



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-166

Appeal: CUP-2024-0017: Conditional Use Permit (10 S. PALMER AVE/BEYKIRCH, 521): Submitted by KEY ARCHITECTURE INC for property located at 10 S. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the residence for a cultural and recreational facility for international student housing.

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH BUNCH, SARAH MOORE, AND MIKE WIEDERKEHR AND DENY CONDITIONAL USE PERMIT CUP 2024-017 FOR A GROUP HOME FACILITY FOR GRADUATE STUDENTS AND ADDITIONAL SUPPORTIVE SERVICES THROUGH THE INTERNATIONAL STUDENT CHRISTIAN ASSOCIATION

WHEREAS, Staff determined that this use classifies as Use Unit 4, a cultural and recreation facility, in the *Unified Development Code*, which includes uses such as dormitories, institutional uses, care facilities; and

WHEREAS, on May 13, 2024, the Planning Commission voted 6-1-0 and approved the applicant's requested Conditional Use permit for a group home with numerous conditions limiting the number of full time residents to six, vehicles parked to four, and all other conditions recommended by staff; and

WHEREAS, Council Members Sarah Bunch, Sarah Moore, and Mike Wiederkehr 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 Sarah Bunch, Sarah Moore, and Mike Wiederkehr and denies Conditional Use Permit CUP 2024-017 which would have allowed a group home facility for graduate students and additional supportive services through the International Student Christian Association.



MEETING OF JUNE 18, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: **Appeal: CUP-2024-0017: Conditional Use Permit (10 S. PALMER AVE/BEYKIRCH, 521): Submitted by KEY ARCHITECTURE INC for property located at 10 S. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the residence for a cultural and recreational facility for international student housing.**

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a conditional use permit for a group home at the subject property as described and shown below.

BACKGROUND:

The subject property is in the University Heights neighborhood at 10 S. Palmer Avenue, which is approximately 800 feet west of the University of Arkansas' John McDonnell Field and situated at the southeast corner of W. Center Street and S. Palmer Avenue. The property is developed with an approximately 3,000 sq. ft. single-family home that was built in 1966. The current property owner previously requested a conditional use permit for the home to be used as a Type 2 short-term rental, but that request was denied by Planning Commission and subsequently the City Council on appeal (CUP-2023-0073).

Request: Councilmembers Bunch, Moore, and Wiederkehr have sponsored a resident appeal of the Planning Commission approval for a conditional use permit allowing a group home facility for graduate students and additional supportive services through the International Student Christian Association (ISCA). Staff determined that this use classifies as Use Unit 4, a cultural and recreational facility, in the Unified Development Code, which includes uses such as dormitories, institutional uses, care facilities.

Public Comment: Staff received comments in opposition to the request, as well as inquiries from the public with no direct opposition or support of the proposal. All written comments are included in the attachments. Eleven members of the public also spoke at the Planning Commission meeting, with three members in favor and eight in opposition.

Findings: Staff finds that granting the requested conditional use permit will not likely negatively affect the public interest. Cultural and recreational facilities are included as a conditional use in the RSF-4 zoning district because they have the potential of generating traffic, noise, or other disturbance beyond what is typically expected in a single-family district. One thing that staff takes into consideration on a balance of recommendations for conditional uses is the aspect of scale, visual, and traffic impacts on the surroundings. Given the applicant's proposal, staff finds that the property, though with the possibility to house up to six

Mailing address:

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Fayetteville, AR 72701

www.fayetteville-ar.gov

students at a time, is likely to function primarily as a residence under one household, and secondly as a traffic-generating facility for the use of assembly and gathering. The residence, even with a proposed addition, is of a similar size and scale to the surrounding neighborhood. Further, staff finds that the proposal is in line with City Plan 2024 goals by providing an alternative housing type, and that the location was reasonably situated as a transition between the higher intensity University-related uses to the east and the single-family residential nature of the neighborhood. Staff recommended and Planning Commission approved conditions of approval limiting the number of vehicles to be parked on the property to a maximum of four, requirements that the structure meet relevant International Building Code requirements for assembly space, a maximum of six full-time residents, and specific limits on the number of outside guests and events that could be held at the property throughout the year. Full staff report can be found attached to this packet.

DISCUSSION:

At the May 13, 2024 Planning Commission meeting, a motion to approve by Commissioner Cabe was seconded by Commissioner McGetrick, and a vote of 6-1-0 approved the applicant's request; Commissioner Madden voted in opposition. Commissioners discussed the item at length, directing questions at both the applicant and staff to clarify the use and how it interfaced with the definition of family in zoning ordinance, the organizational structure, the property management plan, and whether anyone from the organization would be living on-site full-time. Commissioners ultimately found in favor of the request, finding it to be compatible with the surrounding neighborhood, and with all conditions as recommended by staff. 11 members of the public spoke at the meeting, with three in favor and eight in opposition. Those in favor of the request supported the applicant's mission to house international students. Those in opposition to the request had concerns regarding the compatibility with the single-family residential character of the neighborhood, the organization's registration with the Arkansas Secretary of State and its 501(c)(3) status, increased traffic, and concerns about emergency access on W. Center Street and S. Palmer Avenue.

BUDGET/STAFF IMPACT:

N/A

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

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113 W. Mountain Street
Fayetteville, AR 72701

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Appeal Request Letter with Council Member Sponsors

TO: City of Fayetteville Arkansas – City Clerk and City Council Members

FR: University Heights residents

RE: Appeal of CUP 2024-0017 – 10 S Palmer

DT: 05/27/24

CC: University Heights signators

We the undersigned residents of University Heights neighborhood and tax-paying citizens of Fayetteville, AR are requesting an appeal of the Planning Commission’s decision to grant a Conditional Use Permit (CUP 2024-0017) located at 10 S. Palmer. We are appealing this decision based on the City of Fayetteville’s Unified Development Code (UDC) and prior rulings by the Planning Commission and the City Council as to compatibility and safety.

Our ask is that the council deny this Conditional Use Permit (CUP 2024-0017) based on:

1. Precedence – previously denied by the Planning Commission and the City Council as STR2. This request produces use in excess of the STR2 request and is significantly incompatible to RSF4 use.
2. Conditions the Planning Commission used to grant this CUP cannot be met. Safety is the primary concern. Both Center and S. Palmer streets are 19 feet curb to curb with a 20 ft min requirement based on ordinance. One car will create safety issues that the city cannot enforce. (Video of emergency)
3. Future use of the property – if granted, would require:
 - a. Fire and ADA compliance.
 - b. On property hard surface parking with handicap spaces
 - c. Any transfer would terminate the CUP.
4. ISCA does not exist – U of A does not recognize; no 501c3 at the time of the Planning Commission’s decision; no active LLC with the State of Arkansas. The CUP was granted as a dorm which requires association to the UofA and a 501c3 status and recognized by the State of Arkansas.

DETAILS OF OUR ASK/OUR APPEAL:

The Planning staff and the Planning Commission granted the CUP based on:

- neighborhood compatibility,
- and with 2 conditions

1. Compatibility – the proposed use is non-compatible based on:
 - a. Odious analysis of comparable properties:
 - i. The CUP 2024-0017 – 5/13/24 Document – Background
 1. Based on the planning map (attachment -1), this is an RSF-4 neighborhood,
 2. 10 S. Palmer backyard’s property line is the boundary for this RSF-4 district according to the District Map.
 3. Table-1 of CUP 2024-0017 should be corrected to allow for compatibility analysis based on code/ordinance – meaning the compatibility should be done within the district.
 4. Table-1 analysis comparison would be disagreeable since we would be comparing different uses...different districts.
 - ii. Precedent – 10 S Palmer was denied as non-compatible by the Planning Commission (7/24/23) and the City Council (9/5/23) for a Short-Term Rental – Type 2/STR2 – based on impact on the neighborhood – impact of parties.
 - i. For purposes of discussion – hypothetical use of STR2:
 1. Events – 20 events per year:
 - a. Football – 6 events.
 - b. Basketball – 13 events
 - c. Graduation – 1 event
 2. 5 rooms with 2 people per room – 10 people
 3. Uses – 20 events with 10 people = 200 uses per year
 - ii. The Planning commission denied a STR2 on 7/24/23 for non-compatibility, parties.
<https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/7496?seekto=9548&site=1>
 - iii. The City Council denied a STR2 on 9/4/23 for non-compatibility, parties.
<https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/7955?seekto=7126&site=1>
<https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/7955?seekto=7126&site=1>
 - iv. CUP 2024-0017 approval seems to sanction parties:
 1. 2024 CUP produces higher use than STR2.
 2. CUP 2024 0017 – page 2 – Conditions of Approval – Item 2 – Frequent Events
 - a. 10 people weekly X 40 weeks of school year = 400 uses
 - b. 30 people qtrly X 4 qtrs = 120 uses
 - c. Total uses per year = 520 uses/yr.
 3. 2023 STR request – denied by planning and council.
 - a. 10 people for tailgate party X 20 events/yr. = 200 uses/yr.
 4. 2024 CUP USE VS STR2 USE = 320 more uses.

- v. CUP 2024-0017 has over 300 more uses than the planning commission and this body denied this twice last year.
 - vi. IF this was found non-compatible for 200 uses – then this should be found non-compatible for 520 uses.
2. Conditions of Approval as presented to the Planning Commission by staff (CUP 2024-0017 – page 2 – Conditions of Approval):
- a. Compatibility – based on section 1 of this appeal this use is non-compatible with RSF4.
 - b. Limited to the use – the property has been approved as a Group Home - tenants and a venue (for gatherings and assemblies)
 - i. Group home - Same square footage – more people than what was denied as a STR2:
 - 1. 6 people granted under CUP 2024
 - 2. 3 unrelated denied as STR2.
 - ii. 4 parking spaces granted under CUP 2024 – will block the sidewalk.
 - iii. A venue based on the application and staff confirmation – assemblies and gatherings:
 - 1. In addition to 6 residents (Note: STR application had 5 rooms in application)
 - 2. Nothing mentioned about ADU-Auxiliary Dwelling Unit.
 - 3. 10 people weekly.
 - 4. 30 people quarterly.
 - c. CHANGE OF USE to Multi-family from RSF4 – group home with a venue
 - i. If ISCA is granted this CUP 2024-0017, the group must adhere to venue standards:
 - ii. Fire Code – sprinklers and fire exit (2 egresses per room)
 - iii. ADA
 - 1. Door width
 - 2. Bathrooms and showers
 - 3. Lifts and ramps
 - 4. Solid surface parking with handicap spaces
 - 5. Counter tops and appliances.
 - 6. Washer/dryer height
 - d. Maximum of 6 – one per bedroom
 - e. Parking on property – as a venue requires hard surface parking and curb cuts to avoid street parking issues and fire access violations.
 - f. On street parking is not permitted on S Palmer and W Center – see APPENDIX C
CURRENT SITUATION DOES NOT ALLOW FOR THIS CONDITION TO BE MET
THE PLANNING COMMISSION DIDN'T WANT TO BURDEN THE HOMEOWNER NOR
THE CITY WITH MAKING THE ROADWAY COMPLY WITH ORDINANCE.
THEIR OPTION AT THIS POINT WAS TO DENY – NOT LEAVE THE NEIGHBORHOOD
AT RISK FOR FIRE AND AMBULANCE ACCESS.
 - i. Both Palmer and Center are 19 feet curb to curb (APPENDIX – B – FIRE/SAFETY) -

- a. 503.2.1 Fire access not less than 20 feet
 - b. 503.4 Fire apparatus must have an unobstructed path including parking cars.
 - c. One car puts the whole neighborhood in danger – 163.02.c.3.c.b in case of fire or other catastrophes.
 - ii. Relies on enforcement:
 - a. The city does not have the resources to enforce.
 - b. Leaving enforcement to tenants has not materialized.
 - g. Signage – clarify?
 - h. Associated permits – are there permits required for non-university dormitories or apartments? And would those permits have to be prior to occupancy?
 - i. Refuse – dumpster or regular trash?
 - j. Loading area – venue use; not to use street for loading and unloading.
 - k. Lighting – outdoor
 - l. Property manager – Landlord representative; monitoring of students – chaperone/house manager? Responsible party – usually 2 – will that take up 2 rooms?
- 3. Other considerations:
 - a. How do we prevent what happened on Duncan St. from occurring on Palmer?
DEVELOPMENT ON DUNCAN is why ISCA is moving.
 - i. Duncan was an acceptable place for ISCA.
 - ii. Property Developers wanted to buy the ISCA property for development on Duncan St.
 - iii. Had to find a replacement location for them.
 - iv. Property developers approached several property owners on Duncan and were asked to sell in order to provide a place for ISCA – before the sale, the buyer was changed to another buyer.
 - v. The goal of the developer seems to be to develop Duncan Street.
 - vi. 10 S. Palmer was purchased as a location for ISCA.
 - vii. The real question is this property being acquired under the same goal – to redevelop an area – now or in the future – a way to re-zone for development?
 - viii. Would ask that if granted to ISCA – that any transfer of the proper terminates the CUP.
 - b. DOES ISCA exist?
 - i. Unit 4 conditional use would require ISCA to be an organization sanctioned by the University of Arkansas to be granted Dormitory use. The staff recommendation which the planning commission approved, used RSF4 with conditional use Unit 4 as the basis for compatibility.
 - 1. At the time of Planning Commission application and approval
 - 2. There is no active 501c3.
 - 3. There is no active LLC with the State of Arkansas
 - 4. U of A student affairs doesn't recognize ISCA as a student organization

5. Special Note: This organization seems to have had 5 name changes since 2009.
 - c. Staff used RSF4 Unit – Dorm (APPENDIX -A)
 - i. Ordinance 162.01.D.1 – Unit 4 – Description and examples
 - ii. Unit 4 – Cultural and Recreational Facilities
 - iii. Unit 4 consists of cultural and recreational uses.
 - iv. To Serve the Residents of the community
 - v. Included:
 1. Dorms – which is what was recommended to the applicant to file under
 2. The rest of the list – public uses
 - vi. A broad definition with a list of examples – the majority of which are public uses for the residents of the community to use.
 - vii. Unit 4 conditional use in a RSF4 would seem to presume the need for a school and an attachment to the school to be granted a dorm.
 - viii. Since ISCA does not have its own school, nor is it connected to the University of Arkansas – ISCA does not qualify for Unit 4 conditional use.
 - d. University Heights is being evaluated for nomination as a Historic District. This speaks to the character of this formerly rural area. Some of the descendants of people who lived here before modern development still make University Heights their family home.
4. [https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH162USUN#:~:text=\(D\),Theater%20\(legitimate\)](https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH162USUN#:~:text=(D),Theater%20(legitimate))

Based on the many factors listed above, please do not approve the Conditional Use Permit for 10 S. Palmer. Please deny CUP 2024-0017.

Sincerely,

Allen Baker, Jennifer Law,

Bill Bradley, Stephanie Bradley

Carol Lester,

Beth Lewis, David Lewis,

Karen Pears, Tom Pears (1634 W Hotz)

Matt Wolfe,

Travis Smith, Rebecca Smith

Cheryl and Brian Keller

Glenna and Tom Bohannon

APPENDIX – A:

UDC – Ordinance 162.01.D

(D)

Unit 4. Cultural and Recreational Facilities.

(1)

Description. Unit 4 consists of cultural and recreational uses to serve the residents of the community.

(2)

Included Uses.

EXPAND

Auditorium, stadium	
Art gallery, museum	
Cemetery	
Childcare center, nursery school *	
Church	
College or university	
Community center	
Crematorium	
Dormitory	
Eldercare	
Hospital	
Mausoleum	

Appeal Request Letter with Council Member Sponsors

Playfield, playground	
Private club or lodge	
School:	• Elementary
	• Junior High
	• Senior High
Swimming pool	
Tennis court	
Theater (legitimate)	

APPENDIX – B:

FIRE ACCESS/SAFETY

503.2.1 Dimensions

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.1 Dimensions

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.4 Obstruction of Fire Apparatus Access Roads

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

APPENDIX – C: SAMPLE OF EMERGENCY ON PALMER



9542_1.mp4

Appeal Request Letter with Council Member Sponsors

From: [Bunch, Sarah](#)
To: [Tom Pears](#)
Cc: [CityClerk](#); [Stafford, Bob](#); [Jones, D"Andre](#); [Moore, Sarah](#); [Wiederkehr, Mike](#); [Berna, Scott](#); [Turk, Teresa](#); [Hertzberg, Holly](#); [Pennington, Blake](#); [Williams, Kit](#); [Hungate, Hannah](#); [Curth, Jonathan](#); [Masters, Jessica](#); [Paxton, Kara](#); [Shelton, Jackson](#)
Subject: Re: Appeal - CUP 2024-0017 - 10 S Palmer
Date: Tuesday, May 28, 2024 9:02:17 AM

I agree to back this appeal. Let me know if you need anything else from me to get this on our agenda.

Sarah Bunch

Sent from my iPhone

On May 28, 2024, at 8:46 AM, Tom Pears <pearsconsulting@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.

Thank you so much.... It took our neighborhood a few days to gather our thoughts and put down in writing...and to gather signers to the document - all with holiday and end of school...

We hope to get at least another 2 supporters of our appeal by COB today....

Thank you for your great service on our behalf!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On May 28, 2024, at 8:33 AM, CityClerk <cityclerk@fayetteville-ar.gov> wrote:

Good morning Mr. Pears,
Thank you for submitting your appeal for CUP-2024-0017, our office has saved your attached document in our files.

Please keep in mind, a Conditional Use Permit (CUP) Appeal is

Appeal Request Letter with Council Member Sponsors

required to be submitted to our office and gain the support of three Council Members within 10 business days following the decision made from the Planning Commission. Our office must receive a written notification of support from the three sponsoring Council Members.

It is my understanding CUP-2024-0017 was approved at the Planning Commission Meeting on Monday, May 13, 2024. Therefore, for this appeal to meet the requirements to be brought forward to Council, our office must receive all three messages of support by the end of the business day today Tuesday, May 28, 2024.

As of this morning, our office has received Council Member Mike Wiederkehr's e-mail of support (attached). We will keep a look out for any incoming messages throughout the day.

I've copied our City Attorneys, Development Services Director, and Development Services Manager to review this information and make any corrections necessary, as well as to keep them informed on this appeal.

Should you have any questions or concerns please feel free to reach out to our office.

Thank you,

Jonathan Ramirez
Communication Specialist
Office of the City Clerk-Treasurer
City of Fayetteville, Arkansas
479-575-8323
fayetteville-ar.gov
jramirez@fayetteville-ar.gov
[<image001.png>](#)

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

[<image005.png>](#)

[<image006.png>](#)

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Monday, May 27, 2024 4:22 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>
Subject: Appeal - CUP 2024-0017 - 10 S Palmer

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.

Good City Clerk;

Pls find our request for appeal of the Planning Commissions grant of the conditional use of 10 S Palmer as a dormitory in a RSF-4 district. We would ask for this appeal to be placed on the agenda of the city council for consideration to over-turn and deny this CUP.

We would ask further that any council member that supports our placement on the agenda of the council to reply to the clerk with a yes vote of support for such...

Thank you so much for your great service!

T. pears
and residents of University Heights

--

Tom Pears
Pears Consulting
1634 W Hotz
Fayetteville, Arkansas 72701
pearsconsulting@gmail.com

Appeal Request Letter with Council Member Sponsors

<Appeal CUP 2024-0017 - 10 S Palmer - 052724 318pm.pdf>
<Council Member Wiederkehr Support E-mail.pdf>

Appeal Request Letter with Council Member Sponsors

From: [Moore, Sarah](#)
To: [CityClerk](#); [Tom Pears](#); [Stafford, Bob](#); [Jones, D'Andre](#); [Wiederkehr, Mike](#); [Berna, Scott](#); [Bunch, Sarah](#); [Turk, Teresa](#); [Hertzberg, Holly](#)
Cc: [Pennington, Blake](#); [Williams, Kit](#); [Hungate, Hannah](#); [Curth, Jonathan](#); [Masters, Jessica](#); [Paxton, Kara](#); [Shelton, Jackson](#)
Subject: Re: Appeal - CUP 2024-0017 - 10 S Palmer
Date: Tuesday, May 28, 2024 8:50:47 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

I will also support this appeal.

Thank you.

--

[Sarah Moore](#)

Fayetteville City Council, Ward 2

sarah.moore@fayetteville-ar.gov

479.263.6629



Report a concern with SeeClickFix:

<https://www.fayetteville-ar.gov/4233/Report-a-Concern-with-SeeClickFix>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

Voice your feedback to the entire Council and Mayor by emailing:

agendaitemcomment@fayetteville-ar.gov

From: CityClerk <cityclerk@fayetteville-ar.gov>

Date: Tuesday, May 28, 2024 at 8:33 AM

To: Tom Pears <pearsconsulting@gmail.com>, Stafford, Bob <bob.stafford@fayetteville-ar.gov>, Jones, D'Andre <dandre.jones@fayetteville-ar.gov>, Moore, Sarah <sarah.moore@fayetteville-ar.gov>, Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>, Berna, Scott <scott.berna@fayetteville-ar.gov>, Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>, Turk, Teresa <teresa.turk@fayetteville-ar.gov>, Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Cc: Pennington, Blake <bpennington@fayetteville-ar.gov>, Williams, Kit <kwilliams@fayetteville-ar.gov>, Hungate, Hannah <hhungate@fayetteville-ar.gov>, Curth, Jonathan <jcurth@fayetteville-ar.gov>, Masters, Jessica <jmasters@fayetteville-

ar.gov>, Paxton, Kara <kapaxton@fayetteville-ar.gov>, Shelton, Jackson
<jshelton@fayetteville-ar.gov>

Subject: RE: Appeal - CUP 2024-0017 - 10 S Palmer

Good morning Mr. Pears,

Thank you for submitting your appeal for CUP-2024-0017, our office has saved your attached document in our files.

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As of this morning, our office has received Council Member Mike Wiederkehr's e-mail of support (attached). We will keep a look out for any incoming messages throughout the day.

I've copied our City Attorneys, Development Services Director, and Development Services Manager to review this information and make any corrections necessary, as well as to keep them informed on this appeal.

Should you have any questions or concerns please feel free to reach out to our office.

Thank you,

Jonathan Ramirez

Communication Specialist

Office of the City Clerk-Treasurer

City of Fayetteville, Arkansas

479-575-8323

fayetteville-ar.gov

jramirez@fayetteville-ar.gov



From: Tom Pears <pearsconsulting@gmail.com>

Appeal Request Letter with Council Member Sponsors

Sent: Monday, May 27, 2024 4:22 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Cc: Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Subject: Appeal - CUP 2024-0017 - 10 S Palmer

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Good City Clerk;

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We would ask further that any council member that supports our placement on the agenda of the council to reply to the clerk with a yes vote of support for such...

Thank you so much for your great service!

T. pears

and residents of University Heights

--

Tom Pears

Pears Consulting

1634 W Hotz

Fayetteville, Arkansas 72701

pearsconsulting@gmail.com

Appeal Request Letter with Council Member Sponsors

From: [Wiederkehr, Mike](#)
To: [Tom Pears](#); [CityClerk](#); [Shelton, Jackson](#); [Paxton, Kara](#); [Williams, Kit](#); [Pennington, Blake](#)
Subject: Re: Appeal - CUP 2024-0017 - 10 S Palmer
Date: Monday, May 27, 2024 4:49:08 PM
Attachments: [Appeal CUP 2024-0017 - 10 S Palmer - 052724 318pm.docx](#)

Dear City Clerk and City Attorney,

I am willing to sign on as one of the three Council members needed for this appeal.

Sincerely,
Mike Wiederkehr

Sent from my iPhone

On May 27, 2024, at 4:24 PM, Tom Pears <pearsconsulting@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.

fyi - we finally got our neighbors to read and agree to support as signators to the appeal... Pls find the email to the clerk with copies to all the council...

Would love to have you reply to the clerk with a yes vote of support...

Thank you so much!
T. pears

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

From: **Tom Pears** <pearsconsulting@gmail.com>
Date: Mon, May 27, 2024 at 4:21 PM
Subject: Appeal - CUP 2024-0017 - 10 S Palmer
To: <cityclerk@fayetteville-ar.gov>
Cc: <bob.stafford@fayetteville-ar.gov>, <dandre.jones@fayetteville-ar.gov>, <sarah.moore@fayetteville-ar.gov>, Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>, <scott.berna@fayetteville-ar.gov>, Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>, Turk, Teresa <teresa.turk@fayetteville-ar.gov>, Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>

Good City Clerk;

Pls find our request for appeal of the Planning Commissions grant of the conditional use of 10 S Palmer as a dormitory in a RSF-4 district. We would ask for this appeal to be placed on the agenda of the city council for consideration to

Appeal Request Letter with Council Member Sponsors

over-turn and deny this CUP.

We would ask further that any council member that supports our placement on the agenda of the council to reply to the clerk with a yes vote of support for such...

Thank you so much for your great service!

T. pears
and residents of University Heights

--

Tom Pears
Pears Consulting
1634 W Hotz
Fayetteville, Arkansas 72701
pearsconsulting@gmail.com

--

Tom Pears
Pears Consulting
1634 W Hotz
Fayetteville, Arkansas 72701
pearsconsulting@gmail.com



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 13, 2024 **Updated with results from May 13, 2024 PC Meeting**

SUBJECT: **CUP-2024-0017: Conditional Use Permit (10 S. PALMER AVE/BEYKIRCH, 521):** Submitted by KEY ARCHITECTURE INC for property located at 10 S. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the residence for a cultural and recreational facility for international student housing.

RECOMMENDATION:

Staff recommends approval of **CUP-2024-0017** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2024-0017** 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 in the University Heights neighborhood at 10 S. Palmer Avenue, which is approximately 800 feet west of the University of Arkansas' John McDonnell Field and situated at the southeast corner of W. Center Street and S. Palmer Avenue. The property is developed with an approximately 3000 sq. ft. single-family home that was built in 1966. The current property owner previously requested a conditional use permit for the home to be used as a Type 2 short-term rental, but that request was denied by Planning Commission and ultimately City Council following an appeal (CUP-2023-0073). 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	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

FUTURE LAND USE DESIGNATION: Residential Neighborhood Area

Request: The applicant requests approval of a conditional use permit to allow for a 3,750 sq. ft. group home facility for graduate students with additional supportive services through the International Student Christian Association (ISCA). Staff has determined that this use classifies as Use Unit 4, a cultural and recreational facility, in the Unified Development Code, which includes uses such as dormitories, institutional uses, care facilities.

Public Comment: Staff has received comments in opposition to the request, as well as inquiries from the public with no direct opposition or support of the proposal. All written comments are included in the attachments.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0017**, subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed cultural and recreational facility is compatible for the reasons outlined in this report;*
 2. **This conditional use permit is limited to the use as described in the applicant's request letter. The following specifications apply:**
 - Size of the facility: Approximately 3,750 square feet
 - Parking: Limited to 4 outdoor vehicles on the property
 - Frequency of events: **Weekly:** Small groups (Maximum of 10)
Quarterly: Large groups (Maximum of 30, or dependent on fire code allowance, whichever is greater)
 3. **Due to the change of use from a single-family home to an assembly/multi-family occupancy, this project will need to conform to the International Building Code to meet the needs of fire protection/separation.**
 4. **Maximum number of full-time residents shall be limited to one per bedroom, or a maximum of 6.**
 5. **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.**
 6. **On-street parking is not permitted along S. Palmer Avenue or W. Center Street.**
 7. **Trash carts are kept out of view from the public and screened when not at the curb for typical pick-up days.**
 8. **Any proposed signage will be subject to the City's sign ordinance and all the regulations therein.**
 9. **Approval of this conditional use permit does not constitute approval of associated permits or development entitlements not fully reviewed at this time. A building permit will be required for the applicant's proposed addition.**
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 13, 2024</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
Motion: Cabe		with all conditions as recommended by staff	
Second: McGetrick			
Vote: 6-1-0 (Commissioner Madden opposed)			

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 a cultural and recreational facility as a group home for international students.

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 §161.07 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 likely negatively affect the public interest. Cultural and recreational facilities are included as a conditional use in the RSF-4 zoning district because they have the potential of generating traffic, noise, or other disturbance beyond what is typically expected in a single-family district. One thing that staff takes into consideration on a balance of recommendations for conditional uses is the aspect of scale, visual, and traffic impacts on the surroundings. Given the applicant's proposal, staff finds that the property, though with the possibility to house up to 6 students at a time, is likely to function primarily as a residence under one household, and secondly as a traffic-generating facility for the use of assembly and gathering. The residence, even with a proposed addition, is of a similar size and scale to the surrounding neighborhood.

(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 type of 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: The applicant supplied a site plan that indicates that there are three separate driveways to this property. Code requires a minimum separation distance of 30 feet for single-family dwellings with multiple driveways, and the existing driveways appear to meet that minimum requirement. However, with the proposed change in use, staff finds that curb cuts would typically need to meet a minimum separation distance of 50 feet, since the property would no longer be classified as a single-family residence. An evaluation of whether those driveways would be required to be brought into compliance with that standard would be evaluated at the time of a building permit under 166.08(G). The applicant's request letter indicates that the students are not likely to have access to vehicles due to their inability to hold outside work given their existing visa statuses. Though the use of the property is changing from a strictly single-family residence to a group home, staff recommends a condition that the location be subject to single-family parking requirements to ensure physical compatibility with the single-family surroundings. These requirements limit outdoor parking to a maximum of 4 vehicles at any given time. Further, given the narrowness of both W. Center Street and S. Palmer Avenue, staff recommends an additional condition indicating that on-street parking will not be permitted in association with this facility. There is

currently a sidewalk along W. Center Street, but S. Palmer Avenue does not have sidewalk.

- (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 separate driveways that could potentially accommodate up to 6 vehicles currently exist on the property. As stated above, staff recommends a condition of approval limiting the number of vehicles to a maximum of 4 to be parked outside at any given time to maintain compatibility with the existing surrounding single-family dwellings.

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

Finding: The applicant has not provided any specific additional information regarding refuse and service, but it is likely that only residential carts will be necessary to serve the facility. Staff recommends a condition that trash carts are kept out of view from the public and screened when not at the curb for typical pick-up days.

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

Finding: An existing 16-inch water main and a 2.25-inch water main are present in W. Center Street. An existing 8-inch sewer main is in S. Palmer Avenue and a 6-inch sewer main is in W. Center Street. Capacity or any necessary utility upsizing will be evaluated with any subsequent permits.

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

Finding: Staff recommends screening of any trash receptacles from view of the public right-of-way when not at the curb for scheduled retrieval days.

- (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. Where a conditional use permit has been approved for a nonresidential use within the RSF-4 zoning district, a wall sign is typically limited to a display surface area of 8 square feet.

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

Finding: The applicant has provided a preliminary site plan that appears to be compliant with typical setbacks as required by the RSF-4 zoning district.

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

Finding: Staff finds that the proposal is compatible with adjacent properties given the overall scale of the request, and the limited amount of outside events the

organization intends to host at the property. The majority of the time, this property will be operating like a typical residential use, and staff finds that limiting the number of residents to one per bedroom is consistent with the size and scale of the facility. Staff does recommend conditions of approval that should help maintain that compatibility to limit disruptions to the neighborhood. Given this property's vicinity to the University and other University-oriented facilities and services, staff finds that the use of this property as a group home for graduate students and occasional assemblies serves as a reasonable transition between the higher intensity University uses and the residential nature of the surrounding property.

- (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 the City's adopted land use plans. City 2040 plan encourages a range of housing types to encourage housing affordability and diversity of choice. Staff finds that the provision of an alternative housing type is in line with this goal, and is in line with the goal of creating opportunities for attainable housing.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - Applicant Request Letter and supplemental information
 - Site Plan, Floor Plan, and Elevations
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Public Comment (finalized 5.14.2024)**

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area*. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."



KEY ARCHITECTURE, INC. P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702 PH: 479.444.6066 FAX: 479.444.1445

Request for Conditional Use

April 3, 2024

The City of Fayetteville
125 W. Mountain
Fayetteville, Arkansas 72701

Dear Planners;

Through this conditional use, the property, which is currently designated as a single-family residence, would serve as the home base for ISCA's outreach program that provides fundamental resources to international graduate students pursuing advanced degrees. ISCA aids its members, many of which are coming from politically sensitive nations, through the provision of housing, meals, and transportation as well as spiritual, social, and educational guidance and support services.

Legal Description:

Lot 6, Block 2, in Leflar's Addition to the City of Fayetteville, Washington County, Arkansas.

Description of Request:

- (a) Existing square footage – 3,000
Addition square footage – 750
Total square footage – 3,750
- (b) See attached plans and elevations
- (c) 6 off-street parking spaces, 2 gravel parking spaces off of S. Palmer and 4 concrete parking spaces off of W. Center St.
- (d) N/A
- (e) Outdoor lighting – existing outdoor lighting consists of a wall sconce at the rear deck. No additional lighting is being proposed.
- (f) Noise- No significant source of noise. Gatherings consist of a family atmosphere of cooking, socializing, and studying scripture.
- (g) Screening – There is no buffering from adjacent properties
- (h) Residential trash service is provided by the City of Fayetteville.
- (i) This site will be utilizing the existing off-street parking spaces. It is not anticipated that this will impact the existing traffic of this neighborhood.
- (j) See attached letter from owner.

April 12, 2024

RE: #10 S. Palmer Ave. – Conditional Use Permit Request

City of Fayetteville Development Services
125 W. Mountain St.
Fayetteville, AR 72701

We are pleased to submit our request for a conditional use permit (Use Unit 4 - cultural and recreational facilities) on behalf of the International Student Christian Association (ISCA.) The subject property is located on the southeast corner of S. Palmer Ave. and W. Center St. and is zoned RSF-4.

Through this conditional use, the property, which is currently designated as a single-family residence, would serve as the home base for ISCA's outreach program that provides fundamental resources to international graduate students pursuing advanced degrees. ISCA aids its members, many of which are coming from politically sensitive nations, through the provision of housing, meals, and transportation as well as spiritual, social, and educational guidance and support services.

Recently renovated to function as a high-volume short-term rental, #10 S. Palmer is ideally suited to serve as a communal living space for up to historically 6 graduate students and would also serve as a bridge helping them gain independence as they earn their advanced degrees. We believe this potential utilization of the premise is in alignment with the "policies, standards and regulations designed to ensure that infill development is appropriate and desirable for the neighborhood and larger community." (City Plan 2040 pg. 8)

This request would invite a small group of education-driven and community-oriented individuals to the neighborhood while also providing a preferred solution for the future of #10 S. Palmer that is far superior to a short-term rental or a revolving residence for underclassmen attending the university.

Compatibility with City Plan 2040

Goal 1 - We will make appropriate infill and revitalization our highest priorities: encouraging the development or redevelopment of vacant, mostly vacant, and underdeveloped property.

This proposal answers the call for appropriate use of a currently vacant property and encourages infill by repurposing a requested and denied short-term rental into the nest of a benevolent nonprofit organization with a 30+ year respected track record of being good neighbors and in meeting the neighborhood expectations. It also functions as a housing unit. It will invite small groups of education-seekers that cohere with each other and those that offer the essential supportive services for their highly specialized needs as international graduate students.

Goal 3 - Require new growth that results in neighborhoods, districts and corridors that are:

- *Compact – via denser housing; meaningful open spaces and preserves; small blocks*
- *Complete – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods*
- *Connected – via street-oriented buildings; interconnected streets; interconnected greenways and trails*

A longer-term graduate student accommodation promotes both housing variety and density. Residents of the property will make use of and encourage the growth of existing amenities such as Razorback Transit bus routes 11 and 48 and has direct connectivity to the Razorback side path which gives them coveted options for active transportation. They could choose to head north to the 9' foot wide cycle track or the 8' wide sidewalk where both will travel along west Maple St. connecting them with the Razorback Greenway and Downtown Fayetteville.

They could also travel south along the Razorback side path to the Tsi La Gi Trail which provides another connection to downtown and the Razorback Greenway. In short, #10 S. Palmer is well suited as the location for this conditional use as Use Unit 4 (cultural and recreational facilities.)

#10 S. Palmer is also situated within close proximity to open spaces and preserves like Hotz Park and the conservation areas on and around Markham Hill.

Goal 4 - We will grow a livable transportation network

The Growth Concept Map “reflects city-wide policies to create diverse, efficient, and well-connected communities that are affordable and rich in local employment, access to transportation, services, and culture.” (City Plan 2040 pg. 13.) Encouraging establishment in a neighborhood located near a Tier 2 Center, a Special District and a High Activity Corridor in turn stimulates public trail and transit use and promotes the further development of existing infrastructure and amenities such as the nearby Razorback bus routes and pedestrian trail accesses.

The potential influence of the requested use of this property is in keeping with goals specific to Special Districts and High Activity Corridors as their growth should “develop to become more pedestrian and bicycle friendly,” and “improve mobility for pedestrian, bicycle, and transit use.” (City Plan 2040 pg. 16.)

Goal 6 - We will create opportunities for attainable housing.

As students coming from often impoverished countries, many of the prospective tenants face challenges in procuring attainable housing. ISCA helps to alleviate some of these issues by providing affordable accommodations and coordinated services at below market cost to their international graduate students.

The university is at the core of our city and creating solutions for student housing is vital to progress. City Plan 2040 submits that “in economic expansionary periods, the construction of modest housing for low- to moderate- income households is negligible due to market forces that direct developers to meet the housing needs of middle- and upper-income households where profit margins are higher.” Adapting vacant properties to be utilized as graduate student housing relieves some of the strain of low supply and high demand in accommodating more modest earners.

Due to the very low income that graduate students receive from the university they must have below market rental rates and other essential subsidies in order to meet their daily needs. International graduate students are not allowed to work or earn income in any way or their visa will be subjected to relocation for violating their immigration status guidelines, resulting in deportation.

Compatibility with Neighborhood

The neighborhood is comprised of 17 single family residential homes occupied by a mix of individuals, families and college students. One letter of opposition to #10 S. Palmer’s former short-term rental application request stated their concern that the property’s proximity to Donald W. Reynolds Stadium and Bud Walton Arena would promote the property’s use as primarily a tailgating location. Its use as such did not align with the ideals and community standards of the surrounding residents. This newly proposed use as the ISCA home base would alleviate concerns involving a “revolving door of strangers” as the occupants would be highly involved graduate students with longer term tenures, rather than an undergrad party hub.

While some of ISCA’s educational outreach takes place on campus, examples of unobtrusive communal activities that could be hosted at the residence include small group bible studies, collective tutoring, welcome dinners, ice cream socials and barbecues.

Conclusion

We thank you for your consideration of this request on behalf of ISCA as they work toward carrying forward their existing reputation as respectful, community-cognizant neighbors to a property that better aids in the facilitation of the coordinated services that respond to the individual needs of these international graduate students.



CITY OF
FAYETTEVILLE
ARKANSAS

To whom it may concern:

For the address of 89 S. Duncan Ave. Let it be known that the Code Compliance Department for the City of Fayetteville, AR does not have any open code violations against the property. This property has been and continues to be a good neighbor to the City, and its residents.

Sincerely,

Billy Bryant
Senior Code Compliance Officer

A handwritten signature in black ink, appearing to read "Billy Bryant", written over a horizontal line.

Mailing Address:
113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov



April 16, 2024

To whom it may concern,

Please accept this letter as acknowledgement that the Fayetteville Police Department has received no complaints whatsoever with regards to 89 S. Duncan Ave, Fayetteville, AR, including its owner, International Student Christian Association, and Kevin Michael Smith, ISCA's President, who resides at 2299 Gooseberry Lane, Fayetteville, AR 72204, and the International Student Christian Association organization. It has and has no opposition to its request for a Conditional Use Permit at 10 S. Palmer Ave in Fayetteville.

Should you have further question regarding this matter, please do not hesitate to contact the Fayetteville Police Department's Records Division 479-587-3567.

AbiGrace Diaz

Police Support Specialist

1800 N. Stephen Carr Memorial Blvd.

Fayetteville, Arkansas 72704

adiaz@fayetteville-ar.gov

T 479.587.3571 | F 479.587.3570

Please provide answers to the following questions:

1) How many students will live there at any given time? Based on the floor plans, staff would anticipate no more than 1 per bedroom. Does that seem accurate?

- Yes, there will be up to six residents each with their own bedroom.

2) How many people are expected to attend for assembly / gatherings (barbecue, ice cream socials, bible studies?) How often are these intended to occur?

Assemblies will range from small groups (4-10) for activities like bible studies with maximum attendance for larger events such as barbecues being 20-30 occupants. Small groups would be weekly occurrences and ice cream socials and gatherings would be on a quarterly basis.

The fire department has noted that assembly uses will trigger the need to meet additional fire code requirements, and their interpretation is that this proposal will meet those triggering factors.

We are in communication with the fire marshal and are in agreement with their findings.

3) What external/supportive services come to the property, and how often?

- a) ISCA's Shared Support Services

i) Full Time Campus Minister - ISCA is led by its campus minister who provides many services and support for its residents, as outlined below:

(1) Transportation-

ISCA provides transportation to ISCA students for shopping and personal needs. Transportation is also provided for any special or programmed events.

(2) Enhanced Housing and related Services -

(a) Not for Profit - ISCA is a 501(c)3 nonprofit organization.

(b) Convenient - ISCA housing is convenient to the University of Arkansas and other necessary services such as active transportation.

Most international graduate students are forced to live far from campus yet they do not drive (think Leverett and North.) Providing housing within a reasonable and walkable distance to the University of Arkansas is a challenge that the ISCA house answers for these international graduate students.

(c) Affordable - Far below market rents

(d) Community - Community living in a private setting

(e) Inviting - "At ISCA we don't rent rooms, we invite people into our community."

(f) Inclusive - Being a Christian is not a requirement of residents of ISCA and no specific religious beliefs are required.

(g) Home - ISCA serves as a "home away from home" for international graduate students that require assistance with daily needs, local assimilation and cultural awareness and enlightenment.

(h) Open - Bedrooms are not under lock and key. The ISCA house functions as a residential home.

(2) Teaching -

(a) Full time ISCA Campus Minister Providing Chaplain Services:

- (i) Leads weekly Bible studies
- (ii) Facilitates cultural discussions
- (iii) Ministers to students on an as necessary basis

(3) Events -

- (a) Dinners
- (b) Cookouts
- (c) Breakfast at the Park
- (d) ISCA Cycling Club
- (e) Futbol
- (f) Weekly Bible Study

ii) ISCA Cultural Services -

(1) Cultural Learning -

(a) ISCA's Campus Minister teaches resident students about cultural life and customary behavior in the United States

(b) Students learn about each other's cultures and customs and grow in understanding and tolerance for other cultures including that of the United States.

(2) Delivered a Prepared Foods -

Sharing food is essential to creating community. Most ISCA meetings begin with a meal, normally cooked by its students or a staff member in order to help the international graduate students to learn about each other's origins and typical dietary preferences.

(a) Facilitated Conversation - Students engage in lively dialogue about food preferences, typical dining styles and cooking methods of their cultures, and traditions surrounding food preparation and dining.

(b) Programmed Debates- Exciting exchanges result over the merits of each country's cuisine.

(3) Diversity -

(a) ISCA residents are commonly native to a variety of countries and this medley fosters inclusion and acceptance which will serve them well into the future.

(4) Learning -

By living with students from other countries, ISCA residents are able to learn not only about the United States, but also about other cultures.

iii) Recreational activities-

(1) Minister led- ISCA's Full time Campus Minister leads residents in many recreational activities, including:

(a) Breakfast in the Park

(b) Cookouts

(c) Dinners

(d) Bible Studies

(e) ISCA Cycling Club

(f) Hiking

(g) Futbol

(h) Programmed activities that encourage cultural awareness such as learning popular games, recreational activities, typical greetings as well as the customary birthday songs and traditions of each resident's native country.

4) Without the wrap-around services, staff struggles to classify this as a group home in a manner that is separate from just classifying this as a dormitory, which is typically UU 26, and not permitted in RSF-4. Please let me know what you intend to pursue. RSF-4 permits up to 3 unrelated people to live together in a single-family home.

- Dormitories are also an included use in UU4. We do not intend to pursue a UU26 as there are many substantial differences. We find that the ISCA House's standing and reputation as a non-profit organization rather than a commercial entity is meaningful for community integration. The ISCA House will operate as a clubhouse and lodging that promotes the common objectives of both accessible higher education and the furthering of spiritual development for international graduate students in a home-like setting.

5) How/where is parking handled? Staff would recommend that no more than 4 vehicles are parked outside at any given time, in a manner consistent with 172.11 for single-family homes.

- Most, if not all, residents and ISCA members do not have cars nor driver's licenses. Historically, ISCA students will likely not own vehicles nor possess driver's licenses due to cost and visa requirements (International graduate students are not permitted to be gainfully employed off campus, *which makes the cost burden of owning and operating a vehicle out of their reach*). Parking needs will be minimal and the property already has four concrete parking stalls off of Center Street.

FOR REVIEW

Rev. #	Date	Description

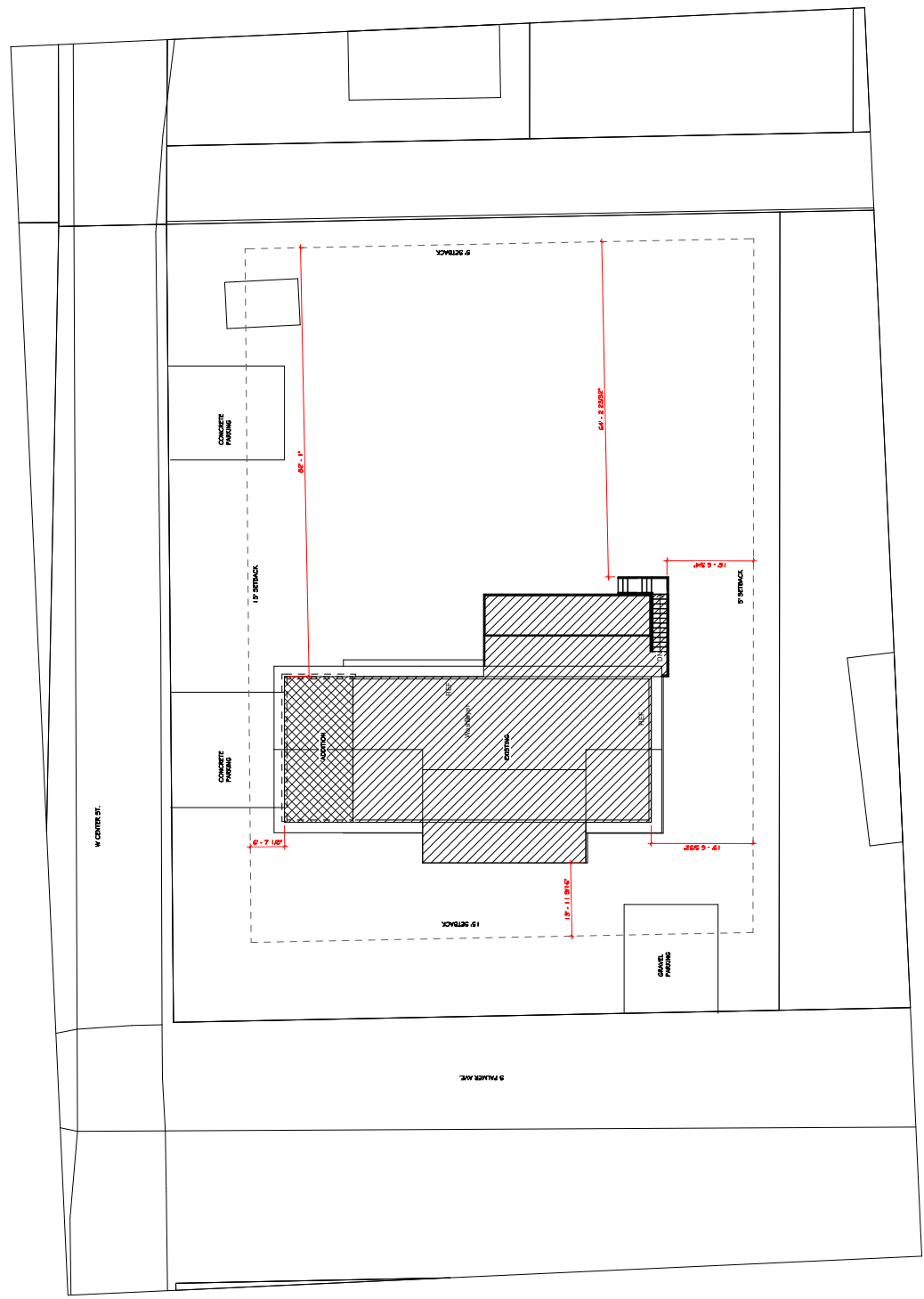
STEPHEN BEYKIRSCH
 912 S BROOKLYN CT
 FRONTENAC, KS 66763

DATE: 04/03/24
 DRAWN BY: ELP
 PROJECT #: 234
 CHECKED BY: JTK

SHEET
A0.1

SITE PLAN

PALMER NEW ADDITION
 10 S PALMER AVE.
 FAYETTEVILLE, AR 72701



① SITE PLAN
 SCALE = 1" = 10'-0"

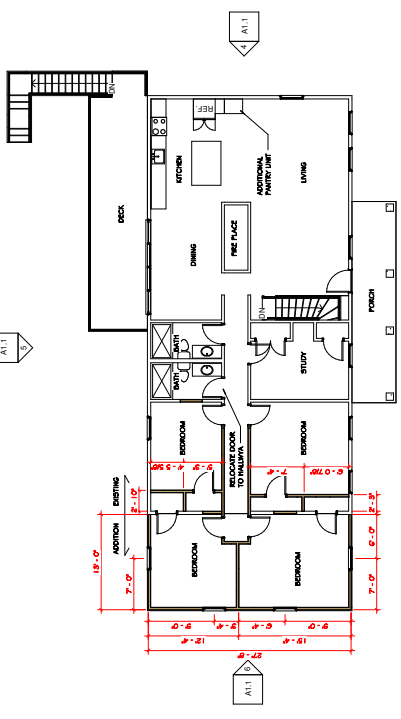
FOR REVIEW

Rev. #	Date	Description

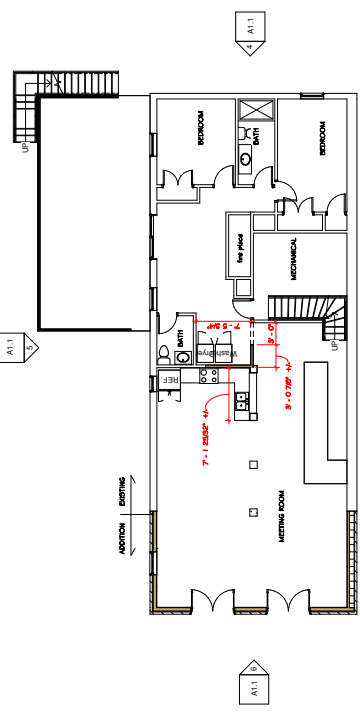
PALMER NEW ADDITION
 10 S PALMER AVE.
 FAETTIVILLE, AR 72701
 STEPHEN BEYKIRSCH
 812 S BROOKLYN CT
 FRONTENAC, KS 66763

DATE	04/03/24	BY	JTK
DRAWN BY	ELP	CHECKED BY	JTK
PROJECT #	234		

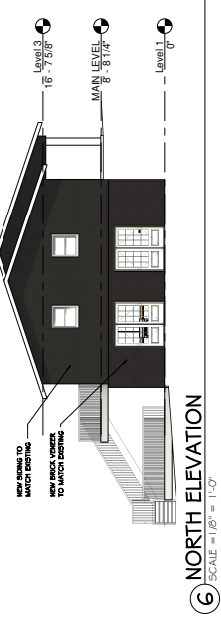
SHEET
A1.1
 PLANS AND ELEVATIONS



② MAIN LEVEL
 SCALE = 1/8" = 1'-0"



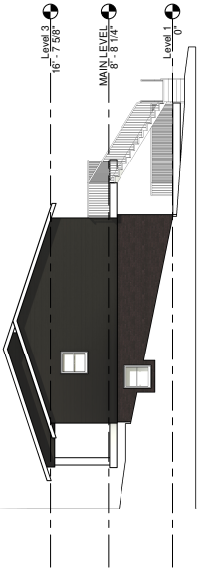
① BASEMENT
 SCALE = 1/8" = 1'-0"



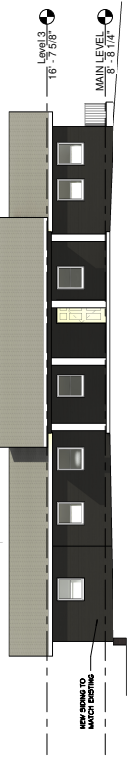
⑥ NORTH ELEVATION
 SCALE = 1/8" = 1'-0"



⑤ EAST ELEVATION
 SCALE = 1/8" = 1'-0"



④ SOUTH ELEVATION
 SCALE = 1/8" = 1'-0"



③ WEST ELEVATION
 SCALE = 1/8" = 1'-0"



To: Jesse Masters, Planner
CC: Battalion Chief Jeremy Ashley, Fire Marshal
From: Captain Andrew Horton, Deputy Fire Marshal
Date: 4/22/2024

CUP-2024-0017: 10 S Palmer Ave Fayetteville AR 72701

During the review of this CUP, determined to be a change of occupancy from a single-family dwelling to a multi-family dwelling / assembly occupancy. Due to the change in use, this project will need to conform to the International Building Code (IBC) meeting the needs of fire protection/ separation. The applicant will need to submit formal plans for review.

From: Werner, Nick <nick.werner@fayetteville-ar.gov>
Sent: Tuesday, May 7, 2024 1:13 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: (CUP-2024-0017) 10 S Palmer - venue use

I got some feedback on, I believe, CUP-2024-0017 that's included below.

-Nick

Get [Outlook for iOS](#)

From: Tom Pears <@gmail.com>
Sent: Monday, May 6, 2024 11:50
To: Werner, Nick <nick.werner@fayetteville-ar.gov>
Cc: Karen Pears <@gmail.com>
Subject: Re: 10 S Palmer - venue use

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 so much for your great service on our behalf - it is appreciated!

My wife and I bought our home with the promise by the City of Fayetteville that we were buying a home in a single family residence neighborhood - SF4.... And, we love living in Fayetteville because of the thought going into grouping life into use areas.... We rely on this thoughtful planning...

FYI - the application states the intended use for 10 S Palmer is for "...assemblies and gatherings..." making it a venue - in a single family residence zone.... This is a conference center/meeting hall - a Venue...

This location was turned down previously by both the planning commission and the city council - primarily because fire and ambulance access is limited for this neighborhood due to unenforceable parking.... Nothing has changed...

So first - the request is for a commercial use in a residential zone....

And second - venues bring more parking problems not less - limiting access for fire and ambulance services to the neighborhood...

Third - it doesn't seem that anyone is thinking about the demand these commercial use place on what was planned as a neighborhood - meaning this commercial use of sewer, water, roads, electrical, etc is of higher demand than was built into our neighborhood...

If you see it differently, would love your perspective...

Thanks again for all you do!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas

On May 5, 2024, at 7:06 PM, Werner, Nick <nick.werner@fayetteville-ar.gov> wrote:

Hi Tom,

I appreciate you reaching out about this item. It looks like the conditional use permit (CUP-2024-0017) for 10 S Palmer Ave is scheduled for the next Planning Commission meeting on the 13th. For now, I don't know much about this project but I'd be happy to get the documents that the City's planning staff has to review while they're preparing the final report for the commission.

In the meantime, I'd love to hear your thoughts on the project or help track down answers to any of your questions.

Have a great night,

-Nick Werner

Get [Outlook for iOS](#)

From: Tom Pears <@gmail.com>
Sent: Tuesday, April 30, 2024 2:08:13 PM
To: Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: 10 S Palmer - venue use

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.

Good afternoon good public servant!

I live at 1634 W Hotz - if you have time to talk about the conditional use permit for 10 S Palmer.... As a good neighbor, I would like to understand your thoughts on this request...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas

From: Masters, Jessica
Sent: Friday, May 3, 2024 11:35 AM
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

Any and all requirements for ADA will be fully evaluated at the time of a building permit submittal, and are typically handled by the Building Safety Division.

Thank you,

Jessie

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



From: Tom Pears <pearsconsulting@gmail.com>
Sent: Thursday, May 2, 2024 6:02 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: 10 S Palmer - venue use - CUP-2024-0017

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In addition to fire (sprinklers and detectors) - Into "...compliance..." would include ADA - doorways, bath access, ramps, lifts-elevators...right?

Thanks!
T pears

Compiled Public Comment
CUP-2024-0017

PS You and yours are the best!

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Thursday, May 2, 2024 4:50 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Honestly - part of our thankfulness related to living here is that Fayetteville takes serious the covenant/assurance that this city groups purposes together for good living...

I am confused why we seem to be continually challenged for obvious uses that don't fit in this neighborhood...this use...

This is a request to put a venue in a neighborhood.... With this in mind, I am good to be a wedding venue, right?

Or said another way - pls defend the city's promise that 10 S Palmer is to be used as a single family residence...

Thank you so much for your work...it is appreciated!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

Begin forwarded message:

From: "Masters, Jessica" <jmasters@fayetteville-ar.gov>
Date: May 2, 2024 at 4:40:23 PM CDT
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

They will be required to bring anything into compliance with existing and applicable building codes. They've already been notified by the Fire Department that in order to operate as an assembly space, sprinklers will be necessary.

The previous request was for the use of the property as a short-term rental (AirBNB), which is classified as a different use, which different items for consideration. That item was ultimately appealed to and denied by the City Council on September 5. For more information about the City Council discussion, I recommend viewing the video at this link: <https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/7955?seekto=7126&site=1>

Let me know if you have any additional questions.

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

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

<image001.png>

From: Tom Pears <pearsconsulting@gmail.com>

Sent: Wednesday, May 1, 2024 10:37 AM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Ok...thanks....

Since this is a conference center - are they proposing to bring it up to a commercial use code - ADA and fire code compliance...lifts and ramps access, sprinkler systems, fire extinguishers, exits, etc...?

Also - as to the question of how many would be housed was addressed in the last denial - impact on public safety.... Fire and ambulance access during gatherings and resident occupation (with guests).... As well as, undue strain on neighborhood public services - roads, water, sewer, etc was designed for the number of users...

Am I right in this thinking?

Tom Pears

Pears Consulting

Fayetteville, Arkansas

337-322-9260 cell

From: Masters, Jessica
Sent: Wednesday, May 1, 2024 10:28 AM
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

Yes, I believe that is more or less what the request is, but again, we are still waiting for specifics from the applicant on how many people they intend to house at this location and how often they intend to meet.

Thank you,

Jessie

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



From: Tom Pears <pearsconsulting@gmail.com>
Sent: Wednesday, May 1, 2024 9:00 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>; Jordan, Lioneld <lJordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>
Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Thank you for clarity...

Again - the request is for a venue/conference center for “assemblies and gatherings”...and it appears to be for multiple residents beyond the 3-4 unrelated as applied previously....

So I am correct to understand that - the request is for a VENUE/CONFERENCE CENTER for assemblies and gatherings...in a neighborhood....

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On May 1, 2024, at 8:32 AM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Tom,

We are still waiting on specifics from the applicant, but from what we are able to understand, they intend to use the space to house international students and also host assemblies and gatherings. So, it will not be a strictly residential use, which is why they are requesting the conditional use permit in the RSF-4 zoning district for a cultural and recreational facility, under which things like certain dormitories, churches and other institutional uses are held.

If this use is permitted, they would not be subject to the same limitation of number of residents as if it were a single-family home. The definition of "family" does not extend to clubs or institutional groups in our zoning code. Their plans indicate 6 bedrooms, so an assumption may be, without further clarification yet from the applicant, may be that they intend to have 6 students living at the facility at any given time. When making a recommendation on the overall compatibility of the request, this is certainly information that staff would need to help make a recommendation.

If you have further questions, please feel free to contact me directly, or if you have comments that you wish for the Planning Commission to consider, I am happy to receive that as well. I've left the full definition of family below.

"Family (zoning). In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five (5) person unit must be placed within a freestanding structure of not more than two (2) stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one (1) or more five (5) unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. **The definition of "family" does not include fraternities, sororities, clubs or institutional groups.**"

Thank you,

Jessie

Compiled Public Comment
CUP-2024-0017

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

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



From: Tom Pears <pearsconsulting@gmail.com>

Sent: Tuesday, April 30, 2024 5:06 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>

Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Again thank you for your kind responsiveness...it is so appreciated!

Respectfully - "...additional supportive events..." means in laymen terms - a venue...a commercial use.... Right?

Further - housing would be limited to 3 unrelated renters?

Pls advise if I am clear in my understanding...

Thank you!

T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On Apr 30, 2024, at 4:57 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Tom,

Staff's assumption right now is that they intend to use the property for housing international students with additional supportive events for those living at the residence. We do not yet have any additional information about how often they intend to have outside events, but they have been

Compiled Public Comment
CUP-2024-0017

informed by the Fire department that if they intend to use this as an event center they may/will need to make modifications to the structure to meet applicable fire code.

As far as neighborhood compatibility, which is what is being evaluated with the conditional use permit, staff has requested additional information to be provided by the applicant to answer questions about how many people they intend to live at this facility, how often they intend to host events, and how they intend to provide parking.

Please let me know if you have any additional questions. Thank you,

Jessie

Jessie Masters, AICP

Development Review Manager

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

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

<image001.png>

From: Tom Pears <pearsconsulting@gmail.com>

Sent: Tuesday, April 30, 2024 4:24 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>

Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Jessica;

Thank you so much for the quick response - and the great work you and your staff do to make Fayetteville a great place to live and work....

Also thank you for the back up materials...much appreciated!

So to be clear from the first line of the request “ Through this conditional use, the property, which is currently designated as a single-family residence, would serve as the home base for ISCA’s outreach program..”:

1. They acknowledge this is an SF4 zone,
2. They wish to run an outreach business from the location - a commercial use?

Meaning the request is to convert a single family residence into an outreach meeting place and venue...a commercial use...right?

Compiled Public Comment
CUP-2024-0017

Pls advise...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On Apr 30, 2024, at 4:13 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Good afternoon,

Thank you for the inquiry on the proposed conditional use permit for a cultural and recreational facility at 10 S. Palmer. I did receive your voicemail as well, but figured it may be just as easy to respond via email.

I've attached the applicant's materials for your consideration for CUP-2024-0017. Staff is still evaluating the request in its entirety, and working with the applicant to understand the full scope of the request, so we do not yet have an initial recommendation on the item. A final staff report will be published at the 4:30 PM agenda session on Thursday, May 9.

The item is scheduled to be heard at the May 13 Planning Commission meeting, beginning at 5:30 PM. Members of the public are invited to attend the meeting either in-person in room 219 in City Hall (113 W. Mountain Street), or virtually via zoom. Information about how to attend virtually can be found [here](#).

Staff is also available to answer questions, or take public comment either over the phone or via email. All comments we receive are forwarded to the Planning Commission for their consideration as well.

Many thanks,

Jessie

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

Compiled Public Comment
CUP-2024-0017

From: Mulford, Patti <pmulford@fayetteville-ar.gov>
Sent: Tuesday, April 30, 2024 2:56 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Curth, Jonathan <curth@fayetteville-ar.gov>; Jordan, Lioneld <jordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>
Subject: FW: 10 S Palmer - venue use

fyi

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Tuesday, April 30, 2024 2:49 PM
To: Mulford, Patti <pmulford@fayetteville-ar.gov>
Cc: Karen Pears <lovingt3andt4@gmail.com>
Subject: Re: 10 S Palmer - venue use

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First - thank you for the quick response!

Second - pls thank the mayor for his great work!

Third - have reached out to planning - waiting for a callback from Ms. Masters...

As an fyi - it seems the CUP is to operate a venue/meeting place in the midst of a single family residence 4 zone.... Wanted the mayors take - but certainly wanted him to be aware....

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On Apr 30, 2024, at 2:36 PM, Mulford, Patti <pmulford@fayetteville-ar.gov> wrote:

Hi Tom,

Thank you for your email. Mayor Jordan would like to refer you to our Planning staff for any additional information you may need. Thanks.

Patti Mulford

Compiled Public Comment
CUP-2024-0017

Assistant to Mayor
113 W. Mountain St.
Fayetteville, AR 72701
479.575.8330

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Tuesday, April 30, 2024 2:13 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Karen Pears <lovingt3and4@gmail.com>
Subject: 10 S Palmer - venue use

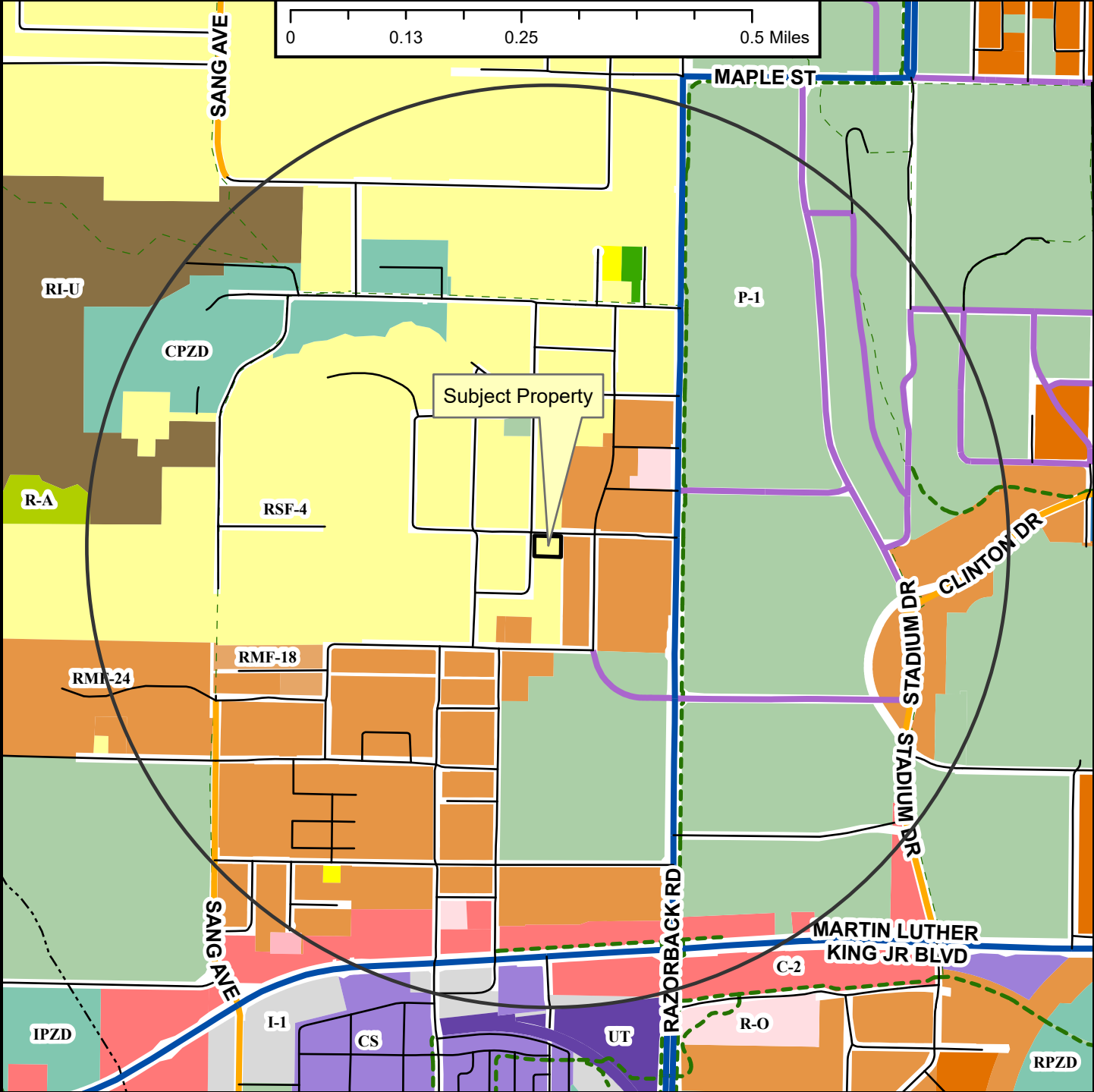
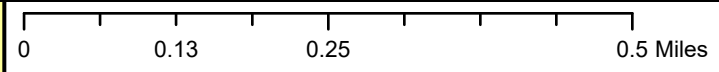
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Good afternoon good public servant!

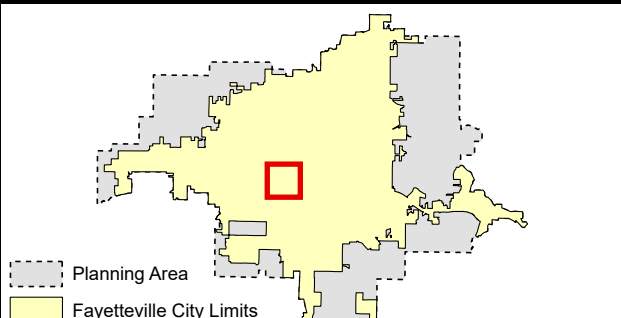
I live at 1634 W Hotz - if you have time to talk about the conditional use permit for 10 S Palmer.... As a good neighbor, I would like to understand your thoughts on this request...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell



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

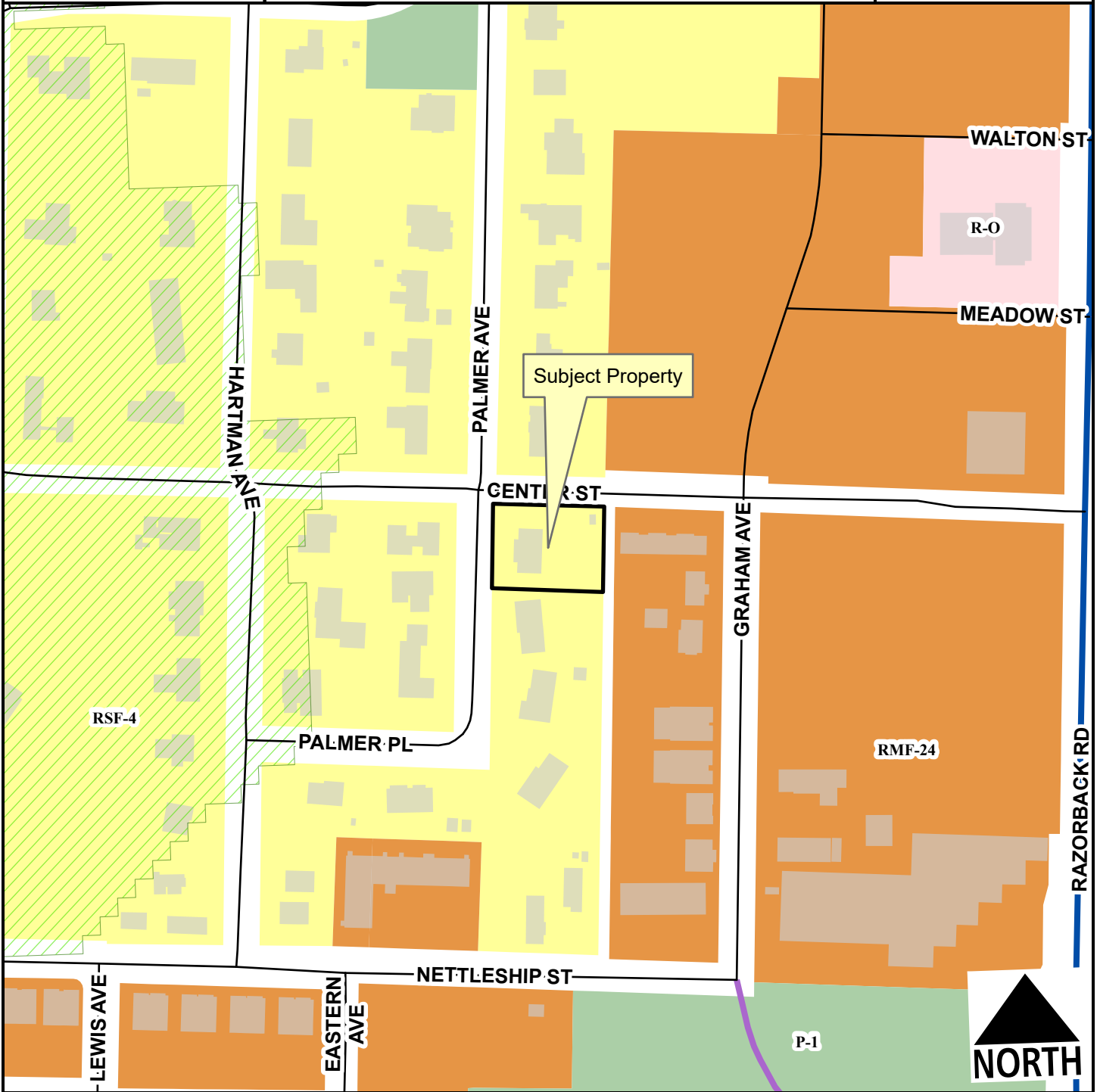









- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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
- INDUSTRIAL**
 - P-1

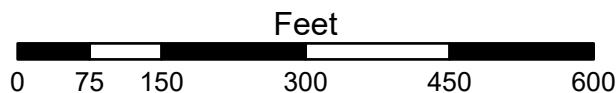
CUP-2024-0017

10 S. PALMER AVE





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

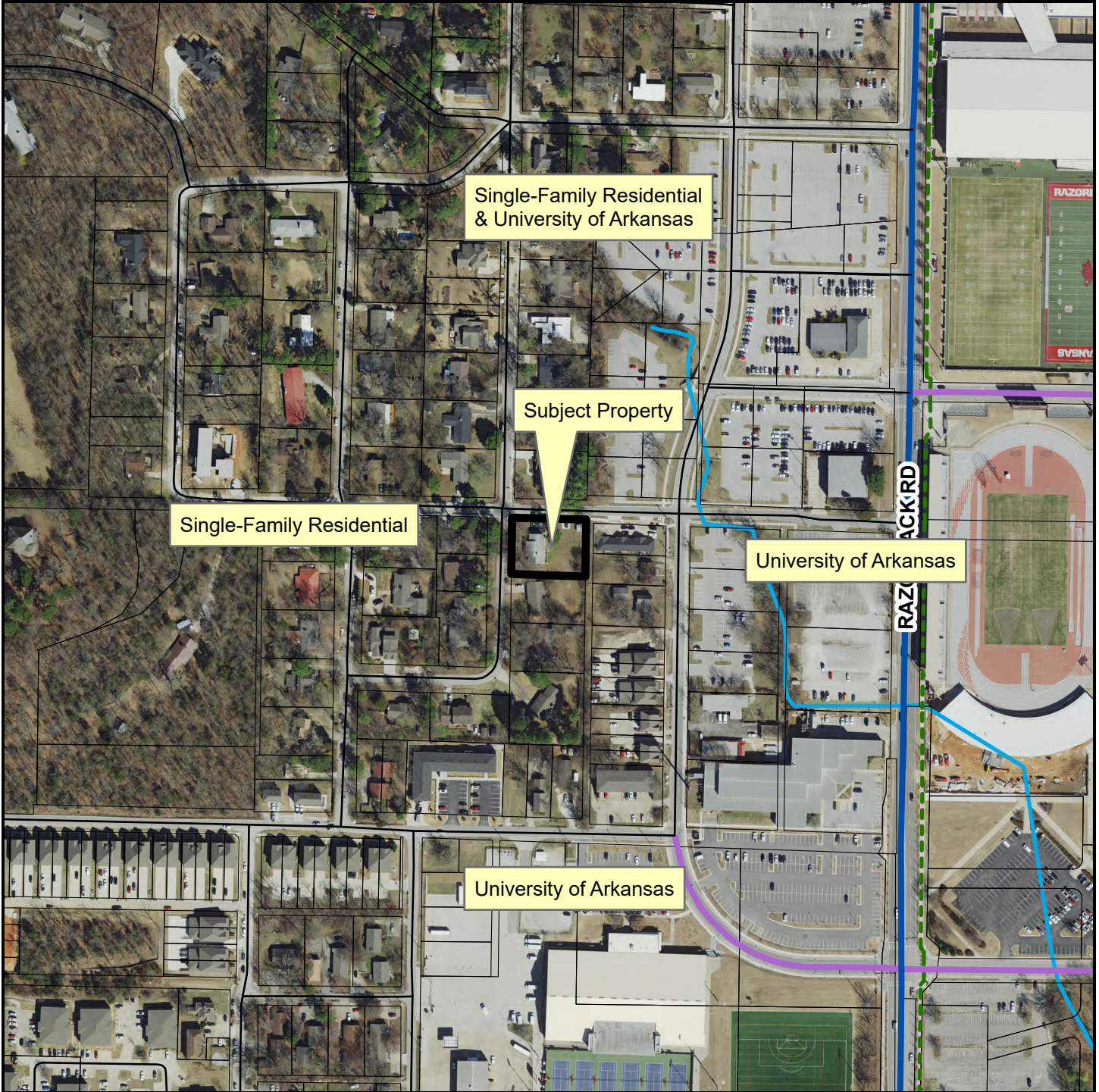
-  RSF-4
-  RMF-24
-  Residential-Office
-  P-1

CUP-2024-0017

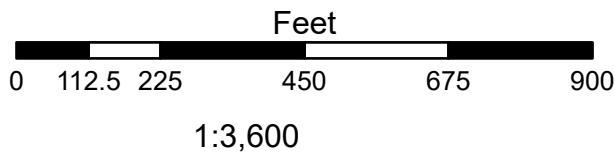
10 S. PALMER AVE



Current Land Use



- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Dear Planning commissioner,

We (my husband and I) moved to Arkansas 5 years ago. We are absolutely in love with Fayetteville. We bought our home in the University Heights area. We feel very blessed to be near the action of the events offered near us. The restaurants, the theaters, the university games, all walking distance from our home.

Our neighborhood is filled with elderly, young families, UA students, and retirees. We are a small neighborhood consisting of only about 6 streets. We all walk our streets with our loved ones, our pets, our grandchildren.

The UA mens and women's track teams practice on our streets as well as the Ramey Jr. High track teams. We have treacherous hills for strength building but mostly, a low traffic area for safety for them to workout.

Our neighborhood is an awesome place to be. Lots of..."Hi there," as you go by...or a shout out to the runners, "You can do it!" Or a "You're almost there!" A Norman Rockwell atmosphere.

Illegal (on both sides of streets...& on Palmer & Center, which is to have No parking). parking has always (in our 5 years here,) been a big concern with all of the foot traffic. Also, Not allowing emergency vehicles pass in times.of need, if parking blocks the road.

We met with you guys back in July and Sept. of last year voicing our concerns about 10 Palmer wanting a type 2 VRBO. The traffic, the sewage use, the water use, the abuse of street traffic was harming the quality of life here. You agreed and voted NO for for 10 Palmer to be a type 2 VRBO. Now, the owner of 10 Palmer is wanting a Commercial Company to buy his house. They are wanting a venue/sorority house!

Yes, I understand the owner wanting to sell 10 Palmer to get the money he invested, before he got permitted for the type 2 VRBO investment, which was denied. But now to ask for a Commercial Venue/sorority, that is more damning to our Single Family 4 zone neighborhood! Bringing more cars, more parking issues, more use on old sewage pipes, more use of water, more wear and tear on our roads.

We are blessed to have a toddler park in our neighborhood only 1 block from 10 Palmer. Bringing more people & all that comes with it, more traffic, puts these children in harms way. We know we are being told these new residence do not have many cars. (But they will have guest with cars!). But that is today. Tomorrow or next semester, or when they sell to another "venue" that surely will not be the case! The fact is....A venue/sorority will bring more cars and more people, which will bring more problems to the neighborhood.

Please, we are asking that we keep our charming, walking, running, social, peaceful, quiet neighborhood, just that. Allowing this sorority/venue will only bring more stress from more cars, more speeding, more blind spots, more noise, more pot holes, more wear and tear on our Utilities!
WE are asking that you honor our covenant we made with you when we made Fayetteville our home when we bought our home here. Here in a SF4 Zone. WE bought our home purposefully in this are labeled single family 4 zone. Not commercial. Single family means safer, for me & mine. It was a

Compiled Public Comment
CUP-2024-0017

conscious decision. Please do not take our Historic peaceful quite, safe neighborhood & over crowd it. Please do not make it commercial. Please do not destroy our quality of life here.

Please vote NO to this commercial Request to ISCA (who every that is?) . Please keep your promise to us and keep University Heights Neighborhood, a Single Family 4 neighborhood.

Thank you very much, Karen Pears

From: Werner, Nick <nick.werner@fayetteville-ar.gov>
Sent: Tuesday, May 7, 2024 1:13 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: (CUP-2024-0017) 10 S Palmer - venue use

I got some feedback on, I believe, CUP-2024-0017 that's included below.

-Nick

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From: Tom Pears <@gmail.com>
Sent: Monday, May 6, 2024 11:50
To: Werner, Nick <nick.werner@fayetteville-ar.gov>
Cc: Karen Pears <@gmail.com>
Subject: Re: 10 S Palmer - venue use

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 so much for your great service on our behalf - it is appreciated!

My wife and I bought our home with the promise by the City of Fayetteville that we were buying a home in a single family residence neighborhood - SF4.... And, we love living in Fayetteville because of the thought going into grouping life into use areas.... We rely on this thoughtful planning...

FYI - the application states the intended use for 10 S Palmer is for "...assemblies and gatherings..." making it a venue - in a single family residence zone.... This is a conference center/meeting hall - a Venue...

This location was turned down previously by both the planning commission and the city council - primarily because fire and ambulance access is limited for this neighborhood due to unenforceable parking.... Nothing has changed...

Compiled Public Comment
CUP-2024-0017

So first - the request is for a commercial use in a residential zone....

And second - venues bring more parking problems not less - limiting access for fire and ambulance services to the neighborhood...

Third - it doesn't seem that anyone is thinking about the demand these commercial use place on what was planned as a neighborhood - meaning this commercial use of sewer, water, roads, electrical, etc is of higher demand than was built into our neighborhood...

If you see it differently, would love your perspective...

Thanks again for all you do!

T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas

On May 5, 2024, at 7:06 PM, Werner, Nick <nick.werner@fayetteville-ar.gov> wrote:

Hi Tom,

I appreciate you reaching out about this item. It looks like the conditional use permit (CUP-2024-0017) for 10 S Palmer Ave is scheduled for the next Planning Commission meeting on the 13th. For now, I don't know much about this project but I'd be happy to get the documents that the City's planning staff has to review while they're preparing the final report for the commission.

In the meantime, I'd love to hear your thoughts on the project or help track down answers to any of your questions.

Have a great night,

-Nick Werner

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From: Tom Pears <@gmail.com>
Sent: Tuesday, April 30, 2024 2:08:13 PM
To: Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: 10 S Palmer - venue use

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.

Compiled Public Comment
CUP-2024-0017

Good afternoon good public servant!

I live at 1634 W Hotz - if you have time to talk about the conditional use permit for 10 S Palmer.... As a good neighbor, I would like to understand your thoughts on this request...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas

From: Masters, Jessica
Sent: Friday, May 3, 2024 11:35 AM
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

Any and all requirements for ADA will be fully evaluated at the time of a building permit submittal, and are typically handled by the Building Safety Division.

Thank you,

Jessie

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



From: Tom Pears <pearsconsulting@gmail.com>
Sent: Thursday, May 2, 2024 6:02 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Fwd: 10 S Palmer - venue use - CUP-2024-0017

Compiled Public Comment
CUP-2024-0017

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In addition to fire (sprinklers and detectors) - Into "...compliance..." would include ADA - doorways, bath access, ramps, lifts-elevators...right?

Thanks!
T pears

PS You and yours are the best!

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Thursday, May 2, 2024 4:50 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Honestly - part of our thankfulness related to living here is that Fayetteville takes serious the covenant/assurance that this city groups purposes together for good living...

I am confused why we seem to be continually challenged for obvious uses that don't fit in this neighborhood...this use...

This is a request to put a venue in a neighborhood.... With this in mind, I am good to be a wedding venue, right?

Or said another way - pls defend the city's promise that 10 S Palmer is to be used as a single family residence...

Thank you so much for your work...it is appreciated!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

Compiled Public Comment
CUP-2024-0017

Begin forwarded message:

From: "Masters, Jessica" <jmasters@fayetteville-ar.gov>
Date: May 2, 2024 at 4:40:23 PM CDT
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

They will be required to bring anything into compliance with existing and applicable building codes. They've already been notified by the Fire Department that in order to operate as an assembly space, sprinklers will be necessary.

The previous request was for the use of the property as a short-term rental (AirBNB), which is classified as a different use, which different items for consideration. That item was ultimately appealed to and denied by the City Council on September 5. For more information about the City Council discussion, I recommend viewing the video at this link: <https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/7955?seekto=7126&site=1>

Let me know if you have any additional questions.

Jessie

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

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Wednesday, May 1, 2024 10:37 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Ok...thanks....

Since this is a conference center - are they proposing to bring it up to a commercial use code - ADA and fire code compliance...lifts and ramps access, sprinkler systems, fire extinguishers, exits, etc...?

Compiled Public Comment
CUP-2024-0017

Also - as to the question of how many would be housed was addressed in the last denial - impact on public safety.... Fire and ambulance access during gatherings and resident occupation (with guests).... As well as, undue strain on neighborhood public services - roads, water, sewer, etc was designed for the number of users...
Am I right in this thinking?

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

From: Masters, Jessica
Sent: Wednesday, May 1, 2024 10:28 AM
To: Tom Pears <pearsconsulting@gmail.com>
Subject: RE: 10 S Palmer - venue use - CUP-2024-0017

Tom,

Yes, I believe that is more or less what the request is, but again, we are still waiting for specifics from the applicant on how many people they intend to house at this location and how often they intend to meet.

Thank you,

Jessie

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



From: Tom Pears <pearsconsulting@gmail.com>
Sent: Wednesday, May 1, 2024 9:00 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>
Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Thank you for clarity...

Again - the request is for a venue/conference center for “assemblies and gatherings”...and it appears to be for multiple residents beyond the 3-4 unrelated as applied previously....

So I am correct to understand that - the request is for a VENUE/CONFERENCE CENTER for assemblies and gatherings...in a neighborhood....

Tom Pears

Pears Consulting

Fayetteville, Arkansas

337-322-9260 cell

On May 1, 2024, at 8:32 AM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Tom,

We are still waiting on specifics from the applicant, but from what we are able to understand, they intend to use the space to house international students and also host assemblies and gatherings. So, it will not be a strictly residential use, which is why they are requesting the conditional use permit in the RSF-4 zoning district for a cultural and recreational facility, under which things like certain dormitories, churches and other institutional uses are held.

If this use is permitted, they would not be subject to the same limitation of number of residents as if it were a single-family home. The definition of “family” does not extend to clubs or institutional groups in our zoning code. Their plans indicate 6 bedrooms, so an assumption may be, without further clarification yet from the applicant, may be that they intend to have 6 students living at the facility at any given time. When making a recommendation on the overall compatibility of the request, this is certainly information that staff would need to help make a recommendation.

If you have further questions, please feel free to contact me directly, or if you have comments that you wish for the Planning Commission to consider, I am happy to receive that as well. I’ve left the full definition of family below.

“Family (zoning). In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five (5) person unit must be placed within a freestanding structure of not more than two (2) stories and be buffered from other residential

Compiled Public Comment
CUP-2024-0017

districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one (1) or more five (5) unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. **The definition of "family" does not include fraternities, sororities, clubs or institutional groups."**

Thank you,

Jessie

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

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



From: Tom Pears <pearsconsulting@gmail.com>

Sent: Tuesday, April 30, 2024 5:06 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Jordan, Lioneld <lordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>

Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Again thank you for your kind responsiveness...it is so appreciated!

Respectfully - "...additional supportive events..." means in laymen terms - a venue...a commercial use.... Right?

Further - housing would be limited to 3 unrelated renters?

Pls advise if I am clear in my understanding...

Thank you!

T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas

Compiled Public Comment
CUP-2024-0017

337-322-9260 cell

On Apr 30, 2024, at 4:57 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Tom,

Staff's assumption right now is that they intend to use the property for housing international students with additional supportive events for those living at the residence. We do not yet have any additional information about how often they intend to have outside events, but they have been informed by the Fire department that if they intend to use this as an event center they may/will need to make modifications to the structure to meet applicable fire code.

As far as neighborhood compatibility, which is what is being evaluated with the conditional use permit, staff has requested additional information to be provided by the applicant to answer questions about how many people they intend to live at this facility, how often they intend to host events, and how they intend to provide parking.

Please let me know if you have any additional questions. Thank you,

Jessie

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

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

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From: Tom Pears <pearsconsulting@gmail.com>

Sent: Tuesday, April 30, 2024 4:24 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Jordan, Lioneld <lordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Karen Pears <lovingt3andt4@gmail.com>

Subject: Re: 10 S Palmer - venue use - CUP-2024-0017

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Jessica;

Thank you so much for the quick response - and the great work you and your staff do to make Fayetteville a great place to live and work....

Also thank you for the back up materials...much appreciated!

Compiled Public Comment
CUP-2024-0017

So to be clear from the first line of the request “ Through this conditional use, the property, which is currently designated as a single-family residence, would serve as the home base for ISCA’s outreach program..”:

1. They acknowledge this is an SF4 zone,
2. They wish to run an outreach business from the location - a commercial use?

Meaning the request is to convert a single family residence into an outreach meeting place and venue...a commercial use...right?

Pls advise...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

On Apr 30, 2024, at 4:13 PM, Masters, Jessica <jmasters@fayetteville-ar.gov> wrote:

Good afternoon,

Thank you for the inquiry on the proposed conditional use permit for a cultural and recreational facility at 10 S. Palmer. I did receive your voicemail as well, but figured it may be just as easy to respond via email.

I’ve attached the applicant’s materials for your consideration for CUP-2024-0017. Staff is still evaluating the request in its entirety, and working with the applicant to understand the full scope of the request, so we do not yet have an initial recommendation on the item. A final staff report will be published at the 4:30 PM agenda session on Thursday, May 9.

The item is scheduled to be heard at the May 13 Planning Commission meeting, beginning at 5:30 PM. Members of the public are invited to attend the meeting either in-person in room 219 in City Hall (113 W. Mountain Street), or virtually via zoom. Information about how to attend virtually can be found [here](#).

Staff is also available to answer questions, or take public comment either over the phone or via email. All comments we receive are forwarded to the Planning Commission for their consideration as well.

Many thanks,

Jessie

Compiled Public Comment
CUP-2024-0017

Jessie Masters, AICP

Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

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

<image001.png>

From: Mulford, Patti <pmulford@fayetteville-ar.gov>

Sent: Tuesday, April 30, 2024 2:56 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>

Subject: FW: 10 S Palmer - venue use

fyi

From: Tom Pears <pearsconsulting@gmail.com>

Sent: Tuesday, April 30, 2024 2:49 PM

To: Mulford, Patti <pmulford@fayetteville-ar.gov>

Cc: Karen Pears <lovingt3andt4@gmail.com>

Subject: Re: 10 S Palmer - venue use

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First - thank you for the quick response!

Second - pls thank the mayor for his great work!

Third - have reached out to planning - waiting for a callback from Ms. Masters...

As an fyi - it seems the CUP is to operate a venue/meeting place in the midst of a single family residence 4 zone.... Wanted the mayors take - but certainly wanted him to be aware....

Thank you!

T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

Compiled Public Comment
CUP-2024-0017

On Apr 30, 2024, at 2:36 PM, Mulford, Patti <pmulford@fayetteville-ar.gov> wrote:

Hi Tom,

Thank you for your email. Mayor Jordan would like to refer you to our Planning staff for any additional information you may need. Thanks.

Patti Mulford
Assistant to Mayor
113 W. Mountain St.
Fayetteville, AR 72701
479.575.8330

From: Tom Pears <pearsconsulting@gmail.com>
Sent: Tuesday, April 30, 2024 2:13 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Karen Pears <lovingt3andt4@gmail.com>
Subject: 10 S Palmer - venue use

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.

Good afternoon good public servant!

I live at 1634 W Hotz - if you have time to talk about the conditional use permit for 10 S Palmer.... As a good neighbor, I would like to understand your thoughts on this request...

Thank you!
T pears

Tom Pears
Pears Consulting
Fayetteville, Arkansas
337-322-9260 cell

5/10/24

Planning Commission Members
Attn: Andrew Brink

Ref: CUP 2024-0017

Dear Members:

The purpose of this letter is to ask the commission to protect the integrity of our neighborhood from adverse uses and zoning changes inconsistent with its original RSF-4 intent. At a minimum, this request (CUP 2024-0017) should be delayed to allow deeper research and assessment of its impact. As with the STR issue the city should thoroughly examine and modify ordinances/rules to protect the investments neighborhood residents have consistent with living in a RSF-4 area.

The CUP appears to be primarily for a social venue, with proposed activities not compatible with RSF-4. Pressures for exceptions are sure to continue with the U of A's growth plans. Your review and amendment process for STR rules rendered an acceptable result for most pending

(2)

future enforcement of course. The same applies in this case and it presents the opportunity to be more proactive than the STR process. I also assume a facility like requested will comply with all city, state and federal regulations regarding similar venues?

Thanks for letting me share my concerns at this juncture.

Sincerely,



W.L. BRADLEY

1738 W. Pratt Dr.

May 13, 2024

City of Fayetteville, Arkansas

Attn: Jessie Masters

Development Review Manager

Dear Ms. Masters,

I have owned 77 S. Duncan in Fayetteville since 1993. The International Student Christian Association house is directly across Treadwell from my property. I.S.C.A. and its residents have always been great neighbors.

Please accept this letter of my full endorsement of I.S.C.A., who has been a wonderful part of our community and neighborhood.

Sincerely,

John Adam

9 May 2024

Dear members of the city council and planning committee members,

We are writing to express our whole hearted support of the conditional use application ((Use Unit 4 - cultural and recreational facilities) for 10 South Palmer Ave. My wife and I reside at 35 South Hartman Ave, one block due west of the S. Palmer property. We have lived at this address for over twenty years and are very well acquainted with the neighborhood and worked hard over the years to be good neighbors and support others seeking the same. Seeing this particular property used in the manner they are seeking is a "best use" case and would be a welcome addition to the neighborhood.

Our reasons for supporting the approval are three-fold. First, most of the houses on Palmer, Hartman, Garvin and Hotz are operating as de facto student housing without permission or proper permitting. The fact that the potential owners are following the regulations in obtaining prior permission is commendable and sets a clear example for others in the neighborhood.

Second, the property is ideal for the proposed use and will lessen the impact on noise, parking and overall upkeep from the previous owners, and is a much better than a short-term rental.

Last, this will in a very small but meaningful way mitigate the loss of affordable housing from the proposed development on Duncan and Treadwell as well as the desperate overall need our city has for affordable housing. Through this conditional use, the property would serve as the home base for ISCA's outreach program of providing fundamental resources to international graduate students pursuing advanced degrees. ISCA aids its members, many of which are coming from politically sensitive nations, through the provision of housing, meals, and transportation as well as spiritual, social, and educational guidance and support services.

Again, we heartily welcome such a property into our neighborhood.

Sincerely,

John and Jane Ray

35 South Hartman Ave

Fayetteville, AR 72701

rayfamily@sbcglobal.net

(479) 466-5937

April 30, 2024

To whom it may concern,

I am the owner of #9 S. Palmer Ave, Fayetteville, AR. Please accept this letter as acknowledgement that I support the International Student Christian Association's Conditional Use Permit request, and believe they will be a great addition to Leflar's Addition.

Should you have further question regarding this matter, please do not hesitate to contact me at 479-253-2265.

Charles Cross

CTC Holdings

May 10th, 2024

Jessie Masters, Planner-City of Fayetteville,

My name is Mark Pryor and I am the owner of 65 S Duncan. The I.S.C.A., residents at 89 S. Duncan, have been a wonderful addition to this neighborhood. They have been respectful and integrated nicely into the surrounding community. I would highly recommend them as neighbors.

Thank you,

A handwritten signature in black ink that reads "Mark Pryor". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end of the name.

April 30, 2024

To whom it may concern,

I am the owner of #9 S. Palmer Ave, Fayetteville, AR. Please accept this letter as acknowledgement that I support the International Student Christian Association's Conditional Use Permit request, and believe they will be a great addition to Leflar's Addition.

Should you have further question regarding this matter, please do not hesitate to contact me at 479-253-2265.

A handwritten signature in black ink, appearing to read 'Charles Cross', written in a cursive style.

Charles Cross

CTC Holdings

May 13, 2024

City of Fayetteville, Arkansas
Attn: Jessie Masters
Development Review Manager

Dear Jessie,

I am writing you a letter in support of the International Christian Student Association (ISCA) in Fayetteville.

ISCA positively impacted the lives of international MBA students at the University of Arkansas for many years at their house at 89 Duncan Ave.

ISCA will be a great neighbor at 10 Palmer in Fayetteville, just as they have been at 89 Duncan Ave, and we urge the planning commission to grant approval of ISCA's request for Conditional Use Permit at its future home on Palmer.

Sincerely,

Lyndy Lindsey

Lindsey and Associates