



MEETING OF OCTOBER 17, 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 OF CUP-2023-0096: Conditional Use Permit (426 N. OLIVER AVE/HOGTAILING HOLDINGS LLC, 482): Submitted by SEAN VOLLENDORF for property located at 426 N. OLIVER AVE in WARD 4. 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:

City Planning staff and the Planning Commission recommend 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 in central Fayetteville approximately 200 feet west of Razorback Stadium. The property is zoned RSF-4 and is not part of any zoning overlays. It totals approximately 0.40 acres and has been developed with a 2,502 square foot, four-bedroom single-family structure and a 688 square foot, one-bedroom accessory dwelling unit (ADU), both constructed in 1969.

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 likely to negatively impact the public interest. Staff finds there is inadequate parking capacity to support the use of the property for both the main dwelling and the ADU as short-term rentals, both of which have short-term rental business licenses currently under review. The main dwelling has a carport that could hold two vehicles and a property may park four vehicles outside per ordinance. The ADU may host a maximum of 4 guests (one bedroom) and the main dwelling may host a maximum of ten guests (four bedrooms), for a maximum of 14 allowed guests for both structures per ordinance. N. Oliver Ave. is signed as a "No Parking" street. City business license records indicate one (1) other unit within a quarter-mile radius of the property has an active Type 2 short-term rental business license.

Additionally, multiple code cases have been opened for the subject property. A Type 2 short-term rental application was requested by the current property owner on July 30, 2021. Multiple stages of the process were

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

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completed, including a life safety inspection and planning review; however, the business license was denied on July 21, 2022 due to incomplete information. Initial zoning violations were opened on April 27 and May 1, 2023 for operating the main structure and ADU without a business license and a notice of violation was sent to the applicant with instructions to cease operations until a business license was received. A duplicate zoning violation was issued on August 7, 2023 for continuing to operate the short-term rentals in violation of the ordinance and the applicant confirmed that the listings were taken down on August 7, 2023 in an email to staff the following day.

DISCUSSION:

At the September 11, 2023 Planning Commission meeting, several motions were made after extensive discussion. Commissioner Garlock made a motion to approve the request; however, the motion died for lack of a second. Commissioner Winston then made a motion to table the request to the following meeting, citing a desire to get additional information regarding the proposed ADU short-term rental. Commissioner Garlock seconded. This motion failed 1-7-0. A final motion was made by Commissioner Winston and seconded by Commissioner Payne to approve the request, which failed on a 4-4-0 vote. Three people from the applicant's team spoke. One cited their long-term residency at the home prior to moving away. A second discussed the initial business license denial and efforts to get into compliance since the violation notice. A third cited changing short-term rental ordinances since 2021, the applicant's belief that they were operating in compliance, an assertion of error in staff's report, and the lack of parking issues while the business has been in operation. Staff received additional information regarding the ADU the morning of the September 11, 2023 Planning Commission meeting and was able to update the staff presentation to include the corrected data and additional images provided by the applicant.

There was extensive discussion regarding the history of the zoning violations and whether guests stayed at the property past the initial violation notice. Staff confirmed the total number of bedrooms based on the new information provided by the applicant and explained the history of the violations. Commissioners Sparkman and McGetrick questioned the applicant regarding whether tailgating was permitted on the property. The applicant cited "the nature of the neighborhood" changing on game days and stated that tailgating would be limited to when it was occurring throughout the neighborhood. Senior Assistant City Attorney Blake Pennington confirmed that any tailgating while the property was being used as a short-term rental would be a violation of the short-term rental ordinance. Additionally, there was a brief discussion about parking at the property the previous weekend. Commissioners voting against the request cited the history of the zoning violations and concerns about tailgating as reasons for denial. Commissioners voting in favor of the request cited lack of public comment or a history of complaints, and the project's proximity to campus as reasons for approval votes. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: Appeal Letter with Council Member Sponsors (#3), Exhibit A (#4), Planning Commission Staff Report (#5)

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Fayetteville, AR 72701

www.fayetteville-ar.gov



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-1132

APPEAL OF CUP-2023-0096: Conditional Use Permit (426 N. OLIVER AVE/HOGTAILING HOLDINGS LLC, 482): Submitted by SEAN VOLLENDORF for property located at 426 N. OLIVER AVE in WARD 4. 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.

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SARAH BUNCH, AND D'ANDRE JONES AND APPROVE A CONDITIONAL USE PERMIT CUP 2023-0096 FOR A SHORT-TERM RENTAL AT 426 NORTH OLIVER AVENUE

WHEREAS, on September 11, 2023, the Planning Commission denied the application for Conditional Use Permit CUP 2023-096, to allow a Short-Term Rental at 426 N. Oliver Ave.; and

WHEREAS, Council Members D'Andre Jones, Sarah Bunch, 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, Sarah Bunch, 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 2023-0096 for a Short-Term Rental at 426 N. Oliver Avenue.

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

1. The applicant must obtain a business license within 1 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 Chapter 176, Outdoor Lighting.
7. Any signage shall meet the requirements as outlined in Chapter 174, Signage.
8. The applicant shall be required to designate and register a Landlord's Representative in the Landlord's Representative Registry.

2023-1132

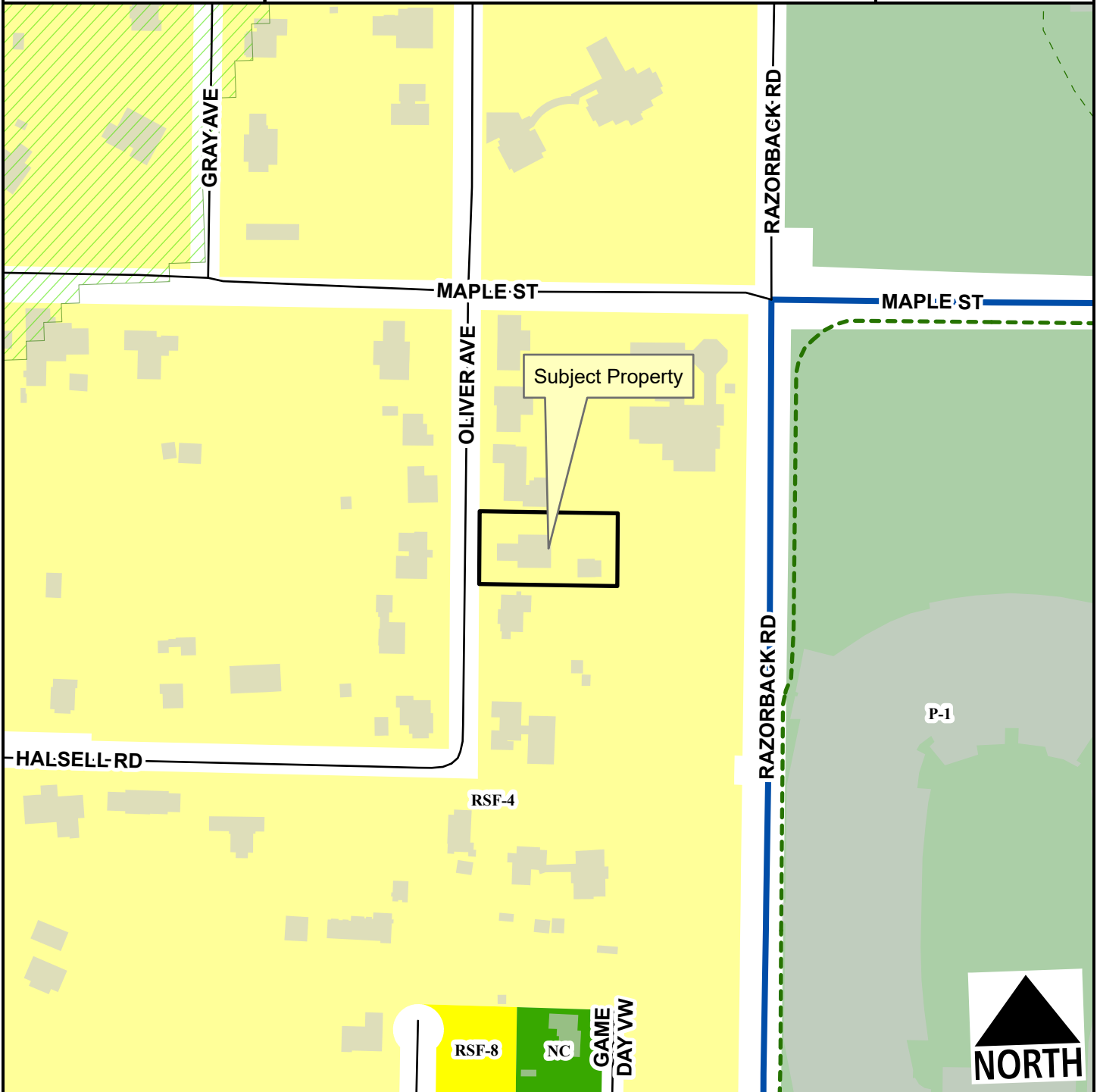
9. The main dwelling may not be rented simultaneously as the accessory dwelling unit.

CUP-2023-0096

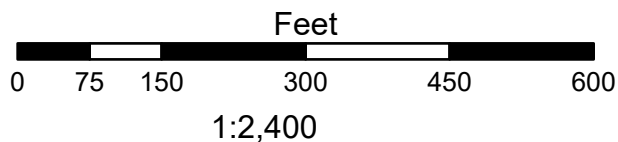
426 N. OLIVER AVE

CUP-2023-0096
EXHIBIT "A"

Close Up View



- Regional Link - High Activity
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



- RSF-4
- RSF-8
- Neighborhood Conservation
- P-1



ATTORNEYS AT LAW

LICENSED IN AR, AL, MO, OK, TN, TX

Established 2005

www.rmp.law

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Licensed in Arkansas, Alabama, Florida, Texas, and Oklahoma

September 15, 2023

To Whom it May Concern:

I represent Kim and Sean Vollendorf, who were long-time residents of Fayetteville for decades. The Vollendorfs run an organization aimed at mentoring young leaders and, in 2019, they expanded to Arizona, prompting their move to Phoenix along with the several University of Arkansas graduates who joined them. Before moving, the Vollendorfs raised their three sons at 426 North Oliver Avenue (the “Property”), and still return to Fayetteville many times each year (currently, about once each month). During their time in Fayetteville, the Vollendorfs put down roots in their neighborhood and our community and formed meaningful relationships with their neighbors. Their sons all attended Leverett Elementary School, and their sons’ first-grade teacher still lives just around the corner. In short, they loved living in this community and always aspired to be the kind of neighbors they would want to have.

I’m contacting you on behalf of the Vollendorfs to ask for your support of an appeal of the Fayetteville Planning Commission’s recent decision to deny the Vollendorfs a conditional use permit (the “CUP”) to operate a Type-2 Short Term Rental (“STR”) at the Property, which is approximately 200 feet from Razorback Stadium and located immediately adjacent to the UofA’s Alumni House and literally backs the Broyles-Matthews parking lot, a popular spot on gameday. That CUP request went before the Fayetteville Planning Commission (the “Commission”) on Monday, September 11, 2023 (the “Meeting”), and was narrowly denied, receiving four votes in favor of approval (Commissioners Winston, Brink, Payne, and Holcomb), and four votes against approval (Commissioners Garlock, McGetrick, Gulley, and Sparkman).

The Property features a 2,502 square foot primary residence and is comprised of four bedrooms. It also has an accessory dwelling unit (the “ADU”), which only features one studio bedroom. The ADU was not a part of the Vollendorf’s CUP request, as ADUs are automatically classified as Type-1 STRs and also do not require parking spaces. Even so, two spaces are dedicated to it ADU anyway. Just prior to the Meeting, Staff provided their initial report (the “Report”) to Ms. Renee Gresham, the Vollendorfs’ friend who manages the Property while they are away. The Report recommended that the Commission deny the CUP request due to (a) inadequate parking and (b) “past violations” of the City’s ordinances. When Ms. Gresham received the Report, she immediately became concerned as it did not appear to reflect the Vollendorfs’ Property, indicating that Staff may have been considering a different property when recommending denial. For

example, the initial Report stated that the ADU – while not even subject to the CUP request nor required to have reserved parking spaces (though the Vollendorfs’ ADU does) – contained three (3) bedrooms suitable for up to eight guests, allowing the entire Property to host up to 18 guests. Ms. Gresham raised these concerns to Staff who, immediately prior to the Meeting, revised their Report, but still recommended denial, stating the Property only allows for six (6) vehicles per City ordinance. Sure enough, and upon further inquiry, Ms. Gresham’s concerns about the Report were correct, as the photos provided by Staff within their Report are of not of the Vollendorfs’ home at all, suggesting that Staff wasn’t even considering the correct property in recommending its denial.

Unfortunately, in a 4-4 decision, the Commission declined to grant the Vollendorfs a CUP. The primary concern voiced by those who voted against the request reflected the language within the Staff Report stating the Property was subject to past violations of STR regulations, prompting this request for an appeal. Of note, long before AirBNB and VRBO became the go-to choice for STRs, and many (approx. 15) years before the City even adopted ordinances governing STRs, the Vollendorfs were leasing out their home from time to time as an STR. When the City first adopted STR regulations in 2021, a CUP was not required for a Type-2 STR, and the Vollendorfs began the process of complying with the applicable ordinances to obtain a business license. As part of that process, the home was inspected on multiple occasions and approved as an STR repeatedly. And to the best of the Vollendorfs’ knowledge, they had been granted a business license. It was not until 2023 when the Vollendorfs first received a notification stating that they had not been given the business license. In fact, as of May 2022, the Vollendorfs were told that their business license was still “in progress” and were not notified when the application was ultimately closed by the City sometime after that. In other words, to the extent the Vollendorfs were in any sort of violation, they certainly were not aware of it and, to the contrary, made sincere efforts to comply with what was then new rules and regulations imposed on STRs. It must also be noted that, despite not having a business license, both STRs on the Property have always automatically remitted all applicable taxes to the City of Fayetteville while listed with AirBNB and VRBO.

By the time the Vollendorfs became aware that they did not have a business license to operate their STR, the ordinances had been amended twice, making a CUP a threshold requirement for Type-2 STRs in single-family zoning areas. The Vollendorfs and Ms. Gresham took steps, once again, to have the Property inspected (which was approved, once more) and pursue getting a business license. Yet, in May 2023, the City again emailed Ms. Gresham and informed her that the Property still did not have a business license, and that the Vollendorfs now also needed to apply for a CUP in addition to obtaining a business license. While Staff referred to this correspondence as a “notice of violation,” at no point did the City indicate that the Vollendorfs need to cease and desist renting their home as an STR until the CUP process was complete and a business license was obtained.

It was not until Fayetteville Business Development Services contacted Ms. Gresham **on August 7, 2023**, referencing the Meeting to be held on September 11th, that the Vollendorfs were told that continued operation during the pendency of the CUP and business licensure process represented a violation of the City’s ordinances that could potentially impact the Commission’s decision regarding whether to grant the CUP. The Vollendorfs immediately delisted the Property from Airbnb and VRBO to comply with this instruction and have refunded future guests. As of September 6, 2023, the Property has now been twice-inspected, passing on both occasions.

The best evidence of the relationships the Vollendorfs have built with their neighbors, and the fact that the Vollendorfs do not allow guests in their home to have parties or engage in other disruptive behavior, is the fact that when the Vollendorfs requested the CUP, not a single neighbor or any other person contacted the Planning Staff to lodge a complaint or indicate that they were opposed to granting the CUP. Over the past 19 years the Vollendorfs have periodically rented out their home, the Vollendorfs have considered it a privilege to host both friends and paid guests alike—many of whom are families who come to Fayetteville because one of their children is considering attending the University. More importantly, renting out their home as an STR has allowed them to keep the home where they raised their sons, despite having to move to pursue their calling in student mentorship.

The Vollendorfs respectfully ask you consider sponsoring their appeal, as receiving a CUP that will allow them to operate their home as a Type-2 STR is the only feasible solution that will allow them to hold onto their family home while living elsewhere, in hopes of returning back to Fayetteville full time in the future.

Thank you in advance for your consideration of this matter. To the extent that you have questions or need more information, please don't hesitate to let me know.

Best Regards,

/s/ Anna Broadaway

Anna Broadaway

CityClerk

From: Paxton, Kara
Sent: Tuesday, September 19, 2023 12:31 PM
To: CityClerk
Subject: FW: 426 N. Oliver Avenue Summary

Categories: FYI

Please see the below verification of Council Member Jones' support to sponsor the appeal.

Thank you,

Kara Paxton
MSISM, MMC, CAMC, CMO
City Clerk Treasurer
City of Fayetteville, Arkansas
kapaxton@fayetteville-ar.gov
T 479.575.8323#



From: D'Andre Jones <dre91732000@gmail.com>
Sent: Tuesday, September 19, 2023 12:14 PM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Nika <nikatwaits@gmail.com>; Kim Vollendorf <kimvdorf@gmail.com>
Subject: Fwd: 426 N. Oliver Avenue Summary

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I will be sponsoring this appeal

Sent from my iPhone

Begin forwarded message:

From: "Curth, Jonathan" <jcurth@fayetteville-ar.gov>
Date: September 19, 2023 at 12:05:31 PM CDT
To: D'Andre Jones <dre91732000@gmail.com>, Nika <nikatwaits@gmail.com>
Subject: RE: 426 N. Oliver Avenue Summary

D'Andre,

Thank you for sharing your interest in appeal sponsorship. Since Planning Commission appeals are not filed with Development Services staff, I am not familiar with this item's status or if there are other

sponsors. With that in mind, please direct your interest to the City Clerk's Office and copy Blake Pennington with the City Attorney's Office so that it is considered legally valid.

Thanks again,

Jonathan Curth, AICP

Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Monday, September 18, 2023 3:00 PM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Nika <nikatwaits@gmail.com>
Subject: Fwd: 426 N. Oliver Avenue Summary

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Hey Jonathan I want to support this appeal

Sent from my iPhone

Begin forwarded message:

From: D'Andre Jones <dre91732000@gmail.com>
Date: September 17, 2023 at 10:52:28 AM CDT
To: Nika <nikatwaits@gmail.com>
Cc: Kim Vollendorf <kimvdorf@gmail.com>
Subject: Re: 426 N. Oliver Avenue Summary

My pleasure I will forward this to Jonathan Curth today!!

Sent from my iPhone

On Sep 17, 2023, at 10:00 AM, Nika <nikatwaits@gmail.com> wrote:

Hello D'Andre!

Thank you so much for your help with this situation. My friend Kim has summarized below the events leading up to the denial of their business license. I have copied her here.

We are all rather baffled as this is a family who has served our community for many many years in a variety of beneficial ways. Please

let me know if this answers your questions and if there is anything else you need from us.

Thank you for your service D'Andre!

Nika Waitsman

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

From: **Kim Vollendorf** <kimvdorf@gmail.com>

Date: Sat, Sep 16, 2023 at 2:47 PM

Subject: 426 N. Oliver Avenue Summary

To: Nika <nikatwaits@gmail.com>

Nika,

Thank you so much for taking the time to help us with this!

First, a little background....Sean and I have had our home at 426 N. Oliver Avenue, next to the UA stadium, since 2004. We enjoyed living in the neighborhood and living so close to campus, and I thought it was so fun that I could see into the stadium from my kitchen window! We got to know our neighbors and embraced living in the neighborhood. Our boys attended Leverett Elementary, and I was one of the parents who helped fight to keep our neighborhood school. We raised our three boys in that home.

The house came with a small guest house behind it that was rented to a law student when we moved in, and we continued to rent it out. Not long later, because of the property's unique location, Sean talked me into renting out our home on gameday weekends to make some extra money. We soon also began renting out our home for other events like festivals, graduations, and other events. (I know you are familiar with this because your parents stayed in our home for a few summers while we were away on work assignments!) I'm pretty sure we were one of the first houses in Fayetteville that had short-term rentals of this nature.

When we transferred to Arizona for Sean's job in 2019, we decided to keep the house and continue renting it out. We preferred short-term rentals because we could continue using our furniture and also be able to stay in our home when we came back to Fayetteville to visit our friends and our son at the UA. In order to make it all work, we recruited a local mom friend of ours named Renee to help us manage the property and make sure our guests had everything they needed.

Long story short, a couple of years ago, we received a notice that we needed to get a Business license. Renee hit the ground running and did, or thought she did, each of the things required to obtain the license. In fact, we thought we had the license! The next year (last year), Renee

received the notice again. Believing the license needed to be renewed each year, she went through all the steps again. In fact, she recalls at least 2 inspections of the property that she arranged with the City, each of which we passed. But, in May of this year, we were told again that we didn't have a business license. Concerned, Renee reached out to the City and was told that we needed to apply for a CUP because the city ordinances had changed again, and CUPs were now required for this type of rental. So we applied.

On August 7, the City's business services department reached out to us and informed us that we weren't allowed to operate our STR while we went through the CUP and STR business license process--which we weren't aware of, as we thought we were okay to operate while waiting for approval. We immediately delisted the property from Airbnb and VRBO at that point. This past Monday (September 11), the Planning Commission heard our request for a conditional use permit, which got voted down, with 4 votes in favor, and 4 against (we needed 5 to receive a CUP). It seemed the Commission's primary "issue" with granting the CUP was our "continued violations," but we sincerely and genuinely did not know we were in violation of anything. Every time we submitted our application for a business license, we thought it had been accepted. We never received any sort of rejection and, on the contrary, spent hours making sure we met each of the requirements along the way. The city has inspected our home twice now (all passed). We've made every effort to ensure we're above board, and, because Airbnb and VRBO automatically collect and remit taxes for STRs within the city limits, we've also paid taxes for each and every stay for many years now.

My husband Sean was notified at 4:30 p.m. on the Friday before the Monday meeting with the Planning Commission that the staff had recommended that the Commission deny us. When Renee asked for the documentation on September 11, she was sent a report that had a picture of the wrong property! We were concerned that the recommendation had been made based on the wrong property. There was also some confusion over the studio guest house that it was a 3 bedroom, which doesn't make sense since it is under 700 sq ft. It is actually a one bedroom.

The city also expressed concern about the parking spaces. This was a bit confusing because our home has ample parking spaces for our guests. It has more parking than any of the homes around it.

Also, important to note, none of our neighbors voiced any opposition during the CPU process. We have hosted hundreds of families and other guests since 2004, so the fact that none of our neighbors voiced any opposition is very significant.

As I understand it, somewhat recently (and many years after we started renting out our place), the city adopted a couple variations of an ordinance limiting short-term rentals. I believe the aim is to help the cost and accessibility of housing, which is certainly understandable. I

just need the council to understand that we are not some sort of out-of-state land baron or investor. Our situation is the exact opposite.

To our disbelief, a home directly across the street passed to be a short term rental. The home:

-has far less parking than ours does

-is owned by a Florida LLC, King Investments LLC

-was opposed by neighbors. Four of our neighbors, all of whom we've known for years, spoke out against it.

In summary, I am an Arkansas native, born and raised. We are a NWA family who lived in this home for almost 20 years. When a job opportunity took us out of state, we chose to keep the house we raised our family in so we would have a place to stay when we visited our many friends and family members 5+ times per year. We simply cannot afford to continue owning the home--and potentially return to it one day--without having the ability to offset our costs. If we have to convert it to a long-term rental, it would most likely appeal to college students. Would the neighbors prefer having a house of students or a house of adults who come to visit on occasion?

I would like to think that we are the type of STR that Fayetteville would WANT to have!

We would deeply appreciate the City Council's consideration in our appeal.

Thanks, Nika!!

Kim

CityClerk

From: Berna, Scott
Sent: Wednesday, September 20, 2023 10:37 AM
To: D'Andre Jones; Bo Renner
Cc: CityClerk; Shelton, Jackson; Williams, Kit; Pennington, Blake; Jones, D'Andre; Bunch, Sarah; Anna Broadaway
Subject: Re: Vollendorf Appeal of Planning Commission Denial
Categories: FYI

I have agreed to sign on for the appeal.

Scott Berna

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Wednesday, September 20, 2023 10:23 AM
To: Bo Renner <brenner@rmp.law>
Cc: CityClerk <cityclerk@fayetteville-ar.gov>; Shelton, Jackson <jshelton@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Anna Broadaway <abroadaway@rmp.law>
Subject: Re: Vollendorf Appeal of Planning Commission Denial

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Good morning I plan to support the appeal

Sent from my iPhone

On Sep 20, 2023, at 10:18 AM, Bo Renner <brenner@rmp.law> wrote:

Good morning,

I represent Sean and Kim Vollendorf regarding the appeal of the Planning Commission's denial of the Vollendorfs' CUP request. Kit and Blake have advised me to send this email to the City Clerk's office and include the three City Council members who have agreed to sign-on to our appeal and, further, have those Council Members indicate the same.

Council Members Jones, Bunch and Berna – first, thank you again for helping us out on this. On behalf of the Vollendorfs, they are very appreciative of each of you and your time. Second, would you mind “replying all” to this email indicating your agreement to sign-on to the appeal? I know some (or, perhaps, all) of you have already notified the Clerk's office, but this will put the authorizations in the same email chain and, I believe, verify the appeal for the City Clerk.

Kit/Blake – please let me know if there’s anything else either of you need from me. Thanks again, everyone!

Bo Renner

Attorney

[<image003.png>](#)

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PO Box 1788 | Fayetteville Arkansas 72702

Firm 479.443.2705 | Fax 479.443.2718 | Direct 479.439.5664

brenner@rmp.law | www.rmp.law

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CityClerk

From: Bunch, Sarah
Sent: Wednesday, September 20, 2023 1:48 PM
To: Pennington, Blake
Cc: Bo Renner; CityClerk; Shelton, Jackson; Williams, Kit; Berna, Scott; dre91732000@gmail.com; Jones, D'Andre; Anna Broadaway
Subject: Re: Vollendorf Appeal of Planning Commission Denial

I have agreed to support this appeal as well.

Sarah Bunch

Sent from my iPhone

On Sep 20, 2023, at 10:43 AM, Pennington, Blake <bpennington@fayetteville-ar.gov> wrote:

Bo,

Section 155.02 of the Unified Development Code requires that "All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error."

I did see an explanation from Ms. Vollendorf in an email from Councilmember Jones yesterday but wanted to make sure all three councilmembers have provided/adopted that as part of their appeal.

Thanks,

Blake

Blake E. Pennington
Senior Assistant City Attorney
City of Fayetteville, Arkansas
bpennington@fayetteville-ar.gov
Direct: 479.575.8312
www.fayetteville-ar.gov
<image002.png>

From: Bo Renner <brenner@rmp.law>
Sent: Wednesday, September 20, 2023 10:18 AM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; dre91732000@gmail.com; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Anna Broadaway <abroadaway@rmp.law>
Subject: Vollendorf Appeal of Planning Commission Denial

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Good morning,

I represent Sean and Kim Vollendorf regarding the appeal of the Planning Commission's denial of the Vollendorfs' CUP request. Kit and Blake have advised me to send this email to the City Clerk's office and include the three City Council members who have agreed to sign-on to our appeal and, further, have those Council Members indicate the same.

Council Members Jones, Bunch and Berna – first, thank you again for helping us out on this. On behalf of the Vollendorfs, they are very appreciative of each of you and your time. Second, would you mind “replying all” to this email indicating your agreement to sign-on to the appeal? I know some (or, perhaps, all) of you have already notified the Clerk's office, but this will put the authorizations in the same email chain and, I believe, verify the appeal for the City Clerk.

Kit/Blake – please let me know if there's anything else either of you need from me. Thanks again, everyone!

Bo Renner

Attorney

<image001.png>

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