

Paxton, Kara

From: Kristen Walnofer <kristen.walnofer@gmail.com>
Sent: Wednesday, October 19, 2022 2:55 PM
To: Paxton, Kara
Cc: Pennington, Blake
Subject: Fwd: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental
Attachments: Police Reports in the last 5 years.png

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

Hello Kara, as I have been told by 1 City Council member that I need to submit my formal appeal to you first, I need to understand what template or form must be filled out to complete any paperwork from my end.

I have listed reasons for the appeal in the following email to the City Council Members.

Is there an online portal where I need to upload some formal document or does the email below suffice?

Thanks so much,
Kristen Walnofer

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

From: Kristen Walnofer <kristen.walnofer@gmail.com>
Date: Thu, Oct 13, 2022 at 1:12 AM
Subject: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental
To: <dandre.jones@fayetteville-ar.gov>, <sonia.harvey@fayetteville-ar.gov>, <mark.kinion@fayetteville-ar.gov>, <mike.wiederkehr@fayetteville-ar.gov>, <sloan.scroggin@fayetteville-ar.gov>, <sarah.bunch@fayetteville-ar.gov>, <teresa.turk@fayetteville-ar.gov>, <holly.hertzberg@fayetteville-ar.gov>
CC: Harrison, Gretchen <gharrison@fayetteville-ar.gov>, <bpennington@fayetteville.org>

Hello City Council Members,

My name is Kristen Walnofer the owner of the residence on 2352 W Houston St, Fayetteville and the owner of the LLC Haus Walnofer. This past Monday evening I was denied my CUP 2022-0071 Request for a STR Type 2. It was apparent to me that the decision was solely influenced by a representative from Lifestyles who said that my STR poses a threat to their handicapped clients who live in the neighborhood, as that was the only verbal response/discussion by the Planning Commissioners. I have solely addressed that concern in my points below. The decision by the Planning Commission was split, perhaps due to the fact that I have completely renovated my home at great expense to be fully handicap accessible, ironically with the residents like Lifestyles participants in mind. I currently have a handicap individual living at my residence on a long term lease. I consider myself a fierce advocate for the handicap community, having been in a wheelchair myself for 3 months this year after a freak snow skiing accident. It was during those 3 months that I became appalled at the lack of ease I could live successfully outside of my home in my wheelchair. If you search handicap accessible short term rentals you may not come back with any search results, not just for Fayetteville but for any city around the globe. It's such a huge need gap that AirBnB came to my home a few weeks ago to take professional

photographs and capture a virtual tour after I selected that my home had numerous ADA features. If granted my CUP and business license I expect to receive a small amount of press from AirBnB promoting my unique space (see attached photos of my home).

I greatly value this procedural process so that all voices and concerns may be heard. I would like to ask you to read the following reasons as to why I will be appealing the decision against my CUP. I would love your support. As I found out 5 hours ago, I only have 8 more days to complete the required paperwork for this Appeal. This is even more difficult as I am leaving the country Friday morning on a mission trip to Athens, Greece to work with refugees and victims of trafficking, returning just before Halloween. However, I will have access to email and phone while I am abroad.

1) The handicapped residents who live in independent housing, have been deemed able to live among society. If they are unable to live as a part of society, they live on Lifestyles campus to receive more care, or with a family member. It makes no difference how far away the handicapped individual lives from Lifestyles, walking distance or in the next town, they still live among society and thrive with Lifestyles help.

2) If a Lifestyles participant were to walk from their residence in my neighborhood to the Lifestyles facility, which is over a quarter of a mile away, they would have exposure to many hundreds of residents in the area, either because a resident is outside of their current residence at the time or they are walking to the Razorback Transit stop. Razorback Transit stops on the corner of Houston St and Porter Rd and is a very popular stop with dozens entering and exiting. Note in the past year, during significant time at my rental during the remodel, I have only seen 2 handicapped residents walking down the street, Jacob who lives down the street and his friend who lives on Porter Rd. Whether my residence is deemed a short term or long term rental makes no difference to the exposure to society these handicapped individuals already possess. Just look at the photo of the Fayetteville Police Incident report attached, it's quite alarming with over 500 reports in the last 5 years within a quarter mile of my residence! There is even a registered Sex Offender living a quarter of a mile from me, directly touching Lifestyles property. To live in society has inherent risks and I do not believe someone staying at my property, who happens to be there for a time of less than 30 days, adds to this risk. Furthermore, I intend to only rent to individuals who have multiple 5 star reviews as it is in my best interest to protect my newly renovated property and the neighbors I have come to count as friends, not only whom I share texts and calls with but also baked goods.

3) Although I fully support what Lifestyles does, they do not own the street or neighborhood where my residence resides nor is my residence held to any Homeowners Association in which they would have a say/vote, having owned 4 (13%) residences inside my neighborhood. Using the public notification feature on the Fayetteville zoning map, I drew a square in the furthest corner on Lifestyles property (closest to my residence) and I had to increase the distance to more than 300 feet to even reach my property. Note, I was only required to notify residences within 200 feet of my property. Therefore, it was only by chance that Lifestyles received my notification to seek a CUP because they happen to own a property within 200 feet of my residence. Lifestyles is located in a heavily populated residential area surrounded by hundreds of residences that include duplexes, townhomes, and apartment buildings. How far is the sphere of Lifestyles influence? 200 feet? 300+ feet? Or does it also include a residence in another town where a few of their participants have decided to live independently? I strongly believe my residence is not a part of their sphere.

4) The assumption that any person, handicapped or otherwise, may be harmed physically, mentally, or emotionally by a person living in my residence, only because they are there for a period shorter than 30 days, as opposed to 31 days or longer is highly theoretical. I do not believe that theoretical notion would stand in the court of law as it is highly illogical and not backed by any data. I spoke with a representative at the Fayetteville Police department to gather a statistic to see just how dangerous Short Term Rentals can be per police incident reports. No such statistic exists and I hope that is because it is not an issue that warrants the resources into putting in the research. I did however find an alarming rate of crime in the vicinity as seen in the attached image.

Thank you again for reading and listening to the reasons I seek an appeal. I greatly value your time and energy and effort in helping me serve the unique needs of handicapped individuals who wish to visit Fayetteville! It's a huge need and I can attest 1st hand how inhumane the stares and whispers feel while rolling in a wheelchair through a hotel lobby, it's

enough to make you not want to travel. I strongly believe that operating a handicap accessible short term rental nearby other handicapped individuals such as is highly compatible.

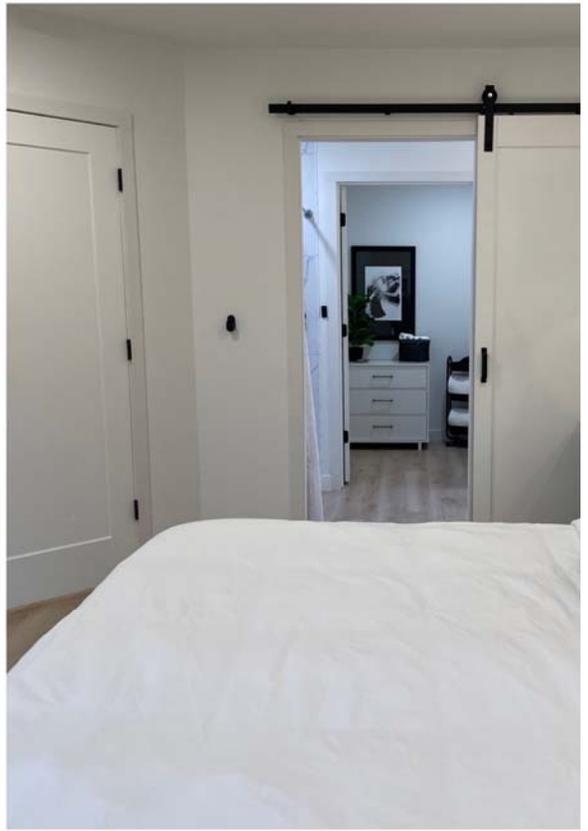
Kristen Walnofer

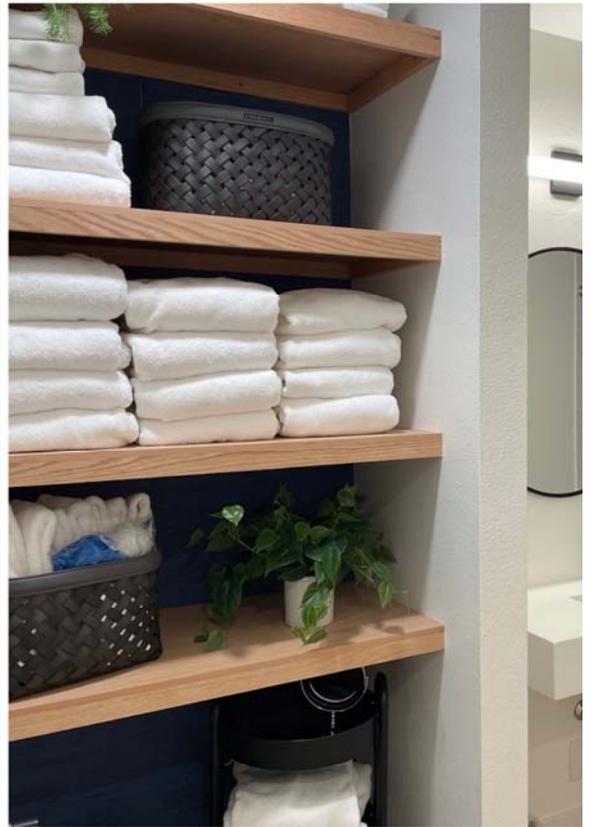
Kristen.Walnofer@gmail.com

501-860-1233

479-789-0275







Paxton, Kara

From: Harvey, Sonia
Sent: Wednesday, October 19, 2022 8:51 AM
To: Paxton, Kara; Kristen Walnofer
Cc: Johnson, Kimberly
Subject: Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

Thank you for the details.
I would like to bring the appeal to Council.

Sonia Harvey
Fayetteville City Council Member
Ward 1, Position 1
(479) 409-5064

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: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Sent: Tuesday, October 18, 2022 4:25 PM
To: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Kristen Walnofer <kristen.walnofer@gmail.com>
Cc: Johnson, Kimberly <kjohnson@fayetteville-ar.gov>
Subject: RE: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

Hi Sonia,

If you decide to support this appeal, then you will need to send an email either to me or to cityclerk@fayetteville-ar.gov stating that you are supporting the appeal being heard by City Council.

So far, I have only heard from Council Member Kinion, he is supporting the appeal. If you decide to support this appeal, then Kristen will need one more Council Member to email me or the office to confirm their support.

We must receive confirmation of support from three Council Members by the end of business (5:00 p.m.) on 10/24/2022.

I will be unavailable after about 4:40 today since I have to get ready for the council meeting tonight. Our Senior Deputy Clerk, Kim Johnson, has been copied on this email in case you have any additional questions this afternoon.

Thank you,

Kara Paxton
MSISM, MMC, CAMC, CMO
City Clerk Treasurer
City of Fayetteville, Arkansas

kapaxton@fayetteville-ar.gov

T 479.575.8323#



From: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>

Sent: Tuesday, October 18, 2022 3:53 PM

To: Kristen Walnofer <kristen.walnofer@gmail.com>; Paxton, Kara <kapaxton@fayetteville-ar.gov>

Subject: Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

Hi Kara,

I'm interested in bringing this appeal to the Council.

What steps do I need to keep this moving forward?

Sonia Harvey

Fayetteville City Council Member

Ward 1, Position 1

(479) 409-5064

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: Kristen Walnofer <kristen.walnofer@gmail.com>

Sent: Tuesday, October 18, 2022 9:23:41 AM

To: Paxton, Kara <kapaxton@fayetteville-ar.gov>

Cc: Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>

Subject: Fwd: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

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

Hello Kara,

Please see the email below regarding Sonia Harvey's acceptance to join the appeal.

I believe the following 2 points/sections are best suited to include in my appeal.

1) Section 163.02 (c)(3)(b) - "That the granting of the conditional use permit will not adversely affect the public interest."

2) Section 163.02 (c)(3)(c)(ii)(h) - "General compatibility with adjacent properties and other property in the district."

Sonia, please let me know if you agree and/or would like to add any Sections.

Thank you,

Kristen Walnofer
501-860-1233

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

From: **Harvey, Sonia** <sonia.harvey@fayetteville-ar.gov>

Date: Mon, Oct 17, 2022 at 7:00 PM

Subject: Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

To: Kristen Walnofer <kristen.walnofer@gmail.com>, Jones, D'Andre <dandre.jones@fayetteville-ar.gov>, Kinion, Mark <mark.kinion@fayetteville-ar.gov>, Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>, Scroggin, Sloan <sloan.scroggin@fayetteville-ar.gov>, Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>, Turk, Teresa <teresa.turk@fayetteville-ar.gov>, Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>, Paxton, Kara <kapaxton@fayetteville-ar.gov>

CC: Harrison, Gretchen <gharrison@fayetteville-ar.gov>, bpennington@fayetteville.org <bpennington@fayetteville.org>

I'm interested in bringing the appeal to Council.

Sonia Harvey
Fayetteville City Council Member
Ward 1, Position 1
(479) 409-5064

Report a concern:

<http://www.fayetteville-ar.gov/1782/Report-a-Concern>

Speak up on City projects:

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

From: Kristen Walnofer <kristen.walnofer@gmail.com>

Sent: Wednesday, October 12, 2022 5:12:15 PM

To: Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Kinion, Mark <mark.kinion@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Scroggin, Sloan <sloan.scroggin@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: Harrison, Gretchen <gharrison@fayetteville-ar.gov>; bpennington@fayetteville.org <bpennington@fayetteville.org>

Subject: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

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

Hello City Council Members,

My name is Kristen Walnofer the owner of the residence on [2352 W Houston St, Fayetteville](#) and the owner of the LLC Haus Walnofer. This past Monday evening I was denied my CUP 2022-0071 Request for a STR Type 2. It was apparent to me that the decision was solely influenced by a representative from Lifestyles who said that my STR poses a threat to their handicapped clients who live in the neighborhood, as that was the only verbal response/discussion by the Planning Commissioners. I have solely addressed that concern in my points below. The decision by the Planning Commission was split, perhaps due to the fact that I have completely renovated my home at great expense to be fully handicap accessible, ironically with the residents like Lifestyles participants in mind. I currently have a handicap individual living at my residence on a long term lease. I consider myself a fierce advocate for the handicap community, having been in a

wheelchair myself for 3 months this year after a freak snow skiing accident. It was during those 3 months that I became appalled at the lack of ease I could live successfully outside of my home in my wheelchair. If you search handicap accessible short term rentals you may not come back with any search results, not just for Fayetteville but for any city around the globe. It's such a huge need gap that AirBnB came to my home a few weeks ago to take professional photographs and capture a virtual tour after I selected that my home had numerous ADA features. If granted my CUP and business license I expect to receive a small amount of press from AirBnB promoting my unique space (see attached photos of my home).

I greatly value this procedural process so that all voices and concerns may be heard. I would like to ask you to read the following reasons as to why I will be appealing the decision against my CUP. I would love your support. As I found out 5 hours ago, I only have 8 more days to complete the required paperwork for this Appeal. This is even more difficult as I am leaving the country Friday morning on a mission trip to Athens, Greece to work with refugees and victims of trafficking, returning just before Halloween. However, I will have access to email and phone while I am abroad.

1) The handicapped residents who live in independent housing, have been deemed able to live among society. If they are unable to live as a part of society, they live on Lifestyles campus to receive more care, or with a family member. It makes no difference how far away the handicapped individual lives from Lifestyles, walking distance or in the next town, they still live among society and thrive with Lifestyles help.

2) If a Lifestyles participant were to walk from their residence in my neighborhood to the Lifestyles facility, which is over a quarter of a mile away, they would have exposure to many hundreds of residents in the area, either because a resident is outside of their current residence at the time or they are walking to the Razorback Transit stop. Razorback Transit stops on the corner of Houston St and Porter Rd and is a very popular stop with dozens entering and exiting. Note in the past year, during significant time at my rental during the remodel, I have only seen 2 handicapped residents walking down the street, Jacob who lives down the street and his friend who lives on Porter Rd. Whether my residence is deemed a short term or long term rental makes no difference to the exposure to society these handicapped individuals already possess. Just look at the photo of the Fayetteville Police Incident report attached, it's quite alarming with over 500 reports in the last 5 years within a quarter mile of my residence! There is even a registered Sex Offender living a quarter of a mile from me, directly touching Lifestyles property. To live in society has inherent risks and I do not believe someone staying at my property, who happens to be there for a time of less than 30 days, adds to this risk. Furthermore, I intend to only rent to individuals who have multiple 5 star reviews as it is in my best interest to protect my newly renovated property and the neighbors I have come to count as friends, not only whom I share texts and calls with but also baked goods.

3) Although I fully support what Lifestyles does, they do not own the street or neighborhood where my residence resides nor is my residence held to any Homeowners Association in which they would have a say/vote, having owned 4 (13%) residences inside my neighborhood. Using the public notification feature on the Fayetteville zoning map, I drew a square in the furthest corner on Lifestyles property (closest to my residence) and I had to increase the distance to more than 300 feet to even reach my property. Note, I was only required to notify residences within 200 feet of my property. Therefore, it was only by chance that Lifestyles received my notification to seek a CUP because they happen to own a property within 200 feet of my residence. Lifestyles is located in a heavily populated residential area surrounded by hundreds of residences that include duplexes, townhomes, and apartment buildings. How far is the sphere of Lifestyles influence? 200 feet? 300+ feet? Or does it also include a residence in another town where a few of their participants have decided to live independently? I strongly believe my residence is not a part of their sphere.

4) The assumption that any person, handicapped or otherwise, may be harmed physically, mentally, or emotionally by a person living in my residence, only because they are there for a period shorter than 30 days, as opposed to 31 days or longer is highly theoretical. I do not believe that theoretical notion would stand in the court of law as it is highly illogical and not backed by any data. I spoke with a representative at the Fayetteville Police department to gather a statistic to see just how dangerous Short Term Rentals can be per police incident reports. No such statistic exists and I hope that is because it is not an issue that warrants the resources into putting in the research. I did however find an alarming rate of crime in the vicinity as seen in the attached image.

Thank you again for reading and listening to the reasons I seek an appeal. I greatly value your time and energy and effort in helping me serve the unique needs of handicapped individuals who wish to visit Fayetteville! It's a huge need and I can attest 1st hand how inhumane the stares and whispers feel while rolling in a wheelchair through a hotel lobby, it's enough to make you not want to travel. I strongly believe that operating a handicap accessible short term rental nearby other handicapped individuals such as is highly compatible.

Kristen Walnofer

Kristen.Walnofer@gmail.com

501-860-1233

479-789-0275

Paxton, Kara

From: Hertzberg, Holly
Sent: Monday, October 24, 2022 12:33 PM
To: Paxton, Kara
Subject: CUP 2022-0071 appeal

Hey Kara!

I just wanted to let you know that I support the appeals process for CUP 2022-0071.

Thank you,

Holly Hertzberg
City Council Member
Ward 4 Position 2
Fayetteville, AR 72701
holly.hertzberg@fayetteville-ar.gov
479.777.1758

Paxton, Kara

From: Kristen Walnofer <kristen.walnofer@gmail.com>
Sent: Tuesday, October 18, 2022 9:25 AM
To: Paxton, Kara
Cc: Kinion, Mark
Subject: Fwd: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental
Attachments: image_6483441.JPG; image_6483441.JPG; image_6483441.JPG

RECEIVED

OCT 18 2022

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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

Hello Kara,
Please see the email below regarding Mark Kinion's acceptance to join the appeal.

I believe the following 2 points/sections are best suited to include in my appeal.

- 1) Section 163.02 (c)(3)(b) - "That the granting of the conditional use permit will not adversely affect the public interest."
- 2) Section 163.02 (c)(3)(c)(ii)(h) - "General compatibility with adjacent properties and other property in the district."

Mark, please let me know if you agree and/or would like to add any Sections.

Thank you,
Kristen Walnofer
501-860-1233

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

From: Kinion, Mark <mark.kinion@fayetteville-ar.gov>
Date: Mon, Oct 17, 2022 at 6:10 PM
Subject: Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental
To: Kristen Walnofer <kristen.walnofer@gmail.com>
CC: Jones, D'Andre <dandre.jones@fayetteville-ar.gov>, Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>, Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>, Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>, Scroggin, Sloan <sloan.scroggin@fayetteville-ar.gov>, Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>, Turk, Teresa <teresa.turk@fayetteville-ar.gov>, Harrison, Gretchen <gharrison@fayetteville-ar.gov>, Pennington, Blake <bpennington@fayetteville-ar.gov>, Paxton, Kara <kapaxton@fayetteville-ar.gov>

Based on the request for appeal email from owner, I will co-sponsor this appeal.

There does seem to be a need for a short term rental that was designed as handicap accessible .

Thanks,
Mark Kinion

Mark Kinion
Ward 2 Pos 1

On Oct 17, 2022, at 9:26 AM, Kristen Walnofer <kristen.walnofer@gmail.com> wrote:

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

Hello again City Council Members,

Thank you in advance for reviewing the email below. As I have only heard back from Sonia Harvey, I wanted to ensure this email reached your attention.

Thanks so very much,
Kristen Walnofer

On Thu, Oct 13, 2022 at 1:12 AM Kristen Walnofer <kristen.walnofer@gmail.com> wrote:

Hello City Council Members,

My name is Kristen Walnofer the owner of the residence on [2352 W Houston St, Fayetteville](#) and the owner of the LLC Haus Walnofer. This past Monday evening I was denied my CUP 2022-0071 Request for a STR Type 2. It was apparent to me that the decision was solely influenced by a representative from Lifestyles who said that my STR poses a threat to their handicapped clients who live in the neighborhood, as that was the only verbal response/discussion by the Planning Commissioners. I have solely addressed that concern in my points below. The decision by the Planning Commission was split, perhaps due to the fact that I have completely renovated my home at great expense to be fully handicap accessible, ironically with the residents like Lifestyles participants in mind. I currently have a handicap individual living at my residence on a long term lease. I consider myself a fierce advocate for the handicap community, having been in a wheelchair myself for 3 months this year after a freak snow skiing accident. It was during those 3 months that I became appalled at the lack of ease I could live successfully outside of my home in my wheelchair. If you search handicap accessible short term rentals you may not come back with any search results, not just for Fayetteville but for any city around the globe. It's such a huge need gap that AirBnB came to my home a few weeks ago to take professional photographs and capture a virtual tour after I selected that my home had numerous ADA features. If granted my CUP and business license I expect to receive a small amount of press from AirBnB promoting my unique space (see attached photos of my home).

I greatly value this procedural process so that all voices and concerns may be heard. I would like to ask you to read the following reasons as to why I will be appealing the decision against my CUP. I would love your support. As I found out 5 hours ago, I only have 8 more days to complete the required paperwork for this Appeal. This is even more difficult as I am leaving the country Friday morning on a mission trip to Athens, Greece to work with refugees and victims of trafficking, returning just before Halloween. However, I will have access to email and phone while I am abroad.

1) The handicapped residents who live in independent housing, have been deemed able to live among society. If they are unable to live as a part of society, they live on Lifestyles campus to receive more

care, or with a family member. It makes no difference how far away the handicapped individual lives from Lifestyles, walking distance or in the next town, they still live among society and thrive with Lifestyles help.

2) If a Lifestyles participant were to walk from their residence in my neighborhood to the Lifestyles facility, which is over a quarter of a mile away, they would have exposure to many hundreds of residents in the area, either because a resident is outside of their current residence at the time or they are walking to the Razorback Transit stop. Razorback Transit stops on the corner of Houston St and Porter Rd and is a very popular stop with dozens entering and exiting. Note in the past year, during significant time at my rental during the remodel, I have only seen 2 handicapped residents walking down the street, Jacob who lives down the street and his friend who lives on Porter Rd. Whether my residence is deemed a short term or long term rental makes no difference to the exposure to society these handicapped individuals already possess. Just look at the photo of the Fayetteville Police Incident report attached, it's quite alarming with over 500 reports in the last 5 years within a quarter mile of my residence! There is even a registered Sex Offender living a quarter of a mile from me, directly touching Lifestyles property. To live in society has inherent risks and I do not believe someone staying at my property, who happens to be there for a time of less than 30 days, adds to this risk. Furthermore, I intend to only rent to individuals who have multiple 5 star reviews as it is in my best interest to protect my newly renovated property and the neighbors I have come to count as friends, not only whom I share texts and calls with but also baked goods.

3) Although I fully support what Lifestyles does, they do not own the street or neighborhood where my residence resides nor is my residence held to any Homeowners Association in which they would have a say/vote, having owned 4 (13%) residences inside my neighborhood. Using the public notification feature on the Fayetteville zoning map, I drew a square in the furthest corner on Lifestyles property (closest to my residence) and I had to increase the distance to more than 300 feet to even reach my property. Note, I was only required to notify residences within 200 feet of my property. Therefore, it was only by chance that Lifestyles received my notification to seek a CUP because they happen to own a property within 200 feet of my residence. Lifestyles is located in a heavily populated residential area surrounded by hundreds of residences that include duplexes, townhomes, and apartment buildings. How far is the sphere of Lifestyles influence? 200 feet? 300+ feet? Or does it also include a residence in another town where a few of their participants have decided to live independently? I strongly believe my residence is not a part of their sphere.

4) The assumption that any person, handicapped or otherwise, may be harmed physically, mentally, or emotionally by a person living in my residence, only because they are there for a period shorter than 30 days, as opposed to 31 days or longer is highly theoretical. I do not believe that theoretical notion would stand in the court of law as it is highly illogical and not backed by any data. I spoke with a representative at the Fayetteville Police department to gather a statistic to see just how dangerous Short Term Rentals can be per police incident reports. No such statistic exists and I hope that is because it is not an issue that warrants the resources into putting in the research. I did however find an alarming rate of crime in the vicinity as seen in the attached image.

Thank you again for reading and listening to the reasons I seek an appeal. I greatly value your time and energy and effort in helping me serve the unique needs of handicapped individuals who wish to visit Fayetteville! It's a huge need and I can attest 1st hand how inhumane the stares and whispers feel while rolling in a wheelchair through a hotel lobby, it's enough to make you not want to travel. I strongly believe that operating a handicap accessible short term rental nearby other handicapped individuals such as is highly compatible.

Kristen Walnofer
Kristen.Walnofer@gmail.com

Paxton, Kara

From: Kristen Walnofer <kristen.walnofer@gmail.com>
Sent: Monday, October 24, 2022 1:01 PM
To: Paxton, Kara; CityClerk; Scroggin, Sloan
Subject: Fwd: Expires today Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

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.

Council Member Scroggin, I can't thank you enough.

Kara/Kim is there anything else Council Member Scroggin needs to do to ensure my appeal makes it on the agenda.

Thanks so much!

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

From: Scroggin, Sloan <sloan.scroggin@fayetteville-ar.gov>
Date: Mon, Oct 24, 2022 at 7:49 PM
Subject: Re: Expires today Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental
To: Kristen Walnofer <kristen.walnofer@gmail.com>

I will sponsor the appeal.

From: Kristen Walnofer <kristen.walnofer@gmail.com>
Sent: Monday, October 24, 2022 10:57 AM
To: Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>; Kinion, Mark <mark.kinion@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Scroggin, Sloan <sloan.scroggin@fayetteville-ar.gov>; Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Cc: Harrison, Gretchen <gharrison@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Expires today Re: Urgent Need with help for an Appeal for a CUP - STR Handicapped Rental

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.

Council members, I just sent each of you a text asking if you want to see my appeal on your next meeting agenda. Could you please respond back with a no? If I receive no response from you I plan to keep reaching out to ensure my messages reach you.

Thank you to Council Members Sonia Harvey and Mark Kinion for sponsoring my appeal. But Without another Council Members support my appeal will fail by the end of the day.

Thanks so much,
Kristen Walnofer
501-860-1233
CUP 2022-00071

On Fri, Oct 21, 2022 at 4:07 PM Kristen Walnofer <kristen.walnofer@gmail.com> wrote:

Hello City Council, I still **lack 1 more City Council member's sponsorship** of my appeal (CUP 2022-0071) for my handicap accessible STR on 2352 W Houston St. If no one else comes forward **by Monday, my appeal will fail** to make it on the agenda. I have submitted all paperwork necessary from my end, now it is in your hands and I do hope that one of you will come forward to help.

For reference, this is what the Assistant to the City Attorney has told me:

“Decisions on Conditional Use Permit requests made by the Planning Commission may be appealed to City Council if **three** Council Members in unison **agree to sponsor** the appeal (UDC §155.05). Basically it has to be in writing, filed with the City Clerk, citing the relevant sections of code and explaining why you believe the decision is in error. It must be filed within 10 business days meaning all three council members must submit their notice of appeal (either stating their own reasons or adopting yours) to the City Clerk by the end business on 10/24/22.”

Thank you for your consideration,

Kristen Walnofer

501-860-1233

(Note: I am 8 hrs ahead in Greece until Halloween)

On Mon, Oct 17, 2022 at 5:26 PM Kristen Walnofer <kristen.walnofer@gmail.com> wrote:

Hello again City Council Members,

Thank you in advance for reviewing the email below. As I have only heard back from Sonia Harvey, I wanted to ensure this email reached your attention.

Thanks so very much,

Kristen Walnofer

On Thu, Oct 13, 2022 at 1:12 AM Kristen Walnofer <kristen.walnofer@gmail.com> wrote:

Hello City Council Members,

My name is Kristen Walnofer the owner of the residence on [2352 W Houston St, Fayetteville](#) and the owner of the LLC Haus Walnofer. This past Monday evening I was denied my CUP 2022-0071 Request for a STR Type 2. It was apparent to me that the decision was solely influenced by a representative from Lifestyles who said that my STR poses a threat to their handicapped clients who live in the neighborhood, as that was the only verbal response/discussion by the Planning Commissioners. I have solely addressed that concern in my points below. The decision by the Planning Commission was split, perhaps due to the fact that I have completely renovated my home at great expense to be fully handicap accessible, ironically with the residents like Lifestyles participants in mind. I currently have a handicap individual living at my residence on a long term lease. I consider myself a fierce advocate

for the handicap community, having been in a wheelchair myself for 3 months this year after a freak snow skiing accident. It was during those 3 months that I became appalled at the lack of ease I could live successfully outside of my home in my wheelchair. If you search handicap accessible short term rentals you may not come back with any search results, not just for Fayetteville but for any city around the globe. It's such a huge need gap that AirBnB came to my home a few weeks ago to take professional photographs and capture a virtual tour after I selected that my home had numerous ADA features. If granted my CUP and business license I expect to receive a small amount of press from AirBnB promoting my unique space (see attached photos of my home).

I greatly value this procedural process so that all voices and concerns may be heard. I would like to ask you to read the following reasons as to why I will be appealing the decision against my CUP. I would love your support. As I found out 5 hours ago, I only have 8 more days to complete the required paperwork for this Appeal. This is even more difficult as I am leaving the country Friday morning on a mission trip to Athens, Greece to work with refugees and victims of trafficking, returning just before Halloween. However, I will have access to email and phone while I am abroad.

1) The handicapped residents who live in independent housing, have been deemed able to live among society. If they are unable to live as a part of society, they live on Lifestyles campus to receive more care, or with a family member. It makes no difference how far away the handicapped individual lives from Lifestyles, walking distance or in the next town, they still live among society and thrive with Lifestyles help.

2) If a Lifestyles participant were to walk from their residence in my neighborhood to the Lifestyles facility, which is over a quarter of a mile away, they would have exposure to many hundreds of residents in the area, either because a resident is outside of their current residence at the time or they are walking to the Razorback Transit stop. Razorback Transit stops on the corner of Houston St and Porter Rd and is a very popular stop with dozens entering and exiting. Note in the past year, during significant time at my rental during the remodel, I have only seen 2 handicapped residents walking down the street, Jacob who lives down the street and his friend who lives on Porter Rd. Whether my residence is deemed a short term or long term rental makes no difference to the exposure to society these handicapped individuals already possess. Just look at the photo of the Fayetteville Police Incident report attached, it's quite alarming with over 500 reports in the last 5 years within a quarter mile of my residence! There is even a registered Sex Offender living a quarter of a mile from me, directly touching Lifestyles property. To live in society has inherent risks and I do not believe someone staying at my property, who happens to be there for a time of less than 30 days, adds to this risk. Furthermore, I intend to only rent to individuals who have multiple 5 star reviews as it is in my best interest to protect my newly renovated property and the neighbors I have come to count as friends, not only whom I share texts and calls with but also baked goods.

3) Although I fully support what Lifestyles does, they do not own the street or neighborhood where my residence resides nor is my residence held to any Homeowners Association in which they would have a say/vote, having owned 4 (13%) residences inside my neighborhood. Using the public notification feature on the Fayetteville zoning map, I drew a square in the furthest corner on Lifestyles property (closest to my residence) and I had to increase the distance to more than 300 feet to even reach my property. Note, I was only required to notify residences within 200 feet of my property. Therefore, it was only by chance that Lifestyles received my notification to seek a CUP because they happen to own a property within 200 feet of my residence. Lifestyles is located in a heavily populated residential area surrounded by hundreds of residences that include duplexes, townhomes, and apartment buildings. How far is the sphere of Lifestyles influence? 200 feet? 300+ feet? Or does it also include a residence in another town where a few of their participants have decided to live independently? I strongly believe my residence is not a part of their sphere.

4) The assumption that any person, handicapped or otherwise, may be harmed physically, mentally, or emotionally by a person living in my residence, only because they are there for a period shorter than 30 days, as opposed to 31 days or longer is highly theoretical. I do not believe that theoretical notion would stand in the court of law as it is highly illogical and not backed by any data. I spoke with a representative at the Fayetteville Police department to gather a statistic to see just how dangerous Short Term Rentals can be per police incident reports. No such statistic

exists and I hope that is because it is not an issue that warrants the resources into putting in the research. I did however find an alarming rate of crime in the vicinity as seen in the attached image.

Thank you again for reading and listening to the reasons I seek an appeal. I greatly value your time and energy and effort in helping me serve the unique needs of handicapped individuals who wish to visit Fayetteville! It's a huge need and I can attest 1st hand how inhumane the stares and whispers feel while rolling in a wheelchair through a hotel lobby, it's enough to make you not want to travel. I strongly believe that operating a handicap accessible short term rental nearby other handicapped individuals such as is highly compatible.

Kristen Walnofer

Kristen.Walnofer@gmail.com

501-860-1233

479-789-0275



MEETING OF NOVEMBER 15, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Gretchen Harrison, Planner

DATE: October 28, 2022

SUBJECT: **Appeal - CUP-2022-0071: Conditional Use Permit (2352 W. HOUSTON ST./WALNOFER, 403):** Submitted by HAUS WALNOFER, LLC for property located at 2352 W. HOUSTON ST. in WARD 2. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approx. 0.10 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located on the north side of Houston Street, roughly 100 feet west of the street's intersection with Linda Jo Place. The property is currently zoned RMF-24, Residential Multi-Family, 24 Units per Acre, and totals approximately 0.10 acres. The property is developed with a 1,044-square-foot, two-bedroom townhome which Washington County records indicate was built in 1993.

Request: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental. Type 2 short-term rentals are subject to various density limitations, including a 2% city-wide cap, and are not occupied by a permanent resident.

Findings: Staff finds that granting the requested conditional use is not likely to have a negative impact on the public interest given applicable business licensing requirements, including a building safety inspection, and applicable density caps on Type 2 short-term rentals. Staff also finds the proposed use of the property as a short-term rental to be generally compatible with the surrounding neighborhood. There is enough space available on site to accommodate parking for overnight guests, trash containers are screened, and minimal disruptions are expected for neighbors. Further, the applicant has indicated that their intent is to provide an accessible short-term rental unit to accommodate the underserved accessible community visiting Fayetteville.

Public Comment: Staff received public comment from one individual in opposition to the request. Concerns included safety, traffic, and noise that may be generated if the property were to operate as a short-term rental. One specific concern that was shared involved the compatibility of the use

with neighboring residents, many of whom are people with disabilities living in properties that are managed by LifeStyles, Inc.

DISCUSSION:

At the October 10, 2022 Planning Commission meeting, a vote to deny this request passed with a vote of 5-3-0; Commissioner Canada made the motion with a second from Commissioner Garlock. Commissioners McGetrick, Canada, Sparkman, Garlock, and Madden voted in favor of the denial, and Commissioners Brink, Winston, and Holcomb voted against it. Those opposed to the request found that a short-term rental would be incompatible with the surrounding neighborhood, citing potential adverse impacts on neighbors with disabilities. Those in favor were supportive of the request to operate an ADA-compliant short-term rental. A representative of LifeStyles, Inc. spoke at the meeting and expressed their opposition to the request, noting that a short-term rental could negatively impact the safety of their tenants.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS:

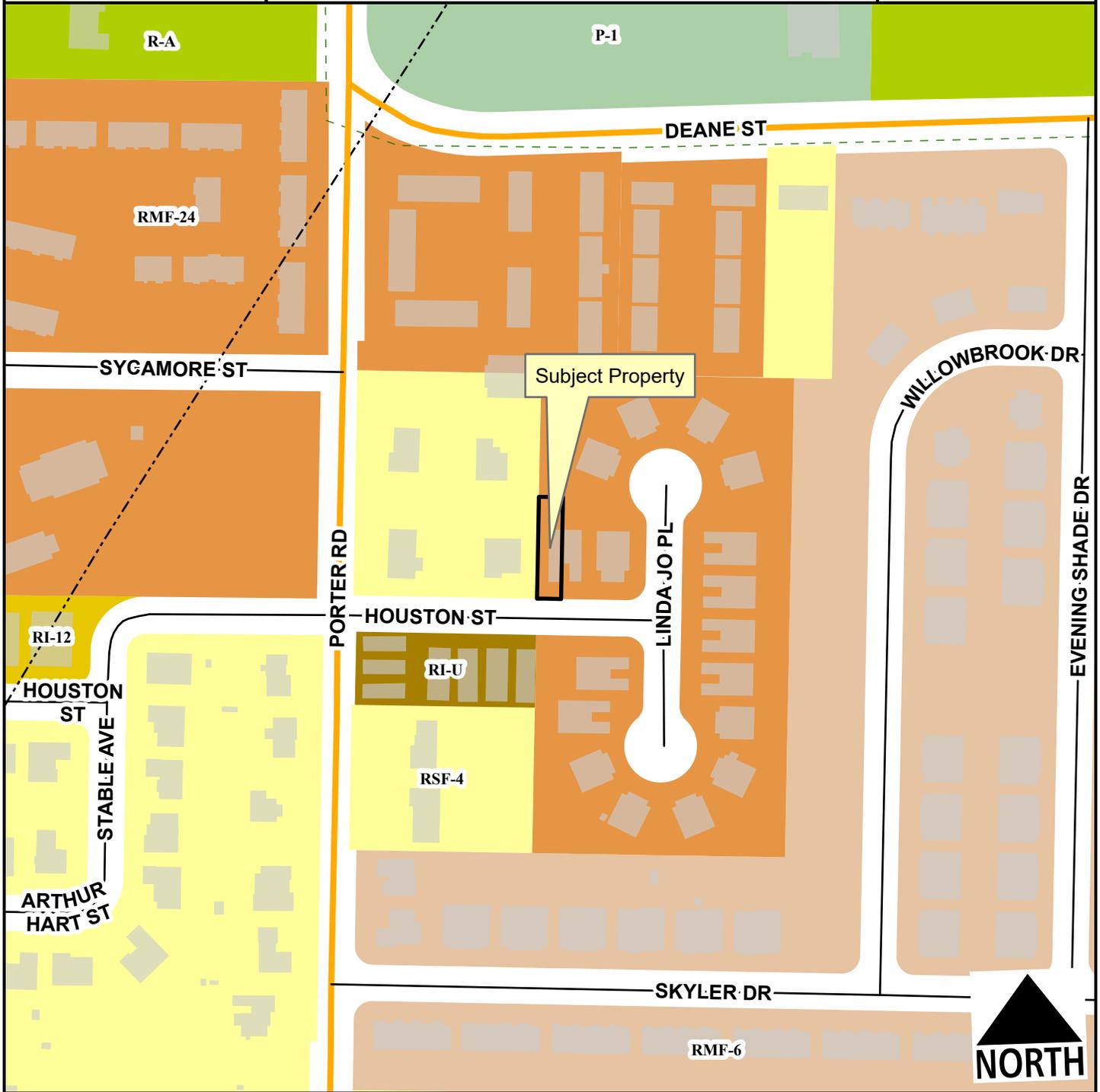
- Exhibit 'A'
- Planning Commission Staff Report

CUP-2022-0071

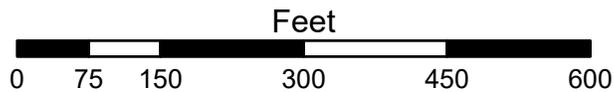
2352 W. HOUSTON ST

CUP-2022-0071
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



1:2,400

- Residential-Agricultural
- RSF-4
- RI-12
- RI-U
- RMF-6
- RMF-24
- P-1



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: October 10, 2022 (Updated with results from PC hearing)

SUBJECT: **CUP-2022-0071: Conditional Use Permit (2352 W. HOUSTON ST./WALNOFER, 403):** Submitted by HAUS WALNOFER, LLC for property located at 2352 W. HOUSTON ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approx. 0.10 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2022-0071** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2022-0071**, determining:*

- *In favor of compatibility with adjacent properties, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located on the north side of Houston Street, roughly 100 feet west of the street's intersection with Linda Jo Place. The property is currently zoned RMF-24, Residential Multi-Family, 24 Units per Acre, and totals approximately 0.10 acres. The property is developed with a 1,044-square-foot, two-bedroom townhome which Washington County records indicate was built in 1993. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within city limits. Surrounding land use and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

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

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

Public Comment: Staff received public comment from one individual in opposition to the request. Concerns included safety, traffic, and noise that may be generated if the property were to operate as a short-term rental. One specific concern that was shared involved the compatibility of the use with neighboring residents, many of whom are people with disabilities living in properties that are managed by LifeStyles, Inc.

RECOMMENDATION: Staff recommends approval of **CUP-2022-0071** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report.*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.
3. Per Unified Development Code §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval.
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.
6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
7. All trash receptacles shall be screened from view of the right-of-way.
8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting.
9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signage.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>October 10, 2022</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied
Motion: Canada
Second: Garlock
Vote: 5-3-0 (motion to deny)

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in RMF-24 zoning.**

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

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

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: **The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is not likely to negatively affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

A. General Standards.

1. *Residential Zoning Districts.* Short-term rentals may be permitted in all zoning districts where residential uses are allowed by right.

Finding: The request is to operate a Short-Term Rental, Use Unit 46, in RSF-4 zoning. Use Unit 46 is a permitted use by-right in the RMF-24 zoning district.

2. *Commercial and Mixed Use Zoning Districts.* Short-term rentals may be permitted in all zoning districts where hotel/motel uses are permitted by right and shall not count towards the Type 2 short-term rental density cap in these districts except in multi-family buildings as specified in Chapter 118 of the Fayetteville City Code.

Finding: Type 2 short-term rentals are subject to a citywide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Updated data from the 2020 Decennial Census tabulates housing units in Fayetteville at 43,795, which puts the cap at 875 total Type 2 short-term rentals. To date, there are 276 Type 2 short-term rental licenses that are subject to this cap. Hotel and motel uses are not permitted by right in RMF-24 zoning, so this short-term rental would contribute to the city-wide density cap. While this unit is in a two-family structure, no building density cap applies since each unit is independently owned on a separate legal lot of record.

3. *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: Occupancy is limited as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing. The unit has two bedrooms, so the maximum number of guests will be capped at six per ordinance.

4. *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Staff recommends that parking be limited as described in UDC §163.18(A)(4). Townhomes are required to provide parking at a rate of one space per bedroom. Since two bedrooms are provided, two parking spaces are required. The driveway serving the property is large enough to accommodate one vehicle, and parking is otherwise available on the street.

5. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

6. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 2352 W. Houston St. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

§163.02, AUTHORITY; CONDITIONS; PROCEDURES. (continued)

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

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

Finding: An existing paved driveway provides vehicular access to the site. Pedestrian access is limited to a public sidewalk along Houston Street that dead-ends on the property to the west. However, staff finds that the proposal will not adversely affect vehicular or pedestrian traffic flows considering the use of the property would be limited to a maximum of six guests, which would not be out of character with use of the property for residential purposes.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: The property has space to accommodate one vehicle in an existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles permitted by code, as allowed by the use of the property. Given the use of the property as a two-bedroom townhome, only two vehicles could be parked on the property.

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

Finding: The applicant proposes to utilize existing residential trash cart service. Staff recommends a condition requiring trash receptacles to be stored in an area that is screened from the right-of-way.

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

Finding: Utilities are currently available to the site and the use as a short-term rental is not anticipated to impact the provision of utilities.

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

Finding: Staff recommends that residential carts remain screened so that they are not visible from the public right-of-way.

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

Finding: Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein.

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

Finding: Based on the applicant's submittal, required yards and other open spaces are maintained with the existing development on the property.

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

Finding: Staff finds the use to be compatible with the surrounding properties. The property appears to have adequate parking to accommodate overnight guests, trash containers are screened, and minimal disruptions are expected for neighbors. Further, the applicant has indicated that their intent is to provide an accessible short-term rental unit to accommodate the underserved accessible community visiting Fayetteville.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §118.01 Applicability
 - §163.18 Short-Term Rentals
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
- Applicant Request Letter
- Public Comment
- Building Floor Plan
- Building Elevation
- One Mile Map
- Close-Up Map
- Current Land Use Map

118.01 Applicability

- (A) *General Businesses.*
- (1) All businesses, institutions, corporations, LLCs, LLPs, partnerships, non-profit associations or corporations, sole proprietorships or other non-governmental entities with a physical address or which operates either a legally permitted home occupation or a short-term rental within the Fayetteville city limits shall be required to file for the City of Fayetteville Business Registry and License. A covered business or entity with multiple physical addresses in Fayetteville must obtain a separate business license for each such business address.
 - (2) In addition, any person or non-governmental entity who has or should have a sales tax permit and operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.
 - (3) In addition, any person or non-governmental entity who is engaged in any trade or occupation which requires federal or state licenses and who operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.
- (B) *Religious Entities.* Churches and other religious institutions are exempt from this chapter unless they are performing functions like daycare that must be licensed by the state or that generate revenue upon which state sales or use taxes must be paid. The city business license shall not be required for the religious entity but only for those functions that require a state license or upon which state sales or use taxes must be paid.
- (C) *Minors Exempt.* No individual under eighteen (18) years of age shall be required to register or obtain a business license. Minors are prohibited from leasing, advertising, managing or any other activity involved in STRs unless they are an emancipated minor.
- (D) *Individual Landlords Renting Less Than Three (3) Dwelling Units Exempt.* An individual landlord, not operating as a corporation, LLC, LLP, or other business entity, who rents out less than three (3) dwelling units, and no commercial, industrial, or institutional unit, site or building shall be exempt from this chapter. However, a landlord that operates a short-term residential rental shall not be exempt and must apply for and obtain a business license for each individual short-term rental.
- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental prior to the city issuing a business license, except as defined in §118.01(E)(4).
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) *Twelve (12) Month Start-up Period.* After the enactment of the short-term rental ordinance, short-term rental operators shall have twelve (12) months to submit an application for a business license for the operation of a short-term rental. After the twelve (12) month start-up period, all short-term rental units must have a business license to be considered in compliance.
 - (a) Persons seeking to operate a short-term rental within twelve (12) months of the enactment of this Code section shall be granted a conditional use permit for such short-term rental without having to pay a fee or have a hearing before the Planning Commission. The conditions for such permit shall be full compliance with all terms and requirements of Chapter 118, Business Registry and Licenses, this section, and all other requirements of the Fayetteville Code including timely and full payment of all hotel, motel, and

- restaurant taxes to the city. Revocation of the business license shall also revoke the conditional use permit granted by this subsection.
- (b) Persons seeking to operate a Type 2 short-term rental who have failed to apply for such conditional use permit and business license prior to the end of the twelve (12) month start-up period shall be required to follow normal procedures and apply to the Planning Commission to request a conditional use permit which will be issued or denied pursuant to the Planning Commission's decision pursuant to §163.18(2)(a).
 - (c) Type 1 and 2 short-term rentals seeking a business license or permit under the 12-month start-up period which are currently operating in 2-, 3- and 4-unit buildings in which more than one (1) unit is being used as a short-term rental may obtain a business license for all currently operating short-term rentals.
 - (d) Applications submitted prior to the end of the 12-month start-up period shall expire sixty (60) days after the start-up period has ended if the business license has not been issued by the City by that time.
- (5) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (6) Any change in ownership requires a new or amended business license.
 - (7) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (8) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (10) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (12) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.
 - (13) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (14) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (15) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

- (16) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (17) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (18) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
- (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (19) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (20) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

163.18 Short-Term Rentals

(A) General Standards.

- (1) *Residential Zoning Districts.* Short-term rentals may be permitted in all zoning districts where residential uses are allowed by right.
- (2) *Commercial and Mixed Use Zoning Districts.* Short-term rentals may be permitted in all zoning districts where hotel/motel uses are permitted by right and shall not count towards the Type 2 short-term rental density cap in these districts except in multi-family buildings as specified in Chapter 118 of the Fayetteville City Code.
- (3) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (4) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (5) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (6) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (7) *Twelve-Month Start-up Period.* After the enactment of the short-term rental ordinance, short-term rental operators shall have twelve (12) months to submit an application for a business license. After the twelve (12) month start-up period, all short-term rental units must have a business license to be considered in compliance.
 - (a) Persons seeking to operate a short-term rental within twelve (12) months of the enactment of this Code section shall be granted a conditional use permit for such short-term rental without having to pay a fee or have a hearing before the Planning Commission. The conditions for such permit shall be full compliance with all terms and requirements of Chapter 118, Business Registry and Licenses, this section, and all other requirements of the Fayetteville Code including timely and full payment of all hotel, motel, and restaurant taxes to the city. Revocation of the business license shall also revoke the conditional use permit granted by this subsection.
 - (b) Persons seeking to operate a Type 2 Short-term rental who have failed to apply for such conditional use permit and business license prior to the end of the twelve (12) month start-up period shall be required to follow normal procedures and apply to the Planning Commission to request a conditional use permit which will be issued or denied pursuant to the Planning Commission's decision pursuant to §163.18(2)(a).
 - (c) Type 1 and 2 short-term rentals seeking a business license or permit under the twelve (12) month start-up period which are currently operating in 2-, 3- and 4-unit buildings in which more than one (1) unit is being used as a short-term rental may obtain a business license for all currently operating short-term rentals.
 - (d) Applications submitted prior to the end of the twelve (12) month start-up period shall expire sixty (60) days after the start-up period has ended if the business license has not been issued by the city by that time.
- (8) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (9) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet

Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
-------------------	-------------------

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

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

Editor's note— Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

Request Letter for Conditional Use for Short Term Rental for the property:
2352 W Houston St, Fayetteville, AR 72703

(2)

Legal Description of property (per deed): Lot 4, Houston Meadows Townhouse Development, to the City of Fayetteville, Washington County Arkansas, as shown on Plat Record 21 at Page 26. Parcel: 765-17705-000

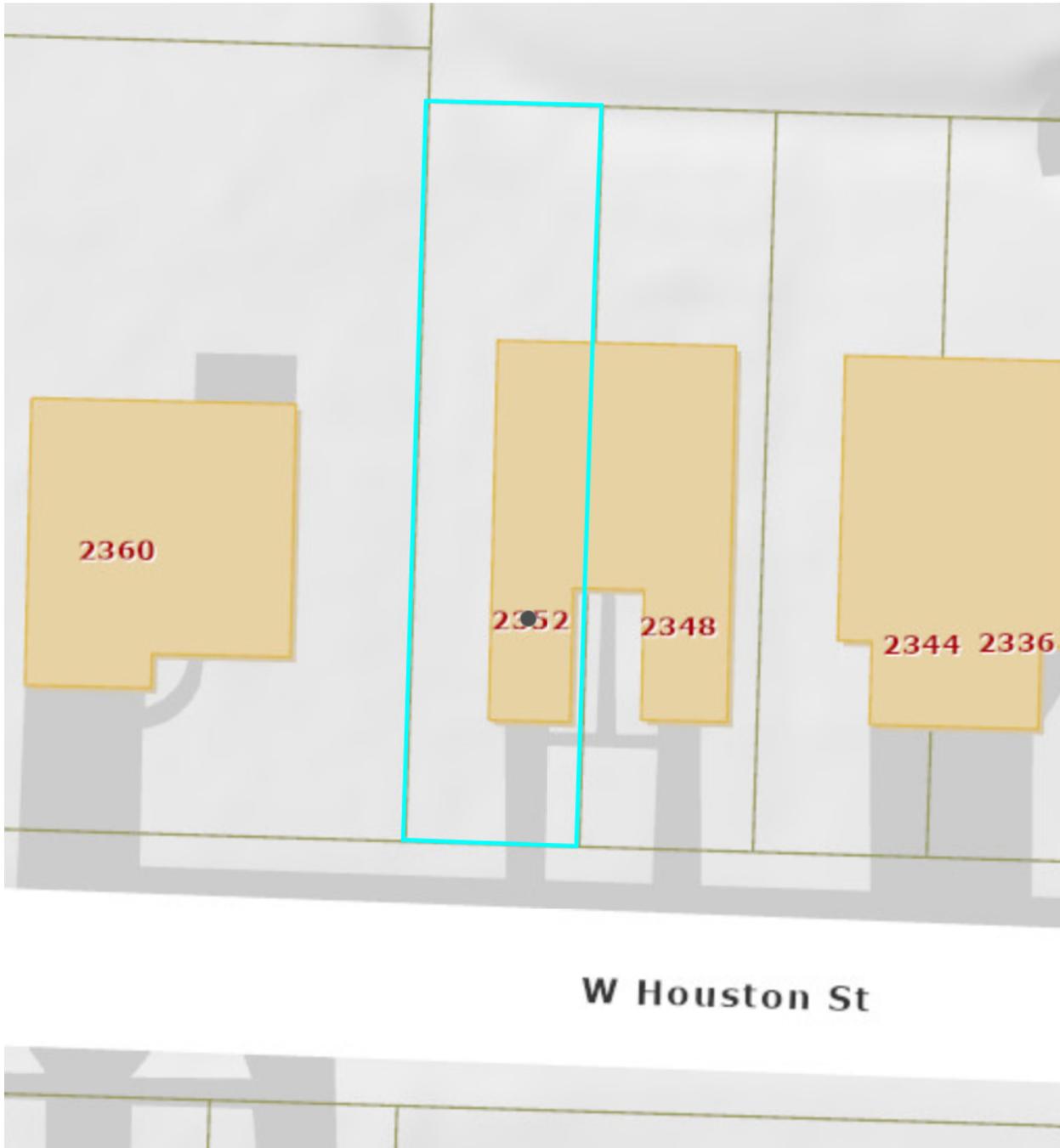
(3)

Description of Request: I would like to use this property as a handicap accessible Type 2 Short Term Rental, to better serve the underserved accessible community visiting Fayetteville. There are step free and wide entrances throughout the home, ADA barrier free shower basins, ADA compliant shower seats and grab bars, ADA shower heads and grab bars, ADA toilets with grab bars, ADA compliant bathroom sinks, ADA compliant washer and dryer, ADA compliant range/stove, no upper kitchen shelving or cabinets, etc. I cannot find a fully ADA compliant home on AirBNB's website when filtering for AirBnB's accessibility standards. On VRBO there are rentals that claim accessibility but their photos show that their property is not accessible (no ADA compliant fixtures such as toilets, shower seats, no way to enter the shower/tub, no grab bars, no accessible sink, no ramps on thresholds, thick carpet/rugs etc). I am passionate about accommodating those who are differently abled in my short term rental, and have gone to great financial expense to ensure that they feel welcome and have the experience at my property that they deserve. I currently have a tenant with limited mobility on a long term contract and I am pleased to say that they are able to live with dignity in my rental. My tenant plans to move from my rental by the end of the year, therefore I would like to obtain a CUP for a Type 2 STR.

- a) The building size will not change from 1044 sq ft.
- b) The elevation of the exterior will not change from residual grade siding.
- c) The number of off street parking spaces will not change. Parking only in the driveway and first come first serve on the street.
- d) The STR will be open 24/7 with an average of 3 adults and 1 child, with no employees, other than myself tending to cleaning and home maintenance. There will be no peak hours as the number of guests will be consistent with no parties or visitors allowed.
- e) The outdoor lighting will not change from the motion sensor activated flood light to assist guests to find the entrance
- f) There will be no noise as guests are not allowed to have parties or visitors and the small square footage only accommodates a handful of guests.
- g) There will be no change in screening or buffering from adjacent properties. Currently the back yard and a portion of the side yard has a standard height wooden fence.
- h) There will be no change in the trash or refuse service.
- i) There will be no change to the ingress or egress or traffic impacts.
- j) There will be no change in the compatibility of this property between adjacent properties changing it from a long term rental to an STR because the number of guests, cars, and the noise will be the same.

(4)

The site plan will not change.



(7)

I, Kristen Walnofer, am the representative requesting this Conditional Use as well as the property owner of record for 2352 W Houston St as I am the owner of the Haus Walnofer LLC.

I am willing to comply with the City of Fayetteville's requirements in order to obtain this Conditional Use Permit and then obtain a Business Registry and License for this short term rental property.

Thank you so much for your consideration,

A handwritten signature in cursive script that reads "Kristen Walnofer".

Kristen Walnofer
Haus Walnofer LLC
501-860-1233

kristen.walnofer@gmail.com

From: Jerry Jenson [mailto:jjenson@windstream.net]
Sent: Thursday, October 06, 2022 7:57 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: FW: 2352 Houston Short Term Rental

Please find attached a comment which was sent to you on a conditional use permit for 1637 Linda Jo. The Linda Jo property is located a few feet from the Houston property. The two properties are virtually identical as are all of the reasons why the conditional use permits for both properties should be denied.

The Planning Commission found that the short term rental use was non-compatible for the Linda Jo property at the meeting on September 26 and voted unanimously to deny the permit. It is submitted that this should be the same result for the Houston property.

I attended and made public comment at the September 26 meeting on the Linda Jo property. I will be unable to attend the October 10 meeting due to prior commitments to the activities of a museum where I serve as a board member and officer. There has been no change as to the comments I made at the September meeting and they apply equally to the Houston property.

Thank you for the consideration of this comment.

Susan Jenson
24309 Club House Lane
Wister OK 74966
918-649-3146

From: Jerry Jenson [mailto:jjenson@windstream.net]
Sent: Friday, September 23, 2022 3:33 PM
To: 'planning@fayetteville-ar.gov'
Subject: 1637 N. Linda Jo Pl Short Term Rental

Re: Public Comment on Short Term Rental at 1637 N. Linda Jo Place
Comment by Susan M. Jenson, owner of Jenson Enterprises, LLC which owns 1606 Linda Jo Place

The community where the two properties referenced above are located is composed of a number of small duplexes with each unit containing approximately 1,100 square feet. The duplexes are located on a street that is approximately two blocks in length with an outlet on Houston Street to Porter Road. The duplexes were built in the early 1990's and are all very similar in design and construction. Linda Jo is a narrow street with no sidewalks and extremely limited on street parking. The units have parking for only one or two vehicles. The duplexes are located very close together. The duplexes are not well insulated between the units and a noise and smells travel easily between the units.

The physical limitations of the Linda Jo area makes it inappropriate for short term rentals. The lack of parking and the lack of space between the units make it unusable for short term rentals. Most duplexes can only have one vehicle. The street is narrow and with no sidewalks. It is not suited for numerous visitors. In fact, numerous vehicles could create a dangerous situation for pedestrians. In addition, with the lack of distance between the properties, noise is much more of an issue, depriving neighbors of the peaceful enjoyment of their properties.

The introduction of short term rentals will also cause a reduction in value to the surrounding properties. Another owner of a similar duplex is seeking to convert to short term rental. Many developments today have home owners associations with restrictions which ban such property uses. These duplexes were built before the advent of the short term rental market and the surrounding owners must look to the City for protection.

The above comments could apply to many other areas of Fayetteville, but Linda Jo is a special place. It is the home to many special people who are clients of Life Styles. Life Styles is a non-profit organization which services the needs of adults with developmental and other disabilities. It seeks to promote independent living and provide work opportunities in the broader community. I live in eastern Oklahoma and have a thirty-three year old son, Andrew, with Down syndrome. After my son had exhausted all educational resources, I began to look for a program for my son which would allow him to live a full and independent life. I searched around the country for a program which could provide my son with a meaningful life. Imagine my delight when I found Life Styles which was only 90 miles away. Life Styles is one of only a few programs in the country which provides individuals with intellectual disabilities with the opportunity to live a full life. Andrew has been in the program for over ten years. He has learned to live independently and holds a job at the university. However, he still has many limitations which necessitate supervision.

After several years living in rental housing I purchased one half of the duplex located at 1606 Linda Jo where my son currently resides. This appeared to be the perfect place for Andrew. He can walk to the bus stop and take the bus to his employment. The duplex is small enough for him to maintain. The neighborhood is quiet and it is safe to walk the street. Most importantly many of the surrounding duplexes are owned by Life Styles and the parents of a Life Styles client. It is a safe place for my son because assistants providing help to other clients or to my son can be available for emergencies or smaller problems. The residents are friends and visit on a regular basis. It is a true community.

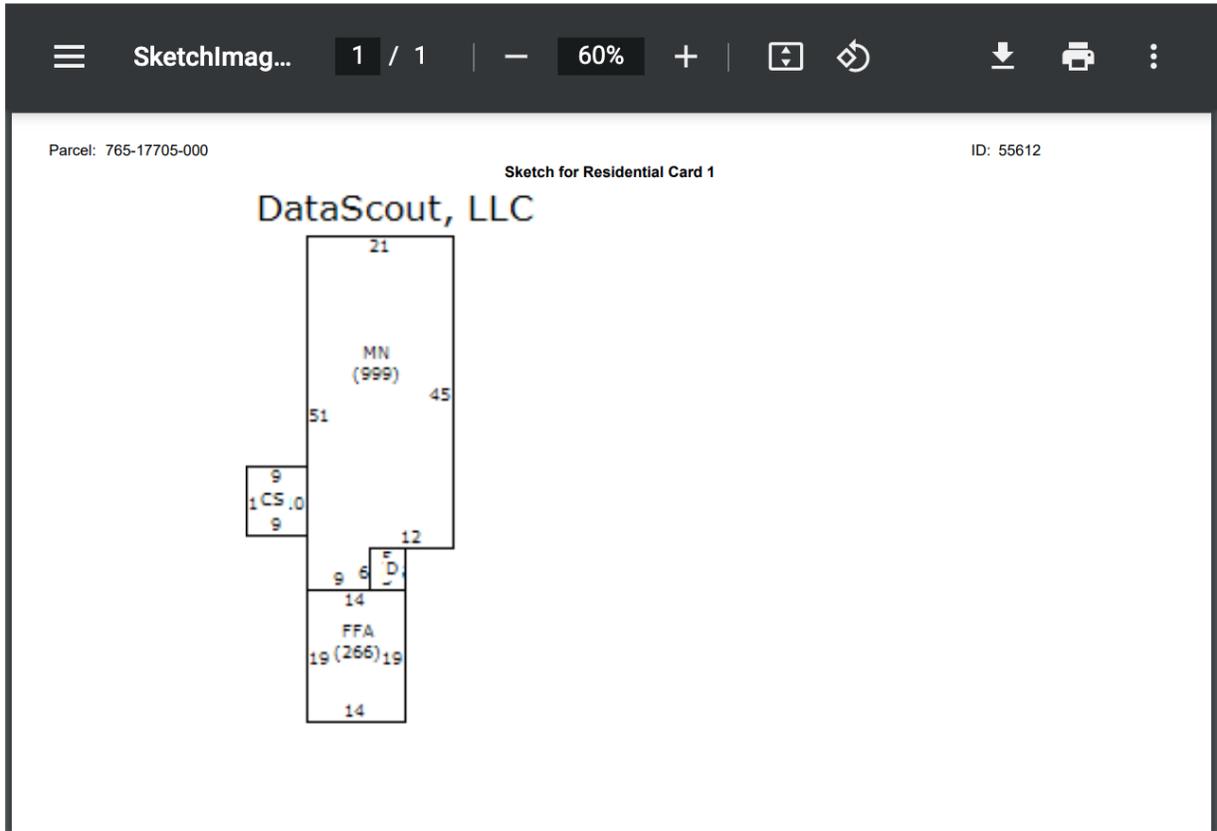
The introduction of short term rentals will change the character of the neighborhood. It will introduce many unknown individuals, bringing with them traffic and noise. The residents do not have the ability to call the police for assistance at night if there are too many cars or too much noise. There is no control over the type of individuals who would be renting the property. As already noted, there is already another application for designation as a short term rental by another owner which may lead to others if any such designation is granted. There are no rules for background checks as is normally done for renters. The owner who is seeking the short term rental designation is uncooperative. He does not return phone calls.

In summation, while short term rentals may be appropriate for some areas, they are not for this small area of Fayetteville. Short term rentals will destroy the character of the neighborhood and along with it the lives of some of the most vulnerable residents of Fayetteville.

Thank you for considering this comment.

Susan M. Jenson
24309 Clubhouse Lane
Wister, OK 74966
918-649-3146

The floorplan will not change.



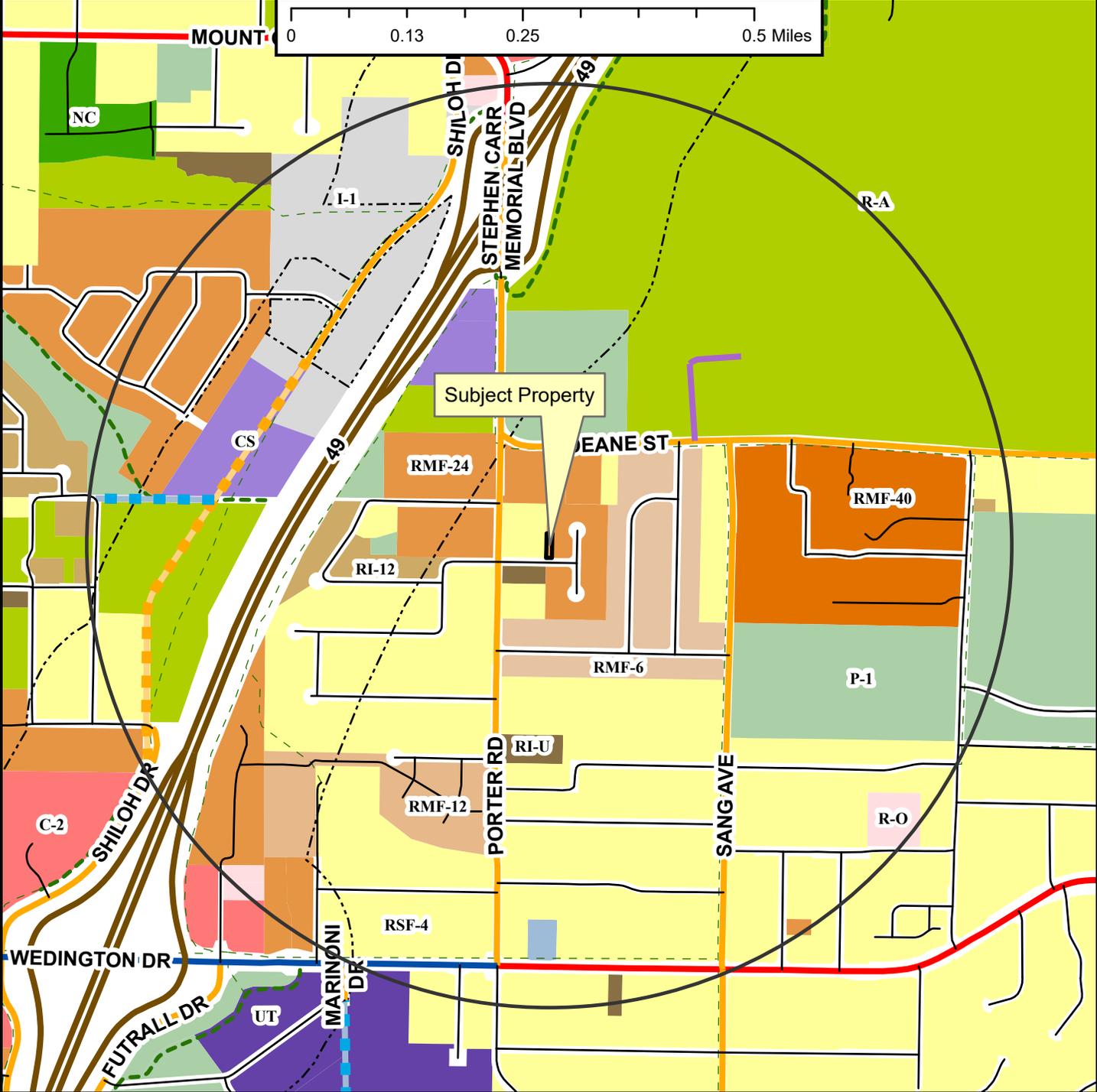
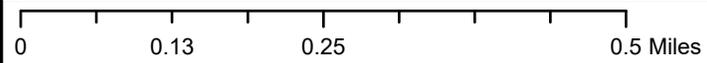
Plan Number: CUP-2022-0071
Building Elevation: 1 level ranch style home



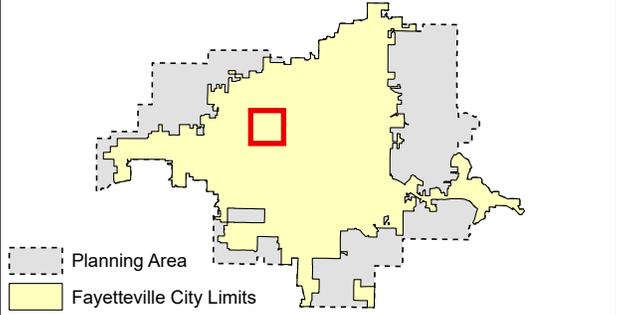
CUP-2022-0071

2352 W. HOUSTON ST

One Mile View



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link

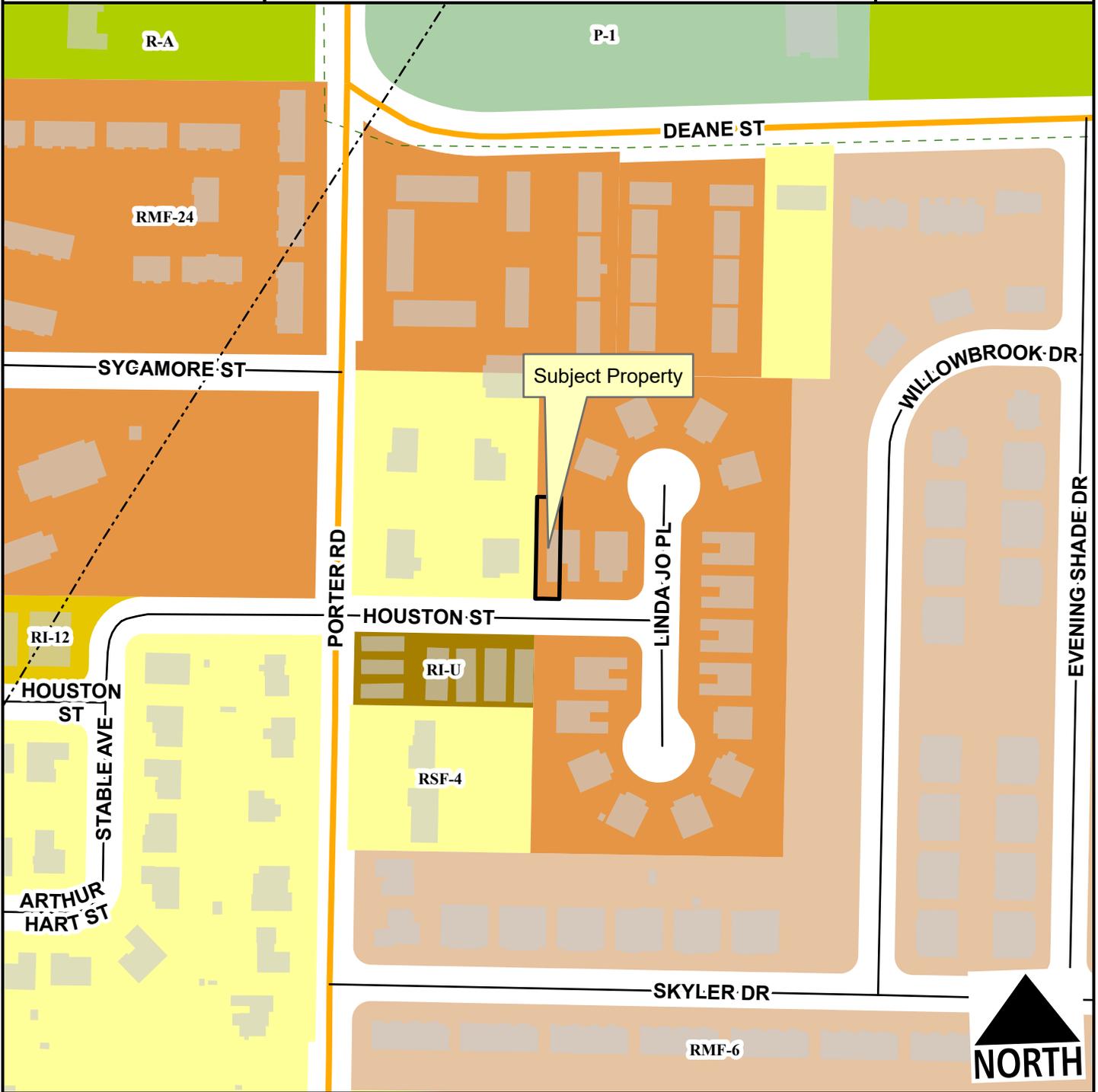


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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

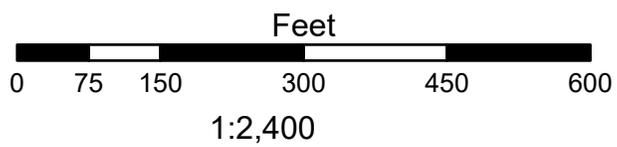
CUP-2022-0071

2352 W. HOUSTON ST

Close Up View



-  Neighborhood Link
-  Residential Link
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)
-  Design Overlay District

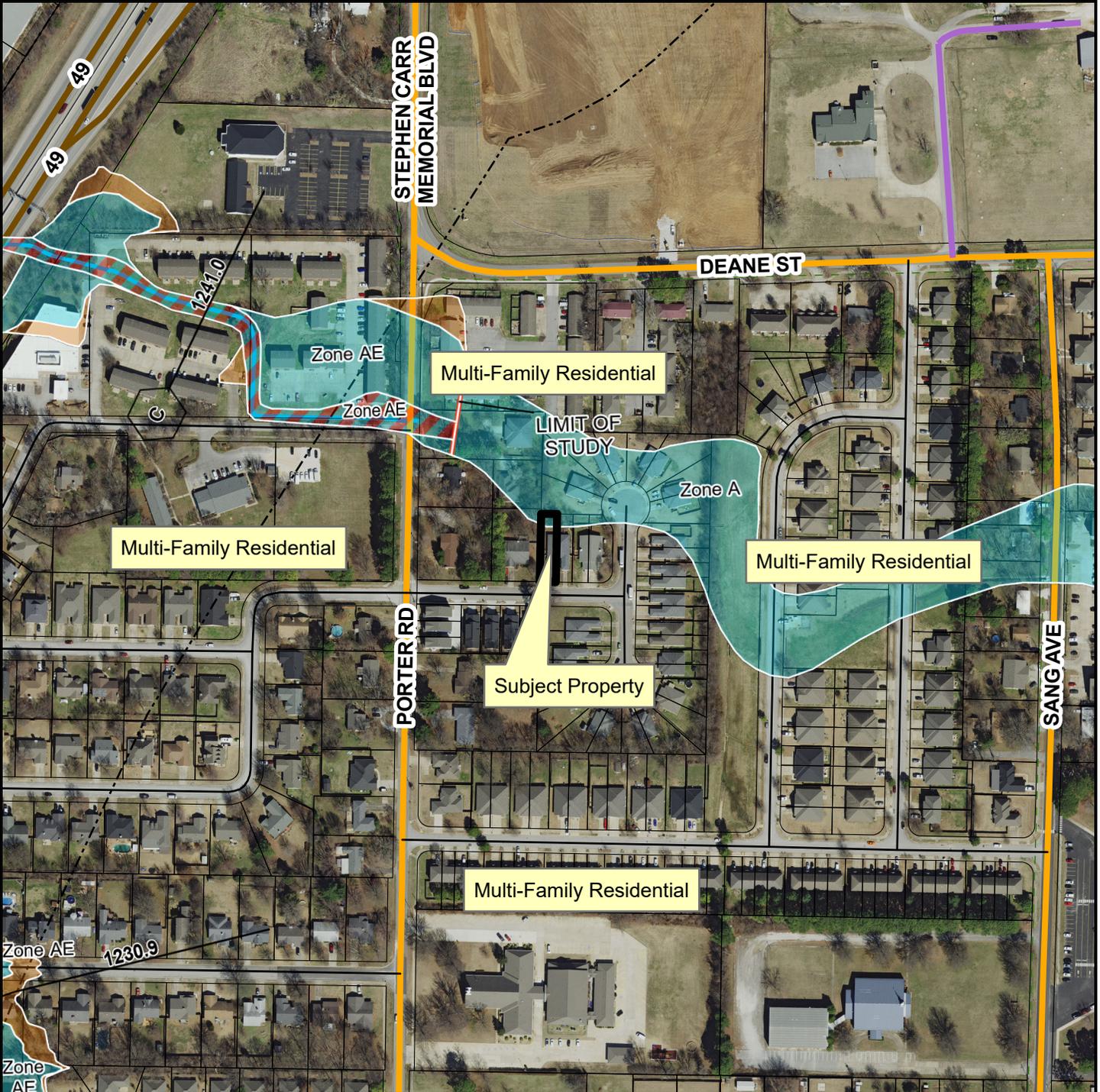


-  Residential-Agricultural
-  RSF-4
-  RI-12
-  RI-U
-  RMF-6
-  RMF-24
-  P-1

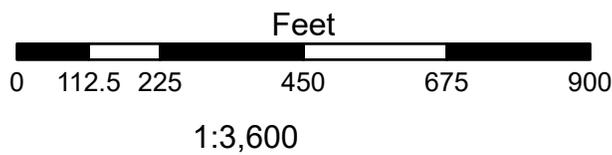
CUP-2022-0071

2352 W. HOUSTON ST

Current Land Use



-  Neighborhood Link
-  Institutional Master Plan
-  Freeway/Expressway
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway