FINAL AGENDA
CITY COUNCIL
AUGUST 1, 2000

A meeting of the Fayetteville City Council will be held on August 1, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the July 5, 2000 meeting.

2. **STEPHENS:** A resolution approving a letter agreement with Stephens Inc. for Stephens Inc to provide financial advisory services on the wastewater treatment plant expansion project financing. The rate per hour is $225.00 and is restricted to certain identified individuals. The authorization requested is not to exceed $22,500 and will be paid from the project budget. Approval of a budget adjustment is also requested.

3. **WASTEWATER TREATMENT PLANT EXPANSION:** A resolution authorizing the Mayor or his representative to proceed in seeking proposals for variable rate demand bond obligations for use in providing interim financing for the wastewater treatment plant expansion.

4. **BID 00-52:** A resolution accepting the lowest qualified bidder for the purchase of two tractor backhoe loaders. Bid 00-52, Item #1. The vendor for this purchase will be E. A. Martin Machinery.

5. **BID 00-53:** A resolution accepting the lowest qualified bidder for the purchase of one tri-axle diesel powered dump truck. Bid 00-53, Items #3 and #4. The vendor for this purchase will be Sterling Trucks of Arkansas.

6. **BID 00-54:** A resolution awarding Bid 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

7. **BID 00-56:** A resolution accepting the qualified bidder for the purchase of one tractor, one mower conditioner, two tedders, and one rotary mower with the trade of fourteen various used items which were declared surplus or are being replaced by the items purchased. The vendor for this item will be Williams Tractor.

8. **BALL AND MOURTON:** A request to grant an easement over 25 feet of land near Razorback Road for the purposes of ingress and egress for a parking lot.

B. OLD BUSINESS

1. **RZ 00-19.00:** An ordinance approving rezoning request RZ 00-19.00, submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of West Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the July 18, 2000 meeting.

2. **AD 00-18.00:** An ordinance for AD 00-18.00, administrative amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04 (A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1-½ acres that are on a septic system. The ordinance was left on the first reading at the July 18, 2000 meeting.

3. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision which denied rezoning request RZ 00-20.00 for property located at 2116 E. Joyce Street. The request is to rezone the property from A-1 to R-O. The ordinance was left on the first reading at the July 18, 2000 meeting.

C. NEW BUSINESS

1. **AD 00-22:** An ordinance amending the City's Master Street Plan by eliminating a collector street between Prairie Ave. and W. Sixth Street within the property at 404 W. Sixth Street, at the northeast corner of S. School Ave. and W. Sixth Street and reclassifying Prairie Street west of West Ave. and Government Ave. between Prairie Ave. and W. Sixth Street as collector streets.

2. **AD 00-23:** An ordinance amending the City's Master Street Plan by accepting a lesser dedication of right-of-way along W. Sixth Street just west of S. School Ave. only where the footprint of an existing structure encroaches into the required Master Street Plan right-of-way.

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4. **MULTI-USE TRAIL:** Discussion regarding the possible purchase of abandoned railroad property.

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6. **ROLLBACK:** A resolution approving a settlement of litigation regarding the rollback of ad valorem taxes for the years 1994 through 1999.

Meeting of: August 1, 2000.

	ROLL		BD HD. Consent		
YOUNG	✓		✓		
RUSSELL	✓		✓		
REYNOLDS	✓		✓		
AUSTIN	✓		✓		
DAVIS	✓		✓		
TRUMBO	✓		✓		
DANIEL	✓				
SANTOS	✓		✓		
HANNA	ABSENT.				
			8-0-0.		

RA KR. 3RD.

	RZ-00-18.00. PASS.				
YOUNG	✓	✓			
RUSSELL	✓	✓			
REYNOLDS	✓	✓			
AUSTIN	✓	✓			
DAVIS	✓	✓			
TRUMBO	✓	✓			
DANIEL	✓	✓			
SANTOS	✓	✓			
HANNA					
	8-0-0.	8-0.			

Meeting of: 8/1/00.

AD 00-1810	ILS RA 3RD.	PASS.			
YOUNG	✓	✓			
RUSSELL	✓	✓			
REYNOLDS	✓	✓			
AUSTIN	✓	✓			
DAVIS	✓	✓			
TRUMBO	✓	✓			
DANIEL	✓	✓			
SANTOS	✓	✓			
HANNA	—	—	—	—	—
		7-0-			

P.C. appeal, R2	AD moved 2ND.	PASS			
YOUNG	✓	✓			
RUSSELL	✓	✓			
REYNOLDS	✓	✓			
AUSTIN	✓	✓			
DAVIS	✓	✓			
TRUMBO	✓	✓			
DANIEL	✓	✓			
SANTOS	✓	✓			
HANNA	—	—	—	—	—
	8-0.	8-0.			

Meeting of: 8/1/00.

AD 00-22	KS				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
HANNA	———				
	8-0.				

AD 00-23	KS HD.				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
HANNA	———				
	8-0-0.				

Meeting of: 8/1/00.

AD 00-24. RA BD. 2ND		KR RA. 3RD.	PASS		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
HANNA					
		8-0.	8-0-0.		

~~TRAIL~~.					
YOUNG					
RUSSELL					
REYNOLDS					
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
HANNA					

Meeting of: 8/1/00.

PARKING LEASE KS HD. table					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
HANNA	←				
	8-0-:				

ROLLBACK. RATE. to approve					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
HANNA	←				
	8-0-				

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
AUGUST 1, 2000

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Approved

A. CONSENT AGENDA

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104-00

3. **WASTEWATER TREATMENT PLANT EXPANSION:** A resolution authorizing the Mayor or his representative to proceed in seeking proposals for variable rate demand bond obligations for use in providing interim financing for the wastewater treatment plant expansion.

105-00

4. **BID 00-52:** A resolution accepting the lowest qualified bidder for the purchase of two tractor backhoe loaders. Bid 00-52, Item #1. The vendor for this purchase will be E. A. Martin Machinery.

106-00

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107-00

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108-00

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

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109-00

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110-00

B. OLD BUSINESS

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PASS 4/24/2

2.√√ **AD 00-18.00:** An ordinance for AD 00-18.00, administrative amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04 (A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1-½ acres that are on a septic system. The ordinance was left on the first reading at the July 18, 2000 meeting.

PASS 4/24/3

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PASS 4/24/4

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PASS 111-00

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PASS 112-00

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PASS 4/6/5

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TABLED

5. **PARKING LEASES:** A resolution granting the Mayor or his representative authority to lease parking spaces at the Fayetteville Municipal Parking Deck or on other City owned or operated parking facilities, including Airport hangar leases, under the terms as agreed between the parties and in conformity with applicable ordinances. The lease amount is not to exceed $20,000 total.

TABLE

6. **ROLLBACK:** A resolution approving a settlement of litigation regarding the rollback of ad valorem taxes for the years 1994 through 1999.

PASS 113-00.

STAFF REVIEW FORM

XX AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of August 1, 2000

FROM:

John Maguire	Admin Services	Admin Services
Name	Division	Department

ACTION REQUIRED: A resolution approving a letter agreement with Stephens Inc. for Stephens Inc to provide financial advisory services on the wastewater treatment plant expansion project financing. The rate per hour is $225.00 and is restricted to certain identified individuals. The authorization requested is not to exceed $22,500and will be paid from the project budget. Approval of a budget is also requested.

COST TO CITY:

$NTE22,500.00	2,421,724.00	Wastewater Treatment Plant Expansion
Cost of this Request	Category/Project Budget	Category/Project Name
5400-5700-5314.00	2,403,729.00	
Account Number	Funds Used To Date	Program Name
98047	17,995.00	Water & Sewer
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item X Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	7-21-00 Date	Internal Auditor	7/24/00 Date
City Attorney	7-24-00 Date	ADA Coordinator	Date
Purchasing Officer	7-24-00 Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of agreement and budget adjustmen

Division Head	Date	Cross Reference
Department Director	7/21/00 Date	New Item: (Yes) No
Administrative Services Director	7/21/00 Date	Prev Ord/Res #:
Mayor	7/25/00 Date	Orig Contract Date:
		Orig Contract Number:

STAFF REVIEW FORM

Description_____ Meeting Date_____

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Fred Hanna and City Council

FROM: John Maguire, Administrative Services Director

DATE: July 20, 2000

SUBJECT: Financial Advisor Services - Wastewater Treatment Plant Expansion

Stephens Inc submitted a proposal in response to the City's request for proposal for financial advisor services. The City advertised for financial advisor services in RFP 2000-12 and the requests for proposal were sent to several financial advisor firms nationwide.

City Council is requested to approve a letter agreement with Stephens Inc for Stephens Inc to provide financial advisor services in conjunction with the wastewater treatment plant expansion project.

The wastewater treatment plant expansion project is listed in the City's Capital Improvement Program 2000-2004 at a total estimated cost of $89,800,000. In 1995, the City authorized CH2MHill to perform a Sewer System Study. The study was completed in 1997 and recommended improvements to our existing wastewater treatment plant (the Paul Noland Plant), construction of a new plant in the Illinois River basin, and improvements to the City's sewer collection system. Including the sewer system study and equipment upgrades at the Paul Noland Plant, the City has invested and/or committed approximately $7.5 million worth of improvements recommended by the consultants. Financing the remaining improvements recommended is challenging.

This agreement with Stephens Inc will provide the necessary expertise to evaluate various financing options available for the planned improvement. The most promising financing option available to the City for the Wastewater Treatment Plant Expansion Project is participation in the Arkansas Department of Environmental Quality loan pool. Approval of this agreement will afford the City the opportunity to evaluate various financing options to determine the best financing mechanism for the identified improvements.

CITY OF FAYETTEVILLE, ARKANSAS
2000 - 2004 CAPITAL IMPROVEMENTS PROGRAM
PROJECT DETAIL

PROJECT TITLE: Wastewater Treatment Plant Expansion

REQUESTING DIVISION: Water/Sewer & Engineering

FUNDING SOURCE: Bond Fund

PROJECT CATEGORY: Water & Sewer Improvements

INITIAL YEAR PRIORITY: 1

PROJECT TYPE: REPLACEMENT _____ EXPANSION Y

PROJECT COST		
2000	$	3,300,000
2001		3,200,000
2002		37,300,000
2003		23,000,000
2004		23,000,000
TOTAL PROJECT COST	$	89,800,000

PROJECT DESCRIPTION & JUSTIFICATION :

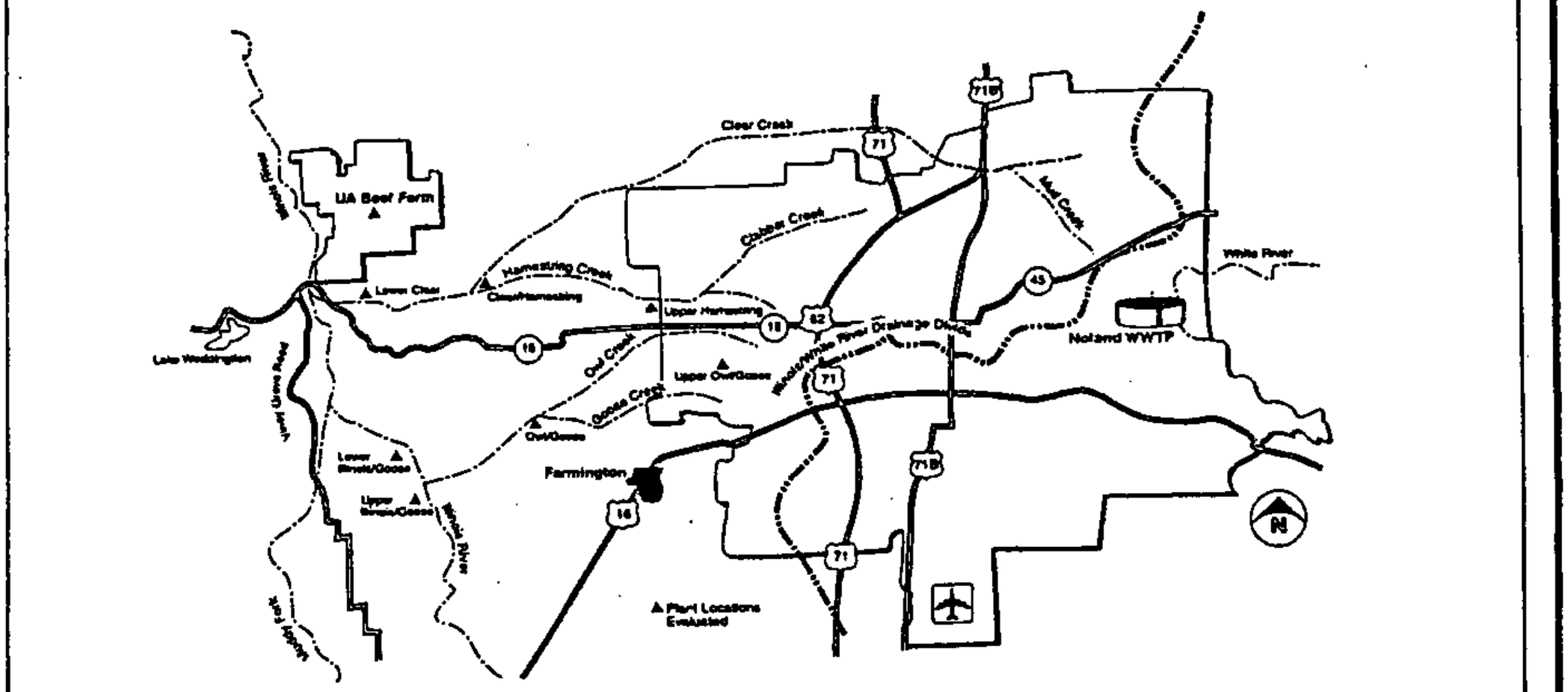
The purpose of this project is to address the needs for future Wastewater Treatment improvements which were outlined in a Wastewater Facility Plan completed in 1998. This Wastewater Facility Plan focuses on the impacts of growth on the City of Fayetteville wastewater system. Utilizing the 85,090 population projected in the City's General Plan 2020, it establishes a vision of future wastewater facilities to accommodate increasing wastewater flows. This project has funding budgeted in a tentative Bond Issue fund. Different methods of funding will be analyzed and will be better determined in the future.

PROJECT STATUS (IF IN PROGRESS) :

Currently, $3,900,000 is budgeted in 1999 to fund engineering and land acquisition cost for wastewater treatment plant improvements and expansion.

EFFECT OF THE PROJECT ON ANNUAL OPERATIONS

Additional operating expenses associated with the operation of an additional plant.



Stephens Inc.

Dennis R. Hunt
Senior Vice President and Manager

July 5, 2000

Mr. John Maguire
Administrative Services Director
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

RE: Agreement for Financial Advisory Services

Dear Mr. Maguire:

This letter is to serve as an engagement agreement between the City of Fayetteville, Arkansas ("the City") and Stephens Inc ("Stephens") pursuant to which Stephens will serve as Financial Advisor to the City to assist with the financing of the City's Wastewater Treatment Plant Expansion Project (WWTP). Our firm was selected to act in such capacity as a result of its response to the City's Request for Proposals dated May 23, 2000 ("RFP 2000-12"). Based on the City's RFP and information in our proposal, we have agreed as follows:

1. Services to be provided. Subject to the direction of the City, Stephens will provide advisory services as presented below:

Development of a Plan of Finance

a) Stephens will assist in developing a financing plan and recommend financing alternatives designed to assure that the City's goals and objectives are met.
b) In the course of this preliminary work, Stephens will analyze the City's capacity to support the proposed debt and make recommendations regarding the financing structure, which will insure that the City has available sufficient funds for annual debt service payments and operational flexibility.
c) Stephens' professionals will attend public meetings to present information regarding the recommended Plan of Finance.

Management of the Financing

a) As the City's Financial Advisor, Stephens will manage all aspects of the financing.
b) Stephens will assist the City in the selection of other members of the project team including underwriters, attorneys, trustees and other parties as required.

c) Stephens will develop a financing timetable that assigns specific responsibilities to the project team. The timetable will be monitored throughout the financing process and amended as required.
d) Stephens will be responsible for coordinating the work of all members of the financing team including the City's staff and officials, state agencies, bond counsel, underwriters, engineers, accountants, printers, rating agencies and credit enhancement providers.
e) Should the City seek ratings and/ or credit enhancement, Stephens will coordinate preparation and presentation of information to the rating agencies and credit enhancement providers.
f) Stephens will work with attorneys in drafting documents that provide the City with maximum operational flexibility and insure the integrity of the transaction.

Support of City Officials and Staff

a) Stephens' professionals will provide information for public briefings and attend meetings as requested by the City.
b) Stephens' professionals will keep the financing on schedule in order to meet all public commitments.

Implementation of Financing Plan

a) Stephens will advise the City on proper timing of the sale of the securities in order to take advantage of maximum investor demand and windows of opportunity in the marketplace.
b) Stephens will advise the City on pricing of the issue to provide for lowest possible debt service costs.
c) Stephens will manage the closing of the financing and the delivery of funds to the City.
d) Stephens will advise the City on interim investment of financing proceeds.
e) Stephens will be available following the closing of each financing to work with the City should any issues arise.

2. Compensation. As compensation for our services, Stephens shall receive $225.00 per hour for services rendered by professionals employed by Stephens, identified as Dennis Hunt, Mark McBryde and Ron Pyle, plus out-of-pocket expenses incurred in connection with the provision of such services by Stephens. Out-of-pocket expenses shall to limited to out of the city travel and priority mail costs. Each out of pocket expense shall be subject to approval by the City.

Stephens will invoice the City for its services on a monthly basis or at other such intervals acceptable to the City, and invoices will be due and payable within 30 days of receipt by the City. Each invoice will present a description in reasonable detail of the services performed, including dates and professionals providing such services, and of the expenses incurred.

3. Term. This contract shall remain in effect until the earlier of the completion of the WWTP financing or up to three years from the date of this agreement with an option for renewal by the City for an additional two years. In the event that current plans to finance the WWTP principally through ADEQ are not feasible, the City and Stephens may mutually cancel this agreement which would permit Stephens to compete in the sale of bonds or other financing by the City.

If the foregoing accurately describes our agreement for this financing, please sign and return one copy as indicated below.

Sincerely,

Dennis Hunt

Dennis Hunt
Senior Vice President
by WW

Agreed and Accepted on _____, 2000.

City of Fayetteville, Arkansas

By:_____

DH/whw

Stephens
A. 2. Page 8

Financial Advisor Services

List of Firms Proposals were Sent Out To:

Stephens Inc.
Attn: Dennis Hunt
2592 N Greg, Suite 1
Fayetteville, AR 72703

Wachovia Securities Inc.
Attn: Andy Bethell
#1 East Center, Suite 302
Fayetteville, AR 72701
abethell_ijl@msn.com

American Governmental Financial Services Co.
rdoty@agfs.com Robert Doty-President

Henderson Capital Partners, Inc.
hcp@hendersoncapital.com On line form filled out and sent to them.

Sage Advisory Services
%rgsmith@sageadvisory.com Robert Smith, III- President

MAI- Financial Advisory Services
munadv@pinn.net On line form filled out and sent to them.

The Financial Legacy Group
www.networthadvisors.com/hdvisor.htm On line form filled out and sent to them.

PFA.Inc.
Faxed to Phil Bennett- President

Koch, Inc.
Brad Heyka- heykab@kochind.com

Bank of Oklahoma
Paul Iwanaga
BOK Tower-8N
1 Williams Center
Tulsa, OK 74103
piwanaga@BOKF.com

CITY OF FAYETTEVILLE, ARKANSAS
Request for Proposals For Financial Advisor Services
May 23, 2000
Request for Proposal Number RFP2000 - 12

SECTION I. BACKGROUND AND SUMMARY OF WORK:

Notice is hereby given that the City of Fayetteville is seeking requests for proposals from persons/firms desiring to be considered to perform financial advisory services necessary to evaluate funding options for the Wastewater Treatment Plant Expansion (WWTP) project. The WWTP project is estimated to cost at least $60 million.

The City may retain a single individual or firm as financial advisor who will be responsible for delivering the above services, whether performed by that individual or firm or by others working in the employ of that firm.

SECTION II. GENERAL REQUIREMENTS FOR PROPOSING

1. Notice to Those Submitting: Information provided in these specifications is to be used only for purposes stated. It is further expected that each proposer will read these specifications with care.

   The City of Fayetteville (hereinafter referred to as the "City") believes that the data contained in these specifications are sufficient for preparation of proposals. The information is believed to be accurate and is based on the latest available information but is not to be considered in any way as a warranty. Therefore, the proposer, in submitting a proposal, assumes the risk of any inaccuracies in the information provided herein which might result from failure to provide any other information which might have been available.

   Each proposer shall provide the name and telephone number of the appropriate contact person for the firm.

2. Submission of Proposals and Questions: If your firm is interested in submitting a proposal to provide Financial Advisor Services, please return your written proposal to the address below by the date and time set forth.

   City of Fayetteville
   Purchasing Division
   Peggy Vice, Purchasing Manager
   113 West Mountain Street
   Fayetteville, AR 72701

   Ten (10) copies of each proposal must be received by the Purchasing Division at Room 306, 113 West Mountain Street, Fayetteville, Arkansas, by 4:00 p.m. on June 19, 2000.

   All proposals will become the property of the City. All proposals shall remain firm and subject to acceptance for 90 days after receiving.

The proposal submission should be clearly labeled **RFP 2000-__** on the outside of the envelope.

3. Proposals Not Considered: All proposals received after the time specified shall not be considered. Where proposals are mailed, the proposer assumes all risk for nondelivery by the U.S. Post Office to the designated office by the deadline established. Only those proposals considered responsive to the Request for Proposal (RFP) will be eligible for consideration in the selection process.

4. Rejection of Proposal: The City reserves the right to reject any and all proposals received in response to this RFP if determined to be in the best interest of the City.

   The City may not award a contract solely on the basis of this RFP and does not intend to pay for information solicited or obtained. The information obtained will be used to determine suitability of the proposal.

   Nonacceptance of any proposal does not convey criticism nor imply deficiency of that proposal. Nonacceptance of any proposal will mean that another proposal was deemed more advantageous to the City.

5. Amendments: The City may require changes in the Scope of Services to be performed hereunder. Such changes which are mutually agreed upon by and between the City and the firm, shall be incorporated by an amendment to the contract.

6. Insurance: Please provide as part of your response to the Request for Proposal, evidence of insurance showing type and amount of coverage for workers compensation, general liability, completed operations, professional liability, and errors and omissions insurance.

7. Independence: The firm should provide certification that it is independent of the City of Fayetteville, the City's elected officials, and the City's employees as part of the proposal.

8. Applicable Laws and Venue: The contract shall be made subject to all applicable Federal and Arkansas State Laws, the Charter and Ordinances of the City of Fayetteville as amended, and all applicable rules and regulations promulgated by all local, state, and national boards, bureaus, and agencies. The contract shall be enforceable in Fayetteville, Arkansas and if any legal action is necessary by either party with respect to the enforcement of any or all terms and conditions herein, exclusive venue for same shall lie in Fayetteville, Arkansas. The contract shall be governed and construed in accordance with the laws and court decisions of the State of Arkansas.

SECTION III. SCOPE OF SERVICE:

The following is a general list of services to be provided by the selected financial advisor. It is not intended to be all inclusive.

- The Financial Advisor shall assist the City and Counsel in developing a financial plan for the WWTP project.

- The City may request the Financial Advisor to appear and/or assist the City by appearing before or responding to any oversight body, financial rating agency or other interested body. The Financial Advisor may be requested to explain the Financial Plan and any other work products and the assumptions and projections used in their development. The Financial Advisor shall document the development of the work products so that an objective third party can verify that appropriate care was exercised in their development.

- At the direction of the City, the Financial Advisor will assist and participate in the preparation of all documents and may serve as a clearinghouse for any credit facility or loan documents. The extent of involvement in document preparation will be dependent on the nature and form of the borrowing used by the City to finance the WWTP project.

- If the City elects to issue the bonds by sealed bid, the Financial Advisor will assist the City in the actual structuring of the issue and other tasks necessary to issue the bonds.

- If the City elects to issue any bonds or other creditor documents, including and not limited to; notes, mortgages or commercial paper, by negotiated sale, the Financial Advisor will advise the City with respect to the terms proposed for the offering. The Financial Advisor may be requested to review the work of the underwriter selected by the City and to advise the City as necessary or as requested.

- The Financial Advisor may be requested to coordinate all closing events including signature details, pre-closing and closing formalities, the wire transfer proceeds, the necessary communication with City Officials, and the review of closing documents.

- The Financial Advisor shall not participate or be affiliated with any underwriter for the bonds or other lending institution or any purchaser of the bonds by competitive bid.

SECTION IV. SELECTION PROCEDURES AND CRITERIA

Proposals will be reviewed by a committee that may consist of representatives of citizens, City Council, and City staff which will make a recommendation for selection to the City Council. Selection will be made pursuant to the City's professional selection policy with relevant factors as follows:

(1) Qualifications in relation to the specific project to be performed:	25%
(2) Experience, competence, and capacity for performance:	20%
(3) Proposed method of doing work:	10%
(4) Past record of performance:	25%
(5) Price:	20%

ANTIDISCRIMINATION POLICY

The City is an Equal Opportunity Employer. It is the policy of this City that there be no discrimination against any person or entity on the basis of race, color, national origin, religion, gender, age, disability, or sexual orientation.

SECTION V. SPECIFIC REQUIREMENTS FOR PROPOSAL

Proposals will not be considered unless the following basic and qualifying conditions are met in full and are set out explicitly in the proposal as being processed by and having been previously performed by the consultant or consulting firm.

1. Summary Statement: The City requests proposals for Financial Advisory Services.

Any questions and correspondence may be directed in writing to Stephen Davis, Budget Manager, at 113 West Mountain Street, Fayetteville, Arkansas 72701, by fax at (501) 575-8273, by e-mail at sdavis@ci.fayetteville.ar.us or by telephone by calling (501) 575-8296.

2. Firm Requirements and Guarantees:

The Firm shall submit a schedule of fees for services rendered that will set forth the fees to be charged for each hour of service performed. The fee schedule should address any staff member of the successful firm that may be used in performing the task outlined in this RFP and as set forth in Appendix A.

The Firm shall submit the details of and cost of any "extra services" or "add-on services" not included in your basic price.

3. Qualifications:

Respondents to this request will provide the following information concerning their qualifications.

- Respondents shall acknowledge an understanding of the intent of the required work and illustrate why the firm or talent should be enlisted for the Bond Program.

- If your firm has experienced any significant financial problems or other problems that could negatively affect its ability to carry out its duties and responsibilities to the City, please specifically identify the problem(s) and discuss why each problem(s) should not affect your selection.

- Are there pending charges, investigations or litigation by or involving the United States Securities and Exchange Commission or other regulatory body or court (local, state, or federal) regarding the conduct of your firm or its management? If so, please provide a list and brief explanation.

- Qualifications of anticipated staffing will be a significant consideration in the selection process. Provide the names of the principals of the firm including the partners, junior partners, president, vice presents, and other significant personnel along with a detailed statement of the qualifications of the firm and of each individual who will be assigned to carry out charges of the resulting contract. In the event staff members are unable to fulfill the term of the contract, substitutions of equal skill levels will be entertained subject to approval by the City.

- Describe how the firm is organized. Provide the scope of services the firm offers in the municipal bonding field and the years of continuous experience to indicate the firm's qualifications in a given category. List any prior experience capabilities that distinguish the firm from competitors.

- Provide a representative list of clients (minimum of 6) served by you in the municipal bond market for a period not to exceed the last five (5) years and indicate those that are currently under contract. Indicate if the issues were sealed bids, negotiated placements or a combination thereof. Include the names and telephone numbers of appropriate individuals in the client firms so the City may contact them as references, if necessary. Specify for each client listed: (1) underwriter used; (2) bond council used; and (3) the role of your firm i.e. financial advisor only or financial advisor and underwriter.

- Provide the number and amounts of any wastewater treatment plant and collection system or water and/or sewer financing programs handled as a financial advisor.

- Provide a copy of no more than two (2) recent Official Statements in which the firm served as financial advisor and which are closely related to the City's proposed financings.

- Provide a copy of your firm's policy prohibiting discrimination against individuals or entities based on race, color, national origin, religion, gender, age, disability or sexual orientation.

APPENDIX A

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES
For Financial Advisor Services

	Hourly Rates
Executive/Partners:	$ _____
Managers:	$ _____
Supervisory:	$ _____
Staff:	$ _____
Other (specify): _____	$ _____

Out-of-pocket expenses

Transportation:	$ _____
Other (specify): _____	$ _____

City of Fayetteville, Arkansas
Budget Adjustment Form

Stephens
A. 2. Page 15

Budget Year			Date Requested	Adjustment #
2000	Department:	Public Works	July 20, 2000	
	Division:	Water & Sewer		
	Program:	Sewer Mains Construction		

roject or Item Requested:
Additional funding is requested for the Wastewater Treatment Plant Expansion project for Financial Advisor Services.

Project or Item Deleted:
None. Funds proposed for this adjustment are funds remaining after the purchase of the Wheeler Water District.

ustification of this Increase:
The estimated cost of the Wastewater Treatment Plant Expansion Project is approximately $89 million. The City has advertised for financial advisor services to assist in evaluating various financing options for the project.

Justification of this Decrease:
The purchase of Wheeler Water District is complete and the funds are not needed for that project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Professional Services	22,500	5400	5700		5314	00	98047	40

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	22,500	5400	5600		5808	00	99084	1

Approval Signatures

Requested By	Date
Budget Manager	7-20-00 Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

H:\BUDGET\PROJECTS\Bud_Adj\BA_2000\WWTP2_FA.WK4

STAFF REVIEW FORM

_X_ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of _____

FROM:

John Maguire (Name) | Admin. (Division) | Administrative (Department)

ACTION REQUIRED: Refer to attached description.

COST TO CITY:

Cost of this Request | Category/Project Budget | Category/Project Name

Account Number | Funds Used To Date | Program Name

Project Number | Remaining Balance | Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator | Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager | Date | ADA Coordinator | Date

City Attorney | Date | Internal Auditor | Date

Purchasing Officer | Date | Grant Officer | Date

STAFF RECOMMENDATION:

Division Head | Date | Cross Reference

Department Director | Date | New Item: **Yes** **No**

Admin. Svcs Director John Maguire | Date 1/25/00 | Prev Ord/Res #: _____

Mayor Fred Brodine | Date 1/25/00 | Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Fred Hanna and City Council

FROM: John Maguire, Administrative Services Director

DATE: July 20, 2000

SUBJECT: Wastewater Treatment Plant Expansion Project

City Council is requested to authorize the Mayor or his representative to proceed in seeking proposals for variable rate demand bond obligations for use in providing interim financing for the wastewater treatment plant expansion, . The authority is limited to seeking proposals from financial institutions. The wastewater treatment plant expansion project is estimated to cost approximately $89.8 million. Currently, the City has expended/obligated approximately $7.5 million in a sewer system study, equipment purchases for the Paul Noland plant, land purchased for a new wastewater treatment plant in the Illinois River basin and preliminary engineering contracts for improvements recommended in the sewer system study. Any request to issue bonds or any other debt instrument would be brought to City Council for specific authorization.

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW
For the Fayetteville City Council meeting of August 1, 2000

FROM:

W.A.Oestreich (Name) | Fleet Operations (Division) | Administrative Services (Department)

ACTION REQUIRED:

Acceptance of the lowest qualified Bidder for the purchase of 2 Tractor Backhoe Loaders. Bid 00-52, Item #1. The vendor for this purchase will be E. A. Martin Machinery, P. O. Box 874, Springdale, AR, 72765, Vendor #53520.

COST TO CITY:

Cost: $ 113, 819.10 Trade Allowance: N/A Net Cost: $ 113,819.10

$ 113,819.10 (Cost of this Request)	$ 231,002 (Category/Project Budget)	Repl/Exp Back Hoe Loader (Category/Project Name)
9700-1920-5802.00 (Account Number)	$ 114,998 (Funds Used To Date)	Vehicles & Equipment (Program Name)
98061 (Project Number)	$ 116,004.00 (Remaining Balance)	Shop (Fund)

BUDGET REVIEW: XX Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator _____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager 7-24-00 Date
ADA Coordinator Date
City Attorney 7-21-00 Date
Internal Auditor 7/24/00 Date
Purchasing Officer 7-21-00 Date

STAFF RECOMMENDATION:

Acceptance of Bid 00-52 with the Authorization to Purchase Item #1.

Division Head 7.21-00 Date
Department Director Date
Administrative Services Director 7-25-00 Date
Mayor 7/25/00 Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #:

Orig Contract Date:

STAFF REVIEW FORM

Description Purchase of tractor backhoe loader Meeting Date 8-1-00

Comments:
Budget Coordinator

Reference Comments:

Accounting Manager
Need to address sales tax shown on $.1 of bid response

Sales tax not applicable to purchase – only lease
Memo attached

City Attorney

Purchasing Officer

Coordinator

Internal Auditor

CITY OF FAYETTEVILLE
FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: July 21, 2000

SUBJECT: **BID AWARD RECOMMENDATION 00-52**
Project #98061

Attached is the Agenda Request for the Award of Bid 00-52 to the lowest qualified bidder for 2 Tractor Back-hoe loaders scheduled for replacement equipment for utilization in the Street Maintenance Division. The Vendor for this purchase will be E. A. Martin Machinery, P. O. Box 874, Springdale, AR, 72765, Vendor # 53520. These are budgeted items.

The Bid Tabulation Sheet dated June 27, 2000, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List attached.

The item listed has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner. This will also give the City the opportunity to evaluate this equipment in actual field operations.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by Randy Allen, Fleet Operations Personnel and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 1. Tractor Back-Hoe Loader

2 Units @ $56.909.55 $113,819.10

The item bid was accepted as they should provide units that will to be efficient, reliable and compatible to our operations.

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

TOTAL BID AWARD: **$113,819.10**

The budgeted amount for this item is from the Shop Fund Capital Expenditures Program, Vehicles and Equipment, Replacement/Expansion Back Hoe Loader, 9700-1920-5802.00 Project 98061. With the purchase of these units at $113,819.10 a balance of $2,184.90 remains.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council Members

THRU: John McGuire, Administrative Services Director

FROM: Peggy Vice, Purchasing Manager Pvice

DATE: July 24, 2000

RE: Bid 00-52 - Sales Tax

Government agencies are exempt from sales tax on vehicles/equipment that can move under their own power. E. A. Martin included sales tax as an add on to their bid because they were unaware that government organizations were exempt.

Attached is a letter from them acknowledging that we are exempt.

Bid 00-52
A. 4. Page 6

E. A. MARTIN COMPANY

To whom it May Concern:

In reference to Bid #: 00-52, Heavy-duty tractor backhoe, the tax charge of 5,314.13 does not apply to the city of Fayetteville because of its tax exempt status on machinery purchases.

Thank you

Territory Manager

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Bill Oestreich, Fleet Maintenance Superintendent

FROM: Randy Allen, Street Superintendent R.A.

DATE: July 20, 2000

SUBJECT: **Backhoe and Truck Bid Recommendation**

I have reviewed the bids for backhoes and dump trucks for the Street Division and the following is my recommendation.

For the backhoe bid I recommend accepting the sale price without trade from E.A. Martin who had the lowest sale price on backhoes. I will be purchasing two backhoes.

For the dump truck bid I recommend accepting the bid for the Sterling truck with standard transmission and tuff-trac suspension. I will be purchasing three tandem-axle trucks with 12-14 cubic yard beds on them and one tri-axle truck with a 14-16 cubic yard bed on it.

BID: 00-52
DATE: 06/27/00
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: TRACTOR/BACKHOE/LOADER W/SALE OF USED EQUIP

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7	ITEM #8	ITEM #9	ITEM #10	ITEM #11	ITEM #12	ITEM #13	ITEM #14
DIXIE SURPLUS	no bid	$11,878.00	$13,378.00	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid	no bid
TRAKSAN	$58,375.00 unit $116,750.00 tot	$17,500.00 trade only	$17,000.00 trade only											
WILLIAMS FORD	$58,750.00 $117,500.00	$23,000.00	$28,000.00	$11,500.00 per yr	$11,500.00 1-3 yr $6,500.00 4th yr	$11,500.00 3 yr $6,500.00 4-5 yr	$12,000.00 pr yr	$12,000.00 3 yr 6,500.00 4th yr	$12,000.00 3 yr $6,500.00 4-5 yr	$52.50 $52.50	$52.50 $52.50	no bid	list less 10%	N/C
E A MARTIN	$56,909.55 $113,819.10	$19,500.00	$19,500.00	$4,780.84 pr yr (Items 4 through 14 Withdrawn due to failure to include contingent on trade-ins being included)	$5,273.12 pr yr	$5,557.38 pr yr	$6,687.04 pr yr	$7,218.12 pr	$7,479.38 pr yr	$50.00	$53.50	$40.00 pr hr +$1.25 mile	list	N/C if under warranty n/warranty $210 pr day
SCOTT EQUIPMENT	$61,415.00 $122,830.00	$15,810.00 trade only	$16,640.00 trade only	$35,539.27	29,125.69	$25,231.03	$37,273.52	$30,992.60	$27,234.17	$60.00	$60.00	$1.50	list less 5%	$50.00 trnsp each way
SCOTT EQUIPMENT (Alternate Bid)	$58,035.00 $116,000.70	$15,810.00	$16,640.00	$33,587.73	$27,526.33	$23,845.00	$35,318.98	$29,390.78	$25,846.72	$60.00	$60.00	$1.50	list less 5%	$50.00 trnsp each way

Certified by P Vice
Peggy Vice-Purchasing Manager

CITY OF FAYETTEVILLE
113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494

INVITATION TO BID

BID #: 00-52

DATE ISSUED: June 14, 2000

DATE & TIME OF OPENING: June 27, 2000 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNITS: 60 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QTY:	* PRICE:	*TOTAL
1.	Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached	2	$ 56,909.55	$ 113,819.10 + 5,314.13 Tax

***GUARANTEED DELIVERY SCHEDULE:** 8 weeks from date of signed order

ITEMS 2 & 3 ARE OFFERED FOR EITHER SALE OR TRADE

		*PRICE:
2.	1993 Ford 555D Tractor-Back Hoe-Loader VIN: A420078 Unit # 621	$ 19,500.00
3.	1995 Ford 555D Tractor-Back Hoe-Loader VIN: A431304 Unit # 630	$ 19,500.00

NOTE: ITEMS 2 & 3 WILL NOT BE RELEASED PRIOR TO RECEIPT OF THE UNITS LISTED IN ITEM #1.

NOTICE TO BIDDER

BID NO. 00-53

COMMODITY: **HEAVY DUTY CAB & CHASSIS W/MOUNTED DUMP BODY**

The City of Fayetteville, Arkansas will receive sealed bids at the Purchasing Office, City Hall, 113 W. Mountain Street, Fayetteville, Arkansas, 72701, until 11:00 A.M., JUNE 27, 2000, for the furnishing of: COMMODITY: **HEAVY DUTY CAB & CHASSIS W/MOUNTED DUMP BODY**

Bid forms and specifications for the units being purchased may be obtained from the Purchasing Office, located in Room 306, 3rd floor of the City Administration Building, 113 W. Mountain St., Fayetteville, AR 72701.

The City reserves the right to reject any and all bids and to waive any formalities deemed to be in the City's best interest.

Peggy Vice, Purchasing Officer

PUBLISH 6/18/00 NORTHWEST ARKANSAS TIMES

Billing refer to P.O.# 00-2190

Attn: Diane - Legal Section

FAX# 575-8241

BIDDERS LIST eqmip

1. Williams Ford Tractor & Equipment Co.
   P.O.Box 1346
   Fayetteville, AR 72702-1346

2. J.A Riggs Tractor Co.
   9125 Interstate 30
   Little Rock, AR 72709

3. Scott Construction Equipment
   4831 N. Thompson
   Springdale, AR 72764

4. E.A.Martin Machinery Co.
   802 E. 264 Hwy
   Springdale, AR 72764

5. Traksan Equipment Co.
   1531 E. Ford Ave
   Springdale, AR 72764

6. Clark Machinery Co.
   P.O.Box 1985
   Fort Smith, AR 72901

7. Mitchell Machinery Co.
   P.O.Box 1267
   Van Buren,AR 72956

8. Warrior of Arkansas
   2003 South 8th St.
   Rogers, AR 72756

9. Midwestern Equipment Co.
   P.O.Box 3445
   Tulsa, OK 74101
   Attn: Newton Box
   800-324-6144

10. Grant Manufacturing & Equipment Co., Inc.
    1828 Northwest 4th St.
    Oklahoma City, OK 73106
    800-259-9892 FAX 405-236-1472

11. Little Rock Equipment Sales
    ~~13001 Interstate 30~~ PO By ~~3015~~ 21039
    Little Rock, AR ~~72209~~
    72221

Based on WP equip bid list

June 7, 2000

BIDDERS LIST

SALE ITEMS

1. CULVER TRUCK SALES
P.O.BOX 21
GREENLAND, AR 72737
501-521-2870

2. Elliott Equipment Co.
3100 W. 76th Street
Davenport, Iowa 52806
Attn: Phil Allen
800-786-4841 FAX 319-391-8823

3. Abdul Waheed
8403 E. 98TH TERRACE
KANSAS CITY, MO 64134
816-765-0707 FAX -SAME-

4. WARFORD AUTO WRECKERS INC.
PUMP STATION ROAD
FAYETTEVILLE, AR 72701

5. DARREL MEREDITH TRUCK SALES
1749 S. SCHOOL
FAYETTEVILLE, AR 72701

6. Auto Wholesalers
P.O.Box 445
Hollidaysburg, PA 16648
814-696-4343 Fax 814-696-1324

7. Meuser Heavy Equipment
4100 S. Hiway 71B
Springdale, AR 72764
501-751-0680

8. CHICAGO MOTORS INC.
2553 WEST CHICAGO AVE.
CHICAGO, ILLINOIS 60622
Attn: ANIS GHANIWALA
312-235-6500 (800-942-0005) FAX 312-235-6532

9. GCDC, INC.
P.O.BOX 15158
FORT LAUDERDALE, FL 33318
ATTN: ALEX ZAGRUZNY
954.792.7777 FAX 954.792.7050

10. AMI AUTO BROKER
16329 CENTER POINT
GROVER, MO 63040
314-458-1380

11. ATLAS AUTO LEASING
750 E. IRVING BLVD.
IRVING, TEXAS 75060
972-554-1117

12. Davis Truck & Equipment
4282 Hwy 90 East
San Antonio, TX 78219
210.333.5570 Fax 210.333.2217

13. DIXIE SURPLUS EQUIPMENT
P.O.BOX 8507
ALEXANDRIA, LOUISIANA 71306
ATTN: KENNETH MCKAY
318-765-3068 FAX:318-765-9312

14. WHITTLE TRUCK SALES
P.O.BOX 7061
SPRINGDALE, AR 72766
ATTN: RICK WHITTLE
501-750-9410

15. CENTRAL OKLAHOMA POLICE SUPPLY
1329 N. HARRISON
SHAWNEE, OK 74810
ATTN: CHRIS HURLEY
800-259-7177 405-275-7177

16. Trucks & Parts of Tampa
1015 S. 50th St.
Tampa, FL 33619
800-488-8889 Attn: Bruce Goldenberg

17. Dale Frederick
6537 Huntsville Rd.
Fayetteville, AR 72701

18. Al Coakley
2761 Boxwood
Fayetteville, AR 72703

19. Mountain Creek Real Estate Co.
P.O.Box 520
Huntsville, AR 72740
Attn: Bill G. Cotton
501-456-2547 Fax 501-738-6262

20. Raymond E. Purser
P.O.Box 1489
Huntsville, AR 72740
501-738-6420

21. SITC Services Corp.
18603 E. Hwy. 412
Springdale, AR 72764
Attn: James Dudley
501-751-4001 Fax 303-688-1372

22. Police Cars Unlimited
P.O.Box 770893
Woodside, NY 11377
Attn: Tammy

23. Reeder Simco Truck Center, Inc.
3421 South Zero
Fort Smith, AR 72908
Attn: Ken Plemmons
800-643-2013 Fax 501-646-0533

24. Dickson Equipment Co., Inc.
P. O. Box 565242
Dallas, TX 75356-5242
800.634.7531 Fax 214.741.5515

25. Hancock Farms Equipment & Supply
290 East Main - Hwy 62
Farmington, AR 72730
Attn: Brad Hancock
501-267-3685

26. AG Products
2525 W. Broadway
Phoenix, AZ 85041
602-268-8707

27. Methvin Sanitation, Inc.
Rte. 1 - Box 271 D
Lead Hill, AR 72644
Attn: Mark Methvin
870.436.8095

28. Gary L. Cooper
Rte. 1 - Box 356
Prairie Grove, AR 72753
501.761.3686 501.761.3348

29. Fayetteville Tree Service
P.O. Box 376
West Fork, AR 72774
Attn: Ken Rogers
501.575.0977 501.443.5407

30. Don Lee Harding
113 Lark Lane
Farmington, AR 72730
501.267.2428

31. J. Hall Wood
919 Janelle
Fayetteville, AR 72701

32. Travis Dotson
Rt. 1 - Box 21
Wesley, AR 72773
501.456.2678

33. Bush Machinery Inc.
P.O.Box 850
Blue Springs, MO 64013
800.443.6415 FAX 816.229.9800

34. Unlimited Resources Corporation
Highway 63 South
Route 1, Box 25E
Cairo, MO 65239
800.423.9062 FAX 660.263.1185
Att: Harold Reisch

35. Lawrence Motors
P.O.Box 472
Morton Grove, IL 60053
773.693.2060 FAX 773.693.9560
Att: Lawrence Van De Walle Email: lawrencemotors@hotmail.com

36. Asia Motors, Inc.
1659 W. Grand Ave.
Chicago, IL 60622
312.733.1777 (888.741.1777) FAX 312.733.1745

37. RDK Truck Sales & Service
3214 Alamo Dr.
Tampa, FL 33605
888.735.8789 Fax 813.241.0414

38. Gunter's Services Inc.
7501 Stadium Blvd.
Kansas City MO 64129
800.697.3573 Fax 816.921.0194

39. Joe Stevens
429 Sutton
Fayetteville, AR 72702

40. Shane Hausam
15483 Riches Road WC841
Fayetteville AR 72704
501.587.1980 501.575.8390

41. Kelly Brown
5086 E. Huntsville
Fayetteville, AR 72701
501.442.3530

42. John Honeycutt
9196 Honeycutt Lane
Rogers, AR 72756
501.925.3197 Pager 501.587.2263

SELLBDL.BID

416C / 416C IT
Backhoe Loader

CAT

Cat® 3054T Diesel Engine		
Gross power (standard)	78 HP	59 kW
Net power (standard)	75 HP	56 kW
Gross power (optional)	84 HP	63 kW
Net power (optional)	80 HP	60 kW
Operating Weight	13,957 lb.	6330 kg

Backhoe Digging Depth		
Standard stick	14' 6"	4420 mm
Extendible stick	18' 2"	5545 mm

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494

INVITATION TO BID

BID #: 00-52

DATE ISSUED: June 14, 2000

DATE & TIME OF OPENING: June 27, 2000 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNITS: 60 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QTY:	* PRICE:	*TOTAL
1.	Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached	2	$_____	$_____

***GUARANTEED DELIVERY SCHEDULE:**_____

ITEMS 2 & 3 ARE OFFERED FOR EITHER SALE OR TRADE

		*PRICE:
2.	1993 Ford 555D Tractor-Back Hoe-Loader VIN: A420078 Unit # 621	$_____
3.	1995 Ford 555D Tractor-Back Hoe-Loader VIN: A431304 Unit # 630	$_____

NOTE: ITEMS 2 & 3 WILL NOT BE RELEASED PRIOR TO RECEIPT OF THE UNITS LISTED IN ITEM #1.

*BIDDER IMPOSED RESTRICTIONS ON ITEMS 2 & 3

_____

_____

_____

_____

_____

4. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 2 additional 1 year terms subject to budget approval.(per year, per unit) $_____
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

5. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 3 additional 1 year terms subject to budget approval.(per year, per unit) $_____
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

6. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 4 additional 1 year terms subject to budget approval.(per year, per unit) $_____
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

7. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 2 additional 1 year terms subject to budget approval.(per year, per unit) Normal Scheduled Maintenance Included
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

$_____

8. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 3 additional 1 year terms subject to budget approval.(per year, per unit) Normal Scheduled Maintenance Included
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

$_____

9. Heavy Duty Tractor-Back Hoe-Loader per Item #1 of Specifications Attached - 1 Year Lease with option of automatic renewal for 4 additional 1 year terms subject to budget approval.(per year, per unit) Normal Scheduled Maintenance Included
Note: Hours of operation restrictions, Maintenance responsibility, Insurance responsibility, ANY additional charges:_____
_____
_____
_____
_____

$_____

10. Guaranteed hourly shop rate for repairs at Bidders Facility.

$_____

11. Guaranteed hourly shop rate for repairs at Unit Location

$_____

12. Per Mile Transportation Fee for Unit Location Repairs.

$_____

13. Parts cost for units being bid. (Example: Cost Plus XX%, List Less XX%, Published Wholesale, Published Fleet, Published Jobber)_____

14. Substitute Equipment shall be required to replace any unit that is disabled for a period of 24 hours or more. Please indicate proposed charges for said replacement Unit. Include transportation, hourly or daily fees including insurance._____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:**_____

***BUSINESS ADDRESS:**_____

***CITY:**_____ ***STATE:**_____ ***ZIP:**_____

***PHONE:**_____ ***FAX:**_____

***AUTHORIZED SIGNATURE:**_____

***TITLE:**_____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

SPECIAL TERMS & CONDITIONS
ITEM #1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.

3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.

5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order for delivery of the completed units to the City of Fayetteville, Arkansas.

6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.

7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.

8. Standard Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted.

9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

10. Installation of Dealership/Distributorship Logo is **PROHIBITED.**

11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.

11. All items marked **"MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.

12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.

13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

ADDITIONAL TERMS AND CONDITIONS
SALE ITEMS ONLY
ITEMS # 2 & 3

1. All bids shall be submitted on forms provided by the City.

2. Bids received after the date and time set for receiving bids will not be considered.

3. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.

4. The City assumes no responsibility for the safety of the Bidder during inspection of the item listed herein.

5. The items listed will be sold "AS IS-WHERE IS" with no warranty either express or implied.

6. Arrangements for inspection may be made by appointment with Fayetteville Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 501-444-3494 & 501-444-3496, between 9:00 A.M. and 4:00 P.M., Monday, June 19, 2000 thru Friday, June 23, 2000 and Monday, June 26, 2000.

7. Questions regarding these items may be directed to the Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 72701 501-444-3494 & 501-444-3496

8. Notification of bid award will not be made prior to proper approval of the acceptance of this bid by the City. Therefore, the following provisions for payment and possession are contingent on required approval by the City of Fayetteville.

   A. Payment for the item/items listed herein shall be made after notification of bid award and prior to release of the item/items awarded.

   B. Removal of the item/items listed herein awarded to the successful bidder shall be the sole responsibility of said successful bidder.

9. The item bid and the bid number shall be stated on the face of the sealed bid envelope.

BASIC SPECIFICATIONS
TRACTOR-BACK HOE-LOADER

General Specification Requirements are as follows for TRACTOR-BACK HOE-LOADER. These are **MINIMUM SPECIFICATIONS ONLY** and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis. Fleet standardization requirements, replacement parts availability, warranty service availability and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "hi-lited" and specifics noted is suggested.

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment, which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

A complete set of Parts and Service Manuals are to be provided for each unit.

ITEM 1. HEAVY DUTY FOUR WHEEL DRIVE TRACTOR-BACKHOE-LOADER

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

CAB STYLE:	Safety Style Cab with Laminated Safety Glass/Tempered Safety glass, Front & Rear Wipers, Heater/Defroster/Air Conditioner, Pressurizer, OSHA Approved ROPS/FOPS with Sound Deadening Headliner and Vinyl Trim, Rubber Floor Mat, AM/FM Radio, Cushioned Air Suspended Swivel Style Seat with Belt, Tilt Steering Wheel, External Rear View Mirrors.
INSTRUMENTATION:	Transmission Oil Temperature Warning Light, Charging System Gauge, Engine Oil Pressure Gauge, Fuel Gauge, Tachometer w/Hour Meter, Coolant Temperature Gauge.
DIESEL ENGINE:	**MINIMUM ONLY:** TURBO CHARGED 4 CYL. 240 C.I.D. NET 80 H.P. @ 2200 R.P.M., 203 ft.-lb. Net Torque @ 1300 R.P.M., Dry Type Air Cleaner with Restriction Indicator, 110 Volt Block Style Engine Preheater, Fuel Filter with Water/Sediment Separator, Automatic Warning System with Automatic Shut Down, Exhaust Rain Cap or Turn Out, Spark Arrestor Muffler.

***MANDATORY REQUIREMENT FOR CONSIDERATION.**

PLEASE STATE:

MANUFACTURER:_____

MODEL DESIGNATION:_____

C.I.D. DISPLACEMENT:_____

H.P. RATING:_____**@**_____**R.P.M.**

TORQUE RATING:_____**@**_____**R.P.M.**

TRANSMISSION:	Fully Synchronized 4 Speed Forward -4 Speed Reverse with Power Reversing, Torque Convertor w/ 2.63:1 Stall Ratio, 4.8 Gal. cap.
REAR AXLE:	Self Adjusting Inboard Brakes, Differential Lock, 61,000 lb. Rating, 5'-8" Tread, 6.4 Gal. cap.
FRONT AXLE:	Outboard Final Drive, 6'-2" Tread, 11 degree oscillation, 12" Ground Clearance, 2.2 Gal. cap w/hubs, Front Drive Line Guard.
ALTERNATOR:	90 AMP.
BATTERY:	Dual 12 Volt-1,600 CCA
FUEL SYSTEM:	34 Gal. Cap
COOLING SYSTEM:	4.2 Gal. Cap. Radiator, Silicone Hoses.
STEERING:	Hydrostatic Power w/Secondary system available, 27,000 lb. Rating
TIRES:	12.5/80 X 18, 10 Ply Front w/1 Spare Wheel w/Tire Mounted - 19.5L X 24, 8 Ply Rear w/1 Spare Wheel w/Tire Mounted.
SAFETY EQUIPMENT:	Back-Up Alarm, Front & Rear Work Lights, **MINIMUM** OF 2 Rotating Amber Safety Beacons visible 360 degrees, 2 Amber/2 Red Flashing Lights, Directional Lights, Tail Light, 2 Halogen Headlamps, Horn, Engine Compartment Covers, Seat Belts, Foot Throttle, Interior Sun Visor, Circuit Breakers.
HYDRAULICS:	43 G.P.M. Pump @2200 R.P.M., Variable Flow w/replaceable filter located in a readily serviceable area, 3,000 PSI System Pressure w/Independent Oil Cooler capable of reaching maximum lift capacity and dig force at any engine speed. Hoses shall have a minimum of 4 spiral wire wraps.
LOADER:	Clamshell (Multi-Purpose) Bucket Style w/Bolt On Blade, 7'-11" Width, 40 degree rollback, 43 degree dump angle, 1.25 cubic yard capacity, 11,300 lb. Clamping force, 9030 lb. Breakout force, 5220 lb. Lift capacity @ full height, 9490 lb. Capacity @ dump height, no less than 8'-7".
BACKHOE:	Extendible Dipper stick - Self Lubricating shim adjustable, 5,800 lb. Stick lift @ +6' - 3,050 lb. Boom lift @ +6' Retracted - 3,350 lb Stick lift/2,300 lb. Boom lift @ 6' Extended - Bucket Dig Force 12,000 lb either retracted or extended. 7' - 9" Transport Stabilizer Spread, 22'-8" Overall Backhoe Loader Transport Length, 14'-9" Digging Depth (Retracted) - 18'-2" (Extended) 12'-0" Loading

Height (Retracted) 13'-10" (Extended), 5'-11" Loading Reach (Retracted) 8'-11" (Extended), 18'-8" Reach from Swing Pivot (Retracted) 21'-11" (Extended), 165 degree Bucket rotation, 180 degree Swing Arc, 12'-1" Operating Stabilizer Spread, w/ 1-18" - 4 Tooth Extreme Service Bucket, 1-24" - 4 Tooth Extreme Service Bucket.

SOUND LEVELS:

Sound Levels shall comply with Test Procedures as specified in SAE J88 Test Standards. These are exterior sound pressure levels measured at 15 meters at maximum stated machine break out forces and lift capacities. 60.0 dB(A) - Front - 59.5 dB(A) - Right - 56.0 dB(A) - Rear - 59.0 dB(A) Left - 58.5 dB(A) Average.

***MANDATORY REQUIREMENT FOR CONSIDERATION.**

Maximum dB(A) for equipment bid:

Front:_____

Right:_____

Rear:_____

Left:_____

Average:_____

Mail or Deliver Bids To:

City of Fayetteville
Purchasing Office-Rm 306
113 W Mountain
Fayetteville, AR 72701

STAFF REVIEW FORM

Bid 00-53
A. 5. Page 1

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW
For the Fayetteville City Council meeting of August 1, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Acceptance of the lowest qualified Bidder for the purchase of 1 Tri-Axle Diesel Powered Dump Truck and 3 Tandem Axle Diesel Powered Dump Trucks. Bid 00-53, Items #3 and #4. The vendor for this purchase will be Sterling Trucks of Arkansas, 7200 S. University Ave., Little Rock, AR 72209 (Vendor Pending).

COST TO CITY:

Cost: $ 283,811.00 Trade Allowance: N/A Net Cost: $ 283,811.00

$ 283,811.00	$ 802,398.00	Repl/Exp Med./Hvy.Veh.
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ ---0---	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98064	$ 802,398.00	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Marilyn J Cramer — Accounting Manager — 7-20-00 Date
_____ — ADA Coordinator — Date

_____ — City Attorney — 7-20-00 Date
Darcy Snuter — Internal Auditor — 7/20/00 Date

P Vice — Purchasing Officer — 7-20-00 Date

STAFF RECOMMENDATION:

Acceptance of Bid 00-53 with the Authorization to Purchase Items #3 & 4.

S.A. Oestreich — Division Head — 7-19-00 Date

_____ — Department Director — Date

Jim Lamoureux — Administrative Services Director — 7-21-00 Date

Fred Brown — Mayor — 7/21/00 Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #: _____

Orig Contract Date: _____

CITY OF FAYETTEVILLE
FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: July 19, 2000

SUBJECT: **BID AWARD RECOMMENDATION 00-53**
Project #98064

Attached is the Agenda Request for the Award of Bid 00-53 to the lowest qualified bidder for 1 Tri-Axle Dump Truck and 3 Tandem Axle Dump Trucks scheduled for replacement equipment for utilization in the Street Maintenance Division. The Vendor for this purchase will be Sterling Trucks of Arkansas, 7200 S. University Ave., Little Rock, AR 72209. Vendor # Pending. These are budgeted items.

The Bid Tabulation Sheet dated June 27, 2000, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List attached.

The item listed has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner. Although the do not fully comply with the specifications of the original bid, the variations are of such a nature that they do not justify passing up the dollar amount saved in the initial purchase price. The purchase price savings amounts to $24,539.23. This will also give the City the opportunity to evaluate this equipment in actual field operations.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by Randy Allen, Fleet Operations Personnel and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 3. Tri-Axle 16/18 Yard Dump Truck

1 Unit @ $ 75,335.00

ITEM 4. Tandem Axle 12/14 Yard Dump Truck

3 Units @ $69,492.00 $208,476.00

The items bid were accepted as they should provide units that will to be efficient, reliable and compatible to our operations.

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

TOTAL BID AWARD: $283,811.00

The budgeted amount for this item is from the Shop Fund Capital Expenditures Program, Vehicles and Equipment, Replacement/Expansion Medium Heavy Duty Utility Vehicles, 9700-1920-5802.00 Project 98064. With the purchase of these units at $283,811.00 a balance of $518,587.00 remains to complete the other items needed in this project.

BID #00-53
DATE:06/27/00
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: HD CAB/CHASSIS W/DUMP BED

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	MAKE
SHIPLEY MOTOR CO	$97,782.00	$90,305.34 $270,916.00	82,695.00	$75,218.41 $225,655.23	MACK
STERLING TRUCKS	$91,508.00	$84,734.00 $254,202.00	$75,435.00	$69,592.00 $208,776.00	STERLING
STERLING TRUCKS ALTERNATE	$91,408.00	$84,634.00 $253,902.00	$75,335.00	$69,492.00 $208,476.00	STERLING TUFF
NORTHWEST ARK TRUCK	$103,713.23	$97,260.05 $291,780.15	$94,143.97	$87,697.54 $263,092.62	FL D 120 SD CONV

Certified by P Vice
P Vice Purch Mgr

R Williams 6/27/00
Witness Date

BIDDERS LIST

HEAVY DUTY TRUCK CHASSIS

1. RON BLACKWELL FORD TRUCK CENTER
P.O.BOX 608
BENTONVILLE, AR 72712
ATTN: CODY MANUS
501-756-9461

2. OZARK TRUCK SALES
P.O. BOX 6247
SPRINGDALE, AR 72766
501-756-1200

3. BELL INTERNATIONAL, INC.
P.O.BOX 25
SPRINGDALE, AR 72764
800-477-7436

4. SHIPLEY MOTOR EQUIPMENT CO.
P.O.BOX 250
LOWELL, AR 72745
Attn: Jim Lollis
501-631-7653 FAX: 501-770-6146

5. Sterling Trucks of Arkansas, Inc.
7200 S. University Ave
Little Rock, AR 72209
Attn: Don Robbins
877-977-2030 FAX: 501-562-1292

6. Peterbilt of Springdale
P.O.Box 6310
Springdale, AR 72766
Attn: Bil Rankin
800-825-7383 FAX: 501-361-2128

7. Northwest Arkansas Truck & Equip., Inc.
P.O.Box 89
Springdale, AR 72765
Attn: Tim McConnell
800-495-4551 FAX: 501-751-0836

Faxed on WP hd truck bid list

CITY OF FAYETTEVILLE

BID ATTENDANCE SHEET

BID NO. 00-52 & 53

COMMODITY Tract Back Hoe Cab/Chain Dumps Bed

DATE: 6/27/00

TIME: 11:00 AM

	NAME	COMPANY	TITLE
1.	Stan Smith	E.A. Martin	Territory Mgr.
2.	Doug Williams	Williams Tractor	V.P.
3.	Don Robbins	STERLING TRKS OF AR	SALES REP.
4.	Jon Vogt	Scott Const Equip.	Sales Rep.
5.	[illegible]	Shipley Motor Co	Sales Mgr.
6.	Randy Allen	City of Fay.	Street Supt.
7.	[illegible]	"	Fleet Ops.
8.	B Williams	City of Fay	Pur Tech
9.	Price	"	Pur Mgr.
10.			
11.			
12.			

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Bill Oestreich, Fleet Maintenance Superintendent

FROM: Randy Allen, Street Superintendent R.A.

DATE: July 20, 2000

SUBJECT: **Backhoe and Truck Bid Recommendation**

I have reviewed the bids for backhoes and dump trucks for the Street Division and the following is my recommendation.

For the backhoe bid I recommend accepting the sale price without trade from E.A. Martin who had the lowest sale price on backhoes. I will be purchasing two backhoes.

For the dump truck bid I recommend accepting the bid for the Sterling truck with standard transmission and tuff-trac suspension. I will be purchasing three tandem-axle trucks with 12-14 cubic yard beds on them and one tri-axle truck with a 14-16 cubic yard bed on it.

STERLING

A Subsidiary of FREIGHTLINER CORPORATION

Sterling's heaviest-duty trucks and tractors for the roughest jobs in construction, excavating, waste disposal, logging, liquid and bulk commodity transport, machinery hauling, and other equally demanding occupations, on or off the highway. Featuring big-bore diesels from 280 to 600 hp.

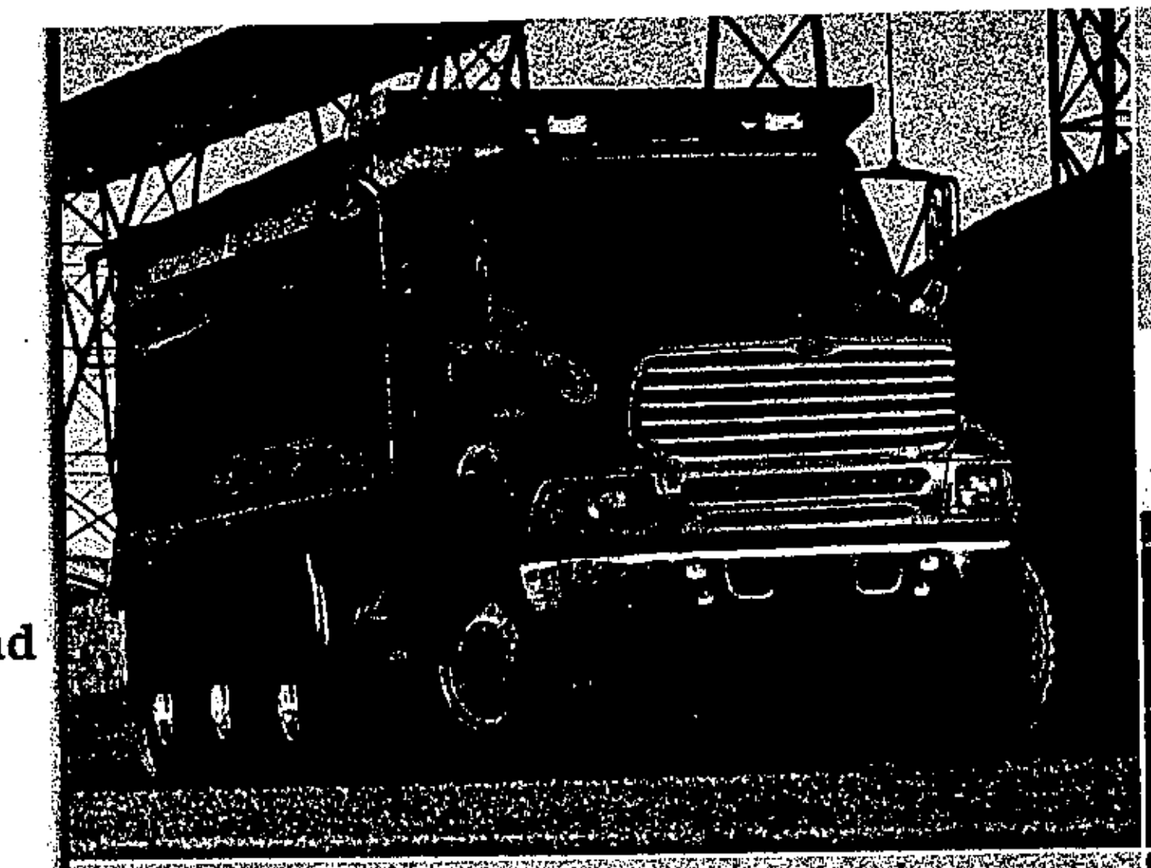
Available in Four Cab Configurations

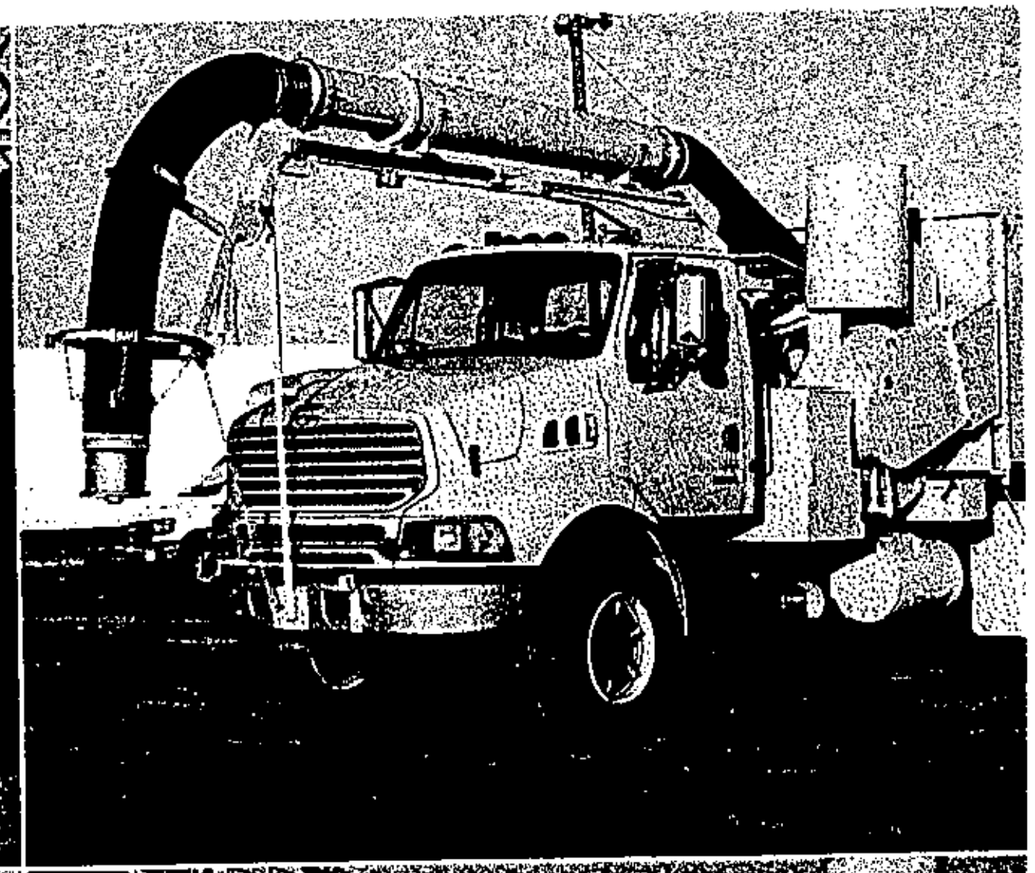
101-inch—offering short overall length and a set-forward front axle to help stretch the wheelbase where bridge laws govern permissible loads.

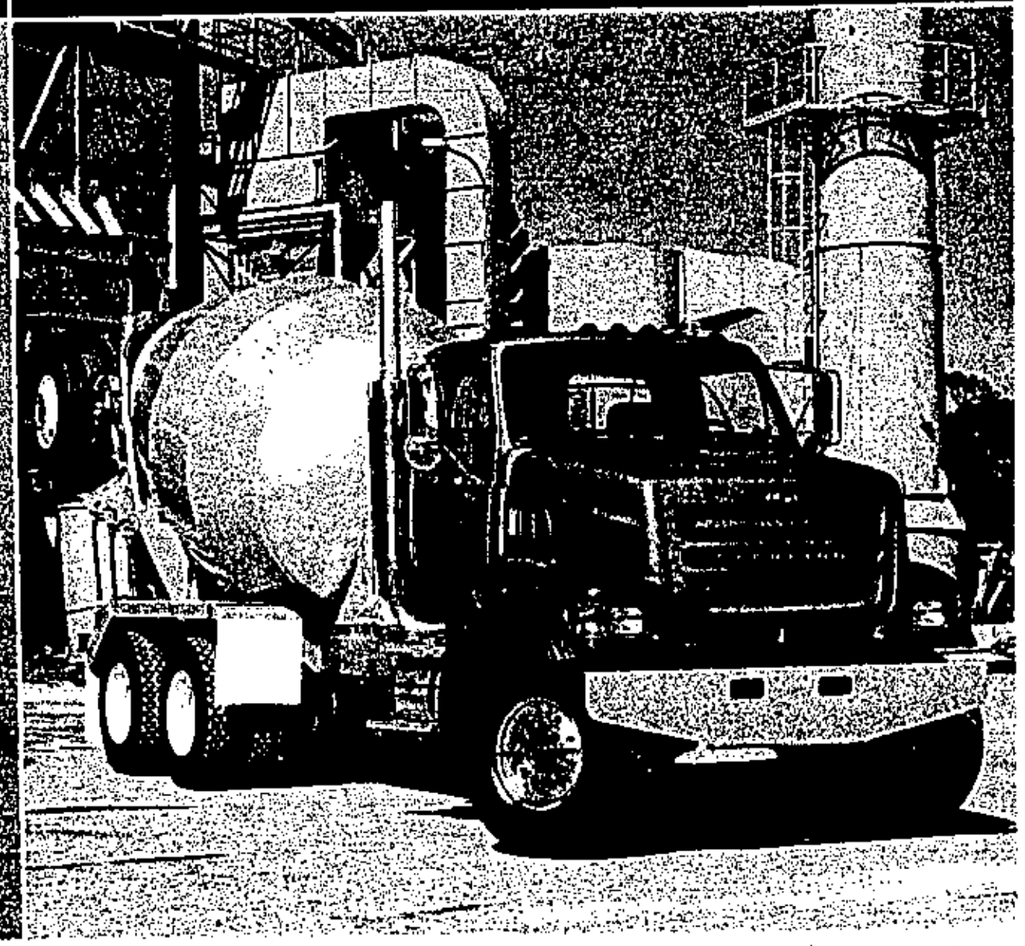
111-inch—offering a front axle just 29 inches from the bumper and the longest wheelbase available in the L-Line for any given body length. Helps maximize bridge formula loading. Puts more engine ahead of the cowl for convenient serviceability.

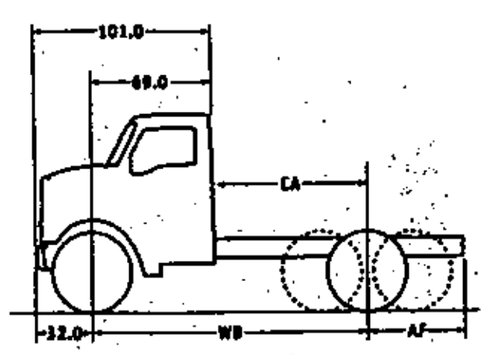
113-inch—offering a front axle set back 49 inches, for a shorter wheelbase that improves maneuverability and increases payload capacity by transferring a greater share of the body or kingpin load forward.

122-inch—offering long conventional design for maximum engine access under the hood and maximum leg room inside the cab (little to no doghouse intrusion). Plus a set-back front axle for maximum maneuvering agility and forward weight









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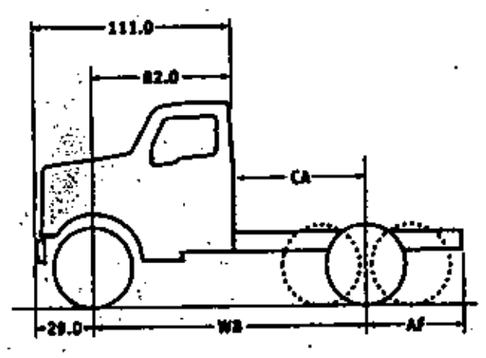

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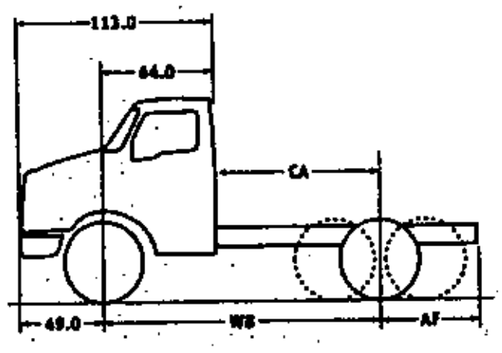

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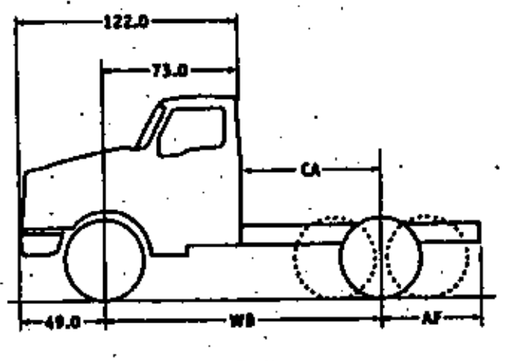


122"

Bid 00-53
A. 5. Page 8

CITY OF FAYETTEVILLE
113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494

INVITATION TO BID

BID #: 00-53

DATE ISSUED: June 14, 2000

DATE & TIME OF OPENING: June 27, 2000 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 120 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM: DESCRIPTION:	QTY:	* PRICE:	*TOTAL
1. Heavy Duty Cab & Chassis W/Mounted Dump Bed per Item #1 of Specifications Attached	1	$ 91508	$ 91,508

*GUARANTEED DELIVERY SCHEDULE: 90 Days from receipt of P.O.

2. Heavy Duty Cab & Chassis W/Mounted Dump Bed per Item #2 of Specifications Attached	3	$ 84734	$ 254,202

*GUARANTEED DELIVERY SCHEDULE: 90 Days From receipt of P.O.

-

3. Heavy Duty Cab & Chassis W/Mounted Dump Bed per Item #1-A of Specifications Attached	1	$ 75435	$ 75435

*GUARANTEED DELIVERY SCHEDULE: 60 Days from receipt of P.O.

-

4. Heavy Duty Cab & Chassis W/Mounted Dump Bed per Item #2-A of Specifications Attached 3 $ 69592 $ 208776

*GUARANTEED DELIVERY SCHEDULE: 60 Days from receipt of P.O.

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Sterling Trucks of Arkansas

*BUSINESS ADDRESS: 7200 S. University Ave

*CITY: Little Rock *STATE: Ar. *ZIP: 72209

*PHONE: 501 562 4204 FAX: 501 562 1292

*AUTHORIZED SIGNATURE: Ronald W. Cook Ronald W. Cook

*TITLE: Sales Manager

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

BID 00-53
SPECIAL TERMS & CONDITIONS

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.

2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** show as a separate item.

3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening date and time listed on the bid form.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.

5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order for delivery of the completed units to the City of Fayetteville, Arkansas.

6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.

7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.

8. Standard Manufacturers Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted.

9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.

10. Installation of Dealership/Distributorship Logo is **PROHIBITED.**

11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.

11. All items marked **"MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.

12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items. (1 set for each 2 units)

13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

ITEM 1. HEAVY DUTY TRUCK CHASSIS - DUMP TRUCK APPLICATION

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

BODY STYLE:	Conventional Cab/Chassis
WHEELBASE:	227" or as Required to conform to requirements of Dump Body listed in Basic Specifications.
CAB/AXLE DIMENSION:	148" CA or as Required to conform to requirements of Dump Body listed in 16-18 YARD DUMP BODY SECTION of Basic Specifications.
DIESEL ENGINE:	6 CYL. **MINIMUM ONLY:** 725 C.I.D. 12.0 Litre Displacement, 400 H.P. @ 1800 R.P.M., 120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down, Spin-On Fuel Filters, Vertical Exhaust w/heat shield.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: Caterpillar
MODEL DESIGNATION: C12
C.I.D. DISPLACEMENT: 732
H.P. RATING: 410 @ 1800 **R.P.M.**
TORQUE RATING: 1450 @ 1200 **R.P.M.**

TRANSMISSION:	Allison HD-4560-P-R 6 Speed - Direct in Fourth, 4.70 Ratio 1st, 2.21 Ratio 2nd, 1.53 Ratio 3rd, Direct 4th, 0.76 Ratio 5th, 0.67 Ratio 6th, 450 H.P., 1460 lb-ft. Min. Rating w/Retarder.
FRAME:	10.625" x 3.25" x .3125" Steel Rail w/.25" Inside Channel Reinforcement, 2,600,000 in. lbs. RBM per Rail.
GVW RATING:	72,480 LBS
GCW RATING:	104,480 LBS

TANDEM DRIVE:	Double Reduction style, 44,000 LB. Mack Model SS-441 **or equal**, with Camelback anti-sway Springs, Bronze Trunnion Bushings.
DRIVELINES:	Spicer/Dana 1810 Coated Spline Main with Spicer/Dana 1710 Coated Spline Interaxle.
INTERMEDIATE AXLE:LB. Cap.	Silent Drive Model AA-1455 **or equal.** 20,000 Air Ride, Air lift pusher style with 22,500 lb. cap. drop center axle with air brakes, Stemco Oil seals, 10 hole Budd hub and drum assys. with 4-8.25 X 24.5 one piece disc wheels, cab mounted console controls in an easily accessible location for the driver.
option: leaf not taper leaf. FRONT AXLE:	18,000 LB. Cap. Model FAW-18 Taper Leaf Spring Suspension **or equal.**
ALTERNATOR:	100 AMP.
BATTERIES:	1875 CCA. Mounted in Steel Box with Aluminum Cover.
FUEL SYSTEM:	Dual Steel Minimum Capacity 75 Gal. per Tank
option: w/ Blue Stripe Hoses for Fan Drive COOLING SYSTEM:	1050 Sq. In. 3 Row Core Radiator, Silicone Hoses, Filter/Conditioner, Eaton Viscous Fan Drive.
STEERING:	Integral Sheppard 492-S 18,000 Cap. **or equal.**
WHEELS & TIRES:	24.5 x 8.25 Steel Disc 10 Hole Budd Accuride Type w/11R24.5 Goodyear G-124 Steel Belt Radial Tires on Drive Wheels, w/2 Spare Wheels w/Mounted Tires and 24.5 x 8.25 Aluminum Disc 10 Hole Budd Wheels w.11R24.5 Goodyear G-159 on Steering axle,w/1 Spare Wheel w/Mounted Tire with necessary Ply Rating and Load Range Rating to be compatible with required GVW. Intermediate axle to be furnished with Steel Disc wheels w/tires as Drive Wheels listed above.
option: Dual Mounted RADIO: Antenna	O.E.M. AM/FM w/ roof mount antenna.
FLOOR COVERING:	Non-Skid Vinyl/Rubber
SEAT:	H.D Vinyl/Cloth High Back Air Ride Drivers Seat, Low Back Stationary Passenger Seat.

CAB:	Standard Manufacturers Rust Proofed Air Suspended Current Model Year, Equipped with O.E.M. Heater and Air Conditioner w/R134a Refrigerant capable of maintaining sufficient temperature control and air flow for operator comfort.
COLOR:	EXTERIOR-White INTERIOR-Grey
WIPERS:	2 Speed Intermittent
MIRRORS:	Left/Right Heated Bright Finish West Coast Style, with 4" Convex Spot Mirrors Arm Mounted below the standard mirrors. 6" Pedestal Mounted Convex Safety Mirror shall be furnished at right front corner of cab.
GLASS:	Tinted, Maximum Glass area offered by the Manufacturer shall be made available.
BRAKE SYSTEM:	Bendix TF-750, 16.5 CFM Compressor **or equal.** 16-1/2" X 5" Front, 16-1/2" X 7" Rear, Outboard Mounted Drums, Automatic Slack Adjusters on all positions, 4 Rear Parking Brake Chambers, Bendix Heated Air Drier, 3 Valve dual brake system, Tractor Park-Trailer Supply-Tractor/Trailer Park, Hand Valve for Trailer Brakes, Ferrous Hubs.
SAFETY EQUIPMENT:	Electronic Back-Up Alarm, 5 Roof Mounted Marker Lamps, Frame Mounted Front Tow Hooks, Dual Air Horns, Lap and Shoulder Retractable Seat Belts, Interior Sun Visor-Both Sides, Exterior Sun Visor, Electronic Tachometer and Speedometer w/Odometer, Vernier Hand Throttle, Manual Reset Circuit Breakers.
HITCH:	1" Plate bolted to rear frame of truck. Air plungered Pintle Hitch with safety rings capable of handling a pup dump trailer weighing a total of 50,000 lbs. 7 way light cord w/plug, Hydraulic hose w/quick disconnect for pup trailer mounted on hitch plate. Necessary brake connectors and controls shall be provided to comply with applicable FMVSS Requirements in effect at time of delivery.

16-18 YARD DUMP BODY

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

CAPACITY:	16' long with 16/18 cubic yard capacity, water level load with 40" side height and 48" end height with 89" inside width.
CONSTRUCTION:	Sides and front to be fabricated from 10 ga. hi-strength alloy steel w/min. 50,000 PSI yield strength. Front shall be 8" taller than sides with a minimum of 2 horizontal braces inside. Front and rear shall be braced to sides to height of ends. Side rubrail to have 45 deg. slope w/side top rail of 3" X 3" X 3/16" sq. tube. 5 Intermediate vertical side braces to be provided. Continuous welds to be provided to prevent entrance and entrapment of moisture.
UNDERSTRUCTURE:	7 Gauge T-1 Hi-Tensile Steel floor w/Min. 110,000 PSI yield Strength, 4"-45 deg.at sides w/side lap of 5" or less, crossmembers to be gusset braced to each of 2 long sills, crossmembers to be continuously welded at each end to inside of rubrail of body sides, rear reinforcement will be a full width apron supporting rear crossmember and welded to longsills and rear corner pillars. Cross sills: 3" - 4.1# Channel, Long sills: 8" - 11.2# Channel, 1/4" Heavy Duty Gussets on Front and Rear, 1/4" Medium Duty Gussets on every other Interior Crossmember, Rear apron: 1/4" - 10.2# plate.
DOGHOUSE:	10 Gauge Continuous Weld with 1/4" Cap for Upper Pin Seat and access plate for greasing pin.
TAILGATE:	10 Gauge Alloy Sheet Steel - 50,000 PSI yield, 1-1/4" dia. upper hinge offset forward 5" - Horizontal bracing, upper rails, lower rails to be sloped 45 degrees, upper and lower dogleg slotted chain keepers to be welded to rear corner pillars, 3/8" Proof Coil Spreader Chain of sufficient length to allow gate to lay flat w/floor when hinged at bottom, Retractable air operated safety latch is to stay locked without dependence on control rod lever or overcenter device. Air Control to be mounted in such a manner as to be fully protected from adverse conditions.

LIGHTS:	Lighting Equipment shall be furnished and installed per current applicable FMVSS, all lighting to be recessed for protection w/wiring in conduit. Truck Lite LED Lighting equipment shall be located in all locations possible.
SAFETY EQUIPMENT:	12 Volt D.C Backup Alarm, 97 D.B., 70 Beeps per Minute, Wired into Backup Lamps, Full Cab Protector of 10 ga. hi-strength alloy steel w/min. yield of 50,000 PSI. 88" Wide W/ 42" Over Cab Projection, attached by bolting or welding. Horizontal portion to have 9 deg. slope with 2 intermediate braces on top. This is to conform to current Industry Standards and applicable Safety Requirements in effect at the time of Delivery, OSHA Safety Prop.
P.T.O.:	"Hot Shift" Style P.T.O. with Air/Electric controls conveniently located in the Cab to the Right of Driver. Pump to produce 28 GPM @ 1000 RPM with 2500 PSI Operating Pressure. (Dump Body angle of 50 degrees in 20 or less seconds at 1000 RPM required)
HOIST CONTROL:	Felsted type neoprene coated cables on tower mounted control, bulkhead fitting and 5/16" inner core diameter. Valves to be three position (raise-hold-lower) which provide metered flow for the complete cycle for total control.
HOIST:	Four Stage Front Mount Telescopic style meeting NTEA/TBEA Class 120 performance requirements. First stage 7" moving, Second stage 6" moving, Third stage 4" moving, Fourth stage 3" moving. 45 Ton Lift Capacity with not less than 140 inches of stroke to provide 50 degree dump angle. All fabricated parts shall be high strength alloy steel w/minimum of 50,000 PSI yield strength. All hoist and hinge bearing surfaces shall be zerk lubricated. Cylinder to have internal bypass at stroke end to prevent pressure buildup. All hydraulic hoses shall be compatible to specified operating pressure.

ITEM 1A.

REPLACE **"TRANSMISSION"** W/FOLLOWING:

Exception:
Allen RTO 16908LL
Ten Speed
Cast Iron Case
650 Torque Rating.
Note: Item 1A.

11 Speed Manual Transmission w/3 Countershafts, Ratios as follows: LO - 15:1. 1st - 8.52:1, 2nd - 6.50:1, 3rd - 4.99:1, 4th - 3.84:1, 5th - 2.94:1, 6th - 2.22:1, 7th - 1.70:1, 8th - 1.30:1, 9th - 1.00:1, 10th - 0.77:1, Minimum 1,700 lb. Ft. Torque Rating, Heat Treated Aluminum Case, Spur Gear w/Plate Type Synchronizers.

ADD: Detroit Diesel Engine Series 60
12.7L 778
HP 430 at 1800
Torque 1450 at 1200
Engine Brake utilizing engine compression release when in a "NO FUEL" condition, w/3 Position Control (Off, on-low, on-high) to allow tailoring braking effort to driving conditions. 360 HP Braking Effort at 2100 RPM to be available.

ITEM 2: HEAVY DUTY TRUCK CHASSIS - DUMP TRUCK APPLICATION

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

BODY STYLE:	Conventional Cab/Chassis
WHEELBASE:	205" or as Required to conform to requirements of Dump Body listed in Basic Specifications.
CAB/AXLE DIMENSION:	126" CA or as Required to conform to requirements of Dump Body listed in 12-14 YARD DUMP BODY SECTION of Basic Specifications.
DIESEL ENGINE:	6 CYL. **MINIMUM ONLY:** 725 C.I.D. 12.0 Litre Displacement, 350 H.P. @ 1800 R.P.M., 120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down (Automatic Over ride to be included), Spin-On Fuel Filters, Vertical Exhaust w/heat shield.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: Caterpillar
MODEL DESIGNATION: C 12
C.I.D. DISPLACEMENT: 732
H.P. RATING: 355 @ 1900 **R.P.M.**
TORQUE RATING: 1350 @ 1200 **R.P.M.**

TRANSMISSION:	Allison HD-4560-P-R 6 Speed - Direct in Fourth, 4.70 Ratio 1st, 2.21 Ratio 2nd, 1.53 Ratio 3rd, Direct 4th, 0.76 Ratio 5th, 0.67 Ratio 6th, 450 H.P., 1460 lb-ft. Min. Rating w/Retarder.
FRAME:	10.625" x 3.25" x .3125" Steel Rail w/.25" Inside Channel Reinforcement, 2,600,000 in. lbs. RBM per Rail

e' GVW 58860* Due to Front Tires requested

GVW RATING:	62,000 LBS
GCW RATING:	98,000 LBS
TANDEM DRIVE:	Double Reduction style, 44,000 LB. Mack Model SS-440-C **or equal**, with Camelback anti-sway Springs, Bronze Trunnion Bushings.
DRIVELINES:	Spicer/Dana 1810 Coated Spline Main with Spicer/Dana 1710 Coated Spline Interaxle.

eption
lat leaf nor taperleaf

FRONT AXLE:	18,000 LB. Cap. Model FAW-18 Taper Leaf Spring Suspension **or equal.**
ALTERNATOR:	100 AMP.
BATTERIES:	1875 CCA. Mounted in Steel Box with Aluminum Cover.
FUEL SYSTEM:	Dual Steel Minimum Capacity 75 Gal. per Tank

eption
2s Blue Stripe Hoses
Kysor Fan Drive

COOLING SYSTEM:	1000 Sq. In. 3 Row Core Radiator, Silicone Hoses, Filter/Conditioner, Eaton Visscous Fan Drive.
STEERING:	Power Assist, Integral Sheppard 492-S 18,000 Cap. **or equal,** Adjustable Steering Column
WHEELS & TIRES:	24.5 x 8.25 Steel Disc 10 Hole Budd Accuride Type w/11R24.5 Goodyear G-124 Steel Belt Radial Tires on Drive Wheels w/2 Spare Wheels w/mounted tires and 24.5 x 8.25 Aluminum Disc 10 Hole Budd w/11R24.5 Goodyear G-159 on Steering axle w/1 Spare Wheel w/mounted tire.

eption
wl mounted antenna

RADIO:	O.E.M. AM/FM w/ roof mount antenna.
FLOOR COVERING:	Non-Skid Vinyl/Rubber

SEAT:	H.D Vinyl/Cloth High Back Air Ride Drivers Seat, Low Back Stationary Passenger Seat.
CAB:	Standard Manufacturers Rust Proofed Air Suspended Current Model Year, Equipped with O.E.M. Heater and Air Conditioner w/R134a Refrigerant capable of maintaining sufficient temperature control and air flow for operator comfort.
COLOR:	EXTERIOR-White INTERIOR-Grey
WIPERS:	2 Speed Intermittent
MIRRORS:	Left/Right Heated Bright Finish West Coast Style, with 4" Convex Spot Mirrors Arm Mounted below the standard mirrors. 6" Pedestal Mounted Convex Safety Mirror shall be furnished at right front corner of cab.
GLASS:	Tinted, Maximum Glass area offered by the Manufacturer shall be made available.
BRAKE SYSTEM:	Bendix TF750 16.5 CFM Compressor **or equal.** 16-1/2" X 5" Front, 16-1/2" X 7" Rear, Outboard Mounted Drums, Automatic Slack Adjusters on all positions, 4 Rear Parking Brake Chambers, Bendix Heated Air Drier, 3 Valve dual brake system, Tractor Park-Trailer Supply-Tractor/Trailer Park, Hand Valve for Trailer Brakes, Ferrous Hubs.
SAFETY EQUIPMENT:	Electronic Back-Up Alarm, 5 Roof Mounted Marker Lamps, Frame Mounted Front Tow Hooks, Dual Air Horns, Lap and Shoulder Retractable Seat Belts, Interior Sun Visor-Both Sides, Exterior Sun Visor, Electronic Tachometer and Speedometer w/Odometer, Vernier Hand Throttle, Manual Reset Circuit Breakers.
HITCH:	1" Plate bolted to rear frame of truck. Air plungered Pintle Hitch with safety rings capable of handling a pup trailer weighing a total of 40,000 lbs. 7 way light cord w/plug, Hydraulic hose w/quick disconnect for pup trailer mounted on hitch plate. Necessary brake connectors and controls shall be provided to comply with applicable FMVSS Requirements in effect at time of delivery.

12-14 YARD DUMP BODY

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

CAPACITY:	14' long with 12/14 cubic yard capacity, water level load with 38" side height and 46" end height with 89" inside width.
CONSTRUCTION:	Sides and front to be fabricated from 10 ga. hi-strength alloy steel w/min. 50,000 PSI yield strength. Front shall be 8" taller than sides with a minimum of 2 horizontal braces inside. Front and rear shall be braced to sides to height of ends. Side rubrail to have 45 deg. slope w/side top rail of 3" X 3" X 3/16" sq. tube. 5 Intermediate vertical side braces to be provided. Continuous welds to be provided to prevent entrance and entrapment of moisture.
UNDERSTRUCTURE:	7 Gauge T-1 Hi-Tensile Steel floor w/Min. 110,000 PSI yield Strength, 4"-45 deg.at sides w/side lap of 5" or less, crossmembers to be gusset braced to each of 2 long sills, crossmembers to be continuously welded at each end to inside of rubrail of body sides, rear reinforcement will be a full width apron supporting rear crossmember and welded to longsills and rear corner pillars. Cross sills: 3" - 4.1# Channel on 12" centers, Long sills: 8" - 11.2# Channel, 1/4" Heavy Duty Gussets on Front and Rear, 1/4" Medium Duty Gussets on every other Interior Crossmember, Rear apron: 1/4" - 10.2# plate.
DOGHOUSE:	7 Gauge T-1 Hi-Tensile Steel w/Min. 110,000 PSI Yield Strength, Continuous Weld with 1/4" Cap for Upper Pin Seat and access plate for greasing pin.
TAILGATE:	10 Gauge Alloy Sheet Steel - 50,000 PSI yield, 1-1/4" dia. upper hinge offset forward 5" - Horizontal bracing, upper rails, lower rails to be sloped 45 degrees, upper and lower dogleg slotted chain keepers to be welded to rear corner pillars, 3/8" Proof Coil Spreader Chain of sufficient length to allow gate to lay flat w/floor when hinged at bottom, Retractable air operated safety latch is to stay locked

without dependence on control rod lever or overcenter device. Air Control to be mounted in such a manner as to be fully protected from adverse conditions.

LIGHTS: Lighting Equipment shall be furnished and installed per current applicable FMVSS, all lighting to be recessed for protection w/wiring in conduit. Truck Lite LED Lighting equipment shall be utilized in all locations possible.

SAFETY EQUIPMENT: 12 Volt D.C Backup Alarm, 97 D.B., 70 Beeps per Minute, Wired into Backup Lamps, Full Cab Protector of 10 ga. hi-strength alloy steel w/min. yield of 50,000 PSI. 88" Wide W/ 42" Over Cab Projection, attached by bolting or welding. Horizontal portion to have 9 deg. slope with 2 intermediate braces on top. This is to conform to current Industry Standards and applicable Safety Requirements in effect at the time of Delivery, OSHA Safety Prop.

P.T.O.: "Hot Shift" Style P.T.O. with Air/Electric controls conveniently located in the Cab to the Right of Driver. Electric Over Speed Protection MUST be provided. Pump to produce 28 GPM @ 1000 RPM with 2500 PSI Operating Pressure. (Dump Body angle of 50 degrees in 20 or less seconds at 1000 RPM required)

HOIST CONTROL: Felsted type neoprene coated cables on tower mounted control, bulkhead fitting and 5/16" inner core diameter. Valves to be three position (raise-hold-lower) which provide metered flow for the complete cycle for total control.

HOIST: Three Stage Front Mount Telescopic style meeting NTEA/TBEA Class 110 performance requirements. First stage 6" moving, Second stage 5" moving, Third stage 4" moving. 38 Ton Lift Capacity with not less than 120 inches of stroke to provide 50 degree dump angle. All fabricated parts shall be high strength alloy steel w/minimum of 50,000 PSI yield strength. All hoist and hinge bearing surfaces shall be zerk lubricated. Cylinder to have internal bypass at stroke end to prevent pressure buildup. All hydraulic hoses shall be compatible to specified operating pressure.

HITCH:

1" Plate bolted to rear frame of truck. Air plungered Pintle Hitch with safety rings capable of handling a pup trailer weighing a total of 40,000 lbs. 7 way light cord w/plug, Hydraulic hose w/quick disconnect for pup trailer mounted on hitch plate. Necessary brake connectors and controls shall be provided to comply with applicable FMVSS Requirements in effect at time of delivery.

ITEM 2A.

eption: REPLACE **"TRANSMISSION"** W/FOLLOWING:

or RTO16908LL
st iron Case
0 Torque Rating
ote: Item 2A

ADD:

11 Speed Manual Transmission w/3 Countershafts, Ratios as follows: LO - 15:1. 1st - 8.52:1, 2nd - 6.50:1, 3rd - 4.99:1, 4th - 3.84:1, 5th - 2.94:1, 6th - 2.22:1, 7th - 1.70:1, 8th - 1.30:1, 9th - 1.00:1, 10th - 0.77:1, Minimum 1,700 lb. Ft. Torque Rating, Heat Treated Aluminum Case, Spur Gear w/Plate Type Synchronizers.
Detroit Diesel Engine Series 60
HP 350 @ 2100 rpm
Torque 1250 @ 1200

Engine Brake utilizing engine compression release when in a "NO FUEL" condition, w/3 Position Control (Off, on-low, on-high) to allow tailoring braking effort to driving conditions. 360 HP Braking Effort at 2100 RPM to be available.

Mail or Deliver Bids To:

City of Fayetteville
Purchasing Office-Rm 306
113 W Mountain
Fayetteville, AR 72701

STAFF REVIEW FORM

Bid 00-54
A. 6. Page 1

XXX AGENDA REQUEST

_____ CONTRACT REVIEW

_____ GRANT REVIEW

For the Council meeting of August 1, 2000

FROM:

Cheryl Zotti	Solid Waste	Public Works
Name	Division	Department

ACTION REQUESTED:

Award and approval of bid # 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

COST TO CITY:

$ 11,747*	$ 90,000	Dumpster Lease Program
Cost of this request	Category/Project Budget	Category/Project Name
5500- -0800.00	$ 0	Inventory
Account Number	Funds Used to Date	Program Name
99038-0001	$ 90,000	Solid Waste
Project Number	Remaining balance	Fund

BUDGET REVIEW:

X Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

_____ 7-18-00 GRANT AGENCY: _____

Accounting Manager — Date

City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date	Internal Auditor	7/19/00 Date

STAFF RECOMMENDATION:

Cyotti 7-17-2000

Division Head — Date

Department Director — Date

Admin. Services Director — Date

Mayor — Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

* Initially, this purchase will cost the City $11,747; however, the cost will be recovered through selling and leasing these containers to the businesses.

STAFF REVIEW FORM

Description Bid #00-54 Ameri-Kan Meeting Date 8-1-00

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager
@ Lori Row Org will this bid be valid? Next FY 2000? Any set % total $$$ approval of future purchases"?

City Attorney

Chasing Officer

ADA Coordinator

Internal Auditor
Need more information on future purchases - some kind of projection on how many + how much ($)

FAYETTEVILLE

HE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor
Charles Venable, Public Works Director

From: Cheryl Zotti, Environmental Affairs Administrator

Date: July 10, 2000

Re: **Award and Approval of Bid # 00-54 for Solid Waste Containers**

Staff requests the award and approval of bid # 00-54 to Ameri-Kan in the amount of $11,747 for the purchase of solid waste containers for the container lease program and approval of future purchases as needed at the attached per unit pricing. Initially, this purchase will cost the City $11,747, however, the costs of containers will be recovered through selling and leasing the containers to businesses in our container lease/purchase program.

Four companies submitted bids. Two of the companies (Wastequip Teem and Wastequip May Fab) were omitted from consideration due to their no bid on various sizes of containers. It is our intent to make all container purchases from one vendor. Two of the bidders were evaluated on price and specifications. One of the bidders (Gregory Manufacturing) constructs containers to be collected with fork/sleeve collection vehicles. We use containers which require a triangle lifting frame for collection. Gregory's containers are designed to retro fit triangle lifting frames. We have had a problem in the past with containers which have retro fitted triangle lifting frames. In 1995, staff purchased 28 containers from a low bidder and within three months returned six containers for warranty work. This supplier retro fitted the triangle lifting frame on their containers. To date, staff has returned 15 of the 28 containers for warranty work. Furthermore, Gregory does not meet specifications for overlapping corners to eliminate corner welds. Overlapping corners strengthens and stabilizes the containers.

On average, Ameri-Kan's bid is 6.8% higher. Ameri-Kan has been our container supplier for the past eight years, other than the brief period of time in 1995. During this time, staff has never returned an Ameri-Kan container for warranty work. Ameri-Kan has an excellent history with the City and meets or exceeds all specifications.

Ameri-Kan is not the lowest bidder, however, staff recommends awarding the bid to them based on past working experience and lack of experience with the triangle frame lifting mechanism from the

other bidder. Please see the attached bid tabulation sheet for the per unit prices. If this bid is awarded, we will be restocking our inventory immediately and continue purchasing containers from Ameri-Kan as needed. Staff will be present at the agenda and City Council meetings to answer any questions you might have in regards to this bid. If you have questions or comments, please contact me at 444-3498. Thank you.

Bid 00-54
A. 6. Page 5

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

		Requisition No.:	Date: 07/14/00
		P.O. Number:	Expected Delivery Date:
3266	Vendor Name: Ameri-Kan		Mail: Yes__XX_ No____
O. Box 844		FOB Point: Fayetteville, AR	Taxable: Yes__XX_ No____
City: Independence	State: KS	Zip: 67301	Ship To Code: 170
Requester: Willie Newman		*Requester's Employee#: 318	Division Head Approval:
			Extension: 497

[illegible]	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	SW Dumpster, 2 cubic yard	0	ea	$260.00	$0.00				
2	SW Dumpster, 4 cubic yard	0	ea	$462.00	$0.00				
3	SW Dumpster, 6 cubic yard	19	ea	$563.00	$10,697.00	5500- -0800.00			
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
[illegible]					$0.00				
10					$0.00				
11					$0.00				
	SHIPPING/HANDLING				$320.00				

Special Instructions:

Subtotal:	$11,017.00
Tax:	$729.88
TOTAL:	$11,746.88

Approvals: (Purchasing office use only)

Mayor:_____

Admin. Services Director:_____

Department Director:_____

Budget Coordinator:_____

Purchasing Manager:_____

Data Processing Mgr:_____

BID: 00-54
DATE: 7/6/00
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOLID WASTE CONTAINERS

BIDDER	ITEM 1	ITEM 2	ITEM 3	ITEM 4	ITEM 5	ITEM 6	ITEM 7
GREGORY MFG	$293.00	$422.00	$488.00	$549.00	$628.00	$599.00	$678.00 freight included in prices
WASTEQUIP TEEM	$253.00 min order (8) units	no bid	no bid	no bid	no bid	no bid	no bid f.o.b. Fayetteville
AMERI-KAN	$260.00	$462.00	no bid	$563.00	$680.00	$593.00	$780.00 freight pr trk ld $320
WASTEQUIP MAY FAB	no bid	$443.00	no bid	$548.00	$599.00	$598.00	$608.00 freight per trk ld $356.00

Certified by P Vice Purch Mgr R Williams Witness 7/7/00 Date

STAFF REVIEW FORM

XX AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW
For the Fayetteville City Council meeting of August 1, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Acceptance of the qualified Bidder for the purchase of 1 Tractor, 1 Mower Conditioner, 2 Tedders, and 1 Rotary Mower (Items 1, 2, 3 & 4 - Bid 00-56) with the trade of 14 various used items which were declared surplus or are being replaced by the items purchased (Items 5 thru 18 - Bid 00-56) The Vendor for this purchase will be Williams Tractor, P.O.Box 1346, Fayetteville, AR 72702 (Vendor #1346).

COST TO CITY:

Cost: $ 94,200.00 Trade Allowance: $31,760.00 Net Cost: $ 62,440.00 Repl/Exp Other Veh/Equip

$ 62,440.00	$ 270,001.00	Repl/Exp Tractor/Mower
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ 80,720.00	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98068 & 98065	$ 189,281.00	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J. Cramer — Accounting Manager — 7-21-00 Date
ADA Coordinator — Date

City Attorney — 7-20-00 Date
Danny Smith — Internal Auditor — 7/21/00 Date

P Vice — Purchasing Officer — 7-20-00 Date

STAFF RECOMMENDATION:

Acceptance of Bid 00-56 with the Authorization to Purchase Items 1, 2, 3 & 4 With acceptance of trade allowance offer of Items 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,& 18

W.A. Oestreich — Division Head — 7-19-00 Date

Department Director — Date

Administrative Services Director — 7-24-00 Date

Mayor — 7/21/00 Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #:

Orig Contract Date:

CITY OF FAYETTEVILLE

FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

THRU: Peggy Vice, Purchasing Manager

FROM: W. A. Oestreich, Fleet Operations Superintendent

DATE: July 18, 2000

SUBJECT: **BID AWARD RECOMMENDATION 00-56**
PROJECT # 98065 AND 98068

Reference the attached Agenda Request for the Award of Bid 00-56, Items #1, 2, 3, and #4 with the acceptance of the trade allowance offered for Items #5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & #18. The only qualified bidder meeting specifications is Williams Tractor, P.O.Box 1346, Fayetteville, AR 72702. (Vendor #1346). These are budgeted items for the calendar year 2000.

The Bid Tabulation Sheet dated July 18, 2000, is included along with a copy of the formal bid with the attached specifications that was sent to each of the vendors on the Bidders List attached.

The items listed have been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner.

This bid was sent to 50 prospective bidders, with only two acceptable responses. I spoke to some of the potential bidders for the sale items with the response that they did not feel they would be able to match pricing from a local vendor who would be very competitive. Evaluation of the bid shows that the pricing structure received for the new units is in line with other units on the market in the same size and horsepower category.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by Pollution Control Plant/Sludge Management Site, Fleet Operations Division and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 1.	145 PTO HP - 4 Wheel Drive Utility Tractor Per Item 1 of Specifications	$72,500.00
ITEM 2.	Mower Conditioner per Item 2 of Specifications	$14,500.00
ITEM 3.	Tedder per Item 3 of Specifications 2 @ $2,850.00	$ 5,700.00
ITEM 4.	Rotary Cutter per Item 4 of Specifications	$ 1,500.00
	TOTAL	**$94,200.00**

LESS TRADE ALLOWANCES OFFERED ON THE FOLLOWING:

5.	FA# 02306 New Holland Roll-A-Bar Rake VIN: 782843	$ 2,000.00
6.	FA# 02975 Walton Tedder VIN: 2137	$ 1,000.00
7.	FA# 02976 Walton Tedder VIN: 2135	$ 750.00
8.	Unit 537 - John Deere 17 H.P. LX188 Hydrostatic Drive 48" Riding Mower VIN: MOL188X075739	$ 400.00
9.	FA# 2470 New Holland Pop Up Loader VIN: NSN	$ 250.00
10.	FA# 2471 Hay Elevator VIN: NSN	$ 100.00
11.	FA# N/A Service CY-72 Rotary Cutter VIN: NSN	$ 700.00
12.	FA# N/A 6 Way-7'-Box Blade VIN: 1029	$ 150.00
13.	FA# 02190 Bush Hog 6' Rotary Cutter VIN: 10125	$ 500.00
14.	Unit# 968 1411 New Holland Mower Conditioner VIN: 594480	$ 7,500.00
15.	Unit#522 John Deere Model 4430 Tractor VIN: 366449R	$12,000.00
16.	FA# 03048 Rhino Twister TW-72 Rotary Cutter VIN: 10714	$ 400.00

17.	FA# N/A Land pride 3pt Mower Mdl 25-72 (Less Gearbox) VIN: UNK	$ 10.00
18.	Unit# 523 1990 Ford Model 1520 Tractor VIN: UH25702	$ 6,000.00
	TOTAL CREDIT	**$31,760.00**

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

ITEMS 1, 2, 3 & 4	**Williams Tractor**	**$94,200.00**

LESS TRADE CREDIT:

ITEMS 5, 6, 7, 8, 9. 10, 11, 12, 13, 14, 15, 16. 17 & 18 **<$31,760.00>**

TOTAL BID AWARD: **$ 62,440.00**

The budgeted amount for these items is in the Shop Fund Capital Expenditures Program, Vehicles & Equipment, Replacement/Expansion Tractor/Mower Project 98068-001 and Replacement/Expansion Other Vehicles & Equipment Project 98065-001. With the purchase of these items at $62,440.00, a balance of $126,841.00 remains to complete the other items needed in these projects.

BID: 2000-56
DATE: 7/18/00
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: Tractors & Equipment w/Sale or Trade of Tractor & Equipment

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7
Darrell Lackey	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Williams Ford Tractor	$72,500	$14,500	$5,700	$1,500	$2,000	$1,000	$750

	ITEM #8	ITEM #9	ITEM #10	ITEM #11	ITEM #12	ITEM #13	ITEM #14
Darrell Lackey	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Williams Ford Tractor	$400	$250	$100	$700	$150	$500	$7,500

	ITEM #15	ITEM #16	ITEM #17	ITEM #18
Darrell Lackey	No Bid	$320	No Bid	No Bid
William Ford Tractor	$12,000	$400	$10.	$6,000.

Certified by Peggy Vice
Peggy Vice

Witness

Date: 7-18-00

Bid 00-56
A. 7. Page 5

MEMORANDUM

TO: Bill Oestreich
FROM: Roy Reed
DATE: 20 July, 2000
SUBJECT: BID # 2000-56

Mr. Oestreich,

After reviewing BID # 2000-56, the 145 h.p.tractor, tedders, mower conditioner, and rotary cutter equipment specifications presented by Williams Ford Tractor have been found to meet the requirements of the Paul R. Noland WasteWater Treatment Facility.

Thank you,

Roy D. Reed

Roy D. Reed
SMS Director City of Fayetteville/OMI

CITY OF FAYETTEVILLE
113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494

INVITATION TO BID

BID #: 2000-56

DATE ISSUED: June 28, 2000

DATE & TIME OF OPENING: July 18, 2000 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 60 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QTY:	* PRICE:	*TOTAL
1.	145 PTO HP Tractor per Item #1 of Specifications Attached	1	$ 72,500.00	$ 72,500.00

*GUARANTEED DELIVERY SCHEDULE: 60 days

2.	Mower Conditioner per Item #2 of Specifications Attached	1	$ 14,500.00	$ 14,500.00

*GUARANTEED DELIVERY SCHEDULE: 10 days

3.	Tedder per Item #3 of Specifications Attached	2	$ 2,850.00	$ 5,700.00

*GUARANTEED DELIVERY SCHEDULE: 10 days

4. Rotary Cutter
per Item #4
of Specifications Attached — 1 — $ 1,500.00 — $ 1,500.00

*GUARANTEED DELIVERY SCHEDULE: 10 days

ITEMS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18 ARE OFFERED FOR EITHER SALE OR TRADE

		*PRICE:
5.	FA# 02306 New Holland Roll-A-Bar Rake VIN: 782843	$ 2,000.00
6.	FA# 02975 Walton Tedder VIN: 2137	$ 1,000.00
7.	FA# 02976 Walton Tedder VIN: 2135	$ 750.00
8.	Unit 537 - John Deere 17 H.P. LX188 Hydrostatic Drive 48" Riding Mower VIN: MOL188X075739	$ 400.00
9.	FA# 2470 New Holland Pop Up Loader VIN: NSN	$ 250.00
10.	FA# 2471 Hay Elevator VIN: NSN	$ 100.00
11.	FA# N/A Service CY-72 Rotary Cutter VIN: NSN	$ 700.00
12.	FA# N/A 6 Way-7'-Box Blade VIN: 1029	$ 150.00
13.	FA# 02190 Bush Hog 6' Rotary Cutter VIN: 10125	$ 500.00
14.	Unit# 968 1411 New Holland Mower Conditioner VIN: 594480	$ 7,500.00

15. Unit#522 John Deere
Model 4430 Tractor
VIN: 366449R — $ 12,000.00

16. FA# 03048 Rhino Twister TW-72
Rotary Cutter
VIN: 10714 — $ 400.00

17. FA# N/A Landpride 3pt Mower
Mdl 25-72 (Less Gearbox)
VIN: UNK — $ 10.00

18. Unit# 523 1990 Ford
Model 1520 Tractor
VIN: UH25702 — $ 6,000.00

NOTE: ITEMS 5, 6, 7, 9, 10, 11, 13, 14, & 15 WILL NOT BE RELEASED PRIOR TO RECEIPT OF THE UNITS LISTED IN ITEM #1, 2, 3, & 4.

***BIDDER IMPOSED RESTRICTIONS ON ITEMS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18**

Trade only.

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** Williams Tractor

***BUSINESS ADDRESS:** P.O. Box 1346

***CITY:** Fayetteville ***STATE:** AR ***ZIP:** 727021346

***PHONE:** 501-442-8284 ***FAX:** 501-442-6013

***AUTHORIZED SIGNATURE:**

***TITLE:** Vice President

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

CITY OF FAYETTEVILLE

BID ATTENDANCE SHEET

BID NO. 00-56

COMMODITY Tractors, Equip. Sale of Etc.

DATE: 7-18-00

TIME: 11:00

	NAME	COMPANY	TITLE
1.	Plice	City of Fay.	Pur. Mgr.
2.	Doug Williams	Williams Tractor	V.P.
3.	Steph Sims	City of Fayetteville	Budget Manager
4.	Roger D. Reed	OMJ / City of Fayetteville	SMS Director
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

BIDDERS LIST

Tractors

1. Warrior of Arkansas, Inc.
   2003 South 8th St.
   Rogers, AR 72756
   Att: Wendell Bridges
   501-636-8220 FAX 501-636-1271

2. Springdale Tractor Co.
   Hwy 68 West
   Springdale, AR 72764

3. Williams Ford Tractor & Equipment Co.
   P.O.Box 1346
   Fayetteville, AR 72702-1346

4. Aces Inc.
   Hwy 71 North
   Springdale, AR 72764

5. E.A.Martin Machinery Co.
   802 E. 264 Hwy
   Springdale, AR 72764

6. Traksan Equipment Co.
   1531 E. Ford Ave
   Springdale, AR 72764

7. J.A.Riggs Tractor Co.
   9125 Interstate 30
   Little Rock, AR 72209

Bid 00-56
A. 7. Page 12

June 19, 2000

BIDDERS LIST

SALE ITEMS

1. CULVER TRUCK SALES
P.O.BOX 21
GREENLAND, AR 72737
501-521-2870

2. Elliott Equipment Co.
3100 W. 76th Street
Davenport, Iowa 52806
Attn: Phil Allen
800-786-4841 FAX 319-391-8823

3. Abdul Waheed
8403 E. 98TH TERRACE
KANSAS CITY, MO 64134
816-765-0707 FAX -SAME-

4. WARFORD AUTO WRECKERS INC.
PUMP STATION ROAD
FAYETTEVILLE, AR 72701

5. DARREL MEREDITH TRUCK SALES
1749 S. SCHOOL
FAYETTEVILLE, AR 72701

6. Auto Wholesalers
P.O.Box 445
Hollidaysburg, PA 16648
814-696-4343 Fax 814-696-1324

7. Meuser Heavy Equipment
4100 S. Hiway 71B
Springdale, AR 72764
501-751-0680

8. CHICAGO MOTORS INC.
2553 WEST CHICAGO AVE.
CHICAGO, ILLINOIS 60622
Attn: ANIS GHANIWALA
312-235-6500 (800-942-0005) FAX 312-235-6532

9. GCDC, INC.
P.O.BOX 15158
FORT LAUDERDALE, FL 33318
ATTN: ALEX ZAGRUZNY
954.792.7777 FAX 954.792.7050

10. AMI AUTO BROKER
16329 CENTER POINT
GROVER, MO 63040
314-458-1380

11. ATLAS AUTO LEASING
750 E. IRVING BLVD.
IRVING, TEXAS 75060
972-554-1117

12. Davis Truck & Equipment
4282 Hwy 90 East
San Antonio, TX 78219
210.333.5570 Fax 210.333.2217

13. DIXIE SURPLUS EQUIPMENT
P.O.BOX 8507
ALEXANDRIA, LOUISIANA 71306
ATTN: KENNETH MCKAY
318-765-3068 FAX:318-765-9312

14. WHITTLE TRUCK SALES
P.O.BOX 7061
SPRINGDALE, AR 72766
ATTN: RICK WHITTLE
501-750-9410

15. CENTRAL OKLAHOMA POLICE SUPPLY
1329 N. HARRISON
SHAWNEE, OK 74810
ATTN: CHRIS HURLEY
800-259-7177 405-275-7177

16. Trucks & Parts of Tampa
1015 S. 50th St.
Tampa, FL 33619
800-488-8889 Attn: Bruce Goldenberg

17. Dale Frederick
6537 Huntsville Rd.
Fayetteville, AR 72701

18. Al Coakley
2761 Boxwood
Fayetteville, AR 72703

19. Mountain Creek Real Estate Co.
P.O.Box 520
Huntsville, AR 72740
Attn: Bill G. Cotton
501-456-2547 Fax 501-738-6262

20. Raymond E. Purser
P.O.Box 1489
Huntsville, AR 72740
501-738-6420

21. SITC Services Corp.
18603 E. Hwy. 412
Springdale, AR 72764
Attn: James Dudley
501-751-4001 Fax 303-688-1372

22. Police Cars Unlimited
P.O.Box 770893
Woodside, NY 11377
Attn: Tammy

23. Reeder Simco Truck Center, Inc.
3421 South Zero
Fort Smith, AR 72908
Attn: Ken Plemmons
800-643-2013 Fax 501-646-0533

24. Dickson Equipment Co., Inc.
P. O. Box 565242
Dallas, TX 75356-5242
800.634.7531 Fax 214.741.5515

25. Hancock Farms Equipment & Supply
290 East Main - Hwy 62
Farmington, AR 72730
Attn: Brad Hancock
501-267-3685

26. AG Products
2525 W. Broadway
Phoenix, AZ 85041
602-268-8707

27. Methvin Sanitation, Inc.
Rte. 1 - Box 271 D
Lead Hill, AR 72644
Attn: Mark Methvin
870.436.8095

28. Gary L. Cooper
Rte. 1 - Box 356
Prairie Grove, AR 72753
501.761.3686 501.761.3348

29. Fayetteville Tree Service
P.O. Box 376
West Fork, AR 72774
Attn: Ken Rogers
501.575.0977 501.443.5407

30. Don Lee Harding
113 Lark Lane
Farmington, AR 72730
501.267.2428

31. J. Hall Wood
919 Janelle
Fayetteville, AR 72701

32. Travis Dotson
Rt. 1 - Box 21
Wesley, AR 72773
501.456.2678

33. Bush Machinery Inc.
P.O.Box 850
Blue Springs, MO 64013
800.443.6415 FAX 816.229.9800

34. Unlimited Resources Corporation
Highway 63 South
Route 1, Box 25E
Cairo, MO 65239
800.423.9062 FAX 660.263.1185
Att: Harold Reisch

35. Lawrence Motors
P.O.Box 472
Morton Grove, IL 60053
773.693.2060 FAX 773.693.9560
Att: Lawrence Van De Walle Email: lawrencemotors@hotmail.com

36. Asia Motors, Inc.
1659 W. Grand Ave.
Chicago, IL 60622
312.733.1777 (888.741.1777) FAX 312.733.1745

37. RDK Truck Sales & Service
3214 Alamo Dr.
Tampa, FL 33605
888.735.8789 Fax 813.241.0414

38. Gunter's Services Inc.
7501 Stadium Blvd.
Kansas City MO 64129
800.697.3573 Fax 816.921.0194

39. Joe Stevens
429 Sutton
Fayetteville, AR 72702

40. Shane Hausam
15483 Riches Road WC841
Fayetteville AR 72704
501.587.1980 501.575.8390

41. Kelly Brown
5086 E. Huntsville
Fayetteville, AR 72701
501.442.3530

42. John Honeycutt
9196 Honeycutt Lane
Rogers, AR 72756
501.925.3197 Pager 501.587.2263

43. Peter Reagan
P.O.Box 1922
Fayetteville, AR 72702
501.841.0320 FAX 501.521.0205
E-Mail apfffay@aol.com

SELLBDL.BID

Bid 00-56
A. 7. Page 17

BUSH HOG

280 SERIES

ROTARY CUTTERS

Five, Six and Seven-Foot Models for All Medium Duty Cutting Jobs.

Header flotation is easy to adjust, so you can cut more crop with less scalping or knife damage.

New Holland 70 Series GENESIS 145 to 210 PTO hp Tractors

8670 8770 8870 8970

NEW HOLLAND

8870 NEW HOLLAND

FORD

CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

FLEET OPERATIONS
501-444-3494

INVITATION TO BID

BID #: 2000-56 **DATE ISSUED: June 28, 2000**

DATE & TIME OF OPENING: July 18, 2000 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (501) 575-8289

DATE REQUIRED AS COMPLETE UNIT: 60 Days from Date of Order

F.O.B. Fayetteville, AR

ITEM:	DESCRIPTION:	QTY:	* PRICE:	*TOTAL
1.	145 PTO HP Tractor per Item #1 of Specifications Attached	1	$_____	$_____

***GUARANTEED DELIVERY SCHEDULE:**_____

2.	Mower Conditioner per Item #2 of Specifications Attached	1	$_____	$_____

***GUARANTEED DELIVERY SCHEDULE:**_____

3.	Tedder per Item #3 of Specifications Attached	2	$_____	$_____

***GUARANTEED DELIVERY SCHEDULE:**_____

15. Unit#522 John Deere
Model 4430 Tractor
VIN: 366449R $_____

16. FA# 03048 Rhino Twister TW-72
Rotary Cutter
VIN: 10714 $_____

17. FA# N/A Landpride 3pt Mower
Mdl 25-72 (Less Gearbox)
VIN: UNK $_____

18. Unit# 523 1990 Ford
Model 1520 Tractor
VIN: UH25702 $_____

NOTE: ITEMS 5, 6, 7, 9, 10, 11, 13, 14, & 15 WILL NOT BE RELEASED PRIOR TO RECEIPT OF THE UNITS LISTED IN ITEM #1, 2, 3, & 4.

***BIDDER IMPOSED RESTRICTIONS ON ITEMS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18**

_____
_____
_____
_____
_____

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

_____

***NAME OF FIRM:**_____

***BUSINESS ADDRESS:**_____

***CITY:**_____ ***STATE:**_____ ***ZIP:**_____

***PHONE:**_____ ***FAX:**_____

***AUTHORIZED SIGNATURE:**_____

***TITLE:**_____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENT FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

10. Installation of Dealership/Distributorship Logo is **PROHIBITED.**

11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed to prior to release for delivery.

11. All items marked **"MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST** be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.

12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.

13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

ADDITIONAL TERMS AND CONDITIONS
SALE ITEMS ONLY
ITEMS # 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18

1. All bids shall be submitted on forms provided by the City.

2. Bids received after the date and time set for receiving bids will not be considered.

3. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.

4. The City assumes no responsibility for the safety of the Bidder during inspection of the item listed herein.

5. The items listed will be sold "AS IS-WHERE IS" with no warranty either express or implied.

6. Arrangements for inspection may be made by appointment with Fayetteville Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 501-444-3494 & 501-444-3496, between 9:00 A.M. and 4:00 P.M. Wednesday, July 5, 2000 thru Friday, July 7, 2000 and Monday, July 10, 2000 thru Friday, July 14, 2000.

7. Questions regarding these items may be directed to the Fleet Operations Division, 1525 S. Happy Hollow Road, Fayetteville, AR., 72701 501-444-3494 & 501-444-3496

8. Notification of bid award will not be made prior to proper approval of the acceptance of this bid by the City. Therefore, the following provisions for payment and possession are contingent on required approval by the City of Fayetteville.

    A. Payment for the item/items listed herein shall be made after notification of bid award and prior to release of the item/items awarded.

Minimum Warranty period shall be no less than 1 year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment and accessories which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice . The equipment supplied will be new and unused except for the necessary testing, calibration and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturer's and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment, which can be properly maintained and serviced without the necessity of stocking an expensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

FUEL SYSTEM: 110 Gal. Cap. Tank

TIRES: 14.9 R - 28 Front - 18.4 R - 38 Rear.

SAFETY EQUIPMENT: Back-Up Alarm, Front & Rear Work Lights Total Combination of 15, **MINIMUM** of 2 Flashing Safety Lights, Directional Lights, Tail Lights, 2 Halogen Headlamps, Horn, Front Weight Bracket with 12 - 88 lb. Weights, External Rear View Mirror, Hydraulic Coupler to Dump Sump and Full Harness for Hesston 4755 Baler.

HYDRAULIC SYSTEM: Closed Center/Load Sensing, 2750 psi, 55 gpm, 4 Valve - 8 Port.

THREE POINT HITCH: Draft Sensing Top Link w/2 Lever Control, 12,500 lb. Cap, Category III.

ITEM 2. **MOWER/CONDITIONER**

TRANSPORT WIDTH: 11'3"

FIELD WIDTH: 16'

TRANSPORT LENGTH: 16'10"

FIELD LENGTH: 15'7"

TRANSPORT HEIGHT: 5'3"

CUTTING HEIGHT: 4'5"

TRANSPORT GROUND CLEARANCE: 18:

WHEEL TREAD WIDTH: 8'8"

WEIGHT: 4100 lb.

DRIVE PROTECTION: Main driveline-slip clutch with overrunning clutch, conditioner roll drive - v-belt with spring loaded idler.

HEADER: 10'4" Cutting Width, Vertical and radial flotation, 36" - 84" Windrow Width, Hydraulic Header Lift.

CUTTER BAR: Modular, 8 - 19.7" Disc w/2 knives per disc, Bevel Gear drive in sealed module, 3000 RPM, 1.25" - 3" Cutting Height, -2 deg. To -10 deg. Cutter Bar Angle,

DRIVE SHAFT:	ASAE CAT 4, W/SLIP CLUTCH
GEARBOX:	110 HP - 540 RPM
BLADE HOLDER:	ROUND
TIP SPEED:	14,877 FPS.
WHEELS:	LAMINATED
DECK:	10 GAUGE
SIDE BANDS:	1/4" X 8"
WEIGHT:	920 LBS.

Law Offices of
BALL & MOURTON, LTD., PLLC
A Professional Limited Liability Company
E.J. BALL PLAZA - 112 W. CENTER, SUITE 700
POST OFFICE BOX 1948
FAYETTEVILLE, ARKANSAS 72702
TELEPHONE: 501/442-6213 - FACSIMILE: 501/442-6233

Est. 1950

E. J. Ball
Kenneth R. Mourton
Neal R. Pendergraft^
Rayburn W. Green

James L. Moore, III^
David G. Bercaw*
J. Michael Threet"
Joseph D. Reece
Shannon L. Poore

*Also Licensed In Oklahoma
"Also Licensed in Texas
^Of Counsel

July 25, 2000

VIA: HAND DELIVERY

Mr. Jerry Rose
City Attorney
City of Fayetteville
Administration Building
Fayetteville, Arkansas 72701

RE: Land on Razorback Road

Dear Jerry:

Per our telephone conversations yesterday please find enclosed a survey, a title binder and a rendition of the proposed entrance by McClelland Engineers.

As I discussed with you, the Razorback Foundation, Inc. is in the process of buying 9.7 acres on Razorback Road and 35 acres on 15th Street from Vlassic Foods. It is the intention of the Razorback Foundation to donate the land to the University of Arkansas and it is my understanding that the University of Arkansas will build a parking lot on the 9.7 acres.

Once we reviewed the title binder it became obvious that the City owns 25 feet if land between the 9.7 acres and Razorback Road except for the last 136 feet before the intersection of Razorback Road and 15th Street. The University could have the entrance in this section but we believe it would cause massive traffic problems for the City and the Foundation had always planned for the entrance to be further up Razorback Road as show in the McClelland rendition.

So as to avoid traffic problems for the City, the State Highway and the University of Arkansas, we would request that the City grant an easement over the 25 feet for the purposes of ingress and egress for the parking lot that will be constructed at that location.

If you have any questions please feel free to contact me.

(Y)\July\JRose25

With highest personal regards.

Yours very truly,

Kenneth R. Mourton

KRM:ac
Enclosure

STAFF REVIEW FORM

X **AGENDA REQUEST**
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **July 18, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: To approve an ordinance for RZ 00-19.00: Rezoning (Sage House, pp 247) as submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	7-6-00 Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on June 26, 2000, Planning Commission unanimously voted 7-0-0 to recommend approval and to forward the rezoning to the City Council.

Division Head	6-29-00 Date
Department Director	7-7-00 Date
Administrative Services Director	7/10/00 Date
Mayor	7/10/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:_____

Orig Contract Date:_____

Orig Contract Number:_____

ORDINANCE NO.____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ 00-19 FOR A PARCEL CONTAINING APPROXIMATELY 2.715 ACRES LOCATED WEST OF DEANE SOLOMON ROAD, NORTH OF MOORE LANE REQUESTED BY THE COMMUNITY DEVELOPMENT DIVISION ON BEHALF OF THE CITY OF FAYETTEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the zone classification of the following described property is hereby changed as follows:

From A-1, Agricultural District to R-2, Medium Density Residential District for the real property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-19

A part of the Northwest Quarter (NW ¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02°28'11" West 1072.67 feet, to the Point of Beginning; thence leaving said West line of Section 33, South 87°22'27" East 329.47 feet, to a point on the existing centerline of Deane Solomon Road; thence with said centerline, South 02°29'56" West 395.06 feet, to a PK nail; thence leaving said centerline, North 87°22'27" West 329.27 feet along the proposed north right f way of Crystal Springs Drive, to a set iron pin on the west line of said Section 33; thence along said West line, North 02°28'11" East 395.06 feet, to the Point of Beginning, containing 2.987 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.272 acres, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 2.715 acres, more or less.

RZ 00-19.00: Rezoning (Sage House, pp 247) was submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

Odom: The next item on tonight's agenda is RZ 00-19.00: Rezoning (Sage House, pp 247) submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. Staff's recommendation is approval of the request for rezoning based upon the findings as a part of their report. Staff, is there anything further?

Conklin: There is nothing further. This is a request for rezoning from I-1, Heavy Commercial/Light Industrial to R-2. The request is to be able to build 15 apartment units on this property. Directly to the north of this, Children's House will be looking at locating on this property also. That is zoned I-1. It's a use by right to have a child care facility, however, I did feel like having this apartment building at this location that it truly was a multi family use and therefore it needed to be rezoned to R-2. That's all I have.

Odom: Thank you. Is there any member of the staff that's going to make a presentation or is that pretty much it?

Conklin: That's pretty much it. I can answer any questions that you have.

PUBLIC COMMENT:

Odom: Let me ask if there is any member of the audience that would like to address us on this rezoning request?

COMMISSION DISCUSSION:

Odom: Seeing none I'll close the floor to public comment and bring it back to the Planning Commission for questions, comments or motions.

MOTION:

Hoffman: Mr. Chair.

Odom: Yes Commissioner. Go ahead.

Hoffman: I'm going to go ahead and move approval of RZ 00-19 for the reasons that this is a down zoning. I believe it will, in the end, not generate as much traffic as possible development in I-1. In addition we had had some concerns that the property might be located in the wetland area. We have been provided with a map by staff that shows the property to be north and outside of that wetland area. In addition when Phase II of the high-tech park is built we will have an additional road to get us out off of Deane Solomon away from Mount Comfort Road in the way of going down Technology to Digital Way and eventually winding your way up to I-540. So for those reasons I'll go ahead and make that motion for approval subject to all staff comments.

Shackelford: I'll second.

Odom: We have a motion by Commissioner Hoffman and a second by Commissioner Shackelford to approve RZ 00-19. Any further discussion?

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: June 26, 2000

RZ 00-19.00: Rezoning (Sage House, pp 247) was submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
○ Approved **○ Denied**

Date: **June 26, 2000**

CITY COUNCIL ACTION: **Required YES**
○ Approved **○ Denied**

Date: **July 18, 2000**

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\6-26-00\sage.wpd

BACKGROUND:

This property is owned by the City of Fayetteville, located on the west side of Deane Solomon Rd., north of the Razorback golf course, and is contained within the City's Research and Technology Park. Properties to the north, south and east are all zoned I-1, Heavy Commercial / Light Industrial. Adjoining property to the west is zoned R-1 and has been designated as a future phase of the Crystal Springs subdivision.

The applicant is proposing this rezoning in order to lease this 2.715 acre tract to Sage House. Sage House is a non-profit social service agency which plans to construct a "multi-family residential building of approximately 15 units." This building will serve as a "transitional living facility for low income persons leaving abusive family environments and transitioning to independent living." Additional information is included in the attached memo from Yolanda Fields, Community Development Coordinator.

SURROUNDING LAND USE AND ZONING

North:	Vacant, I-1 (future site of Children's House facility)
South:	Vacant, I-1 (future R&T Park)
East:	Vacant, I-1 (future R&T Park)
West:	Vacant, R-1 (future single family development)

INFRASTRUCTURE:

Access to the 2.715 acre tract is from Deane Solomon Rd. This street is classified as a collector on the Master Street Plan with a connection proposed to the future extension of Trucker's Drive, another collector, to the north. Traffic is currently able to access Highway 112, designated as a principle arterial, to the north and Mt. Comfort Rd., designated as a minor arterial to the south.

Water: 12" line at entrance to Arkansas Research & Technology Park
The developer will be responsible for extending necessary services to provide for this project at the time of construction

Sewer: Not available at this time - sewer availability will have to be reviewed at the time of project proposal

LAND USE PLAN: General Plan 2020 designates this site Mixed Use. Rezoning this property to R-2, Medium Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.**

This proposal is consistent with the General Plan 2020 which designates the area as Mixed Use. The proposed zoning district provides a reasonable buffer between the Arkansas Research & Technology Park and adjacent single family residential areas.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is justified and needed at this time.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning will not create or appreciably increase traffic danger and congestion.**

The current zoning of I-1 permits a very wide range of uses including but not limited to the following: professional office, restaurant, gas station, warehousing, manufacturing. The amount of traffic generated by these uses could vary drastically depending on the size and use of a facility.

Uses permitted by right in the proposed R-2 zoning district are residential in nature and the density is based upon the available land area and parking requirements. These are less intensive, generally less trafficked uses than those which are permitted within the existing zoning district.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **While the zoning will alter population density, it will not undesirably increase the load on public services including schools, water and sewer facilities.**

5. If there are reasons why the proposed zoning should not be approved in view of

considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

---

§161.06 DISTRICT R-2 MEDIUM DENSITY RESIDENTIAL.

A. Purpose. The High Density 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. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 24

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Dawn Warrick, Associate Planner
From: Yolanda Fields, Community Development Coordinator
Date: June 7, 2000
Re: Sage House rezoning request

The City of Fayetteville Community Development Division is applying to rezone a portion of City-owned property from Industrial-1 to Residential-2, the property legal description, plat location, and property survey are attached.

The purpose of the rezoning is to accommodate a multi-family residential building of approximately 15 units. The City currently owns this property and will lease a portion of the parcel to the non-profit social service agency, Sage House, Inc.. Sage House, Inc. has proposed to build a transitional living facility for low income persons leaving abusive family environments and transitioning to independent living. The proposed facility comprises modest, low cost apartments and includes administrative and activity areas.

The parcel is located at the northwest corner of the proposed Arkansas Research and Technology Park. Surrounding property is mostly undeveloped at this time including the Crystal Springs R-1 subdivision bordering on the west property line. The proposed Sage House project will likely be comparable to multi-family apartment building design styles and will be compatible with future adjacent development. Access is direct from Deane Solomon Rd. Expected traffic is limited to employees and residents of the facility.

Electric service is available at the site. A 12" water main exists at the entrance to the Arkansas Research and Technology Park, approximately 200 ft south of the subject parcel. There is no available sewer service to, or in close proximity to the site at this time.

Planning Division
Record of Conversation

Employee: Dawn Warrick Project Ref: RZ 00-19

Date: June 20, 2000 Walk-in: ☐ Telephone: X Plat Page: 247

Name of Client: Mr. Wilson Kimbrough Jr.

Phone Number:

Address [site] [client]: 3110 Mt. Comfort Road (Mr. Kimbrough's home)

Nature of Call / Visit: RZ 00-19: Sage House - Traffic concerns

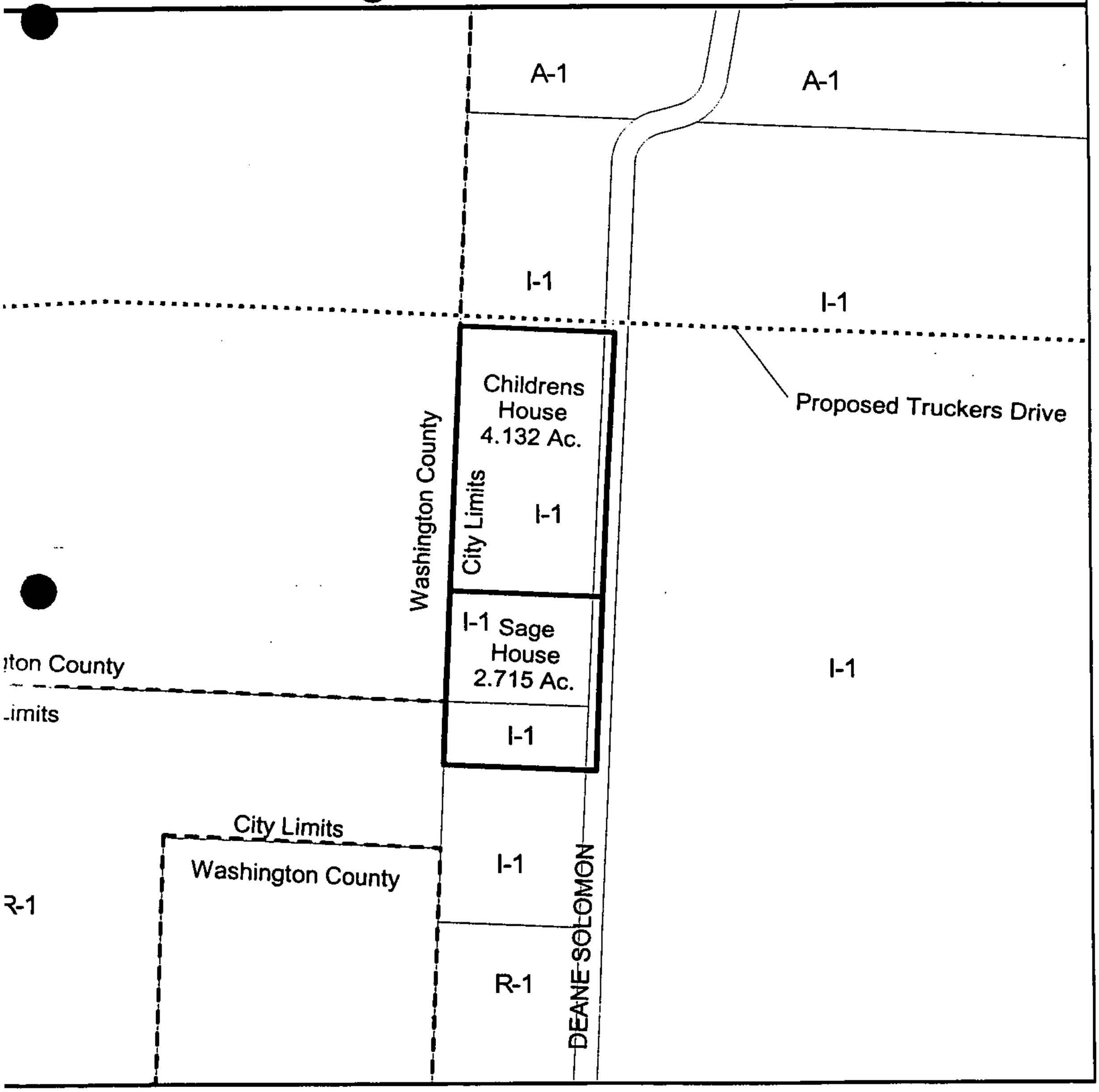
Discussion:

Mr. Kimbrough is very upset with current traffic conditions in the area and with increased traffic which may be generated by this development

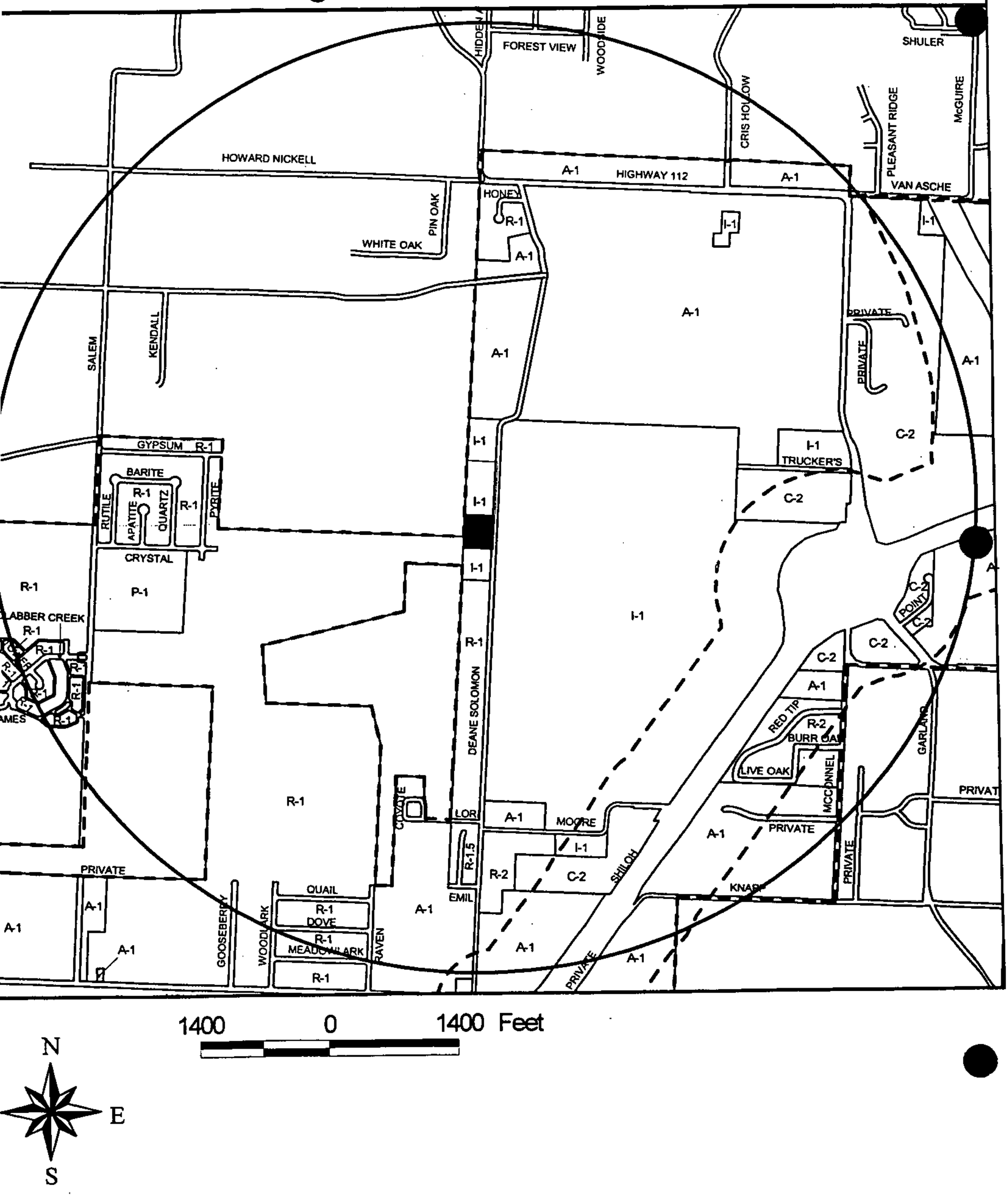
"(He has) been a resident since 1956 and was elected from the people in this area for 16 years in County government."

Necessary Follow-up:
Mr. Kimbrough asked that I include this information in the report that is presented to PC

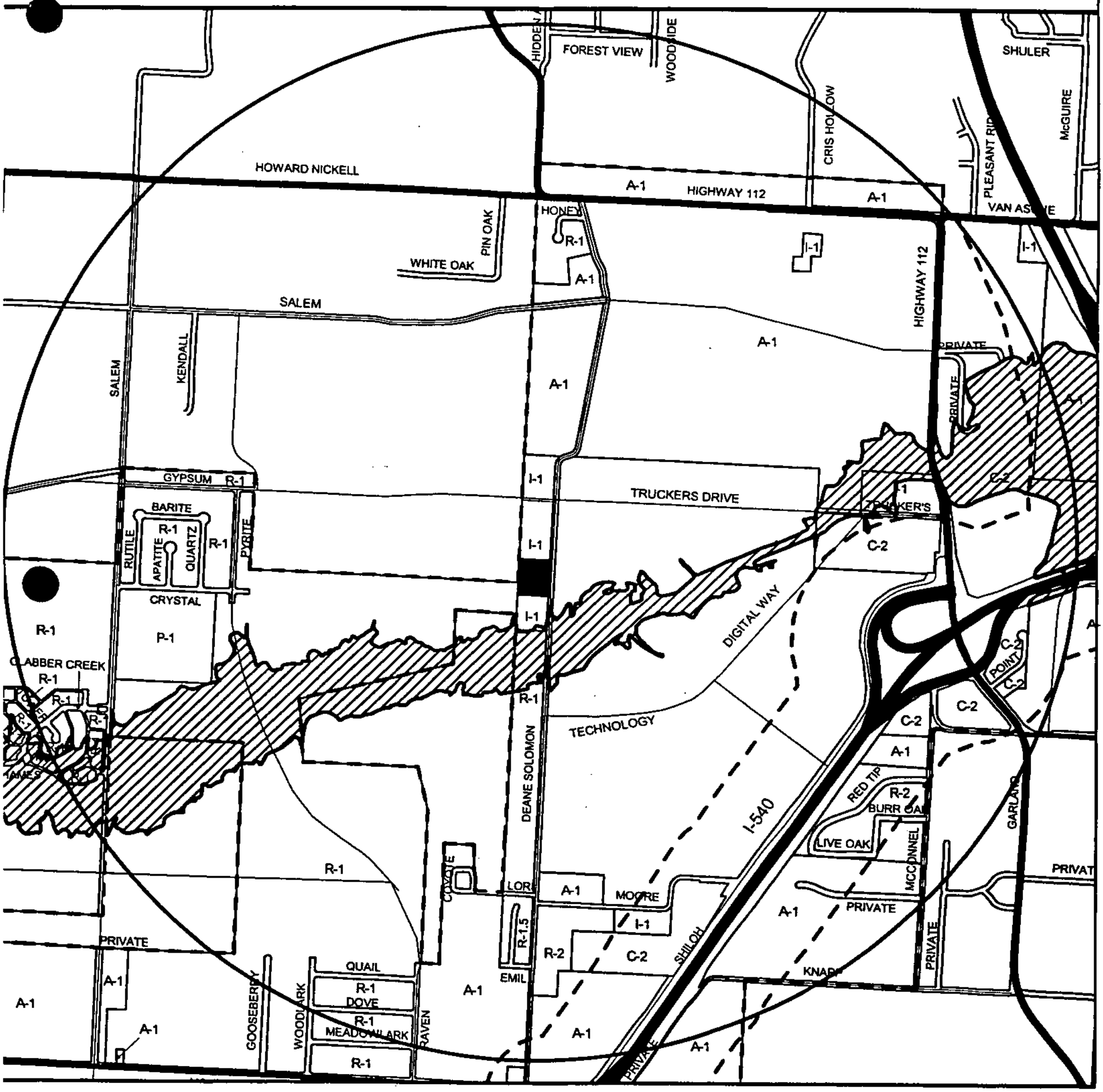
RZ00-19.00 - Sage House - Close Up



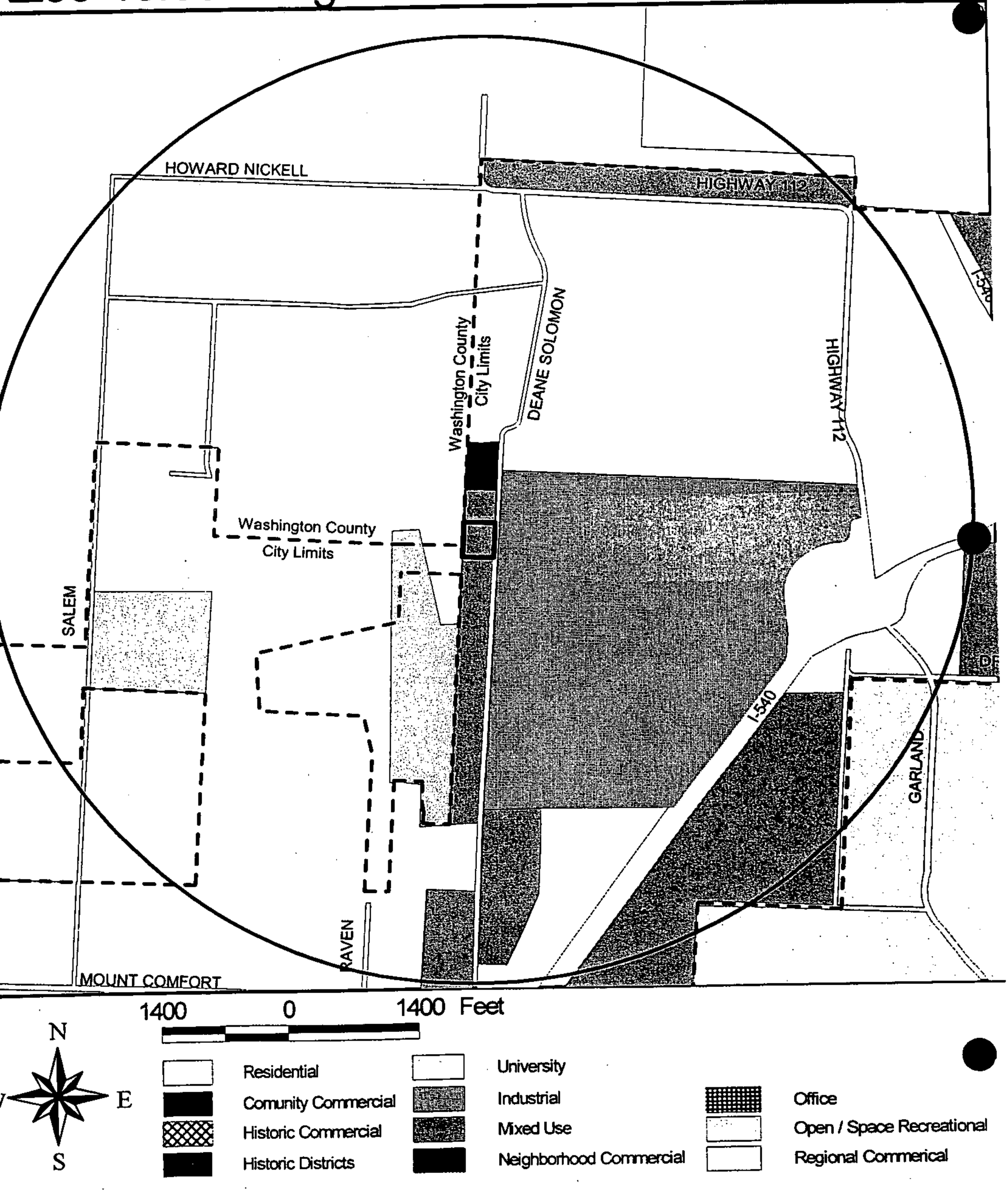
RZ00-19.00 - Sage House - One Mile Diameter



RZ00-19.00 - Sage House - One Mile Diameter



RZ00-19.00 - Sage House - 2020 Plan



CHILDREN'S HOUSE
LEGAL DESCRIPTION
LEASE AGREEMENT

A part of the Northwest Quarter (NW¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02° 28' 11" West 472.67 feet, to a set iron pin, said pin also being the Point of Beginning; thence South 87° 04' 43" East 332.64 feet along the proposed south right of way line of Trucker's Drive, to a PK nail on the existing centerline of Deane Solomon Road; thence with said centerline, South 03° 00' 40" West 319.88 feet; thence continuing with said centerline, South 02° 29' 56" West 278.41 feet, to a point; ther[illegible] leaving said centerline, North 87° 22' 27" West 329.47 feet, to a point on the West line[illegible] thence along said West line, North 02° 28' 11" East 600.0 feet, containing 4.544 acres, more or less. LESS AND EXCEPT uniform width off the East side of the above described prop[illegible] more or less, being within the existing west right of way[illegible] Containing a net acreage of 4.132 acres, more or less.

Legal Check
- Clarice

SAGE HOUSE
LEGAL DESCRIPTION
LEASE AGREEMENT

A part of the Northwest Quarter (NW¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02° 28' 11" West 1072.67 feet, to the Point of Beginning; thence leaving said West line of Section 33, South 87° 22' 27" East 329.47 feet, to a point on the existing centerline of Deane Solomon Road; thence with said centerline, South 02° 29' 56" West 395.06 feet, to a PK nail; thence leaving said centerline, North 87° 22' 27" West 329.27 feet along the proposed north right of way of Crystal Springs Drive, to a set iron pin on the west line of said Section 33; thence along said West line, North 02° 28' 11" East 395.06 feet, to the Point of Beginning, containing 2.987 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.272 acre, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 2.715 acres, more or less.

STAFF REVIEW FORM

__X__ **AGENDA REQUEST**
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of **July 18, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: To approve an ordinance for AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	7-6-00 Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on June 26, 2000, Planning Commission unanimously voted 7-0-0 to recommend approval and to forward the ordinance amendment to City Council.

Division Head	6-29-00 Date
Department Director	7-7-00 Date
Administrative Services Director	7/10/00 Date
Ma	7/14/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:_____

Orig Contract Date:_____

Orig Contract Number:_____

Planning Commission Minutes
June 26, 2000
Page 23

AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

Odom: The next item that we have on tonight's agenda is AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system. This is a proposal set out by the City Staff and so Tim, I'll let you run with it.

Conklin: Sure. Approximately a month ago Washington County Inter-Governmental Council recommended we change the way we review our subdivision and lot splits in Washington County within our Growth Areas. That change has resulted in the City of Fayetteville now reviewing lot splits and subdivisions prior to the county approving them. In the past we always would require that the county approve the lot size and configuration prior to coming to our office and the Planning Commission. Looking at our lot splits that we've received recently and looking at what our ordinances require we do have a 1.5 acre minimum lot size when you are on a septic system inside our Growth Area. In 1992 we had a similar requirement for septic systems inside our city limits. Staff is proposing to change the ordinance to allow something less than 1.5 acres if they do provide a permit for a septic system. What I'm trying to do here is to make sure that we comply with our ordinance and that since the county is no longer approving lot sizes smaller than 1.5 acres prior to coming to us this is something I do need to bring to your attention. On page 6.3 under §166.04 (A)(8)b everything that I've underlined is the new language that I propose to put into this section which applies to our Planning Area where we do review our lot splits and subdivisions. That states, "for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100 feet shall be shown on all proposed subdivisions and lot splits." Basically I would like to have the actual permit and perc tests completed and submitted along with the lot split application on anything less than an acre and a half. That way I will know for sure that it's meeting our ordinance and also will be able to be built on in the future. That's what I'm trying to accomplish with this ordinance amendment.

Odom: And, staff, this will also make it consistent with what we do inside of the city.

Conklin: That is correct.

Odom: And that ordinance was passed back in 1992 to allow lots of less than 1.5 within the city to be approved without a waiver?

Conklin: Yes.

PUBLIC COMMENT:

Odom: Any member of the audience like to address us on this issue?

COMMISSION DISCUSSION:

Odom: Seeing none I'll bring it back to the Planning Commission for sewage discussion.

Estes: Mr. Chairman.

Odom: I figured you'd be the first on that one. Commissioner Estes.

Estes: Mr. Conklin, your requirement regarding the perc test, is that included in the sub part of §166.04?

Conklin: Yes. In order to get a permit for a septic system they do have to hire someone to actually do the test and have that approved by the Arkansas Department of Health. So, if I can get a permit in hand I do know that they've dug the hole, they've tested it and that it did pass and you can have a lot that is less than 1.5 acres. So, I'm asking for this permit up front.

Estes: I want to be sure that you get what you are asking for so when the language is in there when a permit for a septic system is granted, are you telling us that when that permit come to your office it will have the perc test with it?

Conklin: Yes.

Estes: And that satisfies your requirement?

Conklin: Yes. In order to get the permit they have to have the perc test already completed.

Hoffman: Mr. Chair.

Odom: Commissioner Hoffman.

Hoffman: A little bit more on the subject. Were we able to locate, I'm trying to make this a little bit more user friendly since it'll be a different procedure for the folks that are used to doing things with the county first, can we get the soils map available at the city to give them a general idea of the good and bad areas that exist?

Conklin: Sure. I don't have a problem with making that available to the public. Once again, by the time we do get the permit that test will have been completed. It does cost money for a septic system or perc tests do cost around $300 to $400 each, however, the ordinance also reads what we currently are doing, anything over 1.5 acres the city is not going to require that that test be completed. So if you don't want to go out and spend the money to make sure that you can have a lot smaller than 1.5 acres, you can propose a 1.5 acre lot and bring that forward without that permit. I think it's important though, when you start going below 1.5 acres to make sure that these lots will be able to have their individual septic systems on them.

Odom: Any further discussions? Motions?

MOTION:

Shackelford: Mr. Chairman.

Odom: Commissioner Shackelford.

Shackelford: I'll make a motion that we approve AD 00-18 subject to staff comments.

Bunch: Second.

Odom: We have a motion by Commission Shackelford and a second by Commissioner Marr to approve AD 00-18.

Bunch: Commissioner Marr is not here.

Odom: Oh well, excuse me Commissioner Bunch. Any further discussion? Call the roll.

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:
501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: June 22, 2000

AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

RECOMMENDED MOTION

To approve an amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system by added the following language:

...for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100' shall be shown on all proposed subdivisions and lot splits.

BACKGROUND

Last May, the Washington County Intergovernmental Council Members met and proposed changes to the subdivision review process for City Planning Areas. A City Planning Area is the are outside of the corporate limits where under Arkansas State Code the City has the authority regulate subdivision of land.

The proposed change requires that all subdivisions and lot splits in the Planning Area be approved by the City prior to County approval. The previous process required Washington County approval prior to City approval.

The City has in the past relied on Washington County approval with regard to lot size and configuration when dealing with the issue of septic systems. However, the City is now in the

position of having to address the lot size and configuration first regarding septic systems when reviewing subdivisions of land.

The current ordinance requires lots to be 1 ½ acres in size when on a septic system. This requirement was amended in 1992 to allow lots less than 1 ½ acres inside the City when the Arkansas Department of Health grants a permit.

Staff is proposing to make the lot size requirements the same for all subdivisions and lot splits located inside the City or within the Planning Area.

CURRENT REQUIREMENTS FOR SEPTIC SYSTEMS INSIDE THE CITY
Area highlighted refers to lot size

§166.03 URBAN SUBDIVISION. (I)(1)

2. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department's standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

CURRENT REQUIREMENTS FOR SEPTIC SYSTEMS OUTSIDE THE CITY WITHIN THE PLANNING AREA
Area highlighted refers to lot size.

§166.04 SUBURBAN SUBDIVISIONS. (A)(8)

8. Sanitary Sewer System.

a. Public Sanitary Sewer Accessible. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

b. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State

Health Department standards and regulations; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirements prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

PROPOSED AMENDMENT FOR ALL SEPTIC SYSTEMS WITHIN THE CITY AND PLANNING AREA

Underlined text is the proposed text amendment by adding additional language. No existing text is being deleted from this section with this amendment.

§166.04(A)(8) b. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department's standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100' shall be shown on all proposed subdivisions and lot splits. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

AD 00-18.00
B. 2. Page 8

FILED FOR RECORD
'92 JUN 18 PM 3 56
WASHINGTON CO AR
A.M. ELMEYER

ORDINANCE NO. 3615

AN ORDINANCE AMENDING §159.30(I)(2), FAYETTEVILLE CODE OF ORDINANCES, TO PROVIDE FOR SEWAGE DISPOSAL SYSTEMS FOR LOTS LESS THAT ONE AND ONE-HALF ACRES IN SIZE.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That §159.30(I)(2), Fayetteville Code of Ordinances is hereby repealed in its entirety and the following shall be inserted in its stead:

REQUIRED IMPROVEMENTS

§159.30 URBAN SUBDIVISION

(I) Sanitary Sewer System

(2) Public sanitary sewer not accessible.- Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkanasas General Assembly, in compliance with State Health Department standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minumun gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimun gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of recored prior to July 5, 1977.

PASSED AND APPROVED this 2nd day of June, 1992.

APPROVED:

By: Jed D. Kinney
Mayor

ATTEST: CITY CLERK FAYETTEVILLE, ARK.

By: Wilma L. Thomas
Clerk

92 30949

June 2, 1992

AMENDMENT TO SUBDIVISION REGULATION ORDINANCE

Mayor Vorsanger introduced consideration of an amendment to the Subdivision Regulation Ordinance Section 159.30(i)(2) that would allow lots of less than 1.5 acres when a permit for a septic system is granted by the Arkansas Department of Health.

The Planning Commission voted 8-0-0 to recommend this amendment.

Planning Director Alett Little stated the section of the ordinance being amended refers to those areas where a public sanitary sewer is not reasonably accessable or available for connection and the subdivision has been platted so that each lot has a minimum gross area of 1.5 acres and individual sewage disposal system for each lot may be used. While the area of 1.5 acres is a rather arbitrary figure used, she does not propose to discard that figure in the absence of a permit; however, since the state has the authority to grant a permit for a septic tank system and it is based on a percolation test being performed on the lot, the State will sometimes approve a septic tank system on a lot having an area less than 1.5 acres. Staff is recommending that the City yield to the higher authority of the State when a permit is issued and allow for this in the City's regulations.

The amending ordinance was read for the first time. Coody, seconded by Green, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Coody, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the third and final time.

Director Henry inquired whether the State Department of Health specifies the times in which "perc" tests are to be performed. Little responded that they do not mainly because development of the lot could occur at any given time of the year, and if the Department of Health believes the results to be unsatisfactory, they have authority to request repeat percolation tests.

Director Coody asked if the Department of Health performs the "perc" test during the driest time of the year which checks out okay, and then later on, the area turns out to be more of a wetland and the septic tank does not meet specifications, what remedy does the City have.

Little responded that the City's main safeguard is that septic tank systems are not allowed unless the public sewer system is not available, and sewer systems are available in most areas throughout the City. Little reiterated her belief that this is not an area in which the City should assume responsibility, rather the City should yield to their authority as to what will be permitted.

Director Green stated that even though there may be some "holes" in the percolation test occasionally, he believes that the State Health Department should have the authority and responsibility for administration of the tests.

Upon roll call, the amendment to the ordinance passed by a vote of 6 to 0.

ORDINANCE 3615 APPEARS ON PAGE 141 **OF ORDINANCE BOOK** XXVII

REZONE R92-17

Mayor Vorsanger introduced an ordinance annexing 70 acres and rezoning 112.83 acres located south of Skillern Road and east of Crossover Road from A-1, Agricultural, to R-1, Low Density Residential, as requested by Truman Yancey on behalf of James Riley Skillern.

The Planning Commission voted unanimously to annex 70 acres and rezone the whole parcel as requested by the petitioner subject to the developer reaching an agreement with the City to accomplish paving to City standards Skillern Road along the front of the property.

The ordinance was read for the first time. Green, seconded by Nash, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Green, seconded by Nash, made a motion to further suspend the rules and place the ordinance on its third and final reading.

City Attorney Rose explained that there has been some discrepancy in the acreage, as the original application was for 70 acres and the petition to the Court set forth 80 acres. The 80 acre figure is correct and is the figure before the Board for consideration.

Truman Yancey, attorney on behalf of Mr. Skillern, confirmed that the property contains 80 acres and is properly described in the legal description. He further explained that the change in acreage resulted from the survey for which the description wording is slightly altered, even though it refers to the same area.

Mayor Vorsanger called attention to a letter received by County Judge Johnson indicating that the County will do their share of the road paving.

Little reported that the Planning Commission voted 9-0-0 to annex and rezone the property from "A-1" to "R-1"; however, their approving vote was subject to the developer reaching an agreement with the City to accomplish the paving of Skillern Road to city standards since they would be developing a substantial subdivision of over 100 new lots. Subsequently, the Planning Commission met

AR DEPT OF HEALTH REQUIREMENTS

SECTION II. PLANNING THE LEACHING SYSTEM.

2.1. Public sewage versus individual sewage disposal systems. Every effort should be made to connect to an existing public sewer system. When connection to an existing system is not feasible and a large number of residences are to be built in an area, consideration should be given to the construction of a community sewer system and treatment plant. However, since an improperly operated or inadequately staffed community sewage treatment plant cannot effectively treat wastes, consideration should be given to the size of the proposed system to insure that economically feasible sewer rates are sufficient to insure proper treatment plant operation. As an aid to developers and engineers, the following information is offered to determine the feasibility of a public sewer system or individual disposal system.

POPULATION DENSITY	EQUIVALENT LOT SIZE	SERVICE ECONOMIC JUSTIFICATION
Over 5,000 persons per sq. mi.	Less than 1/2 acre	Public sewerage is justified
2,500-5,000 persons per sq. mi.	1/2 to 1 acre	Public sewerage normally is justified
1,000-2,500 persons per sq. mi.	1 to 2 acres	Public sewerage normally is not justified
Less than 1,000 persons per sq. mi.	Over 2 acres	Public sewerage rarely is justified

2.2 Minimum lot sizes. The following lot sizes are required, when septic tank absorption field systems are proposed:

A. If an individual water well supply and septic tank system are proposed, the lot size must be such that the well may be located at least 50 feet from any side lot lines, at least 25 feet from the front lot line, at least 100 feet from the rear lot line and at least 100 feet from any part of the septic system site proposed on the same lot and septic system sites proposed on any adjacent lots. Wells should be located up slope from septic systems if possible.

For the purpose of determining minimum lot size, the septic system site proposed on the lot and on any adjacent lots shall be twice the size required for installation of the sewage disposal field. However, in no case shall a septic system be approved regardless of lot size if soils are unacceptable for subsurface disposal.

B. If a public water supply is proposed and an individual septic tank absorption field system is to be used for sewage disposal, the lot size must be such that the soil absorption system may be located on a suitable sewage system site. For the purpose of determining minimum lot size, the leaching system site shall be twice as large as would be required for installation of the individual sewage disposal field and shall conform to all set back requirements established under Paragraph 2.11. of these Rules and Regulations. However, in no case shall a septic system be approved regardless of lot size if soils are unacceptable for subsurface disposal.

2.3. Existing installation. No individual sewage disposal system in existence on the effective date of these Rules and Regulations nor any individual sewage disposal system installed after the effective date of these Rules and Regulations in a subdivision, wherein individual lots have been developed or sold for use with individual sewage disposal systems, for which a plat has been filed on record prior to the effective date of these Rules and Regulations shall be required to conform to more stringent specifications and requirements as to design, construction, density of improvements, lot size and installation than those standards contained in any applicable duly adopted and published regulations in effect at the time of platting of record of such subdivisions. No individual sewage disposal system to be installed on a residential lot for which the Department or its authorized agent has issued a construction permit on or before the effective date of these Rules and Regulations shall be required to conform to the design, construction and installation provisions of these Rules and Regulations. In a subdivision for which a master plan has been approved by the Department prior to the effective date of these Rules and Regulations or for which the Department has otherwise previously issued its written approval for the installation of individual sewage disposal systems and where individual lots have been developed or sold in reliance upon such prior written approval, individual sewage disposal systems shall not be required to conform to more stringent specifications as to design, construction and installation than those standards in effect at the time of, or referred to, in such prior written approval. Provided, that any individual sewage disposal system which is determined by the Division of Environmental Health Protection of the Department of Health to be a health hazard or which constitutes a nuisance due to odor or unsightly appearance, must conform with the provisions of these Rules and Regulations within 30 working days after notification that such determination has been made.

2.4. Variances. Requested variations from these Rules and Regulations will be considered and must be approved by the Department or its authorized agent. Submission of alternate designs for individual sewage disposal or treatment systems for sites found not suitable for standard systems is encouraged. Submission of an alternate design shall include design data as to the efficiency of operation of the proposed alternate system.

06/21/2000 15:34 5019738483 WCHD PAGE 03

DIXIE DEVELOPMENT
& MANAGEMENT
REAL ESTATE • COMMERCIAL PROPERTY • CORPORATE OFFICE SPACE

4700 S. Thompson, Suite B-101
Springdale, AR 72764

July 11, 2000

Heather Woodruff
City Of Fayetteville

Transmitted via fax: 575-8257

On July 10, the Planning Commission turned down a request for re-zoning of a parcel of ground on Joyce St. (RZ 00-20.00) even though the Planning Commission Staff had endorsed the change from A-1 Agriculture to R-O. There was little opposition to the requested change. There was some concern about the part of the property that drains into a wetland area North of the property.

The long range planning for this property is R-O. I have a ready tenant who desires a medical surgical facility to be constructed on the site. The other structures to be developed on the site will be professional office buildings.

A couple who has lived there over thirty years owns the property. The sale of this property is their retirement plan. To sell it for it's highest and best use is in their best interest. It's highest and best use is R-O. The City Planners have agreed that this is the best long-term zoning. To delay the re-zoning is to delay their ability to enjoy the fruits of what they have invested in. To ask them to sell it as A-1 is to lower the price from $95,000 per acre to $10,000 or less per acre.

I believe it should not be within the prerogative of the government to decide when a property is ready to be sold for it's highest and best use when that use falls within the long range plans of that government. To do so might be construed to be showing favoritism to that person who already has received re-zoning in the same area or to someone who might be acquiring the property in the near future.

I would like to appeal the decision to the City Counsel.

Sincerely,

Ben Israel

Phone 501.872.0707
Toll Free 877.872.0707
Fax 501.872.0714

Jul 11 00 10:54a Dixie Development (501) 872-0714 p.2

RZ 00-20.00: Rezoning (Dixie Development, pp176) was submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office.

Odom: The next item we have on tonight's agenda is RZ 00-20.00 submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office. Staff's recommendation is for approval of the requested rezoning based on the findings included as part of the report. Staff is there any further information?

Conklin: There is no additional information.

Odom: I would ask the applicant to please come forward at this time. Commissioner Ward?

Ward: It will be necessary for me to recuse from this rezoning.

Odom: Noted as abstained. Anyone else? Go ahead.

Basham: I'm Jerry Basham with Dixie Development. Ben, at the last moment, had to be out of town this evening. I'm not sure exactly what you need to know. You have the plans, I believe before you.

Odom: If you are here only to answer questions and so forth, we will reserve that for the second portion.

Basham: Yes.

PUBLIC COMMENT:

Odom: What we will do now is ask if there are members of the audience that would like to address us on this issue. Please come forward at this time.

Hudson: My name is Lloyd Hudson. I own the property north of this property concerned here tonight. On the surface I have no objection to rezoning this property as such. My concern deals with the environmental issues that are inherent here. North of this property that we are talking about is a wetland that has been designated as an official wetland by the US Army Corps of Engineers. There is a 17 acre property

there designated as a nature study area that will be maintained in perpetuity as a nature study area. Now the problem here is not a great one but enough of a concern that you ought to consider it before doing anything or developing it. There is probably less than an acre of this five acre lot that drains into this wetland. You know the potential problem here. I think before any effort is made for development or anything for that matter that the principals concerned should sit down and discuss this with the property owners and the trust property which is represented here tonight also and see if we can work out this thing amicably to everybody concerned. My concern is to protect the wetland. Their concern, of course, is to develop it. So, we should be able to come to some agreement but we should approach this problem before we go any further. As you know, these environmental problems are sticky and they should be taken care of before we proceed further.

Odom: Thank you.

Galbraith: Good evening Commissioners. I'm Greg Galbraith with Ozark Regional Land Trust. We are a nonprofit conservation organization that operates throughout Northwest Arkansas and Missouri throughout the Ozarks. We've been very active in Fayetteville. I've been before the Planning Commission and the Council before and worked out very good deals where development and environmental concerns were compatible. Several years ago there was a proposed development next to Dr. Hudson's property. Dr. Hudson, who just addressed you, has made a significant commitment to leaving his property in a conservation, nature education center that would benefit Fayetteville. He's working with our organization, Ozark Regional Land Trust. The last time a development was proposed just to the east of his property there was going to be a significant impact because there is some major drainage into that property and it was settled quite well. We actually bought 4 acres of that property. So the land trust itself is a property owner involved here. We purchased that at a fair market value so we have a significant investment in the future of this property plus the money we have spent on the restoration of that four acres. At that time the city also recommended, before this was all played out, that the developer leave .5 acre of the main drainage site to the city because they didn't want to see this nature center plan disrupted. In the end we ended up buying that ½ acre plus 3.5 additional acres. Currently the property that is in question is just south of Dr. Hudson's property. Being on Joyce Boulevard we don't deny that there will probably be development of that property eventually but our concern is how that development is going to impact that property that we are investing considerable time and money into protecting. Like Dr. Hudson mentioned it is immediately adjacent to the drainage and wetland that is integral to this area. We haven't had any discussions with the developer to see how this

would impact and maybe some ways we could put a conservation easement on the upper strip or to minimize the impact. We would be in favor of some sort of low density, low impact development that would also address our concerns for protecting the property. I would have to come out in opposition to the rezoning from A-1 to R-O because most of the properties around Dr. Hudson are A-1 and as such we feel comfortable with what's happening. Zoned R-O we have no idea what type of impact the development will have on our plans. Although I'm not absolutely opposed to a rezoning, it seems premature to us for that to happen without taking into account both the environmental considerations of the wetland and also the plans that we have been working on for several years. That's my comment on it.

Odom: Thank you. Any other member of the audience like to address us on this request?

Smith: My name is Harvey Smith and I have a home that is adjacent to Dr. Hudson's property that is east and north of the property that is being requested to be rezoned. I just wanted to state that my feelings are that R-O is the best and least obtrusive thing that this could be. I would rather it be that than homes. I think that Dr. Hudson would agree with that if his issues were addressed and his concerns addressed. If those things can be taken care of I certainly would rather it be R-O.

Odom: Thank you Dr. Smith. Any other member of the audience?

COMMISSION DISCUSSION:

Odom: Then I will bring it back to the applicant for questions and comments.

Marr: Mr. Chair I guess my thoughts on this are when I look at number 2 of the findings, determination of whether the zoning is justified or needed I have a real question of whether we need it in this area. There seem to be several vacant parcels undeveloped at this point that are already zoned R-O and a couple of new one that are going in that are just now beginning development. So, from my perspective I have a difficult time finding that there is a justified need.

Hoffman: Mr. Chair, I share the concern of Commissioner Marr and have in past votings on R-O property in this area because by my account there are almost 10 that are not developed within a very close short distance of this request. I do have a question for the applicant. When we went on tour it appeared to me that about 2/3 of this site is pasture land and then there is the house. Behind that there is a grove of trees or forest area. Could you describe that to me and what the plan might be? Is

there a concept that might help?

Basham: I have not seen the concept. From what Ben Israel said I think the property that he is wanting to develop or put the clinic on is out toward the street and not toward the back.

Hoffman: Right. Is there a slope up that goes up the hill?

Basham: Is there now? Yes.

Hoffman: Yes. It goes uphill from the house I believe or am I completely backwards on that?

Basham: I think that's right.

Hoffman: So the drainage from this property would not be back onto the preserve behind. It would be towards the street.

Basham: I have not walked over the property so I don't know.

Hoffman: Okay. Thank you very much.

Estes: Mr. Chairman, I had a question similar to the one just asked. How does the adjacent watershed drain into the designated wetland if you know?

Basham: I do not know.

Estes: I understand that is not determinative in the rezoning issue but I do concur with Commissioner Marr and Commissioner Hoffman's other comments.

Hoffman: Mr. Chair, I have an idea that I would like to throw out. In a PUD where the zoning would be accomplished at the same time that the project is brought forward, it's more possible for us to answer these types of questions and I might move that to the applicant as a suggestion should this not pass either the Planning Commission's recommendations or the City Council. As I understand it our vote would only be as a recommendation to City Council of whether or not to rezone the property but that a PUD is brought forward at the same time as the rezoning or not. That's how I always think of it.

Conklin: We have not done that in Fayetteville. There are other communities that do have combined site plan review and zoning. I've seen some applicants bring in

development proposals along with their rezonings and offer a bill of assurance to build it according to their plan but we have not typically done that.

Hoffman: We've done it more in residential. I don't mean to interrupt. On a residential type plan, we've done that for some townhouses recently, I believe, where the buildings are grouped according to where the best location is to preserve environmental features and so forth.

Conklin: Yes. That's allowed under our zoning for residential uses. The non residential uses typically require the rezoning.

Allen: Mr. Chair, other than a yes or no vote then is there anything that we can do as the Commission that helps to waylay Dr. Hudson's concerns about the wetlands?

Odom: Not necessarily at this point. Staff do you want to comment any further on that? It's really more of a development issue than a rezoning issue.

Conklin: The issue of the wetlands and drainage will be addressed during the development.

Odom: And they will be addressed?

Conklin: Yes. Either at the Subdivision or at large scale development.

Hoover: Mr. Chair, I especially like Commissioner Hoffman's suggestion of having the site plan come in at the same time. I know other cities are doing this. This is an issue where I'm not necessarily against R-O right here but I am against giving up any leverage we have of not knowing what's going to happen to it. I want more control. I know we can't do zoning with conditions but I would appreciate if the city would look into how other cities are doing this because they are doing this and they are saying, this could be rezoned if you do this particular development and we know you are going to do it this way and there is a bill of assurance. I think here is a perfect example of when we need that.

Hoffman: Mr. Chair, I do have one thing that might help compromise. On another property we have voted not to rezone the entire property but we voted to rezone only portions of the property. In this case I would think that the front portion because it is relatively flat and does not obviously drain towards the wetlands, it faces a major collector street, or whatever Joyce is termed, that the front, say 50 percent of the property could be rezoned R-O with no problem and not impact the trees, wetlands or anything. If anybody on the Commission would be interested in going forward with that I can try to craft a motion to do that and then leave the

back part of the property A-1. But I'm not sure that will fly. I can run it up the flagpole though.

Odom: Well, you have run it up, let's see if we have anyone that wants to comment on it.

Bunch: Mr. Chair, Commissioner Hoffman would that be primarily from the break in the property? Having looked at it it appears as though the bulk of the property drains towards the south towards Joyce and just the part from the tree line to the north I believe are the parts that might drain towards the wetland. We may want to ask Dr. Hudson.

Hudson: That's essentially true. It's just a small part, maybe an acre that is of concern. Our only concern is not the rezoning but not draining into the wetlands. That's our concern.

Estes: Mr. Chairman, the applicant brings to us a request to rezone the approximate 5 acres. I do not feel that we as a Commission can sua sponte amend the applicants rezoning request. I will not vote for the rezoning request as it now stands but likewise I'm very much concerned about this Commission sua sponte on it's own motion amending this applicant's zoning request. I think that is way outside the scope of our authority. Our granted authority from the City Council.

Hoffman: Mr. Chair. Just to respond to your concern. I certainly understand. I think that we have dealt with other difficult large tracts in that manner. There was a church on Hwy 265 that retains that zoning. They had asked for a larger portion of the property to be rezoned and the Commission took the initiative to say okay, only the front portion could be rezoned. I think that was upheld by City Council so I'm not sure if it is outside the boundaries of our authority.

Estes: My remembrance of that issue is that the applicant acquiesced to that suggestion.

Hoffman: Then I would have that same question to this applicant.

Basham: What was your question?

Hoffman: Would you be interested in acquiescing to an amended type of zoning in order to go forward with this that would leave out a portion of the rear of the property and leave it A-1?

Basham: My position is I can refer that to Mr. Israel and go from there.

Odom: Well, let's all keep in mind a couple of things. First this is nothing more than a recommendation to the City Council if we approve it. If we deny it then it's up to the applicant whether or not they wish to appeal the denial and so forth. I would caution those members of the Commission not to find against the development because they would like to see it come thorough all at one time. That is not what we are charged with. I think Commissioner Marr has made a point that it is on point because it addresses a specific finding that we must determine whether or not R-O zoning is appropriate or needed at this time by citing number 2. I would encourage those who are going to support it to stick with those findings. In particular and on that issue, I do not agree with Commissioner Marr's assessment. It seems to me that that area of Joyce Street, R-O, which not only is designated on the Land Use Plan as office and residential and is compatible with the General Land Use Plan but the R-O zoning on Joyce Street that I'm familiar with is accurate. I know there was a recent sell of an R-O zoning that we recently rezoned on the corner of Joyce just down the street from this. There is construction on other R-O sites as well. This is an area of town that is growing rapidly and in my opinion, needs more R-O zoning. So, I differ in opinion on that finding. So, I would support a motion for approval of this R-O zoning.

MOTION:

Hoffman: Mr. Chair, I will make a motion to recommend an R-O zoning from the portion of the rear of the house forward to Joyce Street only. The house is shown on page 5.7 of our material, and that the remainder of the property north of the house remain A-1. And that the applicant would submit a revised survey to the staff should this particular motion be seconded and passed.

Odom: Do we have a second to the motion? Going once, going twice, the motion fails for lack of a second.

COMMISSION DISCUSSION:

Conklin: Mr. Chairman, under chapter 154 of our UDO under amendments just to let the Commissioners know what they can and can't do with regard to amendments to our zoning map. The Planning Commission may take one of the following actions. 1) Approval. The proposed amendment may be approved as presented. 2) Approval in Modified Form. Approved in a modified form by a majority of the Planning Commission and recommended for adoption by the City Council with the reasons for such recommendations stated in writing. 3) Disapproval. If the Planning Commission disapproves a proposed amendment the reason for such

disapproval shall be given in writing to the petitioner. 4) Neither Approve nor Disapprove. There is a time line on here of 45 days you have if you don't act on the item within 45 days it's deemed approved and goes to City Council. I just wanted to go over those items with you.

Odom: I didn't know that.

MOTION:

Shackelford: Mr. Chairman, I guess I concur with most if not all of your statements that there is a need for R-O in this area and probably want to expand on that a little bit further. I'm also in agreement with the comments that Dr. Smith made. I think if you look at the 2020 plan and look at the location of this property it will be rezoned and developed at some point. I think that R-O zoning would have the least impact on this property especially if you started thinking of R-1.5 or R-2 and the density that it could be zoned and built at that point. Projected on this property is a medical building which is going to be very low impact on this property. Personally I think we are not giving up any control. I think we still have control over the runoff and those sorts of situations with the LSD that would have to come back before this panel for approval. So, I'm going to go ahead and make a motion that we approve RZ 00-20 as it is presented and reserve the right to deal with those specific issues as this panel when the LSD comes through.

Odom: We have a motion by Commissioner Shackelford. I will second the motion. Do we have any discussion on the motion?

Hudson: I believe we are making a lot out of this. Really none of us, I don't believe, none of us object to this rezoning per say. The problem is we have just not sat down around a cup of coffee and resolved this. It could be resolved probably very, very quickly. That's all I'm saying. Looks like to me maybe the recommendation that all the parties get together and have a cup and resolve this and it could come back to you. It looks like that could settle the issue.

Allen: Mr. Chair, what was that option of the 45 day thing again? Could you read that one more time?

Conklin: Deemed approved or if everybody agrees, both parties, you can extend that time.

Shackelford: Mr. Chair, I still hold firm to the opinion that we ought to go ahead and approve the rezoning as it is and let the applicant know that prior to the LSD being approved we would like to see the concerns of the neighbors addressed and be

prepared to present that with the LSD. We still have final say in that LSD approval and a big percentage of that would be whether or not we were satisfied with the runoff and the other situations that we look at with every LSD. So, I'm agreeing with the speaker that I don't think there is a general consensus against this rezoning and I don't think we are giving up any control on this by going ahead and recommending the approval of this rezoning to the City Council.

Marr: Mr. Chair, I want to make sure I'm clear on item number 2. A couple of questions for Tim. We approved a 6 acre tract of R-0 in this area, is that developed currently and filled do we know?

Conklin: That has not been developed at this time.

Marr: And there is a new Millennium Place Subdivision that is R-O and C-1 and that is under development?

Conklin: Yes. Their final plat is almost ready for signatures.

Marr: And then there is R-O property further west on Joyce Boulevard that is undeveloped at this point? By the Post Office?

Conklin: Yes.

Marr: Thank you.

Hoover: Mr. Chair, I have a question for staff. Just out of curiosity, I wanted to compare R-O to R-2 and the amount of concrete for parking needs for the two. Do you have just off the top of your head, which one would require more concrete?

Conklin: It's going to depend on the density they propose. Under R-2 you are allowed to have up to 24 units per acre. If they achieve that density you will probably have a lot more parking based on that density.

Hoover: In an R-2 if you used it to its full capacity?

Conklin: Yes. With R-O professional office at 1 space for 300 square feet of floor area, depending on the size of the office, if it's a multi story office building it could have potentially a lot of parking. That's a difficult question.

Hoover: I understand. I was just comparing notes here. Thank you.

Hoffman: Mr. Chair, so in R-O zoning there's a maximum percentage of the property that could be covered with pavement which is about 85 percent?

Conklin: That is our Commercial Design Standards, yes, 85 percent.

Hoffman: And if the property is rezoned and a large scale development come through that technically meets all of the ordinance requirements for tree canopy and replacement, drainage, detention and so forth, what is the minimum rear setback that can be from the north property line.

Conklin: From the back property line is 25 feet.

Hoffman: And would any kind of screening or buffering be required between the A-1 and the R-O?

Conklin: Yes. We do require screening between residential, non-residential uses.

Hoffman: Essentially I'm for a rezoning on a property that has a certainty of being developed in an appropriate manner for this street because I do believe that Joyce is headed in that direction. However, because of the proximity to the wetlands and the other issues that remain to be resolved I don't think I can support it at this time. I'm struggling with a way to justify it in my mind when the adjoining property owners seem not to be too worried about it but want to sit down and discuss it, do you understand if the rezoning passes all of these items could come to pass. If a property meets design standards and is not asking for any variances and you have 25 foot setbacks and clear cutting of the treed area in the back, you could have a commercial development pretty close to your preserve. When rezoning has passed this level and City Council then in whatever manner it comes back for a large scale development if no variances are required it seems to me that the Planning Commission is going to be quite likely to pass it. So do you want to have your cup of coffee now or later?

Smith: Won't those things be worked out in large scale development?

Hoffman: If they meet all of these development standards for R-O zoning that can be an intensive use of the property. It allows for quite a bit of coverage of the property. It allows for 85 percent of it to be paved. Drainage could certainly be engineered to where they drain into detention ponds and so on but it doesn't leave much of an area or natural buffer between this development and the preserve behind it. So, for that reason I'm thinking I'm not going to support it if we can't get a little bit clearer picture of what's to occur here.

Hoover: Mr. Chair, I have one other question for staff and I'm sorry, I know you have told me this before, in an A-1 are there any conditional uses? Could they do an office complex in an A-1 with a conditional use?

Conklin: Not in A-1.

Hoover: What can you do in A-1?

Conklin: Church, child care, agricultural uses. You need a conditional use for parking lots which serve a use within a different zoning district.

Bunch: Mr. Chairman, I would offer possibly a friendly amendment to revise the motion by Commissioner Shackelford to exclude that portion of the property that drains into the wetland. To be a little more definitive than just saying from the house to the north. That the rezoning would be to R-O for all of the property with the exclusion of the portion that drains into the wetland and that would remain A-1. Would you accept that as a friendly amendment?

Shackelford: I struggle with that a little bit to be honest with you. I still think that we can address that without doing divided rezoning in this situation. I think that Commissioner Hoffman has made some good points but just because you have the ability to build to this level there are a lot of times that we don't allow developers to build to the limit. I don't think we are giving anything away at this point. I think we still have final say on the large scale development. I think this situation will be addressed and will be resolved between the applicant and the surrounding people. I'm not necessarily sure that we want to start the trend of dividing rezoning requests. I think I would rather vote on it as it stands and if that's the direction you want to go if this fails, obviously you could make the motion and go forward with that.

Bunch: Or would the applicant consider withdrawing this an bringing it back to us after they have had the time to talk to the neighboring property owners?

Basham: Again, I'm not in a real good position to barter on that. I would just leave it as it is right now.

Petrie: Mr. Chair, if I may. I wanted to read what our regulations are concerning drainage into wetlands. Chapter 170.07 says areas defined as wetlands by the appropriate federal agencies shall be protected from adverse changes in runoff quantity and quality from associated land development. That is an item, of course, we are enforcing.

Odom: And that is addressed at the large scale development process?

Petrie: Yes sir.

Odom: Is there any further discussion on the motion? Call the roll.

ROLL CALL:

Upon roll call the motion is denied by a vote of 3-5-1 with Commissioners Estes, Hoffman, Hoover, Allen and Marr voting against and Commissioner Ward abstaining.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: July 10, 2000

RZ 00-20.00: Rezoning (Dixie Development, pp176) was submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **July 10, 2000**

CITY COUNCIL ACTION: **Required YES**
O Approved **O Denied**

Date: **August 1, 2000**

Comments:

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BACKGROUND:

This property is located on the north side of Joyce Blvd. west of Crossover Rd. (Hwy 265) and east of Old Missouri Rd. It contains approximately 5 acres and is currently zoned A-1, Agricultural; there is a single family home in this location. The applicant is seeking R-O, Residential Office zoning in order to construct a development which will include professional office space for lease. (See attached letter from the applicant)

SURROUNDING LAND USE AND ZONING

North:	Single family home, A-1
South:	Paradise Valley Townhomes, R-2
East:	Vacant, A-1 (90' strip) / R-1
West:	Vacant, A-1

INFRASTRUCTURE:

Streets: Access is from Joyce Blvd. which has recently been improved and includes a sidewalk on the south side and a multi-purpose trail on the north side. Joyce Blvd. is classified as a principal arterial on the Master Street Plan, with a total of 110' of right-of-way required. A principal arterial is designed to accommodate 17,600-20,600 vehicle trips per day.

Water: 36" line on north side of Joyce Blvd.
8" line on south side of Joyce Blvd.

Sewer: 8" line on north side of Joyce Blvd. just east of the subject property (extension may be required at the time of development)

LAND USE PLAN: General Plan 2020 designates this site Office and Resdential. Rezoning this property to R-O, Residential Office is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The subject property is designated on the General Plan 2020 as Office (front along Joyce**

Blvd.) and Residential (northern portion of the tract).

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **There are vacant parcels in the area which are zoned R-O currently. The 6.0 acre tract at the northwest corner of Old Missouri and Joyce Blvd. was rezoned earlier this year. East of this property, at the corner of Joyce Blvd. and Crossover Rd. is Millennium Place subdivision which has both R-O and C-1 zoning. This subdivision is currently under construction. There are also undeveloped R-O properties further west on Joyce Blvd. which were platted as a part of the Vantage Square development (adjacent to the new US Post Office building and south of Community Bank).**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning will not create or appreciably increase traffic danger and congestion. Configuration of specific access points will be reviewed at the time of development approval. Joyce Blvd. is an improved street designed to carry heavy traffic.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning will not alter population density in a manner which would undesirably increase the load on public services including schools, water and sewer facilities. Any utility extensions necessary to serve a development on this property will be determined at the time of development review and approval and will be undertaken at the expense of the developer.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

A . Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses:	
	Development	10,000 sq. ft.
	Individual Lot	2500 sq. ft
	Single Family	6000 sq. ft
	Two Family	6500 sq. ft
	Three or More	8000 sq. ft
	Fraternity or Sorority	1 acres

Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses &Apartments:	
	Two or More Bedrooms	1200 sq. ft.
	One Bedroom	1000 sq. ft.
	No Bedroom	1000 sq. ft
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
Lot Minimum Width: Mobile Home Park	100 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

RECEIVED
JUN 15 2000
PLANNING DIV.

DIXIE DEVELOPMENT
& MANAGEMENT
AL ESTATE • COMMERCIAL PROPERTY • CORPORATE OFFICE SPACE

00 S. Thompson, Suite B-101
ringdale, AR 72764

June 14, 2000

City Planning Commission
Administration Building
Fayetteville, AR

I am requesting a change in zoning for property located at 2416 E. Joyce St. in Fayetteville, AR. The property is currently zoned A-1 and I am requesting a change to R-O.

Randall and Barbara Bailey currently own the property. I have a signed offer and acceptance to purchase the property on or before August 15, 2000.

I am requesting the zoning change in order to build office space for lease. There are currently five acres on the site and I desire to build approximately 50,000 sq. feet of office space. There should be minimal traffic congestion since Joyce St. is a five-lane road with stoplights at every major intersection.

I plan to build class "A" office space with the first tenant being a group of physicians. The appearance of the buildings will be in harmony with the current developments on Joyce. The exterior will be mostly brick - most likely with metal roofs. Signage will be in accordance with the Fayetteville Sign Ordinance.

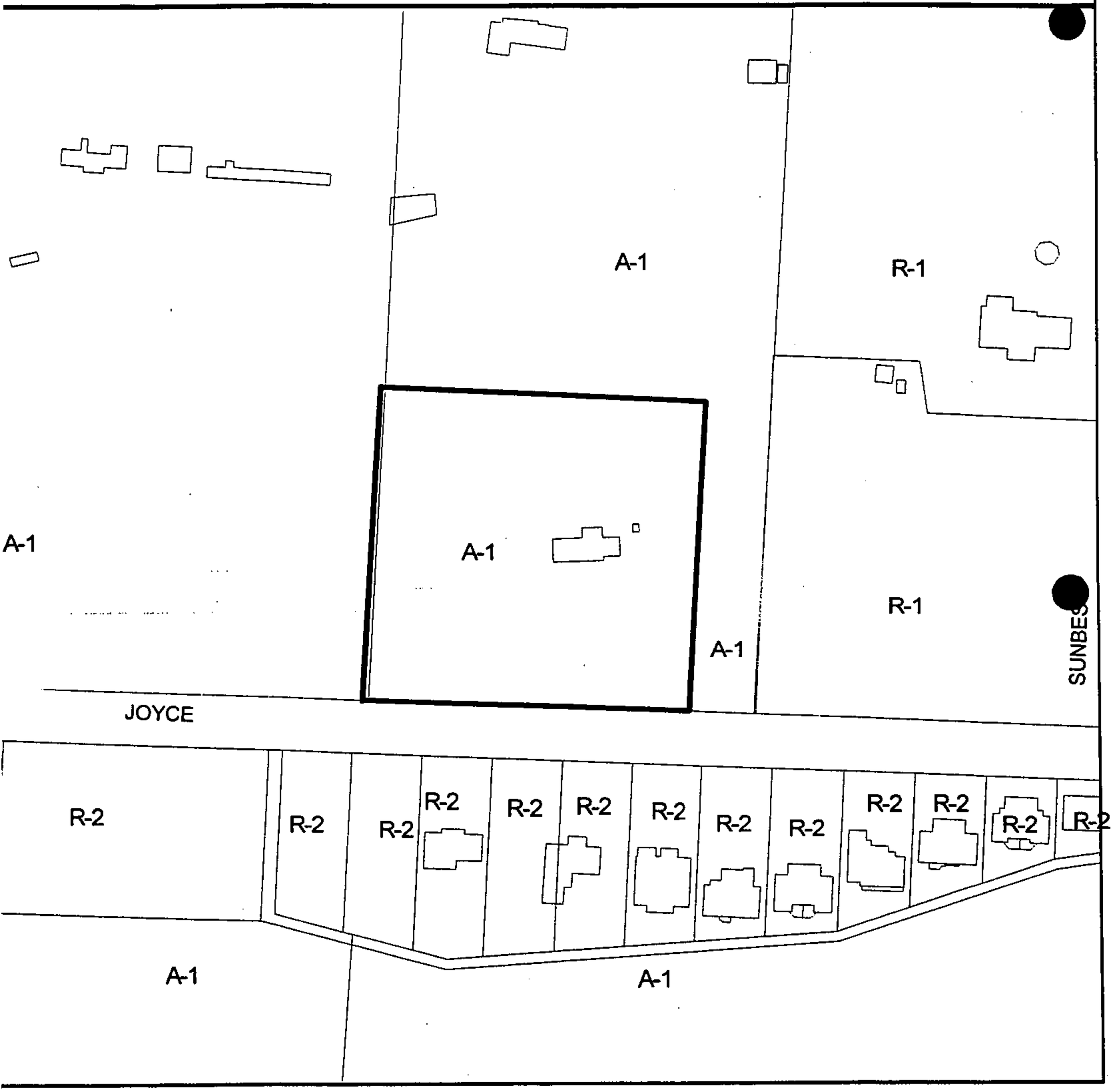
There is a 2.25-inch water line on the South side of Joyce running the entire length of the property. There is also an 8-inch line South of Joyce across the street from this property.

There is an 8-inch Sewer line North of Joyce St that ends at Sunbest Dr. West of Highway 265. There is an eight-inch sewer line South of Joyce St. directly across from the subject property.

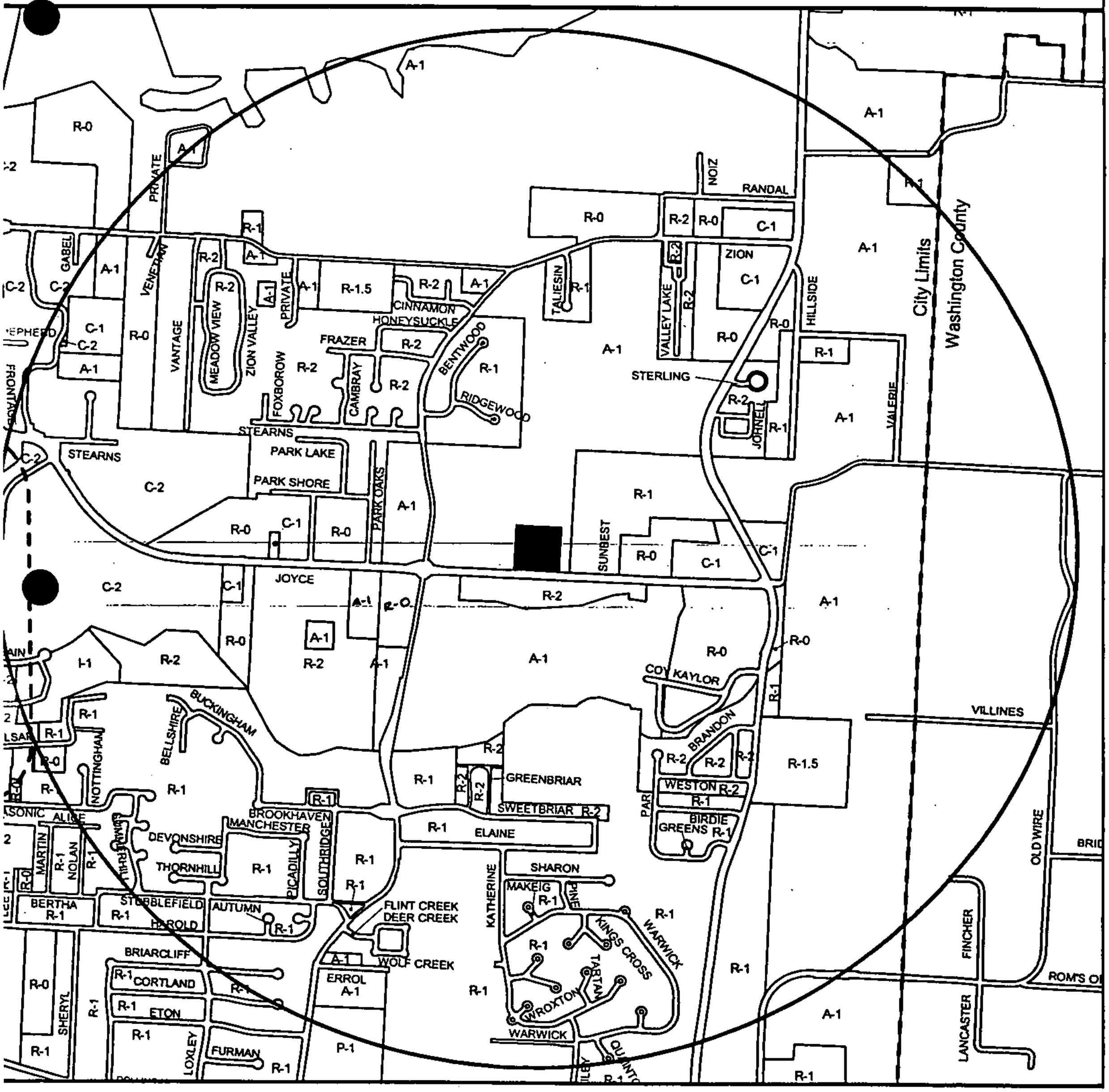
Ben Israel
President
Dixie Development, Inc.

Phone 501.872.0707
ll Free 877.872.0707
Fax 501.872.0714

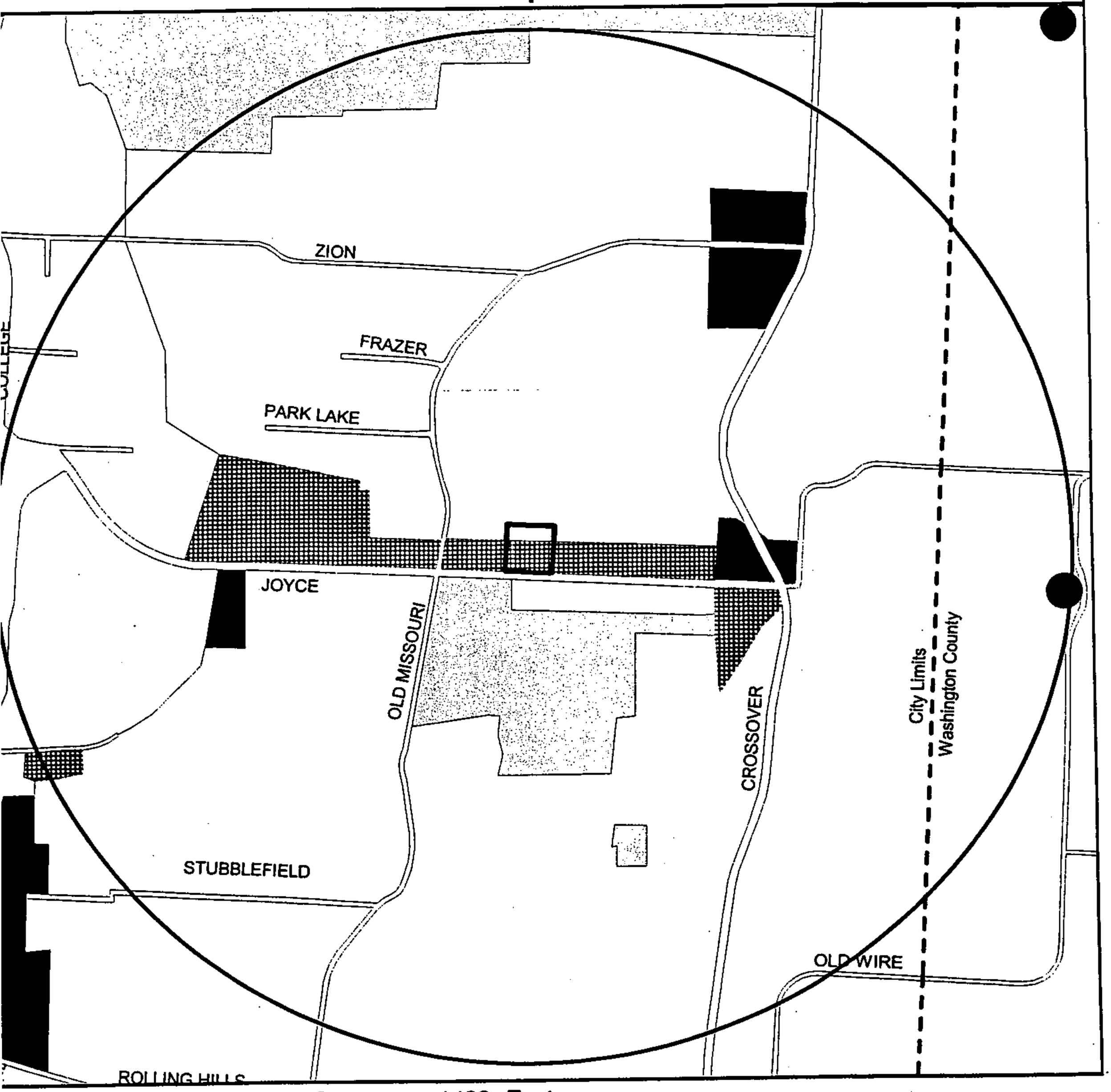
RZ00-20.00 - Dixie Development - Close Up



RZ00-20.00 - Dixie Development - One Mile Diameter



RZ00-20.00 - Dxie Development - 2020 Plan



RECE
JUL 25 2000
PLANNING DIV.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Tim Conklin, City Planner

FROM: Kim J. Hesse, Landscape Administrator

DATE: July 24, 2000

SUBJECT: RZ 00-20.00

On July 24th, I met with Ben Israel and Greg Galbraith concerning the rezoning of property located at 2116 Joyce. Based on the conversation at the site, a neighbor to the north, Dr. Loyde Hudson, who has dedicated a portion of his property as a conservation easement to the Ozark Regional Land Trust, is concerned about the impact this rezone may have on wetlands protected on his land. Greg Galbraith, representing the ORLT, is supporting the rezone however is asking for assurance that a buffer of existing trees will be left upon development of the site. This buffer would provide a visual screen as well as clean storm water that drains from this site to Dr. Hudsons. Mr. Ben Israel was concerned that tree preservation and other city requirements may further restrict portions of the property from the planned office park use and is reluctant to give up any portion of the site prior to city review.

I recommend that the 20 percent tree preservation, required for Residential Office zoning, should be located along the northern boundary of this property. Several large trees are dispersed among the existing wooded portion of this site. Only one rare tree was located on the southern half of this site. As Landscape Administrator, I try to compare the value of a stand of trees versus the value of individual rare trees. Often I find that the stand of trees provide more environmental and social value to the community as well as the fact that a stand of trees has a better survival rate than individual trees. This stand of trees along the north boundary will provide wildlife habitat, buffer the adjacent residence, and clarify storm water. Although the width of this northern tree preservation area was not discussed, a fifty foot buffer currently exists. I would like to specify that this tree preservation area is to be left undisturbed and that utility or drainage easements shall be dedicated between the preserved trees and the improvements to the site. No easements shall be allowed within this preservation area.

If you have questions or comments, please give me a call at 575-8308. Thank you.

JUL-24-2000 15:12 CITY OF FAY - STREET DIV. 501 444 3450 P.02/02

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

[redacted] the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUIRED: An ordinance for (AD 00-22) amending the City's Master Street Plan by eliminating a collector street between Prairie Ave. and W. Sixth Street within the property at 404 W. Sixth Street, at the northeast corner of S. School Ave. and W. Sixth Street and reclassifying Prairie Street west of West Ave. and Government Ave. between Prairie Ave. and W. Sixth Street as collector streets.

COST TO CITY:

$

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

[redacted]t Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	14 July 00 Date	ADA Coordinator	Date
Purchasing Officer	7-17-00 Date		

STAFF RECOMMENDATION: Staff recommends approval of this request. Planning Commission voted 9-0-0 on July 10, 2000 to recommend approval and to forward the request to the City Council for final consideration.

Division Head	7-14-00 Date
Department Director	7-17-00 Date
Administrative Services Director	7-17-00 Date
Mayor	7/18/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

property. We've looked at different alternatives and we think the best one is to, if a collector street is needed, have it occur in the Government Avenue right-of-way. The reasons for that are, we think, first of all, it makes West Street a safer street. I think if West Street tied directly into 6th Street it will encourage cut through traffic from 6th Street which is not a good street for that kind of traffic. The site lines are short because of the topography. The street is narrow. It has a big retaining wall on the east side which makes expansion difficult. It has houses right up against the street on the west side which makes expansion difficult. So, I think, in general, making this a wide safe street will be almost impossible. We think that if you encourage more traffic on this chute it will make things very dangerous for the residents along West Avenue. Also, I think that if we use Government Avenue as the collector street it will make a better intersection. It's a four way intersection instead of a T intersection. It would allow traffic flow to go across 6th Street. If it ever did become a signalized intersection it's about half way between Hill Street and School Street. It's a better place for an intersection if traffic ever builds up along that route. We think that eventually will provide better connectivity to the city because Government Street could eventually tie into 15th Street which ties into I-540. In general I think connectivity would be better along that street and the traffic engineer agreed with that assessment. Another issue that has come up is plans for a bicycle path along the western edge of our property. In general the Sidewalks and Trails Committee has been working to develop a bicycle trail along the abandoned railroad right-of-way. They have gotten appraisals on the land and made a commitment to make that a reality. If we could get the collector street moved we could put the bicycle trail on our lot along the western edge which would connect 6th Street all the way to the downtown area with a nice wooded trail that goes along Town Creek. I think some of this type of alternate transportation is going to be of far more benefit to the city than yet another collector street. The other issue we were concerned a little bit about was where West Street comes into Prairie and takes a short jog and then picks up again. When we talked to the UACDC they said this was the type of intersection that is particularly dangerous to pedestrians because traffic has to make a little zig zag and that is a lot of the problems that they have been having up at the University. I've included that letter in with our submission. A final comment is we think that amending this Master Street Plan is a way to encourage people to develop areas that need help. It's going to be something that the city won't have to spend any money to encourage this development. In fact they will save maintenance fees on this piece of collector street. I don't want to go through all of the petitions and recommendations that we have collected. They are all in this packet that we submitted to you. We've got a lot of support from the neighbors for this scheme. We have support from the Downtown Dickson Enhancement Project, the UACDC, Bicycle Coalition of the Ozarks, and finally, today, Perry

Franklin issued a memo in which he basically, as Tim Conklin said, agreed that this solution is the better solution for the collector street. I would conclude by asking you to give this consideration one more time and help us to develop this project. Thank you.

PUBLIC COMMENT:

Odom: Thank you Robert. We may have some questions but first I'd like to ask if there is any member of the audience that would like to address us on this issue? Please come forward at this time. Please identify yourself by your name and your address before you begin.

Littell: My name is Annee Littell and I live at 411 West South Street which is the corner of West and South. I have a double lot that fronts on West Street. So, even though my address isn't West Street, I feel like I'm a neighbor. I've seen just in the last month an accident where you come over a hill and it's blind and then you go down. People like to come kind of fast. It may be kind of fun to do. A neighbor was pulling out of their driveway and they got hit. Nobody was hurt. I don't think the topography is at all suitable to emphasize that street as more of a collector street. School Street, right next door, I guess is listed as an arterial, but it seems to function as a collector. I'm not sure of all the differences but having that major street right next door, one block away, it seems to me we could funnel traffic coming from the library, assuming that happens, could go up Mountain and down School and School already connects with 6th Street. It just seems to me like having two streets a block apart that are both major collectors is overkill and would really hurt our neighborhood. The street is narrow and has no sidewalks on my block of it. If you were to do what the collector needs, that 70 foot, would be probably impossible to make it truly a collector street. So I would just like to support this as a property owner.

Odom: Thank you very much. Was there someone else who wanted to speak to this? If you all could please come up and line up behind each other so we don't spend a lot of time waiting.

Ostner: Hi, my name is Alan Ostner. I'm a resident of 111 West Avenue. Pretty much what Annee has just said I really agree with. The topography of West Street is really steep. I don't know if you have been over there but we refer to it as the roller coaster. When Dickson empties out at 2:00 am it's a free for all. The police would be way too busy if they ever stopped there and tried to pick up drunks and speeders. You can get a great deal of speed going down and then the hill slows you coming up the other side and everyone knows that. They love to do it both

ways. It is very narrow. Expanding it to the east would be difficult. You would either run into the new library or the big retaining wall at City Hospital, or have to bulldoze houses and living rooms. The point that Rob brought up about the railroad right of way becoming a street between Prairie and 6th Street, I really agree with. The short jog near Wilson Park comes to mind to me and how difficult that is when you are going along the western edge of Wilson Park and you have to turn and go west and then turn again just to get onto Gregg is very cumbersome. If we have a chance to not create things like that I think it's a good idea just from a user standpoint. As he said the CDC does recommend that it is dangerous and I can see that from a pedestrian standpoint too. West Street is very dangerous. We've been planning on coming down here as a neighborhood anyway. We need traffic calming. We need a stop sign. The number of near misses far exceeds the number of collisions from backing out, as Annee was saying. The volume is very low on that street but I would bet the number of collisions in perspective to the low volume would make a very high incident rate. I think West is pretty dangerous and I think widening it would exacerbate the problem. Thank you.

Kelly: Hello, I'm Laura Kelly. I'm glad Alan brought up the fact of joy riding and catching air on the hill. I didn't realize that was ever an occurrence until I was on that street just the other day. I was just walking across West Avenue, there is no sidewalk. I was just walking from one yard to the next and a car, I didn't realize cars tried to catch air. It was going faster than just trying to go fast and it had to veer into the other lane almost into the ditch. As the property owner pulled up a few minutes after, I realized if he had been coming up that hill a moment earlier I would have witnessed a lot of death. I just can't convey enough that the topography there being virtually unalterable. It would be a major revision to cause a safer street to increase or encourage traffic there. Also, If anyone has any questions regarding the bicycle plan, I have been working with Chuck Rutherford and the Sidewalk and Trails Committee for years and years and years. How I would love to see this connection down 6th Street. I live down there past 6th Street and my son and I are on our bicycles now and we would love a safe way to town. Thank you.

Odom: Thank you. Anyone else like to address us on this issue?

COMMISSION DISCUSSION:

Odom: Then I will close the floor to public discussion and bring it back to the applicant. Does anyone have questions for the applicant or staff?

Ward: Tim, what are we giving up by giving up this West Avenue? Is this something that the City Council will have to make a final determination on?

Conklin: Yes. City Council will have to amend the Master Street Plan in order to relocate it if the motion is to relocate it over to Government Avenue. Once again, back in 1999 the agreement was to relocate it off the alley that was east of the feed mill and move it over to the railroad right-of-way. At that time they agreed to dedicate 70 feet of right-of-way sufficient for a collector street. They did approach the city. I did ask for them to do some research on this and make a presentation to the Planning Commission. As staff I felt that bringing this back a year later after an agreement was made to dedicate the right-of-way that we should have some evidence that this is not a good idea and that we should abandon having a street connection down to 6th Street. That's why they went out and talked to different groups and got a traffic study done with regard to whether or not it should be at this location or moved further to the west. So to answer your question, are we giving anything up, based on Perry Franklin's letter and the traffic engineer it sounds like we are not really giving anything up other than allowing the Master Street Plan to be amended and there will not be a requirement on their part if they redevelop this industrial site with their mixed use project to have to build that street.

Hoover: Tim, is it my understanding then that in lieu of the street they are going to give a right-of-way for the trail coming through their project?

Conklin: Let me just make sure everyone is clear on the issue of this right-of-way for the trail. Under our Master Street Plan, within that 70 feet of right-of-way, it has a provision for two 6 foot sidewalks which is a 6 foot sidewalk/multi use trail. That would have been a requirement as part of this project. If we required them to build the street they would have to build the trail. So they are not really giving us the multi use trail if we give up this right-of-way because that would have been a requirement.

Odom: But I believe that Commissioner Hoover wanted to make sure we weren't giving that up also. That's part of the plan. It will stay.

Conklin: Well, my understanding this evening is they will be going to the Parks Board to ask that the right-of-way for the trail be credited towards their greenspace requirement for their residential units in this facility. I think one question that I have and I asked Chuck Rutherford to raise it this evening was with regard to who would pay for the cost of construction of that trail. Typically the developer would pay for half of the street. So you have a 14 foot from centerline, curb, gutter,

storm drainage and the 6 foot sidewalk. I do want to make sure when a large scale development comes through that we do understand who's paying for that trail. I'm not sure who's going to be building that trail. That's what I'm saying this evening.

Hoover: That brought up a question, is that how we've handled other developments? That the developer is building the trail in past approvals?

Conklin: If there is a Master Street Plan requirement, yes, they are building 6 foot wide sidewalk/multi use trails. We may be giving that up. Rob, I'm not sure if you are able to answer that question tonight. Are you building the trail? Constructing it?

Sharp: In the past when we have talked, Tim, informally we were just giving the land for the trail. We are giving the land along our side and also we are giving a piece of land up near Center Street that we've purchased to facilitate the trail. So we are giving them two parcels of land to allow them to build the trail. This trail will be built as they build the entire Prairie Street Trail. We'll be back soon with a large scale development plan that will show all of these details.

Odom: Commissioner Hoover, did that answer your question?

Hoover: Yes. Thank you.

Marr: Tim, I guess my question is the recommendation of city staff was to have it remain the same and now that the additional information has come through would you concur or would you stand by this?

Conklin: Well, with regard to the additional information, I would agree that there is reason to relocate it over to Government Street. This information that was submitted to the city at 2:30 on Thursday. Staff was not able to write any new staff report. Since then we were able to get with Perry Franklin and he does agree with Ernie Peters that it is a good idea and something to look at to relocate it over to Government Street. The only concern I had, once again, was relocating over to Government Street we are removing the requirement to construct a trail because normally we don't require people to construct trails on private property whereas, if it was left in that location they would be constructing a 6 foot wide sidewalk/multi use trail.

MOTION:

Ward: Mr. Chair, I think that with all of this said and to facilitate the redevelopment of

that area down there, I want to go ahead and recommend approval for AD 00-22 especially since our Traffic Superintendent, Perry Franklin, agrees with you on your concept of moving it over to Government Street. Maybe when it comes back through large scale we will be able to look at some give and take on the trails and so on. But I will recommend approval at this time.

Shackelford: I'll second.

Odom: I'd like to speak to the motion if I could. I think potentially what you have here is, if in fact the City Council approves the amendment to the Master Street Plan, you don't have the requirement any longer of the trail program. Now I think that Robert is saying that they are going to do that and it's going to be incorporated into their plan, but if we are in fact giving something up it's, number one, city property that we currently have dedicated but number two, it's also the potential loss of use of a trail. Am I right?

Conklin: That's correct.

Odom: Because there is no longer a requirement that the trail be put there since there's no longer a Master Street Plan requirement.

Conklin: It would make me more comfortable if you incorporated into your motion that this agreement or idea of this dedication of this right-of-way for a trail subject to that.

Ward: I'll amend my motion to where we do get the dedication of the necessary tracts for the trail.

Shackelford: I'll agree to that on my second.

Odom: That takes care of my concern.

Bunch: Mr. Chair, then we get back to the question of who is going to build the trail since you are giving up the street and not having to build the street then it seems like, should that be included in the same motion?

Odom: I think that would be more properly addressed at the large scale development. Tim, with regard to the construction, who's required to construct the trail? That will be more appropriately addressed at large scale development. Is that correct?

Conklin: That is correct. I can tell you right now we typically don't require trails to be built as part of development. That's not a normal requirement. That's why I

brought it up this evening. I do believe we are potentially giving that up.

Bunch: Even though it's not a normal requirement since we are giving up a right-of-way and a street can we include that as a requirement? Is it permissible to do that?

Hoffman: Mr. Chair, this may have happened before you were on the Commission, but I think we did require a trail and require that one be constructed on the Marinoni property by the creek or wetland area in lieu of a sidewalk along what would be an unused intersection. So, I would think that we would have an opportunity at that time to make that requirement.

Conklin: Yes, we did do that in the past and that sidewalk, instead of having it go along Shiloh Drive we did have it come back in on the property.

Hoffman: And it was a trail?

Conklin: Yes, it was classified as a trail. Keep in mind we did require that when we did amend the Master Street Plan a year ago that they dedicate 70 feet of right-of-way. We are giving up 70 feet of right-of-way too so I guess to answer your question we have in the past required items from applicants as a condition of amending our Master Street Plan.

Marr: Would we require that at this time or at large scale development?

Conklin: If you want to make it crystal clear for the applicant you should require it now. I would say in your motion that they would be required to build the trail. If you want to wait till large scale development we can also make that a condition of approval at large scale development. I guess I'm concerned about doing that. Legally we don't have any ordinances in place that allow us to require that.

Shackelford: I have a question of the applicant and I think this will weigh into this, did you not mention that there is another piece of property that this group owns that you are in negotiations on deeding a part of that property for the trail in another area, is that correct?

Sharp: That's right.

Shackelford: So, there are other aspects that will go into play here as far as negotiation on the trail and who builds the trail and who's going to pay for the trail. There is another piece of property that the city is looking at trying to get ownership of, is that correct?

Sharp: That's right.

Shackelford: I personally think that, that negotiation we could handle at the large scale development. I think we have put the applicant on notice that that is something that we are going to look at in large scale development. I understand the city's position and I don't think we need to give away that right either but I'm not necessarily sure that we have to address that at this point.

Odom: Ultimately this is the City Council's call anyway. They will receive copies of our notes and note that we are definitely concerned about who is going to construct the trail.

Conklin: That's correct.

Odom: But as the motion stands now it does not address who's going to construct the trail only that it be dedicated.

Conklin: Yes.

Bunch: Mr. Chair, can I make a little bit of a campaign speech here for the Committee for the revision of the Master Street Plan, in looking at this and remembering what West Avenue used to be like between Prairie and Mountain, prior to the time it was widened and paved and what the traffic pattern used to be like then, I would encourage people in the neighborhood to attend the meetings of the Subcommittee, particularly the one this Thursday that has already been announced, to request the change in status of West Avenue between Prairie and Mountain Streets to request to be put back to a local street rather than a collector. If that's what you would like in looking at the comments from the neighbors and the petitions on this, I would encourage you to avail yourselves of that process.

Odom: Any further discussion on the motion?

Marr: Mr. Chair, I'm in support of the motion to actually change the Master Street Plan. I do want to go on record of saying I would not be in support of losing what would have otherwise been a developed trail by the developer. I think that we had that as part of this approval. That's the one thing I struggle with here. Not only did we have the dedication we would have had it built. So when it comes through with large scale I just want to make it clear that's the position I'm coming from. I do support this change.

Allen: I have the same concern.

Bunch: And I concur.

Odom: Well, we can all do that when we vote.

Odom: It will go to the City Council and neighbors will have an opportunity to visit it then as well. Call the roll.

ROLL CALL:

Upon roll call the motion passes 9-0-0.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Dawn Warrick, Associate Planner

FROM: Perry Franklin, Traffic Division Superintendent

DATE: July 10, 2000

SUBJECT: COLLECTOR STREET ISSUES
MILL DISTRICT PROJECT

Although I have been out for a couple of weeks, I appreciate you getting the material to me concerning the Mill District project. Back before the Walton Arts Center was constructed, there were attempts to get a collector from North Street south by the proposed Arts Center to south School. This route has been looked at several times through the years. Because of the alignment problem at Prairie Street, the condition of West Ave. south of Center Street and the close proximity of School Ave., I do not believe West Ave. will be improved any time soon. After reviewing the material, I feel I must agree with Mr. Ernie Peters recommendation. I do feel that the use of Government Ave. as a collector would be more centrally located between the traffic signal at College & 6th and the traffic signal located at Hill & 6th .

Thanks for this opportunity to offer my comments. If you need any further information, please give me a call at 575-8228.

PLF/plf

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:
501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: June 26, 2000

AD 00-22.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of west 6th Street and south School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is to amend the City's Master Street Plan by eliminating a collector street (West Avenue) which is designated to run along the property's western boundary between 6th Street and Prairie Street.

RECOMMENDED MOTION

Staff recommends the applicant comply with the condition of the previous Master Street Plan amendment (AD99-01) with the condition that they dedicate the right-of-way for a collector street along the west property line.

BACKGROUND

On March 22, 1999 the Planning Commission agreed to relocate a proposed collector street on the applicant's property to the west along the abandoned railroad right-of-way which is designated to run along the property's western boundary between 6th Street and Prairie Street. A condition of approval was that the applicant dedicate sufficient right-of-way along the western boundary of the subject property for a proposed collector street. Staff has attached the 1999 Planning Commission staff report and minutes of the previous request on this item.

AD 00-22.00
C. 1. Page 13

City of Fayetteville
Planning Office
VIA FACSIMILE

June 7, 2000

Dear Tim,

Two items have come up in regard to our proposed development on the corner of 6th St and School Ave. in Fayetteville. We wish to request an amendment to the Master St. Plan and a lesser dedication of Right of Way along the southern façade of a two-story building located on the corner of 6th and School.

Master St. Plan Amendment AD 00-22

The amendment to the Master St. Plan we are requesting would entail the removal of the continuation of the West St. ROW, which now is located on the west portion of our property. We are requesting either the removal or relocation of this ROW to Prairie and thence east to school, or to Prairie and thence west to Government and then to 6th ST.

The reasons we are requesting this amendment are several.

-The proposed intersection of West and 6th would be less than 300 feet from the existing intersection of two primary arterials (6th and School). This separation between the lighted intersection of two primary arterials, and a potentially lighted intersection of a collector ST. and an arterial, may not be far enough to satisfy State traffic standards. We are presently researching this issue. In any case it may not be enough to satisfy sound traffic planning.

-Traffic along West Ave. does not warrant the existence of Collector St. status. Improvement of West is not currently on the city's Capital Improvement Plan and would in all likelihood meet staunch opposition from the residents along West.

-The cost of installing the new collector street would be prohibitive in terms of both dollars and land lost, and would probably render the project impossible to complete profitably.

Request for a Lesser ROW Dedication AD 00-23

We are also requesting a lesser dedication of Right of Way along 6th St. This lesser dedication would only apply to the area adjacent to an existing two story building near the corner of 6th and School. Current ROW along this section in front of this building is now 40 feet from the centerline. We are requesting that the existing right of way remain as is from the corner of 6th and School Avenue to the existing 27' utility easement (the former alley). This building is in good shape and is an important component of our development for this block. The 55' ROW

AD 00-22.00
C. 1. Page 14

mponent of our development for this block. The 55' ROW rule from centerline on principal arterials as instituted so that a landscaped median might ultimately be placed down the length of 6th St. It is our derstanding that the installation of this median is not likely to ever occur.

lease post these requests for public notice as soon as possible so that we might resolve these issues and et our project started.

Sincerely,
~~Mill District LLC~~ TOWN CREEK BUILDERS

Thomas Bourdeaux,
Manager

TOWN CREEK BUILDERS
CONSTRUCTION & PROPERTY MANAGMENT

Members of the Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: COLLECTOR STREET ISSUES
MILL DISTRICT PROJECT

Mill District LLC has purchased the property at the northwest corner of the intersection of 6th Street and School avenue, formerly the Campbell Soup Feed Mill, and is attempting to develop a mixed use project on that location.

That corner is one of the most visible and important undeveloped properties near downtown Fayetteville. As a component of the Mill District's forthcoming Large Scale Development Plan for the redevelopment of this site we feel it is appropriate and necessary to request an amendment to the Master Street Plan.

HISTORY

The Mill District asked for and received an amendment of the street plan at this location in March 1999. At that time, Campbell Soup still owned the property and the amendment was requested as a contingency of purchase. In the year following this amendment, after more extensive planning and preparation, we have found that this street has a detrimental effect on the design and feel of the new development, on the feasibility of the project, and on the safety of the surrounding neighborhood.

When we asked for the previous amendment, we were fighting a deadline that was imposed on us as a part of a complex real estate transaction. In retrospect, we should have studied this aspect of the project more thoroughly. We now have the following information, which in March of 1999 we did not possess:

- Consultation with a traffic engineer, Ernest J Peters.
- A completed real estate appraisal.
- A construction budget based upon schematic designs.

- Consultation with local urban design organizations such as the UACDC and the Downtown/Dickson Enhancement Project, Inc.

- Our work with the sidewalk and trails committee concerning the Prairie Avenue trail has progressed significantly.

- Our familiarity with the site and neighborhood has increased dramatically.

We regret asking this body to recommit time to this issue; we regret asking the planning staff to use their resources in this manner. However, we simply feel that the best solution for all parties has not been reached, and cannot be reached until this issue is reconsidered. It is our feeling that the Master Street Plan, to be effective, must be a living breathing document; as such, changes must be examined from time to time.

THE SOLUTION

We are requesting that Collector Street designation on the Master Street Plan be removed from the strip of land located in the western portion of the Feed Mill Property. A more suitable alternative – better for the City of Fayetteville, the surrounding neighborhood, and The Mill District – would be a designated route south on West Street, then west on Prairie Street, then south on Government Street to 6th Street. (Please see page 8.)

Alternatively, the Planning Commission might consider removing Collector Street designation along West Avenue between Mountain Street and 6th Street.

Please refer to our diagrams on pages 5 through 8 to review the various configurations.

THE ADVANTAGES

- *Moving this collector street designation creates a safer street.* Directly linking 6th Street to West Avenue will inevitably encourage cut through traffic and increased speeds. Any increased traffic causes concern and danger for those along West Avenue. Neighbors there are concerned with their safety as they back out on to West, and their children play in small yards near the street. Included in this packet is a petition submitted by residents along West opposing this Collector Street designation. (Please see page 19 and pages 21-24.) At one point two blocks north of Prairie, driveways lying just below the crest of a hill suffer very limited site distance. Increases in traffic induced by the new 6th Street connection would make this situation more hazardous than it is presently.

- *Moving this collector street improves automobile traffic flow between Prairie and 6th Street.* Using Government Avenue as this area's outlet to 6th Street eases traffic flow because it allows a four way intersection equally spaced between the existing intersections at School Avenue and Hill Avenue. In addition, a block long jog along Prairie Avenue will be easier to negotiate than a quick zig zag. While this will ease automotive flow adjacent to Prairie Avenue and 6th Street, the two distinct 90 turns between 6th and West should still have the effect of discouraging fast cut through traffic onto West Avenue.

- *Moving this collector street provides better connectivity for the city.* Because no intersection to the south exists at the point of the proposed intersection of West and 6th, through traffic must be routed either east or west on 6th. This makes another turn necessary to reach the neighborhoods and I-540 access that lies south of 6th Avenue. Making Government Avenue a more prominent intersection provides connectivity to neighborhoods lying south of 6th as well as an alternative access to I-540 along 15th Street. As traffic builds in Fayetteville this alternative to I-540 will increase in importance.

- *The collector street would jeopardize the plans for a bike path to 6th Street through the Mill District.* We believe it is important as a matter of principal, and as a part of the 2020 Plan, to encourage and maximize the opportunity for alternative forms of transit. The Mill District and Town Creek Builders have agreed to donate land and have solicited support from other landowners and neighbors in an effort to make the Prairie Street Bike Path a reality. Requiring a dedication of land for an additional street usurps the land available for a bike path. We feel that as a matter of policy, developers should be encouraged to explore alternative forms of transit.

- *Continuing West Avenue through the Mill District property is not optimal in terms of pedestrian safety.* Please refer to the letter provided by the UACDC, pages 14 and 15. They have found that "...intersections too close together, coupled with unaligned streets and cross walk locations, can be quite hazardous to pedestrians."

- *The project and MSP amendment requested enjoy wide support from the community.* Please review the enclosed petitions and letters of support, pages 18 through 24.

- *Amending the MSP is a way for the city to encourage Urban Pioneers.* The Fayetteville General Plan 2020 specifically requests private mixed use development on the south side of town: "Much of south Fayetteville is shown as a mixed use area because it is in need of redevelopment and can accommodate future development."[1] The Mill District partnership is taking a real and significant risk in attempting to redevelop this area of town. We have met with significant opposition and skepticism in the financial community as to the viability of this area of town. The resources we would be required to expend on the dedication of land, and possible construction of a street, would reduce the amount available to make this a project of lasting impact and quality. We are hopeful that the successful and profitable completion of this project will provide a rising tide effect for the entire neighborhood and the City as well. It is likely that our project will spur further development in this heretofore downtrodden neighborhood. This project, properly executed, will increase property values in the area, and will provide an exciting and attractive entrance to the Town Square and Town Center from I-540 and the Sixth Street corridor.

- *Revising the MSP is a Cost Effective method for the city to further their goals.* Our request to amend the Master Street Plan will have a great impact on the success of our project and on the contentment of the residents along West Avenue. Yet this

[1] Fayetteville General Plan 2020, December 1995, page 74.

requested amendment will have no negative impact on city coffers. In fact, the city will save maintenance costs by not having to care for yet another street.

SUMMARY

We are attempting to build a large project that will in every way assist the city in meeting its 2020 goals, assist this area's transition from an industrial realm into a true neighborhood, increase property values, and reduce the need for costly new infrastructure. For all the reasons listed above we ask for your approval of the proposed amendment to the Master Street Plan.

ADDITIONAL DOCUMENTATION

Diagrams

Context Map ..... page 5
Existing Master Street Plan ..... page 6
Railroad Right of Way Plan ..... page 7
East/West Option ..... page 8

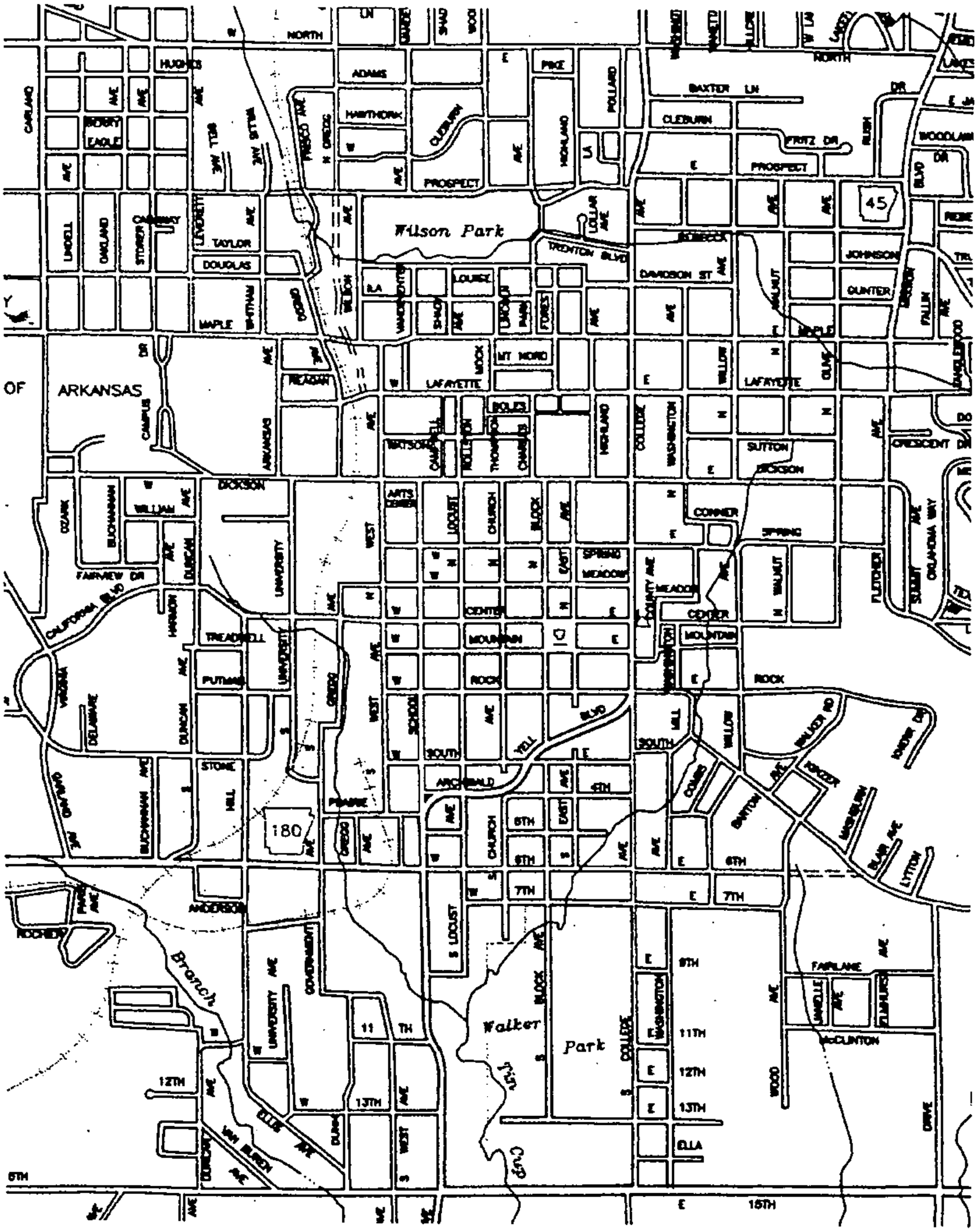
Peter & Associates, Engineers, Incorporated Letter ..... page 9
Peter & Associates Resume and Partial Client List ..... pages 10 - 12
Downtown Dickson Enhancement Project Letter ..... page 13
UACDC Letter ..... pages 14, 15
Bicycle Coalition of the Ozarks Letter ..... pages 16, 17

Letters from the Citizens

Art Hobson Letter ..... page 18
Annee Littell Letter ..... page 19
Mikel Lolley Letter ..... page 20

West Avenue Petition ..... pages 21 - 24

CONTEXT MAP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DAVIDSON ST
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DOUGLAS
LOUISE
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CALIFORNIA BLVD
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DUNCAN
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DELAWARE
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HILL
BUCHANAN
OZARK
WEST
ARTS CENTER
LOCUST
CHURCH
BLOCK
SPRING
MEADOW
CENTER
MOUNTAIN
ROCK
SCHOOL
SOUTH
YELL BLVD
ARCHIBALD
CONNER
COLLEGE
WASHINGTON
SUTTON
WALNUT
COUNTY AVE
MILL
WILLOW
WALLER RD
DOGWOOD DR
FOREST
MORELAND
BLAIR AVE
LYTTON
FAIRLANE
McCLINTON
WOOD
DRIVE
ELLA
15TH
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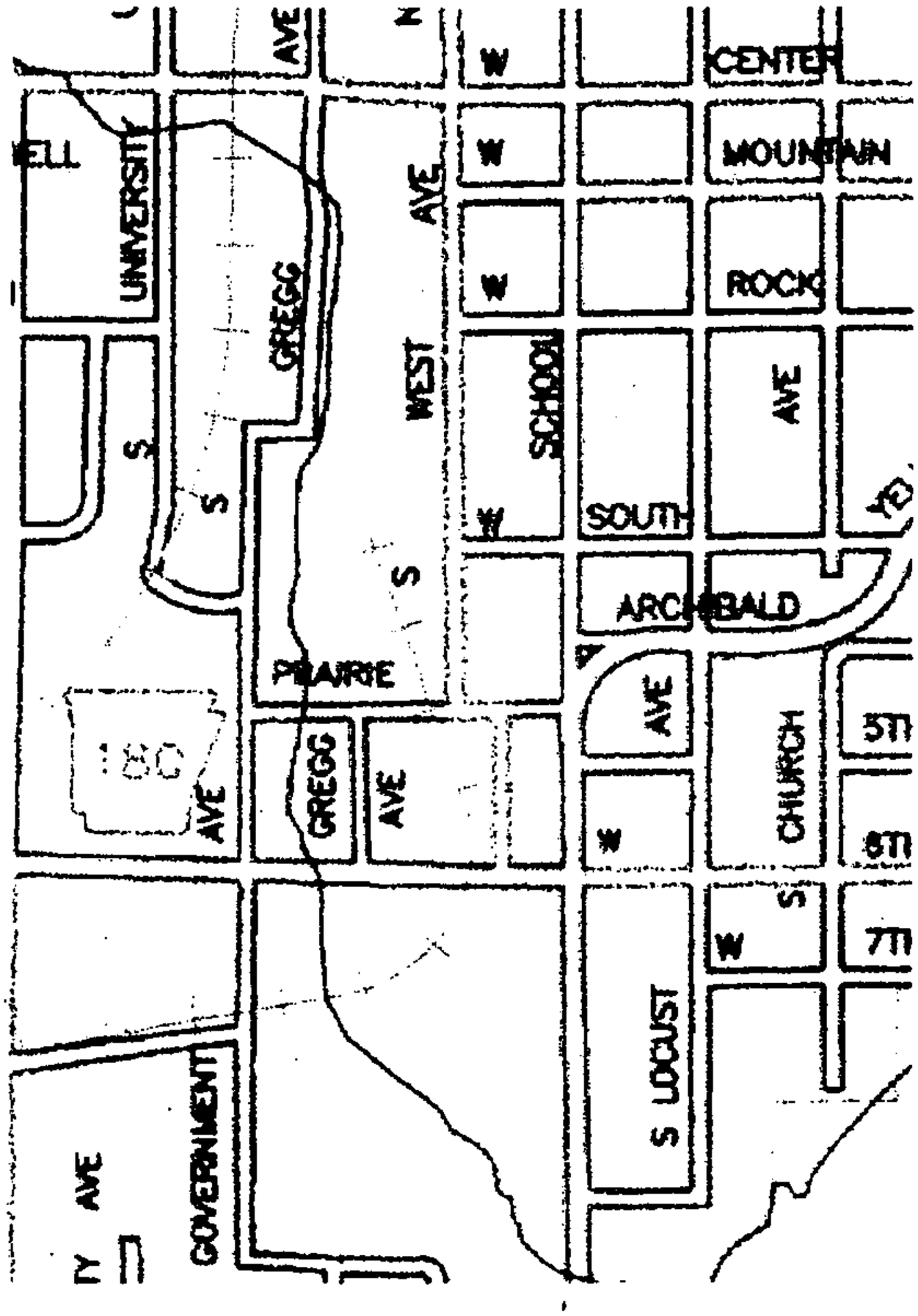
Branch
Walker
Park
Creek

EXISTING MASTER STREET PLAN



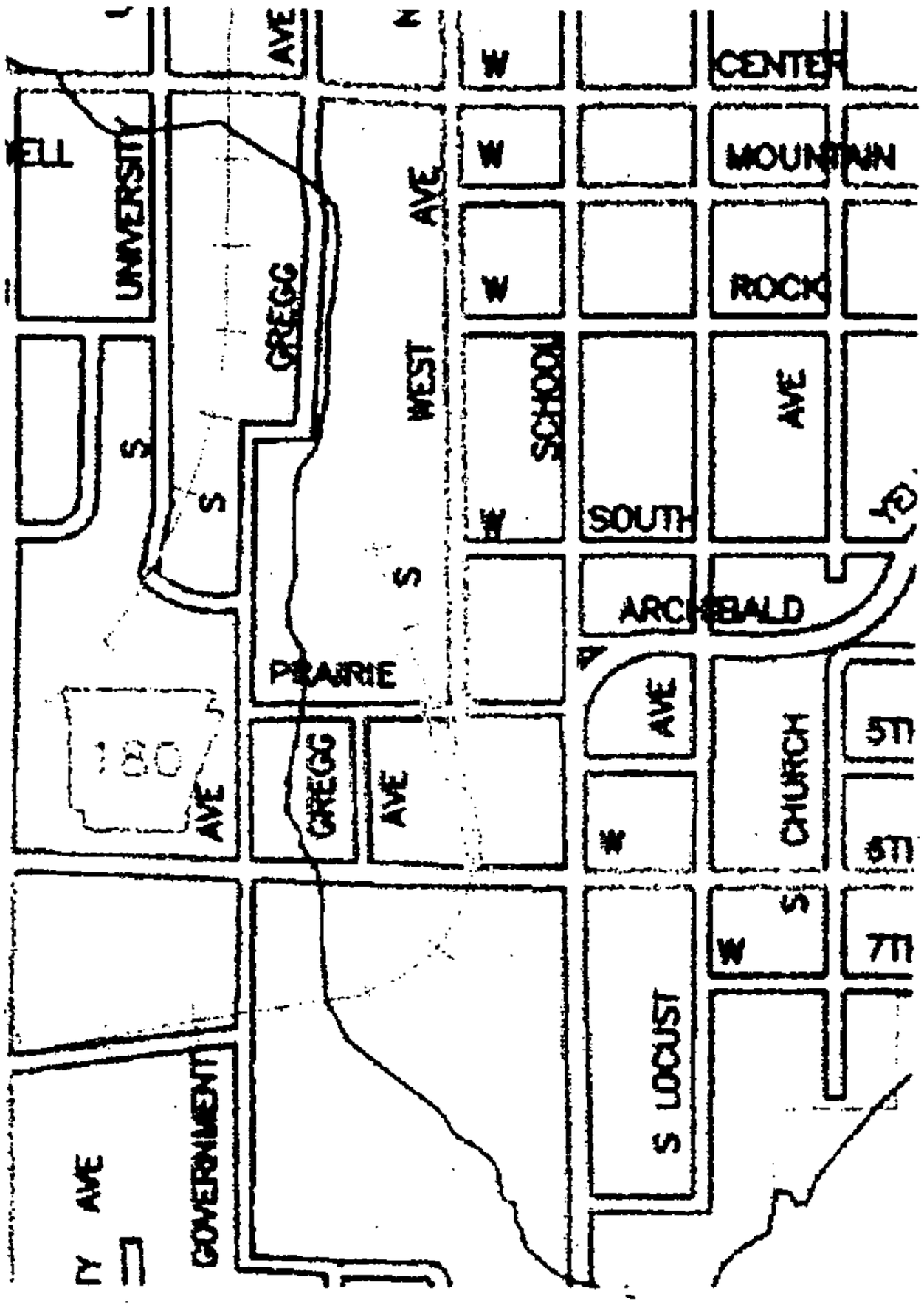
LEGEND:

COLLECTOR -- 70ft. R/W, 36 ft. PAVEMENT

MINOR ARTERIAL -- 90 ft. R/W, 52 ft. PAVEMENT

PRINCIPAL ARTERIAL -- 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

RAILROAD RIGHT-OF-WAY PLAN



LEGEND:

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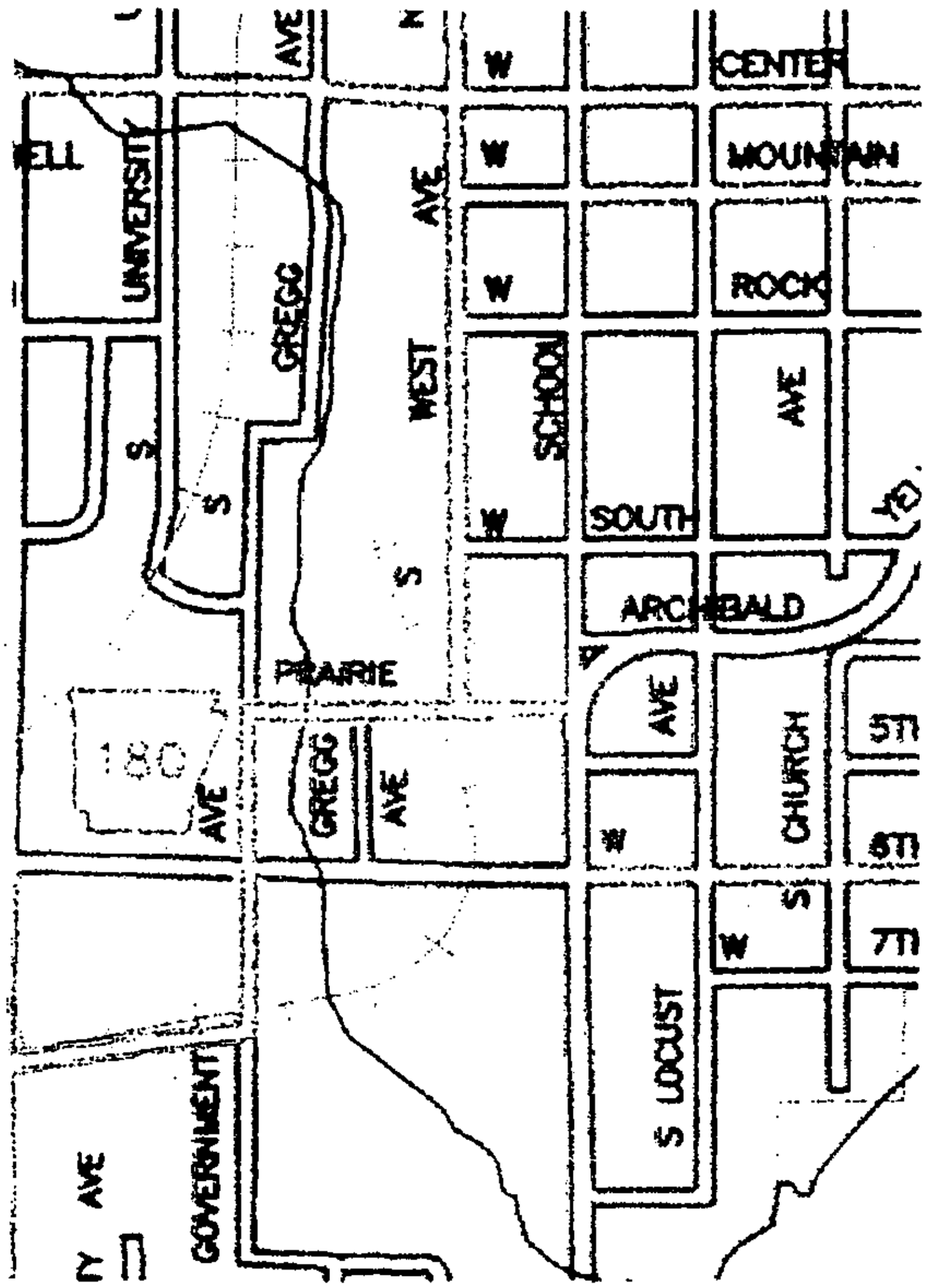
PRINCIPAL ARTERIAL -- 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

EAST / WEST OPTION



LEGEND:

COLLECTOR -- 70ft. R/W, 36 ft. PAVEMENT

MINOR ARTERIAL – 90 ft. R/W, 52 ft. PAVEMENT

PRINCIPAL ARTERIAL – 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

PETERS & ASSOCIATES
ENGINEERS, INCORPORATED

June 30, 2000

Ms. Laura Kelly
Robert Sharp Architects, Inc.
311 West Dickson Street
Suite 103
Fayetteville, AR 72701

Re: West Street Proposed Master Street Plan Changes

Dear Ms. Kelly:

As you requested I have reviewed the materials you provided relative to possible changes to the City of Fayetteville Master Street Plan (MSP). Your proposal to change the MSP to provide Prairie Street between School Street and Gregg Avenue and Gregg Avenue between Prairie Street and 6th Street (Highway 62) and then connecting south via Government Avenue has merit and is worthy of consideration by the City. That proposal offers connectivity between existing Principal Arterials along routes that are practical. The connection is not direct to 6th Street, but neither is the existing MSP alignment of West Street nor is the alternative of utilizing the railroad alignment.

Alternately, taking a broader view of the MSP in the area, I suggest the appropriateness of the City considering reclassifying School Street from Prairie Street north to Dickson Street from a Minor Arterial to a Collector, more in character with its actual function and the reality of limitations which exist along it (right-of-way constraints, closeness of existing structures, topographical considerations, sight distances, etc.). This street is unlikely to ever be reconstructed to 52 feet of pavement in 90 feet of right-of-way per the City's MSP standards. Along with this reclassification, I would suggest consideration be given by the City to simply removing West Street form the MSP from Mountain Street south. In the area south of Mountain Street, School Street, even if never improved, should be capable of serving the collector street function for that built-up area.

Please let me know if there are any question concerning these thoughts and opinions or if additional information is needed.

Sincerely,
PETERS & ASSOCIATES ENGINEERS, INC.

Ernest J. Peters, P.E.
President

PETERS & ASSOCIATES ENGINEERS, INC.

Peters & Associates Engineers, Incorporated is a small firm, uniquely qualified with extensive experience in a variety of engineering projects. The Firm offers several distinct characteristics:

Peters & Associates is an Arkansas Corporation with its office in Little Rock for fifteen years; a proven commitment to continue to provide professional engineering services to public and private sector clients.

Our small staff necessitates direct involvement of principals in all aspects of the work and provides direct communications and close coordination.

Peters & Associates is a recognized expert in the area of traffic engineering that has provided professional traffic engineering services for many private and public sector clients.

Peters & Associates Engineers, Inc. is a Corporation; an organization dedicated to the study and solution of traffic safety and engineering problems.

Considerable practical experience has been gained in many phases of transportation and civil engineering with a substantial amount of this experience being gained while employed by cities, counties and state agencies. This direct practical experience with governmental units, together with relevant professional consulting engineering experience, is judged to be invaluable in working both with public and private sector clients.

Experience gained as consulting engineers includes work with city, state, county, and the Federal government as well as select private sector clients.

Peters & Associates Engineers, Inc. feels that this varied experience record allows the Firm to bring special expertise and judgment to projects undertaken. Mr. Peters alone has twenty-two years of experience, seventeen of which has been in Arkansas.

Mr. Ernest J. Peters is a Registered Professional Engineer in Arkansas as well several other states, is the President of the Corporation and Principal Engineer for the Firm and is supported by other personnel for clerical, drafting and surveying as needed.

Mr. Gregory B. Simmons has over twenty-six years experience in traffic engineering. He has worked for state and local government agencies, as well as, consulting engineering firms.

Mr. Randy Tolbert brings strong computer and technical skills to the Firm and has both extensive training and experience in AutoCAD.

PARTIAL CLIENT LIST

- ✓ Arkansas State Highway and Transportation Department
- ✓ State of Arkansas Transportation Safety Agency
- ✓ University of Arkansas
- ✓ University of Arkansas Medical Sciences
- ✓ University of Central Arkansas
- ✓ University of Arkansas at Little Rock
- ✓ Little Rock Regional Airport
- ✓ City of Little Rock
- ✓ City of Fayetteville
- ✓ City of Fort Smith
- ✓ City of Hot Springs
- ✓ City of Jonesboro
- ✓ City of Springdale
- ✓ City of Bentonville
- ✓ City of El Dorado
- ✓ City of Texarkana
- ✓ City of Pine Bluff
- ✓ City of Searcy
- ✓ City of Conway
- ✓ City of Batesville
- ✓ City of Arkadelphia
- ✓ City of Hope
- ✓ City of Van Buren
- ✓ City of Camden
- ✓ City of Morrilton
- ✓ City of Benton
- ✓ City of Ada, Oklahoma
- ✓ Garland County
- ✓ Independence County
- ✓ Washington County
- ✓ Benton County
- ✓ Manatee County, Florida
- ✓ Systematics, Incorporated
- ✓ First Real Estate Development Corp.
- ✓ Melvin Simon & Associates
- ✓ Hering-Marathon Group
- ✓ United Artists Real Estate Group
- ✓ Deltic Farm & Timber
- ✓ Dillards Department Stores
- ✓ Wal-Mart Stores
- ✓ Charter Medical Corporation
- ✓ Baptist Medical System
- ✓ Hospital Corporation of America
- ✓ Lykes Health Systems, Inc.
- ✓ Humana Hospital Corporation
- ✓ Lifemark Corporation
- ✓ Tampa General Hospital
- ✓ Lakeland Regional Medical Center
- ✓ Askew Enterprises
- ✓ Walker Real Estate
- ✓ Rector-Phillips-Morse

- ✓ Flake & Company
- ✓ Barnes, Quinn, Flake & Anderson
- ✓ Allright Parking, Inc.
- ✓ Vratsinas Construction Company
- ✓ American Stores Properties, Inc.
- ✓ McClellan Development
- ✓ Trellis Square Shopping Center
- ✓ Regas Restaurants
- ✓ Lakeside School District
- ✓ Springdale School District
- ✓ McMehee School District
- ✓ Austin Development Corporation
- ✓ Metrocentre Improvement District
- ✓ Walnut Valley Home Owners Association
- ✓ Parish of St. Theresa
- ✓ Garver & Garver Engineers, Inc.
- ✓ Hoffman-Prieur & Associates
- ✓ McClelland Consulting Engineers, Inc.
- ✓ Mickle-Wagner & Associates
- ✓ Summerlin Associates
- ✓ Architecture +
- ✓ Kober/Belluschi Associates
- ✓ CEI Engineering Associates, Inc.
- ✓ Engineering Consultants, Inc.
- ✓ Blass Firm
- ✓ Brown & Dedman, Inc.
- ✓ Castin Massie & McGetrick
- ✓ Robert J. Richardson, Engineers, Inc.
- ✓ Sasaki Associates, Inc.
- ✓ Gorove/Slade & Associates
- ✓ Research & Planning Consultants, Inc.
- ✓ Hilburn, Calhoon, Harper, et, al.
- ✓ The McMath Law Firm
- ✓ Mastriana & Christiansen
- ✓ Rose Law Firm
- ✓ King & Spaulding
- ✓ Warner & Smith
- ✓ Bramhall, Duncan & Ohm, P.A.
- ✓ Gilker & Jones
- ✓ Roscopf & Higgins, P.A.
- ✓ Wiggins Christian & Garner
- ✓ Aurell Radey Hinkle & Thomas
- ✓ Area Marketing/Research Associates
- ✓ Opinion Research-KDB Associates, Inc.
- ✓ Fagin Advisory Services, Inc.
- ✓ Fendley Development Company
- ✓ Schickel Development Company
- ✓ U.S. Army Corps of Engineers

Downtown • Dickson Enhancement Project, Inc.

July 6, 2000

Tim Conklin, Director
Planning Department
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Member of the Planning Commission
The City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Dear Tim and Commissioners:

I am writing in support of the redevelopment of the old Campbell Soup Feed Mill and the Mill District's proposed amendment to the master Street Plan.

Redevelopment of this property will support the efforts of the Downtown/Dickson Enhancement Project to create a vibrant and vital downtown community. Mixed use projects such as the Mill District will bring businesses, offices and residents into this area which lies between the DDEP target area and the South Fayetteville Development District. This project could be a powerful catalyst and set the standard for future economic development enhancing the efforts of these two projects on the south side of Fayetteville and could significantly impact adjoining property values. We urge the Planning Commission to concur.

Additionally, after reviewing the alternate route proposed along Prairie to Government for the extension of West Street, we concur with the developer that this is a viable alternative that alleviates the close proximity to the intersection of School and 6th Street of the collector street currently shown on the master street plan.

Moving the collector street would be a way for the City of Fayetteville to send a strong vote of confidence to both encourage quality development, encourage mixed use development and bring life to the south side of Fayetteville.

I appreciate your consideration of this issue.

Sincerely,

Jim Foster,
President

P.O. Box 3573, Fayetteville, AR 72702-3573 100 W. Center Suite 301 Fayetteville, AR 72701 • 501-571-3337

rsity of Arkansas
...nunity Design Center

104 North East Avenue, Suite 1
Fayetteville, AR 72701-6038

Tel 501-575-5772
Fax 501-575-7045
Em uacdc@cavern.uark.edu

UACDC

July 3, 2000

Planning Commission
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Commissioners:

Throughout the fall of 1999, the students and faculty of the University of Arkansas Community Design Center studied the assets and needs of south Fayetteville. Among their main recommendations to local residents were four directly relating to the Mill District proposal that you are now considering:

- South Fayetteville needs to seek private investment to improve opportunities for residents.

- The area needs neighborhood commercial centers to function as social gathering places and to serve the needs of residents close to where they live.

- More residences are needed in the area, especially those in close proximity to public transportation and to the downtown square.

- Mixed-use development will help to meet all of these needs.

The Mill District project is exactly the sort of mixed-use development that our students and faculty recommended. This level of architectural development will guard the public interest, allowing the prominent corner location to graciously serve the City rather than to extend the eyesore and waste space already prevalent in the area. In addition, the developers propose to create and expand a downtown pedestrian and bicycle path where it can readily serve residents for

more–

Steven L. Anderson Chair in Architecture and Urban Studies

both transportation and recreation. In our view, this is a logical use of the old railroad right-of-way, as is the concentration of parking on the western edge of the property away from South School.

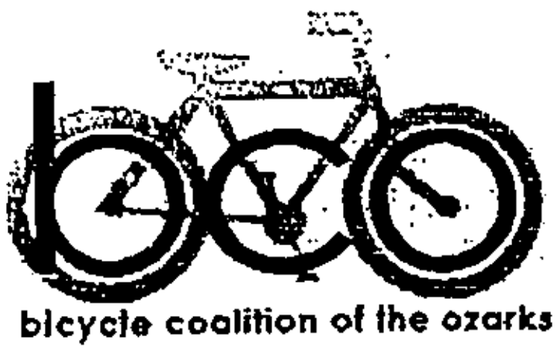
The UACDC study also spoke to the need to maintain the neighborhood grid in south Fayetteville. However, a road only one-block long in the Mill District, not aligned with any existing or proposed street, would not make any logical connection to the city grid. It is our opinion that such a road could create confusion and danger due to its close proximity to the Sixth Street / School Street intersection and in its misalignment with West Avenue. In fact, we recently assisted the University Police Department with a crosswalk safety study and found that intersections too close together, coupled with unaligned streets and crosswalk locations, can be quite hazardous to pedestrians.

Representing the UA Community Design Center during the absence of its Director, David Glasser, we therefore urge you to permit the Mill District development to proceed without a new street on its western edge. By choosing to build using existing structures and to save the very valuable trees of the Mill property, the developers are enabling the City to easily approve what we believe will be a great asset to Fayetteville.

Sincerely yours,

Harriet H. Jansma
Assistant to the Director

Jill Anthes
Project Designer



Rex Dufour
Executive Director
Bicycle Coalition of the Ozarks
P.O. Box 4173
Fayetteville, AR 72702-4173

June 29, 2000

Tim Conklin, Director Planning Department
& Members of the Planning Commission
The City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mr. Conklin & Members of the Planning Commission,

I am writing in support of the Mill District development and the Mill District L.L.C.'s proposed amendment to the Master Street Plan.

The Mill District represents exactly the type of dense, in-fill development that any city needs in order to support alternative forms of transportation. Excessive pavement only harms the potential land value of a city's core (not to mention creating runoff and floodwater problems). One solution is to encourage dense enough development to support mass transit as well as allowing area citizens access to most goods and services within walking or cycling distance. Sprawl, the alternative to in-fill development, destroys a city's core, encourages automobile dependence, and hurts low-income citizens unable to afford the expense of car purchase, maintenance and insurance.

The Bicycle Coalition of the Ozarks (BCO), a local non-profit organization, has been working with the City of Fayetteville to produce a Master Trails Plan to encourage safe transportation alternatives to the automobile. Now I understand that the City of Fayetteville wishes to add a Collector street in the exact location of an important block-long extension of a potential bicycle trail currently known as the Center/Prairie Trail. This trail is slated to follow the abandoned railway corridor from the Walton Arts Center Parking lot to Prairie Street. The Mill District would like to donate the required land to continue this same trail through to Highway 62. The Bicycle Coalition of the Ozarks strongly encourages the City of Fayetteville to do all it can to facilitate this bicycle trail, including dropping the plan to build a collector street along this same section of railway corridor. The road and the trail cannot co-exist in the same right-of-way without destroying the feasibility of the Mill District.

A weakness of the present planning process in Fayetteville is that when considering traffic volumes and street design, absolutely no consideration is given to *alternatives to the car*! In such a context, we are forcing citizens to depend on a form a transport that

pollutes, is costly to use and maintain, requires vast public and private expenditures on environmentally-unfriendly infrastructure that allows no opportunity for exercise or appreciation of our beautiful town.

The residents of the south side could benefit far more from access to a multi-use trail (that will pass within a few blocks of the new library) than from yet another Collector Street. The potential residents of this development could enjoy a quiet, safe walk or ride to town rather than the noise of more traffic to their west.

In the short term, I strongly encourage you to consider exempting this development from the Collector Street requirement, allowing the multi-use trail to be considered as "taking" a portion of the traffic volume that would have *been induced* by the presence of a Collector Street. Vote for vital urban fabric, an opportunity for alternative transport, and the health and vigor of this depressed side of town. The opportunity for a bicycle trail all the way to Highway 62 (6th Street) should not be missed. The removal of the Collector street could be the key to its success.

In the long term, I would urge the Planning Department and Planning Commission to consider providing developers with options that would allow for creative alternatives to "auto-only" street standards, including the possibility of assigning a certain portion of predicted (and induced) traffic volume to multi-use trails at the same time as allowing narrower traffic lanes.

I appreciate your consideration of this issue.

Respectfully,

Rex Dufour

Executive Director
Bicycle Coalition of the Ozarks

29 June 2000

TO: Tim Conklin, Deirector, Planning Dept, City of Fayetteville
Members of Planning Commission, City of Fayetteville
FROM: Art Hobson, Professor Emeritus of Physics, UA, phone 575-5918, fax 575-4580, email ahobson@comp.uark.edu
SUBJECT: Redevelopment of the Campbell Soup Feed Mill

I have learned a little about the project to redevelop the old Campbell Soup Feed Mill at 6th & School. It sounds like just the kind of urban project this town needs. It reminds me a little of the excellent development that Greg House and others are involved in around Dickson Street.

Fayetteville needs to focus on infill, midtown homes and apartments, clustering, mixed use, walking communities, affordable midtown housing, sidewalks, bike trails, and mass transit. Especially in midtown (including 6th & School), the city needs to get away from automobile-centered highway strip development with unsightly sprawling parking, and move toward pedestrian-centered mixed use development with lots of sidewalks and bike paths. The Mill District project appears to support many of these objectives.

I have heard that the city's Master Street Plan calls for turning West Avenue into a "collector street," i.e. widening the street to make way for even more cars. I understand that a new extension of this route would then cut right through the planned development. This is a terrible idea. Many studies (e.g. "Generated Traffic: implications for transport planning" by the Victoria Transport Policy Institute, www.islandnet.com/~litman) show that if you build more roads, you will get more traffic and more congestion. The answer to congestion, especially in downtown and midtown areas where space is precious, is alternative transportation: arrange things so that people are encouraged to walk, bicycle, and bus, and so that driving is discouraged.

In addition to generating traffic, midtown road-widening and road-building spreads out the business/residential area, making it both more difficult (because of all the roads and cars) and farther for people to walk to get anywhere. Midtown parking lots also have this effect, so I hope that parking at the redevelopment will be minimal, hidden, and not spread out horizontally on the land surface.

I understand that the Mill District project will assist in the purchase of additional land to make the Prairie Street bike path a reality. Such bike paths are exactly what Fayetteville needs. They reduce traffic (each bike means one less car) and they improve Fayetteville's quality of life. But a new collector street on the the Mill District property will apparently make the inclusion of a bike path on Mill District property impossible. This argues, once more, against the new collector street.

I hope that the city will work sympathetically with the developers of this excellent project. It's the kind of development that our town needs.

– Art Hobson

I have resided at the corner of + South Sts. for over 20 years. There is a "blind" hill right where I live + I have seen several accidents there. Faster traffic + more traffic would not create a safe situation in this terrain. School St. (1 block to the East) is already a collector street. I believe West St. traffic should be directed to School St. at Center or Mountain to connect with Hwy. 62.

Please take West St. South of Mountain off of collector status on our 2020 Plan.

Thanks.

Annee Littell

Mikel Lolley
706 Treadwell #1
Fayetteville, AR 72701
(501) 957-1400 Home
(501) 271-4100 Office
(501) 271-4102 Fax
mlkel@harrisonfrench.com

July 6, 2000

Dear Planning Commissioners,

As a resident / home owner of downtown Fayetteville who has made considerable investment in their immediate neighborhood, it gives me pause for concern when I read in the paper and watch on government access television as our planning commission appears to be so out of step with the needs and desires of the residents who have made this investment to live close to the downtown area. These residents have made a deliberate and conscious decision to LIVE in downtown, and we need the security that this investment has not been in vain. We need to know that cut-through automobiles are not a force more powerful than the residents who live downtown. Case in point. As a resident, I do not wish to see our planning commission cave in to the dominance of the automobile on every issue. I do not wish to see people who merely want to cut-through the downtown area given preference to the people who live there. Your plans to widen West Street and extend it through to 6th Street are sending this resident all of the wrong signals. This plan invalidates the residents on West Street who have made a considerable investment to renovate quite a few of the homes on that street. It invalidates the residents on nearby streets such as Hill Avenue and Duncan, since it says to us that the cities commitment to us is merely as a cut-through to other parts of town. This resident wants to see cut-through traffic discouraged from cutting through the center of town, and encouraged to use 71 Business, which is only 300 feet from your proposed extension. This resident wants to see cut-through traffic encouraged to use the existing by-pass and the proposed by-pass on the east side of town. This resident wants to see speed ramps, and more stop signs on streets such as West, Hill and Duncan to curb excessive speed in our neighborhoods that threaten our children and our pets. Many cities on the east coast and many European cities have elected to not cave into the pressures of this type of traffic, and those cities have elected to prize their History, the Pedestrian, and the investments of the Residents that have chosen to live in the central hearts of those cities. Please send this resident all of the right messages, that their investment is not in vain, that their city planners respect, understand, and value their commitment to live downtown, and that the city planners will go on to make decisions that will offer the security that other future residents will need before they make the same decision to invest in their downtown as a quality place to live.

Respectfully submitted,

Mikel Lolley

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

We the property owners along West Avenue believe that this road is unsuitable for increased traffic flow generated by widening the road or continuing West Avenue south to connect with Highway 62. We call for the City of Fayetteville to remove the 70'-0" right-of-way Collector Street designation from all of West Avenue that lies south of Mountain Street.

Sylvia McClelland — Name (Printed)
Sylvia McClelland — Signature

127 So West ave — Address

Anita Bechaud — Name (Printed)
Anita Bechaud — Signature

119 S. West — Address

Michael Thurmond — Name (Printed)
Michael Thurmond — Signature

203 S. West, City — Address

_____ — Name (Printed)
_____ — Signature

_____ — Address

_____ — Name (Printed)
_____ — Signature

_____ — Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

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Annee Littell — Name (Printed)

Annee Littell — Signature

411 W. South, Fayetteville, AR 72701 — Address (corner of West + South)

CHARLES R. BELT — Name (Printed)

Charles R Belt — Signature

207 S. WEST, FAYETTEVILLE, AR 72701 — Address

David Druding — Name (Printed)

David Druding — Signature

David Druding, 107 S. West, Fay, 72701 — Address

_____ — Name (Printed)

_____ — Signature

_____ — Address

_____ — Name (Printed)

_____ — Signature

_____ — Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

We the property owners along West Avenue believe that this road is unsuitable for increased traffic flow generated by widening the road or continuing West Avenue south to connect with Highway 62. We call for the City of Fayetteville to remove the 70'-0" right-of-way Collector Street designation from all of West Avenue that lies south of Mountain Street.

Paul Imrie — Name (Printed)

Paul Imrie — Signature

105 S. West, Fayetteville, Ar. 72701 — Address

Alan Ostner — Name (Printed)

Alan Ostner — Signature

111 S. West Ave., Fayetteville, AR 72701 — Address

Name (Printed)

Signature

Address

Name (Printed)

Signature

Address

Name (Printed)

Signature

Address

Name (Printed)

Signature

Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

We the ~~property owners along West Avenue~~ citizens of Fayetteville West Ave. believe that ~~this road~~ is unsuitable for increased traffic flow generated by widening the road or continuing West Avenue south to connect with Highway 62. We call for the City of Fayetteville to remove the 70'-0" right-of-way Collector Street designation from all of West Avenue that lies south of Mountain Street.

Tiesha Jacky
Name (Printed)

Tiesha D Jacky
Signature

1050 Applebury Dr., Fayetteville AR 72701
Address

Allen Seay
Name (Printed)

Signature

1070 Applebury Dr. Fayetteville AR 72701
Address

Vanessa J. Hunter
Name (Printed)

Signature

706 TREADWELL #3 Fayetteville 72701
Address

Mike Lolley
Name (Printed)

Signature

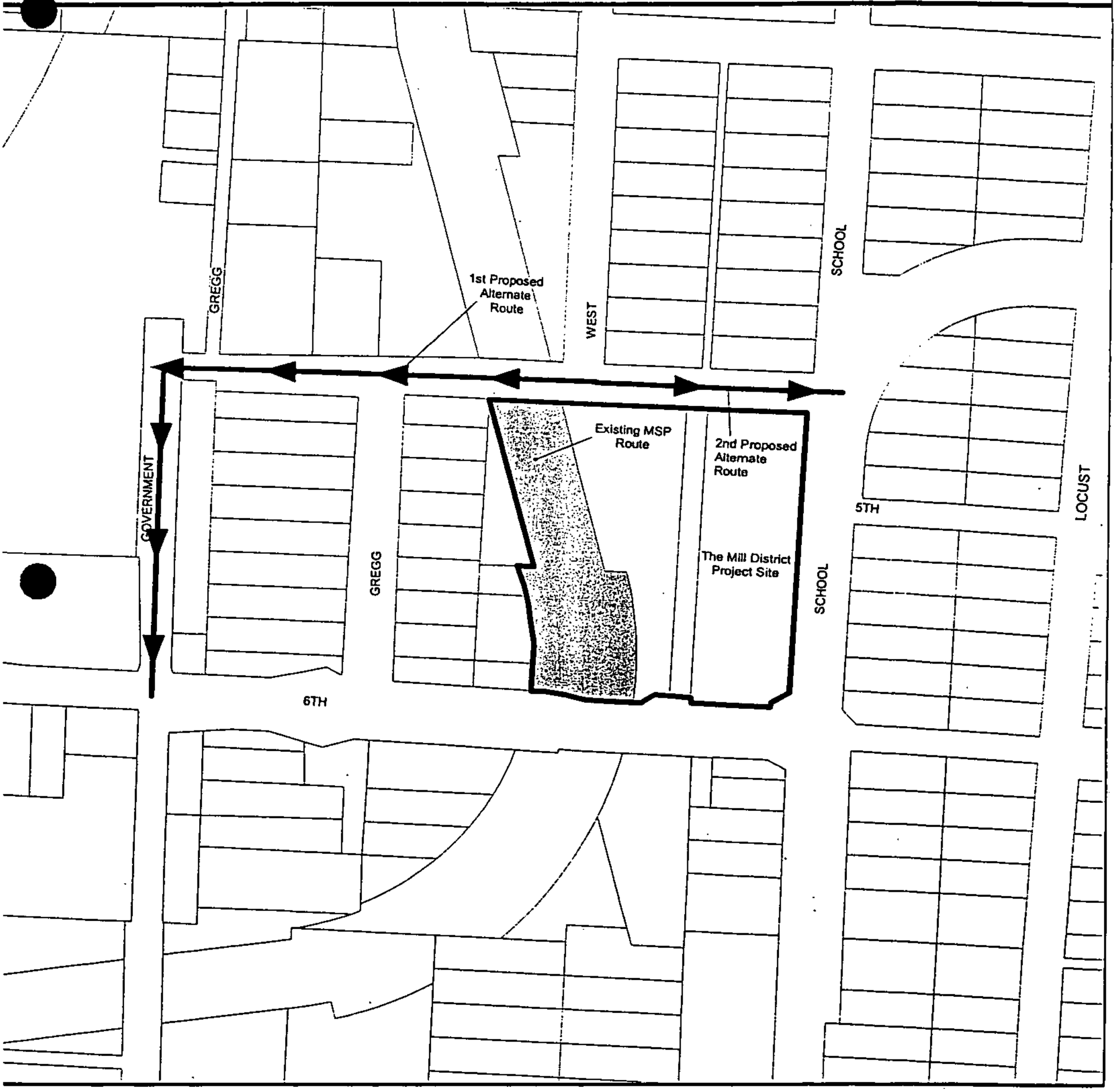
706 TREADWELL #1 FAYETTEVILLE, AR 72701
Address

CHARLES J. HENRY IV
Name (Printed)

Signature

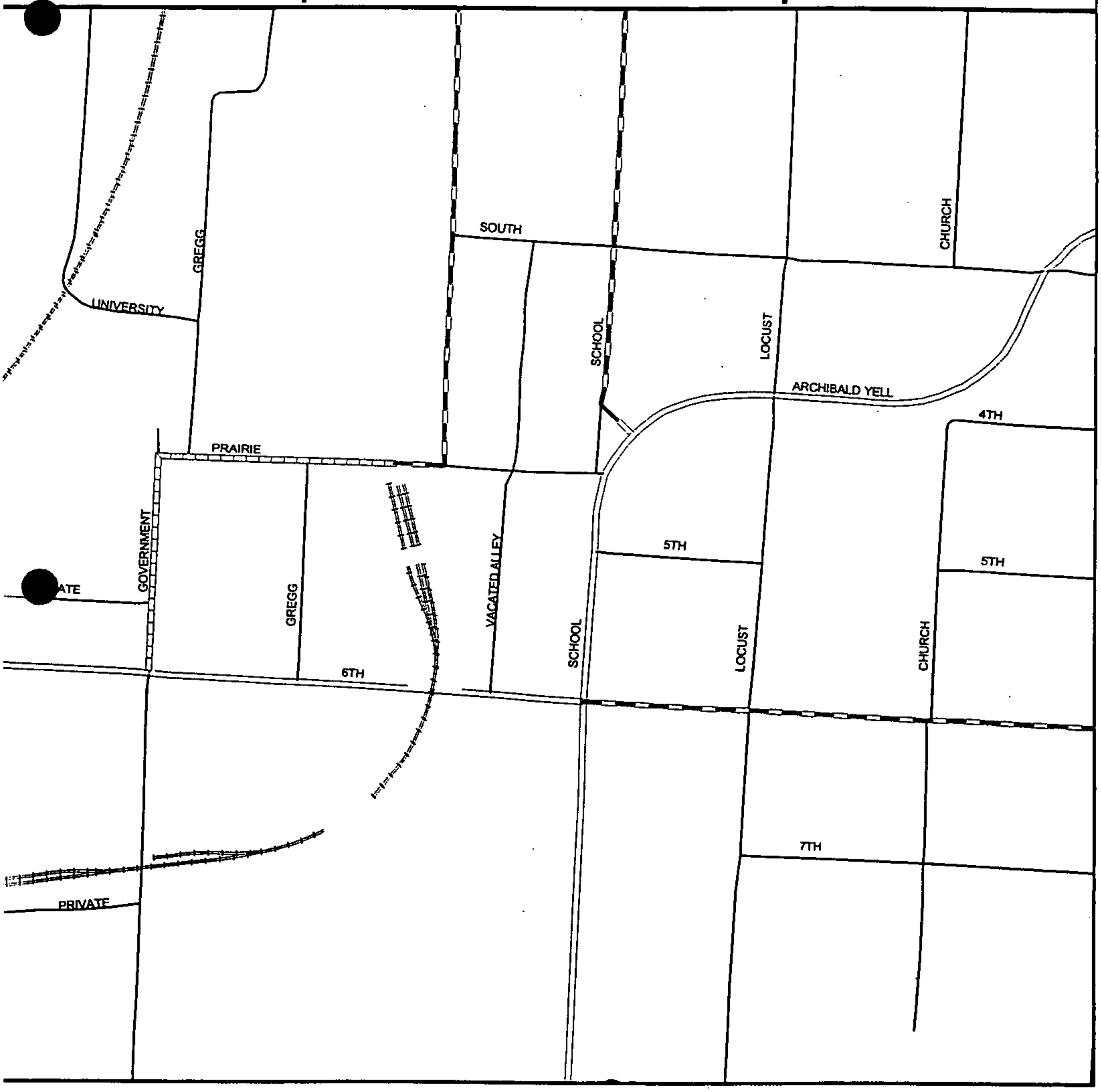
2317 W. HAVEN CT FAYETTEVILLE AR 72703

AD00-22.00 - Town Creek Builders - Closeup



Existing Master Street Plan

Proposed East / West Option



STAFF REVIEW FORM

X **AGENDA REQUEST**
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: An ordinance for (AD 00-23) amending the City's Master Street Plan by accepting a lesser dedication of right-of-way along W. Sixth Street just west of S. School Ave. only where the footprint of an exist structure encroaches into the required Master Street Plan right-of-way.

COST TO CITY:

$

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	7-14-00 Date		

STAFF RECOMMENDATION: Staff recommends approval of this request. Planning Commission voted 7-0-0 on June 26, 2000 to recommend approval and to forward the request to the City Council for final consideration.

Division Head	7-14-00 Date
Department Director	7-17-00 Date
Administrative Services Director	7-17-00 Date
Mayor	7/18/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

Planning Commission Minutes
June 26, 2000
Page 26

AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of West 6th Street and South School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of West 6th Street than is required by the Master Street Plan due to an existing structure.

Odom: The next item that we have on tonight's agenda is item 8, AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of West 6th Street and South School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of west 6th Street than is required by the Master Street Plan due to an existing structure. Staff's recommendation is approval of the administrative request subject to the following conditions. First, only the right-of-way which would otherwise encroach the existing structure shall be subject to the lesser dedication. Item 2, the building in question will remain and be incorporated into the proposed design theme for the Mill District project on this site. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval.

Odom: Do we have a signed conditions of approval?

Conklin: No.

Odom: I'd ask the applicant to please come forward at this time.

Sharp: My name is Robert Sharp. I'm the architect for the Mill District LLC. Tim asked us to get this item taken care of before we went through large scale development because it does effect our plan fairly substantially. There is an approximately 2000 square foot brick commercial building that is currently not in the street right-of-way but if a dedication is made it would be in the street right-of-way. We would like to keep this building and integrate it into the project and so we are asking that the right-of-way along 6th Street between the utility easement and School Avenue remain as it is. We would like a little space around the building so we can add aesthetic features to bring it into the rest of the project. So, we are asking not just for the building footprint but for the area to each side of it. We are in the process of taking this through the Board of Adjustment and at that point we will have drawings and elevations and they can approve the design at that point.

Odom: So, Robert, what you are telling me is that you are not in agreement with condition of approval 1 which is to only take the right-of-way which is being encroached by the building?

Sharp: Right. We would like to get about 15 feet to the east and west of that building if possible. That's the area we plan, right now it doesn't have ADA bathrooms. We are going to use that area to modernize the building.

PUBLIC COMMENT:

Odom: Let me do this. Is there any member of the audience that would like to address us on this issue?

Public: I'm sorry, I came in late, what's the issue?

Odom: We are on the last item for our agenda tonight which is AD 00-23 which is the Mill District Project. Would you like to address us on that issue?

Public: No, I was here for the rezoning on Deane Solomon Road. I thought the meeting was at 5:30.

Odom: Yes, the meeting started at 5:30 and we are now at the last item on our agenda. Anybody else like to talk on this item before us?

COMMISSION DISCUSSION:

Odom: Seeing none I'll close the floor to public comment and bring it back to the applicant. Staff do you want to comment on the additional 15 feet that they are wanting?

Conklin: Typically we try to get the right-of-way that's required on the Master Street Plan. This allows us to put our sidewalk back, allows green space between the curb and sidewalk. Staff is only recommending that the right-of-way not be dedicated where the existing footprint is located. I have not heard anything tonight that would change my recommendation with regard to just giving up the right-of-way where the building is located.

Hoffman: Mr. Chair.

Odom: Commissioner Hoffman.

Hoffman: I would be concerned about not dedicating right-of-way to the east because that is a very busy intersection and I'm sure the turn lanes and other traffic islands and features will at some point be installed. So, I would not be in favor of decreasing the amount of right-of-way towards the intersection. I think I would just have to go with the staff recommendation, really, on the whole thing because this is such a heavily traveled site I don't think it could support an additional 15 feet on either side just because that road is so crowded now.

Odom: Anybody else?

Bunch: Question for the applicant.

Odom: Mr. Bunch.

Bunch: Maybe I was not listening closely enough, the reason you stated for the additional 15 feet of right-of-way on the east and on the west was for aesthetic purposes but then you started talking about bathrooms?

Sharp: We are trying to integrate into the rest of the project. The other buildings on the site are much bigger than this and one of the things we are trying to do is make the building a little bit, give it a little more of a presence by extending it to the east and to the west. Also, that area is where we are going to put in new services like handicapped accessible bathrooms and things like that.

Bunch: That could not be accomplished by extending to the north?

Sharp: We could, yes.

Bunch: Where you already own the property?

Sharp: Right. It just artistically worked out better but it's not a huge thing.

MOTION:

Hoffman: Mr. Chair?

Odom: Yes Commissioner Hoffman.

Hoffman: I do want to encourage this development. I think it's going to be an important development for the south side of town and I think it has the look that is so important in filling our existing commercial areas in a mixed use development.

I'm very much in favor of that, however, the fact that the intersection is so busy I'm just unwilling, if you do have the option of building to the north, I understand that the bathrooms are probably on the south side. Be that as it may, I can move approval of this subject to staff comments. I'm sorry, I'm confused as to the number. Can somebody help me out with this? It's AD 00-23. So with that I make the motion subject to all staff comments.

Allen: Second.

Odom: We have a motion by Commissioner Hoffman and a second by Commissioner Allen to approve AD 00-23 subject to staff comments. Any further comments? Call the roll.

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

Odom: Staff do we have any further items on our agenda for tonight?

Conklin: There are no additional items.

Odom: Commissioners do you have anything? We are adjourned at 6:35 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: June 26, 2000

AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of west 6th Street and south School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of west 6th Street than is required by the Master Street Plan due to an existing structure.

RECOMMENDED MOTION:

Staff recommends approval of the administrative request subject to the following conditions:

1. **Only the right-of-way which would otherwise encroach the existing structure shall be subject to a lesser dedication.**

2. **The building in question (the Nugget building) will remain and be incorporated into the proposed design theme for the Mill District project on this site.**

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **June 26, 2000**

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\6-26-00\towncrk_ded.wpd

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this conditional use.

Name: _____ **Date:** _____

BACKGROUND:

The Master Street Plan requirement is the dedication of 55' of right-of-way from centerline on 6th Street in front of the proposed Mill District project. The applicant is requesting at this time that this requirement be reduced for an area along 6th Street from the intersection with S. School Ave. east to an existing utility easement (formerly an alley). The reason stated for this request is an existing two story building that they wish to include as a part of the overall development of the site. In the area requested for a lesser dedication, the right-of-way from centerline measures 40'.

Sixth Street in this location is currently a 5-lane street which carries a large volume of traffic. There are no immediate plans on either AHTD or City CIP project lists to improve this portion of 6th Street.

AD 00-23.00
C. 2. Page 8

City of Fayetteville
Planning Office
VIA FACSIMILE

June 7, 2000

Dear Tim,

Two items have come up in regard to our proposed development on the corner of 6th St and School Ave. in Fayetteville. We wish to request an amendment to the Master St. Plan and a lesser dedication of Right of Way along the southern façade of a two-story building located on the corner of 6th and School.

Master St. Plan Amendment AD 00-22

The amendment to the Master St. Plan we are requesting would entail the removal of the continuation of the West St. ROW, which now is located on the west portion of our property. We are requesting either the removal or relocation of this ROW to Prairie and thence east to school, or to Prairie and thence west to Government and then to 6th ST.

The reasons we are requesting this amendment are several.

-The proposed intersection of West and 6th would be less than 300 feet from the existing intersection of two primary arterials (6th and School). This separation between the lighted intersection of two primary arterials, and a potentially lighted intersection of a collector ST. and an arterial, may not be far enough to satisfy State traffic standards. We are presently researching this issue. In any case it may not be enough to satisfy sound traffic planning.

-Traffic along West Ave. does not warrant the existence of Collector St. status. Improvement of West is not currently on the city's Capital Improvement Plan and would in all likelihood meet staunch opposition from the residents along West.

-The cost of installing the new collector street would be prohibitive in terms of both dollars and land lost, and would probably render the project impossible to complete profitably.

Request for a Lesser ROW Dedication AD 00-23

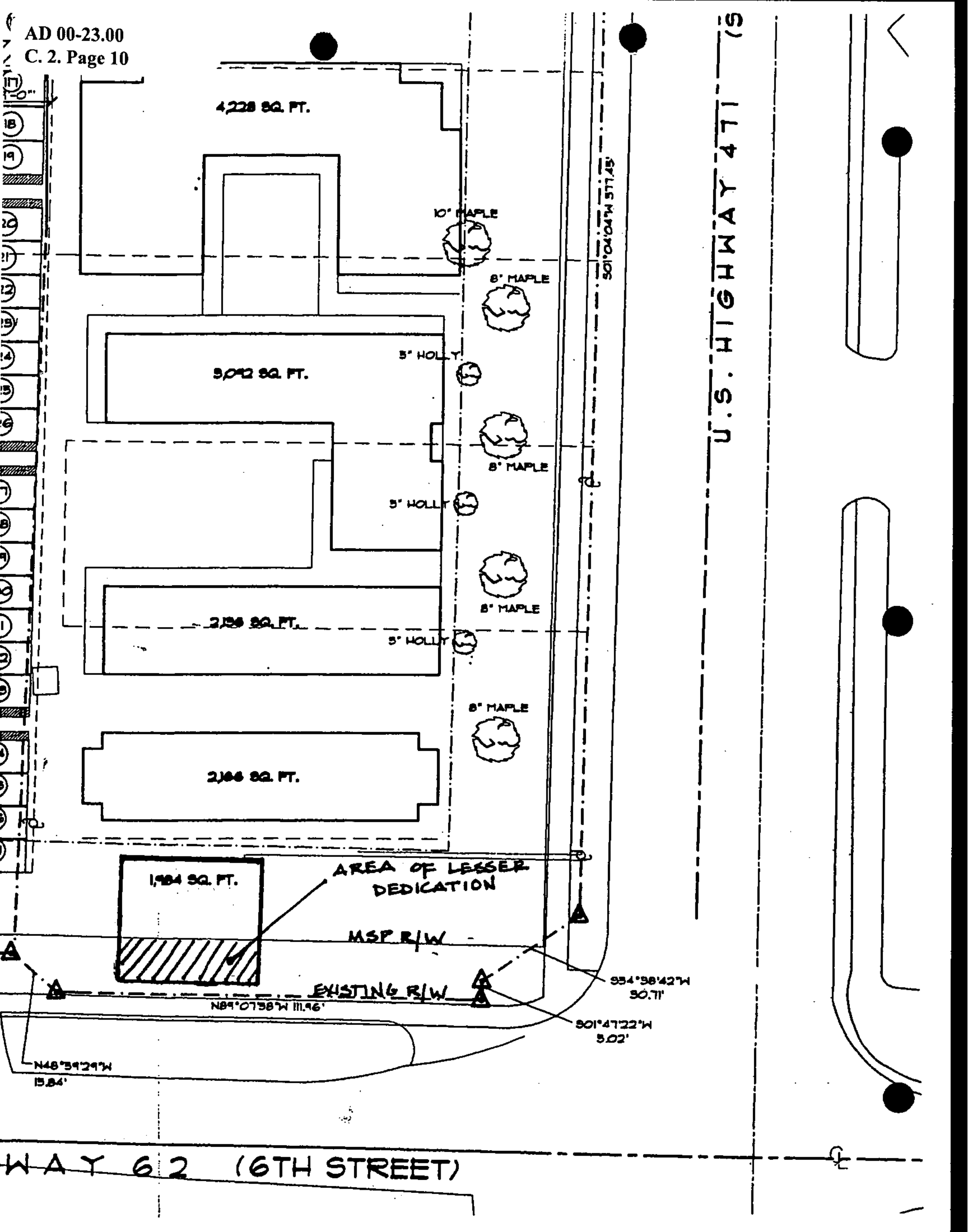
We are also requesting a lesser dedication of Right of Way along 6th St. This lesser dedication would only apply to the area adjacent to an existing two story building near the corner of 6th and School. Current ROW along this section in front of this building is now 40 feet from the centerline. We are requesting that the existing right of way remain as is from the corner of 6th and School Avenue to the existing 27' utility easement (the former alley). This building is in good shape and is an important component of our development for this block. The 55' ROW

opment of our development for this block. The 55' ROW rule from centerline on principal arterials was instituted so that a landscaped median might ultimately be placed down the length of 6th St. It is our understanding that the installation of this median is not likely to ever occur.

Please post these requests for public notice as soon as possible so that we might resolve these issues and get our project started.

Sincerely,
~~Mill District LLC~~ TOWN CREEK BUILDERS

Thomas Bourdeaux,
Manager


4,228 SQ. FT.
10" MAPLE
8" MAPLE
5" HOLLY
3,092 SQ. FT.
8" MAPLE
5" HOLLY
8" MAPLE
5" HOLLY
2,156 SQ. FT.
2,166 SQ. FT.
1,984 SQ. FT.
AREA OF LESSER DEDICATION
MSP R/W
EXISTING R/W
N89°07'58"W 111.96'
S34°38'42"W 30.71'
S01°47'22"W 5.02'
N48°39'29"W 15.84'
S01°04'04"W 577.45'
U.S. HIGHWAY 471 (S
WAY 62 (6TH STREET)

U.S. HIGHWAY 471 (SOUTH SCHOOL)

24'-0" UTILITY EASEMENT

4,900 SQ. FT.

4,228 SQ. FT.

3,093 SQ. FT.

2,139 SQ. FT.

2,166 SQ. FT.

4,941 SQ. FT.

1,984 SQ. FT.

AREA OF LESSER DEDICATION

M&P R/W

EXISTING R/W

EXISTING S/W HWY 62

N86°53'45"W 44.48'

N85°59'20"W 74.75'

S46°13'34"W 18.39'

N48°54'24"W 5.84'

N84°07'58"W 111.46'

S54°38'42"W 80.11'

S01°41'22"W 5.02'

5" HOLLY

5" MAPLE

10" MAPLE

8" MAPLE

STATE HIGHWAY 62 (6TH STREET)

R/W

STAFF REVIEW FORM

AD 00-26.00
C. 3. Page 1

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUIRED: (AD 00-26) Approval of an ordinance adopting the Flood Hazard Study, Phase II, provided by the US Army Corps of Engineers for use in managing floodplains within the City of Fayetteville as a supplement to the previously adopted Flood Damage Prevention Code (Chapter 153 of the UDO, adopted by ordinance #4011 - January 7, 1997).

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager — Date — Internal Auditor — Date

City Attorney — 14 July 00 Date — ADA Coordinator — Date

Purchasing Officer — 7-17-00 Date

STAFF RECOMMENDATION: Pursuant to Section F (2) of the City of Fayetteville Flood Prevention Code, the Floodplain Administrator hereby recommends that the City Council adopt the Flood Hazard Study, Phase II completed by the US Army Corps of Engineers and forwarded to the City January 2000 as the most current data available for managing floodplains within the City of Fayetteville.

Division Head — 7-14-00 Date

Department Director — 7-17-00 Date

Administrative Services Director — 7-17-00 Date

Mayor — 7/26/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council

FROM: Sara Edwards, Floodplain Administrator

DATE: July 14, 2000

SUBJECT: Adoption of Flood Hazard Study, Phase II

In January of this year, the Corps of Engineers completed an updated Flood Hazard Study for the City of Fayetteville. Attached you will find a letter from the Corps addressed to Mayor Hanna which details the items included in this study. In order for the City to use this data, it is necessary for the City Council to approve an ordinance approving the new study as a supplement to the City's Flood Insurance Study which was adopted by ordinance January 7, 1997.

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

January 26, 2000

REPLY TO
ATTENTION OF

RECEIVED
JAN 26 2000
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Planning, Environmental and Regulatory Division
Planning Branch

Honorable Fred Hanna
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Dear Mayor Hanna:

The following Fayetteville, Arkansas, Flood Hazard Study, Phase II, data are submitted for your use in managing the flood plains in your city.

a. Flood Hazard Study Map (digital original and one copy).
b. Flood Profiles (originals and three copies).
c. Floodway Data Table (originals and three copies).
d. Hydrology and Hydraulic Data (digital and paper copies).
e. Hydrology and Hydraulic write-up.
f. Elevation Reference Marks (four copies).
g. Study Certification

If you have any questions on this submittal please feel free to contact Mr. Conrad Battreal at (501) 324-5037.

Sincerely,

Roger C. Hicklin
Chief, Planning Branch

Enclosures

FAYETTEVILLE, ARKANSAS
PHASE II
FLOOD HAZARD STUDY
STUDY CERTIFICATION

This is to certify that all work accomplished in the conduct of the Fayetteville, Arkansas, Flood Hazard Study, Phase II, was in accordance with sound and accepted engineering practices. This Flood Hazard Study included Cummings Creek, Cummings Creek Tributary, Town Branch Tributary 1, Town Branch Tributary 2, Town Branch Tributary 3, Town Branch Tributary 4, Tin Cup Creek, Tin Cup Tributary, Town Branch Tributary 5, College Branch, Town Branch Tributary 6, Cato Springs Branch, East Fork Cato Springs, Cato Springs Tributary, West Branch, and Town Branch Tributary 7.

JAMES C. BATTREAL, P.E.
Flood Plain Manager

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Fred Hanna and City Council

From: Chuck Rutherford

Date: July 18, 2000

Subject: Possible purchase of abandoned railroad property

The City of Fayetteville received an appraisal report of the abandoned railroad property west of West Ave. between Prairie St. and Mountain St. The appraisal estimated the fair market value of the 3.29 acres to be $50,000.00. On July 5, 2000, the City Council approved offering the Railroad the appraised value.

I forwarded the offer along with the appraisal to Rail Property Management. On July 17, 2000, I received a fax from Rail Property Management rejecting the $50,000.00 offer. I have included the letter from Roslynn Schaefer of Rail Property Management giving the reasons for not accepting the $50,000.00.

Roslynn Schaefer feels that the Railroad Co. will accept $0.50 per sq. ft. or $70,000.00 for the abandoned railroad property. How does the City Council wish to proceed with this? The three options would be not to purchase the property, make a counter offer or offer the $70,000.00.

I will add the comment that three years ago Mr. Vern Wear who was in Roslynn Schaefer's position at that time said that $0.50 per sq. ft. was what the Railroad Co. was asking for the abandoned railroad property between Spring St. and Prairie St.

Chuck Rutherford
Chuck Rutherford
Sidewalk & Trails Coordinator

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501-575-8257

July 17, 2000

Mr. Chuck Rutheford
City of Fayetteville
Side walk and Trail Division
1525 Happy Hollow Rd.
Fayetteville, AR 72701

Dear Mr. Rutheford,

I regret to inform you that your offer of $50,000 for the railroad property between Prairie and Mountain streets has been rejected.We believe the railroad will consider a minimum offer of $.50 per square foot or $70,000.00.

Some of the comparable sales that were provided to support your offer are not valid comparable sales. I have included comments on each of the 5 comparables explaining what the problems with each is. In addition to those comments I would add that in general railroads do not use their own sales as comparables because often times there are extenuating circumstances that effect the price. For instance a railroad may sell a parcel for pennies on the dollar if a lessee agrees not to oppose an abandonment.

Typically right of way appraisers use the across the fence approach to valuing property. This entails valuing the parcels immediately adjacent to the ROW and adjusting the value up or down based on the condition and usefulness of attaching the parcel. The railroad's range of value for commercial properties in the vicinity of the subject property range between $40,000 and $65,000 per acre.

Because our company arranged many of the sales in this area we are familiar with the circumstances surrounding many of these sales. I have included a map with these sales and the price per square foot that they were sold for. If you have any further questions please feel free to contact me.

Sincerely;

Roslynn M. Schaefer

COMPARABLE LAND SALES

LAND SALE #1

Grantor:	The Burlington Northern and Santa Fe Railway Co.
Grantee:	Filbeck, Kim
Location:	West 6th St., Fayetteville
Legal Description:	All that portion of The Burlington Northern and Santa Fe Railway Company's property at Fayetteville, Arkansas 72701, located on the Ft. Smith, Arkansas to Monett, Missouri Branch Line, now discontinued, located upon, over and across part of Block 21 of Ferguson's Addition to the City of Fayetteville, Arkansas.
Date of Sale:	10/29/98
Reported Consideration:	$8,000
Site Characteristics:	Narrow, level to steep sloping parcel with 25.31' road frontage on 6th Street (Hwy. 62).
Size:	Appx. 3,614 Sq. Ft. or 0.08 Acres
Improvements:	None
Zoning:	C-2 - Commercial Thoroughfare
Remarks:	Narrow parcel purchased by adjoining property owner. Site has little road frontage and minimal access.
Indicated Price:	$2.21/Sq. Ft.

Good Comparable – Located in vacinity of proposed Sale.

JUL-11-2008 09:07 CITY OF FAY - STREET DIV. 501 444 3490 P.14/25

LAND SALE #2

Grantor:	Burlington Northern Railroad Company
Grantee:	G. Denele Campbell
Location:	East of Gregg Ave., running north to south from W. Meadow St. to W. Center St.
Legal Description:	A 100.0 foot wide strip of land situated in the West half of Block 21 of the Original Plat of the City of Fayetteville, Washington County, Arkansas together with portions of Gregg Avenue, West Center Street and West Meadow Street, being 50.0 feet wide on each side of the hereinafter described old Pacific and Great Eastern Railway Main Track centerline, as originally located and constructed, bounded on the North by the centerline of said West Meadow Street and bounded on the South by the centerline of West Center Street.
Date of Sale:	01/26/96
Reported Consideration:	$18,000
Site Characteristics:	Narrow, level to steep sloping parcel
Size:	Approx. 37,238 Sq. Ft., or 0.85 Acres
Improvements:	None
Zoning:	R-0 – Residential Office
Remarks:	Railroad right-of-way parcel purchased by adjoining owner.
Indicated Price:	$0.48/Sq.Ft.

This 1996 Sale includes over 1000 ft of Roadway.
The adjusted price would be over .50 ft.
Good Comparable Sale – in vacinity of Proposed Sale.
It is fairly old However

JUL-11-2000 09:08 CITY OF FAY - STREET DIV. 501 444 3490 P.15/25
1900-07-13 18:58 312 419 8560 RAIL PROPERTY MANAGEMENT

LAND SALE #4

Grantor:	Burlington Northern and Santa Fe Railway Company
Grantee:	Terry L. & Carolyn E. Peterson
Legal:	All that portion of The Burlington Northern and Santa Fe Railway Company's 100.0 foot wide right of way, now discontinued, being 50.0 feet wide on each side of the former S. Louis-San Francisco Railway Company's Muskogee Subdivision Main Track centerline, as originally located and constructed upon, over and across Block 22 of the Original Town of Fayetteville, Arkansas, and the South half of West Center Street, according to the recorded plat of Fayetteville, Washington County, Arkansas, bounded between the centerline of West Center Street and the North line of West Mountain Street, according to said plat.
Date of Sale:	04/23/97
Sales Price:	$16,500
Location:	545 W. Center St., Fayetteville
Size:	Approx. 10,700 Sq. Ft., or 0.25 Acres
Zoning:	C-3 - Commercial
Improvements:	None
Remarks:	Railroad right-of-way purchased by the adjacent property owner.
Indicated Price:	$1.54/Sq.Ft.

This Parcel is Immediately North of Subject Property.
Commercial Properties in this area of Fayetteville
Range from .40 to 65K/acre.

JUL-11-2000 09:09 CITY OF FAY - STREET DIV. 501 444 3490 P.47/25
1900-07-13 18:57 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PC

LAND SALE #3

Grantor:	Burlington Northern and Santa Fe Railway Company
Grantee:	ANT, LLC
Legal:	Pt. SE 1/4, SE 1/4, Section 20, T16N, R30W
Date of Sale:	02/24/98
Sales Price:	$26,000
Location:	East of Vale Ave. and West of S. Garland Ave. and North of Cato Springs Rd.
Size:	Approx. 126,760 Sq. Ft., or 2.91 Acres
Zoning:	I-1 – Heavy Commercial, Light Industrial
Improvements:	None
Remarks:	Level to sloping parcel located in industrial area of Fayetteville.
Indicated Value:	$0.21/Sq.Ft.

BNSF Sold over 100 Leases to ANT, LLC in a group Sale. Properties were not individually assessed for Fair Market Value — But the entire Package was Sold at Between 6 & 8 Times Rental Values.

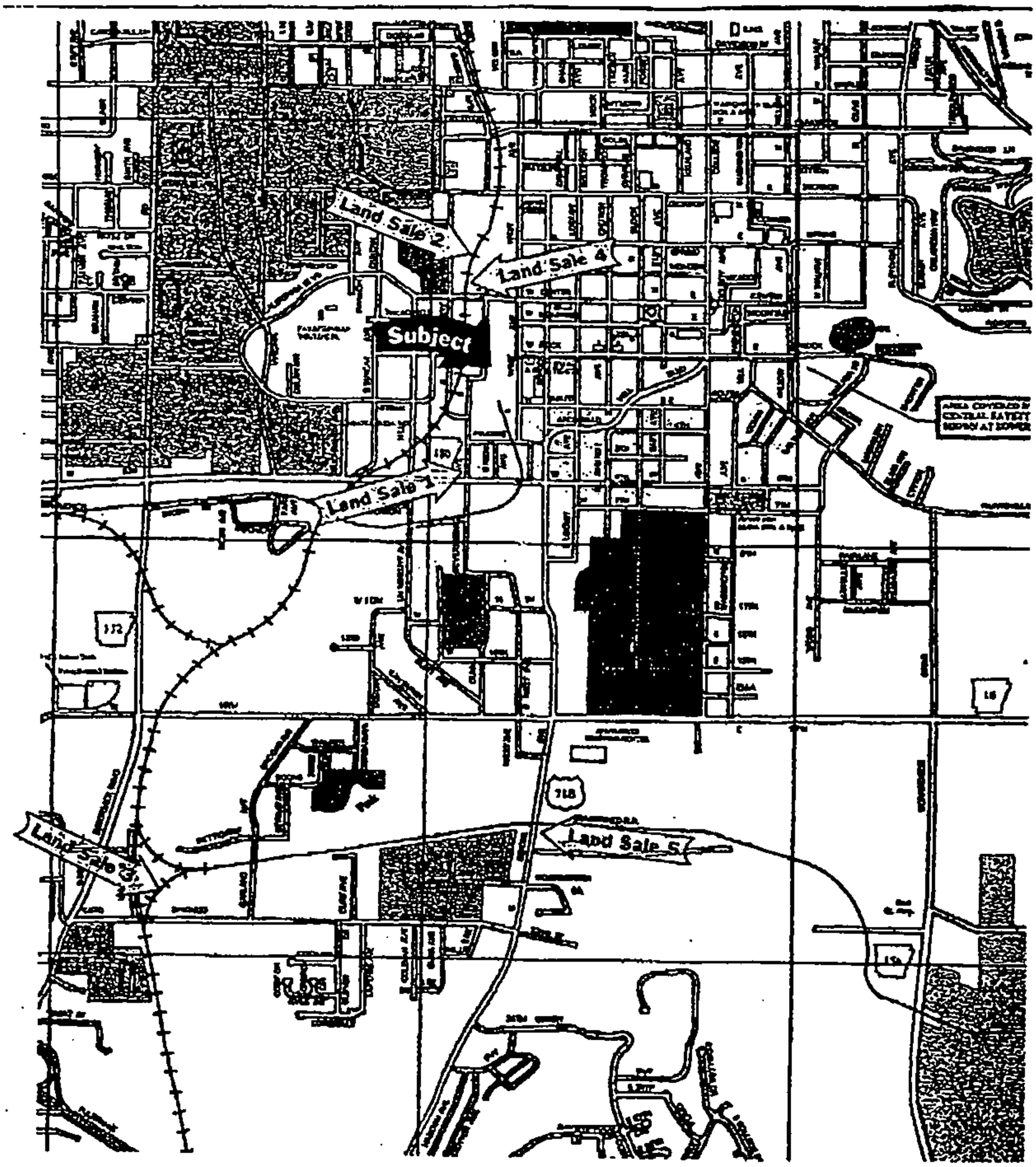
This was not a sale made by two well informed Parties. This Property was recently offered for sale by ANT, LLC for over $50,000.00

This is not a valid comparable Sale.

JUL-11-2008 09:08 CITY OF FAY - STREET DIV. 501 444 3490 P.16/25

1900-07-13 18:56 212 413 8560 RMIC TREASURY MANAGEMENT 003

Comparable Market Data



JUL-11-2000 09:06 CITY OF FRY - STREET DIV. 501 444 3498 P.13/25

LAND SALE #5

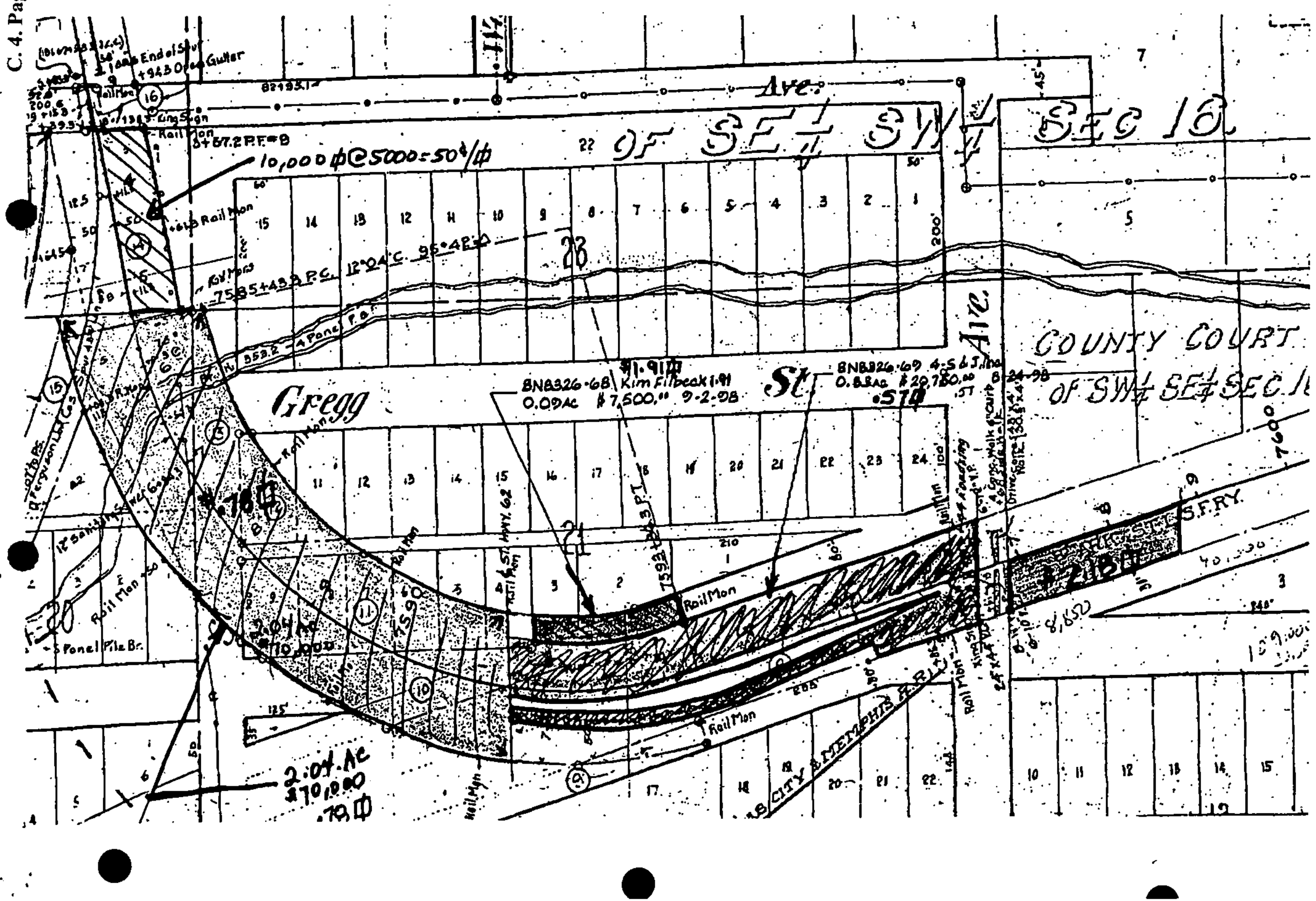
Grantor:	Burlington Northern and Santa Fe Railway Company
Grantee:	James H. Stewart and Charles W. Stewart
Legal:	The Northerly 50 feet of the Burlington Northern and Santa Fe Railway Company's 100 foot wide Fayetteville to Pettigrew, Arkansas Branch Line right of way, now discontinued, located upon, over and across the North Half of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 30 West of the 5th Principal Meridian, Washington County, Arkansas, bounded on the East by the East line of said North Half of the Southwest Quarter of the Southeast Quarter and bounded on the Westerly side by the centerline of State Highway No. 71; also The Southerly 50 feet of said Railway Company's 100 foot wide Branch Line right of way in said North Half of the Southwest Quarter of the Southeast Quarter of Section 21, bounded on the East by the East line of said North Half of the Southwest Quarter of the Southeast Quarter and bounded on the Westerly side by a line extending North 08 degrees, 31 minutes East from a point on the Southerly line of said 100 foot wide Branch Line right of way distant 318 feet Westerly from the East line of said North Half of the Southwest Quarter of the Southeast Quarter.
Date of Sale:	(11/03/97)
Sales Price:	$3,000
Location:	East of Hwy. 71B and North of 19th Street
Size:	Approx. 46,609 Sq. Ft. or 1.07 Acres
Zoning:	C-2 – Commercial Thoroughfare
Improvements:	None
Remarks:	Located in south Fayetteville with Hwy. 71 frontage on S.School St. Purchased by adjoining property owner.
Indicated Value:	$0.06/sq.ft.

Sales of ROW on Pettigrew line:

Vern of Rail Property Management Valued this Property as Farmland Prior to Inspection of the Property. Because this Sale Was not made between two Fully informed Parties. We Must throw it out — Commercial land in this area of Fayetteville sells for Between 10 & 15 K/acre.

JUL-11-2008 09:09 CITY OF FAY - STREET DIV. 501 444 3490 P.18/25

RAIL PROPERTY MANAGEMENT 312 419 8560 1900-07-13 18:54



STAFF REVIEW FORM

X AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of

FROM:

John Maguire	Admin.	Administrative
Name	Division	Department

ACTION REQUIRED: A resolution granting the Mayor or his representative authority to lease parking spaces at the Fayetteville Municipal Parking Deck or on other City owned or operated parking facilities, including Airport hangar leases, under terms as agreed between the parties and in conformity with applicable ordinances. The lease amount not to exceed $20,000 total.

COST TO CITY:

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION:

Division Head	Date	Cross Reference
Department Director John Maguire	Date 7/24/00	New Item: (Yes) No
Admin. Svcs Director John Maguire	Date 7/24/00	Prev Ord/Res #:
Mayor Fred Thomas 7/24/00	Date	Orig Contract Date:

Description_____ Meeting Date_____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

STAFF REVIEW FORM

Parking Leases
C. 5. Page 1

X AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of _____

FROM:

John Maguire	Admin.	Administrative
Name	Division	Department

ACTION REQUIRED: A resolution granting the Mayor or his representative authority to lease parking spaces at the Fayetteville Municipal Parking Deck or on other City owned or operated parking facilities, including Airport hangar leases, under terms as agreed between the parties and in conformity with applicable ordinances. The lease amount not to exceed $20,000 total.

COST TO CITY:

Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date	Grant Officer	Date

STAFF RECOMMENDATION:

Division Head	Date	Cross Reference
Department Director	7/24/00 Date	New Item: (Yes) No
Admin. Svcs Director	7/24/00 Date	Prev Ord/Res #: _____
Mayor 7/24/00 Date		Orig Contract Date: _____

FAYETTEVILLE

LEGAL DEPARTMENT
CITY ATTORNEY DIVISION

JERRY E. ROSE, CITY ATTORNEY
LAGAYLE D.MCCARTY, ASST. CITY ATTORNEY

EPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor
Fayetteville City Council

From: Jerry E. Rose, City Attorney

Date: July 25, 2000

Re: **Proposed settlement of litigation regarding the rollback of ad valorem taxes for the years 1994 through 1999.**

Attached please find a copy of a draft of an agreement between the City of Fayetteville and a class of plaintiffs settling the litigation regarding the rollback of millage required by Amendment 59 of the Arkansas Constitution. The basic conditions of settlement are as follows:

1. The City agrees to pay an agreed total amount of $213,469.50 to all class members who file a claim on a pro rata basis (less court approved attorney fees).

2. The attorneys for the class members will request an attorney fee from the court of 33 ⅓% of the $213,469.50 and the City will not object to that request.

3. The refund process will follow the county's procedure and the City will pay for their share of the refund costs (not out of the $213,469.50 but as an additional expense).

4. The refund process will require the presentation of a claim form except for out of county and those physically unable to present the form.

5. Millage will be rolled back from 1.0 mills to 0.8 mills.

6. Two lawsuits will be dismissed encompassing all litigation regarding ad valorem property tax for the years 1994 through 1999.

Once the dust settles the City Council will be requested to consider paying to the county all or part of the monies the City received from the the county's 1.3 road millage since 1994 (a potential liability of $214,200. I will bring the county's request to you as soon as possible, but this settlement is independent of that request and would be before the Council even if the City did not settle.

I ask you for resolution to enter into a settlement agreement in substantially the same form as the one attached since some changes may be necessary before it is finalized. Any changes in the basic conditions will, of course, be brought before the City Council.

If I can provide you with any further information you have only to ask.

/cbp
Attachment
cc: John Maguire, Administrative Services Director
Charlie Venable, Public Works Director
Nancy Hendricks, Asst. to the Mayor
Don Bunn, Asst. Public Works Director
Steve Davis, Budget & Research Coodinator

Rollback
C. 6. Page 4

IN THE CIRCUIT COURT WASHINGTON COUNTY, ARKANSAS

JEANNE M. HICKS, et al, PLAINTIFFS

vs. Consolidated No. CIV 97-500

CITY OF FAYETTEVILLE, et al, DEFENDANTS

STIPULATION OF SETTLEMENT
SUBJECT TO COURT APPROVAL
OF CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly situated, are the Class Plaintiff for the City of Fayetteville ad valorem property taxpayers in the captioned civil action; and,

WHEREAS, this litigation was certified as a Class Action pursuant to Rule 23 of the A.R.C.P. by order of this court; and,

WHEREAS, Plaintiff (as hereinafter defined) and the Defendant City of Fayetteville, Arkansas, desire to terminate all complex and protracted litigation regarding the issues of millage rollbacks damages and attorneys' fees between themselves as parties to this litigation; and

WHEREAS, Plaintiff (as hereinafter defined) and the City of Fayetteville desire to terminate all complex and protracted litigation regarding the rollback of millage, amount and method of refund to taxpayers (as hereinafter defined) of the amounts found to have been illegally exacted in violation of ARK. CONST. art. XIV §14 (Amendment 59), and attorneys' fees, and,

THE EVANS LAW FIRM

A Professional Association
POST OFFICE BOX 1986
2333 NORTH GREEN ACRES
FAYETTEVILLE, ARKANSAS 72702-1986
TELEPHONE (501) 521-9998
TELEFAX (501) 521-9995

MARSHALL DALE EVANS, J.D., P.A.

STEPHANIE BRODACZ, J.D., LL.M., P.A.
ROBERT D. BRANDON, J.D., P.A.
ROB W. WRIGHT, MHSA., P.D., J.D.
MONICA K. ROBERTS, J.D.*
*Licensed in Oklahoma

CHARLES N. WILLIAMS†
OF COUNSEL
† Formerly Circuit/Chancery Judge

July 24, 2000

Jerry Rose
Fayetteville City Attorney
113 W. Mountain
Fayetteville, AR 72701

VIA FACSIMILE

Re: Hicks, et al. v. City of Fayetteville, et al.;
Washington County Circuit Consolidated No. CIV 97-500

Dear Jerry:

Following is a Stipulation of Settlement.

With kindest regards,

Sincerely yours,

THE EVANS LAW FIRM, P.A.

By: _____
Marshall Dale Evans, P.A.

Enclosure

Attachment

C:\Amendment59\Hicks97.wc\00 Letters\00-07-21 attorneys ltr.doc

1.5 "Taxpayers" shall mean any person who paid real or personal property taxes for property within the City of Fayetteville for any of the tax years 1994 through 1999.

1.6 "Illegally Exacted Ad Valorem Property Taxes" shall mean all real and personal property taxes from the taxpayers in excess of the amount allowed by ARK. CONST. art. XIV, §14 (Amendment 59).

2. ORDER AND JUDGMENT.

The Plaintiff and the City stipulate and agree to be bound by and will jointly request that the court enter an order and judgment that will contain the following substance and matter:

2.1 Illegally Exacted Ad Valorem Property Tax Refunds.

a. Taxpayers who file a claim shall have the opportunity to receive a pro-rata refund of all illegally exacted ad valorem taxes paid less the award of attorneys' fees set forth below.

b. The court shall appoint Special Master (name) or other person mutually agreed upon by the Plaintiff and the City to serve as special master to supervise, as approved by the court, the method and procedure of the refund process.

c. The expenses of administering the refund, including notice, and the Special Master shall be borne by the City.

d. The refund process shall be administered by the County with a claims process whereby Class Members may personally present a claim form. Out-of-county taxpayers and those taxpayers that are physically unable to present the form may have another person present the claim form. The Court shall appoint

WHEREAS, the Plaintiff (as hereinafter defined) and the Defendant City of Fayetteville have agreed to settle, resolve and compromise their several claims and disputes on the terms and conditions set forth herein.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

1. DEFINITIONS.

As used herein, the following terms shall have the following meanings unless the context otherwise requires:

1.1 "Class" shall mean all ad valorem taxpayers for which Jeanne M. Hicks and Tammy Lewis were certified to represent as Class Action Representatives pursuant to Rule 23 of the A.R.C.P. by order of this court, i.e., the ad valorem taxpayers of the City of Fayetteville, Arkansas.

1.2 "City of Fayetteville" (hereinafter referred to as the "City") shall mean the City of Fayetteville as a municipal corporation existing under the laws of the State of Arkansas and its past, present, or future directors, aldermen, council members, officers, controlling persons, employees, agents, representatives, attorneys of record in this litigation, assigns, beneficiaries, predecessors and/or successors in interest.

1.3 "Plaintiff" shall mean Jeanne M. Hicks and Tammy Lewis, individually and on behalf of the Class and Class Members they represent.

1.4 "Person" shall mean an individual, corporation, partnership, association or other entity.

George B. Morton, P.O. Box 399, Fayetteville, Arkansas, 72702, to so act if necessary.

2.2 Attorneys' Fees of Plaintiff's Attorneys.

a. Attorneys for the Plaintiff shall request an award of attorneys' fees and costs for representing the Class an amount of 33-1/3% of the illegally exacted ad valorem property taxes, subject to court approval, which shall be payable directly to The Evans Law Firm, P.A., and Hirsch Law Firm, P.A., within 14 days of entry of Order Approving Settlement. Defendant shall not object to the requested attorneys' fee of 33-1/3% of the fund. Attorneys for Plaintiff waive any claim for attorney's fees from the refunds to be paid to Intervenors, William Jackson Butt, II, Butt-n-Butt Hardwood Plantation, L.L.C., and John R. Hudson.

2.3 Undistributed or Unclaimed Funds Paid Into General Fund of City.

a. All illegally exacted ad valorem property taxes which remain after reasonable effort, approved by the court, have been made to refund such monies to the taxpayers shall be paid into the general fund of the City and may be used by the City in any manner as its council may approve, including but not limited to, any payments made by the City pursuant to this Stipulation or any order of this court.

2.4 Stipulated and Agreed Amounts.

a. The Plaintiff and the City stipulate and agree that $213,469.50 is the agreed total amount to be paid by the City; which amount is to be to the Class of taxpayers (less court-approved legal fees) to all Class Members who file a claim for refund. Refunds are to be paid ½ in June 2001 and ½ in June 2002.

2.5 Rollback of Millage.

a. The millage rate of the City has been 1.0 mills for both real and personal property taxes. Upon court approval of this settlement, the City's millage shall roll back to 0.8 mills for both real and personal property subject to lawful adjustment.

2.6 Full and Complete Discharge of all Class Claims Against the City.

a. Any claims, demands, and causes of action of the Class, and each and every member thereof, and/or their attorneys of any kind or nature in connection with, directly or indirectly, any subject matter decided in this litigation concerning ad valorem property tax for the years 1994 through 1999. A separate claim filed in the Circuit Court of Washington County by the same Plaintiff against the City for refund of property taxes for the tax year 1998 and thereafter shall be dismissed as to the City with prejudice immediately after entry of the order approving the settlement.

b. Washington County claims certain monies from the City for reimbursement from road tax millage. Plaintiff assigns whatever rights they have thereto to Washington County and are not settling that claim which the County may now have against the City.

3. PROCEDURES AND CONDITIONS TO EFFECT STIPULATION OF SETTLEMENT.

3.1 The Plaintiff, Plaintiff's counsel and the City will jointly request that the court take the following actions and order the following events:

a. Conduct a telephone conference on July 25, 2000 for the purposes of:

i. Preliminary approval of this Stipulation and Settlement.

ii. Appointment of a special master with instructions to present to the court a proposal for the method and procedure of the refund process.

iii. Approving a Notice of Stipulation of Settlement and Hearing.

iv. Find that notice by publication is the best notice practicable under the circumstances and that Notice of Settlement should be published twice in the Legal Notices Section of the Northwest Arkansas Times.

v. Set the date of August 31, 2000 as the cutoff date by which any and all objections to this Stipulation of Settlement must be filed with the Circuit Clerk, Washington County; and

vi. Set and conduct a hearing on September 5, 2000, at 9:30 a.m., in the Washington County Courthouse to consider final approval of the Stipulation of Settlement.

b. At the final approval hearing, consider and approve the amount of the refund, the method and procedure of the refund process, approve the attorneys' fees and expense award; and enter the court's Order Approving Settlement.

4. MISCELLANEOUS.

4.1 The undersigned attorneys of record for Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly situated, warrant to the City that they have the authority to settle the issue of attorneys' fees for all attorneys who represent or represented said Plaintiff during the course of said litigation and that any and all claims or liens of any nature regarding the payment of attorneys' fees, costs and/or expenses are the sole responsibility of the undersigned attorneys of record for Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly

situated, and said attorneys agree to indemnify and hold harmless the City from any such claims, including but not limited to, the attorneys' fees, if any required in the City's defense of any action seeking additional attorneys' fees other than as stipulated and agreed herein.

4.2 This Stipulation of Settlement shall be governed by and interpreted in accordance with the laws of the State of Arkansas.

4.3 This Stipulation of Settlement constitutes the whole agreement between the Plaintiff, Plaintiff's counsel and the City and supersedes all earlier agreements, oral or written, if any. The parties hereto state and acknowledge that they have not given or relied upon any representations, warranties, or promises that are not set forth herein.

4.4 This Stipulation of Settlement may be modified, but such modification must be in writing and approved by the parties hereto, or may be modified by court order.

IN WITNESS WHEREOF, this Stipulation of Settlement has been executed and entered into as of this _____ day of July, 2000 by the undersigned parties and counsel of record for the parties hereto.

Parties:

Jeanne M. Hicks, for herself and all others
similarly situated taxpayers within the
City of Fayetteville, Arkansas

Tammy Lewis, for herself and all others
Similarly situated taxpayers within the
City of Fayetteville, Arkansas

Attorneys at Law of Record:

Marshall Dale Evans, Attorney for
Jeanne M. Hicks and Tammy Lewis,
for themselves and all others similarly situated

E. Kent Hirsch, Attorney for
Jeanne M. Hicks and Tammy Lewis,
for themselves and all others similarly situated

George E. Butler, Jr., Attorney for
City of Fayetteville, Arkansas

Jerry Rose attorney for City of Fay.

Fred Hannah, Mayor,
City of Fayetteville, Arkansas

Rollback
C. 6. Page 12

CERTIFICATE OF SERVICE

I, E. Kent Hirsch, hereby certify that a true and correct copy of the foregoing pleading was deposited in the U.S. Mail, postage prepaid, addressed to:

Mr. Rudy Moore, Jr.
Mr. Thomas Olmstead
P.O. Box 290
Fayetteville, AR 72702-0290

Mr. Charles Harwell
Mr. Marcus Van Pelt
Cypert, Crouch, Clark & Harwell
P.O. Box 1400
Springdale, AR 72764

Mr. Boyce R. Davis
Prairie Grove City Attorney
P.O. Box 999
Lincoln, AR 72744

Mr. David G. Nixon
The Nixon Law Firm
2340 Green Acres Road, Suite 12
Fayetteville, AR 72701

Mr. William Jackson Butt, II
Davis, Cox & Wright, PLC
P.O. Drawer 1688
Fayetteville, Arkansas 72702-1688

Brian Brooks, Deputy Attorney General
200 Catlett-Prien Tower Bldg.
323 Center Street
Little Rock, AR 72201-2610

Mr. Jeff Harper
City Attorney of Springdale
P.O. Box 1208
Springdale, AR 72765-1208

Mr. George Butler
Attorney at Law
280 N. College Ave., Suite 145
Fayetteville, AR 72701

Mr. Jerry Rose
City of Fayetteville Admin. Building
113 W. Mountain
Fayetteville, AR 72701

Mr. Danny Wright
Elkins City Attorney
130-C North College
Fayetteville, AR 72701

Mr. John R. Hudson
Attorney at Law
16 E. Spring
Fayetteville, AR 72701

Honorable Paul Danielson
Circuit Judge
P.O. Box 188
Morrilton, AR 72110

this _____ day of July, 2000.

_____
E. Kent Hirsch

C:\Amendment59\Hicks97.wc\settlement - stipulation - fayetteville.doc

cc. 8/1/00

IN THE CIRCUIT COURT WASHINGTON COUNTY, ARKANSAS

JEANNE M. HICKS, et al, PLAINTIFFS

vs. Consolidated No. CIV 97-500

CITY OF FAYETTEVILLE, et al, DEFENDANTS

STIPULATION OF SETTLEMENT SUBJECT TO COURT APPROVAL OF CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly situated, are the Class Plaintiff for the City of Fayetteville ad valorem property taxpayers in the captioned civil action; and,

WHEREAS, this litigation was certified as a Class Action pursuant to Rule 23 of the A.R.C.P. by order of this court; and,

WHEREAS, Plaintiff (as hereinafter defined) and the Defendant City of Fayetteville, Arkansas, desire to terminate all complex and protracted litigation regarding the issues of millage rollbacks damages and attorneys' fees between themselves as parties to this litigation; and

WHEREAS, Plaintiff (as hereinafter defined) and the City of Fayetteville desire to terminate all complex and protracted litigation regarding the rollback of millage, amount and method of refund to taxpayers (as hereinafter defined) of the amounts found to have been illegally exacted in violation of ARK. CONST. art. XIV §14 (Amendment 59), and attorneys' fees, and,

WHEREAS, the Plaintiff (as hereinafter defined) and the Defendant City of Fayetteville have agreed to settle, resolve and compromise their several claims and disputes on the terms and conditions set forth herein.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

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1.2 "City of Fayetteville" (hereinafter referred to as the "City") shall mean the City of Fayetteville as a municipal corporation existing under the laws of the State of Arkansas and its past, present, or future directors, aldermen, council members, officers, controlling persons, employees, agents, representatives, attorneys of record in this litigation, assigns, beneficiaries, predecessors and/or successors in interest.

1.3 "Plaintiff" shall mean Jeanne M. Hicks and Tammy Lewis, individually and on behalf of the Class and Class Members they represent.

1.4 "Person" shall mean an individual, corporation, partnership, association or other entity.

1.5 "Taxpayers" shall mean any person who paid real or personal property taxes for property within the City of Fayetteville for any of the tax years 1994 through 1999.

1.6 "Illegally Exacted Ad Valorem Property Taxes" shall mean all real and personal property taxes from the taxpayers in excess of the amount allowed by ARK. CONST. art. XIV, §14 (Amendment 59).

2. ORDER AND JUDGMENT.

The Plaintiff and the City stipulate and agree to be bound by and will jointly request that the court enter an order and judgment that will contain the following substance and matter:

2.1 Illegally Exacted Ad Valorem Property Tax Refunds.

a. Taxpayers who file a claim shall have the opportunity to receive a pro-rata refund of all illegally exacted ad valorem taxes paid less the award of attorneys' fees set forth below.

b. The court shall appoint Special Master (name) or other person mutually agreed upon by the Plaintiff and the City to serve as special master to supervise, as approved by the court, the method and procedure of the refund process.

c. The expenses of administering the refund, including notice, and the Special Master shall be borne by the City.

d. The refund process shall be administered by the County with a claims process whereby Class Members may personally present a claim form. Out-of-county taxpayers and those taxpayers that are physically unable to present the form may have another person present the claim form. The Court shall appoint

George B. Morton, P.O. Box 399, Fayetteville, Arkansas, 72702, to so act if necessary.

2.2 Attorneys' Fees of Plaintiff's Attorneys.

a. Attorneys for the Plaintiff shall request an award of attorneys' fees and costs for representing the Class an amount of 33-1/3% of the illegally exacted ad valorem property taxes, subject to court approval, which shall be payable directly to The Evans Law Firm, P.A., and Hirsch Law Firm, P.A., within 14 days of entry of Order Approving Settlement. Defendant shall not object to the requested attorneys' fee of 33-1/3% of the fund. Attorneys for Plaintiff waive any claim for attorney's fees from the refunds to be paid to Intervenors, William Jackson Butt, II, Butt-n-Butt Hardwood Plantation, L.L.C., and John R. Hudson.

2.3 Undistributed or Unclaimed Funds Paid Into General Fund of City.

a. All illegally exacted ad valorem property taxes which remain after reasonable effort, approved by the court, have been made to refund such monies to the taxpayers shall be paid into the general fund of the City and may be used by the City in any manner as its council may approve, including but not limited to, any payments made by the City pursuant to this Stipulation or any order of this court.

2.4 Stipulated and Agreed Amounts.

a. The Plaintiff and the City stipulate and agree that $213,469.50 is the agreed total amount to be paid by the City; which amount is to be to the Class of taxpayers (less court-approved legal fees) to all Class Members who file a claim for refund. Refunds are to be paid ½ in June 2001 and ½ in June 2002.

2.5 Rollback of Millage.

a. The millage rate of the City has been 1.0 for both real and personal property taxes. Upon court approval of this settlement, the City's millage shall roll back to 0.8 for both real and personal property subject to lawful adjustment.

2.6 Full and Complete Discharge of all Class Claims Against the City.

a. Any claims, demands, and causes of action of the Class, and each and every member thereof, and/or their attorneys of any kind or nature in connection with, directly or indirectly, any subject matter decided in this litigation concerning ad valorem property tax for the years 1994 through 1999. A separate claim filed in the Circuit Court of Washington County by the same Plaintiff against the City for refund of property taxes for the tax year 1998 and thereafter shall be dismissed as to the City with prejudice immediately after entry of the order approving the settlement.

b. Washington County claims certain monies from the City for reimbursement from road tax millage. Plaintiff assigns whatever rights they have thereto to Washington County and are not settling that claim which the County may now have against the City.

3. PROCEDURES AND CONDITIONS TO EFFECT STIPULATION OF SETTLEMENT.

3.1 The Plaintiff, Plaintiff's counsel and the City will jointly request that the court take the following actions and order the following events:

a. Conduct a telephone conference on July 25, 2000 for the purposes of:

i. Preliminary approval of this Stipulation and Settlement.

ii. Appointment of a Special Master for resolution of any refund disputes as specified herein.

iii. Approving a Notice of Stipulation of Settlement and Hearing.

iv. Find that notice by publication is the best notice practicable under the circumstances and that Notice of Settlement should be published twice in the Legal Notices Section of the Northwest Arkansas Times.

v. Set the date of August 31, 2000 as the cutoff date by which any and all objections to this Stipulation of Settlement must be filed with the Circuit Clerk, Washington County; and

vi. Set and conduct a hearing on September 5, 2000, at 9:30 a.m., in the Washington County Courthouse to consider final approval of the Stipulation of Settlement.

b. At the final approval hearing, consider and approve the amount of the refund, the method and procedure of the refund process, approve the attorneys' fees and expense award; and enter the court's Order Approving Settlement.

4. MISCELLANEOUS.

4.1 The undersigned attorneys of record for Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly situated, warrant to the City that they have the authority to settle the issue of attorneys' fees for all attorneys who represent or represented said Plaintiff during the course of said litigation and that any and all claims or liens of any nature regarding the payment of attorneys' fees, costs and/or expenses are the sole responsibility of the undersigned attorneys of record for Jeanne M. Hicks and Tammy Lewis, for themselves and all others similarly

situated, and said attorneys agree to indemnify and hold harmless the City from any such claims, including but not limited to, the attorneys' fees, if any required in the City's defense of any action seeking additional attorneys' fees other than as stipulated and agreed herein.

4.2 This Stipulation of Settlement shall be governed by and interpreted in accordance with the laws of the State of Arkansas.

4.3 This Stipulation of Settlement constitutes the whole agreement between the Plaintiff, Plaintiff's counsel and the City and supersedes all earlier agreements, oral or written, if any. The parties hereto state and acknowledge that they have not given or relied upon any representations, warranties, or promises that are not set forth herein.

4.4 This Stipulation of Settlement may be modified, but such modification must be in writing and approved by the parties hereto, or may be modified by court order.

4.5 The parties agree and stipulate that the damages to Plaintiff and Plaintiff's attorneys in the event of appeals shall be the time value of money on any amounts which are due for payment and shall become due for payment under the terms of this stipulation and settlement agreement. That the parties agree and stipulate that any appeal bond should be sufficient to cover the value of any payments due or to become due hereunder.

IN WITNESS WHEREOF, this Stipulation of Settlement has been executed and entered into as of this _____ day of July, 2000 by the undersigned parties and counsel of record for the parties hereto.

Parties:

Jeanne M. Hicks, for herself and all others
similarly situated taxpayers within the
City of Fayetteville, Arkansas

Tammy Lewis, for herself and all others
Similarly situated taxpayers within the
City of Fayetteville, Arkansas

Attorneys at Law of Record:

Marshall Dale Evans, Attorney for
Jeanne M. Hicks and Tammy Lewis,
for themselves and all others similarly situated

E. Kent Hirsch, Attorney for
Jeanne M. Hicks and Tammy Lewis,
for themselves and all others similarly situated

Jerry Rose, Attorney for
City of Fayetteville, Arkansas

Fred Hannah, Mayor,
City of Fayetteville, Arkansas

CERTIFICATE OF SERVICE

I, E. Kent Hirsch, hereby certify that a true and correct copy of the foregoing pleading was deposited in the U.S. Mail, postage prepaid, addressed to:

Mr. Rudy Moore, Jr.
Mr. Thomas Olmstead
P.O. Box 290
Fayetteville, AR 72702-0290

Mr. Jeff Harper
City Attorney of Springdale
P.O. Box 1208
Springdale, AR 72765-1208

Mr. Charles Harwell
Mr. Marcus Van Pelt
Cypert, Crouch, Clark & Harwell
P.O. Box 1400
Springdale, AR 72764

Mr. George Butler
Attorney at Law
280 N. College Ave., Suite 145
Fayetteville, AR 72701

Mr. Boyce R. Davis
Prairie Grove City Attorney
P.O. Box 999
Lincoln, AR 72744

Mr. Jerry Rose
City of Fayetteville Admin. Building
113 W. Mountain
Fayetteville, AR 72701

Mr. David G. Nixon
The Nixon Law Firm
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Fayetteville, AR 72701

Mr. Danny Wright
Elkins City Attorney
130-C North College
Fayetteville, AR 72701

Mr. William Jackson Butt, II
Davis, Cox & Wright, PLC
P.O. Drawer 1688
Fayetteville, Arkansas 72702-1688

Mr. John R. Hudson
Attorney at Law
16 E. Spring
Fayetteville, AR 72701

Brian Brooks, Deputy Attorney General
200 Catlett-Prien Tower Bldg.
323 Center Street
Little Rock, AR 72201-2610

Honorable Paul Danielson
Circuit Judge
P.O. Box 188
Morrilton, AR 72110

this _____ day of July, 2000.

_____
E. Kent Hirsch

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
AUGUST 1, 2000

A meeting of the Fayetteville City Council will be held on August 1, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the July 5 and July 18, 2000 meetings.

2. **BID 00-54:** A resolution awarding Bid 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

3. **TRACT #44:** A resolution to authorize Mayor to sign a 20 foot easement across property designated as Tract #44 containing approximately 3,800 square feet for 16 inch high pressure gas line for the Arkansas Western Gas Company. This tract is located on Hwy 265, which is the physical location of Fayetteville Fire Station No. 5.

B. OLD BUSINESS

1. **RZ 00-19.00:** An ordinance approving rezoning request RZ 00-19.00, submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of West Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the July 18, 2000 meeting.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

2. **AD 00-18.00:** An ordinance for AD 00-18.00, administrative amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04 (A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1-½ acres that are on a septic system.

3. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision which denied rezoning request RZ 00-20.00 for property located at 2116 E. Joyce Street. The request is to rezone the property from A-1 to R-O. The ordinance was left on the first reading at the July 18, 2000 meeting.

C. NEW BUSINESS

1. **AD 00-22:** An ordinance amending the City's Master Street Plan by eliminating a collector street between Prairie Ave. and W. Sixth Street within the property at 404 W. Sixth Street, at the northeast corner of S. School Ave. and W. Sixth Street and reclassifying Prairie Street west of West Ave. and Government Ave. between Prairie Ave. and W. Sixth Street as collector streets.

2. **AD 00-23:** An ordinance amending the City's Master Street Plan by accepting a lesser dedication of right-of-way along W. Sixth Street just west of S. School Ave. only where the footprint of an existing structure encroaches into the required Master Street Plan right-of-way.

3. **AD 00-26:** An ordinance adopting the Flood Hazard Study, Phase II, provided by the US Army Corps of Engineering for use in managing floodplains within the City of Fayetteville as supplement to the previously adopted Flood Damage Prevention Code (Chapter 153 of the UDO, adopted by Ordinance 4011, January 7, 1997.

4. **CMN TREES:** Discussion of the use of the timber from the trees that were cut down by CMN Business Park.

5. **MULTI-USE TRAIL:** Discussion regarding the possible purchase of abandoned railroad property.

storm drainage and the 6 foot sidewalk. I do want to make sure when a large scale development comes through that we do understand who's paying for that trail. I'm not sure who's going to be building that trail. That's what I'm saying this evening.

Hoover: That brought up a question, is that how we've handled other developments? That the developer is building the trail in past approvals?

Conklin: If there is a Master Street Plan requirement, yes, they are building 6 foot wide sidewalk/multi use trails. We may be giving that up. Rob, I'm not sure if you are able to answer that question tonight. Are you building the trail? Constructing it?

Sharp: In the past when we have talked, Tim, informally we were just giving the land for the trail. We are giving the land along our side and also we are giving a piece of land up near Center Street that we've purchased to facilitate the trail. So we are giving them two parcels of land to allow them to build the trail. This trail will be built as they build the entire Prairie Street Trail. We'll be back soon with a large scale development plan that will show all of these details.

Odom: Commissioner Hoover, did that answer your question?

Hoover: Yes. Thank you.

Marr: Tim, I guess my question is the recommendation of city staff was to have it remain the same and now that the additional information has come through would you concur or would you stand by this?

Conklin: Well, with regard to the additional information, I would agree that there is reason to relocate it over to Government Street. This information that was submitted to the city at 2:30 on Thursday. Staff was not able to write any new staff report. Since then we were able to get with Perry Franklin and he does agree with Ernie Peters that it is a good idea and something to look at to relocate it over to Government Street. The only concern I had, once again, was relocating over to Government Street we are removing the requirement to construct a trail because normally we don't require people to construct trails on private property whereas, if it was left in that location they would be constructing a 6 foot wide sidewalk/multi use trail.

MOTION:

Ward: Mr. Chair, I think that with all of this said and to facilitate the redevelopment of

Ward: Tim, what are we giving up by giving up this West Avenue? Is this something that the City Council will have to make a final determination on?

Conklin: Yes. City Council will have to amend the Master Street Plan in order to relocate it if the motion is to relocate it over to Government Avenue. Once again, back in 1999 the agreement was to relocate it off the alley that was east of the feed mill and move it over to the railroad right-of-way. At that time they agreed to dedicate 70 feet of right-of-way sufficient for a collector street. They did approach the city. I did ask for them to do some research on this and make a presentation to the Planning Commission. As staff I felt that bringing this back a year later after an agreement was made to dedicate the right-of-way that we should have some evidence that this is not a good idea and that we should abandon having a street connection down to 6th Street. That's why they went out and talked to different groups and got a traffic study done with regard to whether or not it should be at this location or moved further to the west. So to answer your question, are we giving anything up, based on Perry Franklin's letter and the traffic engineer it sounds like we are not really giving anything up other than allowing the Master Street Plan to be amended and there will not be a requirement on their part if they redevelop this industrial site with their mixed use project to have to build that street.

Hoover: Tim, is it my understanding then that in lieu of the street they are going to give a right-of-way for the trail coming through their project?

Conklin: Let me just make sure everyone is clear on the issue of this right-of-way for the trail. Under our Master Street Plan, within that 70 feet of right-of-way, it has a provision for two 6 foot sidewalks which is a 6 foot sidewalk/multi use trail. That would have been a requirement as part of this project. If we required them to build the street they would have to build the trail. So they are not really giving us the multi use trail if we give up this right-of-way because that would have been a requirement.

Odom: But I believe that Commissioner Hoover wanted to make sure we weren't giving that up also. That's part of the plan. It will stay.

Conklin: Well, my understanding this evening is they will be going to the Parks Board to ask that the right-of-way for the trail be credited towards their greenspace requirement for their residential units in this facility. I think one question that I have and I asked Chuck Rutherford to raise it this evening was with regard to who would pay for the cost of construction of that trail. Typically the developer would pay for half of the street. So you have a 14 foot from centerline, curb, gutter,

ways. It is very narrow. Expanding it to the east would be difficult. You would either run into the new library or the big retaining wall at City Hospital, or have to bulldoze houses and living rooms. The point that Rob brought up about the railroad right of way becoming a street between Prairie and 6th Street, I really agree with. The short jog near Wilson Park comes to mind to me and how difficult that is when you are going along the western edge of Wilson Park and you have to turn and go west and then turn again just to get onto Gregg is very cumbersome. If we have a chance to not create things like that I think it's a good idea just from a user standpoint. As he said the CDC does recommend that it is dangerous and I can see that from a pedestrian standpoint too. West Street is very dangerous. We've been planning on coming down here as a neighborhood anyway. We need traffic calming. We need a stop sign. The number of near misses far exceeds the number of collisions from backing out, as Annee was saying. The volume is very low on that street but I would bet the number of collisions in perspective to the low volume would make a very high incident rate. I think West is pretty dangerous and I think widening it would exacerbate the problem. Thank you.

Kelly: Hello, I'm Laura Kelly. I'm glad Alan brought up the fact of joy riding and catching air on the hill. I didn't realize that was ever an occurrence until I was on that street just the other day. I was just walking across West Avenue, there is no sidewalk. I was just walking from one yard to the next and a car, I didn't realize cars tried to catch air. It was going faster than just trying to go fast and it had to veer into the other lane almost into the ditch. As the property owner pulled up a few minutes after, I realized if he had been coming up that hill a moment earlier I would have witnessed a lot of death. I just can't convey enough that the topography there being virtually unalterable. It would be a major revision to cause a safer street to increase or encourage traffic there. Also, If anyone has any questions regarding the bicycle plan, I have been working with Chuck Rutherford and the Sidewalk and Trails Committee for years and years and years. How I would love to see this connection down 6th Street. I live down there past 6th Street and my son and I are on our bicycles now and we would love a safe way to town. Thank you.

Odom: Thank you. Anyone else like to address us on this issue?

COMMISSION DISCUSSION:

Odom: Then I will close the floor to public discussion and bring it back to the applicant. Does anyone have questions for the applicant or staff?

Franklin issued a memo in which he basically, as Tim Conklin said, agreed that this solution is the better solution for the collector street. I would conclude by asking you to give this consideration one more time and help us to develop this project. Thank you.

PUBLIC COMMENT:

Odom: Thank you Robert. We may have some questions but first I'd like to ask if there is any member of the audience that would like to address us on this issue? Please come forward at this time. Please identify yourself by your name and your address before you begin.

Littell: My name is Annee Littell and I live at 411 West South Street which is the corner of West and South. I have a double lot that fronts on West Street. So, even though my address isn't West Street, I feel like I'm a neighbor. I've seen just in the last month an accident where you come over a hill and it's blind and then you go down. People like to come kind of fast. It may be kind of fun to do. A neighbor was pulling out of their driveway and they got hit. Nobody was hurt. I don't think the topography is at all suitable to emphasize that street as more of a collector street. School Street, right next door, I guess is listed as an arterial, but it seems to function as a collector. I'm not sure of all the differences but having that major street right next door, one block away, it seems to me we could funnel traffic coming from the library, assuming that happens, could go up Mountain and down School and School already connects with 6th Street. It just seems to me like having two streets a block apart that are both major collectors is overkill and would really hurt our neighborhood. The street is narrow and has no sidewalks on my block of it. If you were to do what the collector needs, that 70 foot, would be probably impossible to make it truly a collector street. So I would just like to support this as a property owner.

Odom: Thank you very much. Was there someone else who wanted to speak to this? If you all could please come up and line up behind each other so we don't spend a lot of time waiting.

Ostner: Hi, my name is Alan Ostner. I'm a resident of 111 West Avenue. Pretty much what Annee has just said I really agree with. The topography of West Street is really steep. I don't know if you have been over there but we refer to it as the roller coaster. When Dickson empties out at 2:00 am it's a free for all. The police would be way too busy if they ever stopped there and tried to pick up drunks and speeders. You can get a great deal of speed going down and then the hill slows you coming up the other side and everyone knows that. They love to do it both

property. We've looked at different alternatives and we think the best one is to, if a collector street is needed, have it occur in the Government Avenue right-of-way. The reasons for that are, we think, first of all, it makes West Street a safer street. I think if West Street tied directly into 6th Street it will encourage cut through traffic from 6th Street which is not a good street for that kind of traffic. The site lines are short because of the topography. The street is narrow. It has a big retaining wall on the east side which makes expansion difficult. It has houses right up against the street on the west side which makes expansion difficult. So, I think, in general, making this a wide safe street will be almost impossible. We think that if you encourage more traffic on this chute it will make things very dangerous for the residents along West Avenue. Also, I think that if we use Government Avenue as the collector street it will make a better intersection. It's a four way intersection instead of a T intersection. It would allow traffic flow to go across 6th Street. If it ever did become a signalized intersection it's about half way between Hill Street and School Street. It's a better place for an intersection if traffic ever builds up along that route. We think that eventually will provide better connectivity to the city because Government Street could eventually tie into 15th Street which ties into I-540. In general I think connectivity would be better along that street and the traffic engineer agreed with that assessment. Another issue that has come up is plans for a bicycle path along the western edge of our property. In general the Sidewalks and Trails Committee has been working to develop a bicycle trail along the abandoned railroad right-of-way. They have gotten appraisals on the land and made a commitment to make that a reality. If we could get the collector street moved we could put the bicycle trail on our lot along the western edge which would connect 6th Street all the way to the downtown area with a nice wooded trail that goes along Town Creek. I think some of this type of alternate transportation is going to be of far more benefit to the city than yet another collector street. The other issue we were concerned a little bit about was where West Street comes into Prairie and takes a short jog and then picks up again. When we talked to the UACDC they said this was the type of intersection that is particularly dangerous to pedestrians because traffic has to make a little zig zag and that is a lot of the problems that they have been having up at the University. I've included that letter in with our submission. A final comment is we think that amending this Master Street Plan is a way to encourage people to develop areas that need help. It's going to be something that the city won't have to spend any money to encourage this development. In fact they will save maintenance fees on this piece of collector street. I don't want to go through all of the petitions and recommendations that we have collected. They are all in this packet that we submitted to you. We've got a lot of support from the neighbors for this scheme. We have support from the Downtown Dickson Enhancement Project, the UACDC, Bicycle Coalition of the Ozarks, and finally, today, Perry

STAFF REVIEW FORM

X **AGENDA REQUEST**
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: An ordinance for (AD 00-22) amending the City's Master Street Plan by eliminating a collector street between Prairie Ave. and W. Sixth Street within the property at 404 W. Sixth Street, at the northeast corner of S. School Ave. and W. Sixth Street and reclassifying Prairie Street west of West Ave. and Government Ave. between Prairie Ave. and W. Sixth Street as collector streets.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	14 July 00 Date	ADA Coordinator	Date
P Vice Purchasing Officer	7-17-00 Date		

STAFF RECOMMENDATION: Staff recommends approval of this request. Planning Commission voted 9-0-0 on July 10, 2000 to recommend approval and to forward the request to the City Council for final consideration.

Division Head	7-14-00 Date
Department Director	7-17-00 Date
Administrative Services Director	7-17-00 Date
Mayor	7/18/00 Date

Cross Reference

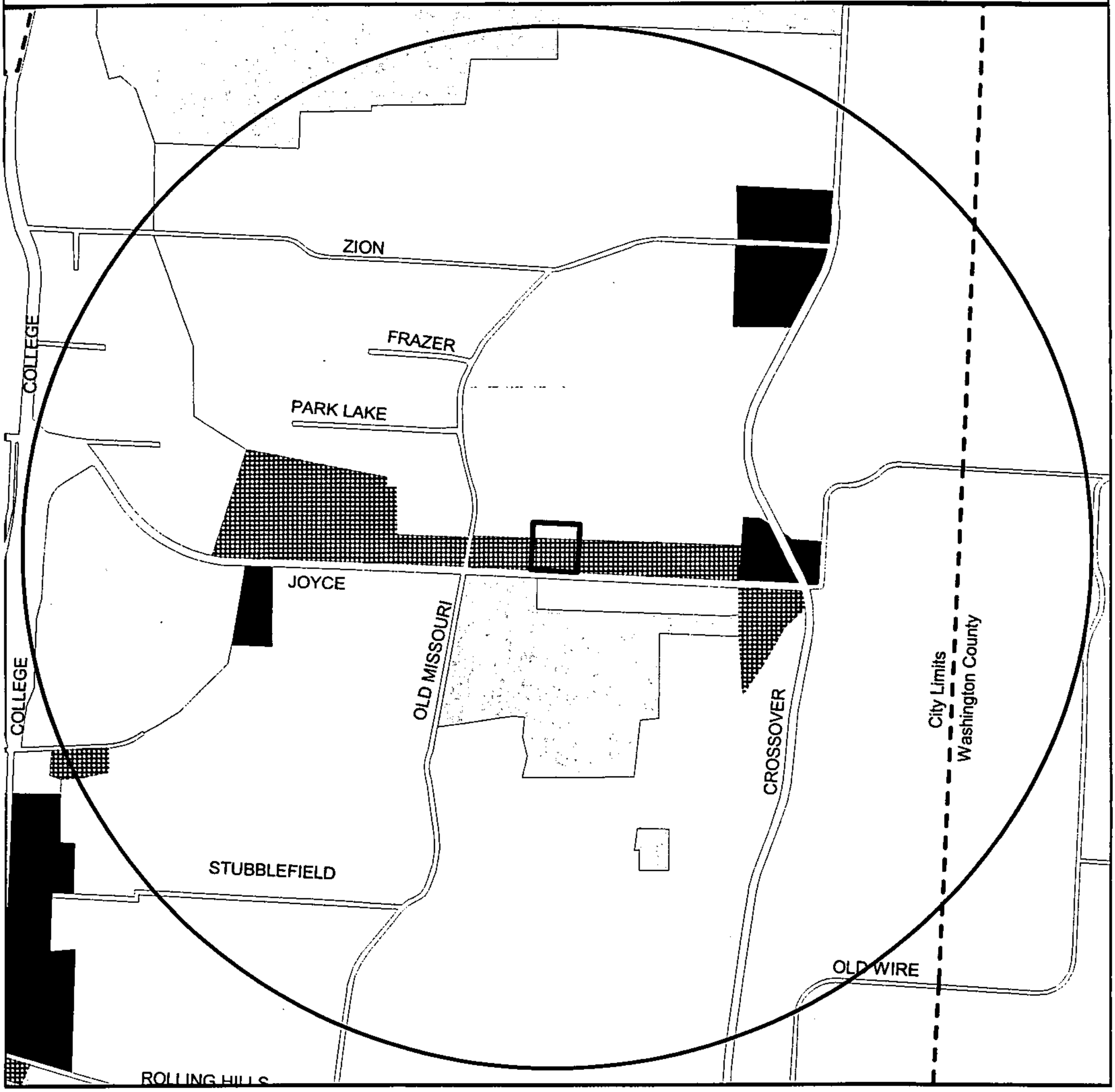
New Item: **Yes**

Prev Ord/Res #: _____

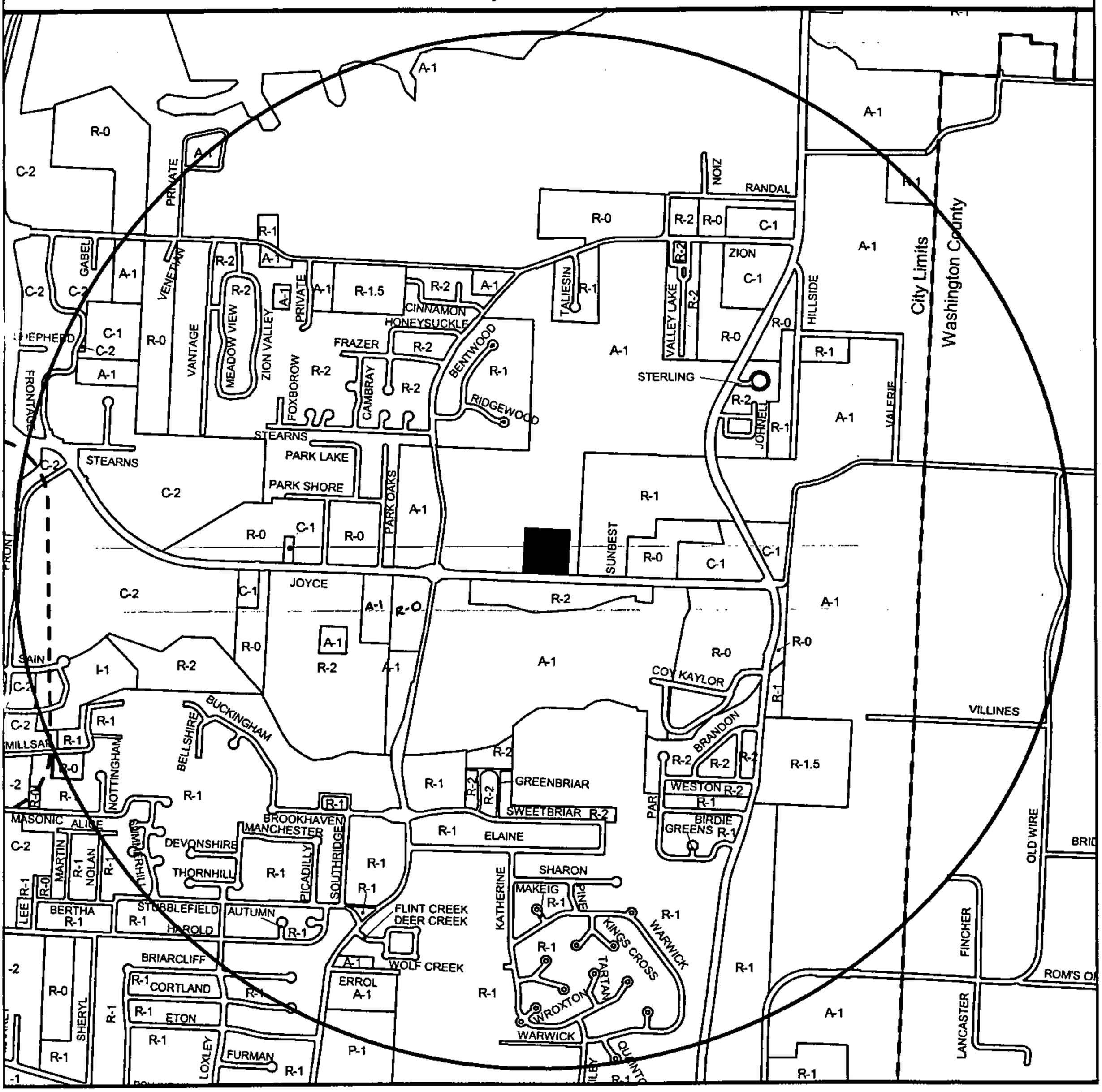
Orig Contract Date: _____

Orig Contract Number: _____

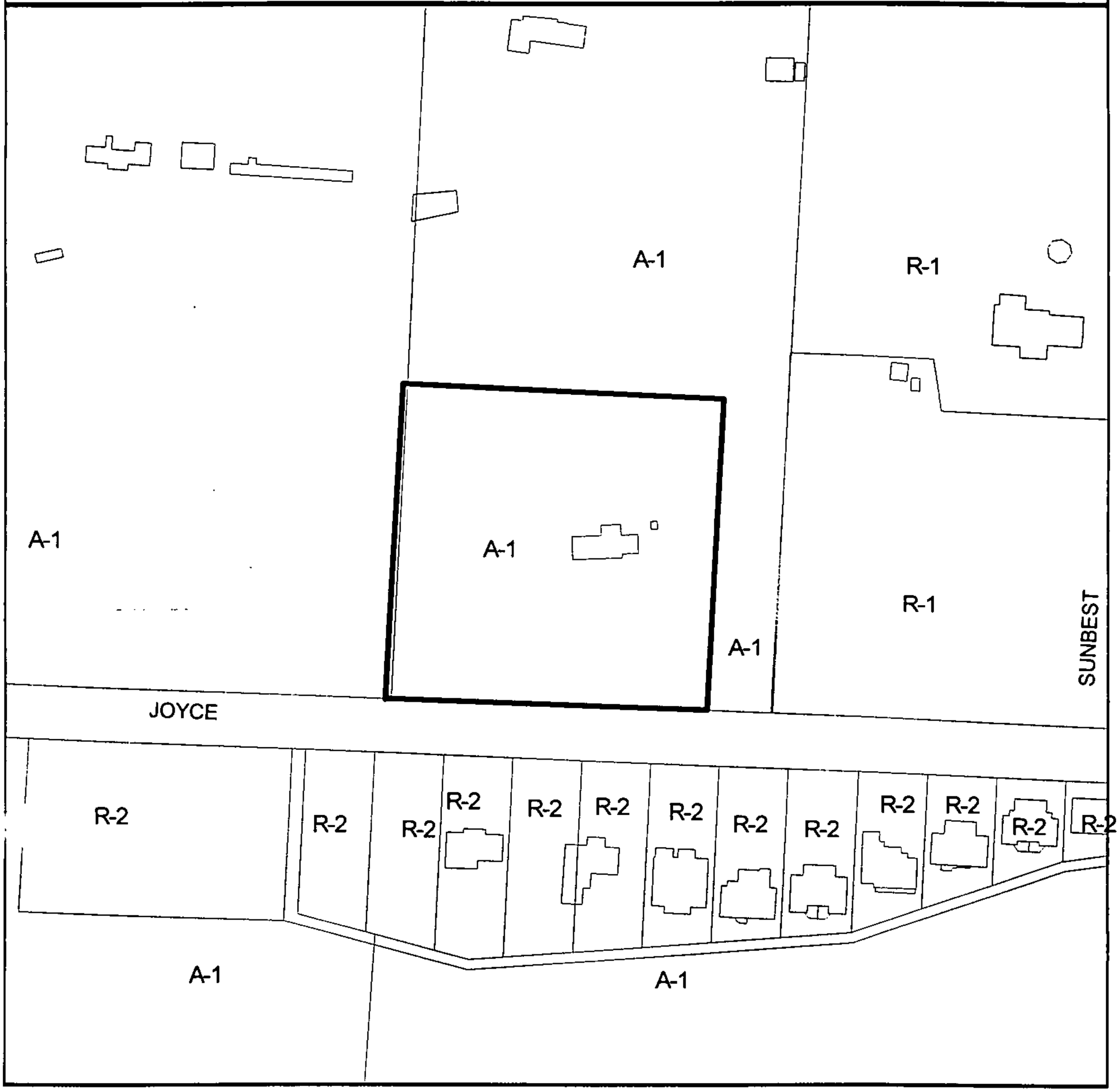
RZ00-20.00 - Dxie Development - 2020 Plan



RZ00-20.00 - Dixie Development - One Mile Diameter



RZ00-20.00 - Dixie Development - Close Up



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RECEIVED
JUN 15 2000
PLANNING DIV.

DIXIE DEVELOPMENT
& MANAGEMENT
REAL ESTATE • COMMERCIAL PROPERTY • CORPORATE OFFICE SPACE

4700 S. Thompson, Suite B-101
Springdale, AR 72764

June 14, 2000

City Planning Commission
Administration Building
Fayetteville, AR

I am requesting a change in zoning for property located at 2416 E. Joyce St. in Fayetteville, AR. The property is currently zoned A-1 and I am requesting a change to R-O.

Randall and Barbara Bailey currently own the property. I have a signed offer and acceptance to purchase the property on or before August 15, 2000.

I am requesting the zoning change in order to build office space for lease. There are currently five acres on the site and I desire to build approximately 50,000 sq. feet of office space. There should be minimal traffic congestion since Joyce St. is a five-lane road with stoplights at every major intersection.

I plan to build class "A" office space with the first tenant being a group of physicians. The appearance of the buildings will be in harmony with the current developments on Joyce. The exterior will be mostly brick most likely with metal roofs. Signage will be in accordance with the Fayetteville Sign Ordinance

There is a 2.25-inch water line on the South side of Joyce running the entire length of the property. There is also an 8-inch line South of Joyce across the street from this property.

There is an 8-inch Sewer line North of Joyce St that ends at Sunbest Dr. West of Highway 265. There is an eight-inch sewer line South of Joyce St. directly across from the subject property.

Ben Israel
President
Dixie Development, Inc.

Phone 501.872.0707
Toll Free 877.872.0707
Fax 501.872.0714

Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses &Apartments:	
	Two or More Bedrooms	1200 sq. ft.
	One Bedroom	1000 sq. ft.
	No Bedroom	1000 sq. ft
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
Lot Minimum Width:	Mobile Home Park	100 ft.
From Center Line of Public Alley		10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

A . Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses:	
	Development	10,000 sq. ft.
	Individual Lot	2500 sq. ft
	Single Family	6000 sq. ft
	Two Family	6500 sq. ft
	Three or More	8000 sq. ft
	Fraternity or Sorority	1 acres

Blvd.) and Residential (northern portion of the tract).

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **There are vacant parcels in the area which are zoned R-O currently. The 6.0 acre tract at the northwest corner of Old Missouri and Joyce Blvd. was rezoned earlier this year. East of this property, at the corner of Joyce Blvd. and Crossover Rd. is Millennium Place subdivision which has both R-O and C-1 zoning. This subdivision is currently under construction. There are also undeveloped R-O properties further west on Joyce Blvd. which were platted as a part of the Vantage Square development (adjacent to the new US Post Office building and south of Community Bank).**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning will not create or appreciably increase traffic danger and congestion. Configuration of specific access points will be reviewed at the time of development approval. Joyce Blvd. is an improved street designed to carry heavy traffic.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning will not alter population density in a manner which would undesirably increase the load on public services including schools, water and sewer facilities. Any utility extensions necessary to serve a development on this property will be determined at the time of development review and approval and will be undertaken at the expense of the developer.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

BACKGROUND:

This property is located on the north side of Joyce Blvd. west of Crossover Rd. (Hwy 265) and east of Old Missouri Rd. It contains approximately 5 acres and is currently zoned A-1, Agricultural; there is a single family home in this location. The applicant is seeking R-O, Residential Office zoning in order to construct a development which will include professional office space for lease. (See attached letter from the applicant)

SURROUNDING LAND USE AND ZONING

North:	Single family home, A-1
South:	Paradise Valley Townhomes, R-2
East:	Vacant, A-1 (90' strip) / R-1
West:	Vacant, A-1

INFRASTRUCTURE:

Streets: Access is from Joyce Blvd. which has recently been improved and includes a sidewalk on the south side and a multi-purpose trail on the north side. Joyce Blvd. is classified as a principal arterial on the Master Street Plan, with a total of 110' of right-of-way required. A principal arterial is designed to accommodate 17,600-20,600 vehicle trips per day.

Water: 36" line on north side of Joyce Blvd.
8" line on south side of Joyce Blvd.

Sewer: 8" line on north side of Joyce Blvd. just east of the subject property (extension may be required at the time of development)

LAND USE PLAN: General Plan 2020 designates this site Office and Resdential. Rezoning this property to R-O, Residential Office is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The subject property is designated on the General Plan 2020 as Office (front along Joyce**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: July 10, 2000

RZ 00-20.00: Rezoning (Dixie Development, pp176) was submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **July 10, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: **August 1, 2000**

Comments: _____

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Odom: And that is addressed at the large scale development process?

Petrie: Yes sir.

Odom: Is there any further discussion on the motion? Call the roll.

ROLL CALL:

Upon roll call the motion is denied by a vote of 3-5-1 with Commissioners Estes, Hoffman, Hoover, Allen and Marr voting against and Commissioner Ward abstaining.

Hoover: Mr. Chair, I have one other question for staff and I'm sorry, I know you have told me this before, in an A-1 are there any conditional uses? Could they do an office complex in an A-1 with a conditional use?

Conklin: Not in A-1.

Hoover: What can you do in A-1?

Conklin: Church, child care, agricultural uses. You need a conditional use for parking lots which serve a use within a different zoning district.

Bunch: Mr. Chairman, I would offer possibly a friendly amendment to revise the motion by Commissioner Shackelford to exclude that portion of the property that drains into the wetland. To be a little more definitive than just saying from the house to the north. That the rezoning would be to R-O for all of the property with the exclusion of the portion that drains into the wetland and that would remain A-1. Would you accept that as a friendly amendment?

Shackelford: I struggle with that a little bit to be honest with you. I still think that we can address that without doing divided rezoning in this situation. I think that Commissioner Hoffman has made some good points but just because you have the ability to build to this level there are a lot of times that we don't allow developers to build to the limit. I don't think we are giving anything away at this point. I think we still have final say on the large scale development. I think this situation will be addressed and will be resolved between the applicant and the surrounding people. I'm not necessarily sure that we want to start the trend of dividing rezoning requests. I think I would rather vote on it as it stands and if that's the direction you want to go if this fails, obviously you could make the motion and go forward with that.

Bunch: Or would the applicant consider withdrawing this an bringing it back to us after they have had the time to talk to the neighboring property owners?

Basham: Again, I'm not in a real good position to barter on that. I would just leave it as it is right now.

Petrie: Mr. Chair, if I may. I wanted to read what our regulations are concerning drainage into wetlands. Chapter 170.07 says areas defined as wetlands by the appropriate federal agencies shall be protected from adverse changes in runoff quantity and quality from associated land development. That is an item, of course, we are enforcing.

Hoffman: Mr. Chair, so in R-O zoning there's a maximum percentage of the property that could be covered with pavement which is about 85 percent?

Conklin: That is our Commercial Design Standards, yes, 85 percent.

Hoffman: And if the property is rezoned and a large scale development come through that technically meets all of the ordinance requirements for tree canopy and replacement, drainage, detention and so forth, what is the minimum rear setback that can be from the north property line.

Conklin: From the back property line is 25 feet.

Hoffman: And would any kind of screening or buffering be required between the A-1 and the R-O?

Conklin: Yes. We do require screening between residential, non-residential uses.

Hoffman: Essentially I'm for a rezoning on a property that has a certainty of being developed in an appropriate manner for this street because I do believe that Joyce is headed in that direction. However, because of the proximity to the wetlands and the other issues that remain to be resolved I don't think I can support it at this time. I'm struggling with a way to justify it in my mind when the adjoining property owners seem not to be too worried about it but want to sit down and discuss it, do you understand if the rezoning passes all of these items could come to pass. If a property meets design standards and is not asking for any variances and you have 25 foot setbacks and clear cutting of the treed area in the back, you could have a commercial development pretty close to your preserve. When rezoning has passed this level and City Council then in whatever manner it comes back for a large scale development if no variances are required it seems to me that the Planning Commission is going to be quite likely to pass it. So do you want to have your cup of coffee now or later?

Smith: Won't those things be worked out in large scale development?

Hoffman: If they meet all of these development standards for R-O zoning that can be an intensive use of the property. It allows for quite a bit of coverage of the property. It allows for 85 percent of it to be paved. Drainage could certainly be engineered to where they drain into detention ponds and so on but it doesn't leave much of an area or natural buffer between this development and the preserve behind it. So, for that reason I'm thinking I'm not going to support it if we can't get a little bit clearer picture of what's to occur here.

prepared to present that with the LSD. We still have final say in that LSD approval and a big percentage of that would be whether or not we were satisfied with the runoff and the other situations that we look at with every LSD. So, I'm agreeing with the speaker that I don't think there is a general consensus against this rezoning and I don't think we are giving up any control on this by going ahead and recommending the approval of this rezoning to the City Council.

Marr: Mr. Chair, I want to make sure I'm clear on item number 2. A couple of questions for Tim. We approved a 6 acre tract of R-0 in this area, is that developed currently and filled do we know?

Conklin: That has not been developed at this time.

Marr: And there is a new Millennium Place Subdivision that is R-O and C-1 and that is under development?

Conklin: Yes. Their final plat is almost ready for signatures.

Marr: And then there is R-O property further west on Joyce Boulevard that is undeveloped at this point? By the Post Office?

Conklin: Yes.

Marr: Thank you.

Hoover: Mr. Chair, I have a question for staff. Just out of curiosity, I wanted to compare R-O to R-2 and the amount of concrete for parking needs for the two. Do you have just off the top of your head, which one would require more concrete?

Conklin: It's going to depend on the density they propose. Under R-2 you are allowed to have up to 24 units per acre. If they achieve that density you will probably have a lot more parking based on that density.

Hoover: In an R-2 if you used it to its full capacity?

Conklin: Yes. With R-O professional office at 1 space for 300 square feet of floor area, depending on the size of the office, if it's a multi story office building it could have potentially a lot of parking. That's a difficult question.

Hoover: I understand. I was just comparing notes here. Thank you.

disapproval shall be given in writing to the petitioner. 4) Neither Approve nor Disapprove. There is a time line on here of 45 days you have if you don't act on the item within 45 days it's deemed approved and goes to City Council. I just wanted to go over those items with you.

Odom: I didn't know that.

MOTION:

Shackelford: Mr. Chairman, I guess I concur with most if not all of your statements that there is a need for R-O in this area and probably want to expand on that a little bit further. I'm also in agreement with the comments that Dr. Smith made. I think if you look at the 2020 plan and look at the location of this property it will be rezoned and developed at some point. I think that R-O zoning would have the least impact on this property especially if you started thinking of R-1.5 or R-2 and the density that it could be zoned and built at that point. Projected on this property is a medical building which is going to be very low impact on this property. Personally I think we are not giving up any control. I think we still have control over the runoff and those sorts of situations with the LSD that would have to come back before this panel for approval. So, I'm going to go ahead and make a motion that we approve RZ 00-20 as it is presented and reserve the right to deal with those specific issues as this panel when the LSD comes through.

Odom: We have a motion by Commissioner Shackelford. I will second the motion. Do we have any discussion on the motion?

Hudson: I believe we are making a lot out of this. Really none of us, I don't believe, none of us object to this rezoning per say. The problem is we have just not sat down around a cup of coffee and resolved this. It could be resolved probably very, very quickly. That's all I'm saying. Looks like to me maybe the recommendation that all the parties get together and have a cup and resolve this and it could come back to you. It looks like that could settle the issue.

Allen: Mr. Chair, what was that option of the 45 day thing again? Could you read that one more time?

Conklin: Deemed approved or if everybody agrees, both parties, you can extend that time.

Shackelford: Mr. Chair, I still hold firm to the opinion that we ought to go ahead and approve the rezoning as it is and let the applicant know that prior to the LSD being approved we would like to see the concerns of the neighbors addressed and be

Odom: Well, let's all keep in mind a couple of things. First this is nothing more than a recommendation to the City Council if we approve it. If we deny it then it's up to the applicant whether or not they wish to appeal the denial and so forth. I would caution those members of the Commission not to find against the development because they would like to see it come thorough all at one time. That is not what we are charged with. I think Commissioner Marr has made a point that it is on point because it addresses a specific finding that we must determine whether or not R-O zoning is appropriate or needed at this time by citing number 2. I would encourage those who are going to support it to stick with those findings. In particular and on that issue, I do not agree with Commissioner Marr's assessment. It seems to me that that area of Joyce Street, R-O, which not only is designated on the Land Use Plan as office and residential and is compatible with the General Land Use Plan but the R-O zoning on Joyce Street that I'm familiar with is accurate. I know there was a recent sell of an R-O zoning that we recently rezoned on the corner of Joyce just down the street from this. There is construction on other R-O sites as well. This is an area of town that is growing rapidly and in my opinion, needs more R-O zoning. So, I differ in opinion on that finding. So, I would support a motion for approval of this R-O zoning.

MOTION:

Hoffman: Mr. Chair, I will make a motion to recommend an R-O zoning from the portion of the rear of the house forward to Joyce Street only. The house is shown on page 5.7 of our material, and that the remainder of the property north of the house remain A-1. And that the applicant would submit a revised survey to the staff should this particular motion be seconded and passed.

Odom: Do we have a second to the motion? Going once, going twice, the motion fails for lack of a second.

COMMISSION DISCUSSION:

Conklin: Mr. Chairman, under chapter 154 of our UDO under amendments just to let the Commissioners know what they can and can't do with regard to amendments to our zoning map. The Planning Commission may take one of the following actions. 1) Approval. The proposed amendment may be approved as presented. 2) Approval in Modified Form. Approved in a modified form by a majority of the Planning Commission and recommended for adoption by the City Council with the reasons for such recommendations stated in writing. 3) Disapproval. If the Planning Commission disapproves a proposed amendment the reason for such

back part of the property A-1. But I'm not sure that will fly. I can run it up the flagpole though.

Odom: Well, you have run it up, let's see if we have anyone that wants to comment on it.

Bunch: Mr. Chair, Commissioner Hoffman would that be primarily from the break in the property? Having looked at it it appears as though the bulk of the property drains towards the south towards Joyce and just the part from the tree line to the north I believe are the parts that might drain towards the wetland. We may want to ask Dr. Hudson.

Hudson: That's essentially true. It's just a small part, maybe an acre that is of concern. Our only concern is not the rezoning but not draining into the wetlands. That's our concern.

Estes: Mr. Chairman, the applicant brings to us a request to rezone the approximate 5 acres. I do not feel that we as a Commission can sua sponte amend the applicants rezoning request. I will not vote for the rezoning request as it now stands but likewise I'm very much concerned about this Commission sua sponte on it's own motion amending this applicant's zoning request. I think that is way outside the scope of our authority. Our granted authority from the City Council.

Hoffman: Mr. Chair. Just to respond to your concern. I certainly understand. I think that we have dealt with other difficult large tracts in that manner. There was a church on Hwy 265 that retains that zoning. They had asked for a larger portion of the property to be rezoned and the Commission took the initiative to say okay, only the front portion could be rezoned. I think that was upheld by City Council so I'm not sure if it is outside the boundaries of our authority.

Estes: My remembrance of that issue is that the applicant acquiesced to that suggestion.

Hoffman: Then I would have that same question to this applicant.

Basham: What was your question?

Hoffman: Would you be interested in acquiescing to an amended type of zoning in order to go forward with this that would leave out a portion of the rear of the property and leave it A-1?

Basham: My position is I can refer that to Mr. Israel and go from there.

development proposals along with their rezonings and offer a bill of assurance to build it according to their plan but we have not typically done that.

Hoffman: We've done it more in residential. I don't mean to interrupt. On a residential type plan, we've done that for some townhouses recently, I believe, where the buildings are grouped according to where the best location is to preserve environmental features and so forth.

Conklin: Yes. That's allowed under our zoning for residential uses. The non residential uses typically require the rezoning.

Allen: Mr. Chair, other than a yes or no vote then is there anything that we can do as the Commission that helps to waylay Dr. Hudson's concerns about the wetlands?

Odom: Not necessarily at this point. Staff do you want to comment any further on that? It's really more of a development issue than a rezoning issue.

Conklin: The issue of the wetlands and drainage will be addressed during the development.

Odom: And they will be addressed?

Conklin: Yes. Either at the Subdivision or at large scale development.

Hoover: Mr. Chair, I especially like Commissioner Hoffman's suggestion of having the site plan come in at the same time. I know other cities are doing this. This is an issue where I'm not necessarily against R-O right here but I am against giving up any leverage we have of not knowing what's going to happen to it. I want more control. I know we can't do zoning with conditions but I would appreciate if the city would look into how other cities are doing this because they are doing this and they are saying, this could be rezoned if you do this particular development and we know you are going to do it this way and there is a bill of assurance. I think here is a perfect example of when we need that.

Hoffman: Mr. Chair, I do have one thing that might help compromise. On another property we have voted not to rezone the entire property but we voted to rezone only portions of the property. In this case I would think that the front portion because it is relatively flat and does not obviously drain towards the wetlands, it faces a major collector street, or whatever Joyce is termed, that the front, say 50 percent of the property could be rezoned R-O with no problem and not impact the trees, wetlands or anything. If anybody on the Commission would be interested in going forward with that I can try to craft a motion to do that and then leave the

there a concept that might help?

Basham: I have not seen the concept. From what Ben Israel said I think the property that he is wanting to develop or put the clinic on is out toward the street and not toward the back.

Hoffman: Right. Is there a slope up that goes up the hill?

Basham: Is there now? Yes.

Hoffman: Yes. It goes uphill from the house I believe or am I completely backwards on that?

Basham: I think that's right.

Hoffman: So the drainage from this property would not be back onto the preserve behind. It would be towards the street.

Basham: I have not walked over the property so I don't know.

Hoffman: Okay. Thank you very much.

Estes: Mr. Chairman, I had a question similar to the one just asked. How does the adjacent watershed drain into the designated wetland if you know?

Basham: I do not know.

Estes: I understand that is not determinative in the rezoning issue but I do concur with Commissioner Marr and Commissioner Hoffman's other comments.

Hoffman: Mr. Chair, I have an idea that I would like to throw out. In a PUD where the zoning would be accomplished at the same time that the project is brought forward, it's more possible for us to answer these types of questions and I might move that to the applicant as a suggestion should this not pass either the Planning Commission's recommendations or the City Council. As I understand it our vote would only be as a recommendation to City Council of whether or not to rezone the property but that a PUD is brought forward at the same time as the rezoning or not. That's how I always think of it.

Conklin: We have not done that in Fayetteville. There are other communities that do have combined site plan review and zoning. I've seen some applicants bring in

would impact and maybe some ways we could put a conservation easement on the upper strip or to minimize the impact. We would be in favor of some sort of low density, low impact development that would also address our concerns for protecting the property. I would have to come out in opposition to the rezoning from A-1 to R-O because most of the properties around Dr. Hudson are A-1 and as such we feel comfortable with what's happening. Zoned R-O we have no idea what type of impact the development will have on our plans. Although I'm not absolutely opposed to a rezoning, it seems premature to us for that to happen without taking into account both the environmental considerations of the wetland and also the plans that we have been working on for several years. That's my comment on it.

Odom: Thank you. Any other member of the audience like to address us on this request?

Smith: My name is Harvey Smith and I have a home that is adjacent to Dr. Hudson's property that is east and north of the property that is being requested to be rezoned. I just wanted to state that my feelings are that R-O is the best and least obtrusive thing that this could be. I would rather it be that than homes. I think that Dr. Hudson would agree with that if his issues were addressed and his concerns addressed. If those things can be taken care of I certainly would rather it be R-O.

Odom: Thank you Dr. Smith. Any other member of the audience?

COMMISSION DISCUSSION:

Odom: Then I will bring it back to the applicant for questions and comments.

Marr: Mr. Chair I guess my thoughts on this are when I look at number 2 of the findings, determination of whether the zoning is justified or needed I have a real question of whether we need it in this area. There seem to be several vacant parcels undeveloped at this point that are already zoned R-O and a couple of new one that are going in that are just now beginning development. So, from my perspective I have a difficult time finding that there is a justified need.

Hoffman: Mr. Chair, I share the concern of Commissioner Marr and have in past votings on R-O property in this area because by my account there are almost 10 that are not developed within a very close short distance of this request. I do have a question for the applicant. When we went on tour it appeared to me that about 2/3 of this site is pasture land and then there is the house. Behind that there is a grove of trees or forest area. Could you describe that to me and what the plan might be? Is

there designated as a nature study area that will be maintained in perpetuity as a nature study area. Now the problem here is not a great one but enough of a concern that you ought to consider it before doing anything or developing it. There is probably less than an acre of this five acre lot that drains into this wetland. You know the potential problem here. I think before any effort is made for development or anything for that matter that the principals concerned should sit down and discuss this with the property owners and the trust property which is represented here tonight also and see if we can work out this thing amicably to everybody concerned. My concern is to protect the wetland. Their concern, of course, is to develop it. So, we should be able to come to some agreement but we should approach this problem before we go any further. As you know, these environmental problems are sticky and they should be taken care of before we proceed further.

Odom: Thank you.

Galbraith: Good evening Commissioners. I'm Greg Galbraith with Ozark Regional Land Trust. We are a nonprofit conservation organization that operates throughout Northwest Arkansas and Missouri throughout the Ozarks. We've been very active in Fayetteville. I've been before the Planning Commission and the Council before and worked out very good deals where development and environmental concerns were compatible. Several years ago there was a proposed development next to Dr. Hudson's property. Dr. Hudson, who just addressed you, has made a significant commitment to leaving his property in a conservation, nature education center that would benefit Fayetteville. He's working with our organization, Ozark Regional Land Trust. The last time a development was proposed just to the east of his property there was going to be a significant impact because there is some major drainage into that property and it was settled quite well. We actually bought 4 acres of that property. So the land trust itself is a property owner involved here. We purchased that at a fair market value so we have a significant investment in the future of this property plus the money we have spent on the restoration of that four acres. At that time the city also recommended, before this was all played out, that the developer leave .5 acre of the main drainage site to the city because they didn't want to see this nature center plan disrupted. In the end we ended up buying that ½ acre plus 3.5 additional acres. Currently the property that is in question is just south of Dr. Hudson's property. Being on Joyce Boulevard we don't deny that there will probably be development of that property eventually but our concern is how that development is going to impact that property that we are investing considerable time and money into protecting. Like Dr. Hudson mentioned it is immediately adjacent to the drainage and wetland that is integral to this area. We haven't had any discussions with the developer to see how this

RZ 00-20.00: Rezoning (Dixie Development, pp176) was submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office.

Odom: The next item we have on tonight's agenda is RZ 00-20.00 submitted by Gary Carnahan of the Benham Group on behalf Ben Israel of Dixie Development, Inc. for property located at 2416 E. Joyce Street. The property is zoned A-1, Agricultural and contains approximately 5 acres. The request is to rezone to R-O, Residential Office. Staff's recommendation is for approval of the requested rezoning based on the findings included as part of the report. Staff is there any further information?

Conklin: There is no additional information.

Odom: I would ask the applicant to please come forward at this time. Commissioner Ward?

Ward: It will be necessary for me to recuse from this rezoning.

Odom: Noted as abstained. Anyone else? Go ahead.

Basham: I'm Jerry Basham with Dixie Development. Ben, at the last moment, had to be out of town this evening. I'm not sure exactly what you need to know. You have the plans, I believe before you.

Odom: If you are here only to answer questions and so forth, we will reserve that for the second portion.

Basham: Yes.

PUBLIC COMMENT:

Odom: What we will do now is ask if there are members of the audience that would like to address us on this issue. Please come forward at this time.

Hudson: My name is Lloyd Hudson. I own the property north of this property concerned here tonight. On the surface I have no objection to rezoning this property as such. My concern deals with the environmental issues that are inherent here. North of this property that we are talking about is a wetland that has been designated as an official wetland by the US Army Corps of Engineers. There is a 17 acre property

DIXIE DEVELOPMENT
& MANAGEMENT
REAL ESTATE • COMMERCIAL PROPERTY • CORPORATE OFFICE SPACE

4700 S. Thompson, Suite B-101
Springdale, AR 72764

July 11, 2000

Heather Woodruff
City Of Fayetteville

Transmitted via fax: 575-8257

On July 10, the Planning Commission turned down a request for re-zoning of a parcel of ground on Joyce St. (RZ 00-20.00) even though the Planning Commission Staff had endorsed the change from A-1 Agriculture to R-O. There was little opposition to the requested change. There was some concern about the part of the property that drains into a wetland area North of the property.

The long range planning for this property is R-O. I have a ready tenant who desires a medical-surgical facility to be constructed on the site. The other structures to be developed on the site will be professional office buildings.

A couple who has lived there over thirty years owns the property. The sale of this property is their retirement plan. To sell it for it's highest and best use is in their best interest. It's highest and best use is R-O. The City Planners have agreed that this is the best long-term zoning. To delay the re-zoning is to delay their ability to enjoy the fruits of what they have invested in. To ask them to sell it as A-1 is to lower the price from $95,000 per acre to $10,000 or less per acre.

I believe it should not be within the prerogative of the government to decide when a property is ready to be sold for it's highest and best use when that use falls within the long range plans of that government. To do so might be construed to be showing favoritism to that person who already has received re-zoning in the same area or to someone who might be acquiring the property in the near future.

I would like to appeal the decision to the City Counsel.

Sincerely,

Ben Israel

Phone 501.872.0707
Toll Free 877.872.0707
Fax 501.872.0714

Jul 11 00 10:54a Dixie Development (501) 872-0714 p.4

B. If a public water supply is proposed and an individual septic tank absorption field system is to be used for sewage disposal, the lot size must be such that the soil absorption system may be located on a suitable sewage system site. For the purpose of determining minimum lot size, the leaching system site shall be twice as large as would be required for installation of the individual sewage disposal field and shall conform to all set back requirements established under Paragraph 2.11. of these Rules and Regulations. However, in no case shall a septic system be approved regardless of lot size if soils are unacceptable for subsurface disposal.

2.3. Existing installation. No individual sewage disposal system in existence on the effective date of these Rules and Regulations nor any individual sewage disposal system installed after the effective date of these Rules and Regulations in a subdivision, wherein individual lots have been developed or sold for use with individual sewage disposal systems, for which a plat has been filed on record prior to the effective date of these Rules and Regulations shall be required to conform to more stringent specifications and requirements as to design, construction, density of improvements, lot size and installation than those standards contained in any applicable duly adopted and published regulations in effect at the time of platting of record of such subdivisions. No individual sewage disposal system to be installed on a residential lot for which the Department or its authorized agent has issued a construction permit on or before the effective date of these Rules and Regulations shall be required to conform to the design, construction and installation provisions of these Rules and Regulations. In a subdivision for which a master plan has been approved by the Department prior to the effective date of these Rules and Regulations or for which the Department has otherwise previously issued its written approval for the installation of individual sewage disposal systems and where individual lots have been developed or sold in reliance upon such prior written approval, individual sewage disposal systems shall not be required to conform to more stringent specifications as to design, construction and installation than those standards in effect at the time of, or referred to, in such prior written approval. Provided, that any individual sewage disposal system which is determined by the Division of Environmental Health Protection of the Department of Health to be a health hazard or which constitutes a nuisance due to odor or unsightly appearance, must conform with the provisions of these Rules and Regulations within 30 working days after notification that such determination has been made.

2.4. Variances. Requested variations from these Rules and Regulations will be considered and must be approved by the Department or its authorized agent. Submission of alternate designs for individual sewage disposal or treatment systems for sites found not suitable for standard systems is encouraged. Submission of an alternate design shall include design data as to the efficiency of operation of the proposed alternate system.

06/21/2000 15:34 5019738483 WCHD PAGE 03

AR DEPT OF HEALTH REQUIREMENTS

SECTION II. PLANNING THE LEACHING SYSTEM.

2.1. Public sewage versus individual sewage disposal systems. Every effort should be made to connect to an existing public sewer system. When connection to an existing system is not feasible and a large number of residences are to be built in an area, consideration should be given to the construction of a community sewer system and treatment plant. However, since an improperly operated or inadequately staffed community sewage treatment plant cannot effectively treat wastes, consideration should be given to the size of the proposed system to insure that economically feasible sewer rates are sufficient to insure proper treatment plant operation. As an aid to developers and engineers, the following information is offered to determine the feasibility of a public sewer system or individual disposal system.

POPULATION DENSITY	EQUIVALENT LOT SIZE	SERVICE ECONOMIC JUSTIFICATION
Over 5,000 persons per sq. mi.	Less than 1/2 acre	Public sewerage is justified
2,500-5,000 persons per sq. mi.	1/2 to 1 acre	Public sewerage normally is justified
1,000-2,500 persons per sq. mi.	1 to 2 acres	Public sewerage normally is not justified
Less than 1,000 persons per sq. mi.	Over 2 acres	Public sewerage rarely is justified

2.2 Minimum lot sizes. The following lot sizes are required, when septic tank absorption field systems are proposed:

A. If an individual water well supply and septic tank system are proposed, the lot size must be such that the well may be located at least 50 feet from any side lot lines, at least 25 feet from the front lot line, at least 100 feet from the rear lot line and at least 100 feet from any part of the septic system site proposed on the same lot and septic system sites proposed on any adjacent lots. Wells should be located up slope from septic systems if possible.

For the purpose of determining minimum lot size, the septic system site proposed on the lot and on any adjacent lots shall be twice the size required for installation of the sewage disposal field. However, in no case shall a septic system be approved regardless of lot size if soils are unacceptable for subsurface disposal.

Director Green stated that even though there may be some "holes" in the percolation test occasionally, he believes that the State Health Department should have the authority and responsibility for administration of the tests.

Upon roll call, the amendment to the ordinance passed by a vote of 6 to 0.

ORDINANCE 3615 APPEARS ON PAGE 147 **OF ORDINANCE BOOK** XXVII

REZONE R92-17

Mayor Vorsanger introduced an ordinance annexing 70 acres and rezoning 112.83 acres located south of Skillern Road and east of Crossover Road from A-1, Agricultural, to R-1, Low Density Residential, as requested by Truman Yancey on behalf of James Riley Skillern.

The Planning Commission voted unanimously to annex 70 acres and rezone the whole parcel as requested by the petitioner subject to the developer reaching an agreement with the City to accomplish paving to City standards Skillern Road along the front of the property.

The ordinance was read for the first time. Green, seconded by Nash, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Green, seconded by Nash, made a motion to further suspend the rules and place the ordinance on its third and final reading.

City Attorney Rose explained that there has been some discrepancy in the acreage, as the original application was for 70 acres and the petition to the Court set forth 80 acres. The 80 acre figure is correct and is the figure before the Board for consideration.

Truman Yancey, attorney on behalf of Mr. Skillern, confirmed that the property contains 80 acres and is properly described in the legal description. He further explained that the change in acreage resulted from the survey for which the description wording is slightly altered, even though it refers to the same area.

Mayor Vorsanger called attention to a letter received by County Judge Johnson indicating that the County will do their share of the road paving.

Little reported that the Planning Commission voted 9-0-0 to annex and rezone the property from "A-1" to "R-1"; however, their approving vote was subject to the developer reaching an agreement with the City to accomplish the paving of Skillern Road to city standards since they would be developing a substantial subdivision of over 100 new lots. Subsequently, the Planning Commission met

June 2, 1992

AMENDMENT TO SUBDIVISION REGULATION ORDINANCE

Mayor Vorsanger introduced consideration of an amendment to the Subdivision Regulation Ordinance Section 159.30(i)(2) that would allow lots of less than 1.5 acres when a permit for a septic system is granted by the Arkansas Department of Health.

The Planning Commission voted 8-0-0 to recommend this amendment.

Planning Director Alett Little stated the section of the ordinance being amended refers to those areas where a public sanitary sewer is not reasonably accessable or available for connection and the subdivision has been platted so that each lot has a minimum gross area of 1.5 acres and individual sewage disposal system for each lot may be used. While the area of 1.5 acres is a rather arbitrary figure used, she does not propose to discard that figure in the absence of a permit; however, since the state has the authority to grant a permit for a septic tank system and it is based on a percolation test being performed on the lot, the State will sometimes approve a septic tank system on a lot having an area less than 1.5 acres. Staff is recommending that the City yield to the higher authority of the State when a permit is issued and allow for this in the City's regulations.

The amending ordinance was read for the first time. Coody, seconded by Green, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the second time. Coody, seconded by Green, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion passed by a vote of 6 to 0. The ordinance was read for the third and final time.

Director Henry inquired whether the State Department of Health specifies the times in which "perc" tests are to be performed. Little responded that they do not mainly because development of the lot could occur at any given time of the year, and if the Department of Health believes the results to be unsatisfactory, they have authority to request repeat percolation tests.

Director Coody asked if the Department of Health performs the "perc" test during the driest time of the year which checks out okay, and then later on, the area turns out to be more of a wetland and the septic tank does not meet specifications, what remedy does the City have.

Little responded that the City's main safeguard is that septic tank systems are not allowed unless the public sewer system is not available, and sewer systems are available in most areas throughout the City. Little reiterated her belief that this is not an area in which the City should assume responsibility, rather the City should yield to their authority as to what will be permitted.

AD 00-18.00
B. 2. Page 8

FILED FOR RECORD
'92 JUN 18 PM 3 56
WASHINGTON CO AR
A.M. ELMEYER

ORDINANCE NO. 3615

AN ORDINANCE AMENDING §159.30(I)(2), FAYETTEVILLE CODE OF ORDINANCES, TO PROVIDE FOR SEWAGE DISPOSAL SYSTEMS FOR LOTS LESS THAT ONE AND ONE-HALF ACRES IN SIZE.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That §159.30(I)(2), Fayetteville Code of Ordinances is hereby repealed in its entirety and the following shall be inserted in its stead:

REQUIRED IMPROVEMENTS

§159.30 URBAN SUBDIVISION

(I) Sanitary Sewer System

(2) Public sanitary sewer not accessible.- Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkanasas General Assembly, in compliance with State Health Department standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minumun gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimun gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of recored prior to July 5, 1977.

PASSED AND APPROVED this 2nd day of June, 1992.

APPROVED:

By: Ted D. Venuzza
Mayor

ATTEST:
CITY CLERK

By: Wanda L. Thomas
City Clerk

FAYETTEVILLE CITY CLERK

92 30949

Health Department standards and regulations; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirements prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

PROPOSED AMENDMENT FOR ALL SEPTIC SYSTEMS WITHIN THE CITY AND PLANNING AREA

Underlined text is the proposed text amendment by adding additional language. No existing text is being deleted from this section with this amendment.

§166.04(A)(8) b. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department's standards and regulation; provided, if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100' shall be shown on all proposed subdivisions and lot splits. Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

position of having to address the lot size and configuration first regarding septic systems when reviewing subdivisions of land.

The current ordinance requires lots to be 1 ½ acres in size when on a septic system. This requirement was amended in 1992 to allow lots less than 1 ½ acres inside the City when the Arkansas Department of Health grants a permit.

Staff is proposing to make the lot size requirements the same for all subdivisions and lot splits located inside the City or within the Planning Area.

CURRENT REQUIREMENTS FOR SEPTIC SYSTEMS INSIDE THE CITY
Area highlighted refers to lot size

§166.03 URBAN SUBDIVISION. (I)(1)

2. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State Health Department's standards and regulation; provided, **if a community sewage system is not reasonably available or economically feasible, and the subdivision has been platted so that each lot has a minimum gross area of one and one-half acres, an individual sewage disposal system for each lot may be used; for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health.** Individual service lines and connections shall be installed prior to the paving of the street, if possible. The minimum gross area requirement prescribed hereby for an individual sewage disposal system shall not apply to any subdivision for which an approved plat has been filed of record prior to July 5, 1977.

CURRENT REQUIREMENTS FOR SEPTIC SYSTEMS OUTSIDE THE CITY WITHIN THE PLANNING AREA
Area highlighted refers to lot size.

§166.04 SUBURBAN SUBDIVISIONS. (A)(8)

8. Sanitary Sewer System.

a. Public Sanitary Sewer Accessible. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

b. Public Sanitary Sewer Not Accessible. Where a public sanitary sewer is not reasonably accessible, the subdivider shall be required to install a community sewage system, as defined by Act 402 of the 1977 Arkansas General Assembly, in compliance with State

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:
501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: June 22, 2000

AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

RECOMMENDED MOTION

To approve an amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system by added the following language:

...for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100' shall be shown on all proposed subdivisions and lot splits.

BACKGROUND

Last May, the Washington County Intergovernmental Council Members met and proposed changes to the subdivision review process for City Planning Areas. A City Planning Area is the are outside of the corporate limits where under Arkansas State Code the City has the authority regulate subdivision of land.

The proposed change requires that all subdivisions and lot splits in the Planning Area be approved by the City prior to County approval. The previous process required Washington County approval prior to City approval.

The City has in the past relied on Washington County approval with regard to lot size and configuration when dealing with the issue of septic systems. However, the City is now in the

Odom: Commissioner Hoffman.

Hoffman: A little bit more on the subject. Were we able to locate, I'm trying to make this a little bit more user friendly since it'll be a different procedure for the folks that are used to doing things with the county first, can we get the soils map available at the city to give them a general idea of the good and bad areas that exist?

Conklin: Sure. I don't have a problem with making that available to the public. Once again, by the time we do get the permit that test will have been completed. It does cost money for a septic system or perc tests do cost around $300 to $400 each, however, the ordinance also reads what we currently are doing, anything over 1.5 acres the city is not going to require that that test be completed. So if you don't want to go out and spend the money to make sure that you can have a lot smaller than 1.5 acres, you can propose a 1.5 acre lot and bring that forward without that permit. I think it's important though, when you start going below 1.5 acres to make sure that these lots will be able to have their individual septic systems on them.

Odom: Any further discussions? Motions?

MOTION:

Shackelford: Mr. Chairman.

Odom: Commissioner Shackelford.

Shackelford: I'll make a motion that we approve AD 00-18 subject to staff comments.

Bunch: Second.

Odom: We have a motion by Commission Shackelford and a second by Commissioner Marr to approve AD 00-18.

Bunch: Commissioner Marr is not here.

Odom: Oh well, excuse me Commissioner Bunch. Any further discussion? Call the roll.

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

Odom: And, staff, this will also make it consistent with what we do inside of the city.

Conklin: That is correct.

Odom: And that ordinance was passed back in 1992 to allow lots of less than 1.5 within the city to be approved without a waiver?

Conklin: Yes.

PUBLIC COMMENT:

Odom: Any member of the audience like to address us on this issue?

COMMISSION DISCUSSION:

Odom: Seeing none I'll bring it back to the Planning Commission for sewage discussion.

Estes: Mr. Chairman.

Odom: I figured you'd be the first on that one. Commissioner Estes.

Estes: Mr. Conklin, your requirement regarding the perc test, is that included in the sub part of §166.04?

Conklin: Yes. In order to get a permit for a septic system they do have to hire someone to actually do the test and have that approved by the Arkansas Department of Health. So, if I can get a permit in hand I do know that they've dug the hole, they've tested it and that it did pass and you can have a lot that is less than 1.5 acres. So, I'm asking for this permit up front.

Estes: I want to be sure that you get what you are asking for so when the language is in there when a permit for a septic system is granted, are you telling us that when that permit come to your office it will have the perc test with it?

Conklin: Yes.

Estes: And that satisfies your requirement?

Conklin: Yes. In order to get the permit they have to have the perc test already completed.

Hoffman: Mr. Chair.

Planning Commission Minutes
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AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

Odom: The next item that we have on tonight's agenda is AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system. This is a proposal set out by the City Staff and so Tim, I'll let you run with it.

Conklin: Sure. Approximately a month ago Washington County Inter-Governmental Council recommended we change the way we review our subdivision and lot splits in Washington County within our Growth Areas. That change has resulted in the City of Fayetteville now reviewing lot splits and subdivisions prior to the county approving them. In the past we always would require that the county approve the lot size and configuration prior to coming to our office and the Planning Commission. Looking at our lot splits that we've received recently and looking at what our ordinances require we do have a 1.5 acre minimum lot size when you are on a septic system inside our Growth Area. In 1992 we had a similar requirement for septic systems inside our city limits. Staff is proposing to change the ordinance to allow something less than 1.5 acres if they do provide a permit for a septic system. What I'm trying to do here is to make sure that we comply with our ordinance and that since the county is no longer approving lot sizes smaller than 1.5 acres prior to coming to us this is something I do need to bring to your attention. On page 6.3 under §166.04 (A)(8)b everything that I've underlined is the new language that I propose to put into this section which applies to our Planning Area where we do review our lot splits and subdivisions. That states, "for lots having a gross area of less than one and one-half acres, an individual sewage disposal system may be used for each individual lot when a permit for a septic system is granted by the Arkansas Department of Health. A copy of the Arkansas Department of Health permit granted for each lot shall be provided at the time the application is submitted for subdivision or lot split approval for all lots less than 1 ½ acres. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by State law, and water wells onsite or offsite within 100 feet shall be shown on all proposed subdivisions and lot splits." Basically I would like to have the actual permit and perc tests completed and submitted along with the lot split application on anything less than an acre and a half. That way I will know for sure that it's meeting our ordinance and also will be able to be built on in the future. That's what I'm trying to accomplish with this ordinance amendment.

STAFF REVIEW FORM

X **AGENDA REQUEST**
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of **July 18, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: To approve an ordinance for AD 00-18.00: Administrative Amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04(A)(8) "Suburban Subdivision -Public Sanitary Sewer Not Accessible" to allow lots smaller than 1 ½ acres that are on a septic system.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	7-6-00 Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on June 26, 2000, Planning Commission unanimously voted 7-0-0 to recommend approval and to forward the ordinance amendment to City Council.

Division Head	6-29-00 Date
Department Director	7-7-00 Date
Administrative Services Director	7/10/00 Date
Mayor	7/14/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

CHILDREN'S HOUSE
LEGAL DESCRIPTION
LEASE AGREEMENT

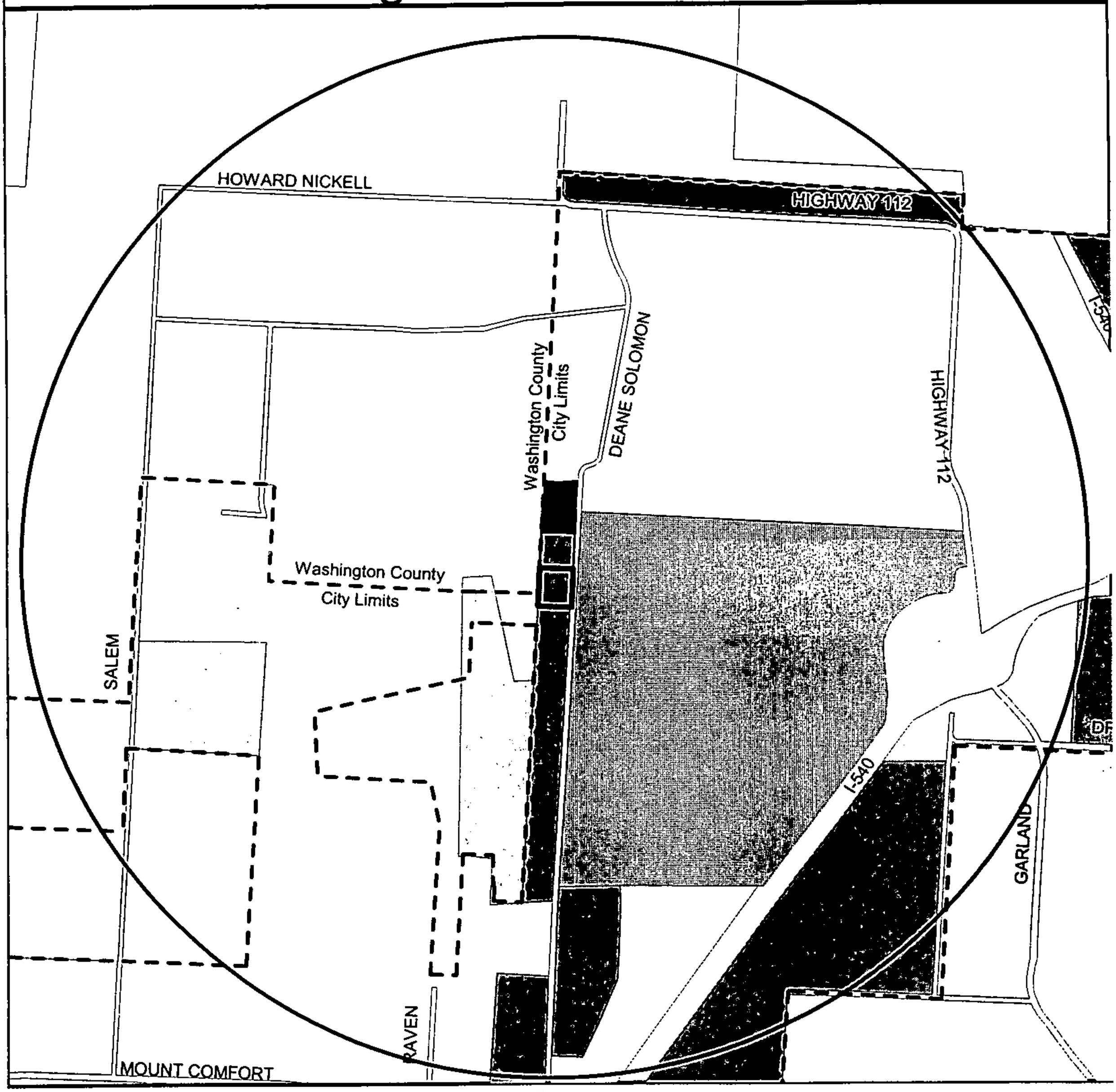
A part of the Northwest Quarter (NW¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02° 28' 11" West 472.67 feet, to a set iron pin, said pin also being the Point of Beginning; thence South 87° 04' 43" East 332.64 feet along the proposed south right of way line of Trucker's Drive, to a PK nail on the existing centerline of Deane Solomon Road; thence with said centerline, South 03° 00' 40" West 319.88 feet; thence continuing with said centerline, South 02° 29' 56" West 278.41 feet, to a point; ther[illegible] leaving said centerline, [illegible] thence North 87° 22' 27" West 329.47 feet, to a point on the West line along said West line, North 02° 28' 11" East 600.0 feet, containing 4.544 acres, more or less. LESS AND EXCEPT uniform width off the East side of the above described prop more or less, being within the existing west right of way Containing a net acreage of 4.132 acres, more or less.

Legal Check
-Clarice

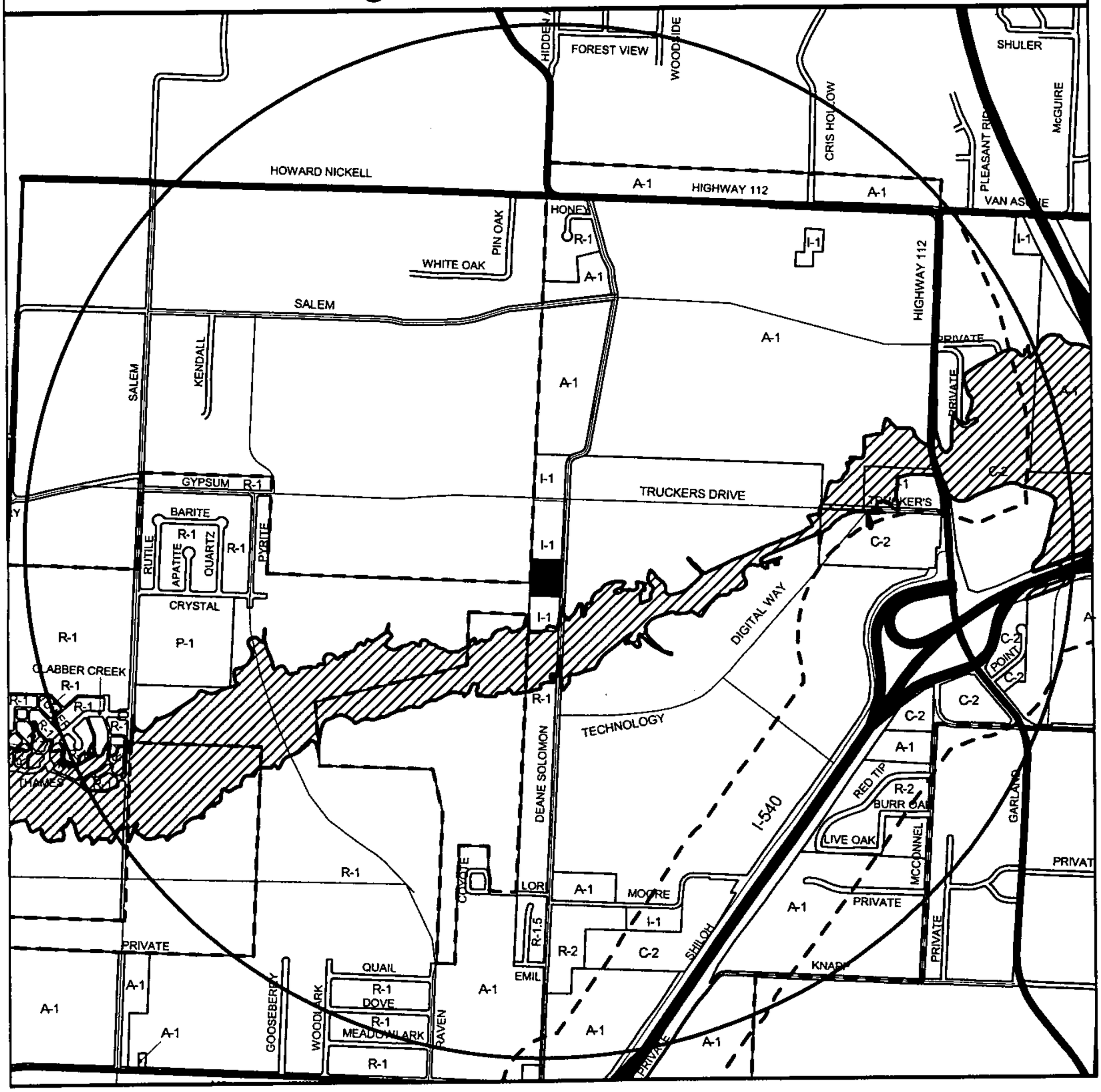
SAGE HOUSE
LEGAL DESCRIPTION
LEASE AGREEMENT

A part of the Northwest Quarter (NW¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02° 28' 11" West 1072.67 feet, to the Point of Beginning; thence leaving said West line of Section 33, South 87° 22' 27" East 329.47 feet, to a point on the existing centerline of Deane Solomon Road; thence with said centerline, South 02° 29' 56" West 395.06 feet, to a PK nail; thence leaving said centerline, North 87° 22' 27" West 329.27 feet along the proposed north right of way of Crystal Springs Drive, to a set iron pin on the west line of said Section 33; thence along said West line, North 02° 28' 11" East 395.06 feet, to the Point of Beginning, containing 2.987 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.272 acre, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 2.715 acres, more or less.

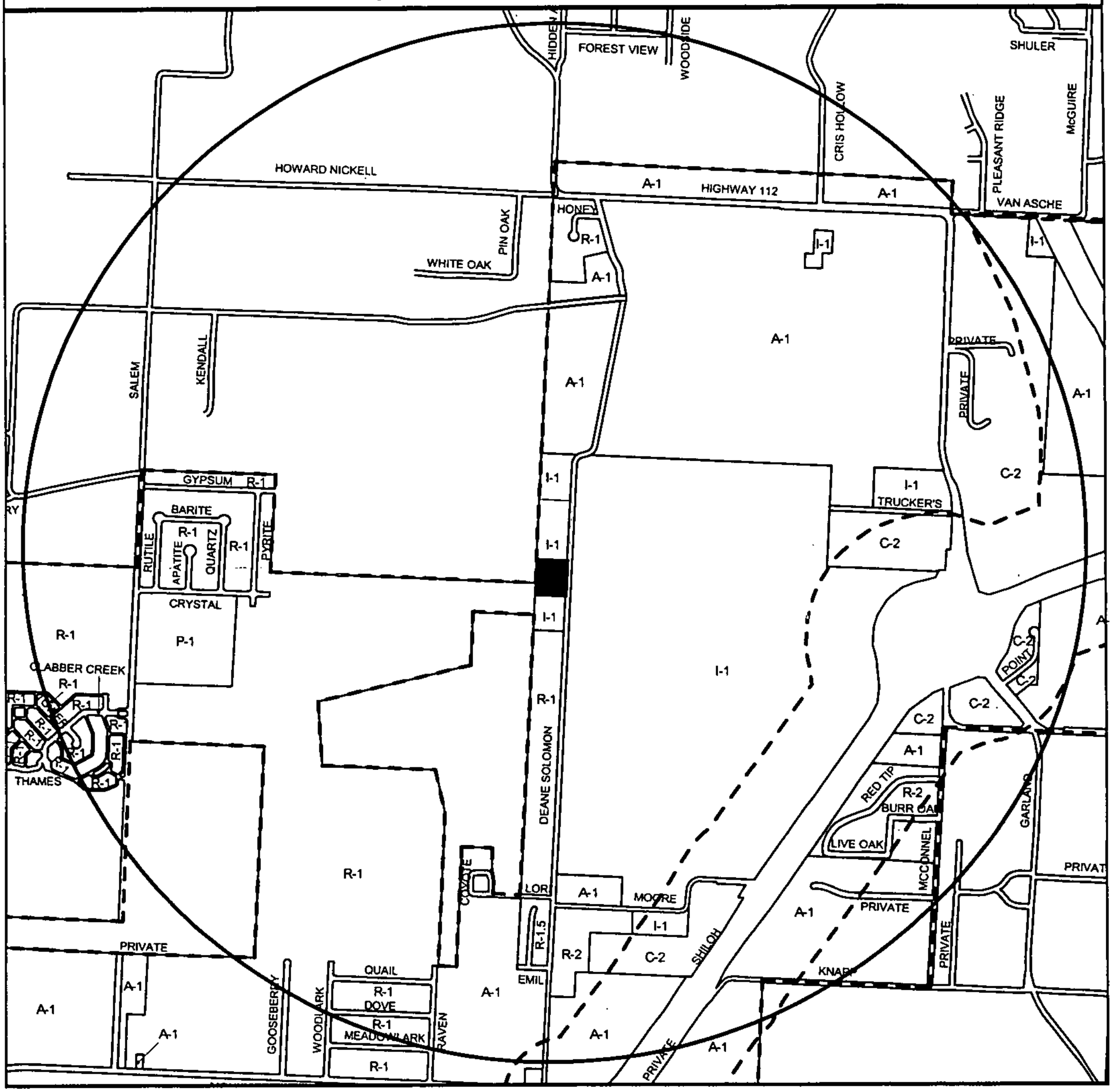
RZ00-19.00 - Sage House - 2020 Plan



RZ00-19.00 - Sage House - One Mile Diameter



RZ00-19.00 - Sage House - One Mile Diameter



1400 0 1400 Feet

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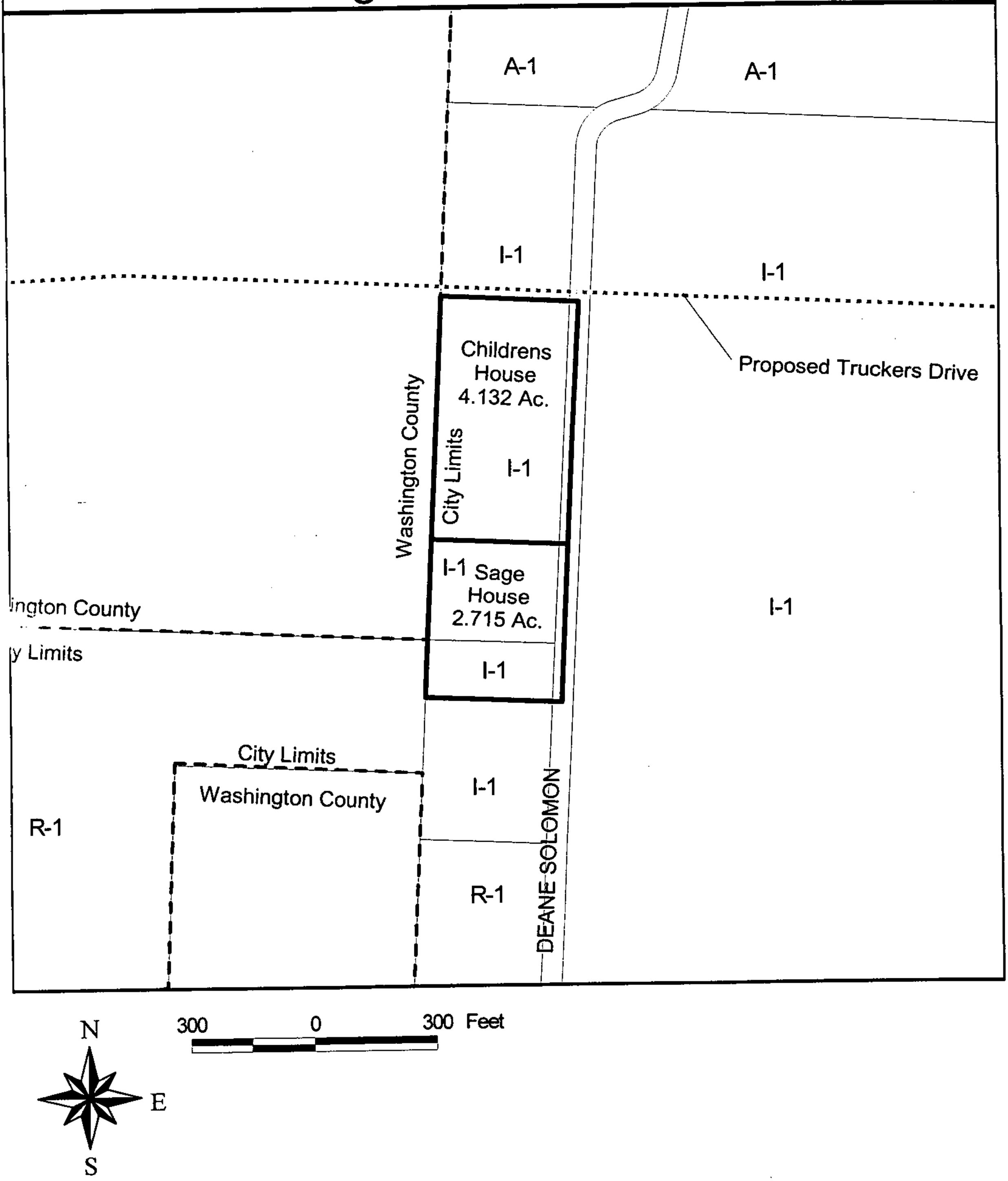
RZ00-19.00 - Sage House - Close Up



Planning Division
Record of Conversation

Employee: Dawn Warrick Project Ref: RZ 00-19

Date: June 20, 2000 Walk-in: ☐ Telephone: X Plat Page: 247

Name of Client: Mr. Wilson Kimbrough Jr.

Phone Number:

Address [site] [client]: 3110 Mt. Comfort Road (Mr. Kimbrough's home)

Nature of Call / Visit: RZ 00-19: Sage House - Traffic concerns

Discussion:

Mr. Kimbrough is very upset with current traffic conditions in the area and with increased traffic which may be generated by this development

"(He has) been a resident since 1956 and was elected from the people in this area for 16 years in County government."

Necessary Follow-up:
Mr. Kimbrough asked that I include this information in the report that is presented to PC

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Dawn Warrick, Associate Planner
From: Yolanda Fields, Community Development Coordinator
Date: June 7, 2000
Re: Sage House rezoning request

The City of Fayetteville Community Development Division is applying to rezone a portion of City-owned property from Industrial-1 to Residential-2, the property legal description, plat location, and property survey are attached.

The purpose of the rezoning is to accommodate a multi-family residential building of approximately 15 units. The City currently owns this property and will lease a portion of the parcel to the non-profit social service agency, Sage House, Inc.. Sage House, Inc. has proposed to build a transitional living facility for low income persons leaving abusive family environments and transitioning to independent living. The proposed facility comprises modest, low cost apartments and includes administrative and activity areas.

The parcel is located at the northwest corner of the proposed Arkansas Research and Technology Park. Surrounding property is mostly undeveloped at this time including the Crystal Springs R-1 subdivision bordering on the west property line. The proposed Sage House project will likely be comparable to multi-family apartment building design styles and will be compatible with future adjacent development. Access is direct from Deane Solomon Rd. Expected traffic is limited to employees and residents of the facility.

Electric service is available at the site. A 12" water main exists at the entrance to the Arkansas Research and Technology Park, approximately 200 ft south of the subject parcel. There is no available sewer service to, or in close proximity to the site at this time.

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

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§161.06 DISTRICT R-2 MEDIUM DENSITY RESIDENTIAL.

A. Purpose. The High Density 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. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 24

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.**

This proposal is consistent with the General Plan 2020 which designates the area as Mixed Use. The proposed zoning district provides a reasonable buffer between the Arkansas Research & Technology Park and adjacent single family residential areas.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is justified and needed at this time.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning will not create or appreciably increase traffic danger and congestion.**

The current zoning of I-1 permits a very wide range of uses including but not limited to the following: professional office, restaurant, gas station, warehousing, manufacturing. The amount of traffic generated by these uses could vary drastically depending on the size and use of a facility.

Uses permitted by right in the proposed R-2 zoning district are residential in nature and the density is based upon the available land area and parking requirements. These are less intensive, generally less trafficked uses than those which are permitted within the existing zoning district.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **While the zoning will alter population density, it will not undesirably increase the load on public services including schools, water and sewer facilities.**

5. If there are reasons why the proposed zoning should not be approved in view of

BACKGROUND:

This property is owned by the City of Fayetteville, located on the west side of Deane Solomon Rd., north of the Razorback golf course, and is contained within the City's Research and Technology Park. Properties to the north, south and east are all zoned I-1, Heavy Commercial / Light Industrial. Adjoining property to the west is zoned R-1 and has been designated as a future phase of the Crystal Springs subdivision.

The applicant is proposing this rezoning in order to lease this 2.715 acre tract to Sage House. Sage House is a non-profit social service agency which plans to construct a "multi-family residential building of approximately 15 units." This building will serve as a "transitional living facility for low income persons leaving abusive family environments and transitioning to independent living." Additional information is included in the attached memo from Yolanda Fields, Community Development Coordinator.

SURROUNDING LAND USE AND ZONING

North:	Vacant, I-1 (future site of Children's House facility)
South:	Vacant, I-1 (future R&T Park)
East:	Vacant, I-1 (future R&T Park)
West:	Vacant, R-1 (future single family development)

INFRASTRUCTURE:

Access to the 2.715 acre tract is from Deane Solomon Rd. This street is classified as a collector on the Master Street Plan with a connection proposed to the future extension of Trucker's Drive, another collector, to the north. Traffic is currently able to access Highway 112, designated as a principle arterial, to the north and Mt. Comfort Rd., designated as a minor arterial to the south.

Water:	12" line at entrance to Arkansas Research & Technology Park The developer will be responsible for extending necessary services to provide for this project at the time of construction
Sewer:	Not available at this time - sewer availability will have to be reviewed at the time of project proposal

LAND USE PLAN: General Plan 2020 designates this site Mixed Use. Rezoning this property to R-2, Medium Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: June 26, 2000

RZ 00-19.00: Rezoning (Sage House, pp 247) was submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **June 26, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: **July 18, 2000**

Comments: _____

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Odom: Yes Commissioner. Go ahead.

Hoffman: I'm going to go ahead and move approval of RZ 00-19 for the reasons that this is a down zoning. I believe it will, in the end, not generate as much traffic as possible development in I-1. In addition we had had some concerns that the property might be located in the wetland area. We have been provided with a map by staff that shows the property to be north and outside of that wetland area. In addition when Phase II of the high-tech park is built we will have an additional road to get us out off of Deane Solomon away from Mount Comfort Road in the way of going down Technology to Digital Way and eventually winding your way up to I-540. So for those reasons I'll go ahead and make that motion for approval subject to all staff comments.

Shackelford: I'll second.

Odom: We have a motion by Commissioner Hoffman and a second by Commissioner Shackelford to approve RZ 00-19. Any further discussion?

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

Planning Commission Minutes
June 26, 2000
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RZ 00-19.00: Rezoning (Sage House, pp 247) was submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

Odom: The next item on tonight's agenda is RZ 00-19.00: Rezoning (Sage House, pp 247) submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. Staff's recommendation is approval of the request for rezoning based upon the findings as a part of their report. Staff, is there anything further?

Conklin: There is nothing further. This is a request for rezoning from I-1, Heavy Commercial/Light Industrial to R-2. The request is to be able to build 15 apartment units on this property. Directly to the north of this, Children's House will be looking at locating on this property also. That is zoned I-1. It's a use by right to have a child care facility, however, I did feel like having this apartment building at this location that it truly was a multi family use and therefore it needed to be rezoned to R-2. That's all I have.

Odom: Thank you. Is there any member of the staff that's going to make a presentation or is that pretty much it?

Conklin: That's pretty much it. I can answer any questions that you have.

PUBLIC COMMENT:

Odom: Let me ask if there is any member of the audience that would like to address us on this rezoning request?

COMMISSION DISCUSSION:

Odom: Seeing none I'll close the floor to public comment and bring it back to the Planning Commission for questions, comments or motions.

MOTION:

Hoffman: Mr. Chair.

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-19

A part of the Northwest Quarter (NW ¼) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 33; thence along the west line of said Section 33, South 02°28'11" West 1072.67 feet, to the Point of Beginning; thence leaving said West line of Section 33, South 87°22'27" East 329.47 feet, to a point on the existing centerline of Deane Solomon Road; thence with said centerline, South 02°29'56" West 395.06 feet, to a PK nail; thence leaving said centerline, North 87°22'27" West 329.27 feet along the proposed north right f way of Crystal Springs Drive, to a set iron pin on the west line of said Section 33; thence along said West line, North 02°28'11" East 395.06 feet, to the Point of Beginning, containing 2.987 acres, more or less. LESS AND EXCEPT thirty (30) feet of equal and uniform width off the East side of the above described property, containing 0.272 acres, more or less, being within the existing west right of way of Deane Solomon Road. Containing a net acreage of 2.715 acres, more or less.

ORDINANCE NO.____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ 00-19 FOR A PARCEL CONTAINING APPROXIMATELY 2.715 ACRES LOCATED WEST OF DEANE SOLOMON ROAD, NORTH OF MOORE LANE REQUESTED BY THE COMMUNITY DEVELOPMENT DIVISION ON BEHALF OF THE CITY OF FAYETTEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the zone classification of the following described property is hereby changed as follows:

From A-1, Agricultural District to R-2, Medium Density Residential District for the real property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

X **AGENDA REQUEST**
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **July 18, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: To approve an ordinance for RZ 00-19.00: Rezoning (Sage House, pp 247) as submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of west Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	7-6-00 Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on June 26, 2000, Planning Commission unanimously voted 7-0-0 to recommend approval and to forward the rezoning to the City Council.

Division Head — 6-29-00 Date	Cross Reference
Department Director — 7-7-00 Date	New Item: **Yes**
Administrative Services Director — 7/10/00 Date	Prev Ord/Res #:
Mayor — 7/10/00 Date	Orig Contract Date:
	Orig Contract Number:

UTILITY EASEMENT MAP

Tract #44
A. 3. Page 12

EXHIBIT "B"

JEAN RANDLE

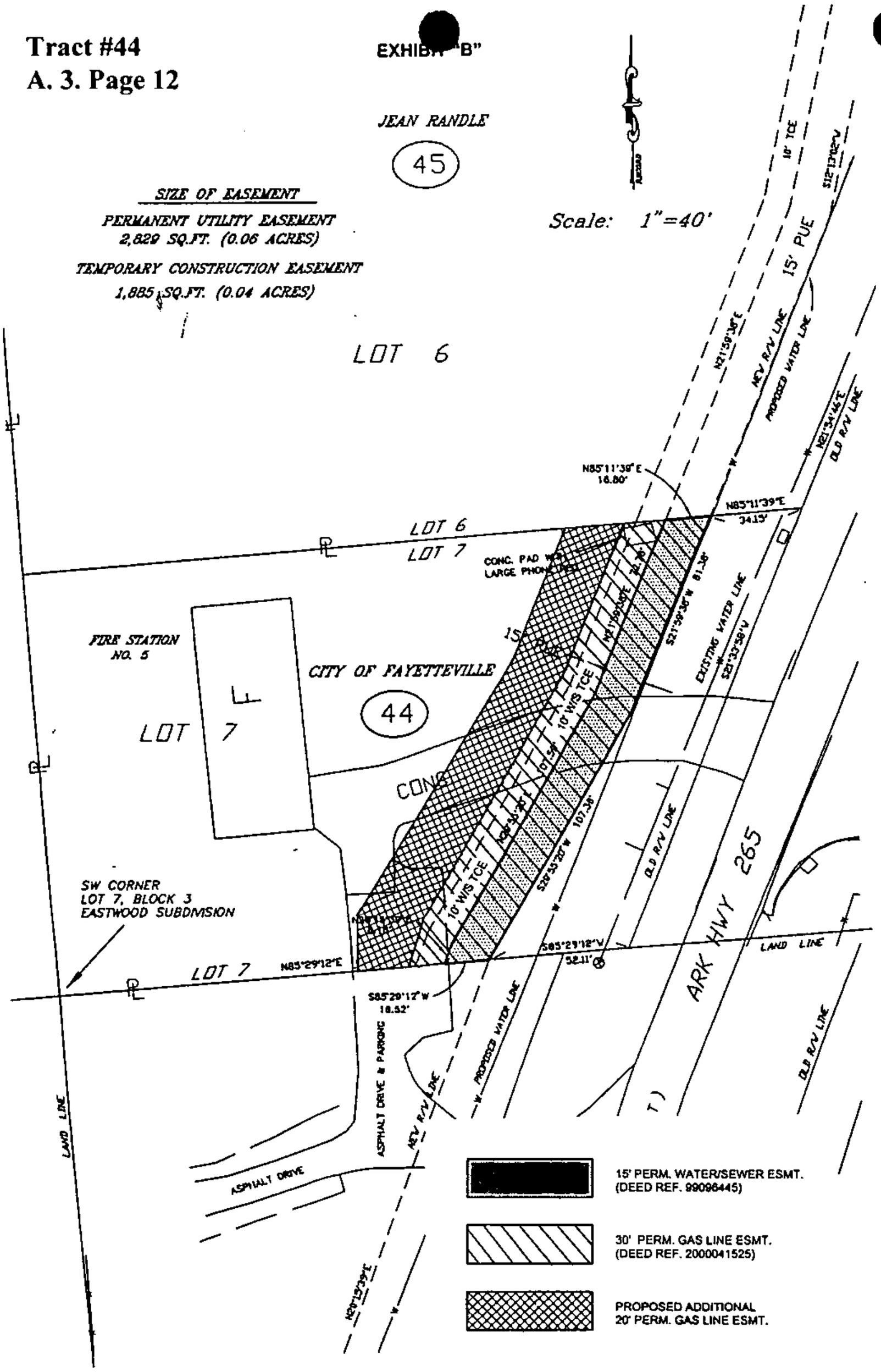
45

SIZE OF EASEMENT

PERMANENT UTILITY EASEMENT
2,829 SQ.FT. (0.06 ACRES)

TEMPORARY CONSTRUCTION EASEMENT
1,885 SQ.FT. (0.04 ACRES)

Scale: 1"=40'



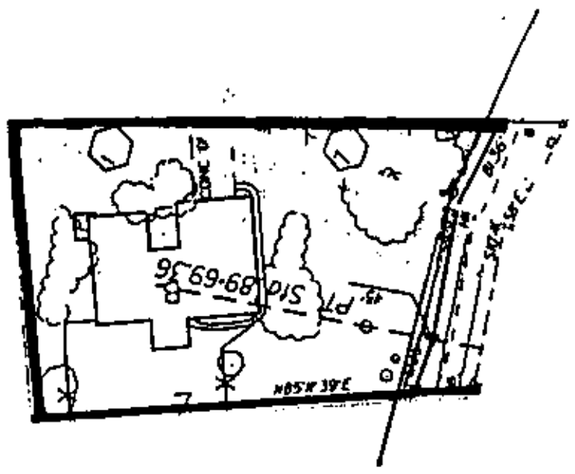
JOB NO. P-90038-1

TRACK NO. 44

EXHIBIT "A"

Lot Numbered Seven (7) in Block Numbered Three (3) of Eastwood Subdivision to the City of Fayetteville, Arkansas, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

LOCATION OF ADDITIONAL
TWENTY FOOT PERMANENT EASEMENT



Tract #44
A. 3. Page 10

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Fred Hanna** and **Heather Woodruff**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2000.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Job No. P-90038-1
No. 5 Fire Station
Parcel No. 765-05033-000
Tract No. 44

Tract #44
A. 3. Page 9

NATURAL GAS LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **Arkansas Western Gas Company, a Corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a natural gas pipe line or lines, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

See Exhibit "A' attached

PERMANENT EASEMENT DESCRIPTION:

A twenty (20) foot permanent easement across the above described property, being parallel with and contiguous to the west line of the thirty (30) foot permanent natural gas line easement as recorded in Deed Reference 2000041525 of the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being situated on the west side thereof. (Creating a combined natural gas line permanent easement width of fifty (50) feet across the above described property, being parallel with and contiguous to the new west right of way line of Highway 265.)

See map attached as Exhibit "B"

together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water, and to pay any damages which may arise to growing crops or fences from the construction, maintenance and operation as determined by three disinterested persons. One thereof to be appointed by the said Grantor; one by the said Grantee; and the third by the two so appointed as aforesaid, and the written award of such three persons shall be final and conclusive.

The Grantor agrees not to erect any buildings or structures in said permanent easement other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2000.

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

_____
Fred Hanna, Mayor

ATTEST:

_____
Heather Woodruff, City Clerk

[SEAL]

UTILITY EASEMENT MAP

EASEMENT TRACT NO. 44
CITY OF FAYETTEVILLE

EXHIBIT "B"

JEAN RANDLE

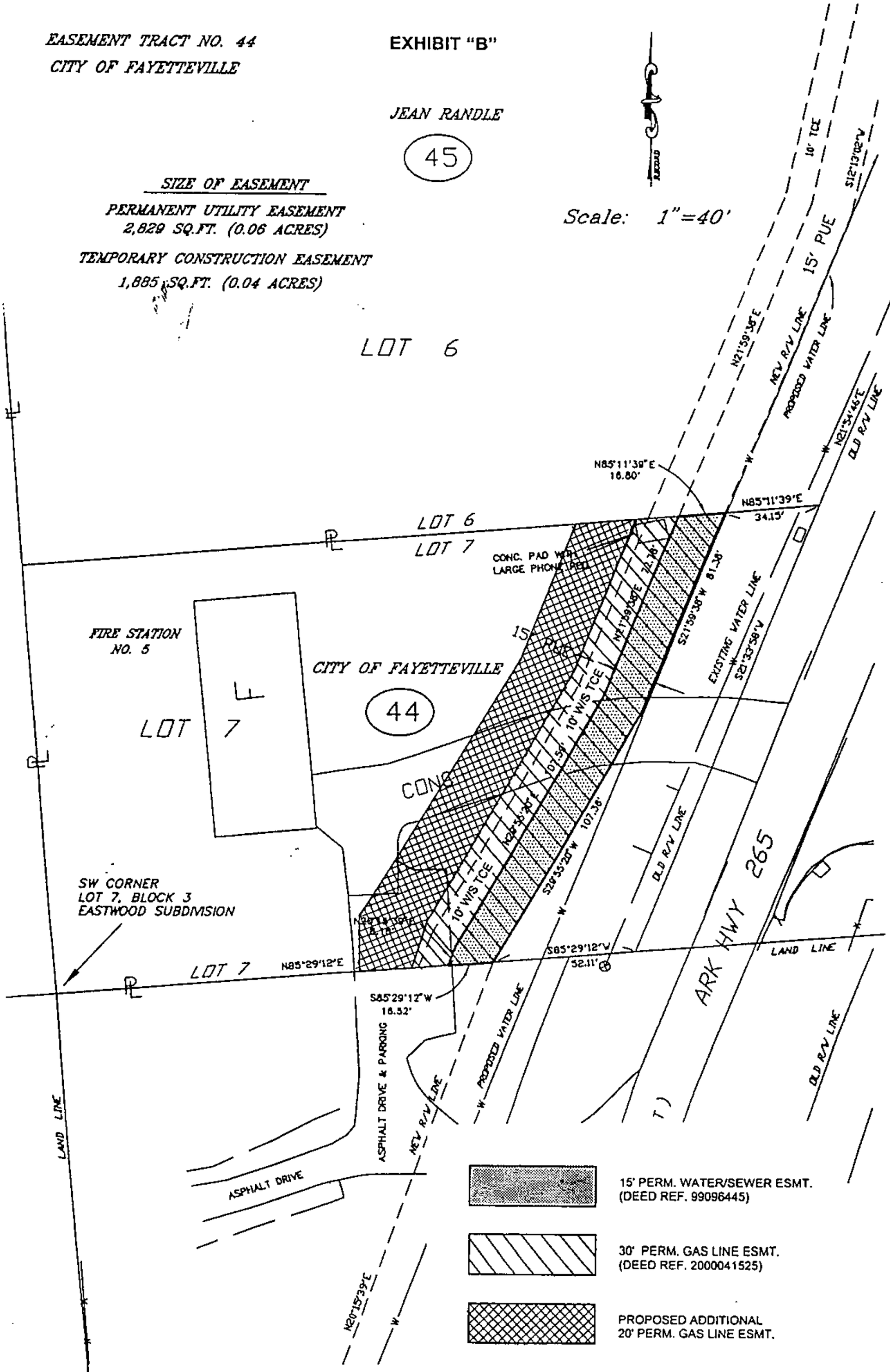
45

SIZE OF EASEMENT

PERMANENT UTILITY EASEMENT
2,829 SQ.FT. (0.06 ACRES)

TEMPORARY CONSTRUCTION EASEMENT
1,885 SQ.FT. (0.04 ACRES)

Scale: 1"=40'



Tract #44
A. 3. Page 8

JOB NO. P-90038-1

TRACK NO. 44

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LOCATION OF ADDITIONAL
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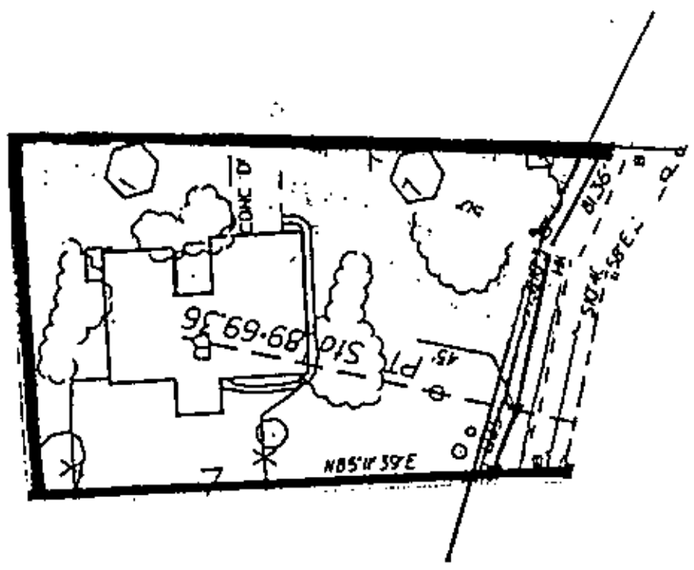

Tract #44
A. 3. Page 7

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Fred Hanna** and **Heather Woodruff**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they are the Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation,** and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2000.

_____
Notary Public

MY COMMISSION EXPIRES:

_____

Job No. P-90038-1
No. 5 Fire Station
Parcel No. 765-05033-000
Tract No. 44

NATURAL GAS LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **Arkansas Western Gas Company, a Corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a natural gas pipe line or lines, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

See Exhibit "A' attached

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See map attached as Exhibit "B"

together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first herein above described for the uses and purposes herein above set forth.

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The Grantor agrees not to erect any buildings or structures in said permanent easement other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the _____ day of _____, 2000.

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

_____
Fred Hanna, Mayor

ATTEST:

_____
Heather Woodruff, City Clerk

[SEAL]

Tract #44
A. 3. Page 4

FIELD SERVICES COMPANY

1610 N. Foxhunter
Fayetteville, AR 72701
(501) 442-8387

July 7, 2000

City Of Fayetteville
P O Drawer F
Fayetteville, Ar.

RE: City of Fayetteville property (Track 44) located on Hwy. 265
Request for additional twenty foot permanent easement for Ar. Western Gas Co.

To Whom It May Concern;

Due to a change in our location on the above property, AWGC is requesting an additional twenty foot permanent easement, adjacent and parallel to our thirty foot permanent easement already taken. The twenty foot permanent easement begins thirty feet West of the Southeast corner; Thence running North approximately 190', more or less, and ending in thirty feet West of the Northeast corner, being parallel and adjacent to the existing AWGC easement. This will make a total of a fifty foot permanent easement for AWGC.

The additional easement became necessary due to the new water line which was installed and telephone line placement. our intent is to set back from all of the above and avoid taking out the large tree on this property. We do plan to trim lower limbs on the West side of the tree so that the large equipment will not do damage while digging.

AWGC request this easement without cost to our company due to the fact that we were crowded out of our original thirty foot easement.

Thank you for your consideration on this matter;

Sincerely;

Nancy Roller

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor
Charles Venable, Public Works Director
Jim Beavers, City Engineer

FROM: Jill Goddard, Land Agent

DATE: July 14, 2000

SUBJECT: Arkansas Western Gas Co. Easement Request

Please find attached a Natural Gas Line Easement and a letter from Nancy Roller, Agent for Arkansas Western Gas Co., requesting a permanent easement for 16 inch high pressure gas lines.

The permanent easement, which is designated as Tract #44, is a request for an additional 20 foot easement containing approximately 3800 square feet. This easement is in addition to the 30 foot wide easement granted to Arkansas Western Gas Co. via Resolution No. 62-00 (easement recorded as Deed Ref. 2000041525). The gas company needs additional easement to allow for crossing to the east side of Highway 265. This property is the physical location of Fire Station No. 5 on Highway 265 (Crossover Road) and is described as: Part of Lot 7 in Block 3 of Eastwood Subdivision to the City of Fayetteville, Arkansas. The combined easements will consist of a total width of 50 feet parallel with and adjacent to the new west right of way of Highway 265 across this property.

The City has previously obtained a 15 foot wide permanent Water/Sewer Easement and a 10 foot wide Temporary Construction Easement on this lot in conjunction with the widening of Highway 265 and the relocation of water/sewer lines in the area. The plat attached depicts the location of our easements in relation to the new Highway right of way and also the location of the 30 foot permanent easement (which overlaps our easement areas) and the additional 20 foot width being requested at this time.

The gas company is requesting this additional 20 foot width without compensation, due to the fact that the water/sewer relocations have crowded them out of their original 30 foot wide easement. They have already compensated the City $1,272.00 for the 30 foot wide easement.

STAFF REVIEW FORM

Description Hwy. 265 Ark. Western Gas Co. Easement (Tract 44) Meeting Date August 1, 2000

Comments: **Reference Comments:**

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of August 1, 2000

FROM:

Jill Goddard	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of Resolution to authorize Mayor to sign a 20 foot easement across property designated as Tract #44 containing approximately 3800 square feet for 16 inch high pressure gas lines for the Arkansas Western Gas Co. This tract is located on Hwy. 265, which is the physical location of Fayetteville Fire Station No. 5, and described as Part of Lot 7 in Block 3 of Eastwood Subdivision to the City of Fayetteville, Arkansas. This easement is in addition to the 30 foot easement granted to Arkansas Western Gas Co. via Resolution 62-00 (Deed Reference 2000041525). This additional 20 feet would create a combined total of a 50-foot-wide permanent gas line easement parallel and adjacent to the new Highway 265 west right of way. This additional 20 foot width is being requested without compensation from Arkansas Western Gas Co.

COST TO CITY:

($0.00) Cost of this Request	($29,000.00) Category/Project Budget	Miscellaneous Revenue Category/Project Name
1010-0001-4999.00 Account Number	($34,029.00) Funds Used To Date	Program Name
Project Number	($5,029.00) Remaining Balance	General Fund

BUDGET REVIEW: ____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date 7-14-00	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date 7-14-00		

STAFF RECOMMENDATION: Approval of the Resolution.

Division Head	Date 7/14/a	Cross Reference
Department Director	Date 7-14-00	**New Item: Yes** ___ **No** ___
Administrative Services Director	Date 7-14-00	Prev Ord/Res #: _____
Mayor	Date 7/14/00	Orig Contract Date: _____

BID: 00-54
DATE: 7/6/00
TIME: 11:00 AM
CITY OF FAYETTEVILLE

DESCRIPTION: SOLID WASTE CONTAINERS

BIDDER	ITEM #1	ITEM #2	ITEM #3	ITEM #4	ITEM #5	ITEM #6	ITEM #7
GREGORY MFG	$293.00	$422.00	$488.00	$549.00	$628.00	$599.00	$678.00 freight included in prices
WASTEQUIP TEEM	$253.00 min order (8) units	no bid	no bid	no bid	no bid	no bid	no bid f.o.b. Fayetteville
AMERI-KAN	$260.00	$462.00	no bid	$563.00	$680.00	$593.00	$760.00 freight pr trk ld $320
WASTEQUIP MAY FAB	no bid	$443.00	no bid	$548.00	$599.00	$596.00	$608.00 freight per trk ld $356.00

Certified by P Vice Purch Mgr R Williams Witness 7/7/00 Date

Bid 00-54
A. 2. Page 6

Sent By: Fayetteville Purchasing Div; 5015758241; Jul-7-00 11:06AM; Page 1/1

Bid 00-54
A. 2. Page 5

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

		Requisition No.:	Date: 07/14/00
		P.O. Number:	Expected Delivery Date:
Vendor #: 3266	Vendor Name: Ameri-Kan		Mail: Yes__XX_ No____
P. O. Box 844		FOB Point: Fayetteville, AR	Taxable: Yes__XX_ No____
City: Independence	State: KS	Zip: 67301	Ship To Code: 170	Division Head Approval:
Requester: Willie Newman			*Requester's Employee#: 318	Extension: 497

	Description:	Quantity	Unit of issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	SW Dumpster, 2 cubic yard	0	ea	$260.00	$0.00				
2	SW Dumpster, 4 cubic yard	0	ea	$462.00	$0.00				
3	SW Dumpster, 6 cubic yard	19	ea	$563.00	$10,697.00	5500- -0800.00			
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
10					$0.00				
11					$0.00				
	SHIPPING/HANDLING				$320.00				

Special Instructions: _____

Subtotal:	$11,017.00
Tax:	$729.88
TOTAL:	$11,746.88

Approvals: (Purchasing office use only)

Mayor:_____ Department Director:_____ Purchasing Manager:_____

Admin. Services Director:_____ Budget Coordinator:_____ Data Processing Mgr:_____

other bidder. Please see the attached bid tabulation sheet for the per unit prices. If this bid is awarded, we will be restocking our inventory immediately and continue purchasing containers from Ameri-Kan as needed. Staff will be present at the agenda and City Council meetings to answer any questions you might have in regards to this bid. If you have questions or comments, please contact me at 444-3498. Thank you.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor
Charles Venable, Public Works Director

From: Cheryl Zotti, Environmental Affairs Administrator

Date: July 10, 2000

Re: **Award and Approval of Bid # 00-54 for Solid Waste Containers**

Staff requests the award and approval of bid # 00-54 to Ameri-Kan in the amount of $11,747 for the purchase of solid waste containers for the container lease program and approval of future purchases as needed at the attached per unit pricing. Initially, this purchase will cost the City $11,747, however, the costs of containers will be recovered through selling and leasing the containers to businesses in our container lease/purchase program.

Four companies submitted bids. Two of the companies (Wastequip Teem and Wastequip May Fab) were omitted from consideration due to their no bid on various sizes of containers. It is our intent to make all container purchases from one vendor. Two of the bidders were evaluated on price and specifications. One of the bidders (Gregory Manufacturing) constructs containers to be collected with fork/sleeve collection vehicles. We use containers which require a triangle lifting frame for collection. Gregory's containers are designed to retro fit triangle lifting frames. We have had a problem in the past with containers which have retro fitted triangle lifting frames. In 1995, staff purchased 28 containers from a low bidder and within three months returned six containers for warranty work. This supplier retro fitted the triangle lifting frame on their containers. To date, staff has returned 15 of the 28 containers for warranty work. Furthermore, Gregory does not meet specifications for overlapping corners to eliminate corner welds. Overlapping corners strengthens and stabilizes the containers.

On average, Ameri-Kan's bid is 6.8% higher. Ameri-Kan has been our container supplier for the past eight years, other than the brief period of time in 1995. During this time, staff has never returned an Ameri-Kan container for warranty work. Ameri-Kan has an excellent history with the City and meets or exceeds all specifications.

Ameri-Kan is not the lowest bidder, however, staff recommends awarding the bid to them based on past working experience and lack of experience with the triangle frame lifting mechanism from the

STAFF REVIEW FORM

Description Bid #00-54 Ameri-Kan Meeting Date 8-1-00

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Q for Rob How long will this bid be valid? Next FY 2000? Any est. of total #'s of "approval of future purchases"?

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Need more information on future purchases - some kind of projection on how many & how much (E)

STAFF REVIEW FORM

Bid 00-54
A. 2. Page 1

XXX AGENDA REQUEST

_____ CONTRACT REVIEW

_____ GRANT REVIEW

For the Council meeting of August 1, 2000

FROM:

Cheryl Zotti	Solid Waste	Public Works
Name	Division	Department

ACTION REQUESTED:

Award and approval of bid # 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

COST TO CITY:

$ 11,747*	$ 90,000	Dumpster Lease Program
Cost of this request	Category/Project Budget	Category/Project Name
5500- -0800.00	$ 0	Inventory
Account Number	Funds Used to Date	Program Name
99038-0001	$ 90,000	Solid Waste
Project Number	Remaining balance	Fund

BUDGET REVIEW:

X Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

_____ 7-18-00 GRANT AGENCY: _____

Accounting Manager — Date

City Attorney — Date — ADA Coordinator — Date

Purchasing Officer — Date — Internal Auditor — 7/19/00 Date

STAFF RECOMMENDATION:

Cyndi 7-17-2000

Division Head — Date

Department Director — Date

Admin. Services Director — Date

Mayor — Date

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #: _____

Orig Contract Date: _____

*** Initially, this purchase will cost the City $11,747; however, the cost will be recovered through selling and leasing these containers to the businesses.**

that area down there, I want to go ahead and recommend approval for AD 00-22 especially since our Traffic Superintendent, Perry Franklin, agrees with you on your concept of moving it over to Government Street. Maybe when it comes back through large scale we will be able to look at some give and take on the trails and so on. But I will recommend approval at this time.

Shackelford: I'll second.

Odom: I'd like to speak to the motion if I could. I think potentially what you have here is, if in fact the City Council approves the amendment to the Master Street Plan, you don't have the requirement any longer of the trail program. Now I think that Robert is saying that they are going to do that and it's going to be incorporated into their plan, but if we are in fact giving something up it's, number one, city property that we currently have dedicated but number two, it's also the potential loss of use of a trail. Am I right?

Conklin: That's correct.

Odom: Because there is no longer a requirement that the trail be put there since there's no longer a Master Street Plan requirement.

Conklin: It would make me more comfortable if you incorporated into your motion that this agreement or idea of this dedication of this right-of-way for a trail subject to that.

Ward: I'll amend my motion to where we do get the dedication of the necessary tracts for the trail.

Shackelford: I'll agree to that on my second.

Odom: That takes care of my concern.

Bunch: Mr. Chair, then we get back to the question of who is going to build the trail since you are giving up the street and not having to build the street then it seems like, should that be included in the same motion?

Odom: I think that would be more properly addressed at the large scale development. Tim, with regard to the construction, who's required to construct the trail? That will be more appropriately addressed at large scale development. Is that correct?

Conklin: That is correct. I can tell you right now we typically don't require trails to be built as part of development. That's not a normal requirement. That's why I

brought it up this evening. I do believe we are potentially giving that up.

Bunch: Even though it's not a normal requirement since we are giving up a right-of-way and a street can we include that as a requirement? Is it permissible to do that?

Hoffman: Mr. Chair, this may have happened before you were on the Commission, but I think we did require a trail and require that one be constructed on the Marinoni property by the creek or wetland area in lieu of a sidewalk along what would be an unused intersection. So, I would think that we would have an opportunity at that time to make that requirement.

Conklin: Yes, we did do that in the past and that sidewalk, instead of having it go along Shiloh Drive we did have it come back in on the property.

Hoffman: And it was a trail?

Conklin: Yes, it was classified as a trail. Keep in mind we did require that when we did amend the Master Street Plan a year ago that they dedicate 70 feet of right-of-way. We are giving up 70 feet of right-of-way too so I guess to answer your question we have in the past required items from applicants as a condition of amending our Master Street Plan.

Marr: Would we require that at this time or at large scale development?

Conklin: If you want to make it crystal clear for the applicant you should require it now. I would say in your motion that they would be required to build the trail. If you want to wait till large scale development we can also make that a condition of approval at large scale development. I guess I'm concerned about doing that. Legally we don't have any ordinances in place that allow us to require that.

Shackelford: I have a question of the applicant and I think this will weigh into this, did you not mention that there is another piece of property that this group owns that you are in negotiations on deeding a part of that property for the trail in another area, is that correct?

Sharp: That's right.

Shackelford: So, there are other aspects that will go into play here as far as negotiation on the trail and who builds the trail and who's going to pay for the trail. There is another piece of property that the city is looking at trying to get ownership of, is that correct?

Sharp: That's right.

Shackelford: I personally think that, that negotiation we could handle at the large scale development. I think we have put the applicant on notice that that is something that we are going to look at in large scale development. I understand the city's position and I don't think we need to give away that right either but I'm not necessarily sure that we have to address that at this point.

Odom: Ultimately this is the City Council's call anyway. They will receive copies of our notes and note that we are definitely concerned about who is going to construct the trail.

Conklin: That's correct.

Odom: But as the motion stands now it does not address who's going to construct the trail only that it be dedicated.

Conklin: Yes.

Bunch: Mr. Chair, can I make a little bit of a campaign speech here for the Committee for the revision of the Master Street Plan, in looking at this and remembering what West Avenue used to be like between Prairie and Mountain, prior to the time it was widened and paved and what the traffic pattern used to be like then, I would encourage people in the neighborhood to attend the meetings of the Subcommittee, particularly the one this Thursday that has already been announced, to request the change in status of West Avenue between Prairie and Mountain Streets to request to be put back to a local street rather than a collector. If that's what you would like in looking at the comments from the neighbors and the petitions on this, I would encourage you to avail yourselves of that process.

Odom: Any further discussion on the motion?

Marr: Mr. Chair, I'm in support of the motion to actually change the Master Street Plan. I do want to go on record of saying I would not be in support of losing what would have otherwise been a developed trail by the developer. I think that we had that as part of this approval. That's the one thing I struggle with here. Not only did we have the dedication we would have had it built. So when it comes through with large scale I just want to make it clear that's the position I'm coming from. I do support this change.

Allen: I have the same concern.

Bunch: And I concur.

Odom: Well, we can all do that when we vote.

Odom: It will go to the City Council and neighbors will have an opportunity to visit it then as well. Call the roll.

ROLL CALL:

Upon roll call the motion passes 9-0-0.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Dawn Warrick, Associate Planner

FROM: Perry Franklin, Traffic Division Superintendent

DATE: July 10, 2000

SUBJECT: COLLECTOR STREET ISSUES
MILL DISTRICT PROJECT

Although I have been out for a couple of weeks, I appreciate you getting the material to me concerning the Mill District project. Back before the Walton Arts Center was constructed, there were attempts to get a collector from North Street south by the proposed Arts Center to south School. This route has been looked at several times through the years. Because of the alignment problem at Prairie Street, the condition of West Ave. south of Center Street and the close proximity of School Ave., I do not believe West Ave. will be improved any time soon. After reviewing the material, I feel I must agree with Mr. Ernie Peters recommendation. I do feel that the use of Government Ave. as a collector would be more centrally located between the traffic signal at College & 6th and the traffic signal located at Hill & 6th .

Thanks for this opportunity to offer my comments. If you need any further information, please give me a call at 575-8228.

PLF/plf

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:
501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, City Planner
DATE: June 26, 2000

AD 00-22.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of west 6th Street and south School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is to amend the City's Master Street Plan by eliminating a collector street (West Avenue) which is designated to run along the property's western boundary between 6th Street and Prairie Street.

RECOMMENDED MOTION

Staff recommends the applicant comply with the condition of the previous Master Street Plan amendment (AD99-01) with the condition that they dedicate the right-of-way for a collector street along the west property line.

BACKGROUND

On March 22, 1999 the Planning Commission agreed to relocate a proposed collector street on the applicant's property to the west along the abandoned railroad right-of-way which is designated to run along the property's western boundary between 6th Street and Prairie Street. A condition of approval was that the applicant dedicate sufficient right-of-way along the western boundary of the subject property for a proposed collector street. Staff has attached the 1999 Planning Commission staff report and minutes of the previous request on this item.

City of Fayetteville
Planning Office
VIA FACSIMILE

June 7, 2000

Dear Tim,

Two items have come up in regard to our proposed development on the corner of 6th St and School Ave. in Fayetteville. We wish to request an amendment to the Master St. Plan and a lesser dedication of Right of Way along the southern façade of a two-story building located on the corner of 6th and School.

Master St. Plan Amendment AD 00-22

The amendment to the Master St. Plan we are requesting would entail the removal of the continuation of the West St. ROW, which now is located on the west portion of our property. We are requesting either the removal or relocation of this ROW to Prairie and thence east to school, or to Prairie and thence west to Government and then to 6th ST.

The reasons we are requesting this amendment are several.

-The proposed intersection of West and 6th would be less than 300 feet from the existing intersection of two primary arterials (6th and School). This separation between the lighted intersection of two primary arterials, and a potentially lighted intersection of a collector ST. and an arterial, may not be far enough to satisfy State traffic standards. We are presently researching this issue. In any case it may not be enough to satisfy sound traffic planning.

-Traffic along West Ave. does not warrant the existence of Collector St. status. Improvement of West is not currently on the city's Capital Improvement Plan and would in all likelihood meet staunch opposition from the residents along West.

-The cost of installing the new collector street would be prohibitive in terms of both dollars and land lost, and would probably render the project impossible to complete profitably.

Request for a Lesser ROW Dedication AD 00-23

We are also requesting a lesser dedication of Right of Way along 6th St. This lesser dedication would only apply to the area adjacent to an existing two story building near the corner of 6th and School. Current ROW along this section in front of this building is now 40 feet from the centerline. We are requesting that the existing right of way remain as is from the corner of 6th and School Avenue to the existing 27' utility easement (the former alley). This building is in good shape and is an important component of our development for this block. The 55' ROW

component of our development for this block. The 55' ROW rule from centerline on principal arterials was instituted so that a landscaped median might ultimately be placed down the length of 6th St. It is our understanding that the installation of this median is not likely to ever occur.

Please post these requests for public notice as soon as possible so that we might resolve these issues and get our project started.

Sincerely,
~~Mill District LLC~~ TOWN CREEK BUILDERS

Thomas Bourdeaux,
Manager

TOWN CREEK BUILDERS
CONSTRUCTION & PROPERTY MANAGMENT

Members of the Planning Commission
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: COLLECTOR STREET ISSUES
MILL DISTRICT PROJECT

Mill District LLC has purchased the property at the northwest corner of the intersection of 6th Street and School avenue, formerly the Campbell Soup Feed Mill, and is attempting to develop a mixed use project on that location.

That corner is one of the most visible and important undeveloped properties near downtown Fayetteville. As a component of the Mill District's forthcoming Large Scale Development Plan for the redevelopment of this site we feel it is appropriate and necessary to request an amendment to the Master Street Plan.

HISTORY

The Mill District asked for and received an amendment of the street plan at this location in March 1999. At that time, Campbell Soup still owned the property and the amendment was requested as a contingency of purchase. In the year following this amendment, after more extensive planning and preparation, we have found that this street has a detrimental effect on the design and feel of the new development, on the feasibility of the project, and on the safety of the surrounding neighborhood.

When we asked for the previous amendment, we were fighting a deadline that was imposed on us as a part of a complex real estate transaction. In retrospect, we should have studied this aspect of the project more thoroughly. We now have the following information, which in March of 1999 we did not possess:

- Consultation with a traffic engineer, Ernest J Peters.
- A completed real estate appraisal.
- A construction budget based upon schematic designs.

- Consultation with local urban design organizations such as the UACDC and the Downtown/Dickson Enhancement Project, Inc.

- Our work with the sidewalk and trails committee concerning the Prairie Avenue trail has progressed significantly.

- Our familiarity with the site and neighborhood has increased dramatically.

We regret asking this body to recommit time to this issue; we regret asking the planning staff to use their resources in this manner. However, we simply feel that the best solution for all parties has not been reached, and cannot be reached until this issue is reconsidered. It is our feeling that the Master Street Plan, to be effective, must be a living breathing document; as such, changes must be examined from time to time.

THE SOLUTION

We are requesting that Collector Street designation on the Master Street Plan be removed from the strip of land located in the western portion of the Feed Mill Property. A more suitable alternative – better for the City of Fayetteville, the surrounding neighborhood, and The Mill District – would be a designated route south on West Street, then west on Prairie Street, then south on Government Street to 6th Street. (Please see page 8.)

Alternatively, the Planning Commission might consider removing Collector Street designation along West Avenue between Mountain Street and 6th Street.

Please refer to our diagrams on pages 5 through 8 to review the various configurations.

THE ADVANTAGES

- *Moving this collector street designation creates a safer street.* Directly linking 6th Street to West Avenue will inevitably encourage cut through traffic and increased speeds. Any increased traffic causes concern and danger for those along West Avenue. Neighbors there are concerned with their safety as they back out on to West, and their children play in small yards near the street. Included in this packet is a petition submitted by residents along West opposing this Collector Street designation. (Please see page 19 and pages 21-24.) At one point two blocks north of Prairie, driveways lying just below the crest of a hill suffer very limited site distance. Increases in traffic induced by the new 6th Street connection would make this situation more hazardous than it is presently.

- *Moving this collector street improves automobile traffic flow between Prairie and 6th Street.* Using Government Avenue as this area's outlet to 6th Street eases traffic flow because it allows a four way intersection equally spaced between the existing intersections at School Avenue and Hill Avenue. In addition, a block long jog along Prairie Avenue will be easier to negotiate than a quick zig zag. While this will ease automotive flow adjacent to Prairie Avenue and 6th Street, the two distinct 90 turns between 6th and West should still have the effect of discouraging fast cut through traffic onto West Avenue.

- *Moving this collector street provides better connectivity for the city.* Because no intersection to the south exists at the point of the proposed intersection of West and 6th, through traffic must be routed either east or west on 6th. This makes another turn necessary to reach the neighborhoods and I-540 access that lies south of 6th Avenue. Making Government Avenue a more prominent intersection provides connectivity to neighborhoods lying south of 6th as well as an alternative access to I-540 along 15th Street. As traffic builds in Fayetteville this alternative to I-540 will increase in importance.

- *The collector street would jeopardize the plans for a bike path to 6th Street through the Mill District.* We believe it is important as a matter of principal, and as a part of the 2020 Plan, to encourage and maximize the opportunity for alternative forms of transit. The Mill District and Town Creek Builders have agreed to donate land and have solicited support from other landowners and neighbors in an effort to make the Prairie Street Bike Path a reality. Requiring a dedication of land for an additional street usurps the land available for a bike path. We feel that as a matter of policy, developers should be encouraged to explore alternative forms of transit.

- *Continuing West Avenue through the Mill District property is not optimal in terms of pedestrian safety.* Please refer to the letter provided by the UACDC, pages 14 and 15. They have found that "...intersections too close together, coupled with unaligned streets and cross walk locations, can be quite hazardous to pedestrians."

- *The project and MSP amendment requested enjoy wide support from the community.* Please review the enclosed petitions and letters of support, pages 18 through 24.

- *Amending the MSP is a way for the city to encourage Urban Pioneers.* The Fayetteville General Plan 2020 specifically requests private mixed use development on the south side of town: "Much of south Fayetteville is shown as a mixed use area because it is in need of redevelopment and can accommodate future development."[1] The Mill District partnership is taking a real and significant risk in attempting to redevelop this area of town. We have met with significant opposition and skepticism in the financial community as to the viability of this area of town. The resources we would be required to expend on the dedication of land, and possible construction of a street, would reduce the amount available to make this a project of lasting impact and quality. We are hopeful that the successful and profitable completion of this project will provide a rising tide effect for the entire neighborhood and the City as well. It is likely that our project will spur further development in this heretofore downtrodden neighborhood. This project, properly executed, will increase property values in the area, and will provide an exciting and attractive entrance to the Town Square and Town Center from I-540 and the Sixth Street corridor.

- *Revising the MSP is a Cost Effective method for the city to further their goals.* Our request to amend the Master Street Plan will have a great impact on the success of our project and on the contentment of the residents along West Avenue. Yet this

[1] Fayetteville General Plan 2020, December 1995, page 74.

requested amendment will have no negative impact on city coffers. In fact, the city will save maintenance costs by not having to care for yet another street.

SUMMARY

We are attempting to build a large project that will in every way assist the city in meeting its 2020 goals, assist this area's transition from an industrial realm into a true neighborhood, increase property values, and reduce the need for costly new infrastructure. For all the reasons listed above we ask for your approval of the proposed amendment to the Master Street Plan.

ADDITIONAL DOCUMENTATION

Diagrams

Context Map ..... page 5
Existing Master Street Plan ..... page 6
Railroad Right of Way Plan ..... page 7
East/West Option ..... page 8

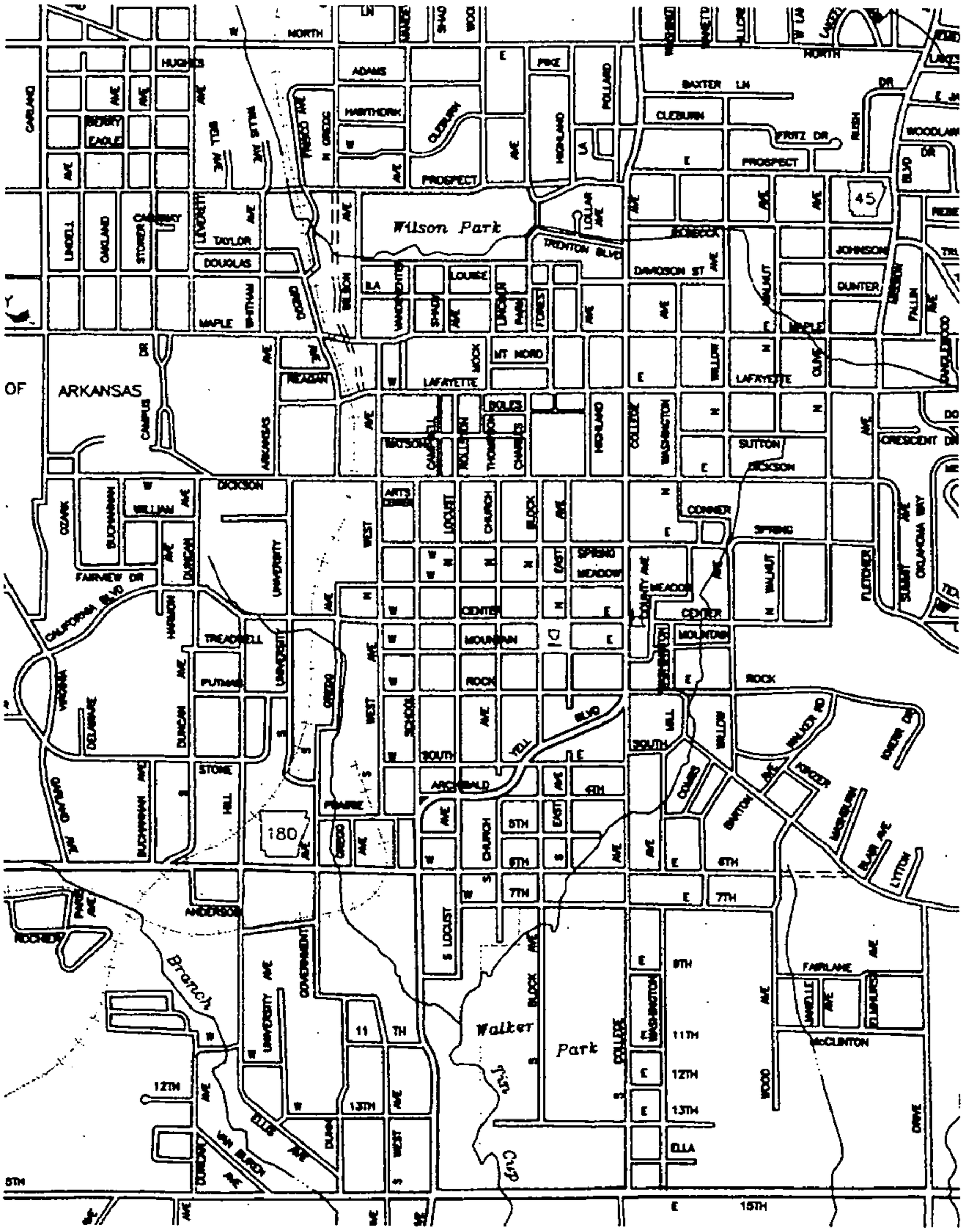
Peter & Associates, Engineers, Incorporated Letter ..... page 9
Peter & Associates Resume and Partial Client List ..... pages 10 - 12
Downtown Dickson Enhancement Project Letter ..... page 13
UACDC Letter ..... pages 14, 15
Bicycle Coalition of the Ozarks Letter ..... pages 16, 17

Letters from the Citizens

Art Hobson Letter ..... page 18
Annee Littell Letter ..... page 19
Mikel Lolley Letter ..... page 20

West Avenue Petition ..... pages 21 - 24

CONTEXT MAP


Wilson Park
ARKANSAS
OF
Walker
Park
Branch
Crip
MT NORD
LAFAYETTE
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ROCK
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CENTER
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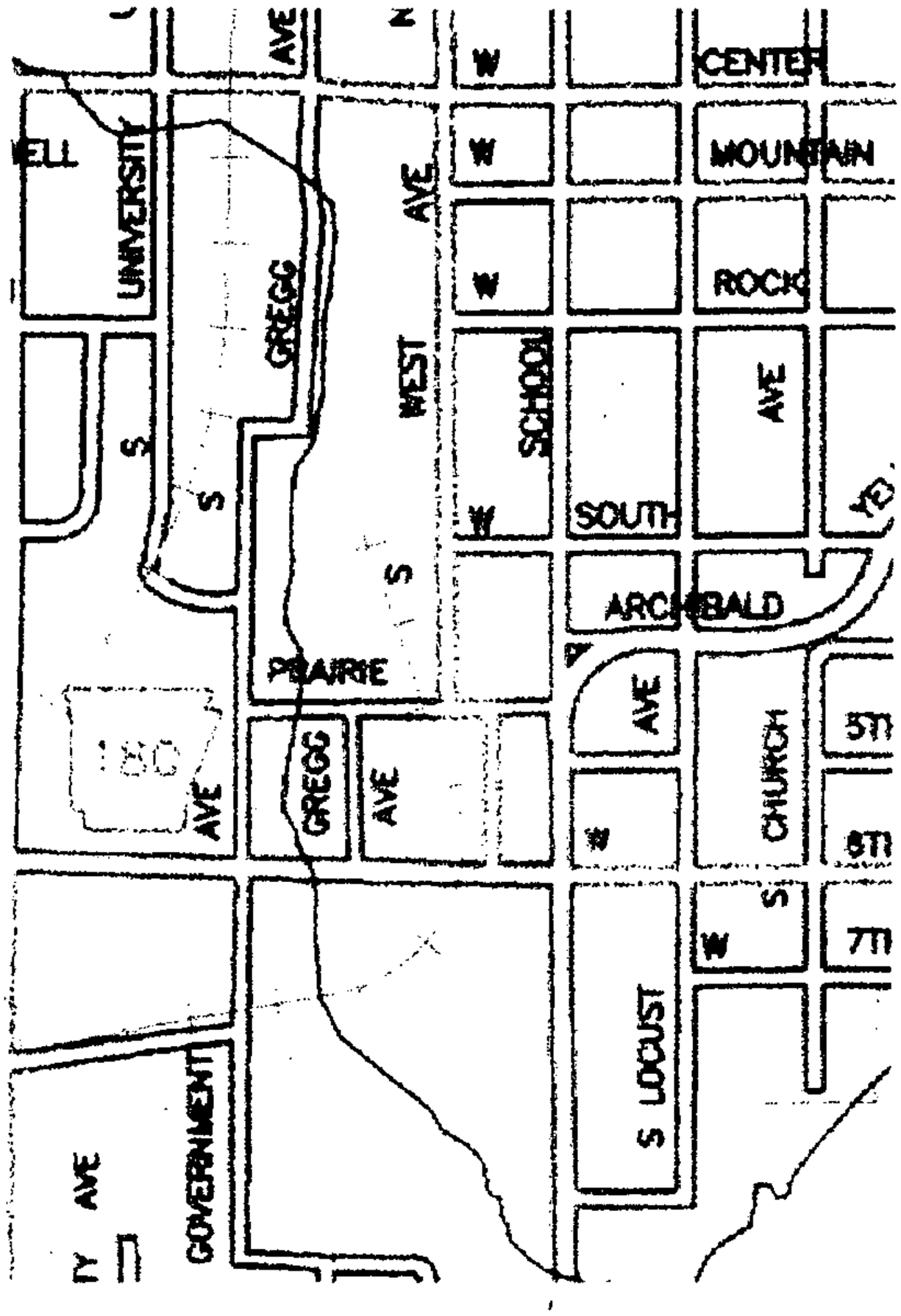
MEADOW
PROSPECT
TRENTON BLVD
DAVIDSON ST
DICKSON
SUTTON
CONNER
ARCHIBALD
FAIRVIEW DR
CALIFORNIA BLVD
FAIRLANE
McCLINTON
11TH
12TH
13TH
15TH
45
180

EXISTING MASTER STREET PLAN



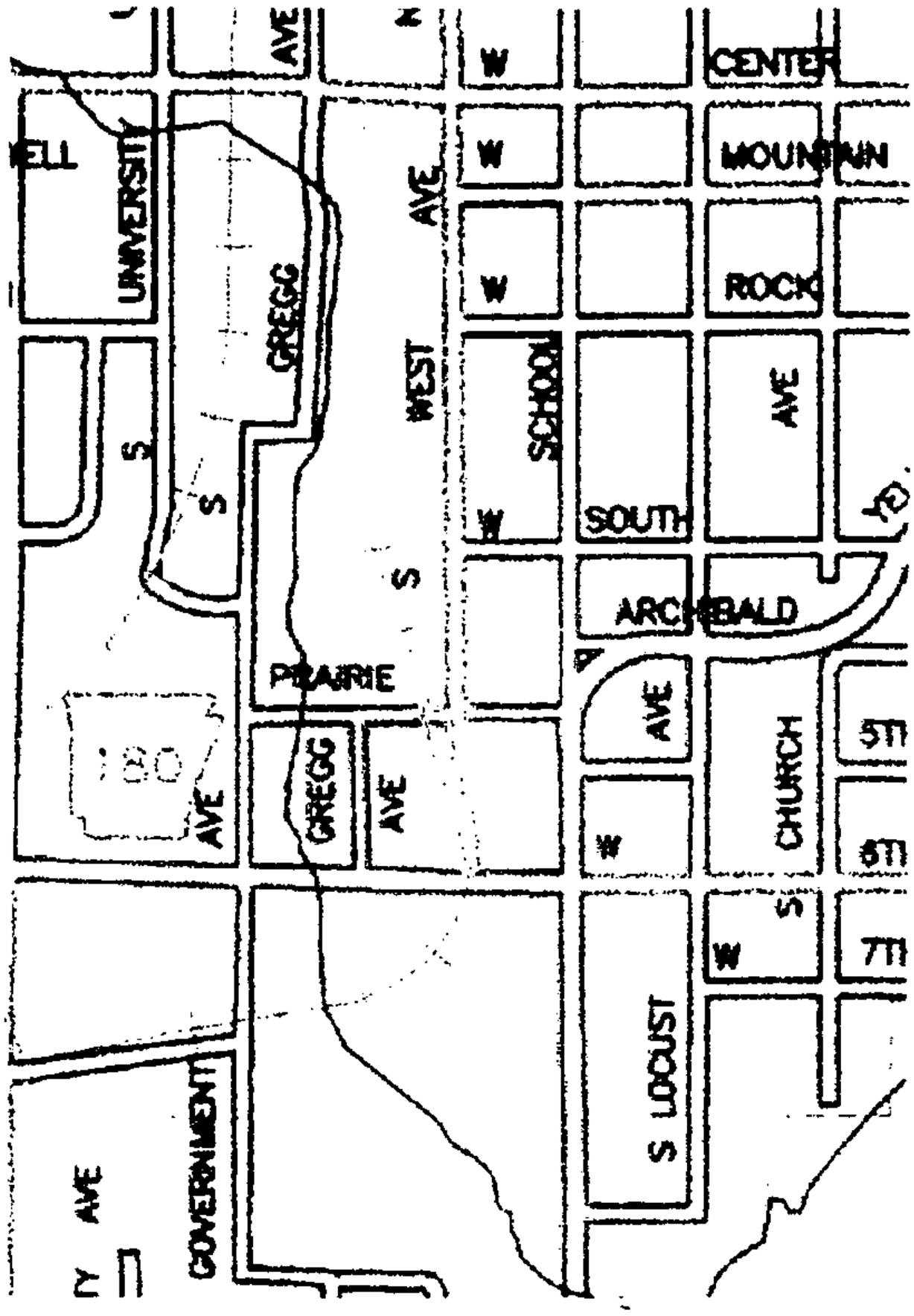
LEGEND:

COLLECTOR -- 70ft. R/W, 36 ft. PAVEMENT

MINOR ARTERIAL -- 90 ft. R/W, 52 ft. PAVEMENT

PRINCIPAL ARTERIAL -- 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

RAILROAD RIGHT-OF-WAY PLAN



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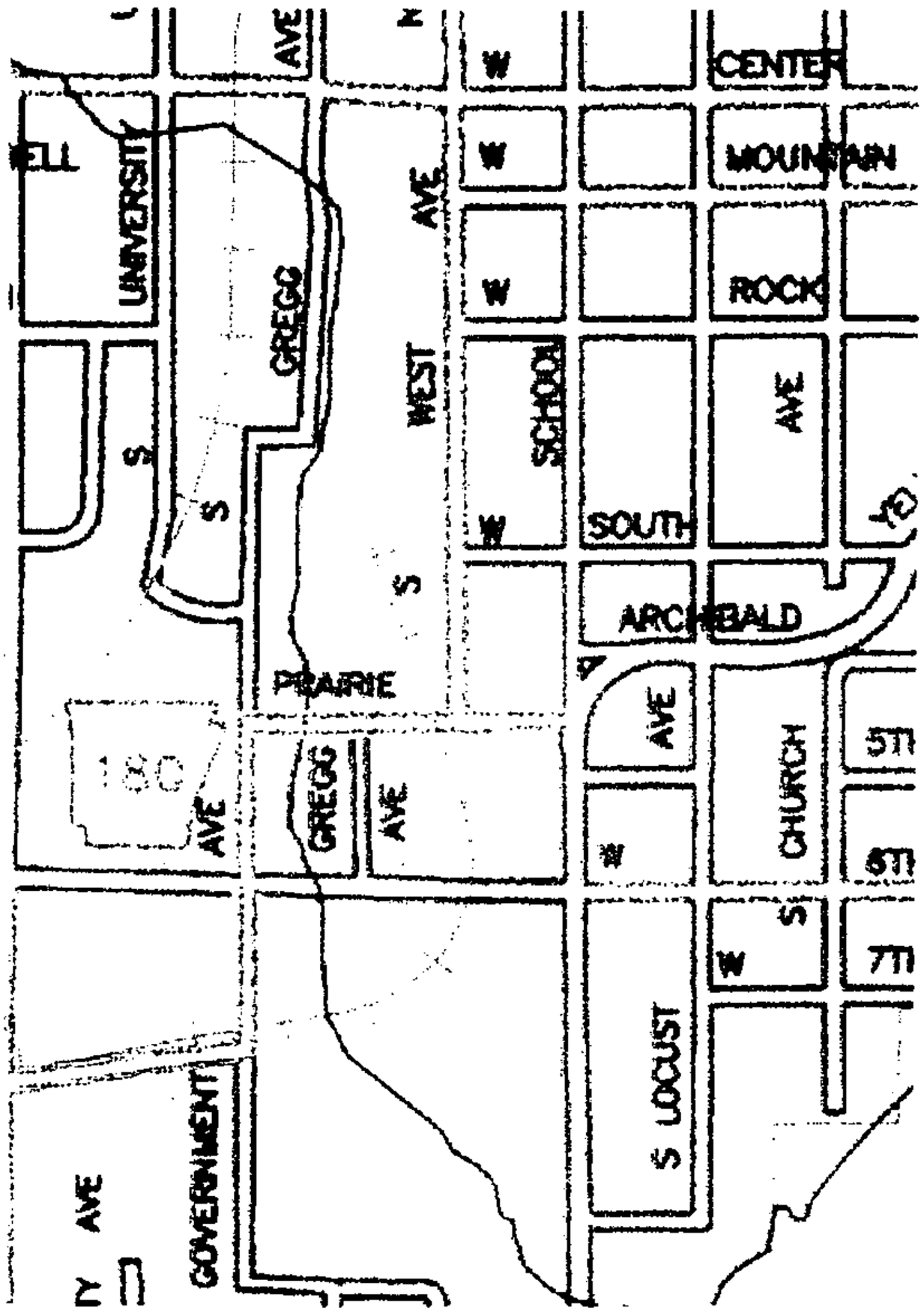
MINOR ARTERIAL -- 90 ft. R/W, 52 ft. PAVEMENT

PRINCIPAL ARTERIAL -- 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

EAST / WEST OPTION



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PRINCIPAL ARTERIAL -- 110 ft. R/W, 56 ft. PAVEMENT
20 ft. MEDIAN

PETERS & ASSOCIATES
ENGINEERS, INCORPORATED

June 30, 2000

Ms. Laura Kelly
Robert Sharp Architects, Inc.
311 West Dickson Street
Suite 103
Fayetteville, AR 72701

Re: West Street Proposed Master Street Plan Changes

Dear Ms. Kelly:

As you requested I have reviewed the materials you provided relative to possible changes to the City of Fayetteville Master Street Plan (MSP). Your proposal to change the MSP to provide Prairie Street between School Street and Gregg Avenue and Gregg Avenue between Prairie Street and 6th Street (Highway 62) and then connecting south via Government Avenue has merit and is worthy of consideration by the City. That proposal offers connectivity between existing Principal Arterials along routes that are practical. The connection is not direct to 6th Street, but neither is the existing MSP alignment of West Street nor is the alternative of utilizing the railroad alignment.

Alternately, taking a broader view of the MSP in the area, I suggest the appropriateness of the City considering reclassifying School Street from Prairie Street north to Dickson Street from a Minor Arterial to a Collector, more in character with its actual function and the reality of limitations which exist along it (right-of-way constraints, closeness of existing structures, topographical considerations, sight distances, etc.). This street is unlikely to ever be reconstructed to 52 feet of pavement in 90 feet of right-of-way per the City's MSP standards. Along with this reclassification, I would suggest consideration be given by the City to simply removing West Street form the MSP from Mountain Street south. In the area south of Mountain Street, School Street, even if never improved, should be capable of serving the collector street function for that built-up area.

Please let me know if there are any question concerning these thoughts and opinions or if additional information is needed.

Sincerely,
PETERS & ASSOCIATES ENGINEERS, INC.

Ernest J. Peters, P.E.
President

PETERS & ASSOCIATES ENGINEERS, INC.

Peters & Associates Engineers, Incorporated is a small firm, uniquely qualified with extensive experience in a variety of engineering projects. The Firm offers several distinct characteristics:

Peters & Associates is an Arkansas Corporation with its office in Little Rock for fifteen years; a proven commitment to continue to provide professional engineering services to public and private sector clients.

Our small staff necessitates direct involvement of principals in all aspects of the work and provides direct communications and close coordination.

Peters & Associates is a recognized expert in the area of traffic engineering that has provided professional traffic engineering services for many private and public sector clients.

Peters & Associates Engineers, Inc. is a Corporation; an organization dedicated to the study and solution of traffic safety and engineering problems.

Considerable practical experience has been gained in many phases of transportation and civil engineering with a substantial amount of this experience being gained while employed by cities, counties and state agencies. This direct practical experience with governmental units, together with relevant professional consulting engineering experience, is judged to be invaluable in working both with public and private sector clients.

Experience gained as consulting engineers includes work with city, state, county, and the Federal government as well as select private sector clients.

Peters & Associates Engineers, Inc. feels that this varied experience record allows the Firm to bring special expertise and judgment to projects undertaken. Mr. Peters alone has twenty-two years of experience, seventeen of which has been in Arkansas.

Mr. Ernest J. Peters is a Registered Professional Engineer in Arkansas as well several other states, is the President of the Corporation and Principal Engineer for the Firm and is supported by other personnel for clerical, drafting and surveying as needed.

Mr. Gregory B. Simmons has over twenty-six years experience in traffic engineering. He has worked for state and local government agencies, as well as, consulting engineering firms.

Mr. Randy Tolbert brings strong computer and technical skills to the Firm and has both extensive training and experience in AutoCAD.

PARTIAL CLIENT LIST

- ✓ Arkansas State Highway and Transportation Department
- ✓ State of Arkansas Transportation Safety Agency
- ✓ University of Arkansas
- ✓ University of Arkansas Medical Sciences
- ✓ University of Central Arkansas
- ✓ University of Arkansas at Little Rock
- ✓ Little Rock Regional Airport
- ✓ City of Little Rock
- ✓ City of Fayetteville
- ✓ City of Fort Smith
- ✓ City of Hot Springs
- ✓ City of Jonesboro
- ✓ City of Springdale
- ✓ City of Bentonville
- ✓ City of El Dorado
- ✓ City of Texarkana
- ✓ City of Pine Bluff
- ✓ City of Searcy
- ✓ City of Conway
- ✓ City of Batesville
- ✓ City of Arkadelphia
- ✓ City of Hope
- ✓ City of Van Buren
- ✓ City of Camden
- ✓ City of Morrilton
- ✓ City of Benton
- ✓ City of Ada, Oklahoma
- ✓ Garland County
- ✓ Independence County
- ✓ Washington County
- ✓ Benton County
- ✓ Manatee County, Florida
- ✓ Systematics, Incorporated
- ✓ First Real Estate Development Corp.
- ✓ Melvin Simon & Associates
- ✓ Hering-Marathon Group
- ✓ United Artists Real Estate Group
- ✓ Deltic Farm & Timber
- ✓ Dillards Department Stores
- ✓ Wal-Mart Stores
- ✓ Charter Medical Corporation
- ✓ Baptist Medical System
- ✓ Hospital Corporation of America
- ✓ Lykes Health Systems, Inc.
- ✓ Humana Hospital Corporation
- ✓ Lifemark Corporation
- ✓ Tampa General Hospital
- ✓ Lakeland Regional Medical Center
- ✓ Askew Enterprises
- ✓ Walker Real Estate
- ✓ Rector-Phillips-Morse

- ✓ Flake & Company
- ✓ Barnes, Quinn, Flake & Anderson
- ✓ Allright Parking, Inc.
- ✓ Vratsinas Construction Company
- ✓ American Stores Properties, Inc.
- ✓ McClellan Development
- ✓ Trellis Square Shopping Center
- ✓ Regas Restaurants
- ✓ Lakeside School District
- ✓ Springdale School District
- ✓ McMehee School District
- ✓ Austin Development Corporation
- ✓ Metrocentre Improvement District
- ✓ Walnut Valley Home Owners Association
- ✓ Parish of St. Theresa
- ✓ Garver & Garver Engineers, Inc.
- ✓ Hoffman-Prieur & Associates
- ✓ McClelland Consulting Engineers, Inc.
- ✓ Mickle-Wagner & Associates
- ✓ Summerlin Associates
- ✓ Architecture +
- ✓ Kober/Belluschi Associates
- ✓ CEI Engineering Associates, Inc.
- ✓ Engineering Consultants, Inc.
- ✓ Blass Firm
- ✓ Brown & Dedman, Inc.
- ✓ Castin Massie & McGetrick
- ✓ Robert J. Richardson, Engineers, Inc.
- ✓ Sasaki Associates, Inc.
- ✓ Gorove/Slade & Associates
- ✓ Research & Planning Consultants, Inc.
- ✓ Hilburn, Calhoon, Harper, et, al.
- ✓ The McMath Law Firm
- ✓ Mastriana & Christiansen
- ✓ Rose Law Firm
- ✓ King & Spaulding
- ✓ Warner & Smith
- ✓ Bramhall, Duncan & Ohm, P.A.
- ✓ Gilker & Jones
- ✓ Roscopf & Higgins, P.A.
- ✓ Wiggins Christian & Garner
- ✓ Aurell Radey Hinkle & Thomas
- ✓ Area Marketing/Research Associates
- ✓ Opinion Research-KDB Associates, Inc.
- ✓ Fagin Advisory Services, Inc.
- ✓ Fendley Development Company
- ✓ Schickel Development Company
- ✓ U.S. Army Corps of Engineers

Downtown • Dickson Enhancement Project, Inc.

July 6, 2000

Tim Conklin, Director
Planning Department
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Member of the Planning Commission
The City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Dear Tim and Commissioners:

I am writing in support of the redevelopment of the old Campbell Soup Feed Mill and the Mill District's proposed amendment to the master Street Plan.

Redevelopment of this property will support the efforts of the Downtown/Dickson Enhancement Project to create a vibrant and vital downtown community. Mixed use projects such as the Mill District will bring businesses, offices and residents into this area which lies between the DDEP target area and the South Fayetteville Development District. This project could be a powerful catalyst and set the standard for future economic development enhancing the efforts of these two projects on the south side of Fayetteville and could significantly impact adjoining property values. We urge the Planning Commission to concur.

Additionally, after reviewing the alternate route proposed along Prairie to Government for the extension of West Street, we concur with the developer that this is a viable alternative that alleviates the close proximity to the intersection of School and 6th Street of the collector street currently shown on the master street plan.

Moving the collector street would be a way for the City of Fayetteville to send a strong vote of confidence to both encourage quality development, encourage mixed use development and bring life to the south side of Fayetteville.

I appreciate your consideration of this issue.

Sincerely,

Jim Foster,
President

P.O. Box 3573, Fayetteville, AR 72702-3573 100 W. Center Suite 301 Fayetteville, AR 72701 • 501-571-3337

ersity of Arkansas
Community Design Center

104 North East Avenue, Suite 1
Fayetteville, AR 72701-6038

Tel 501-575-5772
Fax 501-575-7045
Em uacdc@cavern.uark.edu

UACDC

July 3, 2000

Planning Commission
City of Fayetteville
113 W. Mountain Street
Fayetteville, Arkansas 72701

Dear Commissioners:

Throughout the fall of 1999, the students and faculty of the University of Arkansas Community Design Center studied the assets and needs of south Fayetteville. Among their main recommendations to local residents were four directly relating to the Mill District proposal that you are now considering:

- South Fayetteville needs to seek private investment to improve opportunities for residents.

- The area needs neighborhood commercial centers to function as social gathering places and to serve the needs of residents close to where they live.

- More residences are needed in the area, especially those in close proximity to public transportation and to the downtown square.

- Mixed-use development will help to meet all of these needs.

The Mill District project is exactly the sort of mixed-use development that our students and faculty recommended. This level of architectural development will guard the public interest, allowing the prominent corner location to graciously serve the City rather than to extend the eyesore and waste space already prevalent in the area. In addition, the developers propose to create and expand a downtown pedestrian and bicycle path where it can readily serve residents for

more–

both transportation and recreation. In our view, this is a logical use of the old railroad right-of-way, as is the concentration of parking on the western edge of the property away from South School.

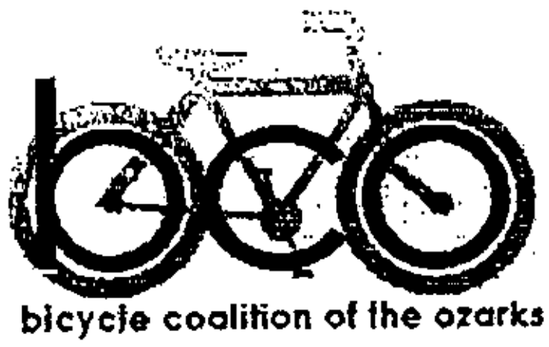
The UACDC study also spoke to the need to maintain the neighborhood grid in south Fayetteville. However, a road only one-block long in the Mill District, not aligned with any existing or proposed street, would not make any logical connection to the city grid. It is our opinion that such a road could create confusion and danger due to its close proximity to the Sixth Street / School Street intersection and in its misalignment with West Avenue. In fact, we recently assisted the University Police Department with a crosswalk safety study and found that intersections too close together, coupled with unaligned streets and crosswalk locations, can be quite hazardous to pedestrians.

Representing the UA Community Design Center during the absence of its Director, David Glasser, we therefore urge you to permit the Mill District development to proceed without a new street on its western edge. By choosing to build using existing structures and to save the very valuable trees of the Mill property, the developers are enabling the City to easily approve what we believe will be a great asset to Fayetteville.

Sincerely yours,

Harriet H. Jansma
Assistant to the Director

Jill Anthes
Project Designer



Rex Dufour
Executive Director
Bicycle Coalition of the Ozarks
P.O. Box 4173
Fayetteville, AR 72702-4173

June 29, 2000

Tim Conklin, Director Planning Department
& Members of the Planning Commission
The City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mr. Conklin & Members of the Planning Commission,

I am writing in support of the Mill District development and the Mill District L.L.C.'s proposed amendment to the Master Street Plan.

The Mill District represents exactly the type of dense, in-fill development that any city needs in order to support alternative forms of transportation. Excessive pavement only harms the potential land value of a city's core (not to mention creating runoff and floodwater problems). One solution is to encourage dense enough development to support mass transit as well as allowing area citizens access to most goods and services within walking or cycling distance. Sprawl, the alternative to in-fill development, destroys a city's core, encourages automobile dependence, and hurts low-income citizens unable to afford the expense of car purchase, maintenance and insurance.

The Bicycle Coalition of the Ozarks (BCO), a local non-profit organization, has been working with the City of Fayetteville to produce a Master Trails Plan to encourage safe transportation alternatives to the automobile. Now I understand that the City of Fayetteville wishes to add a Collector street in the exact location of an important block–long extension of a potential bicycle trail currently known as the Center/Prairie Trail. This trail is slated to follow the abandoned railway corridor from the Walton Arts Center Parking lot to Prairie Street. The Mill District would like to donate the required land to continue this same trail through to Highway 62. The Bicycle Coalition of the Ozarks strongly encourages the City of Fayetteville to do all it can to facilitate this bicycle trail, including dropping the plan to build a collector street along this same section of railway corridor. The road and the trail cannot co-exist in the same right-of-way without destroying the feasibility of the Mill District.

A weakness of the present planning process in Fayetteville is that when considering traffic volumes and street design, absolutely no consideration is given to *alternatives to the car*! In such a context, we are forcing citizens to depend on a form a transport that

pollutes, is costly to use and maintain, requires vast public and private expenditures on environmentally-unfriendly infrastructure that allows no opportunity for exercise or appreciation of our beautiful town.

The residents of the south side could benefit far more from access to a multi-use trail (that will pass within a few blocks of the new library) than from yet another Collector Street. The potential residents of this development could enjoy a quiet, safe walk or ride to town rather than the noise of more traffic to their west.

In the short term, I strongly encourage you to consider exempting this development from the Collector Street requirement, allowing the multi-use trail to be considered as "taking" a portion of the traffic volume that would have *been induced* by the presence of a Collector Street. Vote for vital urban fabric, an opportunity for alternative transport, and the health and vigor of this depressed side of town. The opportunity for a bicycle trail all the way to Highway 62 (6th Street) should not be missed. The removal of the Collector street could be the key to its success.

In the long term, I would urge the Planning Department and Planning Commission to consider providing developers with options that would allow for creative alternatives to "auto-only" street standards, including the possibility of assigning a certain portion of predicted (and induced) traffic volume to multi-use trails at the same time as allowing narrower traffic lanes.

I appreciate your consideration of this issue.

Respectfully,

Rex Dufour

Executive Director
Bicycle Coalition of the Ozarks

29 June 2000

TO: Tim Conklin, Deirector, Planning Dept, City of Fayetteville
Members of Planning Commission, City of Fayetteville

FROM: Art Hobson, Professor Emeritus of Physics, UA, phone 575-5918,
fax 575-4580, email ahobson@comp.uark.edu

SUBJECT: Redevelopment of the Campbell Soup Feed Mill

I have learned a little about the project to redevelop the old Campbell Soup Feed Mill at 6th & School. It sounds like just the kind of urban project this town needs. It reminds me a little of the excellent development that Greg House and others are involved in around Dickson Street.

Fayetteville needs to focus on infill, midtown homes and apartments, clustering, mixed use, walking communities, affordable midtown housing, sidewalks, bike trails, and mass transit. Especially in midtown (including 6th & School), the city needs to get away from automobile-centered highway strip development with unsightly sprawling parking, and move toward pedestrian-centered mixed use development with lots of sidewalks and bike paths. The Mill District project appears to support many of these objectives.

I have heard that the city's Master Street Plan calls for turning West Avenue into a "collector street," i.e. widening the street to make way for even more cars. I understand that a new extension of this route would then cut right through the planned development. This is a terrible idea. Many studies (e.g. "Generated Traffic: implications for transport planning" by the Victoria Transport Policy Institute, www.islandnet.com/~litman) show that if you build more roads, you will get more traffic and more congestion. The answer to congestion, especially in downtown and midtown areas where space is precious, is alternative transportation: arrange things so that people are encouraged to walk, bicycle, and bus, and so that driving is discouraged.

In addition to generating traffic, midtown road-widening and road-building spreads out the business/residential area, making it both more difficult (because of all the roads and cars) and farther for people to walk to get anywhere. Midtown parking lots also have this effect, so I hope that parking at the redevelopment will be minimal, hidden, and not spread out horizontally on the land surface.

I understand that the Mill District project will assist in the purchase of additional land to make the Prairie Street bike path a reality. Such bike paths are exactly what Fayetteville needs. They reduce traffic (each bike means one less car) and they improve Fayetteville's quality of life. But a new collector street on the the Mill District property will apparently make the inclusion of a bike path on Mill District property impossible. This argues, once more, against the new collector street.

I hope that the city will work sympathetically with the developers of this excellent project. It's the kind of development that our town needs.

– Art Hobson

I have resided at the corner of
+ South Sts. for over 20 years. There
is a "blind" hill right where I
live + I have seen several
accidents there. Faster traffic
+ more traffic would not
create a safe situation in
this terrain. School St. (1 block
to the East) is already a collector
street. I believe West St.
traffic should be directed to
School St. at Center or Mountain
to connect with Hwy. 62.

Please take West St. South
of Mountain off of collector
status on our 2020 Plan.

Thanks.

Annie Littell

Mikel Lolley
706 Treadwell #1
Fayetteville, AR 72701
(501) 957-1400 Home
(501) 271-4100 Office
(501) 271-4102 Fax
mikel@harrisonfrench.com

July 6, 2000

Dear Planning Commissioners,

As a resident / home owner of downtown Fayetteville who has made considerable investment in their immediate neighborhood, it gives me pause for concern when I read in the paper and watch on government access television as our planning commission appears to be so out of step with the needs and desires of the residents who have made this investment to live close to the downtown area. These residents have made a deliberate and conscious decision to LIVE in downtown, and we need the security that this investment has not been in vain. We need to know that cut-through automobiles are not a force more powerful than the residents who live downtown. Case in point. As a resident, I do not wish to see our planning commission cave in to the dominance of the automoblie on every issue. I do not wish to see people who merely want to cut-through the downtown area given preference to the people who live there. Your plans to widen West Street and extend it through to 6th Street are sending this resident all of the wrong signals. This plan invalidates the residents on West Street who have made a considerable investment to renovate quite a few of the homes on that street. It invalidates the residents on nearby streets such as Hill Avenue and Duncan, since it says to us that the cities commitment to us is merely as a cut-through to other parts of town. This resident wants to see cut-through traffic discouraged from cutting through the center of town, and encouraged to use 71 Business, which is only 300 feet from your proposed extension. This resident wants to see cut-through traffic encouraged to use the existing by-pass and the proposed by-pass on the east side of town. This resident wants to see speed ramps, and more stop signs on streets such as West, Hill and Duncan to curb excessive speed in our neighborhoods that threaten our children and our pets. Many cities on the east coast and many European cities have elected to not cave into the pressures of this type of traffic, and those cities have elected to prize their History, the Pedestrian, and the investments of the Residents that have chosen to live in the central hearts of those cities. Please send this resident all of the right messages, that their investment is not in vain, that their city planners respect, understand, and value their commitment to live downtown, and that the city planners will go on to make decisions that will offer the security that other future residents will need before they make the same decision to invest in their downtown as a quality place to live.

Respectfully submitted,

Mikel Lolley

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

We the property owners along West Avenue believe that this road is unsuitable for increased traffic flow generated by widening the road or continuing West Avenue south to connect with Highway 62. We call for the City of Fayetteville to remove the 70'-0" right-of-way Collector Street designation from all of West Avenue that lies south of Mountain Street.

Sylvia McClelland
Name (Printed)

Sylvia McClelland
Signature

127 So West ave
Address

Anita Bechaud
Name (Printed)

Anita Bechaud
Signature

119 S. West
Address

Michael Thurmond
Name (Printed)

Michael Thurmond
Signature

203 S. West, City
Address

Name (Printed)

Signature

Address

Name (Printed)

Signature

Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

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Annee Littell
Name (Printed)

Annee Littell
Signature

411 W. South, Fayetteville, AR 72701
Address (corner of West + South)

CHARLES R. BELT
Name (Printed)

Charles R Belt
Signature

207 S. WEST, FAYETTEVILLE, AR 72701
Address

David Druding
Name (Printed)

David Druding
Signature

David Druding, 107 S. West, Fay, 72701
Address

Name (Printed)

Signature

Address

Name (Printed)

Signature

Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

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Paul Imrie — Paul Imrie
Name (Printed) — Signature

105 S. West, Fayetteville, Ar. 72701
Address

Alan Ostner — Alan Ostner
Name (Printed) — Signature

111 S. West Ave., Fayetteville, AR 72701
Address

Name (Printed) — Signature

Address

Name (Printed) — Signature

Address

Name (Printed) — Signature

Address

WEST AVENUE PETITION

TO REMOVE COLLECTOR STREET STATUS FROM WEST AVENUE SOUTH OF MOUNTAIN

We the ~~property owners along West Avenue~~ citizens of Fayetteville West Ave. believe that ~~this road~~ is unsuitable for increased traffic flow generated by widening the road or continuing West Avenue south to connect with Highway 62. We call for the City of Fayetteville to remove the 70'-0" right-of-way Collector Street designation from all of West Avenue that lies south of Mountain Street.

Tasha Jacky — Name (Printed)
Tasha D Jacky — Signature
1050 Applebury Dr. Fayetteville AR 72701 — Address

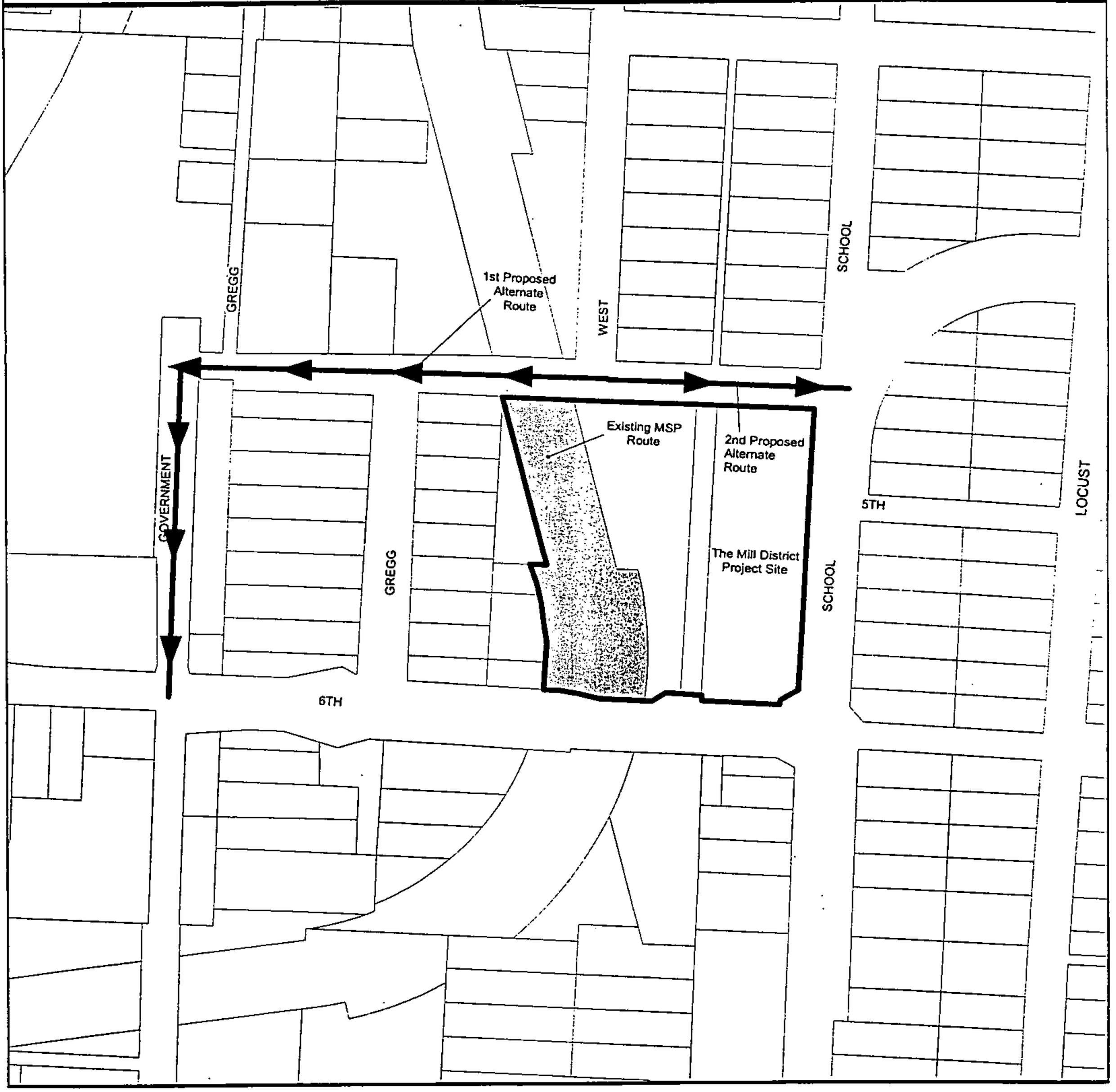
Allen Seay — Name (Printed)
[signature] — Signature
1050 Applebury Dr. Fayetteville AR 72701 — Address

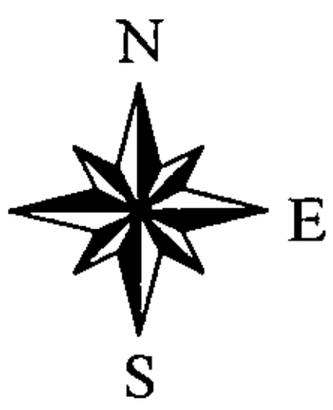
Vanessa J. Hunter — Name (Printed)
[signature] — Signature
706 TREADWELL #3 Fayetteville 72701 — Address

Mike Lewey — Name (Printed)
[signature] — Signature
706 TREADWELL #1 FAYETTEVILLE, AR 72701 — Address

CHARLES J. HENRY IV — Name (Printed)
[signature] — Signature
2317 W. HAVEN CT FAYETTEVILLE AR 72703

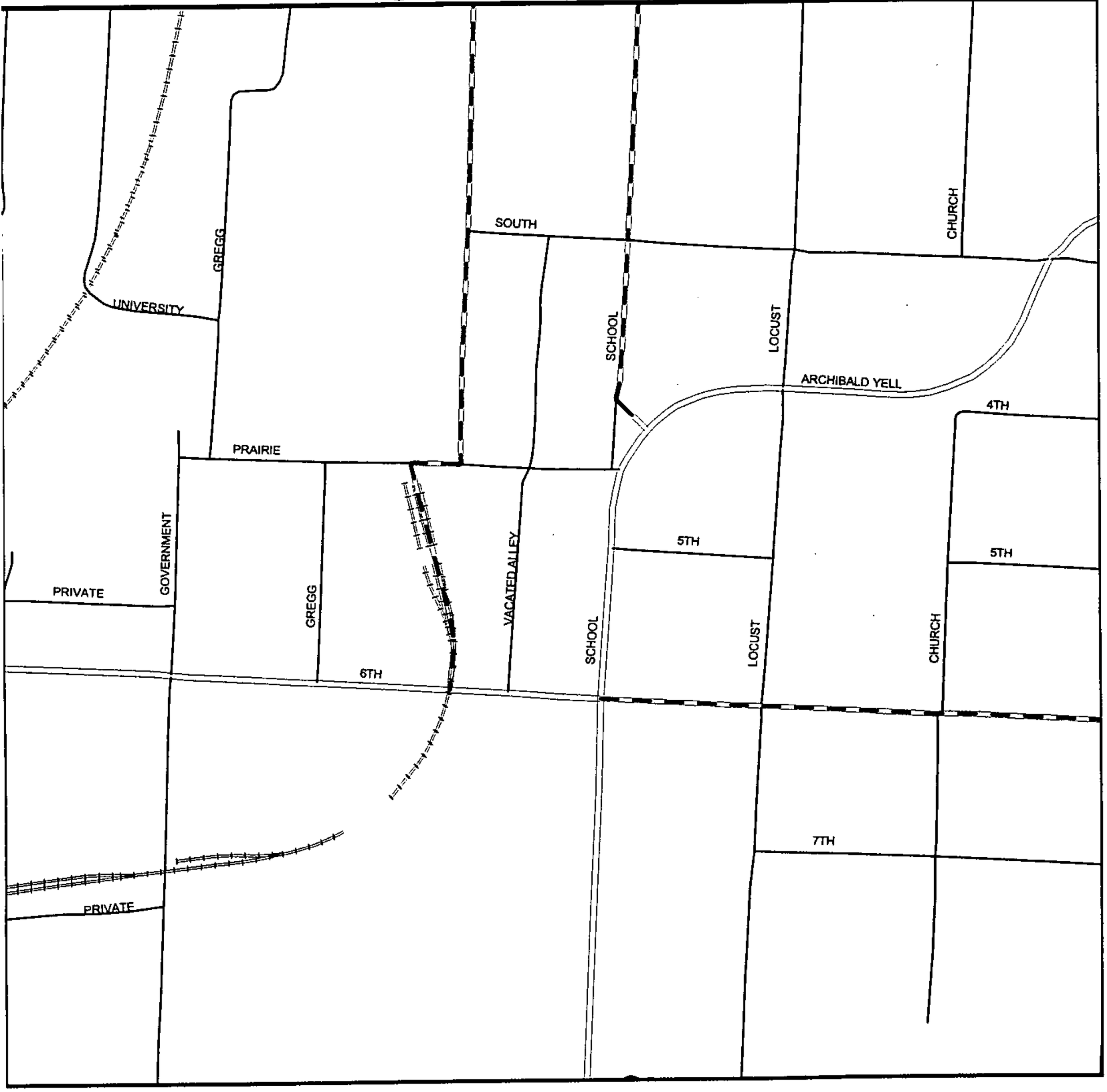
AD00-22.00 - Town Creek Builders - Closeup





200 0 200 Feet

Existing Master Street Plan



Proposed East / West Option

300 0 300 Feet

N
W E
S

Principal Arterial
Collector
Local Street
Proposed Collector

STAFF REVIEW FORM

X **AGENDA REQUEST**
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: An ordinance for (AD 00-23) amending the City's Master Street Plan by accepting a lesser dedication of right-of-way along W. Sixth Street just west of S. School Ave. only where the footprint of an existing structure encroaches into the required Master Street Plan right-of-way.

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommends approval of this request. Planning Commission voted 7-0-0 on June 26, 2000 to recommend approval and to forward the request to the City Council for final consideration.

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

Planning Commission Minutes
June 26, 2000
Page 26

AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of West 6th Street and South School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of West 6th Street than is required by the Master Street Plan due to an existing structure.

Odom: The next item that we have on tonight's agenda is item 8, AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of West 6th Street and South School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of west 6th Street than is required by the Master Street Plan due to an existing structure. Staff's recommendation is approval of the administrative request subject to the following conditions. First, only the right-of-way which would otherwise encroach the existing structure shall be subject to the lesser dedication. Item 2, the building in question will remain and be incorporated into the proposed design theme for the Mill District project on this site. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval.

Odom: Do we have a signed conditions of approval?

Conklin: No.

Odom: I'd ask the applicant to please come forward at this time.

Sharp: My name is Robert Sharp. I'm the architect for the Mill District LLC. Tim asked us to get this item taken care of before we went through large scale development because it does effect our plan fairly substantially. There is an approximately 2000 square foot brick commercial building that is currently not in the street right-of-way but if a dedication is made it would be in the street right-of-way. We would like to keep this building and integrate it into the project and so we are asking that the right-of-way along 6th Street between the utility easement and School Avenue remain as it is. We would like a little space around the building so we can add aesthetic features to bring it into the rest of the project. So, we are asking not just for the building footprint but for the area to each side of it. We are in the process of taking this through the Board of Adjustment and at that point we will have drawings and elevations and they can approve the design at that point.

Odom: So, Robert, what you are telling me is that you are not in agreement with condition of approval 1 which is to only take the right-of-way which is being encroached by the building?

Sharp: Right. We would like to get about 15 feet to the east and west of that building if possible. That's the area we plan, right now it doesn't have ADA bathrooms. We are going to use that area to modernize the building.

PUBLIC COMMENT:

Odom: Let me do this. Is there any member of the audience that would like to address us on this issue?

Public: I'm sorry, I came in late, what's the issue?

Odom: We are on the last item for our agenda tonight which is AD 00-23 which is the Mill District Project. Would you like to address us on that issue?

Public: No, I was here for the rezoning on Deane Solomon Road. I thought the meeting was at 5:30.

Odom: Yes, the meeting started at 5:30 and we are now at the last item on our agenda. Anybody else like to talk on this item before us?

COMMISSION DISCUSSION:

Odom: Seeing none I'll close the floor to public comment and bring it back to the applicant. Staff do you want to comment on the additional 15 feet that they are wanting?

Conklin: Typically we try to get the right-of-way that's required on the Master Street Plan. This allows us to put our sidewalk back, allows green space between the curb and sidewalk. Staff is only recommending that the right-of-way not be dedicated where the existing footprint is located. I have not heard anything tonight that would change my recommendation with regard to just giving up the right-of-way where the building is located.

Hoffman: Mr. Chair.

Odom: Commissioner Hoffman.

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June 26, 2000
Page 28

Hoffman: I would be concerned about not dedicating right-of-way to the east because that is a very busy intersection and I'm sure the turn lanes and other traffic islands and features will at some point be installed. So, I would not be in favor of decreasing the amount of right-of-way towards the intersection. I think I would just have to go with the staff recommendation, really, on the whole thing because this is such a heavily traveled site I don't think it could support an additional 15 feet on either side just because that road is so crowded now.

Odom: Anybody else?

Bunch: Question for the applicant.

Odom: Mr. Bunch.

Bunch: Maybe I was not listening closely enough, the reason you stated for the additional 15 feet of right-of-way on the east and on the west was for aesthetic purposes but then you started talking about bathrooms?

Sharp: We are trying to integrate into the rest of the project. The other buildings on the site are much bigger than this and one of the things we are trying to do is make the building a little bit, give it a little more of a presence by extending it to the east and to the west. Also, that area is where we are going to put in new services like handicapped accessible bathrooms and things like that.

Bunch: That could not be accomplished by extending to the north?

Sharp: We could, yes.

Bunch: Where you already own the property?

Sharp: Right. It just artistically worked out better but it's not a huge thing.

MOTION:

Hoffman: Mr. Chair?

Odom: Yes Commissioner Hoffman.

Hoffman: I do want to encourage this development. I think it's going to be an important development for the south side of town and I think it has the look that is so important in filling our existing commercial areas in a mixed use development.

I'm very much in favor of that, however, the fact that the intersection is so busy I'm just unwilling, if you do have the option of building to the north, I understand that the bathrooms are probably on the south side. Be that as it may, I can move approval of this subject to staff comments. I'm sorry, I'm confused as to the number. Can somebody help me out with this? It's AD 00-23. So with that I make the motion subject to all staff comments.

Allen: Second.

Odom: We have a motion by Commissioner Hoffman and a second by Commissioner Allen to approve AD 00-23 subject to staff comments. Any further comments? Call the roll.

ROLL CALL:

Upon roll call the motion carries on a vote of 7-0-0.

Odom: Staff do we have any further items on our agenda for tonight?

Conklin: There are no additional items.

Odom: Commissioners do you have anything? We are adjourned at 6:35 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: June 26, 2000

AD 00-23.00: Administrative Item (The Mill District, pp 523) was submitted by Tom Bourdeaux of Town Creek Builders on behalf of Mill District LLC for property located at the northwest corner of west 6th Street and south School Avenue. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial. The request is for a lesser dedication of right of way along a portion of west 6th Street than is required by the Master Street Plan due to an existing structure.

RECOMMENDED MOTION:

Staff recommends approval of the administrative request subject to the following conditions:

1. **Only the right-of-way which would otherwise encroach the existing structure shall be subject to a lesser dedication.**

2. **The building in question (the Nugget building) will remain and be incorporated into the proposed design theme for the Mill District project on this site.**

PLANNING COMMISSION ACTION: Required YES
○ Approved ○ Denied

Date: June 26, 2000

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\6-26-00\towncrk_ded.wpd

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this conditional use.

Name: _____ **Date:** _____

BACKGROUND:

The Master Street Plan requirement is the dedication of 55' of right-of-way from centerline on 6th Street in front of the proposed Mill District project. The applicant is requesting at this time that this requirement be reduced for an area along 6th Street from the intersection with S. School Ave. east to an existing utility easement (formerly an alley). The reason stated for this request is an existing two story building that they wish to include as a part of the overall development of the site. In the area requested for a lesser dedication, the right-of-way from centerline measures 40'.

Sixth Street in this location is currently a 5-lane street which carries a large volume of traffic. There are no immediate plans on either AHTD or City CIP project lists to improve this portion of 6th Street.

AD 00-23.00
C. 2. Page 8

City of Fayetteville
Planning Office
VIA FACSIMILE

June 7, 2000

Dear Tim,

Two items have come up in regard to our proposed development on the corner of 6th St and School Ave. in Fayetteville. We wish to request an amendment to the Master St. Plan and a lesser dedication of Right of Way along the southern façade of a two-story building located on the corner of 6th and School.

Master St. Plan Amendment AD 00-22

The amendment to the Master St. Plan we are requesting would entail the removal of the continuation of the West St. ROW, which now is located on the west portion of our property. We are requesting either the removal or relocation of this ROW to Prairie and thence east to school, or to Prairie and thence west to Government and then to 6th ST.

The reasons we are requesting this amendment are several.

-The proposed intersection of West and 6th would be less than 300 feet from the existing intersection of two primary arterials (6th and School). This separation between the lighted intersection of two primary arterials, and a potentially lighted intersection of a collector ST. and an arterial, may not be far enough to satisfy State traffic standards. We are presently researching this issue. In any case it may not be enough to satisfy sound traffic planning.

-Traffic along West Ave. does not warrant the existence of Collector St. status. Improvement of West is not currently on the city's Capital Improvement Plan and would in all likelihood meet staunch opposition from the residents along West.

-The cost of installing the new collector street would be prohibitive in terms of both dollars and land lost, and would probably render the project impossible to complete profitably.

Request for a Lesser ROW Dedication AD 00-23

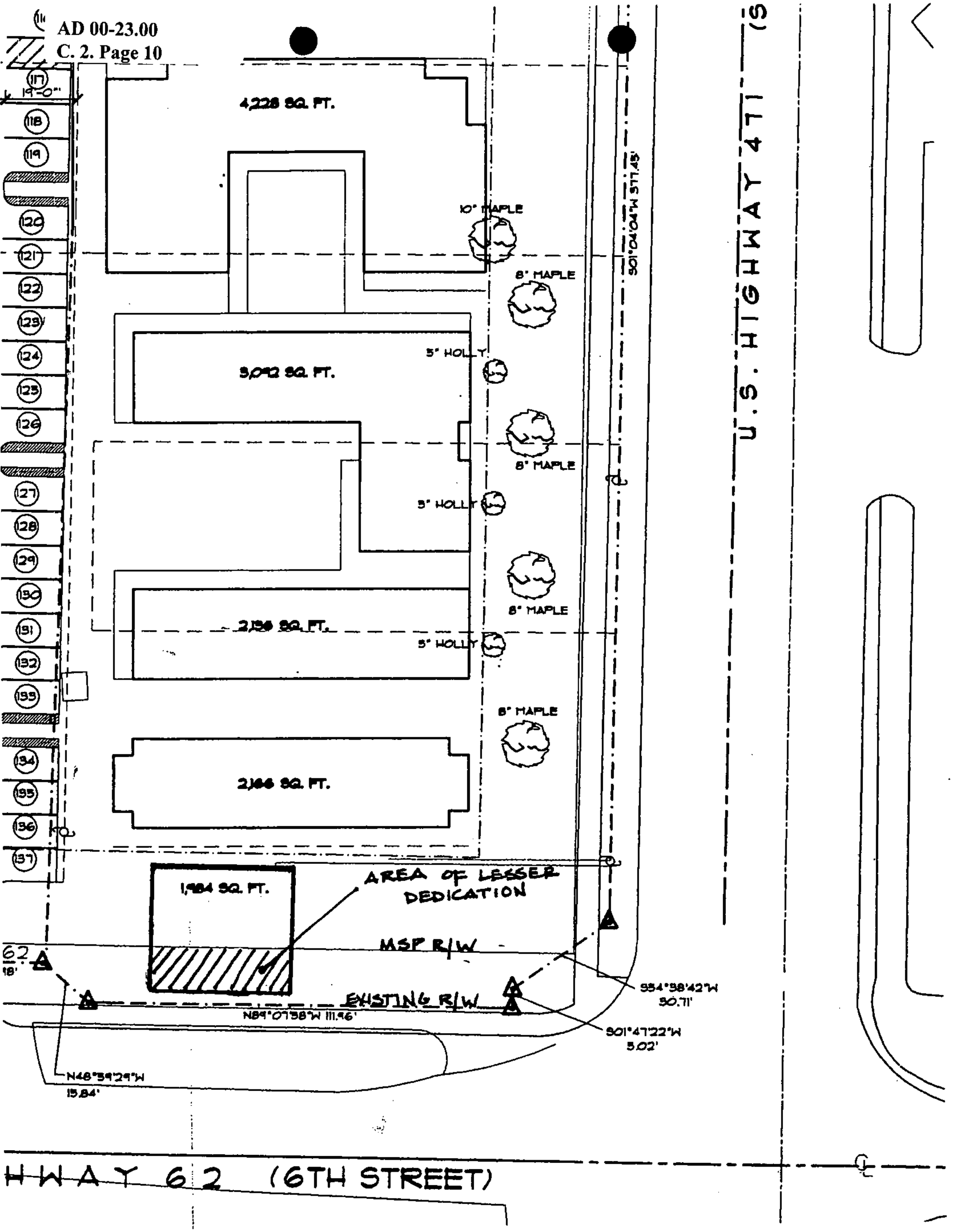
We are also requesting a lesser dedication of Right of Way along 6th St. This lesser dedication would only apply to the area adjacent to an existing two story building near the corner of 6th and School. Current ROW along this section in front of this building is now 40 feet from the centerline. We are requesting that the existing right of way remain as is from the corner of 6th and School Avenue to the existing 27' utility easement (the former alley). This building is in good shape and is an important component of our development for this block. The 55' ROW

component of our development for this block. The 55' ROW rule from centerline on principal arterials was instituted so that a landscaped median might ultimately be placed down the length of 6th St. It is our understanding that the installation of this median is not likely to ever occur.

Please post these requests for public notice as soon as possible so that we might resolve these issues and get our project started.

Sincerely,
~~Mill District LLC~~ TOWN CREEK BUILDERS

Thomas Bourdeaux,
Manager


117
19'-0"
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137
4,228 SQ. FT.
3,092 SQ. FT.
2,136 SQ. FT.
2,166 SQ. FT.
1,984 SQ. FT.
AREA OF LESSER DEDICATION
10" MAPLE
8" MAPLE
5" HOLLY
S01°04'04"W 317.43'
U.S. HIGHWAY 471 (S
MSP R/W
EXISTING R/W
N89°07'38"W 111.96'
S54°38'42"W
50.71'
S01°47'22"W
5.02'
N48°39'29"W
15.84'
62
18'
HWAY 62 (6TH STREET)

U.S. HIGHWAY 471 (SOUTH SCHOOL)

27'-0" UTILITY EASEMENT

24'-0"

4,228 SQ. FT.

4,800 SQ. FT.

4,491 SQ. FT.

5,092 SQ. FT.

2,159 SQ. FT.

2,166 SQ. FT.

1,984 SQ. FT.

10" MAPLE

8" MAPLE

5" HOLLY

AREA OF LESSER DEDICATION

M&P R/W

EXISTING R/W

S01°04'04"W 317.45'

S54°58'42"W 30.11'

S01°41'22"W 5.02'

N84°07'58"W 111.46'

N48°59'24"W 19.84'

S46°15'39"W 18.55'

N85°55'20"W 74.75'

N88°32'43"W 44.48'

39'

STATE HIGHWAY 62 (6TH STREET)

R/W

STAFF REVIEW FORM

AD 00-26.00
C. 3. Page 1

__X__ **AGENDA REQUEST**
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of **August 1, 2000**

FROM:

Tim Conklin	**Planning**	**Public Works**
Name	Division	Department

ACTION REQUIRED: (AD 00-26) Approval of an ordinance adopting the Flood Hazard Study, Phase II, provided by the US Army Corps of Engineers for use in managing floodplains within the City of Fayetteville as a supplement to the previously adopted Flood Damage Prevention Code (Chapter 153 of the UDO, adopted by ordinance #4011 - January 7, 1997).

COST TO CITY:

$		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager — Date — Internal Auditor — Date

City Attorney — 14July00 Date — ADA Coordinator — Date

Purchasing Officer — 7-17-00 Date

STAFF RECOMMENDATION: Pursuant to Section F (2) of the City of Fayetteville Flood Prevention Code, the Floodplain Administrator hereby recommends that the City Council adopt the Flood Hazard Study, Phase II completed by the US Army Corps of Engineers and forwarded to the City January 2000 as the most current data available for managing floodplains within the City of Fayetteville.

Division Head — 7-14-00 Date

Department Director — 7-17-00 Date

Administrative Services Director — 7-17-00 Date

Mayor — 7/26/00 Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:_____

Orig Contract Date:_____

Orig Contract Number:_____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville City Council

FROM: Sara Edwards, Floodplain Administrator

DATE: July 14, 2000

SUBJECT: Adoption of Flood Hazard Study, Phase II

In January of this year, the Corps of Engineers completed an updated Flood Hazard Study for the City of Fayetteville. Attached you will find a letter from the Corps addressed to Mayor Hanna which details the items included in this study. In order for the City to use this data, it is necessary for the City Council to approve an ordinance approving the new study as a supplement to the City's Flood Insurance Study which was adopted by ordinance January 7, 1997.

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

January 26, 2000

REPLY TO
ATTENTION OF

RECEIVED
JAN 26 2000
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Planning, Environmental and Regulatory Division
Planning Branch

Honorable Fred Hanna
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Dear Mayor Hanna:

The following Fayetteville, Arkansas, Flood Hazard Study, Phase II, data are submitted for your use in managing the flood plains in your city.

a. Flood Hazard Study Map (digital original and one copy).
b. Flood Profiles (originals and three copies).
c. Floodway Data Table (originals and three copies).
d. Hydrology and Hydraulic Data (digital and paper copies).
e. Hydrology and Hydraulic write-up.
f. Elevation Reference Marks (four copies).
g. Study Certification

If you have any questions on this submittal please feel free to contact Mr. Conrad Battreal at (501) 324-5037.

Sincerely,

Roger C. Hicklin
Chief, Planning Branch

Enclosures

FAYETTEVILLE, ARKANSAS
PHASE II
FLOOD HAZARD STUDY
STUDY CERTIFICATION

This is to certify that all work accomplished in the conduct of the Fayetteville, Arkansas, Flood Hazard Study, Phase II, was in accordance with sound and accepted engineering practices. This Flood Hazard Study included Cummings Creek, Cummings Creek Tributary, Town Branch Tributary 1, Town Branch Tributary 2, Town Branch Tributary 3, Town Branch Tributary 4, Tin Cup Creek, Tin Cup Tributary, Town Branch Tributary 5, College Branch, Town Branch Tributary 6, Cato Springs Branch, East Fork Cato Springs, Cato Springs Tributary, West Branch, and Town Branch Tributary 7.

JAMES C. BATTREAL, P.E.
Flood Plain Manager

Building Community

Cast thy bread upon the waters; for thou shalt find it after many days.
Ecclesiastes 11:1

Building Community is founded in the realization that projects which present opportunities for community involvement will develop stronger relationships between people, while helping to preserve our cultural heritage. Throughout history, the traditional crafts of carpenter, mason, and smith, have been the foundations of industry and of architecture.

Only in the twentieth century have we exchanged concrete for stonecutting, rolled steel for wrought iron, and two-by-fours for timbers; and for all that we have gained, some things have been lost. The relationship of master to apprentice, of journeymen in a trade to one another, of the trade to itself or to other trades, is almost non-existent.

At the heart of this concept is a fundamental application of geometry and physics, not in an abstract way, but in a real, solid three-dimensional approach. Geometry, literally earth-measure, is comprehensible when we square the corners of a building site, string lines for level, and a plumb-line points to the center of the earth. In the same manner, physics is the tool which we apply to moving heavy objects with levers and rollers and inclined planes. Forging iron is alchemy, the power which Prometheus stole from Mount Olympus.

The goal is empowerment, enrichment by experience, by immersion in a process which uses common materials and simple methods to turn base matter into precious things. A rough piece of granite becomes a cornerstone, a bar of iron is forged into a hinge, trees become beams which become buildings. And by learning to solve these problems, we acquire the tools, actual and conceptual, to solve other problems.

Building Community

Proposal for the Use of Timber from Steele's Crossing

1. Post oak has qualities of strength and durability uniquely appropriate to heavy timber construction.

2. We have within our city several public parks which would be enhanced by the construction of pavilions and/or furnishings which utilize local materials.

3. The immediate intent of this proposal is to identify costs specific to the initial processing of the timber, which has been set aside by the developers to be used for public building.

a. Hauling----------$1500.00
b. Sawmilling----------10,000.00
c. Design &Construction------25,000.00
d. Total----------$36,500.00

This figure is based on my estimates from several projects in which I have participated over the past several years. There is ample room for negotiation or expansion in the design and construction estimate. Hauling is the figure I have agreed to pay a commercial logger for his services. Sawmilling assumes 20,000 board feet of oak at a market rate of 50 cents per board foot, with little margin for error. There may actually be more wood than I have estimated. Estimates of market value for the logs, before milling, are at $300 per thousand for common grade, and $800 per thousand for select cuts, with most of the logs being select. A fair average would be @$500 per thousand, so the logs would be worth @$10,000 as a market commodity.

4. Managing costs can be addressed by involving partners in several ways. Both Argus Properties and Kohl's have expressed interest in this proposal, but I am determined that the initial impetus should come from the City of Fayetteville.

a. The Timber Framers Guild, a non-profit organization, is willing to participate in design and implementation of a community project. For more on the Guild, look at our website, www.tfguild.org.

Building Community

b. The Botanical Garden of the Ozarks, also a non-profit, is situated on land leased from the city. We have discussed a proposal for a pavilion on their property at Lake Fayetteville.

c. Park furniture, built of local material is a re-current suggestion. I have approached several local architects, some university faculty, about working with a design charette to establish acceptable parameters for bespoke work from local artisans. These might easily be site specific and commissioned by citizens, assuming co-operation from the Parks Department.

d. Finally, my personal interest in this matter; I am intensely interested in processes which bring people together in a spirit of co-operation. My intention is to be of service to the community in which I live, this means building bridges rather than burning them. I have no axes to grind, politically, and no desire to embarass anyone by my actions. Should the city council find sufficient merit in this proposal to accept, I shall be willing to work toward making the best possible use of these trees for Fayetteville, as a community.

Sincerely,

James Michael Langford

James Michael Langford

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Fred Hanna and City Council

From: Chuck Rutherford

Date: July 18, 2000

Subject: Possible purchase of abandoned railroad property

The City of Fayetteville received an appraisal report of the abandoned railroad property west of West Ave. between Prairie St. and Mountain St. The appraisal estimated the fair market value of the 3.29 acres to be $50,000.00. On July 5, 2000, the City Council approved offering the Railroad the appraised value.

I forwarded the offer along with the appraisal to Rail Property Management. On July 17, 2000, I received a fax from Rail Property Management rejecting the $50,000.00 offer. I have included the letter from Roslynn Schaefer of Rail Property Management giving the reasons for not accepting the $50,000.00.

Roslynn Schaefer feels that the Railroad Co. will accept $0.50 per sq. ft. or $70,000.00 for the abandoned railroad property. How does the City Council wish to proceed with this? The three options would be not to purchase the property, make a counter offer or offer the $70,000.00.

I will add the comment that three years ago Mr. Vern Wear who was in Roslynn Schaefer's position at that time said that $0.50 per sq. ft. was what the Railroad Co. was asking for the abandoned railroad property between Spring St. and Prairie St.

Chuck Rutherford

Chuck Rutherford

Sidewalk & Trails Coordinator

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501-575-8257

July 17, 2000

Mr. Chuck Rutheford
City of Fayetteville
Side walk and Trail Division
1525 Happy Hollow Rd.
Fayetteville, AR 72701

Dear Mr. Rutheford,

I regret to inform you that your offer of $50,000 for the railroad property between Prairie and Mountain streets has been rejected.We believe the railroad will consider a minimum offer of $.50 per square foot or $70,000.00.

Some of the comparable sales that were provided to support your offer are not valid comparable sales. I have included comments on each of the 5 comparables explaining what the problems with each is. In addition to those comments I would add that in general railroads do not use their own sales as comparables because often times there are extenuating circumstances that effect the price. For instance a railroad may sell a parcel for pennies on the dollar if a lessee agrees not to oppose an abandonment.

Typically right of way appraisers use the across the fence approach to valuing property. This entails valuing the parcels immediately adjacent to the ROW and adjusting the value up or down based on the condition and usefulness of attaching the parcel. The railroad's range of value for commercial properties in the vicinity of the subject property range between $40,000 and $65,000 per acre.

Because our company arranged many of the sales in this area we are familiar with the circumstances surrounding many of these sales. I have included a map with these sales and the price per square foot that they were sold for. If you have any further questions please feel free to contact me.

Sincerely;

Roslynn M. Schaefer

COMPARABLE LAND SALES

LAND SALE #1

Grantor:	The Burlington Northern and Santa Fe Railway Co.
Grantee:	Filbeck, Kim
Location:	West 6th St., Fayetteville
Legal Description:	All that portion of The Burlington Northern and Santa Fe Railway Company's property at Fayetteville, Arkansas 72701, located on the Ft. Smith, Arkansas to Monett, Missouri Branch Line, now discontinued, located upon, over and across part of Block 21 of Ferguson's Addition to the City of Fayetteville, Arkansas.
Date of Sale:	10/29/98
Reported Consideration:	$8,000
Site Characteristics:	Narrow, level to steep sloping parcel with 25.31' road frontage on 6th Street (Hwy. 62).
Size:	Appx. 3,614 Sq. Ft. or 0.08 Acres
Improvements:	None
Zoning:	C-2 - Commercial Thoroughfare
Remarks:	Narrow parcel purchased by adjoining property owner. Site has little road frontage and minimal access.
Indicated Price:	$2.21/Sq. Ft.

Good Comparable – Located in vacinity of proposed Sale.

1900-07-13 18:58 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PC
JUL-11-2000 09:07 CITY OF FAY - STREET DIV. 501 444 3490 P.14/25

LAND SALE #2

Grantor:	Burlington Northern Railroad Company
Grantee:	G. Denele Campbell
Location:	East of Gregg Ave., running north to south from W. Meadow St. to W. Center St.
Legal Description:	A 100.0 foot wide strip of land situated in the West half of Block 21 of the Original Plat of the City of Fayetteville, Washington County, Arkansas together with portions of Gregg Avenue, West Center Street and West Meadow Street, being 50.0 feet wide on each side of the hereinafter described old Pacific and Great Eastern Railway Main Track centerline, as originally located and constructed, bounded on the North by the centerline of said West Meadow Street and bounded on the South by the centerline of West Center Street.
Date of Sale:	01/26/96
Reported Consideration:	$18,000
Site Characteristics:	Narrow, level to steep sloping parcel
Size:	Approx. 37,238 Sq. Ft., or 0.85 Acres
Improvements:	None
Zoning:	R-0 – Residential Office
Remarks:	Railroad right-of-way parcel purchased by adjoining owner.
Indicated Price:	$0.48/Sq.Ft.

This 1996 Sale includes over 1000 ft of Roadway.
The adjusted price would be over .50 ft.
Good Comparable Sale – in vicinity of Proposed Sale.
It is fairly old However –

1900-07-13 18:58 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PC
JUL-11-2000 09:08 CITY OF FAY - STREET DIV. 501 444 3490 P.15/25

LAND SALE #3

Grantor:	Burlington Northern and Santa Fe Railway Company
Grantee:	ANT, LLC
Legal:	Pt. SE 1/4, SE 1/4, Section 20, T16N, R30W
Date of Sale:	02/24/98
Sales Price:	$26,000
Location:	East of Vale Ave. and West of S. Garland Ave. and North of Cato Springs Rd.
Size:	Approx. 126,760 Sq. Ft., or 2.91 Acres
Zoning:	I-1 – Heavy Commercial, Light Industrial
Improvements:	None
Remarks:	Level to sloping parcel located in industrial area of Fayetteville.
Indicated Value:	$0.21/Sq.Ft.

BNSF Sold over 100 Leases to ANT, LLC
in a group Sale. Properties were not individually
assessed for Fair Market Value — But the entire
Package was Sold at Between 6 & 8 Times Rental
Values.

This was not a sale made by two well informed
Parties. This Property was recently offered for sale
by ANT, LLC for over $50,000.00

This is not a valid Comparable Sale.

LAND SALE #4

Grantor:	Burlington Northern and Santa Fe Railway Company
Grantee:	Terry L. & Carolyn E. Peterson
Legal:	All that portion of The Burlington Northern and Santa Fe Railway Company's 100.0 foot wide right of way, now discontinued, being 50.0 feet wide on each side of the former S. Louis-San Francisco Railway Company's Muskogee Subdivision Main Track centerline, as originally located and constructed upon, over and across Block 22 of the Original Town of Fayetteville, Arkansas, and the South half of West Center Street, according to the recorded plat of Fayetteville, Washington County, Arkansas, bounded between the centerline of West Center Street and the North line of West Mountain Street, according to said plat.
Date of Sale:	04/23/97
Sales Price:	$16,500
Location:	545 W. Center St., Fayetteville
Size:	Approx. 10,700 Sq. Ft., or 0.25 Acres
Zoning:	C-3 - Commercial
Improvements:	None
Remarks:	Railroad right-of-way purchased by the adjacent property owner.
Indicated Price:	$1.54/Sq.Ft.

This Parcel is Immediately North of Subject Property.
Commercial Properties in this area of Fayetteville
Range from .40 to 65K/acre.

1900-07-13 18:57 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PC
JUL-11-2000 09:09 CITY OF FAY - STREET DIV. 501 444 3490 P.17/25

LAND SALE #5

Grantor: Burlington Northern and Santa Fe Railway Company

Grantee: James H. Stewart and Charles W. Stewart

Legal: The Northerly 50 feet of the Burlington Northern and Santa Fe Railway Company's 100 foot wide Fayetteville to Pettigrew, Arkansas Branch Line right of way, now discontinued, located upon, over and across the North Half of the Southwest Quarter of the Southeast Quarter of Section 21, Township 16 North, Range 30 West of the 5th Principal Meridian, Washington County, Arkansas, bounded on the East by the East line of said North Half of the Southwest Quarter of the Southeast Quarter and bounded on the Westerly side by the centerline of State Highway No. 71; also

The Southerly 50 feet of said Railway Company's 100 foot wide Branch Line right of way in said North Half of the Southwest Quarter of the Southeast Quarter of Section 21, bounded on the East by the East line of said North Half of the Southwest Quarter of the Southeast Quarter and bounded on the Westerly side by a line extending North 08 degrees, 31 minutes East from a point on the Southerly line of said 100 foot wide Branch Line right of way distant 318 feet Westerly from the East line of said North Half of the Southwest Quarter of the Southeast Quarter.

Date of Sale: (11/03/97)

Sales Price: $3,000

Location: East of Hwy. 71B and North of 19th Street.

Size: Approx. 46,609 Sq. Ft. or 1.07 Acres

Zoning: C-2 – Commercial Thoroughfare

Improvements: None

Remarks: Located in south Fayetteville with Hwy. 71 frontage on S.School St. Purchased by adjoining property owner.

Indicated Value: $0.06/sq.ft.

Sales of ROW on Pettigrew line:

Vern of Rail Property Management Valued this Property as Farmland Prior to Inspection of the Property. Because this Sale Was not made between two Fully informed Parties. We Must throw it out — Commercial land in this area of Fayetteville sells for Between 10 & 15 K/acre.

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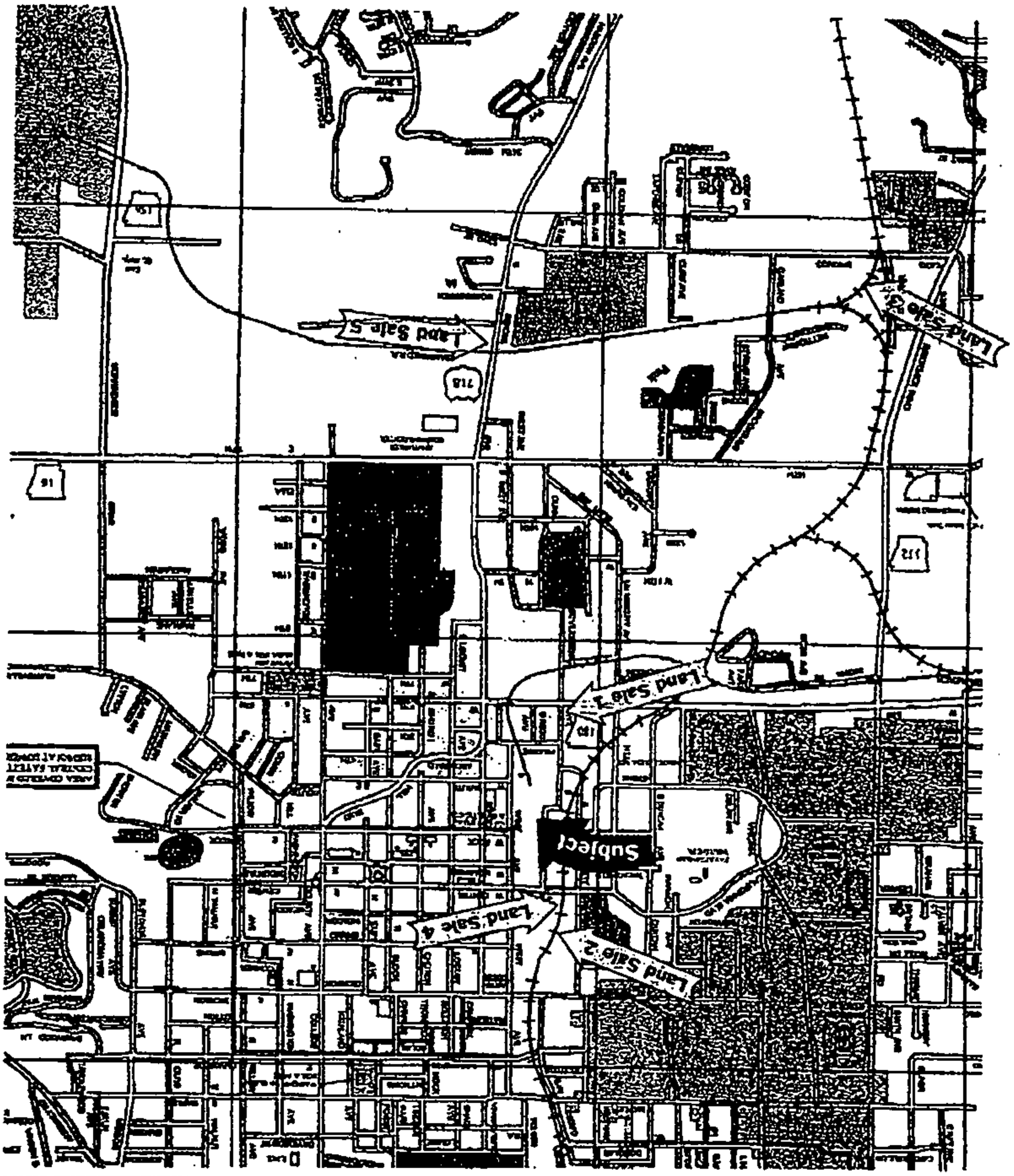
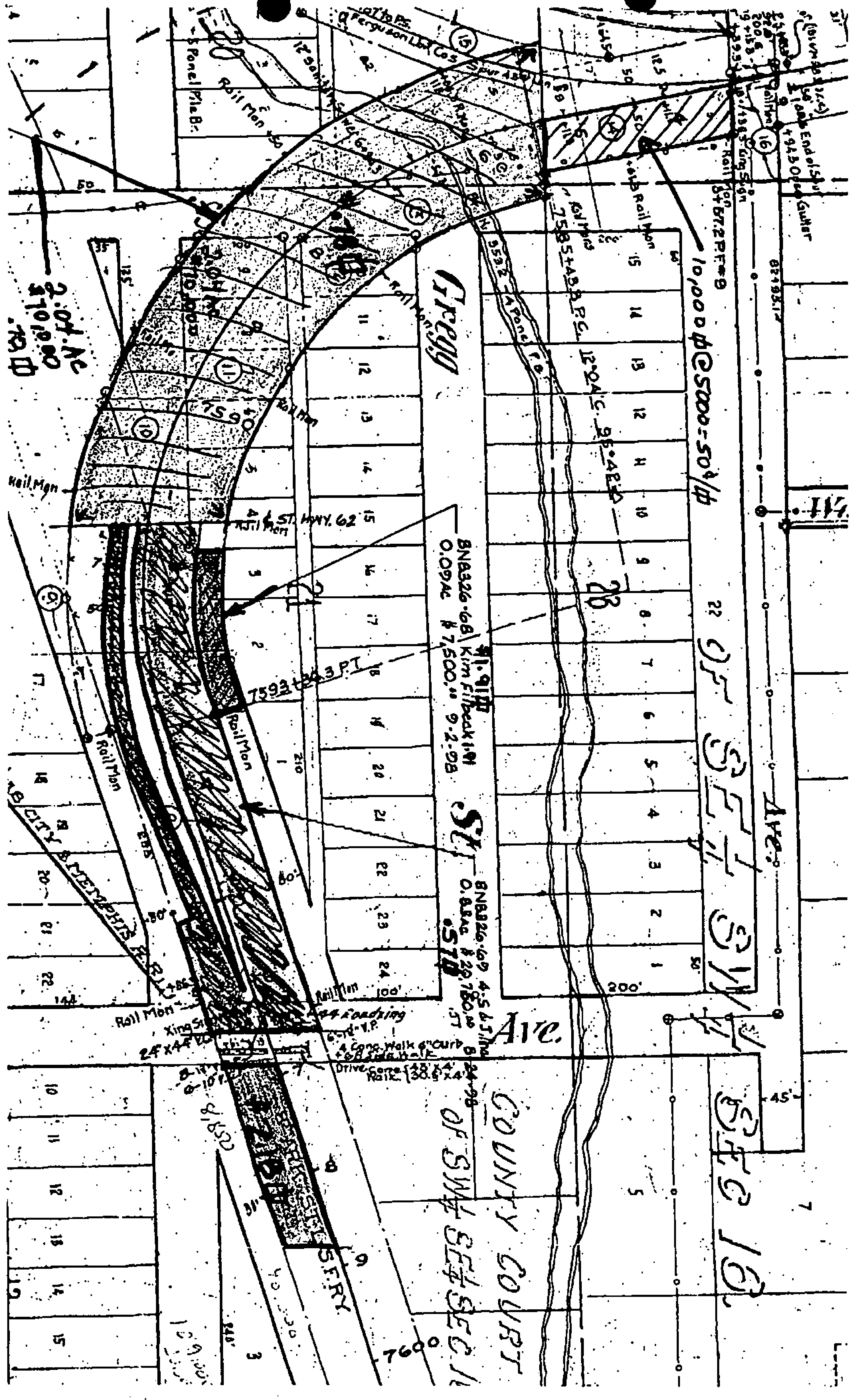
1900-07-13 18:56 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PC



Comparable Market Data


Gregg
St.
Ave.
Ave.
7590
7600
ST. HWY. 62
Rail Mon
S.F.RY
200'
45'
100'

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Mayor Fred Hanna and City Council

From: Chuck Rutherford

Date: July 18, 2000

Subject: Possible purchase of abandoned railroad property

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Sidewalk & Trails Coordinator

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501-575-8257

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Side walk and Trail Division
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Improvements:	None
Zoning:	C-2 - Commercial Thoroughfare
Remarks:	Narrow parcel purchased by adjoining property owner. Site has little road frontage and minimal access.
Indicated Price:	$2.21/Sq. Ft.

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1900-07-13 18:58 312 419 8560 KAIL PROPERTY MANAGEMENT 005
JUL-11-2000 09:07 CITY OF FAY - STREET DIV. 501 444 3490 P.14/25

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1900-07-13 18:58 312 419 8560 RAIL PROPERTY MANAGEMENT 005 PL

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JUL-11-2008 09:08 CITY OF FAY - STREET DIV. 501 444 3490 P.16/25
1900-07-13 18:56 312 419 8560 RAIL PROPERTY MANAGEMENT PG

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Improvements:	None
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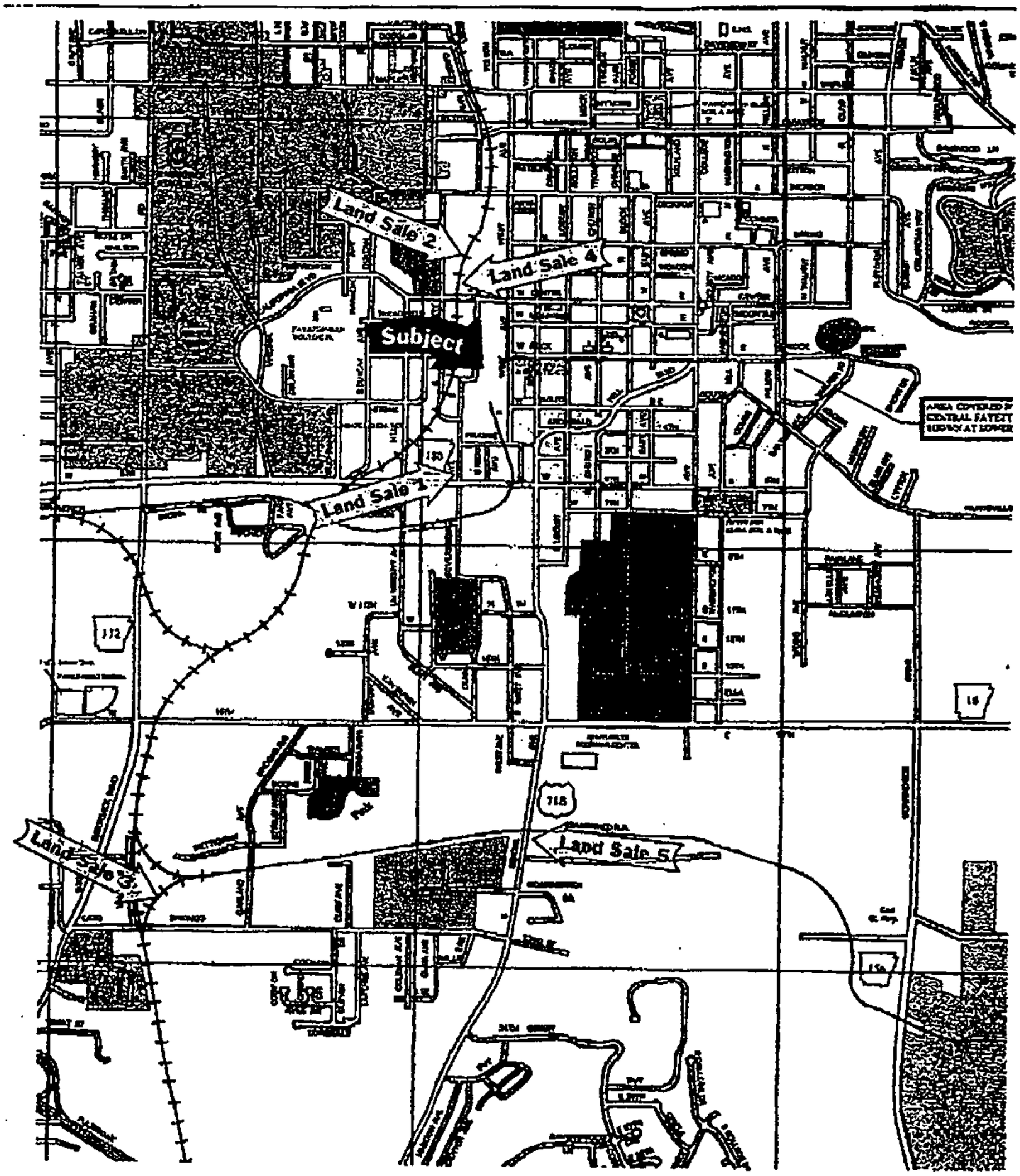
Comparable Market Data



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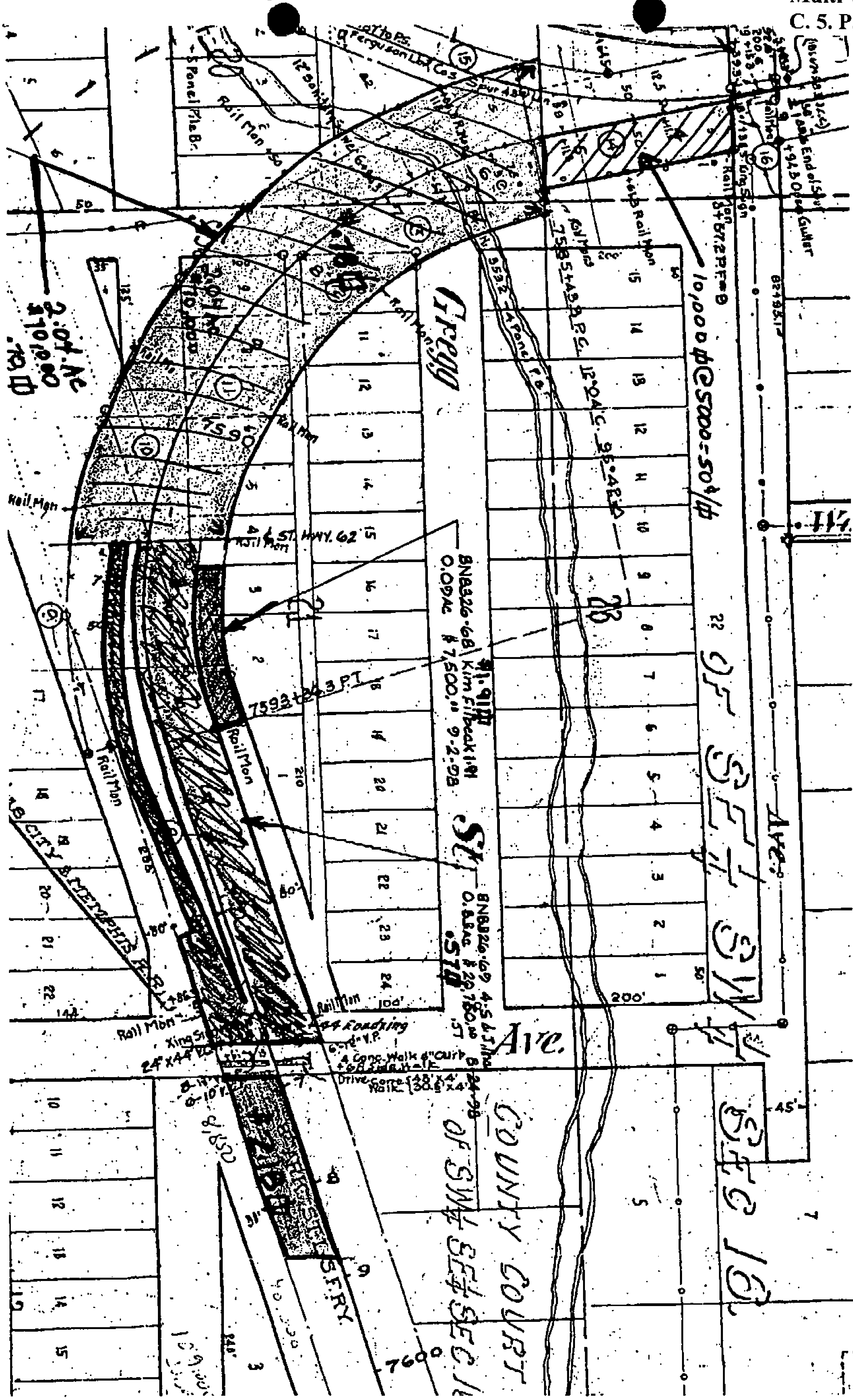
Gregg St.
Ave.
ST. HWY. 62
Rail Mon
S.F.RY.
COUNTY COURT
10,000 @ 5000 - 50
24" x 44' RCP
4' Conc. Walk 6" Curb
Drive Conc. 48' x 4'
Walk 30.5' x 4'
7600
200'
45'

July 25, 2000

AGENDA SESSION
FOR THE
CITY COUNCIL MEETING
AUGUST 1, 2000

NEW ITEMS:

1. **STEPHENS:** A resolution approving a letter agreement with Stephens Inc. for Stephens Inc to provide financial advisory services on the wastewater treatment plant expansion project financing. The rate per hour is $225.00 and is restricted to certain identified individuals. The authorization requested is not to exceed $22,500 and will be paid from the project budget. Approval of a budget adjustment is also requested.

2. ~~**WATER**~~ WASTEWATER **TREATMENT PLANT EXPANSION:** A resolution authorizing the Mayor or his representative to proceed in seeking proposals for variable rate demand bond obligations for use in providing interim financing for the wastewater treatment plant expansion.

3. **PARKING LEASES:** A resolution granting the Mayor or his representative authority to lease parking spaces at the Fayetteville Municipal Parking Deck or on other City owned or operated parking facilities, including Airport hangar leases, under the terms as agreed between the parties and in conformity with applicable ordinances. The lease amount not to exceed $20,000 total.

4. **ROLLBACK:** ~~Proposed~~ a resolution approving a settlement of litigation regarding the rollback of ad valorem taxes for the years 1994 through 1999.

5. **BID 00-52:** A resolution accepting the lowest qualified bidder for the purchase of two tractor backhoe loaders. Bid 00-52, Item #1. The vendor for this purchase will be E. A. Martin Machinery.

6. **BID 00-53:** A resolution accepting the lowest qualified bidder for the purchase of one tri-axle diesel powered dump truck. Bid 00-53, Items #3 and #4. The vendor for this purchase will be Sterling Trucks of Arkansas.

7. **BID 00-56:** A resolution accepting the qualified bidder for the purchase of one tractor, one mower conditioner, two tedders, and one rotary mower with the trade of fourteen various used items which were declared surplus or are being replaced by the items purchased. The vendor for this item will be Williams Tractor.

8. **BALL AND MOURTON:** A request to grant an easement over 25 feet of land near Razorback Road for the purposes of ingress and egress for a parking lot.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
AUGUST 1, 2000

A meeting of the Fayetteville City Council will be held on August 1, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the July 5 and July 18, 2000 meetings.

2. **BID 00-54:** A resolution awarding Bid 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

3. **TRACT #44:** A resolution to authorize Mayor to sign a 20 foot easement across property designated as Tract #44 containing approximately 3,800 square feet for 16 inch high pressure gas line for the Arkansas Western Gas Company. This tract is located on Hwy 265, which is the physical location of Fayetteville Fire Station No. 5.

Removed Special City Limits

B. OLD BUSINESS

1. **RZ 00-19.00:** An ordinance approving rezoning request RZ 00-19.00, submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of West Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the July 18, 2000 meeting.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

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C. NEW BUSINESS

1. **AD 00-22:** An ordinance amending the City's Master Street Plan by eliminating a collector street between Prairie Ave. and W. Sixth Street within the property at 404 W. Sixth Street, at the northeast corner of S. School Ave. and W. Sixth Street and reclassifying Prairie Street west of West Ave. and Government Ave. between Prairie Ave. and W. Sixth Street as collector streets.

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4. **CMN TREES:** Discussion of the use of the timber from the trees that were cut down by CMN Business Park.

5. **MULTI-USE TRAIL:** Discussion regarding the possible purchase of abandoned railroad property.

loans for parking.
John ① D. Stevens - w/s financing. } look for. *
② short term financing. } bfast agenda
③ Settlers of tax. — see Clarice. *
④ Paying purchase from Postnet

set — easement Baum Station - Jay Rose.
? Kyle letter both to Jill.

Building Community

Cast thy bread upon the waters; for thou shalt find it after many days.

Ecclesiastes 11:1

Building Community is founded in the realization that projects which present opportunities for community involvement will develop stronger relationships between people, while helping to preserve our cultural heritage. Throughout history, the traditional crafts of carpenter, mason, and smith, have been the foundations of industry and of architecture.

Only in the twentieth century have we exchanged concrete for stonecutting, rolled steel for wrought iron, and two-by-fours for timbers; and for all that we have gained, some things have been lost. The relationship of master to apprentice, of journeymen in a trade to one another, of the trade to itself or to other trades, is almost non-existent.

At the heart of this concept is a fundamental application of geometry and physics, not in an abstract way, but in a real, solid three-dimensional approach. Geometry, literally earth-measure, is comprehensible when we square the corners of a building site, string lines for level, and a plumb-line points to the center of the earth. In the same manner, physics is the tool which we apply to moving heavy objects with levers and rollers and inclined planes. Forging iron is alchemy, the power which Prometheus stole from Mount Olympus.

The goal is empowerment, enrichment by experience, by immersion in a process which uses common materials and simple methods to turn base matter into precious things. A rough piece of granite becomes a cornerstone, a bar of iron is forged into a hinge, trees become beams which become buildings. And by learning to solve these problems, we acquire the tools, actual and conceptual, to solve other problems.

Building Community

Proposal for the Use of Timber from Steele's Crossing

1. Post oak has qualities of strength and durability uniquely appropriate to heavy timber construction.

2. We have within our city several public parks which would be enhanced by the construction of pavilions and/or furnishings which utilize local materials.

3. The immediate intent of this proposal is to identify costs specific to the initial processing of the timber, which has been set aside by the developers to be used for public building.

a. Hauling----------$1500.00
b. Sawmilling----------10,000.00
c. Design &Construction-----25,000.00
d. Total----------$36,500.00

This figure is based on my estimates from several projects in which I have participated over the past several years. There is ample room for negotiation or expansion in the design and construction estimate. Hauling is the figure I have agreed to pay a commercial logger for his services. Sawmilling assumes 20,000 board feet of oak at a market rate of 50 cents per board foot, with little margin for error. There may actually be more wood than I have estimated. Estimates of market value for the logs, before milling, are at $300 per thousand for common grade, and $800 per thousand for select cuts, with most of the logs being select. A fair average would be @$500 per thousand, so the logs would be worth @$10,000 as a market commodity.

4. Managing costs can be addressed by involving partners in several ways. Both Argus Properties and Kohl's have expressed interest in this proposal, but I am determined that the initial impetus should come from the City of Fayetteville.

a. The Timber Framers Guild, a non-profit organization, is willing to participate in design and implementation of a community project. For more on the Guild, look at our website, www.tfguild.org.

b. The Botanical Garden of the Ozarks, also a non-profit, is situated on land leased from the city. We have discussed a proposal for a pavilion on their property at Lake Fayetteville.

c. Park furniture, built of local material is a re-current suggestion. I have approached several local architects, some university faculty, about working with a design charette to establish acceptable parameters for bespoke work from local artisans. These might easily be site specific and commissioned by citizens, assuming co-operation from the Parks Department.

d. Finally, my personal interest in this matter; I am intensely interested in processes which bring people together in a spirit of co-operation. My intention is to be of service to the community in which I live, this means building bridges rather than burning them. I have no axes to grind, politically, and no desire to embarass anyone by my actions. Should the city council find sufficient merit in this proposal to accept, I shall be willing to work toward making the best possible use of these trees for Fayetteville, as a community.

Sincerely,

James Michael Langford

James Michael Langford

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
AUGUST 1, 2000

A meeting of the Fayetteville City Council will be held on August 1, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the July 5, 2000 ~~and July 18, 2000 meetings~~.

2. **BID 00-54:** A resolution awarding Bid 00-54 to Ameri-Kan, Inc. in the amount of $11,747 for the initial purchase of solid waste containers and approval of future purchases as needed for inventory at the attached per unit prices. These containers are sold/leased to commercial businesses for use in our commercial container and commercial recycling programs.

3. **TRACT #44:** A resolution to authorize Mayor to sign a 20 foot easement across property designated as Tract #44 containing approximately 3,800 square feet for 16 inch high pressure gas line for the Arkansas Western Gas Company. This tract is located on Hwy 265, which is the physical location of Fayetteville Fire Station No. 5.

Remove From Consent.

B. OLD BUSINESS

1. **RZ 00-19.00:** An ordinance approving rezoning request RZ 00-19.00, submitted by the Community Development Division on behalf of the City of Fayetteville for property located west of Deane Solomon Road, north of Moore Lane and south of West Salem Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.715 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the July 18, 2000 meeting.

113 WEST MOUNTAIN 72701 501 521-7700
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2. **AD 00-18.00:** An ordinance for AD 00-18.00, administrative amendment to Chapter 166 "Development" of the Unified Development Ordinance, Section 166.04 (A)(8) "Suburban Subdivision-Public Sanitary Sewer Not Accessible" to allow lots smaller than 1-½ acres that are on a septic system. left on 1st reading at 7/18/00 mtg.

3. **PLANNING COMMISSION APPEAL:** An appeal of a Planning Commission decision which denied rezoning request RZ 00-20.00 for property located at ~~2~~116 E. Joyce Street. The request is to rezone the property from A-1 to R-O. The ordinance was left on the first reading at the July 18, 2000 meeting. (letter from Staff)

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4. **CMN TREES:** Discussion of the use of the timber from the trees that were cut down by CMN Business Park. Remove from agenda. Heather P. to Committee.

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Code?

Capital ?

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