

**Aldermen**

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
January 4, 2005**

A meeting of the Fayetteville City Council will be held on January 4, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Oaths of Office - 2005 Elected Officials**

**Roll Call**

**Pledge of Allegiance**

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the November 30, 2004, December 7, 2004, December 21, 2004 and December 28, 2004 City Council meeting minutes.

**APPROVED.**

2. **Cliffside Park Land Dedication Requirement:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District (PZD) Development.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-05.**

3. **Baird, Kurtz & Dobson (BKD), LLP Contract Renewal:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount \$57,000.00 to provide independent audit services to the City of Fayetteville.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-05.**

4. **Freelance Consulting Services Contract:** A resolution approving proposal 04-21 from Freelance Consulting Services in the amount of \$56,000.00 to conduct a Wildland Interface Fire Assessment.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-05.**

5. **Multi-Craft Bid #04-88 Award:** A resolution awarding Bid #04-88 to Air Works Division of Multi-Craft Contractors, Inc. in the amount of \$49,442.00 for the purchase and installation of a 25-ton rooftop heating and air conditioning unit and removal of the existing unit at the Fayetteville Police Department.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-05.**

**B. UNFINISHED BUSINESS**

**C. NEW BUSINESS:**

1. **ANX 04-1334 (Harper/Teater):** An ordinance annexing that property described in Annexation Petition ANX 04-1334 annexing to the City of Fayetteville, Arkansas, property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4664.**

2. **RZN 04-1335 (Harper/Teater):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4665.**

3. **RZN 04-1329 (Hogeye, Inc.):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1329 for property located on the north side of 6<sup>th</sup> Street across from the Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4666.**

4. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

5. **RZN 04-1331 (Bale):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1331 for property located at 3513, 3515, and 3517 West 6<sup>th</sup> Street containing approximately 0.80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4667.**

6. **RZN 04-1332 (Hays):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4668.**

7. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6<sup>th</sup> Street, west of Hill Avenue, northeast of 11<sup>th</sup> Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission.

**THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.**

8. **VAC 04-1324 (Elder/Salem Townhouses):** An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on the north side of Wedington Drive west of Salem Road as described on the attached map and legal description.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4669.**

9. **U.S. Department of Justice Grant:** A resolution authorizing the Fayetteville Police Department to accept a Grant from the U. S. Department of Justice in the amount of \$164,900.00 to define and initiate anti-methamphetamine strategies and assist the Washington County Drug Court; approving an increase in police staffing by one (1) officer; and approving a budget adjustment recognizing the grant revenues.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-05.**

10. **Waive Requirements of §34.27 for The Project for Victims of Family Violence, Inc.:** An ordinance to waive the requirement of §34.27 of the Fayetteville Code, authorize the sale of 1.5 acres for an appraised value of \$30,000.00 to the non-profit corporation, The Project for Victims of Family Violence, Inc. and to declare an emergency.

**PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4670.**

11. **The Project for Victims of Family Violence, Inc. Lease of 1.5 Acres:** A resolution to approve a forty year lease of 1.5 acres of city property to The Project for Victims of Family Violence, Inc.



**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 06-05.**

- 12. The Project for Victims of Family Violence, Inc. Lease of .69 Acres:** A resolution to approve a lease of about .69 acres of city property to The Project for Victims of Family Violence, Inc. for a sewer area and a 70-foot wide access easement.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-05.**

**D. PUBLIC HEARINGS:**

- 1. Raze and Removal (408 E. Center Street):** A resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in the City of Fayetteville, Arkansas.

**PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-05.**

- 2. Downtown Master Plan Redevelopment District Number Two Creation:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on forming the Downtown Master Plan Redevelopment District.

**PUBLIC HEARING FOR PUBLIC COMMENT.**

- a) Downtown Master Plan Redevelopment District Number Two Adoption:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.

**THIS ITEM WAS LEFT ON THE FIRST READING OF THE ORDINANCE.**

- 3. Downtown Master Plan Redevelopment District Number Two Project Plan:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan for the Downtown Master Plan Redevelopment District Number Two.

**PUBLIC HEARING FOR PUBLIC COMMENT.**

- a) Downtown Master Plan Redevelopment District Number Two Project Plan Adoption:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District Number Two, and finding the plan is economically feasible.

**THIS ITEM WAS TABLED TO THE JANUARY 18, 2005 CITY COUNCIL MEETING.**



**INFORMATIONAL:**

**Council Tour: None**

**2005 Community Development Block Grant:** Copies of the 2005 Action Plan and the 2005-2009 Consolidated Plan are available for review in the City Clerk's office.

11:00 PM

Alderman Rhoads Arrived at 6:10pm

|             |                              |  |  |  |  |
|-------------|------------------------------|--|--|--|--|
| Subject:    | Roll                         |  |  |  |  |
| Motion To:  |                              |  |  |  |  |
| Motion By:  |                              |  |  |  |  |
| Seconded:   |                              |  |  |  |  |
| Marr        | ✓                            |  |  |  |  |
| Rhoads      | absent during the roll call. |  |  |  |  |
| Ferrell     | ✓                            |  |  |  |  |
| Lucas       | ✓                            |  |  |  |  |
| Jordan      | ✓                            |  |  |  |  |
| Reynolds    | ✓                            |  |  |  |  |
| Thiel       | ✓                            |  |  |  |  |
| Cook        | ✓                            |  |  |  |  |
| Mayor Coody | ✓                            |  |  |  |  |

|             |                        |  |  |  |  |
|-------------|------------------------|--|--|--|--|
| Subject:    | Consent                |  |  |  |  |
| Motion To:  | Approve                |  |  |  |  |
| Motion By:  | Jordan                 |  |  |  |  |
| Seconded:   | Reynolds               |  |  |  |  |
| Marr        | ✓                      |  |  |  |  |
| Rhoads      | absent during the vote |  |  |  |  |
| Ferrell     | ✓                      |  |  |  |  |
| Lucas       | ✓                      |  |  |  |  |
| Jordan      | ✓                      |  |  |  |  |
| Reynolds    | ✓                      |  |  |  |  |
| Thiel       | ✓                      |  |  |  |  |
| Cook        | ✓                      |  |  |  |  |
| Mayor Coody |                        |  |  |  |  |

Passed

7-0

Res.  
01-05  
to  
04-05

|                                                             |                              |          |          |      |  |
|-------------------------------------------------------------|------------------------------|----------|----------|------|--|
| Subject:                                                    | ANX- 04-1334 Harper / Teater |          |          |      |  |
| Motion To:                                                  |                              | 2nd read | 3rd read | Pass |  |
| Motion By:                                                  |                              | Marr     | Reynolds |      |  |
| Seconded:                                                   |                              | Ferrell  | Ferrell  |      |  |
| C.1.<br>New<br>Business<br><br><u>passed</u><br>8-0<br>4664 | Marr                         | ✓        | ✓        | ✓    |  |
|                                                             | Rhoads                       | ✓        | ✓        | ✓    |  |
|                                                             | Ferrell                      | ✓        | ✓        | ✓    |  |
|                                                             | Lucas                        | ✓        | ✓        | ✓    |  |
|                                                             | Jordan                       | ✓        | ✓        | ✓    |  |
|                                                             | Reynolds                     | ✓        | ✓        | ✓    |  |
|                                                             | Thiel                        | ✓        | ✓        | ✓    |  |
|                                                             | Cook                         | ✓        | ✓        | ✓    |  |
|                                                             | Mayor Coody                  |          |          |      |  |

|                                          |                             |          |          |      |  |
|------------------------------------------|-----------------------------|----------|----------|------|--|
| Subject:                                 | RZN 04-1335 Harper / Teater |          |          |      |  |
| Motion To:                               |                             | 2nd read | 3rd read | Pass |  |
| Motion By:                               |                             | Rhoads   | Rhoads   |      |  |
| Seconded:                                |                             | Reynolds | Reynolds |      |  |
| C.2.<br><br><u>passed</u><br>8-0<br>4664 | Marr                        | ✓        | ✓        | ✓    |  |
|                                          | Rhoads                      | ✓        | ✓        | ✓    |  |
|                                          | Ferrell                     | ✓        | ✓        | ✓    |  |
|                                          | Lucas                       | ✓        | ✓        | ✓    |  |
|                                          | Jordan                      | ✓        | ✓        | ✓    |  |
|                                          | Reynolds                    | ✓        | ✓        | ✓    |  |
|                                          | Thiel                       | ✓        | ✓        | ✓    |  |
|                                          | Cook                        | ✓        | ✓        | ✓    |  |
|                                          | Mayor Coody                 |          |          |      |  |



|                                                   |                          |          |          |      |  |
|---------------------------------------------------|--------------------------|----------|----------|------|--|
| Subject:                                          | RZN 04-1329 Hageye, Inc. |          |          |      |  |
| Motion To:                                        |                          | 2nd read | 3rd read | Pass |  |
| Motion By:                                        |                          | Marr     | Jordan   |      |  |
| Seconded:                                         |                          | Lucas    | Reucas   |      |  |
| C. 3.<br>New<br>Business<br>passed<br>8-0<br>4666 | Marr                     | ✓        | ✓        | ✓    |  |
|                                                   | Rhoads                   | ✓        | ✓        | ✓    |  |
|                                                   | Ferrell                  | ✓        | ✓        | ✓    |  |
|                                                   | Lucas                    | ✓        | ✓        | ✓    |  |
|                                                   | Jordan                   | ✓        | ✓        | ✓    |  |
|                                                   | Reynolds                 | ✓        | ✓        | ✓    |  |
|                                                   | Thiel                    | ✓        | ✓        | ✓    |  |
|                                                   | Cook                     | ✓        | ✓        | ✓    |  |
|                                                   | Mayor Coody              |          |          |      |  |

|                                               |                           |                        |  |  |  |
|-----------------------------------------------|---------------------------|------------------------|--|--|--|
| Subject:                                      | RZN - 04-1330 Dennerstock |                        |  |  |  |
| Motion To:                                    |                           | 2nd read               |  |  |  |
| Motion By:                                    |                           | Jordan                 |  |  |  |
| Seconded:                                     |                           | <del>Lucas</del> Lucas |  |  |  |
| C. 4.<br><br>Left on<br>the Second<br>Reading | Marr                      | ✓                      |  |  |  |
|                                               | Rhoads                    | ✓                      |  |  |  |
|                                               | Ferrell                   | ✓                      |  |  |  |
|                                               | Lucas                     | ✓                      |  |  |  |
|                                               | Jordan                    | ✓                      |  |  |  |
|                                               | Reynolds                  | ✓                      |  |  |  |
|                                               | Thiel                     | ✓                      |  |  |  |
|                                               | Cook                      | ✓                      |  |  |  |
|                                               | Mayor Coody               |                        |  |  |  |

|            |                    |          |          |      |
|------------|--------------------|----------|----------|------|
| Subject:   | RZN-04-1331 (Bale) |          |          |      |
| Motion To: |                    | 2nd read | 3rd read | Pass |
| Motion By: |                    | Thiel    | Ferrell  |      |
| Seconded:  |                    | Rhoads   | Reynolds |      |
|            | Marr               | ✓        | ✓        | N    |
|            | Rhoads             | ✓        | ✓        | Y    |
|            | Ferrell            | ✓        | ✓        | Y    |
|            | Lucas              | ✓        | ✓        | N    |
|            | Jordan             | ✓        | ✓        | N    |
|            | Reynolds           | ✓        | ✓        | Y    |
|            | Thiel              | ✓        | ✓        | Y    |
|            | Cook               | ✓        | ✓        | N    |
|            | Mayor Coody        |          |          | yes  |

C.5.  
New  
Business  
4667  
passed  
5-4  
Mayor Coody  
Voted yes  
breaking  
the tie.

|            |                   |          |          |      |
|------------|-------------------|----------|----------|------|
| Subject:   | RZN 04-1332 (Hay) |          |          |      |
| Motion To: |                   | 2nd read | 3rd read | Pass |
| Motion By: |                   | Rhoads   | Thiel    |      |
| Seconded:  |                   | Thiel    | Ferrell  |      |
|            | Marr              | ✓        | ✓        | ✓    |
|            | Rhoads            | ✓        | ✓        | ✓    |
|            | Ferrell           | ✓        | ✓        | ✓    |
|            | Lucas             | ✓        | ✓        | ✓    |
|            | Jordan            | ✓        | ✓        | ✓    |
|            | Reynolds          | ✓        | ✓        | ✓    |
|            | Thiel             | ✓        | ✓        | ✓    |
|            | Cook              | ✓        | ✓        | ✓    |
|            | Mayor Coody       |          |          |      |

C.6.  
New  
Business  
passed  
8-0  
4668



|                                                                |                             |          |                 |  |  |
|----------------------------------------------------------------|-----------------------------|----------|-----------------|--|--|
| Subject:                                                       | R-PZD-04-1307 (Aspen Ridge) |          |                 |  |  |
| Motion To:                                                     |                             | 2nd read | 3rd read        |  |  |
| Motion By:                                                     |                             | Ferrell  | Rhoads          |  |  |
| Seconded:                                                      |                             | Reynolds | Ferrell         |  |  |
| C.7.<br>New<br>Business<br>Left<br>on the<br>Second<br>reading | Marr                        | ✓        | ✓               |  |  |
|                                                                | Rhoads                      | ✓        | y               |  |  |
|                                                                | Ferrell                     | ✓        | y               |  |  |
|                                                                | Lucas                       | ✓        | N               |  |  |
|                                                                | Jordan                      | ✓        | N               |  |  |
|                                                                | Reynolds                    | ✓        | y               |  |  |
|                                                                | Thiel                       | N        | N               |  |  |
|                                                                | Cook                        | ✓        | N               |  |  |
|                                                                | Mayor Coody                 |          | Failed 3rd read |  |  |

|                                                  |                                       |                    |          |      |  |
|--------------------------------------------------|---------------------------------------|--------------------|----------|------|--|
| Subject:                                         | VAC. 04-1324 Elder / Salem Townhouses |                    |          |      |  |
| Motion To:                                       |                                       | 2nd read           | 3rd read | Pass |  |
| Motion By:                                       |                                       | Jordan             | Jordan   |      |  |
| Seconded:                                        |                                       | Marr               | Lucas    |      |  |
| C.8.<br>New<br>Business<br>Passed<br>8-0<br>4668 | Marr                                  | ✓                  | ✓        | ✓    |  |
|                                                  | Rhoads                                | ✓                  | ✓        | ✓    |  |
|                                                  | Ferrell                               | ✓                  | ✓        | ✓    |  |
|                                                  | Lucas                                 | ✓                  | ✓        | ✓    |  |
|                                                  | Jordan                                | ✓                  | ✓        | ✓    |  |
|                                                  | Reynolds                              | ✓                  | ✓        | ✓    |  |
|                                                  | Thiel                                 | absent during vote | ✓        | ✓    |  |
|                                                  | Cook                                  | ✓                  | ✓        | ✓    |  |
|                                                  | Mayor Coody                           |                    |          |      |  |

|                                                           |                                  |          |  |  |  |
|-----------------------------------------------------------|----------------------------------|----------|--|--|--|
| Subject:                                                  | U.S. Department of Justice Grant |          |  |  |  |
| Motion To:                                                |                                  | Marr     |  |  |  |
| Motion By:                                                |                                  | Reynolds |  |  |  |
| Seconded:                                                 |                                  |          |  |  |  |
| C.9,<br>New<br>Business<br><br>Passed<br><br>8-0<br>05-05 | Marr                             | ✓        |  |  |  |
|                                                           | Rhoads                           | ✓        |  |  |  |
|                                                           | Ferrell                          | ✓        |  |  |  |
|                                                           | Lucas                            | ✓        |  |  |  |
|                                                           | Jordan                           | ✓        |  |  |  |
|                                                           | Reynolds                         | ✓        |  |  |  |
|                                                           | Thiel                            | ✓        |  |  |  |
|                                                           | Cook                             | ✓        |  |  |  |
|                                                           | Mayor Coody                      |          |  |  |  |

|                                                           |                                        |          |          |      |           |
|-----------------------------------------------------------|----------------------------------------|----------|----------|------|-----------|
| Subject:                                                  | Waive Requirement of 34.27 The Project |          |          |      |           |
| Motion To:                                                |                                        | 2nd read | 3rd read | Pass | of Family |
| Motion By:                                                |                                        | Lucas    | Thiel    |      | Violence  |
| Seconded:                                                 |                                        | Thiel    | Lucas    |      |           |
| C.10.<br>New<br>Business<br><br>Passed<br><br>8-0<br>4670 | Marr                                   | ✓        | ✓        | ✓    |           |
|                                                           | Rhoads                                 | ✓        | ✓        | ✓    |           |
|                                                           | Ferrell                                | ✓        | ✓        | ✓    |           |
|                                                           | Lucas                                  | ✓        | ✓        | ✓    |           |
|                                                           | Jordan                                 | ✓        | ✓        | ✓    |           |
|                                                           | Reynolds                               | ✓        | ✓        | ✓    |           |
|                                                           | Thiel                                  | ✓        | ✓        | ✓    |           |
|                                                           | Cook                                   | ✓        | ✓        | ✓    |           |
|                                                           | Mayor Coody                            |          |          |      |           |

|            |                                     |        |  |                    |
|------------|-------------------------------------|--------|--|--------------------|
| Subject:   | Waiver Requirement of 34.27 Project |        |  |                    |
| Motion To: |                                     | Pass   |  | Project for        |
| Motion By: |                                     | Marr   |  | Victims            |
| Seconded:  |                                     | Jordan |  | of Family Violence |
|            | Marr                                | ✓      |  |                    |
|            | Rhoads                              | ✓      |  |                    |
|            | Ferrell                             | ✓      |  |                    |
|            | Lucas                               | ✓      |  |                    |
|            | Jordan                              | ✓      |  |                    |
|            | Reynolds                            | ✓      |  |                    |
|            | Thiel                               | ✓      |  |                    |
|            | Cook                                | ✓      |  |                    |
|            | Mayor Coody                         |        |  |                    |

C.10  
New  
Business  
  
Emergency  
Clause  
Passed  
8-0

|            |                                            |         |  |              |
|------------|--------------------------------------------|---------|--|--------------|
| Subject:   | The Project for Victims of Family Violence |         |  |              |
| Motion To: |                                            | Approve |  |              |
| Motion By: |                                            | Marr    |  | Lease of 1.5 |
| Seconded:  |                                            | Lucas   |  | Acres        |
|            | Marr                                       | ✓       |  |              |
|            | Rhoads                                     | ✓       |  |              |
|            | Ferrell                                    | ✓       |  |              |
|            | Lucas                                      | ✓       |  |              |
|            | Jordan                                     | ✓       |  |              |
|            | Reynolds                                   | ✓       |  |              |
|            | Thiel                                      | ✓       |  |              |
|            | Cook                                       | ✓       |  |              |
|            | Mayor Coody                                |         |  |              |

C.11,  
New  
Business  
passed  
8-0  
06-05



|                                                          |                                            |         |  |              |  |
|----------------------------------------------------------|--------------------------------------------|---------|--|--------------|--|
| <b>Subject:</b>                                          | The Project for Victims of Family Violence |         |  |              |  |
| <b>Motion To:</b>                                        |                                            | Approve |  | Lease of .69 |  |
| <b>Motion By:</b>                                        |                                            | Jordan  |  | acres        |  |
| <b>Seconded:</b>                                         |                                            | Lucas   |  |              |  |
| C-12<br>New<br>Business<br><u>Passed</u><br>8-0<br>07-05 | <b>Marr</b>                                | ✓       |  |              |  |
|                                                          | <b>Rhoads</b>                              | ✓       |  |              |  |
|                                                          | <b>Ferrell</b>                             | ✓       |  |              |  |
|                                                          | <b>Lucas</b>                               | ✓       |  |              |  |
|                                                          | <b>Jordan</b>                              | ✓       |  |              |  |
|                                                          | <b>Reynolds</b>                            | ✓       |  |              |  |
|                                                          | <b>Thiel</b>                               | ✓       |  |              |  |
|                                                          | <b>Cook</b>                                | ✓       |  |              |  |
|                                                          | <b>Mayor Coody</b>                         |         |  |              |  |

|                   |                    |  |  |  |  |
|-------------------|--------------------|--|--|--|--|
| <b>Subject:</b>   |                    |  |  |  |  |
| <b>Motion To:</b> |                    |  |  |  |  |
| <b>Motion By:</b> |                    |  |  |  |  |
| <b>Seconded:</b>  |                    |  |  |  |  |
|                   | <b>Marr</b>        |  |  |  |  |
|                   | <b>Rhoads</b>      |  |  |  |  |
|                   | <b>Ferrell</b>     |  |  |  |  |
|                   | <b>Lucas</b>       |  |  |  |  |
|                   | <b>Jordan</b>      |  |  |  |  |
|                   | <b>Reynolds</b>    |  |  |  |  |
|                   | <b>Thiel</b>       |  |  |  |  |
|                   | <b>Cook</b>        |  |  |  |  |
|                   | <b>Mayor Coody</b> |  |  |  |  |

|                                                      |                                     |        |  |  |  |
|------------------------------------------------------|-------------------------------------|--------|--|--|--|
| <b>Subject:</b>                                      | Raze & Removal 408 E. Center Street |        |  |  |  |
| <b>Motion To:</b>                                    |                                     |        |  |  |  |
| <b>Motion By:</b>                                    |                                     | Jordan |  |  |  |
| <b>Seconded:</b>                                     |                                     | Marr   |  |  |  |
| D. I.<br>Public<br>Hearing<br>passed<br>8-0<br>08-05 | <b>Marr</b>                         | ✓      |  |  |  |
|                                                      | <b>Rhoads</b>                       | ✓      |  |  |  |
|                                                      | <b>Ferrell</b>                      | N      |  |  |  |
|                                                      | <b>Lucas</b>                        | ✓      |  |  |  |
|                                                      | <b>Jordan</b>                       | ✓      |  |  |  |
|                                                      | <b>Reynolds</b>                     | ✓      |  |  |  |
|                                                      | <b>Thiel</b>                        | ✓      |  |  |  |
|                                                      | <b>Cook</b>                         | ✓      |  |  |  |
| <b>Mayor Coody</b>                                   |                                     |        |  |  |  |

P

|                    |                 |  |  |  |  |
|--------------------|-----------------|--|--|--|--|
| <b>Subject:</b>    |                 |  |  |  |  |
| <b>Motion To:</b>  |                 |  |  |  |  |
| <b>Motion By:</b>  |                 |  |  |  |  |
| <b>Seconded:</b>   |                 |  |  |  |  |
|                    | <b>Marr</b>     |  |  |  |  |
|                    | <b>Rhoads</b>   |  |  |  |  |
|                    | <b>Ferrell</b>  |  |  |  |  |
|                    | <b>Lucas</b>    |  |  |  |  |
|                    | <b>Jordan</b>   |  |  |  |  |
|                    | <b>Reynolds</b> |  |  |  |  |
|                    | <b>Thiel</b>    |  |  |  |  |
|                    | <b>Cook</b>     |  |  |  |  |
| <b>Mayor Coody</b> |                 |  |  |  |  |

## Public Hearing

|                   |                                    |  |  |  |             |
|-------------------|------------------------------------|--|--|--|-------------|
| <b>Subject:</b>   | Downtown Master Plan Redevelopment |  |  |  |             |
| <b>Motion To:</b> |                                    |  |  |  | District #2 |
| <b>Motion By:</b> |                                    |  |  |  | Creation    |
| <b>Seconded:</b>  |                                    |  |  |  |             |
|                   | <b>Marr</b>                        |  |  |  |             |
|                   | <b>Rhoads</b>                      |  |  |  |             |
|                   | <b>Ferrell</b>                     |  |  |  |             |
|                   | <b>Lucas</b>                       |  |  |  | John Lewis  |
|                   | <b>Jordan</b>                      |  |  |  | Cyrus Young |
|                   | <b>Reynolds</b>                    |  |  |  |             |
|                   | <b>Thiel</b>                       |  |  |  |             |
|                   | <b>Cook</b>                        |  |  |  |             |
|                   | <b>Mayor Coody</b>                 |  |  |  |             |

D.2.

## Ordinance

|                   |                                                |  |  |  |               |
|-------------------|------------------------------------------------|--|--|--|---------------|
| <b>Subject:</b>   | Downtown Master Plan Redevelopment District #2 |  |  |  |               |
| <b>Motion To:</b> |                                                |  |  |  | #2            |
| <b>Motion By:</b> |                                                |  |  |  | Creation      |
| <b>Seconded:</b>  |                                                |  |  |  |               |
|                   | <b>Marr</b>                                    |  |  |  | Sharon Hoover |
|                   | <b>Rhoads</b>                                  |  |  |  |               |
|                   | <b>Ferrell</b>                                 |  |  |  |               |
|                   | <b>Lucas</b>                                   |  |  |  |               |
|                   | <b>Jordan</b>                                  |  |  |  |               |
|                   | <b>Reynolds</b>                                |  |  |  |               |
|                   | <b>Thiel</b>                                   |  |  |  |               |
|                   | <b>Cook</b>                                    |  |  |  |               |
|                   | <b>Mayor Coody</b>                             |  |  |  |               |

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## Public Hearing

|            |                                   |  |                        |               |
|------------|-----------------------------------|--|------------------------|---------------|
| Subject:   | Downtown Master Plan Project Plan |  |                        |               |
| Motion To: |                                   |  | Redevelopment District |               |
| Motion By: |                                   |  |                        | Cyrus Yang    |
| Seconded:  |                                   |  |                        | ??            |
|            | Marr                              |  |                        | Linda Ralston |
|            | Rhoads                            |  |                        |               |
|            | Ferrell                           |  |                        |               |
|            | Lucas                             |  |                        |               |
|            | Jordan                            |  |                        |               |
|            | Reynolds                          |  |                        |               |
|            | Thiel                             |  |                        |               |
|            | Cook                              |  |                        |               |
|            | Mayor Coody                       |  |                        |               |

D.3.

## Ordinance

|            |                                    |   |                  |  |
|------------|------------------------------------|---|------------------|--|
| Subject:   | Downtown Master Plan Redevelopment |   |                  |  |
| Motion To: |                                    |   | District Project |  |
| Motion By: | 2nd Rhoads                         |   | Plan             |  |
| Seconded:  | Jordan                             |   |                  |  |
|            | Marr                               | ✓ |                  |  |
|            | Rhoads                             | ✓ |                  |  |
|            | Ferrell                            | ✓ |                  |  |
|            | Lucas                              | ✓ |                  |  |
|            | Jordan                             | ✓ |                  |  |
|            | Reynolds                           | ✓ |                  |  |
|            | Thiel                              | ✓ |                  |  |
|            | Cook                               | ✓ |                  |  |
|            | Mayor Coody                        |   |                  |  |

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# Public Hearing Speaker Registration

Date of Public Hearing 1-4-05

Raze & Removal & Downtown TIF

|    | Speaker's Name<br>(Please Print Clearly) | Phone No. | Address           |
|----|------------------------------------------|-----------|-------------------|
| 1  | <del>John R. Custer</del>                | 444-0578  | 1515 Hildre 72703 |
| 2  | <del>John Yang</del> Cyrus Yang          |           |                   |
| 3  | <del>John Yang</del>                     |           |                   |
| 4  | <del>Mike Mansfield</del>                | 982-2449  |                   |
| 5  | <del>Stephen Mansfield</del>             | 44        |                   |
| 6  | Joe Robson                               | 443-1805  | 110 S Univ. Av.   |
| 7  | Donna Petrus                             |           |                   |
| 8  | Bernard Sullivan                         |           |                   |
| 9  | JEFF ERF Jeff Erf                        |           |                   |
| 10 | YUAN Moustak                             |           |                   |
| 11 | Bob Kohler                               | 283-4832  | Bob Kohler        |
| 12 |                                          |           |                   |
| 13 | <del>Cyrus Yang</del>                    |           |                   |
| 14 | Steve Mansfield                          |           |                   |
| 15 |                                          |           |                   |
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| 25 |                                          |           |                   |

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Bobby Ferrell  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
January 4, 2005**

A meeting of the Fayetteville City Council will be held on January 4, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Oaths of Office - 2005 Elected Officials**

**Roll Call**

**Pledge of Allegiance**

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the November 30, 2004, December 7, 2004, December 21, 2004 and December 28, 2004 City Council meeting minutes.
2. **Cliffside Park Land Dedication Requirement:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District (PZD) Development.
3. **Baird, Kurtz & Dobson (BKD), LLP Contract Renewal:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount \$57,000.00 to provide independent audit services to the City of Fayetteville.
4. **Freelance Consulting Services Contract:** A resolution approving proposal 04-21 from Freelance Consulting Services in the amount of \$56,000.00 to conduct a Wildland Interface Fire Assessment.

5. **Multi-Craft Bid #04-88 Award:** A resolution awarding Bid #04-88 to Air Works Division of Multi-Craft Contractors, Inc. in the amount of \$49,442.00 for the purchase and installation of a 25-ton rooftop heating and air conditioning unit and removal of the existing unit at the Fayetteville Police Department.

## **B. UNFINISHED BUSINESS**

## **C. NEW BUSINESS:**

1. **ANX 04-1334 (Harper/Teater):** An ordinance annexing that property described in Annexation Petition ANX 04-1334 annexing to the City of Fayetteville, Arkansas, property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres.
2. **RZN 04-1335 (Harper/Teater):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.
3. **RZN 04-1329 (Hogeye, Inc.):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1329 for property located on the north side of 6<sup>th</sup> Street across from the Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office.
4. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
5. **RZN 04-1331 (Bale):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1331 for property located at 3513, 3515, and 3517 West 6<sup>th</sup> Street containing approximately 0.80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial.
6. **RZN 04-1332 (Hays):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
7. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6<sup>th</sup> Street, west of Hill Avenue, northeast of 11<sup>th</sup> Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission.



8. **VAC 04-1324 (Elder/Salem Townhouses):** An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on the north side of Wedington Drive west of Salem Road as described on the attached map and legal description.
9. **U.S. Department of Justice Grant:** A resolution authorizing the Fayetteville Police Department to accept a Grant from the U. S. Department of Justice in the amount of \$164,900.00 to define and initiate anti-methamphetamine strategies and assist the Washington County Drug Court; approving an increase in police staffing by one (1) officer; and approving a budget adjustment recognizing the grant revenues.
10. **Waive Requirements of §34.27 for The Project for Victims of Family Violence, Inc.:** An ordinance to waive the requirement of §34.27 of the Fayetteville Code, authorize the sale of 1.5 acres for an appraised value of \$30,000.00 to the non-profit corporation, The Project for Victims of Family Violence, Inc. and to declare an emergency.
11. **The Project for Victims of Family Violence, Inc. Lease of 1.5 Acres:** A resolution to approve a forty year lease of 1.5 acres of city property to The Project for Victims of Family Violence, Inc.
12. **The Project for Victims of Family Violence, Inc. Lease of .69 Acres:** A resolution to approve a lease of about .69 acres of city property to The Project for Victims of Family Violence, Inc. for a sewer area and a 70-foot wide access easement.

#### **D. PUBLIC HEARINGS:**

1. **Raze and Removal (408 E. Center Street):** A resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in the City of Fayetteville, Arkansas.
2. **Downtown Master Plan Redevelopment District Number Two Creation:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on forming the Downtown Master Plan Redevelopment District .
  - a) **Downtown Master Plan Redevelopment District Number Two Adoption:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.
3. **Downtown Master Plan Redevelopment District Number Two Project Plan:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan for the Downtown Master Plan Redevelopment District Number Two.
  - a) **Downtown Master Plan Redevelopment District Number Two Project Plan Adoption:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District Number Two, and finding the plan is economically feasible.

**E. INFORMATIONAL:**

**Council Tour: None**

**2005 Community Development Block Grant:** Copies of the 2005 Action Plan and the 2005-2009 Consolidated Plan are available for review in the City Clerk's office.

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



**Aldermen**

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Conrad Odom  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Special City Council  
Meeting Minutes  
November 30, 2004**

A Special Meeting of the Fayetteville City Council was held on November 30, 2004 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Mayor Coody called the meeting to order.**

**PRESENT:** Alderman Reynolds, Cook, Marr, Rhoads, Odom, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

**ABSENT:** Alderman Thiel

**Pledge of Allegiance**

**Mayor:** I want to add something to the agenda tonight so we'll need to suspend the rules and add this ordinance to the agenda for tonight's meeting. I entertain a motion to suspend the rules.

**Alderman Lucas moved to add the Highway 71 East Square Redevelopment District Project Plan Adoption Ordinance to the Agenda. Alderman Reynolds seconded the motion.**

**Mayor:** And we have a motion and second to suspend the rules and add the ordinance for the TIF to the agenda. Shall the motion pass?

**Upon roll call the motion passed 7-0. Alderman Thiel was absent.**



**Highway 71 East Square Redevelopment District Project Plan Adoption:** An ordinance adopting the Project Plan for the Highway 71 East Square Redevelopment District, finding the Plan is economically feasible and authorizing the issuance of Tax Increment Financing Bonds to fund the improvements outlined in the plan.

*Mr. Williams read the ordinance*

**A Public Hearing on the Proposed Project Plan for the Highway 71 East Square Redevelopment District Number One:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the proposed project plan for the Highway 71 East Square Redevelopment District Number One.

**Mayor Coody:** Thank you very much. Do we have any comments on the ordinance that was just read?

We have a public hearing tonight and as people come up to speak about this I am going to ask everyone to please sign in since this is a formal public hearing process.

Now then we want to hear a presentation from Mr. Earnest to open up the conversation.

**Hugh Earnest:** Thank you Mr. Mayor and members of the Council. As you know city staff has been working since last summer with a very committed team of developers on a project that all parties have recognized as difficult and time consuming. This project which you will be accepting public comment on tonight has had as its primary focus the removal of an acknowledged blight namely the long abandoned Mountain Inn.

In addition, as funding is available the project plan recommends a series of streetscape improvements within the district itself. The staff is recommending the adoption of the project plan copies of which has been available for two weeks for public consumption and has been furnished to all members of the Council.

The plan itself consists of two phases listed on page 14 of the plan. Phase I is the Process of Removing Blight in the former Mountain Inn area and it's something that we call the catalyst project in this \$3,500,000.00 based on 2004 dollars.

Phase II, Cityscape Improvements will be a ten year project for \$7,116,000.00. The project plan anticipates, at least before amendments that the Council can make at anytime during the process, \$10,616,000.00.

As we stated in the transmittal letter to you we've asked Mr. Bob Wright from Crews & Associates to attend tonight's meeting. He has a brief statement for the record that he read and is prepared to answer any and all questions relative to where we stand relative to financing. However before he talks I've asked Mr. John Nock to briefly cover Phase I of the project plan.

Phase I is what we call in the catalyst project which is the activities associated with the removal of the Mountain Inn. Tim Conklin will briefly summarize Phase II and then we'll ask Mr. Wright to be available to answer any and all questions and obviously I hope there are some comments from the public.

**John Nock:** Thank you. The project plan coincides with the public discussions that happened several months ago. As you have had an opportunity to read the items listed in here this outlines both Phase I and Phase II. I've been asked to talk to you little bit about the removal of blight. What we have looked at is only those issues that will be of public nature for the proposed project. Although we are referring to the new project of 22.5 million dollars as being the catalyst project, 3.5 million dollars will be to remove the blight, acquisition costs and other necessary sight expenditures. You can look in the project plan on page 5 through page 10 to see how that is set up. I won't go through all those details. It certainly is available for the public to read as well. I wanted to point out just a couple of points starting on page 8. I'd like to read from a statute that says: redevelopment project needs undertaking for eliminating or preventing the development or spread of slums or deteriorating or blighted areas, for discouraging the loss of commerce, industry or employment or the increasing or any combination thereof.

What we are referring to as the catalyst project or removal of the blight in the redevelopment of the Mountain Inn site included some of the things that you've read in the press before. Let me just address them again.

We are anticipating a 144 room hotel with 12,500 square feet of meeting space. We're talking about three floors of condominiums for private residential use. We also have the plans to build a parking structure on the site of the existing parking structure from adjoining areas so that it will be functional. Currently it is designed as a motor lodge and you have to drive into the existing structure to get into the existing parking deck. Obviously that will change when we bring down the existing addition to the Mountain Inn that currently exists on the corner of College and Mountain. The new parking deck is anticipated to have approximately 350 spaces.

We are also talking about the removal of certain environmental concerns that are in the air. We've had several professional outfits come in to look at what needs to be done for remediation of asbestos and other environmental hazards that exist in the building as well as other materials that are classified to go into a Class Four landfill. We've had to certainly make sure of that.

You can see on page 9 the expenditures how they're listed in the property assembly cost. You can also see the demolishing of site preparation that is being used here as well.

On page 10 you can see an aerial photograph of how this works with the meeting facilities on the corner of Center and College and then you can see the existing hotel will be torn down on the corner and the new main building will be built on that corner site.

The direct economic impacts are also outlined on page 10 which are important to point out. Its determined that approximately 125 permanent new jobs will be created in connection with the catalyst project and construction jobs are estimated at 55 in the local market alone. There would also be an increase in demand of consumer goods during the construction period. This will



improve property values upon removal of the blight. This will be a tourist attraction and will draw tourist dollars to Fayetteville, the convention meeting spaces will attract additional conventions, increase the catalyst for additional redevelopment along College/Archibald Yell Streets. It will promote additional downtown living thereby adding vitality to Fayetteville's downtown economy and then of course two specific numbers, new tax revenues estimated on this project alone of \$153,000.00 in sales tax a year and under HMR an approximate \$60,000.00 estimated annually as well.

In our portion of the project plan we have had quite a bit of impact from not only professionals but city staff as well as the city attorney to make sure that we were in compliance with the statute, not only the letter of law as outlined in the Tax Increment Financing but also what has been referred to in the media as the spirit of the law. That was in fact the removal of blight and being able to promote again a quality of life that Fayetteville has gained the reputation to have. We appreciate the opportunity to be involved with the plan and are certainly available for any comments or questions.

**Mayor Coody:** Thank you.

**Tim Conklin:** Mayor, members of the Council. I'll briefly go over the public improvement or the Phase II portion of this project plan. City staff looked at Dickson Street as a guide or a model to look at where we would enhance our streetscape within our downtown TIF area.

If you'll look at page 13 we have a couple of maps there showing which streets would be enhanced. Looking at the table, College Avenue, Mountain to Maple, Center Street, College to East Mountain Street, College to East, the downtown square which is in need of repair of the deteriorating sidewalks, Block Avenue, Center to Spring and Block Avenue does end at Spring Street because that is where the project boundary ends as part of this 71 East Square TIF.

Staff is working on an additional TIF district for the remainder of the Downtown Master Plan area that portion of Block Street would be picked up within that potential TIF if City Council approves that plan, also School Avenue and Prairie to our TIF boundary. So we have improvements once again based on using Dickson Street as a model looking at street trees, street lighting, replacement of curb and gutter, replacement of sidewalks, overlay of the streets where necessary up around where the Mountain Inn project will be constructed, around the square, down Block Street and up College Avenue to Maple.

In the south part of the TIF district we are looking at how to enhance that entry way into our downtown and that is on School Avenue south of Sixth Street and up north to where we recently did the major intersection realignment and enhancement project on School and Archibald Yell.

Estimated project cost is \$6,696,000.00. Those are the public improvements that would be Phase II as part of this project plan. Thank you.

**Bob Wright:** Good evening. I'm Bob Wright with Crews & Associates of Little Rock. As you're probably aware we've been retained as financial advisor on this TIF project for the City of Fayetteville.

This is the first opportunity I've had to come before you as a full Council to give you an update as to what we've been doing. Rest assured that we have been working numerous untold hours and dozens of meetings with the Mayor, staff, the developers and your bond counsel in Little Rock in getting to this point to present this project plan.

I've handed out a memo basically for the record giving you an update where we stand. Part of the project plan and part of the difficulty in presenting the plan is coming up with the financial section, the financing that we were looking at. We're currently working the City of Rogers on their big TIF plan and are going to be presenting that project plan in a couple of weeks. We've already done that for the City of Jonesboro. We're acting in the same capacity. We're also working with North Little Rock. So I'm very involved with the process of getting to this point of presenting the plan. It's difficult to get an accurate gauge of what the financial package is going to look like because we're looking at a number of months into the future.

We are very comfortable in the fact that we think we can get the Phase I as has been talked about tonight, the catalyst, get that financed. We don't see that that's going to be a problem in the very near future. We're continuing to analysis numerous other financial scenarios, revenue projections and such to look and see about Phase II when that might come about with the available revenues and such. We think that at your meeting on the 21<sup>st</sup> of December, we should be able to come back with what we think is a pretty detailed projected plan of what Phase I financing will look like and possible Phase II series of financings in the future.

I certainly would like to answer any questions tonight from you or the public, and then certainly plan to be back in two or three weeks at your regular Council meeting to give a further update. That's what we're looking at.

**Mayor Coody:** I want to ask a couple of quick questions or two. To outline the perimeters which you used to come up with these figures, how would you describe your prospective when you put together this, especially the Phase I part, the \$3.5 million dollars? How conservative were you when you came up with these figures.

**Mr. Wright:** This is the process we're in. We've got to be extremely conservative in making our projections. I know that what is in the project plan one scenario we've studied in depth might provide upwards of six, six and half million dollars in available proceeds to date, but there are numerous other factors that come into that. We take the conservative, the ultra conservative approach in coming to you tonight to say we think we're comfortable with the 3.5 million dollars to get the catalyst done but we think we need to be cautious in moving forward on Phase II to make sure we get the most efficient structure in place, not only for today but long term. For this we're looking for the life of the TIF and we need to maximize what's available out there. To get all the bonds paid off as soon as possible we have to mix all that in the best possible way for the City of Fayetteville. So to answer your question, we've been very cautious. That's why we're saying right now, Phase I is probably what we need to be focusing on and come back at a later date and start looking at the Phase II opportunities.

**Mayor Coody:** So as I understand from earlier conversations I want the Council, the public and everyone at home that is interested in this to be aware of how conservative this budgeting process was, or this projection was. These were based on, and I want you to explain, you'll explain better than I, the fact, the projections were based on the assumptions that this project didn't spur development and that we basically just capitalized on the same rate of growth we've experienced with no real spurt of growth involved with this. Isn't that right?

**Mr. Wright:** Exactly. Part of the project plan you'll see is an analysis from the Sam Walton School of Business. They've done the revenue projections and the projected growth of the property value within the TIF district. What is not included in those projections are namely the Phase I, the catalyst Mountain Inn project, approximately a \$22 million dollar project that will almost immediately when built generate tax revenues to go towards paying back future debt, not included is the new building going in on College Avenue. Everything else that is in the district that is planned or currently in the process which is upwards in 60 million dollars, all the revenues that are going to be generated from that are not being used in our calculations toward begin able to fund Phase I and Phase II. You never know what the future holds so you're not really sure if the Mountain Inn project gets delayed six months or a year and you've based your calculations on that being in place on a specific date that's where you run into some difficulties so we take the cautious approach. We don't include any of these projects at this point. We will certainly add them in to do some revenue calculations, some possibilities to come back to you and to say if this holds true this is what we're looking at. That's the same thing we did at Rogers. If a billion dollars worth of projects over the next four years come into play we're going to do 60 million dollars worth of debt. So you really have to plan, what do we have in place, let's use the growth that's existing now and take that conservative approach then if these projects come in line which we expect, here's what will possibly happen, here's how the debt will pay off, here's the other phases that we can bring on line at some point in the future.

**Mayor Coody:** Okay. Do we have any questions from the Council?

**Alderman Marr:** I have some questions. I want to make sure I understood your comments. So you're using exactly the same methodology for this that you used in Rogers. This ultra conservatism that you're talking about in terms of these projections because the article in the paper and the information that's out today on the Rogers' TIF certainly doesn't say that it would be an ultra-conservative approach. They're using the development community feedback in anticipated growth of those projects but I'm hearing from you we are not doing that. Why is it? It appears to be different.

**Mr. Wright:** It is. Rogers and Fayetteville as far as looking at the financing opportunities is totally night and day.

Fayetteville, the revenue projections that we've got right now are based on the current value of the TIF district which is 16.6 million dollars as the base value and then the growth that has occurred in the TIF district over time will generate these excess revenues that will be applied to debt. One of the problems that we face on these projects, unlike Rogers, we've got one, two maybe three major projects coming into the TIF district that we know will generate revenues. The timing of those is a little bit questionable. When is the old library going to be done? When



is the Mountain Inn project going to be done? So when are those revenues coming in? We can make projections but again if we miss that by 6 to 9 to 12 months, the area projections are off as far as the financing.

Regarding Rogers it didn't get into the paper, as far as what I talked with the reporter for over an hour yesterday, we took an extremely conservative approach there as well. But it is different in that we are not looking at the growth of Rogers; we're looking at these developers say that a billion dollars worth of projects are coming in over a four year period. We're not doing all that financing from day one. We're doing financing in 2005 based on what is already being built and will be completed in 2005. So we know that we've got a captured value that will generate revenue by October 15<sup>th</sup> of 2007. There's my revenue stream and off I go. That's already being built.

Here is the Fayetteville TIF area we're using the growth of the district itself but again since we don't have a date certain on the Mountain Inn as far as when it's going to be built. I don't have a date certain on the library, I don't have a date certain on the project on College and those are the three to my knowledge, the three big projects coming in at this point. That's why we have not used those calculations as far as a revenue generating source. Unlike Rogers where we know something is going to be built in 2005, in 2006, etc.

**Alderman Marr:** If you did have a date certain, if they were on the same 2007 plan that if we were in Rogers, let's say that we had that information. Would your expectation be the same that we'd only feel secure about the first 3.5 million and not the total.

**Mr. Wright:** If we knew the Mountain Inn was coming and would be completed in 2005 for instance, so we'd have revenues in 2007, then sure we could look at a much more secure financing for the 3.5 million dollars potentially adding in a smaller increment above that to start in some streetscape and landscaping and such. But also our calculations would say, we could come back in three or four years and do an additional series of bonds to start in on Phases II streetscape and such like that.

So as we stand here tonight as we don't know that date certain. John and Rich can address that they are a lot more certain as when they expect that to come in. But that process is still ongoing that's why we've not included that in the revenue projects to give you a false hope that we going to come in with 6 or 7 million dollars worth of debt right now and you can do all the streetscape today. Whereas we truly feel the conservative approach, we're probably looking at Phase II a couple of years down the road.

**Alderman Marr:** May I ask one more question. The six million dollar portion of this is in today's dollars.

**Mr. Wright:** That's correct. The six million in streetscape in Phase II is in today's dollars, you're correct.

**Alderman Rhoads:** For some reason the Mountain Inn project does not get built as currently planned and the City razes that property, then do you believe that that property has a certain

value to it that can be built within the life of this, within the next 25 years and take care of the needs to service the bond.

**Mr. Wright:** Do I think that the property as what's being proposed, the hotel condominium?

**Alderman Rhoads:** Does not get built for some reason.

**Mr. Wright:** Does the TIF itself have the economic ability to handle the debt? Yes, without the Mountain Inn project, yes.

**Alderman Rhoads:** If the current project doesn't get built but some other project of a similar nature then that's just gravy?

**Mr. Wright:** Then that's just gravy and that's why we're presenting tonight, it is uncertain. I'm not on the hotel financing side even though we've done some hotel financing. We've done the Hilton which was a shutdown hotel in Little Rock, we've done the financing. I know what is involved in getting those done, it's a difficult process. They've put their time in. They've been working on that but since that is uncertain I want to make sure that getting that blighted area out of there in that catalyst to get that property cleared can still maintain and amortize itself without this 20 million dollars, 22 million dollars project sitting on top. So it's not contingent upon that project. It's not contingent upon the library or the other project on College. It's contingent on what's there now. The historical growth that's there based on what the school is telling us that's presented. I've already gotten that schedule into our computer and been running some stress tests on that as far as property growth to see what happens to the debt if it goes at eight percent or six percent annual growth for twenty something years instead of the projected nine something percent growth as has been historical. We'd be doing all those stress tests to make sure that no matter how we look into that crystal ball, no matter what happens without these other projects, this 3.5 million dollars to secure that site and demolish it, get it out of here is going to be a very secure financing for the City of Fayetteville. That's what we're here for and as you said those projects that come on and generate additional revenues a lot quicker than what we're projecting then that's gravy. We're doing Phase II a lot quicker if it generates even more than we're anticipating we can do further projects over and above what we're looking at. But at that point it will be up to the Council's desire, do you want to get the debt out of the way or close the TIF down or do you what to do additional projects. That's a question to be answered in 20 years.

**Mayor Coody:** I don't think there will be any of us of up here answering that question 20 years from now. Any other questions for Mr. Wright. Thank you very much.

**Mr. Wright:** I appreciate ya'll.

**Mayor Coody:** Anyone from the public want to comment on this? I might ask you to sign in please. How are you tonight Linda.

**Linda Ralston:** Good evening. Thinking topical tonight. Staying warm. Linda Ralston. I've been following the TIF process I guess since we've kind of started all this. I guess I'm still feeling a little uneasy about how things kind of work and I know this is new for all of us.

Needless to say I'm a little concerned just jumping ahead. I know you all are going to be talking about the second TIF district in a couple of weeks and I'd like to see if this one works first.

I know things will be changing at the legislature potentially so there seems to be a big rush and again I'm feeling a certain amount of discomfort. I wrote down a couple of thoughts that maybe someone can answer.

I came in a couple of minutes late so I may have missed this. If it could be clarified as to how the razing of the building actually happens. I was still unclear as to where that money, I guess it is all a matter of timing. I'm concerned if the City will be out any money, do we own it? I think we've had this dialogue before, Kit. Do we have to buy the property and then we raze it as a City and then the developers buy it back and there's some puzzle pieces in here I know that are quite intricate. I was just wondering if there is any potential for the City to fall into a gap of timing, of financing as things move forward. So if there is anyone that can comment to that.

**Mayor Coody:** I think Kit would probably be the one to comment on that.

**Kit Williams:** My understanding would be that none of the purchases or demolishing or anything like that would be done until the City has received the money from Tax Incremental Financing Bonds that 3.5 million dollars that was just spoken about. There is a bucket in the plan to purchase the property and to demolish the property within this 3.5 million dollars.

At that point, as you say, I think you encapsulated it pretty well, the City would then sell the property at an appraised price to the developer so that they could then build their project.

**Ms. Ralston:** I know before it was mentioned that maybe it could be a Holiday Inn Crown Plaza and in talking to one of the developers that would probably not be the case. The Crown Plaza and Holiday Inn has certain guidelines that would not allow for condominiums up on top or other special things that will make this property more unique and special then maybe the next Crown Plaza might be.

Also in reading tonight's paper it talks about allocating money that involves 71 Business and maybe I need to learn more about the highway department and how that money gets allocated. I know we can include it in the plan but does the diversion of the tax money actually go to pay part of or all of?

**Mayor Coody:** As we've been talking about Phase I and Phase II. Phase I is basically just the structural building part of the Mountain Inn and the surrounding building to take those down.

Phase II would be the public domain improvements, that would be streetscape, sidewalks, street planning, landscaping, water/sewer lines. All the public domain will be Phase II.

Phase I is something that we can do right away. As you heard the ultra conservative approach that our bond counsel took to make sure that Phase I would pay for itself even the worse case scenario it would cover its notes adequately. Then we would see if things improve or if things



go as well as we expect then we would have money to do Phase II which would be the public domain improvements.

To do improvements to College Avenue for example, we work well with the highway department. We would be able to use some of this Tax Increment Financing money to improve parts of College Avenue, along the sidewalks, in the surrounding environs of the project, trees, sidewalks, all that.

So it would be Phase I now and Phase II in the near future or some time in the near future.

**Ms. Ralston:** Which can be confusing as you all know because we went through out first public hearing and in my mind I labeled that kind of Phase I. Now we're talking Phase I and Phase II as far as Phase II is concerned maybe.

This is actually Phase II that we're in right now, right?

**Mayor Coody:** No. Phase I would be the first thing we would do that would be just the Mountain Inn building project and the buildings adjacent to it, adjoining it.

**Ms. Ralston:** Okay.

**Alderman Marr:** Mayor I think what she is referring to is that the first step was to establish the boundary which we did.

**Ms. Ralston:** Right.

**Alderman Marr:** The second step is to approve the plan which is where we are and the plan has two phases.

**Mayor Coody:** Is that right. Oh, excuse me.

**Ms. Ralston:** So anyway I noticed again the eminent domain, I know that's not part of what we're talking about tonight. One more questions though and I'll take my seat on this one.

I've left a message before in regards, actually I called John Nock's office, I've had a financial background and I was just curious as to how monies get paid commission wise on the financial package? As we put all these in the new market tax credits how do the monies actually get paid commission wise for any of our advisors, even Mr. Nock. I was curious on that, maybe they can address that. Thank you.

**Mayor Coody:** Mr. Wright, where are you. Why don't you address the last question please.

**Mr. Wright:** From my perspective acting as financial advisor for the City of Fayetteville you're getting a pretty good deal. It's actually not charging them anything with all the hours we've put into it, there has been no costs. The city staff asked me to put together an engagement letter for what I thought the time cost would be. I offered up our services just knowing the importance of



this and all the time and effort needed for this, we don't need to get sticklers for a couple thousand dollars here and there.

If there are TIF bonds issued at that point, an underwriter fee would be paid to the underwriter which the City would engage us or whomever to act as underwriter for the bond issue. The fees would be built into the bond issue itself. As far as the new market tax credits I would have to ask Mr. Nock to answer that, but all of the services up to this point and going forward even if this project doesn't work is not going to cost the City anything.

**Mayor Coody:** Does that answer your questions Linda?

**Ms. Ralston:** I would love to hear Mr. Nock's comments.

**Mr. Nock:** It maybe difficult to understand it, even though I am an investment banker by professional I'm acting as a developer of this project and so any advice that I give to my partners or things that I say to the City that maybe related to public finance those are all free dollars. Sometimes you might get what you pay for. Whatever I might do working with Crews & Associates, helping them and making suggestions that is simply my role as a developer.

New market tax credits. We are the recipients of new market tax credits therefore those go into the project and there are no fees that are paid by either principle or agent. Those are given to CDE's, in our case it's the Heartland Renaissance Fund in Little Rock.

**Mayor Coody:** Define CDE's please.

**Mr. Nock:** Community Development Enterprise which is a federally recognized organization that distributes new market tax credits from the Treasure Department. We have no direct connection with those except hopefully getting the benefit of having the project built and making a long term success out of it and making money. As far as fees, we act as principle as developers thereby taking a risk on the project but it should not be misconstrued with my other activities as an investment banker. To other cities and other activities I am not an investment banker, financial advisor or underwriter for the City of Fayetteville. None of those things do I act in. Its simply that I do that in my profession and certainly comes into play on occasion to be able to talk the same language that those that are called to be professionals and hired to be professionals by the City that they know those things and that I would talk about as well. Any other questions?

**Mayor Coody:** Does that answer your question Linda? Does anyone else have any questions for anyone that we've heard from so far. Anyone else in the public want to address us on this? How are you Alan?

**Alan Ostner:** Hi, I'm Alan Ostner, 312 S. Block, I'm here as a resident, I'm within the TIF boundary. Some of the things I've heard tonight really put me at ease as Ms. Ralston mentioned the ability of the governing body, probably not you all, but the ability of this body to declare eminent domain with a development scares me and it scares most of the people that I live near in the neighborhood. As Mr. Williams was reading at the beginning of the meeting the actual ordinance we're considering, said that no persons are intended to be displaced. That sets me at

ease, that it is being put down as a rule that is not what you are here to do. That's the first thing I wanted to talk about.

The other items are very rudimentary. They have nothing to do with financing. As a neighbor of the TIF district, the parking structure that will be in the hotel I'm wondering who can park there? Is it only the hotel occupants, is it only the downtown consumers or visitors or is it somewhat a public facility open to the neighborhood or the downtown area to use? I know it's a private parking deck but I was just wondering what the plans were for that. I know a lot of people who live down here that are interested too and a lot of people who work down here.

The other question I had was on Phase II any kind of projected time line or at the very least a prioritized list of the street improvements, trees, lights, all the things on that list. When the debt service gets satisfied on Phase I and it comes around for Phase II, what's first? Which areas are going to get worked on first? That was my question on that item.

I'm sorry I had another question. I was very pleased to hear that the numbers from Crews & Associates were so conservative and please correct me if I'm wrong, they are so conservative that are basically based on the Mountain Inn not getting built. The replaced Mountain Inn? Was I clear on that?

**Mayor Coody:** Yes.

**Mr. Ostner:** I think that was good prudent financial planning. It must be awkward for Mr. Nock to deal with this situation and plan on his project failing and I applaud you for that. It's almost like buying insurance.

**Mayor Coody:** I don't think he's planning to fail.

**Mr. Ostner:** Of course not but that's what that conversation had to be about. I wanted to ask, the numbers again, Phase I is listed at 3.5 million dollars and if I understand that, basically the City would purchase the Mountain Inn building, destroy it, and sell a vacate lot to the developer for the appraised value at that time.

**Mayor Coody:** Yes.

**Mr. Ostner:** Is that the way it's going to work?

**Kit Williams:** Oh no, actually we're going to be buying four buildings, the Courts Building, the Mountain Inn, the Redbird and the former Niblock Law Office. So there would be four properties that would be purchased not just one.

**Mr. Ostner:** The building that they mentioned was going to be the Community Room or the Community Facility was going to be located on the corner of Center and College?

**Mr. Wright:** Meeting.

**Mr. Ostner:** Meeting Room, is that the entire building that looks a little bit different from the other buildings? I didn't know that the Mountain Inn went all the way to Center Street. I didn't know this project that the City was looking to demolish went all the way from Mountain to Center. So I was glad to hear that. I think that whole property could use redevelopment.

Thank you for hearing me and I appreciate you efforts.

**Mayor Coody:** Thank you very much. Mr. Nock I might ask you to respond about the availability of the parking deck to different folks.

**John Nock:** The parking deck will be built by private funds. We anticipate it being used for multi-purposes including the obvious hotel guests but also we're looking at this facility being adjunct to the Town Center so there would be shared parking between convention facilities to be done here at the City of Fayetteville. Those events will be coordinated with both A&P and the existing Radisson operation as well as residential folks that are going to live in the condominium areas and not in just the new development but also the surrounding areas. Keep in mind the dollars from the Tax Increment Financing is going to build the parking deck that is being built from private sources. However it is important to note that we will have retail shops as part of the project. Those that coming to other spots along that retail corridor, there are some great shops in that area that currently exist right now and I've personally had conversations with those store keepers and they are quite anxious for opportunities where they can get additional parking. Certainly our idea is to do an economic model that also facilitates what's going on in the downtown area.

I think specifically the question was asked can anyone use the parking deck and I think we certainly want as much activity in that area so it's economically viable. You want people to come there, you want people to shop there, you want people that stay at the hotel to utilize it and you want people that are going to live there to have places to park. So it's going to be all of the above. Will it be free parking for anyone to do what ever they want to on or will it be all paid parking? We have completely not determined whether that it is going to be but certainly we have an economic model built upon it. Does that answer that question?

**Alderman Rhoads:** How many condos in total.

**Mr. Nock:** We have three floors of condos. Each floor is approximately 9,600 square feet some of the condos maybe larger. There may be some that 1,500 and there are others that may be as much as 4,500 square feet of space.

We originally had talked about between 15 to 18 condos as it turns out there may be less or more than that based upon the pre-sales.

**Mayor Coody:** Anything else? Thank you, John. Tim or Hugh do you have an answer for the second question which was the time frame and the plan for Phase II.

**Tim Conklin:** I think that's going to dependent on what happens with our current transportation bill. One of the questions talked about was highway funding and everybody probably read in the



newspaper about the earmarks. Just as we experienced on Dickson Street even with that funding, that 1.5 million dollars, we still put in approximately 3 million dollars into that project. So depending on phasing and what funding comes in from the federal level I think it is going to depend on how fast we pursue these projects. With regard to prioritizing individual projects we've put a list of projects in here. As we talked earlier today with our financial consultant, it's going to depend on how fast the bonds, the debt gets retired and how much increment yield is available for additional bond financing. Based on what happens in our downtown will allow us to do more or less of these projects. So that's really not a clear answer of this street is going to be first or this but I think when we see what happens in our downtown area and the Mountain Inn gets replaced and other building occurs it's going to allow us to do more projects quicker.

Staff looked what were the principle projects within this area that we would recommend to the Council, of course the Council will have to approve these projects as they come forth.

**Mayor Coody:** Alan does that answer your questions? Anyone else have anything for us tonight? We'll close the public hearing then.

We have, what's the order of business here? What do we need to do next?

**Alderman Rhoads:** Discuss it among ourselves.

**Kit Williams:** I think that will probably conclude our business. We should remind everyone though that this ordinance will be on its second reading at our next City Council meeting which is next Tuesday, our first regular meeting in December.

**Mayor Coody:** Since this is a public hearing would we not go to an internal discussion with the City Council?

**Kit Williams:** We certainly can.

**Mayor Coody:** Anyone have anything to add or subtract from the conversations.

**Alderman Rhoads:** Real quick on parking. Does anyone know what the capacity of the parking deck is at the Town Center and at the Radisson? Just rough numbers.

**Hugh Earnest:** We'll get that information for you. I want to say 300 and something but that's a guess.

**Alderman Rhoads:** In total or each.

**Hugh Earnest:** I don't know.

**Alderman Rhoads:** How much retail space will be in yours?

**Richard Alexander:** We haven't decided on that. It depends on how much ground floor the hotel needs to take. We want to build enough parking to satisfy the requirements of whoever our



hotelier is. They will have a requirement and of course we want to have enough for our tenants. We anticipate from our economic model to have parking available for the businesses, law firms, etc.

**Kit Williams:** Rick you probably need to come up to the mike so that we can hear you.

**Richard Alexander:** We anticipate about 350 spaces. The hotel will have a requirement, we're talking to different hoteliers, they'll have requirements and that will take up so much of parking. We hope to have additional parking, after we take care of tenants, to also be available to the public for rent or lease.

**Alderman Rhoads:** I was doing rough numbers. Parking is a big issue around this town. The way I calculated it once you take out the no vacancies at the hotel plus what the condo folks would use and then some retail I think you're still going have 150 spaces for law firms or other people in the community to use..

**Richard Alexander:** Exactly.

**Alderman Rhoads:** If I'm wrong, I hope I'm not wrong but if I'm wrong, I hope you'll let me know.

**Richard Alexander:** Yes, I think that's accurate. I don't know whether it will be exactly 150 spaces but it might be anywhere between 100 and 150. Our plan has always been to build more than we must need for the hotel and condominiums. Basically a public parking deck.

**Alderman Rhoads:** I hope that's further comfort to Mr. Ostner. Okay. Thank you.

**Mayor Coody:** Anyone else? Yes, sir.

**Alderman Jordan:** The 125 jobs, John maybe you can answer this. We're talking about 125 new jobs.

**Mr. Nock:** Yes.

**Alderman Jordan:** Can you tell me what type of jobs those will be.

**Mr. Nock:** Yeah, let me give you a little background on that. Part of this process was dealing with hoteliers, those that are actually in business to run hotels and those numbers came from one of the consultants that we've been using for the last three years.

It was actually almost exactly to the money that another consultant have given to Mrs. Moga who had worked on this project before us. The makeup is about half of that are fulltime employees, that means that they are receiving 40 hours of work as either a paid or salaried employee. You will have about 10% of them that will be management and then you will have a fair amount of them that will be in the service sector as well. So from that 125 you're going to

have any where, that doesn't just include the hotel, and the service sector that goes with that but it also includes the restaurants as well other secondary pieces that are connected to the facility.

**Alderman Jordan:** I guess my next question would be then, what do you think would be the average pay. Have there been any studies done on that about the types of jobs and what they will pay. I certainly don't want people working for low wages.

**Mr. Nock:** I don't know the average on that but I can tell you we investigated multiple facilities around the country from other hoteliers because that was one of the first things that we wanted to look at, what kind of operation. Some of the facilities in the northeast certainly have a different pay scale then those that we looked at in the Texas market for instance.

However there are some pretty strong industry standards, from what I understand that if you're going to be moving to management you get that regardless of whether you're in Arkansas or whether you're in Florida, those are going to be comparable to industry standards. I would only be guessing to tell you what those are but we could certainly find that out.

**Alderman Jordan:** I wish you would find that out for me. I would appreciate that.

**Mr. Nock:** It's readily available information.

**Alderman Jordan:** Richard do you have an answer for me.

**Richard Alexander:** I think I can answer that because I have a hotel. You're talking about jobs ranging from \$18,000 to \$100,000, from entry level, waiters, waitress, housekeepers, caterers, banquet managers, banquet facility people, restaurant managers, hotel managers, assistance managers, parking lot attendants, all those kind of jobs. At Carnell Hall we're running a pay scale from about \$18,000 to \$60,000 but we're a 50 room hotel. We have about 50 people on staff, some of them are part-time a lot of them are wait staff and students. They're not all full-time but then we have our housekeepers, managers, chefs, and kitchen help that are all full-time.

**Alderman Jordan:** So we can assume that a worker can start at say \$18,000 or there about?

**Richard Alexander:** There again it depends on if they are half-time. I think that's probably about the range you're talking about. Because of the tipping nature of the restaurant business I don't how you know what a waiter, waitress' wage is, it's probably minimum wage by definition but they make tips so I don't know how you figure that out.

**Alderman Jordan:** Also my next question is that I believe that I saw that we have several vacate lots or vacate property?

**Richard Alexander:** I did a rough estimate, I think there is roughly probably 200,000 square feet of vacate space on that side right now.

**Alderman Jordan:** What do you think could be done with that? I know that we're projecting down the road.



**Richard Alexander:** We're talking about developing most of it in this project.

**Alderman Jordan:** In the businesses?

**Richard Alexander:** Yeah, in the businesses. I think that the buildings adjacent to this project will come back to life because there will be life in the area and then across the street both ways once you bring life back there I think those buildings will fill back up. We don't intend to develop all of them but I've heard people making plans on the basis of this project coming in that those buildings will take on new life. Currently they're either vacant, we probably have 200,000 square feet of vacate and you probably have 100,000 square feet of under utilized. In other words, very, very low rents that really aren't a good economic model right now but they'll come back to life when you put life in that area again I believe.

**Alderman Jordan:** Okay. That's all I have.

**Mayor Coody:** Anything else. Alright, if there's no other further public comment or other City Council comment we will adjourn tonight's meeting and we'll see you at the next City Council meeting. Thank you very much.

Meeting Adjourned at 7:30 PM

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Sondra Smith, City Clerk/Treasurer

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Dan Coody, Mayor

**Aldermen**

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Conrad Odom  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City Council  
Meeting Minutes  
December 21, 2004**

A meeting of the Fayetteville City Council was held on December 21, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Mayor Coody called the meeting to order.**

**PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Odom, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.**

**Pledge of Allegiance**

**City Council Special Resolution Recognizing the Fayetteville High School Student Council:**

*Kit Williams read the resolution.*

**Alderman Marr** thanked the Council and the student council for bringing attention to the homeless in Northwest Arkansas and their need for help. He presented some additional funds to the group from city staff and congratulated them on their efforts.

**Alderman Marr** moved to approve the resolution recognizing the Fayetteville High School Student Council. **Alderman Jordan** seconded the motion. Upon roll call the resolution passed unanimously.

*Resolution 207-04 as Recorded in the Office of the City Clerk.*

**Nominating Committee Report: Alderman Marr** gave the Nominating Committee Report.

**Board Appointments by the Mayor: Library Board:** Daniel Ferritor

**Board of Health:** Dr. Anthony Hui  
Dr. David Crittenden  
Don Moore

**Jim Huffman**  
**Rick Johnson**

**Appointments by the City Council: Airport Board:** **Vaughn Decoster**

**Env. Concerns:** **David Harsh**  
**Sharon Ledbetter**

**Parks Board:** **Jerry Bailey**  
**Monroe Harrison**  
**Steven Langsner**  
**Jay Davidson**

**Tree & Landscape:** **Beverly Melton**  
**Fred Cusanelli**  
**Sarah Patterson**  
**John Crone**

**Alderman Jordan moved to approve the Nominating Committee Report and the Board Appointments of the Mayor. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

**CONSENT:**

**Approval of the Minutes:** Approval of the December 7, 2004 City Council meeting minutes.

**The minutes were pulled from the agenda.**

**Drug Interdiction Grant:** A resolution authorizing the Fayetteville Police Department to apply for and accept a grant from the Arkansas Alcohol and Drug Abuse Coordinating Council in the amount of \$20,000.00 to support Drug Interdiction Operations; and approving a budget adjustment recognizing the grant revenues.

***Resolution 208-04 as Recorded in the Office of the City Clerk.***

**Andritz, Inc. Agreement:** A resolution to approve an agreement with Andritz, Inc. to lock in pricing of \$672,157.00 for three belt filter presses by paying a security deposit of \$33,607.85.

***Resolution 209-04 as Recorded in the Office of the City Clerk.***

**TIF Bond Reimbursement:** A resolution expressing the intent of the City of Fayetteville, Arkansas to reimburse certain expenditures of the City pertaining to financing, planning, acquisition and demolition in connection with the Highway 71 East Square Redevelopment District project with the proceeds of an issue or issues of tax-exempt bonds; and stating other matters pertaining thereto.

***Resolution 210-04 as Recorded in the Office of the City Clerk.***



**Crews and Associates Bond Underwriter for TIF Bonds:** A resolution accepting Crews and Associates as Bond Underwriter for any Tax Increment Financing Bonds issued through December 31, 2005.

*Resolution 211-04 as Recorded in the Office of the City Clerk.*

**Community Access Television, Inc. Contract:** A resolution to approve a contract with Community Access Television, Inc. to operate the Public Access Cable Channel throughout 2005 for \$93,000.00.

*Resolution 212-04 as Recorded in the Office of the City Clerk.*

**LEECO Fire Equipment Fire Apparatus Purchase:** A resolution approving the purchase of one (1) Emergency One, Inc. (E-One) replacement pumper apparatus from LEECO, Inc. in the amount of \$371,985.00; and approving a budget adjustment in the amount of \$278,985.00.

*Resolution 213-04 as Recorded in the Office of the City Clerk.*

**Meadows Enterprise, Inc. Land Swap:** A resolution to approve a deed from the City of Fayetteville to Meadows Enterprises, Inc. for 1.95 acres to swap for similar acreage to enlarge a nearby city park.

*Resolution 214-04 as Recorded in the Office of the City Clerk.*

**Alderman Jordan** moved to approve the Consent Agenda as read with the minutes removed. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

## **UNFINISHED BUSINESS**

**2005 Proposed Annual Budget and Work Program Adoption:** A resolution adopting the proposed 2005 Annual Budget and Work Program. *This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting. This resolution was tabled at the December 7, 2004 City Council meeting until the December 21, 2004 City Council meeting.*

**Kevin Springer** summarized the budget process to this point. Staff began presenting the proposed budget and work program early in November. Various budget hearings were held with citizen input and budget staff has made several presentations on the City's general funds and operating funds. In the last two budget hearings some amendments were presented, including increased revenue in sales tax, in solid waste and in airport. Some salary related expenses were reduced and other changes made. An amendment to add three fire fighters starting in October was also added.

**Alderman Lucas** asked for clarification on addition of police officers.

**Kevin Springer:** The budget actually includes two additional officers. Two other officers will be added with the closing of the jail.

**Kevin Springer:** In response to a question from Alderman Jordan, he explained that in the General Fund, staff was able to reduce the projected use of reserves by about \$400,000 (worst case scenario).

**Alderman Reynolds** asked if this budget would allow for the continuation of officers in the schools and the motorcycle patrol program.

**Chief Johnson:** For right now the school resource officers will be in the school, contingent on the school's agreement to sign the contract and financially support the program.

**Mayor Coody:** In a meeting with Superintendent Bobby New the school was presented with a proposal for the school to split the cost of the school resource officer program. He seemed amenable to the proposal and said he would add the numbers to his budget and present it to the school board. He explained that the COPS program, which supplied federal grant funding for school resource officers, was good for only three years. The grant funding has run out and these officers are now fully on the City's payroll.

**Alderman Thiel** asked if funding was in the budget for half the salaries of the school resource officers if the school agrees to support the program.

**Chief Johnson:** Yes. This is a popular program. The four new officers, however, will be hired as police officers, not school resource officers. The priority continues to be the officers on the street, not the officers in the schools.

Mayor Coody opened the floor to public discussion on the budget. There was none.

**Kit Williams:** It should be understood that the Council would be approving the budget as amended by the four items discussed in the last two budget sessions (just reviewed by Kevin Springer).

**Alderman Rhoads** moved to approve the resolution. **Alderman Odom** seconded the motion. Upon roll call the resolution failed 3-5. **Alderman Thiel, Rhoads and Odom** voting yes. **Alderman Cook, Marr, Lucas, Jordan and Reynolds** voting no.

**Mayor Coody** asked for input from the Council as to why the resolution failed. (There was no comment from the Council) The Mayor then asked for input from staff.

**Steve Davis:** The City will need some sort of budget approved prior to December 31, 2004 for operations to continue beginning January 1. State law provides City Council the opportunity to postpone approval of the budget until Feb. 28. However, if staff does not have authorization to spend money, checks cannot be written beginning Jan. 1, 2005.

**Mayor Coody** said at the last budget hearing four City Council members were present and there was no discussion. He said staff has been meeting for five months on budget issues and the first discussion with the Council was late in August. He again asked the Council if there was a particular reason they voted against the budget.

**Alderman Jordan** said his concern is the \$1.8 million deficit. He has yet to see how we can address that deficit. How can that \$1.8 million deficit be reduced? He knows they have talked about many ideas but nobody has proposed a solution.



**Steve Davis:** The plan to reduce the deficit is essentially a three-pronged approach. The first step is for the library to have its own operating millage and be taken out of the City's general fund. That will relieve approximately \$1,400,000 from City expenses. The second phase is to remove CEMS from taxpayer support and rotate them into a public utility model. If that works, it will remove another \$300,000. The third element would involve elimination of the \$150,000 currently budgeted for Fayetteville Downtown Partners. It is their business plan to reduce their City subsidy from \$150,000 in 2005 to approximately \$50,000 in 2007. With those three items together, in 2007, with staffing proposed in the 2005 budget and allowing for inflation, we will have approximately a \$41,000 deficit in 2005. This budget also provides the opportunity in 2006 and 2007, if any one of those three scenarios does not materialize, to address further strategies. The one thing that is City Council's control is employing discretionary millage to fund on-going operations for the general fund. Past City Councils, at least since 1992, have not chosen to do this. Another option is to increase the franchise fees that are currently below 4.25% up to 4.25%, generating approximately \$800,000. There are user fees that can be adjusted, one of which would produce approximately \$200,000. The user fee ordinance is before the Ordinance Review Committee and review is scheduled in January. New user fees could be in play by April 1, 2005. Taken together, these give the management ability to reduce our operating deficit. This does not take into account any contracts for reimbursement that may be made with the school district on school resource officers, nor does it take into account any reimbursement from the U of A or any other organization that utilizes police overtime for special functions.

**Mayor Coody:** The other option is to cut services and lay off personnel.

**Steve Davis:** Yes, that is the final option.

**Alderman Reynolds** said his concern is the \$1.8 million shortfall. Before this is passed, he thinks the meeting next week should be used to come up with a solution to cut that deficit.

**Mayor Coody** asked Steve Davis how long this budget, with the deficit projection, has been discussed.

**Steve Davis:** He believes the first budget document presented to City Council that predicted we would be using reserves to fund operations was in 1998 or 1999. The City's finances have performed predictably since that time and we historically run about an \$800,000 swing between budget ending fund balance and actual ending fund balance. The \$800,000 swing is to the positive. That's primarily attributed to two factors. We always budget full employment and we historically have a 3% savings in personnel services; and our revenues tend to outperform our revenue budget on the whole. In the 2005 budget, we have already reduced our expenses \$175,000 and we've increased our revenues \$340,000, so we have already preprogrammed \$500,000 of that \$800,000 swing. Using history as a prediction of our future, we have another \$300,000 swing that can be expected between budget expenses not being utilized or revenues outperforming estimates. We don't know which expenses will under-perform or which revenues will over-perform.

**Alderman Jordan:** So we can probably take another \$300,000 off the \$1.8 million.

**Steve Davis:** You can, but it becomes an off-balance sheet calculation because we don't know what expenses might not be there and we don't know what revenues in excess of budget are going to be there.



**Alderman Lucas:** This year, have we not used as much of the reserve as was predicted?

**Steve Davis:** That's correct. We predicted we would use \$752,000 in reserves when the 2004 budget was adopted. It appears there will be a surplus of \$56,000 to \$57,000. We also spent \$800,000 that was unprogrammed out of Wilson Springs proceeds and that had to come out of reserves.

**Alderman Lucas:** So we budgeted \$750,000 use of reserves and this year we are predicting \$1.8 million, increasing use of the reserves by \$1.1 million?

**Steve Davis:** That's correct. Keep in mind that 85% of our expenses in general fund are "people" costs. All of our police officers and firemen get a step increase every year of 4.5%. There was also a pay range adjustment for the police department that was approved at the end of 2003 to go into effect in 2005, which added \$200,000 to our costs.

**Alderman Lucas:** Did we not also have an increase in the money coming in?

**Steve Davis:** Yes, we did.

**Mayor Coody:** But we also had unexpected expenditures that we had to budget for, approved by the City Council. One was \$195,000 for fuel costs because of the spike in gasoline prices. There was another \$300,000 increase, making almost a half a million dollars increase in costs that we had to deal with.

**Steve Davis:** In response to a question from Alderman Rhoads, he said the total reserves at the end of 2004 would be \$14 million. Of that amount, \$4.4 million is designated for Wilson Springs. A little over \$10 million is available for general operations.

**Alderman Rhoads** asked what the rule-of-thumb for reserves is.

**Steve Davis:** Sixty days is our minimum number. Sixty days would be approximately \$5 million.

**Mayor Coody:** We passed a resolution saying we would keep a floor of 60 days reserve. The reason for passing that resolution was to allow expenditure of the reserve to put it back on the street. The circumstances aren't ideal, of course.

**Alderman Thiel** wanted to make a correction. Regarding the Wilson Springs proceeds, \$50,000 went to purchase the Fay Jones property next to the library and \$50,000 from the Tree and Trails Lawsuit Settlement Fund also went to purchase of that property. Then \$50,000 from the Tree and Trails Lawsuit Settlement Fund went to buy the South Duncan property. No Wilson Springs proceeds went toward the South Duncan property.

**Mayor Coody** thanked Alderman Thiel for the correction and apologized for the error.

**Alderman Cook** said he is frustrated by the deficit. He said we are experiencing boom times in Fayetteville and it doesn't make sense to run a \$1.8 million deficit. Our numbers should be looking good. He said he doesn't see how long we can keep going on with these deficits. He understands the spend-it-down philosophy but doesn't want to spend it down to the limit, leaving

future Council members and staff to figure out what to do. At some point cuts will have to be made. While he does think we should diversify our revenue, he believes we should also look at things where we can cut back. He said he didn't have a problem with the property tax but would not vote for it when it was presented because he felt it wasn't right to not give the public an opportunity to comment. However, he said he supports the idea of using property taxes to support some of the basic services that the City provides.

**Alderman Marr** said his issue is not the \$1.8 million deficit. He said he is convinced that should be spent down. His concern is with where it is going. He would like to see more of it in police and in planning. He said he does support a property tax. He thinks what is missing is diversified revenue. But he thinks if extra money is going to be spent and we are going to the people with a property tax consideration because we need more police officers and another fire station, the money being spent should be going to those core services. He said he has said that at every budget meeting he has attended. There are things he really likes in the budget but one of the big items missing is the police and public safety aspect.

**Alderman Lucas** said she agrees. She is concerned that we have not looked at police and fire needs. To go from \$750,000 last year to \$1.8 million this year concerns her. She asked Steve if a few years ago he had projected a balanced budget by 2005.

**Steve Davis** said there was a scenario presented that required certain things to fall into place, which did not happen.

**Alderman Lucas:** It disturbs her that we are not getting the police and fire protection but we are going backwards into reserves.

**Alderman Thiel:** Responding to Alderman Lucas' comment about going backwards, she said when she first came on the Council in 2000 the Council went through a process of learning about the need to switch the percentage of sales tax that is dedicated to operations. At that time the Council was presented with projections that indicated we would have a much worse deficit than we have right now. Even after switching the sales tax to 50/50, there were projections made and we are ahead of those projections. She said in discussions of the 2004 budget there were discussions of property tax millage and other things that would have balanced the budget. Those were not passed. She feels the City is in better shape than what has been projected. The Council has been told all along, up to 4 years ago, that in 2009 the sales tax ratio would have to be reviewed once again because of growth in the City and the cost of operations unless there was some diversification in the revenue stream. She said she doesn't feel that tonight is the night to do that. She said she thinks the City has done a pretty good job staying within what the projections have been.

**Alderman Lucas:** If we do look at user and franchise fees and things like that, we need to do it right away instead of waiting until the budget is being discussed. Through the year, the discussions of those revenue sources seem to get lost or tabled.

**Steve Davis:** The user fee study is 18 months late. Most of that delay has been with the contractor, though some is with City staff. The user fee study is one of the strongest policy documents that City Council can adopt because it relates to how much of a general tax subsidy selected services are going to receive, if any. He agrees that it does take deliberation. The Ordinance Review Committee will look at in January. He hopes to have it before the City Council and have the 30-day referendum run to allow for implementation around April 1.

**Steve Davis:** At Mayor Coody's request he stated the 2004 adopted budget projected a \$750,000 deficit. We are looking to end at \$56,000.

**Mayor Coody** wanted that repeated in response to a statement that we had a \$750,000 deficit this year. It was projected that we would have that deficit but we ended up in the black. We may not be in the black in 2005, but it will certainly be better than it appears now. We always project very conservatively. We have been discussing this for four months and have had many opportunities to refocus the staff onto fire and police. We've had opportunities to change the structure of funding, make cuts, and lay people off. It surprises him that the Council would vote the budget down now.

**Alderman Rhoads** said if the concerns are with the \$1.8 million deficit and not enough money being spent in certain areas, it would seem that there would have to be some fairly drastic cuts to assuage both concerns. He asked fellow Council members what they would like to cut. Eventually if a budget is to be approved, this is the decision the Council will have to make.

**Alderman Marr:** Responding to that, said if the projected budget for last year was \$750,000 deficit and we are coming in at \$56,000 in the black, then we have a million more in spending in this projected budget, which he thinks is the library...

**Steve Davis:** The big chunks are increased funding for the library and increased funding for fire overtime because we used the Fire Station #7 staffing to reduce the overtime in 2004. Now we have a full staff there and that bump to the budget was around \$350,000. The pre-approved step pay plan adjustment for police and the conscious decision to use overtime to fund the staffing for fire station #7 for 2004 makes a half a million dollar bump. Then there is the \$350,000 to \$400,000 bump for library operations and a \$150,000 bump for Fayetteville Downtown Partners. The previous entity (DDEP) had been budgeted \$40,000 but the money was never used because there was no contract.

**Alderman Marr:** If our philosophy is to spend down our reserve and our number one reason for needing a property tax is for police and fire, then why isn't some of the projected reserve that is being spent down going to that, if in fact we don't have the time to implement the property tax, and then replace it in future years. Spending down money means you're going to spend it down on something that isn't necessarily reoccurring every year. Otherwise, at some point you're going to spend it down and not have anything new coming in.

**Steve Davis:** That's correct.

**Alderman Marr:** So if we have a plan of diversifying revenue, why isn't that the avenue we are looking at to spend this money. Of those items mentioned by Steve, the projections for expenditure go down. He said he takes exception to the comment that nobody knows we have been talking about police. He said he has said it to multiple people. He does think the mayor has a point in saying you are over-collecting if you maintain a huge reserve. But he doesn't see the money going to increase in officers.

**Steve Davis:** Part of the conversation that has gone on throughout the budget process has been the police chief's desire to take a few months next year and develop a master plan to deliver police services in the most cost-effective, efficient manner possible. He is a new police chief and



as the head of a very vital service, he needs to be afforded that time to make sure he is comfortable with whatever the service levels are before he asks for additional resources.

**Alderman Marr:** Weren't we going to do 2.5 mils, with half of it going toward that item? So obviously a need was identified or we wouldn't have been talking about a property tax. He read that to indicate there was a major item of need. Now we're going back to the original budget of two new and four reallocated officers. He doesn't buy the argument of studying it further. How did we pick the number of 10 officers needed in the discussion last week? Is that the priority?

**Steve Davis:** Increasing patrol services to reduce Code Zero situations is a priority. How we get there is the question. There are numerous services which, if we had the ten additional officers proposed last week, we would have taken those ten into account and would have factored into other services that the police department doesn't deem as critical to delivery to Code Zero calls. As it stands now, to increase police force presence and to reduce Code Zero situations there are certain services that are being evaluated by the police chief as we speak. Our next best effort is in coming to a successful negotiation with the school district on a cost share for the existing school resource officer program. Once we get that contract approved by both the school board and City Council, the discussion can turn to utilizing those resources to increase police staffing.

**Mayor Coody** added that although Chief Johnson is reevaluating the efficiency of the department, no matter how efficiently the department runs it will still need more manpower. If twelve new positions were available (two in the budget and ten proposed last week), patrol on the street would be increased about 30%.

**Alderman Rhoads** asked if he is right in thinking that something has to be cut. Is there any other way to solve this disagreement?

**Alderman Thiel** said she is not in favor of cutting anything. In fact she has some grave concerns about budget cuts in some divisions. She agrees with Alderman Rhoads in that she doesn't know where the Council is going with this. Some aldermen are stating a concern about the need for more police and fire but they don't want the deficit. Where would cuts come from? Though there are things in the budget that are not perfect, she feels the citizens of Fayetteville appreciate the services that are provided. The Council could discuss this again in a week but that would not give staff enough time to come up with a solution to reduce the deficit unless they just go in and reduce all the non-profits. There were some conservative suggestions from staff regarding some of these non-profits earlier in the year that this council actually increased. She said she doesn't know what could be cut or, at this point, where revenues could be increased.

**Alderman Marr** said his point was that a \$2.2 million deficit was originally projected. That had been cut by \$400,000 but it was not reallocated to what later was identified as one of the top two issues.

**Mayor Coody:** Reallocate the \$400,000?

**Alderman Rhoads:** Reallocate the \$1.8 million. And maybe that's because there wasn't enough support for reallocating it.

**Alderman Marr:** Which is why we don't all have to agree to vote on every item. Aren't we debating what we think is important based on what is presented? He thinks the administration said that is an important item. What he is hearing is we have to wait a year to get it.

**Alderman Thiel** said she doesn't disagree about adding police. She said some of the aldermen are saying they are concerned about the deficit but Alderman Marr is saying he wouldn't mind increasing the deficit in order to add personnel that are needed. She said she is confused and is sure the staff is confused about what direction to take.

**Alderman Lucas:** In thinking further about this, she agrees. The \$1.8 million deficit wouldn't bother her as much if we had the police, fire and safety core services increased. But it bothers her that we are going to have to look for other revenue just to get those core services. She would be happy with having even a higher deficit for the police and fire.

**Steve Davis:** In response to a question from Alderman Jordan, he said that we are predicting a reserve of \$14 million. Four million is set aside for Wilson Springs. He said he is not suggesting that we spend that down to the minimum of 60 days reserve. He does state that if you are going to spend your reserves, you want to do it in a manner where you land gently when you get to the time where you can't use reserves any longer. The City is not there even through 2007 under the existing budget presented. If we move the items discussed off of City funding, then the general fund becomes all core services.

**Alderman Jordan** clarified that Mr. Davis is saying we can spend \$1.8 million and we will be all right for about three years, if we have to continue that trend.

**Steve Davis:** That is correct. If we want to cap the use of reserves at \$1.8 million and want to add police and fire staff above what is already proposed, we would have to go in and cut some other service.

**Alderman Rhoads:** He had the impression that police performance had been very good this year.

**Chief Johnson:** The monthly and quarterly performance measures are mostly self-initiated activities – tickets, warnings, accidents investigated, calls answered, etc. We do a very, very good job, mostly because of the individual performance of the officers. They know what is expected day-to-day. It is not like we have an option to not answer a call or say it can wait until somebody has more time. When the calls come in, the department responds to them and we do a very good job. However, we are at a point right now where we are simply not able to respond to all the calls in a timely manner. Some of those calls are priority one calls. There are situations when every officer is busy doing what he or she is supposed to be doing and there is not anyone else to send. There are performance expectations that we do a very good job with but what we are unable to do is adequately staff the shifts in such a way where the department can respond to all the calls in a timely manner. A couple of years ago if you asked a citizen how long it took an officer to respond to their call, the answer would have been around 15 or 20 minutes. It could take 45 minutes now.

**Alderman Rhoads:** If you look at the traffic patterns in Fayetteville, even if you had more officers right now, it would still take a greater time to get to a call just because of the traffic. The crime rate has been very favorable in Fayetteville. He thinks that is a very good indicator of a safe community.

**Chief Johnson** said he agreed but that is a slippery slope. Is that the same as saying if the crime rate goes up, he'll bear some responsibility for that? He said he cannot predict criminality. He

matched the next lowest taxing city in Northwest Arkansas we would likely see a \$4.2 million dollar surplus instead of a deficit. He is very pleased with the staff working very hard every day to make sure the money we have gets spent wisely and the belt is tight. It is amazing what our City employees have been able to accomplish on such a limited budget.

**Alderman Reynolds** said he knows we do need to tighten our belts but he is glad the Council has come around to talking about ways of funding. He would like to see something done by March to get the fire and police we need. He said he would vote for the budget if we could promise to have something done by March.

**Kit Williams:** In response to Alderman Marr's question, he explained that this vote would simply bring this issue back on the table; it would not pass the resolution.

**Upon roll call, the motion passed unanimously.**

**Kevin Springer:** In response to Alderman Marr's question, he stated that it takes \$53,000 to fund the first three officers and \$89,000 for the fourth. That includes the purchase of a Crown Victoria.

**Alderman Marr moved that the budget be amended to add \$392,208 for six police officers. Alderman Reynolds seconded that motion.**

There was some discussion about numbers and how much it would take to fund six officers.

**Alderman Odom:** If we pass this budget tonight, not amended, is it true that the budget can be amended at any meeting?

**Mayor Coody:** Yes.

**Alderman Odom:** Rather than trying to figure out roughly what the amount would need to be, he encouraged the Council to take a slower approach and know exactly what the proposal is and what it is going to mean before an amendment is made without due consideration.

**Alderman Jordan:** Whatever the cost is, it has to come from somewhere. If we fund the police, we're going to have to look at taking more money out of reserves rather than cutting personnel.

**Alderman Marr:** We started with a projected budget with a \$2.2 million deficit. We have cut that to \$1.8. If you add \$392,000 (six officers) it roughly puts it at the original projected budget and gets us one half of what we discussed in terms of property tax.

**Alderman Rhoads** encouraged Alderman Marr to reconsider and realize that we can tinker with this in way to perhaps find some areas to cut and still add the police and do that 30 days from now.

**Alderman Jordan** said his concern has been that they have looked at the deficit but never really discussed any way to address the deficit. Ideas have been kicked around but nothing concrete has been done. Now he feels the Council has made a commitment to that so that takes care of his concern.



**Alderman Reynolds:** He thinks the citizens of Fayetteville expect a fire truck in under seven minutes and they expect a policeman under forty-five minutes. We've paved, put in sidewalks and trails and he thinks the people want police available when they are called. If this is what it takes to get them, then we need to do it.

**Mayor Coody:** He respects Alderman Marr's proposal and is glad to see Council support for the police department. However, he likes Alderman Odom's suggestion, as it would give the staff a chance to come up with a workable solution. If this proposal is turned down, staff could come back in the second meeting in January with a proposal to add six more policemen in 2005.

**Alderman Thiel** said she agrees with Conrad. She thinks everyone feels like there is a need for additional police officers. Her concern is that funding this at this point will not allow the staff to come up with workable solutions to funding these positions. She thinks it might be better to wait until January and look at it with a little more input from the staff and administration. She added that she probably would not vote against the motion because she doesn't want to send out the message that she is opposed to adding police officers.

**Alderman Cook** said he would support this amendment. He is against the deficit and would vote no on the budget as it is. But if we are going to spend it, we should at least spend it on the core services people want to see.

**Alderman Lucas** said she agrees. She feels this will put the emphasis on the Council to come up with something to fund what they feel are the priorities.

**Alderman Rhoads** said he would not support the motion. There is flexibility in the process and a decision can be made after Chief Johnson provides a plan or after further discussion and a further look at other revenue sources. To go from a \$1.8 million deficit after beating up on the staff to take it from a \$2.2 million deficit and add on to it to bring it back to \$2.2 confuses him. He said he wants to look at the budgeting process and try to rethink what has been done and how, after at least six meetings, the group wasn't able to address the disagreement and not wait until the last minute. He is surprised at the outcome of this meeting and would have thought the budget would have passed easily.

**Mayor Coody** said he understands that and asked if there was any further conversation.

**Mayor Coody** asked shall the motion pass. Upon roll call, the motion passed on a vote of 5 to 3, Aldermen Cook, Marr, Lucas, Jordan and Reynolds voting yes and Aldermen Thiel, Rhoads and Odom voting no.

**Alderman Rhoads** moved that the \$392,000 be divided up and that amount taken out of every other area of the budget evenly across the board to get the budget back to a \$1.8 million projected deficit.

The motion failed for lack of a second.

**Alderman Reynolds** moved to approve the 2005 Annual Budget and Work Program. **Alderman Thiel** seconded the motion.

Upon roll call the motion passed on a vote of 7-1, Aldermen Thiel, Cook, Marr, Odom, Lucas, Jordan and Reynolds voting yes and Alderman Rhoads voting no.

would prefer not to use crime rates to base performance. He said the PD would take some credit for the reputation Fayetteville has for criminals being less likely to commit offenses in Fayetteville thinking that they are more likely to be arrested than in other jurisdictions. But when it comes down to it, he doesn't know if they can take blame or credit for the crime rate.

**Alderman Rhoads** said he thinks the department educates the public pretty well and that has a lot to do with the crime rate. There are a lot of things that you can do and he feels the crime rate is a good measure of whether you need to add more people, more education, more squad cars, bigger guns, more motorcycles.

**Chief Johnson:** We have been doing that through the years. The budget request he submitted during the budgeting process was specific to officer positions. He presented the Council with some of the things that have been proposed to be cut and what the responses have been: Dickson Street bike patrol: No, don't touch it. SRO program: No, don't touch it. The Joint Terrorism Task Force: an officer assigned to the FBI specifically to assist them in what they do in anti-terrorism and their programs pulled from that unit effective the first of the year. Our officer assigned to the DEA – looking at removing him. Mall bike program: Don't touch it. Our community oriented policing program was specifically assigned to work with the neighborhood associations with code enforcement: cut. All this was done to add officers on the street. He said he has done what he can internally. Other things they are looking at: unlocks; private property accidents; looking at not completing reports on some non-injury accidents; trying to develop a policy on working with some of the alarm companies and what can be done to reduce the number of false residential alarms; not doing some misdemeanor theft reports. It comes down to reducing the number of Code Zero calls. There are times when people call the police department and need an officer when there is no officer to send. He has done everything he can to take out other services to create more time for the officers. The rest is up to the Council.

**Alderman Thiel** asked Chief Johnson to clarify what has actually been cut and which of those he listed will not be cut.

**Chief Johnson:** Some of the items have been discussed internally in order to put more officers on the street. But there are some favored, popular programs that will not be cut yet. These are operation issues. In some ways it is a decision the Council makes through the budgeting process but he is still responsible for making sure there are enough officers on the street to answer calls. There are times when there are more officers in the schools than there are on the street. But that is a favored program. It's not that he doesn't like that program, but it has to be balanced and cannot be at the expense of officers on the street.

**Alderman Rhoads** said that if he had a life or death emergency and called the police during a Code Zero situation, he would bet the dispatcher would try to figure out a way to stop a policeman from going to a less important call in order to respond to his. He doesn't think he buys into the fact that we have to have enough police standing and waiting to go on a call.

**Chief Johnson:** I understand what you mean. They are never standing and waiting for a call because they go from call to call. He said he has no other reason to come to the Council and ask for more officers. If it is the Council's decision not to fund it, the department will deal with it. He stated that the department does prioritize calls and will certainly leave one call to go answer another and then return to the first call. That happens frequently. If the aldermen feel that the number of officers on the street is adequate, that is fine. We hopefully will continue to have a

community that will continue to have a reputation of being safe, but you may have to wait awhile on calls. That's just the cost of doing business.

**Mayor Coody** said from his perspective, if he were in a position to make a decision, he would say that Chief Johnson should continue to make his department run as efficiently as possible and the administration and Council would continue to try to find ways to fund more policemen, with as little pain to the taxpayer as possible. He says he doesn't see how the Council can argue against a deficit and also argue for hiring more police and fire without making other cuts. He expressed his concerns about the Council waiting until this time to vote down the budget when there has been four months to discuss how to make up the shortfall. Staff gets criticized for projecting very conservatively yet the conservative number is used as a reason to vote against the budget. We know it won't be as bad as projected at the end of the year. Staff presents a budget to the Council and the Council approves or turns it down. With all the staff has done and all the options we know are before us, we need to make a decision either to raise taxes to fund more police and fire personnel, make broad cuts or we need to accept the budget before us which maintains the status quo as efficiently as we can. There is no way the staff can come back in one week or ten days with some new revenue stream to make up the difference. And this Council is not going to want to make the broad cuts in services it is going to take to balance this budget. He asked for the Council to let staff know what they wish to do.

**Kit Williams:** In response to a question from an alderman, Mr. Williams explained the Council's options. The budget can consider the budget at any called meeting. There are some special provisions in emergency situations where a city is allowed to go forward and not have to do the final budget prior to the end of the year, but you still have to do something to authorize spending.

**Alderman Rhoads:** Tonight, if you are in the majority, can you ask for consideration?

**Kit Williams:** You can ask for a motion to reconsider if you voted with the majority.

**Alderman Lucas** said she would make that motion because she felt some information has been brought forward. But she did want to say that she has talked to both the mayor and Steve Davis about franchise fees and has been asking about it since May. She has also talked about safety and fire all year. She doesn't think that is a surprise to the staff. But we do need to function as a City government.

**Alderman Lucas moved to reconsider the resolution. Alderman Jordan seconded the motion.**

**Alderman Jordan** asked that other revenue streams be really considered. He also wants to look at ways to tighten our belt. He wants something brought forward to the Council in the next two or three months to be reviewed, such as user fees, franchise fees and possible property taxes.

**Alderman Rhoads:** If the vote is not changed, either the Council has to decide what will be cut or figure out what deficit we are comfortable with, figure out what we want to add to police and fire and with that number in hand, take a percentage off every department to get to that number.

**Mayor Coody** said we want to provide good services to the City of Fayetteville. This staff and administration is very fiscally conservative. We have the lowest property tax of any city in Northwest Arkansas. We do not collect a property tax for operations and maintenance. If we



*Resolution 215-04 as Recorded in the Office of the City Clerk.*

**NEW BUSINESS:**

**Amend Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines:** An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, and Article V: Limousines of the Code of Fayetteville.

*Kit Williams read the ordinance.*

**Kit Williams** explained that these were the amendments suggested by the City Council at the last meeting. In answer to an inquiry from Alderman Reynolds regarding placement of the decal he explained that the current version of the ordinance indicates the decal must be placed on the rear window at the request of the police.

**Alderman Reynolds** asked if the taxi drivers should be required to have a CDL license.

After verification from Lt. Tabor of the Police Department that that was a requirement according to the City Prosecutor's office, Mr. Williams said it would be added to the ordinance.

**Alderman Reynolds** asked for clarification of the difference between a chauffeur for hire permit and a CDL license.

**Lt. Greg Tabor:** A CDL is on a vehicle over a certain weight, carrying over 15 or 17 people. A chauffeur's license is for any car for hire. He assumes that test is done through the State police like any other driver's license.

**Alderman Reynolds** moved to amend the ordinance to reflect the changes discussed. **Alderman Lucas** seconded the motion. Upon roll call the amendment passed unanimously.

**Alderman Reynolds** moved to suspend the rules and go to the second reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

**Alderman Reynolds** moved to suspend the rules and go to the third and final reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

**Alderman Odom** wanted to state for the record that he does have a problem with Code 117.33 (Liability Insurance), specifically with provision B. From his experience, he has had difficulties in collecting for people who have had damages as a result of someone's negligence when they were self-insured. He doesn't think the citizens of Fayetteville are adequately protected with this particular provision.

**Alderman Odom** moved to amend the ordinance to remove the self-insurance clause. **Alderman Reynolds** seconded the motion.



**Kit Williams:** In response to a question from Alderman Thiel, he explained that a previous approval to allow Tony C's to operate under self-insurance was conditional upon the Council amending the Code of Ordinances to allow self-insurance. The Code does not currently allow self-insurance.

**Alderman Odom** wanted to make sure that Tony C's position also be made clear although he doesn't agree with it. Tony Catroppa has said it would be difficult for him to operate a taxi service with the requirement that he have an insurance policy.

**Upon roll call the amendment passed on a vote of 6-2 with Aldermen Thiel, Cook, Odom, Lucas, Jordan and Reynolds voting yes and Aldermen Marr and Rhoads voting no.**

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

***Ordinance 4653 as Recorded in the Office of the City Clerk.***

**Sensus Metering Systems Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of ten (10) hand-held touch-read meter reading devices with communication accessories from Sensus Metering Systems for the Meter Operations Division in the amount of \$41,062.50.

***Kit Williams read the ordinance.***

**Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

***Kit Williams read the ordinance.***

**Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.**

***Kit Williams read the ordinance.***

Mayor Coody asked Greg Boettcher to come to the front. He thanked him for his service and all he has done for the City. Mr. Boettcher introduced Matt Taylor with Burns and McDonnell to the Council. Mr. Taylor will be present at City Hall for an interim period until Mr. Boettcher's replacement is hired to ensure continuity with the water and wastewater capital project.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

***Ordinance 4654 as Recorded in the Office of the City Clerk.***

**University of Arkansas Consulting Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a master contract with the Board of Trustees of the University of Arkansas to provide the City of Fayetteville with specific consulting and study services.



*Kit Williams read the ordinance.*

**Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Steve Davis:** In response to a question from Alderman Cook he stated that the University has been scheduled to present the studies they have completed at the work session scheduled for January 11, 2005.

**Alderman Jordan moved to suspend the rules and go the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

*Ordinance 4655 as Recorded in the Office of the City Clerk.*

**ANX 04-1222 (Doris Roberts):** An ordinance annexing that property described in annexation petition ANX 04-1222 annexing to the City of Fayetteville, Arkansas, certain property owned by Doris Faye Roberts located at the south end of Roberts Road containing approximately 47.13 acres.

*Kit Williams read the ordinance.*

**Jeremy Pate, Planning Division:** The petitioner for this item is requesting an annexation of approximately 47 acres located at the intersection of Goff Farm Road and Roberts Road. Staff recommends approval of this request. The Planning Commission voted to approve the annexation and there has been no significant public comment.

Mayor Coody opened the floor for public comment. There was none.

**Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Alderman Thiel** even though she has no opposition to this request, she feels it should be left on the second reading to make sure the public is totally aware of it before a final vote is taken.

*Ordinance 4656 as Recorded in the Office of the City Clerk.*

**RZN 04-1280 (Doris Roberts):** An ordinance rezoning that property described in rezoning petition RZN 04-1280 for property located on Roberts Road south of Highway 16 East containing approximately 47.13 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

*Kit Williams read the ordinance.*

**Alderman Thiel** asked if she could make a motion to reconsider the last item as the applicants were not specifically asked if there was an emergency or real need for getting this passed this year.

**Kit Williams:** With the consent of the Council the petitioners can be allowed to speak.

**Charles Harwell** spoke as a representative of Ms. Roberts and stated the contract had been under contract since April and it would benefit the family greatly if the matter could move forward. He said there had been a good deal of public comment and given the staff's recommendation he urged the Council to move the matter along.

**Kit Williams:** Stated that suspending the rules on the annexation ordinance is allowable.

**Alderman Rhoads** moved to suspend the rules and move the annexation ordinance to the third and final reading. **Alderman Marr** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

**Mayor Coody** asked shall the ordinance pass. Upon roll call the annexation ordinance passed on a vote of 7 to 1 with **Aldermen Thiel, Marr, Rhoads, Odom, Lucas, Jordan, Reynolds** voting yes and **Alderman Cook** voting no.

**Alderman Odom** moved to suspend the rules and go to the second reading of the rezoning ordinance. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

**Alderman Reynolds** moved to suspend the rules and go to the third and final reading. **Alderman Thiel** seconded the motion. Upon roll call the motion carried unanimously.

*Kit Williams read the ordinance.*

**Mayor Coody** asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

*Ordinance 4657 as Recorded in the Office of the City Clerk.*

**VAC 04-1255 (Hanks):** An ordinance approving VAC 04-1255 submitted by Tim Maddox for property located on the east side of 2553 Ferguson Avenue as described on the attached map and legal description.

*Kit Williams read the ordinance.*

**Jeremy Pate, Planning Division:** The applicant is requesting to build an addition to their home. The Transportation Division has inspected and field verified where the line is located and has

stated that the easement vacation will not impede their ability to maintain the line. The existing utilities are within the easement but there is adequate room for access to the line.

**Alderman Thiel moved to suspend the rules and go the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

Mayor Coody opened the floor for comment from the public. There was none.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

*Ordinance 4658 as Recorded in the Office of the City Clerk.*

**VAC 04-1279 (Pearson):** An ordinance approving VAC 04-1279 submitted by Wyma & C.T. Pearson for an alley located at Block 3, Rosehill Addition as described on the attached map and legal description.

*Kit Williams read the ordinance.*

**Jeremy Pate, Planning Division:** Staff recommends approval of this vacation request and the Planning Commission voted 6-1 in favor of the request. In response to a request from Alderman Thiel for clarification as to why the staff recommends approval, he explained that continuing this alley and the streets on the west and east sides of it on to North Street is not a likely scenario because of the drop between the alley and North Street. The applicant currently owns all but one parcel of the property surrounding this area. Very likely a development will occur and allow a more feasible use of the property.

**Alderman Thiel:** Could the applicant not use the alley to some extent if it was not vacated?

**Jeremy Pate:** Yes, ma'am.

**Alderman Thiel:** At this time the City maintains ownership and with a vacation would lose that. She will not support vacation.

**Jeremy Pate:** In response to a question from Alderman Cook, he said if this property is developed, it will come through the City's planning process and will have to meet ordinance requirements. It would likely not come through as a large-scale development.

**Alderman Marr:** This property and the property around it is zoned RMF-40 but actually the use appears to be more residential as opposed to multi-family.

**Jeremy Pate:** This area was platted as single family residential many years ago. It has changed in character somewhat and the majority of the development is now multi or two-family.



**Alderman Reynolds** moved to suspend the rules and go to the second reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

**Alderman Thiel** moved to suspend the rules and go to the third and final reading. **Alderman Odom** seconded the motion. Upon roll call the motion passed unanimously.

*Kit Williams read the ordinance.*

Mayor Coody opened the floor for public discussion. There was none.

**Kit Williams:** In response to a request for clarification on the facts of finding on vacations, he explained the rules and on what the Council could base its decision.

**Jeremy Pate:** Said he could attest to the fact that the alley has never been constructed or utilized.

**Mayor Coody** asked shall the ordinance pass. Upon roll call the ordinance passed on a vote of 6 to 2, with **Alderman Cook, Marr, Rhoads, Odom, Jordan, Reynolds** voting yes and **Aldermen Thiel and Lucas** voting no.

*Ordinance 4659 as Recorded in the Office of the City Clerk.*

**ADM 04-1303 Amend Chapter 166.04 Street Standards:** An ordinance amending Title XV: §166.04, Unified Development Code, of the Fayetteville Code of Ordinances, to require city street standards for the subdivisions within one (1) mile of the city limits.

*Kit Williams read the ordinance.*

**Tim Conklin, Planning Division:** The staff is bringing this ordinance forward to amend the City's subdivision regulations to require City street standards within our planning area within one mile of the City limits. This will allow developments that occur to install city streets that meet our standards for curb, gutter, sidewalks and streetlights. If these areas are annexed into the City in the future, they will meet City standards. Planning Commission recommended approval of this amendment.

**Alderman Rhoads:** He said he thought the largest reason to annex property into the City was to prevent the building of substandard subdivisions. If we are able to do something like this amendment, why do we annex?

**Tim Conklin:** There are other issues beyond the streets such as septic systems that are being built within these areas. There's also no land use control. During annexation meetings they looked at development occurring just outside the City that included liquor stores, mini-storage and churches that were not meeting our development or zoning standards. In response to a question from aldermen, he said the City's planning area averages a mile to two miles outside the city limits.

Mayor Coody opened the floor for public comment. There was none.

**Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.**

*Kit Williams read the ordinance.*

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.**

*Ordinance 4660 as Recorded in the Office of the City Clerk.*

#### **PUBLIC HEARINGS:**

**Dynasty Limousine; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Dynasty Limousine for the operation of a limousine service within the City of Fayetteville, Arkansas.

**Mayor Coody called the public hearing to order.**

**Lt. Greg Tabor:** Mr. Ross Curry, owner of Dynasty Limousine, has provided all the appropriate paperwork. In response to a question from Alderman Reynolds he said that to pass inspection the limousines would have to have for-hire tags on them.

Mayor Coody opened the floor for public comment. There was none.

**Alderman Marr moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.**

**Mayor Coody closed the public hearing.**

*Resolution 216-04 as Recorded in the Office of the City Clerk.*

There was discussion about a meeting with area legislators scheduled for Thursday. Four aldermen would be able to attend. Kit Williams will check with the legislators to see if they are still interested in coming.

**Meeting Adjourned at 8:40 PM.**

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**Sondra Smith, City Clerk**

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**Dan Coody, Mayor**

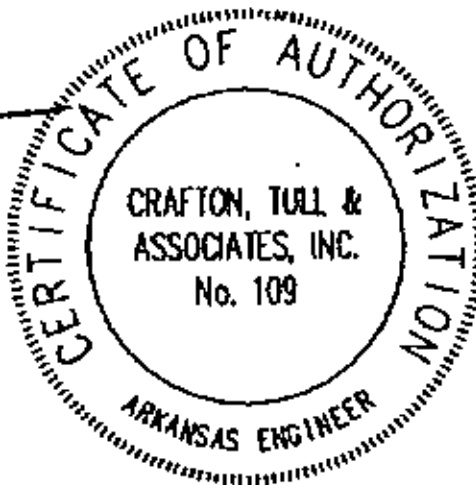


# Preliminary Drainage Design Computations For Aspen Ridge Planned Zoning District Fayetteville, Arkansas

CTA No. 021111-00  
December 9, 2004

Submitted to:

Mr. Matt Casey, P.E.  
City of Fayetteville  
113 W. Mountain  
Fayetteville, AR 72701



Prepared by:

**Crafton, Tull & Associates, Inc.**  
Architects, Engineers & Surveyors

901 North 47<sup>th</sup> Street, Suite 200  
Rogers, Arkansas 72756  
(479) 636-4838 / FAX (479) 631-6224  
Internet: <http://www.craftull.com>

**RECEIVED**  
*12-9-04 Eng.*

## PROJECT OWNER AND DEVELOPER:

BHA Construction  
3607 Clabber Creek Blvd  
Fayetteville, AR 72704  
(479) 527-3996

## PROJECT TITLE:

Aspen Ridge Subdivision, a Planned Zoning District

## PROJECT LOCATION:

The project is located on 27.97 acres of land at the southwest intersection of 6<sup>th</sup> Street and Hill Avenue. Please see the attached vicinity map for details.

## PROJECT DESCRIPTION:

The proposed 27.97-acre Planned Zoning District consists of 220 single-family town homes that will be constructed in two phases. A future third phase is planned for a mixed-use development. The drainage system design of Phases I and II takes into account the anticipated impact of Phase III on the watershed. See the attached Site Plan for details.

## EXISTING SITE DRAINAGE:

This project is a small part of a large drainage basin that flows into College Branch Creek. The majority of existing land in Phases I and III flows to the southwest and into College Branch Creek at slopes ranging from 3 to 8 percent. Approximately half of the existing Phase II property flows eastward into College Branch Creek, while the remainder sheet flows off the property to the south, eventually ending up in College Branch Creek. The existing slope of Phase II varies widely from 1.5 to 16 percent.

This property is in Flood Zone "A" (base flood elevations estimated) and is in the 100-year floodplain as shown on the National Flood Insurance Program's Firm Panel Number 05143C0092D, effective date July 21, 1999. A floodplain boundary with estimated 100-year flood elevations for College Branch Creek is shown on the attached Drainage Area Map. The estimated 100-yr base flood elevations are based on the flood study conducted by the Corps of Engineers for the City of Fayetteville.

The drainage area for this site consists of approximately 35.28 acres (4.65 acres offsite and 30.63 acres onsite). Approximately 22.08 acres within the property (Drainage Areas 2 and 3) currently flows directly into College Branch Creek before leaving the site. Another 1.18 acres flows onto Hill Avenue (drainage areas 4 and 5). The remainder of existing runoff flows off the south end of the site and eventually into a downstream portion of College Branch Creek. It is at this point of College Branch Creek where drainage areas 1, 2 and 3 are all contributing to the waterway. The Aspen Ridge drainage system has been modeled so as not to increase the pre-development flow of the creek at this point. Also, close attention has been paid so as not to increase the concentrated flow of storm water across property lines.

Drainage Areas OS-1, 2 and 3 were determined to cross the Aspen Ridge property and have been included in this drainage study.

Please see the Existing Conditions Drainage Area Map for details.

## STORM DRAINAGE DESIGN:

The post-development runoff will be collected in a series of four ponds built in Phases I and II. Detention requirements for Phase III, which is to be constructed after the completion of Phase II, have been accounted for in the design of these ponds.

The total post-developed runoff exits the site via three separate routes:

1. Through 1 of the 4 detention ponds and into College Branch Creek (1a-k, 2a-p, 3a-h, 4a-t)
2. Sheet flow into College Branch Creek (BY-1, 2, 3 and 4)
3. Sheet flow on to Hill Avenue (BY-5)

The combined allowable release from the four detention ponds has been calculated as the difference between the pre-developed runoff into College Branch (drainage areas 1, 2 and 3 and OS-1, 2 and 3) and the post-developed area that is leaving the site without being detained (BY-1, 2, 3 and 4).

Runoff amounts shown on the Proposed Conditions Drainage Area Map are peak flows based on the minimum time of concentration. It should be noted that the peak flows shown in the Pond Pack calculations were based on the storm durations that would require the greatest amount of storage area. Again, the peak flows shown on the Proposed Drainage Map are merely the peak flows that are contributing to each pond and do not necessarily represent the flows used for storage calculations.

The east edge of the property flowing directly on to Hill Avenue was modeled separately. The pre-developed runoff from drainage areas 4 and 5 will not be increased following construction of the site. The majority of Phase III will be routed to the west and through a Phase I detention pond. Only a small portion of the Phase I frontage (drainage area BY-5) will drain towards Hill Avenue. As a result, drainage areas 4 and 5 were not included in calculations for allowable release from the post-developed site.

Composite runoff coefficients for the existing and proposed onsite and offsite drainage areas were calculated based on soil type, slope, and impervious cover in the area. Please see the attached drainage calculation spreadsheets for the computation of the existing flows and the Pond Pack output data for the proposed runoff from the detention pond.

Stormwater will be retained in all four ponds to form permanent lakes. In the Pond Pack calculations, discharge orifices were set at a desired normal pool elevation; this elevation was then modeled as the bottom of each proposed detention pond. Peak release rates are shown for the 100-year event below, and ponds were designed with a foot of freeboard during these events.

## SUMMARY OF RUNOFF/DETENTION:

See the attached worksheets for a summary of the runoff and detailed information on the detention pond. The Modified Rational Method was used in the Pond Pack software to analyze and design the proposed detention pond. The total post development flow will not be greater than the total pre-development flow. Please see below:



### 100-YEAR RUNOFF SUMMARY

| Pre-developed Area | Q 100<br>(cfs) | Post-Development<br>Discharge Point | Q released<br>(cfs) |
|--------------------|----------------|-------------------------------------|---------------------|
| 1                  | 21.14          | Pond 1                              | 19.96               |
| 2                  | 32.69          | Pond 2                              | 12.38               |
| 3                  | 21.26          | Pond 3                              | 8.60                |
| OS-1               | 3.93           | Pond 4                              | 17.50               |
| OS-2               | 14.02          | BY-1                                | 2.52                |
| OS-3               | 5.89           | BY-2                                | 6.41                |
| 4*                 | 1.13           | BY-3                                | 16.15               |
| 5*                 | 3.95           | BY-4                                | 14.19               |
|                    |                | BY-5*                               | 1.55                |

\* Pre-developed Areas 4 & 5 and Post-developed Area BY-5 drain to Hill Avenue

### 100-YEAR RELEASE RATE SUMMARY

| Total Pre-developed flow<br>contributing to College Branch Creek |                  | Total Post-developed flow<br>contributing to College Branch<br>Creek |                  |
|------------------------------------------------------------------|------------------|----------------------------------------------------------------------|------------------|
| Areas 1-3, OS-1, 2, 3                                            | <u>98.93 cfs</u> | Ponds 1, 2, 3, 4 &<br>BY-1, 2, 3, 4                                  | <u>97.71 cfs</u> |
| Total Pre-developed flow<br>contributing to Hill Avenue          |                  | Total Post-developed flow<br>contributing to Hill Avenue Creek       |                  |
| Areas 4 and 5                                                    | 5.08 cfs         | Area BY-5                                                            | 1.55 cfs         |

### EROSION AND SEDIMENT CONTROL

Erosion and sediment control will be achieved by silt fences and straw bales.

### CONCLUSION:

The proposed site improvements will not increase runoff from this project due a system comprised of four storm water detention areas. For this preliminary submittal, design calculations for the proposed detention ponds have been based on the drainage sub-areas shown on the Proposed Drainage Area Map. Inlet and storm sewer calculations will be completed in the Final Design Phase. All drainage design and computations were performed in accordance with the City of Fayetteville's Drainage Criteria Manual. The grading for the site was designed to convey the runoff from the 100-year frequency storm event per City of Fayetteville ordinance requirements. See the grading plans for details.

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

## CERTIFICATION:

I, Robert M. Crafton, Registered Professional Engineer No. 9080 in the State of Arkansas, hereby certify that the drainage studies, reports, calculations, designs, and specifications contained in this report have been prepared in accordance with the requirements of the City of Fayetteville. Further, I hereby acknowledge that the review of the drainage studies, reports, calculations, designs, and specifications by the City of Fayetteville or its representatives cannot and does not relieve me from any professional responsibility or liability.

Sincerely,

Crafton, Tull & Associates, Inc.



Robert M. Crafton, P.E.  
Project Manager

## OPERATION AND MAINTENANCE PLAN

Erosion and sediment control will be achieved through the use of hay bale ditch checks and silt fences. The engineer or qualified representative will inspect the erosion control measures once a week, until the project is complete.

Sincerely,

Crafton, Tull & Associates, Inc.



Robert M. Crafton, P.E.  
Project Manager



C10 PAGE 47 of 52 CITY COUNCIL AGENDA  
WETLAND INFORMATION

proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building.

A Parks Board determination is not available at this date due to the postponement of the Parks Board meeting to November 8, 2004. However, the developers have met with the Parks staff several times and reached a verbal agreement on the land dedication and cash in-lieu requirements. A 16-foot wide trail easement will be dedicated from the east property line to the west property line. In addition, the developers will construct the grading and paving for this trail from the east property line to the east end of the old railroad bridge at the western side of the site. An assessment report for this bridge will be donated to the City. The developers will also dedicate 0.881 acres of land to the City along the south property line, which is contiguous to land the City is purchasing for a park. The developers will donate park equipment to meet the balance of the park land dedication requirement.

A traffic study has been completed for the proposed development. The proposed development is not estimated to cause any significant traffic problems, especially considering that the site was a previously developed residential area. The developers propose to construct a left turn lane on Hill Avenue at the intersection with 6<sup>th</sup> Street. In addition, to provide additional access to the southern portion of the site, the developers propose to construct Brooks Avenue from their south property line to 12<sup>th</sup> Street. Brooks Avenue is a platted right-of-way, although the street has never been constructed.

\*

A Corps of Engineers Nationwide Permit was previously granted for this development under a different site concept than is currently proposed. This development will involve filling in a small amount of existing wetlands, and as mitigation, approximately four acres along Town Branch Creek will be deed restricted against any further development in the future. An amendment to the Nationwide Permit is being sought from the Corps, and the Corps staff has given verbal confirmation that this amended proposal will be approved.

Water and sanitary sewer services are available for the site. The City's Wastewater System Capacity Assessment shows that the 12-inch/15-inch sewer line that runs through the site is only at 9% to 13% of its capacity. 6-inch water lines are adjacent to the site along 6<sup>th</sup> Street, Hill Avenue and 11<sup>th</sup> Street.

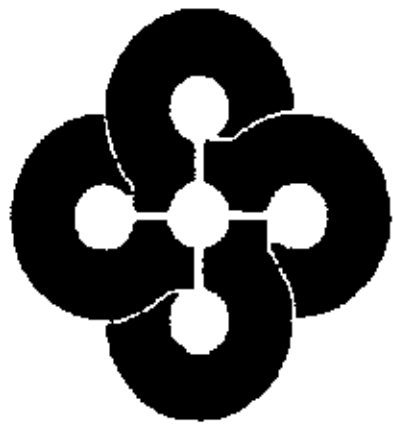
Included with this submittal are the following to comply with City requirements:

1. Twenty-eight (28) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, 3-D rendering of the town homes, and front, rear and side elevations of the town homes.

# *Traffic Study*

## *ASPEN RIDGE DEVELOPMENT*

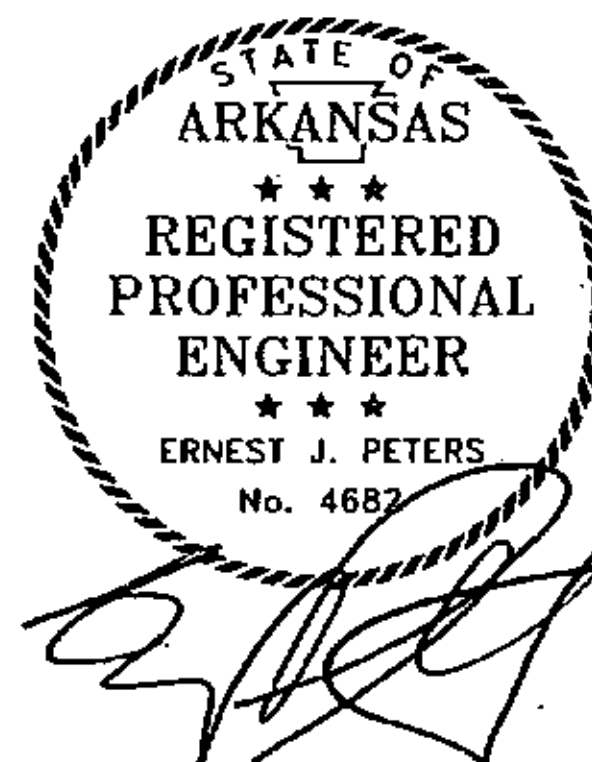
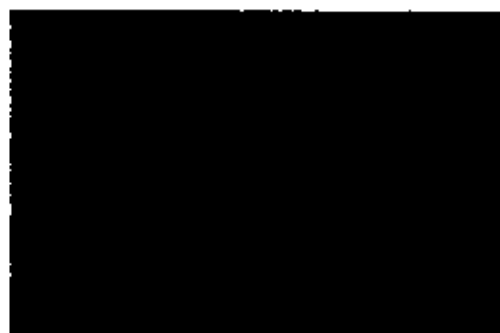
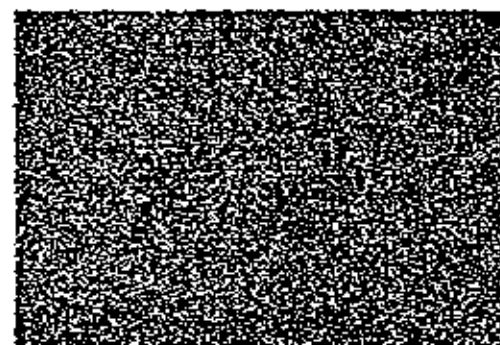
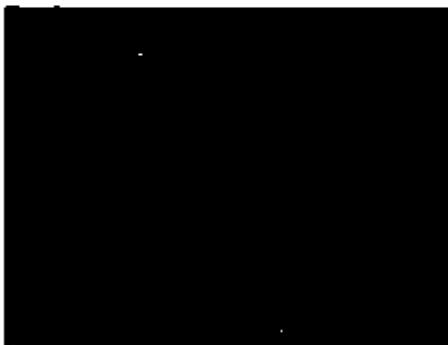
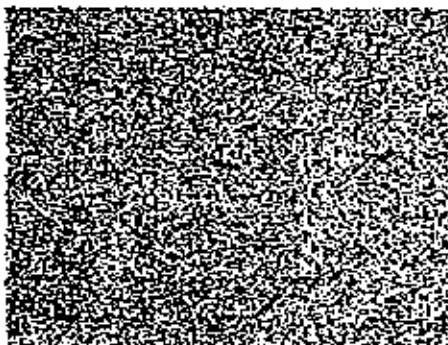
*prepared for:*



**Crafton, Tull &  
Associates, Inc.**

6th Street  
and  
Hill Avenue

Fayetteville, Arkansas



Project No.: P-1051

November 2, 2004



**PETERS & ASSOCIATES  
ENGINEERS, INC**

• CIVIL & TRAFFIC ENGINEERING •  
P.O. BOX 21638 (501) 225-0500  
LITTLE ROCK, ARKANSAS 72221

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### APPENDIX

Site Plan  
Trip Generation Data  
Vehicle Turning Movement Count Data  
Capacity and Level of Service Calculations





## Traffic Study

### EXECUTIVE SUMMARY

Peters & Associates Engineers, Inc. conducted a traffic impact study for a proposed residential apartment complex and mixed-use development (Aspen Ridge Development) located on the south side of 6th Street and on the west side of Hill Avenue in Fayetteville, Arkansas. The site is just north of 11th Street. Full build-out of the site is proposed to consist of approximately 219 townhouse units, approximately 12 apartment units and approximately 15,000 square feet of retail use. A reduced copy of the site plan is included in the Appendix for reference.

The site is proposed to consist of three development phases described as follows:

- o **Phase 1** - 112 single family townhouse units.
- o **Phase 2** - An additional 107 single family townhouse units.
- o **Phase 3** - Mixed-use area consisting of retail and an additional 12 apartment units.

Traffic operational analysis of proposed access was conducted for existing vehicle traffic volumes plus traffic volumes projected to be generated as a part of the development for the following:

- o Phase 1
- o Phase 1 and 2
- o Phase 1, 2 and 3.

Existing 24-hour traffic counts were gathered on Hill Avenue in the vicinity of the site and on 11th Street, just east of Duncan Avenue. All traffic count data was gathered while local schools were in session. Existing vehicle turning movement count data were gathered for the intersection of 6th Street and Hill Avenue by this consultant as a part of this study.

Projected traffic volumes for each phase of analysis of the proposed development were calculated. These projected vehicle trips for each study phase were added to the ex-



## Traffic Study

isting traffic volumes, which resulted in total projected traffic volumes at the completion of each phase of development.

The are no planned transportation improvement by the City of Fayetteville or Arkansas State Highway and Transportation Department (AHTD) in the vicinity of the site.

Capacity and LOS analysis for existing traffic conditions for the intersection of 6th Street and Hill Avenue and projected traffic operations at the same intersection and the access drive intersections with 6th Street, Hill Avenue and 11th Street proposed to serve the development were analyzed for each phase of development for the AM and PM peak hours. All vehicle movements at the study intersections for existing traffic conditions and for projected traffic conditions for all three development phases (Phase 1, 2 and 3) either currently operate or are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Recommendations of this study are summarized as follows:

- It is recommended that the access drives proposed to serve the site be constructed as follows:
  - Access Drive A (Phase 1) as a two lane median divided roadway, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a outbound right-turn only lane.
  - Access Drive B (Phase 1) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
  - Access Drive C (Phase 2) constructed as a three-lane roadway consisting of an outbound right-turn lane, an outbound left-turn lane and an inbound receiving lane.



## **Traffic Study**

- Access Drive D (Phase 3) as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a outbound right-turn only lane.
- Access Drive E (Phase 3) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
- It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.
- It is recommended that radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.
- It is recommended to modify the existing traffic signal at the intersection of 6th Street and Hill Avenue as necessary to accommodate street widening and intersection radii improvements.
- Traffic signal and roadway improvements designs along 6th Street will require approval and must conform to design standards of the City of Fayetteville and AHTD.
- Roadway design to the site access drives intersecting Hill Avenue and intersecting 11th Street will require approval and must conform to the design standards of the City of Fayetteville.

## Traffic Study

### INTRODUCTION

Peters & Associates Engineers, Inc. conducted a traffic impact study for a proposed residential apartment complex and mixed-use development (Aspen Ridge Development) located on the south side of 6th Street and on the west side of Hill Avenue in Fayetteville, Arkansas. The site is just north of 11th Street. Full build-out of the site is proposed to consist of approximately 219 townhouse units, approximately 12 apartment units and approximately 15,000 square feet of retail use. A reduced copy of the site plan is included in the Appendix for reference.

The site is proposed to consist of three development phases described as follows:

- o **Phase 1** - 112 single family townhouse units.
- o **Phase 2** - An additional 107 single family townhouse units.
- o **Phase 3** - Mixed-use area consisting of retail and an additional 12 apartment units.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Ascertain projected traffic operating conditions at 6th Street and Hill Avenue and the access drive intersections proposed to serve each phase of the site.
- Identify the effects on traffic operations resulting from existing traffic in combination with site-generated traffic associated with the development.
- Evaluate proposed access to the site and make recommendations for mitigative improvements which may be necessary and appropriate to ensure minimum impact and acceptable traffic operations.

In the following sections of this report there are presented traffic data, study methods, findings and recommendations of this traffic engineering investigation. The traffic engineering study is technical in nature. Analysis tech-

## Traffic Study

niques employed are those most commonly used in the traffic engineering profession for traffic impact analysis. Certain data and calculations relative to traffic operational analysis are referenced in the report. Complete calculations and data are included in the Appendix of the report.

### THE SITE

The location of the development is within the City of Fayetteville in Washington County, Arkansas. The site is located on the south side of 6th Street and on the west side of Hill Avenue (and just north of 11th Street). The proposed development site location and vicinity are shown on Figures 1 and 2, which follow.

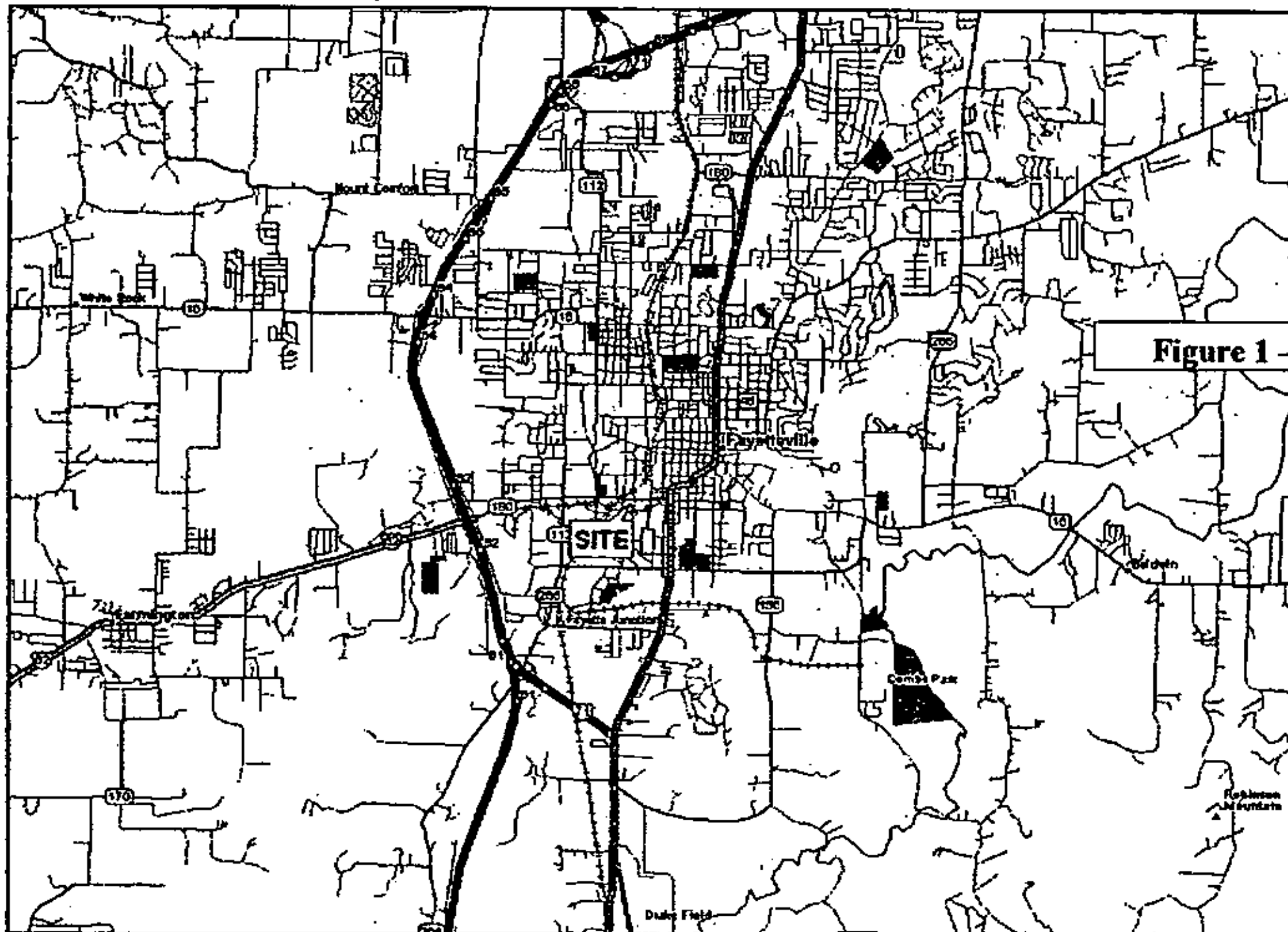


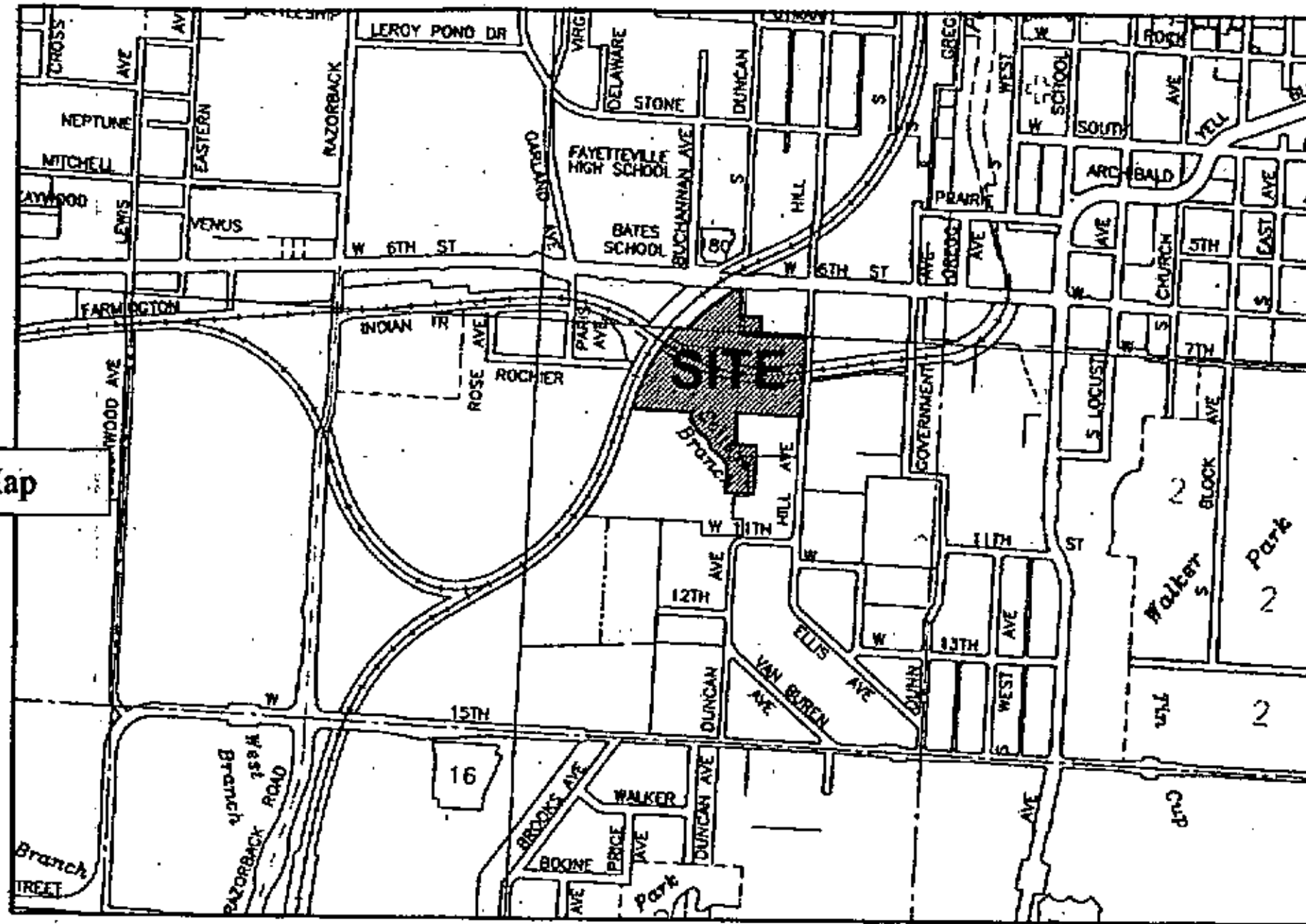
Figure 1 – Vicinity Map



PETERS & ASSOCIATES  
ENGINEERS, INC.



# Traffic Study



Each of the three phases of development are not connected. Access to each phase of the site, as shown on the site plan, is proposed from access drives described as follows:

**Phase 1 (two points of access) -** One access drive (Drive A) is proposed to intersect 6th Street along the north edge Phase 1 of the development and serve right and left-turn vehicle movements entering the site and only right-turn vehicle movements exiting the site. The other access drive (Drive B) is proposed to intersect Hill Avenue and serve full access (right and left-turn vehicle movements entering and exiting the site).

**Phase 2 (two points of access) -** The main access drive (Drive C) proposed to serve Phase 2 is planned to serve as the northwest leg of the 11th Street and Duncan Avenue intersection. The other access drive (Brooks Avenue) is proposed to be constructed along the south edge of Phase 2 and intersect 15th Street, south of the site.

**Phase 3 (two points of access) - One access drive (Drive D) is proposed to intersect 6th Street along the north edge of the Phase 3 of the site and serve right-in / right-out vehicle movements only. The other access drive (Drive E) is proposed to intersect Hill Avenue and serve full access to Phase 3 (right and left-turn vehicle movements entering and exiting the site).**

## Traffic Study

The site development plan calls for the construction of several buildings, plus associated parking, landscaping, and access drives. The site plan shows the proposed building locations and the approximate location of access drives, parking and other proposed facilities.

### STREET SYSTEM

**6th Street**, also Highway 180, consists of two 11-foot eastbound lanes, two 11-foot westbound lanes and a 12-foot bi-directional center left-turn lane and is constructed with curbs and gutters in the vicinity of the site. There are sidewalks and the speed limit is 35 miles per hour in the vicinity of the site. 6th Street is constructed with asphalt.

**Hill Avenue**, is a 25-foot wide roadway consisting of two lanes and is constructed with curbs and gutters at the site. The speed limit is 25 miles per hour in the vicinity of the site. 6th Street is constructed with asphalt and sidewalks are along the west side of the road.

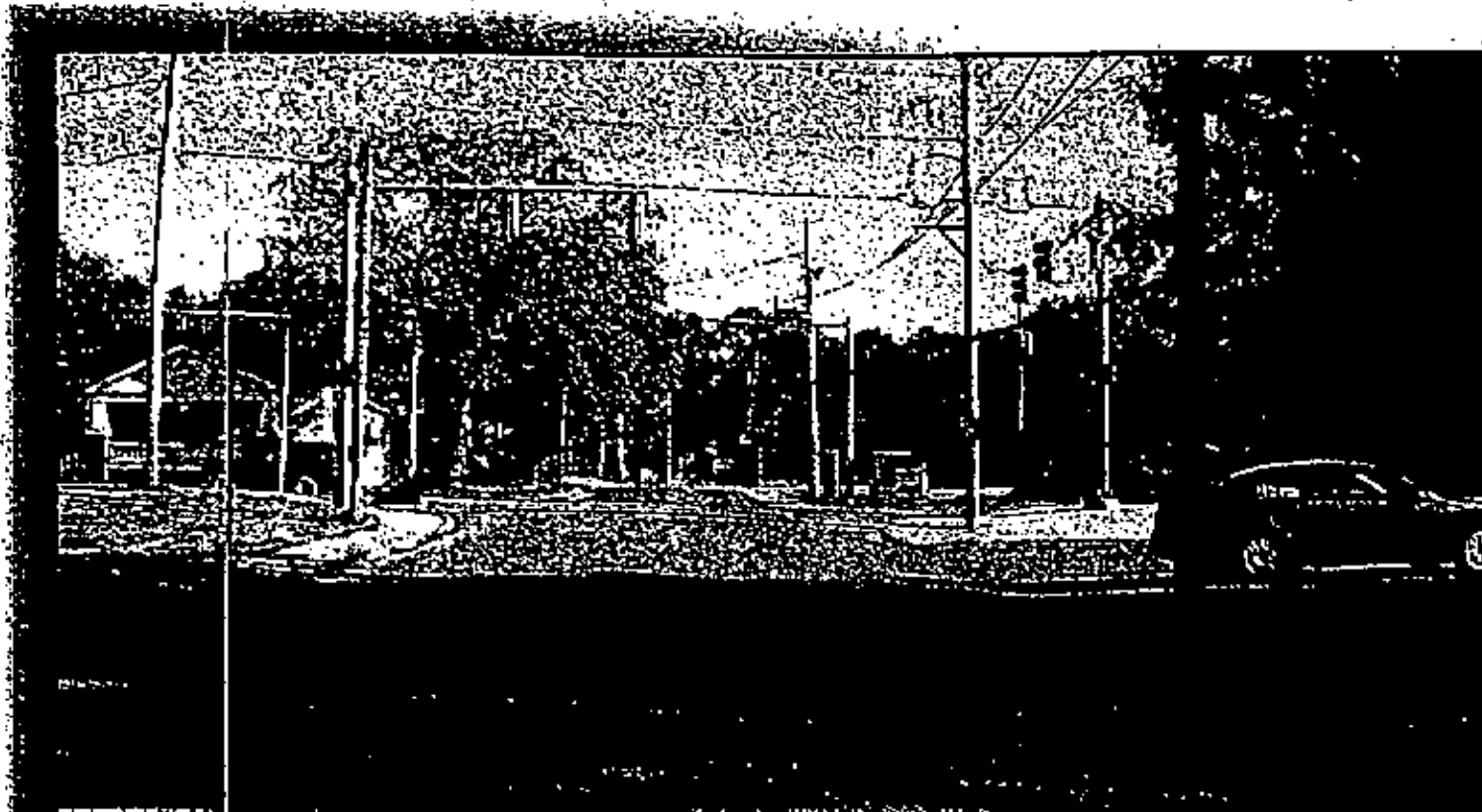
**11th Street**, at Duncan Avenue, is a 25-foot wide roadway consisting of two lanes and is constructed with shoulders and drainage ditches along the south side of the street and curbs and gutters along the north side. The speed limit is 25 miles per hour in the vicinity of the site. 11th Street is constructed with asphalt and sidewalks are along the north side of the street.

There is one existing traffic signal in the immediate vicinity of the at intersection of 6th Street and Hill Avenue. This is a two-phase traffic signal with signal indications mounted on mast arms. The controller is located on the northeast corner.

The following photos show the general layout of 6th Street, Hill Avenue, 11th Street / Duncan Avenue and surrounding uses in the vicinity of the site. These were taken at locations as indicated in the photo captions.



## Traffic Study



6th Street

Looking north on Hill Avenue  
toward 6th Street.



Hill Avenue

Looking east on 6th Street  
toward Hill Avenue.



Hill Avenue

Looking west on 6th Street  
toward Hill Avenue.



Hill Avenue

Looking east on 11th Street  
toward Hill Avenue.



## Traffic Study

### EXISTING TRAFFIC CONDITIONS

Hourly, 24-hour traffic counts were made on at the following locations in the vicinity of the site by this consultant as a part of this study. All traffic count data was gathered while local schools were in session.

| STREET                                  | 24-HOUR<br>TWO-WAY<br>VOLUME | TABLE &<br>CHART |
|-----------------------------------------|------------------------------|------------------|
| Hill Avenue, Just South of 6th Street   | 1,460                        | Table 1/Chart 1  |
| 11th Street, Just East of Duncan Avenue | 661                          | Table 2/Chart 2  |

Hourly 24-hour traffic count data for Hill Avenue, just south of 6th Street and 11th Street, just east of Duncan Avenue are summarized on Table 1 and Chart 1, "24-Hour Traffic Counts – Hill Avenue, Just South of 6th Street," and Table and Chart 2, "24-Hour Counts - 11th Street, Just East of Duncan Avenue."

Other traffic count data collected as a part of this study includes AM and PM peak hour vehicle turning movement counts at the intersection of 6th Street and Hill Avenue. The AM and PM peak hour turning movement count data at this intersection are summarized on the following Charts 3 and 4 and are presented in detail in the Appendix of this report.

24-hour volume count data and AM and PM peak hour vehicle turning movement counts made as a part of this study are shown on Figure 3, "Existing Traffic Volumes."

## Traffic Study

| TIME           | Hill Avenue, Just South of 6th Street |            |         |
|----------------|---------------------------------------|------------|---------|
|                | Northbound                            | Southbound | NB + SB |
| 01:00 PM       | 51                                    | 46         | 97      |
| 02:00 PM       | 37                                    | 36         | 73      |
| 03:00 PM       | 51                                    | 51         | 102     |
| 04:00 PM       | 47                                    | 45         | 92      |
| 05:00 PM       | 40                                    | 56         | 96      |
| 06:00 PM       | 49                                    | 53         | 102     |
| 07:00 PM       | 39                                    | 42         | 81      |
| 08:00 PM       | 36                                    | 29         | 65      |
| 09:00 PM       | 25                                    | 19         | 44      |
| 10:00 PM       | 10                                    | 21         | 31      |
| 11:00 PM       | 11                                    | 12         | 23      |
| 12:00 AM       | 13                                    | 11         | 24      |
| 01:00 AM       | 2                                     | 2          | 4       |
| 02:00 AM       | 2                                     | 1          | 3       |
| 03:00 AM       | 4                                     | 2          | 6       |
| 04:00 AM       | 7                                     | 1          | 8       |
| 05:00 AM       | 1                                     | 9          | 10      |
| 06:00 AM       | 22                                    | 27         | 49      |
| 07:00 AM       | 53                                    | 23         | 76      |
| 08:00 AM       | 57                                    | 38         | 95      |
| 09:00 AM       | 56                                    | 39         | 95      |
| 10:00 AM       | 37                                    | 39         | 76      |
| 11:00 AM       | 56                                    | 40         | 96      |
| 12:00 PM       | 53                                    | 59         | 112     |
| 24-Hour Total: | 759                                   | 701        | 1460    |

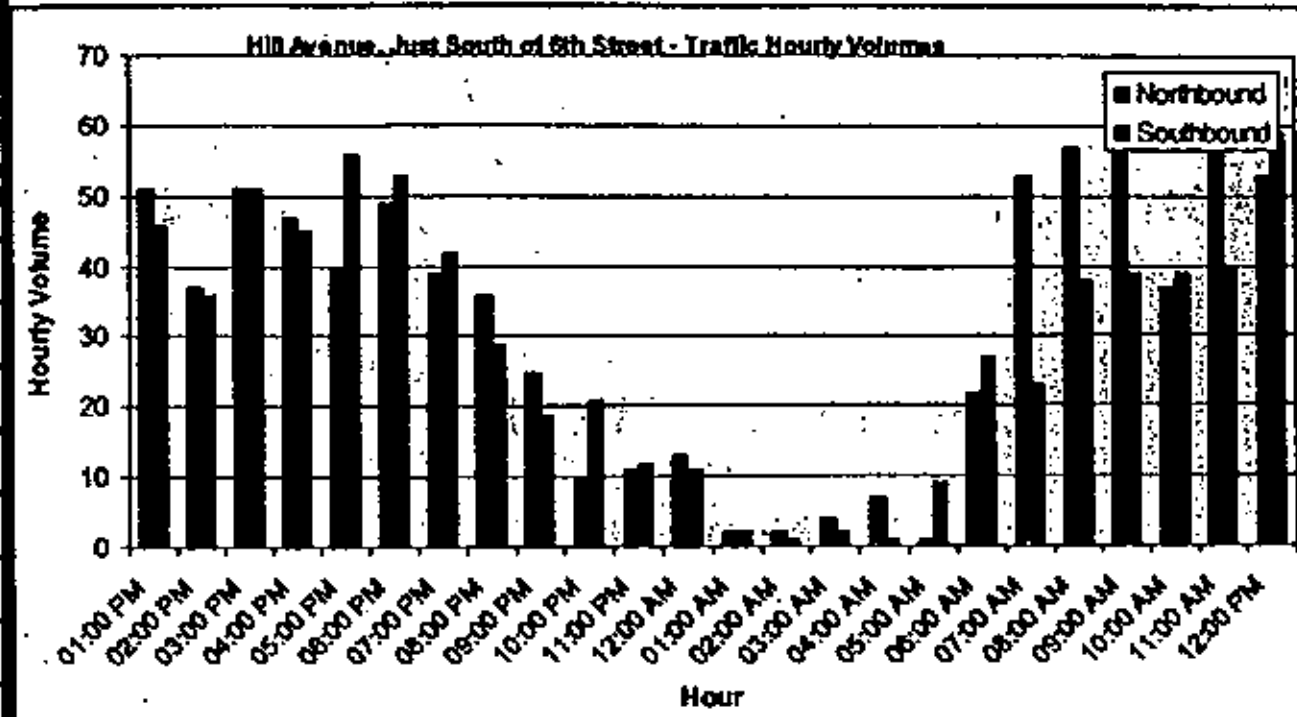
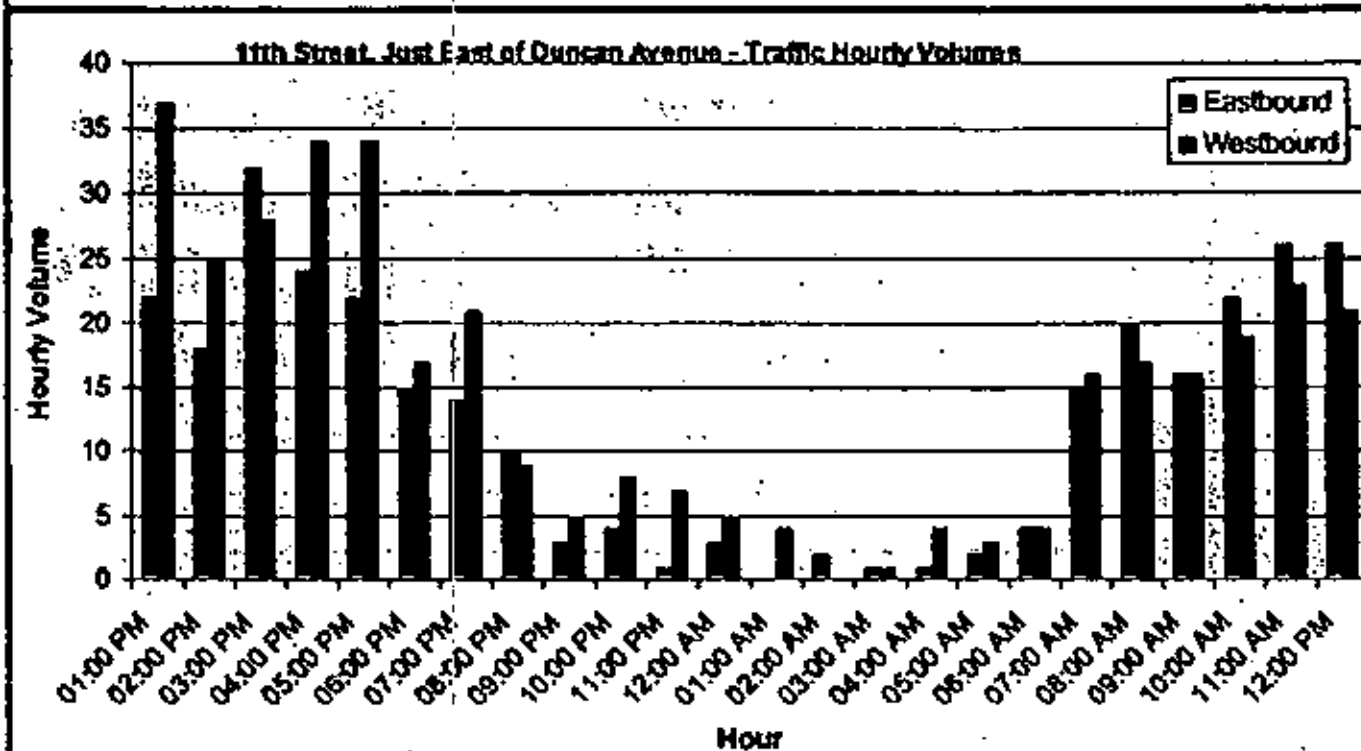


Table 1—Chart 1 24-Hour Traffic Counts  
Hill Avenue, Just South of 6th Street.

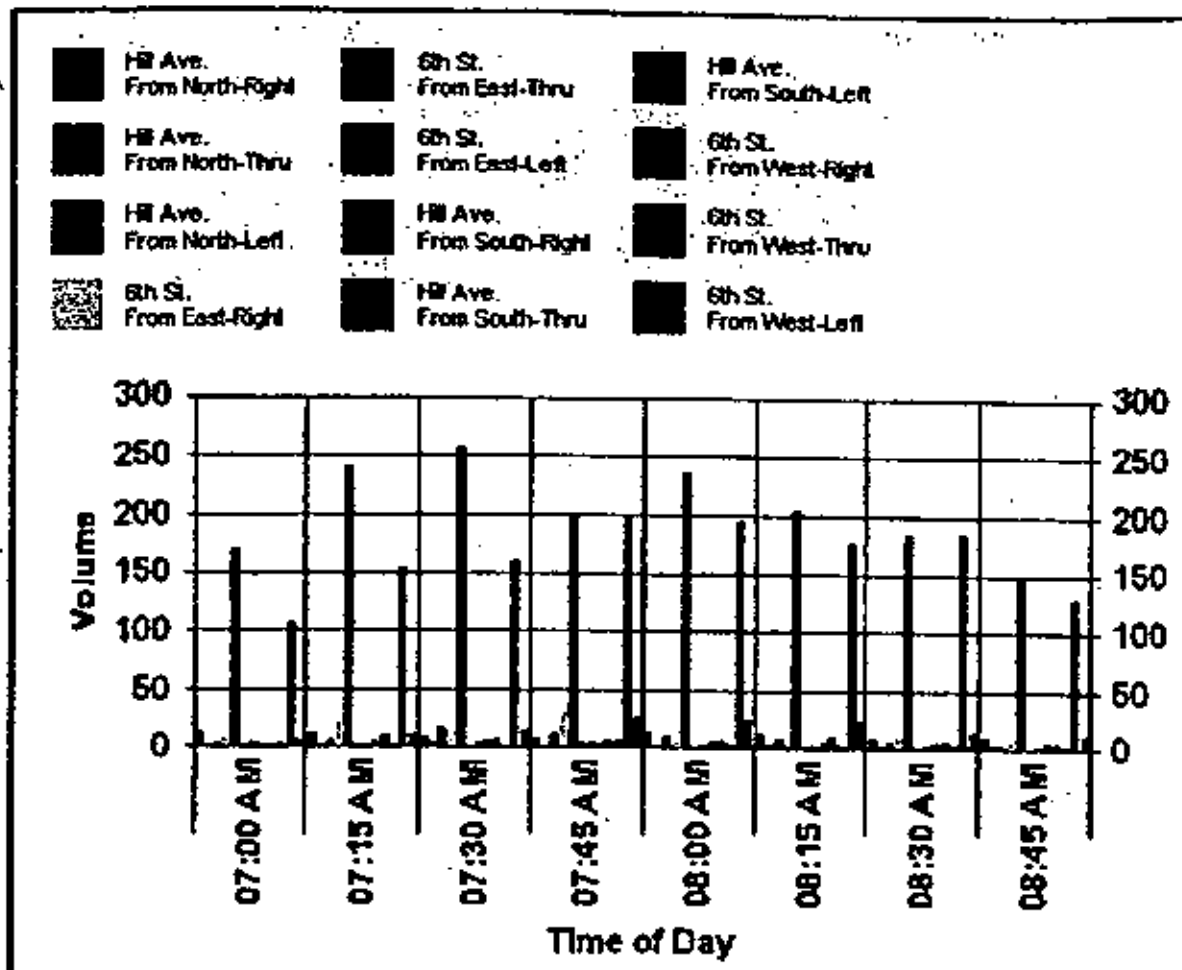
| TIME           | 11th Street, Just East of Duncan Avenue |           |         |
|----------------|-----------------------------------------|-----------|---------|
|                | Eastbound                               | Westbound | EB + WB |
| 01:00 PM       | 22                                      | 37        | 59      |
| 02:00 PM       | 18                                      | 25        | 43      |
| 03:00 PM       | 32                                      | 28        | 60      |
| 04:00 PM       | 24                                      | 34        | 58      |
| 05:00 PM       | 22                                      | 34        | 56      |
| 06:00 PM       | 15                                      | 17        | 32      |
| 07:00 PM       | 14                                      | 21        | 35      |
| 08:00 PM       | 10                                      | 9         | 19      |
| 09:00 PM       | 3                                       | 5         | 8       |
| 10:00 PM       | 4                                       | 8         | 12      |
| 11:00 PM       | 1                                       | 7         | 8       |
| 12:00 AM       | 3                                       | 5         | 8       |
| 01:00 AM       | 0                                       | 4         | 4       |
| 02:00 AM       | 2                                       | 0         | 2       |
| 03:00 AM       | 1                                       | 1         | 2       |
| 04:00 AM       | 1                                       | 4         | 5       |
| 05:00 AM       | 2                                       | 3         | 5       |
| 06:00 AM       | 4                                       | 4         | 8       |
| 07:00 AM       | 15                                      | 16        | 31      |
| 08:00 AM       | 20                                      | 17        | 37      |
| 09:00 AM       | 16                                      | 16        | 32      |
| 10:00 AM       | 22                                      | 19        | 41      |
| 11:00 AM       | 26                                      | 23        | 49      |
| 12:00 PM       | 26                                      | 21        | 47      |
| 24-Hour Total: | 303                                     | 358       | 661     |

Table 2—Chart 2 24-Hour Traffic Counts  
11th Street, Just East of Duncan Avenue.

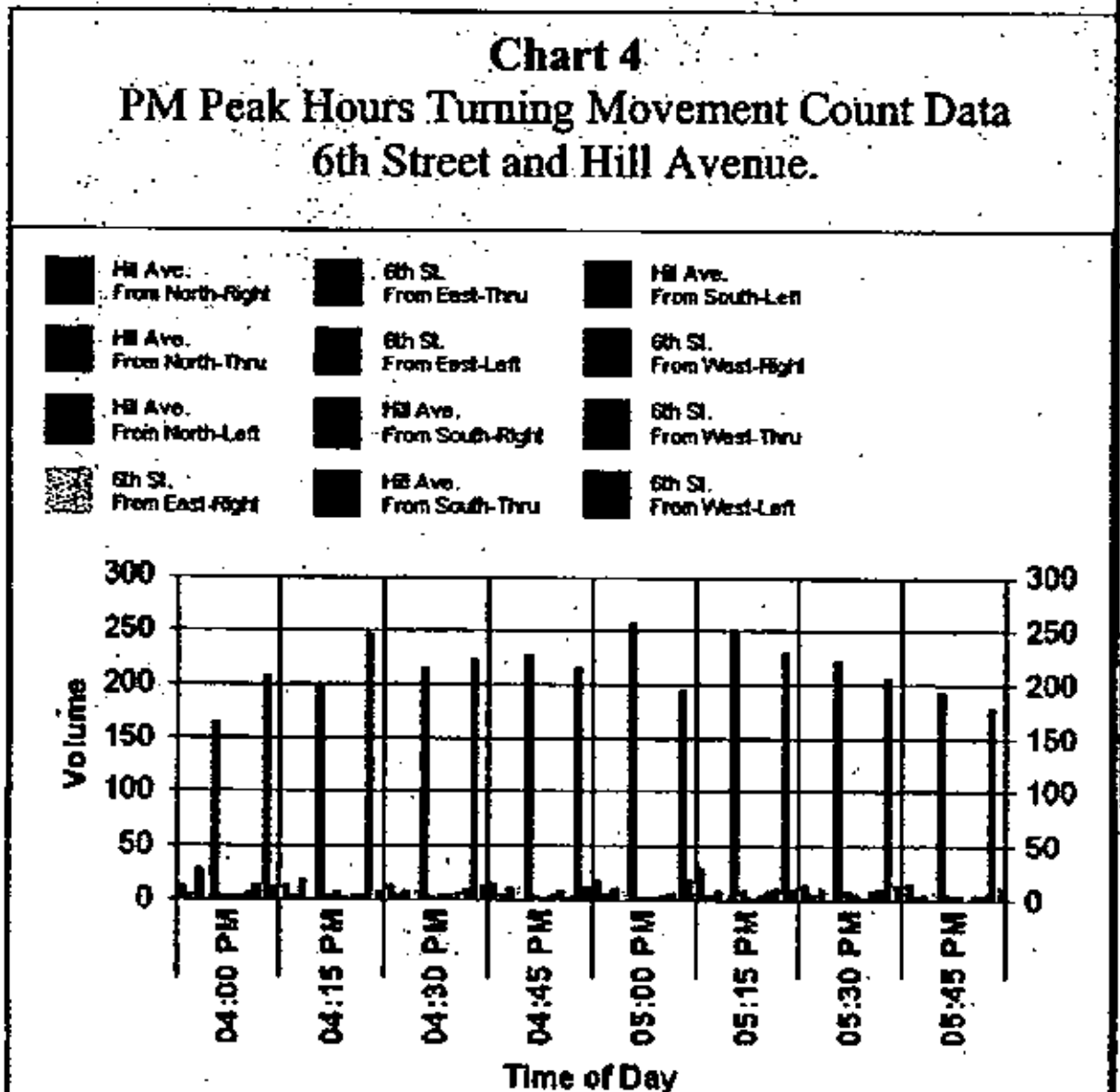
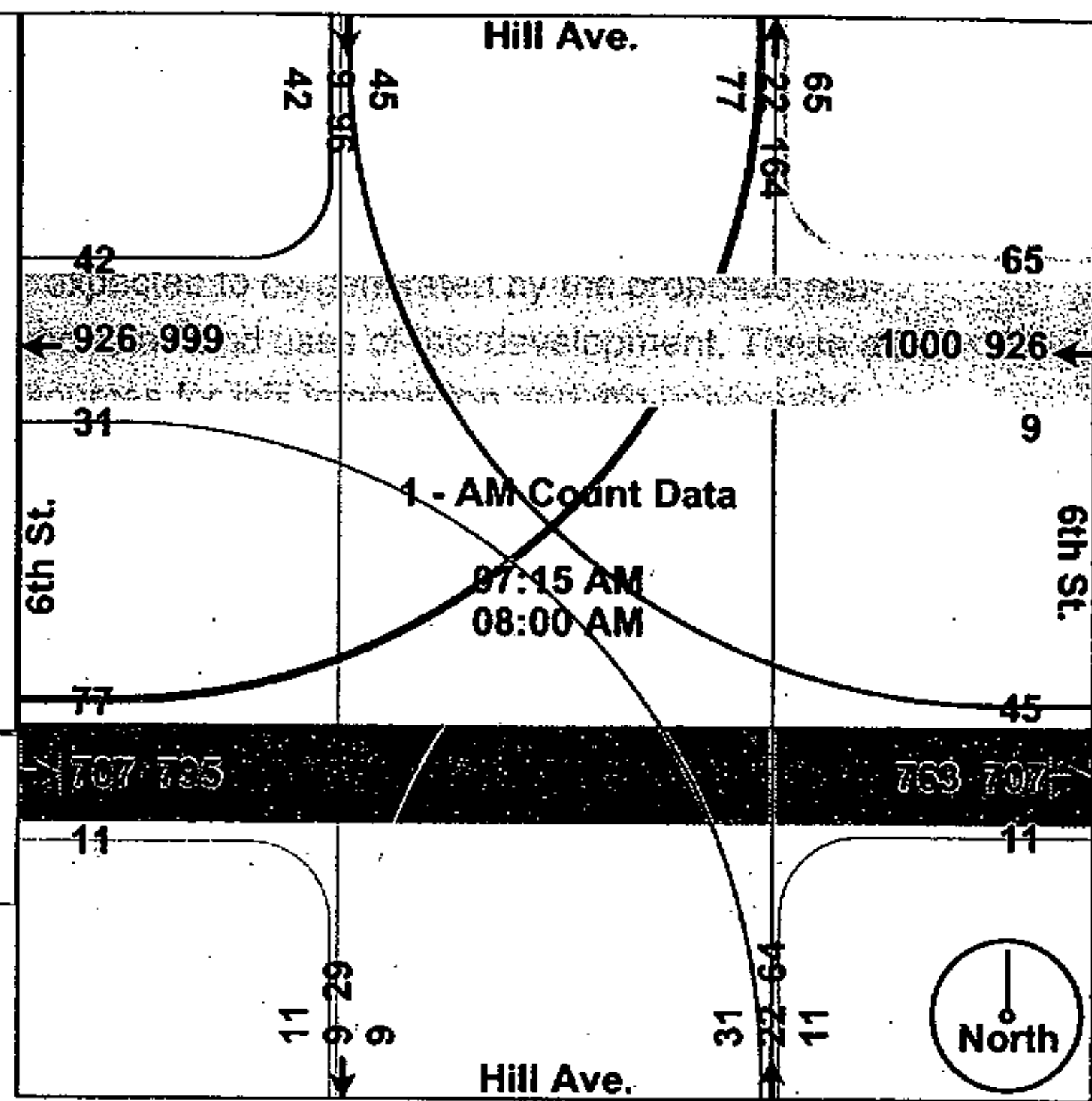




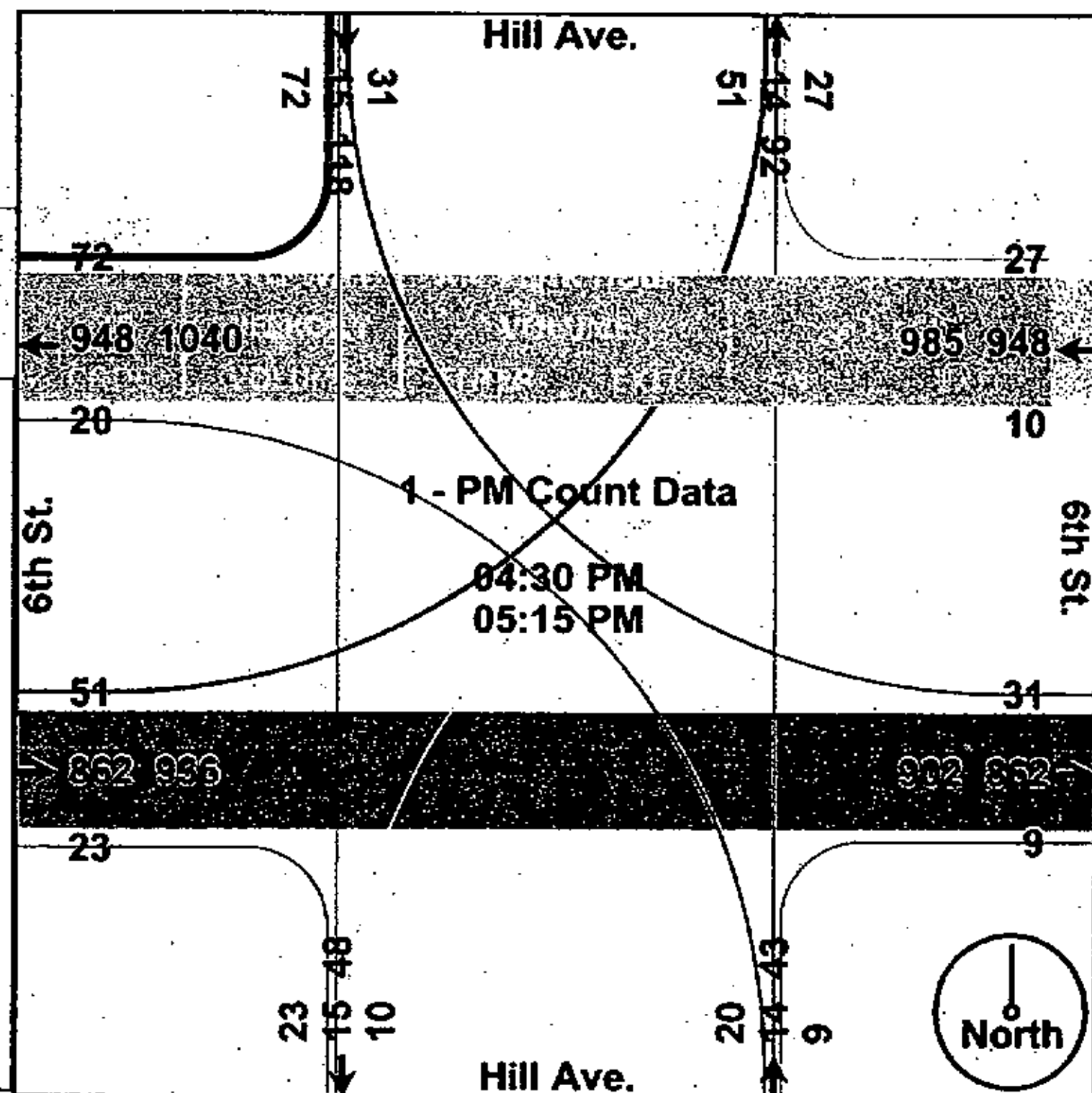
# Traffic Study



**Chart 3**  
AM Peak Hours Turning Movement Count Data  
6th Street and Hill Avenue.



**Chart 4**  
PM Peak Hours Turning Movement Count Data  
6th Street and Hill Avenue.





## Traffic Study

### TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report, 2003, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 5 by Microtrans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed residential and retail land uses of this development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with each phase of the development as proposed. Applying the appropriate trip generation rates to the land uses proposed for the development makes these calculations. Results of this calculation are summarized on Table 3, "Summary of Trip Generation," below.

These calculations indicate the vehicle trips (combined in and out) per average weekday projected to be generated by the proposed residential and retail land uses on this site for each phase of development. Of this total, vehicle trips estimated during the traffic conditions of the adjacent

| PROPOSED<br>LAND USE                    | APPROXIMATE<br>SIZE | ITE<br>CODE | 24-HOUR<br>TWO-WAY<br>WEEKDAY<br>VOLUME | AM PEAK HOUR<br>VOLUME |      | PM PEAK HOUR<br>VOLUME |      |
|-----------------------------------------|---------------------|-------------|-----------------------------------------|------------------------|------|------------------------|------|
|                                         |                     |             |                                         | ENTER                  | EXIT | ENTER                  | EXIT |
| PHASE 1                                 |                     |             |                                         |                        |      |                        |      |
| Residential Townhouses                  | 112 Units           | 230         | 656                                     | 8                      | 41   | 39                     | 19   |
| PHASE 2                                 |                     |             |                                         |                        |      |                        |      |
| Residential Townhouses                  | 112 Units           | 230         | 627                                     | 7                      | 40   | 37                     | 18   |
| PHASE 1 PLUS PHASE 2 SUB-TOTALS:        |                     |             | 1,283                                   | 15                     | 81   | 76                     | 37   |
| PHASE 3                                 |                     |             |                                         |                        |      |                        |      |
| Residential Apartments                  | 19 Units            | 220         | 128                                     | 2                      | 8    | 8                      | 4    |
| Retail                                  | 15,000 Sq. Ft.      | 820         | 644                                     | 9                      | 6    | 27                     | 29   |
| PHASE 3 SUB-TOTALS:                     |                     |             | 772                                     | 11                     | 14   | 35                     | 33   |
| FULL BUILD-OUT TOTALS:                  |                     |             | 2,055                                   | 26                     | 95   | 111                    | 70   |
| TOTAL FULL BUILD-OUT ENTERING + EXITING |                     |             |                                         | 121                    |      | 181                    |      |

Table 3 – Trip Generation Summary

Table 3 – Trip Generation Summary





## Traffic Study

street AM peak hour and PM peak hour are also indicated on Table 3 for each phase of development.

These data have not been adjusted for "pass-by" trips (i.e. that portion of the site-destined traffic likely to come from the existing adjacent street traffic stream) due to the land uses and location of the site. The majority of the vehicle trips destined for the site is not expected to be in the existing traffic volumes.

Residential land-use, as will be associated with this site, ordinarily does contribute to the adjacent street traffic conditions during the on street AM peak traffic hour and the PM peak traffic hour. Accordingly, both the AM and PM peak traffic periods of the adjacent streets in the immediate vicinity of the site are the traffic operating conditions which have warranted primary traffic analysis as a part of this study.

### TRAFFIC VOLUME ASSIGNMENTS

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of left and right turns at the study intersections. Directional distribution percentages used in this report are shown on Figure 4, "Directional Distribution - Site Traffic."

The directional distribution percentages for site traffic have been equated to percentage turns for each movement at study intersections. These values are shown on:

- o Figure 5-A, "Phase 1 Entering Traffic Percentage Turns"
- o Figure 5-B, "Phase 2 Entering Traffic Percentage Turns"
- o Figure 5-C, "Phase 3 Entering Traffic Percentage Turns"
- o Figure 6-A, "Phase 1 Exiting Traffic Percentage Turns"
- o Figure 6-B, "Phase 2 Exiting Traffic Percentage Turns"
- o Figure 6-C, "Phase 3 Exiting Traffic Percentage Turns."



## Traffic Study

The projected traffic volumes result from applying the percentages shown on Figures 5-A, 5-B, 5-C, 6-A, 6-B and 6-C to the corresponding projected site-generated traffic for each phase of development summarized on Table 3, "Trip Generation Summary." The projected site-generated traffic volumes are shown on the following figures:

- o Figure 7-A, "Phase 1 Generated Traffic Volumes - AM and PM Peak Hours"
- o Figure 7-B, "Phases 1 and 2 Generated Traffic Volumes - AM and PM Peak Hours"
- o Figure 7-C, "Full Build Site-Generated Traffic Volumes - AM and PM Peak Hours" (Includes Phases 1, 2 and 3).

Values shown on Figure 3, "Existing Traffic Volumes," have been combined with the site development projected traffic volumes shown on Figures 7-A, 7-B and 7-C and the results are depicted on the following figures:

- o Figure 8-A, "Phase 1 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours"
- o Figure 8-B, "Phases 1 and 2 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours"
- o Figure 8-C, "Full Build Site-Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours" (Includes Phase 1, 2 and 3).

Traffic volumes shown on Figures 8-A, 8-B and 8-C are the values used in traffic volume assignments and capacity and level of service (LOS) calculations conducted as a part of this study. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) has thus been accounted for in this analysis.



## Traffic Study

### CAPACITY and LEVEL OF SERVICE

Generally, the "capacity" of a street is a measure of its ability to accommodate a certain magnitude of moving vehicles. It is a rate as opposed to a quantity, measured in terms of vehicles per hour. More specifically, street capacity refers to the maximum number of vehicles that a street element (e.g. an intersection) can be expected to accommodate in a given time period under the prevailing roadway and traffic conditions.

Level of Service (LOS) ordinarily has a letter designation relative to the various operating characteristics, ranging from "A" as the highest quality to "F" representing considerable delay. The various Levels of Service are generally described as follows:

| SIGNALIZED INTERSECTIONS                                                                                           |                              |                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOS                                                                                                                | Avg. Total Delay (sec./veh.) | Description                                                                                                                                                                            |
| A                                                                                                                  | $\leq 10$                    | This LOS is a free flow condition, with vehicles acting nearly independently to one another. There is little or no delay.                                                              |
| B                                                                                                                  | $>10$ and $\leq 20$          | This LOS is slightly restrictive condition with short traffic delays. The presence of other vehicles is noticeable by the driver.                                                      |
| C                                                                                                                  | $>20$ and $\leq 35$          | This LOS is the design level that engineers strive for during the service life of the facility. LOS C results from an average delay. The traffic flow is stable, but more restrictive. |
| D                                                                                                                  | $>35$ and $\leq 55$          | This LOS is noticeably more restrictive, and there are long traffic delays. This LOS results in poor driver comfort and in greater accident probabilities.                             |
| E                                                                                                                  | $>55$ and $\leq 80$          | At this LOS, the intersection is operating at capacity with little or no gaps. There are very long traffic delays and unstable intersection operation.                                 |
| F                                                                                                                  | $>80$                        | At this LOS, there are more vehicles arriving at the approach than can be discharged. Extreme delays will be encountered.                                                              |
| LOS values that are reported for signalized intersections are based on overall control delay for the intersection. |                              |                                                                                                                                                                                        |





## Traffic Study

| LOS | UNSIGNALIZED INTERSECTIONS   |                                                                                                                                                                                        |
|-----|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Avg. Total Delay (sec./veh.) | Description                                                                                                                                                                            |
| A   | $\leq 10$                    | This LOS is a free-flow condition, with vehicles acting nearly independently to one another. There is little or no delay.                                                              |
| B   | $>10$ and $<15$              | This LOS is slightly restrictive condition with short traffic delays. The presence of other vehicles is noticeable by the driver.                                                      |
| C   | $>15$ and $<25$              | This LOS is the design level that engineers strive for during the service life of the facility. LOS C results from an average delay. The traffic flow is stable, but more restrictive. |
| D   | $>25$ and $<35$              | This LOS is noticeably more restrictive, and there are long traffic delays. This LOS results in poor driver comfort and in greater accident probabilities.                             |
| E   | $>35$ and $<50$              | At this LOS, the intersection is operating at capacity with little or no gaps. There are very long traffic delays and unstable intersection operation.                                 |
| F   | $>50$                        | At this LOS, there are more vehicles arriving at the approach than can be discharged. Extreme delays will be encountered.                                                              |

Traffic operational calculations were performed as a part of this study for traffic operating conditions of projected traffic. This analysis was performed using Synchro Version 6, 2003. This computer program has been proven to be reliable when used to analyze capacity and levels of traffic service under various operating conditions. Detailed calculations for all capacity calculations are included in the Appendix. The adjacent street AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- Existing traffic patterns.
- Directional distribution of projected traffic volumes.
- Existing and proposed intersection geometry (including elements such as turn lanes, curb radii, etc.).
- Existing background traffic volumes and projected site-generated volumes.
- Existing and proposed traffic control.



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| EXISTING TRAFFIC CONDITIONS |                            |        | Traffic Control              | EB LT | EB TH | EB RT | WB LT | WB TH | WB RT |  |  |  | Overall Intersection |
|-----------------------------|----------------------------|--------|------------------------------|-------|-------|-------|-------|-------|-------|--|--|--|----------------------|
| INTERSECTION                |                            |        |                              |       |       |       |       |       |       |  |  |  |                      |
| PEAK HR                     |                            |        | PEAK HOUR - LEVEL OF SERVICE |       |       |       |       |       |       |  |  |  |                      |
| AM                          | 6th Street and Hill Avenue | SIGNAL | A                            | A     | A     | A     | C     | C     | A     |  |  |  |                      |
| PM                          |                            |        | A                            | A     | A     | A     | C     | C     | A     |  |  |  |                      |

Table 4 - Level of Service Summary - Existing Traffic Conditions

### CAPACITY ANALYSIS

#### Results and Level of Service Analysis -

##### Existing Traffic Conditions

Capacity and level of service analysis were performed for existing traffic conditions for the worst-case adjacent street PM peak hour for the intersection of 6th Street and Hill Avenue. As indicated in Table 4, "Level of Service Summary - Existing Traffic Conditions," currently all existing vehicle movements at the intersection of 6th Street and Hill Avenue presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours for existing traffic conditions. Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

#### Results and Level of Service Analysis -

##### Phase 1 Projected Traffic Conditions

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B.

For Phase 1 projected traffic conditions, analysis was conducted with the following roadway conditions:

- o The addition of a northbound left-turn lane on Hill Avenue at 6th Street.
- o Access Drive A as a two lane median divided road-



## Traffic Study

way, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a out-bound right-turn only lane.

- o Access Drive B as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the study intersections for Phase 1 projected traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for Phase 1 projected traffic conditions are shown on Figure 8-A, "Phase 1 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours."

### *Results and Level of Service Analysis -*

#### Phases 1 and 2 Projected Traffic Conditions

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B
- o 11th Street and Drive C.

For Phases 1 and 2 projected traffic conditions, analysis was conducted with the same roadway conditions as in Phase 1 projected traffic conditions plus Access Drive C constructed as a three-lane roadway consisting of an out-bound right-turn lane, an outbound left-turn lane and an inbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the



## **Traffic Study**

study intersections for Phases 1 and 2 projected traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for Phases 1 and 2 projected traffic conditions are shown on Figure 8-B, "Phases 1 and 2 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours."

### ***Results and Level of Service Analysis -***

#### **Full Build Projected Traffic Conditions**

#### **(Includes Phases 1, 2, and 3)**

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B
- o 11th Street and Drive C
- o 6th Street and Drive D
- o Hill Avenue and Drive E.

For full build projected traffic conditions, analysis was conducted with the same roadway conditions as in Phase 1 and 2 plus the following:

- o Access Drive D as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a out-bound right-turn only lane.
- o Access Drive E as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the study intersections for full build-out of the site projected



# Traffic Study

| PHASE 1<br>PROJECTED<br>TRAFFIC CONDITIONS |                            |        | Traffic Control              | WB LT | WB TH | WB RT | Overall Intersection |   |   |     |
|--------------------------------------------|----------------------------|--------|------------------------------|-------|-------|-------|----------------------|---|---|-----|
| INTERSECTION                               |                            |        |                              |       |       |       |                      |   |   |     |
| PEAK HR                                    |                            |        | PEAK HOUR - LEVEL OF SERVICE |       |       |       |                      |   |   |     |
| AM                                         | 6th Street and Hill Avenue | SIGNAL | A                            | A     | A     | A     | C                    | C | C | A   |
| PM                                         |                            |        | A                            | A     | A     | A     | C                    | C | C | A   |
| AM                                         | 6th Street and Drive A     | SIGN   |                              | A     | A     | A     |                      | B |   | n/a |
| PM                                         |                            |        |                              | A     | B     | A     |                      | B |   | n/a |
| AM                                         | Hill Avenue and Drive B    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                         |                            |        | A                            |       | A     |       | A                    |   | A | n/a |

| PHASES 1 AND 2<br>PROJECTED<br>TRAFFIC CONDITIONS |                            |        | Traffic Control              | WB LT | WB TH | WB RT | Overall Intersection |   |   |     |
|---------------------------------------------------|----------------------------|--------|------------------------------|-------|-------|-------|----------------------|---|---|-----|
| INTERSECTION                                      |                            |        |                              |       |       |       |                      |   |   |     |
| PEAK HR                                           |                            |        | PEAK HOUR - LEVEL OF SERVICE |       |       |       |                      |   |   |     |
| AM                                                | 6th Street and Hill Avenue | SIGNAL | A                            | A     | A     | A     | C                    | C | C | A   |
| PM                                                |                            |        | A                            | A     | A     | A     | C                    | C | C | A   |
| AM                                                | 6th Street and Drive A     | SIGN   |                              | A     | A     | A     |                      | B |   | n/a |
| PM                                                |                            |        |                              | A     | B     | A     |                      | B |   | n/a |
| AM                                                | Hill Avenue and Drive B    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                                |                            |        | A                            |       | A     |       | A                    |   | A | n/a |
| AM                                                | 11th Street and Drive C    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                                |                            |        | A                            |       | A     |       | A                    |   | A | n/a |

| FULL BUILD<br>PROJECTED<br>TRAFFIC CONDITIONS<br>(Includes Phases 1, 2 and 3) |                            |        | Traffic Control              | WB LT | WB TH | WB RT | Overall Intersection |   |   |     |
|-------------------------------------------------------------------------------|----------------------------|--------|------------------------------|-------|-------|-------|----------------------|---|---|-----|
| INTERSECTION                                                                  |                            |        |                              |       |       |       |                      |   |   |     |
| PEAK HR                                                                       |                            |        | PEAK HOUR - LEVEL OF SERVICE |       |       |       |                      |   |   |     |
| AM                                                                            | 6th Street and Hill Avenue | SIGNAL | A                            | A     | A     | A     | C                    | C | C | A   |
| PM                                                                            |                            |        | A                            | A     | A     | A     | C                    | C | C | A   |
| AM                                                                            | 6th Street and Drive A     | SIGN   |                              | A     | A     | A     |                      | B |   | n/a |
| PM                                                                            |                            |        |                              | A     | B     | A     |                      | B |   | n/a |
| AM                                                                            | Hill Avenue and Drive B    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                                                            |                            |        | A                            |       | A     |       | A                    |   | A | n/a |
| AM                                                                            | 11th Street and Drive C    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                                                            |                            |        | A                            |       | A     |       | A                    |   | A | n/a |
| AM                                                                            | 6th Street and Drive D     | SIGN   |                              | A     |       | A     |                      | B |   | n/a |
| PM                                                                            |                            |        |                              | A     |       | A     |                      | B |   | n/a |
| AM                                                                            | 11th Street and Drive E    | SIGN   | A                            |       | A     |       | A                    |   | A | n/a |
| PM                                                                            |                            |        | A                            |       | A     |       | A                    |   | A | n/a |

Table 5 - Level of Service Summary - Projected Traffic Conditions

Table 5 - Level of Service Summary - Projected Traffic Conditions





## Traffic Study

traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for full build projected traffic conditions are shown on Figure 8-B, "Full Build Site-Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours."

It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.

Additionally, radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.

### FINDINGS AND RECOMMENDATIONS

Findings of this study are summarized as follows:

- Traffic volumes projected to be generated by the site at each phase of development are the following vehicle trips (combined in and out) per average weekday:
  - Phase 1 - Approximately 656 vehicle trips.
  - Phase 2 - Approximately 627 vehicle trips.
  - Phase 3 - Approximately 772 vehicle trips.
  - Total - Approximately 2,055 vehicle trips.
- The AM peak hour of the adjacent street (7:15 AM - 8:15 AM) and the PM peak hour of the adjacent street (4:30 PM - 5:30 PM) have been determined to be the two hours of highest traffic volumes in the vicinity.
- Capacity and LOS analysis for existing traffic conditions for the intersection of 6th Street and Hill Avenue and projected traffic operations at the same intersec-

## Traffic Study

tion and the access drive intersections with 6th Street, Hill Avenue and 11th Street proposed to serve the development were analyzed for each phase of development for the AM and PM peak hours. All vehicle movements at the study intersections for existing traffic conditions and for projected traffic conditions for all three development phases (Phase 1, 2 and 3) either currently operate or are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Recommendations of this study are summarized as follows:

- It is recommended that the access drives proposed to serve the site be constructed as follows:
  - Access Drive A (Phase 1) as a two lane median divided roadway, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a outbound right-turn only lane.
  - Access Drive B (Phase 1) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
  - Access Drive C (Phase 2) constructed as a three-lane roadway consisting of an outbound right-turn lane, an outbound left-turn lane and an inbound receiving lane.
  - Access Drive D (Phase 3) as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a outbound right-turn only lane.
  - Access Drive E (Phase 3) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.





## Traffic Study

- It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.
- It is recommended that radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.
- It is recommended to modify the existing traffic signal at the intersection of 6th Street and Hill Avenue as necessary to accommodate street widening and intersection radii improvements.
- Traffic signal and roadway improvements designs along 6th Street will require approval and must conform to design standards of the City of Fayetteville and AHTD.
- Roadway design to the site access drives intersecting Hill Avenue and intersecting 11th Street will require approval and must conform to the design standards of the City of Fayetteville.



FILED FOR RECORD

ORDINANCE NO. 3666 '93 JAN 27 AM 11 01

AN ORDINANCE VACATING AND ABANDONING AN CO AR  
PORTION OF THE STREET RIGHT-OF-WAY FOR PROPERTY MEYER  
LOCATED IN THE 1300 and 1400 BLOCKS OF BROOKS  
AVE., NORTH OF 15TH STREET, AS SUBMITTED BY  
CAMPBELL SOUP COMPANY.

WHEREAS, the City Council has the authority under Ark. Code Ann. §14-54-104 to vacate portions of streets which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the street right-of-way for the property located in the 1300 and 1400 blocks of Brooks Ave., and North of 15th Street, as submitted by Campbell Soup Company, is a platted but unopened street which is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally in and to the following described property located in Washington County, Arkansas:

See Exhibit "A", attached hereto and made a part hereof.

Section 2. A copy of this Ordinance duly certified by the City Clerk shall be filed in the Office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this 15th day of December, 1992.

APPROVED:

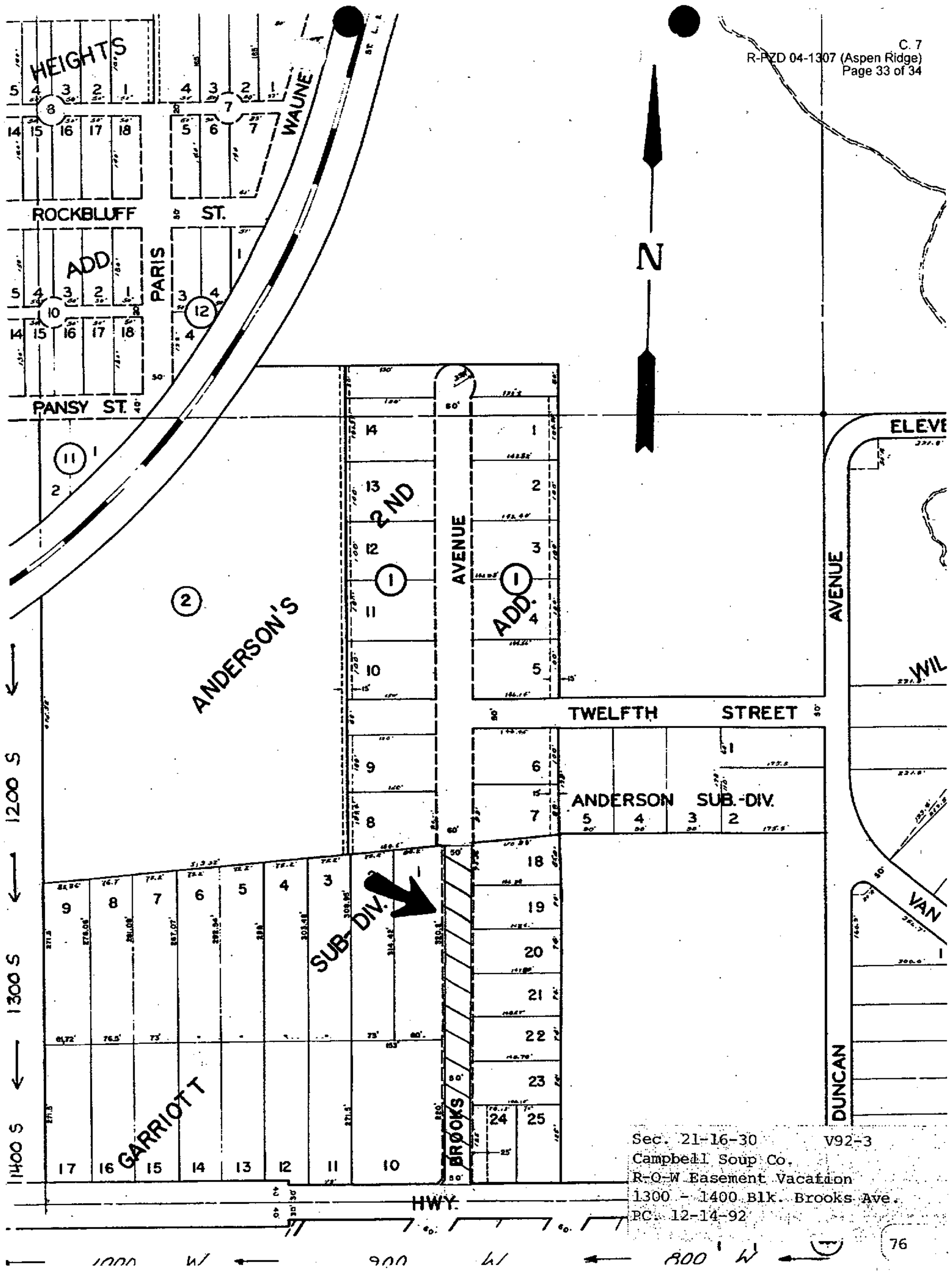
By: Fred Hanna  
Fred Hanna, Mayor

ATTEST:

By: Sherry L. Thomas  
Sherry L. Thomas, City Clerk



93 04733



Sec. 21-16-30 V92-3  
Campbell Soup Co.  
R-O-W Easement Vacation  
1300 - 1400 Blk. Brooks Ave.  
PC 12-14-92



## DEPARTMENTAL CORRESPONDENCE

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**TO:** Fayetteville Planning Commission  
**FROM:** City Engineer *[Signature]*  
**SUBJECT:** Proposed Street Closing  
Brooks Avenue, Garriott Subdivision  
North of 15th Street, Campbell Soup  
**DATE:** December 9, 1992

The Campbell Soup Company is petitioning the City to close a portion of Brooks Avenue located in the Garriott Subdivision to the City of Fayetteville. The un-opened street is located just north of 15th Street at the Campbell Soup plant.

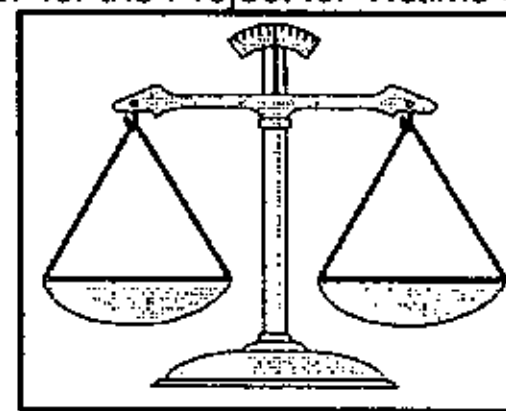
All of the public utilities have indicated no objections to the closing as requested by Campbell Soup. The City has no utilities or other facilities located within the proposed street closing area and have no plans to place facilities there in the future.

It is the recommendation of the Staff that the un-opened portion of Brooks Avenue north of 15th Street be closed as requested by Campbell Soup.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Waive Requirements of 34.27 for the Project for Victims of Family Violence, Inc.  
C. 10  
Page 1 of 10



LEGAL DEPARTMENT

KIT WILLIAMS, CITY ATTORNEY  
DAVID WHITAKER, ASST. CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE

---

TO: **City Council**

FROM: **Kit Williams, City Attorney**

DATE: **December 28, 2004**

RE: **Peace at Home Family Shelter**

A handwritten signature in dark ink, appearing to read 'Kit Williams', written over a horizontal line.

The Project For Victims Of Family Violence, Inc. has secured a substantial grant from the Reynolds Foundation to construct a new Peace at Home Family Shelter to serve Fayetteville and Northwest Arkansas. An ideal location for this new shelter would be on city land off Highway 265 near Lake Fayetteville. This land was appraised earlier this year at \$20,000.00 per acre.

The Donald Reynolds Foundation requires the nonprofit corporation to own the land upon which the new shelter will be built. Thus the Project For Victims Of Family Violence, Inc. needs to purchase 1.5 acres at \$20,000.00 per acre for a total of \$30,000.00. Because of time constraints, the sale of land code section must be waived in order to accomplish this sale so as not to endanger the Reynolds grant to the Project For Victims Of Family Violence, Inc. Therefore, I have drafted an ordinance to that effect and to approve the sale of the 1.5 acres for \$30,000.00.

The Project For Victims Of Family Violence, Inc. also needs a buffer/protection zone of 1.5 acres around their facility which we can lease to them in exchange for the Project For Victims Of Family Violence, Inc.'s services to Fayetteville residents. I have drafted a Lease for Buffer Area and a Resolution to accomplish this.



No sewer is currently available to this site. Once the federal restrictions on development are shifted from this area to Lake Sequoyah, the remaining acreage could be sold to a developer who would be required to provide sewer main service to the whole site (including the Peace at Home Family Shelter). In order to have a buildable site, we need to temporarily lease .69 acres for a sewer system area (septic tank and lateral lines) and a temporary 70-foot wide access easement. Once sanitary sewer mains and access from an internal street are available, these leased areas revert to the City to be sold along with the remaining acreage. I have drafted a Lease and Resolution to accomplish this.

I regret submitting this at the Agenda Meeting, but the final details were not finished in time for inclusion into the tentative Agenda and time constraints require we move forward quickly now so the grant for this vitally needed shelter will not be endangered.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO WAIVE THE REQUIREMENT OF §34.27 OF THE FAYETTEVILLE CODE, AUTHORIZE THE SALE OF 1.5 ACRES FOR AN APPRAISED VALUE OF \$30,000.00 TO THE NON-PROFIT CORPORATION, THE PROJECT FOR VICTIMS OF FAMILY VIOLENCE, INC. AND TO DECLARE AN EMERGENCY

**WHEREAS,** The Project For Victims Of Family Violence, Inc. is a non-profit corporation which has long served the needs of residents of Fayetteville and surrounding communities, but has outgrown its facility; and

**WHEREAS,** The Project For Victims Of Family Violence, Inc. has secured a generous grant from the Donald W. Reynolds Foundation to construct a larger and better equipped new facility and needs a more central location to serve not only Fayetteville, but our neighboring cities to the North; and

**WHEREAS,** this grant could be lost and this needed expanded facility might not be able to be constructed unless the sale of city land can be immediately authorized by the City of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the vital need for an improved and expanded facility for victims of family violence requires an immediate sale of one and one half acres of city property to The Project For Victims Of Family Violence, Inc. at a per acre value as independently appraised earlier in 2004 and therefore waives the formal requirements of §34.27 of the Code of Fayetteville regarding the sale of city land.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the land sale contract attached as Exhibit "A" selling 1.5 acres of city property as described in the deed to The Project For Victims Of Family Violence, Inc. for Thirty Thousand Dollars (\$30,000.00).

Section 3: Emergency Clause. If the sale of this 1.5 acres is not effective immediately, The Project For Victims Of Family Violence, Inc. may lose its substantial grant from the Donald W. Reynolds Foundation which is necessary for the construction of an expanded and improved battered women's shelter to

better serve local victims of domestic abuse. Therefore, the city Council hereby determines and declares that an emergency exists, that it is necessary for the preservation of the public peace, health and safety that this ordinance become effective without delay, and that therefore because of this emergency, this ordinance shall be effective immediately upon its passage.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005.

APPROVED

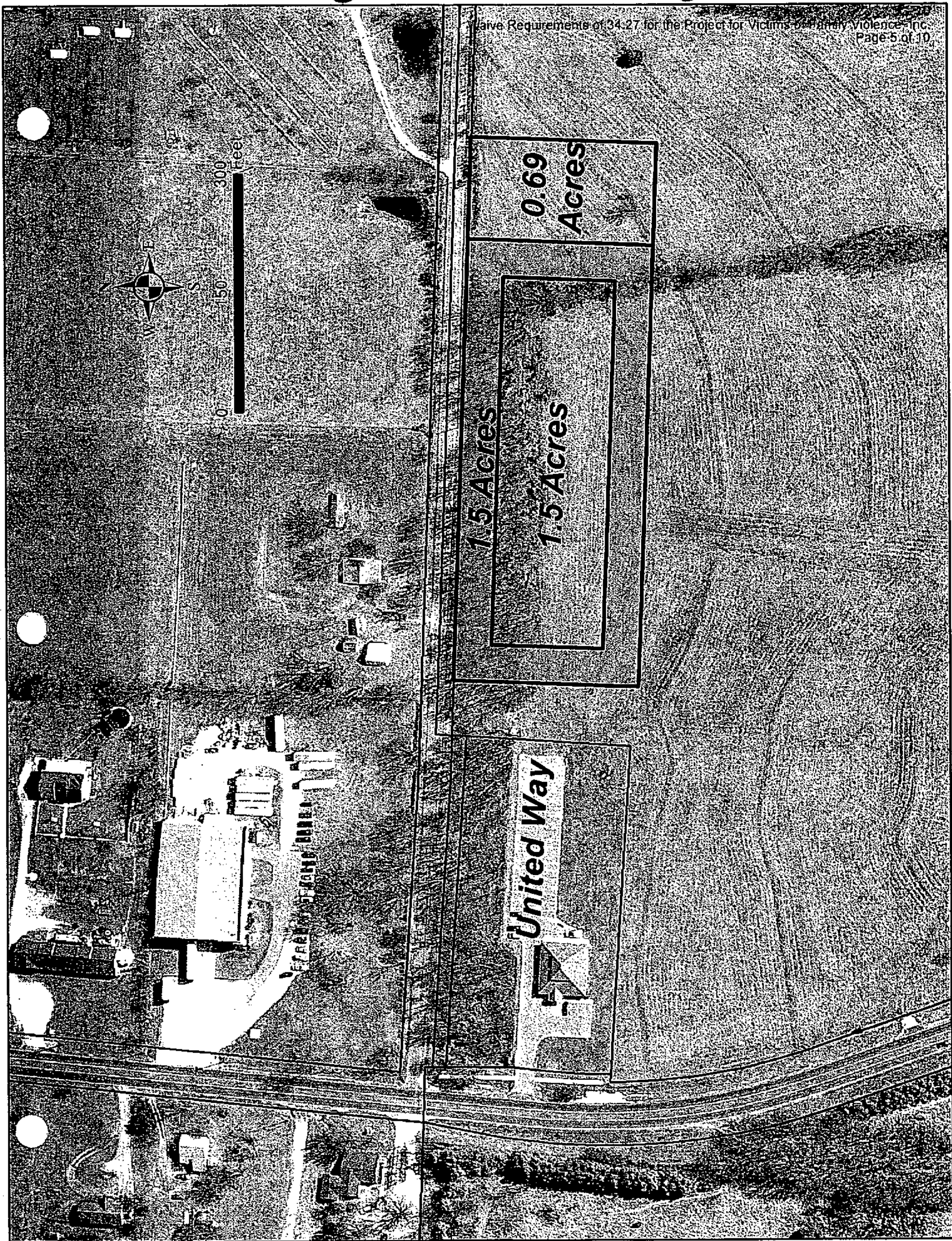
**DRAFT**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

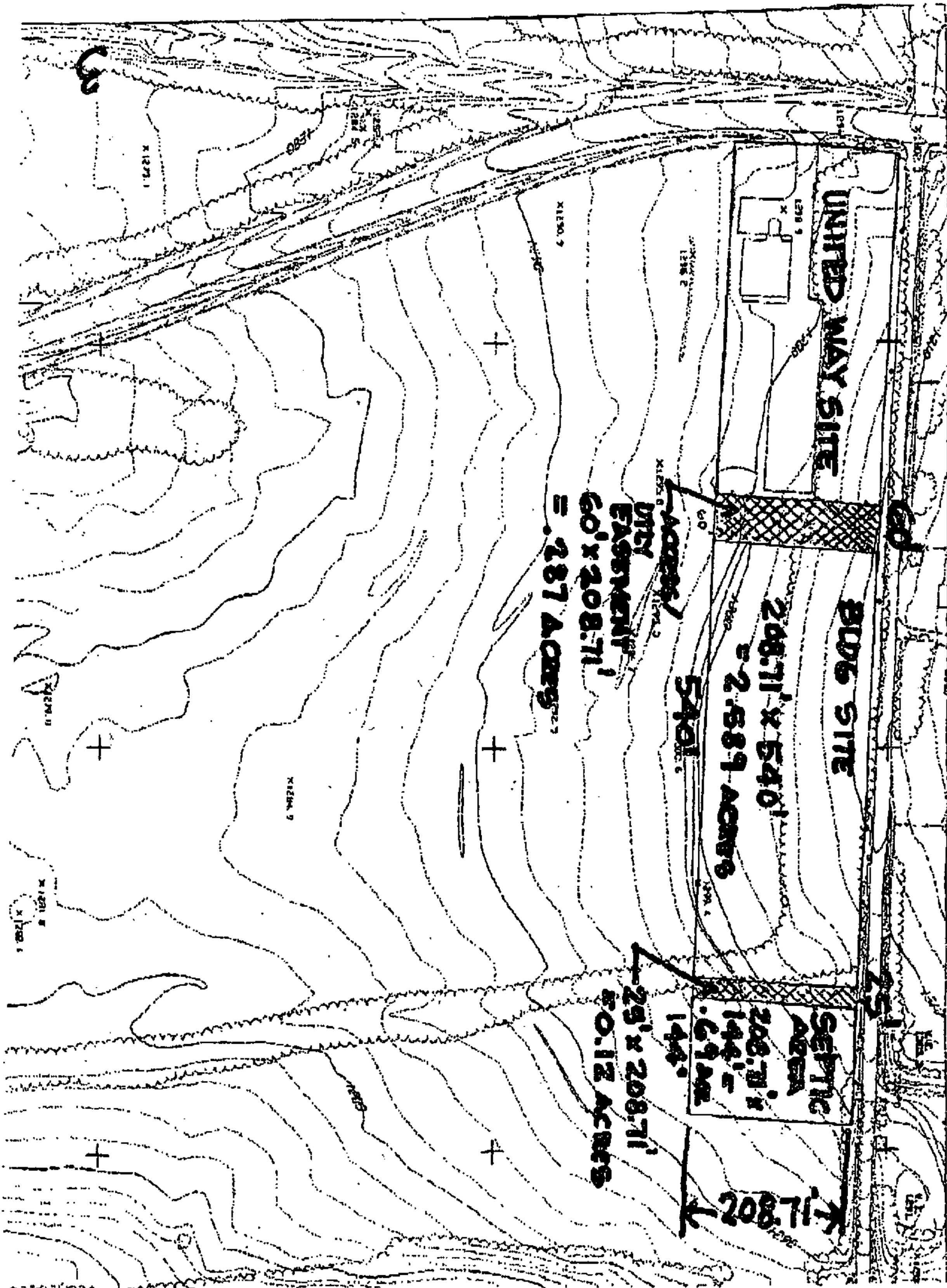
ATTEST:

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**









FROM : PROJ VICTIMS OF FAM VIOLENCE FAX NO. : 4795871817  
FROM : FAX NO. : 4794441425  
Dec. 28 2004 03:34PM P3  
Dec. 23 2004 02:16PM P3



## CITY ATTORNEY AGENDA REQUEST

**FOR: COUNCIL MEETING OF JANUARY 4, 2005**

---

**FROM:**

**KIT WILLIAMS, CITY ATTORNEY**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

An Ordinance To Waive The Requirement Of §34.27 Of The Fayetteville Code, Authorize The Sale Of 1.5 Acres For An Appraised Value Of \$30,000.00 To The Non-Profit Corporation, The Project For Victims Of Family Violence, Inc. And To Declare An Emergency

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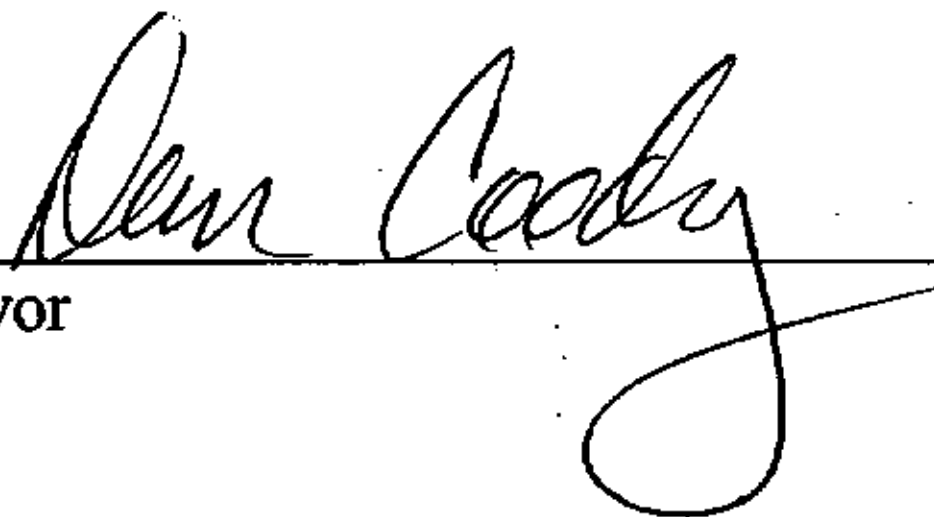
**APPROVED FOR AGENDA:**

  
City Attorney

12-28-04  
Date

  
Finance & Internal Services Director

12-28-04  
Date

  
Mayor

12/28/04  
Date

Kit,

This is what I understand from our meetings with Mayor Coody.

Please call my office at 444-8310 and ask for Robbin if you want to talk to me today.

She knows how to get find me.

**FOR: The COUNCIL MEETING of January 4<sup>th</sup>. (That was agreed to at the last agenda setting meeting)**

**ORDINANCE OR RESOLUTION TITLE AND SUBJECT (or whatever you want it to say.)**

**Sale and lease of Property to the battered women's shelter, the Project for Victims of Family Violence, Inc – doing business as the Peace at Home Family Shelter.**

An ordinance

- waiving the requirements of the current city ordinance regarding the sale of public land and
- approving the sale of 1.5 acres of land to the Project for Victims of Family Violence, Inc. (d.b.a. Peace At Home Family Shelter) at fair market value based on a recent appraisal valuing the land at \$20,000/acre and
- leasing approximately 1.5 acres for a period of time not less than 35 years. An additional .69 acres will be leased for the purpose of a water treatment system, and this land will go to the buyer of the remaining land when the shelter is hooked up to the anticipated sewer system.

Other contingencies:

Revert clause including return of purchase price to Built and operating by the end of 2008

Long-term lease of 35 years, renewable for an additional 35 year with the agreement of both parties, in exchange for services to the citizens of Fayetteville valued at approximately \$550,000 annually. (See history memo) Reynolds requires at least 35 years. You had mentioned it could be renewable for an additional 35 years.

Land to be purchased is located on the City owned property on the east side of Hwy 265, south of Highway 412. Specific location identified on attached map. (We would need this from the city, our architect Jim Key knows exactly what we negotiated with the mayor.

The encumbrance attached to this property will be transferred to other land owned by the city of Fayetteville by ?????. (Approval by the governmental authority) Connie from Parks is working on this piece and knows the specifics.

The sale of the remaining land in this parcel (roughly 43 acres will include a contingency that requires the developer (new owner of the land) to provide PVFV with road access and sewer hook-up, at which time the .69 acres of land for the water treatment facility will become the property of the owner of the remaining land. The Mayor understands this and thought it likely should be a separate contract.

**BRIEF HISTORY:** In 1977, community leaders came together to initiate a safe shelter and advocacy program for battered women and their children. This program, the Project for Victims of Family Violence, Inc. was the first such program to serve battered women in Arkansas.

The first shelter facility was in a private house on the corner of Mountain and School streets. Very soon it became apparent that the 3-bedroom house would be too small and that a shelter for battered women and their children needed to be located in a place where the abusers could not easily access the shelter. In 1977, there were no laws such as protection orders or no contact orders, so the abusers could stand on the sidewalk and shout up into the house, causing much disruption and fear.

Since the private house was not working out as a safe shelter, the City of Fayetteville offered an approximately 3-acre parcel of land with a building as an option for the shelter. In 1979, the Project for Victims of Family Violence, Inc. moved to this location on the south side of Fayetteville, where they have been ever since, leasing the land and facility for \$1 a year.

**THE NEED:** The current facility has six small bedrooms, one kitchen, one eating area, two small bathrooms and one living room. It is not uncommon that at any given time, six families will be living in the shelter, each with one to four children. When the shelter is full and another family needs immediate emergency shelter, we work to locate space in the only other shelters in the area. There is a shelter in Bentonville, one in Fort Smith, one in Tulsa, and one in Harrison. When a family has to travel to another area or even state, there is significant disruption for the children and their schooling and/or for the mother if she is working. There are no other shelters for battered women in Washington County or in Madison or Carroll counties. The requests for shelter and other advocacy services have increased 25% in just one year.

The Donald W. Reynolds Foundation gave the Project for Victims of Family Violence a planning grant to develop a new shelter. In this fast growing area of Northwest Arkansas, and through our needs assessment, we determined that a new shelter has to be able to house at least 40 individuals in at least 12 bedrooms. We need a shelter location that is assessable to the region, and with at least three acres of land for the shelter, parking, play area, a buffer and the necessary storage. We have hired the firm of KAI, Jim Key the principle, and they have worked out the specific minimum land that is required for this program.

**ECONOMIC IMPACT:** The Project for Victims of Family Violence, Inc. annual budget is approximately \$550,000. 39% of our clients are city of Fayetteville residents. We estimate the annual value of our programs to the city of Fayetteville to be \$214,500. We employ 15 full time staff and several part time staff and over 50 volunteers work with our programs. Many of the staff live and shop in Fayetteville, as do many of our board members and volunteers. Building a new expanded shelter in Fayetteville guarantees a long future of service to the residents of this community.



RESOLUTION NO. 104-01

**MICROFILMED**

A RESOLUTION AUTHORIZING THE MAYOR  
AND CITY CLERK TO EXECUTE A LEASE  
AGREEMENT WITH PROJECT FOR VICTIMS OF  
FAMILY VIOLENCE, INC., FOR A SHELTER SITE

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, ARKANSAS:**

That the Mayor and City Clerk are hereby authorized and directed to  
execute a lease with Project For Victims of Family Violence, Inc., for a shelter site.  
A copy of the lease agreement authorized for execution hereby is attached hereto  
marked Exhibit "A" and made a part hereof.

PASSED and APPROVED this 17th day of July, 2001.



ATTEST:

APPROVED:

By: *Dan Coody*  
DAN COODY, Mayor

By: *Heather Woodruff*  
Heather Woodruff, City Clerk



## CITY ATTORNEY AGENDA REQUEST

**FOR: COUNCIL MEETING OF JANUARY 4, 2005**

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**FROM:**

**KIT WILLIAMS, CITY ATTORNEY**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

A Resolution To Approve A Forty Year Lease Of 1.5 Acres Of City Property To The Project For Victims Of Family Violence, Inc.

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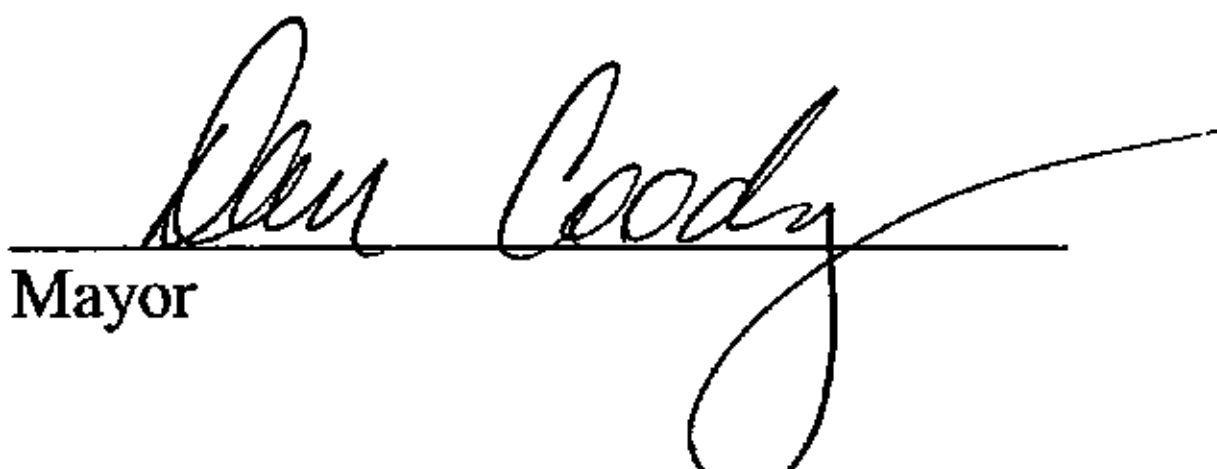
**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
City Attorney

12-28-04  
Date

  
\_\_\_\_\_  
Finance & Internal Services Director

12-28-04  
Date

  
\_\_\_\_\_  
Mayor

12/28/04  
Date



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO APPROVE A FORTY YEAR LEASE  
OF 1.5 ACRES OF CITY PROPERTY TO THE PROJECT  
FOR VICTIMS OF FAMILY VIOLENCE, INC.**

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has long served the City and our citizens with shelter, protection, housing and support for victims of domestic abuse; and

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has outgrown its current facility and secured a grant from the Donald Reynolds Foundation to construct a new, larger facility; and

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has agreed to purchase 1.5 acres of city property at its most recent appraised value, but needs to lease another 1.5 acres as a buffer/protection zone for the Fayetteville clients it serves; and

**WHEREAS**, the City Council determines that providing a domestic violence shelter with its necessary buffer/protection zone of 1.5 acres is a valid public purpose and that the services offered to Fayetteville citizens by the Project For Victims Of Family Violence, Inc. constitute sufficient consideration for the rental value of the 1.5 acres of unimproved city land.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF FAYETTEVILLE, ARKANSAS:**

**Section 1:** That the City Council of the City of Fayetteville, Arkansas hereby approves the Lease Agreement For Buffer Area with the Project For Victims Of Family Violence, Inc. as attached as Exhibit "A" and authorizes Mayor Coody to execute this lease.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005.

APPROVED

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**

### **LEASE AGREEMENT FOR BUFFER AREA**

This Agreement, made and entered into this 4<sup>th</sup> day of January, 2005, by and between the City of Fayetteville, Arkansas, Lessor, and The Project For Victims Of Family Violence, Inc.. (hereinafter "The Project For Victims Of Family Violence, Inc."), Lessee, Witnesseth:

**WHEREAS**, The Project For Victims Of Family Violence, Inc. is a non-profit agency established and dedicated to provide a Peace at Home Family Shelter and to provide counseling, support and protection for victims of family violence; and

**WHEREAS**, providing a domestic violence shelter, counseling, support and protection to Fayetteville citizens and residents of neighboring communities are valid public purposes; and,

**WHEREAS**, The Project For Victims Of Family Violence, Inc. will provide such service to Fayetteville citizens and residents of neighboring communities so that these citizens will be housed, counseled, protected and supported.

**NOW, THEREFORE**, the City of Fayetteville and The Project For Victims Of Family Violence, Inc. agree as follows:

1. **Leased Premises.** For and in consideration of The Project For Victims Of Family Violence, Inc.'s promise to promptly provide shelter, counseling, support and protection for victims of family violence, and the covenants and agreements herein entered into and agreed upon by The Project For Victims Of Family Violence, Inc. as obligations to the City of Fayetteville, the City lets, leases and demises unto The Project For Victims Of Family Violence, Inc., subject to the terms and conditions contained herein, the following described property containing about 1.5 acres situated in Washington County, Arkansas. (Attached as Exhibit A is the legal description and map.)

To have and to hold said premises unto the said The Project For Victims Of Family Violence, Inc. for and during the term herein stated, subject to the covenants, terms and conditions herein contained.

2. **Term.** This lease shall commence on January 4, 2005, and shall extend for a term of Forty (40) years, ending at midnight on January 3, 2045.

3. **Consideration.** The primary consideration for the City is The Project For Victims Of Family Violence, Inc.'s agreement in paragraph 4 to serve Fayetteville citizens and residents of surrounding communities by promptly constructing its Peace at Home Family Shelter.

4. **Use.** The Project For Victims Of Family Violence, Inc. agrees to use the lease premises for the purpose of a protective buffer area for its Peace at Home Family Shelter. If at any time the property ceases to be used for this purpose, the lease shall terminate. The Project For Victims Of Family Violence, Inc. agrees to furnish a Peace at Home Family Shelter for Fayetteville citizens and residents of neighboring communities throughout this lease period. The Project For Victims Of Family Violence, Inc. shall deliver quarterly written reports to the Mayor's office concerning the number of Fayetteville citizens/residents housed or otherwise assisted by The Project For Victims Of Family Violence, Inc.

**5. Improvements.** The Project For Victims Of Family Violence, Inc. may make any such improvements as are necessary to carry out the purpose of this lease. Design for any such improvements shall be approved by the City of Fayetteville. Upon termination of this lease, all improvements shall become the property of the City.

**6. Taxes.** The Project For Victims Of Family Violence, Inc. shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against said premises and the improvements located thereon during the term of this lease.

**7. Notices.** All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be directed to the following:

City of Fayetteville  
113 W. Mountain St.  
Fayetteville, AR 72701

The Project For Victims Of Family Violence, Inc.  
P.O. Box 1923  
Fayetteville, AR 72702-1923

**8. Assignment.** The Project For Victims Of Family Violence, Inc. shall not assign this lease or sublet the lease premises without prior written consent of the City. Any such assignment or subletting shall in no way relieve The Project For Victims Of Family Violence, Inc. from liability for the obligation imposed by this lease. The Project For Victims Of Family Violence, Inc. may only be released from liability for the obligation imposed by this lease by a specific written release executed by the City.

**9. Insurance.**

A. The Project For Victims Of Family Violence, Inc. shall be solely responsible for maintaining insurance on its property, including movables, trade fixtures, furniture, furnishings and inventory, as well as improvements to the property.

B. The Project For Victims Of Family Violence, Inc. shall, during the term of this lease, maintain public liability insurance. The limits of such public liability insurance shall not be less than \$500,000.00 per person and \$500,000.00 per accident. The policy shall contain a clause that the insurer will not cancel or change the insurance without giving the City of Fayetteville, ten days prior written notice. A certificate of such insurance shall be delivered to the City.

**10. Maintenance.** The Project For Victims Of Family Violence, Inc. shall be responsible for all maintenance, routine preventative or corrective, on any and all improvements made to the leased property.

**11. Compliance with Laws.** The Project For Victims Of Family Violence, Inc. agrees not to violate any law, ordinance, rule or regulation of any governmental authority having jurisdiction of the leased premises. This agreement shall be governed by the laws of the State of Arkansas.

**12. Waste/Nuisance.** The Project For Victims Of Family Violence, Inc. agrees not to commit waste, nor permit waste to result or to be done to or upon the aforesaid premises. Further, The Project For Victims Of Family Violence, Inc. agrees not to operate, nor permit to be operated, nor to exist thereon or therein, any public or private nuisance.

**13. Title and Quiet Enjoyment.** The City of Fayetteville covenants and warrants that it is the owner in fee simple absolute of the leased premises and may lease said premises as herein



provided. Upon the observance and performance of all the covenants, terms and conditions upon The Project For Victims Of Family Violence, Inc.' part to be observed and performed, The Project For Victims Of Family Violence, Inc. shall peaceably and quietly hold and enjoy the demised premises for the term hereby demised without hindrance or interruption by the City or any other person or persons lawfully or equitably claiming by, through or under the City, subject to the terms and conditions of this lease.

14. **Entire Agreement.** This lease agreement contains the entire agreement of both parties hereto, and no other oral or written agreement shall be binding on the parties hereto

15. **Approval of Transfer of Federal Restrictions on Development.** This lease and the sale of the adjoining 1.5 acres to The Project For Victims Of Family Violence, Inc. is expressly conditional upon the approval of the state and federal authorities to allow the City of Fayetteville to transfer current federal restrictions on this land to an area of Lake Sequoyah Park. Failure of the federal or state authorization to lift the restrictions on development of this land (by placing those restrictions on land offered by the City at Lake Sequoyah) shall nullify this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seals on this the \_\_\_\_\_ day of January, 2004.

**CITY OF FAYETTEVILLE, Lessor**

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

**THE PROJECT FOR  
VICTIMS OF FAMILY VIOLENCE, Lessee**

By:   
JUDITH SELLE, C.E.O.

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_  
Title





## CITY ATTORNEY AGENDA REQUEST

**FOR: COUNCIL MEETING OF JANUARY 4, 2005**

---

**FROM:**

**KIT WILLIAMS, CITY ATTORNEY**

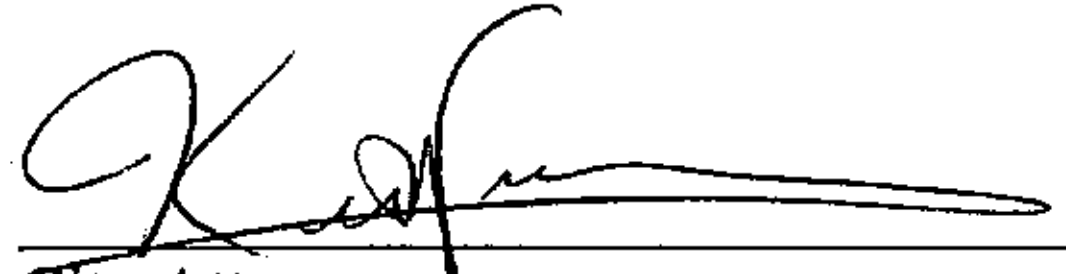
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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

A Resolution To Approve A Lease Of About .69 Acres Of City Property To The Project For Victims Of Family Violence, Inc. For A Sewer System Area And 70-Foot Wide Access Easement

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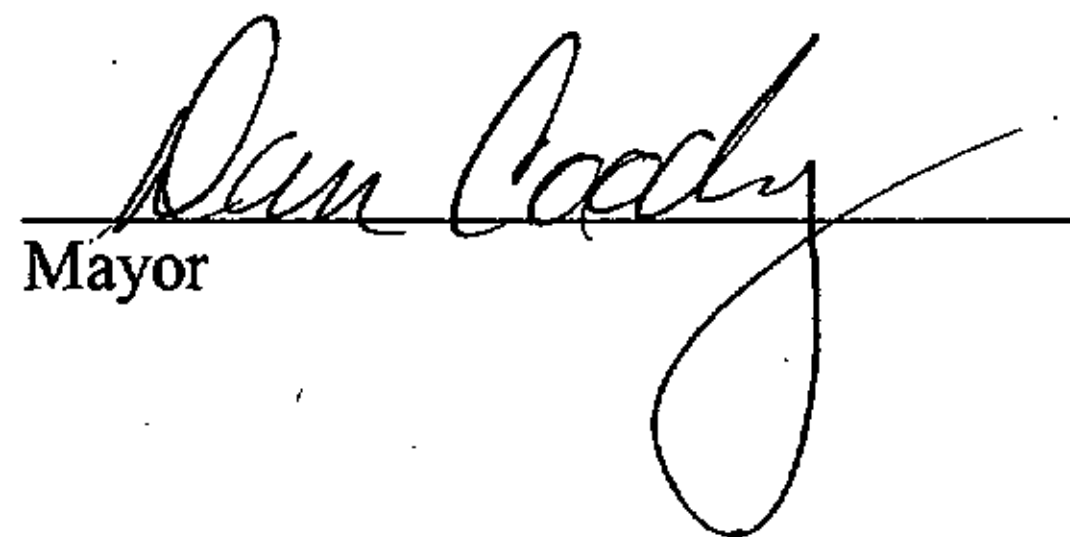
**APPROVED FOR AGENDA:**

  
\_\_\_\_\_  
City Attorney

12-28-04  
Date

  
\_\_\_\_\_  
Finance & Internal Services Director

12-28-04  
Date

  
\_\_\_\_\_  
Mayor

12/28/04  
Date

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO APPROVE A LEASE OF ABOUT  
.69 ACRES OF CITY PROPERTY TO THE PROJECT FOR  
VICTIMS OF FAMILY VIOLENCE, INC. FOR A SEWER  
AREA AND A 70-FOOT WIDE ACCESS EASEMENT**

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has long served the City and our citizens with shelter, protection, housing and support for victims of domestic abuse; and

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has outgrown its current facility and secured a grant from the Donald Reynolds Foundation to construct a new, larger facility; and

**WHEREAS**, the Project For Victims Of Family Violence, Inc. has agreed to purchase 1.5 acres of city property at its most recent appraised value, but needs to lease about another .69 acres as a temporary septic system area and a seventy-foot wide access easement for the Fayetteville clients it serves; and

**WHEREAS**, the City Council determines that providing a domestic violence shelter is a valid public purpose and that the services offered to Fayetteville citizens by the Project For Victims Of Family Violence, Inc. constitute sufficient consideration for the rental value of the approximately .69 acres of unimproved city land, and a seventy-foot wide access easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF FAYETTEVILLE, ARKANSAS:**

**Section 1:** That the City Council of the City of Fayetteville, Arkansas hereby approves the Lease Agreement For Access and Septic System with the Project For Victims Of Family Violence, Inc. as attached as Exhibit "A" and authorizes Mayor Coody to execute this lease.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005.

APPROVED

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**

**DRAFT**

## **LEASE AGREEMENT** **FOR ACCESS AND SEPTIC SYSTEM AREA**

This Agreement, made and entered into this 4<sup>th</sup> day of January, 2005, by and between the City of Fayetteville, Arkansas, Lessor, and The Project For Victims Of Family Violence, Inc.. (hereinafter "The Project For Victims Of Family Violence, Inc."), Lessee, Witnesseth:

**WHEREAS**, The Project For Victims Of Family Violence, Inc. is a non-profit agency established and dedicated to provide a Peace at Home Family Shelter and to provide counseling, support and protection for victims of family violence; and

**WHEREAS**, providing a domestic violence shelter, counseling, support and protection to Fayetteville citizens and residents of neighboring communities are valid public purposes; and,

**WHEREAS**, The Project For Victims Of Family Violence, Inc. will provide such service to Fayetteville citizens and residents of neighboring communities so that these citizens will be housed, counseled, protected and supported.

**NOW, THEREFORE**, the City of Fayetteville and The Project For Victims Of Family Violence, Inc. agree as follows:

1. **Leased Premises.** For and in consideration of The Project For Victims Of Family Violence, Inc.'s promise to promptly provide shelter, counseling, support and protection for victims of family violence, and the covenants and agreements herein entered into and agreed upon by The Project For Victims Of Family Violence, Inc. as obligations to the City of Fayetteville, the City lets, leases and demises unto The Project For Victims Of Family Violence, Inc., subject to the terms and conditions contained herein, the following described property containing about .69 acres for septic system area and a seventy-foot wide access easement situated in Washington County, Arkansas. (Attached as Exhibit A is the legal description and map.)

To have and to hold said premises unto the said The Project For Victims Of Family Violence, Inc. for and during the term herein stated, subject to the covenants, terms and conditions herein contained.

2. **Term.** This lease shall commence on January 4, 2005, and shall extend for a term of Forty (40) years, ending at midnight on January 3, 2045. If no sewer service has been made available to the Peace at Home Family Shelter by the end of this term, the Project For Victims Of Family Violence, Inc. may renew this lease for an additional forty years. However, **once adequate sewer connection and street access becomes available to the Peace at Home**



**Family Shelter, the Project For Victims Of Family Violence, Inc. shall connect to such street and sewer main and upon attaining such connection, this lease terminates and the land and access easement revert to the City of Fayetteville.**

**3. Consideration.** The primary consideration for the City is The Project For Victims Of Family Violence, Inc.'s agreement in paragraph 4 to serve Fayetteville citizens and residents of surrounding communities by promptly constructing its Peace at Home Family Shelter.

**4. Use.** The Project For Victims Of Family Violence, Inc. agrees to use the lease premises for the purpose of access to a constructed street and a septic system including lateral lines for its Peace at Home Family Shelter. If at any time the property ceases to be used for this purpose or when the shelter gains access to an interior street and a sewer main, the lease shall terminate. The Project For Victims Of Family Violence, Inc. agrees to furnish a Peace at Home Family Shelter for Fayetteville citizens and residents of neighboring communities throughout this lease period. The Project For Victims Of Family Violence, Inc. shall deliver quarterly written reports to the Mayor's office concerning the number of Fayetteville citizens/residents housed or otherwise assisted by The Project For Victims Of Family Violence, Inc.

**5. Improvements.** The Project For Victims Of Family Violence, Inc. may make any such improvements as are necessary to carry out the purpose of this lease. Design for any such improvements shall be approved by the City of Fayetteville. Upon termination of this lease, all improvements shall become the property of the City.

**6. Taxes.** The Project For Victims Of Family Violence, Inc. shall pay any and all ad valorem taxes and special improvement district taxes levied and assessed against said premises and the improvements located thereon during the term of this lease.

**7. Notices.** All notices, requests, demands and other communications required by or permitted hereunder shall be in writing and shall be directed to the following:

City of Fayetteville  
113 W. Mountain St.  
Fayetteville, AR 72701

The Project For Victims Of Family Violence, Inc.  
P.O. Box 1923  
Fayetteville, AR 72702-1923

**8. Assignment.** The Project For Victims Of Family Violence, Inc. shall not assign this lease or sublet the lease premises without prior written consent of the City. Any such assignment or subletting shall in no way relieve The Project For Victims Of Family Violence, Inc. from liability for the obligation imposed by this lease. The Project For Victims Of Family Violence, Inc. may only be released from liability for the obligation imposed by this lease by a specific written release executed by the City.

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the federal or state authorization to lift the restrictions on development of this land (by placing those restrictions on land offered by the City at Lake Sequoyah) shall nullify this agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hand and seals on this the \_\_\_\_\_ day of January, 2004.

**CITY OF FAYETTEVILLE, Lessor**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

ATTEST:

By: \_\_\_\_\_  
**Sondra Smith, City Clerk**

**THE PROJECT FOR  
VICTIMS OF FAMILY VIOLENCE, Lessee**

By:  \_\_\_\_\_  
**JUDITH SELLE, C.E.O.**

ATTEST:

By: \_\_\_\_\_

\_\_\_\_\_  
Title

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Conrad Odom  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
January 4, 2005**

A meeting of the Fayetteville City Council will be held on January 4, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Oaths of Office of the 2005 Elected Officials**

**Roll Call**

**Pledge of Allegiance**

**2005 Community Development Block Grant:** Copies of the 2005 Action Plan and the 2005-2009 Consolidated Plan are available for review in the City Clerk's office.

**A. CONSENT:**

1. **Approval of the Minutes:** Approval of the November 30, 2004, December 7, 2004, December 21, 2004 and December 28, 2004 City Council meeting minutes.
2. **Cliffside Park Land Dedication Requirement:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District (PZD) Development.
3. **Baird, Kurtz & Dobson (BKD), LLP Contract Renewal:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount \$57,000.00 to provide independent audit services to the City of Fayetteville.

4. **Freelance Consulting Services Contract:** A resolution approving proposal 04-21 from Freelance Consulting Services in the amount of \$56,000.00 to conduct a Wildland Interface Fire Assessment.
5. **Multi-Craft Bid #04-88 Award:** A resolution awarding Bid #04-88 to Air Works Division of Multi-Craft Contractors, Inc. in the amount of \$49,442.00 for the purchase and installation of a 25-ton rooftop heating and air conditioning unit and removal of the existing unit at the Fayetteville Police Department.

## **B. UNFINISHED BUSINESS**

## **C. NEW BUSINESS:**

1. **Downtown Master Plan Redevelopment District:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.
2. **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District, and finding the plan is economically feasible.
3. **Shake's Property Offer:** A resolution to accept an offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for \$178,555.00.
4. **ANX 04-1334 (Harper/Teater):** An ordinance annexing that property described in Annexation Petition ANX 04-1334 annexing to the City of Fayetteville, Arkansas, property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres.
5. **RZN 04-1335 (Harper/Teater):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.
6. **RZN 04-1329 (Hogeye, Inc.):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1329 for property located on the north side of 6<sup>th</sup> Street across from the Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office.
7. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
8. **RZN 04-1331 (Bale):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1331 for property located at 3513, 3515, and 3517 West 6<sup>th</sup> Street containing approximately 0.80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial.



9. **RZN 04-1332 (Hays):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
10. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6<sup>th</sup> Street, west of Hill Avenue, northeast of 11<sup>th</sup> Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission.
11. **VAC 04-1324 (Elder/Salem Townhouses):** An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on the north side of Wedington Drive west of Salem Road as described on the attached map and legal description.
12. **U.S. Department of Justice Grant:** A resolution authorizing the Fayetteville Police Department to accept a Grant from the U. S. Department of Justice in the amount of \$164,900.00 to define and initiate anti-methamphetamine strategies and assist the Washington County Drug Court; approving an increase in police staffing by one (1) officer; and approving a budget adjustment recognizing the grant revenues.
13. **NANCHAR, Inc. and MSB Properties LLC Supplemental Agreement:** A resolution to approve a Supplemental Agreement for cost share of early construction of Van Ashe Boulevard with NANCHAR, Inc. and MSB Properties, LLC and to approve a budget adjustment of \$1,982,788.00.

**D. PUBLIC HEARING:**

1. **Raze and Removal (408 E. Center Street):** A resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in the City of Fayetteville, Arkansas.

**E. INFORMATIONAL:**

**Council Tour: January 3, 2005 – 4:30 pm**





**DEPARTMENTAL CORRESPONDENCE**

---

**DATE:** December 13, 2004  
**TO:** Mayor and Council  
**FROM:** Gary Dumas, Operations Department Head  
**SUBJECT:** Community Development Block Grant (CDBG) 2005 Funding Agreement

**RECOMMENDATION**

The staff recommends review of documents attached.

**BACKGROUND**

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement city since 1975. The grants are based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons and the number of housing units. Each year the Community Resources Division submits an annual "Action Plan" and funding request to the U.S. Department of Housing & Urban Development (HUD) for CDBG funding. The plan is published for a 30 day public comment period and submitted to HUD for approval.

The City of Fayetteville's Consolidate Action Plan (CAP) has been submitted for fiscal year 2005. Grant amounts vary each year dependent on funding levels authorized by Congress through the annual federal budget process. We have attached a copy of the current city Consolidate Plan (CP) that lists the programs submitted by the city for funding.

**CURRENT STATUS**

Copies of the 2005 Action Plan and 2005 Consolidated Plan are being submitted for informational purposes.

**City of Fayetteville**  
**Community Development Block Grant 2005**

|                                      |  |         |
|--------------------------------------|--|---------|
| <b>ADMIN</b><br>(Funding cap of 20%) |  | 121,056 |
|--------------------------------------|--|---------|

|                |         |         |
|----------------|---------|---------|
| <b>HOUSING</b> |         |         |
| REHAB          | 314,924 |         |
| HABITAT        | 10,000  | 324,924 |

|                        |        |         |
|------------------------|--------|---------|
| <b>PUBLIC SERVICES</b> |        |         |
| TAXI PROGRAM           | 40,000 |         |
| BOYS & GIRLS CLUB      | 40,000 |         |
| YOUTH CAN!             | 15,020 |         |
| HOMEOWNERSHIP          | 10,000 | 105,020 |
| (Funding cap of 15%)   |        |         |

|                              |         |         |
|------------------------------|---------|---------|
| <b>REDEVELOPMENT PROGRAM</b> |         |         |
| CODE COMPLIANCE OFFICER      | 41,904  |         |
| LAND ACQUISITION             | 148,096 |         |
| CODE COMPLIANCE              | 20,000  | 210,010 |

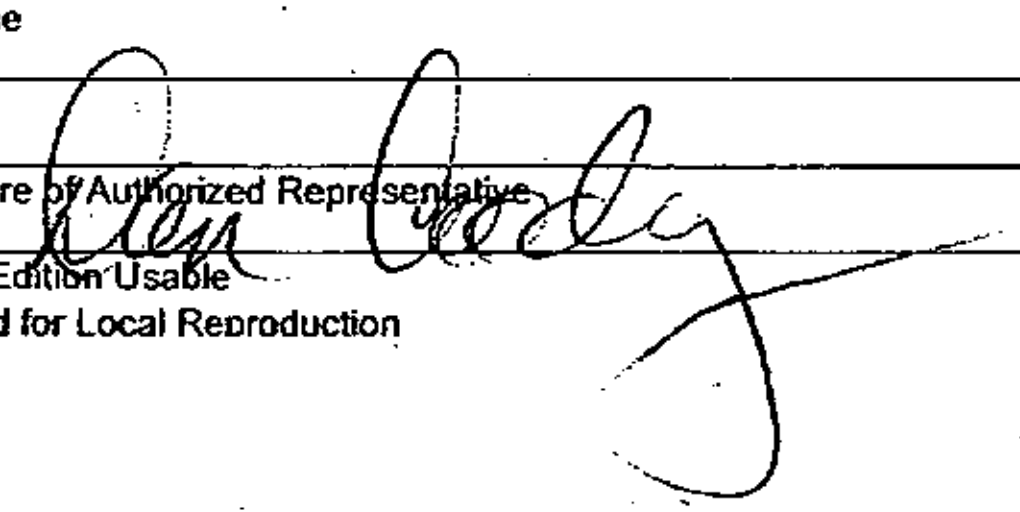
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**\$761,000**

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Version 7/03

**APPLICATION FOR  
FEDERAL ASSISTANCE**

|                                                                                                                                                                                                                                                                                                                                 |    |                                           |                                                                                                                                                             |                                                             |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------|
| <b>1. TYPE OF SUBMISSION:</b><br>Application<br><input type="checkbox"/> Construction<br><input checked="" type="checkbox"/> Non-Construction                                                                                                                                                                                   |    | <b>2. DATE SUBMITTED</b><br>11/15/04      |                                                                                                                                                             | <b>Applicant Identifier</b><br>B-05-MC-05-0001              |                                                    |
| <b>Pre-application</b><br><input type="checkbox"/> Construction<br><input checked="" type="checkbox"/> Non-Construction                                                                                                                                                                                                         |    | <b>3. DATE RECEIVED BY STATE</b>          |                                                                                                                                                             | <b>State Application Identifier</b>                         |                                                    |
|                                                                                                                                                                                                                                                                                                                                 |    | <b>4. DATE RECEIVED BY FEDERAL AGENCY</b> |                                                                                                                                                             | <b>Federal Identifier</b>                                   |                                                    |
| <b>5. APPLICANT INFORMATION</b>                                                                                                                                                                                                                                                                                                 |    |                                           |                                                                                                                                                             |                                                             |                                                    |
| <b>Legal Name:</b><br>City of Fayetteville                                                                                                                                                                                                                                                                                      |    |                                           | <b>Organizational Unit:</b><br>Department:<br>Community Planning and Engineering Services                                                                   |                                                             |                                                    |
| <b>Organizational DUNS:</b><br>141-310578                                                                                                                                                                                                                                                                                       |    |                                           | <b>Division:</b><br>Community Resources                                                                                                                     |                                                             |                                                    |
| <b>Address:</b><br>Street:<br>113 West Mountain Street                                                                                                                                                                                                                                                                          |    |                                           | <b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b><br>Prefix:<br>Mrs. First Name:<br>Yolanda |                                                             |                                                    |
| <b>City:</b><br>Fayetteville                                                                                                                                                                                                                                                                                                    |    |                                           | <b>Middle Name</b>                                                                                                                                          |                                                             |                                                    |
| <b>County:</b><br>Washington                                                                                                                                                                                                                                                                                                    |    |                                           | <b>Last Name</b><br>Fields                                                                                                                                  |                                                             |                                                    |
| <b>State:</b><br>Arkansas                                                                                                                                                                                                                                                                                                       |    | <b>Zip Code</b><br>72701                  |                                                                                                                                                             | <b>Suffix:</b>                                              |                                                    |
| <b>Country:</b><br>United States of America                                                                                                                                                                                                                                                                                     |    |                                           | <b>Email:</b><br>yfields@ci.fayetteville.ar.us                                                                                                              |                                                             |                                                    |
| <b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b><br>71-6018462                                                                                                                                                                                                                                                                   |    |                                           | <b>Phone Number (give area code)</b><br>479-575-8290                                                                                                        |                                                             | <b>Fax Number (give area code)</b><br>479-444-3445 |
| <b>8. TYPE OF APPLICATION:</b><br><input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision<br>If Revision, enter appropriate letter(s) in box(es)<br>(See back of form for description of letters.)<br>Other (specify) <input type="checkbox"/> <input type="checkbox"/> |    |                                           | <b>7. TYPE OF APPLICANT: (See back of form for Application Types)</b><br>Municipal<br>Other (specify)                                                       |                                                             |                                                    |
| <b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b><br>14-216                                                                                                                                                                                                                                                             |    |                                           | <b>9. NAME OF FEDERAL AGENCY:</b><br>United States Department of Housing and Urban Development                                                              |                                                             |                                                    |
| <b>TITLE (Name of Program):</b><br>Community Development Block Grant                                                                                                                                                                                                                                                            |    |                                           | <b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b><br>Community Development                                                                               |                                                             |                                                    |
| <b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b><br>Fayetteville                                                                                                                                                                                                                                          |    |                                           |                                                                                                                                                             |                                                             |                                                    |
| <b>13. PROPOSED PROJECT</b><br>Start Date: 1/1/05 Ending Date: 12/31/05                                                                                                                                                                                                                                                         |    |                                           | <b>14. CONGRESSIONAL DISTRICTS OF:</b><br>a. Applicant 3 b. Project 3                                                                                       |                                                             |                                                    |
| <b>15. ESTIMATED FUNDING:</b>                                                                                                                                                                                                                                                                                                   |    |                                           | <b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>                                                                         |                                                             |                                                    |
| a. Federal                                                                                                                                                                                                                                                                                                                      | \$ | 761,000.00                                | a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON                |                                                             |                                                    |
| b. Applicant                                                                                                                                                                                                                                                                                                                    | \$ | .00                                       | DATE:                                                                                                                                                       |                                                             |                                                    |
| c. State                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372                                                                            |                                                             |                                                    |
| d. Local                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW                                                                               |                                                             |                                                    |
| e. Other                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | <b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>                                                                                                 |                                                             |                                                    |
| f. Program Income                                                                                                                                                                                                                                                                                                               | \$ | .00                                       | <input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No                                                         |                                                             |                                                    |
| g. TOTAL                                                                                                                                                                                                                                                                                                                        | \$ | 761,000.00                                |                                                                                                                                                             |                                                             |                                                    |
| <b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>                                      |    |                                           |                                                                                                                                                             |                                                             |                                                    |
| <b>a. Authorized Representative</b>                                                                                                                                                                                                                                                                                             |    |                                           |                                                                                                                                                             |                                                             |                                                    |
| <b>Prefix</b><br>Mr.                                                                                                                                                                                                                                                                                                            |    | <b>First Name</b><br>Dan                  |                                                                                                                                                             | <b>Middle Name</b>                                          |                                                    |
| <b>Last Name</b><br>Coody                                                                                                                                                                                                                                                                                                       |    |                                           |                                                                                                                                                             | <b>Suffix</b>                                               |                                                    |
| <b>b. Title</b><br>Mayor                                                                                                                                                                                                                                                                                                        |    |                                           |                                                                                                                                                             | <b>c. Telephone Number (give area code)</b><br>479-575-8330 |                                                    |
| <b>d. Signature of Authorized Representative</b><br>                                                                                                                                                                                         |    |                                           |                                                                                                                                                             | <b>e. Date Signed</b><br>11/15/04                           |                                                    |

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Standard Form 424 (Rev.9-2003)  
Prescribed by OMB Circular A-102





City Council Meeting of January 4, 2005  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations  
Connie Edmonston, Director of Parks and Recreation *CE*

**From:** Alison Jumper, Park Planner

**Date:** December 8, 2004

**Subject:** Cliffside PZD Development.

### **RECOMMENDATION**

Fayetteville Parks and Recreation Advisory Board (PRAB) and Parks and Recreation Staff recommend money in lieu of land as the Park Land Dedication requirement for Cliffside PZD Development.

### **BACKGROUND**

The Cliffside development is located north of Hwy 16 and east of Happy Hollow Road. The owner is SCB Investments and the engineering firm is Project Design Consultants, Inc. The development contains 111 units on 26.11 acres. The requirement for park land is 2.66 acres and money in lieu is \$61,605. Mount Sequoyah woods and Happy Hollow Elementary School park are located within a half mile radius of this development.

The Park Land Dedication Ordinance states if a major development is over 40 acres or 100 units, the requirement is land.

*"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study." (Unified Development Ordinance No. 166.03K)*

The development was presented to the Parks and Recreation Advisory Board on July 12, 2004.



## **DISCUSSION**

The Parks and Recreation Staff and PRAB recommend money in lieu of land in the amount of \$61,605 for the Park Land Dedication requirement. This decision is based upon the recreational needs of this area being met by Mount Sequoyah woods and Happy Hollow Elementary School park.

This PZD was approved at the December 7, 2004 City Council meeting without a waiver request for parkland dedication. The waiver request was inadvertently left out. If you have any questions, please call me at 444-3469.

### **Attachments:**

Cliffside PZD Plan

Location Map

PRAB July 12, 2004 Meeting Minutes

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ACCEPTING THE PARKS AND RECREATION  
ADVISORY BOARD'S RECOMMENDATION TO ACCEPT  
\$61,605.00 CASH IN LIEU OF THE REQUIRED PARK LAND  
DEDICATION FOR CLIFFSIDE PLANNED ZONING DISTRICT  
(PZD) DEVELOPMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas  
hereby accepts the Parks and Recreation Advisory Board's recommendation to  
accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside  
Planned Zoning District (PZD) Development.

PASSED and APPROVED this 4<sup>th</sup> day of January 2005

APPROVED:

By:

DAN GOODY, Mayor

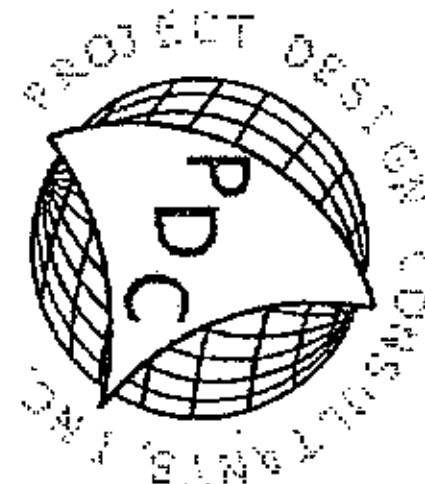
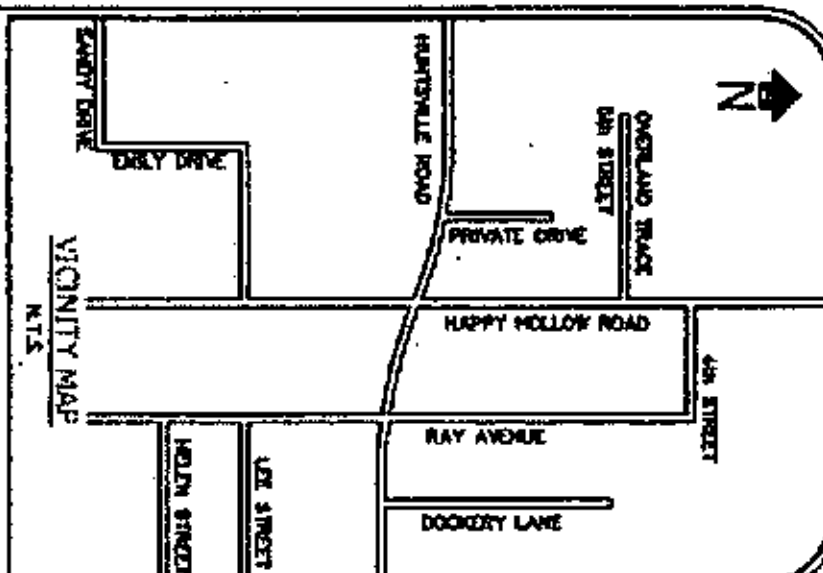
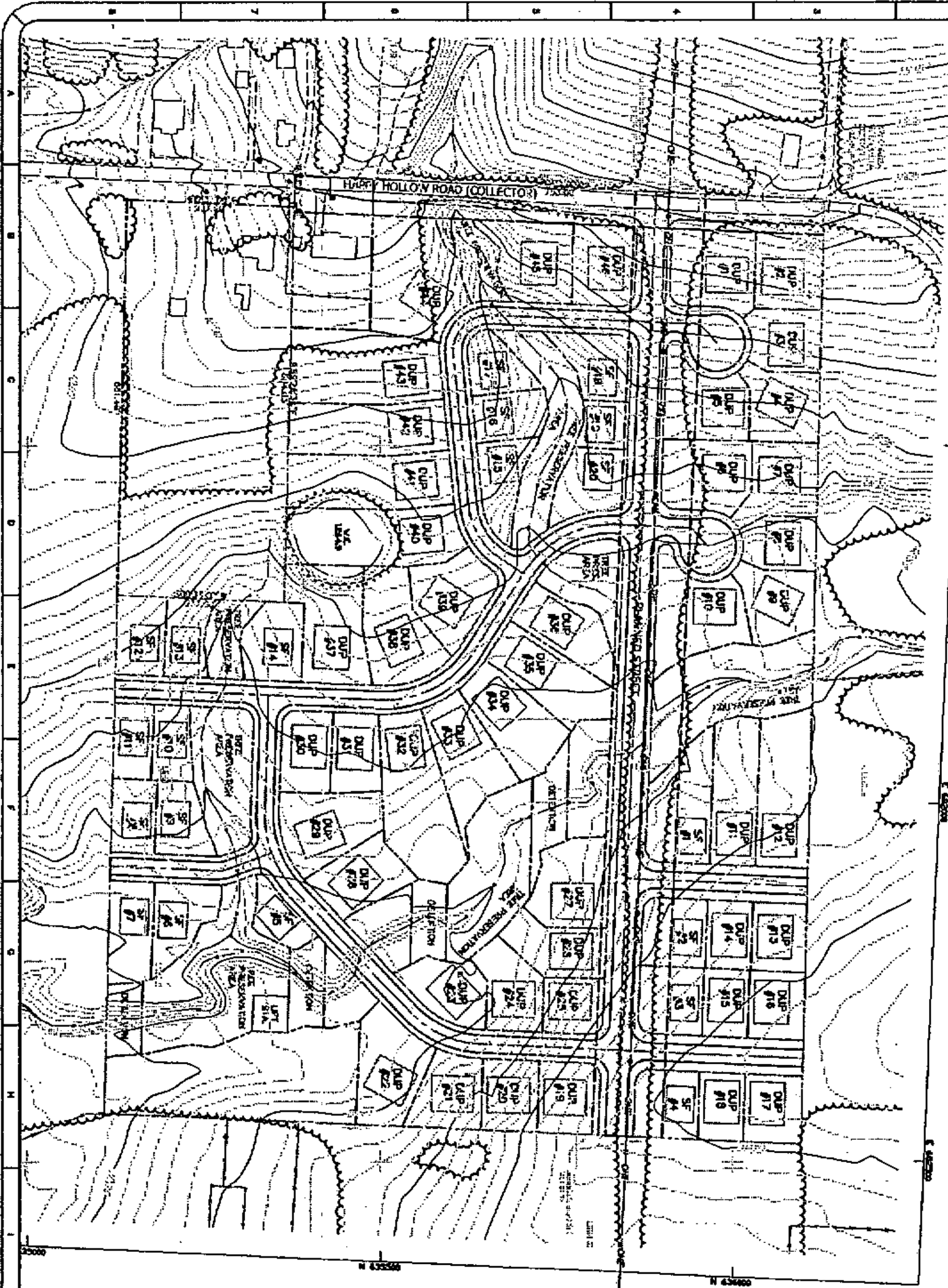
ATTEST:

By

SONDRA SMITH, City Clerk

OWNER/DEVELOPER:  
SBC INVESTMENTS LLC  
ATTN: BRANDON BARBOR  
P.O. BOX 8783  
FAVETTEVILLE, ARKANSAS 72703  
(479) 273-2265

| ACREAGE SUMMARY                  |           |
|----------------------------------|-----------|
| 1                                |           |
| KNIGHT OF WARRIORS (HOLLOW HORN) | 0.57 AC.  |
| KNIGHT OF WARRIORS (HORN)        | 4.00 AC.  |
| HAUTEVILLI                       | 11.86 AC. |
| ST. LEONARD                      | 3.51 AC.  |
| CASTLETON                        | 0.53 AC.  |
| CASTLETON                        | 1.54 AC.  |
| HAUTEVILLI                       | 1.57 AC.  |
| CASTLETON                        | 0.83 AC.  |
| HAUTEVILLI                       | 0.91 AC.  |
| TOTAL                            | 33.78 AC. |



|                     |                          |
|---------------------|--------------------------|
| SCALE:<br>1"=100'   | PROJECT NO.:<br>2004-014 |
| DRAWN BY:<br>NAS    | DATE:<br>05/14/04        |
| APPROVED BY:<br>NAS | DATE:                    |

PROJECT:  
HAPPY HOLLOW ROAD  
FAYETTEVILLE, AR

# CONCEPTUAL SITE PLAN B

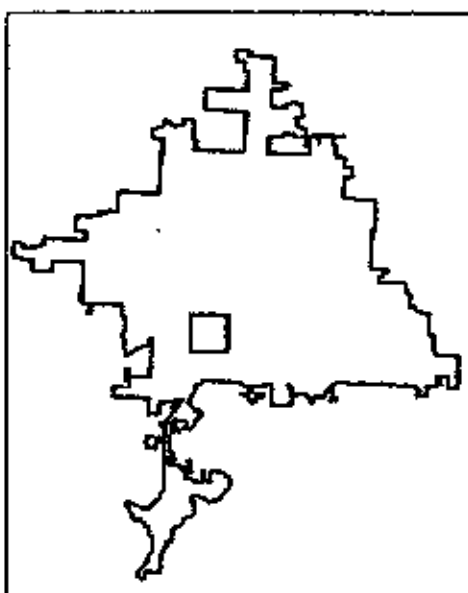
|               |   |    |   |
|---------------|---|----|---|
| SHEET NUMBER: | 1 | OF | 1 |
|---------------|---|----|---|



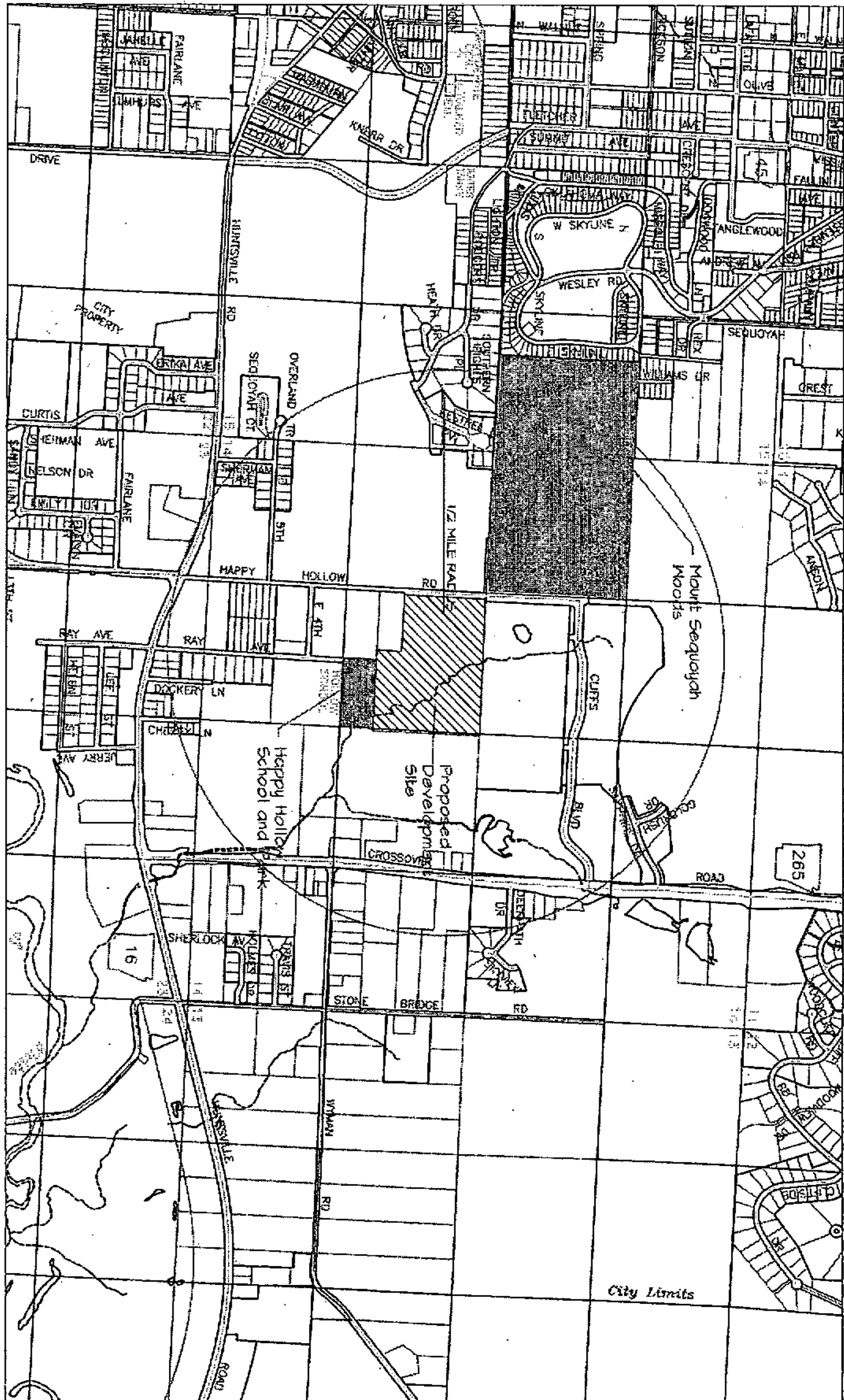
0 25 mi. 5 mi. 75 mi.



# PROJECT PROXIMITY MAP - HAPPY HOLLOW PZD



|                             |                 |
|-----------------------------|-----------------|
| <b>PROXIMITY MAP</b>        |                 |
| <b>HAPPY HOLLOW PZD</b>     |                 |
| <b>SBC INVESTMENTS, LLC</b> |                 |
| DATE: 10/1/2010             | BY: [Signature] |
| SCALE: 1" = 1/4" MILE       |                 |
| PROJECT NO: 10-001          |                 |
| REVISION: 1.0               |                 |
| APPROVED: [Signature]       |                 |
| DATE: 10/1/2010             |                 |





## **PARKS AND RECREATION ADVISORY BOARD**

Meeting Minutes  
July 12, 2004

### **Opening:**

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:36 p.m. on July 12, 2004 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairman Colwell.

### **Present:**

Parks and Recreation Advisory Board members Colwell, Eads, Hill, Marley, and Mauritson; City staff Coles, Dollar, Wright, Malloy, Weber, Hatfield, Edmonston; and Audience.

### **1. Park Land Dedication**

|                              |                                                                                                                                                                              |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Name:            | Happy Hollow PZD                                                                                                                                                             |
| Engineer:                    | Amy Scott, Project Design Consultants                                                                                                                                        |
| Owner:                       | SBC Investments, LLC                                                                                                                                                         |
| Location:                    | Happy Hollow Road, South of the Cliffs                                                                                                                                       |
| Park District:               | SE                                                                                                                                                                           |
| Units:                       | 20 Single Family units; 92 multi Family Units                                                                                                                                |
| Total Acres:                 | 26.76                                                                                                                                                                        |
| Land Dedication Requirement: | 2.04 acres                                                                                                                                                                   |
| Money in Lieu Requirement:   | \$47,256                                                                                                                                                                     |
| Existing Parks:              | Mt. Sequoyah Woods 68 acres, Happy Hollow Elementary Park & Trails, proposed Stone Mountain Subdivision Park 8.19 acres.                                                     |
| Staff Recommendation:        | Money in Lieu                                                                                                                                                                |
| Justification:               | Development situated within a half-mile of three large areas of park land. A developer provided pedestrian corridor will link residents to Happy Hollow Elementary and Park. |

Mauritson asked is the corridor part of the project.

Amy Scott replied the corridor will be part of the project because it is required by Planning Division.

### **MOTION:**

**Hill moved to accept Money in Lieu of a land dedication to satisfy the Park Land Dedication Ordinance for the proposed development.**

**Mauritson seconded the motion.**

**Upon roll call, the motion was approved 7-0-0 with Colwell, Bailey, Eads, Hill, Shoulders, Marley, and Mauritson voting 'yes' with Pawlik Holmes absent for the vote.**

July 12, 2004 / 1



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

A. 2  
Cliffside Park Land Dedication Requirement  
Page 7 of 8

1/4/2005

City Council Meeting Date

Connie Edmonston *C.E.*  
Submitted By

Parks and Recreation  
Division

Operations  
Department

Action Required:

Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication requirement of Cliffside PZD.

Cost of this request

Category/Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

\$   
Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

*[Signature]*  
Department Director

12-9-04  
Date

*[Signature]*  
City Attorney

12/10/2004  
Date

Received in City Clerk's Office

*[Signature]*  
Mayor

12/16/04  
Date

Received in Mayor's Office

12/10/04 P.H.

Comments:

ENTERED  
12-9-04





To: Mayor Dan Coody and the Fayetteville City Council  
From: Marsha Farthing, Accounting Manager   
Date: December 13, 2004  
Subject: Annual Audit

**Recommendation**

Staff recommends approval of the third year audit engagement with BKD,LLP.

**Background**

In August 2002 the City Council passed Resolution 124-02 approving a five year contract with Baird, Kurtz & Dobson (BKD), LLP, to provide independent audit services for the City. It is time to approve the engagement letter for services in connection with the audit for the year ending December 31, 2004.

**Discussion**

The City is required, under Arkansas statutes and applicable bond issues, to have an annual financial audit conducted by either Legislative Audit or a Certified Public Accounting firm licensed in Arkansas. Because of the requirements of bond indentures, the City has for the past thirty plus years utilized the services of a private CPA firm to perform these mandated financial audits.

BKD was selected by the City following the applicable rules and regulations concerning the procurement of auditing services. The City entered into a five-year agreement in August 2002. Under this contract BKD will provide an annual audit of the City's financial statements and a review of the City's internal control system as required by state law. In addition to the financial audit, BKD also issues a report on internal control and compliance requirements for major federal award programs as required by the Single Audit Act. The single audit is the primary mechanism used by federal agencies to ensure accountability for federal awards to non-federal entities.

Finally, BKD also provides technical assistance to the City in producing the Comprehensive Annual Financial Report (CAFR). The CAFR includes the City's financial statements as well as statistical information required by the City's bond covenants.



**Budget Impact**

The cost of the 2004 audit by contract was not to exceed \$53,700. The contract presented is for \$57,000. The requested increase is due to additional auditing requirements from new auditing standards. The audit has been budgeted in General Fund but the costs will be allocated to the various funds of the City.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE ANNUAL CONTRACT RENEWAL WITH BAIRD, KURTZ & DOBSON (BKD), LLP, IN THE AMOUNT \$57,000.00 TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY OF FAYETTEVILLE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the of \$57,000.00 to provide independent audit services to the City of Fayetteville. A copy of the engagement letter for services marked Exhibit A is attached hereto, and made a part hereof.

PASSED and APPROVED this 4<sup>th</sup> day of January 2005

APPROVED

By \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By \_\_\_\_\_  
SONDRA SMITH, City Clerk





5000 Rogers Avenue, Suite 700  
Fort Smith, AR 72903-2079  
479 452-1040 Fax 479 452-5542

400 W. Capitol Avenue, Suite 2500  
P.O. Box 3667  
Little Rock, AR 72203-3667  
501 372-1040 Fax 501 372-1250

200 E. 11th Avenue  
P.O. Box 8306  
Pine Bluff, AR 71611-8306  
870 534-9172 Fax 870 534-2146

bkd.com

December 2, 2004

Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
City of Fayetteville, Arkansas  
113 West Mountain  
Fayetteville, Arkansas 72701

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide to the City of Fayetteville, Arkansas.

#### **ENGAGEMENT OBJECTIVES**

We will audit the financial statements of City of Fayetteville, Arkansas as of and for the year ended December 31, 2004 in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Nonprofit Organizations*.

The objectives of our audit are:

- ✓ Expression of an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.
- ✓ Issuance of a report on your compliance based on the audit of your financial statements.
- ✓ Issuance of a report on your internal control over financial reporting based on the audit of your financial statements.
- ✓ Expression of an opinion on your compliance, in all material respects, with the types of compliance requirements described in the *U. S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each of your major federal award programs.

Solutions  
for  
Success

A member of  
Moore Rowland  
International



Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 2

- ✓ Issuance of a report on your internal control over compliance based on the audit of your compliance with the types of compliance requirements that are applicable to each of your major federal award programs.
- ✓ Issuance of a report on your schedule of expenditures of federal awards.

### **OUR RESPONSIBILITIES**

Auditing standards generally accepted in the United States of America, *Government Auditing Standards* and OMB Circular A-133 require that we plan and perform:

- ✓ The audit of the financial statements to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud.
- ✓ The audit of compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement applicable to each major federal award program to obtain reasonable rather than absolute assurance about whether noncompliance having a direct and material effect on a major federal award program occurred.

Accordingly, a material misstatement or noncompliance having a direct and material effect may remain undetected.

Our audit of the financial statements is designed to detect misstatements and noncompliance that, in our judgment, could have a material effect on the financial statements taken as a whole. Consequently, our audit will not necessarily detect errors or fraud resulting in an immaterial misstatement of the financial statements.

Likewise, our audit of compliance with the types of compliance requirements applicable to each major federal award program is designed to detect noncompliance having a direct and material effect on a major program. Consequently, our audit will not necessarily detect noncompliance having an indirect and material or an immaterial effect on any program.

Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 3

An audit also includes obtaining an understanding of internal control sufficient to plan the audit and to determine the nature, timing and extent of audit procedures to be performed. An audit is not designed to provide assurance on internal control over financial reporting or on internal control over compliance or to identify reportable conditions. However, we will communicate to you any matter that comes to our attention that we consider a reportable condition. Because of the limits in any internal control structure, errors, fraud, illegal acts or instances of noncompliance may occur and not be detected. Also, in the future, procedures could become inadequate because of changes in conditions or deterioration in design or operation. Two or more people may also circumvent controls, or management may override the system. We are available to perform additional procedures with regard to fraud detection and prevention at your request, subject to completion of our normal engagement acceptance procedures. The actual terms and fees of such an engagement would be documented in a separate letter to be signed by you and BKD.

If, for any reason, we are unable to complete our audit of the financial statements or our audit of compliance with the types of compliance requirements applicable to each major federal award program or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of this engagement. If we discover conditions that may prohibit us from issuing a standard report, we will notify you as well. In such circumstances, further arrangements may be necessary to continue our engagement.

### **YOUR RESPONSIBILITIES**

To facilitate our audit, management is responsible for making all financial records documentation and other financial and compliance related information available to us. At the conclusion of our engagement, management will provide to us a letter acknowledging certain responsibilities outlined in this engagement letter and confirming:

- The availability of this information
- Certain representations made during the audits for all periods presented
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole



Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 4

Management is responsible for fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, for adjusting the financial statements to correct material misstatements and for identifying and ensuring compliance with the laws, regulations, contracts and grants applicable to your activities including your federal award programs. Management is also responsible for establishing and maintaining effective internal control over financial reporting and compliance and setting the proper tone; creating and maintaining a culture of honesty and high ethical standards; and establishing appropriate controls to prevent, deter and detect fraud, illegal acts and instances of noncompliance.

The results of our tests of compliance and internal control over financial reporting performed in connection with our audit of the financial statements may not fully meet the reasonable needs of report users. Management is responsible for obtaining audits, examinations, agreed-upon procedures or other engagements that satisfy relevant legal, regulatory or contractual requirements or fully meet other reasonable user needs.

#### **OTHER SERVICES**

We may perform other services for you not covered by this engagement letter. You agree to assume full responsibility for the substantive outcomes of those services, including any findings that may result. You also acknowledge that those services are adequate for your purposes and that you will establish and monitor the performance of those services to ensure that they meet management's objectives. Any and all decisions involving management functions related to those services will be made by you, and you accept full responsibility for such decisions. We understand that you will designate a management-level individual to be responsible and accountable for overseeing the performance of those services, and that you will have determined this individual is qualified to conduct such oversight.

#### **ENGAGEMENT FEES**

Our fees will be based on time expended plus charges for travel, long-distance telephone, copies, etc. and will not exceed \$57,000. We will issue progress billings during the course of our engagement and our statements are due when received.

Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 5

Our engagement fee does not include any time for post-engagement consultation with your personnel or third parties, consent letters and related procedures for the use of our reports in offering documents, inquiries from regulators or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

Our fees may increase if our duties or responsibilities are increased by rule making of any regulatory body or new accounting or auditing standards. We will consult with you in the event any regulations or standards are issued that may impact our fees.

Our invoices are due within 30 days. If our invoices for this or any other engagement you may have with BKD are not paid when due, we may suspend or terminate our services for this or any other engagement. In the event our work is suspended or terminated as a result of nonpayment, you agree we will not be responsible for any consequences to you.

#### **OTHER ENGAGEMENT MATTERS AND LIMITATIONS**

Our workpapers and documentation retained in any form of media for this engagement are the property of BKD. We can be compelled to provide information under legal process. In addition, we may be requested by regulatory or enforcement bodies to make certain workpapers available to them pursuant to authority granted by law or regulation. You agree that we have no legal responsibility to you in the event we provide such documents or information.

To the extent permitted by the laws of the State of Arkansas, you agree to indemnify and hold harmless BKD and its personnel from any claims, liabilities, costs, and expenses relating to our services under this agreement attributable to false or incomplete representations by management, except to the extent determined to have resulted from the intentional or deliberate misconduct of BKD personnel.

To the extent permitted by the laws of the State of Arkansas, you agree that any dispute regarding this engagement will, prior to resorting to litigation, be submitted to mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The results of the mediation proceeding shall be binding only if each of us agrees to be bound. We will share any costs of mediation proceedings equally.

If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.



Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 6

This engagement letter represents the entire agreement regarding the services described herein and supersedes all prior negotiations, proposals, representations or agreements, written or oral, regarding these services. It shall be binding on heirs, successors and assigns of you and BKD.

If you intend to include these financial statements and our report in an offering document at some future date, you agree to seek our permission to do so at that time. You agree to provide reasonable notice to allow sufficient time for us to perform certain additional procedures. Any time you intend to publish or otherwise reproduce these financial statements and our report and make reference to our firm name in any manner in connection therewith, you agree to provide us with printers' proofs or masters for our review and approval before printing or other reproduction. You will also provide us with a copy of the final reproduced material for our approval before it is distributed. Our fees for such services are in addition to those discussed elsewhere in this letter.

You agree to notify us if you desire to place these financial statements or our report thereon on an electronic site, such as the World Wide Web. You recognize that we have no responsibility as auditors to review information contained in electronic sites.

BKD is a registered limited liability partnership under Missouri law. Under applicable professional standards, partners of **BKD, LLP** have the same responsibilities as do partners in a general accounting and consulting partnership with respect to conformance by themselves and other professionals in BKD with their professional and ethical obligations. However, unlike the partners in a general partnership, the partners in a registered limited liability partnership do not have individual civil liability, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations or liabilities of or chargeable to the registered limited liability partnership or each other, whether arising in tort, contract or otherwise.

If the above arrangements are acceptable to you, please sign the enclosed copy of this letter and return it to us.

BKD, LLP

*BKD, LLP*

Audit Committee and Board of Directors  
Honorable Dan Coody, Mayor  
Mr. Stephen Davis, Finance and Internal Services Director  
Ms. Marsha Farthing, Accounting Manager  
December 2, 2004  
Page 7

The services and arrangements described in this letter are in accordance with our understanding  
and are acceptable to us.

**CITY OF FAYETTEVILLE, ARKANSAS**

BY \_\_\_\_\_  
(Name & Title)

DATE \_\_\_\_\_

kk/vls  
2004CLIENT/71997/ENGL2613



October 4, 2002

To the Partners of  
BKD LLP  
and the SEC Practice Section Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of BKD LLP (the firm) in effect for the year ended May 31, 2002. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of complying with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the AICPA). The design of the system, and compliance with it, are the responsibilities of the firm. In addition, the firm has agreed to comply with the membership requirements of the SEC Practice Section of the AICPA Division for CPA Firms (the Section). Our responsibility is to express an opinion on the design of the system, and the firm's compliance with that system and the Section's membership requirements based on our review.

Our review was conducted in accordance with standards established by the Peer Review Committee of the Section and included procedures to plan and perform the review that are summarized in the attached description of the peer review process. Our review would not necessarily disclose all weaknesses in the system of quality control or all instances of lack of compliance with it or with the membership requirements of the Section since it was based on selective tests. Because there are inherent limitations in the effectiveness of any system of quality control, departures from the system may occur and not be detected. Also, projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or that the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of BKD LLP in effect for the year ended May 31, 2002, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA, and was complied with during the year then ended to provide the firm with reasonable assurance of complying with professional standards. Also, in our opinion, the firm complied during that year with the membership requirements of the Section in all material respects.

*Clifton Gunderson LLP*



## **Attachment to the Peer Review Report of BKD LLP**

### **Description of the Peer Review Process**

#### **Overview**

Member firms of the AICPA SEC Practice Section (the Section) must have their system of quality control periodically reviewed by independent peers. These reviews are system and compliance oriented with the objective of evaluating whether:

The reviewed firm's system of quality control for its accounting and auditing practice has been designed to meet the requirements of the Quality Control Standards established by the AICPA.

The reviewed firm's quality control policies and procedures were being complied with to provide the firm with reasonable assurance of complying with professional standards.

The reviewed firm was complying with the membership requirements of the SECPS in all material respects.

The Section's Peer Review Committee (PRC) establishes and maintains review standards. At regular meetings and through report evaluation task forces, the PRC considers each peer review, evaluates the reviewer's competence and performance, and examines every report, letter of comments, and accompanying response from the reviewed firm that states its corrective action plan before the peer review is finalized. The Transition Oversight Staff (formerly the staff of the Public Oversight Board), an independent oversight body, plays a key role in overseeing the performance of peer reviews working closely with the peer review teams and the PRC.

Once the PRC accepts the peer review reports, letters of comments, and reviewed firms' responses, they are maintained in a file available to the public. In some situations, the public file also includes a signed undertaking by the firm agreeing to specific follow-up action requested by the PRC. That file also includes the firm's annual report which contains information regarding the number of firm offices, firm professionals, and SEC clients for which the firm is principal auditor-of-record.

#### **Planning the Review**

To plan the review of BKD LLP, we obtained an understanding of (1) the nature and extent of the firm's accounting and auditing practice, and (2) the design of the firm's system of quality control sufficient to assess the inherent and control risks implicit in its practice. Inherent risks were assessed by obtaining an understanding of the firm's practice, such as the industries of its clients and other factors of complexity in serving those clients, and the organization of the firm's personnel into practice units. Control risks were assessed by obtaining an understanding of the design of the firm's system of

quality control, including its audit methodology, and monitoring procedures. Assessing control risk is the process of evaluating the effectiveness of the reviewed firm's quality control system in preventing the performance of engagements that do not comply with professional standards.

#### **Performing the Review**

Based on our assessment of the combined level of inherent and control risks, we identified practice units and selected engagements within those units to test for compliance with the firm's quality control system. The engagements selected for review included audits of clients that are SEC registrants, audits performed under the Government Auditing Standards, an audit performed under FDICIA, a multi-office audit and audits of Employee Benefit Plans. The engagements selected for review represented a cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. The engagement reviews included examining working paper files and reports and interviewing engagement personnel.

The scope of the peer review also included examining selected administrative and personnel files to determine compliance with the firm's policies and procedures for the elements of quality control pertaining to independence, integrity, and objectivity; personnel management; and acceptance and continuance of clients and engagements. In addition, we tested compliance with the membership requirements of the Section, including those pertaining to independence quality controls and concurring partner review.

Prior to concluding the review, we reassessed the adequacy of scope and conducted an exit conference with firm management to discuss our findings and recommendations.



|                                                |                   |          |               |           |               |                 |  |                      |  |                      |  |                                                |  |
|------------------------------------------------|-------------------|----------|---------------|-----------|---------------|-----------------|--|----------------------|--|----------------------|--|------------------------------------------------|--|
| City Of Fayetteville<br>(Not a Purchase Order) |                   |          |               |           |               |                 |  |                      |  | Requisition No.:     |  | Date:                                          |  |
| Vendor # 11856                                 |                   |          |               |           |               |                 |  |                      |  | P.O. Number:         |  | Expected Delivery Date:                        |  |
| Address: 400 West Capitol Ave. Suite 2500      |                   |          |               |           |               |                 |  |                      |  | Mail Yes: No:        |  | Quotes Attached Yes: No:                       |  |
| City: Little Rock                              |                   |          |               |           |               |                 |  |                      |  | Taxable Yes: No:     |  | Division Head Approval: <i>Marsha Farthing</i> |  |
| Requester: Marsha Farthing                     |                   |          |               |           |               |                 |  |                      |  | Ship to code: 72203  |  | Extension: 288                                 |  |
| Requester's Employee #: 823                    |                   |          |               |           |               |                 |  |                      |  | Project/Subproject # |  | Inventory #                                    |  |
| Account Numbers: 1010-0500-00                  |                   |          |               |           |               |                 |  |                      |  | Fixed Asset #        |  |                                                |  |
| Item                                           | Description       | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Numbers |  | Project/Subproject # |  | Inventory #          |  | Fixed Asset #                                  |  |
| 1                                              | Annual Audit      | 1        |               |           | \$57,000.00   | 1010-0500-00    |  |                      |  |                      |  |                                                |  |
| 2                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 3                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 4                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 5                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 6                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 7                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 8                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 9                                              |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| 10                                             |                   |          |               |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
|                                                | Shipping/Handling |          | Lot           |           | \$0.00        |                 |  |                      |  |                      |  |                                                |  |
| Special Instructions:                          |                   |          |               |           |               |                 |  |                      |  | Subtotal:            |  | \$57,000.00                                    |  |
|                                                |                   |          |               |           |               |                 |  |                      |  | Tax:                 |  |                                                |  |
|                                                |                   |          |               |           |               |                 |  |                      |  | Total:               |  | \$57,000.00                                    |  |
| Approvals:                                     |                   |          |               |           |               |                 |  |                      |  | Purchasing Manager:  |  |                                                |  |
| Mayor:                                         |                   |          |               |           |               |                 |  |                      |  | Department Director: |  |                                                |  |
| Finance & Internal Services Director:          |                   |          |               |           |               |                 |  |                      |  | IT Manager:          |  |                                                |  |
| Dispatch Manager:                              |                   |          |               |           |               |                 |  |                      |  | Other:               |  |                                                |  |
| Utilities Manager:                             |                   |          |               |           |               |                 |  |                      |  |                      |  |                                                |  |







City Council Meeting of January 4, 2005

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**From:** Chris Bosch, Fire Chief 

**Date:** December 14, 2004

**Subject:** A Resolution awarding a contract for \$56,000 to Freelance Consulting Services to conduct community risk assessment in conjunction with the Firewise Program.

### **RECOMMENDATION**

The Fire Department recommends approval of the Resolution.

### **BACKGROUND**

As a result of the recent wildland fires in California the US Forestry Service has established a national funding program for local governments to conduct wildland interface fire safety assessments. This program is being administered through the State Department of Forestry. This program provides funding for an assessment, which will assist the City of Fayetteville in determining the level of community risk related to the wildland/urban fire interface.

### **DISCUSSION**

The development of this risk assessment will be conducted by Freelance Consulting Services and will replace the previous assessment which was scheduled to be conducted by the Dynamac Corporation. Unfortunately, Dynamac was unable to conduct this assessment due to circumstances beyond our control. Due to the critical nature of this program and in order to ensure a timely resolution to this matter the Fire Department, in conjunction with the City Purchasing Division publicly advertised an RFP in an effort to secure a new contractor to conduct this assessment. As a result of this advertisement Freelance Consulting Services has been selected to conduct this assessment.

Once this risk assessment has been completed Freelance Consulting Services will present its findings to the Fayetteville Firewise Board, which is made up of representatives from the Council of Neighborhoods, a representative from the State Department of Forestry, and the Fire Department. The mitigation recommendations will be utilized as a guide to facilitate discussions with the respective Neighborhood groups regarding wildland fire safety in their respective areas. These groups will then be asked to undertake these mitigation efforts in order to meet the guidelines of the Firewise program. Once the assessment has been finalized, the mitigation recommendations have been developed and work has begun the City of Fayetteville will be recognized as a Firewise Community.

### **BUDGET IMPACT**

This item requires no matching funds. The only financial impact to the Fire Department involves a Department Staff Member's participation in a monthly Firewise Board meeting.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING PROPOSAL 04-21 FROM  
FREELANCE CONSULTING SERVICES IN THE AMOUNT OF  
\$56,000.00 TO CONDUCT A WILDLAND INTERFACE FIRE  
SAFETY ASSESSMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas  
hereby approves proposal 04-21 from Freelance Consulting Services in the  
amount of \$56,000.00 to conduct a Wildland Interface Fire Safety Assessment.

PASSED and APPROVED this 4<sup>th</sup> day of January 2005

APPROVED

By: \_\_\_\_\_

DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk



# City Of Fayetteville

(Not a Purchase Order)

Contract  
Page 3 of 28

2005 PO

Vendor #: NEW Vendor Name: FREELANCE CONSULTING SERVICES

Address: RR 1 Box 382 Fob Point: Taxable Yes: No: Quotes Attached Yes: No: Division Head Approval: No:

City: ALLEN State: OK Zip Code: 74825 Ship to code: 120

Requester: Elizabeth Mann Requester's Employee #: 2251 Extension: 365

| Item | Description                                      | Quantity | Unit of Issue | Unit Cost | Extended Cost | Account Numbers   | Project/Subproject # | Inventory # | Fixed Asset # |
|------|--------------------------------------------------|----------|---------------|-----------|---------------|-------------------|----------------------|-------------|---------------|
| 1    | Establish Firewise Board                         | 1        | LS            | 14,000.00 | \$14,000.00   | 1010.3020.5314.00 | 04041                |             |               |
| 2    | Community Assessments                            | 1        | LS            | 14,000.00 | \$14,000.00   | 1010.3020.5314.00 | 04041                |             |               |
| 3    | Firewise Public Meeting                          | 1        | LS            | 14,000.00 | \$14,000.00   | 1010.3020.5314.00 | 04041                |             |               |
| 4    | Demonstration Project and Firewise Certification | 1        | LS            | 14,000.00 | \$14,000.00   | 1010.3020.5314.00 | 04041                |             |               |
| 5    |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
| 6    |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
| 7    |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
| 8    |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
| 9    |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
| 10   |                                                  |          |               |           | \$0.00        |                   |                      |             |               |
|      | Shipping/Handling                                |          | Lot           |           | \$0.00        |                   |                      |             |               |

Special Instructions: Per Resolution #143-04 regarding Firewise Assessment services

Subtotal: \$56,000.00  
Tax: \$56,000.00  
Total: \$56,000.00

Approvals:

Mayor: \_\_\_\_\_

Department Director: 

Purchasing Manager: \_\_\_\_\_

Finance & Internal Services Director: \_\_\_\_\_

Budget Manager: \_\_\_\_\_

IT Manager: \_\_\_\_\_

Dispatch Manager: \_\_\_\_\_

Utilities Manager: \_\_\_\_\_

Other: \_\_\_\_\_

## REQUEST FOR VENDOR FILE MAINTENANCE

(CHECK ALL AVAILABLE RESOURCES, VENDOR LIST, ACCESS  
SYSTEM PRIOR TO SUBMISSION OF THIS REQUEST)

DATE OF REQUEST: 12/2/04 REQUESTED BY: Elizabeth Mann  
DEPT./DIVISION: Fire / Operations EFFECTIVE DATE: 12/2/04  
TELEPHONE EXTENSION: 366

NEW VENDOR: ☒ VENDOR CHANGE: ☐ VENDOR RE-ENTRY: ☐  
VENDOR #: \_\_\_\_\_ VENDOR #: \_\_\_\_\_

VENDOR NAME: Freelance Consulting Services

STREET OR P.O. BOX: RR 1 Box 382

CITY: Allen STATE: OK ZIP CODE: 74825

ATT: Kelly Hurt PHONE: (580) 421-7512

E-Mail flc33@sbcglobal.net Fax # \_\_\_\_\_

REMITTANCE ADDRESS IF DIFFERENT FROM ABOVE:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, ST, ZIP: \_\_\_\_\_

### TYPE OF ORGANIZATION

FEDERAL ID 72-1544953  
OR  
SOCIAL \_\_\_\_\_

|             |        |                                     |
|-------------|--------|-------------------------------------|
| CORPORATION | (100): | <input type="checkbox"/>            |
| PARTNERSHIP | (200): | <input type="checkbox"/>            |
| INDIVIDUAL  | (300): | <input checked="" type="checkbox"/> |
| EMPLOYEE    | (400): | <input type="checkbox"/>            |
| PENSION     | (500): | <input type="checkbox"/>            |
| NON-PROFIT  | (600): | <input type="checkbox"/>            |

### PURCHASING OFFICE USE ONLY

|                        |                       |
|------------------------|-----------------------|
| NEW VENDOR: _____      | ENTERED BY: _____     |
| VENDOR CHANGES: _____  | DATE: _____           |
| VENDOR RE-ENTRY: _____ | G. L. FILE: _____     |
| W-9 FORM MAILED: _____ | INVENTORY FILE: _____ |

## MICROFILMED

### RESOLUTION NO. 43-04

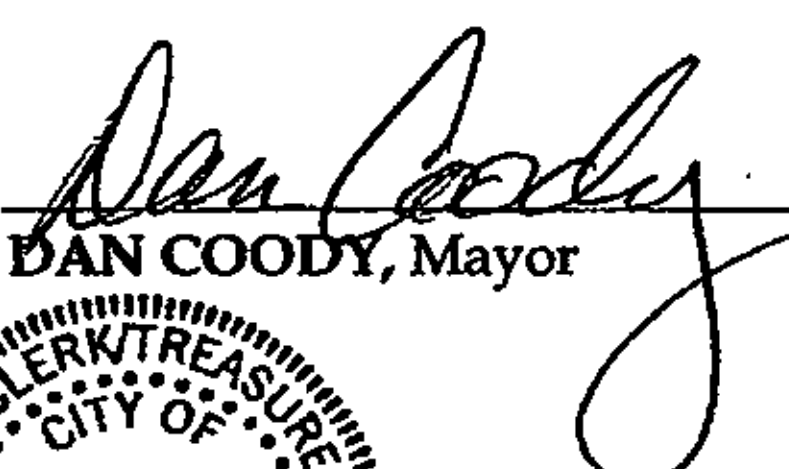
A RESOLUTION AUTHORIZING THE FAYETTEVILLE FIRE DEPARTMENT TO APPLY FOR AND ACCEPT A UNITED STATES FOREST SERVICE FIREWISE GRANT IN THE AMOUNT OF \$56,000.00 TO CONDUCT A WILDLAND INTERFACE FIRE SAFETY ASSESSMENT.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Fire Department to apply for and accept a United States Forest Service Firewise Grant in the amount of \$56,000.00 to conduct a wildland interface fire safety assessment.

**PASSED and APPROVED** this 21<sup>st</sup> day of September, 2004.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk





**RFP 04-21**  
**Request for Proposal – Community Firewise Assessment Services**

**Bid Submitted by:**  
**Freelance Consulting Services, Inc**  
**Kelly Hurt, Ph.D.**  
**580 421-7512**

**November 24, 2004**

### **Executive Summary**

Freelance Consulting Services, Inc proposes to conduct Community Firewise Assessment Services for the communities of Fayetteville and Bella Vista, Arkansas. These proposed services shall, at a minimum, include the following:

- Organize and initiate a Firewise Board,
- Conduct a community Firewise Assessment,
- Produce a report complete with maps and text detailing the findings of the Firewise assessment and the proposed mitigation plan,
- Coordinate and facilitate a Firewise public meeting to present the report to the public,
- Conduct a second Firewise Board meeting,
- Schedule, coordinate, market/announce and facilitate a Firewise Demonstration Project to be conducted at a Firewise Community Event.

Freelance Consulting Services will conduct this work under a prime contractor relationship with the City of Fayetteville, AR. Freelance Consulting Services will conduct project oversight, management of subcontractors, report writing, event planning and facilitation and community outreach services. Freelance Consulting Services will subcontract the community assessment to John Cochran of Municipal Fire Services Consulting, Inc. The GIS and mapping subtasks will be subcontracted to Rusty Crowe of Delta Consulting Services.

Freelance Consulting Services, Inc hereby places a bid of \$56,000 for the Fayetteville Community Firewise Assessment Project and a bid of \$47,000 for the Bella Vista Community Firewise Assessment Project.

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## **Part I - Business Organization/Experience**

Dr. Kelly Hurt has extensive experience working with municipalities and governmental agencies. He has successfully worked with small towns as a contract grant writer and administrator. He has also worked for the U.S. EPA on a contract basis in a position that required frequent interaction and negotiations with the public and privately held corporations. Dr. Hurt also conducted numerous scientific seminars including the U.S. EPA's national Monitored Natural Attenuation seminar that was given in Boston, Philadelphia, Atlanta, Chicago, New York, Dallas, Kansas City, Denver, San Francisco and Seattle to approximately 5000 participants. Dr. Hurt has a proven track record of presenting scientific materials to the public in an easy-to-understand form.

John Cochran's career has focused on providing fire education, fire assessment and fire hazard mitigation services to municipalities. His practical knowledge of these subjects is buttressed by his experience in the development of Firewise criteria on a national level during his employment with the National Fire Academy.

Rusty Crowe provides the needed GIS skills to produce the maps necessary for this assessment project. Mr. Crowe has worked with the Mississippi Department of Agriculture since 1994 and, in that time, developed 12 GIS/GPS related projects with Mississippi municipalities. In addition, Mr. Crowe has practical forestry experience that adds to his ability to conduct the GIS/mapping portion of this project.

Each of the key personnel has a long history of working with the public and municipalities as evidenced by their resumes. Dr. Hurt, Mr. Cochran and Mr. Crowe would spend approximately 25% of their time on the Fayetteville project. Dr. Hurt, Mr. Cochran and Mr. Crowe would spend the remaining 75% of their time on identical projects for Eureka Springs, Cherokee Village and Bella Vista, AR. Resumes for each individual follow below.

**Kelly Lloyd Hurt**  
RR 1Box 382  
Allen, OK 74825  
.580 421 7512  
flc33@sbcglobal.net

### **Education**

|                                      |      |                              |
|--------------------------------------|------|------------------------------|
| Ph.D. Environmental Science/Forestry | 1996 | Mississippi State University |
| B.S. Geology (cum laude)             | 1993 | Mississippi State University |

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## Experience

### Freelance Consulting Services, Inc

#### President

January 2003 to Present

Dr. Hurt is the founder and sole proprietor of Freelance Consulting Services, Inc (FLC). FLC offers grant identification and grant writing services to small towns, rural communities, non-profit groups and disadvantaged school districts. Dr. Hurt has successfully applied for grant funding for a wide variety of community needs, such as:

- Emergency Vehicles
- Walking Trails
- Emergency Generators
- Office Equipment
- Dumpsters
- Computerized Water Meter Monitors

Dr. Hurt has experience providing consultation to small businesses, rural communities and towns in the areas of:

- SBA programs - 8(a), SDB, HUBZone, Woman-Owned, Veteran Owned, and Service Disabled
- USDA programs - Empowerment Zone/Enterprise Community and Rural Development Programs
- Grant Writing – Department of Justice Grants, Department of Transportation Grants, Department of Commerce Grants (Community Development Block Grants), Federal Emergency Management Agency Grants, South Oklahoma Development Association Grants, Private Foundation Grant Sources
- Educational Outreach - Development and presentation of free educational seminars on government programs and assistance for small businesses
- Business Consulting – Assisting small businesses with business establishment issues, marketing and SBA program certification as well as recruiting small businesses to EZ/EC and Tribal HUBZone areas.
- Innovative Environmental Solutions – Working with small businesses to effectively utilize innovative remediation technologies for maximum cost savings.
- Contract Marketing – Interacting with government contracting officers and project managers to sell the skills and qualifications of clients
- Contract Bidding – Interacting with clients to prepare and present responsive bids to federal requests for proposals
- Contract Management – Management of multi-year, multi-million dollar contract/subcontracts to ensure quality performance at a preapproved cost.
- Business Development – Facilitation of teaming agreements between multiple parties with complimentary skills and/or contract avenues.

**Employment History**

Program Manager

Dynamac Corporation

September 2003 to October 2004

Managed \$2.5 M contract for U.S. EPA. Responsible for managing 10 staff members and dozens of subcontractors. In addition, I was responsible for marketing Firewise projects in Arkansas and recruiting staff and subcontractors to conduct the work. Routinely produced cost estimates for the U.S. EPA and then tracked the projects to ensure that quality work was produced on time and at or under budget.

Independent Consultant

Freelance Consulting Services, Inc.

August 2002 to Present

I provided technical services to the U.S. EPA's Robert S. Kerr Laboratory. These services consisted of developing and writing technical issue papers regarding the assessment of uncertainty and characterization of monitored natural attenuation sites. In addition, I completed the review of a corrective measures implementation plan for a pump-and-treat remedy at a 550-acre landfill in Los Angeles, CA.

Other current projects include PCB phytoremediation, TPH bioremediation, heavy metal dig-and-haul, salt water contamination assessment, industrial wastewater and stormwater management, and litigation support for an industrial client.

Regional Environmental Manager

Tyson Foods (The Pork Group)

November 2001 to August 2002

My duties at this position required that I supervise all environmental concerns related to maintaining a population of 250,000 animals at 18 corporate farms and 70 contract farms located within a 50 mile radius of Holdenville, OK. To accomplish this, I supervised 36 farm and complex managers on a daily basis. My responsibilities included supervising record keeping, directing remedial procedures and maintaining air, storm-water, Oklahoma Water Resources Board (water-use permit) and confined animal feeding operation permits for the Tyson Food's Holdenville Feed Mill Complex, Tyson Food's Truck Shop/Truck Wash, and 18 corporate farms. I also directly managed the storage and application of 60,000,000 gallons of swine waste on a daily basis to ensure that all local, state and federal regulations were observed. I provided logistic support to ensure that all dead animals were delivered to rendering plants and that all medical waste was collected and delivered to the proper medical waste disposal facilities. In addition, I routinely conducted farm and feedmill audits to correct record-keeping deficiencies, identified potential maintenance issues, directed maintenance activities and provided training and technical support to farm workers.



I managed a solids removal project designed to remove 30,000,000 gallons of accumulated waste solids from 11 lagoons. Terra Renewal Services (TRS) was awarded this contract worth \$380,000. TRS was required to seek my technical guidance on all aspects of this project and to provide budgetary information on a weekly basis to avoid cost overruns.

Geologist/Hydrogeologist  
Dynamac Corporation  
January 1999 – November 2001

My past duties at this position can be divided into nine general categories:

1. Review of technical documents,
2. Verbal communication of issues and solutions to stakeholders and regulators at site meetings,
3. Development and presentation of information at technical seminars,
4. Review and supervision of colleagues', subcontractors' and subordinates' work,
5. Researching and writing technical guidance documents for the US EPA,
6. Marketing and proposal writing for Dynamac Corporation,
7. Recruiting and training personnel,
8. Writing peer-reviewed journal articles,
9. Budgeting, planning, tracking, and managing projects.

The following list includes a sampling of sites for which I have reviewed reports regarding field evaluation of remedial alternatives: BKK Landfill, Roto-Finish, MI (CERCLA); Aberdeen Pesticides, NC (CERCLA); Sol Lynn/Industrial Transformers Site, TX (CERCLA); Thrifty Oil/Charnock Well Field, Santa Monica, CA (RCRA). In addition, I attended meetings with site stakeholders and environmental regulators to discuss the status of projects and offer technical advice for improvements at each site. In summary, my position required me to review technical information, interpret environmental situations, determine probable outcomes of activities, and relate my findings to participants of all educational levels in an understandable manner. I was also tasked with determining the impact of site activities with regard to the current and future use of water as a recreational, industrial and drinking water resource.

I also led several information transfer projects for TATT. I completed draft versions of documents concerning Direct-Push Technology Validation, Monitored Natural Attenuation Processes at the Thermo Chem Site, and the Effect of Uncertainty on Remedial Time Frames. I also contributed to the development of "Long Term Monitoring of Natural Attenuation Sites." Additionally, I acted as a technical reviewer for Environmental Science and Technology and the Journal of Phytoremediation.

I also presented natural attenuation seminars for the US EPA. This seminar was given to attendees at Oak Ridge National Laboratory, Oak Ridge, TN; Texas Natural Resources Conservation Commission, Austin, TX; and South Carolina Department of Environmental Quality, Columbia, SC.

I collaborated with professors from Montana State University and Utah State University to prepare a successful research proposal funded by the American Petroleum Institute that investigated the potential for microbial degradation of petroleum hydrocarbons at ground-water/surface-water interfaces.

In addition to these duties, I recruited new personnel, trained field workers, managed collaborative proposal efforts, prepared budgets, planned and tracked potential projects, managed existing projects, and interacted with state and federal regulators during work plan development. Identification of potential funding opportunities and the development of relationships and collaborations with funding agencies, private sector groups, and universities are also important aspects of my job.

*Awards:* Only five months after my initial hire date, I was presented the Dynamac Achievement Award. A cash bonus was also presented to me as part of the award. I was also appointed to Dynamac Corporation's Strategic Science Marketing and Development Committee during 1999.

National Research Council  
Research Associate  
July 1997 - December 1998

My duties and accomplishments at this job consisted of:

1. Conducting research at contaminated sites,
2. Developing site characterization approaches based on my experiences,
3. Developing and conducting seminars and short courses based on my research activities.

I conducted monitored natural attenuation assessments, field evaluations, data collection, and review tasks at the following sites:

|                                                      |                                                |
|------------------------------------------------------|------------------------------------------------|
| Thermo Chem, Muskegon, MI (CERCLA)                   | Twin Cities Army Ammunition Depot, MN (CERCLA) |
| Cape Canaveral Air Station, FL (CERCLA)              | Offutt AFB, Omaha, NE (CERCLA)                 |
| Patrick AFB, FL (CERCLA)                             | Tinker AFB, OKC, OK (CERCLA)                   |
| Dover AFB, DE (CERCLA)                               | Bolling AFB, DC (CERCLA)                       |
| East Patchogue, NY (RCRA)                            | Griffin Town Gas Site, GA (RCRA)               |
| Elizabeth City Coast Guard Support Center, NC (RCRA) |                                                |

I played a key role in the development of a new natural attenuation seminar for EPA and presented the site characterization and monitored natural attenuation portions of the seminar at nine regional sites to an audience of more than 5000. These seminars were given to consultants, university professors, and regulators at Atlanta, GA; New York, NY; Dallas, TX; Kansas City, KS; Chicago, IL; Boston, MA; Philadelphia, PA; San Francisco, CA; Seattle, WA; and Denver, CO.



Kelly Hurt  
Independent Consultant  
January 1995 – July 1997

I planned, gained regulatory approval, budgeted and constructed a landfarm treatment unit at a two-acre site with PCB and petroleum contaminated soil. By using immunological field test kits to determine the extent of contamination at the site, I saved the site owner approximately \$30,000 in analytical costs. Although this was an intermediate position between graduation and the initiation of my post-doctoral associateship, I learned valuable lessons about contract procurement, scheduling and supervision of site activities, communication with state regulators, sampling, analysis, data interpretation, and presentation as an independent contractor

**Professional Publications**

Implications of Subsurface Heterogeneity at a Potential Monitored Natural Attenuation Site. Kelly L. Hurt, Frank P. Beck, and John T. Wilson. Ground Water Monitoring and Remediation. Summer 2001.

Estimation of Hydrocarbon and MTBE Removal Rates during Natural Attenuation Application. Jong Soo Cho, John T. Wilson, Mary E. Gonsoulin, Kelly Hurt, Barbara Wilson, James Vardy. Water Resources Research. August 2000.

Biopiling of Creosote Contaminated Soil. Global Environmental Biotechnology. Don Wise (ed.). 1997. Elsevier Publishing, Inc. Presented at International Society for Environmental Biotechnology, 3rd International Symposium, Boston, MA, July 1996

Bioremoval of Creosote and Pentachlorophenol from Contaminated Soil and Ground Water, Journal of the AWWA Proc., 1996.

Rocky Mountain Arsenal Northwest Boundary Containment/Treatment System Operational Assessment Final Report, Remedial Action Division, U.S. Army Corps of Engineers, Waterways Experiment Station, June 1993.

**Presentations**

The Addition of Kenaf and Phanerochaete chrysosporium as Enhancers of Polychlorinated Biphenyl Biodegradation, Emerging Technologies in Hazardous Waste Management VII, Atlanta, GA, September 1995.

Composting of Furniture Wood Waste, American Chemical Society Meetings, New Orleans, LA, March 1996.

Addition of Kenaf and Cladosporium sp. to Enhance Bioremediation of Creosote Contaminated Soil, Emerging Technologies in Hazardous Waste Management VII, Birmingham, AL, September 1996.

Natural Attenuation of Hydrocarbon Contaminants Originating from Residual Source.  
American Geophysical Union, Spring Meeting, Boston, MA. 1998.

Detection of Ground-water/Surface-water Interaction Zones with Direct Push Equipment.  
American Geophysical Union, Spring Meeting, Washington, DC. 2000.

Anaerobic Biodegradation of MTBE in a Contaminated Aquifer. In-Situ and On-Site  
Bioremediation. Battelle's 5<sup>th</sup> International Symposium. 1999. San Diego, CA.

Natural Attenuation of Contaminants at Forest Products Facilities. Annual Forest  
Products Meetings. Boise, ID, 1999.

EPA MNA Presentations given at Atlanta, New York, Dallas, Kansas City, Chicago,  
Boston, San Francisco, Seattle, Denver.

#### References

Doug Stinson  
Town Manager  
Allen, OK  
580 857-2416

Dr. David Burden  
Contract Officer  
U.S. EPA  
580 436-8606

Mr. Jerold Krouse  
Private Client  
601 442-5360

**JOHN L. COCHRAN**  
**Municipal Fire Services Consulting, Inc.**  
**P.O. Box 1647**  
**Russellville, Arkansas 72811**  
**(479) 970-8001**

## EDUCATION

### MEMPHIS STATE UNIVERSITY

Bachelor of Professional Studies - 1991  
Major - Municipal Fire Administration  
Edward A. Hamilton Scholarship - 1987

### UNIVERSITY OF ARKANSAS

School of Architecture - 1982-84

### NATIONAL FIRE ACADEMY

Executive Fire Officer Program - 1993-  
95, 1999

## **EXPERIENCE**

### **MUNICIPAL FIRE SERVICES CONSULTING, INC.**

2000-Present

Founder/Principal Consultant

Provide consulting services as primary consultant or as subcontractor to local government. Services include review and studies of fire and emergency services regarding performance of public fire defenses with emphasis in the areas of the effectiveness and efficiency of resource deployment and long range planning. Specific studies include fire station location analysis, ISO public protection classification review, fire code compliance and legal witness.

### **NATIONAL FIRE ACADEMY/US FIRE ADMINISTRATION / FEMA**

1995-2003

Fire Management Specialist

Responsibilities include providing leadership, management and technical assistance in a wide spectrum of public fire administration, mitigation and planning initiatives. Duties include providing professional assistance to the Chief Operating Officer through the identification and subsequent management of various national level public fire service programs. Special responsibilities and achievements include:

- Served as the agency's technical representative to various national level fire service organizations and related initiatives and programs.
- Provided the vision to reestablish of the agency's performance-based long-range master planning model for municipal fire and emergency services.
- Served as a primary liaison with the Insurance Services Office (ISO) during special projects including the Alternative Water Supply for Structural Fire Protection project, an initiative designed to assist local fire services in the development of water supply systems for structural fire protection.
- Oversaw the agency's relationship with the Commission on Fire Accreditation International (CFAI) and the subsequent development of the Risk, Hazard and



Value Evaluation (RHAVE) Program, a community-based fire risk collection and analysis software initiative.

- Provided technical assistance on various projects and curriculum development related to fire service administration, resource deployment, incident command, long-range planning and code enforcement.
- Served as a member of the agency's onsite support team for the New York City Fire Department at the World Trade Center following the terrorist attacks of September 11, 2001.

**THE ABBEY GROUP**

1999-2000

Associate Consultant

Provide long-range municipal fire protection consulting services on a retainer basis. Specific work includes providing assistance and guidance in the identification of various administrative and managerial components of local fire defense delivery systems including the level, type and location of services provided.

**NFPA 1250**

2003 – Present

Principal Member

Serve as a principal member of the committee on Recommended Practice in Emergency Service Organization Risk Management whose task is to develop recommended practice that establish minimum criteria to develop, implement, or evaluate an emergency services organization risk management program for effective risk identification, control, and financing.

**NFPA 1201**

2003 – Present

Principal Member

Serve as a principal member of the Standard for Developing Fire Protection Services for the Public whose task is to develop requirements on the structure and operation of organizations providing municipal and other public fire protection services. The standard is intended for the use and guidance of those charged with providing fire protection (safety) services to protect lives, property, and the environment from the effects of fire and, in many cases, other perils.

**NFPA 1710**

1997 – 2003

Principal Member

Serve as a principal member of the Committee on Organization and Deployment of Career Fire Departments whose task is to specify the minimum guidelines addressing the performance and efficiency of the local public fire and emergency medical service delivery system in protecting the citizens of a jurisdiction and the occupational safety and health program for fire department personnel.

**NFPA 1200**

1997

Principal Member

The purpose of this national committee was to specify the minimum guidelines addressing the performance and efficiency of the local public fire and emergency medical service delivery system in protecting the citizens of a jurisdiction and the occupational safety and health program for fire department personnel.

#### **RUSSELLVILLE, ARKANSAS FIRE DEPARTMENT**

Fire Marshal/Senior Operations and Planning Officer  
1991-1995

Primary duties included the management of department personnel and programs, management of the department's Fire Prevention Bureau and assuming fire ground command duties as per the Chief of Department's direction. Served as Department liaison during presentations during civic group functions and various government meetings and activities such as bi-weekly city council and local land-use planning commission meetings to insure department operations and services were represented. Assisted in the development of bureau and department-wide budgets, resource allocation, and equipment design and specifications. Served as community liaison to Insurance Services Office resulting in reduction of community classification from class 6 to 4.

Training Officer/Senior Operations Officer  
1988-1991

Duties included the development and implementation of the department's training and fire prevention programs. This included the development, for the first time, department standard operating procedures (SOP) and training programs based on local fire and rescue operational procedures. Specific initiatives included the development and incorporation of the Incident Command System (ICS) into all fire department emergency operations, development of standard operating procedures for routine and major incidents, structural fire inspection programs using on-duty fire company personnel and initiating various fire fighter health and safety initiatives. Other responsibilities included assisting in or assuming command of fire department operations at major fires and other emergencies in the absence of the Chief of Department. Provided assistance in the development of long-range plans for future fire protection resources such as additional fire station locations and staffing, annual department budgets and other administrative duties where assigned.

Firefighter  
1978-85/86-88  
Driver  
1988

Primary duties as firefighter included responding with members of fire company to fire suppression and rescue assignments. Performed the duties of acting driver during absence of permanently assigned driver. Participated in fire and rescue training exercises, maintained station facilities, fire apparatus and equipment. Primary duties as driver included driving and operating pumper and aerial fire apparatus at the scene of fires and other emergencies. As apparatus driver performed the duties of acting captain in the absence of permanently assigned company officer.

#### **LITTLE ROCK, ARKANSAS FIRE DEPARTMENT** 1985-86

Primary duties as firefighter included responding with members of fire company to fire suppression and rescue assignments. Participated in fire and rescue training exercises, maintained



station facilities, fire apparatus and equipment. During my tenure with the LRFD I gained invaluable experience in greater alarm fire department operations within a very short period of time. This is due to the area of the city assigned experiencing a higher than normal frequency of greater alarm fires and other significant incidents.

#### **JACKSONVILLE, ARKANSAS CIVIL SERVICE COMMISSION 1994**

Promotional Testing Consultant

Provided consultation to the Jacksonville Civil Service Commission in developing, administering and grading of Jacksonville Fire Department driver and captain civil service written and practical promotional examinations.

#### **RESEARCH - METROPOLITAN FIRE SERVICE OPERATIONS**

On-site research and observation of administrative, fire ground incident command and strategies and tactics of metropolitan fire departments within the cities of Los Angeles, California, Phoenix, Arizona, New York City, New York, San Francisco, California, Washington, D.C. and Waterford, Ireland. Most notable of these studies is the on-site and multifaceted research conducted while attending and observing major alarm fire incidents while accompanying the Los Angeles City Fire Department following the Rodney King court verdict and subsequent Los Angeles area civil disturbances of 1992.

Conducted extensive research of the American fire service with regard to its culture, evolution and relationship to public policy and administration.

#### **PROFESSIONAL MEMBERSHIPS**

- International Association of Fire Chiefs
- Society of Fire Engineers
- International City/County Manager Association
- Institution of Fire Engineers, US Branch
- National Fire Academy Alumni Association
- American Planning Association

#### **PUBLICATIONS & TECHNICAL SUPPORT**

##### **U.S. Fire Administration/National Fire Academy**

- Master Planning for Public Fire Defense and Emergency Services
- Planning for Public Fire Education Programs: A 5-Step Process
- Planning for Alternative Water Supplies for Structural Fire Suppression
- Planning for Fire Service Based Emergency Management
- Incident Command During High-Rise Operations
- Incident Command During Emergency Medical Operations

##### **Other**

- Firefighter Safety in the Wildland/Urban Interface (National Fire Protection Association)
- Risk Hazard and Value Evaluation (Commission on Fire Accreditation International)

## **PROFESSIONAL AFFILIATIONS**

### **Arkansas Fire Prevention Commission**

1993-95

Secretary

Appointed by the Governor of Arkansas. Duties were to provide leadership and technical assistance in addressing the States extremely high per capita fire mortality rate. This required the analysis of State and local fire loss and related data, which then was used to target public fire safety education programs for the State's highest fire fatality audiences. Required participation in various fire mitigation and prevention initiatives primarily through the Arkansas State Fire Marshals Office and other government as well as private sector organizations.

### **Arkansas Fire Marshals Association**

1994-95

Charter President

Assisted in identifying the need and helped to provide inspiration in the creation of this organization whose purpose is to provide leadership and guidance to the local fire marshals throughout Arkansas in support and in conjunction with the Arkansas State Fire Marshal's Office.

### **American Institute of Architects, Arkansas Chapter**

1993-95

Education Committee

As an associate member provided guidance for the integration of principles of fire and life safety codes into continuing education courses offered through the institute to registered architects and other design professionals within the State of Arkansas.

### **Arkansas Training, Resource and Data Exchange (TRADE)**

1991-93

Secretary

Served as charter secretary and participated with other local fire officials throughout the State in the organization's exchange of information relating to fire service training and affiliated programs.

### **National Academic Fire Programs Workshop, National Fire Academy**

1993

Participated on behalf of the Governor's Office of Arkansas. Primary focus of workshop was to identify national and regional initiatives that increase the opportunities for higher education among chief fire officers.

### **NFPA Learn Not To Burn Champion Award Recipient**

1996

One of 63 National recipients for this award which is presented to those who demonstrate an ability to implement effective and comprehensive public fire safety education programs with their communities or respective States.

### **Russellville Local 2366, International Association of Fire Fighters**

1979-

1992 President - 1988

**Little Rock Local 34, International Association of Fire Fighters**

1985-1986

Member

**Arkansas Chapter - Southern Building Code Congress International**

1992-1995

Member

**Congress for the New Urbanism**

Active in supporting the Congress for the New Urbanism movement which redefines the development of future urban growth through the principles of "smart growth" and traditional town planning. The philosophy of the new urbanism movement is to instill traditional town planning principles into local land-use development policies. Provide consultation of new urbanism principles as they relate to and impact public fire protection policies.

## **SPECIAL COURSES & TRAINING**

**Memphis State University**

- Advanced Fire Administration
- Analysis of Public Fire Protection
- Applications of Fire Research
- The Community and the Fire Threat
- Disaster and Fire Defense Planning
- Fire Related Human Factors
- Fire Prevention Organization and Management
- Fire Protection and Structural Systems Design
- Fire Service Personnel Management
- Political and Legal Fundamentals of Public Fire Protection
- Special Project - Fire Service Deployment and Station Location

**Mid and Senior Level Courses completed at the National Fire Academy**

- Executive Development, 80 hrs. (Executive Fire Officer Program)
- Executive Analysis of Fire Department Operations in Emergency Management, 80 hrs. (Executive Fire Officer Program)
- Fire Inspection Principles, 80 hrs.
- Instructional Methodology, 80 hrs.
- Executive Planning, 80 hrs. (Executive Fire Officer Program)

**Courses completed through the Arkansas Fire Training Academy**

- Instructional Techniques for Company Officers (National Fire Academy Field Program)
- Initial Company Tactical Operations (National Fire Academy Field Program)
- Tactical Operations For Company Officers I (National Fire Academy Field Program)
- Leadership I (National Fire Academy Field Program)
- Protective Equipment
- NFPA Firefighter I & II



### **Other Related Professional Training**

- NFPA Life Safety Code Seminar, 1993
- Oklahoma State University, Plans Review & Evaluation of Automatic Sprinkler Systems Plans and Design, 1994
- Arkansas State Police Fire Prevention and Inspection, 1989
- Southern Building Code Congress International - CABO Plans Review and Southern Building Code, 1994
- ESRI – Introduction to ArchView, 2001

## **PROFESSIONAL REFERENCES**

### **James Lee Witt**

James Lee Witt Associates, LLC  
1201 F Street NW, Suite 850  
Washington, DC 20004  
202.585.0780

### **William M. Neville**

Assistant Chief, Los Angeles Fire Dept., ret  
530-432-4806

### **Charles R. Jennings, Ph.D., MIFireE**

Assistant Professor  
Department of Public Management and Fire Science  
John Jay College of Criminal Justice, City of New York  
212-237-8834

### **Dennis Gage**

Manager, Natural Hazard Mitigation Unit  
Insurance Services Office (ISO)  
212-898-6982

### **Harry Hickey, Ph.D.**

Professor, Department of Fire Protection Engineering, Ret.  
University of Maryland  
(301) 494-3818

### **Robbie Robertson, MIFireE**

Maryland State Fire Marshal, Ret.  
Mizzelle Hodges & Associates  
(352) 375-8430

**CHRISTOPHER R. CROWE**

Route 3, Box 680A  
Mathiston, MS 39752  
Phone: (662) 312-8846  
rusty\_crowe@yahoo.com

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**Education:**

**M.S. Engineering Geology**  
Mississippi State University. August 2001

**OH-58D Warrior Aviator Qualification Course**  
U.S. Army Aviation Center. February 1998

**Army Aviation Branch Qualification Course**  
U.S. Army Aviation Center. February 1997

**B.S. Agricultural Engineering, Technology and Business**  
Mississippi State University. May 1993

**Experience:**

**Bureau of Plant Industry, Mississippi State, MS**  
**1994-Present**  
**Environmental Scientist III**

- Direct, supervise, and maintain all environmental programs
- Operate and maintain program equipment
- Write proposals to obtain state and federal grants that support agency programs
- Write and review technical documents and environmental permits
- Supervise and audit work performance for 17 member field staff
- Developed 12 GIS/GPS related projects
- Quality Assurance Manager
- Direct the State's Waste Pesticide Collection and Disposal Program
- Review EPA case files for regulatory action
- Consult on federal, state, and local environmental issues
- Publish technical manuscripts and research

**Mississippi State University, Mississippi State, MS**  
**1993-1994**

**Research Assistant, Forest Genetics**

- Performed land reclamation and reforestation



- Collected and evaluated research data
- Secured research grants
- Performed analytical and mechanical laboratory work
- Developed and maintained preventative maintenance schedules
- Operated heavy and light industrial equipment
- Supervised student work staff

**United States Army Corps of Engineers, Arkabutla, MS**

**1990-1993**

**Park Ranger**

- Performed environmental, forest, and landuse/wetlands management
- Supervised contract labor jobs and work crews
- Planned and implemented Best Management Practices
- Inspected and enforced project safety standards
- Issued landuse permits for land lease agreements
- Operated and maintained heavy and light industrial equipment
- Maintained project facilities, lands and structures

**Professional  
Activities:**

- Member of the Delta Council Soil and Water Resources Committee
- Member of the Water Resources Institute Advisory Council
- Member of the MS Source Water Assessment Advisory Committee
- Member of the MS Entomological Association
- Member of the American Water Resources Association
- Member of the Association of Engineering Geologists

**Skills:**

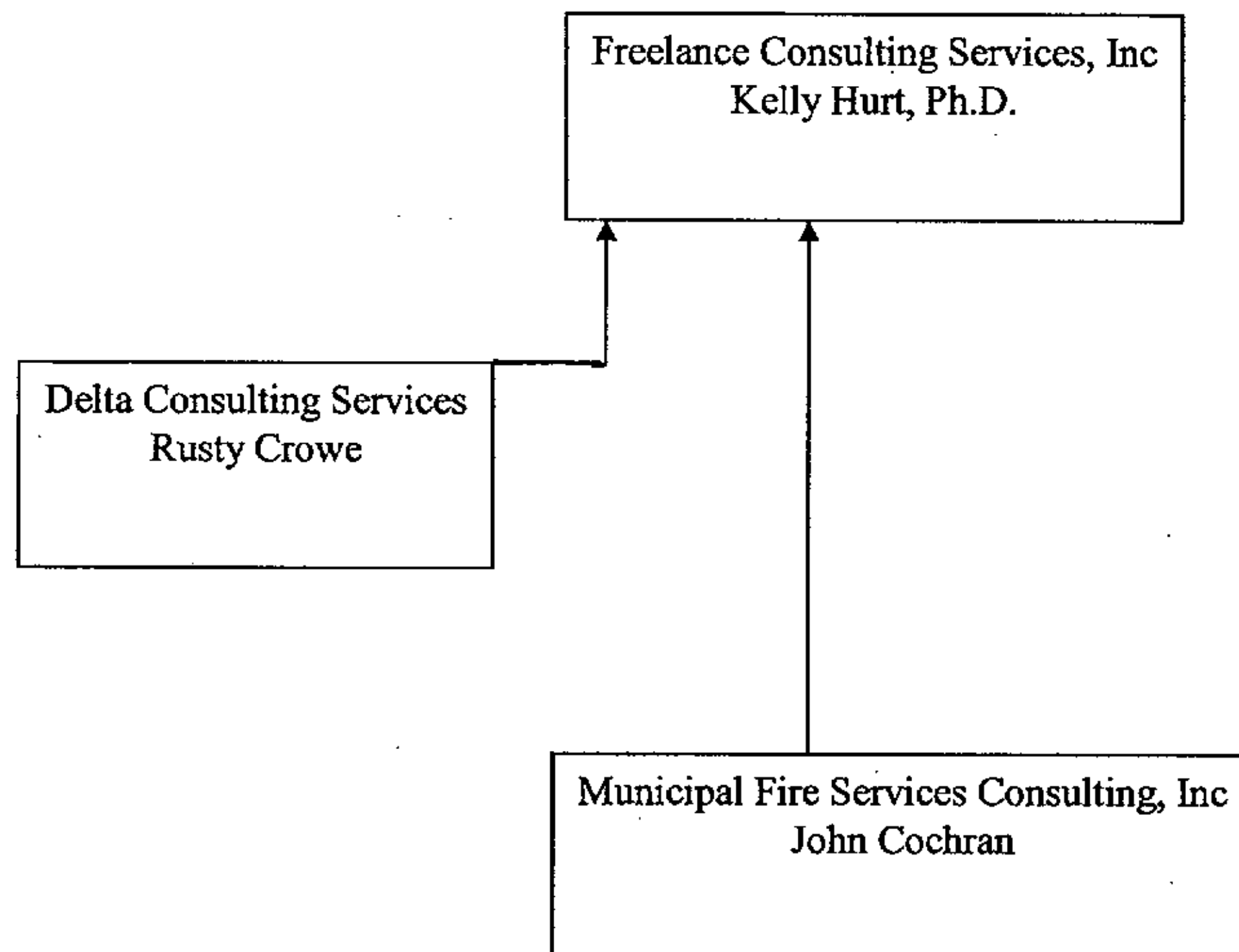
- Arc View GIS
- Microsoft Word
- Microsoft Excel
- Microsoft PowerPoint
- Windows NT
- Helicopter Pilot
- Technical Writing
- Public Speaking
- Licensed Consultant and Applicator

Senator Glenn Hamilton  
2501 Douglastown Road  
Maben, MS 39750  
(662) 263-8357

Dr. Jimmy Bonner  
Ag and Bio Engineering  
P.O. Box 9632  
Mississippi State, MS 39762  
(662) 325-3155

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### Organizational Chart





Freelance Consulting Services has written various types of grants for the towns of Allen and Francis, OK as well as the Ada Recycling Coalition, Allen Public Schools and the Allen Historical Society. We have also conducted site reviews for the U.S. EPA and written technical guidance documents that will be used by environmental professionals across the U.S. Freelance has worked for small businesses to bring them into compliance with environmental laws, educate them on new government programs and educate them on the government bidding process.

The Freelance Consulting Team presented in this bid has recently won the Eureka Springs and Cherokee Village Firewise Certification Projects. Both projects have been initiated.

## **Part II – Program**

Freelance Consulting Services, Inc (FLC) proposes to assist the municipalities of Fayetteville and Bella Vista, Arkansas as follows:

- Organize and initiate a Fire Wise Board through facilitation of an initial Fire Wise Meeting. FLC will coordinate this effort by working with a designated member of the community to identify prospective Board Members, making first contact with these Members via telephone, obtaining verbal commitments from an appropriate number of candidates, facilitating the initial Fire Wise Meeting and Board Selection Process, and documenting the minutes of this meeting.
- Conduct a Community Fire Wise Assessment. A base map of each community will be produced that clearly indicates the name of each street. A hardcopy of this map will be used in the field to record assessment findings. Homes with similar attributes will be grouped and assigned a risk ranking according to the standards set forth by the National Wildfire Coordinating Group for the Fire Wise Program. The location and risk ranking of each group of homes will be indicated on the base map via a color-coded risk indication system. Red will be used to indicate high risk, yellow to indicate moderate risk and green to indicate low risk. The field assessor will also take digital photographs of homes representative of each risk ranking. A report and map detailing the field assessment, proposed mitigation steps, and proposed Fire Wise Demonstration Projects will be produced in accordance with Fire Wise hazard assessment criteria, with copies provided to Board Members, the local Fire Department, the local library, the Arkansas Forestry Commission and with copies provided as needed for Fire Wise Community/USA recognition status.
- Coordinate, advertise and facilitate a Fire Wise Public Meeting to present the findings of the Community Fire Wise Assessment to the general public. This meeting will be used to educate the public to potential risk and build support for the program. A second Board Member meeting will be held two to three weeks after the public meeting to discuss and apply the procedures necessary to certify the community as a Fire Wise Community/USA.

- Assist the Board in the selection of an appropriate Fire Wise Demonstration Project from a number of potential projects identified during the field assessment. FLC will also schedule, advertise and facilitate the Community Fire Wise Day.
- Prepare and submit a community plan and registration form to achieve Fire Wise community certification.

#### Deliverables, Bid and Payment Plan

As an indication of good faith, FLC would like to propose a phased payment plan. Payments will be due upon completion of each deliverable. For Fayetteville:

- the first Board Meeting and establishment of the Fire Wise Board (\$14,000),
- community risk assessments (\$14,000),
- Fire Wise Report, second Board Meeting, first public meeting (\$14,000),
- Fire Wise Day, Demonstration Project and submission of materials for Fire Wise Certification (\$14,000).

Thus, our total bid for the Fayetteville project is fifty six thousand dollars (\$56,000).

For Bella Vista:

- the first Board Meeting and establishment of the Fire Wise Board (\$11,750),
- community risk assessments (\$11,750),
- Fire Wise Report, second Board Meeting, first public meeting (\$11,750),
- Fire Wise Day, Demonstration Project and submission of materials for Fire Wise Certification (\$11,750).

Thus, our total bid for the Bella Vista project is forty seven thousand dollars (\$47,000).

#### **Part III - Authorized Negotiator**

The authorized negotiator is:

Dr. Kelly Hurt  
President  
Freelance Consulting Services, Inc.  
RR 1 Box 382  
Allen, OK 74825  
580 421-7512

#### **Part IV - Cost Proposal**

Firm, fixed price bid for the Fayetteville Firewise Certification Project is \$56,000.

Firm, fixed price bid for the Bella Vista Firewise Certification Project is \$47,000.



## STAFF REVIEW FORM

A. 4  
Freelance Consulting Services Contract  
Page 28 of 28

☒ AGENDA REQUEST  
☐ CONTRACT REVIEW  
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: January 4th, 2005

## FROM:

Chris BoschFire OperationsFire Department

Name

Division

Department

ACTION REQUIRED: Approve proposal 04-21 submitted by Freelance Consulting Services for community risk assessment services to be provided in relation to a Firewise Grant awarded to the Fayetteville Fire Department.

## COST TO CITY:

|                          |                         |                                 |
|--------------------------|-------------------------|---------------------------------|
| <u>\$56,000.00</u>       | <u>\$ 56,000.00</u>     | <u>Professional Services</u>    |
| Cost of this request     | Category/Project Budget | Program Category / Project Name |
| <u>1010.3020.5314.00</u> | <u>\$ -</u>             | <u>Fire Operations</u>          |
| Account Number           | Funds Used to Date      | Program / Project Category Name |
| <u>04041</u>             | <u>\$ 56,000.00</u>     | <u>General Fund</u>             |
| Project Number           | Remaining Balance       | Fund Name                       |

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Budget Manager: \_\_\_\_\_ Date \_\_\_\_\_

## CONTRACT/GRANT/LEASE REVIEW:

|                    |                 |                    |                 |
|--------------------|-----------------|--------------------|-----------------|
| Accounting Manager | Date            | Internal Auditor   | Date            |
| <u>[Signature]</u> | <u>12/15/04</u> | <u>[Signature]</u> | <u>12/15/04</u> |
| City Attorney      | Date            | Purchasing Manager | Date            |

## STAFF RECOMMENDATION:

|                                  |                 |
|----------------------------------|-----------------|
| <u>[Signature]</u>               | <u>12/13/04</u> |
| Division Head                    | Date            |
| <u>[Signature]</u>               | <u>12/14/04</u> |
| Department Director              | Date            |
| <u>[Signature]</u>               | <u>12-16-04</u> |
| Finance & Internal Services Dir. | Date            |

## Cross Reference

New Item: ☐ Yes ☒ No

Previous Ord/Res#: \_\_\_\_\_

Orig. Contract Date: \_\_\_\_\_

Orig. Contract Number: \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_ Date \_\_\_\_\_

[Signature] 12/17/04  
Mayor Date

## **DEPARTMENTAL CORRESPONDENCE**

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TO: Mayor Coody and Members of the City Council  
FROM: Frank Johnson, Chief of Police *FHJ*  
DATE: December 9, 2004  
SUBJECT: Approval of Contract to Replace HVAC Police Department

### **RECCOMENDATION:**

Council accepts bid # 04-88 and authorize Mayor Coody to issue a purchase order to Air Works for the replacement of the heating and air conditioning unit on the second floor of the Police Department totaling \$49,442.00.

### **BACKGROUND:**

The Fayetteville Police is housed in a building renovated during 1993. The current heating and air conditioning system for the major portion of the building was in place at the time of the renovation. The refrigerant coil is leaking and cannot be repaired or replaced due to the lack of space where the unit is located. This bid is for one of two existing units. The unit supplying service for the first floor is currently working.

Green – Anderson Engineering firm reviewed our current system for the second floor and created the specifications contained in this contract.

### **DISCUSSION:**

This bid provides for a 25-ton roof top unit utilizing gas for heat and electricity for cooling and removing the old system from the mechanical room. The ductwork will also be modified for improved efficiency. Duct mounted smoke detectors and fire dampers will be installed. The provisions of this bid will provide a complete and operating mechanical system with a 1-year full parts and labor warranty.

### **BUDGET IMPACT:**

The total cost of \$49,442.00 for this project is included in the Sales Tax Capital Improvement Fund within the Building Improvements project. The Budget & Research Division has reviewed funding for this project. This procurement followed the existing City policies and utilizes a contract form approved by the City Attorney's Office.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AWARDDING BID #04-88 TO AIR WORKS DIVISION OF MULTI-CRAFT CONTRACTORS, INC. IN THE AMOUNT OF \$49,442.00 FOR THE PURCHASE AND INSTALLATION OF A 25-TON ROOFTOP HEATING AND AIR CONDITIONING UNIT AND REMOVAL OF THE EXISTING UNIT AT THE FAYETTEVILLE POLICE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #04-88 to Air Works Division of Multi-Craft Contractors, Inc. in the amount of \$49,442.00 for the purchase and installation of a 25-ton rooftop heating and air conditioning unit and removal of the existing unit at the Fayetteville Police Department. A copy of the Contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 4<sup>th</sup> day of January 2005.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT



CONTRACT

This contract executed this 1 day of December, 2004, between the City of Fayetteville, Arkansas, and

Air Works, div of Multi-Craft Contractors

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Air Works, div of MCC at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 04-88 as stated in 04-88 bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid #04-87, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Air Works, div of MCC based on their bid proposal in an amount not to exceed \$49,442.00. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Air Works, div of MCC consist of this Contract and the following documents attached hereto, and made a part hereof:
  - A. Bid form identified as Invitation to Bid 04-88 with the specifications and conditions typed thereon.
  - B. attached bid proposal.
  - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Air Works, div of MCC and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Air Works, div of MCC

5. Air Works, div of MCC shall not assign its duties under the terms of this agreement.
6. Air Works, div of MCC agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Air Works, div of MCC performance of this contract.  
This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Air Works, div of MCC shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Air Works, div of MCC shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation Statutory Amount

Comprehensive General &  
Automobile Insurance

|                           |                                                                    |
|---------------------------|--------------------------------------------------------------------|
| Bodily Injury Liability   | \$250,000 for each person injured.<br>\$500,000 for each accident. |
| Property Damage Liability | \$500,000 aggregate.                                               |

The premiums for all insurance and the bond required herein shall be paid by Contractor.

8. Air Works, div of MCC to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Air Works, div of MCC with 10 days written notice.
10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas



Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

WITNESS OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004.

CITY OF FAYETTEVILLE,  
FAYETTEVILLE, ARKANSAS

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

SIGNATURE: Rick Barrows  
AUTHORIZED CONTRACTOR

BY: Rick Barrows, President  
NAME AND TITLE

ATTEST: James J. Lett  
COMPANY SECRETARY

Air Works div of Multi-Craft  
2300 Lowell Rd  
Springdale AR 72764  
BUSINESS ADDRESS

J. Penney Bldg  
Police Dept

A. 5  
Multi-Craft Bid #04-88 Award  
Page 6 of 8

### PROPOSAL FORM

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

Bidder agrees that this bid shall be good and may not be withdrawn for a period of thirty (30) calendar days after the schedule closing time for receiving bids.

Bid Price Per Specifications: \$49,442.00

Anticipated Number of Days to Complete Project: 60

CONTRACTORS NAME Air Works, div of Multi-Craft

CONTRACTORS LICENSE # 0025810305

CONTACT PERSON Sam Bridges

TITLE AVAC Estimator

ADDRESS 2300 Lowell Rd

Springdale AR 72764

TELEPHONE 751-7411 FAX 927-4254

EMAIL ADDRESS \_\_\_\_\_

AUTHORIZED SIGNATURE: Sam H. Bridges

All inclusive bids must be submitted no later than November 23, 2004 at 2:30 p.m., to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Bid 04-88, HVAC Renovation" Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid. Questions related to the bidding process should be directed to Ben Bell, City of Fayetteville Purchasing Division, (479) 575-8220, or by e-mail [bbell@ci.fayetteville.ar.us](mailto:bbell@ci.fayetteville.ar.us).

BID: 04-88  
11/23/2004  
TIME: 2:30 PM  
CITY OF FAYETTEVILLE

HVAC Renovation

Fayetteville  
ARKANSAS

1. Alworks, A division of Multi-Craft Contractors

\$49,442.00

Yes

CERTIFIED: P. Vice Ben 12/16/04  
P. VICE PURCH MGR WITNESS DATE



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan  
City Council Meeting Date

Frank Johnson

Submitted By

Police

Division

Police

Department

Action Required:

City Council accept Bid #04-88 and authorize Mayor Coody to sign contract for the purchase and installation of 25 ton roof top heating and airconditioning unit and removal of existing unit.

\$49,442.00

Cost of this request

4470-9470-5801.00

Account Number

02046

Project Number

\$ 280,681.00

Category/Project Budget

\$ 167,843.00

Funds Used to Date

\$ 112,838.00

Remaining Balance

Building Improvements

Program Category / Project Name

Building Improvements

Program / Project Category Name

Sales Tax Construction Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

Received in Mayor's Office

12/20/04 JH

Department Director

Date

City Attorney

Finance and Internal Service Director

Date

Mayor

Date

Comments:





THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

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**TO:** Mayor Dan Coody  
Fayetteville City Council  
**FROM:** Tim Conklin, Director of Planning and Development Management  
**DATE:** December 3, 2004  
**SUBJECT:** Public hearing and approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan

---

**RECOMMENDATION**

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

**BACKGROUND**

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan
2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan
3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan
4. The location and construction of necessary infrastructure to support the Cultural and Arts District



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE FORMING THE DOWNTOWN  
MASTER PLAN REDEVELOPMENT DISTRICT  
NUMBER TWO PURSUANT TO AMENDMENT 78  
OF THE ARKANSAS CONSTITUTION AND  
AUTHORIZING THE PREPARATION OF A PROJECT  
PLAN**

**WHEREAS**, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas and its proposed boundaries; and

**WHEREAS**, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas; and

**WHEREAS**, the City Council has designated the boundaries of the proposed Downtown Master Plan Redevelopment District Number Two, of Fayetteville, Arkansas.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby establishes the boundaries of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby creates the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as of the effective date of this ordinance.

Section 4: That the City Council hereby finds that the real property within the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the

development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005.

APPROVED:

**DRAFT**

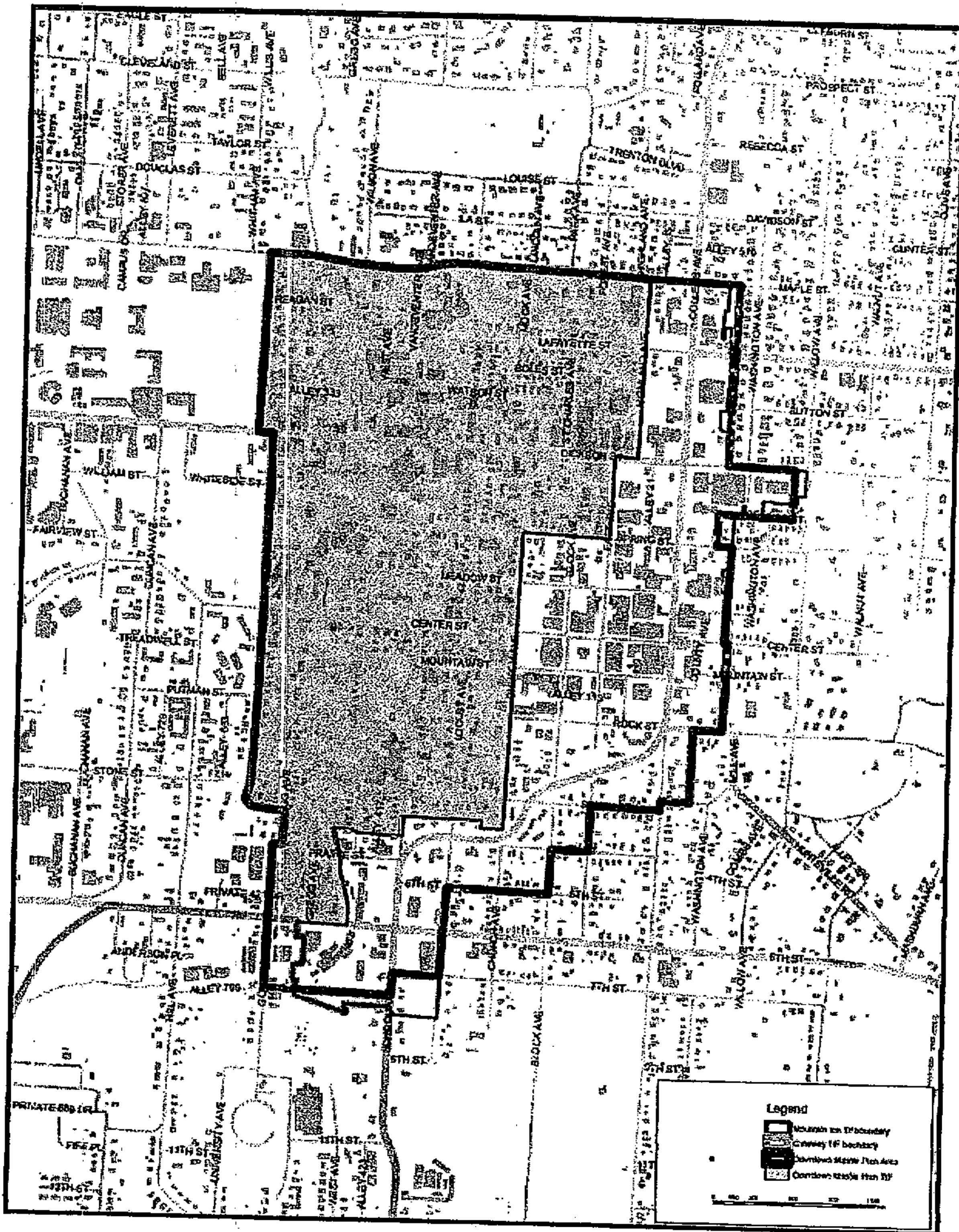
By: \_\_\_\_\_

**DAN COODY, Mayor**

ATTEST:

By: \_\_\_\_\_

**SONDRA SMITH, City Clerk**





City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

C. 1  
Downtown Master Plan Redevelopment District  
Page 5 of 6

12-21-04  
City Council Meeting Date

Tim Conklin

Submitted By

Planning and Development Mgmt.

Division

Operations

Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

  
Department Director

12-7-04  
Date

Previous Ordinance or Resolution # n/a

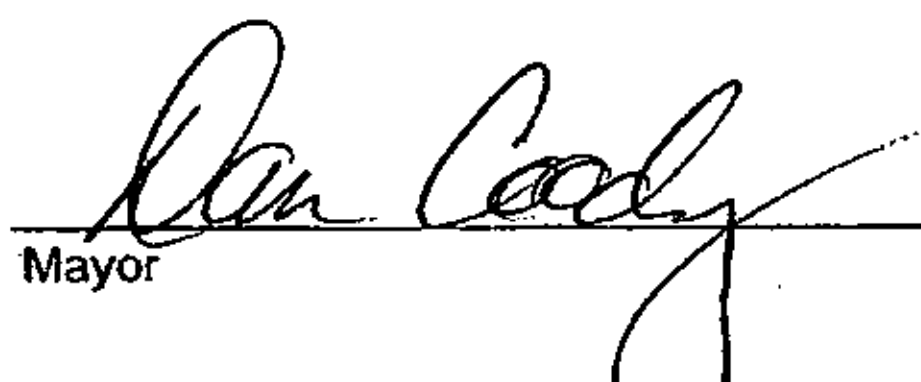
Original Contract Date: n/a

Original Contract Number: n/a

  
City Attorney

12-8-04  
Date

Received in City Clerk's Office

  
Mayor

12/8/04  
Date

Received in Mayor's Office

Comments:









THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
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**PLANNING DIVISION CORRESPONDENCE**

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**TO:** Mayor Dan Coody  
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**RECOMMENDATION**

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

**BACKGROUND**

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan
2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan
3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan
4. The location and construction of necessary infrastructure to support the Cultural and Arts District

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING THE PROJECT PLAN FOR THE  
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT,  
AND FINDING THE PLAN IS ECONOMICALLY FEASIBLE**

**WHEREAS**, on January 4, 2005, the Fayetteville City Council held a Public Hearing concerning the creation of the Downtown Master Plan Redevelopment District; and

**WHEREAS**, on January 4, 2005, the City Council passed an ordinance creating the Downtown Master Plan Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

**WHEREAS**, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed Project Plan of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas and its economic feasibility; and

**WHEREAS**, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas; and

**WHEREAS**, the City has prepared a proposed Project Plan attached as Exhibit "A";  
and

**WHEREAS**, the Project Plan includes:

- (a) The kind, number and location of all public works or improvements within the district including acquisition of real estate, construction of parking facilities, improvements to streetscape, roads, trails and other necessary infrastructure;
- (b) an economic feasibility study;
- (c) a detailed list of estimated project costs;
- (d) a description of financing including tax increment bonds;
- (e) a certification of the county tax assessor of the base value, ad valorem rate, debt service ad valorem rate, and ad valorem rate for the redevelopment district;
- (f) no other funds are expected to be deposited into the special funds;

- (g) a map showing existing uses and conditions of real property in the district;
- (h) a map of proposed improvements and uses in the district;
- (i) no zoning changes are anticipated;
- (j) reference to the Downtown Master Plan;
- (k) non-project costs include financial advice, bond costs, economic forecasting;
- (l) no persons are anticipated to be displaced; but the City retains the right to condemn property to accomplish the Project Plan if necessary;
- (m) the amount of TIF indebtedness;;
- (n) the amount of tax increment estimated to be generated by the project;
- (o) no other revenues are anticipated to be used to secure the tax increment financing.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that the Project Plan for the Downtown Master Plan Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Project Plan for the Downtown Master Plan Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005

APPROVED:

By: \_\_\_\_\_

**DRAFT**  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk



## **City of Fayetteville, Arkansas**

# **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision our future

April 2001

**December 3, 2004**

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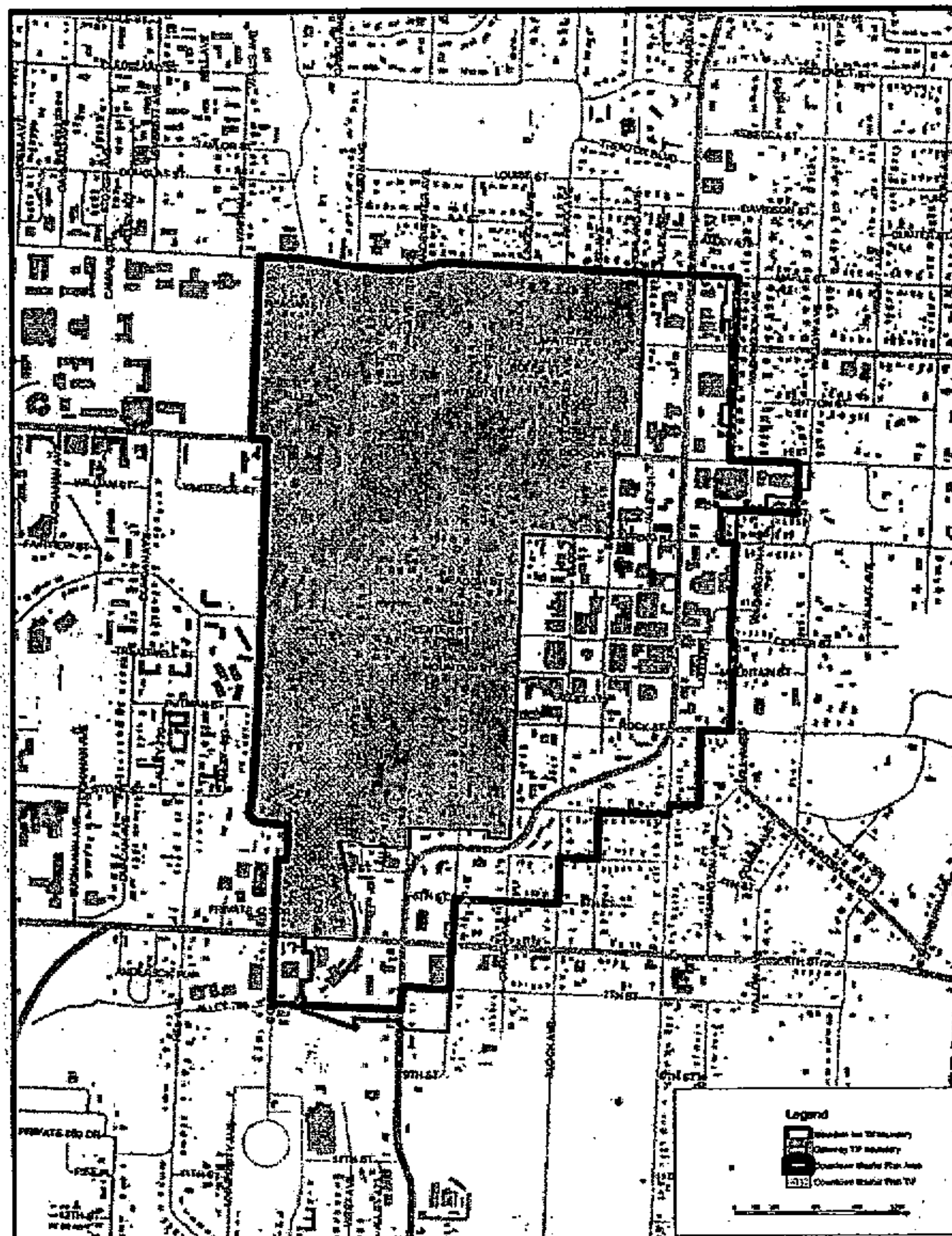
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## DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

Plan documents have been prepared that relate to proposed redevelopment public infrastructure improvements of certain areas contained within the designated Downtown Master Plan TIF. The intent of the project plan is to implement a series of recommendations made as part of the Downtown Master Plan that was adopted by the City Council on September 7, 2004 by Resolution No. 04-140. The Council, in adopting the plan, intends to use the recommendations contained in the plan as a guide to redevelopment of this crucially important component of the Downtown Master Plan area.

The boundaries of this area are illustrated below:



## LEGAL DESCRIPTION DOWNTOWN MASTER PLAN TIF

A part of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 16, thence within the South line of said SE-NW-16-16-30, North 86° 45' 03" West 408.46 feet, to the Point of Beginning; thence within the right-of-way of University Avenue, North 02° 49' 02" East 1,331.51 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 127.82 feet; thence within the right-of-way of Arkansas Avenue, North 02° 46' 47" East 1,321.67 feet; thence within the right-of-way of Maple Street the following calls: South 87° 03' 24" East 265.41 feet, South 82° 03' 00" East 573.12 feet, South 88° 14' 40" East 338.91 feet, North 44° 56' 56" East 64.72 feet, South 87° 29' 08" East 637.21 feet, South 87° 02' 57" East 966.16 feet; thence within the right-of-way of Highland Avenue, South 02° 09' 20" West 1,325.31 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 176.50 feet; thence within the right-of-way of East Avenue, South 02° 52' 38" West 612.61 feet; thence within the right-of-way of Spring Street, North 87° 13' 07" West 643.98 feet; thence within the right-of-way of Church Avenue, South 02° 40' 32" West 2,032.40 feet; thence leaving said right-of-way, South 02° 41' 29" West 198.84 feet; thence South 60° 25' 38" West 2.16 feet; thence North 87° 10' 14" West 158.73 feet; thence North 02° 41' 10" East 54.44 feet; thence North 86° 50' 30" West 179.43 feet; thence South 87° 37' 43" West 60.38 feet; thence North 87° 10' 13" West 363.67 feet; thence South 03° 20' 12" West 150.00 feet; thence North 87° 10' 16" West 296.60 feet; thence North 66° 13' 32" West 64.31 feet; thence North 86° 59' 13" West 143.35 feet; thence South 14° 03' 07" East 181.25 feet; thence South 27° 04' 27" East 69.22 feet; thence South 02° 26' 40" West 76.27 feet; thence South 14° 04' 43" East 212.04 feet; thence South 12° 38' 47" East 22.41 feet; thence South 09° 29' 19" East 26.02 feet; thence South 06° 29' 25" East 21.60 feet; thence South 03° 15' 37" East 27.95 feet; thence South 00° 52' 39" West 36.63 feet; thence South 04° 28' 30" West 66.00 feet; thence within the right-of-way of Sixth Street, North 87° 29' 25" West 584.00 feet; thence the right-of-way of Government Avenue, North 01° 10' 03" East 505.85 feet; thence within the right-of-way of Prairie Street, South 89° 07' 07" East 72.61 feet; thence within the right-of-way of Gregg Avenue, North 03° 56' 17" East 309.01 feet; thence within the right-of-way of University Avenue the following calls: North 85° 52' 21" West 90.06 feet, North 03° 44' 49" East 19.44 feet, North 87° 12' 27" West 175.00 feet, North 02° 27' 00" East 1,466.22 feet, to the Point of Beginning and containing 226.578 acres, more or less.



The project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan and will include the improvement of blighted properties and public infrastructure. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas
2. Improvements to the streetscape in the target area
3. Continuation of trail corridors and development of the trail system
4. The location and construction of necessary infrastructure to support the Cultural and Arts District

The project plan doesn't propose to displace or relocate persons within the district. The adopted Downtown Master Plan does recommend new zoning districts within the project boundary which will be brought forward in 2005.



## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS**

(Summarized from the Fayetteville Downtown Master Plan, Adopted September, 7 2004)

### **LOCATION AND CONSTRUCTION OF PARKING DECKS**

When planning for the future of Downtown, the City must plan for an adequate supply of parking to accommodate future growth and development. Appropriate management of parking is necessary and must be handled differently in a downtown. Downtown is not a mall, strip shopping center, office park, or apartment complex. Downtown is a unique center of activity where parking, while important, is not the most important feature. In fact, **inappropriately designed surface parking lots and ill-fitting garages can blight the very character that is Downtown's calling card.** A downtown must have parking, but the City must handle parking in smart ways so that it does not dominate the entire environment.

An efficient method for handling parking Downtown is through the coordinated use of *shared parking decks*. Office uses may be able to use certain parking spaces during the day while these same spaces are then used by residents at night. Shared parking works in a mixed-use, park-once, pedestrian-friendly environment, all of which are key elements in the Downtown Master Plan.

Due to continued growth and redevelopment Downtown, **structured parking facilities will gradually need to be provided as part of public infrastructure.**





FAYETTEVILLE DOWNTOWN MASTER PLAN

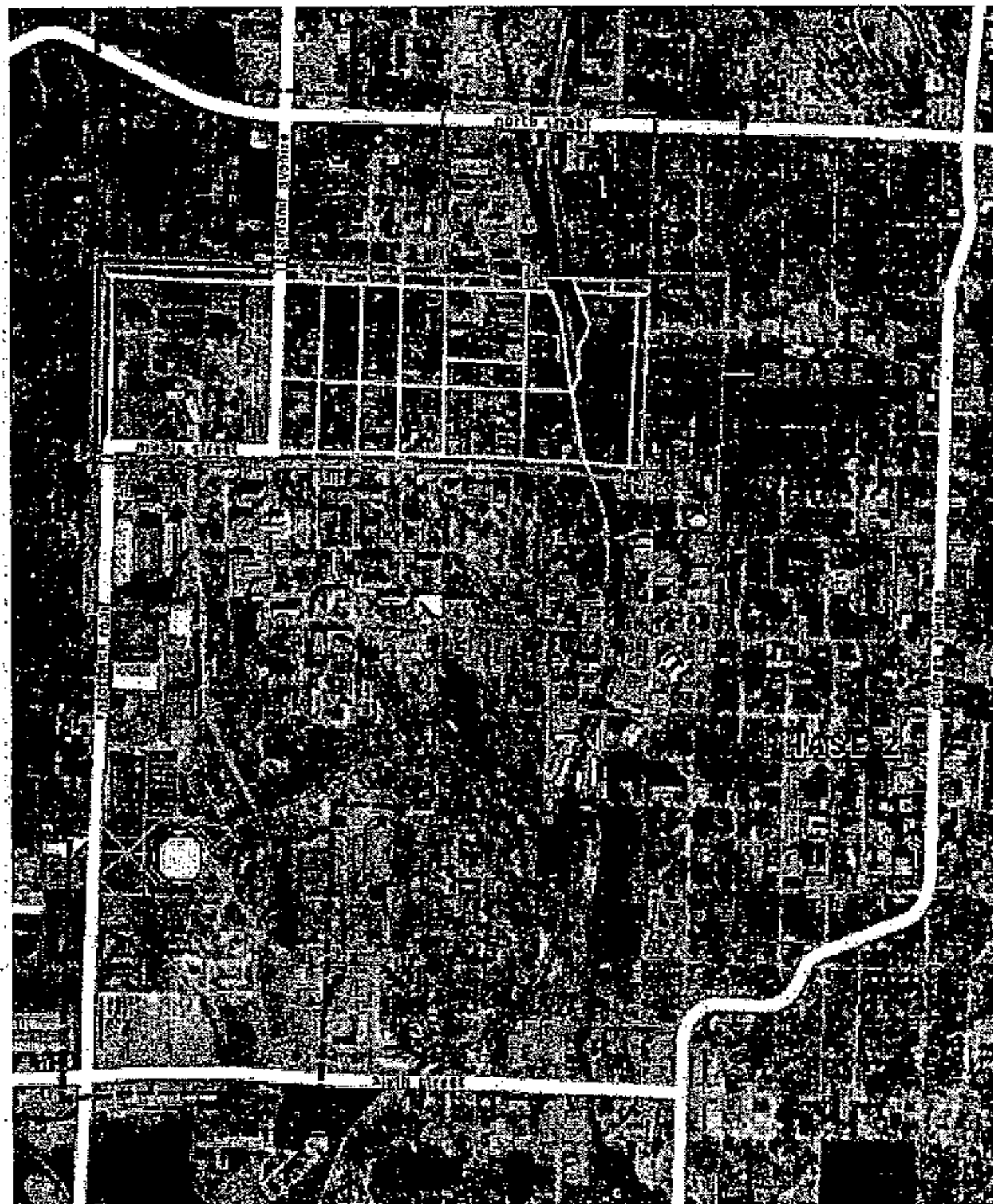


## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS**

### **PARKING DECKS**

The University of Arkansas and City of Fayetteville are currently studying the feasibility of parking structures in downtown Fayetteville to serve student and merchant parking needs during the day. These decks would also be used in the evening and weekends by visitors and residents, including the Walton Arts Center and future housing. Planning for these parking structures is a cooperative effort between the University of Arkansas and the City of Fayetteville, and is based on the recommendations in the Fayetteville Downtown Master Plan.

### **UNIVERSITY OF ARKANSAS / CITY OF FAYETTEVILLE PARKING STUDY PHASE 1B STUDY AREA**



UA TRANSPORTATION STUDY  
project boundaries

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS**

### **STREETSCAPE IMPROVEMENTS**

This project plan provides recommendations for public streetscape improvements that would be a part of the Downtown Master Plan Redevelopment TIF District. These proposed recommendations were developed using the Downtown Master Plan and the Downtown Dickson Street Enhancement Project as a guide.

Transportation facilities and systems provide excellent tools to support the future vision for Downtown Fayetteville, as set by the community. Many components of the urban fabric, including transportation, combine to yield that special "sense of place" – that qualitative sense of comfort and value one feels in a given urban setting. The street is central to this experience as it forms the public realm within which we move, live and play out our daily lives. Pedestrians are especially sensitive to the quality of public space, since they move through it without the usual protection afforded by home or auto. This protection/separation from the outdoor environment, experienced by auto occupants, is often viewed as the safe mode of travel – an antidote to the gamble of experiencing the frequently harsh urban environment. The downside is the limited potential for healthy exercise, interaction with friends, enjoyment of nature, freedom from parking and other benefits central to the pedestrian experience. Travelers with a choice of riding or walking therefore must have an excellent "street" experience to encourage them to venture forth from modern automotive comfort.

The following prioritized features listed in reverse order contribute to an excellent pedestrian experience:

10. Narrower Streets
9. Street Trees
8. Lower Traffic Volumes
7. Sidewalks
6. Interconnected Streets
5. On-street Parking
4. Lower Traffic Speeds
3. Mixed Land Use
2. Buildings Fronting the Street
1. Small Block Size

These parameters have proven themselves successful in the field. When a majority of these are combined in one location, pedestrians are routinely seen. Fayetteville's walkable streets are no exception to this experience. Therefore, these concepts are applied to support walkability



Downtown.

## **SIDEWALKS, STREET TREES, AND STREET LIGHTING**

Sidewalks and their width must be effectively controlled through municipal codes and ordinances to achieve high quality walkability. Within the Downtown Master Plan Redevelopment District, sidewalks on both sides of each street (excluding Alleys and Lanes) should be the default.

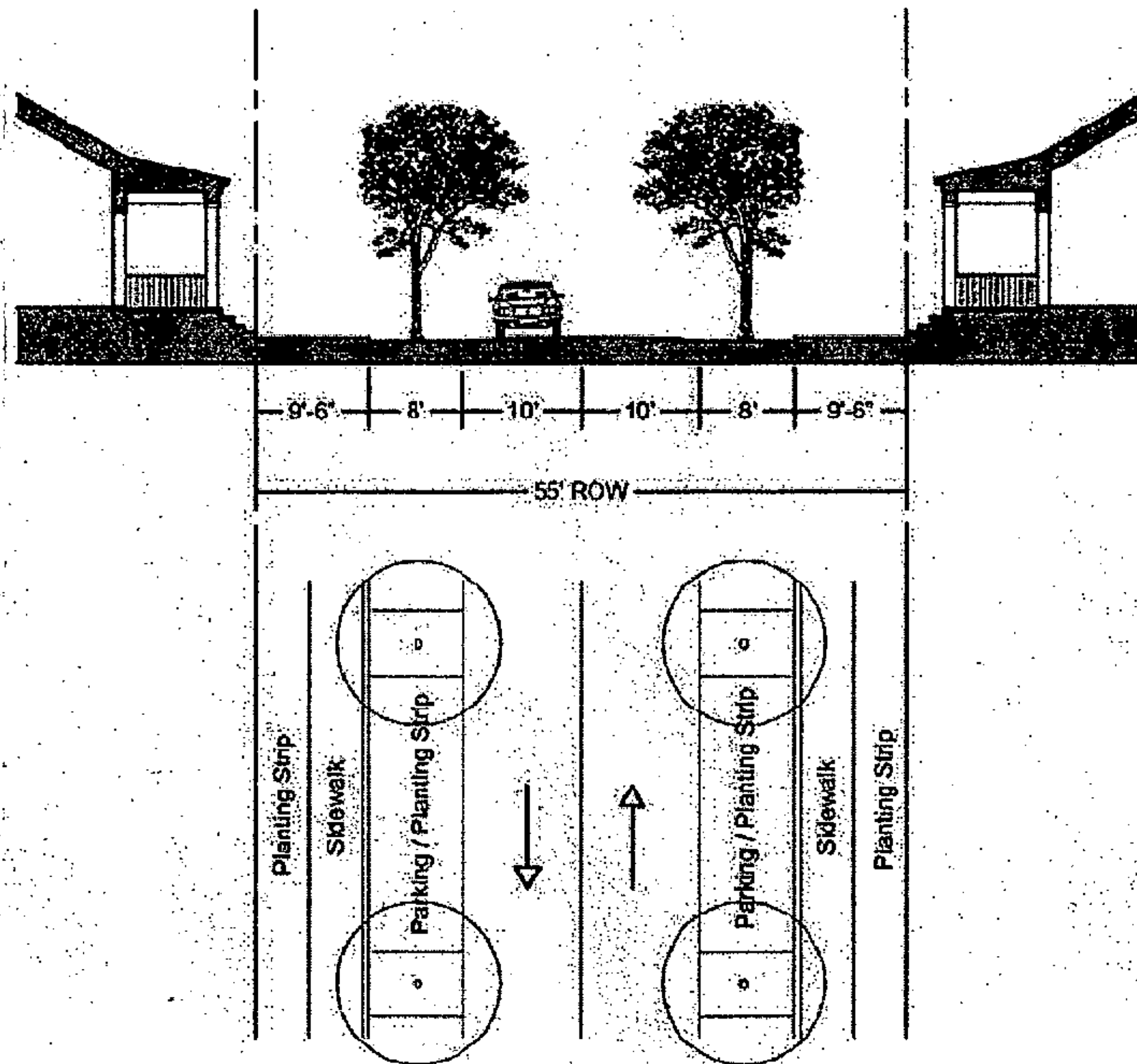
Justification should be submitted for an exception if absolutely necessary. Sidewalk width should vary by transect zone with wider sidewalks at the Regional Core and narrower sidewalks in the Neighborhood Conservation zone. Larger dimensions are specified to manage higher pedestrian volumes; eventually for two persons, side by side, to pass others walking in the opposite direction. A clear path dimension is required to avoid street furniture, utility poles and other objects placed within the sidewalk.

Street trees and lighting are two of the critical elements found in great street designs. They should not be viewed as "amenities" that may or may not be added, like accessories on a new car. For walkable streets, pedestrian comfort is essential, thus, these features must be included and should be in the design budgets. Similarly, street lighting should be comforting to pedestrians. Lighting should be decorative, and not exceeding 15 feet in height except in Core zones. Lighting should be designed so as to minimize glare and overhead sky glow. For example, typical "Cobra Lights" found on arterial roadsides are not appropriate for pedestrian friendly streets.



**Dickson Street Before And After Sidewalk And Streetscape Improvements**

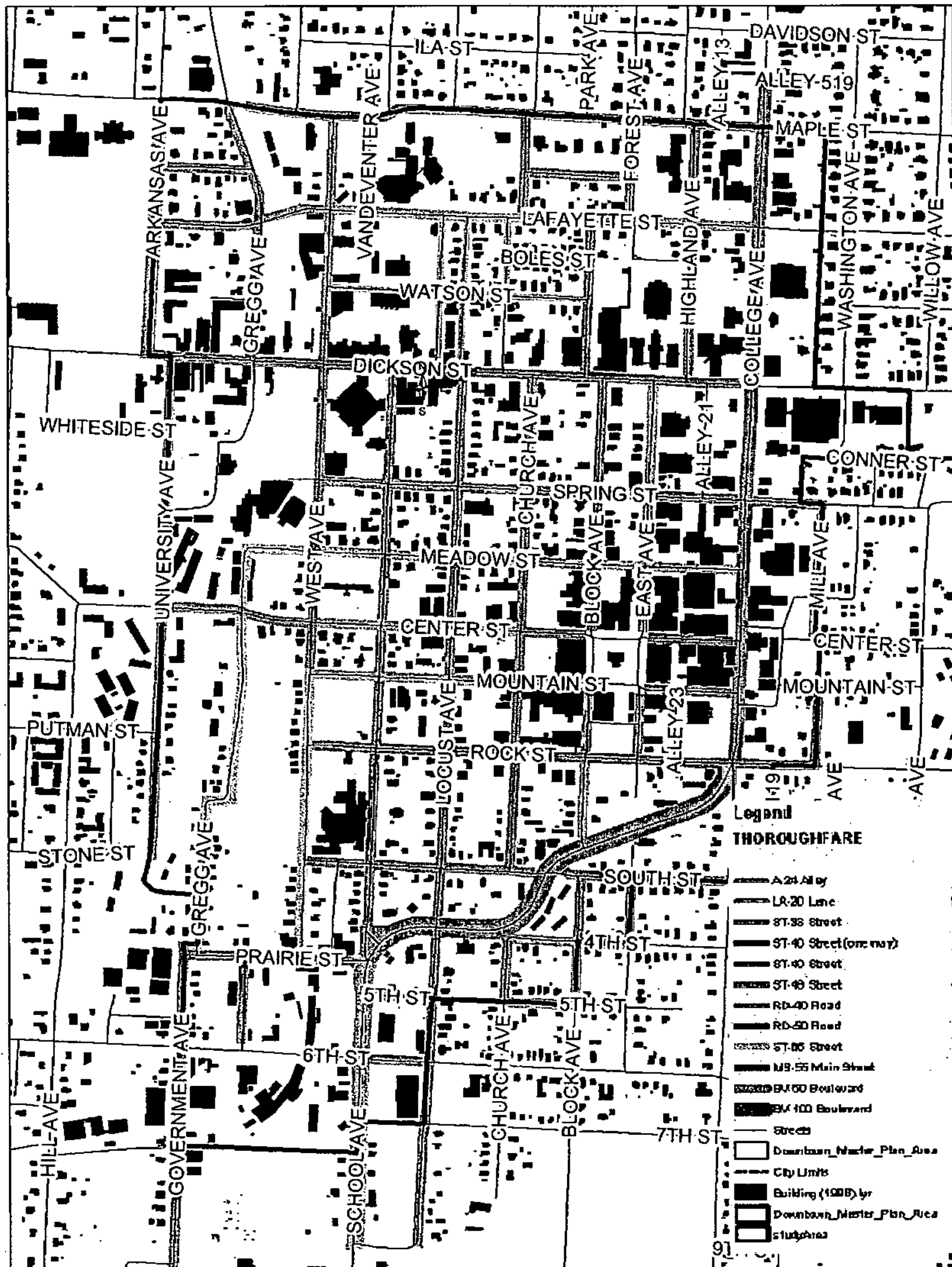
**PROPOSED CONCEPT SECTIONS:**



The following is a summary of improvements for the typical section that will be applied to identified streets within the Downtown Master Plan Redevelopment District:

- Replacement of existing sidewalks that would meet ADA requirements and the transect zone recommendations for width.
- Replacement of existing curb & gutter with historic type "stand-up" curb.
- Installation of trees at intervals of 30 feet including underground irrigation where appropriate.
- Installation of decorative street lights at intervals of 120 feet with underground electrical supply.

- Provide a minimum of two inch asphalt overlay.
- Replace existing drainage structures and storm pipes as necessary.



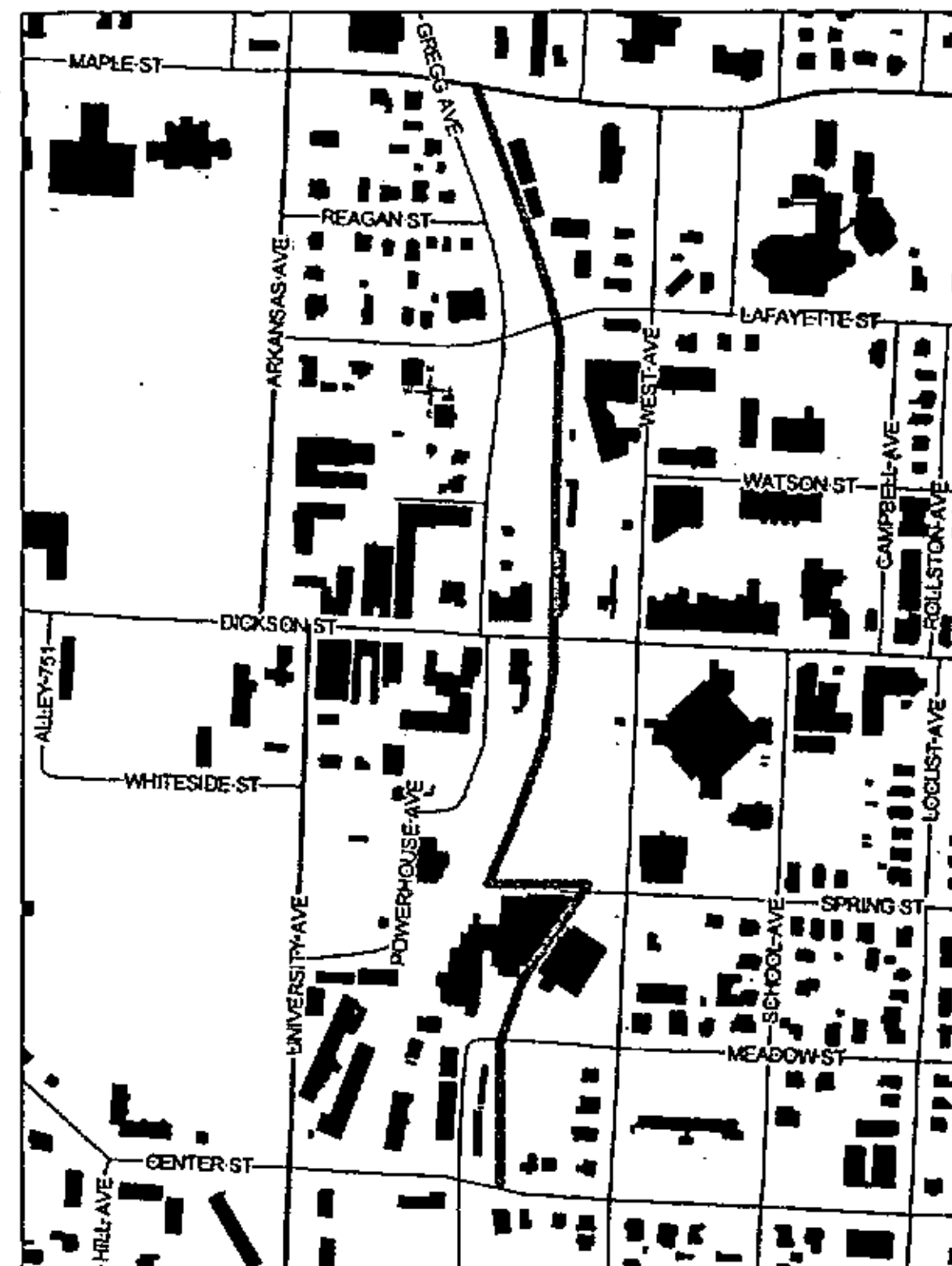


## DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

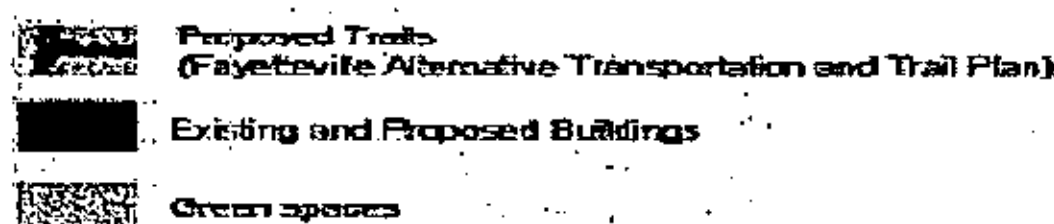
### CONTINUATION OF TRAIL CORRIDORS

In addition to Downtown streets and sidewalks, there is also a trail system which connects the Downtown to other areas of the City. The existing trails system is expanded in the 2003 *Fayetteville Alternative Transportation and Trail Master Plan*. Additional trails will further enhance the pedestrian connections throughout Downtown. On-street linkages are proposed for every major street in Downtown. Specific trail heads are identified along each trail, allowing easy access, managed parking (as necessary), and recreation facilities. The trail linkages further connect pedestrians with various Downtown activities.

As part of the the trail projects, sidewalk and pedestrian safety improvements along the active rail line will be included in the project. The implementation of the *Fayetteville Alternative Transportation and Trail Master Plan* is an important link in Fayetteville's trail network and the overall walkability strategy for Downtown.



#### 2. Center Prairie Trail



## CULTURAL AND ARTS DISTRICT

Fayetteville has some things that many cities have lost — real downtown character and real downtown things to do. Through the course of change in the 20th Century and the rise of suburban sprawl, many residents and businesses vacated downtowns. While the economic engine of Downtown Fayetteville has evolved over time, however, there remains a solid constituency of residents and businesses. What draws people to downtown? It is the *experience* —the high quality of life associated with living and working and being entertained in a downtown environment with so much to offer, including arts, culture, and fun. Therefore the City should continue to nurture these anchor functions. Downtown Fayetteville has already become Northwest Arkansas' premier home for the performing arts and cultural activity. Dickson Street has long been a marvel among college-town main streets, a hub for food, music and informal celebrating. These two phenomena should be recognized and embraced as vital parts of the modern Downtown's economic makeup, part of the lure of Downtown for the next generation of residents and investors.

Today the recognizable center of the arts district is roughly at the intersection of West Avenue and Dickson Street, anchored by the Walton Arts Center; other outposts of the arts such as the Nadine Baum Studios and galleries are located nearby, but these are separated by parking lots, vacant parcels, and assorted businesses. The entertainment scene is more tightly clustered and primarily linear, along Dickson Street, with some activity (including bars and restaurants) in the mid block areas and along perpendicular streets. This area lends itself to **expanded cultural facilities, vibrant evening activities, and efficiently-provided shared parking**. The Illustrative Master Plan depicts how a **2500-seat performance hall** can be added to the Walton Arts Center's south side, and how a **community parking facility** with "liners" of entertainment businesses and artist housing can be developed on the West Avenue parcel.

## DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT

### ESTIMATED PROJECT COSTS

The Project scope for this redevelopment effort focuses on three elements which were identified in the recently adopted Downtown Master Plan. While it will be necessary to complete detailed engineering plans to address the actual cost of these elements, there is sufficient information available from similar projects to estimate total project costs.

### PARKING DECKS

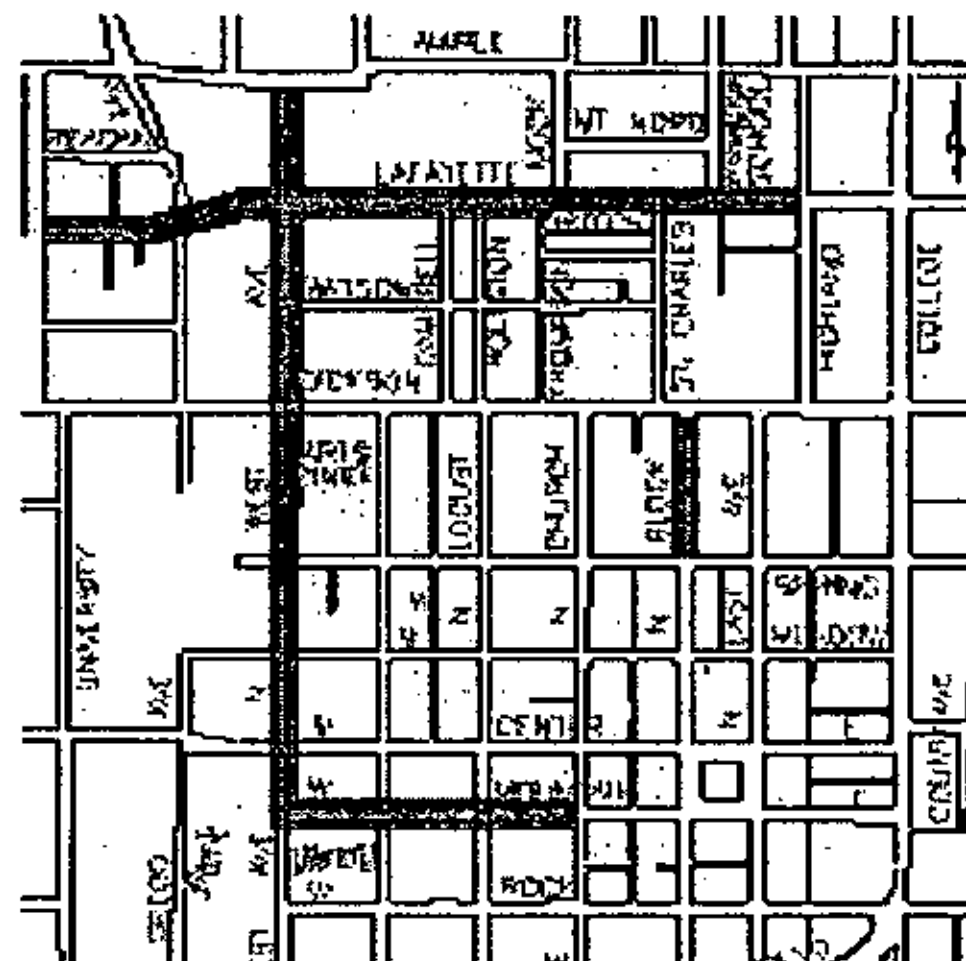
The project plan identifies a number of locations for the construction of decks. Over the past several years, the community has developed a consensus that the highest priority location for parking decks should be in an area that allows service to both the downtown and the University Campus.

The cost estimate for a 650 space deck is approximately \$7,800,000. This number is derived from an industry average of \$12,000 per space. As stated earlier, this number will be confirmed as part of the engineering work to be done as the first phase of this project.

### STREETSCAPE

The adopted Downtown Master Plan recommends the installation of street and streetscape improvements as one of the key action items that is necessary to insure that this area remains a destination point for the region and state. The map as shown proposes improvements for some 1.4 miles of streets in the target area. The cost for this phase is estimated at \$6,635,000. This figure is derived from the actual costs per linear foot incurred in the recently completed Dickson Street improvements. The streets identified as first priority are as follows:

- Lafayette Street
- West Avenue
- Mountain Street
- Block Avenue





## TRAILS

The Fayetteville Alternative Transportation and Trail Plan includes a series of recommendations for a North/South Trail Corridor. The Downtown Master Plan Redevelopment District Project Plan proposes the construction of a trail beginning at the Nadine Baum studio and continuing to the project boundary at Maple Street. The cost for this 2,200 foot segment is estimated at \$600,000. In addition, the engineering work will develop a strategy to incorporate "Silent Crossings" in the rail corridor through this area. Silent rail crossings enables trains to travel across public streets without having to utilize extremely loud air horns. The installation of crossing controls at principal intersections and the construction of fencing to protect the rail corridor itself will enhance pedestrian safety. The feasibility of grade separations of the trail itself at principal intersections will also be evaluated as part of the first phase engineering component.

### Cost summary

|                                    |                |                    |
|------------------------------------|----------------|--------------------|
| Parking Deck                       | 650 space deck | \$7,800,000        |
| Street streetscape improvements    | 1.4 miles      | \$6,635,000        |
| Trails                             | 2,200 feet     | \$600,000          |
| Project overhead first year        |                | \$200,000          |
| Engineering, legal, administration |                |                    |
|                                    |                | <hr/> \$15,235,000 |



# **City of Fayetteville, Arkansas**

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision. our future

# **EXHIBIT No.1**

## **Economic Feasibility Study**

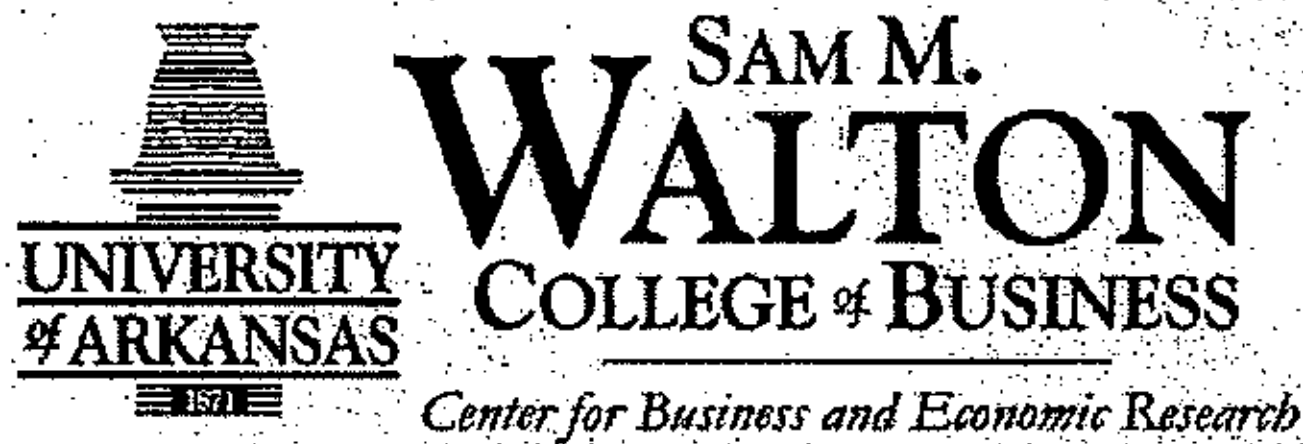




## **An Economic Forecast of Assessment Values in the Downtown Master Plan Redevelopment District**

### **An Economic Forecast of Assessment Values in the Fayetteville Downtown Master Plan Tax Increment Financing District**

*Produced for the City of Fayetteville, Arkansas*



Center for Business and Economic Research  
Reynolds Center Building 217  
Sam M. Walton College of Business  
1 University of Arkansas  
Fayetteville, Arkansas 72701-1201  
(479) 575-4151  
Contact: Dr. Jeffery T. Collins, Director  
December 2004

The purpose of this study is to estimate the cash flows that will accrue to the Fayetteville Downtown Master Plan Tax Increment Financing District (FDMPD) as a result of the tax increment financing project that has the implementation of the Dover Kohl-produced Master Plan as its centerpiece. The FDMPD encompasses 672 parcels in the central part of Fayetteville, running from Maple Street in the north to 6<sup>th</sup> Street in the south and from Arkansas Avenue in the west to Highland Avenue in the east. The east and south boundaries of the FDMPD abut the East Square/Highway 71 Redevelopment District. The FDMPD contains most of the current Dickson Street entertainment venues, the Walton Arts Center, and the west side of the Fayetteville Square. The formation of the FDMPD was spurred by the desire to finance the infrastructure that will facilitate the implementation of the Downtown Master plan. Redevelopment of the area is seen as key to improving local property values and fostering economic activity in the central corridor of the city. Tax increment financing (TIF) was chosen as the appropriate tool for this private/public partnership.

Researchers at the Center for Business and Economic Research (CBER) in the Sam M. Walton College of Business at the University of Arkansas were asked to project the revenues that tax increment financing will provide for the FDMPD. The methodology employed was as follows. First, a copy of the property ownership report for the FDMPD was obtained from city of Fayetteville staff. This report included the identification of and 2004 assessed valuation numbers for the 672 parcels included in the Highway 71 East Square Redevelopment District. Supplementing this information, CBER researchers used the Washington County Assessor's online property search database to obtain the 2001-2003 assessment values for the same 672 parcels.

The collected data show that 286 of the parcels in the FDMPD are classified as Residential Improved, 173 of the parcels are classified as Commercial Improved, 70 of the parcels are exempt from property taxes (either as local or federal government properties or churches), and the remaining 140 parcels are a mix of commercial and residential vacant properties, public services, and miscellaneous usages. A total of 549 of the identified parcels had non-zero assessment values in 2004.

In 2004, the total assessed value of the parcels in the FDMPD was \$15,083,761. In 2004, the year-on-year growth rate of the assessed value was 12.9 percent, while the median assessment growth rate was 10 percent. Of the 536 parcels with nonzero assessed values in both 2003 and 2004, 119 parcels had assessment growth rates of less than 10 percent, 269 had assessed values that grew at 10 percent, and 148 parcels had assessment growth rates of more than 10 percent. Only 13 parcels in the FDMPD had lower assessments in 2004 than in 2003.

Based on all of the previous information, CBER researchers have developed plausible revenue scenario for the FDMPD with and without the investments that would result from the creation of a TIF district. The first scenario is the most conservative and takes into consideration that owner-occupied residential property assessment growth is capped at 5 percent, that properties owned and occupied by residents over the age of 65 have frozen property assessments, and that all other property assessment growth is capped at 10 percent. In order to provide a conservative

estimate of the revenue that would be generated without a TIF district, a projection is made of the growth in assessed property values without any newly assessed properties. These revenue estimates do not capture the growth in assessments that will result from new construction, and as such, likely underestimate the true revenues that are likely to accrue to the district. Table 1 presents the revenue estimates by year for this conservative scenario without new construction.

Table 1 shows estimates of what the increment would be in each year. The total increment over 25 years is \$1.1 trillion. A millage rate of 27.66 is applied to the increment to illustrate what the yield to a TIF district would be. The total yield under this scenario is almost \$31 million. That yield is also discounted back for expected 3 percent annual inflation for a present value calculation. The present value is almost \$18 million under these assumptions.

The estimates shown in Table 1 project out average growth rates that are lower than those that have been experienced in the past three years for the parcels in the FDMPD. In 2002, the growth rate in assessed valuation was 9.2 percent. The years 2003 and 2004 saw higher growth rates in assessed valuations at 18.9 and 12.9 percent, respectively. The three year average growth rate for these properties is 13.9 percent, but that number is heavily influenced by the extraordinary growth in 2003. It seems unlikely that such large increases in assessment values are likely to continue without significant investments in the infrastructure of the area. Therefore, an alternative scenario is presented that takes into account property value increases due to the investments that would be made using tax increment financing.

Table 2 presents these results. Years 2005 through 2007 have estimates identical to those in Table 1, as the assumption is that it would take three years for investments in the district to be made. In 2008, a 2.5 percent premium (amounting to a 12.0 percent growth rate) is added to account for new assessments. That premium is applied through 2017. From 2018 through the remaining life of the TIF district, growth rates are estimated to be 9.5 percent, approximating the estimates in Table 1. Again, a millage rate of 27.66 is applied to the increment to calculate the yield and annual inflation is assumed to be 3 percent.

Under the second scenario, the total increment is \$1.45 trillion over 25 years. The available yield for the FDMPD is just over \$40 million and the present value of that yield is \$23.2 million.



Table 1: Estimates of Growth in FDMPD Assessed Valuations without TIF Investments

| Weighted Estimates by Property Taxation Classification   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,119,146,735               |               |               |               |               |               |
| Total Available Yield: \$30,955,599                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$17,953,951 |               |               |               |               |               |
| Year                                                     | 2005          | 2006          | 2007          | 2008          | 2009          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$16,461,934  | \$17,973,791  | \$19,632,493  | \$21,452,509  | \$23,449,742  |
| Assessment Growth Rate                                   | 9.14%         | 9.18%         | 9.23%         | 9.27%         | 9.31%         |
| Increment                                                | \$1,378,173   | \$2,890,030   | \$4,548,732   | \$6,368,748   | \$8,365,981   |
| Available Yield                                          | \$38,120      | \$79,938      | \$125,818     | \$176,160     | \$231,403     |
| PV of Available Yield                                    | \$37,010      | \$75,349      | \$115,141     | \$156,516     | \$199,610     |
| Year                                                     | 2010          | 2011          | 2012          | 2013          | 2014          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$25,641,675  | \$28,047,526  | \$30,688,422  | \$33,587,593  | \$36,770,574  |
| Assessment Growth Rate                                   | 9.35%         | 9.38%         | 9.42%         | 9.45%         | 9.48%         |
| Increment                                                | \$10,557,914  | \$12,963,765  | \$15,604,661  | \$18,503,832  | \$21,686,813  |
| Available Yield                                          | \$292,032     | \$358,578     | \$431,625     | \$511,816     | \$599,857     |
| PV of Available Yield                                    | \$244,572     | \$291,557     | \$340,729     | \$392,264     | \$446,350     |
| Year                                                     | 2015          | 2016          | 2017          | 2018          | 2019          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$40,265,441  | \$44,103,063  | \$48,317,378  | \$52,945,701  | \$58,029,063  |
| Assessment Growth Rate                                   | 9.50%         | 9.53%         | 9.56%         | 9.58%         | 9.60%         |
| Increment                                                | \$25,181,680  | \$29,019,302  | \$33,233,617  | \$37,861,940  | \$42,945,302  |
| Available Yield                                          | \$696,525     | \$802,674     | \$919,242     | \$1,047,261   | \$1,187,867   |
| PV of Available Yield                                    | \$503,185     | \$562,979     | \$625,959     | \$692,363     | \$762,447     |
| Year                                                     | 2020          | 2021          | 2022          | 2023          | 2024          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$63,612,578  | \$69,745,851  | \$76,483,430  | \$83,885,294  | \$92,017,397  |
| Assessment Growth Rate                                   | 9.62%         | 9.64%         | 9.66%         | 9.68%         | 9.69%         |
| Increment                                                | \$48,528,817  | \$54,662,090  | \$61,399,669  | \$68,801,533  | \$76,933,636  |
| Available Yield                                          | \$1,342,307   | \$1,511,953   | \$1,698,315   | \$1,903,050   | \$2,127,984   |
| PV of Available Yield                                    | \$836,481     | \$914,757     | \$997,581     | \$1,085,283   | \$1,178,213   |
| Year                                                     | 2025          | 2026          | 2027          | 2028          | 2029          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$100,952,265 | \$110,769,654 | \$121,557,267 | \$133,411,551 | \$146,438,568 |
| Assessment Growth Rate                                   | 9.71%         | 9.72%         | 9.74%         | 9.75%         | 9.76%         |
| Increment                                                | \$85,868,504  | \$95,685,893  | \$106,473,506 | \$118,327,790 | \$131,354,807 |
| Available Yield                                          | \$2,375,123   | \$2,646,672   | \$2,945,057   | \$3,272,947   | \$3,633,274   |
| PV of Available Yield                                    | \$1,276,746   | \$1,381,278   | \$1,492,236   | \$1,610,073   | \$1,735,272   |

Table 2: Estimates of Growth in FDMPD Assessed Valuations with TIF Investments

| Weighted Estimates by Property Taxation Classification   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|
| Total Available Increment: \$1,448,463,219               |               |               |               |               |               |
| Total Available Yield: \$40,064,493                      |               |               |               |               |               |
| Net Present Value of Total Available Yield: \$23,226,059 |               |               |               |               |               |
| Year                                                     | 2005          | 2006          | 2007          | 2008          | 2009          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$16,461,934  | \$17,973,791  | \$19,632,493  | \$21,988,822  | \$24,627,480  |
| Assessment Growth Rate                                   | 9.14%         | 9.18%         | 9.23%         | 12.00%        | 12.00%        |
| Increment                                                | \$1,378,173   | \$2,890,030   | \$4,548,732   | \$6,905,061   | \$9,543,719   |
| Available Yield                                          | \$38,120      | \$79,938      | \$125,818     | \$190,994     | \$263,979     |
| PV of Available Yield                                    | \$37,010      | \$75,349      | \$115,141     | \$169,696     | \$227,711     |
| Year                                                     | 2010          | 2011          | 2012          | 2013          | 2014          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$27,582,778  | \$30,892,711  | \$34,599,837  | \$38,751,817  | \$43,402,035  |
| Assessment Growth Rate                                   | 12.00%        | 12.00%        | 12.00%        | 12.00%        | 12.00%        |
| Increment                                                | \$12,499,017  | \$15,808,950  | \$19,516,076  | \$23,668,056  | \$28,318,274  |
| Available Yield                                          | \$345,723     | \$437,276     | \$539,815     | \$654,658     | \$783,283     |
| PV of Available Yield                                    | \$289,537     | \$355,545     | \$426,135     | \$501,741     | \$582,836     |
| Year                                                     | 2015          | 2016          | 2017          | 2018          | 2019          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$48,610,279  | \$54,443,513  | \$60,976,734  | \$66,769,524  | \$73,112,629  |
| Assessment Growth Rate                                   | 12.00%        | 12.00%        | 12.00%        | 9.50%         | 9.50%         |
| Increment                                                | \$33,526,518  | \$39,359,752  | \$45,892,973  | \$51,685,763  | \$58,028,868  |
| Available Yield                                          | \$927,343     | \$1,088,691   | \$1,269,400   | \$1,429,628   | \$1,605,078   |
| PV of Available Yield                                    | \$669,933     | \$763,586     | \$864,399     | \$945,153     | \$1,030,239   |
| Year                                                     | 2020          | 2021          | 2022          | 2023          | 2024          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$80,058,329  | \$87,663,870  | \$95,991,938  | \$105,111,172 | \$115,096,733 |
| Assessment Growth Rate                                   | 9.50%         | 9.50%         | 9.50%         | 9.50%         | 9.50%         |
| Increment                                                | \$64,974,568  | \$72,580,109  | \$80,908,177  | \$90,027,411  | \$100,012,972 |
| Available Yield                                          | \$1,797,197   | \$2,007,566   | \$2,237,920   | \$2,490,158   | \$2,766,359   |
| PV of Available Yield                                    | \$1,119,953   | \$1,214,610   | \$1,314,542   | \$1,420,102   | \$1,531,666   |
| Year                                                     | 2025          | 2026          | 2027          | 2028          | 2029          |
| Frozen Assessment                                        | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  | \$15,083,761  |
| Total Assessment                                         | \$126,030,923 | \$138,003,860 | \$151,114,227 | \$165,470,079 | \$181,189,736 |
| Assessment Growth Rate                                   | 9.50%         | 9.50%         | 9.50%         | 9.50%         | 9.50%         |
| Increment                                                | \$110,947,162 | \$122,920,099 | \$136,030,466 | \$150,386,318 | \$166,105,975 |
| Available Yield                                          | \$3,068,798   | \$3,399,970   | \$3,762,603   | \$4,159,686   | \$4,594,491   |
| PV of Available Yield                                    | \$1,649,630   | \$1,774,419   | \$1,906,480   | \$2,046,290   | \$2,194,355   |



# **City of Fayetteville, Arkansas**

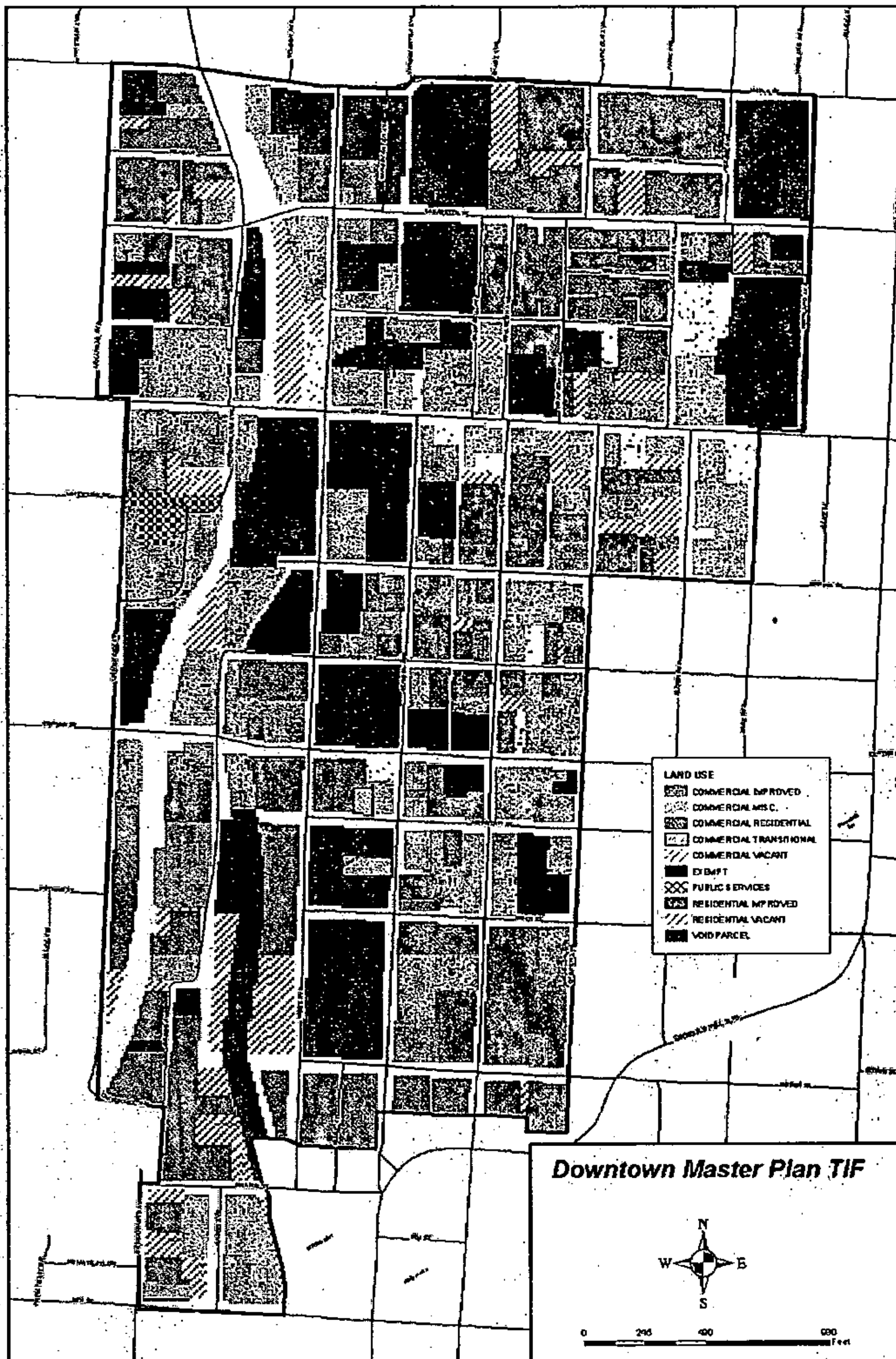
## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision. our future.

# **EXHIBIT No.2**

## **Existing Uses and Conditions Map**



# City of Fayetteville, Arkansas

## DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision our future

# EXHIBIT No.3

Assessor's Certification

City of Fayetteville  
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT  
PROJECT PLAN





LEE ANN KIZZAR  
COUNTY ASSESSOR

WASHINGTON COUNTY  
STATE OF ARKANSAS  
Washington County Courthouse  
280 North College - Suite 250  
Fayetteville, Arkansas 72701

TELEPHONE  
479/444-1500

November 20, 2004

Mr. Hugh Earnest  
City of Fayetteville  
113 W. Mountain  
Fayetteville AR 72701

Dear Mr. Earnest,

Please accept this letter and its attachments as the assessor's certification required by ACA 14-168-306(b)(5) for the approval of the Downtown Master Plan Redevelopment District Project Plan.

The assessed value of all real property within the redevelopment district subject to ad valorem taxation, also known as the Base Value as of January 1, 2004, is:  
15,083,761.

The rolled back total millage rate of Washington County, the Fayetteville School District, and the City of Fayetteville, also known as the Total Ad Valorem Rate, is:  
51.91.

The portion of the total ad valorem rate that was, at January 1, 2001, pledged to the payment of debt service by the Fayetteville School District, also known as the Debt Service Ad Valorem Rate, is:  
23.7.

The total rolled back ad valorem rate less the debt service ad valorem rate, also known as the Applicable Ad Valorem Rate, is:  
28.21.

Attached is the certification from the Fayetteville School District of the debt service ad valorem rate, a copy of the most recent millage ordinance detailing levied ad valorem millage rates for all taxing entities in Washington County with the pertinent items marked with an asterisk, and a report from the assessor's database detailing the appraised and assessed value of each parcel in the redevelopment district along with totals for the entire district. Also included is a copy of the rollback forms for Washington County and the Fayetteville School District to show the rolled back millages.

Sincerely,

Lee Ann Kizzar

ORDINANCE NO. 2003-53

FILED  
'03 NOV 17 PM 4:10  
KAREN COMBS PRITCHARD  
CO. CLERK  
WASHINGTON CO. ARK.

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND  
SCHOOL DISTRICT TAXES FOR THE YEAR 2003.

WHEREAS, Article 7, Section 30, of the Constitution of the State of  
Arkansas requires the Justices of the Peace of each county to "sit with and assist the  
County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-904 provides that "The Quorum Court, at  
its regular meeting in November of each year, shall levy the county, municipal, and school  
taxes for the current year."

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT  
OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The following taxes are hereby levied for the Year 2003  
for Washington County, Arkansas:

REAL ESTATE/  
PERSONAL PROPERTY

- |                    |              |
|--------------------|--------------|
| (A) County General | 5.0 mills *  |
| (B) County Road    | 1.16 mills * |
| (C) County Library | 1.0 mills*   |

\* To be collected throughout the County except for property  
within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2003  
for the respective municipalities within Washington County, Arkansas:

REAL ESTATE/  
PERSONAL PROPERTY

- |                  |               |
|------------------|---------------|
| (A) Fayetteville | 1.8 mills** * |
| (B) Springdale   | 5.7 mills     |
| (C) Elkins       | 5.0 mills     |
| (D) Greenland    | 2.9 mills     |
| (E) West Fork    | 5.0 mills     |
| (F) Winslow      | 3.0 mills     |
| (G) Farmington   | 5.0 mills     |



ORDINANCE NO. 2003-53  
PAGE 2

|                   |           |
|-------------------|-----------|
| (H) Tortitown     | 2.0 mills |
| (I) Elm Springs   | 5.0 mills |
| (J) Johnson       | 5.0 mills |
| (K) Prairie Grove | 9.5 mills |
| (L) Lincoln       | 6.5 mills |
| (M) Goshen        | 0.0 mills |

\*\* 1.0 mill is a library millage and is to be collected only inside the City Limits of Fayetteville; .8 mill is for all other legal purposes.

ARTICLE 3. The following taxes are hereby levied for the Year 2003 for the respective school districts within Washington County, Arkansas:

|                        | REAL ESTATE/<br>PERSONAL PROPERTY |            |              |
|------------------------|-----------------------------------|------------|--------------|
|                        | Debt                              | M & O      | Total        |
| (A) Fayetteville, #1   | 20.0 mills                        | 25.0 mills | 45.0 mills * |
| (B) Farmington, #6     | 16.35 mills                       | 25.0 mills | 41.35 mills  |
| (C) Elkins, #10        | 15.5 mills                        | 25.0 mills | 40.5 mills   |
| (D) Winslow, #20       | 8.0 mills                         | 25.0 mills | 33.0 mills   |
| (E) Prairie Grove, #23 | 13.2 mills                        | 25.0 mills | 38.2 mills   |
| (F) Lincoln, #48       | 10.0 mills                        | 25.0 mills | 35.0 mills   |
| (G) Springdale, #50    | 15.0 mills                        | 25.0 mills | 40.0 mills   |
| (H) Greenland, #95     | 13.0 mills                        | 25.0 mills | 38.0 mills   |
| (I) West Fork, #141    | 14.0 mills                        | 25.0 mills | 39.0 mills   |
| (J) Benton County, #21 | 7.7 mills                         | 25.0 mills | 32.7 mills   |

ARTICLE 4. The levy of taxes for 2003 is in accordance with certifications of the municipalities and school districts filed in the Office of the Washington County Clerk.

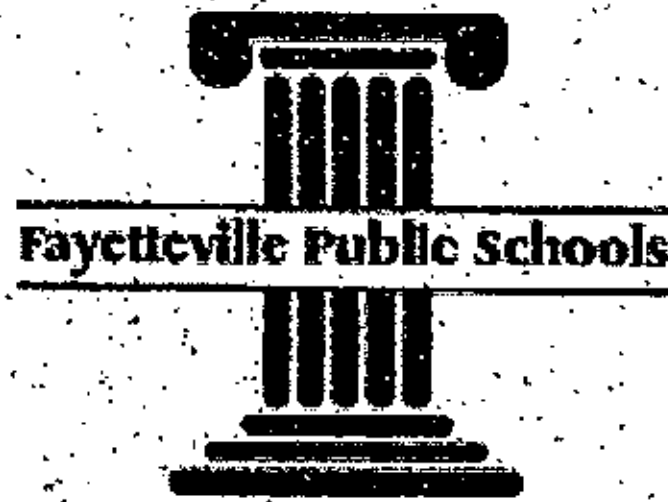
Jerry T. Hunton  
JERRY HUNTON, County Judge

11-17-03  
DATE

Karen Combs Pritchard  
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson  
Date of Passage: November 13, 2003  
Votes For: 11 Votes Against: 1  
Abstentions: 0 Absent: 1

CERTIFICATE  
I CERTIFY THAT THIS INSTRUMENT IS A  
TRUE COPY OF THE Ordinance ON  
FILE IN THIS OFFICE. DATE 9-29-04  
Karen Combs Pritchard  
Karen Combs Pritchard - County Clerk  
D.C.



CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

September 21, 2004

Ms. Lee Ann Kizzar  
County Assessor  
Washington County Courthouse  
280 North College - Suite 360  
Fayetteville, AR 72701

Dear Ms. Kizzar:

Please be informed that the Fayetteville School Districts millage structure at January 1, 2001 was as follows:

19.3 mills General Maintenance & Operation  
23.7 mills Debt Service  
1.0 mill Capital Outlay  
44.0 mills

I have attached the school ballot from that election for your reference. Please call me if you have any questions.

Thank you,

  
Lisa Z. Morstad

1000 WEST STONE STREET

PO BOX 849

FAYETTEVILLE, ARKANSAS 72702

(501) 444-3000

# ANNUAL SCHOOL ELECTION BALLOT

| A                                                                                                                                                                                                                                                                                     | B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | C                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| FAYETTEVILLE SCHOOL                                                                                                                                                                                                                                                                   | WASHINGTON COUNTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | SEPTEMBER 19, 2000 |
| <p><b>DISTRICT NO. 1</b></p> <p><b>INSTRUCTIONS TO VOTER</b></p> <p>1. To vote you must blacken the Oval ( <input type="radio"/> ) completely next to the candidate of your choice.</p> <p>2. Use only the pencil provided.</p> <p>3. After voting, deposit ballot in ballot box.</p> | <p><b>School Tax</b></p> <p>44.0 Mills</p> <p>The total rate proposed above includes the uniform rate of 25.0 mills (the Statewide Uniform Rate) to be collected on all taxable property in the State and remitted to the State Treasurer pursuant to Amendment No. 74 to the Arkansas Constitution to be used solely for maintenance and operation of schools in the State. As provided in Amendment No. 74, the Statewide Uniform Rate replaces a portion of the existing rate of tax levied by this school District and available for maintenance and operation of the schools in this District. The total proposed school tax levy of 44.0 mills includes 19.3 mills for general maintenance and operation, 1.0 mill for current expenditures/dedicated maintenance and operation expenditures, and 23.7 mills for debt service as a continuing levy pledged for the retirement of existing bonded indebtedness. The 23.7 debt service mills are allocated as follows: 3.0 mills is a continuing levy dedicated exclusively to the retirement of the District's Bonds dated November 1, 1997 and May 1, 1998, and 20.7 mills is a continuing levy pledged for the retirement of all other existing bonded indebtedness. The surplus revenues produced by the 20.7 debt service mills may be used by the District for other school purposes.</p> <p>If the proposed school tax levy is approved by the electors, then the total school tax rate shall be 44.0 mills (this being the effect of such approval notwithstanding the results of the litigation referred to below). If the proposed school tax levy is not approved by the electors, then the total school tax rate shall be a lower rate determined in accordance with pending litigation in the Circuit Court of Washington County, Arkansas (the "Court") involving the rollback provisions of Amendment No. 63 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 63 have been triggered (the "Rollback Millage Rate"). The total proposed tax levy of 44.0 mills represents an increase in total mills equal to the difference between the proposed levy of the 44.0 mills and the lower Rollback Millage Rate.</p> |                    |
| <p><b>School Board Director - 3yr.</b></p> <p><b>Pos 2</b></p>                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |
| <p><input type="radio"/> Howard Hamilton<br/>(Unopposed)</p>                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |
| <p><b>School Board Director - 3yr.</b></p> <p><b>Pos 6</b></p>                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |
| <p><input type="radio"/> Pam Grondin<br/>(Unopposed)</p>                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |
|                                                                                                                                                                                                                                                                                       | <p><input type="radio"/> FOR TAX</p> <p><input type="radio"/> AGAINST TAX</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |



Fayetteville Downtown Master Plan TIF district

| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01653-000 | CM   | 186,850         | 25,926         |
| 765-01654-000 | CI   | 995,300         | 148,334        |
| 765-01677-000 | CV   | 160,000         | 11,440         |
| 765-01678-000 | RI   | 85,950          | 14,459         |
| 765-01679-000 | CV   | 80,000          | 10,450         |
| 765-01680-000 | CI   | 182,000         | 30,007         |
| 765-01681-000 | CV   | 180,000         | 29,700         |
| 765-01682-000 | RI   | 158,650         | 24,151         |
| 765-01683-000 | CI   | 138,800         | 25,333         |
| 765-01684-000 | CI   | 298,550         | 27,957         |
| 765-01685-000 | CI   | 254,200         | 49,477         |
| 765-01688-000 | CV   | 116,150         | 7,951          |
| 765-01687-000 | CV   | 21,100          | 1,444          |
| 765-01688-000 | CI   | 337,950         | 44,200         |
| 765-01690-000 | CV   | 58,000          | 6,183          |
| 765-01691-000 | RI   | 112,250         | 17,760         |
| 765-01692-000 | RI   | 157,050         | 27,317         |
| 765-01693-000 | RI   | 122,450         | 14,813         |
| 765-01694-000 | RI   | 87,150          | 13,900         |
| 765-01695-000 | CI   | 478,400         | 69,155         |
| 765-01696-000 | RI   | 134,650         | 15,044         |
| 765-01697-000 | RI   | 65,850          | 10,053         |
| 765-01698-000 | RI   | 57,050          | 7,402          |
| 765-01699-000 | RI   | 86,650          | 12,740         |
| 765-01700-000 | CR   | 102,400         | 12,601         |
| 765-01701-000 | RI   | 76,950          | 12,572         |
| 765-01702-000 | CR   | 287,950         | 52,426         |
| 765-01703-000 | CM   | 90,150          | 11,341         |
| 765-01704-000 | CR   | 239,500         | 36,594         |
| 765-01705-000 | CI   | 207,760         | 28,984         |
| 765-01706-000 | CI   | 458,850         | 74,419         |
| 765-01707-000 | CI   | 634,200         | 92,444         |
| 765-01708-000 | CM   | 71,800          | 12,177         |
| 765-01709-000 | CI   | 270,550         | 24,574         |
| 765-01710-000 | CT   | 69,000          | 7,445          |
| 765-01711-000 | CV   | 50,400          | 8,129          |
| 765-01712-000 | RI   | 78,800          | 9,621          |
| 765-01713-000 | EX   | 0               | 0              |
| 765-01714-000 | RI   | 92,550          | 13,586         |
| 765-01716-000 | RI   | 163,750         | 20,203         |
| 765-01718-000 | EX   | 0               | 0              |
| 765-01717-000 | CR   | 134,600         | 16,130         |
| 765-01718-000 | RI   | 58,250          | 8,850          |
| 765-01719-000 | RI   | 199,550         | 31,021         |
| 765-01721-000 | RI   | 169,450         | 28,940         |
| 765-01726-000 | EX   | 0               | 0              |
| 765-01733-000 | EX   | 0               | 0              |
| 765-01736-000 | CI   | 805,300         | 127,523        |
| 765-01739-000 | EX   | 0               | 0              |
| 765-01740-000 | EX   | 0               | 0              |
| 765-01741-000 | CI   | 504,900         | 55,567         |
| 765-01742-000 | EX   | 0               | 0              |
| 765-01743-000 | CI   | 1,356,950       | 231,535        |
| 765-01743-002 | EX   | 0               | 0              |
| 765-01743-003 | EX   | 0               | 0              |
| 765-01744-000 | ET   | 0               | 0              |
| 765-01745-000 | PS   | 0               | 0              |
| 765-01745-001 | EX   | 0               | 0              |
| 765-01745-002 | EX   | 0               | 0              |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01746-000 | EX   | 0               | 0              |
| 765-01747-000 | CR   | 213,300         | 38,223         |
| 765-01748-000 | RI   | 155,950         | 16,052         |
| 765-01749-000 | RI   | 87,700          | 16,403         |
| 765-01750-000 | ET   | 0               | 0              |
| 765-01751-000 | ET   | 0               | 0              |
| 765-01752-000 | ET   | 0               | 0              |
| 765-01753-000 | EX   | 0               | 0              |
| 765-01754-000 | RI   | 133,500         | 20,861         |
| 765-01755-000 | CI   | 148,000         | 23,724         |
| 765-01756-000 | CR   | 351,850         | 29,284         |
| 765-01757-000 | CR   | 95,600          | 13,327         |
| 765-01758-000 | RI   | 128,400         | 19,900         |
| 765-01759-000 | RI   | 87,150          | 15,530         |
| 765-01760-000 | CI   | 93,350          | 12,999         |
| 765-01761-000 | CR   | 187,600         | 39,520         |
| 765-01762-000 | CI   | 179,650         | 24,123         |
| 765-01763-000 | RI   | 116,100         | 14,629         |
| 765-01764-000 | CI   | 153,700         | 28,754         |
| 765-01765-000 | CI   | 151,800         | 27,092         |
| 765-01766-000 | RI   | 259,400         | 47,498         |
| 765-01767-000 | CR   | 269,800         | 48,671         |
| 765-01768-000 | RI   | 107,700         | 15,101         |
| 765-01769-000 | RV   | 20,000          | 2,816          |
| 765-01770-000 | RI   | 90,650          | 8,990          |
| 765-01771-000 | RI   | 74,650          | 10,187         |
| 765-01772-000 | CR   | 174,550         | 32,742         |
| 765-01773-000 | RI   | 71,300          | 9,798          |
| 765-01774-000 | CI   | 671,000         | 134,200        |
| 765-01774-001 | CM   | 63,500          | 12,111         |
| 765-01775-000 | CI   | 139,050         | 27,137         |
| 765-01776-000 | RI   | 192,300         | 22,618         |
| 765-01777-000 | CV   | 18,150          | 2,189          |
| 765-01777-001 | RI   | 90,800          | 14,257         |
| 765-01778-000 | CR   | 286,400         | 41,588         |
| 765-01779-000 | CI   | 100,050         | 17,646         |
| 765-01856-000 | CI   | 412,450         | 68,990         |
| 765-01857-000 | CI   | 161,850         | 26,727         |
| 765-01858-000 | RI   | 187,750         | 27,955         |
| 765-01859-000 | CI   | 118,200         | 15,378         |
| 765-01860-000 | RI   | 73,100          | 12,197         |
| 765-01861-000 | RI   | 84,400          | 6,030          |
| 765-01862-000 | CM   | 76,550          | 12,325         |
| 765-01863-000 | RI   | 171,850         | 25,333         |
| 765-01864-000 | CM   | 66,550          | 11,484         |
| 765-01865-000 | CI   | 482,350         | 49,325         |
| 765-01866-000 | CI   | 290,200         | 49,940         |
| 765-01867-000 | CI   | 123,500         | 12,727         |
| 765-01868-000 | RI   | 154,700         | 23,924         |
| 765-01869-000 | ET   | 0               | 0              |
| 765-01870-000 | ET   | 0               | 0              |
| 765-01871-000 | ET   | 0               | 0              |
| 765-01872-000 | ET   | 0               | 0              |
| 765-01873-000 | EX   | 0               | 0              |
| 765-01874-000 | CI   | 48,050          | 7,865          |
| 765-01875-000 | CI   | 41,850          | 7,021          |
| 765-01876-000 | RI   | 78,550          | 13,695         |
| 765-01877-000 | RI   | 437,050         | 85,102         |
| 765-01878-000 | CI   | 106,850         | 19,118         |
| 765-01879-000 | EX   | 0               | 0              |
| 765-01880-000 | RI   | 112,000         | 16,103         |
| 765-01881-000 | RI   | 163,450         | 17,139         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-01882-000 | CR   | 276,150         | 45,824         |
| 765-01882-001 | CI   | 445,900         | 89,180         |
| 765-01883-000 | CR   | 231,000         | 46,200         |
| 765-01884-000 | RI   | 75,350          | 12,735         |
| 765-01885-000 | RV   | 500             | 100            |
| 765-01886-000 | CI   | 75,700          | 9,482          |
| 765-01887-000 | CI   | 88,050          | 7,894          |
| 765-01888-000 | RI   | 54,950          | 9,324          |
| 765-01889-000 | RI   | 62,850          | 8,451          |
| 765-01890-000 | RI   | 47,050          | 7,538          |
| 765-01891-000 | RI   | 86,500          | 14,850         |
| 765-01892-000 | RI   | 107,000         | 17,586         |
| 765-01893-000 | RI   | 100,500         | 13,002         |
| 765-01894-000 | RI   | 86,000          | 15,389         |
| 765-01895-000 | CM   | 135,200         | 12,598         |
| 765-01896-000 | RI   | 100,950         | 15,766         |
| 765-01897-000 | RI   | 137,550         | 18,690         |
| 765-01898-000 | RI   | 137,350         | 17,593         |
| 765-01899-000 | RI   | 79,750          | 7,899          |
| 765-01900-000 | CV   | 58,400          | 3,080          |
| 765-01901-000 | CI   | 55,450          | 8,907          |
| 765-01902-000 | RI   | 65,450          | 9,162          |
| 765-01903-000 | CI   | 209,500         | 28,929         |
| 765-01904-000 | RI   | 438,350         | 55,159         |
| 765-01905-000 | CR   | 246,900         | 27,478         |
| 765-01906-000 | CR   | 228,650         | 22,765         |
| 765-01907-000 | RI   | 174,150         | 31,856         |
| 765-01908-000 | RI   | 125,650         | 17,576         |
| 765-01909-000 | EX   | 0               | 0              |
| 765-01910-000 | RI   | 55,350          | 7,136          |
| 765-01911-000 | EX   | 0               | 0              |
| 765-01912-000 | RI   | 52,750          | 10,550         |
| 765-01913-000 | CI   | 112,650         | 12,627         |
| 765-01914-000 | ET   | 0               | 0              |
| 765-01915-000 | CI   | 95,400          | 17,578         |
| 765-01916-000 | CI   | 362,450         | 37,752         |
| 765-01917-000 | CI   | 435,500         | 60,380         |
| 765-01994-000 | CI   | 294,300         | 52,613         |
| 765-01995-000 | CI   | 218,100         | 29,835         |
| 765-01996-000 | EX   | 0               | 0              |
| 765-01997-000 | EX   | 0               | 0              |
| 765-01998-000 | EX   | 0               | 0              |
| 765-01999-000 | CI   | 208,650         | 41,173         |
| 765-01999-001 | CI   | 141,000         | 20,933         |
| 765-02000-000 | CI   | 340,350         | 47,018         |
| 765-02001-000 | CI   | 285,650         | 40,835         |
| 765-02002-000 | RI   | 471,650         | 78,977         |
| 765-02003-000 | CI   | 341,350         | 56,049         |
| 765-02004-000 | CI   | 334,350         | 39,344         |
| 765-02005-000 | CI   | 324,800         | 60,665         |
| 765-02006-000 | RI   | 72,500          | 7,305          |
| 765-02007-000 | CR   | 185,600         | 37,120         |
| 765-02008-000 | RI   | 67,700          | 10,978         |
| 765-02010-000 | CT   | 146,050         | 26,950         |
| 765-02020-000 | RI   | 98,700          | 10,915         |
| 765-02021-000 | EX   | 0               | 0              |
| 765-02022-000 | RI   | 49,400          | 4,730          |
| 765-02023-000 | RI   | 79,850          | 10,608         |
| 765-02024-000 | RI   | 65,550          | 7,635          |
| 765-02025-000 | RI   | 80,500          | 15,149         |
| 765-02026-000 | EX   | 0               | 0              |
| 765-02027-000 | RI   | 46,550          | 7,908          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-02028-000 | RI   | 46,600          | 7,207          |
| 765-02029-000 | RI   | 96,650          | 15,133         |
| 765-02030-000 | EX   | 0               | 0              |
| 765-02031-000 | RI   | 82,150          | 8,735          |
| 765-02032-000 | RI   | 44,000          | 8,393          |
| 765-02033-000 | EX   | 0               | 0              |
| 765-02034-000 | RM   | 22,300          | 4,460          |
| 765-02035-000 | RV   | 50,500          | 8,668          |
| 765-02036-000 | EX   | 0               | 0              |
| 765-02037-000 | EX   | 0               | 0              |
| 765-02038-000 | EX   | 0               | 0              |
| 765-02039-000 | EX   | 0               | 0              |
| 765-02040-000 | EX   | 0               | 0              |
| 765-02041-000 | EX   | 0               | 0              |
| 765-02041-000 | EX   | 0               | 0              |
| 765-02042-000 | EX   | 0               | 0              |
| 765-02043-000 | CI   | 222,950         | 30,901         |
| 765-02044-000 | RI   | 91,800          | 10,011         |
| 765-02045-000 | RI   | 78,550          | 9,515          |
| 765-02046-000 | CI   | 160,660         | 25,464         |
| 765-02047-000 | CR   | 216,050         | 34,939         |
| 765-02048-000 | RI   | 111,700         | 17,606         |
| 765-02049-000 | RI   | 68,600          | 7,401          |
| 765-02050-000 | RI   | 66,250          | 7,052          |
| 765-02051-000 | RI   | 88,150          | 10,925         |
| 765-02052-000 | RI   | 77,350          | 8,827          |
| 765-02053-000 | CI   | 299,400         | 42,056         |
| 765-02054-000 | RI   | 79,450          | 7,824          |
| 765-02055-000 | RI   | 75,350          | 8,100          |
| 765-02056-000 | RI   | 65,650          | 7,317          |
| 765-02057-000 | RI   | 50,850          | 6,635          |
| 765-02058-000 | RI   | 65,950          | 8,041          |
| 765-02059-000 | RI   | 52,200          | 6,364          |
| 765-02060-000 | RI   | 54,000          | 6,835          |
| 765-02061-000 | RI   | 76,100          | 7,362          |
| 765-02062-000 | RI   | 104,900         | 13,033         |
| 765-02063-000 | RI   | 68,100          | 9,482          |
| 765-02064-000 | CI   | 183,050         | 26,933         |
| 765-02064-001 | RI   | 88,150          | 7,744          |
| 765-02065-000 | RI   | 112,900         | 11,182         |
| 765-02066-000 | RI   | 111,300         | 9,560          |
| 765-02067-000 | RI   | 58,100          | 5,952          |
| 765-02068-000 | RI   | 58,050          | 5,630          |
| 765-02069-000 | CI   | 160,350         | 26,169         |
| 765-04326-000 | ET   | 0               | 0              |
| 765-04327-000 | RV   | 23,400          | 2,860          |
| 765-04328-000 | ET   | 0               | 0              |
| 765-04329-000 | ET   | 0               | 0              |
| 765-04330-000 | ET   | 0               | 0              |
| 765-04332-000 | ET   | 0               | 0              |
| 765-04333-000 | ET   | 0               | 0              |
| 765-04334-000 | ET   | 0               | 0              |
| 765-04335-000 | ET   | 0               | 0              |
| 765-04336-000 | ET   | 0               | 0              |
| 765-04337-000 | RI   | 152,350         | 19,625         |
| 765-04338-000 | RV   | 20,650          | 2,640          |
| 765-04339-000 | RI   | 99,700          | 14,300         |
| 765-04340-000 | RI   | 93,850          | 10,642         |
| 765-04341-000 | RI   | 133,500         | 20,270         |
| 765-04342-000 | RI   | 186,100         | 22,803         |
| 765-04343-000 | RI   | 70,200          | 14,040         |
| 765-04344-000 | CI   | 63,750          | 10,750         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-04345-000 | RI   | 30,150          | 4,114          |
| 765-04346-000 | ET   | 0               | 0              |
| 765-04347-000 | RI   | 58,300          | 10,410         |
| 765-04348-000 | RI   | 68,550          | 10,054         |
| 765-04349-000 | RI   | 78,250          | 11,682         |
| 765-04350-000 | CI   | 301,850         | 50,736         |
| 765-04350-001 | CI   | 223,400         | 39,558         |
| 765-04351-000 | ET   | 0               | 0              |
| 765-04352-000 | ET   | 0               | 0              |
| 765-04353-000 | ET   | 0               | 0              |
| 765-04354-000 | ET   | 0               | 0              |
| 765-04355-000 | RI   | 55,250          | 7,465          |
| 765-04356-000 | RI   | 56,650          | 7,679          |
| 765-04357-000 | CR   | 119,750         | 14,915         |
| 765-04357-100 | EX   | 0               | 0              |
| 765-04358-000 | CI   | 54,000          | 10,800         |
| 765-04359-000 | CI   | 81,350          | 14,377         |
| 765-04360-000 | CI   | 70,350          | 12,033         |
| 765-04361-000 | CI   | 1,072,400       | 165,001        |
| 765-04362-000 | CI   | 393,700         | 64,625         |
| 765-04362-001 | EX   | 0               | 0              |
| 765-04363-000 | CM   | 168,900         | 5,420          |
| 765-04363-001 | EX   | 0               | 0              |
| 765-04364-000 | CI   | 1,225,100       | 177,117        |
| 765-04365-000 | CI   | 265,350         | 42,400         |
| 765-04366-000 | CI   | 85,550          | 11,703         |
| 765-04367-000 | CI   | 110,200         | 9,626          |
| 765-04368-000 | CI   | 97,650          | 11,005         |
| 765-04369-000 | CI   | 242,500         | 39,039         |
| 765-04370-000 | CI   | 257,850         | 26,183         |
| 765-04371-000 | CI   | 134,500         | 18,805         |
| 765-04372-000 | CI   | 152,400         | 20,878         |
| 765-04373-000 | CI   | 247,550         | 22,542         |
| 765-04374-000 | CM   | 106,450         | 16,145         |
| 765-04375-000 | CI   | 830,250         | 105,770        |
| 765-04376-000 | CI   | 255,000         | 37,336         |
| 765-04376-000 | CI   | 255,000         | 37,336         |
| 765-04378-000 | VP   | 0               | 0              |
| 765-04378-001 | CI   | 280,300         | 43,618         |
| 765-04379-000 | CI   | 610,150         | 57,637         |
| 765-04380-000 | ET   | 0               | 0              |
| 765-04381-000 | ET   | 0               | 0              |
| 765-04382-000 | ET   | 0               | 0              |
| 765-04384-000 | ET   | 0               | 0              |
| 765-04385-000 | ET   | 0               | 0              |
| 765-04388-000 | ET   | 0               | 0              |
| 765-04389-000 | ET   | 0               | 0              |
| 765-04390-000 | ET   | 0               | 0              |
| 765-04391-000 | CI   | 341,500         | 68,300         |
| 765-04392-000 | RI   | 58,400          | 8,525          |
| 765-04393-000 | RI   | 57,650          | 9,648          |
| 765-04394-000 | RI   | 114,450         | 14,297         |
| 765-04395-000 | RI   | 83,800          | 10,534         |
| 765-04398-000 | RI   | 97,550          | 15,021         |
| 765-04397-000 | CV   | 54,000          | 9,900          |
| 765-04398-000 | CI   | 926,000         | 185,200        |
| 765-04399-000 | CI   | 547,650         | 93,093         |
| 765-04400-000 | CI   | 187,600         | 20,578         |
| 765-04401-000 | CI   | 304,650         | 26,984         |
| 765-04402-000 | CI   | 210,850         | 19,133         |
| 765-04403-000 | RI   | 78,100          | 14,628         |
| 765-04404-000 | RI   | 41,400          | 8,280          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-04405-000 | RI   | 85,550          | 12,793         |
| 765-04406-000 | CR   | 84,500          | 14,784         |
| 765-04407-000 | RI   | 43,250          | 8,650          |
| 765-04408-000 | RI   | 59,100          | 9,109          |
| 765-04409-000 | CR   | 145,100         | 19,620         |
| 765-04410-000 | RI   | 88,300          | 10,455         |
| 765-04411-000 | RI   | 69,150          | 11,087         |
| 765-04412-000 | RI   | 119,400         | 23,880         |
| 765-04413-000 | RI   | 86,650          | 9,298          |
| 765-04414-000 | RI   | 75,350          | 15,070         |
| 765-04415-000 | RI   | 120,200         | 14,012         |
| 765-04416-000 | RI   | 129,400         | 16,881         |
| 765-04417-000 | RI   | 112,100         | 16,228         |
| 765-04418-000 | RI   | 129,100         | 13,490         |
| 765-04419-000 | RI   | 99,700          | 9,596          |
| 765-04421-000 | RI   | 194,050         | 28,820         |
| 765-04424-000 | RM   | 25,850          | 5,190          |
| 765-04427-000 | RI   | 52,800          | 5,639          |
| 765-04428-000 | RI   | 53,750          | 6,384          |
| 765-04430-000 | RI   | 54,150          | 6,964          |
| 765-04431-000 | CV   | 100,000         | 14,300         |
| 765-04432-000 | RI   | 388,550         | 39,674         |
| 765-04433-000 | CM   | 45,100          | 9,020          |
| 765-04434-000 | CI   | 643,250         | 104,621        |
| 765-04435-000 | EX   | 0               | 0              |
| 765-04436-000 | EX   | 0               | 0              |
| 765-04437-000 | EX   | 0               | 0              |
| 765-04438-000 | RI   | 143,700         | 22,583         |
| 765-04439-000 | EX   | 0               | 0              |
| 765-04440-000 | EX   | 0               | 0              |
| 765-04441-000 | EX   | 0               | 0              |
| 765-04442-000 | CM   | 207,100         | 41,420         |
| 765-04443-000 | CI   | 2,092,250       | 274,283        |
| 765-04444-000 | EX   | 0               | 0              |
| 765-04445-000 | EX   | 0               | 0              |
| 765-04446-000 | EX   | 0               | 0              |
| 765-04447-000 | EX   | 0               | 0              |
| 765-04513-000 | RI   | 96,900          | 14,144         |
| 765-04514-000 | RI   | 88,150          | 15,279         |
| 765-04515-000 | RI   | 99,250          | 17,003         |
| 765-04516-000 | RI   | 97,050          | 14,359         |
| 765-04517-000 | CI   | 782,150         | 138,788        |
| 765-04518-000 | CV   | 165,250         | 12,584         |
| 765-05462-000 | RI   | 24,300          | 4,179          |
| 765-05462-001 | CR   | 87,850          | 16,643         |
| 765-05463-000 | RV   | 18,000          | 3,200          |
| 765-05469-000 | RI   | 51,400          | 9,285          |
| 765-05470-000 | RI   | 48,900          | 7,570          |
| 765-05471-000 | RI   | 59,600          | 10,982         |
| 765-05472-000 | RI   | 135,150         | 20,678         |
| 765-05473-000 | RI   | 42,200          | 5,020          |
| 765-05474-000 | RI   | 37,700          | 6,678          |
| 765-05475-000 | RI   | 55,850          | 8,561          |
| 765-05476-000 | RI   | 55,300          | 7,993          |
| 765-05477-000 | RI   | 52,700          | 9,744          |
| 765-05483-000 | RI   | 43,350          | 8,173          |
| 765-05484-000 | RI   | 51,050          | 8,723          |
| 765-05485-000 | RI   | 31,450          | 5,786          |
| 765-05486-000 | RI   | 62,650          | 12,497         |
| 765-05506-002 | EX   | 0               | 0              |
| 765-05520-000 | CI   | 74,500          | 11,561         |
| 765-05520-000 | CI   | 74,500          | 11,561         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-05521-000 | CI   | 120,050         | 19,524         |
| 765-05524-000 | CI   | 40,100          | 5,764          |
| 765-05525-000 | EX   | 0               | 0              |
| 765-05526-000 | RI   | 34,150          | 6,314          |
| 765-05527-000 | RI   | 37,050          | 6,875          |
| 765-05529-000 | RI   | 54,450          | 9,938          |
| 765-05530-000 | RI   | 31,700          | 5,650          |
| 765-05532-000 | RI   | 42,150          | 6,291          |
| 765-05533-000 | CI   | 253,600         | 45,912         |
| 765-05534-000 | CV   | 15,000          | 2,233          |
| 765-05535-000 | RI   | 37,200          | 6,897          |
| 765-05536-000 | RV   | 15,200          | 2,618          |
| 765-05537-000 | RV   | 25,600          | 2,880          |
| 765-05538-000 | RI   | 42,100          | 7,493          |
| 765-05539-000 | RV   | 6,400           | 1,100          |
| 765-05541-000 | CI   | 42,950          | 6,205          |
| 765-05541-001 | EX   | 0               | 0              |
| 765-05572-010 | CI   | 338,350         | 58,344         |
| 765-05573-000 | ET   | 0               | 0              |
| 765-05574-000 | ET   | 0               | 0              |
| 765-05575-000 | ET   | 0               | 0              |
| 765-05576-000 | ET   | 0               | 0              |
| 765-05577-000 | ET   | 0               | 0              |
| 765-05578-000 | RI   | 59,850          | 9,416          |
| 765-05579-000 | ET   | 0               | 0              |
| 765-05580-000 | ET   | 0               | 0              |
| 765-05581-000 | ET   | 0               | 0              |
| 765-05582-000 | ET   | 0               | 0              |
| 765-05583-000 | ET   | 0               | 0              |
| 765-05584-000 | RI   | 60,600          | 9,395          |
| 765-05585-000 | ET   | 0               | 0              |
| 765-05586-000 | ET   | 0               | 0              |
| 765-05587-000 | ET   | 0               | 0              |
| 765-05588-000 | ET   | 0               | 0              |
| 765-05589-000 | ET   | 0               | 0              |
| 765-06024-000 | RI   | 124,450         | 22,825         |
| 765-06025-000 | CV   | 52,850          | 9,009          |
| 765-06028-000 | RI   | 218,500         | 41,635         |
| 765-06027-000 | CI   | 748,650         | 147,180        |
| 765-06028-000 | RI   | 60,800          | 12,898         |
| 765-06029-000 | RI   | 64,600          | 11,968         |
| 765-06030-000 | RI   | 254,000         | 48,710         |
| 765-06031-000 | RI   | 271,650         | 51,939         |
| 765-06032-000 | RI   | 347,150         | 64,271         |
| 765-06033-000 | RI   | 92,700          | 17,910         |
| 765-06034-000 | RM   | 24,600          | 3,818          |
| 765-06035-000 | RI   | 125,200         | 23,882         |
| 765-06036-000 | CI   | 165,400         | 28,328         |
| 765-06037-000 | EX   | 0               | 0              |
| 765-06038-000 | EX   | 0               | 0              |
| 765-06039-000 | RI   | 329,900         | 41,400         |
| 765-06040-000 | CI   | 291,100         | 49,478         |
| 765-06139-000 | RI   | 50,600          | 6,714          |
| 765-06140-000 | RI   | 48,750          | 7,508          |
| 765-06141-000 | RI   | 40,300          | 7,040          |
| 765-06142-000 | EX   | 0               | 0              |
| 765-06143-000 | CV   | 16,300          | 2,508          |
| 765-06144-000 | RI   | 71,450          | 11,755         |
| 765-06145-000 | RI   | 49,500          | 7,921          |
| 765-06147-000 | RI   | 227,450         | 45,490         |
| 765-07123-000 | RI   | 72,450          | 6,100          |
| 765-07124-000 | RI   | 50,500          | 8,492          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-08241-000 | RV   | 8,750           | 1,375          |
| 765-08242-000 | RI   | 64,000          | 8,633          |
| 765-08243-000 | RI   | 82,900          | 12,119         |
| 765-08539-000 | RI   | 691,000         | 80,600         |
| 765-08540-000 | RI   | 635,000         | 78,741         |
| 765-08541-000 | RI   | 481,500         | 60,091         |
| 765-08542-000 | RI   | 357,000         | 44,458         |
| 765-08543-000 | RI   | 376,800         | 54,926         |
| 765-08544-000 | RI   | 749,700         | 93,626         |
| 765-08545-000 | RV   | 52,500          | 3,432          |
| 765-08546-000 | RI   | 263,600         | 28,432         |
| 765-08547-000 | RI   | 354,950         | 37,040         |
| 765-08548-000 | RI   | 122,700         | 14,443         |
| 765-08549-000 | RI   | 218,450         | 32,604         |
| 765-08550-000 | RI   | 315,100         | 38,124         |
| 765-08551-000 | RI   | 299,450         | 36,261         |
| 765-08552-000 | RI   | 113,250         | 11,101         |
| 765-08553-000 | RV   | 100,000         | 5,577          |
| 765-08554-000 | RI   | 120,550         | 13,542         |
| 765-08555-000 | RI   | 109,100         | 12,037         |
| 765-08556-000 | RI   | 298,350         | 34,172         |
| 765-08760-000 | EX   | 0               | 0              |
| 765-09760-000 | EX   | 0               | 0              |
| 765-09761-000 | EX   | 0               | 0              |
| 765-09762-000 | EX   | 0               | 0              |
| 765-09763-000 | CR   | 126,450         | 25,290         |
| 765-09764-000 | RV   | 27,500          | 3,300          |
| 765-09765-000 | RV   | 27,500          | 3,300          |
| 765-09766-000 | PS   | 1,500           | 300            |
| 765-09767-000 | EX   | 0               | 0              |
| 765-09768-000 | EX   | 0               | 0              |
| 765-09769-000 | EX   | 0               | 0              |
| 765-09770-000 | EX   | 0               | 0              |
| 765-09914-000 | CI   | 357,650         | 54,726         |
| 765-09915-000 | CI   | 408,650         | 59,000         |
| 765-09917-000 | CI   | 318,100         | 51,022         |
| 765-09918-000 | ET   | 0               | 0              |
| 765-09919-000 | EX   | 0               | 0              |
| 765-09920-000 | CI   | 767,550         | 99,843         |
| 765-09921-000 | RI   | 169,950         | 30,308         |
| 765-09922-000 | RI   | 127,150         | 24,588         |
| 765-09923-000 | RV   | 22,000          | 3,300          |
| 765-09924-000 | RV   | 22,000          | 3,300          |
| 765-09925-000 | EX   | 0               | 0              |
| 765-09926-000 | EX   | 0               | 0              |
| 765-11917-000 | RI   | 151,850         | 20,455         |
| 765-11918-000 | RI   | 387,650         | 77,530         |
| 765-11919-000 | CR   | 74,250          | 12,935         |
| 765-11920-000 | RI   | 107,750         | 19,763         |
| 765-11921-000 | RI   | 70,250          | 9,650          |
| 765-11922-000 | RI   | 52,300          | 8,505          |
| 765-11923-000 | RI   | 82,050          | 16,410         |
| 765-11924-000 | RI   | 60,550          | 10,362         |
| 765-11925-000 | RI   | 77,250          | 11,579         |
| 765-11926-000 | RI   | 67,750          | 11,364         |
| 765-11927-000 | RI   | 100,300         | 16,491         |
| 765-11928-000 | RI   | 94,300          | 17,951         |
| 765-11929-000 | RI   | 61,550          | 12,310         |
| 765-11930-000 | RI   | 61,500          | 10,141         |
| 765-11931-000 | RI   | 74,600          | 13,101         |
| 765-11932-000 | RI   | 77,300          | 11,410         |
| 765-11933-000 | RI   | 122,800         | 20,108         |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-11934-000 | RI   | 81,550          | 14,973         |
| 765-11935-000 | RI   | 90,850          | 10,774         |
| 765-11936-000 | RI   | 86,150          | 13,924         |
| 765-12867-000 | CV   | 180,000         | 18,036         |
| 765-12868-000 | CI   | 675,500         | 83,484         |
| 765-12868-001 | CI   | 216,250         | 27,196         |
| 765-12869-000 | RI   | 114,250         | 15,909         |
| 765-12870-000 | RI   | 110,350         | 14,863         |
| 765-12871-000 | CI   | 132,150         | 18,994         |
| 765-12872-000 | CI   | 89,300          | 12,141         |
| 765-12873-000 | CI   | 93,450          | 12,012         |
| 765-12874-000 | CI   | 122,050         | 15,316         |
| 765-12875-000 | CM   | 76,950          | 11,782         |
| 765-12875-003 | EX   | 0               | 0              |
| 765-12876-000 | CV   | 117,900         | 13,599         |
| 765-12877-000 | CI   | 82,050          | 9,209          |
| 765-12878-000 | EX   | 0               | 0              |
| 765-12879-000 | RI   | 87,750          | 12,799         |
| 765-12880-000 | RI   | 109,900         | 18,090         |
| 765-12881-000 | EX   | 0               | 0              |
| 765-12882-000 | RI   | 216,750         | 33,178         |
| 765-12883-000 | RI   | 139,300         | 15,094         |
| 765-12884-000 | RV   | 22,000          | 3,520          |
| 765-12885-000 | RI   | 281,300         | 46,404         |
| 765-12886-000 | EX   | 0               | 0              |
| 765-12887-000 | EX   | 0               | 0              |
| 765-12888-000 | RI   | 86,150          | 11,197         |
| 765-12889-000 | RI   | 130,550         | 23,109         |
| 765-12894-000 | CI   | 524,350         | 49,464         |
| 765-12899-000 | CV   | 142,000         | 8,237          |
| 765-12900-000 | RI   | 174,000         | 20,778         |
| 765-12901-000 | CV   | 50,000          | 2,959          |
| 765-12904-000 | CI   | 776,450         | 74,474         |
| 765-12905-000 | CI   | 636,600         | 102,828        |
| 765-12906-000 | CM   | 259,900         | 37,186         |
| 765-12907-000 | CI   | 333,000         | 42,843         |
| 765-12908-000 | CI   | 337,850         | 37,189         |
| 765-12932-000 | PS   | 940,650         | 188,130        |
| 765-12932-001 | CI   | 585,650         | 74,143         |
| 765-12933-000 | EX   | 0               | 0              |
| 765-12934-000 | CI   | 190,650         | 29,172         |
| 765-12935-000 | CV   | 46,550          | 8,536          |
| 765-12936-000 | RV   | 11,000          | 772            |
| 765-12937-000 | RV   | 16,500          | 2,640          |
| 765-12938-000 | RI   | 47,600          | 7,046          |
| 765-12939-000 | RI   | 84,900          | 15,029         |
| 765-12940-000 | RV   | 13,200          | 2,420          |
| 765-12941-000 | RI   | 32,000          | 5,071          |
| 765-12942-000 | RV   | 15,400          | 2,484          |
| 765-12943-000 | CI   | 420,650         | 68,584         |
| 765-12944-000 | CI   | 224,950         | 33,173         |
| 765-12945-000 | RI   | 69,600          | 7,645          |
| 765-12946-000 | CR   | 680,400         | 109,340        |
| 765-12947-000 | RV   | 15,400          | 2,145          |
| 765-12948-000 | RI   | 49,600          | 8,037          |
| 765-12949-000 | RI   | 49,850          | 6,635          |
| 765-12950-000 | RI   | 68,650          | 8,984          |
| 765-12951-000 | RI   | 55,900          | 6,955          |
| 765-12952-000 | RV   | 4,000           | 680            |
| 765-12953-000 | RV   | 3,000           | 600            |
| 765-12954-000 | CI   | 238,550         | 45,934         |
| 765-12955-000 | RI   | 45,950          | 5,324          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-12956-000 | RI   | 80,650          | 7,965          |
| 765-12957-000 | RI   | 50,000          | 6,035          |
| 765-12958-000 | RI   | 91,600          | 14,421         |
| 765-12959-000 | RI   | 60,850          | 5,750          |
| 765-12960-000 | RI   | 52,450          | 7,136          |
| 765-12961-000 | CI   | 221,500         | 44,300         |
| 765-12962-000 | RI   | 46,600          | 6,783          |
| 765-12964-000 | RI   | 49,850          | 5,131          |
| 765-12967-000 | RI   | 336,800         | 65,088         |
| 765-12970-000 | RI   | 66,200          | 6,163          |
| 765-12971-000 | RI   | 51,500          | 5,828          |
| 765-12972-000 | RI   | 87,050          | 8,637          |
| 765-12973-000 | RI   | 55,600          | 8,107          |
| 765-13020-000 | CI   | 44,300          | 5,749          |
| 765-13020-001 | EX   | 0               | 0              |
| 765-22041-000 | CI   | 304,296         | 60,819         |
| 765-22042-000 | CI   | 616,394         | 123,200        |
| 765-22043-000 | CI   | 366,715         | 73,293         |
| 765-22044-000 | CI   | 312,098         | 62,381         |
| 765-22045-000 | CI   | 397,925         | 79,552         |
| 765-22046-000 | CI   | 827,080         | 165,319        |
| 765-22047-000 | CI   | 795,850         | 159,083        |
| 765-22048-000 | CI   | 226,271         | 45,221         |
| 765-22049-000 | CI   | 210,666         | 42,119         |
| 765-22050-000 | RI   | 148,247         | 29,645         |
| 765-22051-000 | RI   | 124,839         | 24,959         |
| 765-22052-000 | RI   | 124,839         | 23,826         |
| 765-22053-000 | RI   | 132,642         | 26,521         |
| 765-22054-000 | RI   | 132,642         | 26,521         |
| 765-22055-000 | RI   | 288,691         | 57,695         |
| 765-22056-000 | RI   | 202,864         | 40,557         |
| 765-22057-000 | RI   | 413,530         | 82,676         |
| 765-22058-000 | RI   | 234,074         | 46,783         |
| 765-22059-000 | RI   | 163,851         | 32,747         |
| 765-22060-000 | RI   | 163,851         | 32,747         |
| 765-22061-000 | RI   | 273,086         | 52,112         |
| 765-22062-000 | CI   | 109,234         | 21,824         |
| 765-22063-000 | CI   | 444,740         | 88,902         |
| 765-22064-000 | CI   | 249,678         | 49,907         |
| 765-22065-000 | CI   | 187,259         | 37,433         |
| 765-22066-000 | CI   | 117,037         | 23,397         |
| 765-22067-000 | CI   | 117,037         | 23,397         |
| 765-22068-000 | CI   | 117,037         | 23,397         |
| 765-22367-000 | RI   | 206,100         | 40,370         |
| 765-22368-000 | RI   | 208,950         | 40,370         |
| 765-22369-000 | RI   | 208,350         | 38,535         |
| 765-22370-000 | RI   | 224,450         | 44,000         |
| 765-22371-000 | RI   | 209,950         | 40,370         |
| 765-22372-000 | RI   | 225,400         | 44,000         |
| 765-22373-000 | RI   | 208,350         | 40,370         |
| 765-22374-000 | RI   | 225,050         | 42,000         |
| 765-22375-000 | RI   | 209,950         | 40,370         |
| 765-22376-000 | RI   | 225,050         | 44,000         |
| 765-22377-000 | RI   | 208,350         | 38,535         |
| 765-22378-000 | RI   | 224,050         | 44,000         |
| 765-22379-000 | RI   | 308,300         | 60,500         |
| 765-22380-000 | RI   | 322,800         | 59,850         |
| 765-22381-000 | CI   | 206,200         | 41,240         |
| 765-22382-000 | CI   | 135,050         | 27,010         |
| 765-22383-000 | CI   | 963,750         | 192,750        |
| 765-22384-000 | CI   | 0               | 0              |
| 765-22549-000 | CI   | 97,400          | 9,009          |

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| Parcel ID     | Type | Total Appraised | Total Assessed |
|---------------|------|-----------------|----------------|
| 765-22550-000 | CI   | 97,400          | 9,009          |
| 765-22551-000 | CI   | 97,400          | 9,009          |
| 765-22552-000 | CI   | 97,400          | 9,009          |
| 765-22553-000 | CI   | 97,400          | 9,009          |
| 765-22554-000 | CI   | 97,400          | 9,009          |
| 765-22555-000 | CI   | 97,400          | 9,009          |
| 765-22556-000 | CI   | 97,400          | 9,009          |
| 765-22557-000 | CI   | 97,400          | 9,009          |
| 765-22558-000 | CI   | 97,400          | 9,009          |
| 765-22559-000 | CI   | 97,400          | 9,009          |
| 765-22560-000 | CI   | 97,400          | 9,009          |
| 765-22561-000 | CI   | 97,400          | 9,009          |
| 765-22562-000 | CI   | 97,400          | 9,009          |
| 765-22583-000 | CI   | 0               | 0              |
| 765-22564-000 | CI   | 274,147         | 50,204         |
| 765-22565-000 | CI   | 273,053         | 49,995         |
| 765-22566-000 | CI   | 0               | 0              |
| 765-01887-002 | EX   | 0               | 0              |
| 765-23362-000 | RI   | 234,000         | 46,800         |
| 765-23363-000 | RI   | 214,600         | 42,920         |
| 765-23364-000 | RI   | 225,900         | 45,180         |
| 765-23365-000 | RI   | 306,600         | 61,320         |
| 765-23366-000 | RI   | 337,250         | 67,450         |
| 765-23367-000 | RI   | 321,650         | 64,330         |
| 765-23368-000 | CI   | 0               | 0              |
| 765-23413-000 | RI   | 85,450          | 17,090         |
| 765-23414-000 | RI   | 85,100          | 13,020         |
| 765-23415-000 | RI   | 76,900          | 15,380         |
| 765-23416-000 | RI   | 134,950         | 26,990         |
| 765-23417-000 | RI   | 81,700          | 16,340         |
| 765-23418-000 | RI   | 303,700         | 60,740         |
| 765-23419-000 | CR   | 0               | 0              |
| 765-01655-000 | CI   | 249,300         | 42,743         |
| 765-01656-000 | CI   | 194,000         | 32,895         |
| 765-01657-000 | CI   | 230,400         | 30,778         |
| 765-01658-000 | CI   | 170,100         | 30,602         |
| 765-01659-000 | CI   | 202,350         | 32,340         |
| 765-01660-000 | CI   | 124,050         | 16,701         |
| 765-01661-000 | CI   | 210,900         | 38,988         |
| 765-01663-000 | CM   | 80,150          | 10,687         |
| 765-01663-000 | CM   | 80,150          | 10,687         |
| 765-01664-000 | CI   | 130,200         | 10,802         |
| 765-01664-000 | CI   | 130,200         | 10,802         |
| 765-01665-000 | CI   | 128,450         | 19,734         |
| 765-01665-000 | CI   | 128,450         | 19,734         |
| 765-01666-000 | CI   | 251,450         | 27,199         |
| 765-01667-000 | CV   | 130,000         | 25,080         |
| 765-01668-000 | CM   | 168,750         | 24,138         |
| 765-01669-000 | CI   | 338,850         | 52,124         |
| 765-01670-000 | RI   | 165,250         | 27,367         |
| 765-01671-000 | CI   | 114,100         | 18,690         |
| 765-01672-000 | CV   | 27,200          | 4,400          |
| 765-01673-000 | RI   | 131,500         | 18,682         |
| 765-01674-000 | CR   | 155,050         | 27,311         |
| 765-01675-000 | RI   | 89,450          | 10,090         |
| 765-01676-000 | CI   | 74,900          | 7,794          |
|               |      | 97,820,053      | 15,083,761     |

11/20/2004

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# **City of Fayetteville, Arkansas**

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision our future

# **EXHIBIT No.4**

## **TIF Financing Strategies**

# **EXHIBIT No.4**

City of Fayetteville  
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT  
PROJECT PLAN



## TIF Financing Strategies

### General Tax Increment Financing Information

Tax increment finance ("TIF") is a type of public finance that the Arkansas General Assembly added to the powers of municipalities and counties by Amendment 78 to the Arkansas Constitution. Amendment 78 empowers municipalities and counties to create "redevelopment districts" that can issue bonds the repayment of which is secured by ad valorem tax payments made by owners of taxable real property in the district.

The real property within the district receives an increased assessed value due to the public improvements and private reinvestment. Public improvements are financed by the proceeds of the bonds issued and sold by the district. The district pledges to the payment of its bonds that portion of the ad valorem tax that is otherwise levied by the city or county that formed the district (the amount of which is increased by the value of the public and private improvements within the district). That is, the district pledges the tax on the increment in value of the real property within its boundaries before and after the improvements. TIF bonds are secured by the existing municipal and county tax levied against the increase in assessed value. There is no new tax levied.

TIF's are generally used as a tool for economic development available to municipalities to promote industry and redevelopment of real property, and to eliminate blight. Projects are funded by using taxes collected in the district itself, without raising the taxes of residents outside the district. This concept is referred to as "redevelopment from within." A TIF financing raises funds for redevelopment and acts to stimulate revitalization without using general revenues of a municipality.

TIF uses tax-exempt financing to encourage growth and redevelopment within the district, which in turn stimulates economic growth outside the district. TIF captures, during its life, the increased tax revenue that results when private investment is stimulated. These tax receipts are called the "tax increment." As private investment adds to the tax base within the district, the increment is directed back to pay for the public investment projects. When the bonds are paid off, the tax receipts generated by the tax increment goes back into the general tax revenues or can be dedicated to additional projects within the district.

#### Financing of Estimated Project Costs

The proposed project costs for improvements within the Downtown Master Plan Redevelopment District are as follows:

#### Financing Time Table

|         |                        |              |           |
|---------|------------------------|--------------|-----------|
| Phase I | Potential Bond Funding | \$15,235,000 | 2005-2030 |
|---------|------------------------|--------------|-----------|

#### District Indebtedness

It is anticipated that tax-exempt bonds will be issued by the Downtown Master Plan Redevelopment

District due to the public nature and purposes of the proposed improvements.

### **Other Costs**

Other costs relating to the issuance of bonds may include, among other things, reserve funds, capitalized interest, feasibility studies, accounting, financial advisory, legal and underwriting fees. Any initial bonds and subsequent financings will be subject to allowable financing parameters as determined by bond underwriting requirements, debt service coverage ratios, projections of incremental growth in assessed values, interest rates and other requirements of the capital markets.

### **Professional Services**

In accordance with Arkansas Code Annotated 14-168-304 (see Exhibit No. 7). Powers Generally, a district may "(3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them; (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter; and (19) Do all things necessary or convenient to carry out the powers granted in this subchapter". The district may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings. The Mayor of the City of Fayetteville or others as may be assigned by the Mayor may engage professionals to specifically meet the desired results of the Project Plan.

### **Application of District Revenues**

All tax increment collected for the established twenty-five year period will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. Excess revenues shall retire the district's indebtedness or fund additional projects as may be approved by the City Council in accordance with bond covenants and obligations.

### **Interest Earnings**

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of Capitalized Interest and any prepayment of debt obligations as may be permitted.

# **City of Fayetteville, Arkansas**

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision our future

### **EXHIBIT No.5**

**Arkansas Code Annotated  
14-168-301 through 14-168-323**

### **EXHIBIT No.5**



**Arkansas Code Annotated 14-168-301 through 14-168-323**

**Redevelopment District**

**Chapter 168**

**Community Redevelopment Generally**

**Subchapter 3**

**Community redevelopment — Creation and procedures**

**14-168-301. Definitions.**

As used in this act subchapter, unless the context otherwise requires:

- (1) "Applicable ad valorem rate" means the total ad valorem rate less the debt service ad valorem rate;
- (2) "Base value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment preceding the formation of the redevelopment district;
- (3)(A) "Blighted area" means an area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for access, ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals, or welfare.  
  
(B) "Blighted area" includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax on special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community;
- (4) "Current value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment after the formation of the redevelopment district;
- (5) "Debt service ad valorem rate" means that portion of the total ad valorem rate that has been, at January 1, 2001, pledged to the payment of debt service on bonds issued by any taxing unit in which all or any part of the redevelopment district is located;
- (6)(A) "Incremental value", for any redevelopment district, means the difference between the base value and the current value.  
  
(B) The incremental value will be positive if the current value exceeds the base value, and the incremental value will be negative if the current value is less than the base value;
- (7) "Local governing body" means the city council, city board of directors, county quorum court, or any other

legislative body governing a local government in the State of Arkansas;

(8) "Local government" means any city or county in the State of Arkansas;

(9)(A) "Project costs" means expenditures made in preparation of the project plan and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the local government, which are listed in the project plan as costs of public works or improvements within a redevelopment project district, plus any costs incidental thereto.

(B) Project costs include, but are not limited to:

(i) Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures, and fixtures, the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures, environmental remediation, parking and landscaping, the acquisition of equipment, and site clearing, grading, and preparation;

(ii) Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs, all costs of issuance, and any redemption premiums, credit enhancement, or other related costs;

(iii) Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the local government of real or personal property within a redevelopment district for consideration which is less than its cost to the local government;

(iv) Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering, and legal advice and services;

(v) Imputed administrative costs, including, but not limited to, reasonable charges for the time spent by local government employees in connection with the implementation of a project plan;

(vi) Relocation costs, including, but not limited to, those relocation payments made following condemnation and job training and retraining;

(vii) Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation of redevelopment project areas and the implementation of project plans;

(viii) The amount of any contributions made in connection with the implementation of the project plan;

(ix) Payments made, in the discretion of the local governing body, which are found to be necessary or convenient to the creation of redevelopment areas or the implementation of project plans; and

(x) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, or amenities or streets or the rebuilding or expansion of streets, the construction, alteration, rebuilding, or expansion of which is necessitated by the project plan for a district, whether or not the construction, alteration, rebuilding, or expansion is within the area;

(10) "Project plan" means the plan which shall be adopted by a local governing body for a redevelopment project as described in § 14-168-308;

(11) "Real property" means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest, and right, legal or equitable, in them, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by the liens;

(12) "Redevelopment district" means a contiguous geographic area within a city or county in which a redevelopment



project will be undertaken, as defined and created by ordinance of the local governing body;

(13)(A) "Redevelopment project" means an undertaking for eliminating or preventing the development or spread of slums or deteriorated, deteriorating, or blighted areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof.

(B) A redevelopment project may include one (1) or more of the following:

(i) The acquisition of land and improvements, if any, within the redevelopment district and clearance of the land so acquired; or

(ii) The development, redevelopment, revitalization, or conservation of the project area whenever necessary to provide land for needed public facilities, public housing, or industrial or commercial development or revitalization, to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration; or

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the redevelopment project and other improvements necessary for carrying out the project plan, together with such site improvements as are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or by lease, for public housing or for development, redevelopment, or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a redevelopment district designed to alleviate deteriorating conditions or a blighted area or designed to increase or enhance the development of commerce, industry, or housing within the redevelopment district; or

(E) Any other projects the local governing body deems appropriate to carry out the purposes of this subchapter;

(14) "Special fund" means a separate fund for a redevelopment district established by the local government into which all tax increment revenues and other pledged revenues are deposited and from which all project costs are paid;

(15) "Tax increment" means the incremental value of a redevelopment district multiplied by the applicable ad valorem rate;

(16) "Taxing unit" means any city, county, school district, or community college district; and

(17) "Total ad valorem rate" means the total millage rate of all county, city, school, or other local general property taxes levied on all taxable property within a redevelopment district in a year. History. Acts 2001, No. 1197, § 2.

#### **14-168-302. Construction.**

The General Assembly declares that this subchapter is necessary for the welfare of this state and its inhabitants, and it is the intent of the General Assembly that it is to be broadly construed to effect its purpose. History. Acts 2001, No. 1197, § 3.

#### **14-168-303. Powers supplemental.**

The powers conferred by this subchapter are in addition and supplemental to the powers conferred upon local governments and improvement districts by the General Assembly relating to the issuance of bonds. History. Acts 2001, No. 1197, § 4.

#### **14-168-304. Powers generally.**

In addition to any other powers conferred by law, a local government may exercise any powers necessary and

convenient to carry out the purpose of this subchapter, including the power to:

- (1) Create redevelopment districts and to define the boundaries of redevelopment districts;
- (2) Cause project plans to be prepared, to approve the project plans, and to implement the provisions and effectuate the purposes of the project plans;
- (3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them;
- (4) Deposit moneys into the special fund for any redevelopment project district;
- (5) Enter into any contracts or agreements, including agreements with bondholders, determined by the local governing body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans;
- (6) Receive from the federal government or the state loans and grants for, or in aid of, a redevelopment project and to receive contributions from any other source to defray project costs;
- (7)(A) Exercise the right of eminent domain to condemn property for the purposes of implementing the project plan.  
(B) The rules and procedures set forth in §§ 18-15-301 - 18-15-307 shall govern all condemnation proceedings authorized in this subchapter;
- (8) Make relocation payments to such persons, businesses, or organizations as may be displaced as a result of carrying out the redevelopment project;
- (9) Clear and improve property acquired by it pursuant to the project plan and construct public facilities on it or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration, or repair of the property;
- (10) Cause parks, playgrounds, or water, sewer, or drainage facilities, or any other public improvements, including, but not limited to, fire stations, community centers, and other public buildings, which it is otherwise authorized to undertake, to be laid out, constructed, or furnished in connection with the redevelopment project;
- (11) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon, or discontinue public ways and construct sidewalks in, or adjacent to, the redevelopment project;
- (12) Cause private ways, sidewalks, ways for vehicular travel, playgrounds, or water, sewer, or drainage facilities and similar improvements to be constructed within the redevelopment project for the particular use of the redevelopment district or those dwelling or working in it;
- (13) Construct any capital improvements of a public nature, as such term is defined in § 14-164-303(a)(2), as now or hereafter amended;
- (14) Construct capital improvements to be leased or sold to private entities in connection with the goals of the redevelopment project;
- (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter;
- (16) Adopt ordinances or bylaws or repeal or modify such ordinances or bylaws or establish exceptions to existing ordinances and bylaws regulating the design, construction, and use of buildings within the redevelopment district;
- (17) Sell, mortgage, lease, transfer, or dispose of any property, or interest therein, acquired by it pursuant to the project plan for development, redevelopment, or rehabilitation in accordance with the project plan;
- (18) Invest project revenues as provided in this subchapter; and

(19) Do all things necessary or convenient to carry out the powers granted in this subchapter. History. Acts 2001, No. 1197, § 5.

#### **14-168-305. Creation of district.**

(a) The local governing body, upon its own initiative or upon request of affected property owners or upon request of the city or county planning commission, may designate the boundaries of a proposed redevelopment district.

(b)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a redevelopment district and its proposed boundaries.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(c) The local governing body shall adopt an ordinance which:

(1) Describes the boundaries of a redevelopment district sufficiently definite to identify with ordinary and reasonable certainty the territory included in, which boundaries may create a contiguous or noncontiguous district;

(2) Creates the redevelopment district as of a date provided in it;

(3)(A) Assigns a name to the redevelopment district for identification purposes.

(B) The name may include a geographic or other designation, shall identify the city or county authorizing the district, and shall be assigned a number, beginning with the number one (1).

(C) Each subsequently created district shall be assigned the next consecutive number; and

(4) Contains findings that the real property within the redevelopment district will be benefitted by eliminating or preventing the development or spread of slums or blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, industry, or employment, or increasing employment, or any combination thereof.

(d)(1) No county shall establish a redevelopment district, any portion of which is within the boundaries of a city.

(2) Provided, however, that one (1) or more local governments through interlocal agreement may join in the creation of a district, the boundaries of which lie in one (1) or more local governments.

(e)(1) The ordinance shall establish a special fund as a separate fund into which all tax increment revenues and other revenues designated by the local government for the benefit of the redevelopment district shall be deposited, and from which all project costs shall be paid.

(2) Such special fund may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing is used.

(f)(1) The boundaries of the redevelopment district may be modified from time to time by ordinance of the local government.

(2) Provided, however, that in the event any bonds, notes or other obligations are outstanding with respect to the redevelopment district, any change in the boundaries shall not reduce the amount of tax increment available to secure



such tax increment financing. History. Acts 2001, No. 1197, § 6.

#### **14-168-306. Project plan - Approval.**

(a)(1) Upon the creation of the redevelopment district, the local governing body shall cause the preparation of a project plan for each redevelopment district, and such project plan shall be adopted by ordinance of the local governing body.

(2) This process shall conform to the procedures set forth in this section.

(b) Each project plan shall include:

(1) A statement listing the kind, number, and location of all proposed public works or improvements within the district or, to the extent provided, outside the district;

(2) An economic feasibility study;

(3) A detailed list of estimated project costs;

(4) A description of the methods of financing all estimated project costs, including the issuance of tax increment bonds, and the time when the costs or monetary obligations related thereto are to be incurred;

(5) A certification by the county tax assessor of the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district;

(6) The type and amount of any other revenues that are expected to be deposited to the special fund of the redevelopment district;

(7) A map showing existing uses and conditions of real property in the district;

(8) A map of proposed improvements and uses in the district;

(9) Proposed changes of zoning ordinances;

(10) Appropriate cross-references to any master plan, map, building codes, and city ordinances affected by the project plan;

(11) A list of estimated nonproject costs; and

(12) A statement of the proposed method for the relocation of any persons to be displaced.

(c) If the project plan is to include tax increment financing, the tax increment financing portion of the plan shall set forth:

(1) The amount of indebtedness to be incurred pursuant to this subchapter;

(2) An estimate of the tax increment to be generated as a result of the project;

(3) The method for calculating the tax increment, which shall be in conformance with the provisions of this subchapter, together with any provision for adjustment of the method of calculation;

(4) Any other revenues, such as payment-in-lieu-of-taxes revenues, to be used to secure the tax increment financing; and

(5) Any other provisions as may be deemed necessary in order to carry out any tax increment financing to be used for the redevelopment project.

(d) If less than all of the tax increment is to be used to fund a redevelopment project or to pay project costs or retire tax increment financing, the project plan shall set forth the portion of the tax increment to be deposited in the special

fund of the redevelopment district, and provide for the distribution of the remaining portion of the tax increment to the taxing units in which the district lies.

(e)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed project plan.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(3) The hearing may be held in conjunction with the hearing set forth in § 14-168-305(b)(1).

(4) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed redevelopment district.

(f)(1) Approval by the local governing body of a project plan must be within one (1) year after the date of the county assessor's certification required by subdivision (b)(5) of this section.

(2) The approval shall be by ordinance which contains a finding that the plan is economically feasible. History. Acts 2001, No. 1197, § 7.

#### **14-168-307. Project plan - Amendment.**

(a) The local governing body may adopt by ordinance an amendment to a project plan.

(b)(1) Adoption of an amendment to a project plan shall be preceded by a public hearing held by the local governing body as provided in § 14-168-306(e)(1), at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county once a week for two (2) consecutive weeks. The first such publication shall be fifteen (15) days prior to the hearing.

(B) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district.

(c)(1) One (1) or more existing redevelopment districts may be combined pursuant to lawfully adopted amendments to the original plans for each district.

(2) Provided that the local governing body finds that the combination of the districts will not impair the security for any bonds previously issued pursuant to this subchapter. History. Acts 2001, No. 1197, § 8.

#### **14-168-308. Termination of districts.**

(a) No redevelopment district may be in existence for a period longer than twenty-five (25) years, unless, pursuant to amendment of the redevelopment plan, additional bonds have been issued and would not be fully paid until after the date which is twenty-five (25) years from the date of creation of the district.



(b) The local governing body may set a shorter period for the existence of the district, and may also provide that no bonds shall have a final maturity on a date later than the termination date of the district.

(c) Upon termination of the district, no further ad valorem tax revenues shall be distributed to the special fund of the district.

(d)(1) The local governing body shall adopt, upon the expiration of the time periods set forth in this section, an ordinance terminating the redevelopment district.

(2) Provided, however, that no district shall be terminated so long as bonds with respect to the district remain outstanding. History. Acts 2001, No. 1197, § 9.

#### **14-168-309. Costs of formation.**

(a) The local government may pay, but shall have no obligation to pay, the costs of preparing the project plan or forming the redevelopment district.

(b) If the local government elects not to incur those costs, they shall be made project costs of the district and reimbursed from bond proceeds or other financing, or may be paid by developers, property owners, or other persons interested in the success of the redevelopment project. History. Acts 2001, No. 1197, § 10.

#### **14-168-310. Overlapping districts.**

The boundaries of any redevelopment districts shall not overlap with any other redevelopment district. History. Acts 2001, No. 1197, § 11.

#### **14-168-311. Valuation of real property.**

(a)(1) Upon and after the effective date of the creation of a redevelopment project district, the county assessor of the county in which the district is located shall transmit to the county clerk, upon the request of the local governing body, the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district and shall certify to it.

(2)(A) The assessor shall undertake, upon request of the local governing body, an investigation, examination, and inspection of the taxable real property in the district and shall reaffirm or revalue the base value for assessment of the property in accordance with the findings of the investigation, examination, and inspection.

(B) The assessor shall determine, according to his or her best judgment from all sources available to him or her, the full aggregate value of the taxable property in the district, which aggregate valuation, upon certification thereof by the assessor to the clerk, constitutes the base value of the area.

(b)(1)(A)(i) The assessor shall give notice annually to the designated finance officer of each taxing unit having the power to levy taxes on property within each district of the current value and the incremental value of the property in the redevelopment district.

(ii) The assessor shall also determine the tax increment by applying the applicable ad valorem rate to the incremental value.

(B) The notice shall also explain that the entire amount of the tax increment allocable to property within the redevelopment district will be paid to the special fund of the redevelopment district.

(2) The assessor shall identify upon the assessment roll those parcels of property which are within each existing district specifying on it the name of each district. History. Acts 2001, No. 1197, § 12.

**14-168-312. Division of ad valorem real property tax revenue.**

(a) For so long as the redevelopment district exists, the tax assessor shall divide the ad valorem tax revenue collected, with respect to taxable property in the district, as follows:

(1) The assessor shall determine for each tax year:

(A) The amount of total ad valorem tax revenue which should be generated by multiplying the total ad valorem rate times the current value;

(B) The amount of ad valorem tax revenue which should be generated by multiplying the applicable ad valorem rate times the base value;

(C) The amount of ad valorem tax revenue which should be generated by multiplying the debt service ad valorem rate times the current value; and

(D) The amount of ad valorem revenue which should be generated by multiplying the applicable ad valorem rate times the incremental value;

(2) The assessor shall determine from the calculations set forth in subdivision (a)(1) of this section the percentage share of total ad valorem revenue for each according to subdivisions (a)(1)(B) - (D) of this section, by dividing each of such amounts by the total ad valorem revenue figure determined by the calculation in subdivision (a)(1)(A) of this section; and

(3) On each date on which ad valorem tax revenue is to be distributed to taxing units, such revenue shall be distributed by:

(A) Applying the percentage share determined according to subdivision (a)(1)(B) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution pursuant to current law;

(B) Applying the percentage share determined according to subdivision (a)(1)(C) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution by reason of having bonds outstanding; and

(C) Applying the percentage share determined according to subdivision (a)(1)(D) of this section to the revenues received and distributing such share to the special fund of the redevelopment district.

(b) In each year for which there is a positive tax increment, the county treasurer shall remit to the special fund of the redevelopment district that portion of the ad valorem taxes that consists of the tax increment.

(c) Any additional moneys appropriated to the redevelopment district pursuant to an appropriation by the local governing body and any additional moneys dedicated to the fund from other sources shall be deposited to the redevelopment district fund by the treasurer of the local government.

(d) Any funds so deposited into the special fund of the redevelopment district may be used to pay project costs, principal and interest on bonds, and to pay for any other improvements of the redevelopment district deemed proper by the local governing body.

(e) Unless otherwise directed pursuant to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other municipal funds.

(f) If less than all of the tax increment is to be used for project costs or pledged to secure tax increment financing as provided in the plan for the redevelopment project, the assessor shall account for such fact in distributing the ad valorem tax revenues. History: Acts 2001, No. 1197, § 13.

**14-168-313. Payments in lieu of taxes and other revenues.**

(a) The local governing body may elect to deposit in the special fund of the redevelopment district all or any portion of the local government's share of payments in lieu of taxes on property within the redevelopment district.

(b) Other revenues to be derived from the redevelopment project may also be deposited in the special fund at the direction of the local governing body. History. Acts 2001, No. 1197, § 14.

**14-168-314. Bonds generally.**

(a)(1) Bonds may be issued for project costs which may include interest prior to and during the carrying out of a project and for a reasonable time thereafter, with such reserves as may be required by any agreement securing the bonds and all other expenses incidental to planning, carrying out, and financing the project.

(2) The proceeds of bonds may also be used to reimburse the costs of any interim financing entered on behalf of the redevelopment district.

(b) Bonds issued under this subchapter shall be payable solely from the tax increment or other revenues deposited to the credit of the special fund of the redevelopment district and shall not be deemed to be a pledge of the faith and credit of the local government.

(c) Every bond issued under this subchapter shall recite on its face that it is a special obligation bond payable solely from the tax increment and other revenues pledged for its repayment. History. Acts 2001, No. 1197, § 15.

**14-168-315. Redevelopment bonds or notes - Authority to issue.**

For the purpose of paying project costs or of refunding notes issued under this subchapter for the purpose of paying project costs, the local governing body may issue redevelopment bonds or notes payable out of positive tax increments and other revenues deposited to the special fund of the redevelopment district. History. Acts 2001, No. 1197, § 16.

**14-168-316. Redevelopment bonds or notes - Authorizing resolution.**

(a) Redevelopment bonds and notes shall be authorized by ordinance of the local governing body.

(b)(1) The ordinance shall state the name of the redevelopment project district, the amount of bonds or notes authorized, and the interest rate to be borne by the bonds or notes.

(2) The ordinance may prescribe the terms, form, and content of the bonds or notes and such other matters as the local governing body deems useful, or it may include by reference the terms and conditions set forth in a trust indenture or other document securing the redevelopment bonds. History. Acts 2001, No. 1197, § 17.

**14-168-317. Redevelopment bonds or notes - Terms, conditions, etc.**

(a)(1) Redevelopment bonds or notes may not be issued in an amount exceeding the estimated aggregate project costs, including all costs of issuance of the bonds or notes.

(2) The redevelopment bonds and notes shall not be included in the computation of the constitutional debt limitation of a local government.

(b)(1) The bonds or notes shall mature over a period not exceeding twenty-five (25) years from their date of issuance or a period terminating with the date of termination of the redevelopment district, whichever period terminates earlier.

(2) The bonds or notes may contain a provision authorizing their redemption, in whole or in part, at stipulated prices, at the option of the local government on any interest payment date and, if so, shall provide the method of selecting the bonds or notes to be redeemed.



(3) The principal and interest on the bonds and notes may be payable at any place set forth in the resolution, trust indenture, or other document governing the bonds.

(4) The bonds or notes shall be issued in registered form.

(5) The bonds or notes may be in any denominations.

(6) Each such bond or note is declared to be a negotiable instrument.

(c) The bonds or notes may be sold at public or private sale.

(d) Insofar as they are consistent with subdivision (a)(1) and subsections (b) and (c) of this section, the provisions of §§ 14-169-220 and 14-169-221 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes are incorporated by reference therein.

(e)(1) The bonds may be refunded or refinanced and refunding bonds may be issued in any principal amount.

(2) Provided, that the last maturity of the refunding bonds shall not be later than the last maturity of the bonds being refunded. History. Acts 2001, No. 1197, § 18.

#### **14-168-318. Redevelopment bonds or notes - Security - Marketability.**

To increase the security and marketability of redevelopment bonds or notes, the local government may:

(1) Create a lien for the benefit of the bondholders upon any public improvements or public works financed by the bonds; or

(2) Make such covenants and do any and all such actions, not inconsistent with the Arkansas Constitution, which may be necessary or convenient or desirable in order to additionally secure the bonds or notes, or which tend to make the bonds or notes more marketable according to the best judgment of the local governing body. History. Acts 2001, No. 1197, § 19.

#### **14-168-319. Redevelopment bonds or notes - Special fund for repayment.**

(a) Redevelopment bonds and notes are payable out of the special fund created for each redevelopment district under this subchapter.

(b)(1) The local governing body shall irrevocably pledge all or part of the special fund to the payment of the bonds or notes.

(2) The special fund, or the designated part thereof, may thereafter be used only for the payment of the bonds or notes and their interest until they have been fully paid.

(c) A holder of the bonds or notes shall have a lien against the special fund for payment of the bonds or notes and interest on them and may bring suit, either at law or in equity, to enforce the lien. History. Acts 2001, No. 1197, § 20.

#### **14-168-320. Redevelopment bonds or notes - Tax exemption.**

Bonds and notes issued under this subchapter, together with the interest and income therefrom, shall be exempt from all state, county, and municipal income taxes. History. Acts 2001, No. 1197, § 21.

#### **14-168-321. Excess funds.**

(a) Moneys received in the special fund of the district in excess of amounts needed to pay project costs may be used by the local governing body for other purposes of the district or for any other lawful purpose of the local governing body.

(b) Upon termination of the district, all amounts in the special fund of the district may be used by the local governing body for any lawful purpose. History. Acts 2001, No. 1197, § 22.

**14-168-322. Impact reports.**

The Assessment Coordination Department, in cooperation with other state agencies and local governments, shall make a comprehensive impact report to the Governor and to the General Assembly at the beginning of each biennium as to the economic, social, and financial effect and impact of community redevelopment financing projects. History. Acts 2001, No. 1197, § 23.

**14-168-323. Value of assessed property in a redevelopment district.**

(a) If state funding to a school district is calculated with regard to the value of assessed property located in the school district, the incremental value of real property within a redevelopment district shall not be included in the assessed value of the real property within the school district for purposes of computing school district funding if the real property is located within the redevelopment district and within the school district and the assessed value of the real property increases above the base value.

(b) Subsection (a) of this section shall apply for each school year during which the tax increment for real property within the redevelopment district is distributed pursuant to § 14-168-312. History. Acts 2003 (2nd Ex. Sess.), No. 43, § 1.



# **City of Fayetteville, Arkansas**

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

our vision our future

# **EXHIBIT No.6**

## **Local Demographics**

## EXHIBIT No.6

### Local Demographics Summary

Economic strength continues to be the mainstay of the Northwest Arkansas MSA. Recently named as the top ranking MSA in the country by the Milken Institute, NWA is now gathering much attention for its regional economy. Fayetteville continues to experience robust growth along with the rest of Northwest Arkansas. Fayetteville is still considered the city of choice for living mainly because of its reputation for offering a superb quality of life. One highlight Fayetteville offers are the attractions associated with the University of Arkansas including sporting events and cultural activities. Fayetteville also is known in the region for its entertainment district located primarily along Dickson Street which connects the historic areas of town and the university campus. There has been a tremendous surge in demand for downtown/urban style living in Fayetteville near the heartbeat of culture for northwest Arkansas.

Economic impact from the University of Arkansas in Fayetteville continues to be a major factor. Beginning in 1871 when the University of Arkansas was created with a major land-grant under the Morrill Land-Grant College Act the campus population has been ever increasing. On April 11, 2002 the University of Arkansas announced that it had been the recipient of the largest gift in the history of American public higher education. The Walton Family Charitable Support Foundation of Bentonville, AR committed \$300 million to establish and endow an undergraduate honors college and endow the graduate school. \$177 million will be targeted towards students, \$82 million towards faculty, and \$41 million towards library, technology, and other support areas. At the time, the University was in the midst of a six-year campaign targeting to raise \$500 million. As a result of the Walton's gift, the University decided to revise its parameters, upping the goal to raising \$900 million by June 2005. As of Fall, 2003 the campaign had raised \$770 million. Chancellor John White said in his annual State of the University address in September 2002 that over the next decade the University would spend \$642 million on building construction and improvement. Many of these facilities and projects are necessary to the University's vision, as they have stated a goal of having 22,500 students by the year 2010. Current enrollment is just over 16,000.

The Fayetteville-Springdale-Rogers corridor gained notoriety when the 2000 Census indicated that the area was the sixth fastest growing MSA in the country over the last 10 years. The population jumped from approximately 211,000 to 311,000. Most notably during that time Wal-Mart Stores, whose headquarters are in Bentonville, a sister city and north of Fayetteville, increased their sales from \$26 billion to \$191 billion. Besides Wal-Mart, two other corporate giants call Northwest Arkansas home. Tyson Foods, which had been a \$7 billion sales giant, increased to \$23 billion in sales in 2002 with the takeover of IBP. JB Hunt Trucking, also headquartered in the MSA, has annual sales in the \$2-2.5 billion range. All three of these companies had phenomenal success during the 1990s and are significant factor in the growth of the area. This bustling corner of the state's saga has not escaped the media's attention as it has received write-ups in several national publications thus aiding growth in yet another way.

## **Economic Overview of the Fayetteville-Springdale-Rogers MSA**

### **Overview**

The two-county area of Northwest Arkansas has experienced unprecedented economic and population growth since the 1990's. A dominant driver behind the growth has been the success of Wal-Mart, as it grew to become the world's largest retailer. Along the way, Wal-Mart has encouraged its vendors to be accessible to the company which directly translated into the opening of offices within Benton or Washington County for Fortune 500 and other companies. The resulting high quality job creation has spawned a boom in the commercial real estate market, as the demand for office space has increased and as the population growth has created the need for more retail shops, restaurants, entertainment facilities and service providers. A corresponding escalation has occurred in the construction of residential housing.

Wal-Mart has not been the only driver of growth in Northwest Arkansas. Tyson Foods has also grown rapidly during the same period, becoming the world's largest "protein" company. The Northwest Arkansas area has long been the home base of several large trucking companies. JB Hunt has become one of the largest providers of logistics services in North America and Willis Shaw Express is a major provider of transportation of refrigerated and frozen food products.

Fayetteville is also home to the University of Arkansas, a major research university, which is steadily improving its national rankings. Some academic areas have reached the top tier nationally. In 2002, the University of Arkansas was the recipient of a \$300 million challenge grant from the Wal-Mart Foundation, the largest grant ever given to a public university in the U.S. The university has accelerated its quest for excellence and at the same time is pursuing a goal of increasing its enrollment, to a total of 22,500 students by 2010.

The following pages provide some economic highlights of the Fayetteville-Springdale-Rogers MSA.



### **National Perspective**

In November of 2004, the Milken Institute released an update of its "Best Performing Cities" rankings, which is intended to rank U.S. cities on two counts: leading the nation in economic performance overall and in job creation. The components of the index include job, wage and salary and technology growth. Using these criteria, the Fayetteville-Springdale-Rogers MSA ranked as the 7th regional economy in the United States.

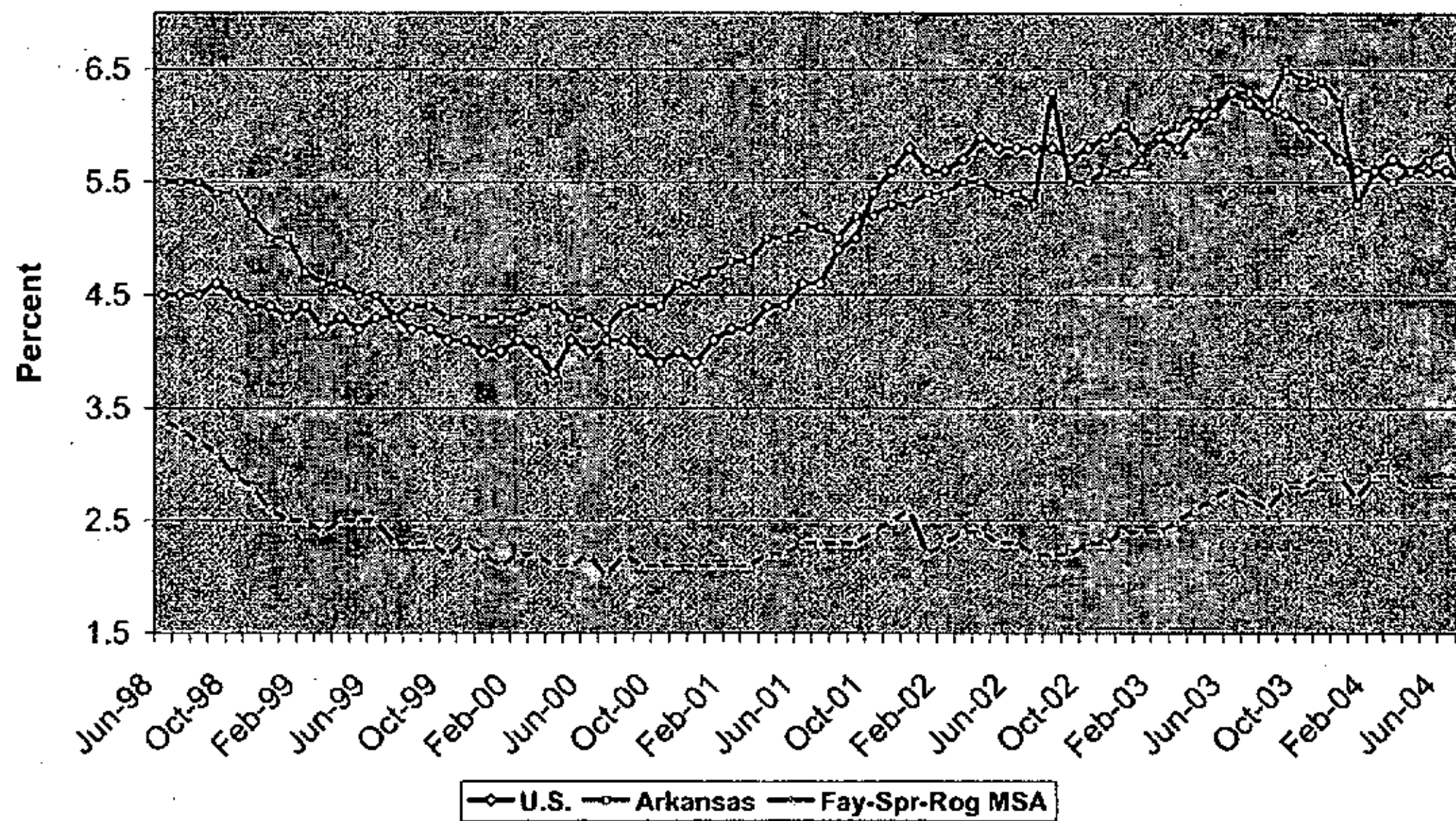
1. Fort Myers-Cape Coral, FL (3)
2. Las Vegas, NV (2)
3. Phoenix-Mesa, AZ (43)
4. West Palm Beach-Boca Raton, FL (4)
5. Daytona Beach, FL (116)
6. Sarasota-Bradenton, FL (41)
- 7. Fayetteville-Springdale-Rogers, Ark. (1)**
8. Riverside-San Bernardino, CA (20)
9. Fort Lauderdale, FL (29)
10. Monmouth-Ocean, NJ (10)



## Unemployment Rate

The unemployment rates for the U.S. and for the state of Arkansas have followed the same general trend and the levels have been fairly close. The unemployment rate for the Fayetteville-Springdale-Rogers MSA has consistently been significantly lower than both. It has been at the three percent or under level since the second half of 1998.

**Unemployment Rates, Seasonally Adjusted**



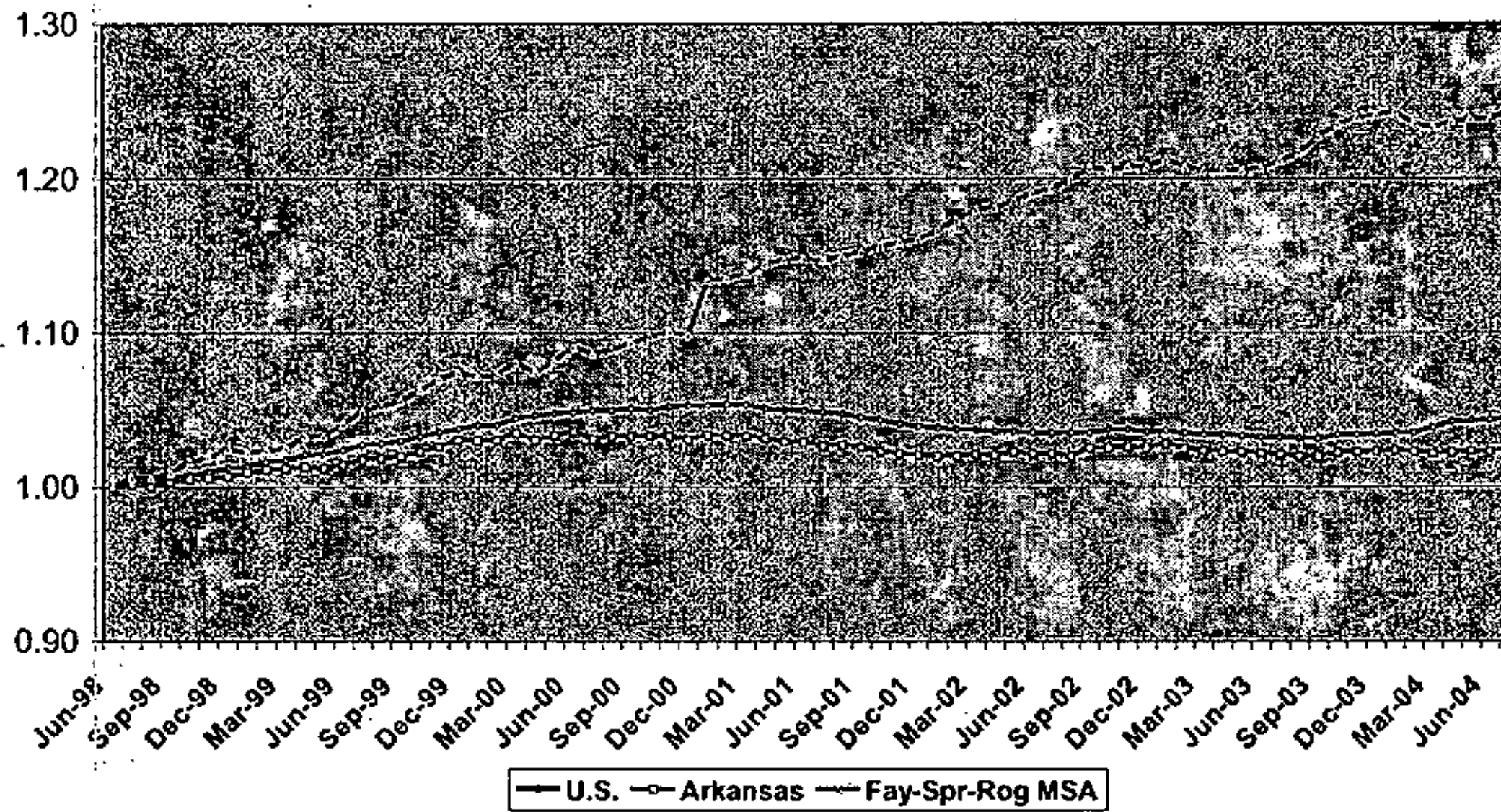
Source: Bureau of Labor Statistics, Seasonal Adjustment By  
UA Center for Business and Economic Research



### Non-Farm Employment

The monthly establishment-based employment survey conducted by the Bureau of Labor Statistics shows that, on a seasonally adjusted basis, total non-farm employment in both the U.S. and Arkansas are at levels about 105 percent of the level in June of 1998. The Fayetteville-Springdale-Rogers MSA has experienced a noticeably larger increase in employment. Currently, the level is just about 125 percent of the level of June 1998.

**Non-Farm Employment Relative to June 1998**  
Seasonally Adjusted

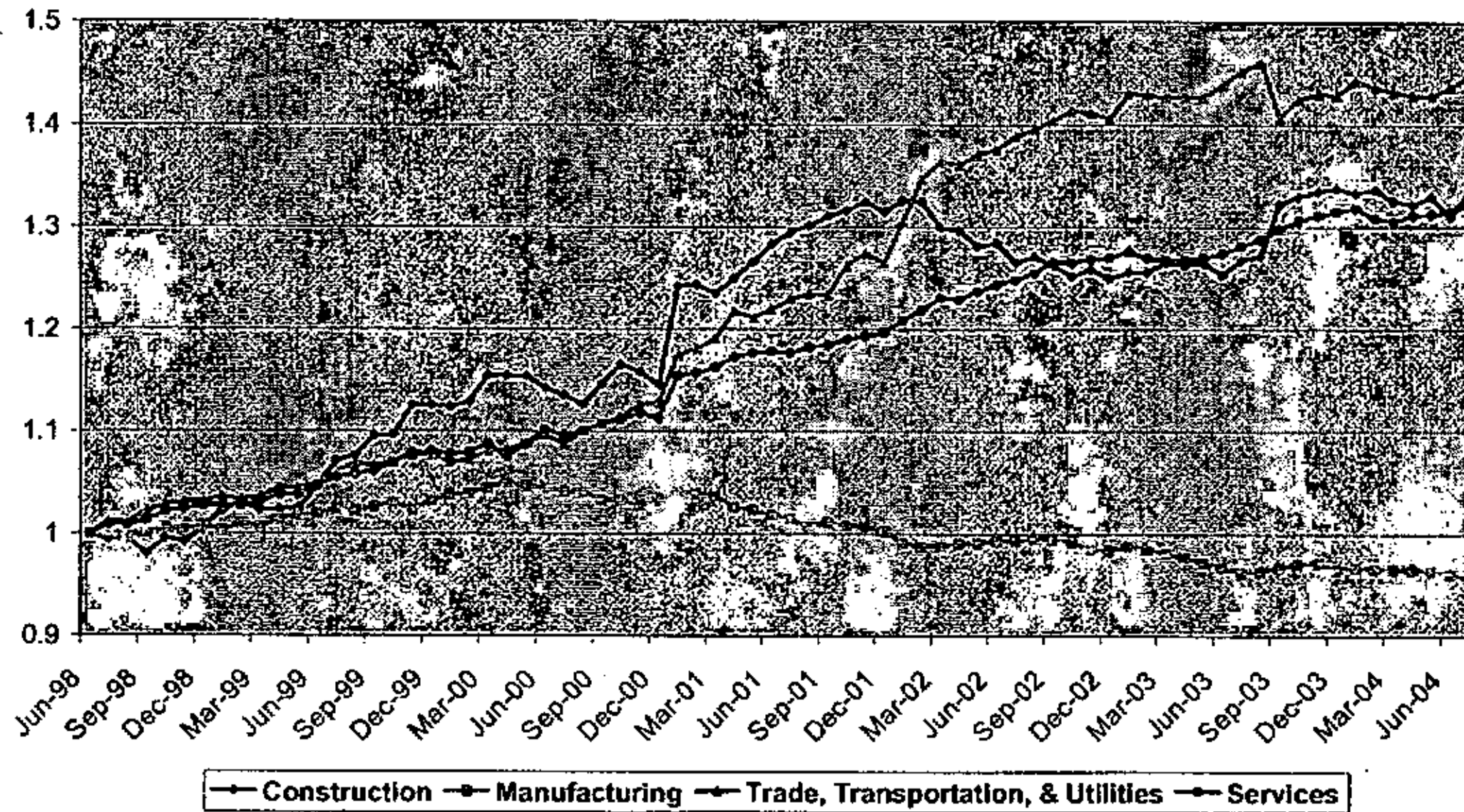


Source: Bureau of Labor Statistics, Seasonal Adjustment by  
UA Center for Business and Economic Research

## Sector Employment

Sector employment in the region has shown varying trends. Manufacturing employment has declined since 1998, but by a lesser amount than nationally or in the state. Construction, trade-transportation-utilities and services have shown significant gains in the past six years.

Fayetteville-Springdale-Rogers MSA Sector Employment Relative to June 1998,  
Seasonally Adjusted

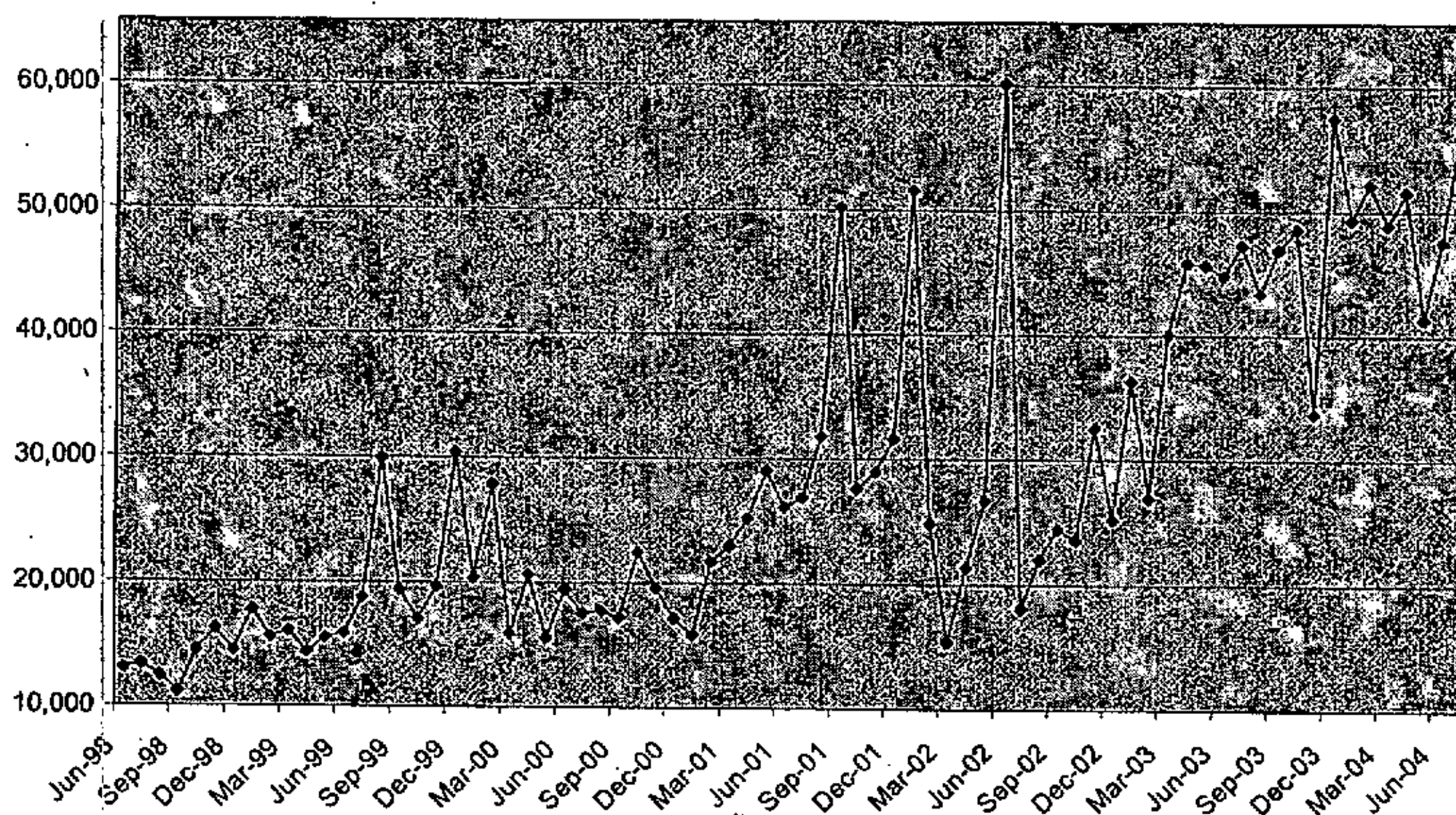




## Building Permits

While there is some monthly volatility in the monthly data compiled by the United States Census Bureau, the strong upward trend in the value of building permits in Northwest Arkansas since the Fall of 1998 is evident. Over the last two years, this growth trend has accelerated. In fact, the value of residential building permits in the area has equaled or exceeded the value of those in the Little Rock metropolitan area, an area that currently has a population almost double that of the Fayetteville-Springdale-Rogers MSA.

**Fayetteville-Springdale-Rogers MSA Residential Building Permits, Seasonally  
Adjusted Value in \$ Millions,**

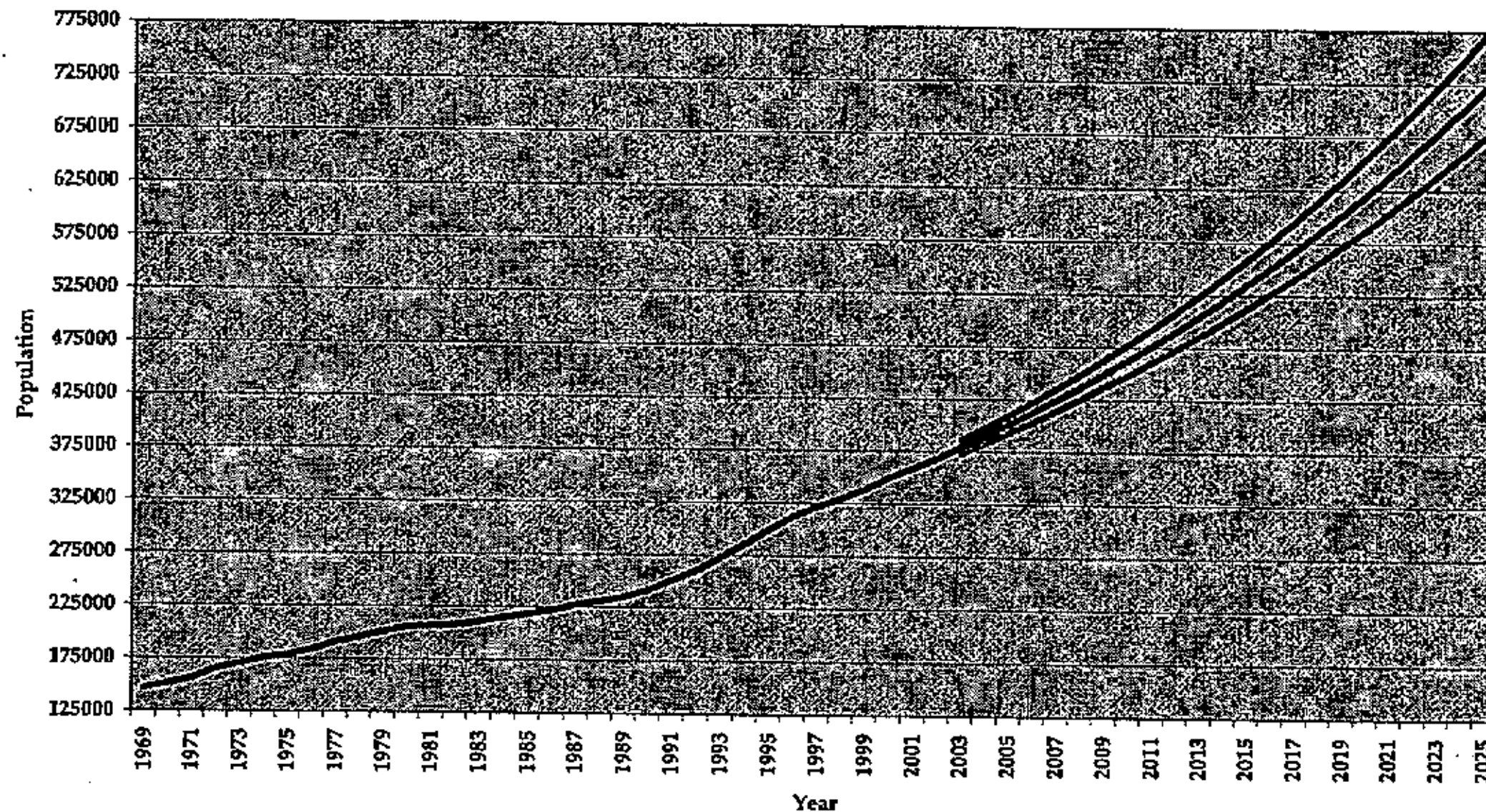


Source: Bureau of the Census, Seasonal Adjustment by UA Center for Business and Economic Research

## Population Projections

In June of 2003, the Center for Business and Economic Research released updated population projections for Arkansas, its counties and its metropolitan areas. The Fayetteville-Springdale-Rogers MSA is projected to experience a doubling of its population by the year 2025.

Population Projections for Fayetteville-Springdale-Rogers MSA



Sources: U.S. Census Bureau,  
UA Center for Business and Economic Research

— Baseline    - - - Lower Bound    — Upper Bound

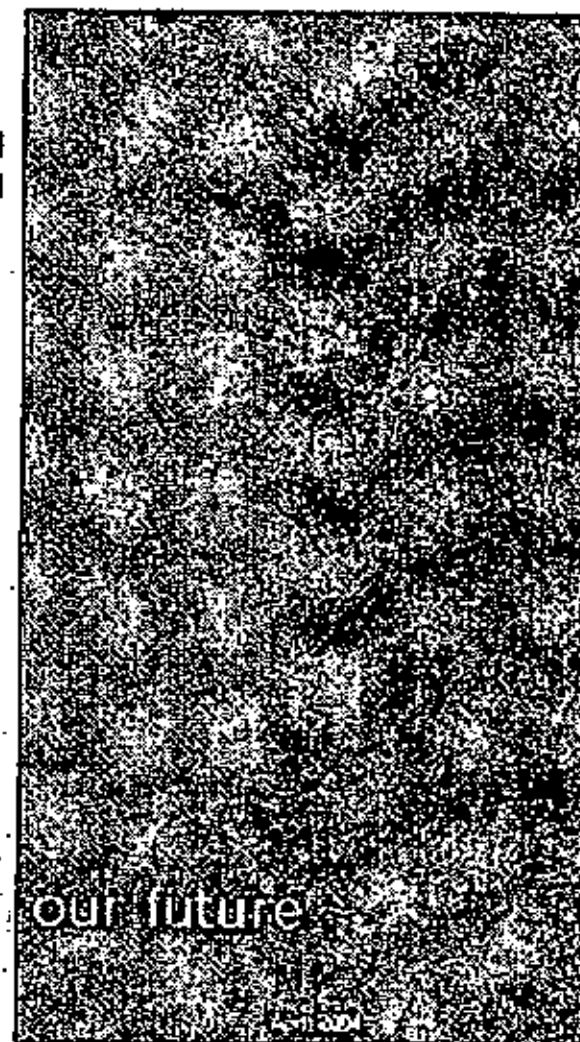


# City of Fayetteville, Arkansas

## DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

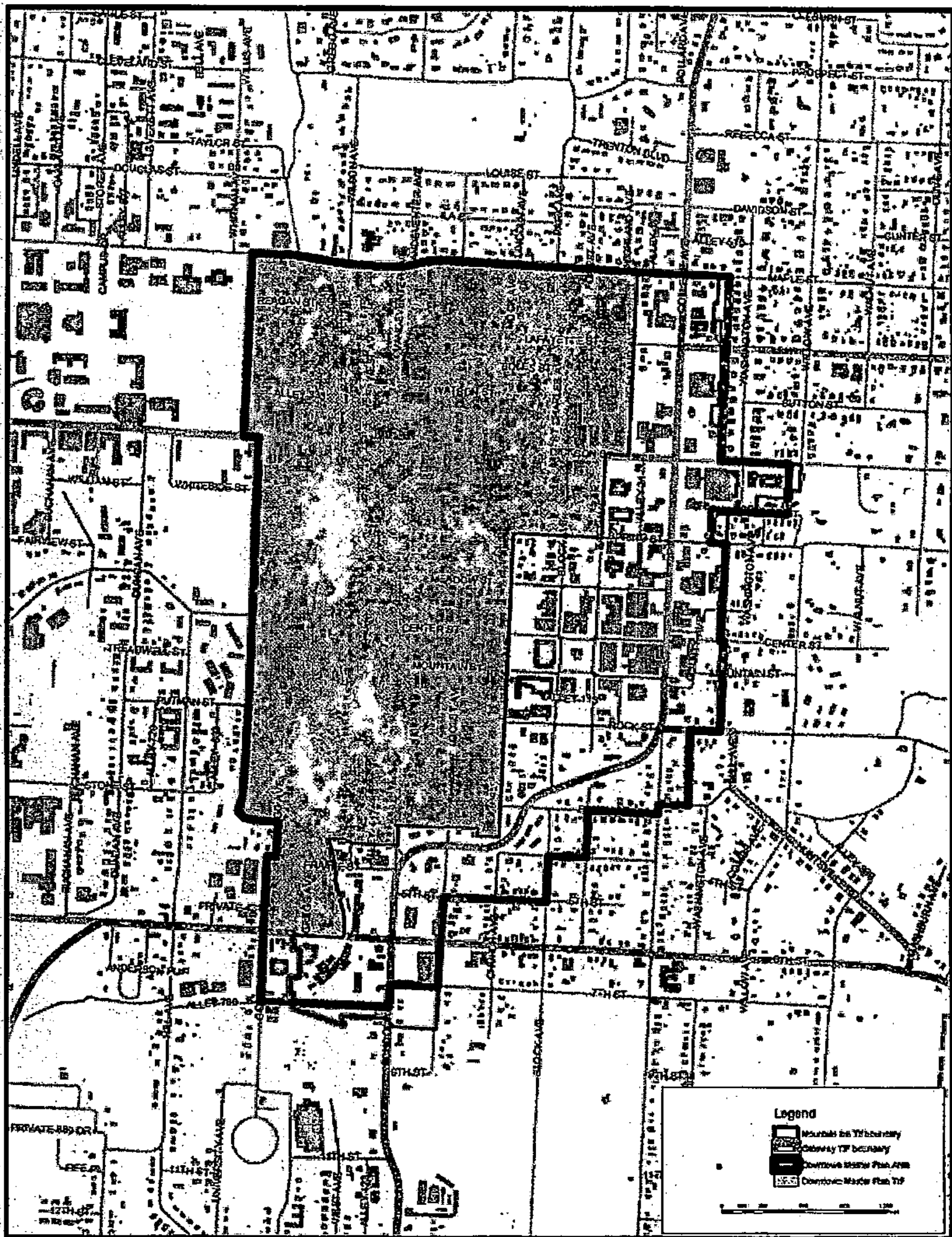
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# EXHIBIT No.7

## District Map



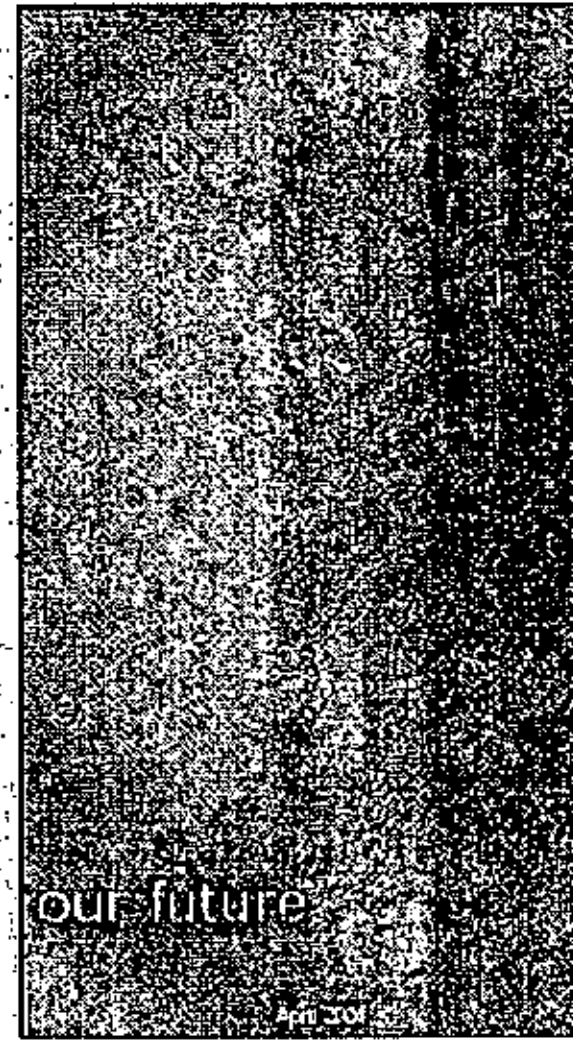


# **City of Fayetteville, Arkansas**

## **DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN**

FAYETTEVILLE DOWNTOWN  
MASTER PLAN

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# **EXHIBIT No.8**

**Resolution Adopting the Downtown Master Plan**

RESOLUTION NO. 140-04

**MICROFILMED**

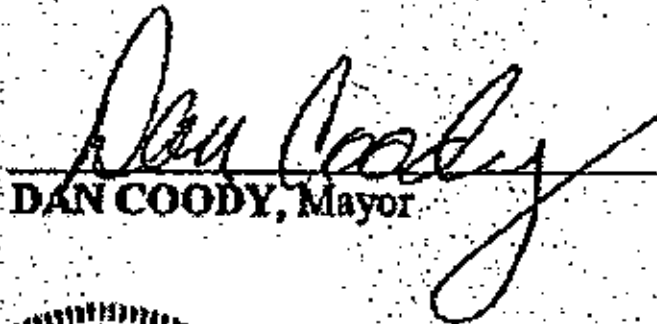
A RESOLUTION TO ADOPT THE DOWNTOWN MASTER  
PLAN COMPLETED BY DOVER, KOHL & PARTNERS

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby  
adopts the Downtown Master Plan completed by Dover, Kohl & Partners and requests  
that implementing ordinances be prepared.

**PASSED and APPROVED** this 7<sup>th</sup> day of September, 2004.

APPROVED:

By:   
DAN COODY, Mayor

ATTEST:

By:   
SONDRA SMITH, City Clerk





City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

12-21-04  
City Council Meeting Date

Tim Conklin

Submitted By

Planning and Development Mgmt.

Division

Operations

Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature]

Department Director

12-7-04  
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature]

City Attorney

12-8-04  
Date

Received in City Clerk's Office

[Signature]

Mayor

12/8/04  
Date

Received in Mayor's Office

Comments:



January 4, 2004

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**From:** Tim Conklin, Community Planning and Engineering Services Director

**Date:** October 26, 2004

**Subject:** Approval of an offer and acceptance contract in the amount of \$178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

### **RECOMMENDATION**

Staff recommends approval of a resolution accepting the offer and acceptance contract in the amount of \$178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

### **BACKGROUND**

Parcel No. 765-12164-000 (Shake's Frozen Custard) was acquired in its entirety as part of the realignment and signalization of the Hollywood/Sang/6<sup>th</sup> Street Intersection. Last June, the City Council passed Resolution No. 95-40 authorizing City staff to begin the process to sell this parcel and building. Last August, the City Council passed Resolution No. 126-04 setting the minimum bid price at \$178,000 based on the higher appraised value from the two required appraisals.

The sale of the property was advertised in the commercial real estate and legal sections of the Northwest Arkansas Times, "For Sale" signs were posted, notice was placed on the city's web site, and notice was sent out by e-mail approximately 30 days prior to the bid deadline of October 11, 2004.

The City received one offer and acceptance bid for this property by Stephen L. Davis.

### **BUDGET IMPACT**

Sale of the property will result in an additional \$178,555 in revenue to the Street Fund.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION TO ACCEPT AN OFFER FROM  
STEPHEN L. DAVIS TO PURCHASE THE REMAINDER  
OF THE FORMER SHAKE'S PROPERTY AND  
BUILDING FOR \$178,555.00**

**WHEREAS**, Mr. Stephen L. Davis properly submitted a sealed bid in excess of the minimum amount authorized by the City Council for the sale of city property at 2050 West Sixth Street (\$178,000.00); and

**WHEREAS**, this bid of \$178,555.00 was the only bid tendered for this property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the bid of Stephen L. Davis in the amount of \$178,555.00 for the land and former Shake's building located at 2050 West Sixth Street, Fayetteville, AR.

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby sells this property at 2050 West Sixth Street to Stephen L. Davis for \$178,555.00 and authorizes Mayor Coody to execute a deed and any other necessary papers to effect a transfer of ownership of this property to Stephen L. Davis.

**PASSED and APPROVED** this 16<sup>th</sup> day of November, 2004.

APPROVED:

By: \_\_\_\_\_

**DAN COODY, Mayor**

**DRAFT**

**ATTEST:**

By: \_\_\_\_\_

**SONDRA SMITH, City Clerk**

Subj: Agenda Change  
Date: 11/30/2004 3:56:12 PM Central Standard Time  
From: DavisHealth  
To: cssmith@ci.fayetteville.ar.us

ATTN: Sonya Smith, City Clerk

Request for Change of Agenda Date from 12-07-04 to 1-04-05. (Bid on Shake's Property on 6th Street.)

Reason for Request: More time is needed to iron out approvals and obtain construction costs. (Now moving out of Dickson St location.)

- Need approval from Smoothie King Franchises to relocate to 6th St location and cost of improvements required by the corporation.

- Still working on design work and construction estimates.

- Financing institution has questions about value that an updated appraisal, with projected improvements, should answer.

Thank you for your consideration.

Stephen L. Davis  
283-7530 (cell #)

Shake's

718-7695

## BID PROPOSAL

**Proposed By:** Stephen L. Davis (contact person)  
756 N. Washington Ave.  
Fayetteville, AR 72701

Email: davishealth@aol.com  
Fax: 443-9500  
Phone: 443-5850  
Cell: 283-7530

**Property:** Former Shake's Building, 2050 W. Sixth Street, Fayetteville, AR

**Description of Proposed Use:** -Retail store with food service  
-Limited inside and patio seating  
-One drive-through lane

**Offer Price:** \$178,555.00

**Terms:** As City Requires

**Authorized Signature** \_\_\_\_\_

  
Stephen L. Davis

**Attachment:** Engineer's drawing of property and possible parking arrangement showing entrance to parking and drive-through at north side from Old Farmington Road.



## OFFER AND ACCEPTANCE CONTRACT

1. Stephen L. Davis offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"  
FOR PROPERTY DESCRIPTION

2. **Purchase Price:** Subject to the following conditions, Stephen L. Davis shall pay for the property at closing, the total and cash payment of \$ 178,555.00.
3. **Contingent Earnest Money Deposit:** Stephen L. Davis herewith tenders a check for \$ 1,000.00 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This sale is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to \_\_\_\_\_ by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fail(s) to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the seller. If the buyer fails to fulfill their obligations under this contract or, after all conditions have been met, the buyer fails to close this transaction, the earnest money may, at the option of City of Fayetteville, become liquidated damages to the City of Fayetteville.
4. Conveyance will be made to the buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.
5. City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the buyer. The buyer and City of Fayetteville shall share equally in the cost of the title insurance.
6. City of Fayetteville agree(s) to allow the Buyer, if the buyer so desires, at the buyers expense, to survey the property. The City of Fayetteville agree(s) to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.
7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within \_\_\_\_\_ ( ) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Possession of the property shall be delivered to the buyer on the date of closing.
10. City of Fayetteville hereby grant(s) permission for the buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.
13. City of Fayetteville shall disclose to the buyer any and all environmental hazards of which the City of Fayetteville has/have actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, the buyer and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at the buyers discretion, the buyer may cure such environmental hazard, and the City of Fayetteville shall indemnify the buyer for all costs associated with said cure.



OFFER AND ACCEPTANCE CONTRACT  
Page 2 of 4

14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both the buyer and City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the City of Fayetteville on or before the \_\_\_\_\_ day of \_\_\_\_\_, 2004.
17. The buyer shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within \_\_\_\_\_ (\_\_\_\_) days of acceptance by the City of Fayetteville.
18. **NOTICE:**      **THE BUYER ASSERTS AND CITY OF FAYETTEVILLE HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS SALE OFFER BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE BUYER OF THE \$\_\_\_\_\_ EARNEST MONEY DEPOSIT.**

\_\_\_\_\_  
*Stephen L. Ours*

Date: 10-11-04

\_\_\_\_\_

Date: \_\_\_\_\_

**AGENT OR WITNESS:**

\_\_\_\_\_

Date: \_\_\_\_\_

City of Fayetteville, Arkansas,  
A municipal corporation

\_\_\_\_\_  
Dan Coody, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Sondra Smith, City Clerk

Date: \_\_\_\_\_

OFFER AND ACCEPTANCE CONTRACT  
Page 3 of 4

EXHIBIT "A"  
PROPERTY DESCRIPTION

REFER TO APPRASIAL PERFORMED FOR THE CITY OF FAYETTEVILLE

SIGNED FOR IDENTIFICATION:

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Dan Coody, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
Sondra Smith, City Clerk

Date: \_\_\_\_\_

OFFER AND ACCEPTANCE CONTRACT  
Page 4 of 4

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.  
)

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 \_\_\_\_\_, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are \_\_\_\_\_ of \_\_\_\_\_ and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said \_\_\_\_\_, and further stated and acknowledged that he/she/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 \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:  
\_\_\_\_\_  
\_\_\_\_\_

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.  
)

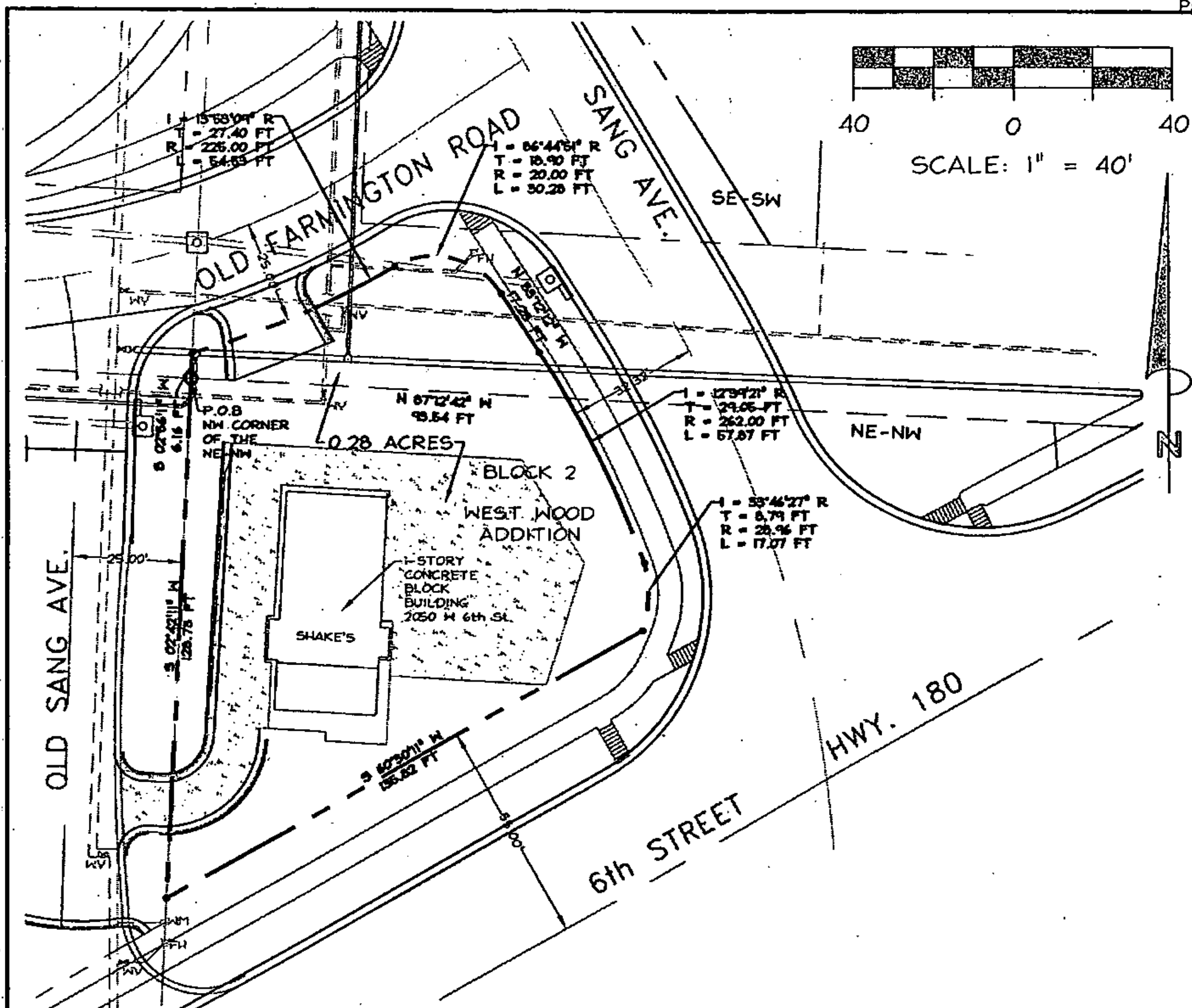
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody and Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that 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 and behalf 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 \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:  
\_\_\_\_\_  
\_\_\_\_\_





### LEGAL DESCRIPTION

All that certain tract or parcel of land being a part of the SE ¼ of the SW 1/4, and part of the NE ¼ of the NW 1/4 of Section 17, Township 16 North, Range 30 West, Washington County, Arkansas. And being more particularly described by metes and bounds as follows:

Beginning at the SW Corner of the SE ¼ of the SW ¼ of Section 17, Township 16 North, Range 30 West, Washington County, Arkansas. Said point being the NW Corner of Block 2 of Westwood Addition to the City of Fayetteville, Arkansas.

THENCE - North 02° 56' 11" East 6.16' to the south right-of-way line of Old Farmington Road;

THENCE - with said right-of-way through the following calls:

THENCE - through a curve to the left with a radius of 225.00', a central angle of 25° 27' 53", arc length of 54.53', a cord bearing of North 66° 59' 31" East for a distance of 54.40';

THENCE - through a curve to the right with a radius of 20.00', a central angle of 286° 28' 44", arc length of 30.28', a cord bearing of South 76° 34' 38" East for a distance of 27.47';

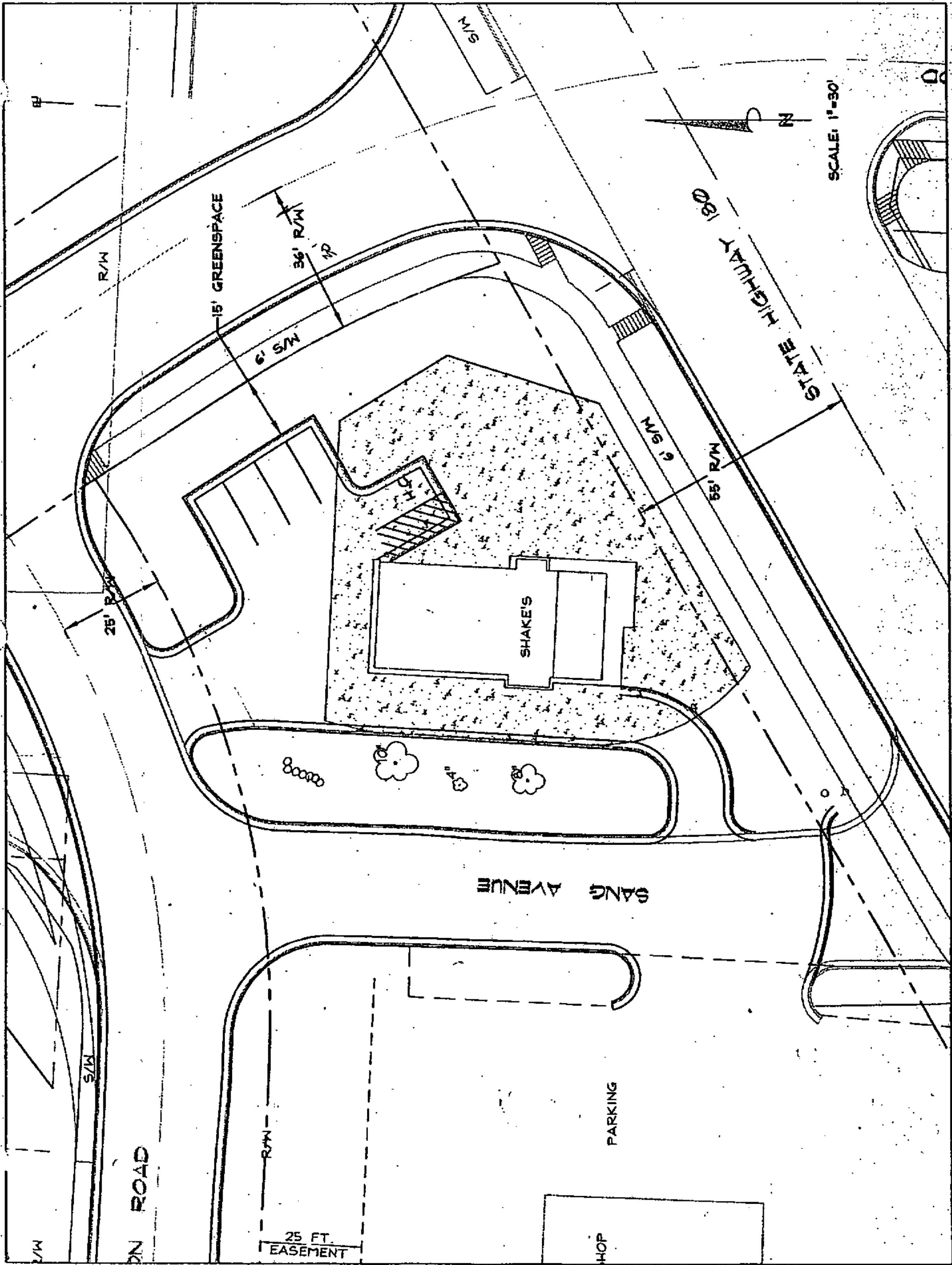
THENCE - South 33° 12' 12" East 17.23';

THENCE - through a curve to the right with a radius of 262.00', a central angle of 21° 52' 07", arc length of 57.87', a cord bearing of South 26° 52' 32" East for a distance of 57.75';

THENCE - through a curve to the right with a radius of 28.96', a central angle of 33° 46' 27", arc length of 17.07', a cord bearing of South 01° 38' 09" East for a distance of 16.83' to the north right-of-way of State Highway No. 62;

THENCE - South 60° 30' 11" West 135.82' with said right-of-way to a set 5/8" I.Pin;

THENCE - North 02° 42' 11" West 134.89' to the POINT OF BEGINNING. The above described property having been surveyed by Bart L. Petray contains 0.28 acres of land more or less.





**RESOLUTION NO. 126-04**

**A RESOLUTION TO GRANT APPROVAL TO SOLICIT SEALED BIDS FROM THE PUBLIC TO PURCHASE THE PORTION OF CITY PROPERTY (FORMERLY SHAKE'S FROZEN CUSTARD) NOT USED FOR THE INTERSECTION IMPROVEMENT ON SIXTH STREET**

**WHEREAS**, the City Council of the City of Fayetteville, Arkansas has already passed a resolution to offer this property for sale as required by Fayetteville Code §34.27 (A); and

**WHEREAS**, two simultaneous and independent appraisals of the real property have been obtained and provided to the City Council pursuant to Fayetteville Code §34.27 (C); and

**WHEREAS**, public notification including at least four newspaper publications, certified mail to all adjacent property owners and signs, prominently displayed at all approaches to the property, have been accomplished pursuant to Fayetteville Code §34.27 (D); and

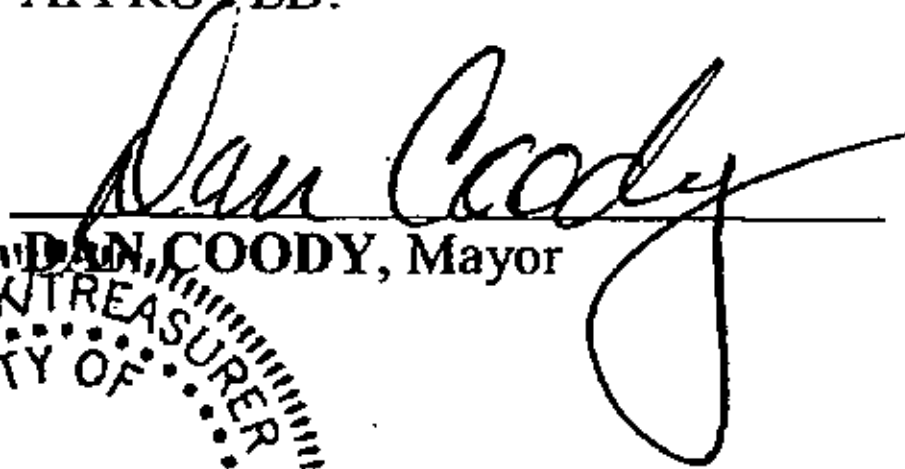
**WHEREAS**, Fayetteville Code §34.27 (E) provides "Upon an affirmative vote of the City Council, the city shall solicit sealed bids, at a minimum price set by the City Council from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property."

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

**Section 1:** That the City Council of the City of Fayetteville, Arkansas hereby directs the staff to solicit sealed bids at a minimum price of \$178,000.00 for the city owned property at 2050 W. 6<sup>th</sup> Street.

**PASSED and APPROVED** this the 17<sup>th</sup> day of August, 2004.

APPROVED:

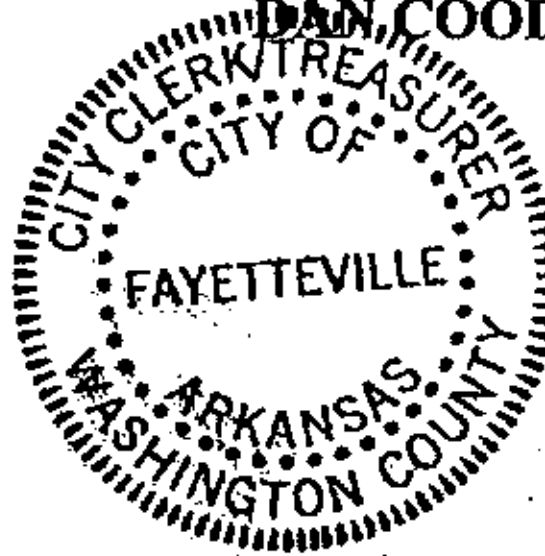
By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



RESOLUTION NO. 95-04

**MICROFILMED**

A RESOLUTION OF INTENT TO SELL MUNICIPALLY OWNED PROPERTY AT THE CORNER OF SANG AVENUE AND SIXTH STREET (A PORTION OF THE FORMER SHAKE'S FROZEN CUSTARD LOT AND BUILDING)

WHEREAS, Ordinance No. 4358 requires municipally owned real estate to be offered for sale only after an express authorization, by resolution, of the City Council, and numerous other requirements.

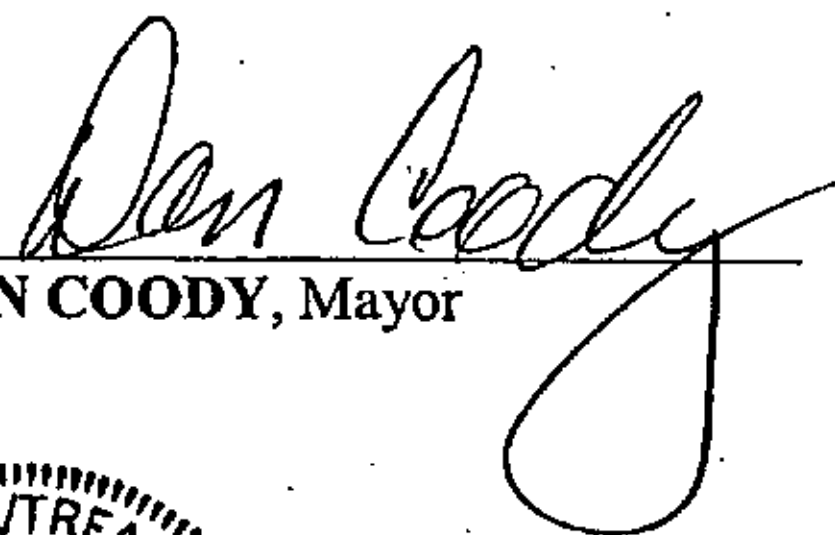
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the remainder of Parcel No. 765-12164-000 (Shake's Frozen Custard former lot and building at the corner of Sang Avenue and Sixth Street) no longer serves a municipal service, should not be rezoned and should be sold pursuant to Ordinance No. 4358.

PASSED and APPROVED this 1<sup>st</sup> day of June, 2004.

APPROVED:

By:

  
DAN COODY, Mayor

ATTEST:

By:

  
SONDRA SMITH, City Clerk



# STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

  X   AGENDA REQUEST

For the Fayetteville City Council Meeting of:

November 16, 2004

FROM:

Tim Conklin, AICP

Comm. Planning & Engineering

CP&E

Name

Division

Department

ACTION REQUIRED: Resolution Approval.

## SUMMARY EXPLANATION:

Approval of a resolution accepting an offer and acceptance contract in the amount of \$178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

STAFF RECOMMENDATION: Approval.

Division Head

Date

Received in Mayor's Office

Date



10-30-04

City Attorney

Date



10-26-04

Cross Reference:

Department Director

Date

Previous Ord/Res#:

Finance & Internal Services Dir.

Date

Orig. Contract Date:



10-31-04

Chief Administrative Officer

Date

Orig. Contract Number:



11/04/04

Mayor

Date

New Item:

Yes

No







## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator *JP*

**Date:** December 16, 2004

**Subject:** Annexation for Harper/Teater (ANX 04-1334)

### **RECOMMENDATION**

Planning Staff recommends approval of the requested annexation for Harper/Teater, a 60.37 acre tract located on Zion Road and George Anderson Road east of Fayetteville. This action will incorporate the 60.37 acre tract of land contiguous with the city limits into the City of Fayetteville.

### **BACKGROUND**

The subject property contains approximately 60.37 acres of agricultural and residential property located north of Zion Road, east of George Anderson Road within the Planning Area. Copper Creek Subdivision (under construction) and a small tract of approximately 2.38 acres recently annexed and rezoned abut the property to the west.

Annexation of this property will create the extension of an existing peninsula. However, with the increase of development pressure in this area are, staff recommended the annexation of this property to ensure development in accordance with City Ordinances. Significant improvements to water and sewer service, as well as infrastructure adjacent to this site will be required at the time of development. City fire and police currently service the adjoining neighborhoods.

The applicant requested annexation of the property into the City of Fayetteville. A rezoning request has also been submitted, for RSF-4 zoning. The applicant intends to develop a single family residential subdivision within the City of Fayetteville.

Staff recommended approval of the proposed annexation to ensure the future development of single family residential is consistent with adjoining developments both in terms of density and compatibility.

### **DISCUSSION**

This item was heard at the regular Planning Commission on December 13, 2004. The Planning Commission voted 7-0-1 in favor of the annexation with Commissioner Ostner voting no.

### **BUDGET IMPACT**

None.



**ORDINANCE NO.**

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 04-1334 ANNEXING TO THE CITY OF FAYETTEVILLE, ARKANSAS, PROPERTY LOCATED NORTH OF ZION ROAD, EAST OF GEORGE ANDERSON ROAD CONTAINING APPROXIMATELY 60.37 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Three

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2004.

**APPROVED:**

By: \_\_\_\_\_  
Dan Coody, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Sondra Smith, City Clerk

**EXHIBIT "A"**  
**RZN 04-1334**

THE SOUTH ONE HALF (S ½) OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY (20) AND THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY (20), ALL IN TOWNSHIP SEVENTEEN NORTH (17) RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A FOUND MONUMENT MARKING THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼); THENCE ALONG THE EAST LINE OF SAID FORTY ACRE TRACT, SOUTH 2°26'03" WEST - 1320.00 FEET TO THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE SOUTH LINE OF SAID FORTY ACRE TRACT, NORTH 87°31'54" WEST - 1328.81 FEET TO A FOUND ½" REBAR MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE SOUTH LINE OF SAID SOUTH ½ OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW1/4), NORTH 87°00'35" WEST - 1326.52 FEET TO A FOUND ¾" IRON ROD MARKING THE SOUTHWEST CORNER OF SAID TWENTY ACRE TRACT; THENCE ALONG THE WEST LINE OF SAID SECTION 20, NORTH 2°14'07" EAST - 659.05 FEET TO THE NORTHWEST CORNER OF SAID TWENTY ACRE TRACT; THENCE ALONG THE NORTH LINE OF SAID TWENTY ACRE TRACT, SOUTH 87°02'33" EAST - 1328.25 FEET TO THE NORTHEAST CORNER OF SAID TWENTY ACRE TRACT ON THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4); THENCE ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), NORTH 2°23'12" EAST - 659.78 FEET TO A FOUND IRON PIN MARKING THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20 SOUTH 87°33'02" EAST - 1329.90 FEET TO THE POINT OF BEGINNING, CONTAINING 60.37 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY, OF RECORD, OR RESTRICTIONS, IF ANY.



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Dawn Warrick, AICP, Zoning & Development Administrator  
DATE: December 6, 2004

**ANX 04-1334: (HARPER/TEATER, 101):** Submitted by MICHELE, A HARRINGTON for property located at 5513 GEORGE ANDERSON ROAD. The property is in the Planning Area and contains approximately 60.37 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: CRAIG & KARYN HARPER

Property Owner: VERL TEATER

Planner: SUZANNE MORGAN

**RECOMMENDATION:**

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

|                                                                      |                                                                                                                               |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                   | Required <u>YES</u>                                                                                                           |
| Date: <u>December 13, 2004</u>                                       | <input checked="" type="radio"/> Approved<br>Shackelford/Allen <sup>2</sup><br><input type="radio"/> Denied<br>7-0-1 No Other |
| <b>CITY COUNCIL ACTION:</b>                                          | Required <u>YES</u>                                                                                                           |
| Date: <u>January 4, 2005 (1<sup>st</sup> reading if recommended)</u> | <input type="radio"/> Approved<br><input type="radio"/> Denied                                                                |

**BACKGROUND:**

**Property description:** The subject property contains three tracts of property totaling 60.37 acres. The property is located north of Zion Road and east of George Anderson Road within the Planning Area. Copper Creek Subdivision (under construction) and a small tract of approximately 2 acres recently annexed and rezoned abut the property to the west. At this time, the subject property is used for agricultural purposes and pasture with at least one single family home located on the property.

**Proposal:** The applicants propose annexation of 60.37 acres into the City of Fayetteville.



**Recommendation:** Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits, and future development of the area may be consistent and compatible to surrounding subdivisions should the property be annexed into the City of Fayetteville.

#### **SURROUNDING LAND USE AND ZONING**

| <b>Direction</b> | <b>Land Use</b>                          | <b>Zoning</b>                   |
|------------------|------------------------------------------|---------------------------------|
| North            | Single family homes on large lots        | Planning Area                   |
| South            | Single family homes on large lots        | Planning Area                   |
| East             | Vacant/Pasture                           | Planning Area                   |
| West             | Vacant (Copper Creek under construction) | RSF-4, Residential Agricultural |

#### **INFRASTRUCTURE:**

**Streets:** The site has frontage on George Anderson, Zion, and Butterfield Coach Roads. At the time of development, these streets will need to be brought up to current standards along the property frontage. These improvements include right-of-way dedication, pavement, curb and gutter, sidewalks and storm drainage.

Surrounding Master Street Plan Streets:

North: Howard Nickle Road (Collector) – Currently a Private Drive

South: Zion Rd (Collector)

East: Butterfield Coach Road (Minor Arterial)

West: George Anderson Rd. (Collector)

**Water:** The site currently does have access to public water. The nearest water main is a 3" waterline along Zion Road and a 2" waterline along Butterfield Coach Road. Substantial improvements will be required to serve any development within this property. This includes main extensions to create a looped system. Water service will also need to be extended within the property at the time of development.

**Sewer:** The site does not have access to sanitary sewer. There is an 8" sewer main across George Anderson Road to the west. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development. The sanitary sewer service will need to be extended within the property at the time of development.

**Fire:** The subject property is located approximately 4.1 miles from the Fire Station #4. Response time to the property is approximately 11-12 minutes and a projected 9-11 minutes response time at maximum build-out.

**Police:** It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density nor will it create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area.



**LAND USE PLAN:** General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

**FINDINGS:**

**11.6 ANNEXATION GUIDING POLICIES  
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

**Finding:** The requested annexation will create an extension of a peninsula east of the approved Clabber Creek Subdivision. Annexation of the property will not create an island of unincorporated property.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

**Finding:** The proposed annexation area is adjacent to the City Limits to the west.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

**Finding:** This area is primarily used for pasture at this time. Structures on the subject property consist of at least one single family dwelling and accessory structures for agricultural purposes. The property does not consist of defined subdivisions or neighborhoods; however, future development plans may include the extension of the surrounding subdivisions currently under construction. Annexation of the property to allow for Planning Commission review of development in accordance with City standards is recommended.

11.6.d Boundaries for annexed areas should follow natural corridors.

**Finding:** Proposed boundaries follow property lines of three existing parcels.

11.6.e Timing of services within annexation areas should be considered.

**Finding:** Current conditions result in a response time of 11-12 minutes for fire protection from Fire Station #4. Extension of water and sewer lines shall occur at the time of development.

**ENVIRONMENTALLY SENSITIVE AREAS**

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

**Finding:** The property is mainly cleared pasture land with few trees, mostly located along the fence lines and surrounding an existing pond on the property. Development



regulations within the City will ensure appropriate development and preservation of the existing natural features on the property.

#### **EMERGENCY AND PUBLIC SERVICES**

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

**Finding:** The police department reports that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area. It will, however, have an increased response time due to the location of the property on the northern fringe of the City.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

**Finding:** Fire and police service shall be provided to this area with the same level of response and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

**Finding:** These factors were taken into consideration in the responses and recommendations included in this report.

#### **INFRASTRUCTURE AND UTILITIES**

11.6.j Areas currently served by utilities and other public services should be annexed.

**Finding:** Water, fire and police protection are currently provided in the surrounding areas.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

**Finding:** Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

**Finding:** The proposed annexation is not part of a phased annexation initiated by the City.

### **INTERGOVERNMENTAL RELATIONS**

11.6.m Promote long-range planning with adjacent jurisdictions.

**Finding:** N/A

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

**Finding:** N/A

### **ADMINISTRATION OF ANNEXATIONS**

11.6.o Designate zoning districts for the property during the annexation process.

**Finding:** Annexations are automatically zoned R-A, Residential Agricultural. The property owners request for annexation and request to rezone this property RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the adjacent area on the City's adopted Future Land Use Plan. Staff finds that this zoning designation is compatible with that of the property being developed to the west, and property recently annexed and rezoned in this area.

11.6.p An annexation study should be completed on all annexation proposals.

**Finding:** Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

11.6.q Development proposals require a separate review from the annexation proposals.

**Finding:** Development of this property has not been proposed. At the time the applicant desires to development the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

**Finding:** Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

**Finding:** This annexation includes three tracts of land totaling 60.37 acres owned by the G & L Properites (Harper) and Teater. The combined requests create a reasonable boundary due to the size and configuration of the property, although it is creating the extension of an existing peninsula.

11.6.t Conduct a fiscal impact assessments on large annexations.

**Finding:** No fiscal impact assessment was conducted for this annexation of 60 acres.

***From Fayetteville General Plan 2020 – 2002 Revision***

**11.6 Annexation Guiding Policies**

**Boundaries**

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

**Environmentally Sensitive Areas**

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

**Emergency and Public Services**

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

**Infrastructure and Utilities**

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

**Intergovernmental Relations**

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

**Administration of Annexations**

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.



Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

| Item          | Subdivision   | Annexation  | Acres | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|---------------|---------------|-------------|-------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| R-Pzd 04-1307 | Aspen Ridge   |             |       | S-1                  | .9 Miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 50                                                        | 20                                                                   | 30 *220 units                                                 |
| ★ ANX 04-1334 | Aspen Ridge   |             |       | S-1                  | .9 miles                   | 2 - 3 Minutes                  | 2-3 Minutes                                                   | 152                                                       | 60                                                                   | 93 *24 Units/acre                                             |
| RZN 04-1355   | Harper/Teater | ANX 04-1334 | 60    | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1329   | Harper/Teater |             |       | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 54                                                        | 21                                                                   | 33                                                            |
| RZN 04-1329   | Hogeye, Inc   |             | 3.35  | S-6                  | 2.0 miles                  | 3-4 minutes                    | 3 - 4 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1330   | Dunnewstock   |             |       | S-7                  | .9 miles                   | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 18                                                        | 7                                                                    | 11                                                            |
| RZN 04-1331   | Bale          |             | 0.8   | S-6                  | 1.4 miles                  | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1332   | JB Hayes      |             |       | S-5                  | 2.4 miles                  | 7 minutes                      | 7 - 8 Minutes                                                 | 16                                                        | 6                                                                    | 10                                                            |
| RZN 04-1333   | JB Hayes      |             | 3.04  | S-5                  | 1.7 miles                  | 4 - 5 minutes                  | 4 - 5 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |

**IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS**

**IN THE MATTER OF:  
ANNEXING TO THE CITY OF FAYETTEVILLE,  
ARKANSAS, CERTAIN LANDS CONTIGUOUS  
TO SAID CITY OF FAYETTEVILLE, WASHINGTON COUNTY,  
ARKANSAS**

Case No. CC 2004-30

**G & L PROPERTIES, LLC, an Arkansas  
Limited Liability Company, and VERL D. TEATER, a single person**

FILED  
AUG 3 PM 1:55  
KAREN COMES PRITCHARD  
CLERK & PROBATE CLERK  
WASHINGTON COUNTY

**PETITION FOR ANNEXATION**

Come now, **G & L PROPERTIES, LLC, an Arkansas Limited Liability Company, and  
VERL D. TEATER, a single person, Petitioners, and for their Petition for Annexation** state as follows:

1. Petitioner, **G & L PROPERTIES, LLC, an Arkansas Limited Liability Company,** is the sole record owner of 37.28 acres (Tract 1) and 3.00 acres (Tract 2) which are included in the below described 60.37 acres situated in Washington County, Arkansas. **VERL D. TEATER, a single person,** is the sole record owner of 20.09 acres (Tract 3) which are included in the below described 60.37 acres situated in Washington County, Arkansas, to-wit:

The South One Half (S ½) of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty (20) and the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty (20), all in Township Seventeen North (17) Range Twenty-nine (29) West of the Fifth Principal Meridian in Washington County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a found monument marking the Northeast corner of said Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼); thence along the East line of said forty acre tract, South 2°26'03" West - 1320.00 feet to the Southeast corner of said forty acre tract; thence along the South line of said forty acre tract, North 87°31'54" West - 1328.81 feet to a found ½" rebar marking the Southwest corner of said forty acre tract; thence along the South line of said South ½ of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), North 87°00'35" West - 1326.52 feet to a found ¾" iron rod marking the Southwest corner of said twenty acre tract; thence along the West line of said Section 20, North 2°14'07" East - 659.05 feet to the

Page 1 of 6 Pages



Northwest corner of said twenty acre tract; thence along the North line of said twenty acre tract, South 87°02'33" East - 1328.25 feet to the Northeast corner of said twenty acre tract on the West line of said Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4); thence along the West line of said Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), North 2°23'12" East - 659.78 feet to a found iron pin marking the Northwest corner of said forty acre tract; thence along the North line of the Northwest Quarter of said Section 20 South 87°33'02" East - 1329.90 feet to the POINT OF BEGINNING, containing 60.37 acres, more or less, and subject to any easements and/or rights-of-way, of record, or restrictions, if any.

2. Petitioner, **G & L PROPERTIES, LLC**, an Arkansas Limited Liability Company, purchased 37.28 acres from **GEORGE E. ANDERSON** and **SARALEE F. ANDERSON**, husband and wife on July 13, 2004. A copy of the Warranty Deed is attached hereto as Exhibit "A".

3. Petitioner, **G & L PROPERTIES, LLC**, an Arkansas Limited Liability Company, purchased 3.00 acres from **DAWN L. ASHBY**, Trustee of the **DAWN L. ASHBY REVOCABLE TRUST**, u/t/d September 17, 2001, on July 2, 2004. A copy of the Warranty Deed (Trustee) is attached hereto as Exhibit "B".

4. Said property is depicted on the Plat of Survey dated July 21, 2004, prepared by Engineering Services, Inc., a copy of which is attached hereto as Exhibit "C" and made a part hereof by reference.

5. The legal descriptions for the separate Tracts 1, 2 and 3 are attached hereto as Exhibit "D".

6. All of the property described herein is adjacent and contiguous to the present city boundary line for the City of Fayetteville, Washington County, Arkansas.

7. A true and correct copy of the Vicinity Map of the property described herein is attached hereto as a part of Exhibit "E" and made a part hereof by reference.

8. All of the above-described property is suitable for annexation to the City of Fayetteville, Arkansas, and is necessary for the proper growth, prosperity and management of the above-described property and the City of Fayetteville, Arkansas.

9. Pursuant to Arkansas Code Annotated §14-40-601 et seq, this Court has jurisdiction over the subject matter herein, and Petitioners request that the property described herein be annexed to the City of Fayetteville, Arkansas.

10. Petitioners further state that the law firm of Harrington, Miller, Neihouse & Kieklak, P.A., Springdale, Arkansas, is authorized to act for and on behalf of the Petitioners in all matters connected with this Petition and subsequent hearings or annexation proceedings connected therewith.

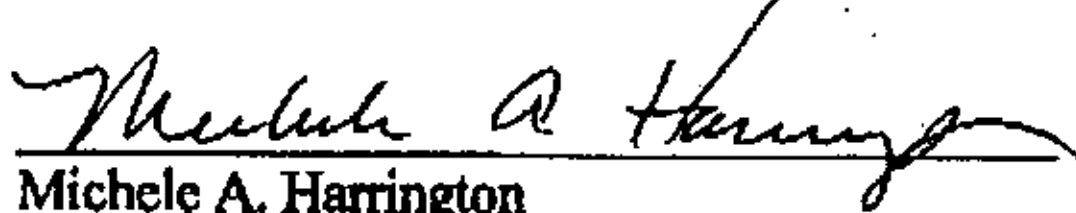
11. Petitioners request that this Court set a date for hearing this Petition, not less than thirty (30) days after the date of the filing of this Petition, pursuant to Arkansas law.

WHEREFORE, Petitioners pray that the property described herein be annexed to the City of Fayetteville, Washington County, Arkansas, pursuant to the provisions of Arkansas law, after a hearing thereon as required by law; and that this Court, by its Order, fix a time and place for said hearing not less than thirty (30) days from the filing of this Petition; and for all other proper relief to which Petitioners may be entitled.

G & L PROPERTIES, LLC, an Arkansas limited liability company, and VERL D. TEATER, a single person,  
Petitioners

HARRINGTON, MILLER, NEIHOUSE & KIEKLAK  
A Professional Association  
113 East Emma Avenue  
Post Office Box 687  
Springdale, Arkansas 72765  
(479) 751-6464  
Attorneys for Petitioners

By:

  
Michele A. Harrington  
Arkansas Bar No. 85217

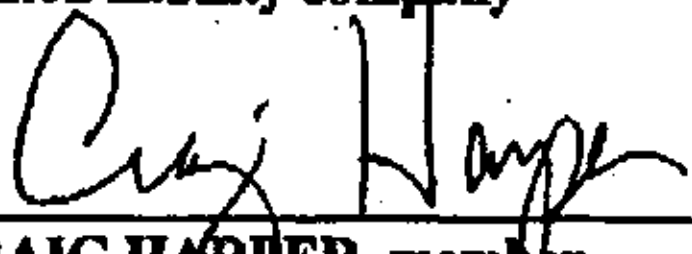
**VERIFICATION**

STATE OF ARKANSAS                    )  
                                              ) ss.  
COUNTY OF WASHINGTON            )

I, **CRAIG HARPER**, partner in **G & L PROPERTIES, LLC**, an Arkansas Limited Liability Company, Petitioner herein, hereby state under oath that I have read the above and foregoing Petition for Annexation, and that the facts and allegations contained therein are true and correct to the best of our knowledge and belief.

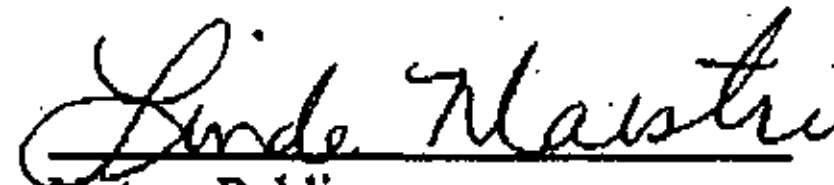
**G & L PROPERTIES, LLC**, an Arkansas  
limited liability company

By:

  
**CRAIG HARPER**, member

SUBSCRIBED AND SWORN to before me, a Notary Public, this 30<sup>th</sup> day of July 2004.

My Commission Expires:

  
Notary Public

**LINDA D. MAESTRI**  
NOTARY PUBLIC  
WASHINGTON COUNTY ARKANSAS  
MY COMMISSION EXPIRES 06-16-2012



## VERIFICATION

STATE OF ARKANSAS )  
 ) ss.  
COUNTY OF WASHINGTON )

I, **VERL D. TEATER**, a single person, Petitioner herein, hereby state under oath that I have read the above and foregoing Petition for Annexation, and that the facts and allegations contained therein are true and correct to the best of our knowledge and belief.

Verl D. Teater  
**VERL D. TEATER**

SUBSCRIBED AND SWORN to before me, a Notary Public, this 30<sup>th</sup> day of July, 2004.

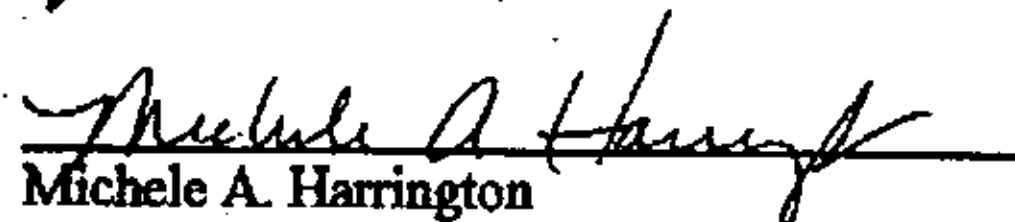
**My Commission Expires:**

Notary Public

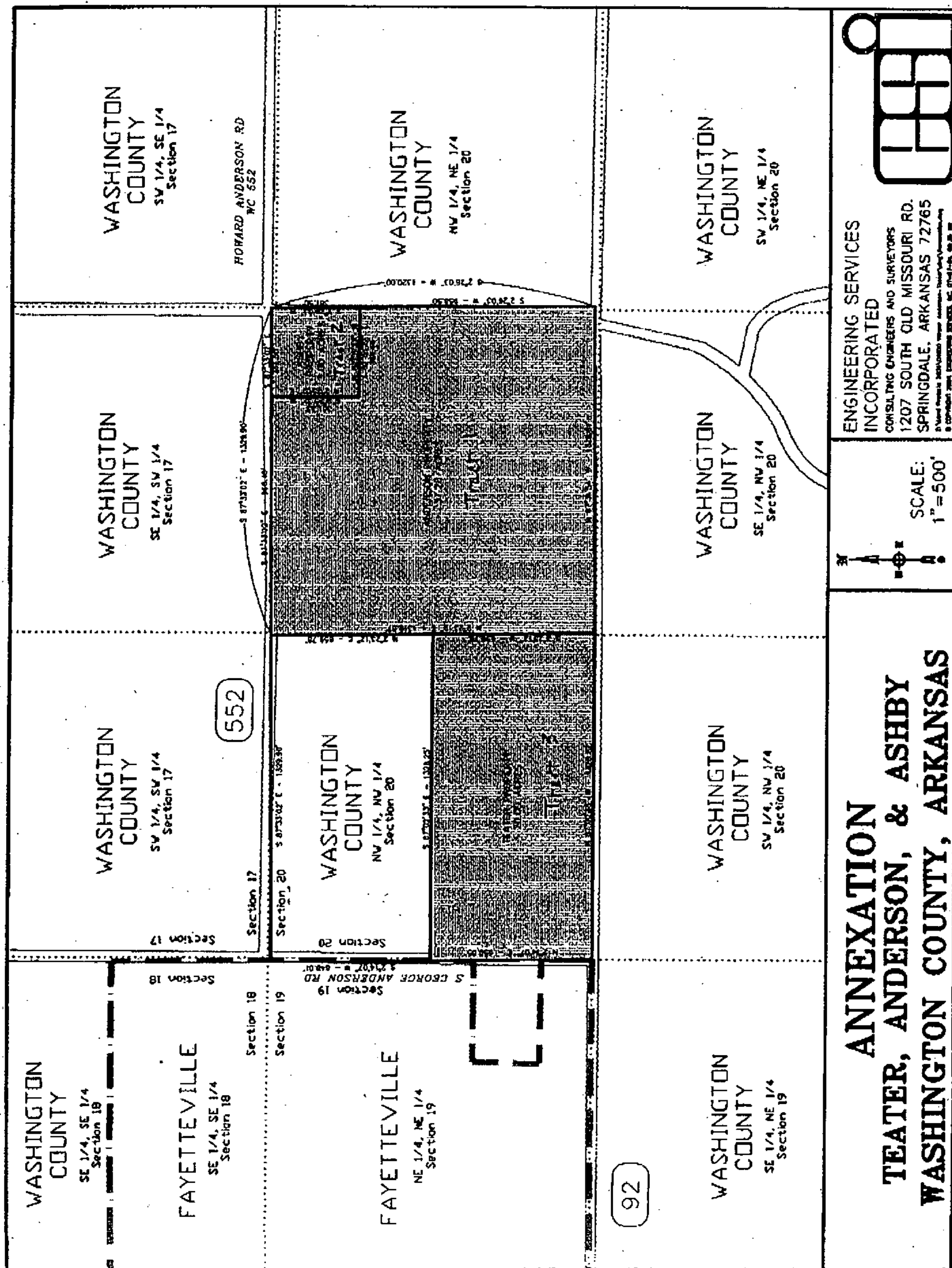
**LINDA D. MAESTRI**  
**NOTARY PUBLIC**  
**WASHINGTON COUNTY ARKANSAS**  
**MY COMMISSION EXPIRES 06-16-2012**

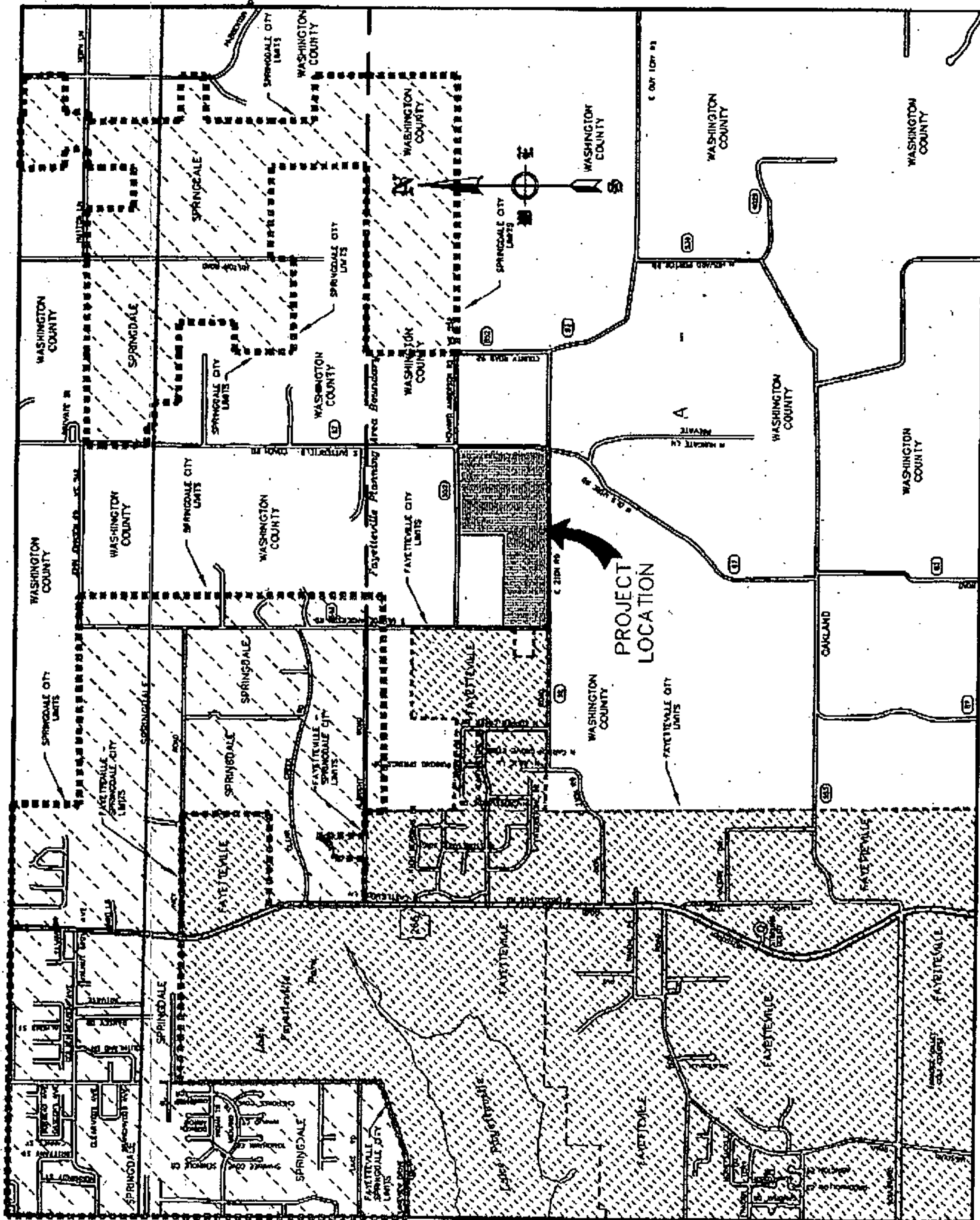
**CERTIFICATE OF SERVICE**

I, Michele A. Harrington, attorney for petitioners herein, hereby certify that I have served a true copy of the within and foregoing on the City Clerk for the City of Fayetteville, Arkansas, by placing a copy thereof in the U. S. Mail, postage prepaid, addressed to her mailing address in Fayetteville, Arkansas, this the 20th day of July, 2004.

  
Michele A. Harrington







VICINITY MAP

EXHIBIT "E"

FILED  
IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

04 SEP 9 PM 4 09

IN THE MATTER OF:  
ANNEXATION OF CERTAIN LANDS TO THE  
CITY OF FAYETTEVILLE, ARKANSAS

KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

Case No. CC 2004-30

DECREE OF ANNEXATION

Now on this 9<sup>th</sup> day of September, 2004, this cause comes on to be heard, the Petitioners, G & L Properties, LLC, and Arkansas Limited Liability Company, and Verl D. Teater, a single person, Petitioners, through their attorney, Michele A. Harrington of Harrington, Miller, Neihouse & Kieklak, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and any oral and documentary evidence adduced, the Court being well and sufficiently advised of the facts and the law, doth hereby find, judge and decree as follows:

1. The Petition in this cause was filed on August 2, 2004, at which time this Court fixed Thursday, September 9, 2004, at 10:30 a.m., as the date and time of hearing for said cause, and that a full thirty (30) days has passed since the filing of the Petition, and this Court has jurisdiction of the persons and subject matter of this cause of action, and venue is proper herein.

2. The Petition filed herein named Harrington, Miller, Neihouse & Kieklak, P.A. to act on behalf of Petitioners in filing and presenting the Petition to the Court and handling all matters connected with the Petition, as well the required notices, and this and any other hearings or annexation proceedings connected therewith.

3. Harrington, Miller, Neihouse & Kieklak, P.A. has given Notice of hearing on the Petition as required by law, and the proof of publication of said notice is now on file with the Clerk of this Court.

4. The Court is satisfied that the allegations of the Petition filed herein are sustained by the proof, and that a majority of the total number of real estate owners in the area affected by



this Petition have signed said Petition, and that such majority owns more than one-half (1/2) of the acreage affected.

5. The land and territory sought to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

The South One Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty (20) and the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty (20), all in Township Seventeen North (17) Range Twenty-nine (29) West of the Fifth Principal Meridian in Washington County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a found monument marking the Northeast corner of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence along the East line of said forty acre tract, South 2°26'03" West - 1320.00 feet to the Southeast corner of said forty acre tract; thence along the South line of said forty acre tract, North 87°31'54" West - 1328.81 feet to a found 1/2" rebar marking the Southwest corner of said forty acre tract; thence along the South line of said South 1/2 of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), North 87°00'35" West - 1326.52 feet to a found 3/4" iron rod marking the Southwest corner of said twenty acre tract; thence along the West line of said Section 20, North 2°14'07" East - 659.05 feet to the Northwest corner of said twenty acre tract; thence along the North line of said twenty acre tract, South 87°02'33" East - 1328.25 feet to the Northeast corner of said twenty acre tract on the West line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4); thence along the West line of said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), North 2°23'12" East - 659.78 feet to a found iron pin marking the Northwest corner of said forty acre tract; thence along the North line of the Northwest Quarter of said Section 20 South 87°33'02" East - 1329.90 feet to the POINT OF BEGINNING, containing 60.37 acres, more or less, and subject to any easements and/or rights-of-way, of record, or restrictions, if any.

and, the same is accurately described in the Petition filed herein.

6. Attached to and made a part of said Petition is an accurate Vicinity Map of the above-described property that is sought to be annexed to the City of Fayetteville, Arkansas.

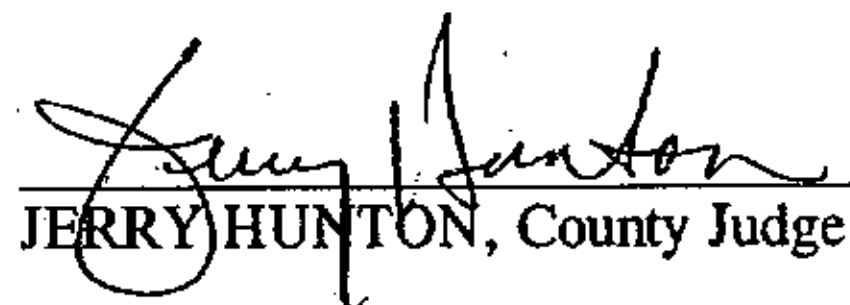
7. The above-described property owned by the Petitioners, G & L Properties, LLC, an Arkansas Limited Liability Company, and Verl D. Teater, a single person, is adjacent and contiguous to the present city boundary line for the City of Fayetteville, Washington County, Arkansas.

8. The above-described property is contiguous and adjacent to and adjoins the present boundaries of the City of Fayetteville, and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

9. The prayer of the Petition filed herein is right and proper and should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the original papers in this cause be delivered to the Clerk of Washington County, Arkansas, with the same to be properly recorded upon the records of Washington County, Arkansas, and the Clerk, after properly recording and filing the original papers, is directed to prepare certified transcripts of the same; that one of the certified transcripts shall be delivered to the City of Fayetteville, Arkansas, one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.

  
JERRY HUNTON, County Judge

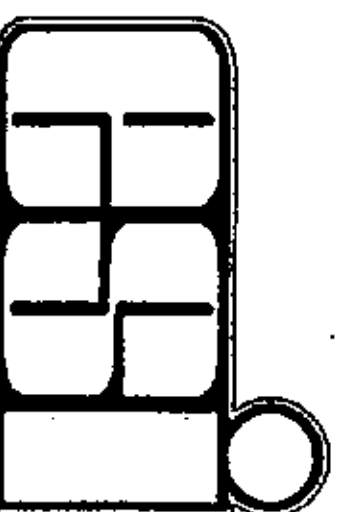


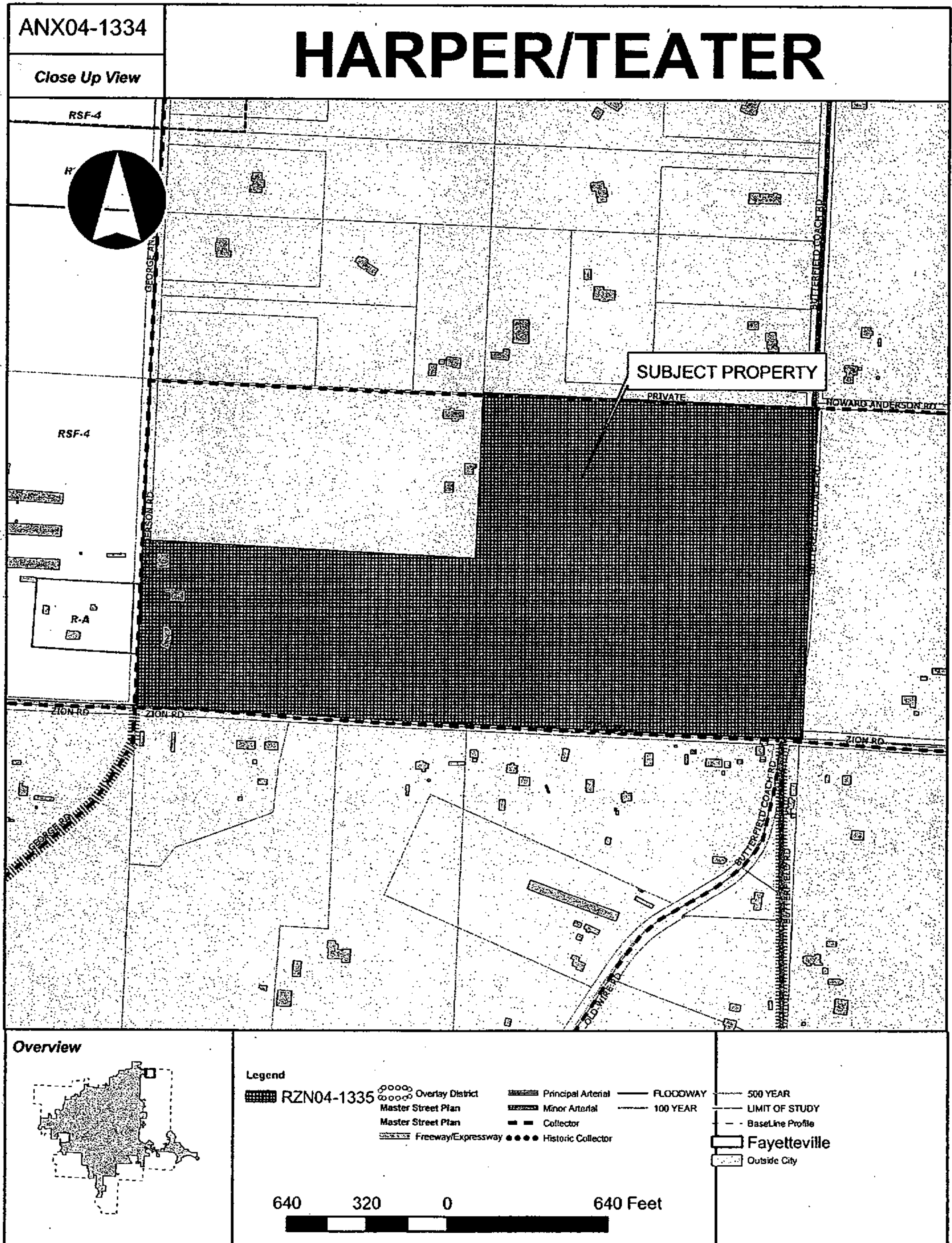


SCALE:  
1"=500'

## CONSULTING ENGINEERS AND SURVEYORS

© Copyright 1994, Laminations Research, Inc. 04-30-04, 04:34 PM



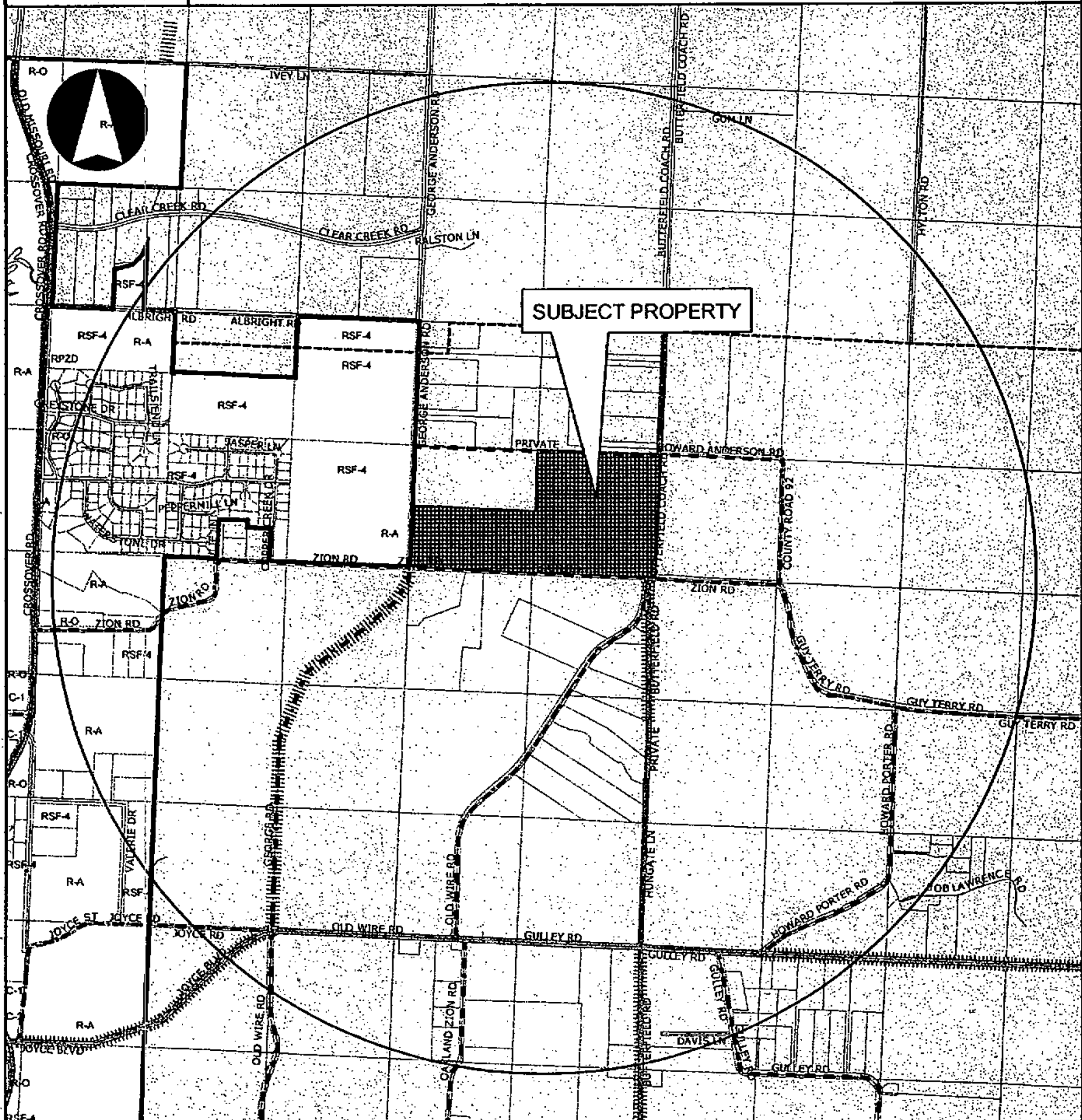




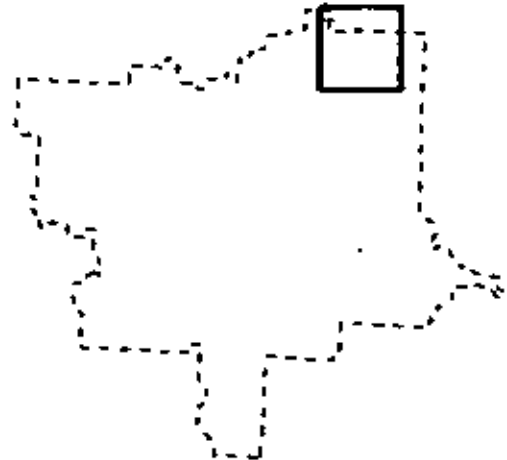
ANX04-1334

# HARPER/TEATER

One Mile View



Overview



Legend

Subject Property

RZN04-1335

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

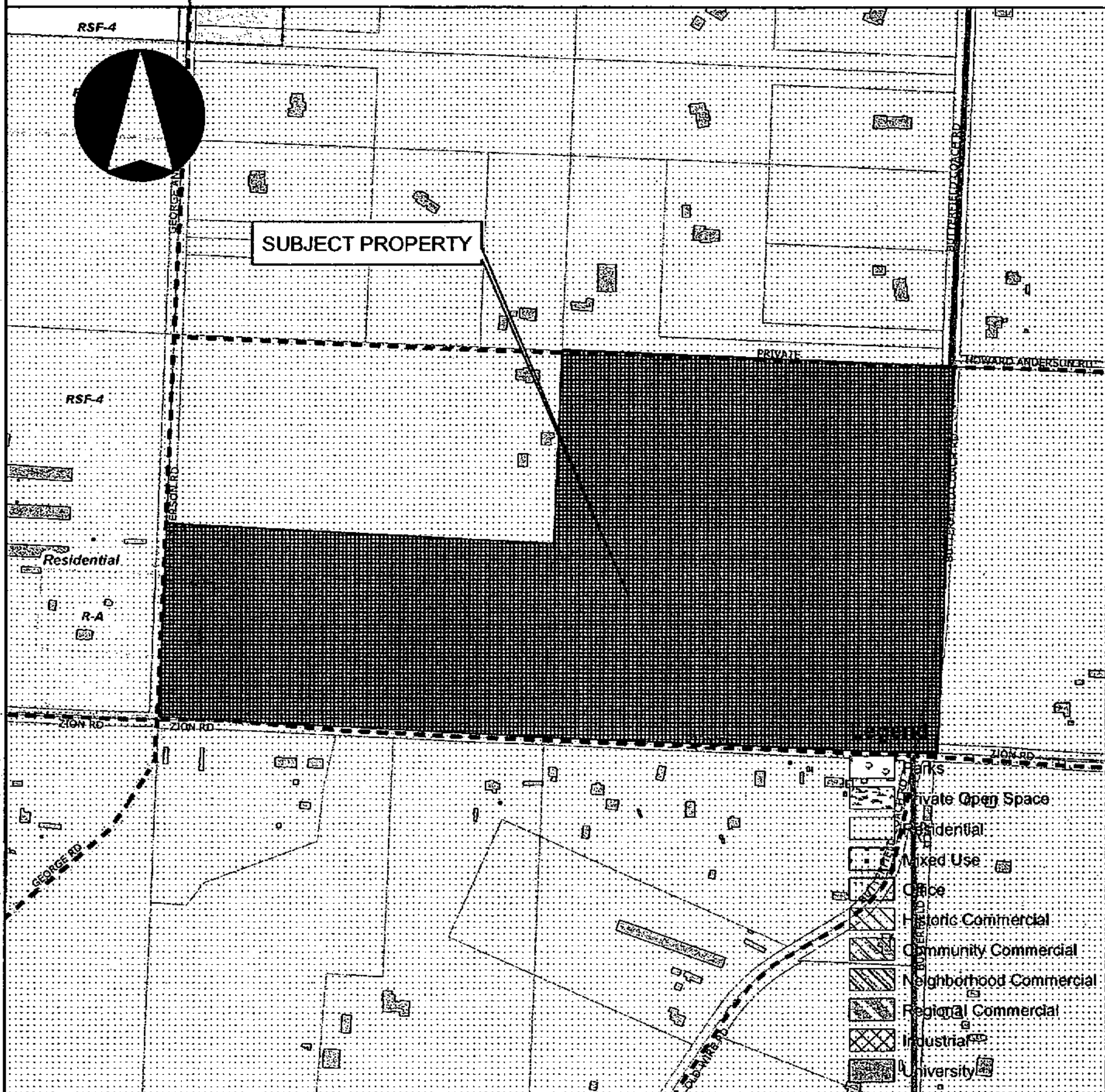
0.05 0.1 0.2 0.3 0.4

Miles

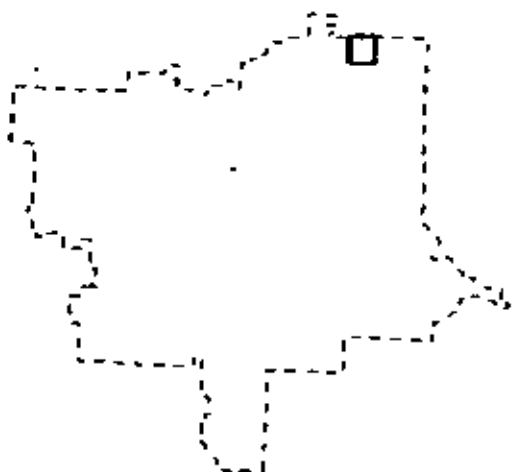
ANX04-1334

### ***Future Land Use***

# HARPER/TEATER



## Overview



### Legend

**Subject Property**  
 RZN04-1335

## Streets

Existing  
Planned

### Boundary

 Planning Area  
 Overlay District  
 Outside City

## Master Street Plan

 Freeway/Expressway  
 Principal Arterial  
 Minor Arterial  
 Collector  
 Historic Collector

A horizontal graphic scale bar with tick marks at 0, 150, 300, 600, 900, and 1,200 feet. The bar is divided into segments corresponding to these distances.

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

C. 4  
ANX 04-1334 (Harper/Teater)  
Page 26 of 26

4-Jan-05

City Council Meeting Date

Jeremy Pate *JP*

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving ANX 04-1334 (Harper/Teater) annexing property located at 5513 George Anderson Road containing approximately 60.37 acres into the City of Fayetteville.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

*Hayden*  
Department Director

*12-20-04*  
Date

*K. Teater*  
City Attorney

*12-17-04*  
Date

Received in City Clerk's Office

*Alan Coody*  
Mayor

*12/20/04*  
Date

Received in Mayor's Office

*12/20/04*  
*PH*

Comments:





## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator

**Date:** December 16, 2004

**Subject:** Rezoning for Harper/Teater (RZN 04-1335)

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 60.37 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **BACKGROUND**

The subject property contains approximately 60.37 acres of agricultural and residential property located north of Zion Road, east of George Anderson Road. Phases of the Copper Creek Subdivision (under construction) and several other subdivisions recently approved for construction are located west of this subject property.

Rezoning this property to allow development of four single family dwellings per acre will significantly increase the population density in this currently rural area. Significant improvements to water and sewer service, as well as infrastructure to and around this site will be required at the time of development. City fire and police currently service the adjoining neighborhoods. It is the opinion of the Fayetteville Police Department that while this rezoning will substantially alter the population density, it will not create an undesirable increase on police services.

The applicant proposed a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RA zoning district.

The request is to rezone the subject property from RA, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

### **DISCUSSION**

This item was heard at the regular Planning Commission on December 13, 2004. The Planning Commission voted 7-0-1 in favor of the rezoning with Commissioner Ostner voting no.

### **BUDGET IMPACT**

None.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 04-1335 FOR PROPERTY  
LOCATED NORTH OF ZION ROAD, EAST OF GEORGE  
ANDERSON ROAD CONTAINING APPROXIMATELY 60.37  
ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4,  
RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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 R-A, Residential Agricultural to RSF-4, Residential Single Family, four  
units per acre as shown 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 \_\_\_\_\_, 2004.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

**EXHIBIT "A"**  
**RZN 04-1335**

The South One Half (S  $\frac{1}{2}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Twenty (20) and the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section Twenty (20), all in Township Seventeen North (17) Range Twenty-nine (29) West of the Fifth Principal Meridian in Washington County, Arkansas, being more particularly described as follows, to-wit:

Beginning at a found monument marking the Northeast corner of said Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ); thence along the East line of said forty acre tract, South  $2^{\circ}26'03''$  West - 1320.00 feet to the Southeast corner of said forty acre tract; thence along the South line of said forty acre tract, North  $87^{\circ}31'54''$  West - 1328.81 feet to a found  $\frac{1}{2}''$  rebar marking the Southwest corner of said forty acre tract; thence along the South line of said South  $\frac{1}{2}$  of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ), North  $87^{\circ}00'35''$  West - 1326.52 feet to a found  $\frac{3}{4}''$  iron rod marking the Southwest corner of said twenty acre tract; thence along the West line of said Section 20, North  $2^{\circ}14'07''$  East - 659.05 feet to the Northwest corner of said twenty acre tract; thence along the North line of said twenty acre tract, South  $87^{\circ}02'33''$  East - 1328.25 feet to the Northeast corner of said twenty acre tract on the West line of said Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ); thence along the West line of said Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ), North  $2^{\circ}23'12''$  East - 659.78 feet to a found iron pin marking the Northwest corner of said forty acre tract; thence along the North line of the Northwest Quarter of said Section 20 South  $87^{\circ}33'02''$  East - 1329.90 feet to the POINT OF BEGINNING, containing 60.37 acres, more or less, and subject to any easements and/or rights-of-way, of record, or restrictions, if any.





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Dawn Warrick, AICP, Zoning & Development Administrator  
DATE: December 7, 2004

**RZN 04-1335: (HARPER/TEATER, 101):** Submitted by MICHELE, A HARRINGTON for property located at 5513 GEORGE ANDERSON. The property is in the Planning Area and contains approximately 60.37 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: CRAIG & KARYN HARPER

Property Owner: VERL TEATER

Planner: SUZANNE MORGAN

**RECOMMENDATION:**

Staff recommends approval of the requested rezoning based on the findings herein.

|                                                                       |                                                                        |
|-----------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                    | Required <u>YES</u>                                                    |
|                                                                       | <input checked="" type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>December 13, 2004</u>                                        | <i>Shackelford/Trumbo 2 7-0-1</i><br><i>No Other</i>                   |
| <b>CITY COUNCIL ACTION:</b>                                           | Required <u>YES</u>                                                    |
|                                                                       | <input checked="" type="radio"/> Approved <input type="radio"/> Denied |
| Date: <u>January 04, 2004 (1<sup>st</sup> reading if recommended)</u> |                                                                        |

**BACKGROUND:**

**Property description:** The subject property contains three tracts of property totaling 60.37 acres. The property is located north of Zion Road and east of George Anderson Road. Copper Creek Subdivision and a small tract of approximately 2 acres recently annexed and rezoned abut the property to the west. At this time, the subject property is used for agricultural purposes and pasture with at least one single family home located on the property.

**Proposal:** The applicant intends to develop a single family residential subdivision.

**Request:** The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding annexation request be approved.



**Related Issues:** When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 60.37 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 04-1334, is an accompanying item to this rezoning request.

**Recommendation:** Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

#### **SURROUNDING LAND USE AND ZONING:**

| Direction | Land Use                                 | Zoning                          |
|-----------|------------------------------------------|---------------------------------|
| North     | Single family homes on large lots        | Planning Area                   |
| South     | Single family homes on large lots        | Planning Area                   |
| East      | Vacant/Pasture                           | Planning Area                   |
| West      | Vacant (Copper Creek under construction) | RSF-4, Residential Agricultural |

#### **INFRASTRUCTURE:**

**Streets:** The site has frontage on George Anderson, Zion, and Butterfield Coach Roads. At the time of development, these streets will need to be brought up to current standards along the property frontage. These improvements include right-of-way dedication, pavement, curb and gutter, sidewalks and storm drainage.

Surrounding Master Street Plan Streets:

North: Howard Nickle Road (Collector) – Currently a Private Drive

South: Zion Rd (Collector)

East: Butterfield Coach Road (Minor Arterial)

West: George Anderson Rd. (Collector)

**Water:** The site currently does have access to public water. The nearest water main is a 3" waterline along Zion Road and a 2" waterline along Butterfield Coach Road. Substantial improvements will be required to serve any development within this property. This includes main extensions to create a looped system. Water service will also need to be extended within the property at the time of development.

**Sewer:** The site does not have access to sanitary sewer. There is an 8" sewer main across George Anderson Road to the west. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development. The sanitary sewer service will need to be extended within the property at the time of development.

**Fire:** The subject property is located approximately 4.1 miles from the Fire Station #4. Response time to the property is approximately 11-12 minutes and a projected 9-11 minutes response time at maximum build-out.



**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density however it will not create an undesirable increase on police services. This annexation will increase our response time to calls for service because this property is on the very outer fringes of our current service area. Copper Creek and Stonewood subdivisions are of similar size and in the immediate area of this proposed annexation. We currently provide services to those subdivisions without undue burden on resources. We do recommend that the road system be improved on Zion Road to accommodate the increased traffic and emergency response.

**LAND USE PLAN:** General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 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 RSF-4 zoning for a Single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning. Access and provision of adequate services is currently being extended with the development of adjacent properties.

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 in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is also needed for the development of a single family subdivision as proposed by the applicant. A subdivision with density compatible to those surrounding subdivisions within the City could not be developed as it is currently zoned. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4 and currently being developed within residential subdivisions.

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

**Finding:** The proposed zoning will provide additional traffic on all adjacent streets. All of the streets surrounding the subject property are identified on the Master Street Plan as either collector or minor arterial and will be able to carry high volumes of traffic when improved at the time of development.

result in an appreciable increase in the level of traffic danger and congestion in the area, although improvement to Zion Road at the time of development is requested to improve response time.

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 would increase population density. The 60.37-acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 30 dwelling unit (1 per 2 acres). With the proposed RSF-4 designation, 240 dwelling units would be permitted, with a projected total of 528 future residents in this area. Rezoning the property significantly increases the possible number of residential units and population, but is consistent with land use and zoning in the immediate vicinity.

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

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

### 161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 1  | City-wide uses by right                  |
| Unit 3  | Public protection and utility facilities |
| Unit 6  | Agriculture                              |
| Unit 7  | Animal husbandry                         |
| Unit 8  | Single-family dwellings                  |
| Unit 9  | Two-family dwellings                     |
| Unit 37 | Manufactured homes                       |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

(D) *Bulk and area regulations.*

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

(E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

- (F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

K:\Reports\2004\PC Reports\12-13-04\RZN 04-1335 (Harper-Teater).doc

### 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

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

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

(D) *Bulk and area regulations.*

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

(F) *Height.* None.

- (G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.



Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

| Item          | Subdivision   | Annexation  | Acres | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|---------------|---------------|-------------|-------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| R-Pzd 04-1307 | Aspen Ridge   |             |       | S-1                  | .9 Miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 50                                                        | 20                                                                   | 30 *220 units                                                 |
| ANX 04-1334   | Aspen Ridge   |             |       | S-1                  | .9 miles                   | 2 - 3 Minutes                  | 2-3 Minutes                                                   | 152                                                       | 60                                                                   | 93 *24 Units/acre                                             |
| *RZN 04-1355  | Harper/Teater | ANX 04-1334 | 60    | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1329   | Harper/Teater |             |       | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 54                                                        | 21                                                                   | 33                                                            |
| RZN 04-1330   | Hogeye, Inc   |             | 3.35  | S-6                  | 2.0 miles                  | 3-4 minutes                    | 3 - 4 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1331   | Dunnerstock   |             |       | S-7                  | .9 miles                   | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 18                                                        | 7                                                                    | 11                                                            |
| RZN 04-1332   | Bale          |             | 0.8   | S-6                  | 1.4 miles                  | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1333   | JB Hayes      |             |       | S-5                  | 2.4 miles                  | 7 minutes                      | 7 - 8 Minutes                                                 | 16                                                        | 6                                                                    | 10                                                            |
|               | JB Hayes      |             | 3.04  | S-5                  | 1.7 miles                  | 4 - 5 minutes                  | 4 - 5 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |

**ANSWERS TO ITEM #6  
APPLICATION FOR REZONING**

6. The Planning Commission is required to make specific findings with regard to this application. The following are the written statements of the applicant:

- a. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**RSF-4 subdivision on this land is consistent with the development in the area and the land use plans and objectives of the City of Fayetteville.**

- b. Whether the proposed zoning is justified and/or at the time of the request.

**RSF-4 zoning is the same as the surrounding property and compatible with the area, therefore is justified at this time.**

- c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

**Although traffic will be increased slightly, George Anderson Road is or will be sufficient to handle any increase.**

- d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

**Density will be the same as the other RSF-4 developments in the area and is not expected to undesirably increase the load on public services.**

- e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

**The existing zoning of A-1 does not allow for the proposed highest and best use of this land, which is that of RSF-4 residential development.**



**ANSWERS TO ITEM #5  
APPLICATION FOR REZONING**

5. A written description of this request addressing the following items.

- a. Current ownership information and any proposed or pending property sales.

**Current owners are G & L Properties, LLC, Craig Harper, Member, and Verl D. Teater.**

- b. Reason (need) for requesting the zoning change:

**The proposed zoning is needed in order to develop this property into RSF-4 single family residential use.**

- c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage:

**This development will be similar to the other FSF-4 development to the West, Copper Creek, and will be compatible re land use, traffic, appearance, and signage.**

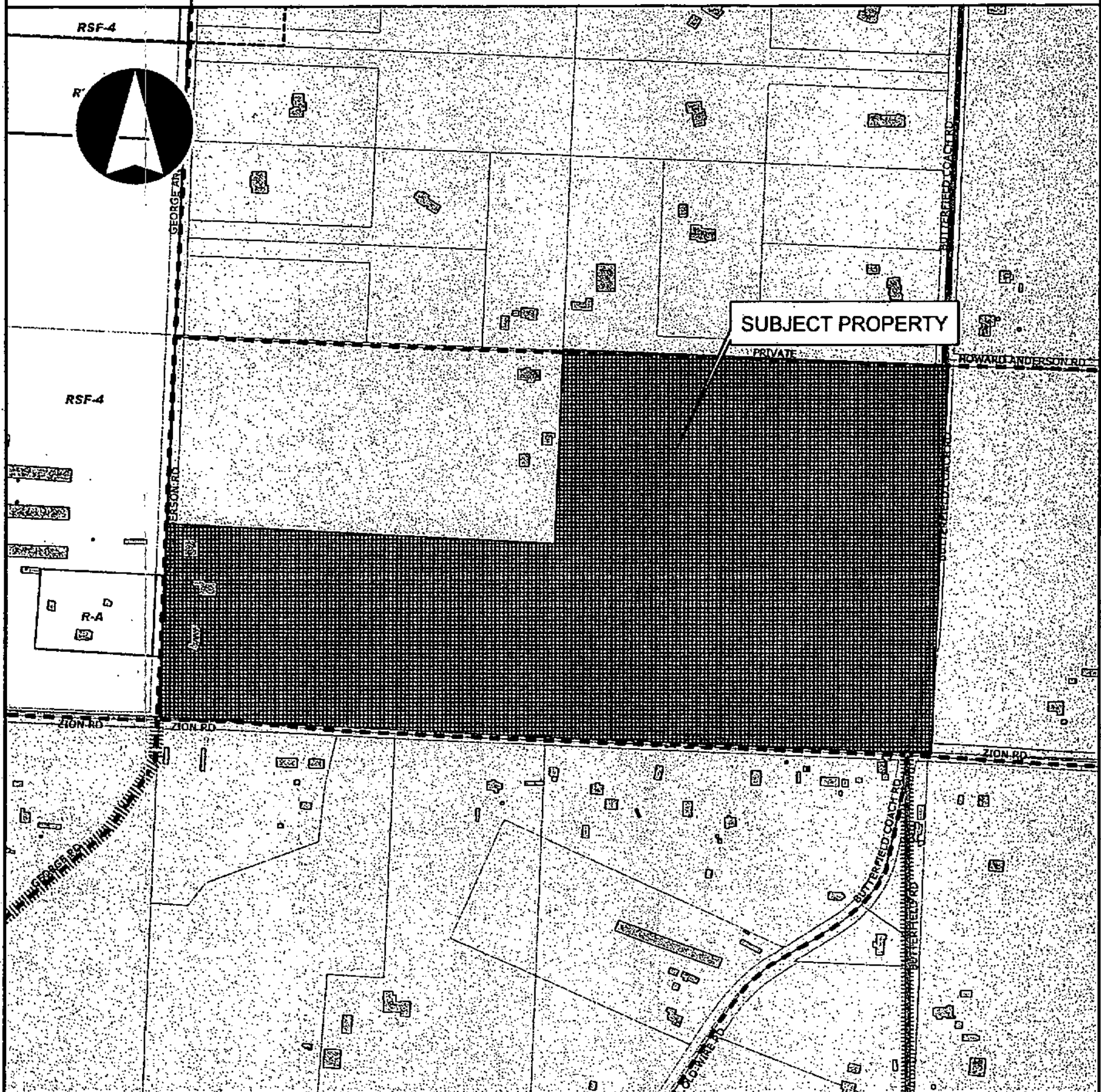
- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division:

**Currently utilities have not been installed to the subject property, but it is intended that this development will tie onto the 8" water and 8" sewer lines currently existing Copper Creek Subdivision, Phase II, to the West of the subject property.**

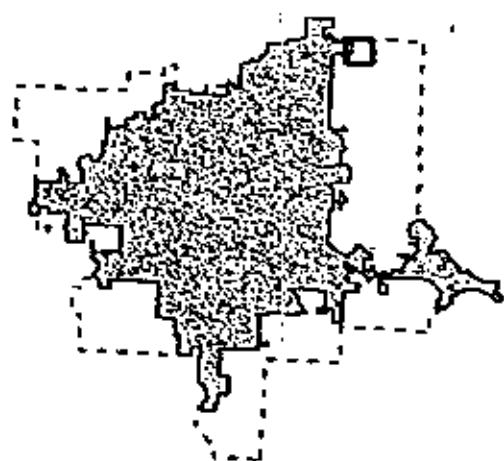
RZN04-1335

Close Up View

# HARPER/TEATER



Overview



Legend

RZN04-1335

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City

640 320 0 640 Feet

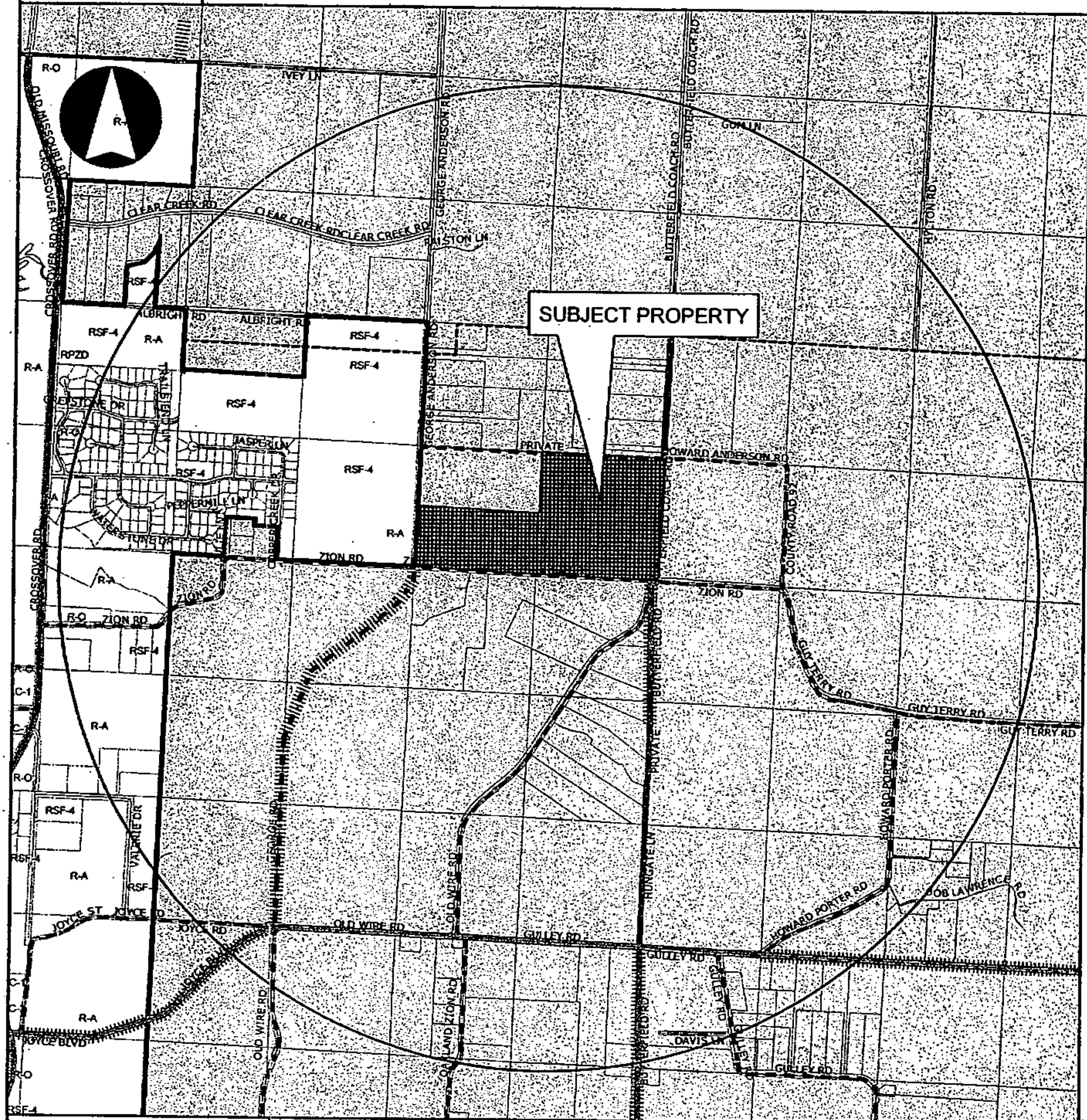




RZN04-1335

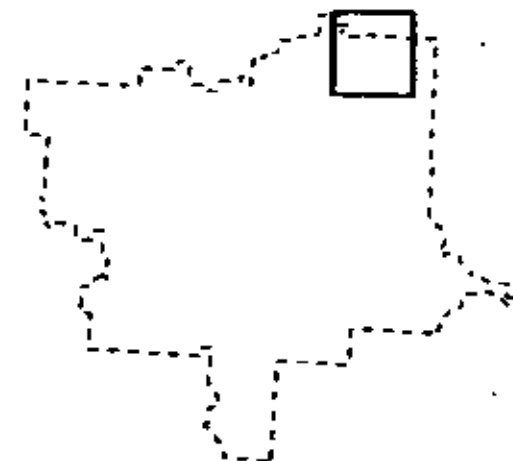
# HARPER/TEATER

One Mile View



SUBJECT PROPERTY

Overview



Legend

Subject Property

RZN04-1335

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0.05 0.1 0.2 0.3 0.4

Miles

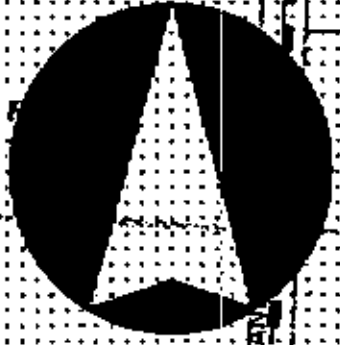


RZN04-1335

Future Land Use

# HARPER/TEATER

RSF-4



SUBJECT PROPERTY

RSF-4

Residential

R-A

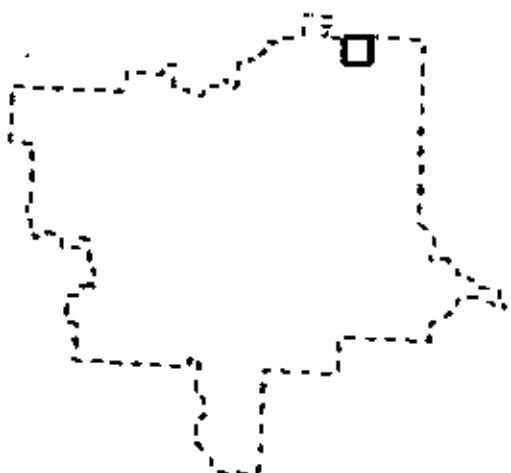
ZION RD

ZION RD

ZION RD

- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN04-1335

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 150 300 600 900 1,200 Feet

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

C. 5  
RZN 04-1335 (Harper/Teater)  
Page 15 of 16

4-Jan-05  
City Council Meeting Date

Jeremy Pate *JP* Submitted By Planning Division Operations Department

Action Required:

An ordinance approving RZN 04-1335 submitted by MICHELE HARRINGTON for property located at 5513 George Anderson Road, containing 60.37 acres, from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

|                      |                         |                                 |
|----------------------|-------------------------|---------------------------------|
| \$0.00               | n/a                     | n/a                             |
| Cost of this request | Category/Project Budget | Program Category / Project Name |
| n/a                  | n/a                     | n/a                             |
| Account Number       | Funds Used to Date      | Program / Project Category Name |
| n/a                  | n/a                     | n/a                             |
| Project Number       | Remaining Balance       | Fund Name                       |

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

*[Signature]*  
Department Director

12-20-04  
Date

*[Signature]*  
City Attorney

12-17-04  
Date

Received in City Clerk's Office

*[Signature]*  
Mayor

12/20/04  
Date

Received in Mayor's Office

12/20/04  
*p.t.*



Comments:





City Council Meeting of January 04, 2004  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator *JP*

**Date:** December 16, 2004

**Subject:** Rezoning for Hogeye, Inc. (RZN 04-1329)

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 3.35 acres of property from R-A, Residential Agricultural, to R-O, Residential Office.

### **BACKGROUND**

The approximately 3.35 acres of vacant property is located north of 6<sup>th</sup> Street, northeast of the Ozark Smokehouse. At this time, the property is vacant pasture and zoned R-A, Residential Agricultural. It is affected by the floodway and floodplain at the rear of the property. Property zoned R-A abuts this site to the north, east, and west. Property to the south is zoned R-O, Residential Office, and RMF-24, Residential Multi Family – 24 units per acre.

The property is currently vacant and surrounded by pastures and residential dwellings. Commercial structures within the surrounding areas pre-exist the establishment of zoning and are nonconforming structures. The General Land Use Plan designates properties north and south of 6<sup>th</sup> Street Mixed Use. A Residential Office zoning allows for development of residential dwellings, office buildings, and eating places (with the approval of a conditional use) compatible to the surrounding residential uses.

The applicant requested a rezoning for the future development of office uses. The applicant originally requested rezoning the property C-1, Neighborhood Commercial. At the Planning Commission meeting, the applicant's representative revised the request to rezone the property R-O, Residential Office.

### **DISCUSSION**

This item was heard at the regular Planning Commission on December 13, 2004. The Planning Commission voted 8-0-0 to forward this item with a recommendation to rezone the property R-O.

### **BUDGET IMPACT**

None.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 04-1329 FOR PROPERTY  
LOCATED ON THE NORTH SIDE OF 6<sup>TH</sup> STREET ACROSS  
FROM THE OZARK MOUNTAIN SMOKEHOUSE CONTAINING  
APPROXIMATELY 3.35 ACRES FROM R-A, RESIDENTIAL  
AGRICULTURAL TO R-O, RESIDENTIAL OFFICE.

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 R-A, Residential Agricultural to R-O, Residential Office as shown 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 \_\_\_\_\_, 2004.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk



**EXHIBIT "A"**  
**RZN 04-1329**

Part of the West half of the Northwest Quarter of the Southeast Quarter of Section 24, Township 16 North, Range 31 West of the 5th Principal Meridian, more particularly described as follows: Commencing at the Northwest corner of said 20 acre tract; thence East along the North line of said 20 acre tract 663.00 feet, thence South 00 degrees 06 minutes 10 seconds East along the East line of said 20 acre tract 223.87 feet to the point of beginning; thence South 83 degrees 05 minutes 24 seconds West 328.54 feet; thence South 00 degrees 06 minutes 10 seconds East 476.19 feet to the Northerly right of way of U. S. Highway 62; thence North 73 degrees 32 minutes 00 seconds East along said right of way 340 feet to the East line of said 20 acre tract; thence North 00 degrees 06 minutes 10 seconds West 419.34 feet to the point of beginning, containing 3.35 acres, more or less. The above described tract being subject to an easement for the purpose of Ingress and egress, said easement being more particularly described as follows; a part of the West Half of the Northwest Quarter of the Southeast Quarter of Section 24, Township 16 North, Range 31 West of the 5th Principal Meridian more particularly described as follows; Commencing at the Northwest corner of said 20 acre tract; thence East along the North line of said 20 acre tract 663 feet; thence South 00 degrees 06 minutes 10 seconds East along the East line of said 20 acre tract 223.87 feet; thence South 83 degrees 05 minutes 24 seconds West 278.19 feet to the point of beginning of said easement; thence South 83 degrees 05 minutes 24 seconds West 50.35 feet; thence South 00 degrees 06 minutes 10 seconds East 476.19 feet to the Northerly right of way of U. S. Highway 62; thence North 73 degrees 32 minutes 00 seconds East along said right of way 52.11 feet; thence leaving said right of way North 00 degrees 06 minutes 10 seconds West 467.48 feet to the point of beginning.





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Suzanne Morgan, Associate Planner  
THRU: Dawn Warrick, AICP, Zoning & Development Administrator  
DATE: December 7, 2004

RZN 04-1329: (HOGEYE, INC., 595): Submitted by KEVIN SANTOS for property located at THE N SIDE OF HWY 62, ACROSS FROM OZARK MOUNTAIN SMOKEHOUSE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.35 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.  
Property Owner: CLIFF SLINKARD Planner: SUZANNE MORGAN

**RECOMMENDATION:**

Staff does not recommend rezoning the property from R-A, Residential Agricultural to C-1, Neighborhood Commercial.

Staff does support a recommendation to rezone the property R-O, Residential Office based on the findings herein.

*Applicant modified the request to R-O at the meeting.*

|                                                                       |                                                                                                                                                      |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                    | Required <u>YES</u>                                                                                                                                  |
| Date: <u>December 13, 2004</u>                                        | <input checked="" type="radio"/> Approved with a recommendation to R-O<br><i>Shankelford/Allen<sup>2</sup> 8-0-0</i><br><input type="radio"/> Denied |
| <b>CITY COUNCIL ACTION:</b>                                           | Required <u>YES</u>                                                                                                                                  |
| Date: <u>January 04, 2004 (1<sup>st</sup> reading if recommended)</u> | <input type="radio"/> Approved<br><input type="radio"/> Denied                                                                                       |

**BACKGROUND:**

**Property description:** The approximately 3.35 acres of vacant property is located north of 6<sup>th</sup> Street and northeast of the Ozark Smokehouse. At this time, the property is a vacant pasture and zoned R-A, Residential Agricultural. It is affected by the floodway and floodplain at the rear of the property. Property to the north, east, and west is also zoned R-A. Property to the south is zoned R-O, Residential Office, and RMF-24, Residential Multi Family – 24 units per acre.

**Background:** The 3.35 acre tract of land was created in 1993 with the approval of a lot split and an accompanying conditional use permit to create a tandem lot for the remainder of the tract, north of

the subject property. In 1994, the owner of the property requested the property be rezoned C-2, Thoroughfare Commercial and approval for a conditional use be granted to allow the development of a commercial shopping center and warehouse/mini-storage. The Planning Commission denied this request (see attached materials).

All surrounding property is zoned R-A with the exception of property to the south zoned R-O and RMF-24. The property currently zoned R-O was originally within the R-A zoning district. In 1988, the owner applied for a rezoning to C-2 to construct mini-storage units. The Planning Commission denied this request and the applicant did not appeal. In 1995, the owner again requested that the property be rezoned C-2. The Planning Commission denied the request for C-2, but forwarded an amended request for a rezoning to R-O to the City Council who approved the R-O zoning.

*Public Comment:* Staff has received comments and concerns with the requested rezoning from the property owner to the north. A 50' access easement and driveway provides joint access to the subject property and the single family home to the north. Concerns raised concerns regarding potential development include type of use (hours of operation), lighting, noise from mechanical equipment, drainage into the floodplain and access by way of the existing easement.

*Proposal:* Kevin Santos, the applicant's representative, has conveyed in the attached letter the owner's (Hogeye, Inc.) intent to develop professional office buildings on the subject property. Staff discussed with Mr. Santos the possibility of changing the request to an R-O zoning which would allow for the development of professional offices. The applicant has chosen to retain the request for a C-1 zoning to allow for the possibility of developing eating places and cafés as well as office space.

*Request:* The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to C-1, Neighborhood Commercial.

*Recommendation:* Staff recommends denial of the requested C-1 zoning. Staff does, however, recommend an R-O zoning district in this location based on the findings herein.

#### **SURROUNDING LAND USE AND ZONING:**

| Direction | Land Use                                                                                    | Zoning                                                                                              |
|-----------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| North     | Single-family residential                                                                   | R-A, Residential Agricultural                                                                       |
| South     | Ozark Smokehouse (nonconforming use)<br>Single-family residential<br>Two-family residential | R-A, Residential Agricultural<br>R-O, Residential Office<br>RMF-24, Res. Multi-family-24 units/acre |
| East      | Vacant                                                                                      | R-A, Residential Agricultural                                                                       |
| West      | Vacant-Mobile Home park east of vacant lot                                                  | R-A, Residential Agricultural                                                                       |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to Highway 62. At the time of development, this street will need to be brought up to current standards along the property frontage.

These improvements may include, right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

**Surrounding Master Street Plan Streets:**

North: Wilson St. (Collector) - unconstructed

South: Hwy 62 (6<sup>th</sup> Street) (Principal Arterial)

East: Ruppel Road (Minor Arterial) - unconstructed

West: None

**Water:** The site currently does not have access to public water. The nearest water main is a 12" main to the south along Highway 62. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

**Sewer:** The site currently does have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. There is a 12" sewer main to the north. A capacity analysis of the sewer lines downstream of the site shall be conducted prior to development.

**Fire:** The subject property is located approximately 2 miles from Fire Station #6. Fire response time is approximately 3-4 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. Access to this property is a concern because of the road system on Highway 62 West. The speed and road type are of concern to the Fayetteville Police Department due to the potential for accidents.

**LAND USE PLAN:** General Plan 2020 designates this site **Mixed Use**. Rezoning this property to R-O rather than C-1 is more 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 property is currently vacant and surrounded by vacant property, and residential single- and two-family dwellings. Commercial structures within the surrounding areas pre-exist the establishment of zoning and are nonconforming structures. The General Land Use Plan encourages Mixed Use developments north and south of 6<sup>th</sup> Street. A Residential Office zoning allows for development of residential dwellings, office buildings, and eating places with the approval of a conditional use. Rezoning the property R-O



will allow for a mixed development compatible to the surrounding residential uses.

The proposed rezoning is not consistent with future land use planning objectives, principles, and policies for Mixed Use Areas. The Future Land Use plan identifies this area to "allow mixing of uses and integration of design through the planning process." Additionally, Ch. 9.14 states: "in the past, strip development in the areas along heavily traveled (generally state) highways has been the common pattern. If Fayetteville is to retain its identity as a unique place, strip development should be discouraged...." Rezoning the property C-1 zoning in this area will permit the owner to develop commercial uses such as eating places, drive-thru restaurants, gasoline service stations, offices, and shopping areas. Staff finds that the uses allowed in the C-1 zoning district are not compatible with the surrounding uses and zoning districts at this time and will only further encourage strip commercial along 6<sup>th</sup> Street.

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 not justified or needed. The applicant has stated the intent to develop the property for office use. Surrounding properties are developed for residential use or contain nonconforming commercial businesses. Chapter 9.12 of the General Plan states Neighborhood Commercial areas are to "enhance and regulate the appearance of neighborhood commercial areas within and adjacent to residential neighborhoods, and provide commercial uses that are accessible for the convenience of individuals living in residential districts." The lack of surrounding neighborhoods will not allow any development of this property under the C-1 zoning district to function as described in the General Plan, but will be a spot zoning that will further encourage adjacent commercial rezoning and strip development.

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

**Finding:** The size of the subject property will limit a substantial increase in traffic danger and congestion, due to the size of development generated by 3.35 acres. However, traffic volumes in this area are high, and increasing. Planning of any future development on this site must address safe access and cross access concerns. Hwy 62, a Principal Arterial, exists directly to the south. At the time of development, improvement to this street will be required.



**Police – Access to this property is a concern because of the road system on Highway 62 West. The speed and road type are of concern to the Fayetteville Police Department due to the potential for accidents.**

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 would not substantially alter the population density in the area, based on the C-1 zoning requested. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.**

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**



### 161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 1  | City-wide uses by right                  |
| Unit 3  | Public protection and utility facilities |
| Unit 6  | Agriculture                              |
| Unit 7  | Animal husbandry                         |
| Unit 8  | Single-family dwellings                  |
| Unit 9  | Two-family dwellings                     |
| Unit 37 | Manufactured homes                       |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

(D) *Bulk and area regulations.*

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

(E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

- (F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

### 161.16 District C-1, Neighborhood Commercial

- (A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                                    |
|---------|----------------------------------------------------|
| Unit 1  | City-wide uses by right                            |
| Unit 12 | Offices, studios and related services              |
| Unit 13 | Eating places                                      |
| Unit 15 | Neighborhood shopping                              |
| Unit 18 | Gasoline service stations and drive-in restaurants |
| Unit 25 | Professional offices                               |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 34 | Liquor stores                            |
| Unit 35 | Outdoor music establishments             |
| Unit 36 | Wireless communications facilities       |

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

|                                                 |        |
|-------------------------------------------------|--------|
| Front                                           | 50 ft. |
| Side                                            | None   |
| Side, when contiguous to a residential district | 10 ft. |
| Rear                                            | 20 ft. |

- (F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

- (G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

### 161.15 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) *Permitted uses.*

|         |                                       |
|---------|---------------------------------------|
| Unit 1  | City-wide uses by right               |
| Unit 5  | Government facilities                 |
| Unit 8  | Single-family dwellings               |
| Unit 9  | Two-family dwellings                  |
| Unit 11 | Manufactured home park                |
| Unit 12 | Offices, studios and related services |
| Unit 25 | Professional offices                  |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 13 | Eating places                            |
| Unit 24 | Home occupations                         |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communications facilities       |

(C) *Bulk and area regulations.*  
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

|                                     |         |
|-------------------------------------|---------|
| Manufactured home park              | 100 ft. |
| Lot within a manufactured home park | 50 ft.  |
| Single-family                       | 60 ft.  |
| Two-family                          | 60 ft.  |
| Three or more                       | 90 ft.  |

(2) *Lot area minimum.*

|                                     |                |
|-------------------------------------|----------------|
| Manufactured home park              | 3 acres        |
| Lot within a manufactured home park | 4,200 sq. ft.  |
| Townhouses:                         |                |
| Development                         | 10,000 sq. ft. |
| Individual lot                      | 2,500 sq. ft.  |
| Single-family                       | 6,000 sq. ft.  |
| Two-family                          | 6,500 sq. ft.  |
| Three or more                       | 8,000 sq. ft.  |
| Fraternity or Sorority              | 1 acre         |

(3) *Land area per dwelling unit.*

|                          |                          |
|--------------------------|--------------------------|
| Manufactured home        | 3,000 sq. ft.            |
| Townhouses & apartments: |                          |
| No bedroom               | 1,000 sq. ft.            |
| One bedroom              | 1,000 sq. ft.            |
| Two or more bedrooms     | 1,200 sq. ft.            |
| Fraternity or Sorority   | 500 sq. ft. per resident |

(D) *Density.*

|                |         |
|----------------|---------|
| Units per acre | 4 to 24 |
|----------------|---------|

(E) *Setback regulations.*

|                                                                        |        |
|------------------------------------------------------------------------|--------|
| Front                                                                  | 30 ft. |
| Front, if parking is allowed between the right-of-way and the building | 50 ft. |
| Side                                                                   | 10 ft. |
| Side, when contiguous to a residential district                        | 15 ft. |
| Rear, without easement or alley                                        | 25 ft. |
| Rear, from center line of public alley                                 | 10 ft. |

(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 with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

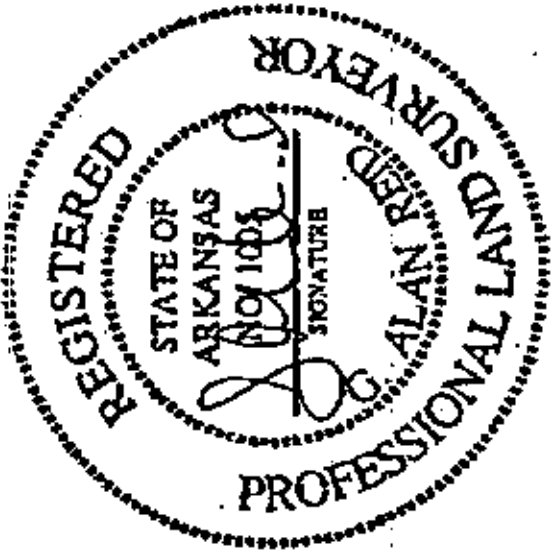
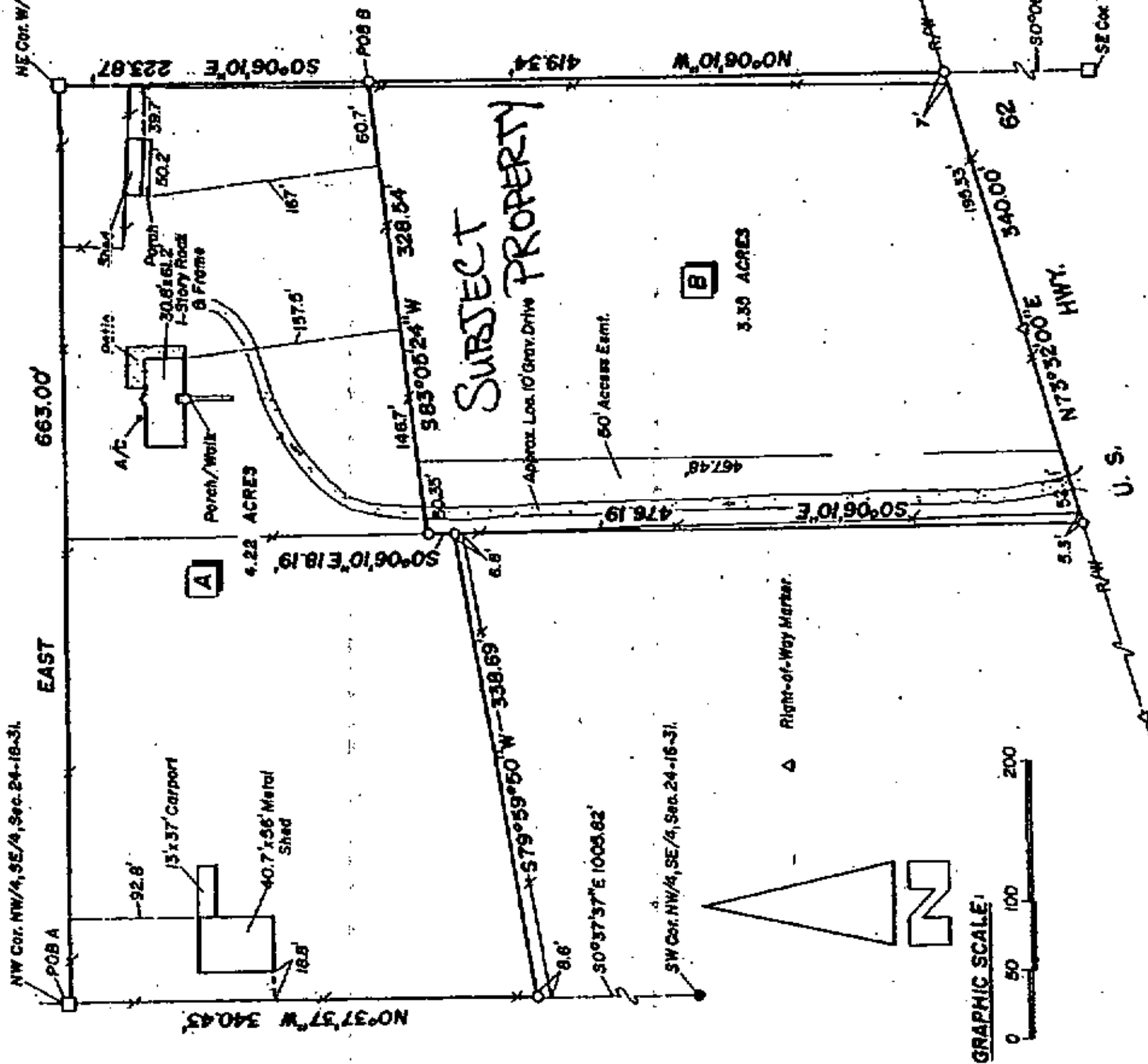
| Item          | Subdivision   | Annexation  | Acres | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|---------------|---------------|-------------|-------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| R-Pzd 04-1307 | Aspen Ridge   |             |       | S-1                  | .9 Miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 50                                                        | 20                                                                   | 30 *220 units                                                 |
| ANX 04-1334   | Aspen Ridge   |             |       | S-1                  | .9 miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 152                                                       | 60                                                                   | 93 *24 Units/acre                                             |
| RZN 04-1355   | Harper/Teater | ANX 04-1334 | 60    | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1329   | Harper/Teater |             |       | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 54                                                        | 21                                                                   | 33                                                            |
| RZN 04-1330   | Hogeye, inc   |             | 3.35  | S-6                  | 2.0 miles                  | 3-4 minutes                    | 3 - 4 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1331   | Dinnerstock   |             |       | S-7                  | .9 miles                   | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 18                                                        | 7                                                                    | 11                                                            |
| RZN 04-1332   | Bale          |             | 0.8   | S-6                  | 1.4 miles                  | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1333   | JB Hayes      |             |       | S-5                  | 2.4 miles                  | 7 minutes                      | 7 - 8 Minutes                                                 | 16                                                        | 6                                                                    | 10                                                            |
|               | JB Hayes      |             | 3.04  | S-5                  | 1.7 miles                  | 4 - 5 minutes                  | 4 - 5 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |



# Conditional Use CUP 93-35 Lot Split #1 LSP 93-36 (Creation of Subject Property)

C. 6  
 RZN 04-1329 (Hogeye, Inc.)  
 Page 12 of 24

NOTE: A portion of this property lies in 200E 1/4 NE 1/4 (Special Flood Hazard Areas inundated by 100 year flood) as determined from the FEMA Map of Washington County, Arkansas, and Incorporated Areas, Map Number 05143005 C, effective date September 18, 1991.



TRACT A:  
 A part of the West Half (NW) of the Northwest Quarter (NW) of the Southeast Quarter (SE) of Section Twenty-four (24), Township Sixteen (16) North, Range Thirty-one (31) West of the 5th Principal Meridian, more particularly described as follows:  
 Beginning at the Northwest corner of said 20 acre tract; thence East along the North line of said 20 acre tract 663.00 feet; thence S00°05'10"E along the East line of said 20 acre tract 223.87 feet; thence S83°05'24"W 278.19 feet to the point of beginning of said easement; thence S83°05'24"W 50.35 feet; thence S00°05'10"E 476.19 feet to the Northerly right-of-way of U.S. Highway 62; thence N73°32'00"E along said right-of-way 52.11 feet; thence leaving said right-of-way N00°05'10"W 467.48 feet to the point of beginning.

TRACT B:  
 A part of the West Half (NW) of the Northwest Quarter (NW) of the Southeast Quarter (SE) of Section Twenty-four (24), Township Sixteen (16) North, Range Thirty-one (31) West of the 5th Principal Meridian, more particularly described as follows:  
 Commencing at the Northwest corner of said 20 acre tract; thence East along the North line of said 20 acre tract 663.00 feet; thence S00°05'10"E along the East line of said 20 acre tract 223.87 feet to the point of beginning; thence S83°05'24"W 50.35 feet; thence S00°05'10"E 476.19 feet to the Northerly right-of-way of U.S. Highway 62; thence N73°32'00"E along said right-of-way 52.11 feet; thence leaving said right-of-way N00°05'10"W 467.48 feet to the point of beginning.

|           |  |            |  |
|-----------|--|------------|--|
| NAME      |  | COUNTY     |  |
| ALAN REID |  | WASHINGTON |  |
| STATE     |  | DATE       |  |
| ARKANSAS  |  | 11/22/83   |  |
| SCALE     |  | JOB NO.    |  |
| 1"=100'   |  | 93792      |  |

PROFESSIONAL LAND SURVEYOR



August 31, 1994

Marilyn A. Larr, Trustee  
c/o Laura Huston  
Merchants National Bank  
P.O. Box 17007  
Fort Smith, AR 72917

Dear Ms. Larr,

At the July 11, 1994 Fayetteville Planning Commission meeting, your rezoning request, R94-39, submitted in conjunction with a Conditional Use request, ~~was denied by the Commission.~~

I have enclosed a copy of the minutes of that meeting for your records. Should you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

*Marianne Ezell*

Marianne Ezell  
Planning Secretary

Encl.

cc: WBR Engineering  
26 W. Center Ste. 212

Planning Commission  
July 11, 1994  
Page 14

**PUBLIC HEARING FOR REZONING R94-39 & CONDITIONAL USE CU94-17  
MARILYN A LARR - N OF W 6TH ST, W OF DINSMORE TR**

The next item was a public hearing for rezoning petition R94-39 and Conditional Use CU94-17 submitted by Laura Huston on behalf of Marilyn A. Larr for property located on the north side of West 6th Street, west of Dinsmore Trail. The R94-39 request was to rezone 3.35 acres from A-1, Agricultural to C-2, Thoroughfare Commercial and the CU94-17 request was for a warehouse in the proposed C-2 zoning district.

Mr. Santos advised the property was currently undeveloped and located north of U.S. Highway 62 across from Hoot Owl Lane. He noted the rezoning request for thoroughfare commercial was in order to develop a commercial shopping center and office along the front of the lot. He stated a separate conditional use request to allow a warehouse for the storage of construction equipment at the rear of the lot was also being requested.

Mr. Santos pointed out that approximately 25% of the lot, the rear north portion, was in a special flood hazard area (the 100-year flood plain). He further stated the front of the lot was approximately 8 to 10 feet below the grade of Highway 62 which would require extensive grading to guarantee adequate site distances for ingress/egress into the 55 mph traffic on Highway 62. He stated the single-family home to the north of the site was accessed via a 52-foot easement along the western side of the subject property and water and sewer lines to the home ran approximately through the middle of the subject property.

Mr. Santos advised the purpose of C-2 zoning was to encourage the functional grouping of commercial enterprises catering primarily to highway travelers. He noted that adjacent land uses were a single-family home to the north, A-1 land developed with the Ozark Mountain Smokehouse to the south, and A-1 vacant land to the east and west. He added the site was served by a 10-inch sewer line and a 12-inch force main and a 12-inch water line along the highway which was designated a principal arterial. He advised the staff's determination was the requested rezoning did not meet the criteria for grouping of commercial enterprises since it was not adjacent to or near other commercial property. He further advised the City's Future Land Use map showed the area to be residential in the future.

Mr. Santos stated the site was 1 1/2 miles west of the U.S. 71 Bypass which placed it beyond the area recommended in the General Plan 2010 for the Highway 62/71 Bypass commercial activity center. He contended establishing commercial zoning so far west (less than a quarter of a mile from the City of Farmington) would establish anchor points for a linear commercial strip violating the General Plan's concept of the multiple activity center and encouraging linear commercial development. He noted flooding and grading concerns added to the property's unsuitability for commercial development and contended property zoned for commercial use which was more suitable for commercial development was readily available between the subject tract and the Bypass. He stated the staff recommended denial of the requested rezoning.

Bill Rudasill, representing the petitioner, advised the petitioner was under contract for purchase of the land conditioned upon the rezoning being approved. He pointed out the property was located on a major thoroughfare and advised the petitioner felt the proposal was the best use for the property. He noted in regard to the 2010 Plan, the proposed commercial zones had already been extended beyond what was shown in the Plan to within approximately a half of a mile of the subject property. He further stated the Farmington area was a quarter mile to the west and commercially zoned. He noted the utilities across the site would be relocated if necessary to facilitate the proposed development. He added every

Planning Commission  
July 11, 1994  
Page 15

effort would be made to buffer the residence area and pointed out the flood plain area on the site would provide greenspace.

Mr. Rudasill further advised the potential developer planned to utilize one of the warehouses for maintenance on his equipment. He noted it would all be indoors and the warehouse would be insulated to help muffle the noise. He added the other primary use for the warehouse would be storage for commercial type businesses with construction related products such as air conditioning units to be sold to construction companies.

Mr. Allred advised one of the Commissioners (Ms. Johnson) had left the meeting at this point and noted a vote of 5 out of the 6 Commissioners left remaining would be needed to approve any rezoning. He noted the remaining rezoning petitioners present had the option to request their items be tabled until the next meeting.

Mr. Rudasill advised the petitioner he was representing would like the Commission to proceed with the rezoning request.

Randy Holiman, an adjacent property owner, advised his utility lines crossed the subject property and the access easement to his residence ran along the side of the subject property. He expressed opposition to the proposed warehouse for maintenance of equipment because of the potential for noise problems and the current problem of standing water after a rainfall in the exact location of the proposed maintenance shop. He pointed out the only access to their residence was via this road and contended that, if heavy equipment traveled it, there would be potential damage to the road especially when mud was present.

Freda Poore, an adjoining property owner, expressed concern that the Planning Commission were sending out mixed signals in regard to commercial development in the area. She advised she had been denied a rezoning to commercial on property next to the Ozark Smokehouse in the recent past and noted her opinion was that residential was not a good use for the land because of the 4-lane highway. She advised that, if the subject petition were approved, she would be submitting a commercial rezoning petition for her property across the street since a commercial development there would be detrimental to her residential property.

#### MOTION

Mr. Nickle made a motion to deny rezoning request R94-39.

The motion was seconded by Mr. Suchecki.

The motion carried 6-0-0.

Mr. Allred advised the conditional use request which had been submitted in conjunction with the rezoning would not be discussed since the rezoning petition was denied.

24



**Kevin Santos, AICP**  
**2004 W. Berry Lane**  
**Fayetteville, AR 72701**

November 1, 2004

Fayetteville Planning Commission  
113 W. Mountain Street  
Fayetteville, AR 72701

Dear Planning Commissioners:

I am representing Mr. Cliff Slinkard, dba Hogeye, Inc., with a request for the rezoning of the described property from A - 1 to C - 1 zoning. Mr. Slinkard recently purchased the parcel from Laura Houston, Trustee of the Marilyn Day Larr Trust. The 3.35-acre property is currently vacant pasture, and is located on U.S. Hwy. 62 W, adjacent to the City of Farmington. This property is designated for mixed use on the Fayetteville Future Land Use plan.

I propose that agricultural zoning is no longer an appropriate use for property fronting the five-lane U.S. Highway 62. This is now a prime commercial location, largely because of infrastructure built, including the highway, to support more intensive land use. Water is available from a 12-inch waterline on U.S. Hwy. 62 at the front (south) of the parcel, and sewer service is available from a 12-inch sewer line at the rear (north) of the parcel. A small, 3.35-acre parcel is especially impractical for use as pasture. Land uses are mixed along the stretch of U.S. 62 leading to Farmington, including trailer parks, big box retail, industrial, car lots, and music and dance clubs. It could be argued that some of these uses are nuisances, and certainly few of them have been built to Fayetteville's current development regulations.

Hogeye, Inc. proposes to build a professional office park on this site. I have provided photos of an office complex developed by Mr. Slinkard in Rogers, AR, which he plans to replicate at this site. It will be an attractive development that we will all be proud of, built to comply with all of Fayetteville's development regulations. Mr. Slinkard plans to hire Mandy Bunch, P.E. to perform the engineering work for the development. A professional office park is one of the few uses not yet existing in this mixed use area, and would be compatible with a large residential development nearby which recently gained approval from the Planning Commission.

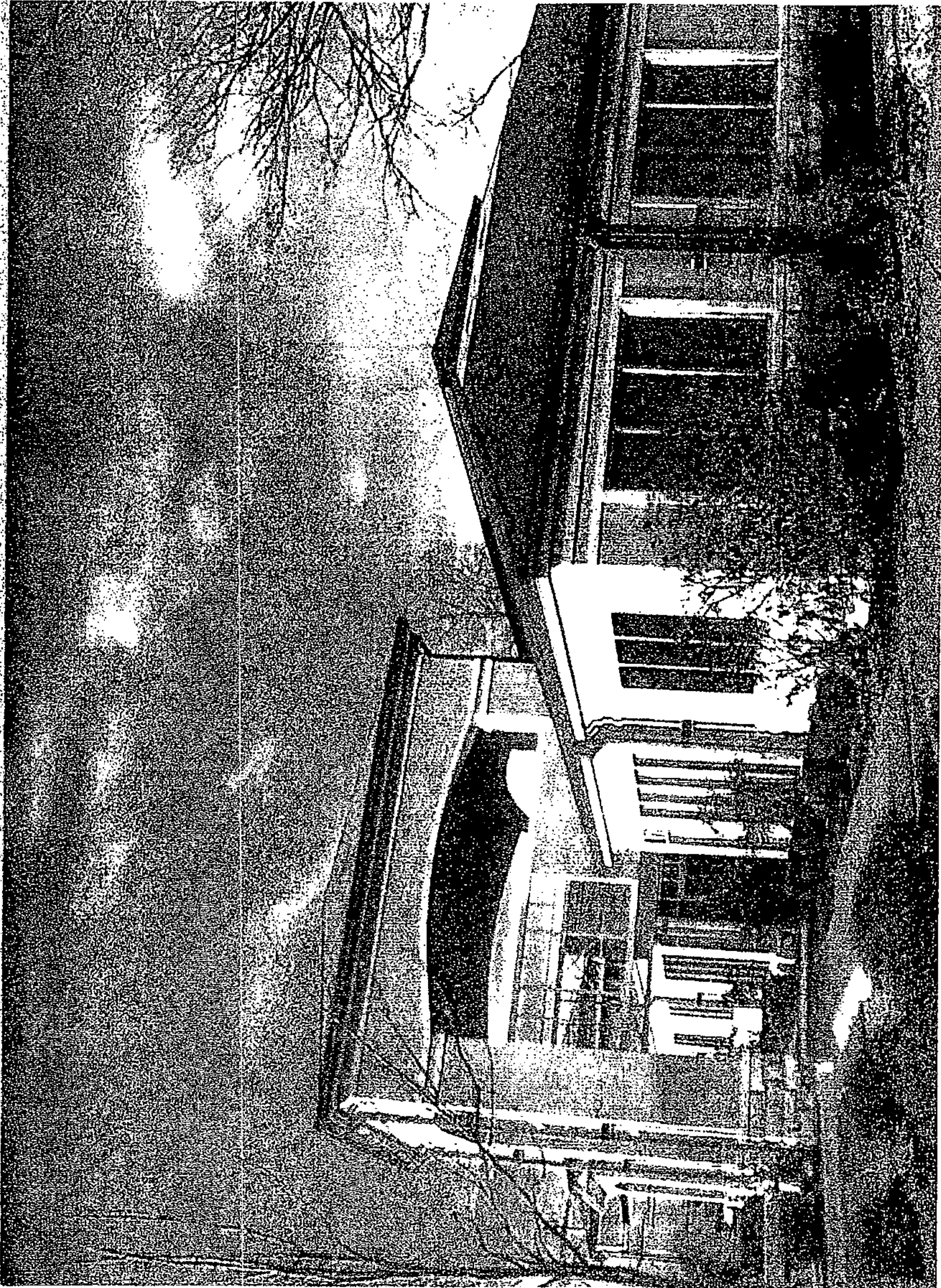
I believe that Farmington recently rezoned the entire U.S. 62 corridor through their city as C - 2 zoning, admitting that thoroughfare commercial zoning is appropriate for a U.S. highway thoroughfare. As a professional planner and a concerned citizen, I believe we can help the Fayetteville part of this thoroughfare develop with a variety of zoning districts allowing less intensive land use than C - 2. That is why I am asking you to support this request for C - 1 zoning to allow Hogeye, Inc. to build a modern, attractive, professional office park.

Sincerely,



Kevin Santos, AICP





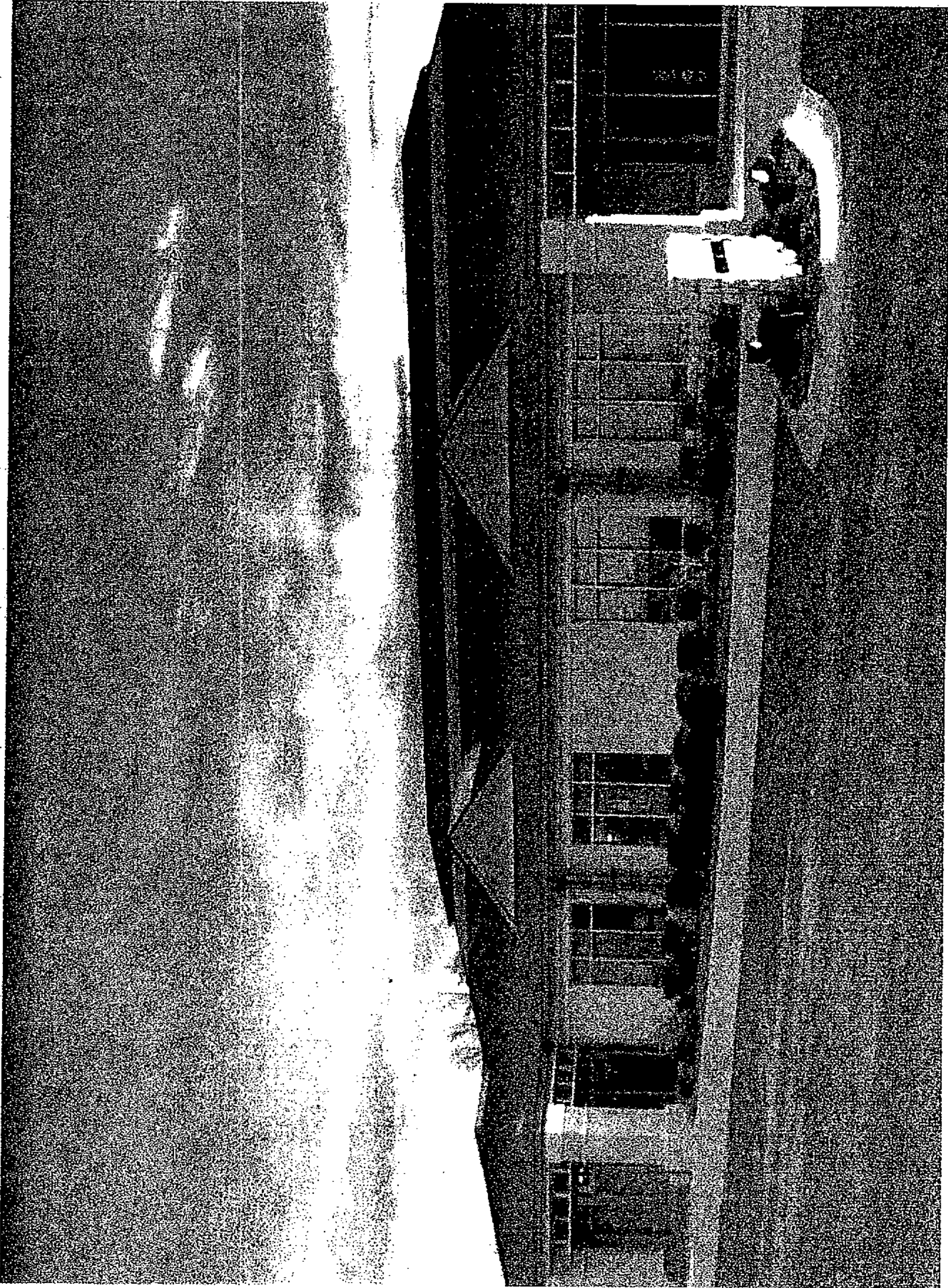
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10/22/2004





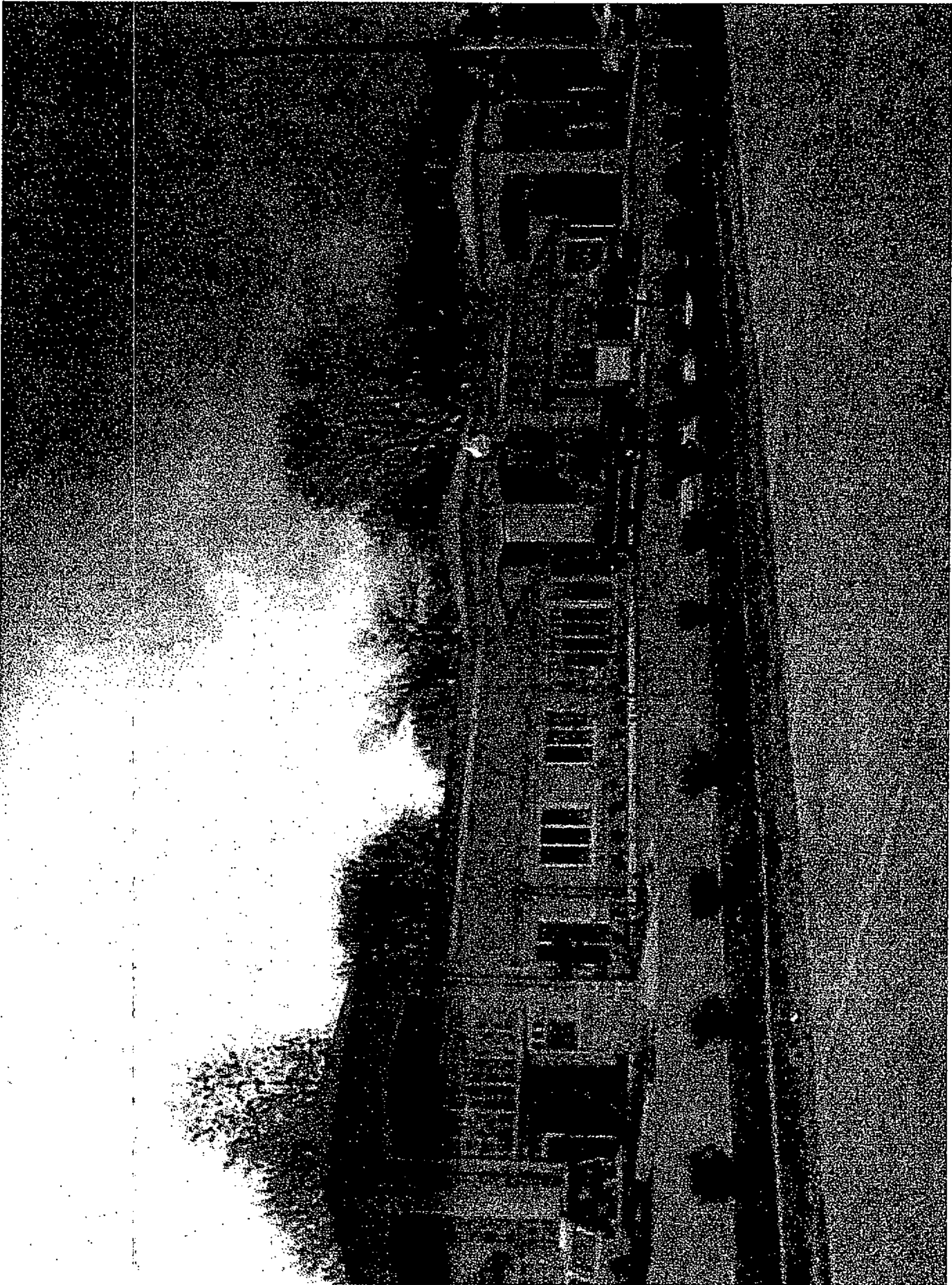




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10/22/2004

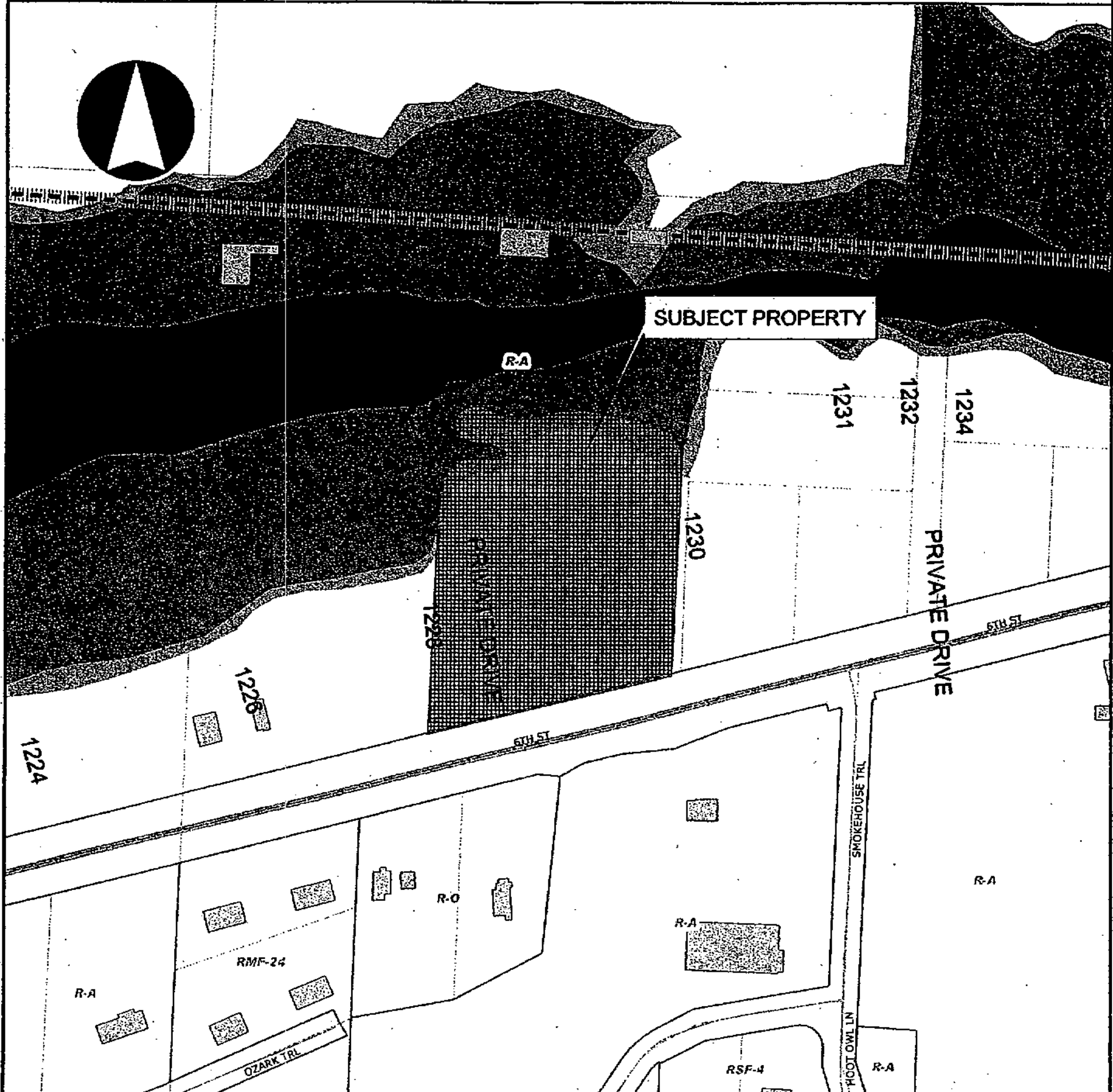




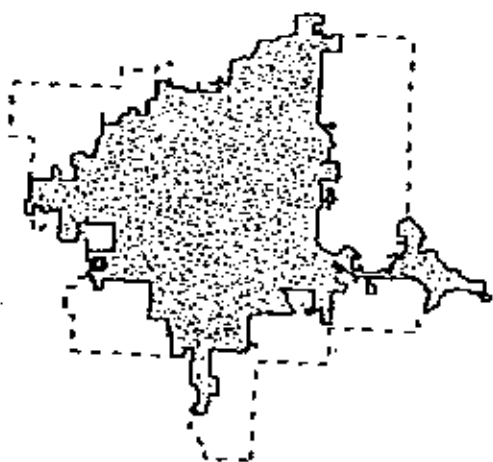
RZN04-1329

Close Up View

# HOGEEYE, INC.



## Overview



### Legend

Overlay District

RZN04-1329

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City

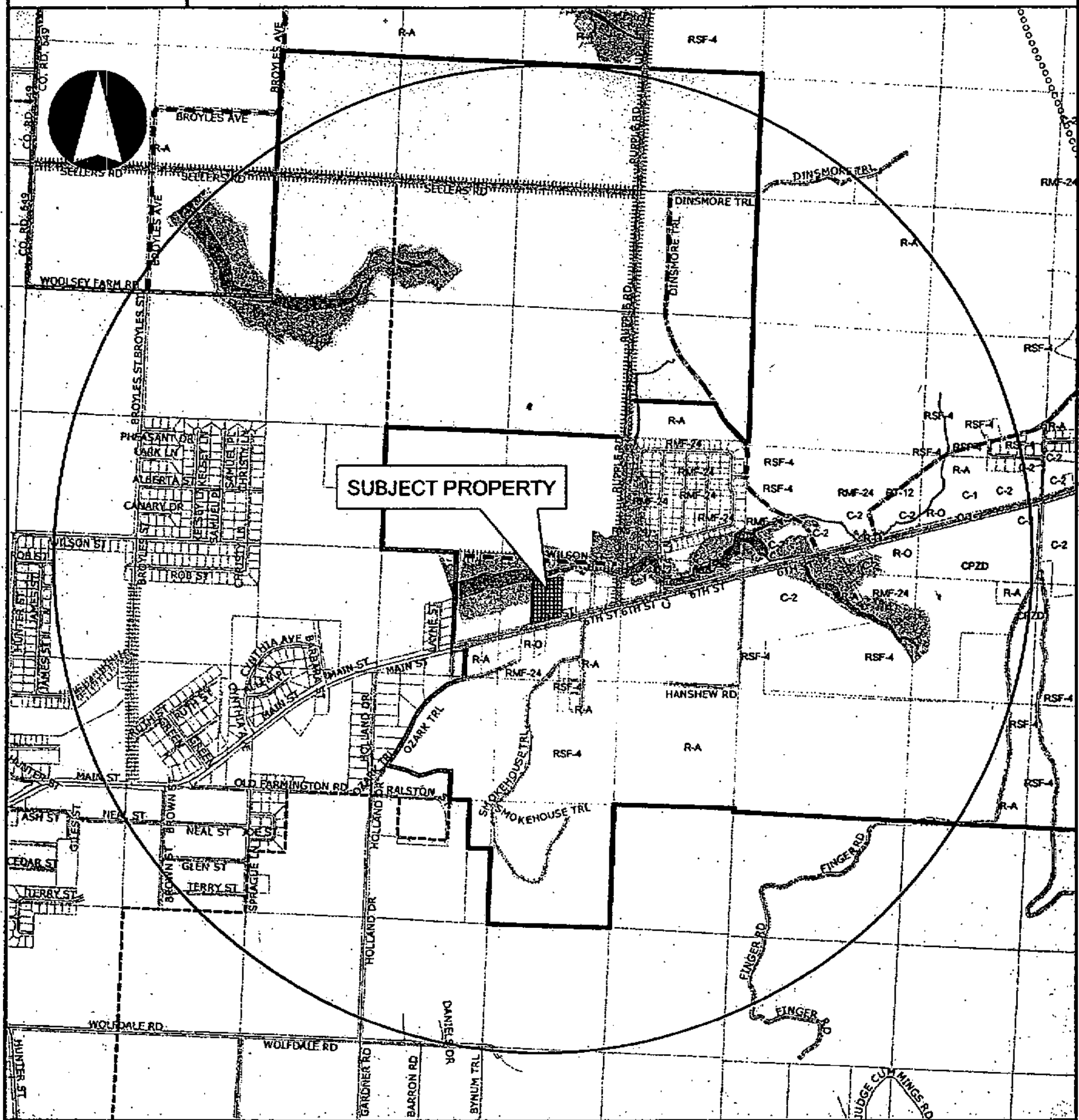




RZN04-1329

# HOGEEYE, INC.

One Mile View



**Overview**

**Legend**

**Subject Property**

RZN04-1329

**Boundary**

Planning Area

Overlay District

Outside City

**Master Street Plan**

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

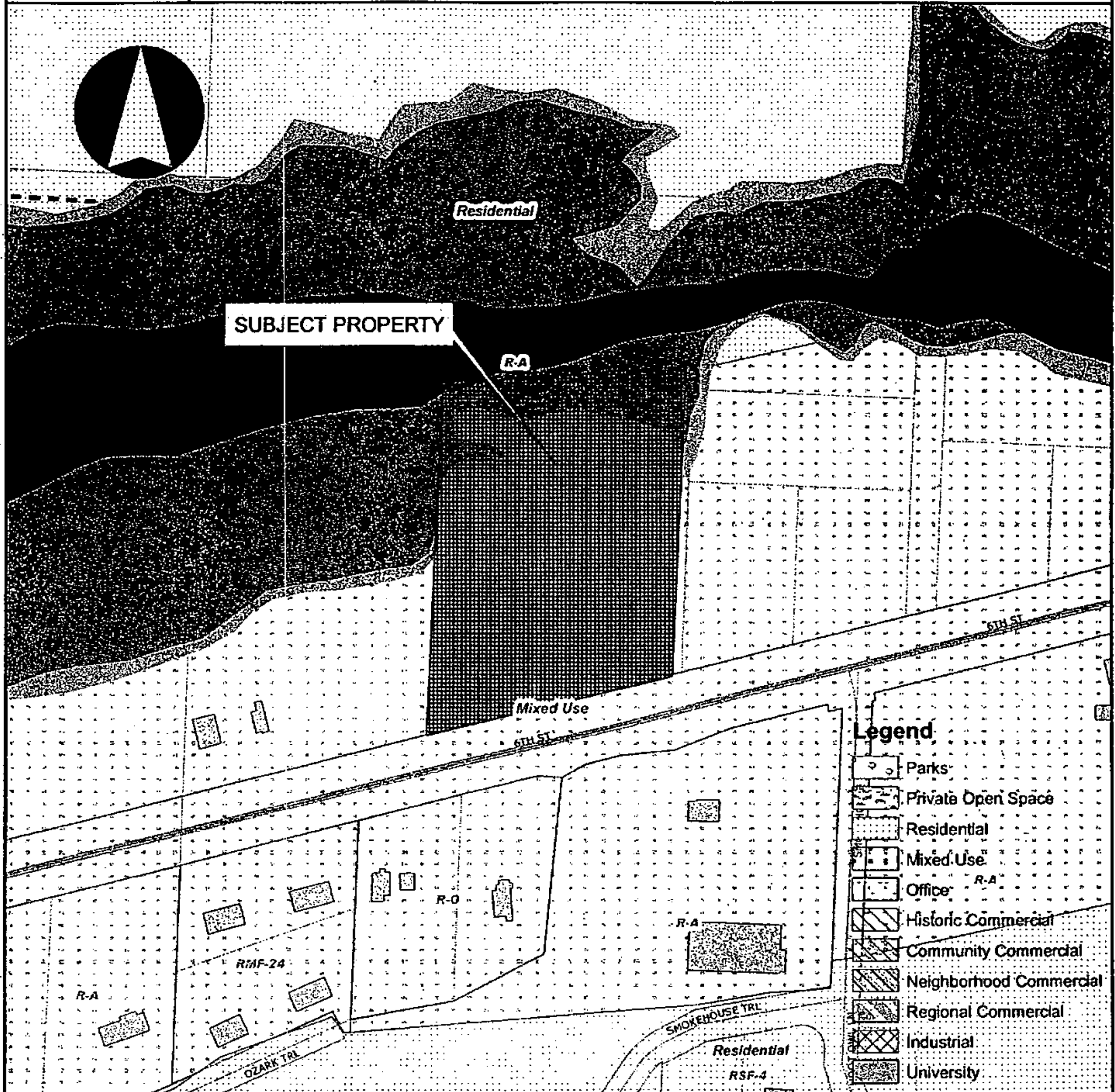
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

RZN04-1329

Future Land Use

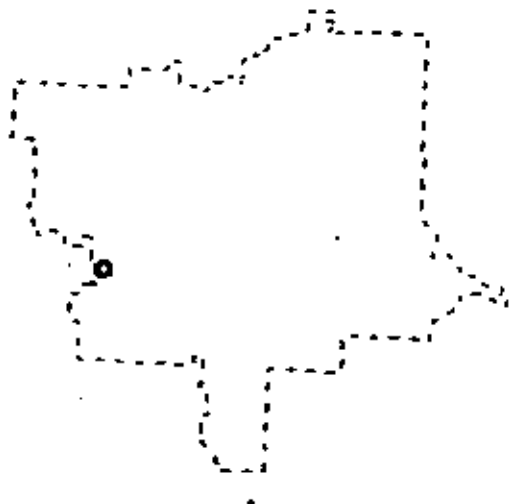
# HOGEEYE, INC.



## Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

## Overview



## Legend

### Subject Property



RZN04-1329

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05

City Council Meeting Date

Jeremy Pate *JP*  
Submitted By

Planning  
Division

Operations  
Department

Action Required:

An ordinance approving RZN 04-1329 submitted by Kevin Santos for property located on the north side of Hwy. 62 across from the Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office.

\$0.00  
Cost of this request

n/a  
Category/Project Budget

n/a  
Program Category / Project Name

n/a  
Account Number

n/a  
Funds Used to Date

n/a  
Program / Project Category Name

n/a  
Project Number

n/a  
Remaining Balance

n/a  
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

*[Signature]*  
Department Director 12-20-04  
Date

*[Signature]*  
City Attorney 12-17-04  
Date

Received in City Clerk's Office

*[Signature]*  
Mayor 12/20/04  
Date

Received in Mayor's Office  
12/20/04 PH

Comments:





City Council Meeting of January 04, 2005  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator *JP*

**Date:** December 15, 2004

**Subject:** Rezoning for Dunnerstock Development (RZN 04-1330)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 19.88 acres of property from RSF-1, Residential Single Family, 1 unit per acre to RSF-4, Residential Single Family, 4 units per acre.

### **BACKGROUND**

**Property description:** The subject property consists of approximately 19.88 acres that was annexed in August, 2004 as part of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. This specific property is located east of Bridgeport S/D and Willow Springs S/D, west of existing large residential lots that front onto Ruppel Road. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, as single residential homes. Bridgeport S/D Phases 7 & 8 are north and west of the property and the adjacent tract to the west was very recently rezoned from RSF-1 to RSF-4 in a similar manner (Hoskins).

**Proposal:** The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

**Request:** The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

### **DISCUSSION**

This item was heard at the regular Planning Commission on December 13, 2004. Public comment included the anticipated increase in traffic, Ruppel Road improvements with development at a future date, retention of perimeter trees and the establishment of a POA and protective covenants. Off-site street improvements are to be evaluated at the time of



City Council Meeting of January 04, 2005  
Agenda Item Number

development, however staff feels that off-site street improvements to potentially include a proportionate bridge improvement assessment on Ruppel Road is warranted should full build-out of this property occur in the future. The Planning Commission voted 8-0-0 to recommend approval of the rezoning request to the City Council.

**BUDGET IMPACT**

None.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1330 FOR PROPERTY LOCATED ON THE WEST SIDE OF RUPPLE ROAD CONTAINING APPROXIMATELY 19.84 ACRES FROM RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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 RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, four units per acre as shown 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 \_\_\_\_\_, 2004.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

**EXHIBIT "A"**  
**RZN 04-1330**

PART OF THE NW ¼ OF THE NE ¼ OF SECTION 12 IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NW ¼, NE ¼ THENCE N89°59'33"E 1297.93 FEET, THENCE ALONG A CURVE TO THE LEFT 110.81 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET AND A CHORD BEARING OF S09°57'40"W 110.24 FEET, THENCE S00°07'01"E 223.90 FEET, THENCE N89°56'56"W 852.75 FEET, THENCE S00°06'35"E 27.6 FEET, THENCE N89°58'56"W 421.61 FEET, THENCE N00°51'04"W 334.22 FEET TO THE P.O.B. CONTAINING 9.77 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Also:

PART OF THE SW ¼ OF THE SE ¼ OF SECTION 1, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW ¼, SE ¼ THENCE N89°59'33"E 423.06 FEET, THENCE N00°02'15"W 60.00 FEET TO THE P.O.B., THENCE N00°02'15"W 642.37 FEET, THENCE N89°57'15"E 700.30 FEET, THENCE S00°00'04"W 253.08 FEET, THENCE N89°56'58"W 28.39 FEET, THENCE S00°01'11"W 389.78 FEET, THENCE S89°59'33"W 671.35 FEET TO THE P.O.B.; CONTAINING 10.07 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Senior Planner  
Matt Casey, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: December 09, 2004

**RZN 04-1330: (DUNNERSTOCK DEVELOPMENT, INC., 361/400):** Submitted by DAVE JORGENSEN for property located at THE W SIDE OF RUPPLE ROAD, N OF WEDINGTON DRIVE. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 19.88 acres. The request is to rezone the subject properties to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: MARK FOSTER DUNNERSTOCK DEVELOPMENT,  
Property Owner: O.E. LUTTRELL Planner: JEREMY PATE

**RECOMMENDATION:**

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

|                                                                       |                                                             |                              |
|-----------------------------------------------------------------------|-------------------------------------------------------------|------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                    |                                                             |                              |
| Required                                                              | <u>YES</u>                                                  |                              |
| Date: <u>December 13, 2004</u>                                        | <input checked="" type="radio"/> Approved<br>F.H.C.C. 8-0-0 | <input type="radio"/> Denied |
| <b>CITY COUNCIL ACTION:</b>                                           |                                                             |                              |
| Required                                                              | <u>YES</u>                                                  |                              |
|                                                                       | <input type="radio"/> Approved                              | <input type="radio"/> Denied |
| Date: <u>January 04, 2005 (1<sup>st</sup> reading if recommended)</u> |                                                             |                              |

Comments: \_\_\_\_\_



## BACKGROUND:

**Property description:** The subject property consists of remnant agricultural fields, a significant drainage tributary with stand of large trees and a few residential and accessory structures. The two tracts were recently annexed as part of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A smaller portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. This specific property is located east of Bridgeport S/D and Willow Springs S/D, west of existing large residential lots fronting onto Ruppel Road. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, with single family residential homes. Bridgeport S/D Phases 7 & 8 are north and west of the property and the adjacent tract to the west was very recently zoned from RSF-1 to RSF-4 in a similar manner (Hoskins).

**Proposal:** The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

**Request:** The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

## SURROUNDING LAND USE AND ZONING

| Direction | Land Use                                                   | Zoning                                                                       |
|-----------|------------------------------------------------------------|------------------------------------------------------------------------------|
| North     | Agricultural land, single family homes                     | RSF-1, Res. Single Family, 1 DU/acre                                         |
| South     | Vacant<br>Single family homes                              | RSF-4, Res. Single Family, 4 DU/acre<br>RT-12, Res. 2 & 3 Family, 12 Du/acre |
| East      | Single family homes, large lots                            | RSF-1, Res. Single Family, 1 DU/acre                                         |
| West      | Bridgeport S/D (SF homes)<br>Willow Springs S/D (SF homes) | RSF-4, Res. Single Family, 4 DU/acre<br>RT-12, Res. 2 & 3 Family, 12 Du/acre |

## INFRASTRUCTURE:

**Streets:** Currently the site has access to Ruppel Road and a stub-out of Plum Tree Drive, from Willow Springs S/D. An existing 60-foot access easement allows for access west from Ruppel Road into the interior of the property. At the time of development, Ruppel Road will need to be brought up to current standards along the property frontage, and adequate access into the development will be required. The bulk of the property does not have actual street frontage, thus the amount of improvements typically required along the frontage will likely not offset those

needed to facilitate the impact of the proposed development, if developed at its maximum proposed density. Should the development proposed necessitate other off-site street improvements as required by city code along Ruppel Road, a sub-standard street, recommendations will be made at that time. Depending upon the development proposed, a traffic study may be required.

- Water:** The property has access to an 8" water main in the Willow Springs S/D to the south and a 6" main along Ruppel Road to the east. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.
- Sewer:** The site currently has access to an 8" sewer line along Plum Tree Drive to the south. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted to verify line/lift station capacity before the extension will be allowed.
- Fire:** The subject property is located 0.8 miles from Fire Station #7 on Ruppel Road. Fire response time is approximately 3 minutes.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

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**LAND USE PLAN:** The Future Land Use Plan designates this site for Residential use. Rezoning this property to RSF-4 is consistent with the land use plan and is 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 rezoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. Surrounding properties are residential and agricultural in nature, and development of new subdivisions is occurring to the north and west, along with existing developed single family homes to the west, southwest and east. Bordering the southern tract to the west are the backs of lots that within the same zoning district as that requested, creating a compatible and harmonious land use.
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 in order to allow for a similar density and lot configuration as those single family residential neighborhoods developed to the south, west and northwest.

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

**Finding:** The site currently has access to Ruppel Road, and a street connection to this arterial will be required for development of the subject property to allow for adequate access. Additionally, a stub-out from Willow Springs S/D to the south allows for another access point for this property. Connectivity in the form of street stub-outs will be expected in all cardinal directions, where deemed necessary and practical to ensure a safe and adequate means of access, allowing for traffic to disperse in a maximum number of ways. A traffic study may be required with future development.

**Police –** It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request, as reviewed with the adjacent rezoning request.

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 would alter the population density in the area, though not in such a way as to undesirable affect public services with proper development regulations in place. With the proposed density, a maximum of 79 dwellings units would be permitted, with a projected total of 205 future residents in the area, should the property be developed at its maximum capacity. Future development on the site will require off-site street improvements and shall conform to zoning and development standards of the Unified Development Code. Public service providers have responded accordingly:

**Police –** Individually, this rezoning will not substantially alter the population density thereby undesirably increasing the load on police services. Cumulatively, development in this area of the City continues to have an increased demand on police services and traffic congestion.

**Fire –** Response time to the subject property (actual drive time) is approximately 3 minutes (approx. 0.8 miles) from station #7 on Ruppel Road.



**Engineering** - Currently the site has access to Ruppel Road and Plum Tree Drive. Off-site improvements at minimum will be required along the frontage of the property. Due to the unique nature of this site, with a large portion of the property lacking frontage onto a public street, additional off-site improvements to Ruppel Road will likely be required, based on the development proposed. A traffic study may also be required to determine the potential impact on surrounding public streets.

The property has access to an 8" water main in the Willow Springs S/D to the south and a 6" main along Ruppel Road to the east. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

The site currently has access to an 8" sewer line along Plum Tree Drive to the south. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted prior to development to verify line/lift station capacity before the extension will be allowed.

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



### 161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwellings |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |   |
|----------------|---|
| Units per acre | 1 |
|----------------|---|

(D) *Bulk and area regulations.*

|                             |                         |
|-----------------------------|-------------------------|
| Lot width minimum           | 150 ft.                 |
| Lot area minimum            | 43,560 sq. ft. (1 acre) |
| Land area per dwelling unit | 43,560 sq. ft. (1 acre) |

(E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

(F) *Height regulations.*

|                         |        |
|-------------------------|--------|
| Maximum building height | 35 ft. |
|-------------------------|--------|

(G) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98)

### 161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

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

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
| Unit 8 | Single-family dwelling  |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 9  | Two-family dwellings                     |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |                         |                      |
|----------------|-------------------------|----------------------|
|                | Single-family dwellings | Two-family dwellings |
| Units per acre | 4 or less               | 7 or less            |

(D) *Bulk and area regulations.*

|                             |                         |                      |
|-----------------------------|-------------------------|----------------------|
|                             | Single-family dwellings | Two-family dwellings |
| Lot minimum width           | 70 ft.                  | 80 ft.               |
| Lot area minimum            | 8,000 sq. ft.           | 12,000 sq. ft.       |
| Land area per dwelling unit | 8,000 sq. ft.           | 6,000 sq. ft.        |

(E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 20 ft. |

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

| Item          | Subdivision   | Annexation  | Acres | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|---------------|---------------|-------------|-------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| R-Pzd 04-1307 | Aspen Ridge   |             |       | S-1                  | .9 Miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 50                                                        | 20                                                                   | 30 *220 units                                                 |
| ANX 04-1334   | Aspen Ridge   |             |       | S-1                  | .9 miles                   | 2 - 3 Minutes                  | 2-3 Minutes                                                   | 152                                                       | 60                                                                   | 93 *24 Units/acre                                             |
| RZN 04-1355   | Harper/Teater | ANX 04-1334 | 60    | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1329   | Harper/Teater |             |       | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 54                                                        | 21                                                                   | 33                                                            |
| RZN 04-1330   | Hogeye, inc   |             | 3.35  | S-6                  | 2.0 miles                  | 3-4 minutes                    | 3 - 4 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1331   | Dunnerstock   |             |       | S-7                  | .9 miles                   | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 18                                                        | 7                                                                    | 11                                                            |
| RZN 04-1332   | Bale          |             | 0.8   | S-6                  | 1.4 miles                  | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1333   | JB Hayes      |             |       | S-5                  | 2.4 miles                  | 7 minutes                      | 7 - 8 Minutes                                                 | 16                                                        | 6                                                                    | 10                                                            |
|               | JB Hayes      |             | 3.04  | S-5                  | 1.7 miles                  | 4 - 5 minutes                  | 4 - 5 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |

N COORDINATES  
- 646015.1900  
657007.3300

QAD WC 876  
AR 72704  
F-1)

IS HOME INC.  
IER

214

## ENGINEER

JORGENSEN & ASSOCIATES  
CONSULTING ENGINEERS, INC.  
124 WEST SUNBRIDGE SUITE 5  
FAYETTEVILLE, AR. 72703  
(479) 442-9127

## OWNER

MARK FOSTER (DUNNERSTOCK)  
P.O. BOX 9087  
FAYETTEVILLE, AR 72702

RZN 04-390 (2) CALCULATED  
Page 12 of 18  
☒ BOUNDARY (CENTERLINE)  
EXISTING 8" S  
EXISTING W.

Submitted  
as RZN 04-1330  
12/2/2003

## LEGAL DESCRIPTION (TRACT 1):

PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12 IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NW1/4, NE1/4 THENCE N89°59'33"E 1297.93 FEET, THENCE ALONG A CURVE TO THE LEFT 110.81 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET AND A CHORD BEARING OF S09°57'40"W 110.24 FEET, THENCE S00°07'01"E 223.90 FEET, THENCE N89°56'56"W 852.75 FEET, THENCE S00°06'35"E 2.76 FEET, THENCE N89°58'56"W 421.61 FEET, THENCE N00°51'04"W 334.22 FEET TO THE P.O.B.; CONTAINING 9.77 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

## LEGAL DESCRIPTION (TRACT 2):

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 1, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW1/4, SE1/4 THENCE N89°59'33"E 423.06 FEET, THENCE N00°02'15"W 60.00 FEET TO THE P.O.B., THENCE N00°02'15"W 642.37 FEET, THENCE N89°57'15"E 700.30 FEET, THENCE S00°00'04"W 253.08 FEET, THENCE N89°56'58"W 28.39 FEET, THENCE S00°01'11"W 389.78 FEET, THENCE S89°59'33"W 671.35 FEET TO THE P.O.B.; CONTAINING 10.07 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

## SURROUNDING PROPERTY OWNER TABLE

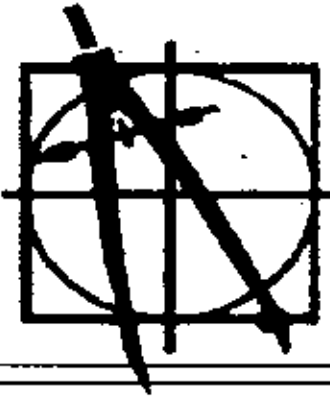
|       |                                                                               |
|-------|-------------------------------------------------------------------------------|
| 20077 | - BI & LAREAM HALEY - 1630 PLUM TREE LN. - FAYETTEVILLE, AR. 72704            |
| 20076 | - GEORGE J. & MARY F. ZEILER - 12107 RED OAK DR. - FAYETTEVILLE, AR. 72704    |
| 20079 | - GEORGE J. & MARY F. ZEILER - 12107 RED OAK DR. - FAYETTEVILLE, AR. 72704    |
| 20080 | - MATTHEW T. & REBECCA J. MASON - 4266 CHEYENNE DR. - FAYETTEVILLE, AR. 72704 |
| 20081 | - RICK & PAMELA JONES - 12796 MINERAL SPRINGS - WEST FORK, AR. 72774          |
| 20082 | - JOHNNY RAY STOUT - 4294 CHEYENNE DR. - FAYETTEVILLE, AR. 72704              |
| 20083 | - LARRY J. THOMAS - 1648 N. HIGH AVE. - FAYETTEVILLE, AR. 72704               |
| 20084 | - WANDA C. PROCTOR - 1662 HIGH AVE. - FAYETTEVILLE, AR. 72704                 |
| 20085 | - ASHLEY M. & DAYLA MARTIN - 1676 HIGH AVE. - FAYETTEVILLE, AR. 72704         |
| 20086 | - ROBERT RYAN RUSSELL - 12391 SHAMROCK RD. - FARMINGTON, AR. 72730            |
| 20087 | - ROBERT & ANDREA M. TAYLOR - 1694 HIGH AVE. - FAYETTEVILLE, AR. 72704        |
| 20361 | - JAMES NEIL & SONDRA E. SMITH - P.O. BOX 9211 - FAYETTEVILLE, AR. 72703      |
| 20360 | - JEFFREY & TAMARA WILLIAMS - 1748 N. HIGH AVE. - FAYETTEVILLE, AR. 72704     |
| 20359 | - WILLIAM D. COMPTON - 1786 N. HIGH AVE. - FAYETTEVILLE, AR. 72704            |
| 20358 | - JERRY DON HUDSON - 1808 N. HIGH AVE. - FAYETTEVILLE, AR. 72704              |
| 20357 | - JOSEPH I. MADCHUKY - 1824 N. HIGH AVE. - FAYETTEVILLE, AR. 72704            |

L=110.81'  
R=315.00'

11756  
P.O. BOX 8157  
FAYETTEVILLE, AR. 72703  
(RSF-1)

S 00°07'01"E 22





# JORGENSEN & ASSOCIATES

## CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

10-25-04

City of Fayetteville  
113 W. Mountain Street  
Fayetteville, AR 72701  
ATT: Planning Dept.  
Re: Rezoning Request on Ruppel Road

Attached herewith please find a plat which shows property to be rezoned. Existing zoning is RSF-1 and we would like to zone to RSF-4. This property was recently annexed and rezoned to RSF-1. The surrounding zoning is as follows; South=RSF-4, East=RSF-1, West=RT-10 & RSF-4, North=RSF-4 & 1. Water is available on Ruppel Road and to the west in Willow Springs Subdivision. Sewer is available to the west and north. Access will be from Ruppel Road to the East and future connections will be provided to the north, west and south.

We believe the request to rezone to RSF-4 will conform to surrounding zoning.

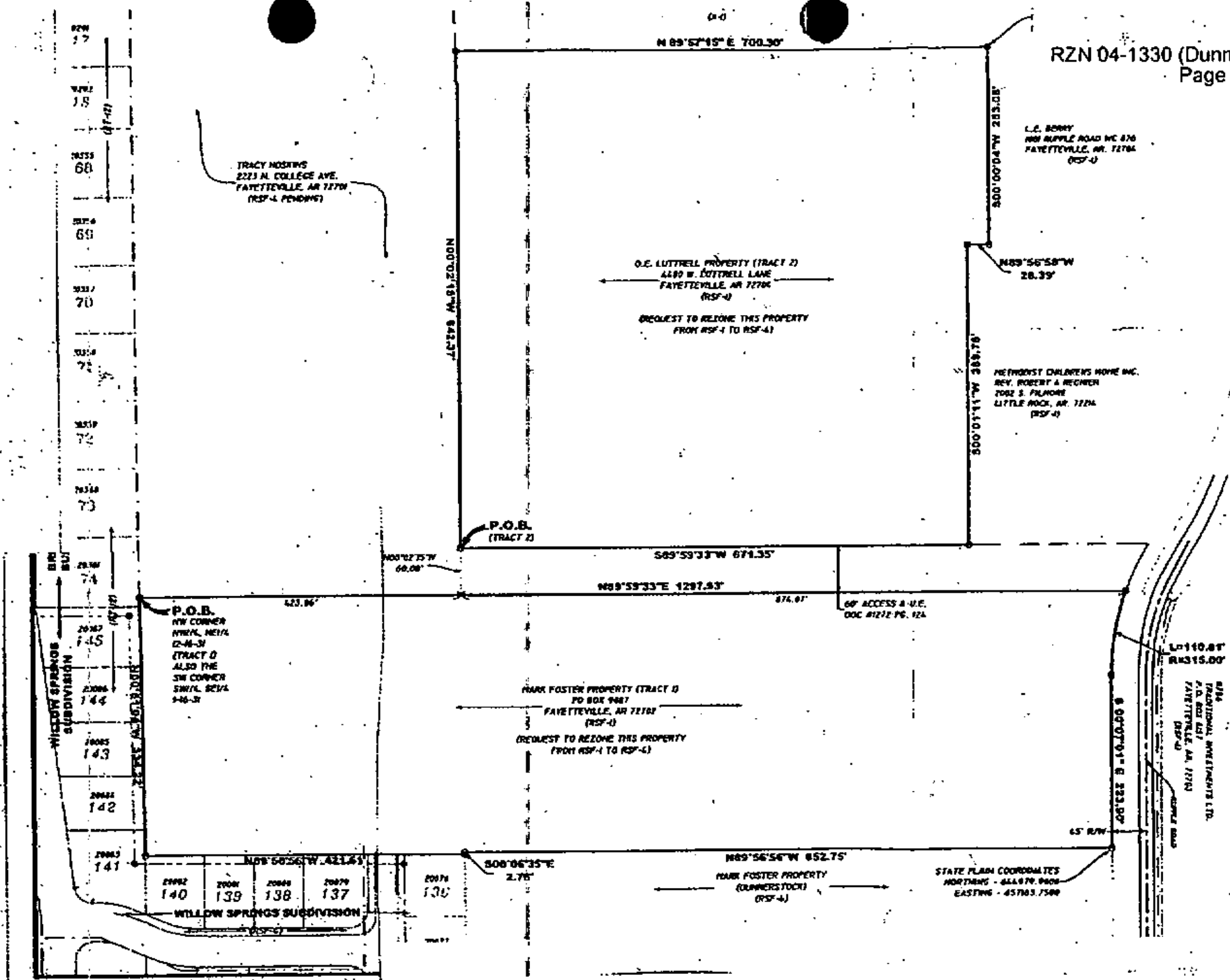
Please call concerning any questions you may have.

Thank you.

Sincerely;

David L. Jorgensen, P.E.



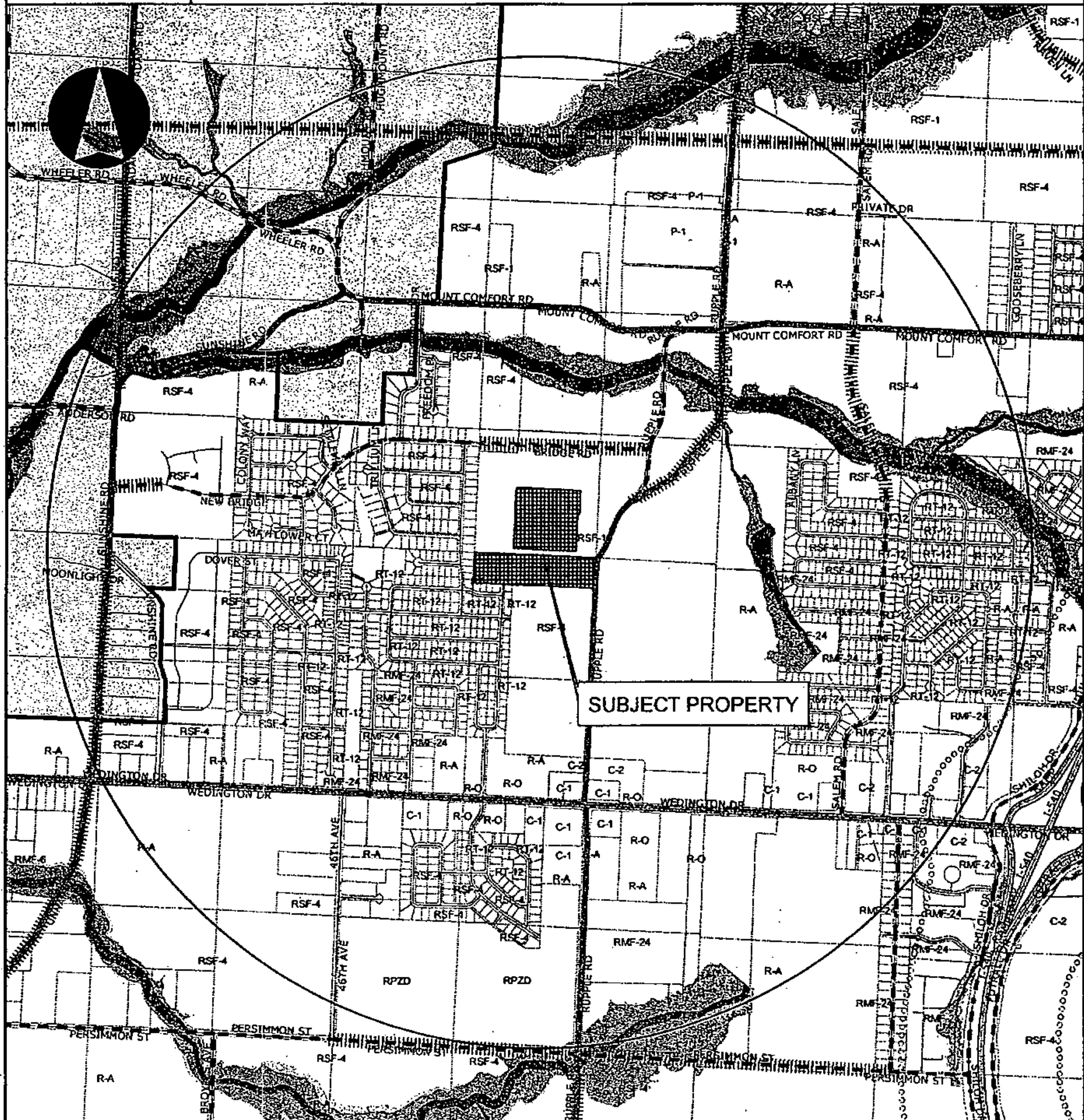


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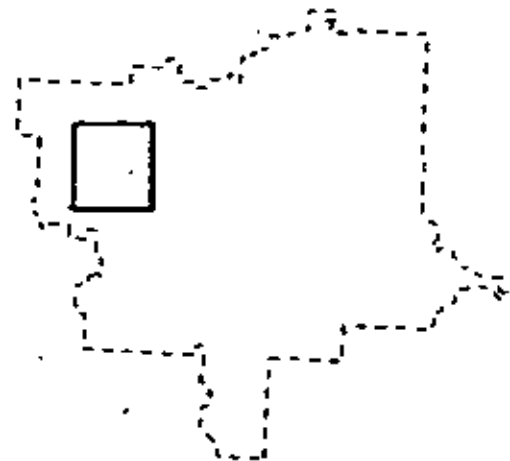
RZN04-1330

One Mile View

# DUNNERSTOCK



Overview



Legend

Subject Property

RZN04-1330

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

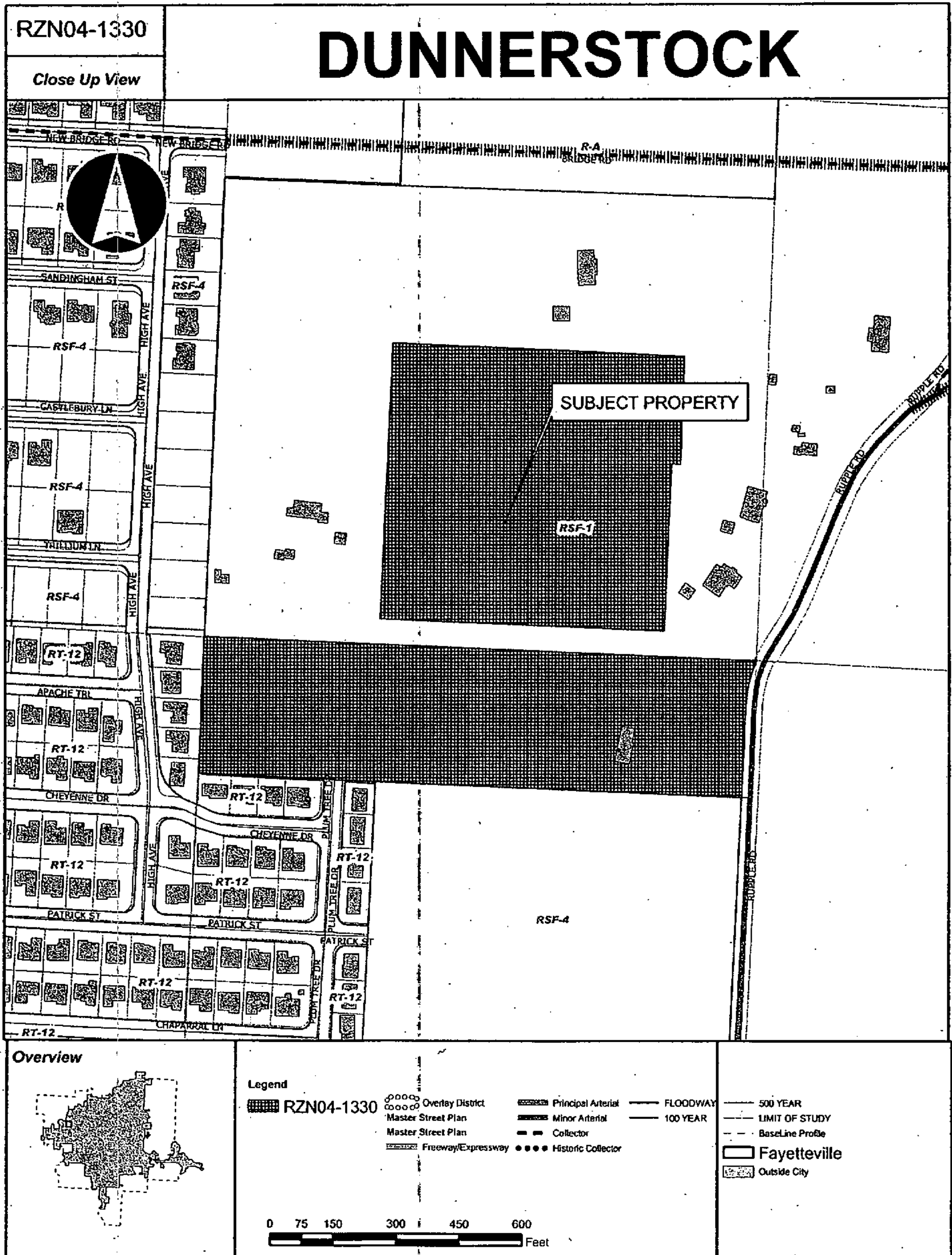
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Historic Collector

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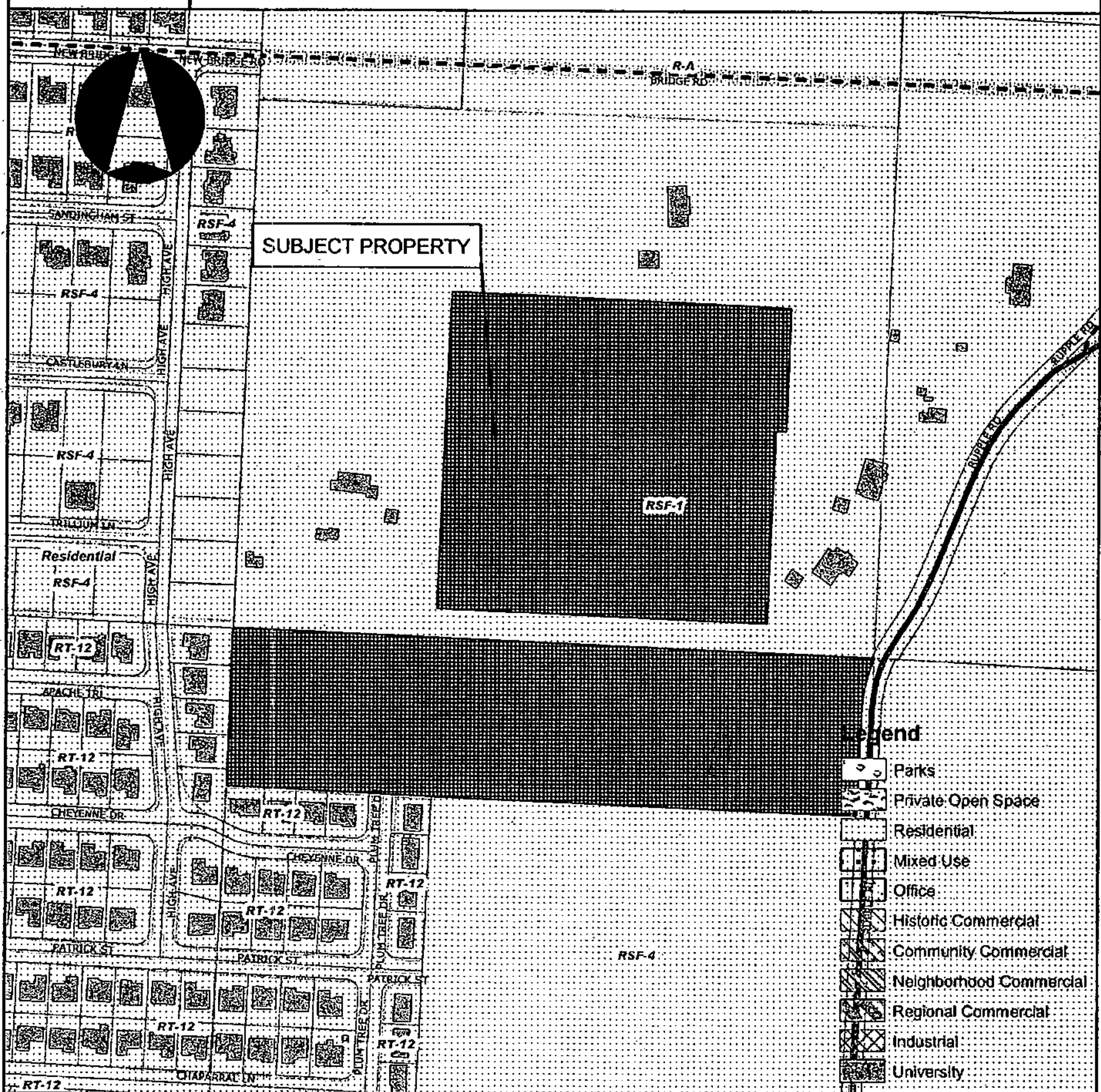




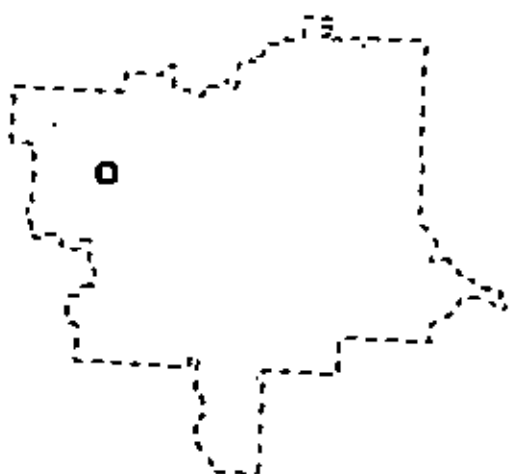
RZN04-1330

# DUNNERSTOCK

### ***Future Land Use***



## Overview



### Legend

**Subject Property**

## Streets

Existing

 Planned

## Boundary

 Planning Area

Overlay District

**Outside City**

## Master Street Plan

 Freeway/Expressway

Principal Arterial

 Minor Arterial

Collector

Historic Collector





City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05  
City Council Meeting Date

Jeremy Pate *JP* Planning Operations  
Submitted By Division Department

Action Required:

An ordinance approving RZN 04-1330 submitted by Dave Jorgensen for property located on the west side of Ruppel Road north of Wedington, containing approximately 19.88 acres, from RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, four units per acre.

|                      |                         |                                 |
|----------------------|-------------------------|---------------------------------|
| \$0.00               | n/a                     | n/a                             |
| Cost of this request | Category/Project Budget | Program Category / Project Name |
| n/a                  | n/a                     | n/a                             |
| Account Number       | Funds Used to Date      | Program / Project Category Name |
| n/a                  | n/a                     | n/a                             |
| Project Number       | Remaining Balance       | Fund Name                       |

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a  
Original Contract Date: n/a  
Original Contract Number: n/a

*Hayden Dunner* 12-20-04  
Department Director Date

*Kristen* 12-17-04  
City Attorney Date

Received in City Clerk's Office

*Don Cook* 12/20/04  
Mayor Date

Received in Mayor's Office  
12/20/04 P.A.

Comments:

ENTERED  
12-17-04  
J

## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator JP

**Date:** December 15, 2004

**Subject:** Rezoning for Bale (RZN 04-1331)

### **RECOMMENDATION**

The Planning Commission recommends approval of an ordinance rezoning approximately 0.80 acres of property from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial. Staff recommended denial of the original request to C-2, Thoroughfare Commercial.

### **BACKGROUND**

**Property description:** The subject property consists of 0.80 acres with three (3) large vacant warehouse/commercial structures fronting onto Hwy 62 (6<sup>th</sup> Street), west of Dinsmore Trail in west Fayetteville. The structures are nonconforming, both in location and intended use. The structures have been vacant for more than six months, and thus only uses permitted within the existing zoning district (R-A) are allowed. The entirety of the property is located within the 100-year floodplain, approximately 0.15 miles west of the Lowe's C-PZD on 6<sup>th</sup> Street (Hwy 62). Properties in this area have experienced flooding in the past due in part to the existing development located in the floodplain and floodway constructed prior to current floodplain and drainage regulations. As noted on the zoning maps attached, a portion of this property is zoned C-2 and a portion is zoned R-A, Residential Agricultural; the majority is R-A property, and has been zoned as such since 1970. The subject parcel excludes a small portion of existing R-A to the west along Hwy 62, as well. The property is bordered to the south and west by an expansive automobile salvage yard (an existing nonconforming use in a C-2 district). To the north the subject property is bound by Hwy 62 and a Tire & Auto shop, along with other commercial developments, all of which have existed since before 1970. To the east is a property with a single family house, recently rezoned from R-A to C-1.

**Proposal:** The applicant proposes a rezoning of the subject property to facilitate commercial uses in the existing nonconforming structures.

**Request:** The request is to rezone the subject property from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-2, Thoroughfare Commercial.

City Council Meeting of January 04, 2005  
Agenda Item Number

**DISCUSSION**

This item was heard at the regular Planning Commission on December 13, 2004. No public comments were received. The Planning Commission voted 5-3-0 to recommend to the City Council approval of rezoning request to C-1, Neighborhood Commercial, as opposed to the requested C-2, Thoroughfare Commercial. Additional information that was not previously provided to staff has been included in the attached report.

**BUDGET IMPACT**

None.



**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 04-1331 FOR PROPERTY  
LOCATED AT 3513, 3515 AND 3517 WEST 6<sup>TH</sup> STREET  
CONTAINING APPROXIMATELY 0.80 ACRES FROM R-A,  
RESIDENTIAL AGRICULTURAL AND C-2, THOROUGHFARE  
COMMERCIAL TO C-1, NEIGHBORHOOD COMMERCIAL.

**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 R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1,  
Neighborhood Commercial as shown 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 \_\_\_\_\_, 2004.

**APPROVED:**

By: \_\_\_\_\_  
**DAN COODY, Mayor**

**ATTEST:**

By: \_\_\_\_\_  
**Sondra Smith, City Clerk**



EXHIBIT "A"  
RZN 04-1331

PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT WHICH IS 871.65 FEET EAST AND 143.22 FEET NORTH OF THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SAID POINT BEING ON THE SOUTH RIGHT OF WAY OF U.S. HIGHWAY 62 AND RUNNING THENCE SOUTH 74 DEGREES 9 MINUTES WEST 177.34 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 21 DEGREES 30 MINUTES EAST 196.2 FEET; THENCE NORTH 74 DEGREES 9 MINUTES EAST 177.34 FEET; THENCE NORTH 74 DEGREES 21 DEGREES 30 MINUTES WEST 196.5 FEET, TO THE POINT OF BEGINNING. CONTAINING 0.80 ACRES MORE OR LESS, INCLUDING MINERAL RIGHTS.

DRAFT



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Senior Planner  
Brent O'Neal, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: December 08, 2004

**RZN 04-1331: (BALE, 596):** Submitted by LISLE LAW FIRM for property located at 3513, 3515, AND 3517 W. 6TH STREET. The property is zoned R-A, Residential Agricultural and C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.80 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: PATRICIA BALE

Submitted on behalf of: LESTER W. BALE SALES CO.

Planner: JEREMY PATE

**RECOMMENDATION:**

Staff recommends denial of the requested rezoning to C-2 Thoroughfare Commercial, based on the findings included as part of this report. The Planning Commission voted 5-3-0 to recommend to City Council a rezoning of the subject property to C-1, Neighborhood Commercial.

|                                                                       |                                                                                             |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b>                                    | Required <u>YES</u>                                                                         |
| Date: <u>December 13, 2004</u>                                        | 5-3-0 Recommendation for C-1<br><input type="radio"/> Approved <input type="radio"/> Denied |
| <b>CITY COUNCIL ACTION:</b>                                           | Required <u>YES</u>                                                                         |
| Date: <u>January 04, 2004 (1<sup>st</sup> reading if recommended)</u> | <input type="radio"/> Approved <input type="radio"/> Denied                                 |

Comments: \_\_\_\_\_

## BACKGROUND:

**Property description:** The property under review consists of 0.80 acres with three (3) large vacant warehouse/commercial structures fronting onto Hwy 62 (6<sup>th</sup> Street), west of Dinsmore Trail in west Fayetteville. The structures are nonconforming, both in location and intended use. The structures have been vacant for more than six months, and thus only uses permitted within the existing zoning district (R-A) are allowed. The entirety of the property is located within the 100-year floodplain, approximately 0.15 miles west of the Lowe's C-PZD on 6<sup>th</sup> Street (Hwy 62). Properties in this area have experienced flooding in the past due in part to the existing development located in the floodplain and floodway constructed prior to current floodplain and drainage regulations. As noted on the zoning maps attached, a portion of this property is zoned C-2 and a portion is zoned R-A, Residential Agricultural; the majority is R-A property, and has been zoned as such since before 1970. The subject parcel excludes a small portion of existing R-A to the west along Hwy 62, as well. The property is bordered to the south and west by an expansive automobile salvage yard (an existing nonconforming use in a C-2 district). To the north the subject property is bound by Hwy 62 and a Tire & Auto shop, along with other commercial developments, all of which have existed as C-2 since before 1970. To the east is a property currently before the City Council for a rezoning request, and consists of a single family house.

The applicant directly to the east (Medley) recently requested a change in zoning from R-A to C-2, just as the current applicant is requesting. Staff recommended denial of this request based on its incompatibility with the Land Use Plan and policies, among other findings therein (see attached). The Planning Commission voted 7-1-0 to forward the request to the City Council with a recommendation for C-1, as opposed to the requested C-2. On December 07, 2004, the City Council voted to approve an ordinance rezoning this adjacent property to C-1, Neighborhood Commercial.

**Proposal:** The applicant proposes a rezoning of the subject property to facilitate a new use within the existing structures on the property, based on conversations with the applicant.

**Request:** The request is to rezone the subject property from R-A, Residential Agricultural to C-2, Thoroughfare Commercial.

## SURROUNDING LAND USE AND ZONING

| Direction | Land Use                | Zoning                       |
|-----------|-------------------------|------------------------------|
| North     | Hwy 62, H&R Tire & Auto | C-2, Thoroughfare Commercial |
| South     | Auto salvage yard       | C-2, R-A                     |
| East      | Single Family Home      | R-A                          |
| West      | Auto salvage yard       | R-A, C-2                     |

## INFRASTRUCTURE:



**Streets:** Currently the site has access to 6<sup>th</sup> Street. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

**Water:** The site currently does have access to public water. The nearest water main is a 12" main to the north along Highway 62 (6<sup>th</sup> Street). Water service will need to be extended within the property at the time of development.

**Sewer:** The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is a 6" main to the west along Highway 62 (6<sup>th</sup> Street). A capacity analysis of the 6" sewer downstream of the site shall be conducted prior to development.

**Fire:** The subject property is located 1.4 miles from Fire Station #6. Fire response time is approximately 2-3 minutes.

**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services. Access to this property is a concern because of the road system on West Sixth Street. The speed and road type are of concern to the Fayetteville Police Department due to the potential for accidents but we do not believe this should prohibit the rezoning request.

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**LAND USE PLAN:** The Future Land Use Plan designates this site for Mixed Use. Rezoning this property to C-2 is not consistent with the land use plan.

#### **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 rezoning is not consistent with future land use planning objectives, principles, and policies for Mixed Use Areas. The Future Land Use plan identifies this area to "allow mixing of uses and integration of design through the planning process." Additionally, Ch. 9.14 states: "in the past, strip development in the areas along heavily traveled (generally state) highways has been the common pattern. If Fayetteville is to retain its identity as a unique place, strip development should be discouraged...." The existing zoning and land use decisions for nearby properties were made under at least three different General Plans, and reflect a wide variety of General Plan policy in the City. Several surrounding properties have for the most part



existed in situ for over 30 years, and consist of many nonconforming uses that were established prior to the adoption of more current zoning regulations in 1970. Property removed to the east is the most recently zoned in the immediate vicinity (1987), under a different General Plan. And yet another policy decision to rezone the Lowe's site to C-PZD (2002) further to the east combined land use and development plans together, allowing for a large Tree Preservation area and other improvements to be added. Staff finds continuing a C-2, Thoroughfare Commercial zoning district along the frontage of Hwy 62 in this location does not comport to the Future Land Use plan guiding policies and strategies for implementation established today. Rezoning of the property should not solely be based on existing, nonconforming uses that do not reflect the city's guiding policies and Land Use Plan, which is evident both on and around this parcel.

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 not justified or needed. The applicant's stated intent is to rezone the property to allow for a new use in the existing nonconforming buildings. Rezoning the property will not create a conforming structure; rather, it will change the uses, setbacks and bulk and area requirements allowed on the subject property. The property is located entirely within the 100-year floodplain as regulated by FEMA; future new development of any kind will have certain restrictions imposed upon it both by the city and FEMA based on its location in the floodplain.

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

**Finding:** The size of the subject property will limit a great increase in traffic danger and congestion, due to the size of development generated by 0.80 acres. However, traffic volumes in this area are high, and increasing. Planning of any future development on this site must address safe access and cross access concerns. Hwy 62, a Principal Arterial, exists directly to the north. At the time of development, improvement to this street will be required.

**Police –** Access to this property is a concern because of the road system on West Sixth Street. The speed and road type are of concern to the Fayetteville Police Department due to the potential for accidents but we do not believe this should prohibit the rezoning request.

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 would not substantially alter the population density in the area, based on the C-2 zoning requested. Public service providers have responded accordingly:

**Police –** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density nor will it create an undesirable increase on police services.

**Fire –** Response time to the subject property (actual drive time) is approximately 2-3 minutes (approx. 1.4 miles) from station #6.

**Engineering –** Currently the site has access to 6<sup>th</sup> Street. At the time of development, this street will need to be brought up to current standards along the property frontage. These improvements will include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

The site currently does have access to public water. The nearest water main is a 12" main to the north along Highway 62 (6<sup>th</sup> Street). Water service will need to be extended within the property at the time of development.

The site currently does not have access to sanitary sewer. An off-site sewer main extension will be required to serve this development. The nearest sewer main is a 6" main to the west along Highway 62 (6<sup>th</sup> Street). A capacity analysis of the 6" sewer downstream of the site shall be conducted prior to development.

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:** Staff is recommending denial of the subject request, and finds there are no peculiar or extenuating circumstances which justify the rezoning.

### 161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 1  | City-wide uses by right                  |
| Unit 3  | Public protection and utility facilities |
| Unit 6  | Agriculture                              |
| Unit 7  | Animal husbandry                         |
| Unit 8  | Single-family dwellings                  |
| Unit 9  | Two-family dwellings                     |
| Unit 37 | Manufactured homes                       |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 36 | Wireless communications facilities       |

(C) *Density.*

|                |          |
|----------------|----------|
| Units per acre | One-half |
|----------------|----------|

(D) *Bulk and area regulations.*

|                            |         |
|----------------------------|---------|
| Lot width minimum          | 200 ft. |
| Lot Area Minimum:          |         |
| Residential:               | 2 acres |
| Nonresidential:            | 2 acres |
| Lot area per dwelling unit | 2 acres |

(E) *Setback requirements.*

|        |        |        |
|--------|--------|--------|
| Front  | Side   | Rear   |
| 35 ft. | 20 ft. | 35 ft. |

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which

exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None

### 161.17 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                                  |
|---------|--------------------------------------------------|
| Unit 1  | City-wide uses by right                          |
| Unit 4  | Cultural and recreational facilities             |
| Unit 12 | Offices, studios and related services            |
| Unit 13 | Eating places                                    |
| Unit 14 | Hotel, motel, and amusement facilities           |
| Unit 15 | Neighborhood shopping goods                      |
| Unit 16 | Shopping goods                                   |
| Unit 17 | Trades and services                              |
| Unit 18 | Gasoline service stations & drive-in restaurants |
| Unit 19 | Commercial recreation, small sites               |
| Unit 20 | Commercial recreation, large sites               |
| Unit 33 | Adult live entertainment club or bar             |
| Unit 34 | Liquor store                                     |

(2) *Conditional uses.*

|         |                                            |
|---------|--------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit   |
| Unit 3  | Public protection and utility facilities   |
| Unit 21 | Warehousing and wholesale                  |
| Unit 28 | Center for collecting recyclable materials |
| Unit 32 | Sexually oriented business                 |
| Unit 35 | Outdoor music establishments               |
| Unit 36 | Wireless communications facilities         |

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

|                                                 |        |
|-------------------------------------------------|--------|
| Front                                           | 50 ft. |
| Side                                            | None   |
| Side, when contiguous to a residential district | 15 ft. |
| Rear                                            | 20 ft. |



(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *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 C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

### 161.16 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

|         |                                                    |
|---------|----------------------------------------------------|
| Unit 1  | City-wide uses by right                            |
| Unit 12 | Offices, studios and related services              |
| Unit 13 | Eating places                                      |
| Unit 15 | Neighborhood shopping                              |
| Unit 18 | Gasoline service stations and drive-in restaurants |
| Unit 25 | Professional offices                               |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 34 | Liquor stores                            |
| Unit 35 | Outdoor music establishments             |
| Unit 36 | Wireless communications facilities       |

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

|                                                 |        |
|-------------------------------------------------|--------|
| Front                                           | 50 ft. |
| Side                                            | None   |
| Side, when contiguous to a residential district | 10 ft. |
| Rear                                            | 20 ft. |



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

## PLANNING DIVISION CORRESPONDENCE

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November 4, 2004

Mrs. Pat Bale  
3513 W. 6<sup>th</sup> Street  
Fayetteville, AR 72701

Re: Zoning Compliance at 3513 W. 6<sup>th</sup> Street

Dear Mrs. Bale:

Planning staff has researched the property at 3513 W. 6<sup>th</sup> Street after receiving a verbal request from a gentleman interested in leasing the property for commercial use. The subject property is zoned R-A, Residential Agricultural. In 2002 a Certificate of Zoning Compliance was issued for a furniture store to be located on this site. At that time, staff researched the water records, which showed continual service, and as such, the non-conforming use was permitted and issued a Certificate of Zoning Compliance. However, the city's water records indicate that more than 120 days has passed since the business, Furniture Connection, discontinued service to the subject property in July, 2003. At that time, to continue the non-conforming use, the new business that moved into this location would have been required by City Code §161.02 to request a Certificate of Zoning Compliance. The change of use to a roofing company was not a change that the city could allow without processing a Conditional Use Permit to be approved by the Planning Commission within 120 days from the date that Furniture Connection vacated the property.

I have attached the portion of the code which pertains to nonconforming uses along with this letter. §164.12(A)(1) states "...it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival." §164.12(C)(3) states "*Cease of Use*. If any such nonconforming use of land ceases for any reason for a period of more than 120 days, any subsequent use of such land shall conform to the regulations in which such land is located;" Therefore, no new business may be located on this property unless it complies with the R-A zoning district. Attached is the portion of the code which describes the purpose and uses allowed within the R-A, Residential Agricultural zoning district.

Recently, a request for rezoning the property adjoining your property, located at 3507 W. 6<sup>th</sup> Street, to C-2, Thoroughfare Commercial was before the Planning Commission. Staff recommended denial of that request. The Future Land Use Plan designates that site, along with your site, for Mixed Use. Rezoning this property to C-2 is not consistent with the future land use plan. In addition, your entire parcel lies within the 100-year floodplain. Any new development within the 100-year floodplain

K:\Dawn\2004 Correspondence\3513 6th street.bales.doc

would be required to get a floodplain development permit, which, at minimum, requires structures to be elevated a minimum of two (2) feet above the base flood elevation.

If you have questions or need clarification on any of the items stated above please feel free to contact the Planning Division at 575-8267.

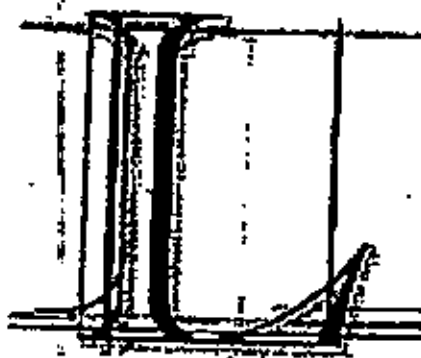
Sincerely,

Dawn T. Warrick, AICP  
Zoning & Development Administrator

/rt

Enclosures

cc: Tim Conklin, Director, Community Planning & Engineering Svcs.



**LISLE LAW FIRM, P.A.**

JOHN LISLE (of counsel)  
CHRIS LISLE  
DONNIE RUTLEDGE  
STEVE LISLE

1458 Plaza Place, Suite 101  
Springdale, AR 72764-5273  
479-750-4444  
Fax 479-751-6792

JAN THORNTON  
JIM HATCHER  
J. TRAIL ROGERS  
ROBERT D. BRANDON  
DOROTHYANNE BARRY  
GENE A. FRANCO

December 16, 2004

VIA FACSIMILE AND U.S. MAIL

Ms. Renee Thomas  
Planning Department  
113 West Mountain  
Fayetteville, AR 72701

Facsimile: 479-575-8202

Re: Property Located at 3513-3515-3517 West 6<sup>th</sup> Street  
Application for Rezoning

Dear Ms. Thomas:

I represent Mrs. Pat Bale in her request to rezone the above-referenced property from Residential/Agriculture to Commercial Zone C-2.

In the Planning Commission meeting held on December 13, 2004, the Commission voted to recommend the property be rezoned C-1.

In the upcoming city council meeting, we are going to request that the council rezone this property to C-2 as per our original request.

If you should have any question or comment on the above, please do not hesitate to contact me. Thank you for your time and attention in this matter.

Highest personal regards,  
LISLE LAW FIRM, P.A.

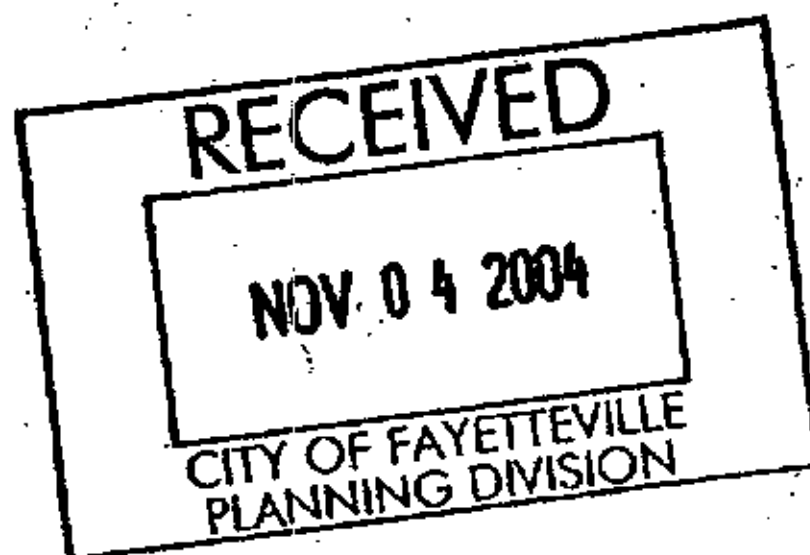
  
Gene A. Franco  
Attorney at Law

GAF/mrc

Cc: Hon. Kit Williams, City Attorney  
Client



Patricia Bale, the sole owner of the property which is requesting the rezoning of the property at 3513, 3515 & 3517 W. 6th. Street is requesting the zoning change to meet the City of Fayetteville's zoning ordinances. A portion of the buildings at 3515 & 3517 are zoned C-2 at the present time. The property has been occupied since 1979 and the fact that the buildings were partially zoned as RA was not known until the first of November 2004. Taxes have been paid on commercial property. The zoning change requested will not change anything concerning surrounding properties, traffic or land use. The change will correct the zoning which has been incorrect for years.





WARRANTY DEED

FILED  
FOR RECORD

1983 MAR -1 PM 3:57

WASHINGTON COUNTY  
ARKANSAS

ALMA HOLMES

CLERK

KNOW ALL MEN BY THESE PRESENTS:

That I, Priscilla Bell, a single person, hereinafter called Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to me in hand paid by Lester W. Bale and Patricia F. Bale, husband and wife, hereinafter called Grantees, do hereby grant, bargain and sell unto the said Grantees and Grantees' heirs and assigns, the following described land, situate in Washington County, State of Arkansas, to-wit:

Part of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 19, Township 16 North, Range 30 West and being more particularly described as follows, to-wit: Beginning at a point which is 871.65 feet East and 143.22 feet North of the Northwest Corner of said Northwest Quarter of the Southwest Quarter, said point being on the South right-of-way of U. S. Highway 62, and running thence South 74 degrees 9 minutes West 177.34 feet along said right-of-way; thence South 21 degrees 30 minutes East 196.2 feet; thence North 74 degrees 9 minutes East 177.34 feet; thence North 21 degrees 30 minutes West 196.5 feet, to the point of beginning. Containing 0.80 acres more or less, including mineral rights.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantees and Grantees' heirs and assigns, forever. And I, the said Grantor, hereby covenant that I am lawfully seized of said land and premises, that the same is unincumbered, and I will forever warrant and defend the title to the said lands against all legal claims, whatever.

WITNESSETH my hand and seal of this 1st day of MARCH, 1983.  
PROPERTY TO BE REZONED  
AS SUBMITTED BY THE APPLICANT

EXHIBIT "A"  
PROPERTY TO BE REZONED  
AS SUBMITTED BY THE APPLICANT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

ACKNOWLEDGMENT

On the 1st day of MARCH, 1983, before me, a Notary Public, personally appeared Priscilla Bell, known to me (or satisfactorily proven) to be the person whose name is subscribed in the foregoing instrument and acknowledged that she had executed the same for the purposes therein set forth.

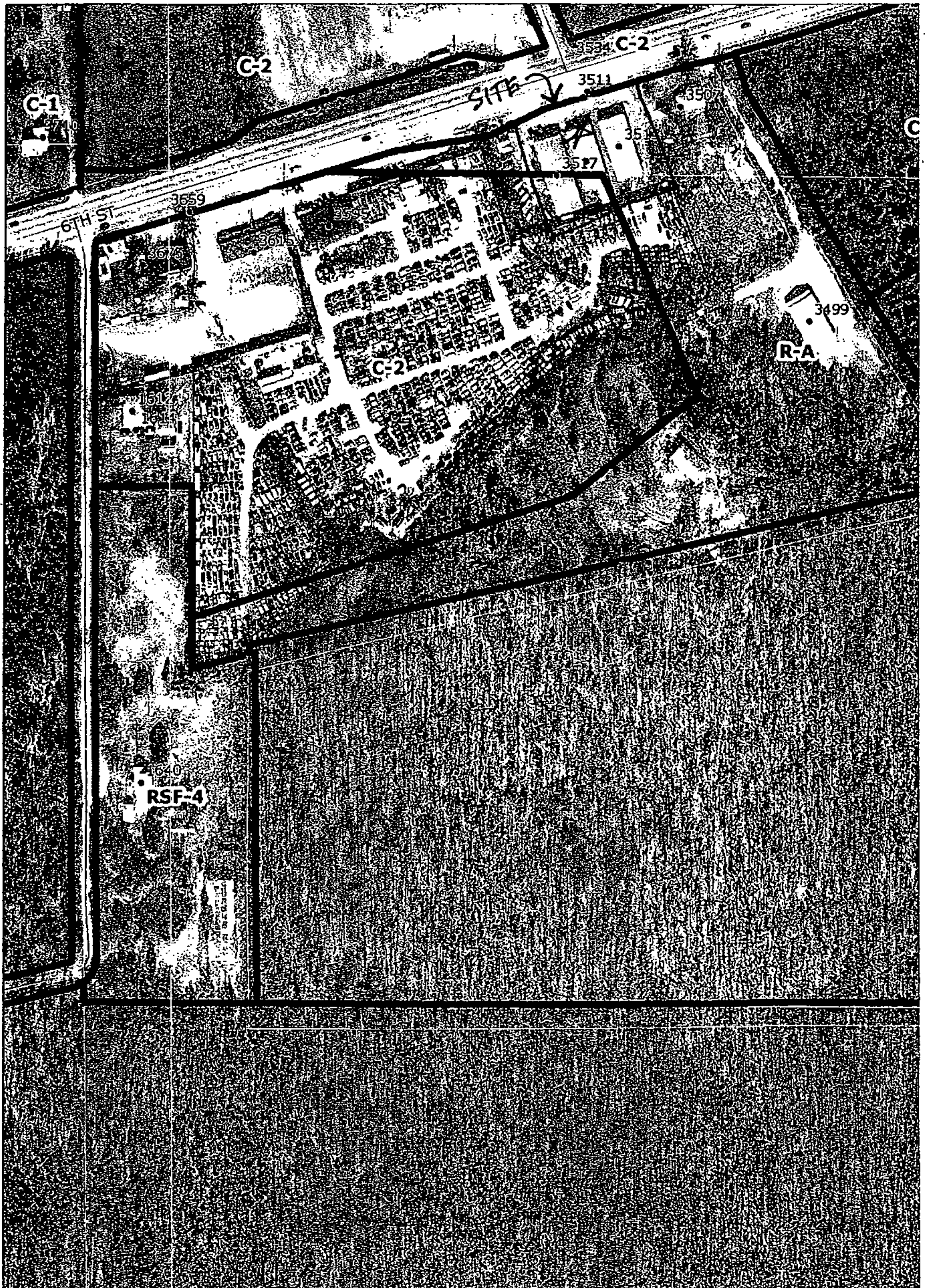
CITY OF FAYETTEVILLE  
PLANNING DIVISION

RECEIVED

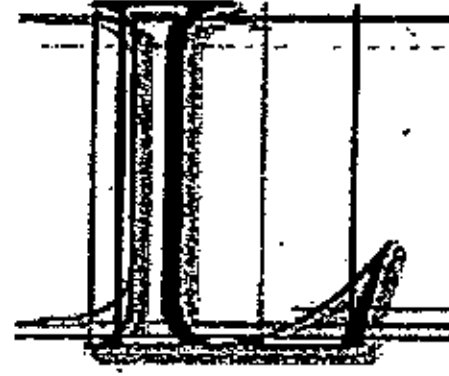
NOV 04 2004

(Seal)  
Submitted as  
RZN 04-1331  
11/17/2004









**LISLE LAW FIRM, P.A.**

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Springdale, AR 72764-5273  
479-750-4444  
Fax 479-751-6792

JAN THORNTON  
JIM HATCHER  
J. TRAIL ROGERS  
ROBERT D. BRANDON  
DOROTHYANNE BARRY  
GENE A. FRANCO

December 13, 2004

Fayetteville Planning Commission  
125 West Mountain  
Fayetteville, AR 72701

**Hand Delivered at Planning Commission Meeting on 12/13/04**

Re: Property Located at 3513-3515-3517 West 6<sup>th</sup> Street  
Application for Rezoning

Dear Commissioners:

I represent Mrs. Pat Bale in her request to rezone the above-referenced property from Residential/Agriculture to Commercial Zone C-2. I have provided herewith some information on paper so that you can be adequately informed as to the issues and matters in resolving this request for rezoning. Attached you will find numerous documents or other items that I would like to spend a little time describing for you.

Attached and marked as Exhibit 1 is a zoning map printed out from the City of Fayetteville's website. Mrs. Bale's land is marked by the boundaries which have been added to this map. As you will note, this property contains three buildings that face or front West 6<sup>th</sup> Street on the south side of the road. The distance from the western boundary to the western building is 62 feet. The distance from the eastern boundary to the edge of the eastern building is 24 feet. The property line is also marked showing the rear boundary of the property 18 feet behind the buildings. (Please note that the boundaries marked on Exhibit 1 are not to scale but are only for reference purposes.) As you view Exhibit 1 you will note that part of buildings 2 and 3 are already contained within lands that have been re-zoned to C-2.

The next document you have which is labeled as Exhibit 2 is a larger map showing more area surrounding Mrs. Bale's property. Again I have placed a circle around the areas that we are seeking to re-zone.

The next item that is labeled as Exhibit 3 is actually a composite of five photographs showing various views including the subject property.

*Fayetteville Planning Commission  
Re: Property Re-Zoning Issue  
December 13, 2004  
Page 2 of 3*

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- a. Photograph No. 1 is a view of the properties on the land owned by Mrs. Bale and showing from left to right Building No. 1, Building No. 2, and Building No. 3 as they have been labeled.
- b. Photograph No. 2 shows the view looking north from the front of the subject property and showing property almost directly across the street and to the northeast, said property being zoned C-2.
- c. Photograph No. 3 shows the property directly north and slightly to the west of the subject property with said property being zoned C-2.
- d. Photograph No. 4 is a photograph taken from a vantage point north and west of the subject property. The photograph shows on the left the three buildings located on Mrs. Bale's property as well as the adjoining property to the west, 62 Auto Sales and Salvage Yard, which is also zoned C-2.
- e. Photograph No. 5 is a view of the property from a vantage point north and east of Mrs. Bale's property showing Mrs. Bales' property in relation to her adjoining neighbors to the east and west.

Regarding Exhibit 3, Photograph No. 1 we would like to provide the following information for the Commission. This lot and all three buildings were acquired in 1979. When this land was purchased, these buildings were already on the property. In looking at Photograph No. 1, Building No. 1; the following businesses have been located in this building since Mrs. Bale acquired the property: a) Freight Furniture Sales; b) Kawasaki Motorcycle Dealership and Service; c) Marble Ark (business manufactured marble on site and also conducted retail sales); d) Superior Vaults (sales of vaults and tombstones); e) Furniture Connection (general sales of home furnishings); and, most recently, f) Basey's Roofing (satellite office from their Rogers home office as well as storage for said business.

Regarding Building No. 2, this building has been and is now used as storage for IGA Food Stores. This building is used to store IGA's fixtures including shelving and the like and has been used as such since Mrs. Bale acquired the property.

Building No. 3 denoted in Photograph No. 1 is Mrs. Bale's personal business. This has been Advanced Floor Company since the property was purchased by the Bales in 1979. It consists of a showroom and sales for carpeting, and all other manner of residential flooring. It is also used for storage of carpeting and other flooring.

Building No. 1 is at this time vacant. A Mr. Gene Hudgins is desirous of using said building to open up a pawn shop. Mrs. Bale stands ready to rent this property to him if the property can be re-zoned as she has requested. Other than this one issue, Mrs. Bale has no other plans at this time to change or otherwise modify this property in any way or the way the property is used.

Exhibit 4 attached hereto is a letter from Chris Sargent. Mr. Sargent is the owner of 62 Auto Salvage. This is the land and business located directly to the west of Mrs. Bale's property and is



*Fayetteville Planning Commission  
Re: Property Re-Zoning Issue  
December 13, 2004  
Page 3 of 3*

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reflected in Photograph No. 2 of Exhibit 3. This letter purports that they have no objection to the re-zoning of the subject property to C-2.

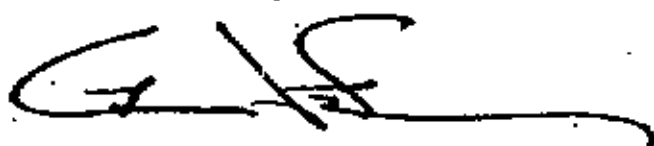
Exhibit 5 attached hereto is a letter from Mr. Harold Burnett. Mr. Burnett owns the property across 6<sup>th</sup> Street north and east of Mrs. Bale's property. This property is depicted in Photograph No. 2 of Exhibit 3. This letter also states that there is no objection to the re-zoning of Mrs. Bale's property to C-2.

We have received no negative feedback from any of the members of the public regarding our request to re-zone the subject property. We are under the impression that there is no objection from the public to this re-zoning. Considering the property surrounding Mrs. Bale's property and the nature of its use at this time as well as how it is zoned, we would submit that allowing this land to be re-zoned to C-2 will not bring about or cause the general complaint and/or objections one hears from the public at large in typical re-zoning cases. Specifically, in considering the nature of the property and the zoning surrounding the subject property, re-zoning Mrs. Bale's property to C-2 should not create any future problems with traffic, noise concentration, or, most certainly, not provide anyone with a basis for claiming their property values would be decreased. More specifically, this property is obviously used for the type of zoning requested and we would submit that there are no reasonable or rational bases for denying the re-zoning.

We thank you for your time and attention to this matter.

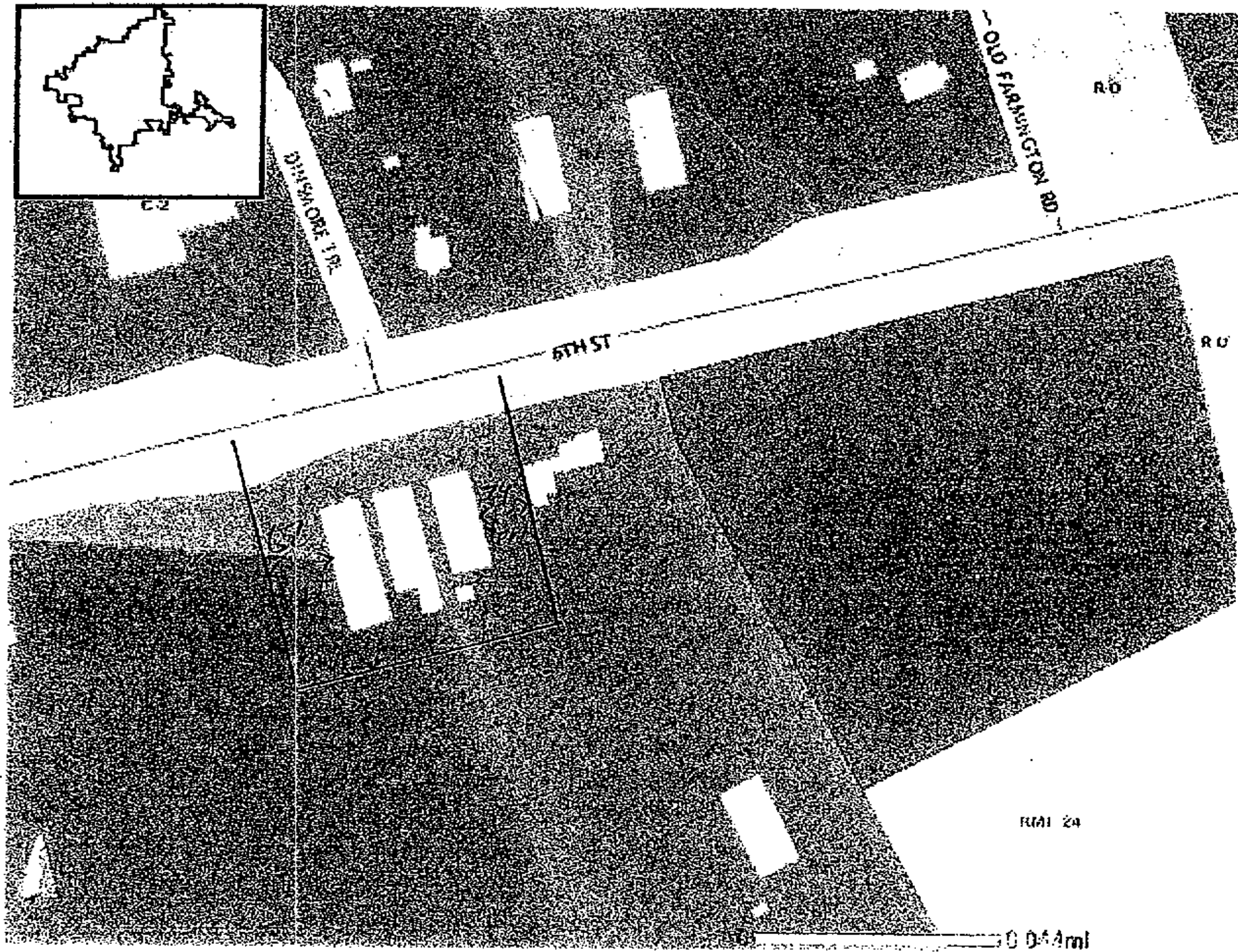
Highest personal regards,

LISLE LAW FIRM, P.A.

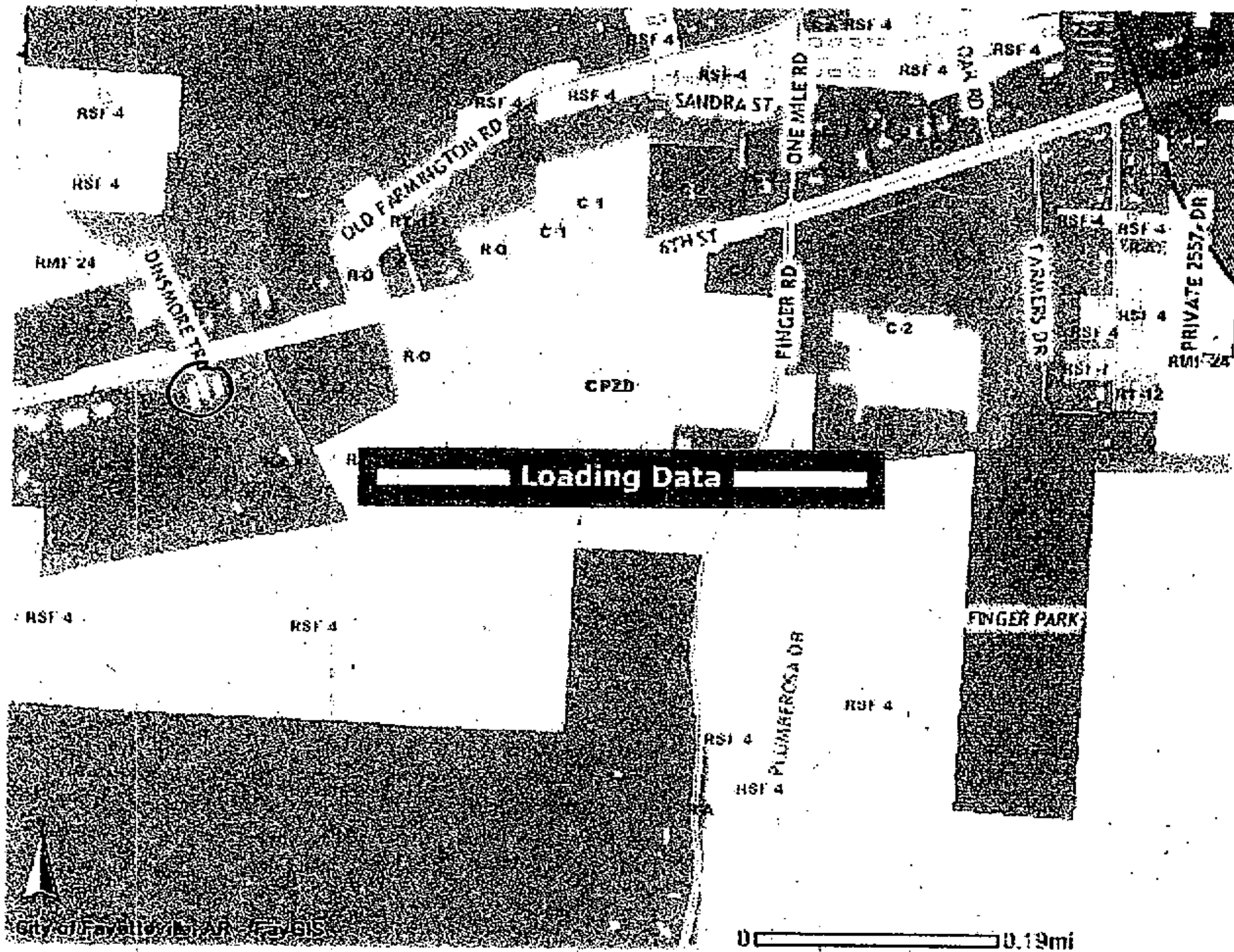


Gene A. Franco  
Attorney at Law

GAF/mrc  
/encls  
cc w/encls: Client



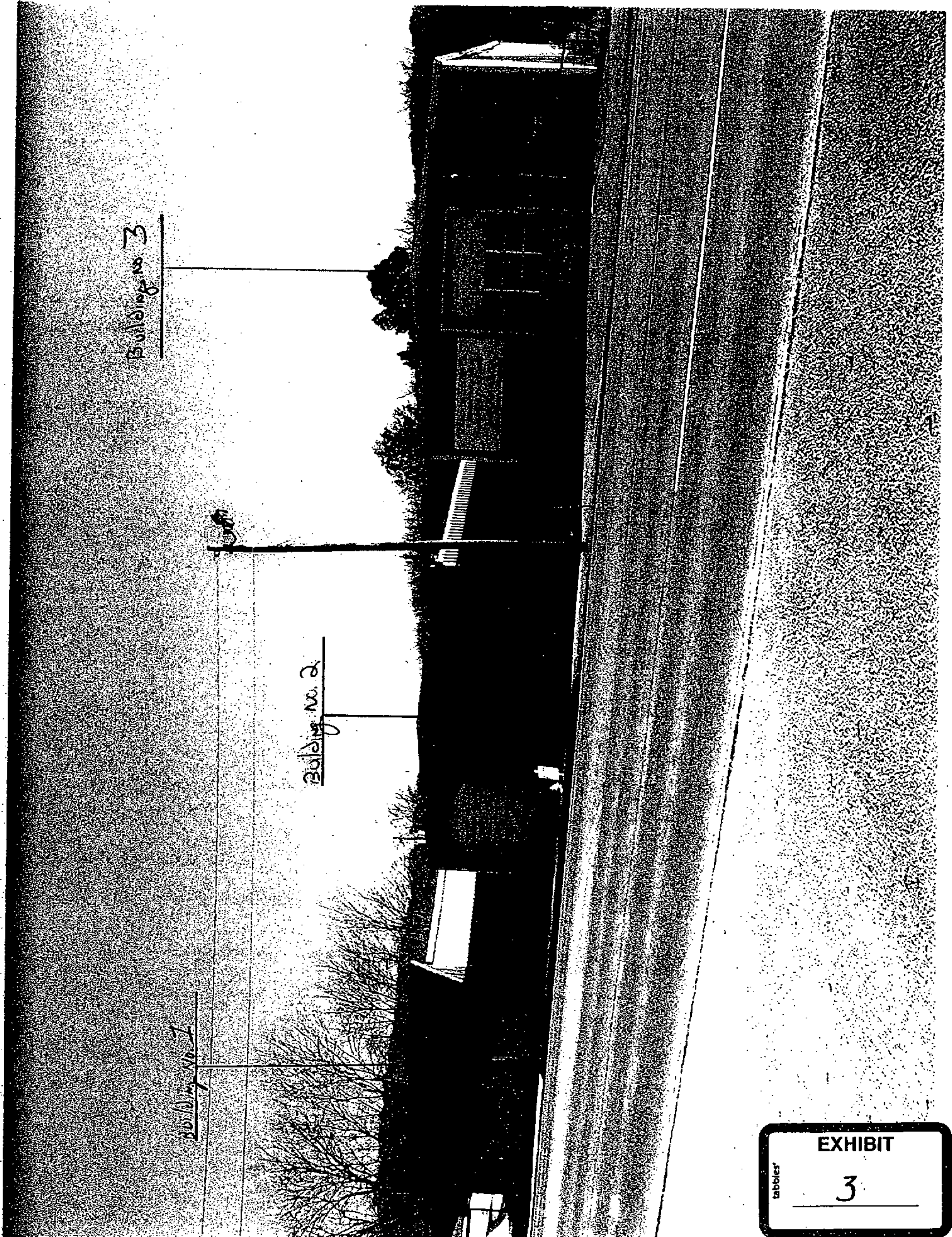




**EXHIBIT**





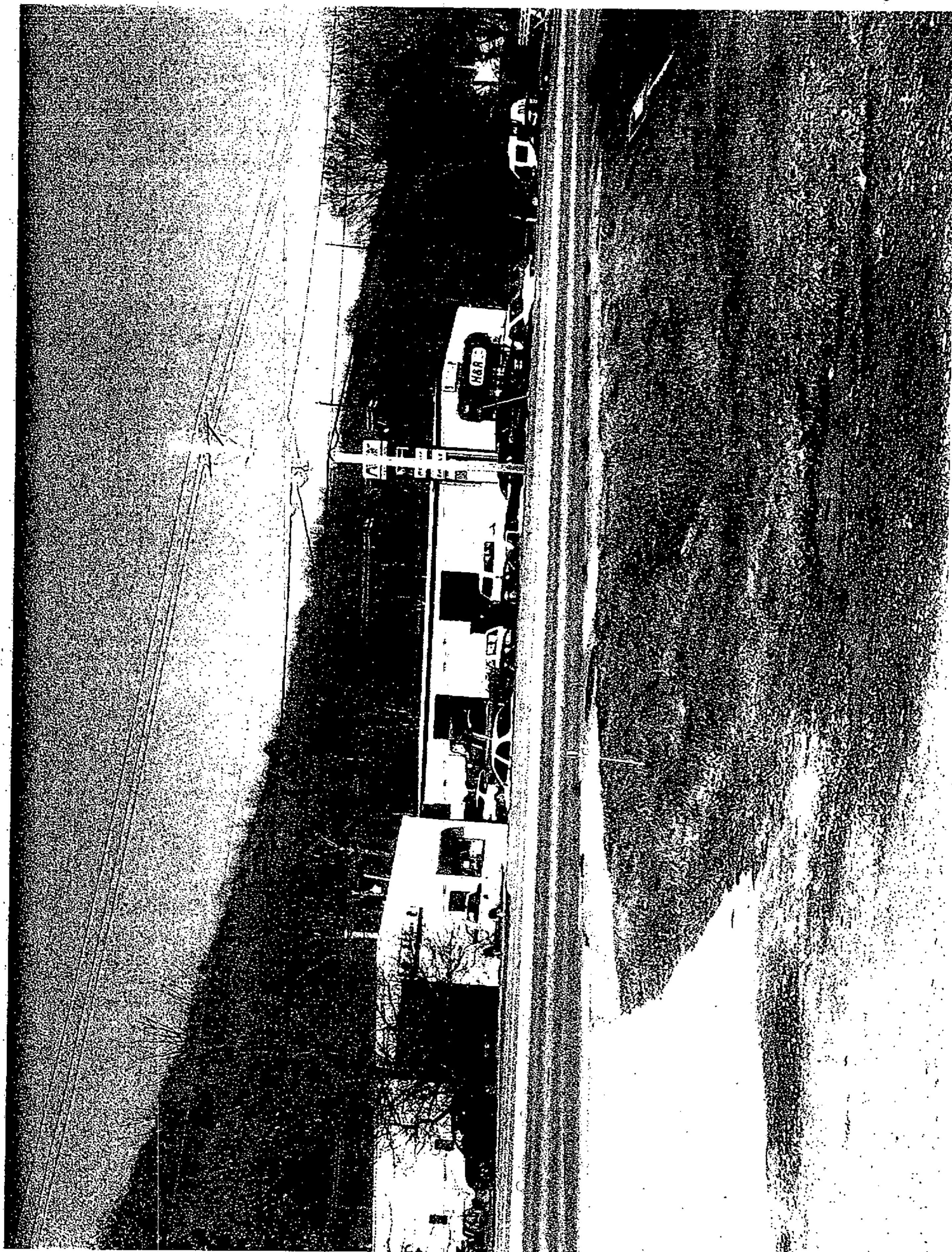


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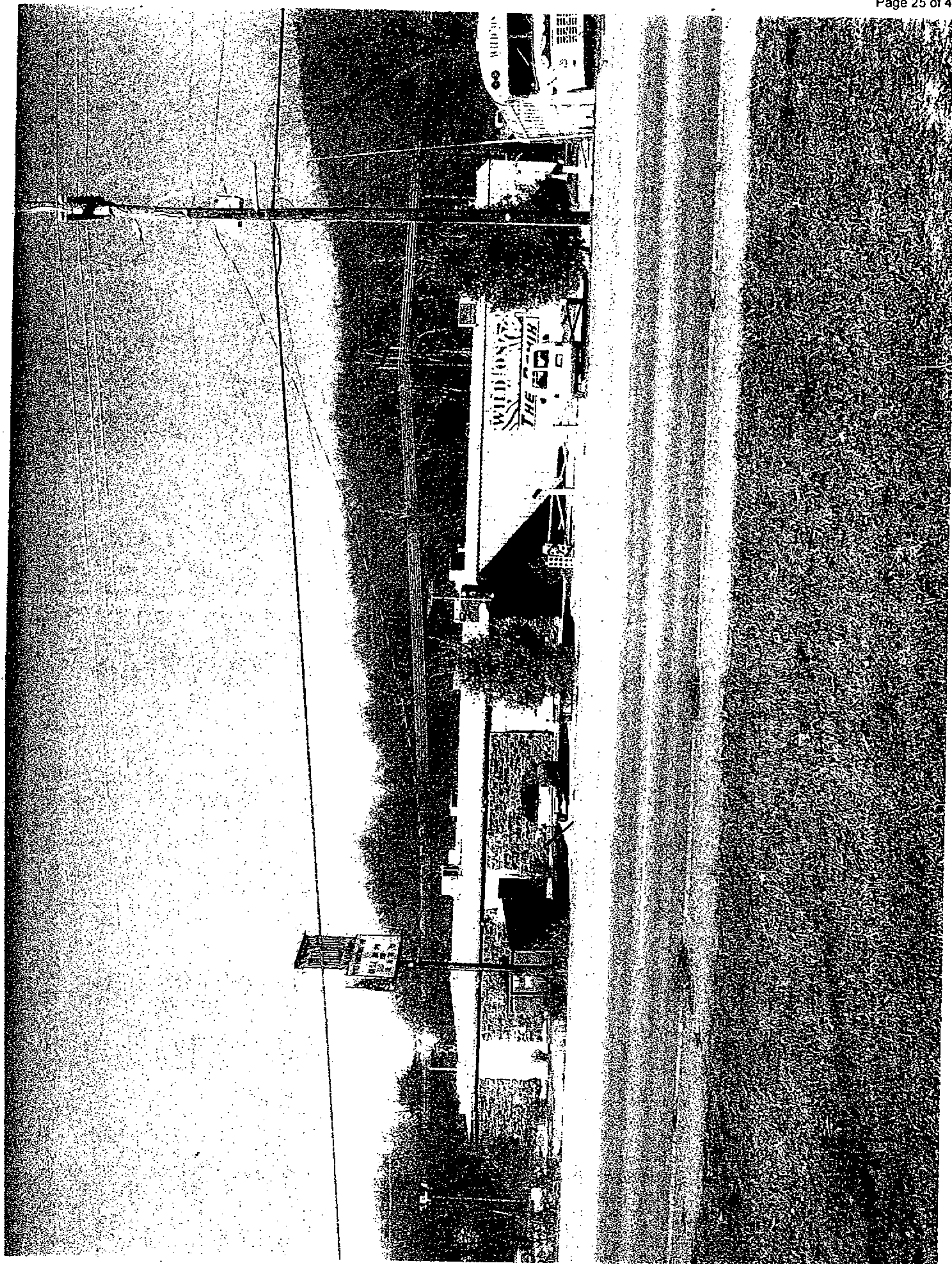
EXHIBIT

3

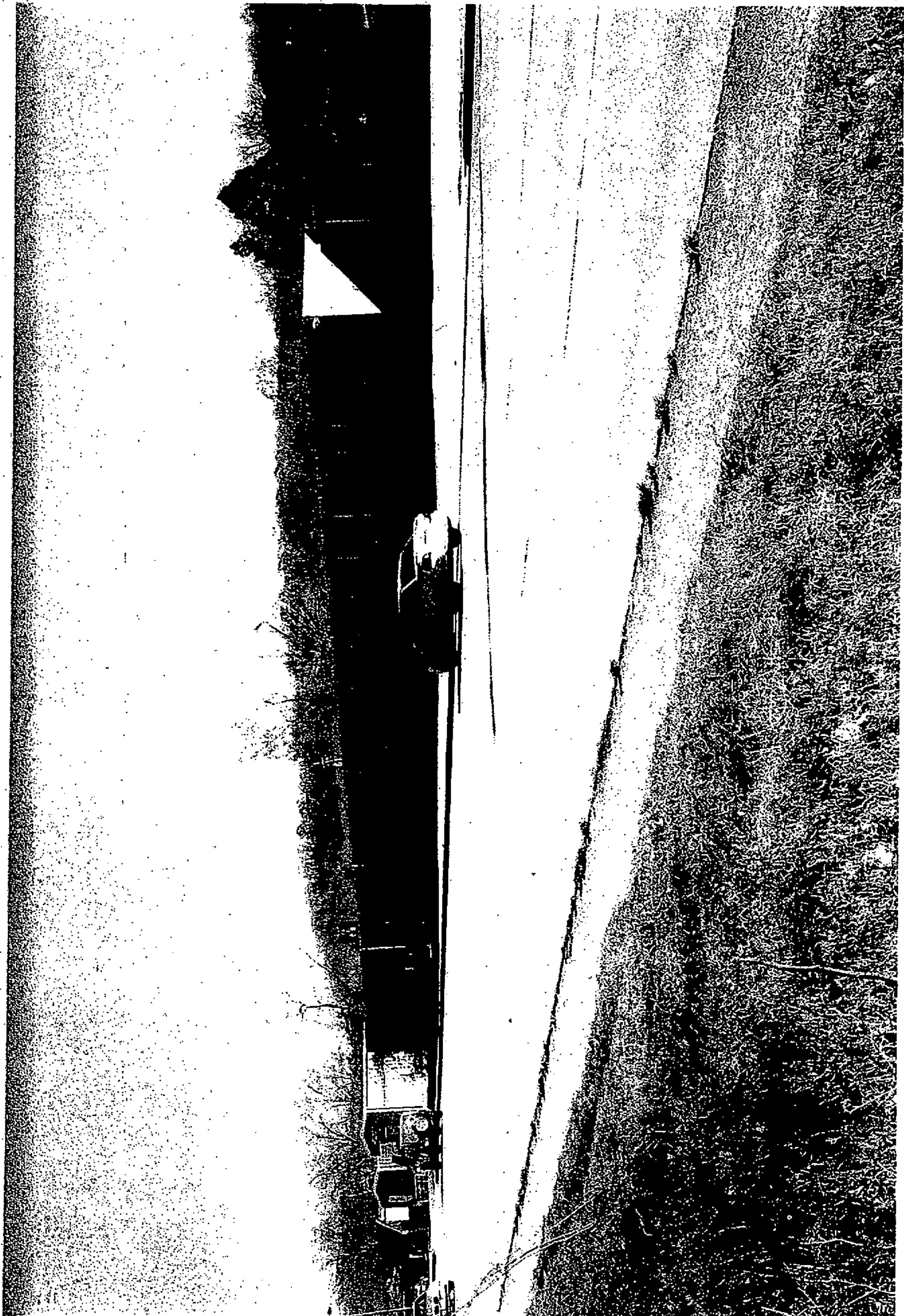


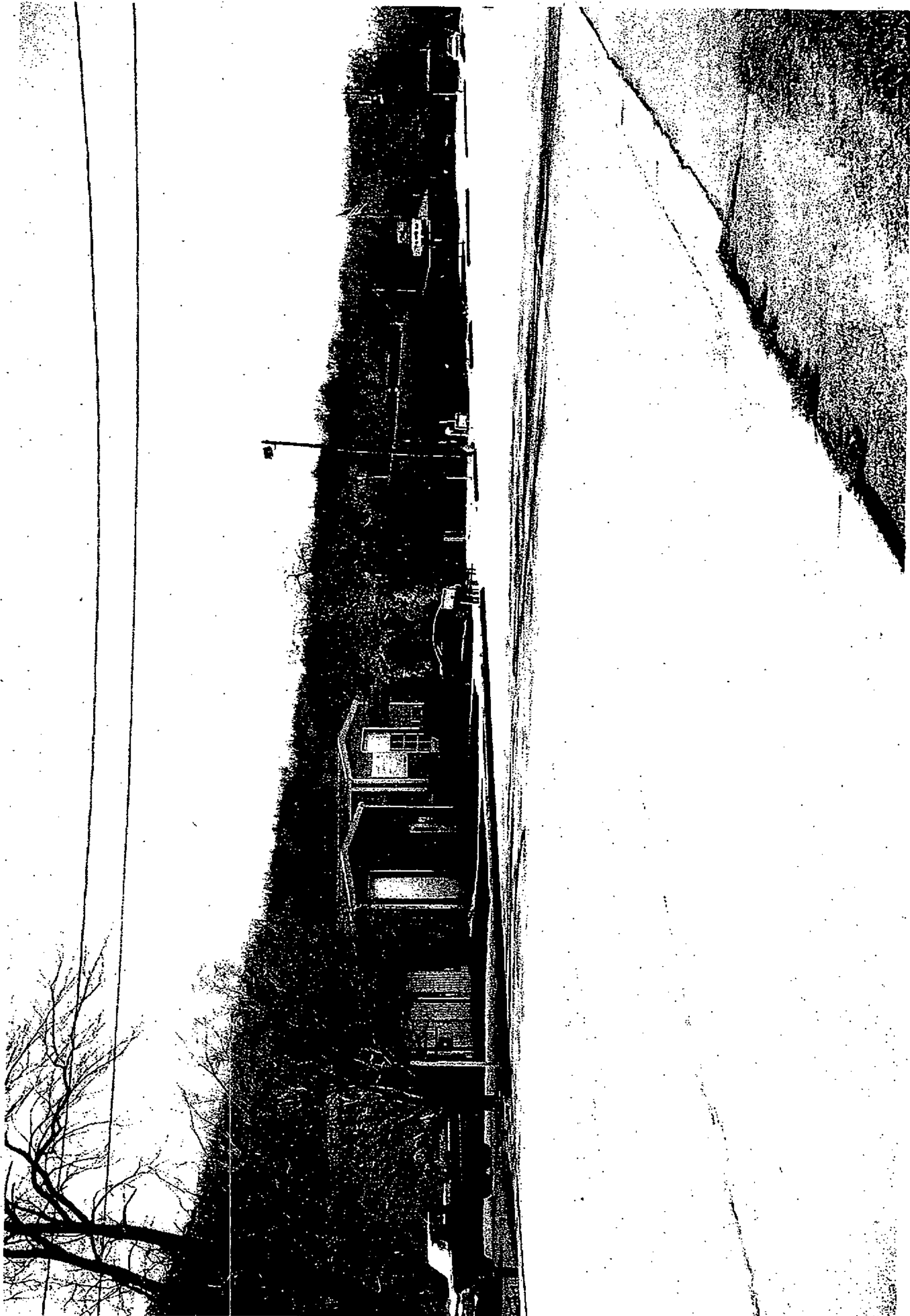














# **62 Auto Salvage**

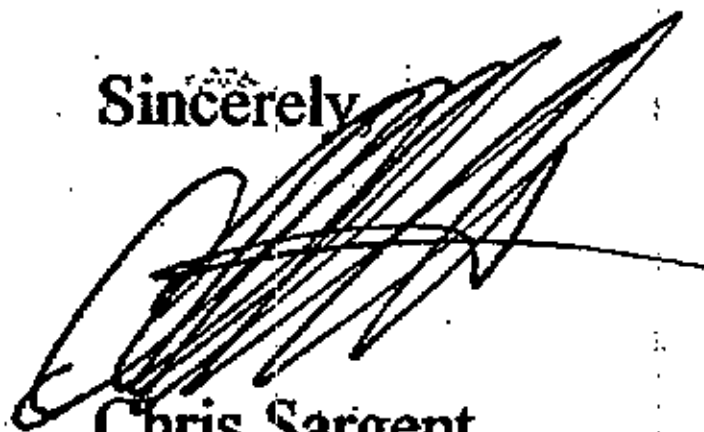
3595 W. 6<sup>TH</sup> STREET  
FAYETTEVILLE, AR 72704  
(479) 443-2101  
FAX (479) 443-2078

December 7, 2004

To Whom It May Concern:

My property located at 3595 W. 6<sup>th</sup> Street, Fayetteville, Arkansas adjoins the property of Advanced Floor Co. owned by Pat Bale located at 3517 W. 6<sup>th</sup> Street, Fayetteville, Arkansas. I have absolutely no opposition to her rezoning her property to C-2.

Sincerely,



Chris Sargent  
President/Owner  
Hwy. 62 Auto Salvage & Sales Inc.



H & R TIRE & AUTO, INC.  
3500 W. 6th - HWY. 62 W.  
FAYETTEVILLE, ARK. 72701  
Phone (501) 443-4155

Dec. 02, 2004

To Whom It May Concern;

The said property at 3517 W. 6th St. in  
Fayetteville, AR belonging to Mrs. Pat  
Bale.

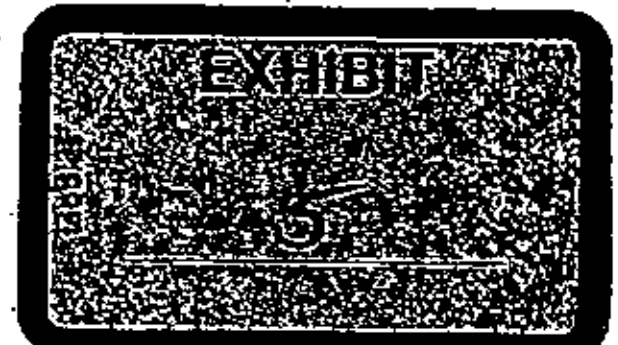
Which is across the street from H & R  
Tire & Auto Co., Inc. at 3500 W. 6th St.

We have no objections to the property  
being Zoned C-2 Commercial.

We were under the understanding that  
all the property on W. 6th St. was Zoned  
C-2 Commercial.

Thanks

*Harold Burnett*  
Harold Burnett



*Planning Commission*

*October 25, 2004*

*Page 21*

**RZN 04-1243: Rezoning (MEDLEY, 557/596):** Submitted by RONALD DEAN MEDLEY for property located at 3507 W 6TH STREET. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.03 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Ostner: Our next item is a rezoning, RZN 04-1243, rezoning for Medley.

Warrick: The subject property is located at 3507 W. 6<sup>th</sup> Street. It contains approximately 1.03 acres. The property is currently zoned R-A, Residential Agricultural. The development on the site currently is a single family home. Most of the property behind the home consists of a vacant field. The entirety of the property is located within the 100 year flood plain. This site is just west of, it's not adjacent to, but it's slightly west of the property that contains Lowe's, and that was zoned C-PZD for the Lowe's Development and the associated outbuildings and other lots that were a part of that Preliminary Plat project. The property is bordered to the west by vacant as well as occupied commercial structures as well as an automobile salvage yard. That is an existing non-conforming use within the C-2 district. A portion of the property is zoned R-A, that's the adjacent property, with the majority being C-2. Many of the surrounding properties contain existing nonconformities. Through the years we tried to do a little bit of history to understand how the various zonings have been applied to properties surrounding this. We believe that many of the developments or many of the structures preexisted our 1970 zoning ordinances. There was a large rezoning request. Several different districts requested for property located adjacent to this in 1987; however, that property really hasn't developed under the zoning districts that were applied at that point in time. The applicant does propose to rezone the subject property to C-2 Thoroughfare Commercial in order to facilitate future sale and potential development of the property. The site currently has access to 6<sup>th</sup> street. It does have access to public water, however, it does not have access to sanitary sewer, that would have to be extended to provide for any future development on the site. Fire response time is between two and three minutes, and the report from the Police Department states that the requested rezoning would not substantially alter population density, therefore would not undesirably increase the load on public services. The land use plan, or future land use plan, does designate this site as mixed use. Staff feels that rezoning the property to a C-2 designation would not be consistent with the City's adopted future land use plan. I think that the finding that staff feels is the most relevant with regard to our recommendation is the first finding, which you're required to make, and that is a determination of the degree to which the proposed zoning is consistent with land use planning objectives, principals, and policies and with land use and zoning plans. And within that finding, staff believes that the future land use plan identifies this area as mixed use to allow the mixing of uses and integration of design through the planning



process. Additionally, that same chapter, 9.14 states, "In the past, strip development in the areas along heavily traveled, generally state highways, has been the common pattern. If Fayetteville is to retain its identity as a unique place, strip development should be discouraged." For that reason and for the reason of compatibility and being able to ensure that we have the best understanding of how this property would develop, staff is not in favor of the requested rezoning to C-2 Thoroughfare Commercial.

Ostner: Thank you. Is the applicant present? If you could introduce yourself and give us your presentation.

Medley: Ladies and gentlemen, my name is Dean Medley. And I'd like to explain why I'd like to rezone this property. My mother is in an assisted care living facility. It costs \$350.00 above her medical expenses to take care of her. Now you're interested in why the Planning Commission says I can't rezone this property. I need to get as much out of this property as I can to take care of her care. That's one of the biggest reasons that I'm rezoning this property. Now I don't know if that fits in with the Planning Commission's plans or anything else, but I understand that there are limitations and you worry about the use of this property. Well when I sell this property, I talked to a realtor, and he said that I can stipulate what kind of a person buys that. That the Planning Commission will only accept this and the Planning Commission will only accept that. I'd like to know from the Planning Commission, if they're going to turn this down, I want to know what they will accept in there.

Ostner: Thank you Mr. Medley. At this point, I'll open it up to the public for any comments concerning this RZN 04-1243. Seeing none, I'll close it to the public and bring it back to the Commission.

Trumbo: Question for Dawn, what would you be in favor of rezoning this to?

Warrick: I thought you'd ask that question. Obviously we think that the C-2 zoning is too intense a designation and it is a zoning district that would basically encourage the type of strip development that the Council and the City, the citizens have identified as undesirable. We do have an R-O zoning district, which is Residential Office, it is specifically a mixed use district, which would allow for professional offices as well as single family or duplex developments. That would very likely be a more appropriate designation. In a perfect world, we'd love to look at this piece of property with the adjacent properties and have some sort of comprehensive understanding of what collectively we could do on that grouping of properties. That's not what we're looking at and I know that Mr. Medley doesn't have the ability to bring forward his property as well as his neighbors and everything along the lines for us to review. I think the Residential Office district, if we were going to make a recommendation



for the City Council, would be an appropriate starting point. They certainly are going to be the ones making the policy decision to determine if it fits with their vision of this part of the City. C-2 would be as I mentioned, a very intense district, and it's not something that is easy to deal with when you're looking at a property that's wholly within the 100-year flood plain. A development of professional offices or residences would likely be easier to regulate in an R-O district with the situation of flood plain on the site. I guess what I'm saying in a very long winded way is R-O would probably be an appropriate district.

Trumbo: Thank you.

Medley: You know the R-O might be acceptable with me. I'm not trying to create problems for the City at all. No problems at all. If they'll just hear me out. If we're talking about an R-O, I'd like to have a variance where if someone like, would the Planning Commission be opposed to something like McDonald's or would they opposed to something like Wendy's or maybe, I have a friend that's got a restaurant, would you be opposed to something like that? If they're talking R-O, could you have R-O with a variance? Thank you.

Warrick: The Residential Office district would allow for a sit down restaurant, not a drive-through, only by Conditional Use approval by the Planning Commission. The R-O district does not allow for Use Unit 18, which is restaurants that allow for drive-through, so many of the fast food chains that were mentioned would not be something that we could approve even under a conditional use condition, however, if it was a more eat-in restaurant without the drive through facility, that's something that the Planning Commission could consider, but it would have to come to you as a Conditional Use and you'd have to be able to consider, I believe one of the primary things that you're going to have to be looking at, or that we will be collectively looking at in the future, is access. The access to this site will be very important and what we're trying to regulate is 6<sup>th</sup> Street not becoming College Avenue, which is what everyone points to and says, we're not really willing to do that again because we feel that there are too many problems inherent in that type of development. So access management is probably one of the key points that we'll have to look at for any type of development on the property, but as far as land use, you can't grant a variance on zoning, but you can look at Conditional Uses that are specified as the types of specific uses that you can request under any particular zoning district. An R-O would allow for an eating place that does not have a drive-through.

Ostner: Thank you.

*Planning Commission*

*October 25, 2004*

*Page 24*

Vaught: Question for staff. Just because I don't have it in front of me. A C-1, what's the difference between an R-O and a C-1?

Warrick: C-1 allows much more shopping, retail type activities, it would also allow for drive-through restaurants I believe.

Vaught: What I'm debating is it's an acre site, so no matter what, it's going to be fairly limited on what goes on there. You know, I do think that C-2 for such a small site might be a little intense, but I'm debating between the difference of C-1 and R-O. As far as being appropriate, granted, I mean, it's an acre in the middle of a C-2 island.

Warrick: I would just want to add that the C-1 zoning district is designated neighborhood commercial. It is primarily to provide convenience goods, personal service type items, and as I mentioned it does allow for neighborhood shopping, which is most of your retail type establishments. Gas stations and drive-through restaurants are also included in that grouping.

Shackelford: I'm kind of going down the same road as Commissioner Vaught. I've said many times tonight, I'm in agreement with City staff and their findings, I'm not so sure that I wholeheartedly agree with these tonight. As you drive out to this property, it's very much, in my opinion, a commercial field on the site. You look at some of the adjoining properties, it's almost an industrial field with the salvage yard and some other properties that are very close in proximity to this property. You look at the map on 10.17, there's C-2 directly across the street from this property to the north, there's C-2, back to the east, you know I'm not so sure that this corridor isn't a significantly different corridor than it was when the land use plan was put together with the improvements of the Lowe's and the other things out there and the traffic counts that we're seeing. I understand the design and the desire for mixed use, I'm just thinking that this property's going to struggle developing as a mixed use piece of property. And on top of that, you throw into the mix that it's entirety is within the 100 year flood plain, which I think is going to further limit the desire, or even the ability, to develop this as an R-O zoning, with a residential house, duplex, or some sort of nice professional office. I don't know that those types of uses, from many different stand points are going to flow very well in a flood plain area. This is one that I've struggled with, I've looked at, and I understand where the staff is coming from on the specific findings of fact, although I understand that they're following the land use plan that was put in place, my common sense is that this is a commercial piece of property. And it makes sense to consider it with that zoning, so that's my comments at this point.

Ostner: Thank you.

*Planning Commission*  
*October 25, 2004*  
*Page 25*

Vaught: I have one further question for staff. C-1 to C-2, what does it now allow, C-1 versus the C-2?

Warrick: The C-2 district, beyond the uses permitted in C-1, opens up commercial recreation land use, adult live entertainments, liquor stores, trades and services. Trades and services is a pretty wide open land use or use unit, and it basically includes, automobile sales and service, truck sales, used car lots, boats and accessories, and a wide variety of service type uses. So those are the uses that in addition to those permitted in C-1 would expand the ability for development in C-2.

Ostner: I'd just like to throw in my opinion here. When we were on tour, I quizzed you pretty thoroughly about this because I didn't quite understand your standpoint either. Because I would agree with Commissioner Shackelford, there is a commercial field. It's apparent that there aren't going to be homes built on this spot. But what Ms. Warrick explained to me, is it's almost an issue of scale. And as she referred to, this gentleman does not have the ability to get with all of his neighbors and get a 20 acre PZD together, just to get his project rezoned. But with a larger development, there would be, instead of 12 curb cuts, 1. And that makes a big difference between creating a College Avenue or creating something more organized. Still commercial, it's still all developed, with a commercial field, but it happens in a different pattern. I'm inclined to vote with staff, that this zoning, with this scale, with this barely 1.03 acres, is not, does not go with our plans to try to stop strip development. So, that's what I have to say.

Vaught: My two cents, my gut is I understand that, and I wholeheartedly believe it, but we're dealing with an acre in the middle of all this C-2. More than likely, if we wanted to really control the development in this area, it being a C-2 and being able to combine some of the areas around it for a possibly a larger development would make more sense to me than having a little island that's forced to develop by itself. Ideally, if this would come back as a PZD or something where we could see an overall plan for the area but we don't have that luxury in this case. So we're looking at a one acre tract in the middle of a large ocean of commercials. Granted, some of it's undeveloped, and we would love to see it come through as a whole. So I'm more inclined to make it a zoning that could be combined with some areas around it, and be incorporated, because more than likely, this one acre will be, need to be, due to its terrain and location, so that's where I'm torn. I don't know if I feel R-O is necessarily the proper zoning for this single piece of property. I just don't know if I believe R-O for this tiny one acre tract is going to accomplish our desires for the overall area, but I also understand you've got to start somewhere. It's one of those that it's



*Planning Commission*  
*October 25, 2004*  
*Page 26*

difficult, but I'm more inclined to rezone it for some sort of commercial use than leave it as an R-O, or to make it an R-O.

Ostner: Those are good points, I would want to continue that dialogue because I agree. I'm not relishing the fact that he's somewhat suffering at the expense of the overall plan. But once this one acre is rezoned, with that zoning goes development rights. And the buyer does not have to coordinate with anyone. And that's where small parcels are given their development rights just like College Avenue. So that I completely understand.

Vaught: And that's why I'm leaning towards C-1 to further limit some of those service and trade type of developments I think that come along with those development rights. Even though it is surrounded by C-2, and it's next door to several service trades.

Ostner: I guess I'm really talking more curb cuts than anything else.

Vaught: No matter what we zone it, this one piece of property would get a curb cut.

Ostner: Not necessarily, not at all.

Vaught: Not unless it's combined with others. If this is rezoned anything, then they come through for development and they have to have access.

Ostner: Unless they're coordinating with a large development.

Vaught: Unless they're coordinating, but an R-O coordinating with a C-2 is what would be an interesting coordination.

Clark: Maybe this is inappropriate, but tonight we are just deciding whether a C-2 is appropriate for this piece of land, correct? It seems, and I'm concerned by the same thing that both of you have discussed. I think that C-2 is way too intense, I'm going to agree with staff on that. There are options. R-O might not work, C-1 seems like a very workable thing. Regardless, I think that that can be worked out between Mr. Medley and the staff. So I'm just going to blaze ahead and move that we reject RZN 04-1243 as a C-2. It can come back.

Warrick: Before you vote, I'd just like to add that it is within your purview, the Planning Commission can approve, modify or disapprove a rezoning that is before you. So you do have the ability to consider either R-O or C-1 or whatever other district you feel might be appropriate for this particular site as a recommendation to the City Council. It's my opinion that it would be appropriate for you to do that so that Mr. Medley doesn't have to start this process again in order to get a recommendation.



*Planning Commission*  
*October 25, 2004*  
*Page 27*

Clark: Okay, that's a new rule; I didn't know we could do that.

Warrick: You do have that ability.

Ostner: We do it all the time. Commissioner Shackelford's good at it. Would you like to amend your motion?

Clark: C-1 okay with you. Why not, we'll take a time out.

Medley: First of all, I'd like to thank all of you. You're considerate, and I'm willing to work with you all. If we could amend it to C-1, that's fine, like I say, I'm willing to work with you.

**MOTION:**

Clark: C-1's okay, then I will amend my motion, to move we approve RZN 04-1243 as a C-1 zoning.

Myres: I'll second.

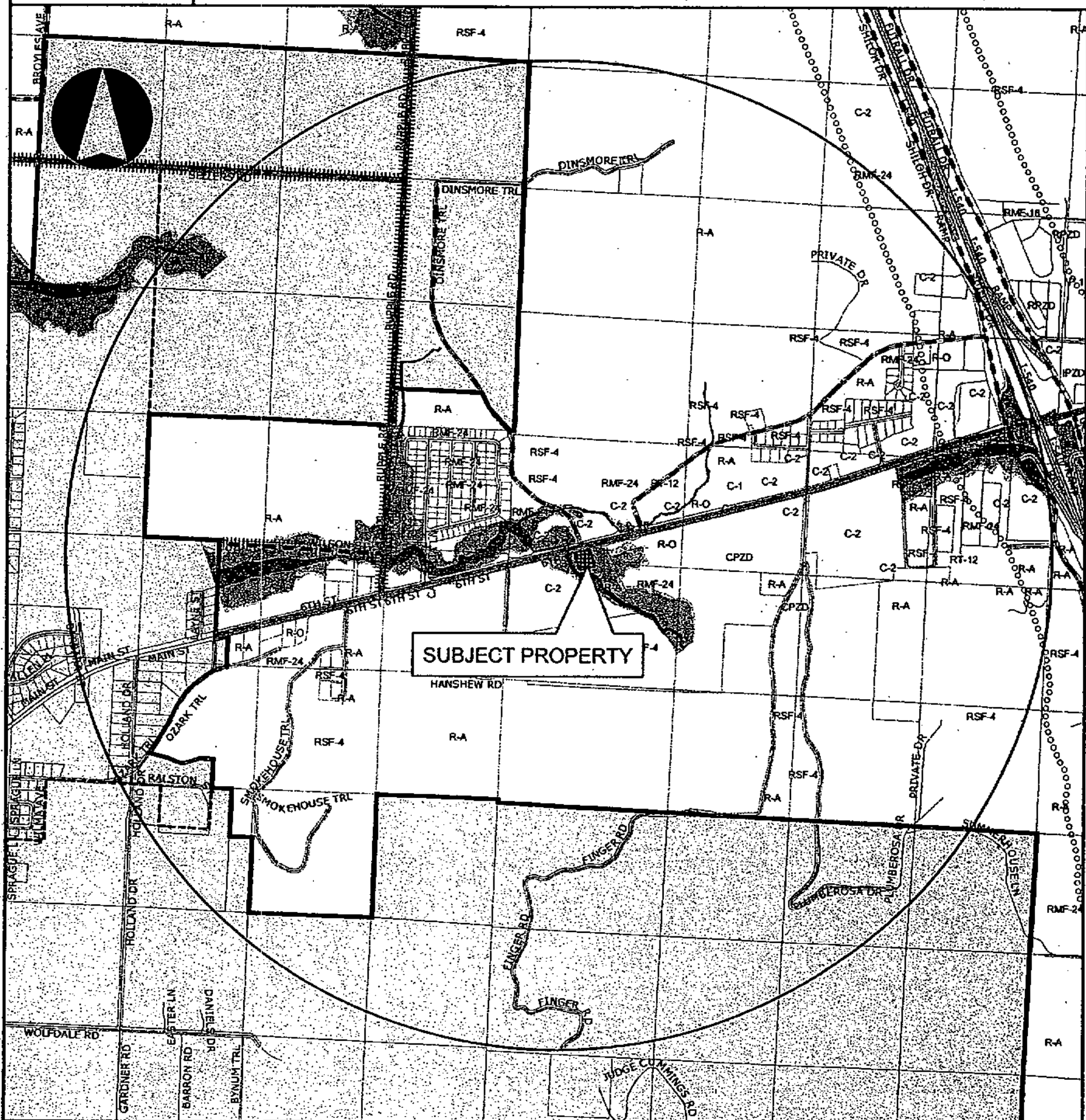
Ostner: I have a motion for approval for a C-1 zoning on Item 04-1243. Motion was from Commissioner Clark, a second from Commissioner Myres. I'm going to vote against this. I believe C-1 is too intense for this piece of property. Is there further discussion? Call the roll please.

**Roll Call:** Upon completion of roll call the motion to recommend approval of RZN 04-1243 to the City Council with a recommendation for C-1 zoning was approved by a vote of 7-1-0 with Commissioner Ostner voting no.

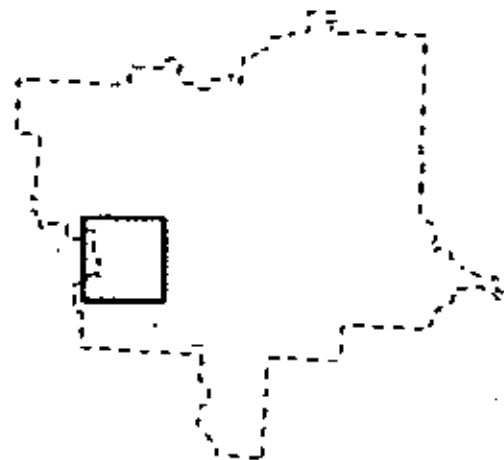
RZN04-1331

One Mile View

# BALE



## Overview



## Legend

Subject Property

RZN04-1331

## Boundary

Planning Area

Overlay District

Outside City

## Master Street Plan

## Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

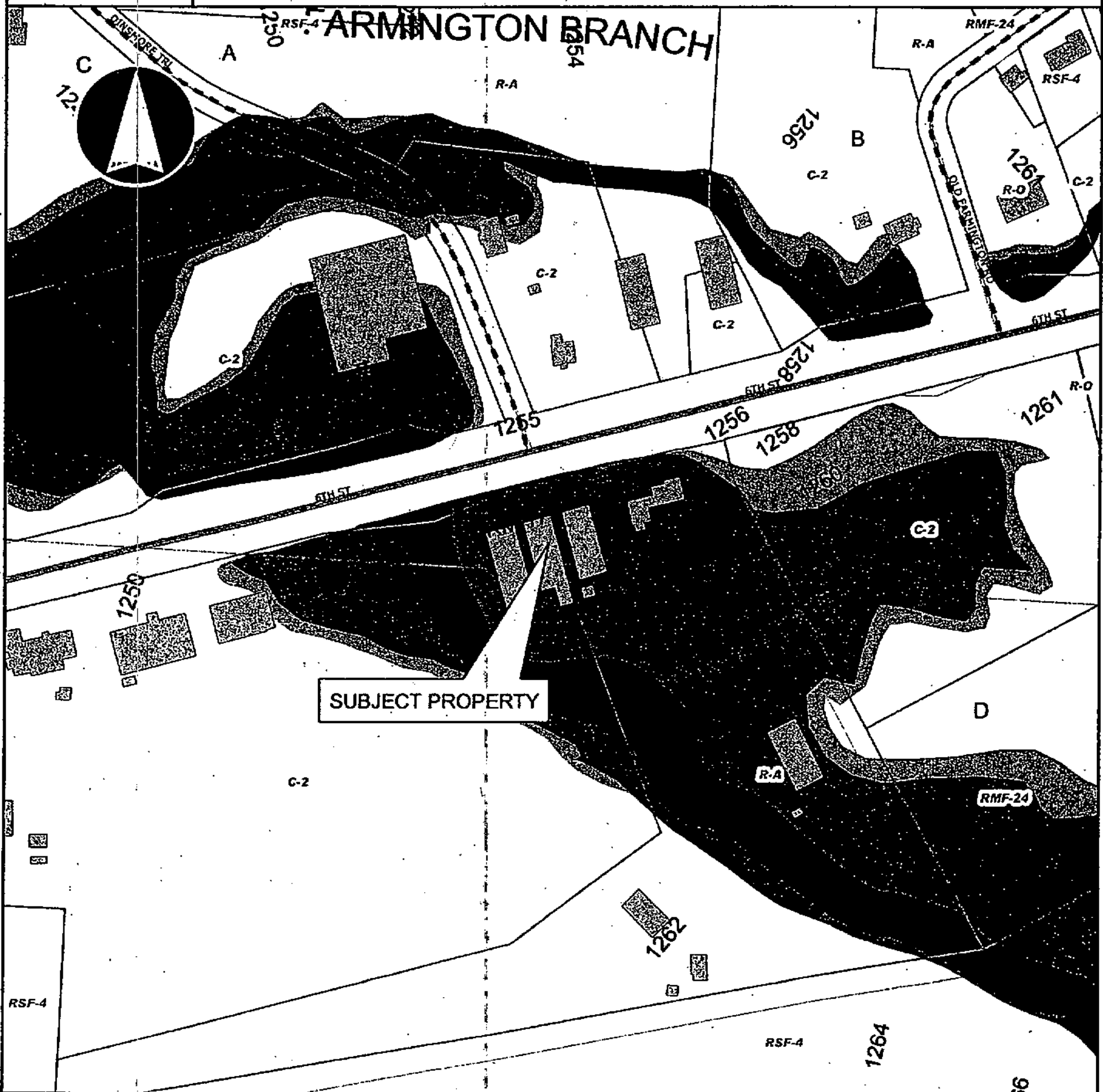
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

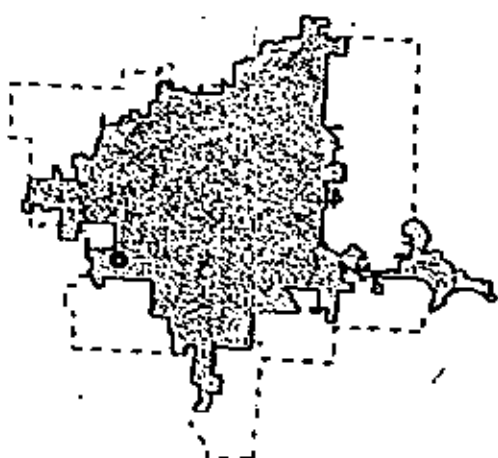
RZN 04-1331

Close Up View

# BALE



## Overview



### Legend

RZN 04-1331

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City





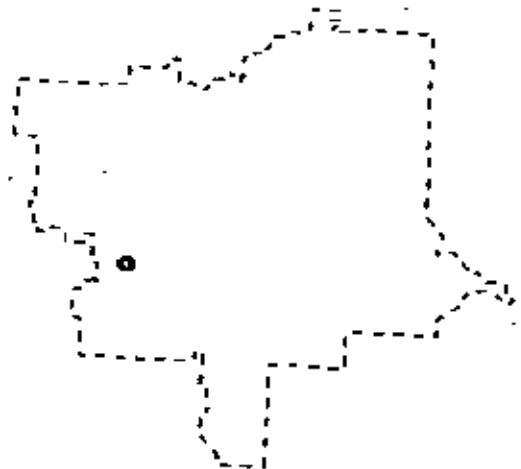
RZN04-1331

Future Land Use

# BALE



## Overview



## Legend

### Subject Property

RZN04-1331

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 75 150 300 450 600 Feet



COPY



**LISLE LAW FIRM, P.A.**

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CHRIS LISLE  
DONNIE RUTLEDGE  
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1458 Plaza Place, Suite 101  
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479-750-4444  
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JAN THORNTON  
JIM HATCHER  
J. TRAIL ROGERS  
ROBERT D. BRANDON  
DOROTHYANNE BARRY  
GENE A. FRANCO

December 16, 2004

VIA FACSIMILE AND U.S. MAIL

Ms. Renee Thomas  
Planning Department  
113 West Mountain  
Fayetteville, AR 72701

**Facsimile: 479-575-8202**

Re: Property Located at 3513-3515-3517 West 6<sup>th</sup> Street  
Application for Rezoning

Dear Ms. Thomas:

I represent Mrs. Pat Bale in her request to rezone the above-referenced property from Residential/Agriculture to Commercial Zone C-2.

In the Planning Commission meeting held on December 13, 2004, the Commission voted to recommend the property be rezoned C-1.

In the upcoming city council meeting, we are going to request that the council rezone this property to C-2 as per our original request.

If you should have any question or comment on the above, please do not hesitate to contact me. Thank you for your time and attention in this matter.

Highest personal regards,  
LISLE LAW FIRM, P.A.

  
Gene A. Franco  
Attorney at Law

GAF/mrc

Cc: Hon. Kit Williams, City Attorney ✓  
Client

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05

City Council Meeting Date

Jeremy Pate *JP*

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving RZN 04-1331 (BALE, 596) submitted by Lisle Law Firm for property located at 3513, 3515, AND 3517 W. 6th Street. The property is zoned R-A, Residential Agricultural and C-2, Thoroughfare Commercial, and contains approximately 0.80 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial. The Planning Commission recommends rezoning this property to C-1, Neighborhood Commercial.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

*Hayden*  
Department Director

12-20-04  
Date

*K. M. (Put in Attorney's letter)*  
City Attorney

12-17-04  
Date

Received in City Clerk's Office

*Sam Cady*  
Mayor

12/20/04  
Date

Received in Mayor's Office

12/20/04 P.H.

Comments:







City Council Meeting of January 4, 2005  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy Pate, Interim Zoning and Development Administrator *JP*

**Date:** December 15, 2004

**Subject:** Rezoning for Hays (RZN 04-1332)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance rezoning approximately 5.99 acres of property from RSF-1, Residential Single Family 1 unit/acre, to RSF-4, Residential Single Family 4 units/acre.

### **BACKGROUND**

The subject property is currently vacant and contains a 5.99-acre tract. It is located off of Starr Dr. and would be accessed by Arapaho Dr. through the Barrington Park subdivision. The property is bordered to the east and north by the Barrington Park subdivision, which is zoned RSF-4, Residential Single Family 4 units/acre. To the east, the property is zoned RSF-1, and is agricultural in nature with a single family home existing. To the south of this property is the St. Joseph's school. This property was annexed by the City in July of 2004 as part of the "island annexations".

The applicant originally requested to rezone the subject property from RSF-1, Residential Single Family 1 unit/acre to RMF-12, Residential Multi-Family, 12 units per acre. After meetings between the applicant and the Barrington Park Neighborhood Association, the applicant modified their request to change the zoning to RSF-4, Residential Single Family 4 units/acre. The applicant intends to process a preliminary plat and final plat for this property sometime in the near future.

### **DISCUSSION**

Staff recommends approval of the proposed rezoning to RSF-4, Residential Single Family 4 units/acre, finding that the proposed rezoning is consistent with future land use planning objectives, principles, and policies for Residential Areas.

On December 13, 2004, the Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation for approval.

### **BUDGET IMPACT**

None.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED  
IN REZONING PETITION RZN 04-1332 FOR PROPERTY  
LOCATED AT 1760 STARR DRIVE CONTAINING  
APPROXIMATELY 5.99 ACRES FROM RSF-1, RESIDENTIAL  
SINGLE FAMILY, ONE UNIT PER ACRE TO RSF-4,  
RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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 RSF-1, Residential Single Family, One Unit Per Acre to RSF-4,  
Residential Single Family, four units per acre as shown in Exhibit "A" attached  
hereto and made a part thereof.

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 \_\_\_\_\_, 2004.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
Sondra Smith, City Clerk

EXHIBIT "A"  
RZN 04-1332

PART OF THE SW ¼ OF THE SE ¼ OF SECTION 1, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SW ¼, SE ¼ THENCE S00°04'46"E 884.25 FEET, THENCE S89°41'27"W 394.57 FEET, THENCE N08°46'00"E 162.03 FEET, THENCE N89°41'27"E 36.78 FEET, THENCE N17°01'12"E 93.92 FEET, THENCE N07°12'47"E 298.57 FEET, THENCE N04°02'23"E 339.93 FEET, THENCE N89°46'36"E 242.94 FEET TO THE P.O.B.; CONTAINING 5.99 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

DRAFT



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Leif Olson, Associate Planner  
THRU: Dawn Warrick, AICP, Zoning & Development Administrator  
DATE: December 7, 2004

RZN 04-1332: (J.B. HAYS, 373): Submitted by CRYSTAL GOEDEREIS for property located at 1760 STARR DR. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY 1 UNIT / ACRE and contains approximately 5.99 acres. The request is to rezone the subject property to RMF-12, RESIDENTIAL MULTI-FAMILY 12 UNITS/ACRE.

Property Owner: J.B. HAYS

Planner: LEIF OLSON

**RECOMMENDATION:**

Staff recommends denial of the request rezoning the property RMF-12, Residential multi-family 12 units/acre based on the findings herein.

**BACKGROUND:**

|                                    |                                |                                         |
|------------------------------------|--------------------------------|-----------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> | Required                       | <u>YES</u>                              |
|                                    | <input type="radio"/> Approved | <input checked="" type="radio"/> Denied |
| Date:                              | <u>December 13, 2004</u>       |                                         |
| <b>CITY COUNCIL ACTION:</b>        | Required                       | <u>YES</u>                              |
|                                    | <input type="radio"/> Approved | <input checked="" type="radio"/> Denied |

**Property description:** The 5.99 acres of property is located east of Starr Dr. and south of Madison St. This property was annexed by the City Council as part of the "island annexation" in the summer of 2004. At the time of annexation the property was zoned RSF-1, Residential Single-Family 1 unit per acre. At the current time, the property is vacant and undeveloped.

**Background:** The City's General Plan 2020 recommended the annexation of unincorporated islands surrounded by the city limits. This parcel was identified in the Plan as a candidate for annexation by the City. In the spring of 2004 Staff was directed to begin the process of identifying, mapping, and notifying the property owners that would be impacted. The subject property officially came into the city limits on July 20, 2004.



**Public Comment:** Staff has received comments and concerns with the requested rezoning from surrounding property owners. Concerns raised by property owners in the area include density, compatibility, access, and traffic concerns. Letters of opposition received by the Planning Office are enclosed in the staff report.

**Proposal:** Crystal Goederes, the applicant's representative, has conveyed in the attached letter the owner's (J.B. Hays) intent to develop this property as multi-family residential. The applicant proposes two access points to the development for vehicular access. One access is proposed off of Madison Dr. to the north across the intervening property. The other access proposed is the extension of Arapahoe Dr. from the Barrington Park S/D to the east.

**Request:** The applicant is requesting the property be rezoned from RSF-1, Residential Single Family 1 unit/acre, to RMF-12, Residential Multi-family 12 units/acre.

**Recommendation:** Staff recommends denial of the requested RMF-12 zoning based on the findings herein.

#### **SURROUNDING LAND USE AND ZONING:**

| <b>Direction</b> | <b>Land Use</b>                | <b>Zoning</b>                                  |
|------------------|--------------------------------|------------------------------------------------|
| North            | Single-family residential      | RSF-4, Residential Single-family, 4 units/acre |
| South            | Vacant                         | R-A, Residential Agricultural                  |
| East             | Single family residential      | RSF-4, Residential Single-family, 4 units/acre |
| West             | Single family and agricultural | RSF-1, Residential Single-family, 1 unit/acre  |

#### **INFRASTRUCTURE:**

**Streets:** Currently the site has access to Arapaho Dr. At the time of development, this street would need to be extended and constructed to City standards to provide access to the proposed property. These improvements would include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks. Depending upon the amount of development, an additional access to the property may be required.

**Surrounding Master Street Plan Streets:** (None are directly adjacent to this property)

North: Mission Blvd. (Principal Arterial)

South: None

East: Hunter Rd. (Minor Arterial) -- partially constructed

West: Starr Rd. (Collector)

**Water:** The site currently does have access to public water. The nearest water main is an 8" main to the east in Barrington Parke Subdivision. Water service will need to be extended within the property at the time of development. Additional



connections may be required to complete looped systems.

**Sewer:** The site does have access to sanitary sewer to the east and north. Sewer service will need to be extended within the property at the time of development.

**Fire:** No Response

**Police:** It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density and thereby undesirably increase the load on police services and create an appreciable increase in traffic danger and congestion in the area. We already have concerns about excessive speed and increased traffic from the school on this road. This area is one of the most congested in Fayetteville. Given the community concern expressed from citizens in this area, we do not feel we can recommend the density requested for this area. We do not feel the current road system can handle the increased traffic generated from this proposed development.

**LAND USE PLAN:** General Plan 2020 designates this site **Residential**. Rezoning this property to RMF-12 is not consistent with the land use plan or 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 property is currently vacant. There are no other multi-family zoning designations in this area. The property to the north and east of this site has been developed as single-family residential. Rezoning the property for multi-family use is not consistent with the surrounding land uses.

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 not justified or needed at this time. The proposed zoning is not consistent with the surrounding zoning or land uses.

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

**Finding:** The proposed zoning would significantly increase traffic congestion in this area. The location of the school south of this site places a considerable amount of traffic in this area during the morning and afternoon times. The Fayetteville Police Dept. responded that there already is concern about excessive speed and increased traffic in this general area.

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 would substantially alter the population density in the area, based on the RMF-12 zoning requested. With this rezoning an increase of 66 units would be permitted. The density proposed with this rezoning would significantly impact the load on public services in the surrounding area.

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

### 161.11 District Rmf-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted uses.*

|         |                         |
|---------|-------------------------|
| Unit 1  | City-wide uses by right |
| Unit 8  | Single-family dwellings |
| Unit 9  | Two-family dwellings    |
| Unit 10 | Three-family dwellings  |
| Unit 26 | Multi-family dwellings  |

(2) *Conditional uses.*

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

(C) *Density.*

|                |         |
|----------------|---------|
| Units per acre | 4 to 12 |
|----------------|---------|

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

|                                     |         |
|-------------------------------------|---------|
| Manufactured home park              | 100 ft. |
| Lot within a manufactured home park | 50 ft.  |
| Single family                       | 60 ft.  |
| Two-family                          | 60 ft.  |
| Three and more                      | 90 ft.  |
| Professional offices                | 100 ft. |

(2) *Lot area minimum.*

|                                     |                |
|-------------------------------------|----------------|
| Manufactured home park              | 3 acres        |
| Lot within a manufactured home park | 4,200 sq. ft.  |
| Townhouse:                          |                |
| •Development                        | 10,000 sq. ft. |
| •Individual lot                     | 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.*

|                        |                            |
|------------------------|----------------------------|
| Manufactured home      | 3,000 sq. ft.              |
| Apartments:            |                            |
| No bedrooms            | 1,700 sq. ft.              |
| One bedroom            | 1,700 sq. ft.              |
| Two or more bedrooms   | 2,000 sq. ft.              |
| Fraternity or Sorority | 1,000 sq. ft. per resident |

(E) *Setback requirements.*

|        |       |        |
|--------|-------|--------|
| Front  | Side  | Rear   |
| 25 ft. | 8 ft. | 25 ft. |

Cross reference(s)—Variances, Ch. 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.

(G) *Building area.* None



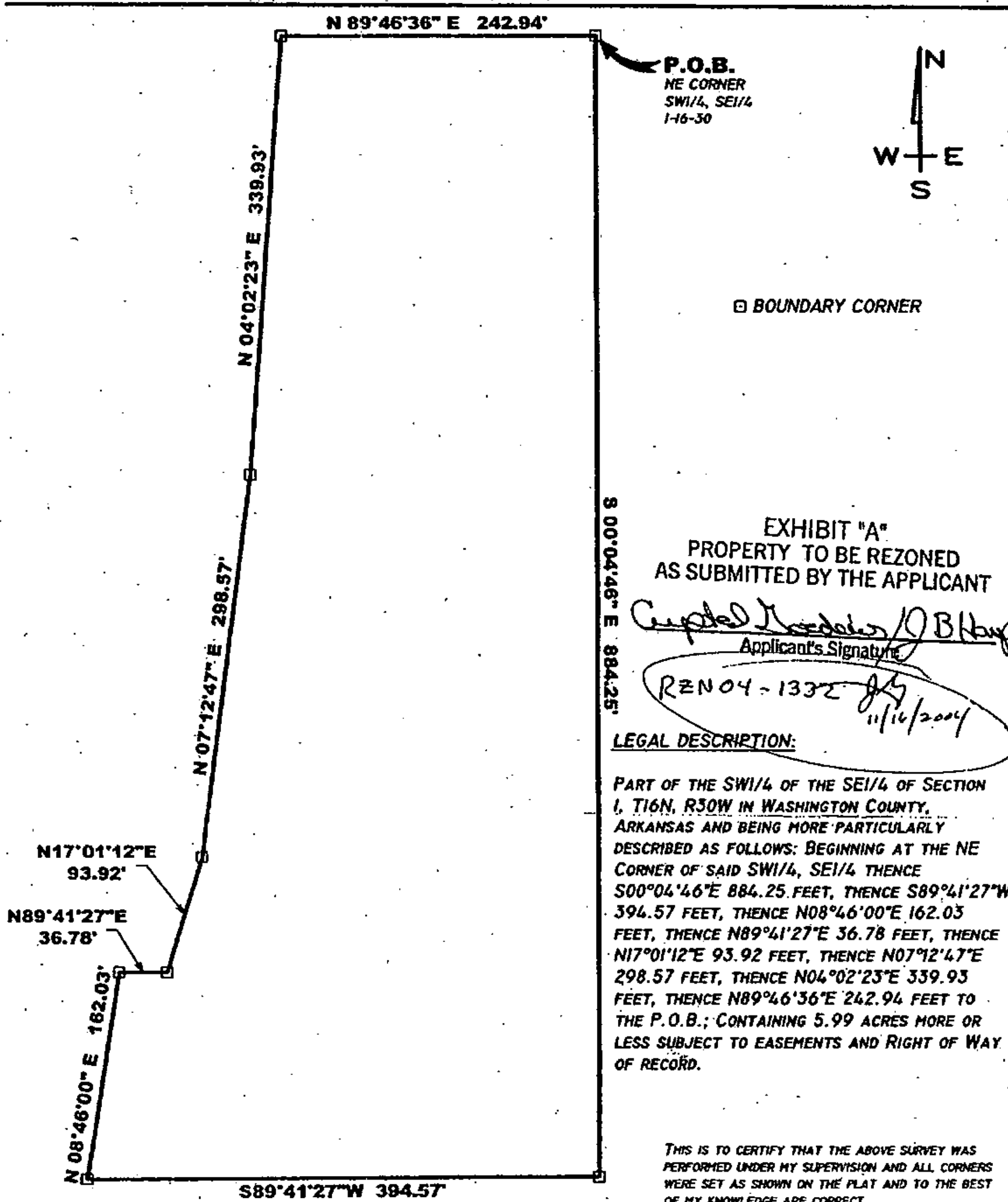
To: City Planning in response to question for Re-zoning

6. a) J.B. Hays – no ownership changed planned at this time.  
  
b) The need for the zoning change is to place on upscale residential housing neighborhood in an area where it is needed; where it fits in with the surrounding neighborhoods and the cities 2020 plan along with the adjoining properties.  
  
c) The property will relate to the surrounding properties well due to the fact the neighborhood has a mix of R/O, RMF, RSF and 2 schools. Therefore the land use is in accordance to the 2020 plan and future land use plan in the neighborhood. Placing two egresses on this property will decrease the amount of traffic using just one drive. We are proposing egresses off of Arapaho and one off of Madison. This way it will slow the traffic pattern by giving access to 2 major thru ways that of Starr Drive and Highway 45. Starr Drive is to be a collector street on the future street map. For this reason we are also proposing a stub out leading to the west which can be utilized in future endeavors giving this piece 3 egresses. There will be no signage other than a street sign. The appearance of the RMF or RSF will be similar to those in the neighborhood.  
  
d) See map. In addition there are 8" water and sewer lines on 2 sides of this property.
7. a) According to what I have found out the land use is residential. This depends on whom you talk with as if this means RSF or RMF. Whichever one it is neither one matter because the property is well suited for both and there are both in the neighborhood now. Both have succeeded due to the fact that both RSF and RMF have been done tastefully and with a lot of green space. Principles of land use are to use the land to benefit the most people and still fit in to its surroundings. As you can see we have meet this guideline.  
  
b) The proposed zoning is needed at this time which is evident by the number of people looking for RSF and RMF.  
  
c) The additional increase in traffic should have a minimal effect due to the fact that Madison Drive and Arapaho both lead to major thru ways, Starr and 265. The other point is that this project is residential therefore there would not be traffic entering and exiting all hours of the day and night.  
  
d) The proposed zoning will alter the population density somewhat but no to a great degree. We are projecting a mix of demographics. Therefore schooling would be a minimal amount but we also have Vandergriff School and ST. Joseph's School within walking distance to this project.

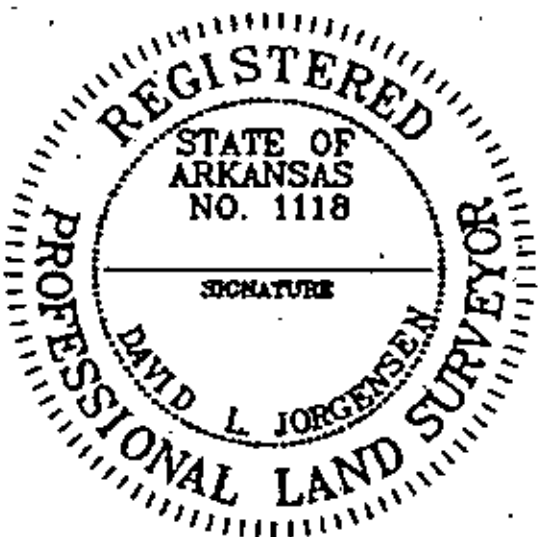


The water and sewer facilities will be no more than for any small scale residential use.

e) In today's market (the price of real estate and development cost) it would be impossible to use the land as RSF 1. The city council knew this when the property was forcibly annexed and we were assured that there would be no problem on getting the zonings that we needed but we could not get them before being annexed. Therefore we went along with the annexation.



DAVID L. JORGENSEN, ARLS 1118 DATE



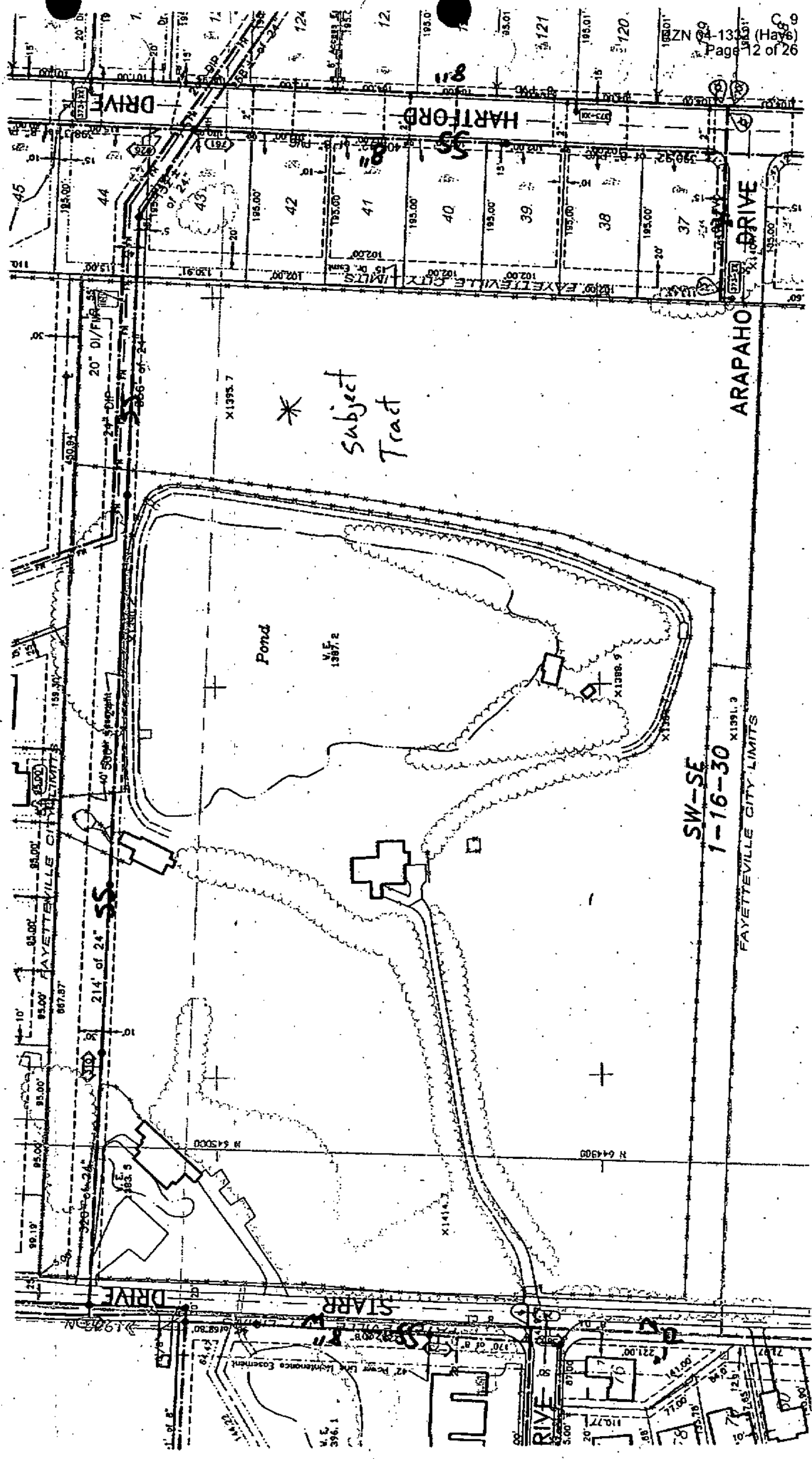
**JORGENSEN & ASSOCIATES**  
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

|                |              |                 |                   |
|----------------|--------------|-----------------|-------------------|
| SCALE: 1"=100' | DATE REVISED | CHECKED BY: DLJ | DRAWN BY: BJR     |
| DATE: 01DEC03  |              |                 | LP41JBHAYS1JBHAYS |

**REZONING FOR**  
**J.B. HAYS**

RMF-12





December 7, 2004

City of Fayetteville Planning Commission  
Fayetteville, Arkansas

Ref: RZN 04-1332

Dear Members of the City of Fayetteville Planning Commission:

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning would negatively impact our neighborhood in many ways.

- 1) No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning. To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
- 2) Our property values will be financially eroded. Adjacent multifamily housing, no matter how upscale or attractive, will decrease marketability of existing homes.
- 3) The addition of a potentially large number of children will continue to overload our neighborhood schools. (McNair Middle School is already overpopulated and Vandergriff is almost at full capacity).
- 4) NO further multifamily units are currently needed for Fayetteville, as there is an abundance of vacant rentals currently for lease by management companies. There are currently around 4500 apartments in the city of Fayetteville under the management of Lindsey Management Co. According to figures provided by Lindsey Management, 10% or approximately 450 of these units are currently vacant, with the upscale units (such as the Cliffs Townhouses) having the highest vacancy rate.
- 5) TRAFFIC. This pretty much speaks for itself, as we all know how extremely difficult it is to turn from Starr Road onto Hwy 45, especially in the morning. The congestion from St. Joseph's, as well as the surrounding neighborhoods is already more than the street can handle.
- 6) There is a safety issue at hand due to the lake on this property. Multifamily housing will inevitably bring many children, and this is a dangerous place for children to play. Several other area multifamily complexes have had drowning deaths in bodies of water much smaller than this one.

I could continue with further reasons to deny this rezoning request, but for sake of brevity, please consider that there are many reasons we are opposed to this rezoning. We would, however, like to make it known that we are absolutely not opposed to development in our backyards and neighborhoods. In fact, we are very receptive to single-family residential development that is in keeping with the integrity of our neighborhood and those that surround us.



In closing, I ask that you please deny Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,



Mark D. Kessler  
Barrington Parke Subdivision  
1763 N. Hartford Drive  
Fayetteville, AR 72701  
(479) 283-5943

December 5, 2004

*Steve + Debbie West*  
3511 E. Madison Drive

Fayetteville, AR 72701

Phone 479-521-4255

Members of the City of Fayetteville Planning Commission,

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property of 5.99 acres from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning will negatively impact our Barrington Parke neighborhood in many ways:

- 1) **No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning.** To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
- 2) **Our property values will be financially eroded.** Adjacent multifamily housing, no matter how upscale or attractive, will decrease marketability for our homes.
- 3) **The addition of a potentially large number of children will continue to overload our neighborhood schools.** (McNair Middle School is already overpopulated and Vandergriff is almost at full capacity).
- 4) **NO further multifamily units are currently needed for Fayetteville,** as there is an abundance of vacant rentals currently for lease by management companies. There are currently around 4500 apartments in the city of Fayetteville under the management of Lindsey Management Co. According to figures provided by Lindsey Management, 10% or approximately 450 of these units are currently vacant, with the upscale units (such as the Cliffs Townhouses) having the highest vacancy rate.
- 5) **TRAFFIC.** This pretty much speaks for itself, as we all know how extremely difficult it is to turn from Starr Road onto Hwy 45, especially in the morning. The congestion from St. Joseph's, as well as the surrounding neighborhoods is already more than the street can handle.
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In closing, I ask that you please consider denying Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,

*Carol Stephen West*  
Carol S. West



December 8, 2004

Attn: City Planning Commission  
City of Fayetteville  
Fayetteville, AR 72701

Dear Members of the City of Fayetteville Planning Commission,

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by ~~Dr. J.B. Hays, (RZN 04-1332)~~. This request is to rezone the subject property of 5.99 acres from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning will negatively impact our Barrington Parke neighborhood in many ways.

- 1) **No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning.** To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
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In closing, I ask that you please consider denying Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Sincerely,



Kimberly A. Park  
1968 N. Hartford Drive  
Fayetteville, AR 72701  
(479) 871-0790



December 06, 2004

I am a homeowner and would like to protest RZN 04-1332: (J.B. HAY, 373); Submitted by CRYSTAL GOEDEREIS for property located at 1760 STARR DRIVE. The property is zoned RSF-1, SINGLE FAMILY-1 UNIT/ACRE and contains approximately 5.99 acres. The request is to rezone the subject property to RMF-12, Residential Multi-family, 12 units per acre.

Property Owner: JB HAYS

Planner: LEIF OLSON

I would also like to protest RZN 04-1333: (J.B. HAYS, 373): Submitted by CRYSTAL GOEDEREIS for property at 1882 N STARR DRIVE. The property is zoned RSF-1, SINGLE FAMILY-1 UNIT/ACRE and contains approximately 3.04 acres. The request is to rezone the subject property to R-O, Residential Office.

Property Owner: JBHAYES

Planner: LEIF OLSON

I AM AGAINST ANY ZONING CHANGE FROM SINGLE FAMILY TO MULTI-FAMILY FOR THESE PROPERTIES.

Signed: \_\_\_\_\_

*Chanda Anderson*

December 5, 2004

Zack Kent  
1837 N. Hartford Dr

Fayetteville, AR 72701

Phone 479-582-0508

Members of the City of Fayetteville Planning Commission,

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1333). This request is to rezone the subject property of 5.99 acres from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning will negatively impact our Barrington Parke neighborhood in many ways.

- 1) **No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning.** To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
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I could continue with further reasons to deny this rezoning request, but for sake of brevity, please consider that there are many reasons we are opposed to this rezoning. We would, however, like to make it known that we are absolutely not opposed to development in our backyards and neighborhoods. In fact, we are very receptive to single-family residential development that is in keeping with the integrity of our neighborhood and those that surround us.

In closing, I ask that you please consider denying Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,



Dec. 7. 2004 9:16AM

No. 1327

P RZN 04-1332 (Hays)  
Page 20 of 26

December 5, 2004

Darci Kent  
1837 N. Hartford Dr

Fayetteville, AR 72701

Phone 479-582-0508

Members of the City of Fayetteville Planning Commission,

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1333). This request is to rezone the subject property of 5.99 acres from RSF-1, single family to RMF-12, multi-family.

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In closing, I ask that you please consider denying Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,





2022 Hartford Drive  
Fayetteville, AR 72701  
Phone: 479-571-4614

December 7, 2004

Ref: RZN 04-1332

Dear Members of the City of Fayetteville Planning Commission:

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning would negatively impact our neighborhood in many ways.

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In closing, I ask that you please deny Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,



Wookwon Lee



1836 Hartford Drive  
Fayetteville, AR 72701  
December 8, 2004

FAX: 575-8202

Ref: RZN 04-1332

Dear Members of the City of Fayetteville Planning Commission:

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

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In closing, I ask that you please deny Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter. *Please do not allow Mr. Hays' proposal to pass!*

Best regards,

*Scott Mason*

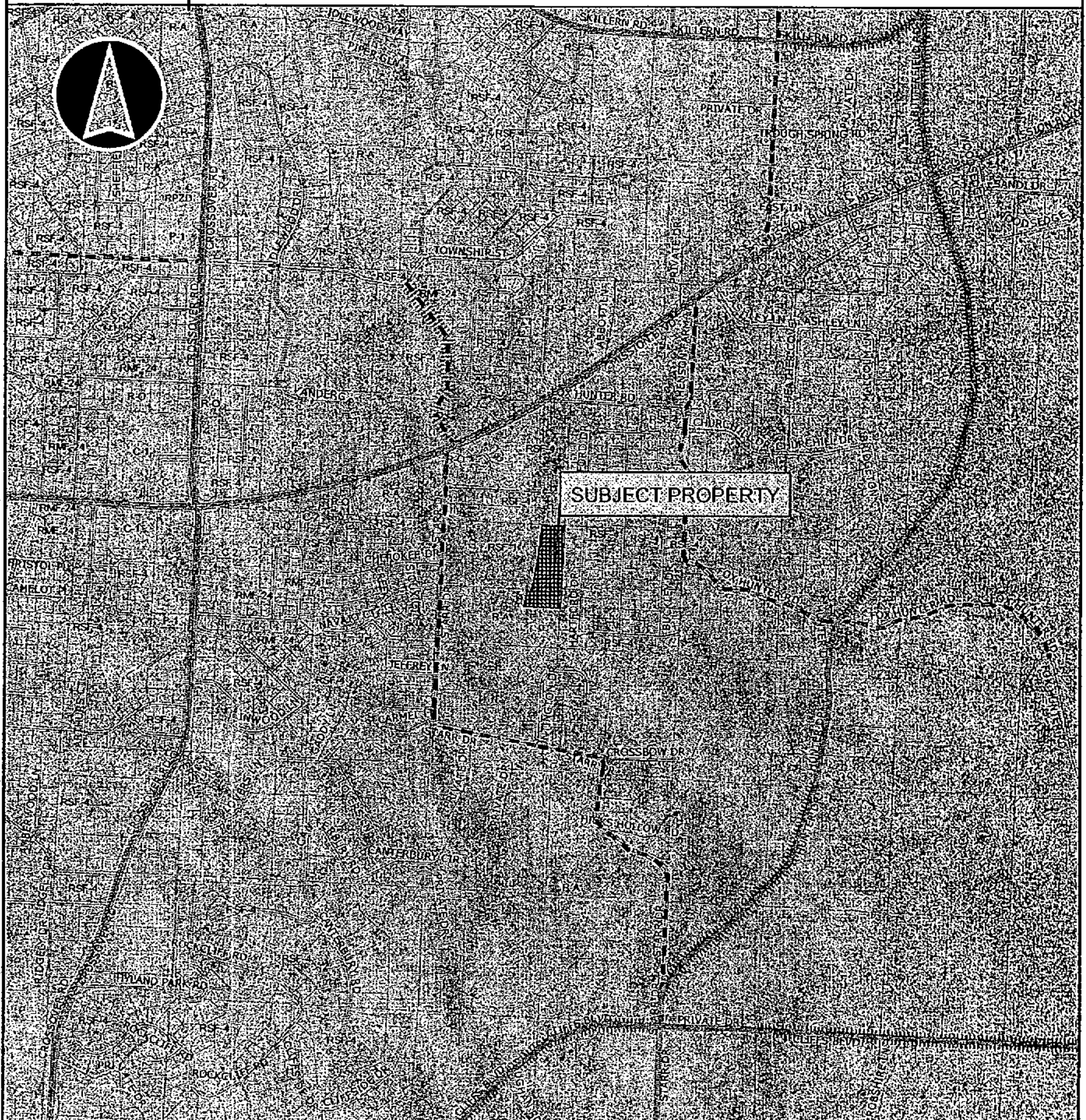
Scott J. Mason, Ph.D., P.E.  
Assistant Professor of Industrial Engineering  
University of Arkansas



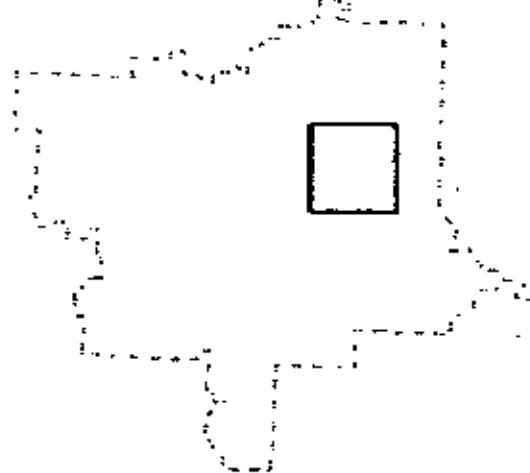
RZN 04-1332

One Mile View

# J.B. HAYS



Overview



## Legend

Subject Property

RZN04-1332

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

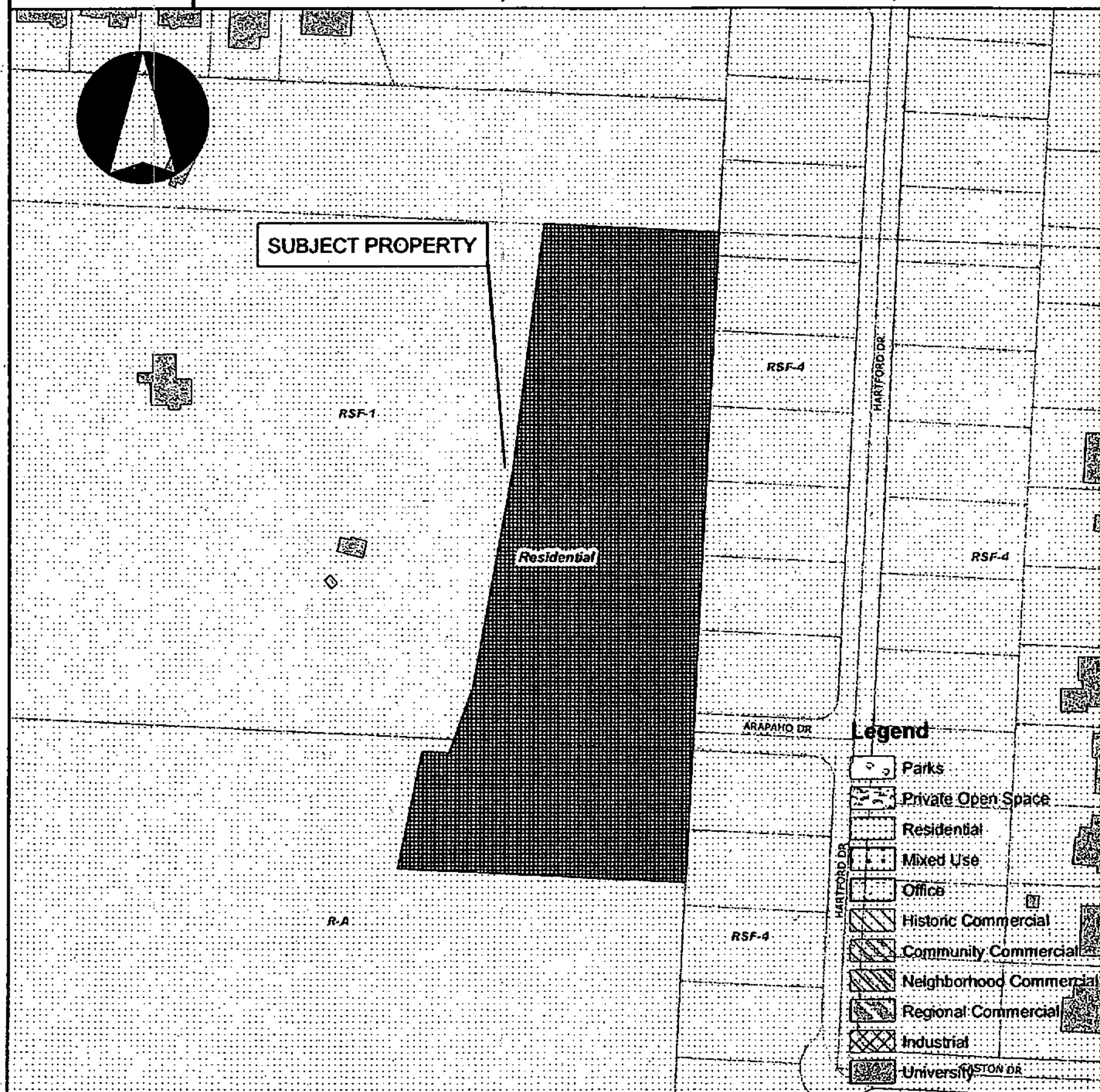
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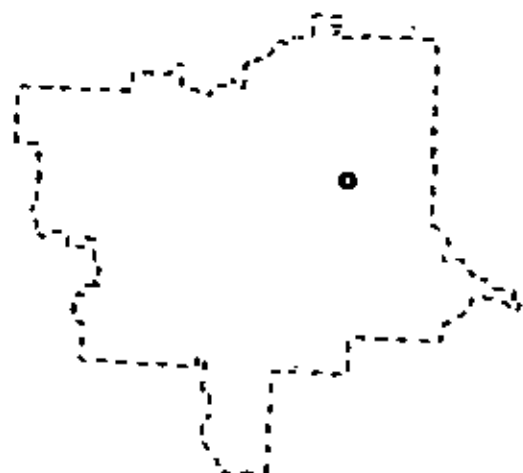
RZN04-1332

Future Land Use

# J.B. HAYS



## Overview



## Legend

### Subject Property

RZN04-1332

### Streets

Existing

Planned

### Boundary

Planning Area

Overlay District

Outside City

### Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05  
City Council Meeting Date

Jeremy Pate  Submitted By  
Planning Division  
Operations Department

Action Required:

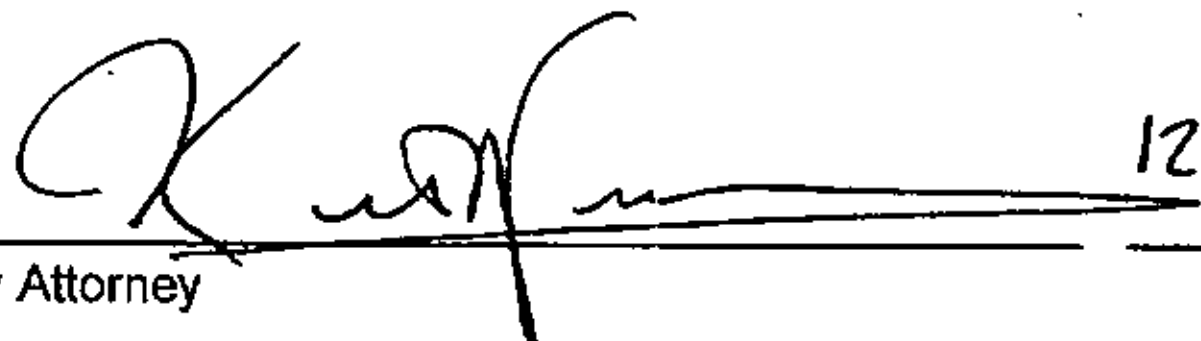
An ordinance approving RZN 04-1332 submitted by Crystal Goedereis on behalf of Dr. J.B. Hays for property located at 1760 Starr Drive containing approximately 5.99 acres. The request is to rezone the subject property from RSF-1, Residential Single Family, one unit per acre to RSF-4, Residential Single Family, Four Units per acre.

|                                |                                |                                        |
|--------------------------------|--------------------------------|----------------------------------------|
| \$0.00<br>Cost of this request | n/a<br>Category/Project Budget | n/a<br>Program Category / Project Name |
| n/a<br>Account Number          | n/a<br>Funds Used to Date      | n/a<br>Program / Project Category Name |
| n/a<br>Project Number          | n/a<br>Remaining Balance       | n/a<br>Fund Name                       |

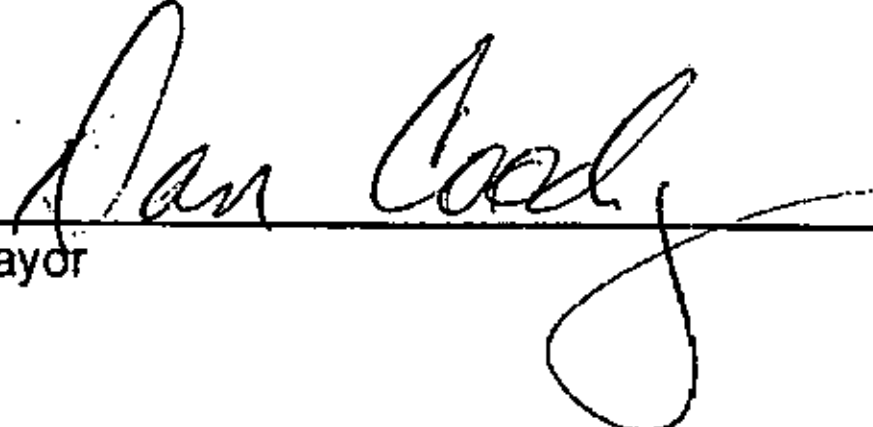
Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # n/a  
Original Contract Date: n/a  
Original Contract Number: n/a

  
Department Director  
12-20-04  
Date

  
City Attorney  
12-17-04  
Date

Received in City Clerk's Office

  
Mayor  
12/20/04  
Date

Received in Mayor's Office  
12/20/04 P.H.

Comments:







## **CITY COUNCIL AGENDA MEMO**

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator *JCP*

**Date:** December 15, 2004

**Subject:** Residential Planned Zoning District for Aspen Ridge (R-PZD 04-1307)

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Aspen Ridge. This action will establish a unique zoning district for a residential condominium infill development on a 27.969-acre tract located in south Fayetteville, near the intersection of Hill Avenue and 6<sup>th</sup> Street. The proposal consists of 220 condominium units in two phases.

### **BACKGROUND**

*Property Description:* The property consists of a total of 27.979 acres located in south Fayetteville, with access onto 6<sup>th</sup> Street, Hill Avenue, 11<sup>th</sup>/Duncan and 12<sup>th</sup> Streets proposed. The site formerly accommodated approximately 49 mobile homes and 6 single family homes, which have been removed in the past two years by the applicant. The property is bisected by Town Branch Creek, and is located in the midst of single family homes, industrial property, and commercial properties. A large percentage of tree canopy existing on-site has been evaluated by a professional arborist and deemed to be in poor condition, due to years of abuse, fill and debris. A majority of the tree canopy preserved and mitigation required is along the creek corridor and along the western portion of the trail, to aid in the rehabilitation of Town Branch Creek.

*Proposal:* The applicant requests a rezoning and large scale development approval for a residential condominium development within a unique R-PZD zoning district. The proposed use of the site is for single family attached residential dwelling units consisting of 220 units, with a total density of 7.87 DU/acre. A 0.86-acre public park is proposed, as well as the dedication of 0.36 acres of land and construction of a public trail through an old railroad corridor. A large tree preservation area and deed restricted wetland protection area along the floodplain of the creek is also proposed. Two pedestrian crossings are proposed across the creek to allow for connectivity to the public trail and surrounding neighborhoods. Improvements to surrounding streets include curb and gutter on 11<sup>th</sup> Street, a turn lane at Hill and 6<sup>th</sup> Street, repair of pavement on Duncan, and construction of Brooks Avenue as a secondary means of access.

**DISCUSSION**

The Planning Commission voted 8-0-0 in favor of this request on Monday, December 13, 2004. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (large scale development).

Recommended conditions were approved by the Planning Commission, which are reflected in the attached staff report.

Public discussion included current drainage and flooding along Town Branch Creek, traffic flow in the area, wetland areas and affordable housing.

**BUDGET IMPACT**

None.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 04-1307, ASPEN RIDGE LOCATED SOUTH OF 6<sup>TH</sup> STREET, WEST OF HILL AVENUE, NORTHEAST OF 11<sup>TH</sup> STREET ALONG TOWN BRANCH CREEK CONTAINING APPROXIMATELY 27.969 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE, AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION.

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 RMF-24, Residential Multi Family, 24 units per acre, to R-PZD 04-1307 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan and development standards as shown on the plat and approved by the Planning Commission on December 13, 2004.

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the development plan have been met.

Section 4. 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 \_\_\_\_\_, 2004.

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

By: \_\_\_\_\_  
SONDRA SMITH, City Clerk



**EXHIBIT "A"**  
**R-PZD 04-1307**

PART OF THE SOUTH  $\frac{1}{2}$  OF THE SW  $\frac{1}{4}$  OF SECTION 16, AND A PART OF THE NORTH  $\frac{1}{2}$  OF THE NW  $\frac{1}{4}$  OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S87°04'09"E ALONG THE NORTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 21, A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S87°04'09"E 418.49 FEET; THENCE S02°49'04"W 514.14 FEET; THENCE N87°04'09"W 424.40 FEET TO A SET  $\frac{1}{2}$ " REBAR; THENCE S02°49'04"W 204.82 FEET; THENCE SOUTH 87°04'09"E 139.00 FEET; THENCE S02°48'48"W 293.00 FEET TO A SET  $\frac{1}{2}$ " IRON REBAR; THENCE N87°05'54"W 183.58 FEET TO AN EXISTING IRON; THENCE S02°48'00"W 181.27 FEET; THENCE S87°04'02"E 84.31 FEET; THENCE S02°40'05"W 79.86 FEET; THENCE S37°07'40"E 39.06 FEET THENCE S07°40'05"W 15.00 FEET; THENCE N87°18'29"W 65.13 FEET THENCE S02°40'17"W 13.01 FEET; THENCE N87°13'13"W 222.57 FEET; THENCE N02°39'07"E 98.08 FEET; THENCE N87°11'50"W 222.77 FEET; THENCE N87°13'26"W 514.88 FEET TO AN EXISTING IRON ON THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID RAILROAD N35°29'31"E 52.81 FEET; THENCE N32°17'21"E 103.24 FEET; THENCE N28°25'22"E 103.51 FEET; THENCE N24°16'00"E 103.08 FEET; THENCE N21°19'30"E 102.24 FEET; THENCE N18°44'44"E 102.31 FEET; THENCE N17°42'23"E 150.90 FEET; THENCE N19°09'44"E 46.21 FEET; THENCE N19°55'12"E 130.59 FEET; THENCE N24°20'40"E 111.27 FEET; THENCE N28°56'24"E 112.03 FEET; THENCE N33°22'01"E 78.14 FEET; THENCE N36°27'09"E 61.08 FEET; THENCE N40°40'51"E 107.01 FEET; THENCE S86°14'53"E 62.45 FEET TO AN EXISTING IRON ON A 1381.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY AND CURVE 417.54 FEET, THE CHORD FOR WHICH BEING N51°38'45"E 415.96 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT OF WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6<sup>TH</sup> STREET); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY S87°41'42"E 40.98 FEET TO AN EXISTING AHC MONUMENT; THENCE S87°40'49"E 26.16 FEET TO AN EXISTING AHC MONUMENT; THENCE S88°18'0"E 3.15 FEET; THENCE LEAVING SAID RIGHT OF WAY S01°44'50"W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S16°28'1"W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 27.969 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS. THE ABOVE DESCRIBED 27.969 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF DUNCAN AVENUE, ANDERSON PLACE, HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Senior Planner  
Brent O'Neal, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: December 08, 2004 Revised 12-16-04

**R-PZD 04-1307: Planned Zoning District (ASPEN RIDGE, 522/561):** Submitted by MATT CRAFTON CRAFTON, TULL & ASSOC. for property located at THE SW CORNER OF HWY 62, S ON HILL AVENUE AND BORDERED BY 11TH STREET AND THE BURLINGTON NORTHERN RR. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 27.969 acres. The request is to approve a Residential Planned Zoning District with 220 condominiums in two phases proposed.

Property Owner: HANK BROYLES

Planner: JEREMY PATE

|                                    |                                                                        |                                                           |                                     |
|------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                                                        | <b>Required</b>                                           | <b><u>YES</u></b>                   |
| <b>Date:</b>                       | <b><u>December 13, 2004</u></b>                                        | <input checked="" type="radio"/> <b>Approved</b><br>8-0-0 | <input type="radio"/> <b>Denied</b> |
| <b>CITY COUNCIL ACTION:</b>        |                                                                        | <b>Required</b>                                           | <b><u>YES</u></b>                   |
|                                    |                                                                        | <input type="radio"/> <b>Approved</b>                     | <input type="radio"/> <b>Denied</b> |
| <b>Date:</b>                       | <b><u>January 04, 2005 (1<sup>st</sup> reading if recommended)</u></b> |                                                           |                                     |

**Findings:**

**Property Description:** The property consists of a total of 27.969 acres located in south Fayetteville, south of Hwy 62 (6<sup>th</sup> Street), west of Hill Avenue, east of the Railroad, along Town Branch Creek. The property previously was inhabited by a mobile home park, which was recently removed by the applicant. Several tons of trash, debris, tires, etc. were separated and removed from this property, beginning the cleaning up process. A total of 49 mobile homes and 6 single family homes were removed in an effort to combine the property for development. The applicant has contributed much time and money in an effort to clean this particular site, which is not readily recognized in the development review process. Approximately half of the site is underneath tree canopy, the majority of which is located along College Branch Creek, a stream

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that bisects the site north and south. This stream, and associated runoff from surrounding development, has been the source of many neighborhood concerns in past years, due to high water, flooding and debris being washed into and down the creek during heavy rainfalls. There are existing wetlands in the area, as well, much of which the developer is proposing to retain or enhance.

*Existing Development:* The site is currently vacant, with remnants of the previous mobile home park development evident.

*Surrounding Land Use/Zoning:*

| Direction | Land Use                                                     | Zoning      |
|-----------|--------------------------------------------------------------|-------------|
| North     | Hwy 62 – 6 <sup>th</sup> Street, busy arterial               | RMF-24, C-2 |
| South     | Pinnacle Foods, Single Family homes, approved MF development | I-2, RMF-24 |
| East      | SF homes, Coors, Brenda's Burgers                            | RMF-24, I-1 |
| West      | Burlington-Northern Railroad                                 | RMF-24      |

*Proposal:* The applicant requests a rezoning and large scale development approval for a residential development within a unique R-PZD zoning district. The proposed use of the site is for a condominium-style development consisting of 220 attached residential dwelling units. Two separate phases are identified. Phase I consists of 113 units on the east side of College Branch Creek, and Phase II consists of 107 units on the west side of the creek. A future Phase III consisting of mixed-use office/retail/commercial is indicated on the site plans at the corner of 6<sup>th</sup> Street and Hill Avenue, but is not the subject of this request.

*Process:* Currently, the project proposal is submitted as one large tract of land, consisting of 27.969 acres. There are several independent parcels that create this tract, all of which are being combined into one for the purposes of development. Plans consist of all proposed buildings, parking, driveways, public and private streets, landscaping, tree preservation and mitigation, wetland mitigation, parkland dedication, trail construction, public utility extensions, etc., typically reviewed with a Large Scale Development. The developer intends to construct the project much as a typical multi-family development, with all structures, public infrastructure and utilities being constructed simultaneously. Though the process by which the request is being reviewed is a Large Scale Development consisting of 220 *condominiums*, the intent is to sell each of the 220 *townhomes* as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field.

To clarify, a condominium and townhome are distinct from one another: **Condo unit owners own the inside of their units. Townhouse owners own the complete unit, including exterior surfaces and the land on which the unit is built.**

**Condominium:** a multiple-unit complex, the units of which are individually owned, with each owner receiving a deed to the unit purchased . . . and sharing in joint ownership of any common grounds, passageways, etc. (through an established POA/HOA) (*paraphrased from Webster's*



*College Dictionary, 1991). This type of dwelling unit typically does not have land attached to its deed, it is merely the unit alone, inside the walls of the structure.*

**Townhome:** a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. (Source: *mortgagewarehousemb.com*) A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own (if you don't own the land, it is a **condominium**).

In order to plat individual lots for the townhomes in the future, an amended Planned Zoning District plat will have to be processed and approved by the Planning Commission and City Council, at that time. This will likely take the form of a Concurrent Plat, if it meets the appropriate criteria. Otherwise, a Preliminary and Final Plat process will be required.

*Proposed Land Uses:*

- Use Unit 1: City-wide Uses by Right
- Use Unit 8: Single Family Dwellings
- Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.

The total proposed number dwelling units on the 27.969-acre site is 220, therefore the proposed density for the R-PZD is **7.87 DU/acre**. The project site is currently zoned RMF-24, allowing for a much higher density of development as a traditional multi-family complex. The potential for a townhouse-style division of land, the inclusion of the public trail system, a public park, a large Tree Preservation and riparian corridor protection area, the challenges presented by existing natural conditions (drainage, slope and railway); all of these contribute to the need to process a Planned Zoning District in order for the best project to result for both the applicant and the city.

**Building Setbacks:** Building setbacks are proposed as indicated on the plat. Most setbacks are 8' or 10', with an exception at the 6<sup>th</sup> Street frontage (20 feet) and Duncan/11<sup>th</sup> Street frontage (25 feet).

**Building Height:** Maximum building height shall be 40 feet.

**Greenspace:** 51.6% Impervious (greenspace), 48.4% pervious (streets, buildings, trail, parking)

**Wetlands:** A small percentage of wetlands on the property are being filled and mitigated for in the riparian corridor along Town Branch Creek. As part of the Corps of Engineers permit to do so, a buffer area is to be deed-restricted for protection from future development. A portion of this area will also serve as the Tree Preservation and mitigation area.

**Water & Sewer:** Water and sewer lines are being extended to serve the development. The applicant is extending public lines to service each unit individually, in order to legally subdivide the property in the future.



*Access:* Access is from several streets in the area:

North: 6<sup>th</sup> Street (one-way entrance and exit, with a right-turn only allowed when exiting)

South: Phase I has no access across the creek.

Phase II : 11<sup>th</sup> and Duncan

: Brooks Avenue and 12<sup>th</sup> Street. This separate access point is recommended to provide a safe means of access into Phase II and alleviate potential congestion at the intersection of 11<sup>th</sup> and Duncan.

East: Phase I access east to Hill Avenue.

Phase II access south and east onto Duncan/11<sup>th</sup>/12<sup>th</sup> Streets.

West: No access is available over the railroad.

The ingress/egress to the proposed 113 units in Phase I is from 6<sup>th</sup> Street and Hill Avenue. Based on a traffic study prepared for this project, a turn lane and widening of the intersection is warranted at Hill and 6<sup>th</sup> Street due to the increase in number of vehicle trips per day, and plans by the developer have been prepared accordingly. Ingress and egress to Phase II is more difficult, due to the lack of frontage for this particular parcel. Staff has recommended, and the developer consented, to constructing an additional means of access within platted right-of-way known as Brooks Avenue, to connect to the portion of 12<sup>th</sup> Street that is constructed. The other entrance to this phase is at the corner of 11<sup>th</sup> and Duncan, which has been reviewed and determined to be satisfactory by the Engineering Division.

Interior to the project, public streets are being provided within a varying right-of-way, with sidewalks on both sides in most cases. Staff recommends that where possible, the sidewalk be located at the right-of-way line, with a minimum distance of six feet from the curb, to meet Master Street Plan requirements.

*Adjacent Master Street Plan Streets:* 6<sup>th</sup> Street (Principal Arterial), Hill Avenue, 11<sup>th</sup> Street, Duncan Avenue (Historic Collector)

*Street Improvements:* Staff recommends street improvements to surrounding streets to bring them to a safe and adequate level of service for the additional units proposed in this area. A significant number of units are being added to this area, and much of the property being developed has no direct frontage onto adjacent right-of-way. The following are staff's street improvement recommendations for the developer to meet ordinance requirements for this development's proportionate share:

- Repair the broken pavement on 11<sup>th</sup> Street, directly south of the proposed intersection at the corner of 11<sup>th</sup> and Duncan, as part of the improvements to this stretch of street.
- Continue the existing sidewalk on the north side of 11<sup>th</sup> street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11<sup>th</sup> street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6<sup>th</sup> Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing

signal system. (Recommended in traffic study)

- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6<sup>th</sup> Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12<sup>th</sup> Street. The Master Street Plan calls for a 28-foot wide street in this location, based on the platted right-of-way and number of vehicle trips per day to be generated. The applicant disagrees with this recommendation, stating the Traffic Study indicates only 4% of all traffic from Phase II will utilize Brooks Avenue. Based on this same report, the following is applicable:
  - Phase II will generate approximately 627 vehicle trips per day.
  - Figure 3 of the Traffic Report indicates slightly more vehicles will travel south from Phase II than north (358 vs. 303) in a 24 hour period.

A 24-foot wide Residential Street is designed to serve a range of 300-500 vehicles per day, maximum. Should ½ of the traffic within Phase II of the development travel south, many of them will utilize the Brooks Avenue access. Typical traffic calculations by the City of Fayetteville, when two access points are provided, are based on ½ of the traffic potentially traveling in either direction. This would result in approximately 313 vehicles trips per day accessing the Brooks Avenue access. Additionally, the street to be constructed to provide the only secondary means of access to this site also fronts onto other properties that are vacant and have the potential to develop in the future, thereby increasing their volume. A Local Street, by contrast, is developed with a 28-foot width and can support up to 4,000 vehicles per day, per the Master Street Plan. Staff recommends a 28-foot wide street be constructed, to transition to the existing 31-foot wide 12<sup>th</sup> Street. This is based on providing a safe and adequate means of access to the proposed development, planning for this development along with potential other developments in the area that may access the street, and Master Street Plan requirements.

|                           |             |                                    |
|---------------------------|-------------|------------------------------------|
| <i>Tree Preservation:</i> | Existing:   | 52.5%                              |
|                           | Preserved:  | 15.1%                              |
|                           | Mitigation: | On-site mitigation, to 25% minimum |

*Parks:* The Parks and Recreation board recommends a combination of money, land and services to meet park land dedication requirements. This will include 0.36 acres of land on which a 12-foot public trail is to be constructed by the developer, per the City of Fayetteville specifications. In addition, approximately 0.86 acres of land on the southern edge of the property is to be dedicated as a public park. *Credit will be applied to the developer to account for 55 existing inhabited homes that were removed from the property.* If remaining fees are due above and beyond the requirements herein, they will be applied to amenities for the park.

*Temporary Office Space:* The applicant proposes to operate one (1) temporary office within the development specifically for the purpose of selling townhomes for Aspen Ridge. One of the constructed units in the Phase I area will be used as the location of the sales office, with office hours of Monday through Friday, 8 am to 8 pm, Saturday and Sunday 10:00 am to 6:00 pm.

Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

**Neighborhood Involvement:** The applicant has met several times with adjoining property owners and neighbors on Duncan, both in groups and individually. Much concern has been voiced regarding the drainage and flooding problems associated with the Town Branch Creek. Many of the homes that are adjacent to this creek are within the 100-year floodplain or floodway. The developer has been involved with his engineers from the beginning of the process to best address these concerns, and others voiced by the neighborhood. Though not all are pleased with all aspects of the proposal, staff has received numerous calls from residents in this area pleased with the clean-up effort, removal of the mobile home park and the efforts to better the drainage situation, along with the proposal for single family attached units, rather than typical multi-family units that are allowed by right on the property.

A draft of the future plat of lots, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

**Recommendation:** Staff recommends the Planning Commission forward **R-PZD 04-1307** to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions of approval:

**Conditions of Approval:**

1. Allowed uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right, Use Unit 8: Single Family Dwellings and Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.
2. Planning Commission recommendation for future vacation of portions of existing Duncan Avenue and Anderson Place rights-of-way to facilitate the proposed development. *Staff recommends approval of the vacation of these platted rights-of-way, due to the changes in circulation proposed with the submitted site plans. The connection these two streets make will be in an improved configuration, with a boulevard section that enters into this neighborhood.* PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED FUTURE VACATIONS.
3. No structure shall be permitted that falls into existing platted right-of-way. Formal vacation requests for Duncan Avenue and Anderson Place shall be submitted prior to permitting of affected buildings.
4. Planning Commission determination of the applicant's request for a temporary sales office. *Staff recommends approval, with the following conditions: One (1) dwelling unit shall be permitted to house a temporary sales office for the sole purpose of selling dwelling units within the Aspen Ridge Planned Zoning District. The sales office shall appear in all manners as a dwelling unit, and shall cease operation and revert to its intended use as a single family residence once the remaining units have been sold.*



PLANNING COMMISSION DETERMINED IN FAVOR OF THE REQUESTED OFFICE.

5. Planning Commission determination of appropriate off-site street improvements. *Staff recommends the following improvements for this development:*

- Repair the broken pavement on 11<sup>th</sup> Street, directly south of the proposed intersection at the corner of 11<sup>th</sup> and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
- Continue the existing sidewalk on the north side of 11<sup>th</sup> street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11<sup>th</sup> street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6<sup>th</sup> Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system. (Recommended in traffic study)
- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6<sup>th</sup> Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; *The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12<sup>th</sup> Street. Staff recommends a 28-foot street to meet Master Street Plan requirements for the vehicle trips per day generated by this development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS, WITH A 24-FOOT WIDE STREET FOR BROOKS AVENUE.

6. Atypical interior street widths, sidewalk location, etc. shall be reviewed and approved by the Engineering Division at the time of more detailed construction plan review, to ensure emergency service vehicles, public service providers, solid waste, etc. is able to access the proposed development.
7. A combination of land, money and services shall be contributed by the developer to meet parkland dedication requirements, including 0.36 acres for a public trail, construction of said 12-foot wide trail, 0.86 acres land dedication for a park and all remaining fees due in excess of the above requirements for 220 units to be utilized for park amenities. *Credit in the amount of \$30,525 (55 units \* \$555/unit) will be applied to the developer to account for 55 existing homes that were removed from the property prior to development.* All fees and deeds for land shall be submitted prior to building permit.

8. The developer shall mitigate for the removal of 115,440 sf of tree canopy to meet Tree



Preservation ordinance requirements. On-site mitigation shall consist of a minimum of 420 trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.

9. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.
10. The property line adjustments to create the described 27.969-acre parcel shall be processed, approved and recorded prior to this item appearing before the City Council for consideration.
11. Staff recommends a second pedestrian path be constructed from approximately between buildings 35 and 36 in Phase II to connect to the public trail through an existing creek crossing (see plat). A hard-surface (concrete or asphalt) path is desired. However, at minimum, the path shall be constructed of a 4" minimum depth shredded mulch (or equal) with appropriate edging on both sides. Trail slope, width, location through existing tree canopy and specifications shall be approved by the City prior to construction.
12. Signage for the development shall be limited to one (1) monument sign at each of the three primary entrances to the development. Sign size, location, height, etc. shall be limited to the monument sign restrictions in an RMF zoning district, per city code. (Maximum 16 square feet display surface area, six feet in height, 10 feet from the property line).
13. All dumpsters shall be enclosed on a minimum of three sides with access not visible from the street. Landscape screening as shown shall be required.
14. No structures shall be constructed over public utility easements, per city ordinance (including, but not limited to, trash enclosures).
15. Should the applicant desire to subdivide the land to create townhomes, an amended Planned Zoning District will be required. The development review process will likely be a Concurrent Plat, if all criteria are met. If not, a standard Preliminary and Final Plat will be required to subdivide the property.
16. All comments as itemized in the attached memo from the City Floodplain Administrator shall be addressed at the appropriate time and are considered, by reference, a part of the official Conditions of Approval (see attached).
17. The maximum separation for fire hydrants shall be 500 feet in distance.
18. Entrances into the subject property shall utilize a minimum width of 20 feet clear, to allow for the passage of emergency vehicles.

19. Maximum spacing for public street lights shall be 300 feet, along the proposed and existing public streets.

**Standard Conditions of Approval:**

20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
24. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
  - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
  - b. Separate easement plat for this project that shall include the tree preservation area.
  - c. Project Disk with all final revisions
  - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

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**PLANNING COMMISSION ACTION:** yes Required

✓ Approved        Denied  
§-0-0

**Date:** December 13, 2004

**The "CONDITIONS OF APPROVAL", stated in this report, are accepted in total without exception by the entity requesting approval of this development item.**

**By** \_\_\_\_\_

**Date** \_\_\_\_\_

**Findings associated with R-PZD 04-1307**

**Sec. 166.06. Planned Zoning Districts (PZD).**

***(B) Development standards, conditions and review guidelines***

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

**FINDING:** The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. The development achieves compatibility with adjoining properties and enhances the surrounding neighborhood by creating buffers, utilizing a density of 7.87 dwelling units per acre (as opposed to the 24 allowed), preserving and enhancing the drainage associated with Town Branch Creek and by the overall improvement to the property by the removal of refuse, abandoned structures, automobiles, etc. Emphasis on appropriate tree preservation has been placed with the development proposal, and appropriate routing of utilities, streets, and protective easements has been achieved. Much of the tree preservation area is located along Town Branch Creek, along with mitigation efforts to increase healthy canopy coverage in this area. Town Branch Creek is being treated as a natural site amenity, to be retained as protected wetlands and concentrated Tree Preservation area. Additionally, the development is situated to ensure maximum protection of the watercourse from erosion and siltation. The proposed density yield is 16 units per acre less than that which is allowed with the current zoning district, which is a common zoning on surrounding properties. A public park is provided, along with land and construction of a 12-foot wide public trail along the Indian Trail corridor. No large parking areas are proposed, as the units are for all intents and purposes to act as single family homes, on separate lots. Landscaping, tree preservation, the design proposed and overall public amenities required of the developer furthers the health, safety, amenity and welfare of the community as a whole and enhances this neighborhood a great deal.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to



the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

**FINDING:** Screening is required as a part of this development to buffer adjacent properties from those area viewed as less desirable, specifically the "back" of buildings with their associated drive and parking areas. At the request of the Landscape Administrator, screening has been added in the appropriate locations. A conceptual street tree planting plan has been presented, along with a plan indicating mitigation trees. A detailed tree planting plan is required prior to building permit, and may require some changes to best locate mitigation trees in those areas along the creek that would benefit the overall canopy coverage.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

**FINDING:** The internal street for Phase I is a public loop within varying right-of-way width, due to the proposed landscape medians. The loop connects 6<sup>th</sup> Street to Hill Avenue. An extension of this street serves an additional 16 units to the west of the loop. No vehicular access is provided across Town Branch Creek. For Phase II, an entrance is proposed at 11<sup>th</sup> and Duncan, with a secondary access from 12<sup>th</sup> Street to serve the proposed 107 units. The second access is a public street connection along Brooks Avenue right-of-way, proposed to be 24 feet in width. Phase II internal drives are private, looping through the development without a dead-end.



A left-turn lane, traffic signal improvements and curve radii improvements are to be provided at the intersection of Hwy 62 and Hill Avenue to improve this intersection. Sidewalks are required on all sides of public streets within the development, at the right-of-way line in most cases. Various improvements are also recommended for 11<sup>th</sup> Street, including curb and gutter on the south side, pavement improvements and connection of existing sidewalks in the neighborhood, per the comments detailed above.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

**FINDING:** Standard parking ratios for single family units is enforced. Garages are provided for all units, with pull-in space behind also allowing for visitor parking.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

**FINDING:** The development meets all open space and park land requirements.

- (6) *Sidewalks.* As required by §166.03.

**FINDING:** Four-foot sidewalks are to be constructed on both sides of all interior public streets, with the exception of that area in which the 12-foot wide trail is to be constructed. Six-foot sidewalks are required along Hill Avenue and 6<sup>th</sup> Street.

- (7) *Street Lights.* As required by §166.03.

**FINDING:** All street lights installed shall be pursuant to the above-referenced code section, with a maximum of 300 feet spacing.

- (8) *Water.* As required by §166.03.

**FINDING:** Public water is being provided to the project site, pursuant to city code.

- (9) *Sewer.* As required by §166.03.

**FINDING:** Public sewer is being provided to the project site, pursuant to city code.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to

the following conditions:

- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

**Paving Width**  
(No On-Street Parking)

| Dwelling Units | One-Way | Two-Way |
|----------------|---------|---------|
| 1 - 20         | 14'     | 22'     |
| 21+            | 14'     | 24'     |

**\*Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

**FINDING:** All public streets for the proposed development are to be constructed according to the adopted standards of the City. Interior, or private, drives to each of the units shall also be constructed to adopted City Standards, as reflected herein. Private drives shall be maintained by the developer or a POA; the method and maintenance shall be set forth through the PZD covenants or other such language.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

**FINDING:** N/A

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

**FINDING:** The applicant proposes a large contiguous preservation area along Town Branch Creek, coinciding with the deed-restricted wetland area and riparian corridor.

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These trees are in the best health of the trees on-site, as many of the large trees on the property have suffered from years of abuse from pre-existing development. The applicant proposes to retain 15.1% of the tree canopy on-site, and to utilize on-site mitigation in an effort to create a larger, healthier canopy coverage in this area. Primary areas of emphasis for the mitigation trees are along the creek corridor and within the established Tree Preservation area. Other mitigation trees will be combined with required landscaping trees both along the perimeter and interior to the site.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

**FINDING: N/A**

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

**FINDING: Staff finds no specific scenic views to be protected on the subject property.**

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or



revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.

(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

**FINDING:** The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

#### **Sec. 161.25 Planned Zoning District**

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- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
  - (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
  - (2) Compatibility. Providing for compatibility with the surrounding land uses.
  - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
  - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
  - (5) No negative impact. Does not have a negative effect upon the future development of the area;
  - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
  - (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
  - (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
  - (9) General Plan. Comprehensive and innovative planning and design of mixed use yet

harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

**FINDING:** The proposal meets many of the guidelines set out by the Planned Zoning District ordinance. It is flexible, in that it allows for new single family home ownership within the established community of South Fayetteville, at a density that is very comparable and compatible to surrounding properties. No negative impact is anticipated; rather, a positive impact has already been achieved, based on several comments received from neighbors both in the Planning offices and through public meetings. Though attached, these single family dwellings are developed with many amenities enjoyed by single family detached owners, including proposed lakes, creek frontage, tree preservation and planting areas, a neighborhood park and public trail, all of which will also benefit the surrounding community. A community at harmony with its surrounding neighborhood is being proposed. Natural features are being protected along the creek, which provides the existing neighborhood with a unique character that will be protected with the proposed PZD. Parkland, lakes, open space, and a public trail are all proposed components of the overall plan, as well. The proposal is consistent with many of the guiding policies of the General Plan 2020 including:

**Residential Areas:**

*9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*

*9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

**Environmental Resources:**

*9.16.a Identify areas of environmental concern and protect and preserve environmental resources.*

*9.16.b Define and protect areas of significant floodplains, hillsides, trees and other environmental resources through cluster development provisions, density controls, protective easements and other new and existing development standards and regulations.*

*9.16.c Establish community-wide greenways which incorporate the protection of floodways and floodplains, and areas determined to be of environmental concern.*

**Community Character:**

*9.19.i Promote higher density development and mixed used development within the City limits to provide for more efficient development, create traditional neighborhoods, and preserve open space.*

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council



in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

**FINDING:** The subject described real property is proposed to be rezoned to R-PZD 04-1307. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.
- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

**FINDING:** The proposed Residential Planned Zoning District allows single-family attached residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The applicant intends on subdividing the property in the future to create townhomes, whereby each unit owner would also own the land underneath the unit. The proposed development allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very different style and type of development for South Fayetteville. Public improvements provided with the



development will ensure safe and adequate traffic movement continues, as well as provide an increase in pedestrian ways.

(2) Permitted uses.

**Unit 1 City-wide uses by right**

~~Unit 2 City-wide uses by conditional use permit~~

~~Unit 3 Public protection and utility facilities~~

~~Unit 4 Cultural and recreational facilities~~

~~Unit 5 Government facilities~~

**Unit 8 Single-family dwellings**

~~Unit 9 Two-family dwellings~~

~~Unit 10 Three-family dwellings~~

~~Unit 12 Offices, studios and related services~~

~~Unit 13 Eating places~~

~~Unit 15 Neighborhood shopping~~

~~Unit 19 Commercial recreation, small sites~~

~~Unit 24 Home occupations~~

~~Unit 25 Professional offices~~

**Unit 26 Multi-family dwellings**

**FINDING:** The highlighted uses above that are proposed are permitted uses within a Residential Planned Zoning District. All other ancillary uses (parks, trails, etc.) are allowed by right.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

**FINDING:** The proposed PZD proposed is entirely residential in use.

**\*Required Findings for Rezoning Request.**

**RECOMMENDATION:** Staff recommends approval of the rezoning request from RMF-24, Residential Multi-Family, 24 units per acre, to R-PZD 04-1307, with the adoption of the associated development plans.

**LAND USE PLAN:** The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 04-1307, with the associated development plans, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

**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 rezoning of the existing RMF-24 property to the proposed PZD development with attached single-family use at a density of 7.87 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan and the Fayetteville Vision 2020 Guiding Principles to begin an establishment of a revitalized South Fayetteville.

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 needed in order to develop this property in the manner indicated. Though a multi-family development could potentially be achieved at a density of 24 units per acre on the property without rezoning, the intent of the developer to create a townhouse-style, attached single family owner neighborhood in this manner is not currently available through existing zoning ordinances.

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

**Finding:** An base increase of 220 town homes in this area without additional access points would substantially alter the population density and create an appreciable increase in traffic danger and congestion, based on the opinion of the Fayetteville Police Department. Currently there is limited access to this location. A four-lane highway and a two lane residential street border this property. There is no way to currently funnel this traffic onto a collector street before it impacts the road system in that area. However, the traffic study provided, development plans that are presented with two means of access to each Phase, and the improvements recommended by staff alleviate most, if not all, of the concerns for traffic safety. A total of 1,283 vehicle trips per day is projected for both phases, which are easily accommodated by surrounding streets, with improved access points from 11<sup>th</sup>, 12<sup>th</sup>/Brooks Avenue, 6<sup>th</sup> Street, and Hill Avenue. Additionally, improvements to widen and create a left-turn lane at the intersection of Hill and 6<sup>th</sup>, add curb and gutter to 11<sup>th</sup> street and work to improve the pavement sections on 11<sup>th</sup> currently in disrepair are all off-site improvements to which the developer is committing as part of the overall project.

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:** It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density in this area. The development

proposed would create, on average, 572 future residents in this area, thereby altering the population density in the immediate vicinity. However, by right, a total of 671 units yielding 1,744 future residents is allowed with the current underlying zoning. Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

**Fire** - Water supply with fire hydrants is needed to serve development on this site. Fire station #1, approximately 0.9 miles away, will serve this site once it is constructed. Fire response time to the site is approximately 2-3 minutes.

**Police** - Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing surrounding development. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will substantially alter the population density and thereby undesirably create an appreciable increase in traffic danger and congestion in the area, without improved access to the site.

**Engineering** - The proposed subdivision has been reviewed for access to public utilities, including water and sewer, and will not undesirably increase the load on public services.

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



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS  
113 West Mountain St.  
Fayetteville, AR 72701

## ENGINEERING DIVISION CORRESPONDENCE

479-575-8208

To: Matt Crafton

Thru: Jeremy Pate, Development Coordinator

From: Mike Rozelle P.E., Staff Engineer

Date: December 3, 2004

Re: Subdivision Committee comments (3 December 2004 Subdivision Committee Meeting)

Development: PZD 04-1307:Aspen Ridge,pp 522/561

1. The floodway needs to be shown on the grading plan and Site Plan.
2. Label the proposed minimum finished floor on the site plan for all buildings within or adjacent to the flood hazard zone AE.
3. The proposed finished floor must be 2 feet above the highest adjacent base flood elevation.
4. Provide a benchmark on the site plan and grading plan indicating datum used for topo.

It appears it is necessary to fill designated flood plain areas, the following criteria must be met prior to issuance of a building permit:

1. Submittal of a flood plain development permit and plans designed by a licensed engineer, architect or landscape architect in accordance with the Flood Damage Prevention Code.
2. For structures, bridges, fill or changes to the water course within the regulatory floodway, a certification from a registered professional engineer must be provided stating that the encroachments shall not result in any increase in flood levels.
3. For structures, fill or changes to the water course that will increase the base flood elevations, applicant must apply for a conditional letter of map amendment through FEMA prior to issuance of a permit, and the applicant must apply for a floodway revision through FEMA once the project is complete.



**FAYETTEVILLE  
THE CITY OF FAYETTEVILLE, ARKANSAS**

**113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: 479-444-3469**

**TO:** Jeremy Pate, Senior Planner  
**FROM:** Alison Jumper, Park Planner  
**DATE:** November 29, 2004  
**SUBJECT:** Parks & Recreation Subdivision Committee Comments

\*\*\*\*\*

**Meeting Date:** December 3, 2004  
**Item:** PZD 04-1307 Aspen Ridge, 522-561  
**Park District:** SW  
**Zoned:** RMF-24  
**Billing Name & Address:** BHA Construction 3607 Clabber Creek Blvd. Fayetteville, AR 72704

|               | <u>Land Dedication Requirement</u> | <u>Money in Lieu</u>        |
|---------------|------------------------------------|-----------------------------|
| Single Family | @ .024 acre per unit = _____ acres | @ \$555 per unit = \$ _____ |
| Multi Family  | @ .017 acre per unit = _____ acres | @ \$393 per unit = \$ _____ |
| Mobile Home   | @ .024 acre per unit = _____ acres | @ \$555 per unit = \$ _____ |
| Lot Split     |                                    | @ \$555 per unit = \$ _____ |

**COMMENTS:**

- On November 8, 2004 Parks and Recreation Advisory Board made a recommendation of a combination of money, land, and services to meet the park land dedication requirements. The following is a summary of the land dedication, services to be provided, and money in lieu:

Approximately .36 acres of land for the trail will be dedicated. The developer will construct approximately 856 l.f. of 12' trail. All trail layout, design and construction shall be approved by park staff. Trail shall be constructed per City standard construction details for an asphalt trail. The trail construction will be bid

by the developer and the actual cost for the trail will be applied to the remaining fees due.

In addition, approximately .86 acres, located on the southern edge of the development, will be dedicated.

Credit will be applied to account for existing inhabited homes that were removed from the property.

Any remaining fees due will be applied to amenities for the park. Park design will be coordinated with residents and Parks staff.

- Fees and a deed to dedicated park land and trail corridor are due before building permits.



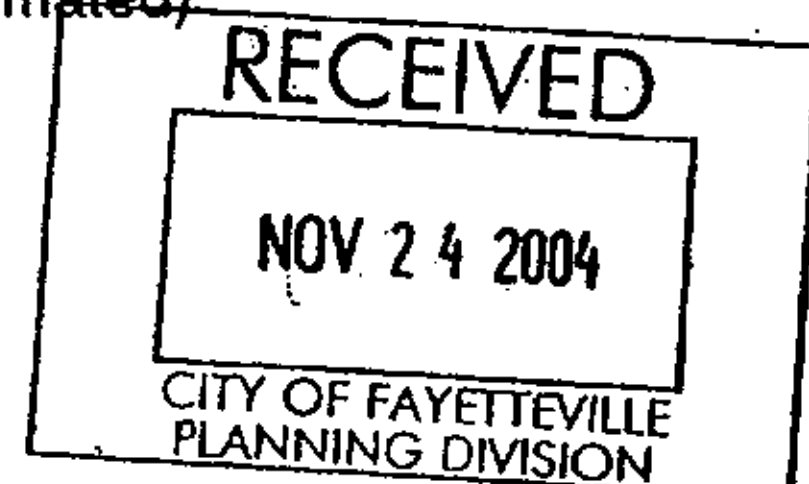
**Crafton, Tull & Associates, Inc.**

901 N. 47<sup>th</sup> Street, Suite 200 Rogers, AR 72756  
479.636.4838 Fax: 479.631.6224 www.crafttull.com

**Architects, Engineers & Surveyors**

**Aspen Ridge  
Park Land Dedication Computation**

|                                                      |                                                |
|------------------------------------------------------|------------------------------------------------|
| Proposed use:                                        | Single Family Homes                            |
| Total acreage:                                       | 27.969 acres                                   |
| Proposed units:                                      | 220 units                                      |
| City of Fayetteville<br>Park Land Ordinance Formula: | 0.024 acres/unit<br>\$555 /unit                |
| Park Land Required by Formula:                       | 5.28 acres                                     |
| Proposed 16' Trail Dedication:                       | 0.358 acres                                    |
| Proposed Park Land Dedication:                       | 0.860 acres                                    |
| Balance:                                             | 4.062 acres<br>169 units                       |
| Cash Required:                                       | \$93,795                                       |
| Value of 856' of Trail Grading & Paving:             | \$43,137 Based on CTA's detailed cost estimate |
| Value of Trail Engineering:                          | \$4,314 10% of Construction                    |
| Value of Playground Equipment:                       | \$60,618                                       |
| Less value of 504'x5' of Sidewalk Land:              | (\$1,338) (\$23,125/acre)                      |
| Less value of 504'x5' of Sidewalk Construction       | (\$12,936) (\$25/LF estimated)                 |
| Cash Due from Developer:                             | (\$0)                                          |





Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

| Item          | Subdivision   | Annexation  | Acres | Closest Fire Station | Distance from Fire Station | Response Time to Proposal area | Projected Response Time to Proposal Area at Maximum Build Out | Projected Calls for Service at Maximum Build Out per year | Projected Fire/Other Calls for Service at Maximum Build Out per year | Projected EMS Calls for Service at Maximum Build Out per year |
|---------------|---------------|-------------|-------|----------------------|----------------------------|--------------------------------|---------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------|---------------------------------------------------------------|
| R-Pzd 04-1307 | Aspen Ridge   |             |       | S-1                  | .9 Miles                   | 2 - 3 Minutes                  | 2 - 3 Minutes                                                 | 50                                                        | 20                                                                   | 30 *220 units                                                 |
| ANX 04-1334   | Aspen Ridge   |             |       | S-1                  | .9 miles                   | 2 - 3 Minutes                  | 2-3 Minutes                                                   | 152                                                       | 60                                                                   | 93 *24 Units/acre                                             |
| RZN 04-1355   | Harper/Teater | ANX 04-1334 | 60    | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1329   | Harper/Teater |             |       | S-4                  | 4.1 miles                  | 11 - 12 minutes                | 11 - 12 Minutes                                               | 54                                                        | 21                                                                   | 33                                                            |
| RZN 04-1330   | Hogeye, inc   |             | 3.35  | S-6                  | 2.0 miles                  | 3-4 minutes                    | 3 - 4 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1331   | Dunnerstock   |             |       | S-7                  | .9 miles                   | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 18                                                        | 7                                                                    | 11                                                            |
| RZN 04-1332   | Bale          |             | 0.8   | S-6                  | 1.4 miles                  | 2 - 3 minutes                  | 2 - 3 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |
| RZN 04-1333   | JB Hayes      |             |       | S-5                  | 2.4 miles                  | 7 minutes                      | 7 - 8 Minutes                                                 | 16                                                        | 6                                                                    | 10                                                            |
|               | JB Hayes      |             | 3.04  | S-5                  | 1.7 miles                  | 4 - 5 minutes                  | 4 - 5 Minutes                                                 | 0                                                         | 0                                                                    | 0                                                             |





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

## TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: December 008, 2004

### ITEM #: R-PZD 04-1307 (ASPEN RIDGE)

#### *Requirements Submitted:*

|   |                                                 |
|---|-------------------------------------------------|
| ✓ | Initial Review with the Landscape Administrator |
| ✓ | Site Analysis Map Submitted                     |
| ✓ | Site Analysis Written Report Submitted          |
| ✓ | Complete Tree Preservation Plan Submitted       |

#### *Canopy Measurements:*

|                                 |           |
|---------------------------------|-----------|
| Total Site Area                 |           |
| acres                           | 26.751    |
| square feet                     | 1,165,274 |
| Existing Tree Canopy            |           |
| acres                           | 14.05     |
| square feet                     | 612,208   |
| percent of site area            | 52.5%     |
| Existing Tree Canopy Preserved  |           |
| acres                           | 4.04      |
| square feet                     | 175,880   |
| percent of total site area      | 15.1%     |
| Percent Minimum Canopy Required | 25%       |

### FINDINGS:

*The desirability of preserving a tree or group of trees by reason of age, location, size or species.*

- The desirability of preserving those trees indicated along College Branch Creek is very high, due to their location, size, and species. Many of these trees are in the best health of those on the property, which contains many significant trees that have been abused and are in poor condition.

*Whether the design incorporates the required Tree Preservation Priorities.*

- The design of the Aspen Ridge community does incorporate the required Tree Preservation Priorities. Though the minimum percentage (25%) of preserved canopy is not being met, many of the trees proposed for removal are in poor condition, in both my opinion and as evaluated by an independent urban forestry consultant/certified arborist. The mobile home park that existed in this location prior to the development did little to protect the integrity and health of the large trees, especially on the Phase I side of the creek. Due to this fact, and limiting factors with regards to grading of the site, the desired preservation area for continued and permanent tree protection is along the riparian corridor.

*The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.*

- Degradation to the trees that are being removed has occurred for many years as a result of the abuse and neglect received from prior development on the property. Paving, debris, etc. have been piled upon and under trees, especially on the east side of the creek. Significant environmental degradation would occur if the trees along the creek were removed, for they retain the slope and hold the bank from eroding completely along this stretch of the creek. The root systems help retain the soil, and canopy coverage helps to reduce the temperature of the stream run-off from adjacent impervious surfaces.

*The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.*

- The greatest impact in tree cover reduction would to the properties to the east. However, existing canopy continues onto these properties, as well, so a significant reduction may not be realized. Additionally, as part of the mitigation efforts, screening and buffering will be required to protect the surrounding single family homes.

*Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.*

- Though no alternative construction methods are proposed, the developer is choosing to utilize the PZD process to develop a unique develop in south Fayetteville. By right, the property owner can develop up to 24 units per acre in a conventional multifamily development pattern. However, an alternative townhouse style is desired for this area, and the Planned Zoning Districts allows for this process to occur.

*Whether the size or shape of the lot reduces the flexibility of the design.*

- The shape and size of the overall property does much to inhibit the design flexibility. There is little frontage onto public streets, a creek corridor with associated wetlands dividing the property, an old railroad bed that dictates much of the grading that has to occur in order to utilize it for the proposed trail corridor, and an existing railroad that limits access to the west.

*The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.*

- Actually, the general health of trees on this site is poor. The site has been developed around, graded in years past, filled with debris and generally abused. Several tons of trash was removed in the past year from this site, much of which was located underneath canopy on the east side of the creek. An arborist was retained to evaluate the condition of the trees on-site and determined, based on his criteria, which were significant. In conjunction with the applicant, I then evaluated the other trees and classified them based on size, location, type, and health, among other criteria in the City of Fayetteville ordinance.

*The placement of the tree or group of trees in relation to utilities, structures, and use of the property.*

- Utilities will not encroach upon the trees preserved.

*The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.*

- Additional trees will not be removed to install or maintain public utilities.

*Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.*

- Much of the grading to construct roads and pads for the units for this development was dictated by the existing elevations of the railroad corridor to be used for the trail and the creek, along with off-site elevations. Existing topography, therefore, has been utilized for design of the roads and utilities and routed, where possible, to avoid canopy.

*Construction requirements for On-Site and Off-Site Alternatives.*

- N/A

*The effects of proposed On-Site Mitigation or Off-Site Alternatives.*

- On-site mitigation will increase the canopy on the subject property, and is located appropriately in the Tree Preservation area where it will survive in perpetuity.

*The effect other chapters of the UDO, and departmental regulations have on the development design.*

- Few, if any, other division regulations have an effect on the design to preserve trees.

*The extent to which development of the site and the enforcement of this chapter are impacted by*



*state and federal regulations:*

- **Wetland mitigation is enforced by the Corps of Engineers.**

*The impact a substantial modification or rejection of the application would have on the Applicant:*

- **Staff is recommending approval of the Tree Preservation Plan, with mitigation required.**

**Recommendation: Approval of the Tree Preservation Plan associated with R-PZD 04-1307, with the following conditions:**

**Conditions of Approval:**

1. The applicant shall mitigate for the removal of 115,440 SF of tree canopy with on-site mitigation, to consist of a minimum of (420) 2-inch caliper trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.
2. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.





## **Crafton, Tull & Associates, Inc.**

901 N. 47<sup>th</sup> Street, Suite 200 Rogers, AR 72756  
479.636.4838 Fax: 479.631.6224 www.crafttull.com

**Architects, Engineers & Surveyors**

### **Aspen Ridge Tree Preservation Computation**

|                            |        |       |
|----------------------------|--------|-------|
| Total acreage:             | 27.969 | acres |
| Less Park Land Dedication: | 1.218  | acres |
| Net area for calc.         | 26.751 | acres |

|                                         |                 |
|-----------------------------------------|-----------------|
| % Area Required for Preservation (PZD): | 25.0%           |
| Area Required for Preservation:         | 6.688 acres     |
|                                         | 291,320 sq. ft. |

|                               | SQ. FT. | Acres  | %     |
|-------------------------------|---------|--------|-------|
| Existing Canopy               | 612,208 | 14.054 | 52.5% |
| Total Canopy to be Preserved: | 175,880 | 4.038  | 15.1% |
| Total Canopy to be Removed:   | 439,524 | 10.090 | 37.7% |
| Mitigation Canopy Required:   | 115,440 | 2.650  | 9.9%  |
| Mitigation Canopy Proposed:   | 115,440 | 2.650  | 9.9%  |
| Total Proposed Tree Area:     | 291,320 | 6.688  | 25.0% |

#### **Tree Mitigation Calculation:**

|                                                         |         |      |
|---------------------------------------------------------|---------|------|
| 1. Mitigation Canopy Required:                          | 115,440 | s.f. |
| 2. Priority Type:                                       | Medium  |      |
| 3. Proposed Tree Caliper:                               | 2"      |      |
| 4. Density Factor Required:                             | 290     | s.f. |
| 5. Number of Mitigation Trees Required:                 | 398     | each |
| 6. Number of Trees to Meet City Landscape Requirements: | 133     | each |
| 7. Number of Trees Provided for Landscaping:            | 244     | each |
| 8. Net Number of Mitigation Trees Required:             | 287     | each |

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PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

## LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: December 13, 2004

ITEM #: R-PZD 04-1307 (ASPEN RIDGE)

### Applicable Requirements:

|   |                             |
|---|-----------------------------|
| ✓ | Off Street Parking          |
|   | Commercial Design Standards |
|   | Buffers and Screening       |
| ✓ | I-540 Design Overlay        |

### Plan Checklist:

- ✓ submitted by applicant
- ✗ requested

| Preliminary Submittal | Final Submittal |                                                                                                                                                                                                                                              |
|-----------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       |                 | <b>Off Street Parking and Loading</b>                                                                                                                                                                                                        |
|                       | ✓               | wheel stops / curbs                                                                                                                                                                                                                          |
|                       | ✓               | irrigation                                                                                                                                                                                                                                   |
|                       | ✓               | edged landscape beds indicated                                                                                                                                                                                                               |
|                       | ✓               | species of plant material identified                                                                                                                                                                                                         |
|                       | ✓               | size of plant material at time of installation indicated                                                                                                                                                                                     |
|                       | ✓               | interior landscaping<br>narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces)<br>tree island (10' min. width / 1 tree per 12 spaces)                                                                                      |
|                       | ✓               | perimeter landscaping<br>side and rear property lines (5' landscaped)<br>adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen) |
|                       | ✓               | soil amendments notes include that soil is amended and sod removed                                                                                                                                                                           |
|                       | ✓               | mulching notes indicate mulching around trees and within landscape beds.                                                                                                                                                                     |
|                       | ✓               | planting details according to Fayetteville's Landscape Manual                                                                                                                                                                                |

| Preliminary<br>Submittal | Final<br>Submittal | Commercial Design Standards                                         |
|--------------------------|--------------------|---------------------------------------------------------------------|
|                          |                    | greenspace adjacent to street R.O.W. (15' wide)                     |
|                          |                    | street trees planted every 30' L.F. along R.O.W.                    |
|                          |                    | outdoor storage screened with landscaping                           |
|                          |                    | <b>Buffer Strips and Screening</b>                                  |
|                          |                    | landscaped area (12' min.)                                          |
|                          |                    | fence required                                                      |
|                          |                    | outdoor storage screened with landscaping                           |
|                          |                    | non-residential landscape screen when adjacent to residential zones |
|                          |                    | landscape requirement for setback reduction                         |
|                          |                    | <b>Overlay District Requirements</b>                                |
|                          |                    | greenspace adjacent to street R.O.W. (25' wide)                     |
|                          |                    | street trees planted every 30' L.F. along R.O.W.                    |
|                          |                    | 25% of total site area left in greenspace (80% landscaped)          |
|                          |                    | parking lots and outdoor storage screened with landscaping          |

**Recommendation:** Staff recommends approval of the Landscape Plan associated with LSD 04-1288, with the following conditions:

**Conditions of Approval:**

1. All required landscaping shall be guaranteed pursuant to City ordinance, prior to building permit.
2. Detailed landscape plans shall be submitted at the time of building permit.





## **Crafton, Tull & Associates, Inc.**

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.crafttull.com

December 13, 2004

Mr. Jeremy Pate  
Senior Planner  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Planned Zoning District Plan  
Aspen Ridge  
CTA Job No. 021111-00

Dear Mr. Pate:

We received a copy the city staff's recommendation to the Planning Commission regarding the above referenced project. On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, the following comments are in reference to the city staff's recommendations:

1. The property owners are Mr. Hal Forsyth and Mr. Hank Broyles
2. Regarding the proposed width of Brooks Avenue, we have discussed the traffic report with Peters & Associates Engineers, Inc., and they have confirmed that they estimate only 4% of the Phase II traffic will use Brooks Avenue, or approximately 25 vehicles per day. We disagree with the assumption that 50% of the Phase II traffic will use Brooks Avenue. In addition, the potential for future development appears to be limited due to the current plat design and the adjacent industrial plant. Thus, we recommend that Brooks Avenue remain as originally proposed at 24 feet wide.
3. The hours of operation for the temporary sales office within the development should be Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday and Sunday 10:00 a.m. to 6:00 p.m.
4. For the repair of the broken pavement directly south of the proposed intersection at the corner of 11<sup>th</sup> Street and Duncan Avenue, the developers propose to reconstruct approximately 2240 square feet of the pavement in front of this intersection.
5. Regarding park land dedication, the developers request that the dollar amount of \$30,525 (55 units \* \$555/unit) for the credit for the 55 existing homes be included in the recommendation to the city council.



6. For the additional pedestrian connection between Phases I and II, the developers propose to construct a 5-foot wide x 4" deep shredded mulch trail with landscape timbers for the edging.

We sincerely appreciate all of the staff's time and efforts to make this a successful project for the city and the developers. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.



Matt Crafton, P.E.  
Chief Operating Officer



# Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

C. 10  
R-PZD 04-1307 (Aspen Ridge)  
Page 41 of 52

December 7, 2004

Mr. Tim Conklin  
Director of Community Planning and Engineering  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Planned Zoning District Plan  
Aspen Ridge  
CTA Job No. 021111-00

Dear Mr. Conklin:

On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the revised Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit townhome complex in south Fayetteville. Please consider this letter along with the previous letters we submitted on November 4, 2004 and November 24, 2004 as our explanation of the project.

Mr. Broyles and Mr. Forsyth have agreed to all of the conditions listed in the city staff's letter to the Subdivision Committee with one exception. The city staff recommends that Brooks Avenue, which will be constructed by the developers, be 28 feet wide rather than the 24 feet currently shown in the plans. According to the traffic report for this project, only 4% of the traffic generated by Phase II, or approximately 25 vehicles per day, is projected to use Brooks Avenue for the entrance and exit to the site. This traffic volume is easily served by the city's typical 24-foot residential street.

Included with this submittal are the following to comply with City requirements:

1. Twenty-five (25) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, and front, rear and side elevations of the town homes.
3. An updated traffic report. Some of the text in the report has been corrected, but none of the actual traffic projections have changed.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.

A handwritten signature in black ink, appearing to read "Matt Crafton", with a stylized flourish at the end.

Matt Crafton, P.E.  
Chief Operating Officer





# Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.crafttull.com

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R-PZD 04-1307 (Aspen Ridge)  
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November 24, 2004

Mr. Tim Conklin  
Director of Community Planning and Engineering  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Planned Zoning District Plan  
Aspen Ridge  
CTA Job No. 021111-00

Dear Mr. Conklin:

On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the revised Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit townhome complex in south Fayetteville. Please consider this letter along with the previous letter we submitted on November 4, 2004 as our explanation of the project.

The developers propose to provide an exceptional development to the City of Fayetteville. As shown on the color elevations and the overall development plan provided herein, the townhomes will be brick multi-story units with garages in the rear and porches that front the street, lakes or green space. Portions of the streets to be dedicated as public rights-of-way will have landscaped medians and brick pavers at the entrances to the development. Mr. Broyles and Mr. Forsyth have met with adjoining property owners several times and received favorable comments on the proposed development.

The proposed development will assist the city in meeting one of the goals of the *General Plan 2020: Enhancing and revitalizing older urban areas*. It will also help meet one of the goals listed in the city's *2003 Survey of Citizens: Development of south Fayetteville*. The proposed site for development formerly consisted of approximately 49 mobile homes and six single-family homes. The area formerly had a high degree of vagrancy and crime. Mr. Broyles and Mr. Forsyth have purchased the land, removed all of the former homes and cleaned up the site at considerable personal expense, with the city and adjoining property owners already receiving the benefit of this clean up.

The entire acreage is currently zoned RMF-24, and a PZD is proposed due to the complex and unique nature of the development. Specifically, this PZD will meet the following goals of Section 161.25 of the city's PZD ordinance:

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& CITY OF FAYETTEVILLE  
PLANNING DIVISION



1. Flexibility: to enhance the uniqueness and aesthetic appeal of the project, the developers propose to construct non-standard streets with landscaped medians and brick pavers at the entrances to the development.
2. No negative impact: this PZD should have the positive effect of encouraging additional investment in south Fayetteville.
3. Coordination: the PZD will allow the city and the developers to cooperate in the renewal of an area of the city that was deteriorating.
4. Natural Features: College Branch creeks runs through the site. The developers propose to keep the area surrounding the creek in pristine condition, with only a pedestrian bridge to be constructed over the creek. Approximately 3.6 acres of this land will be deed restricted against future development.

To accomplish the proposed project, Mr. Broyles and Mr. Forsyth have purchased several parcels of land. As part of the PZD, the developers propose to combine several existing parcels into one 27.969-acre parcel. In addition, the developers propose to combine the parcels at the northeast corner of the site into one parcel that is proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building. These lot line adjustments will be completed prior to the city council meeting on January 4, 2005. The development is currently being treated as a Large Scale Development, however the intent is to sell each townhome as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field. A concurrent plat will be submitted to the city for approval at that time, and a draft version of the concurrent plat is attached herein for information purposes.

At the Technical Plat Review, the city staff expressed concern that the developers did not have complete access to 11<sup>th</sup> Street to construct the proposed entrance to the development at that location. Mr. Broyles and Mr. Forsyth have entered into a contract with the adjacent property owner, Mr. Hoodenpyle, to ensure they have enough land to construct the entrance road. In exchange for a portion of Mr. Hoodenpyle's property along 11<sup>th</sup> Street, the developers will give Mr. Hoodenpyle a strip of land along the north side of his current property line. They expect to close on this land swap within the next two weeks. A lot line adjustment will be submitted to the city and filed with the county prior to the city council meeting on January 4, 2005.

The total tree canopy to be preserved is approximately 18% of the site. The existing topography of the site necessitates a significant amount of cutting and filling to produce a site on which the townhomes and streets can be built. We have attempted to preserve as many of the significant trees as possible, including large oak trees at the northern and southern entrances to the site. On-site mitigation is proposed to make up the balance of the 25% required canopy.

The developers propose to operate a single temporary office within the development specifically for the purpose of selling townhomes within the development. One of the townhome units in the Phase I area will be used as the location of the sales office. Hours of operation for the sales office will be Tuesday through Friday from 8 a.m. to 6 p.m. Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

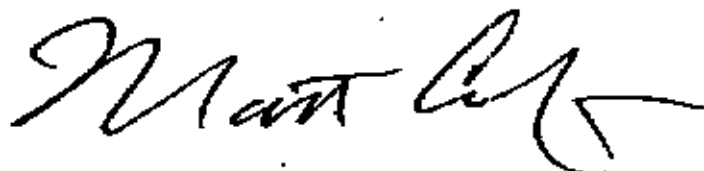
Included with this submittal are the following to comply with City requirements:

1. Twenty-five (25) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, and front, rear and side elevations of the town homes.
3. Receipts for the certified mailings notifying adjoining property owners of the public meetings at which this project will be considered.
4. Working drawings of the tree preservation plan for use by the city's Landscape Administrator.
5. Park Land and Tree Preservation computations.
6. Draft copy of the proposed Concurrent Plat
7. Revised legal description for the Phase I and Phase II area and revised legal description for the future Phase III area.
8. Copy of the real estate contract between the developers and Mr. Hoodenpyle.
9. Compact disk with AutoCAD drawings of the plans included in this submittal.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.



Matt Crafton, P.E.  
Chief Operating Officer



# Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.crafttull.com

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R-PZD 04-1307 (Aspen Ridge)  
Page 46 of 52

November 4, 2004

Mr. Tim Conklin  
Director of Community Planning and Engineering  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Planned Zoning District Plan  
Aspen Ridge  
CTA Job No. 021111-00

Dear Mr. Conklin:

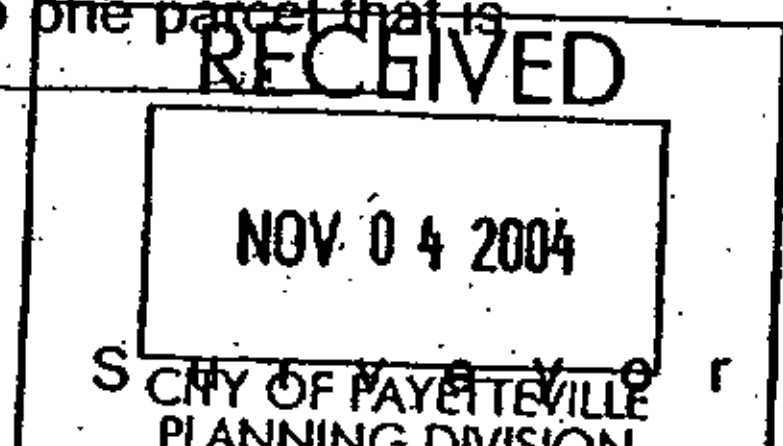
On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit town home complex in south Fayetteville. The project site is bounded by 6<sup>th</sup> Street on the north, Hill Avenue on the east, 11<sup>th</sup> Street on the south and the Burlington-Northern railroad on the west. The entire acreage is currently zoned RMF-24. A PZD is proposed due to the complex and unique nature of the development.

The developers propose to provide an exceptional development to the City of Fayetteville. As shown on the color elevations and the overall development plan provided herein, the town homes will be brick multi-story units with garages in the rear and porches that front the street, lakes or green space. Portions of the streets to be dedicated as public rights-of-way will have landscaped medians and brick pavers at the entrances to the development. Mr. Broyles and Mr. Forsyth have met with adjoining property owners several times and received favorable comments on the proposed development.

The proposed site for development formerly consisted of approximately 49 mobile homes and six single-family homes. The area formerly had a high degree of vagrancy and crime. Mr. Broyles and Mr. Forsyth have purchased the land, removed all of the former homes and cleaned up the site at considerable personal expense, with the city and adjoining property owners receiving the benefit of this clean up.

To accomplish the proposed project, the developers have purchased several parcels of land. As part of the PZD, the developers propose to combine several existing parcels into one 28.015-acre parcel. In addition, the developers propose to combine the parcels at the northeast corner of the site into one parcel that is

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proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building.

A Parks Board determination is not available at this date due to the postponement of the Parks Board meeting to November 8, 2004. However, the developers have met with the Parks staff several times and reached a verbal agreement on the land dedication and cash in-lieu requirements. A 16-foot wide trail easement will be dedicated from the east property line to the west property line. In addition, the developers will construct the grading and paving for this trail from the east property line to the east end of the old railroad bridge at the western side of the site. An assessment report for this bridge will be donated to the City. The developers will also dedicate 0.881 acres of land to the City along the south property line, which is contiguous to land the City is purchasing for a park. The developers will donate park equipment to meet the balance of the park land dedication requirement.

A traffic study has been completed for the proposed development. The proposed development is not estimated to cause any significant traffic problems, especially considering that the site was a previously developed residential area. The developers propose to construct a left turn lane on Hill Avenue at the intersection with 6<sup>th</sup> Street. In addition, to provide additional access to the southern portion of the site, the developers propose to construct Brooks Avenue from their south property line to 12<sup>th</sup> Street. Brooks Avenue is a platted right-of-way, although the street has never been constructed.

A Corps of Engineers Nationwide Permit was previously granted for this development under a different site concept than is currently proposed. This development will involve filling in a small amount of existing wetlands, and as mitigation, approximately four acres along Town Branch Creek will be deed restricted against any further development in the future. An amendment to the Nationwide Permit is being sought from the Corps, and the Corps staff has given verbal confirmation that this amended proposal will be approved.

Water and sanitary sewer services are available for the site. The City's Wastewater System Capacity Assessment shows that the 12-inch/15-inch sewer line that runs through the site is only at 9% to 13% of its capacity. 6-inch water lines are adjacent to the site along 6<sup>th</sup> Street, Hill Avenue and 11<sup>th</sup> Street.

Included with this submittal are the following to comply with City requirements:

1. Twenty-eight (28) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, 3-D rendering of the town homes, and front, rear and side elevations of the town homes.

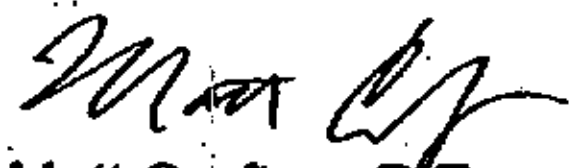


3. \$1,445 check for the PZD (\$1,125), Grading & Drainage (\$200) and Tree Preservation (\$120) review fees.
4. Preliminary Drainage Report.
5. Two sets of typed mailing labels for adjacent property owners.
6. Receipts for the certified mailings notifying adjoining property owners of the public meetings at which this project will be considered.
7. Park Land and Tree Preservation computations.
8. A copy of the deeds for the various parcels in this project.
9. A copy of the survey completed for this project.
10. A copy of the traffic study completed for this project.
11. A copy of the county assessor's maps showing the parcel numbers.
12. Compact disk with AutoCAD drawings of the plans included in this submittal.
13. Completed application forms for the LSDP, Grading & Drainage, Tree Mitigation Form, Landscape Review Form and Floodplain Development Permit.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.

  
Matt Crafton, P.E.  
Chief Operating Officer

**EXHIBIT "A"**

**ASPEN RIDGE PLANNED ZONING DISTRICT  
SURVEY DESCRIPTION**

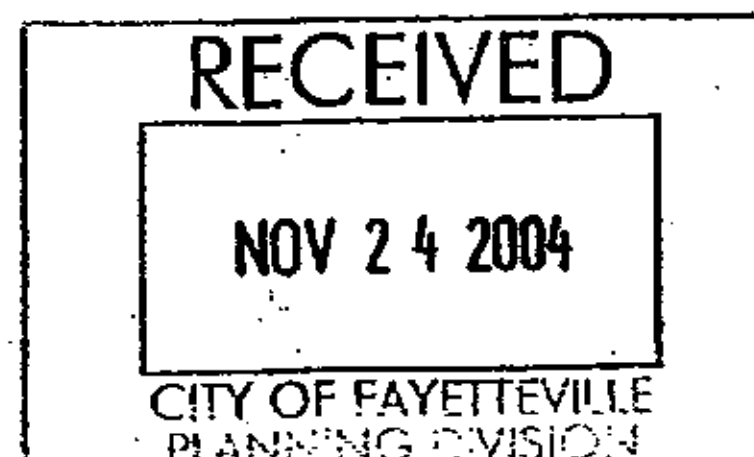
**(PARCEL 1 – COMBINES ALL PARCELS FOR THE AREA CURRENTLY PROPOSED  
FOR DEVELOPMENT - PHASES 1 & 2)**

Part of the South 1/2 of the SW 1/4 of Section 16, and a part of the North 1/2 of the NW 1/4 of Section 21, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as:

Commencing at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 21, said point being an existing iron pipe; thence S87°04'09"E along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 21 a distance of 5.92 feet to the Point of Beginning; thence S87°04'09"E 418.49 feet; thence S02°49'04"W 514.14 feet; thence N87°04'09"W 424.40 feet to a set 1/2" rebar; thence S02°49'04"W 204.82 feet; thence S87°04'09"E 139.00 feet; thence S02°48'48"W 293.00 feet to a set 1/2" iron rebar; thence N87°05'54"W 183.58 feet to an existing iron; thence S02°48'00"W 181.27 feet; thence S87°04'02"E 84.31 feet; thence S02°40'05"W 79.86 feet; thence S37°07'40"E 39.06 feet; thence S07°40'05"W 15.00 feet; thence N87°18'29"W 65.13 feet; thence S02°40'17"W 13.01 feet; thence N87°13'13"W 222.57 feet; thence N02°39'07"E 98.08 feet; thence N87°11'50"W 222.77 feet; thence N87°13'26"W 514.88 feet to an existing iron on the east right-of-way line of the Burlington-Northern Railroad; thence along the east right-of-way line of said railroad N35°29'31"E 52.81 feet; thence N32°17'21"E 103.24 feet; thence N28°25'22"E 103.51 feet; thence N24°16'00"E 103.08 feet; thence N21°19'30"E 102.24 feet; thence N18°44'44"E 102.31 feet; thence N17°42'23"E 150.90 feet; thence N19°09'44"E 46.21 feet; thence N19°55'12"E 130.59 feet; thence N24°20'10"E 111.27 feet; thence N28°56'24"E 112.03 feet; thence N33°22'01"E 78.14 feet; thence N36°27'09"E 61.08 feet; thence N40°40'51"E 107.01 feet; thence S86°14'53"E 62.45 feet to an existing iron on a 1381.79 foot radius curve to the right; thence Northeasterly along said right-of-way and curve 417.54 feet, the chord for which being N51°38'45"E 415.96 feet, to an existing Arkansas Highway Commission right-of-way monument on the South line of Arkansas Highway 180 (West 6th street); thence along the South right-of-way line of said highway S87°41'42"E 40.98 feet to an existing AHC monument; thence S87°40'49"E 26.16 feet to an existing AHC monument; thence S88°18'0"E 3.15 feet; thence leaving said right-of-way S01°44'50"W 153.30 feet; thence on a curve to the right with a radius of 315.50 feet and a distance of 81.06 feet; thence S16°28'1"W 8.54 feet; thence on a curve to the right with a radius of 215.50 feet a distance of 40.68 feet to the Point of Beginning, containing 27.969 acres, more or less, Fayetteville, Arkansas. The above described 27.969 Acre tract being subject to the right-of-way of Duncan Avenue, Anderson Place, Hill Avenue and all easements and/or rights-of-way of record.

Crafton, Tull & Associates, Inc.

  
Matt Crafton, P.E.  
Project Manager

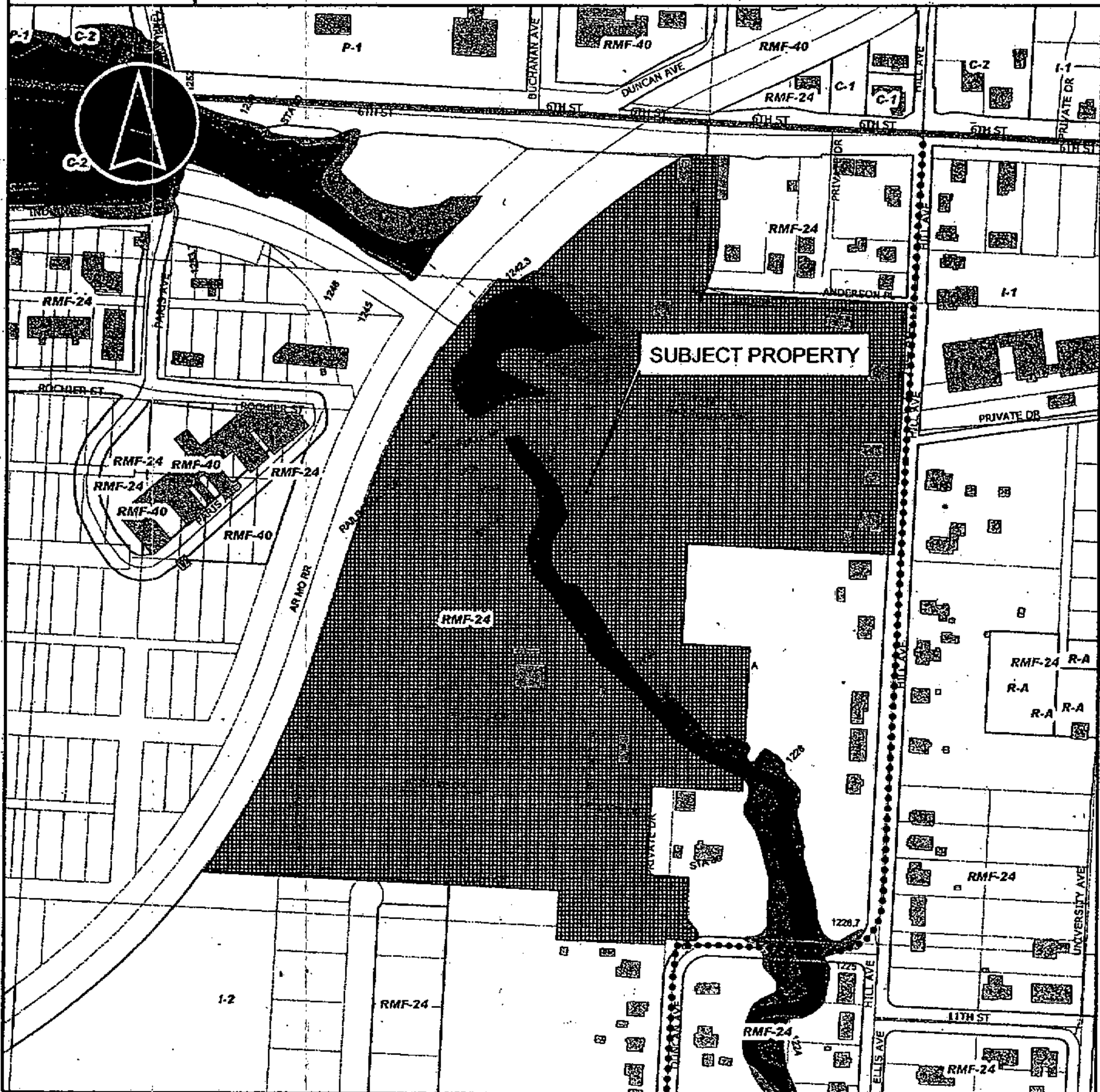


*Submission #2*  
*RPZD 04-1307*  
*12/1/2004*  
*CK*

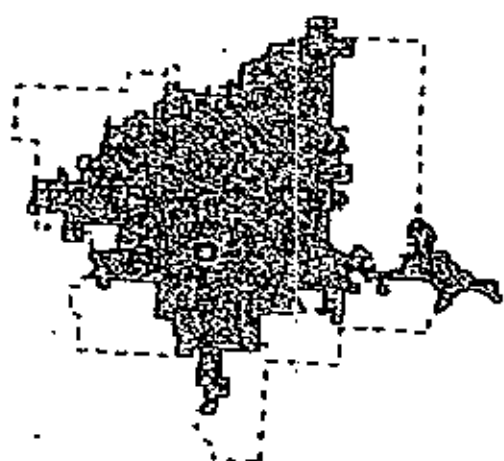
RPZD04-1307

Close Up View

# ASPEN RIDGE



Overview



Legend

RPZD04-1307

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

Baseline Profile

Fayetteville

Outside City

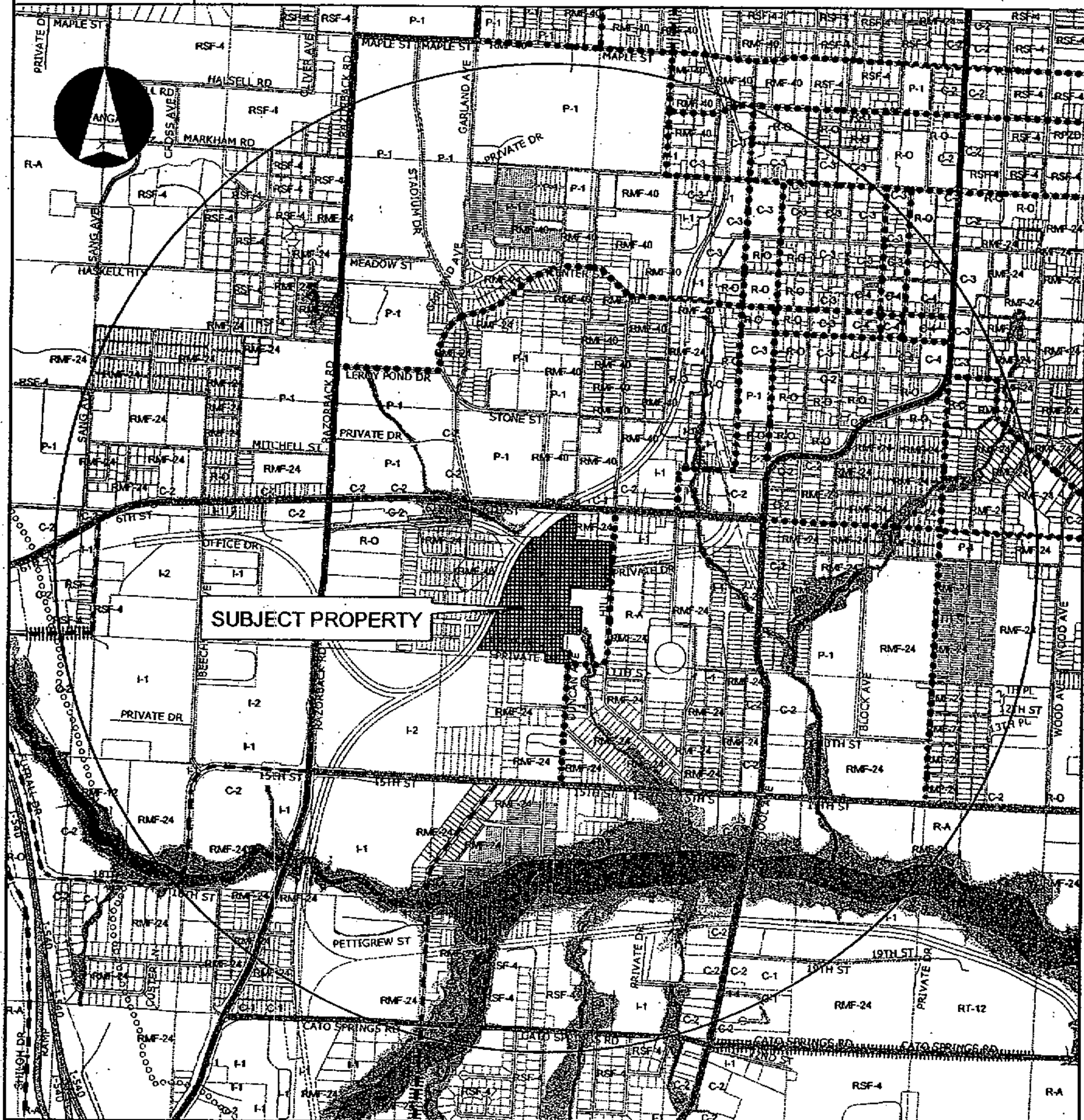
0 75 150 300 450 600 Feet



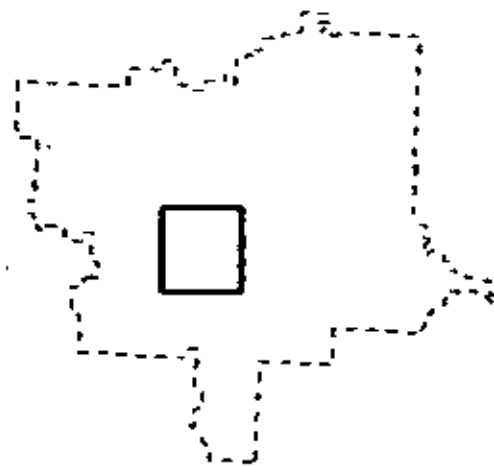
R-PZD04-1307

# ASPEN RIDGE

One Mile View



Overview



Legend

Subject Property

R-PZD04-1307

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0.05 0.1 0.2 0.3 0.4

Miles



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

C. 10  
R-PZD 04-1307 (Aspen Ridge)  
Page 52 of 52

4-Jan-05  
City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving R-PZD 04-1307, Aspen Ridge, submitted by Crafton, Tull & Associates for property located between 6th Street, Hill Avenue and 11th Street. Approving a rezoning from RMF-24, Residential Multi Family, 24 units per acre to R-PZD 04-1307 and adopting the associated residential development plan.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

12-20-04

City Attorney

Date

12-17-04

Received in City Clerk's Office

Mayor

Date

12/20/04

Received in Mayor's Office

12/20/04  
PH

ENTERED  
12-12-04

Comments:

## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council

**Thru:** Gary Dumas, Director of Operations

**From:** Jeremy C. Pate, Interim Zoning and Development Administrator *JCP*

**Date:** December 15, 2004

**Subject:** Easement Vacation for Elder/Salem Condos (VAC 04-1324)

---

### **RECOMMENDATION**

Planning Staff recommends approval of an ordinance vacating a portion of an existing utility easement, as described and depicted herein.

### **BACKGROUND**

The applicant has secured approval from the Planning Commission to construct a 58-unit multi-family condominium development located on 4.77 acres west of Salem Road, north of Highway 16 (Wedington Drive). One of the proposed buildings is to be located within an existing 20-foot utility easement, currently utilized by Ozarks Electric and Cox Communications. These overhead utilities are required to be relocated underground, and will be in a different location. A condition of approval of the Large Scale Development, approved by a vote of 8-0 by the Planning Commission, states that the subject easement shall be formally vacated, with overhead lines to be relocated underground. The request is to comply with this condition of approval.

*Request:* The applicant requests to vacate a portion of an existing utility easement to allow for construction of a residential structure, as described and depicted in the attached documents.

### **DISCUSSION**

Notification was provided to all utility representatives and adjoining property owners. No objections were submitted. Conditions as requested and pertinent to the subject request are included as a condition of approval.

The Planning Commission voted 8-0-0 on its consent agenda to forward this item to the City Council with a recommendation for approval of the vacation request at the regular meeting of December 13, 2004.

### **BUDGET IMPACT**

None.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING VAC 04-1324 SUBMITTED BY ENGINEERING SERVICES, INC. FOR PROPERTY LOCATED ON THE NORTH SIDE OF WEDINGTON DRIVE WEST OF SALEM ROAD AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described easement is not required for corporate purposes.

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

**Section 1.** That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described utility easement:

See Exhibit "A" attached hereto and made a part hereof.

**Section 2.** At the cost of the developer, the overhead electric lines and Cox Communications lines shall be relocated underground. The existing utilities shall remain in service until the relocation is complete.

**Section 3.** That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED:

By \_\_\_\_\_  
Dan Coody, Mayor

ATTEST:

By \_\_\_\_\_  
Sondra Smith, City Clerk



**EXHIBIT "A"**

A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE FRACTIONAL NORTHWEST QUARTER (NW ¼) OF SECTION SEVEN (7), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE SW ¼, FR NW ¼, OF SECTION SEVEN (7), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST; THENCE WEST-496.05 FEET; THENCE SOUTH 00°08'38" WEST-646.42 FEET; THENCE SOUTH -287.23 FEET; THENCE NORTH 89°48'47" WEST-684.63 FEET; THENCE NORTH 05°56'48" WEST - 15.09 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°48'47" WEST - 19.82 FEET; THENCE NORTH 00°08'38" EAST-128.81 FEET; THENCE SOUTH 89°51'22" EAST-5.41 FEET; THENCE SOUTH 06°14'06" EAST-129.63 FEET TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS.





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

**PLANNING DIVISION CORRESPONDENCE**

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission  
FROM: Jeremy Pate, Senior Planner  
Brent O'Neal, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: December 08, 2004

**VAC 04-1324: Vacation (Elder/Salem Townhouses, pp 401)** was submitted by C&K Properties for property located on the north side of Highway 16 and the west side of Salem Road. The property is zoned R-O, RESIDENTIAL OFFICE, and contains approximately 4.77 acres. The request is to vacate a portion of a utility easement on the subject property for the construction of a residential structure.

**Findings:** Vacating the portion of the utility easement would not adversely affect access to the remainder of the easement.

**Background:** In August of 2004, the Planning Commission granted approval of a Large Scale Development (LSD 04-1149) for the subject property, consisting of a condominium-style development with 58 two-bedroom units. One of the buildings in the southwest corner is proposed to be situated within an existing 20' utility easement. This 20' utility easement is currently utilized by Ozarks Electric and Cox Communications and contains overhead power and television cable. A condition of approval of the Large Scale Development, approved by a vote of 8-0 by the Planning Commission, states that the subject easement shall be formally vacated, with overhead lines to be relocated underground. The subject request is to comply with this condition of approval.

**Request:** The applicant requests to vacate a portion of an existing utility easement to allow for construction of a residential structure.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

**UTILITIES**

Ozarks Electric

**RESPONSE**

Existing service will remain until such time services are relocated.

Cox Communications

Same as above.

AEP/SWEPCO

No Objections

Arkansas Western Gas

No Objections

SW Bell

No Objections

**CITY OF FAYETTEVILLE:**

**RESPONSE**

Water/Sewer

\*Developer shall extend the water main north to create a looped system.

Transportation

No Objections

Solid Waste

No Objections

Engineering

No Objections

**Public Comment:** The applicant has submitted the required notification forms to the adjacent property owners. One adjacent property owner has requested additional information regarding the relocation, especially with regard to the existing trees and how the utilities will be rerouted. No other adjacent property owners have responded with concerns.

*Water/Sewer Response: The requested vacation does not affect water and sewer lines, easements, or operations. The requested condition for looping the system is appropriate at the time of Large Scale Development review / development review, and has no bearing on the subject request.*

**Recommendation:** Staff recommends approval of the proposed utility easement vacation 04-1324 with the following conditions:

1. At the cost of the developer, the overhead electric lines and Cox Communications lines shall be relocated underground. The existing utilities shall remain in service until their relocation is complete.

---

**PLANNING COMMISSION ACTION:**

yes Required  
✓ Approved        Denied  
- Consent 8.0-0

**Date:**

December 13, 2004

**Comments:** \_\_\_\_\_

---

**The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.**

K:\Reports\2004\PC Reports\12-13-04\VAC 04-1324 (Elder-Salem Townhouses).doc

**By**

**Title****Date**

**CITY COUNCIL ACTION:**    yes Required  
                                                    Approved               Denied

**Date:** \_\_\_\_\_



# Engineering Services, Inc.

1207 S. Old Missouri Rd. • P. O. Box 282 • Springdale, Arkansas 72765-0282  
Phone: 479-751-8733 • Fax: 479-751-8746

C. 11  
VAC 04-1324 (Elder/Salem Townhouses)  
Page 7 of 14

October 29, 2004

Adjacent property owners

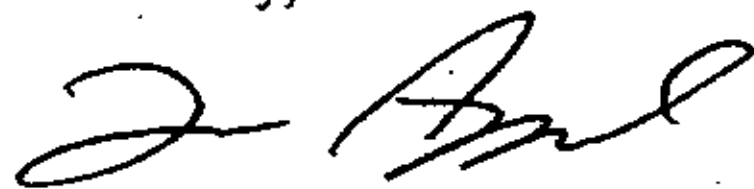
RE: Elder Condominiums L.S.D.  
Fayetteville, AR

To Whom It May Concern:

Attached are easement vacation documents concerning the Elder Salem Road Condominiums. I have also attached a drawing showing the location of the proposed easement vacation. The developer is relocating the overhead power line on the west side of the subject property to underground directly west of the proposed apartment units.

If you have further questions or concerns please let me know.

Sincerely,



Jason Appel, E.I.  
Project Engineer



*Consulting Engineers and Surveyors*

Jerry W. Martin, P.E.  
President

E. Walt LeFevre, P.E.  
Senior Vice President

Philip C. Humbard, P.E., P.L.S.  
Vice President

Brian J. Moore, P.E.  
Secretary / Treasurer



**UTILITY APPROVAL FORM  
FOR RIGHT- OF- WAY, ALLEY, AND  
UTILITY EASEMENT VACATIONS**

DATE: \_\_\_\_\_

UTILITY COMPANY: \_\_\_\_\_

**REQUESTED VACATION:**

- ☐ Street
- ☒ Utility Easement
- ☐ Street and all the utility easements located within the vacated street
- ☐ Right -of way for alley or street
- ☐ Right -of way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Alley and all utility easements located within the vacated alley.

I have been notified of the petition to vacate the following \_\_\_\_\_

described as follows:

(please see list above)

**LEGAL DESCRIPTION - EASEMENT:**

A part of the Southwest Quarter (SW 1/4) of the Fractional Northwest Quarter (NW 1/4) of Section Seven (7), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows:

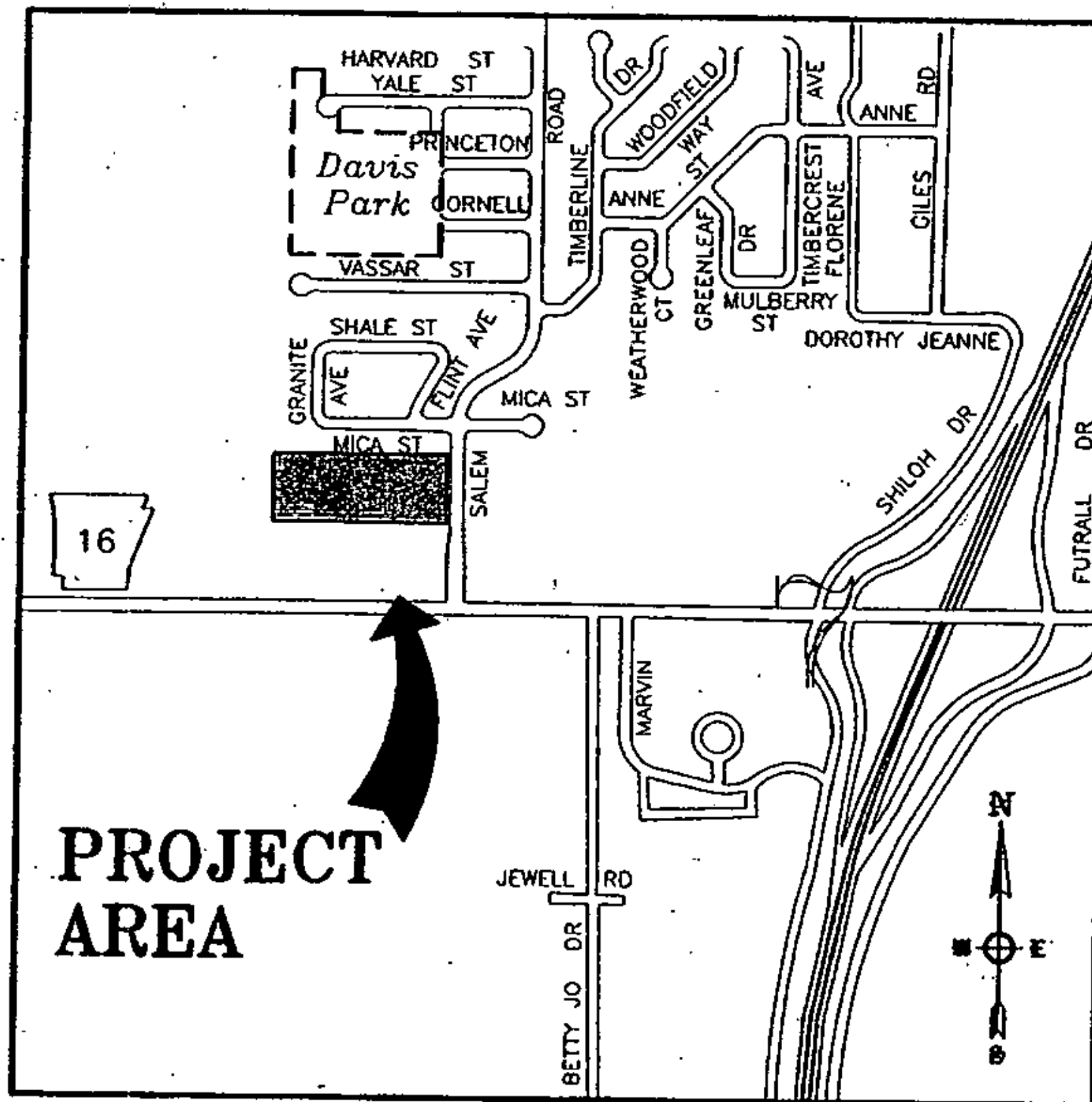
Commencing at the NE Corner of the SW 1/4, FR NW 1/4, of Section Seven (7), Township Sixteen (16) North, Range Thirty (30) West; thence West - 496.05 feet; thence South 00°08'38" West - 646.42 feet; thence South - 287.23 feet; thence North 89°48'47" West - 684.63 feet; thence North 05°56'48" West - 15.09 feet to the POINT OF BEGINNING; thence North 89°48'47" West - 19.82 feet; thence North 00°08'38" East - 128.81 feet; thence South 89°51'22" East - 5.41 feet; thence South 06°14'06" East - 129.63 feet to the POINT OF BEGINNING, containing or 0.04 acres, more or less.

**UTILITY COMPANY COMMENTS:**

- ☐ No objections to the vacations described above.
- ☐ No objections to the vacations described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Title



VICINITY MAP

STATE PLANE COORDINATES:  
NORTHERLY: 643,213.513  
EASTERLY: 659,122.500

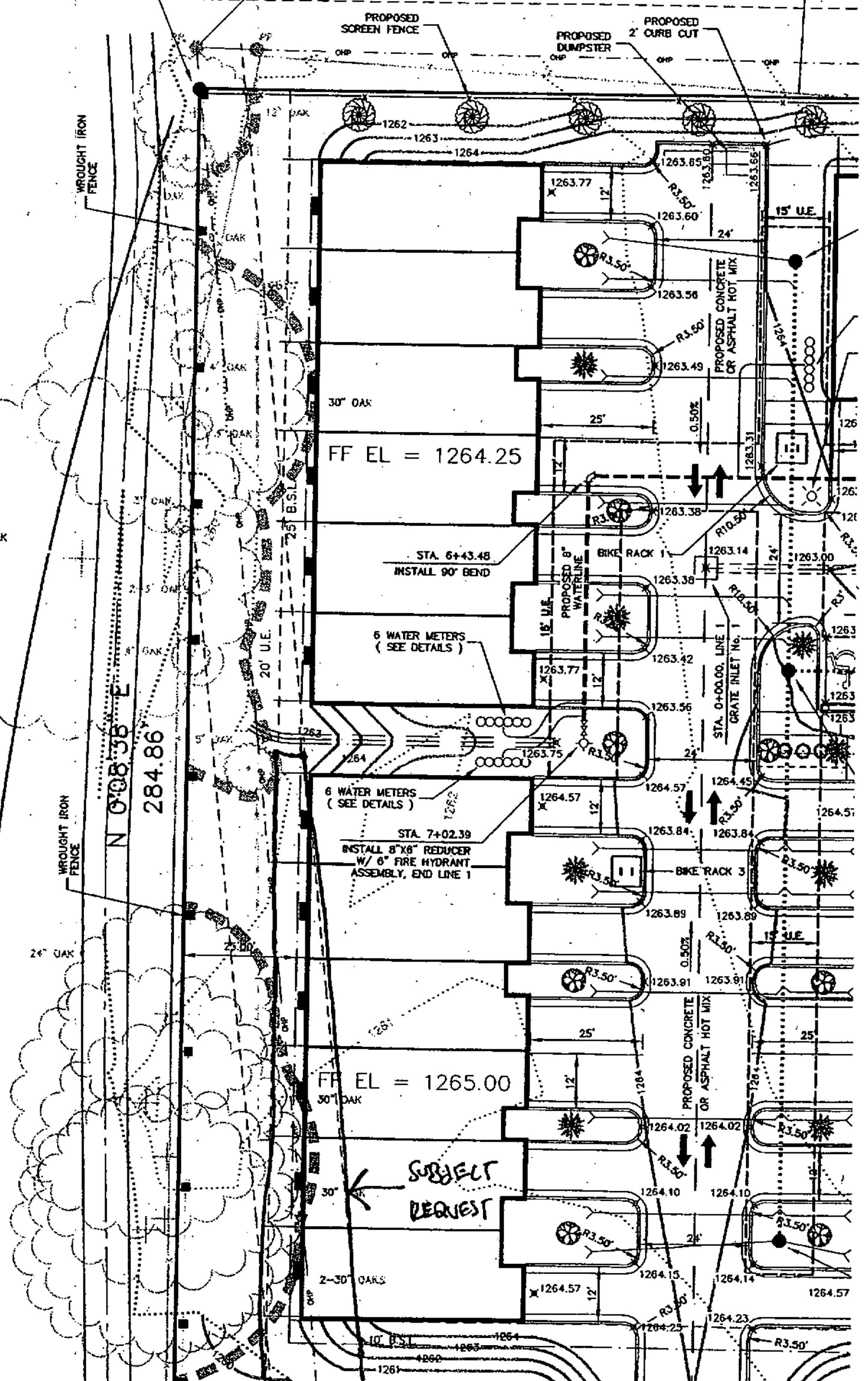
VAC 001e, Mt  
3242 Mica  
Fayetteville  
Parcel Nu  
ZON1  
C 11  
Salem Townhouses  
Page 10 of 14

Poole, Hal R.  
3560 Wedington Drive  
Fayetteville, AR 72704  
Parcel Number: 765-13723-000

ZONING R-A

N 0°08'38" E  
595.76'

N 0°08'38" E  
284.86'





Fax cover

11/09/04

To: Engineering Services cc: City of Fayetteville  
Mr. Jason Appel Ms. Jan Gambill

fax: 479.751.8746 479.575.8202

From: Hal Poole  
3560 Wedington Drive  
Fayetteville, AR 72704

phone: 479.442.6301 business  
479.443.0725 home

7 pages incl cover

Mr. Appel, I have received your most recent certified letter regarding the utility easement vacation for the proposed Elder Condominium project. I am concerned about the effect of digging for underground lines and the effect it might have on tree root systems on my property.

You have not acknowledged my last request to have someone show me on the property what is proposed, nor have you given me with this letter how or to whom I am to respond.

Please feel free to contact me if you wish, in the meantime I am forwarding a copy of this correspondence to the city as I have your others.

Regards, Hal Poole

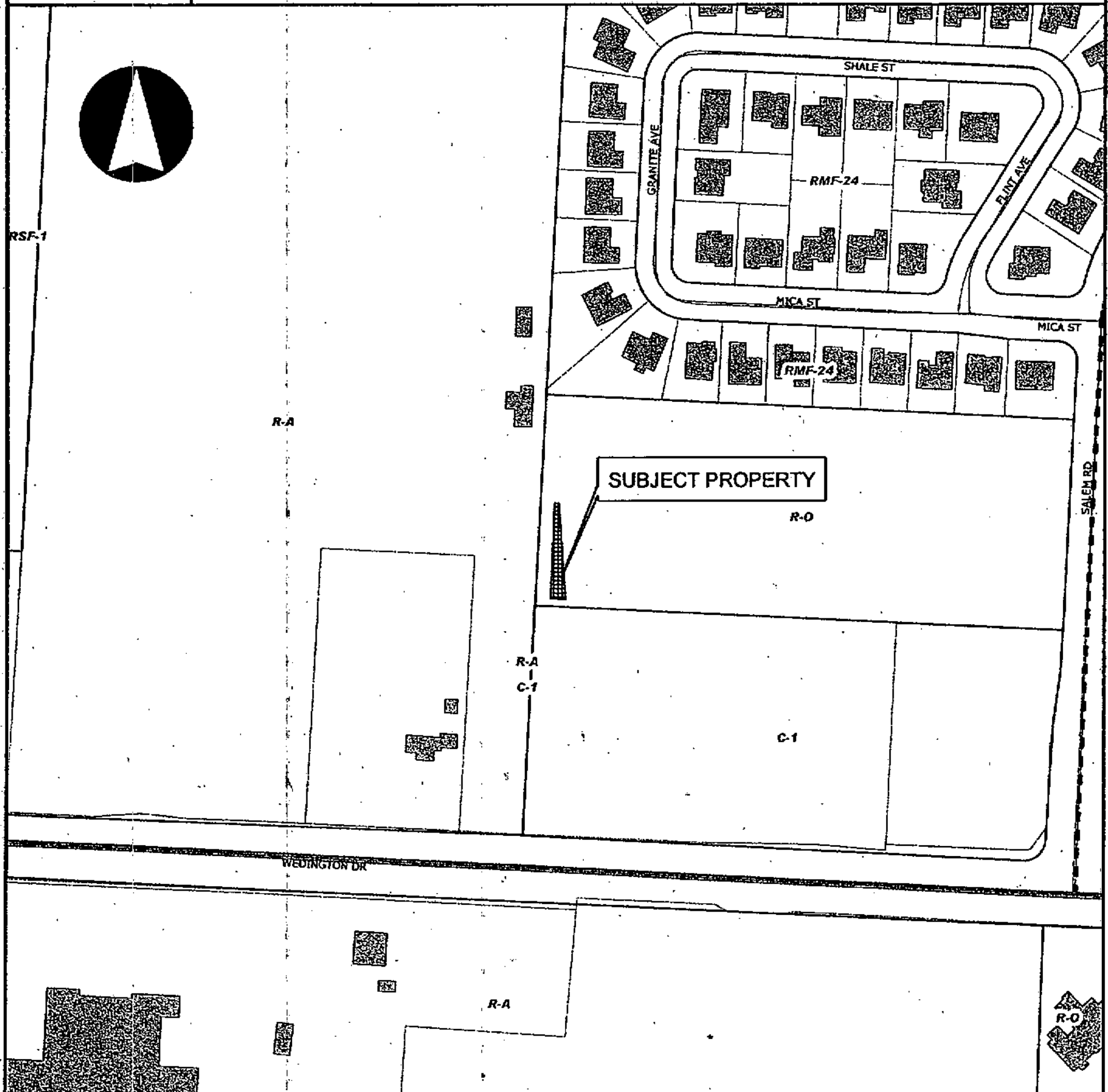




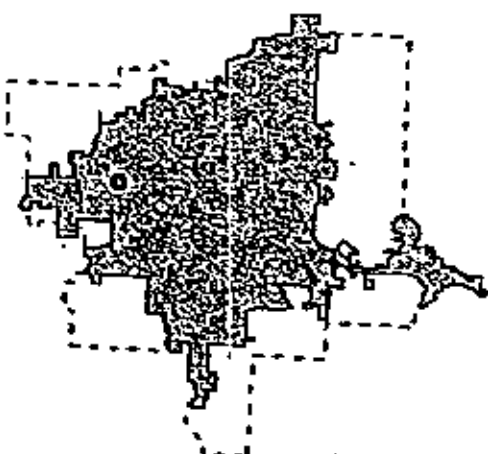
VAC04-1324

Close Up View

# SALEM TOWNHOUSES



## Overview



## Legend

- |                                                                                                                                                        |                                                                                                                                             |                                                                              |                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Overlay District</li> <li>Master Street Plan</li> <li>Master Street Plan</li> <li>Freeway/Expressway</li> </ul> | <ul style="list-style-type: none"> <li>Principal Arterial</li> <li>Minor Arterial</li> <li>Collector</li> <li>Historic Collector</li> </ul> | <ul style="list-style-type: none"> <li>FLOODWAY</li> <li>100 YEAR</li> </ul> | <ul style="list-style-type: none"> <li>500 YEAR</li> <li>LIMIT OF STUDY</li> <li>BaseLine Profile</li> <li>VAC04-1324</li> <li>Fayetteville</li> <li>Outside City</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

0 75 150 300 450 600 Feet

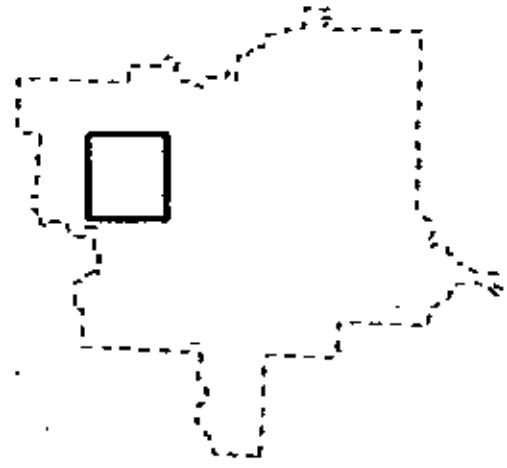
VAC04-1324

One Mile View

# SALEM TOWNHOUSES



Overview



Legend

Subject Property

VAC04-1324

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8  
Miles

City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

C. 11  
VAC 04-1324 (Elder/Salem Townhouses)  
Page 14 of 14

4-Jan-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on the north side of Wedington Drive west of Salem Road vacating a portion of an existing utility easement to allow for construction of a residential structure, relocating all existing utilities to another location.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

12-20-04

City Attorney

Date

12-17-04

Received in City Clerk's Office

Mayor

Date

12/20/04

Received in Mayor's Office

12/20/04 PH

Comments:





# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

## **DEPARTMENTAL CORRESPONDENCE**

---

TO: Mayor Coody and Member of the City Council

FROM: Frank Johnson, Chief of Police *FJ*

DATE: December 16, 2004

SUBJECT: COPS Methamphetamine Training Initiative

### **RECCOMENDATION:**

Council accepts the award of a COPS Methamphetamine Training Initiative grant for fiscal year 2005 in the amount of \$164,900, and approves a budget adjustment recording the revenue and expenses. The grant provides funding for one additional officer position.

### **BACKGROUND:**

The City of Fayetteville, as the lead agency for the 4<sup>th</sup> Judicial District Drug Task Force, applied for and received a federally funded COPS Methamphetamine Training Initiative grant. The grant does not require matching funds and is non-renewable. The U.S. Department of Justice Office of Community Oriented Policing Services formally awarded the grant to the Fayetteville Police Department on November 18, 2004.

### **DISCUSSION:**

The COPS Methamphetamine Training Initiative grant will provide a unique opportunity for law enforcement to interact with the community by creating a committee to include neighborhood associations, businesses, civic and faith based organizations to define and initiate anti-methamphetamine strategies. Another partnership opportunity is with the Washington County Drug Court. The grant will assist in providing this court with audio equipment and updating a computer database as well as training its personnel at a National Drug Court Conference. The additional officer funded by this grant will enhance the task force ability to maintain records and track trends concerning the Methamphetamine Lab crisis in our area as well as assist in training other law enforcement personnel.

### **BUDGET IMPACT:**

The Budget & Research Division has reviewed funding for this project and a budget adjustment is attached to recognize both the revenue and expenditures. All procurement will follow the existing City policies and includes Terms and Conditions previously approved by the City Attorney's Office.

During the 2006 budget process, the continuation of this project and/or funding of the additional officer will be considered.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$164,900.00 TO DEFINE AND INITIATE ANTI-METHAMPHETAMINE STRATEGIES AND ASSIST THE WASHINGTON COUNTY DRUG COURT; APPROVING AN INCREASE IN POLICE STAFFING BY ONE (1) OFFICER; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to accept a grant from the U.S. Department of Justice in the amount of \$164,900.00 to define and initiate anti-methamphetamine strategies; and assist the Washington County Drug Court.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves an increase in Police staffing of one (1) Officer to be funded by the grant.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenue.

PASSED and APPROVED this 4<sup>th</sup> day of January 2005

APPROVED:

By: \_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_

SONDRA SMITH, City Clerk



U. S. Department of Justice  
Office of Community Oriented Policing Services  
**COPS Methamphetamine Grant Award**

C. 12  
U.S. Department of Justice Grant  
Page 3 of 10

Application Organization's Name: Fayetteville, City of  
Grant #: 2004CKWX0390  
ORI #: AR07201  
Vendor #: 716018462  
Law Enforcement Executive Name: Chief Frank Johnson  
Address: 100 A West Rock  
City, State, Zip Code: Fayetteville, AR 72702  
Telephone: (479) 587-3500  
Fax: (479) 587-3522

Government Executive Name: Mayor Dan Coody  
Address: 113 West Mountain Street  
City, State, Zip Code: Fayetteville, AR 72701  
Telephone: (479) 575-8330  
Fax: (479) 575-8257

Award Start Date: 08/01/2004  
Award Amount: \$ 164,900.00

Award End Date: 01/31/2006

Carl R. Peed  
Director

SEP 10 2004

Date

By signing this award, the signatory officials are agreeing to abide by the Conditions of Grant Award found on the reverse side of this document:

Signature of Law Enforcement Executive  
with the authority to accept this grant award.

Frank Johnson, Chief of Police

Typed Name and Title of Law Enforcement  
Executive.

12/16/04

Date

Dan Coody, Mayor

Typed Name and Title of Government  
Executive.

1/5/05

Date

Signature of Government Executive  
with the authority to accept this grant

### CONDITIONS OF GRANT AWARD

1. Grantees which have been awarded funding for the procurement of an item in excess of \$100,000 and plan to use a non-competitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending or drawing down grant funds for that item.
2. The funding under this project is for the payment of salaries, overtime, and approved benefits for sworn law enforcement officers and support personnel; equipment and technology; and training and/or travel that has been approved by the COPS Office. The allowable costs for which your grant has been approved are listed on the budget clearance memo, which is included in your award packet.
3. Methamphetamine Initiative grant funds must be used to supplement, and not supplant, local funds already committed for the grant purpose (hiring, purchases, and/or activities) that would exist in the absence of this grant. Grantees receiving federal funds to pay for the salary and benefits of an employee must use the grant funds to hire a new, additional employee during the grant period. This newly hired employee may be dedicated to the Methamphetamine Initiative project or may be used to backfill a locally-funded position if the locally-funded individual is deployed to the Methamphetamine Initiative project.
4. Travel costs for transportation, lodging and subsistence, and related items are allowable under the Methamphetamine Initiative program with prior approval from the COPS Office. Payment for travel costs incurred directly by the grantee and grant related travel costs of other (non-grantee) individuals will be based on the rates established in the grantee's written travel policy (if available) if costs are reasonable and allocable to the project. Grantees that do not have acceptable written travel policies will be reimbursed for allowable per diem travel costs for lodging, meals and incidentals at the established GSA per diem rates for the relevant geographic area. Allowable airfare travel costs will be reimbursed based upon the lowest discount commercial airfare, the federal government contract airfare, if authorized and available, or standard coach airfare, in accordance with Circular A-87 Cost Principles for State, Local and Indian Tribal Governments, Circular A-122 Cost Principles for Non-Profit Organizations, and Circular A-21 Cost Principles for Educational Institutions as applicable.
5. The grantee acknowledges its agreement to comply with the assurances and certifications submitted with the COPS Methamphetamine Initiative grant application.
6. The grantee acknowledges its agreement to comply with the Special Condition certification concerning potential environmental issues, which they have submitted to the COPS Office with their COPS Methamphetamine Initiative grant application. This certification mandates grantee compliance with federal, state, and local environmental, health and safety laws and regulations applicable to the investigation and closure of clandestine methamphetamine laboratories and removal and disposal of chemicals, equipment, and wastes resulting from operations of these laboratories.
7. The recipients receiving funding under this grant program acquiesce that as the entity performing activities associated with the investigation and clean-up of clandestine methamphetamine laboratories that the recipient, not the COPS Office, is the generator of hazardous chemical waste for purposes of this project.
8. In order to assist the COPS Office in the monitoring of the award, your agency will be responsible for submitting annual program Status Update Reports (SUR) and quarterly Financial Status Reports (FSR).
9. The COPS Office may conduct or sponsor evaluations of the Methamphetamine Initiative program. The grantee agrees to cooperate with the evaluators to the extent practicable.
10. The grantee agrees to abide by the terms, conditions, and regulations as found in the Methamphetamine Initiative Grant Owner's Manual and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 28 C.F.R. Part 66 (or the Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations, 28 C.F.R. Part 70 as applicable).
11. For grants of \$500,000 or more (or \$1,000,000 or more in grants over an 18-month period), the grantee acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if grantee is required to submit one under 28 C.F.R. 42.302) that is approved by the Office of Justice Programs, Office of Civil Rights, is a violation of its Assurances and may result in the suspension of the drawdown of funds. For grants under \$500,000 the grantee must submit a completed EEOC Certification form and return it to the Office of Justice Programs, Office of Civil Rights, within 60 days of the grant award.
12. You may request an extension of the grant award period to receive additional time to implement your grant program. These extensions do not provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions.
13. The recipient agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by the recipients of federal funds to verify that persons are eligible to work in the United States.
14. The recipient will complete and submit to the El Paso Intelligence Center (EPIC) a form 143 for each clandestine methamphetamine laboratory that is seized and closed during the grant period.
15. Grantees using Methamphetamine Initiative funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23. The grantee acknowledges that it has completed, signed and submitted with its grant application the relevant special condition certifying its compliance with 28 C.F.R. Part 23.





U. S. Department of Justice  
Community Oriented Policing Services

C. 12  
U.S. Department of Justice Grant  
Page 5 of 10

Grants Administration Division (GAD)  
Methamphetamine Initiative

1100 Vermont Avenue, NW  
Washington, DC 20530

Memorandum

To: Frank Johnson, Chief  
Fayetteville, City of

From: Robert A. Phillips, Deputy Director of Operations, Grants Administration  
Jim Griffin, Grant Program Specialist, Grants Administration  
Reginald Padgett, Staff Accountant, Finance Division

Re: Training Grant Financial Clearance Memo  
A financial analysis of budgeted costs has been completed. Costs under this award appear reasonable, allowable, and consistent with existing guidelines. Exceptions / Adjustments are noted below.

Vendor #: 716018462

ORI #: AR07201

Grant #: 2004CKWX0390

| Budget Category         | Proposed Budget  | Approved Budget | Adjustments | Disallowed Reasons/Comments |
|-------------------------|------------------|-----------------|-------------|-----------------------------|
| Personnel               | \$56,426.00      | \$56,426.00     | \$0.00      |                             |
| Fringe Benefits         | \$12,015.00      | \$12,015.00     | \$0.00      |                             |
| Travel                  | \$21,430.00      | \$21,430.00     | \$0.00      |                             |
| Equipment               | \$39,500.00      | \$39,500.00     | \$0.00      |                             |
| Supplies                | \$11,004.00      | \$11,004.00     | \$0.00      |                             |
| Consultants/Contractors | \$24,525.00      | \$24,525.00     | \$0.00      |                             |
| Direct Costs:           | \$164,900.00     | \$164,900.00    | \$0.00      |                             |
| Indirect Costs:         | \$0.00           | \$0.00          | \$0.00      |                             |
| Grand Total             | \$164,900.00     | \$164,900.00    | \$0.00      |                             |
| Grand Total:            | Federal Share:   | \$ 164,900.00   |             |                             |
|                         | Applicant Share: | \$ 0.00         |             |                             |

Cleared Date: 10/21/2004

Overall Comments:

Maintenance agreements must be purchased within the one year grant period.



**City of Fayetteville, Arkansas  
Budget Adjustment Form**

C. 12  
U.S. Department of Justice Grant  
Page 6 of 10

|                                |                                                           |                                       |                   |
|--------------------------------|-----------------------------------------------------------|---------------------------------------|-------------------|
| Budget Year<br><br><b>2005</b> | Department: Police<br>Division: Police<br>Program: Patrol | Date Requested<br><br><b>1/4/2005</b> | Adjustment Number |
|--------------------------------|-----------------------------------------------------------|---------------------------------------|-------------------|

|                                                                                                                                |                                  |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Project or Item Requested:<br>Accept COPS Methamphetamine Training Grant in the amount of \$164,900 and add one sworn position | Project or Item Deleted:<br>None |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

|                                                                                                                                                                          |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Justification of this Increase:<br>This is a non-matching federal grant awarded to the Fayetteville Police Department to address the Methamphetamine crisis in our area. | Justification of this Decrease: |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|

| Increase Budget (Decrease Revenue) |                |        |                |
|------------------------------------|----------------|--------|----------------|
| Account Name                       | Account Number | Amount | Project Number |
|                                    |                |        |                |
|                                    |                |        |                |

\*\*\*\*\*Amounts Do Not Balance\*\*\*\*\*

| Decrease Budget (Increase Revenue) |                   |         |                |
|------------------------------------|-------------------|---------|----------------|
| Account Name                       | Account Number    | Amount  | Project Number |
| Federal grants                     | 1010 0001 4309 00 | 164,900 |                |

| Approval Signatures                                                                 |                 | Budget Office Use Only       |   |   |   |   |   |
|-------------------------------------------------------------------------------------|-----------------|------------------------------|---|---|---|---|---|
| Requested By                                                                        | Date            | Type:                        | A | B | C | D | E |
| Budget Manager                                                                      | Date            | Date of Approval             |   |   |   |   |   |
|  | <b>12/16/04</b> | Posted to General Ledger     |   |   |   |   |   |
| Department Director                                                                 | Date            | Posted to Project Accounting |   |   |   |   |   |
| Finance & Internal Services Director                                                | Date            | Entered in Category Log      |   |   |   |   |   |
| Mayor                                                                               | Date            |                              |   |   |   |   |   |

Police Department  
Police Division  
Patrol Program

Fund 1010 - General

Program 2940

Budgeted  
2005

Personnel Services

|                   |                          |               |
|-------------------|--------------------------|---------------|
| 1010.2940.5101.00 | Salaries/wages-uniformed | \$ 32,472     |
| 1010.2940.5104.00 | Overtime-uniformed       | 24,038        |
| 1010.2940.5105.00 | FICA taxes               | 806           |
| 1010.2940.5108.00 | Health insurance         | 4,905         |
| 1010.2940.5108.02 | ADD insurance            | 72            |
| 1010.2940.5109.03 | LOPFI Police pension     | 3,848         |
| 1010.2940.5120.00 | Personnel serv-contra    | 2,300         |
|                   |                          | <u>68,441</u> |

Materials and Supplies

|                   |                          |               |
|-------------------|--------------------------|---------------|
| 1010.2940.5200.00 | Office supplies/printing | 4,922         |
| 1010.2940.5210.00 | Minor equipment          | 12,300        |
|                   |                          | <u>17,222</u> |

Services and Charges

|                   |                       |               |
|-------------------|-----------------------|---------------|
| 1010.2940.5304.00 | Travel & training     | 36,130        |
| 1010.2940.5314.00 | Professional services | 825           |
| 1010.2940.5315.00 | Contract services     | 13,782        |
|                   |                       | <u>50,737</u> |

Capital

|                   |              |               |
|-------------------|--------------|---------------|
| 1010.2940.5801.00 | Fixed assets | 28,500        |
|                   |              | <u>28,500</u> |

TOTAL

\$ 164,900

Police Department  
Police Division  
Patrol Program

Fund 1010 - General

Program 2940

| Account Title            | Account Number    | Item Description                     | Budgeted<br>2005 |
|--------------------------|-------------------|--------------------------------------|------------------|
| Personnel serv-contr     | 1010.2940.5120.00 | Salary & benefits increases          | 2,300            |
|                          |                   |                                      | <u>2,300</u>     |
| Office supplies/printing | 1010.2940.5200.00 | Brochures                            | 1,194            |
|                          | 1010.2940.5200.00 | Banners                              | 700              |
|                          | 1010.2940.5200.00 | Logo novelties                       | 949              |
|                          | 1010.2940.5200.00 | STANSolv gloves                      | 700              |
|                          | 1010.2940.5200.00 | Respirator filters                   | 121              |
|                          | 1010.2940.5200.00 | Safegrip gloves                      | 78               |
|                          | 1010.2940.5200.00 | Evidence Collection Supplies         | 1,180            |
|                          |                   |                                      | <u>4,922</u>     |
| Minor equipment          | 1010.2940.5210.00 | Finger Print Kits (6)                | 300              |
|                          | 1010.2940.5210.00 | Digital Recorders (6)                | 1,000            |
|                          | 1010.2940.5210.00 | Enclosed Trailer                     | 2,400            |
|                          | 1010.2940.5210.00 | Generator with lights                | 800              |
|                          | 1010.2940.5210.00 | Digital camer                        | 400              |
|                          | 1010.2940.5210.00 | Audio surveillance system            | 3,000            |
|                          | 1010.2940.5210.00 | Digital Camcorder                    | 600              |
|                          | 1010.2940.5210.00 | Night vision goggles                 | 2,500            |
|                          | 1010.2940.5210.00 | Binoculars with camera               | 300              |
|                          | 1010.2940.5210.00 | Audio system (portable)              | 1,000            |
|                          |                   |                                      | <u>12,300</u>    |
| Travel & training        | 1010.2940.5304.00 | Crime Prevention Practitioner inst   | 4,700            |
|                          | 1010.2940.5304.00 | Basic Narcotic Training instructors  | 10,000           |
|                          | 1010.2940.5304.00 | 04 National COPS Meth Conf (3)       | 3,600            |
|                          | 1010.2940.5304.00 | National Drug Court Training (6)     | 12,162           |
|                          | 1010.2940.5304.00 | Int'l Narcotic Interdiction Conf (2) | 3,868            |
|                          | 1010.2940.5304.00 | Reid Interview & Interrogations (5)  | 1,800            |
|                          |                   |                                      | <u>36,130</u>    |
| Professional services    | 1010.2940.5314.00 | Telephone expense                    | 825              |
|                          |                   |                                      | <u>825</u>       |
| Contract services        | 1010.2940.5315.00 | Medical Examinations                 | 3,000            |
|                          | 1010.2940.5315.00 | Upgrade Court database               | 4,000            |
|                          | 1010.2940.5315.00 | Web page design & Host               | 5,000            |
|                          | 1010.2940.5315.00 | Advertising                          | 850              |
|                          | 1010.2940.5315.00 | Worker's Comp                        | 932              |
|                          |                   |                                      | <u>13,782</u>    |
| Fixed assets             | 1010.2940.5801.00 | Global positions tracking device     | 13,000           |
|                          | 1010.2940.5801.00 | Surveillance system (2)              | 15,500           |
|                          |                   |                                      | <u>28,500</u>    |



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05  
City Council Meeting Date

Frank Johnson  
Submitted By

Police  
Division

Police  
Department

Action Required:

City Council accept COPS Methamphetamine Training Initiative Grant in the amount of \$164,900, increase Police staffing by one officer and adopt budget adjustment recognizing the revenue and expenditures.

|                      |
|----------------------|
|                      |
| \$164,900.00         |
| Cost of this request |
|                      |
| See attached         |
| Account Number       |
|                      |
|                      |
| Project Number       |

|                         |
|-------------------------|
|                         |
| \$ 6,613,623.00         |
| Category/Project Budget |
|                         |
| \$ -                    |
| Funds Used to Date      |
|                         |
| \$ 6,613,623.00         |
| Remaining Balance       |

|                                 |
|---------------------------------|
|                                 |
| Patrol Division                 |
| Program Category / Project Name |
|                                 |
| Patrol                          |
| Program / Project Category Name |
|                                 |
| General                         |
| Fund Name                       |

Budgeted Item

☐

Budget Adjustment Attached

X

Frank Johnson  
Department Director

12/16/04  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. P. Whit  
City Attorney

12/20/04  
Date

Steve Davis  
Finance and Internal Service Director

12/21/04  
Date

Received in City Clerk's Office

Ken Coady  
Mayor

12/22/04  
Date

Received in Mayor's Office

12/20/04 PH.

Comments:







**CITY COUNCIL AGENDA MEMO**

**TO:** Mayor and City Council

**THRU:** Staff/Contract Review Committee

**FROM:** Ray M. Boudreaux, Director, Aviation and Economic Development

**DATE:** December 3, 2004

**SUBJECT:** Van Asche construction project from Steele Crossing to Gregg St. and cost share agreement between the City of Fayetteville, NANCHAR, Inc. and MSB Properties, Inc.

**RECOMMENDATION:** Approve Supplemental Agreement between the City of Fayetteville and NANCHAR, Inc. and MSB Properties, LLC (Owners/Developers of CMN Business Park) for Cost Share of Construction of Van Asche, whereby the City will effect the design and construction of Van Asche Blvd. from Steele Blvd. to Gregg Avenue and the Owners/Developers will pay their share of the cost share when CMN Business Park II, Phase I reaches 75% sold to private developers or at the end of five years whichever comes first. Direct the Mayor and Staff to design, advertise, receive bids and construct Van Asche Blvd. from Steele Blvd. to Gregg Blvd. at its own cost and expense pending the sale of properties or at the end of five years whichever comes first.

**BACKGROUND:** As retail and commercial development surrounding the Northwest Arkansas mall continues to grow, the need for more street connectivity increases. Many solutions have been considered to improve the conditions. Recent improvements to the Shiloh Dr./Fulbright Expressway on ramp, near Target, was completed in an effort to ease congestion. Another access road to the retail district is essential. Van Asche through CMN Phase II is that access road and satisfies that need. An agreement has been negotiated among the parties and once approved along with the construction concept will result in the new Van Asche Blvd., a new four lane approach to the Fayetteville retail district.

**DISCUSSION:** In an effort to preserve the growth of our retail sector through infrastructure development, it is essential that the access to the retail district be improved. There is continuing research into the problem and many concepts have been developed and reviewed. Long range fixes will require coordination and approval of AHTD as Fulbright Expressway is currently a State Highway and most of the long term solutions involve Fulbright. Potential development along Fulbright will eventually allow the expressway to be converted into a major City arterial street where it would then be possible to design and build direct accesses into the Medical and Retail districts which would provide connectivity from I-540 and between the medical and retail districts. This project to improve Van Asche from Steele to Gregg continues to improve the current situation as an interim and much needed step in the right direction.

**BUDGET IMPACT:** The total cost of the project including engineering is estimated to be \$1,982,788.00. The total would be paid from City funds with 50% being paid back to the City IAW the provisions of the cost share agreement. Agreement allows for 50/50 cost share of actual costs incurred.

**Attachments:** Staff Review Form  
Cost Share Agreement

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO APPROVE A SUPPLEMENTAL AGREEMENT FOR COST SHARE OF EARLY CONSTRUCTION OF VAN ASCHE BOULEVARD WITH NANCHAR, INC., AND MSB PROPERTIES LLC AND TO APPROVE A BUDGET ADJUSTMENT OF \$1,982,788.00

WHEREAS, the owners/developers of the CMN Business Park (NANCHAR, Inc. and MSB Properties LLC) agreed On October 6, 1998 pursuant to the City Council approval of the Preliminary Plat of CMN Business Park II, Phase I, that once 75% of the CMN Business Park II, Phase I had been sold to private developers that: "The Developer shall construct at the Developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the Developer, at the Developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the Bridge"; and

WHEREAS, the City of Fayetteville and NANCHAR, Inc. and MSB Properties LLC agree that Van Asche should be built as soon as possible and that the developers/owners will reimburse the City for their agreed cost share of its construction as soon as 75% of the land in CMN Business Park II, Phase I is sold or within five (5) years of the completion of Van Asche (whichever is sooner); and

WHEREAS, the cost estimate of construction of Van Asche as agreed with all sidewalks, bridges, turnouts and intersections is \$1,770,348.00 and the cost of engineering, inspection and construction management is estimated to be \$212,440.00. Thus, the total estimated cost for this project is \$1,982,788.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Supplemental Agreement for Cost Share Of Early Construction of Van Asche Boulevard with NANCHAR, Inc. and MSB Properties LLC. (Attached as Exhibit 1)



Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment of \$1,982,788.00 as estimated engineering and construction costs for the Van Asche Boulevard Project east of Gregg Avenue.

**PASSED and APPROVED** this 4<sup>th</sup> day of January, 2005.

APPROVED:

**DRAFT**

By: \_\_\_\_\_  
**DAN COODY, Mayor.**

ATTEST:

By: \_\_\_\_\_  
**SONDRA SMITH, City Clerk**



**SUPPLEMENTAL AGREEMENT FOR COST SHARE  
OF EARLY CONSTRUCTION OF VAN ASCHE BOULEVARD**

The City of Fayetteville and the owners/developers of CMN Business Park (NANCHAR, INC. and MSB PROPERTIES LLC) agree as follows:

**WHEREAS**, the owners/developers of the CMN Business Park (NANCHAR, Inc. and MSB Properties LLC) agreed On October 6, 1998 pursuant to the City Council approval of the Preliminary Plat of CMN Business Park II, Phase I, that once 75% of the CMN Business Park II, Phase I had been sold to private developers that: "The Developer shall construct at the Developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the Developer, at the Developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the Bridge."

**WHEREAS**, NANCHAR, Inc. and MSB Properties LLC agree that Van Asche should be built as soon as possible and that they will reimburse the City for their agreed cost share of its construction as soon as 75% of the land in CMN Business Park II, Phase I is sold or within five (5) years of the completion of Van Asche (whichever is sooner); and

**WHEREAS**, the cost estimate of construction of Van Asche as agreed with all sidewalks, bridges, turnouts and intersections is \$1,770,348.00 and the cost of engineering, inspection and construction management is estimated to be \$212,440.00. Thus, the total estimated cost for this project is \$1,982,788.00.

**NOW, THEREFORE**, in consideration of the above premises and the mutual promises stated below, the City of Fayetteville and NANCHAR, Inc. and MSB Properties, LLC agree as follows:

1. The City of Fayetteville shall promptly cause the construction of Van Asche as shown on the Final Plat of CMN Business Park II as further delineated on Exhibit "A" to this agreement. Both the City of Fayetteville and the owner/developers (NANCHAR, Inc. and MSB Properties LLC) must agree in writing to the construction contract to build the Van Asche Boulevard Project before this construction contract can become effective.

2. NANCHAR, Inc. and MSB Properties, LLC shall reimburse the City of Fayetteville pursuant to the requirements of the 2001 Final Plat for its cost share.

The City of Fayetteville, NANCHAR, Inc. and MSB Properties LLC agree that all land necessary for the boulevard (110 foot wide right-of-way), intersections, etc. has been or shall be dedicated to the City without charge and that the total costs for engineering, inspection, construction management and construction shall be shared equally between the City and the Developers (NANCHAR, Inc. and MSB Properties LLC).

3. The Developers' 50% share of the project's total cost shall inflate at the Consumers Price Index as published in the Bureau of Labor Statistics from the date the Van Asche Boulevard Project east of Gregg Avenue is completed until the Developers pay their 50% cost share.

4. NANCHAR, Inc. and MSB Properties LLC shall pay their reimbursable cost share amount as soon as 75% of CMN Business Park II, Phase I has been sold or within five years of the date of this contract, whichever is earlier. Developers/owners have a right to pay their 50% cost share at any time earlier than required.

5. The Large Scale Development and Final Plat of CMN Business Park II approved in 2001 and Exhibit "A" shall be considered a part of this Contract.

6. If either party does not agree to the construction contract for the Van Asche Boulevard Project east of Gregg Avenue by December 31, 2005, this Supplemental Agreement For Cost Share Of Early Construction Of Van Asche Boulevard is terminated, null and void.

In Agreement With All The Terms And Conditions Above And In Witness Whereof the parties hereto have set their hands and seals this \_\_\_\_\_ day of December, 2004.

By: \_\_\_\_\_  
**DAN COODY**  
Mayor

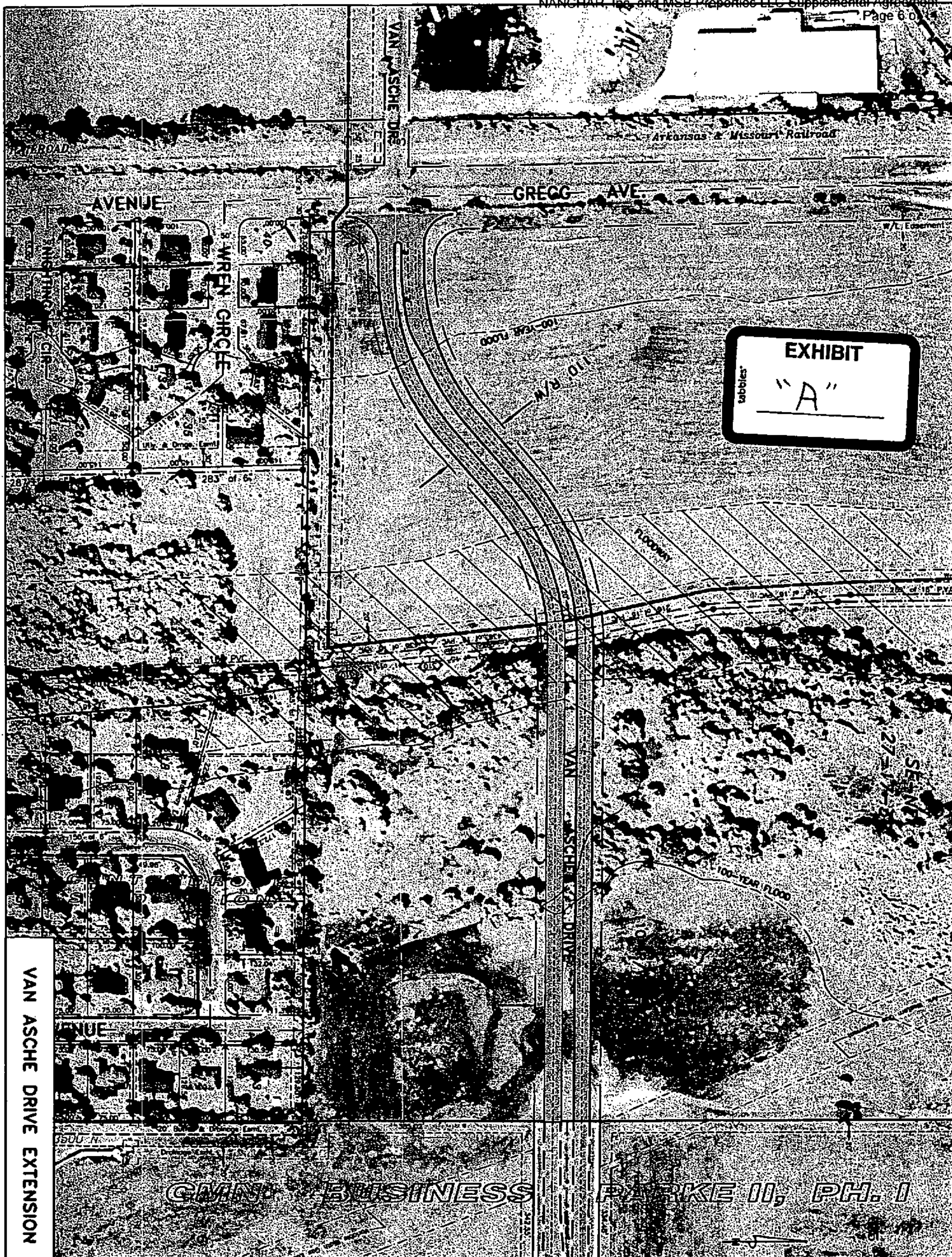
By: \_\_\_\_\_  
**NANCY RUBECK,**  
NANCHAR, INC

Attest: \_\_\_\_\_  
**Sondra Smith, City Clerk**

By: \_\_\_\_\_  
**CHARLOTTE STEEL,**  
NANCHAR, INC

By: \_\_\_\_\_  
**MARJORIE S. BROOKS**  
MSB Properties, LLC





VAN ASCHE DRIVE EXTENSION

EXHIBIT

"A"

tabbles

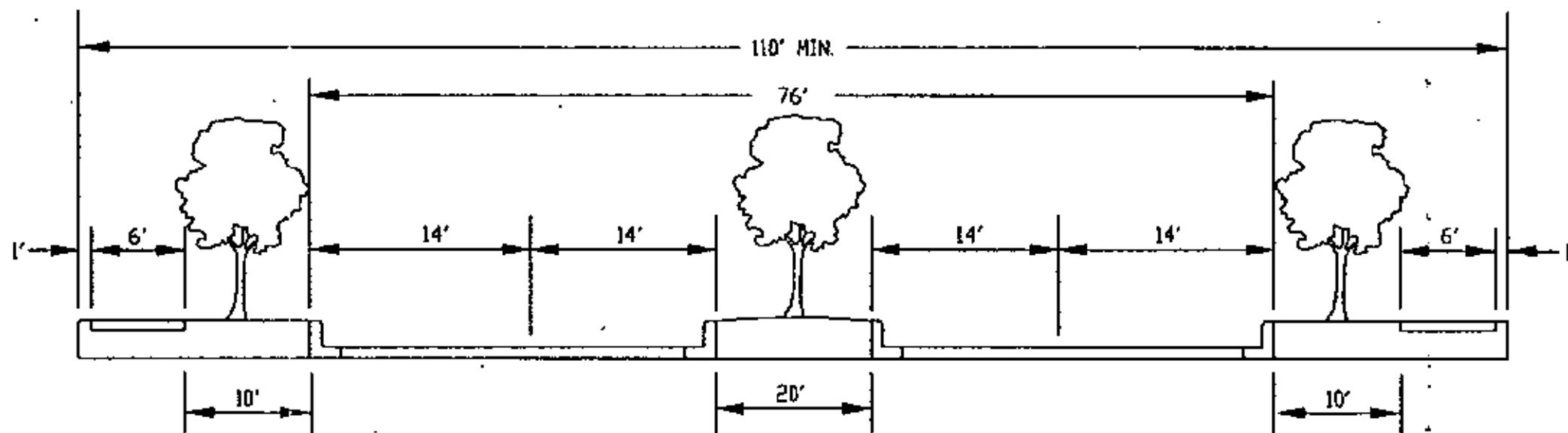


## VAN ASCHE EXTENSION CONCEPT STUDY

The purpose of this study is to develop concept drawings and to determine the costs to extend Van Asche Boulevard from its existing terminus point located in CMN Business Park II, Phase I to Highway 112.

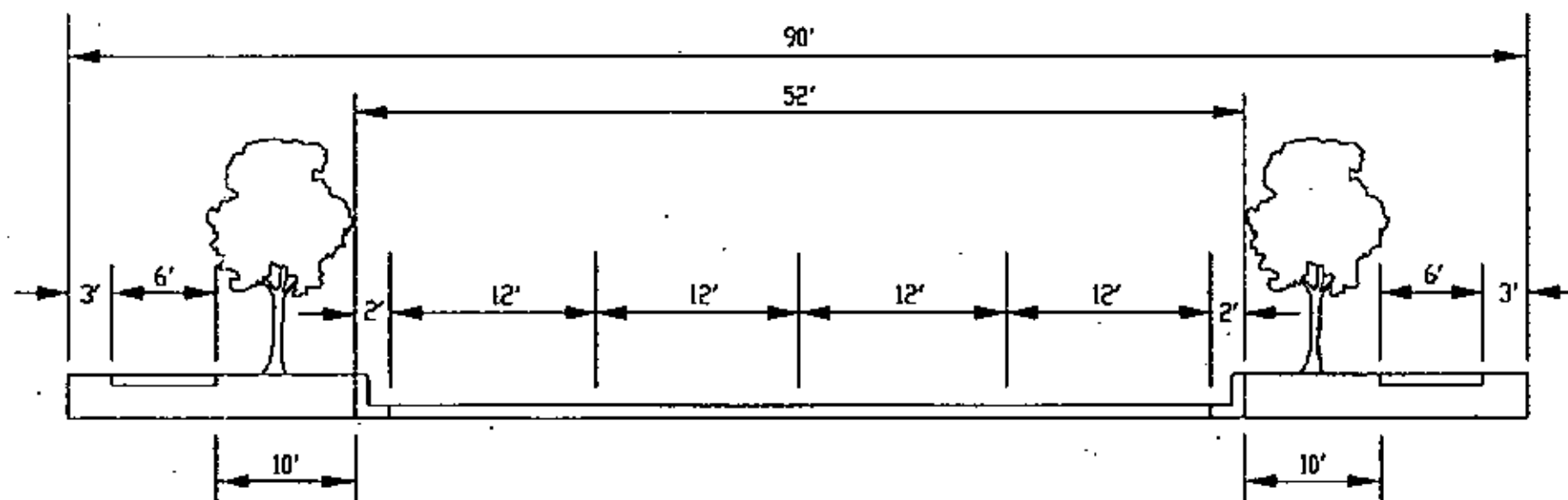
### PROPOSED STREET SECTIONS:

It is recommended that a Boulevard Section that matches the Steele and Van Asche Boulevards in the CMN Business Park II and the City Master Street Plan be utilized for this proposed extension where ever possible.



PROPOSED BOULEVARD SECTION

Due to the obstructions such as the I-540 overpass, existing businesses and residents, and large utility facilities, a different street section will be necessary for portions of this extension. This area is located from Highway 112 to the east under the I-540 overpass to approximately the intersection with McGuire Street. The recommended section would match the City Minor Arterial street section as contained in the Master Street Plan.



PROPOSED 4-LANE SECTION



**ESTIMATED PROJECT COSTS:**

Estimated unit costs were developed from the actual construction costs of the boulevards in the CMN Business Park II with a 15% inflation factor and from the Arkansas Highway & Transportation Department's list of 2004 construction costs. These unit costs were utilized to determine the estimated construction costs. The street extension costs were examined separately west of Gregg Avenue and East of Gregg Avenue in a future phase of the CMN Business Park.

**WEST OF GREGG AVENUE:** This portion of the Van Asche Boulevard Extension extends from Gregg Avenue to the west to the intersection with Arkansas Highway No. 112. The following is the summary of the estimated project costs:

| ITEM                                                     | QUANTITY | UNIT | UNIT COST | TOTAL                 |
|----------------------------------------------------------|----------|------|-----------|-----------------------|
| Boulevard Section (West of Gregg St.)                    | 3,520    | L.F. | \$740.05  | \$2,604,976.00        |
| 4 - Lane Section (near I-540 and Hwy 112)                | 1,550    | L.F. | \$610.00  | \$945,500.00          |
| TOTAL ESTIMATED CONSTRUCTION COST                        |          |      |           | \$3,550,476.00        |
| Engineering, Inspection, & Construction Management (12%) |          |      |           | \$426,057.00          |
| <b>TOTAL PROJECT COSTS (WEST OF GREGG AVE.)</b>          |          |      |           | <b>\$3,976,533.00</b> |

**EAST OF GREGG AVENUE:** This portion of the Van Asche Boulevard Extension extends from Gregg Avenue to the east to the existing portion of Van Asche Boulevard located in the CMN Business Park II. This portion will be located entirely within a future phase of the CMN Business Park. The following is the summary of the estimated project costs:

| ITEM                                                     | QUANTITY | UNIT | UNIT COST  | TOTAL                 |
|----------------------------------------------------------|----------|------|------------|-----------------------|
| Boulevard Section (East of Gregg St.)                    | 1,410    | L.F. | \$740.05   | \$1,043,470.50        |
| Scully Creek Bridge                                      | 150      | L.F. | \$4,845.85 | \$726,877.50          |
| TOTAL ESTIMATED CONSTRUCTION COST                        |          |      |            | \$1,770,348.00        |
| Engineering, Inspection, & Construction Management (12%) |          |      |            | \$212,440.00          |
| <b>TOTAL PROJECT COSTS (EAST OF GREGG AVE.)</b>          |          |      |            | <b>\$1,982,788.00</b> |

This portion of the street extension located to the east of Gregg Avenue is subject to an agreement with the developer's of the CMN Business Park II. This agreement was recorded with the final plat of the subdivision which states:

*The Developer shall construct the connection from Van Asche to Gregg Street with the completion of the sale of 75% of the property in Phase I, as follows:*

- A. This portion of Van Asche Drive is classified as a principle arterial which requires a right-of-way width in the amount of 110' to be dedicated to the City.*
- B. Pursuant to the October 6, 1998 City Council approval of the preliminary plat for CMN II, Phase I, "The developer shall construct at the developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the developer, at the developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the bridge.*

For Phase I of the boulevard construction of Steele and Van Asche Boulevards, the City paid for 50% of the construction costs and the CMN developer's paid for 50% of the construction costs and 100% of the engineering, inspection & construction management. If this same agreement is utilized for the Van Asche extension to the East of Gregg Street, the following will be the estimated amounts for the City and the CMN developers:

**CMN DEVELOPER'S SHARE:**

|                                                          |                       |
|----------------------------------------------------------|-----------------------|
| Construction Cost (50%)                                  | \$885,174.00          |
| Engineering, Inspection & Construction Management (100%) | \$212,440.00          |
| <b>CMN DEVELOPER'S SHARE OF ESTIMATED COSTS</b>          | <b>\$1,097,614.00</b> |

**CITY'S SHARE:**

|                                        |                     |
|----------------------------------------|---------------------|
| Construction Cost (50%)                | \$885,174.00        |
| <b>CITY'S SHARE OF ESTIMATED COSTS</b> | <b>\$885,174.00</b> |

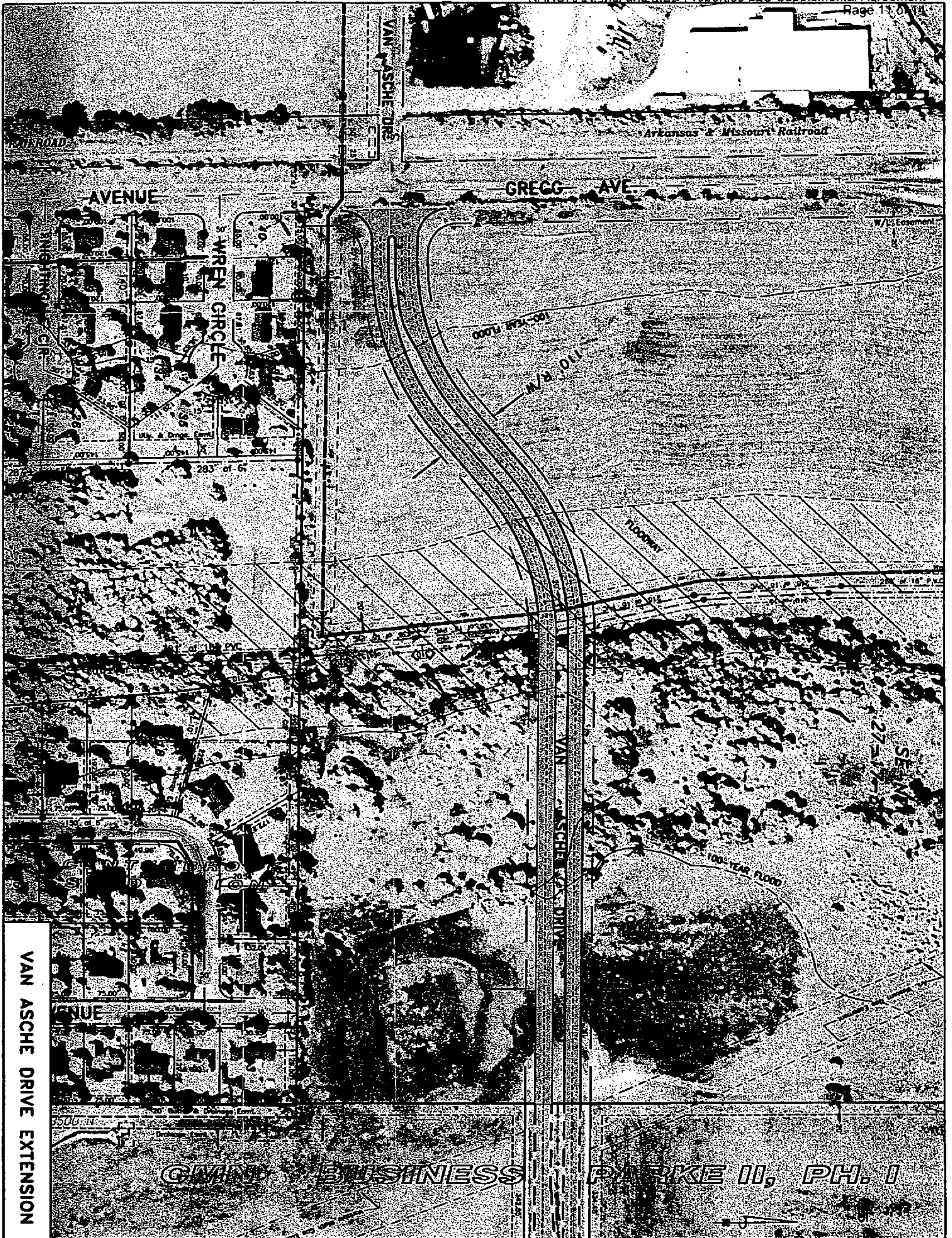
**SUMMARY OF PROJECT COSTS:**

The following is a summary of the project costs for the entire Van Asche Boulevard extension from the existing portion located in the CMN Business Park II to Arkansas Highway 112:

|                                                        |                       |
|--------------------------------------------------------|-----------------------|
| CMN Developer's portion in future phase of development | \$1,097,614.00        |
| City's Portion East of Gregg Street                    | \$885,174.00          |
| Estimated Costs West of Gregg Street                   | \$3,976,533.00        |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                   | <b>\$5,959,323.00</b> |

A concept drawing that depicts the scope of the Van Asche Extension project and the areas in which the boulevard street section can be utilized is attached on the following sheet. Please note that at the Scull Creek crossing, the street may need to be narrowed to a four lane section if a bridge is utilized for the crossing or in order to reduce construction costs.









City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05  
City Council Meeting Date

Ray M. Boudreaux  
Submitted By

Aviation and Economic Developmen  
Division

Economic Development  
Department

Action Required:

Approve Cost share agreement, design and construction of Van Asche Blvd. from Steele Blvd. to Gregg Ave.

\$1,982,788.00

Cost of this request

Account Number

Project Number

Category/Project Budget

Funds Used to Date

Remaining Balance

Program Category / Project Name

Program / Project Category Name

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Department Director 12/17/04  
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney 12-17-04  
Date

Received in City Clerk's Office

Finance and Internal Service Director 12-20-04  
Date

Received in Mayor's Office  
12/21/04 P.H.

Mayor 12/22/04  
Date

Comments:

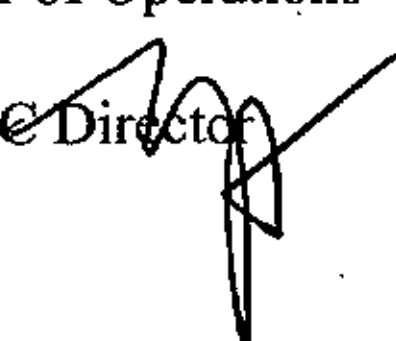






## **CITY COUNCIL AGENDA MEMO**

---

**To:** Mayor and City Council  
**Thru:** Gary Dumas, Director of Operations  
**From:** Yolanda Fields, CRCC Director   
**Date:** December 14, 2004  
**Subject:** Raze & Removal of structures on 408 E Center St

---

### **RECOMMENDATION**

Staff recommends a resolution to order the raze and removal of the structures.

### **BACKGROUND**

Service Request #9578, Case #1937: Code Compliance received a complaint about the unsafe buildings on the property owned by Jewell Carr c/o Sandra Ruth Taylor. The property is located at 408 E Center. An Unsafe Buildings Notice of Violation was sent to the owners on December 10, 2003. Sandra Taylor signed for the notice on December 26, 2003. By ordinance the owners were given until January 29, 2004 to acquire a permit and make repairs or to demolish and remove the buildings.

### **DISCUSSION**

This parcel contains 2 structures, both are in violation. There is not a current building permit on either structure.

### **BUDGET IMPACT**

Contracting the raze and removal of the property would cost approximately \$12,000.00. The cost would be billed to the property owners. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF THE DILAPIDATED AND UNSAFE STRUCTURES OWNED BY JEWELL CARR LOCATED AT 408 EAST CENTER STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, Jewell Carr is the record owner of the real property situated at 408 East Center Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows

Parcel Number 765-12745-000; 15-16-3- County Court Plat;

and,

WHEREAS, the City Council has determined that the structures located on said property are dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Jewell Carr, having been properly served with a Violation Notice via Certified Mail, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Jewell Carr is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structures located on the aforementioned real property. The manner of removing said structures shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if, Jewell Carr does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structures to be razed and removed; and a lien against the real property shall be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and APPROVED this 4th day of January 2005.

ATTEST:

By \_\_\_\_\_  
SONDRA SMITH, City Clerk

APPROVED

By \_\_\_\_\_  
DAN COODY, Mayor



HELPING TO BUILD A BETTER COMMUNITY

D. 1  
Raze and Removal (408 E. Center Street)  
Page 3 of 18  
City of Fayetteville, Arkansas  
Code Compliance  
113 West Mountain Street  
Fayetteville, Arkansas 72701  
Fax 479- 444-3445

## **VIOLATION NOTICE**

December 10, 2003

CASE NO. 01937

Owner: Jewell Carr  
c/o Sandra Ruth Taylor  
408 E. Center St.  
Fayetteville, AR 72701

RE: Property @ 408 E. Center St., Fayetteville, AR  
WC Parcel# 765-12745-000

---

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. Please feel free to call our office at (479) 575-8240 for clarification of this notice or advice on how to correct the problem.

### **Suspected Violation That Needs Correction:**

' 173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

### **How This Violation Can Be Voluntarily Corrected:**

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

**Potential Penalties** if not corrected within thirty (30) days from the service of this Notice include: Condemnation.

**Appeal:** If you disagree with our conclusion that your property contains a violation of the ordinance listed above, you have a right to file an appeal with the City Council.

Sincerely,

Chris Parsons  
Code Compliance Officer

7002 2410 0001 0284 9723

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|                                                |    |
|------------------------------------------------|----|
| Postage                                        | \$ |
| Certified Fee                                  |    |
| Return Receipt Fee (Endorsement Required)      |    |
| Restricted Delivery Fee (Endorsement Required) |    |
| Total Postage & Fees                           | \$ |

Postmark Here

Sent To  
Jewell Carr 40 Sandra Ruth Taylor  
Street, Apt. No.,  
or PO Box No. 408 E. Center  
City, State, ZIP+4 Fayetteville AR 72701

PS Form 3800, June 2002 See Reverse for Instructions

| SENDER: COMPLETE THIS SECTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                | COMPLETE THIS SECTION ON DELIVERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:<br/>Jewell Carr<br/>40 Sandra Ruth Taylor<br/>408 E. Center<br/>Fayetteville, AR 72701</p> <p>2. Article Number (Transfer from service label)<br/>7002 2410 0001 0284 9723</p> | <p>A. Signature<br/>Sandra Taylor <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/>Sandra Taylor</p> <p>C. Date of Delivery<br/>SEP 19 2001</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No<br/>(YES, enter delivery address below)</p> <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.         </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |

PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540





City of Fayetteville  
Code Compliance Division  
113 West Mountain St  
Fayetteville, AR 72701  
Helping to build a better City

April 28, 2004

Jewell Carr c/o Sandra R. Taylor  
408 E Center St  
Fayetteville, AR 72701

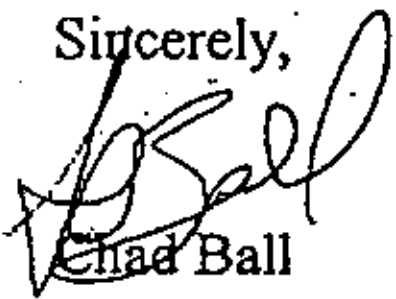
RE: Enforcement of Ordinance 173.08  
Arkansas Code Ann. § 14-56-203

#### NOTICE TO PROPERTY OWNERS

Pursuant to A.C.A. §14-56-203 at 173.08 of the Fayetteville Code, you are placed upon Notice that the Fayetteville City Council will conduct a public hearing to determine if the dwelling located at 408 E Center St (Parcel #765-12745-000), should be Razed and Removed. You are free to appear at this hearing to present any evidence or statements. If you need additional information concerning this process or if you have information that we are not aware of, please call the Code Compliance Office at (479) 444-3430.

The hearing will be part of a regular City Council meeting – probably on May 18, 2004 beginning at 6:00 p.m. at the City Administration Building, 113 W. Mountain St, Fayetteville, AR 72701. It is possible that this hearing may be conducted at a later meeting such as June 1, 2004 or thereafter. The City Council Meetings are advertised in local newspapers and will contain an item concerning this hearing. You may also call the Fayetteville City Clerk's Office (575-8323) for information confirming the date of the public hearing.

Sincerely,

  
Chad Ball

Code Compliance Administrator

Cc: file

#### CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)

### OFFICIAL USE

|                                                   |    |                  |
|---------------------------------------------------|----|------------------|
| Postage                                           | \$ | Postmark<br>Here |
| Certified Fee                                     |    |                  |
| Return Receipt Fee<br>(Endorsement Required)      |    |                  |
| Restricted Delivery Fee<br>(Endorsement Required) |    |                  |
| Total Postage & Fees                              | \$ |                  |

Sent To: Jewell Carr c/o Sandra R. Taylor  
Street, Apt. No.,  
or PO Box No. 408 E. Center St  
City, State, ZIP+4 Fayetteville AR 72701  
PS Form 3800, January 2001 See Reverse for Instructions



Record 1 of 1 Last Updated 12/14/04

Parcel Number: 765-12745-000 Prev. Parcel Number: 145920-000-00 Type: RI  
 Location: 408 E CENTER ST  
 Owner Name: CARR, JEWELL  
 Mailing Address: % SANDRA RUTH TAYLOR 408 E CENTER FAYETTEVILLE AR 72701  
 Lot: Block: S-T-R: 15-16-30  
 Addition: 15-16-30 COUNTY COURT PLAT  
 School District: FAYETTEVILLE SCH, FAY Tax District: 011  
 City: FAYETTEVILLE  
 Legal: P S 1/2 L 40-41 NW  
 Current Year A79 Credit Status:  
 Last Appraised: 2004

|             | Appraised Value | Taxable Value |
|-------------|-----------------|---------------|
| Land        | 20,000          | 4,000         |
| Improvement | 38,000          | 7,600         |
| Total       | 58,000          | 11,600        |

## Tax History

| Year | Taxable Value | Ad Valorem Tax | Imp. Dist. Tax | Timber Tax | Voluntary Tax | A79 Credit Status | A79 | Net Total Tax | Total Tax Paid | Payment Status |
|------|---------------|----------------|----------------|------------|---------------|-------------------|-----|---------------|----------------|----------------|
| 2003 |               |                |                |            |               |                   |     |               |                | DELINQUENT     |
| 2002 | 12,280        | \$638.07       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$638.07      | \$638.07       | PAID           |
| 2001 | 12,280        | \$638.07       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$638.07      | \$638.07       | PAID           |
| 2000 | 13,180        | \$691.95       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$691.95      | \$691.95       | PAID           |
| 1999 | 13,180        | \$674.82       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$674.82      | \$674.82       | PAID           |
| 1998 | 13,180        | \$676.13       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$676.13      | \$676.13       | PAID           |
| 1997 | 13,180        | \$676.13       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$676.13      | \$676.13       | PAID           |
| 1996 | 13,180        | \$676.13       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$676.13      | \$676.13       | PAID           |
| 1995 | 13,180        | \$676.13       | \$0.00         | \$0.00     | \$0.00        |                   |     | \$676.13      | \$676.13       | PAID           |

## Available Tax Payment Receipt(s)

| Year | Receipt # | Payment Date | Ad Valorem Tax | Imp. Dist. Tax | Timber Tax | Voluntary Tax | Penalty Tax | Payment  |
|------|-----------|--------------|----------------|----------------|------------|---------------|-------------|----------|
| 2002 | 998052    | 9/7/2004     | \$638.07       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$638.07 |
| 2001 | 998052    | 9/7/2004     | \$638.07       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$638.07 |
| 2000 | 998052    | 9/7/2004     | \$691.95       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$691.95 |
| 1999 | 998052    | 9/7/2004     | \$674.82       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$674.82 |
| 1998 | 18759     | 9/7/2000     | \$676.13       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$676.13 |
| 1997 | 18758     | 9/7/2000     | \$676.13       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$676.13 |
| 1996 | 18757     | 9/7/2000     | \$676.13       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$676.13 |
| 1995 | 18756     | 9/7/2000     | \$676.13       | \$0.00         | \$0.00     | \$0.00        | \$0.00      | \$676.13 |

## Deed History

| Date      | Book | Page  | Grantee1     | Grantee2 | Deed Type | Sale Amount | Revenue Amount |
|-----------|------|-------|--------------|----------|-----------|-------------|----------------|
| 8/19/2004 | 2004 | 35593 | CARR, JEWELL |          | RD        | 0           |                |

WCS 2004-35593 REDEMPTION DEED #199383

# WARRANTY DEED

with relinquishment of dower and homestead

KNOW ALL MEN BY THESE PRESENTS:

That we, Maxie Skillens and Nellie Skillens, his wife

for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to us in hand paid by Jewell Carr

do hereby grant, bargain and sell unto the said Jewell Carr and unto her

heirs and assigns the following described land, situate in Washington County, State of Arkansas, to-wit:

A part of the South half of the Northwest Quarter of Section Fifteen (15) Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point which is Eleven and one-half (11½) poles East of the Southwest corner of the established survey of the Old McGarrah Tract, and running, thence North One hundred and sixty-one (161) feet; thence East Ninety-five (95) feet; thence South One hundred sixty-one (161) feet; thence West Ninety-five (95) feet to the place of beginning.

Prepared by  
Greer Abstract Company  
15 East Meadow Street  
Fayetteville, Arkansas

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Jewell Carr, and unto her heirs and assigns forever. And we, the said Maxie Skillens and Nellie Skillens, his wife hereby covenant that we are lawfully seized of said land and premises; that the same is unincumbered, and we will forever warrant and defend the title to the said lands against all legal claims whatever.

And I, the said Nellie Skillens, wife of Maxie Skillens

in consideration of said sum of money, do hereby release and relinquish unto the said Jewell Carr

all my interest, right, title and dower and convey my homestead in and to said lands.

WITNESS our hands and seals on this 22nd day of August 1972

Maxie Skillens [Seal]

Nellie Skillens [Seal]

[Seal]

## ACKNOWLEDGMENT

STATE OF ARKANSAS

County of Washington

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, Maxie Skillens and Nellie Skillens, and to me well known as the Grantors in the foregoing Deed, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public on this 22nd day of August 1972.

My Commission expires 10/29/75

837-473

FILED  
FOR RECORD

72 SEP 13 PM 2:53

WASHINGTON COUNTY  
ARKANSAS

Do not write in this space

Circuit Clerk





## Track & Confirm

### Current Status

You entered 7001 1940 0001 4906 1157

Your item was delivered on May 24, 2004 at 7:57am in FAYETTEVILLE, AR 72701. Additional information for this item is stored in files offline. A proof of delivery record may be available through your local Post Office for a fee.

### Restoration Options

► Restore Offline Item

[What is this?](#)

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### Track & Confirm

Enter label number:

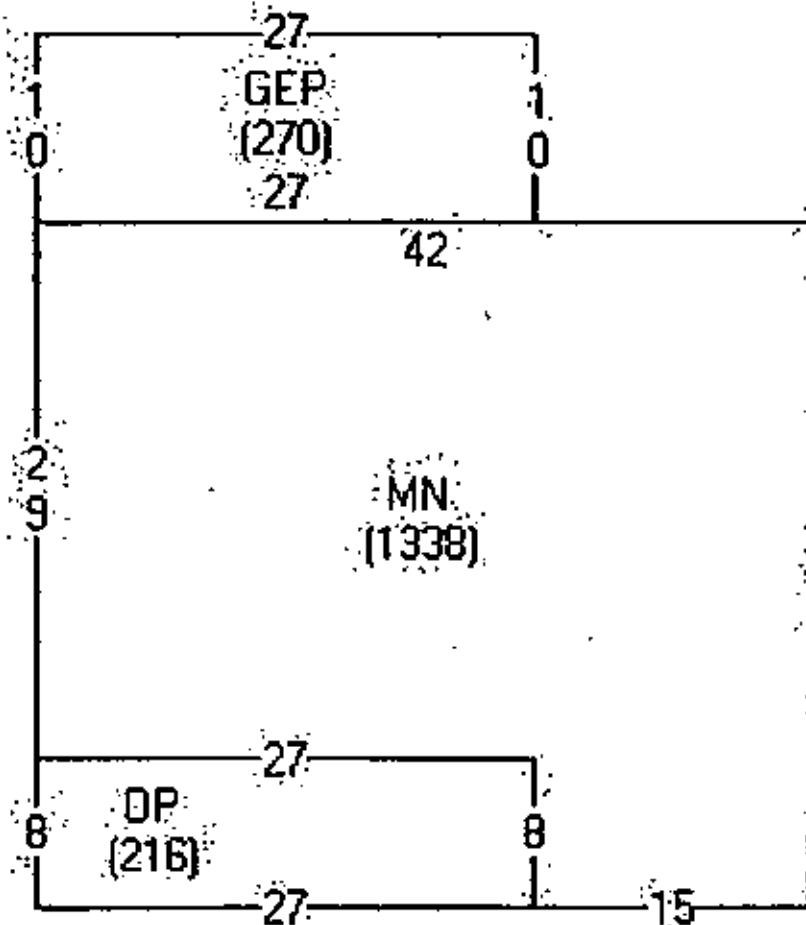
[Track & Confirm FAQs](#)



8/29/2000 2000 73516 CARR, JEWELL RD 0 0.00  
 WCS 2000-73516 REDEMPTION DEED #147922  
 1/1/1985 837 473 CARR, JEWELL WD 0 0.00

| Structure Number | Occupancy Type | Construction Type | First Floor Living Area | Total Living Area | Age or Year Constructed | Basement Area |
|------------------|----------------|-------------------|-------------------------|-------------------|-------------------------|---------------|
| 1                | SF             | FS                | 1338                    | 1893              | 94                      |               |

Sketch:



## Out Buildings and Yard Improvements

| Qty | Description          | Size  | Quality |
|-----|----------------------|-------|---------|
| 1   | Fence, chain link 4' | 400   |         |
| 1   | Outbuilding, frame   | 20x24 |         |

[Next Item](#) | 
 [Previous Item](#) | 
 [Ledger Card](#) | 
 [Return to Search Results](#) | 
 [Modify Search](#) | 
 [New Search](#)





# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

D. 1  
Raze and Removal (408 E. Center Street)  
Page 10 of 18

To: Code Enforcement Division

Date: 1-7-04

Ref: Property Assessment  
408 East Center

From: Dennis Ledbetter  
Fayetteville Fire Department  
Evidence Technician /Inspector

I was assigned to do a property assessment at 408 East Center. There were two structures on this property. There was split level, wood frame single family dwelling and a garage with an upstairs apartment. These two structures are in need of repair and should be assessed by the owner. The owner should consider the cost of repair versus removal of structures.

There were several vehicles parked on the property should be removed from the property.

There was trash and debris in the yard as well as a brush pile which should be removed from the property.

303 W. CENTER ST.  
501-575-8365

FAYETTEVILLE, AR. 72701  
FAX 501-575-0471

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO APPROVE AN ORDER TO RAZE AND  
REMOVE A DILAPIDATED AND UNSAFE STRUCTURE  
LOCATED AT 408 E. CENTER STREET, FAYETTEVILLE

**WHEREAS**, by certified mail, the owner of the dilapidated and unsafe building was notified on December 26, 2003 that because the building was dilapidated, unsafe, unsanitary or detrimental to the public welfare, the owner must repair or demolish the building; and

**WHEREAS**, the owners have not obtained a building permit, nor performed satisfactory repairs nor demolished the building; and

**WHEREAS**, §95.04 of the Code of Fayetteville in compliance with state law grants the City Council the power to order the razing and removal of such building after a public hearing upon proof that such building is dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas, after a public hearing on this issue, hereby finds that the building at 408 E. Center Street, Fayetteville has been shown to be and is dilapidated, unsafe, unsanitary, or detrimental to the public welfare to such an extent that an order for the building's razing and removal should be and hereby is issued.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby directs that a lien in the reasonable cost of the razing and removal of the structure be placed on this property until such lien amount, plus any allowed interest, is paid in full.

**PASSED and APPROVED** this the 18<sup>th</sup> day of May, 2004.

APPROVED:

By: **DRAFT**  
\_\_\_\_\_  
DAN COODY, Mayor

ATTEST:

By: \_\_\_\_\_  
SONDRA SMITH, City Clerk

**City of Fayetteville**

113 West Mountain  
Fayetteville, AR 72701  
(479)521-7700 Fax (479)575-8316

Raze and Removal (408 E. Center Street)  
Page 12 of 18

**UNSAFE BLDG Case**

D. 1

Report Date 12/15/2004 11:32 AM

Submitted By 1315

Page 1

Case # 1937

**Case Information****Stages**

|           | Date / Time      | By   |
|-----------|------------------|------|
| Processed | 04/28/2004 13:20 | 2285 |
| Resolved  |                  |      |
| Expires   |                  |      |

**Associated Information**

|                 |        |                                                  |
|-----------------|--------|--------------------------------------------------|
| Case Group      | 173.08 | UNSAFE BUILDINGS                                 |
| Priority        |        | <input checked="" type="checkbox"/> Auto Reviews |
| Resolution Code |        |                                                  |
| Source          | CE     | CODE COMPLIANCE                                  |
| Name            | LC     |                                                  |

**Applications Affected**

☐ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

**Description of Case**

11-25-03, cp, While patrolling, found location with 2 substandard structures. The main house has broken windows and the front windows on the second story of both structures are missing.

1-09-04, Sandra Ruth Taylor, who is caring for owner Ms. Jewell Carter and claims she lives there called to get a CDBG application. Will send her CDBG application ASAP. Will continue to monitor until CDBG application is returned.

1-12-04, cp, CDBG application is sent.

1-30-03, cp, Card returned for CDBG. Will follow-up February 13th.

2-13-04cb, no change, will send final letter

3-3-04cb, looks like some brush has been moved to the front of the property, no progress on the structure

3-22-04cb, no change to the property, start review.

4-28-04cb, completed agenda request, sent letter to owner

5-14-04du, spoke with assessors office and they advised if property tax are not paid by August of the year the house will be auctioned off.

7-30-04jt, No changes have been made will continue to monitor this property and speak to a supervisor regarding this case I also took 3 pics in regards to a potential G /W violation

11-09-04cb, house is still unsafe and also noticed the roof has a hole in it, on the back portion.

11-30-04lc, house is open and unsecure w/ a hole in the roof on the back/north side. it appears that the house is vacant. the garage/apl is also open/ unsecure. the porch awning has fell and also appears vacant. photos taken

Note: observed trash all around the yard. the grass is overgrown w/ brush. a tree has fallen over on the fence on the west side of the yard. will generate S/R for this violation.

3:30 pm /lc, after researched discovered this case was submitted to city council for raise and removal. the agenda request was pulled due to budget impact. supervisor will re-submit to city council in 2005. new photos are in file/ will continue to monitor.

12-06-04lc, no change per supervisor will continue to monitor.

12-14-04lc R/I property w/ cb, checked for anyone living at property. found property to be in same condition. doors on several sides of the house and garage are open. a big hole is in the roof with several windows busted out or no windows at all. it doesn't have anyone living at the residence, but does show signs of transients or homeless coming and going. J/D all around property and a big tree has fell over onto the fence of the property on the west side.

| Project # | Project/Phase Name | Phase # |
|-----------|--------------------|---------|
| Size/Area | Size Description   |         |

**Customer Service**

| Service # | Problem | Resolution Code | Resolved Date |
|-----------|---------|-----------------|---------------|
|-----------|---------|-----------------|---------------|

|      |       |  |  |
|------|-------|--|--|
| 9578 | CE834 |  |  |
|------|-------|--|--|

**Property/Site Information**

Address 408 E CENTER ST  
FAYETTEVILLE AR 72701-

Location

**Owner/Tenant**



**City of Fayetteville**

113 West Mountain  
Fayetteville, AR 72701  
(479)521-7700 Fax (479)575-8316

D. 1  
Raze and Removal (408 E. Center Street)  
**UNSAFE BLDG Case**  
Page 18 of 18

**Report Date** 12/15/2004 11:32 AM**Submitted By** 1315

Page 2

**Owner/Tenant**

**Contact ID** AC3112      **Name** JEWELL CARR  
**Mailing Address** C/O SANDRA RUTH TAYLOR  
**City** FAYETTEVILLE  
**ZIP/PC** 72701  
**Day Phone**  
**Fax**

**Organization**  
**State/Province** AR  
**Country** ☐ Foreign  
**Evening Phone**  
**Mobile #**

**Linked Addresses**

408 E CENTER ST  
FAYETTEVILLE, AR 72701-

**A/P Linked Addresses**

No Addresses are linked to this Application

**Linked Parcels**

765-12745-000

**A/P Linked Parcels**

No Parcels are linked to this Application

| Employee ID | Last | First | MI | Comments |
|-------------|------|-------|----|----------|
|-------------|------|-------|----|----------|

|      |           |         |  |  |
|------|-----------|---------|--|--|
| 1315 | CLEVENGER | DARRELL |  |  |
|------|-----------|---------|--|--|

| Log Action | Description | Entered By | Start | Stop |
|------------|-------------|------------|-------|------|
|------------|-------------|------------|-------|------|

|       |                                 |      |                  |  |
|-------|---------------------------------|------|------------------|--|
| REIMG | LOG R/I IMAGE ATTACHED, 'REIMG' | 1315 | 11/30/2004 13:22 |  |
|-------|---------------------------------|------|------------------|--|



**City of Fayetteville**

113 West Mountain  
Fayetteville, AR 72701  
(479)521-7700 Fax (479)575-8316

D. 1  
Raze and Removal (408 E. Center Street)  
**UNSAFE BLDG Case**

**Report Date** 12/15/2004 11:28 AM

**Submitted By** 1315

**Page 3**



2 11-25-03.JPG: 498 E. CENTER  
CP  
BROKEN WINDOW



3-21-02B.BMP: 408 E CENTER ST  
LC



1. 11-25-03.JPG: 408 E CENTER ST  
LC

2 4-7-04 A.JPG: 408 E CENTER ST  
LC

**City of Fayetteville**

113 West Mountain  
Fayetteville, AR 72701  
(479)521-7700 Fax (479)575-8316

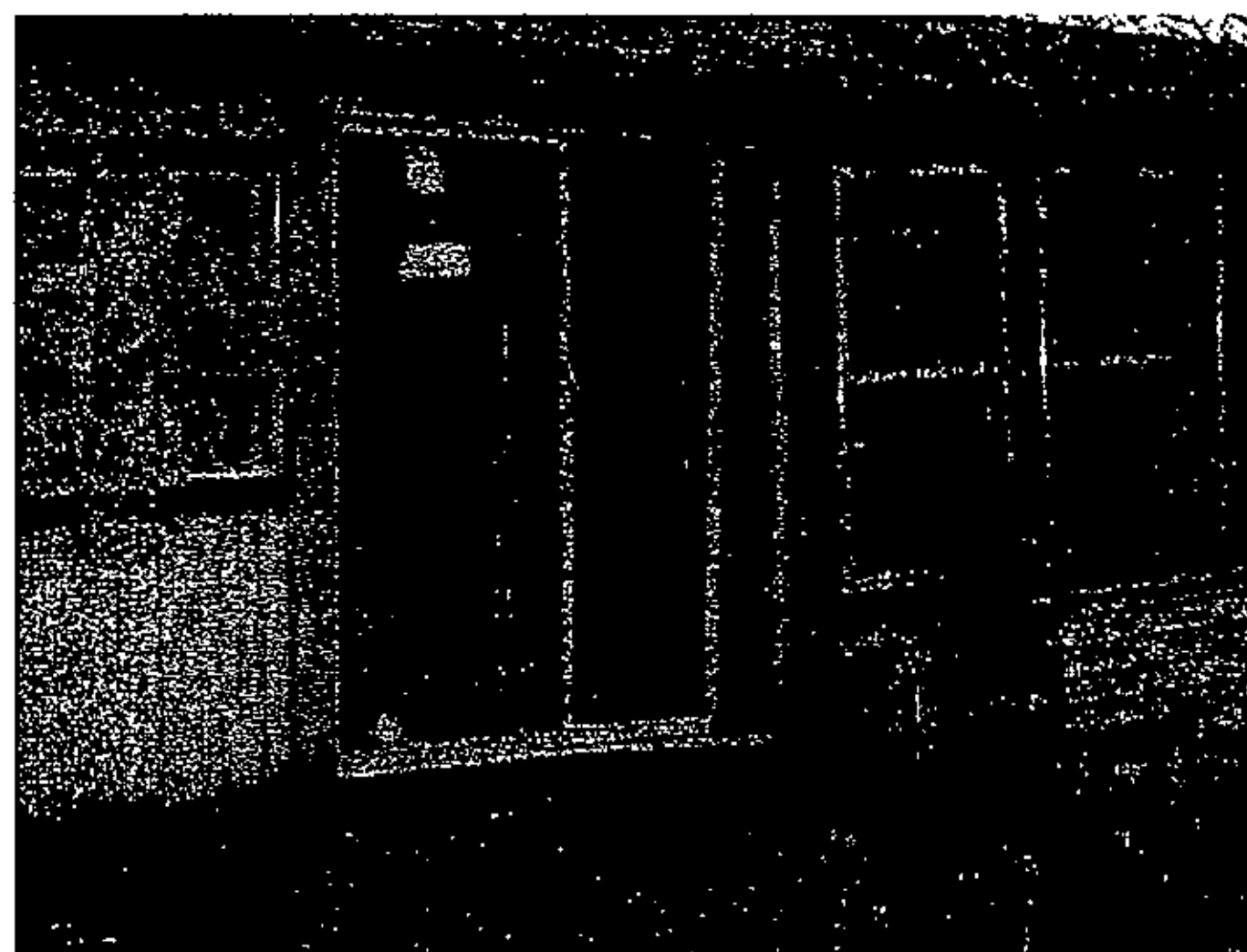
D. 1  
Raze and Removal (408 E. Center Street)

**UNSAFEBLDG Case**

Report Date 12/15/2004 11:28 AM

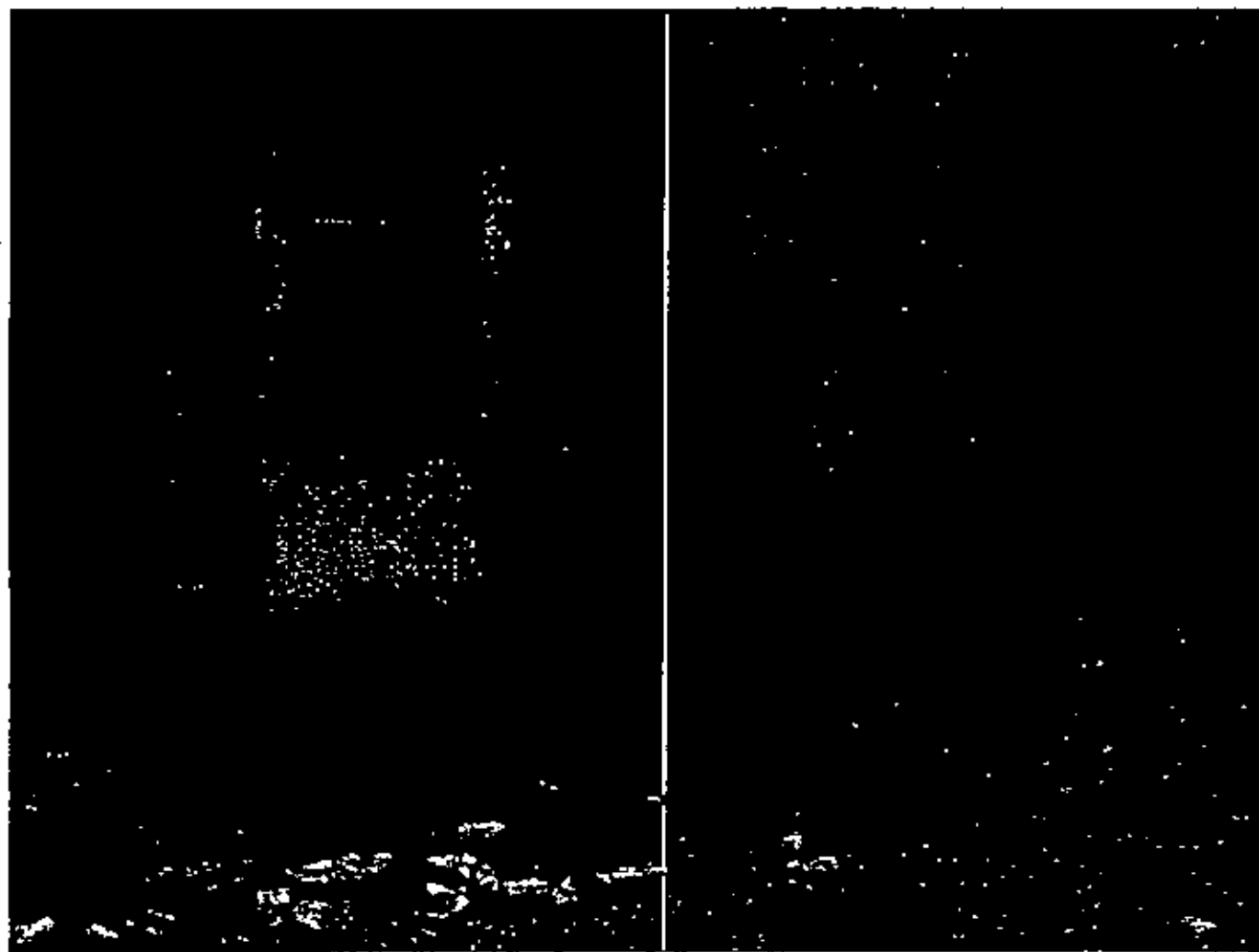
Submitted By 1315

Page 4



5 11-30-04.JPG: 408 E CENTER ST  
LC

6 11-30-04.JPG:



7 11-30-04.JPG: 408 E CENTER ST  
LC





408  
E  
CENTER  
ST  
72701



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

D. 1  
Raze and Removal (408 E. Center Street)  
Page 17 of 18

4-Jan-05

City Council Meeting Date

Chad Ball

Submitted By

Comm Res & Code Com

Division

Operations

Department

Action Required:

Public Hearing and Resolution to order the Raze and Removal of the dilapidated structures located at 408 E Center St, Fayetteville, AR 72701

\$12,000.00

Cost of this request

\$

25,000.00

Category/Project Budget

1010-6420-5315.00

Account Number

\$

-

Funds Used to Date

Contract Services

Program / Project Category Name

\$

25,000.00

Remaining Balance

General Fund

Fund Name

Budgeted Item

X

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

12-17-04

City Attorney

Date

12/15/04

Received in City Clerk's Office

Received in Mayor's Office

Mayor

Date

12/17/04

12/16/04 P.H.

See Attached Memo







DEPARTMENTAL CORRESPONDENCE

---

DATE: December 13, 2004

TO: Mayor and Council

FROM: Gary Dumas, Operations Department Head

SUBJECT: Community Development Block Grant (CDBG) 2005 Funding Agreement

**RECOMMENDATION**

The staff recommends review of documents attached.

**BACKGROUND**

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement city since 1975. The grants are based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons and the number of housing units. Each year the Community Resources Division submits an annual "Action Plan" and funding request to the U.S. Department of Housing & Urban Development (HUD) for CDBG funding. The plan is published for a 30 day public comment period and submitted to HUD for approval.

The City of Fayetteville's Consolidate Action Plan (CAP) has been submitted for fiscal year 2005. Grant amounts vary each year dependent on funding levels authorized by Congress through the annual federal budget process. We have attached a copy of the current city Consolidate Plan (CP) that lists the programs submitted by the city for funding.

**CURRENT STATUS**

Copies of the 2005 Action Plan and 2005 Consolidated Plan are being submitted for informational purposes.

*Kit said to  
not put a  
copy of the plan  
with the agenda*

**City of Fayetteville**  
**Community Development Block Grant 2005**

|                                      |  |         |
|--------------------------------------|--|---------|
| <b>ADMIN</b><br>(Funding cap of 20%) |  | 121,056 |
|--------------------------------------|--|---------|

|                |         |         |
|----------------|---------|---------|
| <b>HOUSING</b> |         |         |
| REHAB          | 314,924 |         |
| HABITAT        | 10,000  | 324,924 |

|                        |        |         |
|------------------------|--------|---------|
| <b>PUBLIC SERVICES</b> |        |         |
| TAXI PROGRAM           | 40,000 |         |
| BOYS & GIRLS CLUB      | 40,000 |         |
| YOUTHCAN!              | 15,020 |         |
| HOMEOWNERSHIP          | 10,000 | 105,020 |
| (Funding cap of 15%)   |        |         |

|                              |         |         |
|------------------------------|---------|---------|
| <b>REDEVELOPMENT PROGRAM</b> |         |         |
| CODE COMPLIANCE OFFICER      | 41,904  |         |
| LAND ACQUISITION             | 148,096 |         |
| CODE COMPLIANCE              | 20,000  | 210,010 |

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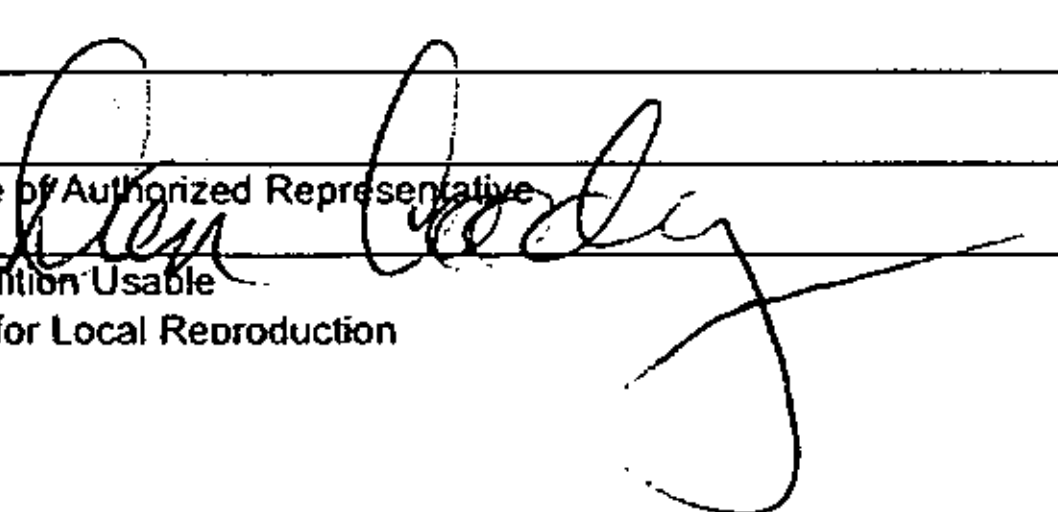
**\$761,000**

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# APPLICATION FOR FEDERAL ASSISTANCE

Version 7/03

|                                                                                                                                                                                                                                                                                                                                 |    |                                           |                                                                                                                                              |                                                             |                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|----------------------------------------------------|
| <b>1. TYPE OF SUBMISSION:</b><br>Application<br><input type="checkbox"/> Construction<br><input checked="" type="checkbox"/> Non-Construction                                                                                                                                                                                   |    | <b>2. DATE SUBMITTED</b><br>11/15/04      |                                                                                                                                              | <b>Applicant Identifier</b><br>B-05-MC-05-0001              |                                                    |
| <b>Pre-application</b><br><input type="checkbox"/> Construction<br><input checked="" type="checkbox"/> Non-Construction                                                                                                                                                                                                         |    | <b>3. DATE RECEIVED BY STATE</b>          |                                                                                                                                              | <b>State Application Identifier</b>                         |                                                    |
|                                                                                                                                                                                                                                                                                                                                 |    | <b>4. DATE RECEIVED BY FEDERAL AGENCY</b> |                                                                                                                                              | <b>Federal Identifier</b>                                   |                                                    |
| <b>5. APPLICANT INFORMATION</b>                                                                                                                                                                                                                                                                                                 |    |                                           |                                                                                                                                              |                                                             |                                                    |
| <b>Legal Name:</b><br>City of Fayetteville                                                                                                                                                                                                                                                                                      |    |                                           | <b>Organizational Unit:</b><br>Department:<br>Community Planning and Engineering Services                                                    |                                                             |                                                    |
| <b>Organizational DUNS:</b><br>141-310578                                                                                                                                                                                                                                                                                       |    |                                           | <b>Division:</b><br>Community Resources                                                                                                      |                                                             |                                                    |
| <b>Address:</b><br><b>Street:</b><br>113 West Mountain Street                                                                                                                                                                                                                                                                   |    |                                           | <b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b>                            |                                                             |                                                    |
| <b>City:</b><br>Fayetteville                                                                                                                                                                                                                                                                                                    |    |                                           | <b>Prefix:</b><br>Mrs.                                                                                                                       |                                                             |                                                    |
| <b>County:</b><br>Washington                                                                                                                                                                                                                                                                                                    |    |                                           | <b>First Name:</b><br>Yolanda                                                                                                                |                                                             |                                                    |
| <b>State:</b><br>Arkansas                                                                                                                                                                                                                                                                                                       |    |                                           | <b>Middle Name</b>                                                                                                                           |                                                             |                                                    |
| <b>Zip Code</b><br>72701                                                                                                                                                                                                                                                                                                        |    |                                           | <b>Last Name</b><br>Fields                                                                                                                   |                                                             |                                                    |
| <b>Country:</b><br>United States of America                                                                                                                                                                                                                                                                                     |    |                                           | <b>Suffix:</b>                                                                                                                               |                                                             |                                                    |
|                                                                                                                                                                                                                                                                                                                                 |    |                                           | <b>Email:</b><br>yfields@ci.fayetteville.ar.us                                                                                               |                                                             |                                                    |
| <b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b><br>71-6018462                                                                                                                                                                                                                                                                   |    |                                           | <b>Phone Number (give area code)</b><br>479-575-8290                                                                                         |                                                             | <b>Fax Number (give area code)</b><br>479-444-3445 |
| <b>8. TYPE OF APPLICATION:</b><br><input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision<br>If Revision, enter appropriate letter(s) in box(es)<br>(See back of form for description of letters.)<br>Other (specify) <input type="checkbox"/> <input type="checkbox"/> |    |                                           | <b>7. TYPE OF APPLICANT: (See back of form for Application Types)</b><br>Municipal<br>Other (specify)                                        |                                                             |                                                    |
| <b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b><br>14-216                                                                                                                                                                                                                                                             |    |                                           | <b>9. NAME OF FEDERAL AGENCY:</b><br>United States Department of Housing and Urban Development                                               |                                                             |                                                    |
| <b>TITLE (Name of Program):</b><br>Community Development Block Grant                                                                                                                                                                                                                                                            |    |                                           | <b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b><br>Community Development                                                                |                                                             |                                                    |
| <b>12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):</b><br>Fayetteville                                                                                                                                                                                                                                          |    |                                           |                                                                                                                                              |                                                             |                                                    |
| <b>13. PROPOSED PROJECT</b><br><b>Start Date:</b><br>1/1/05<br><b>Ending Date:</b><br>12/31/05                                                                                                                                                                                                                                  |    |                                           | <b>14. CONGRESSIONAL DISTRICTS OF:</b><br><b>a. Applicant</b><br>3<br><b>b. Project</b><br>3                                                 |                                                             |                                                    |
| <b>15. ESTIMATED FUNDING:</b>                                                                                                                                                                                                                                                                                                   |    |                                           | <b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>                                                          |                                                             |                                                    |
| a. Federal                                                                                                                                                                                                                                                                                                                      | \$ | 761,000.00                                | a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON |                                                             |                                                    |
| b. Applicant                                                                                                                                                                                                                                                                                                                    | \$ | .00                                       | DATE:                                                                                                                                        |                                                             |                                                    |
| c. State                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372                                                             |                                                             |                                                    |
| d. Local                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW                                                                |                                                             |                                                    |
| e. Other                                                                                                                                                                                                                                                                                                                        | \$ | .00                                       | <b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>                                                                                  |                                                             |                                                    |
| f. Program Income                                                                                                                                                                                                                                                                                                               | \$ | .00                                       | <input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No                                          |                                                             |                                                    |
| g. TOTAL                                                                                                                                                                                                                                                                                                                        | \$ | 761,000.00                                |                                                                                                                                              |                                                             |                                                    |
| <b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b>                                      |    |                                           |                                                                                                                                              |                                                             |                                                    |
| <b>a. Authorized Representative</b>                                                                                                                                                                                                                                                                                             |    |                                           |                                                                                                                                              |                                                             |                                                    |
| <b>Prefix</b><br>Mr.                                                                                                                                                                                                                                                                                                            |    | <b>First Name</b><br>Dan                  |                                                                                                                                              | <b>Middle Name</b>                                          |                                                    |
| <b>Last Name</b><br>Coody                                                                                                                                                                                                                                                                                                       |    |                                           |                                                                                                                                              | <b>Suffix</b>                                               |                                                    |
| <b>b. Title</b><br>Mayor                                                                                                                                                                                                                                                                                                        |    |                                           |                                                                                                                                              | <b>c. Telephone Number (give area code)</b><br>479-575-8330 |                                                    |
| <b>d. Signature of Authorized Representative</b><br>                                                                                                                                                                                         |    |                                           |                                                                                                                                              | <b>e. Date Signed</b><br>11/15/04                           |                                                    |

Previous Edition Usable  
Authorized for Local Reproduction

Standard Form 424 (Rev.9-2003)  
Prescribed by OMB Circular A-102



City of Fayetteville  
Staff Review Form  
City Council Agenda Items  
Contracts

4-Jan-05

City Council Meeting Date

Yolanda Fields

Submitted By

Community Resources

Division

Community Planning Engineering

Department

Action Required:

Informational- 2005 Community Development Block Grant (CDBG)

Cost of this request

Category/Project Budget

CDBG Funding

Program Category / Project Name

Account Number

Funds Used to Date

Community Development

Program / Project Category Name

Project Number

Remaining Balance

Community Development

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office

Comments:



Aldermen

Mayor Dan Coody  
City Attorney Kit Williams  
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds  
Ward 1 Position 2 - Brenda Thiel  
Ward 2 Position 1 - Kyle B. Cook  
Ward 2 Position 2 - Don Marr  
Ward 3 Position 1 - Robert K. Rhoads  
Ward 3 Position 2 - Conrad Odom  
Ward 4 Position 1 - Shirley Lucas  
Ward 4 Position 2 - Lioneld Jordan

**Tentative Agenda  
City of Fayetteville Arkansas  
City Council Meeting  
January 4, 2005**

A meeting of the Fayetteville City Council will be held on January 4, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**2005 Oaths of Office**

**Roll Call**

**Pledge of Allegiance**

**2005 Community Block Grant Informational Item: Yolanda Fields.**

**A. CONSENT:**

- Place at  
Home  
Sale or  
Lease*
1. **Approval of the Minutes:** Approval of the November 30, 2004, December 7, 2004, December 21, 2004 and December 28, 2004 City Council meeting minutes.
  2. **Cliffside Park Land Dedication Requirement:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District (PZD) Development.
  3. **Baird, Kurtz & Dobson (BKD), LLP Contract Renewal:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount \$57,000.00 to provide independent audit services to the City of Fayetteville.
  4. **Freelance Consulting Services Contract:** A resolution approving proposal 04-21 from Freelance Consulting Services in the amount of \$56,000.00 to conduct a Wildland Interface Fire Assessment.

**B. UNFINISHED BUSINESS**

**C. NEW BUSINESS:**

- Check date 1/4 ok*  
*Check date 1/4 ok*
- ✓ **Downtown Master Plan Redevelopment District:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.
  - ✓ **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the project plan for the Downtown Master Plan Redevelopment District, and finding the plan is economically feasible.
  3. **Shake's Property Offer:** A resolution to accept an Offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for \$178,555.00.
  4. **ANX 04-1334 (Harper/Teater):** An ordinance annexing that property described in annexation petition ANX 04-1334 annexing to the City of Fayetteville, Arkansas, property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres.
  5. **RZN 04-1335 (Harper/Teater):** An ordinance that property described in rezoning petition RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units Per Acre.
  6. **RZN 04-1329 (Hogeye, Inc.):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1329 for property located on the north side of 6<sup>th</sup> Street across from the Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office.
  7. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in rezoning petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, Four Units per Acre.
  8. **RZN 04-1331 (Bale):** An ordinance rezoning that property described in rezoning petition RZN 04-1331 for property located at 3513, 3515, and 3517 West 6<sup>th</sup> Street containing approximately 0.80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial.
  9. **RZN 04-1332 (J.B. Hays):** An ordinance rezoning that property described in rezoning petition RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, Four Units Per Acre.
  10. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6<sup>th</sup> Street, west of Hill Avenue, northeast of 11<sup>th</sup> Street along Town Branch Creek containing approximately



27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission.

11. **VAC 04-1324 (Elder/Salem Townhouses):** An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located in the north side of Wedington Drive west of Salem Road as described on the attached map and legal description.

*Consent*  
12. **Heating and AC Unit Contract:** Frank Johnson. No Info

*[scribble]*  
13. **COPS Methamphetamine Training Initiative Grant:** Frank Johnson. No Info

14. **Cost Share Agreement:** Ray Boudreax. No Info.

**D. PUBLIC HEARING:**

1. **Raze and Removal (408 E. Center Street):** A resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in the City of Fayetteville, Arkansas.

**E. INFORMATIONAL:**

**Council Tour:** January 3, 2005 – 4:30 pm

*ADD: Peace at home lease  
Peace at home land Sale.*



"Northwest Arkansas' Most Widely Read Newspaper"

### AFFIDAVIT OF PUBLICATION

I, Gill R Scott, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Sina O Agudo was inserted in the regular editions on January 3, 2005.

PO# \_\_\_\_\_

\*\* Publication Charge: \$ 312.48

Subscribed and sworn to before me this

3rd day of January, 2005.

Sharlene D Williams  
Notary Public

My Commission Expires: Sharlene D. Williams  
Notary Public  
State of Arkansas

\*\* Please do not pay from Affidavit. My Commission Expires  
An invoice will be sent. October 18, 2014

RECEIVED

JAN 05 2005

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

FINAL AGENDA  
CITY OF FAYETTEVILLE ARKANSAS  
CITY COUNCIL MEETING  
JANUARY 4, 2005



A meeting of the Fayetteville City Council will be held on January 4, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order**

**Oaths of Office - 2005 Elected Officials**

**Roll Call**

**Pledge of Allegiance**

**A. CONSENT:**

- 1. Approval of the Minutes:** Approval of the November 30, 2004, December 7, 2004, December 21, 2004 and December 28, 2004 City Council meeting minutes.
- 2. Cliffside Park Land Dedication Requirement:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District (PZD) Development.
- 3. Baird, Kurtz & Dobson (BKD), LLP Contract Renewal:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount \$57,000.00 to provide independent audit services to the City of Fayetteville.
- 4. Freelance Consulting Services Contract:** A resolution approving proposal 04-21 from Freelance Consulting Services in the amount of \$58,000.00 to conduct a Wildland Interface Fire Assessment.
- 5. Multi-Craft Bid #04-88 Award:** A resolution awarding Bid #04-88 to Air Works Division of Multi-Craft Contractors, Inc. in the amount of \$49,442.00 for the purchase and installation of a 25-ton rooftop heating and air conditioning unit and removal of the existing unit at the Fayetteville Police Department.

**B. UNFINISHED BUSINESS**

**C. NEW BUSINESS:**

- 1. ANX 04-1334 (Harper/Teater):** An ordinance annexing that property described in Annexation Petition ANX 04-1334 annexing to the City of Fayetteville, Arkansas, property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres.
- 2. RZN 04-1335 (Harper/Teater):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, Four Units per Acre.
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- 4. RZN 04-1330 (Dunneerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
- 5. RZN 04-1331 (Bale):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1331 for property located at 3513, 3515, and 3517 West 6th Street containing approximately 0.80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial.
- 6. RZN 04-1332 (Hays):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre.
- 7. R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission.
- 8. VAC 04-1324 (Elder/Salem Townhouses):** An ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on the north side of Wedington Drive west of Salem Road as described on the attached map and legal description.
- 9. U.S. Department of Justice Grant:** A resolution authorizing the Fayetteville Police Department to accept a Grant from the U. S. Department of Justice in the amount of \$164,900.00 to define and initiate anti-methamphetamine strategies and assist the Washington County Drug Court; approving an increase in police staffing by one (1) officer; and approving a budget adjustment recognizing the grant revenues.
- 10. Waive Requirements of \$34.27 for The Project for Victims of Family Violence, Inc.:** An ordinance to waive the requirement of \$34.27 of the Fayetteville Code, authorize the sale of 1.5 acres for an appraised value of \$30,000.00 to the non-profit corporation, The Project for Victims of Family Violence, Inc. and to declare an emergency.
- 11. The Project for Victims of Family Violence, Inc. Lease of 1.5 Acres:** A resolution to approve a forty year lease of 1.5 acres of city property to The Project for Victims of Family Violence, Inc.
- 12. The Project for Victims of Family Violence, Inc. Lease of .69 Acres:** A resolution to approve a lease of about .69 acres of city property to The Project for Victims of Family Violence, Inc. for a sewer area and a 70-foot wide access easement.

**D. PUBLIC HEARINGS:**

- 1. Raze and Removal (408 E. Center Street):** A resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in the City of Fayetteville, Arkansas.
- 2. Downtown Master Plan Redevelopment District Number Two Creation:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on forming the Downtown Master Plan Redevelopment District.

**a) Downtown Master Plan Redevelopment District Number Two Adoption:**  
An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan.

- 3. Downtown Master Plan Redevelopment District Number Two Project Plan:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan for the Downtown Master Plan Redevelopment District Number Two.

**a) Downtown Master Plan Redevelopment District Number Two Project Plan Adoption:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District Number Two, and finding the plan is economically feasible.

**E. INFORMATIONAL:**

**Council Tour: None**

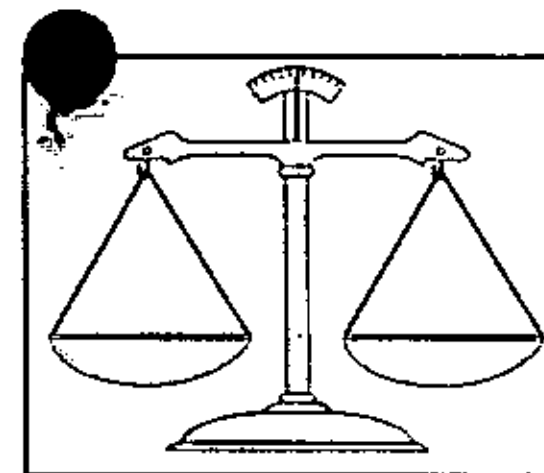
**2005 Community Development Block Grant:** Copies of the 2005 Action Plan and the 2005-2009 Consolidated Plan are available for review in the City Clerk's office.

# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

## DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', written over a horizontal line.

DATE: **January 5, 2005**

RE: **Passed Resolutions and Ordinances from City Council meeting of January 4, 2005**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Cliffside Park Land Dedication:** Resolution accepting Parks & Recreation Advisory Board's recommendation to accept \$61,605.00 cash in lieu of the required Park Land Dedication for Cliffside Planned Zoning District;

2. **BKD, LLP Contract Renewal:** Resolution approving annual contract renewal w/BKD, LLP, in amount of \$57,000.00 to provide independent audit services to City of Fayetteville;

3. **Freelance Consulting Services Contract:** Resolution approving proposal from Freelance Consulting Services in amount of \$56,000.00 to conduct a Wildland Interface Fire Assessment;

4. **Multi-Craft Bid #04-88:** Resolution awarding bid to Air Works Division of Multi-Craft Contractors, Inc. in amount of \$49,442.00 for purchase and installation of 25-ton rooftop heating and air conditioning unit and removal of existing unit at Fayetteville Police Dept.;

5. **ANX 04-1334:** Ordinance annexing property described in ANX 04-1334 annexing to City property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres;



6. **RZN 04-1335:** Ordinance rezoning that property described in RZN 04-1335 for property located north of Zion Road, east of George Anderson Road containing approximately 60.37 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre;

7. **RZN 04-1329:** Ordinance rezoning property described in RZN 04-1329 for property located on north side of 6<sup>th</sup> St. across from Ozark Mountain Smokehouse containing approximately 3.35 acres from R-A, Residential Agricultural to R-O, Residential Office;

8. **RZN 04-1331:** Ordinance rezoning property described in RZN 04-1331 for property located at 3513, 3515, and 3517 W. 6<sup>th</sup> St., containing approximately .80 acres from R-A, Residential Agricultural and C-2, Thoroughfare Commercial to C-1, Neighborhood Commercial;

9. **RZN 04-1332:** Ordinance rezoning property described in RZN 04-1332 for property located at 1760 Starr Drive containing approximately 5.99 acres from RSF-1, Residential Single Family, one unit per acre to RSF-4, Residential Single Family, four units per acre;

10. **VAC 04-1324:** Ordinance approving VAC 04-1324 submitted by Engineering Services, Inc. for property located on north side of Wedington Drive west of Salem Road as described on attached map and legal description;

11. **U.S. Department of Justice Grant:** Resolution authorizing Fayetteville Police Dept. to accept a grant from U.S. Department of Justice in amount of \$164,900.00 to define and initiate anti-methamphetamine strategies and assist Washington Co. Drug Court; approving increase in police staffing by one officer and approving budget adjustment recognizing grant revenues;

12. **Waive Requirements of §34.27 for Project for Victims of Family Violence, Inc.:** Ordinance waiving requirement of §34.27 of Fayetteville Code, authorizing sale of 1.5 acres for appraised value of \$30,000.00 to non-profit corporation, The Project For Victims of Family Violence, Inc. and to declare an emergency;

13. **The Project For Victims of Family Violence, Inc. Lease of 1.5 Acres:** Resolution approving forty year lease of 1.5 acres of city property to The Project For Victims of Family Violence, Inc.;



14. **The Project For Victims of Family Violence, Inc. Lease of .69 Acres:** Resolution approving lease of about .69 acres of city property to The Project For Victims of Family Violence, Inc. for a sewer area and a 70-foot wide access easement.

15. **Raze & Removal:** Resolution ordering the razing and removal of the dilapidated and unsafe structures owned by Jewell Carr located at 408 East Center Street in City of Fayetteville.