

**Final Agenda
For
City Council Meeting
July 1, 2003**

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.
2. **2003 Community Development Block Grant Allocation of \$560,000.00:** A resolution approving the grant agreement for the remaining \$560,000.00 balance of the 2003 Community Development Block Grant (CDBG).
3. **Roberts-McNutt Company/Sang Senior Center:** A resolution awarding a contract to Roberts McNutt Company in the amount of \$22,863.00 for a re-roof project at the Sang Senior Center; approving a project contingency in the amount of \$3,430.00 and approving a budget adjustment in the amount of \$19,151.00 for same.
4. **McClelland Consulting Engineers/ FBO Hangar Task Order # 13:** A resolution approving Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of \$3,983.50.
5. **McClelland Consulting Engineers/Corporate Hangar Complex Task Order # 10:** A resolution approving Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of \$6,937.50.
6. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** A resolution awarding Bid #03-35 to Motorola, Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers and 17 docking stations.
7. **Ozark Regional Transit Expenses:** A resolution approving the transfer of funds in the amount of \$15,232.00 to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums; and approving a budget adjustment in that amount for same.
8. **Standard Register Company/ADED:** A resolution certifying that the City of Fayetteville endorse the Standard Register Company to participate in the State of Arkansas Tax Back Program (ADED).
9. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description.
3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.
4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial.
5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.
6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.
7. **Unified Development Code, Chapter 174: Signs:** A ordinance amending Title XV: Unified Development Code, chapter 174: Signs, of the Code of Fayetteville, to provide amendments to and clarification of various provisions to conform with the judgment and memorandum opinion of the United States District Court for the Western District of Arkansas issued in LA Tour v. City of Fayetteville; and declaring an emergency.

D. INFORMATIONAL:

1. **Council Tour: June 30, 2003**

**Final Agenda
For
City Council Meeting
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99-03 9. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

B. OLD BUSINESS:

C. NEW BUSINESS:

- Tabled to 8/5*
1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.

- 4498*
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description.

- Left on 1st reading*
3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.

- Left on first reading*
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- Passed 4499*
5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.

- Left on 2nd reading*
6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.

- 4500*
7. **Unified Development Code, Chapter 174: Signs:** A ordinance amending Title XV: Unified Development Code, chapter 174: Signs, of the Code of Fayetteville, to provide amendments to and clarification of various provisions to conform with the judgment and memorandum opinion of the United States District Court for the Western District of Arkansas issued in LA Tour v. City of Fayetteville; and declaring an emergency.

D. INFORMATIONAL:

1. **Council Tour: June 30, 2003**

Meeting of July 1, 2003

Subject:	Roll					
Motion By:						
Seconded:						
Motion To:						
Davis	<u>absent</u>					
Lucas	✓					
Jordan	✓					
Reynolds	✓					
Thiel	✓					
Cook	✓					
Marr	✓					
Rhoads	<u>absent</u>					
Mayor Coody	✓					

Subject:	Nominating Report add to agenda					
Motion By:		<u>Jordan</u>	<u>Jordan</u>			
Seconded:		<u>Lucas</u>	<u>Lucas</u>			
Motion To:		<u>Add to agenda</u>	<u>(approve report)</u>			
Davis						
Lucas	✓	✓				
Jordan	✓	✓				
Reynolds	✓	✓				
Thiel	✓	✓				
Cook	✓	✓				
Marr	✓	✓				
Rhoads						
Mayor Coody						



Meeting of July 1, 2003

Check June 17, 2003
Minutes.

Subject: Consent						
Motion By:		Marr				
Seconded:		Reynolds				
Motion To:		Approve				
	Davis					
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads					
	Mayer Cuddy					

92-03
to
99-03

Subject: CEI Engineers Master Street Plan (Butterfield Trial Village)						
Motion By:		Cook ??				
Seconded:		Reynolds				
Motion To:		Table				
	Davis					
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhoads					
	Mayer Cuddy					

#1 New
Business
Table
until
August
5, 2003

Meeting of July 1, 2003

Subject: UAC. 03-1.00 (Kim Scott Mountain Mechanical)						
Motion By:		Marr	Reynolds			
Seconded:		Thiel	Marr			
Motion To:		2nd read	3rd read	Pass		
	Davis					
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhodes					
	Mayer Goody					

#2
New
Business

Passed
4498

Subject: RZN 03-19.00 Tom Brayle 14.66 Acres						
Motion By:						
Seconded:						
Motion To:						
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Marr					
	Rhodes					
	Mayer Goody					

#3 New
Business

Left on
the
first
reading.

Bill of
assurance
given so
Time - (Copy)

Meeting of July 1, 2003

Subject: RZN 03-20.00 (Tom Broyles 7.45 acres)						
Motion By:						
Seconded:						
Motion To:						
	Davis					
	Lucas					
	Jordan					
	Reynolds					
	Thiel					
	Cook					
	Marr					
	Rhodes					
	Mayon Goody					

#4
New
Business
Left on
First
Reading.

Subject: RZN 03-21.00 (John Nock)						
Motion By:		Jordan	Jordan			
Seconded:		Marr	Lucas			
Motion To:		2nd read	3rd read	Pass		
	Davis					
	Lucas	✓	✓	✓		
	Jordan	✓	✓	✓		
	Reynolds	✓	✓	✓		
	Thiel	✓	✓	✓		
	Cook	✓	✓	✓		
	Marr	✓	✓	✓		
	Rhodes					
	Mayon Goody					

#5
New Business

Passed
4499

Meeting of July 1, 2003

Subject:	Zoning Map Adoption					
Motion By:		Marr ??				
Seconded:		Cook ??				
Motion To:		2nd read				
	Davis					
	Lucas	✓				
	Jordan	✓				
	Reynolds	✓				
	Thiel	✓				
	Cook	✓				
	Marr	✓				
	Rhodes					
	Mayor Cook					

Jebb
By.

#6
New
Business
Left on
Second
reading

Subject:	Unified Development Code, Chapter 174: Signs					
Motion By:	Marr	Jordan	Marr		Jordan	
Seconded:		Jordan	Jordan		Cook	
Motion To:		2nd read	3rd read	Pass	Enarg.	
	Davis					
	Lucas	✓	✓	✓	✓	
	Jordan	✓	✓	✓	✓	
	Reynolds	✓	✓	✓	✓	
	Thiel	✓	✓	✓	✓	
	Cook	✓	✓	✓	✓	
	Marr	✓	✓	✓	✓	
	Rhodes					
	Mayor Cook					

#7
New
Business
4500

Announcements: Sunset Meeting - Airport.
July 11, 2003 11:00 AM Grand Opening Senior Center

Hoover: Welcome to the June 23rd Planning Commission meeting. Renee, will you call the roll please?

Roll Call: Upon the completion of roll call there were nine commissioners present.

Hoover: Thank you. Do I have a motion to approve the minutes from the June 9, 2003 meeting?

Shackelford: So moved.

Bunch: Second.

Hoover: There is a motion by Commissioner Shackelford and a second by Commissioner Bunch. Renee?

Roll Call: Upon the completion of roll call the motion to approve the minutes of the June 9, 2003 meeting was approved by a vote of 9-0-0.

Thomas: The minutes are approved.

ADM 03-15.00: Administrative Item (Zoning Map): An ordinance adopting a new official zoning map and incorporating the renamed zoning districts on the new official zoning map as adopted in Title 15 of the Unified Development Code of the Fayetteville Code of Ordinances. Three copies of the new official zoning map have been filed in the office of the City Clerk located at 113 W. Mountain Street, City Administration Building and are available for public examination prior to the passage of the ordinance adopting the new official zoning map. A copy of the new official zoning map is also available for review and examination in the Planning Division located at 125 W. Mountain Street.

Hoover: Thank you Renee. At this time I would like to say that items one through five, the old business listed on our agenda, these items were tabled at the last meeting. Would any member of the audience or the Commission like to remove these off the table? They are still tabled. Seeing none, these items will remain tabled, these annexations. We will move on to item number six which was FPL 03-05.00 which was tabled at agenda if anyone is here for that item it has been tabled also. We will move onto item number seven which is an administrative item that I believe Tim is going to present our very own updated zoning map with the corrections.

Conklin: Madam Chair and members of the Commission, this evening we are presenting the proposed new official zoning map. 1970 was the last time the City Council or Board of Directors adopted a new zoning map. Over the last 33 years this map has been amended hundreds of times through the rezoning process. In the mid to late 90's we converted what was a hand drawn map at 1"=1,000' to a digital zoning map. At that time we

said, I move that we move forward with ADM 03-13.00 to the City Council.

Anthes: I will second.

Hoover: There is a motion by Commissioner Allen and a second by Commissioner Anthes. Is there anymore discussion? Renee, will you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward ADM 03-13.00 was approved by a vote of nine to zero.

Thomas: The motion carries nine to zero.

CITY ATTORNEY AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF July 1, 2003

FROM:

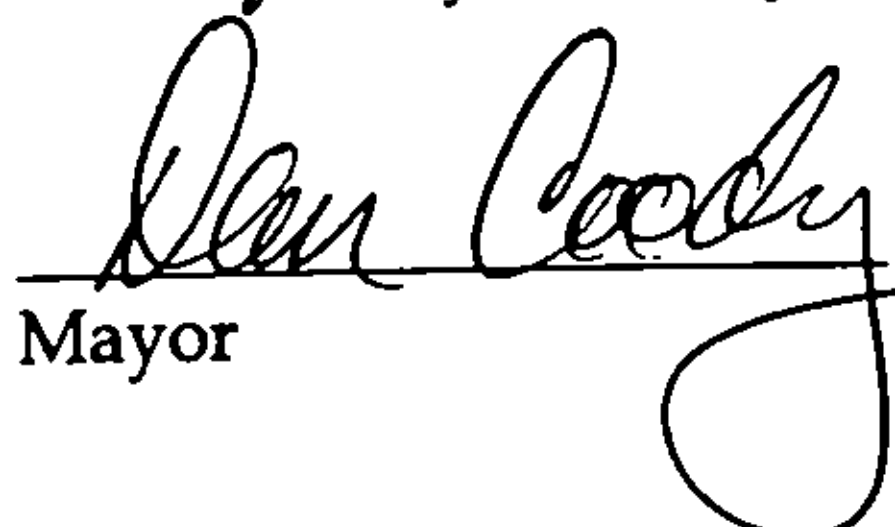
Assistant City Attorney David J. Whitaker

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance Amending Title XV: Unified Development Code Chapter 174: Signs, Of The Code Of Fayetteville, To Provide Amendments To And Clarification Of Various Provisions To Conform With The Judgment And Memorandum Opinion Of The United States District Court For The Western District Of Arkansas Issued In LaTour v. City Of Fayetteville And Declaring An Emergency

APPROVED FOR AGENDA:

 6/24/03
Assistant City Attorney Date

 6/24/03
Mayor Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE, CHAPTER 174: SIGNS, OF THE CODE OF FAYETTEVILLE, TO PROVIDE AMENDMENTS TO AND CLARIFICATION OF VARIOUS PROVISIONS TO CONFORM WITH THE JUDGMENT AND MEMORANDUM OPINION OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ARKANSAS ISSUED IN LA TOUR v. CITY OF FAYETTEVILLE; AND DECLARING AN EMERGENCY.

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

Section 1. That Chapter 174: Signs, Unified Development Code, Code of Fayetteville is hereby repealed, and Exhibit "A" attached hereto and made a part hereof, is inserted in its stead.

Section 2. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, having found that the United States District Court Judgment and Memorandum Opinion require the immediate amendment of those sections of Chapter 174 found to be constitutionally deficient, hereby declares this ordinance to be necessary for traffic safety and protection from visual clutter, and as such, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 1st day of July, 2003.

APPROVED:

By

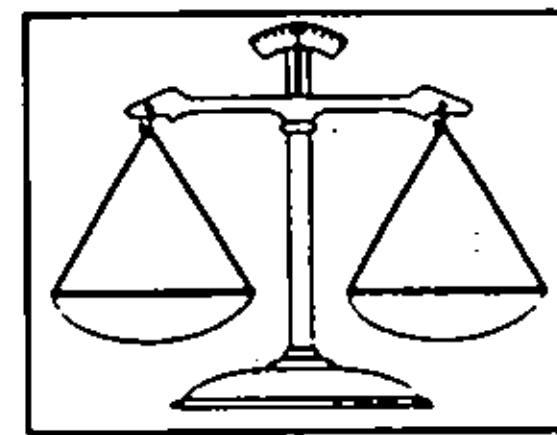
DAN GOODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

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



LEGAL DEPARTMENT

TO: Dan Coody, Mayor
City Council
Tim Conklin, Community Planning & Engineering Services Director
Dawn Warrick, Zoning & Development Administrator

FROM: Kit Williams, City Attorney

DATE: June 20, 2003

RE: Judge Hendren's Memorandum Opinion in John LaTour case
involving the City's Sign Ordinance

Federal District Judge Hendren issued a memorandum opinion late Thursday, July 19, 2003 which we received about noon today concerning the challenge to the Fayetteville Sign Ordinance. Judge Hendren rejected Plaintiff LaTour's argument that his message board sign should be able to flash since the ordinance allows time and temperature signs to flash. Earlier Judge Hendren had rejected all of LaTour's demands for Ten Million Dollars in punitive damages against the City and several officials (including myself and the City Prosecutors for enforcing the ordinance).

Judge Hendren did find the city's sign ordinance lacking in a couple of areas. The sign ordinance now states that after a proper and complete sign application has been submitted to the inspector, "he shall then issue the erection permit." §174.02 B. The City has never delayed issuing such permit to my knowledge, and I believed "then" meant immediately. However, this is not

crystal clear and in the changing constitutional area of First Amendments and signs, the Courts demand absolute clarity when it comes to potential discriminatory delays.

Back in May, I redrafted our Sign Ordinance to try to bring it up to the current constitutional standards. I have already met with Tim Conklin, Dawn Warrick, Steve Cattaneo, Hugh Earnest and others for first review of my proposed changes. I wanted to wait until Judge Hendren had ruled on our sign ordinance to ensure we would fix every possible constitutional weakness of our ordinance. Attached is my draft revised ordinance that I believe addresses all of the constitutional concerns and weaknesses discussed in the Judge's Memorandum Opinion which is also enclosed. Also enclosed is my memo of May 16, 2003 discussing my proposed changes and the reasons for each change.

You will note that even some provisions which the Court determined passed constitutional muster have been rewritten to add more clarity and protect against constitutional challenges in the future.

Besides the lack of a specific time frame when a sign application must be issued, the other major problem was that certain commercial signs (professional nameplates, building construction signs, home occupation signs, memorial signs and building name signs, direction identification and informational signs, subdivision signs and fuel price informational signs) would be allowed when other non-commercial signs (religious, political, etc.) would not be allowed. My proposed updated sign ordinance addresses and I think cures that problem (favoring commercial signs over non-commercial signs) by new §174.06 **Non-commercial signs**.

"Anywhere a commercial sign is permitted by this code, a noncommercial sign may be placed on or substituted for such sign."

(This is the language suggested at the International Municipal Lawyer's Association Seminar I attended in April.)

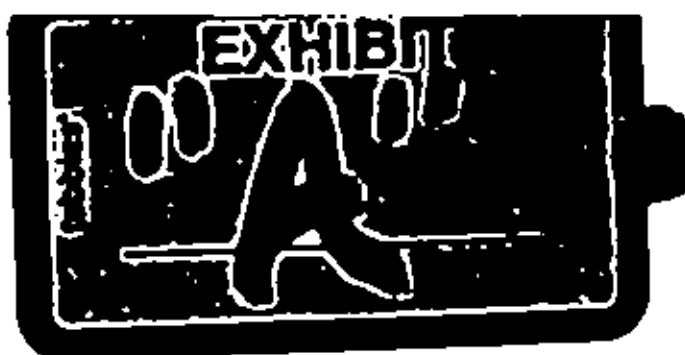
The only provision that I have left in the proposed ordinance that might need to be removed after examining Judge Hendren's Opinion is §174.01 (C) (Fees.). The sections dealing with issuance of the permit and sign identification should be constitutional again once we have addressed the time limit within which the permit must be issued or rejected in writing after receipt of the completed application. It may be preferable to just eliminate our current minor separate fee in this constitutionally protected area.

Judge Hendren ends his Opinion by rejecting Mr. LaTour's argument that the sign ordinance was unconstitutional as applied to him. He states:

"This is not a constitutionally impermissible regulation. The City has a legitimate interest in controlling the non-communicative aspects of the medium of speech, as opposed to its communication aspects."

Judge Hendren noted that there "is no evidence of intentional or arbitrary discrimination. The City has advanced rational bases for the distinction between time and temperature signs and other flashing or blinking signs. Plaintiff's Equal Protection challenge to the Sign Ordinance therefore fails."

In sum, the City must now rapidly study, consider and adopt changes to its Sign Ordinance to correct the constitutional problems determined by Judge Hendren. I will be out of state for the next two weeks on vacation in Idaho. I hope the City Council will carefully consider my proposed amendments to the sign ordinance so that the revised Sign Ordinance can be approved on July 15th.



TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

Chapter 174. Signs.

- Sec. 174.01. General regulations.
- Sec. 174.02. Permit application/issuance.
- Sec. 174.03. Exemptions.
- Sec. 174.04. Sign identification.
- Sec. 174.05. Sign removal.
- Sec. 174.06. Noncommercial signs.
- Sec. 174.07. Placing signs on public and private property.
- Sec. 174.08. Prohibited signs.
- Sec. 174.09. Sign illumination.
- Sec. 174.10. On-Site freestanding signs.
- Sec. 174.11. Projecting signs.
- Sec. 174.12. Wall signs.
- Secs. 174.13.--174.99. Reserved.

CHAPTER 174. SIGNS.

Sec. 174.01. General regulations.

(A) *Permit required.* It shall be unlawful for any person to erect, repair, alter, relocate or keep within the city any sign or other advertising structure except as exempted herein without first obtaining a sign permit from the Zoning and Development Administrator or designee.

(B) *Illuminated signs.* All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required thereunder.

(C) *Fees.* Every applicant, before being granted a permit hereunder, shall pay to the Zoning and Development Administrator's Office the permit fee set forth in Chapter 159.

(D) *Maintenance of premises.* All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

(Code 1965, §§17B-3(a), (c), (e), 4(b); Ord. No. 1893, 12-19-72; Ord. No. 2198, 2-17-76; Ord. No. 2790, 1-18-82; Code 1991, §§158.05, 158.20, 158.22, 158.24, 158.38; Ord. No. 3925, §4, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.02. Permit application/issuance.

(A) *Application.* Applications for initial sign permits shall be made upon forms provided by the Zoning and Development Administrator and shall

contain or have attached thereto the following information:

(1) *Applicant identification.* Name, address and telephone number of the applicant.

(2) *Location.* Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(3) *Position.* Position of the sign or other advertising structure in relation to nearby buildings or structures.

(4) *Blueprints/drawings.* Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or in the ground.

(5) *Person erecting structure.* Name of person, firm, corporation, or association erecting structure.

(6) *Consent of owner.* Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.

(7) *Electrical permit.* Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.

(8) *Full Compliance With Applicable Code Provisions.* If the proposed sign is subject to the provisions of the Commercial Design Standards (§166.14), Design Overlay District (§161.21), or other code provisions,

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

the applicant must show full compliance with all applicable code provisions, including necessary approvals by responsible bodies such as the Planning Commission.

(B) *Issuance of sign permit.* It shall be the duty of the Zoning and Development Administrator or designee, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure and sign are in full compliance with all the requirements of this chapter and all other laws and ordinances of the city, he shall within five business days issue the sign permit. If the Zoning and Development Administrator or designee fails to reject a completed sign application (that purports to show full compliance with all code requirements) within two five business days of its submission by written explanation of why such application fails to meet all code requirements, the sign application shall be deemed approved and a sign permit shall be immediately issued to the applicant. If the work authorized under an sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.

(Ord. No. 1965, §17B 3(b), (d); Ord. No. 1893, 12-19-72; Ord. No. 2198, 2-17-76; Code 1991, §§158.21; 158.23; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.03. Exemptions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable

provisions of this chapter. The exemptions shall apply to the requirement for sign permit only. No sign permit shall be required for the erection of the following signs:

(A) *Professional name plates.* Professional name plates erected flat on walls of building and not exceeding four (4) square feet of display surface area.

(B) *Building construction signs.* One on-site building construction sign on each construction site in any zoning district, provided that maximum display surface area shall be eight (8) square feet or less in R zoning districts; 32 square feet or less in other zoning districts.

(C) *Real estate signs.* On a lot in any district, there may be erected one on-site unanimated real estate sign while the lot is for sale. Provided further, such signs shall be limited to wall signs, freestanding signs or platform signs; and freestanding signs or platform signs shall be set back a minimum of 10 feet from the street. Real Estate signs shall be removed within 72 hours following the closing (sale) of the property on which it is located. The permitted illumination and maximum display surface area for a real estate sign shall be as follows:

District	Permitted Illumination	Area (Sq. Ft.)
RA	Nonilluminated	32
R, R-O	Nonilluminated	8
P-1, C and I	Nonflashing	32

(D) *Home occupation signs.* Home occupation signs erected flat against the wall and not exceeding three (3) square feet.

(E) *Memorial signs, name signs.* Memorial signs or tables, names of buildings and

date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

(F) *Traffic signs, etc.* Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or nonadvertising signs as may be approved by the City Council.

(G) *Posting bills, repainting signs.* Posting of bills on signs, repainting of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering which were legally erected and maintained for such purposes.

(H) *Non-Commercial Signs.* Non-Commercial signs that do not advertise a product or service for profit or for a business purpose, do not propose a commercial transaction nor relate primarily to economic interests are permitted to be placed on private property in any zoned district subject to the following conditions:

(1) *Districts where signs not otherwise permitted.* In districts where signs are not otherwise permitted, one political non-commercial sign may be erected subject to the same limitations of Real Estate signs.

(2) *Districts where signs are permitted.* In districts where signs are otherwise permitted, non-commercial signs may be placed over or substituted for the permitted commercial sign.

(I) *Time and temperature displays.* Time and temperature displays without advertising matter, may change their illuminated time and temperature displays as often as reasonably necessary

to provide accurate and convenient information to observers without being considered to be in violation of 174.08

B. Fluctuating Illumination

(J) *Banners.*

(1) *Public/private events.* Banners shall be exempted when used in conjunction with public and private events as follows:

(a) *Election campaigns.* Election campaign banners when said banners are not placed more than 10 days *two weeks* prior to and removed within 72 hours following the election to which the banner applies or the final election that the candidate is eligible to run for office in that year, whichever is earlier.

(b) *Public events.* Public event banners when said banners are not placed more than two weeks prior to and removed within 72 hours following the event to which the banner applies.

(c) *Private sales events.* Banners placed on private property for advertising a special sales event are not placed more than two weeks prior to and be removed within 72 hours following the event to which the banner applies. No more than two (2) special sales events per business location may be advertised by banners during any one year period.

(2) *Advertising.* Banners bearing advertising matter shall be considered wall or freestanding signs, depending upon mounting and

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

shall meet all regulations pertaining thereto.

(K) *Signs located in buildings.* All signs located within a building that is not visible to the public outside said building.

(L) *Signs on windows.* Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein. No signs affixed to a window and visible outside shall flash or fluctuate illumination.

(M) *Directional identification and informational signs.* Directional, identification, and informational signs; provided such signs shall be limited to wall and freestanding signs with a maximum of four (4) square feet of display surface area. Notwithstanding the restrictions on the location and number of freestanding signs prescribed by §174.10., one freestanding sign not exceeding four (4) square feet in display surface area shall be permitted at each entrance or exit on a lot or parcel to identify such entrance or exit and to encourage the use of motor vehicle seatbelts, subject to the followings restrictions.

(1) *Traffic hazard.* No such sign shall be erected which would create a traffic hazard.

(2) *Seat belt sign.* Any words or symbols encouraging the use of seatbelts shall face the interior of the lot or parcel on which the sign is located and shall not face the street.

(N) *Collection boxes.* Collection boxes

for charitable or nonprofit organizations containing no commercial advertising and located on private property in any C or I zoning districts.

(O) *Subdivision signs.* In any district, one temporary subdivision identification sign indirectly illuminated, not to exceed 50 square feet in area per surface may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within 50 feet of a dwelling in a R district occupied as a dwelling.

(P) *Freestanding bulletin boards.* A freestanding bulletin board shall be set back a minimum of 15 feet from street right-of-way; and any bulletin board having a display surface area in excess of 10 square feet shall be set back from street right-of-way an additional one (1) foot for each two (2) square feet of display surface area in excess of 10 square feet. Bulletin boards may not be electronic message boards.

(Q) *Fuel price informational signs.* In any district, signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted, subject to the following conditions:

(1) *Price.* Only one fuel price informational sign shall be permitted per fuel pump.

(2) *Size.* Fuel price informational signs shall be limited in size to an area of 216 square inches.

(3) *Stationary.* Each fuel price informational sign shall be affixed directly and firmly to a fuel pump and shall be stationary.

(4) *Other locations.* Nothing herein shall be construed as to prohibit the advertisement of fuel prices on any other sign meeting the requirements of this chapter.

(5) *Sign faces.* Only one two-faced, or two one-faced, self service/full service signs not exceeding four (4) square feet in display surface area shall be permitted at each pump island.

(R) *Fences and scoreboards in city parks.* Signs may be permitted on baseball/softball fences and scoreboards in city parks as provided for in §97.088(B).

(Code 1965, §17B-6; Ord. No. 1893, 12-19-72; Ord. No. 3294, 9-15-87; Ord. No. 3307, 10-20-87; Ord. No. 3313, 11-17-87; Code 1991, §158.08; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.04. Sign identification. Every sign or other advertising structure hereafter permitted shall show the permit number on in a conspicuous place thereon which is visible and readable from the ground

(Code 1965, §17B-6; Ord. No. 1893, 12-19-72; Ord. No. 3294, 9-15-97; Ord. No. 3307, 10-20-87; Ord. No. 3313, 11-17-87; Code 1991, §158.08; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.05. Sign removal. In the event a business ceases operation for a period of time in excess of 60 days, the sign owner or lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this chapter an existing

conforming sign may be altered to advertise a new business to be in operation on the premises within 60 days.

(Code 1965, §17B-4A; Ord. No. 1893, 12-19-72; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3298; 10-6-87; Code 1991, §158.35; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Enforcement, Ch. 153.

Sec. 174.06. Noncommercial signs. Anywhere a commercial sign is permitted by this code, a noncommercial sign may be placed on or substituted for such sign.

(Code 1965, §17B-5; Ord. No. 1893, 12-19-72; Ord. No. 2109, 6-3-75; Ord. No. 2255, 7-20-76; Code 1991, §158.07; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.07. Placing signs on public and private property.

(A) *Placing signs on public property.*

(1) *Agencies of government.* No signs other than signs placed by agencies of government shall be erected on any public property; provided, directional signs may be erected upon the city's street name signposts, or upon traffic signposts under the following conditions:

(a) *Public facility/ out-of-town patrons.* The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a nonprofit entity and attended principally by out-of-town patrons, to a facility relating to the public health,

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

- safety, or welfare, or to scenic or historic trails;
- (b) *Traffic Division.* The signs are fabricated, erected and maintained by the city Transportation Division;
- (c) *Cost.* The entire cost of the signs is borne by the entity requesting the signs;
- (d) *Installation.* The signs are installed at locations where they would not constitute a traffic hazard.
- (e) *Traffic control devices.* The signs conform to the manual on uniform traffic-control devices; and
- (f) *Directional signals.* The maximum number of directional signs permitted under this section shall be seven (7) for each entity; provided, the limitation provided hereby shall not apply to signs directing the reader to scenic or historic trails.
- (2) *Nonprofit organizations.* Nonprofit organizations shall be allowed to place temporary signs of a noncommercial nature on public property for the purpose of directing the general public to the location of an event or activity which promotes the general public welfare. The placement of such temporary signs shall be subject to the following conditions:
- (a) *Display surface area.* The maximum display surface area of each sign shall not exceed six (6) square feet;
- (b) *Number of signs.* No more than three (3) signs directing the general public to such an event or activity shall be placed on public property at the same time by one such organization;
- (c) *Organization name.* Each such sign shall identify the nonprofit organization by name;
- (d) *Temporary sign.* No such temporary sign shall be placed on public property for more than five (5) successive days;
- (e) *Location/approval.* The location of each such sign shall be approved by the Planning and Zoning Administration or designee to ensure that the signs will not constitute a traffic hazard;
- (f) *Permit/number of signs.* The organization applies for, and is issued, a sign permit; one permit may authorize installation of up to three (3) signs pursuant to the provisions of this division; and
- (g) *Temporary signs.* No such organization shall install, or be issued a permit to install a temporary sign on public property pursuant to the provisions of this division more often than six (6) times within a 12-month period.
- (B) *Placing signs on private property.* No signs shall be placed on any private

property without the consent of the owner thereof.

(C) *Placing signs on trees or rocks.* No signs shall be placed or painted on any tree or rock.

(D) *Placing signs on utility poles.* No signs shall be placed on any utility pole except for utility identification or similar purposes.

(Code 1965, §17B-7(c); Ord. No. 1893, 12-19-72; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3298, 10-6-87; Code 1991, §159.37; Ord. No. 3677, §1, 3-2-93; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.08. Prohibited signs.

(A) *Spot lights and beacons.* It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public.

(B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited. Electronic message boards using flashing, intermittent or moving light or lights are prohibited, provided, however, that electronic message boards displaying only time and/or temperature for periods of not less than 30 seconds are permitted. Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking.

(C) *Portable swinger or temporary attraction sign boards.* It shall be unlawful for any person to continue to display or erect any portable swinger, "A" frame, sandwich, or temporary attraction sign board in the city.

(D) *Revolving, rotating, or moving signs.* It shall be unlawful for any person to erect or to continue using any sign the exterior of which revolves, rotates or otherwise moves, in whole or part.

(E) *Windblown signs.* It shall be unlawful for any person to display any windblown sign; provided, windblown signs may be displayed on a lot, at a shopping center, or at a mall one time per year for a period not to exceed 72 hours if a temporary sign permit is first obtained from the Planning Division upon payment of the appropriate fee; provided further, one company flag shall be permitted on a lot, at a shopping center, or mall.

(F) *Signs that constitute a traffic hazard.* No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the wording, position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device.

(G) *Use of vehicle as sign.* It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this chapter.

(H) *Off-Site Signs.* It shall be unlawful to erect any off-site sign.

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

Cross reference(s)—Variance, Ch. 156, Appeals, Ch. 155.

(Code 1965, §17B-7(b), (e)--(k); 17B-8; Ord. No. 1893, 12-19-72; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3298, 10-6-87; Code 1991, §158.38, 158.36, 158-39-158.46; Ord. No. 4100, § 2 (Ex. A), 6-16-98)

Sec. 174.09. Sign illumination. Direct illumination by incandescent light bulbs shall be restricted to light bulbs rated at 25 watts or less.

(Code 1965, §17B-7(d); Ord. No. 1893, 12-19-72; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3298, 10-6-87; Code 1991, §158.38; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Sec. 174.10. On-Site freestanding signs. It shall be unlawful to erect any freestanding sign which total height is greater than 30 feet above the level of the street upon which the sign faces. For any sign located closer to street right-of-way than 40 feet, the maximum height shall be reduced one-half (1/2) foot for each foot of setback less than 40 feet. On-Site Freestanding signs shall be permitted to be erected in the city subject to the following:

(A) R-A District.

(1) *Number of signs.* Only one on-site freestanding sign shall be permitted on a lot or at a business operating on two or more adjoining lots.

(2) *Display surface area.* Display surface area shall not exceed 16 square feet.

(3) *Illumination.* Sign may be illuminated by indirect illumination only.

(4) *Setback from right-of-way.* Sign shall be setback 35 feet from existing street right-of-way and 25 feet from any R or R-O District.

(B) RSF and RT Districts. Except pursuant to §174.03 (c), (H) and (P). Freestanding signs shall be prohibited and no freestanding signs shall be erected in RSF and RT District of the city. One freestanding bulletin board per lot shall be permitted, subject to the restrictions on bulletin boards prescribed by §174.03 (P)

(C) R-O and RMF Districts. One freestanding signs shall be permitted on a lot or parcel zoned RMF or R-O subject to the following restrictions:

(1) *Display surface area.* The maximum display surface area shall not exceed four (4) square feet;

(2) *Setback from right-of-way.* The sign shall be setback a minimum of 15 feet from street right-of-way.

(3) *Height.* The height of the sign shall not be greater than six (6) feet above the level of the street upon which the sign faces.

(4) *Setback from R District.* The sign shall be setback a minimum of 25 feet from the boundary of any R District.

(5) *Adjoining property.* The sign shall be erected a minimum of 10 feet from adjoining property.

- (6) *Illumination.* The sign shall be illuminated by indirect illumination only.

(D) *C Districts.*

- (1) *Number of signs.* Only one on-site freestanding signs shall be permitted on a lot, at a shopping center, or at a mall; provided only one on-site freestanding sign shall be permitted for any business operating on two or more adjoining lots.

- (2) *Freestanding signs.* Freestanding signs shall be subject to the following:

- (a) *Display surface area.* Display surface area shall not exceed 10 square feet; provided, the display surface area may be increased two (2) square feet for each one (1) foot the sign is setback from street right-of-way beyond 15 feet, provided further, the maximum display surface area for a sign which is setback from street right-of-way 40 feet or more shall be 75 square feet.

- (b) *Setback from right-of-way.* Setback shall be a minimum of 15 feet from street right-of-way. provided, an on-site freestanding

- (c) *Setback from adjoining property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.

- (3) *Joint identification sign.* The display surface area of joint identification signs may be increased to one square foot per 500 square feet of gross leaseable building area over 37,500

square feet located, as approved by the Planning Division, at no more than two (2) remote entrance locations. The permit applicant shall provide a recorded legal document as approved by the Planning Division indicating ownership and responsibility for maintenance of sign and subject to the following:

- (a) *R Districts.* Prohibited.

- (b) *R-O District.* Monument sign permitted with a maximum display surface area of 32 square feet.

- (c) *C and I Districts.* Display surface shall not exceed 300 square feet.

- (d) *Joint identification sign display.* A freestanding sign or monument sign greater than 32 square feet for a person or business with display on a joint identification sign shall not be allowed.

(E) *I Districts.*

- (1) *Number of signs.* Only one on-site freestanding sign shall be permitted on a lot, at a shopping center, or at a mall; provided only one on-site freestanding sign shall be permitted for any business operating on two or more adjoining lots.

- (2) *Freestanding signs.* Freestanding signs shall be subject to the following:

- (a) *Display surface area.* Display surface area shall not exceed 10 square feet; provided, the display surface area may be increased

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

two square feet for each one foot the sign is setback from street right-of-way beyond 15 feet; provided further, the maximum display surface area for a sign which setback from street right-of-way 40 feet or more shall be 75 square feet.

(b) *Setback from right-of-way.* Setback shall be a minimum of 15 feet from street right-of-way.

(c) *Setback from Adjoining property.* Setback shall be a minimum of 25 feet from the boundary of any adjoining property.

(F) *P Districts.* One Freestanding signs sign or bulletin board may be erected.

(G) *Area signs.*

(1) *Size/location.* The size and location of the fence, wall, or other structure which will contain the area identification sign must be approved by the Planning Division, who will approve such structure upon the criterion of traffic safety sight lines.

(a) Areas with more than one entrance may not have a sign at more than two locations.

(b) An area sign with display on one side located on each side of an entrance street may be substituted for a single sign with display on both sides.

(2) *Display surface area.*

(a) *A, P, R, and R-O Districts.* Display area shall not exceed 32 square feet.

(b) *C and I Districts.* Display area shall not exceed 75 square feet.

(H) *Monument signs.* A monument sign shall be setback a minimum of 10 feet from the street right-of-way and may be substituted for a freestanding sign permitted by § 174.10., provided the display surface area meets the following:

(1) *RSF Districts.* Prohibited on individual lots.

(2) *A and P Districts.* The display surface area shall not exceed 32 square feet.

(3) *RMF, RT and R-O Districts.* The display surface shall not exceed 16 square feet.

(4) *C and I Districts.* The display surface area shall not exceed the maximum permitted by §174.10.

(Code 1965, §17B-9; Ord. No. 1893, 12-19-72; Ord. No. 3008, 5-1-84; Ord. No. 3029, 8-21-84; Ord. No. 3294, 9-15-87; Code 1991, §158.47; Ord. No. 4100, §2 (Ex. A), 6-16-98); Ord. No. 4226, 2-15-00)

Sec. 174.11. Projecting signs.

(A) *Sidewalks.* It shall be unlawful to erect any projecting sign that projects from the wall of a building upon which it is erected a distance of more than two-thirds of the width of the sidewalk (in those instances where there is a sidewalk next to the building) or within two feet of street right-of-way (in those instances where there is no sidewalk next to the building); provided, no projecting sign shall project more than six (6) feet from

the wall of the building upon which it is erected.

(B) *Location.* Projecting signs shall be located on the vertical surface of a building and shall not be higher than the eave or rafter line, whichever is higher. Projecting signs shall clear grade level below the sign by a minimum of eight (8) feet.

(C) *Displaying surface area.* The display surface area of a projecting sign shall not exceed 16 square feet. Only one (1) projecting sign per business shall be permitted and a projecting sign shall not be permitted on property which has a freestanding sign.

(D) *Off-site.* Off-site projecting signs shall be prohibited in all zoning districts.

(E) *On-site.* On-site projecting signs shall be prohibited in R-A, RSF, RT and RO zoning districts.

(Code 1965, §17B-10; Ord. No. 1893, 12-19-72; Ord. No. 2255, 7-20-76; Code 1991, §158.48; Ord. No. 4100, §2 (Ex. A.), 6-16-98)

Sec. 174.12. Wall signs.

(A) *Projection.*

(1) *General.* Wall signs shall not project more than 18 inches from the surface upon which they are mounted.

(2) *Mansard roof.* The upper edge of a wall sign mounted on a mansard roof may project more than 18 inches so long as the sign is perpendicular to the ground.

(B) *Number of signs.*

(1) *Single tenant.* Where a building houses only one business, a maximum of four (4) wall signs may be placed on one wall, but no more than four (4) wall signs may be placed on the building.

(2) *Multiple tenants.* Where a building houses more than one (1) business, wall signs shall be limited in number to one (1) wall sign per business on each wall with a limit of four (4) wall signs per business per building.

(C) *Display surface area.*

(1) *All signs.* The display surface area of all wall signs on any one wall shall not exceed 150 square feet or 20% of the area of the wall on which they are located, whichever is greater.

(2) *Multiple tenants.* In the event a building which houses multiple tenants does not front on the street or highway from which principal access to the building is obtained, the display surface area of each sign on a wall shall not exceed 150 square feet or 20% of the area of the wall and the display surface area of all wall signs on the wall facing said street or highway shall not exceed the area of the wall.

(D) *Off-site wall signs.* Off-site wall signs shall be prohibited in all zoning districts.

(E) *Limitations in residential zoning districts.* In R and R-O zoning districts, the following limitations shall apply:

(1) *Number of signs.* Limit of one on-site wall sign per business per building; provided, when a building abuts more than one street, the limit

TITLE XV. UNIFIED DEVELOPMENT ORDINANCE

shall be one on-site wall sign per business per building for each wall which faces an abutting street.

(2) *Display surface area.* Display surfaces shall not exceed 16 square feet.

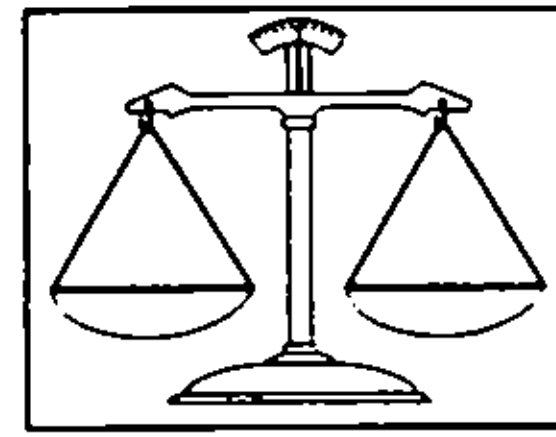
(Code 1965, §17B-11; Ord. No. 1893, 12-19-72; Ord. No. 2309, 2-15-77; Ord. No. 3217, 10-21-86; Ord. No. 3294, 9-15-87; Code 1991, §158.49; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Boards and Commissions, Ch. 33, General Provisions, Ch. 150; Definitions, Ch. 151; Enforcement, Ch. 153; Appeals, Ch. 155; Variances, Ch. 156; Fees, Ch. 159.

(Ord. No. 4226, 2-15-00)

Secs. 174.13.—174.99. Reserved.

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



LEGAL DEPARTMENT

TO: Tim Conklin, Director Community Planning & Engineering Services
Dawn Warrick, Zoning & Development Administrator

FROM: Kit Williams, City Attorney

DATE: May 15, 2003

RE: City Attorney's Draft of Amended Sign Ordinance

Throughout my draft, deleted language has been ~~lined out~~ and added language has been *italicized*. I changed the names of zoning districts and titles of administrator throughout the Chapter and made other minor grammatical changes not specifically noted herein. Below are the major changes by section:

§174.01. Deleted (E) Privilege.

§174.02 Permit Application/Issuance (A) Application - Rewrote and expanded (A) (8) to ensure ordinance did not give overbroad discretion to city official issuing permit.

(B) Issuance - made issuance automatic if administrator does not reject application in writing with reason for rejection within two business days to ensure promptness requirement of Constitution.

§174.03. Exemptions.

(C) Real Estate Signs.

Rewrote to clarify when real estate signs could be displayed and when they must be removed. Election and noncommercial signs will be held to same requirements, (except removal).

(H) Noncommercial Signs.

The International Municipal Lawyers Association Mid-Year Seminar in April featured a half day on sign issues. It was strongly recommended to include wording similar to what I propose here and to avoid most (if not all) references to political sign regulation.

(I) Time and Temperature displays. This needed further clarification that these displays did not violate §174.08 B. Fluctuating Illumination.

(J) Banners.

This was changed to ensure election campaign banners were not more restricted than public event banners or private sales event banners. I also propose a limit of two private sales event banner authorizations per year which would equal the normal number of primary and general election events in one year.

(M) (2) Seat belt sign. We should not favor our official sign in this manner.

(P) Freestanding bulletin boards. Adding last sentence to clarify that bulletin boards may not be electronic message boards to avoid flashing problems in future.

§174.04. Sign identification. Only grammatical changes.

§174.06 Noncommercial signs. (replacing nonconforming signs)

When this ordinance was passed, in 1972 there were many existing nonconforming signs. This was a major, complex issue that this section addressed. Thirty years later, there should be no nonconforming (legal) signs remaining. We may run into one or two as we annex, but state law now controls on this issue so this whole (out-of-date) section should be deleted.

In its stead is some immunizing language suggested by sign experts at the IMLA Mid-Year Seminar. One attack made against cities is that our ordinance favors commercial over noncommercial signs (a constitutional "no-no"). This language ensures that we do not favor commercial signs.

§174.08 Prohibited Signs.

(B) Fluctuating Illumination.

The additional language is pulled from a sample ordinance discussed at the IMLA seminar and inserted here to clarify the intent of the sign ordinance. Also added is language allowing electronic message boards to change their message every three hours without violating this subsection.

(F) Signs that constitute a traffic hazard.

The language is shortened to clarify the intent of this subsection.

(H) Roof signs. We probably need to remove appeals to the Board of Sign Appeals for anything but minor variance requests concerning set backs, etc. The Board of Sign Appeals must have clear direction and items to be considered in sign appeals or else we could be challenged for giving them "unbridled discretion" (unconstitutional). If we wish to allow Roof signs, there should be stated criteria to explain why, under what circumstances, size, illumination, number, etc.

I have replaced the vague roof sign subsection with a very clear prohibition of all off-site signs. If we have any currently allowed off-site

signs, they will be grandfathered (unless we wish to buy them). The general off-site sign prohibition is very important to prevent suit against us by a law firm that specializes in this area. May cities try to permit some off-site signs while limiting or prohibiting other off-site signs. This invites litigation. A general, no exception, prohibition for aesthetic and other reasons will probably keep us off the sign attorneys' hit list.

(I) Restrictions along controlled access highways. This subsection is deleted because it is unnecessary because of subsection (H).

§174.10 On-Site Freestanding Signs.

This section deletes all references to off-site signs (which are uniformly prohibited). It would also work to lower the allowed height of new signs along I-540. Are any existing signs 30 feet above the ramp near Landers Auto Park? Should businesses near I-540 get this higher permit? If so, the proposed deleted language should be reinserted.

I named zoning districts properly (I hope) throughout this section and broke apart a too long and complicated subsection (B) into (B) and (C). In subsection (D) and (E) I proposed deleting the permitted 200 square foot sign allowance for I-540 sites in C and I districts. If this is unfair or a major change from currently existing signs, the original wording may need to be kept.

P Districts. I substantially shortened and clarified allowance of signs in P Districts.

§174.11 Projecting Signs.

(E) Clarified that some projecting signs are allowed in commercial, industrial and institutional districts. This is not a change from current law, but a change from the draft UDC section provided to us.

FAYETTEVILLE

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

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, A.L.C.P., Community Planning & Engineering Services Director
DATE: June 26, 2003
SUBJECT: Butterfield Trail Village Right-of-Way and Broyles Rezoning

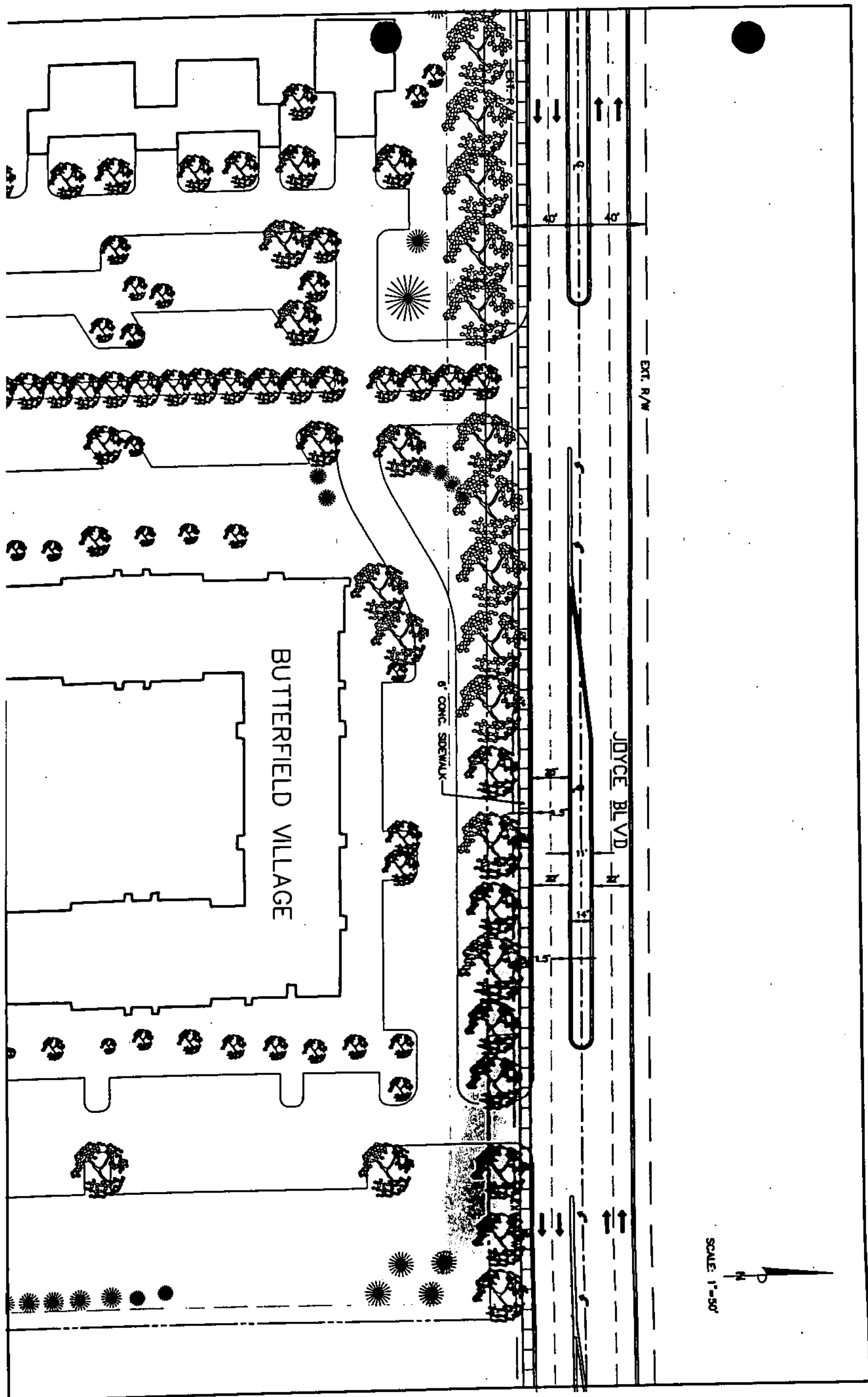
*BUTTERFIELD TRAIL VILLAGE LSD 03-15

Attached you will find information on how Joyce Boulevard can be designed to add a boulevard with left turn lanes and save the existing oaks in front of the development. The current Master Street Plan requires 110 feet of right-of-way in order to build a 20 foot median, two 12 foot travel lanes each direction (28 feet back of curb to back of curb) and a 10 foot green space with a 6 foot sidewalk.

To save the existing large oak trees, staff has modified the master street plan cross section to reduce the median width from 20 feet to 11 feet and eliminated the green space in front of the sidewalk. This street could be widened to include an 11' median, four 11 foot travel lanes, and a sidewalk continuous with the curb or having the sidewalk built south of the trees on Butterfield Trail property. This design can be accommodated within the existing 80 feet of right-of-way without having to take additional right-of way.

BROYLES REZONING RZN 03-19 & RZN 03-20

Mr. Broyles has agreed to offer a Bill of Assurance to the City Council for the entire R-2 zoning area based on what was discussed during the prior rezoning. Staff is preparing the Bill of Assurance for signatures and will be sending this to Mr. Broyles to obtain property owner's signatures. Attached are the minutes of the City Council meeting from November 6, 2001 and December 4, 2001.



FAYETTEVILLE

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

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director
DATE: June 26, 2003
SUBJECT: Butterfield Trail Village Right-of-Way and Broyles Rezoning

BUTTERFIELD TRAIL VILLAGE LSD 03-15

Attached you will find information on how Joyce Boulevard can be designed to add a boulevard with left turn lanes and save the existing oaks in front of the development. The current Master Street Plan requires 110 feet of right-of-way in order to build a 20 foot median, two 12 foot travel lanes each direction (28 feet back of curb to back of curb) and a 10 foot green space with a 6 foot sidewalk.

To save the existing large oak trees, staff has modified the master street plan cross section to reduce the median width from 20 feet to 11 feet and eliminated the green space in front of the sidewalk. This street could be widened to include an 11' median, four 11 foot travel lanes, and a sidewalk continuous with the curb or having the sidewalk built south of the trees on Butterfield Trail property. This design can be accommodated within the existing 80 feet of right-of-way without having to take additional right-of way.

*BROYLES REZONING RZN 03-19 & RZN 03-20

Mr. Broyles has agreed to offer a Bill of Assurance to the City Council for the entire R-2 zoning area based on what was discussed during the prior rezoning. Staff is preparing the Bill of Assurance for signatures and will be sending this to Mr. Broyles to obtain property owner's signatures. Attached are the minutes of the City Council meeting from November 6, 2001 and December 4, 2001.

RZN 01-17.00: An ordinance approving rezoning request RZN 01-17.00 as submitted by Cynthia Beard and Williams M. Center for property located on the southeast corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.13 acres. The request is rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the motion passed by a vote of 6-2-0, Jordan and Zurcher voting nay and Mayor Coody voting yea.

Mr. Williams read the ordinance for the second time.

Alderman Jordan stated he had received a petition from that neighborhood of about seventy-five signatures. They did not wish for this to be rezoned. The problem with that area was that the creek would get completely out of its banks. Water would get as far as Eighteenth Street. The people were concerned that if the apartment complex went in there that the water would get into some homes. He knew they were down zoning, but that was not the issue. The issue was that he represented those people in that area. That neighborhood did not want that apartment complex in there. They were concerned about possible flooding and traffic congestion and their quality of life in that neighborhood. These were concerns. If the city could write some sort of contract that would guarantee these people that their homes would not be flooded, he might support this if they would do that. As it stood right now, he could not support this development.

Alderman Davis asked if the developer would be willing to meet with the neighbors.

Mr. Bill McClard, applicant, stated tonight was the first indication that anyone was disappointed with what they were planning to do to this neighborhood. They would be more than happy to meet with the people of the neighborhood and try and explain what they were trying to do.

Alderman Jordan stated on Brooke Street there were homes that were flooding. The point was they were putting in all kinds of new develops, and new development was fine, but there was the possibility that they could be flooding peoples homes. The city was not willing to take responsibility for that flooding. The traffic congestion was going to be another problem.

Mr. McClard agreed to met with the neighbors.

Alderman Santos stated they had ordinances in place. If anybody flooded, it would not have anything to do with this development, if it was developed according to their ordinance. They had the ordinances in place to prevent this kind of thing from happening. He did not believe the flooding fears were founded. He did not believe that if this development was done according to our ordinance, that there was any possibility that they could be adding to the flood risk. They could not

guarantee that there would not be another great flood. This development would not have any impact on whether the great flood came or not. The traffic congestion he found to be silly. Anybody could go out to that intersection and see it was the biggest, emptiest intersection he had ever seen. The infrastructure was already in place.

Mr. McClard stated there were ordinances in place that when they went through large scale they had to have engineering grading that had to be approved. The study had not been made yet. These objections that any project had to go through to make sure that they did not put water onto the neighbors.

Alderman Young stated the neighbors were concerned about flooding. The ordinance addressed it, but if they read the ordinance it just talked about no increased flow onto the neighbors. They had to be very careful about how the ordinance read.

Mr. McClard asked if he was wanting the developer to go back and make sure that no flooding could happen, when it may already exist?

Alderman Young replied no that was not what he was wanting. This was a rezoning. There were two major things that they could consider-flooding and traffic. Whether or not the traffic issue was there, he did not know. He was certain the flooding issue was there. His advice to him was to address the flooding issue, if he wanted to get this rezoning.

Ms. Terry Easton, an area resident, stated she would be a neighbor to this development. What they were discussing at this point in time was a rezoning. They did not know that this development would ever come into being. What they were talking about was a down zoning. No matter who this land was developed by, if it was developed for an industrial usage, they were still going to encounter the same problems if not more problems than what they could encounter if they down zoned the property and worked with this developer to put in a multi-family residential complex, a restaurant and a hotel. She believed these things could be accomplished without affecting the flood plain. She believed this development could move forward without causing flooding problems. She was not opposed to this rezoning. She reminded them that they were considering the rezoning and the development. This was a down zoning and an in-fill project, which was what smart growth was about.

Mr. Allen Gibson, an area resident, stated he was concerned about the wetland and the pollution. He drove through the intersection many times a day. It was busy in the morning and evenings. They were concerned about the traffic. He questioned where the city apartment occupancy stood. Did the city really need more apartments?

Alderman Trumbo stated he was on the University's board for student affairs. Their dorms were at one hundred percent occupancy.

Mr. Gibson stated if the occupancy rate was not over ninety percent he did not see any need for this. All the motels in this area were not filled. There was not a need for another motel. They were concerned about the quality of life and people using their streets to avoid using the large intersection. He was not for this project. He believed his quality of living would go down. Student population would go up. It was an optimum place to make money. He believed if they went for making money rather than the quality of life their children were losing venues around there. They were not going to be able to see a field. He grew up in this town and he had seen the land disappear. It was amazing to him. What were they going to do, have their children walk around on parking lots? He asked if it as necessary.

Alderman Thiel asked if they would prefer to have an industry or factory there.

Mr. Gibson replied absolutely not.

Alderman Thiel stated that was all they were doing was changing the zoning from Industrial to residential. Right now, anybody could go in there and build a factory and any of the things that came in under the industrial zoning.

Mr. Gibson stated that would be unacceptable too.

Mayor Coody stated they would not be able to tell someone that they could not develop the land the way it was zoned. It was zoned Heavy Commercial/Light Industrial now. There were a lot of industries that could move in there tomorrow without having to change the zoning.

Alderman Jordan asked if the Council had the right to appeal the decision of the Planning Commission.

Alderman Young stated it would not be a decision of the Planning Commission. They could get a building permit tomorrow. If it was a large scale development, they would have to go through large scale development.

Mr. Conklin stated with their current zoning they typically saw mini-storage units, warehousing, light manufacturing, used car lots, trailer sales, that type of retail sales. That is the type of development that they have been seeing recently. Industrial looking uses, metal buildings. Their tree ordinance required fifteen percent tree canopy required in I-1 and twenty percent in R-2. They did have more tree preservation with the down zoning. R-2 zoning allowed single family, duplex, triplex, multi-family, up to twenty-four units per acre. The C-2 was going to allow for the hotel. The restaurant was already allowed in the I-1. Looking at the process, they would have to either subdivide it or split it or they could do one large scale development. At minimum, they were going to have to come to the Planning Commission, either for a lot split or a subdivision. If it was larger than one acre they would have to do a large scale development. At that time, it did go through a development review

process. It was a thirty-five day process. It involved three meetings. That was from the first submittal to Planning Commission. At that time, Stormwater, Floodplain, grading, subdivision, zoning, tree preservation, those ordinances would be looked at and the development would have to comply in order to get their development approved at Planning Commission. His feeling in regard to potential uses, C-2 allowed them to enforce their Commercial Design Standards. It did not allow for metal buildings to be constructed. He thought it would be more appropriate to have some type of commercial use than some type of I-1 use, such as mini-storage, warehouse, in that location. As he looked at that corridor he thought it would be beneficial to be able to use their Commercial Design Standards. They did have standards for stormwater retention. They needed to remember that they were looking at land use and how that could develop in the future. Staff had recommended to down zone the property. They would rather see residential, commercial uses rather than metal buildings, warehouse uses or trailer sales.

Alderman Thiel stated if they approved this down zoning, the Council would still have the opportunity to appeal any project offered.

Mr. Conklin replied yes. Tonight they were considering a legislative decision. When they got to the point of developing, and they applied for a large scale development, then the city set out the ordinances they had to meet. They had to instruct the developer how to meet their ordinance. They could not just say no. A rezoning was a policy decision. As staff they had to walk people through a process from start to finish and make sure what their ordinance required. The Planning Commission could not just say "no". They had to make sure they could approve their development, if they do what is required by the ordinance. If they met the ordinances, then their project was approved.

Alderman Zurcher stated if it were economically feasible to build I-1 on that land, that was what would be happening right now. It was a profit motive. He did not believe they were at a risk in having something I-1 develop there.

Mr. Conklin stated that they required the property owner to sign all applications. The property owner had to be willing to sell or rezone the property.

Alderman Zurcher reiterated no one has applied for an application to build on this property in I-1, meaning it was not economically feasible to develop in I-1 or they would have done it. They were saying it was economically feasible to build R-2 here.

Alderman Davis stated they were discussing a rezoning from I-1 to R-2. They had been asked to allow the people who have signed the petition to meet with the developers and to continue this discussion. They needed to decide if they wanted to rezone this tonight or wait. He thought they needed to all them time and table this for two weeks.

Mr. Conklin stated in his office they received at least one phone call a month from someone who wants to develop mini-storage units. They looked at commercially zoned property, which was a conditional use. As the Planning Director, he was not going to support metal storage units in C-2 zones. He would ask them to look for I-1 property.

Mr. Al Vic, an area resident, stated they needed to stop and slow down this type of development. This was not what he called smart growth. This is the developers in total control and no body was going to try and stop it. What ever they could put or enforce upon a quite neighborhood, they were going to do it. It had to stop.

Mayor Coody asked him what he would have them do. Bring them a suggestion. If he were in their shoes what would he do?

Mr. Vic stated he did not know all the legalities, but he did know that other communities have had growth boundaries. They could have ordinances where they had a certain amount of green spaces.

Mayor Coody stated if they wanted this land to be green space, then the city had to buy it. They could not tell land owners that they could not sell their land or that they could not develop it. They did not have the authority to do it. They would have to allow them to develop it in ways that would match their ordinances and the zoning.

Alderman Santos stated their plan did call for this kind of growth. The reason to have an urban growth boundary would be to force people to do this kind of in-fill development because this was what they considered desirable. The infrastructure was already there. This was the desirable kind of development that they wanted. An urban growth boundary would be the thing that would force people to do this kind of development and not prevent them from doing this kind of development.

Mr. Vic stated in-fill could mean different things. It could mean hotels and apartments or single houses on acre lots. People in quite neighborhood should have some property rights. There were huge complexes. He did not believe this was smart growth.

Ms. Easton stated this was a rezoning to bring an R-2 zone next to an already existing R-2 zone. It made more sense to have an R-2 zone next to an R-2 zone than to have an I-1 zone next to an R-2 area. No matter what they believed about the proposed development, it was already a noisy area. It was noisy because of the industrial usages that were forced upon the residents of the area. She asked the Council to support the down zoning. It had nothing to with the developer or what was proposed to be developed on this site. The important part was to get this land down zoned. They may never have an apartment complex on this site. But, they did not want to take the chance of having a concrete company or worse next to this neighborhood.

Ms. Barbara Moorman, an area resident, stated there had not been any extensive discussion on the water. She presented a map of the area illustrating the possible flooding problems. The General Plan mandated that they define and protect areas of significant flood plain. They also had principle number four which stated they were supposed to relate the natural and built environments through community design. The city currently had a contract for a city wide drainage study. The first phase has been completed. That was the drainage manual and ordinance. The second phase was going to be an inventory of the stormwater system. The third phase was a study of the systems water shed. If phases two and three were not finished she did not know how they could ensure anyone of anything. She did not know how they could go on planning new developments, such as this. She thought they should follow their mandate to protect the flood plain. She thought they should postpone doing any developments such as this one until all the studies were done.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

Alderman Santos move that they table the next two items until the next meeting. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.

RZN 01-18.00: An ordinance approving rezoning request RZN 01-18.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located on the Southwest corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 19.39 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

THE ORDINANCE WAS TABLED ON THE FIRST READING.

RZN 01-19.00: An ordinance approving rezoning request RZN 01-19.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located south of 15th Street between Beechwood Avenue and Razorback Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 9.86 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the October 16, 2001, meeting.

THE ORDINANCE WAS TABLED ON THE FIRST READING.

REAL AND PERSONAL PROPERTY TAX RATE: An ordinance adopting the real and personal property tax rates for 2001 for Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The rate to be adopted is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations. The ordinance was tabled on the third reading at the October 16, 2001, meeting.

Ms. Cheryl Zotti, Roll-Off, stated the most challenging thing for the city right now was going to be these existing contracts. They were at least three years out. They had done their research, because they were the newest of the three. They have been to every industry that had these types of containers. They know the exact date that they would expire. What few they did have in Fayetteville had a three year contract with a three year renewal. That would be challenging for them. In general, municipalities did not provide their own waste service. It was not a normal thing for a city to be doing what they were doing anyway. Industrial accounts, she did not agree that the profit margin was as great as it has been presented. It was more expensive to get into. The trucks were more expensive, the containers were more expensive. Capital wise, it would be expensive for a city to break into that. Her company had an open construction and demolition debris recycling facility. They placed over twelve hundred construction boxes per month through out northwest Arkansas and the four county area.

Alderman Santos stated the city attorney had sent a memo and the way he read it was that the existing contract were not valid because of this ordinance.

Mr. Williams stated they could be considered invalid or unenforceable. The normal rule was that if a contract was in violation of the law, then it was not enforceable. They had not been actively enforcing this ordinance, but that did not mean that it was not the law. He thought the solid waste division was not seeking to apply the ordinance. It would not be something that the city would do. It would be the customer. The litigation would be between the trash hauler and their customer.

Alderman Santos moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 164-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

RZN 01-17.00: An ordinance approving rezoning request RZN 01-17.00 as submitted by Cynthia Beard and Williams M. Center for property located on the southeast corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.13 acres. The request is rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting left on the second reading then tabled at the November 6, 2001 meeting.

Alderman Santos moved to bring the item off the table. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

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

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

Alderman Jordan stated there had been a petition brought before the city council. The council had supported a meeting between the developers and the neighbors. The meeting had been very positive and well attended. Some of the issues that had been brought to his attention were the flooding, traffic, and the size of the what was going to be put in there. He asked how they would plan to keep the property from flooding?

Mr. Chris Parton, Crafton Tull and Associates, presented a map illustrating the proposed detention basins. The purpose of the detention basins was to keep down stream property from flooding. The water would run into the detention basin, then allowed to run off at a very slow rate. Equal to or less than the amount that was leaving the site before it was developed.

Alderman Jordan asked when they would do a traffic study.

Mr. Tim Conklin, Planning Director, stated if they were going to do a traffic study to determine what off site improvements were going to be needed, the developer would hire a consultant and pay for that consultant to do the traffic study. What the city would do was run some numbers from the software and come up with some numbers of the traffic that would be generated. With regard to recommendation, the developer would then pay for that recommended improvement.

Alderman Jordan asked if they would be responsible for the public trails and the amenities along the creek corridor.

Mr. McClard stated that had been discussed during the meeting. If they buy the property, they have agreed to develop a trail and plaque area. They thought it was important from a marketing point for the project. They would put up some picnic tables and maintain it. They had offered to develop the trail and to provide the land for the park. There were some financing issues. Their hope was that it could be dedicated to the city, if the city wanted it. The city can then maintain it. They could work those issues out at large scale. They would have to clean up some along the trail, but their intention was to leave the buffer zone.

Alderman Jordan asked if they bought the property would they be willing to offer a bill of assurance that they would do that.

Mr. McClard replied, he thought so. Once they owned the property, then they could sit down and go through these issues before they went into large scale development. That way they could just build it into the project.

Ms. Donna Bawling, Eighteenth Street, asked how the trails and ponds were going to be maintained. There was currently a very bad odor coming from the detention pond a the University.

Mayor Coody stated if it was city owned it would be maintained by the city. If it was privately owned it would be maintained privately.

Mr. Chris Parton stated that was correct. The detention ponds were constructed such that a concrete channel was installed in the bottom so no standing water remains within the pond. They empty out within a matter of hours after the storm.

Alderman Thiel noted the detention ponds would be maintained by the property owner and not the city.

Alderman Trumbo stated he was going to abstain because they work for the same company, but it was a separate corporation and his firm would not profit from this, so he was going to go ahead and vote.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 7-1-0, Zurcher voting nay.

ORDINANCE 4351 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZN 01-18.00: An ordinance approving rezoning request RZN 01-18.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located on the Southwest corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 19.39 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting and tabled at the November 6, 2001 meeting.

Alderman Young moved to bring the item off the table. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried 6-2-0. Jordan and Zurcher voting nay.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried 7-1-0. Zurcher voting nay.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote

of 7-1-0, Zurcher voting nay.

ORDINANCE 4352 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZN 01-19.00: An ordinance approving rezoning request RZN 01-19.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located south of 15th Street between Beechwood Avenue and Razorback Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 9.86 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the October 16, 2001, meeting and tabled at the November 6, 2001 meeting.

Alderman Young moved to take the item off the table. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

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

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried by a vote of 7-1-0. Zurcher voting nay.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried by a vote of 7-1-0, Zurcher voting nay.

ORDINANCE 4353 AS RECORDED IN THE OFFICE OF THE CITY CLERK

ANX 01-4.00: An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51st Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area. The ordinance was left on the first reading at the November 20, 2001 meeting.

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

Mr. Williams read the ordinance for the second time.

Alderman Jordan stated he was concerned about the fire protection out west. People were concerned

**Tentative Agenda
For
City Council Meeting
July 1, 2003**

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.
2. **2003 Community Development Block Grant Allocation of \$560,000.00:** A resolution approving the grant agreement for the remaining \$560,000.00 balance of the 2003 Community Development Block Grant (CDBG).
3. **Roberts-McNutt Company/Sang Senior Center:** A resolution awarding a contract to Roberts McNutt Company in the amount of \$22,863.00 for a re-roof project at the Sang Senior Center; approving a project contingency in the amount of \$3,430.00 and approving a budget adjustment in the amount of \$19,151.00 for same.
4. **McClelland Consulting Engineers/ FBO Hangar Task Order # 13:** A resolution approving Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of \$3,983.50.
5. **McClelland Consulting Engineers/ FBO Hangar Task Order # 10:** A resolution approving Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of \$6,937.50.
6. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** A resolution awarding Bid #03-35 to Motorola, Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers and 17 docking stations.
7. **Ozark Regional Transit Expenses:** A resolution approving the transfer of funds in the amount of \$15,232.00 to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums; and approving a budget adjustment in that amount for same.
8. **Standard Register Company/ADED:** A resolution certifying that the City of Fayetteville endorse the Standard Register Company to participate in the State of Arkansas Tax Back Program (ADED).

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description.
3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.
4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial.
5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.
6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.
7. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

D. INFORMATIONAL:

1. **Council Tour: June 30, 2003**

STAFF REVIEW FORM - FINANCIAL OBLIGATION

2003 CDBG
A. 2. Page 1

XXX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of:

July 1st, 2003

FROM:

Yolanda Fields

Community Resources

Community Planning

Name

Division

Department

ACTION REQUIRED: Acceptance of the 2003 Community Development Block Grant (CDBG) allocation of \$560,000.00.

COST TO CITY:

Cost of this request

Category/Project Budget

CDBG Funding

Program Category / Project Name

Account Number

\$-0-

Funds Used to Date

Community Development

Program / Project Category Name

Project Number

\$560,000.00

Remaining Balance

Community Development

Fund Name

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

Purchasing Manager

Date

STAFF RECOMMENDATION

Division Head

Date

Received in Mayor's Office

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

Mayor

Date

Description Approval of 2003 Community Development Block Grant allocation Meeting Date July 1st, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING THE GRANT AGREEMENT FOR THE REMAINING FIVE HUNDRED SIXTY THOUSAND DOLLAR (\$560,000.00) BALANCE OF THE 2003 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

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 Grant Agreement for the remaining Five Hundred Sixty Thousand Dollar (\$560,000.00) balance of the 2003 Community Development Block Grant (CDBG), with total yearly allocations to the following area agencies and projects:

➤ Habitat for Humanity	\$50,000.00
➤ Seven Hills Homeless Shelter	\$25,000.00
➤ NOARK Girl Scouts	\$6,600.00
➤ Fayetteville Public Library	\$33,000.00
➤ Fayetteville Head Start	\$14,100.00

PASSED and APPROVED this 1st day of July, 2003.

APPROVED

By: _____

DAN GOODY Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

DEPARTMENTAL CORRESPONDENCE

DATE: June 11, 2003

TO: The Mayor and Council

FROM: Hugh Earnest 
Chief Administrative Officer

SUBJECT: Acceptance of 2003 Community Development Block Grant Award Balance

Background

Fayetteville has been an Entitlement City in the Community Development Block Grant (CDBG) Program 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 Consolidated Action Plan (CP) has been approved for fiscal 2003. Grant amounts vary each year dependent on funding levels authorized by Congress through the annual federal budget process. The grant amount for the 2003 program year is \$777,000.00. A current balance of \$560,000.00 remains to be transferred pending council's acceptance. These funds will be utilized for grant administration and program costs related to the Housing Rehabilitation, Emergency Repair and Elderly Transportation Service. We have attached a copy of the current city Consolidated Plan (CP) that lists the programs submitted by the city for funding that have now been approved for this fiscal year.

2003 CDBG award agreement	\$777,000.00
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Partial award allocation	\$217,000.00
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- Award advance approved by Council on April 15, 2003

Balance of 2003 CDBG award to be transferred	\$560,000.00
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Current Status

The council is being asked to approve the grant agreement for the remaining balance of the 2003 Community Development Block Grant.

Recommendation

The staff recommends acceptance of 2003 CDBG award agreement.

CITY OF FAYETTEVILLE
2003
CONSOLIDATED ACTION PLAN

"Helping to Make a Better Community"

Submitted November 15, 2002

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ACTION PLAN – 2003

COMMUNITY PROFILE

The City of Fayetteville, county seat of Washington County, is located in the northwestern part of Arkansas and is regarded as the business and cultural center of the Metropolitan Statistical Area for Benton and Washington Counties, which has an estimated population of approximately 311,000. Fayetteville is situated near the tallest of the mountains in the Ozark Mountain Range and is the fourth largest city in the state. It is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and Northwest Arkansas region have gained a national reputation as one of best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census.

The City was settled in 1828 and was incorporated on August 23, 1870. The City operates under a Mayor-Council form of government, in which a Mayor, City Attorney, City Clerk/Treasurer, Municipal Judge, and eight Aldermen are elected. Based on the population thresholds in Arkansas law, City Council adopted an ordinance that provides for staggered aldermanic terms. Beginning with the 2000 election, all terms for elected officials are four years.

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.
- **Provide a suitable living environment** - - which includes:
improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conservation of energy resources.
- **Expand economic opportunities** - - which includes:
job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increase at a considerable rate throughout the past 10 years according to the latest round of information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at \$916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of \$737. The City of Fayetteville, Community Development program will work on the development of a plan to bring Attainable housing to the City of Fayetteville. This office is working with the Northwest Arkansas Housing Coalition (NAHC) and the committees of the organization to build a relationship with the local Public Housing Office. The HUD provided Technical Assistance will be a very important component in reaching the Attainable Housing goal.

Analysis of Impediments to Fair Housing The city is in the process of updating its "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Program. The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction, renovation or development of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

Community Development Focus in 2003

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders is integrated to designate action priorities.

One formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2003. The meetings were well attended by non-profit agency representatives and the media but citizen attendance was low. Community Development staff has been active in the presentation of program information. Information was provided during National Community Development Week. Community Development program information is presented at local agency meetings on a regular basis. Program literature in Spanish was requested and received. City of Fayetteville program information and forms have been translated into Spanish.

In accordance with Fayetteville's Citizen Participation Plan, the 2003 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Director
City of Fayetteville Community Resource Division
113 West Mountain Street
Fayetteville, AR 72701

Citizen Comments:

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing of community partnerships with outstanding local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville.

CONSOLIDATED ACTION PLAN - 2003

I. AVAILABLE RESOURCES

A. Resources- Federal / State The City is the recipient of only one formula grant program, the Community Development Block Grant. Private non-profit organizations in Fayetteville receive no formula allocations and are funded through competitive State allocations administered by the Arkansas Department of Human Services, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2003 will be approximately \$778,000.

B. Resources - Municipal Government

The City's Street Division has estimated \$30,000 for street overlay and repair of streets located in the designated Community Development Target Area. The City's Budget Division has budgeted approximately \$8,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

II. DESCRIPTION OF ACTIVITIES

A. Housing Services

- **Residential Rehabilitation**

This allocation provides forgivable and partially repayable loans to low and moderate income persons for rehabilitation of owner-occupied housing.

The following services are offered:

- Comprehensive rehabilitation up to \$20,000
- Emergency Repair up to \$5,000
- Mobile Home emergency repair up to \$3,500

The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. \$340,888 is allocated and includes salary and program delivery costs for management and oversight of all housing programs, design and studies.

Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include; Very Low Income, Elderly, Disabled, Single parented household, Located in Target Area, Length of time on waiting list. This program will assist about 30 eligible families.

- **Housing Design and Fair Housing Study**

This allocation will provide an updated "Analysis of Impediments to Fair Housing". This study will provide valuable housing information which will be utilized to ensure compliance to the Section 808 of the Fair Housing Act and will assist in reaching the goal attainable housing. In addition, a design for attainable housing will be developed and a home will be built. This project will serve as a model for the Attainable Housing program. \$100,000 will allocated for these components.

- **Habitat for Humanity of Fayetteville, AR, Inc.**

Habitat for Humanity (HFH) mission to eliminate poverty housing. HFH was chartered in December 1992 and has completed seventeen (17) houses that have housed 50 children and 20 adults. HFH is builder and mortgage lender, homes sold at no-profit and no-interest. Funding mostly from donations, club pledges, religious community, fund for HFH homeowners principle payments, community organizations and in-kind donations. Participants are in the 30-50% of median income range. Their monthly payments are 20-25% of their monthly gross income including taxes and insurance. CDBG funds allocated - \$50,000.

Revenue Sources:

Wal-Mart Shoe/Jewelry Divs. Golf Tournament	54,000
Dr Scholl's HFH Tin Cup 5K Run/Walk	15,000
Covenant Church Commitment	10,000
Clubs/organizations	3,000
Carpenters Club pledges	55,000
Unspecified donations	10,000

B. Public Services

- **Seven Hills Homeless Shelter**

This project provides essential services (including meals, shelter, transportation, showers, phone, laundry, clothing; etc.) and case management services to homeless men, women and children in an effort to enable them to return to a stable, self-sufficient lifestyle. Seven Hills is a dual-purpose facility. Providing a safe, supportive drop-in day center environment where men, women and children can come to gather resources, set plans, and move forward toward jobs, housing, and self-sufficiency. In winter, providing emergency cold-weather night shelter. In addition, the Transitional Housing program for men at Seven Hills provides eight residents with three to six month's room, board, life-skills training, life coaching, and other assistance to support their progress toward stable, independent living.

The center currently serves an average of over 40 persons per day. To date, 42 men have been placed in the Transitional Housing Program, which provides life-skills training in the areas of money management, anger management, and health for eight men at a time. They also receive weekly private goal-setting/progress sessions with a life coach, as well as 24-hour staff support in a drug and alcohol free environment.

Location: 1561 W. 6th

Revenue Sources:

Private Foundation Grants	45,600
Individual contributions	28,500
Church contributions	12,000
Program fees	6,000
Fundraising events	5,200
Corporate Support	30,000
In-kind support	90,000

- **Fayetteville Elderly Taxicab Program**

This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. 200 elderly, low to moderate individuals will be served by this transportation program. CDBG funds allocated - \$40,000.

Location: Citywide

- **Girl Scouts of NOARK Council**

Project Every Girl seeks to involve girls residing in the Southeast Fayetteville Target area in the Girl Scout program. Southeast Fayetteville is an under-served area as it is difficult to recruit volunteer leadership and involve girls in what would be considered a "traditional troop". This particular project will be a staff-lead group (girls of all ages). Girls will meet twice a week in southeast Fayetteville. Key to the Girl Scout program is girl planning. The goals of the project are 1. Develop insight to individual potential; 2. Learn to relate to others with understanding, skill and respect; 3. Develop values to guide actions and provide the foundation for sound decision making; 4. Contribute to the improvement of society through the use of abilities and skills while working in cooperation with others. CDBG funds allocated - \$6,600 and a \$3,300 match.

- **Fayetteville Library**

This program will provide Spanish language materials and outreach/programming to the community. Funds will be utilized to purchase literacy and Spanish language materials for adults and children. Program development will include outreach and activities to improve services to our community at large. Program will benefit low and moderate income persons to improve their reading and language skills. This project will match \$13,000 of CDBG funds with \$5,842 in-kind funding. City of Fayetteville has experienced an increase in the Hispanic population. The concentration is in the CD Target Area, which is designate low to moderate income. This program would provide training which is needed by this population.

This program will provide the technology to improve access to information for the disabled citizens of our community. Focusing on both the visually impaired and those with physical disabilities that make physically manipulating a book or computer difficult, this grant will allow us to improve the literacy rates of this segment of our community. This project will match \$20,000.00 of CDBG funds with \$6,141.00 in-kind funding. According to the 2000 census, 12.5% of the population of Fayetteville between the ages of 5-20 years has a disability. Also 15.2% of the population aged 21-64 and 44.6% of the population over 65 have disabilities. The need for this project is particularly important given that illiteracy rates within this community can be shockingly high. For example, according to the Arkansas Chapter of the National Federation for the Blind, 12% of blind students who graduate from high school are illiterate.

Location: 217 East Dickson

C. **Public Facilities - Community Needs**

- **Walker Park Playground Equipment**

\$60,000 replacement of unsafe playground equipment at Walker Park. Walker Park is located in the Target Area.

Location: 10 W. Fifteenth Street

- **Fayetteville Head Start**

This project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence. 3-5 year olds from low to moderate income families will be able to utilize the improved outdoor area. This project will match \$14,100.00 of CDBG funds with \$11,335.00 from the Fayetteville Head Start Program.

Location: 2052 S. Garland

D. Administration and Indirect Costs

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. Indirect costs are those charged by the City for office space, maintenance and services provided by other City divisions. \$108,412.00 is allocated.

Location: City Engineering Building, 125 West Mountain Street

III. Monitoring

Community Development Programs will be monitored by the Community Development Division and other City of Fayetteville Divisions to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to plan.

Housing Programs will be monitored by the CD Housing Program staff and the City of Fayetteville Building Safety Division, when needed for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow up visits will be made to all moderate rehabilitation project sites.

Public Facilities Improvements will be monitored by the Community Development staff and a professional playground equipment inspector from the City of Fayetteville Parks and Recreation Division. This will ensure compliance to the codes which govern the installation of playground equipment and the project contract and specifications.

Public Service Activities Sub-recipient agreements will be required for all public service activities. Monitoring area will include program performance, financial performance and regulatory compliance. Sub-recipient agreements will require documentation of activities and results. In addition, agreements will require an estimated project schedule and a project completion date. Agreement will outline procedures to be followed in the case a non-compliance situation may occur.

V. Lead-Based Paint Hazards

Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CD staff.

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0001	Administration	21A General Program Administration	CDBG \$ 108,412 ESG \$ 0
0001	Planning and Administration	570.206	HOME \$ 0 HOPWA \$ 0
	Salary and indirect costs, Fair Housing activities, studies, travel & training. Indirect costs are those charged to the division for office space, maintenance, postage, and services provided by other city division.	1 People (General)	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 108,412
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0002	Housing Services	14A Rehab; Single-Unit Residential	CDBG \$ 440,888 ESG \$ 0
0002	Housing	570.202	HOME \$ 0 HOPWA \$ 0
	Addressing current housing conditions for low and moderate income residents. Residential housing rehabilitation, emergency repair, mobile home repair.	25 Households (General)	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 440,888
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing
Subrecipient: Local Government
Location(s): Community Wide

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0003	Housing-Habitat for Humanity	01 Acquisition of Real Property	CDBG \$ 50,000 ESG \$ 0
0003	Housing	570.201(a)	HOME \$ 0 HOPWA \$ 0
	Eliminate poverty housing by building and providing mortgage lending homes at no-profit and no-interest. Participants are in the 30-50% of median income range.	3 Households (General)	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 50,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

570.208(a)(3) - Low / Mod Housing
Local Government
Community Wide

Eligibility:
Subrecipient:
Location(s):

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0004	Public Services - Seven Hills Homeless Shelter	05 Public Services (General)	CDBG \$ 25,000 ESG \$ 0
0004	Public Services	570.201(e)	HOME \$ 0 HOPWA \$ 0
	Provides essential services and case management services to homeless individuals in an effort to enable them to return to a stable, self-sufficient lifestyle.	200 Persons who are Homeless	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 25,000
		Total Prior Funding	\$ 0

Help the Homeless? Yes Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(c) - Urgent Need
Subrecipient: Local Government
Location(s): Addresses

1561 W. 8th, Fayetteville, AR 72701

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0006	Public Services-Fayetteville Elderly Taxi Program	05A Senior Services	CDBG \$ 40,000
0006	Senior Programs	570.201(e)	ESG \$ 0
		60 Elderly	HOME \$ 0
	Alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare.		HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 40,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0007	Public Services - NOARK Girls Scouts	05D Youth Services	CDBG \$ 6,600 ESG \$ 0
0007	Youth Programs	570.201(e)	HOME \$ 0 HOPWA \$ 0
	Every Girl Program will involve girls residing in the Southeast Fayetteville Target area in the Girl Scout Program.	1 Youth	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 6,600
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
 Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(e)(1) - Low / Mod Area
 Subrecipient: Local Government
 Location(s): N/A

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0008	Public Services-Fayetteville Public Library	05 Public Services (General)	CDBG \$ 33,000
0008	Public Services	570.201(e)	ESG \$ 0
		35 People (General)	HOME \$ 0
			HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 33,000
			Total Prior Funding \$ 0

Program development will include outreach and activities to improve services to the community. Activities will include the purchase of literacy materials in english and spanish. Program to provide the technolight to improve access to information for the disabled citizens of the community.

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Addresses

217 East Dickson, Fayetteville, AR 72701

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0009	Public Facilities-Walker Park Playground Equipment	03F Parks, Recreational Facilities	CDBG \$ 60,000
0009	Public Facilities	570.201(c)	ESG \$ 0
			HOME \$ 0
		1 Public Facilities	HOPWA \$ 0
	Replacement of unsafe playground equipment at Walker Park located in the Target Area		ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 60,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03

Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area

Subrecipient: Local Government

Location(s): Addresses

10 W Fifteenth Street, Fayetteville, AR 72701

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0010	Fayetteville Head Start	03M Child Care Centers	CDBG \$ 14,100
0010	Public Facilities	570.201(c)	ESG \$ 0
		1 Public Facilities	HOME \$ 0
			HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 14,100
			Total Prior Funding \$ 0

Project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence.

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Addresses

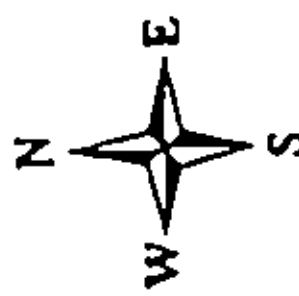
2052 Garland, Fayetteville, AR 72701

Settlement Grant (includes reallocated funds)		
CDBG	\$778,000	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$778,000
Prior Years' Program Income NOT previously programmed or reported		
CDBG	\$0	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$0
Reprogrammed Prior Years' Funds		
CDBG	\$0	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$0
Total Estimated Program Income		\$0
Section 108 Loan Guarantee Fund		\$0
TOTAL FUNDING SOURCES		\$778,000
Other Funds		\$0
Submitted Proposed Projects Totals		\$778,000
Un-Submitted Proposed Projects Totals		\$0

CPD Consolidated Plan/Budget Summary FY2003

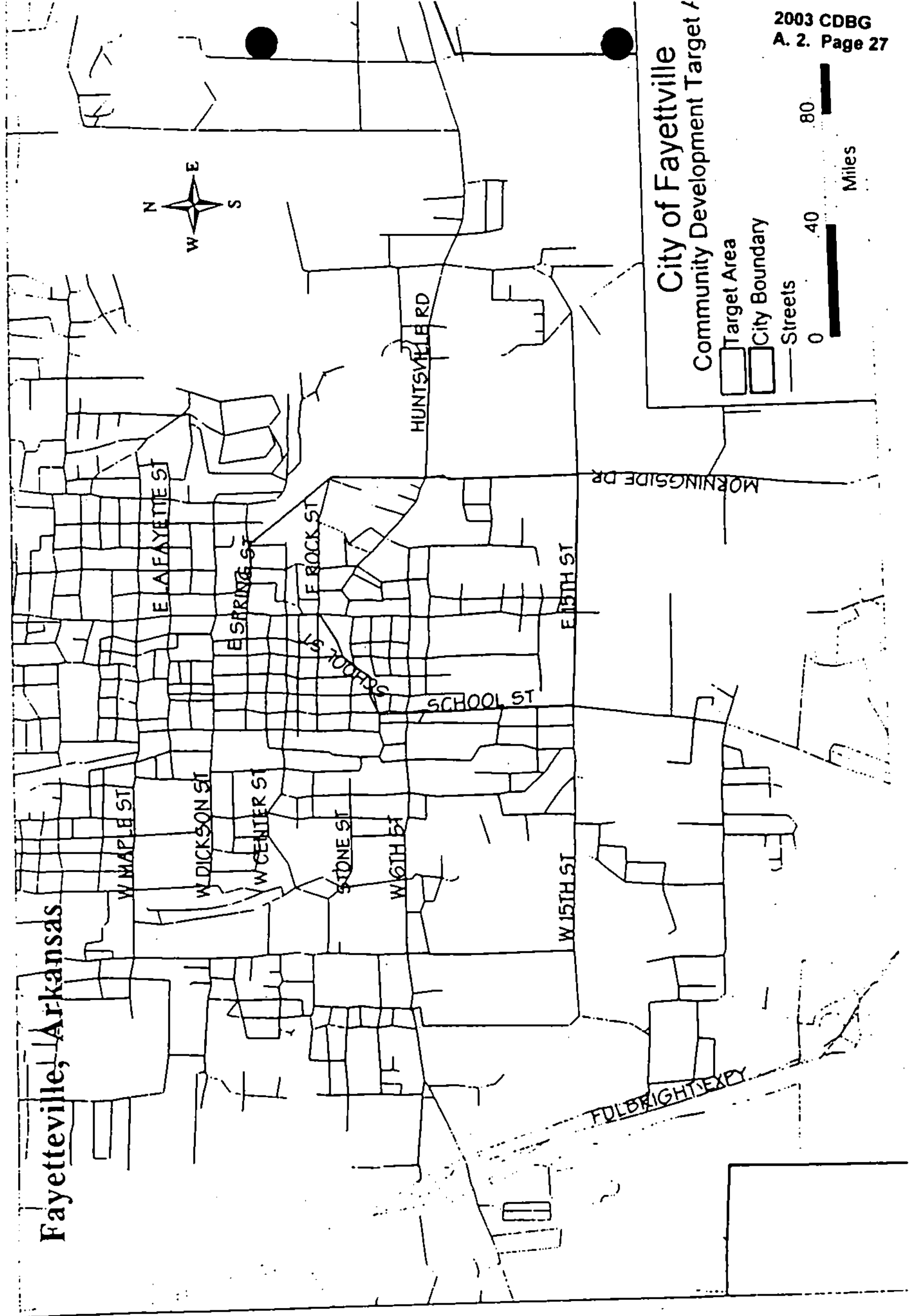
City Program Number	Program	Budgeted 2003
4930	Administration	108,412.00
4940	Housing	490,888.00
4960	Public Services	104,600.00
4990	Public Facilities	<u>74,100.00</u>
	Total 2003 Grant Request	<u><u>778,000.00</u></u>

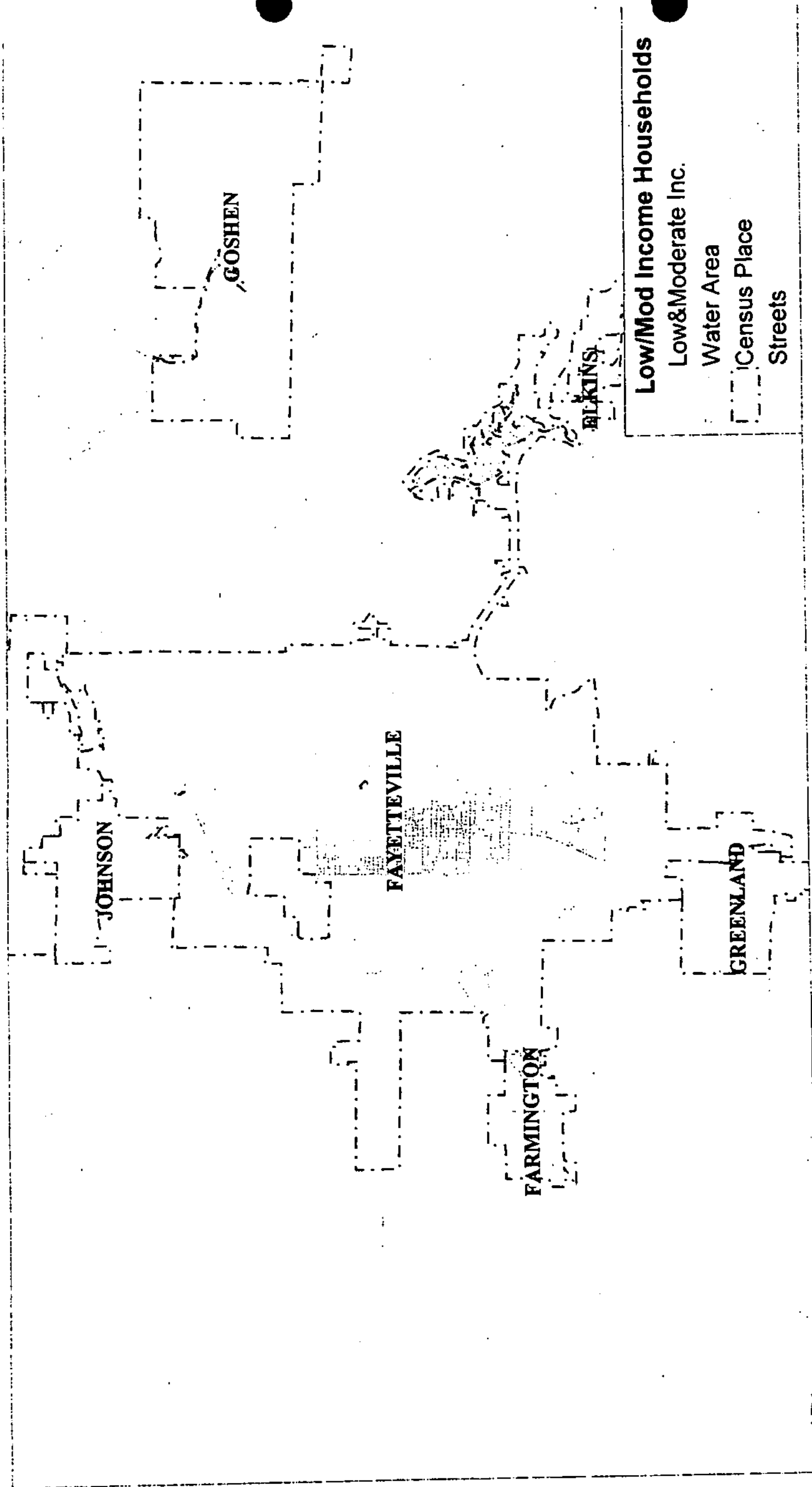
Fayetteville, Arkansas

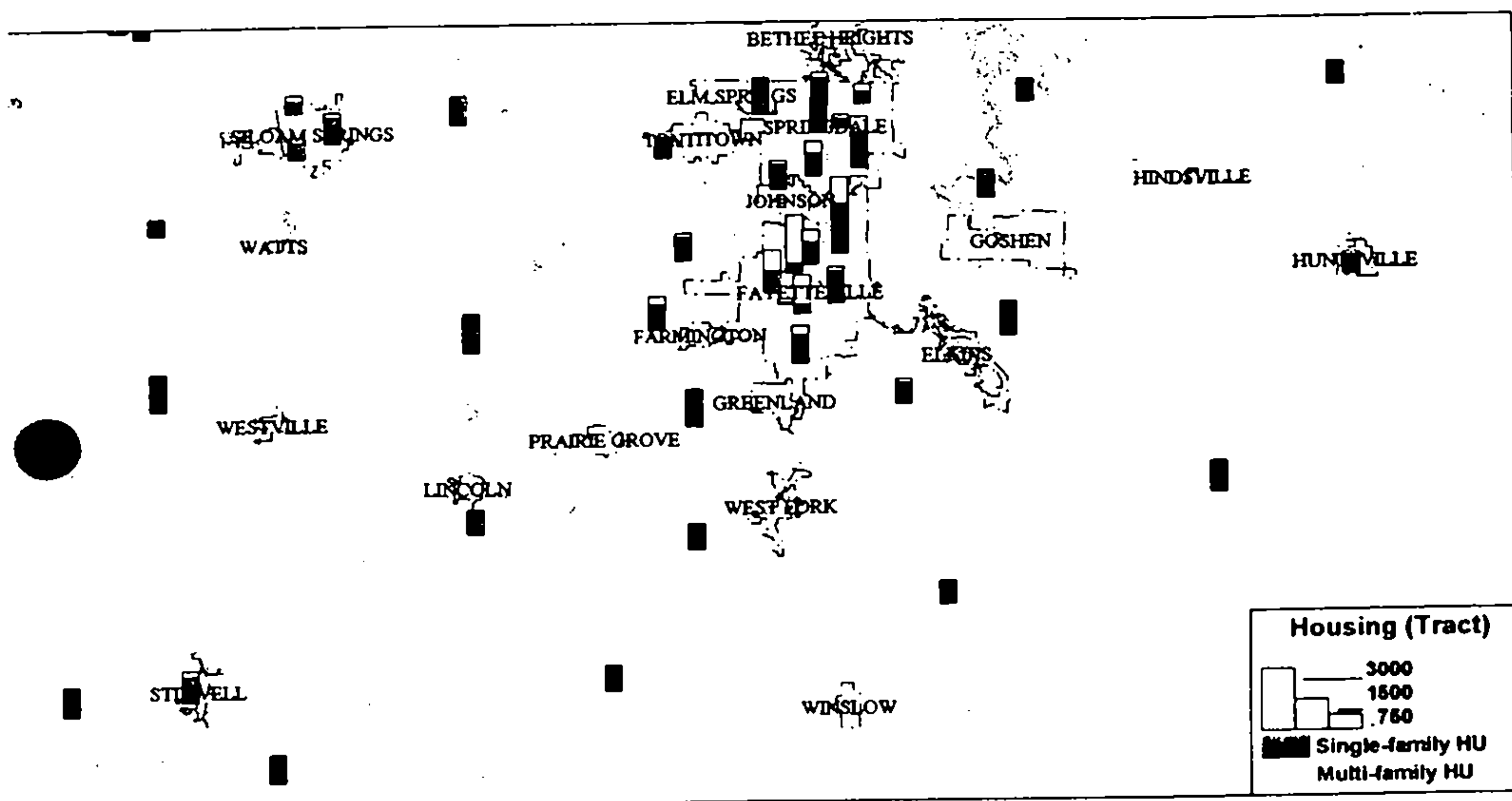


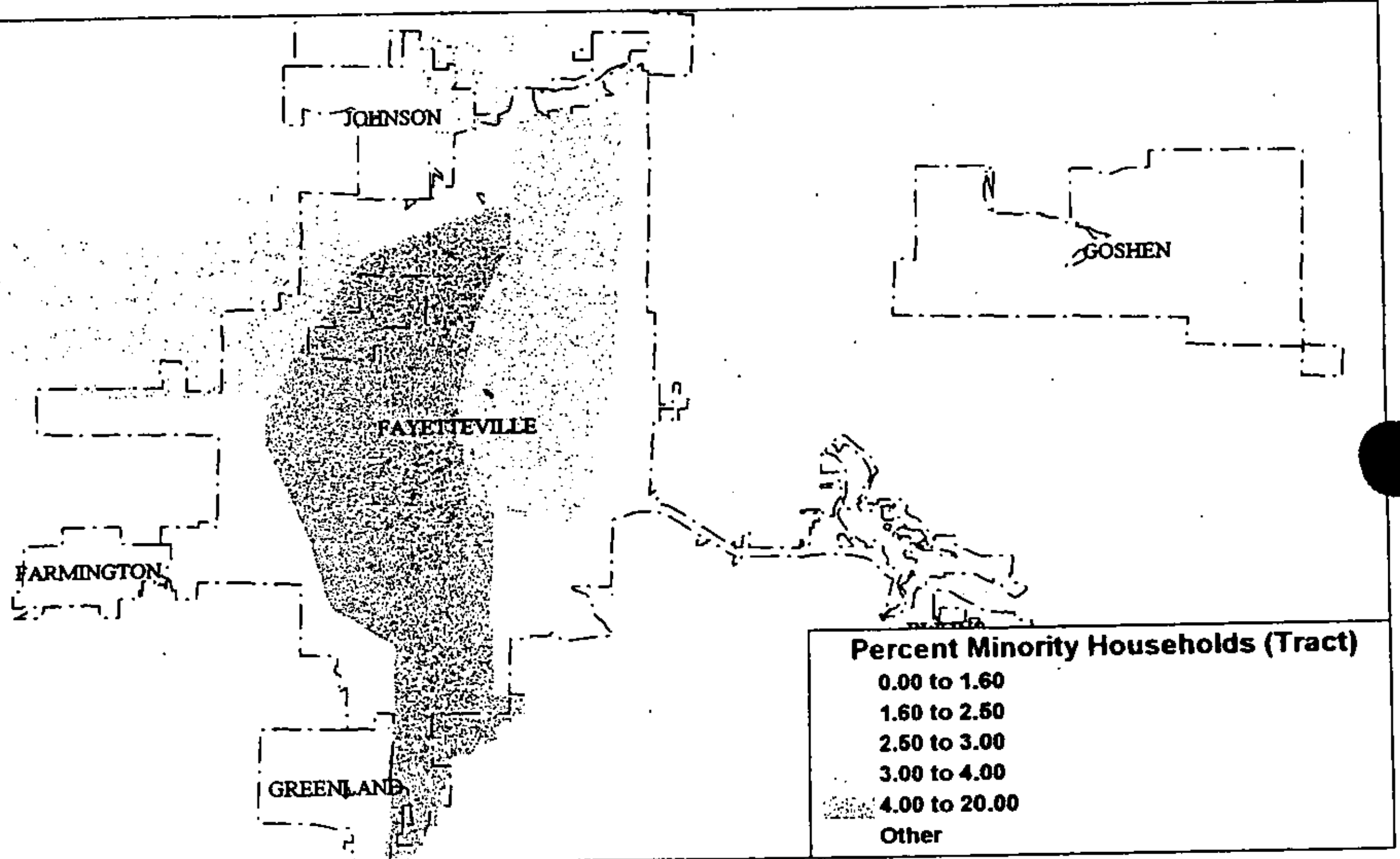
City of Fayetteville Community Development Target Area

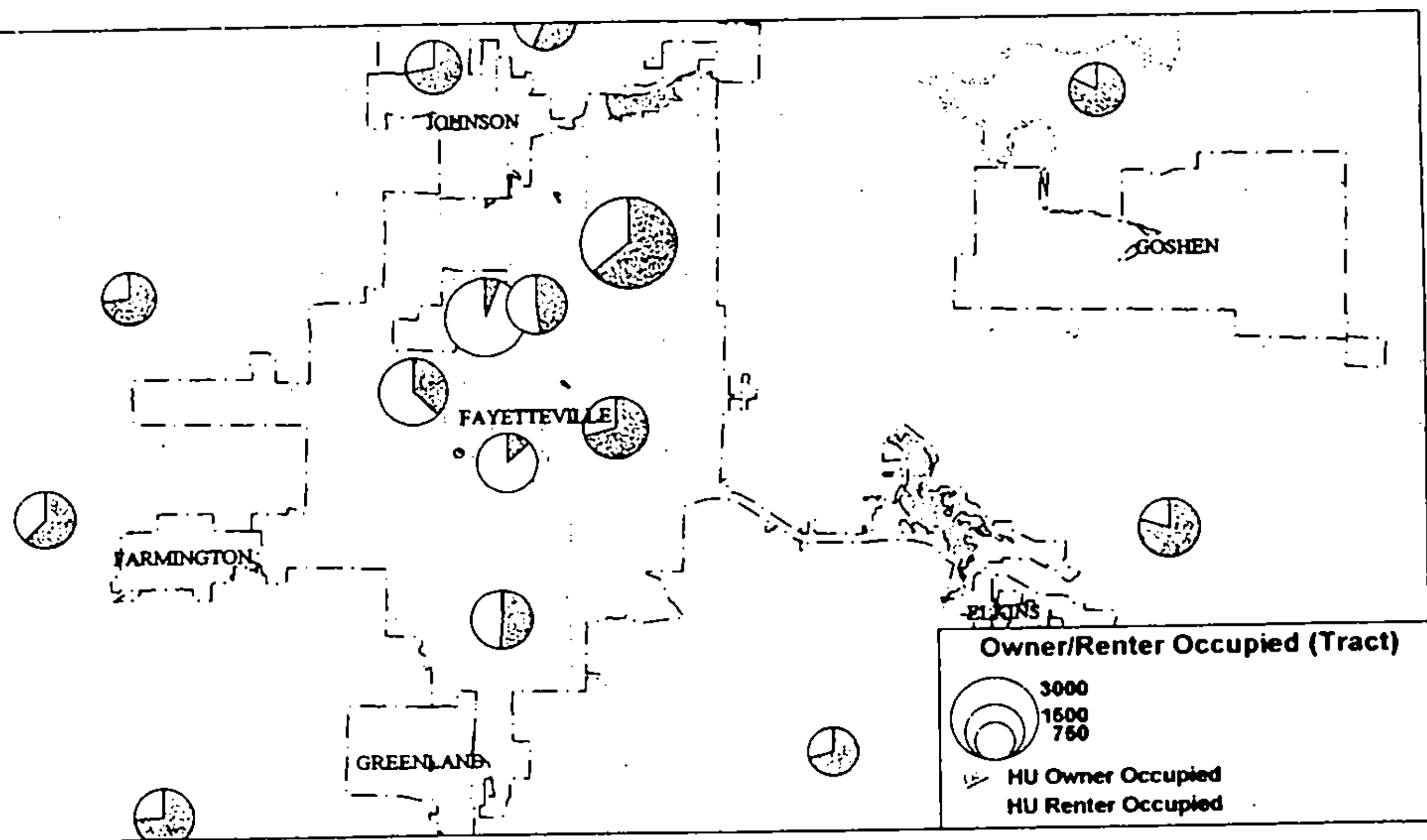
- Target Area
- City Boundary
- Streets

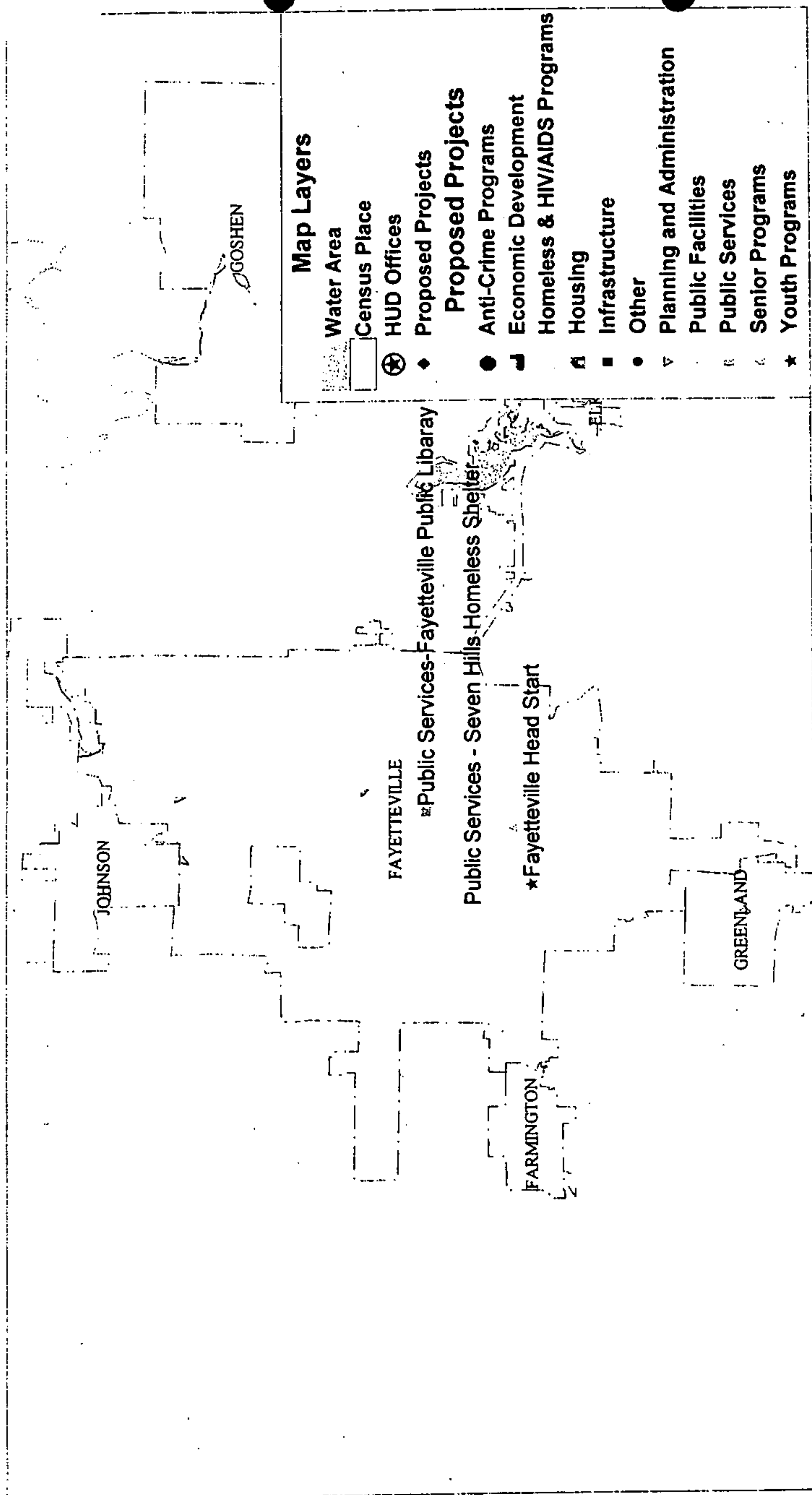












CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1,2,3,4,5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Mayor
Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Mayor
Title

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Mayor
Title

ESG Certifications

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion -- It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services -- It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance.

Matching Funds -- It will obtain matching amounts required under §576.71 of this title.

Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Signature/Authorized Official

Date

Mayor
Title

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

2003 CDBG
A. 2. Page 43

Site of Performance (Street address, city, county, state, zip code)

City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

Check X if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

deral

Assistance

		2. Date Submitted 11/15/01	Applicant Identifier B-03-MC-05-0001	
1. Type of Submission:		3. Date Received by State	State Application Identifier	
Application: Construction Preapplication: Non - Construction		4. Date Received by Federal Agency	Federal Identifier	
5. Applicant Information				
Legal Name City of Fayetteville		Organizational Unit Municipal Government		
Address 113 W Mountain Fayetteville, AR 72701 Washington		Contact Yolanda Fields, CD Director (501) 575-8290		
6. Employer Identification Number (EIN): 71-601846		7. Type of Applicant: Municipal		
8. Type of Application: Type: New				
		9. Name of Federal Agency: US Dept of HUD		
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant		11. Descriptive Title of Applicant's Project: Community Development		
12. Areas Affected by Project: Fayetteville, AR				
13. Proposed Project:		14. Congressional Districts of:		
Start Date 01/01/02	Start Date 12/31/03	a. Applicant 3	b. Project 3	
15. Estimated Funding:		16. Is Application Subject to Review by State Executive Order 12372 Process? Review Status: Program covered Date::		
a. Federal \$778,000				
b. Applicant \$0		17. Is the Applicant Delinquent on Any Federal Debt? No		
c. State \$0				
d. Local \$0				
e. Other \$0				
f. Program Income \$0				
g. Total \$ 778,000				
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.				
a. Typed Name of Authorized Representative Dan Coody		b. Title Mayor		c. Telephone Number (501) 575-8330
d. Signature of Authorized Representative		e. Date Signed 11/14/02		

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Roberts-McNutt/Sang
Center
A. 3. Page 1AGENDA REQUEST
XX CONTRACT REVIEW
GRANT REVIEWFor the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Coy Hurd

Building Services

Finance and Internal Services

Name

Division

ACTION REQUIRED: Staff requests approval of a contract with Roberts-McNutt Company of Springdale for a reroof project for the Sang Senior Center at 818 Sang Avenue in Fayetteville (a City owned building). Staff recommends a contingency fund of fifteen percent (\$3,430) be approved for this project. ^{approved} With this contingency fund, the total amount will be \$26,293.00. Also requested is a budget adjustment in the amount of \$19,151 to facilitate this work (refer to attachment).

COST TO CITY:

\$26,293.00	\$ 7,417.00	Building Improvement/Leased Bld.
Cost of this request	Category/Project Budget	Program Category / Project Name
4470 9470 5400 00	\$ 275.00	
Account Number	Funds Used to Date	Program / Project Category Name
02089	\$ 7,142.00	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

Budgeted Item

X Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

City Attorney

Date

Internal Auditor

Purchasing Manager

Date

Date

STAFF RECOMMENDATION: Staff recommends approval of the contract, contingency, and budget adjustment

Division Head

Date

Received in Mayor's Office

Date

Department Director

Date

Finance & Internal Services Dir.

Date

Chief Administrative Officer

Date

Mayor

Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



Description _____ Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

Called Marsha for pur. req.

Attached

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AWARDDING A CONTRACT TO ROBERTS-McNUTT COMPANY IN THE AMOUNT OF TWENTY-TWO THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$22,863.00) FOR A RE-ROOF PROJECT AT THE SANG SENIOR CENTER; APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF THREE THOUSAND FOUR HUNDRED THIRTY DOLLARS (\$3,430.00) AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF NINETEEN THOUSAND ONE HUNDRED FIFTY ONE DOLLARS (\$19,151.00) FOR SAME.

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 a contract to Roberts-McNutt Company in the amount of Twenty-Two Thousand Eight Hundred Sixty-Three Dollars (\$22,863.00) for a re-roof project at the Sang Senior Center.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Project Contingency in the amount of Three Thousand Four Hundred Thirty Dollars (\$3,430.00).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of Nineteen Thousand One Hundred Fifty One Dollars (\$19,151.00) for same.

PASSED and APPROVED this 1st day of July, 2003.

ATTEST:

By:

SONDRA SMITH, City Clerk

APPROVED

By:

DAN COODY, Mayor

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and the Fayetteville City Council
H FROM: Coy Hurd, Project Manager
THRU: Stephen Davis, Finance and Internal Services Director
RE: Bid for the reroofing of the Sang Senior Center
DATE: June 11, 2003

On June 6, a bid was opened for work to be done on the Sang Senior Center located at 818 Sang Avenue in Fayetteville. The scope of the work to be performed includes materials and labor for a complete tear-off and reinstallation of the roof of the facility. The new roof is to be warranted against any leaking for a period of ten years.

The Sang Senior Center Facility is a city-owned building that is leased to the Council on Aging (COA) for a nominal fee. COA is responsible for general maintenance and minor repairs. The City is responsible for repair of major structural components of the building. For some time the building has had a problem with roof leaks which the COA has addressed with patches and tar applications. The problem of roof leaks is magnified in this instance by the fact that COA operates a food preparation operation in the facility, and the worst leaking occurs over the food preparation area. This situation compounds a general maintenance problem into a potential health issue.

I recently completed an inspection of the building and concluded that the most cost efficient direction was a complete tear-off and reroof of the facility. Towards that goal, a bid specification was developed and advertised. Four bids were submitted to the City. Of these bids, the apparent low bidder was Roberts-McNutt Company of Springdale. They submitted a bid of \$22,863 for the work. This amount was at the low end of what was anticipated. All fees and taxes are included in this amount.

RECOMMENDATIONS

I recommend that a contract be signed with Roberts-McNutt for this roof work, and that that a contingency fund be approved (due to the nature of this work, I believe that the contingency fund should be fifteen percent or \$3,430.00). The contract amount plus the contingency fund would then be \$26,293.00.

I further recommend that a budget adjustment be made. I am requesting that a transfer of \$19,151.00 be approved so that the fund balance will amount to \$26,293.00. The transfer of funds would flow from the Building Maintenance Fund to the Building Improvement/Leased Buildings Fund.

memo, page two

I remain available to answer any questions regarding these recommendations.

Please note the following attachments:

Staff Review Form
Funds Transfer Form
Bid Tabulation Form

BID: 03-38
DATE: 6/6/03
TIME: 2:00 P.M.
CITY OF FAYETTEVILLE

Re-Roof Sang Senior Center

RECEIVED
JUN 10 2003

ITEM 1

NO BID BOND

1. FRANKLIN ROOFING

\$53,640

2. GUARANTEE ROOFING

\$26,770

3. HARNESS ROOFING

\$22,863

4. ROBERTS-MCNUUTT

CERTIFIED BY: Julia
P. VICE PURCH MGR

Ben Nett
WITNESS

6/6/03
DATE

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Roberts-McNutt/Sang
Center
A. 3. Page 7

Budget Year 2003	Department: Sales Tax Capital Division: Program:	Date Requested 7/1/2003	Adjustment Number
--------------------------------	--	---------------------------------------	-------------------

Project or Item Requested: \$19,151 to Re-roof the Sang Senior Center.	Project or Item Deleted: Reduction to the Building Improvements project.
--	--

Justification of this Increase: The current roof has numerous leaks, particularly in the food service area.	Justification of this Decrease: Sufficient funding remains to comply with City policy.
---	--

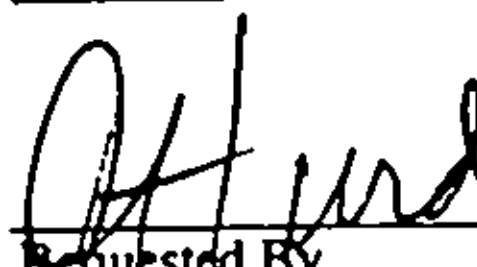
Increase Expense (Decrease Revenue)

Account Name	Account Number	Amount	Project Number
Building & grounds maint	4470 9470 5400 00	19,151	02089 1

Decrease Expense (Increase Revenue)

Account Name	Account Number	Amount	Project Number
Building & grounds maint	4470 9470 5400 00	19,151	02046 1

Approval Signatures

	June 12 03
Requested By	Date
	6/16/03
Budget Manager	Date
Department Director	Date
	6-17-03
Finance & Internal Services Director	Date
Mayor	Date

Budget & Research Use Only

Type:	A	B	C	D	E
Date of Approval			Date	Initial	
Posted to General Ledger			Date	Initial	
Posted to Project Accounting			Date	Initial	
Entered in Category Log			Date	Initial	

City Of Fayetteville (Not a Purchase Order)				Requestion No. 103	Date: 8/16/2003
Vendor #	Vendor Name:	12880	Address:	P.O Number	Expected Delivery Date:
3088 N. Thompson St. Suite A	Roberts-McNutt Inc.				
City: Springdale	Fob Point: Fayetteville	Zip Code: 72764	State: Ar	Ship to code: 85	
Requester: Coy Hurd	Requestor's Employees #	2178	Requestor's Employees #	2178	
Item Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Inventory # Fixed Asset #
1 Sang Center Re-Roof				22,863.00	4570, 9470, 5400.00
2					
3					
4					
5					
6					
7					
8					
9					
10					
Shipping/Handling					
Special Instructions:					
Subtotal:				22,863.00	
Tax:					
Total:				22,863.00	
Approvals:					
Mayor: _____					
Department Director: _____					
Finance & Internal Services Director: _____					
Budget Manager: _____					
Dispatch Manager: _____					
Utilities Manager: _____					
Purchasing Manager: _____					
IT Manager: _____					

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Amend Task Ord #13
McClelland Eng.

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Ray M. Boudreaux

Name

Aviation & Economic Development

Division

Airport

Department

ACTION REQUIRED: Review and approval of Amendment #1 to Task Order #13 to McClelland Consulting Engineers, Inc., comprising additional fees for Construction Administration & Inspection/Observation, and Materials Testing for the FBO Hangar project. ~~Request approval of a budget adjustment in the amount of \$3,984.00~~

Signature of the Mayor required.

COST TO CITY:

<u>\$3,983.50</u>	<u>\$</u>	<u>756,690.00</u>	<u>FBO Hangar</u>
Cost of this request		Category/Project Budget	Program Category / Project Name
		<u>748,799.90</u>	
<u>5550.3960.5314.00</u>	<u>\$</u>	<u>743,010.77</u>	<u>Capital</u>
Account Number		Funds Used to Date	Program / Project Category Name
		<u>8,295.10</u>	
<u>02130-1</u>	<u>\$</u>	<u>12,071.23</u>	<u>Airport</u>
Project Number		Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item 8AD Budget Adjustment Attached

Barbara Lee 6/13/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Maria Fanning</u> <u>6/16/03</u>	<u>Nancy Smith</u> <u>6/16/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. J. Whitat</u> <u>6/16/03</u>	<u>P. L. Lico</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval

Ray M. Boudreaux June 11, 2003
Division Head Date

Department Director

Steph D... June 17, 2003
Finance & Internal Services Dir. Date

Sheryl Smith 6-17-03
Administrative Officer Date

Don Carby 6/17/03
Mayor Date

Received in Mayor's Office

6/17/03
Date ff

Cross Reference:

Previous Ord/Res#: 146-02

Orig. Contract Date: 9/17/2002

Orig. Contract Number: 747

New Item:

Yes

X

No



Description McClelland Engineers - Amend #1 to T.O. #13 Meeting Date July 1, 2003

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Reference Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 13 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF THREE THOUSAND NINE HUNDRED EIGHTY-THREE DOLLARS AND FIFTY CENTS (\$3,983.50).

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 Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of Three Thousand Nine Hundred Eighty-Three Dollars and Fifty Cents (\$3,983.50).

PASSED and APPROVED this 1st day of July, 2003.

APPROVED

By: DAN GOODY, Mayor

Attest:

By:

SONDRA SMITH, City Clerk

DRAFT

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
479.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Mayor Dan Coody
FROM: Ray Boudreaux, Director
DATE: June 10, 2003

SUBJECT: McClelland Amend #1 to Task Order #13

Background: McClelland Consulting Engineers performed design and construction oversight on the FBO Hangar construction project, which is essentially completed.

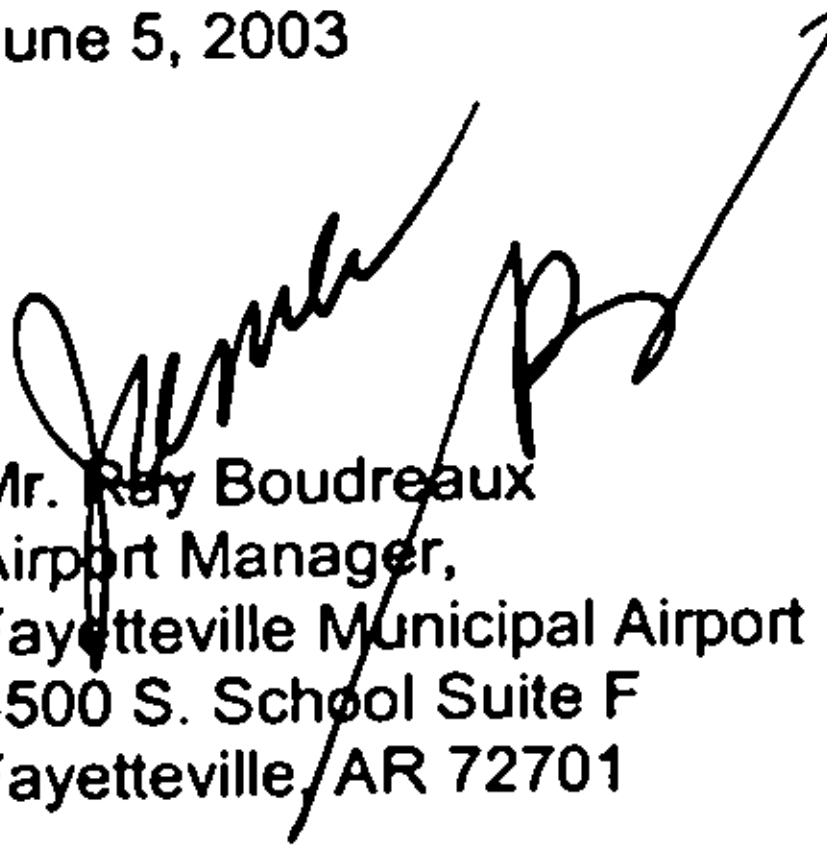
Purpose: The purpose of Amendment is to adjust the fee due McClelland Engineers based on Task Order #13, reconciling the estimated and actual amounts for construction oversight and materials testing, (\$3983.50). This is the final adjustment to the project.

Budget Considerations: Sufficient project budget remains for the Engineer's additional fees.

Action Requested: Accept and approve the Amendment #1 to Task Order #13 with McClelland Consulting Engineers, Inc. Signature of the Mayor.

Staff Recommendation: Review & Approve

June 5, 2003



Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 13
FBO Hangar

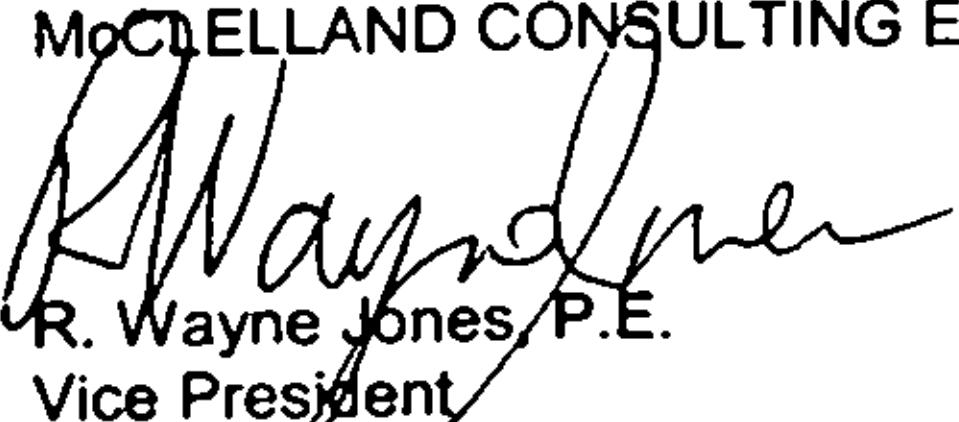
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of revised Amendment 1 to Task Order No. 13 for the above referenced project.

Please advise if you need further information regarding this Amendment, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Amendment 1 to Task Order No. 13 (3 copies)

**AMENDMENT NO. 1
TO
TASK ORDER NO. 13
ENGINEERING SERVICES
FBO HANGAR**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The Task Order No. 13 executed on September 17, 2002, for basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on March 7, 2000 is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Fees and Payments due to the increase in scope of services at Drake Field. This action is taken to allow the Engineer to undertake construction administration and testing services beyond the original scope of Task Order No. 13.

The following section is hereby amended as follows:

SECTION IV - FEES AND PAYMENTS

The following fees to be paid to the Engineer as compensation for his services are to be adjusted to the revised values stated below for the revised scope of services:

E. Construction Administration & Inspection:
Observation

hourly rates,
Not to Exceed \$ 24,800.00.

G. Construction materials testing:

hourly rates & unit prices,
Not to Exceed \$ 2,550.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly
executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn
President

Attest:

R. Wayne [Signature]

Date: 6/5/03

STAFF REVIEW FORM - FINANCIAL OBLIGATION

McClelland Engineers
FBO Hangar TO # 10
A. 5. Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

Amendment to Task Order #10
McClelland Consult. Engineers

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Ray M. Boudreaux Airport Aviation & Economic Development
Name Division Department

ACTION REQUIRED: Resolution to approve Amendment No. 1 to Task Order No. 10 for McClelland Consulting Engineers comprising additional fees for Construction Administration / Inspection, and Material Testing.
~~Approval of a Budget Adjustment in the amount of \$16,938.18~~

Signature of the Mayor required.

COST TO CITY:

<u>\$6,937.50</u>	<u>\$ 766,789.47</u>	<u>South Hangar Apron Complex</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5550.3960.5314.00</u>	<u>\$ 730250.38</u>	<u>Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02131.1</u>	<u>\$ 36,539.09</u>	<u>Airport</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

Brian L. Hill 6/13/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Farthing</u> <u>6/16/03</u>	<u>Nancy Smith</u> <u>6/16/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. J. White</u> <u>6/16/03</u>	<u>Police</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval

Chaudhary June 23, 2003
Division Head Date
Atch Davis June 17, 2003
Finance & Internal Services Dir. Date
W. E. Smith 6-17-03
Administrative Officer Date
Van Cady 6/17/03
Mayor Date

Received in Mayor's Office

6/17/03
Date P.H.

Cross Reference:

Previous Ord/Res#: 36-02
Orig. Contract Date: 3/11/2002
Orig. Contract Number: 747-Tsk Ord# 10
New Item: Yes No ☒



Description McClelland Eng. Amend Task Ord #10 Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 10 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF SIX THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS AND FIFTY CENTS (\$6,937.50).

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 Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of Six Thousand Nine Hundred Thirty-Seven Dollars and Fifty Cents (\$6,937.50).

PASSED and APPROVED this 1st day of July, 2003.

APPROVED

By:

DAN GOODY, Mayor

ATTEST

By: SONDRA SMITH, City Clerk

DRAFT

TEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
479.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Mayor Dan Coody
FROM: Ray Boudreaux, Director
DATE: June 10, 2003
SUBJECT: McClelland Amend T.O. #10

Background: McClelland Consulting Engineers performed design and construction oversight on the development of the South Hangar Apron Complex, which is essentially completed.

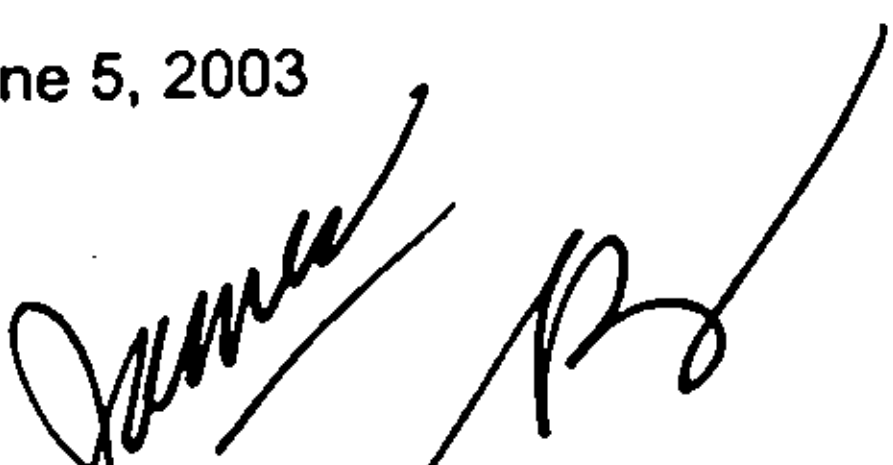
Purpose: The purpose of this change order is to adjust the fee due McClelland Engineers based on Task Order #10, reconciling the estimated and actual amounts for construction oversight and materials testing (\$6937.50).

Budget Considerations: ~~A budget adjustment for the Amendment is attached.~~
Sufficient funding exists within the project for this change order.

Action Requested: Accept and approve the Amendment #1 to Task Order #10 with McClelland Consulting Engineers, Inc. ~~Approval of a Budget Adjustment. Signature of the Mayor.~~

Staff Recommendation: Review & Approve

June 5, 2003



Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 10
Corporate Hangar Complex

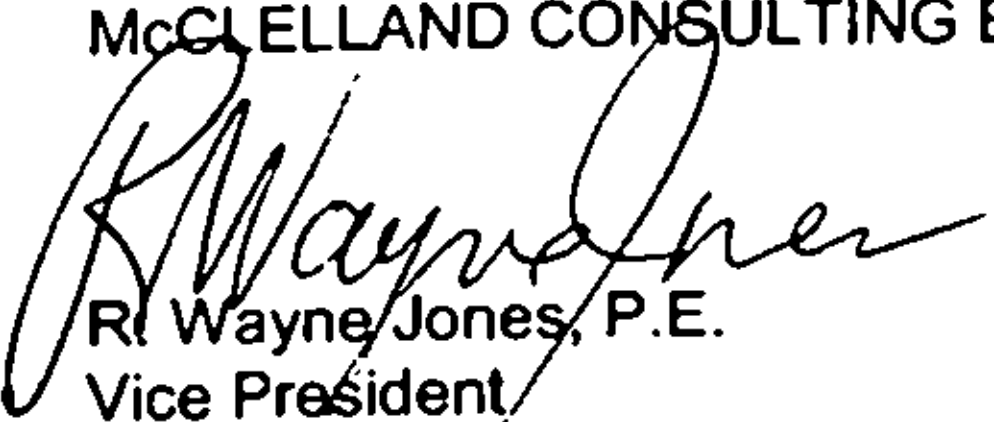
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of revised Amendment 1 to Task Order No. 10 for the above referenced project.

Please advise if you need further information regarding this Amendment, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Amendment 1 to Task Order No. 10 (3 copies)

**AMENDMENT NO. 1
TO
TASK ORDER NO. 10
ENGINEERING SERVICES
CORPORATE HANGAR COMPLEX**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The Task Order No. 10 executed on March 8, 2002, for basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on March 7, 2000 is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Description of the Project, and the Fees and Payments due to the requested increase in scope of services at Drake Field. This action is taken to allow the Engineer to undertake construction administration, Construction Materials testing services, and Ark Dept of Health Review Fee beyond the original scope of Task Order No. 10.

The following sections are hereby amended as follows:

SECTION II – DESCRIPTION OF THE PROJECT

The scope of the Corporate Hangar Complex project was increased by the Airport Department to include the entire complex rather than the original one-third of the overall project area. Therefore the scope of Construction Observation Services and Testing

Services were increased due to the construction of the entire project. The Ark. Dept. of Health requires a fee to review water and sewer plans and whereby MCE paid this fee and is to be reimbursed

SECTION IV - FEES AND PAYMENTS

The following fees to be paid to the Engineer as compensation for his services are to be adjusted to the revised values stated below for the increased scope of services:

E. Construction Administration & Inspection: hourly rates,
Observation Not to Exceed \$ 11,500.00.

G. Construction materials testing: hourly rates & unit prices,
Not to Exceed \$ 3,400.00.

H. Review Fee for Arkansas Department of Health Fee Amount \$ 500.00.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

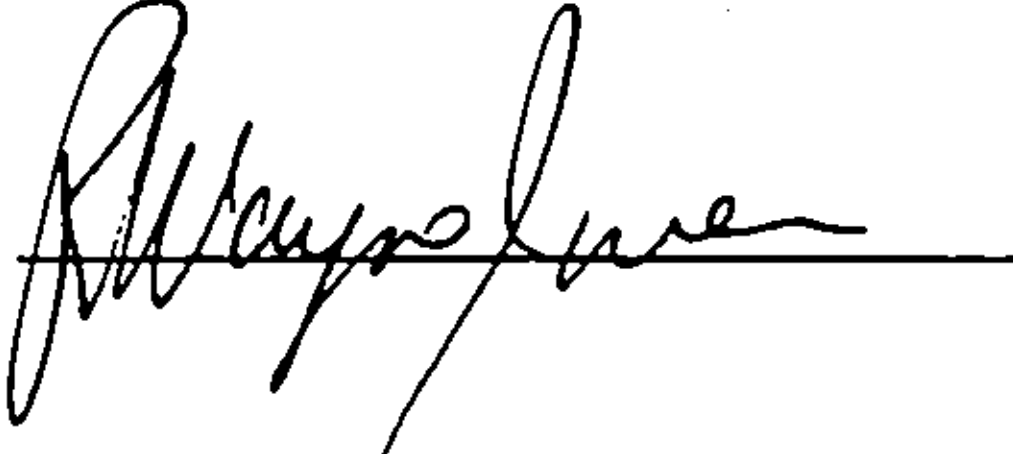
By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: 
President

Attest: 

Date: 6/5/03

>

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Motorola, Inc. Bid #03-35
Laptop Computers
A. 6. Page 1RECEIVED
JUN 10 2003X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEWFor the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Rick Hoyt

Name

Police

Division

Police

Department

ACTION REQUIRED: City Council award bid# 03-35 to Motorola Inc. for the purchase of 20 ruggedized laptop computers and seventeen docking stations in the amount of \$106,126.09.

COST TO CITY:

\$106,126.09	\$ 429,935.00	Police Safety Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470-9470-5210.00	\$ 84,357.99	Computer System Replacement
Account Number	Funds Used to Date	Program / Project Category Name
03004	\$ 345,577.01	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund Name

BET REVIEW:

X

Budgeted Item

Budget Adjustment Attached

Babara Lee
Budget Manager

6/10/03
Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fanning
Accounting Manager

6/11/03
Date

Nancy Smith
Internal Auditor

6/12/03
Date

D. J. Went
City Attorney

6/16/03
Date

P. Uice
Purchasing Manager

6/16/03
Date

STAFF RECOMMENDATION: City Council award bid 03-35 to Motorola Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers with 17 docking stations.

Received in Mayor's Office

6/17/03
Date PH

Division Head

Date

[Signature]
Department Director

6-10-03
Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

Atch Davis
Finance & Internal Services Dir.

6-17-03
Date

Michael E. Egan
Chief Administrative Officer

6-18-03
Date

Ken Cady
Mayor

6/19/03
Date



Description Ruggedized laptop bid

Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #03-35 TO MOTOROLA, INC. IN THE AMOUNT OF ONE HUNDRED SIX THOUSAND ONE HUNDRED TWENTY-SIX DOLLARS AND NINE CENTS (\$106,126.09) FOR THE PURCHASE OF TWENTY (20) RUGGEDIZED LAPTOP COMPUTERS AND SEVENTEEN (17) DOCKING STATIONS.

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 #03-35 to Motorola, Inc. in the amount of One Hundred Six Thousand One Hundred Twenty-Six Dollars and Nine Cents (\$106,126.09) for the purchase of twenty (20) ruggedized laptop computers and seventeen (17) docking stations.

PASSED and APPROVED this 1st day of July 2003.

APPROVED

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
FROM: Rick Hoyt, Chief of Police *RH*
DATE: June 9, 2003
RE: Award Bid 03-35 for Ruggedized Laptop Computers

Background:

The Fayetteville Police Department purchased 23 ruggedized laptop computers in November of 1998. These computers have been used by police officers to access various types of information from the National Crime Information Center, the Arkansas Crime Information Center and our own local network from within their patrol cars. The officer receives call information on the laptop upon being dispatched to an incident. This gives the officer valuable information concerning the address, cross streets, and provides information about previous incidents at a location, which is important for officer safety. Having this information readily available saves time and allows for more efficient use of radio airtime.

Current Status:

Bid number 03-35 to purchase ruggedized laptop computers and docking stations was opened on May 6, 2003. This bid is to replace current ruggedized laptops. The current laptops are having maintenance problems and cannot be upgraded past the Windows 95 operating system, rendering them obsolete. The new ruggedized laptops will be equipped with an Intel Pentium 4 processor, 40 GB hard drive, 256K RAM; XGA transfective touchscreen display, backlit keyboard and Windows XP operating system. Motorola, Inc. is the low bidder. They reported two exceptions. The first is providing a three-year warranty instead of a four-year warranty. The qualified bids' pricing was adjusted to equal a three-year warranty for comparison. The second exception is not providing a V.92 modem. This modem can be purchased locally at a cost of \$90.00; therefore Motorola, Inc. is still the low bidder. This purchase follows Fayetteville Vision 2020 guiding principles #4 (Financially Sustainable City Government Providing Top Quality, Responsive Services) by utilizing a local law enforcement block grant in the amount of \$35,897.00.

Recommendation:

Award bid 03-35 to Motorola, Inc. for the purchase of 20 ruggedized laptop computers and 17 docking stations for a total purchase price of \$106,126.09

INVITATION TO BID				
BID # 03-35	DATE ISSUED: April 24, 2003	DATE AND TIME OF OPENING: 11:00 a.m. May 2nd, 2003 <i>May 14</i>		
BUYER: City of Fayetteville, AR		DATE REQUIRED: 30 DAYS ARO		
F. O. B. Fayetteville, AR	BUYER'S PHONE # (479) 575-8289	GUARANTEED DELIVERY DATE: <i>August 31, 2003</i>		
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
	Per Attached Specifications			
1	Ruggedized Laptop Computers w/ 4 year warrant and 1 extra Lithium-Ion battery per computer	1-10 11-15 16-20	<i>\$4,521.00</i> <i>\$4,521.00</i> <i>\$4,521.00</i>	
2	Ruggedized Laptop Computers w/ Floppy Drive w/ 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,521.00</i>	<i>\$9,042.00</i>
3	Ruggedized Laptop Computers w/ DVD, AC Charger 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,623.00</i>	<i>\$9,246.00</i>
4	Ruggedized Laptop Computers w/ CD/RW, AC Charger, 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,623.00</i>	<i>\$9,246.00</i>
5	Docking Stations	1-10 11-15 16-20	<i>\$591.00</i> <i>\$591.00</i> <i>\$591.00</i>	
6	Vehicle Power Adapters	1-10 11-15 16-20	<i>included in item 5</i>	
7	Shipping		<i>N/C</i>	<i>N/C</i>
>>>>>>>>> Do not Include Tax				
RESTRICTIONS OR EXCEPTIONS TO THE BID MUST BE NOTED:				
EXECUTION OF BID				
Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.				
UN SIGNED BIDS WILL BE RE JECTED	NAME OF FIRM: <i>Motorola, Inc</i>		PHONE: <i>918 251-4007</i>	FED. ID#
	BUSINESS ADDRESS: <i>6450 Sequence Drive</i>		CITY AND STATE: <i>San Diego, CA</i>	ZIP: <i>92121</i>
	AUTHORIZED SIGNATURE: <i>Steven P. Palm</i>		TITLE: <i>AREA CONTROLLER</i>	DATE: <i>5-18-03</i>



Equipment List Bid 03-35

- Item 1 ML900 Mobile Laptop Computer, Intel Pentium 4-M 1.7 GHz processor, 40 GB hard drive, 256K RAM, 12.1" XGA transfective touchscreen display, WinXP or Win2000, 4 USB, fingerprint imager, DVI, internal CD-ROM, 1 Serial Port, spare lithium-ion battery, backlit keyboard, 3 year full warranty (1 year consumables).
- Item 2 ML900 Mobile Laptop Computer, Intel Pentium 4-M 1.7 GHz processor, 40 GB hard drive, 256K RAM, 12.1" XGA transfective touchscreen display, WinXP or Win2000, 4 USB, fingerprint imager, DVI, internal Floppy Drive, 1 Serial Port, spare lithium-ion battery, backlit keyboard, 3 year full warranty (1 year consumables).
- Item 3 ML900 Mobile Laptop Computer, Intel Pentium 4-M 1.7 GHz processor, 40 GB hard drive, 256K RAM, 12.1" XGA transfective touchscreen display, WinXP or Win2000, 4 USB, fingerprint imager, DVI, internal DVD/CD-RW, 1 Serial Port, spare lithium-ion battery, backlit keyboard, 3 year full warranty (1 year consumables).
- Item 4 ML900 Mobile Laptop Computer, Intel Pentium 4-M 1.7 GHz processor, 40 GB hard drive, 256K RAM, 12.1" XGA transfective touchscreen display, WinXP or Win2000, 4 USB, fingerprint imager, DVI, internal DVD/CD-RW, 1 Serial Port, spare lithium-ion battery, backlit keyboard, 3 year full warranty (1 year consumables).
- Item 5 ML900 Mobile Docking Station with Hot-docking capability and automatic antenna switching, includes Vehicle Power Adapter.
- Item 6 Vehicle Power Adapter included in the Docking Station above.
- Item 7 Shipping included, FOB Destination.
- Exceptions- 1.01H V92 modem not included. Can be supported with addition of PCMCIA card modem.
1.04 Warranty is 3 year full warranty, (1 year consumables). 4 year warranty is not offered.

Specification Sheet

MOBILE LAPTOP COMPUTER ML 900

Motorola, Inc. Bid #03-35
Laptop Computers
A. 6. Page 7



MOTOROLA
intelligence everywhere™

With more than 75 years of technological innovations and over 30 years of wireless data expertise, Motorola has the answer to the mobile data device you envision.

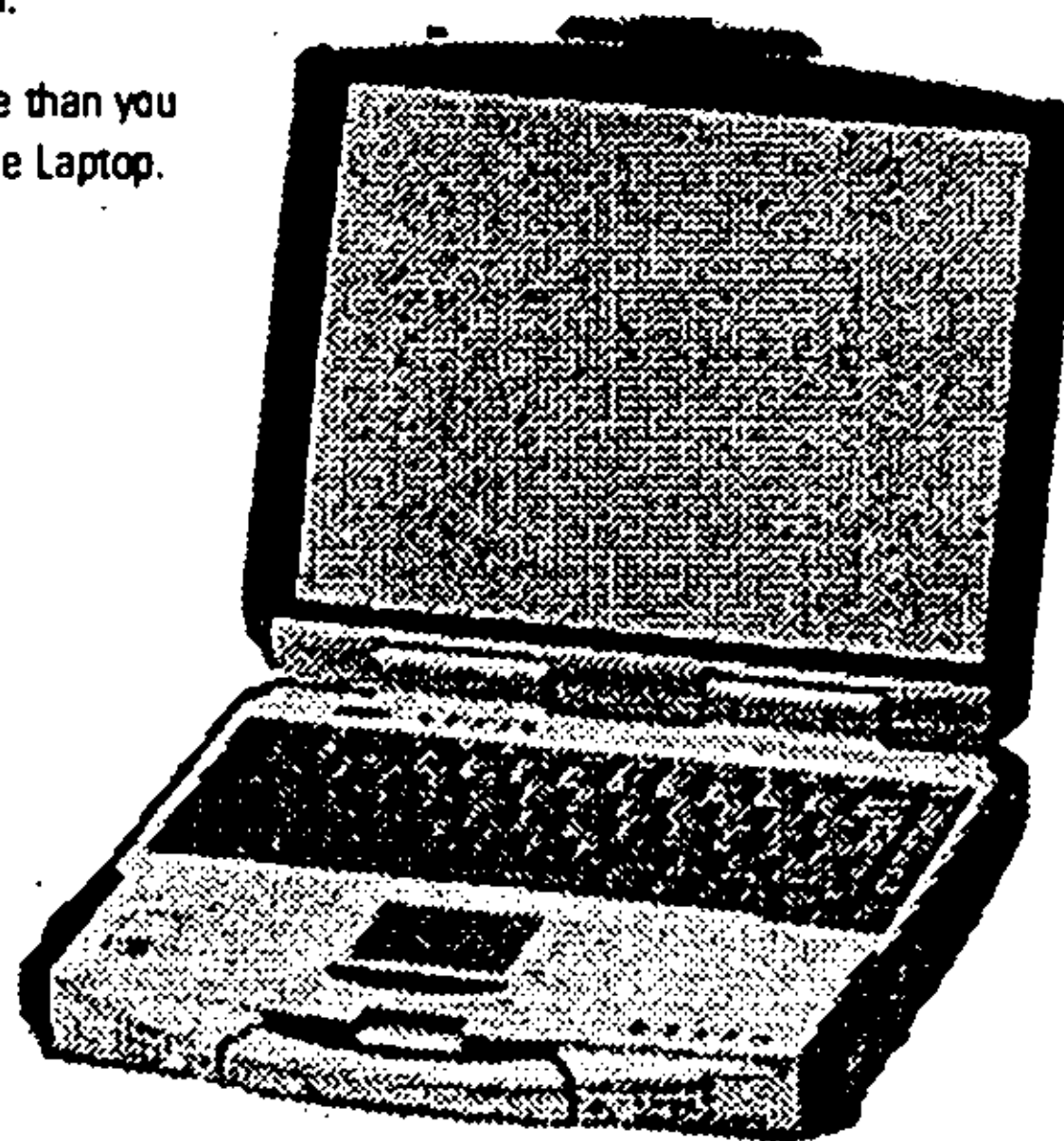
Top to bottom, handle to hinge, the ML 900 is Motorola-designed and developed for remarkable flexibility, versatility and durability. This ultra-robust, ruggedized laptop meets or exceeds MIL-STD 810F standards. Full-sized and full-featured, it is our most advanced mobile laptop computer, ready to handle the demands of the mission-critical world.

Experience Motorola quality and design with advanced features such as Intel Pentium 4-M 1.7 GHz processor; shock mounted removable 40 GB hard drive with heater; high-resolution, glare-free XGA screen; full-sized, 12.1" or 13.3" display; integrated CD-RW/DVD ROM; Fingerprint ID reader for added security; backlit, fully-sealed keyboard; automatic external antenna switching with advanced hot-dock solution; on-board digital video recorder.

Find everything you imagine – and more than you expect – in the Motorola ML 900 Mobile Laptop.

KEY FEATURES

- Magnesium alloy housing is fully sealed; meets rigorous environmental specs of MIL-STD-810F
- Integrated options for CD-RW/DVD ROM; FDD; or Secondary battery can be used in Multiuse Peripheral Bay
- Intel Pentium 4-M, 1.7 GHz Processor
- Supports MODS: Mobile Office Display Solution. Use the ML 900 in tandem with a fix-mounted Motorola display and keyboard and the ML 900 acts as a CPU, offering the best of fixed & portable solutions
- Fingerprint image reader provides convenience and security
- On-board digital video recorder
- Motorola's Advanced Dock Solution with Hot-docking capability and automatic antenna switching
- The full-sized, feature-rich ML 900 features a sunlight readable, high resolution XGA LCD Panel that provides high quality detailed graphical images, fingerprints and mugshots available in both 12.1" and 13.3" configurations.
- The ML 900 runs Windows 2000 and Windows XP operating systems and is compatible with Motorola's Public Safety applications such as Premier MDC™, Tx Messenger™ and Airmobile™ software packages, as well as a host of third party applications
- Innovative, patented antenna design
- Motorola's patented thermal management solution
- Field replaceable 40 GB 3-D shock mounted hard drive with heater



ml900.motorola.com

SYSTEM FUNCTION (ML 900)

CPU	Intel Mobile Pentium 4-M 1.7 GHz Processor with Motorola's patented thermal management system System Bus 400 MHz supports the Intel Speed Step Technology
Memory	Standard: 256 MB Max: 1 GB (field replaceable)
VGA Controller	64 MB Video RAM MotionComp capability, support hardware aid for DVD playback Support Dual View function LCD/CRT simultaneous display capability 1600x1200x16bpp Max. resolution for external CRT
Display	12.1" transfective XGA (1024x768) LCD Touch Panel or 13.3" transmissive LCD Touch panel
HDD	40 GB standard shock-mounted; field removable with heater
Multiuse Peripheral Bay	Allows for integrated options including: CD-R/W ROM; DVD-ROM; Floppy Drive; or secondary battery pack
FDD	Integrated model (see multiuse peripheral bay) or External USB available
Keyboard	Full QWERTY, fully-sealed keyboard (backlit optional)
Pointing Device	A touch-sensitive control pad with Microsoft Win Mouse function coexist and Touchscreen panel (optional)
Fingerprint Scanner	500 dpi
PCMCIA	Type II x 1 - CardBus support
Audio	AC97 audio support MS-Sound compatible Built-in two speaker (Stereo) Microphone in port Earphone/Speaker out port
I/O Port	1 x Serial 4 x USB 2.0 1 x IEEE 1394 Firewire 1 x DVI-I port 1 x Composite video input 1 x DC input 1 x Shrouded Hot-docking port 1 x RJ-45 100 Base-TLAN 1 x Fingerprint image reader
Battery	Smart Li-Ion 6000 mAH ; secondary 4000 mA battery available (for use in Multi Peripheral Bay)
AC adapter	Universal AC adapter - Input: 100-240 V, 50/60 Hz AC

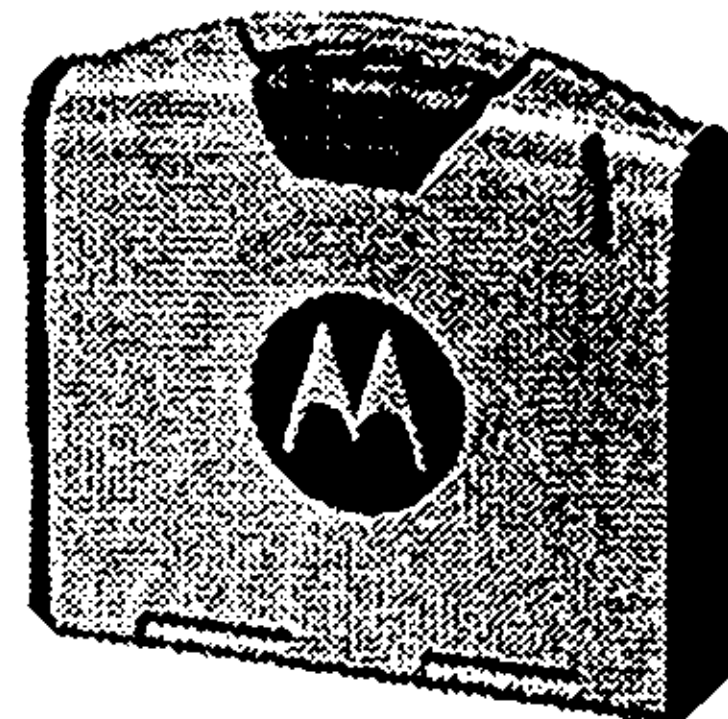
PHYSICAL

Dimensions	11.7" x 9.4" x 1.8" / 296 mm x 239 mm x 45 mm
Weight	4.1 kg (9.0 lbs.)
Operating System	Support Windows 2000 and Windows XP

ENVIRONMENTAL STANDARDS (MAIN SYSTEM)

Temperature	According to IEC 68-2-1,2,14 / MIL-STD-810F, Method 501.3, 502.3 Operating: -20°C to 50°C (Tested)
Humidity	According to IEC 68-2-30 / MIL-STD-810F, Method 507.3 5% to 95% RH, non-condensing
Altitude	According to IEC 68-2-13 / MIL-STD-810F, Method 500.3 Operating: 15,000ft Non-operating: 40,000ft altitude change rate: 2,000 ft/min
Drip	According to MIL-STD-810F, Method 506.3
Shock	According to IEC 68-2-27 / MIL-STD-810F, Method 516.4 Operating: 15g, 11 ms, half sine wave Non-operating: 50g, 11 ms, half sine wave
Vibration	According to IEC 68-2-6 / MIL-STD-810F, Method 514.4 Operating: 10-55Hz/0.075mm, 55-500Hz/1.0g Non-operating: 10-55Hz/0.15mm, 55-500Hz/2.0g
Dust	According to MIL-STD-810F, Method 510.3 5 hours in dust-laden atmosphere
Drop	According to IEC 68-2-32 / MIL-STD-810F, Method 516.4 3 Feet height free drop still survive, (test surface: concrete) for base unit only.
Enclosure	According to IEC 529, NEMA, MIL-STD-810F, Method 506.3, 510.3 IP 54 compliance
Regulation	FCC part 15, Subpart B, Class B, UL, CUL, TUV, CE
Integrated Wireless Communication Options	1 x Wide area RF (GSM/GPRS, Private DataTAC, IDEN, CDPD) 1 x Wireless LAN (802.11b with LEAP) 1 x Global Positioning System (GPS) receiver 1 x Personal Area Network (Bluetooth™ or IR) RF passthrough for Wide Area and GPS when Docked (for external antennas)
Accessories and Options	External Battery charger Car Adapter (12-32 VDC) Primary and Secondary Battery Packs Vehicle Mount and Motorola Advanced Docking Solution Mobile Office Display Solution (MODS: for dual display in-vehicle use) USB FDD (External or integrated) CD-RW/DVD ROM integrated CD-RW/DVD ROM external Touchscreen
Warranty	3 year full warranty standard (1 year consumables) 24/7 Phone support Advanced replacement service (ARS) Quick-turn service

ML 900 SHOWN
CLOSED FOR
CONVENIENT
PORTABILITY.



MOTOROLA CONFIDENTIAL PROPRIETARY



Motorola's Commercial, Government
and Industrial Solutions Sector is a
recipient of the prestigious 2002 Malcolm
Baldrige National Quality Award.
This honor demonstrates our commitment
to performance excellence and
quality achievement.

<http://ml900.motorola.com>



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MOTOROLA

ML900 Warranty

The ML900 is covered by a 3 year full warranty. Consumables such as batteries are covered for 1 year. Repairs are performed by the Radio Support Center, 3761 South Central Ave., Rockford, IL 61102.

Free UPS two-way overnight shipping is included. See the attached UPS Collect shipping instruction sheet. The City of Fayetteville will be required to complete a Repair Request form and include with the unit when shipped. The Radio Support Center (RSC) will repair the laptop to specifications and return to the City of Fayetteville.



MOTOROLA
intelligence everywhere™

Radio Support Center/UPS Collect Service Instruction Sheet

As part of the Motorola Radio Support Center's (RSC) efforts to provide better and simpler service to our customers, the RSC has worked with UPS to replace the UPS Consignee Billing program with UPS COLLECT. For your convenience, inbound shipment charges to the RSC will be covered when you use UPS Next Day Collect. This program does not require that you have a regular UPS account so inbound shipping won't cost you a thing unless you would like additional insurance.

WHAT IS UPS COLLECT SERVICE?

UPS Collect is a service that replaces Consignee Billing. UPS Collect works like Consignee Billing by providing customers with the materials needed to begin shipping to the RSC without being billed for the Next Day Inbound shipping charges.

HOW MUCH DOES THE UPS COLLECT SERVICE COST?

Nothing, unless you would like to insure your package in excess of \$100. Whether you have a UPS account or not, the UPS Next Day Collect Service is provided at no additional charge to our customers.

IS THE CUSTOMER'S EQUIPMENT FULLY INSURED AGAINST LOSS DURING SHIPPING?

Unless a greater value is declared in writing in the space provided on the UPS Pickup record, each package is covered up to \$100. To declare a value in excess of \$100, enter the UPS Collect Tracking Number and full-declared value amount in the space provided on the Pickup Record. The customer is responsible for inbound UPS insurance charges for declared values in excess of \$100.

HOW TO SHIP TO THE RSC USING UPS COLLECT SERVICE

Instructions for UPS accounts currently receiving a regular daily UPS pick up.

Using UPS provided online systems or UPS Worldship.

- Click the billing tab before shipping package and select "freight collect"
- Enter the Motorola collect account # (60E 445)
- Look up specific details in "Help" menu on software.

Using other automated shipping manifest software.

- Each program has unique "freight collect" options.
- Use the above account # when the software asks for the collect account #.
- Refer to help menu and user manual to see specific collect options.

Using the UPS standard recording book.

- Look up instructions on inside cover of shipping book Section #7.
- Enter the Motorola collect account # listed above.

Instructions for all customers currently not receiving a daily UPS pick up.

- Call the UPS Supply Ordering System at 1-800-877-8652 and follow the automated voice response system instructions to obtain preprinted Air Shipping documents. ** When prompted, select either of the following services and press the pound key (#) after making the selection:
 - UPS Next Day Air
 - NOTE: Do not select Next Day Early AM or Next Day Air Saver. Selecting either of these will affect billing charges and the shipping charges will be charged to the customer.
 - 2nd Day AM
 - 2nd Day Air

Complete and return the UPS supply request form as per the below.

- On the top half of the faxed form, read and complete fields one through seven.
- On the bottom half of the form, in fields one and eight, enter the following account number, 60E 445.
- In field two (example below), complete as per the following:

2. EXTREMELY URGENT DELIVERY TO	
NAME	TELEPHONE
Radio Support Center	1 800 227-6772
COMPANY	
Motorola	
STREET ADDRESS	DEPT./FLR.
3761 South Central Avenue	
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)	ZIP CODE
Rockford, Illinois	61102-5201

- In field three, please fill in estimated package weight information.

Instructions on shipping packages once the Preprinted forms are received.

- Be sure to complete an RSC Repair Request Form for each unit.
- Securely package the unit to prevent any damage during shipping. Insert a copy of the RSC Repair Request Form for each unit.
- Verify the "Ship To" address label is correct
- Tear off top copy of the address label for your records
- Give package to any UPS driver at any time.
- If you prefer, call UPS at 1 800 PICK-UPS (742-5877) for information on over 60,000 drop off locations or access WWW.UPS.COM for a drop off locator near you.

The customer may track the UPS shipment by calling 1 (800) PICK-UPS (742-5877) or visit the UPS website at WWW.UPS.COM. The customer will need the UPS tracking number, which is provided, on the shipping receipt.

** If the customer does not have access to a fax machine, they may call 1 (800) PICK-UPS (742-5877) and speak with a UPS representative on obtaining preprinted labels.

Communications Products Agreement

Motorola, Inc., ("Motorola") and the _____ ("Customer") enter into this Communications Products Agreement, pursuant to which Customer will purchase and Motorola will sell the Products, as described below. Seller and Customer may be referred to individually as "party" and collectively as "parties."

The parties agree as follows:

Section 1 EXHIBITS

The Exhibits listed below are incorporated into and made a part of this Agreement. In interpreting this Agreement and resolving any ambiguities, the main body of this Agreement will take precedence over the Exhibits and any inconsistency between the Exhibits will be resolved in the order in which they are listed below.

Exhibit A Motorola "Software License Agreement"
Exhibit B "List of Products"

Section 2 DEFINITIONS

Capitalized terms used in this Agreement shall have the following meanings:

"Equipment" means the hardware listed in the List of Products.

"Force Majeure" means an event, circumstance, or act of a third party that is beyond a party's reasonable control, such as an act of God, an act of the public enemy, an act of a government entity, strikes or other labor disturbances, hurricanes, earthquakes, fires, floods, epidemics, embargoes, war, riots, or any other similar cause.

"Motorola Software" means Software that Motorola owns.

"Non-Motorola Software" means Software that a party other than Motorola owns.

"Products" mean the Equipment and Software provided by Motorola under this Agreement.

"Proprietary Rights" means the patents, patent applications, inventions, copyrights, trade secrets, trademarks, trade names, mask works, know-how, and other intellectual property rights in and to the Equipment and Software, including those created or produced by Motorola under this Agreement and any corrections, bug fixes, enhancements, updates or modifications to or derivative works from the Software whether made by Motorola or another party.

"Software" means the Motorola and Non-Motorola Software in object code format that is furnished with the Products and which may be listed on the List of Products.

Section 3 SCOPE OF AGREEMENT AND TERM

3.1. SCOPE OF WORK. Motorola will provide, ship, and install (if applicable) the Products, and perform its other contractual responsibilities, all in accordance with this Agreement. Customer will perform its contractual responsibilities in accordance with this Agreement.

3.2. ADDITIONAL EQUIPMENT OR SOFTWARE. For a period of 3 years after the execution date of this Agreement, Customer may order additional Equipment or Software provided it is then available. Each order must refer to this Agreement. The applicable provisions of this Agreement (except for pricing, delivery, and payment terms) will govern the purchase and sale of the additional Equipment or Software.

Unless otherwise expressly provided in this Agreement, the pricing and delivery terms will be Motorola's then published prices and standard delivery terms for such Equipment or Software, and payment is due within twenty (20) days after the invoice date. Motorola will send Customer an invoice as the additional Equipment is shipped or Software is licensed.

3.3. **MOTOROLA SOFTWARE.** Any Motorola Software, including subsequent releases, is licensed to Customer solely in accordance with the Software License Agreement. Customer hereby accepts and agrees to abide by all of the terms and restrictions of the Software License Agreement.

3.4. **NON-MOTOROLA SOFTWARE.** Any Non-Motorola Software is licensed to Customer in accordance with the standard license, terms, and restrictions of the copyright owner unless the copyright owner has granted to Motorola the right to sublicense the Non-Motorola Software pursuant to the Software License Agreement, in which case it applies. Motorola makes no representations or warranties of any kind regarding Non-Motorola Software.

Section 4 PAYMENT OF PURCHASE PRICE

4.1. **PURCHASE PRICE.** The purchase price is \$_____. Motorola will submit to Customer invoices for Products when they are shipped and for services, if applicable, when they are performed. Customer will make payments to Motorola within twenty (20) days after the date of each invoice. Customer will make payments when due in the form of a check, cashier's check, or wire transfer drawn on a U.S. financial institution.

4.2. **OVERDUE INVOICES.** Overdue invoices will bear simple interest at the rate of ten percent (10%) per annum, unless such rate exceeds the maximum allowed by law, in which case it will be reduced to the maximum allowable rate.

4.3. **FREIGHT, TITLE, AND RISK OF LOSS.** All freight charges will be pre-paid by Motorola and added to the invoices. Title and risk of loss to the Equipment will pass to Customer upon shipment, except that title to Software will not pass to Customer at any time. Motorola will pack and ship all Equipment in accordance with good commercial practices.

Section 5 REPRESENTATIONS AND WARRANTIES

5.1. **EQUIPMENT WARRANTY.** For one year from the date of shipment, Motorola warrants that the Equipment under normal use and service will operate in conformity with the manufacturer's published product specifications in all material respects and will be free from material defects in materials and workmanship.

5.2. **MOTOROLA SOFTWARE WARRANTY.** Unless otherwise stated in the Software License Agreement, for one year from the date of shipment, Motorola warrants the Motorola Software in accordance with the terms of the Software License Agreement and the provisions of this Section applicable to the Motorola Software.

5.3. **EXCLUSIONS TO EQUIPMENT AND MOTOROLA SOFTWARE WARRANTIES.** These warranties do not apply to: (i) defects or damage resulting from use of the Equipment or Motorola Software in other than its normal, customary, and authorized manner; (ii) defects or damage occurring from misuse, accident, liquids, neglect, or acts of God; (iii) defects or damage occurring from testing, maintenance, disassembly, repair, installation, alteration, modification, or adjustment not provided or authorized in writing by Motorola; (iv) breakage of or damage to antennas unless caused directly by defects in material or workmanship; (v) defects or damage caused by Customer's failure to comply with all applicable industry and OSHA standards; (vi) Equipment that has had the serial number removed or made illegible; (vii) batteries (because they carry their own separate limited warranty); (viii) freight costs to ship Equipment to the repair depot; (ix) scratches or other cosmetic damage to Equipment surfaces that does not affect the operation of the Equipment; and (x) normal or customary wear and tear.

5.4. **WARRANTY CLAIMS.** Before the expiration of the warranty period, Customer must notify Motorola in writing if Equipment or Motorola Software does not conform to these warranties. Upon receipt of such notice, Motorola will investigate the warranty claim. If this investigation confirms a valid warranty claim, Motorola will (at its option and at no additional charge to Customer) repair the defective Equipment or Motorola Software, replace it with the same or equivalent product, or refund the price of the defective Equipment or Motorola Software. Such action will be the full extent of Motorola's liability hereunder. If this investigation indicates the warranty claim is not valid, then Motorola may invoice Customer for responding to the claim on a time and materials basis using Motorola's current labor rates. Repaired or replaced product is warranted for the balance of the original applicable Warranty Period. All replaced products or parts will become the property of Motorola.

5.5. **ORIGINAL END USER IS COVERED.** These express limited warranties are extended by Motorola to the original user purchasing the Products for commercial, industrial, or governmental use only, and are not assignable or transferable.

5.6. **DISCLAIMER OF OTHER WARRANTIES.** THESE WARRANTIES ARE THE COMPLETE WARRANTIES FOR THE EQUIPMENT AND MOTOROLA SOFTWARE PROVIDED UNDER THIS AGREEMENT AND ARE GIVEN IN LIEU OF ALL OTHER WARRANTIES. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 6 DELAYS

Neither party will be liable for its non-performance or delayed performance if caused by a Force Majeure. Each party will notify the other if it becomes aware of any Force Majeure that will significantly delay performance. The notifying party will give such notice promptly (but in no event later than fifteen days) after it discovers the Force Majeure. If a Force Majeure occurs, the parties will execute a change order to extend the performance schedule for a time period that is reasonable under the circumstances.

Section 7 DEFAULT AND TERMINATION

If a party fails to perform or otherwise breaches a material obligation under this Agreement, the other party may consider the non-performing party to be in default, unless a Force Majeure causes such failure. If the performing party asserts a default, it will give the non-performing party written and detailed notice of the default; and the non-performing party will have thirty days thereafter either to dispute the assertion or provide a written plan to cure the default that is acceptable to the performing party. If the non-performing party provides a cure plan, it will begin implementing the cure plan immediately after receipt of the performing party's approval of the plan. If the non-performing party fails to cure the default, the performing party may terminate any unfulfilled portion of this Agreement and recover damages as permitted by law and this Agreement.

Section 8 LIMITATION OF LIABILITY

This limitation of liability provision shall apply notwithstanding any contrary provision in this Agreement. Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, indemnification, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of the Equipment, Software, or services with respect to which losses or damages are claimed. **ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT, THE SALE OR USE OF THE EQUIPMENT OR SOFTWARE, OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT.** This limitation of liability will survive the expiration or termination of this Agreement. No action for breach of this Agreement or otherwise relating to the transactions

contemplated by this Agreement may be brought more than one year after the accrual of such cause of action, except for money due upon an open account.

Section 9 PRESERVATION OF MOTOROLA'S PROPRIETARY RIGHTS

9.1. Motorola owns and retains all of its Proprietary Rights in the Equipment and Software. The third party manufacturer of any Equipment and the copyright owner of any Non-Motorola Software own and retain all of their Proprietary Rights in the Equipment and Software. Nothing in this Agreement is intended to restrict the Proprietary Rights of Motorola, any copyright owner of Non-Motorola Software, or any third party manufacturer of Equipment. All intellectual property developed, originated, or prepared by Motorola in connection with providing to Customer the Equipment, Software, or related services remain vested exclusively in Motorola, and this Agreement does not grant to Customer any shared development rights of intellectual property. This Agreement does not involve any Software that is a "work made for hire."

9.2. Except as explicitly provided in the Software License Agreement, nothing in this Agreement will be deemed to grant, either directly or by implication, estoppel, or otherwise, any right, title or interest in Motorola's Proprietary Rights. Concerning both the Motorola Software and the Non-Motorola Software, Customer agrees not to modify, disassemble, peel components, decompile, otherwise reverse engineer or attempt to reverse engineer, derive source code or create derivative works from, adapt, translate, merge with other software, reproduce, or export the Software, or permit or encourage any third party to do so.

Section 10 GENERAL

10.1. **TAXES.** The Purchase Price does not include any amount for federal, state, or local excise, sales, lease, service, rental, use, property, occupation, or other taxes, assessments or duties (other than federal, state, and local taxes based on Motorola's income or net worth), all of which will be paid by Customer except as exempt by law. If Motorola is required to pay or bear the burden of any such taxes, Motorola will send an invoice to Customer and Customer will pay to Motorola the amount of such taxes (including any applicable interest and penalties) within twenty (20) days after the date of the invoice. Customer will be solely responsible for reporting the Equipment for personal property tax purposes.

10.2. **ASSIGNABILITY.** Neither party may assign this Agreement without the prior written consent of the other party, except that Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer.

10.3. **SUBCONTRACTING.** Motorola may subcontract any portion of the work, but such subcontracting will not relieve Motorola of its duties under this Agreement.

10.4. **WAIVER.** Failure or delay by either party to exercise any right or power under this Agreement will not operate as a waiver of such right or power. For a waiver of a right or power to be effective, it must be in writing signed by the waiving party. An effective waiver of a right or power shall not be construed as either (i) a future or continuing waiver of that same right or power, or (ii) the waiver of any other right or power.

10.5. **SEVERABILITY.** If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement.

10.6. **INDEPENDENT CONTRACTORS.** Each party shall perform its activities and duties hereunder only as an independent contractor. The parties and their personnel shall not be considered to be an employee or agent of the other party. Nothing in this Agreement shall be interpreted as granting either party the right or authority to make commitments of any kind for the other. This Agreement shall not constitute, create, or in any way be interpreted as a joint venture, partnership or formal business organization of any kind.

10.7. HEADINGS AND SECTION REFERENCES; CONSTRUCTION. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers. This Agreement will be fairly interpreted in accordance with its terms and conditions and not for or against either party.

10.8. GOVERNING LAW. This Agreement and the rights and duties of the parties will be governed by and interpreted in accordance with the laws of the State in which the System is installed.

10.9. ENTIRE AGREEMENT. This Agreement, including all Exhibits, constitutes the entire agreement of the parties regarding the subject matter hereof and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to such subject matter. This Agreement may be altered, amended, or modified only by a written instrument signed by authorized representatives of both parties. The preprinted terms and conditions found on any Customer purchase order, acknowledgment or other form will not be considered an amendment or modification of this Agreement, even if a representative of each party signs such document.

The parties hereby enter into this Agreement as of the dates set forth below.

Motorola, Inc.

Customer

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit A
Software License Agreement

Software License Agreement

Motorola, Inc., a Delaware corporation, through its Commercial, Government, and Industrial Solutions Sector ("Motorola" or "Licensor") and _____ ("Licensee"), hereby enter into this Software License Agreement ("Agreement"). Motorola and _____ are each authorized to execute this Agreement on behalf of the other. For good and valuable consideration, the parties agree as follows:

Section 1 SCOPE

Licensor will provide proprietary software and/or radio communications, computer, or other electronic products ("Products") containing embedded or pre-loaded proprietary software to Licensee. All such software that is owned by Motorola is referred to as "Software." Product and Software documentation that specifies technical and performance features and capabilities, and the user, operation and training manuals for the Software (including all physical or electronic media upon which this information is provided) are collectively referred to as "Documentation." This Agreement contains the terms and conditions pursuant to which Licensor will license, and Licensee may use, the Software and Documentation.

Section 2 GRANT OF LICENSE

Licensor hereby grants to Licensee a personal, non-transferable (except as permitted in Section 8 below), and non-exclusive license under Licensor's applicable proprietary rights to use the Software and related Documentation for the purposes for which they were designed and in accordance with the terms and conditions of this Agreement. The license granted authorizes Licensee to use the Software only in object code format and does not grant any rights to source code.

Section 3 LIMITATIONS ON USE

3.1. Licensee may use the Motorola Software only for Licensee's internal business purposes and only in accordance with the Documentation. Any other use of the Software is strictly prohibited. Licensee may not for any reason modify, disassemble, peel components, decompile, otherwise reverse engineer or attempt to reverse engineer, derive source code, create derivative works from, adapt, translate, merge with other software, copy, reproduce, or export any Software or permit or encourage any third party to do so, except that Licensee may make one copy of Software provided by Licensor to be used solely for archival or back-up purposes. Licensee must reproduce all copyright and trademark notices on all copies of the Software and Documentation.

3.2. Licensee may not copy onto or transfer Software installed in one Product device onto another device. Notwithstanding the preceding sentence, Licensee may temporarily transfer Software installed on one device onto another if the original device is inoperable or malfunctioning, provided that Licensee provides written notice to Licensor of such temporary transfer and such temporary transfer is discontinued when the original device is returned to operation. Upon Licensor's written request, Licensee must provide to Licensor a written list of all Product devices in which the Software is installed and being used by Licensee.

3.3. Licensee must purchase a copy for each site at which Licensee uses Motorola's Radio Service Software (if applicable). Licensee may make one additional copy for each computer owned or controlled by Licensee at each such site. Upon written Motorola's request, Licensee must provide a written list of all sites where Licensee uses or intends to use Radio Service Software.

Section 4 OWNERSHIP AND TITLE

Title to all copies of Software will not pass to Licensee at any time but remains vested exclusively in Licensor. Licensor owns and retains all of its proprietary rights in any form concerning the Software and Documentation, including all rights in patents, patent applications, inventions, copyrights, trade secrets, trademarks, trade names, and other intellectual properties (including any corrections, bug fixes,

enhancements, updates, or modifications to or derivative works from the Software whether made by Licensor or another party). Nothing in this Agreement is intended to restrict the proprietary rights of Licensor or to grant by implication or estoppel any proprietary rights. All intellectual property developed, originated, or prepared by Licensor in connection with providing to Licensee Software, Products, or related services remain vested exclusively in Licensor, and this Agreement does not grant to Licensee any shared development rights of intellectual property. This Agreement does not involve any software that is a "work made for hire."

Section 5 CONFIDENTIALITY

Licensee acknowledges that the Software and Documentation contain Licensor's proprietary and confidential information and trade secrets. Licensee will take necessary and appropriate precautions to maintain and guard the confidentiality of the Software and Documentation, using at least the same degree of care that Licensee applies to its own confidential information but not less than reasonable care. Precautions will include informing Licensee's employees and agents who are authorized to use the Software and Documentation that such information is confidential and may not be disclosed to others. Licensee will not disclose the Software and Documentation to any third party except as permitted by this Agreement or expressly in writing by Licensor. Licensee will limit access to the Software and Documentation to Licensee's employees and agents who need to know and are authorized to use the Software and Documentation as permitted by this Agreement.

Section 6 LIMITED WARRANTY

6.1. If the Software is provided pursuant to a Communications Products Agreement between Licensor and Licensee, the warranty period for the Software shall commence as stated in such agreement and will continue for one (1) year except as otherwise provided in this Section. For all other transactions, the warranty period will commence upon shipment of the Software and will continue for 120 days. For Software that is application software, the warranty period for subsequent units licensed is the remainder (if any) of the initial warranty period or, if the initial warranty period has expired, the remainder (if any) of the term of any applicable Software Maintenance and Support Agreement.

6.2. During the applicable warranty period, Licensor warrants that the Software, when used properly and in accordance with this Agreement, will be free from a reproducible defect that eliminates the functionality or successful operation of a feature critical to the primary functionality or successful operation of the system. For Software involving radio frequency systems and Products, the primary functionality of a voice communication system is subscriber-to-subscriber, subscriber-to-dispatcher, and dispatcher-to-subscriber voice communication; and the primary functionality of a data communication system is point-to-point data transmission. Licensor does not warrant that Licensee's use of the Software or Products will be uninterrupted or error-free or that the Software or the Products will meet Licensee's particular requirements.

6.3. Before the expiration of the applicable warranty period, Licensee must notify Licensor in writing if the Motorola Software does not conform to this warranty. Upon receipt of such notice, Licensor will investigate the warranty claim. If this investigation confirms a valid warranty claim, Licensor will (at its option and at no additional charge to Licensee) repair the defect, replace the defective Software with the same or equivalent software, or refund the price of the defective Software or individual Product in which the Software is embedded or for which it was provided. Such action will be the full extent of Licensor's liability and Licensee's sole remedy for a breach of this warranty. If the investigation indicates the warranty claim is not valid, then Licensor may invoice Licensee for responding to the claim on a time and materials basis using Licensor's current labor rates.

6.4. THIS WARRANTY EXTENDS ONLY TO THE FIRST LICENSEE. SUBSEQUENT TRANSFEREES MUST ACCEPT THE SOFTWARE "AS IS" AND WITH NO WARRANTIES OF ANY KIND. LICENSOR DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 7 LIMITATION OF LIABILITY

EXCEPT FOR PERSONAL INJURY OR DEATH, LICENSOR'S TOTAL LIABILITY, WHETHER FOR BREACH OF CONTRACT, WARRANTY, NEGLIGENCE, STRICT LIABILITY IN TORT, OR OTHERWISE, WILL BE LIMITED TO LICENSEE'S DIRECT DAMAGES RECOVERABLE UNDER LAW, BUT NOT TO EXCEED THE PRICE FOR THE SOFTWARE, THE PRODUCTS PROVIDED BY LICENSOR IN WHICH THE SOFTWARE IS EMBEDDED OR INSTALLED, OR THE SERVICES SPECIFICALLY RELATED TO THE SOFTWARE WITH RESPECT TO WHICH LOSSES OR DAMAGES ARE CLAIMED. ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT LICENSOR WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS, INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES ARISING FROM THIS AGREEMENT OR THE SALE OR USE OF ANY SOFTWARE OR PRODUCTS. This Limitation of Liability provision will survive the termination of this Agreement. Licensee must bring any action under this Agreement within one (1) year after the cause of action arises.

Section 8 TRANSFERS

Licensee may not transfer Software to any third party without Licensor's prior written consent, which consent may be withheld in Licensor's reasonable discretion and may be conditioned upon the transferee paying all applicable license fees and agreeing to be bound by this Agreement. Notwithstanding the preceding sentence, if Licensee transfers ownership of radio Products to a third party, Licensee may assign its rights to use the Software (other than Radio Service Software and Motorola's FLASHport® Software) embedded in or furnished for use with those radio Products; provided that Licensee transfers all copies of such Software and the related Documentation to the transferee, and the transferee executes a transfer form to be provided by Licensor upon request (which form obligates the transferee to be bound by this Agreement).

Section 9 TERM AND TERMINATION

Licensee's right to use the Software will begin when this Agreement is mutually executed by both parties and will continue in perpetuity unless terminated without notice by Licensor upon Licensee's breach of this Agreement. Licensee acknowledges that its breach of this Agreement will result in irreparable harm to Licensor for which monetary damages would be inadequate. Upon termination of this Agreement, Licensor will be entitled to immediate injunctive relief. Within thirty (30) days after termination of this Agreement, Licensee must certify in writing to Licensor that all copies of the Software and Documentation have been returned to Licensor or destroyed and are no longer in use by Licensee.

Section 10 NOTICES

Notices required under this Agreement to be given by one party to the other must be in writing and either delivered in person or sent to the address shown below by certified mail, return receipt requested, postage prepaid (or by a recognized courier service with an asset tracking system, such as Federal Express, UPS, or DHL), and shall be effective upon receipt. Change of address must be in writing to the other party.

Licensee

Attn: _____

Licensor

Attn: _____

Section 11 UNITED STATES GOVERNMENT LICENSING PROVISIONS

In the event that the Licensee is the United States Government or a United States Government agency, then the provisions of this section also apply. Use, duplication or disclosure of Motorola Software and associated documentation under Motorola's copyrights and/or trade secret rights is subject to the restrictions set forth in subparagraphs (c)(1) and (2) of the Commercial Computer Software-Restricted

Rights clause at FAR 52.227-19 (JUNE 1987), if applicable, unless being provided to the Department of Defense. If being provided to the Department of Defense, use, duplication, or disclosure of Software and associated documentation is subject to the restricted rights set forth in subparagraph (c)(1)(ii) of the Rights in Technical Data and Computer Software clause at DFARS 252.227-7013 (OCT 1988), if applicable. Software and associated documentation may or may not include a Restricted Rights notice, or other notice referring specifically to the terms and conditions of this Agreement. The terms and conditions of this Agreement shall each continue to apply, but only to the extent that such terms and conditions are not inconsistent with the rights provided to the Licensee under the aforementioned provisions of the FAR or DFARS, as applicable to the particular procuring agency and procurement transaction.

Section 12 GENERAL

12.1. COPYRIGHT NOTICES. The existence of a copyright notice on the Software will not be construed as an admission or presumption that public disclosure of the Software or any trade secrets associated with the Software has occurred.

12.2. COMPLIANCE WITH LAWS. Licensee will comply with all applicable laws and regulations, including export laws and regulations of the United States. Licensee will not, without the prior authorization of Licensor and the appropriate governmental authority of the United States, in any form export or re-export, sell or resell, ship or reship, or divert, through direct or indirect means, any item or technical data or direct or indirect products sold or otherwise furnished to any person within any territory for which the United States Government, or any agency thereof, at the time of such action, requires an export license or other governmental approval. Violation of this provision shall be a material breach of this Agreement, permitting immediate termination by Licensor.

12.3. WAIVERS. Failure or delay by either party to exercise any right or power under this Agreement will not operate as a waiver of such right or power. For a waiver of a right or power to be effective, it must be in writing signed by the waiving party. An effective waiver of a right or power shall not be construed as either a future or continuing waiver of that same right or power, or the waiver of any other right or power.

12.4. ASSIGNMENTS. Licensor may assign any of its rights or subcontract any of its obligations under this Agreement, or encumber or sell any of its rights in any Software, without prior notice to or consent of Licensee.

12.5. ENTIRE AGREEMENT AND AMENDMENT. This Agreement constitutes the entire agreement of the parties regarding Licensee's use of the Software and may be altered, amended, or modified only by a written instrument signed by an authorized representative of each party, except that Licensor may modify this Agreement as necessary to comply with applicable laws and regulations. This Agreement will be fairly interpreted in accordance with its terms and conditions and not for or against either party.

12.6. GOVERNING LAW. This Agreement will be governed by the laws of the United States to the extent that they apply and otherwise by the laws of the State to which the Software or Products are shipped.

12.7. SEVERABILITY. If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, that provision will be severed and the remainder of this Agreement will remain in full force and effect.

In witness whereof, the parties have caused duly authorized representatives to execute this Software License Agreement on the dates set forth below.

Motorola, Inc. (Licensor)

(Licensee)

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

MOTOROLA STANDARD COMMERCIAL WARRANTY

This warranty applies within the fifty (50) United States, the District of Columbia and Canada.

LIMITED WARRANTY MOTOROLA COMMUNICATION PRODUCTS

If the affected product is being purchased pursuant to a written Communications System Agreement signed by Motorola, the warranty contained in that written agreement will apply. Otherwise, the following warranty applies.

I. WHAT THIS WARRANTY COVERS AND FOR HOW LONG:

Motorola Inc. or, if applicable, Motorola Canada Limited ("Motorola") warrants the Motorola manufactured radio communications product, including original equipment crystal devices and channel elements ("Product"), against material defects in material and workmanship under normal use and service for a period of One (1) Year from the date of shipment.

Motorola, at its option, will at no charge either repair the Product (with new or reconditioned parts), replace it with the same or equivalent Product (using new or reconditioned Product), or refund the purchase price of the Product during the warranty period provided purchaser notifies Motorola according to the terms of this warranty. Repaired or replaced Product is warranted for the balance of the original applicable warranty period. All replaced parts of the Product shall become the property of Motorola.

This express limited warranty is extended by Motorola to the original end user purchaser purchasing the Product for purposes of leasing or for commercial, industrial, or governmental use only, and is not assignable or transferable to any other party. This is the complete warranty for the Product manufactured by Motorola. Motorola assumes no obligations or liability for additions or modifications to this warranty unless made in writing and signed by an officer of Motorola. Unless made in a separate written agreement between Motorola and the original end user purchaser, Motorola does not warrant the installation, maintenance or service of the Product.

Motorola cannot be responsible in any way for any ancillary equipment not furnished by Motorola which is attached to or used in connection with the Product, or for operation of the Product with any ancillary equipment, and all such equipment is expressly excluded from this warranty. Because each system which may use the Product is unique, Motorola disclaims liability for range, coverage, or operation of the system as a whole under this warranty.

II. GENERAL PROVISIONS:

This warranty sets forth the full extent of Motorola's responsibilities regarding the Product. Repair, replacement or refund of the purchase price, at Motorola's option, is the exclusive remedy. THIS WARRANTY IS GIVEN IN LIEU OF ALL OTHER EXPRESS WARRANTIES. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT SHALL MOTOROLA BE LIABLE FOR DAMAGES IN EXCESS OF THE PURCHASE PRICE OF THE PRODUCT, FOR ANY LOSS OF USE, LOSS OF TIME, INCONVENIENCE,

COMMERCIAL LOSS, LOST PROFITS OR SAVINGS OR OTHER INCIDENTAL, SPECIAL, INDIRECT OR CONSEQUENTIAL DAMAGES ARISING OUT OF THE USE OR INABILITY TO USE SUCH PRODUCT, TO THE FULL EXTENT SUCH MAY BE DISCLAIMED BY LAW.

III. HOW TO GET WARRANTY SERVICE:

Purchaser must notify Motorola's representative or call Motorola's Customer Response Center at 1-800-247-2346 within the applicable warranty period for information regarding warranty service.

IV. WHAT THIS WARRANTY DOES NOT COVER:

- A) Defects or damage resulting from use of the Product in other than its normal and customary manner.
- B) Defects or damage from misuse, accident, water, or neglect.
- C) Defects or damage from improper testing, operation, maintenance, installation, alteration, modification, or adjustment.
- D) Breakage or damage to antennas unless caused directly by defects in material workmanship.
- E) A Product subjected to unauthorized Product modifications, disassemblies or repairs (including, without limitation, the addition to the Product of non-Motorola supplied equipment) which adversely affect performance of the Product or interfere with Motorola's normal warranty inspection and testing of the Product to verify any warranty claim.
- F) Product which has had the serial number removed or made illegible.
- G) Batteries (they carry their own separate limited warranty).
- H) Freight costs to the repair depot.
- I) A Product which, due to illegal or unauthorized alteration of the software/firmware in the Product, does not function in accordance with Motorola's published specifications or with the FCC type acceptance labeling in effect for the Product at the time the Product was initially distributed from Motorola.
- J) Scratches or other cosmetic damage to Product surfaces that does not affect the operation of the Product.
- K) That the software in the Product will meet the purchaser's requirements or that the operation of the software will be uninterrupted or error-free.
- L) Normal and customary wear and tear.
- M) Non-Motorola manufactured equipment unless bearing a Motorola Part Number in the form of an alpha numeric number (i.e., TDE6030B).

V. GOVERNING LAW

In the case of a Product sold in the United States and Canada, this Warranty is governed by the laws of the State of Illinois and the Province of Ontario, respectively.

City of Fayetteville
Fayetteville, AR
Bid 03-35
Ruggedized Lap Tops
Addendum #2

Extend Bid due date from May 6th, 2003 to 2:00 p.m., May 14th, 2003.

Change item "A" minimum specs to:

- A. **Processor:** Intel Pentium III $\geq$ 800 MHz w/ 256 L2 Cache, 128 MB RAM w/
 capacity for 512 MB RAM

THANK YOU!

PEGGY VICE
PURCHASING MANAGER
479/575-8289

City Of Fayetteville

(Not a Purchase Order)

Requestion No.		Date: 6/4/2003	
P.O Number		Expected Delivery Date:	
Mail Yes: ☐	No: ☒	Quotes Attached No: ☐	
Taxable Yes: ☐		No: ☒	
Division Head Approval:		Extension: 581	
Project/Subproject #		Inventory #	
Fixed Asset #			
Zip Code 74012		Ship to code: 21	
Requester's Employee # 75			
Account Numbers			
Extended Cost			
Unit Cost			
Unit of Issue			
Quantity			
State: OK			
City: Broken Arrow			
Requester: Judy Cohes			
Vendor Name: Motorola Inc.			
Address: 2212 W. Nashville St			
Item Description			
1	Ruggedized Laptop Computer (Item 1)	16	EA
2	Ruggedized Laptop Computer (Item 3)	2	EA
3	Ruggedized Laptop Computer (Item 4)	2	EA
4	Docking Stations (Item 5)	17	EA
5		0	0.00
6			\$0.00
7			\$0.00
8			\$0.00
9			\$0.00
10			\$0.00
Shipping/Handling			\$0.00
Special Instructions:			
Subtotal:		\$100,875.00	
Tax:		\$5,251.09	
Total:		\$106,126.09	
Approvals:			
Mayor:		Department Director:	
Finance & Internal Services Director:		Budget Manager:	
Dispatch Manager:		Utilities Manager:	
Purchasing Manager:		IT Manager:	
Other:			

BID: 03-35
DATE: 5/14/03
TIME: 2:00 P.M.
CITY OF FAYETTEVILLE

RUGGEDIZED LAP TOPS

BIDDERS: MOTOROLA, ITRONICS, GOVERNMENT TECHNOLOGY SERVICES, INC., COMPUTERS PLUS, INC.

	ITEM 1	ITEM 2	ITEM 3	ITEM 4	ITEM 5
1. MOTOROLA	\$4,521	\$4,521	\$4,623	\$4,623	\$591
2. ITRONICS	\$4,938	\$4,991	\$5,196	\$5,366	\$512
3. GOVERNMENT TECHNOLOGY SERVICES, INC.					
4. COMPUTERS PLUS, INC.	\$4,830	\$4,830	\$5,125	\$5,192	\$535

DOES NOT MEET SPECIFICATIONS

CERTIFIED BY: P. Vice
P. VICE PURCH MGR

B. Williams
WITNESS

5/14/03
DATE

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

<u>Hugh Earnest</u>	<u>Administration</u>	<u>Administration</u>
Name	Division	Department

Action Required: A resolution and budget amendment for expenses incurred on behalf of Ozark Regional Transit. Approval of a budget adjustment in the amount of \$15,232.

COST TO CITY:

<u>\$15,231.52</u>	<u>\$ 104,436 -</u>	<u>Transfer to Ozark Reg. Transit</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>2100-4100-5723.00</u>	<u>\$ 99,319 -</u>	<u>Operations & Administration</u>
Account Number	Funds Used to Date	Program / Project Category Name
	<u>\$ 5,117 -</u>	<u>Street</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: Budgeted Item ☒ Budget Adjustment Attached

Barbara Geel 6/13/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Maria Fanning</u> <u>6/16/03</u>	<u>Nancy Smith</u> <u>6/16/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. J. White</u> <u>6/16/03</u>	<u>Phile</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

<u>Steph Davis</u> <u>6-17-03</u>	Date
Division Head	
<u>Hugh Earnest</u> <u>6-13-03</u>	Date
Department Director	
<u>Steph Davis</u> <u>6-17-03</u>	Date
Finance & Internal Services Dir.	
<u>Hugh Earnest</u> <u>6-13-03</u>	Date
Chief Administrative Officer	
<u>Alan Coody</u> <u>6/16/03</u>	Date
Mayor	

Received in Mayor's Office

6/17/03
Date P.H.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No



Description _____ Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TRANSFER OF FUNDS IN THE AMOUNT OF FIFTEEN THOUSAND TWO HUNDRED THIRTY-TWO DOLLARS (\$15,232.00) TO THE OZARK REGIONAL TRANSIT AUTHORITY FOR THE PURPOSE OF OFFSETTING A DRASTIC INCREASE IN INSURANCE PREMIUMS; AND APPROVING A BUDGET ADJUSTMENT IN THAT AMOUNT FOR SAME.

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 transfer of funds in the amount of Fifteen Thousand Two Hundred Thirty-Two Dollars (\$15,232.00) to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums,

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the above amount for same.

PASSED and APPROVED this 1st day of July, 2003.

DRAFT

APPROVED _____
DAN GOODY, Mayor

ATTEST:
By _____
SONORA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody and Members of Fayetteville City Council

From: Hugh Earnest
Chief Administrative Officer

Date: June 13, 2003

Subject: Additional Funding for Ozark Regional Transit

Background

One of the regional successes over the past two years has been the improved operation of Ozark Regional Transit. This success was made possible by the assumption of the management and operation of the service by a newly formed Regional Transit Authority covering the counties of Benton, Carroll, Madison and Washington Counties and the cities of Bentonville, Fayetteville, Rogers and Springdale. The Authority had the foresight to employ a professional management firm to operate the system. The support from the Mayor and Council in contributing our assets (our trolleys and Vans) and over \$130,000 in fiscal support has enabled the Authority to establish a much improved, but still very basic, fixed-route system. In addition, an excellent working relationship has been established with Razorback Transit. Their willingness to assume responsibility for a fixed route and working with management on transfer points has been invaluable. Finally, this regional system operates a very extensive and efficient Para-Transit service across the service area. We have attached a copy of the ridership numbers through April which reflect the growth in usage in Fayetteville.

Current Situation

Despite the improvements in operation and management, the reality remains that public transit systems are expensive to operate and have had historical difficulty in achieving increases in public ridership. This particular system is no exception. In addition, the costs associated with certain aspects of the operation have shown recent rapid increases.

One such area is Insurance. The results of the recent bid process for insurance coverage reflected an increase of over 100%. We have attached a letter from Judge Jerry Hunton,

the chair of the Regional Transit Authority explaining the decision taken by the board of the authority in asking the cities and counties to pay a percentage of this large increase based on the current funding formula used across the system. Also attached is a breakout of the requested allocation. It should be noted that this increase only insures coverage through September of this year. The board is keenly aware that this problem will demand attention and fully intends to investigate all reasonable options for future coverage and other funding alternatives.

Recommendation

It is my recommendation that the Council approve a budget amendment to cover this request. A similar request for assistance has been made by Judge Hunton to all members of the Authority and there is every reason to believe that all entities will be taking appropriate action to honor the request. I am representing the Mayor on this board and at this time we could find no way to absorb this additional cost without service reductions.

Ozark Regional Transit, Inc.
P.O. Box 785
2423 East Robinson
Springdale, Arkansas 72765-0785

June 6, 2003

Mayor Dan Coody
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

COPY

RECEIVED
JUN 11 2003
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Dear Mayor Coody:

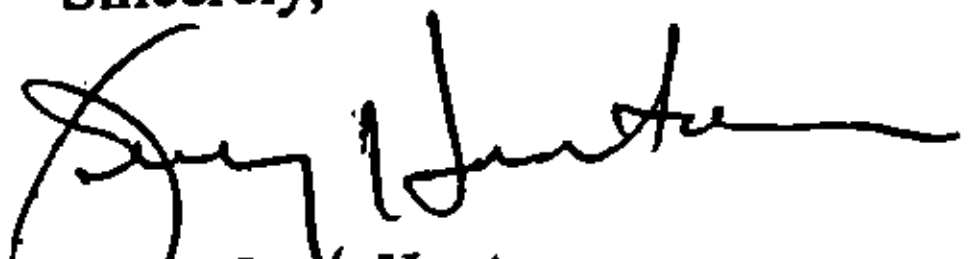
On May 1, 2003, the automobile liability insurance that covers the fleet of Ozark Regional Transit's came up for renewal. Due to the September 11, 2001 terrorist's attacks, and the slump in the stock market, Ozark Regional Transit found it difficult not only to procure insurance, but at an affordable price. After receiving several bids, that reflected increases of up to over 400% from the prior year, our lowest bid of \$130,000 received this year doubled our prior year's insurance cost of \$64,000.

The Board accepted this bid, so that we could continue to provide service to our communities. Because our organization does not have additional resources or surplus funds, we elected to accept this bid and asked our Management team to come up with a fair allocation method for the increase

The staff developed two formulas, both which are based upon our "Fareshare" program. The 'Fareshare program of costs is allocated based upon last year's passengers, and where their trip originates. The first formula for the insurance increases included our Human Service Agencies in the allocation of the costs. The second formula did not include those agencies. Upon hearing that the agencies could not afford the increases, the Board approved passing these costs along to the cities and counties. The three reasons for this are 1.) These agencies offer services and transportation in Benton, Washington, and Carroll counties, 2.) They cannot afford the increases, 3.) and the clients of these services are residents throughout the service area, 4.) without transportation, many of these agencies would either have to reduce the scope or programs with these clients, many of who are either disabled, pre-school children, or others whom cannot drive or afford personal transportation.

We appreciate your support of \$15,231.52, and look forward to your assistance in this matter. Should you need a representative of Ozark Regional Transit to attend a Finance, Quorum Court, or City Council meeting, please call our Executive Director Philip Pumphrey. His number is (479) 756-5901, extension 247. If you have any questions that I might be able to assist you, please call me at (479) 444-1702.

Sincerely,


Judge Jerry Hunton,
Chairman, Ozark Regional Transit

**Ozark Regional Transit
Ridership Summary
April 2003**

Ozark Regional Transit
A. 7. Page 7

Resident Trips			
	Apr 2003	Apr 2002	Difference
Avoca	62	0	62
Bella Vista	188	164	24
Bentonville	957	909	48
Bethel Heights	0	2	-2
Cave Springs	39	0	39
Centerton	160	134	26
Decatur	136	121	15
Garfield	42	37	5
Gentry	115	44	71
Gravette	78	38	40
Highfill	0	0	0
Little Flock	167	86	81
Lowell	124	154	-30
Pea Ridge	109	70	39
Rogers	2176	2265	-89
Siloam Springs	19	0	19
Benton County	496	784	-288
Total	4868	4808	60

Elkins	43	42	1
Elm Springs	42	53	-11
Farmington	82	141	-59
Fayetteville	4415	2213	2202
Paratransit Service - 1413			0
Fixed Routes - 3002			0
Goshen	0	0	0
Greenland	5	18	-13
Johnson	15	13	2
Lincoln	22	26	-4
Prairie Grove	30	16	14
Springdale	2285	2605	-320
Paratransit Service - 2228			0
Apartment Shuttle - 57			0
Tontitown	0	0	0
West Fork	29	25	4
Winslow	0	0	0
Washington County	288	368	-80
Total	7256	5520	1736

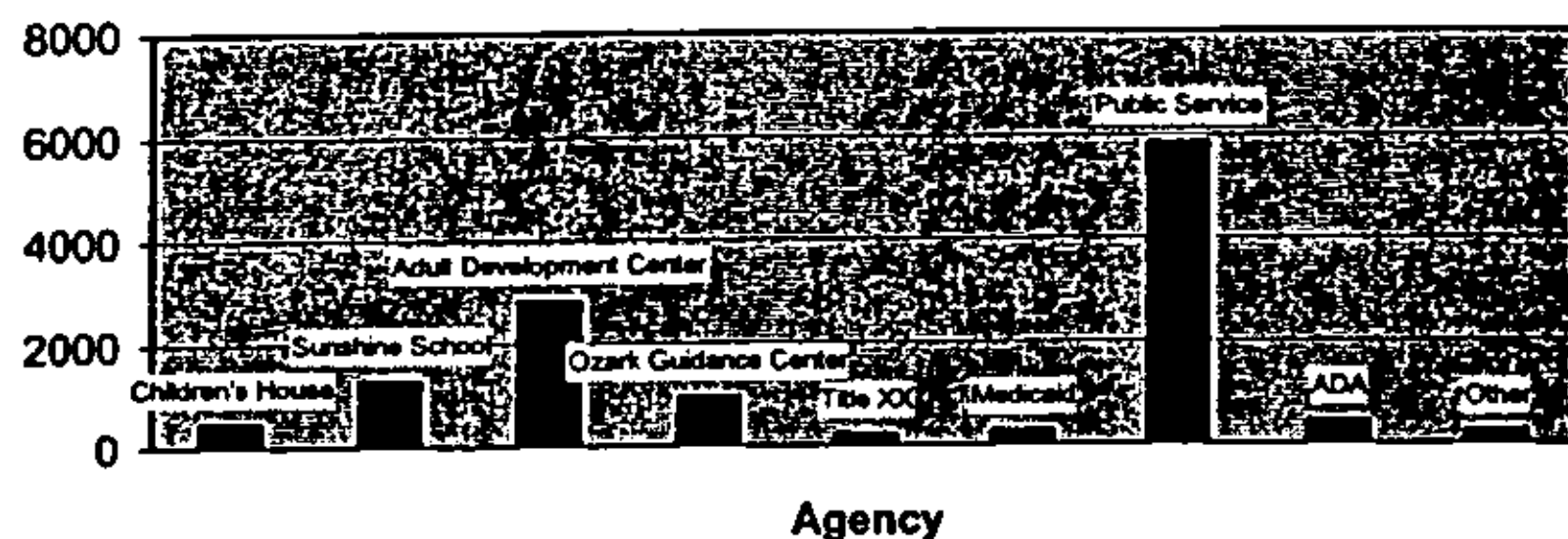
Berryville	135	131	4
Eureka Springs	50	50	0
Green Forest	25	64	-39
Carroll County	397	328	69
Total	607	573	34

Huntsville	10	6	4
Madison County	10	7	3
Total	20	13	7

TOTAL TRIPS	12751	10914	1837
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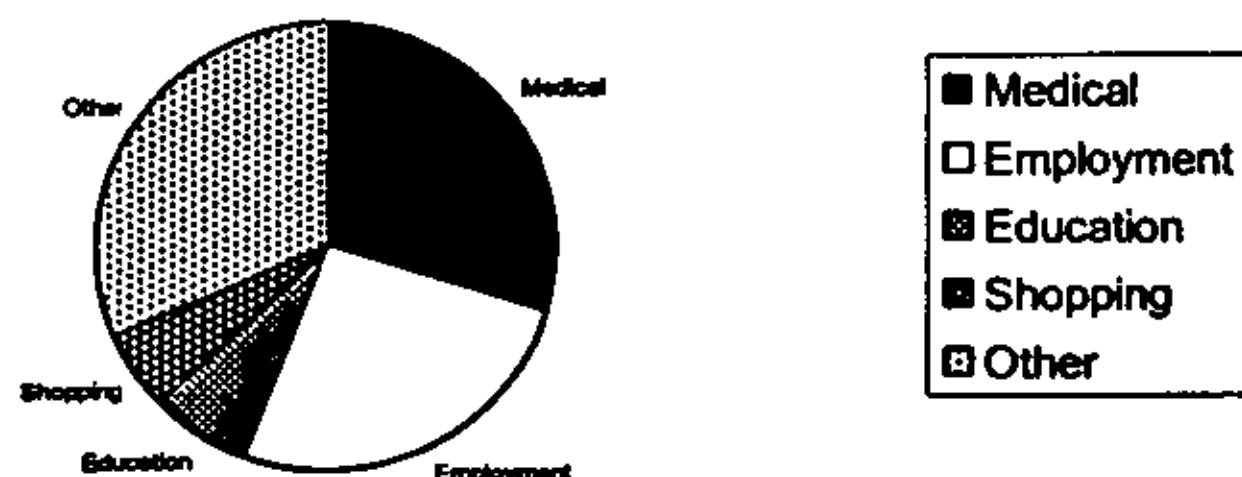
Total Number of Days			
Scheduled	490	507	
Actual Days Operated	490	507	

Agency Trips
April 2003



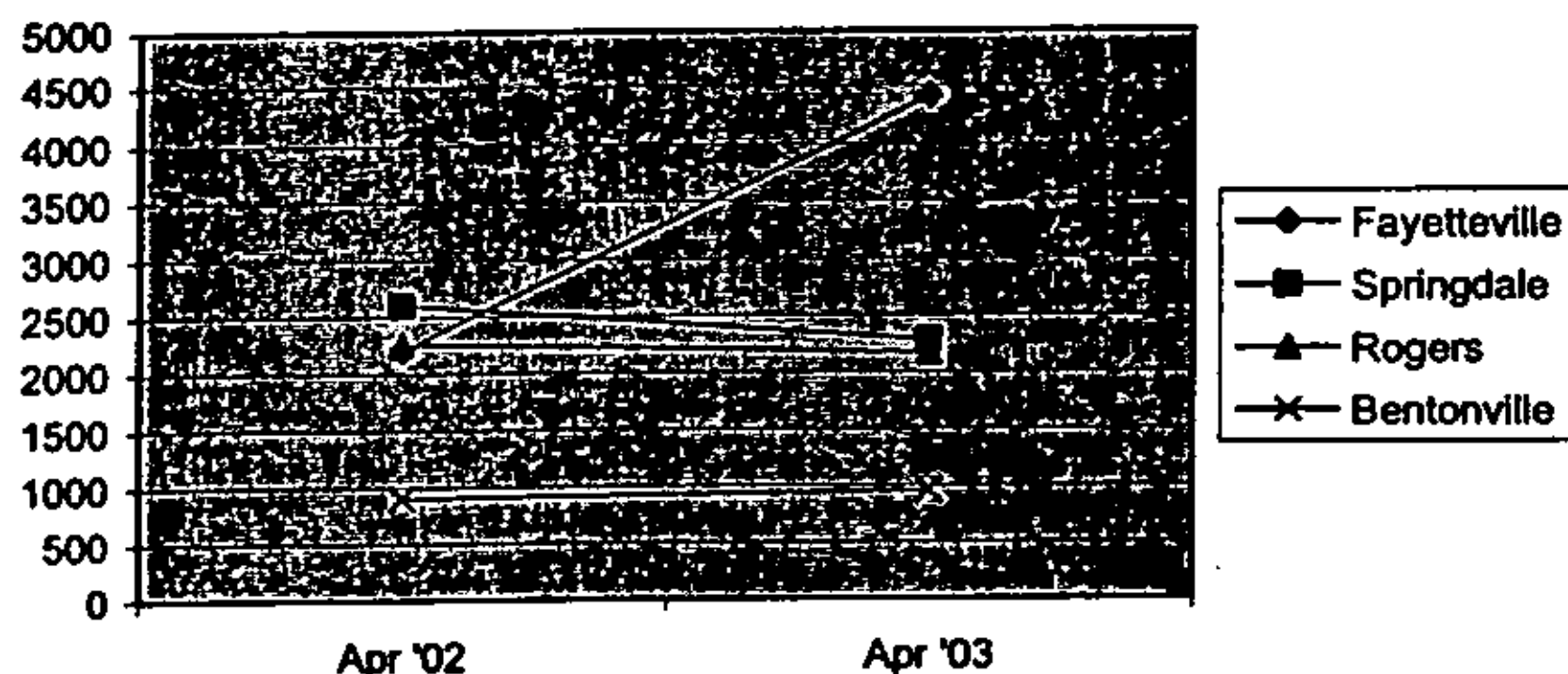
Agency Trips	
Children's House	498
Sunshine School	1323
Adult Development Center	2855
Ozark Guidance Center	983
Title XX	219
Medicaid	290
Public Service	5877
ADA	452
Other	254
Total	12751

Trip Purpose
April 2003

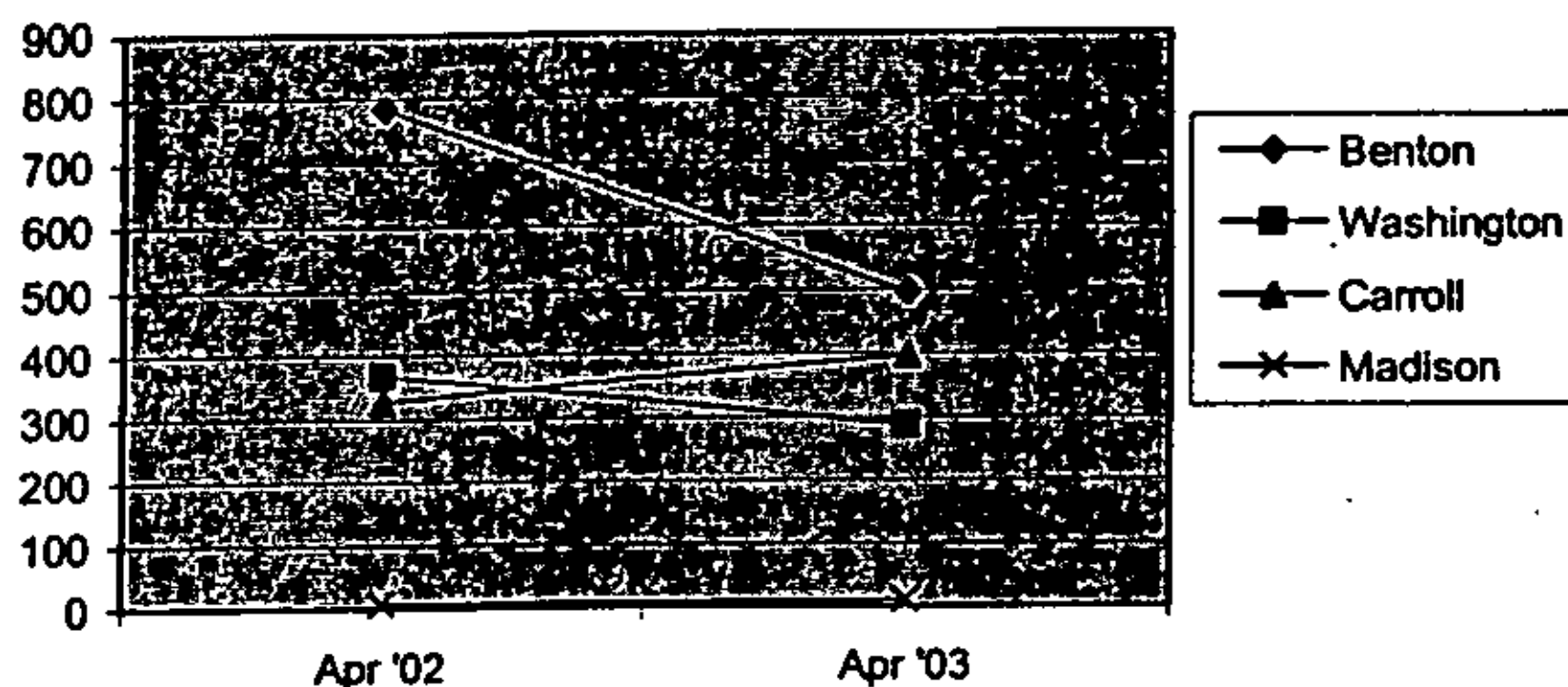


Purpose	
Medical	3805
Employment	3306
Education	907
Shopping	732
Other	4001
Total	12751

Resident Trips



County Resident Trips



FARE SHARE SUPPORT REQUESTS

FY 2003

LOCATION	\$ SUPPORT REQUESTED	% of TOTAL	New Insurance \$ May - Sep 2003	Cost to FareShare	New Insurance \$ May - Apr 2004	Cost to FareShare
✓ Fayetteville	51,382.58	24.98%	60,974.00	15,231.52	146,337.00	36,555.49
✓ Springdale	53,489.96	26.00%		15,856.21		38,054.76
✓ Rogers	43,851.22	21.32%		12,998.97		31,197.40
✓ Bentonville	17,232.93	8.38%		5,108.42		12,260.15
✓ Benton County	7,847.57	3.82%		2,326.28		5,583.05
✓ Berryville	5,201.50	2.53%		1,541.90		3,700.54
✓ Farmington	4,013.91	1.95%		1,189.86		2,855.65
✓ Washington County	3,809.97	1.85%		1,129.40		2,710.56
✓ Pea Ridge	2,671.82	1.30%		792.02		1,900.83
✓ Lowell	2,492.60	1.21%		738.89		1,773.33
✓ Carrol County	2,252.61	1.10%		667.75		1,602.59
✓ Garfield	2,028.07	0.99%		601.19		1,442.84
✓ Eureka Springs	1,801.47	0.88%		534.02		1,281.63
✓ Decatur	1,621.22	0.79%		480.58		1,153.40
✓ Centerton	1,551.18	0.75%		459.82		1,103.57
✓ Green Forest	1,423.46	0.69%		421.96		1,012.70
✓ Elkins	790.01	0.38%		234.19		562.04
✓ Elm Springs	719.97	0.35%		213.42		512.21
✓ Siloam Springs	671.56	0.33%		199.07		477.77
✓ Greenland	484.10	0.24%		143.50		344.41
✓ Huntsville	239.99	0.12%		71.14		170.74
✓ Gentry	67.98	0.03%		20.15		48.36
✓ Johnson	27.81	0.01%		8.24		19.79
✓ Bethel Heights	15.45	0.01%		4.58		10.99
✓ Madison County	3.09	0.00%		0.92		2.20
Total	205,682.03	100.00%		60,974.00		146,337.00

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2003	Department: Operations Division: Transportation Program: Operations & Administration	Date Requested 7/1/2003	Adjustment Number
----------------------------	--	-----------------------------------	-------------------

Project or Item Requested: \$15,232 is being requested for Ozark Regional Transit.	Project or Item Deleted: None. Use of fund balance is proposed.
---	--

Justification of this Increase: Ozark Regional Transit's insurance increased by 100%.	Justification of this Decrease: Sufficient funding remains to comply with City policies.
--	---

Increase Expense (Decrease Revenue)						
Account Name	Account Number				Amount	Project Number
Trans to Ozarks Reg Trans	2100	4100	5723	00	15,232	
Decrease Expense (Increase Revenue)						
Account Name	Account Number				Amount	Project Number
Use of fund balance	2100	0910	4999	99	15,232	

Approval Signatures		Budget & Research Use Only					
Requested By	Date	Type:	A	B	C	<u>D</u>	E
<i>Barbara Fell</i>	<i>6/13/03</i>	Date of Approval					
Budget Manager	Date					Date	Initial
Department Director	Date	Posted to General Ledger				Date	Initial
<i>Steph Daw</i>	<i>6-17-03</i>	Posted to Project Accounting				Date	Initial
Finance & Internal Services Director	Date	Entered in Category Log				Date	Initial
Mayor	Date						

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

<u>Ray M. Boudreaux</u>	<u>Economic Development</u>	<u>Aviation and Economic Development</u>
Name	Division	Department

ACTION REQUIRED: Approval of Resolution Certifying The Standard Register Company. to participate in the State ADED Tax Back program and granting the state DF and A permission to administer the program to refund State and local sales taxes paid by the company in connection with this expansion.

SUMMARY EXPLANATION:

The consolidated Incentive Act of 2003 allows for business and industry to apply for sales tax refunds and tax credits for significant expansions. It further allows for Cities to participate or not depending on their decision. Attached is a resolution which certifies The Standard Register Company to participate in the program and permits the State DF & A to administer the refund of State and Local sales taxes that are paid in connection with this expansion project. The company intends to purchase, out of State, \$8.3 million in new equipment and hire 30 new employees at an average wage of \$25,200.00. Their application has been approved by ADED. (State of Arkansas collects \$.05125 in sales tax/Fayetteville collects \$.0175 on the first \$2,500.00)

STAFF RECOMMENDATION:

Approve & Sign

Received in Mayor's Office

<u>[Signature]</u>	<u>6/18/03</u>
Division Head	Date
<u>[Signature]</u>	<u>June 17, 2003</u>
City Attorney	Date
<u>[Signature]</u>	<u>June 18, 2003</u>
Ray M. Boudreaux	Date
Department Director	
<u>[Signature]</u>	<u>June 18, 2003</u>
Finance & Internal Services Dir.	Date
<u>[Signature]</u>	<u>6-18-03</u>
Chief Administrative Officer	Date
<u>[Signature]</u>	<u>6/19/03</u>
Mayor	Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THAT THE CITY OF
FAYETTEVILLE ENDORSE THE STANDARD REGISTER
COMPANY TO PARTICIPATE IN THE STATE OF
ARKANSAS TAX BACK PROGRAM (ADED)

WHEREAS, a city must endorse a business to participate in the Tax Back Program and benefit from the refunds/tax credits as provided in the Consolidated Incentive Act of 2003, Section 15-4-2706(d); and

WHEREAS, said endorsement must be made on a specific form available from the Arkansas Department of Economic Development; and

WHEREAS, The Standard Register Company located at 3655 South School, Fayetteville, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from expansion of the business to include 30 new jobs and \$8,300,000.00 in new investment; and

WHEREAS, The Standard Register Company has agreed to furnish the local government all necessary information for compliance.

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 endorses the Standard Register Company for benefits from the refunds/tax credits as provided by the Consolidated Incentive Act of 2003, A.C.A. 15-4-2706(d).

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Department of Finance and Administration to refund local sales and use taxes pursuant to the Consolidated Incentive Act of 2003 to the Standard Register Company.

PASSED and APPROVED this the 1st day of July, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

Standard Register
ADED
A. 8. Page 3

MEMORANDUM

TO: Dan Coody, Mayor
Fayetteville City Council
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: June 17, 2003
SUBJECT: TAX BACK RESOLUTION FOR THE STANDARD REGISTER COMPANY



Background: The consolidated Incentive Act of 2003 allows for business and industry to apply for sales tax refunds and tax credits for significant expansions. It further allows for Cities to participate or not depending on their decision. Attached is a resolution which certifies The Standard Register Company to participate in the program and permits the State DF& A to administer the refund of any State and City of Fayetteville sales taxes that might be paid by The Standard Register Company in connection with this expansion. The State collects \$.05125 and the City collects \$.0175 on the first \$2,500.00 on any single purchase. The Company will purchase the equipment out of State.

Budget Considerations: N/A

Requested Action: Approve the Resolution to allow THE STANDARD REGISTER COMPANY to participate in the State of Arkansas Tax Back program and the State DF & A to administer the program to refund State and Local sales taxes in connection with this expansion.

Attachments: Staff Review Form
Resolution

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

PC Meeting of April 28, 2003

FAYETTEVILLE

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

Butterfield Trail Village, LSD

TO: Fayetteville Planning Commission Members
THRU: Dawn Warrick, Zoning and Development Administrator, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: April 24, 2003

Project: LSD 03-15.00: Large Scale Development (Butterfield Trail Village, pp 175) was submitted by Kevin Yates of CEI Engineering Associates, Inc. on behalf of Butterfield Trail Village for property located at 1923 Joyce Boulevard. The property is zoned R-2, Medium Density Residential and contains approximately 45.75 acres. The request is for the addition of a new 22,347 square foot Alzheimer's care unit with 34 additional parking spaces proposed.

Findings: *Proposal:* Expansion of the existing medical facility to include a 22,347 square foot Alzheimer's Care Unit and the construction of a new parking with a total of 41 parking spaces. Seven spaces are being removed with the expansion. There will be a net gain of 34 spaces.

Existing Development: There is a current medical facility on site as well as apartments, duplexes, and villa homes.

Surrounding Zoning: North: R-O
South: R-1
East: R-O
West: R-O and A-1

Surrounding Land Use: North: Office
South: Single Family Residential
East: Office
West: Office

Water: Available of site

Sewer: Available on site

Right-of-way being dedicated: 55 feet from centerline on Joyce Boulevard.

Street Improvements Proposed: None



Adjacent Master Street Plan Streets: Joyce Boulevard is a principal arterial on the Master Street Plan.

Tree Preservation: Existing: 15.7%
Preservation: 15.35%
Mitigation: 31 trees planted on site

Recommendation: Approval Subject to the Following Conditions

Conditions of Approval:

1. Fire hydrants shall be installed as required by Fire Code.
2. Planning Commission approval of a conditional use to allow for Use Unit 4, Cultural and Recreational Facilities in an R-2 zoning district.
3. The required bicycle parking racks shall be u-shaped as required by ordinance.
4. Fifty-five feet from centerline shall be dedicated along Joyce Boulevard.

Standard Conditions of Approval:

5. 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)
6. 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.
7. Large scale development shall be valid for one calendar year.
8. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - 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

Background:

The project was reviewed at the April 3, 2003 Technical Plat Review and the April 17, 2003 Subdivision Committee Meeting.

Discussion at the Subdivision Committee meeting included commercial design standards and tree preservation.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments.

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date: _____

Comments:

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

By

Title

Date

City of Fayetteville
Tree Preservation Plan Review Form

Project: Butterfield Trail Village

Developer: Butterfield Trail Village

Location Address: 19233 Joyce Boulevard

Engineer: CEI Engineering

This form shall stand as a: ☐ Initial Review/Letter of Confirmation

☒ Recommendation to Planning Commission or City Council

☐ Final Administrative Determination*

Submittal requirements met:

☐ Initial Review

☒ Site Analysis

☐ Analysis Report

☒ Tree Preservation Plan

Comments: _____

Canopy measurements:

% Tree Canopy Required to be Preserved

Land Use R-2

%To be Preserved 20%

Total Area of Existing Tree Canopy:

Acres: 9.79

Square Feet: 300,422 sf

% of Total Site Area: 15.7%

Total Area of Site:

Acres: 45.73 acres

Square Feet: 1,992, 074 sf

Existing Tree Canopy Preserved:

Acres: 9.15

Square Feet: 292,470.

% of Total Site Area 15.35%

Mitigation/Off Site Alternatives Requested:

☒ Yes

☐ No

☒ On-Site Mitigation

☐ Off-Site Preservation

☐ Off-Site Forestation

☐ Tree Fund

Tree Preservation Criteria Met:

☒ Yes

☐ No

(See back for criteria list and comments)

Applicant's Plan:

☒ Approved

☐ Disapproved

☐ Conditionally Approved

Conditions of Approval:

7,952 sf is to be mitigated by way of 31 (2" caliper) on-site replacement trees. Prior to building permit approval, please provide a landscape plan that shows the location and species for Mitigation trees.

Signed: _____

_____, the Landscape Administrator, date

4-15-03

Criteria used by Landscape Administrator to evaluate Tree Preservation Plan:

1. The desirability of preserving a tree or group of trees by reason of age, location, size or species.

Comments Three significant trees exist in the location of the building and is proposed for removal. Whether the design incorporates the required Tree Preservation Priorities.

Comments *The building location is tied to the need for services and the connection to the existing building.*

2. The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

Comments *Minor - due to the extent of landscaping installed throughout the complex.*

3. 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.

Comments *Minor - due to the extent of landscaping installed throughout the complex.*

4. Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

Comments *Additional efforts or proof that such is not feasible is required for approval.*

5. Whether the size or shape of the lot reduces the flexibility of the design.

Comments *Yes, there is a specific reason for this unit to be attached to the existing facility.*

7. The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

Comments *Fair to good*

8. The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

Comments *Trees shown for removal are those that existing in this open space near existing buildings. The location of the proposed structure is tied to the services provided in those existing buildings which override the possibility of locating the proposed structure elsewhere.*

9. The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

Comments *N/A*

10. Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

Comments *The project is utilizing existing roads and utilities.*

11. Construction requirements for On-Site and Off-Site Alternatives.

Comments *N/A*

12. The effects of proposed On-Site Mitigation or Off-Site Alternatives.

Comments *N/A*

13. The effect other chapters of the UDO, and departmental regulations have on the development design.

Comments *N/A*

14. The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.

Comments *N/A*

15. The impact a substantial modification or rejection of the application would have on the Applicant.

Comments

An appeal may be filed against a Final Administrative Determination in accordance with Chapter 155 of the Unified Development Ordinance. City Landscape Administrator determinations/decisions may be appealed by any person aggrieved to the Planning Commission within 10 business days. Recommendations go straight to Planning Commission, thus no formal appeal is necessary for recommendations.

City of Fayetteville
Tree Mitigation Form

Project: Butterfield Trail Village

Developer: Butterfield Trail Village

Location Address: 19233 Joyce Boulevard

Engineer: CEI Engineering

It is required that this form be submitted concurrently with the Tree Preservation Plan if mitigation of any kind is sought.

Canopy measurements:

% Tree Canopy:

Required to be Preserved 20%

Total Area of Site:

Acres: 43.94

Square Feet: 1,913,983 sf

Amount of Preservation Requirement Requested for Mitigation:

Acres:

Square Feet: 7,952 sf

% of Total Site: 0.35%

Type of Mitigation Pursued:

☒ On Site Mitigation ☐ Off Site Preservation ☐ Off Site Forestation ☐ Tree Fund

Total Area of Existing Tree Canopy:

Acres:

Square Feet: 300,422 sf

% of Total Site Area: 15.7%

Existing Tree Canopy Preserved:

Acres:

Square Feet 292,470

% of Total Site Area 15.35%

List Mitigation Species, Caliper, and Quantity of trees to be planted in the space below. Refer to table and on back for figuring quantity and caliper sizes.

Species	Caliper	Qty.

Amount proposed to be deposited in the City of Fayetteville Tree Fund:

\$

Mitigation Proposal: ☐ Approved ☐ Disapproved

Signed:

Kim J. Dese

, Landscape Administrator,

4-14-03 Date

Tree Mitigation Base Density/Off Site Alternatives

When preservation cannot be accomplished and existing canopy is to be removed below minimum canopy requirements, mitigation is required. Before any Mitigation/Off-Site Alternatives are carried out, approval must be granted by the Landscape Administrator. When mitigation is an issue a mitigation form, available from the Landscape Administrator, detailing all proposed actions should be submitted with the Tree Preservation Plan. Mitigation and reforestation densities, preferred species, spacing, and amounts are determined by the tables below.

Caliper of Replacement Tree	Existing High Priority Canopy Proposed For Removal		Existing Mid-Level Priority Canopy Proposed For Removal		Existing Low Priority Canopy Proposed For Removal	
	Required # of trees per acre removed	Density Factor	Required # of trees per acre removed	Density Factor	Required # of trees per acre removed	Density Factor
2"	200	218sf	150	290sf	100	436sf
1 1/2"	230	190sf	173	252sf	115	380sf
1"	250	175sf	188	232sf	125	350sf

*The Density Factor is a ratio of canopy removed to number of trees replaced

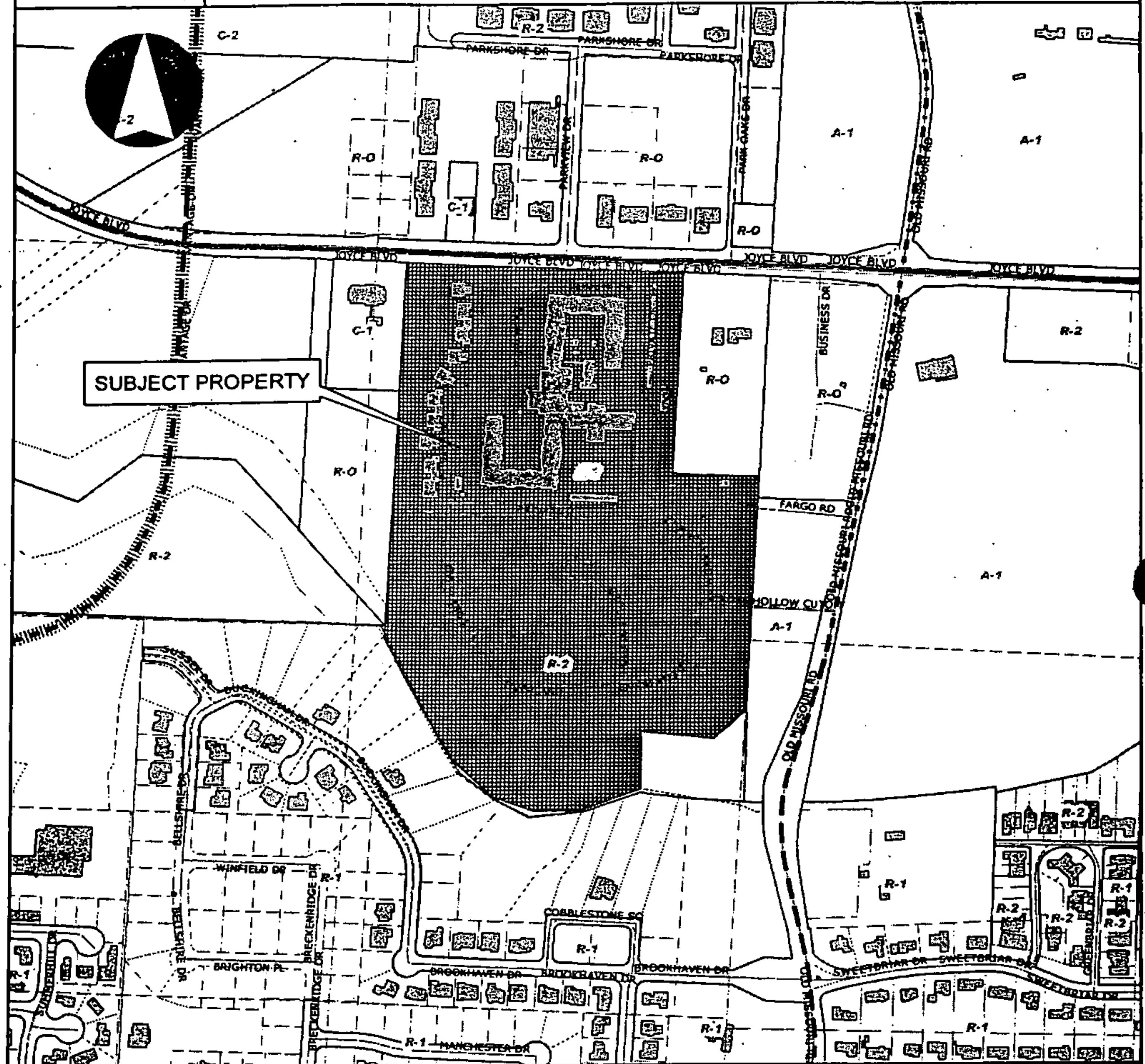
Here are the 5 simple steps on how to calculate the size and number of trees needed for mitigation

1. Establish how many acres/square feet of canopy is proposed to be removed on site that falls below the minimum canopy requirement
7,952 sf
2. Establish the Priority type of the canopy proposed to be removed.
High = 3050
Mid = 4902
3. Select what caliper of mitigation trees are going to be used. Note: Contact Nurseries to confirm caliper availability in the species desired
2"
4. Refer to the table and find Density Factor that correlates with Canopy type removed and caliper size proposed for replacement.
5. Take Density Factor and divide by the square feet of canopy removed to get number of mitigation trees needed.
 $3050 / 218 = 14$ trees
 $4902 / 290 = 17$ trees
6. On-Site Mitigation is preferred over Off-Site Alternatives. Show the location and species of mitigation trees on the tree preservation plans and submit the Mitigation/Off-Site Alternatives form at time of submittal

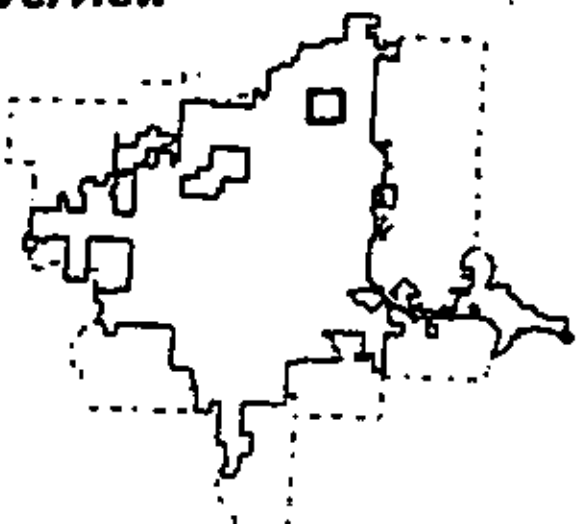
LSD03-15.00

Close Up View

BUTTERFIELD TRAIL VILLAGE



Overview



Legend

Subject Property

LSD03-15.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

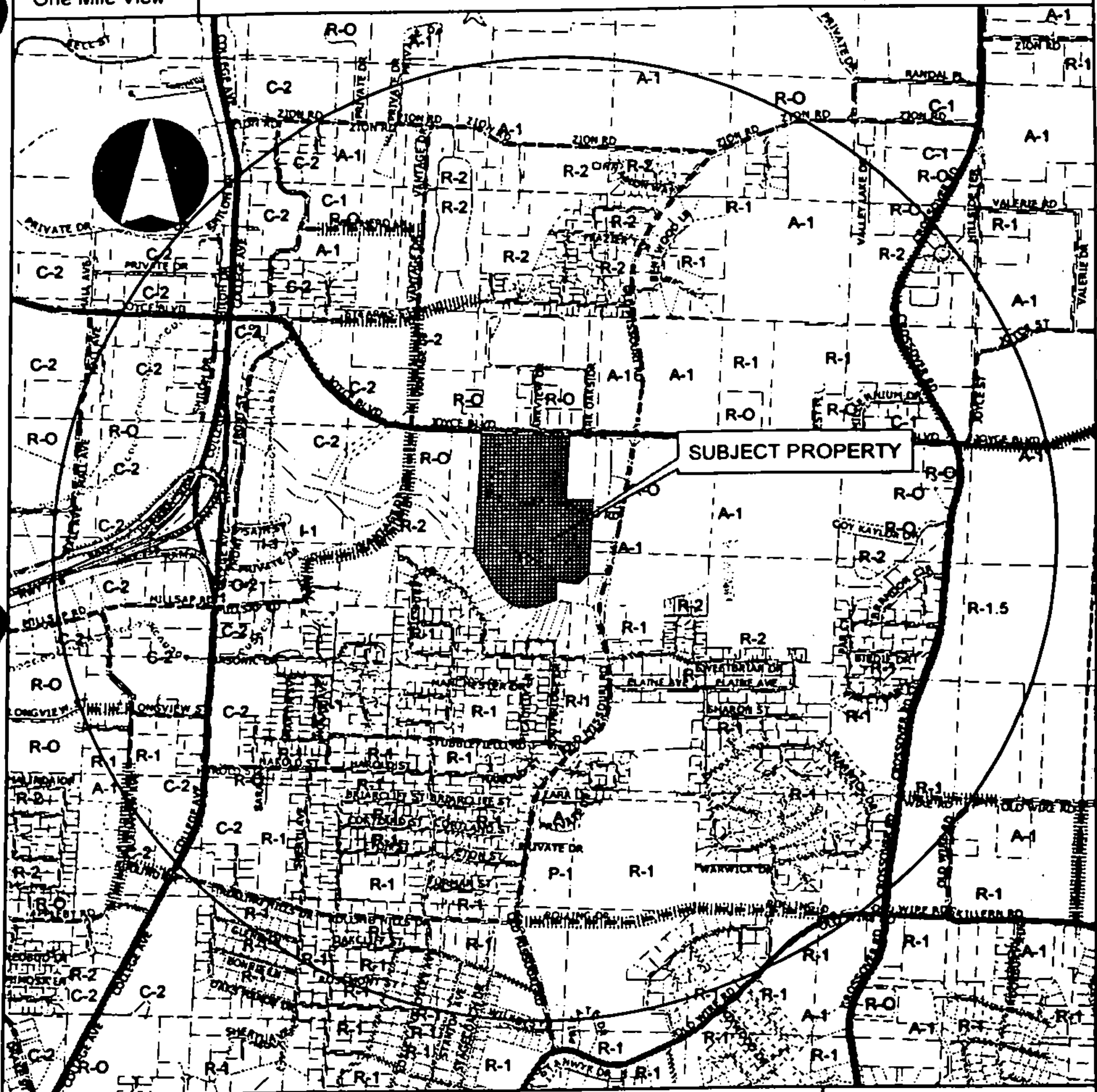
Historic Collector

0 175 350 700 1,050 1,400 Feet

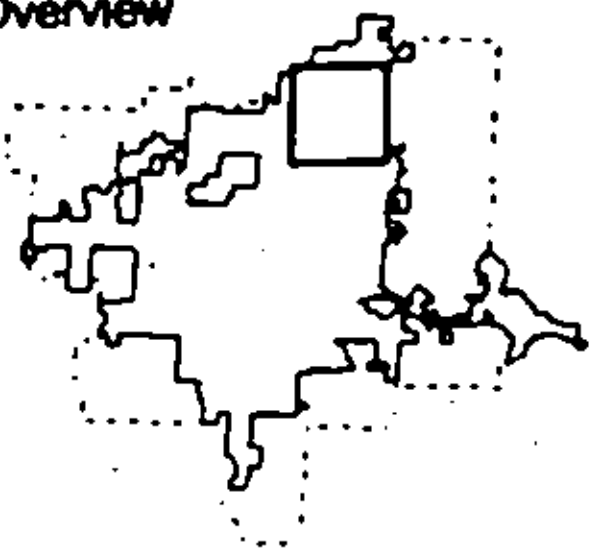
LSD03-15.00

BUTTERFIELD TRAIL VILLAGE

One Mile View



Overview



Legend

Subject Property

LSD03-15.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

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

May 27, 2003

Page 25

LSD 03-15.00: Large Scale Development (Butterfield Trail Village, pp 175) was submitted by Kevin Yates of CEI Engineering Associates, Inc. on behalf of Butterfield Trail Village for property located at 1923 Joyce Boulevard. The property is zoned R-2, Medium Density Residential and contains approximately 45.75 acres. The request is for the addition of a new 22,347 square foot Alzheimer's care unit with 34 additional parking spaces proposed.

Hoover: Moving on to item number six, the companion item, LSD 03-15.00 for Butterfield Trail Village. Jeremy?

Pate: Thank you Madam Chair. This proposal is for the expansion of that existing medical facility we just spoke of to include a 22,347 sq.ft. Alzheimer's care unit and the construction of a new parking lot with 41 spaces. Seven spaces are being removed with the expansion with a net gain of 34 spaces. The right of way being dedicated is 55' from centerline on Joyce Blvd. The applicant is requesting a lesser dedication which must be approved by the City Council. A letter and exhibit is included in your packet pertaining to that request. Tree preservation, existing is 15.7%, the preservation is 15.35%, mitigation will be 31 trees planted on site. Staff is recommending approval of this Large Scale Development subject to eight conditions of approval. 1) Fire hydrants shall be installed as required by Fire Code. 2) Planning Commission approval of a conditional use to allow for Use Unit 4, Cultural and Recreational Facilities in an R-2 zoning district. 3) The required bicycle parking racks shall be u-shaped as required by ordinance. 4) Fifty-five feet from centerline shall be dedicated along Joyce Boulevard. Items five through eight are standard conditions of approval.

Hoover: Can the applicant go ahead and give us a presentation of your Large Scale Development including your elevations?

Yates: Kevin Yates with CEI Engineering and I have Steven Jones here with Miller, Boskus Lack Architects. He is the architect on the project. We are fine with all of the issues that you have except for the right of way dedication. The reason being there is they have some really nice trees and a wood fence along that frontage along Joyce. We had marked with some orange flagging and asked that you guys go by and tour this on your agenda session to have a look at if we gave that right of way and the improvements did happen how they would affect those trees and that fence in that area. In the letter I prepared to you I showed you where the principal arterial section does allow for the use of a minor arterial section.

Hoover: I am sorry, we are looking for the letter.

Warrick: They were distributed at your places this evening. They should be in front of you as additional information.

Hoover: Thank you. Please continue on.

Yates: Yes Ma'am. The principal arterial section does make an allowance for when right of way is unattainable the minor arterial four lane section may be used with a 90' right of way verses the 110' required for the principal arterial. What we would like to request is in our consideration for reduction of this right of way requirement is to allow us to dedicate to that fence, which would be 43' approximately from centerline of the existing street and if we could reduce that 10' greenspace between the sidewalk and the back of curb to 7' that would make that function as far as that section allowing that greenspace fencing and trees to remain. It is like 23' wide between the fence and their parking that is on site at this point. It is just those are really nice trees and the people at Butterfield Trail Village would like to keep that look up. I understand that the improvements aren't planned in the near future but if they did happen and the right of way was there they would more than likely be taken out.

Hoover: Thank you Kevin. Would you like to go ahead and go through the commercial design guidelines with your elevations?

Warrick: This is actually a residential development because it is residential in nature we don't consider this applicable for commercial.

Yates: As far as our elevations and looks, if you are aware of the Butterfield Trail Village buildings that are out there now it will be a rock veneer with wood shake shingles. It is a real similar look. In fact, I think they are going to be able to use the same quarry in the rock to get the similar look on the building.

Anthes: Whether or not we are considering it I would like to thank Miller, Boskus, Lack for doing such a good job with the packet and including it anyway. Thank you.

Hoover: I am going to open it to the public now. Is there anyone that would like to address this LSD 03-15.00 for Butterfield Trail Village? Seeing none, I will bring it back to the Commissioners and the applicant. Right of way discussion?

Estes: I am reluctant to give up the right of way. The reason is if the city needs it back they are going to have to pay for it. We are giving it away today and they are going to have to buy it back at some time in the future. That doesn't make any economic good sense to me. As stewards and as

servants of the community I think we need to, I know we need to think about that. To give away property of substantial value today anticipating that perhaps at some time in the future there will be a need for it and then we will have to pay for it is not good stewardship on our part and I am just not willing to do that. You know there has been the improvement to the north side of the street, the sidewalk improvement. There are other needs, something has got to be done with Zion. This isn't even on the radar screen but if 30 years or 40 years or 20 years from now it is I don't want somebody getting a hold of me and saying why did you give it away back in May, 2003 and now we're having to pay 5.5 million dollars to get it back.

Yates: May I respond?

Hoover: Yes please.

Yates: I believe you make a good point there as far as your responsibility in looking out for that but I think we gave you an option here to meet the requirement as far as making this function with a minor arterial section and right of way there. That is actually in place as far as the street section right now. I think the trees and the fencing there that falls within the guidelines the Planning Commission likes to go for as far as maintaining those nice mature trees and the greenspaces and everything and that is what we are looking for here. This is a home to all of these folks and if you take those trees away just imagine what it is going to be like with no screening or anything to Joyce Blvd. there being a busy street as it is and I would just like you to take that into consideration.

Estes: If we give it to you tonight will you give it back when we ask for it? That seems fair to me.

Yates: I really can't answer that. I would like to forward that on to Mr. Honeycutt here with Butterfield Trail Village.

Honeycutt: I am Don Honeycutt, I represent the Butterfield Trail Village Board. We were trying to keep our beautiful landscape front there as far as, it has been there for about 17 or 18 years now. Trees are getting to be pretty big. In another five or ten years they will be much bigger. It would be a shame I think to lose the whole front there at any point. If we have room now with this way to get an extra lane I feel like that would be enough property to give that lane and that is what we would be asking for.

Estes: If we give it to you tonight will you give it back to us when we ask for it?

Honeycutt: What do you mean, the tree line?

Estes: Your ordinance requires right of way dedication 55' from centerline on Joyce and you are asking for what?

Honeycutt: 45'.

Yates: We are asking to reduce it. Right now currently there is approximately 40' and we are asking to go ahead and give 43' up to the fence which would be 2' shy of the minor arterial section which if the right of way is unattainable you are allowed to use that section verses a principal arterial, which is the 20' reduction in right of way requirement. We would be within 2' and I think we can make that function by giving in that greenspace in that section a little bit. Complementing the fact we have a huge greenspace on the other side of it. Granted that is for separation from traffic but 7' or 10' you know, you still have got pretty good separation there.

Estes: If we give it to you tonight when we want it back will you give it to us or are you going to make us pay for it?

Honeycutt: I can't make that determination. We have a board meeting tomorrow night that we can bring a proposal like that up with the board.

Estes: Mr. Williams is such a thing permissible?

Williams: I would doubt that the board could really commit to that at this point in time without a deed to the city. I don't think the City Council would go along with a reduction. It is my understanding the City Council would also have to approve this. Dawn, is that correct if it is a lesser dedication?

Warrick: Yes.

Williams: What I would like to assure you, and my parents live there as you know so I am well acquainted with Butterfield Trail and it is certainly a nice development, the city is not about to go out and knock down all of those trees. On the other hand I also don't think the city is going to approve a lesser dedication for one of its principal arterials. As you know on the Master Street Plan Joyce is the northern most through way through the city and I don't think that they are going to approve a lesser dedication even than a minor arterial would require for a street that has got tremendous traffic and only going to have more traffic in the future. I think Mr. Estes' point is well taken. On the other hand, I want to assure you that there is nothing in the Capital Improvements Project list that I have seen anywhere in the near future to do anything that would, in fact, endanger those trees.

Honeycutt: As I say, still, I couldn't release that until the Board approved it, the Butterfield Trail Board. I think the offering that we have here would give the additional lane that would be required probably for turning. It would just eliminate the width because the section shows a 20' boulevard down the middle of that section, which I wouldn't see as working there because there are so many drives to turn in and out of you would eliminate that whole boulevard there in a center lane for turning and that is what we need the full length of Joyce is a turning lane so you can get out and get on the other side. The boulevard in the center of that section would not work there I don't believe. I would refer maybe to the Hwy. 265 that went through where a boulevard was proposed there and that didn't go through with the Highway Department. There is where I think we can make up the difference and pull those boundaries in from 55' and still get that additional lane. You see the tree section in the center of that boulevard?

Estes: Yes.

Honeycutt: What we are in effect doing is eliminating that and making a turn lane down through there and putting the greenspace on the outside of it where our trees are. If I am correct we are going to have to go to the board to get this approved. We were just trying to get some comments from the Planning Commission as far as preserving the landscaping that we have and any comments that you have positive or negative. It looks like we have some negatives but I don't, we're not asking or trying to say that we will do this, because we will be appealing it to the board. That is the way the ordinance reads isn't it?

Warrick: Yes.

Hoover: Are there any other comments?

Ostner: I would agree with Commissioner Estes that I am reluctant to narrow or to lessen our right of way dedication. Part of the point is trying to be consistent with other developments along this street and if we give it to you we've got to give it to them and suddenly we have reduced our area to expand and serve traffic. I understand the reasoning on the lane issue. However, in right of ways we bury all kinds of stuff. We bury storm drains, sewers, water and electric. We might bury nothing but I am inclined to suggest the more trees get planted inward and in 30 years if we have to expand they are already grown. I don't know of a better solution.

Honeycutt: We've got some parking that would be interfering with that right now if you look at the plan. There is a whole line of parking right next to the building itself. I don't know how many spaces. It is between the main

entrance there to Butterfield and the east entrance. There is a service drive that comes in for the parking right there which to get the same amount of landscaping we would be eliminating that whole drive right through there.

Hoover: Are there any other comments?

Bunch: Regardless of what the dedication of the right of way is or even if the right of way dedication is not reduced, that does not mean that the design parameters that were discussed by the applicant could not be achieved within regardless of whether it was a smaller dedication or larger dedication. It is the same design theme as a reasoning for the smaller dedication could still be used with the larger dedication.

Yates: That is true. We just wouldn't have the assurance at this time that those trees would be protected because you might not be here to give guidance in that. If that was your intent now and we gave that right of way someone else 10 years down the road had the authority to come in and build that road they might not realize what your intent was and come through and just take all the trees out. That is where we would be reluctant as far as the additional right of way with the less design scheme.

Bunch: I definitely appreciate your concerns because this is the same kind of issue that gave us North College, the removal of trees in the right of way and that sort of thing to create access. There is another part of this. Dawn, you might can help me. Did we get the 30% over and under parking for this type of project?

Warrick: That is permitted.

Bunch: I noticed that you were speaking of parking in relation to this and you were showing 455 required and even with the additional parking only coming up to 363, is that taking into account the 30% under?

Yates: The required that is shown does not take into account the 30% under. We fall into compliance if you take that into account.

Bunch: The 30% under would bring you down to about 319?

Yates: Yes Sir.

Bunch: Ok.

Vaught: I would agree with Commissioner Estes also on this right of way issue. In 20 years no matter if we lessen the dedication or not, if we need the land the city will get it and tear down the trees. It is a matter of if we are going

May 27, 2003

Page 31

to pay for it in 20 or 30 years or whether we have it dedicated now. No matter which way we go when we need to expand Joyce we will expand Joyce I think. That is the issue to me. It is not a protection of the trees because no matter which way we go they would be in jeopardy. I would be against lessening the right of way for the same reasons physically for the city having to come up with the money in 20 or 30 years.

Bunch: In 20 or 30 years as the applicant discussed, those trees will be quite sizeable and I think unless our tree ordinance changes in that 30 years would be listed as significant trees and there would have to be a replacement for them and there would have to be considerable mitigation so that would definitely be a consideration when all of us are gone as to what happens to those trees within that right of way.

Honeycutt: Another comment about that is we have had discussions about the cost of redoing the landscaping that we have done there if that is taken in as right of way who pays for that if we have to go inward to get it. That is another discussion that we have had at Butterfield Trail.

Hoover: Dawn, would you address that?

Warrick: At this time no additional landscaping would be required beyond what the Large Scale proposes. If any additional landscaping were proposed or desired by the applicant then that would be your option.

Honeycutt: If the widening went into effect then we would lose the line of trees and landscaping and we wouldn't have any room really to put anything along where this parking is that is on the east side there. It would be like the north side of the street where we have got parking lot right up to the sidewalk is what it would look like and we are trying to shield Butterfield from its original landscape design by leaving that landscaped area in there. That is really our point that we would like to see.

Yates: I would like to repose this question. I think there may have been some misunderstanding. If the street improvements happen in the future and those trees are taken out and the mitigation was required because they are substantial trees, who would pay for that mitigation at that time I think is what Mr. Honeycutt's question was.

Warrick: If the trees were part of the city right of way and they were owned by the city and the city removed them then the city would be responsible for any replacement I believe would be the situation in the future.

Honeycutt: Replacement on the owner's property?

Warrick: It would most likely be a replacement within the city right of way as it exists after the improvements.

Hoover: Is there anymore discussion?

Anthes: I guess I would like to reassure the applicant that no one on this Commission wants to see those trees town down.

Honeycutt: I understand that, we are just trying to see if we feel like we can keep them.

Anthes: We also appreciate that you came to us with a solution, not just a problem. I appreciate the street section. I hope we put it in a permanent file so when the street is redesigned your firm is hired to do the work and you can do that very section. For the reasons Commissioner Estes stated it is very difficult for us to say now that we will accept a lesser dedication knowing that in the future we will have to pay for it and knowing that in the future we can design to a standard such as you suggested. That said, I believe I would have to concur with the other comments of the Commissioners this evening.

Honeycutt: One other question I have, is the full 55' taken all up and down Joyce now?

Warrick: All along the front property line of the subject property.

Honeycutt: On the north side?

Warrick: I don't know if the full 55' exists along the north side. That is a vacant piece of property and when we look at a development on that if it has not been dedicated. There is a portion of that that is undeveloped. Any of the property that has been developed since the Master Street Plan went into affect in 1995 is subject to the right of way dedication requirements. That is when the 55' from centerline was determined. The street sections that we are considering that the applicants provided are actually part of the city's General Plan and our Master Street Plan document. The city has the flexibility to work within those street sections when we are looking at developing new streets and improving or expanding existing streets. When we send those projects out to design or if we design them in house we do have those standards existing. Like I said, the flexibility is there to mitigate situations where you may not have the necessary right of way or there may be improvements such as these that the city desires to maintain if possible within the parameters of the existing right of way. There are possibilities to work around those trees. If we don't have the right of way

then we don't have anything to work around and we don't really have the options that may be available otherwise.

Hoover: Thank you Dawn. Is there any other discussion or motions?

MOTION:

Estes: I move for approval of LSD 03-15.00.

Hoover: There is a motion by Commissioner Estes, is there a second?

Allen: Second.

Hoover: A second by Commissioner Allen. Is there any other discussion? Seeing none, will you call the roll Renee?

Roll Call: Upon the completion of roll call the motion to approve LSD 03-15.00 was approved by a vote of 8-0-0.

Thomas: The motion carries eight to zero.

Hoover: Thank you.

RECEIVED

JUN 06 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



CEI Engineering Associates, Inc
P.O. Box 1408, Bentonville, Arkansas 72712
(479) 273-9472 Fax (479) 273-0844

TRANSMITTAL LETTER

Date: June 5, 2003

Distribution: RWR/File

To:	City of Fayetteville Planning 113 West Mountain Fayetteville, AR 72701 479-575-8323	Project:	Butterfield Trail Village
		CEI Project No.:	17793.0
		Reference:	Master Street Plan Appeal
Attn:	Ms. Sandra Smith		

We are sending you the following items:

☒ Attached Via: Hand Delivery

Copies:	Date:	No.:	Description:
11			Appeal of Master Street Plan Right-Of-Way Dedication Requirements
11			Site Pictures

These are transmitted:

- ☐ For Approval and Payment
☒ For Review and Comment
☒ Your Use

- ☐ For Bid Due / /
☐ As Requested
☐ _____

Signature:  Title: Project Manager
Kevin R. Yates, P.E.



CEI Engineering Associates, Inc.

Corporate Office: 3317 SW "I" Street • P.O. Box 1408 • Bentonville, AR 72712-1408 • (479) 273-9472 • (479) 273-0844

June 5, 2003

DISTRIBUTION:

RWR/File/Steven Jones/Don Hunnicutt

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

**RE: Appeal of The Master Street Plan Right of Way Dedication Requirements
Butterfield Trail Village
1923 East Joyce Blvd.
Fayetteville, AR 72701
CEI Project #17793.0**

Dear Chairperson:

Please except this letter as a formal request from Butterfield Trail Village (owner), for an appeal of the Master Street Plan Right of Way dedication requirements for the above referenced project. Please see the attached drawing Exhibit "A" Right of Way Dedication for clarification of the area in question. The master street plan classifies this section of Joyce Boulevard as a principal arterial, which requires a right of way of one hundred and ten feet in width as shown in Exhibit "B" Principal Arterial Section.

The existing right of way from centerline of street along this frontage is approximately forty feet in width. Approximately three feet beyond this existing right of way is a green space approximately twenty-three feet in width containing wood fencing and nice mature trees. In keeping with the City of Fayetteville's tree preservation principles and green space requirements the owner would like to consider other possible options to allow this green space to remain. The principal arterial section makes allowances for areas where sufficient right of way is unobtainable and allows the use of the minor arterial four-lane section to be used. With the use minor arterial four lane section the same number of lanes is provided and the green space is located as buffer along the Butterfield Trail Village frontage in the form of nice mature trees versus in the form of ornamental trees with in the median.

The minor arterial section requires a right of way section ninety feet in width as shown in Exhibit "C" Minor Arterial Section. The owner could dedicate an additional three feet of right of way totaling forty-three feet of the required forty-five feet of right of way for the owner's side of the street. The green space width in the minor arterial street section could be reduced to seven feet from ten feet, which would allow the existing green space with wood fencing and nice mature trees to remain.

We appreciate your time and consideration on this issue and if you have questions or require additional information, please do no hesitate to call.

Sincerely,

A handwritten signature in black ink, reading 'Kevin R. Yates'. The signature is written in a cursive, flowing style.

Kevin R. Yates, P.E.
Project Manager
Local Development/Public Works

See Attachments: Exhibits "A", "B", & "C"

JOYCE BLVD

PHYSICAL CENTERLINE

PROPOSED R.O.W. LINE

EXISTING R.O.W. LINE

55.00'
R.O.W.
DEDICATION

15484
BUTTERFIELD TRAIL VILLAGE, INC.
1923 E. JOYCE
FAYETTEVILLE, AR 72703
CONING R-2

TRACT A 19.8 AC



NOT TO SCALE

OWNER/DEVELOPER

BUTTERFIELD TRAIL VILLAGE
1923 E. JOYCE BLVD.
FAYETTEVILLE, AR 72701
BOB BRENNAN
479-442-7220

16849-
VANTAGE
VENTURE
C/O AR

INITIAL DESIGN

5-22-03

KRY

KRY

JK

JK

DATE

PRN

PM

DES

DRW

BUTTERFIELD TRAIL VILLAGE
NEW ALZHEIMER'S CARE UNIT



ENGINEERING
ASSOCIATES, INC

ENGINEERS

PLANNERS

SURVEYORS

3317 SW 7th Street
Bentonville, AR 72712

(479) 273-9472
FAX (479) 273-0844

JOB NO.: 17793.0
DWG NAME: EXHIBIT A

EXHIBIT "A" R.O.W. DEDICATION

DATE
06-05-03
10:50 AM

SHEET NO.
1 OF 1

FAYETTEVILLE

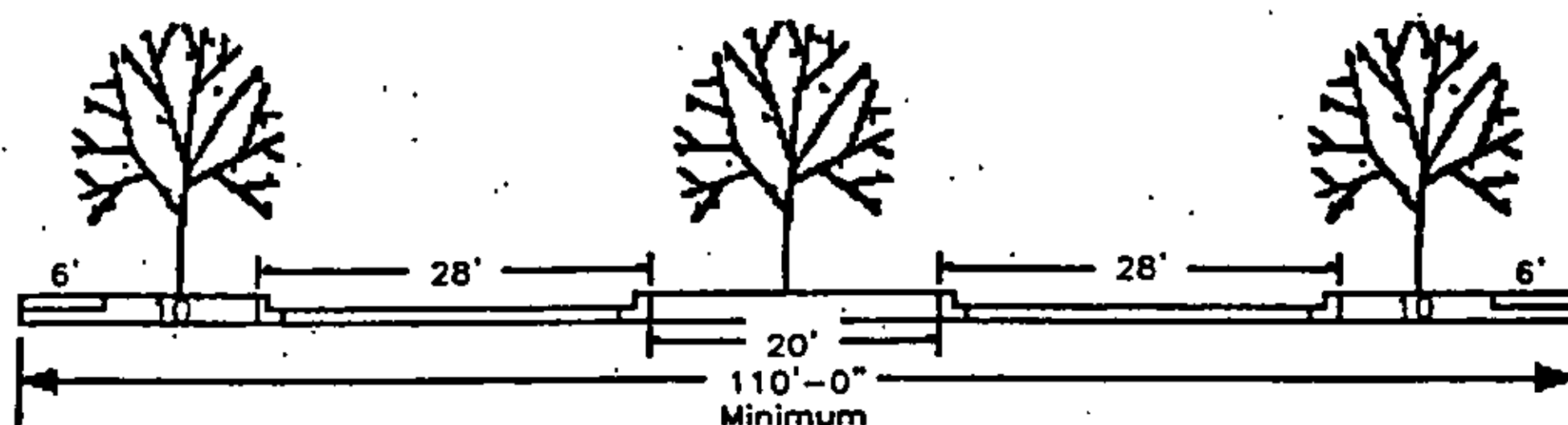
AR

REV-2

• PLANS AND POLICIES •

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. In areas where sufficient right of way is unobtainable, the minor arterial four lane section can be used.

Design Service Volume:	17,600 vpd, 20,600 vpd with left turn bay
Speed:	40-45 mph
Traffic Lanes:	Four 12' travel lanes, 12' turn lanes possible at intersections and at frequent intervals
Parking Lanes:	None
Paved Width:	28' from back of curb each side of median
Right of Way:	At least 110'
Multi-use Trails:	Two at least 6' wide, at least 10' from curb
Median:	20' minimum if no turn bay. May be reduced to 8' to accommodate turn bays
Tree planting areas:	Two, at least 10' wide, in addition to the median



Principal Arterial

Exhibit "B"

Principal Arterial Section

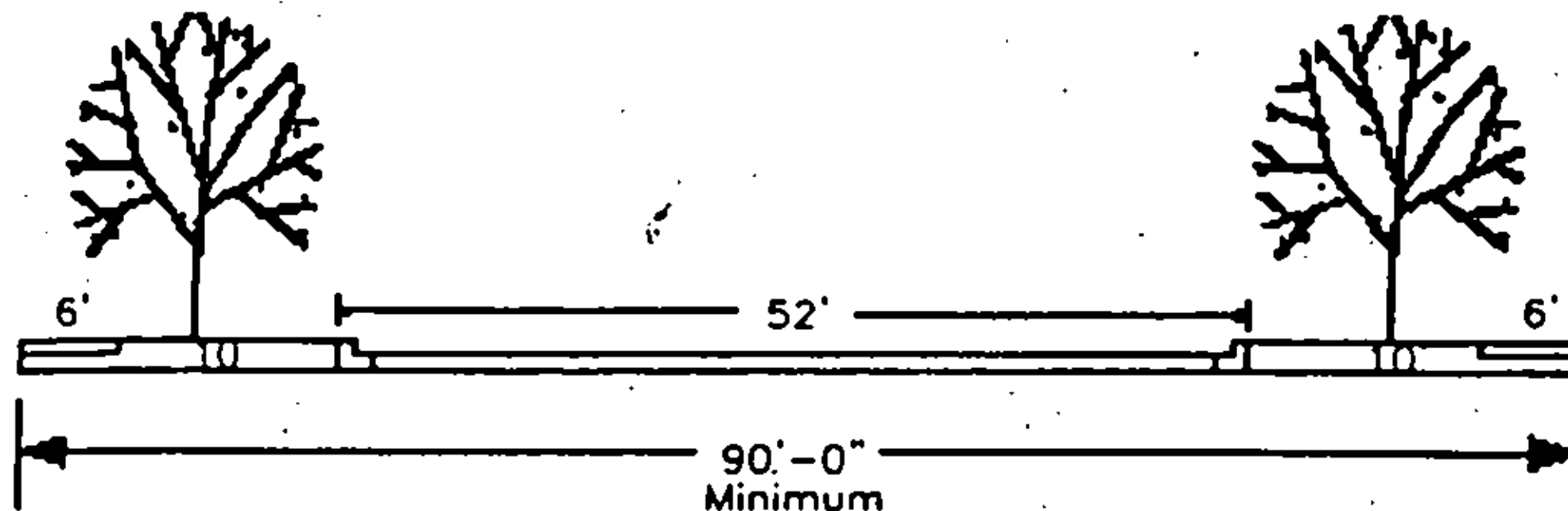
• PLANS AND POLICIES •

HISTORIC COLLECTOR provides traffic circulation within the historic and developed parts of central Fayetteville. This type of collector street recognizes the right-of-way limitations associated with developing in "built-out" areas of the city.

Design Service Volume:	4,000 vpd, 6,000 vpd with left turn bays
Speed:	25-30 mph
Traffic Lanes:	Two 11' travel lanes, 10' turn bays where warranted
Parking Lanes:	Two lanes provided. None when turn bay exists
Paved Width:	36' from back of curb
Right of Way:	At least 50'
Sidewalk	6'

MINOR ARTERIAL STREETS connect higher functional class facilities, etc. Residential frontage is strongly discouraged. Access should be from perpendicular local or residential streets.

Design Service Volume:	12,200 vpd, 14,800 vpd with left turn bays
Speed:	35-40 mph
Traffic Lanes:	Four 12' travel lanes, 11' turn lanes possible at intersections
Parking Lanes:	None
Paved Width:	52' from back of curb, 59' with turn lane
Right of Way:	At least 90'
Multi-use Trail:	Two at least 6' wide, at least 10' from curb
Tree Planting Areas	Two, at least 10' wide



Minor Arterial

Exhibit "C"

Minor Arterial Section

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

VAC. 03-1.00
Kim Scott
C. 2. Page 1x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

VAC 03-1.00 was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street, Fayetteville, Arkansas. The request is to amend Ordinance 4466 to vacate the entire 55' of 9th Street west of South School, north of Block 17, and south of Block 16 in the Ferguson's Addition.

STAFF RECOMMENDATION: Approval

Dawn Warrick
Division Head6/13/03
Date

Received in Mayor's Office

6/16/03
Date PHapproval conditioned upon striking Section 3.
D. Whit
City Attorney6/16/03
DateTim Lamb
Department Director6-13-03
Date

Cross Reference:

Steph Lane
Finance & Internal Services Dir.6-16-03
Date

Previous Ord/Res#:

Hugh Everett
Chief Administrative Officer6-17-03
Date

Orig. Contract Date:

Orig. Contract Number:

Ken Cook
Mayor6/17/03
Date

New Item:

Yes

No



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 4466 TO VACATE AND ABANDON THE UNOPENED PORTION OF NINTH STREET, EAST OF SOUTH SCHOOL AVENUE, SOUTH OF LOTS 2 AND 8, BLOCK 16 AND NORTH OF LOTS 1 AND 24, BLOCK 17 IN THE FERGUSON ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, a petition was duly filed with the City Council of the City of Fayetteville Arkansas, on the 28TH day of December, 2002, asking the City Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Ferguson's Addition to the City of Fayetteville now appearing in the office of the Circuit Clerk of Washington County.

WHEREAS, after due notice as required by law, the council, has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Fayetteville, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

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

Section 2. A copy of the 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.

~~Section 3. This ordinance shall take effect and be in force from and after its passage.~~

³
Section 4. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in

Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By _____
Dan Goody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

DRAFT

13

EXHIBIT "A"
VAC 03-1.00

BEGINNING AT A POINT WHICH IS 16 FEET EAST OF THE NORTHWEST CORNER OF LOT 24, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE NORTH 55 FEET, MORE OR LESS, TO THE SOUTH LINE OF LOT 2, BLOCK 16, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE EAST TO A POINT WHICH IS DUE NORTH OF THE NORTHEAST CORNER OF LOT 1, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE SOUTH 55 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 17, FERGUSON ADDITION, THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 17, FERGUSON ADDITION TO THE POINT OF BEGINNING.

DRAFT

CC Meeting of July 1, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
THRU: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director
DATE: June 12, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

On February 4, 2003 the City Council approved Ordinance # 4466 approving this vacation. However, at that time the legal description attached as Exhibit "A" was incorrect and only reflected the southern portion of 9th Street.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

The applicant has now become aware of the error in the legal description and is requesting that Exhibit "A" to Ordinance # 4466 be amended to reflect the entire 55' of 9th Street west of South School, north of Block 17 and south of Block 16 in the Ferguson's Addition being vacated and abandoned as reflected in the original petition to vacate and as reviewed and approved by the Planning Commission on January 13, 2003.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. 4466

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE AND ABANDON A SECTION OF 9TH STREET WEST OF SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council of the City of Fayetteville, Arkansas has the authority under A.C.A. §14-301-301 to vacate dedicated public streets and alleys which have not been actually used for five years; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas has determined that the following described dedicated street has not been actually used for five years and the owners of all abutting property have petitioned for or consented to this vacation; and

WHEREAS, the public interest and welfare will not be adversely affected by the abandonment of the alley; and

WHEREAS, the City Council has the additional 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 street is not required for corporate purposes; and

WHEREAS, the abutting owner has offered as an inducement to the City Council to approve the vacation of the street a Bill of Assurance to maintain, create, or improve green space on the 50-foot section nearest School Avenue.

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 street right of way:

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

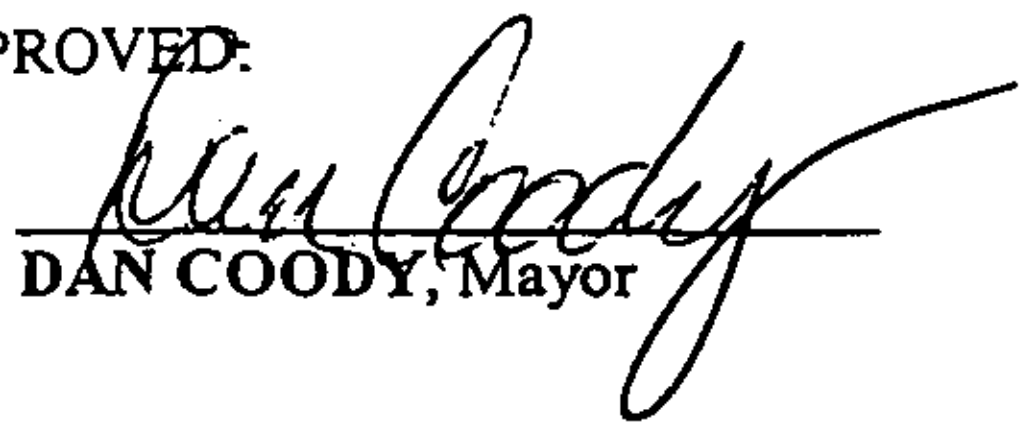
Section 2. That this vacation approval is subject to the Bill of Assurance offered by the petitioner.

Section 3. That 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 the 4th day of March, 2003.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


Sondra Smith, City Clerk



CC Meeting of February 4, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

PC Meeting of January 13, 2003

FAYETTEVILLE

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

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Planning Commission
January 13, 2003
VAC 03-1 AMC Land
Page 1.1

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above,

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date: _____

Comments: _____

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

**PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET
WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF
LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF
THE FERGUSON ADDITION.**

**TO: The Fayetteville City Planning Commission and
The Fayetteville City Council**

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

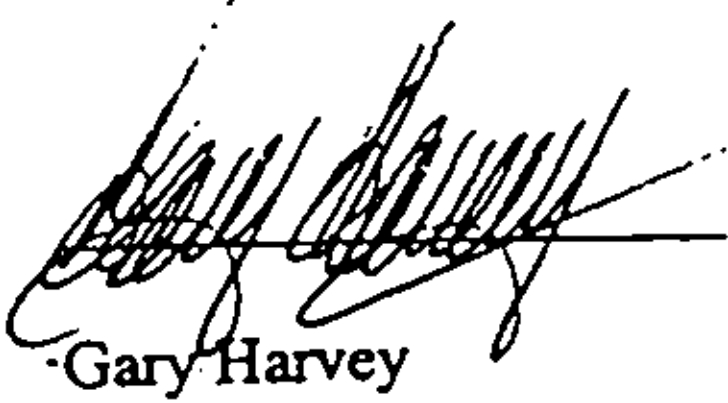
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

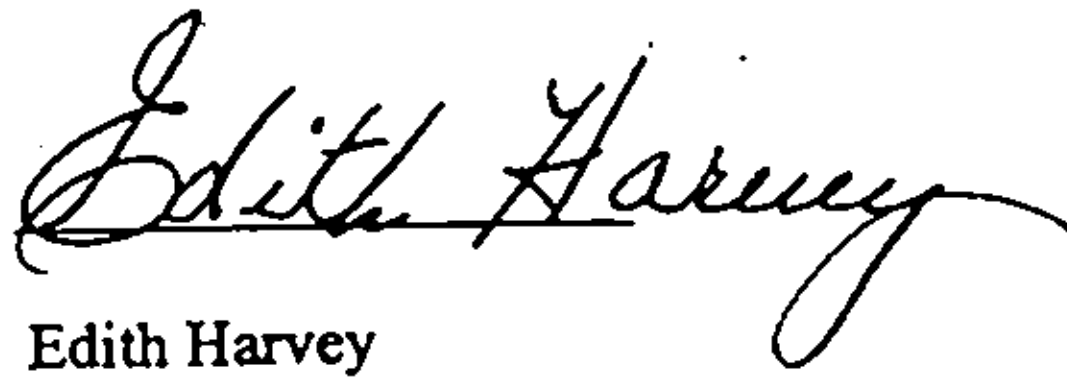
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easement of the public for the use of said street right-of-way.

Dated this 12th day of December, 2002.



Gary Harvey



Edith Harvey



Randy Parrish



Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Ward: Second.

Planning Commission
January 13, 2003
Page 4

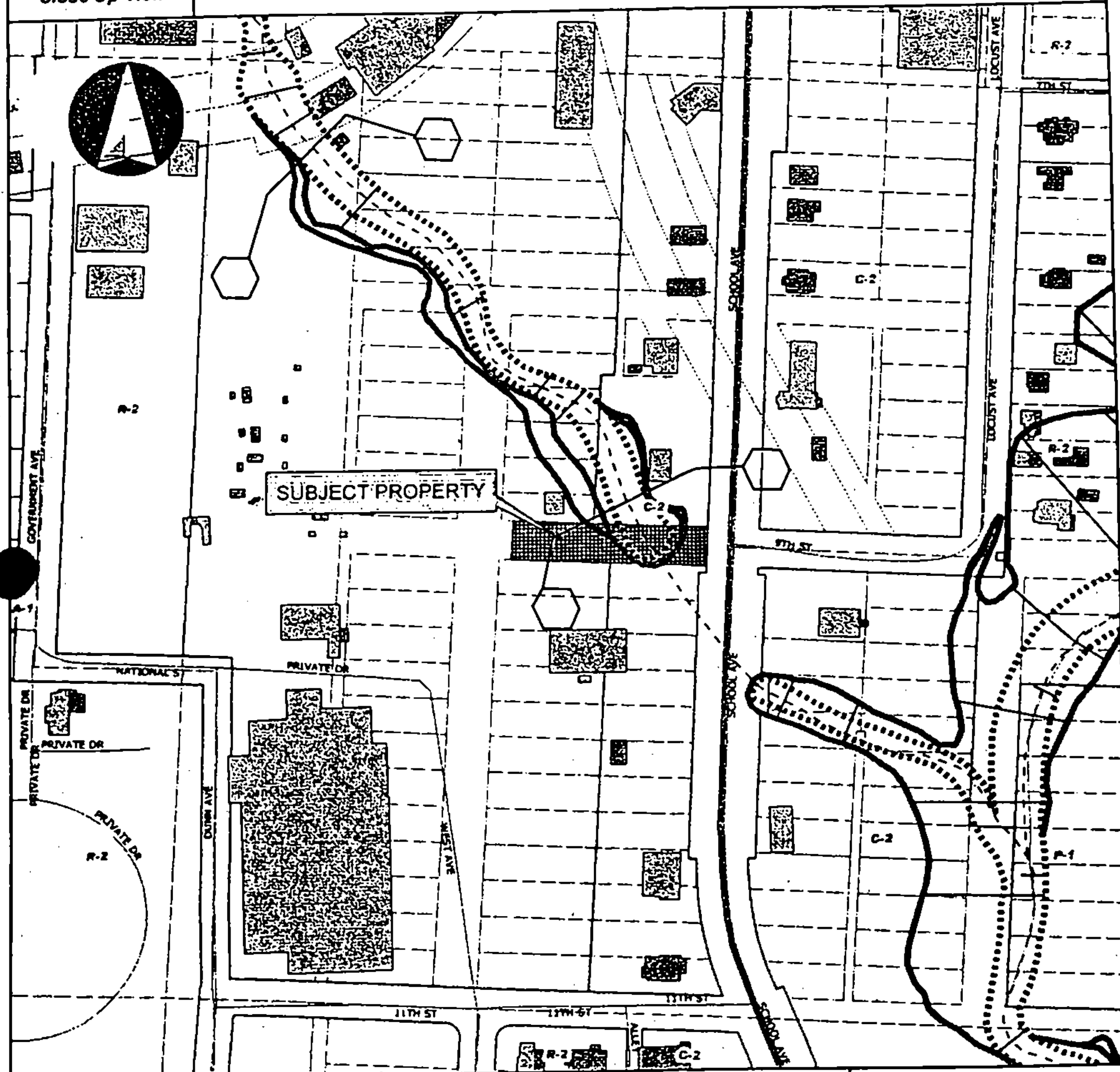
Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

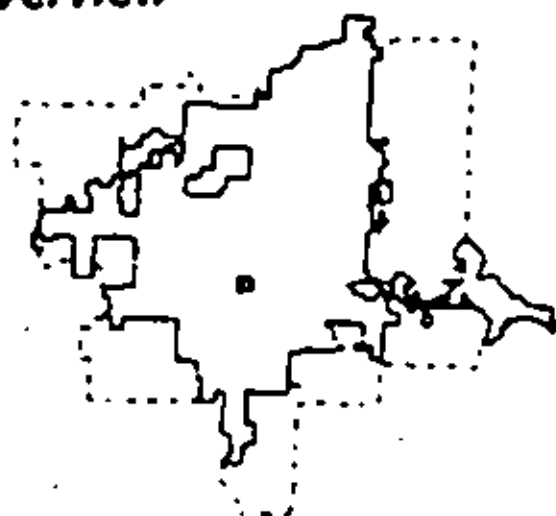
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend
Subject Property

VAC03-1.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 75 150 300 450 600 Feet

July 1, 2003

CP&E
Department

No

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 4466 TO VACATE AND ABANDON THE UNOPENED PORTION OF NINTH STREET, EAST OF SOUTH SCHOOL AVENUE, SOUTH OF LOTS 2 AND 8, BLOCK 16 AND NORTH OF LOTS 1 AND 24, BLOCK 17 IN THE FERGUSON ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, a petition was duly filed with the City Council of the City of Fayetteville Arkansas, on the 28TH day of December, 2002, asking the City Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Ferguson's Addition to the City of Fayetteville now appearing in the office of the Circuit Clerk of Washington County.

WHEREAS, after due notice as required by law, the council, has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Fayetteville, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

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

Section 2. A copy of the 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.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Section 4. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in

Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By _____

Dan Goody, Mayor

ATTEST:

By _____

Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
VAC 03-1.00

BEGINNING AT A POINT WHICH IS 16 FEET EAST OF THE NORTHWEST CORNER OF LOT 24, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE NORTH 55 FEET, MORE OR LESS, TO THE SOUTH LINE OF LOT 2, BLOCK 16, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE EAST TO A POINT WHICH IS DUE NORTH OF THE NORTHEAST CORNER OF LOT 1, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE SOUTH 55 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 17, FERGUSON ADDITION, THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 17, FERGUSON ADDITION TO THE POINT OF BEGINNING.

DRAFT

CC Meeting of July 1, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
THRU: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director
DATE: June 12, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

On February 4, 2003 the City Council approved Ordinance # 4466 approving this vacation. However, at that time the legal description attached as Exhibit "A" was incorrect and only reflected the southern portion of 9th Street.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

The applicant has now become aware of the error in the legal description and is requesting that Exhibit "A" to Ordinance # 4466 be amended to reflect the entire 55' of 9th Street west of South School, north of Block 17 and south of Block 16 in the Ferguson's Addition being vacated and abandoned as reflected in the original petition to vacate and as reviewed and approved by the Planning Commission on January 13, 2003.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. 4466

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE
AND ABANDON A SECTION OF 9TH STREET WEST OF
SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF
BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED
ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council of the City of Fayetteville, Arkansas has the authority under A.C.A. §14-301-301 to vacate dedicated public streets and alleys which have not been actually used for five years; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas has determined that the following described dedicated street has not been actually used for five years and the owners of all abutting property have petitioned for or consented to this vacation; and

WHEREAS, the public interest and welfare will not be adversely affected by the abandonment of the alley; and

WHEREAS, the City Council has the additional 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 street is not required for corporate purposes; and

WHEREAS, the abutting owner has offered as an inducement to the City Council to approve the vacation of the street a Bill of Assurance to maintain, create, or improve green space on the 50-foot section nearest School Avenue.

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 street right of way:

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

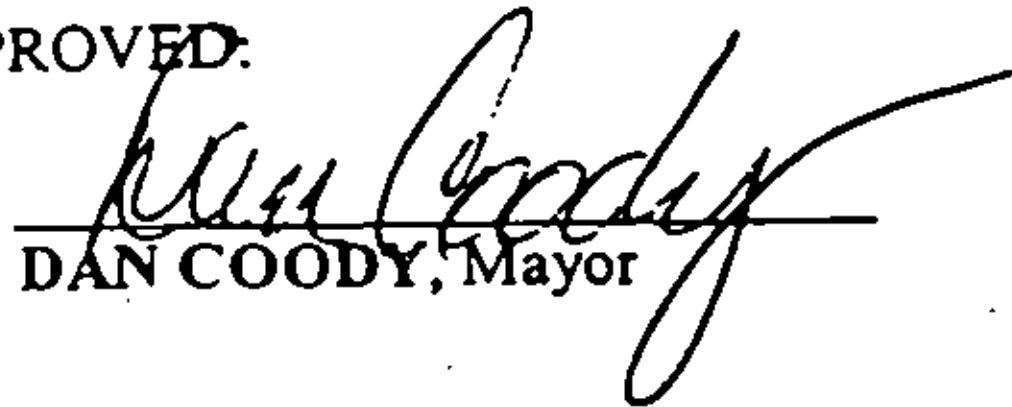
Section 2. That this vacation approval is subject to the Bill of Assurance offered by the petitioner.

Section 3. That 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 the 4th day of March, 2003.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


Sondra Smith, City Clerk



CC Meeting of February 4, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

PC Meeting of January 13, 2003

FAYETTEVILLE

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

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above,

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date:

Comments: _____

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF THE FERGUSON ADDITION.

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

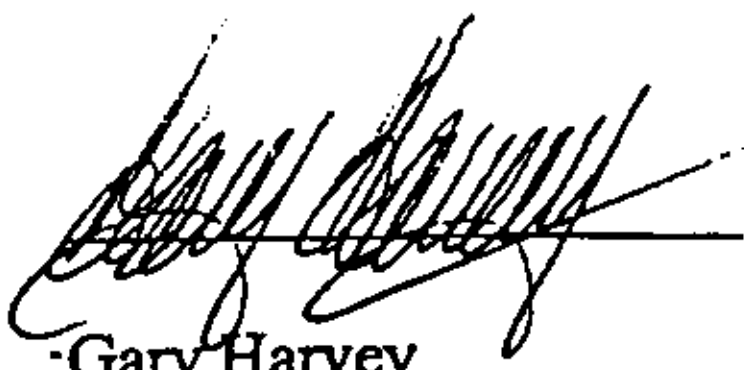
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

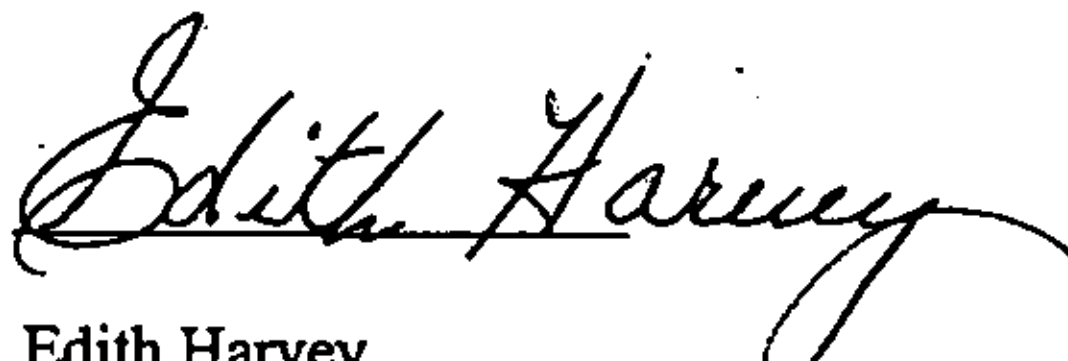
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easement of the public for the use of said street right-of-way.

Dated this 12th day of December, 2002.



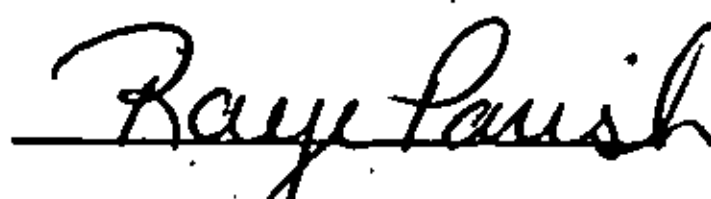
Gary Harvey



Edith Harvey



Randy Parrish



Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

Fayetteville Planning Commission
January 13, 2003
Page 3

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Ward: Second.

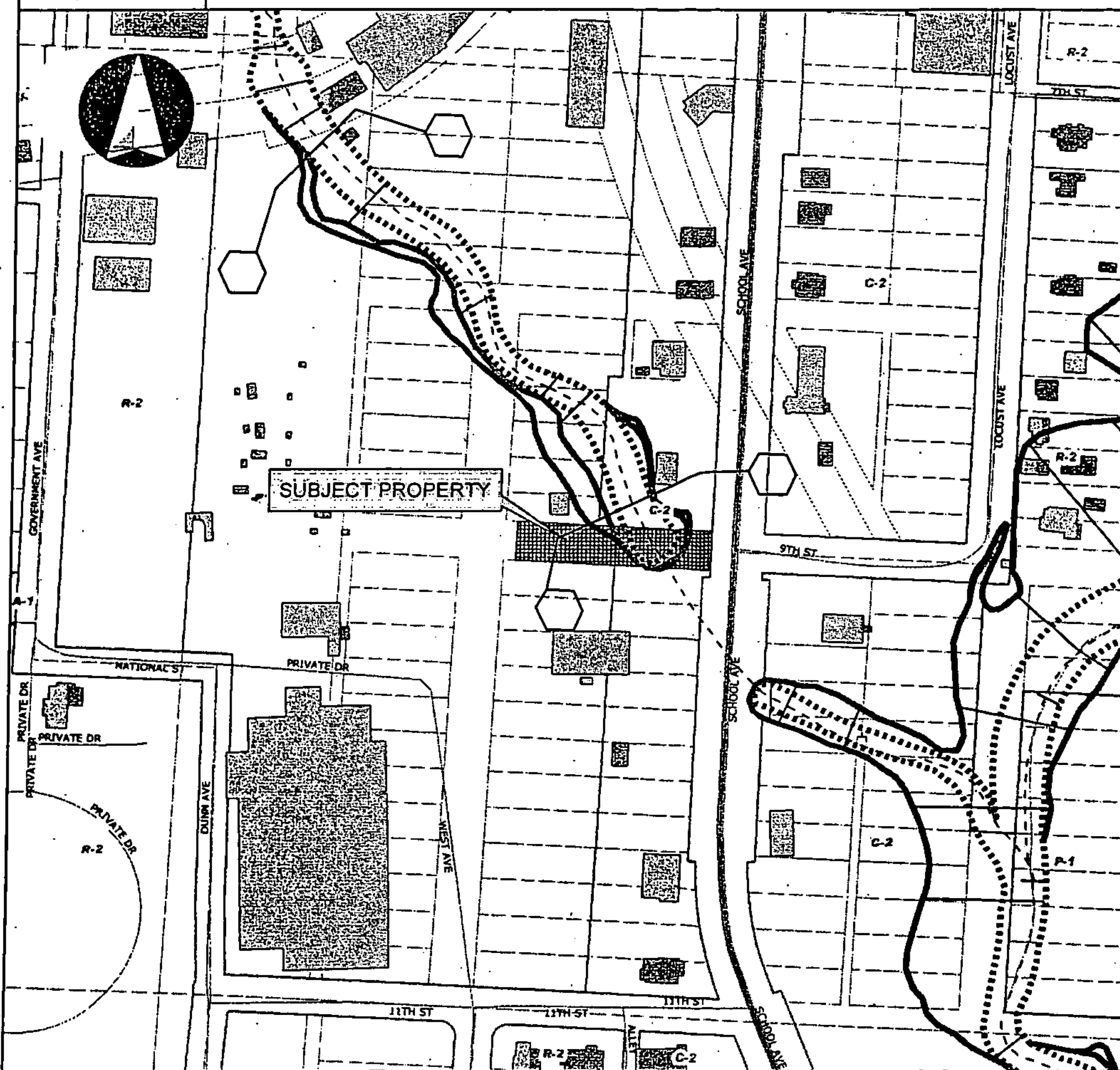
Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

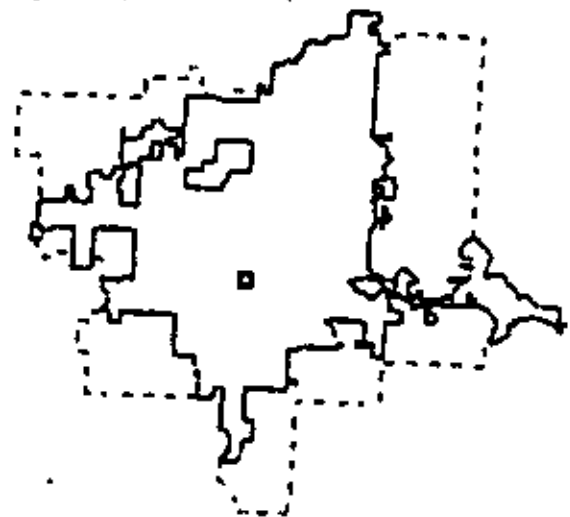
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend Subject Property

VAC03-1.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 75 150 300 450 600 Feet

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 03-19.00
Tom Broyles 14.66 Acres
C. 3. Page 1

CC Meeting of July 1, 2003

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

BACKGROUND

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-19.00

A part of the NW1/4 of the SE1/4 of Section 20, T-16-N, R-30-W, being more particularly described as follows: From the N.E. corner of the NW1/4 of the SE1/4 of said Section 20, thence N87°13'22"W 464.78 feet; thence S02°46'38"W 75.95 feet to the center line of a ditch; thence along the center line of said ditch as follows: S13°52'53"W 157.39 feet; thence S17°38'29"E 138.54 feet; thence S64°04'53"E 36.47 feet; thence S0°11'38"E 104.22 feet to the Point of Beginning; thence S0°11'38"E 89.61 feet; thence S14°47'06"E 227.46 feet; thence S30°02'E 82.11 feet to the West right-of-way for Razorback Road; thence S18°21'12"W 85.18 feet; thence leaving said right-of-way for Razorback Road N80°00'W along a creek 160.53 feet; thence N26°42'27"W 82.42 feet; thence N87°11'07"W 47.00 feet; thence S43°05'33"W 42.72 feet; thence S04°20'41"E 36.68 feet; thence S30°46'23"W 95.54 feet; thence S30°46'23"W 43.82 feet; thence S42°18'32"W 60.19 feet; thence S03°00'17"W 234.86 feet to a point on the North line of Meadow Vale Subdivision; thence along the North line of Meadow Vale Subdivision N87°09'34"W 220.24 feet to the NW corner of said Subdivision; thence along the East right-of-way of Ashwood Avenue N03°26'28"E 20.00 feet; thence along the North right-of-way of 18th Street N87°33'13"W 354.43 feet; thence along the East right-of-way of Arkansas Highway 16 Bypass N02°11'12"E 845.65 feet; thence S85°33'37"E 863.18 feet to the Point of Beginning, containing 14.66 acres, more or less, Washington County, Arkansas.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

~~RZN 03-19.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

~~RZN 03-20.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

RECOMMENDATION:

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

Separate action must be taken on each of these requested rezonings.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
	☐ Approved		☐ Denied
Date:	<u>June 9, 2003</u>		
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	☐ Approved		☐ Denied
Date:	<u>July 1, 2003 (1st reading if recommended)</u>		

BACKGROUND:

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

The major intersection of Razorback Road and 15th Street (Hwy 16) east of this location is the site of a variety of uses. The University has developed a large sports complex on the north side of 15th Street and just recently the southeast corner of the intersection has been established as an RV park for Razorback fans. The northeast corner, east of the Swanson plant (formerly Vlasic and Campbell Soup) now contains a large parking lot, also developed by the University.

Razorback Rd. is designated a principal arterial on the City's adopted Master Street Plan. Fifteenth Street (Hwy 16) is designated a principal arterial east of this intersection and a collector west of the intersection. Razorback Road between I-540 and 15th Street is a 5 lane section which is relatively new. North of this intersection, Razorback Road narrows to 2 lanes. Fifteenth Street is a 4 lane road east of the intersection and a 2 lane road west, including the area directly adjacent to the subject property.

Utilities are available to the site and would have to be extended by the developer upon approval of a project. Extension of main lines and sizing of utilities will be further addressed at the time of development review.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

A comparison of the acreages and zoning designations is as follows:

	2001 Ordinances	Current Request
R-2 acreage	12.13	14.66
C-2 acreage	9.86	7.45
Totals	21.99	22.11

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Baum Baseball Stadium / Tyson Indoor Track Complex	I-1, Heavy Commercial & Lt Industrial
South	Vacant	R-2, Medium Density Residential C-2, Thoroughfare Commercial
East	Vacant	I-1, Heavy Commercial & Lt Industrial
West	Vacant	R-2, Medium Density Residential

INFRASTRUCTURE:

Streets: North: 15th Street, Collector Street with 70' ROW on the MSP
South: None
East: None
West: Beechwood Avenue, Collector Street with 70' ROW on the MSP

If development occurs on this site, 15th Street and Beechwood Avenue would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 6" waterline along Ashwood Avenue and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street and Razorback Road.

Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood Avenue.

Sewer: The property currently has several existing sewer lines on-site, including a 24" line to the east and south and a 10" line along Beechwood Avenue to the west.

Fire: 1.0 miles from Fire Station #6. Normal driving time 1 min. 48 seconds. Water supply will be needed for new development.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-2 is consistent with the land use plan and compatible with surrounding land uses in the area. The C-2 portion of this request is considered compatible due to past policy decisions by the City Council and the applicability of providing commercial property in the vicinity in order to encourage the development of amenities which will serve the residential uses and allow for mixed uses in this area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The surrounding properties are largely undeveloped. Nearby uses include University facilities and single family homes to the south which are located within the R-2 district.

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

Finding: The proposal is to reconfigure properties which have already been approved with R-2 and C-2 designations. The request is justified in that the new configuration allows for a development plan that utilized 15th Street for commercial frontage while providing residential uses south of that area with additional access from Beechwood Ave.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. The major streets serving this site are currently under utilized and are developed in a manner which will carry significant amounts of traffic. Upon development, any improvements or capacity increases made necessary by a proposed project will be the responsibility of the developer.

The proposed zoning requests will not change the impact of these properties. The amount of commercial and residential property is not significantly changed from that which was approved in 2001. Based on the approved zoning actions in 2001, the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved.

Collector streets border the subject property. The streets may need left turn lanes added or other modifications to accommodate increased traffic generated by the site. Traffic calming measures may also need to be explored with regard specifically to Beechwood Ave. north of the development. Standard street improvements to Beechwood and 15th Streets will also be required.

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: Population density will not be significantly altered from the current zoning designations.

At the time of development water main extensions will be necessary as stated in the attached staff comments. Several sewer lines are located on the property.

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



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax 479.631.6224 www.craftull.com

May 16, 2003

RECEIVED

MAY 19 2003

PLANNING DIV.

Tim Conklin
City of Fayetteville, Planning
113 W. Mountain
Fayetteville, AR 72703

RE: Proposed Rezoning Request
On behalf of Tom Broyles
Beechwood Avenue and 15th Street
CTA Job No. 031016-00

Dear Tim:

This is a proposed rezoning request for Tom Broyles, located at the southeast corner of 15th street and Beechwood Avenue. The proposed zoning will include 7.45 acres of proposed C-2 zoning and 14.66 acres of R-2 zoning. The existing zoning for the full 22.11 acres is C-2 and R-2. It is the intent of this rezoning to move the current zoning line to a new configuration.

Checklist Item #5

- The property owner is teaming up with a new developer to develop the entire 22.11 acres with commercial adjacent to 15th street, and a multi-family development south of the commercial.
- The developer is ready to move on the project, but needs the rezoning in place before he starts.
- Water and sewer are available to the site. Access will be from Beechwood Avenue and 15th street.

Checklist Item #6

- The property is consistent with the City of Fayetteville's master Land use plan and the proposed zoning will be moving the existing zoning lines around.
- The proposed zoning is justified because the current zoning would not allow the commercial to have full frontage on 15th and multi-family to the back, which is typical of planning practices.
- The proposed zoning should not create an increase in traffic because it will be slightly less commercial than the current zoning.
- Since we are only adjusting current zoning lines, it should not alter population densities or have adverse impacts to public utilities.

- It is more desirable to have commercial along 15th street with multifamily to the back.

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

Very Truly Yours,

Crafton, Tull & Associates, Inc.



Jerry Kelso, P.E.
Vice President

Attachment:

RECEIVED
MAY 19 2003
PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ☒ ANNEXATION ☒

REZONING # 03-19.00 OWNER Broyles

~~ANNEXATION~~ # 03-20.22 OWNER Broyles

LOCATION OF

PROPERTY

FIFTEENTH STREET & BEACHWOOD

NEAREST FIRE STATION AND

LOCATION

FIRE STATION #6 - HOLLYWOOD ST

RESPONSE TIME FROM FIRE STATION # 6 TO

LOCATION OF

PROPERTY

1 MINUTES 48 SECONDS.

TRAVEL MILES FROM FIRE STATION # 6 TO LOCATION OF

PROPERTY

1 mile

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS

needed

EXISTING FIRE HYDRANTS? IF SO

LOCATION

WATER SUPPLY WITH HYDRANTS

NEEDED?

yes - there should be water line in the area

ADDITIONAL

COMMENTS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in italics.

1. ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN
03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

RZN 03-19.00
The property currently has access to a 6" water line on Ashwood Ave. and at Tom Broyles 14.66 Acres
Razorback Road. There is also a 12" waterline nearby at the intersection of C. 3. Page 13
Razorback Road. Any development of this site would require that an 8" main be extended to
loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th
Street. This would include improvements to a minimum of 14' from centerline with
pavement, curb and gutter, storm drains and sidewalks.

4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on
behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street.
The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density
Residential. The request is to move the current zoning line to a new configuration with the
subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on
Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and
Razorback Road. Any development of this site would require that an 8" main be extended to
loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th
Street. This would include improvements to a minimum of 14' from centerline with
pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at
4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains
approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood
Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also a
12" and 8" line to the south on Ruppel Road.

The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is
currently under construction adjacent to this site, and Wedington is already improved at this
location.

10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

- *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.*

The property currently has access to a 4" water line along Old Wire Road and a 4" line along Skillern Road. A 4" line is not sufficient to provide fire protection for this area. An extension of an 8" line to the properties would be required.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Skillern Road in the Savannah and Brookbury subdivisions.

Name Matt Casey Department Engineering

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
Matt Casey, Staff Engineer
→ Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

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Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in italics.

1. ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

2. **ANX 03-03.00: Annexation** (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville.

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

3. **RZN 03-19.00: Rezoning** (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction some traffic calming measures to insure that site generated traffic does not impact this local street.

4. **RZN 03-20.00: Rezoning** (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

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

6. ANX 02-01.10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

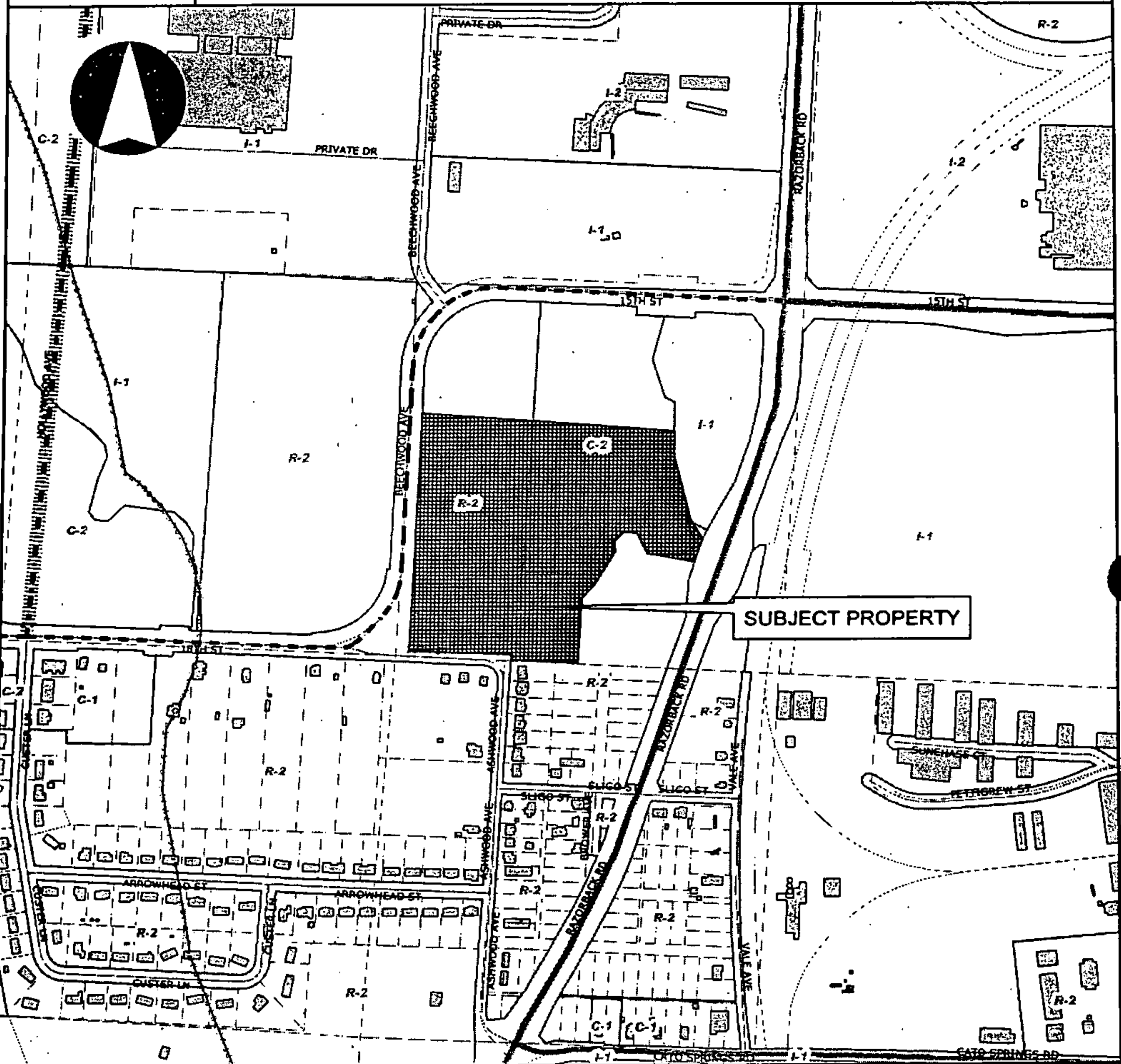
- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- Annexation the existing homes into the City will not impact the existing road system. Any changes to the zoning to increase densities will impact the road system.

Name Paul Libertini, P.E. Department Engineering

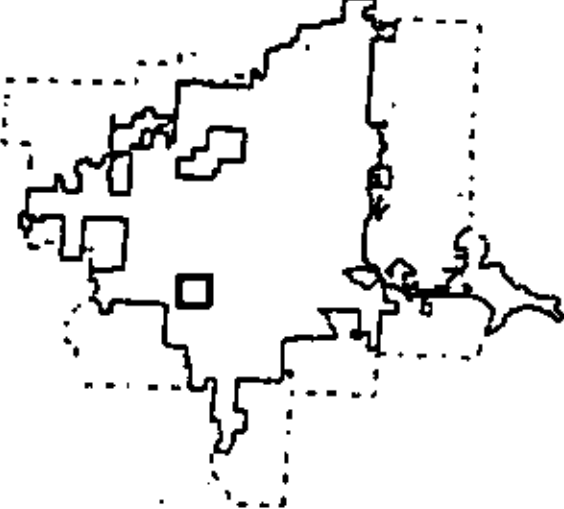
BROYLES

RZN03-19.00

Close Up View



Overview



Legend

RZN03-19.00

City Limits

Outside City

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

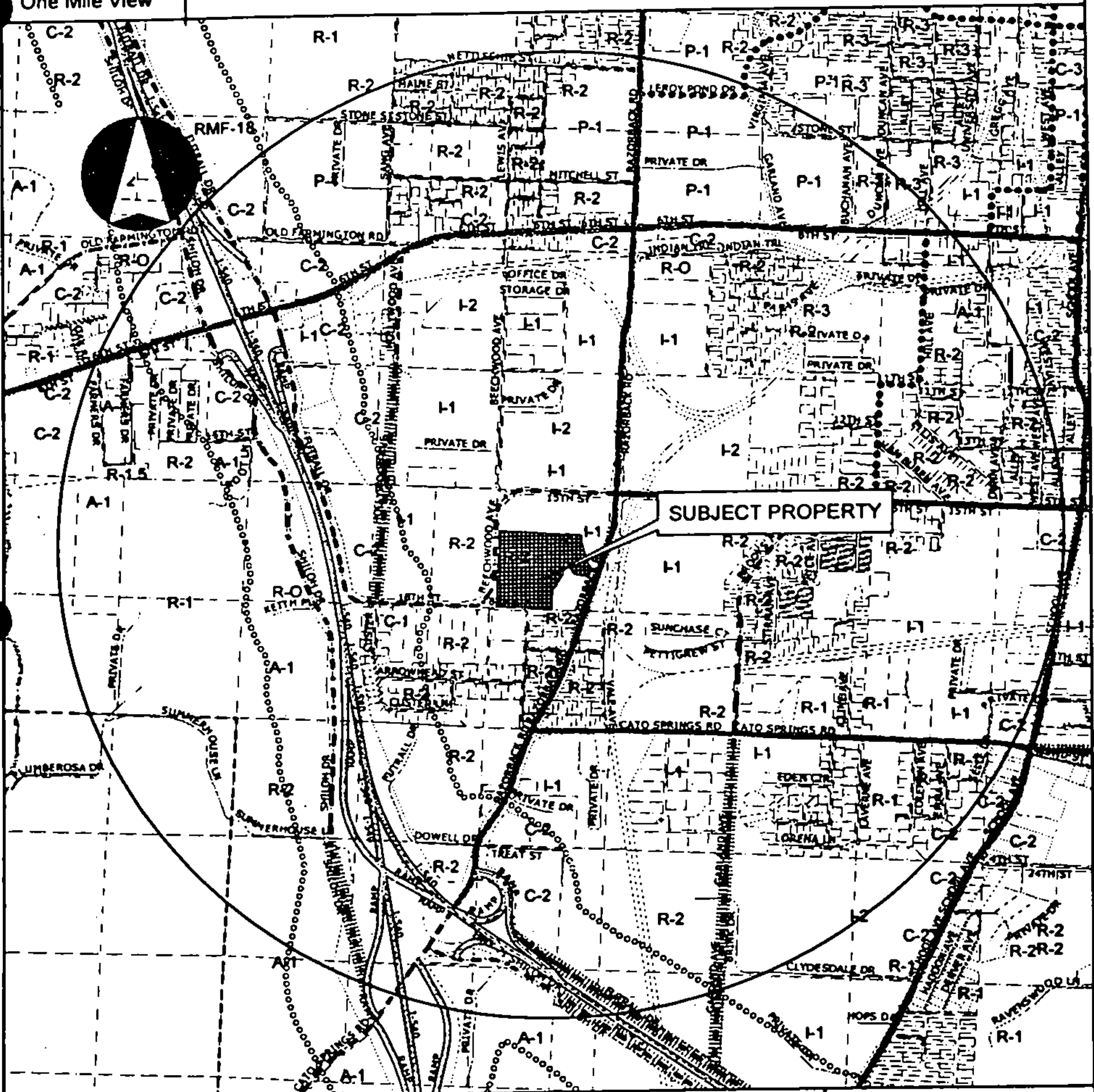
Historic Collector



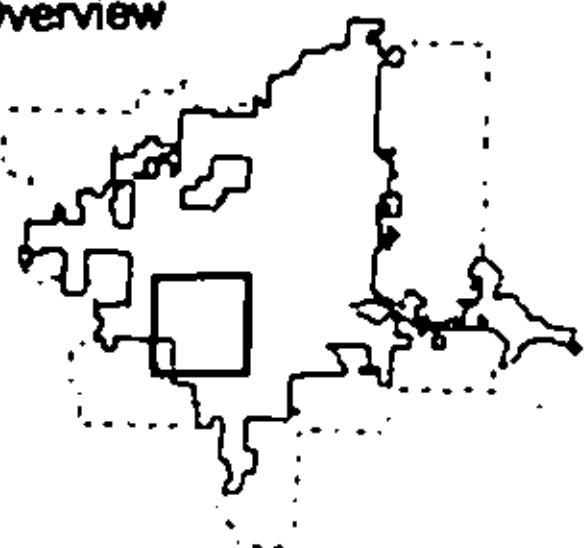
RZN03-19.00

One Mile View

BROYLES



Overview



Legend
Subject Property

RZN03-19.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

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

RZN03-19.00

Future Landuse

BROYLES



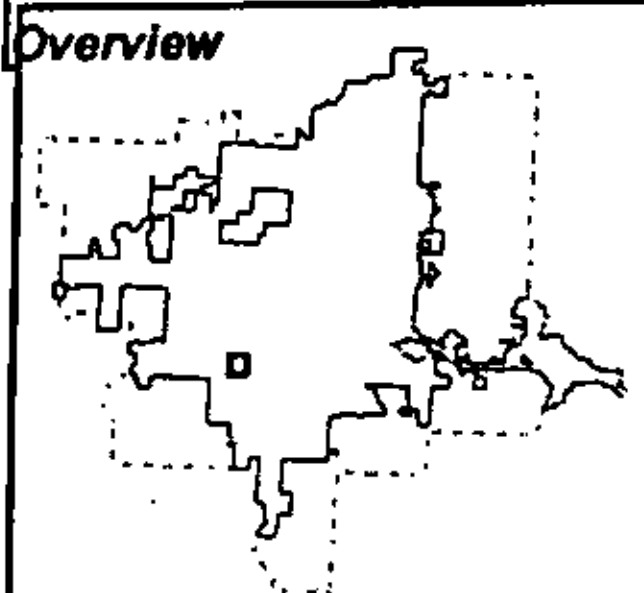
Mixed Use

SUBJECT PROPERTY

Residential

Mixed Use

- Future Landuse**
- Parks
 - Private Open Space
 - Residential
 - Mixed Use
 - Office
 - Historic Commercial
 - Community Commercial
 - Neighborhood Commercial
 - Regional Commercial
 - Industrial
 - University



Legend

- | | | |
|-------------------------|----------------|------------------|
| Subject Property | Streets | Boundary |
| RZN03-19.00 | Existing | Planning Area |
| | Planned | Overlay District |
| | | City Limits |

RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

Hoover: On to item number eight, RZN 03-19.00 for property located east of Beechwood Avenue and south of 15th. Dawn?

Warrick: Items eight and nine are combined. The reason is that they are basically the same overall property. Before I get too far into that staff report though, with reference to the four items that preceded this, as well as these two rezonings as well as the other items in this agenda. Annexations and rezoning applications are significant policy decisions made by the Planning Commission with recommendation to the City Council for final decision. At this point in time the City of Fayetteville is taking a much more critical look at these types of applications than we ever have in the past. It is important that we have adequate information for you to make a recommendation to the City Council and for the City Council to make one of these policy decisions when they are approached with a request to annex or rezone a piece of property. With that in mind, staff has assembled a zoning review team. What this time is designed to do, it is a group of staff members, and it includes representation from the Planning Division, the Engineering Division, the Fire and Police Departments. We have charged ourselves with analyzing requests for annexations and rezonings to provide adequate data and analysis for you with regard to the findings that are required to be made for these types of requests. The City Council adopted an annexation policy in 2001 and that annexation policy is a basis for decisions with regard to those types of actions. We also have in our bylaws for the Planning Commission have specific findings that are required to be made on any of these requests. Issues that staff needs to address include traffic conditions, current and future, based on potential uses; the street system, whether existing infrastructure is adequate or improvements would be necessary; system capacity, water and sewer; response time for emergency services and whether providing services of all types in the area to be annexed or to have the zoning changed, would cause a strain on existing resources. We feel that it is very important to use all of the resources available to us to make these determinations and to provide you with some guidance on these decisions. The city has taken on a very large project with regard to the new waste water treatment plant that is proposed to be on the west side of town. We are in the process of working through a new transportation study for the entire city, a traffic study. Those are the types of things that we are trying to include in our recommendations and findings for you on these types of items. That is just kind of for reference. With regard to the two rezonings that we are

now talking about on the agenda. The subject property is vacant and located on the south side of 15th Street between Beechwood Avenue and Razorback Road. The property to the south, east and west is currently undeveloped. There are University of Arkansas sports facilities to the north. The Tyson indoor track complex and Baum baseball stadium. A creek and related floodplain adjoins the property to the southeast. In the fall of 2001, September and October of 2001, the City Council rezoned the subject property to R-2 and C-2 in a configuration which provided residential zoning along Beechwood Avenue on the entire western side of the property and then the eastern side was zoned C-2. At this time the applicant is wishing to reconfigure those requests from 2001. The request now is to stack the zoning so the C-2 property is on the north side of this tract and the R-2 is south of that. The acreages are very similar with regard to the amount of the two districts that are being divvied up in this property. R-2 acreage approved in 2001 was 12.13 acres and the request is for 14.6 acres to be zoned R-2 with the reconfiguration. The C-2 acreage in 2001 was 9.8 acres and the request now is 7.45. There is actually a little reduction in the commercial district and an increase in residential. The General Plan does designate this site as residential. Rezoning the property in the R-2 portion of course is very consistent with that land use plan that is compatible with adjacent land uses also. The C-2 portion of the request is considered to be compatible also due to past policy decisions. In 2001 the City Council did set policy in adopting a commercial zoning designation for a portion of this property. At this time they are requesting a reconfiguration of that. The proposal, as I mentioned, is to reconfigure what has already been approved and the request is justified in order that it allows the development plan to utilize 15th Street for commercial frontage and provides residential uses south of that area with additional access to the residential uses south of that area with additional access to the residences from Beechwood. The proposed rezoning request will not change the impact of these properties. The amount of commercial and residential proposed is not significantly changed from what was approved in 2001. Based on the approved zoning actions in 2001 the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved. Staff is recommending in favor of these rezoning requests and just a note that each of these actions will need to be voted on separately. We talked earlier about the maps. The request for R-2 zoning is reflected on page 8 and 9.16 and 17 and over on pages 20 and 21 those maps best reflect the request for C-2 zoning.

Hoover: Thank you Dawn, would the applicant come forward?

Planning Commission
June 9, 2003
Page 19

Warrick: No it would not.

Hoover: Is there any other discussion? Renee, would you call the roll?

Roll Call: Upon the completion of roll all the motion to forward RZN 03-19 was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

Hoover: Thank you.

Planning Commission
June 9, 2003
Page 18

Kelso: Good evening. My name is Jerry Kelso, I am with Crafton, Tull & Associates representing the owner. I put together a quick little drawing here that kind of shows you what we had before and what we are asking now to try to clarify things to make it a little bit easier. This is what is currently zoned at this time. The highlighted yellow portion is the total property we are talking about. As you can see, here is the zoning line, the dashed line as it currently exists right now. Our proposal is to go to this right here where you have got all the frontage here on 15th Street towards the front and all the R-2 in the back. The reason for the difference in acreages, as you can see, this C-2 zoning had a lot of the unusable area and floodplain and things like that and now all of the R-2 has all of the floodplain. That is why the acreages are all set. The developer still plans on complying with what was agreed to before with the maximum units for this overall property so there will be no more multi-family than what was originally approved. That is the concept. I will entertain any questions you may have.

Hoover: Thank you for the map. Is there any member of the audience that would like to address this RZN 03-19.00? Seeing none, I will bring it back to the Commission.

MOTION:

Estes: I would move for approval of RZN 03-19.

Hoover: I have a motion by Commissioner Estes

Shackelford: I will second.

Hoover: And a second by Commissioner Shackelford. Is there anymore discussion?

Ostner: I have a question for staff. When we are talking about justifying the C-2 when the 2020 Plan talks about residential, I didn't quite follow that except we rezoned it in the past so it must be commercial.

Warrick: With this particular request staff felt that a policy decision had been made by the City Council with regard to the zoning action that was taken in 2001. At that time there was considerable discussion about having a mixed use area and providing accessories and amenities to the residential properties that would be developed in this case south of the commercial.

Anthes: A question for staff. This rezoning would in no way inhibit the applicant from coming back with a PZD in this area would it?

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-19.00 AS SUBMITTED BY JERRY KELSO ON BEHALF OF TOM BROYLES FOR PROPERTY LOCATED EAST OF BEECHWOOD AVENUE SOUTH OF 15TH STREET, MOVING THE CURRENT ZONING LINE TO A NEW CONFIGURATION WITH THE SUBJECT PROPERTY BEING R-2, MEDIUM DENSITY RESIDENTIAL.

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 C-2, Thoroughfare Commercial, to R-2, Medium Density Residential, 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 _____, 2003.

APPROVED:

DRAFT

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: July 1, 2003

FROM:

Dawn Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-19.00 was submitted by Crafton, Tull & Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

STAFF RECOMMENDATION: Approval.

[Signature]
Division Head

6/13/03
Date

Received in Mayor's Office

6/16/03
Date PH

[Signature]
City Attorney

6/16/03
Date

[Signature]
Department Director

6-13-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

6-16-03
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

6-17-03
Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

6/17/03
Date

New Item:

Yes

No



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

RZN 03-20.00
Tom Broyles 7.45 Acres
C. 4 Page 1☒ AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

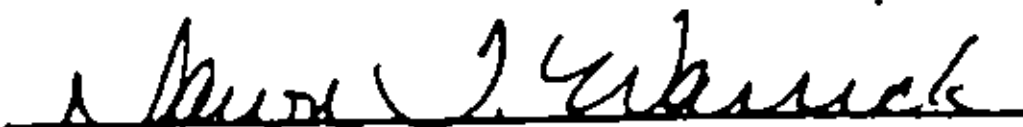
Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-20.00 was submitted by Crafton, Tull & Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

STAFF RECOMMENDATION: Approval.


Division Head6/13/03
Date

Received in Mayor's Office

6/16/03
Date
City Attorney6/16/03
Date
Department Director6-13-03
Date

Cross Reference:

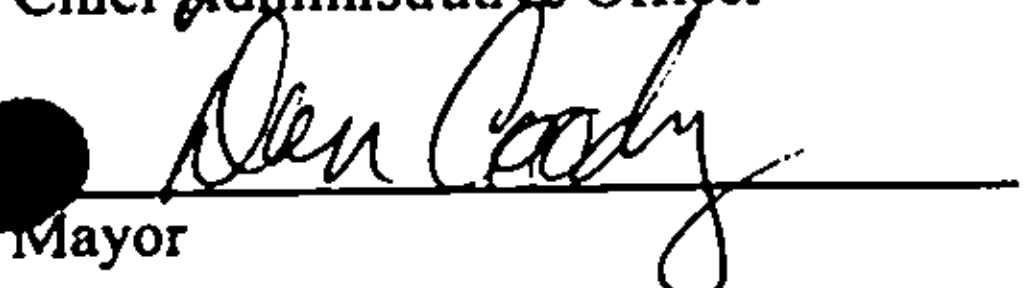

Finance & Internal Services Dir.6-16-03
Date

Previous Ord/Res#:


Chief Administrative Officer6-17-03
Date

Orig. Contract Date:

Orig. Contract Number:


Mayor6/17/03
Date

New Item:

Yes

No



ORDINANCE NO. _____

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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:

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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 _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CC Meeting of July 1, 2003

Tom Broyles 7.45 Acres
C. 4 Page 3

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

BACKGROUND

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-20.00

A part of the NW1/4 of the SE1/4 of Section 20, T-16-N, R-30-W, being more particularly described as follows: From the N.E. corner of the NW1/4 of the SE1/4 of said Section 20, thence N87°13'22"W 464.78 feet and thence S02°46'38"W 75.95 feet to the Point of Beginning, said point being on the South right-of-way for 15th Street in the center line of a ditch; thence along the center line of said ditch as follows: S13°52'53"W 157.39 feet; thence S17°38'29"E 138.54 feet; thence S64°04'53"E 36.47 feet; thence S0°11'38"E 104.22 feet; thence N85°33'37"W 863.18 feet to a point on the east right-of-way line of Arkansas Highway 16 Bypass; thence along the east right-of-way of Arkansas Highway 16 Bypass N02°11'12"E 157.09 feet; thence Northeasterly along a 246.50 foot radius curve to the right a distance of 389.10 feet, the long chord of which bears N47°24'25"E 349.94 feet; thence S87°22'48"E 464.50 feet; thence S02°37'12"W 30.00 feet; thence S87°22'48"E 97.06 feet to the Point of Beginning, containing 7.45 acres, more or less, Washington County, Arkansas.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

~~RZN 03-19.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

~~RZN 03-20.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

RECOMMENDATION:

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

Separate action must be taken on each of these requested rezonings.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
	☐ Approved		☐ Denied
Date: <u>June 9, 2003</u>			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	☐ Approved		☐ Denied
Date: <u>July 1, 2003 (1st reading if recommended)</u>			

BACKGROUND:

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

The major intersection of Razorback Road and 15th Street (Hwy 16) east of this location is the site of a variety of uses. The University has developed a large sports complex on the north side of 15th Street and just recently the southeast corner of the intersection has been established as an RV park for Razorback fans. The northeast corner, east of the Swanson plant (formerly Vlastic and Campbell Soup) now contains a large parking lot, also developed by the University.

Razorback Rd. is designated a principal arterial on the City's adopted Master Street Plan. Fifteenth Street (Hwy 16) is designated a principal arterial east of this intersection and a collector west of the intersection. Razorback Road between I-540 and 15th Street is a 5 lane section which is relatively new. North of this intersection, Razorback Road narrows to 2 lanes. Fifteenth Street is a 4 lane road east of the intersection and a 2 lane road west, including the area directly adjacent to the subject property.

Utilities are available to the site and would have to be extended by the developer upon approval of a project. Extension of main lines and sizing of utilities will be further addressed at the time of development review.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

A comparison of the acreages and zoning designations is as follows:

	2001 Ordinances	Current Request
R-2 acreage	12.13	14.66
C-2 acreage	9.86	7.45
<i>Totals</i>	<i>21.99</i>	<i>22.11</i>

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Baum Baseball Stadium / Tyson Indoor Track Complex	I-1, Heavy Commercial & Lt Industrial
South	Vacant	R-2, Medium Density Residential C-2, Thoroughfare Commercial
East	Vacant	I-1, Heavy Commercial & Lt Industrial
West	Vacant	R-2, Medium Density Residential

INFRASTRUCTURE:

Streets: North: 15th Street, Collector Street with 70' ROW on the MSP
South: None
East: None
West: Beechwood Avenue, Collector Street with 70' ROW on the MSP

If development occurs on this site, 15th Street and Beechwood Avenue would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 6" waterline along Ashwood Avenue and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street and Razorback Road.

Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood Avenue.

Sewer: The property currently has several existing sewer lines on-site, including a 24" line to the east and south and a 10" line along Beechwood Avenue to the west.

Fire: 1.0 miles from Fire Station #6. Normal driving time 1 min. 48 seconds. Water supply will be needed for new development.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-2 is consistent with the land use plan and compatible with surrounding land uses in the area. The C-2 portion of this request is considered compatible due to past policy decisions by the City Council and the applicability of providing commercial property in the vicinity in order to encourage the development of amenities which will serve the residential uses and allow for mixed uses in this area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The surrounding properties are largely undeveloped. Nearby uses include University facilities and single family homes to the south which are located within the R-2 district.

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

Finding: The proposal is to reconfigure properties which have already been approved with R-2 and C-2 designations. The request is justified in that the new configuration allows for a development plan that utilized 15th Street for commercial frontage while providing residential uses south of that area with additional access from Beechwood Ave.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. The major streets serving this site are currently under utilized and are developed in a manner which will carry significant amounts of traffic. Upon development, any improvements or capacity increases made necessary by a proposed project will be the responsibility of the developer.

The proposed zoning requests will not change the impact of these properties. The amount of commercial and residential property is not significantly changed from that which was approved in 2001. Based on the approved zoning actions in 2001, the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved.

Collector streets border the subject property. The streets may need left turn lanes added or other modifications to accommodate increased traffic generated by the site. Traffic calming measures may also need to be explored with regard specifically to Beechwood Ave. north of the development. Standard street improvements to Beechwood and 15th Streets will also be required.

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: Population density will not be significantly altered from the current zoning designations.

At the time of development water main extensions will be necessary as stated in the attached staff comments. Several sewer lines are located on the property.

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



Craft & Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax 479.631.6224 www.crafttull.com

May 16, 2003

RECEIVED

MAY 19 2003

PLANNING DIV.

Tim Conklin
City of Fayetteville, Planning
113 W. Mountain
Fayetteville, AR 72703

RE: Proposed Rezoning Request
On behalf of Tom Broyles
Beechwood Avenue and 15th Street
CTA Job No. 031016-00

Dear Tim:

This is a proposed rezoning request for Tom Broyles, located at the southeast corner of 15th street and Beechwood Avenue. The proposed zoning will include 7.45 acres of proposed C-2 zoning and 14.66 acres of R-2 zoning. The existing zoning for the full 22.11 acres is C-2 and R-2. It is the intent of this rezoning to move the current zoning line to a new configuration.

Checklist Item #5

- The property owner is teaming up with a new developer to develop the entire 22.11 acres with commercial adjacent to 15th street, and a multi-family development south of the commercial.
- The developer is ready to move on the project, but needs the rezoning in place before he starts.
- Water and sewer are available to the site. Access will be from Beechwood Avenue and 15th street.

Checklist Item #6

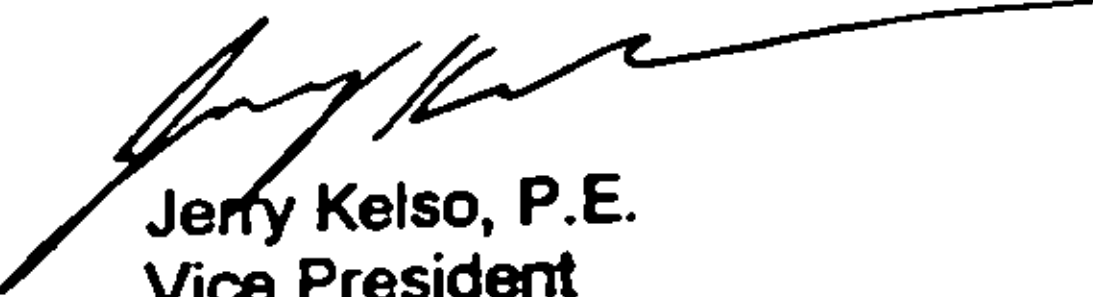
- The property is consistent with the City of Fayetteville's master Land use plan and the proposed zoning will be moving the existing zoning lines around.
- The proposed zoning is justified because the current zoning would not allow the commercial to have full frontage on 15th and multi-family to the back, which is typical of planning practices.
- The proposed zoning should not create an increase in traffic because it will be slightly less commercial than the current zoning.
- Since we are only adjusting current zoning lines, it should not alter population densities or have adverse impacts to public utilities.

- It is more desirable to have commercial along 15th street with multifamily to the back.

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

Very Truly Yours,

Crafton, Tull & Associates, Inc.



Jerry Kelso, P.E.
Vice President

Attachment:

RECEIVED
MAY 19 2003
PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ☒ ANNEXATION ☒

REZONING # 03-19.00 OWNER Broyles

ANNEXATION # 03-20.22 OWNER Broyles

LOCATION OF
PROPERTY FIFTEENTH STREET + BEECHWOOD.

NEAREST FIRE STATION AND

LOCATION FIRE STATION #6 - Hollywood ST

RESPONSE TIME FROM FIRE STATION # 6 TO

LOCATION OF
PROPERTY 1 MINUTES 48 SECONDS.

TRAVEL MILES FROM FIRE STATION # 6 TO LOCATION OF
PROPERTY 1 mile

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS needed

EXISTING FIRE HYDRANTS? IF SO
LOCATION _____

WATER SUPPLY WITH HYDRANTS

NEEDED? yes - there should be water line in the area.

ADDITIONAL
COMMENTS. _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in *italics*.

1. ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN

03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also a 12" and 8" line to the south on Ruppel Road.

The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is currently under construction adjacent to this site, and Wedington is already improved at this location.

10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

- *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.*

The property currently has access to a 4" water line along Old Wire Road and a 4" line along Skillern Road. A 4" line is not sufficient to provide fire protection for this area. An extension of an 8" line to the properties would be required.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Skillern Road in the Savannah and Brookbury subdivisions.

Name Matt Casey

Department Engineering

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
Matt Casey, Staff Engineer
→ Paul Libertini, Staff Engineer

FROM: Dawn Warrick, AICP, Zoning & Development Administrator

DATE: June 1, 2003

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Please submit response by: June 4, 2003 (12:00 p.m. - noon)

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RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

2. **ANX 03-03.00: Annexation** (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville.

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

3. **RZN 03-19.00: Rezoning** (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction some traffic calming measures to insure that site generated traffic does not impact this local street.

4. **RZN 03-20.00: Rezoning** (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction

some traffic calming measures to insure that site generated traffic does not impact this local street.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

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

6. ANX 02-01.10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

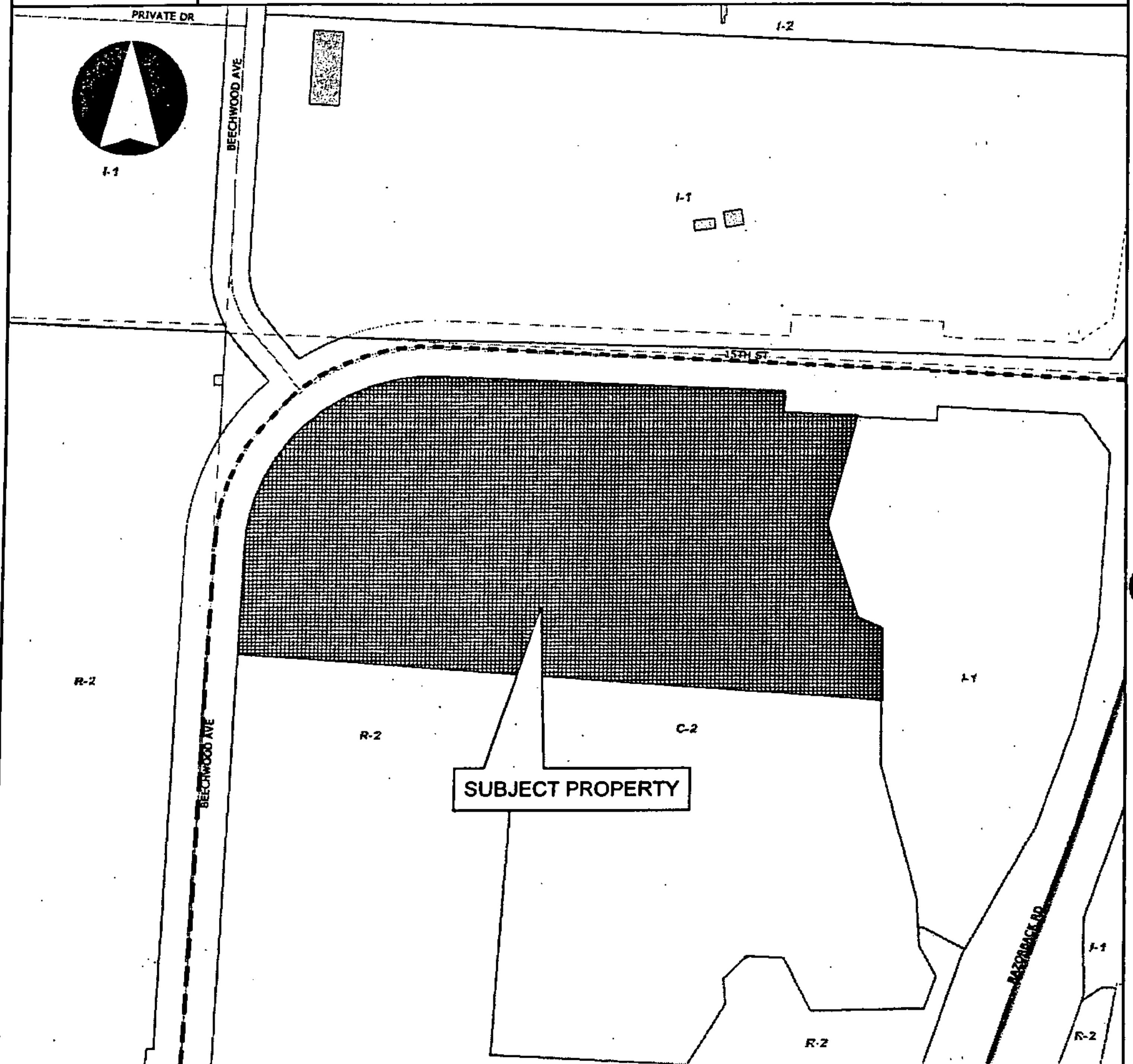
- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- Annexation the existing homes into the City will not impact the existing road system. Any changes to the zoning to increase densities will impact the road system.

Name Paul Libertini, P.E. Department Engineering

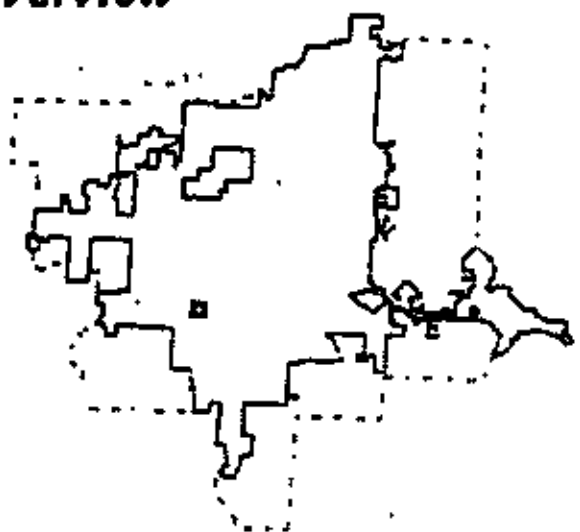
RZN03-20.00

Close Up View

BROYLES



Overview



Legend

RZN03-20.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

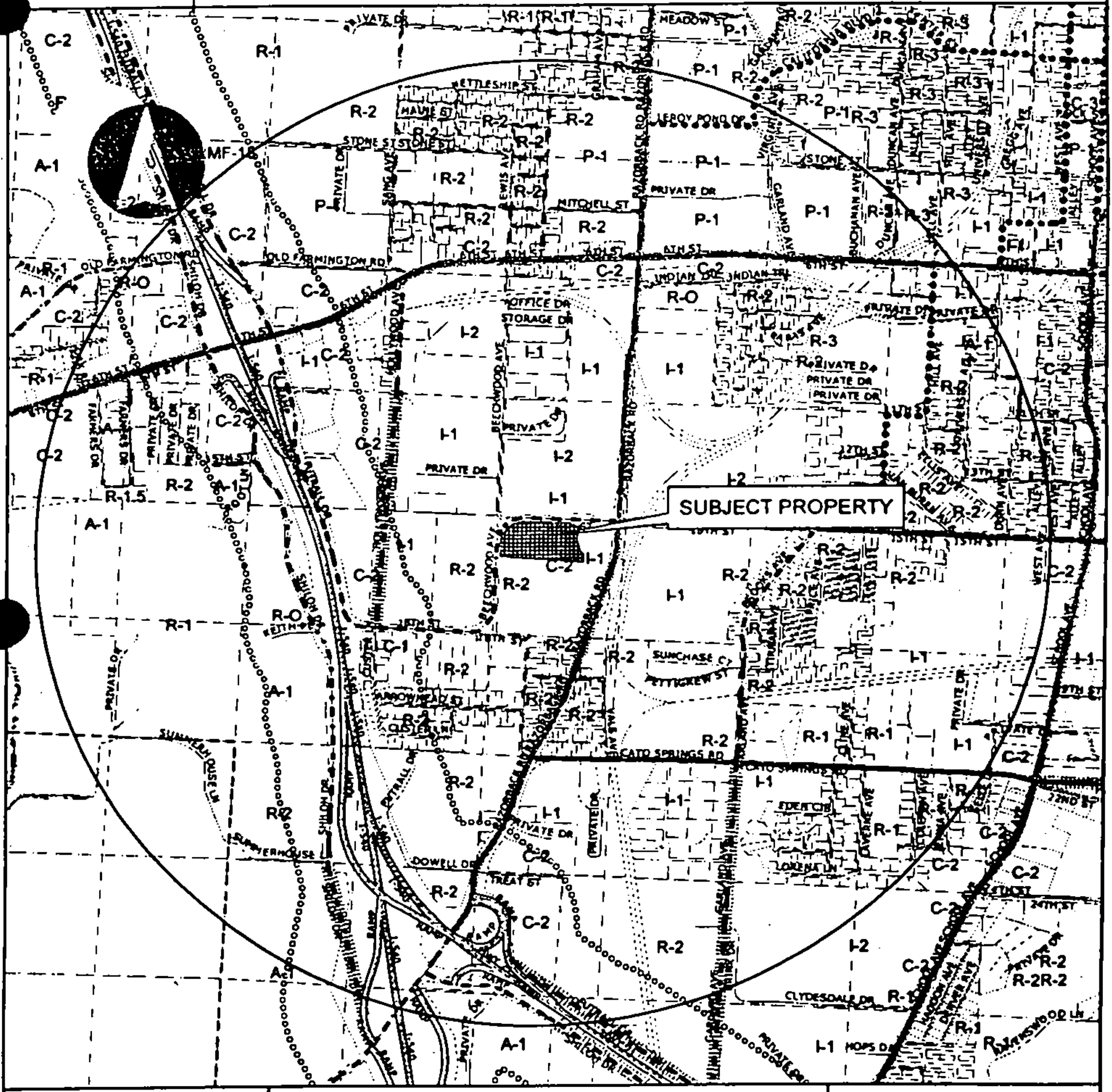
Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 75 150 300 450 600 Feet

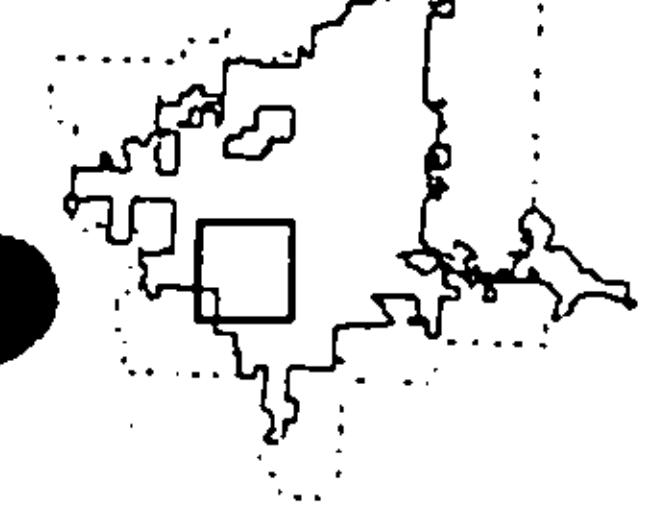
RZN03-20.00

BROYLES

One Mile View



Overview



Legend

Subject Property
RZN03-20.00

Streets
Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

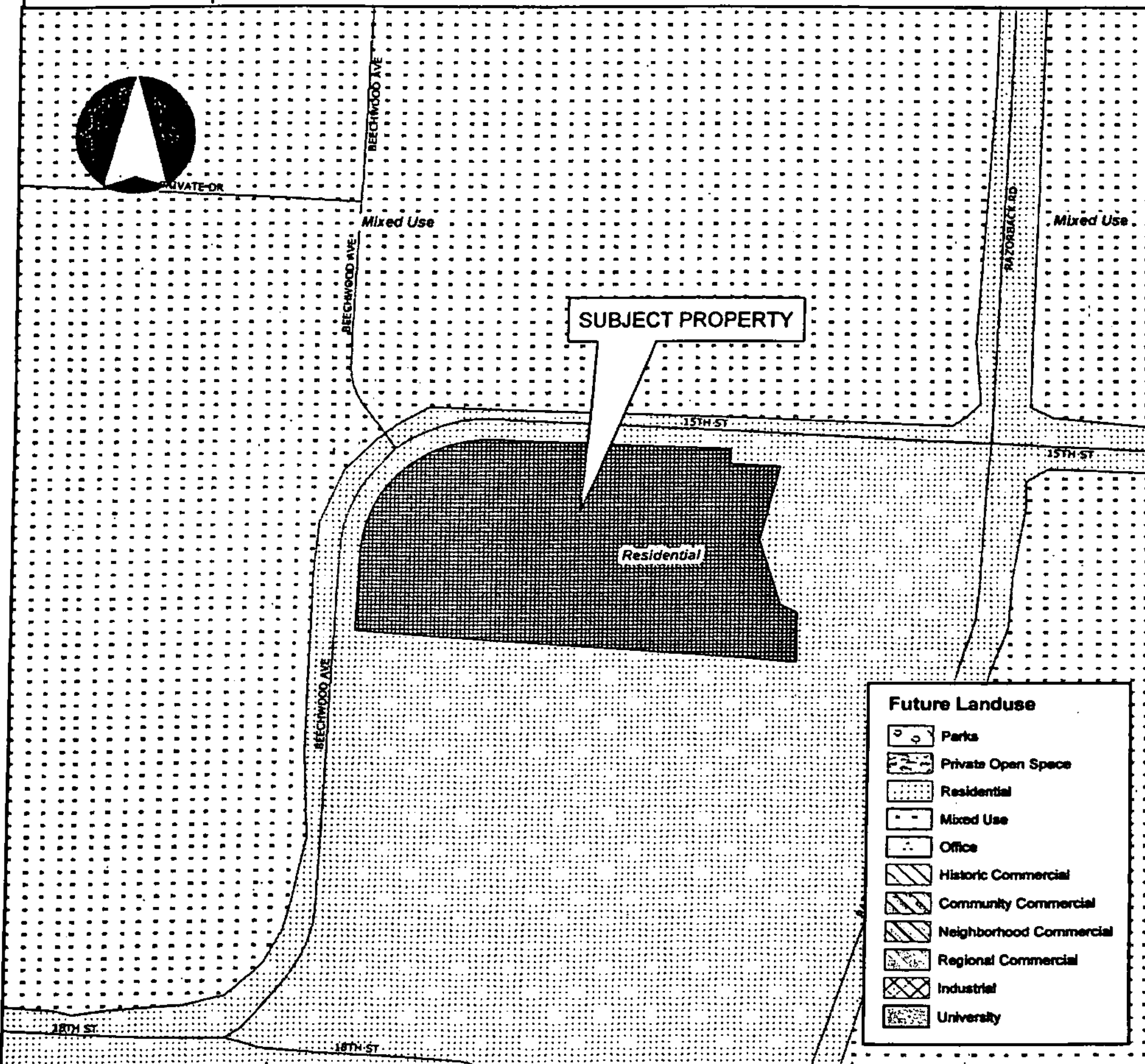
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector



RZN03-20.00

Future Landuse

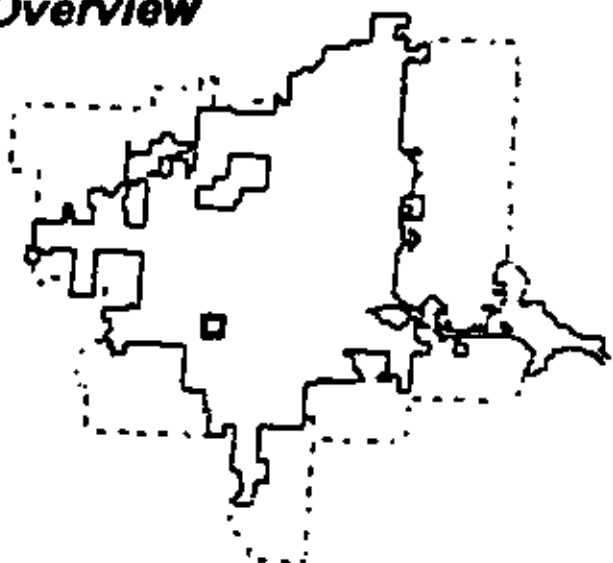
BROYLES



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN03-20.00

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits

RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

Hoover: On to item number nine, RZN 03-20, the companion item. Dawn, do you want to address this?

Warrick: I don't really have anything in addition. I tried to address them both together. If you have any questions I will be happy to answer them.

Hoover: Ok. Does the applicant have anything to add to this one?

Kelso: The same as the last one.

Hoover: Thank you. Is there any member of the audience that would like to address this RZN 03-20? Seeing none, I will bring it back to the Commissioners.

MOTION:

Estes: To complete the applicant's zoning configuration, I would move for approval of RZN 03-20.00 forwarding it to the City Council for their consideration as with the rezoning request RZN 03-19.

Hoover: I have a motion by Commissioner Estes.

Shackelford: Second.

Hoover: A second by Commissioner Shackelford. Is there any more discussion? Renee, will you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 03-20.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

RZN 03-21.00

John Nock

C. 5. Page 1

☒ AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-21.00 was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

STAFF RECOMMENDATION: Approval.

Dawn J. Warrick
Division Head6/13/03
Date

Received in Mayor's Office

6/16/03
Date *PH**D. J. Whit*
City Attorney6/16/03
Date*[Signature]*
Department Director6-13-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.6-16-03
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer6-17-03
Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor6/17/03
Date

New Item:

Yes

No



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-21.00 AS SUBMITTED BY JOHN NOCK FOR PROPERTY LOCATED AT 4023 WEDINGTON DRIVE, FAYETTEVILLE, ARKANSAS FROM A-1, AGRICULTURAL 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 A-1, Agricultural 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 03-21.00
John Nock
CC Meeting of C. 5. Page 3

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

BACKGROUND

Property description: The subject property is located on the west side of Ruppel Road, south of Wedington Drive. The property contains just under 2 acres and contains one single family home. Property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single family home to the east, multifamily dwellings to the west and a vacant tract to the south which is proposed to be the location of fire stations #7.

Proposal: The applicant does not have immediate development plans for the subject property. The rezoning request is being forwarded at this time in order to accommodate the parcel that will remain between a new fire station and an existing commercial tract which is at the corner of Wedington Dr. and Ruppel Rd.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-21.00

All that certain tract or parcel of land being a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 16 North, Range 31 West, Washington County, Arkansas. Said tract being a portion of that same tract as described in Book 1114, Page 526 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described by metes and bounds as follows, to-wit: COMMENCING at the NE Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 16 North, Range 31 West, Washington County, Arkansas. THENCE – South $02^{\circ} 15' 40''$ West 444.07 feet with the east boundary line of said "40"; THENCE – North $88^{\circ} 36' 31''$ West 15.00 feet to a $\frac{1}{2}$ " Iron Pin found for the POINT OF BEGINNING. Said point being on the west right-of-way line of Ruppel Road. THENCE – South $02^{\circ} 15' 40''$ West 206.89 feet with said right-of-way line to a $\frac{5}{8}$ " Iron Pin set; THENCE – North $87^{\circ} 48' 12''$ West 422.06 feet to a $\frac{5}{8}$ " Iron Pin set on the east boundary line of THE MEADOWLANDS PHASE 1 AND 2 subdivision; THENCE – North $02^{\circ} 12' 43''$ East 200.96 feet with said east boundary line to a $\frac{1}{2}$ " Iron Pin found; THENCE – South $88^{\circ} 36' 31''$ East 422.28 feet to the POINT OF BEGINNING. The above described property having been surveyed by Bart L. Petray, contains 1.98 acres of land, more or less.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	☐ Denied
	☐ Approved		
Date:	<u>June 9, 2003</u>		
CITY COUNCIL ACTION:	Required	<u>YES</u>	☐ Denied
	☐ Approved		
Date:	<u>July 1, 2003 (1st reading if recommended)</u>		

BACKGROUND:

Property description: The subject property is located on the west side of Ruppel Road, south of Wedington Drive. The property contains just under 2 acres and contains one single family home. Property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single family home to the east, multifamily dwellings to the west and a vacant tract to the south which is proposed to be the location of fire stations #7.

Proposal: The applicant does not have immediate development plans for the subject property. The rezoning request is being forwarded at this time in order to accommodate the parcel that will remain between a new fire station and an existing commercial tract which is at the corner of Wedington Dr. and Ruppel Rd.

Request: The request is to rezone the subject property from A-1, Agricultural to C-1, Neighborhood Commercial.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant	C-1, Neighborhood Commercial
South	Vacant	A-1, Agricultural
East	Vacant	A-1, Agricultural
West	Meadowlands Subdivision	R-1.5, Moderate Density Residential

INFRASTRUCTURE:

Streets: Access to this property is from Wedington Drive to Ruppel Road. Wedington has recently been improved by the AHTD in this area and Ruppel Road, classified a minor arterial with 90' of right of way on the MSP, is under construction. The street will be complete soon in order to provide access to the new Boys & Girls Club being built further south on the east side of Ruppel Road. Future access will also be provided from Persimmon Street to the south. Persimmon is a collector street which is planned to connect Shiloh Drive at the interstate west to Double Springs Road when complete.

Street improvements will not be required for development of this property. Ruppel Road is currently under construction adjacent to this site, and Wedington is already improved at this location.

Water: The property currently has access to an 18" waterline along Wedington Drive. There is also a 12" and 8" waterline to the south along Ruppel Road.

Sewer: The property currently has access to a 6" and 8" sewer line to the west.

Fire: 2.7 miles from Fire Station #2. Normal driving time 4 min. 19 seconds. Water supply is in the area. Lines may need to be extended depending upon the type of development that may occur in the future.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to C-1, Neighborhood Commercial is consistent with the land use plan and compatible with surrounding land uses in the area. An extension of the node of community commercial property at the intersection of Wedington Dr. and Ruppel Rd. is necessary in this location due to the proposed future development of fire station #7 immediately south of the site.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans. This action will make necessary the extension of a community commercial node to incorporate the subject property. This will result in a complete district of community commercial property between the new fire station on the west side of Ruppel Rd. and Wedington Drive to the north. The fire station then becomes a natural dividing point between commercial and residential uses in this area.

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 maintain uniform zoning and usable property in this location. The development of a fire station at the southern edge of the subject property will change the character of the property and will provide for a natural barrier between different land uses and activity levels.

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

Finding: The proposed zoning will allow for the development of neighborhood commercial uses. Retail, restaurant, offices and similar uses would be permitted. The access to this site from Wedington Drive and on Ruppel Road will satisfy the demands of this type of development.

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

Finding: The proposed zoning will not alter population density. Provision of water and sewer facilities has been accommodated through current development activities. Fire protection is adequate.

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



JOHN C. NOCK

1501 Forest Heights, Fayetteville, Arkansas 72708
Phone (501) 530-6799 johnnock@yahoo.com

May 19, 2003

City of Fayetteville, Planning Commission

Please allow this letter to be a formal request for rezoning of parcel #765-16251-001 located on Ruppel Road (portion under construction south of Wedington Road) south of Highway 16. The land is being sold by the Feagen's who have owned the property for over-fifteen years. I am under contract to purchase the land which is approximately 4 acres and will subsequently sell to the City of Fayetteville approximately two acres (southern section) for the purpose of constructing a proposed fire station. The subject property is currently zoned A-1. The land to the north is zoned C-1 and with the planned fire station the land will effectively "land-locked" in its current A-1 state. With the adjoining property already C-1 it appears the best suited zoning will be for commercial use. The land once subdivided will have a approximately 200 ft. of frontage along Ruppel Road. Additionally, the subject property has access through a north/south easement to Wedington Road from the northwest corner of parcel.

Streets construction on Ruppel Road is being built with the anticipated traffic expected from the soon to be completed Reynold's Boys and Girls Club to the south. It is assumed that the design of Ruppel Road will accommodate the limited traffic impact from zoning the subject property C-1.

Water and sewer is available to the property. Line sizes are as follows:

1. Water – 12" along east side of Ruppel, 8" to the west side of Ruppel
2. Sewer – 6" along western border of property

I believe rezoning the subject property to C-1 conforms to the City of Fayetteville's land use objectives and goals. Thank you for your careful consideration of this matter.

Sincerely,

John C. Nock

RECEIVED
MAY 19 2003
PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ✓ ANNEXATION _____

REZONING # 03-21.00 OWNER Nock

ANNEXATION# _____ OWNER _____

LOCATION OF
PROPERTY Wedington Dr - Fire Station # 7

NEAREST FIRE STATION AND
LOCATION Fire Station #2 - Garland

RESPONSE TIME FROM FIRE STATION # 2 TO
LOCATION OF
PROPERTY 4 MINUTES 19 SECONDS.
TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF
PROPERTY 2.7 miles.
COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS _____

EXISTING FIRE HYDRANTS? IF SO.
LOCATION there is a water line that feeds to
the Boys + Girls Club.

WATER SUPPLY WITH HYDRANTS
NEEDED? Required Fire Flow possible that one
Fire Hydrant will be required.

ADDITIONAL
COMMENTS. This is property located North of
the New Fire Station # 7.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in italics.

1. ANX 03-02.00: Annexation (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN
03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" John Nock Razorback Road. There is also a 12" waterline nearby at the intersection of 15th C. 5. Page 13 Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also 12" and 8" lines to the south on Ruppel Road.

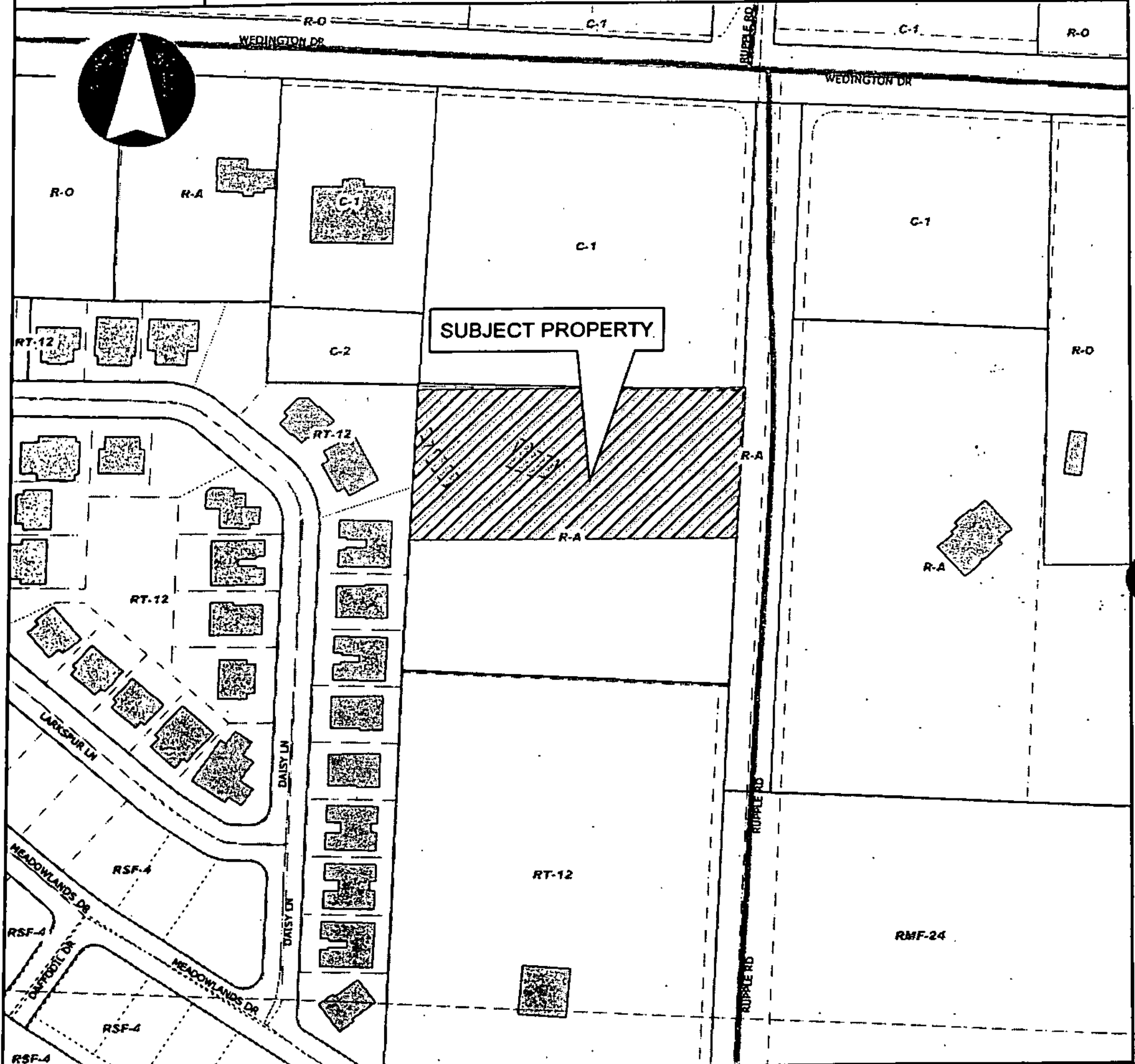
The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is currently under construction adjacent to this site, and Wedington is already improved at this location.

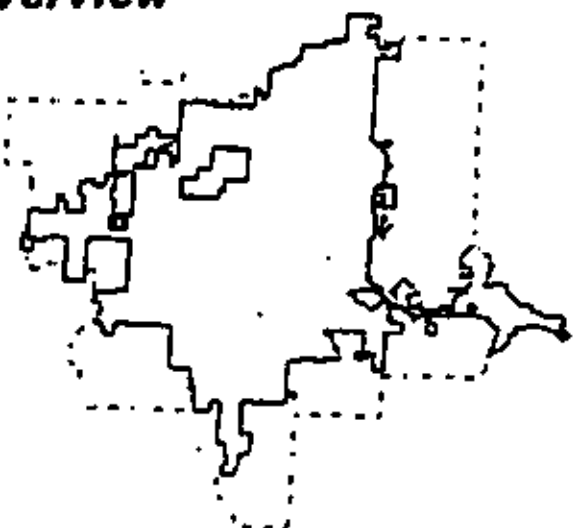
RZN03-21.00

Close Up View

NOCK



Overview



Legend

Subject Property

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

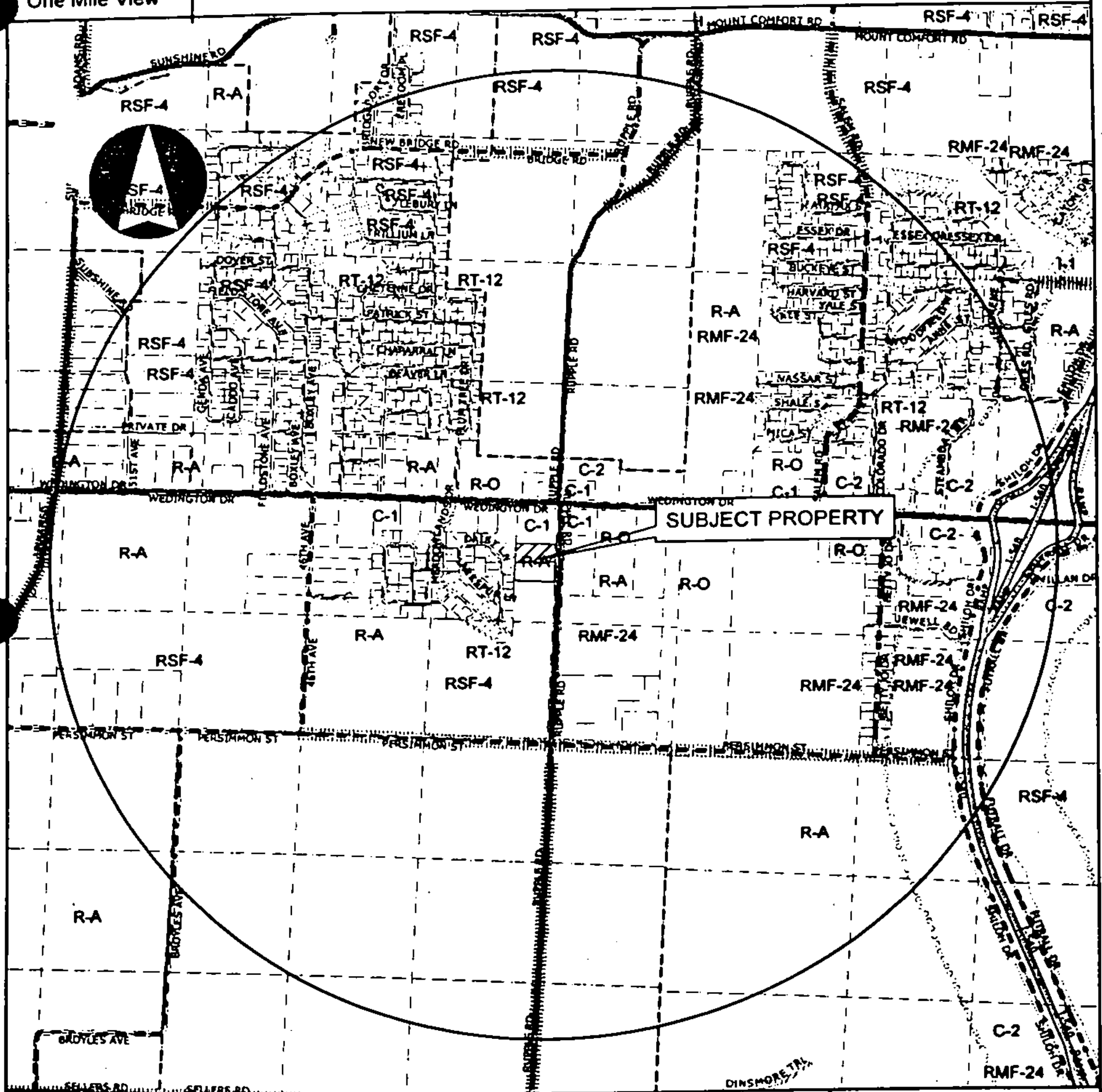
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 75 150 300 450 600 Feet

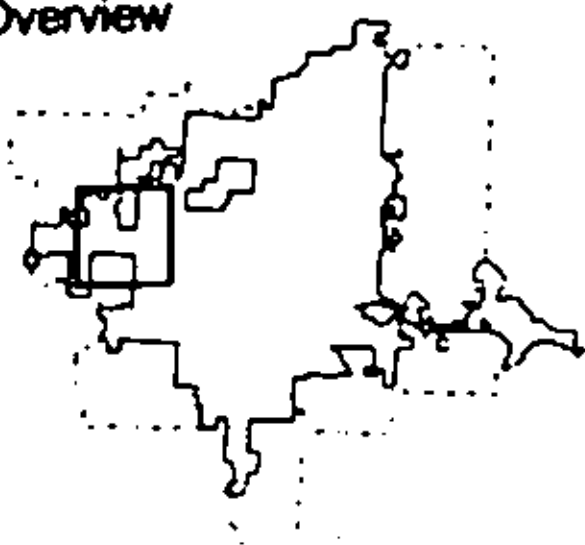
RZN03-21.00

One Mile View

NOCK



Overview



Legend

Subject Property

□ RZN03-21.00

Streets

— Existing

— Planned

Boundary

○ Planning Area

○ Overlay District

□ City Limits

□ Outside City

Master Street Plan

— Freeway/Expressway

— Principal Arterial

— Minor Arterial

— Collector

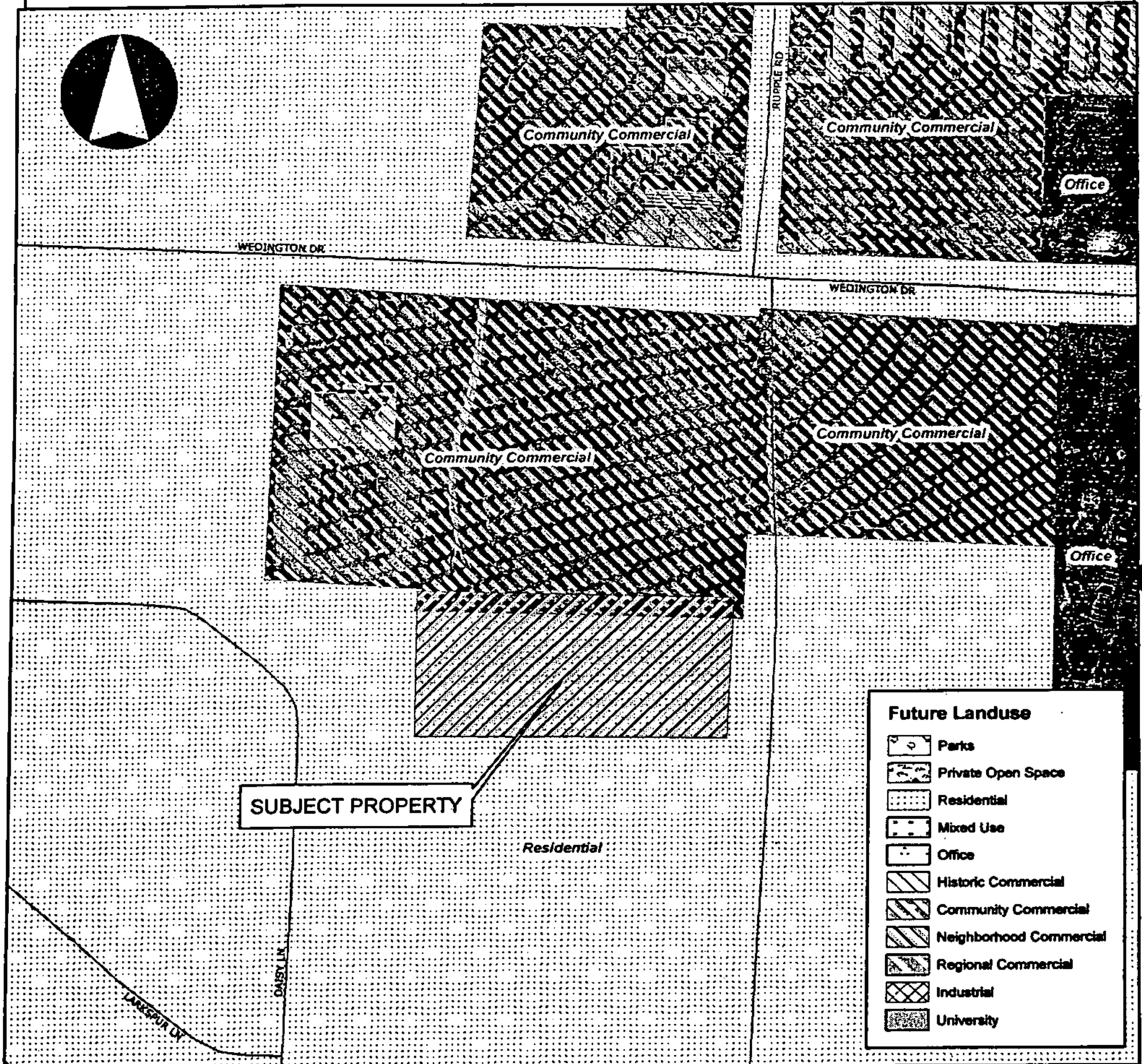
— Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

RZN03-21.00

Future Landuse

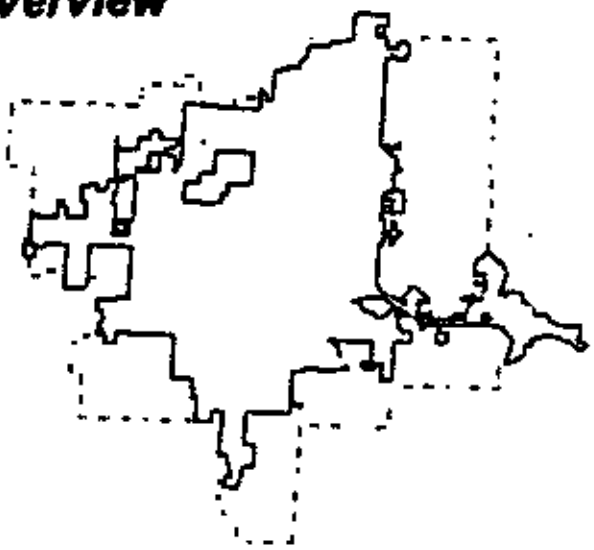
NOCK



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits

RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

Hoover: Item number ten is RZN 03-21.00 submitted by John Nock for property at 4023 Wedington Drive. Dawn?

Warrick: The subject property is located on the west side of Ruppel Road south of Wedington Drive. The property contains just under two acres and currently has a single-family home on the site. The property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single-family home to the east, multi-family dwellings to the west, and a vacant tract to the south, which is proposed to be the location of fire station #7. The applicant does not have immediate development plans or proposals for the subject property. The rezoning at this time is being requested in order for the property to be divided so the southern portion can be sold to the city for fire station #7. In looking at that, the applicant and their representatives have identified an issue with this property remaining A-1 and the property to the south being developed as a fire station with the property being zoned C-1 for neighborhood commercial uses. Right now working south off of Wedington Drive you have a C-1 tract which is in the node of commercial and identified on the General Plan and then you have this A-1 property. The southern portion of it is proposed to be developed for a fire station. That leaves a remnant tract that we are considering right now, the 1.98 acres for rezoning to C-1, which would be consistent with extending the commercial node into this area at the intersection of Wedington and Ruppel. That might be a little bit easier to reference using the maps on page 10.10, that has pretty good representation. You can see the C-1 tract at the corner of Ruppel and Wedington and then the subject property. Further south of the subject property, south of the site that hopefully will be developed for the fire station, is property that is zoned for multi-family dwellings. This property kind of becomes a transition. The General Plan designates this site as residential. As I mentioned, it is a remnant, it is an in between tract. The fire station site will create a definite boundary between the commercial zoning to the north and the multi-family zoning to the south. With that, we believe that it is justified and needed in order to maintain uniform zoning and in order for this property to remain useful. The development of the fire station on the southern edge will change the character of the property and it will also provide a natural barrier between different land uses and activity levels. The proposed zoning will allow for development of neighborhood commercial uses, retail, restaurant, offices and similar uses will be permitted. Access from the site is from Wedington Drive and on Ruppel Road, which will satisfy the demands of this type development.

June 9, 2003
Page 22

Ripple Road is currently under construction. It is identified on the Master Street Plan and this leg of Ripple Road is being constructed and should be completed later this summer to serve the Boys and Girls Club, which is south and east of this site. Staff is in favor of this request and I will be happy to answer any questions you may have.

Hoover: Thank you Dawn, would the applicant come forward? Are you the applicant?

Earnest: No Ma'am, I'm not. I am Hugh Earnest, I am the Chief Administrative Officer, if I may beg the indulgence of the Commission Madam Chair. I really came to listen to this today but Mr. Nock is not here and I know that it is your policy probably that the applicant needs to be here for this. I would simply beg your indulgence and ask you to go ahead and consider this. This is the end of a process where Mr. Nock has worked with us. We had originally moved fairly aggressively, according to some, to condemn property further west from this from Mr. Hayden McIlroy and this was a compromise situation that we worked out between Mr. Nock, Mr. McIlroy and ourselves. Mr. Nock has insisted that the rezoning occur before he enables us to close on the property. For that particular reason I would ask you to move on this tonight. I regret that Mr. Nock is not here. I read very carefully Mrs. Warrick's staff report and it is excellent and would hope that you would go ahead and consider this tonight.

Hoover: Thank you. Do any commissioners have a problem hearing this rezoning request? Then we will continue on. Is there any member of the public that would like to address this RZN 03-21? Seeing none, I will go ahead and bring it back to the Commission.

Bunch: Just a question of clarification. On our drawings on page 10.10 is the shaded in area just the property that is in question for this request? Does it include or not include the part of the property in which the fire station is proposed to be sited?

Warrick: The shaded in area is only the area subject to this request. The proposed fire station property is south of that. It is not included in this request.

Bunch: Would there be any lot line adjustments or anything required for that?

Warrick: The property will need to be split. A lot split will need to be processed.

Bunch: What zoning district is required for a fire station?

Warrick: The current zoning on the property is A-1 and that is a use by right in A-1, a fire station can be developed there.

Bunch: Ok, thank you.

Estes: Dawn, why is this not considered spot zoning?

Warrick: Because it can be a consistent commercial node at this intersection. It can adjoin the C-1 property to the north and become part of that consistent uniform zoning on the west side of Ruppel Road. If this were leap frogging south of the fire station site I think it would be considered a spot zoning. However, it is incorporated into this commercial area at that intersection of the larger street. Staff felt that it was appropriate here.

Estes: Even though we are going from C-1 south to C-2 and not from C-2 to C-1?

Warrick: It is actually going from C-1 to C-1. The corner is zoned C-1 currently.

Estes: Ok, I'm sorry, I see that.

Hoover: Are there any other comments?

MOTION:

Ostner: I live nearby a fire station. I wish businesses were there instead of me. No one sleeps there. I will make a motion to forward RZN 03-21 to the City Council.

Hoover: I have a motion by Commissioner Ostner, is there a second?

Shackelford: I will second.

Hoover: And a second by Commissioner Shackelford. Is there anymore discussion? Seeing none, will you call the roll Renee?

Roll Call: Upon the completion of roll call the motion to forward RZN 03-21.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Zoning map
Adoption
C. 6. Page 1☒ AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Tim ConklinCommunity Planning & EngineerinCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

An ordinance adopting a new official zoning map and incorporating the renamed zoning districts on the new official zoning map as adopted in Title 15 of the Unified Development Code of the Fayetteville Code of Ordinances.

STAFF RECOMMENDATION: Approval.

Received in Mayor's Office

6/16/03
Date P.H.

Division Head

Date

[Signature]6/16/03
Date

City Attorney

[Signature]6-13-03
Date

Department Director

Cross Reference:

[Signature]6-16-03
Date

Finance & Internal Services Dir.

Previous Ord/Res#:

[Signature]6-17-03
Date

Chief Administrative Officer

Orig. Contract Date:

[Signature]6/17/03
Date

Mayor

Orig. Contract Number:

New Item:

Yes

No



ORDINANCE NO. _____

AN ORDINANCE ADOPTING A NEW OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE AND INCORPORATING THE RENAMED ZONING DISTRICTS ON THE NEW OFFICIAL ZONING MAP AS ADOPTED IN TITLE 15: THE UNIFIED DEVELOPMENT CODE OF THE FAYETTEVILLE CODE OF ORDINANCES.

WHEREAS, Ordinance No. 4489 adopted the Unified Development Code which created, and refers to throughout, specific zoning districts within the City of Fayetteville, Arkansas; and

WHEREAS, three copies of proposed Official Zoning Map of the City of Fayetteville are filed in the office of the City Clerk and have been available for the public to inspect and view prior to passage of this ordinance; and

WHEREAS, proper notice by publication in a newspaper of general circulation within Fayetteville stating that copies of the proposed Official Zoning Map of the City of Fayetteville are available and open to public inspection in the City Clerk's office prior to the passage of this ordinance; and

WHEREAS, the city needs to adopt a new official zoning map to replace the 1970 zoning map that has been amended hundreds of times over the last 33 years; and

WHEREAS, a new Official Zoning Map will provide a more detailed and accurate depiction of the current zoning designations.

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 adopts the Official Zoning Map of the City of Fayetteville attached hereto as Exhibit A and made a part hereof by reference.

PASSED and APPROVED this the 1st day of July, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

CC Meeting of July 1, 2003

FAYETTEVILLE

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

New Official Zoning Map

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director T.C.
DATE: June 12, 2003

Background:

The City of Fayetteville on June 29, 1970 adopted a new zoning map. Over the last 33 years, the Board of Directors and City Council have amended this map hundreds of times through the rezoning process. The 1970 zoning map was a hand drawn map at a scale of 1 inch equal to 1000'. The City in the mid 1990's began the process to convert the zoning map into a digital map as part of creating the City's geographic information system. This process to convert the zoning map into a digital map has resulted in the ability to "zoom down" to an individual lot in the City.

Staff has spent the last year reviewing the hundreds of zoning map amendments to verify that the digital map is accurate along with verifying what was approved in 1970. The new map incorporates the 33 years of amendments.

Current Status:

The proposed new official zoning map will be heard by the Planning Commission on June 23, 2003. Staff will forward the Planning Commission minutes and recommendation to the City Council at agenda session.

Recommendation:

Staff recommends approval of the new official zoning map.

STAFF REVIEW FORM

Leasing

C. 7. Page 1

Residential Solid Waste v

Lease Agreement

Amendment 65

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Stephen Davis

Finance & Internal Services Div.

Finance & Internal Services

Name

Division

Department

ACTION REQUIRED: Approval of a resolution authorizing the use of \$1,178,928 of the previously approved Amendment 65 Master Lease agreement with Banc of America Leasing & Capital, LLC.

COST TO CITY:

\$125,975.00	\$	903,443.00	Services & Charges
Cost of this request			Program Category / Project Name
5500-5020-5308-00	\$	352,386.00	Residential Collection
Account Number			Program / Project Category Name
	\$	551,057.00	Solid Waste
Project Number			Fund Name

BUDGET REVIEW:

XX

Budgeted Item

Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

Purchasing Manager

Date

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

6/18/03
P.H.

Division Head

Date

Department Director

Date

Finance & Internal Services Dir.

Date

Administrative Officer

Date

Mayor

Date

CROSS Reference

New Item:

Yes

No

Previous Ord/Res#:

Orig. Contract Date

Orig. Contract Number

City of Fayetteville, Arkansas
Residential Solid Waste Vehicle Purchases
2003 Calendar Year

City Unit Number	Unit Description (Chassis VIN #)	Date of Payment to Vendor	Payment Amount	City Check Number
465	1M2ACO8C53M008243	3-Feb-03	\$196,488.00	304753
466	1M2ACO8C03M008246	14-Feb-03	\$196,488.00	305336
467	1M2ACO8C93M008245	14-Feb-03	\$196,488.00	305335
468	1M2ACO8C63M008249	17-Mar-03	\$196,488.00	306666
469	1M2ACO8C43M008248	17-Mar-03	\$196,488.00	306666
470	1M2ACO8C23M008247	31-Mar-03	\$196,488.00	307177
Total			<u>\$1,178,928.00</u>	

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE USE OF ONE MILLION ONE HUNDRED SEVENTY-EIGHT THOUSAND NINE HUNDRED TWENTY EIGHT DOLLARS (\$1,178,928.00) UNDER THE AMENDMENT 65 MASTER LEASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC TO REIMBURSE THE CITY FOR THE PURCHASE OF RESIDENTIAL SOLID WASTE VEHICLES.

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 use of One Million One Hundred Seventy-Eight Thousand Nine Hundred Twenty Eight Dollars (\$1,178,928.00) under the Amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the city for the purchase of residential solid waste vehicles.

PASSED and APPROVED this 1st day of July, 2003.

ATTEST:

By:

SONDRA SMITH, City Clerk

APPROVED

DAN GOODY, Mayor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Banc of America
Leasing
C. 7. Page 5

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director

DATE: June 18, 2003

SUBJECT: Debt Management Program: Leasing Services – Solid Waste Vehicles

Background

City Council approved a Master Lease Ordinance with Banc of America Leasing & Capital, LLC on May 6, 2003 in an amount not to exceed \$5.0 million for residential solid waste vehicles.

Current Status

Staff is submitting, for City Council approval, a request to utilize approximately \$1,179,000 of the approved lease amount to reimburse the City for the purchase of residential solid waste vehicles.

The payment terms under this use of the Amendment 65 Master Lease will be for a period of no more than sixty (60) months at a fixed interest cost of no more than 2.89%.

Recommendation

Staff recommends City Council approval of a resolution authorizing the use of a portion of the Amendment 65 Master Lease with Banc of America Leasing & Capital, LLC.

S/w vehicles

Sample Amortization Schedule
\$1,178,928 Principal

Date	debt service number	interest 2.64000%	principal	debt service	balance
					1,178,928.00
Apr-16-03	0				
May-16-03	1	2,593.64	18,402.08	20,995.72	1,160,525.92
Jun-16-03	2	2,553.16	18,442.56	20,995.72	1,142,083.36
Jul-16-03	3	2,512.58	18,483.13	20,995.72	1,123,600.23
Aug-16-03	4	2,471.92	18,523.80	20,995.72	1,105,076.43
Sep-16-03	5	2,431.17	18,564.55	20,995.72	1,086,511.89
Oct-16-03	6	2,390.33	18,605.39	20,995.72	1,067,906.49
Nov-16-03	7	2,349.39	18,646.32	20,995.72	1,049,260.17
Dec-16-03	8	2,308.37	18,687.34	20,995.72	1,030,572.83
Jan-16-04	9	2,267.26	18,728.46	20,995.72	1,011,844.37
Feb-16-04	10	2,226.06	18,769.66	20,995.72	993,074.71
Mar-16-04	11	2,184.76	18,810.95	20,995.72	974,263.76
Apr-16-04	12	2,143.38	18,852.34	20,995.72	955,411.42
May-16-04	13	2,101.91	18,893.81	20,995.72	936,517.61
Jun-16-04	14	2,060.34	18,935.38	20,995.72	917,582.23
Jul-16-04	15	2,018.68	18,977.04	20,995.72	898,605.20
Aug-16-04	16	1,976.93	19,018.79	20,995.72	879,586.41
Sep-16-04	17	1,935.09	19,060.63	20,995.72	860,525.78
Oct-16-04	18	1,893.16	19,102.56	20,995.72	841,423.22
Nov-16-04	19	1,851.13	19,144.59	20,995.72	822,278.64
Dec-16-04	20	1,809.01	19,186.70	20,995.72	803,091.93
Jan-16-05	21	1,766.80	19,228.91	20,995.72	783,863.02
Feb-16-05	22	1,724.50	19,271.22	20,995.72	764,591.80
Mar-16-05	23	1,682.10	19,313.62	20,995.72	745,278.18
Apr-16-05	24	1,639.61	19,356.11	20,995.72	725,922.08
May-16-05	25	1,597.03	19,398.69	20,995.72	706,523.39
Jun-16-05	26	1,554.35	19,441.37	20,995.72	687,082.03
Jul-16-05	27	1,511.58	19,484.14	20,995.72	667,597.89
Aug-16-05	28	1,468.72	19,527.00	20,995.72	648,070.89
Sep-16-05	29	1,425.76	19,569.96	20,995.72	628,500.93
Oct-16-05	30	1,382.70	19,613.01	20,995.72	608,887.91
Nov-16-05	31	1,339.55	19,656.16	20,995.72	589,231.75
Dec-16-05	32	1,296.31	19,699.41	20,995.72	569,532.34
Jan-16-06	33	1,252.97	19,742.75	20,995.72	549,789.59
Feb-16-06	34	1,209.54	19,786.18	20,995.72	530,003.41
Mar-16-06	35	1,166.01	19,829.71	20,995.72	510,173.70
Apr-16-06	36	1,122.38	19,873.33	20,995.72	490,300.37
May-16-06	37	1,078.66	19,917.06	20,995.72	470,383.31
Jun-16-06	38	1,034.84	19,960.87	20,995.72	450,422.44
Jul-16-06	39	990.93	20,004.79	20,995.72	430,417.65
Aug-16-06	40	946.92	20,048.80	20,995.72	410,368.85
Sep-16-06	41	902.81	20,092.91	20,995.72	390,275.95
Oct-16-06	42	858.61	20,137.11	20,995.72	370,138.84
Nov-16-06	43	814.31	20,181.41	20,995.72	349,957.43
Dec-16-06	44	769.91	20,225.81	20,995.72	329,731.62
Jan-16-07	45	725.41	20,270.31	20,995.72	309,461.31
Feb-16-07	46	680.81	20,314.90	20,995.72	289,146.41
Mar-16-07	47	636.12	20,359.59	20,995.72	268,786.81
Apr-16-07	48	591.33	20,404.39	20,995.72	248,382.43
May-16-07	49	546.44	20,449.28	20,995.72	227,933.15
Jun-16-07	50	501.45	20,494.26	20,995.72	207,438.89
Jul-16-07	51	456.37	20,539.35	20,995.72	186,899.53

Aug-16-07	52	411.18	20,584.54	20,995.72	166,315.00
Sep-16-07	53	365.89	20,629.82	20,995.72	145,685.17
Oct-16-07	54	320.51	20,675.21	20,995.72	125,009.96
Nov-16-07	55	275.02	20,720.70	20,995.72	104,289.27
Dec-16-07	56	229.44	20,766.28	20,995.72	83,522.99
Jan-16-08	57	183.75	20,811.97	20,995.72	62,711.02
Feb-16-08	58	137.96	20,857.75	20,995.72	41,853.27
Mar-16-08	59	92.08	20,903.64	20,995.72	20,949.63
Apr-16-08	60	46.09	20,949.63	20,995.72	0.00

T O T A L		80,815.02	1,178,928.00	1,259,743.02	
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**Tentative Agenda
For
City Council Meeting
July 1, 2003**

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.
2. **2003 Community Development Block Grant Allocation of \$560,000.00:** A resolution approving the grant agreement for the remaining \$560,000.00 balance of the 2003 Community Development Block Grant (CDBG).
3. **Roberts-McNutt Company/Sang Senior Center:** A resolution awarding a contract to Roberts McNutt Company in the amount of \$22,863.00 for a re-roof project at the Sang Senior Center; approving a project contingency in the amount of \$3,430.00 and approving a budget adjustment in the amount of \$19,151.00 for same.
4. **McClelland Consulting Engineers/ FBO Hangar Task Order # 13:** A resolution approving Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of \$3,983.50.
5. **McClelland Consulting Engineers/ FBO Hangar Task Order # 10:** A resolution approving Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of \$6,937.50.
6. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** A resolution awarding Bid #03-35 to Motorola, Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers and 17 docking stations.
7. **Ozark Regional Transit Expenses:** A resolution approving the transfer of funds in the amount of \$15,232.00 to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums; and approving a budget adjustment in that amount for same.
8. **Standard Register Company/ADED:** A resolution certifying that the City of Fayetteville endorse the Standard Register Company to participate in the State of Arkansas Tax Back Program (ADED).

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description.
3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.
4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial.
5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.
6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.
7. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

D. INFORMATIONAL:

1. **Council Tour: June 30, 2003**

STAFF REVIEW FORM - FINANCIAL OBLIGATION

2003 CDBG
A. 2. Page 1

XXX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of:

July 1st, 2003

FROM:

Yolanda Fields

Community Resources

Community Planning

Name

Division

Department

ACTION REQUIRED: Acceptance of the 2003 Community Development Block Grant (CDBG) allocation of \$560,000.00.

COST TO CITY:

Cost of this request

Category/Project Budget

CDBG Funding

Program Category / Project Name

Account Number

\$-0-

Community Development

Funds Used to Date

Program / Project Category Name

Project Number

\$560,000.00

Community Development

Remaining Balance

Fund Name

BUDGET REVIEW:

Budgeted Item

Budget Adjustment Attached

Budget Manager

Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

Purchasing Manager

Date

STAFF RECOMMENDATION

Division Head

Date

Received in Mayor's Office

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

Description Approval of 2003 Community Development Block Grant allocation Meeting Date July 1st, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING THE GRANT AGREEMENT FOR THE REMAINING FIVE HUNDRED SIXTY THOUSAND DOLLAR (\$560,000.00) BALANCE OF THE 2003 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

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 Grant Agreement for the remaining Five Hundred Sixty Thousand Dollar (\$560,000.00) balance of the 2003 Community Development Block Grant (CDBG), with total yearly allocations to the following area agencies and projects:

- | | |
|--------------------------------|-------------|
| ➤ Habitat for Humanity | \$50,000.00 |
| ➤ Seven Hills Homeless Shelter | \$25,000.00 |
| ➤ NOARK Girl Scouts | \$6,600.00 |
| ➤ Fayetteville Public Library | \$33,000.00 |
| ➤ Fayetteville Head Start | \$14,100.00 |

PASSED and APPROVED this 1st day of July, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

DEPARTMENTAL CORRESPONDENCE

DATE: June 11, 2003

TO: The Mayor and Council

FROM: Hugh Earnest 
Chief Administrative Officer

SUBJECT: Acceptance of 2003 Community Development Block Grant Award Balance

Background

Fayetteville has been an Entitlement City in the Community Development Block Grant (CDBG) Program 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 Consolidated Action Plan (CP) has been approved for fiscal 2003. Grant amounts vary each year dependent on funding levels authorized by Congress through the annual federal budget process. The grant amount for the 2003 program year is \$777,000.00. A current balance of \$560,000.00 remains to be transferred pending council's acceptance. These funds will be utilized for grant administration and program costs related to the Housing Rehabilitation, Emergency Repair and Elderly Transportation Service. We have attached a copy of the current city Consolidated Plan (CP) that lists the programs submitted by the city for funding that have now been approved for this fiscal year.

2003 CDBG award agreement	\$777,000.00
---------------------------	--------------

Partial award allocation	\$217,000.00
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- Award advance approved by Council on April 15, 2003

Balance of 2003 CDBG award to be transferred	<u>\$560,000.00</u>
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Current Status

The council is being asked to approve the grant agreement for the remaining balance of the 2003 Community Development Block Grant.

Recommendation

The staff recommends acceptance of 2003 CDBG award agreement.

CITY OF FAYETTEVILLE
2003
CONSOLIDATED ACTION PLAN

"Helping to Make a Better Community"

Submitted November 15, 2002

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ACTION PLAN – 2003

COMMUNITY PROFILE

The City of Fayetteville, county seat of Washington County, is located in the northwestern part of Arkansas and is regarded as the business and cultural center of the Metropolitan Statistical Area for Benton and Washington Counties, which has an estimated population of approximately 311,000. Fayetteville is situated near the tallest of the mountains in the Ozark Mountain Range and is the fourth largest city in the state. It is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and Northwest Arkansas region have gained a national reputation as one of best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census.

The City was settled in 1828 and was incorporated on August 23, 1870. The City operates under a Mayor-Council form of government, in which a Mayor, City Attorney, City Clerk/Treasurer, Municipal Judge, and eight Aldermen are elected. Based on the population thresholds in Arkansas law, City Council adopted an ordinance that provides for staggered aldermanic terms. Beginning with the 2000 election, all terms for elected officials are four years.

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.
- **Provide a suitable living environment** - - which includes:
improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conservation of energy resources.
- **Expand economic opportunities** - - which includes:
job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increase at a considerable rate throughout the past 10 years according to the latest round of information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at \$916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of \$737. The City of Fayetteville, Community Development program will work on the development of a plan to bring Attainable housing to the City of Fayetteville. This office is working with the Northwest Arkansas Housing Coalition (NAHC) and the committees of the organization to build a relationship with the local Public Housing Office. The HUD provided Technical Assistance will be a very important component in reaching the Attainable Housing goal.

Analysis of Impediments to Fair Housing The city is in the process of updating its "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Program. The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction, renovation or development of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

Community Development Focus in 2003

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders is integrated to designate action priorities.

One formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2003. The meetings were well attended by non-profit agency representatives and the media but citizen attendance was low. Community Development staff has been active in the presentation of program information. Information was provided during National Community Development Week. Community Development program information is presented at local agency meetings on a regular basis. Program literature in Spanish was requested and received. City of Fayetteville program information and forms have been translated into Spanish.

In accordance with Fayetteville's Citizen Participation Plan, the 2003 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Director
City of Fayetteville Community Resource Division
113 West Mountain Street
Fayetteville, AR 72701

Citizen Comments:

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing of community partnerships with outstanding local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville.

CONSOLIDATED ACTION PLAN - 2003

I. AVAILABLE RESOURCES

A. Resources- Federal / State The City is the recipient of only one formula grant program, the Community Development Block Grant. Private non-profit organizations in Fayetteville receive no formula allocations and are funded through competitive State allocations administered by the Arkansas Department of Human Services, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2003 will be approximately \$778,000.

B. Resources - Municipal Government

The City's Street Division has estimated \$30,000 for street overlay and repair of streets located in the designated Community Development Target Area. The City's Budget Division has budgeted approximately \$8,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

II. DESCRIPTION OF ACTIVITIES

A. Housing Services

- **Residential Rehabilitation**

This allocation provides forgivable and partially repayable loans to low and moderate income persons for rehabilitation of owner-occupied housing.

The following services are offered:

- Comprehensive rehabilitation up to \$20,000
- Emergency Repair up to \$5,000
- Mobile Home emergency repair up to \$3,500

The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. \$340,888 is allocated and includes salary and program delivery costs for management and oversight of all housing programs, design and studies.

Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include; Very Low Income, Elderly, Disabled, Single parented household, Located in Target Area, Length of time on waiting list. This program will assist about 30 eligible families.

- **Housing Design and Fair Housing Study**

This allocation will provide an updated "Analysis of Impediments to Fair Housing". This study will provide valuable housing information which will be utilized to ensure compliance to the Section 808 of the Fair Housing Act and will assist in reaching the goal of attainable housing. In addition, a design for attainable housing will be developed and a home will be built. This project will serve as a model for the Attainable Housing program. \$100,000 will be allocated for these components.

- **Habitat for Humanity of Fayetteville, AR, Inc.**

Habitat for Humanity (HFH) mission to eliminate poverty housing. HFH was chartered in December 1992 and has completed seventeen (17) houses that have housed 50 children and 20 adults. HFH is builder and mortgage lender, homes sold at no-profit and no-interest. Funding mostly from donations, club pledges, religious community, fund for HFH homeowners principle payments, community organizations and in-kind donations. Participants are in the 30-50% of median income range. Their monthly payments are 20-25% of their monthly gross income including taxes and insurance. CDBG funds allocated - \$50,000.

Revenue Sources:

Wal-Mart Shoe/Jewelry Divs. Golf Tournament	54,000
Dr Scholl's HFH Tin Cup 5K Run/Walk	15,000
Covenant Church Commitment	10,000
Clubs/organizations	3,000
Carpenters Club pledges	55,000
Unspecified donations	10,000

B. Public Services

- **Seven Hills Homeless Shelter**

This project provides essential services (including meals, shelter, transportation, showers, phone, laundry, clothing; etc.) and case management services to homeless men, women and children in an effort to enable them to return to a stable, self-sufficient lifestyle. Seven Hills is a dual-purpose facility. Providing a safe, supportive drop-in day center environment where men, women and children can come to gather resources, set plans, and move forward toward jobs, housing, and self-sufficiency. In winter, providing emergency cold-weather night shelter. In addition, the Transitional Housing program for men at Seven Hills provides eight residents with three to six month's room, board, life-skills training, life coaching, and other assistance to support their progress toward stable, independent living.

The center currently serves an average of over 40 persons per day. To date, 42 men have been placed in the Transitional Housing Program, which provides life-skills training in the areas of money management, anger management, and health for eight men at a time. They also receive weekly private goal-setting/progress sessions with a life coach, as well as 24-hour staff support in a drug and alcohol free environment.

Location: 1561 W. 6th

Revenue Sources:

Private Foundation Grants	45,600
Individual contributions	28,500
Church contributions	12,000
Program fees	6,000
Fundraising events	5,200
Corporate Support	30,000
In-kind support	90,000

- **Fayetteville Elderly Taxicab Program**

This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. 200 elderly, low to moderate individuals will be served by this transportation program. CDBG funds allocated - \$40,000.

Location: Citywide

- **Girl Scouts of NOARK Council**

Project Every Girl seeks to involve girls residing in the Southeast Fayetteville Target area in the Girl Scout program. Southeast Fayetteville is an under-served area as it is difficult to recruit volunteer leadership and involve girls in what would be considered a "traditional troop". This particular project will be a staff-lead group (girls of all ages). Girls will meet twice a week in southeast Fayetteville. Key to the Girl Scout program is girl planning. The goals of the project are 1. Develop insight to individual potential; 2. Learn to relate to others with understanding, skill and respect; 3. Develop values to guide actions and provide the foundation for sound decision making; 4. Contribute to the improvement of society through the use of abilities and skills while working in cooperation with others. CDBG funds allocated - \$6,600 and a \$3,300 match.

- **Fayetteville Library**

This program will provide Spanish language materials and outreach/programming to the community. Funds will be utilized to purchase literacy and Spanish language materials for adults and children. Program development will include outreach and activities to improve services to our community at large. Program will benefit low and moderate income persons to improve their reading and language skills. This project will match \$13,000 of CDBG funds with \$5,842 in-kind funding. City of Fayetteville has experienced an increase in the Hispanic population. The concentration is in the CD Target Area, which is designate low to moderate income. This program would provide training which is needed by this population.

This program will provide the technology to improve access to information for the disabled citizens of our community. Focusing on both the visually impaired and those with physical disabilities that make physically manipulating a book or computer difficult, this grant will allow us to improve the literacy rates of this segment of our community. This project will match \$20,000.00 of CDBG funds with \$6,141.00 in-kind funding. According to the 2000 census, 12.5% of the population of Fayetteville between the ages of 5-20 years has a disability. Also 15.2% of the population aged 21-64 and 44.6% of the population over 65 have disabilities. The need for this project is particularly important given that illiteracy rates within this community can be shockingly high. For example, according to the Arkansas Chapter of the National Federation for the Blind, 12% of blind students who graduate from high school are illiterate.

Location: 217 East Dickson

C. Public Facilities - Community Needs

- **Walker Park Playground Equipment**

\$60,000 replacement of unsafe playground equipment at Walker Park. Walker Park is located in the Target Area.

Location: 10 W. Fifteenth Street

- **Fayetteville Head Start**

This project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence. 3-5 year olds from low to moderate income families will be able to utilize the improved outdoor area. This project will match \$14,100.00 of CDBG funds with \$11,335.00 from the Fayetteville Head Start Program.

Location: 2052 S. Garland

D. *Administration and Indirect Costs*

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities and other costs associated with administration of community development activities. Indirect costs are those charged by the City for office space, maintenance and services provided by other City divisions. \$108,412.00 is allocated.

Location: City Engineering Building, 125 West Mountain Street

III. *Monitoring*

Community Development Programs will be monitored by the Community Development Division and other City of Fayetteville Divisions to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to plan.

Housing Programs will be monitored by the CD Housing Program staff and the City of Fayetteville Building Safety Division, when needed for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow up visits will be made to all moderate rehabilitation project sites.

Public Facilities Improvements will be monitored by the Community Development staff and a professional playground equipment inspector from the City of Fayetteville Parks and Recreation Division. This will ensure compliance to the codes which govern the installation of playground equipment and the project contract and specifications.

Public Service Activities Sub-recipient agreements will be required for all public service activities. Monitoring area will include program performance, financial performance and regulatory compliance. Sub-recipient agreements will require documentation of activities and results. In addition, agreements will require an estimated project schedule and a project completion date. Agreement will outline procedures to be followed in the case a non-compliance situation may occur.

IV. Lead-Based Paint Hazards

Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CD staff.

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0001	Administration	21A General Program Administration	CDBG \$ 108,412 ESG \$ 0
0001	Planning and Administration	570.206	HOME \$ 0 HOPWA \$ 0
	Salary and indirect costs, Fair Housing activities, studies, travel & training. Indirect costs are those charged to the division for office space, maintenance, postage, and services provided by other city division.	1 People (General)	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 108,412
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): N/A

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0002	Housing Services	14A Rehab. Single-Unit Residential	CDBG \$ 440,888
			ESG \$ 0
			HOME \$ 0
			HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 440,888
			Total Prior Funding \$ 0

Start Date: 01/01/03
Completion Date: 12/31/03

Help the Homeless? No
Help those with HIV or AIDS? No

Eligibility: 570.208(a)(3) - Low / Mod Housing
Subrecipient: Local Government
Location(s): Community Wide

Addressing current housing conditions for low and moderate income residents. Residential housing rehabilitation, emergency repair, mobile home repair.

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0003	Housing-Habitat for Humanity	01 Acquisition of Real Property	CDBG \$ 50,000 ESG \$ 0
0003	Housing	570.201(a)	HOME \$ 0 HOPWA \$ 0
	Eliminate poverty housing by building and providing mortgage lending homes at no-profit and no-interest. Participants are in the 30-50% of median income range.	3 Households (General)	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 50,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(3) - Low / Mod Housing
Subrecipient: Local Government
Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0004	Public Services - Seven Hills Homeless Shelter	05 Public Services (General)	CDBG \$ 25,000
0004	Public Services	570 201(e)	ESG \$ 0
		200 Persons who are Homeless	HOME \$ 0
	Provides essential services and case management services to homeless individuals in an effort to enable them to return to a stable, self-sufficient lifestyle.		HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 25,000
			Total Prior Funding \$ 0

Help the Homeless? Yes Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(c) - Urgent Need
Subrecipient: Local Government
Location(s): Addresses

1561 W. 6th, Fayetteville, AR 72701

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0006	Public Services-Fayetteville Elderly Taxi Program	05A Senior Services	CDBG \$ 40,000 ESG \$ 0
0006	Senior Programs	570.201(e)	HOME \$ 0 HOPWA \$ 0
	Alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare.	60 Elderly	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 40,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0007	Public Services - NOARK Girls Scouts	05D Youth Services	CDBG \$ 6,600
0007	Youth Programs	570 201(e)	ESG \$ 0
		1 Youth	HOME \$ 0
			HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 6,600
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): N/A

**U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects**

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0008	Public Services-Fayetteville Public Library	05 Public Services (General)	CDBG \$ 33,000
0008	Public Services	570.201(e)	ESG \$ 0
		35 People (General)	HOME \$ 0
			HOPWA \$ 0
			ASSISTED HOUSING \$ 0
			PHA \$ 0
			TOTAL \$ 33,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Addresses

217 East Dickson, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0009	Public Facilities-Walker Park Playground Equipment	03F Parks, Recreational Facilities	CDBG \$ 60,000
0009	Public Facilities	570.201(c)	ESG \$ 0
			HOME \$ 0
			HOPWA \$ 0
		1 Public Facilities	ASSISTED HOUSING \$ 0
	Replacement of unsafe playground equipment at Walker Park located in the Target Area.		PHA \$ 0
			TOTAL \$ 60,000
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): Addresses

10 W Fifteenth Street, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources
0010	Fayetteville Head Start	03M Child Care Centers	CDBG \$ 14,100 ESG \$ 0
0010	Public Facilities	570.201(c)	HOME \$ 0 HOPWA \$ 0
	Project will enhance the outdoor curriculum area to better provide and promote a higher quality, safe comprehensive child development activities that will promote social, mental and physical competence.	1 Public Facilities	ASSISTED HOUSING \$ 0 PHA \$ 0 TOTAL \$ 14,100
			Total Prior Funding \$ 0

Help the Homeless? No Start Date: 01/01/03
Help those with HIV or AIDS? No Completion Date: 12/31/03

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient: Local Government
Location(s): Addresses

2052 Garland, Fayetteville, AR 72701

Funding Sources

Entitlement Grant (includes reallocated funds)

CDBG	\$778,000	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$778,000

Prior Years' Program Income NOT previously programmed or reported

CDBG	\$0	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$0

Reprogrammed Prior Years' Funds

CDBG	\$0	
ESG	\$0	
HOME	\$0	
HOPWA	\$0	
Total		\$0

Total Estimated Program Income \$0

Section 108 Loan Guarantee Fund \$0

TOTAL FUNDING SOURCES \$778,000

Other Funds \$0

Submitted Proposed Projects Totals \$778,000

Un-Submitted Proposed Projects Totals \$0

CPD Consolidated Plan/Budget Summary FY2003

City Program Number	Program	Budgeted 2003
4930	Administration	108,412.00
4940	Housing	490,888.00
4960	Public Services	104,600.00
4990	Public Facilities	<u>74,100.00</u>
	Total 2003 Grant Request	<u><u>778,000.00</u></u>

Fayetteville, Arkansas



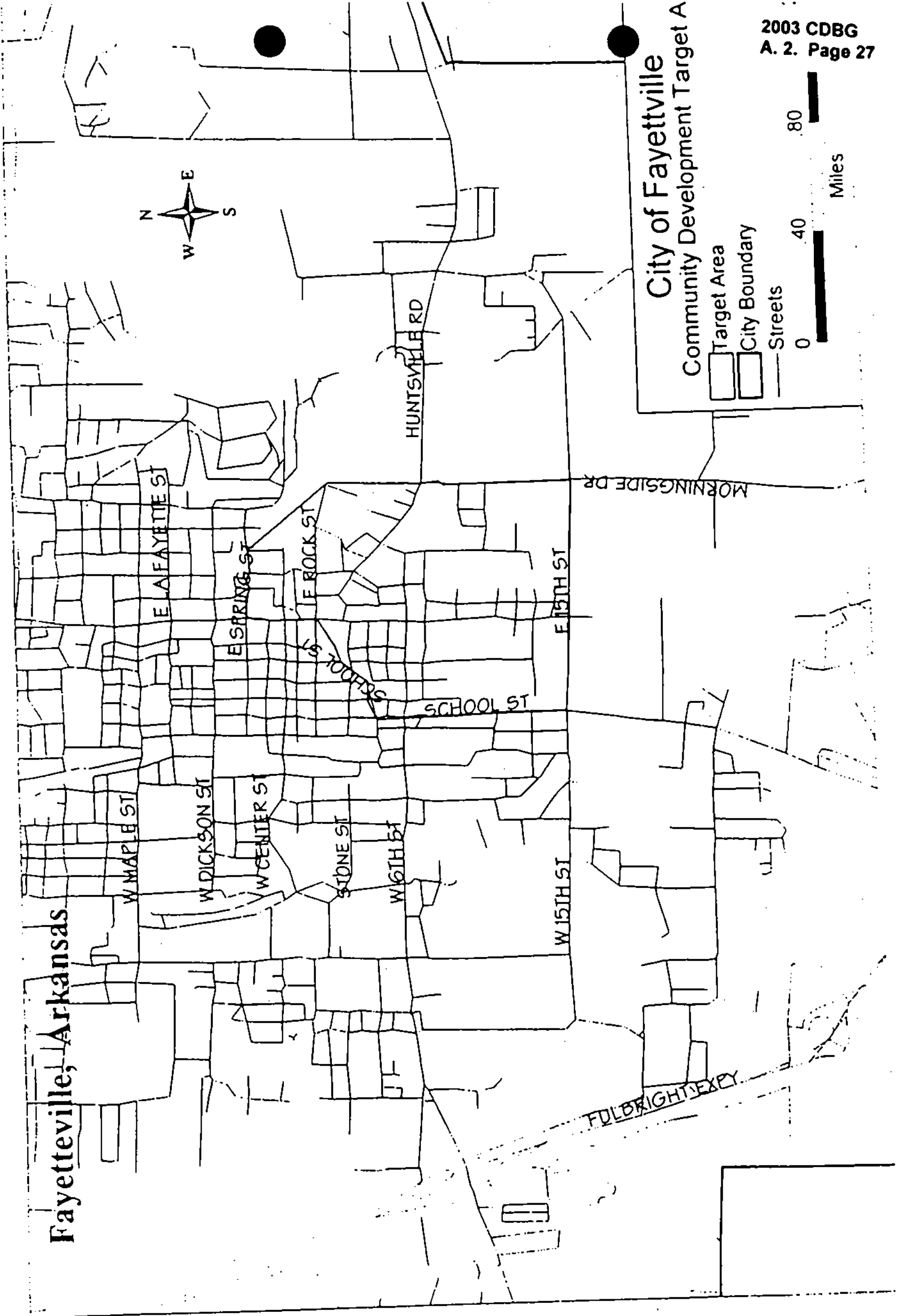
City of Fayetteville

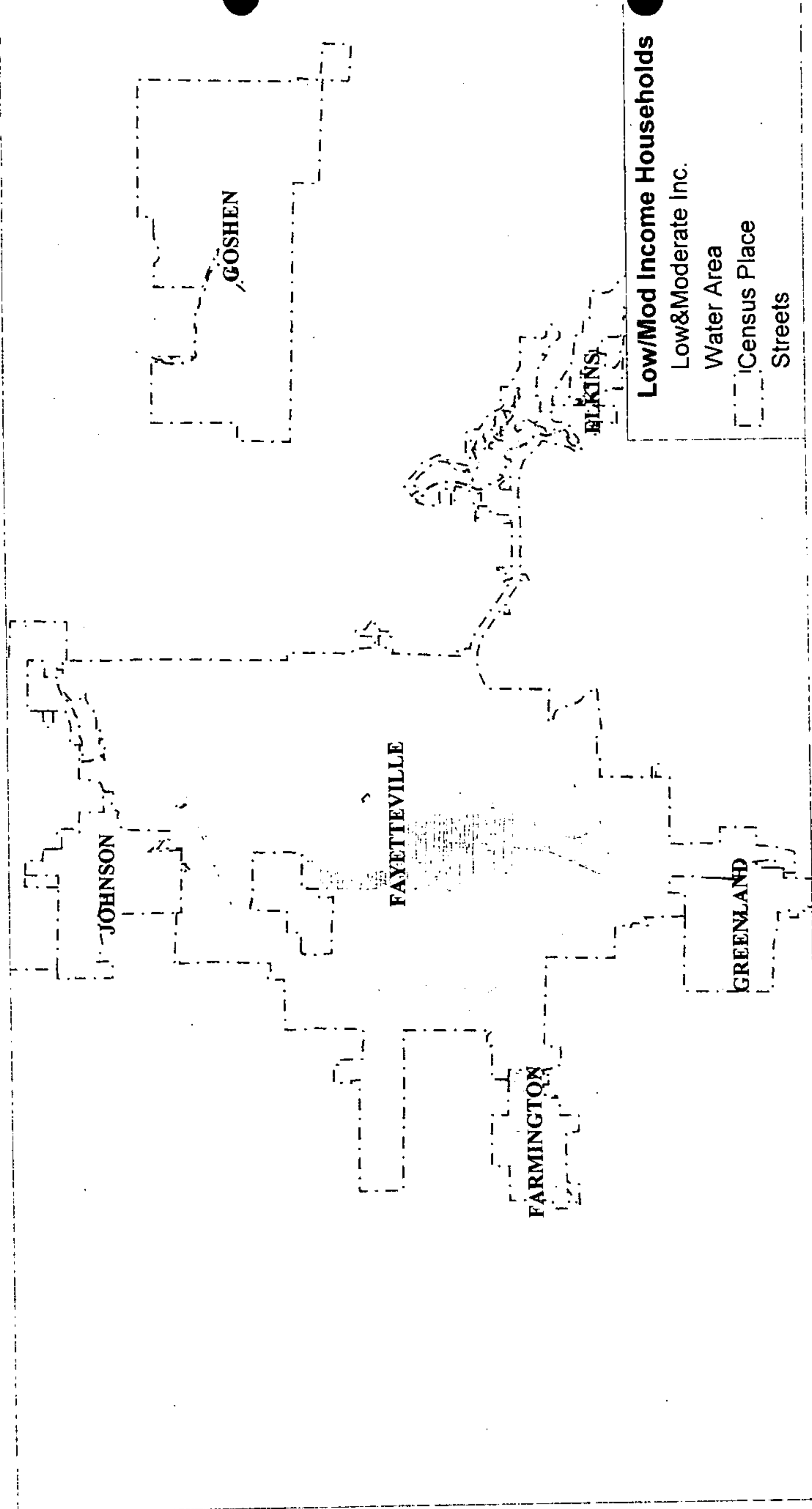
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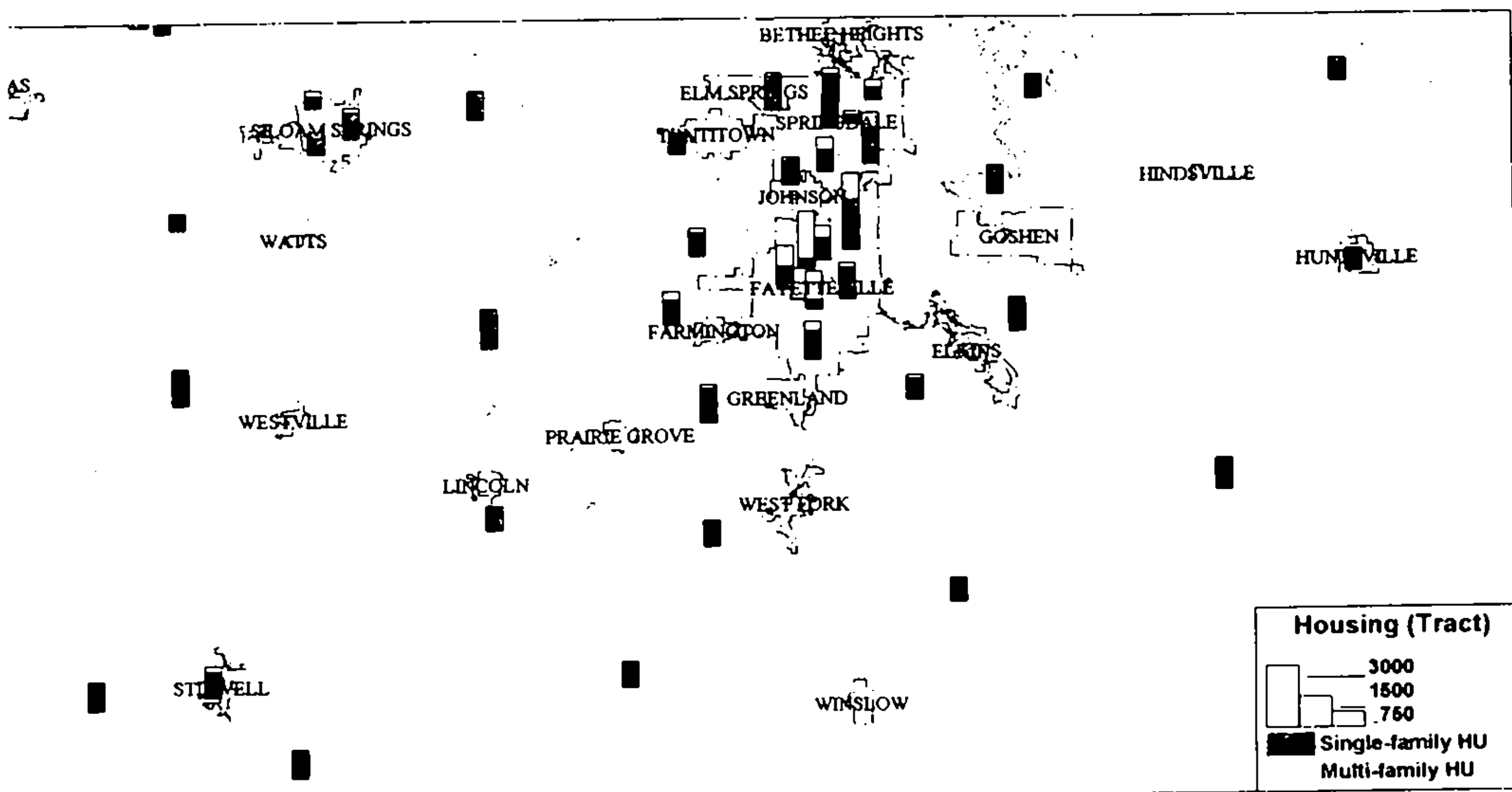
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- City Boundary
- Streets

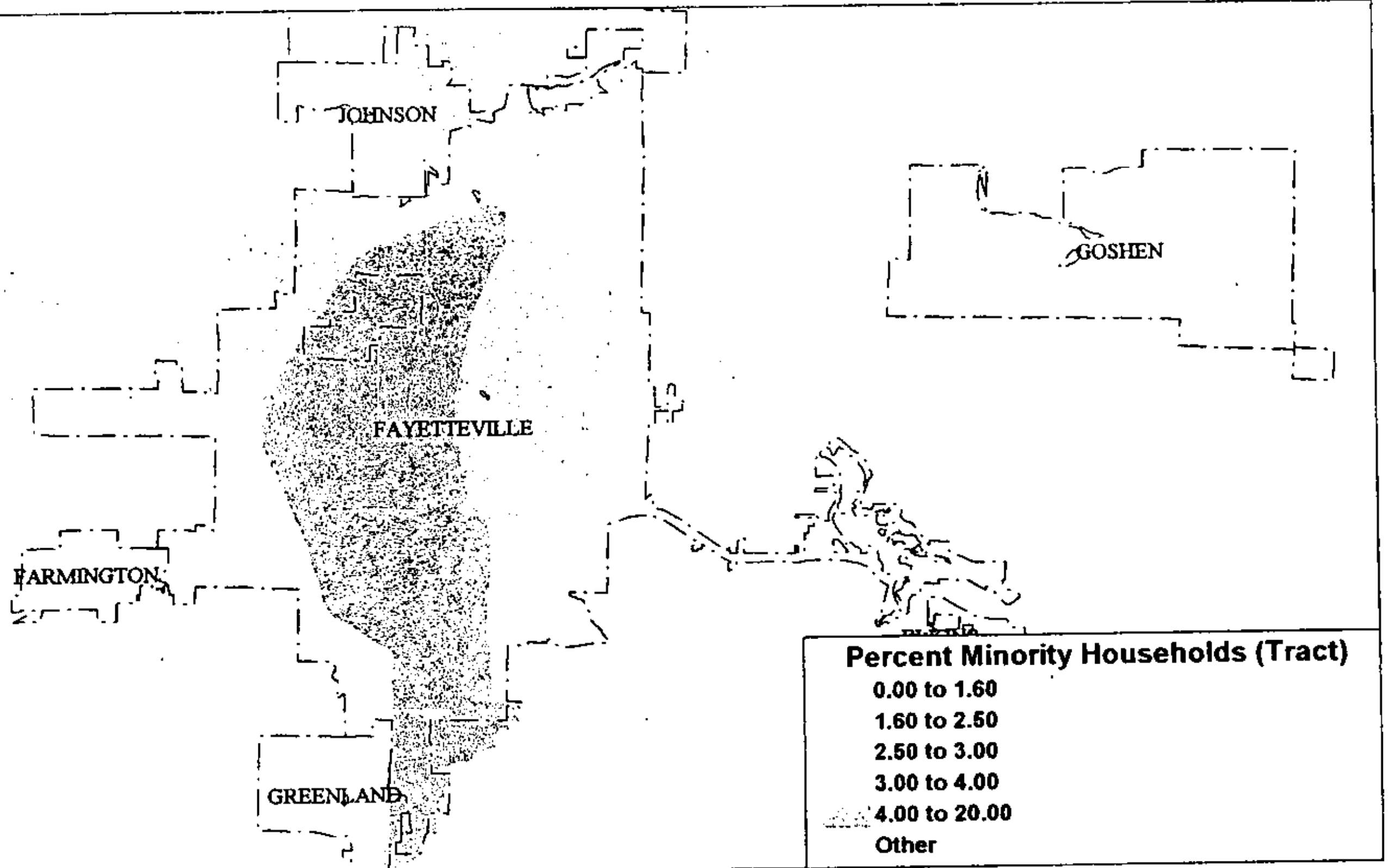
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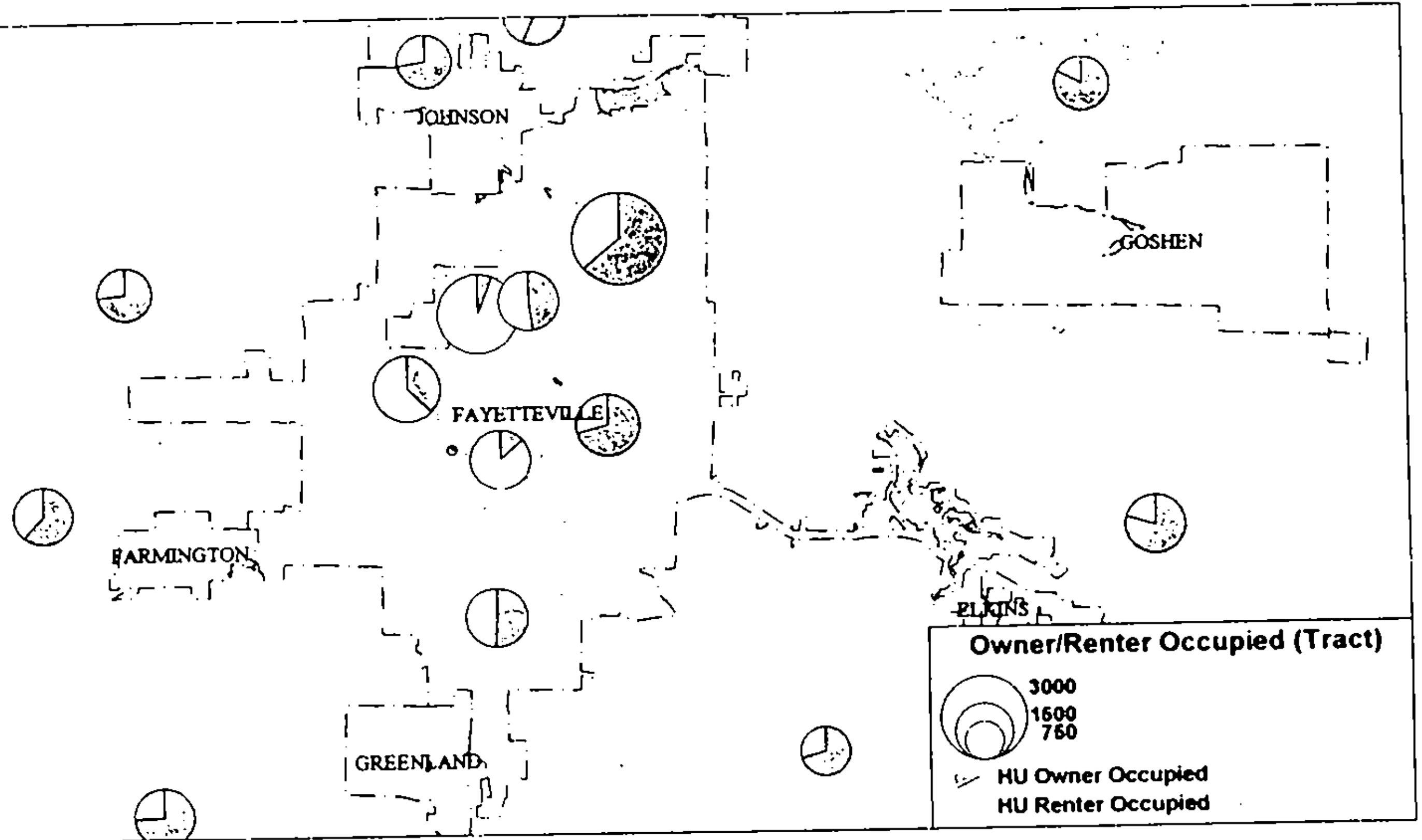
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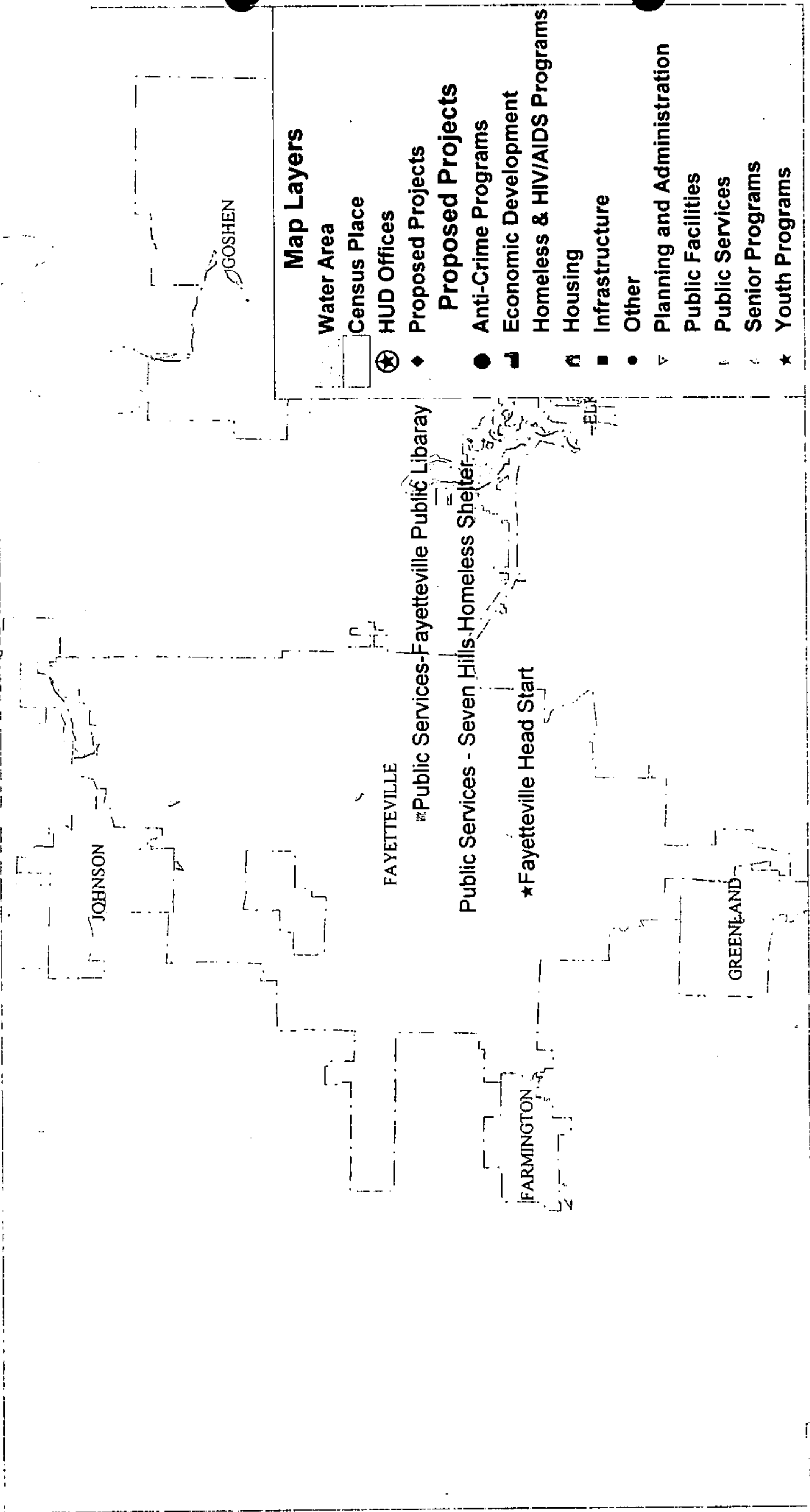












CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1,2,3,4,5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Mayor
Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws -- It will comply with applicable laws.

Signature/Authorized Official

Date

Mayor
Title

OPTIONAL CERTIFICATION
CDBG

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature/Authorized Official

Date

Title

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature/Authorized Official

Date

Mayor

Title

ESG Certifications

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion -- It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services -- It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation -- Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services -- It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal State, local, and private assistance.

Matching Funds -- It will obtain matching amounts required under §576.71 of this title.

Confidentiality -- It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement -- To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan -- It is following a current HUD-approved Consolidated Plan or CHAS.

Signature/Authorized Official

Date

Mayor
Title

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature/Authorized Official

Date

Mayor
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

2003 CDBG
A. 2. Page 43

Place of Performance (Street address, city, county, state, zip code)

City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

Check X if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ederal

Assistance

		2. Date Submitted 11/15/01		Applicant Identifier B-03-MC-05-0001	
1. Type of Submission: Application: Construction Preapplication: Non - Construction		3. Date Received by State		State Application Identifier	
		4. Date Received by Federal Agency		Federal Identifier	
5. Applicant Information					
Legal Name City of Fayetteville			Organizational Unit Municipal Government		
Address 113 W Mountain Fayetteville, AR 72701 Washington			Contact Yolanda Fields, CD Director (501) 575-8290		
6. Employer Identification Number (EIN): 71-601846			7. Type of Applicant: Municipal		
8. Type of Application: Type: New					
			9. Name of Federal Agency: US Dept of HUD		
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant			11. Descriptive Title of Applicant's Project: Community Development		
12. Areas Affected by Project: Fayetteville, AR					
13. Proposed Project:		14. Congressional Districts of:			
Start Date 01/01/02	Start Date 12/31/03	a. Applicant 3		b. Project 3	
15. Estimated Funding:		16. Is Application Subject to Review by State Executive Order 12372 Process? Review Status: Program covered Date::			
a. Federal \$778,000					
b. Applicant \$0		17. Is the Applicant Delinquent on Any Federal Debt? No			
c. State \$0					
d. Local \$0					
e. Other \$0					
f. Program Income \$0					
g. Total \$ 778,000					
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.					
a. Typed Name of Authorized Representative Dan Coody		b. Title Mayor		c. Telephone Number (501) 575-8330	
d. Signature of Authorized Representative				e. Date Signed 11/14/02	

STAFF REVIEW FORM -- FINANCIAL OBLIGATION

Roberts-McNutt/Sang
Center
A. 3. Page 1

✓ AGENDA REQUEST
 XX CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Coy HurdBuilding ServicesFinance and Internal Services

Name

Division

ACTION REQUIRED: Staff requests approval of a contract with Roberts-McNutt Company of Springdale for a reroof project for the Sang Senior Center at 818 Sang Avenue in Fayetteville (a City owned building). Staff recommends a contingency fund of fifteen percent (\$3,430) be approved for this project. ^{approved} With this contingency fund, the total amount will be \$26,293.00. Also requested is a budget adjustment in the amount of \$19,151 to facilitate this work (refer to attachment).

COST TO CITY:

<u>\$26,293.00</u>	<u>\$ 7,417.00</u>	<u>Building Improvement/Leased Bld.</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470 9470 5400 00</u>	<u>\$ 275.00</u>	
Account Number	Funds Used to Date	Program / Project Category Name
<u>02089</u>	<u>\$ 7,142.00</u>	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: Budgeted Item ☒ Budget Adjustment AttachedBarbara Lee
Budget Manager6/14/03
Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Furling
Accounting Manager6/12/03
DateNancy Smith
Internal Auditor6/12/03
DateD. J. Whit
City Attorney6/16/03
DateP. Uice
Purchasing Manager6/16/03
Date

STAFF RECOMMENDATION: Staff recommends approval of the contract, contingency, and budget adjustment.

Steve Hurd
Division HeadJune 12 03
Date

Received in Mayor's Office

6/17/03
DateA. Z. D.
Department Director6-17-03
Date

Cross Reference:

Steve Davis
Finance & Internal Services Dir.6-17-03
Date

Previous Ord/Res#:

Hugh Samuels
Chief Administrative Officer6-18-03
Date

Orig. Contract Date:

Orig. Contract Number:

Don Cook
Mayor6/19/03
Date

New Item:

Yes

No



Description _____ Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

Called Marsha for pur. req.

Attached

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONTRACT TO ROBERTS-McNUTT COMPANY IN THE AMOUNT OF TWENTY-TWO THOUSAND EIGHT HUNDRED SIXTY-THREE DOLLARS (\$22,863.00) FOR A RE-ROOF PROJECT AT THE SANG SENIOR CENTER; APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF THREE THOUSAND FOUR HUNDRED THIRTY DOLLARS (\$3,430.00) AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF NINETEEN THOUSAND ONE HUNDRED FIFTY ONE DOLLARS (\$19,151.00) FOR SAME.

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 a contract to Roberts-McNutt Company in the amount of Twenty-Two Thousand Eight Hundred Sixty-Three Dollars (\$22,863.00) for a re-roof project at the Sang Senior Center.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Project Contingency in the amount of Three Thousand Four Hundred Thirty Dollars (\$3,430.00).

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of Nineteen Thousand One Hundred Fifty One Dollars (\$19,151.00) for same.

PASSED and APPROVED this 1st day of July, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody and the Fayetteville City Council
FROM: Coy Hurd, Project Manager
THRU: Stephen Davis, Finance and Internal Services Director
RE: Bid for the reroofing of the Sang Senior Center
DATE: June 11, 2003

On June 6, a bid was opened for work to be done on the Sang Senior Center located at 818 Sang Avenue in Fayetteville. The scope of the work to be performed includes materials and labor for a complete tear-off and reinstallation of the roof of the facility. The new roof is to be warranted against any leaking for a period of ten years.

The Sang Senior Center Facility is a city-owned building that is leased to the Council on Aging (COA) for a nominal fee. COA is responsible for general maintenance and minor repairs. The City is responsible for repair of major structural components of the building. For some time the building has had a problem with roof leaks which the COA has addressed with patches and tar applications. The problem of roof leaks is magnified in this instance by the fact that COA operates a food preparation operation in the facility, and the worst leaking occurs over the food preparation area. This situation compounds a general maintenance problem into a potential health issue.

I recently completed an inspection of the building and concluded that the most cost efficient direction was a complete tear-off and reroof of the facility. Towards that goal, a bid specification was developed and advertised. Four bids were submitted to the City. Of these bids, the apparent low bidder was Roberts-McNutt Company of Springdale. They submitted a bid of \$22,863 for the work. This amount was at the low end of what was anticipated. All fees and taxes are included in this amount.

RECOMMENDATIONS

I recommend that a contract be signed with Roberts-McNutt for this roof work, and that that a contingency fund be approved (due to the nature of this work, I believe that the contingency fund should be fifteen percent or \$3,430.00). The contract amount plus the contingency fund would then be \$26,293.00.

I further recommend that a budget adjustment be made. I am requesting that a transfer of \$19,151.00 be approved so that the fund balance will amount to \$26,293.00. The transfer of funds would flow from the Building Maintenance Fund to the Building Improvement/Leased Buildings Fund.

memo, page two

I remain available to answer any questions regarding these recommendations.

Please note the following attachments:

Staff Review Form
Funds Transfer Form
Bid Tabulation Form

RECEIVED
JUN 10 2003

BID: 03-38
DATE: 6/6/03
TIME: 2:00 P.M.
CITY OF FAYETTEVILLE

Re-Roof Sang Senior Center

ITEM 1	
1. FRANKLIN ROOFING	NO BID BOND
2. GUARANTEE ROOFING	\$53,640
3. HARNESS ROOFING	\$26,770
4. ROBERTS-MCNUJT	\$22,863

CERTIFIED BY: Quico
P. VICE PURCH MGR

Bonnet
WITNESS

6/6/03
DATE

**City of Fayetteville, Arkansas
Budget Adjustment Form**

Roberts-McNutt/Sang
Center
A. 3. Page 7

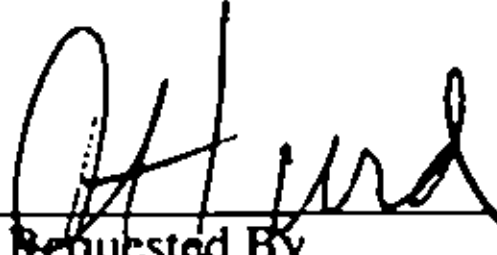
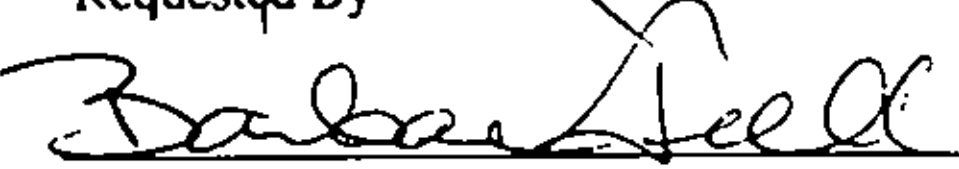
Budget Year 2003	Department: Sales Tax Capital Division: Program:	Date Requested 7/1/2003	Adjustment Number
--------------------------------	--	---------------------------------------	-------------------

Project or Item Requested: \$19,151 to Re-roof the Sang Senior Center.	Project or Item Deleted: Reduction to the Building Improvements project.
--	--

Justification of this Increase: The current roof has numerous leaks, particularly in the food service area.	Justification of this Decrease: Sufficient funding remains to comply with City policy.
---	--

Increase Expense (Decrease Revenue)							
Account Name		Account Number				Amount	Project Number
Building & grounds maint		4470	9470	5400	00	19,151	02089 1

Decrease Expense (Increase Revenue)							
Account Name		Account Number				Amount	Project Number
Building & grounds maint		4470	9470	5400	00	19,151	02046 1

Approval Signatures  Requested By June 12 03 Date  Budget Manager 6/16/03 Date Department Director Date  Finance & Internal Services Director 6-17-03 Date Mayor Date		Budget & Research Use Only Type: A B C (D) E Date of Approval Date Initial Posted to General Ledger Date Initial Posted to Project Accounting Date Initial Entered in Category Log Date Initial
--	--	---

City Of Fayetteville (Not a Purchase Order)										Requisition No. 103	Date: 6/16/2003
Vendor # 12880										P.O Number	Expected Delivery Date:
Address: 3088 N. Thompson St Suite A										Mail Yes: ☐ No: ☒	
City: Springdale										Taxable Yes: ☐ No: ☒	
Requester Coy Hurd										Division Head Approval <i>[Signature]</i>	Quoties Attached Yes: ☐ No: ☐
State: Ar										Requester's Employee # 2178	Extension: 363
Zip Code 72784										Ship to code: 85	
Fob Point: Fayetteville										Project/Subproject #	Inventory # Fixed Asset #
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers					
1	Sang Center Re-Roof				22,863.00	4470.9470.5400.00		02089			
2											
3											
4											
5											
6											
7											
8											
9											
10											
	Shipping/Handling										
Special Instructions:										Subtotal:	22,863.00
										Tax	
										Total:	22,863.00

Approvals:

Mayor: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

STAFF REVIEW FORM - FINANCIAL OBLIGATION

McClelland Engineers
FBO Hangar TO # 13
A. 4. Page 1

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

Amend Task Ord #13
McClelland Eng.

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Ray M. Boudreaux

Aviation & Economic Development

Airport

Name

Division

Department

ACTION REQUIRED: Review and approval of Amendment #1 to Task Order #13 to McClelland Consulting Engineers, Inc., comprising additional fees for Construction Administration & Inspection/Observation, and Materials Testing for the FBO Hangar project. ~~Request approval of a budget adjustment in the amount of \$3,983.50~~

Signature of the Mayor required.

COST TO CITY:

<u>\$3,983.50</u>	\$ <u>756,690.00</u>	<u>FBO Hangar</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
	<u>748,294.90</u>	
<u>5550.3960.5314.00</u>	\$ <u>743,818.77</u>	<u>Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
	<u>8,295.10</u>	
<u>02130-1</u>	\$ <u>12,071.23</u>	<u>Airport</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item 2AD Budget Adjustment Attached

Barbara Noel 6/13/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Maria Fanning</u> <u>6/16/03</u>	<u>Nancy Smith</u> <u>6/16/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. Whitat</u> <u>6/16/03</u>	<u>Ellie</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval

[Signature] June 11, 2003
Division Head Date

Steph D... June 17, 2003
Department Director Date

[Signature] 6-17-03
Finance & Internal Services Dir. Date

[Signature] 6/17/03
Chief Administrative Officer Date

[Signature] 6/17/03
Mayor Date

Received in Mayor's Office

6/17/03
Date [Signature]

Cross Reference:

Previous Ord/Res#: 146-02

Orig. Contract Date: 9/17/2002

Orig. Contract Number: 747

New Item:

Yes

X

No



Description McClelland Engineers - Amend #1 to T.O. #13 Meeting Date July 1, 2003

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Reference Comments:

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 13 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF THREE THOUSAND NINE HUNDRED EIGHTY-THREE DOLLARS AND FIFTY CENTS (\$3,983.50).

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 Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of Three Thousand Nine Hundred Eighty-Three Dollars and Fifty Cents (\$3,983.50).

PASSED and APPROVED this 1st day of July, 2003.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
479.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Mayor Dan Coody
FROM: Ray Boudreaux, Director
DATE: June 10, 2003

SUBJECT: McClelland Amend #1 to Task Order #13

Background: McClelland Consulting Engineers performed design and construction oversight on the FBO Hangar construction project, which is essentially completed.

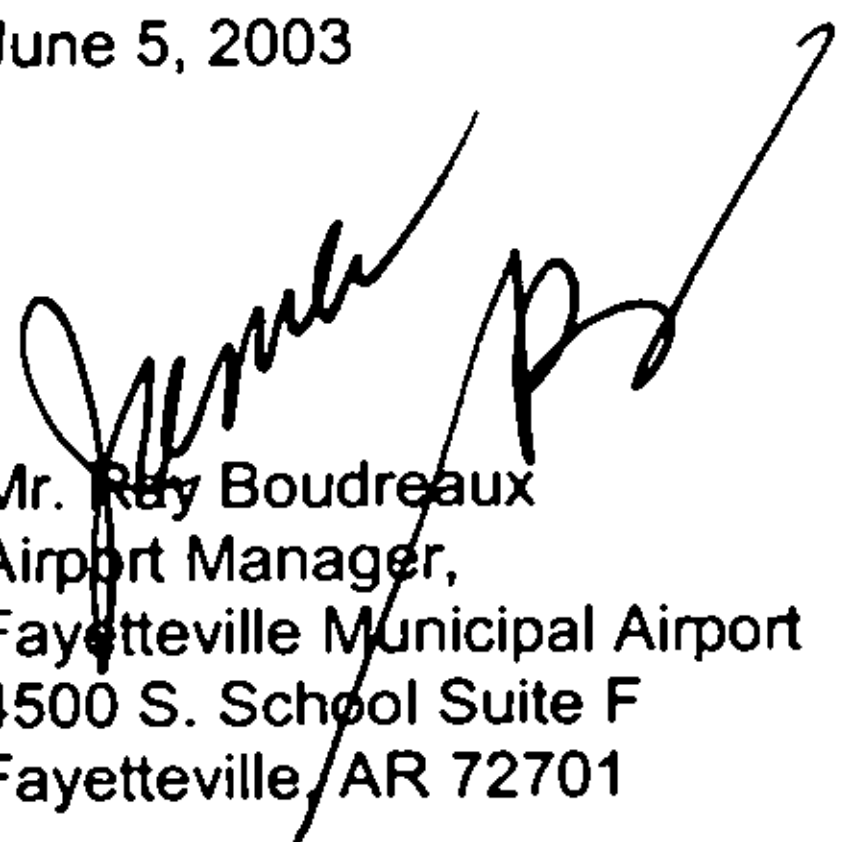
Purpose: The purpose of Amendment is to adjust the fee due McClelland Engineers based on Task Order #13, reconciling the estimated and actual amounts for construction oversight and materials testing, (\$3983.50). This is the final adjustment to the project.

Budget Considerations: Sufficient project budget remains for the Engineer's additional fees.

Action Requested: Accept and approve the Amendment #1 to Task Order #13 with McClelland Consulting Engineers, Inc. Signature of the Mayor.

Staff Recommendation: Review & Approve

June 5, 2003



Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 13
FBO Hangar

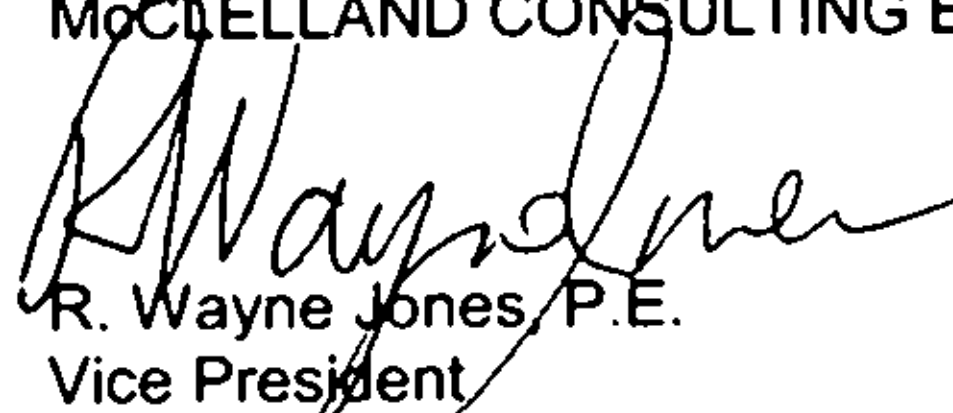
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of revised Amendment 1 to Task Order No. 13 for the above referenced project.

Please advise if you need further information regarding this Amendment, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Amendment 1 to Task Order No. 13 (3 copies)

**AMENDMENT NO. 1
TO
TASK ORDER NO. 13
ENGINEERING SERVICES
FBO HANGAR**

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The Task Order No. 13 executed on September 17, 2002, for basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on March 7, 2000 is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Fees and Payments due to the increase in scope of services at Drake Field. This action is taken to allow the Engineer to undertake construction administration and testing services beyond the original scope of Task Order No. 13.

The following section is hereby amended as follows:

SECTION IV - FEES AND PAYMENTS

The following fees to be paid to the Engineer as compensation for his services are to be adjusted to the revised values stated below for the revised scope of services:

E. Construction Administration & Inspection:
Observation

hourly rates,
Not to Exceed \$ 24,800.00.

G. Construction materials testing:

hourly rates & unit prices,
Not to Exceed \$ 2,550.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly
executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn
President

Attest:

R. Wayne [Signature]

Date: 6/5/03

STAFF REVIEW FORM - FINANCIAL OBLIGATION

McClelland Engineers
FBO Hangar TO # 10
A. 5. Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

Amendment to Task Order #10
 McClelland Consult. Engineers

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Ray M. Boudreaux Airport Aviation & Economic Development
 Name Division Department

ACTION REQUIRED: Resolution to approve Amendment No. 1 to Task Order No. 10 for McClelland Consulting Engineers comprising additional fees for Construction Administration / Inspection, and Material Testing.
~~Approval of a Budget Adjustment in the amount of \$6,937.50~~

Signature of the Mayor required.

COST TO CITY:

<u>\$6,937.50</u>	<u>\$ 766,789.47</u>	<u>South Hangar Apron Complex</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5550.3960.5314.00</u>	<u>\$ 130250.38</u>	<u>Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02131.1</u>	<u>\$ 36,539.09</u>	<u>Airport</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item EAD Budget Adjustment Attached

Barbara L. Hill 6/13/03
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Farthing</u> <u>6/16/03</u>	<u>Nancy Smith</u> <u>6/16/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. J. White</u> <u>6/16/03</u>	<u>P. Wice</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: Staff recommends approval

Department Head Date
June 23, 2003
 Department Director Date

Steve Davis June 17, 2003
 Finance & Internal Services Dir. Date

Wesley E. Smith 6-17-03
 Chief Administrative Officer Date

Dan Coody 6/17/03
 Mayor Date

Received in Mayor's Office

6/17/03
 Date P.H.

Cross Reference:

Previous Ord/Res#: 36-02Orig. Contract Date: 3/11/2002Orig. Contract Number: 747-Tsk Ord# 10New Item: Yes No X

Description McClelland Eng. Amend Task Ord #10 Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 1 TO TASK ORDER NO. 10 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF SIX THOUSAND NINE HUNDRED THIRTY-SEVEN DOLLARS AND FIFTY CENTS (\$6,937.50).

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 Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of Six Thousand Nine Hundred Thirty-Seven Dollars and Fifty Cents (\$6,937.50).

PASSED and APPROVED this 1st day of July, 2003.

APPROVED

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

4500 School Ave., Suite F
Fayetteville, AR 72701
479.718.7642

AVIATION AND ECONOMIC DEVELOPMENT
RAY M. BOUDREAUX, DIRECTOR

TO: Mayor Dan Coody
FROM: Ray Boudreaux, Director
DATE: June 10, 2003
SUBJECT: McClelland Amend T.O. #10

Background: McClelland Consulting Engineers performed design and construction oversight on the development of the South Hangar Apron Complex, which is essentially completed.

Purpose: The purpose of this change order is to adjust the fee due McClelland Engineers based on Task Order #10, reconciling the estimated and actual amounts for construction oversight and materials testing (\$6937.50).

Budget Considerations: ~~A budget adjustment for the Amendment is attached.~~
Sufficient funding exists within the project for this change order.

Action Requested: Accept and approve the Amendment #1 to Task Order #10 with McClelland Consulting Engineers, Inc. ~~Approval of a Budget Adjustment. Signature of the Mayor.~~

Staff Recommendation: Review & Approve

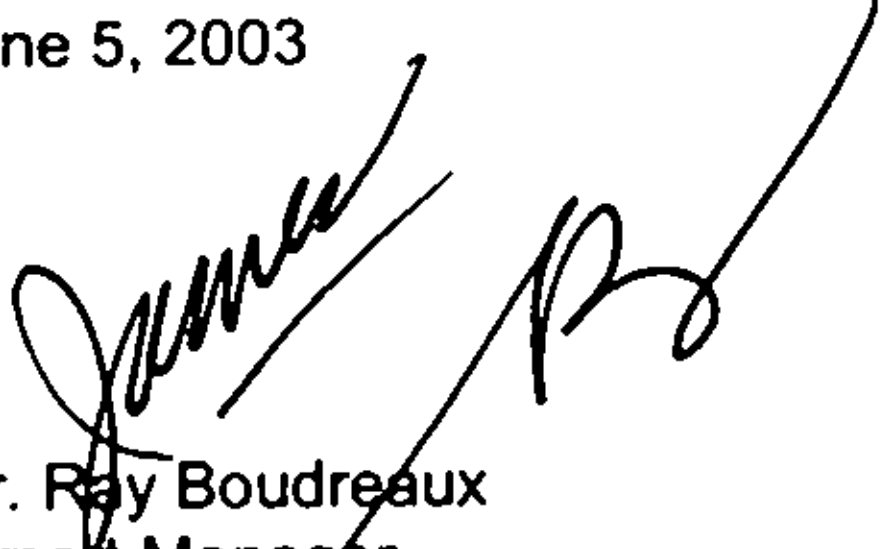
Fayetteville, Arkansas 72702-1229

479-443-2377

FAX 479-443-9241

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
DESIGNED TO SERVE

June 5, 2003



Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Proposed Task Order No. 10
Corporate Hangar Complex

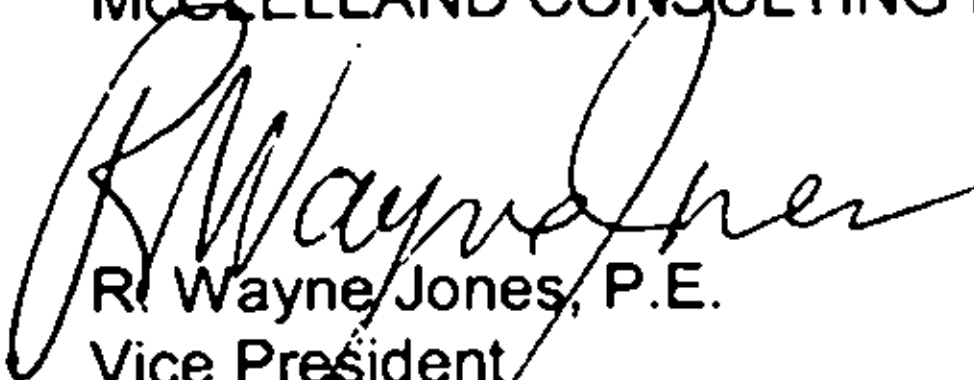
Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of revised Amendment 1 to Task Order No. 10 for the above referenced project.

Please advise if you need further information regarding this Amendment, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Amendment 1 to Task Order No. 10 (3 copies)

AMENDMENT NO. 1
TO
TASK ORDER NO. 10
ENGINEERING SERVICES
CORPORATE HANGAR COMPLEX

STATE OF ARKANSAS

COUNTY OF WASHINGTON

The Task Order No. 10 executed on March 8, 2002, for basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on March 7, 2000 is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Description of the Project, and the Fees and Payments due to the requested increase in scope of services at Drake Field. This action is taken to allow the Engineer to undertake construction administration, Construction Materials testing services, and Ark Dept of Health Review Fee beyond the original scope of Task Order No. 10.

The following sections are hereby amended as follows:

SECTION II – DESCRIPTION OF THE PROJECT

The scope of the Corporate Hangar Complex project was increased by the Airport Department to include the entire complex rather than the original one-third of the overall project area. Therefore the scope of Construction Observation Services and Testing

Services were increased due to the construction of the entire project. The Ark. Dept. of Health requires a fee to review water and sewer plans and whereby MCE paid this fee and is to be reimbursed

SECTION IV - FEES AND PAYMENTS

The following fees to be paid to the Engineer as compensation for his services are to be adjusted to the revised values stated below for the increased scope of services:

E. Construction Administration & Inspection: hourly rates,
Observation Not to Exceed \$ 11,500.00.

G. Construction materials testing: hourly rates & unit prices,
Not to Exceed \$ 3,400.00.

H. Review Fee for Arkansas Department of Health Fee Amount \$ 500.00.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be duly executed as of the date and year first herein written.

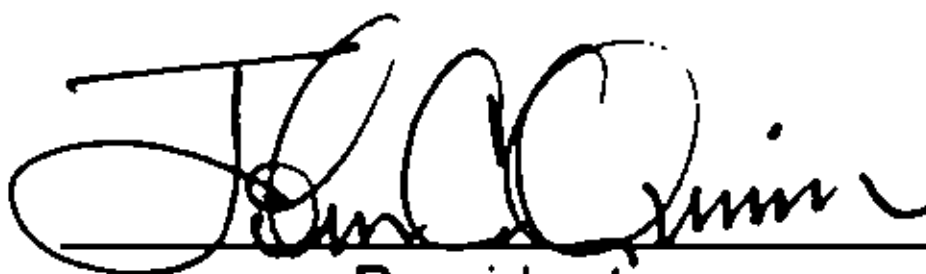
FOR THE CITY OF FAYETTEVILLE:

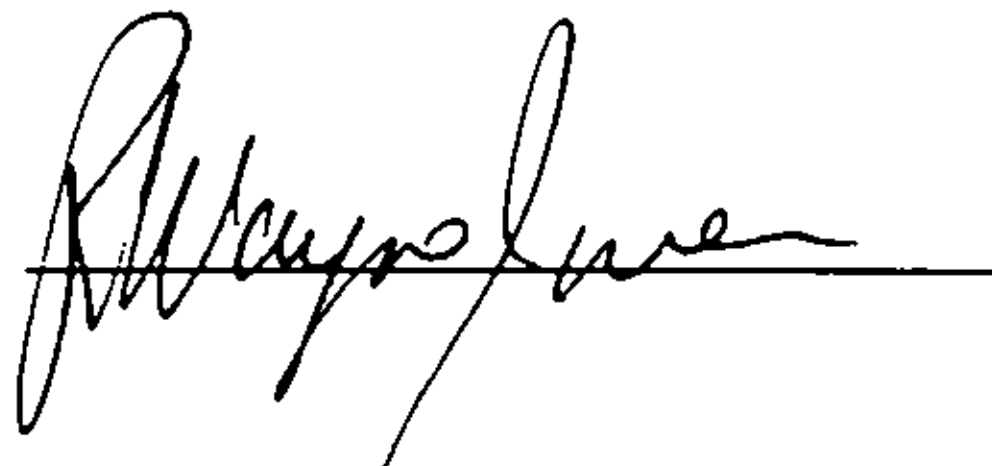
By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: 
President

Attest: 

Date: 6/5/03

>

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Motorola, Inc. Bid #03-35
Laptop Computers
A. 6. Page 1

RECEIVED
JUN 10 2003

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

<u>Rick Hoyt</u>	<u>Police</u>	<u>Police</u>
Name	Division	Department

ACTION REQUIRED: City Council award bid# 03-35 to Motorola Inc. for the purchase of 20 ruggedized laptop computers and seventeen docking stations in the amount of \$106,126.09.

COST TO CITY:

<u>\$106,126.09</u>	<u>\$ 429,935.00</u>	<u>Police Safety Improvements</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470-9470-5210.00</u>	<u>\$ 84,357.99</u>	<u>Computer System Replacement</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>03004</u>	<u>\$ 345,577.01</u>	<u>Sales Tax Capital Improvement</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

Babara Lee 6/10/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Marsha Fanning</u> <u>6/11/03</u>	<u>Nancy Smith</u> <u>6/12/03</u>
Accounting Manager Date	Internal Auditor Date
<u>D. J. Went</u> <u>6/16/03</u>	<u>P. Uice</u> <u>6/16/03</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION: City Council award bid 03-35 to Motorola Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers with 17 docking stations.

Received in Mayor's Office

6/17/03
Date P.H.

<u>[Signature]</u>	<u>6-10-03</u>
Division Head	Date
<u>[Signature]</u>	<u>6-17-03</u>
Department Director	Date
<u>Atch Davis</u>	<u>6-17-03</u>
Finance & Internal Services Dir.	Date
<u>Kyle Earnest</u>	<u>6-18-03</u>
Chief Administrative Officer	Date
<u>Ken Coody</u>	<u>6/19/03</u>
Mayor	Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No



Description Ruggedized laptop bid Meeting Date July 1, 2003

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Reference Comments:

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #03-35 TO MOTOROLA, INC. IN THE AMOUNT OF ONE HUNDRED SIX THOUSAND ONE HUNDRED TWENTY-SIX DOLLARS AND NINE CENTS (\$106,126.09) FOR THE PURCHASE OF TWENTY (20) RUGGEDIZED LAPTOP COMPUTERS AND SEVENTEEN (17) DOCKING STATIONS.

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 #03-35 to Motorola, Inc. in the amount of One Hundred Six Thousand One Hundred Twenty-Six Dollars and Nine Cents (\$106,126.09) for the purchase of twenty (20) ruggedized laptop computers and seventeen (17) docking stations.

PASSED and APPROVED this 1st day of July 2003.

APPROVED

By: DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor
FROM: Rick Hoyt, Chief of Police
DATE: June 9, 2003
RE: Award Bid 03-35 for Ruggedized Laptop Computers

Background:

The Fayetteville Police Department purchased 23 ruggedized laptop computers in November of 1998. These computers have been used by police officers to access various types of information from the National Crime Information Center, the Arkansas Crime Information Center and our own local network from within their patrol cars. The officer receives call information on the laptop upon being dispatched to an incident. This gives the officer valuable information concerning the address, cross streets, and provides information about previous incidents at a location, which is important for officer safety. Having this information readily available saves time and allows for more efficient use of radio airtime.

Current Status:

Bid number 03-35 to purchase ruggedized laptop computers and docking stations was opened on May 6, 2003. This bid is to replace current ruggedized laptops. The current laptops are having maintenance problems and cannot be upgraded past the Windows 95 operating system, rendering them obsolete. The new ruggedized laptops will be equipped with an Intel Pentium 4 processor, 40 GB hard drive, 256K RAM; XGA transfective touchscreen display, backlit keyboard and Windows XP operating system. Motorola, Inc. is the low bidder. They reported two exceptions. The first is providing a three-year warranty instead of a four-year warranty. The qualified bids' pricing was adjusted to equal a three-year warranty for comparison. The second exception is not providing a V.92 modem. This modem can be purchased locally at a cost of \$90.00; therefore Motorola, Inc. is still the low bidder. This purchase follows Fayetteville Vision 2020 guiding principles #4 (Financially Sustainable City Government Providing Top Quality, Responsive Services) by utilizing a local law enforcement block grant in the amount of \$35,897.00.

Recommendation:

Award bid 03-35 to Motorola, Inc. for the purchase of 20 ruggedized laptop computers and 17 docking stations for a total purchase price of \$106,126.09

INVITATION TO BID

BID # '03-35		DATE ISSUED: April 24, 2003		DATE AND TIME OF OPENING: 11:00 a.m. May 2nd, 2003 <i>May 14</i>	
BUYER: City of Fayetteville, AR			DATE REQUIRED: 30 DAYS ARO		
F. O. B. Fayetteville, AR		BUYER'S PHONE # (479) 575-8289		GUARANTEED DELIVERY DATE: <i>August 31, 2003</i>	
ITEM #	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL	
	Per Attached Specifications				
1	Ruggedized Laptop Computers w/ 4 year warrant and 1 extra Lithium-Ion battery per computer	1-10 11-15 16-20	<i>\$4,521.00</i> <i>\$4,521.00</i> <i>\$4,521.00</i>		
2	Ruggedized Laptop Computers w/ Floppy Drive w/ 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,521.00</i>	<i>\$9,042.00</i>	
3	Ruggedized Laptop Computers w/ DVD, AC Charger 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,623.00</i>	<i>\$9,246.00</i>	
4	Ruggedized Laptop Computers w/ CD/RW, AC Charger, 4 year warrant and 1 extra Lithium-Ion battery per computer	2	<i>\$4,623.00</i>	<i>\$9,246.00</i>	
5	Docking Stations	1-10 11-15 16-2			

EXECUTION OF BID

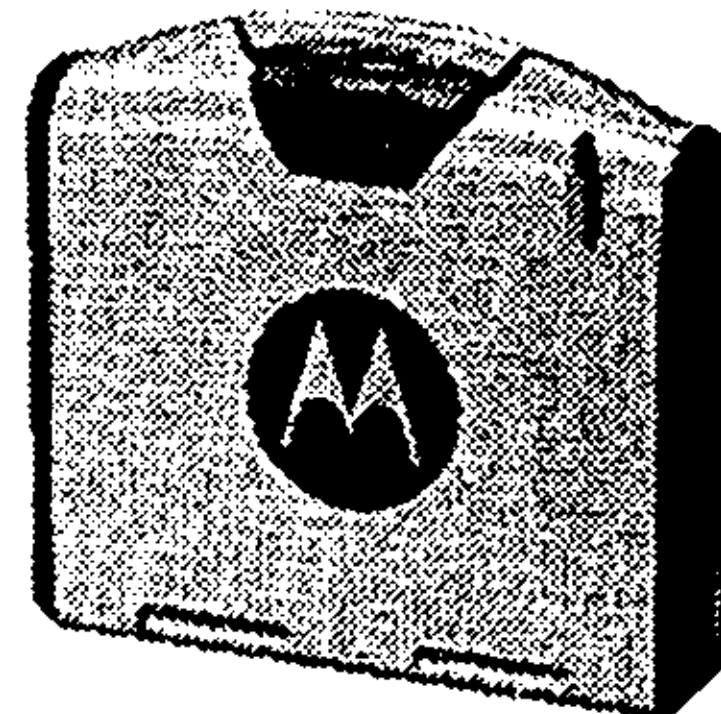
Upon signing this Bid, the bidder certifies that they have read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

UN SIGNED BIDS WILL BE REJECTED	NAME OF FIRM: <i>Motorola, Inc</i>		PHONE: <i>918-251-4007</i>		FED. ID#	
	BUSINESS ADDRESS: <i>6450 Sequence Drive</i>		CITY AND STATE: <i>San Diego, CA</i>		ZIP: <i>92121</i>	
	AUTHORIZED SIGNATURE: <i>Steven P. Palm</i>		TITLE: <i>AREA CONTROLLER</i>		DATE: <i>5-1</i>	

ENVIRONMENTAL STANDARDS (MAIN SYSTEM)

Temperature	According to IEC 68-2-1,2,14 / MIL-STD-810F, Method 501.3, 502.3 Operating: -20°C to 50°C (Tested)
Humidity	According to IEC 68-2-30 / MIL-STD-810F, Method 507.3 5% to 95% RH, non-condensing
Altitude	According to IEC 68-2-13 / MIL-STD-810F, Method 500.3 Operating: 15,000ft Non-operating: 40,000ft altitude change rate: 2,000 ft/min
Drip	According to MIL-STD-810F, Method 506.3
Shock	According to IEC 68-2-27 / MIL-STD-810F, Method 516.4 Operating: 15g, 11 ms, half sine wave Non-operating: 50g, 11 ms, half sine wave
Vibration	According to IEC 68-2-6 / MIL-STD-810F, Method 514.4 Operating: 10-55Hz/0.075mm, 55-500Hz/1.0g Non-operating: 10-55Hz/0.15mm, 55-500Hz/2.0g
Dust	According to MIL-STD-810F, Method 510.3 5 hours in dust-laden atmosphere
Drop	According to IEC 68-2-32 / MIL-STD-810F, Method 516.4 3 Feet height free drop still survive, (test surface: concrete) for base unit only.
Enclosure	According to IEC 529, NEMA, MIL-STD-810F, Method 506.3, 510.3 IP 54 compliance
Regulation	FCC part 15, Subpart B, Class B, UL, CUL, TUV, CE
Integrated Wireless Communication Options	1 x Wide area RF (GSM/GPRS, Private DataTAC, iDEN, CDPD) 1 x Wireless LAN (802.11b with LEAP) 1 x Global Positioning System (GPS) receiver 1 x Personal Area Network (Bluetooth™ or IR) RF passthrough for Wide Area and GPS when Docked (for external antennas)
Accessories and Options	External Battery charger Car Adapter (12-32 VDC) Primary and Secondary Battery Packs Vehicle Mount and Motorola Advanced Docking Solution Mobile Office Display Solution (MODS: for dual display in-vehicle use) USB FDD (External or integrated) CD-RW/DVD ROM integrated CD-RW/DVD ROM external Touchscreen
Warranty	3 year full warranty standard (1 year consumables) 24/7 Phone support Advanced replacement service (ARS) Quick-turn service

ML 900 SHOWN
CLOSED FOR
CONVENIENT
PORTABILITY.



MOTOROLA CONFIDENTIAL PROPRIETARY



Motorola's Commercial, Government and Industrial Solutions Sector is a recipient of the prestigious 2002 Malcolm Baldrige National Quality Award. This honor demonstrates our commitment to performance excellence and quality achievement.

<http://ml900.motorola.com>



MOTOROLA and the Stylized M Logo are registered in the U.S. Patent and Trademark Office. All other product or service names are the property of their respective owners. The Bluetooth trademarks are owned by their proprietor and used by Motorola, Inc. under license.
©Motorola, Inc. 2003. (0304) VPS



MOTOROLA

ML900 Warranty

The ML900 is covered by a 3 year full warranty. Consumables such as batteries are covered for 1 year. Repairs are performed by the Radio Support Center, 3761 South Central Ave., Rockford, IL 61102.

Free UPS two-way overnight shipping is included. See the attached UPS Collect shipping instruction sheet. The City of Fayetteville will be required to complete a Repair Request form and include with the unit when shipped. The Radio Support Center (RSC) will repair the laptop to specifications and return to the City of Fayetteville.



MOTOROLA
intelligence everywhere

5.4. **WARRANTY CLAIMS.** Before the expiration of the warranty period, Customer must notify Motorola in writing if Equipment or Motorola Software does not conform to these warranties. Upon receipt of such notice, Motorola will investigate the warranty claim. If this investigation confirms a valid warranty claim, Motorola will (at its option and at no additional charge to Customer) repair the defective Equipment or Motorola Software, replace it with the same or equivalent product, or refund the price of the defective Equipment or Motorola Software. Such action will be the full extent of Motorola's liability hereunder. If this investigation indicates the warranty claim is not valid, then Motorola may invoice Customer for responding to the claim on a time and materials basis using Motorola's current labor rates. Repaired or replaced product is warranted for the balance of the original applicable Warranty Period. All replaced products or parts will become the property of Motorola.

5.5. **ORIGINAL END USER IS COVERED.** These express limited warranties are extended by Motorola to the original user purchasing the Products for commercial, industrial, or governmental use only, and are not assignable or transferable.

5.6. **DISCLAIMER OF OTHER WARRANTIES.** THESE WARRANTIES ARE THE COMPLETE WARRANTIES FOR THE EQUIPMENT AND MOTOROLA SOFTWARE PROVIDED UNDER THIS AGREEMENT AND ARE GIVEN IN LIEU OF ALL OTHER WARRANTIES. MOTOROLA DISCLAIMS ALL OTHER WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

Section 6 DELAYS

Neither party will be liable for its non-performance or delayed performance if caused by a Force Majeure. Each party will notify the other if it becomes aware of any Force Majeure that will significantly delay performance. The notifying party will give such notice promptly (but in no event later than fifteen days) after it discovers the Force Majeure. If a Force Majeure occurs, the parties will execute a change order to extend the performance schedule for a time period that is reasonable under the circumstances.

Section 7 DEFAULT AND TERMINATION

If a party fails to perform or otherwise breaches a material obligation under this Agreement, the other party may consider the non-performing party to be in default, unless a Force Majeure causes such failure. If the performing party asserts a default, it will give the non-performing party written and detailed notice of the default; and the non-performing party will have thirty days thereafter either to dispute the assertion or provide a written plan to cure the default that is acceptable to the performing party. If the non-performing party provides a cure plan, it will begin implementing the cure plan immediately after receipt of the performing party's approval of the plan. If the non-performing party fails to cure the default, the performing party may terminate any unfulfilled portion of this Agreement and recover damages as permitted by law and this Agreement.

Section 8 LIMITATION OF LIABILITY

This limitation of liability provision shall apply notwithstanding any contrary provision in this Agreement. Except for personal injury or death, Motorola's total liability, whether for breach of contract, warranty, negligence, strict liability in tort, indemnification, or otherwise, will be limited to the direct damages recoverable under law, but not to exceed the price of the Equipment, Software, or services with respect to which losses or damages are claimed. **ALTHOUGH THE PARTIES ACKNOWLEDGE THE POSSIBILITY OF SUCH LOSSES OR DAMAGES, THEY AGREE THAT MOTOROLA WILL NOT BE LIABLE FOR ANY COMMERCIAL LOSS; INCONVENIENCE; LOSS OF USE, TIME, DATA, GOOD WILL, REVENUES, PROFITS OR SAVINGS; OR OTHER SPECIAL, INCIDENTAL, INDIRECT, OR CONSEQUENTIAL DAMAGES IN ANY WAY RELATED TO OR ARISING FROM THIS AGREEMENT, THE SALE OR USE OF THE EQUIPMENT OR SOFTWARE, OR THE PERFORMANCE OF SERVICES BY MOTOROLA PURSUANT TO THIS AGREEMENT.** This limitation of liability will survive the expiration or termination of this Agreement. No action for breach of this Agreement or otherwise relating to the transactions

contemplated by this Agreement may be brought more than one year after the accrual of such cause of action, except for money due upon an open account.

Section 9 PRESERVATION OF MOTOROLA'S PROPRIETARY RIGHTS

9.1. Motorola owns and retains all of its Proprietary Rights in the Equipment and Software. The third party manufacturer of any Equipment and the copyright owner of any Non-Motorola Software own and retain all of their Proprietary Rights in the Equipment and Software. Nothing in this Agreement is intended to restrict the Proprietary Rights of Motorola, any copyright owner of Non-Motorola Software, or any third party manufacturer of Equipment. All intellectual property developed, originated, or prepared by Motorola in connection with providing to Customer the Equipment, Software, or related services remain vested exclusively in Motorola, and this Agreement does not grant to Customer any shared development rights of intellectual property. This Agreement does not involve any Software that is a "work made for hire."

9.2. Except as explicitly provided in the Software License Agreement, nothing in this Agreement will be deemed to grant, either directly or by implication, estoppel, or otherwise, any right, title or interest in Motorola's Proprietary Rights. Concerning both the Motorola Software and the Non-Motorola Software, Customer agrees not to modify, disassemble, peel components, decompile, otherwise reverse engineer or attempt to reverse engineer, derive source code or create derivative works from, adapt, translate, merge with other software, reproduce, or export the Software, or permit or encourage any third party to do so.

Section 10 GENERAL

10.1. TAXES. The Purchase Price does not include any amount for federal, state, or local excise, sales, lease, service, rental, use, property, occupation, or other taxes, assessments or duties (other than federal, state, and local taxes based on Motorola's income or net worth), all of which will be paid by Customer except as exempt by law. If Motorola is required to pay or bear the burden of any such taxes, Motorola will send an invoice to Customer and Customer will pay to Motorola the amount of such taxes (including any applicable interest and penalties) within twenty (20) days after the date of the invoice. Customer will be solely responsible for reporting the Equipment for personal property tax purposes.

10.2. ASSIGNABILITY. Neither party may assign this Agreement without the prior written consent of the other party, except that Motorola may assign this Agreement to any of its affiliates or its right to receive payment without the prior consent of Customer.

10.3. SUBCONTRACTING. Motorola may subcontract any portion of the work, but such subcontracting will not relieve Motorola of its duties under this Agreement.

10.4. WAIVER. Failure or delay by either party to exercise any right or power under this Agreement will not operate as a waiver of such right or power. For a waiver of a right or power to be effective, it must be in writing signed by the waiving party. An effective waiver of a right or power shall not be construed as either (i) a future or continuing waiver of that same right or power, or (ii) the waiver of any other right or power.

10.5. SEVERABILITY. If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement.

10.6. INDEPENDENT CONTRACTORS. Each party shall perform its activities and duties hereunder only as an independent contractor. The parties and their personnel shall not be considered to be an employee or agent of the other party. Nothing in this Agreement shall be interpreted as granting either party the right or authority to make commitments of any kind for the other. This Agreement shall not constitute, create, or in any way be interpreted as a joint venture, partnership or formal business organization of any kind.

10.7. HEADINGS AND SECTION REFERENCES; CONSTRUCTION. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers. This Agreement will be fairly interpreted in accordance with its terms and conditions and not for or against either party.

10.8. GOVERNING LAW. This Agreement and the rights and duties of the parties will be governed by and interpreted in accordance with the laws of the State in which the System is installed.

10.9. ENTIRE AGREEMENT. This Agreement, including all Exhibits, constitutes the entire agreement of the parties regarding the subject matter hereof and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to such subject matter. This Agreement may be altered, amended, or modified only by a written instrument signed by authorized representatives of both parties. The preprinted terms and conditions found on any Customer purchase order, acknowledgment or other form will not be considered an amendment or modification of this Agreement, even if a representative of each party signs such document.

The parties hereby enter into this Agreement as of the dates set forth below.

Motorola, Inc.

Customer

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Exhibit A
Software License Agreement

Software License Agreement

Motorola, Inc., a Delaware corporation, through its Commercial, Government, and Industrial Solutions Sector ("Motorola" or "Licensor") and _____ ("Licensee"), hereby enter into this Software License Agreement ("Agreement"). Motorola and _____ are each authorized to execute this Agreement on behalf of the other. For good and valuable consideration, the parties agree as follows:

Section 1 SCOPE

Licensor will provide proprietary software and/or radio communications, computer, or other electronic products ("Products") containing embedded or pre-loaded proprietary software to Licensee. All such software that is owned by Motorola is referred to as "Software." Product and Software documentation that specifies technical and performance features and capabilities, and the user, operation and training manuals for the Software (including all physical or electronic media upon which this information is provided) are collectively referred to as "Documentation." This Agreement contains the terms and conditions pursuant to which Licensor will license, and Licensee may use, the Software and Documentation.

Section 2 GRANT OF LICENSE

Licensor hereby grants to Licensee a personal, non-transferable (except as permitted in Section 8 below), and non-exclusive license under Licensor's applicable proprietary rights to use the Software and related Documentation for the purposes for which they were designed and in accordance with the terms and conditions of this Agreement. The license granted authorizes Licensee to use the Software only in object code format and does not grant any rights to source code.

Section 3 LIMITATIONS ON USE

3.1. Licensee may use the Motorola Software only for Licensee's internal business purposes and only in accordance with the Documentation. Any other use of the Software is strictly prohibited. Licensee may not for any reason modify, disassemble, peel components, decompile, otherwise reverse engineer or attempt to reverse engineer, derive source code, create derivative works from, adapt, translate, merge with other software, copy, reproduce, or export any Software or permit or encourage any third party to do so, except that Licensee may make one copy of Software provided by Licensor to be used solely for archival or back-up purposes. Licensee must reproduce all copyright and trademark notices on all copies of the Software and Documentation.

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Licensee
Attn: _____

Licensor
Attn: _____

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In witness whereof, the parties have caused duly authorized representatives to execute this Software License Agreement on the dates set forth below.

Motorola, Inc. (Licensor)

(Licensee)

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

City Of Fayetteville

STAFF REVIEW FORM - FINANCIAL OBLIGATION

Description _____ Meeting Date July 1, 2003

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TRANSFER OF FUNDS IN THE AMOUNT OF FIFTEEN THOUSAND TWO HUNDRED THIRTY-TWO DOLLARS (\$15,232.00) TO THE OZARK REGIONAL TRANSIT AUTHORITY FOR THE PURPOSE OF OFFSETTING A DRASTIC INCREASE IN INSURANCE PREMIUMS; AND APPROVING A BUDGET ADJUSTMENT IN THAT AMOUNT FOR SAME.

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 transfer of funds in the amount of Fifteen Thousand Two Hundred Thirty-Two Dollars (\$15,232.00) to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the above amount for same.

PASSED and APPROVED this 1st day of July, 2003.

APPROVED

By

DAN GOODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody and Members of Fayetteville City Council

**From: Hugh Earnest
Chief Administrative Officer**

Date: June 13, 2003

Subject: Additional Funding for Ozark Regional Transit

Background

One of the regional successes over the past two years has been the improved operation of Ozark Regional Transit. This success was made possible by the assumption of the management and operation of the service by a newly formed Regional Transit Authority covering the counties of Benton, Carroll, Madison and Washington Counties and the cities of Bentonville, Fayetteville, Rogers and Springdale. The Authority had the foresight to employ a professional management firm to operate the system. The support from the Mayor and Council in contributing our assets (our trolleys and Vans) and over \$130,000 in fiscal support has enabled the Authority to establish a much improved, but still very basic, fixed-route system. In addition, an excellent working relationship has been established with Razorback Transit. Their willingness to assume responsibility for a fixed route and working with management on transfer points has been invaluable. Finally, this regional system operates a very extensive and efficient Para-Transit service across the service area. We have attached a copy of the ridership numbers through April which reflect the growth in usage in Fayetteville.

Current Situation

Despite the improvements in operation and management, the reality remains that public transit systems are expensive to operate and have had historical difficulty in achieving increases in public ridership. This particular system is no exception. In addition, the costs associated with certain aspects of the operation have shown recent rapid increases.

One such area is Insurance. The results of the recent bid process for insurance coverage reflected an increase of over 100%. We have attached a letter from Judge Jerry Hunton,

City of Fayetteville
Tree Preservation Plan Review Form

Project: Butterfield Trail Village

Developer: Butterfield Trail Village

Location Address: 19233 Joyce Boulevard

Engineer: CEI Engineering

This form shall stand as a: ☐ Initial Review/Letter of Confirmation
☒ Recommendation to Planning Commission or City Council
☐ Final Administrative Determination*

Submittal requirements met:

☐ Initial Review ☒ Site Analysis ☐ Analysis Report ☒ Tree Preservation Plan
Comments: _____

Canopy measurements:

% Tree Canopy Required to be Preserved
Land Use R-2
%To be Preserved 20%

Total Area of Existing Tree Canopy:
Acres: 9.79
Square Feet: 300,422 sf
% of Total Site Area: 15.7%

Total Area of Site:

Acres: 45.73 acres
Square Feet: 1,992, 074 sf

Existing Tree Canopy Preserved:

Acres: 9.15
Square Feet: 292,470.
% of Total Site Area 15.35%

Mitigation/Off Site Alternatives Requested: ☒ Yes ☐ No
☒ On-Site Mitigation ☐ Off-Site Preservation ☐ Off-Site Forestation ☐ Tree Fund
Tree Preservation Criteria Met: ☒ Yes ☐ No (See back for criteria list and comments)

Applicant's Plan: ☒ Approved ☐ Disapproved ☐ Conditionally Approved

Conditions of Approval:

7,952 sf is to be mitigated by way of 31 (2" caliper) on-site replacement trees. Prior to building permit approval, please provide a landscape plan that shows the location and species for Mitigation trees.

Signed: _____

_____, the Landscape Administrator, date

7-15-03

Criteria used by Landscape Administrator to evaluate Tree Preservation Plan:

1. The desirability of preserving a tree or group of trees by reason of age, location, size or species.
Comments Three significant trees exist in the location of the building and is proposed for removal. Whether the design incorporates the required Tree Preservation Priorities.

Comments *The building location is tied to the need for services and the connection to the existing building.*

2. The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

Comments *Minor - due to the extent of landscaping installed throughout the complex.*

3. 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.

Comments *Minor - due to the extent of landscaping installed throughout the complex.*

4. Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

Comments *Additional efforts or proof that such is not feasible is required for approval.*

5. Whether the size or shape of the lot reduces the flexibility of the design.

Comments *Yes, there is a specific reason for this unit to be attached to the existing facility.*

7. The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

Comments *Fair to good*

8. The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

Comments *Trees shown for removal are those that existing in this open space near existing buildings. The location of the proposed structure is tied to the services provided in those existing buildings which override the possibility of locating the proposed structure elsewhere.*

9. The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

Comments *N/A*

10. Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

Comments *The project is utilizing existing roads and utilities.*

11. Construction requirements for On-Site and Off-Site Alternatives.

Comments *N/A*

12. The effects of proposed On-Site Mitigation or Off-Site Alternatives.

Comments *N/A*

13. The effect other chapters of the UDO, and departmental regulations have on the development design.

Comments *N/A*

14. The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.

Comments *N/A*

15. The impact a substantial modification or rejection of the application would have on the Applicant.

Comments

*An appeal may be filed against a Final Administrative Determination in accordance with Chapter 155 of the Unified Development Ordinance. City Landscape Administrator determinations/decisions may be appealed by any person aggrieved to the Planning Commission within 10 business days. Recommendations go straight to Planning Commission, thus no formal appeal is necessary for recommendations.

City of Fayetteville
Tree Mitigation Form

Project: Butterfield Trail Village

Developer: Butterfield Trail Village

Location Address: 19233 Joyce Boulevard

Engineer: CEI Engineering

It is required that this form be submitted concurrently with the Tree Preservation Plan if mitigation of any kind is sought.

Canopy measurements:

% Tree Canopy:

Required to be Preserved 20%

Total Area of Existing Tree Canopy:

Acres:

Square Feet: 300,422 sf

% of Total Site Area: 15.7%

Total Area of Site:

Acres: 43.94

Square Feet: 1,913,983 sf

Existing Tree Canopy Preserved:

Acres:

Square Feet 292,470

% of Total Site Area 15.35%

Amount of Preservation Requirement Requested for Mitigation:

Acres:

Square Feet: 7,952 sf

% of Total Site: 0.35%

Type of Mitigation Pursued:

☒ On Site Mitigation ☐ Off Site Preservation ☐ Off Site Forestation ☐ Tree Fund

List Mitigation Species, Caliper, and Quantity of trees to be planted in the space below. Refer to table and on back for figuring quantity and caliper sizes.

Species	Caliper	Qty.

Amount proposed to be deposited in the City of Fayetteville Tree Fund:
\$

Mitigation Proposal: ☐ Approved ☐ Disapproved

Signed: Kim J. Dese, Landscape Administrator, 4-14-03 Date

Tree Mitigation Base Density/Off Site Alternatives

When preservation cannot be accomplished and existing canopy is to be removed below minimum canopy requirements, mitigation is required. Before any Mitigation/Off-Site Alternatives are carried out, approval must be granted by the Landscape Administrator. When mitigation is an issue a mitigation form, available from the Landscape Administrator, detailing all proposed actions should be submitted with the Tree Preservation Plan. Mitigation and reforestation densities, preferred species, spacing, and amounts are determined by the tables below.

Caliper of Replacement Tree	Existing High Priority Canopy Proposed For Removal		Existing Mid-Level Priority Canopy Proposed For Removal		Existing Low Priority Canopy Proposed For Removal	
	Required # of trees per acre removed	Density Factor	Required # of trees per acre removed	Density Factor	Required # of trees per acre removed	Density Factor
2"	200	218sf	150	290sf	100	436sf
1 1/2"	230	190sf	173	252sf	115	380sf
1"	250	175sf	188	232sf	125	350sf

*The Density Factor is a ratio of canopy removed to number of trees replaced

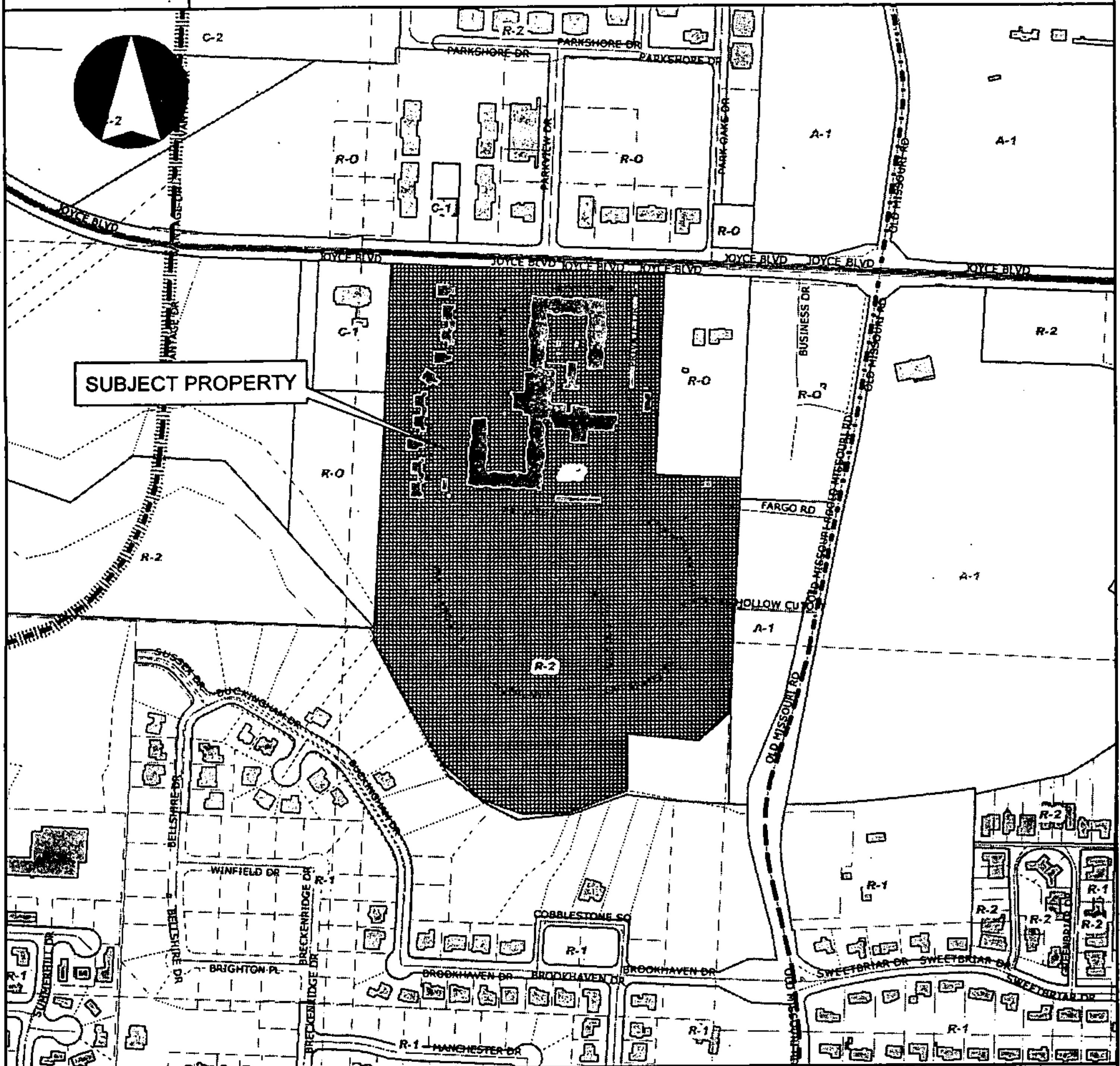
Here are the 5 simple steps on how to calculate the size and number of trees needed for mitigation

1. Establish how many acres/square feet of canopy is proposed to be removed on site that falls below the minimum canopy requirement
7,952 sf
2. Establish the Priority type of the canopy proposed to be removed.
High = 3050
Mid = 4902
3. Select what caliper of mitigation trees are going to be used. Note: Contact Nurseries to confirm caliper availability in the species desired
2"
4. Refer to the table and find Density Factor that correlates with Canopy type removed and caliper size proposed for replacement.
5. Take Density Factor and divide by the square feet of canopy removed to get number of mitigation trees needed.
 $3050 / 218 = 14$ trees
 $4902 / 290 = 17$ trees
6. On-Site Mitigation is preferred over Off-Site Alternatives. Show the location and species of mitigation trees on the tree preservation plans and submit the Mitigation/Off-Site Alternatives form at time of submittal

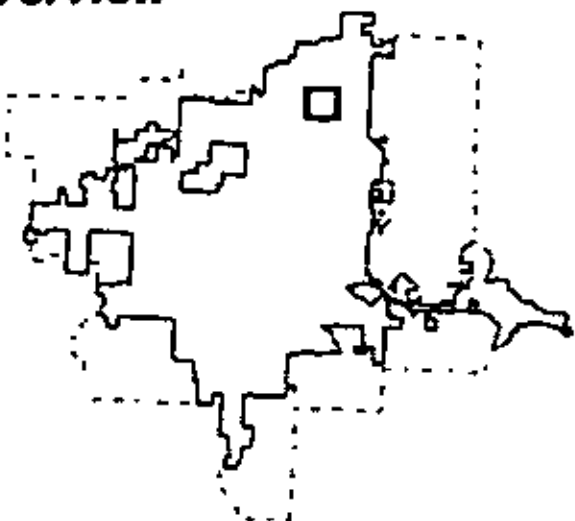
LSD03-15.00

Close Up View

BUTTERFIELD TRAIL VILLAGE



Overview



Legend

Subject Property

LSD03-15.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

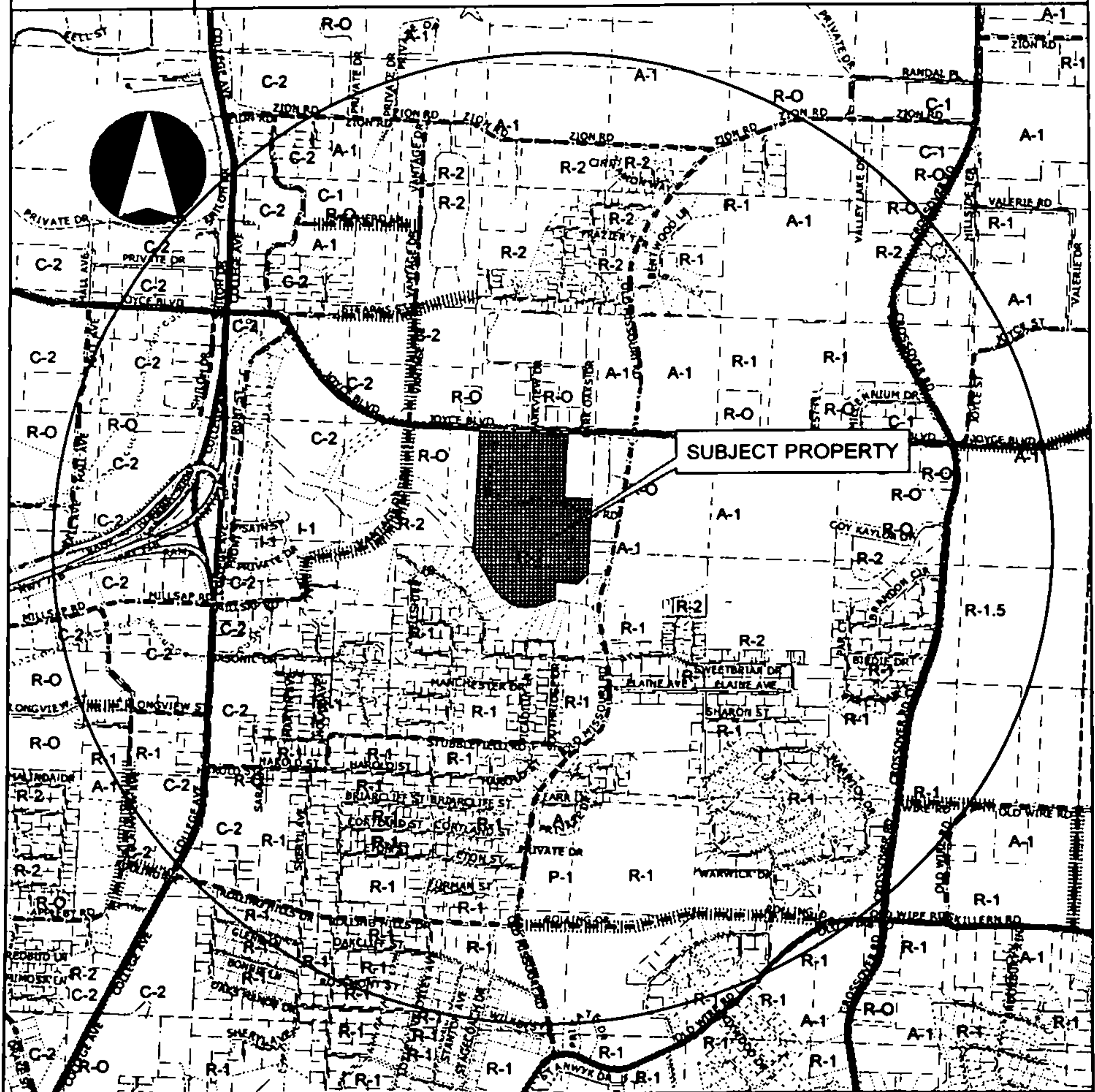
Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 175 350 700 1,050 1,400 Feet

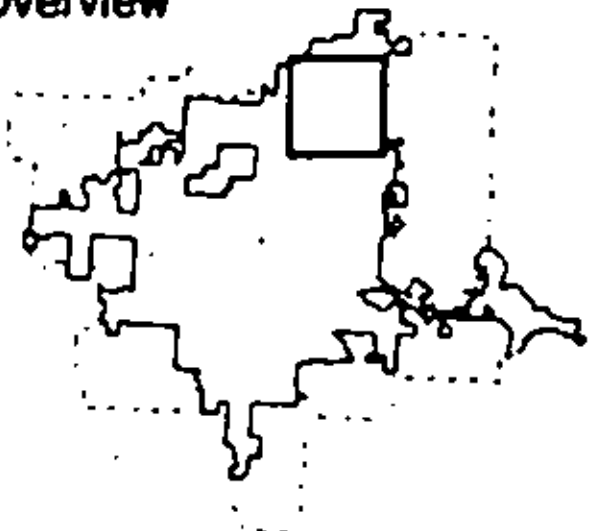
LSD03-15.00

BUTTERFIELD TRAIL VILLAGE

One Mile View



Overview



Legend

Subject Property

LSD03-15.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

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

May 27, 2003

Page 25

LSD 03-15.00: Large Scale Development (Butterfield Trail Village, pp 175) was submitted by Kevin Yates of CEI Engineering Associates, Inc. on behalf of Butterfield Trail Village for property located at 1923 Joyce Boulevard. The property is zoned R-2, Medium Density Residential and contains approximately 45.75 acres. The request is for the addition of a new 22,347 square foot Alzheimer's care unit with 34 additional parking spaces proposed.

Hoover: Moving on to item number six, the companion item, LSD 03-15.00 for Butterfield Trail Village. Jeremy?

Pate: Thank you Madam Chair. This proposal is for the expansion of that existing medical facility we just spoke of to include a 22,347 sq.ft. Alzheimer's care unit and the construction of a new parking lot with 41 spaces. Seven spaces are being removed with the expansion with a net gain of 34 spaces. The right of way being dedicated is 55' from centerline on Joyce Blvd. The applicant is requesting a lesser dedication which must be approved by the City Council. A letter and exhibit is included in your packet pertaining to that request. Tree preservation, existing is 15.7%, the preservation is 15.35%, mitigation will be 31 trees planted on site. Staff is recommending approval of this Large Scale Development subject to eight conditions of approval. 1) Fire hydrants shall be installed as required by Fire Code. 2) Planning Commission approval of a conditional use to allow for Use Unit 4, Cultural and Recreational Facilities in an R-2 zoning district. 3) The required bicycle parking racks shall be u-shaped as required by ordinance. 4) Fifty-five feet from centerline shall be dedicated along Joyce Boulevard. Items five through eight are standard conditions of approval.

Hoover: Can the applicant go ahead and give us a presentation of your Large Scale Development including your elevations?

Yates: Kevin Yates with CEI Engineering and I have Steven Jones here with Miller, Boskus Lack Architects. He is the architect on the project. We are fine with all of the issues that you have except for the right of way dedication. The reason being there is they have some really nice trees and a wood fence along that frontage along Joyce. We had marked with some orange flagging and asked that you guys go by and tour this on your agenda session to have a look at if we gave that right of way and the improvements did happen how they would affect those trees and that fence in that area. In the letter I prepared to you I showed you where the principal arterial section does allow for the use of a minor arterial section.

Hoover: I am sorry, we are looking for the letter.

Warrick: They were distributed at your places this evening. They should be in front of you as additional information.

Hoover: Thank you. Please continue on.

Yates: Yes Ma'am. The principal arterial section does make an allowance for when right of way is unattainable the minor arterial four lane section may be used with a 90' right of way verses the 110' required for the principal arterial. What we would like to request is in our consideration for reduction of this right of way requirement is to allow us to dedicate to that fence, which would be 43' approximately from centerline of the existing street and if we could reduce that 10' greenspace between the sidewalk and the back of curb to 7' that would make that function as far as that section allowing that greenspace fencing and trees to remain. It is like 23' wide between the fence and their parking that is on site at this point. It is just those are really nice trees and the people at Butterfield Trail Village would like to keep that look up. I understand that the improvements aren't planned in the near future but if they did happen and the right of way was there they would more than likely be taken out.

Hoover: Thank you Kevin. Would you like to go ahead and go through the commercial design guidelines with your elevations?

Warrick: This is actually a residential development because it is residential in nature we don't consider this applicable for commercial.

Yates: As far as our elevations and looks, if you are aware of the Butterfield Trail Village buildings that are out there now it will be a rock veneer with wood shake shingles. It is a real similar look. In fact, I think they are going to be able to use the same quarry in the rock to get the similar look on the building.

Anthes: Whether or not we are considering it I would like to thank Miller, Boskus, Lack for doing such a good job with the packet and including it anyway. Thank you.

Hoover: I am going to open it to the public now. Is there anyone that would like to address this LSD 03-15.00 for Butterfield Trail Village? Seeing none, I will bring it back to the Commissioners and the applicant. Right of way discussion?

Estes: I am reluctant to give up the right of way. The reason is if the city needs it back they are going to have to pay for it. We are giving it away today and they are going to have to buy it back at some time in the future. That doesn't make any economic good sense to me. As stewards and as

servants of the community I think we need to, I know we need to think about that. To give away property of substantial value today anticipating that perhaps at some time in the future there will be a need for it and then we will have to pay for it is not good stewardship on our part and I am just not willing to do that. You know there has been the improvement to the north side of the street, the sidewalk improvement. There are other needs, something has got to be done with Zion. This isn't even on the radar screen but if 30 years or 40 years or 20 years from now it is I don't want somebody getting a hold of me and saying why did you give it away back in May, 2003 and now we're having to pay 5.5 million dollars to get it back.

Yates: May I respond?

Hoover: Yes please.

Yates: I believe you make a good point there as far as your responsibility in looking out for that but I think we gave you an option here to meet the requirement as far as making this function with a minor arterial section and right of way there. That is actually in place as far as the street section right now. I think the trees and the fencing there that falls within the guidelines the Planning Commission likes to go for as far as maintaining those nice mature trees and the greenspaces and everything and that is what we are looking for here. This is a home to all of these folks and if you take those trees away just imagine what it is going to be like with no screening or anything to Joyce Blvd. there being a busy street as it is and I would just like you to take that into consideration.

Estes: If we give it to you tonight will you give it back when we ask for it? That seems fair to me.

Yates: I really can't answer that. I would like to forward that on to Mr. Honeycutt here with Butterfield Trail Village.

Honeycutt: I am Don Honeycutt, I represent the Butterfield Trail Village Board. We were trying to keep our beautiful landscape front there as far as, it has been there for about 17 or 18 years now. Trees are getting to be pretty big. In another five or ten years they will be much bigger. It would be a shame I think to lose the whole front there at any point. If we have room now with this way to get an extra lane I feel like that would be enough property to give that lane and that is what we would be asking for.

Estes: If we give it to you tonight will you give it back to us when we ask for it?

Honeycutt: What do you mean, the tree line?

Estes: Your ordinance requires right of way dedication 55' from centerline on Joyce and you are asking for what?

Honeycutt: 45'.

Yates: We are asking to reduce it. Right now currently there is approximately 40' and we are asking to go ahead and give 43' up to the fence which would be 2' shy of the minor arterial section which if the right of way is unattainable you are allowed to use that section verses a principal arterial, which is the 20' reduction in right of way requirement. We would be within 2' and I think we can make that function by giving in that greenspace in that section a little bit. Complementing the fact we have a huge greenspace on the other side of it. Granted that is for separation from traffic but 7' or 10' you know, you still have got pretty good separation there.

Estes: If we give it to you tonight when we want it back will you give it to us or are you going to make us pay for it?

Honeycutt: I can't make that determination. We have a board meeting tomorrow night that we can bring a proposal like that up with the board.

Estes: Mr. Williams is such a thing permissible?

Williams: I would doubt that the board could really commit to that at this point in time without a deed to the city. I don't think the City Council would go along with a reduction. It is my understanding the City Council would also have to approve this. Dawn, is that correct if it is a lesser dedication?

Warrick: Yes.

Williams: What I would like to assure you, and my parents live there as you know so I am well acquainted with Butterfield Trail and it is certainly a nice development, the city is not about to go out and knock down all of those trees. On the other hand I also don't think the city is going to approve a lesser dedication for one of its principal arterials. As you know on the Master Street Plan Joyce is the northern most through way through the city and I don't think that they are going to approve a lesser dedication even than a minor arterial would require for a street that has got tremendous traffic and only going to have more traffic in the future. I think Mr. Estes' point is well taken. On the other hand, I want to assure you that there is nothing in the Capital Improvements Project list that I have seen anywhere in the near future to do anything that would, in fact, endanger those trees.

Honeycutt: As I say, still, I couldn't release that until the Board approved it, the Butterfield Trail Board. I think the offering that we have here would give the additional lane that would be required probably for turning. It would just eliminate the width because the section shows a 20' boulevard down the middle of that section, which I wouldn't see as working there because there are so many drives to turn in and out of you would eliminate that whole boulevard there in a center lane for turning and that is what we need the full length of Joyce is a turning lane so you can get out and get on the other side. The boulevard in the center of that section would not work there I don't believe. I would refer maybe to the Hwy. 265 that went through where a boulevard was proposed there and that didn't go through with the Highway Department. There is where I think we can make up the difference and pull those boundaries in from 55' and still get that additional lane. You see the tree section in the center of that boulevard?

Estes: Yes.

Honeycutt: What we are in effect doing is eliminating that and making a turn lane down through there and putting the greenspace on the outside of it where our trees are. If I am correct we are going to have to go to the board to get this approved. We were just trying to get some comments from the Planning Commission as far as preserving the landscaping that we have and any comments that you have positive or negative. It looks like we have some negatives but I don't, we're not asking or trying to say that we will do this, because we will be appealing it to the board. That is the way the ordinance reads isn't it?

Warrick: Yes.

Hoover: Are there any other comments?

Ostner: I would agree with Commissioner Estes that I am reluctant to narrow or to lessen our right of way dedication. Part of the point is trying to be consistent with other developments along this street and if we give it to you we've got to give it to them and suddenly we have reduced our area to expand and serve traffic. I understand the reasoning on the lane issue. However, in right of ways we bury all kinds of stuff. We bury storm drains, sewers, water and electric. We might bury nothing but I am inclined to suggest the more trees get planted inward and in 30 years if we have to expand they are already grown. I don't know of a better solution.

Honeycutt: We've got some parking that would be interfering with that right now if you look at the plan. There is a whole line of parking right next to the building itself. I don't know how many spaces. It is between the main

entrance there to Butterfield and the east entrance. There is a service drive that comes in for the parking right there which to get the same amount of landscaping we would be eliminating that whole drive right through there.

Hoover: Are there any other comments?

Bunch: Regardless of what the dedication of the right of way is or even if the right of way dedication is not reduced, that does not mean that the design parameters that were discussed by the applicant could not be achieved within regardless of whether it was a smaller dedication or larger dedication. It is the same design theme as a reasoning for the smaller dedication could still be used with the larger dedication.

Yates: That is true. We just wouldn't have the assurance at this time that those trees would be protected because you might not be here to give guidance in that. If that was your intent now and we gave that right of way someone else 10 years down the road had the authority to come in and build that road they might not realize what your intent was and come through and just take all the trees out. That is where we would be reluctant as far as the additional right of way with the less design scheme.

Bunch: I definitely appreciate your concerns because this is the same kind of issue that gave us North College, the removal of trees in the right of way and that sort of thing to create access. There is another part of this. Dawn, you might can help me. Did we get the 30% over and under parking for this type of project?

Warrick: That is permitted.

Bunch: I noticed that you were speaking of parking in relation to this and you were showing 455 required and even with the additional parking only coming up to 363, is that taking into account the 30% under?

Yates: The required that is shown does not take into account the 30% under. We fall into compliance if you take that into account.

Bunch: The 30% under would bring you down to about 319?

Yates: Yes Sir.

Bunch: Ok.

Vaught: I would agree with Commissioner Estes also on this right of way issue. In 20 years no matter if we lessen the dedication or not, if we need the land the city will get it and tear down the trees. It is a matter of if we are going

May 27, 2003

Page 31

to pay for it in 20 or 30 years or whether we have it dedicated now. No matter which way we go when we need to expand Joyce we will expand Joyce I think. That is the issue to me. It is not a protection of the trees because no matter which way we go they would be in jeopardy. I would be against lessening the right of way for the same reasons physically for the city having to come up with the money in 20 or 30 years.

Bunch: In 20 or 30 years as the applicant discussed, those trees will be quite sizeable and I think unless our tree ordinance changes in that 30 years would be listed as significant trees and there would have to be a replacement for them and there would have to be considerable mitigation so that would definitely be a consideration when all of us are gone as to what happens to those trees within that right of way.

Honeycutt: Another comment about that is we have had discussions about the cost of redoing the landscaping that we have done there if that is taken in as right of way who pays for that if we have to go inward to get it. That is another discussion that we have had at Butterfield Trail.

Hoover: Dawn, would you address that?

Warrick: At this time no additional landscaping would be required beyond what the Large Scale proposes. If any additional landscaping were proposed or desired by the applicant then that would be your option.

Honeycutt: If the widening went into effect then we would lose the line of trees and landscaping and we wouldn't have any room really to put anything along where this parking is that is on the east side there. It would be like the north side of the street where we have got parking lot right up to the sidewalk is what it would look like and we are trying to shield Butterfield from its original landscape design by leaving that landscaped area in there. That is really our point that we would like to see.

Yates: I would like to repose this question. I think there may have been some misunderstanding. If the street improvements happen in the future and those trees are taken out and the mitigation was required because they are substantial trees, who would pay for that mitigation at that time I think is what Mr. Honeycutt's question was.

Warrick: If the trees were part of the city right of way and they were owned by the city and the city removed them then the city would be responsible for any replacement I believe would be the situation in the future.

Honeycutt: Replacement on the owner's property?

- Warrick: It would most likely be a replacement within the city right of way as it exists after the improvements.
- Hoover: Is there anymore discussion?
- Anthes: I guess I would like to reassure the applicant that no one on this Commission wants to see those trees town down.
- Honeycutt: I understand that, we are just trying to see if we feel like we can keep them.
- Anthes: We also appreciate that you came to us with a solution, not just a problem. I appreciate the street section. I hope we put it in a permanent file so when the street is redesigned your firm is hired to do the work and you can do that very section. For the reasons Commissioner Estes stated it is very difficult for us to say now that we will accept a lesser dedication knowing that in the future we will have to pay for it and knowing that in the future we can design to a standard such as you suggested. That said, I believe I would have to concur with the other comments of the Commissioners this evening.
- Honeycutt: One other question I have, is the full 55' taken all up and down Joyce now?
- Warrick: All along the front property line of the subject property.
- Honeycutt: On the north side?
- Warrick: I don't know if the full 55' exists along the north side. That is a vacant piece of property and when we look at a development on that if it has not been dedicated. There is a portion of that that is undeveloped. Any of the property that has been developed since the Master Street Plan went into affect in 1995 is subject to the right of way dedication requirements. That is when the 55' from centerline was determined. The street sections that we are considering that the applicants provided are actually part of the city's General Plan and our Master Street Plan document. The city has the flexibility to work within those street sections when we are looking at developing new streets and improving or expanding existing streets. When we send those projects out to design or if we design them in house we do have those standards existing. Like I said, the flexibility is there to mitigate situations where you may not have the necessary right of way or there may be improvements such as these that the city desires to maintain if possible within the parameters of the existing right of way. There are possibilities to work around those trees. If we don't have the right of way

then we don't have anything to work around and we don't really have the options that may be available otherwise.

Hoover: Thank you Dawn. Is there any other discussion or motions?

MOTION:

Estes: I move for approval of LSD 03-15.00.

Hoover: There is a motion by Commissioner Estes, is there a second?

Allen: Second.

Hoover: A second by Commissioner Allen. Is there any other discussion? Seeing none, will you call the roll Renee?

Roll Call: Upon the completion of roll call the motion to approve LSD 03-15.00 was approved by a vote of 8-0-0.

Thomas: The motion carries eight to zero.

Hoover: Thank you.



CEI Engineering Associates, Inc
P.O. Box 1408, Bentonville, Arkansas 72712
(479) 273-9472 · Fax (479) 273-0844

CEI Engineers Appeal
Butterfield Trail Village
C. 1. Page 19

RECEIVED

JUN 06 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

TRANSMITTAL LETTER

Date: June 5, 2003

Distribution: RWR/File

To:	City of Fayetteville Planning 113 West Mountain Fayetteville, AR 72701 479-575-8323	Project:	Butterfield Trail Village
		CEI Project No.:	17793.0
		Reference:	Master Street Plan Appeal
Attn:	Ms. Sandra Smith		

We are sending you the following items:

☒ Attached Via: Hand Delivery

Copies:	Date:	No.:	Description:
11			Appeal of Master Street Plan Right-Of-Way Dedication Requirements
11			Site Pictures

These are transmitted:

- ☐ For Approval and Payment
☒ For Review and Comment
☒ Your Use

- ☐ For Bid Due / /
☐ As Requested
☐ _____

Signature: _____

Kevin R. Yates, P.E.

Title: Project Manager



Corporate Office: 3317 SW "I" Street • P.O. Box 1408 • Bentonville, AR 72712-1408 • (479) 273-9472 • (479) 273-0844

June 5, 2003

DISTRIBUTION:
RWR/File/Steven Jones/Don Hunnicutt

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

**RE: Appeal of The Master Street Plan Right of Way Dedication Requirements
Butterfield Trail Village
1923 East Joyce Blvd.
Fayetteville, AR 72701
CEI Project #17793.0**

Dear Chairperson:

Please except this letter as a formal request from Butterfield Trail Village (owner), for an appeal of the Master Street Plan Right of Way dedication requirements for the above referenced project. Please see the attached drawing Exhibit "A" Right of Way Dedication for clarification of the area in question. The master street plan classifies this section of Joyce Boulevard as a principal arterial, which requires a right of way of one hundred and ten feet in width as shown in Exhibit "B" Principal Arterial Section.

The existing right of way from centerline of street along this frontage is approximately forty feet in width. Approximately three feet beyond this existing right of way is a green space approximately twenty-three feet in width containing wood fencing and nice mature trees. In keeping with the City of Fayetteville's tree preservation principles and green space requirements the owner would like to consider other possible options to allow this green space to remain. The principal arterial section makes allowances for areas where sufficient right of way is unobtainable and allows the use of the minor arterial four-lane section to be used. With the use minor arterial four lane section the same number of lanes is provided and the green space is located as buffer along the Butterfield Trail Village frontage in the form of nice mature trees versus in the form of ornamental trees with in the median.

The minor arterial section requires a right of way section ninety feet in width as shown in Exhibit "C" Minor Arterial Section. The owner could dedicate an additional three feet of right of way totaling forty-three feet of the required forty-five feet of right of way for the owner's side of the street. The green space width in the minor arterial street section could be reduced to seven feet from ten feet, which would allow the existing green space with wood fencing and nice mature trees to remain.

We appreciate your time and consideration on this issue and if you have questions or require additional information, please do no hesitate to call.

Sincerely,

Kevin R. Yates, P.E.
Project Manager
Local Development/Public Works

See Attachments: Exhibits "A", "B", & "C"

JOYCE BLVD

PHYSICAL CENTERLINE

PROPOSED R.O.W. LINE

EXISTING R.O.W. LINE

55.00'

R.O.W.
DEDICATION

15684
BUTTERFIELD TRAIL VILLAGE, INC.
1923 E. JOYCE
FAYETTEVILLE, AR 72703
ZONING R-2

TRACT A 19.8 AC



NOT TO SCALE

OWNER/DEVELOPER

BUTTERFIELD TRAIL VILLAGE
1923 E. JOYCE BLVD.
FAYETTEVILLE, AR 72701
BOB BRENNAN
479-442-7220

16849-
VANTAG
VENTUR
C/O AR

INITIAL DESIGN

5-22-03

KRY

KRY

JK

JK

DATE

PRN

PM

DES

DRW

BUTTERFIELD TRAIL VILLAGE
NEW ALZHEIMER'S CARE UNIT



ENGINEERING
ASSOCIATES, INC

ENGINEERS

PLANNERS

SURVEYORS

3317 SW "I" Street
Bentonville, AR 72712

(479) 273-9472
FAX (479) 273-0844

JOB NO.: 17793.0
DWG NAME: EXHIBIT A

EXHIBIT "A" R.O.W. DEDICATION

DATE
06-05-03
10:50 AM

SHEET NO.
1 OF 1

FAYETTEVILLE

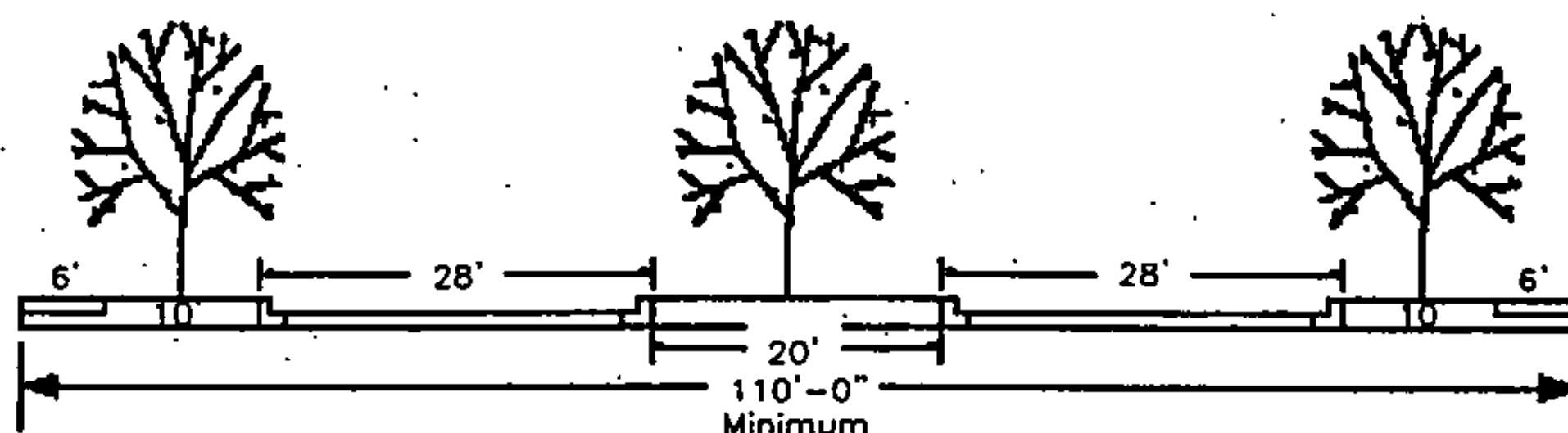
AR

REV-2

• PLANS AND POLICIES •

PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. In areas where sufficient right of way is unobtainable, the minor arterial four lane section can be used.

Design Service Volume:	17,600 vpd, 20,600 vpd with left turn bay
Speed:	40-45 mph
Traffic Lanes:	Four 12' travel lanes, 12' turn lanes possible at intersections and at frequent intervals
Parking Lanes:	None
Paved Width:	28' from back of curb each side of median
Right of Way:	At least 110'
Multi-use Trails:	Two at least 6' wide, at least 10' from curb
Median:	20' minimum if no turn bay. May be reduced to 8' to accommodate turn bays
Tree planting areas:	Two, at least 10' wide, in addition to the median



Principal Arterial

Exhibit "B"

Principal Arterial Section

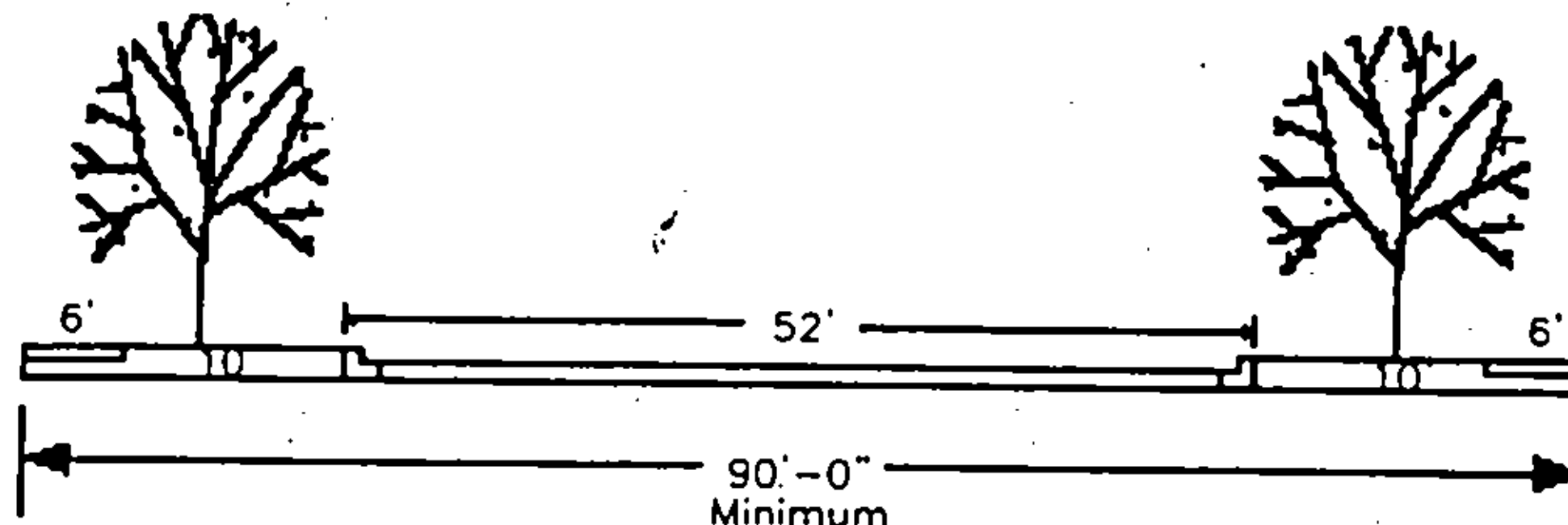
• PLANS AND POLICIES •

HISTORIC COLLECTOR provides traffic circulation within the historic and developed parts of central Fayetteville. This type of collector street recognizes the right-of-way limitations associated with developing in "built-out" areas of the city.

Design Service Volume:	4,000 vpd, 6,000 vpd with left turn bays
Speed:	25-30 mph
Traffic Lanes:	Two 11' travel lanes, 10' turn bays where warranted
Parking Lanes:	Two lanes provided. None when turn bay exists
Paved Width:	36' from back of curb
Right of Way:	At least 50'
Sidewalk	6'

MINOR ARTERIAL STREETS connect higher functional class facilities, etc. Residential frontage is strongly discouraged. Access should be from perpendicular local or residential streets.

Design Service Volume:	12,200 vpd, 14,800 vpd with left turn bays
Speed:	35-40 mph
Traffic Lanes:	Four 12' travel lanes, 11' turn lanes possible at intersections
Parking Lanes:	None
Paved Width:	52' from back of curb, 59' with turn lane
Right of Way:	At least 90'
Multi-use Trail:	Two at least 6' wide, at least 10' from curb
Tree Planting Areas	Two, at least 10' wide



Minor Arterial

Exhibit "C"

Minor Arterial Section

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

VAC. 03-1.00
Kim Scott
C. 2. Page 1 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

VAC 03-1.00 was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street, Fayetteville, Arkansas. The request is to amend Ordinance 4466 to vacate the entire 55' of 9th Street west of South School, north of Block 17, and south of Block 16 in the Ferguson's Addition.

STAFF RECOMMENDATION: Approval

Dawn Warrick
Division Head6/13/03
Date

Received in Mayor's Office

6/16/03
Date PHD. J. Whit
City Attorney6/16/03
Datestriking Section 3.Tom Lamb
Department Director6-13-03
Date

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

Yes

No

Stephen Lane
Finance & Internal Services Dir.6-16-03
DateRhugh E. Smith
Chief Administrative Officer6-17-03
DateDon Cady
Mayor6/17/03
Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 4466 TO VACATE AND ABANDON THE UNOPENED PORTION OF NINTH STREET, EAST OF SOUTH SCHOOL AVENUE, SOUTH OF LOTS 2 AND 8, BLOCK 16 AND NORTH OF LOTS 1 AND 24, BLOCK 17 IN THE FERGUSON ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, a petition was duly filed with the City Council of the City of Fayetteville Arkansas, on the 28TH day of December, 2002, asking the City Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Ferguson's Addition to the City of Fayetteville now appearing in the office of the Circuit Clerk of Washington County.

WHEREAS, after due notice as required by law, the council, has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Fayetteville, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

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

Section 2. A copy of the 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.

~~Section 3. This ordinance shall take effect and be in force from and after its passage.~~

³
Section 4. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in

Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

DRAFT

DRAFT

EXHIBIT "A"
VAC 03-1.00

BEGINNING AT A POINT WHICH IS 16 FEET EAST OF THE NORTHWEST CORNER OF LOT 24, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE NORTH 55 FEET, MORE OR LESS, TO THE SOUTH LINE OF LOT 2, BLOCK 16, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE EAST TO A POINT WHICH IS DUE NORTH OF THE NORTHEAST CORNER OF LOT 1, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE SOUTH 55 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 17, FERGUSON ADDITION, THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 17, FERGUSON ADDITION TO THE POINT OF BEGINNING.

DRAFT

CC Meeting of July 1, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
THRU: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director
DATE: June 12, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

On February 4, 2003 the City Council approved Ordinance # 4466 approving this vacation. However, at that time the legal description attached as Exhibit "A" was incorrect and only reflected the southern portion of 9th Street.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

The applicant has now become aware of the error in the legal description and is requesting that Exhibit "A" to Ordinance # 4466 be amended to reflect the entire 55' of 9th Street west of South School, north of Block 17 and south of Block 16 in the Ferguson's Addition being vacated and abandoned as reflected in the original petition to vacate and as reviewed and approved by the Planning Commission on January 13, 2003.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. 4466

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE AND ABANDON A SECTION OF 9TH STREET WEST OF SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council of the City of Fayetteville, Arkansas has the authority under A.C.A. §14-301-301 to vacate dedicated public streets and alleys which have not been actually used for five years; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas has determined that the following described dedicated street has not been actually used for five years and the owners of all abutting property have petitioned for or consented to this vacation; and

WHEREAS, the public interest and welfare will not be adversely affected by the abandonment of the alley; and

WHEREAS, the City Council has the additional 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 street is not required for corporate purposes; and

WHEREAS, the abutting owner has offered as an inducement to the City Council to approve the vacation of the street a Bill of Assurance to maintain, create, or improve green space on the 50-foot section nearest School Avenue.

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 street right of way:

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

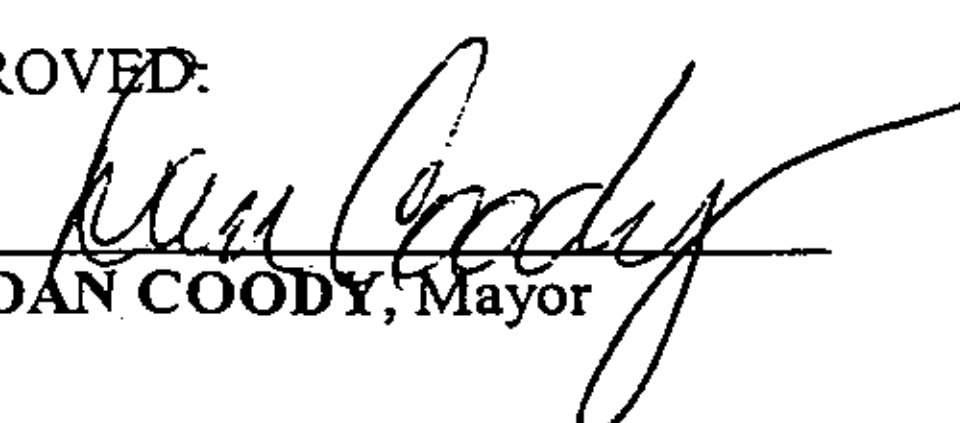
Section 2. That this vacation approval is subject to the Bill of Assurance offered by the petitioner.

Section 3. That 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 the 4th day of March, 2003.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


Sondra Smith, City Clerk



CC Meeting of February 4, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

No objections from the adjacent property owners have been submitted to the City.

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Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

PC Meeting of January 13, 2003

FAYETTEVILLE

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

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Planning Commission
January 13, 2003
VAC 03-1 AMC Land
Page 1.1

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above,

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date:

Comments: _____

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

**PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET
WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF
LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF
THE FERGUSON ADDITION.**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

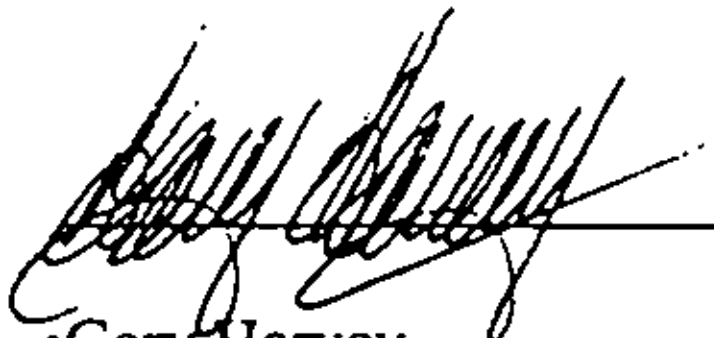
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

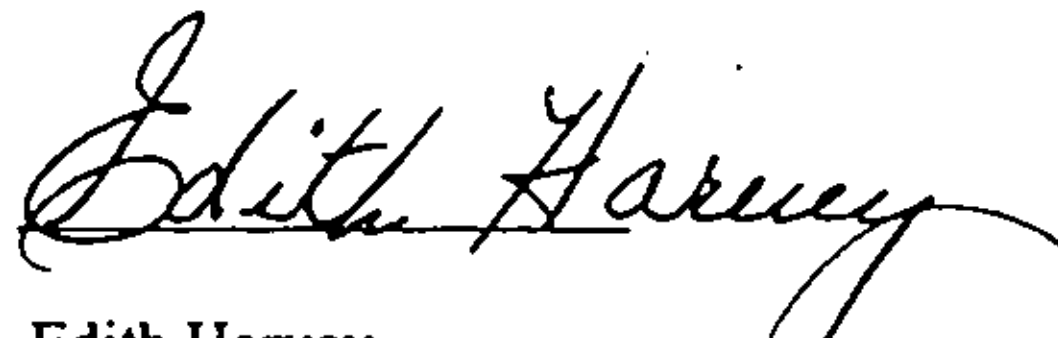
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easement of the public for the use of said street right-of-way.

Dated this 12th day of December, 2002.



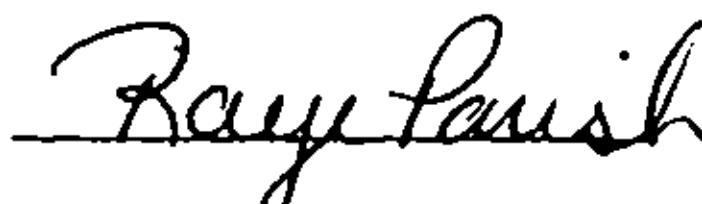
Gary Harvey



Edith Harvey



Randy Parrish



Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Ward: Second.

Planning Commission
January 13, 2003
Page 4

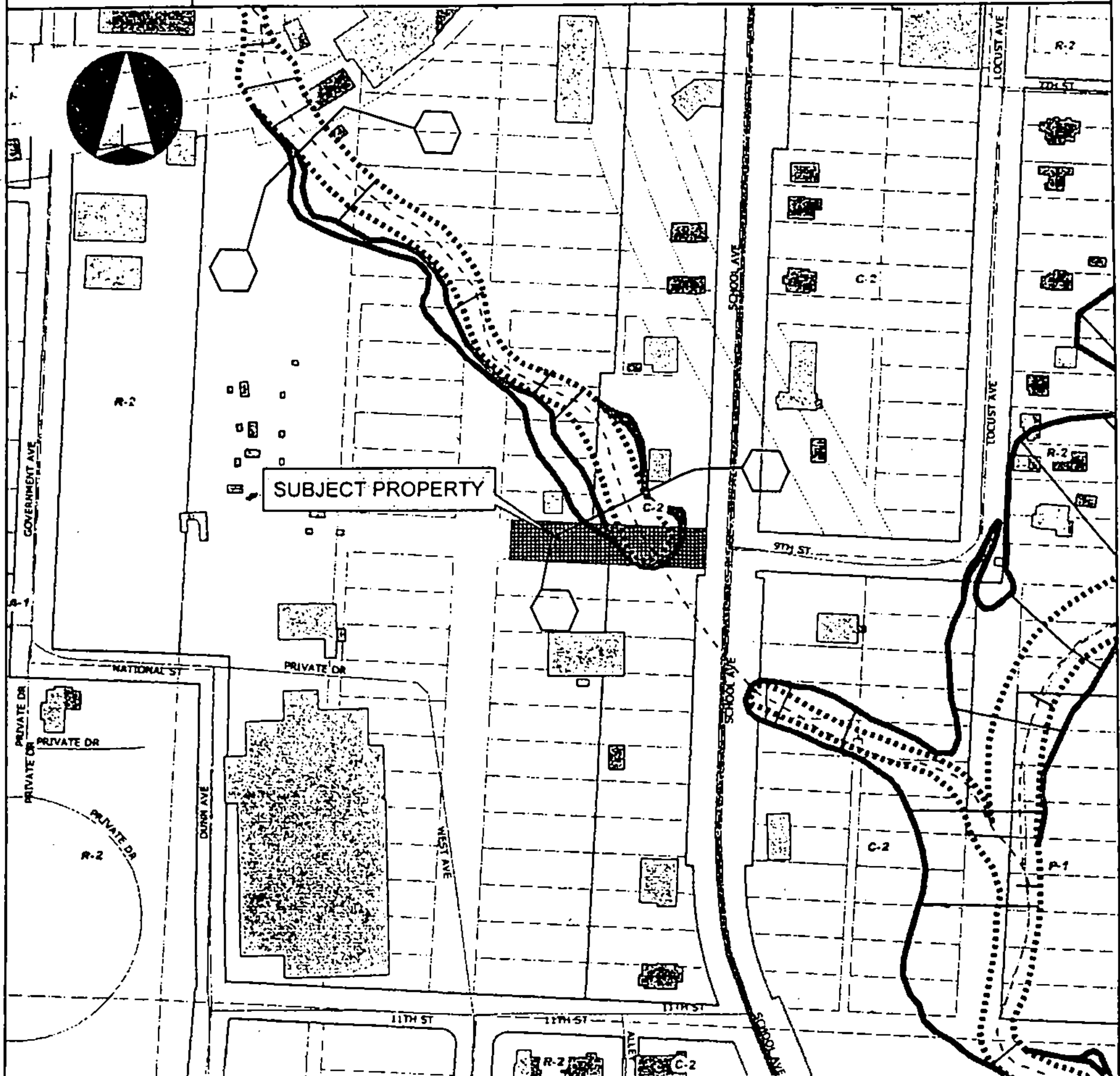
Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

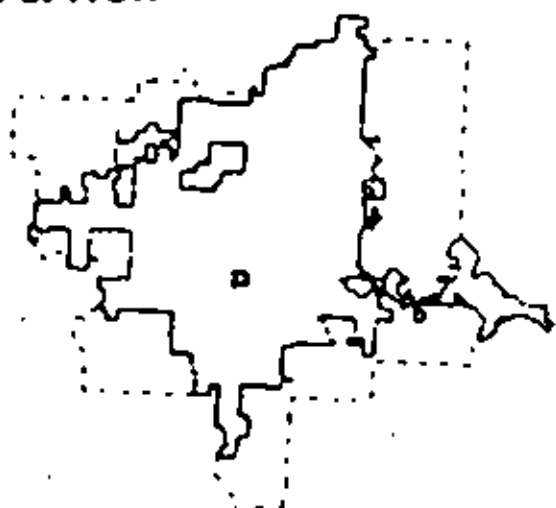
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend

Subject Property

VAC03-1.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 75 150 300 450 600 Feet

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

 x AGENDA REQUEST

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Dawn Warrick
Name

Planning
Division

CP&E
Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

VAC 03-1.00 was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street, Fayetteville, Arkansas. The request is to amend Ordinance 4466 to vacate the entire 55' of 9th Street west of South School, north of Block 17, and south of Block 16 in the Ferguson's Addition.

STAFF RECOMMENDATION: Approval

Dawn Warrick 6/13/03
Division Head Date

Received in Mayor's Office
Date

City Attorney Date

Tom Lamb 6-13-03
Department Director Date

Cross Reference:

Previous Ord/Res#: _____

Finance & Internal Services Dir. Date

Orig. Contract Date: _____

Chief Administrative Officer Date

Orig. Contract Number: _____

Mayor Date

New Item: Yes No

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 4466 TO VACATE AND ABANDON THE UNOPENED PORTION OF NINTH STREET, EAST OF SOUTH SCHOOL AVENUE, SOUTH OF LOTS 2 AND 8, BLOCK 16 AND NORTH OF LOTS 1 AND 24, BLOCK 17 IN THE FERGUSON ADDITION AS DEPICTED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, a petition was duly filed with the City Council of the City of Fayetteville Arkansas, on the 28TH day of December, 2002, asking the City Council to vacate and abandon all that portion of the street (or alley) designated on the plat of the Ferguson's Addition to the City of Fayetteville now appearing in the office of the Circuit Clerk of Washington County.

WHEREAS, after due notice as required by law, the council, has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the street or the portion thereof, hereinbefore described, has heretofore been dedicated to the public use as a street herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all the owners of the property abutting upon the portion of the street to be vacated have filed with the council their written consent to the abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the street.

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

Section 1. The City of Fayetteville, Arkansas releases, vacates, and abandons all its rights, together with the rights of the public generally, in and to the street designated as follows:

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

Section 2. A copy of the 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:

Section 3. This ordinance shall take effect and be in force from and after its passage.

Section 4. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendation as described in

Exhibit "B" attached hereto and made a part hereof.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
VAC 03-1.00

BEGINNING AT A POINT WHICH IS 16 FEET EAST OF THE NORTHWEST CORNER OF LOT 24, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE NORTH 55 FEET, MORE OR LESS, TO THE SOUTH LINE OF LOT 2, BLOCK 16, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE EAST TO A POINT WHICH IS DUE NORTH OF THE NORTHEAST CORNER OF LOT 1, BLOCK 17, FERGUSON ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AND RUNNING THENCE SOUTH 55 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LOT 1, BLOCK 17, FERGUSON ADDITION, THENCE WEST ALONG THE NORTH LINE OF SAID BLOCK 17, FERGUSON ADDITION TO THE POINT OF BEGINNING.

DRAFT

CC Meeting of July 1, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
THRU: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director
DATE: June 12, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

On February 4, 2003 the City Council approved Ordinance # 4466 approving this vacation. However, at that time the legal description attached as Exhibit "A" was incorrect and only reflected the southern portion of 9th Street.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

The applicant has now become aware of the error in the legal description and is requesting that Exhibit "A" to Ordinance # 4466 be amended to reflect the entire 55' of 9th Street west of South School, north of Block 17 and south of Block 16 in the Ferguson's Addition being vacated and abandoned as reflected in the original petition to vacate and as reviewed and approved by the Planning Commission on January 13, 2003.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. 4466

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE
AND ABANDON A SECTION OF 9TH STREET WEST OF
SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF
BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED
ON THE ATTACHED MAP AND LEGAL DESCRIPTION

WHEREAS, the City Council of the City of Fayetteville, Arkansas has the authority under A.C.A. §14-301-301 to vacate dedicated public streets and alleys which have not been actually used for five years; and

WHEREAS, the City Council of the City of Fayetteville, Arkansas has determined that the following described dedicated street has not been actually used for five years and the owners of all abutting property have petitioned for or consented to this vacation; and

WHEREAS, the public interest and welfare will not be adversely affected by the abandonment of the alley; and

WHEREAS, the City Council has the additional 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 street is not required for corporate purposes; and

WHEREAS, the abutting owner has offered as an inducement to the City Council to approve the vacation of the street a Bill of Assurance to maintain, create, or improve green space on the 50-foot section nearest School Avenue.

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 street right of way:

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

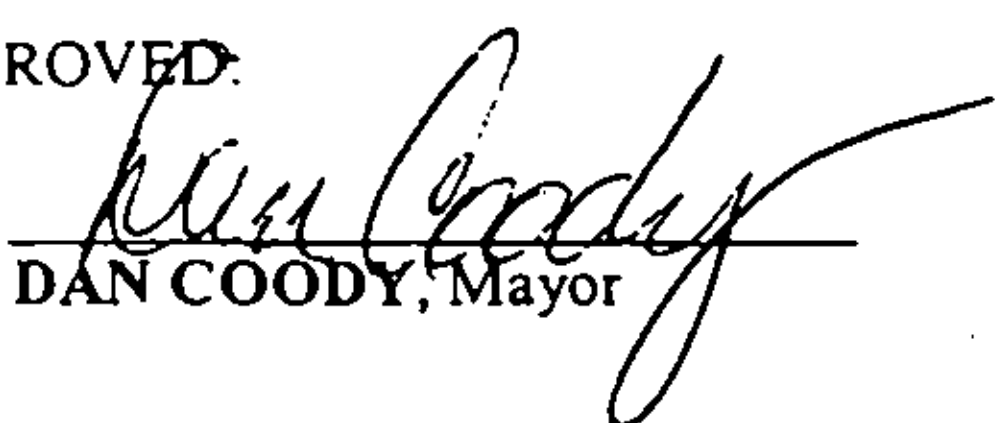
Section 2. That this vacation approval is subject to the Bill of Assurance offered by the petitioner.

Section 3. That 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 the 4th day of March, 2003.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


Sondra Smith, City Clerk



CC Meeting of February 4, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

PC Meeting of January 13, 2003

FAYETTEVILLE

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

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric – No Objections

Southwestern Electric Power Company - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

*Planning Commission
January 13, 2003
VAC 03-1 AMC Land
Page 1.1*

**PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET
WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF
LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF
THE FERGUSON ADDITION.**

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

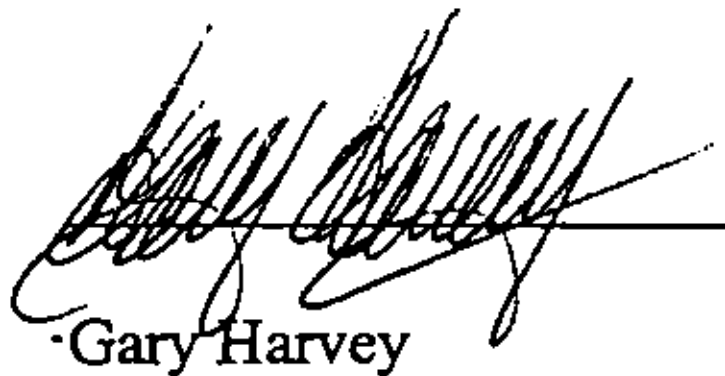
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

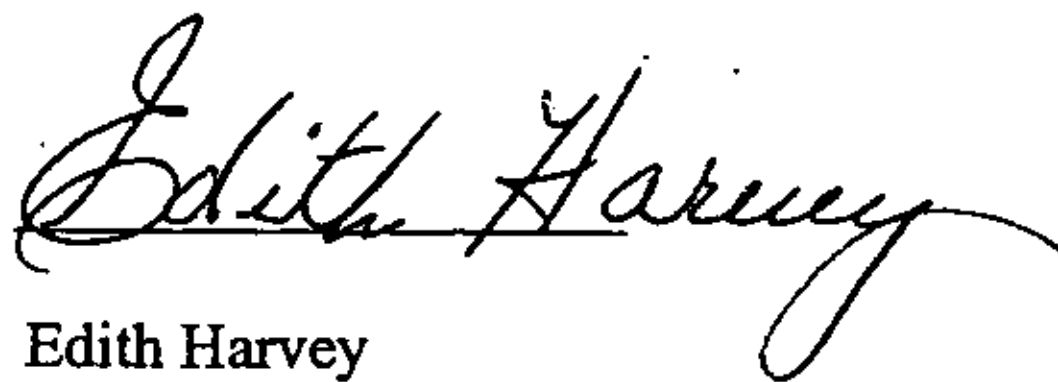
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easement of the public for the use of said street right-of-way.

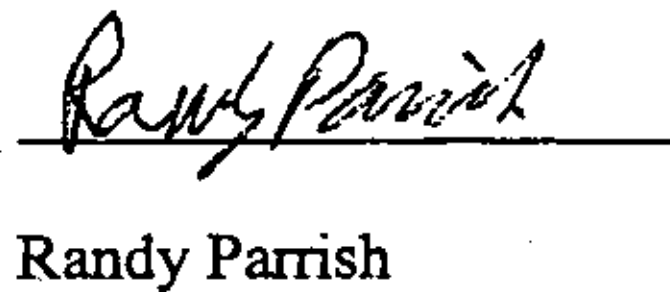
Dated this 12th day of December, 2002.



Gary Harvey



Edith Harvey



Randy Parrish



Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

Fayetteville Planning Commission
January 13, 2003
Page 3

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Ward: Second.

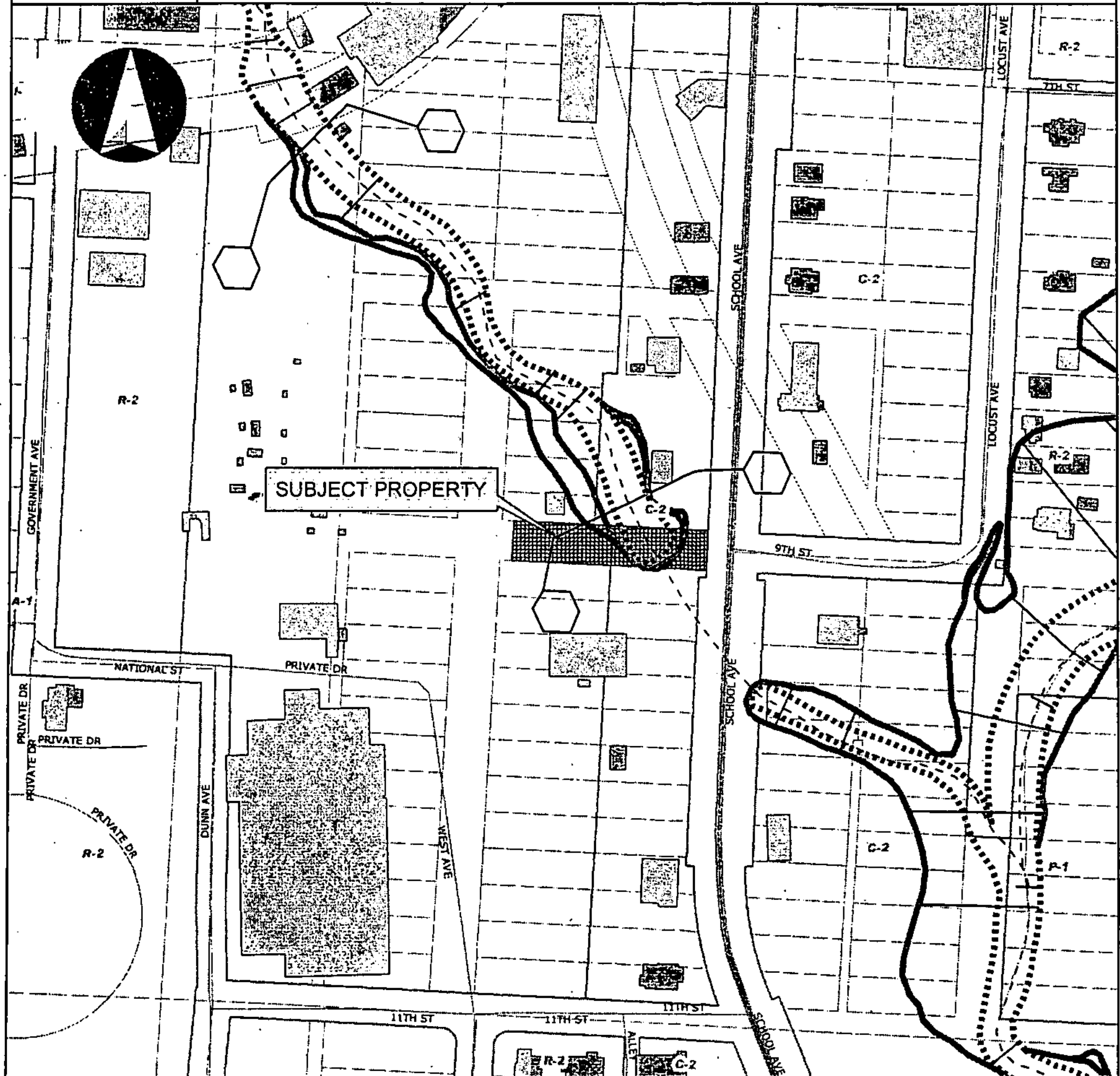
Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

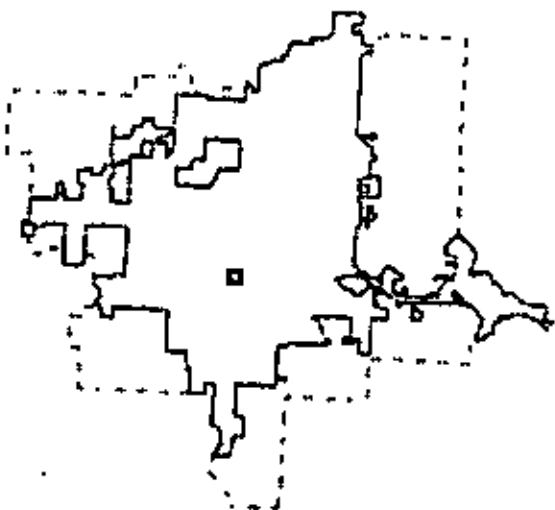
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend Subject Property

VAC03-1.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 75 150 300 450 600 Feet

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 03-19.00

Tom Broyles 14.66 Acres

C. 3. Page 1

CC Meeting of July 1, 2003

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

BACKGROUND

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-19.00

A part of the NW1/4 of the SE1/4 of Section 20, T-16-N, R-30-W, being more particularly described as follows: From the N.E. corner of the NW1/4 of the SE1/4 of said Section 20, thence N87°13'22"W 464.78 feet; thence S02°46'38"W 75.95 feet to the center line of a ditch; thence along the center line of said ditch as follows: S13°52'53"W 157.39 feet; thence S17°38'29"E 138.54 feet; thence S64°04'53"E 36.47 feet; thence S0°11'38"E 104.22 feet to the Point of Beginning; thence S0°11'38"E 89.61 feet; thence S14°47'06"E 227.46 feet; thence S30°02'E 82.11 feet to the West right-of-way for Razorback Road; thence S18°21'12"W 85.18 feet; thence leaving said right-of-way for Razorback Road N80°00'W along a creek 160.53 feet; thence N26°42'27"W 82.42 feet; thence N87°11'07"W 47.00 feet; thence S43°05'33"W 42.72 feet; thence S04°20'41"E 36.68 feet; thence S30°46'23"W 95.54 feet; thence S30°46'23"W 43.82 feet; thence S42°18'32"W 60.19 feet; thence S03°00'17"W 234.86 feet to a point on the North line of Meadow Vale Subdivision; thence along the North line of Meadow Vale Subdivision N87°09'34"W 220.24 feet to the NW corner of said Subdivision; thence along the East right-of-way of Ashwood Avenue N03°26'28"E 20.00 feet; thence along the North right-of-way of 18th Street N87°33'13"W 354.43 feet; thence along the East right-of-way of Arkansas Highway 16 Bypass N02°11'12"E 845.65 feet; thence S85°33'37"E 863.18 feet to the Point of Beginning, containing 14.66 acres, more or less, Washington County, Arkansas.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

~~RZN 03-19.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

~~RZN 03-20.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

RECOMMENDATION:

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

Separate action must be taken on each of these requested rezonings.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date: <u>June 9, 2003</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date: <u>July 1, 2003 (1st reading if recommended)</u>			

BACKGROUND:

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

The major intersection of Razorback Road and 15th Street (Hwy 16) east of this location is the site of a variety of uses. The University has developed a large sports complex on the north side of 15th Street and just recently the southeast corner of the intersection has been established as an RV park for Razorback fans. The northeast corner, east of the Swanson plant (formerly Vlastic and Campbell Soup) now contains a large parking lot, also developed by the University.

Razorback Rd. is designated a principal arterial on the City's adopted Master Street Plan. Fifteenth Street (Hwy 16) is designated a principal arterial east of this intersection and a collector west of the intersection. Razorback Road between I-540 and 15th Street is a 5 lane section which is relatively new. North of this intersection, Razorback Road narrows to 2 lanes. Fifteenth Street is a 4 lane road east of the intersection and a 2 lane road west, including the area directly adjacent to the subject property.

Utilities are available to the site and would have to be extended by the developer upon approval of a project. Extension of main lines and sizing of utilities will be further addressed at the time of development review.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

A comparison of the acreages and zoning designations is as follows:

	2001 Ordinances	Current Request
R-2 acreage	12.13	14.66
C-2 acreage	9.86	7.45
<i>Totals</i>	<i>21.99</i>	<i>22.11</i>

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Baum Baseball Stadium / Tyson Indoor Track Complex	I-1, Heavy Commercial & Lt Industrial
South	Vacant	R-2, Medium Density Residential C-2, Thoroughfare Commercial
East	Vacant	I-1, Heavy Commercial & Lt Industrial
West	Vacant	R-2, Medium Density Residential

INFRASTRUCTURE:

Streets: North: 15th Street, Collector Street with 70' ROW on the MSP
South: None
East: None
West: Beechwood Avenue, Collector Street with 70' ROW on the MSP

If development occurs on this site, 15th Street and Beechwood Avenue would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 6" waterline along Ashwood Avenue and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street and Razorback Road.

Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood Avenue.

Sewer: The property currently has several existing sewer lines on-site, including a 24" line to the east and south and a 10" line along Beechwood Avenue to the west.

Fire: 1.0 miles from Fire Station #6. Normal driving time 1 min. 48 seconds. Water supply will be needed for new development.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-2 is consistent with the land use plan and compatible with surrounding land uses in the area. The C-2 portion of this request is considered compatible due to past policy decisions by the City Council and the applicability of providing commercial property in the vicinity in order to encourage the development of amenities which will serve the residential uses and allow for mixed uses in this area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The surrounding properties are largely undeveloped. Nearby uses include University facilities and single family homes to the south which are located within the R-2 district.

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

Finding: The proposal is to reconfigure properties which have already been approved with R-2 and C-2 designations. The request is justified in that the new configuration allows for a development plan that utilized 15th Street for commercial frontage while providing residential uses south of that area with additional access from Beechwood Ave.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. The major streets serving this site are currently under utilized and are developed in a manner which will carry significant amounts of traffic. Upon development, any improvements or capacity increases made necessary by a proposed project will be the responsibility of the developer.

The proposed zoning requests will not change the impact of these properties. The amount of commercial and residential property is not significantly changed from that which was approved in 2001. Based on the approved zoning actions in 2001, the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved.

Collector streets border the subject property. The streets may need left turn lanes added or other modifications to accommodate increased traffic generated by the site. Traffic calming measures may also need to be explored with regard specifically to Beechwood Ave. north of the development. Standard street improvements to Beechwood and 15th Streets will also be required.

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: Population density will not be significantly altered from the current zoning designations.

At the time of development water main extensions will be necessary as stated in the attached staff comments. Several sewer lines are located on the property.

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



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax 479.631.6224 www.crafttull.com

May 16, 2003

RECEIVED

MAY 19 2003

PLANNING DIV.

Tim Conklin
City of Fayetteville, Planning
113 W. Mountain
Fayetteville, AR 72703

RE: Proposed Rezoning Request
On behalf of Tom Broyles
Beechwood Avenue and 15th Street
CTA Job No. 031016-00

Dear Tim:

This is a proposed rezoning request for Tom Broyles, located at the southeast corner of 15th street and Beechwood Avenue. The proposed zoning will include 7.45 acres of proposed C-2 zoning and 14.66 acres of R-2 zoning. The existing zoning for the full 22.11 acres is C-2 and R-2. It is the intent of this rezoning to move the current zoning line to a new configuration.

Checklist Item #5

- The property owner is teaming up with a new developer to develop the entire 22.11 acres with commercial adjacent to 15th street, and a multi-family development south of the commercial.
- The developer is ready to move on the project, but needs the rezoning in place before he starts.
- Water and sewer are available to the site. Access will be from Beechwood Avenue and 15th street.

Checklist Item #6

- The property is consistent with the City of Fayetteville's master Land use plan and the proposed zoning will be moving the existing zoning lines around.
- The proposed zoning is justified because the current zoning would not allow the commercial to have full frontage on 15th and multi-family to the back, which is typical of planning practices.
- The proposed zoning should not create an increase in traffic because it will be slightly less commercial than the current zoning.
- Since we are only adjusting current zoning lines, it should not alter population densities or have adverse impacts to public utilities.

- It is more desirable to have commercial along 15th street with multifamily to the back.

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

Very Truly Yours,

Crafton, Tull & Associates, Inc.



Jerry Kelso, P.E.
Vice President

Attachment:

RECEIVED
MAY 19 2003
PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ✓ ANNEXATION ✓

REZONING # 03-19.00 OWNER Broyles

~~ANNEXATION #~~ 03-20.22 OWNER Broyles

LOCATION OF

PROPERTY FIFTEENTH STREET & BECHWOOD

NEAREST FIRE STATION AND

LOCATION FIRE STATION #6 - HOLLYWOOD ST

RESPONSE TIME FROM FIRE STATION # 6 TO

LOCATION OF

PROPERTY 1 MINUTES 48 SECONDS.

TRAVEL MILES FROM FIRE STATION # 6 TO LOCATION OF

PROPERTY 1 mile

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS needed

EXISTING FIRE HYDRANTS? IF SO

LOCATION _____

WATER SUPPLY WITH HYDRANTS

NEEDED? yes - there should be water line in the area

ADDITIONAL

COMMENTS _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in *italics*.

1. **ANX 03-02.00: Annexation (Shiloh Community Church, PP 322)** was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN
- 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

- * 3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and at Tom Broyles 14.66 Acres Razorback Road. There is also a 12" waterline nearby at the intersection of C. 3. Page 13 Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also a 12" and 8" line to the south on Ruppel Road.

The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is currently under construction adjacent to this site, and Wedington is already improved at this location.

10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

- *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.*

The property currently has access to a 4" water line along Old Wire Road and a 4" line along Skillern Road. A 4" line is not sufficient to provide fire protection for this area. An extension of an 8" line to the properties would be required.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Skillern Road in the Savannah and Brookbury subdivisions.

Name Matt Casey

Department Engineering

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
Matt Casey, Staff Engineer
→ Paul Libertini, Staff Engineer

FROM: Dawn Warrick, AICP, Zoning & Development Administrator

DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

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RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

2. **ANX 03-03.00: Annexation (James Coger, PP 321)** was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville.

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

3. **RZN 03-19.00: Rezoning (Broyles, PP 599)** was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction some traffic calming measures to insure that site generated traffic does not impact this local street.

4. **RZN 03-20.00: Rezoning (Broyles, PP 599)** was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction

some traffic calming measures to insure that site generated traffic does not impact this local street.

5. **RZN 03-21.00: Rezoning (Nock, PP 439)** was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

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

6. **ANX 02-01.10 Annexation (Harrison, PP 256)** was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

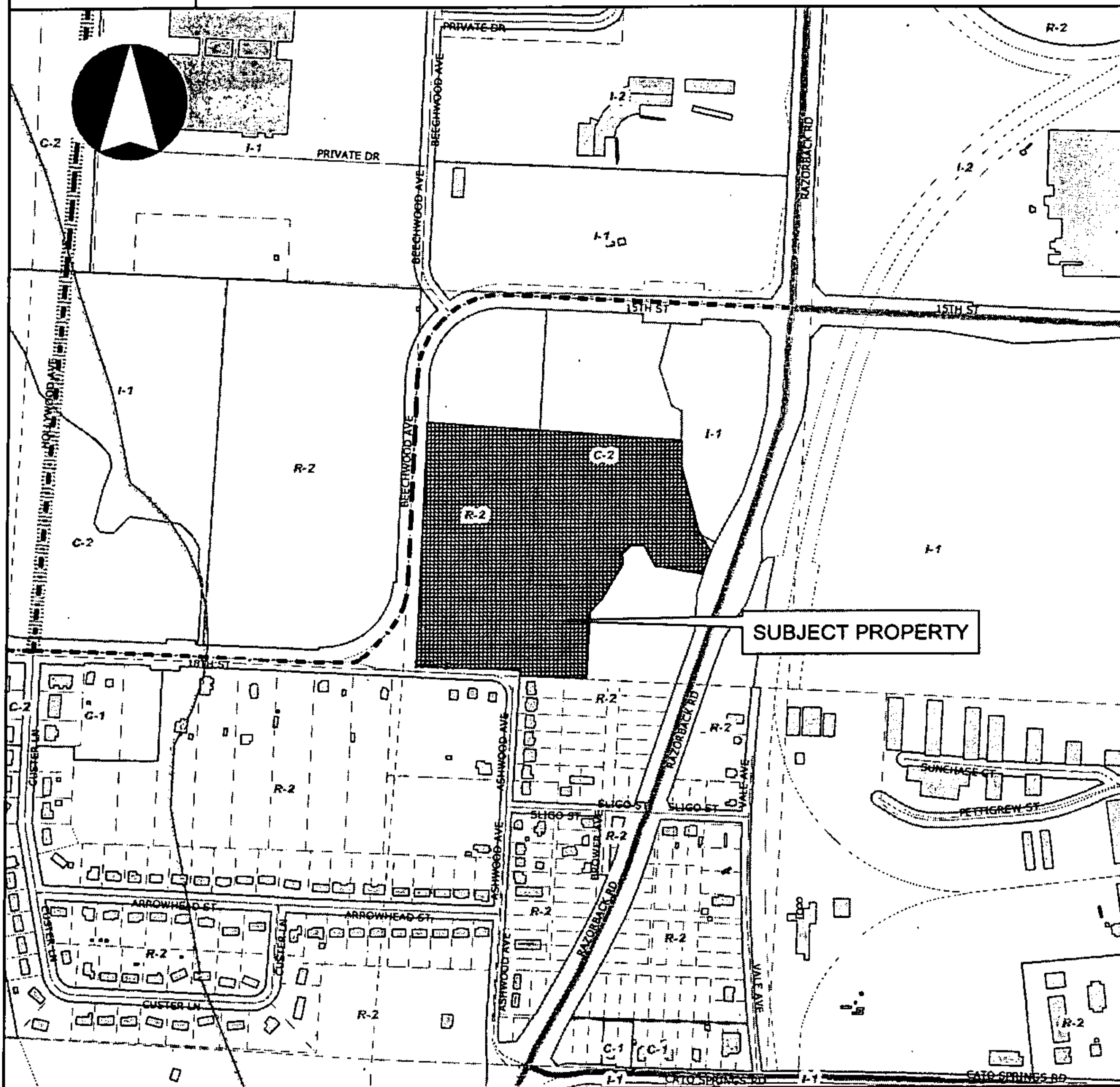
- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- Annexation the existing homes into the City will not impact the existing road system. Any changes to the zoning to increase densities will impact the road system.

Name Paul Libertini, P.E. Department Engineering

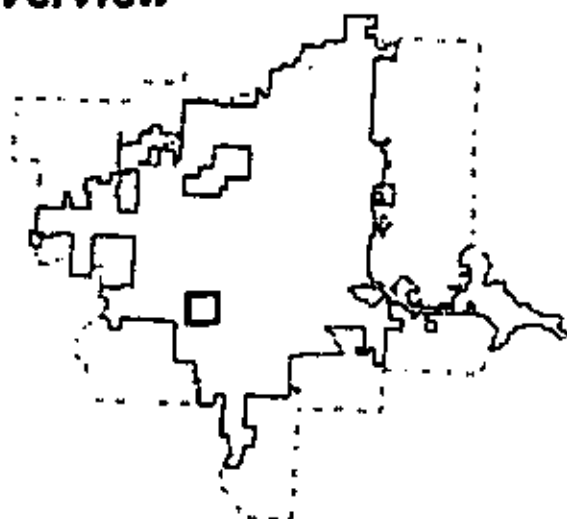
RZN03-19.00

Close Up View

BROYLES



Overview



Legend

RZN03-19.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

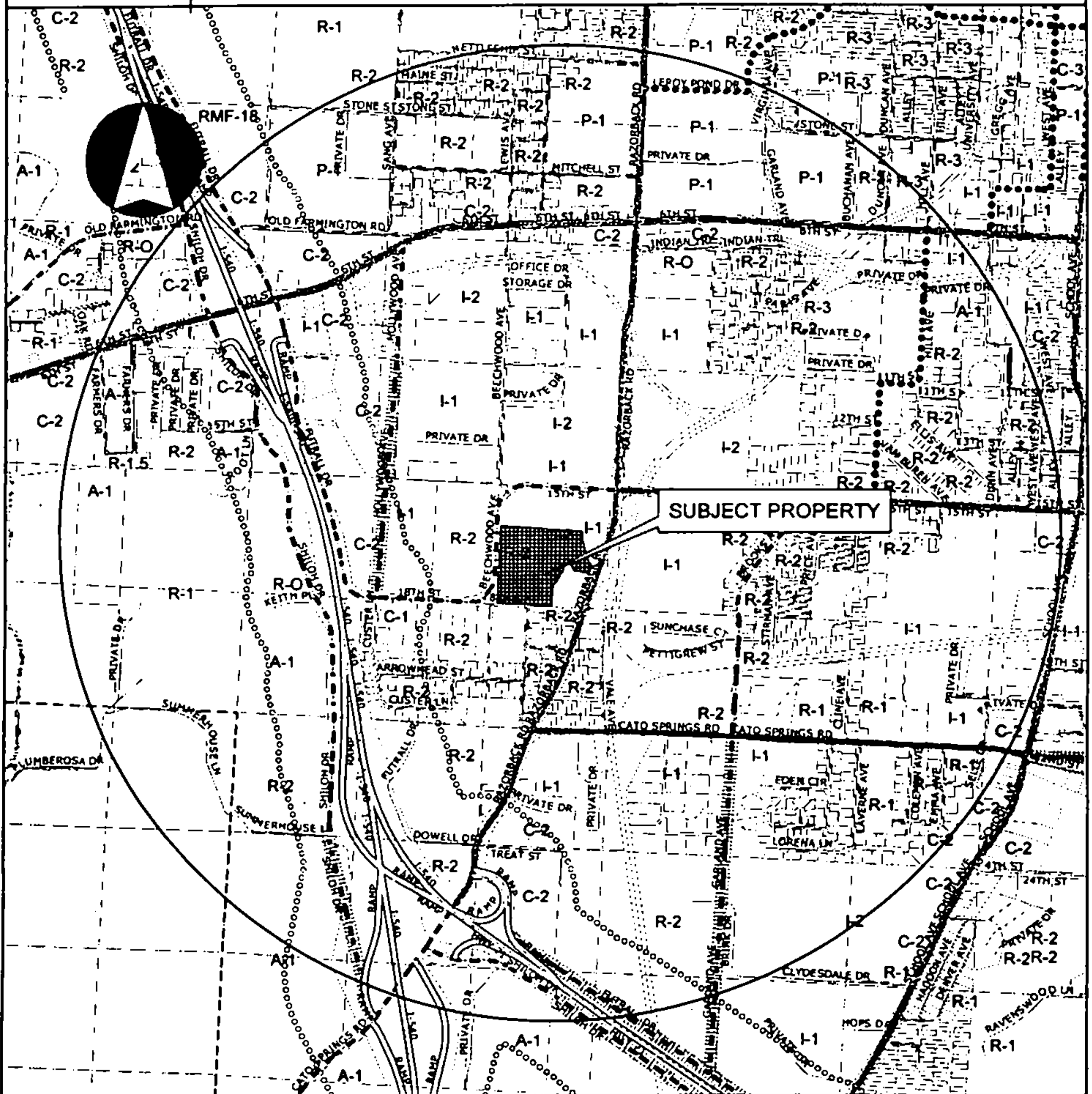
Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 150 300 600 900 1,200 Feet

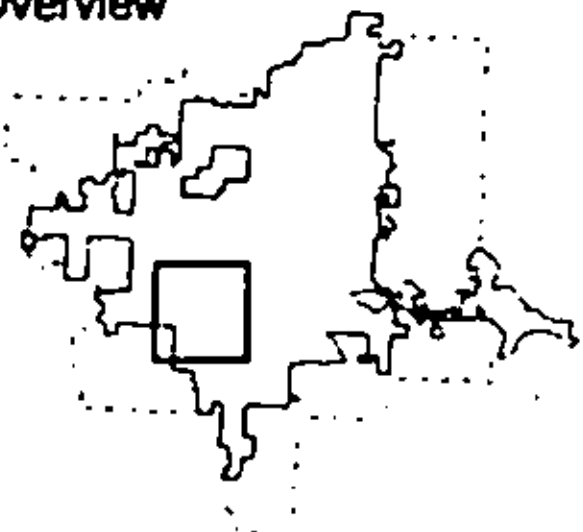
RZN03-19.00

One Mile View

BROYLES



Overview



Legend
Subject Property

RZN03-19.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

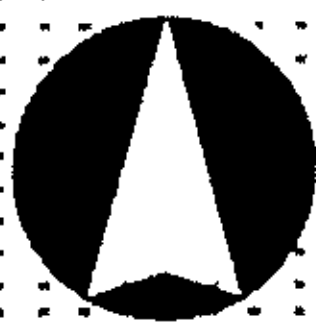
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

RZN03-19.00

Future Landuse

BROYLES



Mixed Use

Mixed Use

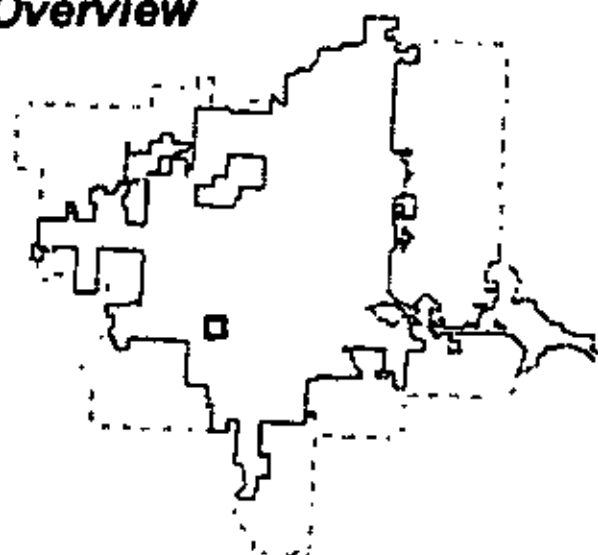
SUBJECT PROPERTY

Residential

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN03-19.00

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits

RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

Hoover: On to item number eight, RZN 03-19.00 for property located east of Beechwood Avenue and south of 15th. Dawn?

Warrick: Items eight and nine are combined. The reason is that they are basically the same overall property. Before I get too far into that staff report though, with reference to the four items that preceded this, as well as these two rezonings as well as the other items in this agenda. Annexations and rezoning applications are significant policy decisions made by the Planning Commission with recommendation to the City Council for final decision. At this point in time the City of Fayetteville is taking a much more critical look at these types of applications than we ever have in the past. It is important that we have adequate information for you to make a recommendation to the City Council and for the City Council to make one of these policy decisions when they are approached with a request to annex or rezone a piece of property. With that in mind, staff has assembled a zoning review team. What this time is designed to do, it is a group of staff members, and it includes representation from the Planning Division, the Engineering Division, the Fire and Police Departments. We have charged ourselves with analyzing requests for annexations and rezonings to provide adequate data and analysis for you with regard to the findings that are required to be made for these types of requests. The City Council adopted an annexation policy in 2001 and that annexation policy is a basis for decisions with regard to those types of actions. We also have in our bylaws for the Planning Commission have specific findings that are required to be made on any of these requests. Issues that staff needs to address include traffic conditions, current and future, based on potential uses; the street system, whether existing infrastructure is adequate or improvements would be necessary; system capacity, water and sewer; response time for emergency services and whether providing services of all types in the area to be annexed or to have the zoning changed, would cause a strain on existing resources. We feel that it is very important to use all of the resources available to us to make these determinations and to provide you with some guidance on these decisions. The city has taken on a very large project with regard to the new waste water treatment plant that is proposed to be on the west side of town. We are in the process of working through a new transportation study for the entire city, a traffic study. Those are the types of things that we are trying to include in our recommendations and findings for you on these types of items. That is just kind of for reference. With regard to the two rezonings that we are

now talking about on the agenda. The subject property is vacant and located on the south side of 15th Street between Beechwood Avenue and Razorback Road. The property to the south, east and west is currently undeveloped. There are University of Arkansas sports facilities to the north. The Tyson indoor track complex and Baum baseball stadium. A creek and related floodplain adjoins the property to the southeast. In the fall of 2001, September and October of 2001, the City Council rezoned the subject property to R-2 and C-2 in a configuration which provided residential zoning along Beechwood Avenue on the entire western side of the property and then the eastern side was zoned C-2. At this time the applicant is wishing to reconfigure those requests from 2001. The request now is to stack the zoning so the C-2 property is on the north side of this tract and the R-2 is south of that. The acreages are very similar with regard to the amount of the two districts that are being divvied up in this property. R-2 acreage approved in 2001 was 12.13 acres and the request is for 14.6 acres to be zoned R-2 with the reconfiguration. The C-2 acreage in 2001 was 9.8 acres and the request now is 7.45. There is actually a little reduction in the commercial district and an increase in residential. The General Plan does designate this site as residential. Rezoning the property in the R-2 portion of course is very consistent with that land use plan that is compatible with adjacent land uses also. The C-2 portion of the request is considered to be compatible also due to past policy decisions. In 2001 the City Council did set policy in adopting a commercial zoning designation for a portion of this property. At this time they are requesting a reconfiguration of that. The proposal, as I mentioned, is to reconfigure what has already been approved and the request is justified in order that it allows the development plan to utilize 15th Street for commercial frontage and provides residential uses south of that area with additional access to the residential uses south of that area with additional access to the residences from Beechwood. The proposed rezoning request will not change the impact of these properties. The amount of commercial and residential proposed is not significantly changed from what was approved in 2001. Based on the approved zoning actions in 2001 the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved. Staff is recommending in favor of these rezoning requests and just a note that each of these actions will need to be voted on separately. We talked earlier about the maps. The request for R-2 zoning is reflected on page 8 and 9.16 and 17 and over on pages 20 and 21 those maps best reflect the request for C-2 zoning.

Hoover: Thank you Dawn, would the applicant come forward?

Planning Commission
June 9, 2003
Page 19

Warrick: No it would not.

Hoover: Is there any other discussion? Renee, would you call the roll?

Roll Call: Upon the completion of roll all the motion to forward RZN 03-19 was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

Hoover: Thank you.

Kelso: Good evening. My name is Jerry Kelso, I am with Crafton, Tull & Associates representing the owner. I put together a quick little drawing here that kind of shows you what we had before and what we are asking now to try to clarify things to make it a little bit easier. This is what is currently zoned at this time. The highlighted yellow portion is the total property we are talking about. As you can see, here is the zoning line, the dashed line as it currently exists right now. Our proposal is to go to this right here where you have got all the frontage here on 15th Street towards the front and all the R-2 in the back. The reason for the difference in acreages, as you can see, this C-2 zoning had a lot of the unusable area and floodplain and things like that and now all of the R-2 has all of the floodplain. That is why the acreages are all set. The developer still plans on complying with what was agreed to before with the maximum units for this overall property so there will be no more multi-family than what was originally approved. That is the concept. I will entertain any questions you may have.

Hoover: Thank you for the map. Is there any member of the audience that would like to address this RZN 03-19.00? Seeing none, I will bring it back to the Commission.

MOTION:

Estes: I would move for approval of RZN 03-19.

Hoover: I have a motion by Commissioner Estes

Shackelford: I will second.

Hoover: And a second by Commissioner Shackelford. Is there anymore discussion?

Ostner: I have a question for staff. When we are talking about justifying the C-2 when the 2020 Plan talks about residential, I didn't quite follow that except we rezoned it in the past so it must be commercial.

Warrick: With this particular request staff felt that a policy decision had been made by the City Council with regard to the zoning action that was taken in 2001. At that time there was considerable discussion about having a mixed use area and providing accessories and amenities to the residential properties that would be developed in this case south of the commercial.

Anthes: A question for staff. This rezoning would in no way inhibit the applicant from coming back with a PZD in this area would it?

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-19.00 AS SUBMITTED BY JERRY KELSO ON BEHALF OF TOM BROYLES FOR PROPERTY LOCATED EAST OF BEECHWOOD AVENUE SOUTH OF 15TH STREET, MOVING THE CURRENT ZONING LINE TO A NEW CONFIGURATION WITH THE SUBJECT PROPERTY BEING R-2, MEDIUM DENSITY RESIDENTIAL.

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 C-2, Thoroughfare Commercial, to R-2, Medium Density Residential, 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 _____, 2003.

APPROVED:

DRAFT

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: July 1, 2003

FROM:

Dawn Warrick

Planning

CP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-19.00 was submitted by Crafton, Tull & Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

STAFF RECOMMENDATION: Approval.

Dawn Warrick
Division Head

6/13/03
Date

Received in Mayor's Office

6/16/03
Date *PH*

D. J. White
City Attorney

6/16/03
Date

[Signature]
Department Director

6-13-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.

6-16-03
Date

Previous Ord/Res#:

[Signature]
Chief Administrative Officer

6-17-03
Date

Orig. Contract Date:

Orig. Contract Number:

[Signature]
Mayor

6/17/03
Date

New Item:

Yes

No



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

RZN 03-20.00
Tom Broyles 7.45 Acres
C. 4 Page 1 x AGENDA REQUESTFor the Fayetteville City Council Meeting of: July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-20.00 was submitted by Crafton, Tull & Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

STAFF RECOMMENDATION: Approval.

Dawn Warrick 6/13/03
Division Head Date

Received in Mayor's Office

6/16/03
Date*D. P. Whit* 6/16/03
City Attorney Date*[Signature]* 6-13-03
Department Director Date

Cross Reference:

[Signature] 6-16-03
Finance & Internal Services Dir. Date

Previous Ord/Res#: _____

[Signature] 6-17-03
Chief Administrative Officer Date

Orig. Contract Date: _____

[Signature] 6/17/03
Mayor Date

Orig. Contract Number: _____

New Item:

Yes

No



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-20.00 AS SUBMITTED BY JERRY KELSO ON BEHALF OF TOM BROYLES FOR PROPERTY LOCATED EAST OF BEECHWOOD AVENUE SOUTH OF 15TH STREET, MOVING THE CURRENT ZONING LINE TO A NEW CONFIGURATION WITH THE SUBJECT PROPERTY BEING ZONED C-2, THOROUGHFARE 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-2, Medium Density Residential to C-2, Thoroughfare 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 _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 03-20.00
Tom Broyles 7.45 Acres
C. 4 Page 3

CC Meeting of July 1, 2003

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

BACKGROUND

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-20.00

A part of the NW1/4 of the SE1/4 of Section 20, T-16-N, R-30-W, being more particularly described as follows: From the N.E. corner of the NW1/4 of the SE1/4 of said Section 20, thence N87°13'22"W 464.78 feet and thence S02°46'38"W 75.95 feet to the Point of Beginning, said point being on the South right-of-way for 15th Street in the center line of a ditch; thence along the center line of said ditch as follows: S13°52'53"W 157.39 feet; thence S17°38'29"E 138.54 feet; thence S64°04'53"E 36.47 feet; thence S0°11'38"E 104.22 feet; thence N85°33'37"W 863.18 feet to a point on the east right-of-way line of Arkansas Highway 16 Bypass; thence along the east right-of-way of Arkansas Highway 16 Bypass N02°11'12"E 157.09 feet; thence Northeasterly along a 246.50 foot radius curve to the right a distance of 389.10 feet, the long chord of which bears N47°24'25"E 349.94 feet; thence S87°22'48"E 464.50 feet; thence S02°37'12"W 30.00 feet; thence S87°22'48"E 97.06 feet to the Point of Beginning, containing 7.45 acres, more or less, Washington County, Arkansas.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, Zoning & Development Administrator, AICP
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

~~RZN 03-19.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 14.66 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

~~RZN 03-20.00~~ Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential and contains approximately 7.45 acres. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

RECOMMENDATION:

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

Separate action must be taken on each of these requested rezonings.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>June 9, 2003</u>	
CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>July 1, 2003 (1st reading if recommended)</u>	

BACKGROUND:

The subject property is currently vacant and is located on the south side of 15th Street between Beechwood Ave. and Razorback Road. Property to the south, east and west is currently undeveloped and there are University of Arkansas sports facilities to the north (Tyson Indoor Track Complex and Baum Baseball Stadium). A creek with related floodplain adjoins the subject property to the south and east.

The major intersection of Razorback Road and 15th Street (Hwy 16) east of this location is the site of a variety of uses. The University has developed a large sports complex on the north side of 15th Street and just recently the southeast corner of the intersection has been established as an RV park for Razorback fans. The northeast corner, east of the Swanson plant (formerly Vlasic and Campbell Soup) now contains a large parking lot, also developed by the University.

Razorback Rd. is designated a principal arterial on the City's adopted Master Street Plan. Fifteenth Street (Hwy 16) is designated a principal arterial east of this intersection and a collector west of the intersection. Razorback Road between I-540 and 15th Street is a 5 lane section which is relatively new. North of this intersection, Razorback Road narrows to 2 lanes. Fifteenth Street is a 4 lane road east of the intersection and a 2 lane road west, including the area directly adjacent to the subject property.

Utilities are available to the site and would have to be extended by the developer upon approval of a project. Extension of main lines and sizing of utilities will be further addressed at the time of development review.

In the fall (September / October) of 2001, the City Council rezoned the subject property R-2 and C-2 in a configuration which provided residential zoning along Beechwood Ave. and on the entire western side of the property. The eastern portion of the site was zoned C-2. At this time, the applicant wishes to reconfigure the zoning districts which were applied through those rezoning actions in 2001. The request is for 7.45 acres of commercial zoning along 15th Street and 14.66 acres of residential property south of that area.

A comparison of the acreages and zoning designations is as follows:

	2001 Ordinances	Current Request
R-2 acreage	12.13	14.66
C-2 acreage	9.86	7.45
<i>Totals</i>	21.99	22.11

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Baum Baseball Stadium / Tyson Indoor Track Complex	I-1, Heavy Commercial & Lt Industrial
South	Vacant	R-2, Medium Density Residential C-2, Thoroughfare Commercial
East	Vacant	I-1, Heavy Commercial & Lt Industrial
West	Vacant	R-2, Medium Density Residential

INFRASTRUCTURE:

Streets: North: 15th Street, Collector Street with 70' ROW on the MSP
South: None
East: None
West: Beechwood Avenue, Collector Street with 70' ROW on the MSP

If development occurs on this site, 15th Street and Beechwood Avenue would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Water: The property currently has access to a 6" waterline along Ashwood Avenue and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street and Razorback Road.

Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood Avenue.

Sewer: The property currently has several existing sewer lines on-site, including a 24" line to the east and south and a 10" line along Beechwood Avenue to the west.

Fire: 1.0 miles from Fire Station #6. Normal driving time 1 min. 48 seconds. Water supply will be needed for new development.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-2 is consistent with the land use plan and compatible with surrounding land uses in the area. The C-2 portion of this request is considered compatible due to past policy decisions by the City Council and the applicability of providing commercial property in the vicinity in order to encourage the development of amenities which will serve the residential uses and allow for mixed uses in this area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. The surrounding properties are largely undeveloped. Nearby uses include University facilities and single family homes to the south which are located within the R-2 district.

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

Finding: The proposal is to reconfigure properties which have already been approved with R-2 and C-2 designations. The request is justified in that the new configuration allows for a development plan that utilized 15th Street for commercial frontage while providing residential uses south of that area with additional access from Beechwood Ave.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger and congestion. The major streets serving this site are currently under utilized and are developed in a manner which will carry significant amounts of traffic. Upon development, any improvements or capacity increases made necessary by a proposed project will be the responsibility of the developer.

The proposed zoning requests will not change the impact of these properties. The amount of commercial and residential property is not significantly changed from that which was approved in 2001. Based on the approved zoning actions in 2001, the developer did commission a traffic study in order to have a benchmark for bringing forward a development proposal. This traffic study will need to be amended to reflect the new zoning configuration should these requests be approved.

Collector streets border the subject property. The streets may need left turn lanes added or other modifications to accommodate increased traffic generated by the site. Traffic calming measures may also need to be explored with regard specifically to Beechwood Ave. north of the development. Standard street improvements to Beechwood and 15th Streets will also be required.

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: Population density will not be significantly altered from the current zoning designations.

At the time of development water main extensions will be necessary as stated in the attached staff comments. Several sewer lines are located on the property.

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



Craft Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax 479.631.6224 www.craftull.com

May 16, 2003

RECEIVED

MAY 19 2003

PLANNING DIV.

Tim Conklin
City of Fayetteville, Planning
113 W. Mountain
Fayetteville, AR 72703

RE: Proposed Rezoning Request
On behalf of Tom Broyles
Beechwood Avenue and 15th Street
CTA Job No. 031016-00

Dear Tim:

This is a proposed rezoning request for Tom Broyles, located at the southeast corner of 15th street and Beechwood Avenue. The proposed zoning will include 7.45 acres of proposed C-2 zoning and 14.66 acres of R-2 zoning. The existing zoning for the full 22.11 acres is C-2 and R-2. It is the intent of this rezoning to move the current zoning line to a new configuration.

Checklist Item #5

- The property owner is teaming up with a new developer to develop the entire 22.11 acres with commercial adjacent to 15th street, and a multi-family development south of the commercial.
- The developer is ready to move on the project, but needs the rezoning in place before he starts.
- Water and sewer are available to the site. Access will be from Beechwood Avenue and 15th street.

Checklist Item #6

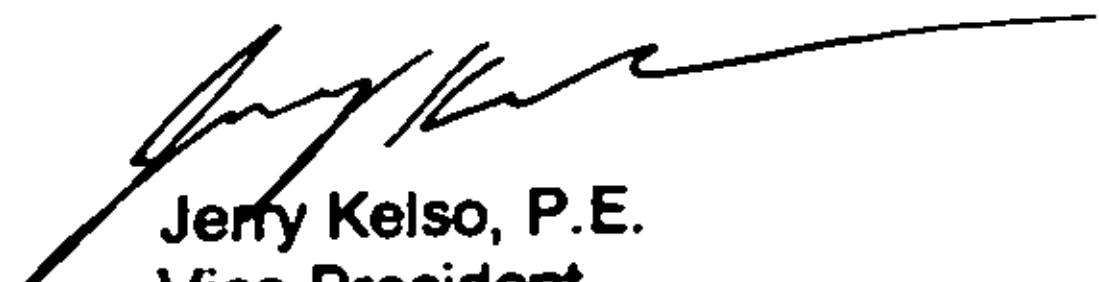
- The property is consistent with the City of Fayetteville's master Land use plan and the proposed zoning will be moving the existing zoning lines around.
- The proposed zoning is justified because the current zoning would not allow the commercial to have full frontage on 15th and multi-family to the back, which is typical of planning practices.
- The proposed zoning should not create an increase in traffic because it will be slightly less commercial than the current zoning.
- Since we are only adjusting current zoning lines, it should not alter population densities or have adverse impacts to public utilities.

- It is more desirable to have commercial along 15th street with multifamily to the back.

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

Very Truly Yours,

Crafton, Tull & Associates, Inc.



Jerry Kelso, P.E.
Vice President

Attachment:

RECEIVED
MAY 19 2003
PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ☒ ANNEXATION ☒

REZONING # 03-19.00 OWNER Broyles

ANNEXATION # 03-20.22 OWNER Broyles

LOCATION OF
PROPERTY FIFTEENTH STREET & BEECHWOOD.

NEAREST FIRE STATION AND

LOCATION FIRE STATION #6 - HOLLYWOOD ST

RESPONSE TIME FROM FIRE STATION # 6 TO

LOCATION OF
PROPERTY 1 MINUTES 48 SECONDS.

TRAVEL MILES FROM FIRE STATION # 6 TO LOCATION OF
PROPERTY 1 mile

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS needed

EXISTING FIRE HYDRANTS? IF SO

LOCATION _____

WATER SUPPLY WITH HYDRANTS

NEEDED? yes - there should be water line in the area

ADDITIONAL

COMMENTS _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
——→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in *italics*.

1. **ANX 03-02.00: Annexation (Shiloh Community Church, PP 322)** was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN
 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

RZN 03-20.00
Tom Broyles 7.45 Acres
C. 4 Page 15

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th Street and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

- * 4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also a 12" and 8" line to the south on Ruppel Road.

The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is currently under construction adjacent to this site, and Wedington is already improved at this location.

10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

- *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.*

The property currently has access to a 4" water line along Old Wire Road and a 4" line along Skillern Road. A 4" line is not sufficient to provide fire protection for this area. An extension of an 8" line to the properties would be required.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Skillern Road in the Savannah and Brookbury subdivisions.

Name Matt Casey Department Engineering

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
Matt Casey, Staff Engineer
→ Paul Libertini, Staff Engineer

FROM: Dawn Warrick, AICP, Zoning & Development Administrator

DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in italics.

1. **ANX 03-02.00: Annexation (Shiloh Community Church, PP 322)** was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

2. **ANX 03-03.00: Annexation (James Coger, PP 321)** was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville.

RZN 03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- This proposal would probably warrant adding a left turn lane on Mt. Comfort Road. Additionally, traffic generated from this site will contribute to the need to overall widening and upgrading of Mt. Comfort Road which is a minor arterial.

3. **RZN 03-19.00: Rezoning (Broyles, PP 599)** was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction some traffic calming measures to insure that site generated traffic does not impact this local street.

4. **RZN 03-20.00: Rezoning (Broyles, PP 599)** was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- 15th Street, Beechwood Avenue & 18th Street are collector streets which border the subject property. The streets may need left turn lanes added to accommodate the increased traffic generated by the site. The existing geometry (horizontal curves) should be evaluated by the consultant engineer to determine if the curves need to be increased to meet collector street standards including sight distance. Beechwood Avenue going north from the site is a local street. This development may need to look at construction

some traffic calming measures to insure that site generated traffic does not impact this local street.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

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

6. ANX 02-01.10 Annexation (Harrison, PP 256) was submitted by Monroe Harrison for the Petitioners for property located south of Rom's Orchard Road and east and west of Lancaster Lane. The property is in the county and contains approximately 22.05 acres. The request is to be annexed into the City of Fayetteville

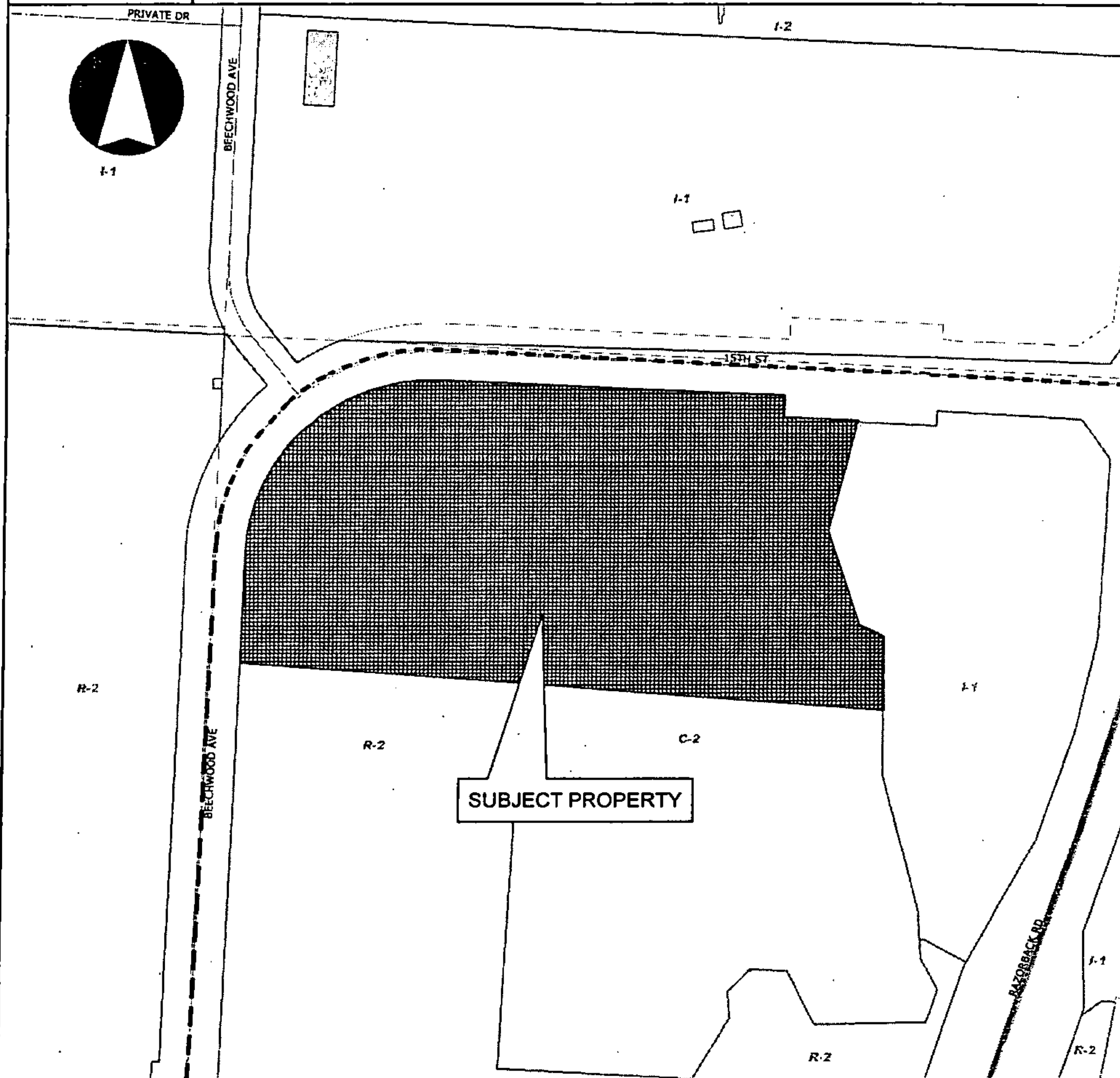
- *A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.*
- Annexation the existing homes into the City will not impact the existing road system. Any changes to the zoning to increase densities will impact the road system.

Name Paul Libertini, P.E. Department Engineering

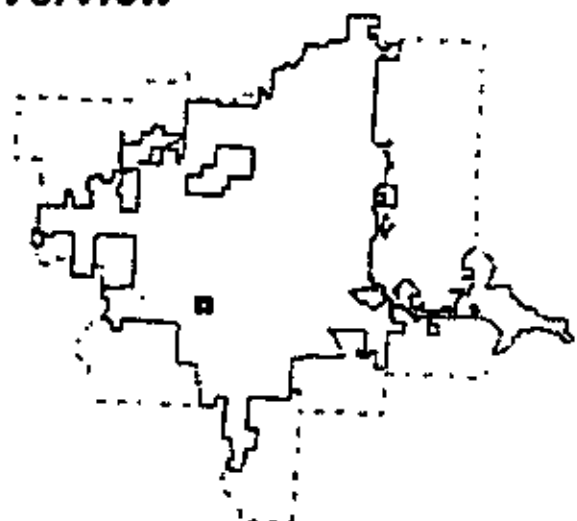
RZN03-20.00

Close Up View

BROYLES



Overview



Legend

RZN03-20.00

Streets

Existing
 Planned

Boundary

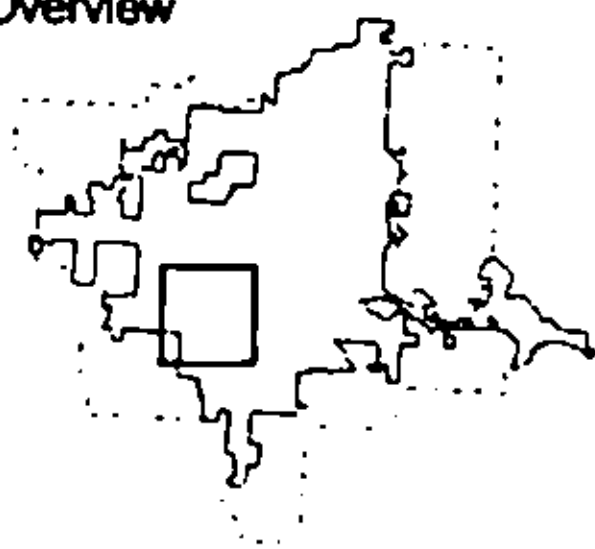
Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

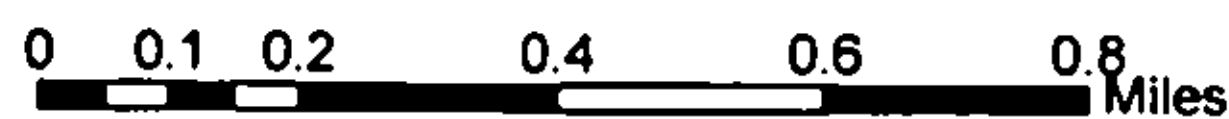
0 75 150 300 450 600 Feet

BROYLES



☐ Outside City

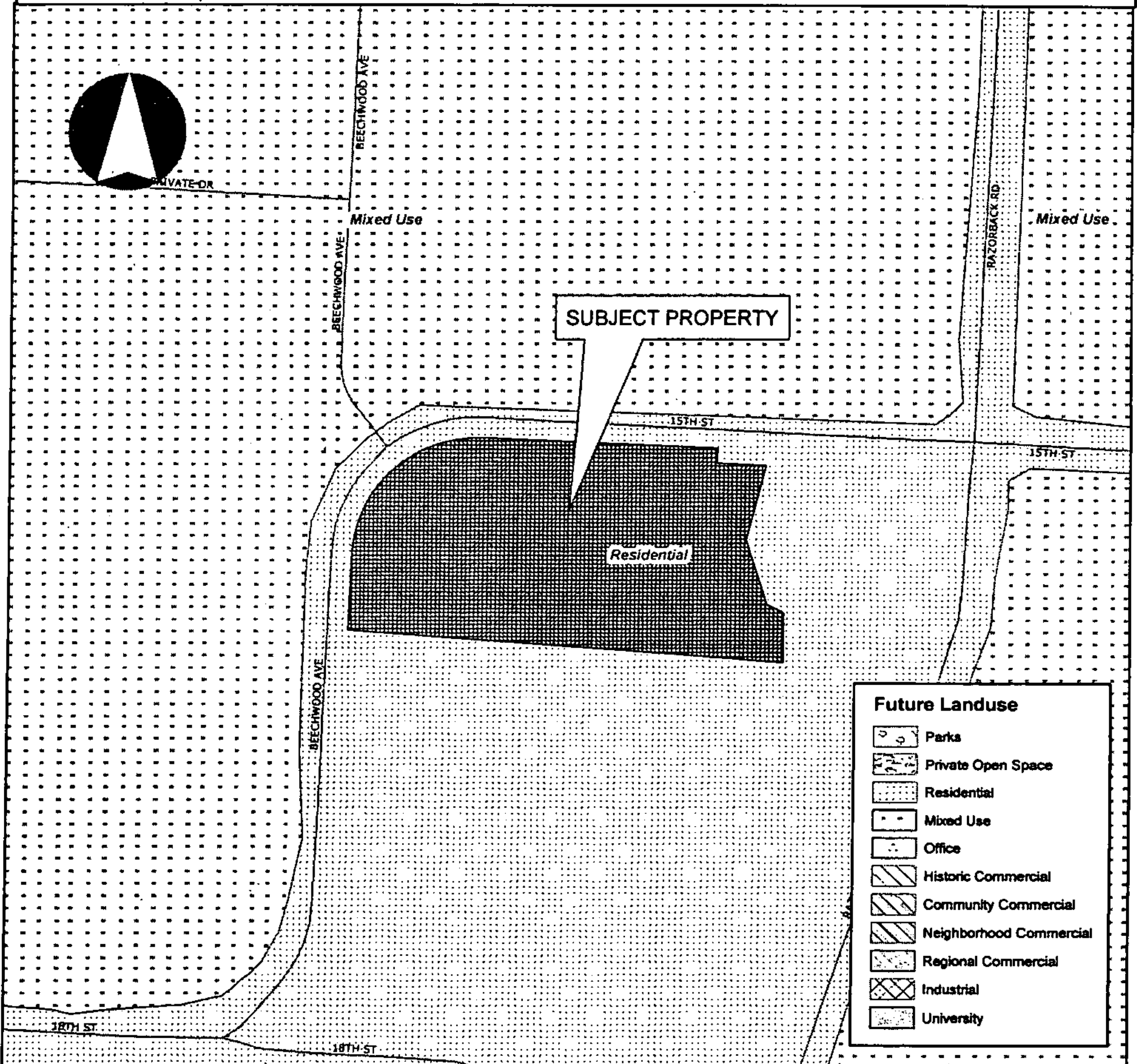
 Historic Collection



RZN03-20.00

Future Landuse

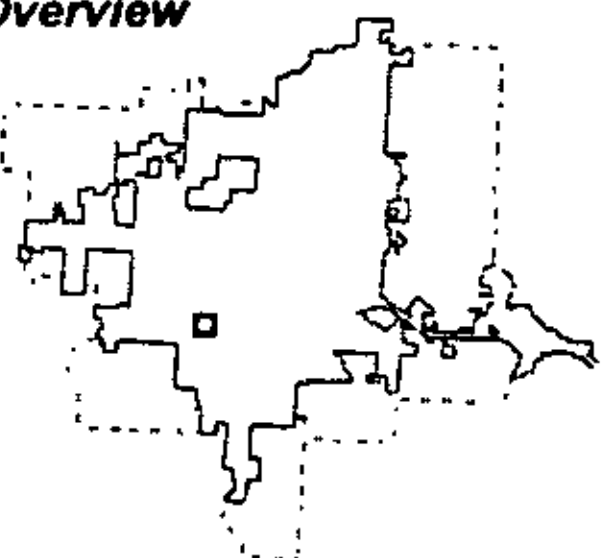
BROYLES



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN03-20.00

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits

RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

Hoover: On to item number nine, RZN 03-20, the companion item. Dawn, do you want to address this?

Warrick: I don't really have anything in addition. I tried to address them both together. If you have any questions I will be happy to answer them.

Hoover: Ok. Does the applicant have anything to add to this one?

Kelso: The same as the last one.

Hoover: Thank you. Is there any member of the audience that would like to address this RZN 03-20? Seeing none, I will bring it back to the Commissioners.

MOTION:

Estes: To complete the applicant's zoning configuration, I would move for approval of RZN 03-20.00 forwarding it to the City Council for their consideration as with the rezoning request RZN 03-19.

Hoover: I have a motion by Commissioner Estes.

Shackelford: Second.

Hoover: A second by Commissioner Shackelford. Is there any more discussion? Renee, will you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 03-20.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

RZN 03-21.00
John Nock
C. 5. Page 1 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

RZN 03-21.00 was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

STAFF RECOMMENDATION: Approval.

Dawn J. Warrick
Division Head6/13/03
Date

Received in Mayor's Office

6/16/03
Date *PH**D. J. White*
City Attorney6/16/03
Date*[Signature]*
Department Director6-13-03
Date

Cross Reference:

[Signature]
Finance & Internal Services Dir.6-16-03
Date

Previous Ord/Res#: _____

Orig. Contract Date: _____

[Signature]
Chief Administrative Officer6-17-03
Date

Orig. Contract Number: _____

[Signature]
Mayor6/17/03
Date

New Item:

Yes

No



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-21.00 AS SUBMITTED BY JOHN NOCK FOR PROPERTY LOCATED AT 4023 WEDINGTON DRIVE, FAYETTEVILLE, ARKANSAS FROM A-1, AGRICULTURAL 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 A-1, Agricultural 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RZN 03-21.00
John Nock
CC Meeting of C. 5. Page 3

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Director of Community, Planning & Engineering Svcs.
DATE: June 13, 2003

RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

BACKGROUND

Property description: The subject property is located on the west side of Ruppel Road, south of Wedington Drive. The property contains just under 2 acres and contains one single family home. Property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single family home to the east, multifamily dwellings to the west and a vacant tract to the south which is proposed to be the location of fire stations #7.

Proposal: The applicant does not have immediate development plans for the subject property. The rezoning request is being forwarded at this time in order to accommodate the parcel that will remain between a new fire station and an existing commercial tract which is at the corner of Wedington Dr. and Ruppel Rd.

CURRENT STATUS

On June 9, 2003, the Planning voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

RECOMMENDATION

Staff recommends approval of the requested rezoning.

EXHIBIT "A"
RZN 03-21.00

All that certain tract or parcel of land being a part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 16 North, Range 31 West, Washington County, Arkansas. Said tract being a portion of that same tract as described in Book 1114, Page 526 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described by metes and bounds as follows, to-wit: COMMENCING at the NE Corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 16 North, Range 31 West, Washington County, Arkansas. THENCE – South $02^{\circ} 15' 40''$ West 444.07 feet with the east boundary line of said "40"; THENCE – North $88^{\circ} 36' 31''$ West 15.00 feet to a $\frac{1}{2}$ " Iron Pin found for the POINT OF BEGINNING. Said point being on the west right-of-way line of Ruppel Road. THENCE – South $02^{\circ} 15' 40''$ West 206.89 feet with said right-of-way line to a $\frac{5}{8}$ " Iron Pin set; THENCE – North $87^{\circ} 48' 12''$ West 422.06 feet to a $\frac{5}{8}$ " Iron Pin set on the east boundary line of THE MEADOWLANDS PHASE 1 AND 2 subdivision; THENCE – North $02^{\circ} 12' 43''$ East 200.96 feet with said east boundary line to a $\frac{1}{2}$ " Iron Pin found; THENCE – South $88^{\circ} 36' 31''$ East 422.28 feet to the POINT OF BEGINNING. The above described property having been surveyed by Bart L. Petray, contains 1.98 acres of land, more or less.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of June 9, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
THRU: Tim Conklin, AICP, Community, Planning & Engineering Services Director
DATE: June 9, 2003

RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>June 9, 2003</u>			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: <u>July 1, 2003 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property is located on the west side of Ruppel Road, south of Wedington Drive. The property contains just under 2 acres and contains one single family home. Property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single family home to the east, multifamily dwellings to the west and a vacant tract to the south which is proposed to be the location of fire stations #7.

Proposal: The applicant does not have immediate development plans for the subject property. The rezoning request is being forwarded at this time in order to accommodate the parcel that will remain between a new fire station and an existing commercial tract which is at the corner of Wedington Dr. and Ruppel Rd.

Request: The request is to rezone the subject property from A-1, Agricultural to C-1, Neighborhood Commercial.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant	C-1, Neighborhood Commercial
South	Vacant	A-1, Agricultural
East	Vacant	A-1, Agricultural
West	Meadowlands Subdivision	R-1.5, Moderate Density Residential

INFRASTRUCTURE:

Streets: Access to this property is from Wedington Drive to Ruppel Road. Wedington has recently been improved by the AHTD in this area and Ruppel Road, classified a minor arterial with 90' of right of way on the MSP, is under construction. The street will be complete soon in order to provide access to the new Boys & Girls Club being built further south on the east side of Ruppel Road. Future access will also be provided from Persimmon Street to the south. Persimmon is a collector street which is planned to connect Shiloh Drive at the interstate west to Double Springs Road when complete.

Street improvements will not be required for development of this property. Ruppel Road is currently under construction adjacent to this site, and Wedington is already improved at this location.

Water: The property currently has access to an 18" waterline along Wedington Drive. There is also a 12" and 8" waterline to the south along Ruppel Road.

Sewer: The property currently has access to a 6" and 8" sewer line to the west.

Fire: 2.7 miles from Fire Station #2. Normal driving time 4 min. 19 seconds. Water supply is in the area. Lines may need to be extended depending upon the type of development that may occur in the future.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to C-1, Neighborhood Commercial is consistent with the land use plan and compatible with surrounding land uses in the area. An extension of the node of community commercial property at the intersection of Wedington Dr. and Ruppel Rd. is necessary in this location due to the proposed future development of fire station #7 immediately south of the site.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans. This action will make necessary the extension of a community commercial node to incorporate the subject property. This will result in a complete district of community commercial property between the new fire station on the west side of Ruppel Rd. and Wedington Drive to the north. The fire station then becomes a natural dividing point between commercial and residential uses in this area.

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 maintain uniform zoning and usable property in this location. The development of a fire station at the southern edge of the subject property will change the character of the property and will provide for a natural barrier between different land uses and activity levels.

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

Finding: The proposed zoning will allow for the development of neighborhood commercial uses. Retail, restaurant, offices and similar uses would be permitted. The access to this site from Wedington Drive and on Ruppel Road will satisfy the demands of this type of development.

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

Finding: The proposed zoning will not alter population density. Provision of water and sewer facilities has been accommodated through current development activities. Fire protection is adequate.

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



JOHN C. NOCK

1501 Forest Heights, Fayetteville, Arkansas 72703
Phone (501) 530-6799 johnnock@yahoo.com

May 19, 2003

City of Fayetteville, Planning Commission

Please allow this letter to be a formal request for rezoning of parcel #765-16251-001 located on Ruppel Road (portion under construction south of Wedington Road) south of Highway 16. The land is being sold by the Feagen's who have owned the property for over-fifteen years. I am under contract to purchase the land which is approximately 4 acres and will subsequently sell to the City of Fayetteville approximately two acres (southern section) for the purpose of constructing a proposed fire station. The subject property is currently zoned A-1. The land to the north is zoned C-1 and with the planned fire station the land will effectively "land-locked" in its current A-1 state. With the adjoining property already C-1 it appears the best suited zoning will be for commercial use. The land once subdivided will have a approximately 200 ft. of frontage along Ruppel Road. Additionally, the subject property has access through a north/south easement to Wedington Road from the northwest corner of parcel.

Streets construction on Ruppel Road is being built with the anticipated traffic expected from the soon to be completed Reynold's Boys and Girls Club to the south. It is assumed that the design of Ruppel Road will accommodate the limited traffic impact from zoning the subject property C-1.

Water and sewer is available to the property. Line sizes are as follows:

1. Water – 12" along east side of Ruppel, 8" to the west side of Ruppel
2. Sewer – 6" along western border of property

I believe rezoning the subject property to C-1 conforms to the City of Fayetteville's land use objectives and goals. Thank you for your careful consideration of this matter.

Sincerely,

John C. Nock

RECEIVED

MAY 19 2003

PLANNING DIV.



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

JUN 03 2003

PLANNING DIV.

From: Fire Prevention Bureau

To: Planning Division

Date 06-03-03

REZONING ✓ ANNEXATION _____

REZONING # 03-21.00 OWNER Nock

ANNEXATION# _____ OWNER _____

LOCATION OF
PROPERTY Wedington Dr - Fire Station # 7

NEAREST FIRE STATION AND
LOCATION Fire Station # 2 - Garland

RESPONSE TIME FROM FIRE STATION # 2 TO

LOCATION OF
PROPERTY 4 MINUTES 19 SECONDS.

TRAVEL MILES FROM FIRE STATION # 2 TO LOCATION OF
PROPERTY 2.7 miles.

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS _____

EXISTING FIRE HYDRANTS? IF SO.

LOCATION there is a water line that feeds to
the Boys + Girls Club.

WATER SUPPLY WITH HYDRANTS

NEEDED? Required Fire Flow. possible that one
Fire Hydrant will be required.

ADDITIONAL

COMMENTS. This is property located North of
the New Fire Station # 7.

MAIN OFFICE

115 SOUTH CHURCH ST.

(501) 444-3448 / (501) 444-3449

FAX (501) 575-8272

SUBSTATION

N.W.A. MALL

(501) 575-8271

FAX (501) 575-8272

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Rick Hoyt, Police Chief
Chris Bosch, Fire Chief
Greg Boettcher, Water & Wastewater Director
——→ Matt Casey, Staff Engineer
Paul Libertini, Staff Engineer
FROM: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: June 1, 2003

Response to Adequacy of Public Facilities for Rezoning Proposals

The Planning Commission bylaws identify five findings that the Planning Commission must make in order to determine the appropriateness of proposed zoning. Two of those findings pertain to other departments. The Fayetteville Planning Division is requesting your assistance in making those findings.

Planning Commission meeting date: June 9, 2003

Please submit response by: June 4, 2003 (12:00 p.m. - noon)

We have received an application for the following rezoning request(s). We ask that you make findings on these proposals with regard to the services you provide. Please address the findings provided in *italics*.

1. **ANX 03-02.00: Annexation (Shiloh Community Church, PP 322)** was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 3.93 acres. The request is to be annexed into the City of Fayetteville.
RZN 03-17.00: Rezoning (Shiloh Community Church, PP 322) was submitted by Keystone Consultants, Inc. on behalf of Joe Jones, Pastor for property located north of Mr. Comfort Road and west of Ruppel Road. The subject property is zoned A-1 and contains approximately 3.93 acres. The request is to rezone property to P-1, Institutional.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to the existing

is redevelopment of the site.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

2. ANX 03-03.00: Annexation (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The subject property is in the county and contains approximately 18.35 acres. The request is to be annexed into the City of Fayetteville. RZN
03-18.00: Rezoning (James Coger, PP 321) was submitted by Keystone Consultants, Inc. on behalf of James Coger for property located north of Mt. Comfort Road and west of Ruppel Road. The property is currently zoned A-1 and contains approximately 18.35 acres. The request is to rezone the subject property to R-1, Low Density Residential.

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

The property currently has access to a 4" and 8" water line along Mt. Comfort Road. There are also 8" lines proposed in the Clabber Creek Phase 2 subdivision located on the east side of this property. These lines should be sufficient to provide water service to development of this property.

Sewer service is currently not available to the site. The nearest sewer main is located to the south of Mt. Comfort Road. This area of town has been identified as an area of concern for sewer service. The Hamstring Creek lift station is currently being upgraded to handle the existing flows and any development proposed at the time of the study earlier this year. This upgrade should be completed this summer.

If development occurs on this site, Mt. Comfort Rd. would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

3. RZN 03-19.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to R-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" John Nock Razorback Road. There is also a 12" waterline nearby at the intersection of 15th C. 5. Page 13 Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

4. RZN 03-20.00: Rezoning (Broyles, PP 599) was submitted by Crafton, Tull and Associates on behalf of Tom Broyles for property located east of Beechwood Avenue and south of 15th Street. The property is currently zoned C-2, Thoroughfare Commercial and R-2, Medium Density Residential. The request is to move the current zoning line to a new configuration with the subject property being rezoned to C-2.

- *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*

The property currently has access to a 6" water line on Ashwood Ave. and an 8" line on Razorback Road. There is also a 12" waterline nearby at the intersection of 15th St. and Razorback Road. Any development of this site would require that an 8" main be extended to loop the 8" line on Razorback and the 6" line on Ashwood.

The site has several existing sewer lines located on the property.

Development of this property will require street improvements to Beechwood Ave. and 15th Street. This would include improvements to a minimum of 14' from centerline with pavement, curb and gutter, storm drains and sidewalks.

5. RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 4.16 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

- *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.*

The property currently has access to an 18" water line on Wedington Drive. There are also 12" and 8" lines to the south on Ruppel Road.

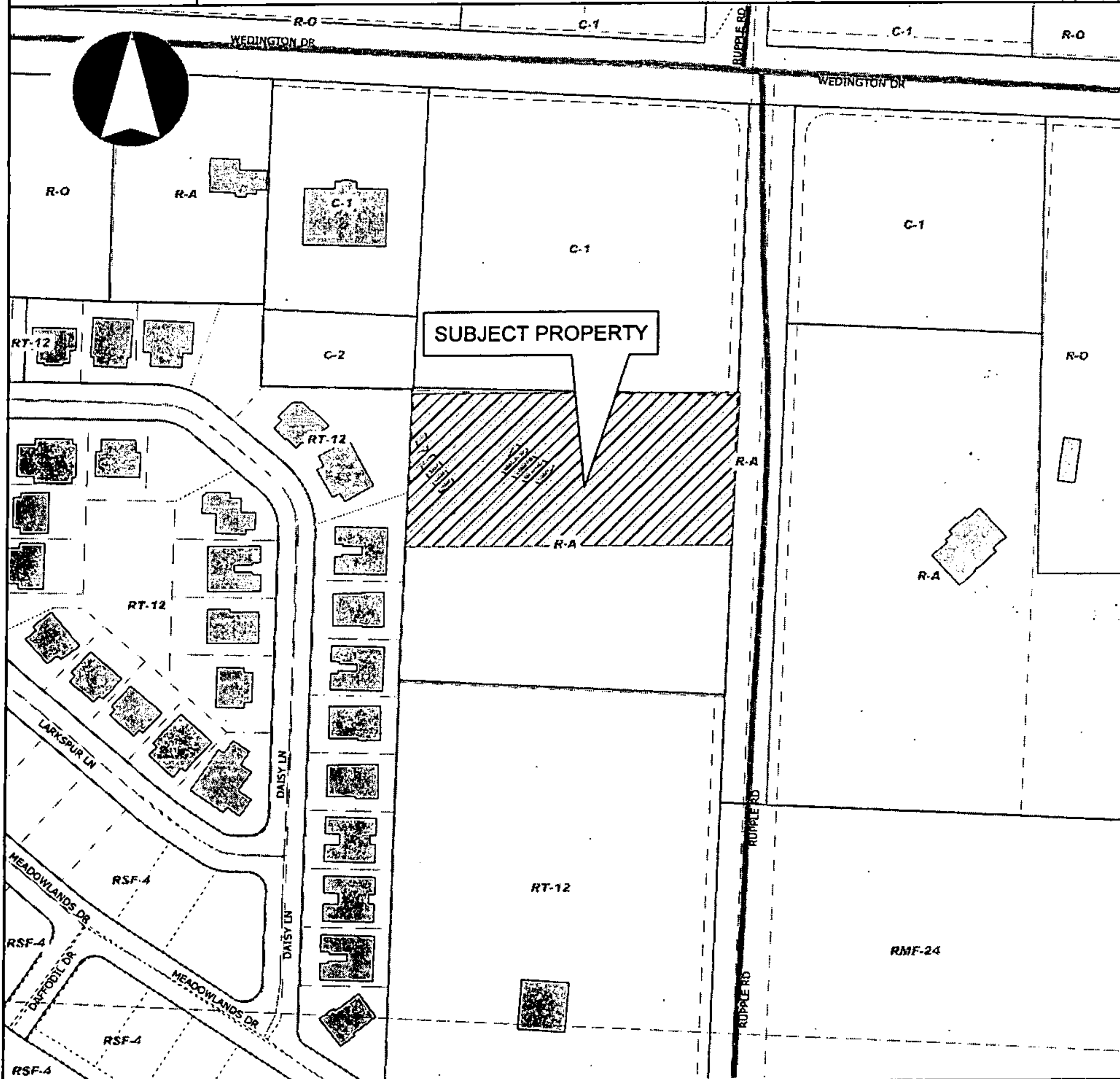
The site has access to a 6" and 8" sewer on the west side of the property.

Street improvements will not be required for development of this property. Ruppel Rd. is currently under construction adjacent to this site, and Wedington is already improved at this location.

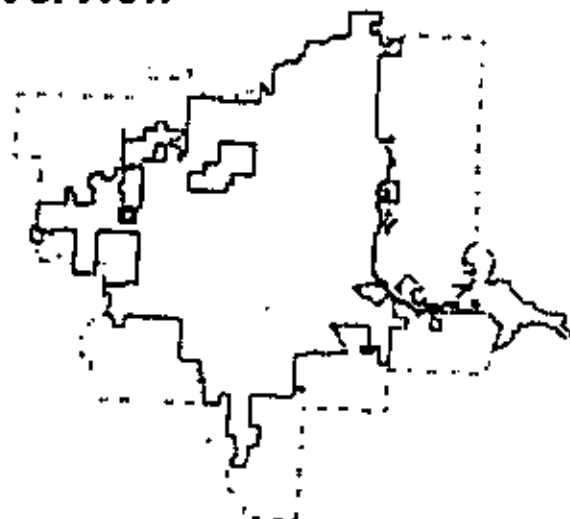
RZN03-21.00

Close Up View

NOCK



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits
- Outside City

Master Street Plan

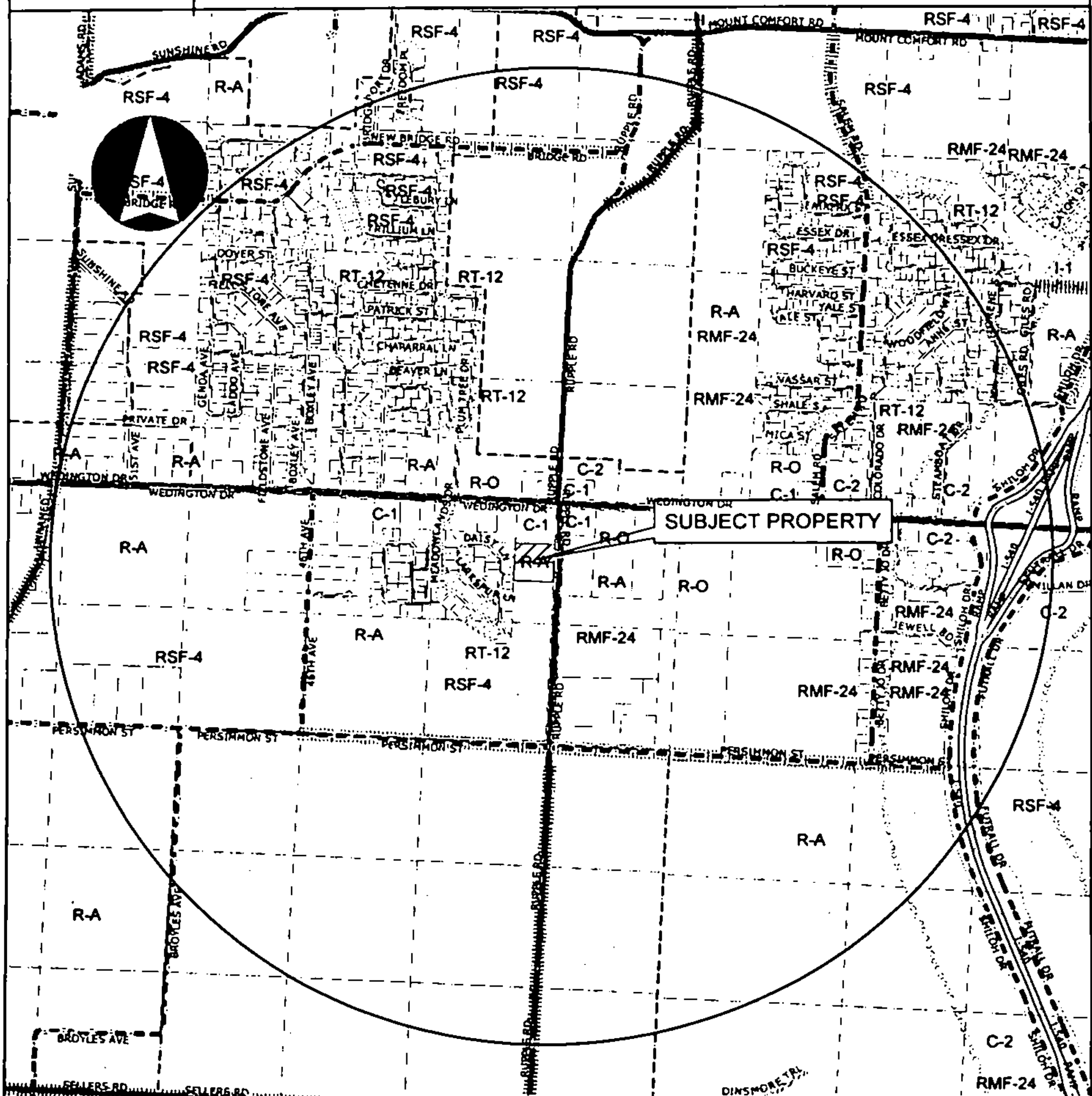
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector



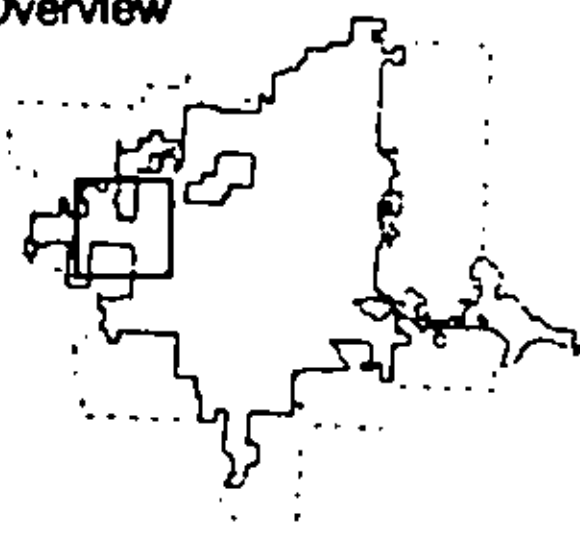
RZN03-21.00

One Mile View

NOCK



Overview



Legend

Subject Property
RZN03-21.00

Streets
Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

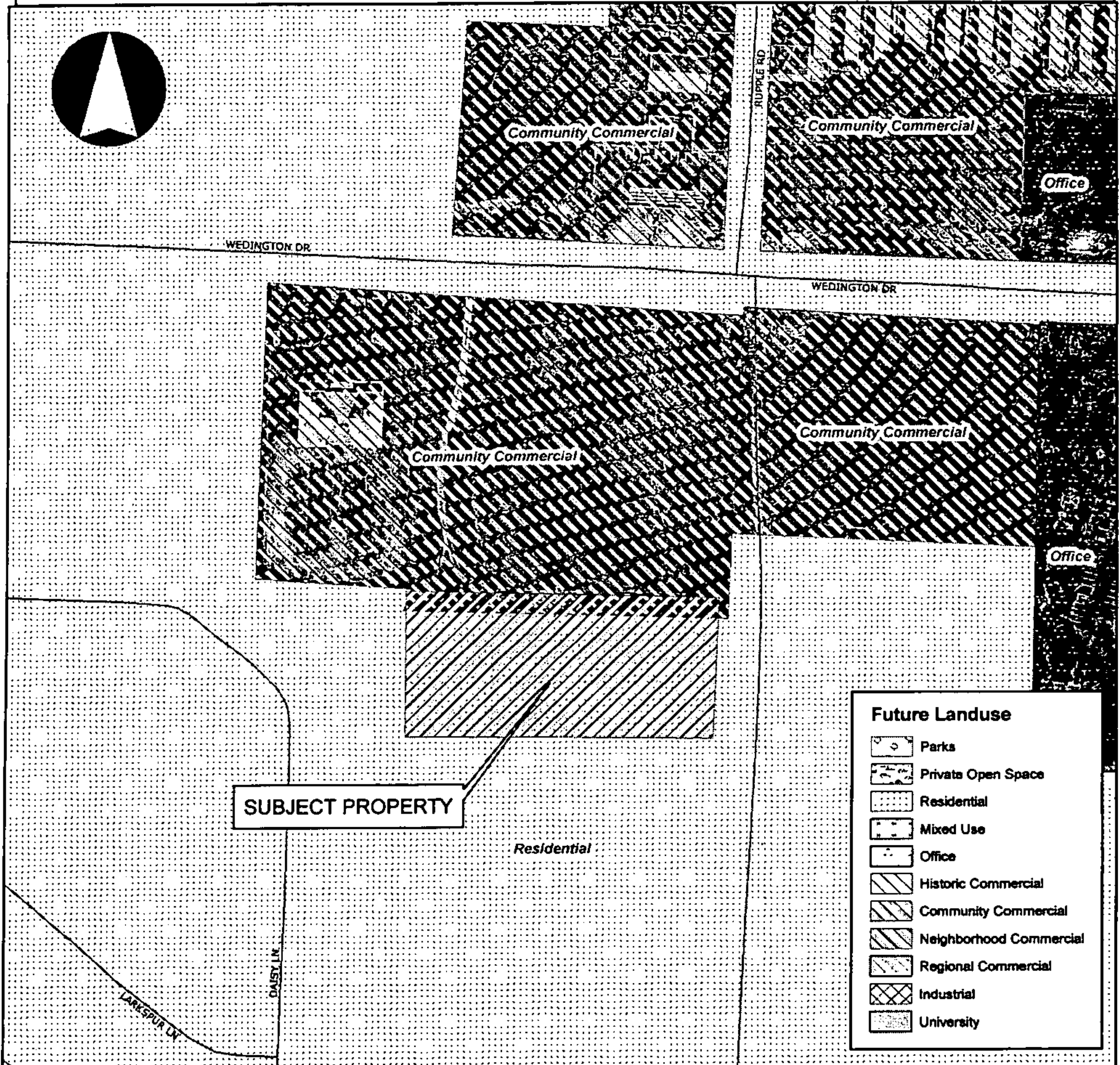
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

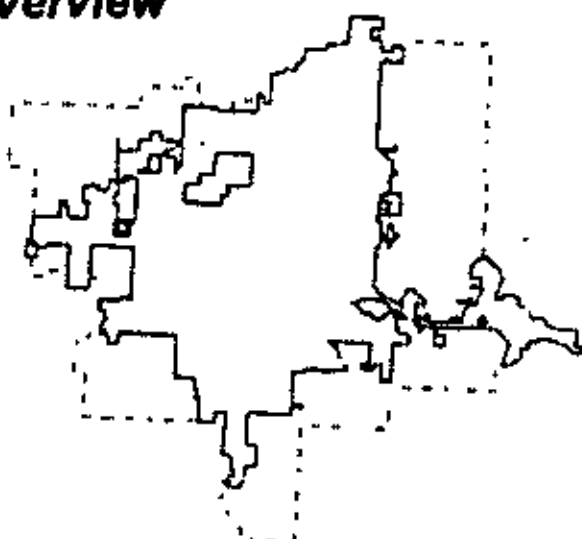
RZN03-21.00

Future Landuse

NOCK



Overview



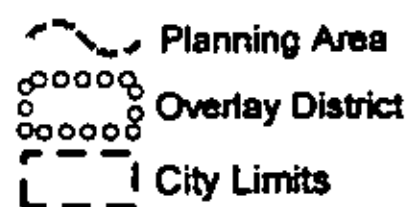
Legend

Subject Property

Streets



Boundary



RZN 03-21.00: Rezoning (Nock, PP 439) was submitted by John Nock for property located at 4023 Wedington Drive. The property is currently zoned A-1, Agricultural and contains approximately 1.98 acres. The request is to rezone the subject property to C-1, Neighborhood Commercial.

Hoover: Item number ten is RZN 03-21.00 submitted by John Nock for property at 4023 Wedington Drive. Dawn?

Warrick: The subject property is located on the west side of Ruppel Road south of Wedington Drive. The property contains just under two acres and currently has a single-family home on the site. The property to the north is vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties include a single-family home to the east, multi-family dwellings to the west, and a vacant tract to the south, which is proposed to be the location of fire station #7. The applicant does not have immediate development plans or proposals for the subject property. The rezoning at this time is being requested in order for the property to be divided so the southern portion can be sold to the city for fire station #7. In looking at that, the applicant and their representatives have identified an issue with this property remaining A-1 and the property to the south being developed as a fire station with the property being zoned C-1 for neighborhood commercial uses. Right now working south off of Wedington Drive you have a C-1 tract which is in the node of commercial and identified on the General Plan and then you have this A-1 property. The southern portion of it is proposed to be developed for a fire station. That leaves a remnant tract that we are considering right now, the 1.98 acres for rezoning to C-1, which would be consistent with extending the commercial node into this area at the intersection of Wedington and Ruppel. That might be a little bit easier to reference using the maps on page 10.10, that has pretty good representation. You can see the C-1 tract at the corner of Ruppel and Wedington and then the subject property. Further south of the subject property, south of the site that hopefully will be developed for the fire station, is property that is zoned for multi-family dwellings. This property kind of becomes a transition. The General Plan designates this site as residential. As I mentioned, it is a remnant, it is an in between tract. The fire station site will create a definite boundary between the commercial zoning to the north and the multi-family zoning to the south. With that, we believe that it is justified and needed in order to maintain uniform zoning and in order for this property to remain useful. The development of the fire station on the southern edge will change the character of the property and it will also provide a natural barrier between different land uses and activity levels. The proposed zoning will allow for development of neighborhood commercial uses, retail, restaurant, offices and similar uses will be permitted. Access from the site is from Wedington Drive and on Ruppel Road, which will satisfy the demands of this type development.

June 9, 2003
Page 22

Rupple Road is currently under construction. It is identified on the Master Street Plan and this leg of Rupple Road is being constructed and should be completed later this summer to serve the Boys and Girls Club, which is south and east of this site. Staff is in favor of this request and I will be happy to answer any questions you may have.

Hoover: Thank you Dawn, would the applicant come forward? Are you the applicant?

Earnest: No Ma'am, I'm not. I am Hugh Earnest, I am the Chief Administrative Officer, if I may beg the indulgence of the Commission Madam Chair. I really came to listen to this today but Mr. Nock is not here and I know that it is your policy probably that the applicant needs to be here for this. I would simply beg your indulgence and ask you to go ahead and consider this. This is the end of a process where Mr. Nock has worked with us. We had originally moved fairly aggressively, according to some, to condemn property further west from this from Mr. Hayden McIlroy and this was a compromise situation that we worked out between Mr. Nock, Mr. McIlroy and ourselves. Mr. Nock has insisted that the rezoning occur before he enables us to close on the property. For that particular reason I would ask you to move on this tonight. I regret that Mr. Nock is not here. I read very carefully Mrs. Warrick's staff report and it is excellent and would hope that you would go ahead and consider this tonight.

Hoover: Thank you. Do any commissioners have a problem hearing this rezoning request? Then we will continue on. Is there any member of the public that would like to address this RZN 03-21? Seeing none, I will go ahead and bring it back to the Commission.

Bunch: Just a question of clarification. On our drawings on page 10.10 is the shaded in area just the property that is in question for this request? Does it include or not include the part of the property in which the fire station is proposed to be sited?

Warrick: The shaded in area is only the area subject to this request. The proposed fire station property is south of that. It is not included in this request.

Bunch: Would there be any lot line adjustments or anything required for that?

Warrick: The property will need to be split. A lot split will need to be processed.

Bunch: What zoning district is required for a fire station?

Warrick: The current zoning on the property is A-1 and that is a use by right in A-1, a fire station can be developed there.

Bunch: Ok, thank you.

Estes: Dawn, why is this not considered spot zoning?

Warrick: Because it can be a consistent commercial node at this intersection. It can adjoin the C-1 property to the north and become part of that consistent uniform zoning on the west side of Ruppel Road. If this were leap frogging south of the fire station site I think it would be considered a spot zoning. However, it is incorporated into this commercial area at that intersection of the larger street. Staff felt that it was appropriate here.

Estes: Even though we are going from C-1 south to C-2 and not from C-2 to C-1?

Warrick: It is actually going from C-1 to C-1. The corner is zoned C-1 currently.

Estes: Ok, I'm sorry, I see that.

Hoover: Are there any other comments?

MOTION:

Ostner: I live nearby a fire station. I wish businesses were there instead of me. No one sleeps there. I will make a motion to forward RZN 03-21 to the City Council.

Hoover: I have a motion by Commissioner Ostner, is there a second?

Shackelford: I will second.

Hoover: And a second by Commissioner Shackelford. Is there anymore discussion? Seeing none, will you call the roll Renee?

Roll Call: Upon the completion of roll call the motion to forward RZN 03-21.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

Zoning Map
Adoption
C. 6. Page 1 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

July 1, 2003

FROM:

Tim ConklinCommunity Planning & EngineerinCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance Approval

SUMMARY EXPLANATION:

An ordinance adopting a new official zoning map and incorporating the renamed zoning districts on the new official zoning map as adopted in Title 15 of the Unified Development Code of the Fayetteville Code of Ordinances.

STAFF RECOMMENDATION: Approval.

Received in Mayor's Office

6/16/03
Date P.H.

Division Head

Date

[Signature]6/16/03

City Attorney

Date

Department Director

Date

[Signature]6-13-03

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

Yes

No

Finance & Internal Services Dir.

Date

[Signature]6-16-03

Chief Administrative Officer

Date

[Signature]6-17-03

Mayor

Date

[Signature]6/17/03

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A NEW OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE AND INCORPORATING THE RENAMED ZONING DISTRICTS ON THE NEW OFFICIAL ZONING MAP AS ADOPTED IN TITLE 15: THE UNIFIED DEVELOPMENT CODE OF THE FAYETTEVILLE CODE OF ORDINANCES.

WHEREAS, Ordinance No. 4489 adopted the Unified Development Code which created, and refers to throughout, specific zoning districts within the City of Fayetteville, Arkansas; and

WHEREAS, three copies of proposed Official Zoning Map of the City of Fayetteville are filed in the office of the City Clerk and have been available for the public to inspect and view prior to passage of this ordinance; and

WHEREAS, proper notice by publication in a newspaper of general circulation within Fayetteville stating that copies of the proposed Official Zoning Map of the City of Fayetteville are available and open to public inspection in the City Clerk's office prior to the passage of this ordinance; and

WHEREAS, the city needs to adopt a new official zoning map to replace the 1970 zoning map that has been amended hundreds of times over the last 33 years; and

WHEREAS, a new Official Zoning Map will provide a more detailed and accurate depiction of the current zoning designations.

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 adopts the Official Zoning Map of the City of Fayetteville attached hereto as Exhibit A and made a part hereof by reference.

PASSED and **APPROVED** this the 1st day of July, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

CC Meeting of July 1, 2003

FAYETTEVILLE

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

New Official Zoning Map

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, A.I.C.P., Community Planning & Engineering Services Director T.C.
DATE: June 12, 2003

Background:

The City of Fayetteville on June 29, 1970 adopted a new zoning map. Over the last 33 years, the Board of Directors and City Council have amended this map hundreds of times through the rezoning process. The 1970 zoning map was a hand drawn map at a scale of 1 inch equal to 1000'. The City in the mid 1990's began the process to convert the zoning map into a digital map as part of creating the City's geographic information system. This process to convert the zoning map into a digital map has resulted in the ability to "zoom down" to an individual lot in the City.

Staff has spent the last year reviewing the hundreds of zoning map amendments to verify that the digital map is accurate along with verifying what was approved in 1970. The new map incorporates the 33 years of amendments.

Current Status:

The proposed new official zoning map will be heard by the Planning Commission on June 23, 2003. Staff will forward the Planning Commission minutes and recommendation to the City Council at agenda session.

Recommendation:

Staff recommends approval of the new official zoning map.

STAFF REVIEW FORM

Banc of America
Leasing
C. 7. Page 1

XX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

Residential Solid Waste v
Lease Agreement
Amendment 65

For the Fayetteville City Council Meeting of: July 1, 2003

FROM:

<u>Stephen Davis</u>	<u>Finance & Internal Services Div.</u>	<u>Finance & Internal Services</u>
Name	Division	Department

ACTION REQUIRED: Approval of a resolution authorizing the use of \$1,178,928 of the previously approved Amendment 65 Master Lease agreement with Banc of America Leasing & Capital, LLC.

COST TO CITY:

<u>\$125,975.00</u>	<u>\$ 903,443.00</u>	<u>Services & Charges</u>
Cost of this request		Program Category / Project Name
<u>5500-5020-5308-00</u>	<u>\$ 352,386.00</u>	<u>Residential Collection</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u></u>	<u>\$ 551,057.00</u>	<u>Solid Waste</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: XX Budgeted Item Budget Adjustment Attached

Babara Lee
Budget Manager

6/17/03
Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Yauthin
Accounting Manager

6/18/03
Date

Nancy Small
Internal Auditor

6/18/03
Date

201 W/H
City Attorney

6/18/03
Date

P. Uice
Purchasing Manager

6-18-03
Date

STAFF RECOMMENDATION: Staff recommends approval of the resolution.

6/18/03
P.H.

Division Head

Date

Cross Reference

New Item: Yes No

Department Director

Date

Previous Ord/Res#:

Steph Davis
Finance & Internal Services Dir.

6-18-03
Date

Orig. Contract Date

Nancy Small
Chief Administrative Officer

6-18-03
Date

Orig. Contract Number

Ken Coody
Mayor

6/19/03
Date

City of Fayetteville, Arkansas
Residential Solid Waste Vehicle Purchases
2003 Calendar Year

City Unit Number	Unit Description (Chassis VIN #)	Date of Payment to Vendor	Payment Amount	City Check Number
465	1M2ACO8C53M008243	3-Feb-03	\$196,488.00	304753
466	1M2ACO8C03M008246	14-Feb-03	\$196,488.00	305336
467	1M2ACO8C93M008245	14-Feb-03	\$196,488.00	305335
468	1M2ACO8C63M008249	17-Mar-03	\$196,488.00	306666
469	1M2ACO8C43M008248	17-Mar-03	\$196,488.00	306666
470	1M2ACO8C23M008247	31-Mar-03	\$196,488.00	307177
Total			<u>\$1,178,928.00</u>	

Description _____ Meeting Date _____

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE USE OF ONE MILLION ONE HUNDRED SEVENTY-EIGHT THOUSAND NINE HUNDRED TWENTY EIGHT DOLLARS (\$1,178,928.00) UNDER THE AMENDMENT 65 MASTER LEASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC TO REIMBURSE THE CITY FOR THE PURCHASE OF RESIDENTIAL SOLID WASTE VEHICLES.

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 use of One Million One Hundred Seventy-Eight Thousand Nine Hundred Twenty Eight Dollars (\$1,178,928.00) under the Amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the city for the purchase of residential solid waste vehicles.

PASSED and APPROVED this 1st day of July, 2003.

ATTEST:

By:

SONDRA SMITH, City Clerk

APPROVED

By:

DAN GOODY, Mayor

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director

DATE: June 18, 2003

SUBJECT: Debt Management Program: Leasing Services – Solid Waste Vehicles

Background

City Council approved a Master Lease Ordinance with Banc of America Leasing & Capital, LLC on May 6, 2003 in an amount not to exceed \$5.0 million for residential solid waste vehicles.

Current Status

Staff is submitting, for City Council approval, a request to utilize approximately \$1,179,000 of the approved lease amount to reimburse the City for the purchase of residential solid waste vehicles.

The payment terms under this use of the Amendment 65 Master Lease will be for a period of no more than sixty (60) months at a fixed interest cost of no more than 2.89%.

Recommendation

Staff recommends City Council approval of a resolution authorizing the use of a portion of the Amendment 65 Master Lease with Banc of America Leasing & Capital, LLC.

S/w vehicles

Sample Amortization Schedule
\$1,178,928 Principal

Date	debt service number	interest 2.64000%	principal	debt service	balance
					1,178,928.00
Apr-16-03	0				
May-16-03	1	2,593.64	18,402.08	20,995.72	1,160,525.92
Jun-16-03	2	2,553.16	18,442.56	20,995.72	1,142,083.36
Jul-16-03	3	2,512.58	18,483.13	20,995.72	1,123,600.23
Aug-16-03	4	2,471.92	18,523.80	20,995.72	1,105,076.43
Sep-16-03	5	2,431.17	18,564.55	20,995.72	1,086,511.89
Oct-16-03	6	2,390.33	18,605.39	20,995.72	1,067,906.49
Nov-16-03	7	2,349.39	18,646.32	20,995.72	1,049,260.17
Dec-16-03	8	2,308.37	18,687.34	20,995.72	1,030,572.83
Jan-16-04	9	2,267.26	18,728.46	20,995.72	1,011,844.37
Feb-16-04	10	2,226.06	18,769.66	20,995.72	993,074.71
Mar-16-04	11	2,184.76	18,810.95	20,995.72	974,263.76
Apr-16-04	12	2,143.38	18,852.34	20,995.72	955,411.42
May-16-04	13	2,101.91	18,893.81	20,995.72	936,517.61
Jun-16-04	14	2,060.34	18,935.38	20,995.72	917,582.23
Jul-16-04	15	2,018.68	18,977.04	20,995.72	898,605.20
Aug-16-04	16	1,976.93	19,018.79	20,995.72	879,586.41
Sep-16-04	17	1,935.09	19,060.63	20,995.72	860,525.78
Oct-16-04	18	1,893.16	19,102.56	20,995.72	841,423.22
Nov-16-04	19	1,851.13	19,144.59	20,995.72	822,278.64
Dec-16-04	20	1,809.01	19,186.70	20,995.72	803,091.93
Jan-16-05	21	1,766.80	19,228.91	20,995.72	783,863.02
Feb-16-05	22	1,724.50	19,271.22	20,995.72	764,591.80
Mar-16-05	23	1,682.10	19,313.62	20,995.72	745,278.18
Apr-16-05	24	1,639.61	19,356.11	20,995.72	725,922.08
May-16-05	25	1,597.03	19,398.69	20,995.72	706,523.39
Jun-16-05	26	1,554.35	19,441.37	20,995.72	687,082.03
Jul-16-05	27	1,511.58	19,484.14	20,995.72	667,597.89
Aug-16-05	28	1,468.72	19,527.00	20,995.72	648,070.89
Sep-16-05	29	1,425.76	19,569.96	20,995.72	628,500.93
Oct-16-05	30	1,382.70	19,613.01	20,995.72	608,887.91
Nov-16-05	31	1,339.55	19,656.16	20,995.72	589,231.75
Dec-16-05	32	1,296.31	19,699.41	20,995.72	569,532.34
Jan-16-06	33	1,252.97	19,742.75	20,995.72	549,789.59
Feb-16-06	34	1,209.54	19,786.18	20,995.72	530,003.41
Mar-16-06	35	1,166.01	19,829.71	20,995.72	510,173.70
Apr-16-06	36	1,122.38	19,873.33	20,995.72	490,300.37
May-16-06	37	1,078.66	19,917.06	20,995.72	470,383.31
Jun-16-06	38	1,034.84	19,960.87	20,995.72	450,422.44
Jul-16-06	39	990.93	20,004.79	20,995.72	430,417.65
Aug-16-06	40	946.92	20,048.80	20,995.72	410,368.85
Sep-16-06	41	902.81	20,092.91	20,995.72	390,275.95
Oct-16-06	42	858.61	20,137.11	20,995.72	370,138.84
Nov-16-06	43	814.31	20,181.41	20,995.72	349,957.43
Dec-16-06	44	769.91	20,225.81	20,995.72	329,731.62
Jan-16-07	45	725.41	20,270.31	20,995.72	309,461.31
Feb-16-07	46	680.81	20,314.90	20,995.72	289,146.41
Mar-16-07	47	636.12	20,359.59	20,995.72	268,786.81
Apr-16-07	48	591.33	20,404.39	20,995.72	248,382.43
May-16-07	49	546.44	20,449.28	20,995.72	227,933.15
Jun-16-07	50	501.45	20,494.26	20,995.72	207,438.89
Jul-16-07	51	456.37	20,539.35	20,995.72	186,899.53

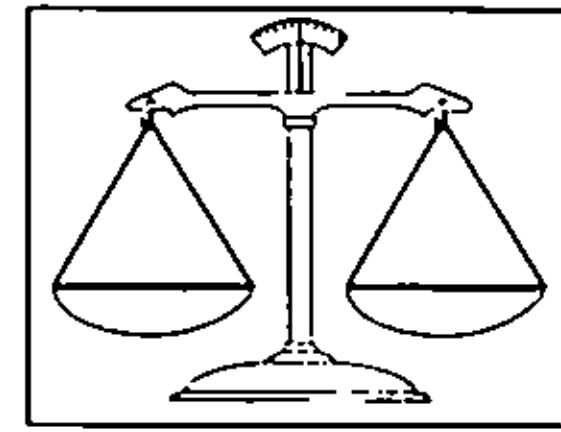
Aug-16-07	52	411.18	20,584.54	20,995.72	166,315.00
Sep-16-07	53	365.89	20,629.82	20,995.72	145,685.17
Oct-16-07	54	320.51	20,675.21	20,995.72	125,009.96
Nov-16-07	55	275.02	20,720.70	20,995.72	104,289.27
Dec-16-07	56	229.44	20,766.28	20,995.72	83,522.99
Jan-16-08	57	183.75	20,811.97	20,995.72	62,711.02
Feb-16-08	58	137.96	20,857.75	20,995.72	41,853.27
Mar-16-08	59	92.08	20,903.64	20,995.72	20,949.63
Apr-16-08	60	46.09	20,949.63	20,995.72	0.00
T O T A L		80,815.02	1,178,928.00	1,259,743.02	
		*****	*****	*****	

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

by: *D. J. Whitaker*

DATE: **July 2, 2003**

RE: **Passed Ordinances and Resolutions from City Council meeting
of July 1, 2003**

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

92-03

1. **Community Development Block Grant:** Resolution approving grant agreement for remaining \$560,000.00 balance of 2003 Community Development Block Grant;

93-03

2. **Roberts-McNutt Company/Sang Senior Center:** Resolution awarding contract to Roberts-McNutt Company in amount of \$22,863.00 for re-roof project at Sang Senior Center; approving project contingency in amount of \$3,430.00 and approving budget adjustment in amount of \$19,151.00 for same;

94-03

3. **McClelland Consulting Engineers/FBO Hangar Task Order #13:** Resolution approving Amendment No. 1 to Task Order No. 13 w/McClelland Consulting Engineers in amount of \$3,983.50;

- 95-03 4. **McClelland Consulting Engineers/Corporate Hangar Complex Task Order #10:** Resolution approving Amendment No. 1 to Task Order No. 10 w/McClelland Consulting Engineers in amount of \$6,937.50;

- 96-03 5. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** Resolution awarding Bib # 03-35 in amount of \$106,126.09 for purchase of 20 Ruggedized laptop computers and 17 docking stations;

- 97-03 6. **Ozark Regional Transit Expenses:** Resolution approving transfer of funds in amount of \$15,232.00 to Ozark Regional Transit Authority for purpose of offsetting drastic increase in insurance premiums; and approving budget adjust in that amount for same;

- 98-03 7. **Standard Register Company/ADED:** Resolution certifying that City of Fayetteville endorse Standard Register Company to participate in State of Arkansas Tax Back Program (ADED);

- 99-03 8. **Banc of America Leasing:** Resolution authorizing use of \$1,178,928.00 under Amendment 65 Master Lease Agreement w/Banc of America Leasing & Capital, LLC to reimburse City for purchase of residential solid waste vehicles;

- 4498 9. **VAC 03-1.00:** Ordinance amending Ordinance 4466 to vacate and abandon unopened portion of Ninth Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in Ferguson Addition as depicted on attached map and legal description;

- 4499 10. **RZN 03-21.00:** Ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville from A-1, Agricultural to C-1, Neighborhood Commercial;

- 4500 11. **Unified Development Code, Chapter 174: Signs:** Ordinance amending Title XV: Unified Development Code, Chapter 174: Signs, of the Code of Fayetteville to provide amendments to and clarification of various provisions to conform w/Judgment and Memorandum Opinion of United States District Court for Western District of Arkansas issued in LaTour v. City of Fayetteville and declaring an emergency.

NORTHWEST ARKANSAS EDITION Arkansas Democrat ~~Gazette~~ Gazette

AFFIDAVIT OF PUBLICATION

I, Shane Williams, do solemnly swear that I am
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:

Tina O Agenda was inserted in the regular editions on
6/30/03.

PO# 03-000154-001

** Publication Charge: \$ 180.54

Subscribed and sworn to before me this

30th day of June, 2003.

Sheri Denise Sutton
Notary Public

My Commission Expires: 5-1-07

** Please do not pay from Affidavit.
An invoice will be sent.

OFFICIAL SEAL
SHERI DENISE SUTTON
NOTARY PUBLIC, ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 05/01/07

RECEIVED

JUL 02 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
FOR
CITY COUNCIL MEETING
JULY 1, 2003**



City of Fayetteville

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes
2. **2003 Community Development Block Grant Allocation of \$560,000.00:** A resolution approving the grant agreement for the remaining \$560,000.00 balance of the 2003 Community Development Block Grant (CDBG).
3. **Roberts-McNitt Company/Sang Senior Center:** A resolution awarding a contract to Roberts McNitt Company in the amount of \$22,883.00 for a re-roof project at the Sang Senior Center; approving a project contingency in the amount of \$3,430.00 and approving a budget adjustment in the amount of \$18,151.00 for same.
4. **McClelland Consulting Engineers/ FBO Hanger Task Order # 13:** A resolution approving Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of \$3,983.50
5. **McClelland Consulting Engineers/Corporate Hanger Complex Task Order # 10:** A resolution approving Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of \$6,937.50.
6. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** A resolution awarding Bid #03-35 to Motorola, Inc. in the amount of \$108,126.09 for the purchase of 20 ruggedized laptop computers and 17 docking stations
7. **Ozark Regional Transit Expenses:** A resolution approving the transfer of funds in the amount of \$15,232.00 to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums, and approving a budget adjustment in that amount for same
8. **Standard Register Company/ADED:** A resolution certifying that the City of Fayetteville endorse the Standard Register Company to participate in the State of Arkansas Tax Back Program (ADED).
9. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 18 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description
3. **RZN 03-19.00 (Tom Broyles 14.68 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kalso on behalf of Tom Broyles for property located East of Beechwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential
4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kalso on behalf of Tom Broyles for property located East of Beechwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial
5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial
6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15: the Unified Development Code of the Fayetteville Code of Ordinances
7. **Unified Development Code, Chapter 174: Signs:** A ordinance amending Title XV, Unified Development Code, chapter 174, Signs, of the Code of Fayetteville, to provide amendments to and clarification of various provisions to conform with the judgment and memorandum opinion of the United States District Court for the Western District of Arkansas issued in LA Tour v. City of Fayetteville; and declaring an emergency.

D. INFORMATIONAL:

1. **Council Tour: June 30, 2003**

**Tentative Agenda
For
City Council Meeting
July 1, 2003**

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.

92-03

2. **2003 Community Development Block Grant Allocation of \$560,000.00:** A resolution approving the grant agreement for the remaining \$560,000.00 balance of the 2003 Community Development Block Grant (CDBG).

Performance
Bond 93-03

3. **Roberts-McNutt Company/Sang Senior Center:** A resolution awarding a contract to Roberts McNutt Company in the amount of \$22,863.00 for a re-roof project at the Sang Senior Center; approving a project contingency in the amount of \$3,430.00 and approving a budget adjustment in the amount of \$19,151.00 for same.

94-03

4. **McClelland Consulting Engineers/ FBO Hangar Task Order # 13:** A resolution approving Amendment No. 1 to Task Order No. 13 with McClelland Consulting Engineers in the amount of \$3,983.50. - *Engineering only*

95-03

5. **McClelland Consulting Engineers/Corporate Hangar Complex Task Order # 10:** A resolution approving Amendment No. 1 to Task Order No. 10 with McClelland Consulting Engineers in the amount of \$6,937.50.

96-03

6. **Motorola, Inc. Bid #03-35 Ruggedized Laptop Computers:** A resolution awarding Bid #03-35 to Motorola, Inc. in the amount of \$106,126.09 for the purchase of 20 ruggedized laptop computers and 17 docking stations.

97-03

7. **Ozark Regional Transit Expenses:** A resolution approving the transfer of funds in the amount of \$15,232.00 to the Ozark Regional Transit Authority for the purpose of offsetting a drastic increase in insurance premiums; and approving a budget adjustment in that amount for same.

98-03

8. **Standard Register Company/ADED:** A resolution certifying that the City of Fayetteville endorse the Standard Register Company to participate in the State of Arkansas Tax Back Program (ADED).

99-03 #9 Banc of America

B. OLD BUSINESS:

C. NEW BUSINESS:

*7 foot?
info. to Bob.*

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.

2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, East of South School Avenue, South of Lots 2 and 8, Block 16 and North of Lots 1 and 24, Block 17 in the Ferguson Addition as depicted on the attached map and legal description.

*City Council
minutes on
this. 1-2 years
ago.*

3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.

*Copy of traffic
study - latest
one.*

4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located East of Beachwood Avenue South of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial.

5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.

*Advertise with
Comm. Access
Government Channel*

6. **Zoning Map Adoption:** An ordinance adopting a new official Zoning Map of the City of Fayetteville and incorporating the renamed zoning districts on the new official Zoning Map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.

Consent

7. **Banc of America Leasing:** A resolution authorizing the use of \$1,178,928.00 under amendment 65 Master Lease Agreement with Banc of America Leasing & Capital, LLC to reimburse the City for the purchase of residential solid waste vehicles.

#8 UDO Chapter 174, Signs

D. INFORMATIONAL:

*#9 Smoking Public
Places*

1. **Council Tour: June 30, 2003 - Butterfield Trail
Tom Broyles**

*July
15th*

97 feet / 4 lanes with turn. - Tim Check on.

Smoking

Agenda Meeting

**Draft Tentative Agenda
For
City Council Meeting
July 1, 2003**

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.

City Atty ② **2003 Community Development Block Grant Allocation of \$560,000.00:** No Information

③ **Roberts-McNutt Company contract to re-roof Sang Senior Center:** ~~No~~ information

Stand-Register **B. OLD BUSINESS:**

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.
2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** An Ordinance amending Ordinance 4466 to vacate and abandon the unopened portion of 9th Street, east of South School Avenue, south of lots 2 and 8, block 16 and north of lots 1 and 24, block 17 in the Ferguson Addition as depicted on the attached map and legal description.
3. **RZN 03-19.00 (Tom Broyles 14.66 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-19.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located east of Beachwood Avenue south of 15th Street, moving the current zoning line to a new configuration with the subject property being R-2, Medium Density Residential.
4. **RZN 03-20.00 (Tom Broyles 7.45 acres):** An ordinance rezoning that property described in rezoning petition RZN 03-20.00 as submitted by Jerry Kelso on behalf of Tom Broyles for property located east of Beachwood Avenue south of 15th Street, moving the current zoning line to a new configuration with the subject property being zoned C-2, Thoroughfare Commercial.

5. **RZN 03-21.00 (John Nock):** An ordinance rezoning that property described in rezoning petition RZN 03-21.00 as submitted by John Nock for property located at 4023 Wedington Drive, Fayetteville, Arkansas from A-1, Agricultural to C-1 Neighborhood Commercial.

6. **Zoning Map Adoption:** An ordinance adopting a new official zoning map of the City of Fayetteville and incorporating the renamed zoning districts on the new official zoning map as adopted in Title 15; the Unified Development Code of the Fayetteville Code of Ordinances.

Consent ~~7. Sang/Hollywood & 6th Street Intersection Improvements. No information.~~

~~8. Revision of Chapter 95, Health and Sanitation. No information.~~

Consent 9. McClelland Consulting Engineers Amendment #1 FBO Hangar Task Order # 13:

~~10. McClelland Consulting Engineers Amendment #1.~~

Consent 11. Tomlinson Asphalt Change Order # 3 South Hangar Apron Complex:

Consent - ~~12. Motorola, Inc. bid # 03-35 Ruggedized Laptop Computers: No information~~

Consent - ~~13. Ozark Regional Transit Expenses: No information~~

~~14. City of Fayetteville Newspaper Advertising: No information~~

Consent - 15. Crossland Construction Change Order # 3 FBO Hangar

16. Banc of America Leasing

D. INFORMATIONAL:

1. Council Tour: June 30, 2003

2 Raze & Renewals
- 680 S Hill
335 East 6th
1017 W Cato
Spring

DRAFT
Tentative Agenda
For

City Council Meeting
July 1, 2003

Staff Meeting

A meeting of the Fayetteville City Council will be held on July 1, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the June 17, 2003 meeting minutes.

B. OLD BUSINESS:

C. NEW BUSINESS:

1. **CEI Engineers Master Street Plan Appeal (Butterfield Trail Village):** An appeal from Butterfield Trail Village of the Master Street Plan Right of Way dedication requirements.

- ✓ 2. **VAC. 03-1.00 (Kim Scott Mountain Mechanical Contractors):** No information

- ✓ 3. **RZN 03-21.00 (John Nock):** No Information

- ✓ 4. **RZN 03-^{20.00}2.00 (Tom Broyles):** No Information

- ✓ 5. **RZN 03-19.00 Zoning Map Adoption:** No Information

6. **Sang/Hollywood & 6th Street Intersection Improvements:** No Information

- Consent ✓ 7. **2003 Community Development Block Grant Allocation of \$560,000.00:** No Information

8. **Revision of Chapter 95: Health and Sanitation:** No Information

9. **McClelland Consulting Engineers Amendment #1 FBO Hangar:** No Information

- Consent ✓ 10. **McClelland Consulting Engineers Amendment #1 South Hangar Apron complex:** No Information

11. **Roberts-McNutt Company contract to re-roof Sang Senior Center:** No information

12. **Motorola, Inc. bid # 03-35 Ruggedized Laptop Computers:** No information

Hold 1

~~13. Code of Ordinance Section 51.136: No information~~

14. Ozark Regional Transit Expenses: No information

15. City of Fayetteville Newspaper Advertising: No information

D. INFORMATIONAL:

1. Council Tour: June 30, 2003