City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, November 13, 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 October 23, 2023 Planning Commission. - Mirinda Hopkins, Development Coordinator

2. VAR-2023-0047: Planning Commission Variance (WEST OF 3783 N. CRIS HOLLOW RD/JOHNSON, 169):

Submitted by BLEW & ASSOCIATES for property located WEST OF 3783 N. CRIS HOLLOW RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 2.30 acres. The request is for a variance from street frontage requirements. - Gretchen Harrison, Senior Planner

3. VAR-2023-0048: Planning Commission Variance (14 E. 7TH ST/WORTHINGTON, 523):

Submitted by A43 ARCHITECTURE for property located at 14 E 7TH STREET. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approx. 0.3 acres. The request is for a variance from floodplain and streamside provisions. - Alan Pugh, Staff Engineer

4. CCP-2023-0003: Concurrent Plat (3145 E. JOYCE BLVD/KNOX, 177):

Submitted by BLEW & ASSOCIATES for property located at 3145 E. JOYCE BLVD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 31.86 acres. The request is for the concurrent plat of two residential lots. - Kylee Hevrdejs, Planner

5. LSD-2023-0017: Large Scale Development (3549 W. BLACK FOREST DR/FOREST HILLS RETAIL CENTER, 440):

Submitted by BLEW & ASSOCIATES for property located at 3549 W. BLACK FOREST DR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 2.11 acres. The request is for a 15,439 square foot commercial building and associated parking. - Kylee Hevrdejs, Planner

Unfinished Business

New Business

6. ADM-2023-0041: Administrative Item (2277 S. ED EDWARDS RD/WANG, 649):

Submitted by KEVIN WANG for properties located at 2277 S. ED EDWARDS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.60 acres. The request is to modify the Master Street Plan. - Jessica Masters, Development Review Manager

7. ADM-2023-0043: Administrative Item (345 N. SAINT CHARLES AVE/FLEMING, 484):

Submitted by GARY FLEMING for properties located at 345 N. SAINT CHARLES AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.07 acres. The request is to modify an existing conditional use permit. - Donna Wonsower, Planner

8. CUP-2023-0141: Conditional Use Permit (240 E. ROCK ST/CITY OF FAYETTEVILLE, 524):

Submitted by OLSSON for property located at 240 E. ROCK ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY FOUR UNITS PER ACRE and contains approximately 2.94 acres. The request is to expand a cultural and recreational facility in RMF-24 zoning. - Jessica Masters, Development Review Manager

9. CUP-2023-0145: Conditional Use Permit (EAST OF N. RUPPLE RD/MEADOWVIEW SENIOR LIVING, 439):

Submitted by MEADOWVIEW SENIOR LIVING for property located at EAST OF N. RUPPLE RD. The property is zoned NS-L, NEIGHBORHOOD SERVICES-LIMITED and contains approximately 6.00 acres. The request is for an assisted living facility and multi-family dwellings in NS-L zoning. - Gretchen Harrison, Senior Planner

10. CUP-2023-0153: Conditional Use Permit (3538 N. HWY 112/KUBALD VENTURES LLC, 209):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 3538 N. HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.32 acres. The request is for a 10,000 square foot warehouse and office space. - Kylee Hevrdejs, Planner

11. CUP-2023-0138: Conditional Use Permit (W. RUTLEDGE LN & S. OAK RD/BOX PROPERTY HOLDINGS LLC, 558):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at W. RUTLEDGE LN & S. OAK RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.31 acres. The request is for Use Unit 9, Two-Family Dwellings in RSF-4 zoning. -

Donna Wonsower, Planner

12. CCP-2023-0002: Concurrent Plat (2547 N. OAKLAND ZION RD/MCDONALD BUILDING GROUP, 296):

Submitted by ENGINEERING SERVICES, INC for property located at 2547 N. OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 2.43 acres. The request is for the concurrent plat of four residential lots. - Donna Wonsower, Planner

13. RZN-2023-0027: Rezoning (1272 N. 59TH AVE/DICKSON STREET CAPITAL LLC, 397):

Submitted by REED LYNCH for property located at 1272 N. 59TH AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.80 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE. - Donna Wonsower, Planner

14. RZN-2023-0029: Rezoning (533 W. CENTER ST/BRICENO, 523):

Submitted by NESTOR BRICENO for property located at 533 W. CENTER ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.09 acres. The request is to rezone the property to MSC, MAIN STREET/CENTER. - Donna Wonsower, Planner

15. RZN-2023-0031: Rezoning (3393 E. HUNTSVILLE RD/MB PROPERTY MANAGEMENT, 529):

Submitted by CRAFTON TULL for property located at 3393 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE. - Gretchen Harrison, Senior Planner

16. CUP-2023-0103: Conditional Use Permit (2562 E. CARNATION CT/BUCKLEY, 137):

Submitted by JANA BUCKLEY for property located at 2562 E. CARNATION CT. 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

17. CUP-2023-0143: Conditional Use Permit (3087 W. SALIDA LN/PERFECT PEACE HOMES LLC, 557):

Submitted by LEIGH SHIREY for property located at 3087 W. SALIDA LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to use the residence as a short-term

rental. - Donna Wonsower, Planner

18. CUP-2023-0144: Conditional Use Permit (1406 S. DUNCAN AVE/BOYKIN, 561):

Submitted by LANDON BOYKIN for property located at 1406 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY FOUR UNITS PER ACRE and contains approximately 0.09 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

19. CUP-2023-0152: Conditional Use Permit (4669 W. TOFINO DR/HARRIMAN, 477):

Submitted by CRAIG HARRIMAN for property located at 4669 W. TOFINO DR. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.13 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

20. CUP-2023-0131: Conditional Use Permit (1493 N. LONESOME DOVE DR/LYNCH, 399):

Submitted by CDL CAPITAL LLC for property located at 1493 N. LONESOME DOVE DR. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE and contains approximately 0.14 acres. The request is to use the residence as a short-term rental. - Kylee Hevrdejs, Planner

21. CUP-2023-0146: Conditional Use Permit (1625 N. TIMBERLINE DR/BROADAWAY, 401):

Submitted by ANNA BROADAWAY for property located at 1625 N. TIMBERLINE DR. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the residence as a short-term rental. - Kylee Hevrdejs, Planner

22. CUP-2023-0148: Conditional Use Permit (517 N. FALLIN AVE/TRUMBO, 446):

Submitted by HAYDEN TRUMBO for property located at 517 N. FALLIN AVE. 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. - Kylee Hevrdejs, Planner

23. CUP-2023-0149: Conditional Use Permit (526 N. FALLIN AVE/TRUMBO, 447):

Submitted by HAYDEN TRUMBO for property located at 526 N. FALLIN AVE. 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

24. CUP-2023-0139: Conditional Use Permit (1965 E. HAROLD ST/HANNAHS, 214):

Submitted by DOWNTOWN PROPERTIES REAL ESTATE GROUP for property located at 1965 E. HAROLD ST. 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

25. CUP-2023-0147: Conditional Use Permit (386 S. UNIVERSITY AVE/MADMOR PROPERTIES LLC, 522):

Submitted by NOTRE MAISON LLC for property located at 386 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE and contains approximately 0.90 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

26. CUP-2023-0150: Conditional Use Permit (2135 S. LAVERNE AVE/APPLE LILY MANAGMENT, 639):

Submitted by GUANGYU ZHU-WEAVER for property located at 2135 S. LAVERNE AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

27. CUP-2023-0151: Conditional Use Permit (1810 S. CUSTER LN/REINHARDT, 598):

Submitted by CHARLES REINHARDT for property located at 1810 S. CUSTER LN. 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. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

28. LSP-2023-0025: Lot Split (2900 N. HUGHMOUNT RD/RENNER, 243):

Submitted by ATLAS PLS for property located at 2900 N. HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 4.35 acres. The request is to split the property into three lots containing 1.45 acres each. - Gretchen Harrison, Senior Planner

29. LSP-2023-0047: Lot Split (16050 HARP RD/PRICHARD, 317):

Submitted by BATES & ASSOCIATES for property located at 16050 HARP RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 5.40 acres. The request is to subdivide the property into two lots containing 3.91 and 1.49 acres. - Donna Wonsower, Planner

30. LSP-2023-0053: Lot Split (511 E. SPRING ST/SASH DEVELOPMENT LLC, 485):

Submitted by BATES & ASSOCIATES for property located at 511 E. SPRING ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to divide the property into four lots containing 0.07, 0.07, 0.07 and 0.09 acres. - Jessica Masters, Development Review Manager

31. LSP-2023-0055: Lot Split (2797 N. DOUBLE SPRINGS RD/HIMES, 279):

Submitted by BATES & ASSOCIATES for property located at 2797 N. DOUBLE SPRINGS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 9.33 acres. The request is to subdivide the property into two lots containing 5.00 and 4.33 acres. - Kylee Hevrdejs, Planner

32. FPL-2023-0005: Final Plat (270 S. BROYLES AVE/THE ELEMENT PH 3, 516):

Submitted by ESI for property located at 270 S. BROYLES AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 7.70 acres. The request is for the final plat of 43 residential lots. - Kylee Hevrdejs, Planner

Agenda Session Items

Announcements

33. **Agenda Session will be on Wednesday November 22, 2023 at 4:30pm, in observance of the holiday.**

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

(pg. 1) Planning Commission			Monday, 10/23/2023			
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 ☒ Andrew Horton ☐ Chris Brown ☐ Alan Pugh					
	Roll Call	**1) Minutes 10-09-2023**	**2) VAR-2023-0045 (PRICHARD)**	**3) ADM-2023-0038 (THE PRESERVE AT STONEBRIDGE)**	**4) PPL-2022-0012 (HUGHMOUNT SOUTH)**	**5) VAC-2023-0011 (LEWIS BROTHERS LEASING CO)**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**
Winston	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**Consent**	**Consent**	**New**	**New**	**New**
Motion By		Garlock	Garlock	Winston	Garlock	Brink
Motion 2nd		Payne	Payne	Payne	Brink	Sparkman
Vote		9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Action		Approve	Approve	Approve	Approve	Forward
Time		5:33 PM	5:33 PM	5:42 PM	5:53 PM	6:06 PM
Motion Detail				Passed with all conditions as recommended by staff.	Passed with all conditions as recommended by staff.	Passed with all conditions as recommended by staff. With an added condition to dedicate a drainage easement.
Public Comment				0	0	0

(pg. 2) Planning Commission		Monday, 10/23/2023			
	6) CUP-2023-0133 (TITAN CONSTRUCTION)	7) CUP-2023-0131 (LYNCH)	8) CUP-2023-0132 (BRB LLC)	9) CUP-2023-0134 (R W WILLIAMS PROPERTIES)	10) CUP-2023-0135 (HAUSE)
Brink	**0**		**1**	**1**	**0**
Garlock	**1**		**0**	**1**	**0**
Madden	**1**		**1**	**1**	**0**
Payne	**0**		**1**	**1**	**0**
Gulley	**1**		**1**	**1**	**0**
Holcomb	**1**		**0**	**1**	**0**
Winston	**1**		**1**	**1**	**0**
McGetrick	**1**		**1**	**1**	**0**
Sparkman	**1**		**1**	**1**	**0**
Agenda	**New**	**New**	**New**	**New**	**New**
Motion By	Winston		Brink	Garlock	Payne
Motion 2nd	Holcomb		Winston	Sparkman	Brink
Vote	7-2-0	Withdrawn	7-2-0	9-0-0	0-9-0
Action	Approve		Approve	Approve	Approve
Time	6:17 PM		6:41 PM	6:46 PM	7:01 PM
Motion Detail	Passed with all conditions as recommended by staff.		Passed with all conditions as recommended by staff. With an added condition to limit on-street parking to Sheridan.	Passed with all conditions as recommended by staff.	Failed
Public Comment	0		2	0	0

	11) CUP-2023-0136 (AVRAM)	12) CUP-2023-0137 (KHC INVESTMENTS LLC)	13) CUP-2023-0125 (NEXT ADVENTURE PROPERTIES)	14) CUP-2023-0140 (JARRATT)	
Brink	**1**	**1**	**1**	**1**	
Garlock	**1**	**1**	**1**	**1**	
Madden	**1**	**1**	**1**	**1**	
Payne	**1**	**1**	**1**	**1**	
Gulley	**1**	**1**	**1**	**1**	
Holcomb	**1**	**1**	**1**	**1**	
Winston	**1**	**1**	**1**	**1**	
McGetrick	**1**	**1**	**1**	**1**	
Sparkman	**1**	**1**	**1**	**1**	
Agenda	**New**	**New**	**New**	**New**	
Motion By	Holcomb	Payne	Brink	Payne	
Motion 2nd	Payne	Sparkman	Garlock	Holcomb	
Vote	9-0-0	9-0-0	9-0-0	9-0-0	
Action	Approve	Approve	Approve	Approve	
Time	7:05 PM	7:21 PM	7:29 PM	7:33 PM	
Motion Detail	Passed with all conditions as recommended by staff.	Passed with all conditions as recommended by staff. With an added condition to prohibit on-street parking.	Passed with all conditions as recommended by staff. With an added condition to prohibit on-street parking.	Passed with all conditions as recommended by staff.	
Public Comment	**0**	**1**	**1**	**0**	

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **VAR-2023-0047: Variance (WEST OF 3783 N. CRIS HOLLOW RD./JOHNSON, 169):** Submitted by BLEW & ASSOCIATES for property located WEST OF 3783 N. CRIS HOLLOW RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 2.30 acres. The request is for a variance from road frontage requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0047** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0047**, determining:*

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

BACKGROUND:
The subject property is located in unincorporated Washington County between the city limits of Fayetteville and Johnson. The property is in the Fayetteville Planning Area and contains one parcel totaling 2.30 acres which does not have frontage on a public street or access to City of Fayetteville water or sewer utilities. A request to split the property into two lots is currently under review by city staff (LSP-2023-0049). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	City of Johnson – RSF1 (Residential Single-Family 1)
South	Rural Residential	Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
East	Rural Residential	Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
West	Rural Residential	Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)

Request: The applicant proposes to split the subject property into two lots containing approximately 1.01 and 1.29 acres, with both lots having no frontage on a public street. Since all lots in the Fayetteville Planning Area are required to have at least 75 feet of direct frontage onto a public street, the proposed lot split necessitates a variance to UDC §166.05(A)(3).

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

DISCUSSION:
The subject property contains a 2.30-acre parcel that is primarily surrounded by rural residential properties varying in both size and arrangement. Where the proposed lot split would allow for the creation of two lots containing 1.01 and 1.29 acres, surrounding properties vary in size between one and 23 acres, with several lots nearby no having direct frontage on a public street. Staff finds that the proposed lot split would result in two lots without direct street frontage that are comparable to neighboring properties and reflective of a low-density development pattern that is consistent with the surrounding area within unincorporated Washington County. Staff is thus supportive of the requested variance. Both lots currently have access to Cris Hollow Road by way of a shared private gravel drive which is located within a 30-foot access easement. The property does not have access to city water or sewer.

RECOMMENDATION: Staff recommends approval of VAR-2023-0047 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.05(A)(3), requiring all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County.** *Staff is supportive of this request based on the findings herein, and*

2. Approval of this variance does not constitute approval of the associated lot split application. Review and approval of the lot split shall be required in accordance with city code.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: November 13, 2023			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

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

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

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

(1) *Within 1 Mile of City Limits*. On and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits, with the exception of park land dedication requirement which is not required.

(2) *Beyond 1 Mile of City Limits.* On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards.

(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

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

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

BLEW

Surveying | Engineering | Environmental

October 12, 2023

Variance Submittal Letter re: LSP-2023-49
Ron Johnson, 23-4953

Fayetteville Planning Commission,
Our client, Ron Johnson, is requesting to split his 2.3 acre parcel of land (APN: 001-16703-000) into two lots at 1.013 and 1.294 acres respectively. The parent tract accesses the public road, North Cris Hollow Rd, via private access drive.

The City of Fayetteville's UDC, Sec. 166.05 (A)(3), requires a newly created lot with less 75 feet of direct frontage on a public street, in the Fayetteville Planning Area, to receive Variance approval from the Planning Commission. This is the cover letter for the Variance request.

Please reach out to me, Nathan Crouch, at Blew & Associates is you have any questions.

Thank you.

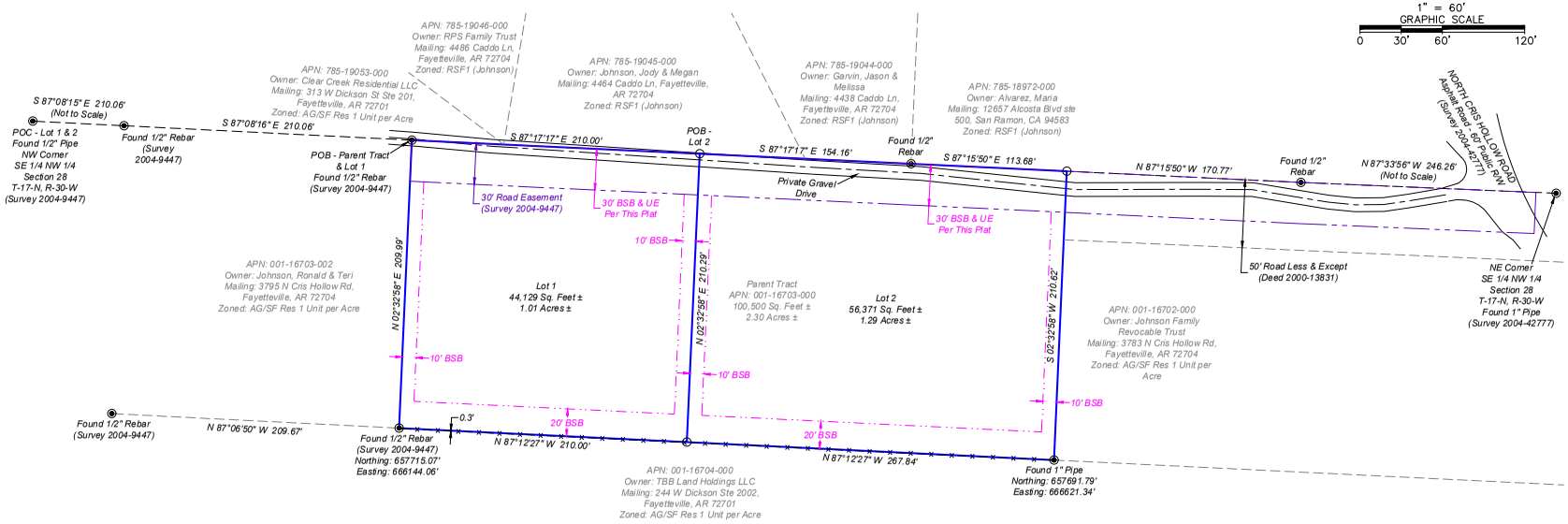
Nathan Crouch
NWA Planning Manager
Blew & Associates

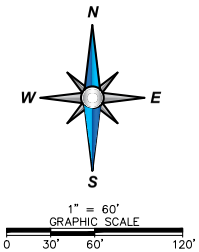
LOT SPLIT CREATING LOTS 1 & 2

NORTH CRIS HOLLOW ROAD

LOCATED IN: SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST

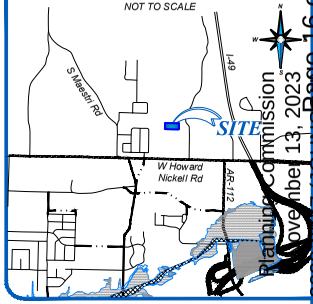
WASHINGTON COUNTY, FAYETTEVILLE, ARKANSAS 72704





VICINITY MAP

NOT TO SCALE



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR CAPPED "AR 1659"
- POC — POINT OF COMMENCEMENT
- POB — POINT OF BEGINNING
- UE — UTILITY EASEMENT
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- SETBACK LINE (BSB)

ZONING INFORMATION

CURRENT ZONING: AGRICULTURE/SINGLE-FAMILY RESIDENTIAL 1 UNIT PER ACRE

SETBACK REQUIREMENTS:
FRONT - 25' SETBACK & UTILITY EASEMENT
SIDE - 10'
REAR - 20'

PROPOSED USE: SINGLE FAMILY RESIDENTIAL

RECORD DESCRIPTION

CORRECTION QUITCLAIM DEED 2000-017299:
A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY-EIGHT (28), IN TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER, THENCE RUNNING EAST 899.30 FEET, THENCE SOUTH 210.00 FEET, THENCE WEST 899.30 FEET, THENCE NORTH 210.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4.33 ACRES, MORE OR LESS.

LESS AND EXCEPT: BEGINNING AT THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING, THENCE EAST TWO HUNDRED TEN (210) FEET; THENCE SOUTH TWO HUNDRED TEN (210) FEET; THENCE WEST TWO HUNDRED TEN (210) FEET; THENCE NORTH TWO HUNDRED TEN (210) FEET TO THE POINT OF BEGINNING, CONTAINING ONE (1) ACRE, MORE OR LESS.

SURVEY DESCRIPTION

LOT 1:
A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND 1/2" PIPE MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28; THENCE, ALONG THE NORTH LINE OF SAID FORTY ACRE TRACT, SOUTH 87°08'15" EAST 210.06 FEET TO A FOUND 1/2" REBAR; THENCE, SOUTH 87°08'16" EAST 210.06 FEET TO A FOUND 1/2" REBAR AND BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTH LINE, SOUTH 87°17'17" EAST 210.00 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE, LEAVING SAID NORTH LINE, SOUTH 02°32'58" WEST 210.29 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE, NORTH 87°12'27" WEST 210.00 FEET TO A FOUND 1/2" REBAR; THENCE, NORTH 02°32'58" EAST 209.99 FEET TO THE POINT OF BEGINNING. CONTAINING 1.013 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

LOT 2:
A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND 1/2" PIPE MARKING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28; THENCE, ALONG THE NORTH LINE OF SAID FORTY ACRE TRACT, SOUTH 87°08'15" EAST 210.06 FEET TO A FOUND 1/2" REBAR; THENCE, SOUTH 87°08'16" EAST 210.06 FEET TO A FOUND 1/2" REBAR; THENCE, SOUTH 87°17'17" EAST 210.00 FEET TO A SET 5/8" REBAR CAPPED "AR 1659" AND BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTH LINE, SOUTH 87°17'17" EAST 154.16 FEET TO A FOUND 1/2" REBAR; THENCE, SOUTH 87°15'50" EAST 113.68 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE, LEAVING SAID NORTH LINE, SOUTH 02°32'58" WEST 210.62 FEET TO A FOUND 1" PIPE; THENCE, NORTH 87°12'27" WEST 267.84 FEET TO A SET 5/8" REBAR CAPPED "AR 1659"; THENCE, NORTH 02°32'58" EAST 210.29 FEET TO THE POINT OF BEGINNING. CONTAINING 1.294 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD.

MISCELLANEOUS NOTES

STATE RECORDING NUMBER:
500-17N-30W-0-28-420-72-1659

COMPLETED FIELD WORK:
AUGUST 2, 2023

REFERENCE DOCUMENTS:
1. CORRECTION QUITCLAIM DEED FILED IN DEED 2000-017299.
2. SURVEY PLAT FILED IN PLAT 2004-00009447.
3. SURVEY PLAT FILED IN PLAT 2004-42777.

BASIS OF BEARING:
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

NO ACCESS TO CITY OF FAYETTEVILLE WATER AND SEWER UTILITIES.

OWNER INFORMATION

OWNER (NOW OR FORMERLY): JOHNSON, DONALD
3783 N CRIS HOLLOW ROAD, FAYETTEVILLE, AR 72704

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0205F & 05143C0210F, WHICH BEARS AN EFFECTIVE DATE OF 04/01/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE — REGISTERED LAND SURVEYOR/ PROFESSIONAL LAND SURVEYOR

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 OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO WASHINGTON COUNTY AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY) 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 — OWNER

DATE — OWNER

DATE — OWNER

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 3RD DAY OF AUGUST, 2023.

CERTIFICATE OF AUTHORIZATION — BLEW & ASSOCIATES, PA — No. 1534 — ARKANSAS

REGISTERED PROFESSIONAL LAND SURVEYOR — STATE OF ARKANSAS — NO.1659 — SIGNATURE — R. GAGNER

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.

LAND AREA

LOT 1
44,129 ± SQUARE FEET
1.013 ± ACRES

LOT 2
56,371 ± SQUARE FEET
1.294 ± ACRES

SHEET 1 OF 1

DATE	REVISION HISTORY	BY

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
OFFICE: 479.443.4506 · FAX: 479.582.1883
SURVEY@BLEWINC.COM
WWW.BLEWINC.COM

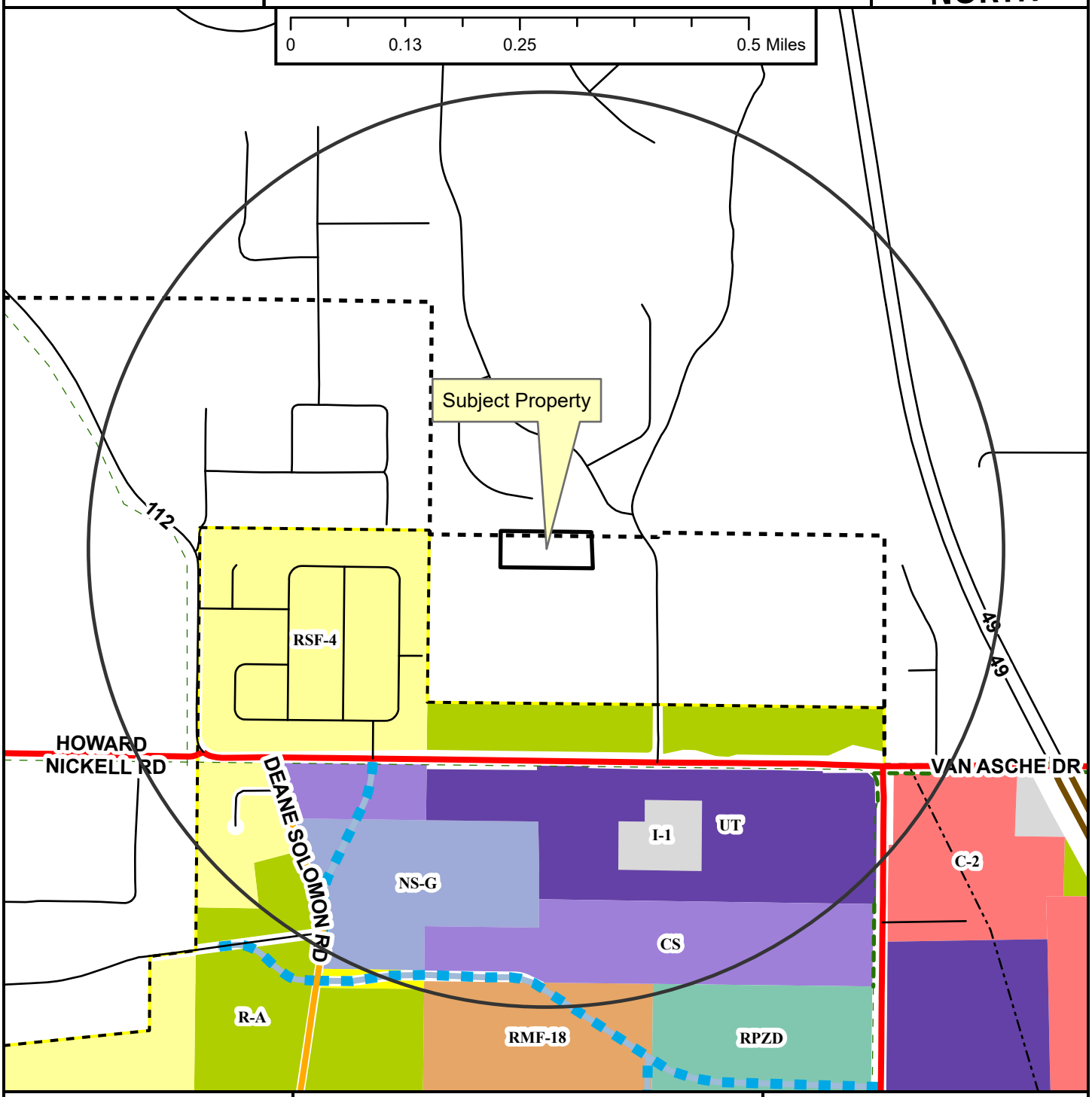
SURVEYOR JOB NUMBER: *23-4953*	**SURVEY DRAWN BY:** *ANC - 08/04/2023*
SURVEY REVIEWED BY: *TPN*	**SCALE:** *1" = 60'*
FOR THE USE AND BENEFIT OF: *RON JOHNSON*	

VAR-2023-0047

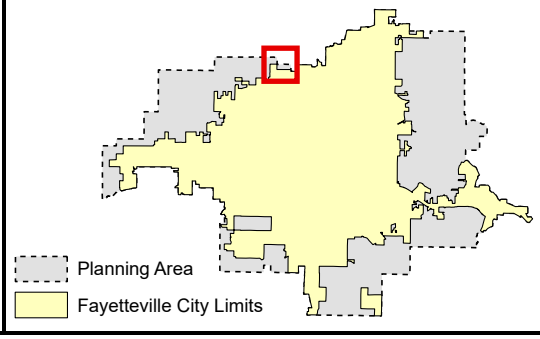
One Mile View

WEST OF 3783 N. CRIS HOLLOW RD

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

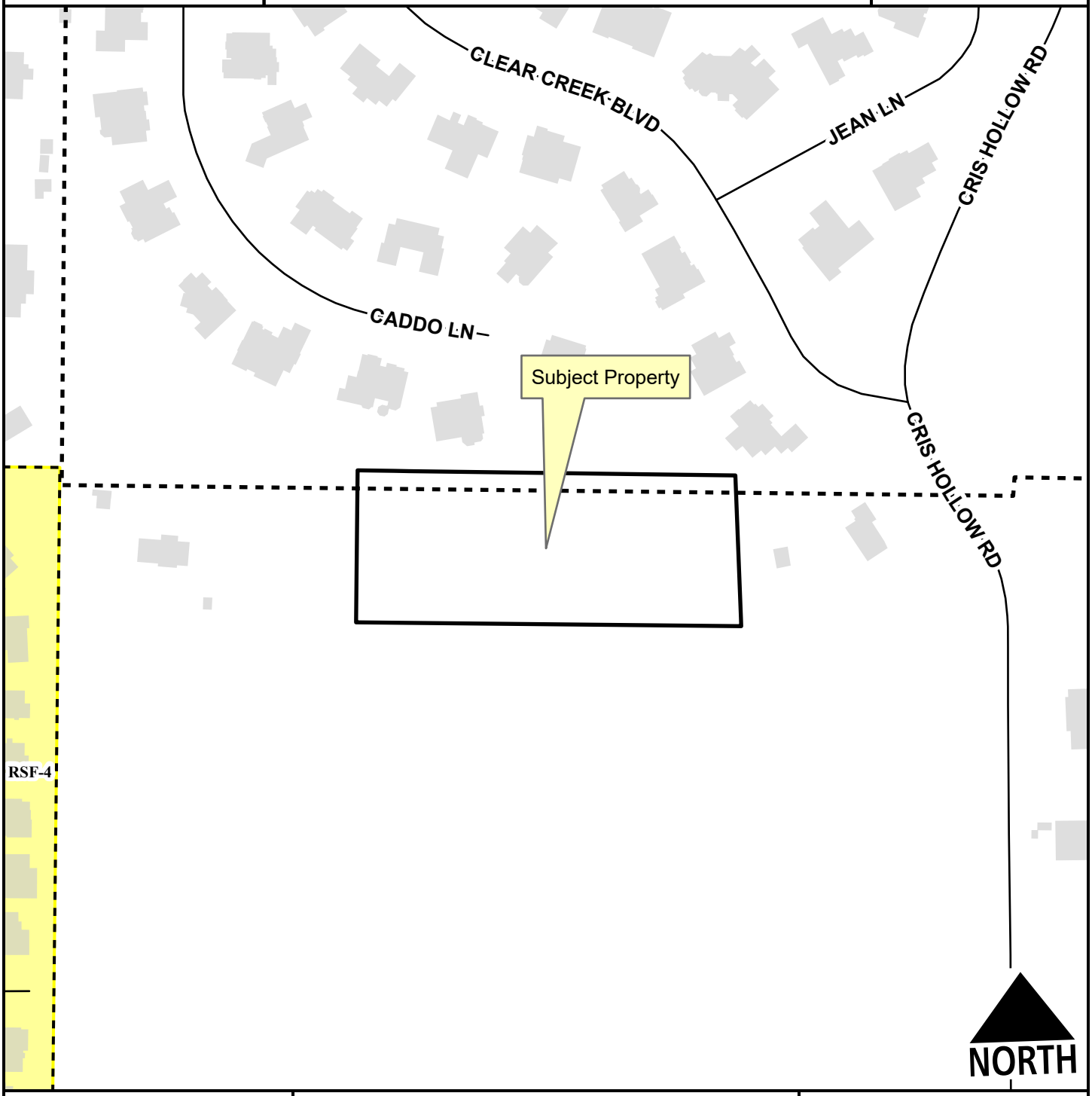
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAR-2023-0047

Close Up View

WEST OF 3783 N. CRIS HOLLOW RD



Unclassified
Residential Link
Planning Area
Fayetteville City Limits

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

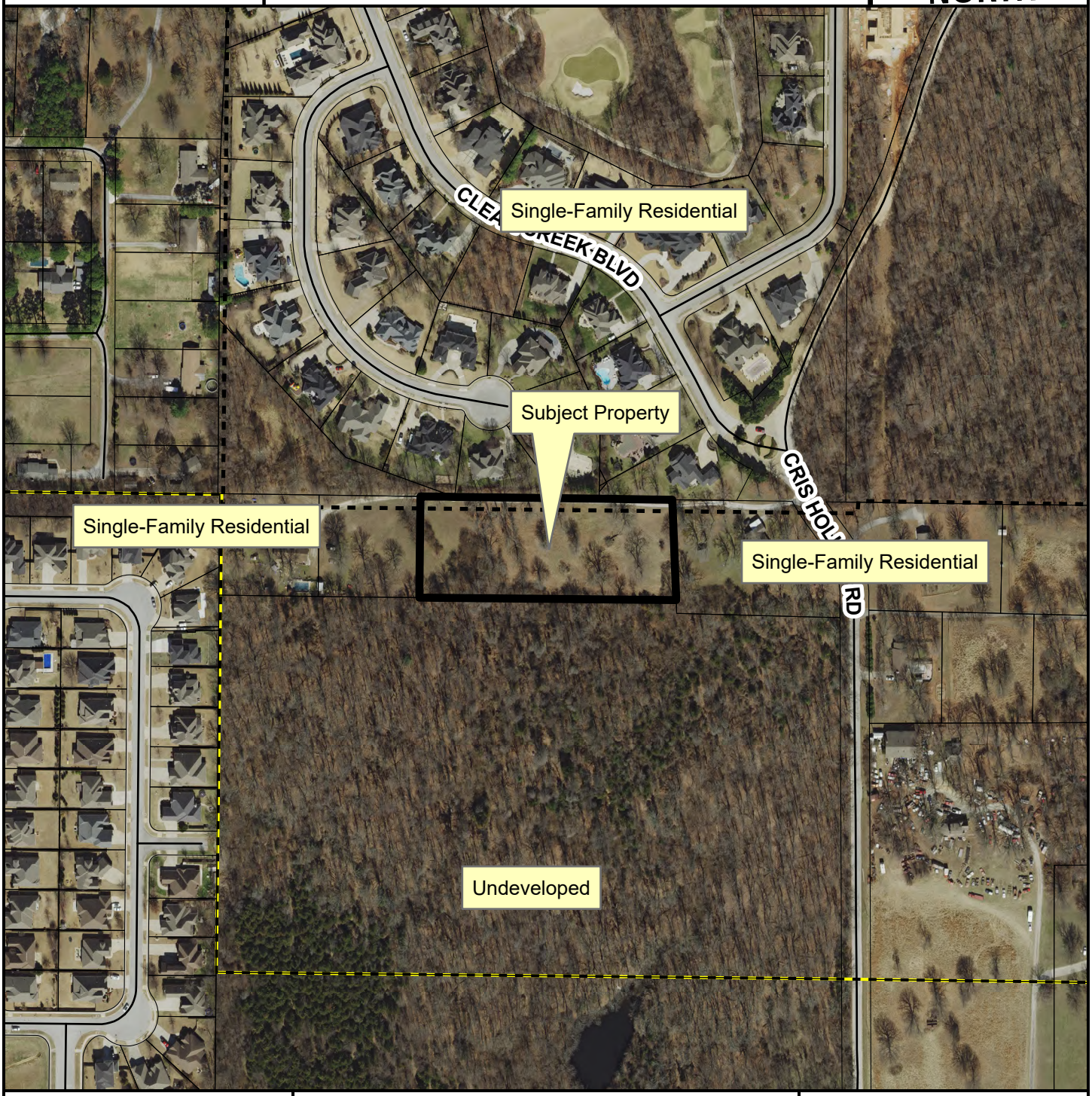
RSF-4

VAR-2023-0047

Current Land Use

WEST OF 3783 N. CRIS HOLLOW RD

NORTH



Unclassified
Residential Link
Planning Area
Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: November 13, 2023

SUBJECT: **VAR-2023-0048: Planning Commission Variance (14 E 7th ST/WORTHINGTON, 523):** Submitted by A43 ARCHITECTURE for property located at 14 E 7TH STREET. The property is NC, NEIGHBORHOOD CONSERVATION and contains approx. 0.3 acres. The request is for a variance from floodplain and streamside provisions.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0048**, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0048** with conditions, determining:*

- *In favor of a variance to **168.12(E)(1)(a),** to allow an accessory structure within the waterside zone;*
- *In favor of a variance to **168.10(T)(5),** to allow for a development to occur within a Zone A floodplain without an associated flood study;*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located on the north side of E 7th Street in between S. Block Ave. and S. College Ave. The property totals approximately 0.3 acres and is currently developed with a single-family residence. Spout Springs Branch flows generally north to south across the western portion of the property. The creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. The current building and improvements are located outside of the adopted streamside zones and within the current regulatory floodplain. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	NC, P-1 and DG, see attached project maps
South	Institutional	
East	Residential/Institutional	
West	Residential	

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

DISCUSSION:
The applicant desires to expand their home by enclosing a portion of the existing carport as well as additional livable space on the second story. While reviewing the application, it was determined that there were encroachments into the streamside zones which did not meet the ordinance and were not included in the original approval for the construction of the home. These included a gravel driveway and storage shed. The gravel driveway encroaches approximately 4.5 feet according to the provided documents. The applicant proposes to offset this encroachment by providing low impact development features to capture and treat any runoff from the gravel drive. The small shed does encroach approximately 3 feet into the waterside zone. The shed would otherwise be allowed by ordinance if it were located 3 feet further to the east. However, given the nature of the construction the owner was able to retain several mature trees in and around the shed. Given the information above, staff is in support of the two encroachments as noted.

Lastly, the applicant does seek to recognize the upcoming FEMA mapping which will be effective on January 25, 2024. This would remove the structure and a portion of the property from the 100-year floodplain. Staff is in support of this request as well.

RECOMMENDATION: Staff recommends approval of **VAR-2023-0048** with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of a variance to 168.12(E)(1)(a), which prohibits accessory structures within the waterside zone.** *Staff recommends in favor of the request for the reasons outlined in this report.*

2. **Planning Commission determination of a variance to 168.10(T)(5), which prohibits development in a Zone A floodplain where a detailed study has not been provided.** *Staff recommends in favor of the request for the reasons outlined in this report.*

3. The existing driveway is gravel and encroaching slightly into the management zone, and no other additional encroachment is approved beyond the nature of this request;

4. The owner shall offset the added encroachment with the installation of LID features as shown on the associated site plan;

5. The existing storage shed encroaches slightly into the waterside zone but shall remain under the size limit to be within the management zone;

6. FEMA has recently completed a flood study for Spout Springs which proposes to remove the structure from the floodplain.

7. Applicant shall not encroach further into the streamside zones than that shown on this plan.

8. Applicant shall abide by all other conditions of Chapter 168 with regard to both floodplain and streamside provisions.

PLANNING COMMISSION ACTION:	**Required YES**
Date: November 13, 2023	**❒ Tabled ❒ Approved ❒ Denied**
Motion:	
Second:	
Vote:	

FINDINGS OF THE STAFF

Section 156.03 Development Variances

Certain variances of the development regulations may be applied for as follows:

(C) Consideration by the Planning Commission

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

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

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

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

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

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

(f) Floodplain variances shall only be issued if:

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

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

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

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

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

The existing structure and proposed improvements are shown to be removed from the floodplain by FEMA, therefore no increase in flood heights would be anticipated with the proposed development.

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

Not applicable to this project

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

See staff recommended conditions listed above

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

N/A to this project.

(9) *Streamside Protection Zones*

(a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest

protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

As shown on the site plan, a large portion of the western side of the property is encumbered by streamside protection. The applicant states their case/need for additional parking in the request but have provided additional low impact development to capture/treat the gravel drive. While it is ultimately up to the planning commission to determine undue hardship, staff feels this is in general keeping of the intent of the ordinance and would allow for an existing violation to remain while providing the additional parking requested by the applicant.

(b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.

Rezoning or rulings from the board of adjustments would not change the extent of the streamside protection zone and would not alleviate the need for a variance in this case.

(c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

See staff conditions listed above.

BUDGET/STAFF IMPACT:
None

Attachments:

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

14 E 7th St
January 25, 2024 FEMA Mapping

A43 Architecture
563 S East Ave.
Fayetteville, AR 72701

19th October 2023

Fayetteville Planning Commission
Sarah Sparkman, Chair
113 W Mountain St
Fayetteville, AR 72701

Dear Chairwoman,

I'm writing to submit a request for variance to ordinance UDC 168.12 Streamside Protection Zones and the requirement to provide a flood study per UDC 168.10U for the property at 14 East 7th Street.

I am the architect designing the addition to this property. 278 square feet of office and bedroom space is proposed for addition to the existing 1,883 square foot residence. Also being added is a covered deck in the rear on the north side of the house, and the extension of the southern front deck to the build-to line. Lastly, we are proposing the addition of a 10-foot-wide concrete driveway along the west side of the house.

The driveway is the portion of the addition that is in violation of the ordinance. It protrudes into the streamside setback by 4 ½ feet. Although this project sits in the flood plain, it is above the base flood elevation, so all aspects of the addition are otherwise in compliance.

The driveway expansion would be added in place of an existing gravel driveway along with a new curb cut extension. With the addition of the deck to the build-to line, parking must be added to meet the minimum parking requirement of 2 spaces. As the site is so highly constrained by the setback, its ability to do this is limited. It is the request of the client that this additional parking be accommodated by widening the existing concrete drive to the west. This will also allow for the parking of 3 vehicles, including the parking of an electric vehicle close to the house, where an electric vehicle charger can be mounted.

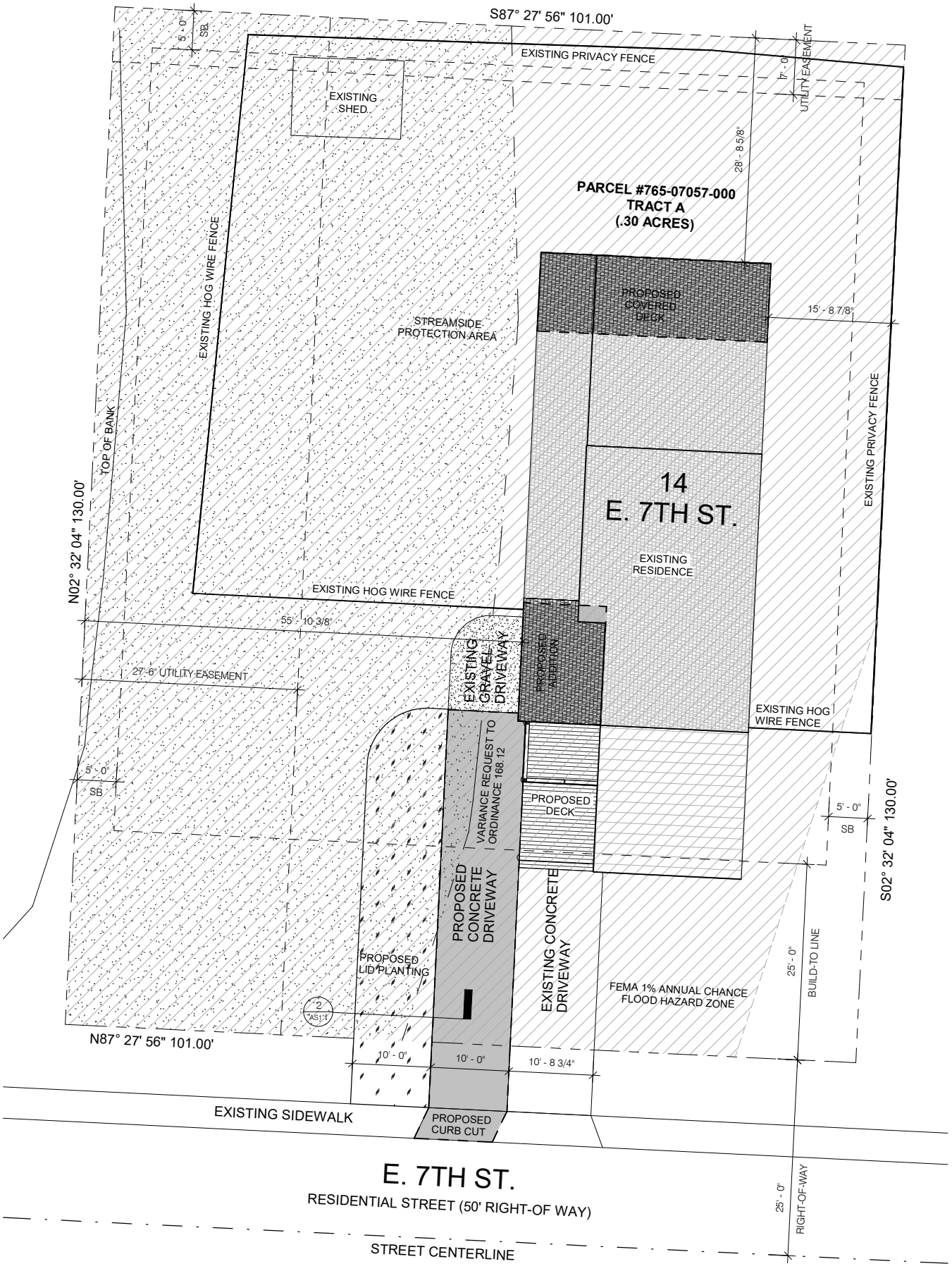
I met with Alan Pugh, Fayetteville Floodplain Manager, and he agreed that the staff would support a variance if we added LID planting along the west side of the driveway to mitigate any additional runoff it may cause. You will see that this planting is called for in the site plan.

Mr. Pugh also suggested that I submit this revision to our variance request to include a variance from the requirement to provide a flood study per UDC 168.10U given that FEMA has recently performed one in association with revised mapping currently being proposed, and that

mapping shows the structure to be removed from the floodplain. Those maps will become effective on January 25, 2024.

Thank you for your time.

Sincerely,
Claude Terral, Project Architect

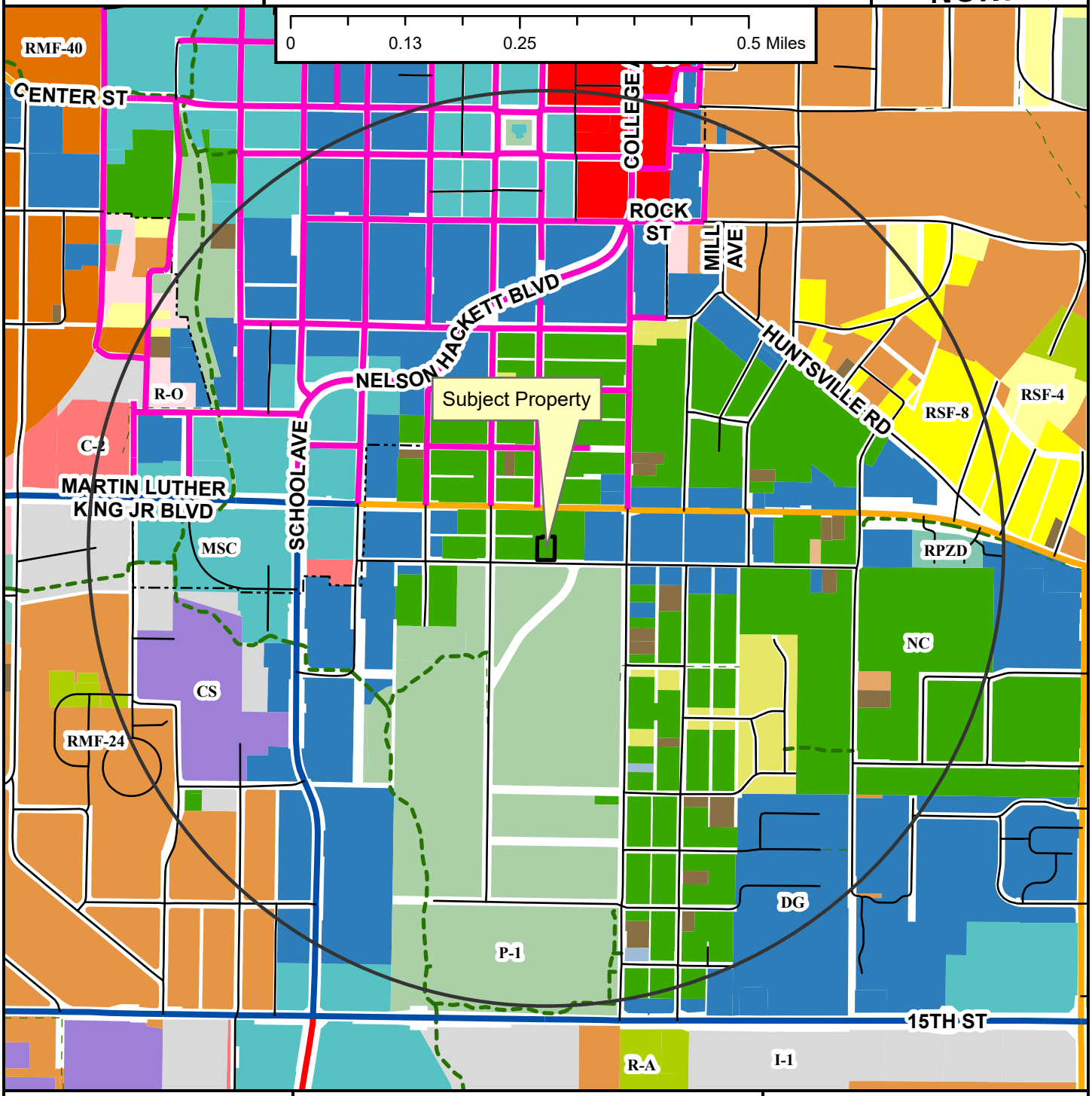

S87° 27' 56" 101.00'
5' - 0"
SB
EXISTING PRIVACY FENCE
7' - 0"
UTILITY EASEMENT
EXISTING SHED
28' - 8 5/8"
PARCEL #765-07057-000
TRACT A
(.30 ACRES)
EXISTING HOG WIRE FENCE
STREAMSIDE PROTECTION AREA
PROPOSED COVERED DECK
15' - 8 7/8"
TOP OF BANK
14
E. 7TH ST.
EXISTING RESIDENCE
EXISTING PRIVACY FENCE
N02° 32' 04" 130.00'
EXISTING HOG WIRE FENCE
55' - 10 3/8"
27' -6" UTILITY EASEMENT
EXISTING GRAVEL DRIVEWAY
PROPOSED ADDITION
EXISTING HOG WIRE FENCE
5' - 0"
SB
VARIANCE REQUEST TO ORDINANCE 168.12
PROPOSED DECK
5' - 0"
SB
S02° 32' 04" 130.00'
PROPOSED CONCRETE DRIVEWAY
EXISTING CONCRETE DRIVEWAY
PROPOSED LID PLANTING
FEMA 1% ANNUAL CHANCE FLOOD HAZARD ZONE
25' - 0"
BUILD-TO LINE
2
AS1.1
N87° 27' 56" 101.00'
10' - 0"
10' - 0"
10' - 8 3/4"
EXISTING SIDEWALK
PROPOSED CURB CUT
E. 7TH ST.
RESIDENTIAL STREET (50' RIGHT-OF WAY)
25' - 0"
RIGHT-OF-WAY
STREET CENTERLINE

VAR-2023-0048

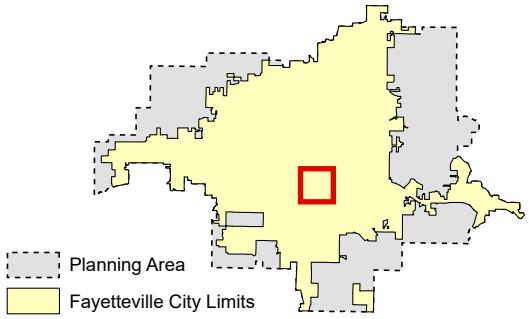
One Mile View

14 E. 7TH ST

NORTH



- Regional Link
- 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
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

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

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

EXTRACTION
E-1

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

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

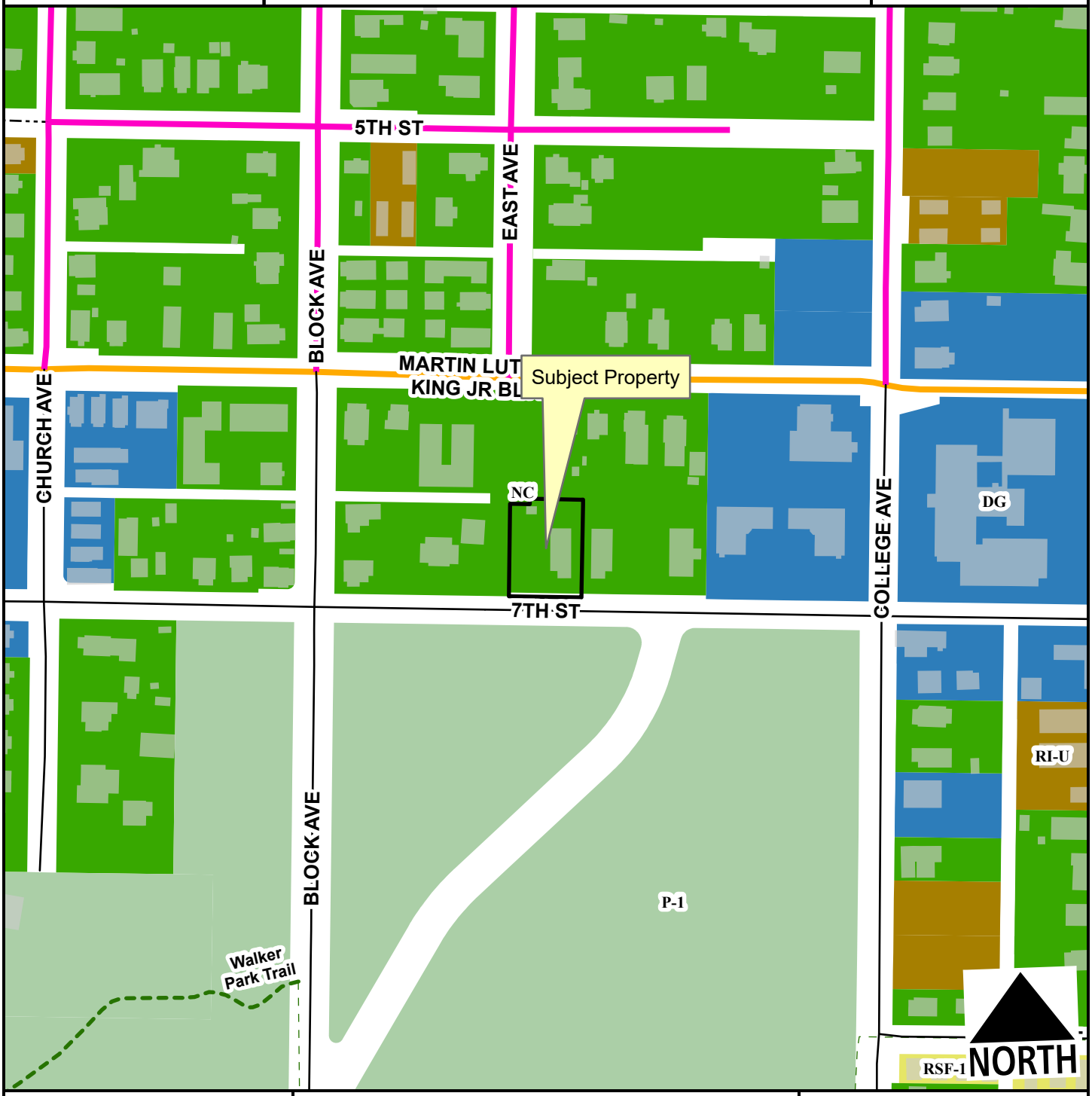
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAR-2023-0048

Close Up View

14 E. 7TH ST



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

Feet

0 75 150 300 450 600

1:2,400

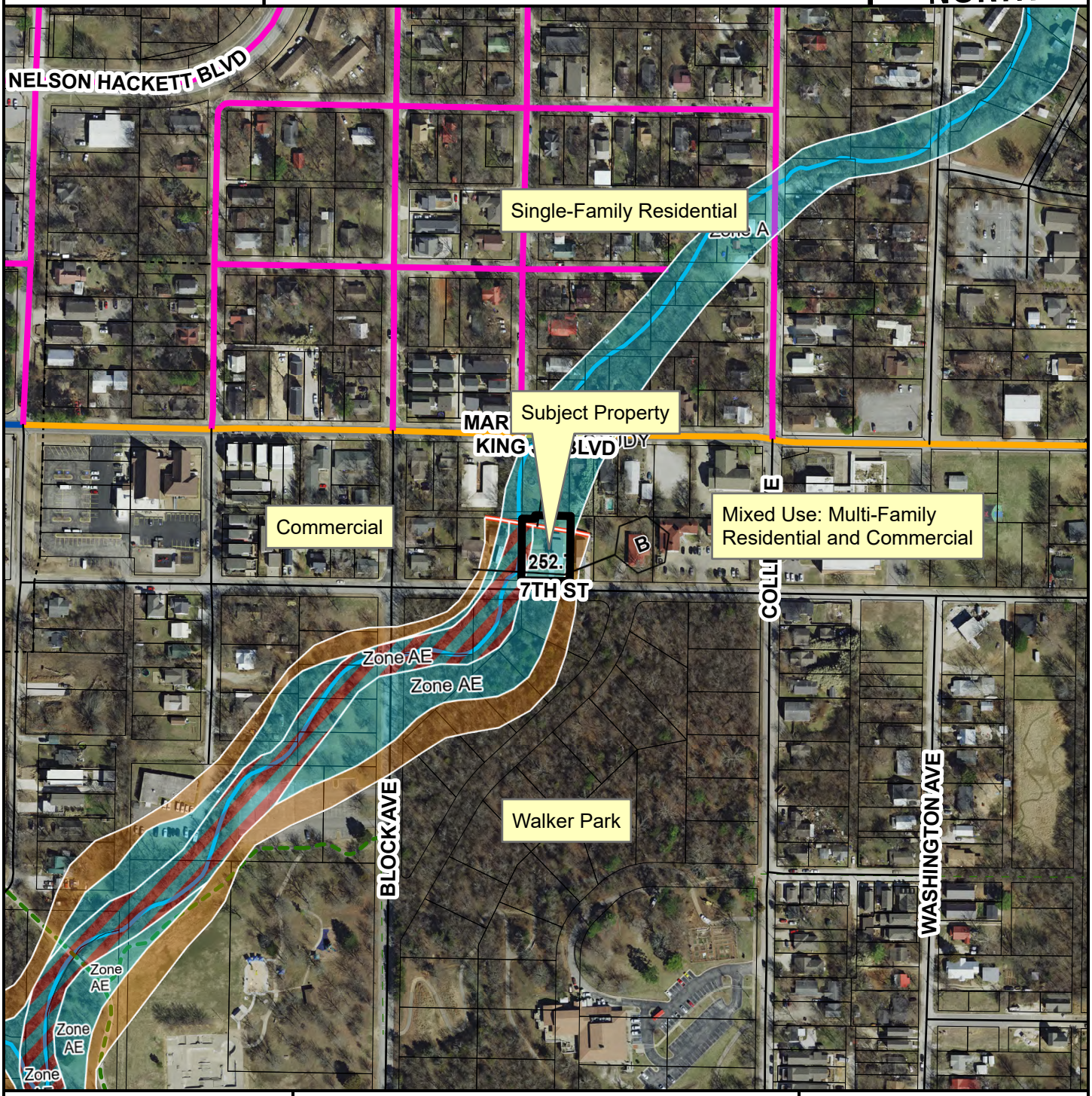
RSF-18
RI-U
Downtown General
Neighborhood Conservation
P-1

VAR-2023-0048

Current Land Use

14 E. 7TH ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING: November 13, 2023

SUBJECT: **CCP-2023-0003: Concurrent Plat (3145 E. JOYCE BLVD./EXDIRE LLC., 177):** Submitted by BLEW & ASSOCIATES for property located at 3145 E. JOYCE BLVD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 31.86 acres. The request is for the concurrent plat of two residential lots.

RECOMMENDATION:
Staff recommends approval of **CCP-2023-0003** with conditions.

RECOMMENDED MOTION: *"I move to approve* **CCP-2023-0003,** *recommending:*

- *In favor of recommended right-of-way dedication and street improvements; and*
- *All other conditions of approval."*

BACKGROUND:
The subject property is in northern Fayetteville at the boundary of City limits, approximately 0.25 miles from the intersection of Joyce Blvd. and N. Crossover Rd. Containing approximately 31.86 acres, the property is developed with a 1,747 sq. ft. single-family dwelling constructed in 1977 and several outbuildings. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Agricultural	R-A, Residential-Agricultural
South	Rural Residential/Agricultural	R-A, Residential-Agricultural
East	Rural Residential/Agricultural	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
West	Undeveloped/Commercial	RI-12, Residential-Intermediate – Twelve Units per Acre; NS-G, Neighborhood Services – General; C-1, Neighborhood Commercial; C-2, Thoroughfare Commercial

Proposal: The applicant intends to plat two residential lots with 28.744 and 3.120 acres. Having exhausted the number of administrative lot splits permitted from the parent tract, this proposal is required to be reviewed as a concurrent plat.

Water and Sewer System: The site has access to City of Fayetteville water, but not sewer. No additional water or sewer infrastructure is required with this proposal; each proposed lot will have required access to water. No access to City of Fayetteville sewer is provided to Tract 1 or Tract 2.

Right-of-way to be dedicated: Right-of-way along E. Joyce Boulevard is 40 feet from the centerline. E. Joyce Boulevard is a residential link street and the existing right-of-way exceeds the Residential Link requirement of 26 feet from centerline. Accordingly, staff recommends no additional right-of-way dedication is required. The Master Street Plan outlines a neighborhood link connection through the property, but staff is not recommending any right-of-way dedication at this time, since the requested proposal does not meet the threshold for rough proportionality.

Street Improvements: Staff does not recommend any street improvements in association with this request.

Tree Preservation: N/A; no development is proposed at this time.

Parkland Fees: Parkland dedication fees in the amount of $1,089.

Public Comment: Staff has not received any comments from the public on this item.

RECOMMENDATION: Staff recommends forwarding CCP-2023-0003 to the full Planning Commission, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend right-of-way dedication.*
   Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *Staff does not recommend any street improvements.*
   Subdivision Committee recommended in favor.

3. All remaining comments from City divisions, whether Urban Forestry, Fire, or Engineering shall be addressed prior to Planning Commission.

Standard conditions of approval:

4. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat (if applicable).

5. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).

6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

PLANNING COMMISSION ACTION:		**Required**	**YES**	
Date: November 13, 2023	❒ **Tabled**		❒ **Approved**	❒ **Denied**
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:
None

Attachments:

- Applicant Cover Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

BLEW

Surveying | Engineering | Environmental

October 3, 2023

Blew # 23-5889, D Luke Knox Concurrent Plat
Narrative

Our client, David Knox, is requesting Concurrent Plat approval to split parcel 765-13237-005, a 31.86 acre parcel, into two tracts at 28.74 acres (Tract 1) and 3.12 acres (Tract 2) respectively.
Each proposed tract has more than the minimum amount of public street frontage and meets the minimum lot standards for the R-A (Residential-Agricultural) zone in which it is located.
Easements for access and utilities are included in the request, to be dedicated per the plat (Blew # 23-5889).
The addition of one lot at this location will not noticeably increase the traffic onto E. Joyce Blvd or N. Crossover Rd.
Urban Forestry has stated that once a development request is made to the city a Tree Preservation Plan will be required. But it isn't required at this time since the property owner is not making a development request.

Please let me know if you have any questions.

Thank you.

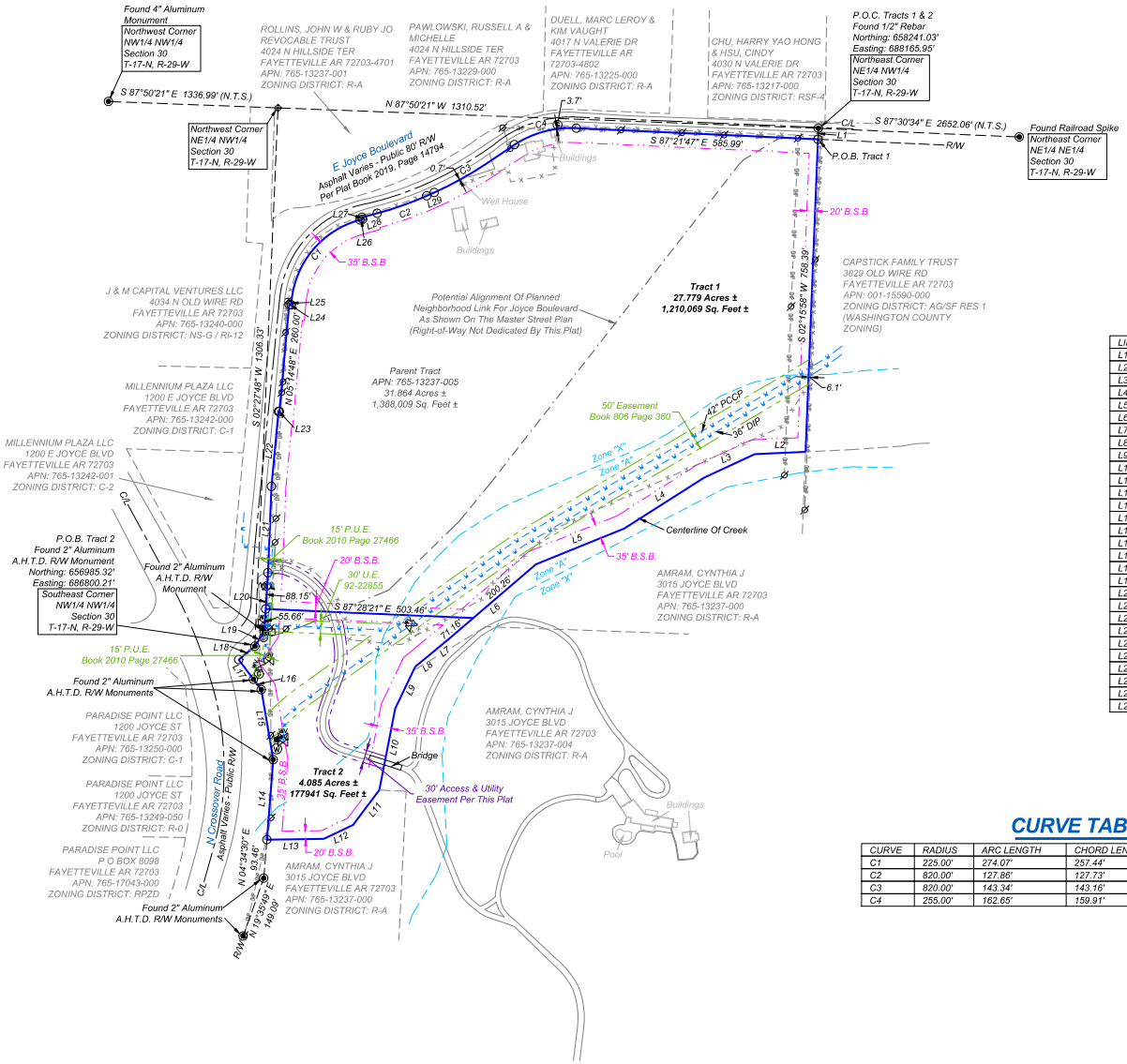
Nathan Crouch
NWA Planning Manager
Blew & Associates

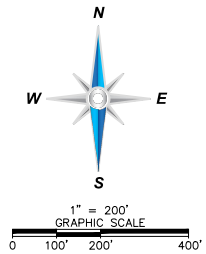
CONCURRENT PLAT

3145 E JOYCE BOULEVARD

LOCATED IN: SECTION 30, TOWNSHIP 17 NORTH, RANGE 29 WEST

WASHINGTON COUNTY, FAYETTEVILLE, AR 72703





LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET MONUMENT (AS NOTED)
- COMPUTED POINT
- POWER POLE
- MANHOLE
- WATER VALVE
- FIRE HYDRANT
- WATER METER
- STORM MANHOLE
- CLEANOUT
- YARD HYDRANT
- ELECTRIC BOX
- LIGHT
- TELEPHONE PEDESTAL
- IRRIGATION CONTROL VALVE
- FIRE DEPARTMENT CONNECTION
- GAS METER

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
N.T.S. NOT TO SCALE
AHTD ARKANSAS HIGHWAY TRANSPORTATION DEPT.

- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE
- UNDERGROUND WATER MAIN
- FLOOD LINE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°15'58" W	26.57'
L2	S 87°20'40" W	123.21'
L3	S 65°11'05" W	135.37'
L4	S 57°30'27" W	229.58'
L5	S 67°54'14" W	230.71'
L6	S 49°21'17" W	271.42'
L7	S 50°31'06" W	64.06'
L8	S 50°31'06" W	48.60'
L9	S 25°30'54" W	112.02'
L10	S 11°04'05" W	201.51'
L11	S 37°00'24" W	105.86'
L12	S 64°26'12" W	78.36'
L13	S 89°07'05" W	137.92'
L14	N 04°34'34" E	194.82'
L15	N 09°45'06" W	171.99'
L16	N 36°48'17" W	31.40'
L17	N 36°48'17" W	59.60'
L18	N 50°10'08" E	50.68'
L19	N 33°23'16" E	41.83'
L20	N 03°29'39" E	143.98'
L21	N 02°22'00" E	209.06'
L22	N 05°19'21" E	182.45'
L23	S 84°40'39" E	2.24'
L24	S 84°45'12" E	5.00'
L25	N 05°14'48" E	9.21'
L26	N 75°02'22" E	6.26'
L27	N 14°57'38" W	5.00'
L28	N 75°02'22" E	37.91'
L29	N 66°06'21" E	19.54'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	225.00'	274.07'	257.44'	N 40°08'35" E	69°47'31"
C2	820.00'	127.86'	127.73'	N 70°34'22" E	8°56'02"
C3	820.00'	143.34'	143.16'	N 61°05'53" E	10°00'57"
C4	255.00'	162.65'	159.91'	N 74°21'49" E	36°32'47"

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 12TH DAY OF SEPTEMBER, 2023.

PRELIMINARY

BLEW & ASSOCIATES, P.A. CERTIFICATE OF AUTHORIZATION NO. 1834

STATE OF ARKANSAS No. 1826 REGISTERED PROFESSIONAL LAND SURVEYOR HEATH A MYERS SIGNATURE

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.

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
OFFICE: 479.443.4506 · FAX: 479.582.1883
SURVEY@BLEWINC.COM
WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 23-5889	**SURVEY DRAWN BY:** JDC - 9/12/2023
SURVEY REVIEWED BY: TPN	**SCALE:** 1" = 200'
FOR THE USE AND BENEFIT OF: D LUKE KNOX	

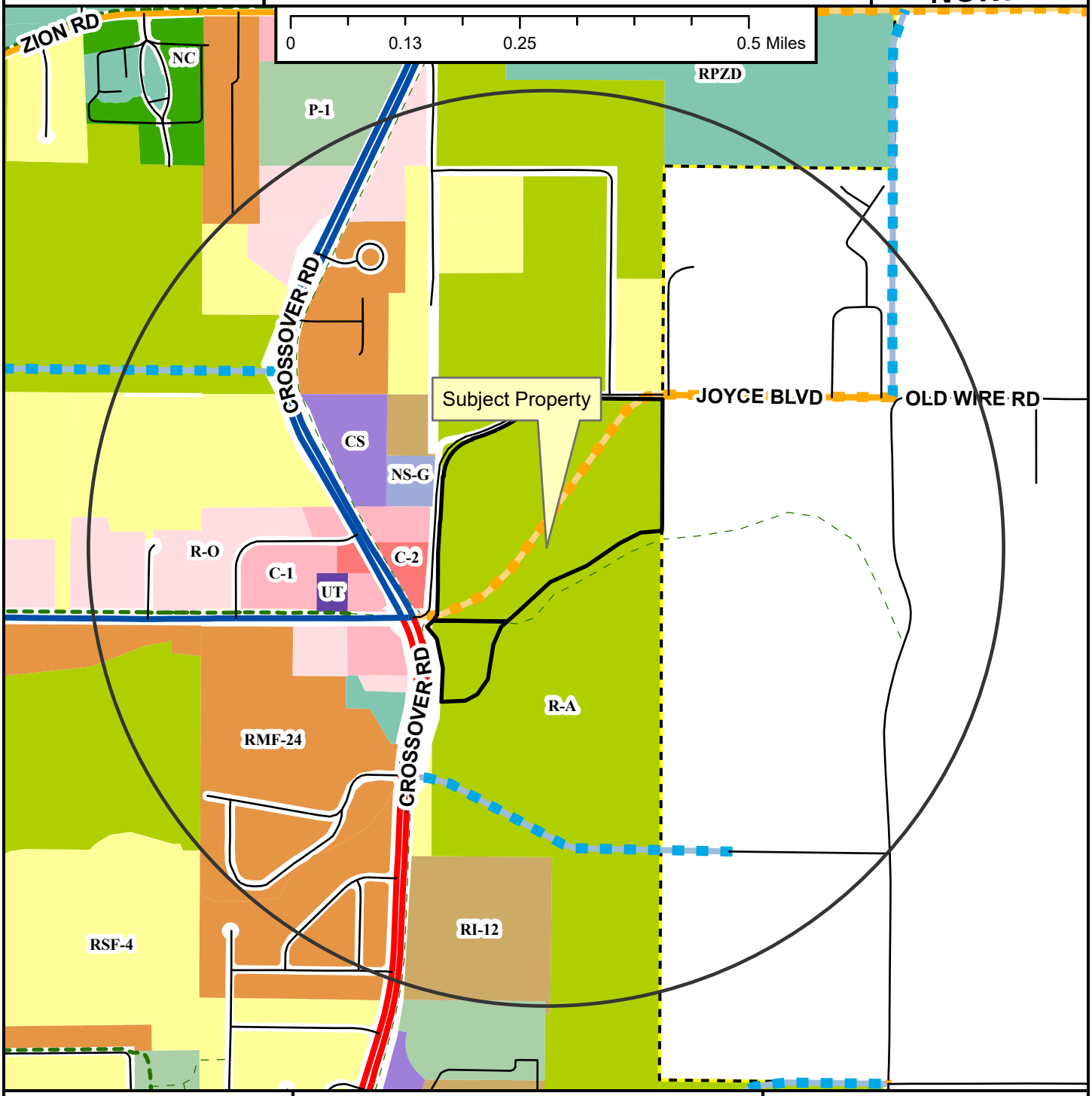
SHEET 2 OF 2

CCP-2023-0003

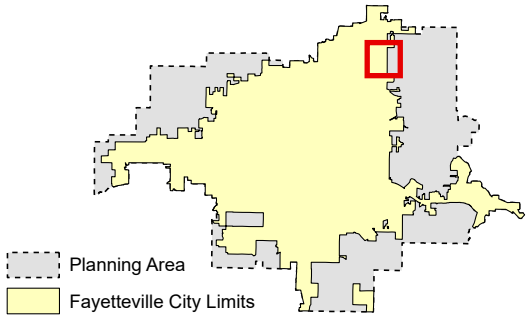
One Mile View

3145 E. JOYCE BLVD

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

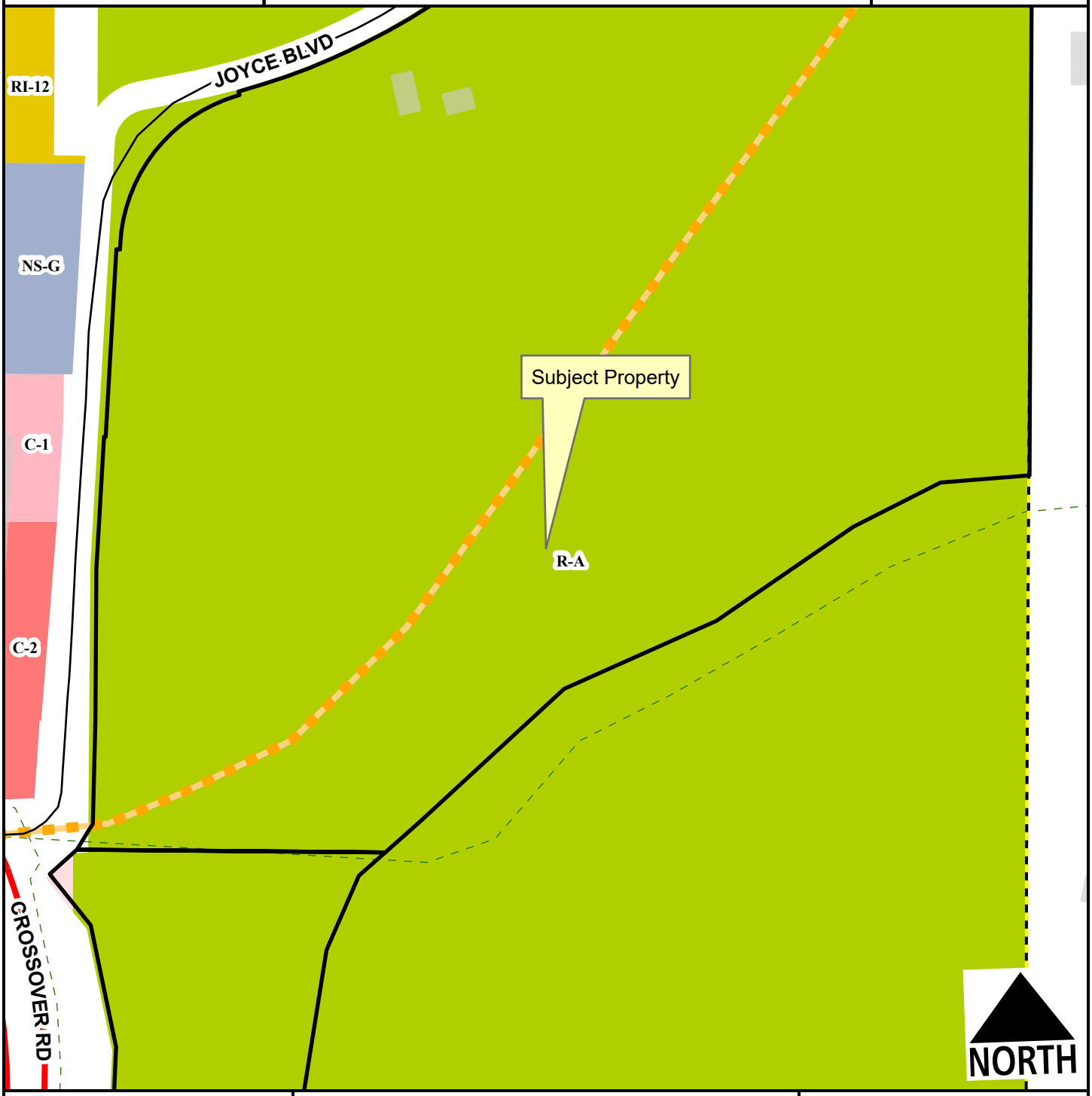
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CCP-2023-0003

Close Up View

3145 E. JOYCE BLVD



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

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

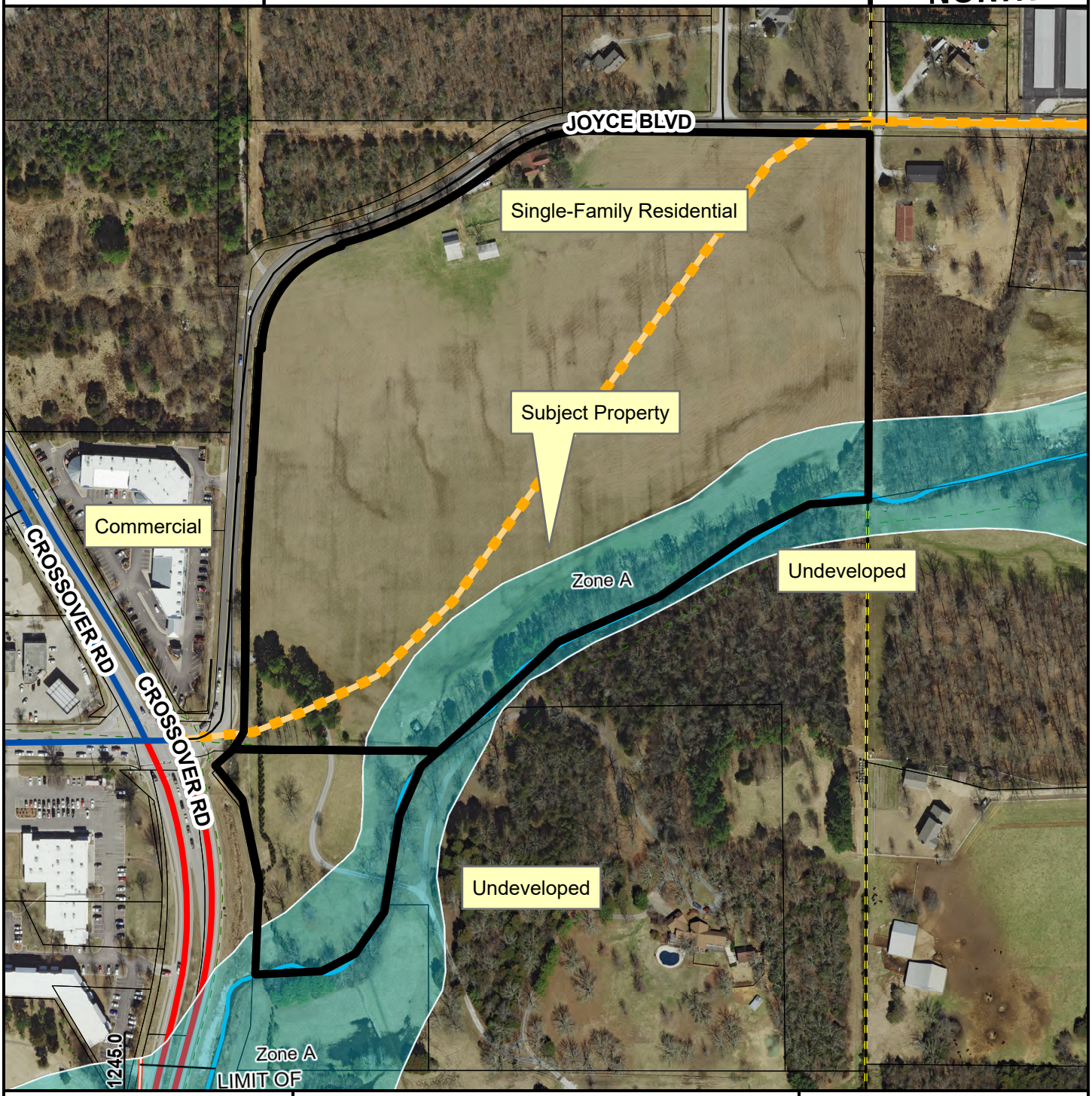
Residential-Agricultural
RI-12
Residential-Office
C-1
C-2
Neighborhood Services - Gen.

CCP-2023-0003

Current Land Use

3145 E. JOYCE BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: November 13, 2023

SUBJECT: **LSD-2023-0017: Large Scale Development (3549 W. BLACK FOREST DR./FOREST HILLS RETAIL CENTER, 440):** Submitted by BLEW & ASSOCIATES for property located at 3549 W. BLACK FOREST DR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 2.11 acres. The request is for a 15,439 square foot commercial building and associated parking.

RECOMMENDATION:
Staff recommends approval of **LSD-2023-0017** with conditions.

RECOMMENDED MOTION:
*"I move to approve **LSD-2023-0017** with conditions:*

- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in west Fayetteville, just south of W. Wedington Drive, about a half-mile west of I-49. The property contains roughly 2.11 acres and is in Planning Area 1 of the Forest Hills RPZD. The property is currently mostly undeveloped except for a vacant single-family dwelling constructed in 1993 which will be demolished. In 2020, the Subdivision Committee approved LSD-20-7162, with conditions, but the project has since expired. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Retail	RPZD – Forest Hills
South	Residential	RPZD – Forest Hills
East	Retail	RPZD – Forest Hills
West	Offices	R-A, Residential-Agricultural

Proposal: The applicant requests large scale development approval to develop the subject property with a 15,439 square foot commercial building and associated parking. The development, as proposed, features ten retail units with drive-through windows on the north and south ends of the building.

Right-of-Way to be Dedicated: No right-of-way dedication is required; Black Forest Drive and Jewell Road are both private streets.

Street Improvements: Staff is not recommending any street improvements; Black Forest Drive and Jewell Road are both private streets.

Access Management/Connectivity: Access to the site is proposed through two two-way driveways along Black Forest Drive (a private drive). Cross access to the property to the east is provided by two two-way access points. An access easement is provided to the west. Staff finds the proposal meets the City's access management and connectivity standards.

Design Standards: This project is subject to compliance with the RPZD design standards established by Ord. No. 5146 (6/30/2008). The project is also subject to §166.25, Commercial, Office and Mixed Use Design and Development Standards. While EIFS is not permitted by §166.25, it is a permitted material in the Forest Hills RPZD Planning Area 1. Staff finds that the use of EIFS is appropriate for the subject property, and all other design standards outlined in §166.25 are being met.

Water and Sewer System: The applicant is proposing to connect to an 8" water line on Black Forest Drive. An 8" sewer extension is proposed to provide sanitary sewer to the property via an existing utility easement.

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

Tree Preservation:
Canopy minimum requirement: 25%
Existing canopy: 16.7%
Preserved canopy: 4.9%
Mitigation required: 38 2" caliper trees to be planted

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

RECOMMENDATION: Staff recommends approval of **LSD-2023-0017** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff does not recommend right-of-way dedication.*

   Subdivision Committee recommended approval.

2. **Planning Commission determination of street improvements.** *Staff does not recommend street improvements.*

   Subdivision Committee recommended approval.

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

Standard Conditions of Approval:

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

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

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

7. Trash enclosures shall be screened on three sides with materials that are complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Recycling & Trash Collection divisions for review prior to building permit;

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

9. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;

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

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

12. Large scale development approval shall be valid for one year;

13. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;

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

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

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

Planning Commission action:	**❒ Denied**	**❒ Tabled**	**❒ Approved**
Meeting Date: <u>November 13, 2023</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Staff Memos
  - Engineering Memo
  - Urban Forestry Comments
- Request Letter
- Site Plan
- Elevations
- Materials
- One Mile Map
- Close-Up Map
- Current Land Use Map

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Kylee Hevrdejs, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: November 1, 2023

SUBJECT: **Subdivision Committee Engineering Comments for LSD-2023-0017**

Water: The applicant is proposing to connect to an 8" water line in W Black Forest Dr for domestic water service and fire protection.

Sewer: The applicant is proposing an 8" sewer extension to provide sanitary sewer for the property.

Natural Features: Hydric soils are shown to be present on site and are indicators of potential wetlands. A wetland delineation must be provided at grading permit.

Drainage: Storm inlet design to be reviewed during grading permit process.

Street: Black Forest Dr is a private, dead end street with low speeds. There are numerous locations proposed for this development that provide access to the site.

Plan Comments:

1. Information on the fire sprinkler system must be provided during grading permit review. The max flow demand for the specific sprinkler system must be provided and will determine the size of underground fire line. The underground line must be designed, installed, and tested like a public water main.
2. Connection to the existing water main stub out may be revised based on in field conditions. Instead of a tapping sleeve, a 45° bend may be able to be used.
3. Please shallow the sewer main to be as close to minimum cover as possible.
4. Profiles for the water main and fire line extension will be required at grading permit.

Standard Comments:

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

replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.

4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Lee Stewart, Blew & Associates, PA

From: Melissa Evans, Urban Forester

CC: Kylee Hevrdejs, Planner

Meeting Date: November 13, 2023

Subject: LSD-2023-0017: Forest Hills Retail Center: 3549 W. Black Forest Dr., 440

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

2. Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*	X		

b.	Wheel Stops/Curbs *UDC Chapter 177.04B1*	**X**		
c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			**X**
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*	**X**		
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*	**X**		
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
c.	Screening of parking lot from adjacent residential properties.			**X**

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*			**X**
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*			**X**
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			**X**
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5. Landscape Requirement Totals	Amount
Mitigation Trees	**38**
Parking Lot Trees	**9**
Street Trees	**9**
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**0**
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**0**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**0**

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**09-25-23**	**10-31-23**	**11-7-23**
Approved			
Tabled			
Denied			

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. The “Timing of Planting” note is for subdivisions. You could revise it to say “all required plant material must be installed by C of O, unless there is a weather issue or some other reason it cannot be installed in which case a Landscape Performance Surety will be required and a TCO may be given”.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Lee Stewart, Blew & Associates, PA

From: Melissa Evans, Urban Forester

CC: Kylee Hevrdejs, Planner

Meeting Date: November 13, 2023

Subject: LSD-2023-0017: Forest Hills Retail Center: 3549 W. Black Forest Dr., 440

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

Tree Preservation Calculations		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	91,694	100%
*Zoning Designation * Select Below with drop down arrow*		
PZD, Planned Zoning District	22,924	25%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	22,924	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	15,300	16.7%
Tree Canopy Preserved	4,530	4.9%
Tree Canopy Removed *On Site	10,770	11.7%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	10,770	11.7%
Removed Below Minimum	**18,394**	
Mitigation Requirements	**10,770**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	5,869	27
Low Priority	4,901	11
Total Mitigation Trees Required	**10,770**	**38**

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

5. Tree Preservation Plan Checklist *UDC Chapter 167.04H1and 167.04L1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	**Yes**	**Yes**	**Yes**
b. Property Boundary	**Yes**	**Yes**	**Yes**
c. Natural Features (100ft beyond limits of disturbance)	**Yes**	**Yes**	**Yes**
d. Existing Topography and Proposed Grading	**Yes**	**Yes**	**Yes**
e. Soil Types	**No**	**Yes**	**Yes**
f. Significant Trees	**Yes**	**Yes**	**Yes**
g. Groupings of Trees	**Yes**	**Yes**	**Yes**
h. Table Inventory List (species, size, health, priority)	**Yes**	**Yes**	**Yes**
i. All Existing and Proposed Utilities	**Yes**	**Yes**	**Yes**
j. All Existing and Proposed Utility Easements and ROW's	**Yes**	**Yes**	**Yes**
k. All Streams (with approximate center line)	**N/A**	**N/A**	**N/A**
l. Floodplains and floodways	**N/A**	**N/A**	**N/A**
m. Existing Street, Sidewalk or Bike Path ROW	**Yes**	**Yes**	**Yes**
n. Submitted Site Analysis Plan (if required)	**N/A**	**N/A**	**N/A**
o. Shows ALL Proposed Site Improvements	**Yes**	**Yes**	**Yes**
p. Delineates trees/canopy to be preserved and removed	**Yes**	**Yes**	**Yes**
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**Yes**	**Yes**	**Yes**
Tree Protection Methods			
a. Tree Protection Fencing	**Yes**	**Yes**	**Yes**
b. Limits of Root Pruning	**No**	**Yes**	**Yes**
c. Traffic flow on work site	**N/A**	**N/A**	**N/A**
d. Location of material storage	**Yes**	**Yes**	**Yes**
e. Location of concrete wash out	**Yes**	**Yes**	**Yes**
f. Location of construction entrance/exit	**Yes**	**Yes**	**Yes**

6. Site Analysis Report (if required) *UDC Chapter 167.04H4*	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy			**X**
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			**X**

7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**09-25-23**	**10-31-23**	**11-7-23**
Approved			
Tabled			
Denied			

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. Thank you for addressing previous comments.

BLEW

Surveying | Engineering
Environmental

September 12, 2023

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

SUBJECT: Forest Hills Retail Center
W. Black Forest Drive

To Whom It May Concern:

Forest Hills Partners, LLC is planning on developing Parcel Number 765-29416-003, located on West Black Forest Drive. Blew & Associates, PA is submitting a Large Scale Development Plan for the Development of a Retail Center. The Retail Center will include some restaurant capable space within the building. The site will also connect to the drive stub outs provided from the Walmart Neighborhood Market lot to the east and create two connection points to West Black Forest Drive (a local street). The proposed project meets the requirements of the PZD. We are not requesting any waivers, variances, or conditional uses for the current LSIP. We will reserve the right to submit future waivers, variances, or conditional uses if so warranted.

Sincerely,

Lee Stewart

Blew
Blew & Associates, PA

Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Firelane Striping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
X	General Fence Line (See Plan For Type)
	Chain Link Fence Line
	Board Fence Line
10 SPACES	Parking Counter
	Storm Catch Basin(s)
	Retaining Wall
See UTILITY PLAN for More Information	
	Gate Valve
	Fire Hydrant Assembly
	Water Meter - Single
	Water Meter - Double
	Sanitary Sewer Manhole
	Utility Pole
	Light Pole

Note:
* See Survey For Existing Features Legend.
* See Cover Sheet For Abbreviation List.

Site Information:

PROPERTY INFORMATION		
Gross Site Area:	91,742.81 sf	2.11 acres
Proposed Dedicated R.O.W:	0.00 sf	0.00 acres
Net Site Area:	91,742.81 sf	2.11 acres
Zoning: PZD		
ZONING REGULATIONS		
Front Setback:		20 ft
Side Setback (Adj to Non Resid):		0 ft
Side Setback (Adj to Resid):		15 ft
Rear Setback:		20 ft
Building Height Maximum:		40 ft
SITE INFORMATION		
Total Paved Area:	48,030.65 sf	1.10 acres
Total Sidewalk Area:	4,900.38 sf	0.11 acres
Total Building Area:	15,439.01 sf	0.35 acres
- Retail Space	10,200.00 sf	0.23 acres
- Restaurant Space	5,239.01 sf	0.12 acres
Total Impervious Area:	68,370.04 sf	74.5%
Total Pervious Area:	23,372.77 sf	25.5%
PLANNING AREA 1 INFORMATION		
Existing Building Area:		84,589.61 sf
Size of Planning Area:		22.41 acres
Max. Allowable Intensity:	5,349.00 sf / ac	
Proposed Building Area:		15,439.01 sf
Total Building Area (Existing + Proposed):		100,028.62 sf
Proposed Intensity:	4,463.57 sf / ac	

Parking Schedule:

VEHICULAR:	TOTAL	NOTES
Retail Space	10200	1 per 250 sf of GFA
Restaurant Space:	5239.01	1 per 100 sf GFA
Maximum Number of Spaces:	93	
15% Increase	14	By Right
Req'd Spaces Plus Increases:	107	
Provided Std Spaces:	78	
Provided Comp. Spaces:	23	37 Spaces Maximum
Provided Spaces (Total):	105	
Required Accessible Spaces:	4	
Provided Std Accessible Spaces:	3	
Provided Van Accessible Spaces:	1	
MOTORCYCLE / SCOOTER:	TOTAL	NOTES
Required:	4	1 Sp / 25 Parking Sp
Provided:	7	
BICYCLE:	TOTAL	NOTES
Minimum Required:	5	1 Bike Rack / 20 Sp
Provided:	6	

Site General Notes:

- Dimensions are measured from the Face of Curb, the Edge of Pavement, the Edge of Sidewalk the Face/Corner of the Building(s) or the Center/End of Stripe.
- All radii shall be 4 foot at Face of Curb unless otherwise specified.
- Layout of Site Plan is based on and limited to survey information.
- All Curb & Gutter shall be 24" wide per detail sheet.
- All Pavement Marking shall be applied in accordance with the requirements outlined in the most current edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).
- All Signs, Traffic Control Devices, etc. shall follow the guidelines of the MUTCD.
- The Contractor shall refer to the Architectural drawings for Building Floor plans and Dimensions, Wall Sections, Door Openings, Building Utility Entrance Points, etc. The Contractor shall immediately notify the Architect and Engineer in the event that the Civil Site Plans Building Layout does not match the Architectural drawings.
- All handicap spaces shall be striped / marked in accordance with the handicap striping detail.
- All pavement indicated shall be standard duty bituminous pavement unless otherwise noted on plan. The pavement shall be constructed in accordance with the pavement section detail.
- It is the Contractor's responsibility to calculate construction staking coordinates according to the dimensions shown on these plans. The Contractor shall verify the accuracy of the coordinates shown on the plans and notify the Engineer of any irregularities before construction starts.
- All ramps shall have detectable truncated dome panels per A.D.A. and city standards and the detail sheet.

Sign Legend

Symbol	Code	Description	Size	Post Type
STOP	R1-1	Stop Sign	24 x 24	U-Channel
	-	Handicap Sign	12 x 18	U-Channel

City of Fayetteville Notes:

- All signs to be approved by separate permit.
- Any and all equipment or utilities must be screened from ROW

Floodplain Note:

According to the Federal Emergency Management Agency, Flood Insurance Map for Washington County, Arkansas, Panel Number 05143C0205F, with an Effective Date of April 2nd, 2008, this parcel of land falls within Zone "X". Zone "X" is defined as "Areas determined to be outside the 0.2% annual chance floodplain".

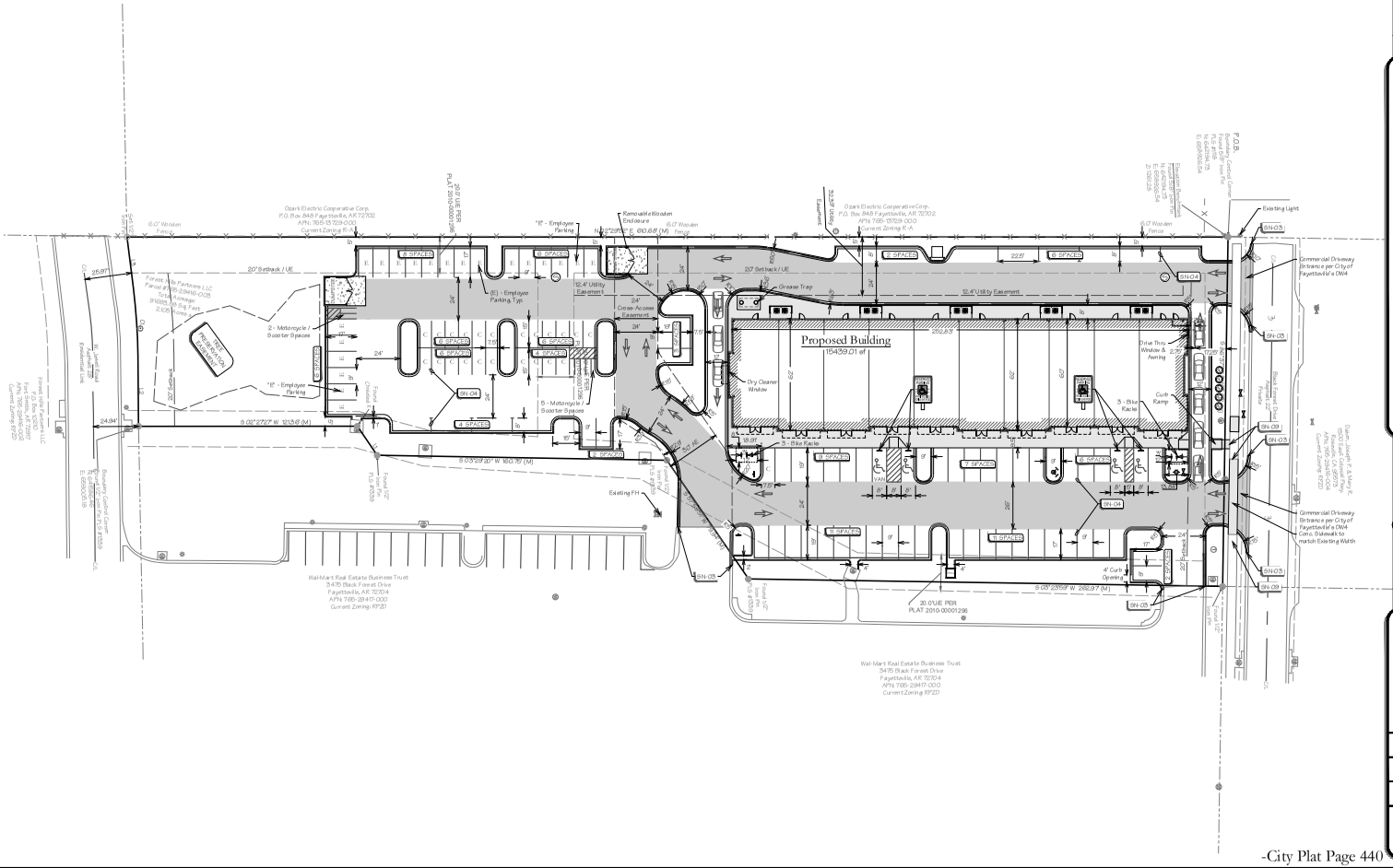
Site Plan Notes:

SN-02	Street Light per Municipal Standards
SN-03	Taper Curb & Gutter to Match Existing
SN-04	4" Painted Yellow Striping
SN-09	Match Existing Sidewalk

Know what's below. Call before you dig.

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft



Planning Commission
November 13, 2023
LSD-2023-0017 (FOREST HILLS RETAIL CENTER)
Page 53 of 512
Page 14 of 22

No.	REVISIONS: DESCRIPTION	DATE

Site Plan
City #2023-0017

Large Scale Development For:
Forest Hills Retail Center
W. Black Forest Drive, Fayetteville, Arkansas
Hermin Thind
1394 W. Sunset Avenue
Springdale, AR 72762
(479) 317-7777

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

BLEW
Surveying | Engineering
Engineering
5102 S. Pinnacle Hills Pkwy Office: (479) 443-4506
Rogers, Arkansas 72758 www.BLEWINC.com
Certificate of Authorization #: 1534

DATE:	JOB NUMBER:
2023-11-06	23-6398
DRAWN BY: L. Stewart	REVIEWED BY: J. Du Quesne

DRAWING NAME: 23-6398 Civil 003.dwg

SHEET NUMBER: C2

-City Plat Page 440

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Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
X	General Fence Line (see Plan For Type)
	Chain Link Fence Line
	Board Fence Line
	Storm Catch Basin(s)
	Storm Pipe (See Grading Plan For Type And Size)
	Retaining Wall
X"W	See Utility Plan For Line Sizes Water Line
	Tee, Cross, Bends, Gate Vale & Reducer
	Fire Hydrant & Assembly
	Water Meter - Single
	Water Meter - Double
X"FM	Sanitary Sewer Force Main
X"SS	Sanitary Sewer Line
	Sanitary Sewer Service
	Sanitary Sewer Manhole
GAS	Gas Line
OHE	Overhead Electric Line
UGE	Underground Electric Line
C-TV	Cable Television Line
FO	Fiber Optic Line
OHT	Overhead Telephone Line
UGT	Underground Telephone Line
	Utility Pole
	Light Pole

Note:
- Only Symbols That Appear On This Sheet Are Shown In This Legend.
- See Survey For Existing Features Legend.
- See Cover Sheet For Abbreviation List.

Landscape Legend:

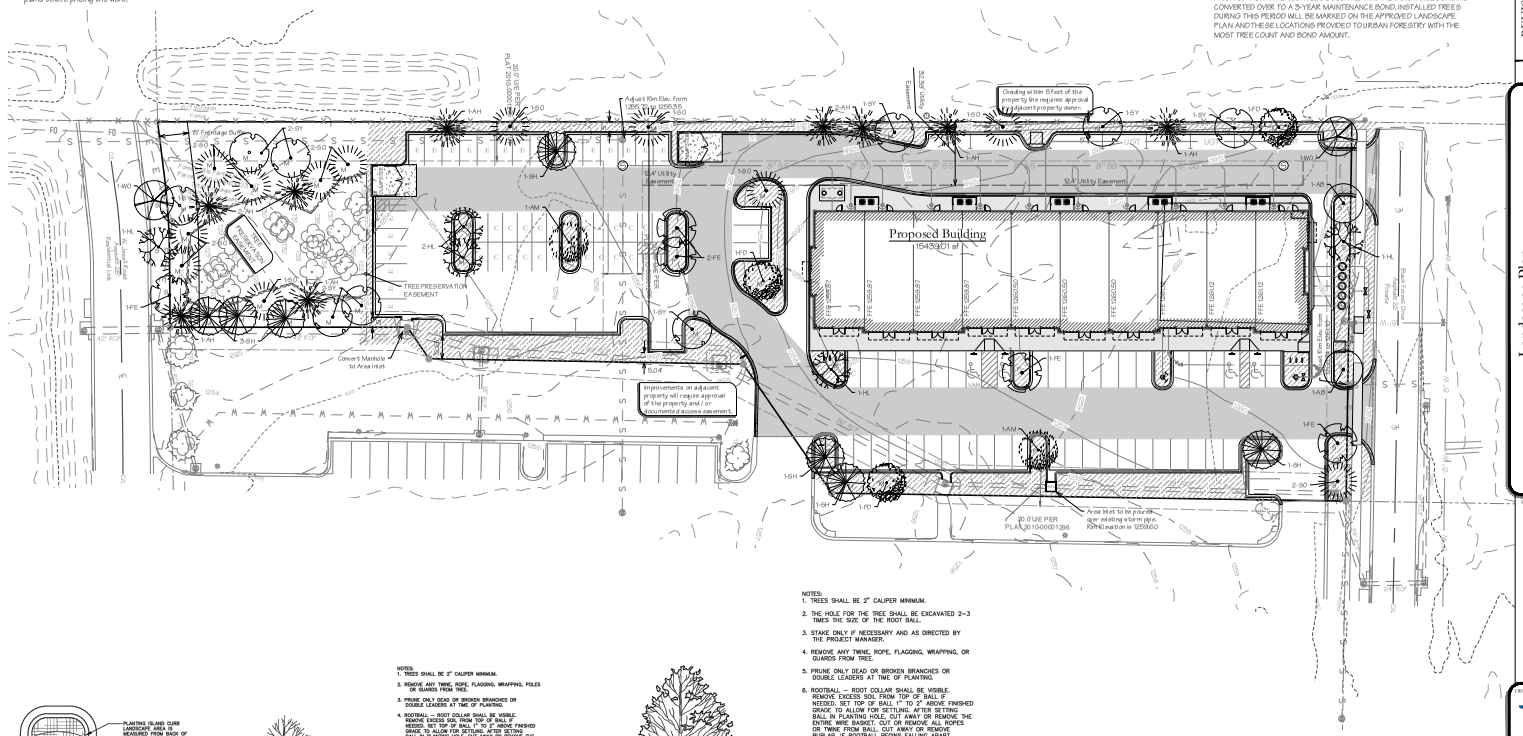
Key	Symbol	Qty.	Botanical	Common	Caliper	Comments
STREET (FRONTAGE) TREES:						
WO		2	Quercus phellos	Willow Oak	2" Cal	Balled & Burlapped Limbed 6 ft. from the ground
FE		2	Ulmus 'Frontier'	Frontier Elm	2" Cal	
SO		1	Quercus coccinea	Scarlet Oak	2" Cal	
AB		2	Amelanchier x Autumn Brilliance'	Autumn Brilliance Serviceberry	2" Cal	
HE		2	Gleditsia triacanthos f. inermis 'Shycole' SKYLINE	Thornless Honey Locust	2" Cal	
PARKING TREES:						
AM		2	Fagus grandifolia	American Beech	2" Cal	Balled & Burlapped Limbed 6 ft. from the ground
FE		3	Ulmus 'Frontier'	Frontier Elm	2" Cal	
HE		1	Gleditsia triacanthos f. inermis 'Shycole' SKYLINE	Thornless Honey Locust	2" Cal	
SH		3	Quercus shumardi	Shumard Oak	2" Cal	
MITIGATION TREES:						
SY		9	Platnus occidentalis	Sycamore	2" Cal	Balled & Burlapped Limbed 6 ft. from the ground
SH		4	Quercus shumardi	Shumard Oak	2" Cal	
FD		3	Cornus florida	Flowering Dogwood	2" Cal	
SO		11	Quercus coccinea	Scarlet Oak	2" Cal	
HE		2	Gleditsia triacanthos f. inermis 'Shycole' SKYLINE	Thornless Honey Locust	2" Cal	
AH		9	Ostrya virginiana	American Hophornbeam	2" Cal	
GRASS:						
			Seed & Straw (14,300 sf)			All Other Disturbed Areas

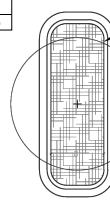
Fayetteville Landscape Notes:

1. Contractor shall confirm the location of all utilities prior to starting any work. The contractor is responsible for contacting Arkansas one-call to confirm all utilities.
2. All plants must be healthy, vigorous and free of pests and diseases.
3. Standards set forth in "American Standard for Nursery Stock" represent guideline specifications only and shall constitute minimum quality requirements for plant material.
4. All plants must be container grown or balled and burlapped as indicated on the plant list.
5. All required trees shall be 2" minimum caliper, with a single dominate central leader. Multi leadered trees will not be acceptable without prior approval from urban forestry.
6. All trees must be straight trunked and full headed, unless specified otherwise, and must meet all requirements specified on plans.
7. All trees and shrubs shall be installed per standard City of Fayetteville planting details.
8. All plants are subject to the approval of the Landscape Architect before, during, and after construction.
9. All planting areas must be completely mulched with a 4" layer of organic hardwood mulch. Mulch shall be not be placed immediately adjacent to tree trunks, but shall be kept at least 3" from root collar at the soil line.
10. All proposed planting areas covered by grass shall have the sod completely removed before planting begins.
11. All planting beds shall be contained by edging material other than vegetation.
12. Prior to construction, the contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. The contractor is responsible for repairing any and all damage to utilities, structures, site appurtenances, etc. which occurs as a result of the landscape construction at no cost to the owner.
13. The contractor is responsible for verifying all quantities shown on these plans before pricing the work.
14. The contractor is responsible for fully maintaining all planting material (including but not limited to: watering, spraying, mulching, fertilizing, etc.) in all planting areas and lawn areas until the work is accepted in total by the owner.
15. The contractor shall completely guarantee all plant material for a period of one (1) year beginning on the date of total acceptance. The contractor shall promptly make all replacements before or at the end of the guarantee period.
16. Any plant material which dies, turns brown, or defoliates (prior to total acceptance of the work) shall be promptly removed from the site and replaced with material of the same species, quantity, and size and meeting all plant list specifications.
17. Notify Landscape Architect or Designated Representative of any layout discrepancies prior to any planting. Locate all utilities and site lighting conduits before construction begins.
18. All disturbed areas shall be seeded with a grass seed mix consisting of 70% turf type fescue, 20% perennial rye, and 10% bermuda grass at 5 pounds per 1,000 square feet.
19. All areas to be seeded shall receive 4" of topsoil and be graded per the grading plan.
20. Irrigation shall be either an underground automatic system or shall utilize hose bibs every 100' as required by Fayetteville Landscape Ordinance.
21. MAINTENANCE: the current owner of the property shall be responsible for the ongoing maintenance of required landscaping.
22. Replacement landscapings required landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.
23. Three (3) year maintenance surety shall be deposited for each required street and mitigation tree.

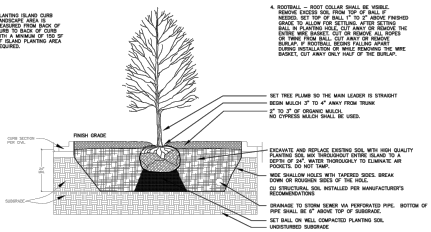
Landscape Information:

PROPERTY INFORMATION		
Gross Site Area:	91,742.81 sf	2.11 acres
Proposed Dedicated R.O.W:	0.00 sf	0.00 acres
Net Site Area:	91,742.81 sf	2.11 acres
Zoning:	PZD	
FRONTAGE LANDSCAPE REQUIREMENT		
Total Frontage:		274.11 ft
Street Tree(s) Req'd (1 Tree per 30 ft):		9 Tree(s)
Street Tree(s) Provided:		9 Tree(s)
PARKING LOT LANDSCAPE REQUIREMENT		
Number of Parking Stalls:		105
Parking Lot Tree(s) Req'd (1 Tree per 12 Spaces)		9 Tree(s)
Parking Lot Tree(s) Provided:		9 Tree(s)

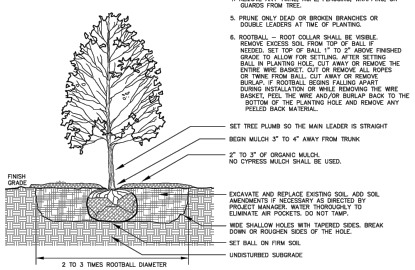




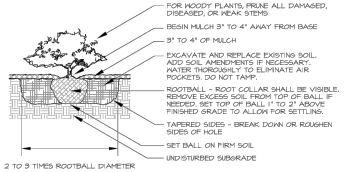
PLAN VIEW OF PLANTING ISLAND
NOT TO SCALE



TREE PLANTING IN A PARKING LOT ISLAND
NOT TO SCALE



TREE PLANTING DETAIL
NOT TO SCALE



SHRUB PLANTING DETAIL
NOT TO SCALE

Fayetteville Notes:

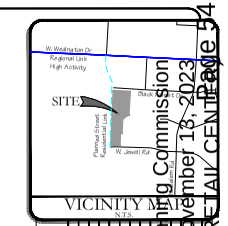
The following apply:
a. Prior to Grading Permit, tree preservation measures shall be in place per approved Tree Preservation Plan.
b. Prior to Building Permit, escrow payment shall be deposited with escrow form.
c. Prior to Certificate of Occupancy, a 3-year Maintenance Plan with a 3-year surety (letter of credit, bond or cash) and completed Landscape Surety Form must be submitted for newly planted street and mitigation trees.

Timing of Planting:

× THREE-YEAR MAINTENANCE BONDING/CONTRACTING OF THE TREES WILL BE ADDRESSED IN 6-MONTH INTERVALS. TREE INSTALLED WITHIN THE PRIOR SIX MONTH PERIOD WILL BE COUNTED AND PERFORMANCE BONDING CONVERTED OVER TO A 3-YEAR MAINTENANCE BOND. INSTALLED TREES DURING THIS PERIOD WILL BE MARKED ON THE APPROVED LANDSCAPE PLAN AND THESE LOCATIONS PROVIDED TO URBAN FORESTRY WITH THE MOST TREE COUNT AND BOND AMOUNT.

Know what's below. Call before you dig.

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft



REVISIONS:

No.	DESCRIPTION:	DATE:

Landscape Plan
City #2023-0017
Large Scale Development For:
Forest Hills Retail Center
W. Black Forest Drive, Fayetteville, Arkansas
Hermin Thind
1394 W. Sunset Avenue
Springdale, AR 72762
(479) 317-7777

BLEW
Surveying | Engineering
Engineering
5102 S. Pinnacle Hills Pkwy
Rogers, Arkansas 72758
Office: (479) 443-4506
www.BLEWINC.com
Certificate of Authorization № 1534

DATE:	JOB NUMBER:
2023-11-06	23-6398
DRAWN BY:	REVIEWED BY:
L. Stewart	J. Du Quesne
DRAWING NAME:	
23-6398 Civil 003.dwg	
SHEET NUMBER:	
C2-1	

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Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
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	Edge Of Gravel
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
X	General Fence Line (see Plan For Type)
	Chain Link Fence Line
	Board Fence Line
	Storm Catch Basin(s)
	Storm Pipe (See Grading Plan For Type And Size)
	Retaining Wall
	See Utility Plan For Line Sizes
X"W	Water Line
	Tee, Cross, Bends, Gate Vale & Reducer
	Fire Hydrant & Assembly
	Water Meter - Single
	Water Meter - Double
X"FM	Sanitary Sewer Force Main
X"SS	Sanitary Sewer Line
	Sanitary Sewer Service
	Sanitary Sewer Manhole
GAS	Gas Line
OHE	Overhead Electric Line
UGE	Underground Electric Line
C-TV	Cable Television Line
FO	Fiber Optic Line
OHT	Overhead Telephone Line
UGT	Underground Telephone Line
	Utility Pole
	Light Pole

Note:
* Only Symbols That Appear On This Sheet Are Shown In This Legend.
* See Survey For Existing Features Legend.
* See Cover Sheet For Abbreviation List.

Tree Preservation Notes:

1. All trees and Natural Areas shown on this plan to be preserved shall be protected during construction with temporary fencing.
2. Protective fence shall be erected according to City of Fayetteville standard-s for tree protection.
3. Protective fences shall be installed prior to the start of any site preparation work and shall be maintained throughout all phases of the construction project.
4. Erosion and sedimentation control barriers shall be installed or maintained in a manner which does not result in damage to the trees they protect.
5. Protective fence shall surround the trees or group of trees and will be located at the dripline. For natural areas, any objects or fences shall follow the limits on construction in order to prevent the following:
   5.1. Soil Compaction in the root zone of areas resulting from vehicular traffic or storage of equipment.
   5.2. Root Zone Disturbances due to grade changes (Greater than 6") root trenching not explicitly City Arborist.
   5.3. Wound to exposed roots, trunk or limbs by mechanical equipment.
6. Exceptions to installing fences at tree drip lines may be permitted in the following cases:
   6.1. Where there is to be an approved grade change, impermeable paving surface, firewall, or other such site development.
   6.2. Where permeable paving is to be installed within a tree's dripline, erect the fence at the outer limits of the permeable paving area (prior to site grading so this area is graded separately prior to paving installation to minimize root damage)
   6.3. Where trees are close to proposed buildings, erect the fence to allow 6 to 10 feet of work space.
   6.4. Where there are sever space constraints due to tract size or other special requirements.
7. Where any of the above exceptions result in a fence being closer than 4 feet to a trunk, protect the trunk with strapped on planking to height of 8 feet (or limits of lower branching) in addition to the reduced fencing provided.
8. Trees approved for removal shall be removed in a manner which does not impact trees to be preserved.
9. Any roots exposed by construction activity shall be pruned flush with the soil. Backfill root areas with good quality topsoil as soon as possible. If exposed root areas are not backfilled within 2 days, cover with organic material in a manner which reduces soil temperature and minimizes water loss due to evaporation.
10. Any trenching required for the installation of landscape irrigation shall be placed as far from existing tree trunks as possible.
11. No Landscape Topsoil dressing greater than 4 inches shall be permitted within the dripline of trees. No soil is permitted on the root flare of any tree.
12. Pruning to provide clearance for structures, vehicular traffic, and equipment shall take place before construction begins.
13. All finished pruning must be done according to recognized, approved standards of the industry (reference The American National Standard, ANSI A300 (Pruning, 2008 or Later). A City Certified Tree Pruner must be retained to make all pruning cuts. A list of certified tree pruners is available from the Urban Forester.
14. Deviations from the above notes may be considered ordinance violations if there is substantial non-compliance or if a tree sustains damage as a result.

Tree Canopy Legend

	Tree Canopy to be Preserved Tree Protection / Undisturbed Area
	Tree Canopy to be Removed

Temp & Perm Controls:

Feature	Key	Description
	EXIT	Temporary Gravel Construction Entrance / Exit
SF	SILTF	Silt Fence
	GRASS	Existing Grass (See Plan For Width)
TPF	TREE	Tree Preservation And Protection
TDD	TEMDIKE	Temporary Diversion Dike
WTL	WATTLE	Wattle
	ROCK	Rock Check Dams
	RIPRAP	Rip-rap (see Plan For Size)
	INLET	Inlet Protection
	AVD	Anti-vortex Device

Note:
* Only symbols that appear on this sheet are shown in this legend.

Tree Inventory List:

Designation	Species	DBH	Health	Comments	Priority
T1	Cedar	12 in	Good	Remove	Medium
T2	Cedar	14 in	Good	Remove	Medium
T3	Cedar	10 in	Good	Save	Medium
T4	Cedar	6 in	Good	Save	Medium
T10	Catalpa	21 in	Good	Remove	Medium
T11	Sycamore	26 in	Good	Remove	High
T12	Elm	16 in	Fair	Remove	Medium
T13	Dbl Gr. Ash	12 in	Good	Remove	Low
T14	Sycamore	16 in	Good	Remove	Medium
T15	Dbl Catalpa	11 in	Good	Remove	Medium
T16	Catalpa	15 in	Good	Remove	Medium
T17	Dbl Sycamore	13 in	Good	Remove	Medium
T18	Sycamore	13 in	Good	Remove	Medium
T19	Sycamore	13 in	Good	Remove	Medium
T20	Dbl Gr. Ash	8 in	Good	Remove	Low
T21	Gr. Ash	10 in	Good	Remove	Low
T22	Locust	11 in	Good	Save	Medium
T23	Gr. Ash	9 in	Good	Save	Low
T24	Elm	6 in	Good	Save	Medium
T25	Gr. Ash	6 in	Good	Save	Low
T26	Elm	6 in	Good	Save	Medium
T27	Gr. Ash	6 in	Good	Save	Low
T28	Gr. Ash	6 in	Good	Save	Low
T29	Elm	6 in	Good	Save	Medium
T30	Elm	6 in	Good	Save	Medium
T31	Cherry	6 in	Good	Save	Medium
T32	Sassafras	6 in	Good	Save	Medium
T33	Locust	7 in	Good	Save	Medium
T34	Elm	6 in	Good	Save	Medium
T35	Sassafras	10 in	Good	Save	Medium
T36	Elm	9 in	Good	Save	Medium
T37	Elm	9 in	Good	Save	Medium
T38	Elm	9 in	Good	Save	Medium
T39	Sassafras	8 in	Good	Save	Medium
T40	Elm	8 in	Good	Save	Medium
T41	Dbl Catalpa	16 in	Fair	Remove	Medium

Tree Preservation Calculations:

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	91694	100%
Zoning Designation		
PZD, Planned Zoning District	22,923	25%
HHOD		
No	0	0%
Total Canopy for Minimum Preservation Requirements	22,923	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	15300	16.7%
Tree Canopy Preserved	4,530	4.9%
Tree Canopy Removed *On Site	10,770	11.7%
Tree Canopy Removed *Off Site		
Tree Canopy Removed Total	10,770	11.7%
Removed Below Minimum	18,394	
Mitigation Requirements	10,770	

Tree Mitigation Calculations:

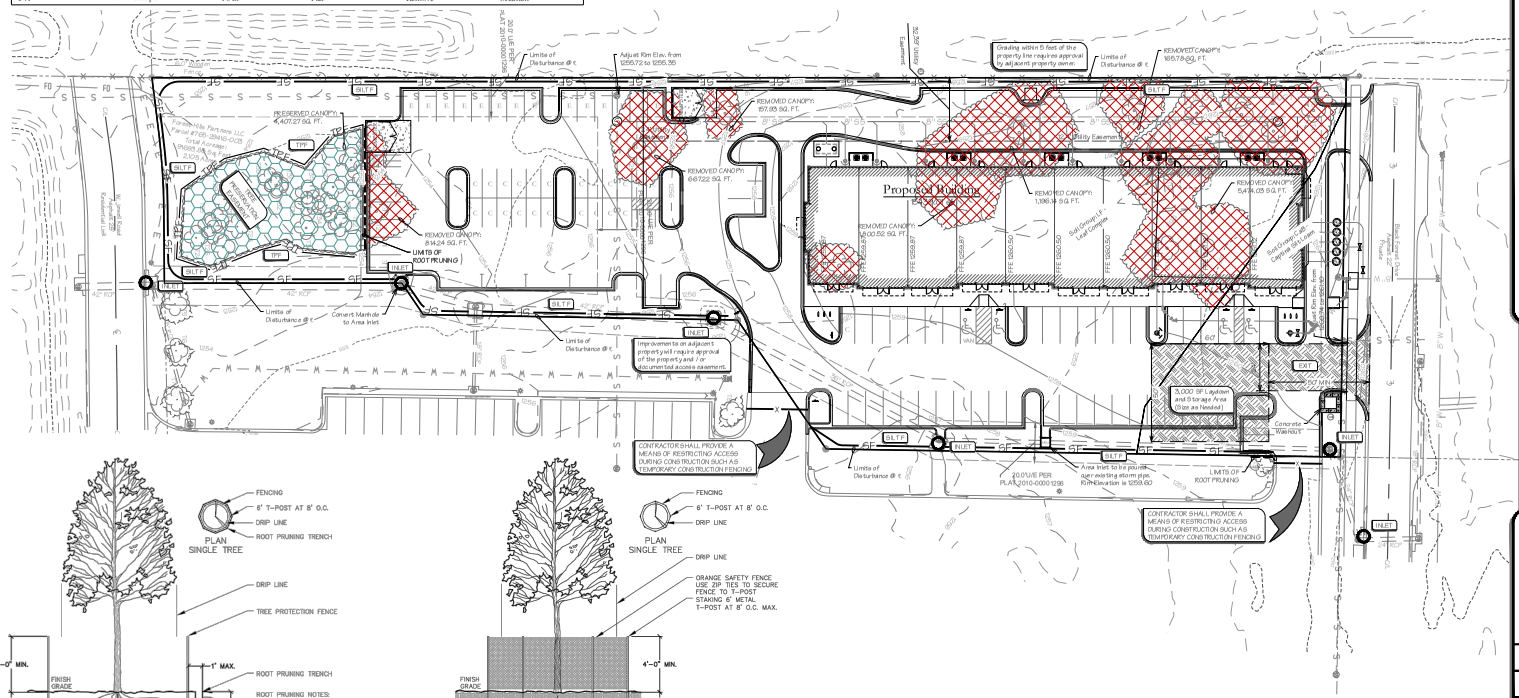
Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Forestation Base Density/Acre	Number of 2" Caliper Trees to be Planted
5,868	High Priority	200	27
4,901	Low Priority	100	11

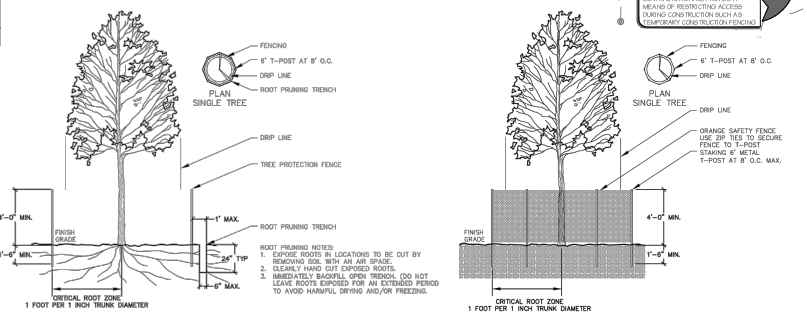
× OFF-SITE TREE PRESERVATION PARCELS ARE ASSOCIATED WITH THE FOREST HILLS OVERALL DEVELOPMENT THOUGH ON-SITE MITIGATION IS BEING USED ON THIS SITE TO ACCOUNT FOR TREE PRESERVATION REQUIREMENTS.

× Hydrologic Soil Groups:
CaB - Captina silt loam
LF - Leaf complex

Know what's below. Call before you dig.

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft

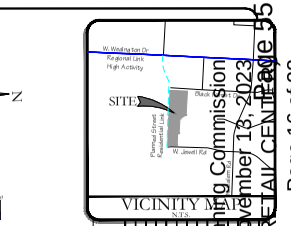




ROOT PRUNING DETAIL
NOT TO SCALE

TREE PRESERVATION FENCING DETAIL
NOT TO SCALE

-City Plat Page 440



REVISIONS:

No.	DESCRIPTION:	DRAWN:	DATE:

Tree Preservation Plan
City #2023-0017

Large Scale Development For:
Forest Hills Retail Center
W. Black Forest Drive, Fayetteville, Arkansas

Hermin Thind
1394 W. Sunset Avenue
Springdale, AR 72762
(479) 317-7777

BLEW
Surveying | Engineering
Engineering
5102 S. Pinnacle Hills Pkwy
Rogers, Arkansas 72758
Office: (479) 443-4506
www.BLEWINC.com
Certificate of Authorization № 1534

DATE:	JOB NUMBER:
2023-11-06	23-6398
DRAWN BY: L. Stewart	REVIEWED BY: J. Du Quesne
DRAWING NAME: 23-6398 Civil 003.dwg	
SHEET NUMBER: C2-2	

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Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line

Note:
* See Survey For Existing Features Legend.
* See Cover Sheet For Abbreviation List.

Demolition Notes:

- Contractor shall be responsible for removal of the Existing Structures, Related Utilities, Paving, Underground Storage Tanks and any other existing improvements as noted. Contractor is to remove and dispose of all debris, rubbish, and other materials resulting from previous and current demolition operations. Disposal shall be in accordance with all Local, State and/or Federal Regulations Governing such operations.
- The General Contractor shall take all precautions necessary to avoid property damage to adjacent properties during the construction phases of this project. The contractor will be held solely responsible for any damages to the adjacent properties occurring during the construction phases of this project.
- The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies, and where possible, measurements taken in the field. The information is not to be relied upon as being exact or complete. The contractor must call the appropriate utility company at least 48 hours prior to any excavation to request exact field location of utilities. It shall be the contractor's responsibility locate all existing utilities which conflict with the proposed improvements shown on the plans, whether shown or not shown at no additional cost to the owner.
- Contractor shall remove all buildings, pavement, curbs, trees, light poles, utility poles and lines from the site up to the limits of construction or the property line unless otherwise noted. Contractor shall cap/plug any water, gas, sanitary sewer or storm sewer line at the property line. Electric and Telephone lines whether overhead or underground shall be terminated at the closest utility pole or pedestal to the property line or per the Designated Utility Company's Requirements.
- It is the Contractor's responsibility to remove any and all asbestos or any other hazardous materials from the site per government guidelines and shall dispose of the hazardous materials in strict accordance to the guidelines.
- Contractor shall ensure that adequate measures are taken prior to the removal of any existing storm water / sanitary sewer systems so that the discharge of water remains uninterrupted both on and off the site.
- Contractor shall ensure that any utility service to the site that shall be removed will not interrupt service to the neighboring property owners. It is the contractors responsibility to coordinate with the neighboring property owners if service will be interrupted.

Erosion General Notes:

A. The Storm Water Pollution Prevention Plan (SWPPP) is comprised of the Erosion Phase I & II construction drawings, the standard details and any related documents including City ordinance.
B. Contractor shall implement best management practices as required by the SWPPP. Additional best management practices shall be implemented as dictated by conditions at no additional cost of owner throughout all phases of construction.
D. Best Management Practices (BMPs) and controls shall conform to federal, state, or local requirements or manual of practice, as applicable. Contractor shall implement additional controls as directed by permitting agency or owner.
E. Site map must clearly delineate all state waters. Permits for any construction activity impacting state waters or regulated wetlands must be maintained on site at all times.
F. Contractor shall minimize clearing to the maximum extent practical or as required by the general permit.
G. General Contractor shall construct on plan the temporary parking and storage area which shall also be used as the equipment maintenance and cleaning area, employee parking area, and area for locating portable facilities, office trailers, and toilet facilities.
H. All wash water (concrete trucks, vehicle cleaning, equipment cleaning, etc.) shall be detained and properly treated or disposed.
I. Sufficient oil and grease absorbing materials and flotation booms shall be maintained on site or readily available to contain and clean-up fuel or chemical spills and leaks.
J. Dust on the site shall be controlled. The use of motor oils and other petroleum based or toxic liquids for dust suppression operations is prohibited.
K. Rubbish, trash, garbage, litter, or other such materials shall be deposited into sealed containers. Materials shall be prevented from leaving the premises through the action of wind or stormwater discharge into drainage ditches or waters of the state or u.s.
L. All storm water pollution prevention measures presented on this plan, and in the Storm Water Pollution Prevention Plan, shall be initiated as soon as practicable.
M. Disturbed portions of the site where construction activity has stopped shall be temporarily seeded no later than 14 days after the last construction activity occurring in these areas.
N. Disturbed portions of the site where construction activity has permanently stopped shall be permanently seeded. These areas shall be seeded no later than 14 days after the last construction activity occurring in these areas. Refer to the grading plan and/or landscape plan.
O. If the action of vehicles traveling over the gravel construction entrances is not sufficient to remove the majority of dirt or mud, then the tires must be washed before the vehicles enter a public road. If washing is used, provisions must be made to intercept the wash water and trap the sediment before it is carried off the site.
P. All materials spilled, dropped, washed, or tracked from vehicles onto roadways or into storm drains must be removed immediately.
Q. Contractors or Subcontractors will be responsible for removing sediment in the detention pond and any sediment that may have collected in the storm sewer drainage systems in conjunction with the stabilization of the site.
R. On-site & off-site soil stockpile and borrow areas shall be protected from erosion and sedimentation through implementation of best management practices. Stockpile and borrow area locations shall be noted on the site map and permitted in accordance with general permit requirements.
S. Slopes shall be left in a roughened condition during the grading phase to reduce runoff velocities and erosion.
T. Due to the grade changes during the development of the project, the Contractor shall be responsible for adjusting the erosion control measures (silt fences, straw bales, etc.) to prevent erosion.
U. All construction shall be stabilized at the end of each working day, this includes backfilling of trenches for utility construction and placement of gravel or bituminous paving for road construction.

Sequence of Construction:

SWPPP Phase I:
1. Pre-construction meeting.
2. Install stabilized construction exit(s) and concrete wash area(s).
3. Prepare temporary parking and storage area. Upon implementation and installation of the following areas:
   a. Trailer
   b. Parking & storage areas
   c. Lay down
   d. Porta potty
   e. Wheel wash &/or concrete washout
   f. Masons area
   g. Fuel and material storage containers
   h. Solid waste containers, etc.,
   denote them on the site maps immediately and note any changes in the locations as they occur throughout the construction process.
4. The following shall be shown on the erosion control site map upon implementation and installation:
   a. Construction trailer(s)
   b. Parking & storage areas
   c. Lay down
   d. Porta-potty
   e. Wheel wash &/or concrete washout
   f. Fuel and material storage containers
   g. Solid waste containers, etc.
5. Construct the silt fences on the site.
6. Contractor shall halt all ground disturbance activities and contact the civil engineer of record to perform inspection and certification of bmps. General contractor shall schedule and conduct a storm water pre-construction meeting with engineer and all ground-disturbing contractors before proceeding with construction.
7. Construct the sediment basin(s) with outfall structure as shown on plan.
8. Clear and grub the site.
9. Start construction of building pad and structures, if any.
10. Begin grading the site.

SWPPP Phase II
1. Temporarily seed denuded areas.
2. Install utilities, underdrains, storm sewers, curbs and gutters.
3. Install rip rap around outlet structures where noted on plans.
4. Install inlet protection around all storm sewer structures.
5. Prepare site for paving.
6. Pave site.
7. Install inlet protection devices.
8. Complete grading and install permanent seeding and planting.
9. Remove all temporary erosion and sediment control devices (only if site is stabilized).

Temp & Perm Controls:

Feature	Key	Description
	EXT	Temporary Gravel Construction Entrance / Exit
SF	SILT F	Silt Fence
	GRASS	Existing Grass (See Plan For Width)
TPF	TREE	Tree Preservation And Protection
TDD->>>	TCONS	Temporary Diversion Dike
WL	WATTLE	Wattle
	ROCK	Rock Check Dams
	RIPRAP	Rip-rap (see Plan For Size)
	INLET TYPE	Inlet Protection
	AVD	Anti-vortex Device

Note:
* Only symbols that appear on this sheet are shown in this legend.

Demolition Notes:

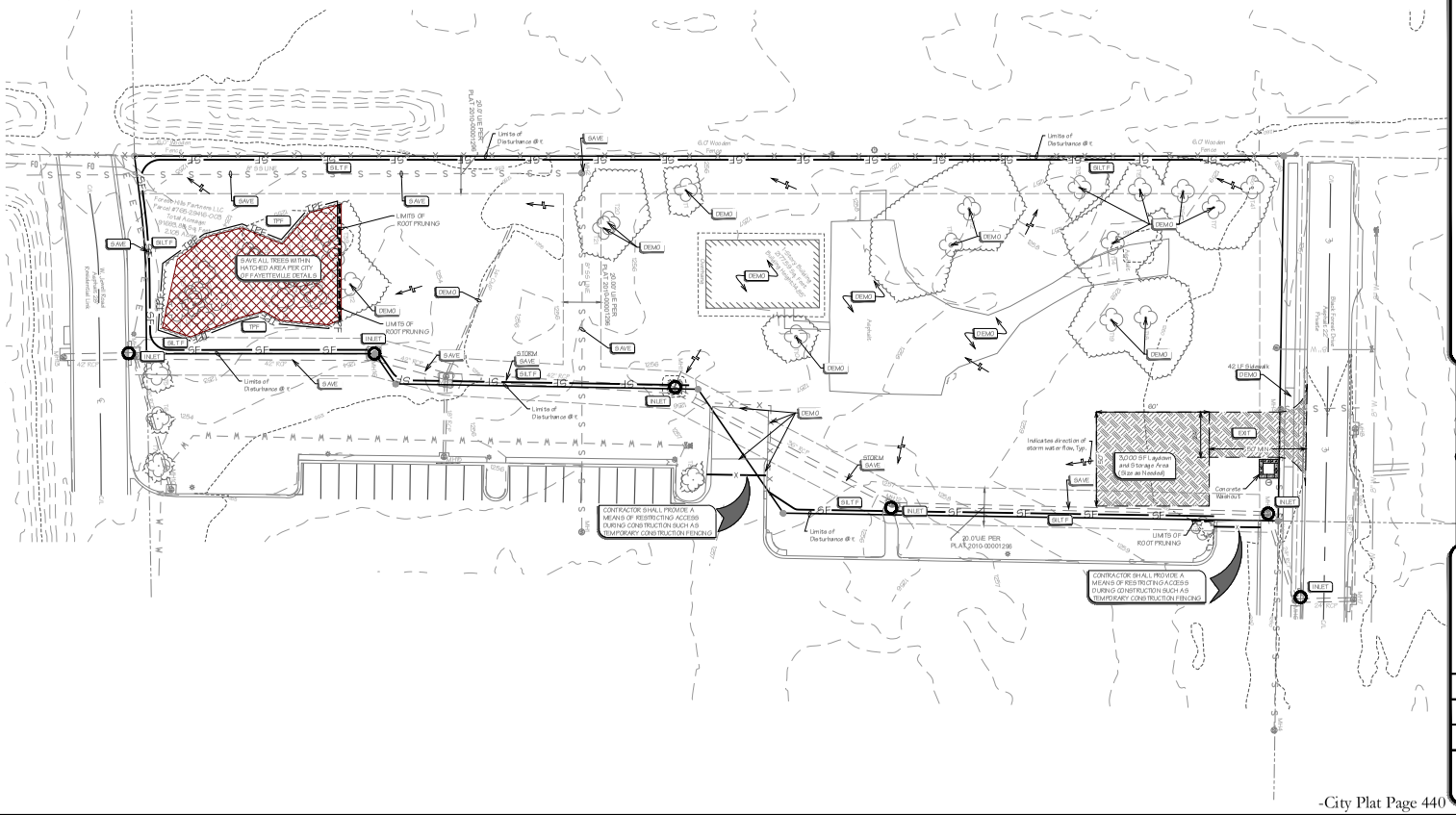
Key	Description
DEMO	Existing to be Removed / Demolished
SAVE	Existing to Remain. In the case of vegetation, Contractor shall ensure survival of plants
RELOC	Existing to be Relocated.

Maintenance:

All measures stated on this erosion and sediment control plan, and in the storm water pollution prevention plan, shall be maintained in fully functional condition until no longer required for a completed phase of work or final stabilization of the site. All erosion and sedimentation control measures shall be checked by a qualified person in accordance with the contract documents or the applicable permit, whichever is more stringent, and repaired in accordance with the following:
1. Inlet protection devices and barriers shall be repaired or replaced if they show signs of undermining, or deterioration.
2. All seeded areas shall be checked regularly to see that a good stand is maintained. Areas should be fertilized, watered, and reseeded as needed.
3. Silt fences shall be repaired to their original conditions if damaged. Sediment shall be removed from the silt fences when it reaches one-half the height of the silt fence.
4. The construction entrances shall be maintained in a condition which will prevent tracking or flow of mud onto public rights-of-way. This may require periodic top dressing of the construction entrances as conditions demand.
5. The temporary parking and storage area shall be kept in good condition (suitable for parking and storage). This may require periodic top dressing of the temporary parking as conditions demand.
6. Outlet structures in the sedimentation basins shall be maintained in operational conditions at all times. Sediment shall be removed from sediment basins or traps when the design capacity has been reduced by 50%.

Know what's below. Call before you dig.

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft



-City Plat Page 440

VICINITY MAP
NTS

REVISIONS:

No.	DESCRIPTION:	PROCESS:	DATE:

Demolition and Erosion Control Plan Ph 1
City #2023-0017

Large Scale Development For:
Forest Hills Retail Center
W. Black Forest Drive, Fayetteville, Arkansas
Hermin Thind
1394 W. Sunset Avenue
Springdale, AR 72762
(479) 317-7777

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

BLEW
Surveying | Engineering
Engineering
5102 S. Pinnacle Hills Pkwy
Rogers, Arkansas 72758
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www.BLEWINC.com
Certificate of Authorization № 1534

DATE:	JOB NUMBER:
2021-02-10	23-6398
DRAWN BY: L. Stewart	REVIEWED BY: J. Du Quesne

DRAWING NAME: 23-6398 Civil 003.dwg

SHEET NUMBER: C3

LSD-2023-0017 (FOREST HILLS RETAIL CENTER)
Planning Commission
November 13, 2023
Page 17 of 22
Page 56 of 512

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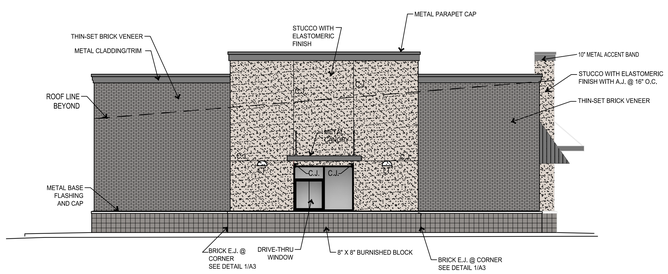
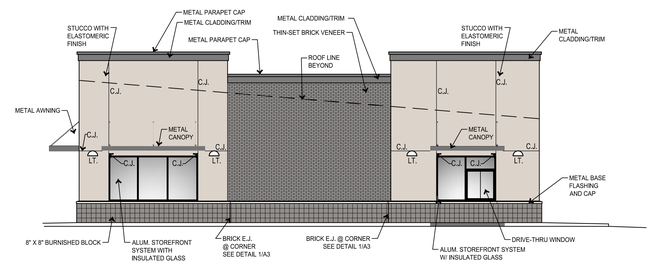
EXTERIOR COLOR SCHEME:

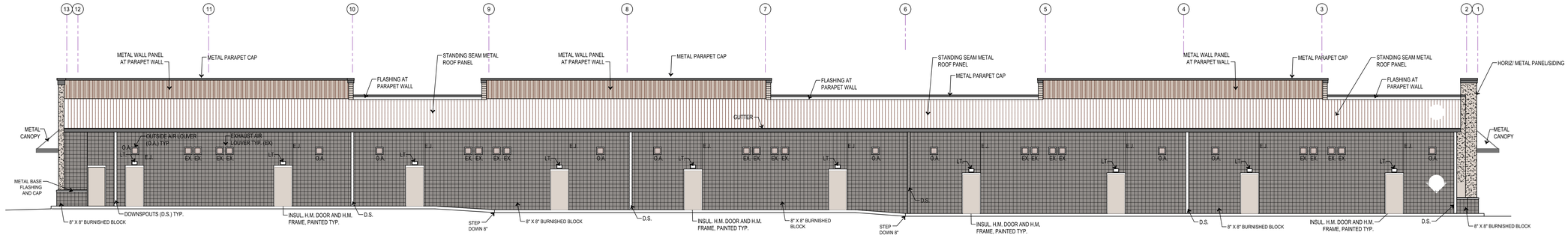
1. AWNINGS: MATCH PAC-CLAD "SLATE GRAY"
2. STUCCO: FIELD COLOR: MATCH DRYVIT "VAN DYKE". CORNICE COLOR: MATCH DRYVIT "PEARL ASH".
3. METAL CORNICE: MATCH PAC-CLAD "SLATE GRAY"
4. THIN-SET BRICK VENEER: MODULAR OR KINGSIZE LIGHT 2 SHADES LIGHTER THAN "DOVE GRAY".
5. BURNISHED BLOCK VENEER BASE: 8" X 8" MEDIUM WARM GRAY . ACME BRICK PERLA "DOVE GRAY".
6. ALUMINUM STOREFRONT WINDOW AND DOOR FRAMES: BLACK

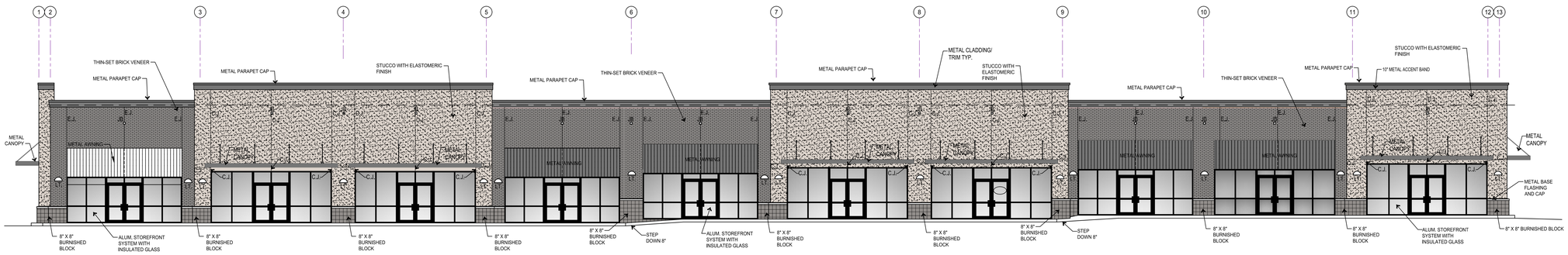
EXT. ELEVATIONS GENERAL NOTES:

1. ALL FLUES, VENTS AND PIPING EXPOSED ON ROOF ARE TO BE PAINTED TO MATCH ROOF COLOR.
2. ALL WALL LOUVERS ARE TO BE PAINTED TO MATCH WALL MATERIAL COLOR UNLESS LOUVERS ARE SPECIFIED TO BE A PRE-FINISHED PAINT FINISH.
3. SEAL ALL PIPE PENETRATIONS PER DETAILS AND MANUFACTURER'S SPECIFICATIONS AND RECOMMENDATIONS. VERIFY SEALANT COLOR WITH ARCHITECT PRIOR TO INSTALLATION.
4. VERIFY ALL SEALANT COLORS WITH ARCHITECT PRIOR TO INSTALLATION.
5. CLEAN ALL FINISHED SURFACES PRIOR TO SUBSTANTIAL COMPLETION. REPAIR ANY MATERIALS DAMAGED BY CLEANING.









TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS
#1 CONVARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS - 72903
PHONE - 479.452.2636 • FAX - 479.452.3925 • EMAIL - info@risley-associates.com

Forest Hills Retail Center
FOREST HILLS RETAIL BUILDING #1
W. Black Forest Drive
Fayetteville, Arkansas

TIM A. RISLEY
ARKANSAS
REGISTERED ARCHITECT
11/6/19

REVISION 1
01/24/2022
10/24/2023

Revisions

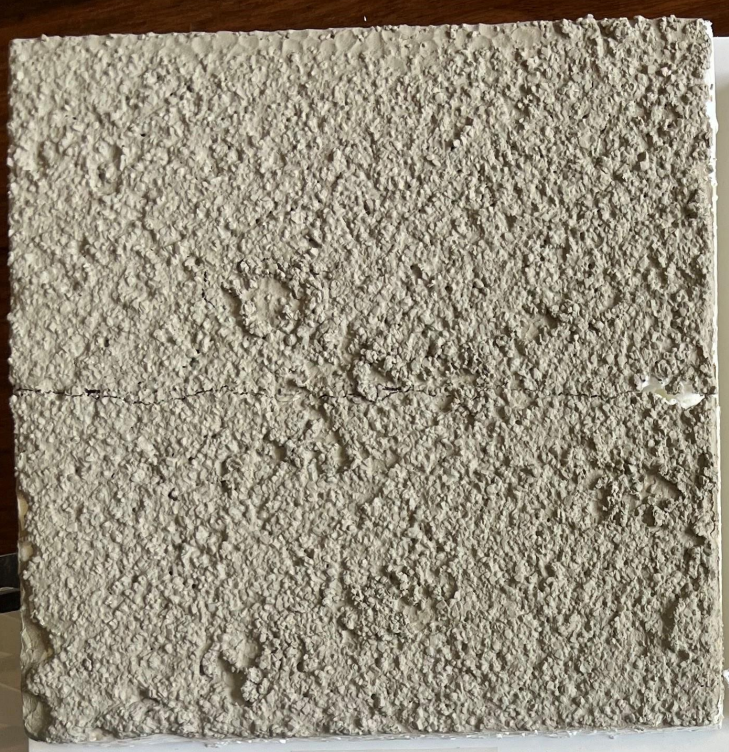
Drawn By LRH

FINAL

05 JAN 2022 Date

18-10 Project

A3 Sheet A3 of A9

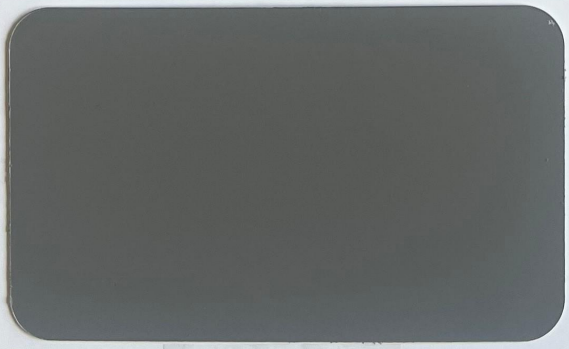


Eifs/Stucco Cornice Color

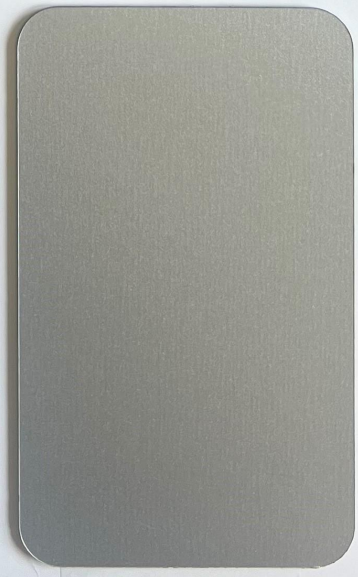
Eifs/Stucco Field Color

Metal Roof and Vertical Metal Panels

Brick Base



Metal Cornice and Awnings



Horizon Metal Ribbed Panels

Aluminum Storefront

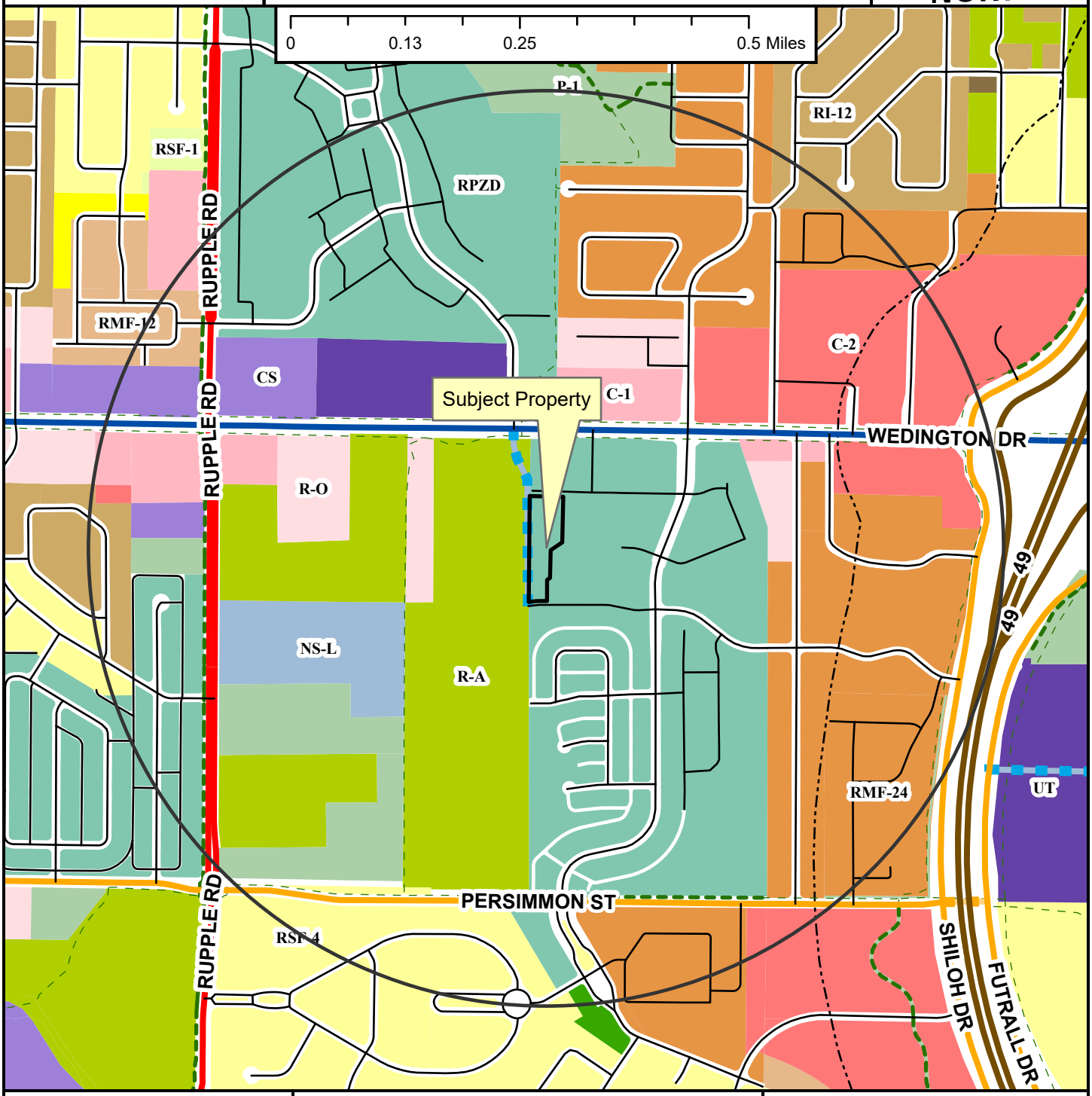
Forest Hills Retail Center
Exterior Color Schedule
October 23, 2023
RISLEY ARCHITECTS

LSD-2023-0017

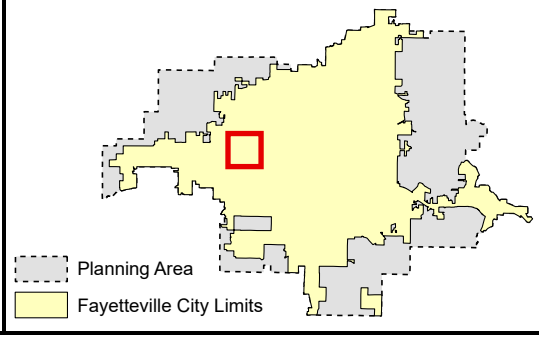
One Mile View

3549 W. BLACK FOREST DR

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

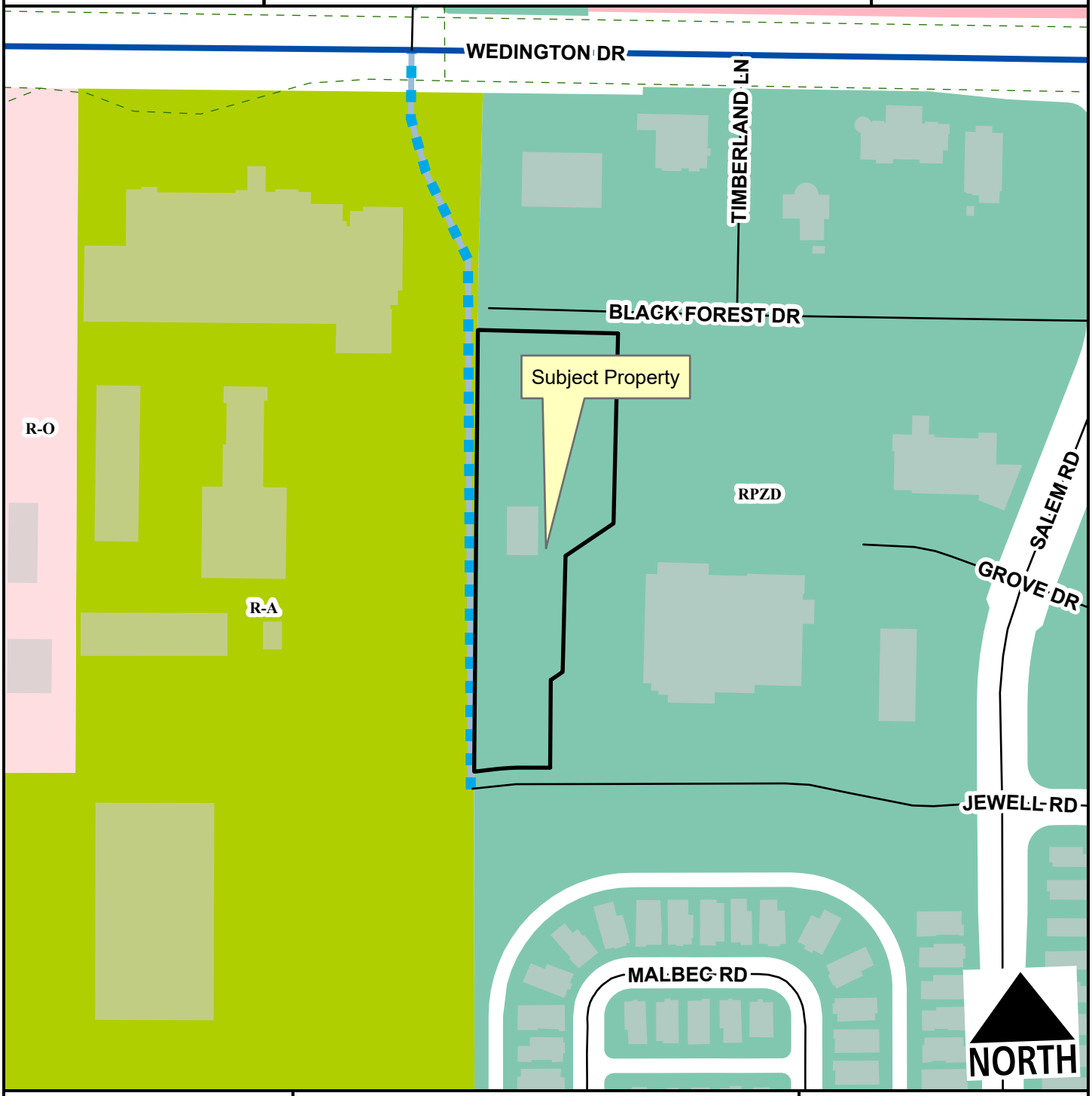
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

LSD-2023-0017

Close Up View

3549 W. BLACK FOREST DR



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

Feet

0 75 150 300 450 600

1:2,400

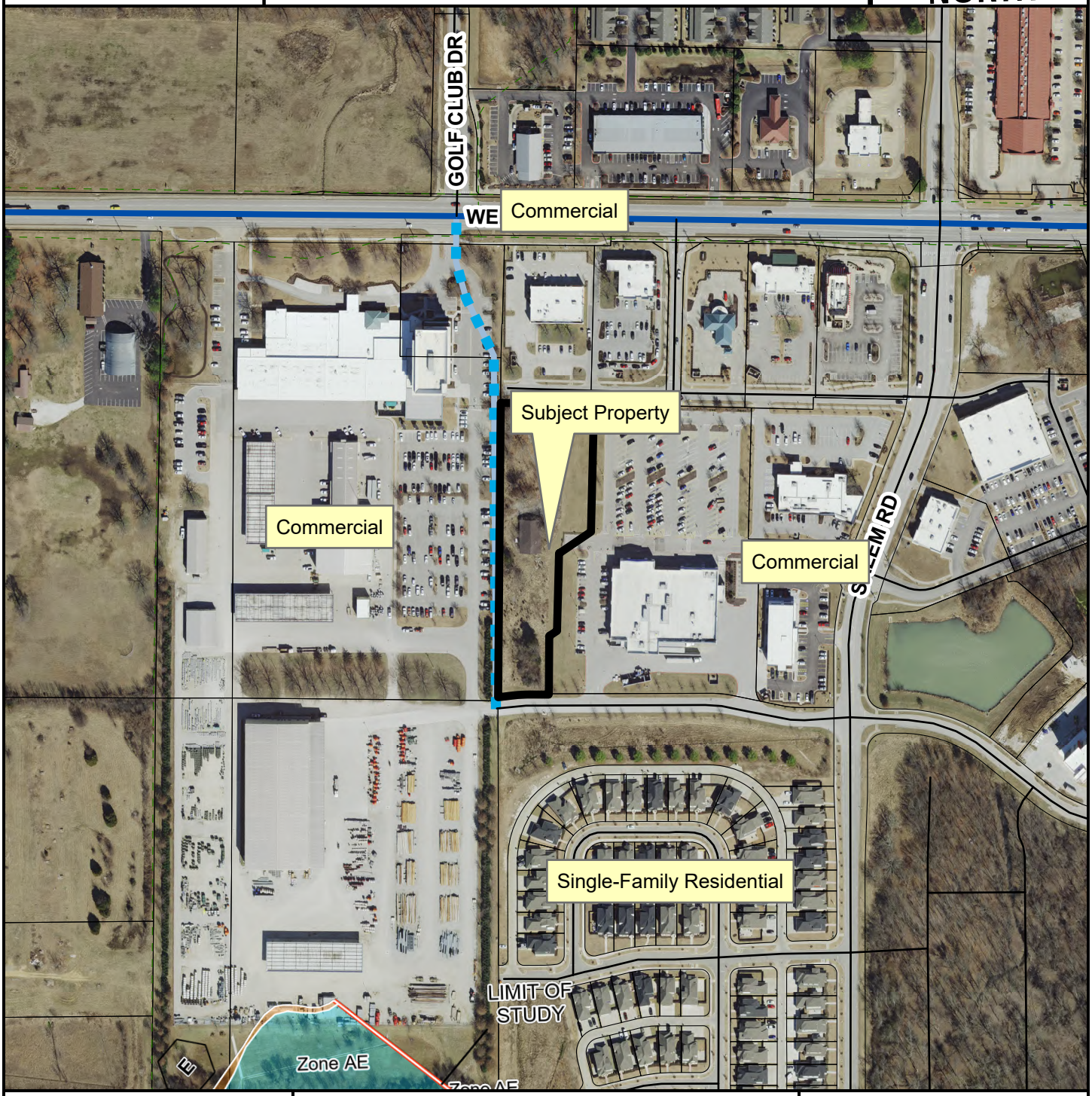
- Residential-Agricultural
- Residential-Office
- C-1
- Urban Thoroughfare
- Commercial, Industrial, Residential

LSD-2023-0017

Current Land Use

3549 W. BLACK FOREST DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: November 13, 2023

SUBJECT: **ADM-2023-0041: Administrative Item (2277 S. ED EDWARDS RD/WANG, 649):** Submitted by KEVIN WANG for properties located at 2277 S. ED EDWARDS RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 11.60 acres. The request is to modify the Master Street Plan.

RECOMMENDATION:
Staff recommends denial of **ADM-2023-0041**.

RECOMMENDED MOTION:
"I move to deny **ADM-2023-0041**."

BACKGROUND:
The subject property is southeast of the city limits in Washington County, within the Fayetteville Planning Area. The property is 11.6 acres and is currently undeveloped. The property owner has no development plans but intends to sell the land. The surrounding land use and zoning is depicted on *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential	Washington County; Ag/SF Res I Unit per Acre
South	Rural Residential	Washington County; Ag/SF Res I Unit per Acre
West	Single-Family Residential	Washington County; Ag/SF Res I Unit per Acre
East	Rural Residential	Washington County; Ag/SF Res I Unit per Acre

Proposal: The applicant requests to have an approximately 1,000 linear-foot section of a planned connection of the 2040 Master Street Plan removed from the subject property. The proposed Residential Link Street would provide a future east/west connection from S. Mally Wagnon Road to S. Dead Horse Mountain Road for approximately 2.25 miles. The property owner has also indicated that they are open to a modification of the proposed route on their property.

DISCUSSION:
Staff does not support the applicant's request. The proposed connection has been on the Master Street Plan since at least 2011 for the 2030 Master Street Plan, where it was originally classified as a Collector Street; this is the equivalent of a Neighborhood Link Street under 2040 Master Street Plan Standards. The portion in question was downgraded from a Collector Street to a Residential Link Street with the adoption of the 2040 Master Street Plan. Given the property's current location within Washington County, and lack of immediate adjacency to the City limits, staff does not foresee any City-initiated, near-term realignment of this portion of road, and acknowledges that there do not appear to be any portions of the connection currently built or

planned for construction. Staff also recognizes that the applicant is open to a potential modification of the route, but the alignment shown on the master street plan currently appears to align with existing slopes and contours on the site, and is ultimately the most feasible route given the existing site. Without removal of the entire planned connection, staff does not see a feasible or reasonable alternative to removing just one segment without a larger conversation about the planned connection's future. City Engineering did not have a comment on the request, finding that there was not enough evidence to support the segment affecting this particular property owner.

Public Comment: Staff has received inquiries about the request, including members of the public who had concerns about the overall Master Street Plan connection, and questions about any planned development the applicant intended. Several members of the public indicated an intent to be present at the Planning Commission meeting.

RECOMMENDATION: Staff recommends denial of ADM-2023-0041; if the Planning Commission votes to forward the item to City Council with a recommendation of approval, staff recommends the following conditions.

1. Approval of the removal of this segment of the Master Street Plan connection does not reflect approval of any associated lot split or other planned development; any planned developments must be submitted according to the allowances in relevant City code.

PLANNING COMMISSION ACTION:	**Required**	**YES**		
Date: November 13, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**	
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:
None

Attachments:
- Applicant Request Letter
- 2030 Master Street Plan Exhibit
- 2040 Master Street Plan Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

To whom it may concern:

I am writing to you to request the review and removal or modification of a future residential link that passes through a parcel of land that I currently own and am attempting to sell. Please reference the attached survey (uploaded as supplemental information) for parcel ID 001-10991-103, address listed as 2277 Ed Edwards Rd, Fayetteville, AR 72701. The survey shows the future residential link in "Tract B", which is the parcel of land I own.

From reviewing the "City Plan 2040" document, the "Residential Link Street" design of 52' of right of way access would affect the majority of any construction plans for this piece of land (home construction, neighborhood development). There have already been several potential buyers that have brought this issue up and wanted additional guarantees from my end to state that a road would not be built, which of course I am unable to provide.

While I understand this residential link has no immediate dates of construction, in my request I would like to understand any available options that could lead to removing this link from the master road plan. Or alternatively, any possible modifications to this residential link that would improve my chances to sell this property and reassure any future owners that their designs for the land will not be impacted.

Thank you for your time and considering this request,

Kevin Wang

515-556-2433

wangkisu@gmail.com

Supplemental Information for amendment ADM-2023-0041

Primary request is for the removal of the residential link that goes through parcel listed in ADM-2023-0041. However, if removal is not able to be approved, **Exhibit B** shows a proposed alternate route of the residential link compared with how it is currently laid out on the parcel (**Exhibit A**). In addition, a request for the design of the residential link to be the "Alternative Residential Link Street (Local)" design, (pg. 143, City Plan 2040 document) instead of the "Residential Link Street (Local)" design (pg. 142, City Plan 2040 document).

If that alternative route is not possible, I am open to other alternative routes that will help minimize the residential link getting in the way of future construction on the property (home, septic fields, farm use, etc.). This would still help alleviate potential buyer concerns if/when this residential link is to be built.

Exhibit C shows the contingency requested from a potential buyer requesting the sale be dependent on removing the proposed road from the 2040 Master Street Plan. Realtor clarified the "feasibility study" being their attempt to propose an amendment to the city. Similar requests have been brought up by potential buyers asking for documentation stating that the residential link will not be built in the future, which is not feasible.

This is mainly to show the added difficulty in selling this property due to the concerns of this residential link.

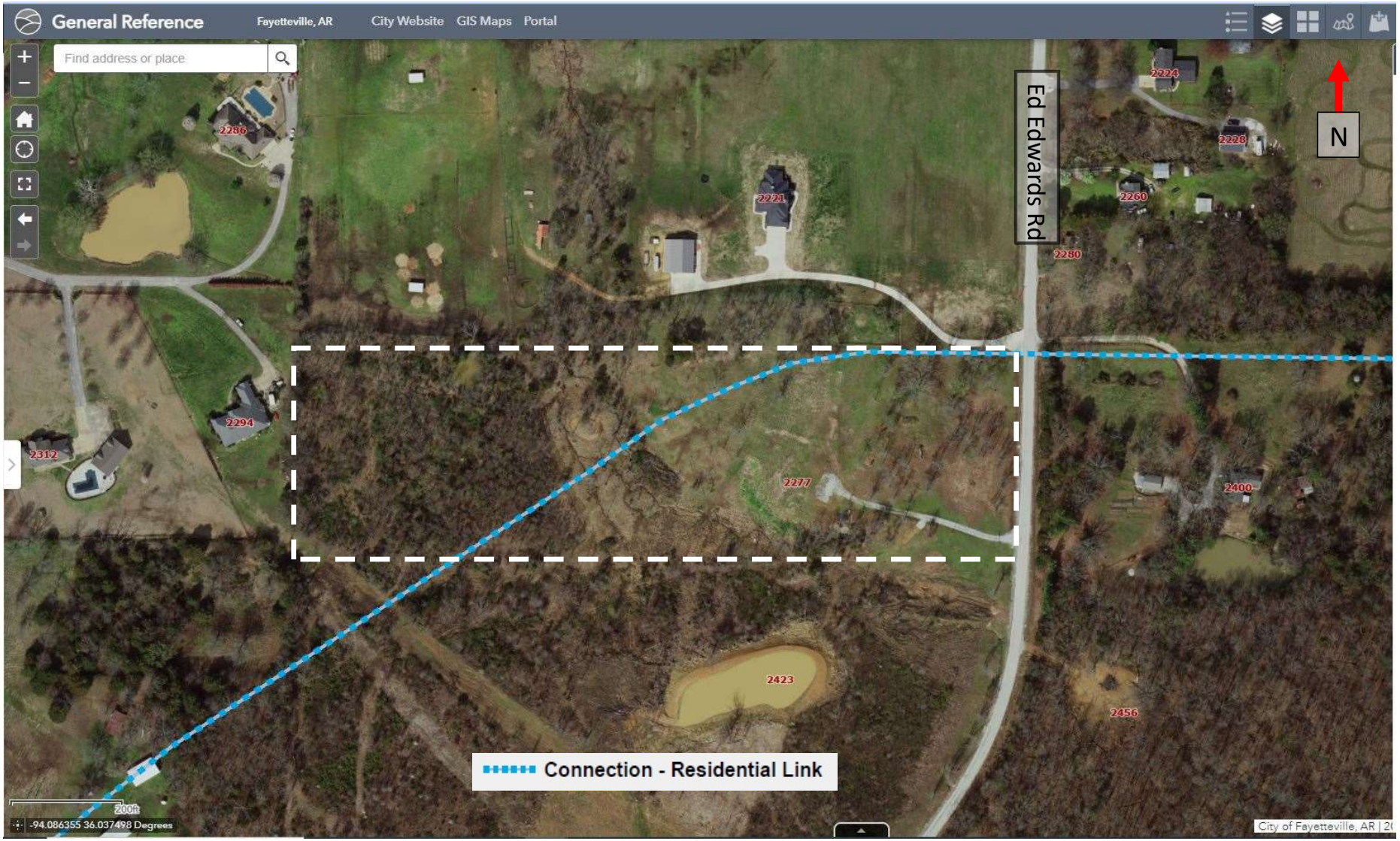


Exhibit A Screenshot from GIS map with layer showing the existing City Plan 2040 Master Street Plan at 2277 S Ed Edwards Rd

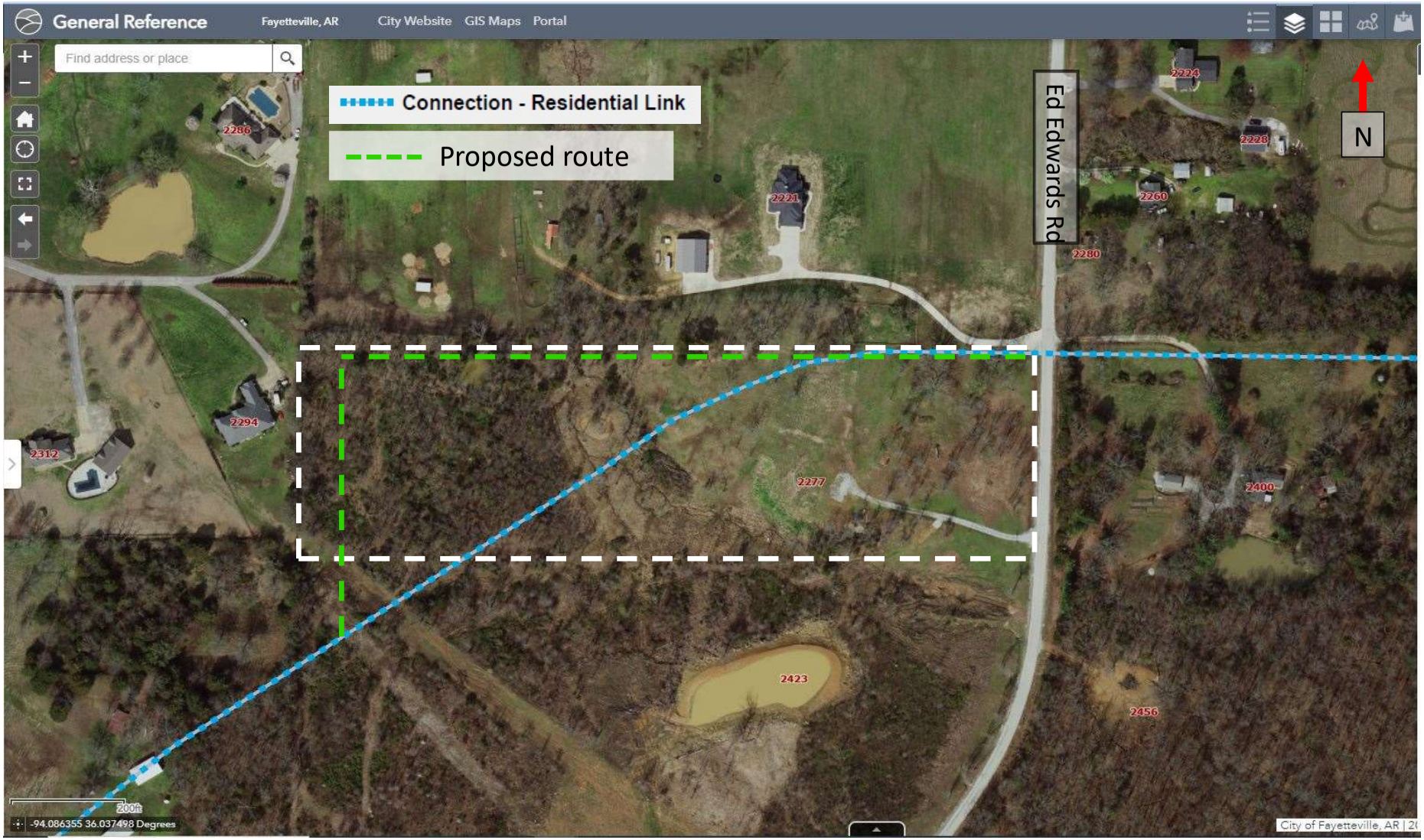
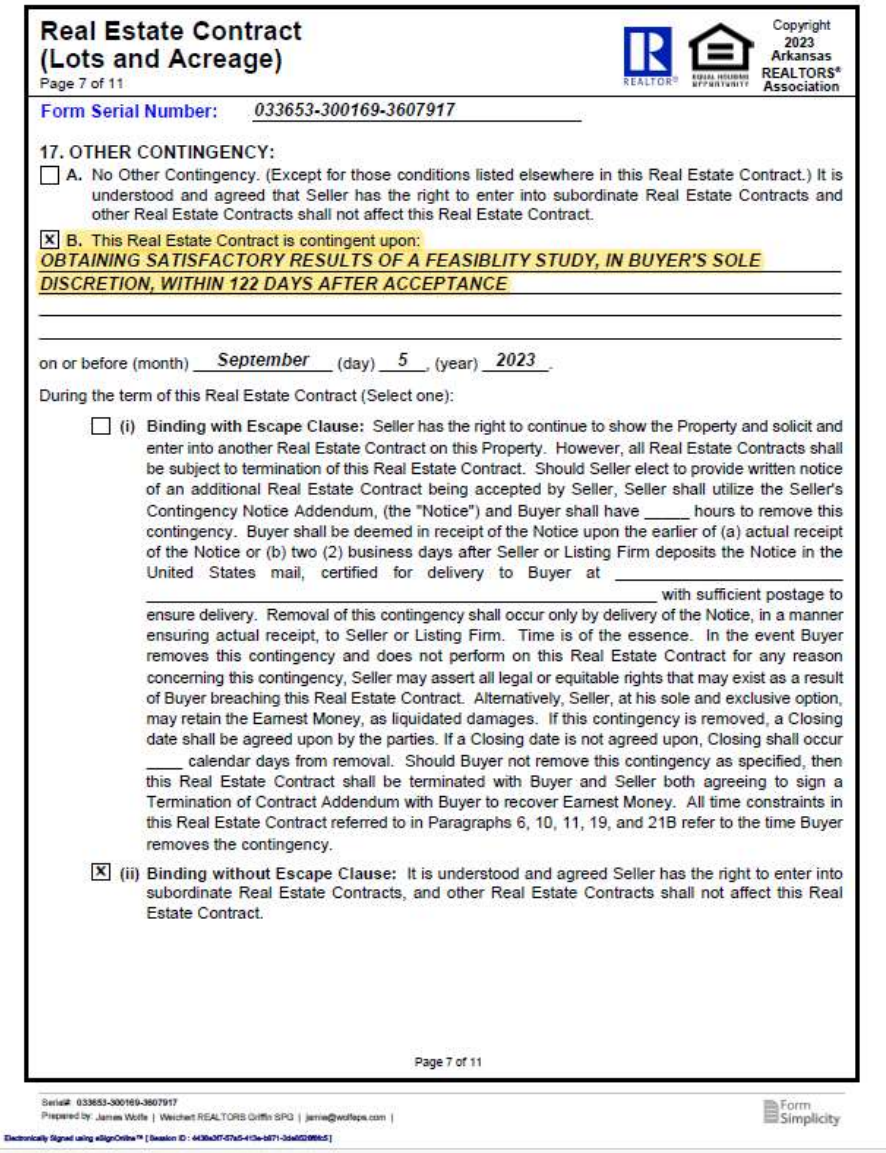


Exhibit B Proposed re-route of Residential Link if not able to be removed from the Master Street Plan

Exhibit C

Example of recent offer from potential buyer adding in a contingency concerning the residential link



Real Estate Contract
(Lots and Acreage)
Page 7 of 11

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Form Serial Number: 033653-300169-3607917

17. OTHER CONTINGENCY:

☐ A. No Other Contingency. (Except for those conditions listed elsewhere in this Real Estate Contract.) It is understood and agreed that Seller has the right to enter into subordinate Real Estate Contracts and other Real Estate Contracts shall not affect this Real Estate Contract.

☒ B. This Real Estate Contract is contingent upon:
OBTAINING SATISFACTORY RESULTS OF A FEASIBLITY STUDY, IN BUYER'S SOLE DISCRETION, WITHIN 122 DAYS AFTER ACCEPTANCE

on or before (month) *September* (day) *5*, (year) *2023*.

During the term of this Real Estate Contract (Select one):

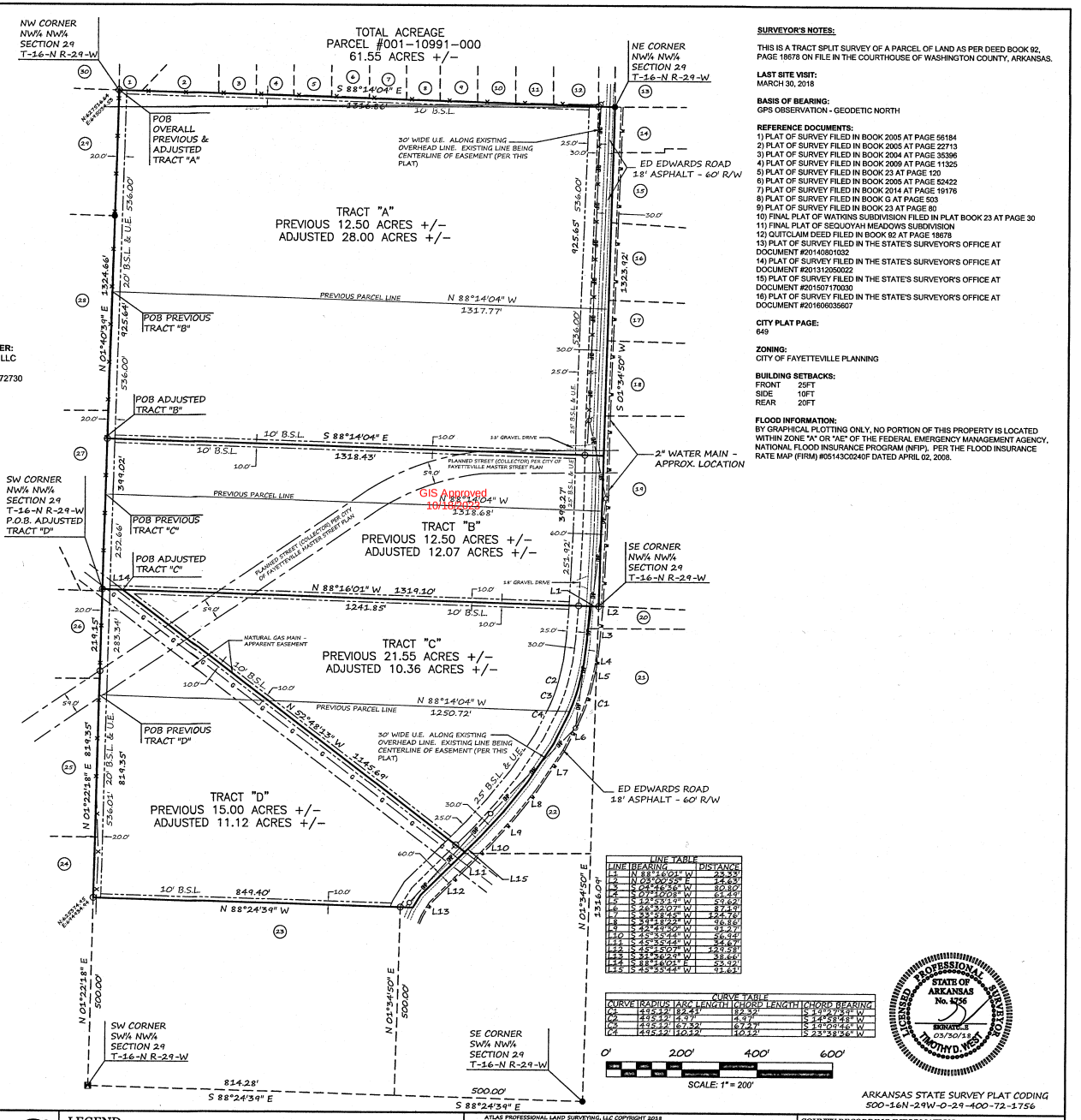
☐ (i) **Binding with Escape Clause:** Seller has the right to continue to show the Property and solicit and enter into another Real Estate Contract on this Property. However, all Real Estate Contracts shall be subject to termination of this Real Estate Contract. Should Seller elect to provide written notice of an additional Real Estate Contract being accepted by Seller, Seller shall utilize the Seller's Contingency Notice Addendum, (the "Notice") and Buyer shall have _____ hours to remove this contingency. Buyer shall be deemed in receipt of the Notice upon the earlier of (a) actual receipt of the Notice or (b) two (2) business days after Seller or Listing Firm deposits the Notice in the United States mail, certified for delivery to Buyer at _____ with sufficient postage to ensure delivery. Removal of this contingency shall occur only by delivery of the Notice, in a manner ensuring actual receipt, to Seller or Listing Firm. Time is of the essence. In the event Buyer removes this contingency and does not perform on this Real Estate Contract for any reason concerning this contingency, Seller may assert all legal or equitable rights that may exist as a result of Buyer breaching this Real Estate Contract. Alternatively, Seller, at his sole and exclusive option, may retain the Earnest Money, as liquidated damages. If this contingency is removed, a Closing date shall be agreed upon by the parties. If a Closing date is not agreed upon, Closing shall occur ____ calendar days from removal. Should Buyer not remove this contingency as specified, then this Real Estate Contract shall be terminated with Buyer and Seller both agreeing to sign a Termination of Contract Addendum with Buyer to recover Earnest Money. All time constraints in this Real Estate Contract referred to in Paragraphs 6, 10, 11, 19, and 21B refer to the time Buyer removes the contingency.

☒ (ii) **Binding without Escape Clause:** It is understood and agreed Seller has the right to enter into subordinate Real Estate Contracts, and other Real Estate Contracts shall not affect this Real Estate Contract.

Page 7 of 11

Serial#: 033653-300169-3607917
Prepared by: James Wolfe | Weichert REALTORS Griffin SPG | jamie@wolfeps.com |
Form Simplicity
Electronically Signed using eSignOnline™ [Session ID: 4438e3f7-67e5-413e-b871-3da6020998c5]

CORRECTED SURVEY: CORRECTED THE LEGAL DESCRIPTION FOR ADJUSTED TRACT "D" AS PER THE APPROVED FILED PROPERTY LINE ADJUSTMENT RECORDED IN 2018-00022446



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 88°16'01" W	22.35'
L2	N 02°00'55" E	14.63'
L3	S 04°46'36" W	80.80'
L4	S 07°10'08" W	61.44'
L5	S 12°53'19" W	53.62'
L6	S 26°53'07" W	87.19'
L7	S 35°08'45" W	124.76'
L8	S 43°41'57" W	96.86'
L9	S 45°43'20" W	97.97'
L10	S 45°35'44" W	56.44'
L11	S 45°52'49" W	34.67'
L12	S 45°15'07" W	129.58'
L13	S 33°56'29" E	38.60'
L14	S 88°16'01" E	53.05'
L15	S 45°35'44" W	91.61'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	495.42'	92.52'	92.52'	S 19°27'34" W
C2	495.42'	4.47'	4.47'	S 14°28'48" W
C3	495.42'	67.32'	67.27'	S 19°09'46" W
C4	495.42'	10.12'	10.12'	S 23°38'26" W

0' 200' 400' 600'

SCALE: 1" = 200'

SURVEYOR'S NOTES:

THIS IS A TRACT SPLIT SURVEY OF A PARCEL OF LAND AS PER DEED BOOK 92, PAGE 18678 ON FILE IN THE COURTHOUSE OF WASHINGTON COUNTY, ARKANSAS.

LAST SITE VISIT:
MARCH 30, 2018

BASIS OF BEARING:
GPS OBSERVATION - GEODETIC NORTH

REFERENCE DOCUMENTS:
1) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 56184
2) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 22713
3) PLAT OF SURVEY FILED IN BOOK 2004 AT PAGE 35396
4) PLAT OF SURVEY FILED IN BOOK 2009 AT PAGE 11325
5) PLAT OF SURVEY FILED IN BOOK 23 AT PAGE 120
6) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 52422
7) PLAT OF SURVEY FILED IN BOOK 2014 AT PAGE 19176
8) PLAT OF SURVEY FILED IN BOOK G AT PAGE 503
9) PLAT OF SURVEY FILED IN BOOK 23 AT PAGE 80
10) FINAL PLAT OF WATKINS SUBDIVISION FILED IN PLAT BOOK 23 AT PAGE 30
11) FINAL PLAT OF SEQUOYAH MEADOWS SUBDIVISION
12) QUITCLAIM DEED FILED IN BOOK 92 AT PAGE 18678
13) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #20140801032
14) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201312050022
15) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201507170030
16) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201606035607

CITY PLAT PAGE:
649

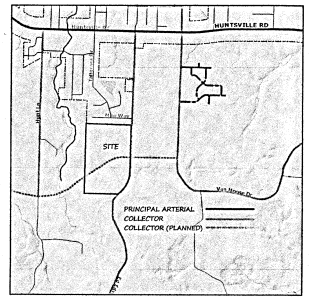
ZONING:
CITY OF FAYETTEVILLE PLANNING

BUILDING SETBACKS:
FRONT 25FT
SIDE 10FT
REAR 20FT

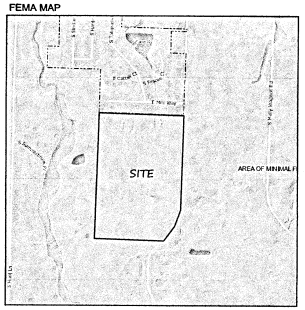
FLOOD INFORMATION:
BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS LOCATED WITHIN ZONE "A" OR "AE" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM (NFIP). PER THE FLOOD INSURANCE RATE MAP (FIRM) #05143C0240F DATED APRIL 02, 2008.

ADJACENT PROPERTY OWNERS:
1) RILEY, FELIX TANNER & THELMA C REVOCABLE LIVING TRUST, 5127 E MILO WAY, ZONING RSF-4 FAYETTEVILLE, AR 72701-0818, PARCEL: #765-18677-000, ZONING RSF-4
2) KIRCH, PAMELA R, 5145 E MILO WAY FAYETTEVILLE, AR 72701 PARCEL: #765-18678-000, ZONING RSF-4
3) LANGDON, C LANCE & TRISH G, P O BOX 1721 FAYETTEVILLE, AR 72702, PARCEL: #765-18679-000, ZONING RSF-4
4) HIGDON, KAREN DIANE, 5193 E MILO WAY FAYETTEVILLE, AR 72703, PARCEL: #765-18680-000, ZONING RSF-4
5) MILLER, JAMES K & BETTIE GALE, 5217 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18681-000, ZONING RSF-4
6) RHODES, WILLIAM H III & KATHERINE, 5239 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18682-000, ZONING RSF-4
7) HODOUS, ROBERT G & KIMBERLY T, 5263 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18683-000, ZONING RSF-4
8) SENICK, LOUIS F & MEDA D, 5285 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18684-000, ZONING RSF-4
9) ARGUELLES, JESUS & MARTHA E, 5309 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18685-000, ZONING RSF-4
10) COGGINS, JOAN, 5331 E MILO WAY FAYETTEVILLE, AR 72701-0820, PARCEL: #765-18686-000, ZONING RSF-4
11) ZURGA, ROBERT TYLER & JANELLE WALLIS, 5353 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18687-000, ZONING RSF-4
12) CROOM, CHARLES JR & CINDY, 5377 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18688-000, ZONING RSF-4
13) ENEKS, SHARON K (HICKS), 2020 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0763, PARCEL: #001-10784-000, ZONING: COUNTY
14) ROGERS, DEBBIE L, 3151 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0707, PARCEL: #001-10985-000, ZONING: COUNTY
15) LARIZ, JASON R, 2160 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10986-001, ZONING: COUNTY
16) BULES, CHARLES JUSTIN & NATALIE ANNE, 2350 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10986-000, ZONING: COUNTY
17) EDENS, BILLY J & THERESA M C, 2260 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0705, PARCEL: #001-10978-000, ZONING: COUNTY
18) EDENS, ALTON & FRANCES C, 2280 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0705, PARCEL: #001-10987-000, ZONING: COUNTY
19) KLINE, ALLAN S & VELVA L, 2400 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0704, PARCEL: #001-10990-000, ZONING: COUNTY
20) KLINE, ALLAN S & VELVA L, 2400 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0704, PARCEL: #001-10994-004, ZONING: COUNTY
21) HOSKINS, DAN JR REVOCABLE TRUST, 2700 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10994-000, ZONING: COUNTY
22) RICHARDSON, JOE C, 2620 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0700, PARCEL: #001-10992-000, ZONING: COUNTY
23) MSP HOLDINGS, LLC, VICKI LYNN, 3601 HARVO CIR SPRINGDALE, AR 72762, PARCEL: #001-10994-003, ZONING: COUNTY
24) FARKAS, RICHARD B & GREGORY, CAROL L, 2748 S HUNT LN FAYETTEVILLE, AR 72701, PARCEL: #001-11031-001, ZONING: COUNTY
25) DURNING, JERRY R & SHIRLEY M, 2600 S HUNT LN FAYETTEVILLE, AR 72701-8031, PARCEL: #001-11032-000, ZONING: COUNTY
26) DURNING, JERRY R & SHIRLEY M, 2600 S HUNT LN FAYETTEVILLE, AR 72701-8031, PARCEL: #001-11029-000, ZONING: COUNTY
27) FIELDS, CHERYL, 2294 S SUMMERBROOK PL FAYETTEVILLE, AR 72701-8083, PARCEL: #482-00011-000, ZONING: COUNTY
28) SHARP, ELIZABETH JEAN & PERRY LEE, 2286 S SUMMERBROOK PL FAYETTEVILLE, AR 72701, PARCEL: #482-00012-000, ZONING: COUNTY
29) BROOKS FAMILY REAL ESTATE HOLDINGS LLC, C/O DEBORAH GOODMAN 142 COUNTY RD 3411 CLARKSVILLE, AR 72830-7320, PARCEL: #001-11023-000, ZONING: COUNTY
30) BROOKS FAMILY REAL ESTATE HOLDINGS LLC, C/O DEBORAH GOODMAN 142 COUNTY RD 3411 CLARKSVILLE, AR 72830-7320, PARCEL: #001-10736-000, ZONING: COUNTY

OWNER DEVELOPER:
EAGLE HOLDINGS LLC
PO BOX 605
FARMINGTON, AR 72730



FEMA MAP



NOTE:
NORTHING & EASTING COORDINATES SHOWN HEREON ARE PER THE CITY OF FAYETTEVILLE GIS.

ARKANSAS STATE SURVEY PLAT CODING
500-16N-29W-0-29-400-72-1756

PROPERTY LINE ADJUSTMENT

FOR USE OF:
KEITH MARRS

LOCATION:	ED EDWARDS ROAD WASHINGTON COUNTY, ARKANSAS SEC 29, T-16-N, R-29-W
CREW CHIEF: MN	DRAWN BY: JN SHEET SIZE: 18x24
PLAT No. 18-071	DATE: 04/17/2018 SHEET 1 OF 2

ATLAS
PROFESSIONAL LAND SURVEYING
P.O. BOX 1026
425 N CENTENNIAL AVENUE #2
WEST FORK, AR. 72774
PH. 479.294.6177
PS #1756
COA #2875

LEGEND

- SET #4 REBAR
- EXISTING #4 REBAR
- EXISTING PIPE
- FENCE CORNER POST
- ALUMINUM MONUMENT
- UTILITY POLE

- BOUNDARY LINE
- FORTY/TIE LINE
- ASPHALT/GRAVEL/CONCRETE
- RIGHT OF WAY
- FENCE
- WATER MAIN
- BUIDLING SETBACK LINE
- PLANNED STREET
- PREVIOUS PARCEL LINE

ATLAS PROFESSIONAL LAND SURVEYING, LLC COPYRIGHT 2018
ALL GOVERNMENTAL MUNICIPALITIES/AGENCIES INCLUDING GIS DEPARTMENTS ARE EXEMPT FROM COPYRIGHT. THIS PLAT IS COPYRIGHT MATERIAL AND WAS PROVIDED FOR THE USE OF THE PERSON(S) NAMED ON THIS PLAT. NO ONE INCLUDING THE PERSON(S) NAMED ON THIS PLAT MAY COPY OR REPRODUCE ANY PART OF THIS PLAT FOR FINANCIAL GAIN. ONLY ORIGINAL COPIES OF THIS PLAT MAY BE USED. IF THE SEAL ON THIS PLAT IS NOT RED IN COLOR AND SIGNED IN BLUE INK, IT IS NOT AN ORIGINAL PLAT AND CONSIDERED AN UNAUTHORIZED COPY.

NOTES:
LAND USE/LAND RESTRICTIONS:
EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT REFLECT ANY EASEMENTS (OTHER THAN APPARENT EASEMENTS OBSERVED IN THE FIELD AT THE TIME OF THE SURVEY) BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, LAND-USE REGULATIONS, OR FACTS IN WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
UTILITIES:
EXCEPT AS SHOWN HEREON, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC FACILITY. CONTACT ALL UTILITY PROVIDERS FOR THIS INFORMATION.
FLOOD INFORMATION:
ANY INFORMATION (TEXT, LINES, SYMBOLS, HATCHES, ETC.) ON THIS PLAT THAT MAKE REFERENCE TO FLOOD ZONES ARE APPROXIMATE AND DERIVED FROM A FLOOD INSURANCE RATE MAP (FIRM) BY GRAPHICAL PLOTTING ONLY. THIS PLAT DOES NOT REPRESENT THE SURVEYOR'S OPINION ON THE PROBABILITY OF FLOODING.

STATE OF ARKANSAS No. 1756 REGISTERED PROFESSIONAL LAND SURVEYOR
SIGNATURE
03/30/18
TIMOTHY D. WEST

COUNTY RECORDING INFORMATION:

Doc ID: 018483510002 Type: REL
Kind: SURVEY
Recorded: 03/14/2019 at 10:40:51 AM
Fee Amt: $20.00 Page 1 of 2
Washington County, AR
Kyle Sylvester Circuit Clerk
File 2019-00006796

SURVEY DESCRIPTION:
A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF SAID W½ NW¼ AND RUNNING THENCE ALONG THE NORTH LINE OF SAID W½ NW¼ S88°14'04"E 1316.86 FEET TO AN EXISTING #4 REBAR MARKING THE NE CORNER OF SAID W½ NW¼, THENCE ALONG THE EAST LINE OF SAID W½ NW¼ S01°34'50"W 1323.92 FEET TO A SET #4 REBAR MARKING THE SE CORNER OF THE NW¼ NW¼, THENCE ALONG THE SOUTH LINE OF SAID NW¼ NW¼ N88°16'01"W 23.33 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE CENTERLINE OF ED EDWARDS ROAD, THENCE LEAVING SAID SOUTH LINE AND ALONG SAID ROAD CENTERLINE THE FOLLOWING; S03°00'55"W 14.63 FEET, S04°46'36"W 80.80 FEET, S07°10'08"W 61.49 FEET, S12°53'19"W 59.62 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S19°27'39"W 82.32 FEET, S26°32'07"W 87.19 FEET, S33°58'45"W 124.76 FEET, S39°18'22"W 96.86 FEET, S42°49'30"W 91.27 FEET, S45°35'44"W 91.61 FEET, S45°15'07"W 129.58 FEET, S31°36'29"W 38.66 FEET, THENCE LEAVING SAID ROAD CENTERLINE N88°24'39"W 849.40 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID W½ NW¼, THENCE ALONG SAID WEST LINE N01°22'18"E 819.35 FEET TO A 2" PIPE MARKING THE SW CORNER OF THE NW¼ NW¼, THENCE CONTINUING ALONG SAID WEST LINE N01°40'39"E 1324.66 FEET TO THE POINT OF BEGINNING, CONTAINING 61.55 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.THE ABOVE DESCRIPTION BEING THE SAME LAND AS DESCRIBED IN QUITCLAIM DEED FILED IN BOOK 92 AT PAGE 18678.

PREVIOUS TRACT "A":
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF SAID NW¼ NW¼ AND RUNNING THENCE ALONG THE NORTH LINE OF SAID NW¼ NW¼ S88°14'04"E 1316.86 FEET TO AN EXISTING #4 REBAR MARKING THE NE CORNER OF SAID NW¼ NW¼, THENCE ALONG THE EAST LINE OF SAID NW¼ NW¼ S01°34'50"W 413.40 FEET, THENCE LEAVING SAID EAST LINE N88°14'04"W 1317.56 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼, THENCE ALONG SAID WEST LINE N01°40'39"E 413.40 FEET TO THE POINT OF BEGINNING, CONTAINING 12.50 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

ADJUSTED TRACT "A":
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF SAID NW¼ NW¼ AND RUNNING THENCE ALONG THE NORTH LINE OF SAID NW¼ NW¼ S88°14'04"E 1316.86 FEET TO AN EXISTING #4 REBAR MARKING THE NE CORNER OF SAID NW¼ NW¼, THENCE ALONG THE EAST LINE OF SAID NW¼ NW¼ S01°34'50"W 925.65 FEET, THENCE N88°14'04"W 1318.43 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼ THENCE ALONG SAID WEST LINE N01°40'39"E 925.64 FEET, TO THE POINT OF BEGINNING CONTAINING 28.00 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

PREVIOUS TRACT "B":
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AT A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼ WHICH IS S01°40'39"W 413.40 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF SAID NW¼ NW¼ AND RUNNING THENCE LEAVING SAID WEST LINE S88°14'04"E 1317.56 FEET TO A POINT ON THE EAST LINE OF SAID NW¼ NW¼, THENCE ALONG SAID EAST LINE S01°34'50"W 413.24 FEET, THENCE LEAVING SAID EAST LINE N88°14'04"W 1318.26 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼, THENCE ALONG SAID WEST LINE N01°40'39"E 413.24 FEET TO THE POINT OF BEGINNING, CONTAINING 12.50 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

ADJUSTED TRACT "B":
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼ WHICH IS S01°40'39"W 925.64 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF SAID NW¼ NW¼ AND RUNNING THENCE LEAVING SAID WEST LINE S88°14'04"E 1318.43 FEET TO THE EAST LINE OF SAID NW¼ NW¼, THENCE ALONG SAID EAST LINE S01°34'50"W 398.27 FEET TO A SET #4 REBAR MARKING THE SE CORNER OF SAID NW¼ NW¼, THENCE ALONG THE SOUTH LINE OF SAID NW¼ NW¼ N88°16'11"W 1319.10 FEET TO AN EXISTING 2" PIPE MARKING THE SW CORNER OF SAID NW¼ NW¼, THENCE ALONG THE WEST LINE OF SAID NW¼ NW¼ N01°40'39"E 399.02 FEET, TO THE POINT OF BEGINNING CONTAINING 12.07 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

PREVIOUS TRACT "C":
A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET #4 REBAR ON THE WEST LINE OF SAID NW¼ NW¼ WHICH IS S01°40'39"W 826.64 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAIL ROAD TIE FENCE CORNER MARKING THE NW CORNER OF SAID NW¼ NW¼ AND RUNNING THENCE LEAVING SAID WEST LINE S88°14'04"E 1318.26 FEET TO A POINT ON THE EAST LINE OF SAID NW¼ NW¼, THENCE ALONG SAID EAST LINE S01°34'50"W 497.22 FEET TO THE SE CORNER OF SAID NW¼ NW¼, THENCE ALONG THE SOUTH LINE OF SAID NW¼ NW¼ N88°16'01"W 23.33 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE CENTERLINE OF ED EDWARDS ROAD, THENCE LEAVING SAID SOUTH LINE AND ALONG SAID ROAD CENTERLINE THE FOLLOWING; S03°00'55"W 14.63 FEET, S04°46'36"W 80.80 FEET, S07°10'08"W 61.49 FEET, S12°53'19"W 59.62 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S14°58'48"W 4.97 FEET, THENCE LEAVING SAID ROAD CENTERLINE N88°14'04"W 1271.27 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID SW¼ NW¼, THENCE ALONG SAID WEST LINE N01°22'18"E 219.15 FEET TO AN EXISTING 2" PIPE MARKING THE SW CORNER OF SAID NW¼ NW¼ THENCE ALONG THE WEST LINE OF SAID NW¼ NW¼ N01°40'39" 498.03 FEET TO THE POINT OF BEGINNING, CONTAINING 21.55 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

ADJUSTED TRACT "C":
A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET #4 REBAR ON THE SOUTH LINE OF THE NW¼ NW¼ WHICH IS S01°40'39"W 1324.66 FEET AND S88°16'01"E 53.92 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF THE NW¼ NW¼ AND RUNNING THENCE LEAVING SAID SOUTH LINE S88°16'01"E 1241.85 FEET TO THE CENTERLINE OF ED EDWARDS ROAD, THENCE ALONG SAID CENTERLINE THE FOLLOWING; S03°00'55"W 14.63 FEET, S04°46'36"W 80.80 FEET, S07°10'08"W 61.49 FEET, S12°53'19"W 59.62 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S14°58'48"W 4.97 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S19°09'46"W 67.27 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S23°38'36"W 10.12 FEET, S26°32'07"W 87.19 FEET, S33°58'45"W 124.76 FEET, S39°18'22"W 96.86 FEET, S42°49'30"W 91.27 FEET, S45°35'44"W 56.94 FEET, THENCE LEAVING SAID ROAD CENTERLINE N52°48'13"W 1145.69 FEET TO THE POINT OF BEGINNING, CONTAINING 10.36 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

PREVIOUS TRACT "D":
A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET #4 REBAR ON THE WEST LINE OF SAID SW¼ NW¼ WHICH IS S01°40'39"W 1324.66 FEET AND S01°22'18"W 219.15 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAIL ROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF THE NW¼ NW¼ AND RUNNING THENCE LEAVING SAID WEST LINE S88°14'04"E 1271.27 FEET TO THE CENTERLINE OF ED EDWARDS ROAD, THENCE ALONG SAID ROAD CENTERLINE THE FOLLOWING; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S19°09'46"W 67.27 FEET, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 495.12 FEET FOR A CHORD BEARING AND DISTANCE OF S23°38'36"W 10.12 FEET, S26°32'07"W 87.19 FEET, S33°58'45"W 124.76 FEET, S39°18'22"W 96.86 FEET, S42°49'30"W 91.27 FEET, S45°35'44"W 91.61 FEET, S45°15'07"W 129.58 FEET, S31°36'29"W 38.66 FEET, THENCE LEAVING SAID ROAD CENTERLINE N88°24'39"W 849.40 FEET TO A SET #4 REBAR ON THE WEST LINE OF SAID SW¼ NW¼, THENCE ALONG SAID WEST LINE N01°22'18"E 600.20 FEET TO THE POINT OF BEGINNING, CONTAINING 15.00 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

ADJUSTED TRACT "D":
A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING 2" PIPE MARKING THE NW CORNER OF SAID SW¼ NW¼ WHICH IS S01°40'39"W 1324.66 FEET FROM AN EXISTING COTTON PICKER SPINDLE IN THE TOP OF A RAILROAD TIE FENCE CORNER POST MARKING THE NW CORNER OF THE NW¼ NW¼ OF SAID SECTION 29 AND RUNNING THENCE ALONG THE NORTH LINE OF THE SW¼ NW¼ S88°16'01"E 53.92 FEET TO A SET #4 REBAR, THENCE LEAVING SAID NORTH LINE S52°48'13"E 1145.69 FEET TO THE CENTERLINE OF ED EDWARDS ROAD, THENCE ALONG SAID ROAD CENTERLINE THE FOLLOWING: S45°35'44"W 34.67 FEET, S45°15'07"W 129.58 FEET, S31°36'29"W 38.66 FEET, THENCE LEAVING SAID ROAD CENTERLINE N88°24'39"W 849.40 FEET TO THE WEST LINE OF SAID SW¼ NW¼, THENCE ALONG SAID WEST LINE N01°22'18"E 819.35 FEET, TO THE POINT OF BEGINNING CONTAINING 11.12 ACRES, MORE OR LESS. SUBJECT TO ALL RECORD AND NON RECORDED EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, MINERAL RIGHTS AND RIGHTS-OF-WAY, IF ANY.

NOTE:
NORTHING & EASTING COORDINATES SHOWN HEREON ARE PER THE CITY OF FAYETTEVILLE GIS.

ADJACENT PROPERTY OWNERS:
1) RILEY, FELIX TANNER & THELMA C REVOCABLE LIVING TRUST, 5127 E MILO WAY, ZONING RSF-4
FAYETTEVILLE, AR 72701-0818, PARCEL: #765-18677-000, ZONING RSF-4
2) KIRCH, PAMELA R, 5145 E MILO WAY FAYETTEVILLE, AR 72701 PARCEL: #765-18678-000, ZONING RSF-4
3) LANGDON, C LANCE & TRISH G, P O BOX 1721 FAYETTEVILLE, AR 72702, PARCEL: #765-18679-000, ZONING RSF-4
4) HIGDON, KAREN DIANE, 5193 E MILO WAY FAYETTEVILLE, AR 72703, PARCEL: #765-18680-000, ZONING RSF-4
5) MILLER, JAMES K & BETTIE GALE, 5217 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18681-000, ZONING RSF-4
6) RHODES, WILLIAM H III & KATHERINE, 5239 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18682-000, ZONING RSF-4
7) HODOUS, ROBERT G & KIMBERLY T, 5263 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18683-000, ZONING RSF-4
8) SENICK, LOUIS F & MEDA D, 5285 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18684-000, ZONING RSF-4
9) ARGUELLES, JESUS & MARTHA E, 5309 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18685-000, ZONING RSF-4
10) COGGINS, JOAN, 5331 E MILO WAY FAYETTEVILLE, AR 72701-0820, PARCEL: #765-18686-000, ZONING RSF-4
11) ZURGA, ROBERT TYLER & JANELLE WALLIS, 5353 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18687-000, ZONING RSF-4
12) CROOM, CHARLES JR & CINDY, 5377 E MILO WAY FAYETTEVILLE, AR 72701, PARCEL: #765-18688-000, ZONING RSF-4
13) ENEKS, SHARON K (HICKS), 2020 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0763, PARCEL: #001-10784-000, ZONING: COUNTY
14) ROGERS, DEBBIE L, 3151 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0707, PARCEL: #001-10985-000, ZONING: COUNTY
15) LARIZ, JASON R, 2160 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10986-001, ZONING: COUNTY
16) BULES, CHARLES JUSTIN & NATALIE ANNE, 2350 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10986-000, ZONING: COUNTY
17) EDENS, BILLY J & THERESA M C, 2260 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0705, PARCEL: #001-10978-000, ZONING: COUNTY
18) EDENS, ALTON & FRANCES C, 2280 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0705, PARCEL: #001-10987-000, ZONING: COUNTY
19) KLINE, ALLAN S & VELVA L, 2400 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0704, PARCEL: #001-10990-000, ZONING: COUNTY
20) KLINE, ALLAN S & VELVA L, 2400 S ED EDWARDS RD FAYETTEVILLE, AR 72701-0704, PARCEL: #001-10994-004, ZONING: COUNTY
21) HOSKINS, DAN JR REVOCABLE TRUST, 2700 S ED EDWARDS RD FAYETTEVILLE, AR 72701, PARCEL: #001-10994-000, ZONING: COUNTY
22) RICHARDSON, JOE C, 2630 S ED EDWARDDS RD FAYETTEVILLE, AR 72701-0700, PARCEL: #001-10992-000, ZONING: COUNTY
23) HOSKINS, LOY GENE & VICKI LYNN, 3601 HARVO CIR SPRINGDALE, AR 72762, PARCEL: #001-10994-003, ZONING: COUNTY
24) FARKAS, RICHARD B & GREGORY, CAROL L, 2748 S HUNT LN FAYETTEVILLE, AR 72701, PARCEL: #001-11031-001, ZONING: COUNTY
25) DURNING, JERRY R & SHIRLEY M, 2600 S HUNT LN FAYETTEVILLE, AR 72701-8031, PARCEL: #001-11032-000, ZONING: COUNTY
26) DURNING, JERRY R & SHIRLEY M, 2600 S HUNT LN FAYETTEVILLE, AR 72701-8031, PARCEL: #001-11029-000, ZONING: COUNTY
27) FIELDS, CHERYL, 2294 S SUMMERBROOK PL FAYETTEVILLE, AR 72701-8083, PARCEL: #482-00011-000, ZONING: COUNTY
28) SHARP, ELIZABETH JEAN & PERRY LEE, 2286 S SUMMERBROOK PL FAYETTEVILLE, AR 72701, PARCEL: #482-00012-000, ZONING: COUNTY
29) BROOKS FAMILY REAL ESTATE HOLDINGS LLC, C/O DEBORAH GOODMAN 142 COUNTY RD 3411 CLARKSVILLE, AR 72830-7320, PARCEL: #001-11023-000, ZONING: COUNTY
30) BROOKS FAMILY REAL ESTATE HOLDINGS LLC, C/O DEBORAH GOODMAN 142 COUNTY RD 3411 CLARKSVILLE, AR 72830-7320, PARCEL: #001-10736-000, ZONING: COUNTY

OWNER DEVELOPER:
EAGLE HOLDINGS LLC
PO BOX 605
FARMINGTON, AR 72730

SURVEYOR'S NOTES:

THIS IS A TRACT SPLIT SURVEY OF A PARCEL OF LAND AS PER DEED BOOK 92, PAGE 18678 ON FILE IN THE COURTHOUSE OF WASHINGTON COUNTY, ARKANSAS.

LAST SITE VISIT:
MARCH 30, 2018

BASIS OF BEARING:
GPS OBSERVATION - GEODETIC NORTH

REFERENCE DOCUMENTS:
1) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 56184
2) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 22713
3) PLAT OF SURVEY FILED IN BOOK 2004 AT PAGE 35396
4) PLAT OF SURVEY FILED IN BOOK 2009 AT PAGE 11325
5) PLAT OF SURVEY FILED IN BOOK 23 AT PAGE 120
6) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 52422
7) PLAT OF SURVEY FILED IN BOOK 2014 AT PAGE 19178
8) PLAT OF SURVEY FILED IN BOOK G AT PAGE 503
9) PLAT OF SURVEY FILED IN BOOK 23 AT PAGE 80
10) FINAL PLAT OF WATKINS SUBDIVISION FILED IN PLAT BOOK 23 AT PAGE 30
11) FINAL PLAT OF SEQUOYAH MEADOWS SUBDIVISION
12) QUITCLAIM DEED FILED IN BOOK 92 AT PAGE 18678
13) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201408010320
14) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201312050022
15) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201507170030
16) PLAT OF SURVEY FILED IN THE STATE'S SURVEYOR'S OFFICE AT DOCUMENT #201606035607

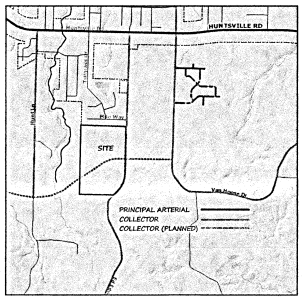
CITY PLAT PAGE:
649

ZONING:
CITY OF FAYETTEVILLE PLANNING

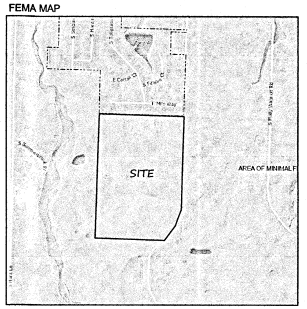
BUILDING SETBACKS:
FRONT 25FT
SIDE 10FT
REAR 20FT

FLOOD INFORMATION:
BY GRAPHICAL PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS LOCATED WITHIN ZONE "A" OR "AE" OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM (NFIP). PER THE FLOOD INSURANCE RATE MAP (FIRM) #05143C0240F DATED APRIL 02, 2008.

MSP VICINITY MAP



FEMA MAP



0' 200' 400' 600'
SCALE: 1" = 200'

STATE OF ARKANSAS No. 1756 PROFESSIONAL LICENSED SURVEYOR
EXPIRES 03/30/18
TIMOTHY D. WEST

ARKANSAS STATE SURVEY PLAT CODING
500-16N-29W-0-29-400-72-1756

PROPERTY LINE ADJUSTMENT

FOR USE OF:
KEITH MARRS

LOCATION:	ED EDWARDS ROAD WASHINGTON COUNTY, ARKANSAS SEC 29, T-16-N, R-29-W
CREW CHIEF: MN	DRAWN BY: JN SHEET SIZE: 18x24
PLAT No. 18-071	DATE: 04/17/2018 SHEET 2 OF 2

N W E S

ATLAS
PROFESSIONAL LAND SURVEYING
P.O. BOX 1026
425 N CENTENNIAL AVENUE #2
WEST FORK, AR. 72774
PH. 479.294.6177
PS #1756
COA #2875

LEGEND

- O SET #4 REBAR
- ● EXISTING #4 REBAR
- ◉ EXISTING PIPE
- ◈ FENCE CORNER POST
- ▬ ALUMINUM MONUMENT
- ⌀ UTILITY POLE

- BOUNDARY LINE
- FORTY/TIE LINE
- ASPHALT/GRAVEL/CONCRETE
- RIGHT OF WAY
- —x— FENCE
- —w— WATER MAIN
- BUIDLING SETBACK LINE
- PLANNED STREET
- PREVIOUS PARCEL LINE

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NOTES:
LAND USE/LAND RESTRICTIONS:
EXCEPT AS SPECIFICALLY STATED OR SHOWN HEREON, THIS SURVEY DOES NOT REFLECT ANY EASEMENTS (OTHER THAN APPARENT EASEMENTS OBSERVED IN THE FIELD AT THE TIME OF THE SURVEY) BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING, LAND-USE REGULATIONS, OR FACTS IN WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
UTILITIES:
EXCEPT AS SHOWN HEREON, NO ATTEMPT HAS BEEN MADE AS PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC FACILITY. CONTACT ALL UTILITY PROVIDERS FOR THIS INFORMATION.
FLOOD INFORMATION:
ANY INFORMATION (TEXT, LINES, SYMBOLS, HATCHES, ETC.) ON THIS PLAT THAT MAKE REFERENCE TO FLOOD ZONES ARE APPROXIMATE AND DERIVED FROM A FLOOD INSURANCE RATE MAP (FIRM) BY GRAPHICAL PLOTTING ONLY. THIS PLAT DOES NOT REPRESENT THE SURVEYORS OPINION ON THE PROBABILITY OF FLOODING.

COUNTY RECORDING INFORMATION:

e Number: 2019000086796 Page 2 of 2

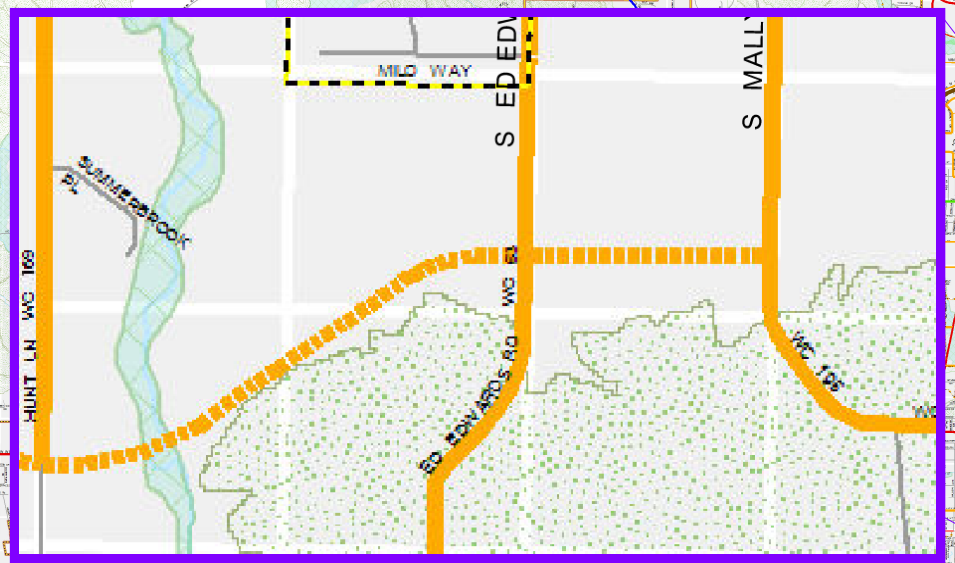
City Plan 2030
Master Street Plan

Fayetteville
ARKANSAS

Adopted by the Fayetteville City Council on
August 16, 2011 Resolution No. 146-11

Mayor

City Clerk



Downtown Master Plan
- ST-37
- ST-40 (ONE WAY)
- ST-45
- LOCAL URBAN
- MS-63

EXISTING STREETS
- U of A Campus Master Plan
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY

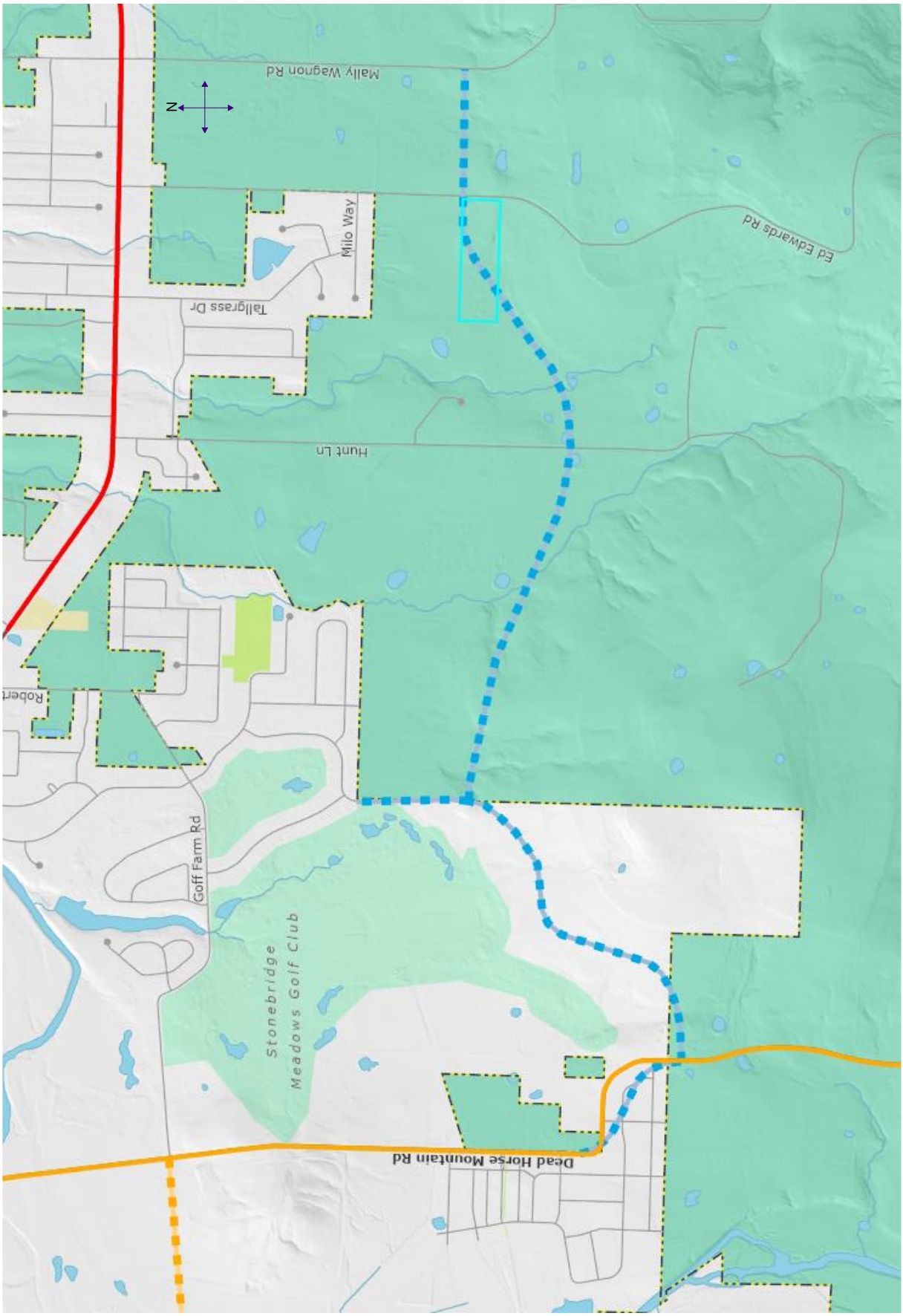
PLANNED STREETS
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY
- LOCAL

- Future Trails
- Multi-Use Trails--Existing
- Platted Street
- Enduring Green Network
- Stream_Polygons
- 100 YEAR FLOOD
- Planning Area Boundary
- Hillside/Hilltop Overlay District
- PARK
- Other Cities
- Quarter Mile Grid

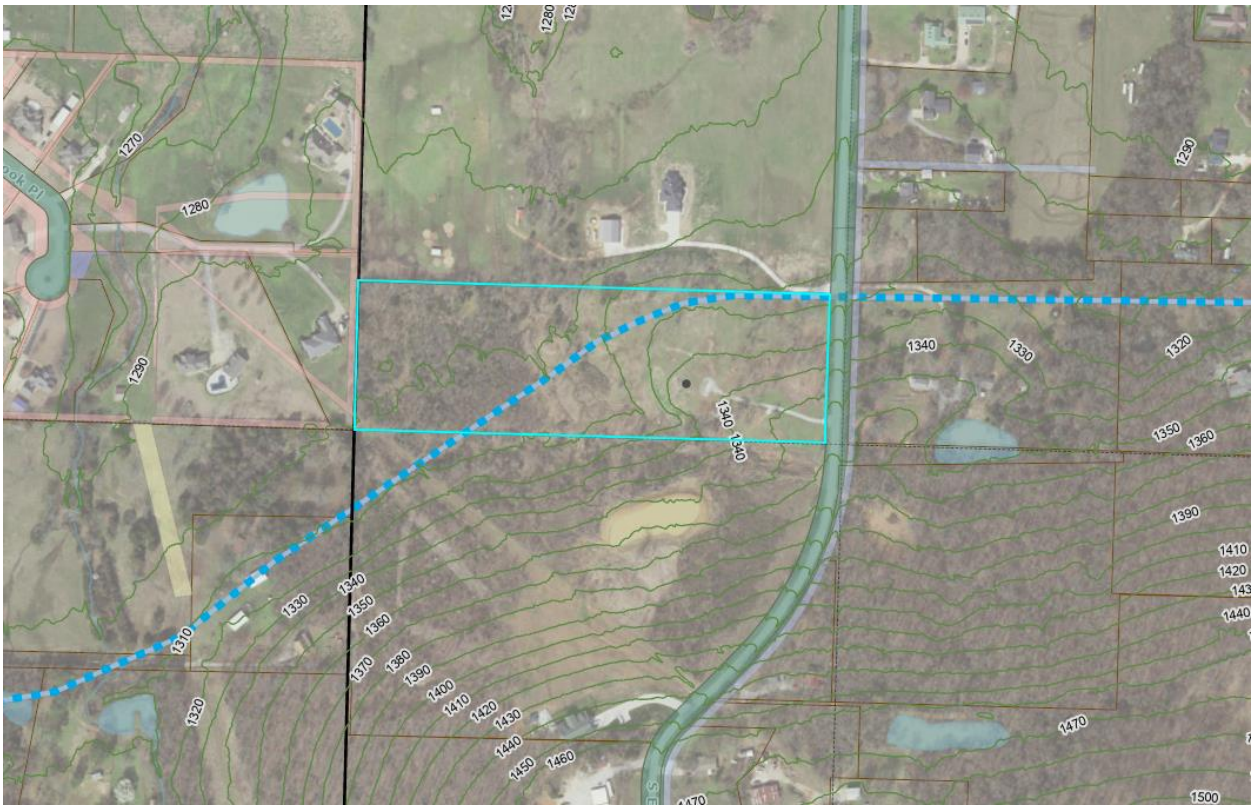
0 0.5 1 Mile

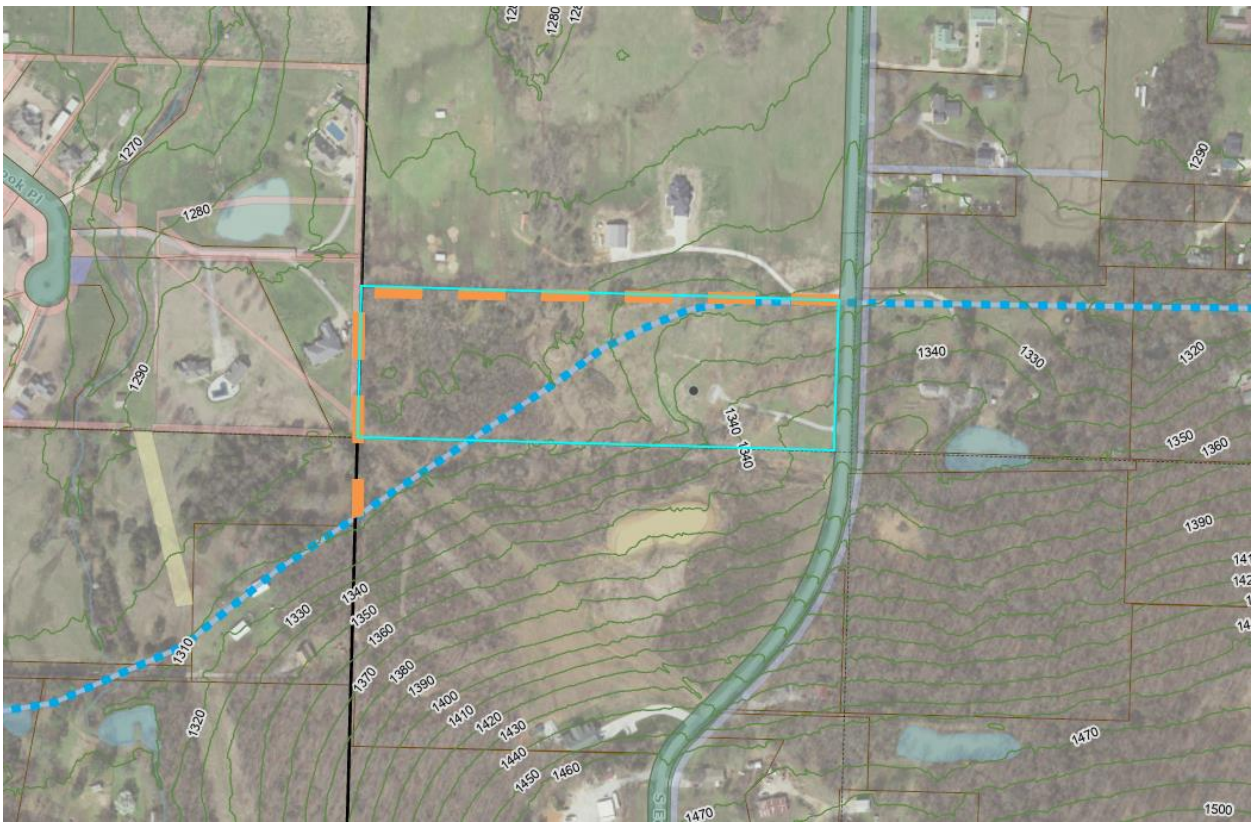
N

ADM-2023-0041
Proposed Master Street Plan Connection



ADM-2023-0041
MSP Connection with contours





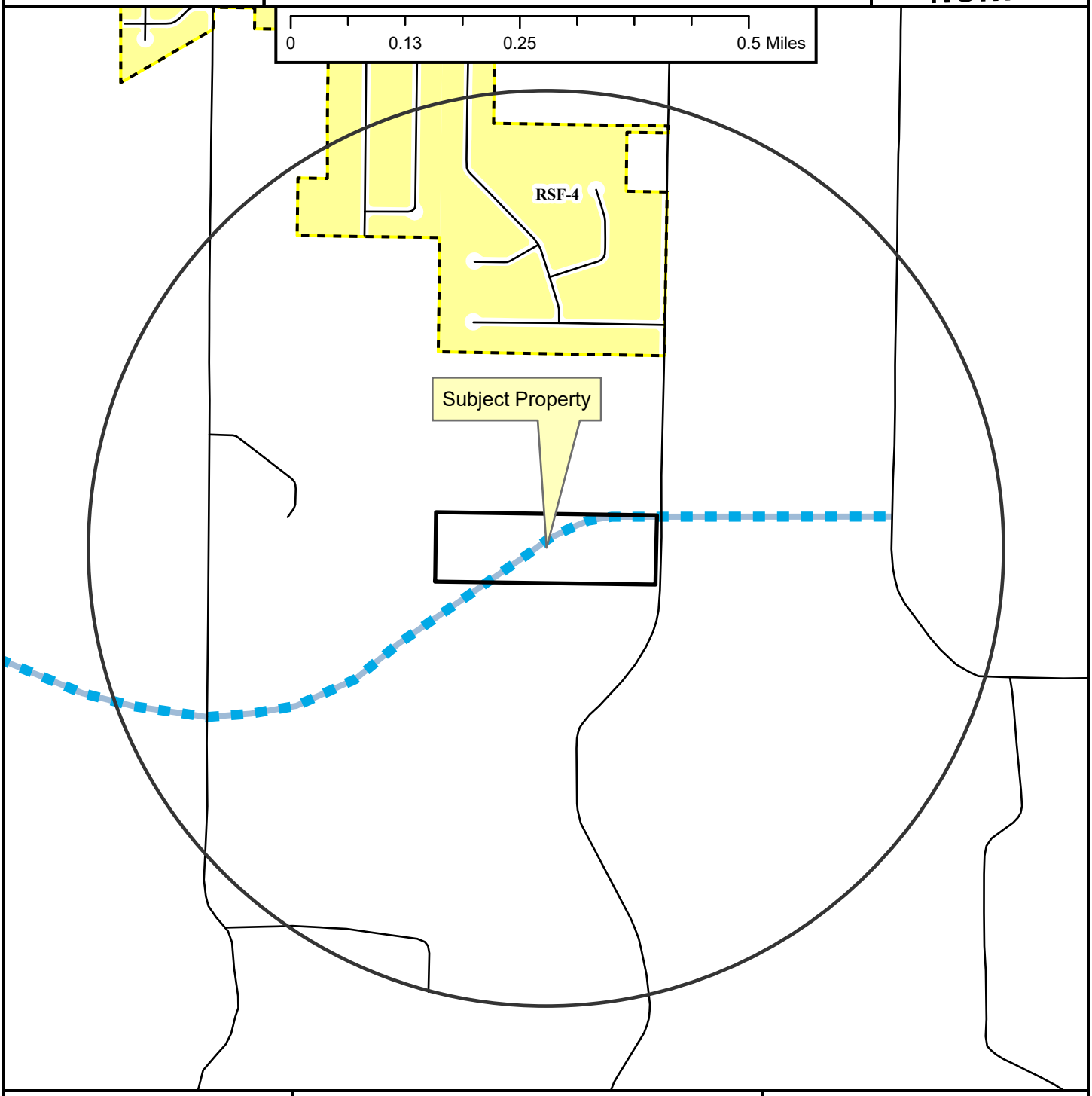
Applicant-Proposed Re-Route
2040 Master Street Plan

ADM-2023-0041

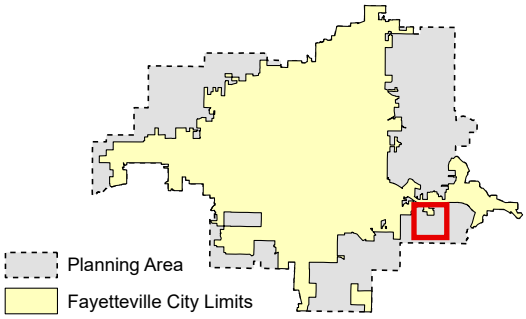
One Mile View

2277 S. ED EDWARDS RD

NORTH



Unclassified
Residential Link
Planned Residential Link
Fayetteville City Limits
Planning Area



Zoning

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

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

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

EXTRACTION
E-1

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

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

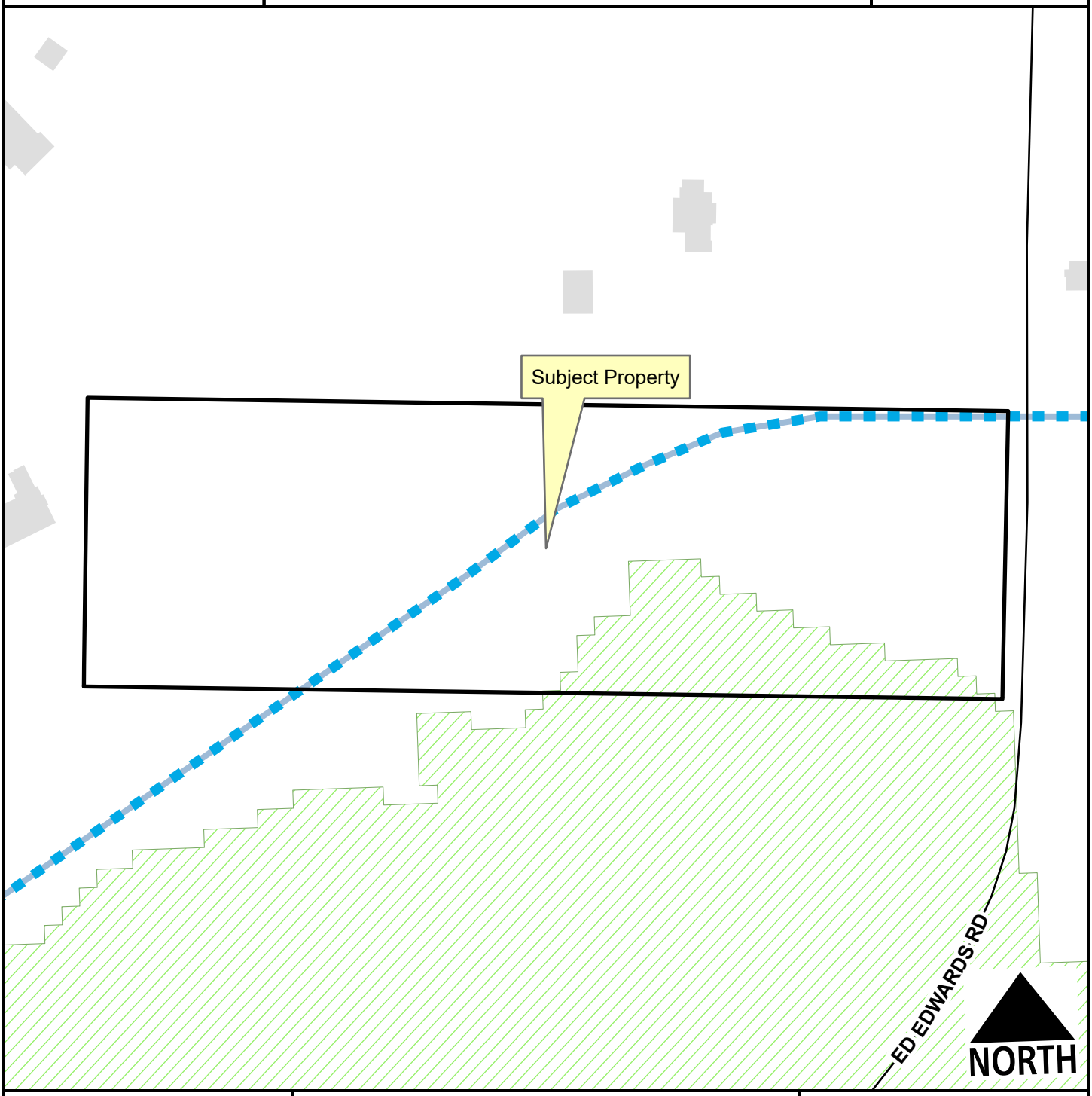
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

ADM-2023-0041

Close Up View

2277 S. ED EDWARDS RD



Unclassified
Planned Residential Link
Hillside-Hilltop Overlay District
Planning Area

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

ADM-2023-0041

Current Land Use

2277 S. ED EDWARDS RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **ADM-2023-0043: Administrative Item (345 N. SAINT CHARLES AVE./FLEMING, 562):** Submitted by GARY FLEMING for property located at 345 N. SAINT CHARLES AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.07 acres. The request is to modify an existing conditional use permit.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0043**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0043** with conditions as recommended by staff."*

BACKGROUND:
The subject property is one parcel containing approximately 0.07 acre and zoned NC, Neighborhood Conservation. The property is located at 345 St. Charles Avenue (the northwest corner of St. Charles and Boles Street) and is within the Downtown Master Plan Area. The property was re-zoned from R-O, Residential Office to NC, Neighborhood Conservation with the Downtown Master Plan in 2007.

There is one building on the property containing approximately 891 square feet. The structure was originally constructed as a single-family residence in 1941 according to Washington County parcel records but has been used for non-residential use for several decades. The building has been used for a variety of other non-residential uses over the years including massage therapists, a naturopath, psychotherapists, and a midwife. The property is currently being used for a massage therapist (Solace Day Spa).

In March of 2010, the applicant requested a conditional use permit for a change in an existing nonconforming use to permit the existing massage therapy and professional office uses (Use Units 12 and 25) to continue, and to allow a new use for a one-chair salon (Use Unit 16) in the NC zoning district. Per UDC Section 164.12(E)(3), an existing nonconforming use may be changed to another nonconforming use with conditional use permit by the Planning Commission. The amendment was approved with conditions of approval included in the attachments (CUP-10-3525).

In October of 2023, the property owner submitted a request to amend and extend the conditional use permit approval for Solace Day Spa to expand the building's footprint by 142 square feet to complete building maintenance, general updates, and provide an ADA accessible restroom and route. A commercial building permit is currently under review for the addition, and a building permit

has been approved for the repair and/or replacing or existing portions of the building. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	NC, Neighborhood Conservation
South	Mixed-Use	NC, Neighborhood Conservation MSC, Main Street Center
East	USPS Religious Facilities	MSC, Main Street Center
West	Mixed-Density Residential	NC, Neighborhood Conservation

Request: The applicant is requesting approval of an expanded use of fifty (50) square feet of the Solace Day Spa's previously approved conditional use permit (CUP 10-3525) and associated modifications.

Public Comment: Staff received one inquiry regarding the request, but no comments in support or opposition.

DISCUSSION:
Staff is supportive of the applicant's request to expand their conditional use permit approval. The relatively small building expansion will allow the applicant to improve the overall accessibility of the existing use which has been at this location for several decades. Staff anticipates minimal additional impact to the surrounding neighborhood because of the expanded building footprint as the building remains residential in appearance and scale. Based on an initial review, the site plan appears to be meeting zoning setbacks/build-to-zone requirements. Based on an initial review, the plans appear to be meeting the intent of the Downtown Overlay District, however additional information is required to determine if the applicant is meeting all applicable architectural standards.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0043** with the following conditions:

Conditions of Approval:

1. The building expansion is limited to a total of approximately fifty (50) additional square feet as indicated in the proposed building plans. Additional expansion of the building footprint will require additional amendment by the Planning Commission.

2. All portions of the addition shall be subject to UDC 166.21 Downtown Design Overlay District. Compliance shall be evaluated with building permit.

3. All other conditions associated with the conditional use permit and approved modifications not affected by this extension shall remain in effect; and

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

PLANNING COMMISSION ACTION:	**Required**	**YES**		
Date: November 13, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**	
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- CUP 10-3525 Approved Conditions
- Request Letter
- Site Plan
- Architectural Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map

CUP 10-3525 APPROVED CONDITIONS

1. This approval permits professional office, massage therapy/medical service and a one-chair salon as proposed by the applicant with the following specifications:
    (a) Hours of operation shall be limited to Monday through Saturday, 8 AM – 8 PM.
    (b) Maximum of four employees.

2. Any new exterior lights shall comply with the City lighting ordinance for a commercial business. Manufacturer's cut-sheets are required for review and approval by City Planning staff prior to installation of any new light fixtures.

3. Future expansion or change of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate conditional use request.

4. To ensure compatibility with the surrounding residents trash service shall be limited to residential carts that are pushed to the street on trash day, commercial dumpsters are prohibited.

5. Any proposed new signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation.

Conditional use update-345 N. St Charles Ave, Fayetteville, Ar
11/8/2023

I am the owner of 345 St. Charles Ave. residential home, that is currently being used as a message therapy spa. We have a conditional use permit CUP-10-3525 updated in March 2010.We are planning some updating, maintenance, and minimal sq footage addition on the property. We have applied for the building permit. According to discussion with Andy, Dennis and several others, we are told we are required to update our conditional use permit, prior to building permit approval. We need to move as quickly as possible, to allow the tenant to return to the property for her business. We have plans attached to add approximately 49 sq ft to the property. The house will be used as Solice Day Spa, operated by my daughter, Jodie Karow. Her business permit is #1011, and her mailing address is 3034 Malinda Dr., Fayetteville, Ar. 72703. Our plans are that it continues to look like a home, fitting and compliant to the area. The interior design allows it to go back to a home if needed, at a later date.

We have an updated set of plans attached, and our remodel will include ADA access, and ADA bathroom modifications. We have included a site survey, attached to our building permit application, assuring the addition is within the property easements. Please help wherever possible, time is critical. Our survey and building plan modifications has delayed the process on our end. This update corrects the added sq footage to be approximately 49 sq. The reduction in sq footage addition was required to fit within the site plan easements.

Thanks for any help you can give,
Gary L. Fleming
479-263-2047
gfleming@jv.com or gflem514@gmail.com

Proposed Features:

Feature	Description
	Property Line
	Onsite Property Line
	Offsite Property Line
	Right-Of-Way Line
	Setback Line
	Easement Line
	Zoning Limits
	Street / Drive Centerline
	Curb And Gutter (See Site Plan For Size)
	Thickened Edge Of Pavement
	Edge Of Gravel
	Firelane Striping
	Asphalt Pavement (See Detail Sheet For Pavement Sections)
	Concrete Pavement (See Detail Sheet For Pavement Sections)
	Concrete Sidewalk (See Site Plan For Dimensions)
X	General Fence Line (see Plan For Type)
	Chain Link Fence Line
	Board Fence Line
00 SPACES	Parking Counter
	Storm Catch Basin(s)
	Retaining Wall
	See Utility Plan For Line Sizes
	Gate Valve
	Fire Hydrant & Assembly
	Water Meter - Single
	Water Meter - Double
	Sanitary Sewer Manhole
	Utility Pole
	Light Pole

Note:
* Only Symbols That Appear On This Sheet Are Shown In This Legend.
* See Survey For Existing Features Legend.
* See Cover Sheet For Abbreviation List.

Site Information:

PROPERTY INFORMATION		
Gross Site Area:	3,349.88 sf	0.08 acres
Proposed Dedicated R.O.W:	0.00 sf	0.00 acres
Net Site Area:	3,349.88 sf	0.08 acres
Zoning:	NC-Neighborhood Conservation	
ZONING REGULATIONS		
Front Setback:		25' Build to Zone
Side Setback:		5 ft
Rear Setback:		5 ft
Rear Setback (from center of alley):		12 ft
Lot Width Minimum:		40 ft
Lot Area Minimum:		4000 sf
Max Building Height:		3 stories
SITE INFORMATION		
Total Paved Area:	599.77 sf	0.01 acres
- Existing:	355.29 sf	0.01 acres
- Proposed:	244.47 sf	0.01 acres
Total Gravel Area:	0.00 sf	0.00 acres
- Existing:	265.67 sf	0.01 acres
- Removed:	265.67 sf	0.01 acres
Total Sidewalk Area:	233.13 sf	0.01 acres
Total Building Footprint Area:	1,050.52 sf	0.02 acres
- Existing:	1,000.66 sf	0.02 acres
- Proposed:	49.86 sf	0.00 acres
Total Post Impervious Area:	1,883.41 sf	56.2%
Total Pre Impervious Area:	1,854.75 sf	55.4%
Total Pervious Area:	1,466.47 sf	43.8%

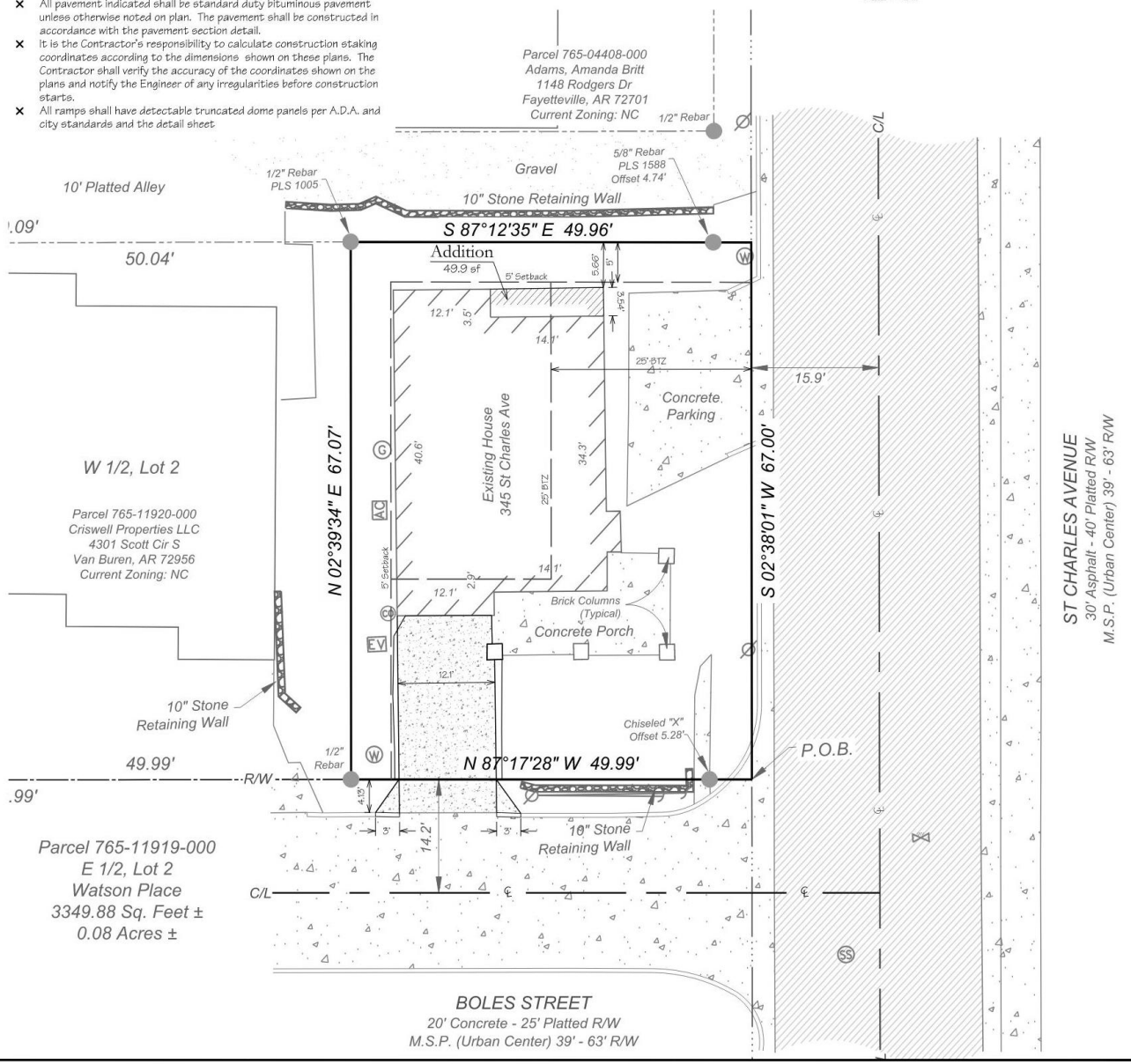
Site General Notes:

- Dimensions are measured from the Face of Curb, the Edge of Pavement, the Edge of Sidewalk the Face/Corner of the Building(s) or the Center/End of Stripe.
- All radii shall be 4 foot at Face of Curb unless otherwise specified.
- Layout of Site Plan is based on and limited to survey information.
- All Curb & Gutter shall be 24" wide per detail sheet.
- All Pavement Marking shall be applied in accordance with the requirements outlined in the most current edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).
- All Signs, Traffic Control Devices, etc. shall follow the guidelines of the MUTCD.
- The Contractor shall refer to the Architectural drawings for Building Floor plans and Dimensions, Wall Sections, Door Openings, Building Utility Entrance Points, etc. The Contractor shall immediately notify the Architect and Engineer in the event that the Civil Site Plans Building Layout does not match the Architectural drawings.
- All handicap spaces shall be striped / marked in accordance with the handicap striping detail.
- All pavement indicated shall be standard duty bituminous pavement unless otherwise noted on plan. The pavement shall be constructed in accordance with the pavement section detail.
- It is the Contractor's responsibility to calculate construction staking coordinates according to the dimensions shown on these plans. The Contractor shall verify the accuracy of the coordinates shown on the plans and notify the Engineer of any irregularities before construction starts.
- All ramps shall have detectable truncated dome panels per A.D.A. and city standards and the detail sheet

Know what's below. Call before you dig.

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft



REVISIONS:

No.	DESCRIPTION	DATE

Site Plan
-

Building Permit Plans For:
Massage Parlor
345 St. Charles Avenue, Fayetteville, Arkansas
345 St Charles Ave, LLC
c/o Gary & Judy Fleming
18250 Sharafina Ln, Fayetteville, AR 72704

NOT FOR CONSTRUCTION FOR REVIEW ONLY!!!

BLEW
Surveying | Engineering
Engineering
5102 S. Pinnacle Hills Pkwy
Rogers, Arkansas 72758
Office: (479) 443-4506
www.BLEWINC.com
Certificate of Authorization № 1534

DATE:	JOB NUMBER:
2023-09-29	23-5232
DRAWN BY:	REVIEWED BY:
J. Du Quesne	-

DRAWING NAME: 23-5232 Civil 001.dwg

SHEET NUMBER: C2

Planning Commission
November 13, 2023
ADM-2023-0043 (FLEMING)

PROJECT:	ADDRESS:	CLIENT:	DATE:
ST CHARLES REMODEL	000	GARY FLEMING (HOMEOWNER)	10/31/2023

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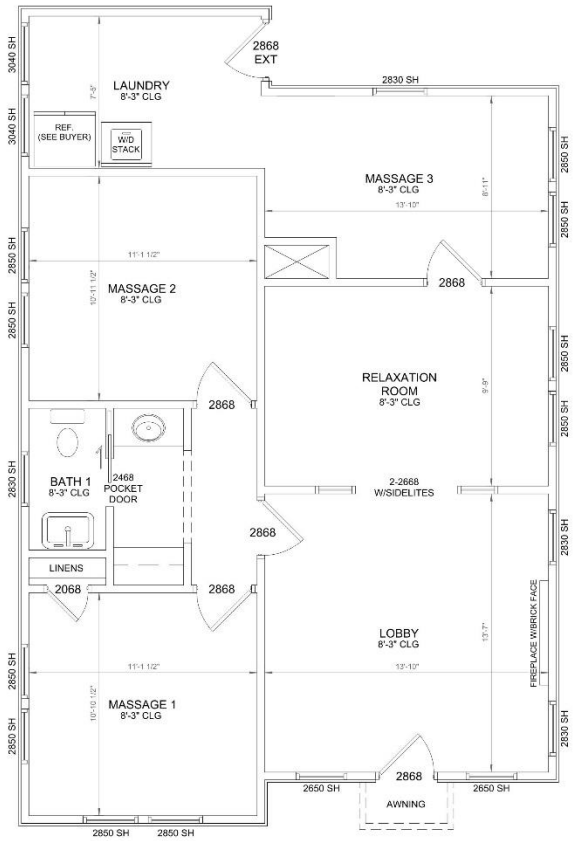

GENERAL NOTES:
- CONFIRM ALL EXISTING DIMENSIONS W/BUILDER
- VERIFY ALL SETBACKS, EASEMENTS, ETC. W/BUILDER

FLOOR PLAN SQUARE FOOTAGE	
UNDER ROOF (FRAMER)	1099
ADDED HEATED	49

EXISTING FLOOR PLAN

SCALE: 1/2" = 1'-0"

PROJECT:	ADDRESS:	CLIENT:	DATE:
ST CHARLES REMODEL	000	GARY FLEMING (HOMEOWNER)	10/31/2023

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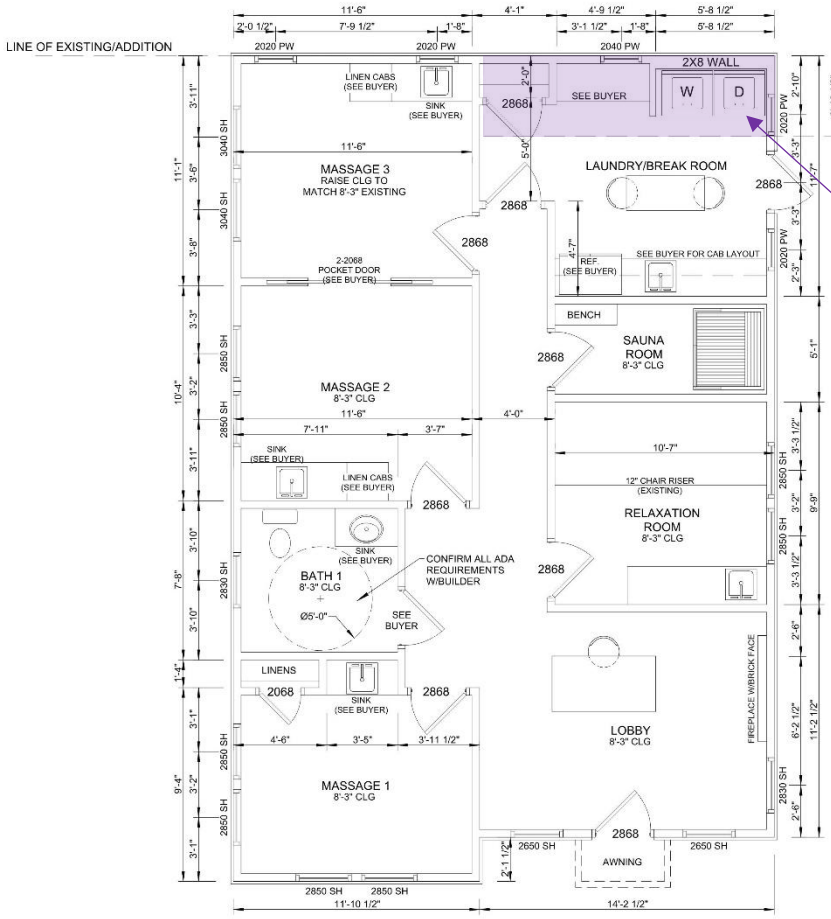
SZAB DESIGN + BUILD



ADDITIONAL 50 SQUARE FEET TO BUILDING FOOTTPRINT

GENERAL NOTES:
- CONFIRM ALL EXISTING DIMENSIONS W/BUILDER
- VERIFY ALL SETBACKS, EASEMENTS, ETC. W/BUILDER

FLOOR PLAN SQUARE FOOTAGE	
UNDER ROOF (FRAMER)	1099
ADDED HEATED	49

ADDITION FLOOR PLAN

SCALE: 1/2" = 1'-0"

PROJECT:	ADDRESS:	CLIENT:	DATE:
ST CHARLES REMODEL	000	GARY FLEMING (HOMEOWNER)	10/31/2023

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UPDATED BY STAFF WITH NOTES FROM MEETING WITH APPLICANT ON 11/8/2023

SZAB DESIGN + BUILD

PROJECT:	ADDRESS:	CLIENT:	DATE:
ST CHARLES REMODEL	000	GARY FLEMING (HOMEOWNER)	10/31/2023

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UPDATED BY STAFF WITH NOTES FROM MEETING WITH APPLICANT ON 11/8/2023

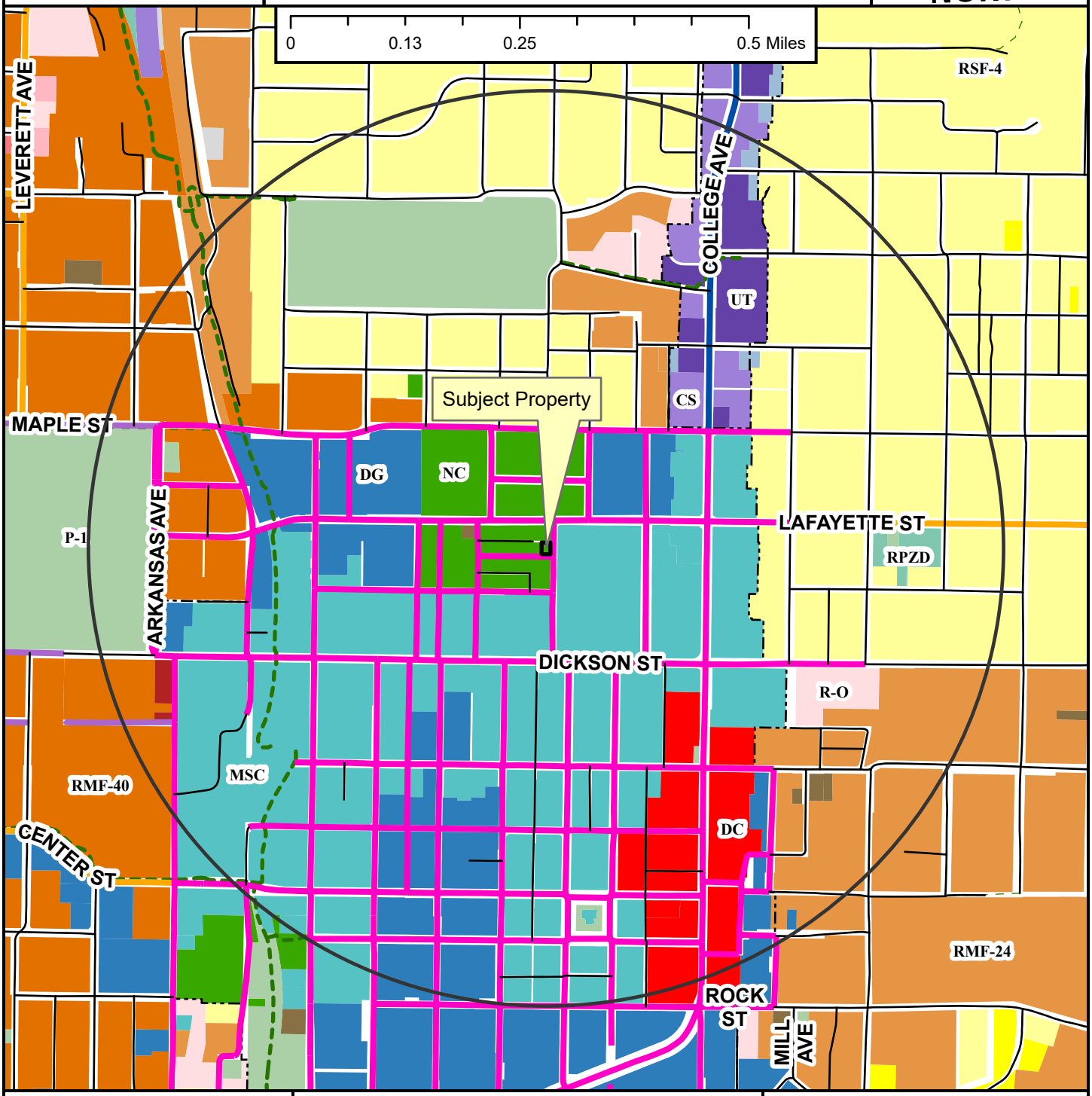
SZAB DESIGN + BUILD

ADM-2023-0043

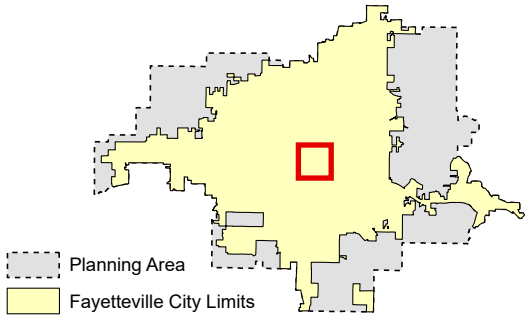
One Mile View

345 N. SAINT CHARLES AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

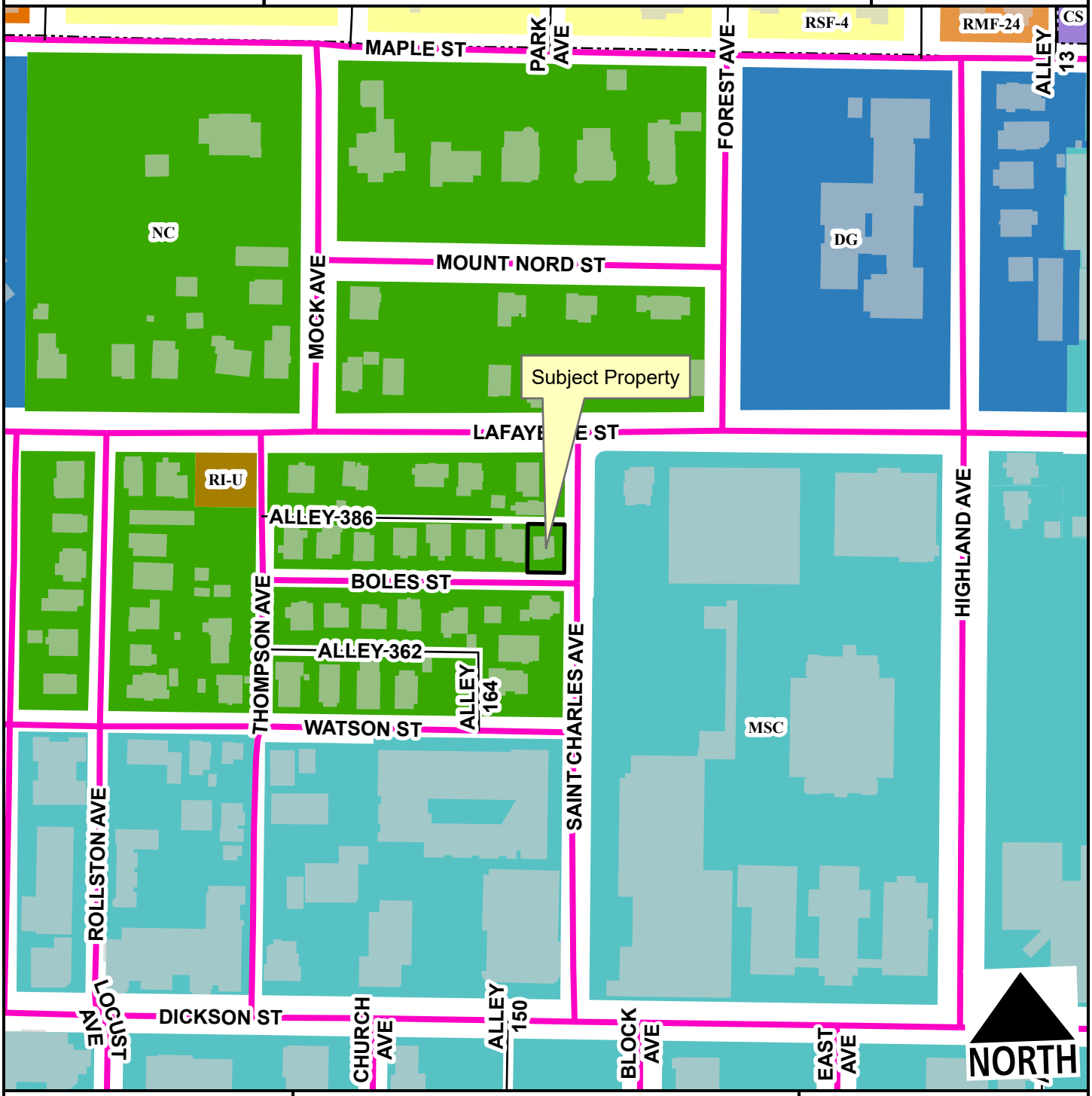
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2023-0043

Close Up View

345 N. SAINT CHARLES AVE



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

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

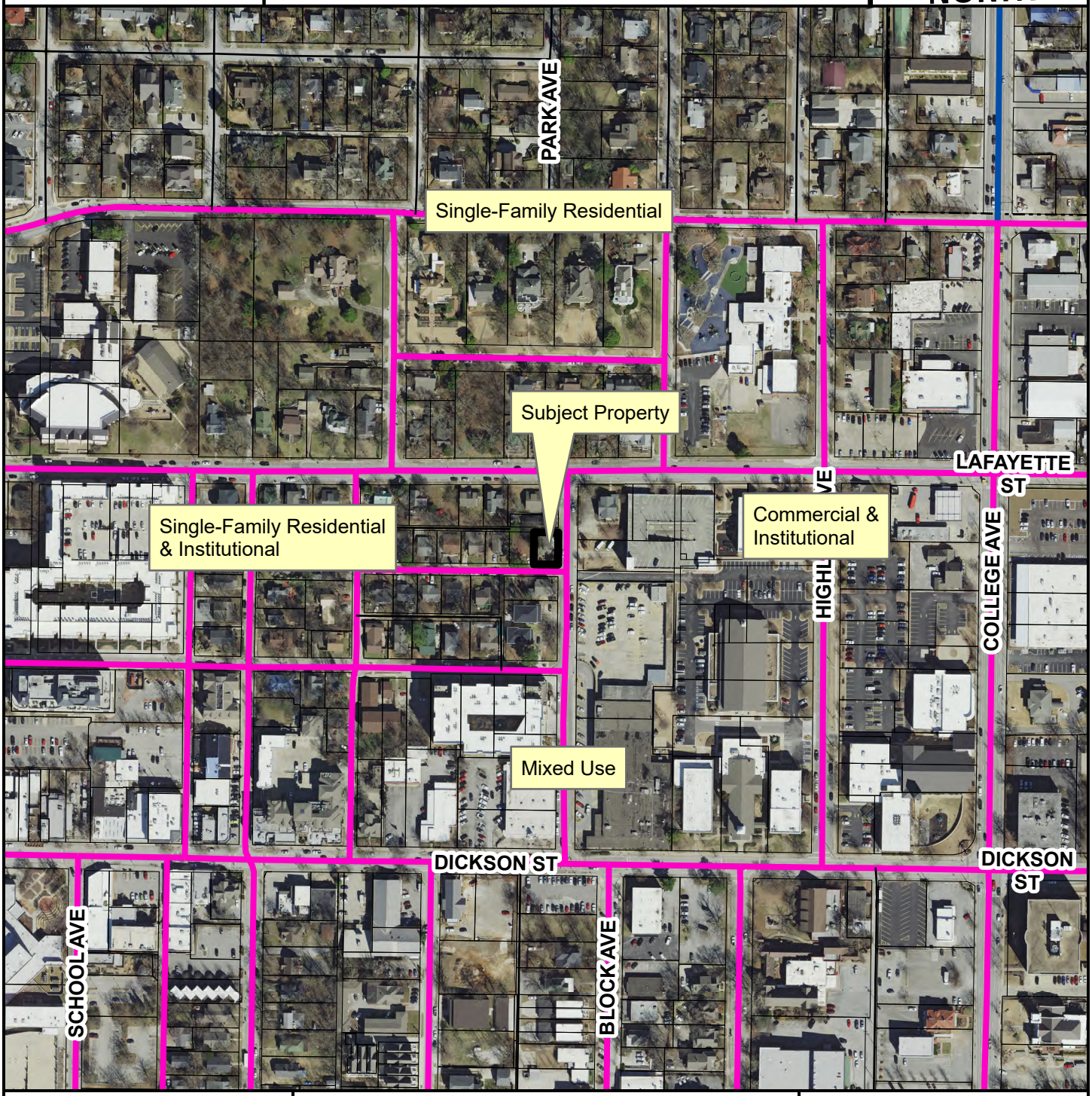
RSF-4
RI-U
RMF-24
RMF-40
Main Street Center
Downtown General
Community Services
Neighborhood Conservation

ADM-2023-0043

Current Land Use

345 N. SAINT CHARLES AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

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

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0141: Conditional Use Permit (240 E. ROCK ST/CITY OF FAYETTEVILLE, 524):** Submitted by OLSSON for property located at 240 E. ROCK ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY FOUR UNITS PER ACRE and contains approximately 2.94 acres. The request is to expand a cultural and recreational facility in RMF-24 zoning.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0141** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0141**, determining:*

- *In favor of a variance to **168.12(E)(2)(f),** to allow buildings and accessory structures with a building footprint of larger than 150 feet within a streamside protection zone;*
- *In favor of a variance to **168.10(T)(5**), to allow for a development to occur within a Zone A floodplain without an associated flood study;*
- *In favor of compatibility with adjacent properties; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is the site of the existing Yvonne Richardson Community Center (YRCC) and Ralph "Buddy" Hayes Park, located just west of downtown Fayetteville on E. Rock Street, and overall consisting of 2.94 acres. While Ralph "Buddy" Hayes Park is currently zoned P-1, Institutional, the YRCC site is zoned RMF-24, Residential Single-Family, 24 Units per Acre. The YRCC was constructed in 1995, and the City underwent a public engagement process in 2021 and 2022 to discuss options for expansion and rehabilitation. No conditional use permit was issued for the Center's original construction, making the use an existing non-conformity. Surrounding land use and zoning are depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	RMF-24, Residential Multi-Family, 24 Units per Acre; DG, Downtown General
South	Mixed-Density Residential; Ralph "Buddy" Hayes Park	RI-U, Residential Intermediate – Urban; P-1, Institutional; RMF-24, Residential Multi-Family, 24 Units per Acre

East	Church; Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Mixed- Density Residential	DG, Downtown General

City Plan 2040 Future Land Use Designation: Civic and Private Open Space

Proposal: The applicant requests conditional use permit approval for Use Unit 4, a cultural and recreational facility, for a 3,853 sq. ft. expansion to the 9,481 sq. ft. Yvonne Richardson Community Center, for a total of 13,334 sq. ft.

Hours of operation: 10:00 AM – 6:00 PM, Monday – Friday
10:00 AM – 2:00 PM, Saturday
Rentals available 6:00 PM – 11:00 PM Monday – Saturday,
Rentals only available on Sunday.
Occupant Load: 268 total, including employees, patrons, clients, and customers.

The applicant has also indicated that the future pavilions in Buddy Hayes Park may incorporate outdoor music. No outdoor music establishment proposal is being considered yet with this request, as plans for that use are still being finalized.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0141,** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed expansion to be compatible with the surroundings for the reasons outlined in this report.*

2. **Planning Commission determination of a variance to 168.12(E)(2)(f), which prohibits buildings and accessory structures with a building footprint of larger than 150 feet from streamside protection zones.** *Staff recommends in favor of the request for the reasons outlined in this report, with the following conditions:*
    a. *Applicant to obtain all necessary permits associated with the development.*
    b. *Applicant to preserve the streamside zones outside of the areas of proposed encroachment shown on the attached exhibit.*
    c. *Applicant shall submit final plans for the park to staff for review and approval prior to any encroachment taking place and plan should include bank stabilization/restoration of the stream in the park.*

3. **Planning Commission determination of a variance to 168.10(T)(5), which prohibits development in a Zone A floodplain where a detailed study has not been provided.** *FEMA has recently completed a flood study for Spout Springs which proposes to remove the structure from the floodplain. Staff recommends in favor of the request for the reasons outlined in this report, with the following condition:*
    a. *Applicant respects the flood boundaries as defined by the revised FEMA mapping dated January 25, 2024. If encroachments into the special flood hazard area as shown on the revised mapping, a flood study may be required.*

4. Bike racks shall be installed in a manner consistent with the form and dimensional standards as outlined in 172.10.

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

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

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PLANNING COMMISSION ACTION: Required YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for Use Unit 4, Cultural and Recreational Facilities in the RMF-24 zoning district.

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.16, District RMF-24, Residential Multi-Family, 24 Units per Acre, to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is not likely to adversely affect the public interest. A public engagement process was undertaken by the Parks, Natural Resources, and Cultural Affairs Department. The expansion is community-driven and a necessary improvement to benefit the existing neighborhood and the greater Fayetteville community. While two variances are being sought, staff finds that the level of impact these variances are requesting are consistent with the level of encroachment and impervious surface already existing on the site, and not likely to negative affect the public interest. With added improvements to the stream and the modification of the FEMA floodplain maps, staff finds that the public interest is still protected. The added capacity will allow for additional programming and space for members of the public to use.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing specific cultural and recreational facilities, but the applicant has requested a variance to the Streamside Protection Ordinance, as well as to the typical floodplain development requirements.**

- **§168.12(E)(2)(f), Buildings and accessory structures with a building footprint of larger than 150 feet are prohibited from streamside protection zones.** The applicant is requesting a variance from the streamside protection zone standards.
    - *Staff recommendation: Staff is supportive of this variance request. The current building and parking area encroach into the streamside zones as the original development occurred prior to 2011, when the ordinance was passed. The proposed development would include conversion of the existing parking area into additional building with*

two ADA spaces adjacent to E. Rock Street. The proposed building would be slightly smaller than the existing parking area with the exception of a small corner near E Rock St as shown on the attached exhibit. Staff would also anticipate that more pollutants would be discharged to the stream from the existing parking area than the proposed building. The project will eventually include the redevelopment of Ralph "Buddy" Hayes Park on the south side of E. Rock St. While the plans have not been fully developed, an example of the amphitheater can been seen on the attachments. This may not be the ultimate location for the encroachment, but it would be of similar size and scale. The actual location will be determined with the final plans for the park although a bank stabilization project would be required in conjunction with the amphitheater. The applicant has also agreed to work toward a holistic stream restoration of the section of Spout Springs spanning from E. Mountain Street to the north and the south side of Buddy Hayes Park to the south. Several areas appear in need of stream bank restoration and the corridor has many invasive species. Given this information regarding streamside protection, staff is in support of the request.

- **§168.10(T)(5), In all areas designated as a Zone A on the FIRM where a detailed study has not been completed to specify the floodway and base flood elevations, no development shall be located within the Zone A area.** The applicant is requesting a variance from this standard to not supply a flood study.
    - *Staff recommendation: Staff is supportive of this variance request. The applicant has requested a variance from the requirement to provide a flood study on the grounds that a flood study has recently been performed by FEMA and the mapping associated with the study will become effective on January 25, 2024. This is similar in request to other developments on Spout Springs Branch and staff would be in support of the request to recognize the upcoming FEMA mapping and not providing a flood study with the development.*

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. Continued.

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

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

Finding: **The existing facility has two separate parking lots, one of which will be closed off with this addition, and two on-street ADA parking spaces will be added in place of where the former driveway was located. Members of the public have access from the existing parking lot (10 spaces) through a pedestrian bridge over Spout Spring. The removal of one non-conforming driveway will improve pedestrian access to the facility overall. All necessary**

fire and life safety codes will be reviewed for with the necessary permits.

(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: **With the removal of on-site parking to accommodate this needed addition, the new center will have access to 12 parking spaces, including 2 on-street ADA parking spaces. Based on 172.05, Community and Recreational Facilities require a maximum of 1 space per 250 sq. ft. of GFA, or 53 spaces. Given this facility's proximity to residences, downtown uses, and available on-street parking, staff finds this is likely adequate to serve the facility and it will not be overparked. Further, the applicant is investigating locations for added bike racks to the center for individuals who may choose to use alternative transportation. Staff recommends that bike racks are installed in a location that aligns with typical requirements under 172.10. Given that no improvements are being implemented on the existing parking lot, staff does not recommend any additional screening for the existing parking.**

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

Finding: **The applicant intends to continue using an existing dumpster on the location, which is located in the existing eastern parking lot. Staff does not recommend any additional screening.**

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

Finding: **Utilities are currently available to the site, and only private service extensions are needed including a sewer line, underground electric, water line, and fire line. The applicant has provided a utility exhibit for the Planning Commission's consideration, and utility provision will be evaluated in accordance with code with the relevant permit applications.**

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

Finding: **The applicant has provided a landscape plan which shows the addition of landscape beds around the addition, and in the areas proposed for pavilions in the Buddy Hayes Park portion of the site. Urban Forestry also recommends the consideration of native plantings, and tree preservation where possible to assist in added buffering between adjacent residential properties.**

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

Finding: **Any proposed signage and exterior lighting in common areas will be subject to the City's ordinances and all the regulations therein. While a permit is not necessary for signage on City projects, the signage ordinance is still required to be met as far as setbacks, size, and other requirements.**

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

Finding: **The submitted conceptual plan suggests that the open space requirements can be met. The RMF-24 zoning district has a build-to-zone, and the applicant's addition appears to be meeting that requirement and bringing the existing non-conforming structure into compliance. All required yards and open spaces will be fully reviewed at the time of development submittal, though setbacks appear to be generally met with this proposal.**

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

Finding: **Staff finds the applicant's proposal to be compatible with adjacent properties and those in the surrounding neighborhood. While a community center commonly requires a conditional use permit in residential zoning districts, staff finds that the use generally is compatible with the surrounding area. The scale of the addition is in line with the surrounding properties and does not overwhelm the existing residential uses. When considering the intent of the Yvonne Richardson Center which has historically served this neighborhood and the surrounding areas, staff finds that the improvements will be a welcome addition.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
  - §168 – Flood Damage Prevention Code
- Engineering Memo
- Urban Forestry Memo
- Public Engagement Process
- Request Letter
- Variance Request Letter and Exhibits
- Site Plan
- Utility Plan
- Landscape Plan
- Outdoor Lighting Plan
- Building Elevations
- Bike Rack Options
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

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

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."

168.10 Provisions For Flood Hazard Reduction

General Standards. The following standards apply to all developments in special flood hazard areas, regardless of the type of proposed development or the risk zone of the proposed site.

…

(T) Standards for Subdivisions: Applications for preliminary, final, and/or concurrent plat approval shall:

(5) In all areas designated as a Zone A on the FIRM where a detailed study has not been completed to specify the floodway and base flood elevations, no development shall be located within the Zone A area.

…

(Ord. No. 5141, 5-6-08; Ord. No. 6446 , §10(Exh. E), 6-15-21; Ord. No. 6539 , §§9—11, 3-1-22)

168.12 Streamside Protection Zones

(A) *Streamside Best Management Practices Manual.* The City of Fayetteville's *Streamside Best Management Practices Manual,* which may be administratively changed by the City Engineer, shall be used in support of this chapter to explain specific objectives and principles.

…

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

(a) Grading, dredging, dumping, filling, or similar construction activities.
(b) Landfills, junkyards, salvage yards.
(c) Clearing of non-invasive woody vegetation.
(d) Storage of hazardous materials or chemicals unless within waterproof containers and within a structure.
(e) Parking lots.
(f) Buildings and accessory structures with a building footprint larger than 150 square feet.
(g) Parking or storage of motor vehicles.
(h) Septic systems and/or lateral lines.
(i) In-ground pools.
(j) Animal feedlots or kennels.
(k) Housing, grazing or other maintenance of livestock.
(l) Land application of biosolids.

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

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Development Review Manager

FROM: Alan Pugh, Staff Engineer

DATE: November 9, 2023

SUBJECT: **Planning Commission Engineering Comments for CUP-2023-0141 Yvonne Richardson Community Center**

DISCUSSION:
As noted in the letter, the City of Fayetteville is currently working on plans to expand the YRCC with a one story building adjacent to the existing structure as well as an amphitheater located in Ralph "Buddy" Hayes Park. As noted, the current building and parking area do encroach into the streamside zones as the original development occurred prior to 2011. The proposed development would include conversion of the existing parking area into additional building with two parking areas stalls adjacent to E Rock Street. The proposed building would be slightly smaller than the existing parking area with the exception of a small corner near E Rock St as shown on the attached exhibit. Staff would also anticipate that more pollutants would be discharged to the stream from the existing parking area than the proposed building.

The project will eventually include the redevelopment of Ralph "Buddy" Hayes Park on the south side of E Rock St. While the plans have not been fully developed, as example of the amphitheater can been seen on the attachments. This may not be the ultimate location for the encroachment, but it would be of similar size and scale. The actual location will be determined with the final plans for the park although a bank stabilization project would be required in conjunction with the amphitheater.

The applicant has also agreed to work toward a holistic stream restoration of the section of Spout Springs spanning from E Mountain Street to the north and the south side of Buddy Hayes Park to the south. Several areas appear in need of stream bank restoration and the corridor has many invasive species. Given this information regarding streamside protection, staff would be in support of the request.

Lastly, the applicant has requested a variance from the requirement to provide a flood study on the grounds that a flood study has recently been performed by FEMA and the mapping associated with the study will become effective on January 25, 2024. This is similar in request to other developments on Spout Springs Branch and staff would be in support of the request to recognize the upcoming FEMA mapping and not providing a flood study with the development.

RECOMMENDATION: Staff recommends approval of the streamside variance associated with **CUP-2023-0141** with the following conditions of approval:

Conditions of Approval:

1. Applicant obtain all necessary permits associated with the development.
2. Applicant preserve the streamside zones outside of the areas of proposed encroachment shown on the attached exhibit.
3. Applicant shall submit final plans for the park to staff for review and approval prior to any encroachment taking place and plan should include bank stabilization/restoration of the stream in the park.
4. Applicant respects the flood boundaries as defined by the revised FEMA mapping dated January 25, 2024. If encroachments into the special flood hazard area as shown on the revised mapping, a flood study may be required.

YRCC REVISED FEMA FLOODPLAIN

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0141 Conditional Use Permit (Yvonne Richardson Community Center, 240 E. Rock St.):** Submitted by Olsson for property located at 240 E. Rock St. The property is zoned RMF-24p, MULTI-FAMILY RESIDENTIAL, and contains approximately 2.40 acres. The request is for a Conditional Use Permit.

RECOMMENDATION:
Urban Forestry Staff recommends approval of CUP-2023-0141. It is recommended that the applicant preserve as many trees as possible to follow City standards as set forth in Chapter 167 of the Code, Tree Preservation and Protection, and remove invasive plant material (as they have stated in their request).

Urban Forestry also recommends that the trees along the property lines be preserved, per Chapter 167.01(B)(1) which states “Preservation shall be the first, best, and standard approach”. If tree trunks are located near the property line on the adjacent property owner’s lot, the applicant will need to follow 167.05(B) which states, “Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction” unless an agreement otherwise has been made with the adjacent owner.

It is also recommended that native plant material be specified for the proposed plant material and that it be drought tolerant, particularly in the areas where there will not be irrigation.

BACKGROUND:
The minimum tree preservation requirement for RMF-40 zoning is 20% of the site area minus existing ROW and easements. Preservation is achieved by no or minimal impact to the root zone of the tree. The root zone area can be roughly determined by projecting the outermost canopy edges down to the ground.

Preserving trees on this site will help keep the character of the neighborhood and buffer the property from the residential house to the west. To preserve trees that are on the neighbor’s property close to the property line, a 10’ wide minimum buffer from the tree trunks must be provided adjacent any construction.

Summary of public input sessions – YRCC Expansion Project

In January of 2021 the City began working with MBL on seeking additional public input to be used for the design scheme of the YRCC expansion. A steering committee of YRCC users/partners/collaborators was created to aid in the process.

A survey was created by City staff and the committee to be used to gather public input. The survey was distributed door to door to low-income housing area identified by the Friends of YRCC board. This data collection was facilitated by FOYRCC board members and graduate student volunteers from a Recreation & Sport Management (RESM) research class. 67 responses were collected through this method. 70% had annual income levels <$20,000. 33% African American, 10% Hispanic, and 40% Caucasian.

An online survey was also used to collect data from September-December of 2021. 21% had annual income levels <$35,000. 73% Caucasian, 11% African American, and 7% Mixed Race. 57% were from Ward 1 & 2.

Public meetings were also held at the YRCC on June 8 and July 22, 2021. Public input meetings and surveys confirmed the interest in the expansion project needing to include a classroom/multi-purpose room, a kitchen, bus connections, and trail connections. Types of programs that ranked popular were those that could take place in the above-mentioned spaces, i.e. cooking classes, job prep classes, tutoring, and family programs.

In January of 2022, an update was provided to the Steering Committee that overviewed the survey data collected and included the proposed design direction. Three public meeting and listening sessions were held in February of 2022, showcasing the design concept created based on survey data. In addition, a phased plan and dream scheme concepts were created by MBL and shared with the City in May of 2022.

November 6, 2023

City of Fayetteville Planning Department
City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Letter of Intent for Conditional Use Permitting ±2.14 Ac. of Parcels 765-06383-000, 765-06384-000, 765-06385-000, 765-06386-000, 765-06387-000, 765-12797-001, 765-12798-000, 765-12799-000, 765-12799-001, 765-12800-000, 765-12805-000, 765-12808-000. And Buddy Hayes Park Parcels 765-02963-000, 765-02964-000, 765-06330-000

Property Information:	**SWC of S Washington Ave. and E Rock St.** **NWC of S Mill Ave. and E Rock St.** **Tract Size:** ±2.14 Ac. Total **Proposed Use:** Community Services Building **Existing Zoning:** Residential Multi-Family - RMF-24
Current Owner:	City of Fayetteville 113 W Mountain Street, Fayetteville, Arkansas 72701
Applicant:	Olsson, Inc. 302 E Millsap Road, Fayetteville, Arkansas 72703

This letter serves as a request for conditional use of the Yvonne Richardson Community Center and Buddy Hayes Park in the currently zoned RMF-24 property including the following parcels. Parcels from the northern section of the project for the expansion: 765-06383-000, 765-06384-000, 765-06385-000, 765-06386-000, 765-06387-000, 765-12797-001, 765-12798-000, 765-12799-000, 765-12799-001, 765-12800-000, 765-12805-000, 765-12808-000. Parcels from the southern section of the project for park improvements: 765-02963-000, 765-02964-000, 765-06330-000. This parcel is located on the southwest portion of the intersection of South Washington Avenue and East Rock Street. And across E Rock Street in the Northwest portion of South Mill Avenue and East Rock Street in Fayetteville.

Property Description for Conditional Use Permit

TYPE OF BUSINESS
The expansion to this establishment would provide the community center with four classroom areas, fitness area, dance room and more services to the community center for developmental and recreational services. The existing building has a floor area of 9,481 square feet. The

addition will add an additional 3,853 square feet of floor space making the total structure 13,334 square feet.

DAYS AND HOURS OF OPERATION
The Community Center is anticipated to keep their hours of operation 10:00 AM – 6:00 PM, Monday-Friday with rentals available 6:00 PM to 11:00 PM, Saturday 10:00 AM – 2:00 PM with rentals available, and available for rentals only Sunday.

TRAFFIC GENERATION
The number of employees and logistical flow is dependent on the tenant but anticipated to minimally increase, if at all. The buildings occupant load is 268 persons for the entire structure after the addition, the anticipated number of employees, patrons, clients, customers, is set to be accommodatable by this occupant load. Traffic is anticipated to remain approximately the same as existing but could slightly increase traffic minimally if any.

PARKING REQUIREMENTS
For community centers, 1 parking space is required for every 250 square feet of GFA. The proposed addition will be adding two (2) on-street ADA parking stalls for a total of 12 parking spaces for the facility and will not be adding additional off-street parking.

SIGNAGE
The access drive will be located where currently existing on E Rock Street. One access drive is closing and two (2) ADA parking spaces are being installed where a driveway previously existed. The district permit officer has been notified. No additional signage is needed to accommodate for the development.

TRASH AND RECYCLING
The existing dumpster located near the bridge walkway in the southwest corner of the existing parking lot across the creek will be used (see attached Site Plan Exhibit).

UTILITY PROVISIONS
There are no Public Utility Extensions needed, only private “Service” extensions. Private service extensions include, sewer line, underground electric line, water line, fire line (see attached Utility Exhibit).

BIKE RACK AMENITY
Two options for the location of bike racks are being considered (see attached Bike Rack Options).

LANDSCAPING
Landscaping is proposed for the community center and Buddy Hayes Park (see attached Landscape Design Documents).

OUTDOOR LIGHTING
Outdoor lighting is being proposed. There will be one new light pole added (see attached Outdoor Lighting Plan).

AMPHITHEATERS AND PAVILION
Two native stone amphitheaters and a pavilion are being proposed in Buddy Hayes Park. Per the historic significance of this park and the neighborhood feedback we received, music will be a prominent feature of these improvements. In addition to being used as an outdoor music venue, it will also provide an opportunity for an outdoor classroom for the Yvonne Richardson Community Center.

MISCELLANIOUS INFORMATION
There is currently no intention of screening in the property, addition of light to the surroundings is anticipated to be minimal, noise addition would come in the form of reversing trucks. The presence of hazardous or flammable materials is unknown at this time and will depend on the tenant. If such materials are present, the necessary precautions will be followed in accordance with and as outlined in the development and building code to reduce the hazards.

Conditional Use Request:

Section 161.16 of the Unified Development Code lists cultural and recreational facilities as one of the conditional uses for RMF-24 zoning. The Yvonne Richardson Community Center falls within this category. Allowing the conditional use of this community center will provide recreational, educational, social, and ecological benefits to the surrounding area. Along with providing social and educational opportunities to the community, this proposed expansion will provide green infrastructure and increase awareness and connection with the nearby stream. A Conditional Use Permit would allow for more community friendly amenities to be available to the community.

With these factors in mind, we believe the Yvonne Richardson Community Center is compatible with the development in the immediate area and will not have an adverse impact on the surrounding properties.

Sincerely,

Matthew K. Loos, PE
Olsson Project Manager

November 6, 2023

City of Fayetteville
Attn: Board of Adjustments
113 W. Mountain St.
Fayetteville, AR 72701

RE: Proposed Community Center Expansion
240 E Rock Street
Variance Request – Streamside Protection Zone

Dear Board Members,

The City of Fayetteville is proposing to expand the existing Yvonne Richardson Community Center with the addition of a one-story building adjacent to the existing community center as well as an amphitheater located in Buddy Hayes Park. The existing community center is located at 240 E Rock Street in Fayetteville, Arkansas. The existing site spans roughly 2.4 acres, including the Buddy Hayes Park across E Rock Street. The building addition proposes a floor area of 3,853 square feet, bringing the total area of the Community Center Building to 13,334 square feet. The project also includes the addition of two on-street ADA parking spots and other improvements to facilitate the use of the community center.

The addition of the one-story structure, the south trail extension, two amphitheaters, and a pavilion will provide amenities to the surrounding area, further improving the community impact of the existing space.

Chapter 168.12 of the Fayetteville Unified Development Code establishes Streamside Protection Zones that regulate uses, structures, and activities within delineated streamside areas in accordance with the City of Fayetteville's Streamside Best Management Practices Manual. The intent of the manual is to reduce pollutants in the waterways, preserve flood capacity, and protect the integrity of a natural resource.

The site is posed with the challenge of close proximity to the nearby Spout Spring Branch that flows through the property. Upon meeting with Floodplain Coordinator, Alan Pugh, the Streamside Protection Zone was determined and is depicted on the attached exhibit. The total Streamside Protection Zone, comprised of Zone 1 and Zone 2, extends 50 feet from the top of bank toward the proposed site. Prohibited uses in either zone include buildings larger than 150 square feet, parking lots, grading, and other construction activities. Strict adherence to the Streamside Protection regulations would prevent the expansion of the community center at this site. Alternative locations for the proposed community center were considered and the location shown in the attached exhibit was found to be the most feasible considering the site layout and

existing facilities. **This is a request to reduce the Streamside Protection Zones to allow the proposed building expansion, trail segments and amphitheater. Variance requests are as follows:**

Variance Request #1

Variance to allow the encroachment of the building addition on Streamside Protection Zones 1 and 2.

Variance Request #2

Variance to allow the encroachment of two amphitheaters, a pavilion, and trail on Streamside Protection Zones 1 and 2.

Variance Request #3

Variance to allow the adoption of the new FEMA flood maps (Code Sec. 186-10U)

Encroachments
A portion of the proposed building addition and trail extension encroach upon the Stream Protection Zones as shown in the exhibit. The encroachment consists of a 3,418.72 sf building addition and other impervious area in Zone 1 and 2; an 825.97 sf trail segment to the south in Zones 1 and 2; two native stone amphitheaters totaling 1115.45 sf, and a 189 sf pavilion in Zones 1 and 2. The entire building addition footprint will be built over an existing parking lot that currently has the same encroachment.

Community Benefits and Justification
The development offers multiple recreational, educational, social and ecological benefits to the community. Along with increased awareness and connection with the stream, site improvements provide opportunities for use as an outdoor classroom and ecological studies. Other educational and ecological benefits include collection and treatment of stormwater runoff from the roof of the addition through the use of green infrastructure in contrast to the current condition, where stormwater runoff drains untreated directly from the parking lot to the stream.

The property will be maintained in an ecologically sensitive manner, with the intent to improve eroded areas and eradicate invasive plant species. Information on stream sections in this area will be collected, and the owner will work to identify areas in need of armoring or stabilization enhancements. Armoring and stabilization measures will be taken to resolve any issues identified in all areas of city owned property outside of the proposed encroachment. On the east side of the stream in areas where the stream bank is actively mowed, this activity will cease in favor of native plantings and stabilization along the bank. The intent of the stream side area adjacent to the city owned property on both sides of the stream is to remove invasive species

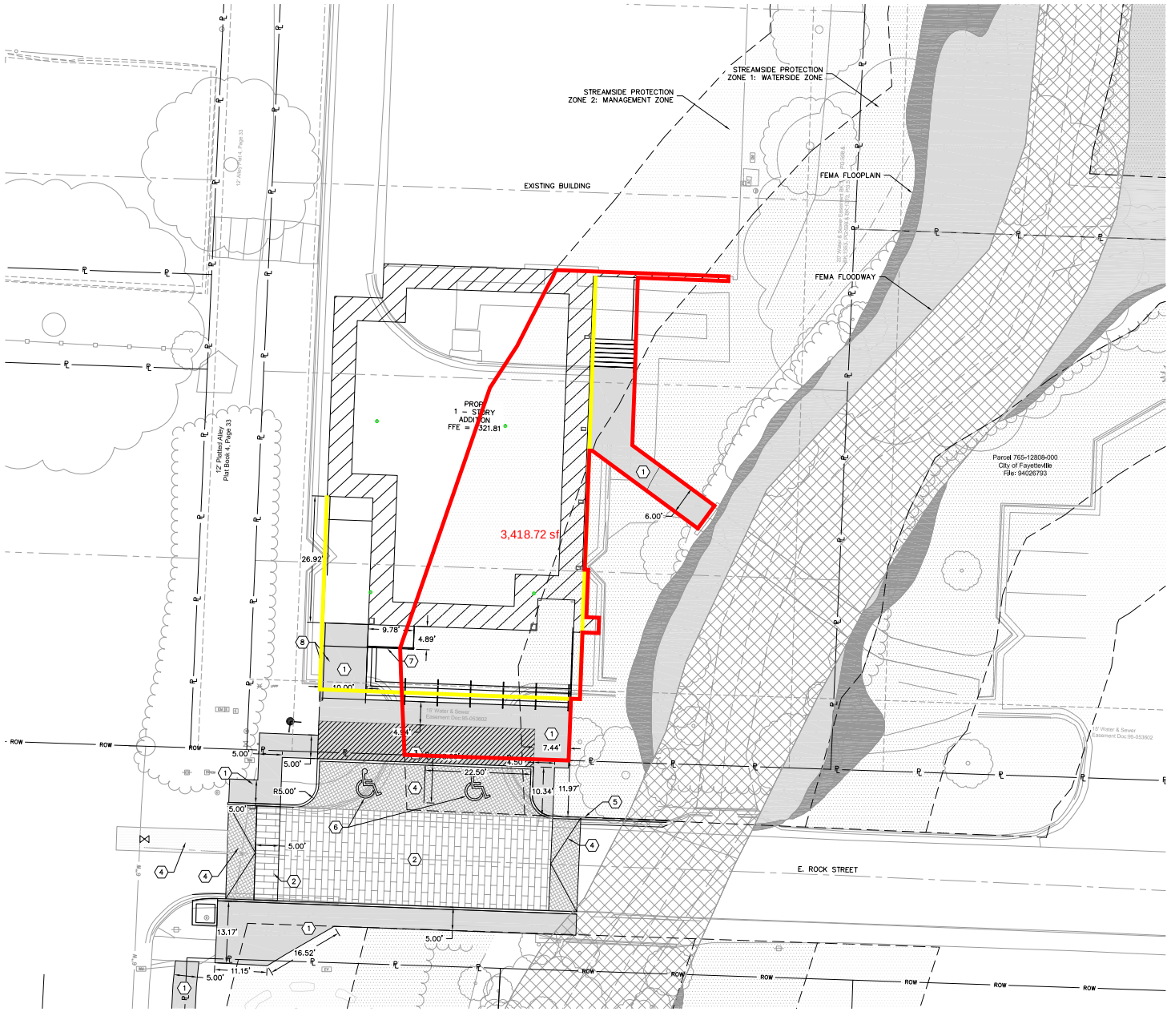
and plant native species. We believe these efforts will provide a holistic benefit to the stream and surrounding area and satisfy the intent of the Streamside Protection Best Practices Manual.

The Streamside Protection Best Practices Manual states that “the entire community has a responsibility to ensure the protection of Fayetteville’s waterways”. In the same way, the City of Fayetteville shares the responsibility of the Yvonne Richardson Community Center mission of “shaping today’s youth for tomorrow's challenges”. The community center accomplishes this by providing recreational, educational, and social opportunities for the community. A variance to Chapter 168.12 of the Fayetteville Municipal Code as well as the Streamside Protection Best Practices Manual would allow this reputable community center to expand its services and more effectively serve the nearby community in the heart of Fayetteville.

For these reasons, **we are requesting an allowance for the encroachment of the proposed building addition, trail segments, two native stone amphitheaters and a pavilion on Streamside Protection Zones 1 and 2. Additionally, we are requesting a variance to adopt the new FEMA flood maps (Code Sec. 186-10U).**
Should you have any questions, please contact me at 501.733.2240 or at mloos@olsson.com.

Sincerely,

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



KEYNOTES:

1. INSTALL 4" CONCRETE SIDEWALK
2. INSTALL DECORATIVE REINFORCED HEAVY DUTY CONCRETE PAVEMENT 7" PCC W/ WWF 6X6-W1.4XW1.4 WIRE MESH OVER 4" ARDOT CLASS 7 BASE
3. ADA AND GENERAL PURPOSE LOADING ZONE
4. INSTALL 3" HEAVY DUTY ASPHALT PAVEMENT (SEE DETAIL SHEET 2 C4.01)
5. CONSTRUCT STANDARD CURB & GUTTER
6. 22.5'x8' ACCESSIBLE VAN PARKING SPACE & BOLLARD MOUNTED SIGNAGE
7. SIDEWALK RAMP W/ HANDRAIL
8. LOADING RAMP W/ HANDRAIL

LEGEND

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- PROPERTY LINE
- BUILDING SETBACK
- UTILITY EASEMENT
- FIRE LANE STRIPING
- CENTER LINE
- BUILDING OVERHANG
- EXIST. TRANSFORMER
- EXIST. WATER METER
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- EX. ELECTRICAL BOX
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- EX. SIGN
- EX. STORM SEWER MANHOLE
- EX. GAS METER
- EX. SANITARY SEWER MANHOLE
- EX. DECIDUOUS TREE
- EX. EVERGREEN TREE

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N

0' 5' 10' 20'
SCALE IN FEET

NOT FOR CONSTRUCTION

MBL ARCHITECTURE
2397 N. Green Acres Rd.
Fayetteville, AR 72703
Ph: 479.443.7121

City of Fayetteville, AR
Yvonne Richardson Community Center Addition
240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO.
200012
ISSUE DATE
10-27-2023

SHEET CONTENTS
SITE PLAN I

SHEET
C1.01

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Planning Commission
November 13, 2023
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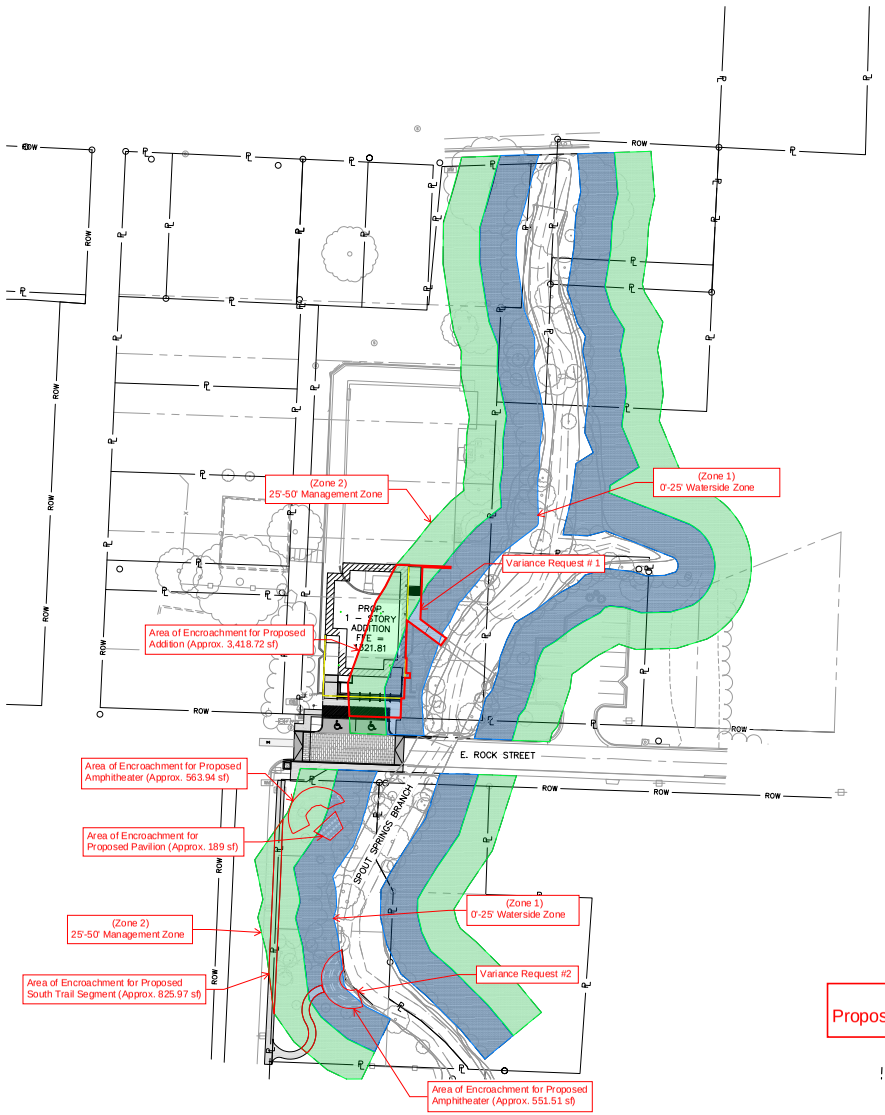

Exhibit A
Proposed Community Center Expansion

PAVEMENT MARKING NOTES:

1. DO NOT APPLY PAVEMENT MARKING PAINT UNTIL LAYOUT, COLORS AND PLACEMENT HAVE BEEN VERIFIED WITH THE ARCHITECT.

2. ALLOW CONCRETE PAVING TO AGE FOR 28 DAYS BEFORE MARKING.

3. ALL PAVEMENT SURFACES SHALL BE CLEANED/CLEARED OF ANY DEBRIS OR CURING COMPOUNDS IN ACCORDANCE WITH MANUFACTURES REQUIREMENTS PRIOR TO ANY MARKING APPLICATIONS.

4. DETAILS NOT SHOWN SHALL BE IN CONFORMITY WITH THE STATE STANDARDS FOR TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, AND SIMILAR REQUIREMENTS ESTABLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION.

5. ALL PARKING LOT STRIPING SHALL BE SINGLE LINE 4" WIDE AS PER THE SITE PLANS.

6. PAINT FOR MARKING PAVEMENT SHALL CONFORM TO FEDERAL HIGHWAY MARKING STANDARDS. USE SHERWIN WILLIAMS PROFESSIONAL FAST DRY ACRYLIC LATEX TRAFFIC MARKING PAINT OR EQUAL, USE WHITE, BLUE OR YELLOW, WHERE APPROPRIATE. UNLESS OTHERWISE DIRECTED, USE THE FOLLOWING:
A. BLACKTOP OR BITUMINOUS ASPHALT PAVING: USE WHITE COLOR.
B. PORTLAND CEMENT CONCRETE PAVING: USE WHITE COLOR.
C. ADA ACCESSIBLE PARKING AND ENTRYWAYS: USE BLUE COLOR.
D. PROVIDE PAINTED CURBS AT FIRE LANE DESIGNATIONS PER FIRE MARSHAL REQUIREMENTS.

7. APPLY ALL MARKINGS USING APPROVED MECHANICAL EQUIPMENT (WITH PROVISIONS FOR CONSTANT AGITATION OF PAINT), CAPABLE OF APPLYING THE MARKING WIDTHS AS SHOWN. PROVIDE A MINIMUM WET FILM THICKNESS OF 15 MILS. USE PNEUMATIC SPRAY GUNS FOR HAND APPLICATION OF PAINT. ALL PAINTING EQUIPMENT AND OPERATIONS SHALL BE UNDER THE CONTROL OF EXPERIENCED TECHNICIANS THOROUGHLY FAMILIAR WITH EQUIPMENT AND MATERIALS AND MARKING LAYOUTS.

8. DETAIL PAVEMENT MARKINGS SHALL BE THAT MARKING, EXCLUSIVE OF ACTUAL TRAFFIC LANE MARKING, AT EXIT AND ENTRANCE ISLANDS AND TURNOUTS, ON CURBS, AT CROSSWALKS, AT PARKING BAYS AND AT SUCH OTHER LOCATIONS AS SHOWN. ADA ACCESSIBLE PARKING SPACES SHALL BE MARKED BY THE INTERNATIONAL ACCESSIBLE SYMBOL AT INDICATED PARKING SPACES. USE A SUITABLE TEMPLATE THAT WILL PROVIDE A PAVEMENT MARKING WITH TRUE, SHARP EDGES AND ENDS.

LEGEND

- RIGHT-OF-WAY LINE
- PROPERTY LINE
- BUILDING SETBACK
- UTILITY EASEMENT
- FIRE LANE STRIPING
- CENTER LINE
- BUILDING OVERHANG
- EXIST. TRANSFORMER
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- EX. GAS METER
- EX. SANITARY SEWER MANHOLE
- EX. DECIDUOUS TREE
- EX. EVERGREEN TREE

GENERAL NOTES:

1. CONTRACTOR SHALL HAVE ONE (1) SIGNED COPY OF THE PLANS (APPROVED BY CITY OF FAYETTEVILLE, AR) AND ONE (1) COPY OF THE APPROPRIATE DESIGN AND CONSTRUCTION STANDARDS & SPECIFICATIONS AT THE SITE AT ALL TIMES.

2. ALL REFERENCES CONTAINED WITHIN THESE PLANS TO THE OWNER'S ENGINEER ARE HEREBY REFERENCED OLSSON, INC.

3. THE EXISTING UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND MAY NOT INCLUDE ALL LINES PRESENT. THE CONTRACTOR SHALL BE RESPONSIBLE TO CALL 811 OR 1-800-482-8998, AND COORDINATE FIELD LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO BEGINNING GRADING ACTIVITIES. !!STOP!! CALL BEFORE YOU DIG!!

4. UTILITIES AS SHOWN WERE OBTAINED FROM INFORMATION INDICATED ON THE SURVEY OR BY FIELD OBSERVATION. CONTRACTOR SHALL FIELD VERIFY ALL HORIZONTAL AND VERTICAL LINES AND GRADES OF EXISTING UTILITIES PRIOR TO THE CONSTRUCTION OF IMPROVEMENTS. CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY UPON DISCOVERY OF A DISCREPANCY BETWEEN THE CONTRACT DRAWINGS AND ACTUAL FIELD CONDITIONS.

5. CONTRACTOR SHALL NOT CHANGE OR DEVIATE FROM THE PLANS WITHOUT FIRST OBTAINING WRITTEN APPROVAL FROM THE OWNER AND ENGINEER.

6. CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL PERMITS AND PAY ALL FEES AS REQUIRED BY THE CONSTRUCTION COVERED IN THESE PLANS.

7. ALL WORK AND MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR THE OWNER'S REPRESENTATIVE.

8. ANY ESTIMATES OF QUANTITIES ARE FOR INFORMATIONAL PURPOSES ONLY. CONTRACTOR AND SUBCONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING ALL QUANTITIES. CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS TO COMPLETE CONSTRUCTION AS SHOWN ON PLANS.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE RESTORATION OF THE RIGHT-OF-WAY AND FOR DAMAGED IMPROVEMENTS SUCH AS CURBS, SIDEWALKS, STREET LIGHT AND TRAFFIC SIGNAL JUNCTION BOXES, TRAFFIC SIGNAL LOOP LEAD INS, SIGNAL POLES, ETC. DAMAGED IMPROVEMENTS SHALL BE REPAIRED IN CONFORMANCE WITH THE LATEST CITY STANDARDS AND TO THE CITY'S SATISFACTION.

10. CONTRACTOR SHALL TAKE CARE NOT TO DAMAGE ANY EXISTING STREET, CURB AND GUTTER, SIDEWALK, DRIVEWAYS OR STRUCTURE UNLESS SHOWN TO BE REMOVED.

11. ALL WORK WITHIN ROAD RIGHT-OF-WAY SHALL CONFORM TO THE CITY OF FAYETTEVILLE, AR REQUIREMENTS, UNLESS OTHERWISE NOTED.

12. ALL TRAFFIC CONTROL SHALL BE IN CONFORMANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

13. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF ALL PROPERTY CORNERS. ANY PROPERTY CORNER DISTURBED OR DAMAGED BY GRADING ACTIVITIES SHALL BE RESET BY A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF ARKANSAS, AT THE CONTRACTORS EXPENSE.

14. CONTRACTOR AND SUBCONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING ALL EARTHWORK QUANTITIES. CONTRACTOR SHALL PROVIDE ALL WORK AND MATERIALS AS SHOWN TO COMPLETE CONSTRUCTION SHOWN ON PLANS.

15. THE CONTOUR LINES, SPOT ELEVATIONS AND BUILDING FLOOR ELEVATIONS SHOWN ARE TO FINISH GRADE FOR TOP OF PAVEMENT, SIDEWALKS, CURBS AND FLOOR SLABS, ETC. REFER TO TYPICAL SECTIONS FOR PAVING, SLAB AND AGGREGATE BASE THICKNESS TO DEDUCT FOR GRADING LINE ELEVATIONS.

16. CONTRACTOR SHALL FINISH GRADE SLOPES AS SHOWN NO STEEPER THAN 1 FOOT VERTICAL IN 3 FEET HORIZONTAL.

17. THE CONTRACTOR SHALL GRADE LANDSCAPED AREAS AT A MIN. OF 1% TO PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND SIDEWALKS WHEN FINISH LANDSCAPE MATERIALS ARE IN PLACE, UNLESS SPECIFIED OTHERWISE.

18. ALL BACKFILL SHALL BE TAMPED. BACKFILL WITHIN THE RIGHT-OF-WAY SHALL BE COMPACTED TO 95% MAX. DENSITY AS PER ASTM-D698 (STANDARD PROCTOR COMPACTION)

19. THE CONTRACTOR IS RESPONSIBLE FOR ATTENDING TO AND CORRECTING UNSUITABLE SOIL CONDITIONS RELATED TO PLOW ZONES, WET SOILS AND OTHER CONDITIONS. THE UNSUITABLE CONDITIONS MUST BE CORRECTED PER THE GEOTECHNICAL ENGINEER'S REPORT, WHERE REQUIRED, TO MEET PROJECT NEEDS.

20. ALL EXTERIOR CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4000 PSI AND BE AIR ENTRAINED. FLY ASH IS NOT A SUITABLE REPLACEMENT FOR PORTLAND CEMENT.

21. CONTRACTOR SHALL BE RESPONSIBLE FOR KEEPING THE PUBLIC STREETS IN THE VICINITY OF THE JOB SITE CLEAN AND FREE OF ROCKS, SOIL/MUD AND DEBRIS DURING ALL PHASES OF CONSTRUCTION.

22. CONTRACTOR SHALL CLEAN OUT ALL EXISTING AND PROPOSED INLETS, PIPES AND MANHOLES OF DEBRIS AND SEDIMENTATION AT COMPLETION OF SITEWORK. THIS WORK SHALL BE DONE TO THE SATISFACTION OF THE OWNER AND THE CITY OF FAYETTEVILLE, AR.

23. CONTRACTOR SHALL RETAIN FLOATABLE WIND BLOWN MATERIALS ON SITE BY STORING ALL TRASH AND BUILDING MATERIAL WASTE IN ENCLOSURES UNTIL PROPER DISPOSAL AT AN OFF-SITE FACILITY. CONTRACTOR TO CHECK ADJACENT AREAS DAILY AND PICK UP CONSTRUCTION WASTE MATERIALS AND DEBRIS THAT HAVE BLOWN OR WASHED OFF-SITE.

24. CONTRACTOR IS RESPONSIBLE FOR PROVIDING BERMS, SILT FENCES, OR OTHER MEANS TO PREVENT ERODED MATERIALS FROM REACHING THE PUBLIC RIGHT-OF-WAY AND ADJACENT PROPERTIES. IN THE EVENT THE PREVENTION MEASURES ARE NOT EFFECTIVE, THE CONTRACTOR SHALL REMOVE ANY DEBRIS, SILT, OR MUD AND RESTORE THE RIGHT-OF-WAY TO ORIGINAL OR BETTER CONDITION.

25. CONTRACTOR SHALL BE RESPONSIBLE TO CONTROL DOWNSTREAM EROSION AND SILTATION DURING ALL PHASES OF CONSTRUCTION. EROSION CONTROL PROCEDURES SHALL BE IN PLACE PRIOR TO BEGINNING GRADING ACTIVITIES.

26. CONSTRUCTION ACCESS TO THE SITE SHALL BE LIMITED TO THE APPROVED TEMPORARY CONSTRUCTION ENTRANCE(S) AS SHOWN ON SHEET 4.00.

27. TEMPORARY CONSTRUCTION ENTRANCE SHALL HAVE SHOT ROCK FOR ITS SURFACE.

28. EROSION CONTROL DEVICES SHALL BE MAINTAINED DURING THE WHOLE CONSTRUCTION PERIOD BY THE CONTRACTOR.

29. CONTRACTOR SHALL PROTECT ANY STORM INLETS FROM SEDIMENT THAT TAKE STORM WATER FROM THE AREA OF CONSTRUCTION.

30. ALL DISTURBED AREAS SHALL BE STABILIZED IN ACCORDANCE WITH THE APPROVED EROSION CONTROL PLAN.

N

0' 20' 40' 80'
SCALE IN FEET

BENCHMARKS

BM #1 FOUND REBAR W. CAP "PS1642" ON SOUTH SIDE OF EAST ROCK STREET, EAST OF THE STREAM
ELEV. = 1313.15'
N: 635730.538
E: 675231.949

NOT FOR CONSTRUCTION

MBL ARCHITECTURE
2397 N. Green Acres Rd.
Fayetteville, AR 72703
Ph: 479.443.7121

City of Fayetteville, AR

Yvonne Richardson Community Center Addition

240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO.
200012

ISSUE DATE
11-02-2023

SHEET CONTENTS
OVERALL SITE PLAN

SHEET
C1.00

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Planning Commission
November 13, 2023
CUP-2023-0141 (CITY OF FAYETTEVILLE)
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NOT FOR CONSTRUCTION

MBL ARCHITECTURE
2397 N. Green Acres Rd.
Fayetteville, AR 72703
PH: 479.443.7121

MBL

City of Fayetteville, AR

Yvonne Richardson Community Center Addition

240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO. **200012**

ISSUE DATE **11-1-2023**

SHEET CONTENTS
EXHIBIT

SHEET

KEYNOTES:

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2. INSTALL DECORATIVE REINFORCED HEAVY DUTY CONCRETE PAVEMENT (6" THICK) W/#5 REBAR @18" O.C. EW W/ WWF 6x6-W1.4xW1.4 WIRE MESH OVER 4" ARDOT CLASS 7 BASE
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7. SIDEWALK RAMP W/ HANDRAIL
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- ℄ — PROPERTY LINE
- BSB — BUILDING SETBACK
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- FLL — FIRE LANE STRIPING
- CL — CENTER LINE
- BO — BUILDING OVERHANG
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- EXST. WATER METER
- EXST. POWER POLE W/ LIGHT
- EX. WATER VALVE
- EX. FIRE HYDRANT
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0' 5' 10' 20'
SCALE IN FEET

STREAMSIDE PROTECTION ZONE 1: WATERSIDE ZONE

STREAMSIDE PROTECTION ZONE 2: MANAGEMENT ZONE

FEMA FLOODPLAIN

FEMA FLOODWAY

EXISTING BUILDING

PROP. 1 - STORY ADDITION FFE = 1321.81

APPROX. LOCATION OF EXISTING DUMPSTER

Parcel 765-12809-000
City of Fayetteville
Title: 94020793

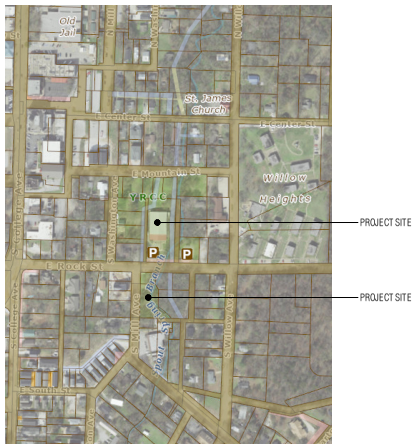
E. ROCK STREET

12' Platted Alley
Plat Book 4, Page 33

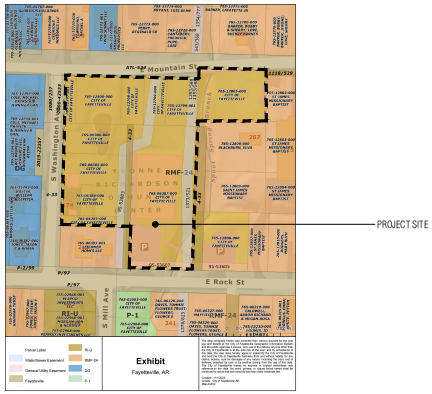
6.00'
7.44'
4.50'
10.34'
11.97'
22.50'
5.00'
4.89'
9.78'
10.00'
26.92'
5.00'
R5.00'
5.00'
5.00'
5.00'
16.52'
13.17'
11.15'
5.00'

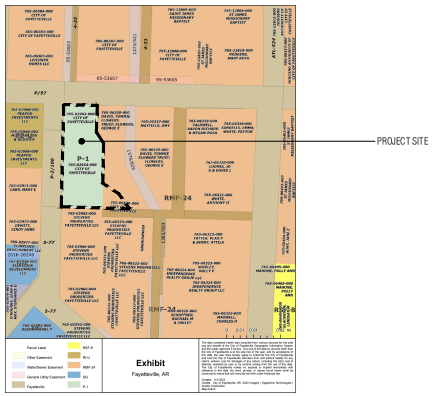
LEVEL ONE DEVELOPMENT UNDER 1,200 SF NEW IMPERVIOUS AREA

VICINITY MAP



ADJACENT ZONING + PROPERTY OWNERS





GSP:

Table 1. Proposed Development Thresholds

Development Threshold	City-wide Standard	Grading and Drainage / Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures
Level 1	< or = 1,200 sf of IA	• Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD.	• Exempt
Level 2	1,201 - 6,000 sf of IA	• Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. • GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	• 2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design • 1 or more Green Stormwater Practice (GSP) measures from Step 2 of Table 2 as required to treat 100% of the developed portion of the site
Level 3	6,001 – 10,000 sf of IA	• Same as Level 2.	• Same as Level 2 • As needed GSP measures from Step 3 to further reduce runoff • Abbreviated Tree Preservation Plan

Levels 2 and 3 are required to select two of these measures to implement while designing the site:

Table 2. Water Quality, Flood, and Tree Mitigation Measures by Step

Mitigation Steps	Mitigation Measures
Step 1	**Reduce Runoff via Better Site Design**
	Conservation of Natural Features and Resources (if they exist on the property): • Preserve Riparian Buffers (i.e. no variances). • Avoid Developing in Floodplains and on Steep Slopes (greater than 15%)
	Tree Preservation: • Preserve Natural Areas with at least one significant tree. The removal, relocation, destruction or abuse in any manner of a significant tree(s) to be preserved is prohibited. • Protection of Street Trees. The removal, relocation, destruction or abuse in any manner of a street tree(s) to be preserved is prohibited.
	Lower Impact Site Design Techniques: • Reduce Limits of Clearing and Grading to preserve at least 10% of the open space of the site
	Reduction of Impervious Cover: • Use multi-story buildings to reduce building footprints • Create Parking Lot Stormwater "Islands" • Use pervious surfaces for parking, sidewalks and trails, where feasible.
	Utilization of Natural Features for Stormwater Management: • Use soil restoration practices to improve native soils and reduce over compaction • Use native plants and naturalistic landscapes (yards that do not have to be mowed and are planted with perennials, etc) and rain gardens.

Levels 2 and 3 are required to select at least one of these measures sized appropriately by the GSP worksheet that will be provided by the City:

Step 2	Reduce Runoff via Green Stormwater Practices (GSPs)
GSP-02	Urban Bioretention
GSP-03	Permeable Pavement
GSP-04	Infiltration Trench
GSP-12	Green Roof

NOT APPLICABLE

NOT APPLICABLE

ZONE

RMF-24: RESIDENTIAL MULTIFAMILY - 24 UNITS PER ACRE
P-1: INSTITUTIONAL
ENDURING GREEN NETWORK (PORTIONS)

MINIMUM TREE PRESERVATION PERCENTAGE REQUIREMENT
(PER LANDSCAPE MANUAL APPENDIX PAGE 17):
RMF-24: 20%
P-1: 25%

MAY HAVE ADDITIONAL STREAMSIDE PROTECTION ZONE
BECAUSE OF STEEP BANKS (PER CITY GIS)

LEGEND

- PROPERTY LINE
- EXISTING MSPRW
- BTZ
- SEWER
- WATER
- MAJOR CONTOUR
- MINOR CONTOUR

NOTES

1. CODES/DOCUMENTS REFERENCED:
-TREE PRESERVATION & LANDSCAPE MANUAL, 2016
-UNIFIED DEVELOPMENT CODE, CHAPTER 167
2. PRUNING SHALL BE PERFORMED BY OR UNDER THE SUPERVISION OF A CERTIFIED ARBORIST
3. DO NOT PRUNE OFF-SITE
4. NO TREE PRESERVATION REQUIRED, UNDER 6,000 SF NEW IMPERVIOUS AREA

NOT FOR CONSTRUCTION

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City of Fayetteville, AR
Yvonne Richardson Community Center Addition
240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO.
200012
ISSUE DATE
Feb. 6, 2023

SHEET CONTENTS
CONTEXT + GSP

SHEET
L0.0

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SHEET CONTENTS **EXISTING SITE**

SHEET **L0.1**

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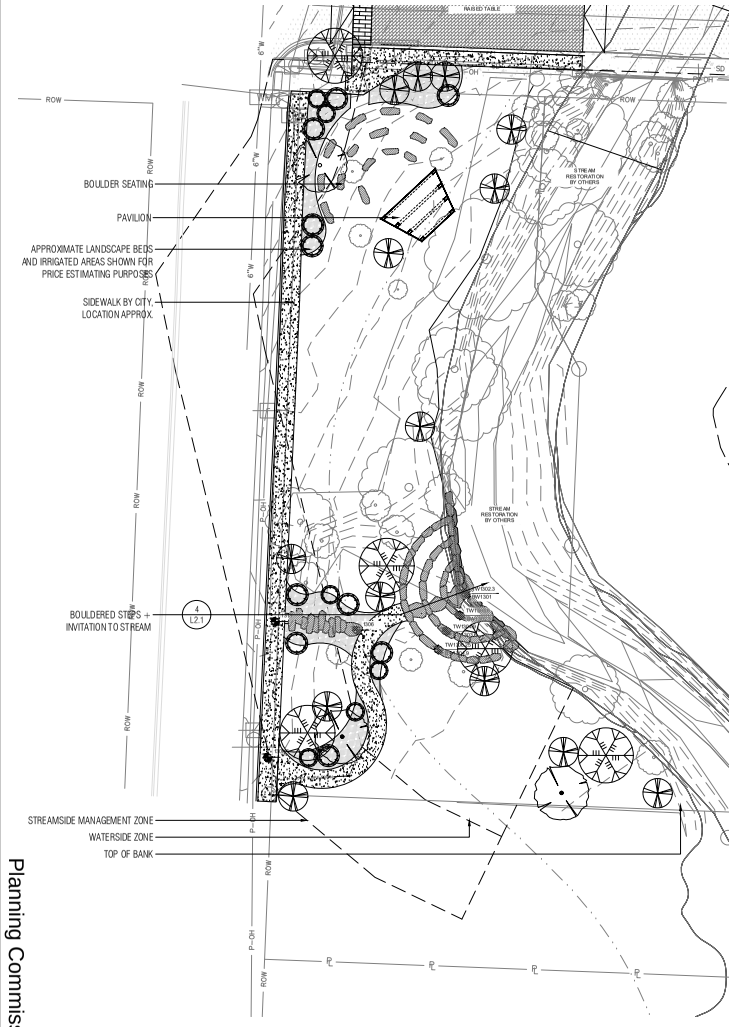
1 EXISTING SITE - YRCC
SCALE 1/16"=1'-0"

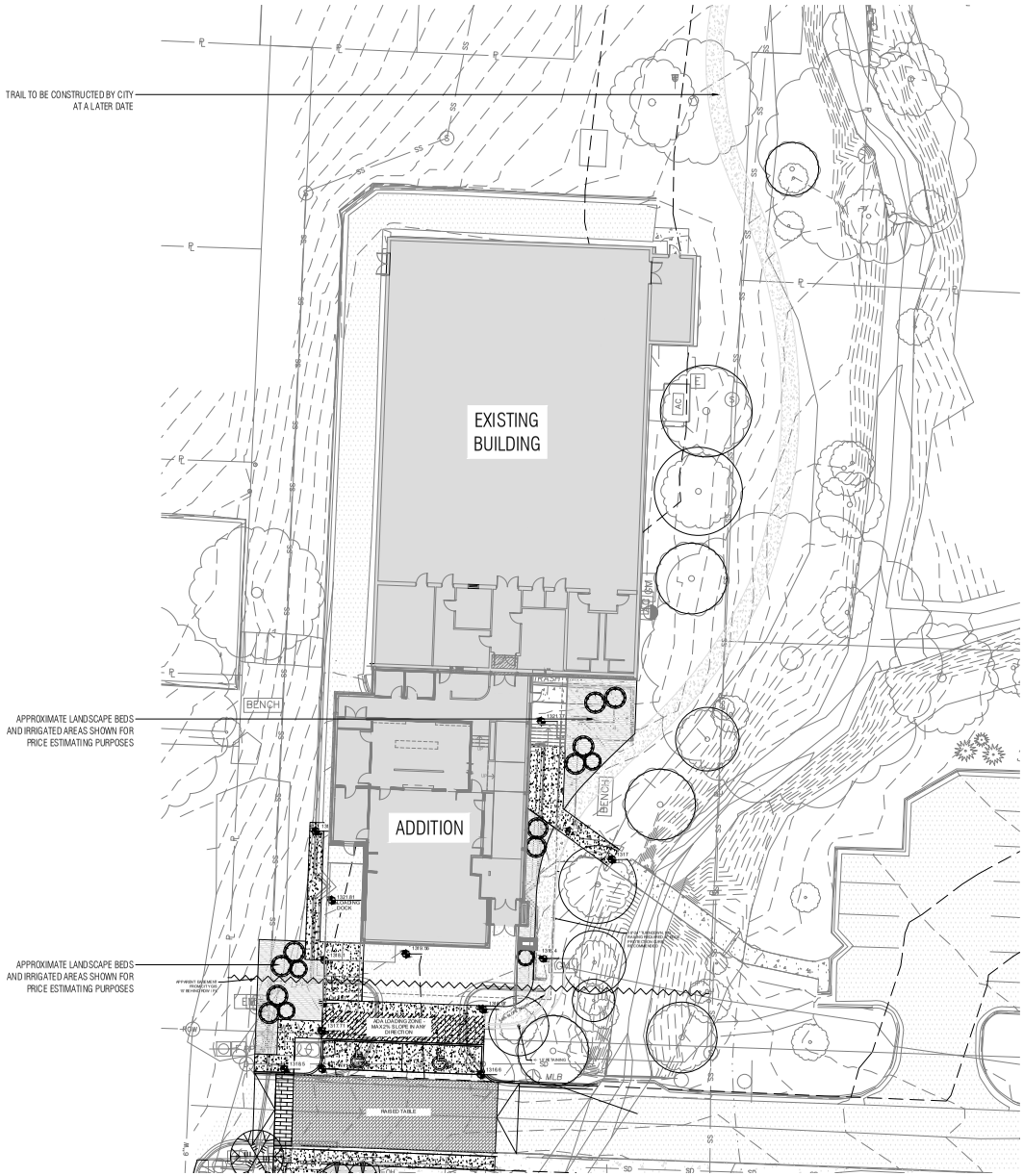
2 EXISTING SITE - BUDDY HAYES PARK
SCALE 1/16"=1'-0"

SURFACING, STRUCTURES, STREAM		
TYPE	SIZE	QTY
Sidewalk - Concrete		1,673 SF
Raised Speed Table with Patterned Concrete		1,500 SF
Boulders + Beam Rock		600 SF
Pavilion		200 SF
Stream Restoration	Up to	800 LF



2 SITE PLAN - BUDDY HAYES PARK
SCALE 1/16" = 1'-0"

NORTH



1 SITE PLAN - YRCC
SCALE 1/16" = 1'-0"

NORTH

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SHEET CONTENTS
SITE PLAN

SHEET
L1.0

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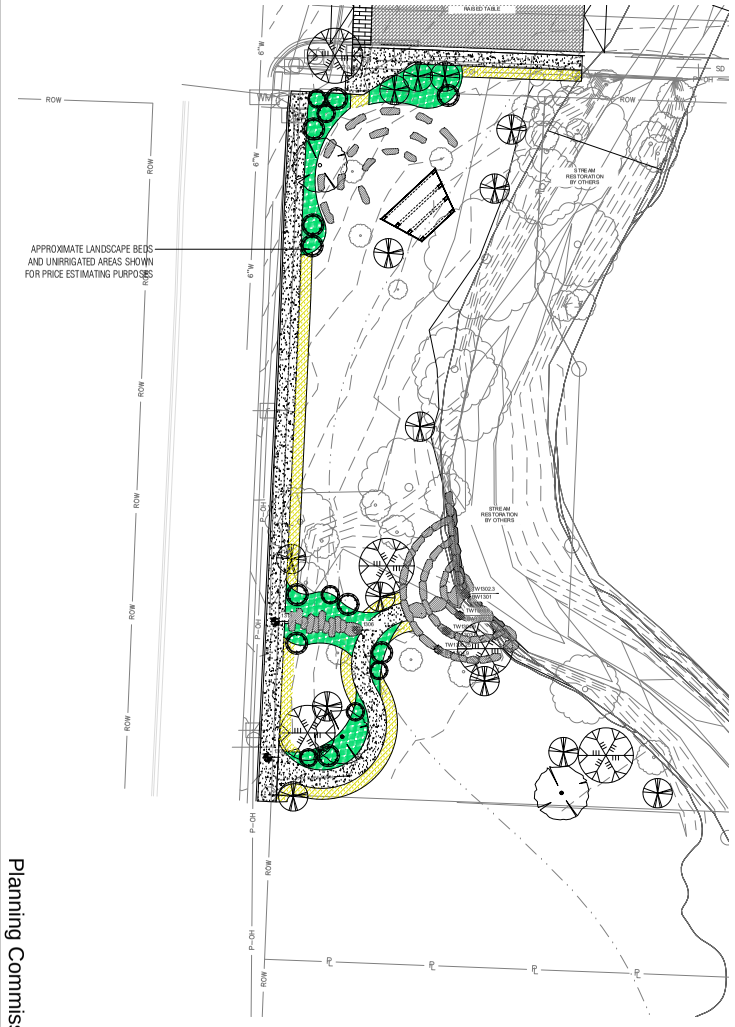
PLANT SCHEDULE		
TYPE	SIZE	QTY
Trees	2-3" CAL	21
Shrubs	3 gal	30
Perennial Plugs Area - Irrigated	Plugs at 8"	1,172 SF
Perennial Plugs Area - Unirrigated	Plugs at 8"	900 SF
Seed + Straw		3,220 SF
Tree Preservation Fencing		750 LF

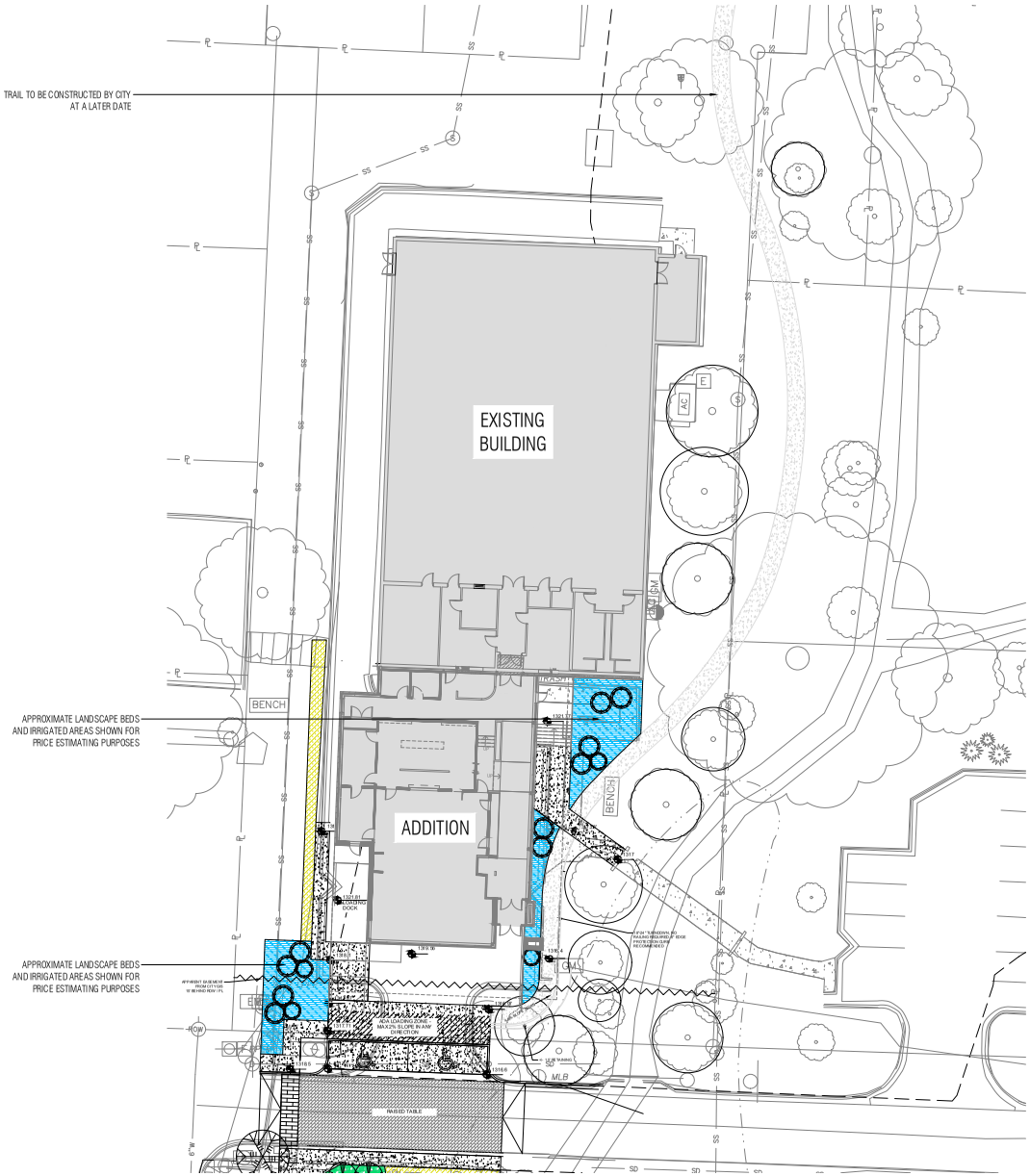
LEGEND

- PERENNIAL PLUG + SHRUBS - IRRIGATED
- PERENNIAL PLUG + SHRUBS - UNIRRIGATED
- SEED + STRAW
- TREES TO PRESERVE



2 PLANTING PLAN - BUDDY HAYES PARK
SCALE 1/16"=1'-0"

NORTH



1 PLANTING PLAN - YRCC
SCALE 1/16"=1'-0"

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SHEET CONTENTS
PLANTING PLAN

SHEET
L1.1

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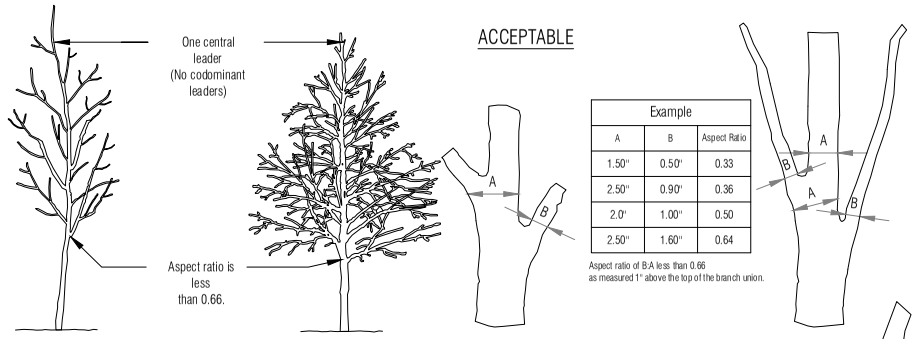
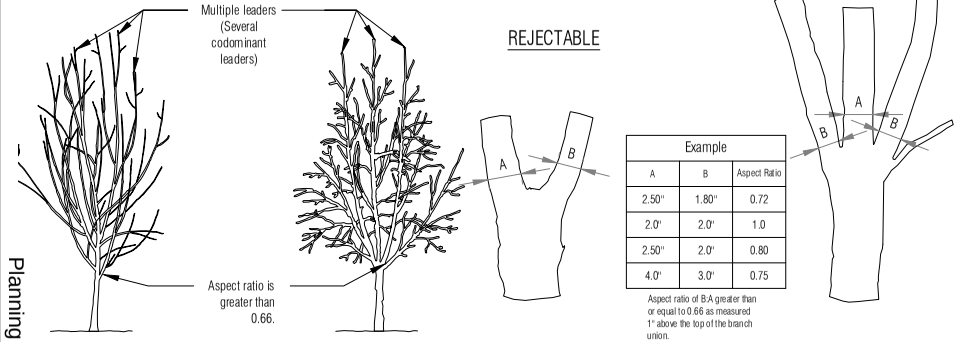
SOIL PREPARATION

1. Soil preparation of a landscape design is a critical factor in creating a healthy and long-lasting landscape. Remove existing topsoil and stockpile on site. Topsoil to be incorporated back into the soil at a later date. Contractor to conduct a soil evaluation to determine the soil's composition,compaction rate, nutrient qualities, organic content, PH levels, and water holding capabilities. The ideal particle soil mix is approximately 45% sand, 40% silt, 10% clay and 5% organic material with a PH level near seven.
2. Prior to the installation of the landscape and irrigation system, contractor to prepare soil to ensure a proper environment for plant root development.
3. Contractor to de-compact soils in planting areas by roto-tilling, disking or ripping to a depth of 6 - 8" minimum and preferably a depth of 12" - 18". De-compaction of small planter areas, such as those in parking lot areas, may require the removal of the compacted soil to a depth of 18" or more and then re-installed loosely with required amendments. Always remove debris over 2" in size from the soil.
4. When performing soil de-compaction, multiple passes across the area will be required and, when possible, should be at varying angles to ensure adequate coverage. When using disc or ripping equipment, it is required that the final passes over the area be made with a roto-tiller to break up any large clumps to make final grading easier.
5. After initial soil de-compaction procedures are performed, soil amendments should be added. The addition of soil amendments is determined from soil tests conducted prior to work commencing. Soil amendment may include inorganic material such as sand, silt or clay, which help improve soil texture. Organic material such as compost, manure, and peat moss may also be used and help improve soil structure. Other amendments such as fertilizer improve nutrient content and sulfur adjusts the soil PH level. Sulfur shall be incorporated at the rate of one pound of sulfur per 100 square feet.
6. All amendments should be mixed thoroughly with existing soil and an additional soil test will be taken to ensure proper soil conditions prior to planting.
7. During the remainder of the landscape installation, various areas of the site may be re-compacted the soil. This compaction is typically limited to the upper 4"-6" f the soil. Prior to the installation of plant material in these areas, the compaction shall be reduced to 80% or less using previously described methods

LANDSCAPE PLANTING NOTES

1. Refer to utility and grading and drainage plans for utility location and drainage information. Refer to Civil Engineer's grading plans for grading information. If actual site conditions vary from what is shown on the plans or if there are discrepancies between the plans, contact the Landscape designer for direction as to how to proceed.
2. Verify locations of pertinent site improvements installed under other sections. If any part of this plan cannot be followed due to site conditions, contact Landscape Architect for instructions prior to commencing work.
3. Exact locations of plant materials to be approved by the Landscape designer in the field prior to installation.
4. Landscape designer reserves the right to adjust plants to exact location in field.
5. Verify plant counts and square footages: Quantities are provided as Owner information only. If quantities on plant list differ from graphic indications, then graphics shall prevail.
6. Contact the local underground utility services for utility location and identification.
7. Perform excavation in the vicinity of underground utilities with care and if necessary, by hand. The Contractor bears full responsibility for this work and disruption or damage to utilities shall be repaired immediately at no expense to the Owner.
8. Trees shall bear same relation to finished grade as it bore to existing.
9. Trees to be planted a minimum of 4 feet from face of building, or pavement, except as approved by Landscape designer.
10. Provide matching forms and sizes for plant materials within each species and size designated on the drawings.
11. Prune newly planted trees only as directed by Landscape designer.
12. Align and equally space in all directions trees and shrubs so designated per these notes and drawings.
13. Finish grades of planter areas shall be 2 inches below adjacent paving or top of wall unless otherwise noted.
14. Provide specified edging as divider between planting beds.
15. Remove entire wire cage from rootball. Cut and remove burlap from top 1/3 of ball.
16. Landscape designer to review plant materials at source or by photographs prior to digging or shipping of plant materials

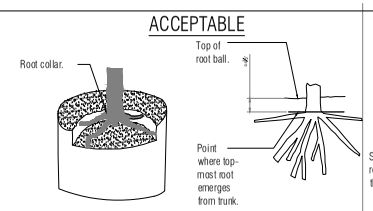




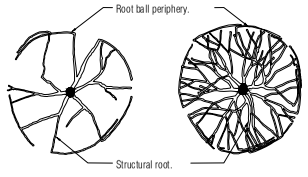
Notes:
1- Aspect ratio shall be less than 0.66 on all branch unions. Aspect ratio is the diameter of branch (B) divided by the diameter of the trunk (A) as measured 1" above the top of the branch union.

2- Any tree not meeting the crown observations detail may be rejected.

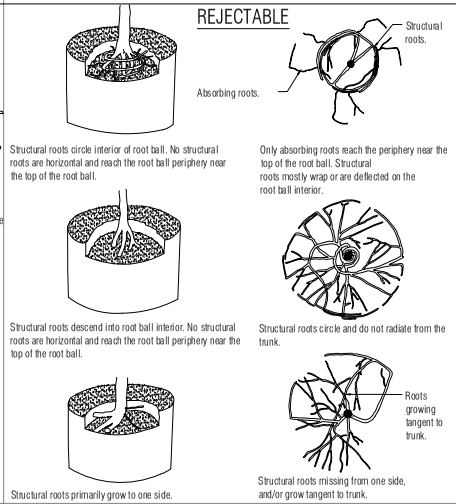
3 L-2.0 ACCEPTABLE STREET TREE CROWN
SCALE: NTS



The point where top-most root(s) emerges from the trunk (root collar) should be within the top 2" of substrate. The root collar and the root ball interior should be free of defects including circling, kinked, ascending, and stem girdling roots. Structural roots shall reach the periphery near the top of the root ball.

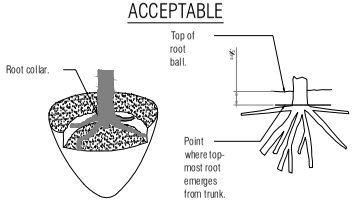


Roots radiate from trunk and reach side of root ball without deflecting down or around.

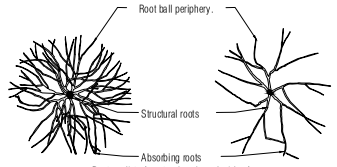


Notes:
1- Observations of roots shall occur prior to acceptance. Roots and substrate may be removed during the observation process; substrate/soil shall be replaced after observation has been completed.
2- Small roots (¼" or less) that grow around, up, or down the root ball periphery are considered a normal condition in container production and are acceptable however they should be eliminated at the time of planting. Roots on the periphery can be removed at the time of planting. (See root ball shaving container detail).
3- See specifications for observation process and requirements.

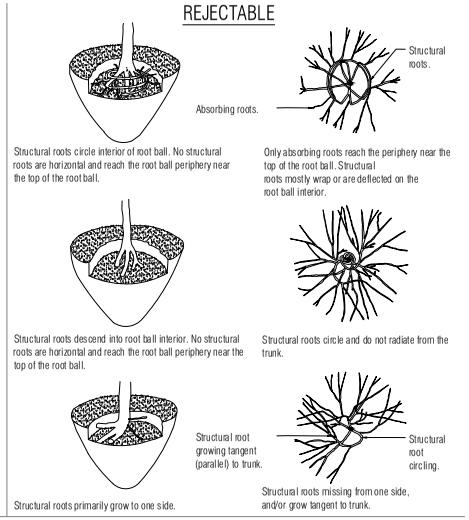
1 L-2.0 ACCEPTABLE TREE ROOT BALL - CONTAINER GROWN
SCALE: NTS



The point where top-most root(s) emerges from the trunk (root collar) should be within the top 2" of substrate. The root collar and the root ball interior should be free of defects including circling, kinked, ascending, and stem girdling roots. Structural roots shall reach the periphery near the top of the root ball.



Roots radiate from trunk and reach side of root ball without deflecting down or around.



Notes:
1- Observations of roots shall occur prior to acceptance. Roots and soil may be removed during the observation process; substrate/soil shall be replaced after the observations have been completed.
2- See specifications for observation process and requirements.

2 L-2.0 ACCEPTABLE STREET TREE ROOT BALL - FIELD GROWN
SCALE: NTS

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REVISIONS

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200012
ISSUE DATE
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SHEET CONTENTS
LANDSCAPE DETAILS

SHEET
L2.0

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Planning Commission
November 13, 2023
CUP-2023-0141 (CITY OF FAYETTEVILLE)
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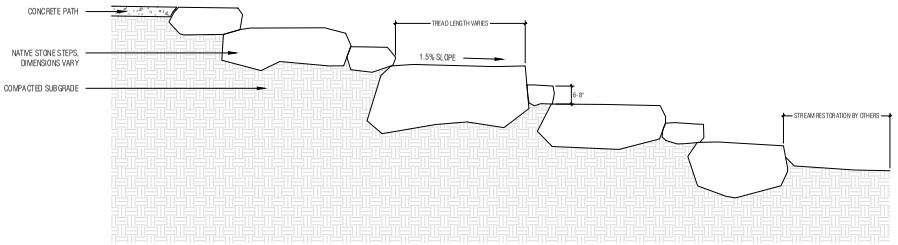
LANDSCAPE NOTES

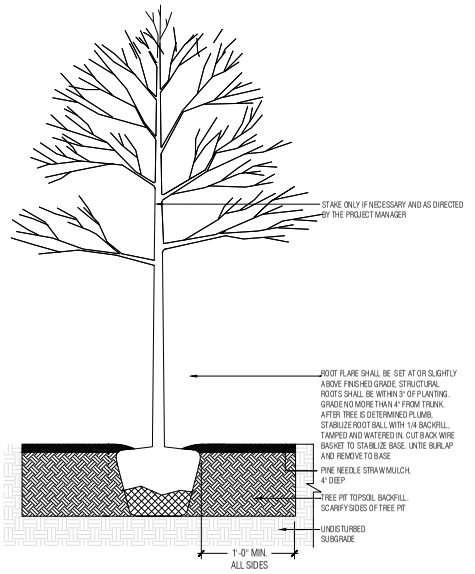
1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI-LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 FEET.
19. CONTRACTOR SHALL PROVIDE DRIP IRRIGATION SYSTEM TO ALL PLANT MATERIALS. CONTRACTOR IS TO SUBMIT SHOP DRAWINGS OF IRRIGATION SYSTEM DESIGN FOR LANDSCAPE ARCHITECT REVIEW AND APPROVAL PRIOR TO INSTALLATION OF SYSTEM.
20. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
21. LIVING MATERIAL, SUCH AS LAWN, GRASS OR HERBACEOUS GROUNDCOVERS LIKE JUNIPER OR LIRIOPE, ETC., SHALL COVER MINIMUM OF EIGHTY PERCENT OF THE PLANTING ISLANDS. ONE HUNDRED PERCENT OF LIVING MATERIALS IS STRONGLY ENCOURAGED.
22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.
24. ANY STRUCTURAL SOIL REQUIRED MUST BE INDICATED ON PLAN, HAVE CERTIFIED DOCUMENTATION, AND BE INSPECTED BY URBAN FORESTER AT TIME OF INSTALLATION.
25. MAINTAIN 5' MIN HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND UTILITY LINES.
26. ALL PLANTING DETAILS ARE ACCORDING TO THE CITY OF FAYETTEVILLE LANDSCAPE MANUAL.
27. TREES SHALL NOT BE TOPPED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.
28. HEALTHY TREES SHALL NOT BE REMOVED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF THE ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES.

BOULDER PLACEMENT NOTES

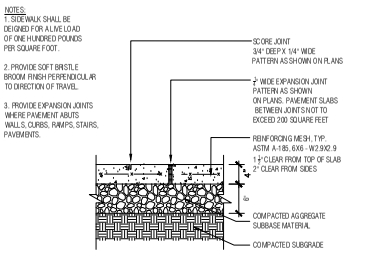
1. PLACEMENT OF NATIVE FIELDSTONE STEPS + BOULDERS IS INTENDED TO CREATE A SCRAMBLE THAT PROTECTS THE STREAM BANK WHILE CREATING OPPORTUNITIES FOR CLIMBABLE CREEK ACCESS (AT USERS' OWN RISK).
2. THE PLACEMENT OF INDIVIDUAL STONES WILL NECESSARILY DEPEND ON THE SIZE + SHAPES AVAILABLE. THE MASON HAS FLEXIBILITY TO ADAPT TO USABLE MATERIAL. DRAWINGS HERE SHOW DESIGN INTENTION.
3. CONCRETE WALLS ARE INTENDED TO CREATE A BASE STRUCTURE. STONES MAY BE PLACED IN FRONT OF, ATTACHED TO, AND/OR ON TOP OF WALL FOOTINGS TO CREATE THE DESIRED EFFECT. WALL FOOTINGS WILL BE INSTALLED ENTIRE AND CONTINUOUS BEFORE THE PLACEMENT OF NATIVE FIELDSTONE STEPS AND BOULDERS. VERTICAL PORTIONS OF WALLS WILL BE FORMED AND POURED AFTER THE PLACEMENT OF STONE. PRE-CONSTRUCTION COORDINATION BETWEEN CONCRETE CONTRACTOR, MASON, AND LANDSCAPE ARCHITECT IS ESSENTIAL.
4. ALL STONES SHALL BE FIXED IN PLACE.
5. LOWER STEPS AND OUTCROPS SHOULD BE ASSEMBLED TO BE VULNERABLE TO PERIODIC FLOODING.
6. ALL NATIVE STONE TO BE SOURCED FROM SAME OR SIMILAR LOCAL SOURCES. FIELDSTONE VENEER, BEAM ROCK, AND LANDSCAPE BOULDERS TO BE FROM FLAGSTONE HEIGHTS, PRAIRIE GROVE, OR APPROVED ALTERNATE. STONE SHOULD RESEMBLE WEATHERED FIELDSTONE, DISPLAYING A RANGE OF COLORS FROM BROWNS TO WARM GRAYS AND WITH SURFACE TEXTURE AND VARIATION. REPRESENTATIVE SAMPLES FOR EACH STONE TYPE LISTED BELOW SHALL BE SUBMITTED TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO CONFIRMING STONE ORDER.
7. LANDSCAPE BOULDERS: STONE SHALL BE HARD, DURABLE LANDSCAPE BOULDERS, IRREGULAR IN SHAPE, RESISTANT TO WEATHERING AND TO WATER ACTION, FREE FROM OVERBURDEN, SPOIL, SHALE, AND ORGANIC MATERIAL. NEITHER BREADTH NOR THICKNESS OF ANY SINGLE STONE SHALL BE LESS THAN ONE-THIRD ITS LENGTH. RECTANGULAR, ANGULAR STONE, SHALE, AND STONE WITH SHALE SEAMS ARE NOT ACCEPTABLE.



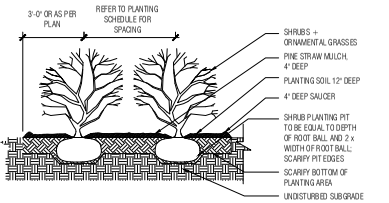
4 L2.1 BOULDER STEPS + INVITATION TO STREAM
SCALE: 1/2" = 1'



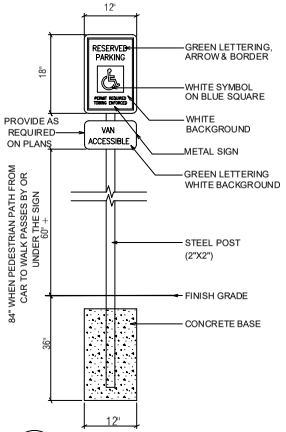
1 L-2.1 TREE PLANTING DETAIL
SCALE: NTS



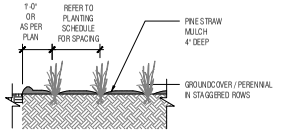
5 L2.1 CONCRETE WALK
SCALE: 1" = 1'-0"



2 L-2.1 SHRUB + ORNAMENTAL GRASS PLANTING DETAIL
SCALE: NTS



6 L2.1 HANDICAPPED PARKING SIGN
SCALE: NTS



3 L-2.1 GROUNDCOVER PLANTING
SCALE: NTS

NOT FOR CONSTRUCTION

MBL ARCHITECTURE
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Ph: 479.443.7121

MBL

City of Fayetteville, AR
Yvonne Richardson Community Center Addition
240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO.
200012
ISSUE DATE
Feb. 6, 2023

SHEET CONTENTS
LANDSCAPE + SITE DETAILS

SHEET
L2.1

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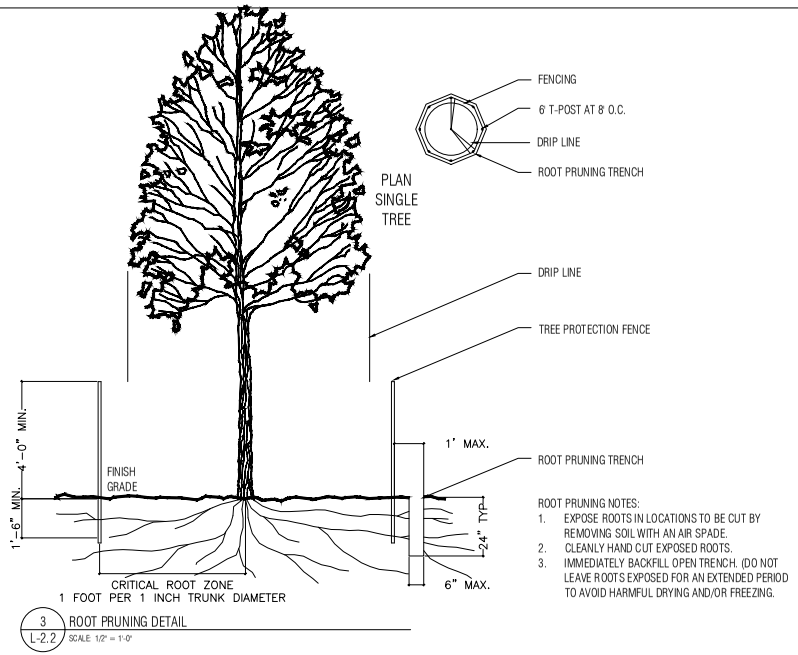
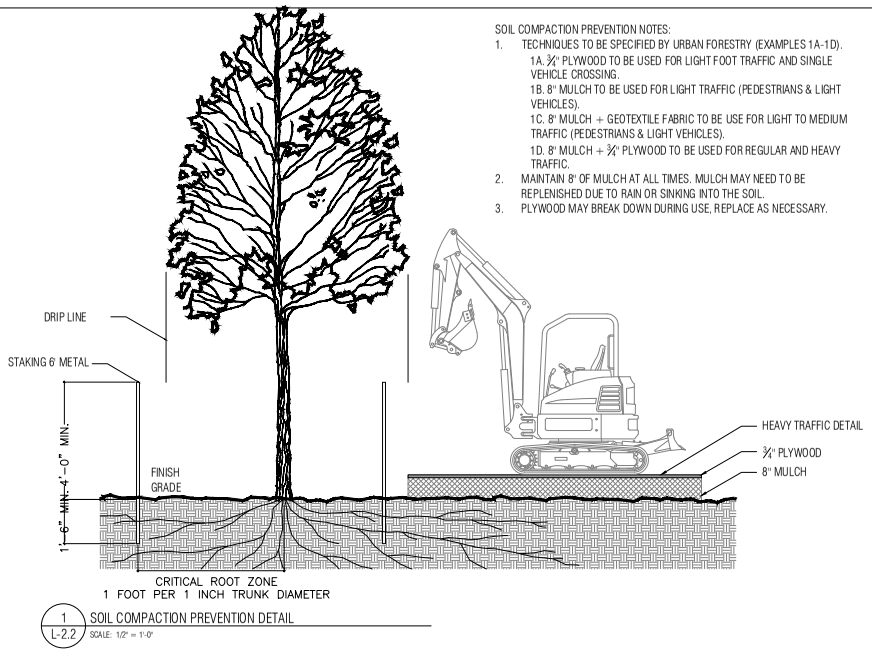


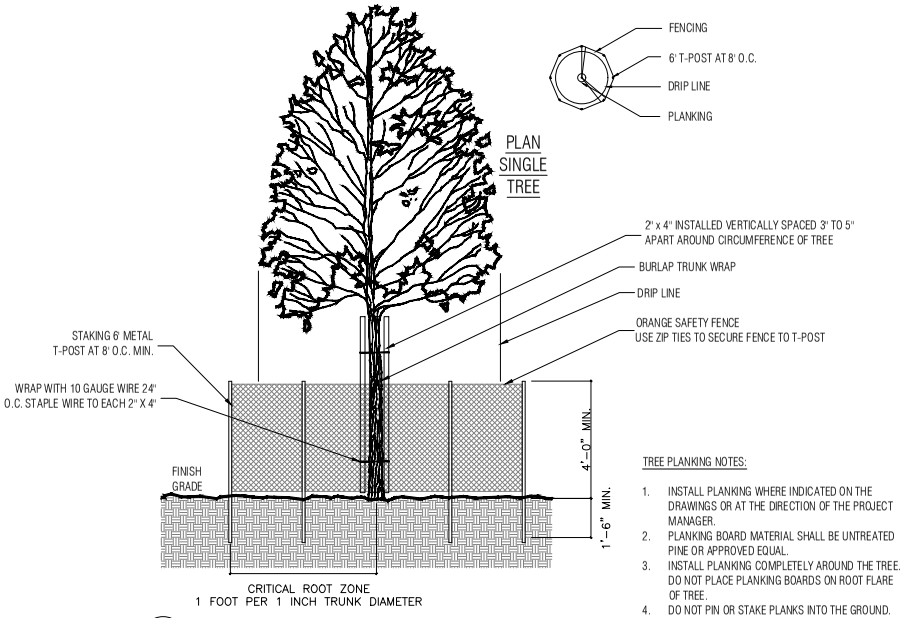
3 L-2.2 ROOT PRUNING DETAIL
SCALE: 1/2" = 1'-0"

ROOT PRUNING NOTES:
1. EXPOSE ROOTS IN LOCATIONS TO BE CUT BY REMOVING SOIL WITH AN AIR SPADE.
2. CLEANLY HAND CUT EXPOSED ROOTS.
3. IMMEDIATELY BACKFILL OPEN TRENCH. (DO NOT LEAVE ROOTS EXPOSED FOR AN EXTENDED PERIOD TO AVOID HARMFUL DRYING AND/OR FREEZING.



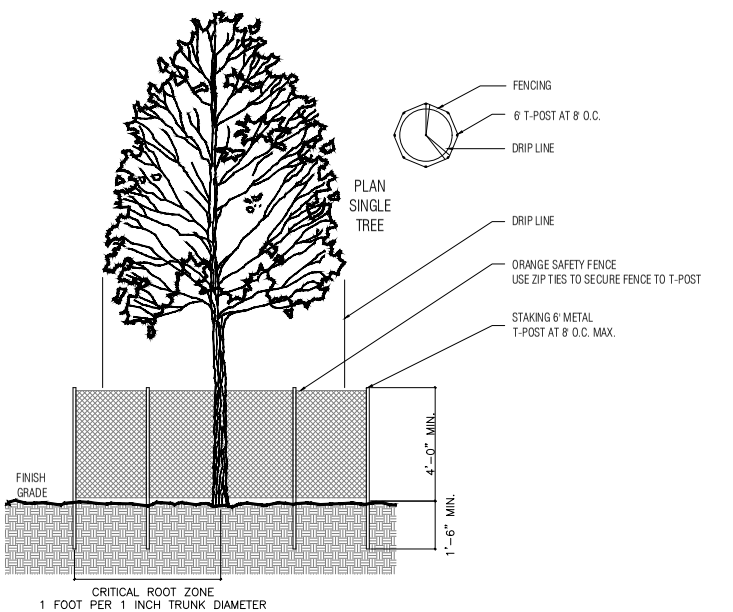
1 L-2.2 SOIL COMPACTION PREVENTION DETAIL
SCALE: 1/2" = 1'-0"

SOIL COMPACTION PREVENTION NOTES:
1. TECHNIQUES TO BE SPECIFIED BY URBAN FORESTRY (EXAMPLES 1A-1D).
   1A. ¾" PLYWOOD TO BE USED FOR LIGHT FOOT TRAFFIC AND SINGLE VEHICLE CROSSING.
   1B. 8" MULCH TO BE USED FOR LIGHT TRAFFIC (PEDESTRIANS & LIGHT VEHICLES).
   1C. 8" MULCH + GEOTEXTILE FABRIC TO BE USE FOR LIGHT TO MEDIUM TRAFFIC (PEDESTRIANS & LIGHT VEHICLES).
   1D. 8" MULCH + ¾" PLYWOOD TO BE USED FOR REGULAR AND HEAVY TRAFFIC.
2. MAINTAIN 8" OF MULCH AT ALL TIMES. MULCH MAY NEED TO BE REPLENISHED DUE TO RAIN OR SINKING INTO THE SOIL.
3. PLYWOOD MAY BREAK DOWN DURING USE, REPLACE AS NECESSARY.



4 L-2.2 TREE PROTECTION PLANKING DETAIL
SCALE: 1/2" = 1'-0"

TREE PLANKING NOTES:
1. INSTALL PLANKING WHERE INDICATED ON THE DRAWINGS OR AT THE DIRECTION OF THE PROJECT MANAGER.
2. PLANKING BOARD MATERIAL SHALL BE UNTREATED PINE OR APPROVED EQUAL.
3. INSTALL PLANKING COMPLETELY AROUND THE TREE. DO NOT PLACE PLANKING BOARDS ON ROOT FLARE OF TREE.
4. DO NOT PIN OR STAKE PLANKS INTO THE GROUND.
5. DO NOT FASTEN PLANKS TO TREES.



2 L-2.2 TREE PRESERVATION FENCE DETAIL
SCALE: 1/2" = 1'-0"

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SHEET CONTENTS
TREE PRESERVATION DETAILS

SHEET
L2.2

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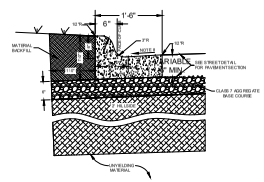


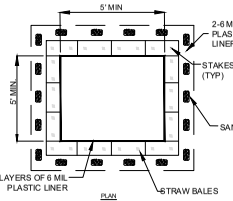
CURB & GUTTER NOTES:

1. CONTRACTION JOINTS SHALL BE 1/8" TO 3/8" X 1 1/2" AT 15 FT. INTERVALS. ALL CONTRACTION JOINTS AND COLD JOINTS SHALL BE FILLED WITH JOINT SEALANT TO FINISHED GRADE.
2. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI.
3. EXPANSION MATERIAL SHALL BE REQUIRED AT ATALL STATIONARY STRUCTURES AND ENDS OF CURB RETURNS. THE EXANSION MATERIAL SHALL BE 1/2" ASPHALT IMPREGNATED FIBERBOARD CONFORMING TO AASHTO M-213. EXPANSION JOINT MATERIAL SHALL BE LEFT 1/2" LOWER THAN GRADE OR TRIMMED 1/2" LOWER THAN GRADE.
4. EXPANSION JOINTS SHALL BE FILLED WITH JOINT SEALANT SHAPED TO THE CROSS SECTION OF THE CURB AND CONSTRUCTED AT RIGHT ANGLES WITH THE CURB LINE.
5. FINISH SHALL BE MEDIUM BROOM FINISH.
6. CONCRETE CURING COMPOUND SHALL BE SEALTIGHT 1600-WHITE MANUFACTURED BY W.R. MEADOWS, OR AN APPROVED EQUAL.
7. CONCRETE JOINT SEALANT SHALL BE SONNEBORN "SONOLASTIC SL1" OR AND APPROVED EQUAL. CLOSED CELL BACKER ROD SHALL BE USED IN DEEP JOINTS, AS NEEDED, ACCORDING TO THE MANUFACTURERS INSTRUCTIONS

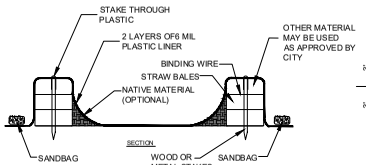
6 L-2.3 STANDARD CURB TYPE 'A'
SCALE: NTS

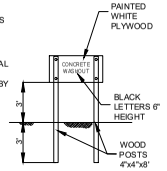
NOTES:

1. NO WASHING OUT OF CONCRETE TRUCKS OR WASHING OF SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE INTO STORM DRAINS, OPEN DITCHES, STREETS, OR STREAMS IS ALLOWED.
2. EXCESS CONCRETE IS NOT ALLOWED TO BE DUMPED ON-SITE, EXCEPT IN DESIGNATED TEMPORARY CONCRETE WASHOUT PIT AREAS.
3. ON-SITE TEMPORARY CONCRETE WASHOUT AREAS SHALL BE LOCATED AT LEAST 50 FEET FROM STORM DRAINS, OPEN DITCHES, OR WATER BODIES.
4. TEMPORARY CONCRETE WASHOUT FACILITIES SHALL BE CONSTRUCTED AND MAINTAINED IN SUFFICIENT QUANTITY AND SIZE TO CONTAIN ALL LIQUID AND CONCRETE WASTE GENERATED BY WASHOUT OPERATIONS.
5. WASHOUT FACILITIES SHALL BE CLEANED OUT OR REPLACED ONCE THE WASHOUT IS 75% FULL.
6. PLASTIC LINING MATERIAL SHALL BE MINIMUM OF 10 MIL POLYETHYLENE SHEETING AND SHALL BE FREE OF HOLES, TEARS, OR OTHER DEFECTS.
7. WHEN WASHOUT FACILITIES ARE NO LONGER REQUIRED FOR WORK, THE HARDENED CONCRETE SHALL BE REMOVED AND DISPOSED OF OFFSITE. MATERIALS USED TO CONSTRUCT TEMPORARY CONCRETE WASHOUT FACILITIES WILL BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY (i.e. PERMITTED FACILITY OR RECYCLED).

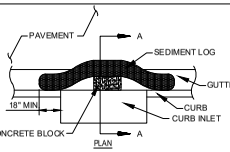


5 L-2.3 STRAW BALE CONCRETE WASHOUT
SCALE: NTS

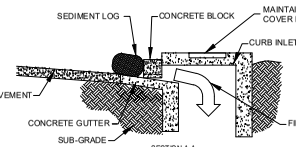




CONCRETE WASHOUT SIGN DETAIL



SEDIMENT LOGS SHALL HAVE A MIN. WEIGHT PER LINEAR FOOT OF 4.5 LBS AND SHALL EXCLUDE **STRAW** OR **SAND** MEDIA.



EXAMPLES OF ACCEPTABLE COMMERCIALLY AVAILABLE SEDIMENT LOGS ARE:

1. SILT SOCK
2. BIG RED
3. EROSION EEL

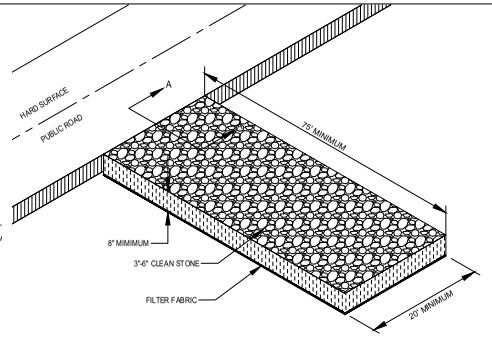
NOTES:

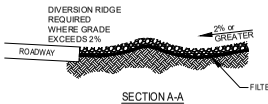
1. PLACE DEVICES AROUND PERIMETER OF GRATE/AREA INLET, WITH ENDS OF ADJACENT SEDIMENT LOGS OVERLAPPING 12" MIN.
2. PLACEMENT OF DEVICES SHALL EXTEND 12" MIN BEYOND THE LIMITS OF THE CURB INLET STRUCTURE ON BOTH SIDES.
3. IF ROAD OR PARKING AREA IS OPEN TO PUBLIC, VERIFY SUITABILITY OF BMP WITH CITY OF FAYETTEVILLE ENGINEERING DIVISION.

MAINTENANCE NOTES:

4. INLET PROTECTION DEVICES MUST BE INSPECTED FOR SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN OR UP-GRADIENT OF THE INLET.
7. ANY SEDIMENT ACCUMULATED IN OR ADJACENT TO A STORM DRAIN INLET MUST BE REMOVED AS SOON AS PRACTICABLE BUT NOT LATER THAN 3 DAYS AFTER DISCOVERY.
8. INLET PROTECTION DEVICES SHALL BE INSPECTED FOR UNINTENDED BYPASS OR IMPROPER FLOW-RATES THAT MAY CAUSE DOWNSTREAM FLOODING.
9. CONTACT THE PUBLIC WORKS INSPECTOR AND/OR ENGINEER FOR ALTERNATE INLET PROTECTION IF THE DESIGNED PROTECTION MAY IMPACT DOWNSTREAM BMPS, ADJACENT SLOPES, ETC., DUE TO PONDING ISSUES. ENSURE THAT NO UNDERMINING OF INLET PROTECTION DEVICES HAS OCCURRED.
10. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING OR DETERIORATION.

3 L-2.3 SEDIMENT LOG CURB INLET PROTECTION
SCALE: NTS



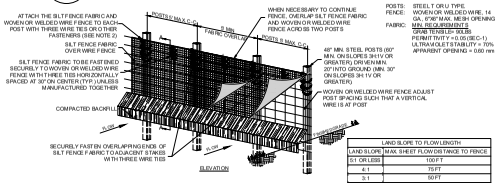


SECTION A-A

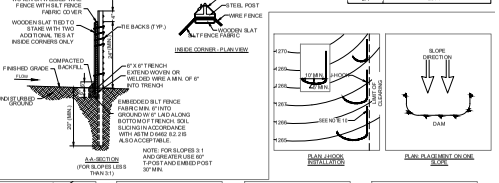
NOTES:

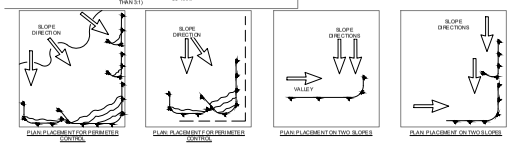
1. REPLACE CONTAMINATED STONE AS REQUIRED TO PREVENT TRACKING OF SEDIMENT OR MUD ON PUBLIC STREETS.
2. CLEAN STREETS DAILY WITH BROOM (NO POWER BROOM) AND SHOVEL. THE USE OF WATER IS PROHIBITED.
3. ALL VEHICLES MUST USE CONSTRUCTION EXIT.
4. IF WHEEL WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.

1 L-2.3 CONSTRUCTION EXIT
SCALE: NTS



LAND SLOPE	MAX SHEET FLOW DISTANCE TO FENCE
5:1 OR LESS	100 FT
4:1	75 FT
3:1	50 FT
2:1	25 FT





INSTALLATION NOTES:
1. MATERIALS AND INSTALLATION SHALL COMPLY WITH ASTM D 6462 LATEST EDITION.
2. INSTALL SILT FENCE AT A FAIRLY LEVEL GRADE ALONG THE CONTOUR WITH THE ENDS CURVED UPHILL TO PROVIDE SUFFICIENT UPSTREAM STORAGE VOLUME FOR THE ANTICIPATED FLOW.
3. ATTACH THE GEOTEXTILE OR FABRIC TO THE WOVEN OR WELDED WIRE FENCE WITH THREE WIRE TIES OR OTHER FASTENERS HORIZONTALLY SPACED EVERY 30", ALL SPACED WITHIN THE TOP 8" OF THE FABRIC. ATTACH EACH TIE DIAGONALLY @ 90 DEGREES THROUGH THE FABRIC, WITH EACH PUNCTURE AT LEAST 1" VERTICALLY APART. AT EACH POST, ATTACH THE GEOTEXTILE OR FABRIC AND THE WOVEN OR WELDED WIRE FENCE TO THE POST AS PREVIOUSLY STATED. IN ADDITION, EACH TIE PLACED ON A POST SHOULD BE POSITIONED TO HANG ON A POST NIPPLE WHEN TIGHTENED TO PREVENT SAGGING.
4. WHEN TWO SECTIONS OF SILT FENCE ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED A MINIMUM OF 6/' ACROSS TWO POSTS, AS SHOWN.
5. ALL SILT FENCE SHALL INCLUDE WIRE SUPPORT.
6. WIND-APPROXIMATELY 6" OF FABRIC AROUND THE END POST S AND SECURE WITH 3 TIES.
7. COMPACT THE SOIL IMMEDIATELY NEXT TO THE SILT FENCE FABRIC WITH THE FRONT WHEEL OF THE TRACTOR, SKID STEER, OR ROLLER EXERTING AT LEAST 60 POUNDS PER SQ. INCH. COMPACT THE UPSTREAM SIDE FIRST. COMPACT EACH SIDE TWICE FOR A TOTAL OF FOUR TRIPS.
8. ADD POST CAPS AS NEEDED BASED ON SITE CONDITIONS AND APPLICABLE AGENCY REQUIREMENTS.

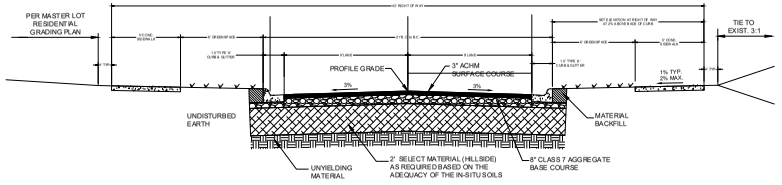
LOCATION AND DESIGN
9. SILT FENCE SHALL BE USED WHENEVER THE SILT FENCE LINE IS INSTALLED AT AN ANGLE OF 30 DEGREES OR GREATER FROM PARALLEL TO CONTOURS.
10. START DOWN-GRADIENT. SILT FENCE LINE AS CLOSE AS POSSIBLE TO UP-GRADIENT J-HOOK.

MAINTENANCE NOTES:
11. SILT FENCES SHALL BE INSPECTED ALONG ITS ENTIRETY AND MUST BE CLEANED WHEN SEDIMENT HAS ACCUMULATED TO ONE-THIRD THE HEIGHT OF THE SILT FENCE. MAINTENANCE CLEANOUT MUST BE CONDUCTED REGULARLY TO PREVENT ACCUMULATED SEDIMENTS FROM REACHING ONE-THIRD THE HEIGHT OF THE SILT FENCE.
12. SPECIAL ATTENTION SHOULD BE PAID TO ENSURE THAT NO UNDERMINING OF SILT FENCE HAS OCCURRED AND THAT NO BYPASS IS OCCURRING AT JOINING SECTIONS.
13. IF EXCESS SEDIMENT IS ACCUMULATING IN ANY SECTION OF SILT FENCE, THE CONTRACTOR OR SHOULD IMPLEMENT ADDITIONAL UPSTREAM STABILIZATION MEASURES OR ADDITIONAL BMPS (PENDING CITY APPROVAL) TO PREVENT EXCESS SE BUILDUP ON SILT FENCE.
14. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED.

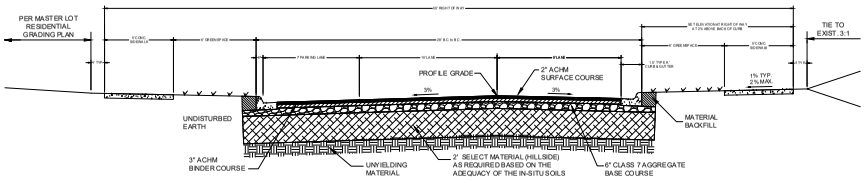
2 L-2.3 SILT FENCE WITH WIRE BACKING
SCALE: NTS

NOTES:

1. CONTACT THE ENGINEERING DIVISION (575-8206) AND REQUEST AN INSPECTION PRIOR TO POURING ANY SIDEWALK OR DRIVEWAY IN THE RIGHT-OF-WAY.
2. THE ENGINEER OF RECORD SHALL PERFORM "PART TIME" INSPECTION FOR THE DRAINAGE INSTALLATION AND STREET CONSTRUCTION. THE PUBLIC WORKS INSPECTOR MUST BE PRESENT FOR TESTING. CONTRACTOR IS RESPONSIBLE FOR SCHEDULING TESTING.
3. MINIMUM DENSITY FOR ASPHALT SHALL BE 92% OF THE MAXIMUM THEORETICAL DENSITY.
4. SUBGRADE (HILLSIDE) SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR. PROCTOR CURVE DATA SHALL BE SUPPLIED TO THE CITY ON ALL MATERIAL BY THE ENGINEER OF RECORD. WITHOUT THE COPY OF THE SITE SPECIFIC PROCTOR CURVE, MOISTURE CONTENT MUST BE WITHIN 3% OF OPTIMUM WHEN TESTED.
5. BASE COURSE (CLASS 7 AGGREGATE BASE) SHALL BE COMPACTED TO 98% OF MODIFIED PROCTOR ON RESIDENTIAL LINKS AND NEIGHBORHOOD LINKS.
6. CURING COMPOUND IS REQUIRED FOR ALL CONCRETE IN RIGHT OF WAY OR EASEMENTS. ANY COLOR EXCEPT CLEAR. FOLLOW STANDARD ENGINEERING PRACTICE FOR PLACEMENT IN HOT, WINDY, AND COLD WEATHER.
7. CURB MUST BE CALLED BEFORE BACKFILL AND STREET PAVED. ACCEPTABLE SUPPLIERS ARE OMNI SEAL 50, PECORA 894 AND 865, DOW CORNING 888, OR PRE-APPROVED EQUAL.
8. ALL IN-SITU SOIL S FOR SUBGRADE SHALL HAVE A LIQUID LIMIT LESS THAN 40, A PLASTICITY INDEX LESS THAN 15, AND A CBR GREATER THAN 8. INADEQUATE SOILS SHALL BE UNDERCUT 3' FEET AND REPLACED WITH "HILLSIDE MATERIAL" (SOILS WITH CBR OF 8 OR GREATER, AND AS CLASSIFIED AS GM OR GC SOILS) - GEOTECHICAL TESTING REQUIRED TO DETERMINE SOIL ACCEPTANCE.
9. SUBGRADE MUST BE PLACED ON UNYIELDING MATERIAL - ADDITIONAL UNDERCUT MAY BE REQUIRED.

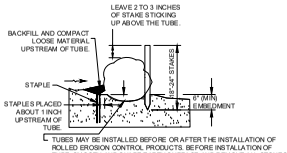


TYPICAL SECTION
RESIDENTIAL STREET



TYPICAL SECTION
LOCAL STREET

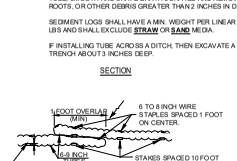
7 L-2.3 RESIDENTIAL + LOCAL STREET SECTION
SCALE: NTS



- TUBES MAY BE INSTALLED BEFORE OR AFTER THE INSTALLATION OF ROLLED EROSION CONTROL PRODUCTS. BEFORE INSTALLATION OF TUBE, SMOOTH AND SHAPE EARTH SURFACE, AND REMOVE ALL STONES, ROOTS, OR OTHER DEBRIS GREATER THAN 2 INCHES IN DIAMETER.

SEDIMENT LOGS SHALL HAVE A MIN. WEIGHT PER LINEAR FOOT OF 4.5 LBS AND SHALL EXCLUDE **STRAW** OR **SAND** MEDIA.

IF INSTALLING TUBE ACROSS A DITCH, THEN EXCAVATE A PLACEMENT TRENCH ABOUT 3 INCHES DEEP.



GENERAL GUIDELINES FOR SPACING OF TUBE TRENCHES FOR SLOPE INSTALLATIONS	
SLOPE GRADIENT	TUBE INTERVAL
1H:1V	10 FEET
2H:1V	20 FEET
3H:1V	30 FEET
4H:1V	40 FEET

ADDITIONAL GUIDELINES FOR SPACING OF TUBE TRENCHES FOR CHANNEL INSTALLATIONS	
SLOPE	TUBE INTERVAL
2%	25 FEET

EXAMPLES OF ACCEPTABLE COMMERCIALLY AVAILABLE SEDIMENT LOGS ARE:

1. SILT SOCK
2. BIG RED
3. EROSION EEL

SEDIMENT LOG MAINTENANCE AND INSTALLATION NOTES:

1. SEDIMENT LOGS SHALL BE INSPECTED ALONG ITS ENTIRETY AND MUST BE CLEANED WHEN SEDIMENT HAS ACCUMULATED TO ONE-THIRD THE HEIGHT OF THE SEDIMENT LOG. MAINTENANCE CLEANOUT MUST BE CONDUCTED REGULARLY TO PREVENT ACCUMULATED SEDIMENTS FROM REACHING ONE-THIRD THE HEIGHT OF THE SEDIMENT LOG.
2. SPECIAL ATTENTION SHOULD BE PAID TO ENSURE THAT NO UNDERMINING OF SEDIMENT LOG HAS OCCURRED AND THAT NO BYPASS IS OCCURRING AT JOINING SECTIONS.
3. IF EXCESS SEDIMENT IS ACCUMULATING IN ANY SECTION OF A SEDIMENT LOG, THE CONTRACTOR SHOULD IMPLEMENT ADDITIONAL UP-STREAM STABILIZATION MEASURES OR ADDITIONAL BMPS TO PREVENT EXCESSIVE BUILDUP ON SEDIMENT LOG.
4. SEDIMENT LOG SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED (RUN OVER OR FLATTENED).

4 L-2.3 SEDIMENT LOG DETAIL
SCALE: NTS

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City of Fayetteville, AR

Yvonne Richardson Community Center Addition

240 E. Rock Street
Fayetteville, AR 72701

REVISIONS

MBL JOB NO.
200012

ISSUE DATE
Feb. 6, 2023

SHEET CONTENTS
CITY STANDARD DETAILS

SHEET
L2.3

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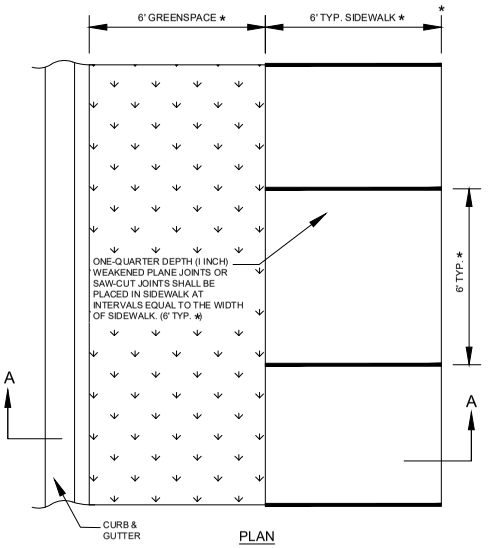
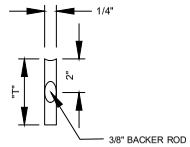
SIDEWALK CONSTRUCTION NOTES:

1. SIDEWALK SHALL HAVE TOOLED OR SAW-CUT TRANSVERSE JOINTS AT INTERVALS EQUAL TO THE WIDTH OF SIDEWALK (5' TYP.). THESE WEAKENED PLANE (CONTRACTION) JOINTS SHALL BE CONSTRUCTED TO 1/4 DEPTH OF THE SIDEWALK THICKNESS AND SHALL BE 1/8" TO 3/8" WIDE.
2. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI.
3. CONCRETE SHALL HAVE A MINIMUM CEMENT CONTENT OF 6.5 BAGS per Cu. Yd. WITH 5- 1/2% ± 1-1/2% AIR ENTRAINMENT.
4. EXPANSION JOINT MATERIAL SHALL BE PREFORMED ASPHALT IMPREGNATED FIBERBOARD CONFORMING TO AASHTO M-213. EXPANSION JOINT MATERIAL SHALL BE LEFT 1/2" LOWER THAN GRADE OR TRIMMED 1/2" LOWER, AND FILLED WITH SILICONE SEALER TO FINISHED GRADE.
5. ALL COLD JOINTS AND SAW-CUT JOINTS SHALL BE FILLED TO FINISHED GRADE WITH JOINT SEALANT.
6. CONCRETE CURING COMPOUND SHALL BE SEALTIGHT 1600-WHITE MANUFACTURED BY W.R. MEADOWS, OR AN APPROVED EQUAL.
7. CONCRETE JOINT SEALANT SHALL BE SONNEBORN "SONOLASTIC SLI" OR AND APPROVED EQUAL. CLOSED CELL BACKER ROD SHALL BE USED IN DEEP JOINTS, AS NEEDED, ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS.
8. ALL SIDEWALKS SHALL HAVE ONE-HALF INCH ROLLED EDGES AND A BROOMED FINISH.
9. SEE STANDARD DRIVEWAY DETAILS FOR SIDEWALK CONSTRUCTION THROUGH DRIVEWAYS.
10. WHERE LONGITUDINAL (RUNNING) SLOPE OF SIDEWALK EXCEEDS 5.0%, THE SIDEWALK SHALL MATCH THE SLOPE OF THE ADJACENT ROADWAY.
11. LANDING REQUIRED WHEN SIDEWALK CHANGES DIRECTION DUE TO AN OBJECT (E.G. TELEPHONE/LIGHT POLE, MANHOLE, ETC.)
12. ALL SIDEWALKS REQUIRE INSPECTION BEFORE AND AFTER CONCRETE PLACEMENT. CONTACT THE ENGINEERING DIVISION (575-8206) TO SCHEDULE AN INSPECTION.
13. MINIMUM EFFECTIVE WIDTH FOR SIDEWALK IS 5 FEET. SEE UNIFIED CODE SECTION 171.14 FOR GUIDANCE.



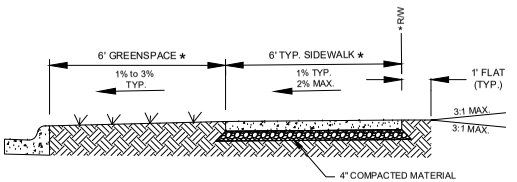
PLAN

★ SIDEWALK AND GREENSPACE WIDTHS MAY VARY BASED ON CURRENT MASTER STREET PLAN OR APPROVED SUBDIVISION PLAT. CONFIRM DIMENSIONS PRIOR TO CONSTRUCTION

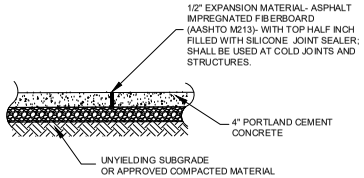


"T"=1/4 SLAB THICKNESS + 1/2"

JOINT SEALANT DETAIL



SECTION A-A



ELEVATION

1 L-2.4 SIDEWALK WITH GREENSPACE
SCALE: NTS

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SHEET CONTENTS
SITE DETAILS

SHEET
L2.4

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SHEET CONTENTS
UTILITY PLAN

SHEET C3.00

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LEGEND

RIGHT-OF-WAY LINE
PROPERTY LINE
BUILDING SETBACK
UTILITY EASEMENT
EXIST. WATER PIPE
EXIST. STORM DRAIN PIPE
EXIST. SANITARY SEWER PIPE
EXISTING UNDERGROUND FIBER
EXISTING OVERHEAD ELECTRIC
EXIST. GAS LINE
PROP. WATER LINE
PROP. FIRE LINE
PROP. SANITARY SEWER LINE
PROP. UNDERGROUND ELECTRIC LINE
EX. FIRE HYDRANT
EXIST. POWER POLE W/ LIGHT
EXIST. WATER VALVE
EX. WATER METER
EX. COMMUNICATION BOX
EX. TRANSFORMER
EX. LIGHT POLE
EX. POWER POLE
EX. SIGN
EX. STORM SEWER MANHOLE
EX. GAS METER
EX. SANITARY SEWER MANHOLE
EX. DECIDUOUS TREE
EX. EVERGREEN TREE
PROP. GATE VALVE
PROP. IRRIGATION METER
PROP. FDC
PROP. STORM STRUCTURE

DOMESTIC WATER & FIRE PROTECTION LINE GENERAL NOTES:

1. CONTRACTOR VERIFY WITH ARCHITECTURAL/MEP PLANS FOR SIZE AND LOCATION OF DOMESTIC SERVICE AND FIRE PROTECTION LINES.
2. WHERE THE WATER SERVICE IS TO BE CONSTRUCTED BELOW OR WITHIN 18 INCHES OF ANY SEWER PIPE, THE CONTRACTOR SHALL LAY A FULL LENGTH OF WATER SERVICE PIPE WITHOUT JOINTS SO THAT THE MAXIMUM POSSIBLE SEPARATION OF THE JOINTS IN THE WATER SERVICE FROM THE SEWER LINE. IF NOT ALREADY SO, THE CONTRACTOR SHALL CONSTRUCT SANITARY SEWER WITH 20 FEET MINIMUM LINEAR SEPARATION FROM THE WATER SERVICE. WHERE THE WATER SERVICE, SUCH THAT THE MAXIMUM POSSIBLE SEPARATION BETWEEN THE WATER SERVICE AND THE SEWER PIPE JOINTS WILL RESULT. THE BACKFILL MATERIAL SHALL BE SOLELY LOW PERMEABILITY SOIL.
3. ALL WATER LINES SHALL BE PRESSURE TESTED.
4. THE CONTRACTOR SHALL NOT EXCEED MANUFACTURERS RECOMMENDATIONS FOR MAXIMUM PIPE JOINT DEFLECTIONS.
5. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER TO DO A FINAL WALK-THROUGH OF THE CONSTRUCTION SITE.
6. PRIOR TO FINAL ACCEPTANCE ALL WATER SERVICE PIPE SHALL BE PRESSURE TESTED FOR 2 HOURS AT 150 PSI AND DISINFECTED BY A METHOD APPROVED BY THE CITY OF FAYETTEVILLE.
7. PRIOR TO FINAL ACCEPTANCE ALL WATER SERVICE PIPE SHALL BE DISINFECTED BY THE CONTRACTOR IN ACCORDANCE WITH THE CITY OF FAYETTEVILLE REQUIREMENTS.
8. LOCATION AND ELEVATIONS OF IMPROVEMENTS TO BE MET OR AVOIDED. ANY WORK TO BE DONE SHALL BE COORDINATED WITH THE CONSTRUCTION PLANS AND SPECIFICATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE ENGINEER OR CITY INSPECTOR ANY DISCREPANCIES BETWEEN HIS MEASUREMENTS AND THESE PLANS.
9. ALL WATER SERVICE CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
10. MAINTAIN 42" MINIMUM COVER OVER TOP OF WATER SERVICE PIPE
11. WATER SERVICE PIPE MATERIALS SHALL BE SDR 13.5 PVC FOR IRRIGATION WATER LINE DOMESTIC & SERVICE MAINS OVER 4". AND AWWA C900 PVC FOR FIRE PROTECTION.
12. INSTALLATION OF FIRE SERVICE SHALL BE IN ACCORDANCE WITH CURRENT NFPA 24 CRITERIA.
13. CONTRACTOR SHALL BE RESPONSIBLE TO DEFLECT PIPE OR ADD FITTINGS AS NECESSARY TO MAINTAIN A MINIMUM 18" OF CLEARANCE BETWEEN FIRE/WATER LINES AND ALL OTHER UNDERGROUND UTILITIES.

SANITARY SEWER GENERAL NOTE:

SANITARY SERVICE LATERAL SHALL BE SCH40 PVC.
MINIMUM SLOPE FOR SANITARY SEWER LATERALS:
4" SEWER LATERAL SLOPE = 2.08% MIN.
6" SEWER LATERAL SLOPE = 1.04% MIN.

GENERAL NOTES:

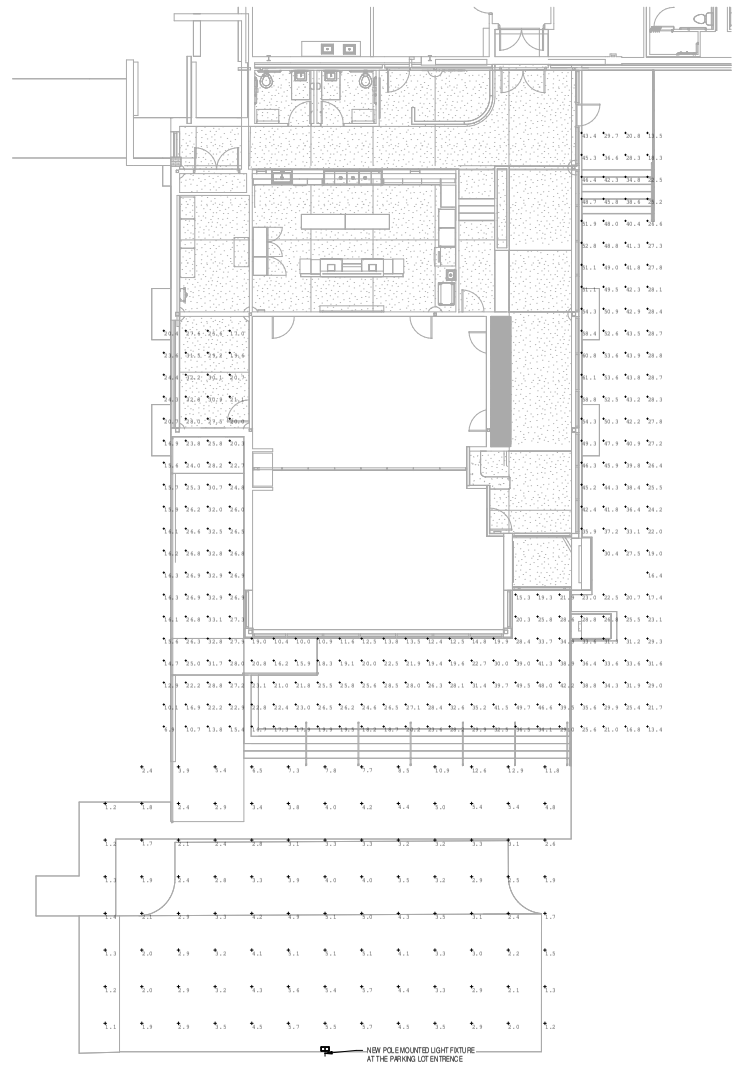
1. SEE CITY OF FAYETTEVILLE DETAILS AND SPECIFICATIONS FOR PRIVATE DOMESTIC WATER, FIRE PROTECTION, SITE UTILITY & SANITARY SEWER PIPE BEDDING.

KEYNOTES:

1. INSTALL 6" D.I.P. FIRE SERVICE LINE W/ 42" MIN. COVER
2. INSTALL 2" SDR 13.5 PVC WATER SERVICE PIPE W/ 42" MIN. COVER
3. PROP. FDC
4. EXIST. WATER METER
5. RELOCATE EXISTING POWER POLE. CONTRACTOR TO COORDINATE WITH ELECTRIC PROVIDER.
6. PROPOSED NEW GROUND MOUNTED TRANSFORMER
7. 6"x6" TEE AND 6" GATE VALVE
8. MODIFIED 4'X4' STORM DRAIN JUNCTION BOX
9. PROPOSED ROOF DRAIN DOWNSPOUT
10. M.E.P. CONNECTIONS. SEE M.E.P. PLANS
11. PROPOSED GREASE INTERCEPTOR. SEE M.E.P. PLANS
12. INSTALL 4" SCH40 PVC SANITARY SERVICE LINE W/ 42" MIN. COVER. MIN SLOPE = 2.08%

SCALE IN FEET
0 5' 10' 20'

EXISTING BUILDING
PROP. 1 STORY ADDITION FFE = 1321.81
20' PROP. WATER/SEWER EASEMENT
97 LF
90 LF
146 LF
Sanitary M.H. Rim=1318.95 FL In(10"PVC)=1315.37 FL Out(10"PVC)=1315.74
Storm M.H. Rim=1315.85 FL In(12"PVC)=1313.35 FL Out(24"RCP)=1312.99
Storm M.H. Rim=1318.86 FL In(12"PVC)=1315.98 FL Out(12"CMP)=1315.86



1 ELECTRICAL SITE LIGHTING PLAN
SCALE: 1/8" = 1'-0"

ENGINEERING ELEMENTS, PLLC
No. 1227
ARKANSAS ENGINEER

ENGINEERING ELEMENTS, PLLC
PROJECT NO.: 22-090
COMPLETE: 10%

Engineering Elements, PLLC
2438 E. Joyce Blvd. Suite 1
Fayetteville, AR 72703
Phone: 479-695-1313

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SHEET CONTENTS
SITE ELECTRICAL LIGHTING PLAN

SHEET
E1.0

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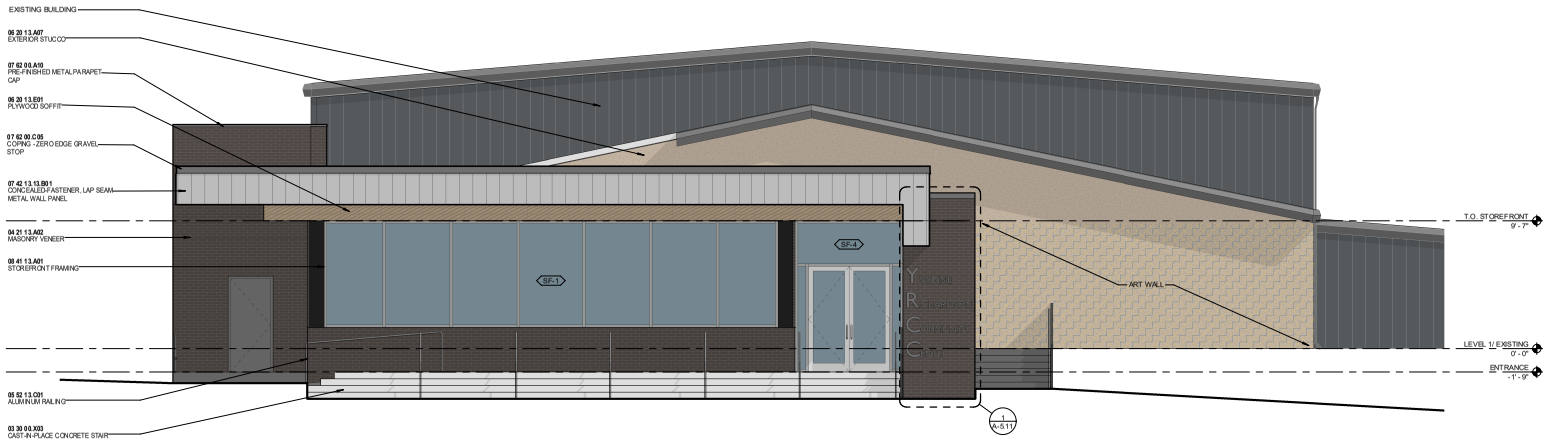
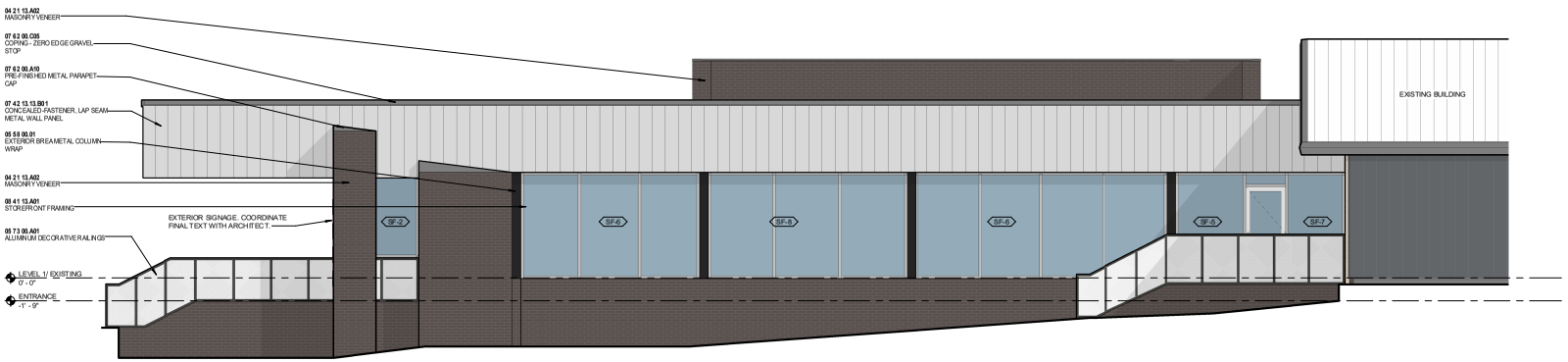
KEYNOTE LEGEND	
NOTE	DESCRIPTION
03 30 00.X03	CAST-IN-PLACE CONCRETE STAIR
04 21 13.A02	MASONRY VENEER
05 52 13.C01	ALUMINUM RAILING
05 58 00.01	EXTERIOR BREA METAL COLUMN WRAP
05 73 00.A01	ALUMINUM DECORATIVE RAILINGS
06 20 13.A07	EXTERIOR STUCCO
06 20 13.E01	PLYWOOD SOFFIT
07 42 13.13.B01	CONCEALED-FASTENER, LAP SEAM METAL WALL PANEL
07 62 00.A10	PRE-FINISHED METAL PARAPET CAP
07 62 00.C05	COPING - ZERO EDGE GRAVEL STOP
08 41 13.A01	STOREFRONT FRAMING

GENERAL ELEVATION NOTES	
1	REFER TO MECHANICAL, ELECTRICAL & FIRE PROTECTION SHEETS FOR ADDITIONAL INFORMATION. DESCREPENCIES DESCREPENCIES BETWEEN MEP & ARCHITECTURAL SHEETS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO INSTALLATION



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



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

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DESIGN DEVELOPMENT
2-6-2023

SHEET CONTENTS
BUILDING ELEVATIONS

SHEET
A-2.1

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KEYNOTE LEGEND	
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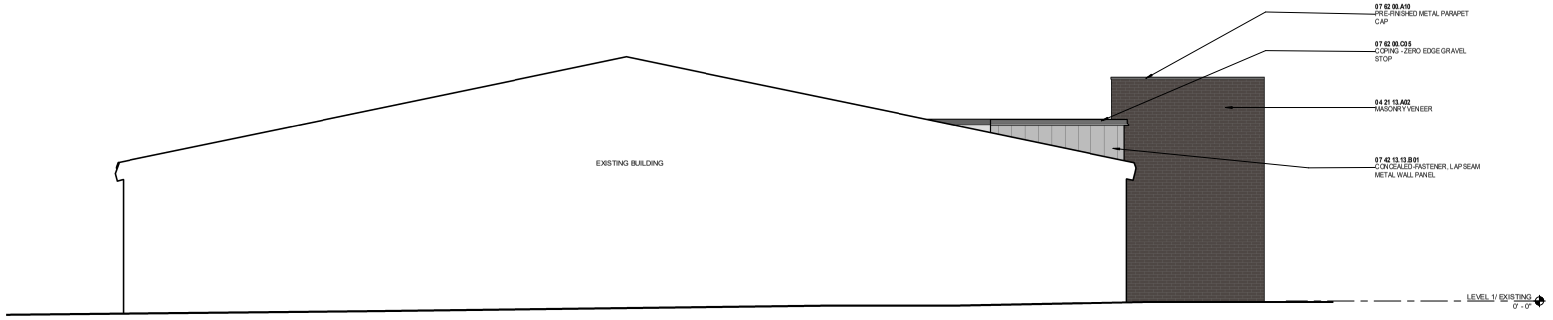
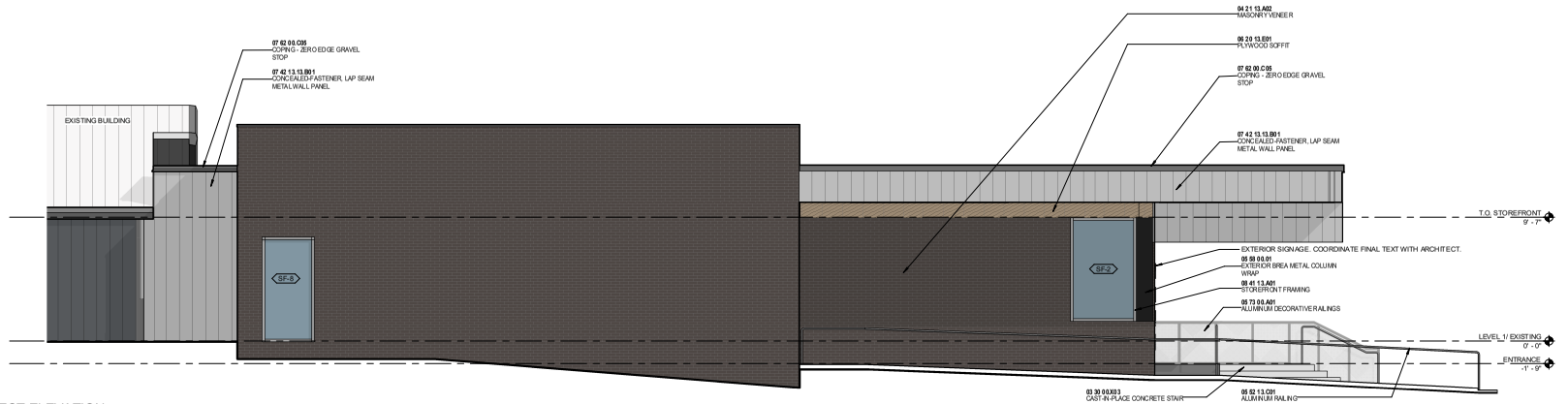


1 SOUTH ELEVATION
1/4" = 1'-0"



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

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SHEET CONTENTS
BUILDING ELEVATIONS

SHEET
A-2.2

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2-6-2023

SHEET CONTENTS
3-D VIEWS

SHEET
A-2.3

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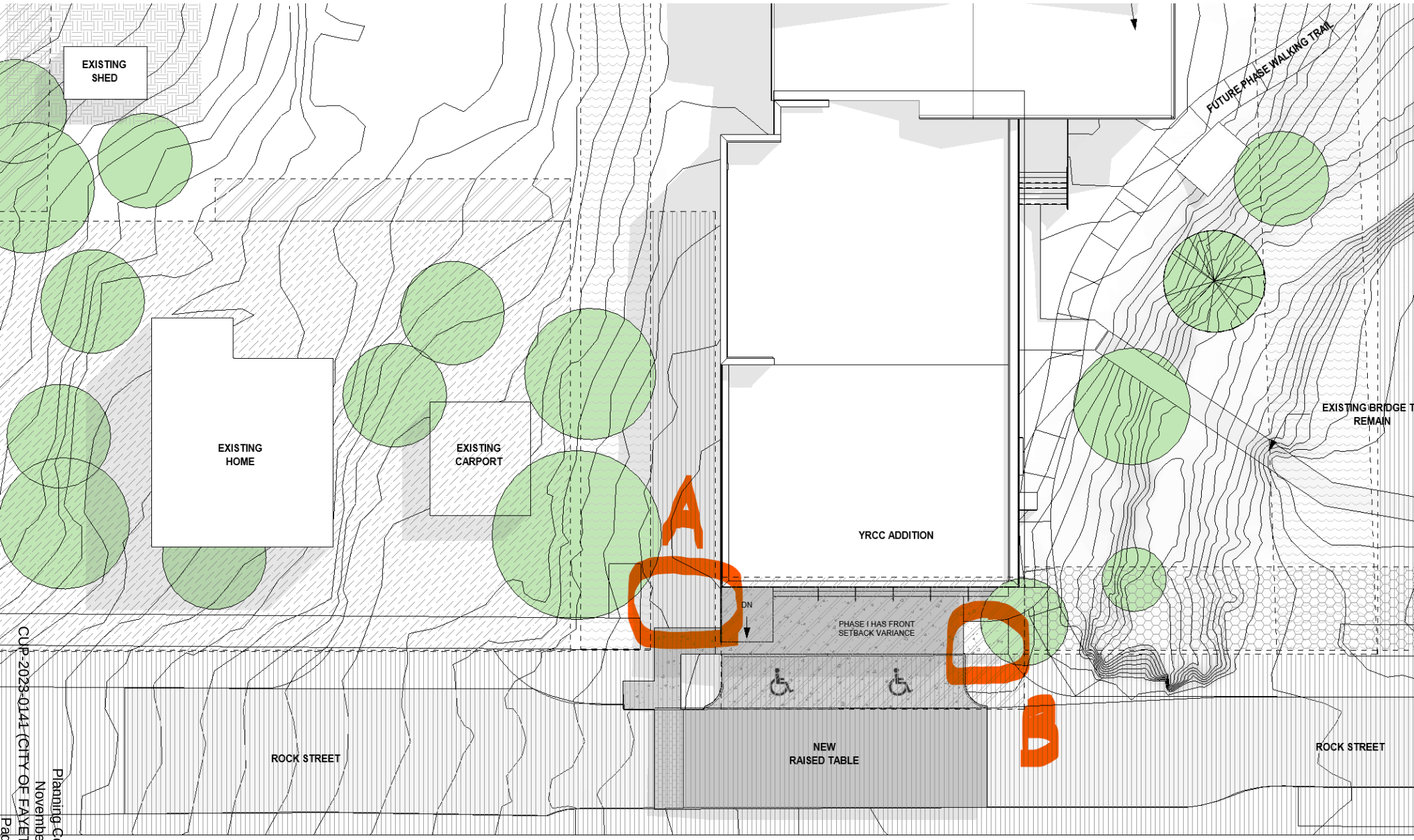
1 FRONT VIEW

2 EAST SIDE VIEW

3 WEST BIRDS EYE PERSPECTIVE



1 ARCHITECTURAL SITE PLAN

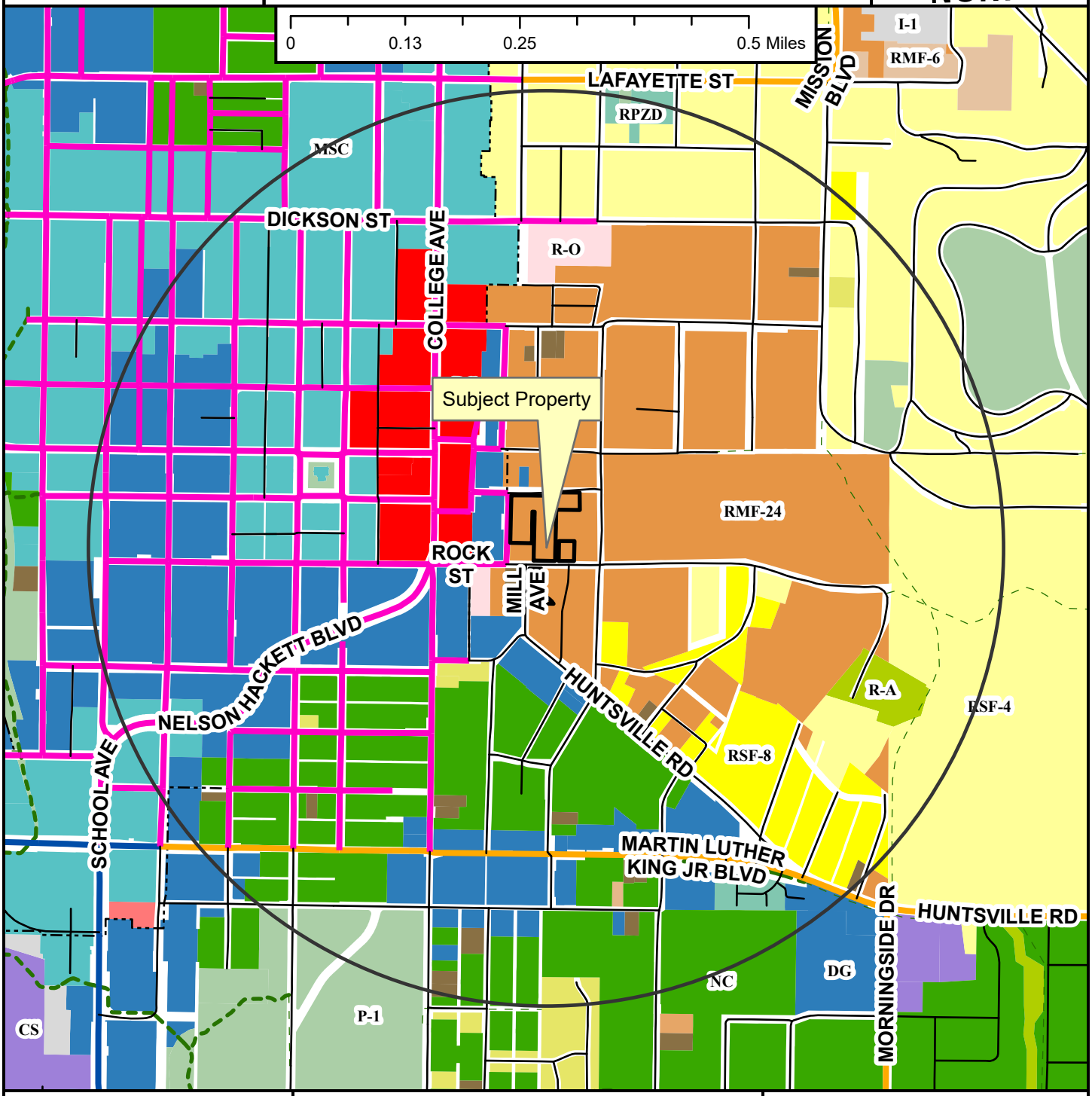
1/16" = 1'-0"

CUP-2023-0141

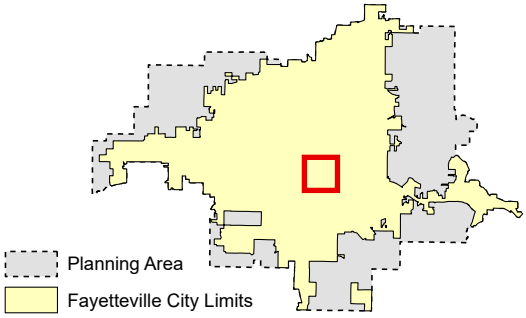
One Mile View

240 E. Rock St

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

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

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

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

EXTRACTION
- E-1

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

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

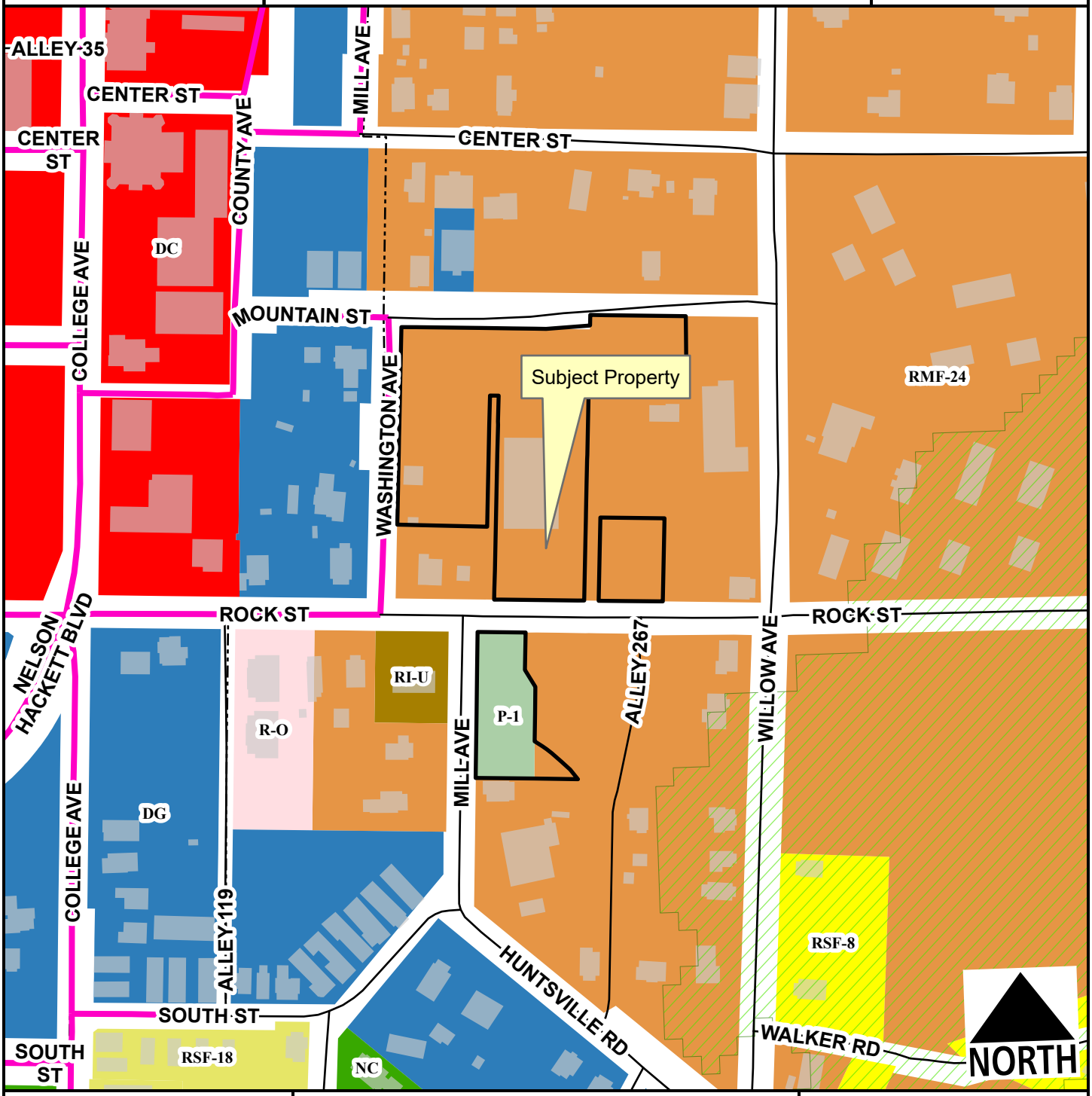
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0141

Close Up View

240 E. Rock St



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

Feet

0 75 150 300 450 600

1:2,400

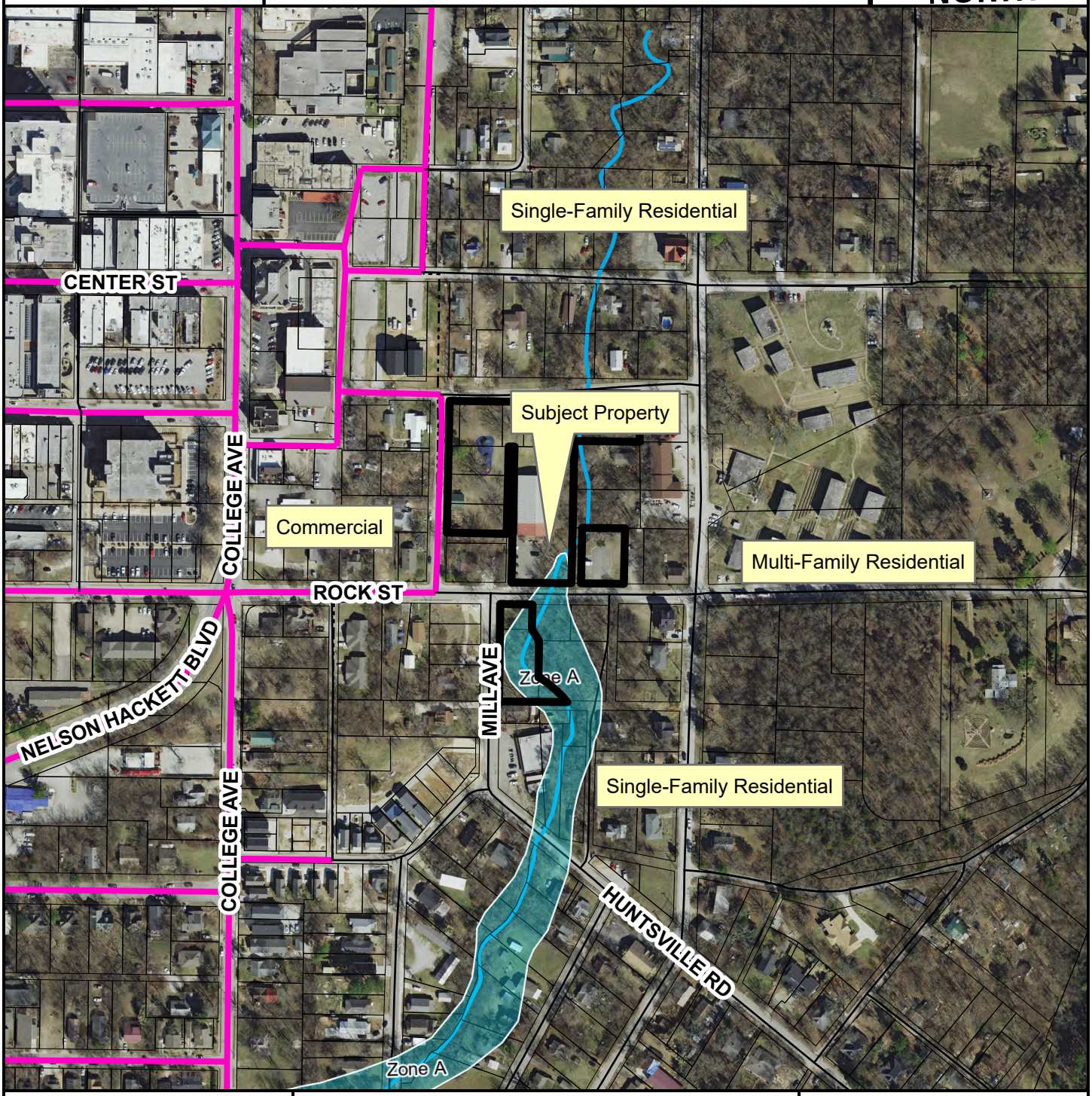
RSF-8
RSF-18
RI-U
RMF-24
Residential-Office
Downtown Core
Downtown General
Neighborhood Conservation
P-1

CUP-2023-0141

Current Land Use

240 E. Rock St

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0145: Conditional Use Permit (EAST OF N. RUPPLE RD./MEADOWVIEW SENIOR LIVING, 439):** Submitted by MEADOWVIEW SENIOR LIVING for property located EAST OF N. RUPPLE RD. The property is zoned NS-L, NEIGHBORHOOD SERVICES-LIMITED and contains approximately 6.00 acres. The request is for an assisted living facility and multi-family dwellings in NS-L zoning.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0145** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0145**, 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 a quarter of a mile south of Wedington Drive on the east side of Rupple Road. The overall property totals approximately 11.62 acres, though a lot split which would subdivide the property into two parcels containing 5.62 and 6.00 acres is currently under review (LSP-2023-0056). An ordinance establishing an RPZD for a mixed-use development containing 352 dwelling units and 74,580 square feet of nonresidential space was passed by City Council in 2006. However, development was never completed, the PZD expired, and the property was rezoned to NS-L, Neighborhood Services-Limited in 2015. The specific area under consideration with this request involves the proposed 6.00 acre parcel on the east side of the property. The entire property is located within the Wedington Corridor Plan area and contains hydric soils. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	R-A, Residential-Agricultural
South	Undeveloped	P-1, Institutional; NS-L, Neighborhood Services-Limited
East	Undeveloped	R-A, Residential-Agricultural
West	Ozarks Electric Cooperative	NS-L, Neighborhood Services-Limited

Proposal: The applicant requests a conditional use permit for an independent and assisted living facility for seniors in NS-L zoning. Independent living facilities are classified as Use Unit 26: Multi-

family dwellings, and assisted living facilities are classified as Use Unit 4: Cultural and recreational facilities, both of which are conditional uses in the NS-L zoning district.

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

Public Comment: Staff received public comment on this item from one neighbor who said that they are not opposed to the applicant's request, though they have concerns about increased traffic along Rupple Road.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0145** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff recommends that the proposed use is compatible with surrounding properties given the findings contained in this report;*

2. An official zoning determination on the build-to zone must be on file prior to development entitlement, either administratively from the Zoning and Development Administrator or, if necessary, through the Board of Adjustment;

3. The proposed independent living facility is subject to compliance with the design regulations outlined in UDC §166.23, Urban Residential Design Standards;

4. Screening shall be provided in accordance with the City's perimeter landscaping requirements outlined in UDC Chapter 177, Landscape Regulations;

5. Approval of this conditional use permit does not grant approval for the proposed development; separate development entitlement and permitting shall be required as outlined in the City's Unified Development Code;

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

7. Conditional Use Permit approval shall be valid for one year.

PLANNING COMMISSION ACTION: Required YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 4: Cultural and recreational facilities and Use Unit 26: Multi-family dwellings in the NS-L, Neighborhood Services-Limited 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;

Finding: **The Planning Commission is empowered under Unified Development Code §161.18 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The applicant proposes a senior living facility with one structure containing 60 independent living units and 57 assisted living units. Staff finds that the applicant's proposal aligns with the surrounding mix of uses as well as the City's adopted long-range plans. The Wedington Corridor Plan identified senior centers as a service that is needed in this area in order to create a more sustainable neighborhood, and the property is currently surrounded by a mixture of residential, civic, and commercial uses. While the proposed development is not designed in a**

walkable urban form, staff finds this request to be suitable since this site is part of a large, 12-acre property, the front half of which will be reserved for future development. An administrative waiver or a variance from the Board of Adjustment would be needed as part of this project in order to develop outside of the build-to zone.

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing this request. Multi-family developments in the NS-L zoning district are required to comply with UDC §166.23, Urban Residential Design Standards. The provided site plan and elevations show the project to be largely in compliance with that ordinance. Site access and internal circulation appears to promote both pedestrian and vehicular efficiency and safety. Variation in building materials, insets in the wall plane, and balconies are provided. Full compliance with applicable design standards would be determined at the time of development review.**

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

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

Finding: **Ingress and egress to the development is proposed through a private driveway and sidewalk with access onto Rupple Road, a fully improved Regional Link street. Compliance with access standards, including those in the City's Unified Development Code and the Arkansas Fire Prevention Code, would be fully evaluated at the time of development review.**

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

Finding: **Parking is proposed to occur on site with 59 spaces in a shared parking lot and 28 spaces in a detached garage. Parking for the independent living facility is required to be provided at a rate of one space per bedroom and parking for the assisted living facility is permitted at a rate of one space per two beds. Compliance with parking allowances and design standards would be fully determined at the time of development review. No substantial economic, glare, or odor effects on adjoining properties are anticipated with the proposed parking area since there are few residences immediately adjacent to the site. Staff recommends that screening be provided in accordance with the City's perimeter landscaping requirements which are outlined in UDC Chapter 177, Landscape Regulations.**

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

Finding: **The applicant proposes to utilize front-end load dumpsters for trash collection. Dumpster location and enclosure design will be fully reviewed for compliance with city code at the time of development review.**

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

Finding: **A 12-inch water main and an eight-inch sewer main is currently present along the east side of Rupple Road. Any necessary upgrades or extensions to existing utilities would be determined at the time of development.**

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

Finding: **The property is bordered by an undeveloped property and the Donald W. Reynolds Boys & Girls Club to the south; Ozarks Electric Cooperative to the east, a mixture of residential, commercial, and institutional uses to the north; and single-family residences to the west. Staff finds the requested land uses to be compatible with the surrounding area, so no additional screening is recommended beyond what is required by code.**

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

Finding: **Any proposed signage will be subject to UDC Chapter 174, Signs, and all regulations therein. Exterior lighting will be subject to UDC Chapter 176, Outdoor Lighting, and all regulations therein.**

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

Finding: **Based on the conceptual site plan provided, the proposed senior living facility appears to largely meet the setback requirements of the NS-L zoning district. NS-L has a requirement for a 0- to 25-foot build-to zone and no minimum buildable street frontage requirement. Since no building is proposed to be located within the property's build-to zone with this development, an administrative waiver or a variance from the Board of Adjustment would be needed prior to development approval.**

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

Finding: **Staff finds that the proposal is generally compatible with adjacent properties. While the intent of the NS-L zoning district is to promote a walkable, pedestrian-oriented development form, staff finds the proposed development, which is set back from the street, to be complementary to the surrounding area and compatible with existing land uses. Further, the site**

constitutes a portion of a large, 12-acre parcel, and the western half of the property is proposed to be reserved for future development. Since the portion of the property that has frontage along Rupple Road could be developed in the future with residential or non-residential uses that are form-based, staff finds that the requested land use is not likely to inhibit the property owner's ability to develop the remainder of the property in a way that is more closely aligned with the spirit and intent of the underlying zoning district.

Also, while this development would result in more traffic along Rupple Road, it is not expected to be at an inappropriate volume for this location. Rupple Road is a Regional Link street with a designed service volume of up to 17,600 vehicles per day. A 2022 traffic count taken roughly 400 feet north of the subject property indicates roughly 10,000 average vehicle trips along Rupple Road. Nearby access to trail amenities as well as non-residential uses, including a grocery store and city park, offer the opportunity for residents and guests to utilize alternative modes of transportation.

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

Finding: **Staff finds the proposal to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The Wedington Corridor Plan identified senior centers as a service that is needed in this area in order to create a more sustainable neighborhood, and the property is currently surrounded by a mixture of residential, civic, and commercial uses. The City Plan 2040 Future Land Use Map designates the subject property as a Residential Neighborhood area. Since the request is for an independent and assisted living facility on a large block surrounded primarily by non-residential uses and developments utilizing conventional setbacks, staff finds the applicant's request to be consistent with the property's future land use map designation. Given the property's access to a number of non-residential uses and a diverse transportation network, staff finds the proposed facility to be an appropriate land use and compatible with those nearby.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.18 NS-L, Neighborhood Services - Limited
- Applicant Request Letter
- Site Plan
- Building Elevations
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.18 NS-L, Neighborhood Services - Limited

(A) *Purpose.* The NS-L Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited 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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 15	Neighborhood 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.*

Units per acre	Ten (10) or less

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family or more	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 of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	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 60% of the total area of the lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(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. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 6, 8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6658 , §8(Exh. G), 5-2-23)

Conditional Use Permit – General (618 N Rupple) MEADOWVIEW OF FAYETTEVILLE

1a. Proposed Building Size – 157,610 sf

1b. Elevations – See attached.

1c. Parking Spaces – 90 (See site plan)

1d. Hours of Operations – 24/7/365

Number of Employees – 60 FTE (80-90 personnel)

Average Residents – 136

1e. Outdoor Lighting – All lighting will be down lighting on poles in parking lot, wall-packs over doors and bollards along walkways. Final lighting plan will be submitted with building plans.

1f. Noise – Light traffic.

1g. Screening – Landscape and grading plans will be submitted with the building plans.

1h. Trash – Will be contained in a fenced trash enclosure.

1i. Ingress and Egress – One driveway along the north side of the property.

1j. Compatibility – This provides a good transition from single family to commercial with the property behind us (Ozark Electric Cooperative) and south of us (Boys and Girls Club).

2. Legal description –

SURVEY DESCRIPTION – TRACT 2:

PART OF TRACT 3A OF LOT SPLIT 2020-20940, SAID TRACT BEING PART OF TRACT 3 OF THE FINAL PLAT FOR WHM LAND INVESTMENTS, INC. AS FILED IN THE WASHINGTON COUNTY RECORDS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 3A, SAID POINT BEING A FOUND 1/2 INCH IRON PIN WITH CAP “PLS 1010”; THENCE ALONG THE NORTH LINE OF SAID TRACT 3A, S87°14’00”E A DISTANCE OF 323.52 FEET TO A SET 1/2 INCH IRON PIN WITH CAP “PS 1559”; THENCE S87°14’15”E A DISTANCE OF 187.72 FEET TO THE **POINT OF BEGINNING**; SAID POINT BEING A SET 1/2 INCH IRON PIN WITH CAP “PS 1559”; THENCE CONTINUING S87°14’15”E A DISTANCE OF 228.60 FEET TO A SET 1/2 INCH IRON PIN WITH CAP “PS 1559”; THENCE S87°40’15”E A DISTANCE OF 330.10 FEET TO THE NORTHEAST CORNER OF SAID TRACT 3A AND A FOUND 5/8 INCH IRON PIN WITH CAP “PLS 1032”; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID TRACT 3A, S02°33’14”W A DISTANCE OF 463.25 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 3A AND A FOUND 1/2 INCH IRON PIN WITH CAP “PLS 366”; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID TRACT 3A, N88°32’32”W A DISTANCE OF 558.80 FEET TO A SET 1/2 INCH IRON

PIN WITH CAP “PS 1559”; THENCE LEAVING SAID SOUTH LINE, N02°33’14”E A DISTANCE OF 473.48 FEET TO THE **POINT OF BEGINNING**, CONTAINING 6.00 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

3. Site Plan – See attached.

4. Preliminary Floor Plans – See attached.

5. County Parcel Map – See attached.

North – First United Pentecostal Church, P.O. Box 165, Fayetteville, AR 72702-0165
Airways Freight Corp, P.O. Box 1888, Fayetteville, AR 72702-1888
Airways South, WHM Land Investments, Inc., 3849 W. Wedington Dr., Fayetteville, AR 72704

East – Ozark Electric Cooperative, P.O. Box 848, Fayetteville, AR 72702

South – Fayetteville Youth Center, 560 N Rupple Rd, Fayetteville, AR 72704

West – Rupple Road LLC, 2 Leadership Square, 10th Floor, 211 N Robinson, Oklahoma City, OK 73102

SITE:

IMPERVIOUS:	127,397 SF	48.7%
PERVIOUS:	134,272 SF	51.3%
TOTAL:	261,669 SF	

FIRST FLOOR:	23,700	FIRST FLOOR:	27,675
SECOND FLOOR:	23,700	SECOND FLOOR:	23,915
THIRD FLOOR:	23,700	THIRD FLOOR:	28,790
TOTAL:	71,100 SF	TOTAL:	80,380 SF
PONDING:	44,000 SF		
UNITS:		UNITS:	
INDEPENDENT	60	ASSISTED LIVING	57
		TOTAL UNITS:	117
		TOTAL GSF:	151,480

PARKING: (1 PER BEDROOM MINIMUM)
87 REQUIRED (60 UNITS / 87 BEDROOMS)
28 GARAGE SPACES PROVIDED
59 OFF-STREET SPACES PROVIDED
87 TOTAL PROVIDED

PROPERTY LINE
SETBACK
28 GARAGE STALLS
SIGN
59 STALLS
PORTE COCHERE
PROOF OF PARKING 8 STALLS
ASSISTED LIVING, LEVEL 1 ALF
3 STORIES / 80,380 SF
57 UNITS
FIRE WALL
INDEPENDENT LIVING
3 STORIES / 71,100 SF
60 UNITS
SERVICE ENTRY
TRASH ENCLOSURE
SPORT COURTS
44,000 SF PONDING

SITE PLAN

boys and girls club (neighboring) site walkway

TWP ARCHITECTS

MEADOWVIEW OF FAYETTEVILLE

NORTH

EXTERIOR FINISHES KEY:

- 12" VERTICAL BOARD & BATTEN FIBER CEMENT SIDING
- FIBER CEMENT PANEL SIDING W/ STUCCO TEXTURE
- 8" FIBER CEMENT HORIZONTAL SIDING
- 4" FIBER CEMENT HORIZONTAL SIDING
- 4" FIBER CEMENT HORIZONTAL SIDING
- CULTURED STONE

WEST ELEVATION

NORTH ELEVATION

TWP ARCHITECTS

MEADOWVIEW OF FAYETTEVILLE

09/20/2023

GARAGE - NORTH ELEVATION

EXTERIOR FINISHES KEY:

- 12" VERTICAL BOARD & BATTEN FIBER CEMENT SIDING
- FIBER CEMENT PANEL SIDING W/ STUCCO TEXTURE
- 8" FIBER CEMENT HORIZONTAL SIDING
- 6" FIBER CEMENT HORIZONTAL SIDING
- 4" FIBER CEMENT HORIZONTAL SIDING
- CULTURED STONE

GARAGE - EAST & WEST ELEVATIONS

GARAGE - SOUTH ELEVATION

EAST ELEVATION

SOUTH ELEVATION

TWP ARCHITECTS

MEADOWVIEW OF FAYETTEVILLE

09/20/2023

From: Robert Hileman <rob_hileman@hotmail.com>
Sent: Wednesday, November 8, 2023 8:54 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 618 N. Rupple Road

Good morning -

Following is my comment regarding the proposed senior housing campus at 618 N. Rupple Road.

My name is Robert Hileman, and I am the homeowner and resident of 667 N. Rupple Rd. With the limited knowledge that I have, I do not oppose the senior housing campus on its surface; however, I do have concerns regarding some ancillary effects. Currently, this block of Rupple experiences excessive speeds, a high volume of traffic, a high volume of loud motorcycles/vehicles/trucks, and the intersection of Meadowlands and Rupple constantly results in vehicles being backed up on Meadowlands for long periods of time due to the high traffic volume on Rupple. The vehicles that sit on Meadowlands are often extremely loud and can be heard clearly within my residence. Additionally, when vehicles turn from Meadowlands onto Rupple, they do so at an often extremely high rate of speed and often quite loudly due to the vast open stretch of Rupple on this block. It is treated like an Interstate. An additional development that increases vehicle volume on this block will only accentuate these issues. It is my hope that if this development is approved on this block, these issues will be properly addressed.

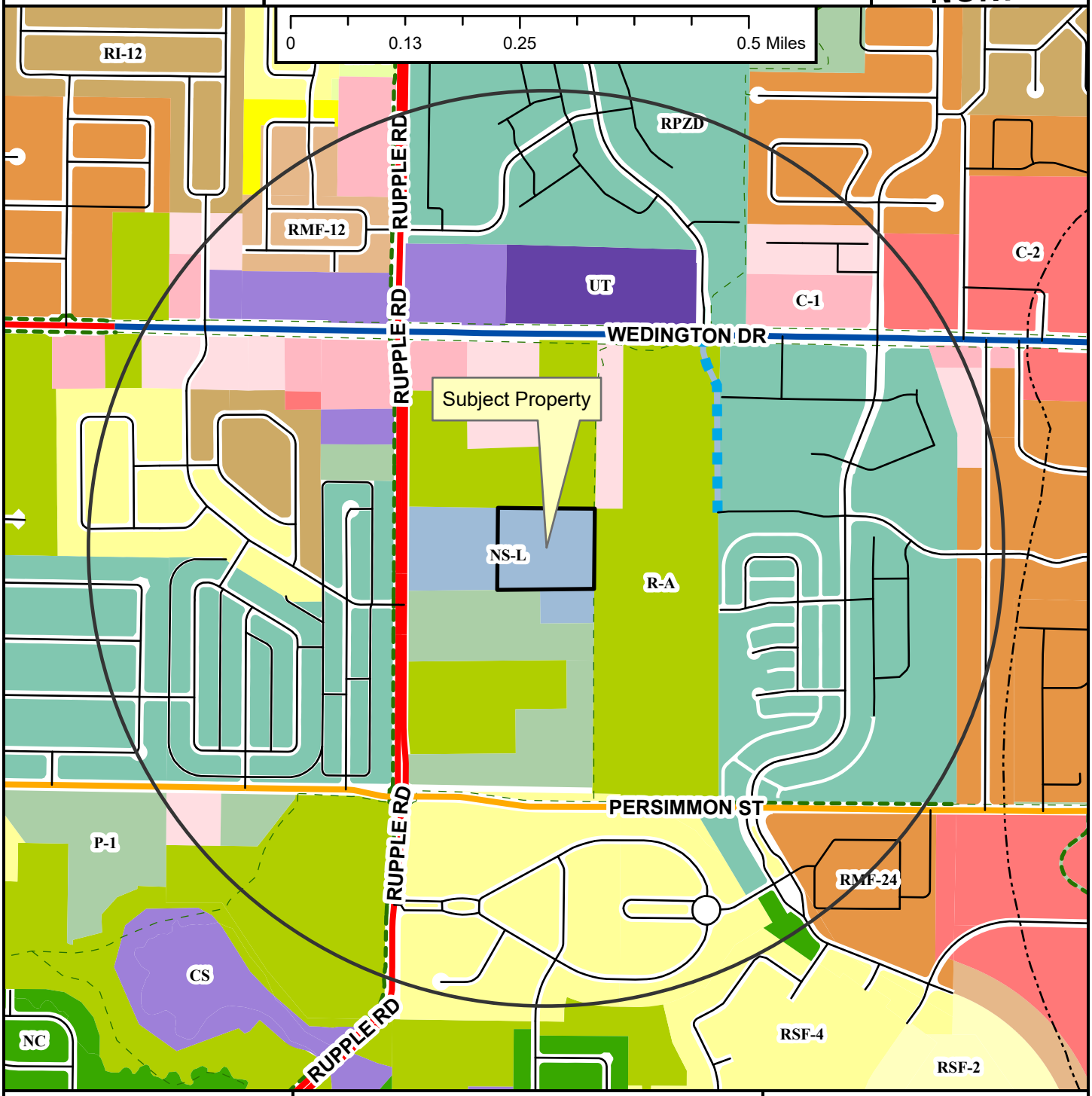
Thank you,
Robert Hileman

CUP-2023-0145

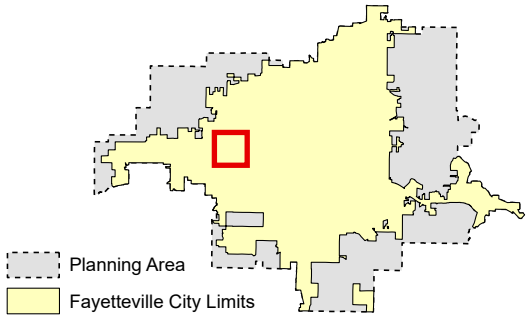
One Mile View

EAST OF N. RUPPLE RD

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
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Neighborhood Conservation

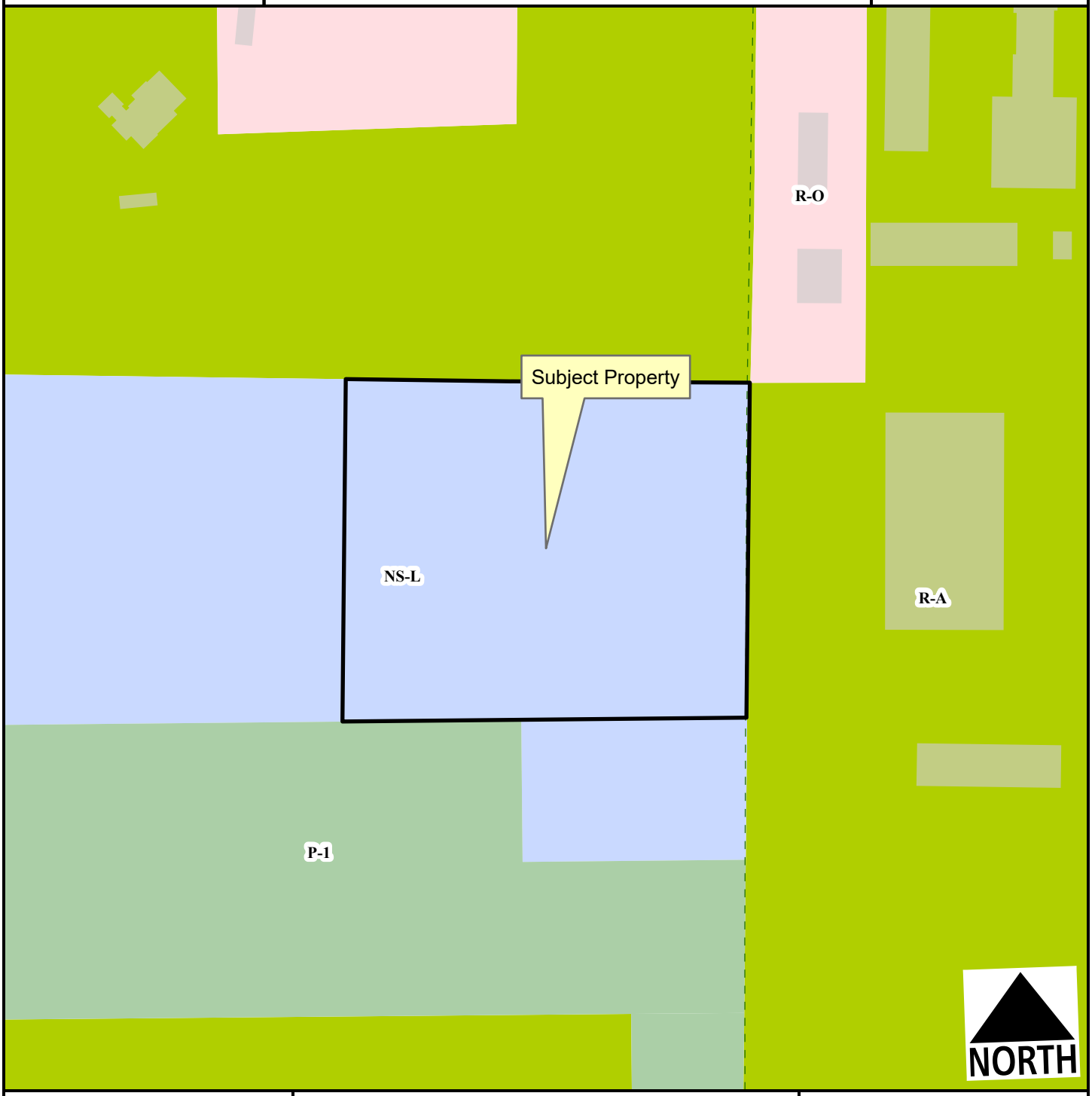
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0145

Close Up View

EAST OF N. RUPPLE RD



Planning Area
Fayetteville City Limits
Trail (Proposed)

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

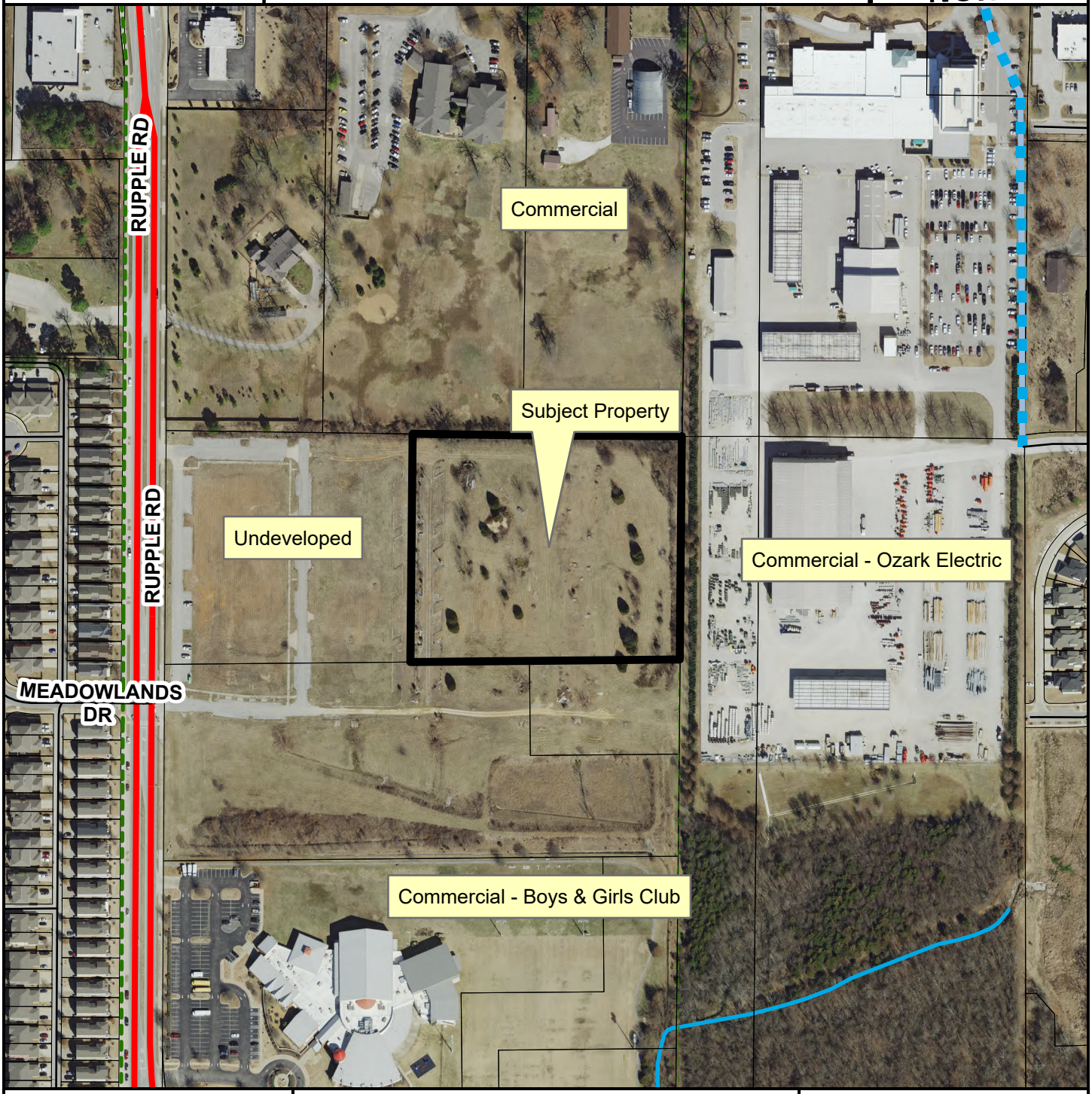
Residential-Agricultural
Residential-Office
Neighborhood Services - Ltd.
P-1

CUP-2023-0145

Current Land Use

EAST OF N. RUPPLE RD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0153: Conditional Use Permit (3538 N. HWY 112/KUBALD VENTURES LLC, 209):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 3538 N HWY 112. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.32 acres. The request is for 10,000 square foot warehouse and office space.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0153**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0153** with conditions, determining:*

- *In favor of compatibility with adjacent properties;*
- *In favor of a variance to §172.05(A) for maximum number of parking spaces;*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in north Fayetteville, just north of the former Hwy. 112 Drive-In Theater, approximately 0.7 miles north of I-49. The 1.32 acre property is zoned C-2, Thoroughfare Commercial. Improvements include a 21,837 sq. ft. office building. Surrounding land use and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Shopping Goods	C-2, Thoroughfare Commercial
South	Transportation Services	C-2, Thoroughfare Commercial
East	Undeveloped	C-2, Thoroughfare Commercial
West	Residential; Light Industrial; Warehouse	UT, Urban Thoroughfare

City Plan 2040 Future Land Use Designation: **Urban Center**

Proposal: The applicant requests conditional use permit approval to develop the property with a 10,000 sq. ft. warehouse and office space. Use Unit 21, Warehousing and Wholesale is a conditional use in the C-2, Thoroughfare Commercial zoning district. The applicant has described the use as follows:

- 1-8 adjustable lease spaces for contractors, approximately 25% of each would be office space

- Hours of operation would be up to 24 hours per day depending on tenant
- Variable number of employees depending on tenant

The applicant requests a variance to **§172.05(A)** which establishes maximum parking spaces allowed by use. Office spaces are allowed 1 space per 300 sq. ft. of GFA. Warehouses are allowed 1 space per 2,000 sq. ft. of GFA. According to the applicant's GFA calculations, 14 spots would be the maximum with an additional 3 permitted using by-right and site tree increases outlined in §172.05(A)(3). The proposed site plan includes 32 spaces, which is a 47% increase over the maximum allowed.

Staff recommendation: Staff finds that the expanded parking is compatible with the surrounding properties and appropriate for the proposed use of the subject property. Surrounding properties have large gravel lots which store heavy machinery, equipment, and vehicles. The proposed use of this space may necessitate increased parking spots above the maximum permitted by code. Though the form of the proposed site is a warehouse, functionally it will operate more like an office space for contractors. Tenant company vehicles, employee's personal vehicles, and delivery vehicles accessing the site may overload the 14 spots permitted by code. It appears that efforts have been taken to reduce the potential for blocking garage bays, as the spaces in front of each have been striped as loading areas.

The applicant also requests a variance to **§166.08(G)** which requires that non-conforming access features be brought into compliance with the development of a new primary structure on the property. UDC **§166.08(F)** Access Management requires curb cuts along Regional Links to be separated by a minimum of 250 feet. The subject property's driveway is separated from the driveway to the north by approximately 40 feet.

Staff recommendation: Staff finds that requiring alteration to the driveways may be unnecessary given proposed design plans for ArDOT improvements to Hwy. 112 that will alter the driveways (Exhibit A). The separation distance will be increased with the reconfiguration of Hwy. 112 and a 15-foot median will make both driveways right-in/right-out which will reduce the potential for vehicle conflicts. Approval of this variance for this property does not preclude any driveway modifications for future developments on adjacent properties.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0153,** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed warehouse and office space to be compatible with the surrounding area and uses for the reasons described in this report;*

2. **Planning Commission determination of a variance of §172.05(A), Standards For The Number of Spaces By Use, to allow more than a maximum of 14 parking spots.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
    a. *Parking spots will be revised to meet ADA requirements.*

3. **Planning Commission determination of a variance of §166.08(F), Access Management, and §166.08(G)**, **Non-Conforming Access Features,** to allow the non-conforming separation distance to remain. *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*

a. Approval of this variance does not preclude driveway modifications for future development(s) on the subject or adjacent properties.

4. Conditional use permit approval does not constitute development approval. The project as proposed shall also be submitted, reviewed, and approved for building permit;

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

PLANNING COMMISSION ACTION: Required YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for Use Unit 21 in the C-2 zoning district at 3538 N. Hwy. 112 (parcel 765-15822-000).

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.23 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 will not negatively affect the public interest, particularly given the scope of the proposed development and the surrounding land uses. The proposed structure is of a scale comparable to the existing warehouse facilities to the north and south, and the existing office building present on the west end of the subject property. The Future Land Use Map designates the property as an Urban Center, and the proposed development's focus on being a flex space is compatible.**

(c.) The Planning Commission shall certify:

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

Finding: **There are not specific rules governing the proposed use.**

(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: **Access to the site from N. Hwy 112 is available via a paved, shared driveway with a 24 ft. mutual access easement. Cross access is also provided from the adjacent property's driveway to the north. The separation distance between curb cuts for the subject property and northern properties driveways are non-conforming, with approximately 40 feet between them. The applicant has requested a variance to this standard, as described above.**

(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 provided above the ratio permitted for the warehouse and office space which would allow a maximum of 14 spaces. With permitted increases, the maximum number of parking spaces is 17. However, the most recent site plan shows 32 spaces, which is a 47% increase over the maximum allowed. The applicant has requested a variance to this standard, as described above.**

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

Finding: **The property is served by an on-site dumpster, which is screened by the building and appropriately enclosed.**

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

Finding: **Adequate utilities are currently available on the site. Water is located along Hwy. 112 and sanitary sewer runs along the eastern property line. During review of the proposed lot split (LSP-2023-0058), utility easements may need to be established to provide access to both lots.**

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

Finding: **Given the similar uses to the north, south, and east and the limited potential for off-site impacts such as glare from vehicle headlights, staff does not recommend screening or buffering.**

(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 the regulations therein.**

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

Finding: **The proposed development meets setback and landscaping requirements for the district.**

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

Finding: **Staff finds the proposed use to be compatible with the surrounding uses. As noted above, the applicant's proposal for a single-story warehouse is**

complimentary to the surrounding properties. To the north, south, and east warehouses for transportation and construction trades are complimentary to the proposed development. To the west, property is undeveloped.

(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. Specifically, City Plan 2040 established the area as an Urban Center area in its Future Land Use Map. An Urban Center area is meant to allow for intense and dense development with a variety of buildings types and uses. However, the proposed development is designed to be a flex space, providing space for a variety of uses that is ultimately compatible with the future land use designation.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
  - §161.23, C-2, Thoroughfare Commercial
  - §172.05, Standard For The Number of Spaces By Use
  - §166.08, Street Design and Access Management Standards
- Exhibit A – ArDOT Project Design, Job 040746
- Applicant Request Letter
- Site Plan
- Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback Regulations.*

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

Urban Form Setback Regulations:

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

(F) *Building Height Regulations*.

Building Height Maximum	6 stories*

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

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

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6164 , §§1, 6, 7, 4-2-19; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §5, 1-18-22)

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

Commercial

Agricultural supply	1 per 500 sq. ft. of GFA
Amusement	1 per 200 sq. ft. of GFA
Auditorium	1 per 4 seats
Auto/motorcycle service stations	4 per each enclosed service bay
Bank	1 per 200 sq. ft. of GFA
Barber or beauty shop	2 per chair
Building/home improvement supply	1 per 500 sq. ft. of GFA
Coin-operated laundry	1 per 3 machines
Dry cleaning	1 per 300 sq. ft. of retail area and 1 per employee
Hotels and motels	1 per guest room, plus 75% of spaces required for accessory uses.
Furniture and carpet store	1 per 500 sq. ft. of GFA
Plant nursery	1 per 1,000 sq. ft of indoor/outdoor retail area
Restaurants	1 per 100 sq. ft. GFA plus 4 stacking spaces per drive-thru window.
Retail	1 per 250 sq. ft. of GFA
Retail fuel sales with convenience stores	1 per 250 sq. ft. of retail floor area. Owner may count spaces at pump islands as parking spaces.
Retail fuel sales only	1 per employee. Owner may count spaces at pump islands as parking spaces.

Office

Medical/Dental office	1 per 250 sq. ft. of GFA
Professional office	1 per 300 sq. ft. of GFA
Sales office	1 per 200 sq. ft. of GFA

Public and Institutional Uses
Nonprofit Commercial

Art gallery, library, museum	1 per 1,000 sq. ft. of GFA
Auditorium	1 per 4 seats, provided only auditorium space is counted in determining parking
Child care center, nursery school	1 per employee plus on-site loading and unloading spaces at a rate of 1 per 10 children accommodated

Church/religious institution	1 per 4 seats in the main auditorium or 1 per 40 sq. ft. of assembly area, whichever provides more spaces
College auditorium	1 per 4 seats
College dormitory	1 per sleeping room
College or university	1 per 500 sq. ft. of classroom area
Community center	1 per 250 sq. ft. of GFA
Cooperative housing	1 per 2 occupants
Convalescent home, assisted living, nursing home	1 per 2 beds
Detention home	1 per 1,500 sq. ft. of GFA
Elderly Housing	1 per 2 units
Funeral homes	1 per 4 seats in main chapel plus 1 per 2 employees plus 1 reserved for each vehicle used in connection with the business
Government facilities	1 per 500 square feet of floor area
Hospital	1 per bed
Convalescent home	1 per bed
School—elementary and junior high	1 per employee plus 1 space per classroom
School—senior high	1 per employee plus 1 per 3 students based on design capacity, or 1 per 6 seats in auditorium or other places of assembly, whichever is greater
Zoo	1 per 2,000 sq. ft. of land area
All other public and institutional uses (only auditorium space shall be counted for churches, auditoriums, or group occupancy space)	1 per 4 occupants

Manufacturing/Industrial

Manufacturing	1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater
Heavy industrial	1 per 1,200 sq. ft. of GFA
Extractive uses	Adequate for all employees, trucks, and equipment

Recreational Uses

Amusement park, miniature golf	1 per 1,000 sq. ft. of site area
Bowling alley	6 per lane
Commercial recreation	1 per 200 sq. ft. of GFA
Commercial recreation-large sites	1 per 1,000 sq. ft. of site area
Dance hall, bar or tavern	1 per 50 sq. ft. of GFA, excluding kitchen
Golf course	3 per hole
Golf driving range	1 per tee box
Health club, gym	1 per 150 sq. ft. of GFA
Regional or community park	2 per acre of accessible active and passive space
Neighborhood park	None
Private club or lodge	1 per 500 sq. ft. of GFA or 1 per 3 occupants based on the current adopted Standard Building Code whichever is greater
Riding stable	1 per acre; not required to be paved

Tennis court	2 per court
Theater	1 per 4 seats
All other recreational uses	1 per 4 occupants

Warehousing and Wholesale

Warehousing	1 per 2,000 sq. ft. of GFA
Wholesale	1 per 1,000 sq. ft. of GFA
Center for collecting recycled materials	1 per 1,000 sq. ft. of GFA

(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)

166.08 Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) *Extensions.* All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) *Substandard Widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) *Street Names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) *Street Standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

(1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

(a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
(b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
(c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
(d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.

(3) *Connectivity.* Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

(4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

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

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

(2) Separation for two (2) family, three (3) and four (4) 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.

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

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.
(b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.

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

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

(G) *Non-Conforming Access Features.*

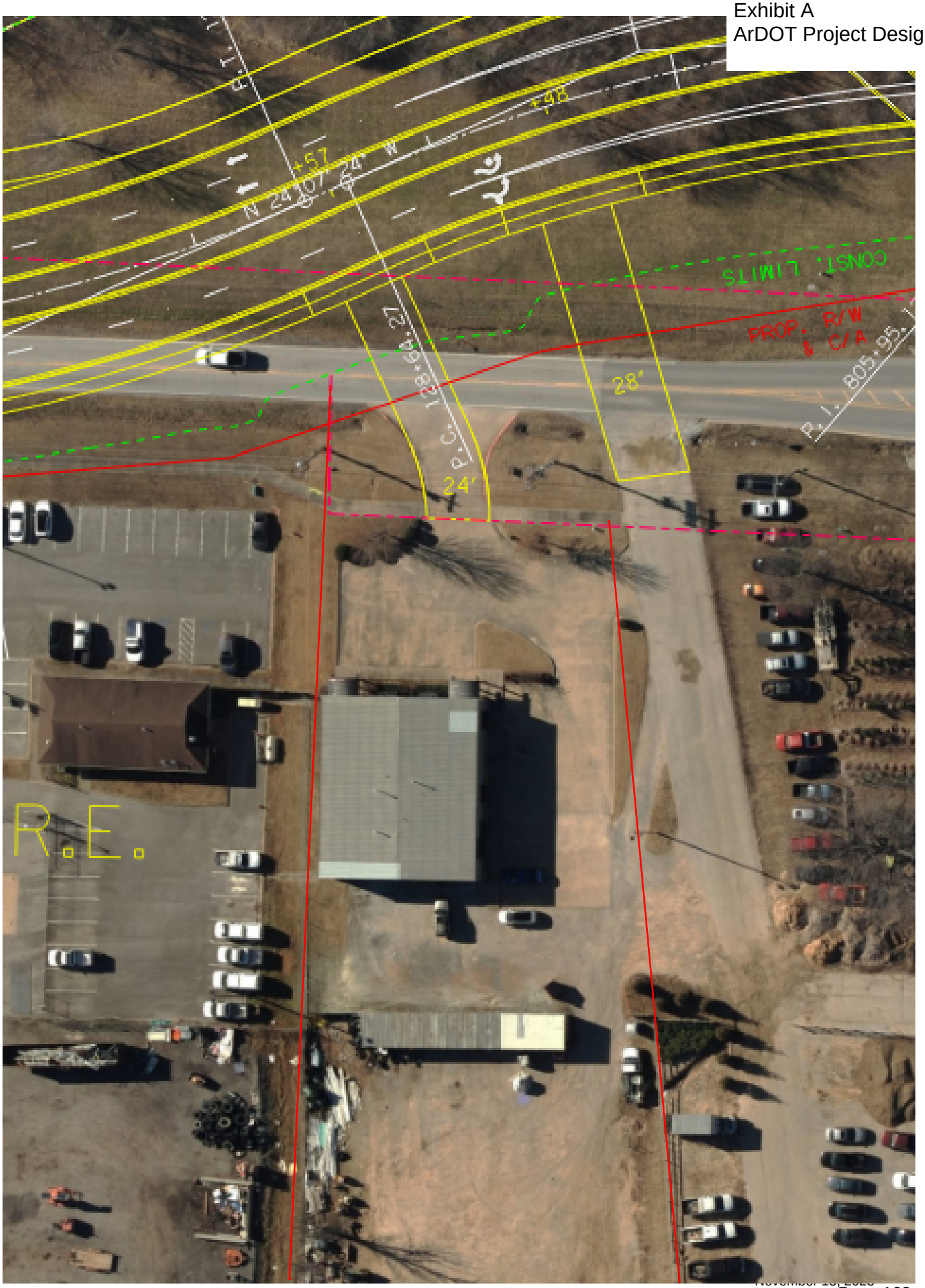
(1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;
(b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor; or
(c) As roadway improvements allow.
(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

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

Exhibit A
ArDOT Project Design



McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

1580 East Stearns Street
Fayetteville, AR 72703
(479) 443.2377 P | (479) 443.9241 F
mce.us.com

November 8, 2023

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

RE: Conditional Use Request for Hwy. 112 Flex Space

Planning Commission,

Please accept this Conditional Use request to allow Use Unit 21, Warehousing, within District C-2, Thoroughfare Commercial. In addition, parking above the maximum allowed is also requested.

The proposed development will be located east of the building at 3538 Hwy. 112 in Fayetteville. Submitted concurrently with this request, Washington County parcel 765-15824-001 will be split creating the subject property. The new 0.82-acre lot will showcase a proposed flex space building providing an opportunity for area contractors to have adjustable lease space for operations, temporarily storage of project specific materials and/or equipment. The minimum number of available bays for lease would be one (1) with up to a maximum of eight (8) bays. Office space is anticipated for 25% of each lease bay, the remainder to be unfinished open space.

This new development will consist of a single-story 10,000 SF of leasable building space and 32 parking stalls for use by both clients and tenants. The hours of operation will be up to 24 hours a day with a variable number of employees that each tenant could have. Outdoor lighting will be proposed and provided with the permit plan submittal. Excessive noise pollution is not anticipated for the development and will primarily be during, but not limited to, daylight hours. This development is providing sufficient buffering & landscape space to meet City requirements, along with proposed screening of the dumpster provided by a privacy fence and the building. Ingress & egress of the property will be secured with an access easement associated with the concurrent lot split. Minimal traffic impact is expected to Hwy. 112 and the adjacent properties. The proposed development, in relation to the surrounding properties (ArDOT maintenance facility and Tomlinson Asphalt for example), will be highly compatible in terms of usage.

We are seeking two variances for this development:

1. A parking variance (Section 172.05(A) – Standards For The Number Of Spaces By Use):
   We are proposing 15 stalls over the allowed maximum of 17. We are seeking a variance of this section to provide additional parking stalls which will allow tenants to park company work vehicles and trailers while still providing parking for employees' personal vehicles.
2. A driveway non-conformance variance (Section 166.08(g) & (f) – Street Design & Access Management Standards):
   Currently there are 2 driveways that do not conform to Access Management Standards. We are seeking a variance of this section as ArDOT will be realigning Hwy. 112 in the near future and has plans to reconfigure the driveways.

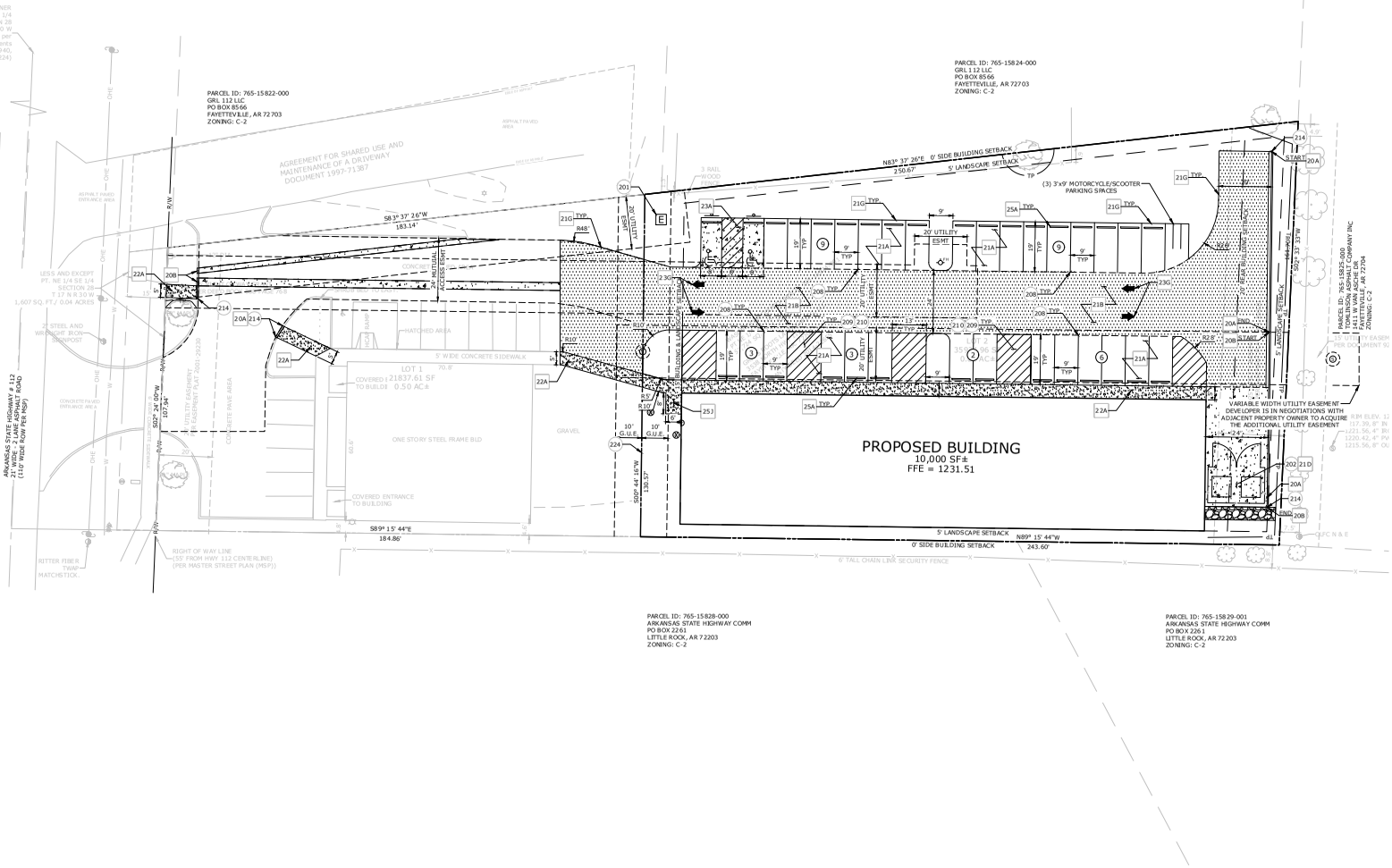
If you should have any questions, please do not hesitate to contact me. We appreciate your continued support of this project.

Sincerely,
McClelland Consulting Engineers, Inc.

James Dibble
Assistant Project Manager
(479) 443.2377
jdibble@mce.us.com

GENERAL SITE NOTES

1. CONTRACTOR SHALL RETAIN A FULL SET OF LATEST APPROVED CONSTRUCTION PLANS ON SITE DURING CONSTRUCTION ACTIVITIES.
2. CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED THE SITE WORK SPECIFICATIONS PROVIDED BY McCLELLAND CONSULTING ENGINEERS, INC. OR AS SPECIFIED BY THE OWNER'S RESIDENT REPRESENTATIVE.
3. ALL CONSTRUCTION WORK AND UTILITY WORK OUTSIDE OF PROPERTY BOUNDARIES SHALL BE PERFORMED IN COORDINATION WITH AND IN ACCORDANCE WITH REGULATIONS OF THE AUTHORITIES CONCERNED.
4. PUBLIC CONVENIENCE AND SAFETY:
   THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS ALONG AND ADJACENT TO HIGHWAYS IN THE CONSTRUCTION AREA IN AN ADEQUATE AND SATISFACTORY MANNER IN ACCORDANCE WITH THE AR DOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
5. UNLESS OTHERWISE NOTED, ALL CURBING INDICATED SHALL BE 18" CONCRETE CURB AND GUTTER.
6. ALL DIMENSIONS, UNLESS OTHERWISE NOTED, ARE FROM THE FACE OF CURB, FACE OF BUILDING, OR CENTERLINE OF STRIPE.
7. CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR EXACT BUILDING LOCATION, DIMENSIONS, AND UTILITY ENTRANCE LOCATIONS.
8. CONTRACTOR SHALL REFER TO PROJECT SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS.
9. ALL RADII FOR CURBS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
10. ALL RADII ON CURBS ARE 3'-0" UNLESS OTHERWISE NOTED.
11. GENERAL CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
12. FOR SITE UTILITIES, SEE UTILITY PLAN(S).
13. ALL WORK TO BE DONE IN STRICT ACCORDANCE WITH MCE'S STANDARD SITE SPECIFICATIONS.
14. CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION LAYOUT AND STAKING (UNLESS APPROVED OTHERWISE BY THE ENGINEER OF RECORD).



ZONING : C-2, PLAT PAGE 209

PLAN SCALE
20 0 10 20 40
(1IN FEET)
1 inch = 20ft.

EXISTING LEGEND

PROPERTY LINE		POWER POLE	
RIGHT OF WAY	R/W	GUY WIRE w/ ANCHOR	
SANITARY SEWER LINE		GAS METER	
WATER LINE	W	GAS RISER	
GAS LINE	GAS	STREET LIGHT POLE	
UNDERGROUND TELEPHONE	UGT	TELEPHONE PEDESTAL	
UNDERGROUND ELECTRIC	UGE	CABLE TV PEDESTAL	
UNDERGROUND TELEVISION	UGTV	CABLE VAULT	
UNDERGROUND FIBER	UFO	ELECTRIC VAULT	
OVERHEAD ELECTRIC	OHE	FIBER VAULT	
FENCE		GAS VAULT	
ROAD CENTERLINE		TELEPHONE VAULT	
DITCH FLOWLINE		WATER VAULT	
EASEMENT LINE		SIGN (AS NOTED)	
GRAVEL LINE		POST (AS NOTED)	
FIRE HYDRANT		BENCHMARK	
WATER METER		FOUND IRON PIN (AS NOTED)	
WATER VALVE		CONTROL POINT	
WATER FAUCET		RR SPIKE	
SANITARY SEWER MH		BUSH	
CLEAN-OUT		DECIDUOUS TREE	
DRAINAGE MH		CONIFEROUS TREE	

PROPOSED LEGEND

- CURB AND GUTTER
- EASEMENT
- SETBACK
- PAINTED / THERMOPLASTIC STRIPING
- ASPHALT PAVEMENT
- CONCRETE PAVEMENT
- CONCRETE SIDEWALK
- SANITARY SEWER MANHOLE
- PARKING STALL COUNT
- FIRE HYDRANT
- WATER METER
- ELECTRICAL TRANSFORMER

SITE KEYNOTES

201 TRANSFORMER PAD (PER ELECTRIC COMPANY REQUIREMENTS)
202 WOOD FENCED SCREENING TRASH ENCLOSURE
208 4" WIDE PAINTED WHITE PARKING STRIPES
209 4" WIDE PAINTED STRIPES, 24" O.C. @ 45° (SEE COLOR INDICATED AT SYMBOL)
210 LOADING ZONE
214 TAPER CURB HEIGHT FROM 6" TO 0" OVER 2'
224 PROPOSED LOT LINE

SITE DETAILS

20A TYPE 'A' STANDARD CONCRETE CURB & GUTTER
20B TYPE 'A' INTEGRAL CONCRETE CURB & GUTTER
21A STANDARD DUTY ASPHALT PAVEMENT
21B HEAVY DUTY ASPHALT PAVEMENT
21D HEAVY DUTY CONCRETE PAVEMENT
21G THICKENED EDGE OF PAVEMENT
22A CONCRETE SIDEWALK
23A 90° PARKING / ADA ACCESSIBLE PARKING SPACE STRIPING
23G THROUGH LANE ARROW PAVEMENT MARKING
25A WHEEL STOP
25J BIKE RACK

SITE DATA

OVERALL SITE AREA	35,924 S.F.	0.82 AC
PARKING SPACE REQUIREMENTS	MAXIMUM ALLOWED	PROVIDED
USE: WAREHOUSE & OFFICE SPACE (WAREHOUSE = 1 SPACE / 2,000 SF) PROPOSED: 7,000 SF (OFFICE SPACE = 1 SPACE / 300 SF) PROPOSED: 3,000 SF	14	29
	ADDITIONAL ALLOWED	PROVIDED
BY RIGHT (15% INCREASE ABOVE MAX ALLOWED)	2	2
SITE TREES (5% INCREASE ABOVE MAX ALLOWED)	1	1
TOTAL PARKING STALLS	17	32
ADA PARKING STALLS	2	2
MOTORCYCLE / SCOOTER REQUIREMENTS	REQUIRED	PROVIDED
1 STALL / 25 PARKING SPACES	1	3
BIKE RACK REQUIREMENTS	REQUIRED	PROVIDED
1 RACK / 20 PARKING SPACES	1	1
ZONING	C-2 (THOROUGHFARE COMMERCIAL)	
FRONT SETBACK	15' (50' IF PARKING IS ALLOWED BETWEEN RIGHT-OF-WAY & BUILDING	
REAR SETBACK	20'	
SIDE SETBACK	NONE (15' WHEN CONTIGUOUS TO A RESIDENTIAL DISTRICT)	
MAXIMUM BUILDING HEIGHT	6 STORIES (IF A BUILDING EXCEEDS THE HEIGHT OF TWO (2) STORIES, THE PORTION OF THE BUILDING THAT EXCEEDS TWO (2) STORIES SHALL HAVE AN ADDITIONAL SETBACK FROM SIDE BOUNDARY LINE OF AN ADJACENT RESIDENTIAL DISTRICT. THE AMOUNT OF ADDITIONAL SETBACK FOR THE PORTION OF THE BUILDING OVER TWO (2) STORIES SHALL BE EQUAL TO THE DIFFERENCE BETWEEN THE TOTAL HEIGHT OF THAT PORTION OF THE BUILDING, AND TWO (2) STORIES)		
PROPOSED BUILDING COVERAGE CALCULATION	MAXIMUM	PROVIDED
	60% (21,554 SF)	27.84% (10,000 SF)
PROPOSED BUILDING AREA	10,000 SF	
GREENSPACE REQUIREMENTS	REQUIRED	PROVIDED
PERVIOUS AREA (MINIMUM)	20% (7,185 SF)	26.22% (9,420 SF)
IMPERVIOUS AREA (MAXIMUM) (EXISTING IMPERVIOUS AREA = 26,477 SF - NO OSP REQUIRED)	80% (28,739 SF)	73.78% (26,504 SF)

McCLELLAND CONSULTING ENGINEERS, INC.
Planning • Civil • Surveying
Fayetteville, AR 72703

PRELIMINARY NOT FOR CONSTRUCTION

ORIGINAL SIGNATURE ON FILE

HWY. 112 FLEX & WAREHOUSE SPACE
HWY. 112
FAYETTEVILLE, AR

CUP-2023-0153 (KUBAL DVENTTUPE)

811 Know what's below. Call before you dig.

REV	DATE	DESCRIPTION
		REVISIONS

SITE PLAN

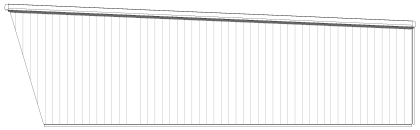
DESIGNED BY: JAD	DRAWN BY: JAD
DATE: 11/8/2023	REVISION: REV-1
SCALE: AS NOTED	JOB NUMBER: 23-2150

C2.00

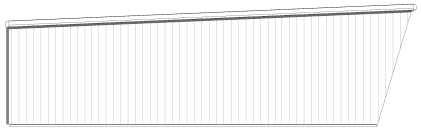
W:\2023\23-2150 - Fayetteville, AR - 3538 N. Hwy 112\Design Drawings\232150-SP.dwg, PRINTED ON: November 8, 2023 @ 7:58 AM

⑥ **LUMION RENDERING**
SCALE: 6" = 1'-0"

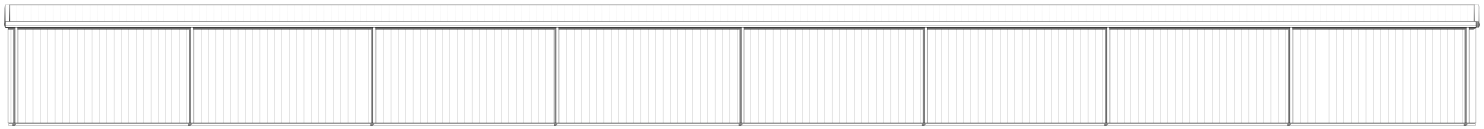
⑤ **LUMION RENDERING**
SCALE: 6" = 1'-0"



④ **WEST ELEVATION**
SCALE: 1/8" = 1'-0"



③ **EAST ELEVATION**
SCALE: 1/8" = 1'-0"



② **SOUTH ELEVATION**
SCALE: 1/8" = 1'-0"

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

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ARCHITECT:
JUSTIN S. GILMORE
LEVEL 5 ARCHITECTURE

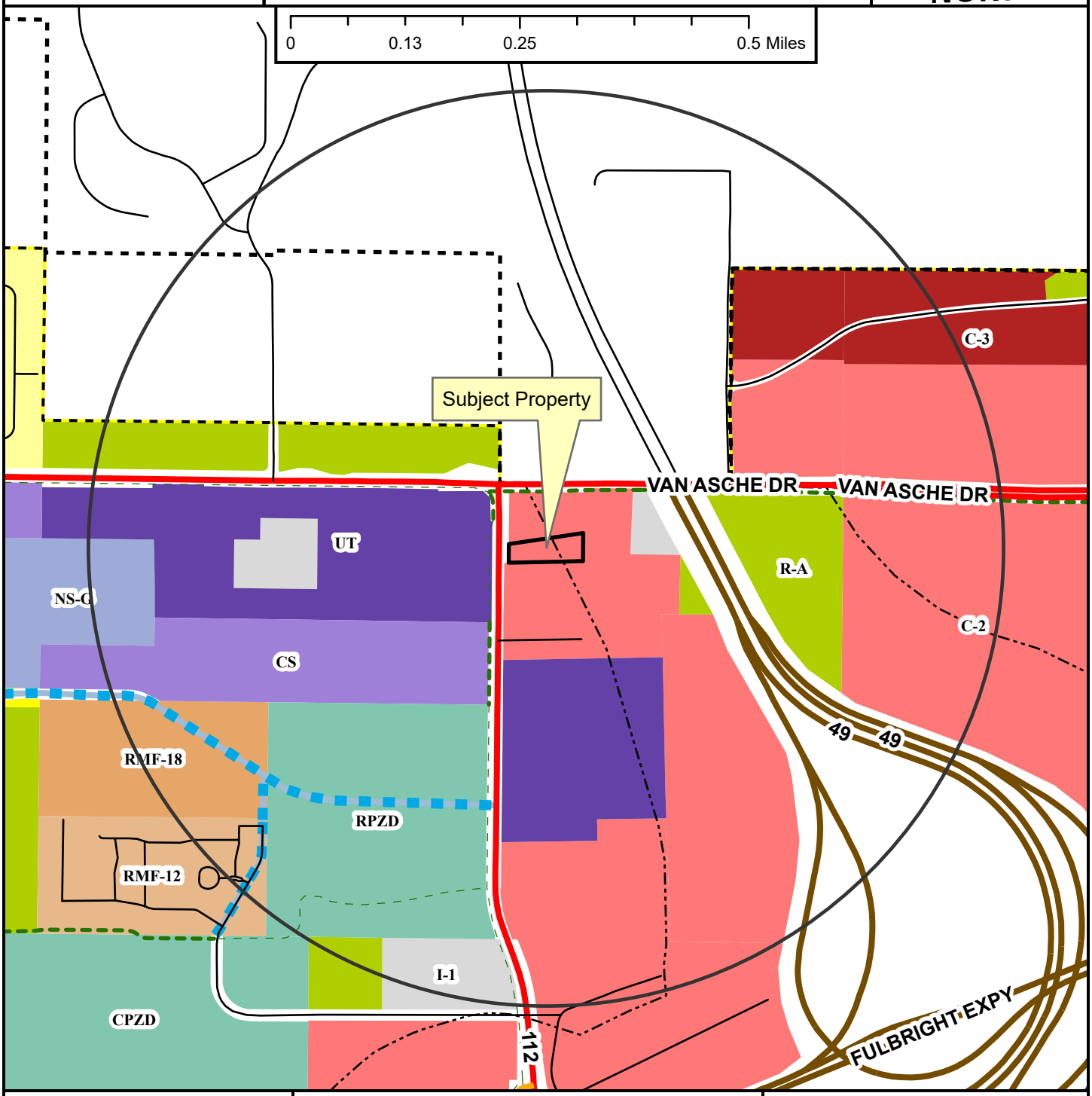
6/28/2023 4:08:12 PM

CUP-2023-0153

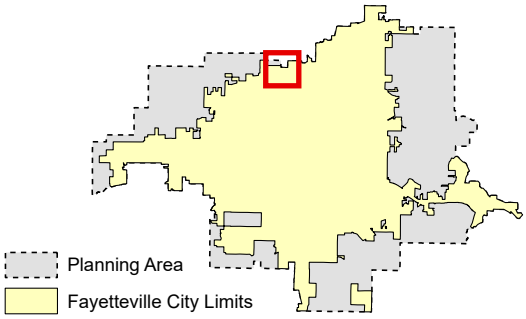
One Mile View

3538 N. HWY 112

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

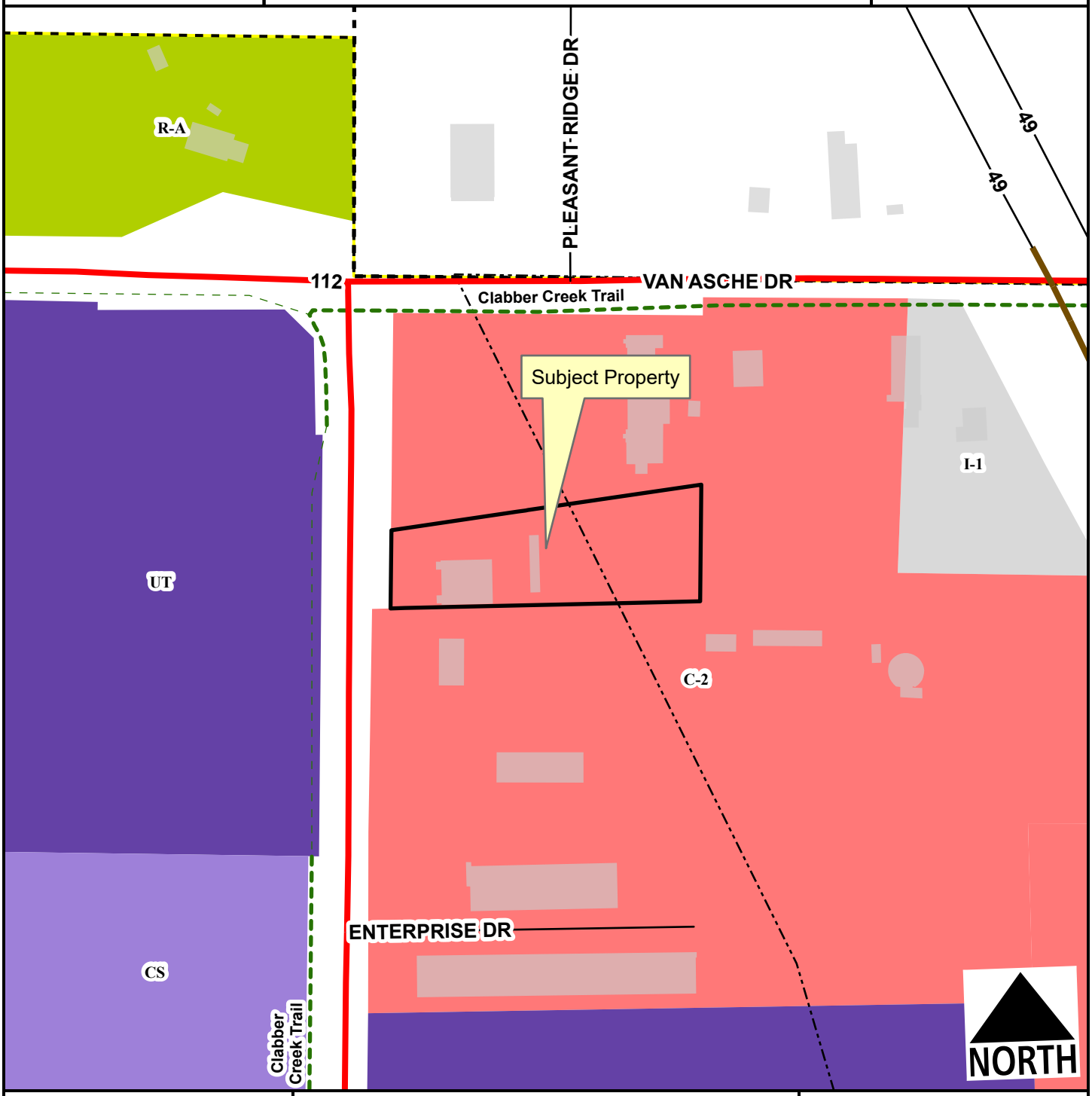
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0153

Close Up View

3538 N. HWY 112



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

Feet

0 75 150 300 450 600

1:2,400

Residential-Agricultural
I-1 Heavy Commercial and Light Industrial
C-2
Urban Thoroughfare
Community Services

CUP-2023-0153

Current Land Use

3538 N. HWY 112

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0138: Conditional Use Permit (W. RUTLEDGE LN & S. OAK RD/BOX PROPERTY HOLDINGS LLC, 558):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC. for property located at W. RUTLEDGE LN. & S. OAK RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FMILY, FOUR UNITS PER ACRE and contains approximately 0.31 acres. The request is for approval of Use Unit 9, to allow for two-family structures.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0138** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0138** with conditions, determining:*

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

BACKGROUND:
The subject property is located on the west side of W. Martin Luther King Jr. Blvd/I-49, north of W. Martin Luther King Jr. Blvd. approximately ¼ north of the Walmart Supercenter. The property totals approximately 0.31 acres and is currently undeveloped. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single Family, 4 Units Per Acre
South	Auto-Oriented Commercial	C-2, Thoroughfare Commercial
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

FUTURE LAND USE DESIGNATION: **City Neighborhood Area**

Request: Request: The applicant requests approval of a conditional use permit to allow development of two-family structures. No final site plans, floor plans, or elevations have been provided at this time; however, an example set of building plans have been provided for illustrative purposes. The duplexes included in the example plans are two-storied and each unit is roughly 1,000 square feet.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0138,** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for two-family structures for W. Rutledge Ln & S. Oak Rd (PID 765-10559-000).** *Staff finds the proposed two-family structure use is compatible for the reasons outlined in this report;*

2. **Compliance with §166.23 Urban Residential Design Standards shall be fully reviewed at building permit and other permit submittals.**

3. **Driveway access and parking on the property shall be subject to the requirements outlined in §172.11- Driveway and Parking Standards for Four (4) or Less Spaces to ensure compatibility to the single-family nature of the neighborhood.**

4. **All driveways, parking lot drive aisles, and parking spaces be located to the side or rear of the buildings to minimize the appearance of a large parking area.**

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

PLANNING COMMISSION ACTION: Required YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

Section 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 two-family dwellings. Two-family dwellings are conditionally allowed 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 §161.10 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit will not adversely affect the public interest. Two-family structures are subject to §166.23 Urban Residential Design Standards, including requirements for vehicle access, pedestrian circulation, screening, fencing, and architectural design standards. Due to the size of the lot, the zoning limits the total number of dwelling units to two (7 or fewer units per acre), subject to tree preservation, parking, and other city requirements.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing two-family structures.**

(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: **No site plan has been provided at this time. The property has frontage onto W. Rutledge Ln., a Residential Link Street. Access for two family structures are required to maintain separation distances of 50 feet from adjacent intersections or driveways and curb cuts may not be located in the radius return of an adjacent curb cut or intersection. As the parcel is less than 100 feet in width, staff recommends a condition that only one driveway will be permitted onto W. Rutledge Ln., subject to requirements of §172.11- Driveway and Parking Standards for Four (4) or Less Spaces.**

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

Finding: **No site plan has been provided at this time. Two-family structures are required to be parked at two parking spaces per dwelling unit. With a maximum allowed density of two residential units, staff anticipates up to four parking spaces. Staff recommends a conditions that the property shall be subject to the requirements of §172.11- Driveway and Parking Standards for Four (4) or Less Spaces, including the requirement that driveways and parking areas shall be limited to a maximum of 40% of the front yard area. Additionally, staff recommends that all driveways, parking lot drive aisles, and parking spaces be located to the side or rear of the buildings to minimize the potential appearance of a large parking area.**

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

Finding: **No site plan has been provided at this time. Refuse and service areas, as well as off-street parking and loading will be reviewed with future development permits. Two-family structures are subject to §166.23 Urban Residential Design Standards, which require screening of trash and recycling facilities with materials complementary to the principle structures with access not visible from the public right-of-way. Additionally, the recycling and trash division may exercise discretion in requiring enclosures for dumpster and recycling containers and associated screening.**

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

Finding: **An existing 6-inch water main and a 2.25-in water main are present in W. Rutledge Ln. Capacity will be reviewed with future development permits.**

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

Finding: **Two-family structures are subject to §166.23 - Urban Residential Design Standards, which has requirements regarding the screening of trash and recycling facilities, screening of mechanical and utility equipment, and**

standards on fence heights and allowed materials.

(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 the regulations therein.**

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

Finding: **A plan has not been provided at this time. An example architectural plan has been provided that appears to meet design standards intent for primary entries facing the street. Compliance with zoning and development standards will be reviewed with building permit submittal. Two family-structures are subject to lot width minimums of 80 feet and lot area minimums of 12,00 square feet (6,000 square feet per dwelling unit). Setbacks are 15 feet for the front and rear and 5 feet for the side.**

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

Finding: **Staff finds that the proposal is compatible with adjacent properties. The parcel is less than 300 feet north of W. Martin Luther King Jr. Boulevard, a Regional High Activity Link, and less than ¼ mile from the Walmart Supercenter. The area includes single family, two-family, PZDs, and cluster housing developments in a wide range of zoning densities nearby, and the addition of a single two-family structure will provide an opportunity for missing middle housing within a neighborhood context. Further, two-family structures are subject to §166.23 - Urban Residential Design Standards, which includes site design regulations such as pedestrian entries fronting public right-of-way which connect to the street, continuous site circulation, minimized visual impact of parking lots on surrounding properties, and architectural design standards that promote variety of building forms.**

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

Finding: **Staff finds that the proposal is compatible with adjacent properties. City 2040 plan encourages a range of housing types to encourage housing affordability and diversity of choice. Two-family structures are subject to additional design regulations such as requirements for pedestrian entries fronting public streets and pedestrian circulation that align with city plans encouraging active transportation and increasing diversity of housing choice promotes affordability. Further, the future land use plan designates this area as city neighborhood, which encourages a wide spectrum of uses and "density in all housing types."**

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
    - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- Request letter
- Example Architectural Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

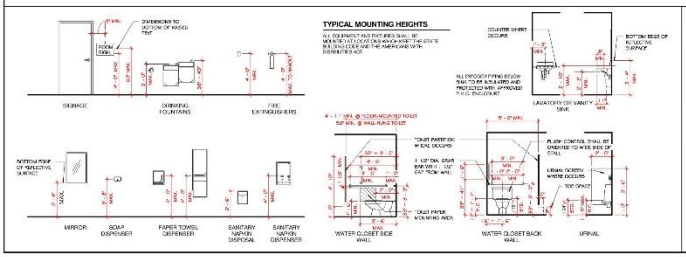
(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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

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."

1927 New Duplex Residence
Tract 8 - S. Duncan Ave
Fayetteville Arkansas 72701

NOT FINAL DESIGN
FOR ILLUSTRATION ONLY



PROJECT TEAM DATA

ARCHITECT: KEY ARCHITECTURE INC.
P.O. BOX 748
FAYETTEVILLE, ARKANSAS 72702

CONSULTANTS
STRUCTURAL:
MECHANICAL:
CIVIL:

Sheet Index	
#	Sheet Name
A0.1	Site Plan
A2.1	Elevations
A2.2	Wall Section
A0.0	COVER SHEET
A1.1	Plans

IT IS EXPRESSLY UNDERSTOOD THAT THE ARCHITECT SHALL NOT PERFORM CONSTRUCTION ADMINISTRATION SERVICES, UNLESS AND ONLY TO THE EXTENT SPECIFICALLY REQUESTED BY THE CLIENT AS ADDITIONAL SERVICES. ACCORDINGLY, THE ARCHITECT SHALL NOT BE LIABLE TO THE CLIENT, TO THE OWNER OR TO ANY PARTY WORKING FOR OR THROUGH THE CLIENT OR THE OWNER, FOR ERRORS OR OMISSIONS IN THE CONSTRUCTION DOCUMENTS, WHICH ARE, OR WHICH UPON THE EXERCISE OF REASONABLE CARE SHOULD HAVE BEEN, DISCOVERED DURING THE CONSTRUCTION OF WORK. LIKEWISE, THE ARCHITECT SHALL NOT BE LIABLE TO THE CLIENT, TO THE OWNER OR TO ANY PARTY WORKING FOR OR THROUGH THE CLIENT OR THE OWNER, FOR ANY CHANGES IN DESIGN OR CONSTRUCTION MADE SUBSEQUENT TO THE PRIOR WRITTEN APPROVAL OF THE ARCHITECT. THE CLIENT AND/OR THE OWNER SHALL HOLD HARMLESS, INDEMNIFY AND DEFEND THE ARCHITECT FROM AND AGAINST ANY AND ALL CLAIMS OR CAUSES OF ACTION FOR COST OR DAMAGES WHICH IS ARE DISCOVERED OR UPON THE EXERCISE OF REASONABLE CARE SHOULD HAVE BEEN DISCOVERED BY THE OWNER OR CONTRACTOR, AND WHICH ARE NOT BROUGHT TO THE ARCHITECT'S ATTENTION FOR REVIEW AND ACTION BEFORE FURTHER WORK IS PERFORMED, IN ARISE FROM CHANGES IN CONSTRUCTION AND/OR DESIGN NOT APPROVED IN WRITING BY THE ARCHITECT, AND/OR IN FOR ERRORS OR OMISSIONS OF THE CONTRACTOR OR OF OTHER CONSULTANTS TO THE CLIENT AND/OR OWNER.

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME, OR UNDER MY SUPERVISION. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THESE PLANS AND SPECIFICATIONS ARE AS REQUIRED BY LAW AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS, WITH THE REQUIREMENTS OF THE MUNICIPAL AUTHORITY AND ALL FEDERAL REGULATIONS.

BY: DATE: 05/14/13

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

Final

Revision Schedule

Rev. #	Date	Description

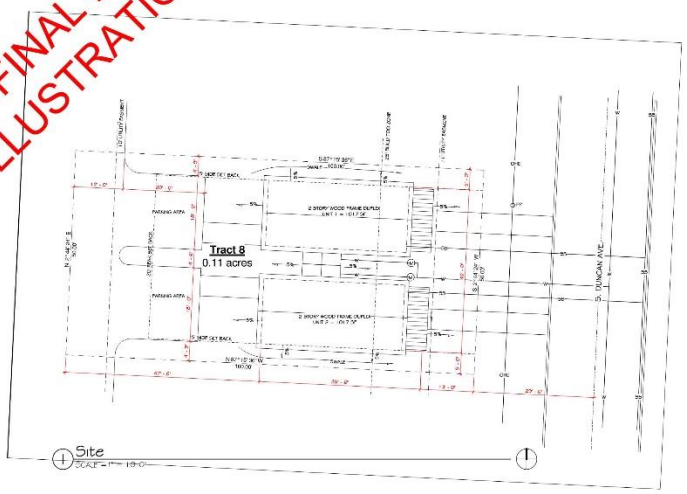
New Duplex Residence
Tract 8 - S. Duncan Ave
Fayetteville Arkansas 72701

Roddey Residential Properties
867 N. Main
Bentonville Arkansas 72712

DATE	DRAWN BY
05/14/13	Designer
PROJECT #	CHECKED BY
1927	Checker

SHEET
A0.0
COVER SHEET

NOT FINAL DESIGN
FOR ILLUSTRATION ONLY



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

Final

Revision Schedule

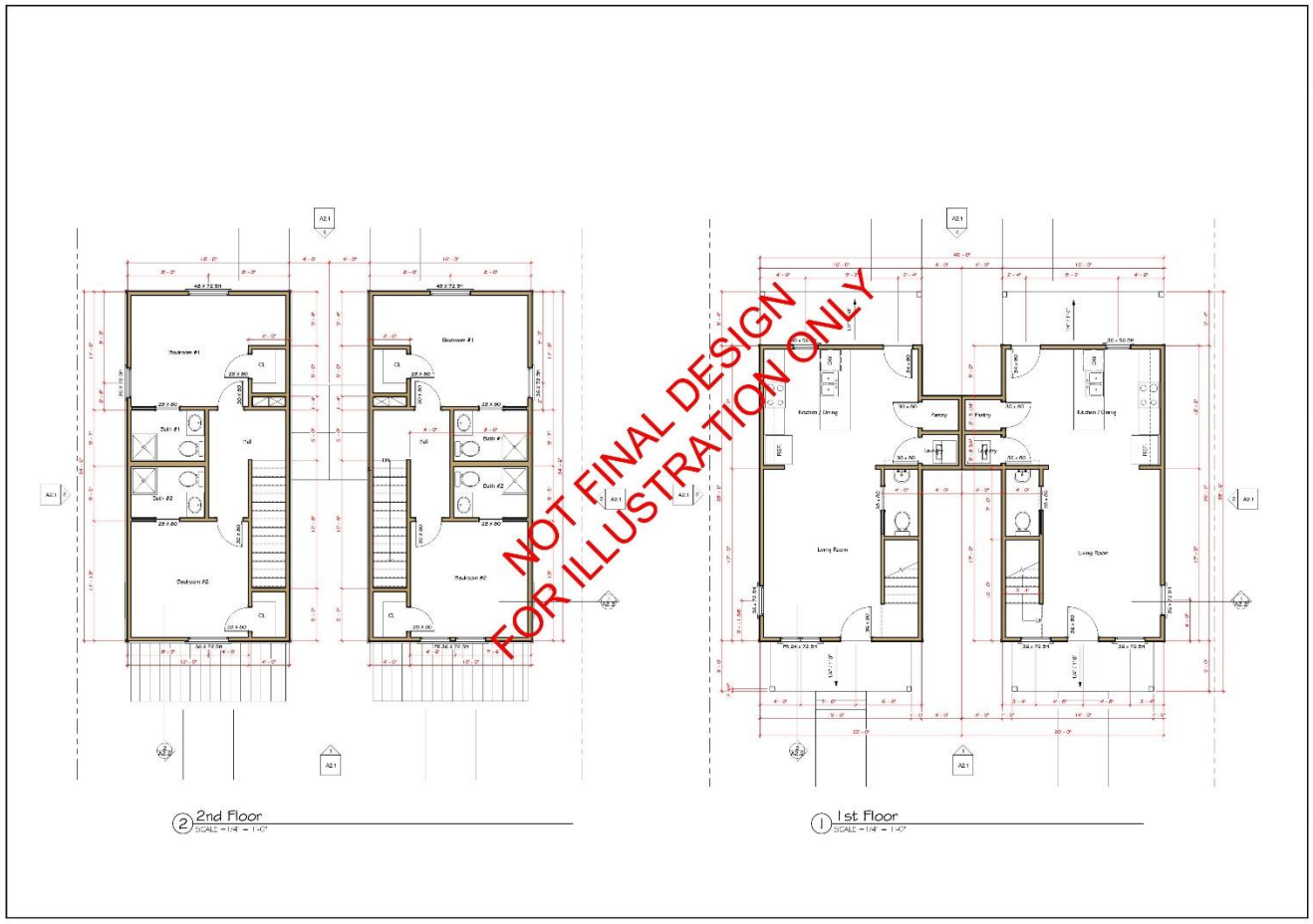
Rev. #	Date	Description

New Duplex Residence
Tract 8 - S. Duncan Ave
Fayetteville Arkansas 72701

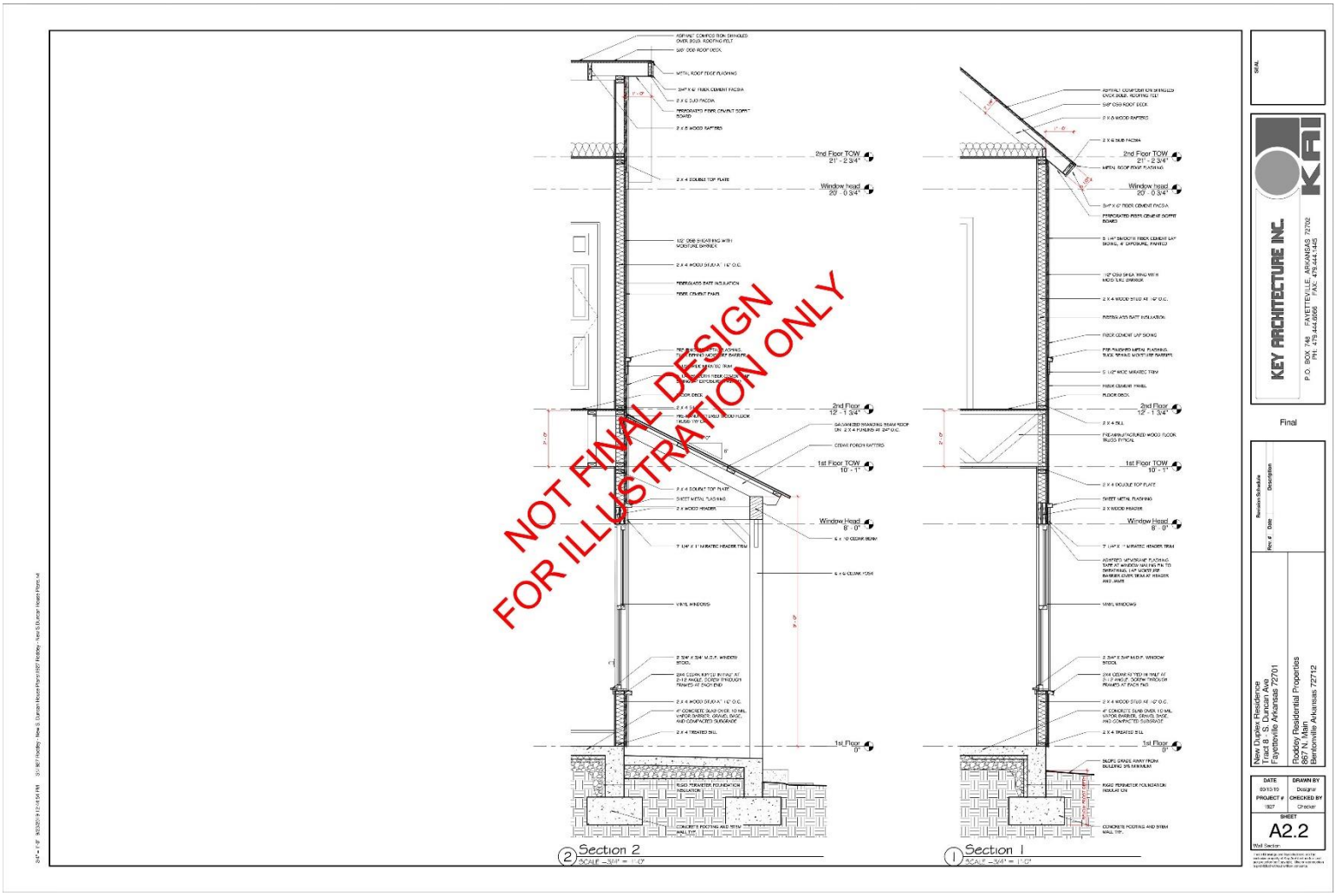
Roddey Residential Properties
867 N. Main
Bentonville Arkansas 72712

DATE	DRAWN BY
05/23/13	Designer
PROJECT #	CHECKED BY
1927	Checker

SHEET
A0.1
Site Plan


NOT FINAL DESIGN
FOR ILLUSTRATION ONLY
2nd Floor
SCALE = 1/4" = 1'-0"
1st Floor
SCALE = 1/4" = 1'-0"

NOT FINAL DESIGN
FOR ILLUSTRATION ONLY
4 Rear Elevation
SCALE = 1/4" = 1'-0"
3 Side Elevation.
SCALE = 1/4" = 1'-0"
2 Side Elevation
SCALE = 1/4" = 1'-0"
1 Front Elevation
SCALE = 1/4" = 1'-0"

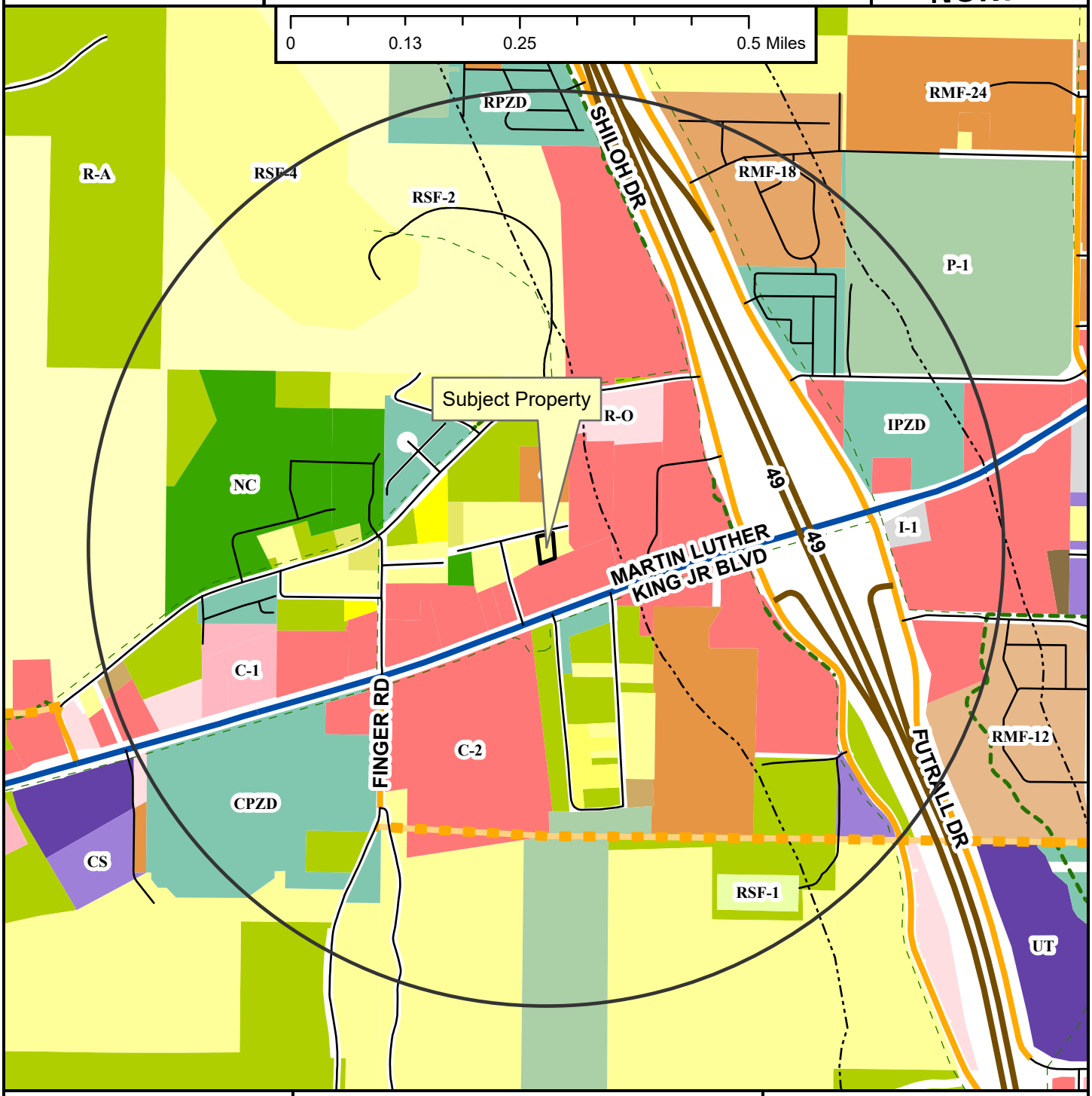

NOT FINAL DESIGN
FOR ILLUSTRATION ONLY
2nd Floor TOW
21' - 2 3/4"
Window head
20' - 0 3/4"
2nd Floor
12' - 1 3/4"
1st Floor TOW
10' - 1"
Window Head
8' - 0"
1st Floor
0"
Section 2
Section 1
KEY ARCHITECTURE INC.
P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702
PH: 479.444.6066 FAX: 479.444.1445
Final
New Duplex Residence
Tract 8 - S. Duncan Ave
Fayetteville Arkansas 72701
Roddey Residential Properties
867 N. Main
Bentonville Arkansas 72712
DATE
03/15/19
DRAWN BY
Designer
PROJECT #
1927
CHECKED BY
Checker
SHEET
A2.2
Wall Section

CUP-2023-0138

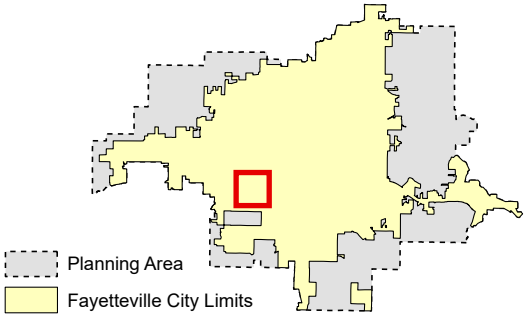
One Mile View

W. RUTLEDGE LN & S. OAK RD

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

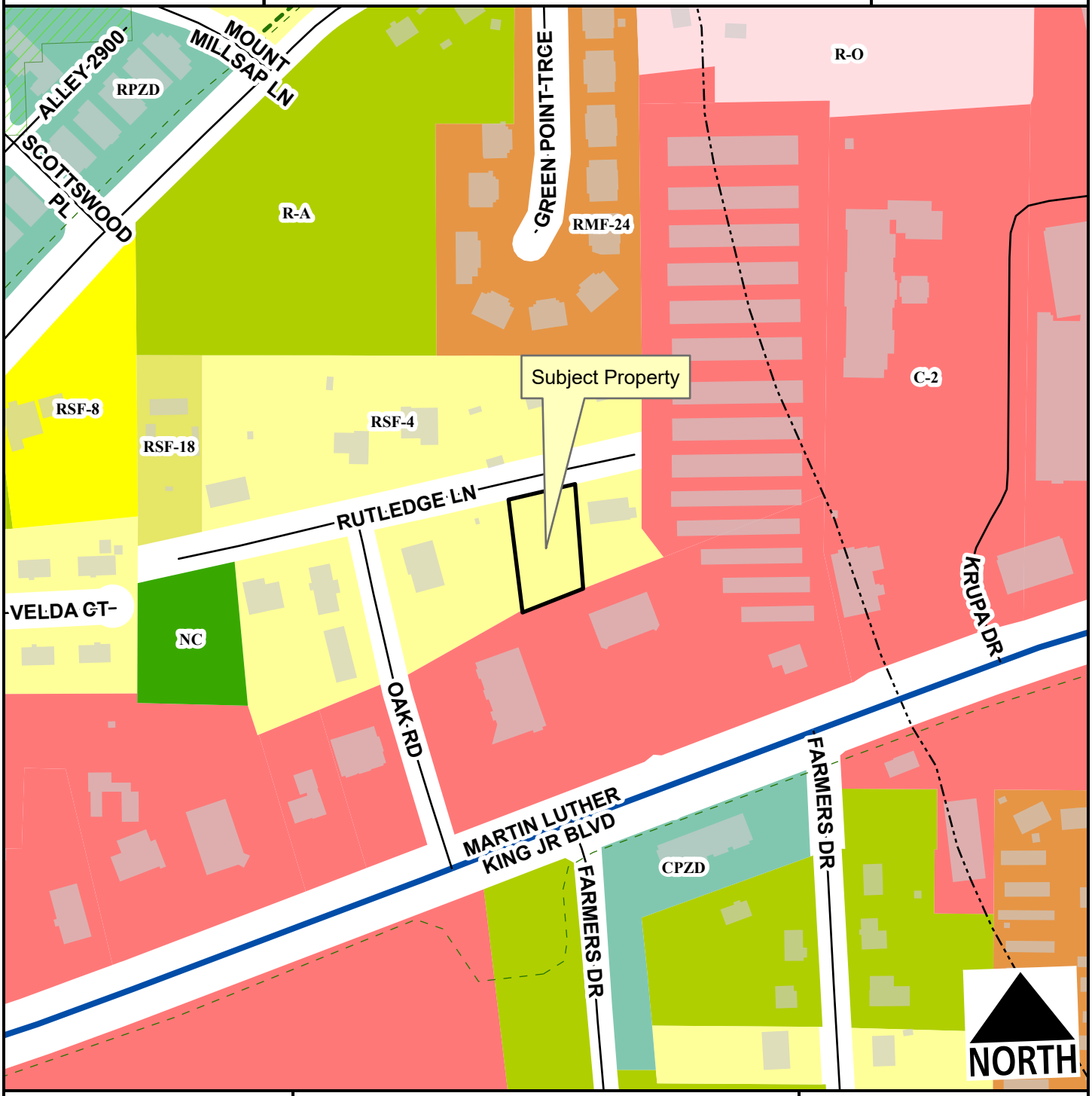
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0138

Close Up View

W. RUTLEDGE LN & S. OAK RD



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

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RSF-8
- RSF-18
- RMF-24
- Residential-Office
- C-2
- Neighborhood Conservation
- Commercial, Industrial, Residential

CUP-2023-0138

Current Land Use

W. RUTLEDGE LN & S. OAK RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forestry

MEETING: November 13, 2023

SUBJECT: **CCP-2023-0002: Concurrent Plat (2547 N. OAKLAND ZION RD./MCDONALD, 296):** Submitted by ENGINEERING SERVICES, INC. for property located at 2547 N. OAKLAND ZION RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.66 acres. The request is for the concurrent plat of four residential lots.

RECOMMENDATION:
Staff recommends approval of **CCP-2023-0002**, with conditions.

RECOMMENDED MOTION: *"I move to approve* **CCP-2023-0002***, recommending:*

- *In favor of recommended right-of-way dedication and street improvements;*
- *In favor of the requested variance to UDC §166.05(A)(3) – Direct Frontage to a Public Street; and*
- *All other conditions of approval."*

BACKGROUND:
The subject property is approximately ¼ mile east of the east of the City limits in Washington County approximately 200 feet north of the intersection of E. Mission Blvd. and N. Oakland Zion Rd. Containing approximately 4.66 acres, the property is undeveloped and is covered almost entirely with tree canopy. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1 –
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Low-density Residential	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
South	Agricultural Low-density Residential	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
East	Mini-Storage Mixed-Density Residential	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)
West	Low-density Residential	Washington County - Ag/SF 1 (Agricultural/Single-family Residential, One Unit per Acre)

Proposal: The applicant intends to plat four residential lots with 1.06 acres, 1.02 acres, 1.29, and 1.29 acres. Having exhausted the number of administrative lot splits permitted from the parent tract, this proposal is required to be reviewed as a concurrent plat. One variance was submitted with the request:

- **§166.05(A)(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.** The applicant has requested a variance from this requirement for lots 3A and 4A, citing an allowance by Washington County code that allows the lots to be accessed through a 30-foot access easement.
    a. *Staff recommendation: Staff recommends approval of the proposed variance. The street frontage requirement is applied to lot splits because the creation of new residential properties carries an associated potential to increase density and, therefore, impact existing City services. Requiring residential properties to have public street access in the Planning Area also facilitates the orderly integration of properties into city limits, should they be annexed. N. Oakland Zion Rd. is a county, neighborhood link street serving a large number of parcels and seven smaller streets. The four proposed resultant lots are not appreciably different in configuration when compared to the adjacent development pattern exhibited by the neighboring properties, and a 30-foot access easement is proposed to be dedicated with the lot split centered on the existing driveway. Further, the proposed layout is less than ¼ mile outside of city limits, at which point the proposed layout would be administratively approvable under the tandem lot ordinance. Staff finds the proposed is not likely to negatively impact the public interest. Staff recommends an added condition that the shared driveway shall be paved from the edge of the street for a minimum length of 18 feet into the property with asphalt, concrete, brick or stone pavers, or other solid surface. The shared drive shall be installed prior to staff signature of the plat for recording.*

Water and Sewer System: No additional sewer infrastructure is required with this proposal; no access to sewer is provided to properties outside of the City of Fayetteville limits. Due to two parcels proposed below 1.5 acres, a letter from the Arkansas Department of Health is required indicating approval of the overall plan for the utilization of either onsite wastewater systems or individual septic permits prior to city signature.

There is currently a moratorium for new taps for water meter(s) for the use of irrigation and/or services in this area for new subdivisions of land. Additional information is included in the attached engineering memo. If approved, staff recommends notes be added to the plat stating that water access shall not be available to city of Fayetteville water systems and that the applicant shall provide documentation from Washington County, the Arkansas Department of Health, and any other applicable agencies confirming access to water for all tracts prior to city signature of concurrent plat for recording.

Right-of-way to be dedicated: The property in question has access to public street frontage on N. Oakland Zion Rd., a county-maintained neighborhood link. A typical neighborhood link would include 33.5 feet of right-of-way from the center line of the road. N. Oakland Zion Rd. currently contains a mix of county right-of way (28.5 feet) and Fayetteville right-of way (13.5 feet) immediately abutting each other, for a total of 42 feet of existing right-of-way from the center line. Staff does not recommend any right-of-way to be dedicated with this development.

Street Improvements: Staff does not recommend any street improvements in association with this request.

Tree Preservation: N/A; tree preservation requirements do not extend beyond the City of Fayetteville limits.

Parkland Fees: N/A; parkland dedication requirements do not extend beyond the City of Fayetteville limits.

Public Comment: Staff has received a couple of phone calls inquiring about the proposed development. One caller expressed concerns about potential drainage and flooding in the area, and the possibility of intensive development on the parcels.

RECOMMENDATION: Staff recommends approval of CCP-2023-0002, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *No right-of-way dedication required.*

   Subdivision Committee recommended in favor.

2. **Planning Commission determination of street improvements.** *No street improvements required.*

   Subdivision Committee recommended in favor.

3. **Planning Commission determination of variance to §166.05(A)(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.** *Staff recommends in favor with added conditions:*
   a. Shared driveway shall be paved from the edge of the street for a minimum length of 18 feet into the property with asphalt, concrete, brick or stone pavers, or other solid surface. The shared drive shall be installed prior to staff signature of the plat for recording.

   Subdivision Committee recommended in favor.

4. All remaining comments from City divisions, whether Planning or Engineering shall be addressed prior to signature, including:
   a. Prior to city signature, a letter from the Arkansas Department of Health is required indicating approval of the overall plan for the utilization of either onsite wastewater systems or individual septic permits.
   b. Notes regarding water access for tracts 3A and 4A shall be added to the plat per the attached engineering memo.
   c. The applicant shall provide documentation from Washington County, the Arkansas Department of Health, or other applicable agencies confirming access to water for all tracts prior to city signature of concurrent plat for recording.

   Subdivision Committee recommended in favor.

Standard conditions of approval:

5. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat (if applicable).

6. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).

7. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

PLANNING COMMISSION ACTION	❒ **Tabled**	❒ **Denied**	❒ **Approved**
Meeting Date: November 13, 2023			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:
- Engineering Memo
- Applicant Cover Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: October 31, 2023

SUBJECT: **Subdivision Committee Engineering Comments for CCP-2023-0002 2547 N Oakland Zion Rd**

Water: The subject property falls within a moratorium area, designated by the City of Fayetteville Utility Director, in which new taps or meters solely for the purposes of irrigation and for new taps or meters for subdivisions of land are prohibited. A memo from the Utility Director is attached.

If the Planning Commission chooses to approve the concurrent plat, Engineering recommends the following note be included on each respective lot:

"Tract 3A does not have access to City of Fayetteville water due to a moratorium on new taps or meters in the area."

"Tract 4A does not have access to City of Fayetteville water due to a moratorium on new taps or meters in the area."

CITY OF
FAYETTEVILLE
ARKANSAS

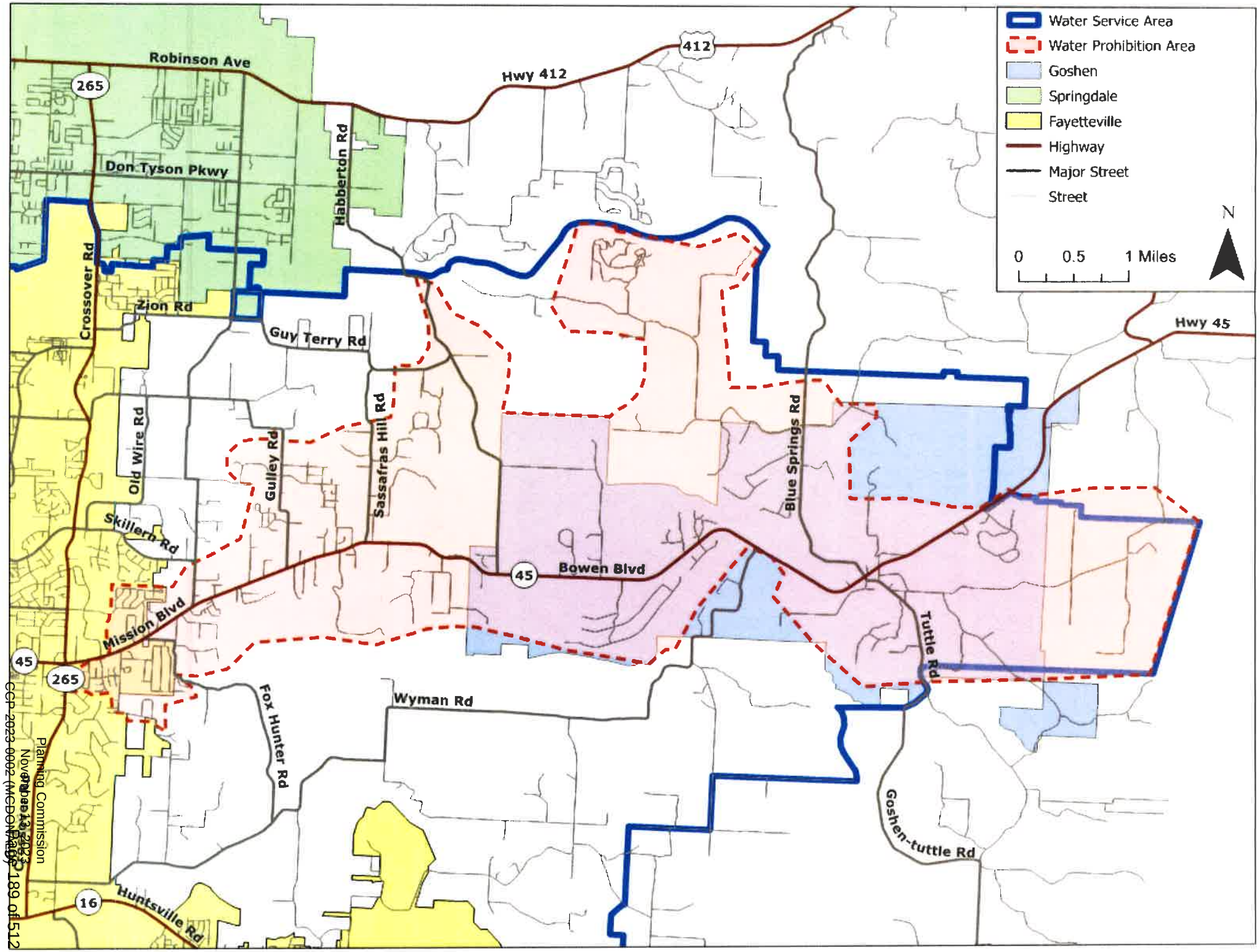
To Fayetteville City Staff:

Due to the historical strain of summer irrigation demands in the eastern portions of the City of Fayetteville's Water System, an impending shortage of water exists. By the authority of the City of Fayetteville Code of Ordinances Title V, Chapter 51.001 – Water Shortages (attached), I do hereby prohibit the installation of new taps or meters solely for the purposes of irrigation and for new taps or meters for subdivisions of land. To further clarify:

- An exhibit of the subject area is attached to this document.
- An existing buildable lot with access to a public water main shall be allowed to install one domestic water service for the construction of a single residence or business. If the waterline has capacity issues aside from this moratorium, the tap may be denied for those reasons on a case-by-case basis. An example is a dead-end, small diameter line, with many existing taps.
- Tap or meter requests for yard hydrants, irrigation-only hydrants, or any other use than a 5/8" meter for a home or business will not be permitted until such time that the City completes further capital improvements in the vicinity, approximately 2026.
- Homes or businesses that are allowed a new tap may not have a meter larger than 5/8" at this time.
- The Water/Sewer Department has already been operating under this direction for more than one year, however it seems prudent at this time to inform other city staff including the Planning Division, Building Safety Division, and Utility Financial Services.
- If there are questions from City Staff about how to implement this directive, please contact Corey Granderson, Utilities Engineer at 479-444-3452 or cgranderson@fayetteville-ar.gov

Respectfully,

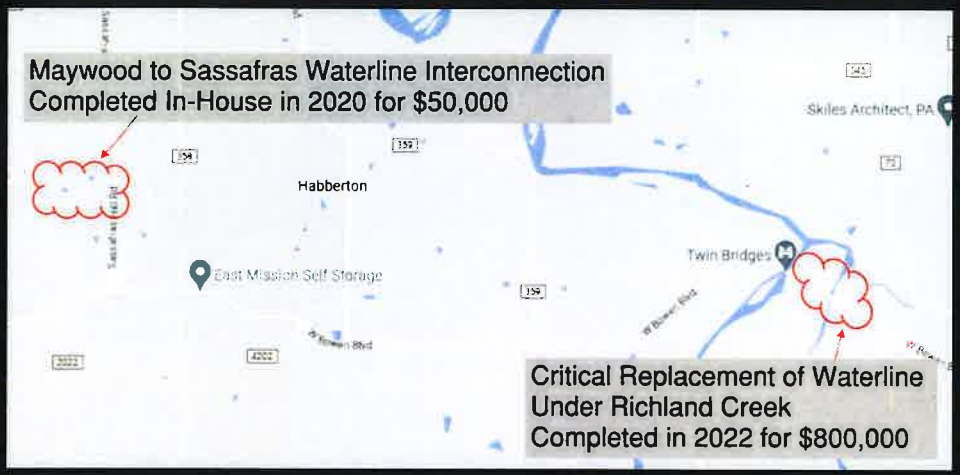
Tim Nyander
Utilities Director
City of Fayetteville, AR

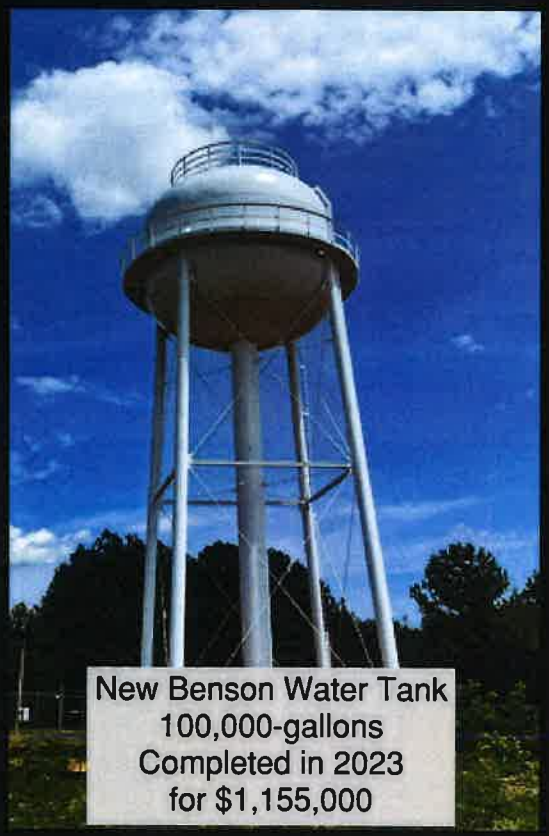

Water Service Area
Water Prohibition Area
Goshen
Springdale
Fayetteville
Highway
Major Street
Street
N
0 0.5 1 Miles
Robinson Ave
265
Hwy 412
412
Habberton Rd
Don Tyson Pkwy
Crossover Rd
Zion Rd
Guy Terry Rd
Hwy 45
Old Wire Rd
Gulley Rd
Sassafras Hill Rd
Blue Springs Rd
Skillern Rd
45
Bowen Blvd
Mission Blvd
Tuttle Rd
Fox Hunter Rd
Wyman Rd
Goshen-tuttle Rd
16
Huntsville Rd

Recent Eastern Water Service Area Improvements

New Gulley Road Water Tank
750,000-gallons
Completed in 2022
for $2,552,000

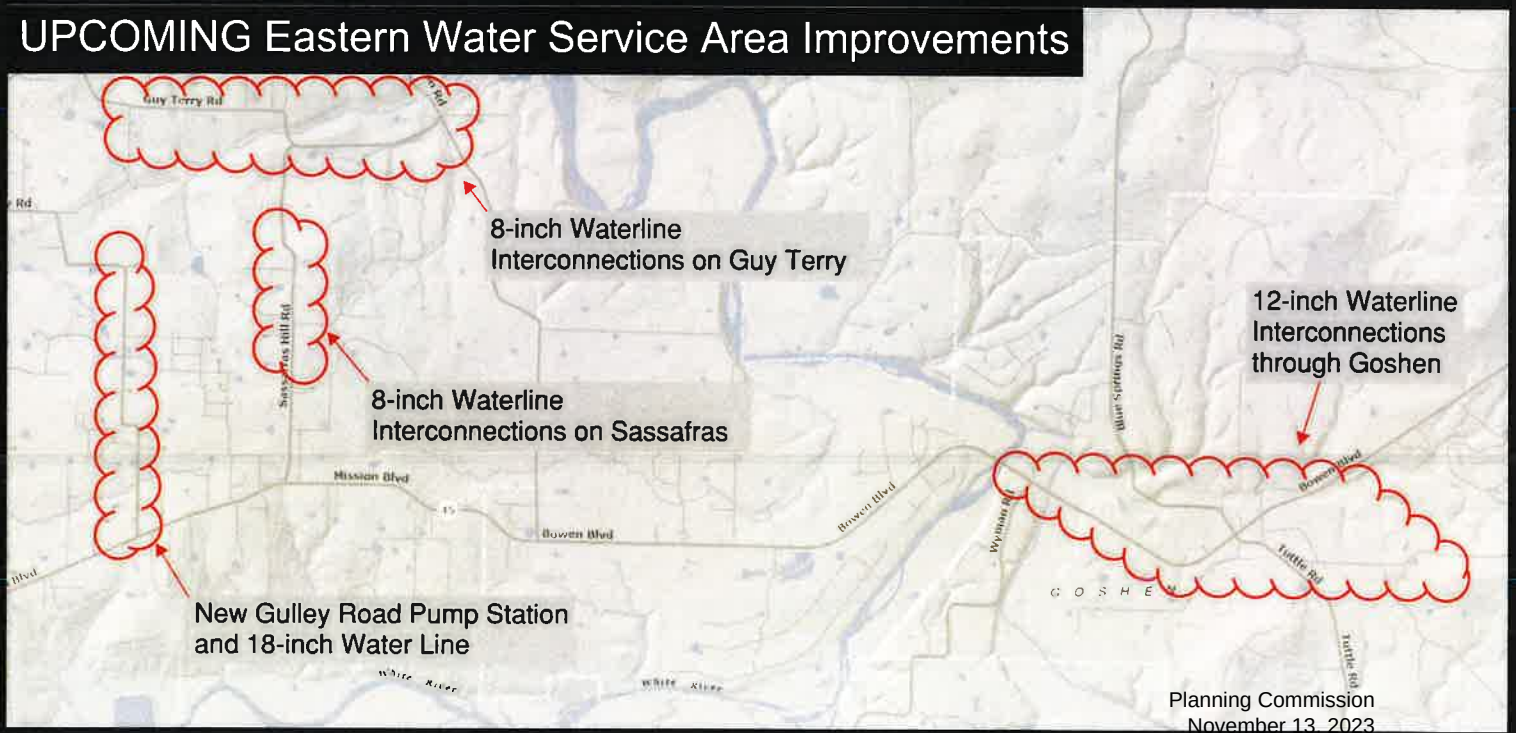
New Benson Pump Station Completed in 2021 for $375,000





New Benson Water Tank
100,000-gallons
Completed in 2023
for $1,155,000

UPCOMING Eastern Water Service Area Improvements



ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

October 24, 2023

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

RE: Concurrent Plat Application
North Oakland Zion Road

Mr. Curth,

We previously submitted a lot split application (LSP-2023-0033) to split parcels 001-15705-005 and 001-15705-006 into four lots for future single family residential construction. The property is located along the west side of N. Oakland Zion Road approximately 350 feet north of Mission Boulevard. The property is in the City of Fayetteville Planning Area in unincorporated Washington County, Arkansas and is in the county's Agriculture/Single Family zoning district.

During Technical Plat Review, it was determined this needs to be resubmitted as a Concurrent Plat because the original parent tract had already been split into several parcels.

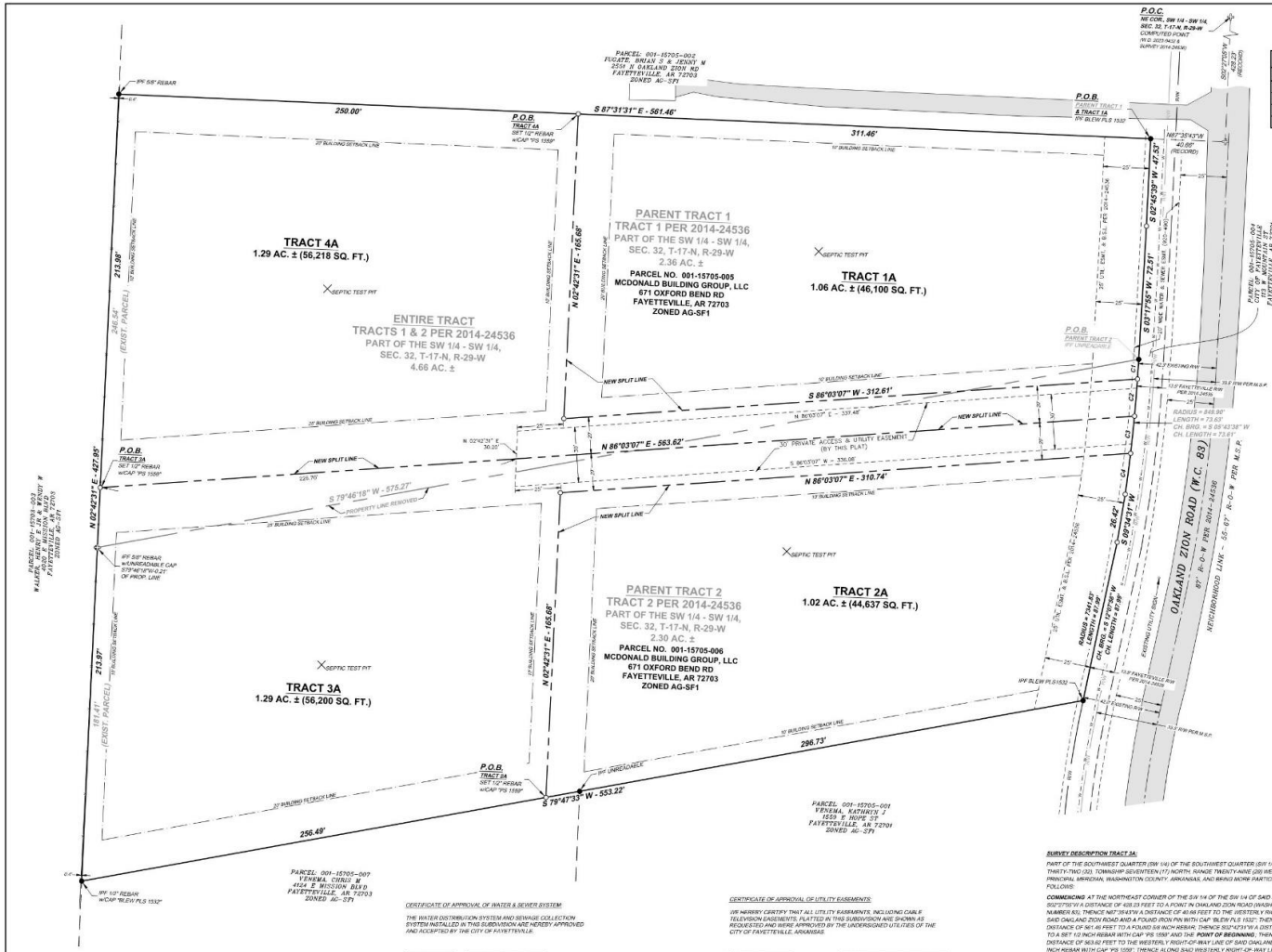
Two parcels have less than the minimum public street frontage. Although Washington County code allows this when a 30' private ROW is provided (30' access easement is provided on the plat), staff have determined this lot configuration requires a variance of the minimum frontage requirement provided in UDC 166.05(A)(3), which we hereby request.

Thank you for your consideration of this request.

Sincerely,

Daniel Lazenby

ESI ENGINEERING SERVICES INC.
Brian J. Moore, P.E. President | Tim J. Mays, P.E. Vice President | Jason Appel, P.E. Secretary/Treasurer | Jerry W. Martin Chairman of the Board
Consulting Engineers and Surveyors www.engineeringservicesinc.com

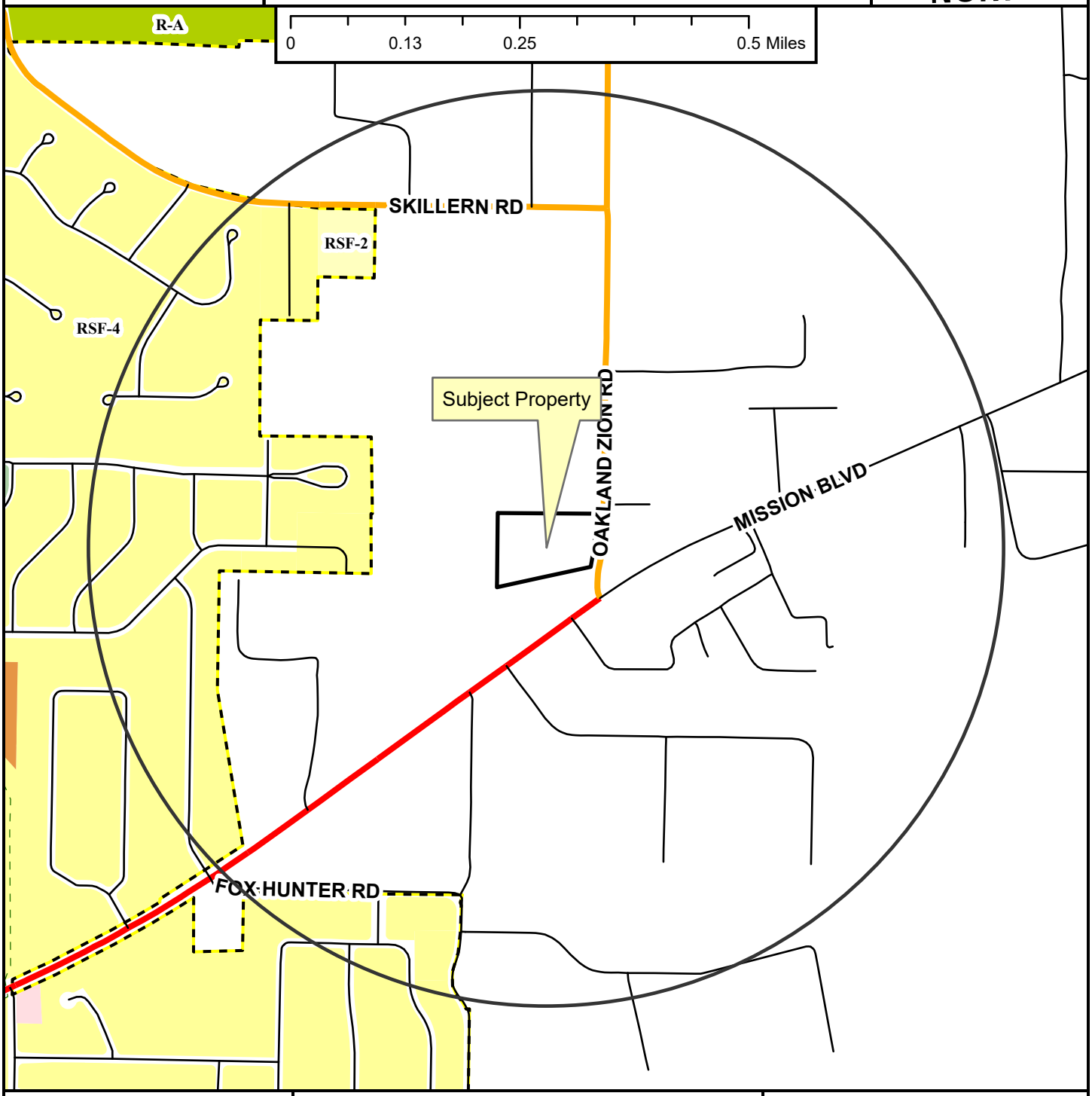

P.O.C.
NE COR., SW 1/4 - SW 1/4
SEC. 32, T-17-N, R-29-W
COMPUTED POINT
(W.G. 2021-042) &
SURVEY 2014-24536)
P.O.B.
PARENT TRACT 1
& TRACT 1A
(PC BLEW PLS 1532)
PARCEL: 001-15705-002
FUGATE, BRIAN S & JENNY M
2554 N OAKLAND ZION RD
FAYETTEVILLE, AR 72703
ZONED AG- STI
S 87°31'31" E - 561.46'
311.46'
N87°35'43"W
40.86'
(RECORD)
S 02°45'39" W - 47.53'
S 03°17'55" W - 72.51'
S 03°45'31" W
26.42'
S 79°47'33" W - 553.22'
296.73'
256.49'
250.00'
S 86°03'07" W - 312.61'
N 86°03'07" E - 563.62'
N 86°03'07" E - 310.74'
S 79°46'18" W - 575.27'
N 02°42'31" E - 427.95'
N 02°42'31" E - 165.68'
N 02°42'31" E - 165.68'
TRACT 4A
1.29 AC. ± (56,218 SQ. FT.)
TRACT 1A
1.06 AC. ± (46,100 SQ. FT.)
TRACT 2A
1.02 AC. ± (44,637 SQ. FT.)
TRACT 3A
1.29 AC. ± (56,200 SQ. FT.)
PARENT TRACT 1
TRACT 1 PER 2014-24536
PART OF THE SW 1/4 - SW 1/4,
SEC. 32, T-17-N, R-29-W
2.36 AC. ±
PARCEL NO. 001-15705-005
MCDONALD BUILDING GROUP, LLC
671 OXFORD BEND RD
FAYETTEVILLE, AR 72703
ZONED AG-SF1
ENTIRE TRACT
TRACTS 1 & 2 PER 2014-24536
PART OF THE SW 1/4 - SW 1/4,
SEC. 32, T-17-N, R-29-W
4.66 AC. ±
PARENT TRACT 2
TRACT 2 PER 2014-24536
PART OF THE SW 1/4 - SW 1/4,
SEC. 32, T-17-N, R-29-W
2.30 AC. ±
PARCEL NO. 001-15705-006
MCDONALD BUILDING GROUP, LLC
671 OXFORD BEND RD
FAYETTEVILLE, AR 72703
ZONED AG-SF1
OAKLAND ZION ROAD (W.C. 83)
NEIGHBORHOOD LINK - 55'-67' R-O-W PER 2014-24536
RADIUS = 754.15'
LENGTH = 91.99'
CH. BRG. = S 2°50'36" W
CH. LENGTH = 91.93'
RADIUS = 849.90'
LENGTH = 73.63'
CH. BRG. = S 05°43'38" W
CH. LENGTH = 73.61'
PARCEL: 001-15705-004
TITE, MICHAEL & JENNIFER
2574 N MOUNTAIN ST
FAYETTEVILLE, AR 72703
ZONED AG-STI
PARCEL: 001-15705-003
KAUFMAN, ROBERT E. IV & WENDY W
2570 N MOUNTAIN ST
FAYETTEVILLE, AR 72703
ZONED AG-STI
PARCEL: 001-15705-001
VENEMA, KATHRYN J
1559 E. HOPE ST
FAYETTEVILLE, AR 72701
ZONED AG- STI
PARCEL: 001-15705-007
VENEMA, CHRIS M
4124 E. MISSION BLVD
FAYETTEVILLE, AR 72703
ZONED AG- STI
P.O.B.
TRACT 4A
SET 1/2" REBAR
w/CAP "PS 1559"
P.O.B.
TRACT 2A
SET 1/2" REBAR
w/CAP "PS 1559"
P.O.B.
SET 1/2" REBAR
w/CAP "PS 1559"
P.O.B.
PARENT TRACT 2
(PC UNREADABLE)
3/8" REBAR
w/UNREADABLE CAP
S79°46'18" W - 575.27'
PROPERTY LINE REMOVED
3/8" REBAR
w/UNREADABLE CAP
S79°46'18" W-0.21'
AT PROP. LINE
1/2" REBAR
w/CAP "PS 1532"
1/2" REBAR
w/CAP "BLEW PLS 1532"
1/2" REBAR
w/CAP "PS 1559"
1/2" REBAR
w/CAP "PS 1559"
1/2" REBAR
w/CAP "PS 1559

CCP-2023-0002

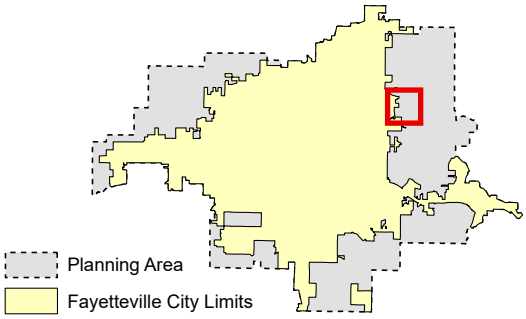
One Mile View

2547 N. OAKLAND ZION RD

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

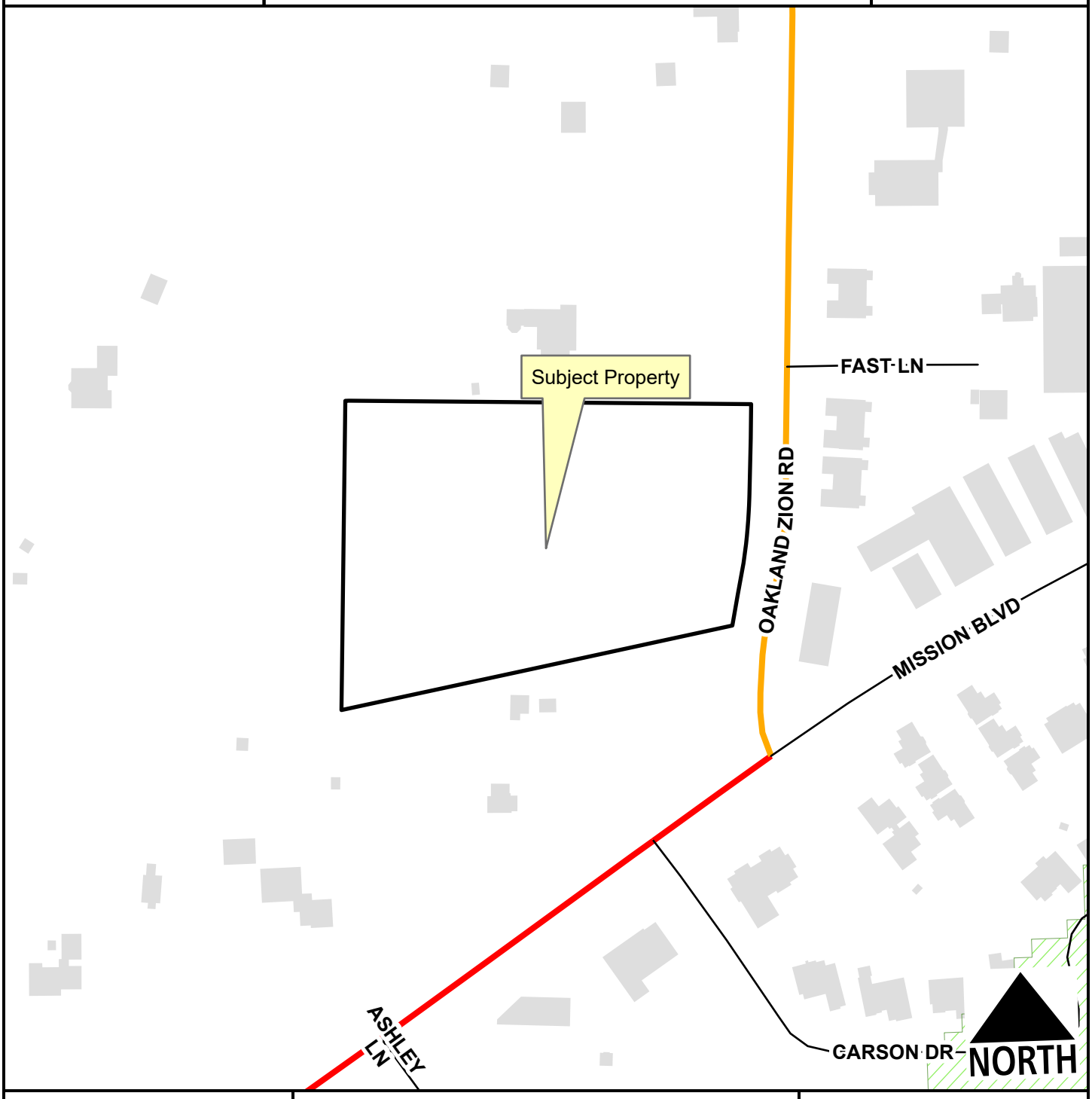
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CCP-2023-0002

Close Up View

2547 N. OAKLAND ZION RD



Regional Link
Neighborhood Link
Unclassified
Hillside-Hilltop Overlay District
Planning Area

Feet

0 75 150 300 450 600

1:2,400

CCP-2023-0002

Current Land Use

2547 N. OAKLAND ZION RD

NORTH

- Regional Link
- 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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **RZN-2023-0027: Rezoning (1272 N. 59TH AVE./DICKSON STREET CAPITAL, LLC., 397):** Submitted by REED LYNCH for property located at 1272 N. 59TH AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.80 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0027** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0027** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in west Fayetteville on the east side of N. 59th Ave about an eighth of a mile north of the street's intersection with W. Wedington Dr. The property also has direct frontage onto W. Luna St. to the east and totals 0.80 acres. The parcel is developed with a 1,576 square foot single-family structure built in 1961 per Washington County records. The parcel is zoned R-A, Residential-Agricultural, which it received 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-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	R-A, Residential-Agricultural
East	Single-Family Residential	Public Right-of-Way (W. Luna St.) RSF-4, Residential Single-Family, Four Units per Acre
West	Agricultural / Single-Family Residential	R-A, Residential-Agricultural

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

Public Comment: Staff received one phone call from a neighbor inquiring about potential development but no calls specifically for or against the proposed rezoning.

INFRASTRUCTURE:

Streets: The subject property has frontage along N. 59th Ave, 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 eight-inch water main is present on the east side of the subject property.

Sewer: Public sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the east side of 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. Rupple Rd., protects this site. The property is located approximately 1.9 miles from the fire station with an anticipated drive time of approximately four minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of 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 RI-12, Residential Intermediate, Twelve 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 of **5** for this site with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (8-inch main, Luna St.)

- Near Water Main (8-inch main, Luna St.)
- Near City Park (Bundrick Park, Harmony Pointe Park)
- Near Paved Trail (Wedington Side Path Trail)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **On the balance of considerations, staff finds the proposed rezoning from R-A to RI-12 to be somewhat compatible with the surrounding area. The intent of the RI-12 zoning district is to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values. The parcel in question currently has a non-conforming lot width and area with the R-A zoning district, and is located between large, agricultural properties to the south and west, and smaller residential properties to the east and north. While rezoning a single parcel to RI-12 seems like a significant upzoning inconsistent with the lot widths and areas of the immediately surrounding zoning districts, a large neighborhood of RI-12 has been developed less than 1/8 of a mile to the east and staff finds that rezoning to an urban form based district could allow for the development of additional housing while providing increased connectivity. Staff finds the requested rezoning to be compatible since the size and location of the parcel in question appear to be better aligned with the spirit and intent of the RI-12 zoning district, and since the rezoning would allow a nonconforming lot that does not 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 small and a substantial RI-12 neighborhood exists in close proximity. Single-, two-, three-, and four-family dwellings are permitted by right in the RI-12 zoning district. All lots are required to maintain a minimum width of 18 feet with no lot area requirements. The R-A district requires lot widths of 200 feet with lot areas of 2 acres.**

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 RI-12 could allow for the creation, or maintenance, of residential properties with reduced lot sizes and form-based requirements while encouraging increased connectivity by promoting sufficient density to allow for the connection of W. Luna St. to N. 59th Ave. While a similar rezoning on a larger property may potentially allow development that is out of sync with the surrounding neighborhood, staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority, 4: We Will Grow a Livable Transportation Network, and 6: We Will Create Opportunities for Attainable Housing. Though the property has a relatively low infill score of 5, staff finds the requested rezoning to be relatively appropriate since it**

would bring the parcel 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 RI-12 is somewhat justified since it contains one parcel that does 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 RI-12 has the potential to increase traffic at this location when considering that RI-12 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 the potential connection to two streets.**

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. 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-2023-0027 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 13, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.11 District RI-12, Residential Intermediate – Twelve (12) 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)

(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)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

Editor's note(s)—Ord. No. 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."

Reed Lynch
Dickson Street Capital, LLC
Farmington, AR 72730

August 25, 2023

City of Fayetteville Planning
Fayetteville, AR

To whom it may concern:

My name is Reed Lynch and I own a single-family home on 1 acre at 1272 N 59th Street in Fayetteville. I would like to have the lot rezoned form RA to RI 12. Nice affordable properties are in short supply near Farmington schools. I would like to build new multifamily units on at the 59th street location. Thank you for your consideration.

Sincerely,

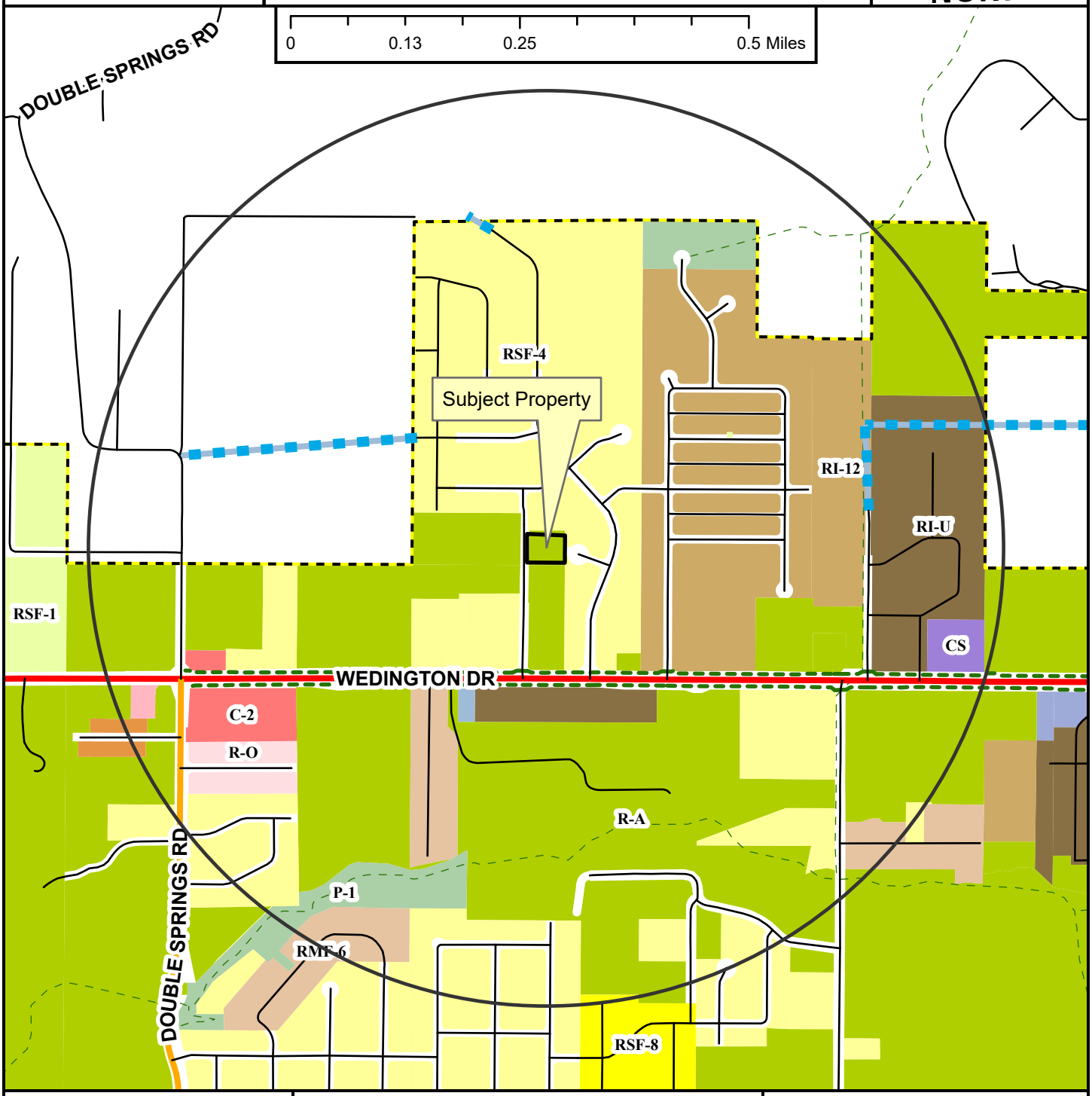
Reed Lynch
Dickson Street Capital, LLC
reed.lynch@outlook.com
870-584-7908

RZN-2023-0027

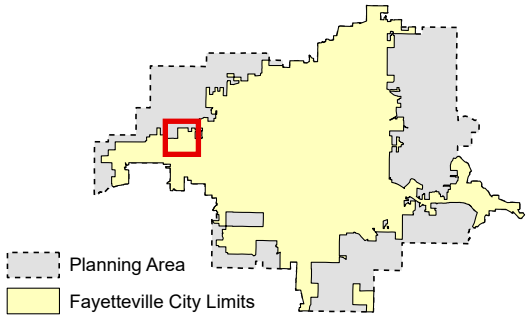
One Mile View

1272 N 59TH AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

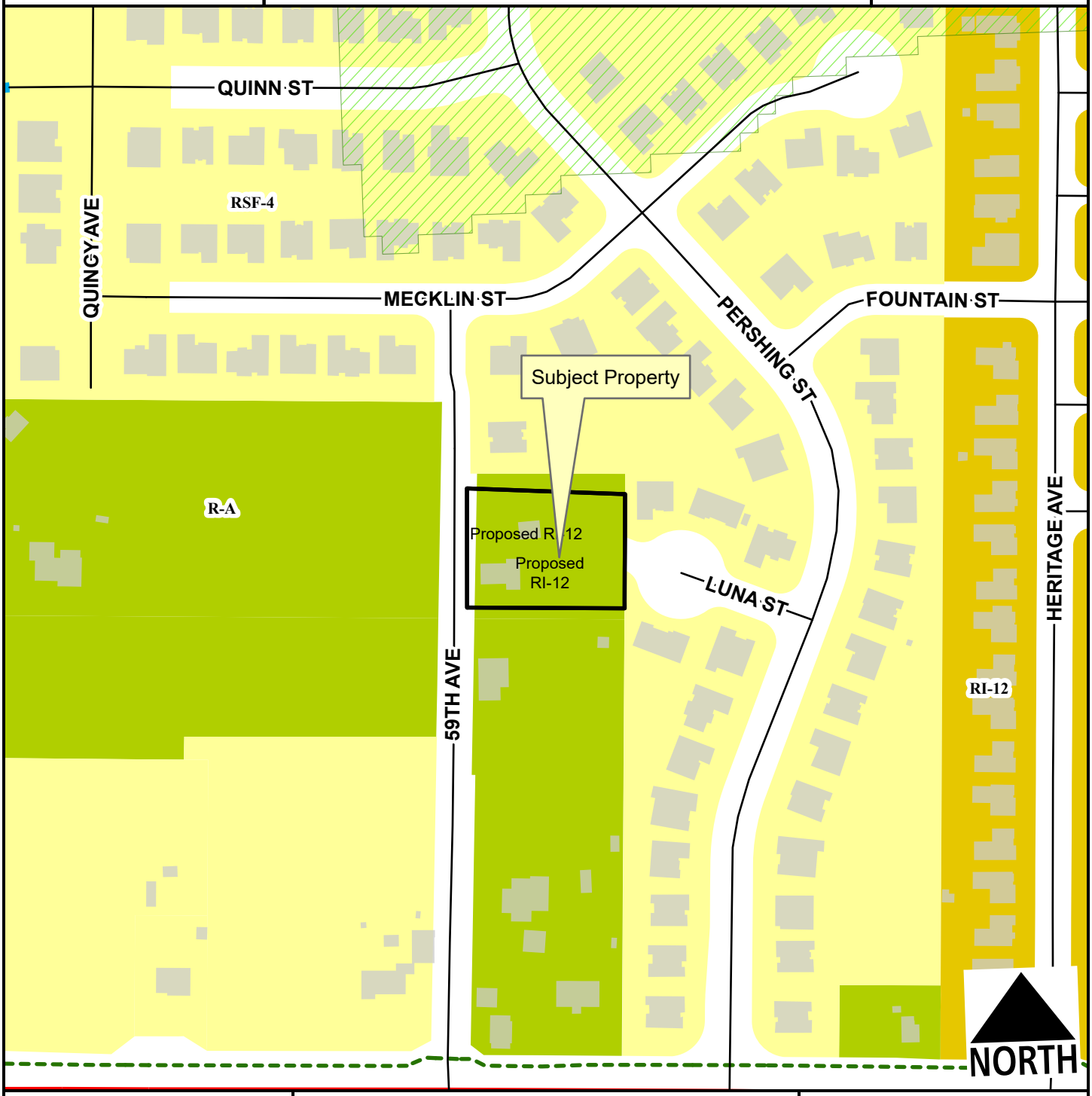
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2023-0027

Close Up View

1272 N 59TH AVE



- Regional Link
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
R-A	1.5	0.0
RI-12	0.0	1.6
RSF-4	0.0	0.0

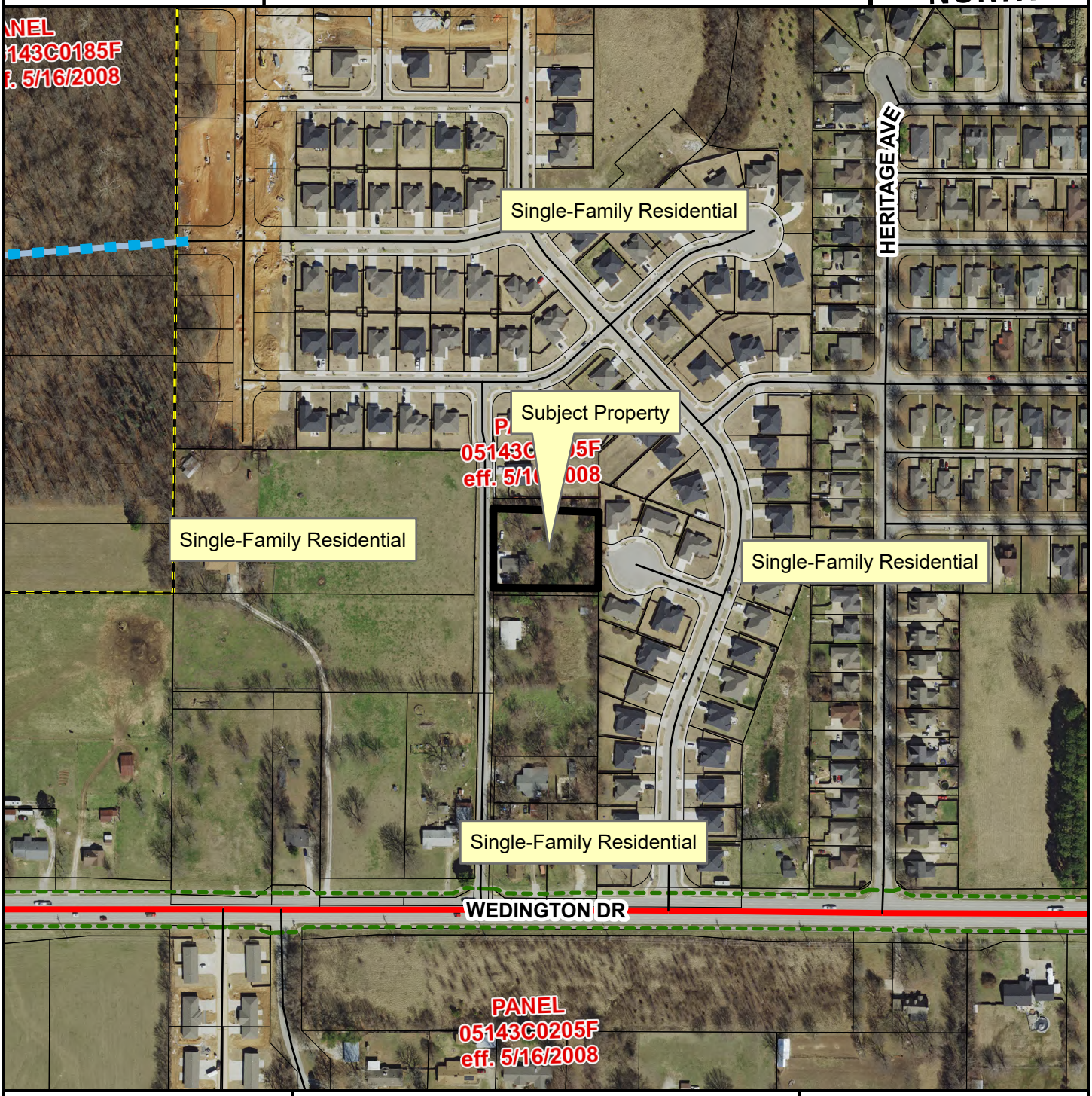
Total 1.6 ac

RZN-2023-0027

Current Land Use

1272 N 59TH AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

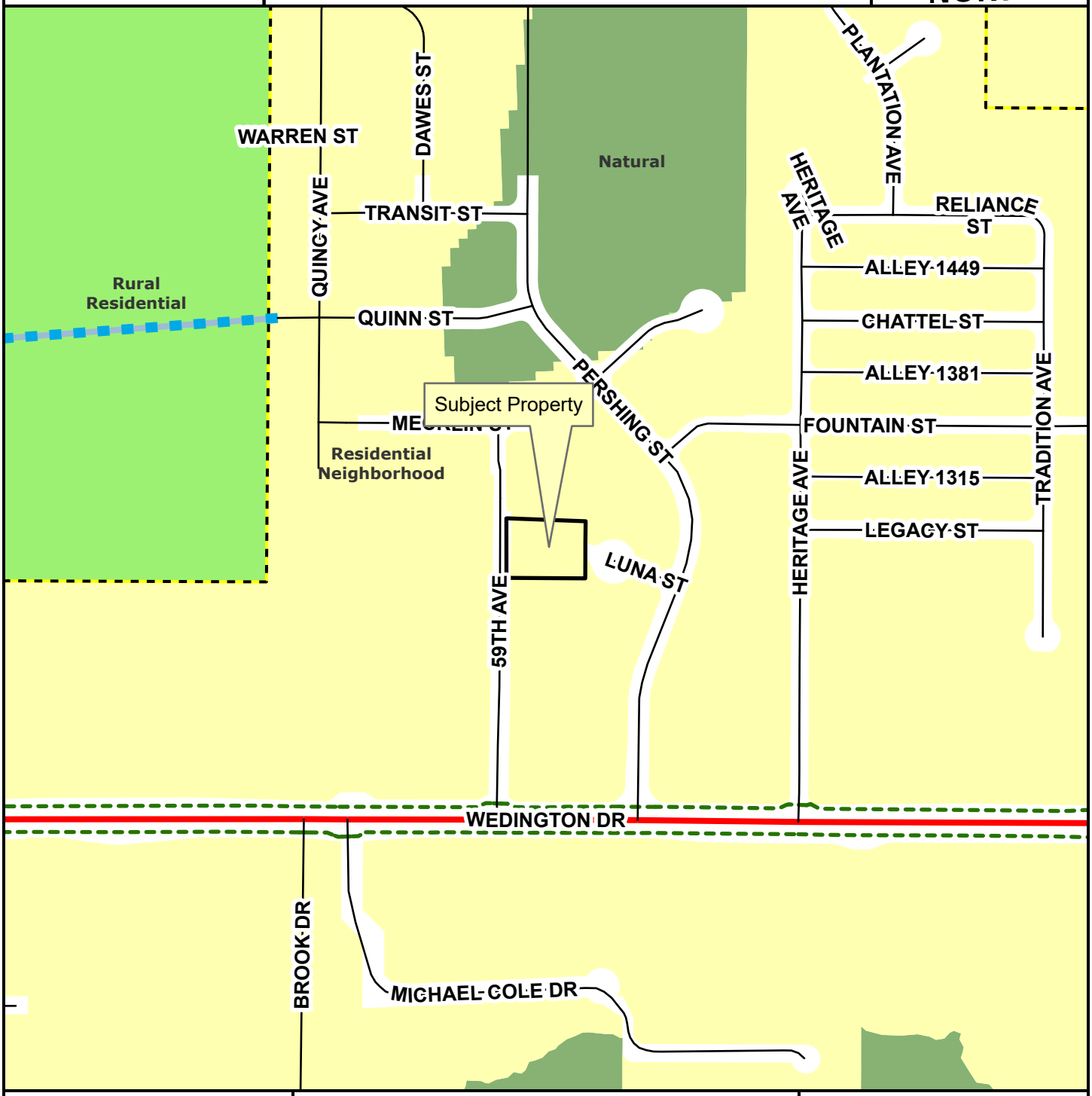
- 100-Year Floodplain
- Floodway

RZN-2023-0027

Future Land Use

1272 N 59TH AVE

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **RZN-2023-0029: Rezoning (533 W. CENTER ST./BRICENO, 523):** Submitted by NESTOR BRICENO for property located at 533 W. CENTER ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.09 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0029** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0029** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is a landlocked parcel located in central Fayetteville within the Cultural Arts Corridor directly west of The Ramble. A steep trail crossing is located directly south of the parcel to the Greenway. The parcel is developed with a 966 square foot single family structure and a 200 accessory dwelling unit, both of which are currently active short-term rentals (ADUs are always permitted as a type 1). The parcel is zoned NC, Neighborhood Conservation, which it received as a result of the downtown master plan city-initiated rezoning 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	MSC, Main Street Center
South	Public Trail Connection	NC, Neighborhood Conservation
East	Multi-Family Residential	MSC, Main Street Center
West	Single-Family Residential	MSC, Main Street Center

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to MSC, Main Street Center.

Public Comment: Staff received one phone call expressing general support for the proposed rezoning.

INFRASTRUCTURE:

Streets: The subject property does not have frontage along W. Center St, a partially improved Urban Center street with asphalt paving, curb and gutter, and sidewalk partially along both sides of the street. 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 four-inch water main is present on the north side of W. Center St.

Sewer: Public sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the north side of W. Center St.

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 1, located at 303 W. Center St., protects this site. The property is located approximately 0.2 miles from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus 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 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 MSC, Main Street Center requires **10% minimum canopy preservation.** The current zoning district of NC, Neighborhood Conservation requires **20% minimum canopy preservation.**

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 13 for this site with a weighted score of **15.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (8-inch, W. Center St.)
- Near Water Main (4-inch, W. Center St.)

- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (The Ramble)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (Hillcrest Towers, Fayetteville Library)
- Near Razorback Bus Stop (Fayetteville Library)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Downtown Design Overlay District)
- Sufficient Intersection Density

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 NC to MSC to be compatible with the surrounding area. The intent of the MSC zoning district is to provide "a greater range of uses" while being more "more spatially compact and… more likely to have some attached buildings than Downtown General or Neighborhood Conservation." The parcel in question was rezoned as part of the city-initiated downtown master plan rezoning. The parcel is currently a tandem lot, and the applicant has indicated an intent to combine this lot with an adjacent parcel also under their ownership to the north. Staff agrees that the rezoning of this parcel would help facilitate a future lot combination and development with the abutting parcel. Staff finds the requested rezoning to be compatible as the parcel is currently surrounded by MSC on three sides and rezoning the parcel from NC to MSC will create a consistent block zoning district. Further, staff finds that the requested rezoning is not likely to result in development that is incompatible with the surrounding area. Four lots abutting the property to the west were recently redeveloped in a townhome style, and the parcel is within a traditional neighborhood block with homes close to the street. By-right development in the MSC zoning district includes a wide range of residential, office, and commercial uses. All lots are required to maintain a minimum width of 18 feet with no lot area requirements. The NC district requires lot widths of 40 feet with lot areas of 4,000 square feet.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as City Neighborhood area. Staff finds that the requested rezoning could align with all goals of City Plan 2040 except Goal #5: We will assemble an enduring green network. Rezoning the property could facilitate the opportunity for dense, mixed-use development within walking distance of Fayetteville's downtown and the Cultural Arts Corridor with available public transit and trails systems nearby. The parcel has an exceptionally high infill score, with a weighted score above 15, and is part of Downtown Fayetteville, a Tier 1 center per City Plan 2040. Staff finds the requested rezoning to be appropriate since it would bring the parcel into alignment with the zoning district currently surrounding the parcel on three sides and would**

allow development consistent with the Downtown Master Plan, which emphasizes "a superbly walkable environment" and "downtown living."

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 MSC is justified since it would bring the parcel into closer alignment with the goals of adopted city plans. Further, while the parcel currently does not have its own street frontage, rezoning the parcel to match the abutting parcel under the same ownership would also simplify a lot combination which would remediate the non-conforming street frontage condition.**

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

Finding: **A rezoning from NC to MSC has the potential to increase traffic at this location when considering that MSC would allow for residential development since the density limit would be removed. 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.**

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. 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-2023-0029 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 13, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.29 District NC, Neighborhood Conservation
  - §161.27 District MSC, Main Street Center
- Request Letter
- Staff Exhibits
  - Downtown Master Plan
  - Cultural Arts Corridor
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

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

(E) *Setback Regulations*.

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

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

Editor's note(s)—Ord. No. 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."

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

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

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*

* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 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."

Request Letter

I am requesting that my property at 533 west center street be rezoned from NC to MSC for the following reasons:

-The rezoning of the property does not affect adversely any of the parcels around the property as the are all zoned MSC except city property to my south boundary.

-The rezoning of this property to MSC does not astray from the goals of the NC because the property is landlocked not visible from the street off center or west or mountain. The property does not have any significant vegitation within it's boundaries and the home is a not of historical importance.

-A rezoning would bring consistency to the neighborhood as all properties around would be equally zoned.

-This property is land locked to the north east and west by properties that have been rezoned from NC to MSC in the past. Rezoning would allow the unification at a further date with any of the properties around it to cure the landlocking issues this property has. To my knowledge it is the only property in downtown with this issue.

With the following reasons in mind I would respectfully request a zoning change from nc to msc.

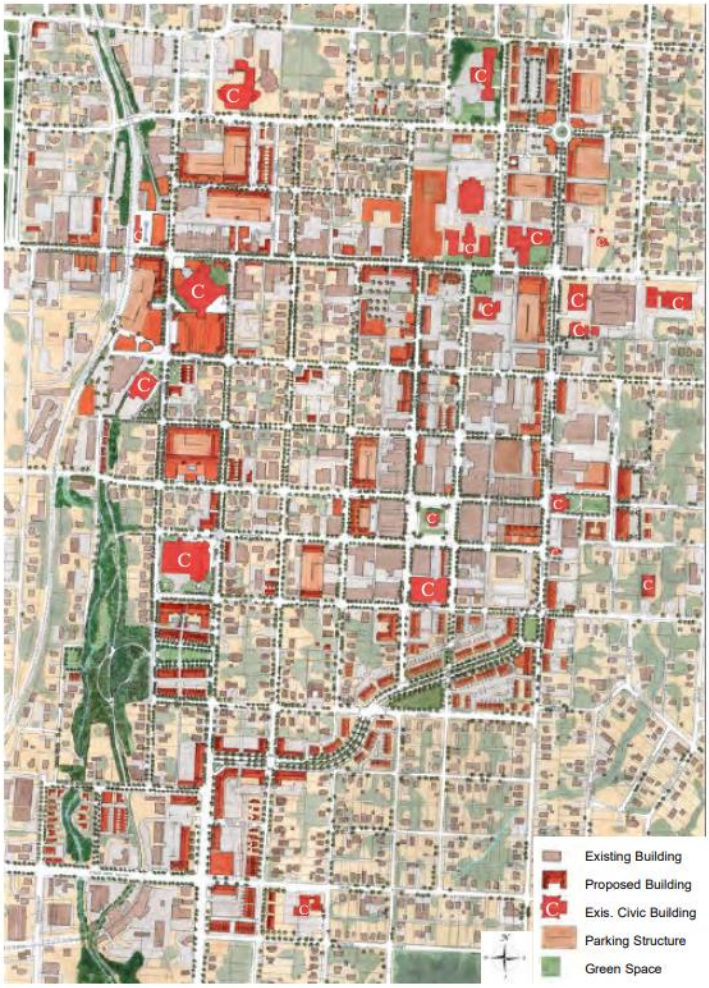
Nestor Briceno

DOWNTOWN MASTER PLAN

Through the charrette process, the community and design team arrived at a series of basic urban design and policy principles to guide future development Downtown. The Key Principles summarize the results of the citizen process and promote responsible growth, planning and development. While the specifics of each principle are reflective of Fayetteville's needs, overall these principles are essentials for good planning in any modern downtown. This chapter presents the broad scope of the community's vision for Downtown; specific design components of each principle are further described and illustrated in Chapter 3. General guidance on implementing each principle is included; detailed implementation strategies can be found in Chapter 5.

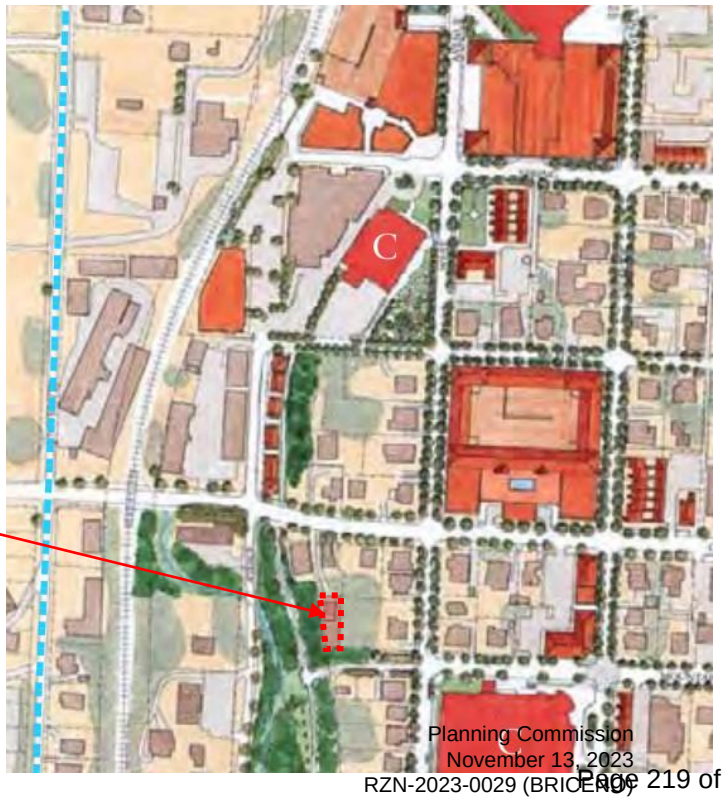
KEY PRINCIPLES

1. ***A Superbly Walkable Environment***
2. ***Downtown Living***
3. ***Smart Parking***
4. ***Smart Rules***
5. ***Special Places***
6. ***An Experience Economy***

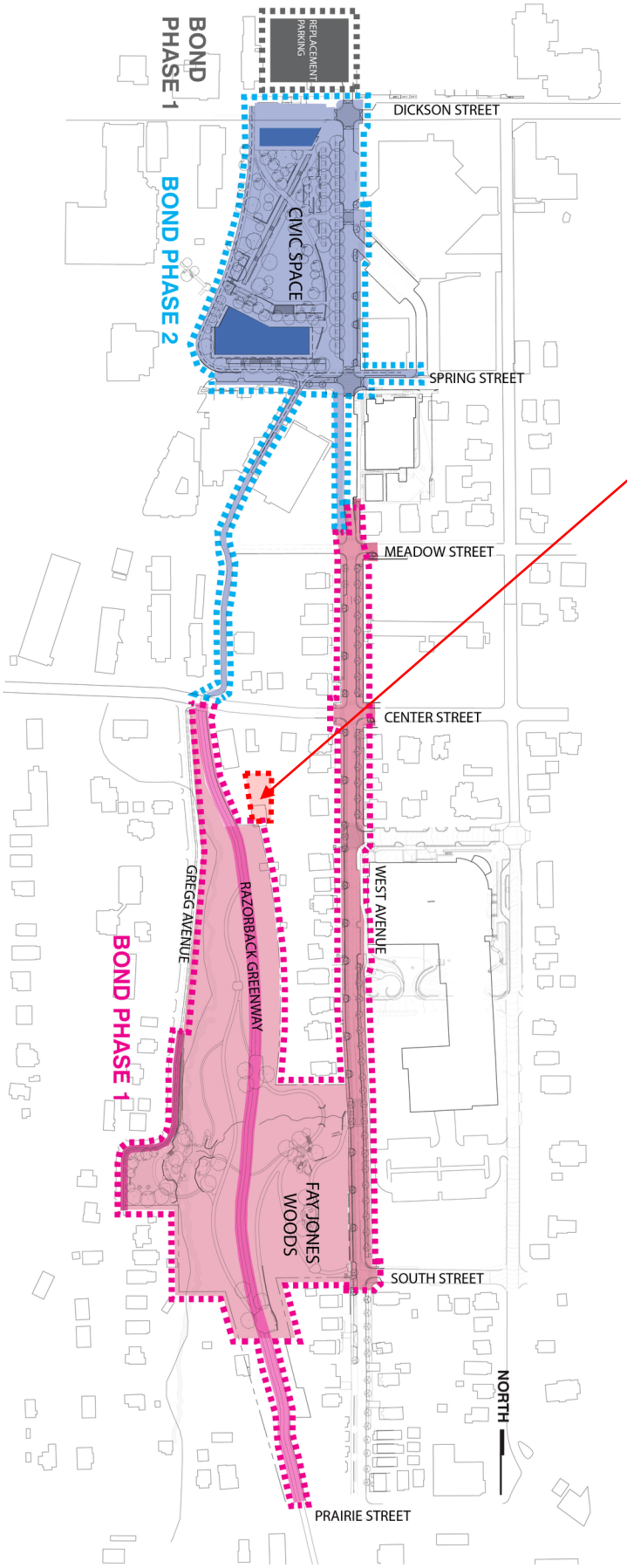


The Illustrative Master Plan at right was created during the charrette. The plan synthesizes community ideas and depicts the idealized build-out for downtown. This map is for illustrative purposes and is not a regulating document. The Illustrative Master Plan identifies key opportunity parcels for potential development, redevelopment, conservation, and preservation. A large copy of the plan is included in the Appendix and is on display at City Hall.

SUBJECT PROPERTY



CULTURAL ARTS CORRIDOR EXHIBIT



SUBJECT PROPERTY

Wonsower, Donna

From: Tamijani, Zak
Sent: Tuesday, November 7, 2023 11:49 AM
To: Wonsower, Donna
Subject: RZN-2023-0029

Follow Up Flag: Follow up
Flag Status: Flagged

Alan Ostner stated support for this RZN.

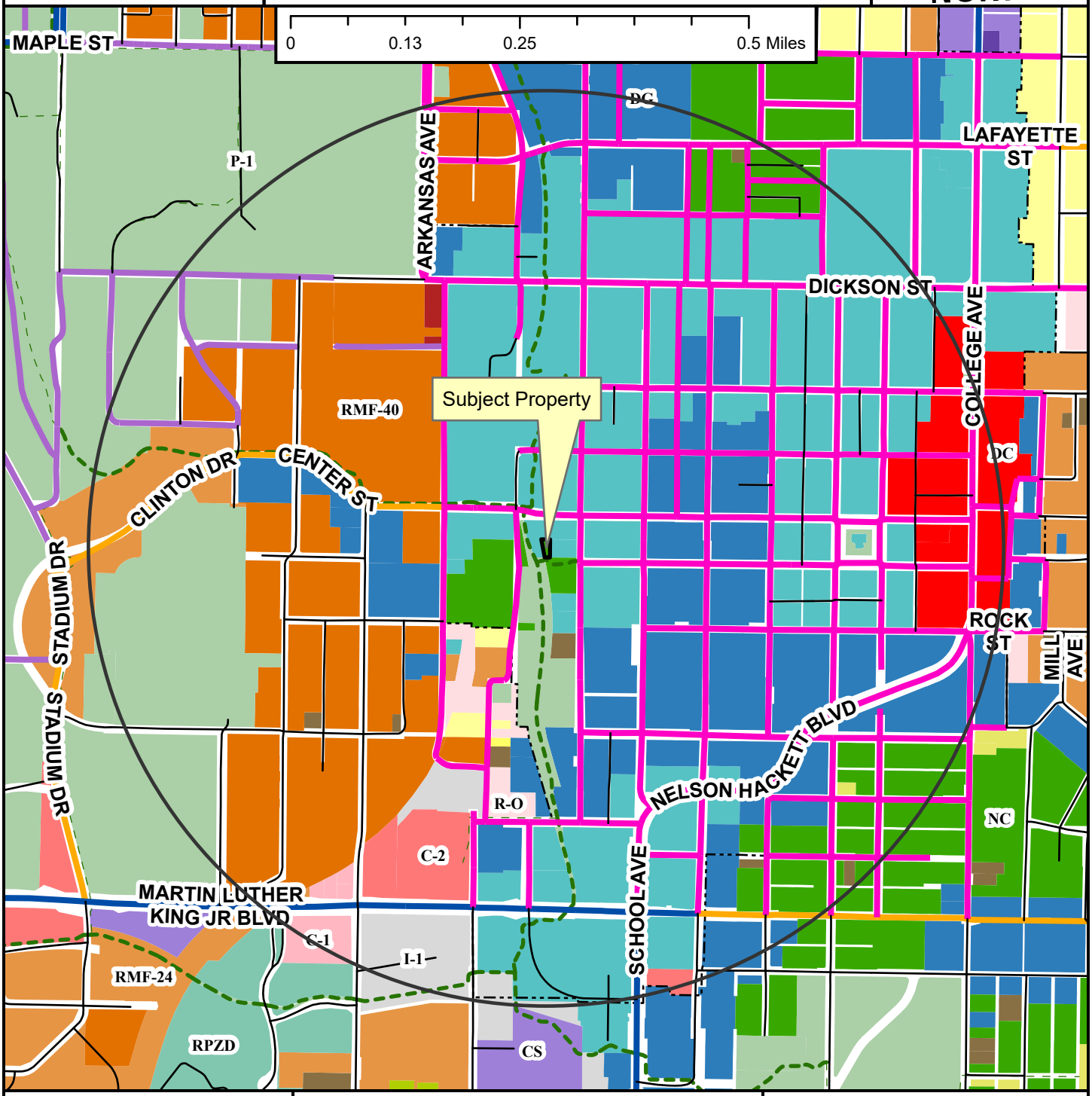
Zak Tamijani
Planning Technician
City of Fayetteville
479-444-3443
Website | Facebook | Twitter | Instagram | YouTube

RZN-2023-0029

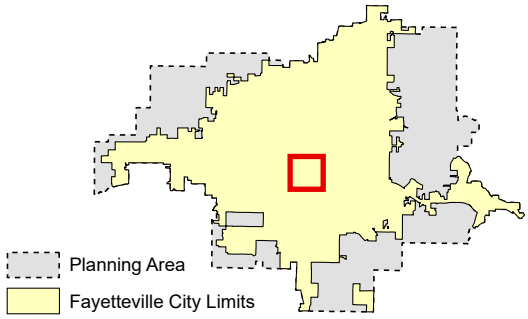
One Mile View

533 W. CENTER ST

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

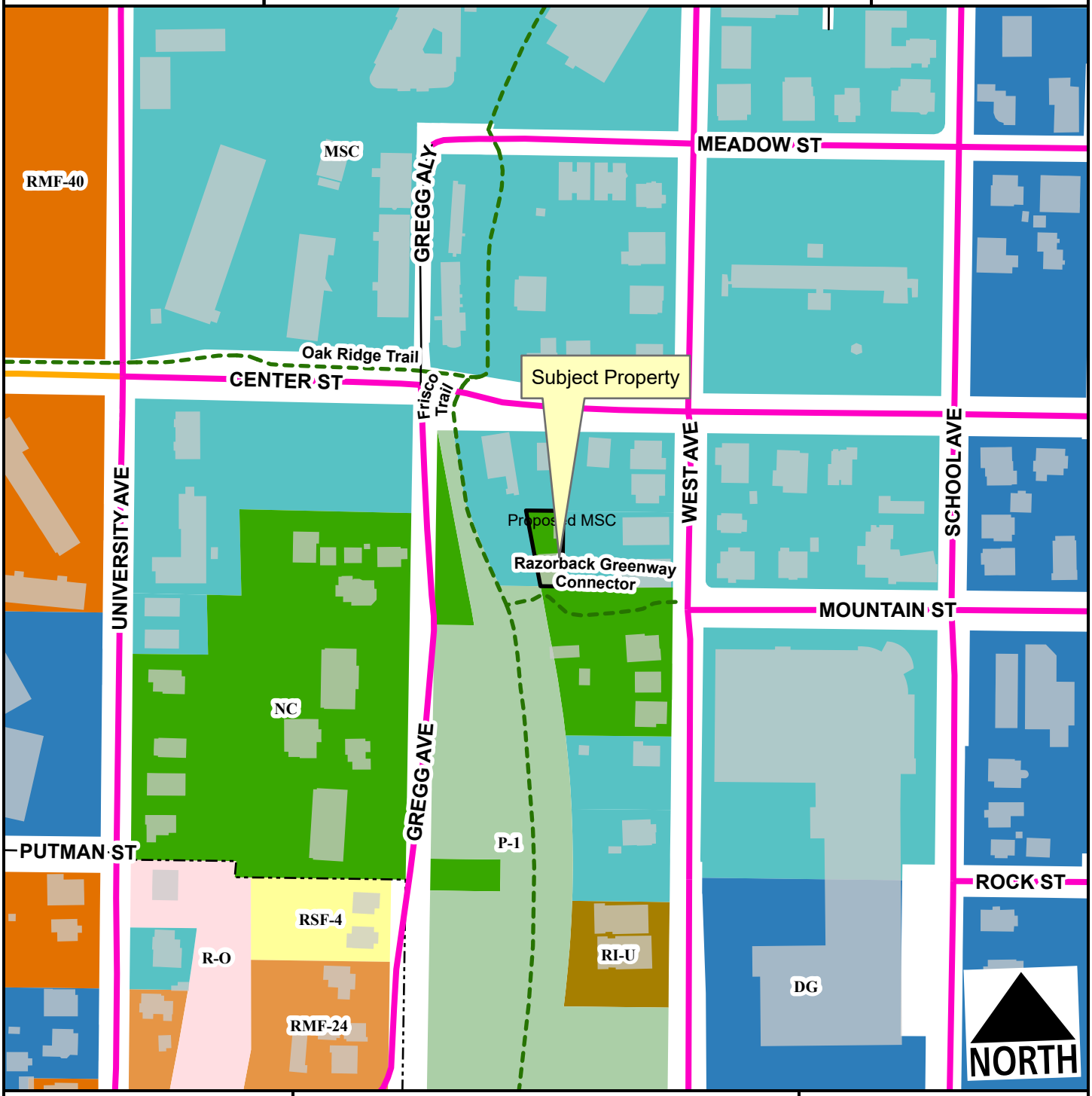
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2023-0029

Close Up View

533 W. CENTER ST



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
MSC	0.0	0.1
NC	0.1	0.0

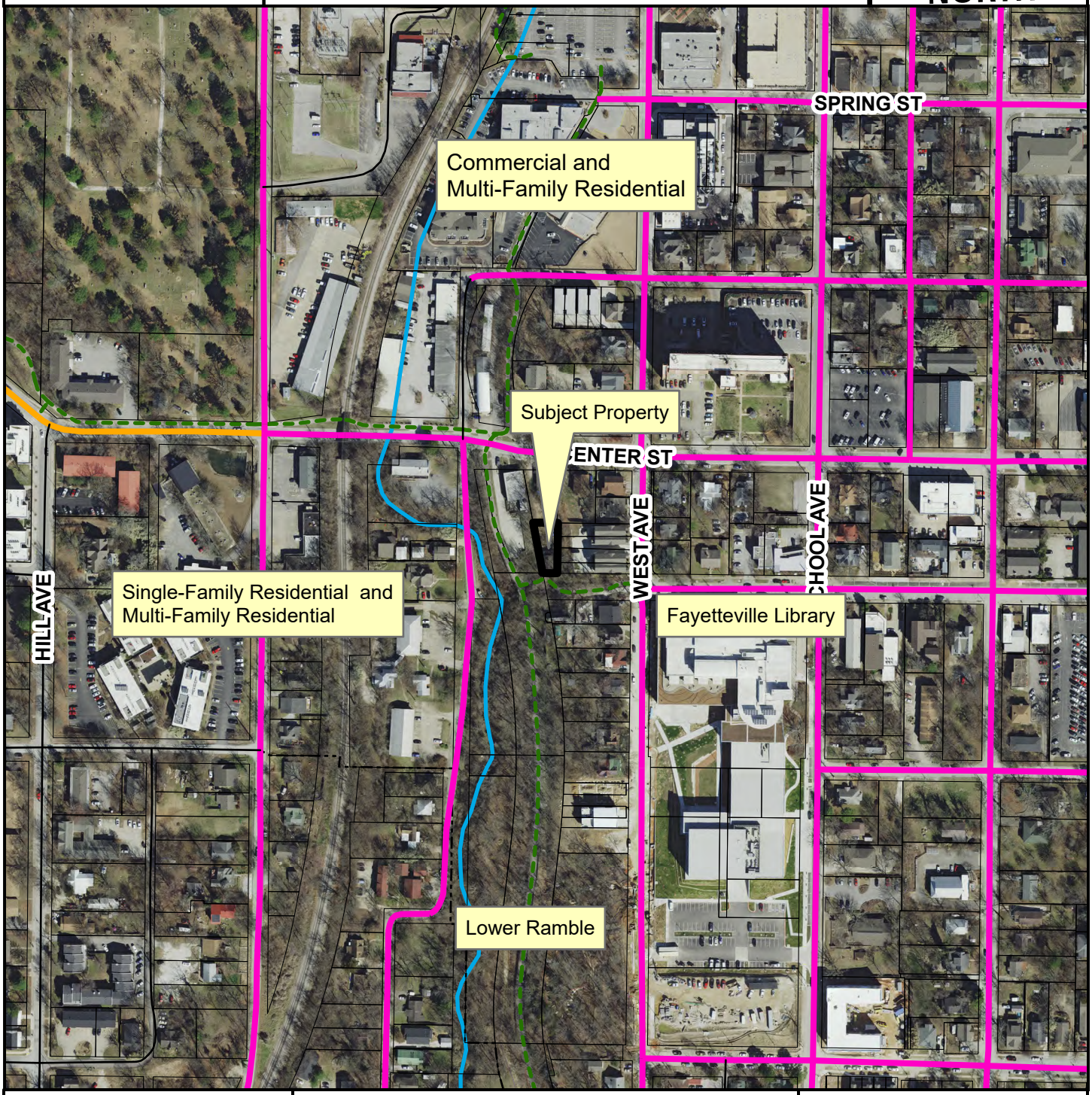
Total 0.1 ac

RZN-2023-0029

Current Land Use

533 W. CENTER ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

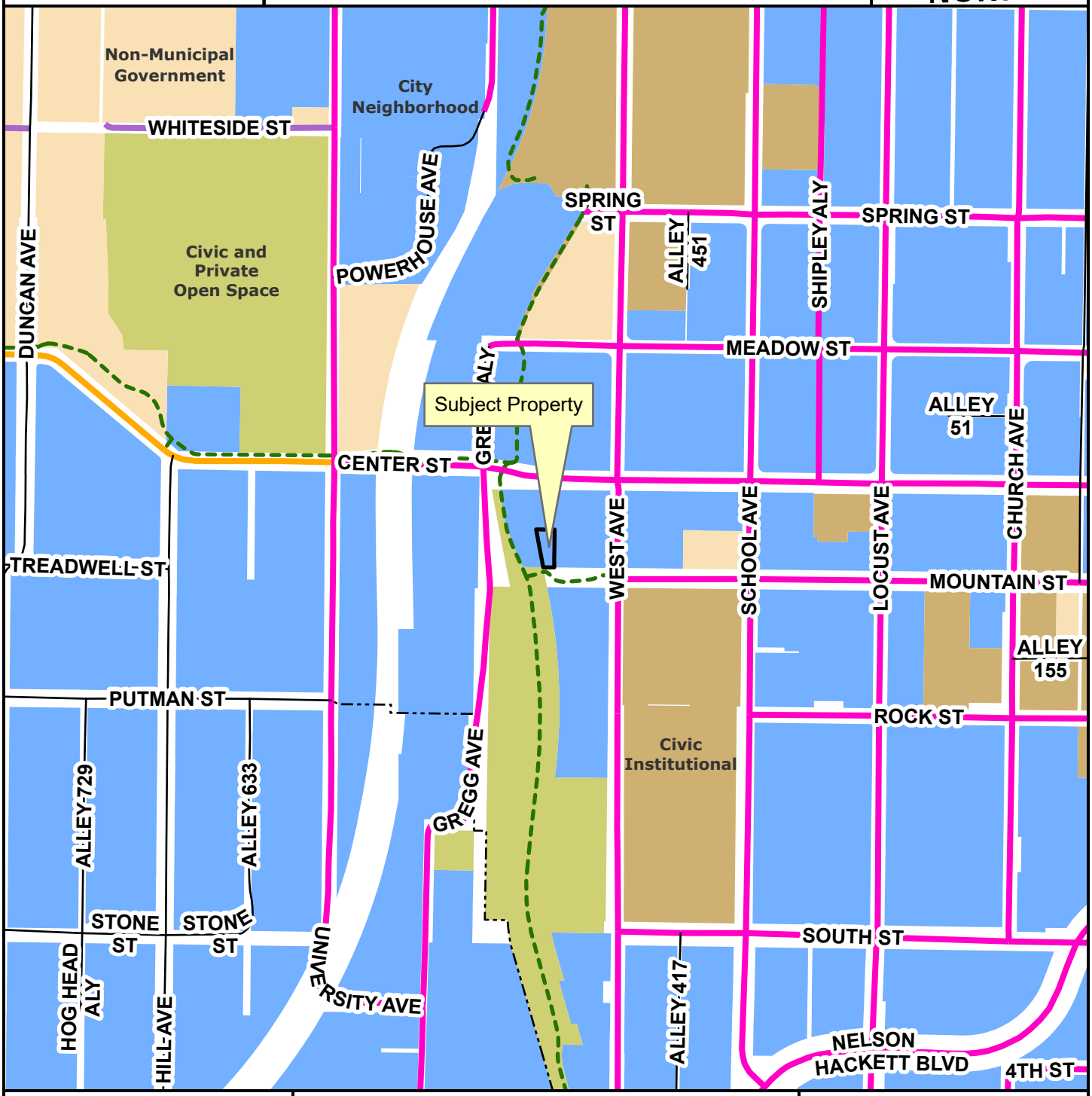
- 100-Year Floodplain
- Floodway

RZN-2023-0029

Future Land Use

533 W. CENTER ST

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **RZN-2023-0031: Rezoning (3393 E. HUNTSVILLE RD./MB PROPERTY MANAGEMENT LLC, 529):** Submitted by CRAFTON TULL for property located at 3393 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.58 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE.

RECOMMENDATION:
Staff recommends denial of **RZN-2023-0031**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2023-0031**."*

BACKGROUND:
The subject property is located on the south side of Huntsville Road about a half mile east of the street's intersection with Dead Horse Mountain Road. The property contains one parcel totaling 0.58 acres which is currently developed with a single-family dwelling that Washington County records indicate was built in 1939 and two associated outbuildings. The property contains hydric soils and is bordered to the south by land that was purchased by the Watershed Conservation Resource Center and the City of Fayetteville to protect and restore wetlands, floodplain, and other natural features. 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	R-O, Residential-Office
South	Undeveloped	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	R-A, Residential-Agricultural
West	Undeveloped	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units per Acre.

Public Comment: Staff has received a few inquiries about this request though no clear support or opposition to the rezoning has been offered. One individual expressed concerns about increased traffic along Huntsville Road.

INFRASTRUCTURE:

Streets: The subject property has frontage along Huntsville Road, a partially improved Regional 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 eight-inch water main is present on the north side of Huntsville Road.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present on the north side of Huntsville Road.

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

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 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 RI-12, Residential Intermediate, Twelve Units per Acre requires **20% minimum canopy preservation.** The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre requires **25% minimum canopy preservation.**

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **3** for this site with a weighted score of **2.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (six-inch main, Huntsville Road)
- Near Water Main (eight-inch main, Huntsville Road)

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 RSF-4 to RI-12 to be incompatible with existing land use and zoning patterns. Where RSF-4 currently allows for the by-right development of single-family dwellings at a density of four units per acre, RI-12 would allow for the development of single- to four-family dwellings at a density of 12 units per acre. Since the subject property is primarily surrounded by a mixture of rural, commercial, and low-density residential properties, a rezoning to RI-12 has the potential to result in higher-density residential development that may be out of character with the surrounding neighborhood. With regard to setbacks, RSF-4 currently requires a 15-foot front setback while RI-12 would require a 0- to 25-foot build-to zone. Staff finds that a build-to zone may not be appropriate on this site since most nearby properties are located in zoning districts that require conventional setbacks, and since the subject property's frontage is partially encumbered by the presence of overhead power lines and a 42-inch sewer main.**

Land Use Plan Analysis: **Staff finds that the proposed rezoning has the potential to run afoul with Goal 6 of City Plan 2040 by reducing the quantity of existing attainable housing. The property is currently developed with a 1,134-square-foot single-family dwelling which was built in 1939. A rezoning of the property to RI-12 would likely result in the demolition of that structure and the development of a limited number of new housing units that are less affordable. Staff does, however, acknowledge that the proposed rezoning would allow for the creation of more housing units which would add to the City's overall housing supply. Nevertheless, staff finds that this site may not be an appropriate location for RI-12 zoning when considering that the surrounding area is largely zoned and developed for rural and low-density residential uses, and the property has a low infill score of 3 with access to water, sewer, and fire, being the only elements contributing to that score.**

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

Finding: **Staff finds that the requested rezoning is not justified or needed at this time. The applicant stated in their request letter that a rezoning to RI-12 would be in keeping with the intent of the City's zoning and would support the creation of affordable housing. However, staff finds that maintaining RSF-4 zoning would be more compatible with existing land use and zoning patterns and would better support the City's goal of preserving existing affordable housing.**

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

Finding: **A rezoning from RSF-4 to RI-12 has the potential to increase traffic at this location when considering that RI-12 would allow for more dense residential development. The requested rezoning also has the potential to result in the creation of a curb cut that may not meet access management standards. While driveways serving single-family dwellings are only required to maintain a curb cut separation of 10 feet, driveways serving attached dwellings are required to maintain a curb cut separation of 250 feet along Regional Link streets. That separation requirement could not be met on this property since it only has about 125 feet of frontage along Huntsville Road and there is an existing driveway about 20 feet away on the adjacent property to the east.**

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, the property currently has access to public streets, water, and sewer, and any necessary upgrades to existing infrastructure 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: Staff recommends denial of RZN-2023-0031.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 13, 2023	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

Crafton Tull
architecture | engineering | surveying

300 North College, Suite 317
Fayetteville, AR 72701
479.455.2207
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September 29, 2023

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

Re: Rezoning Request
3393 E Huntsville Road
CT Job # 23304400

Planning Staff,

On behalf of my client, MB Property Management, LLC, we are submitting the above referenced rezoning request for your consideration.

The property is located at 3393 E Huntsville Road in Fayetteville, Arkansas. It contains 0.58 acres of which 0.04 has been dedicated to ARDOT for right of way. The property is currently zoned RSF-4 and is surrounded by a multitude of zoning types. Across Highway 16 is 0.8 acres zoned R-O and 8.9 acres zoned RMF-24. Adjacent to the property are parcels zoned R-A and immediately south is a city owned watershed conservation resource area.

The parcel sits adjacent to the Highway 16 corridor, an intermediate thoroughfare for residences on the eastern side of the city. City of Fayetteville water and sewer as well as franchise utilities are all available on site. Considering the size of the parcel, no major traffic impact is anticipated. In keeping with the zoning intent and layout of the city and considering the need for affordable housing in the area, we request rezoning of the parcel to Residential Intermediate, 12 units per acre.

We appreciate your consideration in this matter.

Respectfully,

Hunter Collins, EI

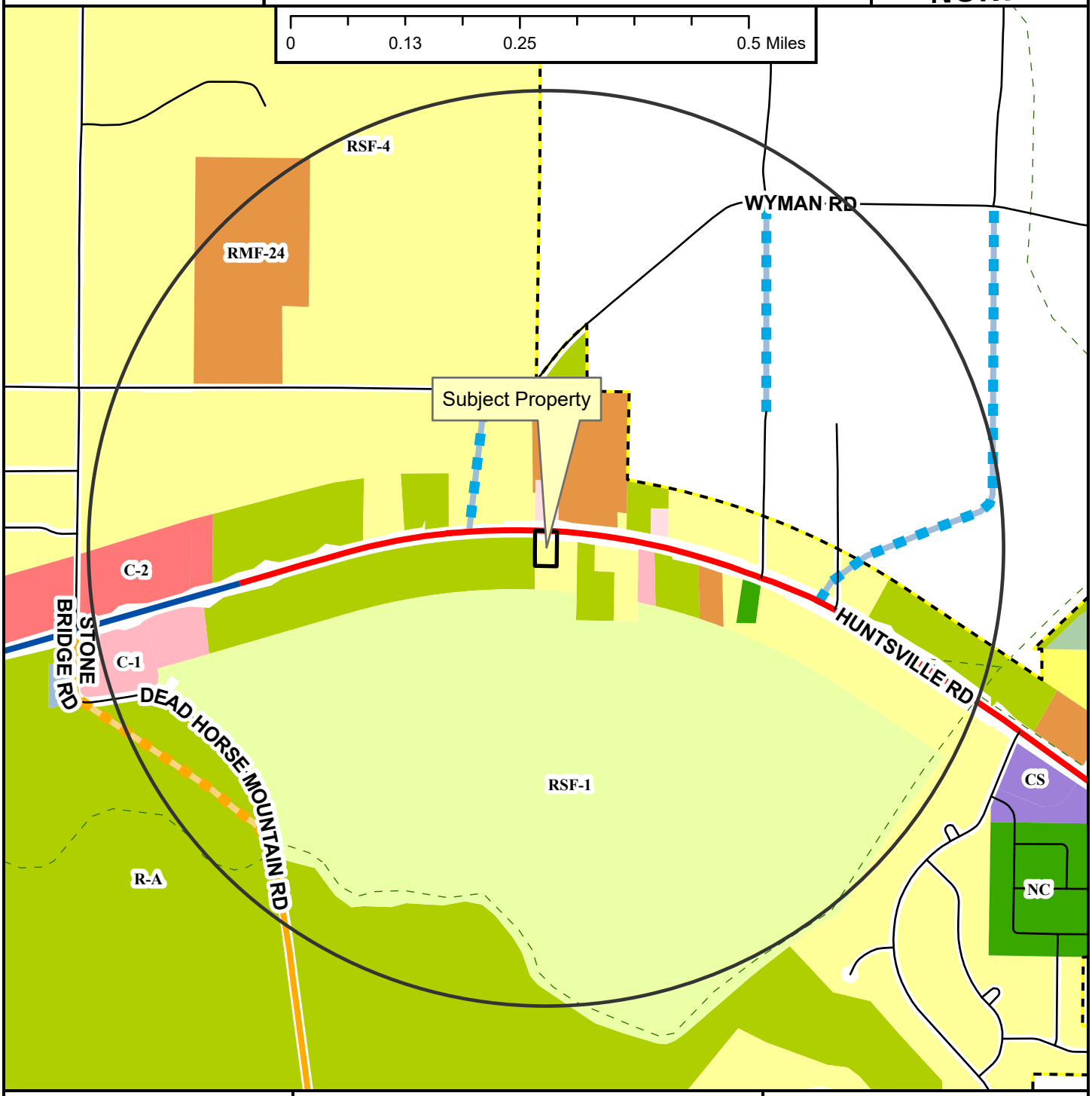
Civil Engineer Intern

RZN-2023-0031

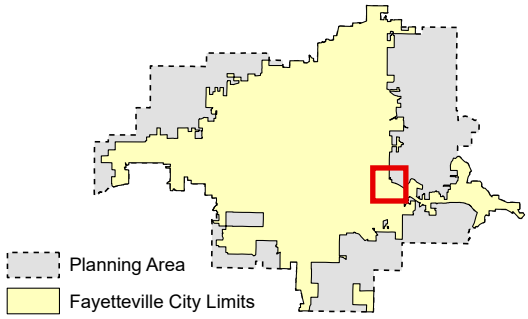
One Mile View

3393 E. HUNTSVILLE RD

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

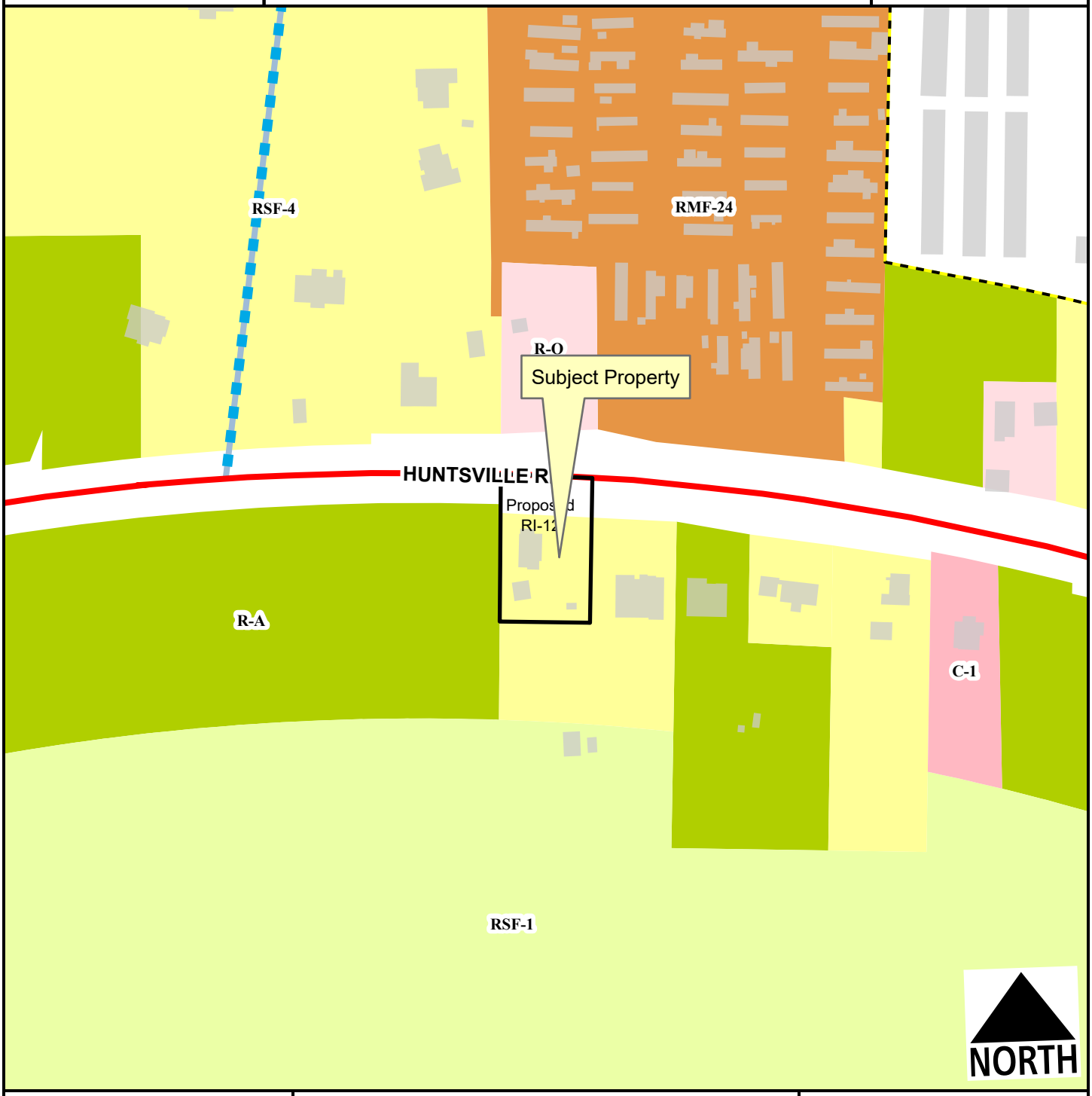
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2023-0031

Close Up View

3393 E. HUNTSVILLE RD



Regional Link
Planned Residential Link
Planning Area
Fayetteville City Limits

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

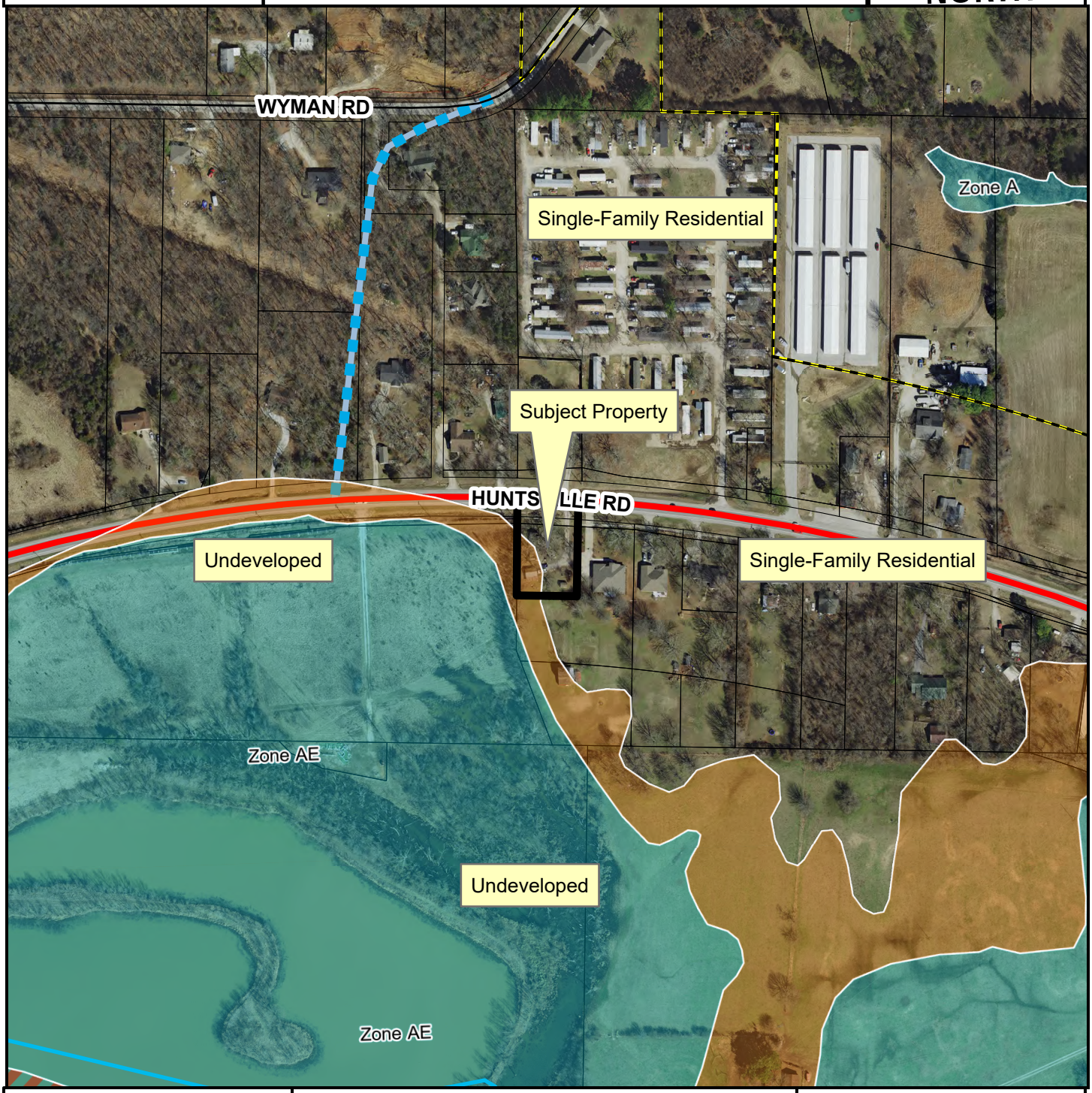
Zone	Current	Proposed
RI-12	0.0	0.6
RSF-4	0.4	0.0
Total	**0.6 ac**	

RZN-2023-0031

Current Land Use

3393 E. HUNTSVILLE RD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

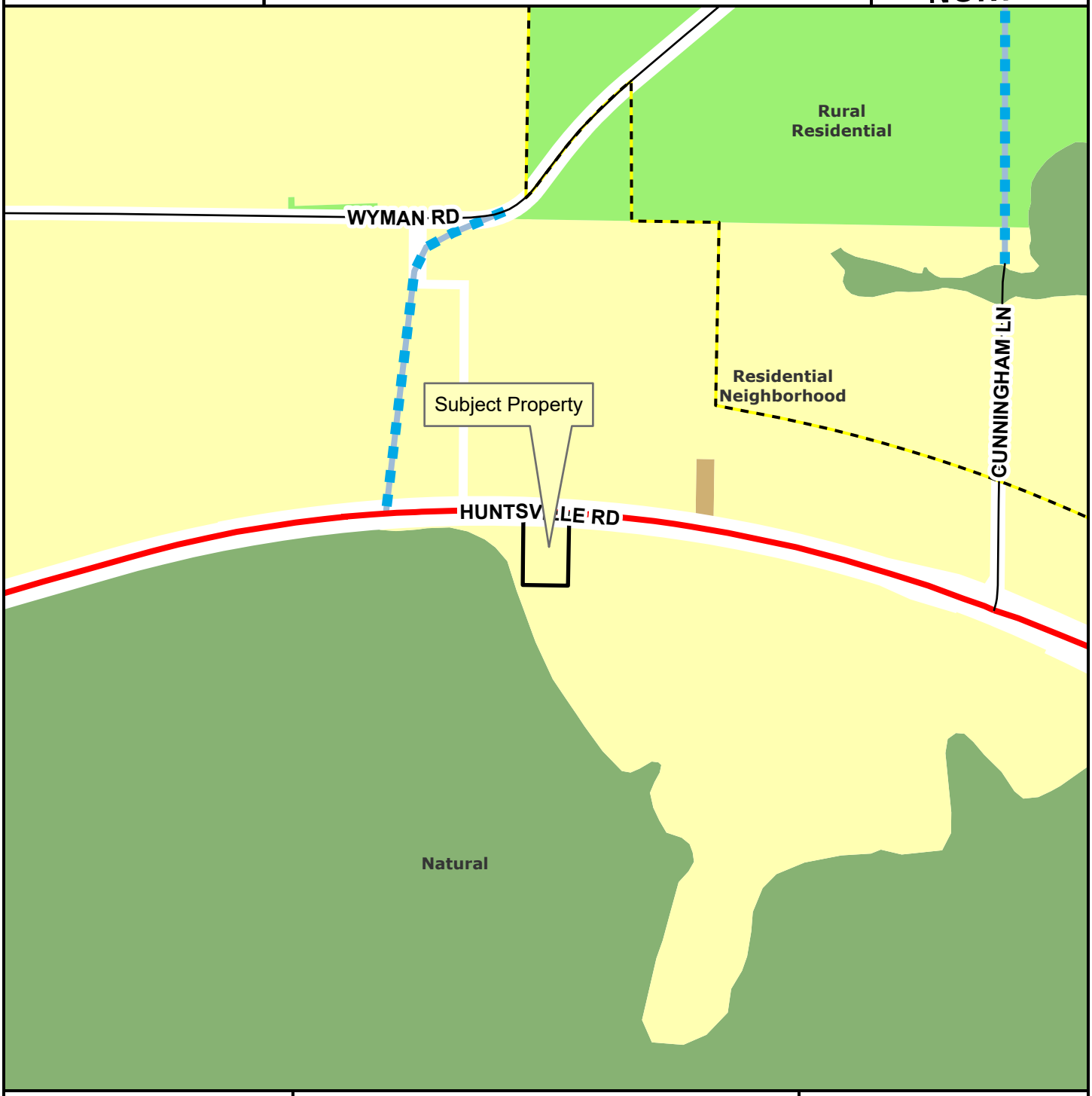
- 100-Year Floodplain
- Floodway

RZN-2023-0031

Future Land Use

3393 E. HUNTSVILLE RD

NORTH



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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0103: Conditional Use Permit (2562 E. CARNATION CT./BUCKLEY, 137):** Submitted by JANA BUCKLEY for property located at 2562 E. CARNATION CT. 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-2023-0103**, with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0103** 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 north Fayetteville 1/3 miles southwest of the intersection of E. Zion Rd. and N. Crossover Rd. The property is part of the original Woodbury Residential Planned Zoning District, approved by city council in 2006. The infrastructure, 16 single family homes (including the 1,434 square foot subject property), and common green with community pool were constructed prior to the expiration of the RPZD. The remainder of the proposed development was rezoned to NC, Neighborhood Conservation at staff's recommendation and with the concurrence of the property owner in 2011 and received final plat approval for 38 single family lots in 2016, utilizing a traditional neighborhood design with homes accessed via a rear alley and front facades facing the primary street. The original RPZD is now managed under a condominium style.

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	NC, Neighborhood Conservation RPZD, Residential Planned Zoning District
South	Single-family Residential Undeveloped	NC, Neighborhood Conservation R-A, Residential Agricultural
East	Mixed-Density Residential Commercial	NC, Neighborhood Conservation RPZD, Residential Planned Zoning District
West	Single-family Residential Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 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-2023-0103,** 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. 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.

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

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

7. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.

8. Any signage shall meet the requirements as outlined in §174, Signage.

9. 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.

Special Conditions of Approval:

1. Occupancy shall be limited to a maximum of four guests.

PLANNING COMMISSION ACTION:	**Required YES**
Date: November 13, 2023	**❒ Tabled ❒ Approved ❒ Denied**
Motion:	
Second:	
Vote:	

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the 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. The applicant has indicated that the structure has two bedrooms, which would allow for a maximum occupancy of six guests. Due to low off street parking and limited capacity for on-street parking, staff recommends the maximum guest count be limited to four.**

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 two bedrooms and two off street parking spaces in an attached garage.**

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

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

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

Finding: **The application is for use of the property at 2562 E. Carnation Ct. 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 November 7, 2023, the City had issued 411 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: **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 with recommended condition for reduced guest count of four. The property has two bedrooms with two garage parking spaces available. The RPZD designated the on-street parking on the one-way streets near the common area as satisfying the parking requirements for the six units with only single-car garages in planning area one, and the neighborhood has less than ten off-street parking spaces adjacent to the pool for all users of the common area. As such, on-street parking is likely accounted for by long-term residents of the neighborhood and staff does not recommend that any on-street parking be included in parking totals for the short-term rental use. According to city records, one other unit has an active type 2 short term rental license within ¼ mile of the subject property. 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 and may not be populating. No zoning or code violations have been issued at the property. One possible code case was reported in August 2023 but was closed as unfounded.**

§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 E. Carnation Ct., a partially improved private street with sidewalk. The use of on-street parking or the limited supply of off-street parking spaces within the neighborhood, such as those by the common area, is likely to impede traffic flow throughout the neighborhood due to the narrowness of the streets (20 feet); however staff finds that with a reduced guest count of four, parking can likely be contained on-site, limiting impact to the surrounding neighborhood.**

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

Finding: **A total of two off-street parking spaces are available in an existing garage. The driveway for this property is not of sufficient length for additional parking. 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 property is surrounded by residential uses and multiple adjacent properties are zoned for commercial or multi-family residential uses. While the residences along E. Carnation Ct. are all detached single-family dwellings, properties within ¼ mile are developed with a range of residential densities and the E. Zion Rd. and N. Crossover Rd. is a major intersection with a range of permitted uses and densities.**

(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
  - RPZD Excerpts (ORD 4391)
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- Staff Exhibit:
  - Overall Development Plan
  - Additional Site Photos
- 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)

will consist of "The Commons," containing a clubhouse, pool, outdoor living areas, and park area.

PLANNING AREA 1

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 8	SINGLE FAMILY DWELLING

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY
TOTAL PLANNING AREA SIZE: 7.92 ACRES
TOTAL NUMBER OF RESIDENTIAL UNITS: 67
NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE
RESIDENTIAL DENSITY: 8.5 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS
LOT WIDTH MINIMUM: 32 FT
LOT AREA MINIMUM: 1,200 SF
LAND AREA PER DWELLING: 3,096 SF

SETBACK REQUIREMENTS

FRONT-WOODBURY DRIVE:	10 FT from R/W (Back of Curb)
FRONT-PRIVATE DRIVES:	15 FT from Access Easement
SIDE-PROPERTY LINE:	8 FT
MIN. BETWEEN BUILDINGS:	6 FT

HEIGHT
Structures in this Planning Area are limited to a building height of 35 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 35 feet by obtaining a variance after hearing by the Planning Commission.

BUILDING AREA
MAXIMUM: 60%

SITE PLANNING

LANDSCAPING

A Landscape Tree shall be planted every 30 feet of public and private street frontage, and along the pedestrian walkways as indicated on the landscape plan.

PARKING

Parking in this Planning Area will be mainly occur in garages in the individual units. The Woodbury covenants are very specific that garages are to be used for parking vehicles, not for storage. On-street parking is allowed on the 1-way portions of Woodbury Drive surrounding The Commons. All 2 and 3 bedroom units have a 2-car garage which satisfies the parking requirements for those units. There are only 6 single bedroom units in the development and these have only a 1-car garage. Excess parking requirements for these units will be satisfied by the on-street parking allowed on Woodbury Drive.

ARCHITECTURAL DESIGN STANDARDS

Structures shall be built using brick, stone, and stucco with lap and shingle siding, consistent with the building elevations included in the project booklet.

PLANNING AREA 2

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY DWELLINGS

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 12	OFFICES, STUDIOS, AND RELATED SERVICES
UNIT 13	EATING PLACES
UNIT 15	NEIGHBORHOOD SHOPPING GOODS
UNIT 16	SHOPPING GOODS
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 2.62 ACRES
TOTAL NUMBER OF RESIDENTIAL UNITS: 45
NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE
RESIDENTIAL DENSITY: 17.2 UNITS PER ACRE

CONDITIONAL USE PERMIT. Requirements

1. Request Letter

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

House is 1559sq ft per appraisal from purchase of property. 2 bedrooms/ 2 baths. No additions to be made.

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

Please see photographs attached.

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

2 car garage + free parking spaces in the neighborhood pool area which is within walking distance of 250 ft from property.

(d) Outdoor lighting

Current outdoor lighting consists of the fixtures original to the property, a front porch fixture, back porch fixture and two fixtures on each side of the garage. No additional lighting will be added.

(e) Noise

Noise level should be similar to that of a full time residence. Rental agreement will strictly prohibit parties.

(f) Screening or buffering from adjacent properties

Property is on a zero lot line. The city street is on the west, no entry on this side. Garage and patio is located on south side. East side is against neighbor's property, no entry on this side. Front door with sidewalk is on the north.

(g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

City of Fayetteville trash service is Monday AM. All neighbors place receptacles in the designated location on Pacific Heights Drive. I will request renters to gather trash and leave inside. I will collect and place trash in receptacle on curb just as all neighbors.

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

House is in a city neighborhood. Parking requirements will be published for renters. Traffic impacts should be just as if a full time resident were residing.

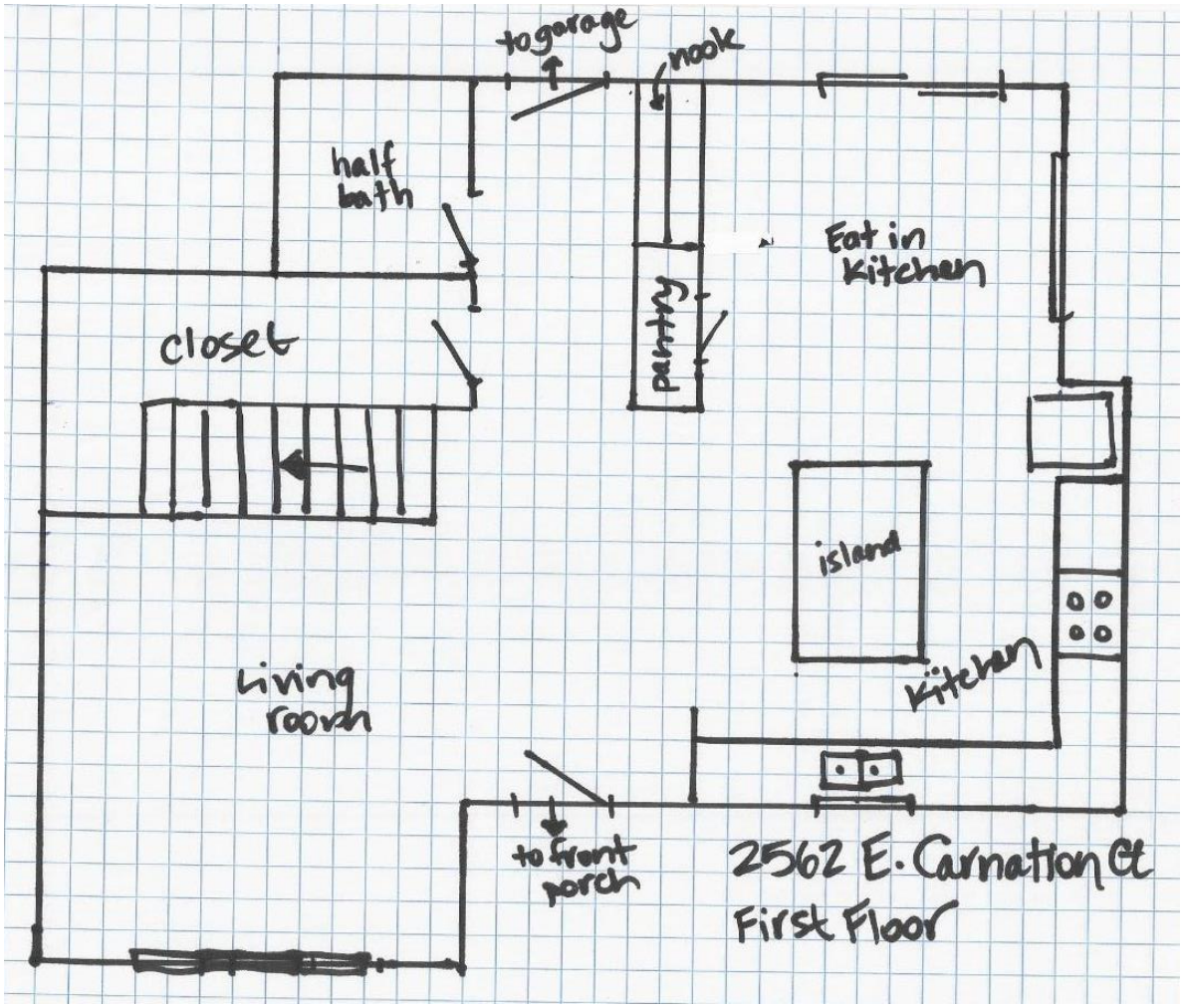
(i) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

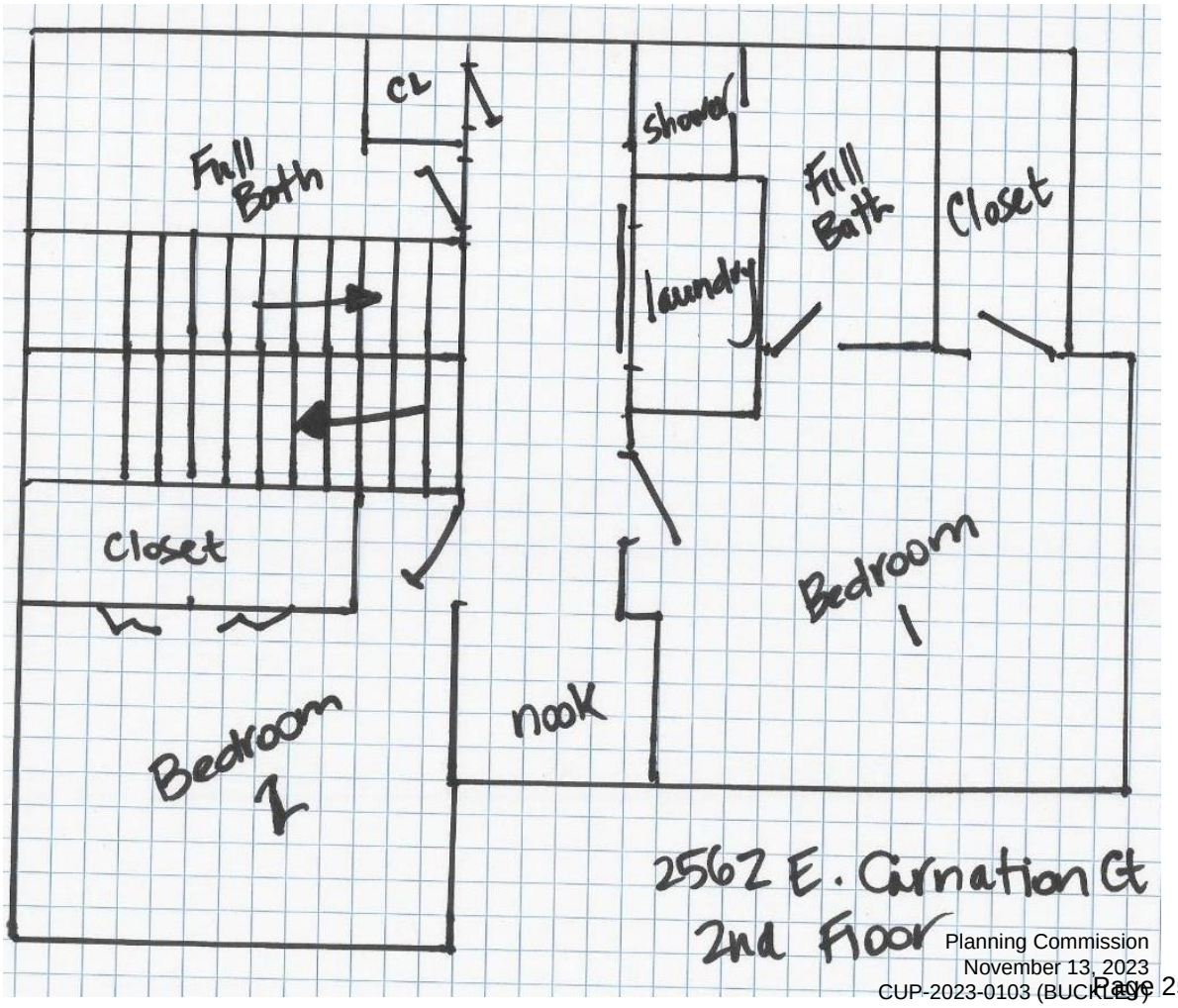
The compatibility is concurrent with adjacent properties as majority are rental properties.

2. Legal Description

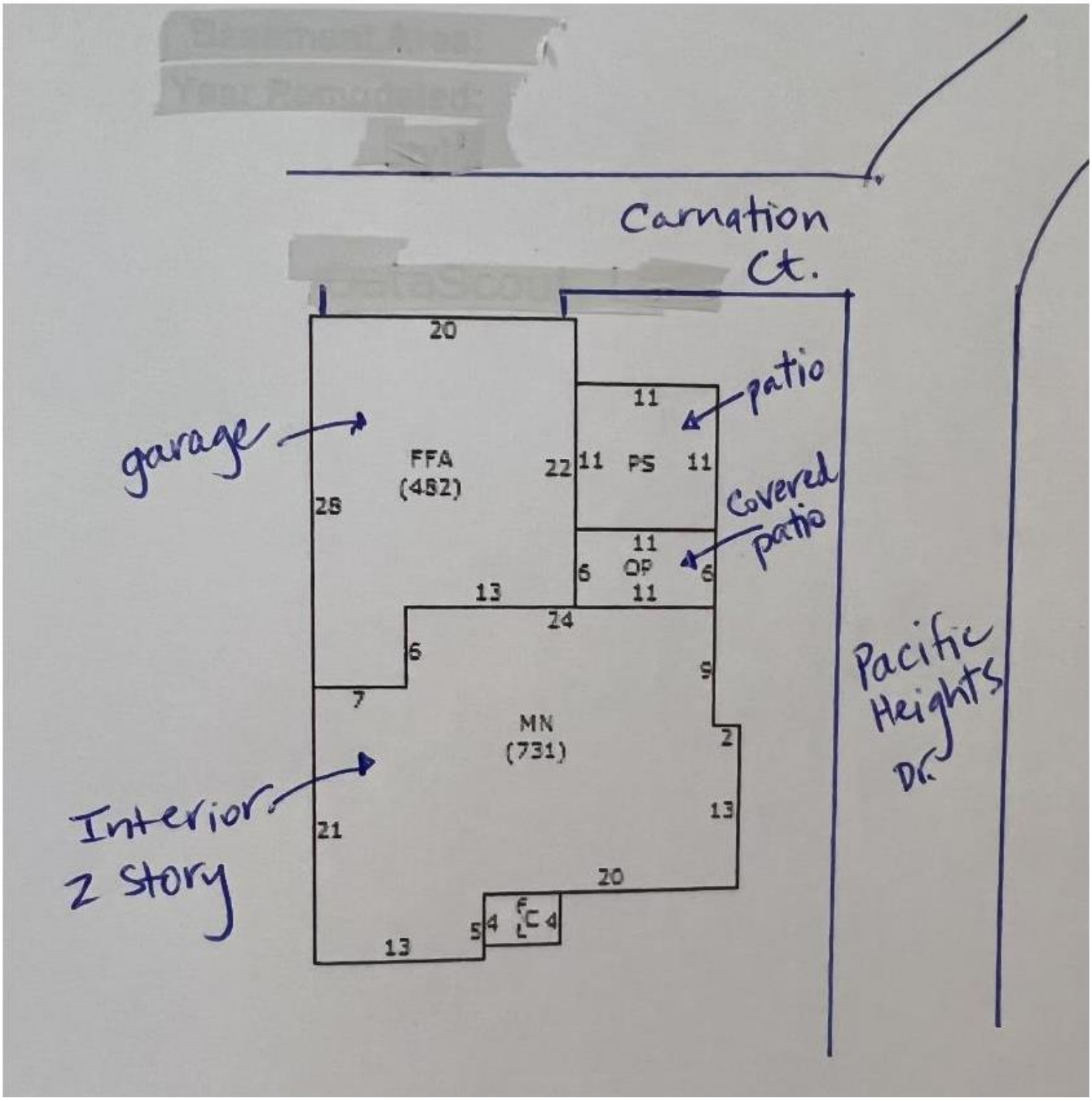
Unit 11, Woodbury, a planned unit development, Fayetteville, Washington County, Arkansas

APPLICANT PHOTOS

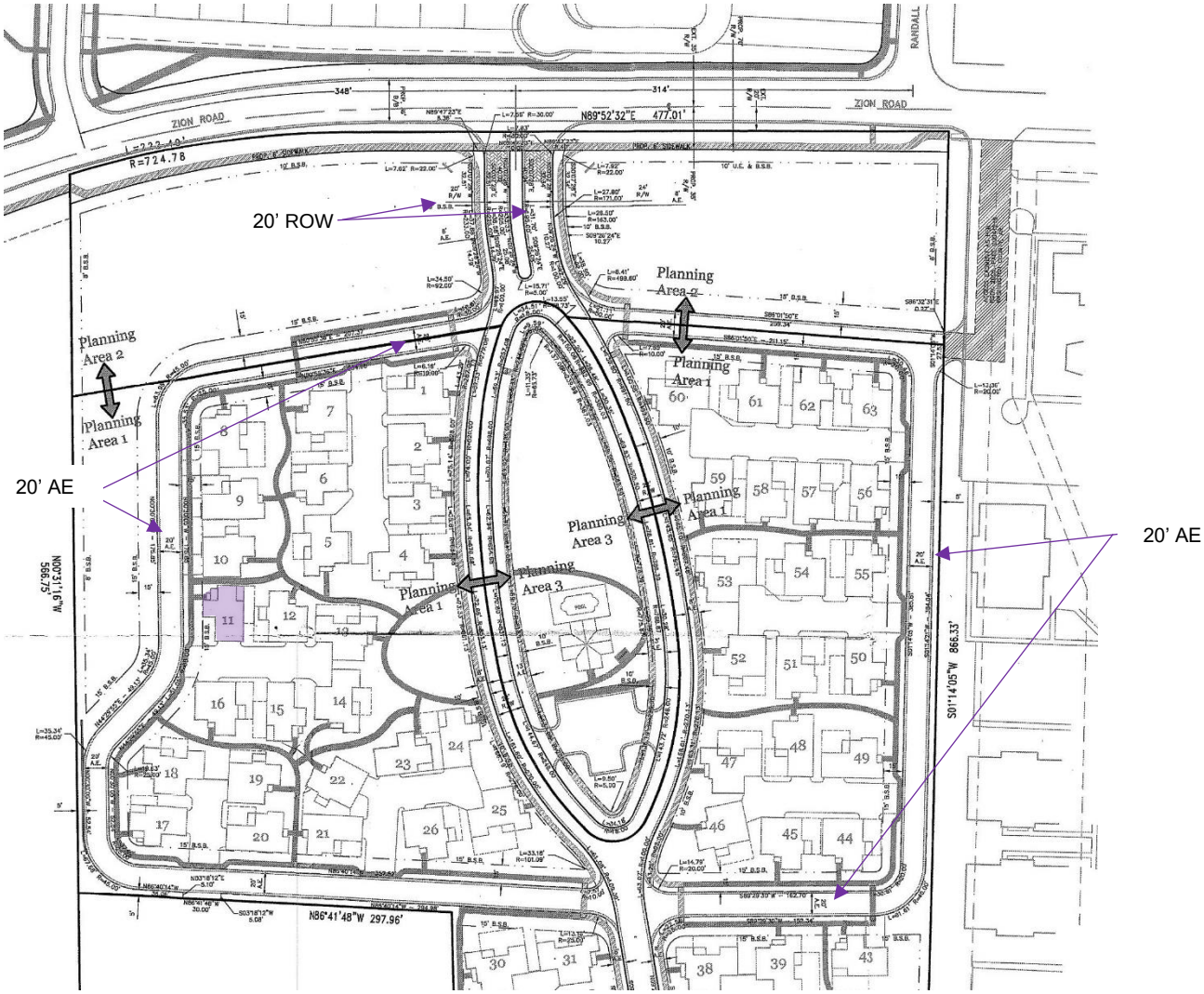

to garage
nook
half bath
Eat in kitchen
pantry
closet
island
Kitchen
living room
to front porch
2562 E. Carnation Ct
First Floor

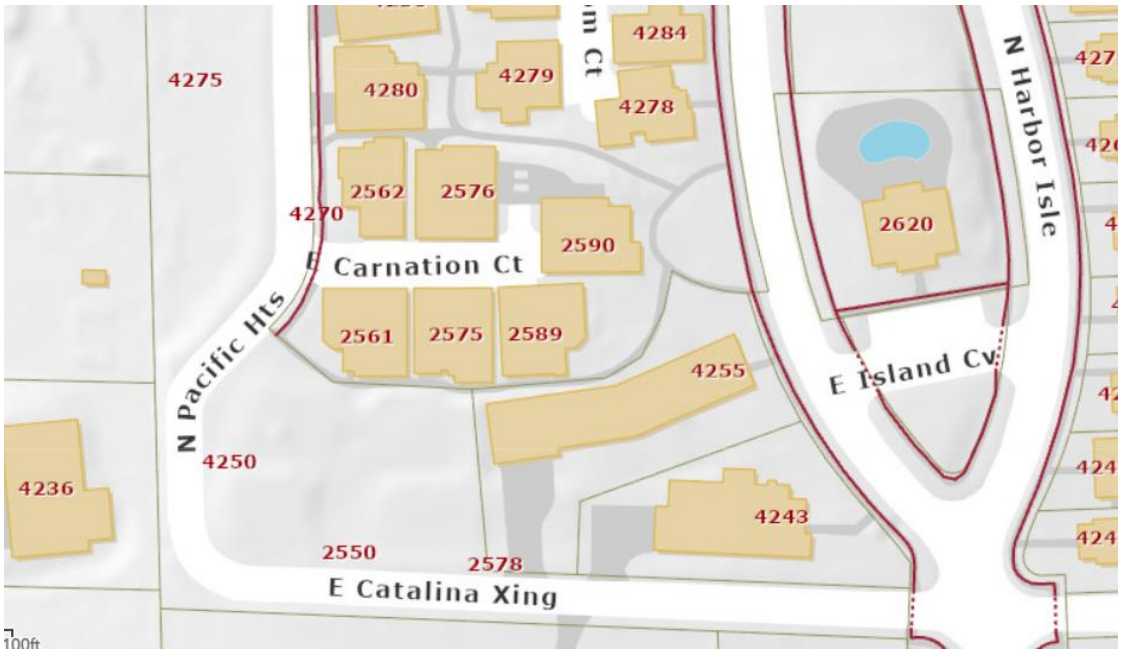

CL
Full Bath
Shower
Full Bath
Closet
laundry
Closet
Bedroom 1
nook
Bedroom 2
2562 E. Carnation Ct
2nd Floor

From: **Jana Buckley** janabuckley8@gmail.com
Subject: Site plan
Date: August 3, 2023 at 1:07 PM
To: janabuckley8@gmail.com

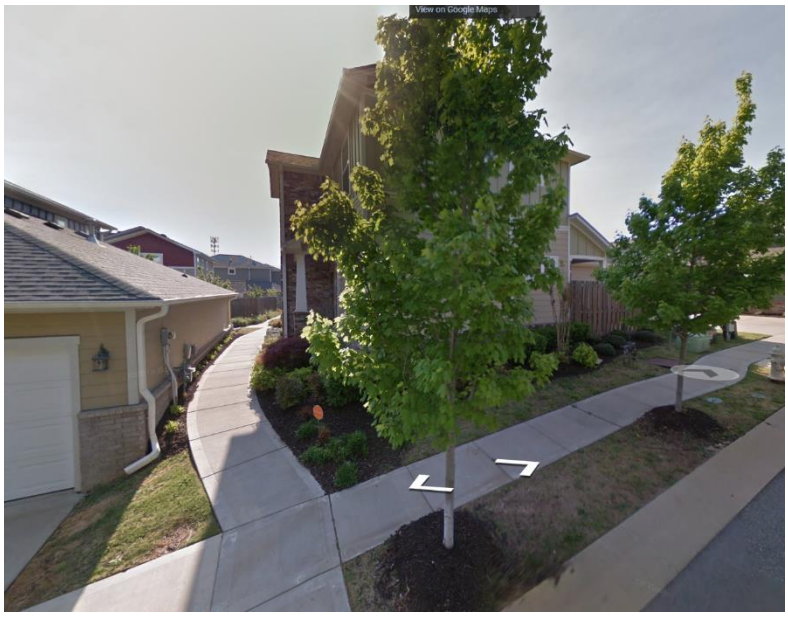


STAFF EXHIBIT:
WOODBURY SITE PLAN





NEIGHBORHOOD DEVELOPMENT PATTERN



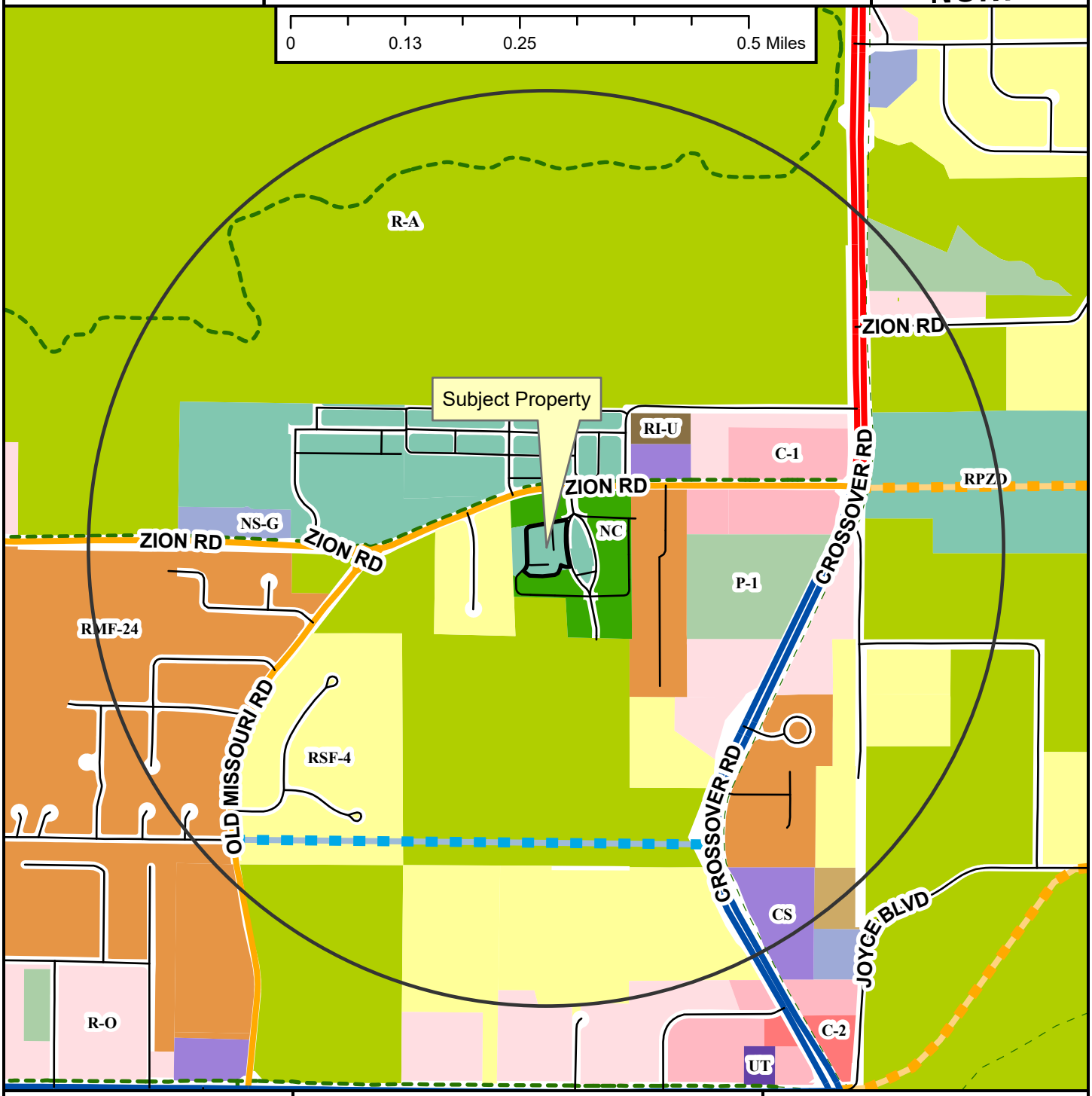
SIX OFF-STREET PARKING SPACES AT POOL (INCLUDING ONE ADA SPACE)

CUP-2023-0103

One Mile View

2562 E. CARNATION CT

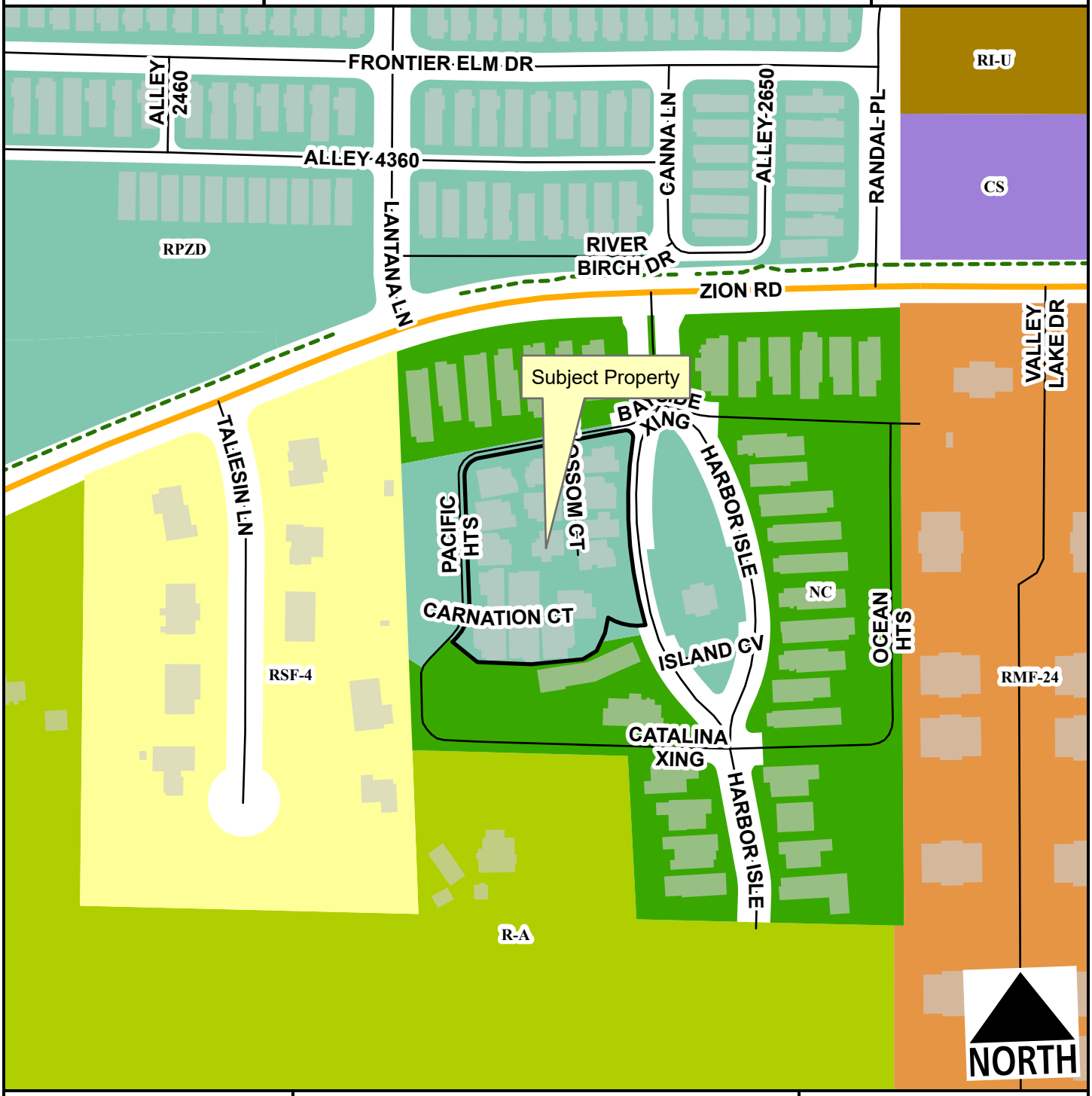
NORTH



CUP-2023-0103

Close Up View

2562 E. CARNATION CT



- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RI-U
- RMF-24
- Community Services
- Neighborhood Conservation
- Commercial, Industrial, Residential

CUP-2023-0103

Current Land Use

2562 E. CARNATION CT

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

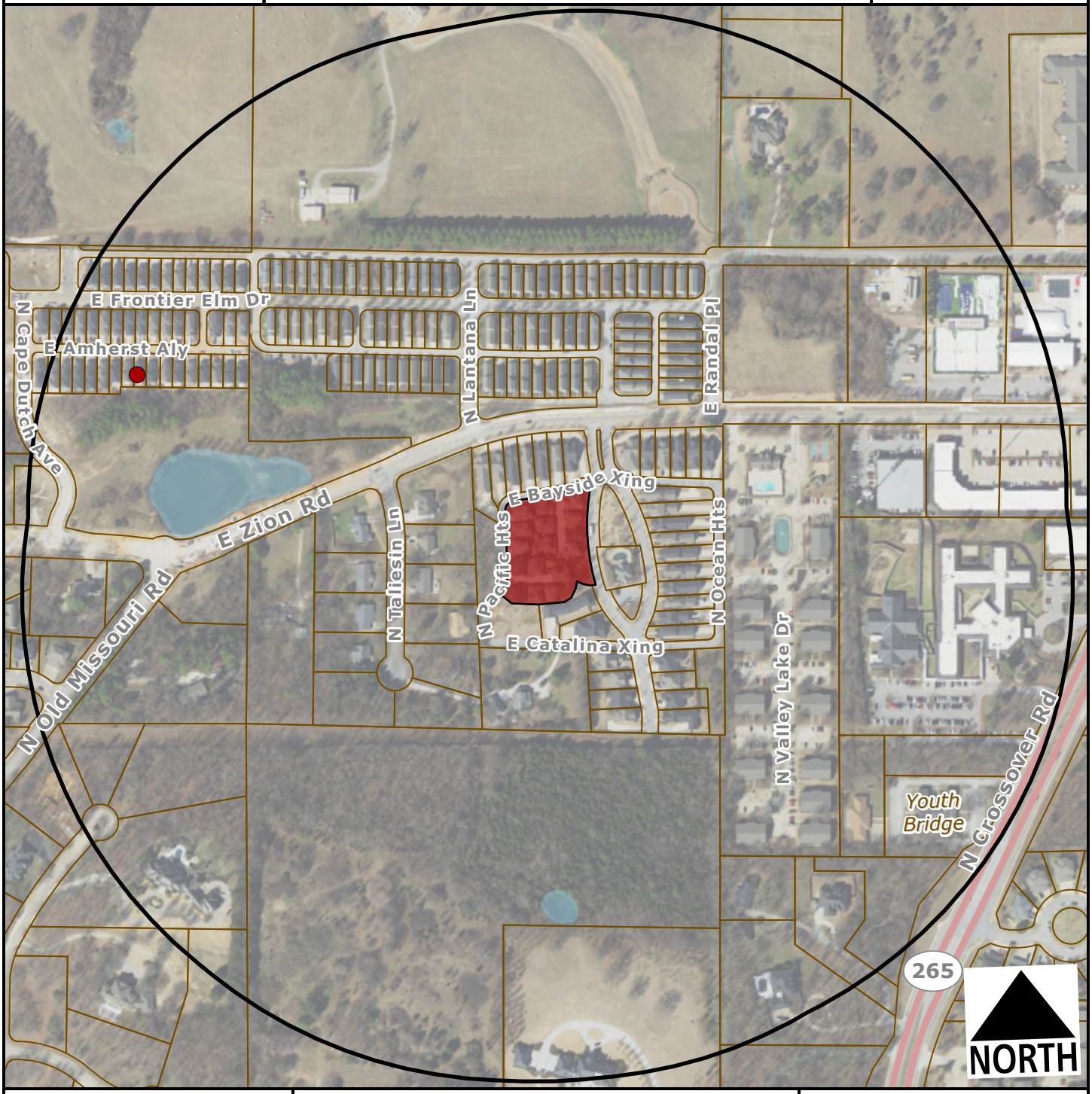
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0103

STRs Within 1/4 Mile

2562 E. CARNATION CT



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 1

Occupiable Residential Addresses (Estimated Housing Units): 356

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0143: Conditional Use Permit (3087 W. SALIDA LN/ SHIRLEY, 557):** Submitted by LEIGH SHIRLEY for property located at 3087 W. SALIDA LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends denial of **CUP-2023-0143**.

RECOMMENDED MOTION:
"I move to deny **CUP-2023-0143***."*

BACKGROUND:
The subject property is located west of Hwy 49 south of Centennial Park within Phase 2 of the Southern Woods Cluster Housing development. The property is zoned NC, Neighborhood Conservation, and falls within the Enduring Green Network, totaling approximately 0.20 acres. A 1,138 square foot single-family structure was constructed per city records with a certificate of occupancy granted on August 30, 2023. 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	NC, Neighborhood Conservation
South	Single-family Residential	NC, Neighborhood Conservation
East	Single-family Residential (Unbuilt Future Phases of Southern Woods)	NC, Neighborhood Conservation
West	Single-family Residential	NC, Neighborhood Conservation

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

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

rentals are subject to density limitations, including a 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 denial of **CUP-2023-0143.** If approved, staff recommends the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be incompatible with the neighborhood based on the findings in this report;*

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

3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.

4. Per 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 YES

Date: November 13, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the NC zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use could negatively affect the public interest, given the approval of this short-term rental would cause type-2 short-term rentals to exceed 8% of residential units within Phases 1 and 2. Staff finds that the addition of more short-term rentals within Southern Woods will place an undue burden on the neighborhood and that

continuing construction within both phase 2 and adjacent phases creates a potential safety hazard for guests who may not be familiar with the area.

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

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). Per the approved cluster housing development plans, two parking spaces were provided for this unit. According to the applicant the structure has two bedrooms and two parking spaces within an adjacent parking court (1 per bedroom).

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 3087 W. Salida 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 November 7, 2023, the City had issued 411 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: **Eight active type 2 short term rentals are shown on the adjacent property map, with three of these being located within phase 1 of Southern Woods. 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. Staff is aware of at least one additional unit with active business licenses in 2023 within phase 1 of the cluster housing development. Six dwellings within Phase 1 and the adjacent dwelling to the west within Phase 2 have been denied Type 2 short term rental applications due to concerns about the density of STRs within the clusters as well as available parking.**

If 3087 W. Salida Ln. is approved as a type 2 short term rental, the total number of type 2 short-term rental facilities would be 5 of 56 available units (8.9%) of Phase 1 and 2. If considering the entire Southern Woods

Neighborhood, including future unbuilt phases, the approval of an additional unit would bring the total to 5 out of 190 units (2.6%).

The cluster housing development is currently only accessible via S. One Mile Rd. from W. Old Farmington Rd., which does not have the capacity for on-street parking. While additional street connections are potentially available to the west in the future, these areas are under extensive construction and may not be reliably accessible due to the parking of construction vehicles or active construction activity. The secondary access to Old Farmington Rd. indicated on the overall master plan for Southern Woods is currently being utilized as a construction entrance. On street parking may be available on W. Salida Lane as these homes have received certificate of occupancies since the end of October; however, staff notes the potential for spillover construction parking given the close proximity of continuing adjacent construction to the north. Additionally, the parking court to the north is unlikely to be usable until construction of the surrounding homes is complete, meaning that occupants of the homes on the north side of Salida may need to rely on on-street parking until the court is no longer needed for construction access.

No known zoning or code violations were found for the requested property.

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

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

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

Finding: **The property fronts W. Salida Ln., a residential link street currently accessible through a rear alley with entries onto W. Tulsa St. and S. One Mile Rd. While the use of the property would be limited to a maximum of 6 guests, which would not be out of character with use of the property for residential purposes, staff finds that the extensive construction still occurring within Phase 2 and future adjacent phases could create difficulty accessing the property and that short-term users of the property are less likely to be familiar with ongoing construction in the area. Thirteen of the twenty-eight homes within phase 2 have not yet begun inspections for certificate of occupancy with many in the early stages of construction. The homes immediately fronting W. Salida Ln. recently received certificate of occupancy, which should minimize construction impact directly adjacent to the subject parcel; however due to the tight nature of the cluster development, staff has remaining concerns about spillover of construction traffic and the impact of additional short-term rental traffic on the single access point onto S. Old Farmington Rd.**

(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 gravel parking court with two available off-street spaces is available south of the dwelling. The court is accessed off of a rear alley located off of S. One Mile Rd. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

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

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

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

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

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

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

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

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

Finding: **Staff finds the use to be incompatible with the surrounding properties. The Southern Woods Cluster Housing development is surrounded by residential uses with Centennial Park to the north. While phase 1 of the development has been completed, construction is still occurring on approximately half of**

the homes within phase 2 and within future phases directly to the west. While the homes directly abutting W. Salida Ln. have received certificates of occupancy within the past few weeks, because of the small size of the neighborhood it is likely that ongoing construction will continue to impact the parking on W. Salida until the homes around the parking court are complete.

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

Finding: **Staff finds the use to be incompatible with the surrounding properties. The ordinance regulating type 2 short-term rentals specifically include frequency or concentration of nearby licensed Type 2 short-term rentals as a factor upon which the Planning Commission may evaluate or deny a conditional use permit. While phase 2 of Southern Woods does not yet have any approved type 2 short-term rental units, when considered as part of the overall Southern Woods Cluster Housing development, the existing type 2 short term rentals within Southern Woods exceed 2% of all approved units including future phases. Further, the approval of this short-term rental would cause type-2 short-term rentals to exceed 8% of residential units within Phases 1 and 2. Staff finds that the addition of more short-term rentals within Southern Woods will place an undue burden on the neighborhood and that it is inconsistent with the city's stated goal to create opportunities for attainable housing (Goal #6, 2040 Plan).**

BUDGET/STAFF IMPACT:
None

Attachments:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - §161.29 District RNC, Neighborhood Conservation
- Applicant Request Letter
- Site Plan
- Building Elevations
- Building Floor Plan
- Staff Exhibits:
  - Ongoing Construction in Phase 2
  - Southern Woods Phasing Plan
  - Southern Woods Short-Term Rental Composition
- 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)

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

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

(E) *Setback Regulations*.

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

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

Editor's note(s)—Ord. No. 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 for 3087 W. Salida Ln

1. Complete description of this request - To use the unit as a Short Term Rental
   a. Existing building 1120 square feet
   b. Color photographs of all sides of the unit

   c. 2 off street parking spaces allocated
   d. Not Applicable - this is not a business or non-residential use request
   e. Outdoor lighting - front and rear porch lights. Community street lights
   f. Noise - no impact anticipated
   g. Screening or buffering - unit is private as appropriate for a rental unit
   h. Trash and refuse service - a small bin provided by the City of Fayetteville. Will be stored by back porch, off street and out of sight.
   i. Ingress and egress to the property - there is front and rear access by street and parking area; no traffic impacts anticipated
   j. The property is highly compatible with adjacent and other properties in the area which are a mix of long term renters, owners, and other short term rentals. All units have adequate privacy, parking and shared open spaces. There is significant rental need for bikers who wish to use Centennial Park. This development is ideal to help provide tourism for the area. The property has bike racks and bike repair stations provided for residents.

W TULSA STREET
W SALIDA LANE
S WICHITA AVENUE
W SALIDA LANE
906
10 A C
10 B B
3093
10 C P
3087
10 D P
3081
3075
10 H B
912
10 L C
10 K B
918
924
10 J P
930
10 I P
948
942
3063
954
3062
3074
960
3080
Sold
3056
3104
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3086
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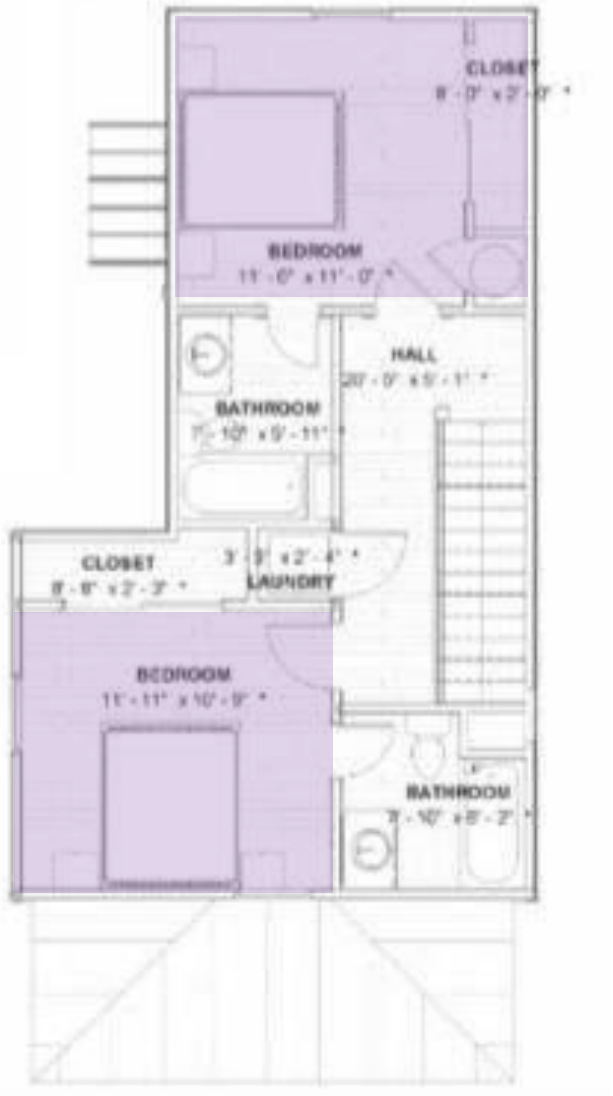
Sold

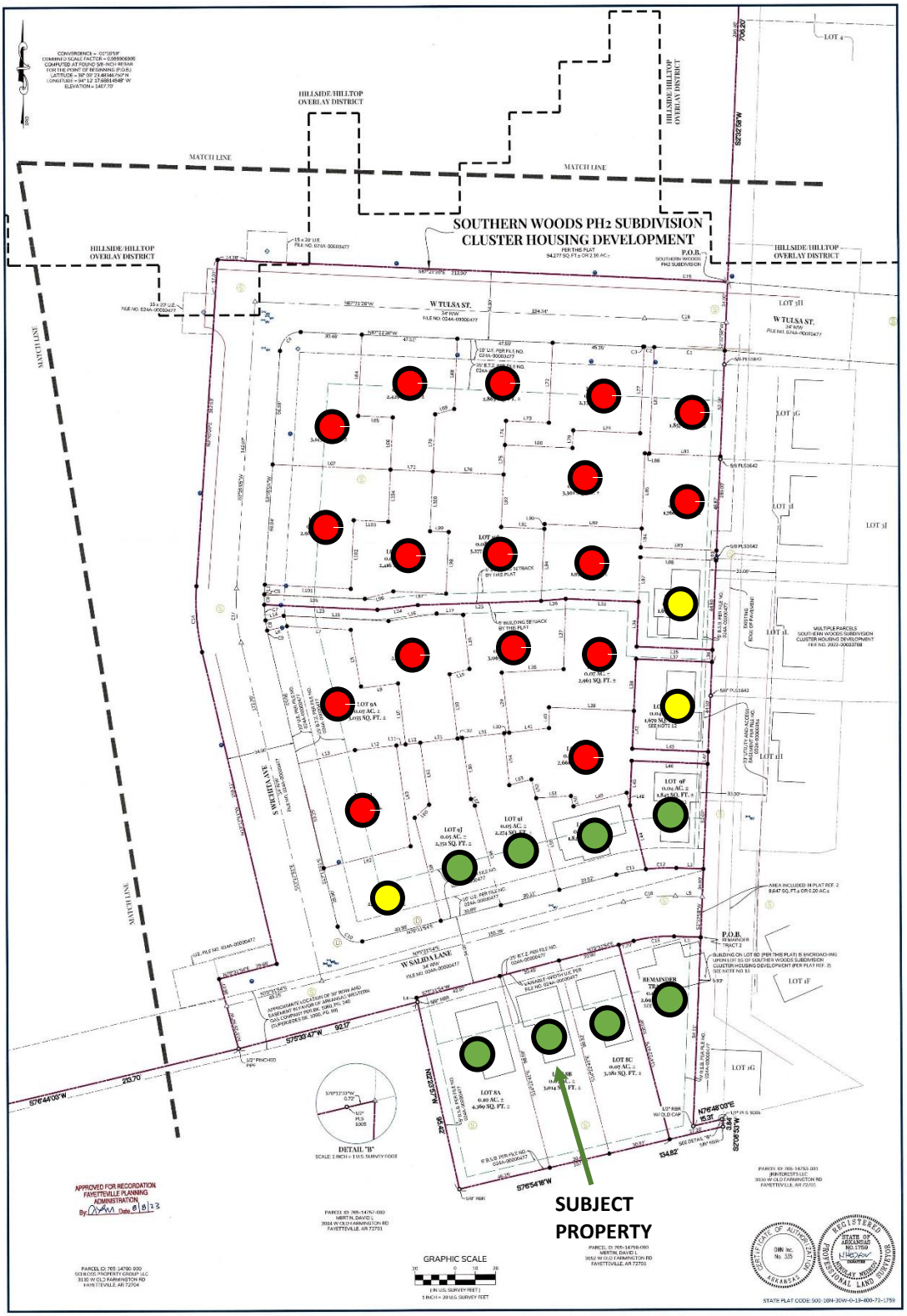
3087

FIRST FLOOR PLAN



SECOND FLOOR PLAN

ON-STREET PARKING BY CONSTRUCTION VEHICLES

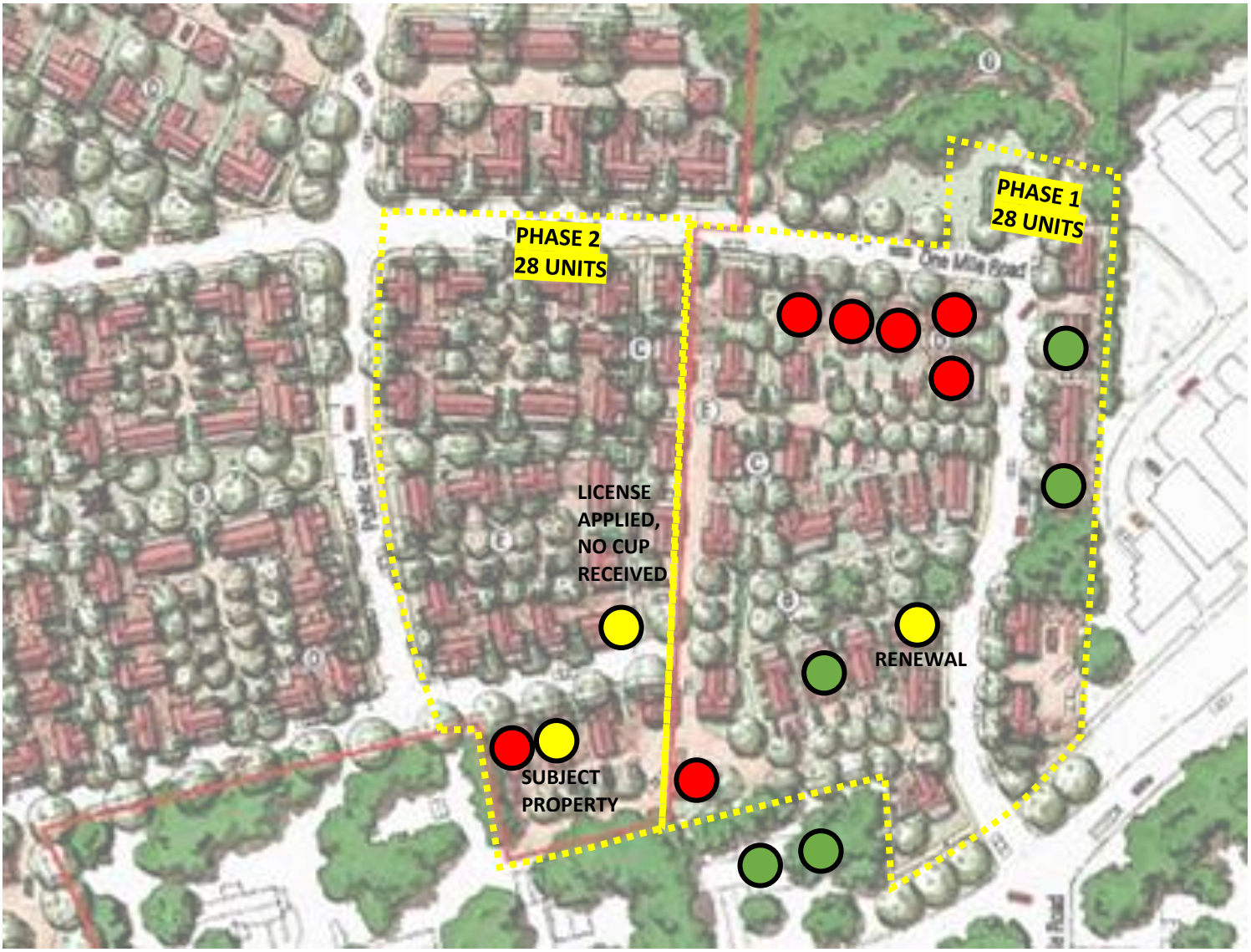


DRAWING NO. NWA-100-0332 SHEET NUMBER 3 OF 3	TOTAL SITE DEVELOPMENT, LLC LOT SPLIT PLAT SOUTHERN WOODS PH2 SUBDIVISION CLUSTER HOUSING DEVELOPMENT PARCEL NO. 765-14759-000 OLD FARMINGTON RD, FAYETTEVILLE WASHINGTON COUNTY, ARKANSAS	REVISIONS: NO. 1 ADDRESS COMMENTS NKN 7/10/23; NO. 2 ADD REMAINDER TRACTS 2, 3 AND 4 NKN 7/30/23; NO. 3 ADDRESS COMMENTS NKN 8/08/23 DRAWING INFO.: FIELD BY: NKN; DRAWN BY: NKN / KLM; CHECKED BY: NKN; DATE: 08/13/2023; FIELD BOOK:; JOB NUMBER: 23T020030 © COPYRIGHT OWN, INC. 2023
		5311 W. VILLAGE PKWY ROGERS, AR 72758 479.286.8181 WEAREOWN.COM FORMERLY ANDERSON ENGINEERING OWN Engineering beyond.™

LEGEND

- RECEIVED CERTIFICATE OF OCCUPANCY
- COMPLETING INSPECTIONS FOR CERTIFICATE OF OCCUPANCY
- IN CONSTRUCTION

Centennial Park
PHASE 1
28 UNITS
PHASE 2
28 UNITS
FUTURE PHASES
15 CLUSTERS (134 UNITS)
Public Street
Public Street
Public Street
One Mile Road
One Mile Road
Old Farmington Road
Sandra Street
Tudor Avenue
Master Plan Key
Civic Green (A)
Green Court / Lawn (B)
Pedestrian Court (C)
Private Courtyards (D)
Parking Courts (E)
Streamside Walk (F)
Walk in the Woods (G)
Hiking Trail (H)
Tree Preservation (I)
community.by.desig
SOUTHERN WOOD
3220 OLD FARMINGTON ROA
ANNOTATED MASTER PLA
01/14/2



OVERALL APPROVED DEVELOPMENT

190 TOTAL SINGLE-FAMILY DWELLING UNITS (100%)

2% TYPE-2 SHORT TERM RENTALS = 3.8 = 4 UNITS
4% TYPE-2 SHORT TERM RENTALS = 7.6 = 8 UNITS
6% TYPE-2 SHORT TERM RENTALS = 11.4 = 11 UNITS
8% TYPE-2 SHORT TERM RENTALS = 15.2 = 15 UNITS
10% TYPE-2 SHORT TERM RENTALS = 19 UNITS

PHASE 1:

28 TOTAL SINGLE-FAMILY DWELLING UNITS (100%)
4 APPROVED TYPE-2 STRs (14.3%)
6 DENIED TYPE 2 STRs (21.4%)
0 PENDING TYPE-2 STRs (0%)

TOTAL OF 10 TYPE 2 STRS REQUESTED (35.7%)

PHASE 2:

28 TOTAL SINGLE-FAMILY DWELLING UNITS (100%)
0 APPROVED TYPE-2 STRs (0%)
1 DENIED TYPE 2 STRs (3.6%)
2 PENDING TYPE-2 STRs (7.1%) (ONE WITHDRAWN SINCE 10/23/23)

TOTAL OF 3 TYPE 2 STRS REQUESTED (10.7%)

LEGEND

APPROVED TYPE-2 STRs (per 2023)

DENIED TYPE 2 STRs

PENDING TYPE-2 STRs (CUP AND/OR BUSINESS LICENSE APPLICATION RECEIVED)

COMBINED (PHASE 1 & 2):

56 TOTAL SINGLE-FAMILY DWELLING UNITS (100%)
4 APPROVED TYPE-2 STRs (7.1%)
7 DENIED TYPE 2 STRs (12.5%)
2 PENDING TYPE-2 STRs (3.5%)

TOTAL OF 13 TYPE 2 STRS REQUESTED (23.2%)
TOTAL OF 6 APPROVED OR PENDING TYPE-2 STRS (10.7%)

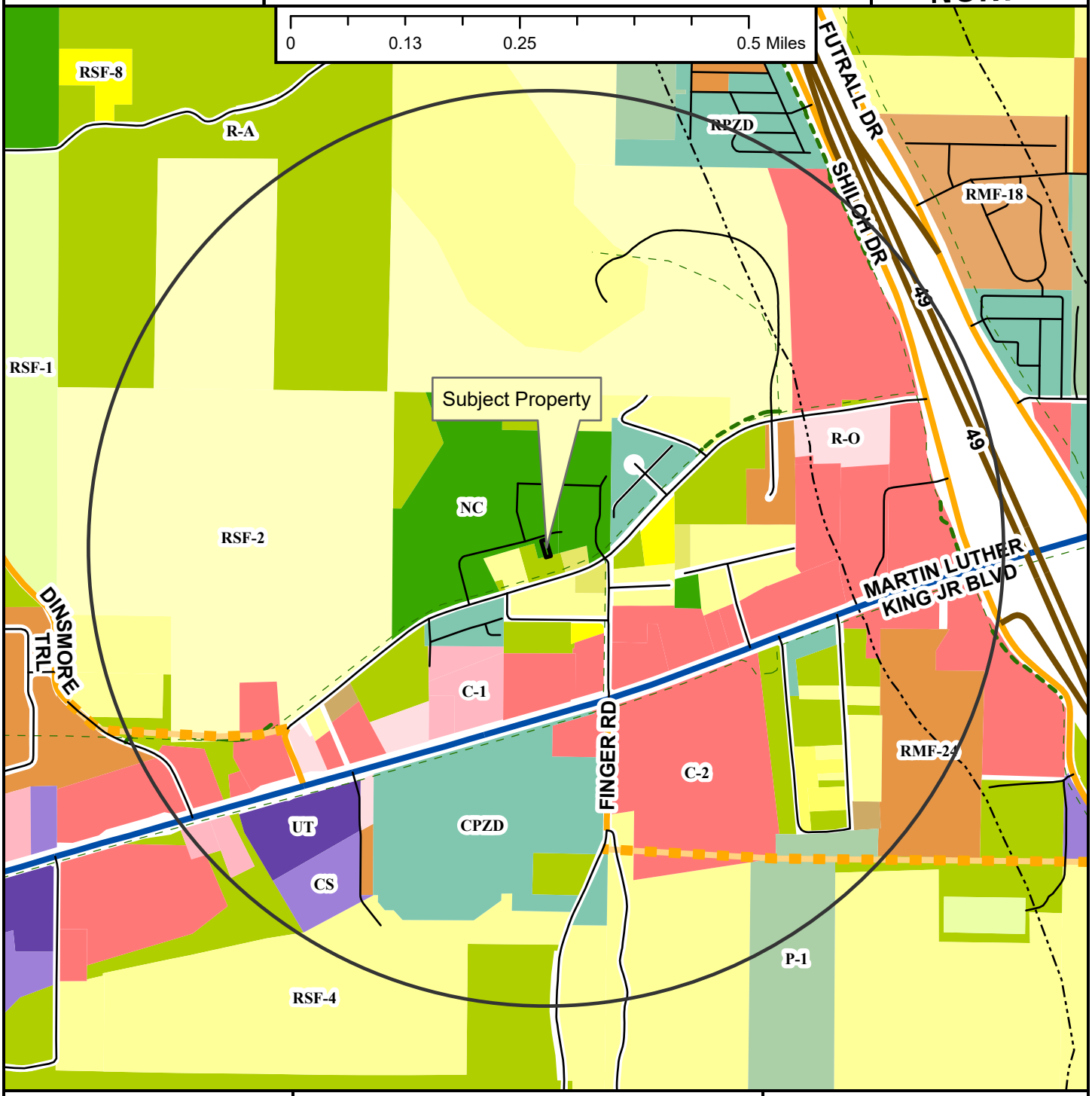
APPROVAL OF ONE ADDITIONAL UNIT WITHIN PHASE 1 & 2
5 OF 56 AVAILABLE UNITS (8.9%)

CUP-2023-0143

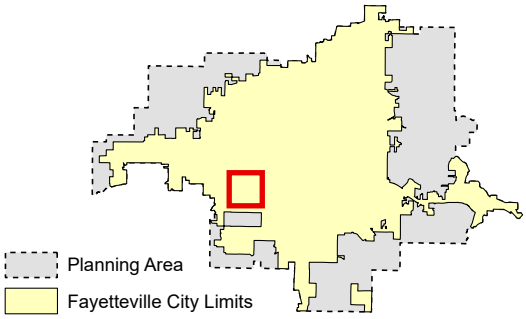
One Mile View

3087 W. SALIDA LN

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

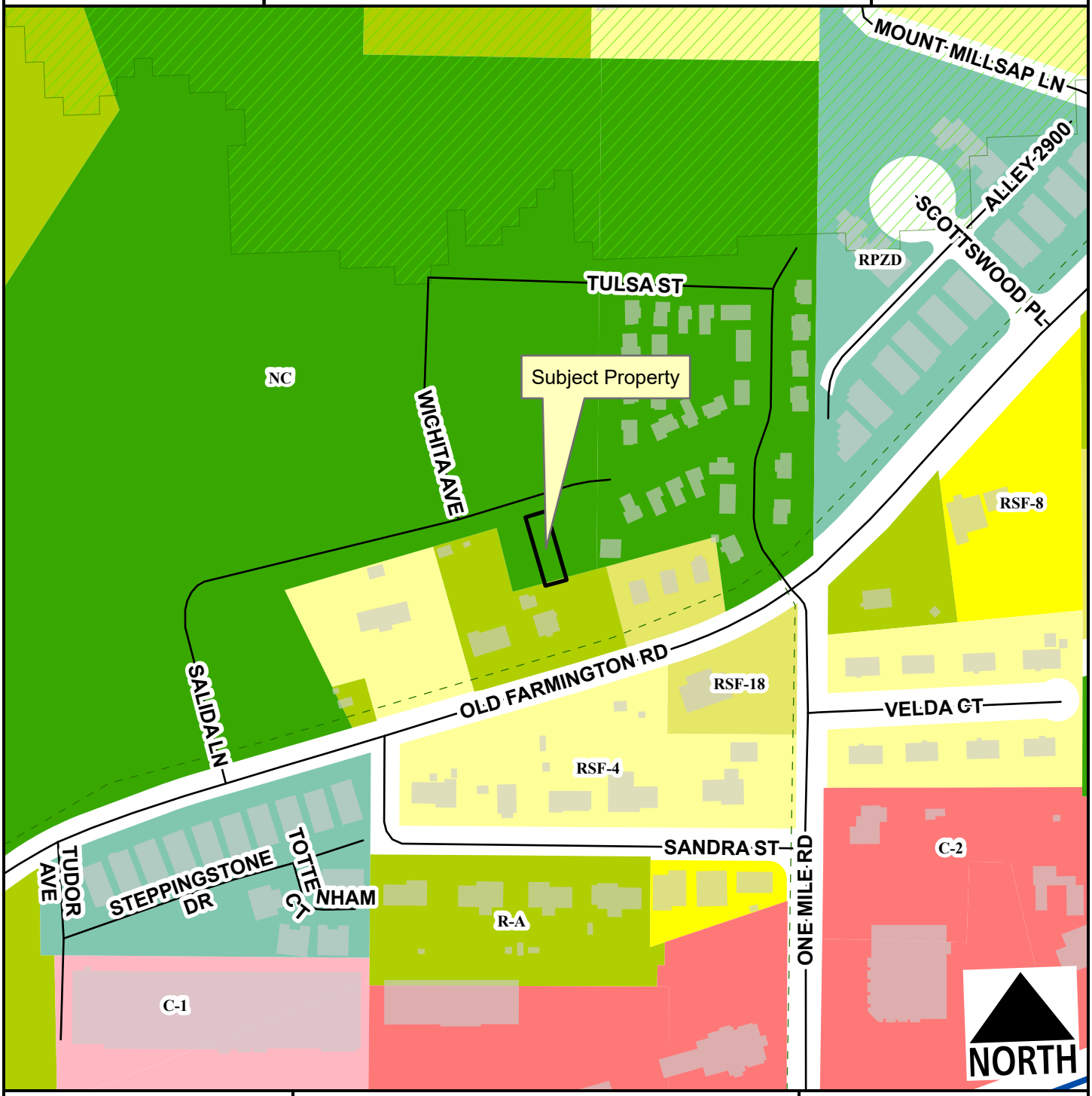
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0143

Close Up View

3087 W. SALIDA LN



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

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- RSF-8
- RSF-18
- C-1
- C-2
- Neighborhood Conservation
- Commercial, Industrial, Residential

CUP-2023-0143

Current Land Use

3087 W. SALIDA LN

NORTH

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

Feet

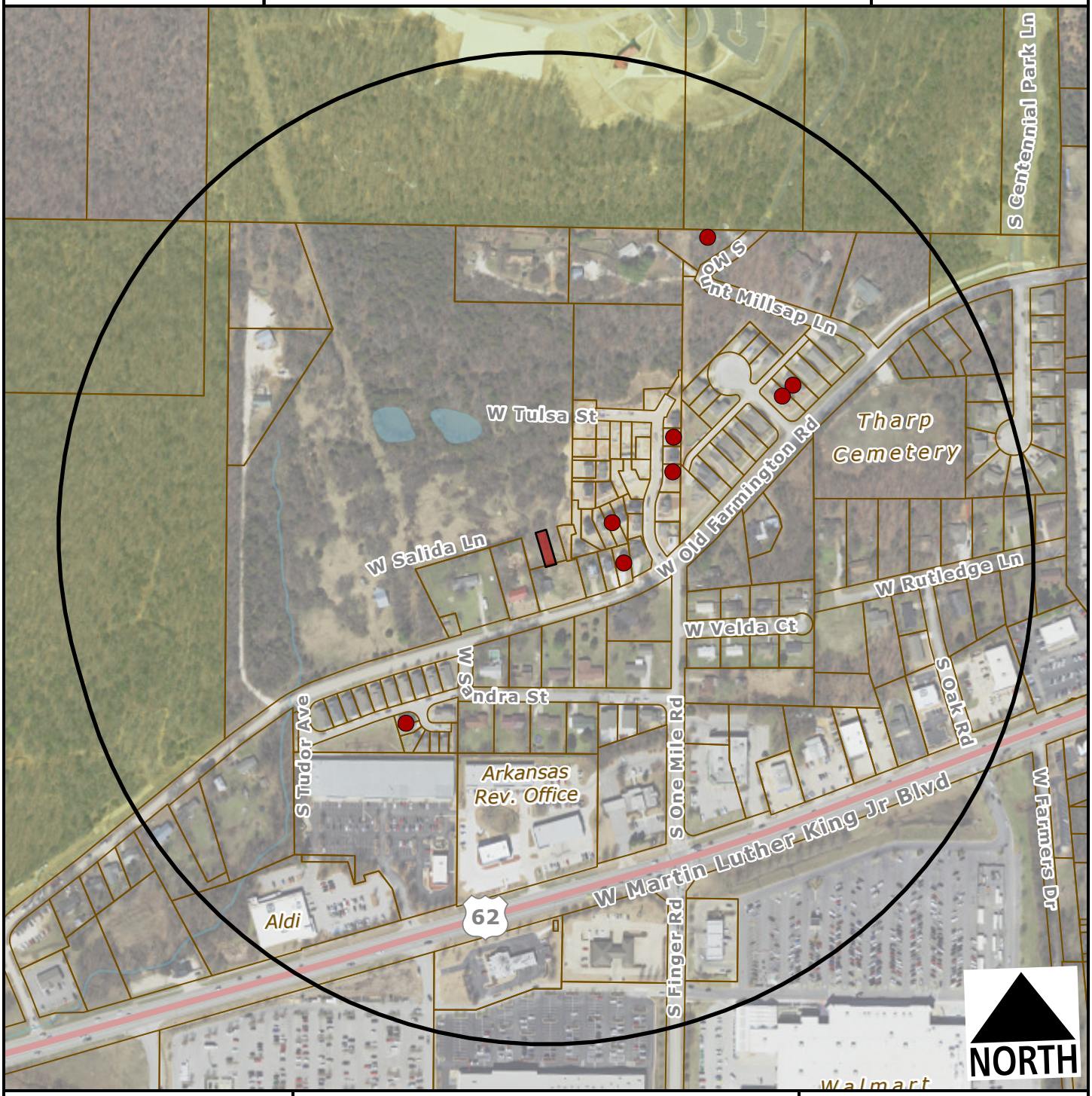
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0143	3087 W. SALIDA LN	
STRs Within 1/4 Mile		



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 8

Occupiable Residential Addresses (Estimated Housing Units): 132

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0144: Conditional Use Permit (1406 S. DUNCAN AVE./ BOYKIN, 561):** Submitted by LANDON BOYKIN, INC. for property located at 1406 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.09 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends denial of **CUP-2023-0144**.

RECOMMENDED MOTION:
*"I move to deny **CUP-2023-0144."***

BACKGROUND:
The subject property is in south Fayetteville approximately 0.1 miles north of the intersection of W. 15th St. and S. Duncan Ave. The property is approximately 0.25 miles southwest of Fayetteville National Cemetery and 0.25 miles west of Walker Park. The property is zoned (RMF-24, Residential Multi-Family, Twenty-Four (24) Units per Acre, is not part of any zoning overlay districts, and totals approximately 0.09 acres. A 1,280 square single-family structure received a certificate of occupancy on October 25, 2023. 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	Mixed-Density Residential	RMF-24, Residential Multi-family, 24 Units per Acre
South	Mixed-Density Residential	RMF-24, Residential Multi-family, 24 Units per Acre NS-G, Neighborhood Services- General
East	Mixed-Density Residential	RMF-24, Residential Multi-family, 24 Units per Acre
West	Mixed-Density Residential Religious Facility	RMF-24, Residential Multi-family, 24 Units per Acre 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 denial of **CUP-2023-0144.** If approved, staff recommends the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be incompatible with the neighborhood based on the findings in this report;*

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

3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.

4. Occupancy shall be limited to a maximum of four 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 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 YES

Date: November 13, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-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, Rl-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 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: **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 six guests. Due to limited parking, staff recommends that occupancy be limited to four guests if approved.**

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 on the property. Based on the applicant's submittal, the structure has two bedrooms and two vehicle parking spaces will be available for guests in an existing driveway which is located behind the house. The driveway is accessed through a shared private alley. However, staff notes that the driveway is not of sufficient width or depth required to park two standard size vehicles and that only one vehicle will likely be able to park without encroachment into the alley or vegetative areas of the lot. If approved, staff recommends that occupancy be limited to four guests.**

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 1406 S. Duncan 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 November 7, 2023, the City had issued 411 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: **Based on the information provided by the applicant, there appears to be inadequate parking infrastructure to meet the needs of the property as a short-term rental. The existing driveway on site can likely hold one vehicle and there is no garage parking available. While there is some on-street parking available on the adjacent S. Van Buren Ave., staff finds that the density of short-term rentals within the block may be placing an undue burden on available parking on this street. Further, if this type 2 short term rental is approved, 25% of the available parcels on the east side of S. Duncan Ave. between W. 15th Street and S. Van Buren Ave. will be composed of type 2 short term rentals. Zooming out, city records currently indicate six additional properties within ¼ mile radius have been issued business licenses. 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 and may not be populating. Specifically, the 8/14/23 conditional use permit report for 1416 S. Duncan Ave indicated a total of eight approved licenses. That**

parcel has since received its license, indicating the actual count may be as high as nine. Staff notes that 1426 S. Duncan Ave., the property directly south of both 1406 and 1416 S. Duncan is currently under renewal, meaning that the approval of this conditional use permit could allow for three type 2 short term rentals directly abutting each other with driveways accessible only on an alley. 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: **An existing driveway is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along a portion of Duncan Avenue which is fully improved with a six-foot-wide sidewalk to accommodate pedestrian access and a private shared alley. Staff finds that the proposal to use the property as a short-term rental may adversely affect traffic flows given the lack of on-site parking and density of type 2 short term rentals within the neighborhood block. While there is available on-street parking on S. Van Buren Ave., staff finds that the addition of further short-term rentals on S. Duncan Ave. utilizing this street for on-street parking may be placing an undue burden on residents of the adjacent street.**

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

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

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

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

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

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

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

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

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

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

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

Finding: **Staff finds the use to be incompatible with the surrounding properties. The property is surrounded by residential uses and short-term rentals are permitted by right in the underlying RMF-24 zoning district; however if this property is approved, 25% of the available parcels on the east side of S. Duncan Ave. between W. 15th Street and S. Van Buren Ave. will be composed of type 2 short term rentals. There appears to be inadequate parking to accommodate the number of permitted guests and staff anticipates potential adverse traffic impacts with this request due to increasing demand on S. Van Buren Ave for on-street parking from nearby short-term rentals.**

(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

    - §161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
- Applicant Request Letter and Photos
- Site Plan
- Building Floor Plan
- Staff Exhibit: Type 2 STRs Known As of 8/14/2023
- 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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

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

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 – 1406 S. Duncan Ave., Fayetteville, AR 72701

This is a request for approval for a conditional use permit to use the property at 1406 S. Duncan Ave., Fayetteville, AR 72701 as a short-term rental when the Boykin family is not residing there. Relevant information below:

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

a. 1250 sq feet

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

a.

b.

c.

d.

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

a. Two parking spaces provided on east side of house.

(d) Outdoor Lighting

a. Outdoor light on west and south side of house attached to the left side of each door. Both facing down (see pictures in other sections).

(e) Noise

a. N/A (air conditioning unit is quiet)

(f) Screening

a. N/A

(g) Trash service

a. Trash bans will be screened in by deck on back entrance

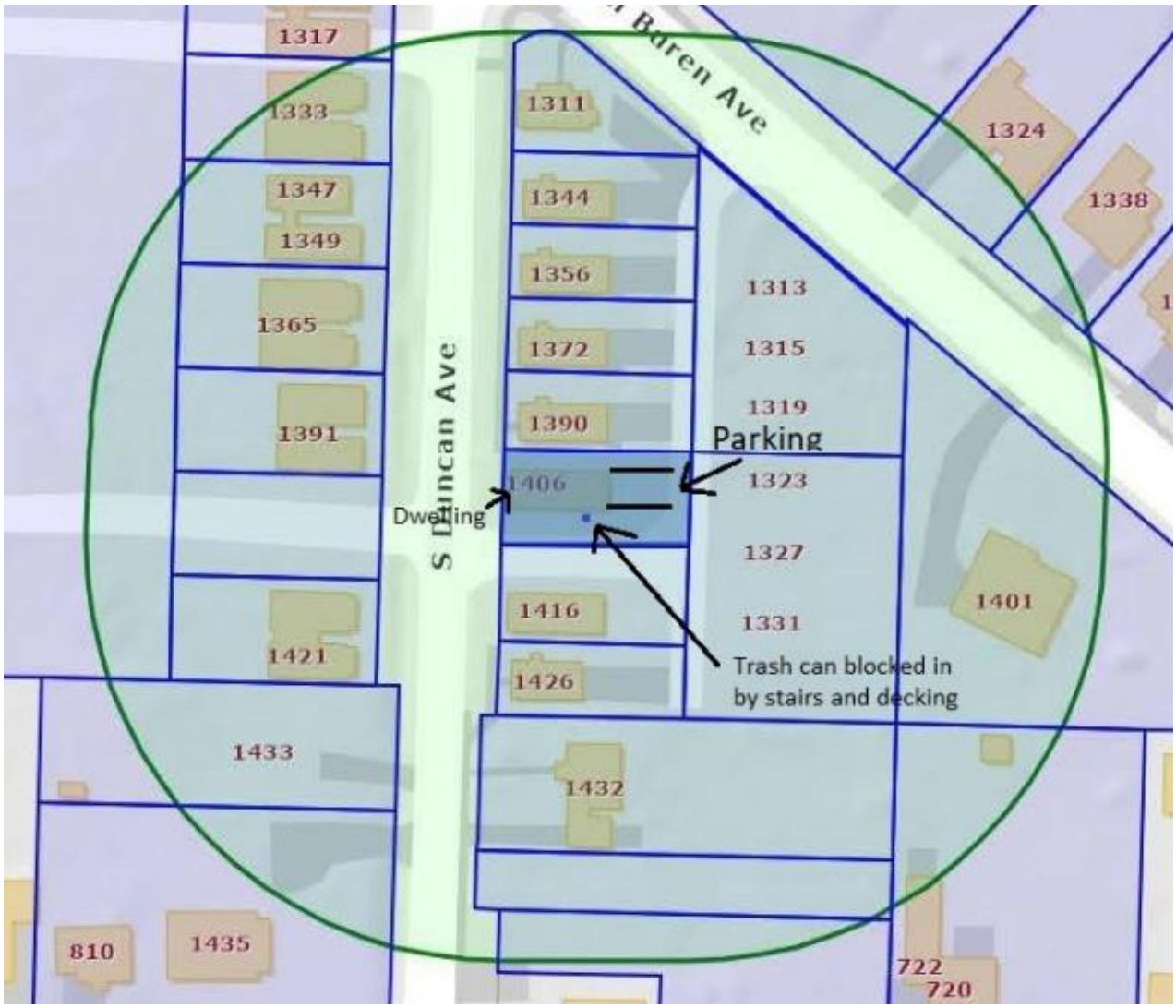
b.

(h) Ingress and egress

a.

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

a. This property will be used the majority of the year for the Boykin family to attend razorback sporting events with fellow alumni, take the kids to holiday events and spend summer away from the Texas heat. We will use this property from time to time as a short-term rental when not using it ourselves.


1317
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1327
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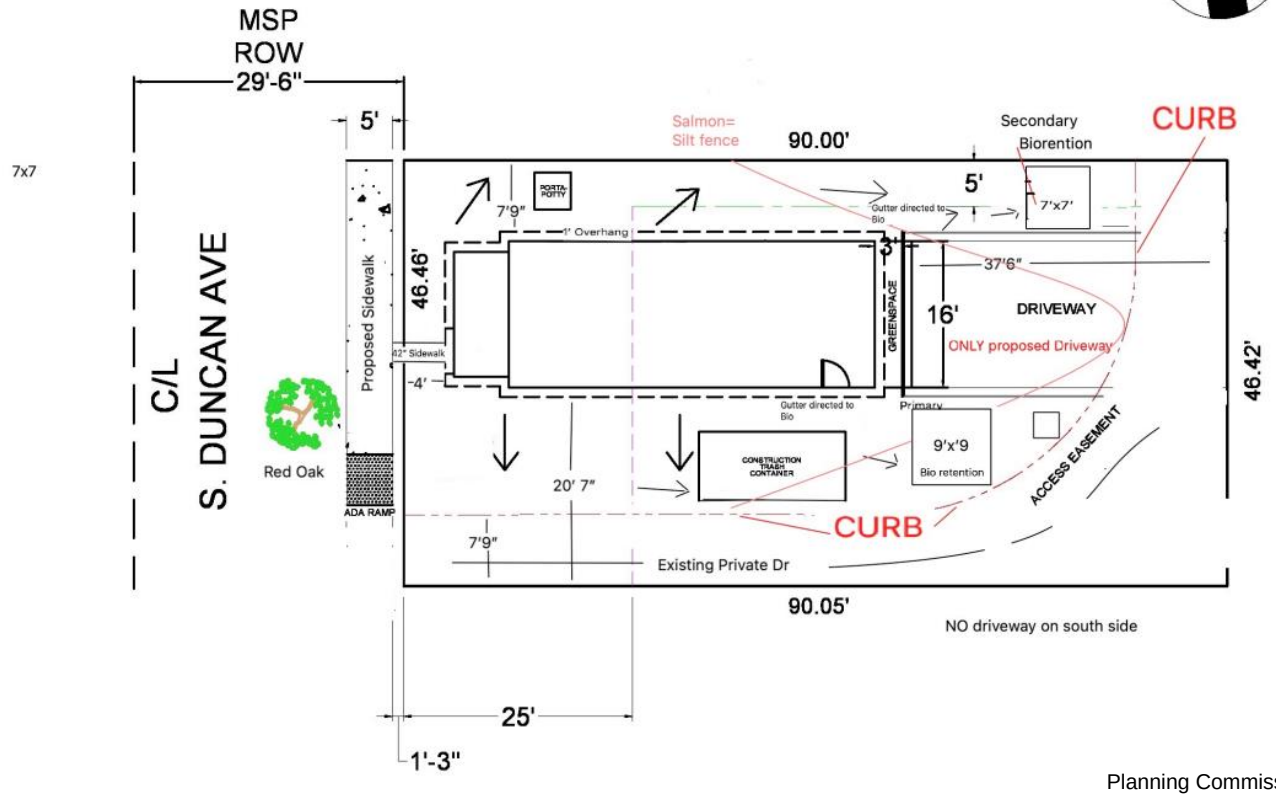
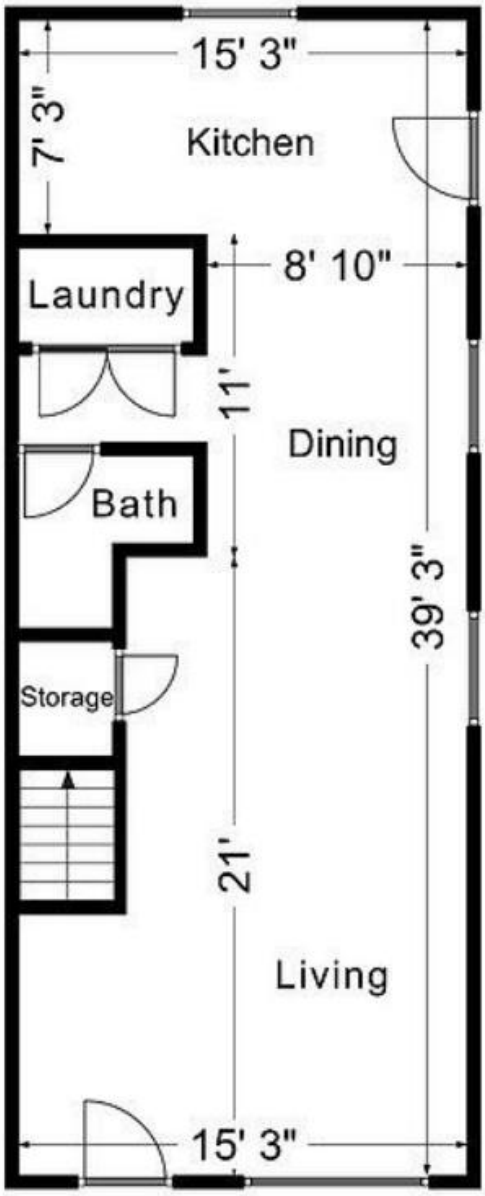
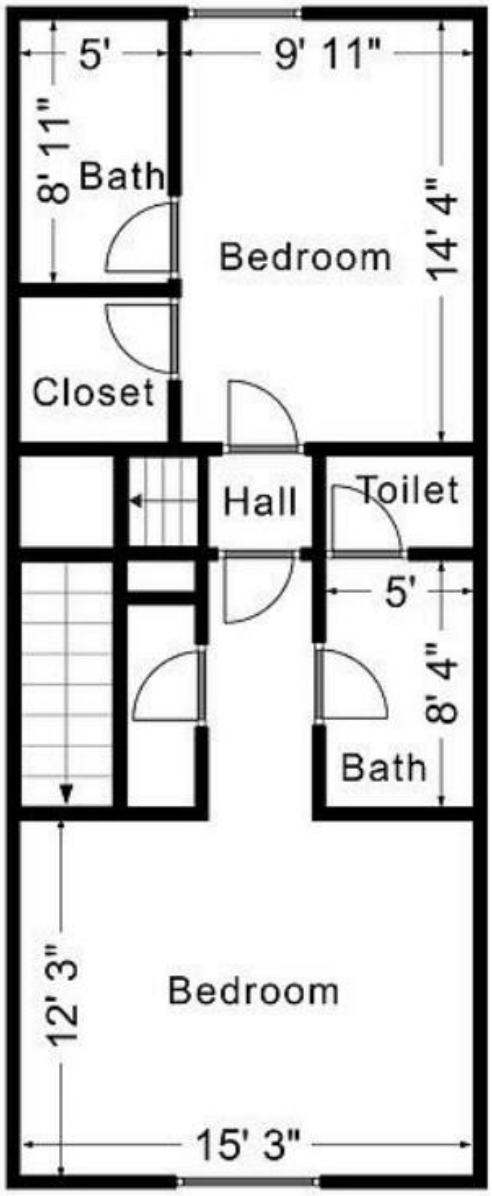
1324
1338
1401
722
720
S Duncan Ave
Parking
Dwelling
Trash can blocked in
by stairs and decking


MSP
ROW
29'-6"
5'
C/L
S. DUNCAN AVE
Proposed Sidewalk
Red Oak
ADA RAMP
Salmon=
Silt fence
90.00'
Secondary
Biorention
CURB
5'
7'x7'
7'9"
ROSTA-POTTY
Gutter directed to Bio
1' Overhang
3'
37'6"
46.46'
GREENSPACE
16'
DRIVEWAY
ONLY proposed Driveway
42" Sidewalk
4'
Gutter directed to Bio
Primary
46.42'
CONSTRUCTION TRASH CONTAINER
9'x'9
Bio retention
ACCESS EASEMENT
20' 7"
CURB
7'9"
Existing Private Dr
90.05'
NO driveway on south side
25'
1'-3"

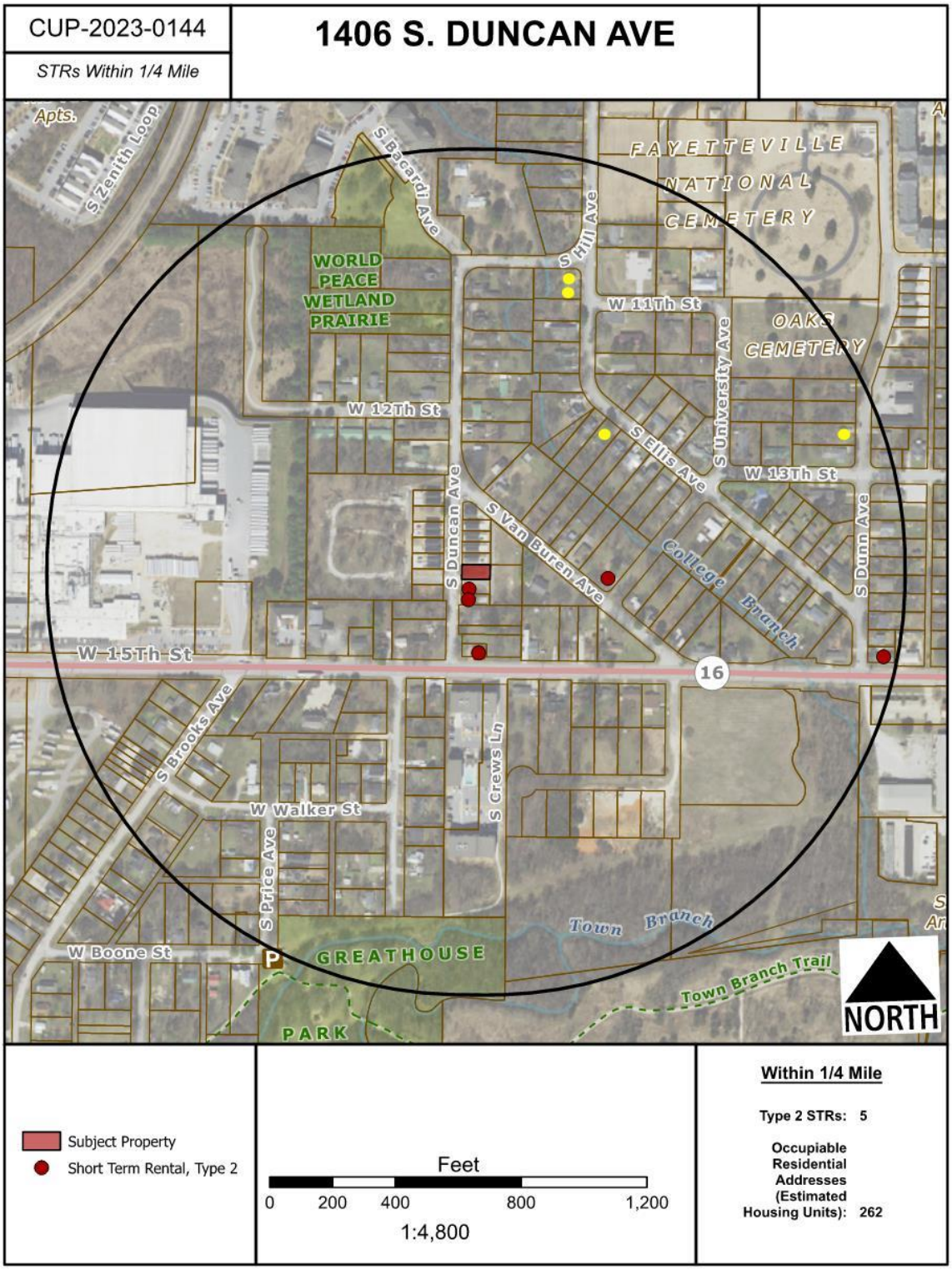


First Floor



Second Floor

STAFF EXHIBIT:
KNOWN TYPE 2 STRS AS OF AUGUST 14, 2023
(1416 S. DUNCAN AVE. PC REPORT)



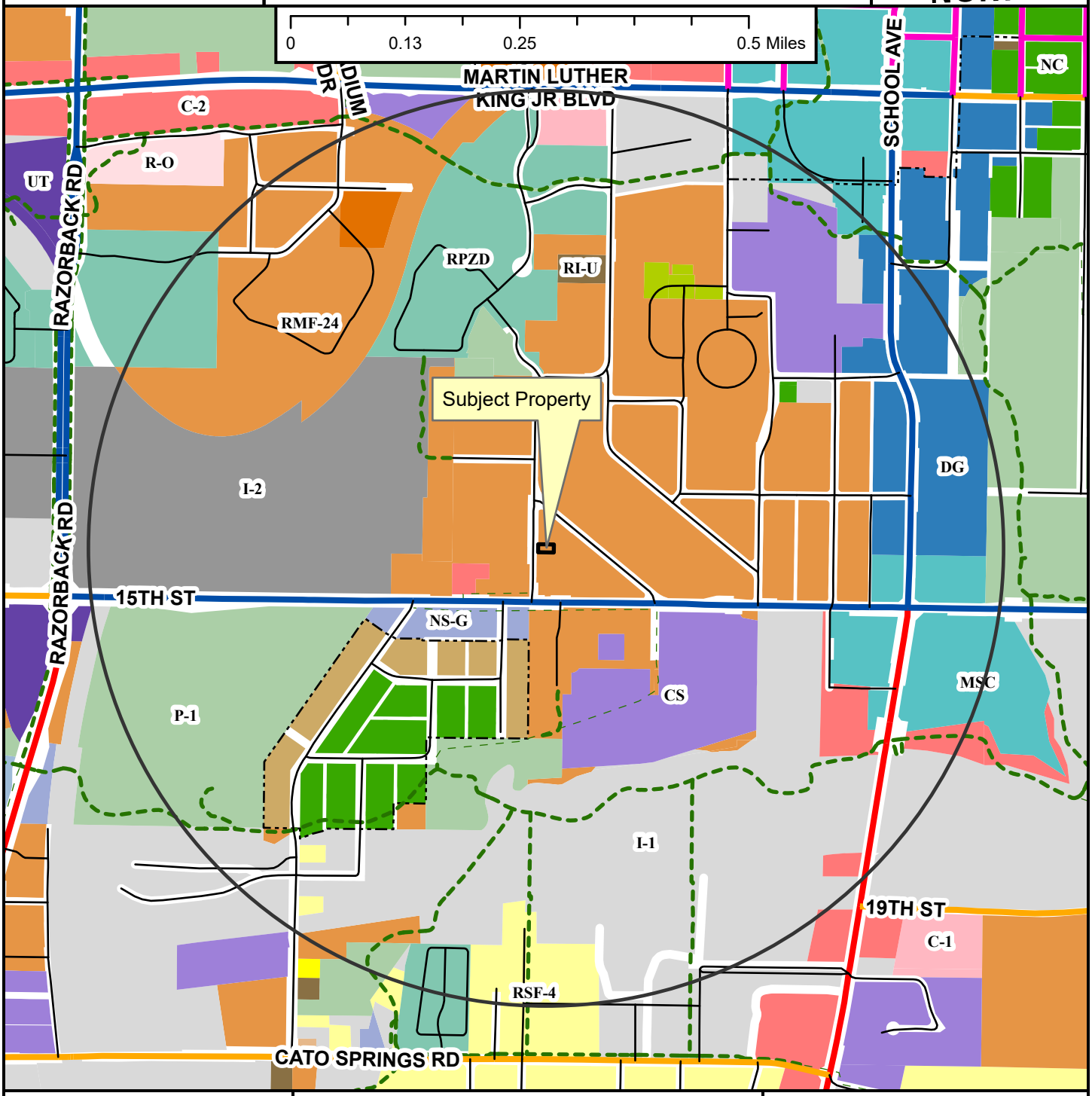
○ TYPE 2 LICENSES INCLUDED IN CUP-2023-0080 PC REPORT PRESENTED 8/14/2023

CUP-2023-0144

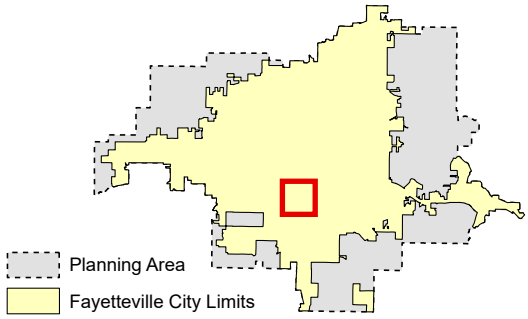
One Mile View

1406 S. DUNCAN AVE

NORTH



- Regional Link
- 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
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

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

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

EXTRACTION
E-1

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

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

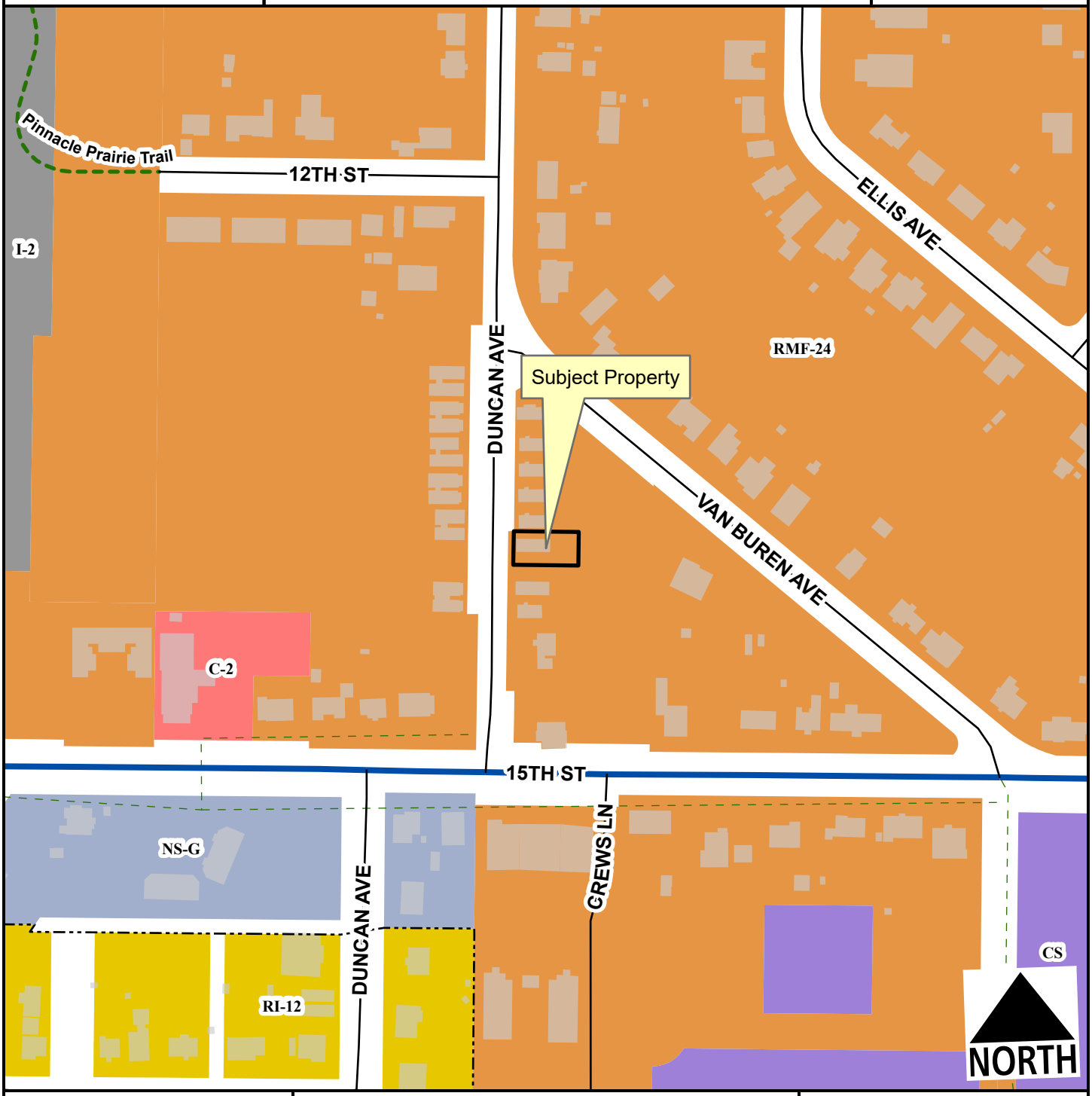
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0144

Close Up View

1406 S. DUNCAN AVE



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

Feet

0 75 150 300 450 600

1:2,400

RI-12
RMF-24
I-2 General Industrial
C-2
Community Services
Neighborhood Services - Gen.

CUP-2023-0144

Current Land Use

1406 S. DUNCAN AVE

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

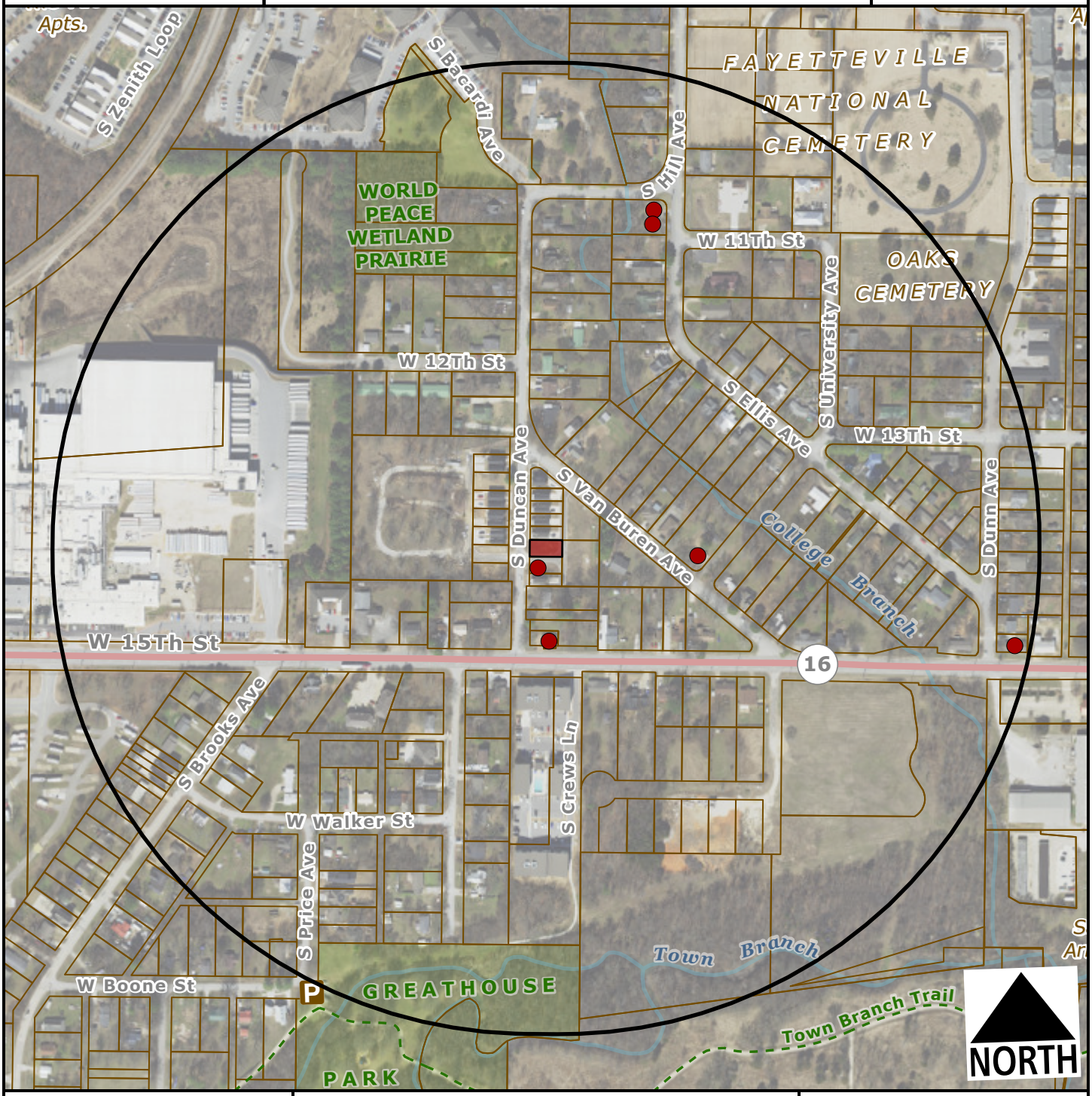
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0144

STRs Within 1/4 Mile

1406 S. DUNCAN AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 6

Occupiable Residential Addresses (Estimated Housing Units): 262

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0152: Conditional Use Permit (4669 W. TOFINO DR./HARRIMAN, 477):** Submitted by CRAIG HARRIMAN for property located at 4669 W. TOFINO DR. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.13 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0152,** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0152** 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 in Sloanbrooke Phase 7 approximately ¼ mile east of Woolsey Wet Prairie and ½ mile southwest of Owl Creek School. The property is zoned NC, Neighborhood Commercial and is designated part of the Enduring Green Network. A 1,516 square foot single-family home received a certificate of occupancy on August 18, 2023 per city records. 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	NC, Neighborhood Conservation
South	Single-Family Residential (Under Construction)	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0152,** 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. 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.

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

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

7. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.

8. Any signage shall meet the requirements as outlined in §174, Signage.

9. 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.

Special Conditions of Approval:

1. The number of occupants shall be limited to a maximum of 6 guests.

PLANNING COMMISSION ACTION: Required YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the NC zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is 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 NC 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. The applicant has stated an intent to self-limit occupancy to a maximum of 6 guests and 2 vehicles in their letter.

(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 The applicant intends to self-limit to 6 guests and 2 vehicles. There are up to 3 off-street parking spaces available in an attached garage and adjacent driveway, which staff finds to be sufficient for the proposed location.

(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 4699 W. Tofino Dr. 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 November 7, 2023, the City had issued 411 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, particularly given the applicant's intent to self-limit to 6 guests and 2 vehicles. There are up to 3 off-street parking spaces available in an attached garage and adjacent driveway. W. Tofino Dr. is wide enough to support an on-street parking lane for potential overflow. There are currently 0 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. No zoning or code violations were found 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: **W. Tofino Dr. is a fully improved residential link street with sidewalk on both the north and south side of the street and an on-street parking lane. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 6 guests per the applicant, 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 guests will be permitted to park a maximum of two vehicles on the property. There appears to be a two-car garage with up to one additional space in the adjacent driveway off a private alley.**

(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. While the area is almost exclusively single-family residential, there are no other active type-2 short term rentals in the area and the area could likely support the use.**

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

Finding: **Staff finds the proposed 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
  - §161.29 District NC, Neighborhood Conservation
- 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)

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

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

(E) *Setback Regulations*.

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

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

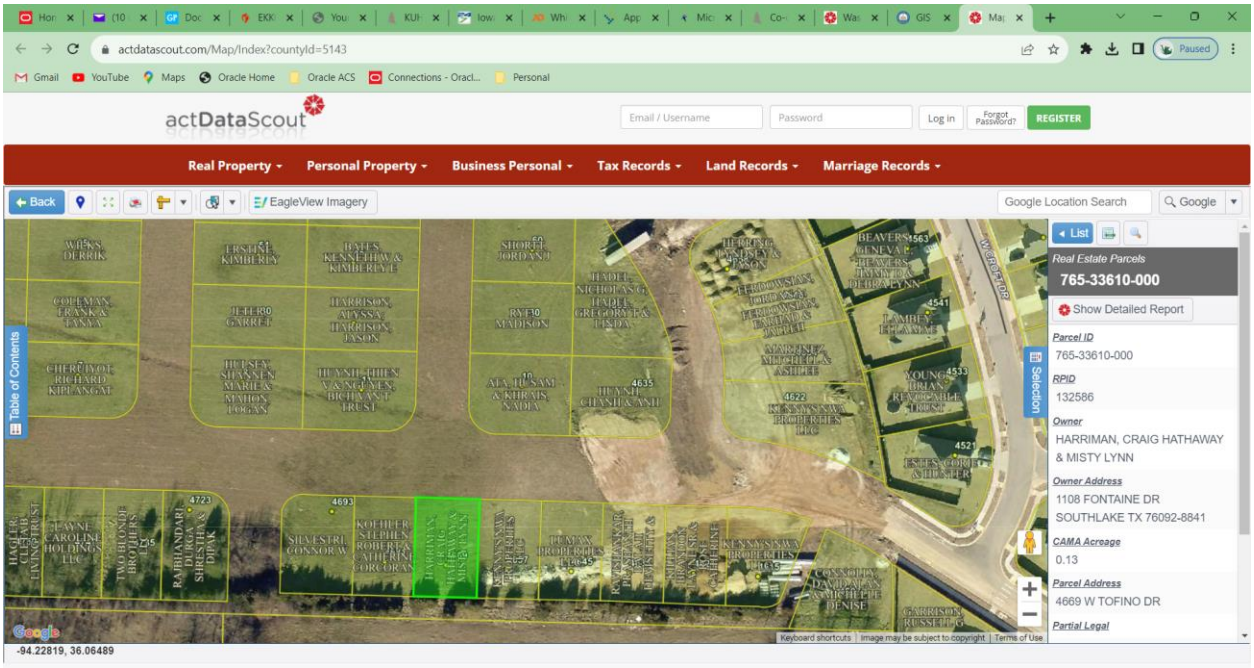
Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

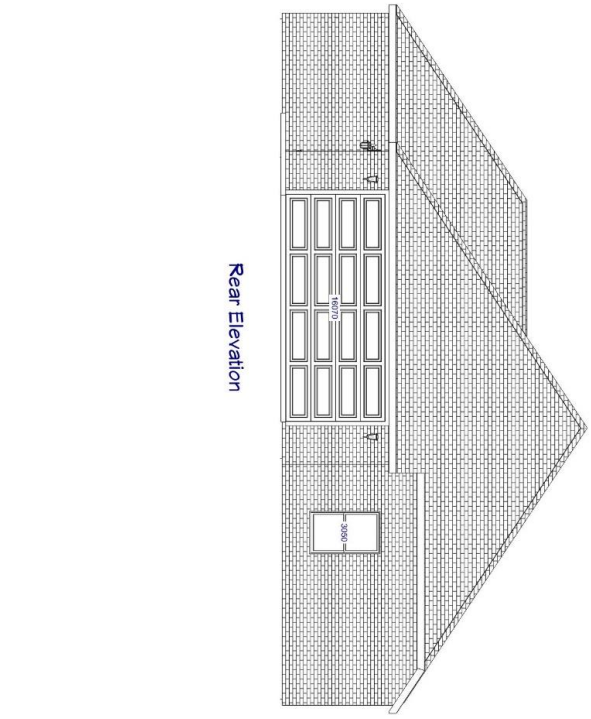
Request Letter

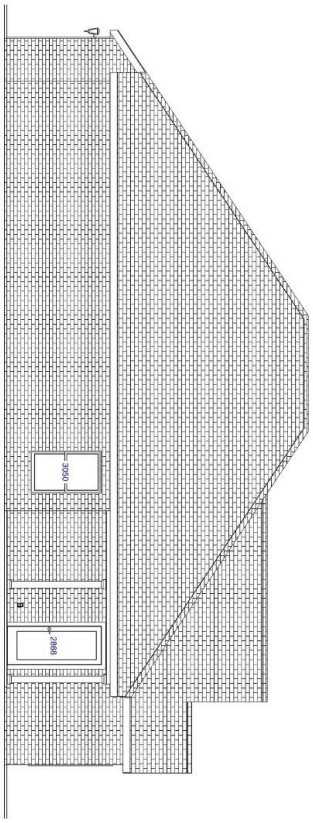
Address: 4669 W Tofino Drive, Fayetteville, AR 72704

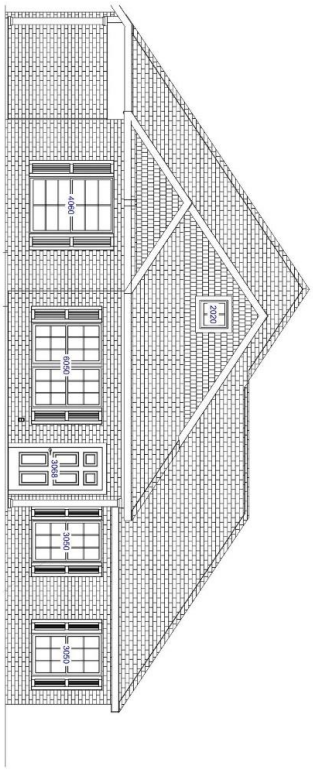
Description: Single family dwelling consisting of 1516 heated sq ft with 3 bedroom and 2 baths

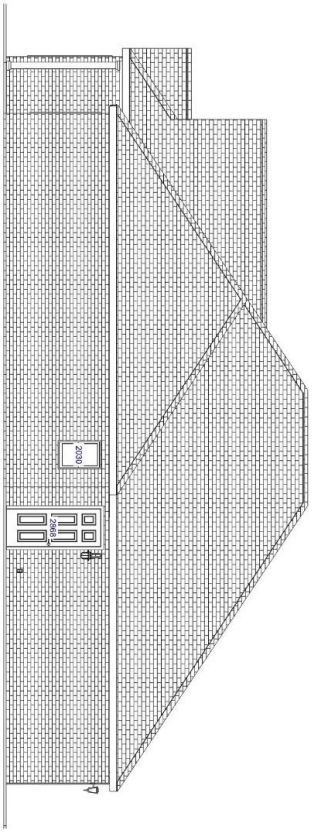
Request: The use of property, Single family dwelling consisting of 1516 heated sq ft with 3 bedroom and 2 baths, as a short-term rental at times owner isn't inhabiting (owners personal use will consist of various weekends and some weekdays throughout the year, but not as a primary residence). Maximum occupancy allowed will be 6 people and no pets allowed. Guest will have the option of parking maximum 2 vehicles in attached garage or driveway using any combination of inside garage or in driveway. Dwelling will be managed by owner (Craig Harriman) using VRBO as the listing platform. Screening process will follow the standard VRBO verification process which is primarily about confirming the identity of the guests to ensure that they are who they claim to be. This process involves verifying the guests' personal information, such as their name, physical address, and birth date, using a government-issued ID. Trash will be required to be bagged and placed in city waste bin provided by owner. Noise level is anticipated to be low given maximum occupancy is 6 and no group parties will be allowed. Property is managed remotely by cameras in garage, side of house with patio, and front door, to ensure compliance. If guest are found to not be in compliance then will be requested to meet compliance immediately or required to vacate the property. Adjacent properties are residence dwellings of similar size and style. Current zoning is NC (Neighborhood Conservation).



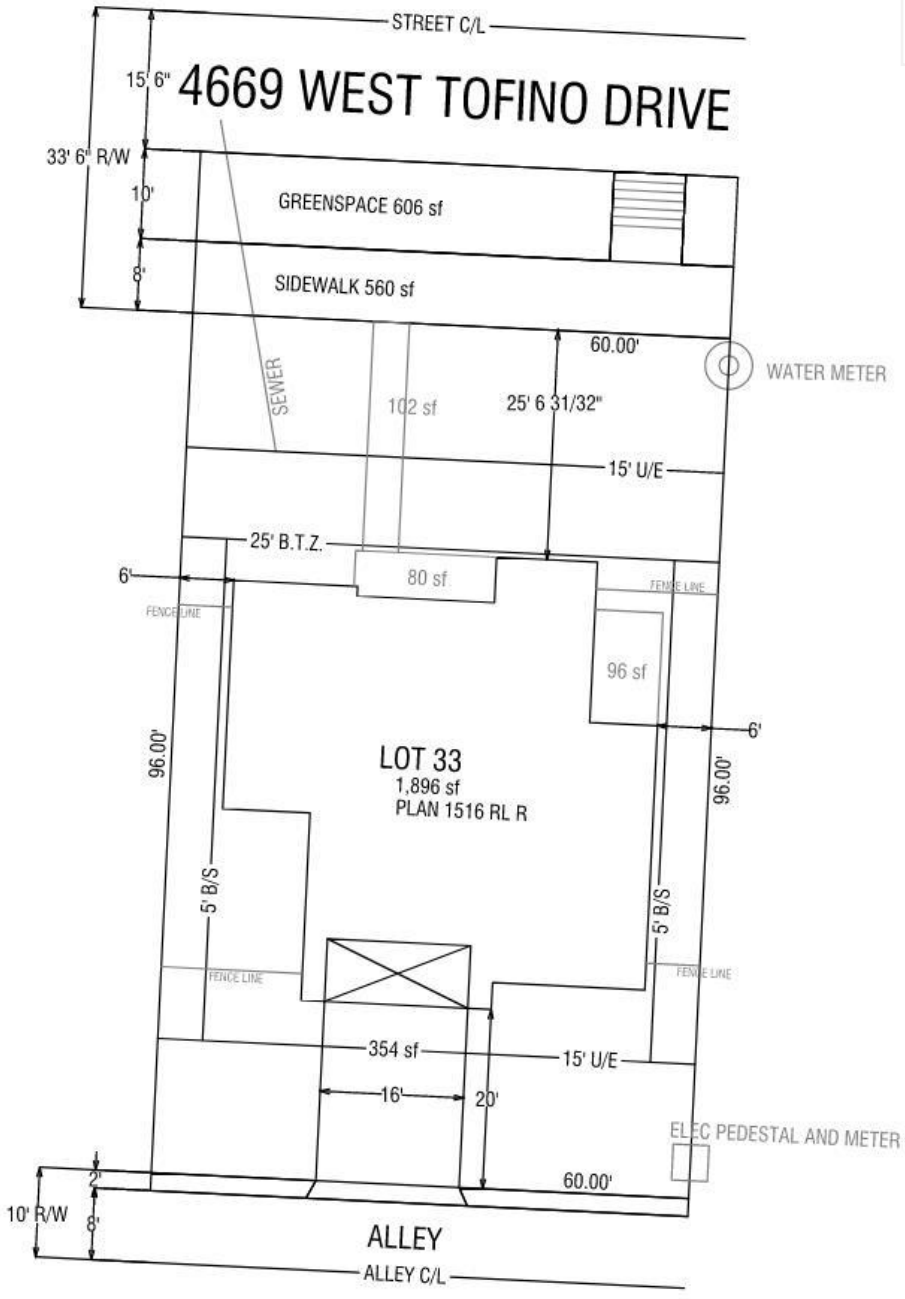


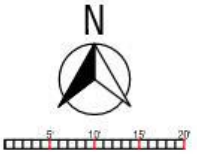






A-2	EL - A	Plan # 1516 RL Lot # 57033 ADDRESS: 4669 W Tofino Dr	FRAME: 1,457 sqft. GARAGE: 439 sqft. PORCH: 178 sqft. UNDER ROOF: 2,074 sqft. HEATED: 1,516 sqft.	THESE DRAWINGS ARE THE PROPRIETARY WORK PRODUCT AND PROPERTY OF RIVERWOOD HOMES,USE OF THESE DRAWINGS AND CONCEPTS CONTAINED THEREIN WITHOUT THE WRITTEN PERMISSION WILL SUBJECT YOU TO A CLAIM FOR DAMAGES.	DATE: 4/18/2023 SCALE: 1/4"=1'	RIVERWOOD HOMES





1" = 20'

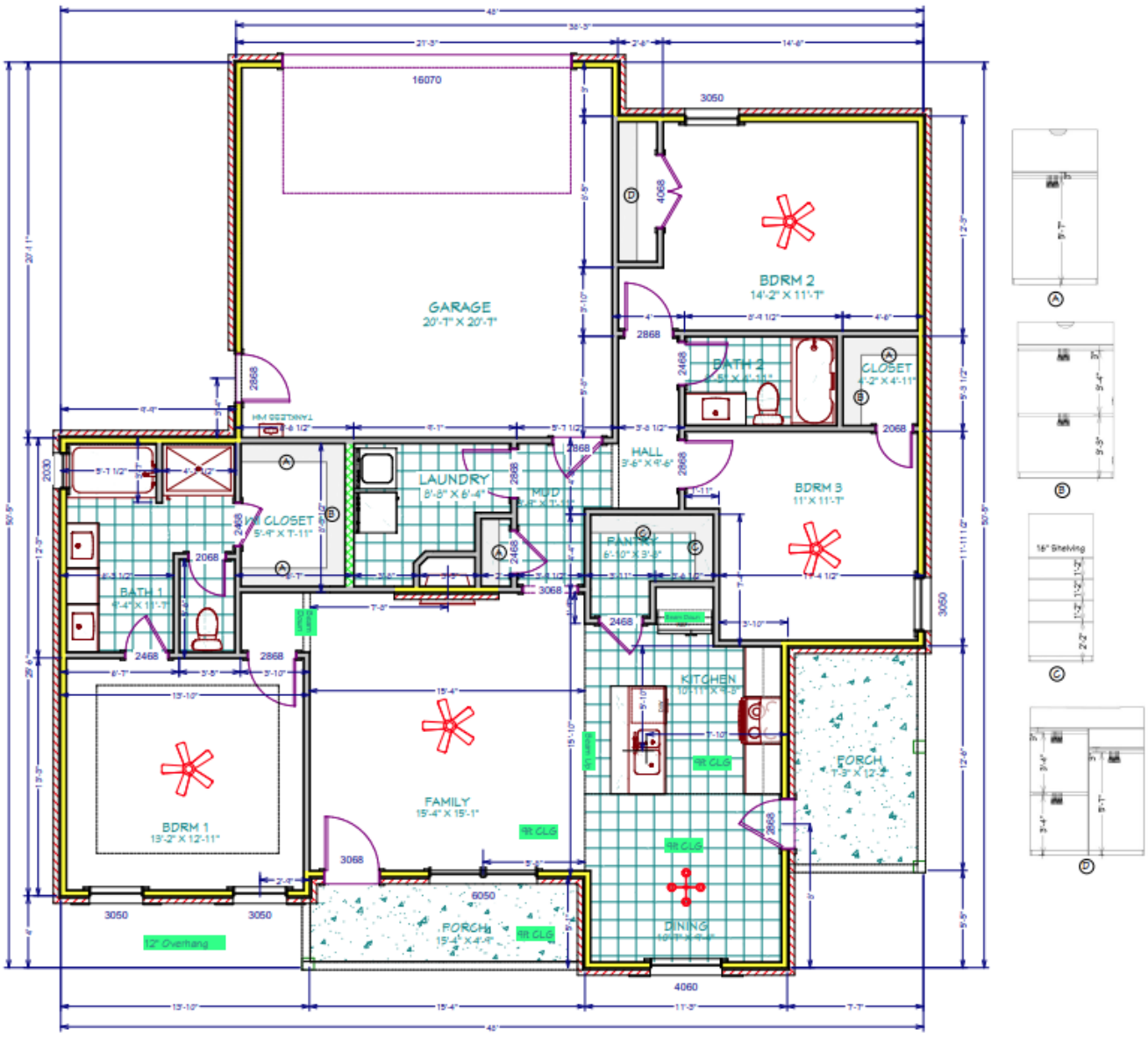
LOT SF	5,760
SLAB SF	1,896
EXT CONCRETE	1,192
SOD SF	3,838
FRONT FENCE	19 LFT
REMAINING FENCE	L40;B22;R41

LOT # 33

SLOANBROOKE PHASE 7
FAYETTEVILLE, AR 72704

04/17/2023

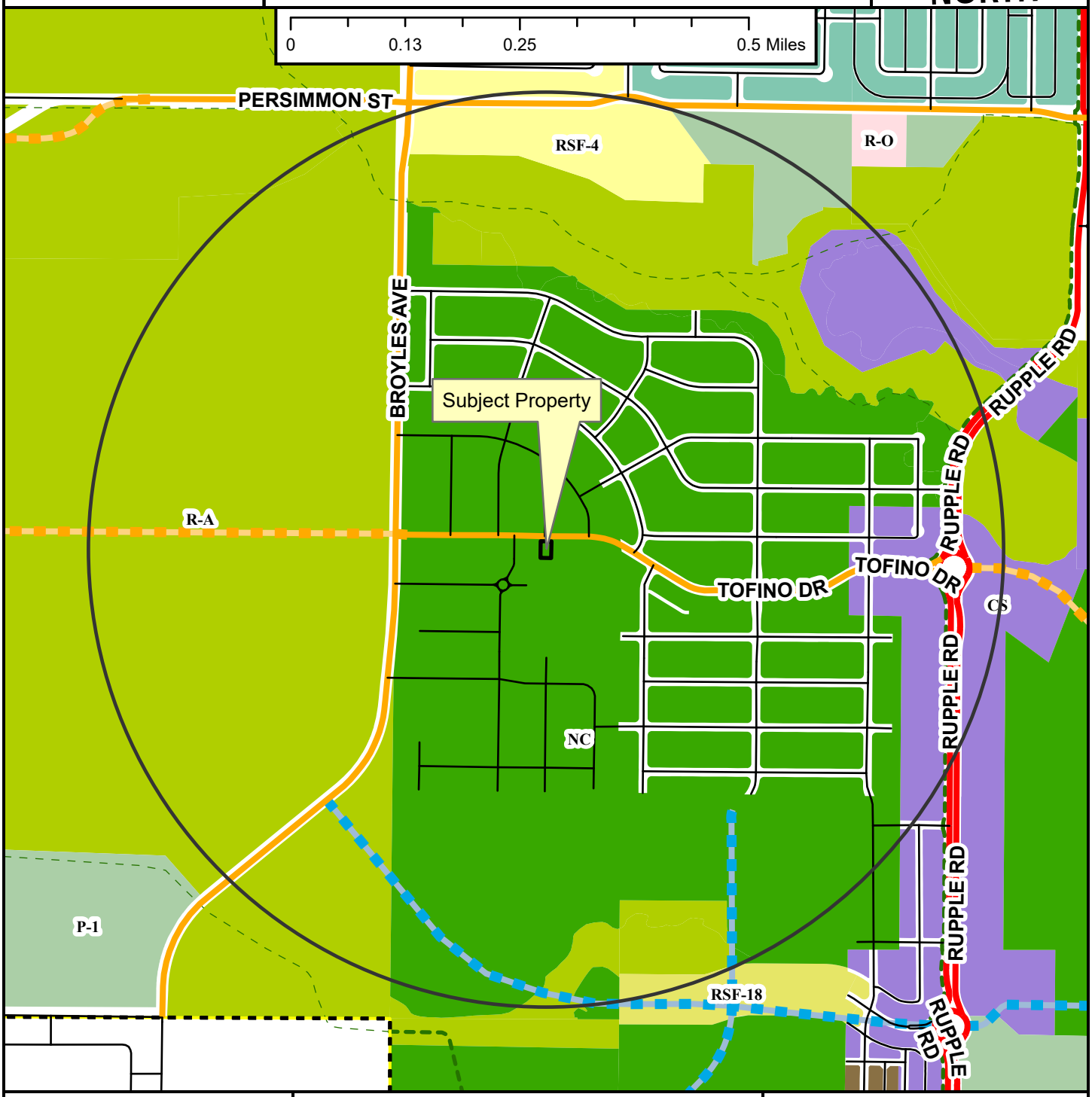
RIVERWOOD HOMES


GARAGE
20'-7" X 20'-7"
BDRM 2
14'-2" X 11'-7"
BATH 2
CLOSET
4'-2" X 4'-11"
HALL
3'-6" X 9'-6"
LAUNDRY
8'-8" X 6'-4"
MUD
WI CLOSET
5'-9" X 7'-11"
BATH 1
9'-4" X 11'-7"
PANTRY
6'-10" X 3'-6"
BDRM 3
11' X 11'-7"
KITCHEN
10'-11" X 9'-8"
FAMILY
15'-4" X 15'-1"
BDRM 1
13'-2" X 12'-11"
PORCH
7'-3" X 12'-2"
PORCH
15'-4" X 4'-9"
DINING
12" Overhang
16" Shelving
16070
3050
4060
6050
3068
2868
2468
2030
4068

CUP-2023-0152

One Mile View

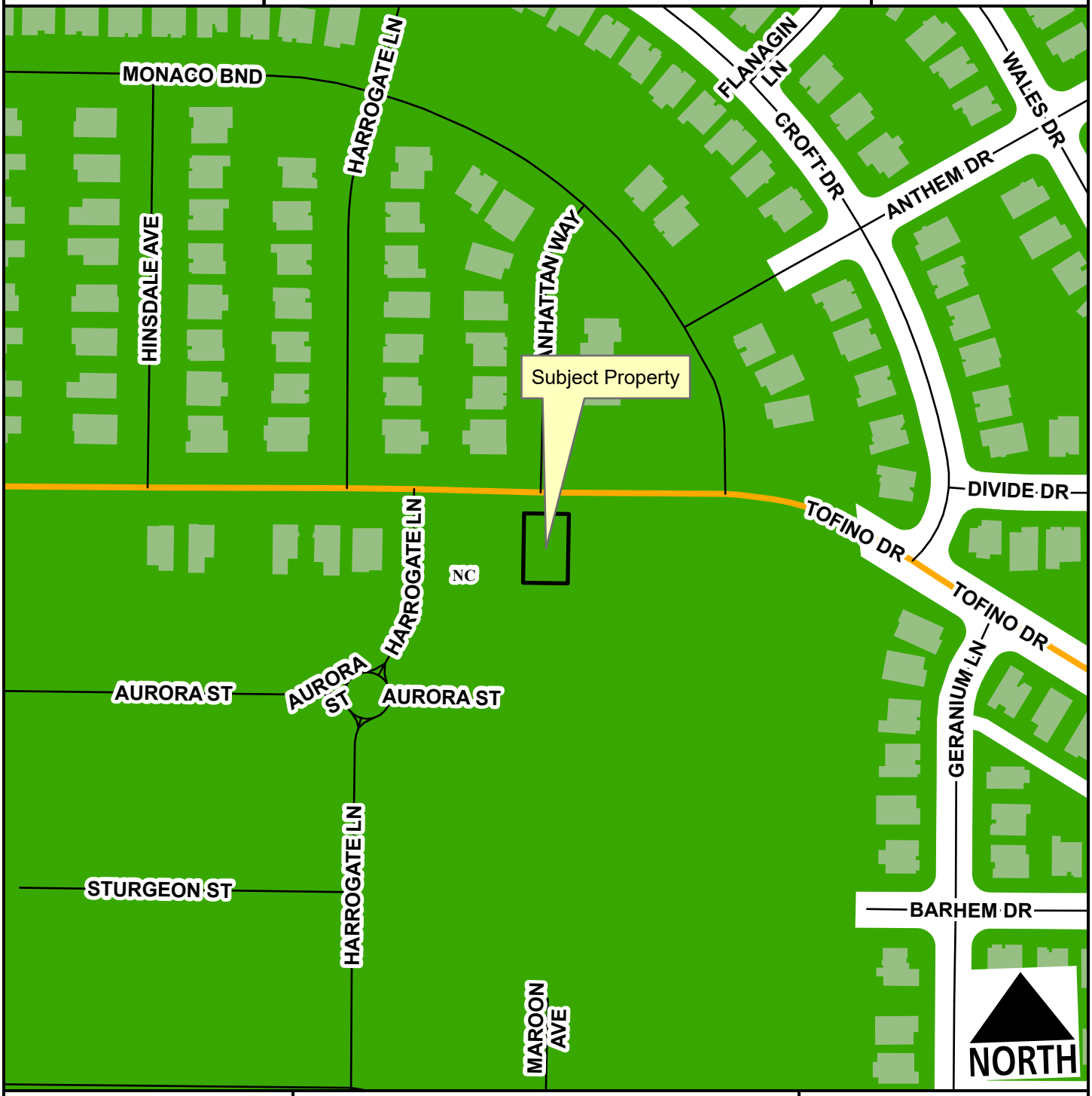
4669 W. TOFINO DR



CUP-2023-0152

Close Up View

4669 W. TOFINO DR



Neighborhood Link
Residential Link
Planning Area
Fayetteville City Limits

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

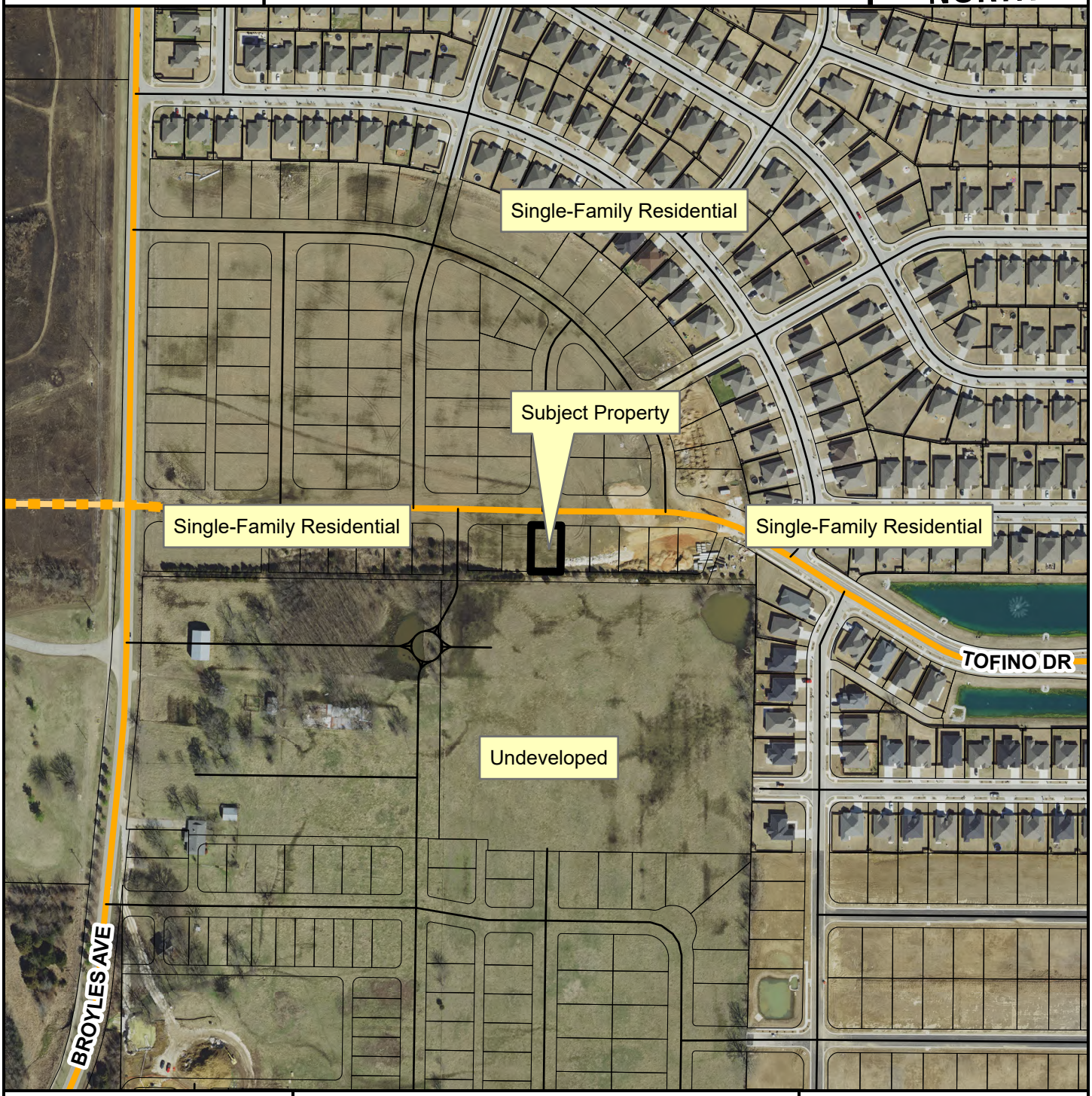
Neighborhood Conservation

CUP-2023-0152

Current Land Use

4669 W. TOFINO DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

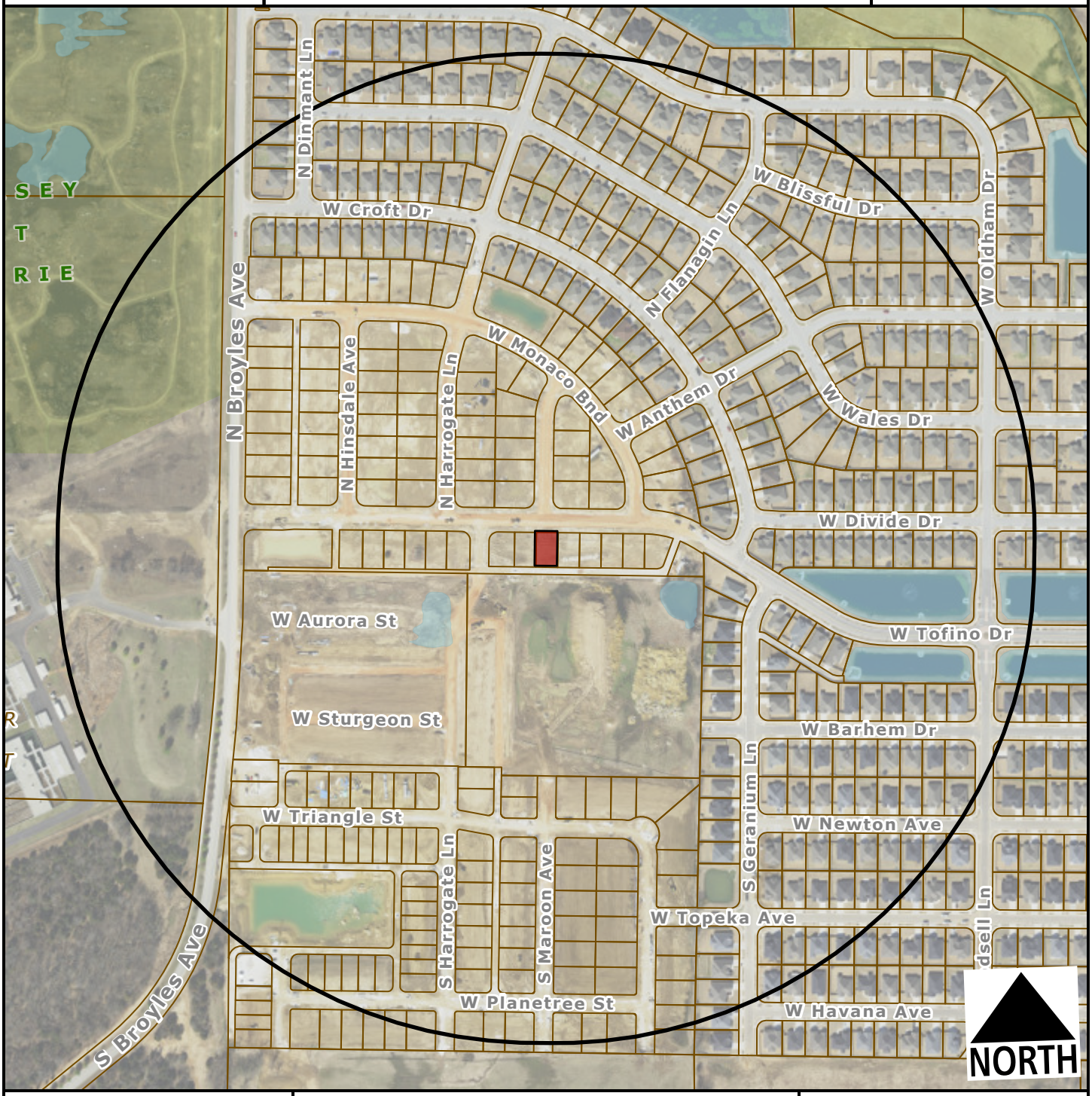
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0152

STRs Within 1/4 Mile

4669 W. TOFINO DR



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 0

Occupiable Residential Addresses (Estimated Housing Units): 315

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0131: Conditional Use Permit (1493 N. LONESOME DOVE DR./LYNCH, 399):** Submitted by CDL CAPITAL LLC for property located at 1493 N. LONESOME DOVE DR. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE UNITS PER ACRE and contains approximately 0.14 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0131**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0131** 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 west Fayetteville north of W. Wedington Dr. in the Willow Springs subdivision. The property is zoned RI-12 Residential Intermediate, 12 Units per Acre, and totals approximately .14 acres with a 1,310 sq.ft. single-family home constructed in 1995. 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	RI-12, Residential Intermediate, 12 Units per Acre
South	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
East	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
West	Single-family Residential	RI-12, Residential Intermediate, 12 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-2023-0131,** 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 YES

Date: November 13, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RI zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under "Business Regulations" §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use 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 R-I 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. The applicant has self-limited to allow a maximum of six 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. On-site parking for 2 vehicles is available in the paved driveway without overhanging into the right-of-way. Guests will not have access to the attached garage. On-street parking along N. Lonesome Dove is available for 2-3 cars directly in front of the subject 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.

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 1493 N. Lonesome Dove Dr. 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 November 7, 2023, the City had issued 411 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 two off-street parking spaces will be available for guests in an existing driveway. Additional on-street parking is available along N. Lonesome Dove Dr. City records indicate that there are two other units within a quarter-mile radius of the property that have an active Type 2 short-term rental business license. 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 is available to accommodate vehicular ingress and egress to the subject property from N. Lonesome Dove Dr. The street is also partially improved with a sidewalk along the east to facilitate 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 two off-street parking spaces are available in an existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant 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 chapter 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 two other licensed 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 is 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 RI-12, Residential Intermediate – Twelve (12) 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)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

Editor's note(s)—Ord. No. 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."

City of Fayetteville, Arkansas

Conditional Use Permit

1) Payment made in full

2) Residential Single-family house, 1493 N Lonesome Dove Dr. Fayetteville, AR 72704

3) I am applying for a conditional use permit from the city of Fayetteville for a property that I purchased in 2021 as my primary residence. This past month I purchased another house to reside in and want to turn this property into a Fully Furnished Short Term Rental. I'm a 27-year-old graduate from the University of Arkansas, born and raised in Arkansas. I've lived in Fayetteville since graduation, and I'm really wanting to get my foot in the door on real estate investments. It would mean a lot to me to get this permit, and I appreciate you all taking the time to review this.

a) This house is 1,310 square feet. There is no other proposed addition to the house.

b) The house is a single-story home. Pictures of all sides can be found at the end of the document.

c) For the unit, there are 2-3 parking spaces in the driveway and there are also 2-3 parking spaces available off the curb in the street. Pictures of parking arrangements can be found on page 5 on the site plan. There will not be access to the garage.

d) The unit will not have operating hours or employees. It will be in use whenever it is being rented. There will be a cleaning provider that will come in before and after bookings to clean the unit. The property will be managed by me, Colton Lynch. The unit has 3 bedrooms so the max number of occupants will be 6 at a single time.

e) Outdoor Lighting - There are 3 exterior dusk to dawn lights in the front of the house that come on when getting dark and turn off when the sun comes up. There are also two exterior lights in the backyard as well as stringed lights on a timer to come on at night.

f) The property will be used for short stays of 1-6 people. I have quiet hours set in place from 11pm-7am to keep the noise levels to a minimum.

g) There is no buffering at the front of the house to the north or the south of my property. The houses are approximately 30 ft apart. The backyard is fenced in so there is a buffer between my house and the duplexes to the west. Pictures are located at the end of this document.

h) Trash is included with the property with a small sized trash can that is picked up every Tuesday. The trash can will be stored in the garage.

i) There is one road to enter and leave the property which is Lonesome Dove Dr. There is no impact to traffic as most of these homes are rental properties. Pictures provided at the end of the document.

j) There are many rental properties in this neighborhood including duplexes and other single-family homes. The property to the north of me is a rental property along with all the properties to the west.

4) The site plan is attached to the bottom of this document from the actdatascout.com.

5) The preliminary floor plan drawn to scale showing walls, doors, windows, and identification of activity areas will be attached at the end of this document. I couldn't find a floor plan for my house so I drew it as best as I could.

6) A copy of the county parcel map from the Washington County Assessor's office website will be attached at the end of this document. The pictures show the subject property and all parcels within 200 feet.

7) The consent of ownership form signed by both property owners is attached as a separate document.

Image Attachments

3b. Exterior sides of the house.

3c. Parking

In the driveway and along the street. Found in the ingress and egress photos.

3g. Screening and buffering between houses.

North side of house

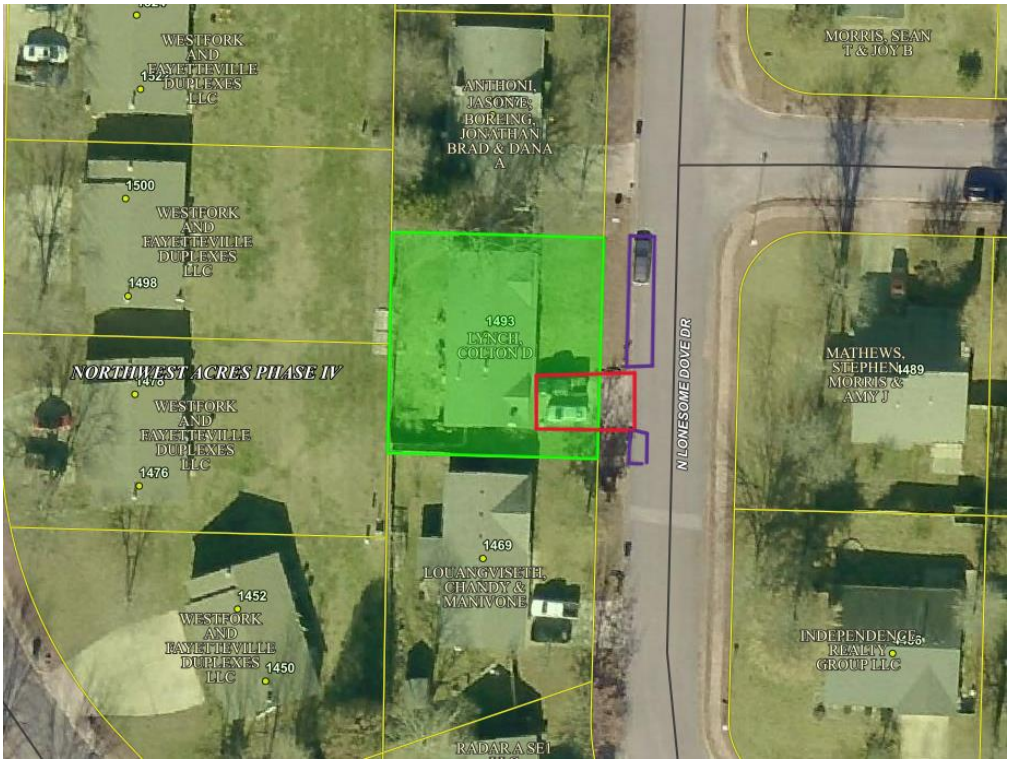
South side of the house

3i. Ingress and egress to the property

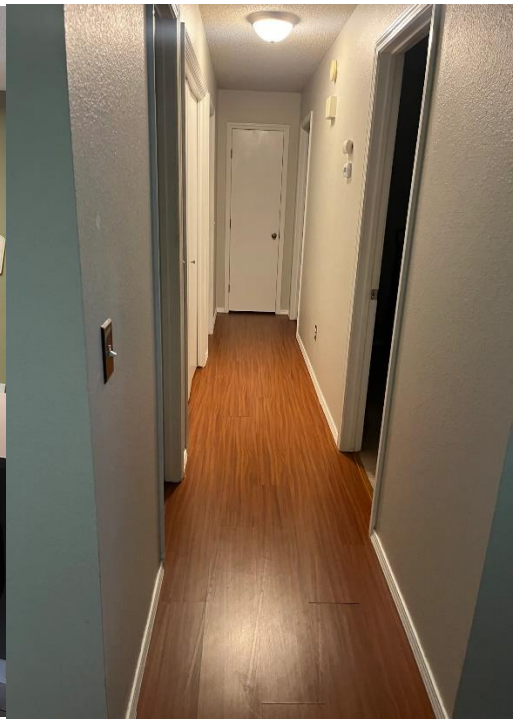
Facing north

Facing south

4. Site Plan. There are 2-3 parking spaces in the driveway indicated by the red lines and 3 more spaces in the street indicated by the purple lines.

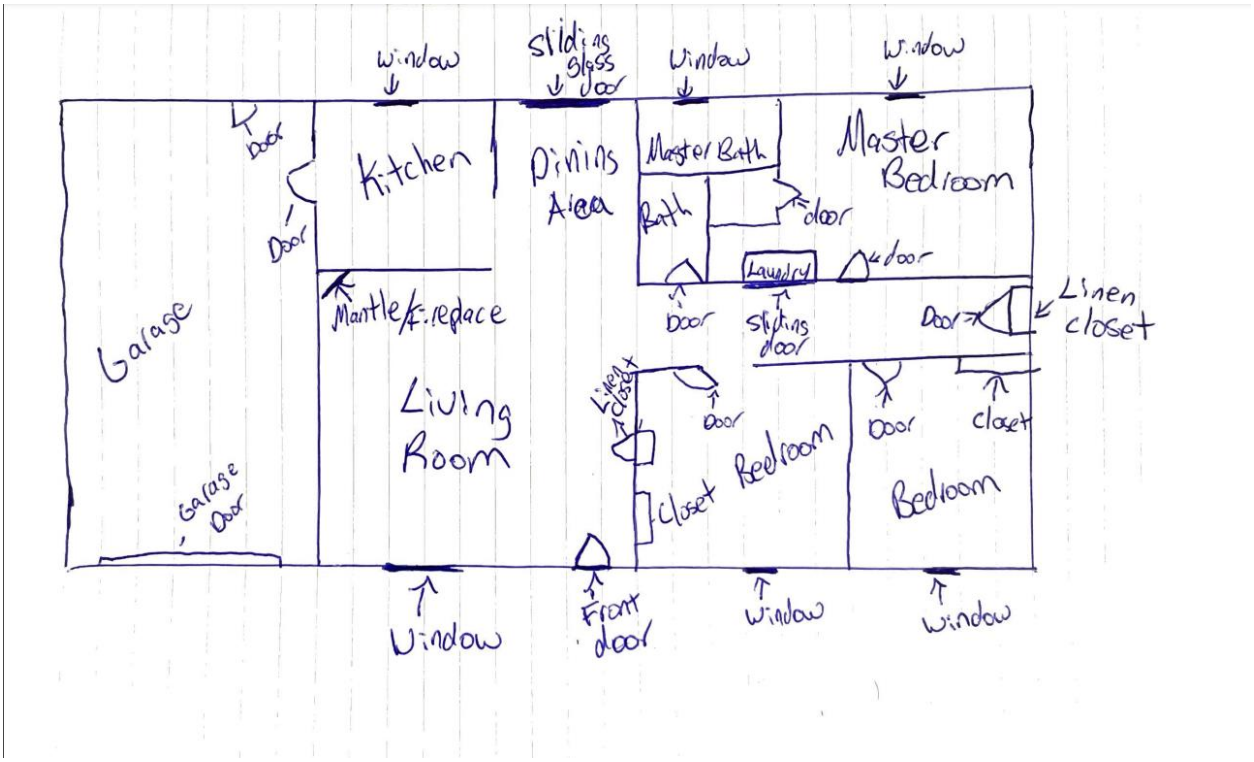


5. Pictures of the floor plan.

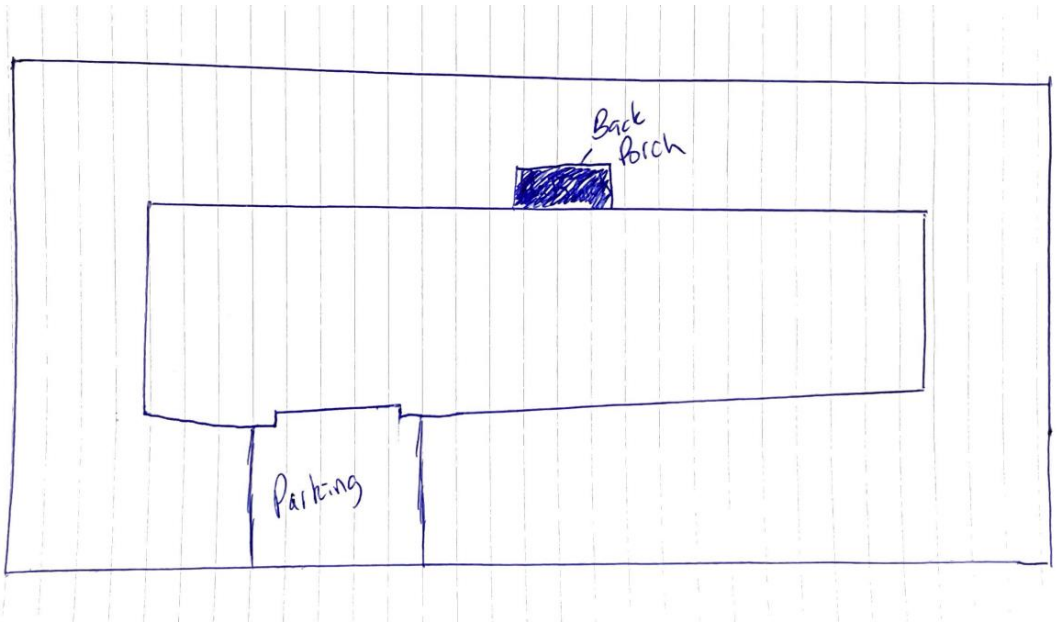


5. Floor plan

I was not able to find any floor plans for my property online so I drew it as close to scale as I could.



6. County Parcel Map

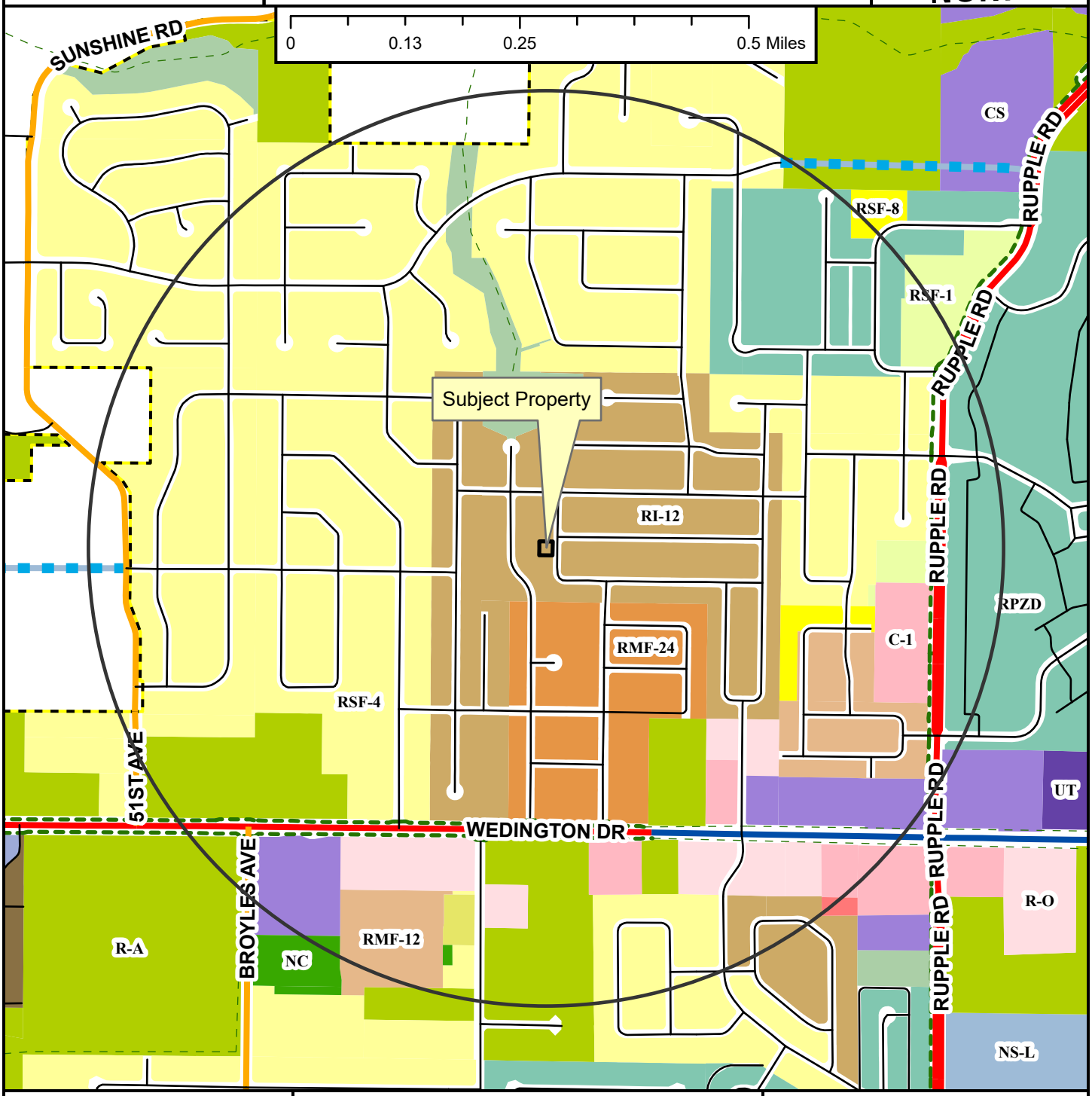


CUP-2023-0131

One Mile View

1493 N. LONESOME DOVE DR

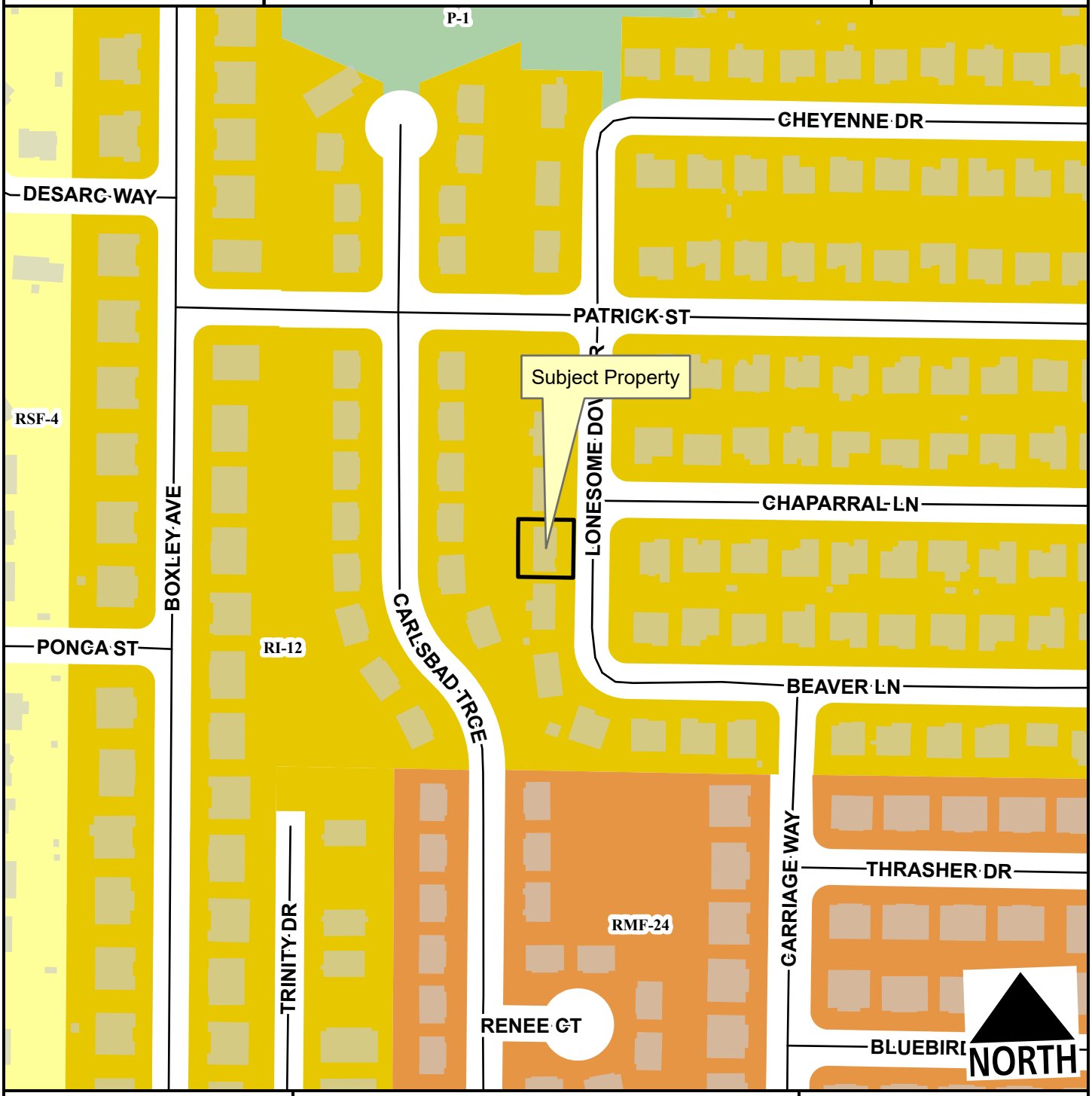
NORTH



CUP-2023-0131

Close Up View

1493 N. LONESOME DOVE DR



Residential Link
Planning Area
Fayetteville City Limits

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

RSF-4
RI-12
RMF-24
P-1

CUP-2023-0131

Current Land Use

1493 N. LONESOME DOVE DR

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

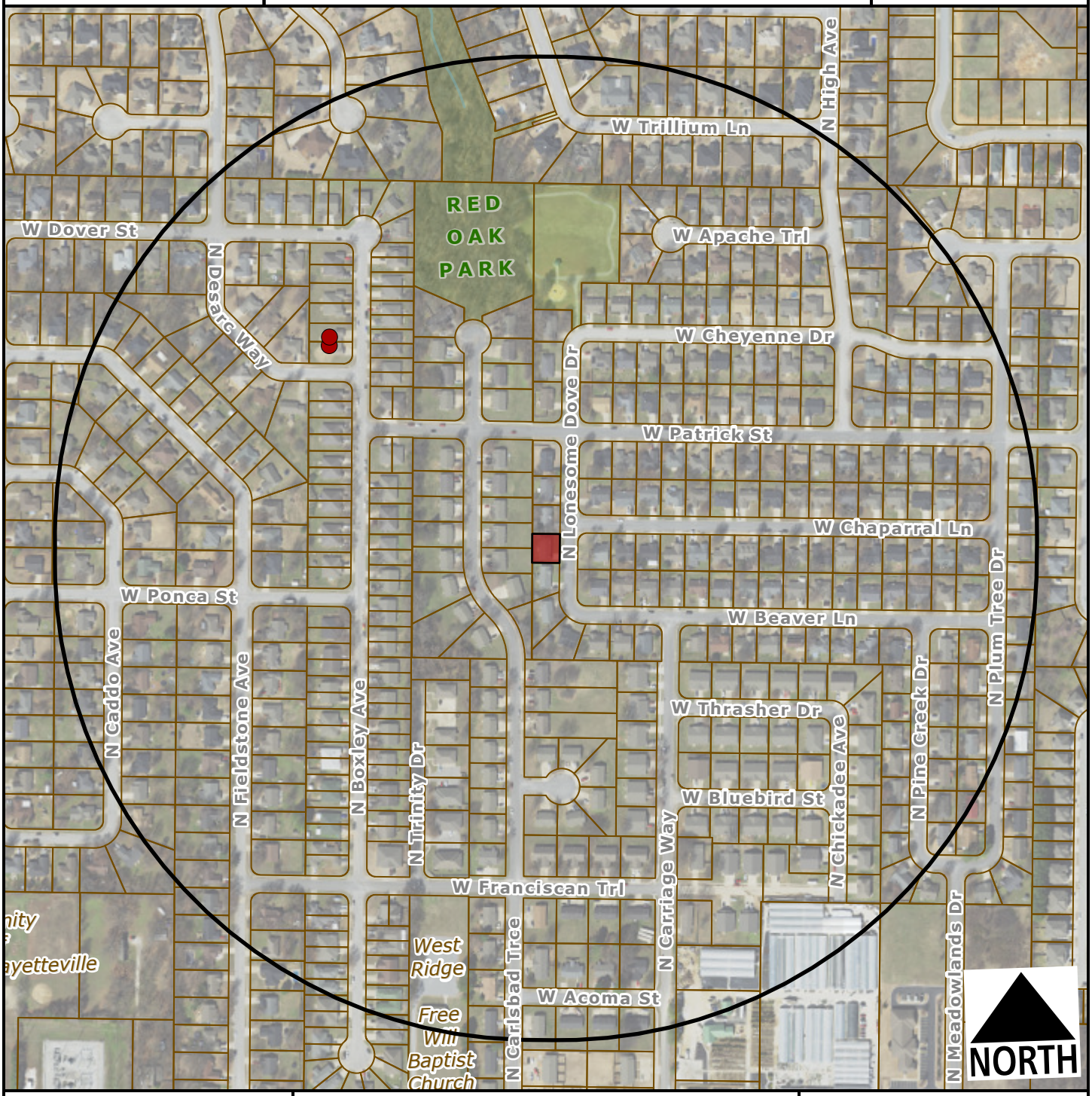
FEMA Flood Hazard Data

100-Year Floodplain
Floodway

CUP-2023-0131

STRs Within 1/4 Mile

1493 N. LONESOME DOVE DR



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 2

Occupiable Residential Addresses (Estimated Housing Units): 593

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0146: Conditional Use Permit (1625 N. TIMBERLINE DR./BROADAWAY, 401):** Submitted by ANNA BROADAWAY for property located at 1625 N. TIMBERLINE DR. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, TWELVE 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-2023-0146**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0146** 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, north of Wedington Dr. The property is zoned RI-12, Residential Intermediate, 12 Units per Acre, and totals approximately 0.30 acres. There is a 1,014 sq. ft. single family home constructed in 1993. 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	RI-12, Residential Intermediate, 12 Units per Acre
South	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
East	Single-family Residential	RI-12, Residential Intermediate, 12 Units per Acre
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 received two letters in support of this item.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0146,** 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 six 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 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 YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

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

Finding: The request is to operate a Short-Term Rental, Use Unit 46, in RI-12 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. However, due to the dwelling's size and the limited off-street parking, staff recommends limiting occupancy to six 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, three 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 1625 Timberline Dr. 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 November 7, 2023, the City had issued 411 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 garage. On-street parking is available along Timberline Dr. City records indicate that 6 other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license. 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 Timberline Dr. is available to accommodate vehicular ingress and egress to the subject property. Timberline Dr. is partially improved along the west side 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 three 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 6 other licenses Type 2 short-term rentals within a quarter-mile radius.**

(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 is 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
  - §161.11 District RI-12, Residential Intermediate – Twelve (12) Units per Acre
- Applicant Request Letter
- Building Elevations
- Building Floor Plan
- Site Plan
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or

agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

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

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

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

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

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

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

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

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

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

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

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

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

4) Prior zoning or code violations

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

Editor's note(s)—Ord. No. 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

To Whom it May Concern:

This letter is being provided in support of an application for a conditional use permit for 1625 N. Timberline Drive in Fayetteville, Washington County, Arkansas 72704. This property, which is zoned RI-12, is currently being utilized for single-family use. As the owner of the property and the applicant, I am asking the planning staff, and the planning commission, to consider my request to obtain a CUP for purposes of operating a Type 2 Short Term Rental. The relevant details of the property are set forth below:

(a) Square Footage: 1054.7 sq. ft. of living area (3 bedrooms, 2 baths), as well as a 100 sq. ft. screened porch and 245.82 sq. ft. single-car garage;

(b) Color: Exterior is a mix of beige brick/vinyl siding with charcoal accents and white trim;

(c) Off-Street Parking: There is room for 1 car in the garage, and 2 cars in the driveway;

(d) Outdoor Lighting: There are exterior lights on the front of the property (one under the covered porch, one next to the garage door), as well as on the exterior of the covered porch at the side of the house, which is behind the privacy fence.

(e) Noise: If this CUP is granted, parties will not be permitted or tolerated by guests or residents at the property.

(f) Screening/Buffering: This property is a "wedge" shape, meaning that the backyard it is larger than many of the surrounding homes, creating more distance than is standard between the home, which is at the front of the property, and any of the properties behind it. All sides of the property are screened from surrounding properties by a 6'tall privacy fence.

(g) Trash/Refuse Service: This property is currently serviced by the City of Fayetteville for weekly trash service. As this property is currently used for residential purposes exclusively, owner only has one trash bin at this time; however, should this CUP be granted, property owner is willing to pay for additional bins to accommodate extra refuse generated by STR guests. All trash bins can be screened from view when not in use by a privacy fence.

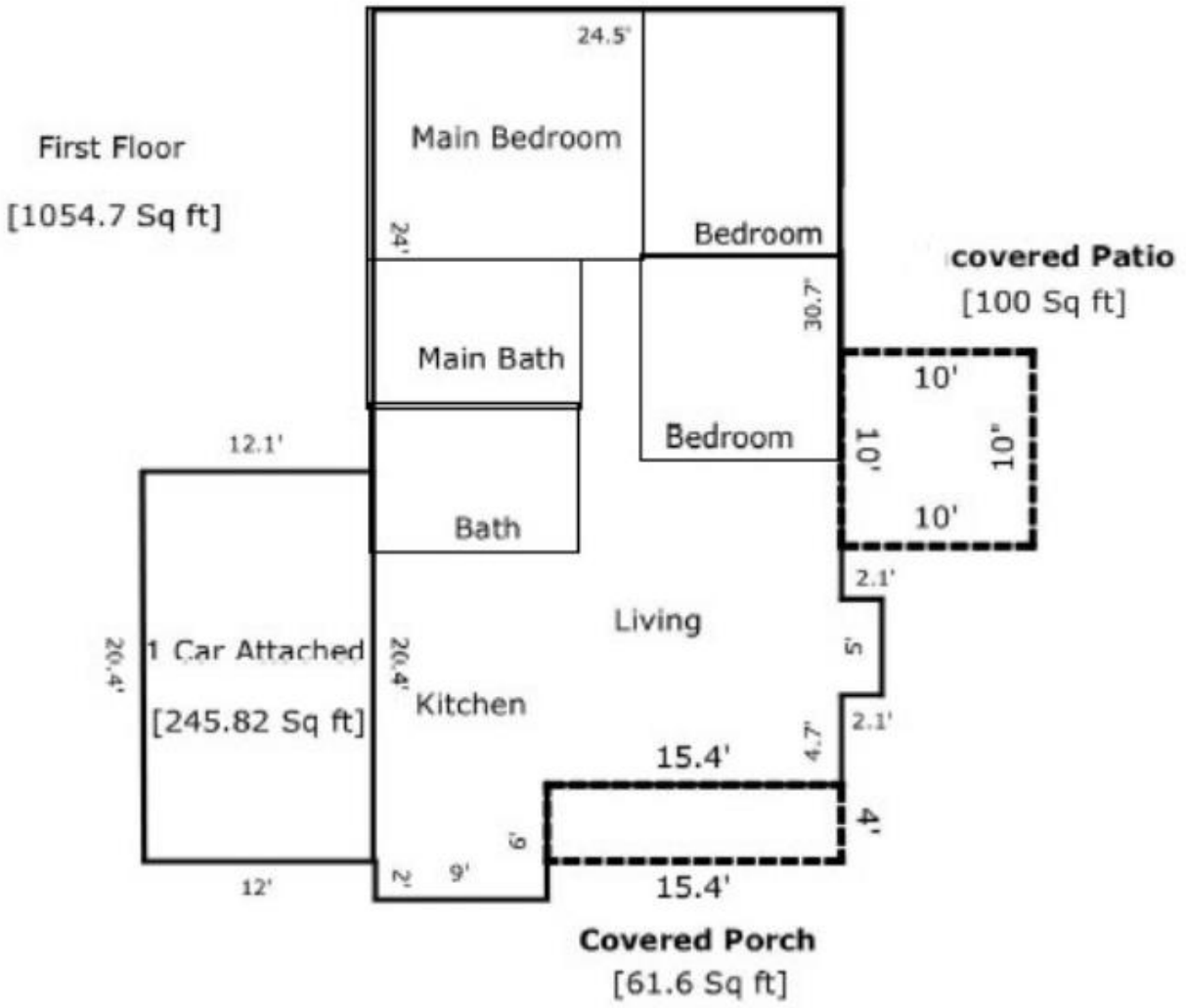
(h) Ingress and Egress to Property. This property faces the street (Timberline Drive) and is easily accessible with a driveway that is at street level. Street parking is permitted and extremely common, as there are many rental homes in this neighborhood.

(i) General Compatibility: I have lived at this property for over six years and have loved living in this neighborhood. I would really like to retain ownership of this property for years or even decades to come, and to do so, I am seeking the flexibility to be able to rent this property out as a Type-2 short term rental. Given its close proximity to hotels, apartments, shopping, the interstate, and the University of Arkansas, which is only 10 minutes away, a Type-2 short term rental is compatible with the current use of the neighborhood, as many of the homes are already being used as short term and long-term rentals.

Anna Broadway
1625 N. Timberline Dr.
Fayetteville, AR 72704

Building Elevations

Building Floor Plan



Site Plan

Timberridge Ct
Short Metal Fence
Porch
sidewalk
- Porch Light
- Floodlight/Security Camera
Porch
Timberline Dr
Timberline Dr
Timberline Dr
Shed
Garage
Driveway
Trash bin stored behind gate
Wooden Privacy Fence

October 24th , 2023

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

REF: Conditional Use Request of Anna Broadaway d/b/a Timberline LLC
CUP-2023-0146 (1625 N. Timberline Dr.)

Please be advised that I SUPPORT Timberline LLC's request, allowing Type-2 Short Term Rental on this property. This location is especially good for short-term renters attending Razorback games, as Salem Road is the only street within a mile west of I-49 that has a protected left-turn signal, allowing quick access onto Wedington Drive.

Further, with the frontage facing Timberline, and the CUP applying only to the existing house, the request is consistent with the General Land Use Plan and I believe that the proposal represents the highest and best use of the property.

Sincerely,

cc: Anna Broadaway

David M. McWethy
1660 N. Salem Road
Fayetteville, AR 72704-5700
(479) 305-3242
davidmcwethy520@gmail.com

To Fayetteville Planning Commission

RE: Anna Hardaway request for zoning CUP-2023-0146

11/06/2023

From Ron Highfill

1608 N. Timberline DR

Fayetteville, AR 2704

To whom it may concern:

Anna is asking for permission to allow Airbnb type rentals. I live across the street.

I fully support her requests. She is a good neighbor. She keeps up her property very well.

I believe she will conduct temporary rentals without any problems for neighbors.

Sincerely:

Ron Highfill

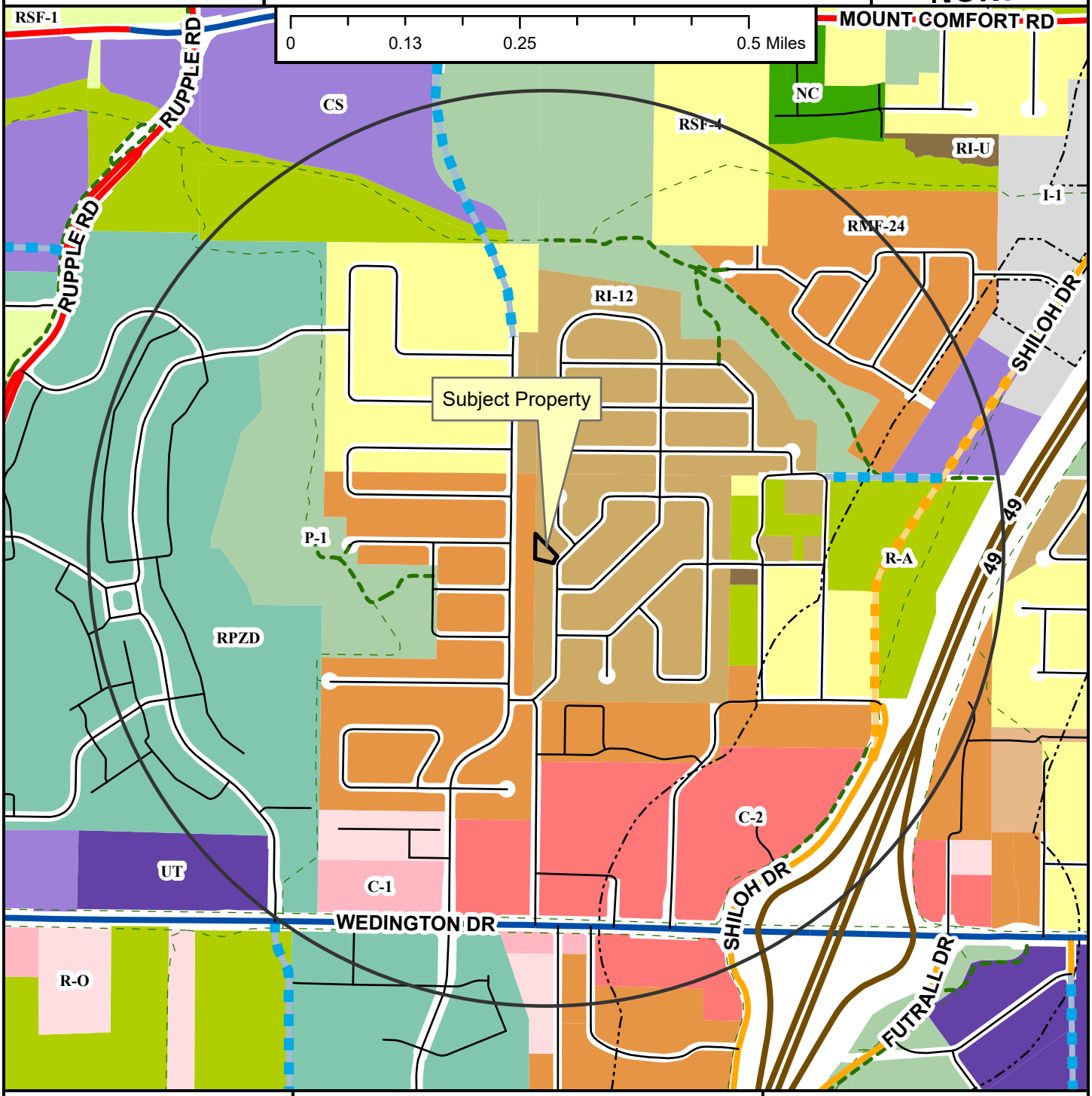
479-659-4369

CUP-2023-0146

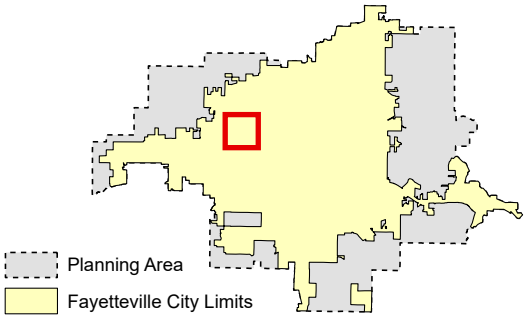
One Mile View

1625 N. TIMBERLINE DR

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

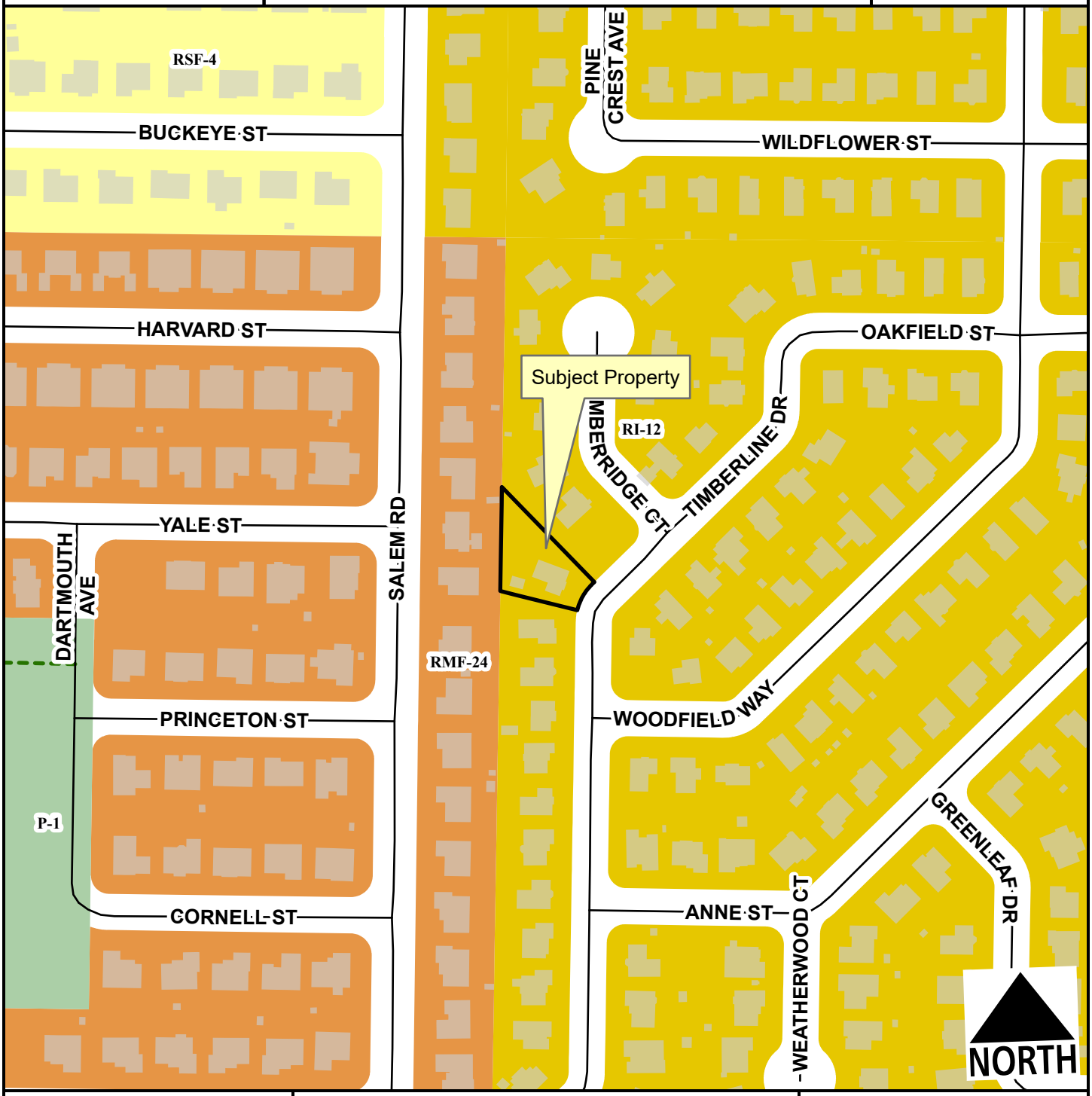
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0146

Close Up View

1625 N. TIMBERLINE DR



Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

RSF-4
RI-12
RMF-24
P-1

CUP-2023-0146

Current Land Use

1625 N. TIMBERLINE DR

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

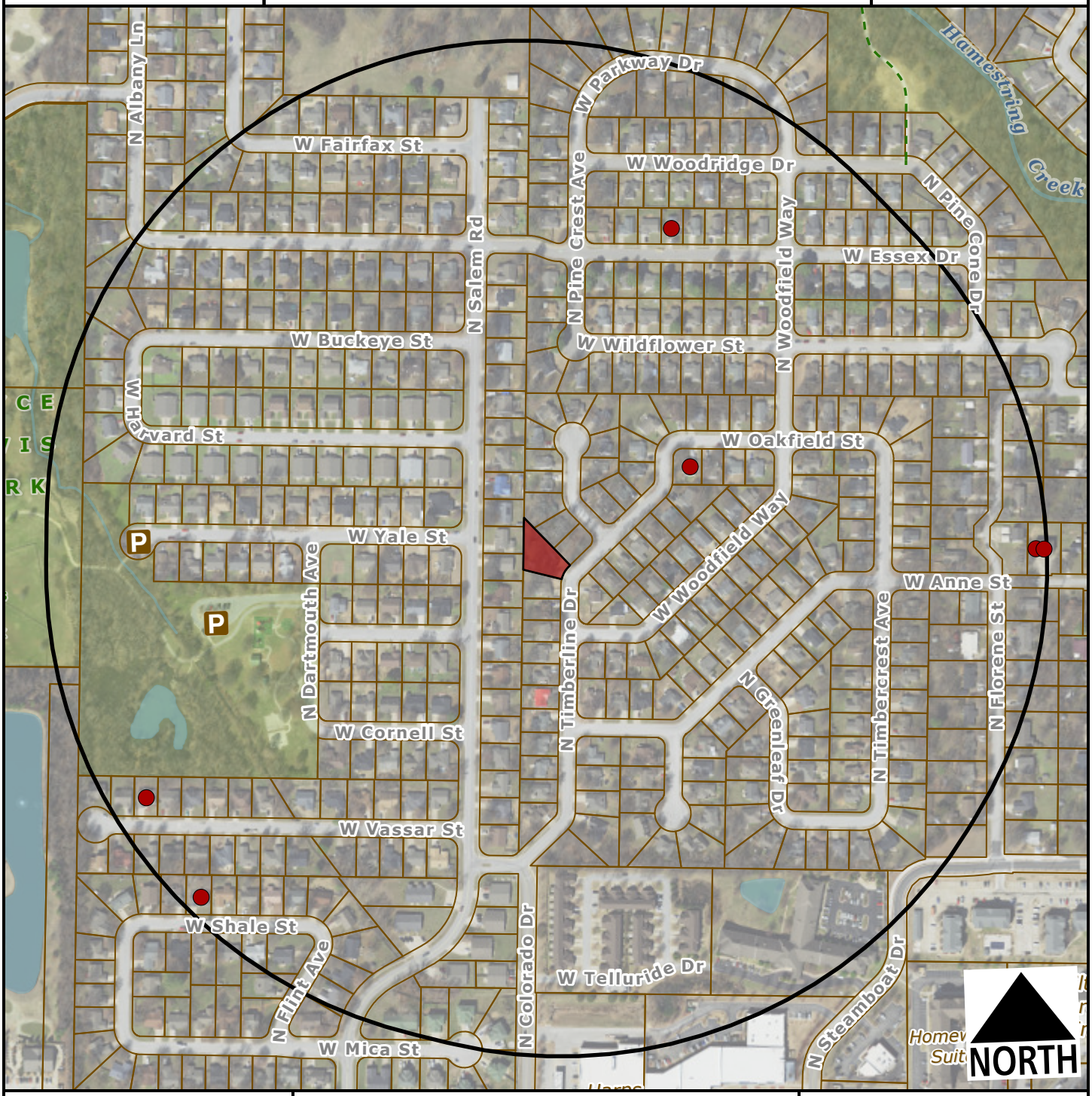
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0146

STRs Within 1/4 Mile

1625 N. TIMBERLINE DR



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 6

Occupiable Residential Addresses (Estimated Housing Units): 628

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0148: Conditional Use Permit (517 N. FALLIN AVE./TRUMBO, 446):** Submitted by HAYDEN TRUMBO for property located at 517 N. FALLIN AVE. 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-2023-0148**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0148** 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, east of Mission Blvd. The property is zoned RSF-4, Residential Sing-family, 4 Units per Acre, and totals approximately 0.62 acres. The subject property is improved with a 1,658 sq. ft. single family home constructed in 1955. 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	RSF-4, Residential Single-family, 4 Units per Acre
South	Duplex, 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 received one email in reference to CUP-2023-0148 and CUP-2023-0149 with general concerns about the economic impacts of STRs on housing affordability.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0148,** 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** **YES**
Date: November 13, 2023	❒ **Tabled** ❒ **Approved** ❒ **Denied**
Motion:	
Second:	
Vote:	

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the 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, Rl-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Short-Term Rental, Use Unit 46, in 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. According to the applicant submittal, three on-site parking spaces will be available to guests in an existing driveway.**

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

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

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

Finding: **The application is for use of the property at 517 N. Fallin 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 November 7, 2023, the City had issued 411 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 minimum of three off-street parking spaces will be available for guests in the driveway. On-street parking is not available along N. Fallin Ave. City records indicate that 2 other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license. 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 driveway from N. Fallin Ave. is available to accommodate vehicular ingress and egress to the subject property. N. Fallin Ave. is not 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 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: **Three off-street parking spaces are available in an existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes the property will use typical residential trash service. Staff recommends imposing a condition that the trash containers be screened from public view when not in use.**

(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 imposing a condition that the trash containers be screened from public view when not in use.**

(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 2 other licenses Type 2 short-term rentals within a quarter-mile radius.**

(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 is 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 Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

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

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

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

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

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

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

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

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

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

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

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

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

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

4) Prior zoning or code violations

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

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."

October 2nd 2023

517 N FALLIN AVENUE FAYETTEVILLE, AR 72701

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

a. 1700 Sq. Feet

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

a. Dark green with brown and black accents

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

a. 3

(d) Outdoor lighting

a. Flood lights around the house, path lighting for the walk way and strung lights in the rear of the house

(e) Noise

a. Quiet hours from 9pm – 8am,

(f) Screening or buffering from adjacent properties

a. Tree lines around 3 side of property with fencing around the left and rear of the house

(g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

a. Trash and Recycling are at the top of the property off the street to the right of the entrance

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

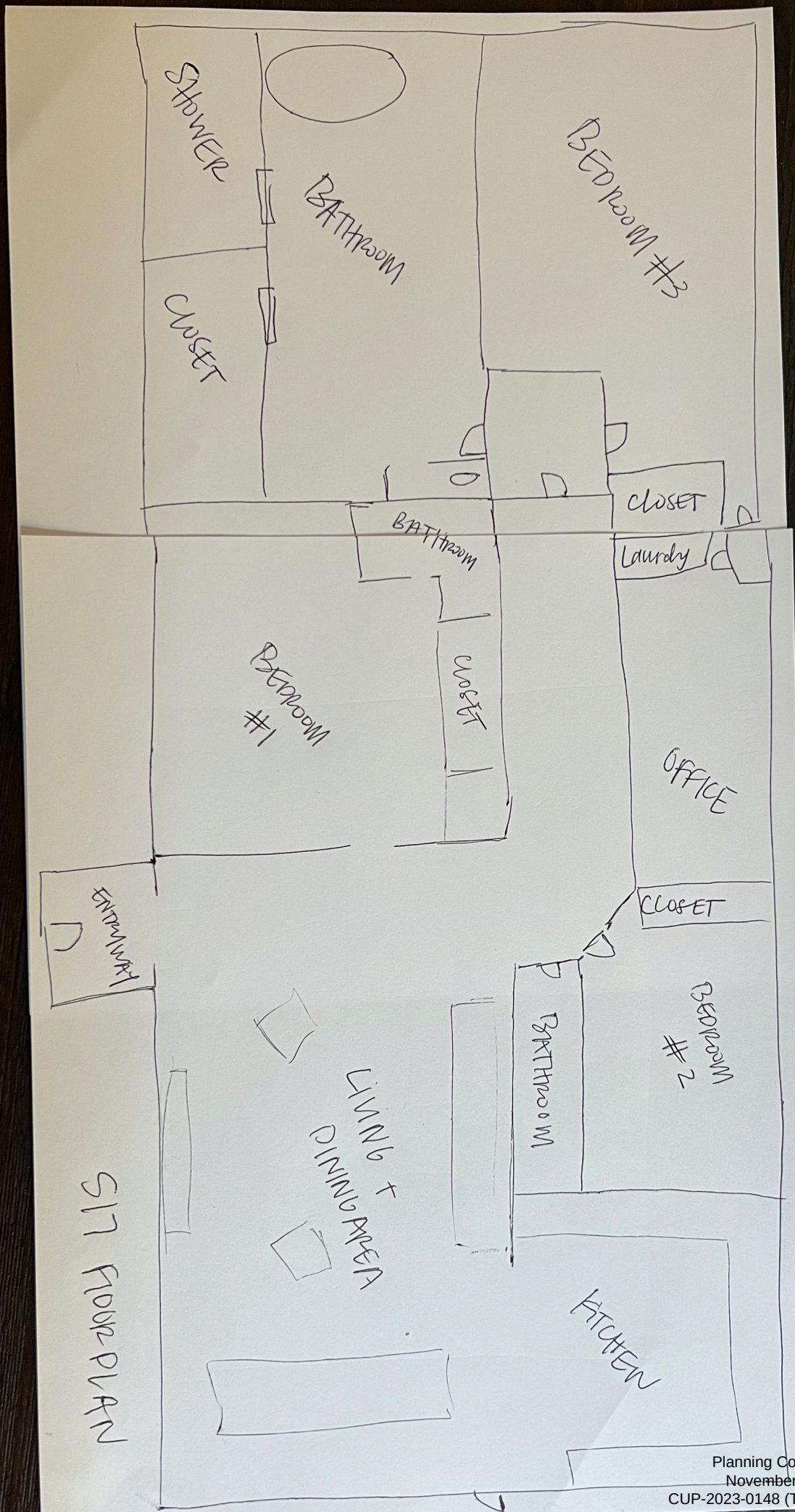
a. Ingress and Egress are in the parking area off of Fallin with easy pull in and pull out while yielding to traffic

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

a. We have relationships with our neighbors as we have lived on that street for 23 years. We have discussed the proposed use with them with consent and excitement from our neighbors and we are picky with who will stay so as not to disturb any part of the Fayetteville Community that we love so dearly.

SINCERELY,

GABE AND HAYDEN TRUMBO


SHOWER
BATHROOM
CLOSET
BEDROOM #3
CLOSET
BATHROOM
Laundry
BEDROOM #1
CLOSET
OFFICE
ENTRYWAY
CLOSET
BATHROOM
BEDROOM #2
LIVING + DINING AREA
KITCHEN
S17 FLOORPLAN

Driveway
Trash Bin Location
N Fallin Ave

Hevrdejs, Kylee

From: Planning Shared
Sent: Tuesday, November 7, 2023 1:46 PM
To: Hevrdejs, Kylee
Subject: FW: Written Notificaiton Form Received - Type 2 Short Term Rental Conditional Permit - 517 and 526 Fallin Ave

Concerning CUP-2023-0148

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Rick Wimpee <rickwimpee@gmail.com>
Sent: Tuesday, November 7, 2023 1:44 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Written Notificaiton Form Received - Type 2 Short Term Rental Conditional Permit - 517 and 526 Fallin Ave

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.

Thank you for sending the above notices. I am not against short term rentals in the city but think they should be limited due to the fact that too many - especially concentrated in neighborhoods - helps drive up rental rates and the prices of homes in the area. This negatively impacts monthly renters and new homebuyers. It appears the investors who purchase homes for short term rentals benefit the most from these investments and they don't appear to offer other benefits to the neighborhoods or the local community.

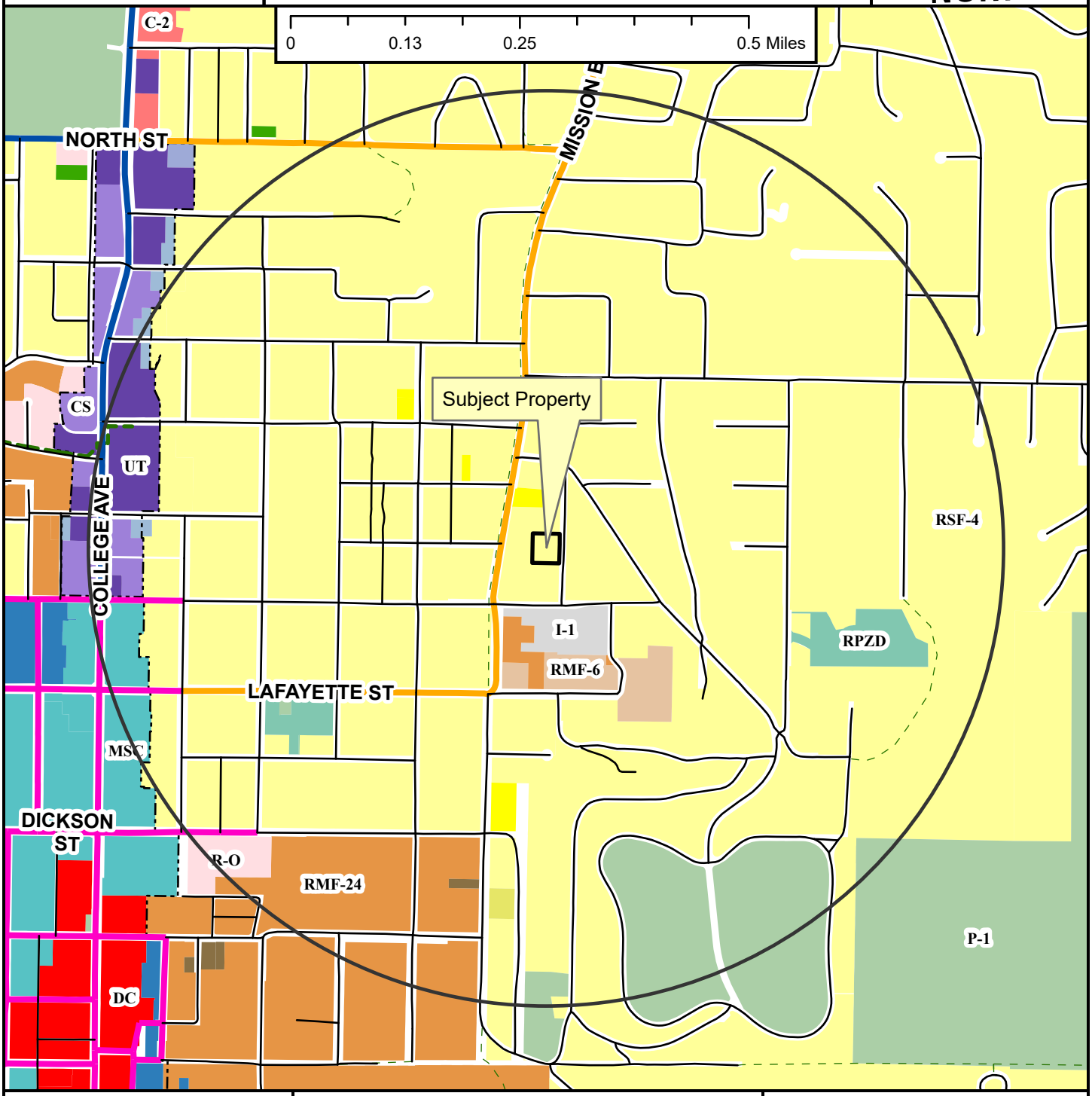
Thank you for allowing for input on this subject.
Rick & Terri Wimpee
704 E Maple St
Fayetteville, AR 72701

CUP-2023-0148

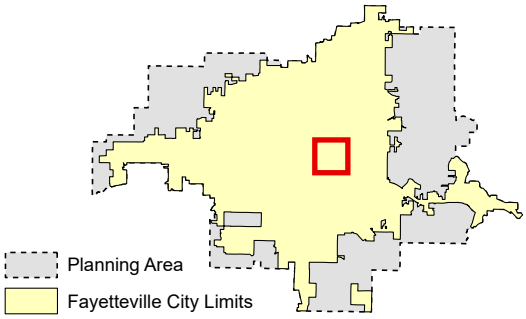
One Mile View

517 N. FALLIN AVE

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

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

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

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

EXTRACTION
- E-1

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

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

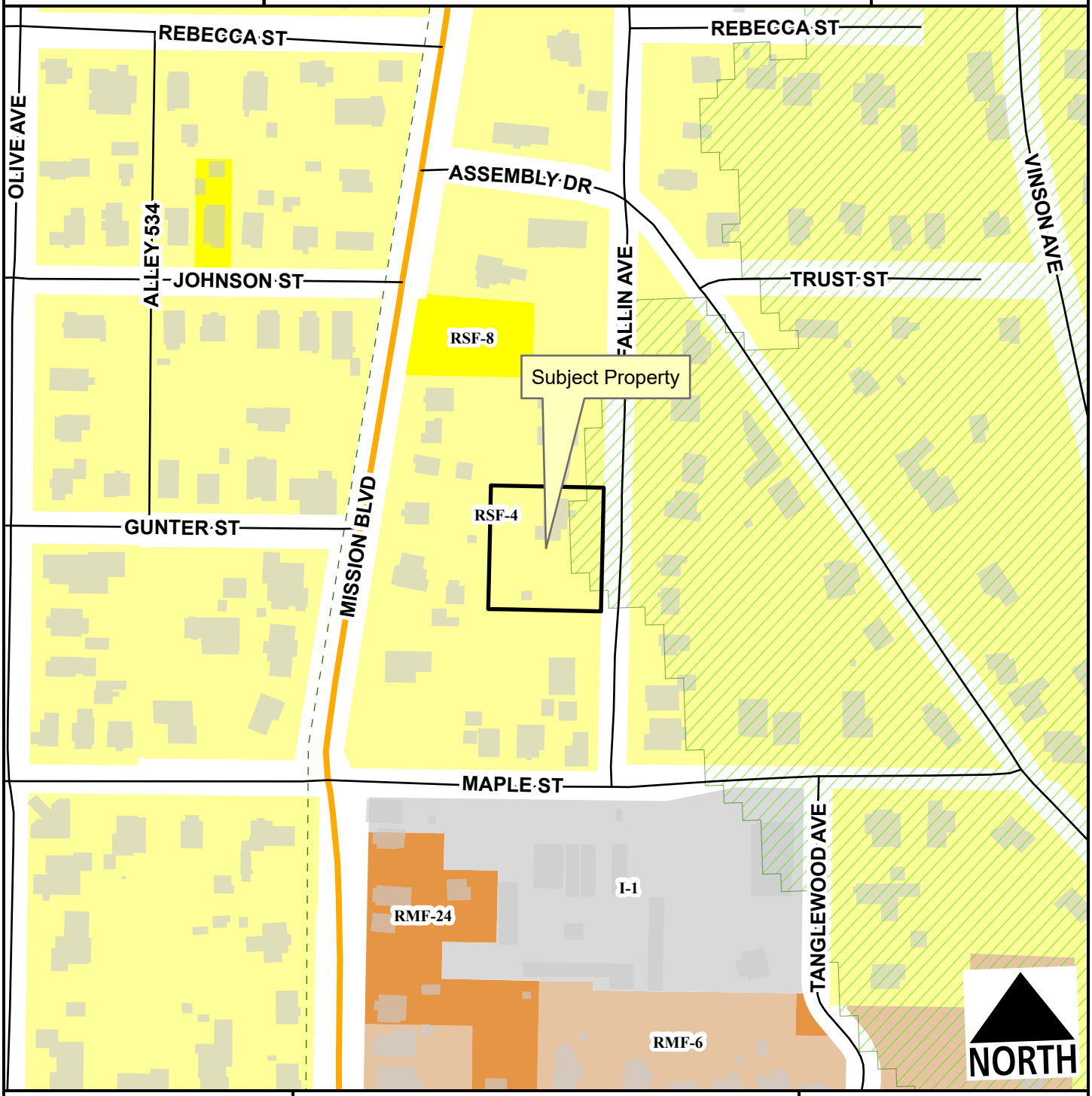
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0148

Close Up View

517 N. FALLIN AVE



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

Feet

0 75 150 300 450 600

1:2,400

- RSF-4
- RSF-8
- RMF-6
- RMF-24
- I-1 Heavy Commercial and Light Industrial

CUP-2023-0148

Current Land Use

517 N. FALLIN AVE

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

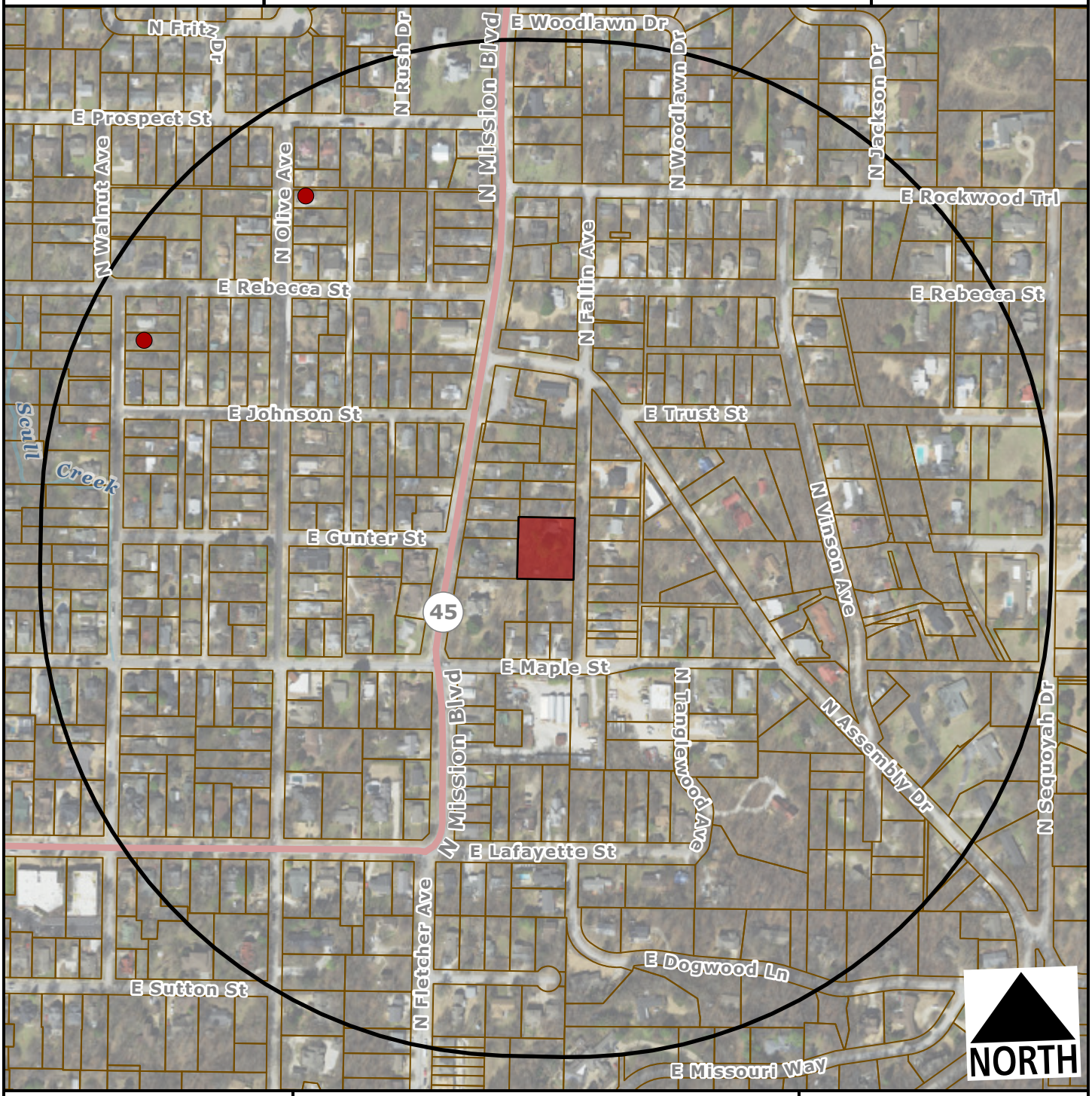
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0148

STRs Within 1/4 Mile

517 N. FALLIN AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 2

Occupiable Residential Addresses (Estimated Housing Units): 395

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Hevrdejs, Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0149: Conditional Use Permit (526 N. FALLIN AVE./TRUMBO, 446):** Submitted by HAYDEN TRUMBO for property located at 517 N. FALLIN AVE. 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-2023-0149**, with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0149** 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, east of Mission Blvd. The property is zoned RSF-4, Residential Sing-family, 4 Units per Acre, and totals approximately 0.62 acres. The subject property is improved with a 900 sq. ft. single family home constructed in 1955. The majority of the property is located within the Hillside/Hilltop overlay district. 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 received one email in reference to CUP-2023-0148 and CUP-2023-0149 with general concerns about the economic impacts of STRs on housing affordability.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0149,** 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 YES
Date: November 13, 2023 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the 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, Rl-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Short-Term Rental, Use Unit 46, in 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 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. According to the applicant submittal, two on-site parking spaces will be available to guests in an existing driveway.**

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

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

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

Finding: **The application is for use of the property at 526 N. Fallin 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 November 7, 2023, the City had issued 411 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. Two off-street parking spaces will be available for guests in the driveway. On-street parking is not available along N. Fallin Ave. City records indicate that 2 other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license. 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 driveway from N. Fallin Ave. is available to accommodate vehicular ingress and egress to the subject property. N. Fallin Ave. is not 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 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: **Two off-street parking spaces are available in an existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes the property will use typical residential trash service. Staff recommends imposing a condition that the trash containers be screened from public view when not in use.**

(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 imposing a condition that the trash containers be screened from public view when not in use.**

(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 2 other licenses Type 2 short-term rentals within a quarter-mile radius.**

(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 is 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
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

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

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

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

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

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

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

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

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

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

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

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

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

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

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

4) Prior zoning or code violations

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

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."

October 2nd 2023

526 N FALLIN AVENUE FAYETTEVILLE, AR 72701

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

a. 900 Sq. Feet

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

a. White with black accents

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

a. 2

(d) Outdoor lighting

a. Flood lights around the doors to the outside and strung lighting over the front patio

(e) Noise

a. Quiet hours from 9pm – 8am

(f) Screening or buffering from adjacent properties

a. Tree lines around 3 sides of the property, the rear and the left side, with minimal tree coverage in the front

(g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

a. Trash and Recycling are at the bottom of the property off the street to the right of the entrance with clear visibility from the street

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

a. Ingress and Egress are in the driveway off of Fallin with easy pull in and pull out visibility while yielding to traffic

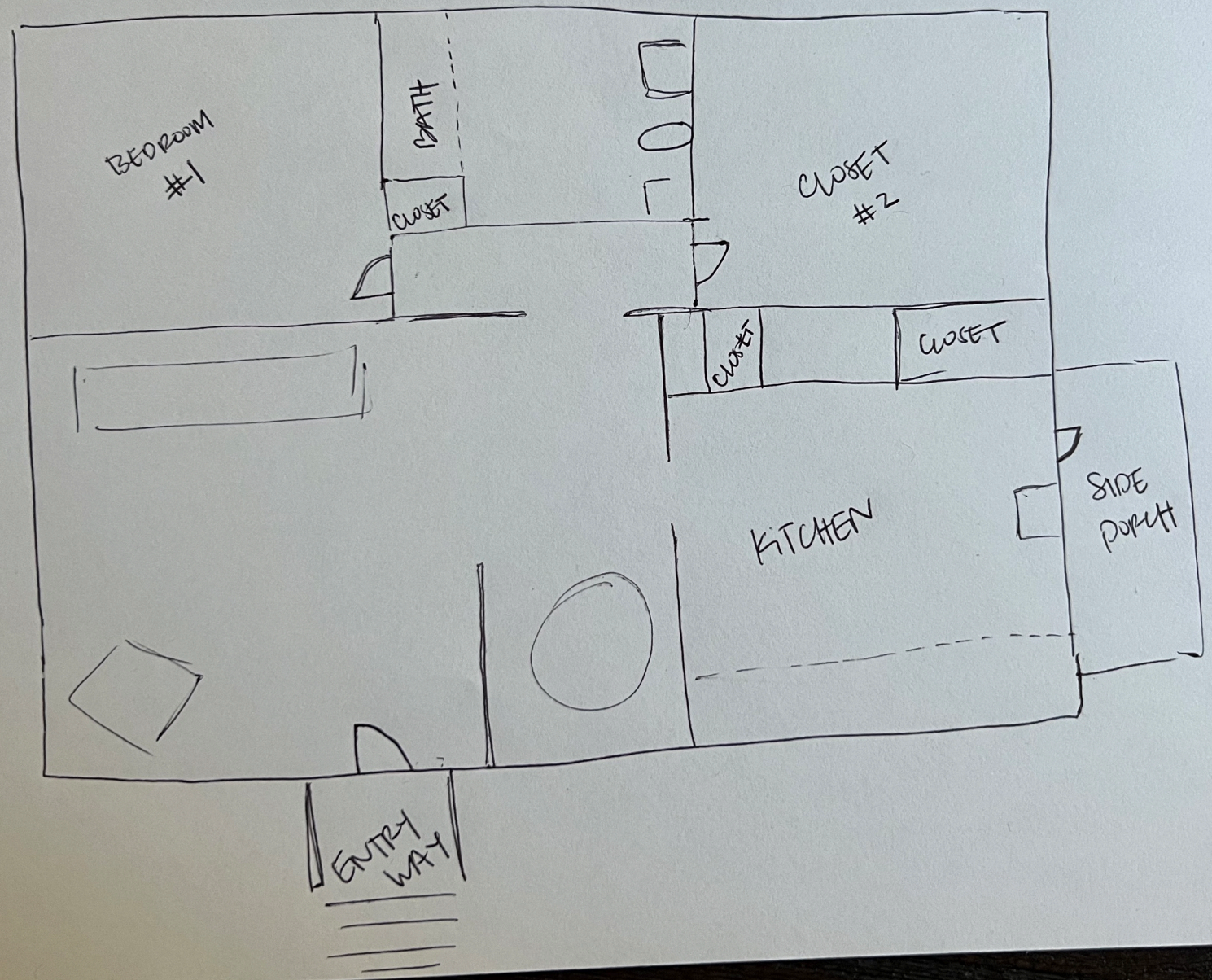
(i) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

a. We have relationships with our neighbors as we have lived in this house for 23 years. We have discussed the proposed use with them with consent and excitement from our neighbors and we are picky with who will stay so as not to disturb any part of the Fallin Community that we love so dearly.

SINCERELY,

520

526 FLOOR PLAN



Planning Commission
November 13, 2023
CUP-2023-0149 (TRUMBO)
Page 16 of 22
Page 418 of 512

Trash Bins
506
Driveway

Hevrdejs, Kylee

From: Planning Shared
Sent: Tuesday, November 7, 2023 1:46 PM
To: Hevrdejs, Kylee
Subject: FW: Written Notificaiton Form Received - Type 2 Short Term Rental Conditional Permit - 517 and 526 Fallin Ave

Concerning CUP-2023-0148

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Rick Wimpee <rickwimpee@gmail.com>
Sent: Tuesday, November 7, 2023 1:44 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Written Notificaiton Form Received - Type 2 Short Term Rental Conditional Permit - 517 and 526 Fallin Ave

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.

Thank you for sending the above notices. I am not against short term rentals in the city but think they should be limited due to the fact that too many - especially concentrated in neighborhoods - helps drive up rental rates and the prices of homes in the area. This negatively impacts monthly renters and new homebuyers. It appears the investors who purchase homes for short term rentals benefit the most from these investments and they don't appear to offer other benefits to the neighborhoods or the local community.

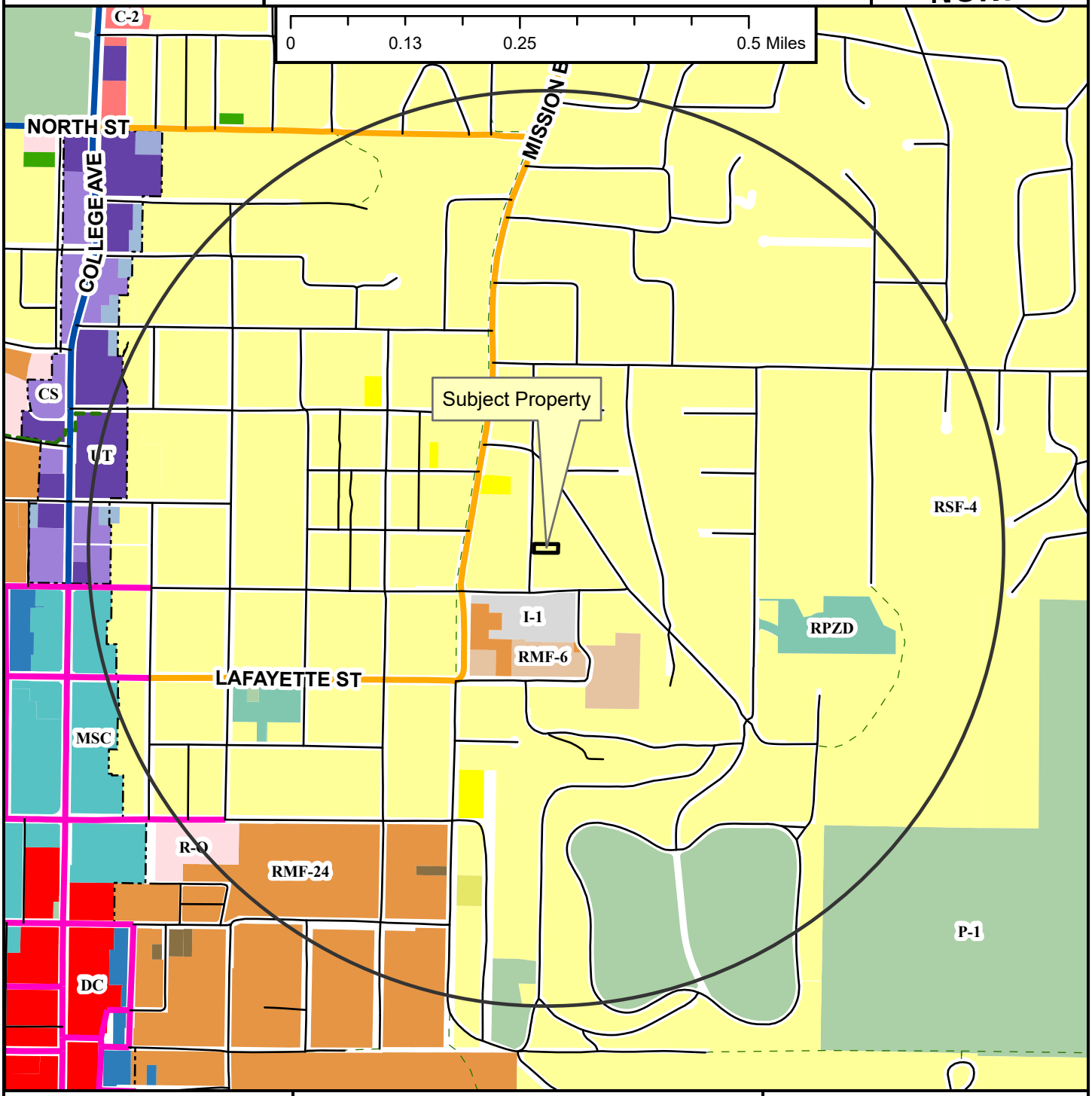
Thank you for allowing for input on this subject.
Rick & Terri Wimpee
704 E Maple St
Fayetteville, AR 72701

CUP-2023-0149

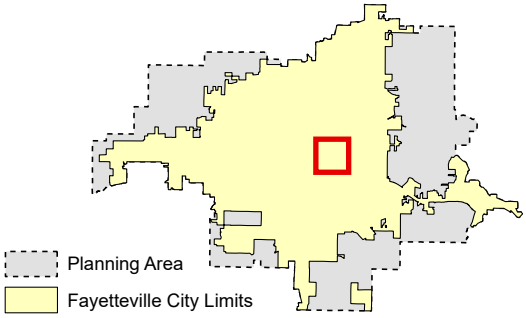
One Mile View

526 N. FALLIN AVE

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

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

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

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

EXTRACTION
- E-1

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

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

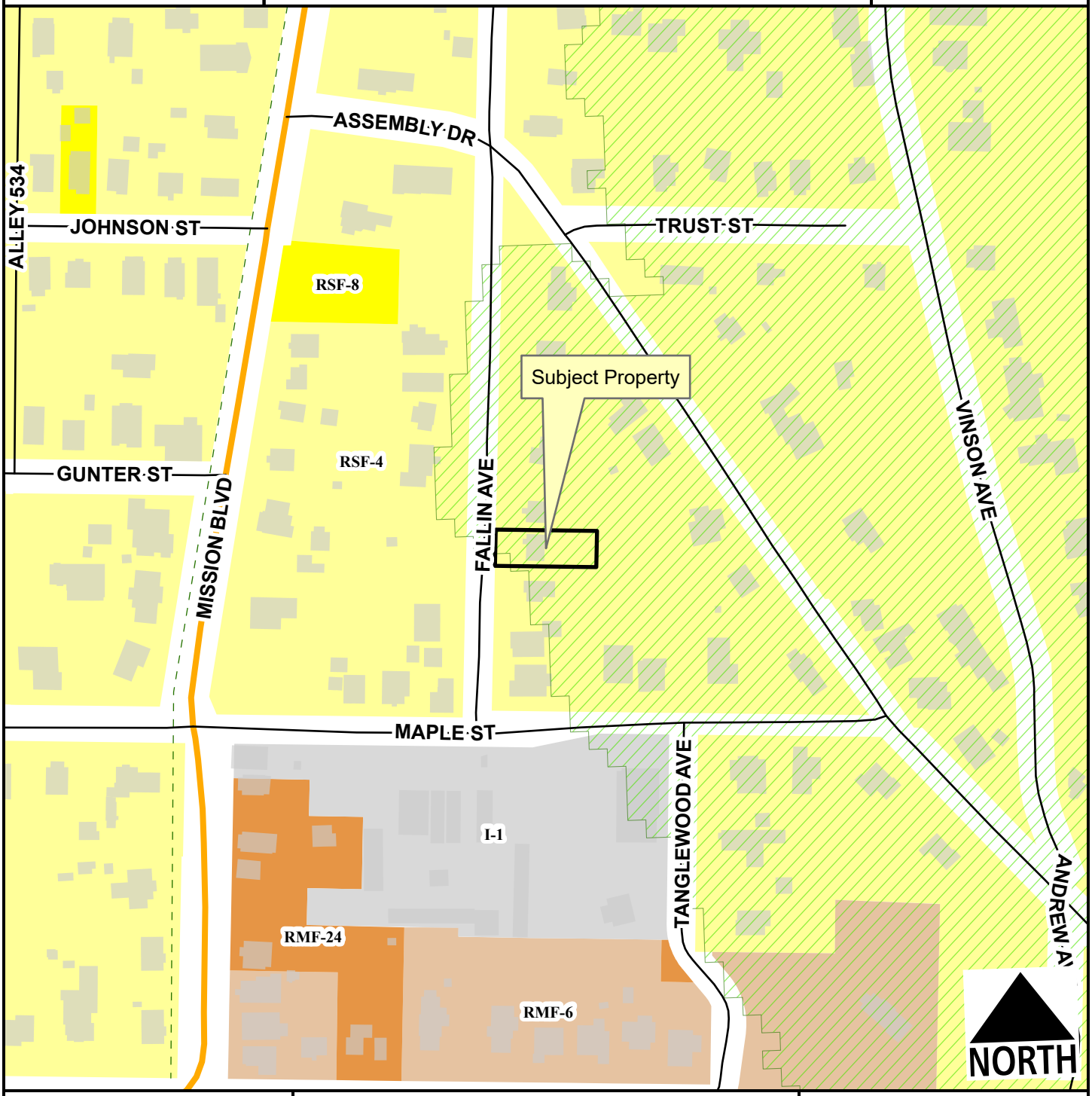
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0149

Close Up View

526 N. FALLIN AVE



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

Feet

0 75 150 300 450 600

1:2,400

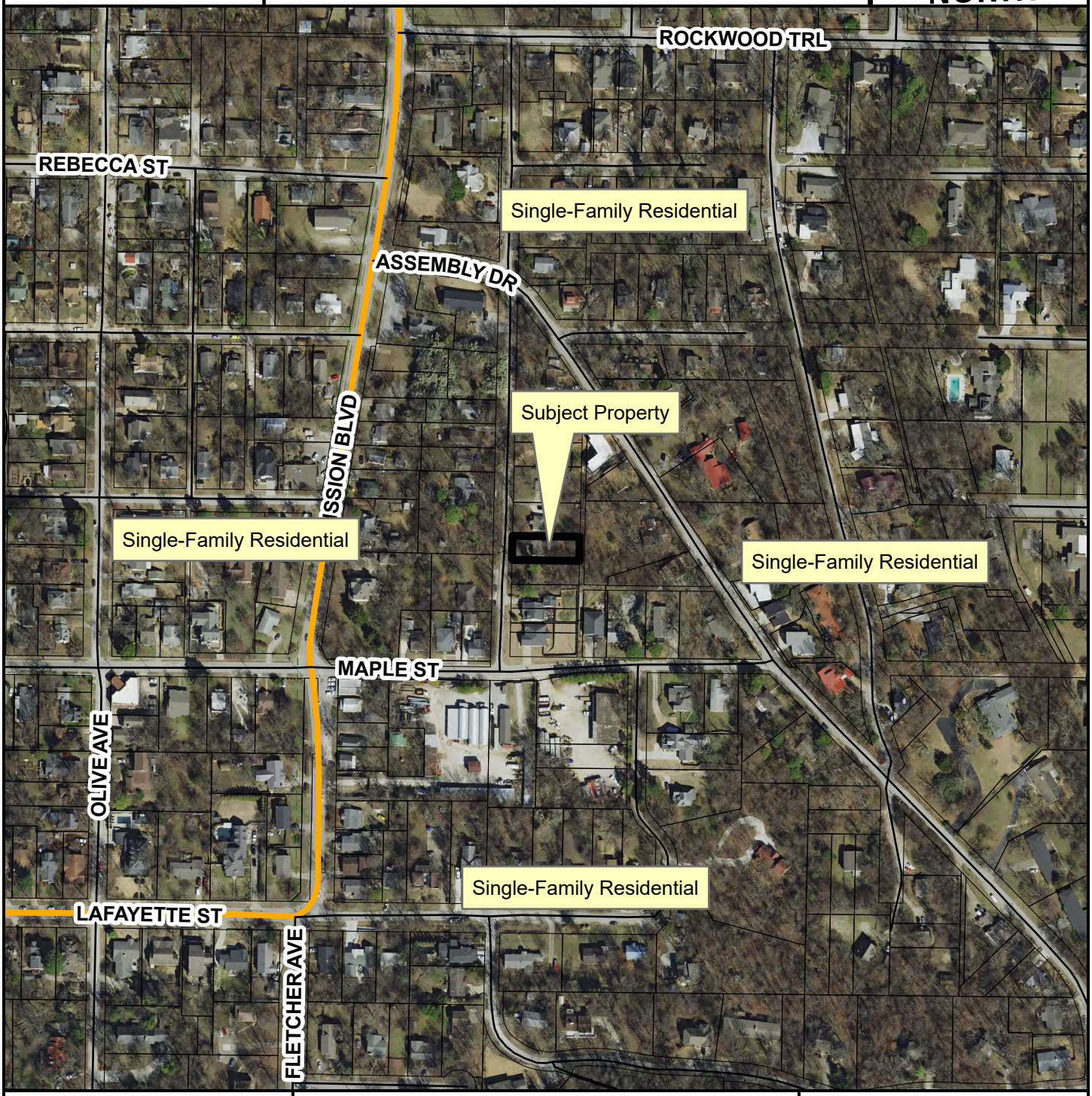
RSF-4
RSF-8
RMF-6
RMF-24
I-1 Heavy Commercial and Light Industrial

CUP-2023-0149

Current Land Use

526 N. FALLIN AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

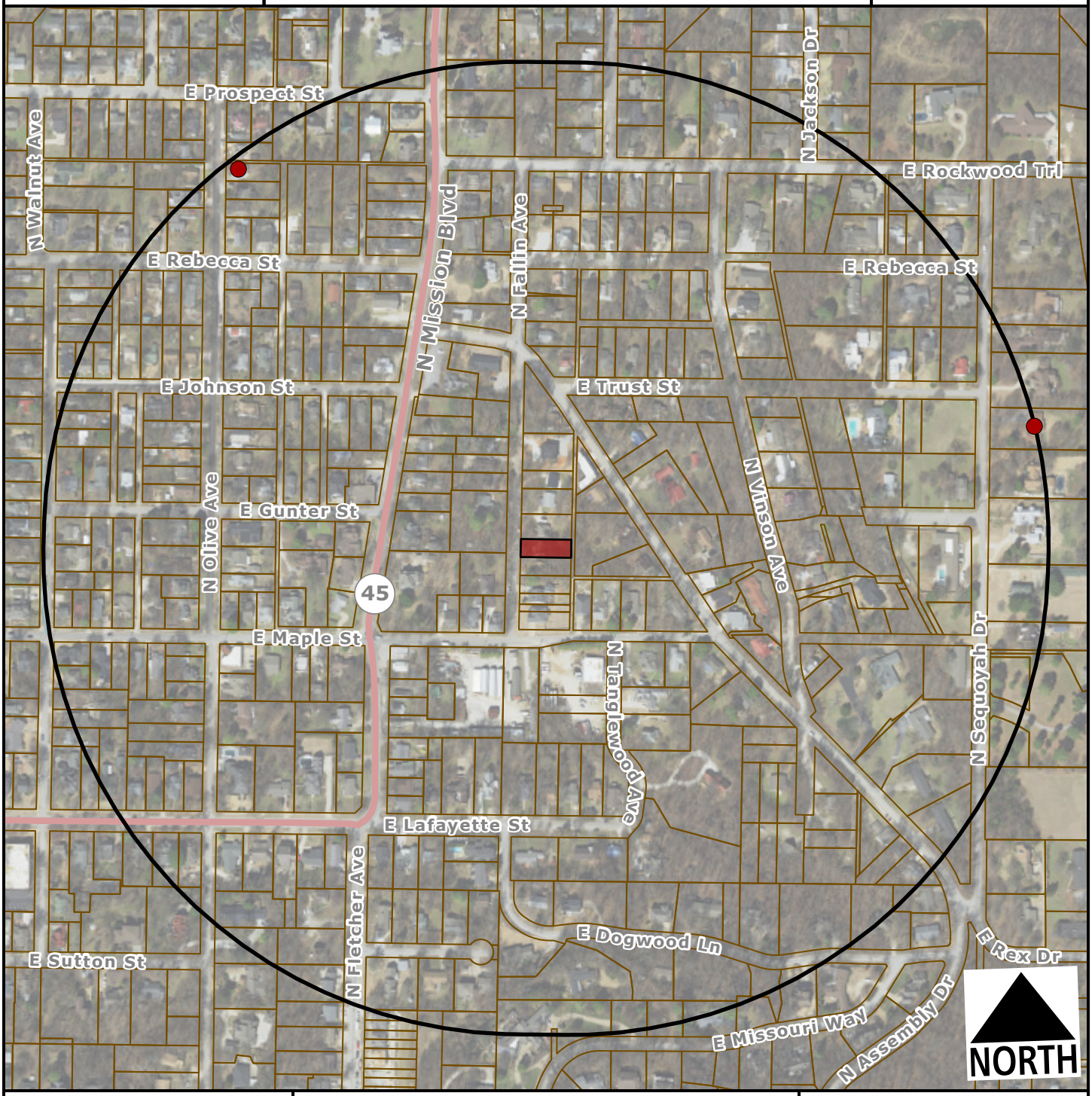
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0149

STRs Within 1/4 Mile

526 N. FALLIN AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 2

Occupiable Residential Addresses (Estimated Housing Units): 353

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0139: Conditional Use Permit (1965 E. HAROLD ST/HANNAHS, 214):** Submitted by DOWNTOWN PROPERTIES REAL ESTATE GROUP for property located at 1965 E. HAROLD ST. 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-2023-0139** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0139**, 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 northeast Fayetteville about one third of a mile north of Rolling Hills Drive on the west side of Old Missouri Road. The property is a through lot with frontage along both Old Missouri Road and Harold Street. The property contains approximately 0.40 acres and is developed with a 2,190-square-foot, three-bedroom, single-family home which was built in 1990. A portion of Missouri Creek, which is a protected stream, runs through the center of the property. 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 received one letter from a neighbor who stated their opposition to this request. Their letter is attached to this report. The neighbor expressed concerns about this short-term rental becoming a party house and adversely impacting property values in the neighborhood.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0139** 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**	**YES**	
Date: November 13, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RSF-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-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in RSF-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 property contains a total of 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 on the property at any given time. The applicant indicated in their submittal that there is space to park three vehicles on site with one space in an attached garage and two spaces in a driveway. On-street parking also appears to be available along Harold Street.**

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 that 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 1965 E. Harold St. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

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

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of November 7, 2023, the City had issued 411 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. Three off-street parking spaces will be available for guests on site and on-street parking is available along several public streets nearby. City records indicate that no other units within a quarter-mile radius of the property have an active Type 2 short-term rental business license. However, due to the annual business license renewal period which ended 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. City records also**

indicate that 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 with access onto Harold Street is available to accommodate vehicular ingress and egress to the subject property. Sidewalk is also available along the west side of Harold 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: **A total of three off-street parking spaces are available in a paved 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
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

(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

(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

Request letter

Building SQF- 2190

Color- White

Parking- 3 spots one in garage 2 in driveway

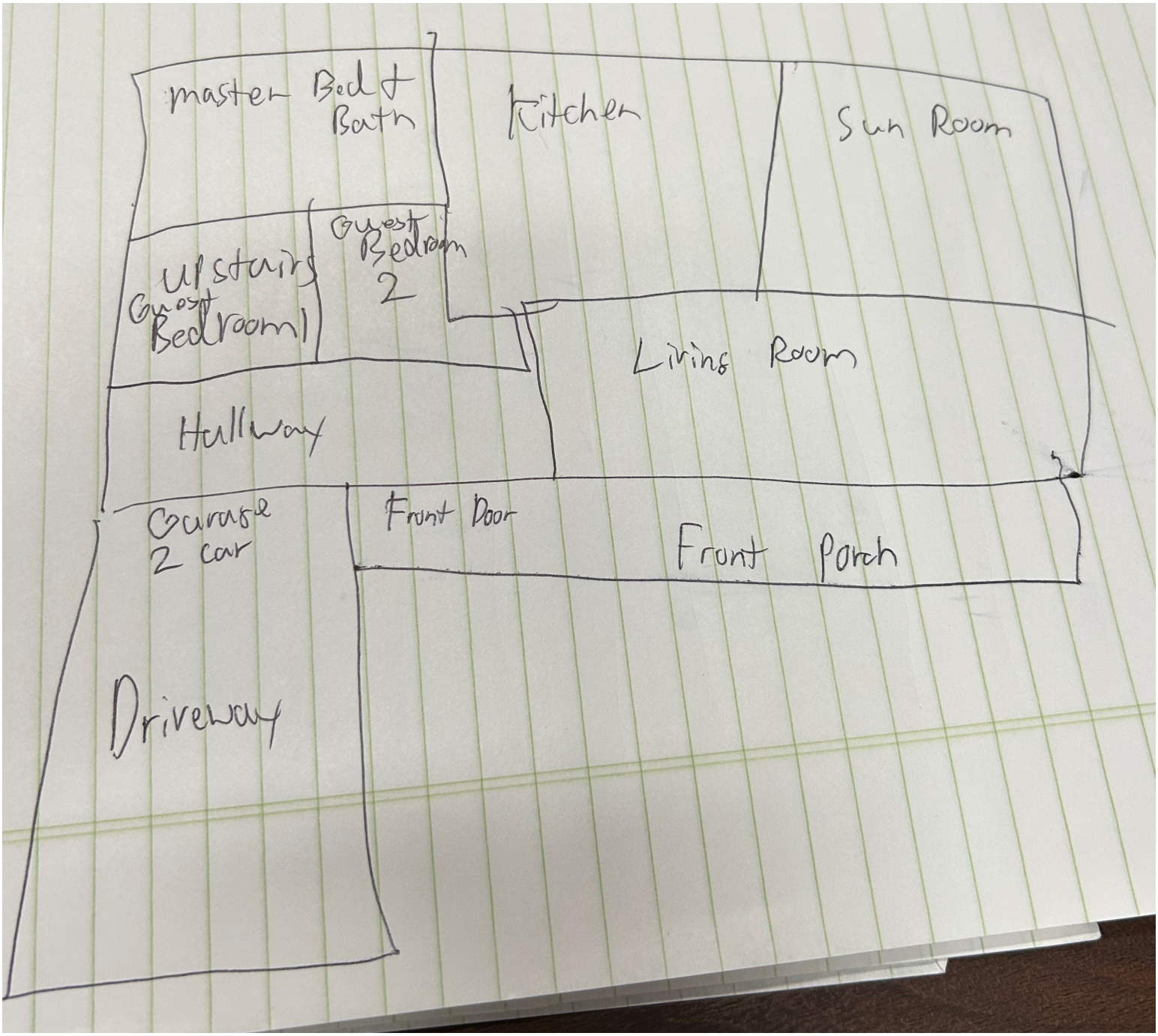
Outdoor lighting- Flood lights in the back and the front

Noise- Quite neighbor hood

Screaning- None

Trash- Cans in the front and go on the street on trash day

NO traffic impacts


master Bedt
Bath
Kitchen
Sun Room
Upstairs
Guest
Bedroom1
Guest
Bedroom
2
Living Room
Hallway
Garage
2 car
Front Door
Front Porch
Driveway

GIS Approved
09/1
Real Property
Personal Property
Business Personal
Tax Records
Land Records
Marriage Records
Google Location Search
Back
EagleView Imagery
Show Detailed Report
Parcel ID
765-16718-000
RPID
54595
Owner
HANNAHS, GERALD III
Owner Address
1965 E HAROLD ST
FAYETTEVILLE AR 7
CAMA Acreage
0
Parcel Address
1965 E HAROLD
Partial Legal
PT LOT 15 FU
DESCRIBED
AS: Lot 15, S
Fayetteville,
of snid sub
office of th
Officio Re
County,
EXCEP
width,
Spring
Faye
of s
Table of Contents
Selection
E SPRING BROOK CT
E HAROLD ST
E FLINT CREEK DR
N OLD MISSOURI RD
LENEHAN, JOHN P. LENEHAN
HANNAHS, GERALD III
MEIERDIERCKS, ROBERT G &
SMITH, PATRICIA
LOE, RUTH A REVOCABLE TRUST
1971
1965
1959
1945
2045
3216
Keyboard shortcuts
Image may be subject to copyright
Terms of Use
Street Parking
2 Car Trash Driveway
Creek

RECEIVED
OCT 09 2023
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

HELLO. OCT. 4, 2023

MY NAME IS ROBERT MEIERDIERCKS LIVING 23 YEARS @ 1959 E. HAROLD ST. I AM 95 YEARS OLD WANTING TO ATTEND THE PUBLIC HEARING TO PROTEST MAKING THE HOUSE NEXT DOOR A SHORT TIME RENTAL BUT PHYSICALTY UNABLE.

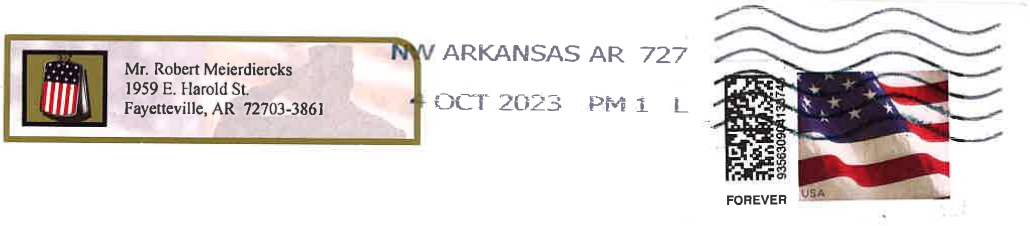
HAROLD ST IS A NICE STREET WITH WELL KEPT SINGLE FAMILY HOMES - NO PLACE TO PUT A PARTY HOUSE. WE BOTH KNOW THATS IT WILL BECOME IF PASTED.

RIGHT NOW NO ONE HAS LIVED THERE SINCE IT WAS SOLD.

ALSO PROPERTY VALUE WOULD BE HURT.

WOULD YOU LIKE TO HAVE ONE IN YOUR NEIGHBOR HOOD?

THANK YOU FOR YOUR TIME.



ADMINISTRATION
113 W. MOUNTAIN ST
FAYETTEVILLE AR.
72701

RECEIVED
OCT 09 2023
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

ATT: CITY COUNCIL

72701-608399

RECEIVED
NOV 09 2023
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Nov. 5, 2023

HELLO.

MY NAME IS ROBERT MEIERDIERCIRS I HAVE LIVED AT 1959 E. HAROLD ST FOR 23 YEARS NOW BEING 95 YEARS OLD IT'S HARD TO GET AROUND. I WOULD IF I COULD ATTEND YOUR MEETING TO PROTEST ALLOWING A HOUSE ON HAROLD ST FOR SHORT TERM RENTALS, OUR STREET IS SINGLE FAMILY WELL KEPT HOMES AND IS NO PLACE FOR A PARTY HOUSE THAT IS WHAT IT WOULD BE IF PASTED - NO PARKING IS AVAILABLE EXCEPT FOR SURROUNDING HOMES.

I DON'T THINK HAROLD ST SHOULD HAVE THIS TYPE BUSINESS.

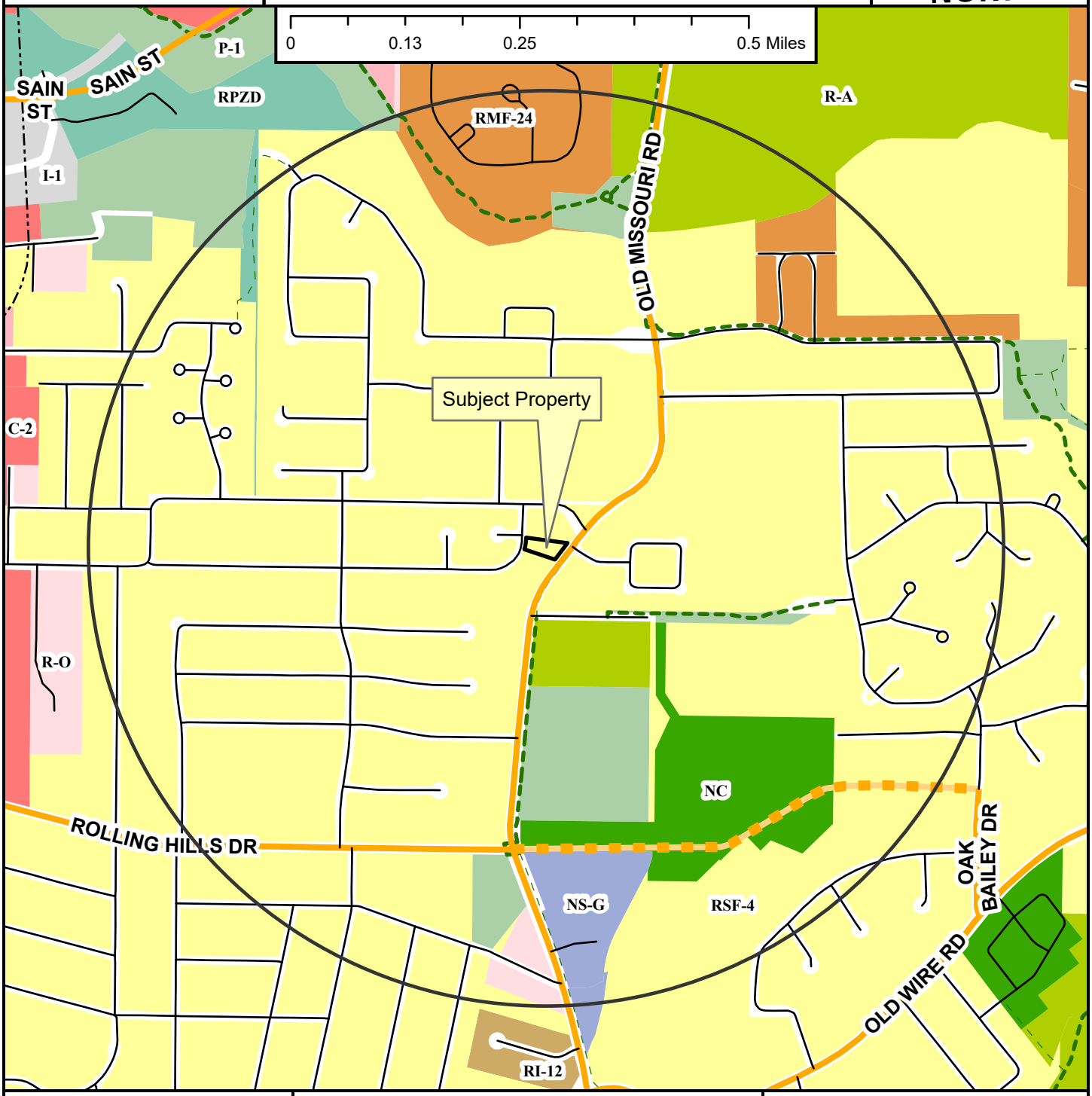
THANK YOU.
R. G Meierdierck

CUP-2023-0139

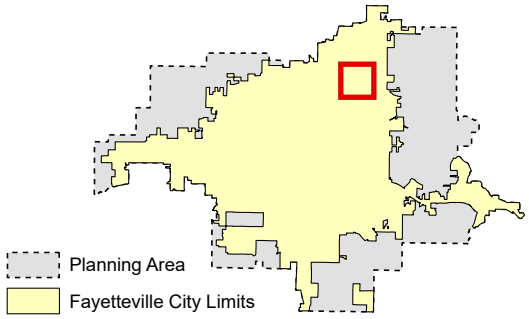
One Mile View

1965 E. HAROLD ST

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

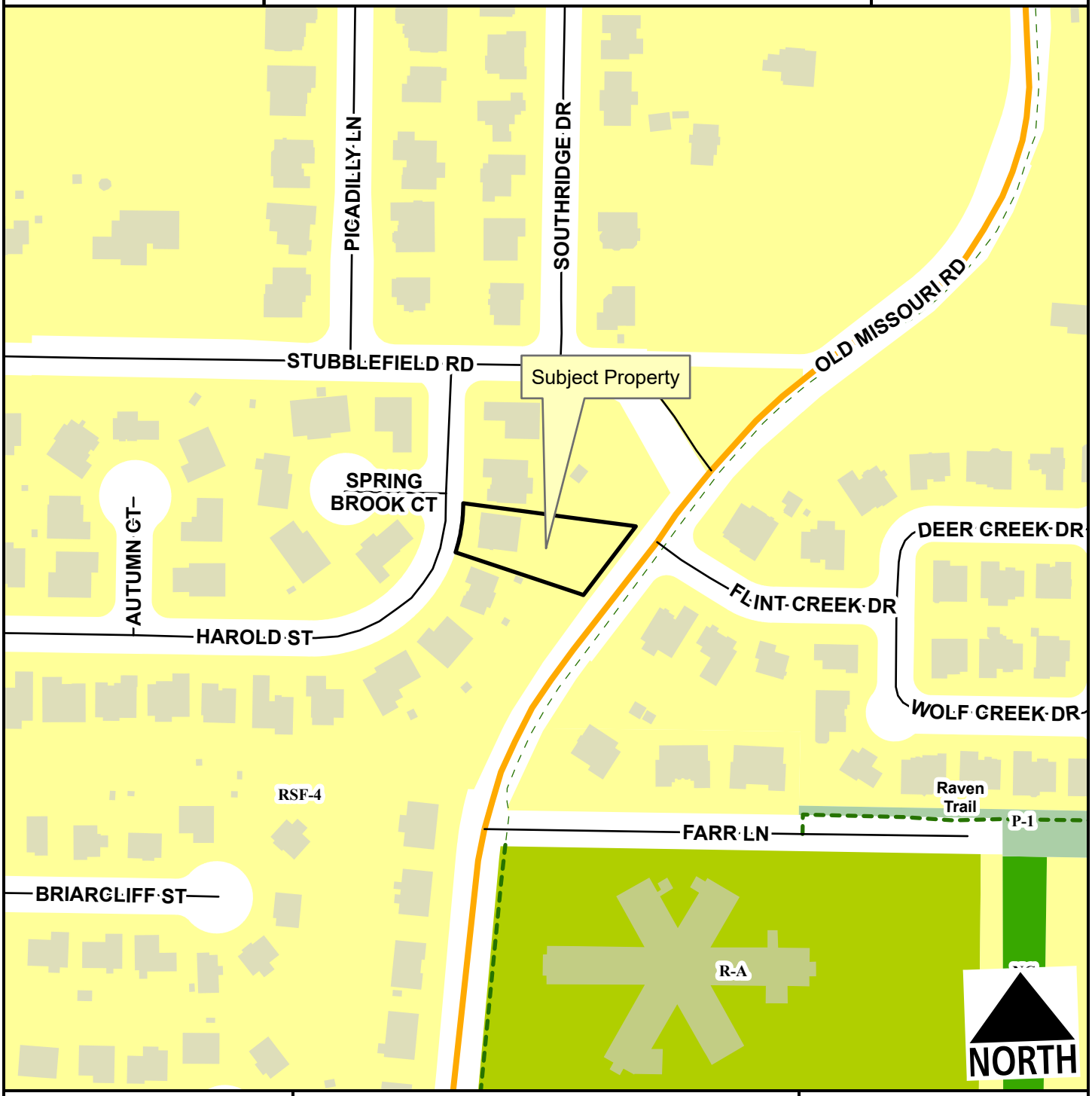
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0139

Close Up View

1965 E. HAROLD ST



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

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

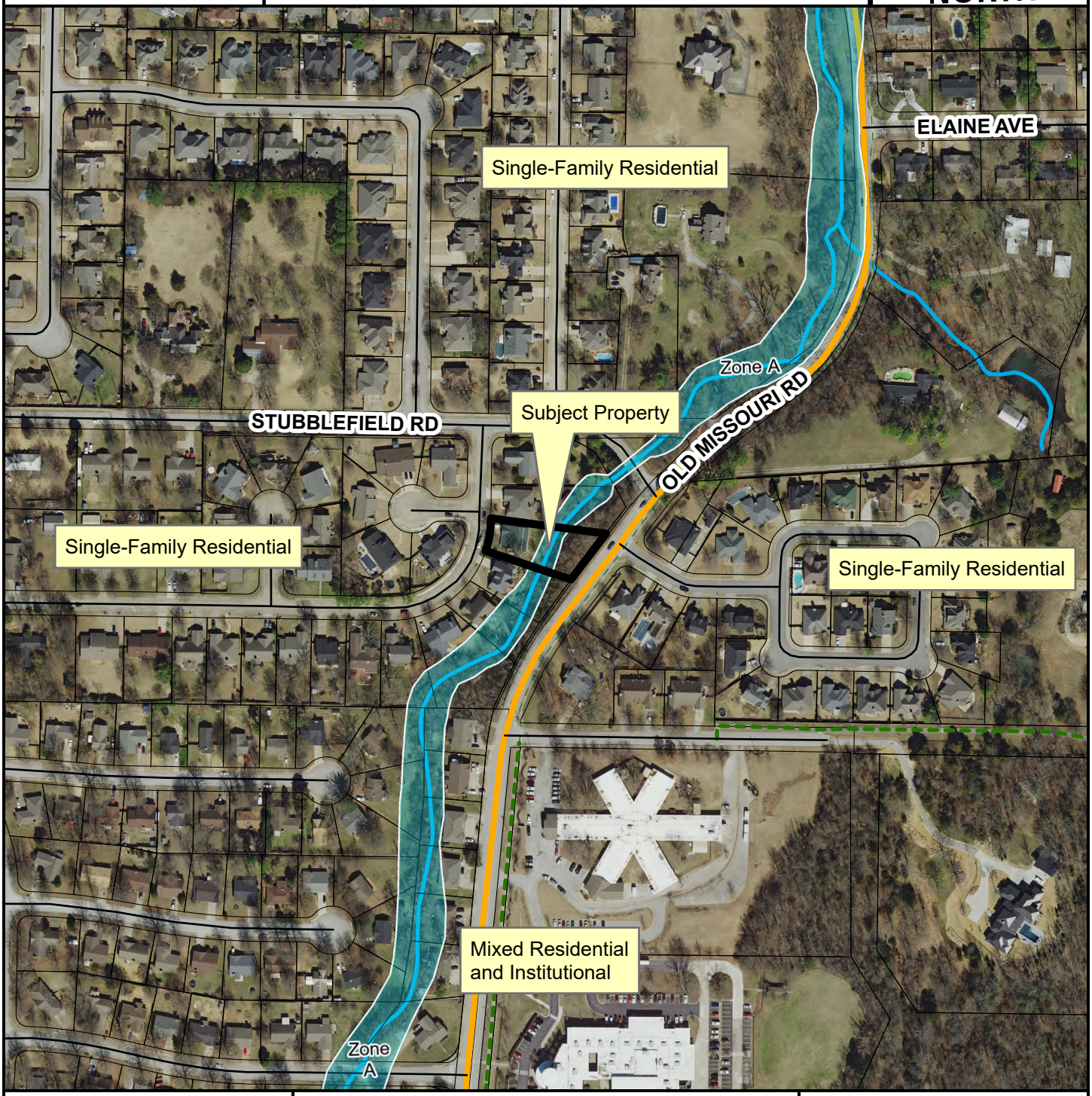
Residential-Agricultural
RSF-4
Neighborhood Conservation
P-1

CUP-2023-0139

Current Land Use

1965 E. HAROLD ST

NORTH



Neighborhood Link

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0147: Conditional Use Permit (386 S. UNIVERSITY AVE./MADMOR PROPERTIES LLC, 522):** Submitted by NOTRE MAISON LLC for property located at 386 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, FORTY UNITS PER ACRE and contains approximately 0.90 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0147** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0147**, 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 near downtown Fayetteville just northeast of the Arkansas & Missouri Railroad crossing at University Avenue. The property contains approximately 0.90 acres and is developed with an eight-unit multi-family residential development, referred to as The Paseo, which was built in 1993. All units in the development are held separately through a horizontal property regime. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units Per Acre
South	Professional Offices	I-1, Heavy Commercial and Light Industrial
East	Single-Family Residential	RSF-7, Residential Single-Family, Seven Units Per Acre; R-O, Residential-Office; RI-U, Residential Intermediate-Urban
West	Single- and Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units Per Acre

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

Proposal: The applicant requests conditional use permit approval to use one unit on 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-2023-0147** 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 the development 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 outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;

8. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and

9. 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 YES

Date: November 13, 2023 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under 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 adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

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

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

§163.18. SHORT-TERM RENTALS.

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

Finding: The request is to operate a Type 2 short-term rental in RMF-40 zoning. Since RMF-40 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 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 two-family dwellings is required to be provided at a rate of two spaces per unit. The applicant stated in their submittal that there are at least three parking spaces on-site that will be available to guests in an existing shared parking area.

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 386 S. University 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 business licenses. As of November 7, 2023, the City had issued 411 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license but it 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 minimum of three off-street parking spaces will be available for guests in a shared parking area. On-street parking is not available along University Avenue or other nearby streets. City records indicate that 25 other units within a quarter-mile radius of the property have an active Type-2 short-term rental business license, though no other units in The Paseo do. 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 from the shared parking area with access onto University Avenue is available to accommodate vehicular ingress and egress to the subject property. University Avenue is not 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 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 minimum of three off-street parking spaces are available in an existing shared parking area. 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 the property will use a shared dumpster for refuse.**

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

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

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

Finding: **A shared dumpster is available for the complex which is partially screened with a wooden 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 Chapter 174, Signs, and all regulations therein.**

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

Finding: **Based on the applicant's submittal, the structure 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 appears to be adequate parking to accommodate the number of permitted guests. Staff does not anticipate any adverse traffic impacts with this request. There are 25 other licensed Type 2 short-term rentals within a quarter-mile radius. Out of the estimated 722 housing units in this high-density area, the 25 short-term rental properties occupy only 3% of the housing stock.**

(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 is 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
  - §161.17 District RMF-40, Residential Multi-Family – Forty (40) Units per Acre
- Applicant Request Letter
- Building Floor Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with

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

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

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

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

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

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

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

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

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

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

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

(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*

* 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."

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

City of Fayetteville, Arkansas
Conditional Use Permit

1) Payment made in full.
2) Located in The Paseo. Residential. 4 buildings/8 condos – 386 South University
3) We are applying for a conditional use permit from the city of Fayetteville for a property that we own and have had previously rented long-term but are now desiring to obtain a short-term rental Type 2 permit. We will not be residing in the residence. The property will be used for a nightly rental.
    a) The unit is 1100 square feet.
    b) The unit is 2 floors. On the 1st floor there is a kitchen, living space, washer/dryer, one bedroom and one full bathroom. On the 2nd floor there are two bedrooms and one full bathroom. Exterior photos attached.
    c) There is a parking lot which will accommodate a minimum of 3 cars. Photos attached.
    d) The unit will not have operating hours or employees. It will be in use whenever it is being rented. Max occupancy will be six guests. The unit will be managed by the owner and will be cleaned by a professional service at the end of each guest stay.
    e) There is an exterior light at the front door. There is exterior lighting at the top of each building. There is also exterior security lighting on the corners of each building.
    f) The property will be used for short stays of 1 to 6 people so the noise level should be minimal. There will be one television in the unit and that will be the extent of the noise.
    g) There is a soundproofing/fire wall between the connected unit to the north (#384). There is an open space to the condo to the south approx. 20 feet wide. Photos attached.
    h) Trash is included in the POA dues and there is a designated trash drop off for trash bags on site. The location for the trash debris box is located at the upper parking lot nearest the street. Photos attached.
    i) The complex has one road which to access the property – South University Ave. It is located at the corner of South University Ave and Gregg Ave. The unit does not add additional traffic on the road because this complex already has multiple renters. The traffic pattern will be the same whether STR or long-term rental.
    j) The use of the property as a nightly rental will be very compatible with neighboring apartments and other college student and family renters in the immediate area.
4) Site plan and Google Maps image attached.
5) Floor plan will be attached as a separate document.
6) A screen grab of the county parcel map from the Washington County Assessor's office website is attached.
7) Consent of ownership is attached separately.

Images

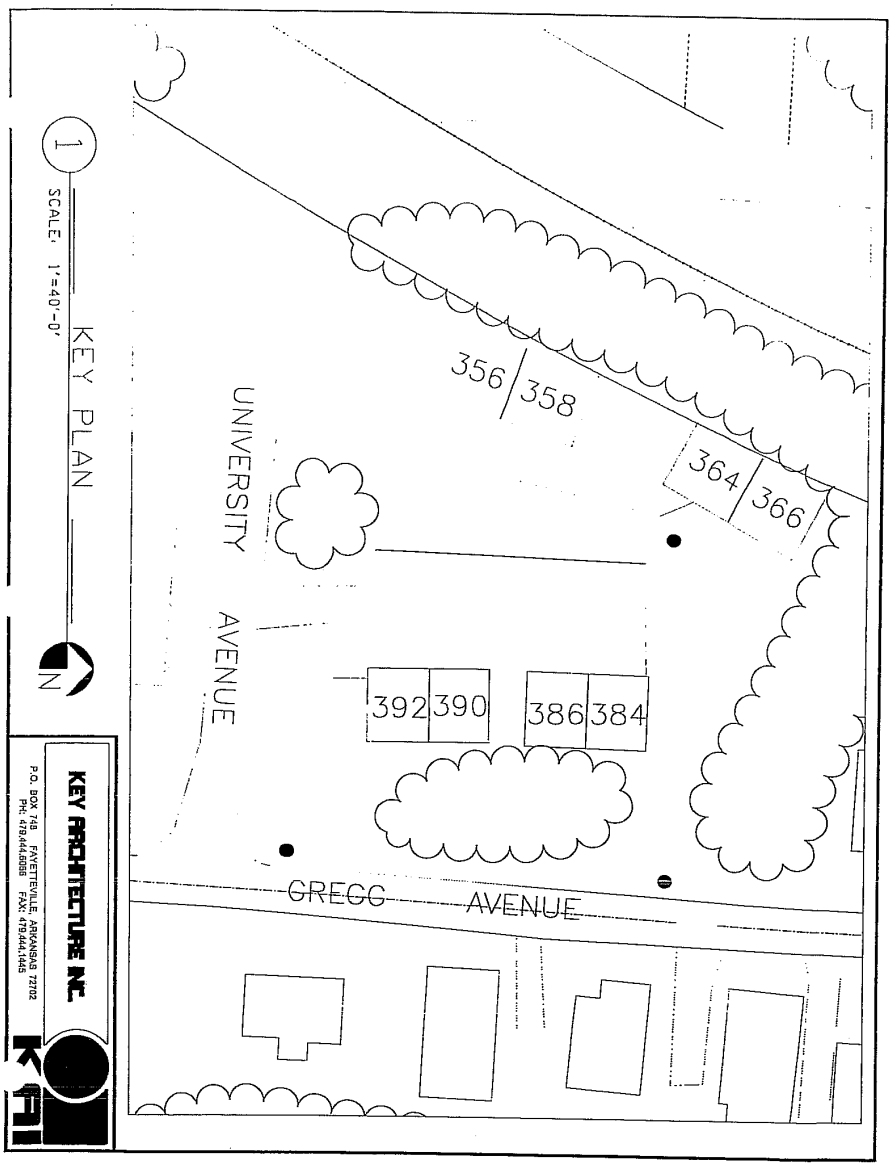
3b. Exterior photos

3c. Parking area photos

3g. Screening/buffering from adjacent properties photo

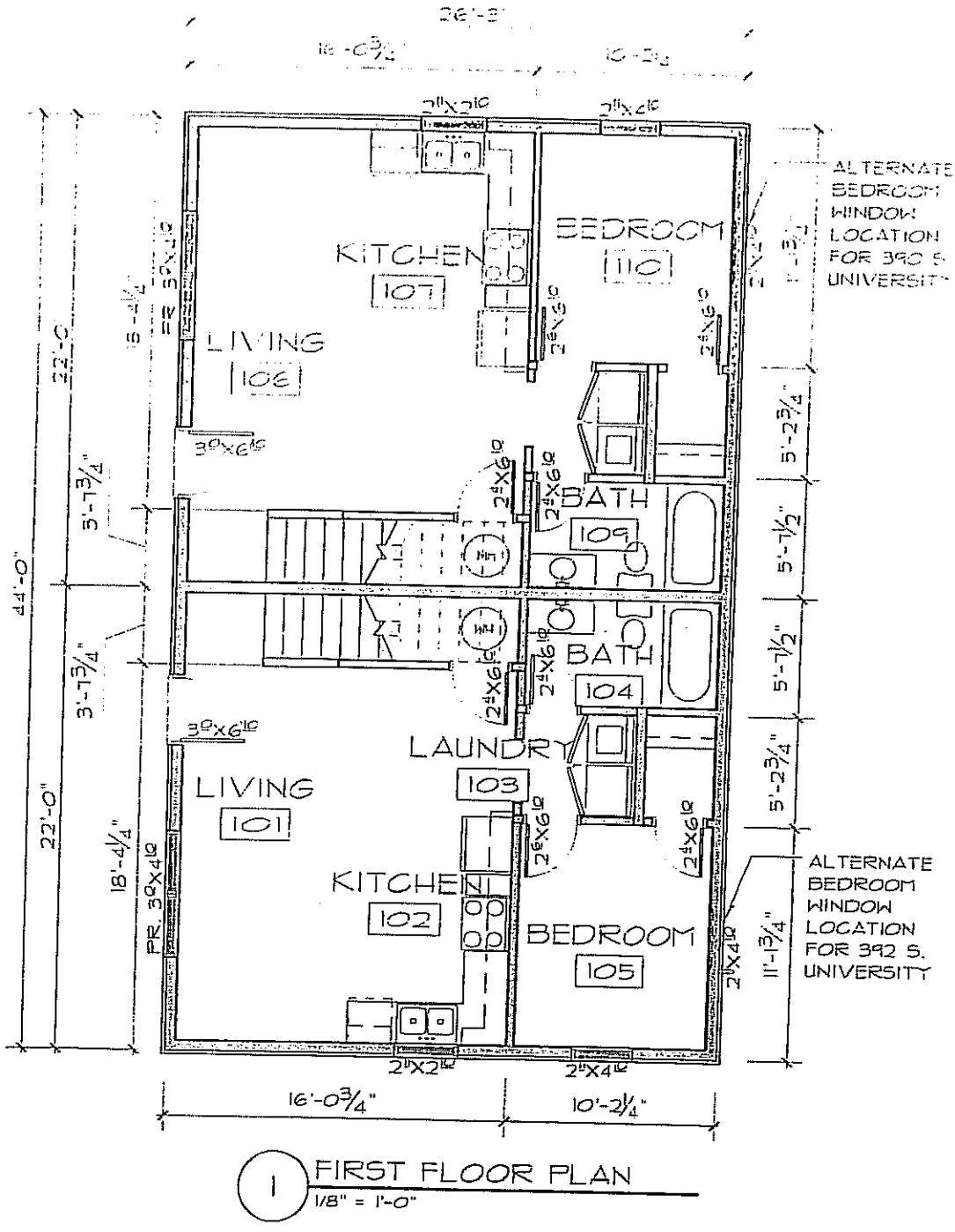
3i. Ingress and egress to the property photos

4. Site plan


1
SCALE: 1"=40'-0"
KEY PLAN
N
UNIVERSITY
AVENUE
356/358
364/366
392/390
386/384
GREGG AVENUE
KEY ARCHITECTURE INC.
P.O. BOX 749 FAYETTEVILLE ARKANSAS 72702
PH: 479.444.8056 FAX: 479.444.1445

S University Ave
390
392
366
364
Stairs
The Paseo
384
Lower parking
386
356
Upper parking
Trash
S Gregg Ave
S University Ave
S University Ave
S University Ave
S Gregg Ave
S Gregg Ave
Layers
Google

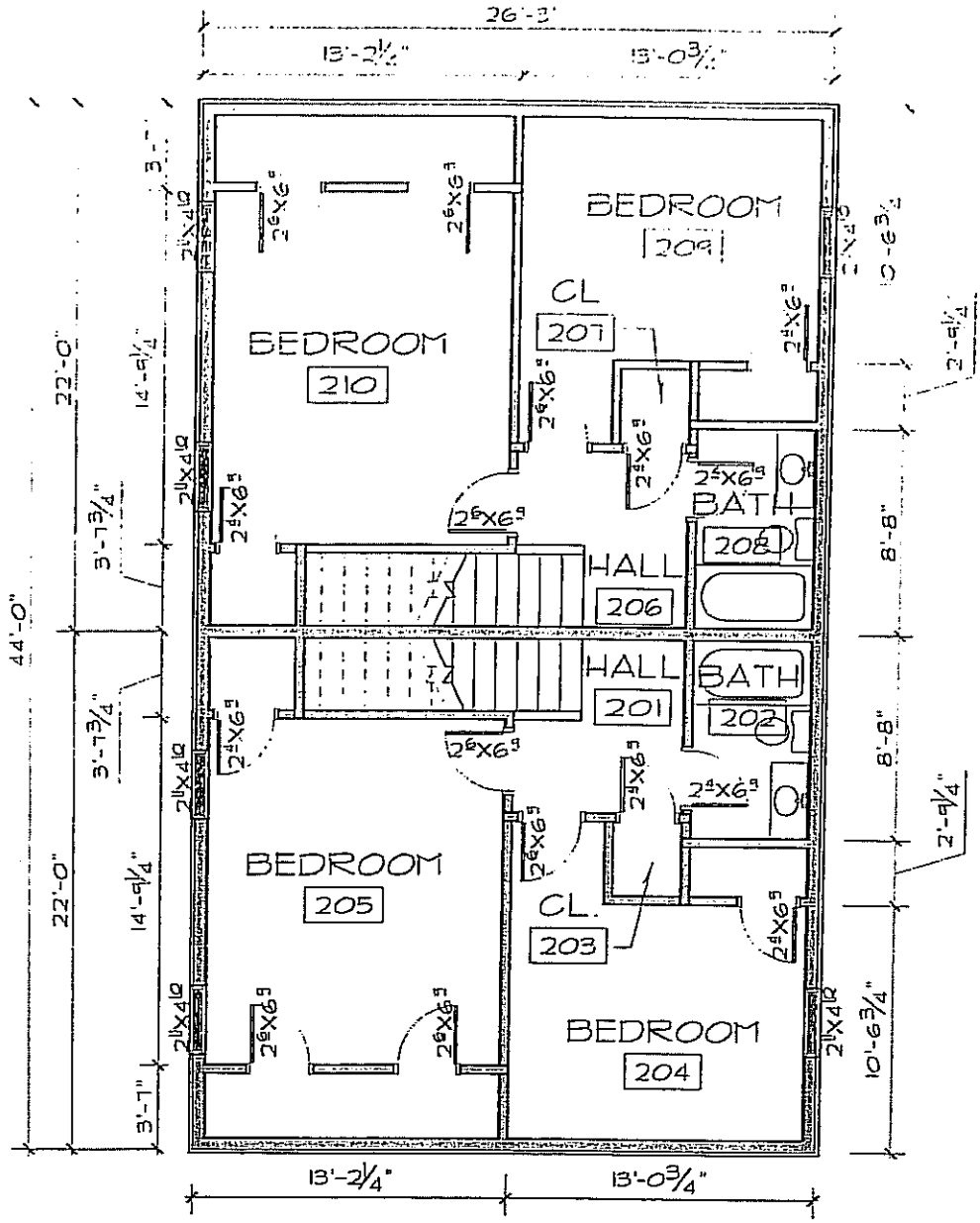
6. County Parcel Map



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

KEY ARCHITECTURE INC.
P O BOX 748 FAYETTEVILLE ARKANSAS 72702

384,386,390 & 392 S. UNIVERSITY



2 SECOND FLOOR PLAN

1/8" = 1'-0"

KEY ARCHITECTURE INC.
PO BOX 748 FAYETTEVILLE, ARKANSAS 72702
PH 479.444.6066 FAX 479.444.1445

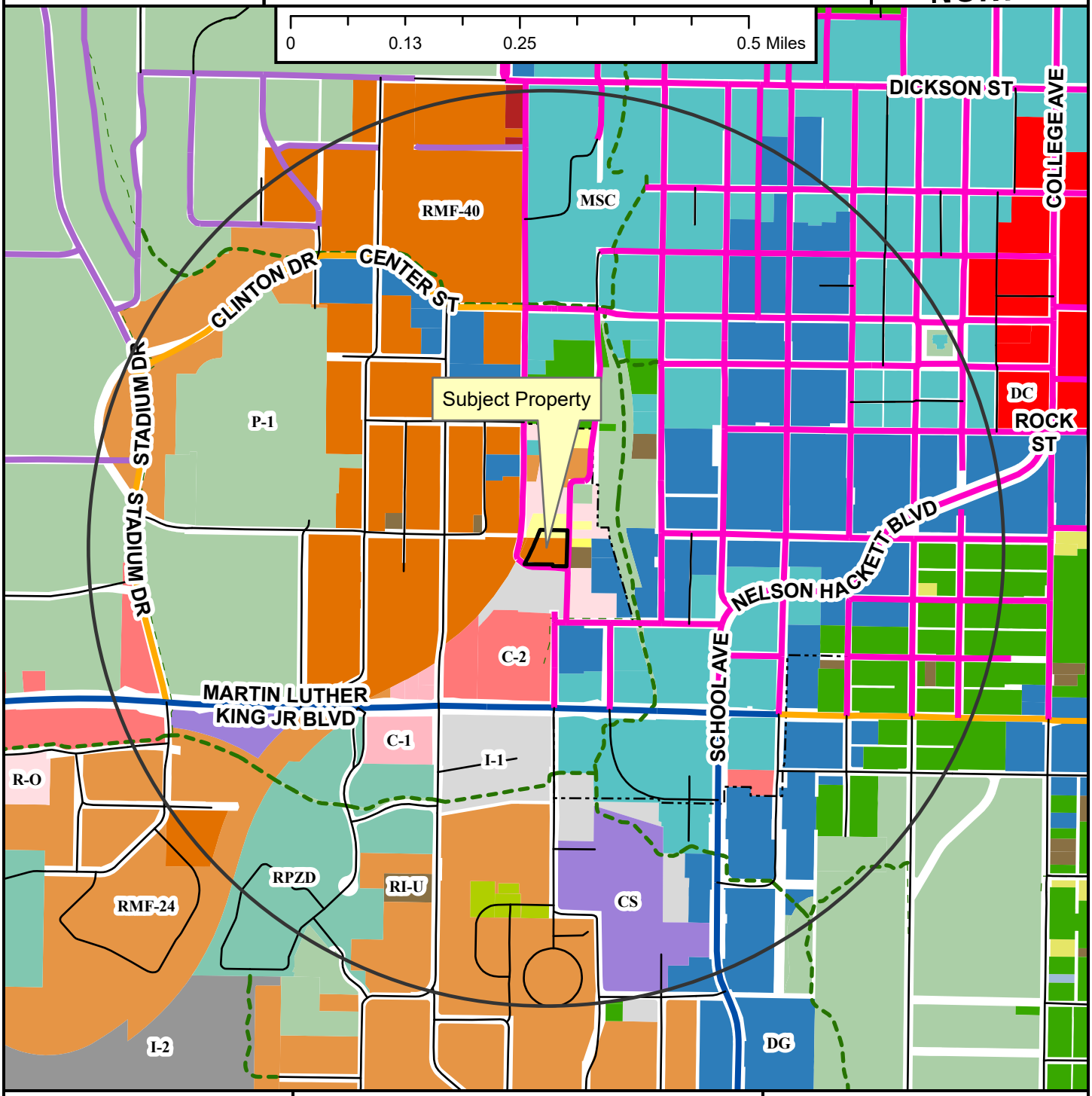
384,386,390 & 392 S. UNIVERSITY

CUP-2023-0147

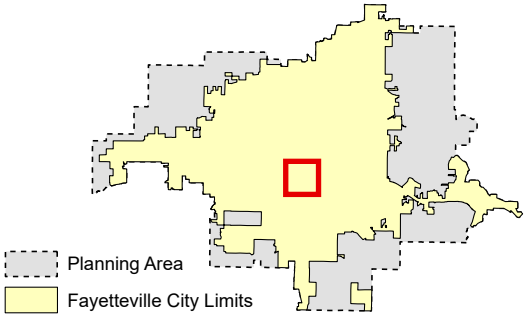
One Mile View

386 S. UNIVERSITY AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

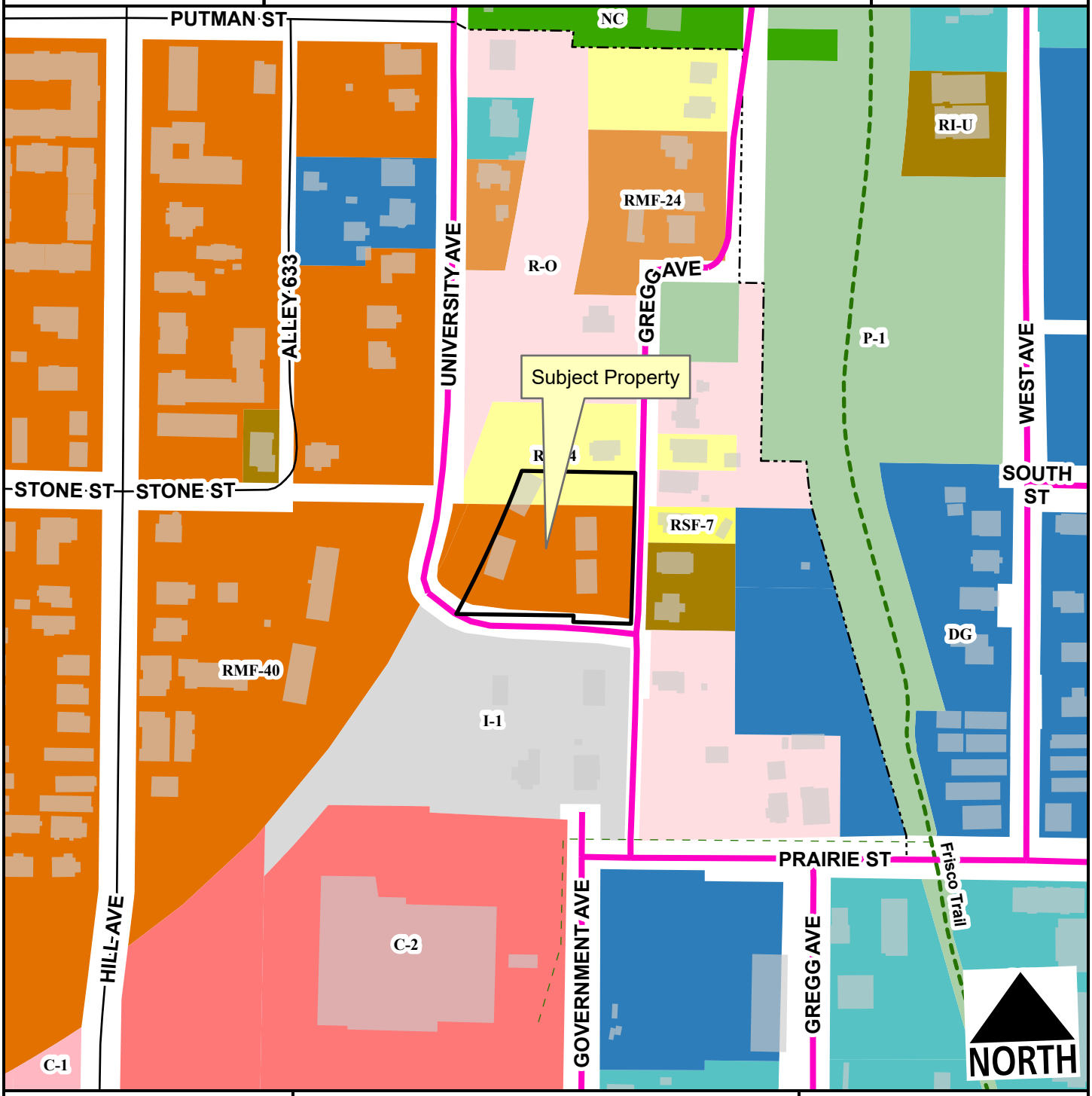
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0147

Close Up View

386 S. UNIVERSITY AVE



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

Feet

0 75 150 300 450 600

1:2,400

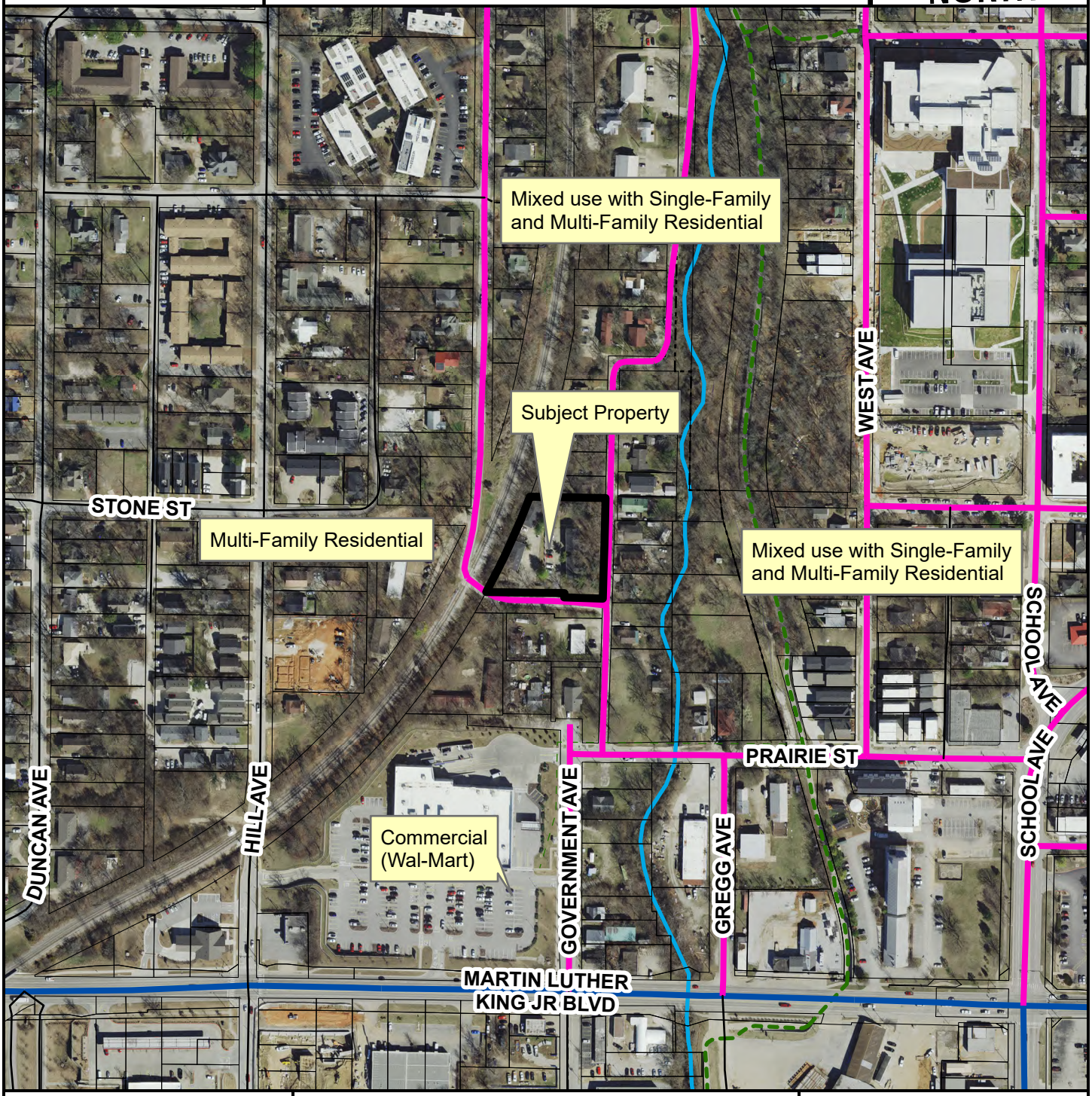
- RSF-4
- RSF-7
- RI-U
- RMF-24
- RMF-40
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-1
- C-2
- Main Street Center
- Downtown General
- Neighborhood Conservation
- P-1

CUP-2023-0147

Current Land Use

386 S. UNIVERSITY AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

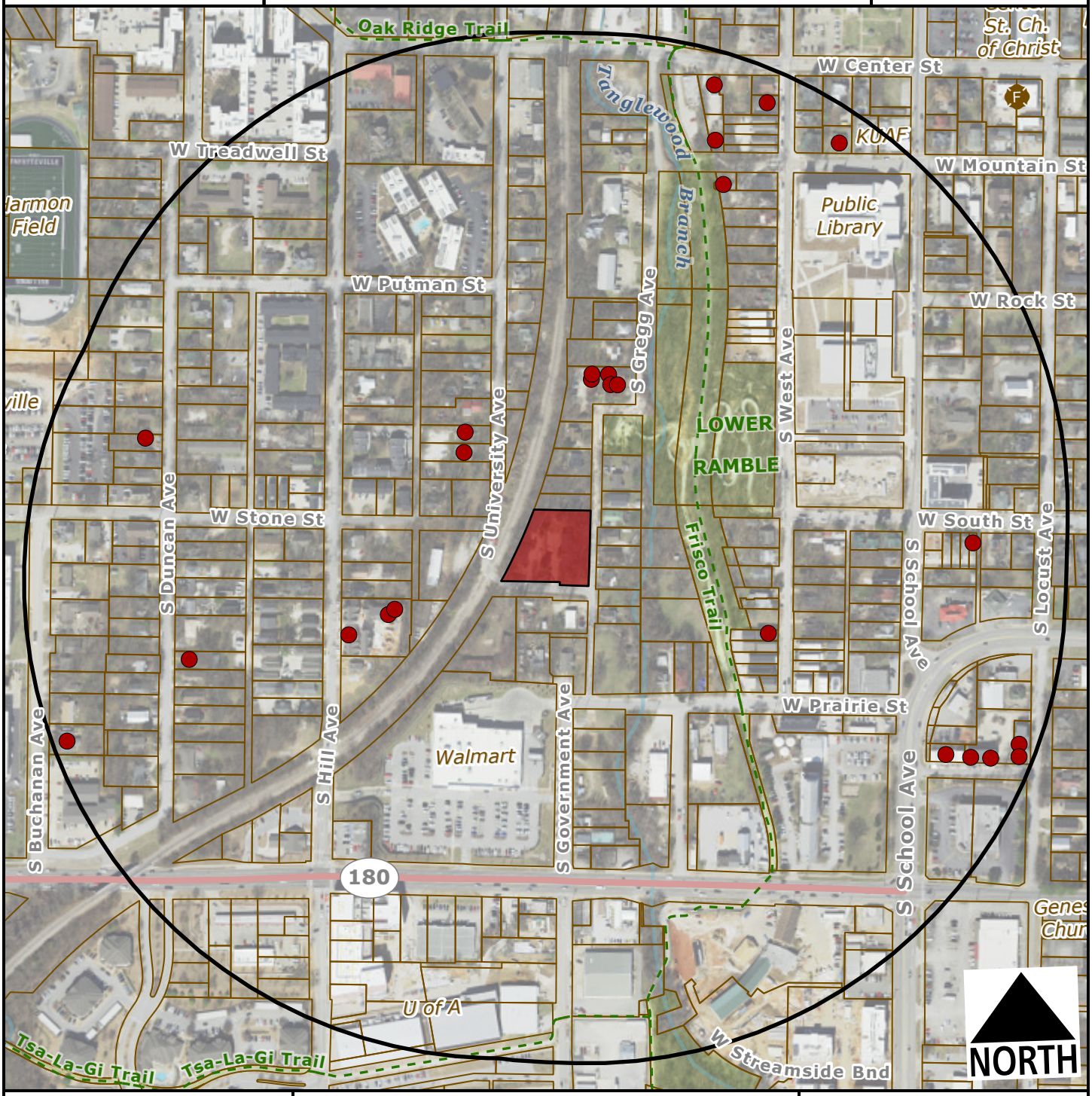
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0147

STRs Within 1/4 Mile

386 S. UNIVERSITY AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 25

Occupiable Residential Addresses (Estimated Housing Units): 722

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0150: Conditional Use Permit (2135 S. LAVERNE AVE./APPLE LILY MANAGEMENT, 639):** Submitted by GUANGYU ZHU-WEAVER for property located at 2135 S. LAVERNE AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0150** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0150**, determining:*

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

BACKGROUND:
The subject property is located just south of the Arkansas Research & Technology Park on the west side of Laverne Avenue in the Fayette Junction neighborhood. The property contains approximately 0.30 acres and is developed with a 1,306-square-foot, three-bedroom, single-family home which was built in 1958. 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: To date, staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0150** 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 YES			
Date: November 13, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RSF-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-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in RSF-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 property contains a total of 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 on the property at any given time. The applicant indicated in their submittal that there is space to park at least three vehicles on site with one space in an attached carport and at least two spaces in a driveway. On-street parking does not appear to be available along Laverne Avenue.**

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 that 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 2135 S. Laverne 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 November 7, 2023, the City had issued 411 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. Three to four off-street parking spaces will be available for guests on site. On-street parking is not available. 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. However, due to the annual business license renewal period which ended 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. City records also indicate that there was one violation for junk and debris reported on this property in 2016 which was resolved. The property was under previous ownership at that time.**

§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 with access onto Laverne Avenue is available to accommodate vehicular ingress and egress to the subject property. There are no sidewalks along the street. Staff finds that the proposal to use the property as a short-term rental will not adversely affect vehicular 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: **Three to four off-street parking spaces are available in a paved 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 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 expected to impact the provision of utilities.**

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

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

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

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

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

Finding: **Based on the applicant's submittal, 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 is only one other licensed Type 2 short-term rental 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 Plans
- 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

(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

City of Fayetteville Planning Department

Dear Sir/Madam,

My husband Jesse Weaver, and I are owners of the property, and are proud former residents of Fayetteville and alumni of the University of Arkansas. Fayetteville holds a special place in our hearts as both of us have strong ties to the community. Jesse was born and raised in Fayetteville, and his parents still reside here. Even though we have moved away for career opportunities, Fayetteville remains our home.

I am writing to formally request a short-term rental permit for the property located at 2135 Laverne Avenue, Fayetteville, AR 72701. This letter outlines the details of our proposal, addressing key considerations as requested:

(a) Building Size: The existing building on the property covers 1306 square feet, and we do not propose any alterations to its size.

(b) Color Elevations: Enclosed, please find "1. Building Elevations.pdf," which contains color elevations of all exterior sides of the structure, as per the required documentation.

(c) Parking Spaces: We plan to provide 3-4 parking spaces, exceeding the number required for the property.

(d) Outdoor Lighting: Our outdoor lighting plan adheres to local regulations, ensuring minimal impact on neighboring properties and the surrounding environment.

(e) Noise: We are committed to maintaining a peaceful environment and will implement noise control measures to ensure that our guests do not disturb the neighborhood.

(f) Screening/Buffering: We will employ appropriate screening and buffering techniques to enhance privacy and reduce the visual impact on adjacent properties.

(g) Trash and Refuse Service: Our trash and refuse service plan addresses visibility concerns from the street and neighboring properties, and we will use residential trash cans to ensure discreet management.

(h) Ingress and Egress: We anticipate minimal traffic impacts and have designed a safe and efficient ingress and egress plan to minimize disruption to the neighborhood.

(i) General Compatibility: Our proposed use is in harmony with adjacent properties and the overall character of the neighborhood. We are dedicated to being good neighbors and contributing positively to the community.

We have attached all required documents and fees with this letter. We understand the importance of compliance with local regulations and are committed to working closely with the City of Fayetteville to ensure that our short-term rental operates within all stipulated guidelines.

Thank you for considering our application. We eagerly await a favorable response and the opportunity to contribute to our vibrant neighborhood while accommodating travelers to Fayetteville.

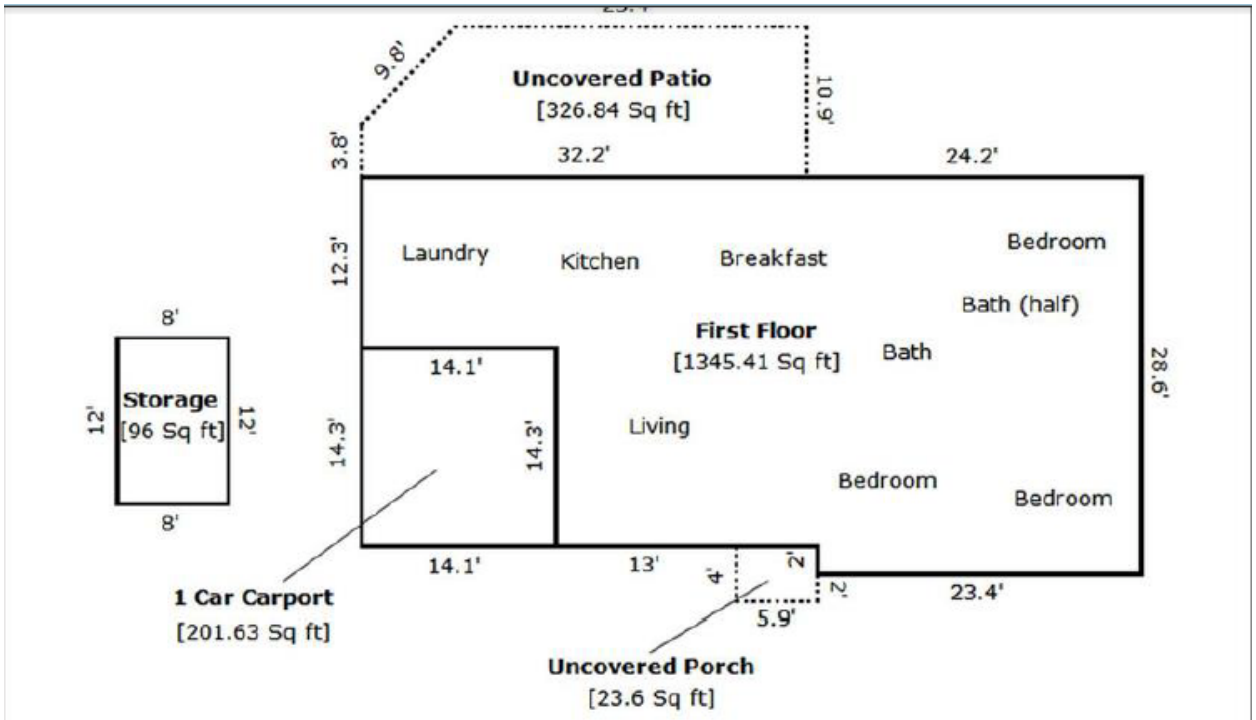
Please feel free to contact me at 518.526.4395 or gzhuwea@gmail.com if you require any further information or clarification.

Sincerely,

Guangyu Christina Zhu-Weaver

10/3/2023

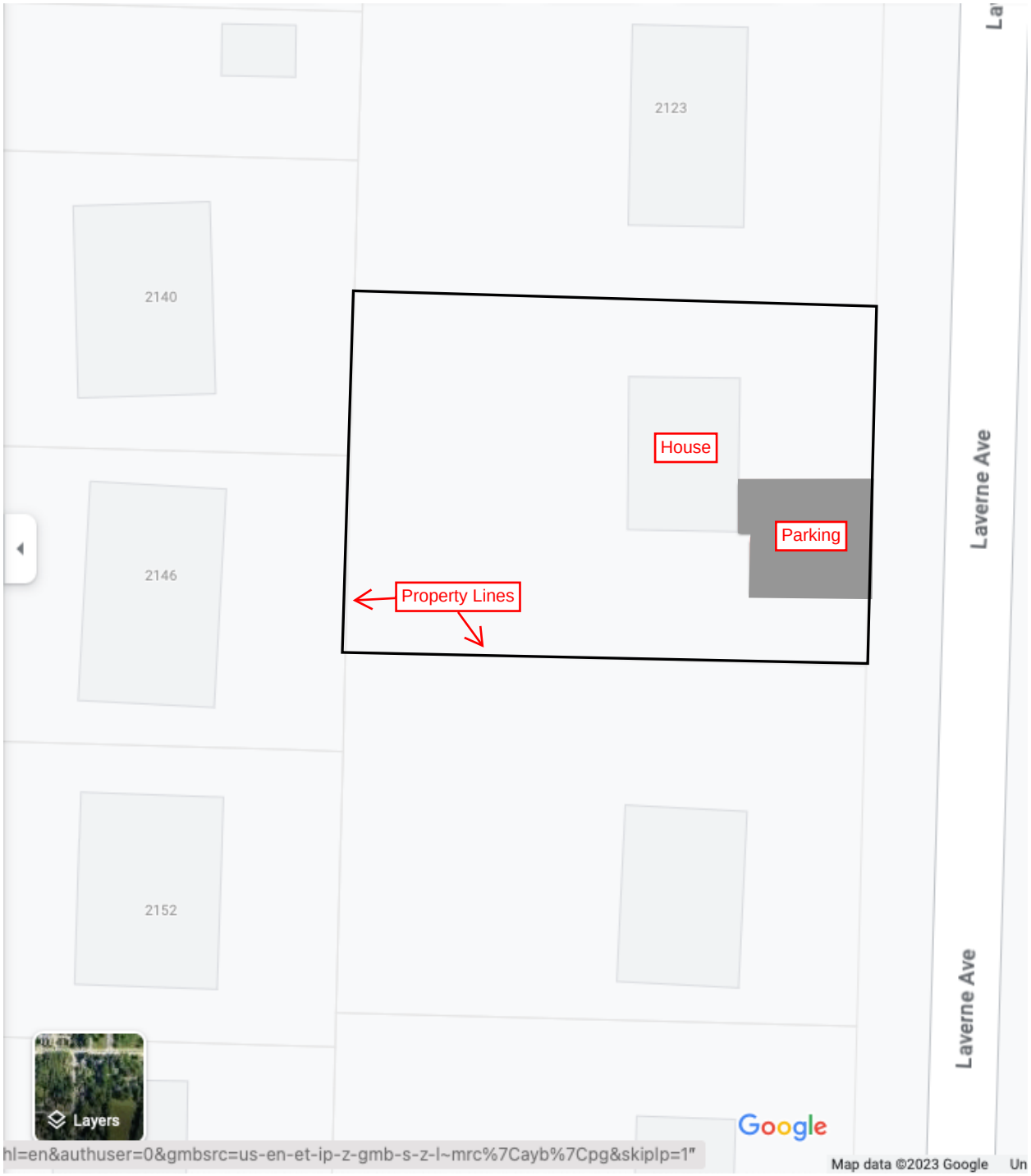
2135



TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

Living Area		Calculation Details	
First Floor	1345.4 Sq ft	12.3 x 14.1	= 173.4
		28.6 x 23.4	= 669.2
		18.9 x 26.6	= 502.7
Total Living Area (Rounded):	**1345 Sq ft**		
Non-living Area			
Storage	96 Sq ft	12 x 8	= 96
1 Car Carport	201.6 Sq ft	14.1 x 14.3	= 201.6
Uncovered Porch	23.6 Sq ft	5.9 x 4	= 23.6
Uncovered Patio	326.8 Sq ft	10.9 x 25.4	= 276.9
		6.8 x 3.8	= 25.8
		0.5 x 6.8 x 7.1	= 24.1


2123
2140
2146
2152
House
Parking
Property Lines
Laverne Ave
Laverne Ave
Layers
Google
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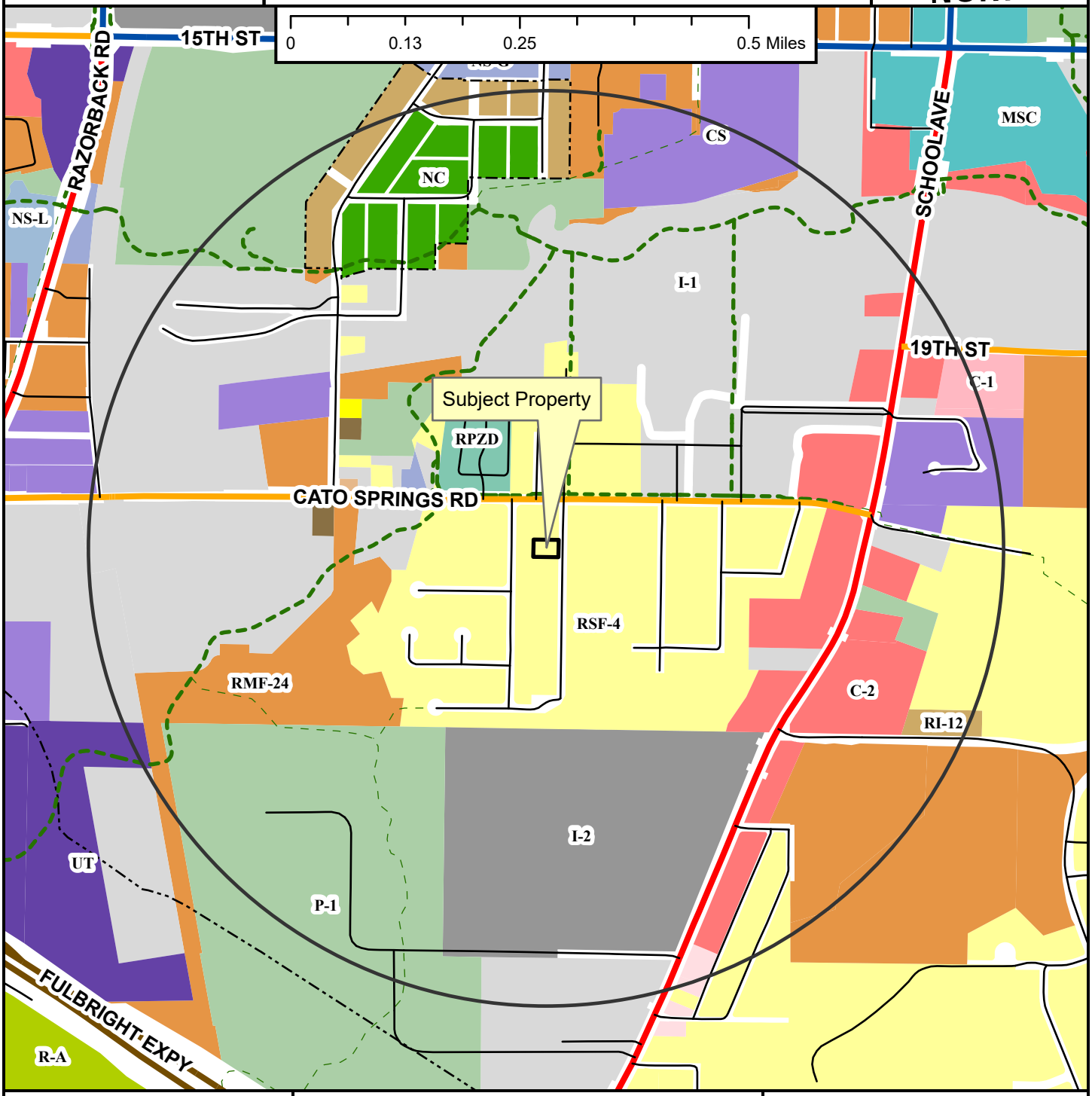
Map data ©2023 Google

CUP-2023-0150

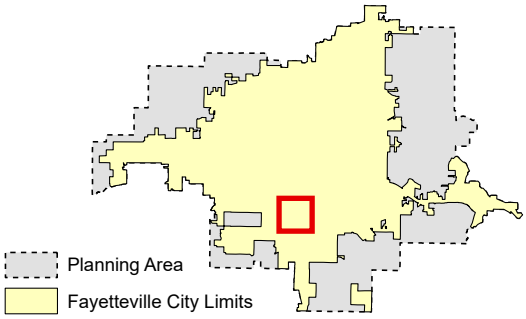
One Mile View

2135 S. LAVERNE AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

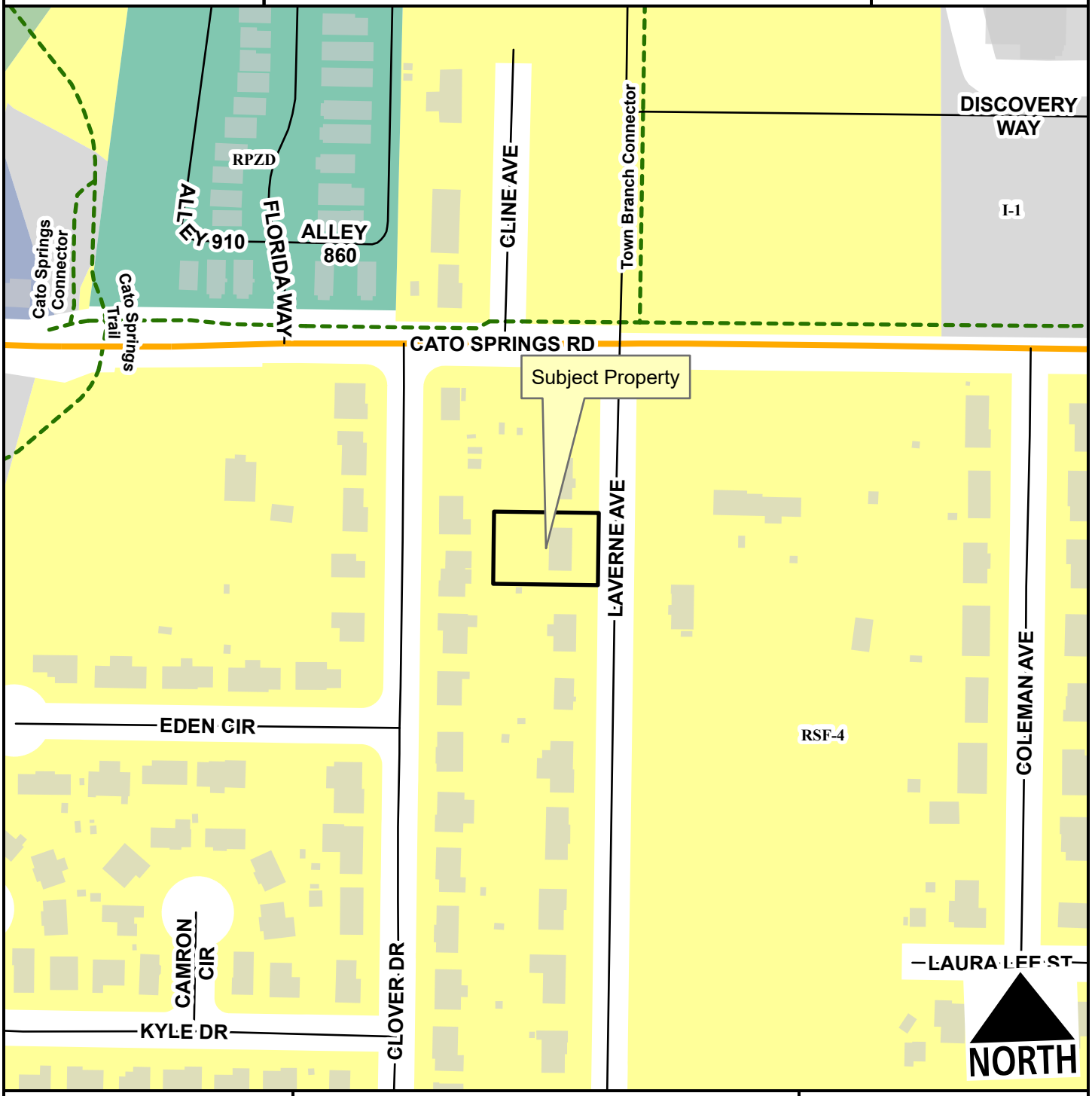
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0150

Close Up View

2135 S. LAVERNE AVE



Neighborhood Link
Unclassified
Alley
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

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

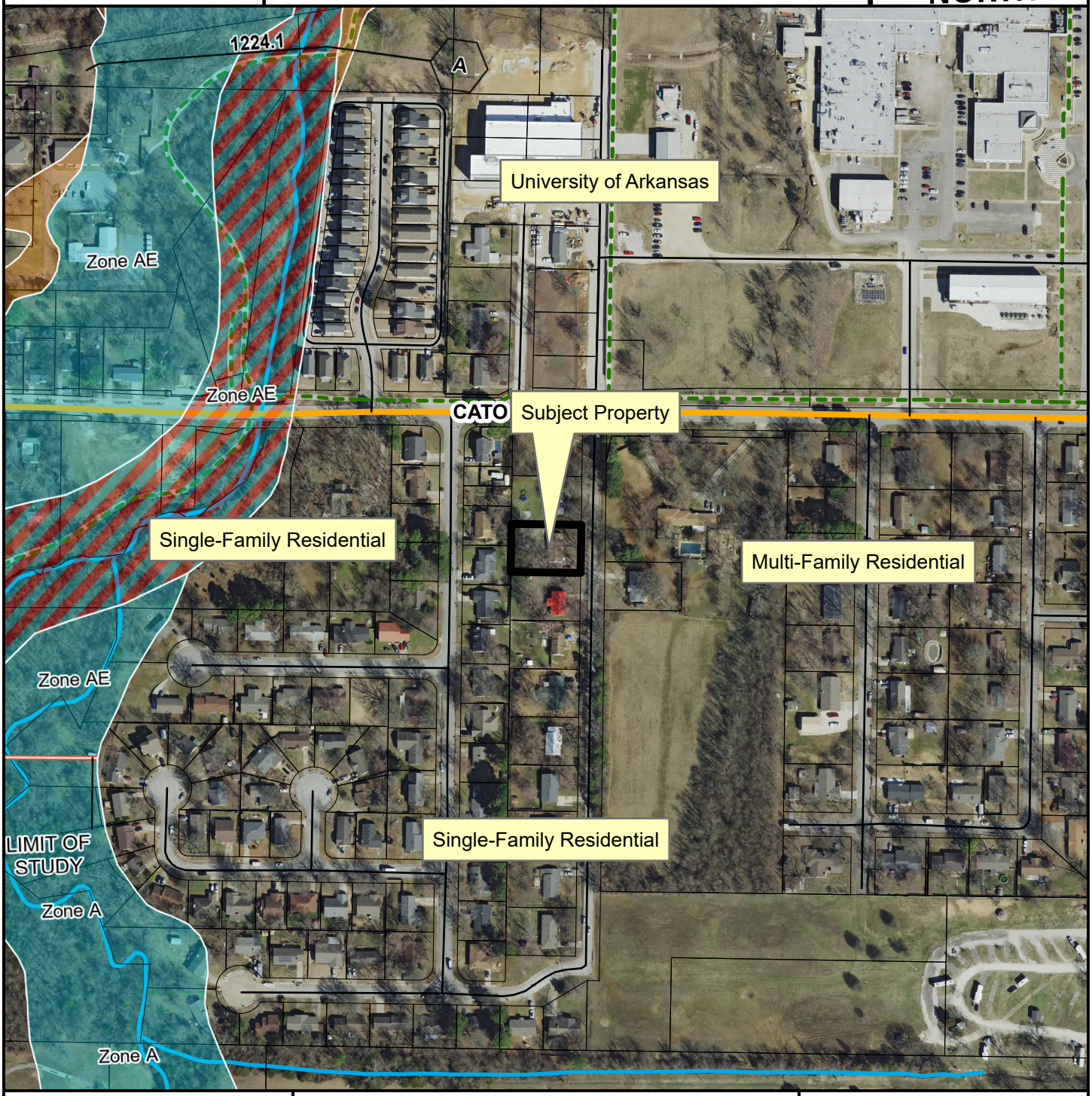
RSF-4
I-1 Heavy Commercial and Light Industrial
Neighborhood Services - Gen.
Commercial, Industrial, Residential
P-1

CUP-2023-0150

Current Land Use

2135 S. LAVERNE AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

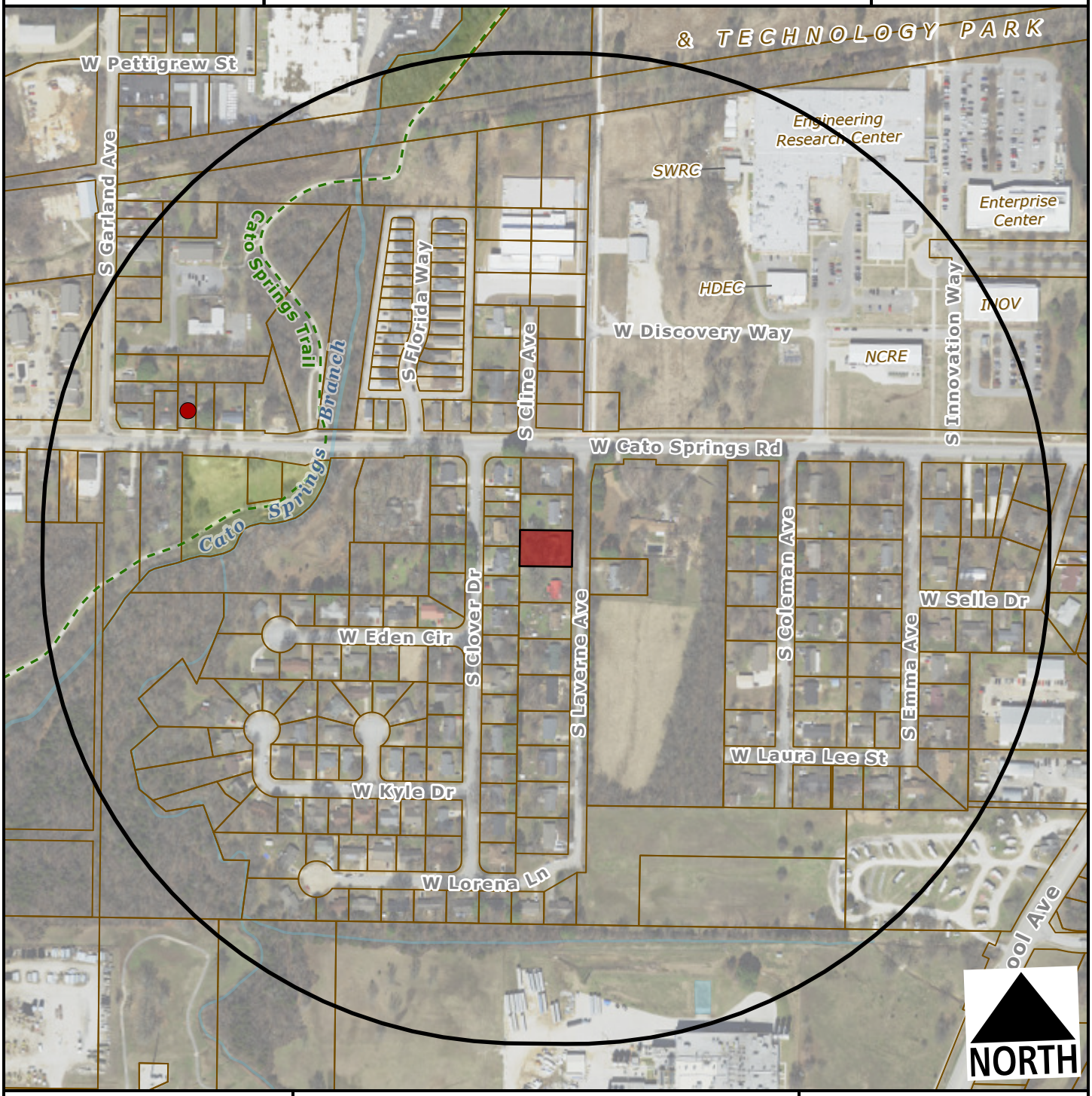
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0150

STRs Within 1/4 Mile

2135 S. LAVERNE AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 1

Occupiable Residential Addresses (Estimated Housing Units): 193

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 13, 2023

SUBJECT: **CUP-2023-0151: Conditional Use Permit (1810 S. CUSTER LN./REINHARDT, 598):** Submitted by CHARLES REINHARDT for property located at 1810 S. CUSTER LN. 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-2023-0151** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0151**, 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 a fifth of a mile west of the intersection of Razorback Road and Cato Springs Road on the north side of Custer Lane in the Red Arrow Subdivision. The property contains approximately 0.30 acres and is developed with a 1,272-square-foot, three-bedroom, single-family home which was built in 1974. 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: To date, staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0151** 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 YES			
Date: November 13, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter;

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RSF-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-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in RSF-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 property contains a total of four bedrooms which would limit occupancy to a maximum of 10 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 on the property at any given time. The applicant indicated in their submittal that there is space to park four vehicles on site with one space in an attached carport and three spaces in a driveway. On-street parking also appears to be available along Custer Lane.**

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 that 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 1810 S. Custer 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 city-wide density cap at 475 units. As of November 7, 2023, the City had issued 411 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. Four off-street parking spaces will be available for guests on site. On-street parking is also available along Custer Lane. City records indicate that three other units within a quarter-mile radius of the property have an active Type 2 short-term rental business license. However, due to the annual business license renewal period which ended 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. City records also indicate that 10 code case violations were reported on this property between 2003 and 2022 when the property was under previous ownership. Three violations were reported for the storage of an inoperable vehicle and seven violations were reported for the presence of overgrown grass and junk and debris.**

§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 with access onto Custer Lane is available to accommodate vehicular ingress and egress to the subject property. There are no sidewalks along the street. Staff finds that the proposal to use the property as a short-term rental will not adversely affect vehicular traffic flows considering the use of the property would be limited to a maximum of ten guests, which would not be out of character with 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: **Four off-street parking spaces are available in a paved 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 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 expected to impact the provision of utilities.**

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

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

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

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

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

Finding: **Based on the applicant's submittal, 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 only three 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

(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

1. Request Letter

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

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

1272, no proposed additional

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

Provided in pictures

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

4

(d) Outdoor lighting

Front entrance, carport entrance, deck lighting provided.

(e) Noise

No external or internal amplified sound systems are installed on the property. The property has ample sound buffering from neighboring properties due to large lot size and distance between properties.

(f) Screening or buffering from adjacent properties

All buffering is located on neighboring properties to the north and west in the form of fencing and vegetation. Buffering to the east is in the form of vegetation and terrain. Buffering to the south is located on neighboring properties in the form of vegetation.

(g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

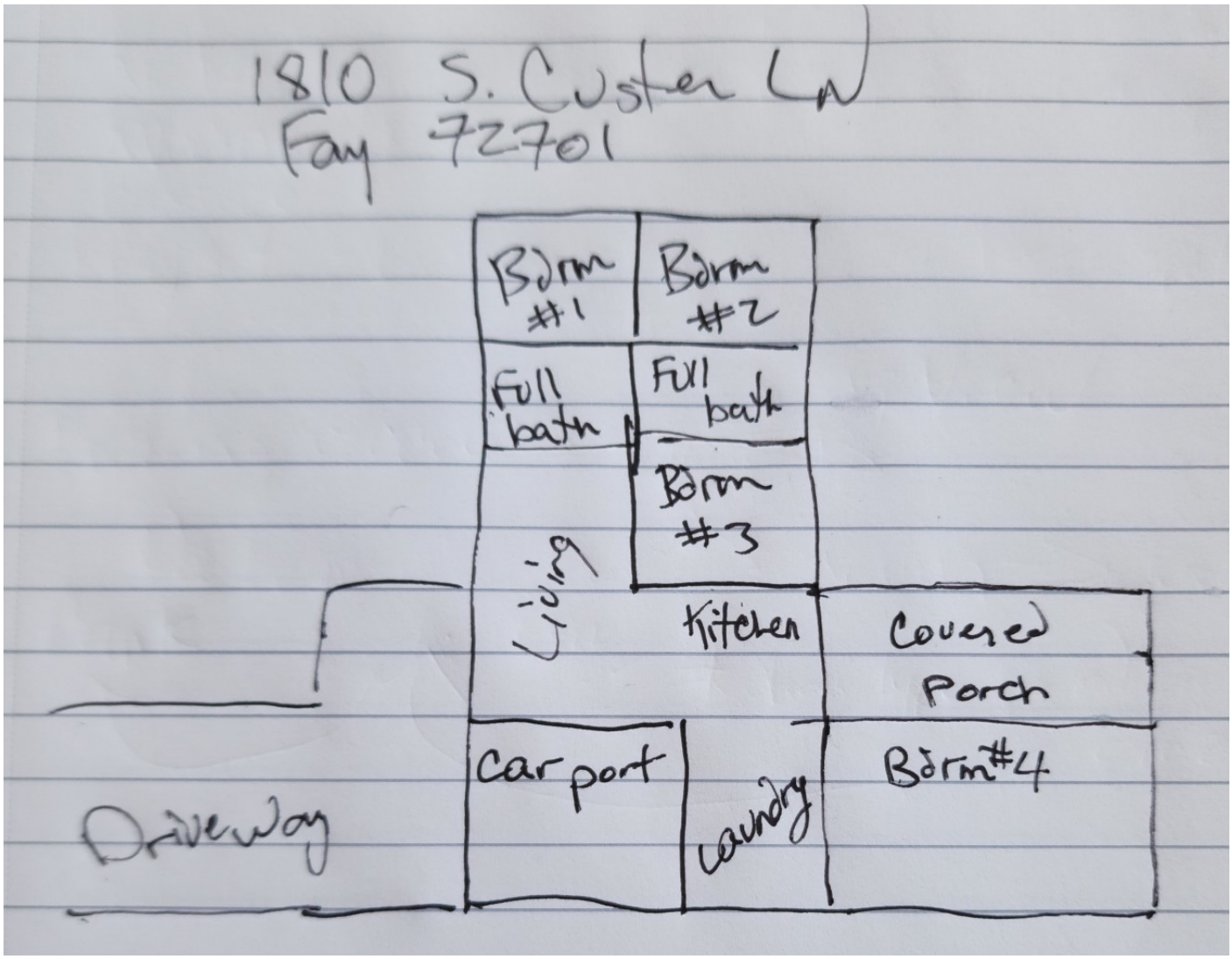
standard city trash and recycling provided by city on Wednesdays. Owners will provide trash and recycling removal and retrieval of empty containers weekly on Wednesday.

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

Street pictures provided. No anticipated traffic impacts due to the residential nature of the neighborhood.

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

Short term rentals are common in the area due to their proximity and accessibility to the UofA and cycling trails.


1810 S. Custer Ln
Fay 72701
Bdrm #1
Bdrm #2
Full bath
Full bath
Bdrm #3
Living
Kitchen
Covered Porch
Car port
Laundry
Bdrm #4
Driveway

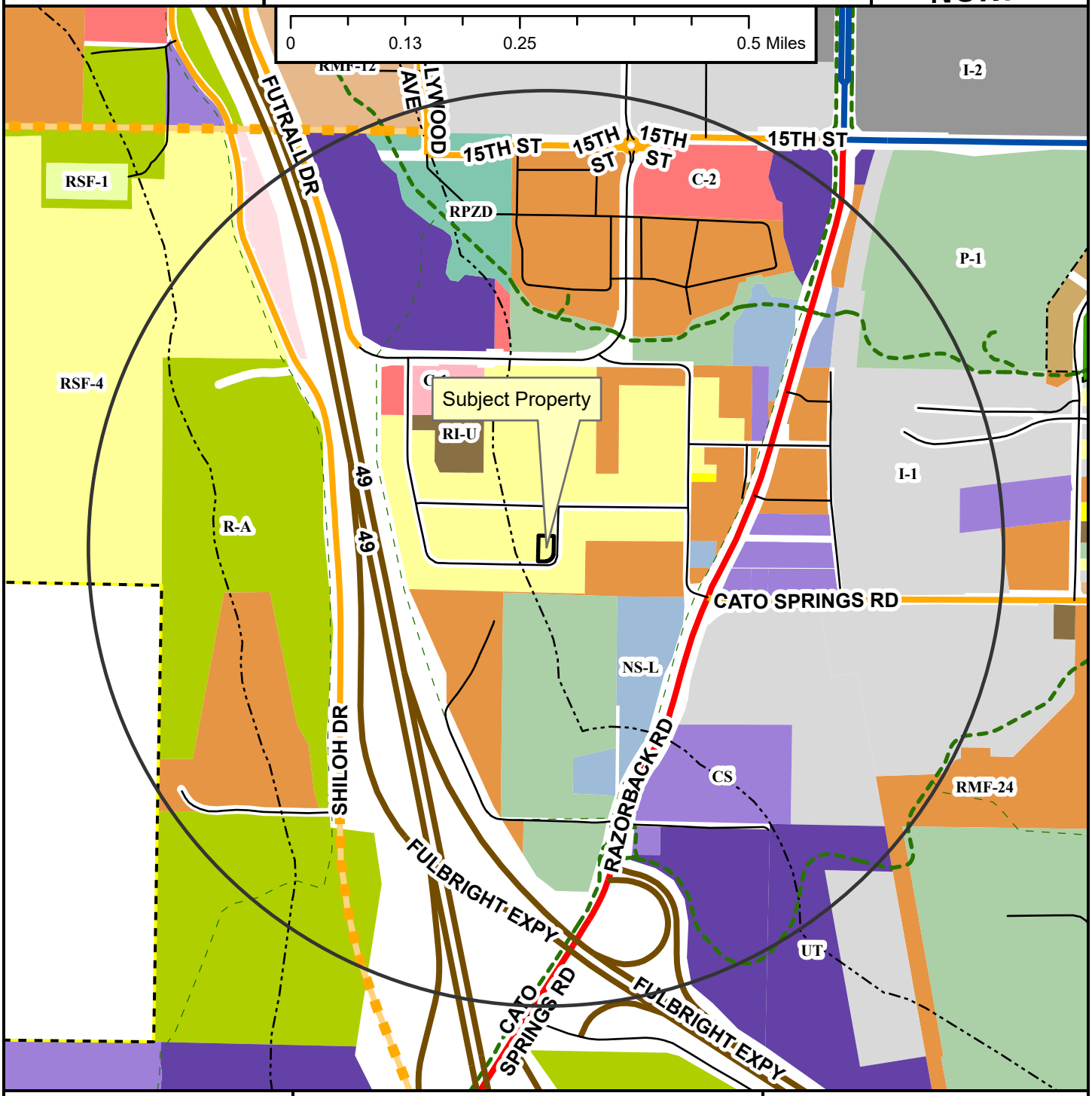
Site Plan

CUP-2023-0151

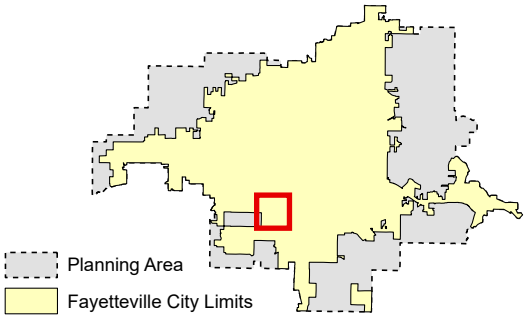
One Mile View

1810 S. CUSTER LN

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

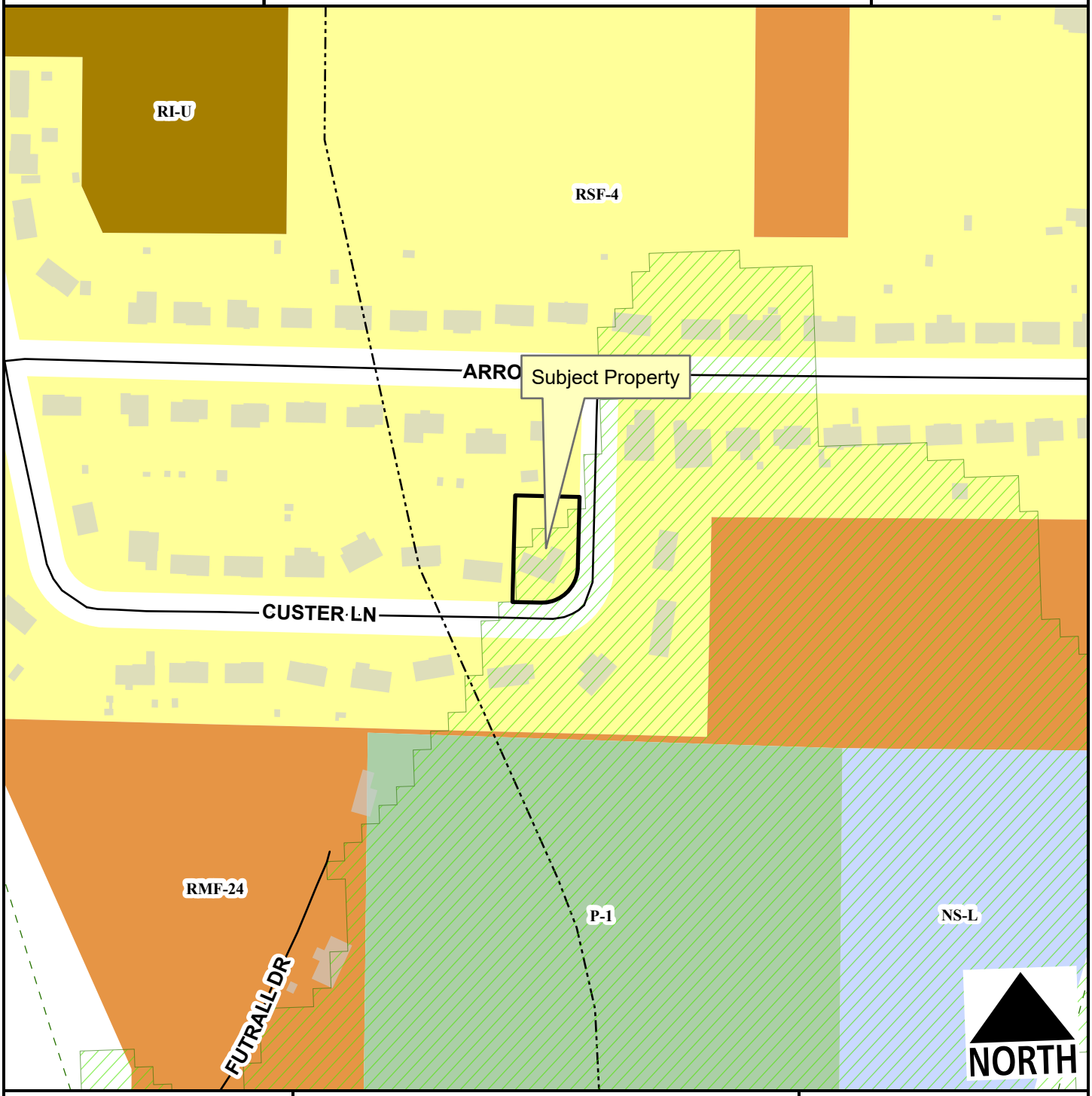
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

CUP-2023-0151

Close Up View

1810 S. CUSTER LN



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

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

RSF-4
RI-U
RMF-24
Neighborhood Services - Ltd.
P-1

CUP-2023-0151

Current Land Use

1810 S. CUSTER LN

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

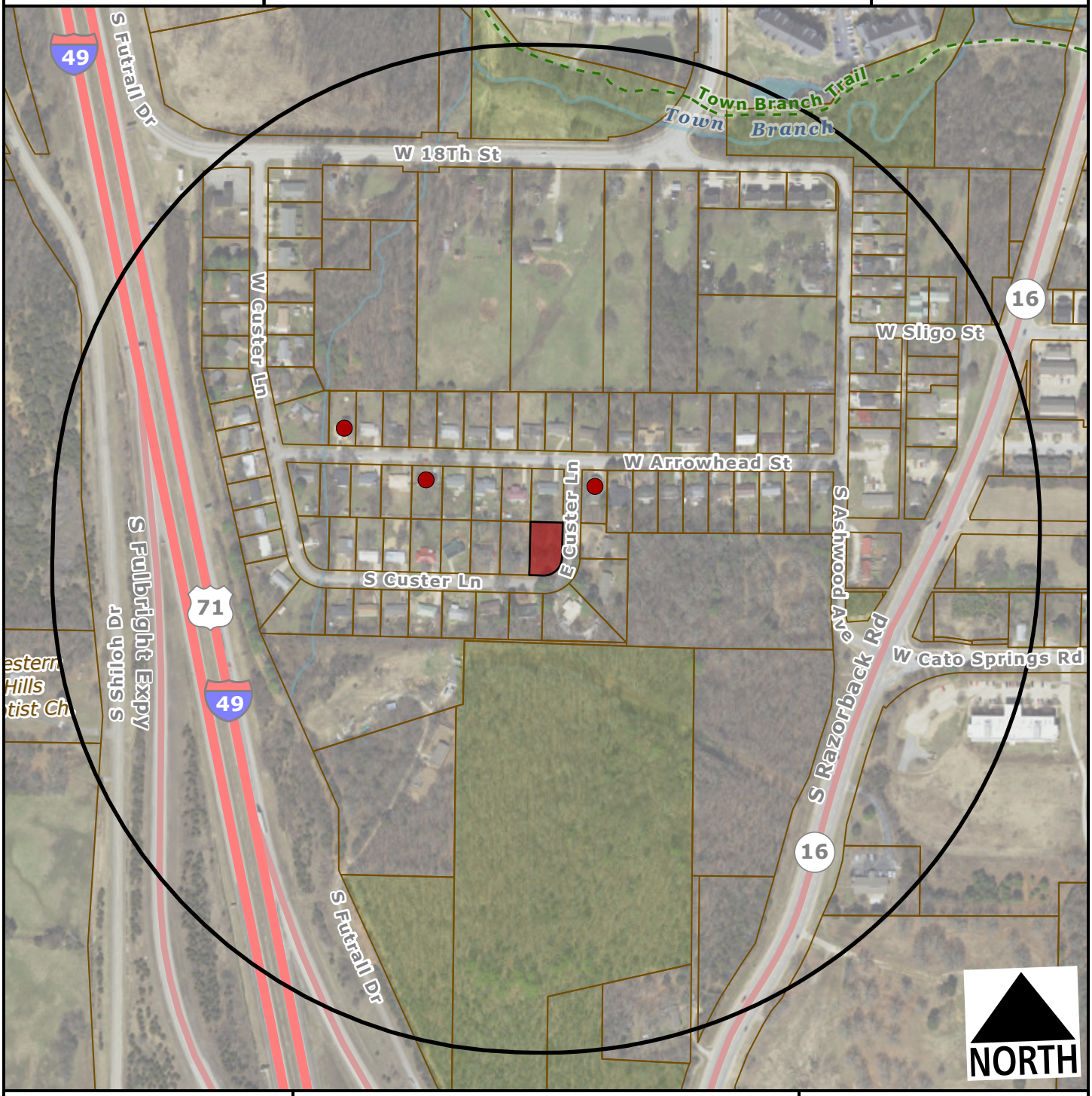
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0151

STRs Within 1/4 Mile

1810 S. CUSTER LN



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

Type 2 STRs: 3

Occupiable Residential Addresses (Estimated Housing Units): 159