

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
OCTOBER 19, 1999**

A meeting of the Fayetteville City Council was held on October 19, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Administrative Services Director Kevin Crosson; Public Works Director Charles Venable; City Planner Tim Conklin; Staff; Press; and Audience.

ITEMS DISCUSSED

- Approval of the Minutes
- Wilson Park Toy Surfacing
- Homebuyer Sale
- Library Surveys
- RZ 99-28: 2200 & 2201 W. Deane St.
- Passenger Bus
- Sciacca Possession
- 2000-2004 Capital Improvements Program
- Fireworks Amendment
- Silverthorn Waiver
- RZ 99-29 Planning Commission Appeal
- I-540 Scenic Byway

ACTION TAKEN

- Approved
- Approved Res. 132-99
- Approved Res. 133-99
- Approved Res. 134-99
- Left on second reading
- Passed Ord. 4193
- Passed Ord. 4194
- Tabled
- Passed Ord. 4195
- Approved Res. 135-99
- Left on first reading
- Approved Res. 136-99

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Mayor Hanna asked all to rise to recite the Pledge of Allegiance.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes of the October 5, 1999 City Council meeting.

WILSON PARK TOY SURFACING

A resolution approving award of Bid #99-74 to Westlin Concrete Inc. in the amount of \$29,145.83 for the installation of a 2,404 square feet concrete base and playground poured-in-place around the current Big Toy at Wilson Park.

RESOLUTION 132-99 AS RECORDED IN THE CITY CLERK'S OFFICE

HOMEBUYER SALE

A resolution approving an Offer and Acceptance Contract to sell the property known as 21 East 4th Street to the designated eligible Affordable Homeownership Program applicant.

RESOLUTION 133-99 AS RECORDED IN THE CITY CLERK'S OFFICE

LIBRARY SURVEYS

A resolution approving an agreement with Garver Engineers to furnish surveys and geotechnical information for the architect's use in the development of the proposed library site. The contract is a cost plus a fixed fee in the amount not to exceed \$27,960 and includes a fixed fee of \$2,996.

RESOLUTION 134-99 AS RECORDED IN THE CITY CLERK'S OFFICE

Alderman Daniel moved to approve the Consent Agenda. Alderman Davis seconded the motion. Upon roll call, the motion was approved unanimously, 8-0-0.

OLD BUSINESS**RZ 99-28.00**

An ordinance approving rezoning request RZ 99-28 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 & 2201 W. Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 11.64 acres. The request is to rezone the property to R-2, Medium Density Residential. This item was left on the first reading at the October 5, 1999 City Council meeting.

Mayor Hanna noted that Richard Maynard had passed out a packet at the last City Council meeting that included a petition from the neighbors and some letters. He also stated that he had gotten a call from Mr. Weatherford requesting that they leave this item on the second reading because he and his attorney would be out of town for tonight's meeting.

Alderman Trumbo mentioned that he would like to allow everyone who had come to tonight's meeting have an opportunity to speak tonight.

Mayor Hanna stated that Mr. Maynard had given him a list of speakers opposing the proposal.

Mr. Rose read the ordinance for the second time.

Mayor Hanna asked the Council for their comments.

Alderman Daniel mentioned that she had checked with the courthouse records and had found that Mr. Weatherford was not the legal owner of the property in question.

Jeff Whitmer, Lindsey & Associates Realty, stated that he had the deeds which showed that Mr. Weatherford owned the property but they had not been filed with the County Courthouse yet. He said that he would bring them to the next Council meeting.

Alderman Daniel said that she had received about 25 e-mails and calls opposing this item and two calls in favor.

Mayor Hanna introduced Father Douglas Simmons as one of the speakers representing the opposition to this rezoning.

Father Douglas Simmons, 1558 Stable, stated that his reason for opposing this item was because of its hazard. The more dense the population, the more dangerous the area is for its residents. This area has small roads with no shoulders or sidewalks, only ditches. There had been many accidents at the intersection of Deane Street and Porter Road. People use Porter Road as a shortcut to Highway 71. The proposed apartment complex would house many students who would use Deane Street, Sang Avenue, and Porter Road. It has been his experience from living in other cities like Fayetteville whose streets did not increase in proportion to the size of the population.

Fay Dogee, 1745 Sang Avenue, stated that she has lived at her house for three years. Prior to that, she lived at 1615 Sang Avenue, across from the Encore Apartments. Prior to that apartment complex was built, she never experienced any flooding problems or high water. The empty land there had been lower than the street. The soil had been covered in order to construct the apartments, which resulted in flooding and storm water run-off. The pasture in question for this rezoning would also require that the soil be covered to construct the apartments. Currently, the soil there is listed as pembroke silt loam which has very good drainage and acts like a blotter. It is also lower than the land to the east on Sang Avenue. Naturally, the apartment complex builder will bring in more soil to raise the level of the property to that of the road, which will then result in a canal. She could not imagine that any construction they could do would guarantee that the neighbors would not have resulting flooding problems. She had checked and had found that the apartments at Linda Jo Place had flooded this year. She believed this rezoning would lead to a rezoning request from the property owner on the south. She couldn't see any reason why they could deny that future rezoning request; the City would virtually be saying to her and her neighbors that they, as lower middle class homeowners in that area, shouldn't mind the rezoning, shouldn't mind that their kids needed to dodge speeding cars, shouldn't mind the increase in partying and noise in the area, and shouldn't matter that their property values were reduced. On October 7 and 8, her brother, a civil engineer, J.M. Lavender came to surmise the situation. In Oklahoma City where he works, rezoning changes were not made unless there was an overwhelming need to do so, and he had found it strange that zoning regulations here were considered as suggestions. She had also found available property that could be developed closer to the university. She asked that the Council leave their neighborhood as it is.

Chris Norris, 2122 W. Lawson, stated that he and his wife had lived there for three years. He wanted to know why they had not been informed of this rezoning. They had been informed by Richard Maynard who had put a flyer on their door. They had decided to buy their home in that neighborhood because it was close to Asbell School, had a big backyard, and was next to a church and a field. If this complex went in, they would have to move. Their child walks to and from school and rides his bike in the neighborhood. In his opinion, this rezoning would break the City's agreement with the neighborhood with the current rezoning. He asked why they would want to put children in danger.

Faylene Honniger stated that she and her daughter had moved into their house on Hatfield almost two years ago. She had bought this house for her daughter for when she grew up. She said there were fifteen kids on her street where cars are constantly speeding. Her daughter is not allowed to walk by herself to or from school. Kids don't always think before they step out into the street. Recently she had found out that her whole street had been rezoned flood plain and they had not been informed by the City. Her neighbor had been told by her bank, telling her that she needed to get flood insurance. Less people would be interested in buying the houses in her neighborhood now. Part of the field for this apartment complex had been determined to be within the flood plain. She had asked a City worker why they had been zoned as flood plain; she had been told that it was due to the growth in the area, although Ms. Honniger thought there had not been that much construction. She could not imagine any engineer telling her that her home would not flood due to this new apartment complex. She knew in her heart that this was not right.

Alderman Davis asked for the date on the most current flood plain map.

Tim Conklin, City Planner, answered that it was July 21, 1999. The Corps of Engineers and FEMA had reevaluated the Fayetteville area and were producing more current maps. The City maps showed the designations at that date, not for the future, and showed who was required to get flood insurance.

Alderman Davis stated that the flood insurance rate maps changed constantly.

Mr. Conklin agreed.

Alderman Davis mentioned that flood insurance was very expensive.

Mr. Conklin answered yes and no. If your property had not been in the flood plain and had been built correctly according to the existing flood maps of its time, then it would not be very expensive, it would be grandfathered in. But if you do build below the flood elevation, then it could be a substantial increase.

Annetta Hoskins, 1601 N. Sang Avenue, stated she and her husband had owned their home for 13 ½ years. They had enjoyed Mr. Weatherford's cattle living across her back fence. She was not opposed to Mr. Weatherford selling the property, nor the buyer developing the property, but she was opposed to the density being proposed. She didn't believe the property was limited to 140 units. She was concerned with the increase in traffic the development would bring. She was concerned with the flood plain; Mr. Weatherford's property looks like a lake after a heavy rain. She agreed with Ms. Harrington's comments at the last Council meeting that it is the owners who are hurt; she pointed out that they, too, are owners.

Jim DeVore, 2615 Megan, stated that most of his concerns had already been expressed. He felt his property would definitely be a part of any storm water run-off. The rainwater after the last rain had been 4'7" deep; one of his neighbors had had expensive damage done to his car due to the flooding. He felt that the planning done in the City for the flood control had not been very good. Considering the people affected by the run-off and the traffic from this development, it would not be necessary.

Richard Maynard asked for a show of hands for people opposed to this proposal. He deferred his time to speak until after Mr. Hahn's attorney had spoken.

Wayne Krug, the petitioner and Michele Harrington's partner, asked to respond to the major concerns of the citizens who had already spoken before Council. He pointed out that this would truly be a fill-in zoning; there is a mixture of zoning in the area. Across the street is R-3 zoning which allows an even higher density zoning than what they were proposing. Currently they have a field in the location, which is not a good use of land for the landowner. He felt this was not a great change to the neighborhood in terms of zoning. The change in zoning had been approved by the City's Planning staff and concurred with sound planning strategy for the City. Issues of traffic, drainage, and screenage would all be dealt with further in the development process. He stated that the issues of drainage and run-off would be handled by the engineers. As for speeding traffic, he said that in his experience of the university, the students didn't tear out of class and speed through residential streets. He thought a legitimate concern would be the increase in the amount of traffic that this apartment complex would cause, but he didn't think it was right to not do anything in this area that might increase traffic. As for putting duplexes in instead of

apartments, you could put in 135 units rather than 140 units, less than a 5% increase from the duplex density. He thought they would be pleased with the development they were putting in. If the property were rezoned, the property owners were not legally bound by the 140 units he was talking about. This project would not materially harm others. The planning professional's felt the zoning was proper and fit with the surrounding property. Access, drainage and other issues would be addressed during the large scale process.

Alderman Santos asked if the developer had any intentions of providing a bill of assurance.

Mr. Krug replied developers would provide a bill of assurance stating that the development would be between 12 and 15 units per acre rather than 20 and 24.

Mr. Nelson, Reality Resources, stated he was the developer hoping to purchase and rezone the property. Other projects they had worked on they had not be able to get more than twelve units per acre. They did large amenity package and a lot of green space. They were not trying to place too many units on one space. It was unattractive and it was not what the students wanted. They were trying to take the institutional feel out of the housing. This was a more upscale student housing project, with a lot of open space and recreation facility.

Alderman Austin noted this property had been part of the solution to the flooding problem in the area. He asked if the client would place a bill of assurance that everything possible would be done to manage the water on the property, but to take care of the water that had been coming onto the property that the neighbors had been talking about.

Mr. Krug stated they would have to do that irregardless.

Alderman Young clarified that the city had a drainage ordinance which the developer had to comply with.

Mr. Maynard stated he had been told very little. He was allowed to ask very little. He felt they had a right to know what was going back there. He respected property rights, but property did affect other property. The owner had the right to sell his property as long as it did not affect the rights of others. He thought the owner could sell his property under the current zoning, but he was asking more than the market would allow. He was concerned about the flooding. He expressed concern about the increase of traffic this development would cause.

Mr. Krug stated the University was trying to recruit an additional one thousand student a year for the next five years. Those students needed to live somewhere and it was nice to live close to the university. Zoning was a function of government restriction on the property. Zoning was to keep alike uses together.

Alderman Daniels noted there was a proposal to build several new dorms on campus and they were wanting to increase student enrollment.

Alderman Santos added the Chancellor's goal was increase enrollment by 50% by the year 2010. H

wanting to increase the percentage of students living on campus from about 27% to approximately 40% in the future. It would still create an off campus demand for several thousand off-campus units.

Alderman Davis added that was what they were hoping for, but reality was a different question. His concern was that the Cliff's had an additional 200 units in the process of being constructed. They had also just approved another 225 units close to the University Farms. All these units would be coming on line by next fall. The city currently had a lot of vacancies in the newspapers for apartments. He was not sure that they could prove at this time that there was a need for more apartments.

Mayor Hanna replied he was not sure that it was the council's charge to debate the need. He thought they were to listen to both sides and make the best judgment they could.

Alderman Russell questioned what the traffic increase would be.

Mr. Conklin stated they had done a trip generation calculation using the Institute of Transportation Engineers with 140 dwelling units they would expect in a twenty-four hour, two-way volume, of 928 trips. That was 928 trips going two-ways.

Mr. Krug stated most of the traffic would not be twenty-four hours a day. He thought they would be running approximately 80 vehicles an hour over the two or three exits. If they were to compare with any other reasonable intersection, they would find that it was not a large increase in traffic.

Ms. Doege stated she use to be a student. There was not way in the world she would only make two trips a day. She was constantly make trips. She thought the estimate was too low for a student and needed to be increased two to three times.

Alderman Russell asked if the equation to determine traffic estimate was if uniform or did they had a factor to plug in there type of development or was it uniform for all type of dwelling unit and what type of people they had living there.

Mr. Conklin replied there were different factors they could put into the program. There was not a factor for students. All apartments were factored the same.

Alderman Austin questioned the different types of streets in the city.

Mr. Conklin stated the city had a master street plan that classified streets by how they functioned and the traffic they served. They had a local residential street that handled the traffic out of a subdivision. A collector street which was a two-lane street, 36' wide which handled 4,000-6,000 vehicles per day. The next street was a minor arterial street. It was a four-lane street it was 54' wide. It handled anywhere from 12,800 to 14,500 vehicles per day. Deane Street was classified as a minor artierial. It was currently built as two-lane. They did have a principle arterial, which was also a four-lane street with a median boulevard in the middle. Those were the city's major streets like College Avenue. Sang was classified as a local street which was for 3,000 to 4,000 vehicles per day.

Alderman Russell asked to see a show of hands for people who where here for this issue. Most of the audience raised there hands.

Alderman Young stated there were reasons to vote for the rezoning and there were reason to vote against it. It was not going to be an easy decision.

Mayor Hanna thanked the people for coming.

ITEM WAS LEFT ON THE SECOND READING.

NEW BUSINESS

PASSENGER BUS

An ordinance approving a Bid Waiver to purchase one used Diesel-Powered Forward Control Passenger Bus. This will allow the Mayor and City Clerk to approve for purchase the unit recommended by the Fleet Operations Division, the Youth Center Director, and the Equipment Committee. This unit will be primarily utilized by the Fayetteville Youth Center.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Alderman Daniels asked if the equipment had been located yet.

Mayor Hanna replied it had not been located yet. They were giving the fleet manager the latitude got out and look for one. If he found one that met the guidelines that the equipment committee had approved. This would give him the authority to go out and purchase it.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4193 AS RECORDED IN THE CITY CLERK'S OFFICE.

SCIACCA POSSESSION

An ordinance authorizing the City Attorney to seek court-ordered possession of certain lands (0.22 acre) and easement from property owned by Jerry L. Sciacca in association with the extension of 6th Street to Huntsville Road. Compensation of \$46,565.00 for the acquisition has been agreed upon and approved by City Council with Resolution 85-99. It is the intent of the City to let the courts settle a dispute on the distribution of funds between the property owner and certain lien holder(s).

Mr. Rose read the ordinance for the first time.

Alderman Daniel moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Russell moved to suspend the rules and move to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4194 AS RECORDED IN THE CITY CLERK'S OFFICE.

CAPITAL IMPROVEMENTS

A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget.

Mr. Steve Davis, Budget and Kevin Springer, Budget and Research, presented a brief summary of the capital improve projects that began in 1988. Approximately 90% of the projects that were in the program than been reviewed and recommended by the City Council's Street and Water and Sewer Committees and well as projects from the Parks and Recreation and Airport's Advisory Boards.

Alderman Austin questioned if the city had considered any water storage planning. A low profile, ground level placement as an alternative to towers, in the future.

Mr. Don Bunn, Assistant Public Works Director, answered that it would depend of the area to be served and the elevation. Mt. Sequoah were on the ground, but were in affect elevated tanks because they supplied pressure to most of the city. They had put tanks on the ground at Kesler Mountain, which was southwest of town. It would depend on the area and the elevation. They generally had to have a certain water elevation to supply pressure. If the ground elevation was not sufficient they would have to elevate it. If they had their chose they would put them on the ground because they were cheaper to build.

Alderman Austin asked that they consider ground tanks out at Hyland Park rather than the elevated tank.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion.

Alderman Russell stated he was not going to vote for this tonight.

Alderman Young questioned streets. There was a street that had been pushed off the 2001 Cleveland Street. Last year it had been funded. Now it had been moved back two or three years.

Mr. Venable replied last year it had been funded until they had to change some of the items for Gregg Street. Then they took it completely off. They did put it back in. They were hoping to get it back in 2000, but they had not been able to fund it. This was only the portion between Leverett and Cleveland. It did not include the connect to Prospect.

Alderman Young asked where some of these projects were coming from. He had always envisioned that all the projects were moving up every year. All of a sudden some projects appeared from nowhere compared to what was in there last year. He questioned if they kept moving the project up. He questioned the selection process.

Mr. Venable explained most of the project were on the CIP. One of the projects that they had move up was Kings Drive which they did not have it. It had been planned for 2001. Maple Street had been programmed, but they did not have it shown as a project. He did not know of many changes in it.

Alderman Russell asked him to explain the Steel Property. He had noticed that in the list of projects. That the \$300,000 they were spending this year had been moved from 2003. Had this been done last year or was that this year.

Mr. Venable answered what they had done. There had been plans to construct two-lanes along Steele Street. They had approved to go ahead and build the entire four-lanes at this time. The money would be used for the base and surfacing and the curb and gutter. When the project come forward, they had determined to go on. At the time when they first started talking about this last year. They were thinking of only building two lanes. When they got into it they found it was cheaper to do it this way. So they were going to go ahead and construct all four lanes.

Alderman Russell asked Mr. Venable to explain the re-budget of the 6th Street Improvement from 1999.

Mr. Venable explained they had a lot of projects this year that they did get the contract and some changes. There was about eight million dollars in projects that they let this year. Which took in two or three year. They had been back logged from other years. Some of these had overran and resulted in making some adjustments. They did not believe that they would get 6th street in this year because they did not have all the right-of-way acquired yet. They had taken some of the money from the 6th Street Project to fund the other projects. Now they were putting this money back in so they could fund 6th Street this year. 6th Street had been on the CIP plan for several years and had been rolling over.

Alderman Santos asked if they could move the Cleveland Street improvement up so they could co-inside with the Highway Department Garland Project.

Mr. Davis responded from a cash flow standpoint they had maxed out the sales tax capitol money for the year 2000.

Alderman Santos asked if there other projects they could delay to have those happen at the same time.

Mr. Davis replied that was what this council needed to decide. If there were projects that they thought were less critical than doing Cleveland.

Alderman Russell gave the background on Cleveland Street. It was basically the only street in his ward that he received phone calls about. The reason was that it was a matter of priorities. There were no sidewalks going down the hill from the school to Leverett Street. It was a narrow street. The plan was to widen the street to 28' and build a sidewalk on one side. Currently parents were complaining because the kids had no place to go but the street.

Mayor Hanna stated the city had the money and were ready to move on with the street, but the residents did not want the street. The street committee decided since it was not going to be a through connection that it was not as important as some of the other streets.

Mr. Davis added the project number was a 1996 project number.

Mayor Hanna stated they had started talking about this in 1993 and it was just now getting up there. It was all tied into the city's pay as you go plan. If they had kept the bond issue that the Supreme Court had over turned the sales tax, they would have had both of these street done. But they would also be in debt 33 million dollars. He thought they had worked out well, except for the few projects that had been delayed.

Alderman Daniel noted the bad situation around Leverett School. She asked if they would be working with the state when they started wideing the street. To improve the safety and the parking.

Mr. Venable did not know what the State and the School and worked out.

Alderman Young stated he had heard they were going and move the drop off back.

Mr. Venable stated they were supposed to have a public hearing soon. The City would not have much input into the situation because it was between the state and the school. This project would extend Cleveland Street back to Hall Street. He said that the City was working on the utilities there.

ITEM WAS TABLED.

FIREWORKS AMENDMENT

An ordinance amending Ordinance 3706, Chapter 94, Fire Prevention, Section 94.04, Sale and Use of Fireworks, Subsection (B) of the Fayetteville Code of Ordinances, to regulate the use of fireworks. The amendment would change Subsection (B) to read: "It shall be unlawful for any person to use fireworks within the City at any time except on the dates of July 3 and 4 *and on December 31 and January 1*" (inserted text in italics) to allow for such use by First Night Fayetteville.

Mr. Rose read the ordinance for the first time.

Alderman Trumbo made a motion to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call, the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Davis made a motion to suspend the rules and go to the third and final reading. Alderman Santos seconded the motion. Upon roll call, the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna asked for comments from the Council and the audience.

Alderman Reynolds asked if this ordinance was in agreement with the City Fire Chief.

Alderman Trumbo stated that it didn't seem like it.

Mayor Hanna answered that the Fire Chief did not approve of fireworks under any circumstance.

Alderman Daniel stated that this ordinance came about because the First Night Committee wanted to do a special display of fireworks for the children on New Year's Eve at 6:00 p.m. The fireworks that would be used were quiet, "cool" displays consisting mostly of confetti and sparklers. Hog City Diner had agreed to let First Night use the roof of their building for the display.

Chief Mickey Jackson stated that whoever makes the agreements with companies to come to town to put on these displays needed to have a thorough understanding of who was responsible for damage incurred by these fireworks.

Upon roll call, the ordinance passed unanimously, 8-0-0.

ORDINANCE 4195 AS RECORDED IN THE CITY CLERK'S OFFICE.

SILVERTHORN WAIVER

A resolution approving a Waiver of Ordinance 3702 to permit the use of fireworks in the city of Fayetteville.

for the Silverthorn Subdivision.

Alderman Austin made a motion to approve the resolution. Alderman Trumbo seconded the resolution.

Alderman Russell stated that he would like to hear from Brenda Thiel.

Brenda Thiel, Parks Board, mentioned that she had gone on the City Council tour of this subdivision. This location is 25,000 feet to the west and 1000 feet to the south; therefore there was not much potential expansion to the south or the west. She felt there would be plenty of subdivisions and other locations for parks in the area in the future. The land dedication for this development would be 1.48 acres which is not very large for a park. Of the two parcels offered for dedication, one would have required a right-of-way through the park to get to it, and the other was in a flood plain. The Parks Board decided that they would be better off with the \$22,125 in lieu of the land dedication.

Alderman Trumbo asked if they could use this money at Greathouse Park for further improvements.

Alderman Reynolds asked what he wanted to buy, a chainsaw?

Alderman Daniel stated that she thought it was about time for the Council to agree with the Parks Board.

Upon roll call, the resolution was approved unanimously, 8-0-0.

RESOLUTION 135-99 AS RECORDED IN THE CITY CLERK'S OFFICE.

RZ 99-29 PC APPEAL

An ordinance to approve rezoning request RZ99-29.00. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential to allow the development of an upper-scale 6-unit residential Planned Unit Development.

Mr. Rose read the ordinance for the first time.

Alderman Young stated the company he worked for was associated with the project so he would not be participating in the discussion and would be abstaining from the vote.

Alderman Santos asked for the item to be left on the first reading tonight.

Mr. Wes Burgess, Crafton, Tull and Associates, stated they were asking the council to approve the rezoning for the following reasons: it was supported by the planning staff and the majority of the Planning Commissioner, unfortunately, they were not all there that night so the rezoning could not be approved. The second reason was the surrounding use. He presented a map illustrating the zoning in the area. The zoning was mixed in the area. He thought rezoning to R-1.5 would be a good idea because it would

provide some what of a buffer from the commercial area to the residential area to the west. The third reason was the fact that it was an in-fill project which was usually encouraged by the city. It was a very low density residential. The alternative would be to move the development to the edge of town where it would tax the infrastructure of the city. The fourth reason was that there had been some concern about the increase of traffic due to this development. Currently under R-1, four units could be constructed here. They were only asking for two additional units. The property emptied onto Sycamore, which was a collector street. It was not going to affect the traffic on the residential streets in the area. They felt that if there was going to be any increase in traffic, Sycamore was a good place for the additional traffic. The final reason they were asking for the rezoning was the intended use of the project. The proposed use of the development was the construction of two triplex. A bill of Assurance had been offered for a total of six individual units. This was not an apartment complex nor were apartment complexes even allowed in R-1.5 zoning districts. These homes would be plated as individual properties with zero lot lines and sold as individual units. The developer, himself, will occupy one of the units. The area of each home would be approximately 2800 square feet and each unit will have a two car garage. The proposed residents of the development would be homeowners and therefore have a stake in the neighborhood. He felt this would be a strong addition to the area.

Alderman Austin stated he remembered the area being a early morning and late afternoon smoking and escape area for the students of Woodland.

Mr. Carl Theil, an area resident, he stated he owned the property that was immediate east of the this property. There were at this time three single family residences on the property they owned. He stated he was in favor the rezoning. He felt the project that was proposed would be an excellent addition to the neighborhood there.

Ms. Louann Richards stated she did not live in the area. But she had seen in the paper that they had turned down the request for the rezoning. Her and her husband had been looking around for condos or something suitable for them to move into, because they were senior citizens. There was not much in this area. She believed there was a great need for this type of development. Fayetteville was going and they were progressive. She believed condos would sell. She was interested in buying one of these units and asked the council to support the rezoning.

Alderman Daniel asked Ms. Richards if there was a shortage of condos in the area.

Ms. Richards replied there was a difference between condos and townhouse. Condos you only owned the interior of the structure. They did not have to worry about the exterior of the building. With townhouses you were responsible for all the maintenance of the building. Including the exterior. There was a difference between townhouses and condo which affected there expenses.

Mr. Nate Allen, 1917 Woodland Avenue, expressed concern about the rezoning. He asked what guaranteed that the condos would not turned into apartments. Expressed concern about the increase of traffic. He thought the neighborhood was very diverse as it was.

Mr. Franis Ferguson, developer, stated there were single family, sold separately, house. They would sell them as individual units. They currently had three potential customer, besides himself. He had lived in the same type of unit in a nother city and it was great. They association took care of all the maintenance and all the common area. The units themselves were very nice. Most of the people buying the units were over 50 because they did not want the responsiblity of the maintenance. He presented some photos of similar developments.

Mr. Timothy Sweetholt, stated he was new to the neighborhood. They had purchased there house because of the neighborhood, which was zoned R-1. Most of the neighbors did not want the property rezoned. He questioned the cost to the neighborhood. He thought the cost of the unit were to high. He thought there would be quick turnover. He expressed concern about the access to the property. He thought this would allow there structures into the

ITEM WAS LEFT ON THE FIRST READING.

I-540 SCENIC BYWAY

A resolution supporting the designation of I-540 from Fayetteville to Alma as an Arkansas Scenic Byway.

Alderman Reynolds made a motion to approve the resolution. Alderman Russell seconded the motion. Upon roll call, the resolution was approved unanimously, 8-0-0.

RESOLUTION 136-99 AS RECORDED IN THE CITY CLERK'S OFFICE.