



**MEETING OF SEPTEMBER 5, 2023**

**TO:** Mayor Jordan and City Council

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

**FROM:** Donna Wonsower, Planner

**DATE:**

**SUBJECT:** **Appeal: CUP-2023-0073: Conditional Use Permit (10 S. PALMER AVE./ BEYKIRCH, 521): Submitted by STEPHEN BEYKIRCH for property located at 10 S. PALMER RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the dwelling as a short-term rental.**

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**RECOMMENDATION:**

City Planning staff recommended approval of a request for a conditional use permit for a short-term rental as described and shown below. The Planning Commission denied the request at the July 24 Planning Commission meeting.

**BACKGROUND:**

The subject property is located in central Fayetteville approximately 700 feet west of John McDonnell Field. The property is zoned RSF-4 and totals approximately 0.4 acres. No zoning overlays apply to the property. It is currently developed with a 3000 square foot single family structure built in 1966 per the Washington County Assessor. A building permit for a kitchen, bathroom, and basement game room remodel was granted in November 2022 but is not yet complete. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration.

*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 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.

*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 a staff recommended density cap limiting the maximum number of guests to ten. Up to four off-street parking spaces are available per ordinance. Staff recommends parking be prohibited on the gravel driveway unless paved to meet city standards, as two paved driveways are

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Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

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available on the property for vehicle parking. On-street parking is not available on either S. Palmer Avenue or W. Center Street. Within a quarter mile of the property, city business license records indicate seven active Type 2 short-term rental business licenses. No active or past zoning or code violations were found at the subject address.

**DISCUSSION:**

At the July 24, 2023 Planning Commission meeting, a vote of 8-0-0 denied the conditional use request. Commissioner Madden made the motion and Commissioner Payne seconded. Staff noted the receipt of one public comment opposed to the request. The applicant stated they were available for questions. Four members of the public spoke at the meeting, expressing concerns regarding the density of short-term rentals along S. Palmer Avenue, previous issues with other short-term rentals in the area, parking, proximity to the stadium and potential for tailgating, housing needs for students, and owners who do not live on property to manage issues as they arise. There was discussion regarding what ordinances relating to tailgating, noise, and parking would apply to the property with either approval or denial. Commissioners Madden, Brink, and Winston, who were opposed to the request, cited the density of the short-term rentals in the area once university property is removed from consideration, the “request trying to fit too much in,” and poor existing conditions as reasons for denial.

**BUDGET/STAFF IMPACT:**

NA

**ATTACHMENTS:** Appeal Letter for CUP-2023-0073, Exhibit A, CUP-2023-0073 PC Report

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113 W. Mountain Street  
Fayetteville, AR 72701

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## CityClerk

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**From:** Bailey Beykirch <bcbeykirch@gmail.com>  
**Sent:** Friday, July 28, 2023 1:38 PM  
**To:** CityClerk  
**Subject:** Fwd: City of Fayetteville Council Members - I Need Your Support - Please Watch This Short Video  
**Attachments:** 10 S Palmer Addtl Details.pdf; 10 S Palmer STR Application For Review.pdf  
**Categories:** Forwarded, FYI

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

Hello,

Please see the below email in which I sent to all city council members this morning. I just talked with Scott Berna on the phone and he wanted to make sure this case didn't fall through the cracks without an official appeal.

That said, please allow the below forwarded message serve as my official appeal request to be submitted.

Thank you,  
Bailey Beykirch  
620-704-5455

----- Forwarded message -----

**From:** Bailey Beykirch <bcbeykirch@gmail.com>  
**Date:** Fri, Jul 28, 2023 at 11:10  
**Subject:** City of Fayetteville Council Members - I Need Your Support - Please Watch This Short Video  
**To:** <sarah.moore@fayetteville-ar.gov>, <dandre.jones@fayetteville-ar.gov>, <mike.wiederkehr@fayetteville-ar.gov>, <scott.berna@fayetteville-ar.gov>, <sarah.bunch@fayetteville-ar.gov>, <teresa.turk@fayetteville-ar.gov>, <holly.hertzberg@fayetteville-ar.gov>  
**CC:** Steve Beykirch <steveb@eaglebeverageco.com>, <bradlbeykirch99@gmail.com>, <ben.israel@southerntraditionrealestate.com> <ben.israel@southerntraditionrealestate.com>

Hello City Council Members,

This is a follow up email in which you should have received from Ben Israel. Ben was able to help us close on the subject property in 2018 and has been a great mentor to us ever since. I believe he is a trusted and well respected real estate professional in the Northwest Arkansas area and specifically Fayetteville.

Thank you for your time spent reading this email and watching the short video linked below. Your support could help me reach a personal dream of mine and I need your support to appeal a decision made by the Planning Commission during the evening of Monday, July 24th, 2023. **Subject: CUSP-2023-0073 was denied.**

Instead of writing a long and detailed summary of what happened Monday evening, I have chosen to summarize the circumstances in a short video. I represent my father, brother and I in this endeavor.

**Video Linked: [HERE](#)**

Reasons for neighbor concerns (response in blue):

The STR would bring in additional traffic to the area, raising concerns for safety

- With a premium price tag of \$700+ per night, we will have less than full occupancy. Conversely, the neighborhood traffic from long-term renting to college students is significantly higher than a short term rental.

STRs are notorious for loud parties and gatherings:

- This property will be rented by higher income adults due to the nightly price. Additionally, noise monitors will be installed that will notify our property manager immediately should they exceed above normal limits. We will also have contractual fines for those that violate our noise standards that they will be held accountable to those standards.

There are already several STRs in nearby areas

- There are currently 7 legally operated STRs within a 1/4 mile of the subject property at 10 S Palmer. Last month ([June 26th, 2023](#)) two STR permits were approved with the same density features ([CUSP-2023-0060 & CUSP-2023-0056](#)). Our subject property shares the same density. Our property is steps away from University property, which is why we believe the density needs to be higher near the university (than other areas in Fayetteville) to service the incredible growth in student population and lack of hotel space.

The occupancy is too high for the property, 12 should not be allowed

- I understand the concern for the occupancy at 12. The subject property is a 5 bedroom property and the occupancy was set to align with city code "[Finding: The request is to operate a Short-Term Rental, Use Unit 46, in RSF-4 zoning, which requires a conditional use permit. \(2\) Occupancy. Maximum of two \(2\) people per bedroom, plus two \(2\), for the entire unit when operated as a short-term rental](#)" Thus my reason for 12 persons.

There is no public parking nearby

- The subject property currently has (2) driveways, no garage. We can park 4 cars on property.
- [Parking: A maximum of \(4\) vehicles was recommended by the committee](#), which can comfortably fit in the two driveways. However, we will have the 3rd driveway (currently gravel) paved to address concerns of parking if necessary and have up to 6 cars.

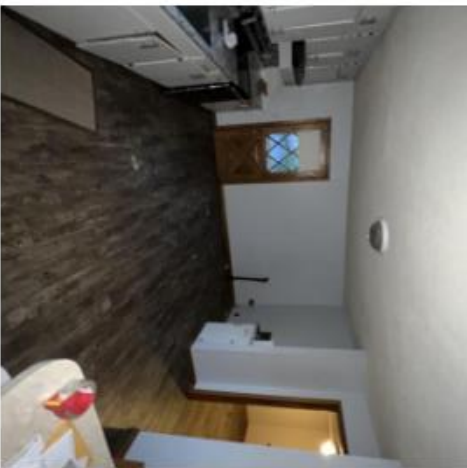
**I believe** moving away from renting this property to college students will have a positive impact on the neighborhood. The loud trucks, frequent parties, and overflowing trash associated with student rentals will not occur with this short term rental. We aim to have a short term rental that attracts high quality clients with clear quality standards to ensure we operate in a professional manner. As mentioned in the video, should this have your support, I will be hosting an open house for all nearby neighbors in which I can answer questions they may have, reiterate my responsibility as a property manager, and ensure they feel positive about this STR.

Thank you for your help,

**Bailey Beykirch**  
*"Dedicated to helping others"*

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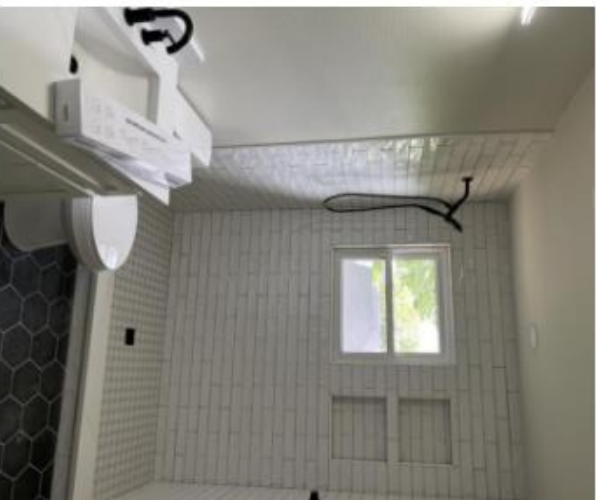
**Bailey Beykirch**  
*"Dedicated to helping others"*



Before of Kitchen and Bathroom



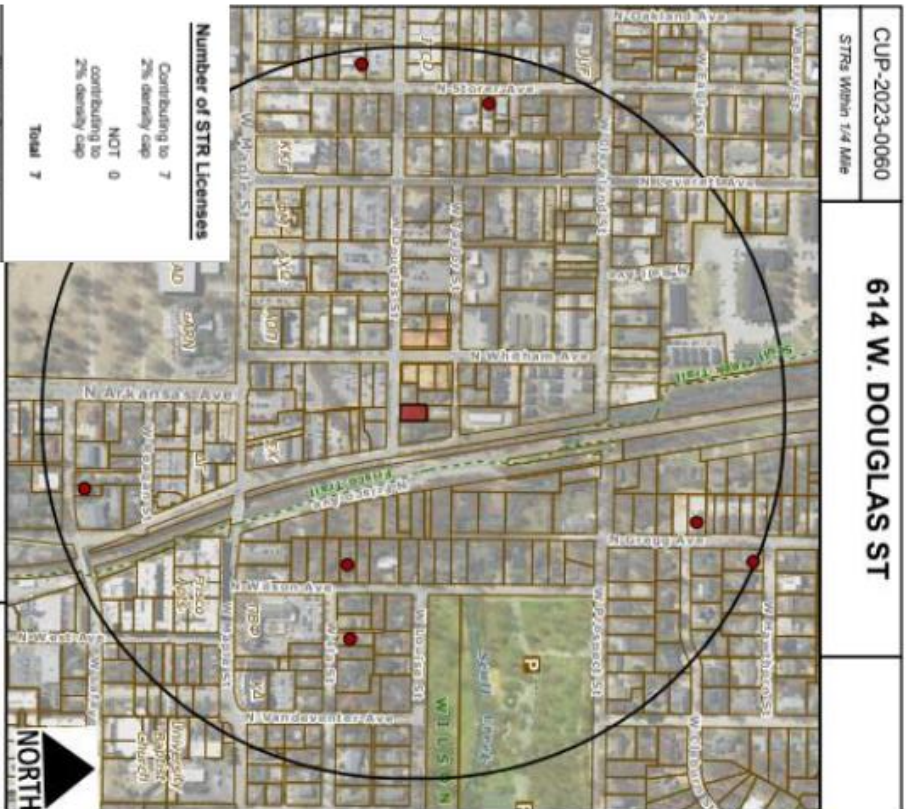
After of Kitchen and Bathroom



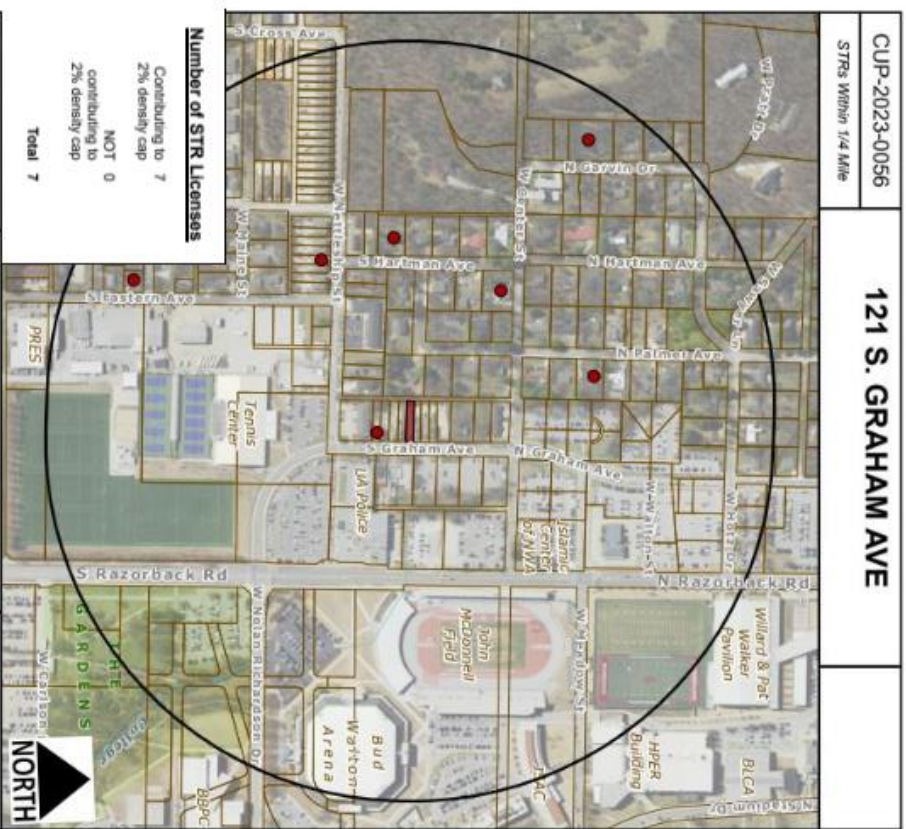
Bailey Beykirch 26 (left) and  
Bradley Beykirch 23  
residents

Addressing concerns of density:

CUSP-2023-0060 was **approved** June 26, 2023  
 Number of STR Licenses within ¼ mile: 7



CUSP-2023-0056 was **approved** June 26, 2023  
 Number of STR Licenses within ¼ mile: 7



## Wonsower, Donna

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**From:** Masters, Jessica  
**Sent:** Thursday, August 3, 2023 2:33 PM  
**To:** Pennington, Blake; CityClerk  
**Cc:** Williams, Kit; Curth, Jonathan; Bailey Beykirch; Hungate, Hannah; Wonsower, Donna; Hopkins, Mirinda  
**Subject:** RE: Appeal of CUP-2023-0073

Good afternoon,

Staff will prepare a report for the September 5 City Council meeting. Please note that public notification of this appeal will be required; the Planning Division will reach out to you separately with that requirement.

Thank you,

Jessie

**Jessie Masters, AICP**  
Development Review Manager  
City of Fayetteville, Arkansas  
(479) 575-8239

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

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Pennington, Blake <bpennington@fayetteville-ar.gov>  
**Sent:** Thursday, August 3, 2023 2:30 PM  
**To:** CityClerk <cityclerk@fayetteville-ar.gov>  
**Cc:** Williams, Kit <kwilliams@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Bailey Beykirch <bcbeykirch@gmail.com>; Hungate, Hannah <hhungate@fayetteville-ar.gov>  
**Subject:** RE: Appeal of CUP-2023-0073

Jonathan,

This meets the form, time, and place requirements of Section 155.02. I will defer to staff on the meeting date the appeal will be heard.

Thanks,

**Blake E. Pennington**  
Senior Assistant City Attorney  
City of Fayetteville, Arkansas  
[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)  
Direct: 479.575.8312  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)





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**From:** CityClerk <[cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)>  
**Sent:** Thursday, August 3, 2023 2:25 PM  
**To:** Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**Cc:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>; Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>; Bailey Beykirch <[bcbeykirch@gmail.com](mailto:bcbeykirch@gmail.com)>  
**Subject:** Appeal of CUP-2023-0073

Blake,

Please provide verification that this appeal meets all requirements to move forward to be heard by the City Council.

Thank you,

**Jonathan Ramirez**  
Communication Specialist  
Office of the City Clerk-Treasurer  
City of Fayetteville, Arkansas  
479-575-8323  
[fayetteville-ar.gov](http://fayetteville-ar.gov)  
[jramirez@fayetteville-ar.gov](mailto:jramirez@fayetteville-ar.gov)



**From:** [Bailey Beykirch](#)  
**To:** [CityClerk](#)  
**Subject:** Fwd: City Council Support Needed - CUP Denied During Planning Commission's Meeting Last Night  
**Date:** Thursday, August 3, 2023 2:15:34 PM

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**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! I believe this is the three we need.

----- Forwarded message -----

**From:** D'Andre Jones <[dre91732000@gmail.com](mailto:dre91732000@gmail.com)>  
**Date:** Thu, Aug 3, 2023 at 14:02  
**Subject:** Fwd: City Council Support Needed - CUP Denied During Planning Commission's Meeting Last Night  
**To:** Kit Williams <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>, Kara Paxton <[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)>, Blake Pennington <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>  
**CC:** Bailey Beykirch <[bcbeykirch@gmail.com](mailto:bcbeykirch@gmail.com)>

Hey Kit I would like to cosponsor the appeal 2023-0073  
Sent from my iPhone

Begin forwarded message:

**From:** Bailey Beykirch <[bcbeykirch@gmail.com](mailto:bcbeykirch@gmail.com)>  
**Date:** August 3, 2023 at 12:08:19 PM CDT  
**To:** D'Andre Jones <[dre91732000@gmail.com](mailto:dre91732000@gmail.com)>  
**Subject:** Re: City Council Support Needed - CUP Denied During Planning Commission's Meeting Last Night

That would be great! Feel free to send me a text or a phone call whenever you have time.

620-704-5455

Thank you!

On Thu, Aug 3, 2023 at 12:06 PM D'Andre Jones <[dre91732000@gmail.com](mailto:dre91732000@gmail.com)> wrote:

Hey can we connect later today

Sent from my iPhone

On Aug 3, 2023, at 11:24 AM, Bailey Beykirch  
<[bcbeykirch@gmail.com](mailto:bcbeykirch@gmail.com)> wrote:

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

Hello D'Andre,

Following up with you one more time as we are in need of 1 more supporting city council member for our appeal on the CUSP 2023-0073 was denied on July 24th, 2023.

You were the **first** city council member I had reached out to directly for two reasons.

1. The subject property resides within your Ward - to have your support on this matter would be greatly appreciated as you are most familiar with Ward 1.
2. My wife's business is also in Ward 1. She has a warehouse space on Sunchase CT (Ward 1) and that was the **biggest** reason we moved from Florida to Arkansas as her business began to grow. We knew we could grow quickly having a warehouse near the college campus and thankfully, it has worked out! She proudly employs over a dozen part-time students and has been doing so for over a year!

I tried reaching you by cell phone, however, it has went straight to voicemail not being set up.

Would appreciate a conversation with you! 620-704-5455

Thank you,  
Bailey Beykirch

On Tue, Jul 25, 2023 at 11:30 AM Bailey Beykirch  
<[bcbeykirch@gmail.com](mailto:bcbeykirch@gmail.com)> wrote:

Good Afternoon D'Andre,

I took some time to read through your involvement in the Fayetteville community and you have an accomplished background. It is inspiring for a young man like myself to read a biography in which you have and hope to plan to accomplish a

fraction of the accolades in which you hold. I had to give you a follow on LinkedIn! Congratulations on standing up for what you believe in and making a true difference in the community in which you reside.

I was directed to reach out to members of the City Council as the first step to appeal the commission's decision in denying a CUP approval for a STR. **Before I get into the details via email, I would like the opportunity to speak with you for a brief 5 minutes today I am happy to give you a call and share my background as well as where I would like to seek your advice and guidance.**

Thank you,  
Bailey  
620-704-5455

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Bailey Beykirch  
*"Dedicated to helping others"*

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Bailey Beykirch  
*"Dedicated to helping others"*

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Bailey Beykirch  
*"Dedicated to helping others"*

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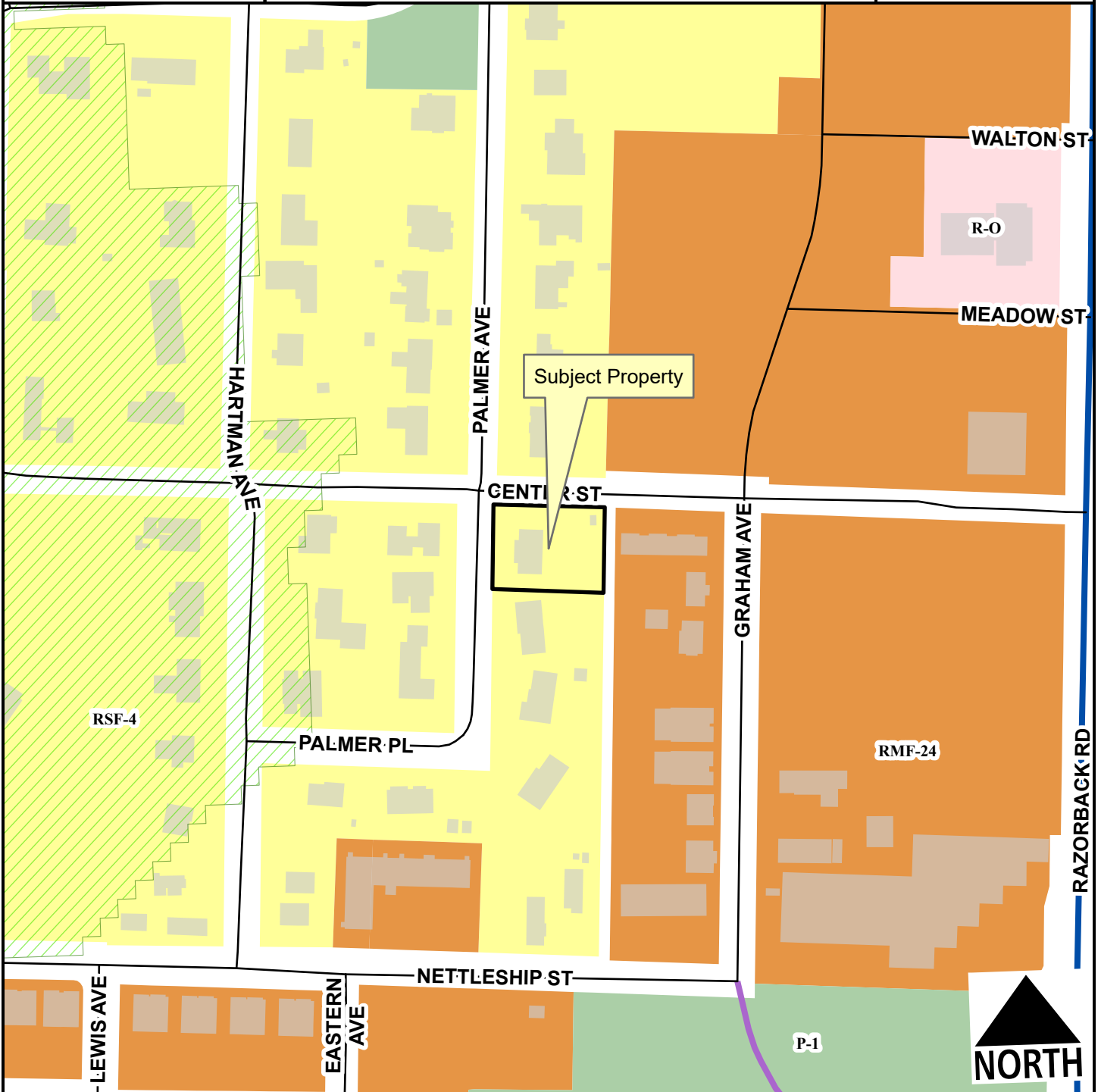
Bailey Beykirch  
*"Dedicated to helping others"*








CUP-2023-0073

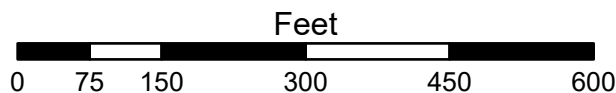
# 10 S. PALMER AVE

CUP-2023-0073  
EXHIBIT "A"

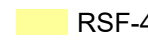

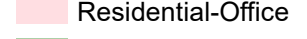

Close Up View



-  Institutional Master Plan
-  Regional Link - High Activity
-  Unclassified
-  Residential Link
-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits



1:2,400

-  RSF-4
-  RMF-24
-  Residential-Office
-  P-1