riverwalk subdivision this day was due to no other Airbnbs being operational within a given proximity. Lastly, it is reported that there are approximately 870 available/operational Airbnb's in Fayetteville, Arkansas. Understandably, not all of these air Airbnbs (Short term rentals) are licensed through the city. I believe it would be responsible of the city to sort through these listings and find out/determine as to whom has the appropriate authorization to be running Airbnb's out of their property legally. Earlier this evening it was inferred that the city is granting approximately 480 Airbnb's. If in fact there are 870 Airbnb's currently available and running running in Fayetteville then by my math, that's roughly 390 over capacity. I believe it would be appropriate for the city to cease and desist all approvals for future Airbnb's until it is determined as to how many active Airbnb's we have. The above mentioned links are as follows:

airbnb.com

I also would like to add further pictures from my previous email in regards to the illegal short term rental (3048 E. Calvary) in Riverwalk subdivision Fayetteville, Arkansas that was leased out to a group of bikers on July 1, 2023. these bikers were parking their motorcycles on the sidewalk, running through the neighborhood, at one point there were 14 motorcycles that were counted in the driveway on the sidewalk and in the yard. Law-enforcement was called out multiple times due to people being drunk in the front yard. Please find the photos as follows:

July 5, 2023

Complaint picture received from neighbor.



Sent: **Tuesday, July 4, 2023 2:51 PM**

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

Subject: 3048 E Calgary Street

Hello-

I'm certain you've heard from plenty of other neighbors in Riverwalk regarding this house owned by Dre Greenlaw. There was a raucous party over the weekend with many city violations occurring.

In the neighborhood Facebook group we are part of, they are claiming this past weekend was their first rental "with guests" from the Airbnb platform, and that they hadn't heard of any neighborhood (I assume they meant City) requirements or rules regarding STR's. However, I've heard them talk about this when they were visiting the house they own, so they're aware. I live directly behind them and share a fence and so far this year, they have not been home more than two weeks total. I'd like to know if they have applied for and received a permit for this, and I'm curious if citizens can check the status or have visibility to permit holders without having to reach out to the city?

The homeowner is posting that they will be getting their house re-listed on Airbnb this week, so I'm trying to understand what to expect. Thank you.

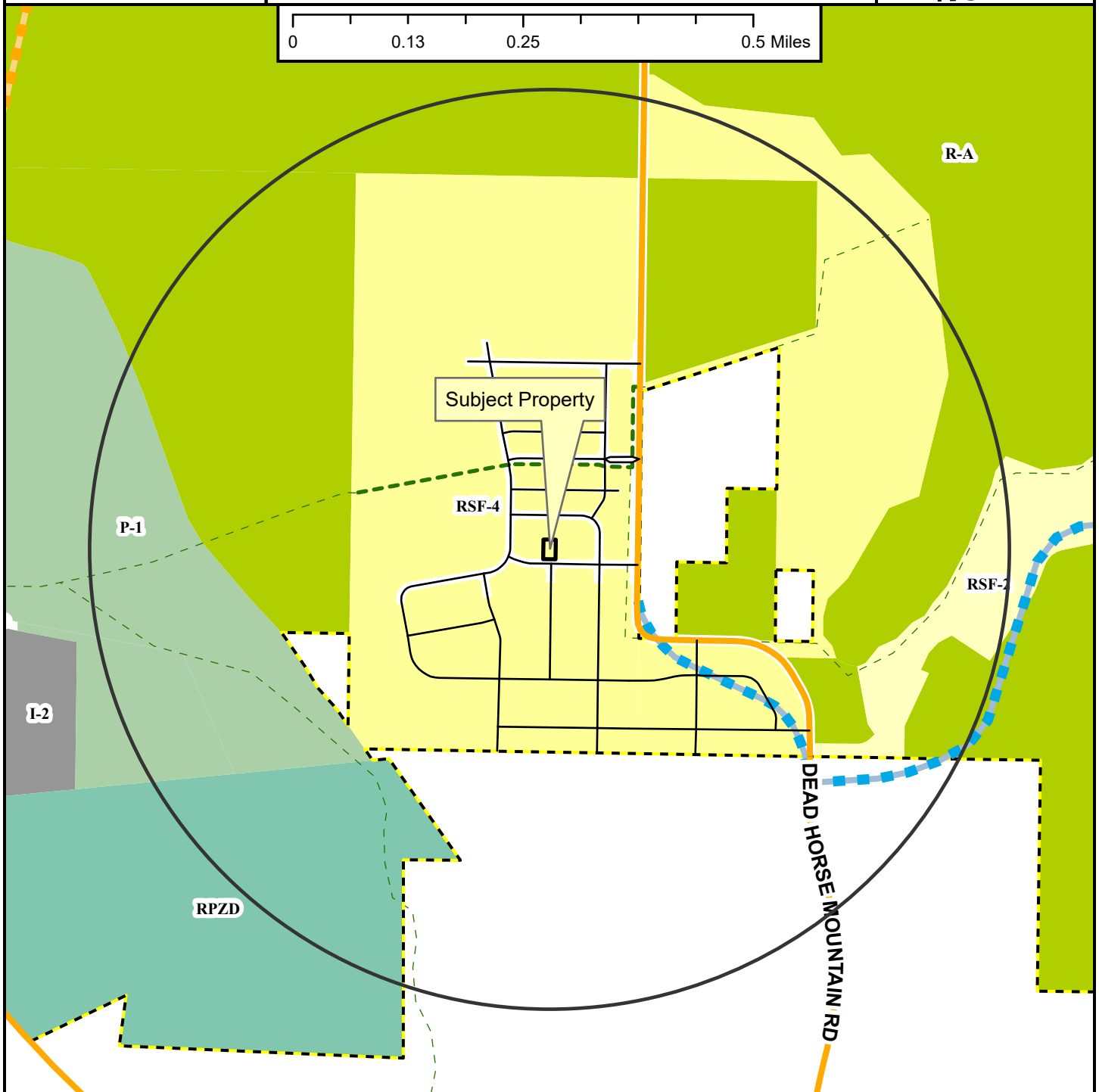
CUP-2023-0130

3048 E. CALGARY ST

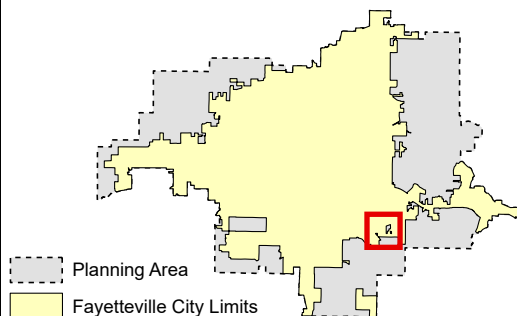
One Mile View



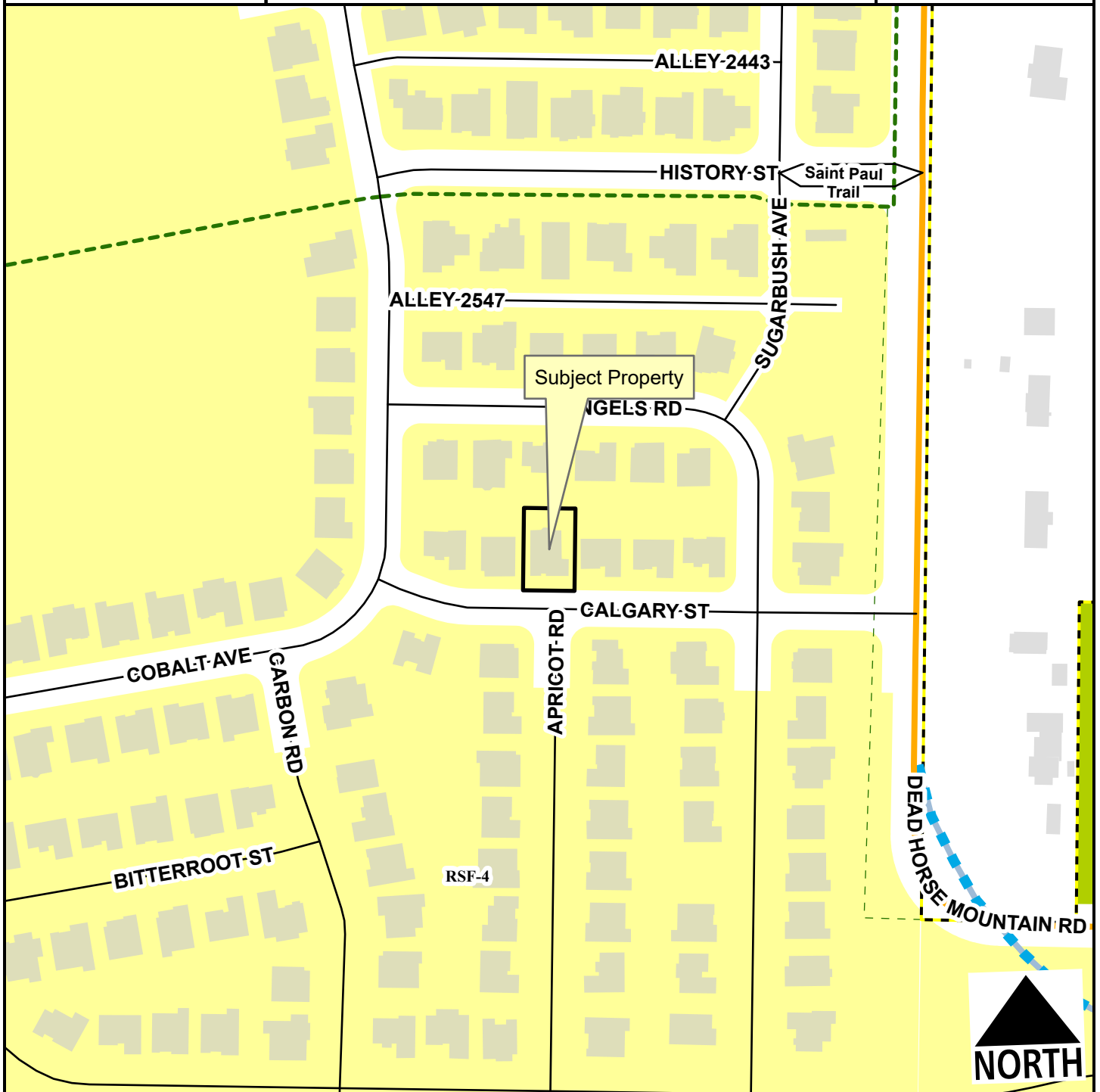
0 0.13 0.25 0.5 Miles



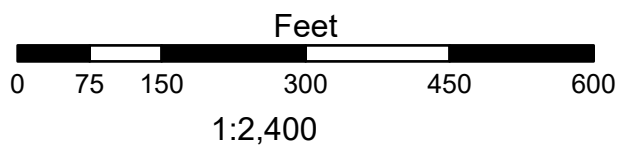
- Neighborhood Link
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY
 - NS-G
 - RH-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



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



- Residential-Agricultural
- RSF-4

CUP-2023-0130

3048 E. CALGARY ST

Current Land Use



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



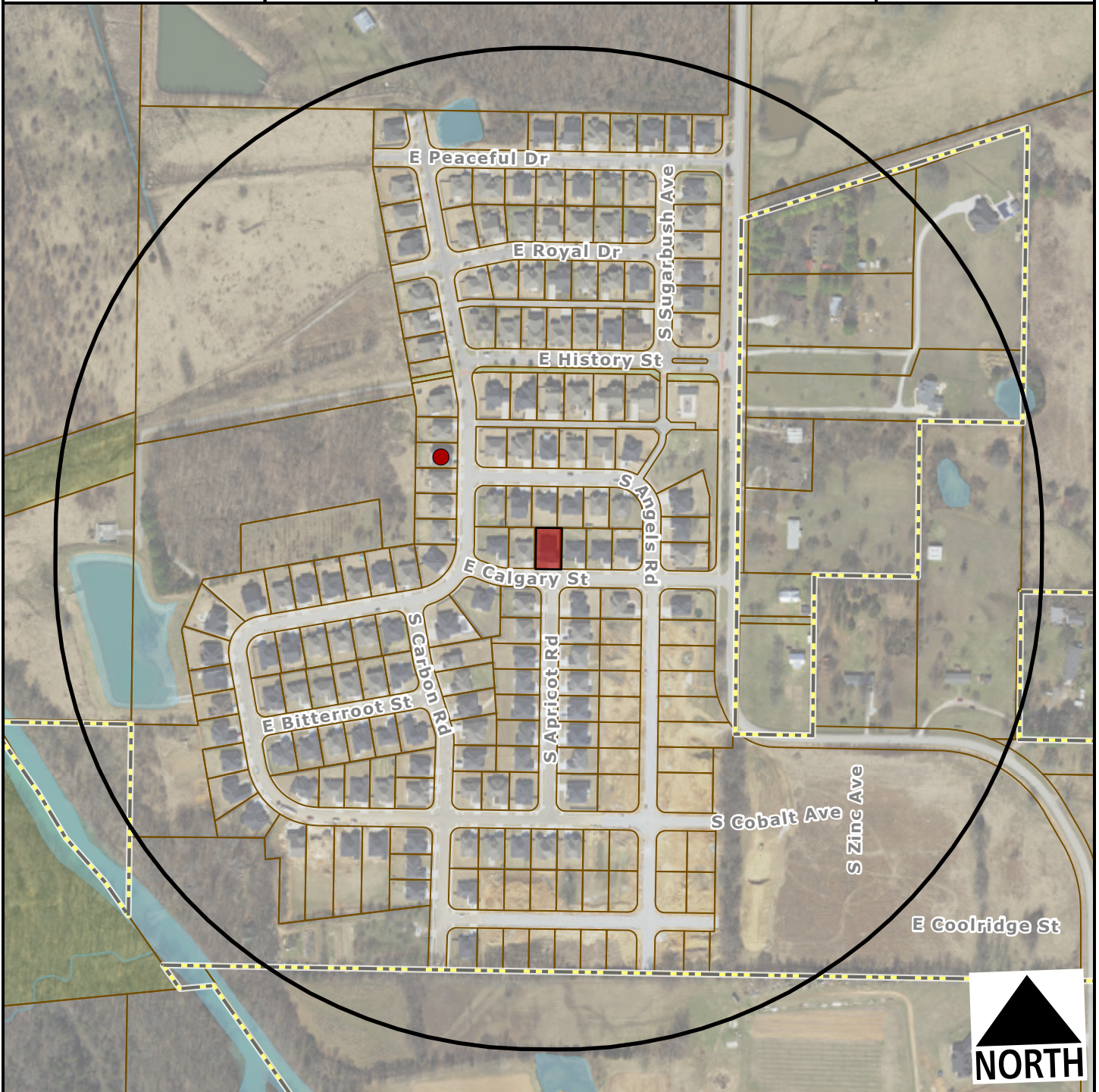
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0130

3048 E. CALGARY ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 1



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0124: Conditional Use Permit (1584 N. CADDO AVE./POMEROY, 399):** Submitted by SAMANTHA POMEROY for property located at 1584 N. CADDO 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.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0124** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0124**, 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 west Fayetteville about one-third of a mile north of Wedington Drive on the north side of Caddo Avenue in the Fieldstone Subdivision. The property contains 0.40 acres and is developed with a 1,492-square-foot, three-bedroom, single-family dwelling which was built in 2000. 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 from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four 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 city-wide 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-2023-0124** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;
3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental;
6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental;
7. All trash receptacles shall be screened from view of the right-of-way;
8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;
9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and
10. Per Business Regulations §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.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>October 9, 2023</u>		☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RSF-4 zoning.

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

Finding: The applicant has paid the required filing fee.

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

Finding: The Planning Commission is empowered under Business Regulations §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

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

§163.18. SHORT-TERM RENTALS.

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

Finding: The request is to operate a Type 2 short-term rental in RSF-4 zoning. Since RSF-4 is a residential zoning district, a conditional use permit is required.

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

Finding: The dwelling has three bedrooms which would limit occupancy to a maximum of eight guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.

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

Finding: Parking 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 at any given time. The applicant stated in their submittal that there is space to park five vehicles on site with two spaces in an attached garage and three spaces in an adjacent driveway. However, staff finds that the driveway is only large enough to accommodate two vehicles without any overhanging into the public right-of-way, so parking on site would likely be limited to a maximum of four vehicles.

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

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

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

Finding: The application is for use of the property at 1584 N. Caddo 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.

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

Finding: Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of October 3, 2023, the City had issued 409 Type 2 short-term rental business licenses. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.

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

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

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

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations.

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. At least four off-street parking spaces will be available for guests on site and on-street parking appears to be available along all nearby streets. City records indicate that there are no other units within a quarter-mile radius of the property with an active Type 2 short-term rental business license. 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: A paved driveway is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along Caddo Avenue which is fully improved with sidewalk along the south side of the street to

accommodate pedestrian access. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows considering the use of the property would be limited to a maximum of eight guests, which would not be out of character with the use of the property for residential purposes.

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

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

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

Finding: The applicant proposes to utilize existing residential trash cart services. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.

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

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

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

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

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

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

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

Finding: Based on the applicant's submittal, the house appears to be 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 licensed Type 2 short-term rentals within a quarter-mile radius. However, due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. 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 goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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 density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (9) *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 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.
 - (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.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

Complete description of this request (what is proposed by the applicant) to include all applicable items below (indicate N/A if it does not apply to your project):

My name is Samantha Pomeroy, and my husband's name is Justin Kyler Pomeroy. We are requesting a CUP permit for short term rental. We own a house at 1584 N Caddo Ave Fayetteville, AR 72704 that we would like to short term rent when we are not using the home ourselves. My husband went to U of A and played baseball there and we also have family that lives in Fayetteville. Our goal is to provide a nice home for families to stay when they visit Fayetteville short term. We live in Hot Springs Arkansas and have a short-term rental property here on the lake. We take great pride and care of our homes as well as screening guests that may rent our home.

(a) Building size in square feet; existing and proposed Existing square footage is 1492 we are not proposing an addition.

(b) Color elevations of all exterior sides of the structure See attached pictures

(c) Number of off-street parking spaces to be provided / number required We have a 2-car garage and 3 parking spaces on the parking slab on our property to accommodate guests for a total of 5 parking spaces

(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) N/A

(e) Outdoor lighting We have front porch lights and back porch lights

(f) Noise N/A We will make sure our guests are aware of the noise ordinance and comply.

(g) Screening or buffering from adjacent properties We have a fenced in back yard see pictures

(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties) We have one trash bin that the city will pick up weekly but will be stored in the garage until trash day.

(i) Ingress and egress to the property; traffic impacts There should be no traffic impacts for our request.

(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood (4) Site plan drawn to scale (if applicable), based on the deed or survey, showing all proposed structures We believe that properly screening guests that rent short term is key, and we are dedicated to doing that. We feel this area is family oriented and we would like to have a space for families to walk and feel safe while they are visiting Fayetteville. We have seen a few short-term rental homes in this area, not many and feel they keep their properties up nicely and we will do the same. With the U of A being only a 10-minute drive away I feel this would be a great place for parents to stay visiting.



parking

Front of home with





Side of home



Side of home







Front entrance



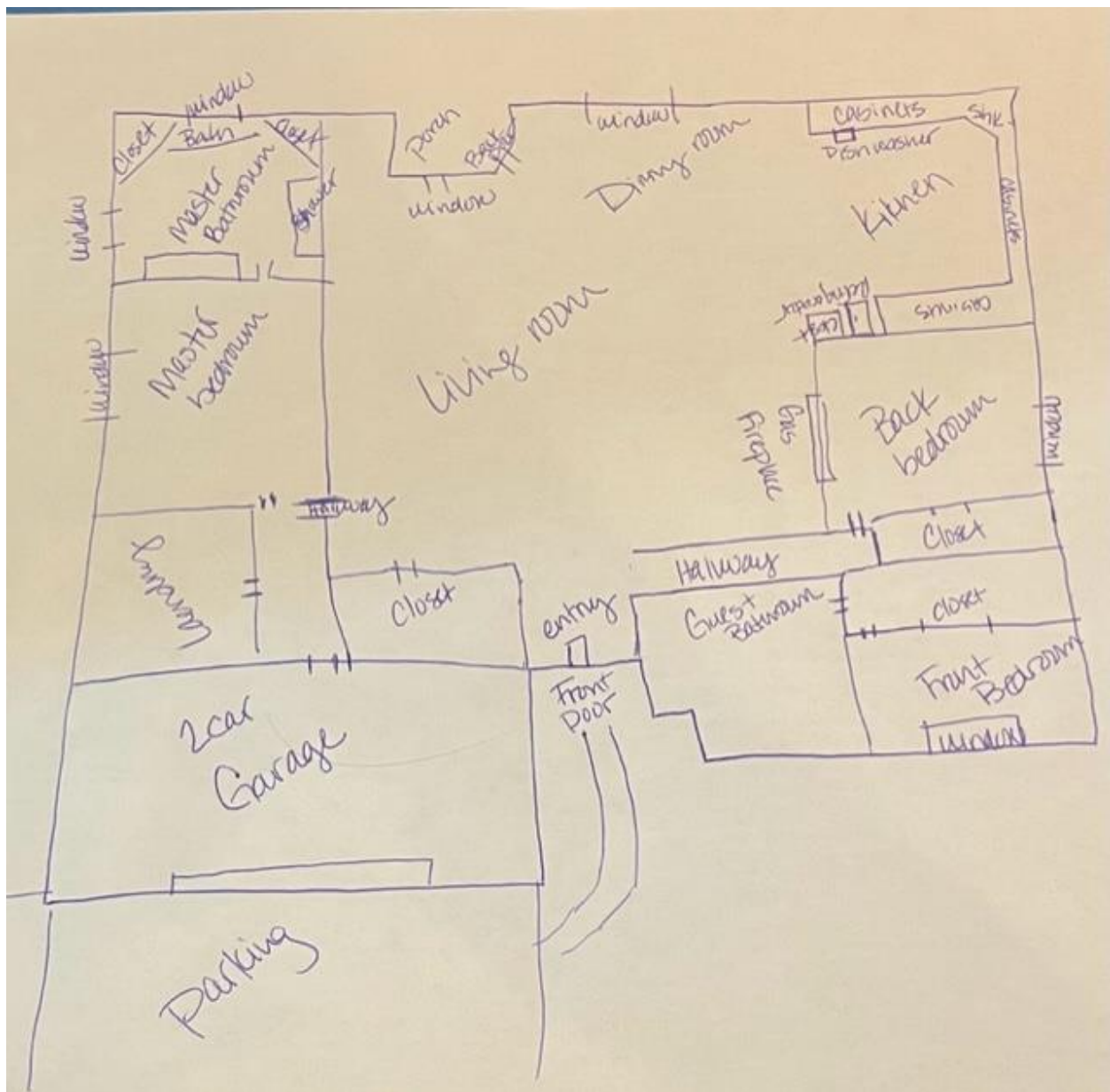
Back entrance

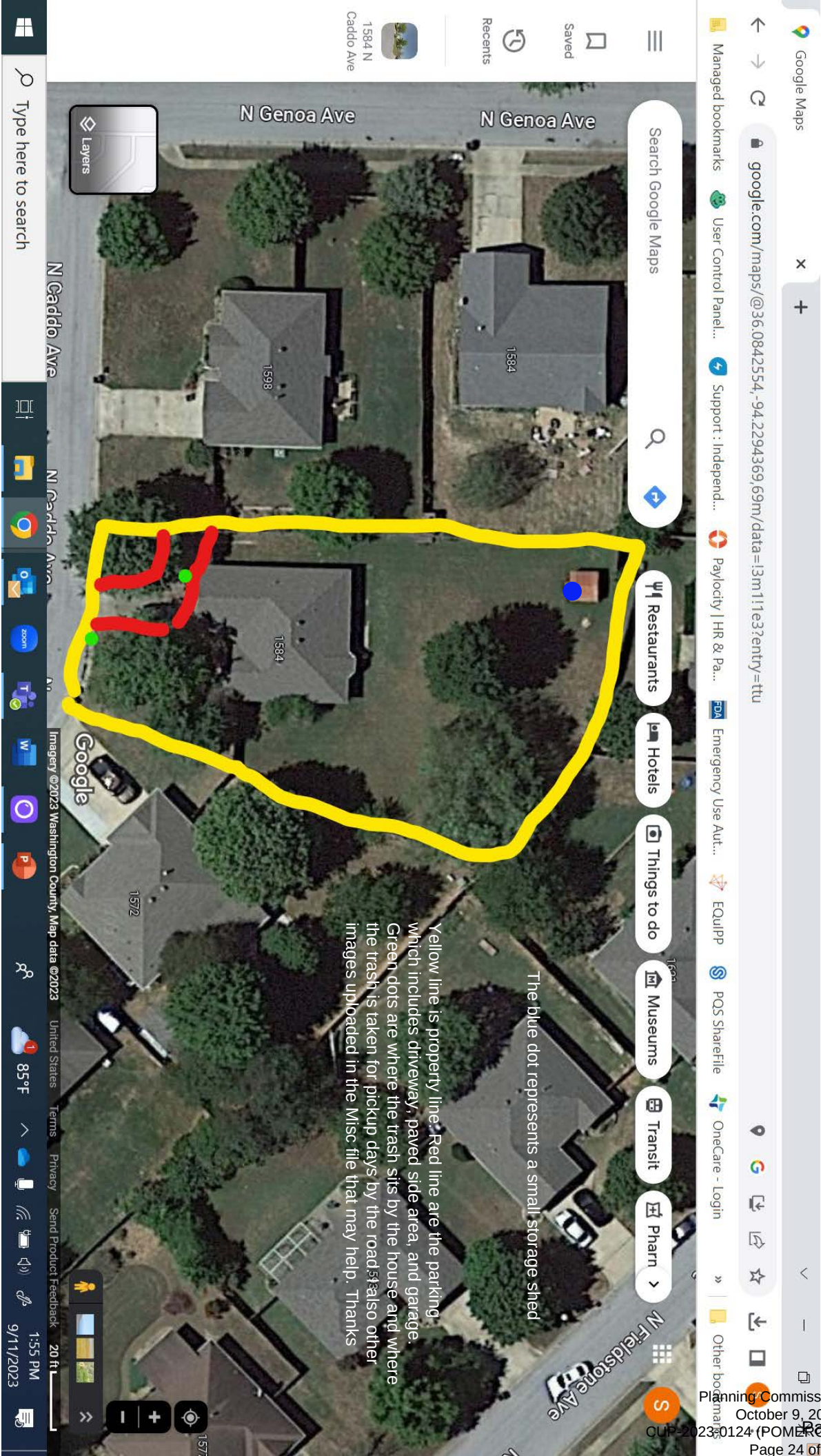


Back view of home.



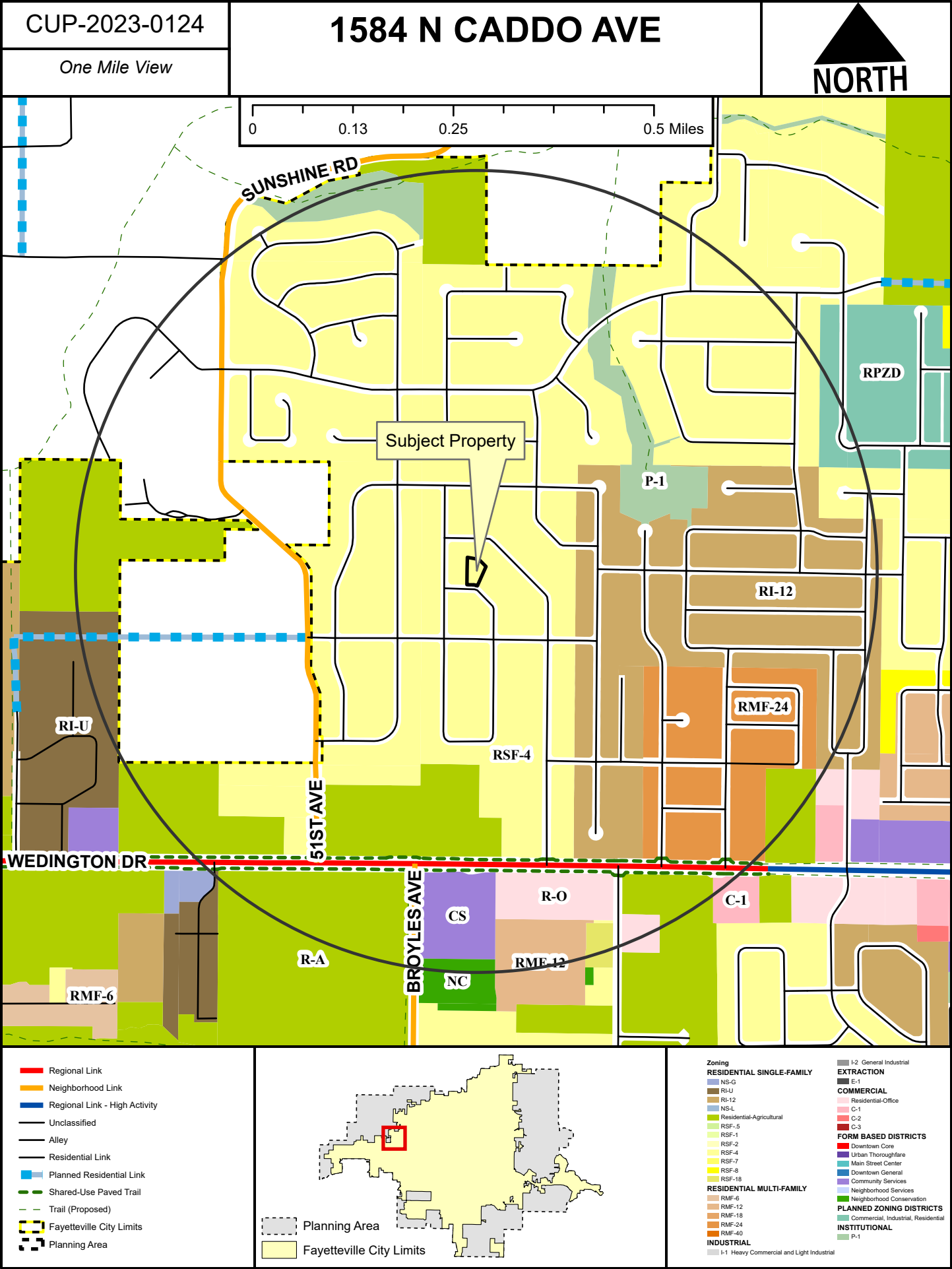
Back yard

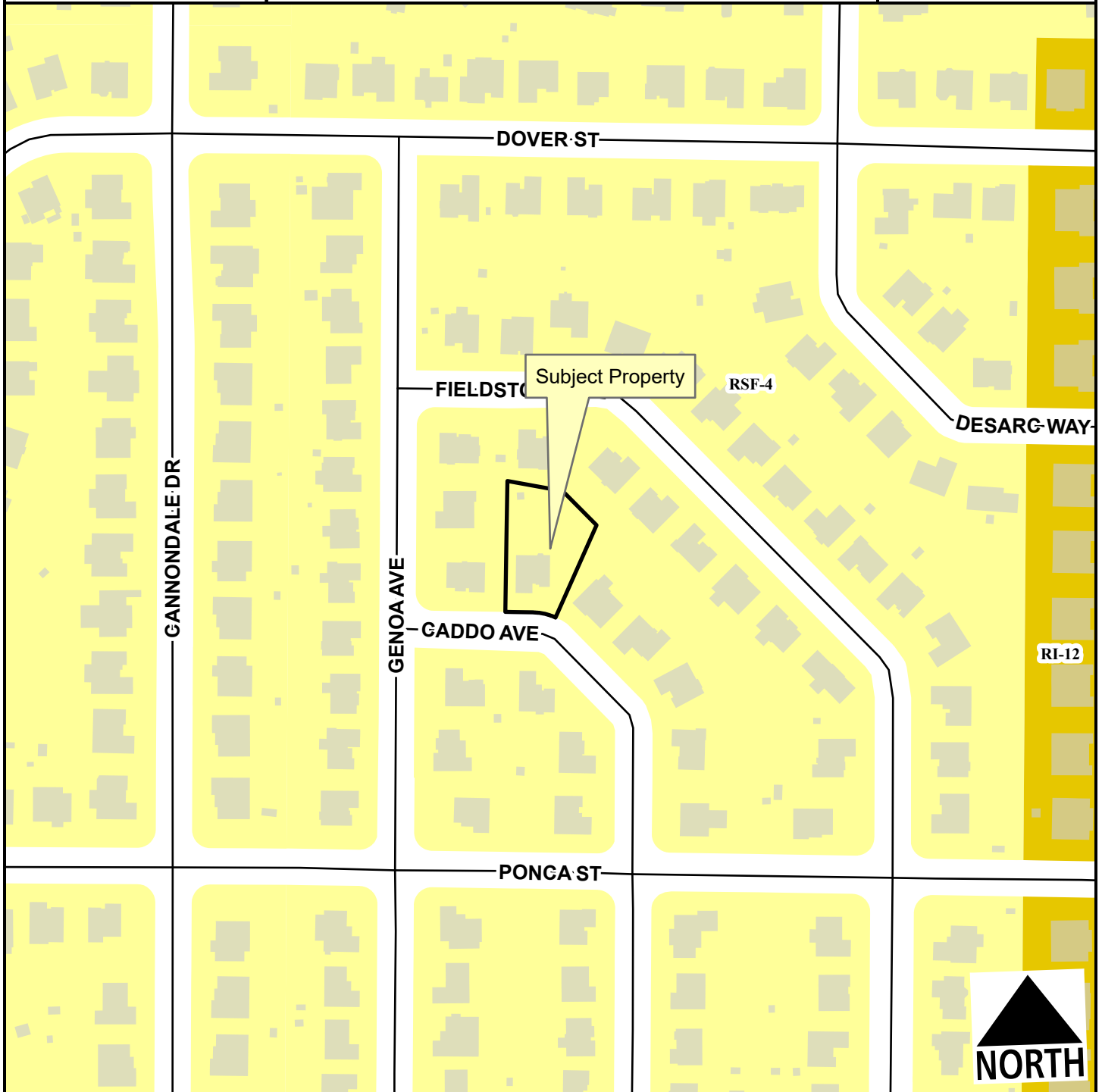




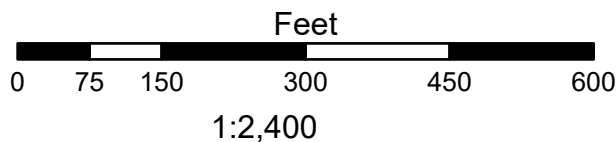
The blue dot represents a small storage shed

Yellow line is property line. Red line are the parking, which includes driveway, paved side area, and garage. Green dots are where the trash sits by the house and where the trash is taken for pickup days by the road. I also other images uploaded in the Misc file that may help. Thanks





- Residential Link
- Planning Area
- Fayetteville City Limits

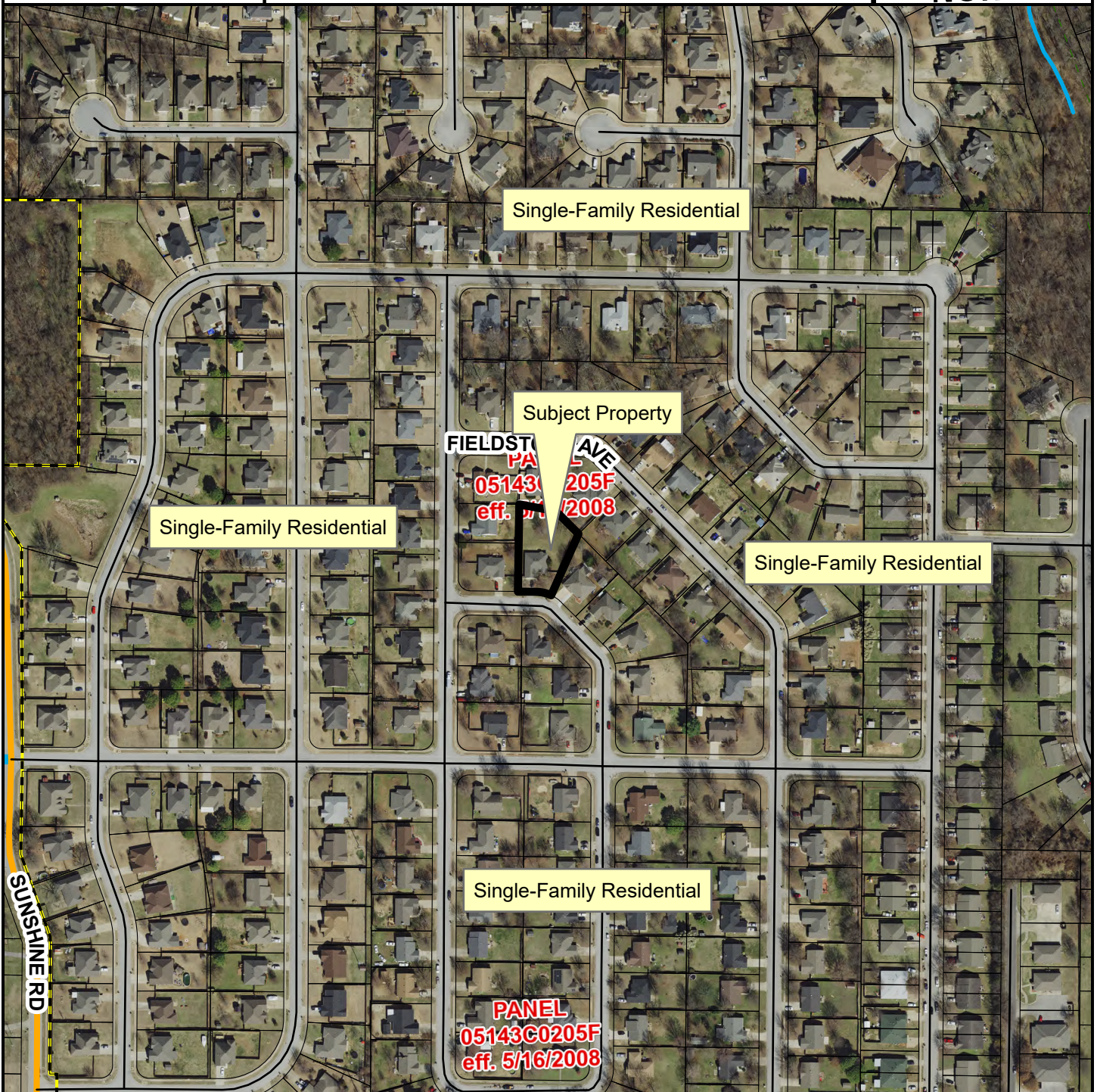


- RSF-4
- RI-12

CUP-2023-0124

1584 N CADDO AVE

Current Land Use



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



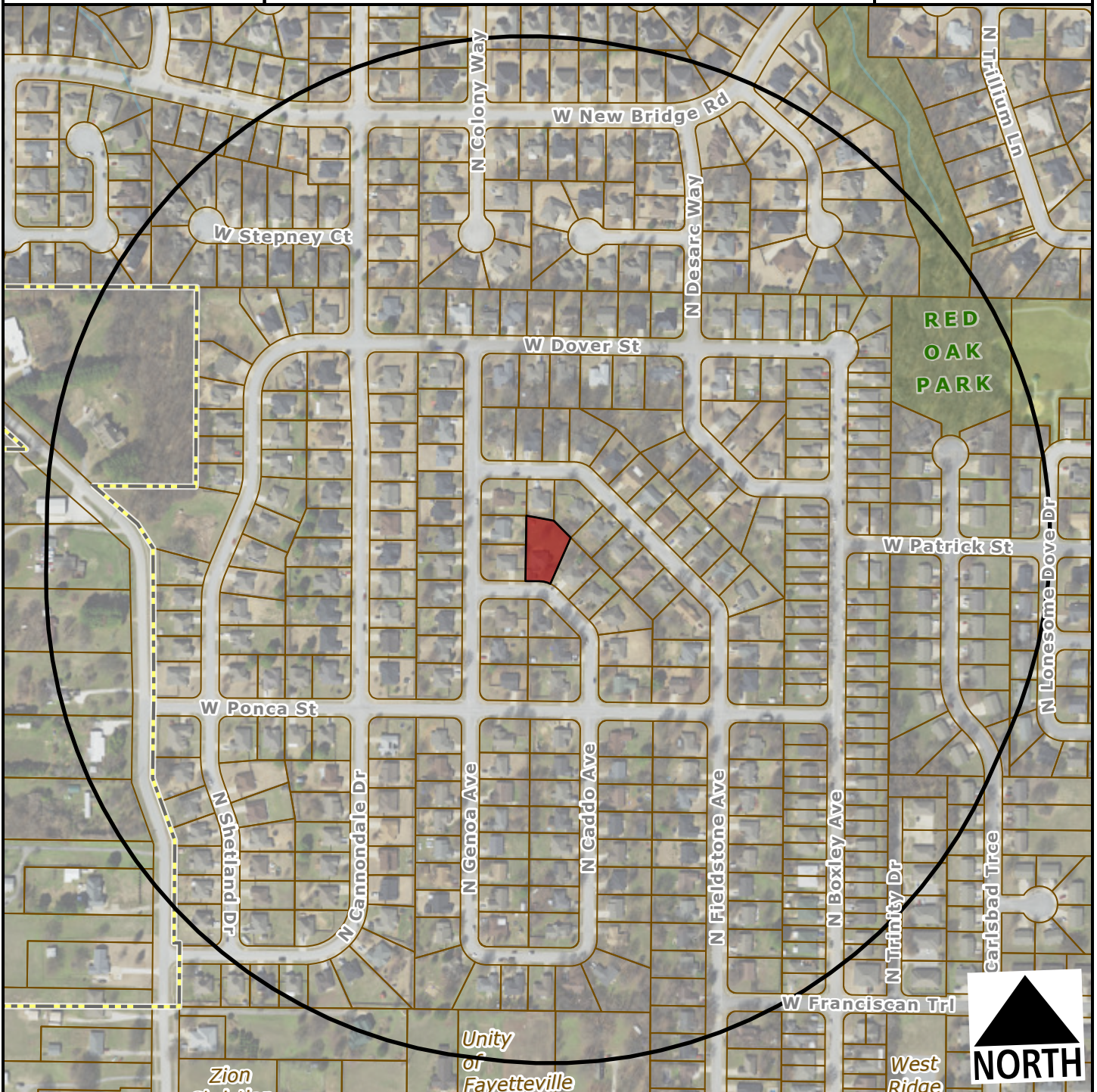
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0124

1584 N CADDO AVE

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 0



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0102: Conditional Use Permit (1633 W HALSELL RD/SPARKS, 482):** Submitted by LIGHTHOUSE REAL ESTATE for property located at 1633 W HALSELL RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0102**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0102** 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 at 1633 W. Halsell Road, approximately 1000 feet west of Razorback Stadium. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre, totals approximately 0.60 acres and is developed with a 2374 sq. ft. single-family home built in 2003 and a detached garage and associated studio constructed in 2012. 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	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential Neighborhood 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 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-2023-0102**, 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 a maximum of 6 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.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting 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 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: Occupancy is limited as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing. The applicant has indicated that the structure under consideration has three bedrooms, which would allow for a maximum occupancy of 8 guests. The applicant has also indicated an intent to apply for a business license for a Type 1 short-term rental for the associated studio apartment on the site. Given that Type 1 applications are an administrative approval, staff recommends that occupancy be limited for the primary dwelling to a maximum 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). Parking for single-family dwellings is typically 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 enough space in the driveway to park three cars. Given the width of Halsell Road, staff finds that on-street parking is likely not an option.

(4) *Special events* are not permitted in a short-term rental. Examples 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 1633 W. Halsell Road. 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 October 3, 2023, the City had issued 409 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." The applicant is not requesting any exceptions.

(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: Based on the information provided by the applicant, there appears to be adequate parking infrastructure to meet the needs of the property as a short-term rental, especially when the number of permitted guests is limited. While there does not appear to be on-street parking available at this location, staff finds that given the size and square footage of the property, parking to serve the use can likely be contained within the site. Records indicate two other Type 2 short-term rental licenses within ¼ mile of the site. Due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. Given the proximity to the University of Arkansas, staff finds this is not a surprising number, and further, that the area is primarily residential, staff finds that the neighborhood is not yet at a saturation point.

§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: W. Halsell Road is a residential link street, but at this location there is no sidewalk. Staff finds the proposal will not adversely affect traffic flows especially if occupancy is 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 three available parking spaces in the existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district. Given the property's location away from adjacent properties, staff does not find that any headlight or glare would negatively affect the surrounding residents.

(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, though the property does not have the typically-required minimum lot width for RSF-4 zoning.

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

Finding: Staff finds the proposed use to be compatible with surrounding properties. The property is surrounded by residential uses and short-term rentals are permitted by right in the underlying RSF-4 zoning district. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request. Staff finds that with the intermittent use of the property as a short-term rental, and that a concentration of short-term rentals in the area has not yet reached a saturation point, the request is compatible with the surrounding neighborhood.

(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.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- Applicant Request Letter
- Elevations
- Site Plan
- 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.
 - (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
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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

Editor's note(s)—Ord. No. 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."

Request Letter

To Whom in May Concern Within Fayetteville City Hall,

My name is Kenneth Hayden Short and I am the son in law of the primary property owner of 1633 W Halsell Rd Fayetteville, AR 72701, Kevin D. Sparks. Kevin manages the LLP, Kevin D. Sparks LLP which is a family limited partnership, of which I am married to a member of, my wife and daughter of Kevin Sparks, Gwyndolyn Sumner Sparks. I go by my middle name Hayden and will refer to myself as such from here on out.

Kevin and his family purchased this property in 2015 to use as a home for their housing location for children attending the university of Arkansas. In that time, Sumner, Garrett, and Grant all lived here for many years. Sumner and Garrett both graduated with their bachelors degrees and Grant is continuing his degree pursuit online while living in Midland Texas and pursuing a career. Sumner also attained her masters in education from the University of Arkansas as well. I met my wife, Sumner, while I was in school at the University of Arkansas as well. We as a family have remained invested in the university and community of Fayetteville. We have been season ticket holders ever since we married over 4 years ago and travel to Fayetteville many times a year for business and vacation. I myself grew a large clothing brand in Fayetteville during my time there and have much experience running a business in Fayetteville. Starting with myself, the LLP has had at least one full time resident in Fayetteville since 2012. The Sparks family is intending to rent both units on this property as an Airbnb, VRBO, etc short term rental. This will be their first rental unit in the state of Arkansas, but one of dozens that they own throughout America. They have a proven track record of business success as a family, as they are celebrating their 50th year anniversary of Discovery Operating, their family business, this year. We believe that the location of this property, along with its charm and ownership will lend to a successful investment for the family as well as a responsible addition to the repertoire of short term rentals in Fayetteville.

The following items are listed below as understood to be requested.

- Building size: Main house is 2,374, garage apartment is 450.
- Parking: 8 parking spaces.
- Color elevations: Not sure what is needed here specifically but willing to provide whatever is needed.
- Outdoor Lighting: Yes
- Noise: Noise will be controlled and shouldn't impact neighbors as property sits on close to an acre of heavily wooded land anyways.
- Screening or buffering from adjacent properties: All other properties are divided by heavily wooded tree lines, creeks, or fences.
- Trash and refuse service: trash will be set out by cleaning service on weekly date at the entrance to the drive.
- Ingress and egress to property: Property has a 50 yard driveway to the property that does not impact road traffic.
- Adjacent property discussion: We have fantastic relationships with both neighbors to the left and right of our house, Matt and Lisa. We have had relationships with them for many

years and Matt actually operated his house as an Airbnb for at least a year in the recent past before living in it. Closer to the stadium are 5 or 6 Airbnb's in a row but there is a several house buffer before ours that makes ours very attractive from a business standpoint and also limits traffic impacts.















↑ - Tree line - no fence
 III - Fence

☼ - Lights outdoor

□ - Camera

□ mailbox

Halsell

NOT US

tree line
no fence

US

NOT

1633

Fence

Garage

Garage

Apartment
(application coming soon)

Parking

TRASH

Camera

Upstairs Bedroom #2

House
(Building that will Air B n B'd)

Downstairs Primary Bedroom

Upstairs Bedroom

Back porch

Back yard

There is 3 total Bedrooms

tree line
no fence

NOT US

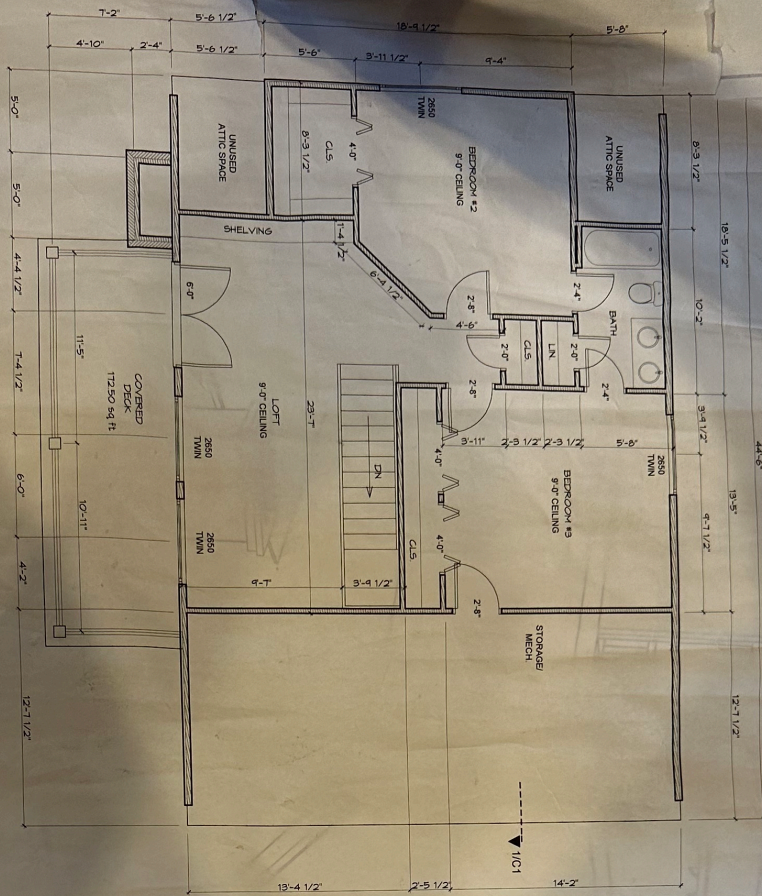
Parking

no Fence

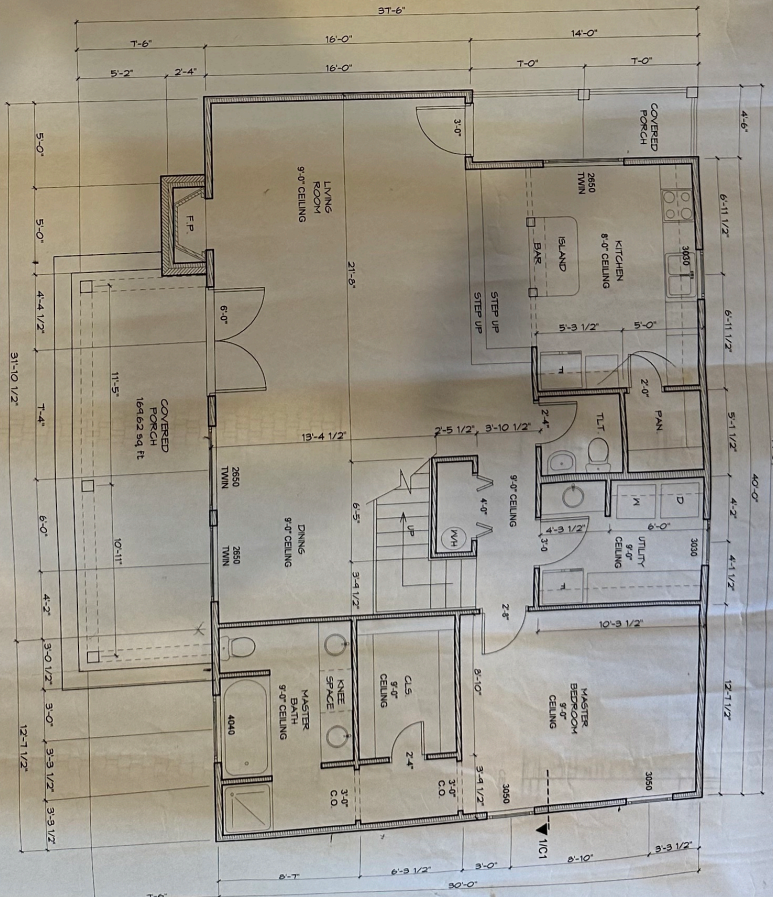
NOT US

tree line

SECOND FLOOR PLAN
 SCALE 1/4"=1'-0"

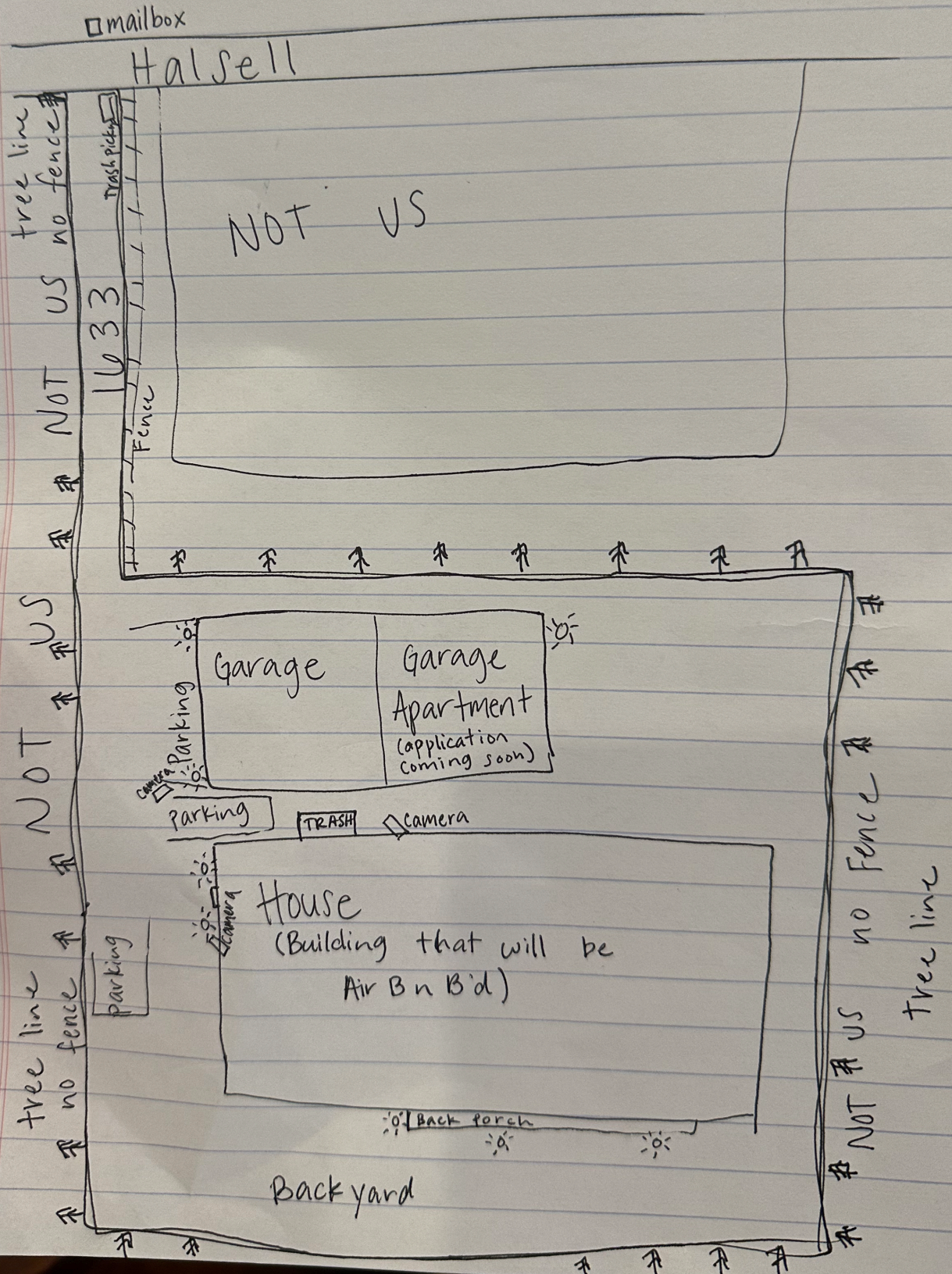


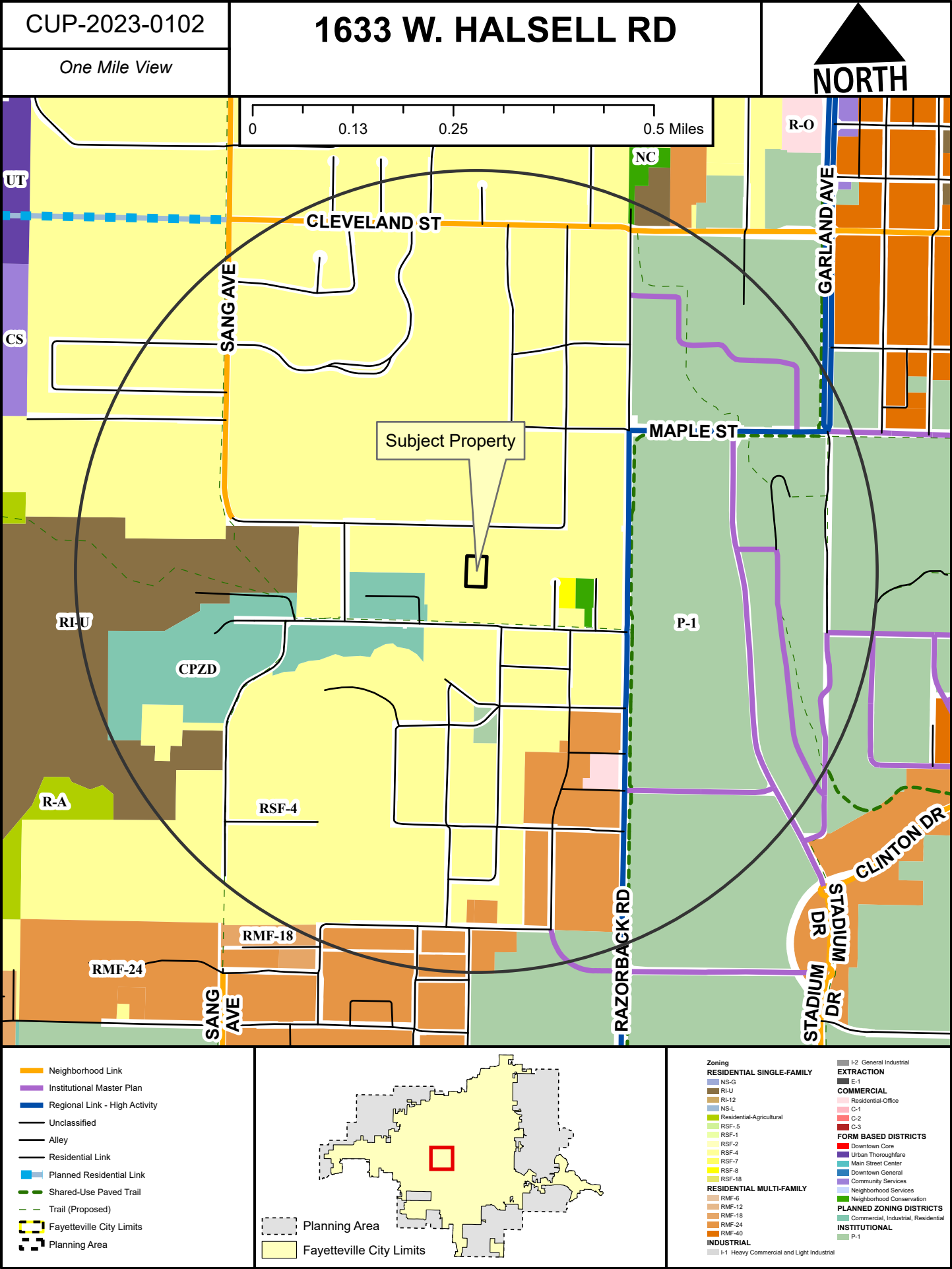
GROUND FLOOR PLAN
 SCALE 1/4"=1'-0"

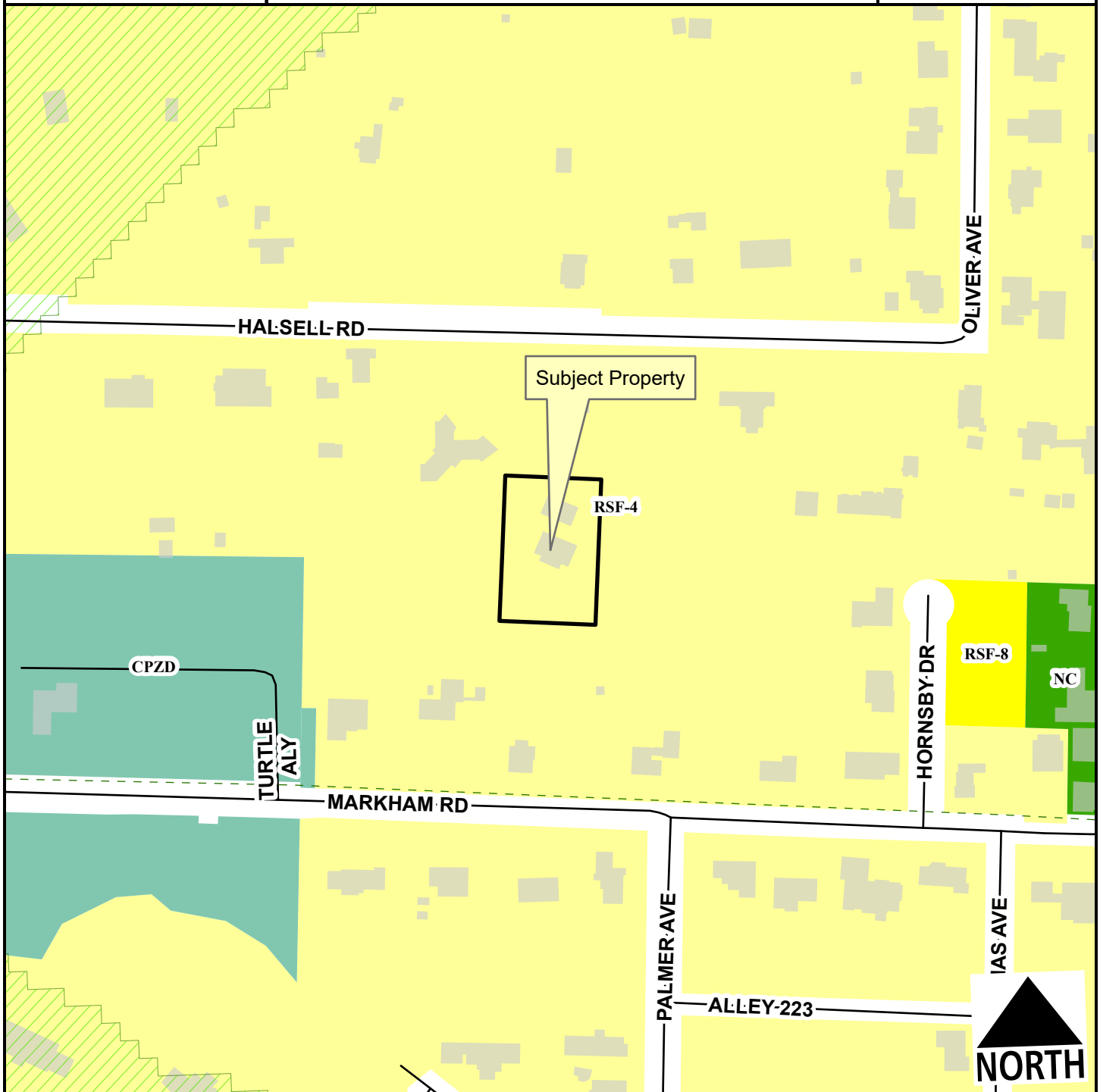


↑ - Tree line - no fence
 III - Fence

☼ - Lights outdoor
 □ - camera







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



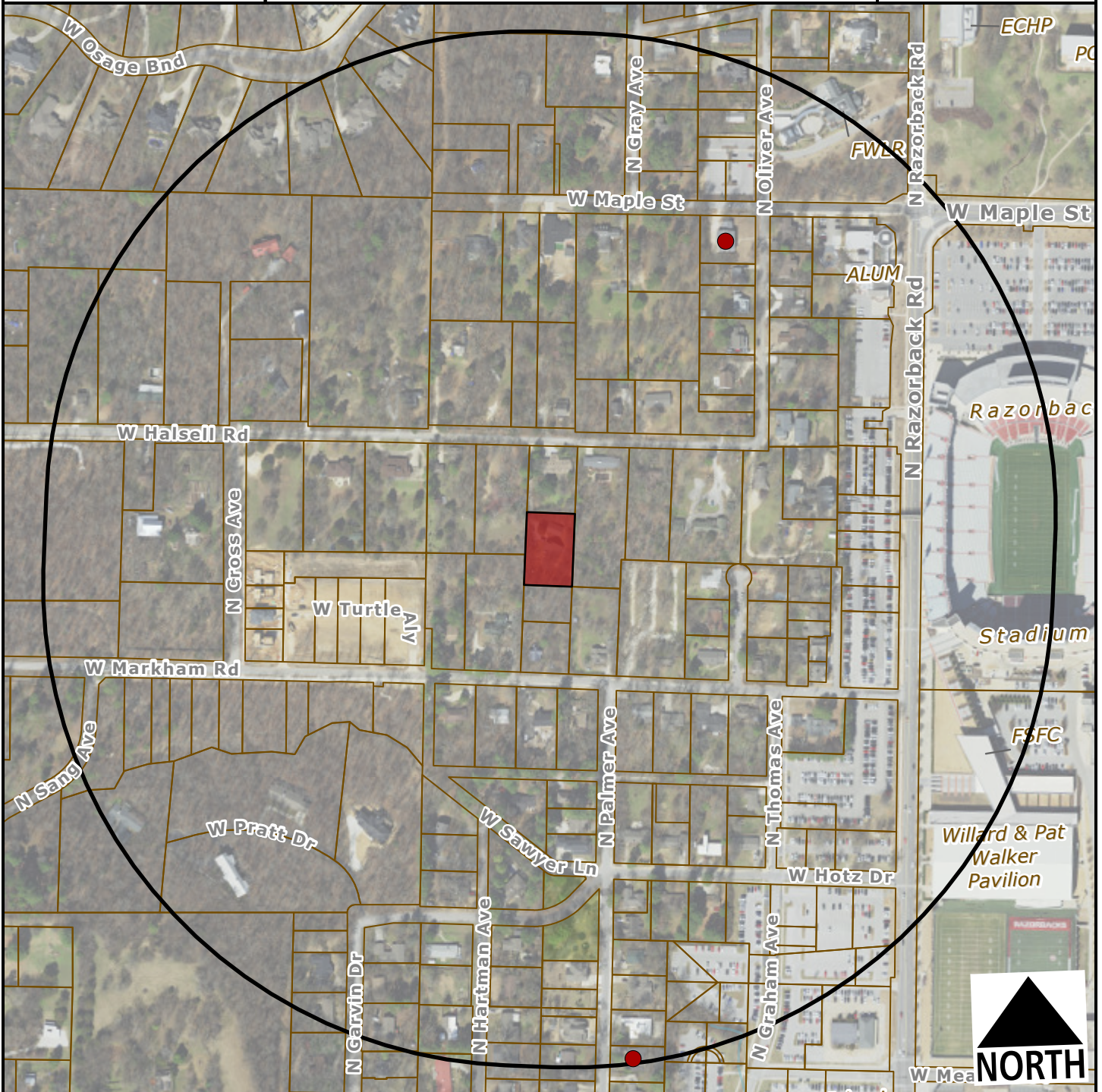
- RSF-4
- RSF-8
- Neighborhood Conservation
- Commercial, Industrial, Residential



CUP-2023-0102

1633 W. HALSELL RD

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Number of STR Licenses

Total 2



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0128: Conditional Use Permit (388 S. HILL AVE/SPIKES, 522):** Submitted by WS RENTALS for property located at 388 S. HILL AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE and contains approximately 0.02 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0128**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0128** with conditions, determining:*

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

BACKGROUND:

The property is in central Fayetteville, just north of the Walmart Neighborhood Market on the east side of S. Hill Avenue. The property totals 0.71 acres and is occupied by the Hill Avenue Townhomes which was completed in 2023. The specific unit is a condo within the 13-unit complex. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Single-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

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 units.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0128**, 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. The number of occupants shall be limited to a maximum of 4 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.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>October 9, 2023</u>		☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under 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 Type 2 short-term rental in the RMF-40 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 applicant has indicated that the structure has two bedrooms, which would allow for a maximum occupancy of 6 guests. Due to the nature of the site and available parking, staff recommends a maximum number of guests to be limited to 4.

(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 multi-family dwellings is typically required to be provided at a rate of one space per bedroom. According to the applicant the unit has one assigned parking space, and there are 3 guest parking spaces for the development available. Staff finds that limiting the number of guests to 4 could prevent the site from becoming overparked.

(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 388 S. Hill 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 October 3, 2023, the City had issued 409 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. The applicant is not requesting any exceptions. The unit is located within a multi-family structure under a condo association; there is no applicable building density cap in this scenario.

(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: Based on the information provided by the applicant, there appears to be adequate parking infrastructure to meet the needs of the property as a short-term rental, especially if the occupancy is limited to 4 guests. There are four on-street parking spaces that were installed with the overall development. There are currently 6 active Type 2 short-term rental licenses within ¼ mile of the site. Due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. Other conditional use permits for short-term rentals have been approved in this complex, though business licenses are currently under review. Given the proximity to the University of Arkansas campus, staff finds this is not a surprising number, and that the neighborhood may not yet have reached a saturation point.

§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: S. Hill Avenue is a residential link street and there is sidewalk along the overall development's frontage. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 4 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 short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district. The applicant has indicated that there is one space for the unit and three guests spaces, presumably for the entire development.

- (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 proposed use to be compatible with surrounding properties. There appears to be adequate parking to accommodate the number of permitted guests when limited 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 goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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 density cap.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- Applicant Request Letter
- Elevations
- Site Plan
- Floor Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within a ¼ Mile Map

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:
 - 1) R-A
 - 2) RSF-.5

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

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

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

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
 - 1) Adequate parking infrastructure;
 - 2) Adequate adjoining or nearby streets for on-street parking;
 - 3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
 - 4) Prior zoning or code violations

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

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §7(Exh. F), 5-2-23)

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."

388 S Hill Ave

Hello, I have purchased a 2-bedroom 2 bath condo located at 388 S Hill Avenue in Fayetteville. Our daughter is a Freshman at the U of A this semester and we purchased the property in order to have a place to stay when we visit. We are very excited about being a part of the Fayetteville community. We will not be able to be there every weekend so the weekends and weekdays we are not in town we would like to do short term rental. Thank you.

Wes and Shelley Spikes

Conditional use checklist

2- Legal description- 388 S. Hill Avenue. Unit D 1

3-Building size in square feet-1312 sq ft.

Color elevations of all exterior sides- brick exterior, neutral color

Number of off-street parking spaces-1 assigned parking space, 3 guest parking spaces

Hours of operation-NA

Number of employees-NA

Anticipated number of patrons-2

Outdoor lighting-photo attached.

Noise-NA

Screening or buffering from adjacent properties-NA

Trash and refuse service-photo attached.

Ingress and egress to the property

A response discussing the general compatibility of the proposed use with adjacent properties-NA. Is compatible.

4-site plan drawn to scale

5- preliminary floor plans drawn to scale-attached

6- Copy of county parcel map-attached

7-Signature by current owner of record consent of owner form

APPLICANT-SUPPLIED PHOTOGRAPHS



Trash



Imagery ©2023 Arkansas GIS, Maxar Technologies, Washington County, Map data ©2023 Google 50 ft

Parking



388 S Hill Ave

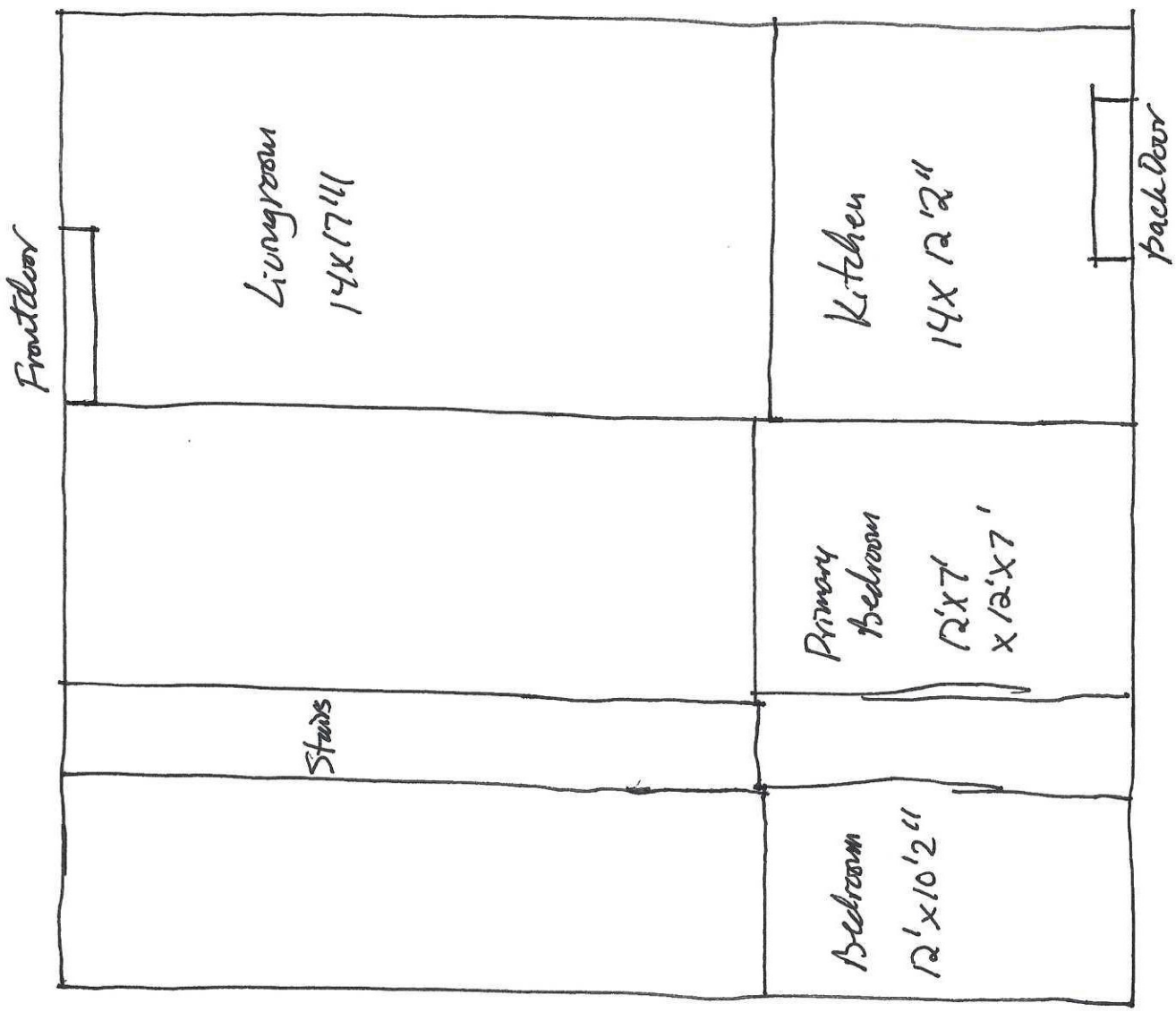
- Directions
- Save
- Nearby
- Send to phone
- Share

388 S Hill Ave, Fayetteville, AR 72701

3R5J+C3 Fayetteville, Arkansas

Photos

388 Still Ave
Floor Plan



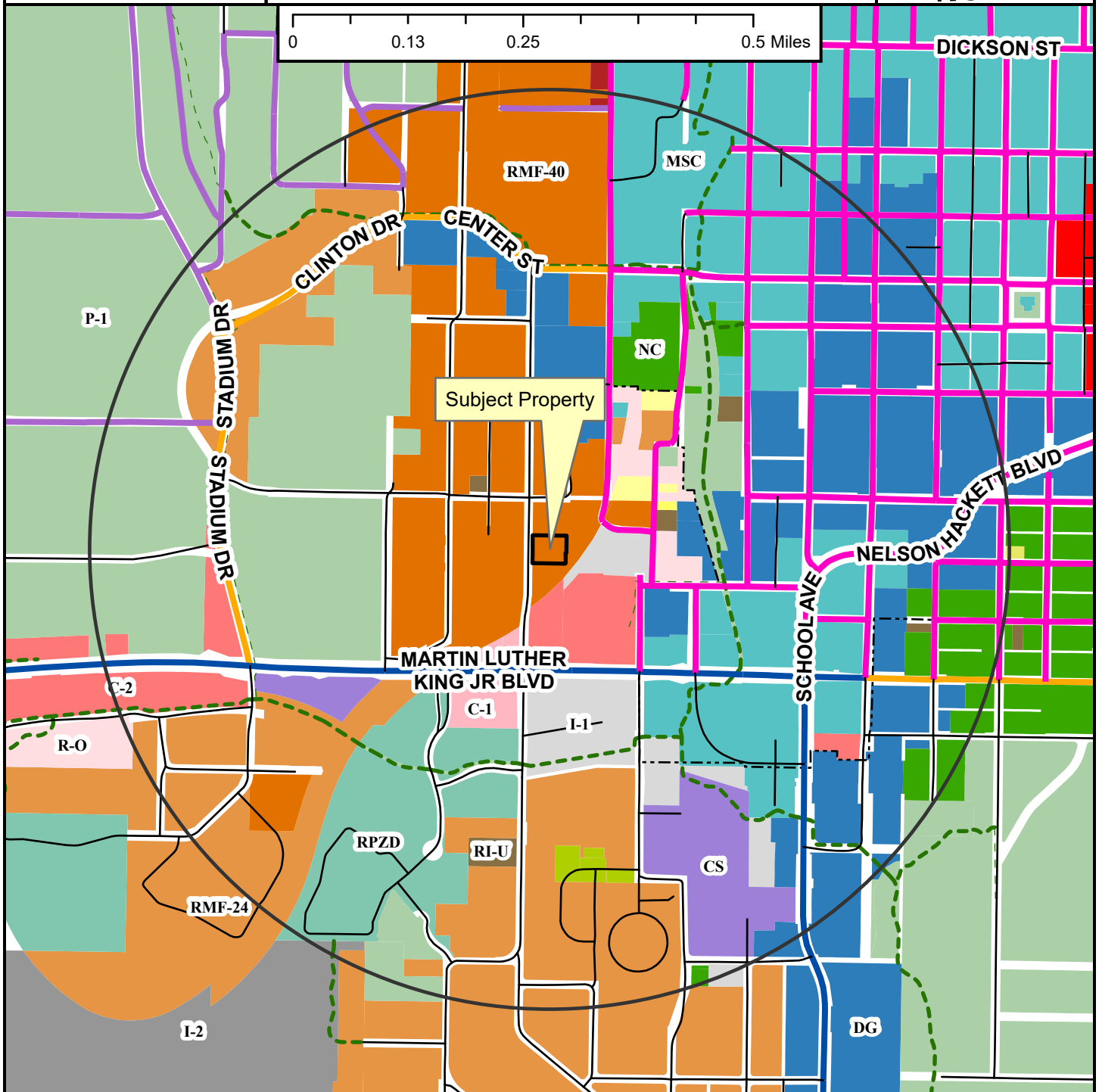
CUP-2023-0128

388 S. HILL AVE

One Mile View

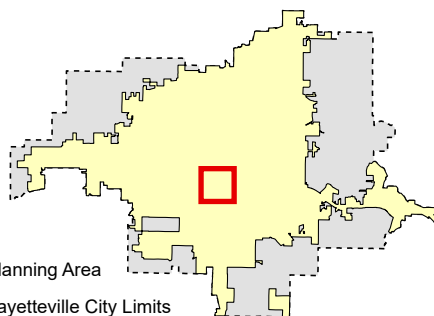


0 0.13 0.25 0.5 Miles



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

Planning Area
Fayetteville City Limits

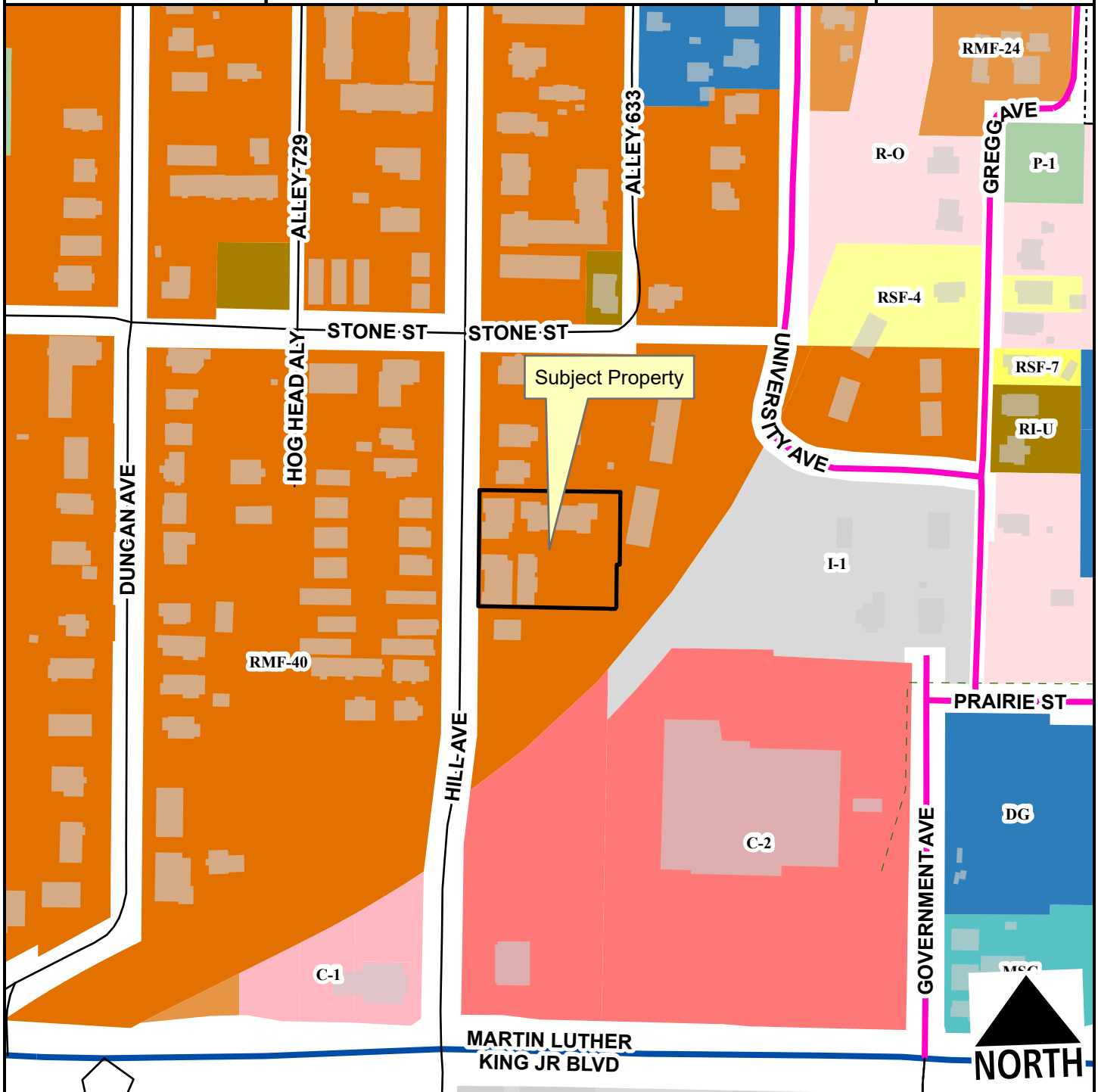


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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-2023-0128

388 S. HILL AVE

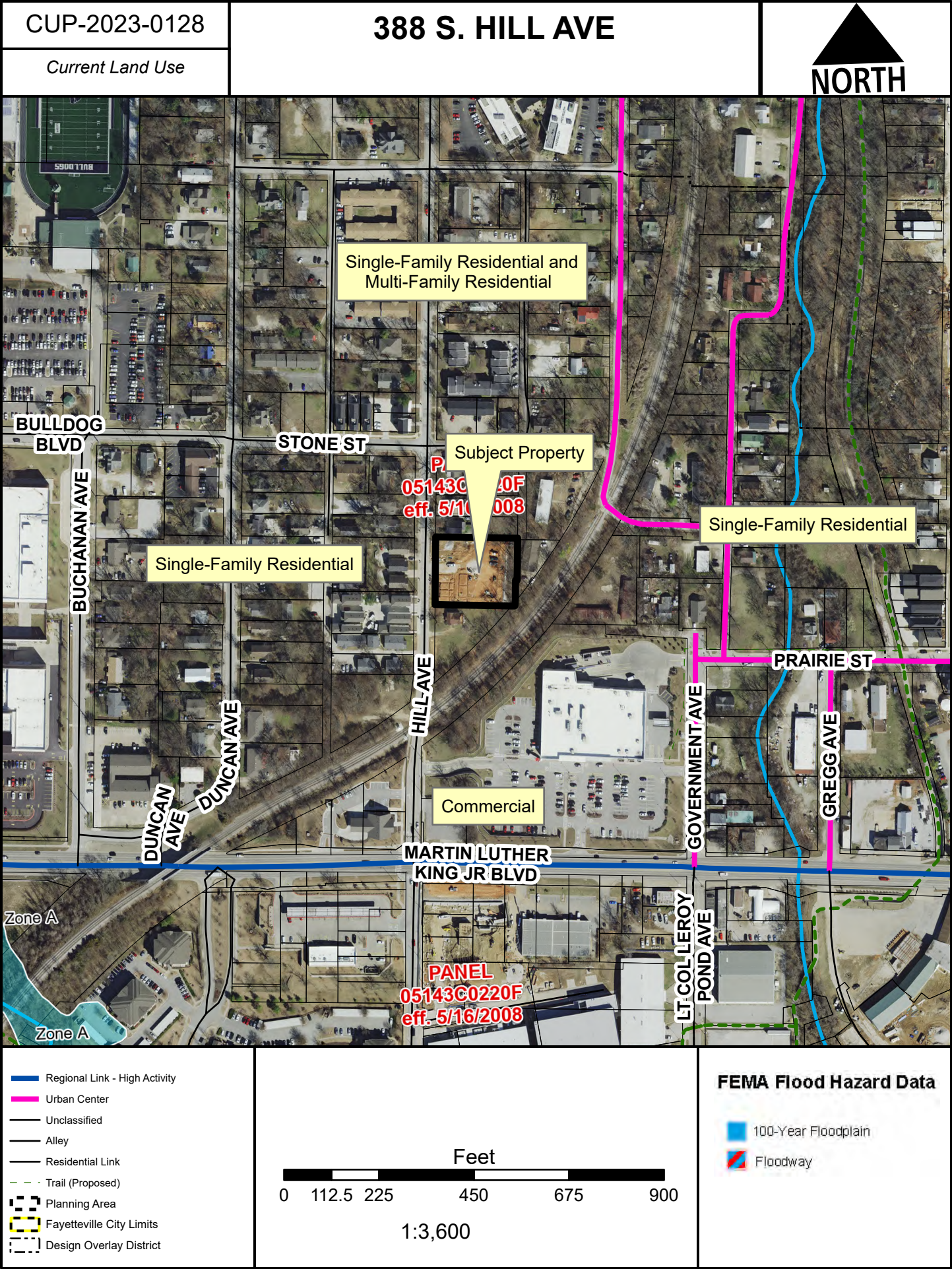
Close Up View



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



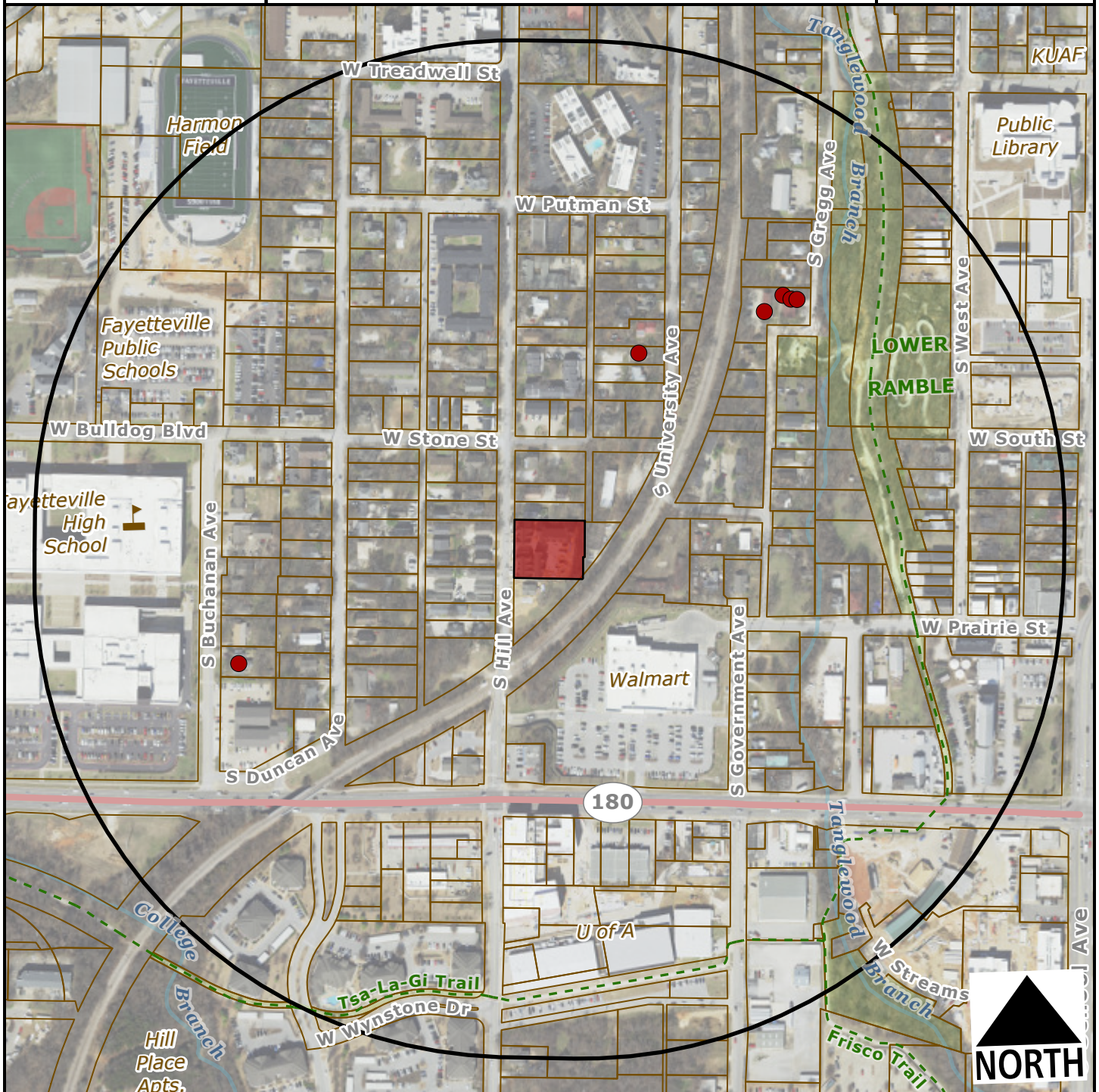
- RSF-4
- RSF-7
- RI-U
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- P-1



CUP-2023-0128

388 S. HILL AVE

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2



Number of STR Licenses

Total 6



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023

SUBJECT: **CUP-2023-0129: Conditional Use Permit (4184 W. SARDINIA WAY/FAYETTEVILLE TOWNHOUSES LLC, 400):** Submitted by MICHAELA WEBB LLC for property located at 4184 W. SARDINIA WAY. The property is zoned RMF-12, RESIDENTIAL MULTI-FAMILY, TWELVE UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2023-0129** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2023-0129** with conditions, determining:*

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

BACKGROUND:

The property is in west Fayetteville, approximately 800 feet northwest of N. Ruppel Road and W. Wedington Drive. The property totals 0.20 acres and is occupied a two-family dwelling that was constructed in 2018. 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 from two percent of all dwelling units to 475 units city wide. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	RMF-12, Residential Multi-Family, 12 Units per Acre
South	Two-Family Residential	RMF-12, Residential Multi-Family, 12 Units per Acre
East	Two-Family Residential	RMF-12, Residential Multi-Family, 12 Units per Acre
West	Two-Family Residential	RMF-12, Residential Multi-Family, 12 Units per Acre

City Plan 2040 Future Land Use Designation: **Residential 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 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-2023-0129**, 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.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>October 9, 2023</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-12 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 Type 2 short-term rental in the RMF-12 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 applicant has indicated that the structure has three bedrooms, which would allow for a maximum occupancy of 8 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 two-family dwellings is typically required to be provided at a rate of two spaces per dwelling unit. According to the applicant the unit has a two-car garage and a driveway that can accommodate two additional vehicles in the rear of the property.

(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 4184 W. Sardinia 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 October 3, 2023, the City had issued 409 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." The applicant is not requesting any exceptions.

(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: Based on the information provided by the applicant, there appears to be adequate parking infrastructure to meet the needs of the property as a short-term rental. While there does not appear to be on-street parking available at this location, staff finds that given the size and square footage of the property, parking to serve the use can likely be contained within the site. City records indicate that one additional property within ¼ mile radius has an issued business license. Due to the annual business license renewal period that ends on October 31, staff recognizes that other STRs could have active licenses in the area, but are in the process of renewal, so they may not be populating. No zoning or code violations have been issued or reported at the 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: 4184 W. Sardinia is a residential link street with sidewalk, curb, and gutter. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 8 guests, which would not be out of character with use of the property for residential purposes.

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

Finding: Parking is available for the property in a two-car garage and a rear-loaded driveway that can accommodate two additional vehicles. 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 proposed use to be compatible with surrounding properties. The property is surrounded by residential uses and records indicate 1 other licensed Type 2 short-term rental within a quarter-mile radius, though staff recognizes others could currently be under review. 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 goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals 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 density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - §161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre
- Applicant Request Letter
- 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.
- (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)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

Professional offices	1 acre
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(3) Land Area Per Dwelling Unit.

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

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

(F) *Building Height Regulations.*

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

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

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

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

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

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."

Michaela Webb

608 NW 17th Court
Bentonville, AR 72712
(620) 238-2232
michaelaweblc@gmail.com

August 23, 2023

City of Fayetteville

125 W Mountain St
Fayetteville, AR 72701

Subject: CUP for Short-term Rental, 4184 W Sardinia Way

To Whom It May Concern:

I would like to request a conditional use permit for a short term rental at 4184 W Sardinia Way in Fayetteville. I am not an investor looking to make money while someone else takes care of this property. I am a local real estate agent and mom, looking for an extra income stream to help support my family. I have a background in customer service and I love interior decorating. My husband and I own a cleaning company and have cleaned many short-term rentals, so we already have the expertise to take on this new project. We live in Bentonville, so we would be readily available for guests if there were ever any kind of issue at the property.

The home exterior is brick on the first floor and red siding on the top. This building is a duplex, so the information provided pertains only to the west half (4184). This is a 2-story unit with 1750 square feet. No change is being proposed to alter square footage or structure. The unit has a two car garage, and space in the driveway for two additional cars if needed. These would be the only parking spaces provided to guests. Therefore, there would be NO impact to street parking or other neighbors as far as extra vehicles. Ingress/egress to the property will be the same as it would be for a long-term tenant, and there will be no additional traffic impact to the neighborhood.

Quiet hours will be from 10 PM to 7 AM, so noise will not be an issue for neighbors. I also plan to NOT allow "instant book," which means that guests have to send a request to book, at which point I can review their ratings from previous hosts. Guests will also have to send a message about their trip and who they are traveling with, so it is easy to determine which reservation requests should not be approved. Since this unit is 3 bedrooms, my target guest base will really be families. The unit will provide a pack and play, high

chair, and games/toys for kids. Noise from guests will absolutely not be an issue more than it would occur from a normal long-term tenant.

Guests will use city trash and recycling services, which are already set up. The trash bin will remain outside, while the recycling bins remain in the garage. The Airbnb guestbook will ensure that guests understand how to properly sort recyclables. No trash/recycling will ever be left elsewhere.

The unit has a light on the front porch, on the patio, and at the garage. All bulbs are functioning properly.

Overall, the use of this property as a short-term rental should have no negative impact on the neighborhood/other properties. Guests will be vetted before being allowed to make a reservation, and house rules will be strictly enforced. This particular neighborhood is mostly renters, not long term homeowners, that will already be accustomed to a high turnover rate. Current data shows that there is one other STR in this neighborhood (source: AirDNA). I would like this property to provide an additional option to families coming to Fayetteville for Razorback games, to visit loved ones, or attend local events. Thank you so much for your consideration.

Sincerely,

Michaela Webb







Sardinia Garage View



12/16/2022

12/30/2022

4184 Sardinia



Planning Commission
October 9, 2023

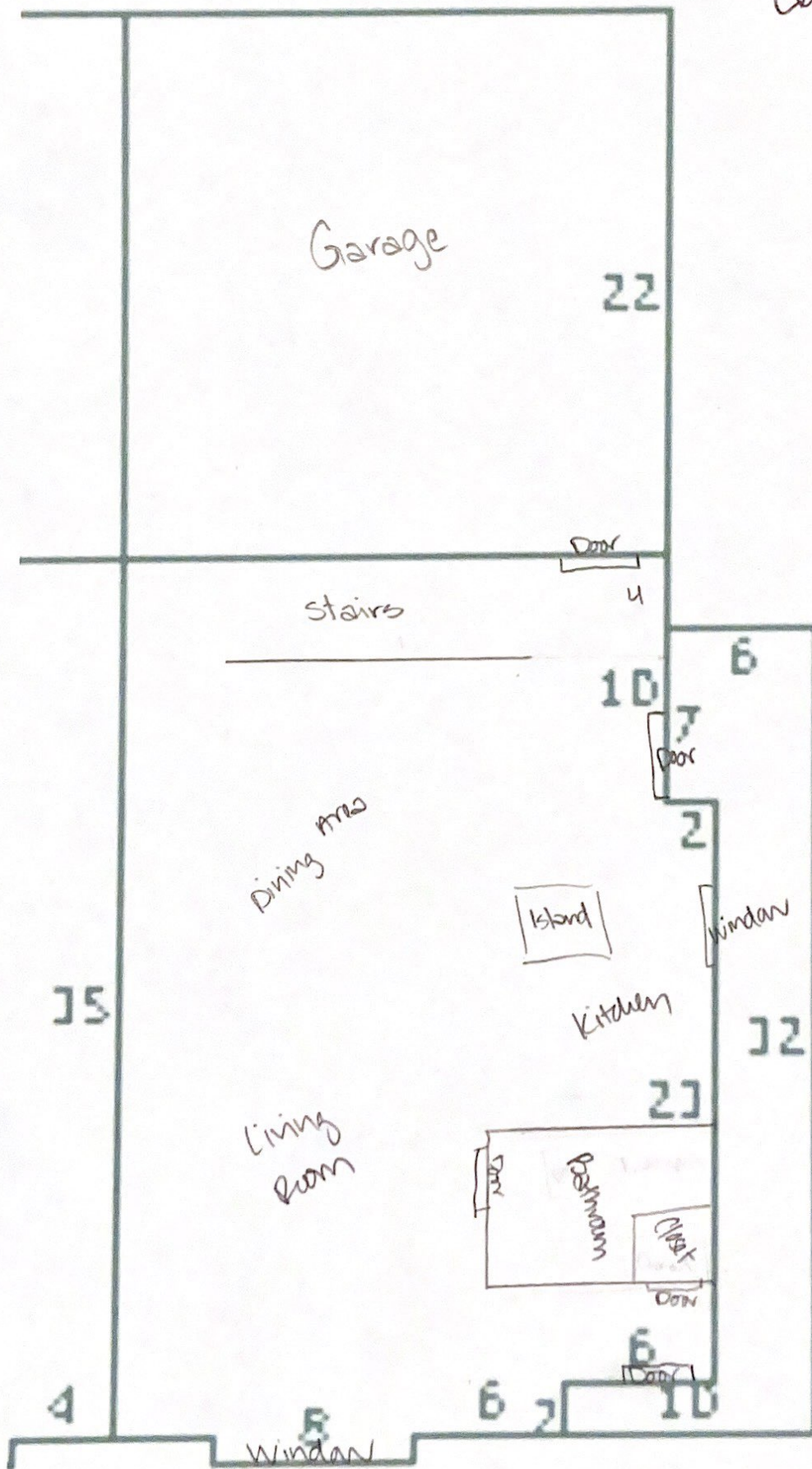
12/16/2022

12/30/2022

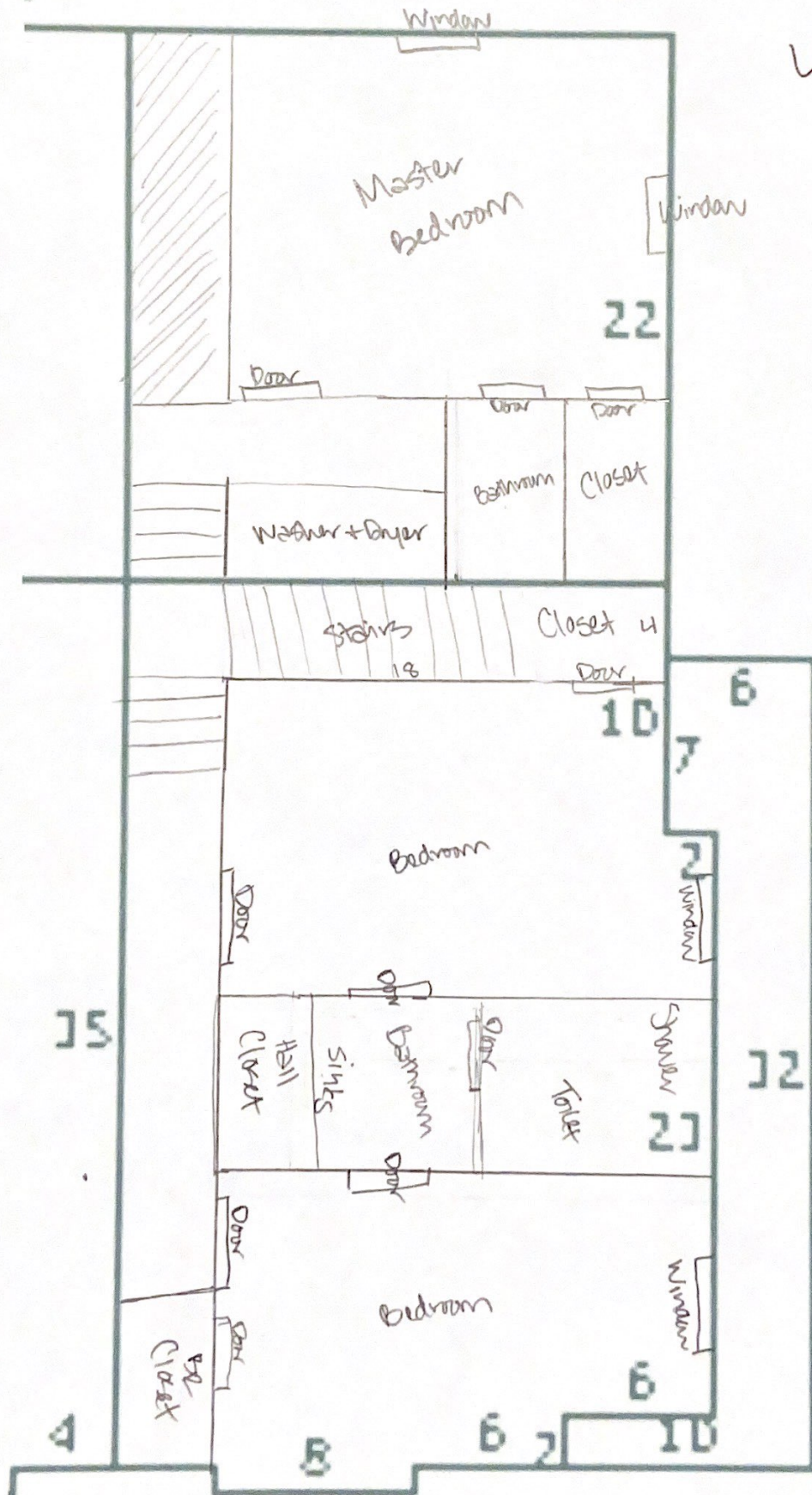


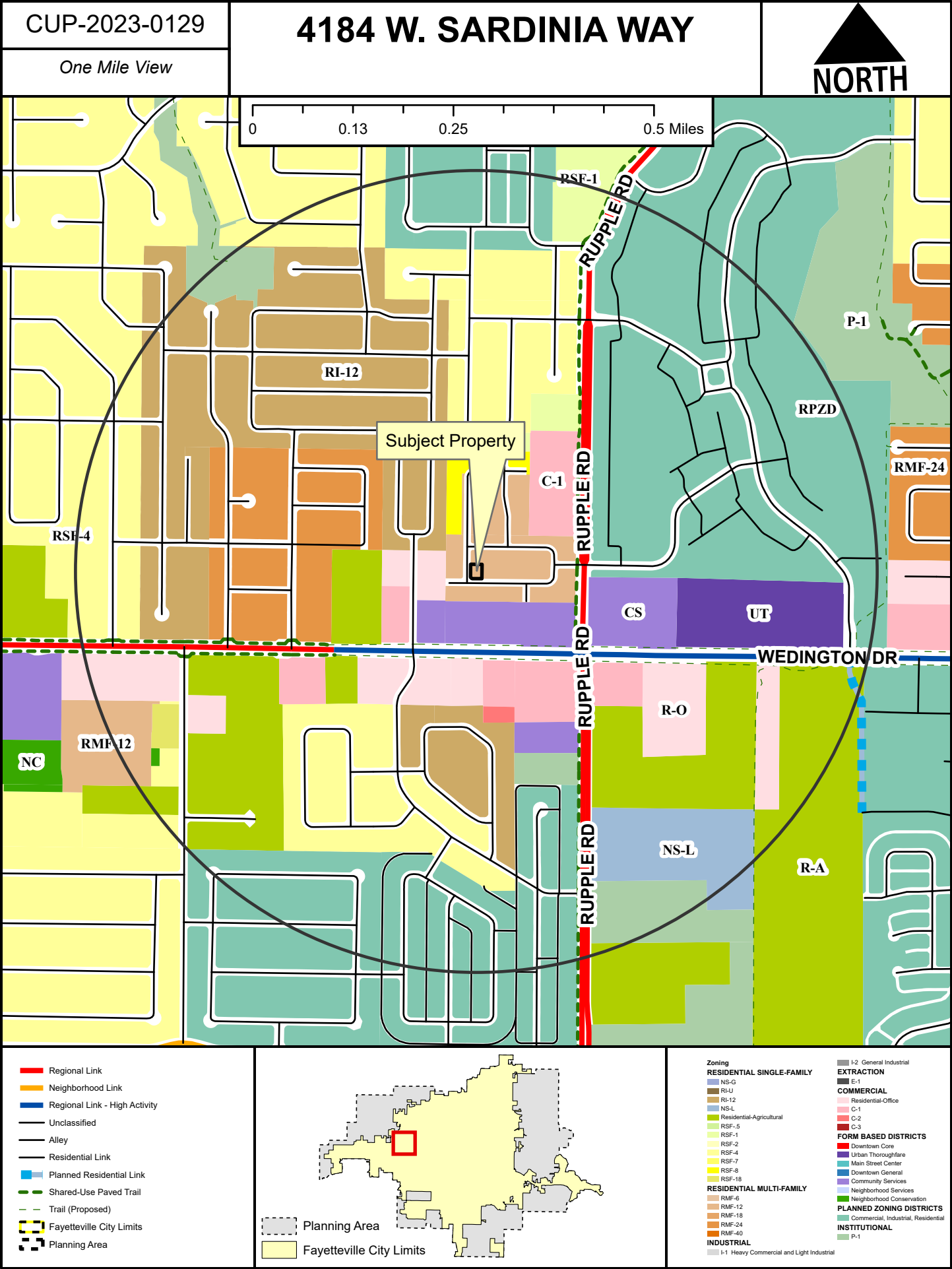
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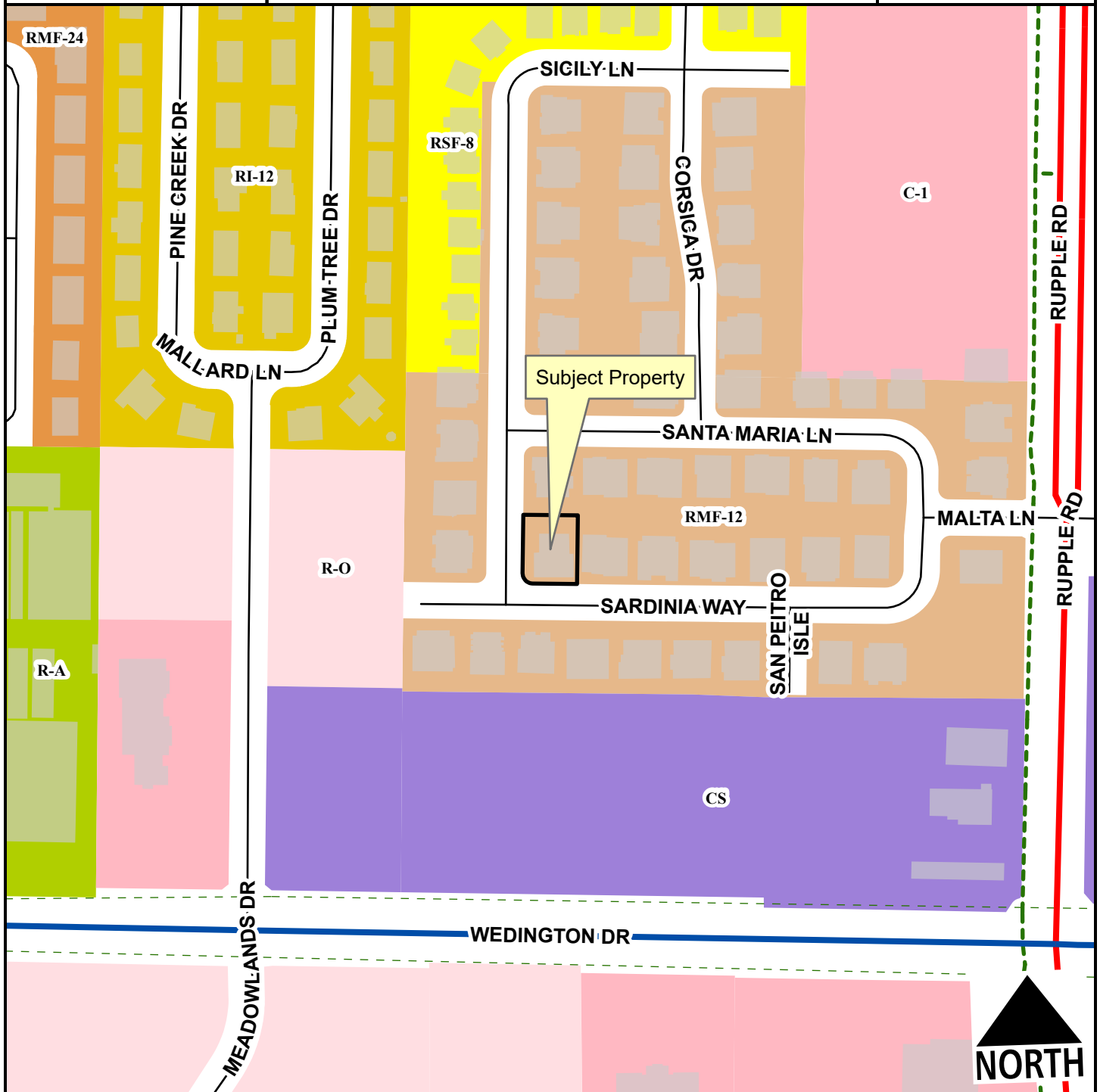




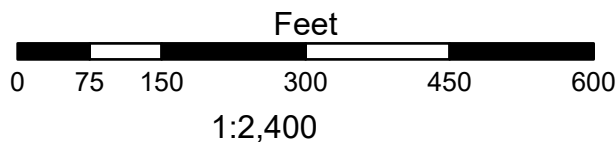
CUP-2023-0129

4184 W. SARDINIA WAY

Close Up View



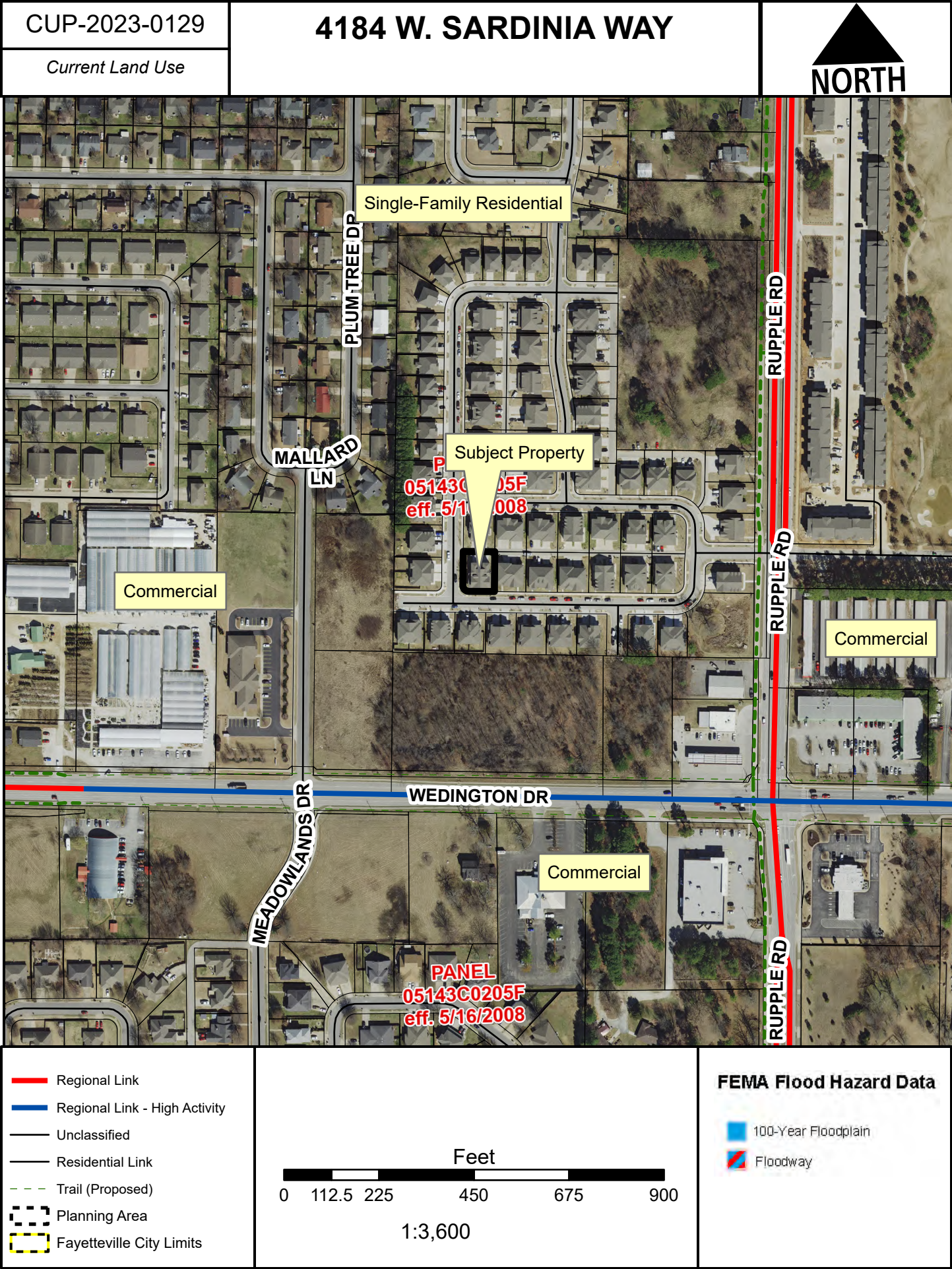
- Regional Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



- Residential-Agricultural
- RSF-8
- RI-12
- RMF-12
- RMF-24
- Residential-Office
- C-1
- Community Services

Planning Commission

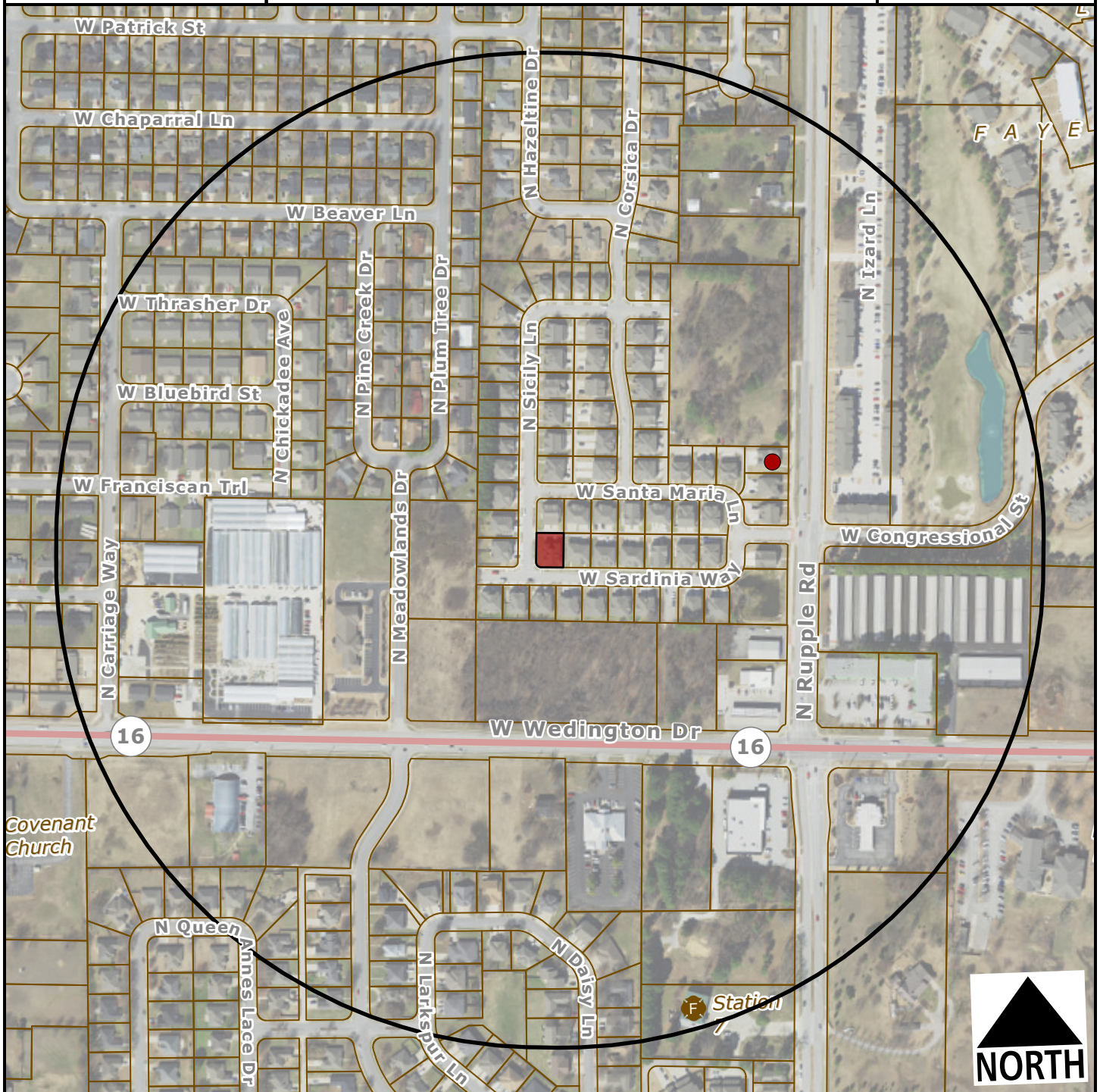
October 9, 2023



CUP-2023-0129

4184 W. SARDINIA WAY

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2



Number of STR Licenses

Total 1