



**MEETING OF APRIL 18, 2023**

**TO:** Mayor Jordan and City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director  
Jessica Masters, Development Review Manager

**FROM:** Gretchen Harrison, Planner

**DATE:**

**SUBJECT:** **Appeal: CUP-2023-0008: Conditional Use Permit (348 N. FLETCHER AVE./SCOTT, 485): Submitted by MIKE SCOTT, for property located at 348 N. FLETCHER ST. in WARD 1. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY - 8 UNITS PER ACRE and contains approximately 0.08 acres. The request is to use the residence as a short-term rental.**

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**RECOMMENDATION:**

City staff recommends approval and the Planning Commission recommends denial of a request for a conditional use permit for a short-term rental as described and shown below.

**BACKGROUND:**

The subject property is located near Mount Sequoyah, just northeast of the intersection of Dickson Street and Fletcher Avenue. The property is zoned RSF-8, Residential Single-Family, 8 Units per Acre, contains 0.08 acres, and is currently developed with a two-bedroom townhome. 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.

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

*Findings:* Staff finds that granting the requested conditional use is unlikely to negatively impact the public interest. Minimal disruptions are expected for neighbors due to applicable business licensing requirements, including a required building safety inspection, and applicable density caps limiting the maximum number of guests to six. Two off-street parking spaces are available in an existing detached carport. On-street parking is also available along the east side of Fletcher Avenue. Within a quarter mile of the property, city business license records indicate there are three active Type 2 short-term rental business licenses. There are no active or prior zoning code violations at the subject address.

**DISCUSSION:**

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Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

At the February 27, 2023, Planning Commission meeting, a motion to deny this item passed with a vote of 7-1-0. Commissioner Garlock made the motion with a second from Commissioner Madden. Commissioner Sparkman voted against the denial. Commissioners expressed concerns about approving a Type 2 short-term rental in a new development that was originally marketed as affordable housing, suggesting that it may adversely impact the character of this development and the surrounding neighborhood. Eight members of the public spoke at the meeting in opposition to this request. Those who spoke expressed concerns about the underlying development, noting continued problems with increased water run off, storage of residential trash carts, and parking. They also raised questions about this development being originally touted as attainable workforce housing and felt that approval of a Type 2 short-term rental would adversely impact the residential character of the area.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** Appeal Letter with Council Member Sponsors, Exhibit A, Planning Commission Staff Report



# City of Fayetteville, Arkansas

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

## Legislation Text

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**File #: 2023-546**

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**Appeal: CUP-2023-0008: Conditional Use Permit (348 N. FLETCHER AVE./SCOTT, 485): Submitted by MIKE SCOTT, for property located at 348 N. FLETCHER ST. in WARD 1. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY - 8 UNITS PER ACRE and contains approximately 0.08 acres. The request is to use the residence as a short-term rental.**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SONIA HARVEY, AND D'ANDRE JONES AND APPROVE CONDITIONAL USE PERMIT CUP 2023-008 FOR A SHORT-TERM RENTAL AT 348 NORTH FLETCHER STREET

**WHEREAS**, on February 27, 2023, the Planning Commission denied the application for Conditional Use Permit CUP 2023-008, to allow a Short-Term Rental at 348 North Fletcher Street; and

**WHEREAS**, Council Members D'Andre Jones, Sonia Harvey, and Scott Berna have properly appealed the decision of the Planning Commission pursuant to §155.05(A)(3) of the Unified Development Code.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby grants the appeal of Council Members D'Andre Jones, Sonia Harvey and Scott Berna, finds that the proposed short term rental is compatible with adjacent properties and other property in the zoning district, and approves Conditional Use Permit CUP 2023-008 for a Short-Term Rental at 348 North Fletcher Street.

Section 2: Approval of the conditional use permit is subject to the following conditions:

1. A business license must be obtained within one year of conditional use permit approval.
2. 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.
3. 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.
4. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
5. All trash receptacles shall be screened from view of the right-of-way.
6. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting.
7. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs.

## Paxton, Kara

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**From:** Berna, Scott  
**Sent:** Thursday, March 9, 2023 2:35 PM  
**To:** Mike Scott; Hertzberg, Holly; Moore, Sarah; Jones, D'Andre; Harvey, Sonia; Turk, Teresa; Bunch, Sarah; Wiederkehr, Mike  
**Cc:** Paxton, Kara  
**Subject:** Re: Appeal Request CUP-2023-0008

I will add my name to the appeal to allow it to be heard.

Scott

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**From:** Mike Scott <mike.scott484@gmail.com>  
**Sent:** Thursday, March 9, 2023 8:14 AM  
**To:** Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>  
**Cc:** Paxton, Kara <kapaxton@fayetteville-ar.gov>  
**Subject:** FW: Appeal Request CUP-2023-0008

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

Dear Council Members,

Good morning, this is a second attempt asking for your support in appealing the attached CUP-2023-008. We are at your mercy to get this application appealed and to be able to use our property as intended when we purchased it. Today is the deadline for our appeal window so please reply to Kara to notify her of your intention to sponsor our request. If you need more information, do not hesitate to contact us. Your help is greatly appreciated.

Sincerely,

Christy and Mike Scott  
501.258.3242

Sent from [Mail](#) for Windows

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**From:** [Mike Scott](#)  
**Sent:** Saturday, March 4, 2023 10:23 AM  
**To:** [sarah.bunch@fayetteville-ar.gov](mailto:sarah.bunch@fayetteville-ar.gov)  
**Subject:** Appeal Request CUP-2023-0008

Dear Council Members,

I am writing this email to request your consideration to sponsor an appeal to CUP-2023-0008.

I am a long-standing member of the community of the City of Fayetteville. I grew up on Lafayette Street near the corner of Fletcher Ave. My parents met at the U of A and are still in the area. My father was an MAI Real Estate Appraiser before retirement and my mother worked in real estate mortgages and as a Real Estate Broker. I attended Fayetteville High School. My wife, Christy, and I are U of A alums and currently reside in Little Rock. Christy works in northwest Arkansas supporting cancer patients in treatment. We have owned a property at 853 N. Jackson Street for many years. This home is an affordable long-term rental which we want to remain as affordable housing and are considering building another affordable house on the lot.

We purchased another property, a townhome, in Fayetteville for three reasons 1) we hope to retire to the area and 2) our son is attending the U of A as a freshman, and our daughter is applying for Graduate School of Business here, after she completes her undergrad at the University of Missouri. We wanted a place for us to be able to stay to visit our children and gather as a family when we are in the area. 3) Christy needs a place more like home to stay when she frequently works in the area. This is a higher priced home, and we want and need to be able to rent it out while we are not able to be there. Our intent is to rent it to friends and families that want to visit their children at the U of A and enjoy NWA.

I feel most of our reasons for the appeal are stated in the letter, so I won't duplicate them here. We are certain the neighbors that protested are upset with the construction of these townhomes and not understanding the positive intent of short-term rentals.

We are heavily invested in the success of our community of Fayetteville and feel our property owner rights are being impeded. We are at the mercy of your support in sponsoring this appeal. Thank you in advance.

Sincerely,

Christy and Mike Scott  
348 N Fletcher Ave  
Fayetteville, AR 72701  
501.258.3242

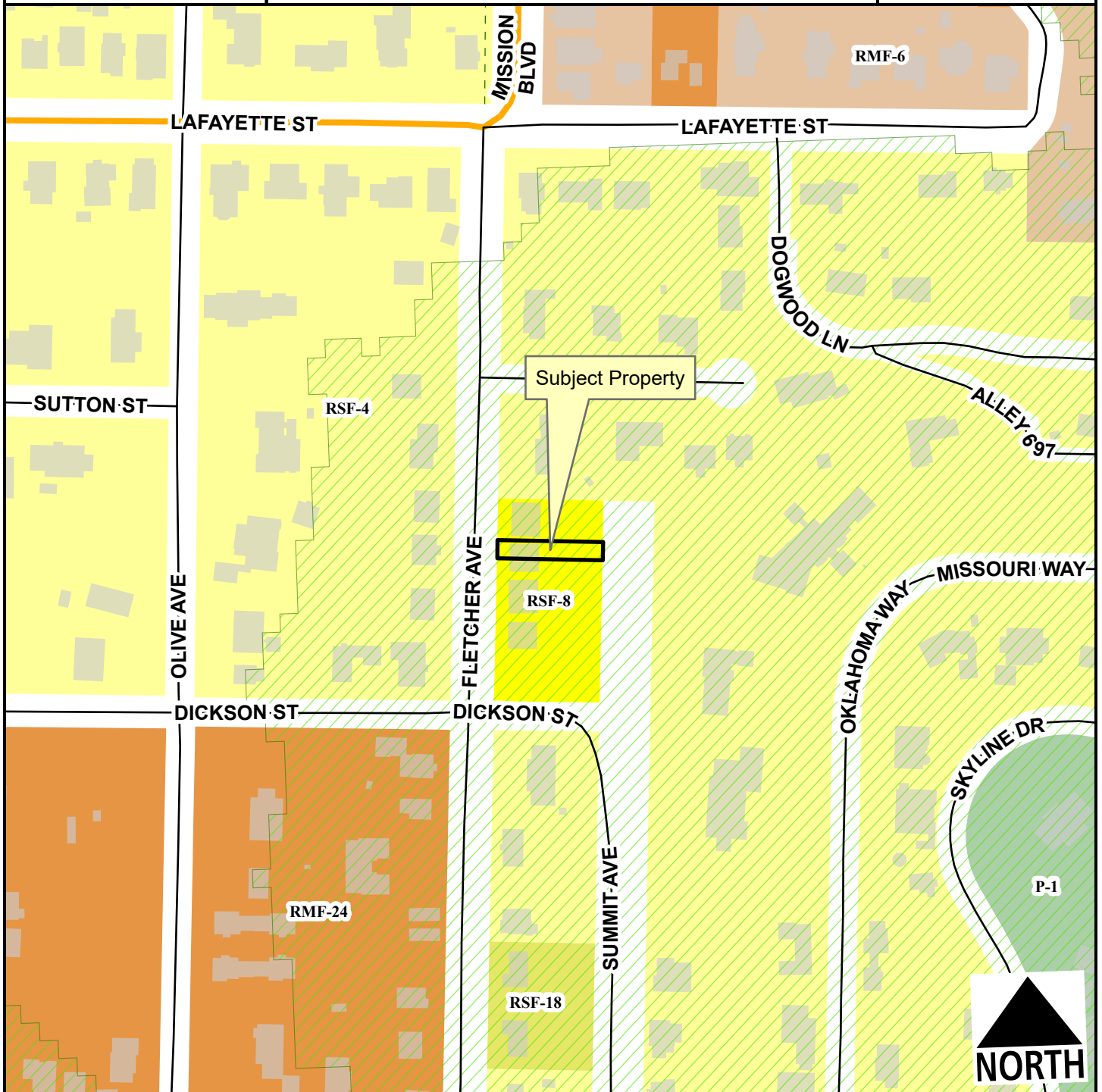
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CUP-2023-0008

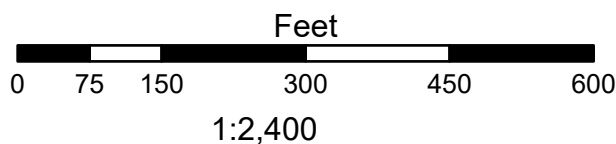
# 348 N FLETCHER AVE

EXHIBIT 'A'

Close Up View



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



- RSF-4
- RSF-8
- RSF-18
- RMF-6
- RMF-24
- P-1