



**MEETING OF FEBRUARY 21, 2023**

**TO:** Mayor Jordan and City Council

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

**FROM:** Ryan Umberger, Senior Planner

**DATE:**

**SUBJECT:** **Appeal: CUP-2022-0129: Conditional Use Permit (215 W. LAFAYETTE ST/BAXTER, 484): Submitted by JAMES BAXTER, for property located at 215 W. LAFAYETTE ST in WARD 2. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.09 acres. The request is to use the residence as a short-term rental.**

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**RECOMMENDATION:**

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

**BACKGROUND:**

The subject property is on the south side of W. Lafayette Street, at the southeast corner of its intersection with N. Rollston Avenue. The property contains one parcel totaling 0.09 acres and is currently developed with a two-bedroom, single-family dwelling which was built in 1941. The property is in the Downtown Design Overlay district and the Downtown Master Plan area. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration.

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

*Findings:* Staff finds that granting the requested conditional use is unlikely to negatively impact the public interest. Minimal disruptions are expected for neighbors due to applicable business licensing requirements including a required building safety inspection, and applicable density caps limiting the maximum number of guests to six. Two off-street spaces are available in the existing driveway. On-street parking is also available along both N. Rollston Avenue and W. Lafayette Avenue. Tags can be purchased through the Parking Management Department. The property is located in downtown Fayetteville where on-street parking is common with many residential and commercial properties in the vicinity lacking driveways or parking lots. Within ¼ mile of the property city business license records indicate there are 22 Type 2 rental business licenses. Given the relatively dense development pattern staff finds that the abundance of Type 2 short-term rentals in the area can largely be attributed to the property's proximity to downtown and does not constitute a

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Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

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risk towards disrupting the character of the neighborhood. There are no active or prior zoning code violations at the subject address.

*Public Comment:* Staff received no public comment on the request.

**DISCUSSION:**

At the January 23, 2023, Planning Commission meeting a vote to approve this request failed with a vote of 4-4-0. Conditional use permits require five affirmative votes to pass. Commissioner Brink made the motion with a second from Commissioner Sparkman. Commissioner Madden suggested there is an excess of Type 2 short-term rentals nearby which represents a compatibility issue. She also expressed concerns about vehicle maneuvering onto W. Lafayette Street. Commissioner McGetrick was also worried about the number of short-term rentals in the vicinity. Commissioner Garlock feared approval of the conditional use permit may turn the neighborhood into a short-term rental, party neighborhood and felt the on-site parking was not adequate. Commissioners Holcomb, Brink, Winston, and Sparkman voted to approve the conditional use permit; Garlock, Madden, McGetrick, and Johnson voted to deny. No members of the public spoke at the meeting.

**BUDGET/STAFF IMPACT:**

N/A

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

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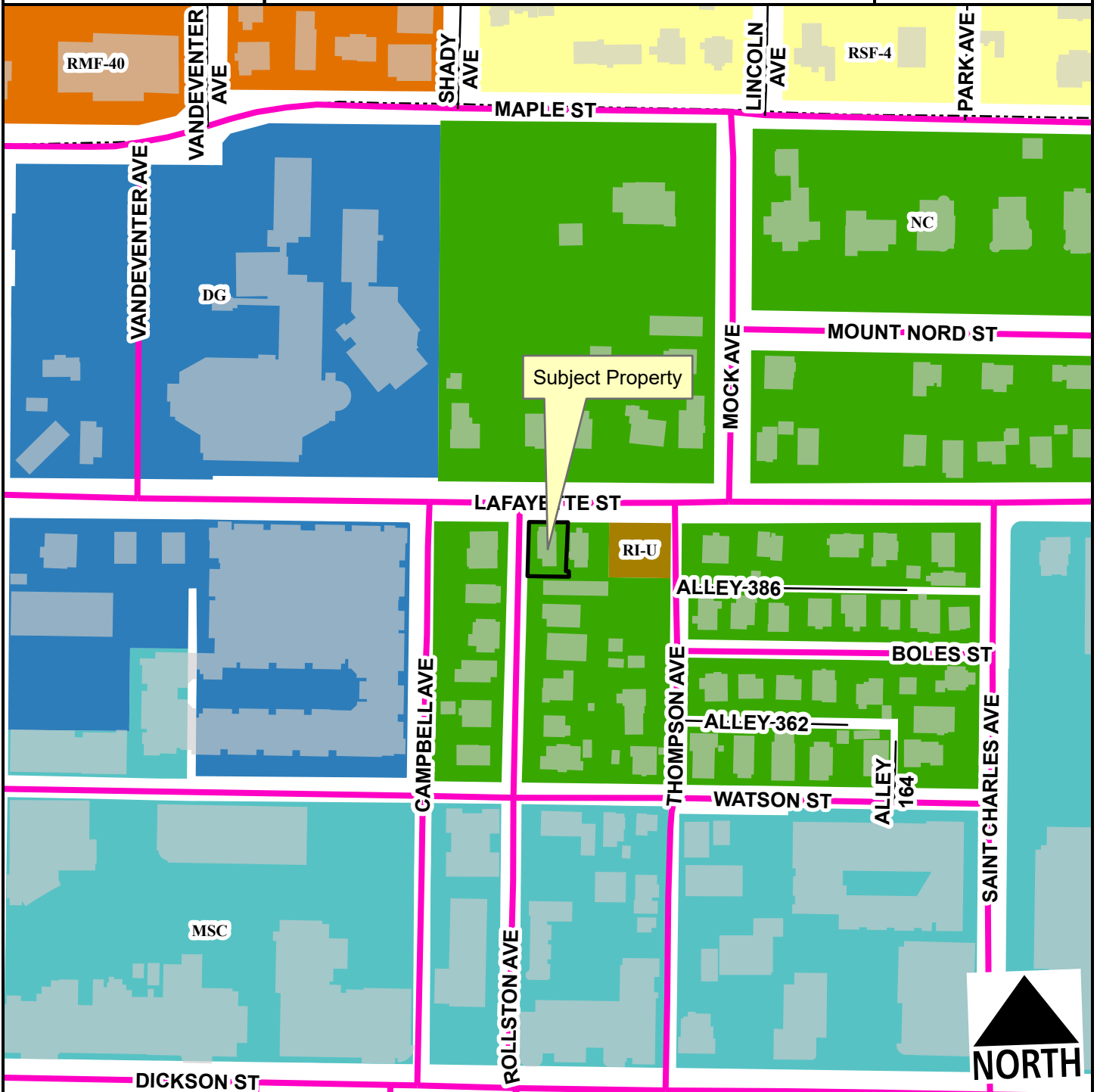
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CUP-2022-0129

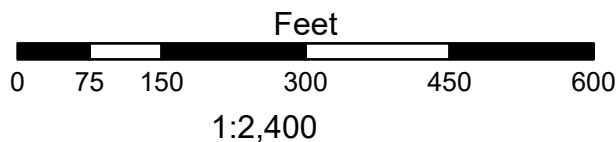
# 215 W. LAFAYETTE ST







EXHIBIT 'A'

Close Up View



-  Urban Center
-  Alley
-  Residential Link
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



-  RSF-4
-  RI-U
-  RMF-40
-  Main Street Center
-  Downtown General
-  Neighborhood Conservation