Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 2, 2005

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Mt. Sequoyah Street Extension: A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

THIS ITEM WAS MOVED TO THIS POSITION FROM NEW BUSINESS, ITEM NO. 6 AT THE CITY COUNCIL MEETING AND WAS TABLED INDEFINITELY.

Recognize Fayetteville High School Bulldog Band: A resolution to recognize the accomplishments of the Fayetteville High School Bulldog Band and proclaim the Fayetteville High School Bulldog Band to be official ambassadors of the City of Fayetteville, Arkansas to the Tournament of Roses Parade in Pasadena, California in 2006.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 148-05

A. CONSENT:

1. **Approval of the July 19, 2005 City Council meeting minutes.**

   APPROVED.

2. **Fairlane Apartments Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 149-05

B. UNFINISHED BUSINESS:

1. **Planning Commission Appeal (Dixie Development):** An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4732.

2. **RZN 05-1491 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4733.

3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

   THIS ITEM WAS TABLED TO THE AUGUST 16, 2005 CITY COUNCIL MEETING.

4. **Planning Commission Appeal (Rapido Rabbit Carwash):** A request to appeal the Planning Commission's motion to deny Administrative request ADM 05-1582 for Rapido Rabbit Carwash located south of Wedington Drive and west of Shiloh Drive. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

   THIS ITEM WAS WITHDRAWN BY THE APPLICANT.

5. **R-PZD 05-1463 (Oakbrooke):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission. ***This item was Left on the First Reading at the July 19, 2005 City Council meeting.***

   THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDIANCE.

6. **RZN 05-1546 (Mathias):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4734.

7. **RZN 05-1564 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1564 (Mountain Ranch D,F,H,I,J) for approximately 193.66 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4735.

8. **RZN 05-1563, RZN 05-1566 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1563 (Mountain Ranch C) and RZN 05-1566 (Mountain Ranch G) for approximately 97.71 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family 4 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4736.

9. **RZN 05-1562 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1562 (Mountain Ranch B) for approximately 19.04 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RMF-24, Residential Multi-Family, 24 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4737.

10. **RZN 05-1561 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4738.

11. **RZN 05-1560 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1560 (Mountain Ranch A-1) for approximately 14.60 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4739.

C. **NEW BUSINESS:**

1. **King Electrical Contractors, Inc. Change Order:** A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 150-05.

2. **ANX 05-1580 (Sloan Properties):** An ordinance annexing that property described in Annexation Petition ANX 05-1580 for property located at Hunt Lane, south of Highway 16 East containing 31.59 Acres.

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

3. **RZN 05-1581 (Sloan Properties):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1581 for approximately 31.59 acres located at Hunt Lane, south of Highway 16 east from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4-Units Per Acre.

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

4. **R-PZD 05-1555 (Oakbrooke Subdivision):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1555, Oakbrooke Phase II, located west of Rupple Road and east of Bridgeport Phase II, containing approximately 11.5 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

   THIS ITEM WAS REMOVED FROM NEW BUSINESS AND MOVED TO UNFINISHED BUSINESS.

5. **VAC 05-1522 (Springwoods):** An ordinance approving VAC 05-1522 submitted by Patrick Hargus for property located at Highway 112 and Truckers Drive (The Springwoods Planned Zoning District) vacating a utility easement as indicated in the attached map and legal description.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4740.

6. **Mt. Sequoyah Street Extension:** A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

   THIS ITEM WAS MOVED TO THE FRONT OF THE AGENDA BEFORE FAYETTEVILLE HIGH SCHOO BAND.

7. **Appointment of Negotiation Team for Farmington Sewer System:** A resolution to appoint a negotiation team to work with Farmington on the issue of accepting Farmington's Sewer System into the Fayetteville Sewer System and issues related thereto.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 151-05.

8. **Solid Waste and Recycling Services-City of Elkins:** A resolution authorizing City staff to enter into negotiations with the City of Elkins, Arkansas to provide Solid Waste & Recycling Services to the City of Elkins, Arkansas.

   THIS ITEM WAS TABLED TO THE AUGUST 16, 2005 CITY COUNCIL MEETING.

9. **Cross, Gunter, Witherspoon & Galchus P.C. Change Order:** A resolution to approve an amendment to the contract for professional services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 to continue representation of the City in the Peter T. Reagan, ET. AL. v. City of Fayetteville lawsuit; and approving a Budget Adjustment.

   PASSED AND SHALL BE RECORDED AS RESOLUTION 152-05.

10. **Trail Construction Program Staffing Addition:** A resolution authorizing the Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews); and approving a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 153-05.

11. **Economic Development Fund Grant:** A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to Facilitate National Accreditation; and approving a budget adjustment.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 154-05.

12. **APAC-Arkansas, Inc. Contract Approval:** A resolution awarding a construction contract to APA-Arkansas, Inc., McClinton Anchor Division in the amount of $1,165,206.00 and approving a change order reducing the contract amount by $486,923.00, to construct the west general aviation apron; approving a 5% project contingency of $29,130.00; and accepting grants from the FAA and Arkansas Department of Aeronautics.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 155-05.

13. **Mally Wagon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagon Road less than a quarter mile from the city limits.

    THIS ITEM WAS TABLED TO THE SEPTEMBER 16, 2005 CITY COUNCIL MEETING.

14. **Legacy Building Site Easement:** A resolution to convey a twenty foot easement for access and to restrict construction of structures around the proposed Legacy building on the site of the demolished Shulertown Market building.

PASSED AND SHALL BE RECORDED AS RESOLUTION 156-05.

15. **Razorback Road Utility Relocation:** A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Razorback Road in the amount of $313,671.00 and approving a budget adjustment in the amount of $1,704,471.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 157-05.

16. **Wedington Drive Utility Relocation:** A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Wedington Drive from Rupple Road to Double Springs Road in the approximate amount of $445,793.70 and approving a budget adjustment in the amount of $1,679,294.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 158-05.

D. PUBLIC HEARING:

1. **Raze and Removal of Structure on 2016 W. Stone St.:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in the City of Fayetteville, Arkansas.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 159-05.

E. INFORMATIONAL:

Council Tour: NONE

MEETING ADJOURNED AT 10:15 P.M.

City Council Meeting August 2, 2005

Meeting Adjourned 10:15 PM

Subject:	Roll				
Motion To:					
Motion By:					
Seconded:					
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody	✓			

8-0

Subject:	Mt. Sequoyah #6 Move to			
Motion To:	Move on the Agenda	Ferrell		the front
Motion By:		Reynolds		of the
Seconded:				Agenda
Moved to the beginning of the agenda	Ferrell	✓		before
	Lucas	✓		Consent
	Jordan	✓		
	Reynolds	✓		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Mayor Coody			

8-0

City Council Meeting August 2, 2005

Subject:		Mt. Sequoyah		#56	
Motion To:		Table Indef.			
Motion By:		Ferrell			
Seconded:		Lucas			
Tabled Indef. 5-3	**Ferrell**	✓			
	Lucas	✓			
	Jordan	N			
	Reynolds	✓			
	Thiel	N			
	Cook	✓			
	Marr	N			
	Rhoads	✓			
	Mayor Coody				
		5-3			

Subject:		Recognize Fayetteville High School Bulldog Band			
Motion To:		Approve			
Motion By:		Ferrell			
Seconded:		Marr			
passed Res. 148-05	**Ferrell**	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				
		8-0			

City Council Meeting August 2, 2005

Subject:		New Business #4 to Follow			
Motion To:		Move New Business #5 Oakbrooke			Old Bus #5
Motion By:		Jordan			Oakbrooke
Seconded:		Lucas			
Passed	**Ferrell**	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject:		Consent			
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Marr			
Passed Res. 149-05	**Ferrell**	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

City Council Meeting August 2, 2005

Subject:		Planning Commission Appeal (Dixie Develop.)			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Marr			
B.1. Unfinished	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
Passed	Cook	✓	N		
	Marr	✓	✓		
4732	Rhoads	✓	✓		
	Mayor Coody				
		8-0	7-1		

Subject:		RZN-05-1491 (Dixie Development			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Marr			
B.2. Unfinished	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
Passed	Cook	✓	✓		
	Marr	✓	✓		
4733	Rhoads	✓	✓		
	Mayor Coody				
		8-0	8-0		

City Council Meeting August 2, 2005

Subject:		Planning Commission Appeal (Honda Pre)			
Motion To:		Table until	8/16/05		
Motion By:		Marr			
Seconded:		Cook			
B.3. Unfinished/ Tabled until 8/16/05	**Ferrell**	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject:		Planning Commission Appeal (Rapido Rabbit Carwash)			
Motion To:		NO Motions.			
Motion By:					
Seconded:					
B.4. Unfinished/ Withdrawn	**Ferrell**	Withdrawn by the applicant.			
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Mayor Coody				

City Council Meeting August 2, 2005

Subject:	R-PZD 05-1463 (Oak Brooke)				
Motion To:		2nd read			
Motion By:		Marr			
Seconded:		Jordan			
B.5. Unfinished Left on the Second Reading	Ferrell	absent during the vote			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				
		7-0			

Subject:	R-PZD 05-1555 Oak Brooke Subdivision				
Motion To:		2nd read			Moved
Motion By:		Jordan			from
Seconded:		Ferrell			New
C.4. New Business Left on the Second Reading	Ferrell	✓			Business to here
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				
		8-0			

City Council Meeting August 2, 2005

Subject:		RZN 05-1546 (Mathias)			
Motion To:		3rd Read	Pass		
Motion By:		Ferrell			
Seconded:		Reynolds			
B-6. Unfinished	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
passed	Cook	✓	✓		
	Marr	✓	✓		
4734	Rhoads	✓	✓		
	Mayor Coody				
		8-0	8-0		

Subject:		RZN 05-1564 (Mountain Ranch)			
Motion To:		third (3rd) read	Pass		Jan
Motion By:		Jordan			Ferrell
Seconded:		Lucas			
B.7. Unfinished	Ferrell	Absent during the vote	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
passed	Cook	✓	✓		
	Marr	✓	✓		
4735	Rhoads	✓	✓		
	Mayor Coody				
		7-0	8-0		

City Council Meeting August 2, 2005

Subject:		RZN - 05-1563, RZN 05-1566 (Mountain Ranch)			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Ferrell			
B.8. Unfinished	**Ferrell**	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
passed	**Marr**	✓	✓		
	Rhoads	✓	✓		
4736	**Mayor Coody**				
		8-0	8-0		

Subject:		RZN - 05-1562 (Mountain Ranch)			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.9. Unfinished	**Ferrell**	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
passed	**Cook**	✓	✓		
	Marr	✓	✓		
4737	**Rhoads**	✓	✓		
	Mayor Coody				
		8-0	8-0		

City Council Meeting August 2, 2005

Subject:		RZN-05-1561 (Mountain Ranch)			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.10. Unfinished	**Ferrell**	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
Passed	**Cook**	✓	✓		
	Marr	✓	✓		
	Rhoads	absent during vote	absent during vote		
4738	**Mayor Coody**				
		7-0	7-0		

Subject:		RZN 05-1560 (Mountain Ranch)			
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.11. Unfinished	**Ferrell**	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
Passed	**Cook**	✓	✓		
	Marr	✓	✓		
	Rhoads	Absent during vote	✓		
4739	**Mayor Coody**				
		7-0	8-0		

City Council Meeting August 2, 2005

Subject:		King Electrical Contractors, Inc. Change Orde			
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Ferrell			
C.1. New Business	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
Passed	Thiel	✓			
	Cook	✓			
Res. 150-05	Marr	✓			
	Rhoads	✓			
	Mayor Coody				
		8-0			

Subject:		ANX 05-1580 Sloan Properties			
Motion To:		2nd read			
Motion By:		Ferrell			
Seconded:		Rhoads			
C.2. New Business	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
Left on the Second Reading	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				
		8-0			

City Council Meeting August 2, 2005

Subject:	RZN 05-1581 (Sloan Properties)				
Motion To:		2nd read			
Motion By:		Reynolds			
Seconded:		Thiel			
C.B. New Business Left on the Second Reading	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject:	R-PZD 05-1555 Oak Brooke Subdivision				
Motion To:					
Motion By:					
Seconded:					
C.4. Moved to Unfinished Business	Ferrell	This item was moved to Unfinished Business to follow Oak Brooke Phase I.			
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Mayor Coody				

City Council Meeting August 2, 2005

Subject:		VAC 05-1522 (Springwoods)			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Ferrell	Marr		
C.5. New Business	**Ferrell**	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
Passed	**Cook**	✓	✓	✓	
	Marr	✓	✓	✓	
H740	**Rhoads**	absent during the vote	✓	✓	
	Mayor Coody				
		7-0	8-0	8-0	

Subject:		Mt. Sequoyah Street Extension			
Motion To:					
Motion By:					
Seconded:		Moved to the front of the Agenda Before			
C.6. New Business	**Ferrell**				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
Moved to the front of the agenda	**Cook**				
	Marr				
	Rhoads				
	Mayor Coody				

City Council Meeting August 2, 2005

Subject:		Appointment of Negotiation Team for Farmington			
Motion To:		Amend - Fayetteville rate payers hold harmless.			Sewer
Motion By:		Ferrell			System
Seconded:		Jordan			
C.7, New Business Amend	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0.

Subject:		Appointment of Negotiation Team for Farmington Sewer			
Motion To:		Approve			System.
Motion By:		Ferrell			
Seconded:		Reynolds			
C.7. New Business Passed Res. 151-05	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

City Council Meeting August 2, 2005

Subject:		Solid Waste & Recycling Services - City of			
Motion To:		Amend to Add hold City of Fayetteville residents harmless			Elkins
Motion By:		Ferrell			
Seconded:		Jordan			
C.8. New Business Amend	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject:		Solid Waste & Recycling Services - City of			
Motion To:		Table until 8/16/05			Elkins
Motion By:		Thiel			
Seconded:		Jordan			
C.8. New Business Tabled to 8/16/05	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

City Council Meeting August 2, 2005

Subject:	Cross, Gunter, Witherspoon & Galchus P.C. Change Order				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Thiel			
C.9. New Business Approved Res 152-05	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	Trail Construction Program Staffing Addition				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Cook			
C.10. New Business Passed Res: 153-05	Ferrell	N			
	Lucas	✓			
	Jordan	✓			
	Reynolds	N			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

6-2

Rhoads If we didn't use it for this what could we use it for.

Any other Capital Proj

City Council Meeting August 2, 2005

Subject:	Economic Development Fund Grant.				
Motion To:		Amend to remove the word grant			
Motion By:		Ferrell			
Seconded:		Jordan			
C.11. New Business Amend	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0

Subject:	Economic Development Fund ~~Grant~~ Grant				
Motion To:		Amend to have the funds come from the Airport Fund			
Motion By:		Thiel			
Seconded:		Marr			
C.11. New Business Amend	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	N			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

7-1

City Council Meeting August 2, 2005

Subject:		Economic Development Fund Grant			
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Cook			
C.11. New Business	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
Passed Res. 154-05	Mayor Coody				

8-0

Subject:		APAC - Arkansas, Inc. Contract Approval			
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Marr			
C.12. New Business	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
Passed Res. 155-05	Mayor Coody				

8-0

City Council Meeting August 2, 2005

Subject:		Mally Wagon Road Sewer Service			
Motion To:		Table to Sept. 6, 2005			
Motion By:		Marr			
Seconded:		Jordan			
C.13. New Business	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
Tabled to 9/6/05	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

8-0.

Subject:		Legacy Building Site Easement			
Motion To:		Amend New Section #3			Approve
Motion By:		Reynolds			
Seconded:		Marr			
C.14. New Business	Ferrell	✓			✓
	Lucas	✓			✓
	Jordan	✓			✓
	Reynolds	✓			✓
	Thiel	✓			✓
Passed Res. 156-05	Cook	✓			✓
	Marr	✓			✓
	Rhoads	✓			✓
	Mayor Coody				

8-0

8-0

City Council Meeting August 2, 2005

Subject:		Razorback Road Utility Relocation			
Motion To:		Amend to Change Amount			
Motion By:		Jordan		Jordan	
Seconded:		Marr		Cook	
C.15. New Business	Ferrell	✓		✓	
	Lucas	✓		✓	
	Jordan	✓		✓	
	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
Passed Res. 157-05	Marr	✓		✓	
	Rhoads	✓		✓	
	Mayor Coody				
		8-0		8-0	

Subject:		Washington Drive Utility Relocation			
Motion To:		Amend Amount	Pass		
Motion By:		Jordan	Jordan		
Seconded:		Reynolds	Marr		
C.16. New Business	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
Passed Res. 158-05	Marr	✓	✓		
	Rhoads	✓	✓		
	Mayor Coody				

City Council Meeting August 2, 2005

Subject:	Raze & Renewal 2016 W Stone Street.				
Motion To:		Approve			
Motion By:		Reynolds			
Seconded:		Thiel			
D.I. Public Hearing	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
Passed	Marr	✓			
Res. 159-05	Rhoads	✓			
	Mayor Coody				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Ferrell				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Mayor Coody				

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 2, 2005

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Recognize Fayetteville High School Bulldog Band: A resolution to recognize the accomplishments of the Fayetteville High School Bulldog Band and proclaim the Fayetteville High School Bulldog Band to be official ambassadors of the City of Fayetteville, Arkansas to the Tournament of Roses Parade in Pasadena, California in 2006.

A. CONSENT:

1. **Approval of the July 19, 2005 City Council meeting minutes.**

2. **Fairlane Apartments Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

B. UNFINISHED BUSINESS:

1. **Planning Commission Appeal (Dixie Development):** An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council***

meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.

2. **RZN 05-1491 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

4. **Planning Commission Appeal (Rapido Rabbit Carwash):** A request to appeal the Planning Commission's motion to deny Administrative request ADM 05-1582 for Rapido Rabbit Carwash located south of Wedington Drive and west of Shiloh Drive. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

5. **R-PZD 05-1463 (Oakbrooke):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission. ***This item was Left on the First Reading at the July 19, 2005 City Council meeting.***

6. **RZN 05-1546 (Mathias):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

7. **RZN 05-1564 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1564 (Mountain Ranch D,F,H,I,J) for approximately 193.66 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

8. **RZN 05-1563, RZN 05-1566 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1563 (Mountain Ranch C) and RZN 05-1566 (Mountain Ranch G) for approximately 97.71 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family 4 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

9. **RZN 05-1562 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1562 (Mountain Ranch B) for approximately 19.04 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RMF-24, Residential Multi-Family, 24 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

10. **RZN 05-1561 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

11. **RZN 05-1560 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1560 (Mountain Ranch A-1) for approximately 14.60 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

C. NEW BUSINESS:

1. **King Electrical Contractors, Inc. Change Order:** A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

2. **ANX 05-1580 (Sloan Properties):** An ordinance annexing that property described in Annexation Petition ANX 05-1580 for property located at Hunt Lane, south of Highway 16 East containing 31.59 Acres.

3. **RZN 05-1581 (Sloan Properties):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1581 for approximately 31.59 acres located at Hunt Lane, south of Highway 16 east from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4-Units Per Acre.

4. **R-PZD 05-1555 (Oakbrooke Subdivision):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1555, Oakbrooke Phase II, located west of Rupple Road and east of Bridgeport Phase II, containing approximately 11.5 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

5. **VAC 05-1522 (Springwoods):** An ordinance approving VAC 05-1522 submitted by Patrick Hargus for property located at Highway 112 and Truckers Drive (The Springwoods Planned Zoning District) vacating a utility easement as indicated in the attached map and legal description.

6. **Mt. Sequoyah Street Extension:** A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

7. **Appointment of Negotiation Team for Farmington Sewer System:** A resolution to appoint a negotiation team to work with Farmington on the issue of accepting Farmington's Sewer System into the Fayetteville Sewer System and issues related thereto.

8. **Solid Waste and Recycling Services-City of Elkins:** A resolution authorizing City staff to enter into negotiations with the City of Elkins, Arkansas to provide Solid Waste & Recycling Services to the City of Elkins, Arkansas.

9. **Cross, Gunter, Witherspoon & Galchus P.C. Change Order:** A resolution to approve an amendment to the contract for professional services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 to continue representation of the City in the Peter T. Reagan, ET. AL. v. City of Fayetteville lawsuit; and approving a Budget Adjustment.

10. **Trail Construction Program Staffing Addition:** A resolution authorizing the Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews); and approving a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

11. **Economic Development Fund Grant:** A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to Facilitate National Accreditation; and approving a budget adjustment.

12. **APAC-Arkansas, Inc. Contract Approval:** A resolution awarding a construction contract to APA-Arkansas, Inc., McClinton Anchor Division in the amount of $1,165,206.00 and approving a change order reducing the contract amount by $486,923.00, to construct the west general aviation apron; approving a 5% project contingency of $29,130.00; and accepting grants from the FAA and Arkansas Department of Aeronautics.

13. **Mally Wagon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagon Road less than a quarter mile from the city limits.

14. **Legacy Building Site Easement:** A resolution to convey a twenty foot easement for access and to restrict construction of structures around the proposed Legacy building on the site of the demolished Shulertown Market building.

15. **Razorback Road Utility Relocation:** A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Razorback Road in the amount of $313,671.00 and approving a budget adjustment in the amount of $1,704,471.00.

16. **Wedington Drive Utility Relocation:** A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Wedington Drive from Rupple Road to Double Springs Road in the approximate amount of $445,793.70 and approving a budget adjustment in the amount of $1,679,294.00.

D. PUBLIC HEARING:

1. **Raze and Removal of Structure on 2016 W. Stone St.:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: NONE

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

City Council
Meeting Minutes
July 19, 2005

A meeting of the Fayetteville City Council was held on July 19, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Marr.

Pledge of Allegiance

CONSENT:

Approval of the June 21, 2005 and July 5, 2005 City Council meeting minutes.

McGoodwin, Williams and Yates, Inc. Contract Approval: A resolution approving a contract with McGoodwin, Williams and Yates, Inc. in the amount of $93,800.00 to provide professional engineering, surveying, bidding and construction observation services for the 24" Waterline Replacement Project.

Resolution 139-05 as Recorded in the Office of the City Clerk.

Parking Space Lease Agreement: A resolution approving lease agreements for twenty six (26) parking spaces located in Fayetteville Municipal Parking Lot 1 located at 160 West Mountain Street for one (1) year with four (4) additional one-year renewal times.

Resolution 140-05 as Recorded in the Office of the City Clerk.

RJN Group, Inc. Contract Amendment: A resolution approving an amendment to the contract with RJN Group, Inc. in the amount of $165,031.00 for additional design and bidding services associated with Wastewater System Improvements Project (WSIP) WL-1, WL-3, and WL-4.

Resolution 141-05 as Recorded in the Office of the City Clerk.

WSIP EL-1 and EL-2 Easement Purchase: A resolution approving a lump sum allocation in the amount of $189,026.00 for the purchase of easements required for Wastewater System Improvement Projects (WSIP) EL-1 and EL-2; and approving a 10% contingency in the amount or $18,900.00.

Resolution 142-05 as Recorded in the Office of the City Clerk.

WSIP WL-5 Easement Purchase: A resolution approving a lump sum allocation in the amount of $21,380.00 for the purchase of easements required for Wastewater System Improvement Project (WSIP) WL-5; and approving a 10% contingency in the amount of $2,140.00.

Resolution 143-05 as Recorded in the Office of the City Clerk.

Jack Tyler Engineering Bid Award: A resolution awarding Bid #05-50 to Jack Tyler Engineering of Arkansas, Inc. in an amount not to exceed $13,350.17 to rebuild the Flight submersible pump at Lift Station No. 21; and approving a 10% Contingency in the amount of $1,335.00.

Resolution 144-05 as Recorded in the Office of the City Clerk.

Approval of the Purchase of One Commercial Drop Box Vehicle and the Hiring of One Driver for Solid Waste: A resolution authorizing the hiring of one (1) full-time employee (Driver) in the Solid Waste & Recycling Division; approving the purchase of one (1) commercial drop-box vehicle in the amount of $141,800.00; and approving a budget adjustment in the amount of $196,550.00.

Resolution 145-05 as Recorded in the Office of the City Clerk.

RJN, Inc. Design and Bidding Services Contract Amendment: A resolution approving an amendment to the Design and Bidding Phase Services Contract with RJN Group, Inc. in the amount of $1,659,090.00 for construction phase inspection, engineering and consulting services for the West Side Sewer Line Construction, Hamestring Lift Station Construction, and the Gregg Avenue Lift Station Rehabilitation Projects (WL-1, WL-2, WL-3, WL-4, WL-5, WL-6, and WL-7).

Resolution 146-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

UNFINISHED BUSINESS:

Planning Commission Appeal (Dixie Development): An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting.***

Jeremy Pate, Director of Current Planning: I believe the applicant has requested this item to be tabled tonight.

Shirley Lucas: Yes.

Alderman Jordan moved to table this ordinance to the August 2, 2005 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

This ordinance was tabled to the August 2, 2005 City Council meeting.

RZN 05-1491 (Dixie Development): An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting.***

Alderman Jordan moved to table this ordinance to the August 2, 2005 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

This ordinance was tabled to the August 2, 2005 City Council meeting.

ANX 05-1495 (Benton Development): An ordinance annexing that property described in Annexation Petition ANX 05-1495 for property located at the southwest corner of Weir Road and Salem Road, containing 10.47 acres. ***This item was Left on the Second Reading at the July 5, 2005 City Council meeting.***

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the property. With the original proposal, staff was not supportive. There was a thin strip of property that would have created a very undesirable City limit boundary. Staff worked with the applicant and that portion of the annexation has been removed, therefore with this boundary we can support this annexation. The Planning

Commission voted 8-0 to forward this item to the City Council with a recommendation of approval. City services can support this area, with regard to fire and police. The rezoning request is compatible with adjacent properties.

Alderman Jordan: I noticed that the Fire Department response time was six minutes, is that correct?

Chris Lynch, Fire Department: Six to six and a half.

Alderman Jordan: How would you rate that response time?

Chris Lynch: Pretty good. Our overall goal is six minutes 90% of the time.

Alderman Jordan: So you would rate that as good?

Chris Lynch: Acceptable.

Alderman Jordan: Ok.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Ferrell, Lucas, Jordan, Thiel and Cook voting yes. Alderman Cook voting no. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

Ordinance 4720 as Recorded in the Office of the City Clerk.

RZN 05-1502 (Benton Development): An ordinance rezoning that property described in Rezoning Petition RZN 05-1502 for approximately 10.47 acres located at the southwest corner of Weir Road and Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 Units Per Acre. ***This item was Left on the Second Reading at the July 5, 2005 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the property. This is the property we just annexed. The request is to rezone it to RSF-4. The majority of frontage for this property fronts on other properties within the City that are zoned RSF-4 and developed as such. The Planning Commission voted 8-0 to forward this item to the City Council and staff recommended in favor of the rezoning request.

Alderman Jordan: Jeremy, how many units is this? About 40 units, is that correct?

Jeremy Pate: If it were developed at its maximum, yes.

Alderman Jordan: What do you think it will be? Do you have any idea?

Kipp Hearne, H2 Engineering, representing Benton Development: The subdivision that we are proposing has 30 residential lots. I believe that includes detention, so it will be 29 residential and one detention lot.

Alderman Jordan: Are they all R-1, all single family homes?

Kipp Hearne: Yes. It will all be in compliance with the RSF-4.

Alderman Jordan: Ok.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

Ordinance 4721 as Recorded in the Office of the City Clerk.

RZN 05-1523 (Hartlerode): Moved to New Business # 11.

NEW BUSINESS:

Amend § 34.23 Purchases and Contracts Not In Excess of $10,000.00: An ordinance to Amend § 34.23 Purchases and Contracts Not in Excess of $10,000.00 of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

Kit Williams: Mayor, I brought this forward because State law recently changed and allowed this change from $10,000 to $20,000. I suggested this change to the City Council. State law also said that the City Council was to make the rules regarding how contracts are to be made under $20,000. City Council used to be able to make the rules for all contracts under $10,000, but now it is under $20,000. I looked at our current code section and substituted the $20,000 for the $10,000 and wrote it the same way.

Mayor Coody: Thank you.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr was absent.

Ordinance 4722 as recorded in the Office of the City Clerk.

Amend § 34.25, City Owned Supplies, Equipment, Or Materials: An ordinance amending § 34.25, of the Code of Fayetteville, regarding the sale of city –owned supplies, equipment, or materials.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds: I'd like to know who prompted this and why you want to change the auction process that we have.

Kit Williams: This actually did not come from my office; this came from Purchasing.

Peggy Vice, Purchasing Manager: We will still auction everything that is above $2,500. The items that we have that are below that, we have a very difficult time disposing of it.

Alderman Reynolds: Will we try the auction process for it?

Peggy Vice: We used to hold public auctions; we would spend several days getting ready for it and have it on a Saturday. We would spend more money than we would make.

Alderman Reynolds: Even if we ran this in with our cars, trucks, tractors and items from the Airport?

Peggy Vice: We don't have a place to store it.

Alderman Reynolds: This doesn't call for anything from the shop, right?

Peggy Vice: No, it's only items like old computers and old chairs. We can't get rid of anything, even if it's broken.

Alderman Reynolds: The University has an auction process that works pretty well for office supplies and equipment.

Peggy Vice: They have a marketing redistribution center in Little Rock; that's how they redistribute all of their items. They take it there and other State divisions go through it and take what they want. They also sell items on the internet.

Alderman Reynolds: So I guess what we need to do is make sure that this reads that it is for office equipment. It just reads equipment.

Mayor Coody: What are other examples of things that you can think of, Peggy?

Peggy Vice: Old playground equipment that we take out of the playgrounds that we can't leave in the park any longer because it has safety issues.

Mayor Coody: Swifty, what's your concern on this? Maybe we can answer that more directly.

Alderman Reynolds: Well, the auction process is working really well for us.

Mayor Coody: Do you mean as far as fleet equipment, cars, and trucks?

Alderman Reynolds: Right. I think the University has their auctions on campus. The auctioneer advertises it and gets a big turn out. I think we should try that process one time and put everything down at the airport and bring an auctioneer in and see what they can do for us as far as getting us the best dollar.

Peggy Vice: Do you know who's going to end up storing it?

Mayor Coody: The auction process we have right now, people come looking for trucks, cars, mowers, equipment of all kinds, are they going to be coming to look for playground equipment, computers, or chairs?

Alderman Reynolds: If it's advertised.

Peggy Vice: We actually had a contract with an auctioneer in Springdale, and it cost us more to store it, for Building Maintenance to come and get it, take it over to the storage building, and then accumulate enough to take a truck load to the auction. They actually asked us not to bring a lot of the items that we took over there. They said that it was junk and they didn't want it.

Mayor Coody: One thing I'd like to add, is that the staff here is very good and we rely on our staff very heavily. If they find a problem and find a way to resolve it to where we can come out ahead, I defer to their judgment on this because they live here day-in and day-out. They know what the problems are, and if they say they have storage problems and we're losing money on these auctions as we do it now, I would tend to take their word for it.

Peggy Vice: We were getting about $1.50 for old desks, old chairs and old computers. For a whole truck load of stuff we might not get $30 or $40.

Kit Williams: The only change I think she is asking for is to raise the amount. Currently our procedure is up to $600 and Peggy is requesting to raise it to $2,500. I think that was the only change you really wanted in the code, right?

Alderman Reynolds: But it's just office supplies and building supplies?

Peggy Vice: It's anything that's under $2,500.

Alderman Reynolds: Some police cars will go for under $2,500.

Mayor Coody: They wouldn't be in this mix.

Peggy Vice: We would not try to sell a police car or any heavy equipment, even if it was under $2,500.

Alderman Reynolds: I'm just reading it the way it is written Peggy and it says *may sell or exchange any City owned supplies, equipment or materials.*

Alderman Lucas: We shouldn't have a storage problem at the Tyson building now; we might try Swifty's idea one time.

Mayor Coody: We don't need to store a bunch of fifty cent desks. These guys are good at what they do. I don't see why we should try to second guess them and make them go store things we need to get rid of.

Alderman Thiel: Why don't we just exclude automotive? That seems to be Alderman Reynolds' concern, so why don't we just exclude that?

Alderman Reynolds: The way this is written I would want that in there. Then, I would agree to it.

Mayor Coody: Thanks.

Alderman Reynolds: The way this is written, it would give her the right to sell any City owned piece of equipment. It's not that I don't trust Peggy, but it's just that we have another process to get rid of that equipment. I'll make an amendment that we leave out City owned transportation equipment.

Kit Williams: I would just add another sentence at the back of A, and say, v*ehicles and heavy equipment are excluded from this program.*

Mayor Coody: Does that work?

Alderman Reynolds: That's fine.

Alderman Ferrell: Are you saying this will save money, space and time?

Peggy Vice: Instead of advertising in the newspaper we can post it on our website and let people just give us quotes. This just allows us to do something with it, without advertising in the newspaper for 30 days head of time. Our ordinance says we have to advertise it 30 days ahead of time.

Alderman Ferrell: So yes it will save time and money?

Peggy Vice: Right.

Alderman Reynolds moved to amend the ordinance at the end of section A to say *vehicles and heavy equipment are excluded from this program.* Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4723 as recorded in the Office of the City Clerk.

Amend Chapter 34, Internet Auctions: An ordinance amending Chapter 34 of the Code of Fayetteville, to allow reverse internet auctions for the purchase of goods and services.

City Attorney Kit Williams read the ordinance.

Kit Williams: This was presented because of a new law in Arkansas that authors reverse internet auctions.

Peggy Vice: There are several companies that have reverse internet bidding programs. There is not a cost to the City for this service. There will be a cut off time and vendors can bid against each other. They will not see who is bidding against them but they will see if they are the highest bidder or the lowest bidder.

Alderman Ferrell: I like this idea. Who does the entries of what is going to be bid on?

Peggy Vice: If we want to buy an item we post the bid with our specifications on this bidding program. We send this to a vendor mailing list and vendors will bid against each other. The bidder with the lowest bid is the vendor that gets the bid.

Alderman Ferrell: I'm in.

Kit Williams: Anything over $20,000 still comes before the City Council for approval.

Peggy Vice: It doesn't really change anything except that it is a sealed bid on the internet. They can't see who's bidding against them or what the price is they just know if they are high or low and if they need to come down.

Alderman Cook: So it has to meet exact specifications that we set?

Peggy Vice: Yes. If they bid with an exception our law states that we are not allowed to accept their bid.

Alderman Reynolds: It is going to open the market, is that right Peggy?

Peggy Vice: Yes.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4724 as recorded in the Off ice of the City Clerk.

Water and Wastewater Maintenance Facility Furniture Purchase: A resolution approving the purchase of 62 lockers and other furnishings for the new Water and Wastewater Maintenance Facility form MISSCO Contract Sales, LLC in the amount of $207,626.67; and approving a Budget Adjustment in the amount of $19,843.00.

Alderman Ferrell: $453.60 for a chair is too much. There are 31 chairs at that cost. We are charged with being stewards of our tax payer's money. I know office equipment is expensive but I can't vote for this.

Peggy Vice: We try not to ever go over $500 for a chair but we spend between $350 and $500 on almost every chair that we get. If we purchase a lower dollar chair it does not hold up and does not last very long at all. They need to be ergonomically correct for someone that sits in a chair all day long. Chairs are any where from $350 to $900.

Alderman Ferrell: In the future when we purchase for different departments is this going to be the standard?

Peggy Vice: We already purchase chairs that are in that range, we have for a couple of years.

Alderman Thiel: I noticed that Peggy provided us with a memo that explained this purchase. The quality of this furniture is important. It has a 10 year warranty on the chairs and a lifetime warranty on the desk, file cabinets and shelves. It is always quite a surprise to look at the cost of some of the equipment that we have to buy. Most of this institutional type equipment is very costly because it is built for long hard use. This department has lived with some very old, junky stuff, I guess we could ask them to move all that junk into this new facility. I think that since we do have a new building we should buy equipment that will last a long time, that will be comfortable and that will benefit the employees. I think we have to buy quality material and equipment.

Alderman Cook: We talked about this at the Water and Sewer Committee meeting. Mr. Boettcher said that we were going to spend about $200,000 on equipment and that is about what we are going to spend, so it is not a surprise. I bought a $60.00 chair and it wore out in six months. I don't have a problem spending $400.00 on a chair if it is going to last 10 years. You don't want to complain about the chair that you are sitting in. As long as we are still within the budget that we discussed over a year and a half ago, I really don't have a problem with it.

A discussion followed on the City Council chairs, the cost of them and the replacement cost.

Alderman Reynolds: Where is MISSCO located?

Peggy Vice: It is a company that is here in Fayetteville.

Mayor Coody: I was shocked and amazed about how expensive institutional office furniture is. Things just cost more than you want them to and if you want to get some thing that is going to last you have to pay a price for it. We have all bought junk and regretted it. I don't like spending money any more than anyone else.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-1. Alderman Rhoads, Lucas, Jordan, Reynolds and Thiel and Cook voting yes. Alderman Ferrell voting no.

Resolution 147-05 as Recorded in the Office of the City Clerk.

Unified Development Ordinance Amendments; Outdoor Lighting: An ordinance amending Title XV, Unified Development Code, City of Fayetteville Code of Ordinances, repealing certain sections regarding outdoor lighting installations.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning & Development Management Director: This is just removing sections of the existing Unified Development Code; it is not amending the outdoor lightning ordinance that was passed about a month ago. We are just trying to clean up our existing UDC.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4725 as recorded in the Off ice of the City Clerk.

Planning Commission Appeal (HondaPro): A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial.

Mayor Coody: I think HondaPro wanted to table this.

Alderman Jordan moved to table this appeal until the August 2, 2005 City Council meeting. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Planning Commission Appeal (Rapido Rabbit Carwash): A request to appeal the Planning Commission's motion to deny Administrative request ADM 05-1582 for Rapido Rabbit Carwash located south of Wedington Drive and west of Shiloh Drive.

Jeremy Pate gave a brief description of the project. Staff recommended denial of their sign request. Planning Commission denied their appeal. This is in the Design Overlay District that is why the City Council is seeing this item.

Alderman Thiel: The size complies with our ordinance it is strictly the dollar amount that staff and Planning Commission objects to?

Jeremy Pate: That's correct. We could not sign off on that request to allow advertising or anything other than the name of the business.

Alderman Thiel: I just want to make it clear to the public that the denial had nothing to do with the sign size or the amount of signage, it is strictly the language.

Jeremy Pate: That is correct.

Kit Williams: The sign ordinance was rewritten to try to bring it up to constitutional law. I was not aware at the time that we had this content restriction in the Overlay District which is not part of the sign ordinance but does control signs to some extent. This is a problem from a couple points of view. The past practice has been that an applicant can appeal and then the Planning Commission or City Council has unbridled discretion to decide if they want to let someone change their sign. Anytime there is a restriction on signs and an official or body has unbridled discretion that ordinance is facedly constituently invalid. The court now says the restriction must be within the ordinance. It bothers me that they are appealing to the City Council for a variance from the sign ordinance. It also bothers me that this is a content restriction. The first amendment does not like content amendment on free speech.

Kit Williams went on to explain what he thinks can be required on the sign. He stated we need to be very careful in deciding this issue.

Paul Stagg, Rapido Rabbit: I would like to table this issue for two weeks so that we can get with staff and come up with something. We feel we have to have the price on the sign.

Mayor Coody: I appreciate your willingness to work with staff to resolve this issue.

Alderman Jordan moved to table the appeal until the August 2, 2005 City Council meeting. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Amend Chapter 161, Zoning Regulations, § 161.15 B.1 and § 161.15 B.2: An ordinance amending Chapter 161, "Zoning Regulations", Section 161.15 B.1 & Section 161.15 B.2, of the Code of Fayetteville, to remove Manufactured Home Park as a permitted use, but to allow it as a conditional use within the R-O, Residential Office Zoning District.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Staff is requesting to remove Manufactured Home Park from being a permitted use within the Residential Office Zoning District. Planning Commission voted 8-0 to forward this item for approval.

Alderman Ferrell: What is an example for a conditional use of a manufactured home in an R-O that might be appropriate for conditional use?

Jeremy Pate: There is a section devoted to that in the code. We have not seen a manufactured home park since the 1970's that has been requested in the City of Fayetteville.

Alderman Ferrell: If someone had an office in an R-O district in a manufactured home would there be any problem with them living there and having their office there?

Jeremy Pate: This specific ordinance is an entire park not just a manufactured home. I do not believe that we allow the manufactured homes in the R-O zoning district.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4726 as recorded in the Off ice of the City Clerk.

Amend Chapter 161, Zoning Regulations § 161.17 B.1 and § 161.18 B.1: An ordinance amending Chapter 161, "Zoning Regulations", Section 161.17 B.1 & Section 161.18 B.1, of the Code of Fayetteville, to add Use Unit 25, Professional Offices as a permitted use, in the C-2, Thoroughfare Commercial and C-3, Central Commercial Zoning Districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is something that has been a source of much confusion for staff and citizens alike. The Planning Commission voted 8-0 to forward this item for approval and staff is supportive of that recommendation.

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel voiced her support of this ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4727 as recorded in the Office of the City Clerk.

Amend Chapter 162, Use Units: An ordinance amending Chapter 162, Use Units, Section 162.01 L.2, of the Code of Fayetteville, to add bail bonding agency to Use Unit 12: Offices, Studios, and Related Services.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4728 as recorded in the Office of the City Clerk.

RZN 05-1523 (Hartlerode): An ordinance rezoning that property described in Rezoning Petition RZN 05-1523 for approximately 0.25 acres located at 2826 South School Avenue form RSF-4, Residential Single-Family, 4 Units Per Acre to C-2, Thoroughfare Commercial. ***This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting.***

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Staff recommended approval of this rezoning as did the Planning Commission.

Alderman Thiel moved to amend the ordinance to R-O instead of C-2. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Rhoads, Ferrell, Jordan, Reynolds, Thiel and Cook voting yes. Alderman Lucas voting no. Alderman Marr was absent.

Ordinance 4729 as recorded in the Off ice of the City Clerk.

R-PZD 05-1463 (Oakbrooke): An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Planning Commission voted 9-0 in favor of this request. There is quite a bit of conditions of approval and determinations on this project. Staff does find this development to be compatible with the adjacent single family residential neighborhoods. It provides diversity in housing types and sizes. The density is compatible. Bridgeport is developed at 1.6 to 1.7 dwelling units per acre in some parts. The typical density of the Bridgeport Subdivision to the west is around 2.9 to 3.26 dwelling units per acre. This proposal in Phase I is 3.2 dwelling units per acre.

Jeremy Pate went on to explain the differences between RSF-4 zoning districts and this PZD.

Tom Jeffcoat, Millholland Company gave a description of the property.

Tom Fetner, a resident of Bridgeport Subdivision: I would like to know the minimum square footage of the houses going in. The package I have says the minimum square footage is 1,200 square feet, which concerns me because the houses along that side of Bridgeport are a minimum

of 2,000 square feet. I am concerned about my property value being reduced, rental property, people buying rental units in there and people coming in that do not take care or don't care about the neighborhood or the houses. Those are my main concerns. I am also concerned about the traffic increase that I feel we will have on New Bridge Road, particularly until New Bridge is connected to Rupple Road that will be the only way out, coming to the north.

Tracy Hoskins, Paradigm Development: As far as the minimum square footage of the subdivision and the original restrictive covenants, we had 1,200 square feet for a single family detached home and 1,000 square feet for a single family attached home. The idea behind this was to, within the development, to try to offer up some more affordable or more attainable housing, houses that are under $175,000. After hearing the concerns of the neighbors and having spoke with the administration earlier today about those concerns, in Oakbrooke Subdivision we are willing to amend that particular item of the restrictive covenants, the minimum of 1,400 square feet in either case. I was asked today basically what we were planning as far as the minimum square footage of the house and my response was 1,400 square feet. The way that I should have responded to that was by the restrictive covenants that we had originally written of 1,000 to 1,200 square feet. However, I was responding in such a fashion as to what we have designed thus far for the development, knowing that we had designed, the smallest home that we had designed so far was 1456 square feet. With that being said we are willing to amend our restrictive covenants to a minimum square footage of 1,400 square feet to address the neighbors concerns. However, the down side of that is we had planned a portion of these houses as being more attainable, under a $150,000 for a few of these houses. With this new restrictive covenant we will not be able to provide that.

Mayor Coody: We want neighborhood compatibility but we also talk about good planning and affordable housing and this, what Paradigm is going to do here is something that is good planning principle. I have learned a lot about this project today since some folks brought this to my attention. Mixing the sizes of homes, not having segregation of sizes to where if you are in one income bracket you live in this part of the neighborhood, if you are in another income bracket you live over here, segregating people according to income is kind of where we say we don't want to be but in fact that is where we go, it turns out. I like the concept that you brought forward of mixing sizes of homes, intermingling them, not just segregating them based on size, I think that is a good thing to do. I know the neighborhood is concerned about the 1,000 square foot minimum, I know that a lot of folks starting out can't afford an expensive home these days. Homes of 1,500 square feet are at $125.00 to $135.00 per square foot and are going to end up pricing themselves out of a lot of folk's ranges. First I want to commend you on a good plan; whether what you have brought forward is what's finally approved is a different story. I hope that other developers will also look at doing plans where they intermingle different sizes and price ranges of homes within their subdivisions. Fayetteville is one of the last major cities to start doing this, so I am glad this is something that we are bringing forward. To follow up on this first question and ask the questions per the City Council's perspective, on the opportunity to amend this to 1,400 square feet if you all are interested in that or not.

Alderman Ferrell: One of the things that I found appealing when I looked at this was I was raised in Fayetteville and I lived most of my life on east Dickson Street and Lafayette Street, my mother still lives on the corner of Lafayette and Olive. These are the type of homes, I mean it kind of looks like the center of the city and that was kind of appealing to me and it looked like you would have some starter homes on up. So, if you change this, if you change what you are bringing to us, I heard you talking about it would have an affect on starter homes.

Tracy Hoskins: You lose the opportunity; you basically lose the opportunity of starter homes. There is a financial feasibility to everything you do of course, the larger the house the more the house cost. Oakbrooke Subdivision, which we actually have got a full presentation for you tonight actually. Oakbrooke Subdivision is designed for people of all social economical backgrounds. Folks that can afford 1,200 square foot houses, we've got houses designed all the way, at the time, 1,450 feet to 2,500 feet. It's a mixture of all homes. The way that the development is designed the homes are intermingled. As the Mayor put it before we don't have all the smaller houses in this area and the big houses in the other area, which segregates the community. Our staff architect Jim Ramsey is here to give you a full presentation on the entire development.

Alderman Ferrell: If everything went accordingly what kind of time frame do you think you will be looking at on build out for Phase I and Phase II.

Tracy Hoskins: Our intention is to do the subdivision concurrently. As far as how fast every thing sells out in the subdivision, I think some of that is going to have to do with the price of the houses.

Mayor Coody: One thing that I want to add is on your square footage, minimum of 1,000 square feet, I think a diversity of sizes and prices of homes is a good thing; however I am very interested in seeing your development happen. If it takes a modification of your minimum square footage just to make that happen then I certainly want to support. Whatever we can do to support the neighborhood next to you because they have an opportunity to kill it and I want to appease the neighborhood so they will let this, I think well planned development happen. Because I think this is, the way you have designed the detached garages, the way you are doing the driveways, the craftsman bungalow style architecture, I think this is an example of good planning and that is what we have been striving for in Fayetteville. I don't want to on the one hand say we are into good planning and then vote against it when it comes up, but I would still want to see this happen if it takes some kind of modification to get the neighborhood on board with it we might have to do that.

Tracy Hoskins: We are flexible on that, we have a meeting set up for next week with the Ward 4 residents to discuss the project entirety, Phase I and Phase II and we will be there to answer any questions they have. We had a Ward 4 meeting back in October, I believe it was, to kick the project off to listen to some concerns at that time and it was very well received at the time. Of course, the project has grown since then as well.

Alderman Thiel: I am respectful of Ward 4 residents and I haven't really heard from them yet and I am sure they will share their opinions. I can certainly understand their concern about multifamily which this is not.

Tracy Hoskins: There are no multifamily dwellings present on the site.

Alderman Thiel: I am supportive of attached housing; I think it is something we need to look at more. Our number 9 Principle is housing choices for all and that does not just mean in south Fayetteville. In fact if we choose to ever do that we will be in trouble, this is something we can not do, we can not discriminate and put affordable, attainable housing in one part of Fayetteville. I want to see the presentation the way it was originally intended, I am not ready to start amending this yet, maybe Ward 4 Aldermen are because I know they have already talked to some of their constituents.

Alderman Jordan: 26. I have had about 26 in the last two days.

Alderman Thiel: I would still like to see what the original proposal was or where you are at now.

Tracy Hoskins: In response to something that was said a few moments ago, I actually sent an email to the gentleman that was up here a moment ago to get a response, I wanted to visit with him about the project. Since then I did a little research my self and the houses that abut Oakbrooke Subdivision, actually the smallest house that abuts the subdivision is 1,890 square feet. Just because we have a minimum restrictive covenant now of 1,200 square feet doesn't mean that there will not be a 2,000 or 2,500 square feet house behind his house. In other words the intention of the subdivision is to blend all shapes and sizes of houses. It would be a lot like driving down Washington Avenue or Lafayette Street, etc. This subdivision is designed in harmony or in respect to the neighborhoods of old.

Mayor Coody: The second question was about traffic access. Jeremy would you address that please.

Jeremy Pate: The current proposal in Phase I and with Phase II will actually access two points on Rupple Road. Rupple is an arterial on our Master Street Plan, there are assessments assigned to this developer for improvements along Rupple as well as the replacement of a bridge north of this project. This is within a bridge assessment area so this developer is also assigned an assessment based on the number of vehicle trips per day that would exit onto Rupple and utilize that bridge. There is a connection, as you all know we promote connectivity wherever possible and there is a connection planned to exit or enter of New Bridge Road which is pretty much where Bridgeport currently ends to the east. There are also two stub outs that will connect to a subdivision that will begin construction very soon to the south; those will also have outlets from which Bridgeport residents could travel through these neighborhoods to get to Rupple. It does provide another outlet east for those residents as well as the residents in Oakbrooke. So, it does allow for traffic flowing east, west, north and south so several different access points to alleviate traffic congestion so that it is not all concentrated in one specific location. I believe there are five different connection points proposed with this subdivision in total and we fell that is a very good number for the number of lots proposed.

Alderman Reynolds: What is the time frame for redoing Rupple Road? Are we going to have to build two phases of yours and what else to get the money to redo Rupple Road, because it is dangerous now?

Jeremy Pate: Every development that Planning Commission sees along Rupple Road right now that accesses in any shape or fashion is accessed an appropriate share that we can legally access them.

Jeremy Pate went on to discuss the planned Rupple Road improvements.

Alderman Reynolds: It is not in my Ward but it is in the city and I have a letter and calls from people that are concerned about that.

Tracy Hoskins: Right now Bridgeport, the best that I can tell I believe the entire Bridgeport all Phases, the entire subdivision, has two outlets one to the north and one to the south. With the

addition of Oakbrooke Subdivision it is also going to give Bridgeport two new outlets to Rupple Road. In other words they have a way of going north and south and besides just east and west. I think a lot of the traffic concerns that they have in Bridgeport, I believe Oakbrooke Subdivision is going to alleviate a lot of those concerns; it is probably going to improve the situation.

Karen Stewart, a resident: My mother owns the property to the north of this property. I have talked with Tracy Hoskins many times during the last couple of weeks and we don't seem to be on an agreement with anything. I have notified staff with concerns about the development and I haven't been able to get anything even flexible recognitions of my concerns. That has also been the concerns of everybody that I have contacted around this area.

Mayor Coody: Karen, if I could but in just a second, to address that concern right there, I think Mr. Hoskins has asked us to leave this on the first reading so it could go to the Ward 4 meeting next week.

Alderman Jordan: We will have a Ward 4 meeting at 6:00 in Room 326 to discuss this situation at Oakbrooke. We hope a lot of these issues can be addressed at that meeting where we can come to some sort of solution to this problem. The neighborhood will have their input, Mr. Hoskins will be there and we can work this situation out hopefully.

Karen Stewart: I will wait to speak.

Alderman Jordan: Thank you very much for your comments.

Karen Stewart: Our only recourse is you because the courts will not support a suit against the planning entity. She read the following, *the planners seem to believe that any additional to a tax base is better than none. Once it is proposed a development has little chance of being defeated.* I have found that to be the case here. Protection of private property rights is what separates us from socialist societies and it is this reason because of the decisions that Planning staff makes and also the decisions the Planning Commission makes affects the ability of how we can use our property as adjacent property owners. This is why I feel that the Planning Commission and also the Planning staff at times have ignored the adjacent property owners.

Alderman Ferrell: Is that your fear because I think you told me you are planning on developing or selling some property there. Is that your fear that this will have an impact on your development?

Karen Stewart: As a matter of fact it already has. Mr. Butler to the southeast of the property, after he was approached by Mr. Hoskins and heard what was going on he immediately sold his property.

Jim Bemis, a resident: I live two or three blocks from this development and I am very happy to hear that we are going to have a meeting to discuss concerns. I hope we can get some additional information on the intersection of Rupple and Wedington at that time. Some sort of concept of what you are planning there. This is a citywide problem not just Ward 4.

A discussion followed about the notification of neighbors regarding this project.

This ordinance was left on the first reading.

RZN 05-1546 (Mathias): An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Staff is recommending approval and the Planning Commission voted 9-0 in favor of this rezoning.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: My concern is the intersection there. It is really getting congested.

Jeremy Pate: There are definitely some concerns especially to the west of this property. Staff will evaluate what is proposed as part of the overall large scale development. There are ways to restrict access onto Mission.

Alderman Cook: My concern is arterials where we have created a nightmare of access on the roads and it creates serious situations. This piece of property is located right next to an existing street so there is an opportunity to use that. It does back up there, that is certainly a concern of mine.

Alderman Thiel: This owner has 1.83 acres. He is just requesting the front 1.20 acres to be rezoned. Is there some reason why he is not requesting the rest of it to be rezoned?

Jeremy Pate: It is likely that part of it is not going to be utilized for the development.

Kipp Hearne, H2 Engineering: The back part is being contemplated for some kind of residential development.

This ordinance was left on the second reading.

RZN 05-1564 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1564 (Mountain Ranch D,F,H,I,J) for approximately 193.66 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 Units Per Acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of this Mountain Ranch rezoning and the following Mountain Ranch projects. Staff is recommending approval and the Planning Commission voted 9-0 in favor of this rezoning.

Alderman Jordan: There have been some concerns about the intersection. Can you tell me where we are on that intersection, right now?

Tim Conklin: Staff has been working with the developers and the Fayetteville School District. Crafton and Tull is the enginner that is designing Rupple Road south of Persimmion Street and they are in the process of doing construction drawings for that. They are going to present the City with those costs and then we will bring those to the Street Committee for consideration and then to the Council. When we bring the cost share forward, if it is approved, we will be constructing Persimmion and Rupple during the time Mountain Ranch is constructed. The time frame, if approved by the City Council, will be over this next year.

Alderman Lucas: Before school starts in 2006.

Tim Conklin: That is correct. The road is necessary in my opinion to get access to the school. With regard to the entire Rupple Road, the Street Committee has been working towards a potential street bond program.

Alderman Jordan: Best case scenario we are looking at the fall of 2006.

Tim Conklin: That's correct.

Tom Terminella, Developer: I think most of the questions have been answered. I think Jeremy and Tim have done a fine job at articulating what it is that we are trying to get done. The most important element is understanding the cost share. The school is scheduled to open September of 2006.

Mr. Terminella explained the project and the improvements along Rupple Road.

Alderman Jordan: I do not have a problem with this particular development. It was seen at a Ward 4 meeting about a year ago. However, it has been my policy in the past, when it is something this size, we are looking at 1,200 units, I would like to have a couple of weeks to hear from any constituents that might have any concerns. I would respectively ask that we wait two weeks before we pass this.

Alderman Lucas: At the corner of Persimmion and Shiloh you had C-2 but then you marked a lot of items out, are you giving a Bill of Assurance or something?

Tom Terminella: Yes madam.

Alderman Lucas: Why didn't you apply for C-1?

Tom Terminella: The intended land use plan for that part of the world is C-2. The intended use for that parcel is a hotel. That is why we are asking for the C-2.

Jim Bemis: This is a magnificent development. My concerns are the same as the other development we saw earlier, Rupple Road, Persimmion, parks, trails, sidewalks and bike lanes that are not shown in any of the drawings. I just want everyone to know what is going on in a mile radius there. We are adding numerous housing units in that area. I have nothing against the developments. I want us to plan for the people that are going to be out there like myself, walking, biking and whatever we are going to have out there as a neighborhood. It is going to be

like College and Lafayette. I see the same things happening out there. I hope we have learned something during the past 50 to 60 years. I want it understood I am not against the development, I am against what that development is going to bring with it. Please keep that in mind as you look at this.

Mayor Coody: You support the development but you also strongly support the amenities that make it work.

Gordon Nester, Nabholz Construction: We are the construction managers for Fayetteville Schools on the Rupple Road School. The project is going very well and is possibly ahead of schedule some. The school will open in August, it will not be September. We will be turning the school over to the district the first or the end of July. I spoke with the school district administration and they indicated they would like to show their support of the Mountain Ranch development.

Alderman Cook: Where is the break down of where the sewer flows?

Tom Terminella: We basically have four points of discharging sewer off of this particular land mass. There are three different interceptors and then there is the main line that runs out to Hamestring. We can flow to the east, we can flow to two different points to the south and then we can go to the main 30" line. I will be working with the staff to make sure we do the right thing as far as the discharge and our water supply.

Alderman Jordan: How many units will you be putting on the Hamestring lift station?

Tom Terminella: Somewhere around 250 or 300 units.

There was a discussion on the project, the flow of sewer and the anticipated time frame that some of these units will be completed.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

RZN 05-1563, RZN 05-1566 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1563 (Mountain Ranch C) and RZN 05-1566 (Mountain Ranch G) for approximately 97.71 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family 4 Units Per Acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the property. Staff is recommending approval and the Planning Commission voted 9-0 in favor of this rezoning.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

RZN 05-1562 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1562 (Mountain Ranch B) for approximately 19.04 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RMF-24, Residential Multi-Family, 24 Units Per Acre.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

RZN 05-1561 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

RZN 05-1560 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1560 (Mountain Ranch A-1) for approximately 14.60 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

Remediation Services Contract: An ordinance waiving the requirements of formal competitive bidding and engaging Mid-America Environmental Solutions for the amount of $70,000.00 to provide emergency environmental remediation services for a Ferrous Chloride Discharge; approving a Budget Adjustment in the amount of $70,000.00; and declaring an emergency.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: At the Water and Sewer Committee we talked about the fact that we have some other underground tanks still out there that we need to deal with, how many?

David Jurgens, Water and Wastewater: I am not sure; I think it is three or four. We do have a contract on the way to take care of those.

Alderman Cook: So we are going to deal with those in a timely manner.

David Jurgens: Yes sir.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Alderman Jordan moved to approve an emergency clause. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Ordinance 4730 as recorded in the Off ice of the City Clerk.

Amend § 74.05 Soliciting From Public Roadway: An ordinance to amend § 74.05 Soliciting from Public Roadways or Sidewalks Prohibited.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Passing this ordinance would enable the Fayetteville Firefighters to raise more money for MDA which supports more than 400 children and adults served by the Razorback Chapter. Other cities in the area have recognized this and have adopted a similar ordinance. I believe this ordinance is restrictive enough to limit any inconvenience that some motorist might have.

I would like to amend Item D and add a new sentence that reads as follows, *an additional permit may be issued if a scheduled event is rained out.*

Alderman Reynolds: How many months a year does the Fire Department raise money for MDA?

Alderman Thiel: It is just allowed for two days.

Alderman Thiel moved to amend the ordinance to add, *an additional permit may be issued if a scheduled event is rained out.* Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Trent North, Secretary of Fayetteville Firefighters Local 2866: We have Ms. Nicole Moore here who is the District Director of the Razorback Chapter.

Alderman Jordan: Have there been any accidents or anything in any of the cities in the area because of this?

Nicole Moore, MDA District Director: MDA has these solicitation ordinances set up like this in thousands of cities across the country and within the last five years we have not had an incident that has been claimed on insurance. Firefighters have been filling the boot for MDA for over 50 years and within that time there have been some accidents. Our safety record on this is excellent. One of the primary reasons for that is because firefighters do this for us and there are few who are trained better in public safety than firefighters. They are very use to dealing with traffic. Because of their training that is why the firefighters work so well for this program and why they are so able to help us.

Alderman Jordan: What about groups that might not be as well trained? What problems do we foresee?

Nicole Moore: I can tell you in Fort Smith, for example, under their ordinance there is not a restriction in regards to the number of permits that can obtained per year by groups. The only group that ever gets the permit is the firefighters for MDA. The primary reason for that is that we are able to provide a $2 million liability coverage policy naming the City as an additional insured. You also have to have the 501C3 status. Most of them cannot provide that insurance.

Alderman Rhoads: How would Fayetteville Firefighters raise the money if you could not do it this way?

Nicole Moore: It is very difficult and that is a challenge that we have faced in Fayetteville for the past several years. We have to have more special events. The funding that we raise for Fayetteville benefits the families in Fayetteville. Our money stays locally. We have to have more events to raise the same amount of money that the firefighters can raise in two days.

Alderman Rhoads: Last year how much did you raise in Fayetteville?

Nicole Moore: Approximately $30,000.

Alderman Rhoads: How does that compare to Fort Smith.

Nicole Moore: We have a very high expense ratio in Fort Smith so it is not quite apples to apples for comparison. We do have to have other events to supplement that income. The Fort Smith Firefighters range from $10,000 to $25,000 just from the fill the boot.

Alderman Thiel: The fill the boot in Fayetteville only raises about $1,000.

Nicole Moore: The last time we conducted a fill the boot in Fayetteville it was in the Wal-Mart parking lot and it raised about $2,400. They spent the same amount of time raising $2,400 that they could have spent on the streets to raise $20,000. Springdale raises $20,000 and up.

Alderman Cook: Brenda, I appreciate you bringing this forward because MDA and what you are talking about here is everything that is good about this ordinance. What scares me are things that are not so good that could potentially happen with this ordinance. While it seems limiting and you wouldn't think anyone else would be able to meet those standards, I know there are people out there that could meet those standards. That is what makes me nervous, opening it up for the potential un-welcome element. What we are talking about here is a good thing, supporting MDA is an awesome thing, that's something I would like to think all citizens would support in the City of Fayetteville but to me the scary part is what might come of it.

Nicole Moore: Our traditional policy is a $2 million policy; we do hold a $10 million policy that we could put into effect for the City of Fayetteville if that would be a concern.

Kit Williams: I don't think the City Council should draft an ordinance like this so that it would potentially exclude every group but one group. I would not be in favor of raising the amount of insurance to $10 million in an effort to exclude every other 501C3 charity that might want to solicit.

Alderman Rhoads: I agree.

Alderman Lucas: I am concerned about the safety. I am all for supporting MDA and the Firemen. I will support them elsewhere, because our intersections are already congested. As a visitor when I go to other cities it is very distracting to me when someone comes up to me at an intersection.

Nicole Moore: In Fort Smith, firefighters can not peck on the glass, the window has to be down and they have to be holding money out. It really does not impede traffic.

Alderman Reynolds: Under section F it says n*o solicitor shall impede traffic or make physical contact with any motor vehicle such as tapping on the window or door.* I am willing to give these people a break to raise money.

Alderman Ferrell: Chief, do you have an opinion on this from a safety stand point.

Frank Johnson, Police Chief: I haven't researched this at all. I can only hope that what they have said has been well researched. I don't think there is going to be a safety problem as long as they abide by the ordinance.

Alderman Ferrell: I had some calls from some citizens that were concerned about this. I think they have done a really good job in answering the questions. I think it is worth giving it a shot and see if it goes.

Alderman Thiel: Since we did also add in here that the locations must be approved by the Police Chief, you can approve what intersections they can do this at. Right now they can not be on a State highway.

Jeremy Pate: One of the sentences states a permit application must be received by the parking manager at least 60 days prior to the event.

Alderman Thiel moved to amend the ordinance to state *a permit application must be received by the parking manager at least 30 days prior to the event.* Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Alderman Rhoads: I am for MDA, but the thing that concerns me is that we are putting together an ordinance that is exclusionary. What might be undesirable folks is going to be a matter of opinion. Why just six permits, why $2 million dollars, why not make it so everyone else can do it. If it gets to be a safety problem, then that is a way we as a City, can have our Police Department step in and take care of it. I am in favor of the idea; I am just not in favor of it being exclusionary. We let organizations have car washes and hold signs along the road.

Kit Williams: I think the difference is that the firefighter's actually get in the traffic lanes and go up to cars. Car washes hold signs up and try to get you into a parking lot. So the safety issue is not as bad if you are just standing beside the road.

Alderman Rhoads: If we let the Police Department determine what is causing a safety problem, then you could let everyone do it.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody: The only thing that I am concerned about is the un-intended consequences. As much as I want to raise funds for everyone in town especially MDA, I would hate to see Fayetteville get into a position of people being on the streets raising funds especially with the traffic congestion in Fayetteville. I see this as potentially being very problematic. It seems like there has got to be a better way of raising funds for MDA than being out in busy intersections and causing traffic problems.

Alderman Thiel: Many years ago Fayetteville Firefighters did hold this event and they discovered an ordinance against. It didn't cause any major problems then. I agree with Alderman Reynolds, let's give it a try one year and if we see it is a major problem and get a lot of complaints about it then we can look at it again.

Mayor Coody: I think that is an excellent argument. Give it a year and then we can revisit this if we need to. It's not the firefighter's that we worry about it's the other organizations that might do this.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 4-3. Alderman Ferrell, Jordan, Reynolds and Thiel voting yes. Alderman Rhoads, Lucas, and Cook voted no. Mayor Coody voted yes to pass the ordinance. Alderman Marr was absent.

Alderman Thiel moved to approve the emergency clause. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent

Ordinance 4731as recorded in the Off ice of the City Clerk.

Meeting Adjourned at 9:15 PM

_____

Dan Coody, Mayor

_____

Sondra Smith, City Clerk

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF AUGUST 2, 2005

FROM:
ALDERMAN BOBBY FERRELL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Recognize The Accomplishments Of The Fayetteville High School Bulldog Band And Proclaim The Fayetteville High School Bulldog Band To Be Official Ambassadors Of The City Of Fayetteville, Arkansas To The Tournament Of Roses Parade In Pasadena, California In 2006

APPROVED FOR AGENDA:

Bobby Ferrell — 7-25-05
Alderman — Date

Kit Williams — 7-25-05
City Attorney (as to form) — Date

Recognize Fayetteville High School Band

RESOLUTION NO. _____

A RESOLUTION TO RECOGNIZE THE ACCOMPLISHMENTS OF THE FAYETTEVILLE HIGH SCHOOL BULLDOG BAND AND PROCLAIM THE FAYETTEVILLE HIGH SCHOOL BULLDOG BAND TO BE OFFICIAL AMBASSADORS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO THE TOURNAMENT OF ROSES PARADE IN PASADENA, CALIFORNIA IN 2006

WHEREAS, the Fayetteville Arkansas High School Bulldog Band has been invited to participate in the Tournament of Roses Parade on January 2, 2006; and

WHEREAS, the invitation is the first ever for a Northwest Arkansas high school band, and only the second Arkansas High School in the 117 year history of the Tournament of Roses Parade; and

WHEREAS, the event is viewed by millions of people in the United States and around the world, and is considered the most prestigious parade in the world; and

WHEREAS, Ms. Libby Evans Wright, president of the Tournament of Roses Parade, will be in Fayetteville for a special celebration on September 20, 2005 and to officially extend the invitation to the Fayetteville High School Bulldog Band; and

WHEREAS, Governor Mike Huckabee has proclaimed September 20, 2005 to be Tournament of Roses Day in Arkansas; and

WHEREAS, the citizens of Fayetteville, Arkansas take great pride in recognizing the accomplishments of the Fayetteville High School Bulldog Band.

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 recognizes the accomplishments of the Fayetteville High School Bulldog Band in that they have been invited to march in the Tournament of Roses Parade on January 2, 2006.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby proclaims the Fayetteville High School Bulldog Band to be official ambassadors of the City of Fayetteville, Arkansas to the Tournament Of Roses Parade in Pasadena, California in January, 2006.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Dixie Development
Planning Commission Appeal

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

3715 N. Business Drive, Suite 201
Fayetteville, AR 72703

July 18, 2005

Dixie Management & Investment, LP agrees to pay for all costs associated with the annexation process of Geneva Carlton's property located at 4450 W. Mt. Comfort Rd. Fayetteville, AR.

The costs include the following:

Application fees
Filing fees
Costs of advertising
Any costs associated with attending meetings by our consultant

In addition to the fees associated with annexation we also agree to extend public sewer to the property line of Mrs. Carlton's property at no cost.

The only effort that will be required from Mrs. Carlton is her signature on the applications to Washington County and the City of Fayetteville.

Ben Israel
Chairman of the Board
Dixie Development & Management, LP

County of Washington
State of Arkansas

Acknowledged before me, this 18th day of July, 2005

Julie Fox
Notary public

My commission expires: June 22, 2008

Geneva Carlton
Geneva Carlton
4450 W. Mt. Comfort Rd.
Fayetteville, AR

County of Washington
State of Arkansas

Acknowledged before me, this 19th day of July, 2005

Julie Fox
Notary public

My commission expires: June 22, 2008

Phone 479.251.0707
Toll Free 877.872.0707
Fax 479.251.0714

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF CERTAIN PROPERTY TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

NO._____

PETITION TO ANNEX TERRITORY TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

Come now the petitioners (the "Petitioners"), Geneva M.Carlton, trustee of the Geneva M. Carlton Trust, to annex certain property into the City of Fayetteville, Washington County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. States as follows:

1. That the petitioner owns the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and the Real Property is situated in Washington County, Arkansas, and contiguous with the city of Fayetteville, Arkansas and is within the City of Fayetteville, School District.

2. That the Petitioner names Steve Clark as the person authorized to act on her behalf.

3. That the Petitioner desires that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the property into the City of Fayetteville.

4. That a true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.

5. That the Petitioner herein desires that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and the Petitioners state that they will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioner respectfully prays that this court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully submitted this 19th day of July, 2005.

Geneva M. Carlton

Geneva M.Carlton, trustee of the
Geneva M. Carlton Trust
4450 Mt. Comfort Road
Fayetteville, AR 72704

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a notary Public, this 19th day of July, 2005.

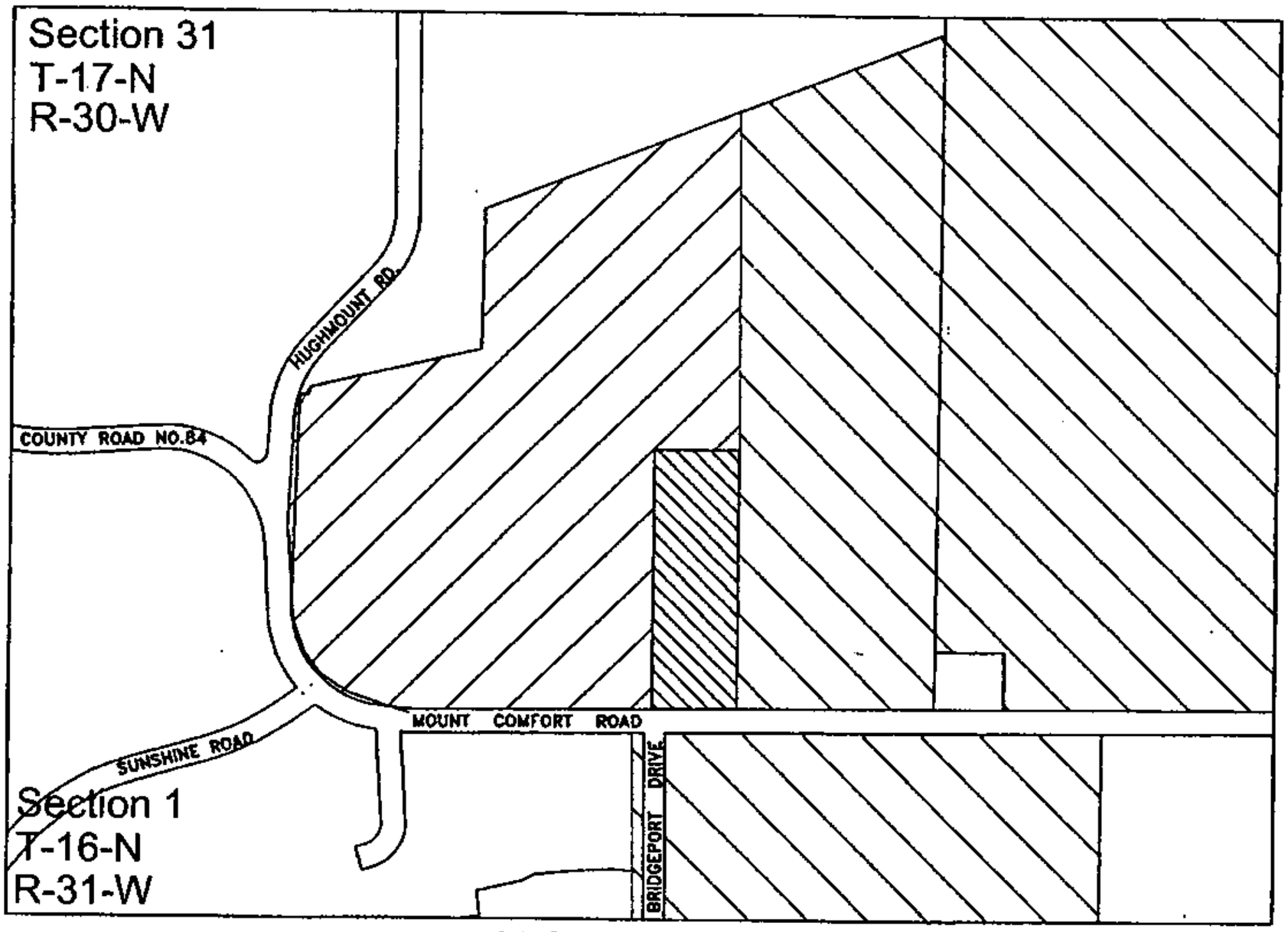
Julie Lowe

Notary Public

Exhibit A

Part of the Fractional Northwest one-quarter (NW ¼) of Section One (1) in Township Sixteen (16) North of Range Thirty-one (31) West, described as beginning at a point North 28.45 feet and East 593.7 feet of and from the Southwest corner of the Northeast one-quarter (NE ¼) of said fractional one-quarter (NW ¼), run the East 208.71 feet, then North 57' East 626.13 feet, then West 208.71 feet, then South 57' West 626.13 feet to the point of beginning, containing 3 acres, more or less; subject to that portion lying in Washington County Road #84 on the South side, and also being subject to any easements, rights of ways, covenants and restrictions of record.

EXHIBIT "A"



VICINITY MAP

LEGEND

- Area Petitioning to be Annexed
- Area within Fayetteville City Limits
- Other Property being Annexed
- Area in Rural Washington County

Owner:

Geneva M. Carlton Trustee of the Geneva M. Carlton Trust
4450 mt. Comfort Road
Fayetteville, Ar 72703

Annexation Boundary:

Part of the Fractional Northwest one-quarter (NW ¼) of Section One (1) in Township Sixteen (16) North of Range Thirty-one (31) West, described as beginning at a point North 28.45 feet and East 593.7 feet of and from the Southwest corner of the Northeast one-quarter (NE ¼) of said fractional one-quarter (NW ¼), run the East 208.71 feet, then North 57' East 626.13 feet, then West 208.71 feet, then South 57' West 626.13 feet to the point of beginning, containing 3 acres, more or less; subject to that portion lying in Washington County Road #84 on the South side.

Clark Consulting
CIVIL / ENVIRONMENTAL ENGINEERING
3715 Business Drive, Suite 202 Fayetteville, AR 72703 (479)444-8171

SCALE: 1"=150'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE: 07/11/05		JSC	Konold

Petition for Annexation

Geneva M. Carlton Trust

1/1

R-PZD 05-1463 Oakbrooke

The current owner of the property proposed as **Oakbrooke** is Tracy K. Hoskins of Paradigm Development, Fayetteville, AR.

The idea behind the Oakbrooke development is to create a neighborhood with an "old fashioned" character, as opposed to a typical "snout-house" subdivision. Oakbrooke will have homes available to a wider range of families from varied social/economic backgrounds. Large family homes will not over-power beginner, or more affordable homes. Interaction between diverse groups of residence is expected and encouraged.

Oakbrooke homes would be located forward on the lot to create an exterior neighborhood "room" in the street. Smaller side setbacks help create the exterior public space by decreasing the amount of negative space in the unused side yards. Homes will have usable front porches pulled close to sidewalks to encourage interaction among neighbors and create a buffer between the private residence and the public space of the street. Garages are located to the rear of the lots to move the blank garage door "face" away from the home. Private space is created in the back yards using the garages as screening devices. Automobiles are moved from the front of the lot to the rear and paving is minimalized by the insertion of green space within the drive. The homes in Oakbrooke say, "People live here, not cars".

All roads lead home in Oakbrooke. There are no "dead end" streets, but friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow safe passage for pedestrians and interaction among friends. Spaces for public gardens and landscaping are included to create community pride among neighbors and to help establish a sense of "place" and arrival.

As with the surrounding developments, Oakbrooke will be a single family residential neighborhood. However, Oakbrooke will strive for character which is lacking in nearby developments. By not using stock plans but specifically designing each home for each lot Oakbrooke strives to raise the standard of residential development in the Rupple Road area. Maintaining existing trees is fundamental to the Oakbrooke Development. The flexibility to design around trees and land features requires smaller setback dimensions. Each home will have usable rooms in the front of the house as opposed to locating them to the rear. This gives the neighborhood "eyes on the street" and creates a safer and friendlier environment. Custom signage and street lighting will help establish the individual character of Oakbrooke.

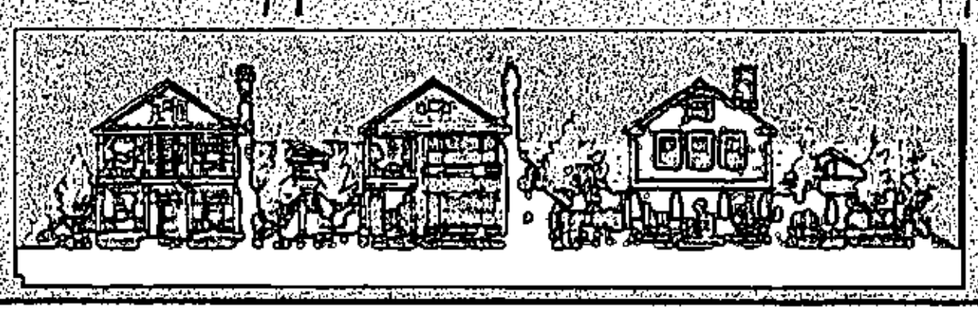
Principle reasons for the PZD request are for smaller building setback dimensions and greater variety in the type of single family home offered.

Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT
479.236.6636
Leading by example

Final Agenda B.S.
R-[illegible] 3 Oakbrooke
Page 2 of 12



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110

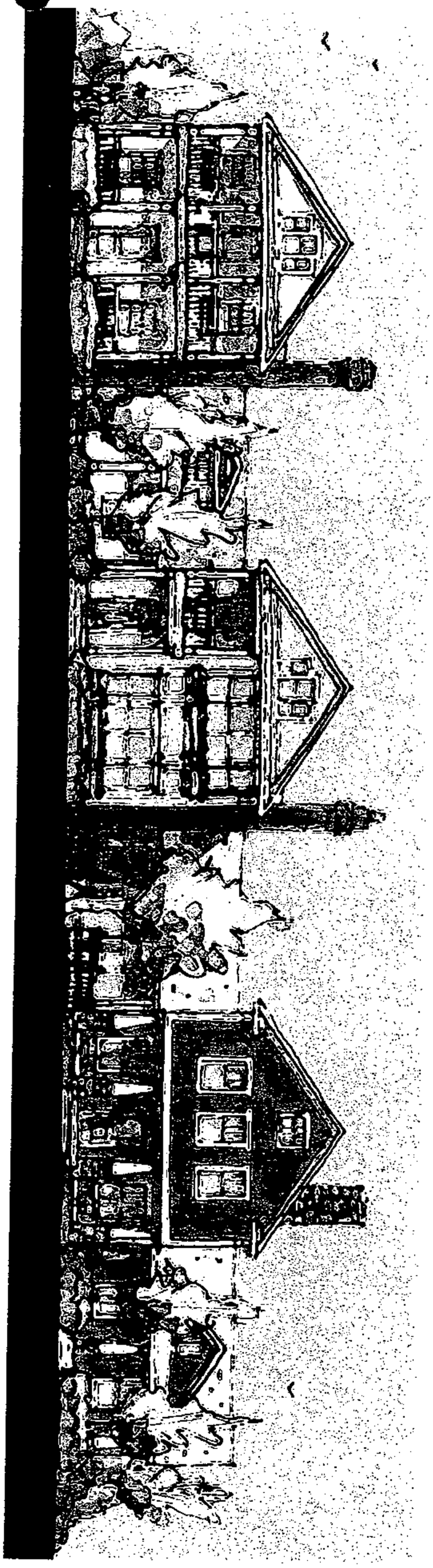
RUPPLE ROAD

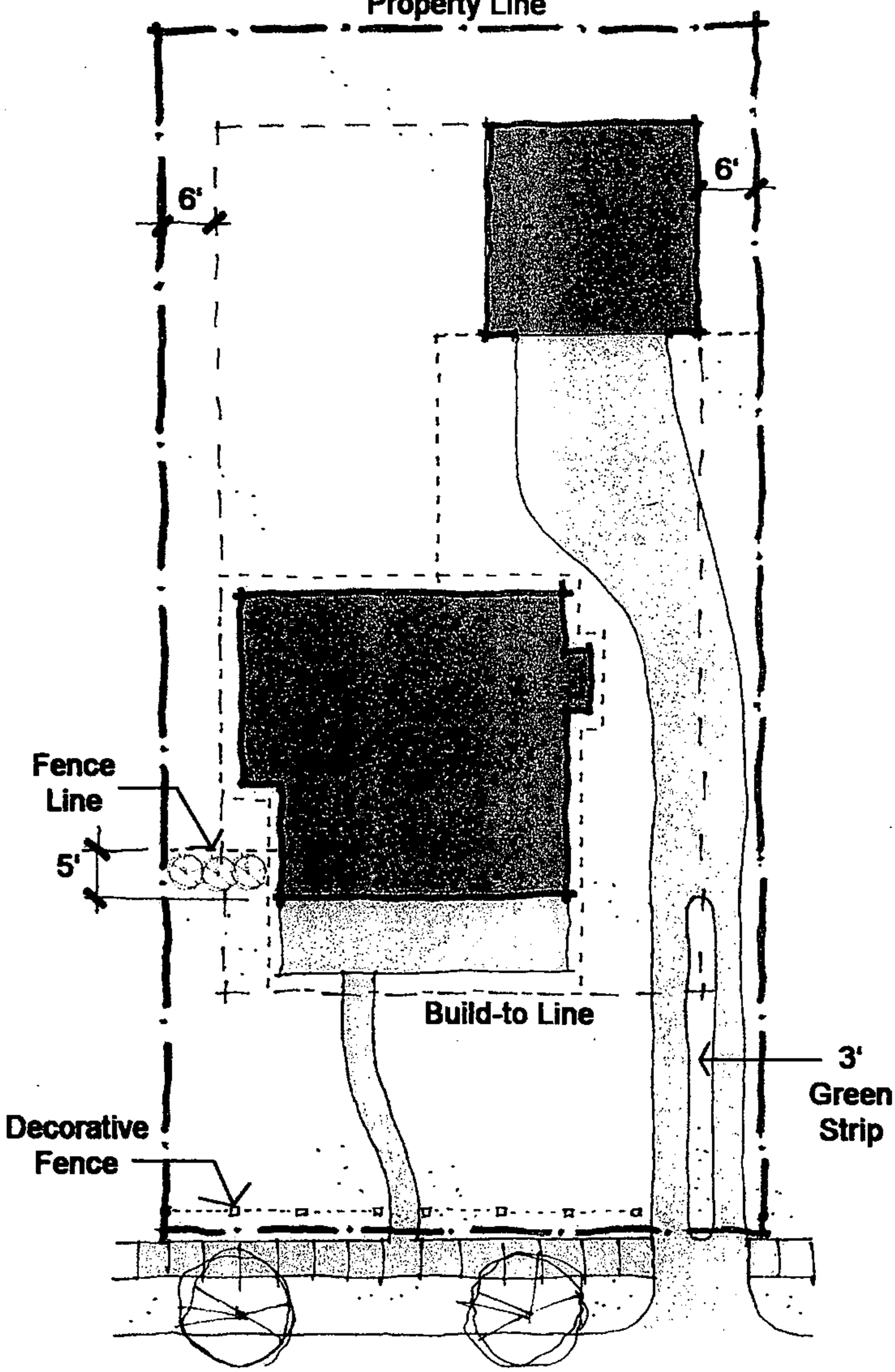
An old fashioned
neighborhood
of traditional
American architecture

Paradigm
DEVELOPMENT

Snapshots of Oakbrooke

... with you in them




Property Line
6'
6'
Fence
Line
5'
Build-to Line
3'
Green
Strip
Decorative
Fence

R-PZD 05-1555
Oakbrooke

RSF-4 and Oakbrooke PZD Comparison Chart

Criteria	RSF-4 Zoning District	Oakbrooke Phase I	Oakbrook Phase II	Total (Phase I & II)
Density	4 units/acre	3.26 units/acre	3.56 units/acre	3.36 units/acre
Lot Width	70'	47' minimum: *detached units are typ. 60-73'; attached units are 47'*	47' minimum: *detached units are typ. 61-81'; attached units are 47'*	47' minimum: *detached units are typ. 60-81'; attached units are 47'*
Lot Area	8,000 SF	7,700-9,500 SF for detached; 5,000 SF for attached	8,100-15,000 SF for detached; 5,000 SF for attached	7,700-15,000 SF for detached; 5,000 SF for attached
Front Setback	25'	14'	14'	14'
Side Setbacks	8'	6' for detached; 0' for attached	6' for detached; 0' for attached	6' for detached; 0' for attached
Rear Setback	20'	10-20'	10-20'	10-20'
Height	None	56.5' (allows for 3-story structures)	56.5' (allows for 3-story structures)	56.5' (allows for 3-story structures)
Area	40%	60% detached; 95% attached	60% detached; 95% attached	60% detached; 95% attached

R-PZD 05-1463 (Oakbrooke)

Paradigm
DEVELOPMENT

Paradigm Development Enterprises, Inc. 479 236 4636 fax 479 443-3383

July 22, 2005

RE: Comments, City Council Meeting 7/19/05

Dear City Council Member:

During the City Council meeting this past Tuesday, July 19th, there were some comments made by an adjoining property owner's representative that I feel should be addressed.

The neighbor's representative had specifically stated that the Developer, referring to myself, "had not been flexible". I wish to point out that the same person has attended most every meeting thus far for Oakbrooke phases one and two. I believe that the lack of flexibility referred to is a street connection she requested only a couple of days before the final Planning Commission meeting, where she preferred that we cul-de-sac one street and provide an additional street in another location. Though I spent in excess of ten hours with the neighbor, on the phone and on site, and my staff had created a couple of optional connection possibilities, she was dissatisfied with any solution offered. Further, as even the City Planning Staff had advised her (to my best knowledge), due to the level completion of design, including drainage, sewer, utilities, etc, where the project was in the system, and the lateness of the request, it would be very difficult to change the design. In addition, the changes would raise the cost of development by nearly $100,000.00. Had the neighbor requested an altered connection during the planning stages of the project, Paradigm would have worked diligently with her, as it has always been Paradigm's charge to work with the neighbors.

She had also spoken to an adjacent property owner by the name of Butler who had "sold his home below market value" once he heard about Oakbrooke. I have had the opportunity to speak with Mr. Butler and his Real Estate agent. Mr Butler offered his property for sale for $229,000.00. After a short period of time, he sold the property for $225,000.00 or $4000.00 below his asking price. When I asked Mr Butler if he considered the sale a "fire sale", and if he had gotten a good price, he replied "I wouldn't have sold it if I didn't think it was a good price". My understanding is that he sold the property because he knew that the area was going to develop, referring to three projects and was ready to move into a more traditional neighborhood with less grass to mow.

It was also stated that the Buyers of Mr Butlers property were not inform of the development and "would never had bought the property had they known". The Seller's broker has stated that notice was given to the prospective Buyers on June 9th, 2005. See the attached document. In reality, the Butlers sold their home for $116.41 per square foot; which in my professional opinion is a very good price for a fifteen year old home. Not only did this Buyer know of the development; the Seller had a back up offer as well.

The owner's representative has complained of the lack of notification concerning the project. I personally know that the notifications were properly handled and signage was placed as per City ordinance. In my opinion, the City Staff has been very diligent and very helpful through the entire Oakbrooke approval process. I will agree however, on a few occasions, the signs have indeed been moved by someone. Regardless, the neighbor has managed to attend each and every meeting. In fact,

the only opposition to the project has come from the person until recently, when the project got to City Council level. Only after unsuccessful attempts were made to try to satisfy the "different street connection" issue, have other neighbors voiced concerns.

In closing, without going into details, it is my opinion that recently, someone has misinformed neighbors about Oakbrooke and I and my staff look forward to making a full presentation at the upcoming special Ward 4 meeting and the City Council meeting on August 2nd.

Respectfully,

Tracy K Hoskins
President

McKINNEY
REAL ESTATE

1108 North College • Fayetteville, Arkansas 72703 • (479) 442-0888 • Fax (479) 442-0860

July 21, 2005

Tracy Hoskins
Paradigm Development

443-3383 fax

Dear Tracy,

Thank you for your phone call.

We recently sold a property located at 1893 Rupple Road for what I consider to be a fair market price. We also had an accepted back-up offer on the property. So I'm not aware of any declining value in property nearby. In fact, the property values on the west side of Fayetteville have been increasing at a steady-to-brisk pace and I don't see anything deterring the trend.

We also wanted you to know of a Public Notice that our clients on Rupple Rd. received and this notice was forwarded to the buyer's agent on June 9, 2005. A copy of the notice is attached. We are committed to the principle of full disclosure. Every effort is made to inform our clients and customers of significant facts affecting their buying and selling decisions.

Don't hesitate to call us if we can help you.

Sincerely,

Nathan McKinney

McKINNEY
Real Estate

Fax: 521-5698
To: Martha McBride
From: Susie 879-5934
McKinney Real Estate (479)442-0888 ph.
(479)442-0860 fax
RE: Rupple Rd
Date: 6-9-05

Comments: The sellers received this letter & we wanted to pass it on to your buyers.

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS

REGISTRATIONS:
PE: AR, MO
PLS: AR

NOTICE

PUBLIC MEETING

THE CITY OF FAYETTEVILLE HAS BEEN REQUESTED TO REVIEW & APPROVE THE PRELIMINARY PLAT OF A PROPOSED PLANNED ZONED DISTRICT AT THE NEXT SCHEDULED MEETINGS. A VICINITY MAP OF THE PROPOSED PROJECT IS ATTACHED HERETO. THE BOUNDARY OF SAID DEVELOPMENT IS ADJACENT TO PROPERTIES OWNED BY YOU OR YOURS. YOU ARE HEREBY OFFICIALLY NOTIFIED OF THE DATE AND LOCATION OF SAID MEETINGS. COMMENTS FROM CONCERNED PARTIES WILL BE HEARD AT MEETINGS, SCHEDULED AS FOLLOWS:

PROJECT: OAKBROOKE SUBDIVISION, PHASE II
A 11.506 ACRE DEVELOPMENT

OWNERS: FAMILY JEWELS, LLC

PROPERTY: WEST OF RUPPLE ROAD, SOUTH OF MOUNT COMFORT ROAD AND EAST OF HIGH AVENUE, WASHINGTON COUNTY, ARKANSAS.

MEETINGS:

SUBDIVISION COMMITTEE:
DATE: JUNE 30, 2005
PLACE: ROOM #111
TIME: 8:30 AM

PLANNING COMMISSION:
DATE: JULY 11, 2005
PLACE: ROOM #219
TIME: 5:30 PM

LOCATION:
CITY OF FAYETTEVILLE ADMINISTRATION
113 WEST MOUNTAIN STREET
FAYETTEVILLE, ARKANSAS 72701

205 West Center Street; Fayetteville, Arkansas 72701; Phone: (479) 443-4724; Fax: (479) 443-4707; E-mail: MCOengr@swbell.net

RZN-05-1546 (Mathias)

July 26, 2005

Jeremy Pate
Director of Planning
Fayetteville, AR 72702

Dear Director of Planning Jeremy Pate:

I am writing regarding the rezoning request submitted by H2 Engineering on behalf of Mathias Properties for property located at the NW CORNER of HWY 45 and BOX AVE. The property is zoned RS-4, SINGLE FAMILY-4 UNITS/ACRE and contains approximately 1.2 acres. The request is to rezone the subject property to R-O, RESIDENT OFFICE. The 1.2 acres is the result of a lot split from approximately 2.66 acres, which borders the RS-4 property of John E. Box on the north and C-1 property on the west. Originally, Mathias filed to rezone all 2.66 acres, but withdrew the application for fear of denial.

By way of introduction, let me say that I have worked in construction and real estate in Fayetteville since 1950. I have always been in favor of growth and believe that a long-range vision is essential to allow harmonious growth in a community like Fayetteville.

I have no objection to the request for the R-O zoning of the 1.2 acres. I have would have no objection to R-O zoning of the entire 2.66 acres if requested. All of the Mathias property is bordered by C-1 on the west. The Box property is bordered on the west by one-half C-1 and one-half R-O. A look with long range vision at the overlay of all the property surrounding the Hwy 45 and Hwy 265 intersection can only logically lead to the eventual best use of all property as R-O.

At the most recent City Council meeting that this item was considered, when the Mathias representative was asked what they intended to do with the remaining property, he replied that it would probably be residential. I feel this was an attempt only to appease the Council and get the request passed. Further residential use of the property would hinder the future best use and best value, which I feel is R-O, for all the property along Box Avenue.

Although I have no immediate plans for development, I have had inquiries about the property, which would require R-O zoning. I know there are many concerns about adding traffic onto Box Avenue, which may disturb the current residents, of which I am one. Some of these concerns I earlier expressed, but have reconsidered when weighing R-O Vs RS-4 development. R-O traffic would primarily be in daytime, whereas RS-4 traffic would be all hours with more volume in the evening.

As far as street development is concerned, the Mathias property and Box property could be rezoned to R-O, and the issuance of building permits could require street compliance of the affected property as needed.

In summary please consider rezoning as requested by Mathias, but without limiting future rezoning of properties to the north along Box Avenue.

Respectfully,

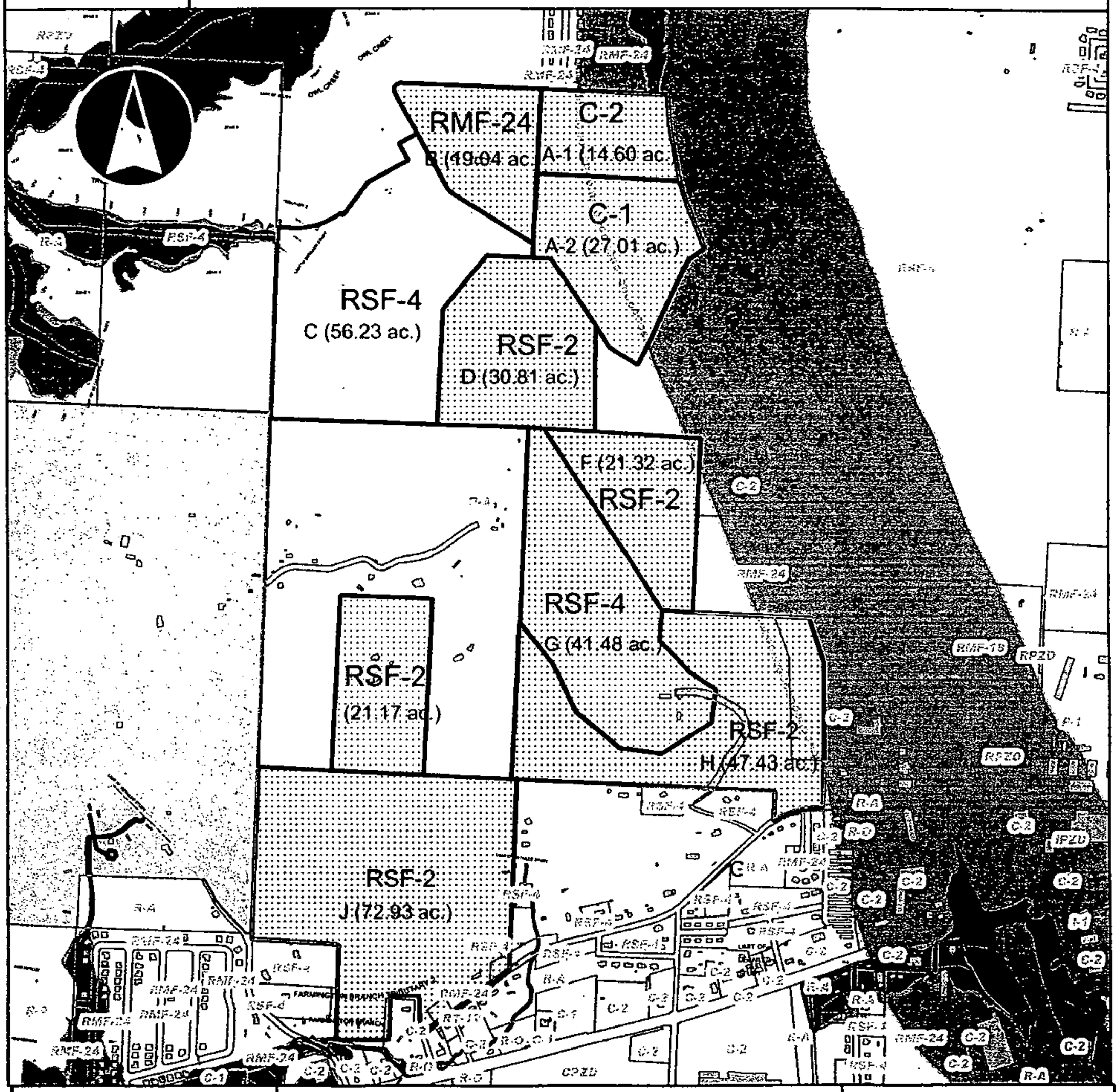
John E. Box

John E. Box

Mountain Ranch
RZN 05-1564 - 15.63 - 15.66
15.62 - 15.61 - 15.60

MOUNTAIN RANCH

Close Up View



Overview
Legend

RZN05-1564_F

Master Street Plan
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector
- Freeway/Expressway

Overlay District

- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- Baseline Profile
- Fayetteville
- Outside City
- RZN05-1564_H
- RZN05-1564_I

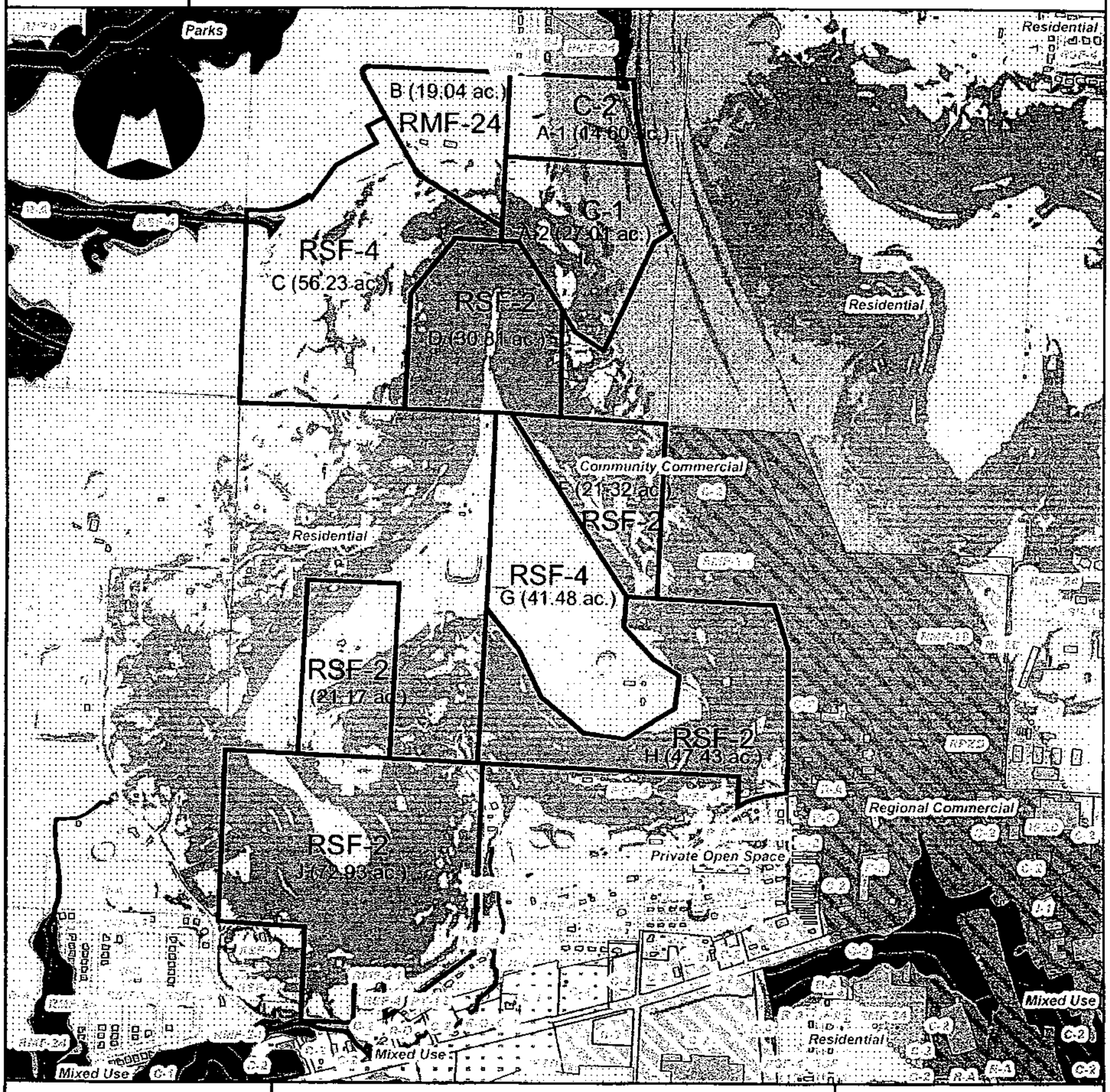
RZN05-1564_
RZN05-1564_
RZN05-1560
RZN05-1561
RZN05-1562
RZN05-1563
RZN05-1566

0 300 600 1,200 1,800 2,400
Feet

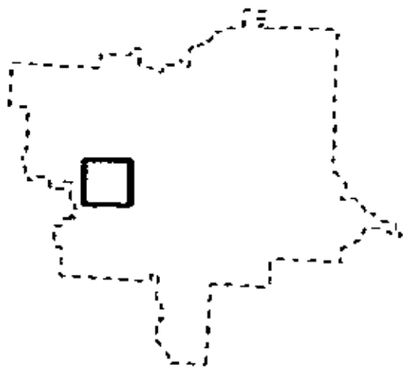
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 300 600 1,200 1,800 2,400 Feet

VAC 05-1522
Springwoods

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 05-1522 SUBMITTED BY PATRICK HARGUS FOR PROPERTY LOCATED AT HWY 112 AND TRUCKERS DRIVE (THE SPRINGWOODS PLANNED ZONING DISTRICT) VACATING A UTILITY EASEMENT AS INDICATED ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described portion of platted utility easement is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons the following described utility easement:

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

Section 2. That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3. That this Vacation approval is subject to the conditions of approval listed in the staff report and Planning Commission recommendations for the City of Fayetteville.

Section 4. That this Vacation approval is subject to the acceptance and recordation of the alternate easement along the north property line.

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By_____
Dan Coody, Mayor

ATTEST:

By_____
Sondra Smith, City Clerk

EXHIBIT "A"
VAC 05-1522

SURVEY DESCRIPTION 50' PERMANENT MULTI-USE EASEMENT
LOCATED IN A PART OF THE N ½ OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ SECTION 33; THENCE SOUTH 02 DEGREES 28 MINUTES 26 SECONDS WEST, 508.24 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST, 2885.00 FEET; THENCE SOUTH 02 DEGREES 27 MINUTES 35 SECONDS WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 3.311 ACRES MORE OR LESS AND BEING SUBJECT OT ANY RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SURVEY DESCRIPTION 50' PERMANENT MULTI-USE (DAUGHERTY)
LOCATED IN A PART OF THE N ½ OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 33;
THENCE SOUTH 02 DEGREES 28 MINUTES 26 SECONDS WEST, 508.24 FEET;
THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST, 2884.98 FEET
TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST 1205.55 FEET;
THENCE SOUTH 02 DEGREES 19 MINUTES 50 SECONDS WEST, 50.00 FEET;
THENCE NORTH 87 DEGREES 54 MINUTES 20 SECONDS WEST, 1205.66 FEET;
THENCE NORTH 02 DEGREES 27 MINUTES 35 SECONDS EAST, 50.00 FEET
TO THE TRUE POINT OF BEGINNING CONTAINING 1.384 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SURVEY DESCRIPTION 100' TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN A PART OF THE N 1/2 OF SECTION 33, TOWNSHIP 17 NORTH , RANGE 30 WEST IN FAYETTEVILLE, WASHINTON COUNTRY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 33; THENCE SOUTH 02 DEGREES 28 MINUTES 26 SECONDS WEST, 558.24 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST, 2885.00 FEET; THENCE SOUTH 02 DEGREES 27 MINUTES 35 SECONDS WEST, 100.00 FEET; THENCE NORTH 87 DEGREES 54 MINUTES 20 SECONDS WEST, 2885.00 FEET; THENCE NORTH 02 DEGREES 28 MINUTES 26 SECONDS EAST, 100.00 TO THE TRUE POINT OF BEGINNING CONTAINING 6.623 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

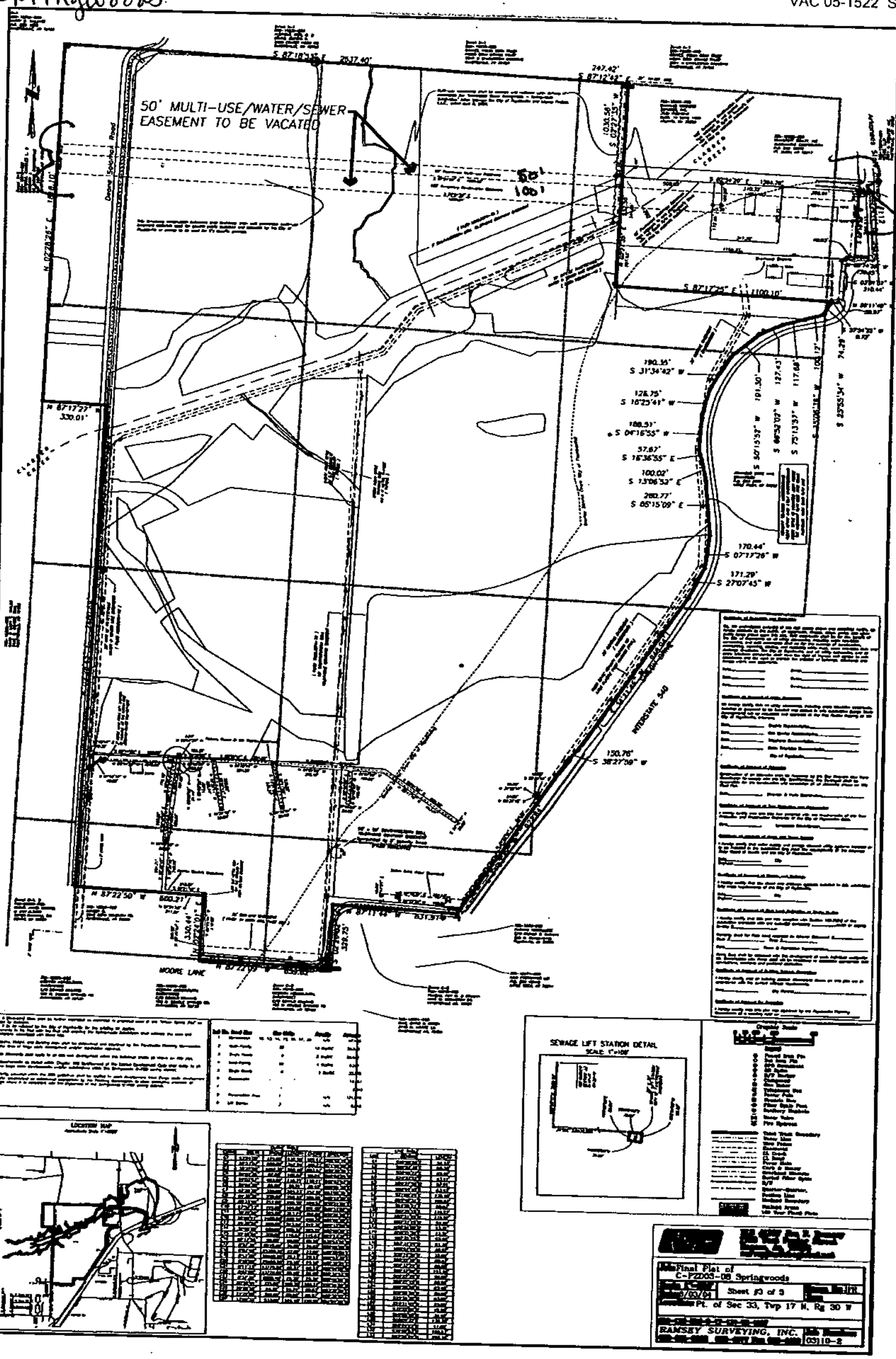
SURVEY DESCRIPTION 100' TEMPORARY CONSTRUCTION EASEMENT (DAUGHERTY)

LOCATED IN A PART OF THE N ½ OF SECTION 33, TOWNSHIP 17 NORTH, RANGE 30 WEST IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT THE NW CORNER OF THE NW ¼ OF THE NW ¼ OF SECTION 33;
THENCE SOUTH 02 DEGREES 28 MINUTES 26 SECONDS WEST, 558.24 FEET;
THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST, 2885.00 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 87 DEGREES 54 MINUTES 20 SECONDS EAST 1205.66 FEET;
THENCE SOUTH 02 DEGREES 19 MINUTES 50 SECONDS WEST, 100.00 FEET;
THENCE NORTH 87 DEGREES 54 MINUTES 20 SECONDS WEST, 1205.89 FEET;
THENCE NORTH 02 DEGREES 27 MINUTES 35 SECONDS EAST, 100.00 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 2.768 ACRES MORE OR LESS AND BEING SUBJECT TO ANY RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

DRAFT

VAC 05-1522
Springwoods

EXHIBIT "B"



Mt. Sequoyah

From: "sdavison11@juno.com" <sdavison11@juno.com>
To: <ssmith@ci.fayetteville.ar.us>
Date: 7/26/05 10:40AM
Subject: Road over the mountain

Dear Sondra,

I will not be here for the Aug. 2nd meeting about this.
Please add my husband's name, Rick Belt, as well as mine to the list of residents AGAINST the Rockwood Trail Street extension. Reasons our council should reject this are many, including the council's previous actions attempting to prevent this, the steep road conditions of Rockwood Trail itself (winter safety), and most importantly, no plan for what happens to the traffic when it dumps onto Mission.

Thanks Sondra!!

Sharon Davison

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Mt. Sequoyah

July 25, 2005

TO: Fayetteville Planning Commission
125 W. Mountain St
Fayetteville, AR 72703

FROM: Karen Imhoff Anderson (Trustee of the John and Lois Imhoff Estate)
32 Wells Hill Rd
Weston, CT 06883

RE: Development of DePalma property and request by H2 Engineering for approval to make a street connection over Mt. Sequoyah as part of the proposed residential development.

Wish I could attend the meeting tonight and voice my concerns but I strongly urge the city to not allow cut thru traffic from Hwy 265/De Palma development over Mt. Sequoyah onto Mission Blvd. Seems to me, the Hwy 265 sight and left turn lane issue should be resolved with blasting and regrading if necessary to provide safety to local residents. You are not eliminating safety issues by directing traffic via Ainsworth/Clark/Rockwood Trail onto Mission. I already find it necessary to carefully make left turns onto Rockwood Trail from either Ainsworth or Ruth St. due to visibility and sight issues as cars travel quickly once they reach the top! The use of "Speed Humps" in Connecticut has been met with mixed results. Many cities find law suits from car owners who sustain vehicle damage too costly and burdensome. Besides, the volume of cars is not reduced nor the excessive speed just prior to and after the bump!

My town of Weston, CT requires by code that all developers to set aside 25-30% of any development project into a land preservation trust. Tree preservation plans are also a requirement after a tree survey/map has been conducted on the property at the developer's expense. These plans must then be approved by the Town Conservation Commission. I applaud the low density, tree preservation and parkland offerings by H2 Engineering but at what price to the existing residents!! The future of Hwy 265's increasing traffic volume/safety problems needs to be addressed NOW. The city is faced with another infrastructure problem due to lack adequate long range planning. Fix the main artery issues and leave the residential streets alone.

As Trustee of the house at 1619 Clark St, I strongly urge the commission to VOTE NO!

From: "sdavison11@juno.com" <sdavison11@juno.com>
To: <ssmith@ci.fayetteville.ar.us>
Date: 7/26/05 10:40AM
Subject: Road over the mountain

Dear Sondra,

I will not be here for the Aug. 2nd meeting about this.
Please add my husband's name, Rick Belt, as well as mine to the list of residents AGAINST the Rockwood Trail Street extension. Reasons our council should reject this are many, including the council's previous actions attempting to prevent this, the steep road conditions of Rockwood Trail itself (winter safety), and most importantly, no plan for what happens to the traffic when it dumps onto Mission.

Thanks Sondra!!

Sharon Davison

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Farmington Sewer Negotiation Team

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor

FROM: Stephen Davis, FIS Director

DATE: July 27, 2005

SUBJECT: Fayetteville-Farmington Agreement and HDR Letter July 12, 2005

Recommendation

Staff recommends proceeding with negotiating with the City of Farmington to determine the future ownership of that system. Staff requests Council authorization to conduct the negotiations for Fayetteville to assume ownership of the Farmington Sewer System and if those negotiations fail continue to negotiate a new wastewater service agreement.

Background

The City of Fayetteville and the City of Farmington have an existing sewer service contract that expires in early 2009. The contract has an automatic extension for an additional fifteen (15) years. The City Attorney (Kit Williams) has stated the additional fifteen years contained in the automatic extension feature may not be legal.

Overall this contract has provisions that appear to contradict each other leaving the interpretation of those provisions to the perspective of the reader. The vagueness and contradictory contract clauses led to the necessity for a mediated settlement in 2004.

The essential elements of this existing agreement are as follows:

1. Fayetteville will perform the same level of sanitary sewer rehabilitation for Farmington as is provided for Fayetteville. Fayetteville will provide rehabilitation of pipes up to a length of fifteen (15) feet.

2. Fayetteville will provide for all operations and maintenance of the Farmington sewer system.

3. New facilities serving Farmington customers shall be constructed without cost to Fayetteville.

4. Fayetteville shall have the right to extend its service area as long as the following provisions are met: 1) it does not serve customers of Farmington, 2) Fayetteville bears all of the cost

associated with the extension, and 3) Fayetteville bears all of the cost associated with the extension including replacement and/or enlargement of Farmington's lines and pumping facilities that are required by Fayetteville's loads.

5. The contract does not impose any volume limit on Farmington.

Discussion

A new contract with Farmington will provide the opportunity to remove and remedy the issues the City dealt with during the 2003 Rate Study as well as the issues that precipitated the mediation in 2004. As the City of Fayetteville considers the contract points for an agreement with Farmington there are a number of items that need to be communicated:

1. The federal and state NPDES discharge permits are in Fayetteville's name and that may make Fayetteville the responsible party for any sewer overflow that occurs within the Fayetteville, Farmington, Greenland and Johnson sewer systems under ADEQ and NPDES reguations.

2. Our existing contracts with Farmington and Greenland do not contain any flow limits. It should be noted that once Farmington can addresses their overflow issues the Arkansas Department of Health may lift the sewer system moratorium from Farmington and Fayetteville will have to take any flows from Farmington. The new agreement should address some flow limit.

3. Constructing a new lift station at the confluence of Owl Creek and Goose Creek will provide cost savings/avoidance opportunities for several years into the future that will be a direct benefit to Fayetteville and Farmington rate payers. From Fayetteville's point of view it is desirable to eliminate Owl Creek Lift Station and the associated force main and to better consolidate wastewater flows that originate in the Illinois River watershed into the West-side Treatment Plant. An additional benefit, from Fayetteville and Farmington perspective would be the reduction or elimination of Lift Station 11 (HWY 62) and Lift station 12 (Double Springs) and the associated force mains.

4. Fayetteville does not have a franchise right to operate in Farmington. The new contract could provide this right.

5. Fayetteville does not have the right to assess and collect the City of Fayetteville wastewater impact fee. If Fayetteville owns the Farmington sewer system Fayetteville wastewater impact fees can be collected for new development in Farmington. Fayetteville cannot collect wastewater impact fees if Fayetteville does not own the system. The potential wastewater impact fee revenue, at current rates, will generate at least $8 million from Farmington growth alone after build-out.

6. Owning the Farmington system and addressing Farmington concerns related to rates should avoid the issues faced by City Council during the 2003 rate ordinance hearings.

Attachment: HDR Letter July 12, 2005

HDR ONE COMPANY | *Many Solutions*

July 12, 2005

Mr. Steve Davis
Finance and Internal Services Director
Fayetteville Public Works Department
113 W. Mountain Street
Fayetteville, Arkansas 72701

Subject: Recommendations for Follow-Up to Rate Audit Presentation

Dear Mr. Davis:

HDR Engineering, Inc. (HDR) recently completed our rate audit review of the 2003 rate study conducted by Black & Veatch (B&V). The results of our rate audit have been provided to the City in a written report and the findings and conclusions were presented during a public meeting to the various outside City and wholesale customers.

While HDR did find that the wastewater rate study had met the contractual and "generally accepted" rate methodology requirements, we did note a number of areas/issues associated with the study that, in our opinion, warrant further discussion and review by the City in any future rate studies. At the same time, even after the completion of the rate audit, there still is a sense of perceived inequity with the City's wastewater rates by the outside City and wholesale customers.

Undertaking a comprehensive rate study at this time would be very expensive and time consuming. Recognizing that the City would like to resolve as many issues concerning the equity of the rates, short of conducting a full comprehensive study, HDR has provided a set of suggestions/recommendations toward that end. In making these suggestions/recommendations, it is assumed that the City's inside City rates will remain at current levels, and any revenue deficiencies that are a result of implementing these suggestions/recommendations will be obtained from operating reserves, until such time as the next comprehensive rate study is conducted.

HDR's suggestions/recommendations to achieve greater equity within the City's wastewater rates are as follows:

- **SALES TAX CREDIT** – Provide a credit to outside City and wholesale customers for sales tax revenues. The B&V study provided no credit to the outside City and wholesale customers for sales tax. The amount of the sales tax credit within the rates should be based upon the findings and conclusions of the University of Arkansas Center for Business and Economic Research. In general, the sales tax credit should be provided on the rate of return component within the B&V rate methodology, and

the sales tax credit received by any outside City or wholesale customer shall be no greater than the total allocated return component (i.e. sales tax credits shall create no negative rates of return for outside City and wholesale customers. The minimum allowable rate of return for outside City and wholesale customers shall be 0.0%).

- **IMPACT FEE CREDIT** – At the present time, the outside City and wholesale customers do not pay impact fees to the City for growth related facilities. Impact fees are a method of financing growth related facilities, while sheltering existing customers from these projects. The City's existing contracts are silent on the issue of regional impact fees, and the City's ability to implement these charges. If the City were allowed to implement a "regional impact fee" then credits could be provided within the outside City and wholesale rates for the amount of impact fees that were collected and used to fund growth related capital projects or growth-related debt service payments. This would be another method to help minimize rates over time for the outside City and wholesale customers.

Should you have any questions about this letter and our suggestions/recommendations, please do no hesitate to contact me. I hope that the above suggestions/recommendations will help the City move towards wastewater rates that are perceived as being more equitable for the City and their customers.

HDR Engineering, Inc.

Sincerely,

Tom Gould
Vice President

Economic Development
Fund Grant

Agenda Session
Economic Development Fund Grant
7/26/05

RESOLUTION NO. _____

A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT FUND GRANT IN THE AMOUNT OF $54,000.00 TO THE NORTHWEST ARKANSAS AVIATION TECHNOLOGY CENTER AT THE FAYETTEVILLE MUNICIPAL AIRPORT TO FACILITATE NATIONAL ACCREDITATION; AND APPROVING A BUDGET ADJUSTMENT.

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 a an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to facilitate national accreditation .

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of $54,000.00.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

ALDERMAN AGENDA REQUEST FORM

Agenda Session
7/26/05

Mallay Wagon Road

FOR: COUNCIL MEETING OF AUGUST 2, 2005 8/2/05

FROM:
ALDERMAN ROBERT REYNOLDS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Allow Extension Of Sewer Service Outside The City's Corporate Limits On A 25 Acre Parcel On Mally Wagon Road Less Than A Quarter Mile From The City Limits

APPROVED FOR AGENDA:

R E Reynolds

Robert Reynolds
Alderman

7-26-05
Date

Kit Williams
City Attorney (as to form)

7-25-05
Date

RESOLUTION NO. _____

A RESOLUTION TO ALLOW EXTENSION OF SEWER SERVICE OUTSIDE THE CITY'S CORPORATE LIMITS ON A 25 ACRE PARCEL ON MALLY WAGON ROAD LESS THAN A QUARTER MILE FROM THE CITY LIMITS

WHEREAS, §51.113 (c) **Sewer connections outside the city.** states that "the city's sewerage system shall not be extended outside the city's corporate limits except on express approval of the City Council;" and

WHEREAS, applicant J.B. Hays and his representative, Crystal Goedereis have requested that the City Council grant its express approval to allow extension of City Sewer mains at the applicant's expense to access their 25 acre parcel south of Highway 16 East on Mally Wagon Road less than one-quarter mile from the City's corporate limits; and

WHEREAS, applicant has agreed that as a condition of granting this extension of sewer service, the 25 acre parcel will be developed in accordance with all city standards as if the development was located within the city; and

WHEREAS, the applicant has agreed to immediately petition for annexatión into the City of Fayetteville as soon as is legally possible (whenever any portion of the 25 acre parcel abuts the city's corporate limits); and

WHEREAS, the applicant agrees that all impact fees (now including water, sewer and parksland) including future enacted impact fees if in existence when development occurs shall be paid as if the parcel was within the city limits.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a resolution to allow extension of sewer service outside the City's corporate limits on a 25-acre parcel owned by the applicant J.B. Hays on Mally Wagon Road, less than one-quarter mile from the city limits conditional upon the applicant or any successor in interest fully complying with and completing all offered conditions as shown in the Whereas clauses of this Resolution..

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Fayetteville
ARKANSAS

WATER AND WASTEWATER DEPARTMENT
DEPARTMENTAL CORRESPONDENCE

TO: Ron Petrie, Engineering
Jeremy Pate, Planning
Bob Davis, Water/Wastewater Director

FROM: David Jurgens, Water/Sewer

DATE: 31 May 2005

SUBJECT: **Mally Wagnon Road Proposed Development, Crystal Goedereis**

The City has received a request to approve providing sanitary sewer service to a development that cannot currently annex into the City, as there is a lot owned by others that lies between the development and the existing city limits.

The development is approximately 25 acres, with a plan for approximately 100 lots, located on the east side of Mally Wagnon Road, 2/10th of a mile south of Highway 16, is being submitted by Crystal Goedereis.

Given the alternatives available, I believe that allowing this development to tie to the City's sanitary sewer system is in the best interests of the City, the residents, and the environment.

To comply with current City ordinances, this action requires City Council approval. Ms. Goedereis requests said City Council review and approval/disapproval of the request to connect to the sanitary sewer before spending more time and money on the development.

Therefore, strictly from the standpoint of sanitary sewer service and not relating to any other engineering or planning issues whatsoever, I make the following recommendations:

1) This development, once it meets all other planning, engineering, and other City requirements, be allowed to tie to the sanitary sewer system as would a development within the Fayetteville corporate City limits.
2) This development, as a whole, be required to annex into the City immediately when such action is legally possible.
3) Planning, with staff input and coordination, identify any and all general requirements to be placed on this development in its preliminary stages to allow the City Council to make a well informed decision.

Attachments: Letter of Request, with
- Proposed annexation map
- Property survey
- Draft lot layout
- Zoning map identifying property location
- Aerial identifying property location

To: Kit Williams
City Attorney
113 West Mountain
Fayetteville, AR. 72701

June 4,2005

Dear Mr. Williams,

Enclosed please find an application for a variance to the city sewer ordinance. We have been working on this project since January with Dave Jurgens and even before that I had spoke with Gregg Boettcher. I do believe that they were trying to rewrite the city ordinance but with Gregg leaving and Dave doing both jobs and Bob Davis arriving things have been up in the air. The last conversation that I had with Bob Davis I was instructed to proceed with the variance which leads me to you.

I have prepared a packet including the information that was given to Dave in January. I would appreciate it if you could please review this and place it on the City Council agenda as soon as possible so we can move ahead with this project. I have enclosed everything I could think of to make this item clear. If you have any suggestions or changes please advise me so I can get them made. I have also sent a packet to Bob Davis, Tim Conklin, the County, and Matt Casey.

In closing I would like to Thank-you for all your time and help in this matter. If I can be of any assistance please feel free to contact me at anytime.

Sincerely,

Crystal

CITY OF FAYETTEVILLE, ARKANSAS

VARIANCE

FOR STAFF USE ONLY	*FEE: $25.00 / $100.00*
Date Application Submitted:	
Date Accepted as Complete:	*S-T-R:*
Case / Appeal Number:	*PP#:*
Public Hearing Date:	*Zone:*

Please fill out this form completely, supplying all necessary information and documentation to support your request. ***Your application will not be placed on the Board of Adjustment agenda until this information is furnished.***

Application:

Indicate one contact person for this request: ____ **Applicant** ____ **Representative**

Applicant (person making request):

Name- JB Hays

Address - 2595 Firewood
Fayetteville Ark 72703

E-mail:

Phone -
(~~501~~ 479) 777 521-7777
(479) 521-1221 home

Fax -
(475) 251-8701

Representative (engineer, surveyor, realtor, etc.):

Name- Crystal Goedereis

Address - 1760 Starr Drive
Fayetteville, Ar 72701

E-mail: Qess19899@sbcglobal.net

Phone -
(479) 313-4756
( )

Fax -
(479) ~~443~~ 527-9747

Site Address / Location: Mally Wagon- no physical address
See plat

Current Zoning District: County

Assessor's Parcel Number(s) for subject property:

Date which structure was built (if applicable): None

BUILDER

Name- JB Hay Family
Development

Address - Same as above

Phone -

(479) 521-7777
( )

Fax -
(479) 251-8701

Board of Adjustment
Deadline Date for submittal July 12 @ 10:00 am

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:
JB Hays

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Crystal Goedereis Date: 05-31-05

Signature: Crystal Goedereis

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Owners (attach additional info if necessary):

Name (printed): JB Hays

Signature: J B Hays

Date: 5-30-05

Address - 2595 Firewood
Fayetteville, Ar 72703

Phone -
( )

Name (printed):

Signature:

Date:

Address -

Phone -
( )

Checklist:

Attach the following items to this application:

O 1. Payment in full of applicable fees for processing the application.
$25.00 before a violation has occurred ✓
$100.00 after violation has occurred

O 2. Legal description of property (may be found on deed or current survey of property). A survey may be required if the deed cannot be platted accurately. ✓

O 3. *Complete* written description of this request (what is proposed by the applicant) to include:
Building size in square feet; existing and proposed - Conceptual plat
Number of off-street parking spaces to be provided / number required - See conceptual plat

O 4. Two sets of typed, mailing labels listing the name and address of each adjacent property owner -

including across streets. (May be found at the county assessor's office)

O 5. A copy of the plat on record in the county assessor's office. The owner's name and the parcel number for every adjacent property shall be shown on this plat (map).

O 6. Site plan drawn to scale, (scaled to fit on a 8 ½ x 11 sheet of paper) based on the deed or survey *(survey is required for variance of an existing violation)*, showing all proposed structures dimensioned from the overhang to each property line, required setbacks, and requested variance(s). - See conceptual pt

O 7. A typed letter addressed to the ~~chair of the board of adjustment~~ Mr Mayor + City Council demonstrating each of the following 4 criteria (required by ordinance):

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same district.

b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

c. That the special conditions and circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

★ Note: No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

Dear Applicant:

The City of Fayetteville is attempting to increase the level of public participation in the planning process through the involvement of neighborhood organizations. Accordingly, the Planning Division as well as the Planning Commission strongly encourages you to contact the president of the neighborhood in which your intended project falls to discuss the project with the neighborhood association.

The following document lists the contact persons for Fayetteville's registered neighborhoods. Additionally, there is a map of Fayetteville that denotes the boundaries of the area's neighborhood associations. Please use these tools to contact the neighborhood leader in which your prospective project falls. For an interactive look at the neighborhood association map, please visit our website at www.faygis.org. Keep in mind that current methods of notification are required by state law and city ordinance regardless of whether a neighborhood association exists.

If you have any questions about neighborhood associations or their boundaries, please contact Courtney at 479.575.8253.

Thank you for helping us to improve communication among interested parties.

Sincerely,

Courtney McDade
Neighborhood Coordinator

Tim Conklin
Director of Community Planning and
Engineering Services

To: The Mayor and City Council
113 West Mountain Street
Fayetteville, AR 72701

May 25, 2005

Dear Mr. Mayor & City Council,

I come before you again to ask for your help in a matter that I have been working on for sometime. After much research we have came to the conclusion that Fayetteville has everything she needs to continue to expand and prosperous except for affordable housing for the working market. We see a lot of large homes being developed because there is more money in them than smaller homes and the same is true with lots. It cost a lot less to develop and sell 25 acres with 25 lots than it does 25 acres with 90 lots however, in order to keep the workers in our job market we need to have these smaller lots and homes. With the job market getting stronger in other areas such as Lowell, Rogers, Bentonville and the Fort Smith area it is now becoming more important than ever to have affordable housing in Fayetteville, in order to keep the employment pool strong and desirable. What good is it to build a new hotel or restaurant if there is no one to work in it? We need to have some smaller lots of 7000 square feet or less with city sewer, water, and built to city standards, in order for the builders to be able to build 1100 to 1400 square foot homes. These lots need to have appeal just as the big lots in order to keep our employment pool desirable.

It is for these reasons that we are asking for your help in a development that we are planning on Mally Wagnon Road. The development will consist of approximately 90 lots on 25 acres, more or less. The property is 2/10th of a mile off of Highway 16. This particular piece of property would have already been annexed into the City of Fayetteville as it was in the last rounds of annexations before the annexations were tabled. We realize the City needs time to catch up to all the annexations and, that is why we felt the best solution would be to grant a variance to the sewer ordinance allowing this development to extend the sewer main the 2/10th of a mile, at our cost so when the city does annex the development it will already be at city standards. The impact fees generated from this development will be approximately $102,870.00 plus the city won't have to pay the $65,000.00 or more it will take to extend the sewer to the development. We feel this is a way better option than placing a S.T.E.P. system in a place that we all know is going to part of our city at some point.

In closing, we feel this is a win/win situation for the city, the builders, the developers, and most importantly the new home owners. The property is already in the growth area that is slated to be annexed into the city. It is close enough to Fayetteville and already has a Fayetteville address that it will open up some much needed moderately priced housing for the people working and looking to work in the Fayetteville area. The city will also win because all aspects of this development will meet city standards so when the annexations happens the city won't have to worry about problems that are occurring now in other situations with roads, septic systems, and a variety of other issues. Along with the

Variance request we have elected to provide you with a Bill of Assurance that states we will follow all city standards including park fees and tree mitigation. We would like to personally Thank-You for all the time and effort you put into not only this project but, all of the councils work. As always we look forward to working with the City of Fayetteville to maintain the great city she is and always will be.

Sincerely,

Crystal

Bill Of Assurance for Sewer Variance on Mally Wagnon For the City of Fayetteville

In order to attempt to obtain approval of a request for a Variance to the City Sewer Ordinance the owner, developer, or buyer of this property, (hereinafter "Petitioner") J.B. Hays Family Development, hereby voluntarily offers this Bill o Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this of this Bill of assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors, violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and the City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville City Council will reasonable rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's request for a Variance to the City Sewer Ordinance.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF petitioner's Variance to the City Sewer is approved by the City Council.

1) The use of the Petitioners property shall be limited to the use of a single family development following the guidelines of a RSF 7 however I might add that the average density will only be 4 per acre but we need the lots to be 7000 square feet in order to make it look nice with Architectural appeal instead of row housing.

2) Other restrictions including number and type of structures upon the property are limited to RSF 7 guidelines with a maximum square footage of each house shall not exceed 1600 square feet of heated space, garages will be attached no larger than 2 cars.

3) Specific activities will not be allowed upon petitioner's property including anything not allowed in a RSF 7 development.

4) The development will be annexed as soon as it touches city property or the city wishes and the lots will be sold that way. With time of the essence and as this is in the county we would ask that we would only be required to go through Parks, and Tech Platt and that the City Planners be allowed or the City Council to sign off on final Platt. It is not our intention to avoid anything as we have already stated that we will meet or exceed all city requirements but we do not want to be delayed as we have already been working on this since December 2004.

5) Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill Of assurance shall be filed for record in the Washington County Circuit Office after Petitioner's variance is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of the Petitioner's property.

In Witness Whereof and in agreement with all the terms and conditions stated above, I, J.B. Hays, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

_____ _____
Date Printed Name

_____
Address

_____
_____ _____
City, State, Zip Code Signature

Notary Oath

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the_____ day of_____, 2005, appeared before me,

_____ and after being placed upon his /her oath swore or affirmed that he/ she agreed with the terms of the Bill of Assurance and signed his/her name above.

_____

My Commission Expires: **NOTARY PUBLIC**

_____

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.08 District Rsf-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose.* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	7 or less	8.5
Two-family dwelling units per acre	—	Option: 15% of the lot, maximum

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(2) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height regulations.*

Building height maximum	30 ft.

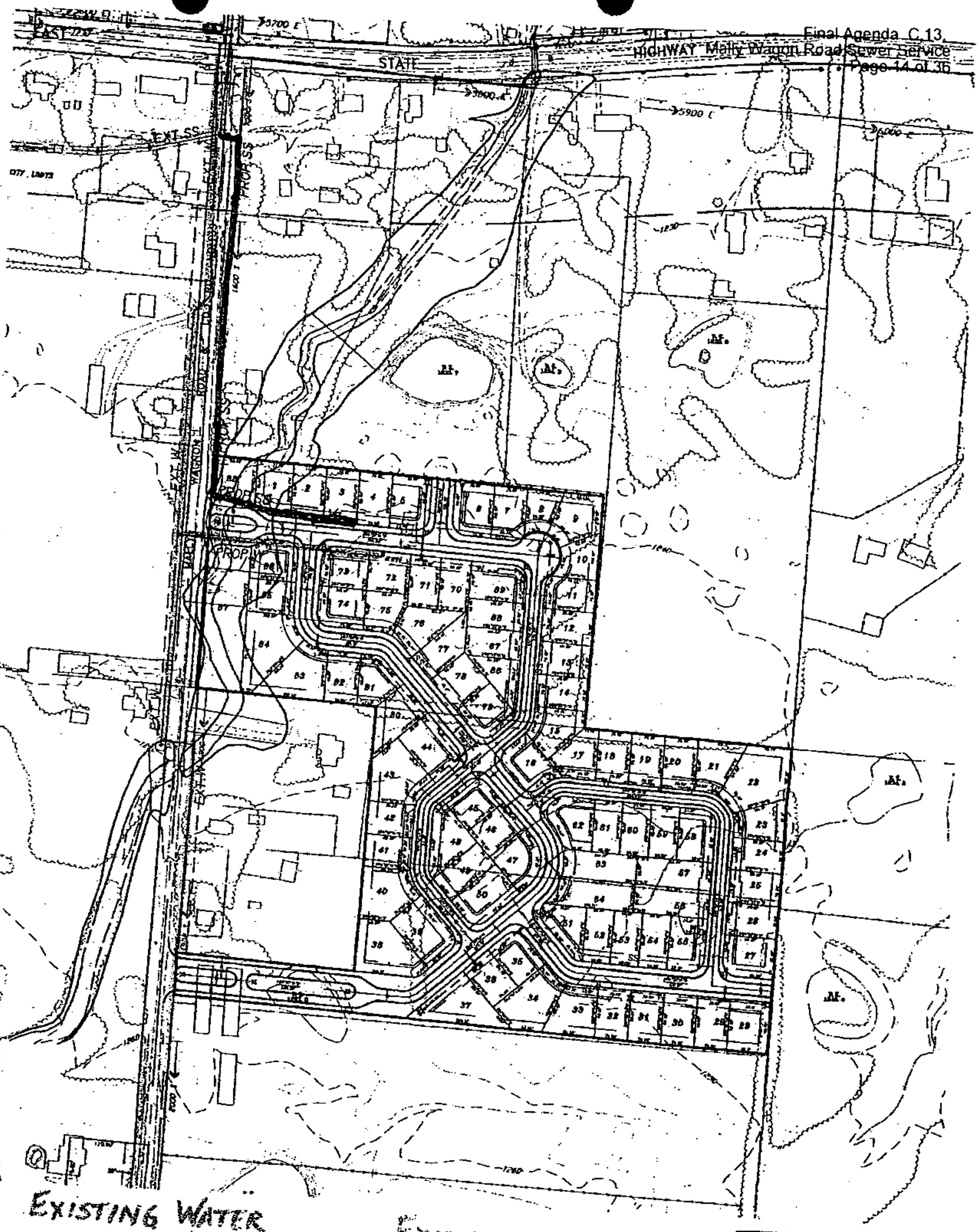
(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Cross reference(s)–Variance, Ch. 156.

161.09 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public



P:\LAND PROJECTS 2005\05-007\DWG\05-007REV1.DWG, 8.5x11-2006, 5/31/2005 12:57:09 PM, PAUL

Mally Wagnon Addition
Conceptual Plat

Checked by:
Drawn by: PMM
Horizontal Scale: 1"=200'
Vertical Scale: -
Date: 24MAY05
H2 PROJECT NUMBER: 05-007

H2 ENGINEERING, INC.
2758 MILLENNIUM DRIVE
Suite 1
FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 582-H2EI
FAX: (479) 582-9254

765-21280-000 001-10757-001
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001-10783-000
001-10799-000
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001-10784-000
001-10794-000
001-10786-000
001-10796-000
001-10785-000
001-10795-000

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10789-000 S-T-R: 20-16-29 Type: RI Assessed Value: 9,804
1 Location Address: 1690 S MALLY WAGNON RD RURAL
Owner Name: FREEMAN, KEITH
Mailing Address: 1690 S MALLY WAGNON RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10751-000 S-T-R: 20-16-29 Type: RV Assessed Value: 7,660
1 Location Address: E HUNTSVILLE RD RURAL
Owner Name: ROGERS, CHARLES CHRIS
Mailing Address: 1977 W. DEANE ST. FAYETTEVILLE AR 72703

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10788-000 S-T-R: 20-16-29 Type: RI Assessed Value: 7,742
1 Location Address: 5847 E HUNTSVILLE RD RURAL
Owner Name: WHEAT, LESLIE A & ELEANOR M
Mailing Address: PO BOX 3293 FAYETTEVILLE AR 72702

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page(s)

Parcel: 001-10791-001 S-T-R: 20-16-29 Type: AV Assessed Value: 260
1 Location Address: RURAL
Owner Name: BROOKS, WILLIAM J. & SUZANNE H.
Mailing Address: 6073 E HUNTSVILLE RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10767-000 S-T-R: 20-16-29 Type: AI Assessed Value: 38,382
1 Location Address: 1677 MALLY WAGNON RD 1609RURAL
Owner Name: MARTIN, JAMES F. & BETTY L.
Mailing Address: 1811 MALLY WAGNON RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

1 Parcel: 001-10767-003 S-T-R: 20-16-29 Type: RV Assessed Value: 3,000
Location Address: 1789 MALLY WAGON RD RURAL
Owner Name: KELLY, JERRY & VANESSA
Mailing Address: 1789 MALLY WAGNON RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

1 Parcel: 001-10783-000 S-T-R: 20-16-29 Type: AI Assessed Value: 20,080
Location Address: 1811 MALLY WAGNON RD RURAL
Owner Name: MARTIN, JAMES F. & BETTY L.
Mailing Address: 1811 MALLY WAGNON RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10790-000 S-T-R: 20-16-29 Type: AM Assessed Value: 330
1 Location Address: S MALLY WAGNON RD RURAL
Owner Name: HAYS FAMILY DEVELOPMENT, LLLP
Mailing Address: 2831 SHERWOOD LANE FAYETTEVILLE AR 72703

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

1 Parcel: 001-10799-000 S-T-R: 20-16-29 Type: AI Assessed Value: 25,975
Location Address: 1824 S MALLY WAGNON RD RURAL
Owner Name: SEXSON, JIMMIE L & BOBBYE S.
Mailing Address: 1824 S MALLY WAGNON RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10794-000 S-T-R: 20-16-29 Type: AM Assessed Value: 260
1 Location Address: S MALLY WAGNON RD RURAL
Owner Name: PATRICK, KENT ELDON
Mailing Address: 1924 S MALLY WAGNON RD FAYETTEVILLE AR 72701-0487

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10798-000 S-T-R: 20-16-29 Type: RI Assessed Value: 9,152
1 Location Address: 1872 S MALLY WAGNON RD RURAL
Owner Name: REDMAN, CHRISTINA D
Mailing Address: 1872 S MALLY WAGNON ROAD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10794-002 S-T-R: 20-16-29 Type: RV Assessed Value: 436
1 Location Address: RURAL
Owner Name: REDMAN, CHRISTINA D
Mailing Address: 1872 S MALLY WAGNON ROAD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record **1** to **1** of **1**

Print Page

1 Parcel: 001-10797-000 S-T-R: **20-16-29** Type: **AI** Assessed Value: **16,361**
Location Address: **1924 S MALLY WAGNON RD RURAL**
Owner Name: **PATRICK, KENT ELDON**
Mailing Address: **1924 S MALLY WAGNON RD FAYETTEVILLE AR 72701-0487**

Search Time **0** Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10796-000 S-T-R: 20-16-29 Type: AM Assessed Value: 400
1 Location Address: S MALLY WAGNON RD RURAL
Owner Name: SWAFFORD, L.C & PEGGY C.
Mailing Address: 2225 EMMA AVE FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10796-000 S-T-R: 20-16-29 Type: AM Assessed Value: 400
1 Location Address: S MALLY WAGNON RD RURAL
Owner Name: SWAFFORD, L.C & PEGGY C.
Mailing Address: 2225 EMMA AVE FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10795-000 S-T-R: 20-16-29 Type: AI Assessed Value: 34,922
1 Location Address: 2086 S MALLY WAGNON RD RURAL
Owner Name: REAGAN, PETE T.& LAURA J.
Mailing Address: PO BOX 1922 FAYETTEVILLE AR 72702

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10786-000 S-T-R: 20-16-29 Type: AI Assessed Value: 59,346
1 Location Address: 6215 E HUNTSVILLE RD RURAL
Owner Name: HOUSE, JAMES W. & CAROL S.
Mailing Address: 6215 E HUNTSVILLE RD FAYETTEVILLE AR 72701

Search Time 1 Seconds

Next Group | Previous Group | Modify Search | New Search

Search Results

Record 1 to 1 of 1

Print Page

Parcel: 001-10787-000 S-T-R: 20-16-29 Type: AI Assessed Value: 33,080
1 Location Address: 6073 E HUNTSVILLE RD RURAL
Owner Name: BROOKS, WILLIAM J. & SUZANNE H.
Mailing Address: 6073 E HUNTSVILLE RD FAYETTEVILLE AR 72701

Search Time 0 Seconds

Next Group | Previous Group | Modify Search | New Search

To: David Jurgens P.E.
Waste/Sewer Maint. Superintendent
113 West Mountain
Fayetteville, AR. 72701

January 27, 2005

Dear Dave,

Thank-You for your help and time in this matter. I have included the information that I feel you will need when we go in front of council. After much discussions with the builders and realtors in this area the most significant need now and in the future is for homes in the 1400 to the 2000 square foot area with the price around the $150,000.00 to $200,000.00 dollar range. In order for the builders to be able to price the houses in this range we need to be able to offer affordable lots. This means that the lot sizes will have to be 7000 square foot sizes with city water and sewer. However, we all know that there is more money to be made selling the larger lots with less of them in a development but we feel strongly that everyone should have an opportunity to buy a new home that they can afford. Both sub-divisions heading west from Mally Wagon on Highway 16 stay sold out with very little turn over.

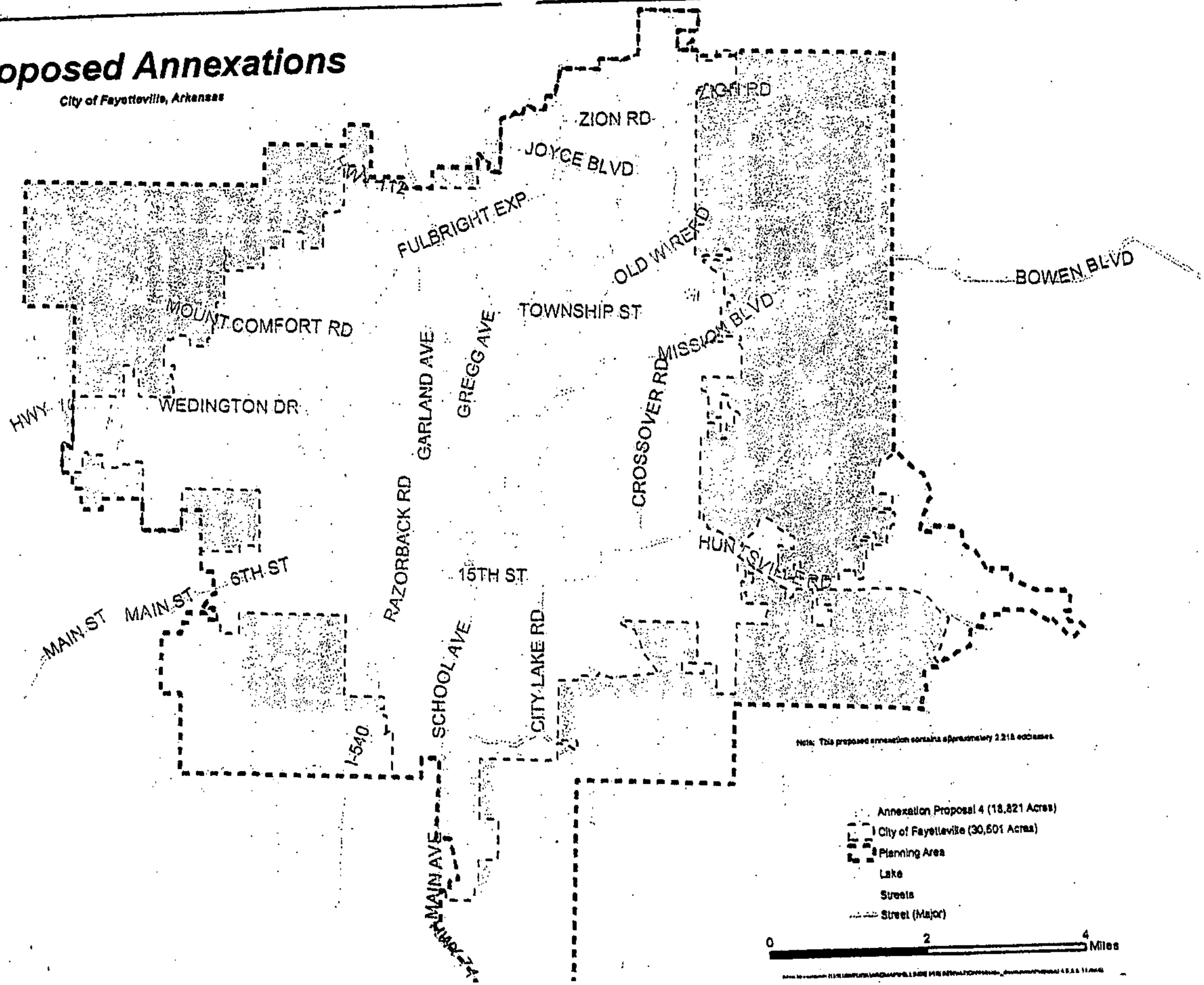
It is for these reasons that we are asking for the cities help in a development that we are planning on Mally Wagon Road. The development will consist of approximately 100 lots on 25 acres, more or less. The property is 2/10th of a mile off of Highway 16. This particular piece of property would have already been annexed into the City of Fayetteville as it was in the last rounds of annexations before the annexations were tabled right before election time. We realize the City needs time to catch up to all the annexations and, that is why we felt the best solution would be to allow this development to extend the sewer main the 2/10th of a mile, at our cost so when the city does annex the development it will already be at city standards. There is an eight-inch water main already at the site. The impact fees generated just from this development will be $114,300.00 plus the city won't have to pay the $65,000.00 plus it will take to run the sewer to the development.

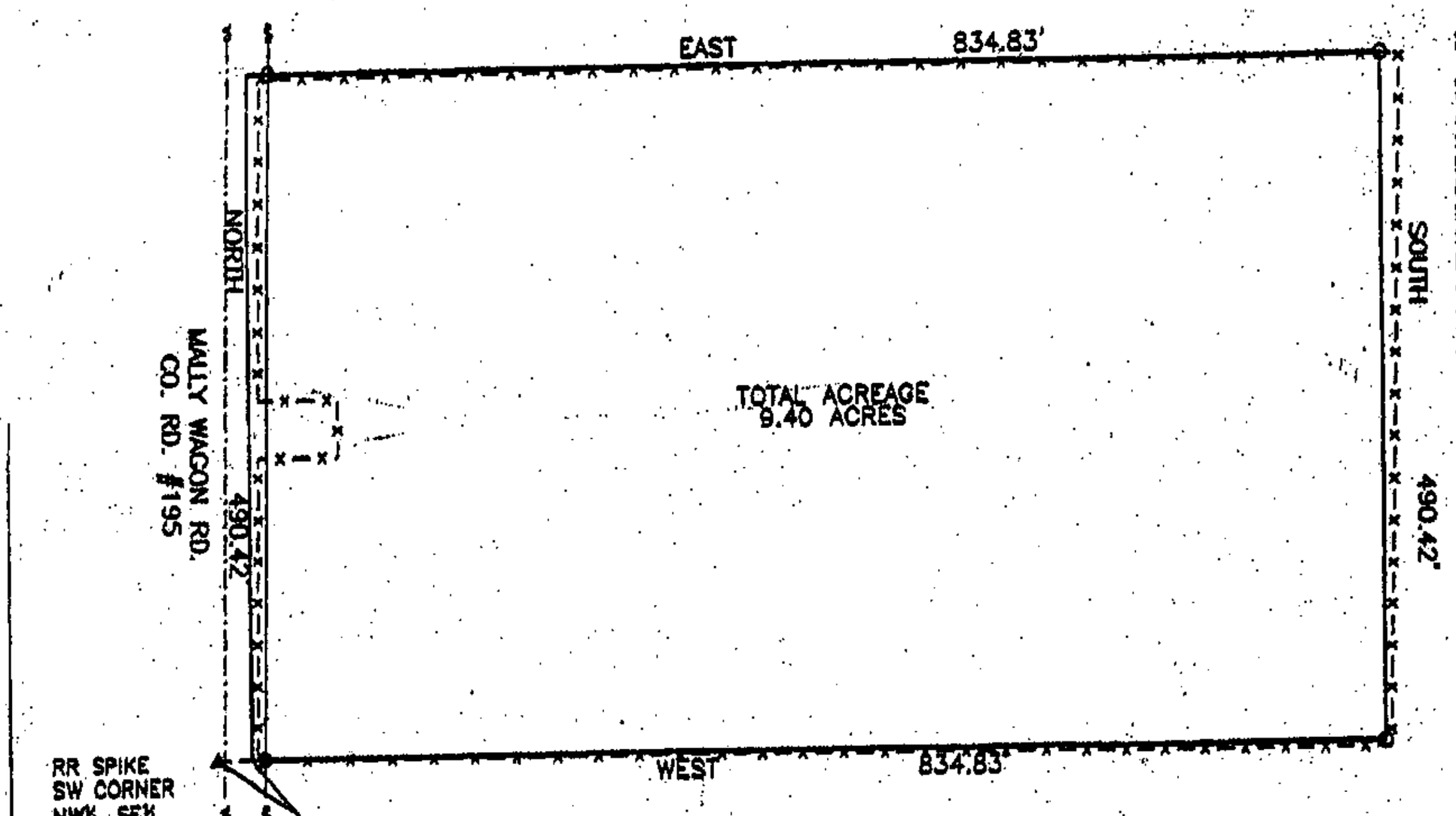
In closing, we feel this is a win /win situation for the city, the builders, the developers, and most importantly the new homeowners. The property is already in the growth area that is slated to be annexed into the city. It is close enough to Fayetteville and already has a Fayetteville address that it will open up some much-needed moderately priced housing for the people working in the Fayetteville area. The city will also win because all aspects of this development will meet city standards so when the annexation takes place the city won't have to worry about problems that are occurring now with roads, septic systems, and a variety of other issues. Again we would like to personally Thank-you for all your time and help in this matter. As always we look forward to working with the City of Fayetteville to maintain the great City she is and always will be.

Sincerely,

Proposed Annexations

City of Fayetteville, Arkansas





These standard symbols will be found in the drawing.

- ● FOUND IRON PIN
- ◆ COTTON SPINDLE
- ○ SET IRON PIN
- ● FOUND PIPE
- —X—X— FENCE
- ■ FOUND STONE
- ■ STATE MONUMENT

STATE RECORDING NUMBER:
500-16N-29W-0-20-204-72-0056

SURVEYED FOR: MCNAUGHTON REALTY/HOWARD

SURVEY DESCRIPTION:
A PART OF THE NORTHWEST QUARTER (NW¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 29 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS TWENTY-FIVE (25) FEET EAST OF THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE NORTH 490.42 FEET, THENCE EAST 834.83 FEET, THENCE SOUTH 490.42 FEET, THENCE WEST 834.83 FEET TO THE POINT OF BEGINNING, CONTAINING 9.40 ACRES MORE OR LESS. SUBJECT TO THAT PORTION IN THE RIGHT OF WAY OF COUNTY ROAD 195 (MALLY WAGON ROAD), ON THE WEST SIDE OF HEREIN DESCRIBED TRACT.

CERTIFICATION:
I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS 12TH DAY OF NOVEMBER 2003.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 54
FRANK W. BLEW JR.

Duane Foster
Debra Foster

0' 100' 200' 300'

BLEW LAND SURVEYING		
DRAWN REL	DATE 11/12/03	534 W. SYCAMORE FAYETTEVILLE, AR. PH: 1-479-443-4506 FAX: 1-479-582-1888
APPROVED	DATE	
SCALE 1" = 100'	SHEET 1 OF 1	PROJECT NO. 03-4944

Legacy Building Site Easement

Agenda Session

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF AUGUST 2, 2005

FROM:
ALDERMAN ROBERT RHOADS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Convey A Twenty Foot Easement For Access And To Restrict Construction Of Structures Around The Proposed Legacy Building On The Site Of The Demolished Shulertown Market Building

---

APPROVED FOR AGENDA:

RR — 7/26/05

Robert Rhoads
Alderman — Date

KW — 7-26-05

Kit Williams
City Attorney (as to form) — Date

RESOLUTION NO. _____

A RESOLUTION TO CONVEY A TWENTY FOOT EASEMENT FOR ACCESS AND TO RESTRICT CONSTRUCTION OF STRUCTURES AROUND THE PROPOSED LEGACY BUILDING ON THE SITE OF THE DEMOLISHED SHULERTOWN MARKET BUILDING

WHEREAS, The Barber Group has purchased and demolished the vacant Shulertown Market Building at 401 West Watson Street and are proposing to build a multi-story Legacy Building with some enclosed parking on the same footprint as the demolished building; and

WHEREAS, since the prior and future building extended almost to the lot lines, the developer of this future building needs assurance from the City of Fayetteville as owner of the parking lot adjoining the proposed new multi-story building that nothing will be built on the existing parking lot closer than 20' from the property line of the Legacy Building and that this area shall be available for pedestrian access; and

WHEREAS, the owners/developers of Legacy Building are prepared to offer as consideration for this easement and the loss of six parking spaces (three to accommodate the entry into the parking area within the Legacy Building; two for the front pedestrian entry and one needed to change two regular parking spaces to two disabled parking spaces) the use of a 545 square foot space on the ground floor of the building for ten years rent free.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the conveyance of a 20 foot access and no-build easement around the proposed Legacy Building located at 401 West Watson Street within the city parking lot, ease, south, and west of the building, as shown on Exhibit A (attached hereto) and the relinquishment of six parking spaces also as shown on Exhibit A in consideration for the unrestricted use of 545 square feet of space on the ground floor of the Legacy Building rent free for ten years beginning after the building has received its Certificate of Occupancy.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to sign such easement upon his receipt of a

properly signed contract from the owners granting the 10 years free rent period for the 545 square foot area within the completed building.

PASSED and **APPROVED** this 2nd day of August, 2005.

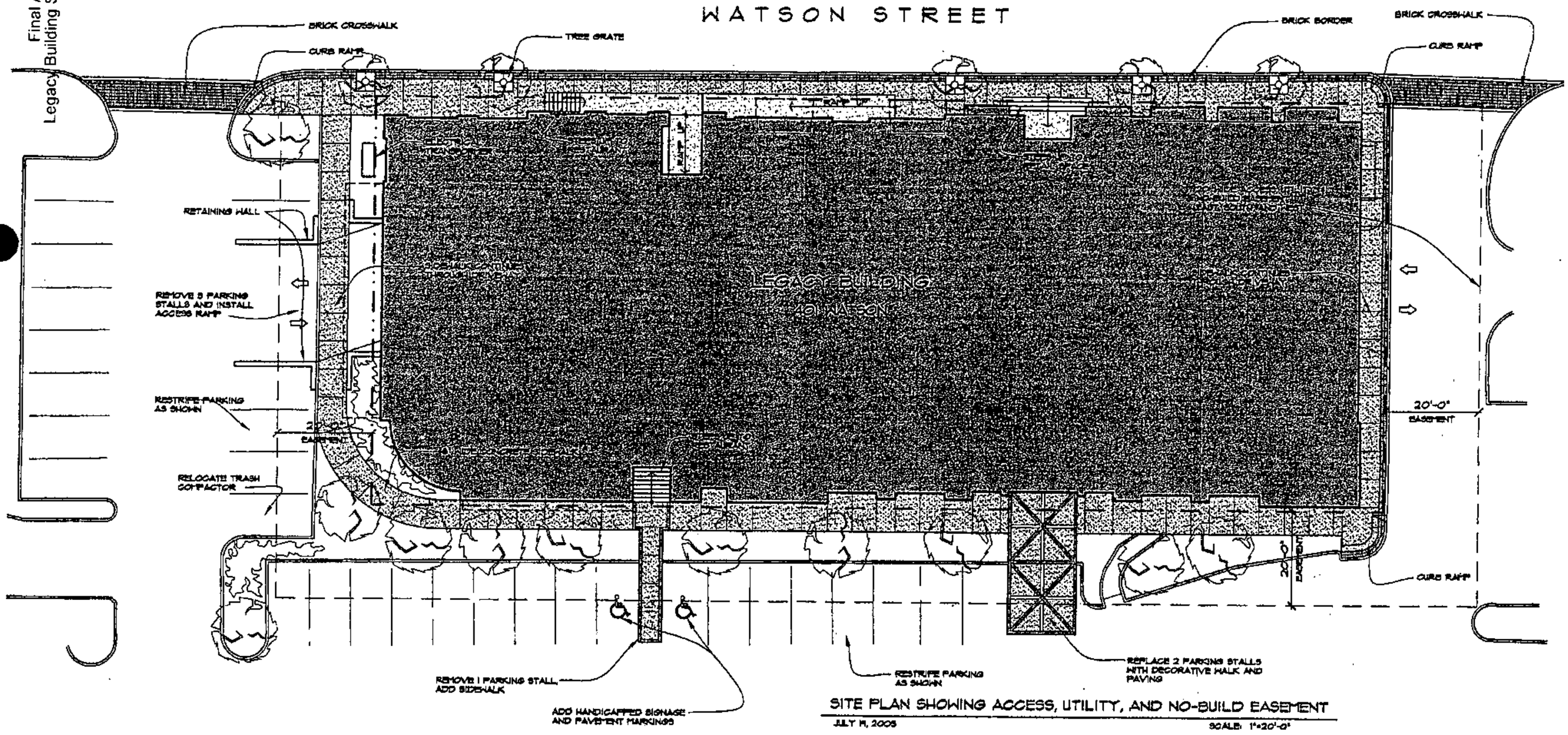
APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Exhibit A



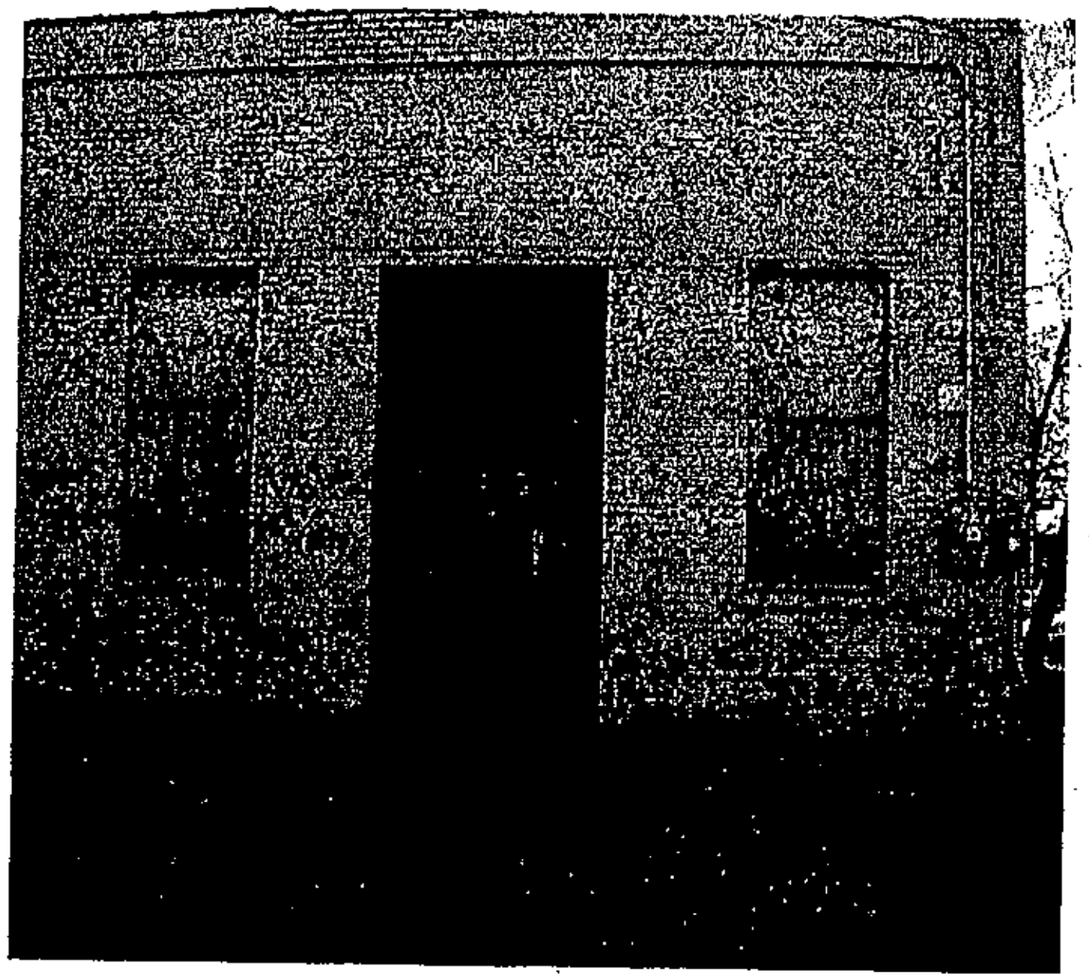
SITE PLAN SHOWING ACCESS, UTILITY, AND NO-BUILD EASEMENT

JULY 11, 2005 SCALE: 1"=20'-0"

Mayor Dan Coody
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: ACCESS AND NO-BUILD EASEMENT
LEGACY BUILDING, 401 WEST WATSON STREET

I am writing to you on behalf of The Barber Group. They are constructing a mixed use building at 401 West Watson Street, formerly home to the long abandoned Shulertown Market building. This project is one of the first fruits of the Fayetteville Downtown Master Plan. As you know, the Downtown Master Plan was the result of extensive public involvement. Outside urban design professionals, the citizens, and city staff all worked hard to develop a unique and compelling vision for the future of Downtown Fayetteville.



401 Watson, under previous ownership

Proposed Legacy Building, view from Southwest

One of the cornerstones of encouraging quality development in our downtown area is the concept of teamwork. As Victor Dover writes in his executive summary: "The vision is compelling, but no one developer, group of elected officials, or agency can pull it off alone. This plan is assembled around the idea that *many coordinated actions* (large and small) by the City government, businesses, developers, neighbors, the University, and cultural organizations will gradually grow the Downtown the citizens want." It is in this spirit of teamwork that I write to you today and request your assistance in bringing the Legacy Building to fruition.

Project Description:

I am enthusiastic about the contribution this project, The Legacy Building, can make to the area given it's mixed-use nature and the opportunity it brings to add to the fabric of downtown with options for living, working, dining and shopping.

The Legacy Building will contain a restaurant, retail shops, 50 stall underground parking garage, and residential condominiums. The new building will be seven stories high, plus a basement and be a total of 74,800 square feet. The building's exterior walls will be masonry with stucco, stone and concrete accents and will feature balconies, high ceilings, generous windows and intricate facades and silhouettes. Attention has been paid to how the building integrates with the existing context, as well as the downtown area as a whole.

In keeping with best practices of architectural design in urban environments, the building steps back as it rises. This allows the building's upper floor to command distant views while still providing plenty of natural light and views of the sky from the street level. The building is on axis with School Avenue, and this termination is celebrated with a pair of towers and an arched entry. All parking is screened from view. Please see the attached color perspective drawing on page 2.

Due to the location of significant amounts of public parking to the south of this property, the new building will essentially have two fronts: one on Watson Street that faces north and one on the public parking area that faces south, towards the Walton Arts Center and Dickson Street. A public sidewalk is to be

placed along Watson Street that is generous enough to allow street trees. Cornices, balconies, and canopies will address both street fronts.

In summary, this project replaces a decrepit building site with a substantial new building that fulfills the stated goals of the Downtown Master Plan of bringing residents, restaurants, and shopping to the downtown area.

Development Team:

The Barber Group is known for developing high quality residential and commercial projects. They are locally based and understand the need to integrate private development projects within the overall vision of the community. The Barber Group's commitment to excellence is executed through a design/build team approach that provides unique first-class projects. The Barber Group stands behind every one of its projects and applies long term thinking to all its construction, property management, and investment strategies.

Integrating the Legacy Building into Fayetteville's Downtown Master Plan:

As the Legacy Building was being developed, the Barber Group and I reviewed the fundamental principles of Fayetteville's Downtown Master Plan. We understand that document can serve as a roadmap for the future of downtown. In particular, we looked at the six fundamental strategies of the plan:

1. Walkable environment
2. Downtown Living
3. Smart Parking
4. Smart Rules
5. Special Places
6. An Experience Economy

We feel that this building would contribute in a significant way to each one of these fundamental strategies.

Walkability is enhanced with improved sidewalks and compelling pedestrian destinations such as shops and a restaurant.

Downtown Living is at the heart of this project. We are constructing 37 residential condominiums—a significant boost to the area. From the Master Plan: "As we look to the future of Downtown, it is important to encourage and provide more opportunities for people to live Downtown. It is time for Downtown Fayetteville to resume being a primary, first-choice residential option. If more people live Downtown, overall revitalization efforts will benefit by this increase in population.

Smart Parking refers to the concept of trying to understand and manage the realities of parked cars in an urban environment. The Legacy Building does an excellent job of concealing its parking below the building.

Smart Rules are the future of Fayetteville's planning process in the downtown area. Smart Rules allow and encourage building up to the sidewalk to energize the experience of being downtown. Smart Rules means encouraging balconies, bay windows, and porches. Clearly the Legacy Building looks forward to this new generation of planning rules that outperform the existing conventional zoning.

Special Places is the idea that Fayetteville can be more than the sum of its parts. Obviously, the Legacy Building by itself doesn't create a special place, but it does contribute to the overall quality of the downtown area. We have been careful to relate the style and massing of the building with the existing street grid and the building's immediate neighbors. Over time, this area, already one of the most vibrant areas of the downtown, can become truly unique and nationally known.

Experience Economy is what makes downtown special. From the Downtown Master Plan: "What draws people to Downtown? It is the experience---the high quality of life associated with living and working and being entertained in a downtown environment with so much to offer, including arts, culture, and fun." The Legacy Building is ready to enhance and take its place in this vibrant mix.

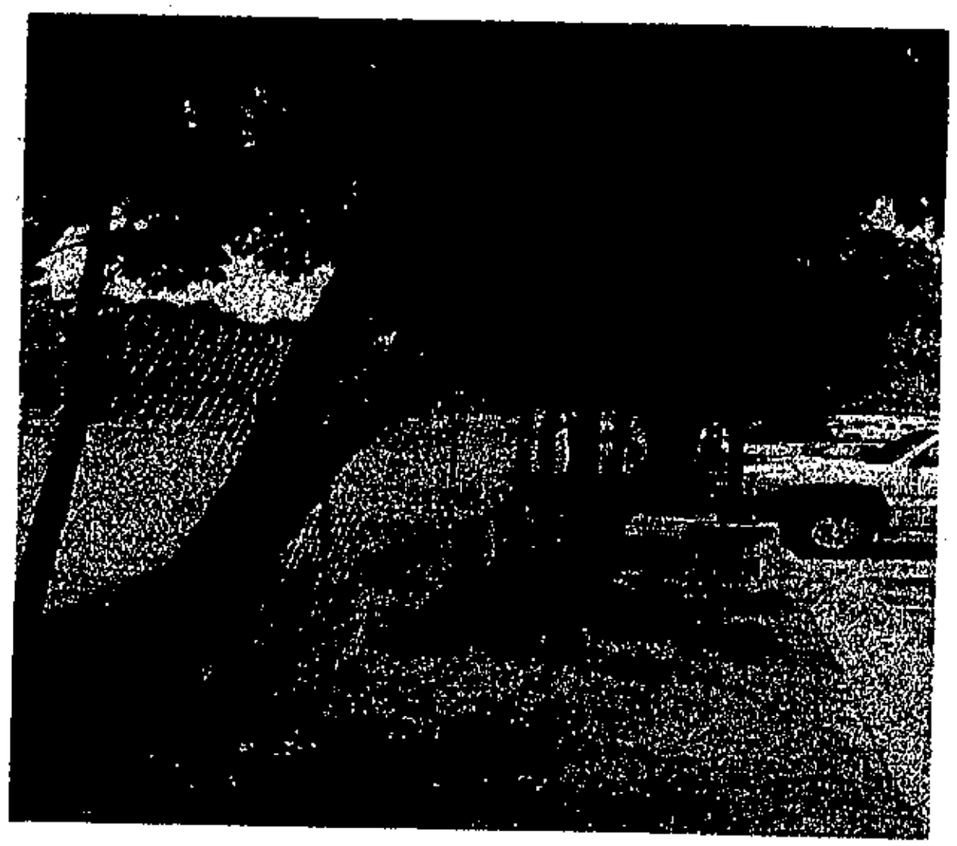
The Need for an Access, Utility, and No-Build Easement:

In order to properly develop the property at 401 West Watson in accordance with the goals of the Downtown Master Plan, the developer must do the following: first, construct high quality

pedestrian sidewalks along all four sides of the project, second, bring the facades of the building out to the sidewalks on all sides, and third, provide balconies, bay windows, and cornices along the street facades to create visual interest and an active street front. This is not possible without a 20' wide easement on the west, south, and east sides of the property granted by the City of Fayetteville. It is important to note that this easement does not allow the developers to build a larger building, it merely allows them to develop the property in a better way. It is also important to note that the city lose very little by granting the easement. Three public parking stalls would be lost on the west side of the Legacy Building to allow access to the parking garage and three more public parking stalls would be lost on the south side of the building to allow better pedestrian access to the building. We understand that each parking stall Downtown is precious, but feel that the overall positive impact of the project more than makes up for the loss.

Replace Parking Lot Trees

The existing trees and landscaping along the south façade of the proposed Legacy Building would be replaced with a more appropriate species for that environment. Also, additional landscaping would be provided *and maintained* in the planting beds, where currently there is mainly compacted dirt.



Existing Conditions: Packed Dirt and Sparse Grass

Work with the City to improve the Solid Waste Situation

The Barber Group and the City of Fayetteville staff will work together to provide a better arrangement for the existing dumpsters and trash compactor that is currently adjacent to this property. Currently, dumpsters are located in planting islands which is far from ideal. The Barber Group has offered to pay the costs for screening trash and recycling areas to help beautify the common parking area.

Summary

The Barber Group is making a substantial investment in the Downtown. I ask that the City of Fayetteville assist and encourage this effort. Please contact me if you have any comments or questions regarding this project.

Sincerely,

Robert Sharp, Architect

Dumpsters in Landscaping Islands: Fayetteville can do better.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

August 2, 2005
City Council Meeting Date

Paul Libertini	Engineering	Operations
Submitted By	Division	Department

Action Required:

Approval of the AHTD Utility Relocation Agreement to relocate certain City utilities as required by the AHTD Project #040399, Hwy. 112 Widening (Razorback Road) from 6th Street to 15th Street. Approval of a budget adjustment is requested.

$ 1,704,471.00 -	$ 22,800.00	Razorback Rd Utility W/S Relocation
Cost of this request	Category / Project Budget	Program Category / Project Name
5400-5600-5808-00	$ 22,800.00	Water Line Improvements
Account Number	Funds Used to Date	Program / Project Category Name
05014-1	$ -	Water & Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — 7-27-05 Date

City Attorney — 7-28-05 Date

Finance and Internal Service Director — 7-28-05 Date

Mayor — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office

Received in Mayor's Office

Comments:

City of Fayetteville
Engineering Division
113 West Mountain
Fayetteville, AR 72701
ph: 479-575-8206
fax: 479-575-8202

Date: July 27, 2005

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations
David Jurgens, Interim Water & Wastewater Director
Ron Petrie, City Engineer

From: Paul Libertini, Staff Engineer

Subject: **Razorback Road Water & Sewer Relocations Project**
Highway-Utility Construction/Relocation Agreement with the AHTD

RECOMMENDATION:

The Staff recommends Council approval of the Highway-Utility Construction/Relocation Agreement with AHTD. (Attached)

BACKGROUND

Razorback Road is scheduled for improvements and widening by Arkansas Highway & Transportation Department, from 6th Street to 15th Street.

In order to clear the way for the widening project by A.H.T.D., portions of the existing water and sewer facilities serving this area will have to be relocated to avoid construction conflicts with the highway facilities.

Per City Council approval on January 18, 2005, McClelland Consulting Engineers, Inc. was awarded a contract in the amount of $22,800 for performing the preliminary engineering services for this project.

Per City Council approval on May 17, 2005, the City executed a Highway-Utility Agreement For Preliminary Engineering Services with the AHTD.

DISCUSSION / STATUS

Certain portions of the water and sewer facilities are presently located outside the highway right of way, therefore, eligible for cost reimbursement from the Highway Department. McClelland Consulting Engineers, Inc. has determined the percentage of the reimbursable amounts from the Highway Department (See attached report). It is mandatory that the AHTD Utility Relocation Agreement is signed by the City and transmitted to the AHTD before the bid letting date of August 10th (See attached letter from AHTD).

FUNDING FOR 2005:

2005 Budget	$22,800
Funds used to date	$22,800
Remaining Funds	$ -0-

Please be advised that since this project was submitted to the City of Fayetteville, after the 2005 budget process had been completed, no funds have been officially budgeted for this project. **After the preliminary engineering has been completed the cost of this project will be more accurately estimated and communicated to the Council.**

SN/sn
Attachments: Highway-Utility Construction/Relocation Agreement
Bid Letting Letter from AHTD, July 22, 2005

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE ARKANSAS STATE HIGHWAY COMMISSION HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT FOR THE WIDENING OF RAZORBACK ROAD IN THE AMOUNT OF $313,671.00 AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,704,471.00

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 Arkansas State Highway Commission Highway-Utility Construction/Relocation Agreement attached as Exhibit A in which the City's portion of the total estimated cost of $1,704,471.00 is $313,671.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute this Agreement.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $1,704,471.00.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Water & Wastewater Division: Water & Sewer Maintenance Program: Sewer Mains Construction	Date Requested	Adjustment Number
2005		8/2/2005	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
Razorback Road Utility W/S Relocation	None. AHTD cost reimbursement and use of reserves are proposed for this project.
Justification of this Increase:	**Justification of this Decrease:**
AHTD is preparing to bid this highway widening project	Sufficient cash and investments exist to fund this request

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	744,252	05014	
Sewer improvements	5400	5700	5815	00	960,219	05014	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
St Hwy-utility relocation	5400	0940	4303	00	1,390,800	05014	
Use of fund balance	5400	0940	4999	99	313,671	05014	

Approval Signatures		Budget Office Use Only		
Requested By	Date	Type: A B C D E		
Budget Manager	Date	Date of Approval	Initial	Date
Department Director	Date	Posted to General Ledger	Initial	Date
Finance & Internal Services Director	7-28-05 Date	Posted to Project Accounting	Initial	Date
Mayor	Date	Entered in Category Log	Initial	Date

Rev. 07-02-01

AC ☒
LS ☐

ARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT

State Job No **040399** (Utilities) County **Washington**

Federal Aid Project **STP-9142 (16)** Route **112** Section **0**

Job Location **North of Hwy. 16 - Hwy. 180 (S)** Utility Owner **Fayetteville Water & Sewer**

THIS AGREEMENT, made and entered into this _____ day of _____, 20 ____, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department," and the **Fayetteville Water & Sewer of Fayetteville, AR** acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH:

The Department proposes to make highway improvements as specified under the above referenced job number and, the, "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The Department will participate in the cost of said adjustment/relocation to the extent that eligibility is hereinafter established.

Payment will be made on an **actual cost** basis as mutually agreed between "Owner" and "Department."

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: **See attached EXHIBIT "A"**

The Department agrees that the required adjustment is * eligible for reimbursement for the **actual cost** which is estimated to be **$1,704,471.00** of which **$1,390,800.00** to be paid by the Department and **$313,671.00** is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within **90 calendar** days and complete within **180 calendar** days thereafter.

On completion of said work, "Owner" is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

Final billing must include all supporting detail. "Owner" shall also submit one (1) set of "as-built" drawings at this time.

Payment will be 100% of lump sum bills and 90% of actual cost bills, final 10% being released on completion of Department's audit. Such audit shall be completed within 90 days of the approval of the final bill.

Expenses incurred under an actual cost agreement may be billed to the Department monthly in increments of $5,000.00 or more.

Rev. 07-02-01

"Owner" must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

"Owner" shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

Owner shall be responsible for and shall hold harmless the Arkansas State Highway Commission, the Department and their officers and employees from any and all claims, actions, causes of action, suits, damages, losses or liability whatsoever, arising out of Owner's performance of the work subject to this Agreement.

Notwithstanding anything hereinbefore written, neither the "Owner" nor the "Department" by execution of this Agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

FAYETTEVILLE WATER & SEWER

ARKANSAS STATE HIGHWAY COMMISSION
Acting By and Through The
HIGHWAY AND TRANSPORTATION DEPARTMENT

_____
Title

_____
Director of Highways & Transportation

_____
Title

_____
Right of Way Division Head

_____
FEDERAL TAXPAYER IDENTIFICATION #

_____
Section Head-Utilities Section
Right of Way Division

Job 040399 (Utilities)
Fayetteville Water & Sewer

EXHIBIT "A"

Adjust the water facilities as required to clear the highway construction by abandoning approximately 3,704 feet of existing water main (varying in sizes 3" – 10") complete with all necessary valves, meters, services and appurtenances. Restore the function of the facilities by installing approximately 3,592 feet of water main (varying in sizes 6" – 12") complete with all necessary valves, meters, fire hydrants, services and appurtenances. Adjust the sewer facilities as required to clear the highway construction by abandoning approximately 2,003 feet of existing 24 inch sewer main complete with appurtenances. Restore the function of the facilities as required by installing approximately 1,779 feet of 24 inch sewer main complete with appurtenances. "Owner" is not adequately staffed to perform this work; therefore, contract forces will be utilized and selected by low bid process.

"Owner" will be upgrading facilities during construction in which betterment has been addressed. "Owner" has developed a replacement-in-kind and betterment factor for reimbursement in which the Department concurs. This factor is to be updated based on bids and quantities actually installed.

The pro rata factor for reimbursement will be determined as follows:

Est. Reimb. Replacement-in-kind = $ 1,119,878.00
Total Est. Const. Cost + Betterment = $ 1,280,037.00 = 87.48%

Est. Reimb. Footage for Easement Acquisition – 3,728 feet
Total Est. Footage Required + Betterment – 5,639 feet = 66.11%

Est. Reimb. Cost for Replacement In-Kind Inspection Engineering – $ 775,068.00
Total Est. Cost Required Including Betterments – $ 1,472,042.00 = 52.65%

SUMMARY OF COST

Construction Contract Cost	1,280,037.00	
Advertising Cost	500.00	
Health Dept. Fees	500.00	
Sub-Total	1,281,037.00	
1,281,037 X 87.48% =		1,120,651.10
Easement – 350,750.00 X 66.11% =		231,880.82
Const. Eng. – 15,284.00 + 57,400.00		
72,684 X 52.65% =		38,286.12
TOTAL		1,390,800.00

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400

P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

July 22, 2005

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

RE: Jobs 040423 & 040399

Dear Mayor Coody:

The AHTD has scheduled Job 040423 (Highway 16 Widening) and Job 040399 (Highway 112) for the August 10, 2005, letting.

We must receive the city's request for reimbursement through your consultant's cost estimate, etc. immediately. We will prepare a relocation agreement and fax it to the city for execution. We would appreciate it if the city would sign and fax the agreement back to this office.

Sincerely,

Ralph Williams

Section Head
Utilities Section
Right of Way Division

RW

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

August 2, 2005
City Council Meeting Date

Paul Libertini	Engineering	Operations
Submitted By	Division	Department

Action Required:

Approval of the AHTD Utility Relocation Agreement to relocate certain City utilities as required by the AHTD Project #040423, Hwy. 16 Widening (Wedington Drive) from Rupple Road to Double Springs Road. Approval of a budget adjustment is requested.

$ 1,679,294.00 -	$ 54,000.00	Wedington Utility W/S Relocations
Cost of this request	Category / Project Budget	Program Category / Project Name
5400-5600-5808-00	$ 54,000.00	Water Line Improvements
Account Number	Funds Used to Date	Program / Project Category Name
05015	$ -	Water & Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — 7-27-05 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

City Attorney — 7-28-05 Date

Finance and Internal Service Director — 7-28-05 Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor — Date

Comments:

City of Fayetteville
Engineering Division
113 West Mountain
Fayetteville, AR 72701
ph: 479-575-8206
fax: 479-575-8202

Date: July 27, 2005

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations
David Jurgens, Interim Water & Wastewater Director
Ron Petrie, City Engineer

From: Paul Libertini, Staff Engineer

Subject: **Wedington Drive Water & Sewer Relocations Project**
Highway-Utility Construction/Relocation Agreement with the AHTD

RECOMMENDATION:

The Staff recommends Council approval of the Highway-Utility Construction/Relocation Agreement with AHTD. (Attached)

BACKGROUND

Wedington Drive is scheduled for improvements and widening by Arkansas Highway & Transportation Department, from Rupple Rd. to Double Springs.

In order to clear the way for the widening project by A.H.T.D., the existing water and sewer facilities serving this area will have to be relocated to avoid construction conflicts with the highway facilities. Also, in addition to the necessary relocation, the Staff has requested some over-sizing of the water mains, and fire protection improvements for this area.

Per City Council approval on January 18, 2005, McClelland Consulting Engineers, Inc. was awarded a contract in the amount of $54,000 for performing the preliminary engineering services for this project.

Per City Council approval on May 17, 2005, the City executed a Highway-Utility Agreement For Preliminary Engineering Services with the AHTD.

DISCUSSION / STATUS

Certain portions of the water and sewer facilities are presently located outside the highway right of way, therefore, eligible for cost reimbursement from the Highway Department. McClelland Consulting Engineers, Inc. has determined the percentage of the reimbursable amounts from the Highway Department (See attached report). It is mandatory that the AHTD Utility Relocation Agreement is signed by the City and transmitted to the AHTD before the bid letting date of August 10th (See attached letter from AHTD).

FUNDING FOR 2005:

2005 Budget	$54,000
Funds used to date	$54,000
Remaining Funds	$ -0-

Please be advised that since this project was submitted to the City of Fayetteville, after the 2005 budget process had been completed, no funds have been officially budgeted for this project. **After the preliminary engineering has been completed the cost of this project will be more accurately estimated and communicated to the Council.**

SN/sn
Attachments: Highway-Utility Construction/Relocation Agreement
Bid Letting Letter from AHTD, July 22, 2005

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE ARKANSAS STATE HIGHWAY COMMISSION HIGHWAY -- UTILITY CONSTRUCTION/RELOCATION AGREEMENT FOR THE WIDENING OF WEDINGTON DRIVE FROM RUPPLE ROAD TO DOUBLE SPRINGS ROAD IN THE APPROXIMATE AMOUNT OF $445,793.70 AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,679,294.00

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 Arkansas State Highway Commission Highway-Utility Construction/Relocation Agreement attached as Exhibit A in which the City's portion of the total estimated cost 1,679,294.00 is $445,793.70.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute this Agreement.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $1,679,294.00.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: DRAFT
_____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Water & Wastewater Division: Water & Sewer Maintenance Program: Sewer Mains Construction	Date Requested	Adjustment Number
2005		August 2,2005	

Project or Item Added/Increased:	Project or Item Deleted/Reduced:
Wedington (Highway 16 West) Water and Sewer Relocation	None. AHDT Cost Reimbursement and use of reserves are proposed for this project.
Justification of this Increase:	**Justification of this Decrease:**
AHTD is preparing to bid this highway widening project	Sufficient cash and investments exist to fund this project

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	1,411,126	05015	.1
Sewer improvements	5400	5700	5815	00	268,168	05015	.1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
St Hwy-utility relocation	5400	0940	4303	00	1,233,500	05015	
Use of fund balance	5400	0940	4999	99	445,794	05015	

Approval Signatures		Budget Office Use Only		
Requested By	Date	Type: A B C D E		
Budget Manager	Date	Date of Approval	Initial	Date
Department Director	Date	Posted to General Ledger	Initial	Date
Finance & Internal Services Director	7-28-05 Date	Posted to Project Accounting	Initial	Date
Mayor	Date	Entered in Category Log	Initial	Date

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400

P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

July 22, 2005

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

RE: Jobs 040423 & 040399

Dear Mayor Coody:

The AHTD has scheduled Job 040423 (Highway 16 Widening) and Job 040399 (Highway 112) for the August 10, 2005, letting.

We must receive the city's request for reimbursement through your consultant's cost estimate, etc. immediately. We will prepare a relocation agreement and fax it to the city for execution. We would appreciate it if the city would sign and fax the agreement back to this office.

Sincerely,

Ralph Williams

Section Head
Utilities Section
Right of Way Division

RW

Rev. 07-02-01

AC ☒
LS ☐

ARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY CONSTRUCTION/RELOCATION AGREEMENT

State Job No **040423** (Utilities) County **Washington**

Federal Aid Project **STP-9142 (15)** Route **16** Section **2**

Job Location **Hwy. 16 Widening (Fayetteville) (S)** Utility Owner **Fayetteville Water & Sewer**

THIS AGREEMENT, made and entered into this _____ day of _____, 20 ____, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas State Highway and Transportation Department, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department," and the **Fayetteville Water & Sewer of Fayetteville, AR** acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH:

The Department proposes to make highway improvements as specified under the above referenced job number and, the, "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The Department will participate in the cost of said adjustment/relocation to the extent that eligibility is hereinafter established.

Payment will be made on an **actual cost** basis as mutually agreed between "Owner" and "Department."

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK: **See attached "EXHIBIT A"**

The Department agrees that the required adjustment is * eligible for reimbursement for the **actual cost** which is estimated to be **$1,679.294.00** of which **$1,233,500.30** to be paid by the Department and **$445,793.70** is to be borne by Owner.

Owner will not commence work until authorized by the Department, and will then endeavor to begin within **60 calendar** days and complete within **240 calendar** days thereafter.

On completion of said work, "Owner" is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

Final billing must include all supporting detail. "Owner" shall also submit one (1) set of "as-built" drawings at this time.

Payment will be 100% of lump sum bills and 90% of actual cost bills, final 10% being released on completion of Department's audit. Such audit shall be completed within 90 days of the approval of the final bill.

Expenses incurred under an actual cost agreement may be billed to the Department monthly in increments of $5,000.00 or more.

Rev. 07-02-01

"Owner" must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

"Owner" shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

Owner shall be responsible for and shall hold harmless the Arkansas State Highway Commission, the Department and their officers and employees from any and all claims, actions, causes of action, suits, damages, losses or liability whatsoever, arising out of Owner's performance of the work subject to this Agreement.

Notwithstanding anything hereinbefore written, neither the "Owner" nor the "Department" by execution of this Agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

FAYETTEVILLE WATER & SEWER

ARKANSAS STATE HIGHWAY COMMISSION
Acting By and Through The
HIGHWAY AND TRANSPORTATION DEPARTMENT

_____
Title

_____
Director of Highways & Transportation

_____
Title

_____
Right of Way Division Head

_____
FEDERAL TAXPAYER IDENTIFICATION #

_____
Section Head-Utilities Section
Right of Way Division

Job 040423 (Utilities)
Fayetteville Water & Sewer

EXHIBIT "A"

Adjust the water facilities as required to clear the highway construction by abandoning approximately 8,411 feet of existing water main (varying in sized 4" – 12") complete with appurtenances. Restore the function of the facilities by installing approximately 8,428 feet of water main (varying in sizes 4" – 12") complete with appurtenances. Adjust the sewer facilities as required to clear the highway construction by abandoning approximately 803 feet of existing sewer main complete with appurtenances. Restore the function of the facilities as required by installing approximately 803 feet of service main complete with appurtenances and also replacing six (6) sewer manholes.

"Owner" will be upgrading facilities during construction in which betterment has been addressed. "Owner" has developed a replacement-in-kind and betterment factor for reimbursement in which the Department concurs. This factor is to be updated based on bids and quantities actually installed.

The pro rata factor for reimbursement will be determined as follows:

Est. Reimb. Replacement-in-kind = $ 602,140.47
Total Est. Const. Cost + Betterment = $ 1,678.294.00 = 35.89%

Est. Reimb. Footage for Easement Acquisition – 7,633 feet
Total Est. Footage Required + Betterment – 16,323 feet = 46.76%

Est. Reimb. Cost for Replacement In-Kind Inspection Engineering – $ 602,140.47
Total Est. Cost Required Including Betterments – $ 1,678.294.00 = 35.88%

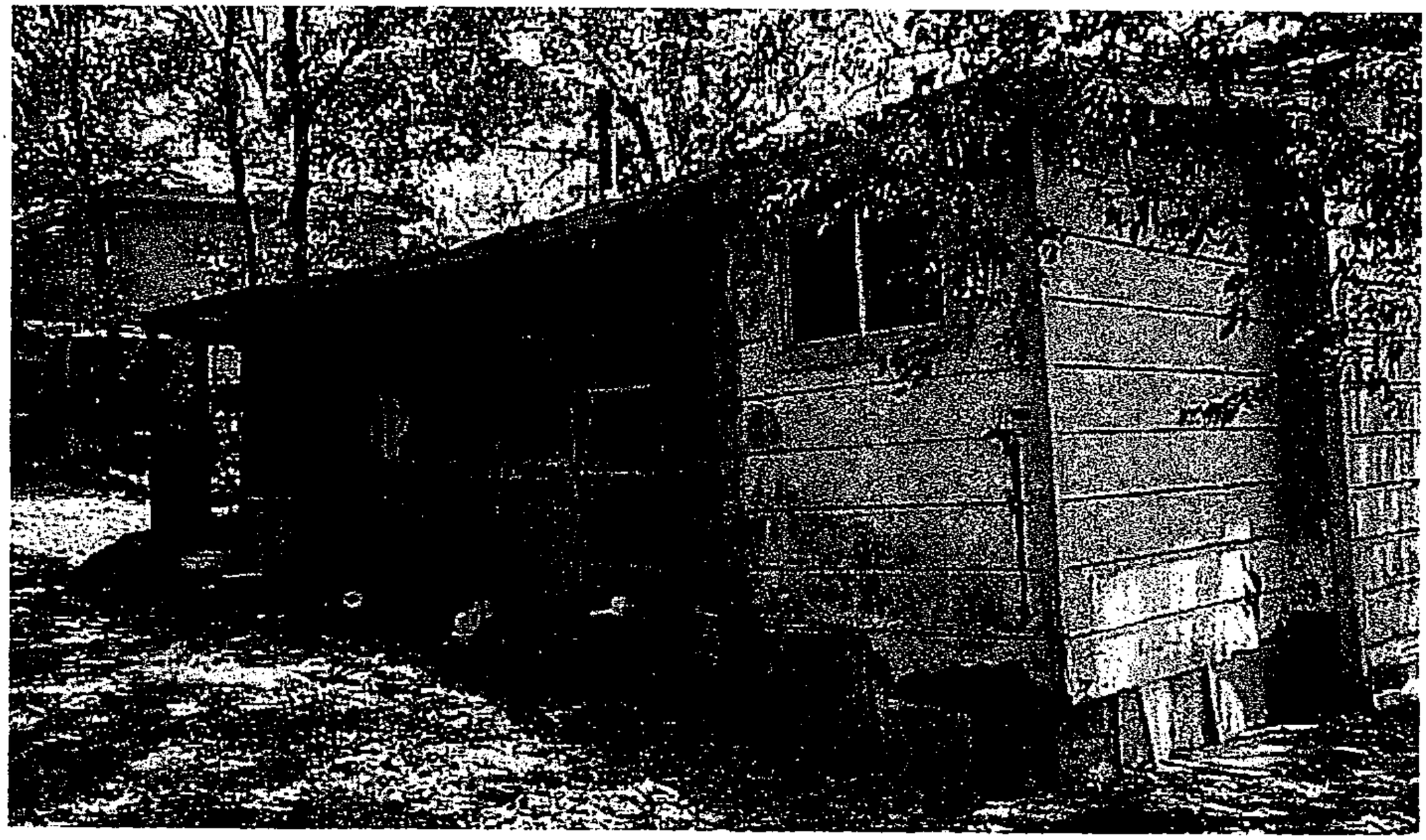
SUMMARY OF COST

Construction Contract Cost	1,678.294.00	
Advertising Cost	500.00	
Health Dept. Fees	500.00	
Sub-Total	1,679,294.00	
1,679,294.00 X 35.89 % =		602,698.62
Easement – 1,280,300 X 46.76% =		598,668.28
Inspection Eng. – 15,284.00 + 74,274.00 = 89.558.00		
89,558.00 X 35.88% =		32,133.41
TOTAL		1,233,500.03

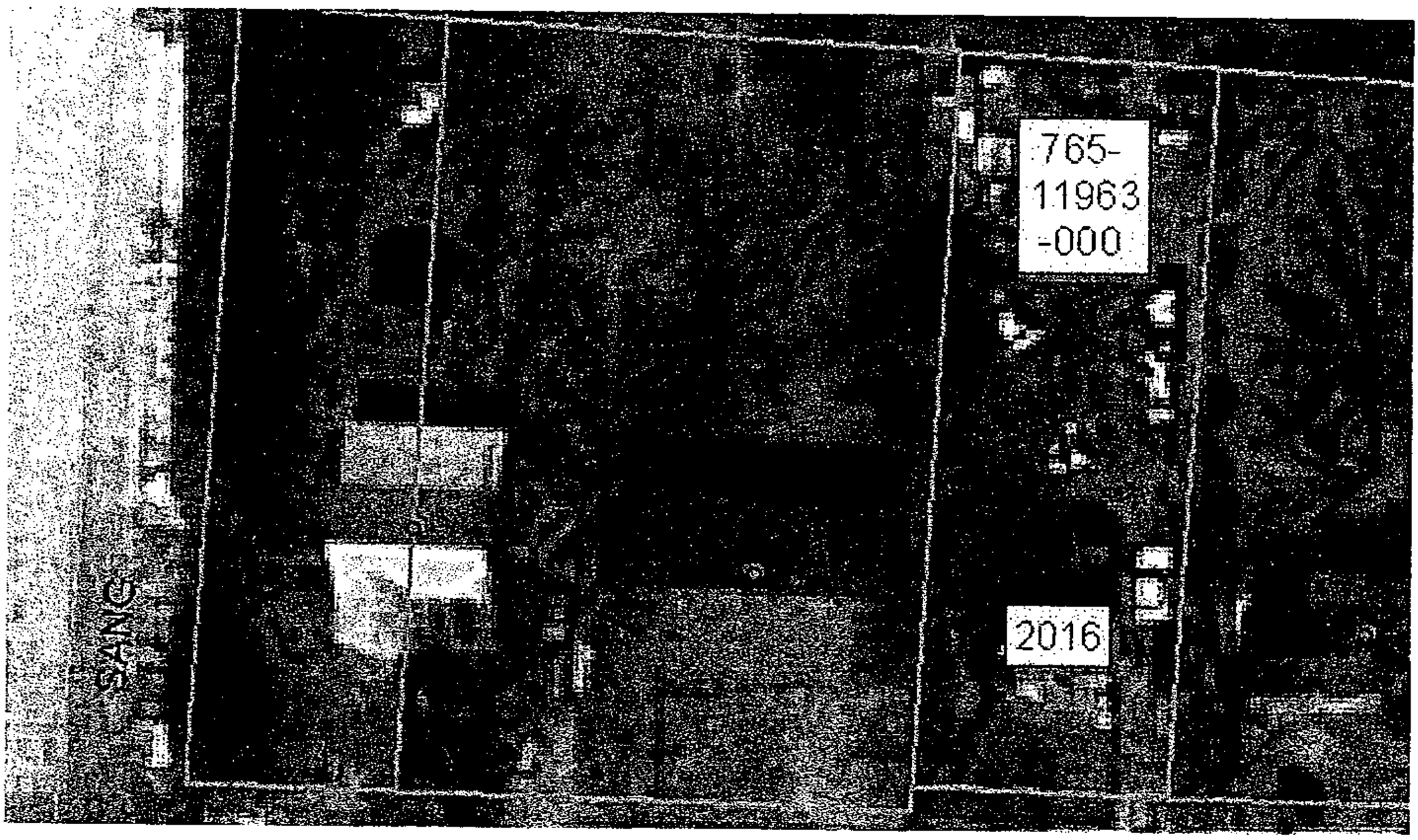
Raze & Removal
2016 W Stone

Agenda Session 7/26/05

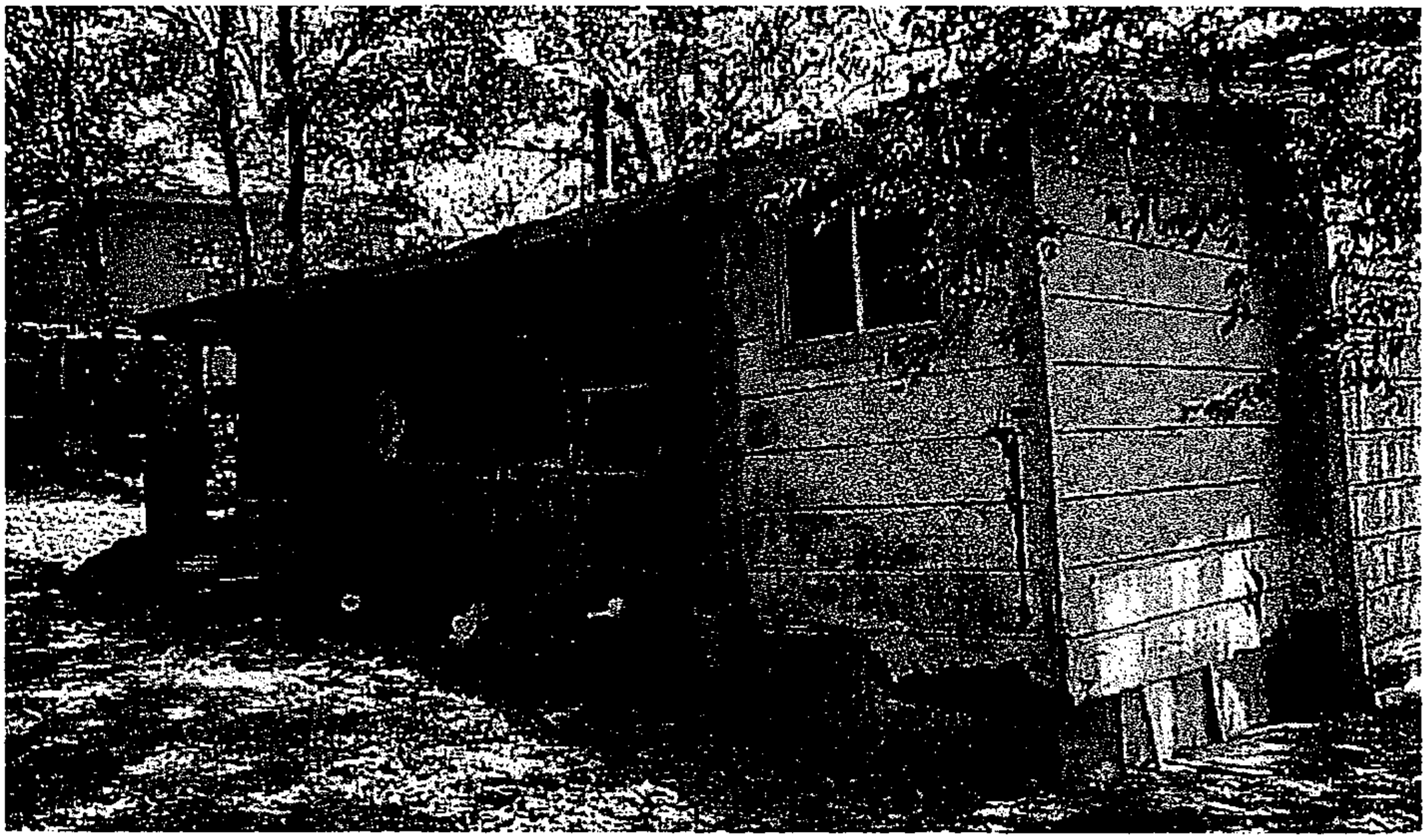
2016 W. Stone St. (7-26-05)



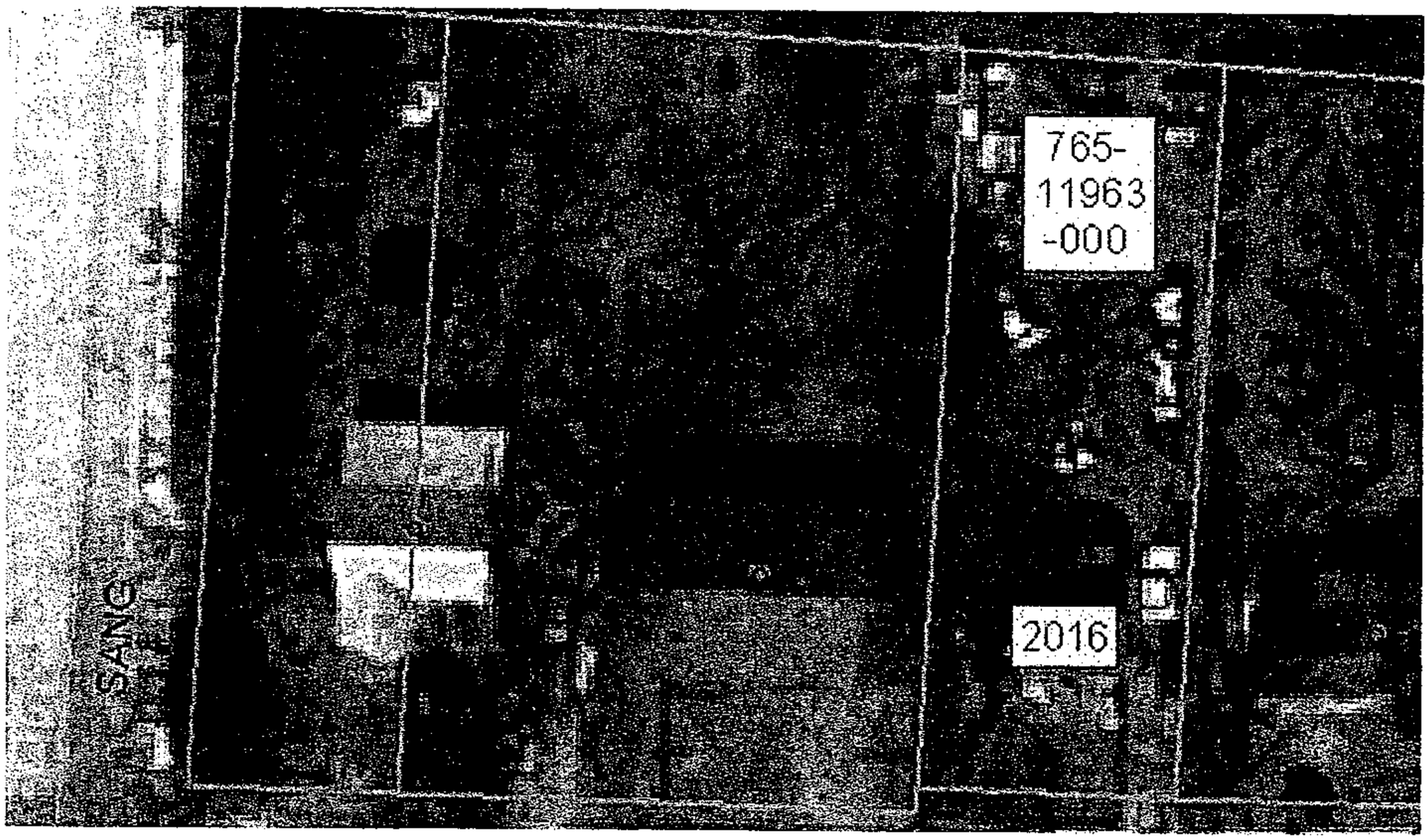
2016 W. Stone St. (7-26-05)



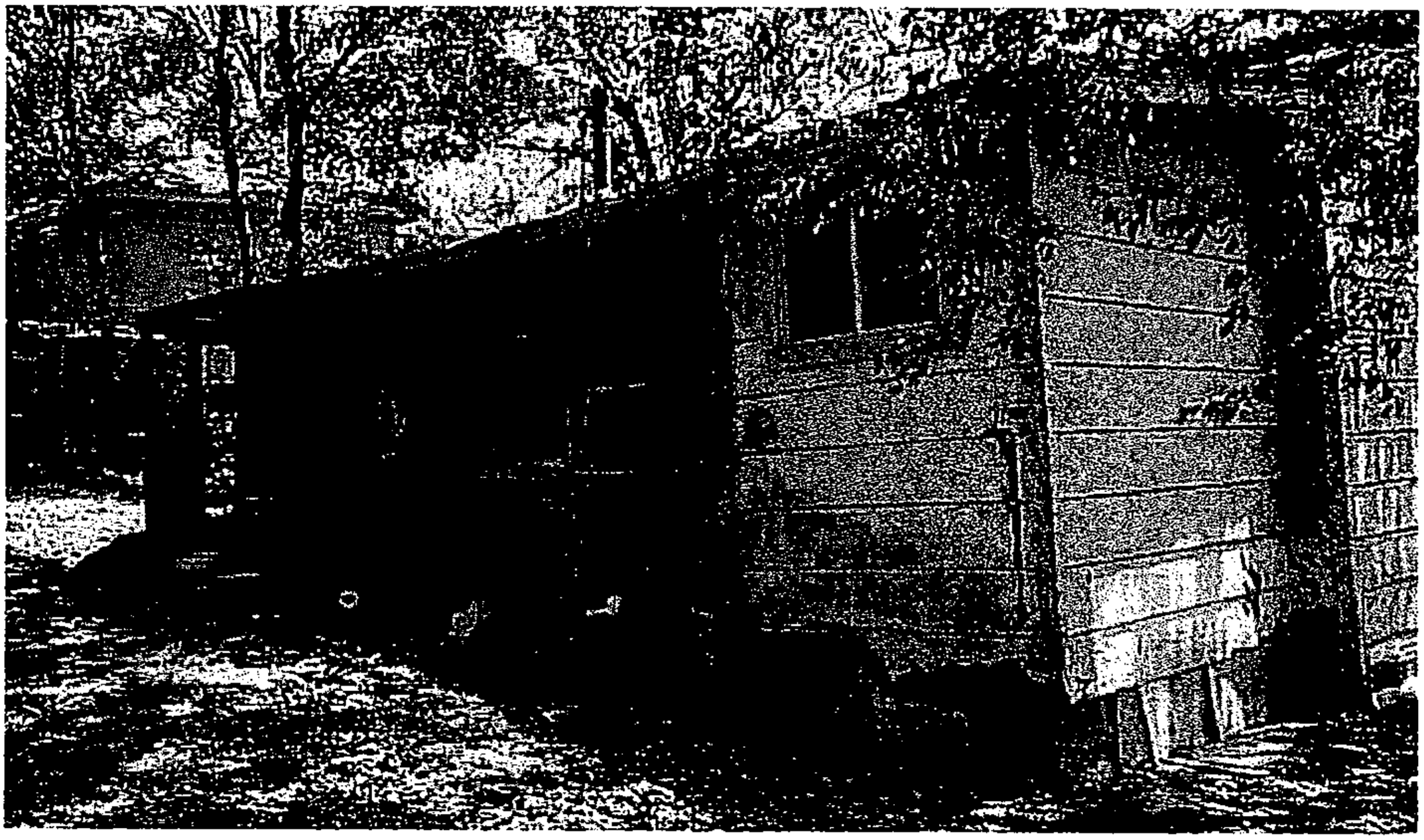
2016 W. Stone St. (7-26-05)



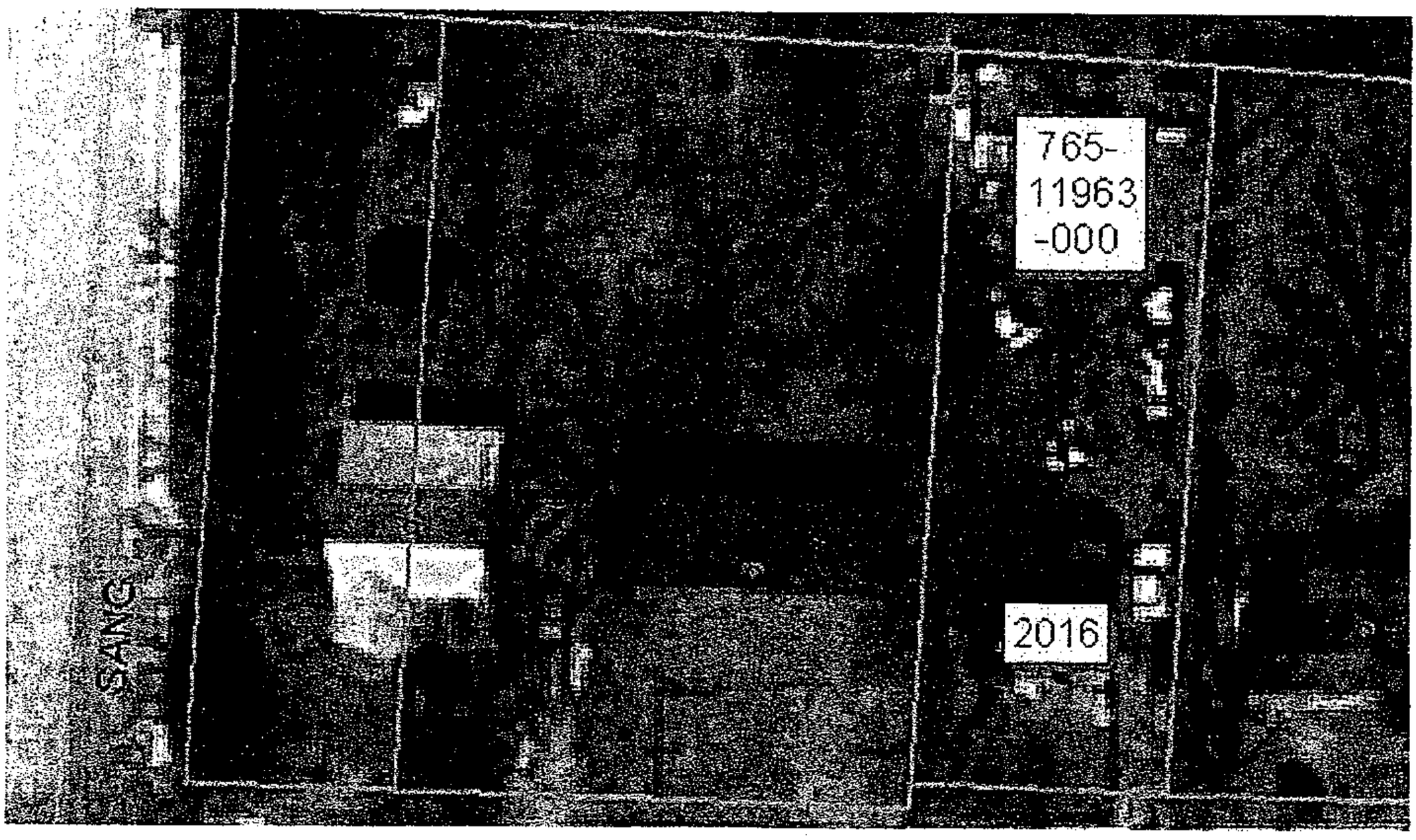
2016 W. Stone St. (7-26-05)



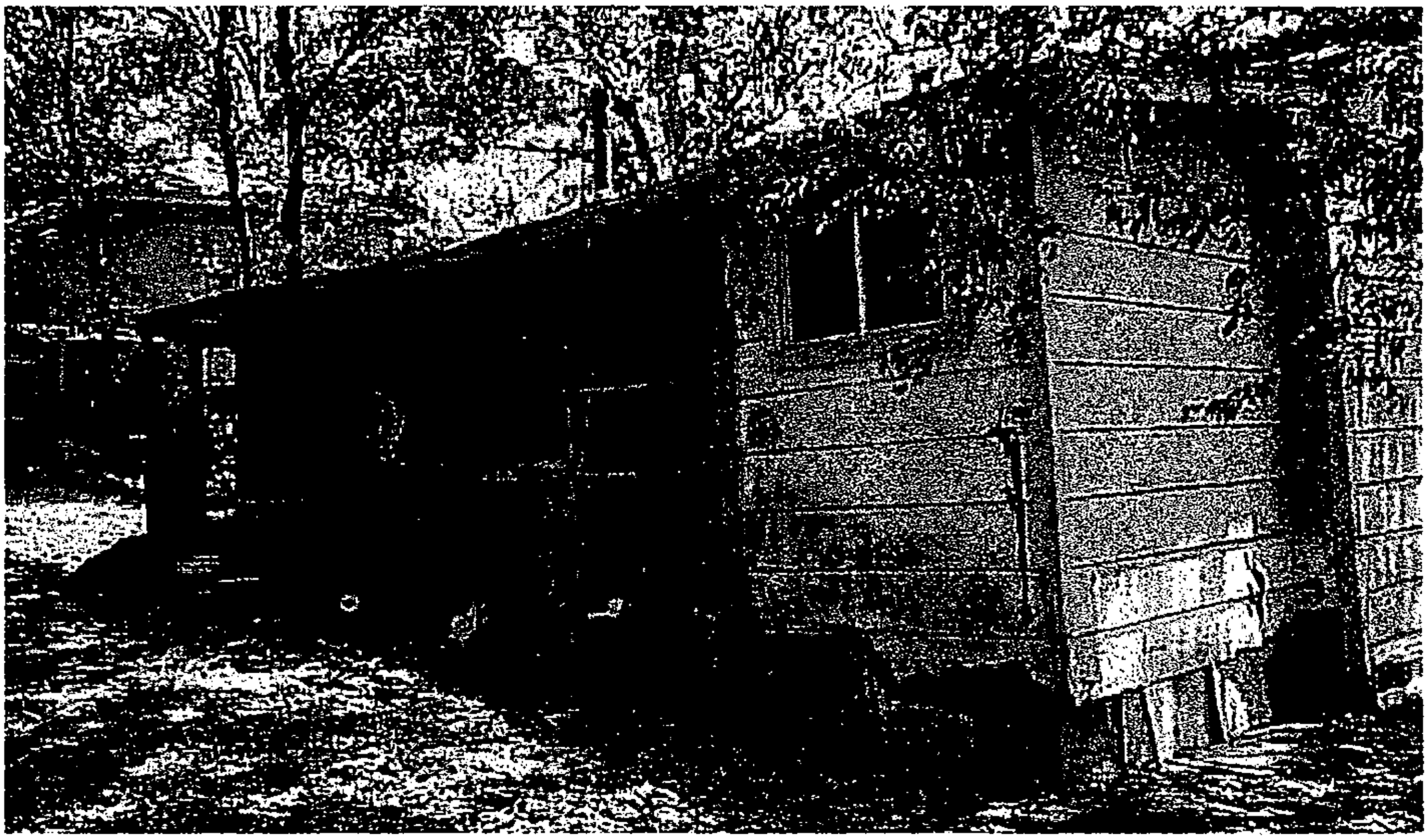
2016 W. Stone St. (7-26-05)



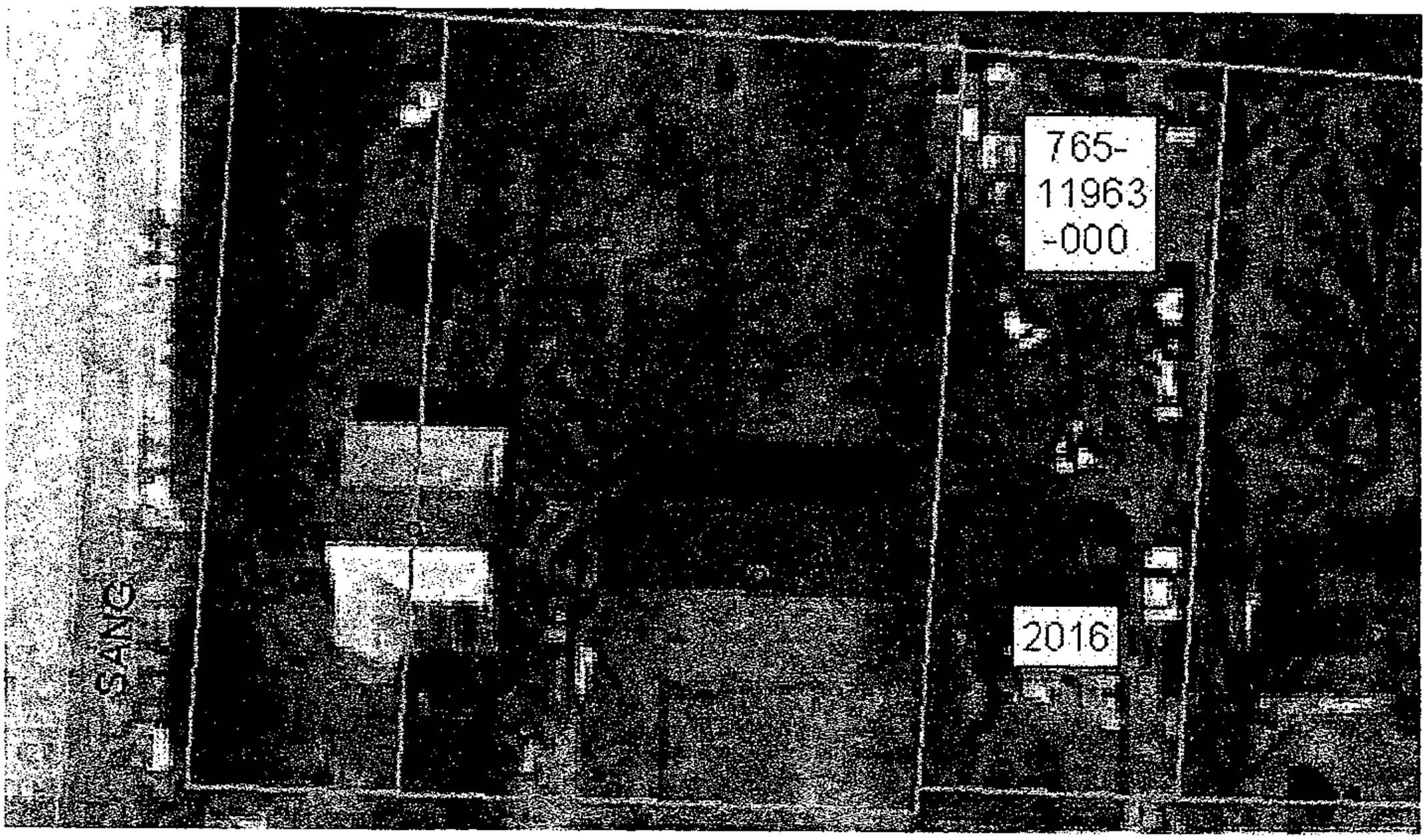
2016 W. Stone St. (7-26-05)



2016 W. Stone St. (7-26-05)



2016 W. Stone St. (7-26-05)



Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 2, 2005

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation given by Adam Motherwell on the 2004 Annual Audit-Agenda Session Only

Call to Order
Roll Call
Pledge of Allegiance

A. CONSENT:

1. **Approval of the July 19, 2005 City Council meeting minutes.**

2. **Survey & Research Center Proposal Approval:** A resolution approving a proposal from the Survey Research Center (SRC) at the University of Arkansas in the amount of $29,312.05 with a not-to-exceed cost of $30,000.00 for the development and implementation of a citizen survey; and approving a budget adjustment in the amount of $5,000.00.

3. **ECO Inc. Contract:** A resolution approving Amendment No. 2 to the contract with ECO, Inc. in the amount of $598,329.00 to provide construction phase services for all Wastewater System Improvements Projects (WSIP); and approving a 10% project contingency in the amount of $59,832.00.

4. **King Electrical Contractors, Inc. Change Order:** A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

5. **Fairlane Apartments Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

B. UNFINISHED BUSINESS:

1. **Planning Commission Appeal (Dixie Development):** An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

2. **RZN 05-1491 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

4. **Planning Commission Appeal (Rapido Rabbit Carwash):** A request to appeal the Planning Commission's motion to deny Administrative request ADM 05-1582 for Rapido Rabbit Carwash located south of Wedington Drive and west of Shiloh Drive. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

5. **R-PZD 05-1463 (Oakbrooke):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission. ***This item was Left on the First Reading at the July 19, 2005 City Council meeting.***

6. **RZN 05-1546 (Mathias):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

7. **RZN 05-1564 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1564 (Mountain Ranch D,F,H,I,J) for approximately 193.66 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

8. **RZN 05-1563, RZN 05-1566 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1563 (Mountain Ranch C) and RZN 05-1566 (Mountain Ranch G) for approximately 97.71 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family 4 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

9. **RZN 05-1562 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1562 (Mountain Ranch B) for approximately 19.04 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RMF-24, Residential Multi-Family, 24 Units Per Acre. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

10. **RZN 05-1561 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

11. **RZN 05-1560 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1560 (Mountain Ranch A-1) for approximately 14.60 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

C. NEW BUSINESS:

1. **ANX 05-1580 (Sloan Properties):** An ordinance annexing that property described in Annexation Petition ANX 05-1580 for property located at Hunt Lane, south of Highway 16 East containing 31.59 Acres.

2. **RZN 05-1581 (Sloan Properties):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1581 for approximately 31.59 acres located at Hunt Lane, south of Highway 16 east from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4-Units Per Acre.

3. **R-PZD 05-1555 (Oakbrooke Subdivision):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1555, Oakbrooke Phase II, located west of Rupple Road and east of Bridgeport Phase II, containing approximately 11.5 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

4. **VAC 05-1522 (Springwoods):** An ordinance approving VAC 05-1522 submitted by Patrick Hargus for property located at Highway 112 and Truckers Drive (The Springwoods Planned Zoning District) vacating a utility easement as indicated in the attached map and legal description.

5. **Mt. Sequoyah Street Extension:** A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

6. **Appointment of Negotiation Team for Farmington Sewer System:** A resolution to appoint a negotiation team to work with Farmington on the issue of accepting Farmington's Sewer System into the Fayetteville Sewer System and issues related thereto.

7. **Solid Waste and Recycling Services-City of Elkins:** A resolution authorizing City staff to enter into negotiations with the City of Elkins, Arkansas to provide Solid Waste & Recycling Services to the City of Elkins, Arkansas.

8. **Cross, Gunter, Witherspoon & Galchus P.C. Change Order:** A resolution to approve an amendment to the contract for professional services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 to continue representation of the City in the Peter T. Reagan, ET. AL. v. City of Fayetteville lawsuit; and approving a Budget Adjustment.

9. **Trail Construction Program Staffing Addition:** A resolution authorizing the Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews); and approving a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

10. **Economic Development Fund Grant:** A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to facilitate its accreditation by the Council on Occupational Education (COE); and approving a budget adjustment.

11. **APAC-Arkansas, Inc. Contract Approval:** A resolution awarding a construction contract to APA-Arkansas, Inc., McClinton Anchor Division in the amount of $1,165,206.00 and approving a change order reducing the contract amount by $486,923.00, to construct the west general aviation apron; approving a 5% project contingency of $29,130.00; and accepting grants from the FAA and Arkansas Department of Aeronautics.

D. PUBLIC HEARING:

1. **Raze and Removal of Structure on 2016 W. Stone St.:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: August 1, 2005 – 4:30 PM

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)
accessfayetteville.org

Fayetteville
ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager

DATE: June 20, 2005

SUBJECT: **2005 Citizen's Survey - Proposal from the University of Arkansas (Survey Research Center)**

Recommendations

Staff recommends approval of the proposal from the University of Arkansas' Survey Research Center for the contracting out of a Citizen's Survey. The cost of the contract is $29,312.05 with a not to exceed amount of $30,000.

Background

Since 2001, the Budget & Research Division has been responsible for conducting and coordinating citizen surveys. The purpose and benefit was to use the survey results as an informational and a public relations tool between the government and its citizenry. This report assisted City Council and upper management in determining citywide goals and to fulfill the need for gauging how well the City performs in its operations and programs.

In 2001 Budget & Research staff conducted a mail out survey and in 2003 the City contracted with the University of Arkansas (Survey Research Center) for a phone based survey. The goal after this survey was completed, was to send out additional surveys biennially. By performing a survey every other year, a benchmark can be developed to show how newly formed programs are benefiting citizens.

Current Status

City staff has been in the process of conducting a Citizen's Survey for 2005. In looking at the whole process, it has been determined once again that it would be in the City's best interest to contract out the development and implementation of the survey. This is due to several reasons that are listed below.

- Accuracy: A consultant who specializes in surveys is skilled in instrument and sampling designs, statistical reweighting of data, and data analysis.

7/12/05
Moved to 8/2/05 Agenda
at Agenda Session

- Credibility: A consultant is perceived as unbiased and will have a neutral interpretation of results.

- Cost: A consultant will have the skills and tools available to develop and conduct the survey with the most efficient use of time. A consultant will also have an employee base that can perform at a lower hourly rate of cost.

- Staff Time: Currently, staff does not have the required time to conduct a Citizen's Survey in 2005. 2005 is the year that the 2006-2010 Capital Improvements Program process is performed.

To meet the needs of the City in contracting out a Citizen's Survey, City staff has been in contact with the Survey Research Center (SRC) at the University of Arkansas. The Director of SRC, Molly Longstreth, Ph.D, has met with staff and has submitted a proposal to perform a Citizen's Survey for the City of Fayetteville. The proposal is attached to this memo for your information and consideration.

Purchasing Considerations

The City of Fayetteville is exempt from bidding procedures for this proposal. This is due to State Law §19-11-251 allowing agreements between Intergovernmental Agencies such as the University of Arkansas.

Budget Considerations

The cost of contracting out the survey development and implementation will be $29,312.05. The 2005 requested amount is an increase over the 2003 amount of $23,639.64 due to the survey length increasing from 17 to 23 minutes per each survey. In addition to the base cost, staff is requesting an additional $687.95 (2.3%) of contingency to be included, making the total requested amount for approval of $30,000.

Currently $25,000 has been budgeted in 2005 to fund the cost of the Citizen's Survey. A budget adjustment for $5,000 has been attached with the funds coming from the Use of Fund Balance. There is sufficient funding available in General Fund to comply with City Policy and Objectives.

Closing

If you have any questions concerning this survey proposal or the Citizen's Survey process in general, please feel free to contact either myself, or Stephen Davis. Thank you for your attention to this matter.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PROPOSAL FROM THE SURVEY RESEARCH CENTER (SRC) AT THE UNIVERSITY OF ARKANSAS IN THE AMOUNT OF $29,312.05 WITH A NOT-TO-EXCEED COST OF $30,000.00 FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CITIZEN SURVEY; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $5,000.00.

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 a proposal from the Survey Research Center (SRC) at the University of Arkansas in the amount of $29,312.05 with a not-to-exceed cost of $30,000.00 for the development and implementation of a citizen survey.

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $5,000.00.

PASSED and **APPROVED** this 5th day of July, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: General Government Division: Miscellaneous Program: Miscellaneous	Date Requested	Adjustment Number
2005		6/20/2005	

Project or Item Requested:

$5,000 is requested in the Contract Services Account of the Miscellaneous Program.

Project or Item Deleted:

$5,000 from the Use of Fund Balance.

Justification of this Increase:

The funding is needed for the contracting out of a Citizen's Survey in 2005.

Justification of this Decrease:

There is sufficient fund balance remaining in General Fund to comply with City Policy and objectives.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Contract services	1010	6600	5315	00	5,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	1010	0001	4999	99	5,000		

Approval Signatures

Requested By		Date
Budget Manager	6-20-05	Date
Department Director		Date
Finance & Internal Services Director	6-21-05	Date
Mayor		Date

Budget Office Use Only

Type: A B C (D) E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

UNIVERSITY of ARKANSAS

123 Hotz Hall • Fayetteville, Arkansas 72701-1201 • 479.575.4222 • 479.575.2474 (FAX) • src@uark.edu

Survey Research Center

Proposal to Survey Fayetteville Citizens for the City of Fayetteville, Arkansas

March 22, 2005
June 7, 2005

Steven Davis, Finance and Internal Services Director, Co-Principal Investigator
Kevin Springer, Budget Manager, Co-Principal Investigator

This is a revised proposal to survey the citizens of Fayetteville, Arkansas for the City of Fayetteville. Please note that Table 2 has been added to indicate additional costs associated with various lengths of the survey. This version of the survey is about 23 minutes long, whereas the 2003 survey took slightly more than 17 minutes on average to administer. The SRC is happy to work on the details with the City.

Research Design

Telephone survey

The Survey Research Center (SRC) would conduct a telephone survey of citizens of Fayetteville, Arkansas for the numbers of completed interviews needed to assure a desired estimated sampling error. Additional Fayetteville households would be screened in order to augment the number of surveys completed by African American and Hispanic/Latino households. Estimates in Table 1 are offered for interviews approximately 17 and 18 minutes in length. A pre-survey letter would be sent to all sample members for whom an address is available in advance of the telephone survey. In addition, the data would be analyzed with at least one bivariate analysis so as to indicate with more confidence phenomena of interest.

Questionnaire Design & Field Testing

The SRC would work with officials of the City of Fayetteville to revise a questionnaire that addresses the City's objectives for the survey. The 2005 questionnaire would draw on the instrument that the City of Fayetteville used to survey its citizens in 2001 and 2003. With City officials, the SRC would develop a very few additional and/or alternative questions to solicit opinions on issues germane to the current objectives. The 2003 survey took 17.3 minutes on average to administer. If questions are added to that survey, the length would increase. The implications for the budget are presented in the third column in Table 1.

SRC staff would critique the questionnaire, in consultation with the City. In addition, the SRC, in conjunction with the City, would develop the letter, introductory scripts and any desired press releases. The questionnaire and related correspondence must be reviewed by the University of Arkansas (UA) Institutional Review Board (IRB), a process the SRC would facilitate. The IRB

reviews the questionnaire and associated correspondence for its suitability for the people who would be surveyed. If the City has the equivalent of the institutional review board, the City would facilitate that review process.

New questions would be critiqued by SRC staff. Experienced interviewers would administer it to each other and critique it. The SRC would subsequently field test approximately 25 questionnaires before beginning the survey. These findings would be shared with City personnel for review. Adjustments to the telephone interview would be made to correct errors or implement desired changes.

Prior to the start of telephoning, a letter would be mailed to all sample members for whom addresses are available, informing them of the nature of the survey and their important role in taking it. The letter establishes credibility for the survey and prepares recipients to receive the call when it comes. City residents are more amenable to answering telephone surveys if they are aware of the survey. The letter is even more effective than general publicity in informing citizens of the survey. The letters would be printed on City of Fayetteville letterhead and mailed in City envelopes.

Please note that the letters would be sent to approximately one-fourth of the sample members. In the last survey, 68 percent of the respondents asked about the letter were cognizant of having received it, although only about 50 percent of the sample members were mailed letters. The remaining sample would be called only. These compose the screening sample.

The effectiveness of the research design depends partially on personalizing the mailings. Therefore, the SRC would print the envelopes, rather than using labels and affix stamps rather than using a machine stamp. Furthermore it is optimal if the City's representative(s) can personally sign the letters, but if not, electronic signatures of the mayor and city council members would be printed on the letters, if the principal investigators agree to this strategy.

It is the SRC's preference that the City, in conjunction with the SRC, prepare a press release or set of press releases so as to inform the sizable fraction of residents who would not receive pre-interview letters of the survey and its purposes.

Proposal of a Project to Survey the Citizens of Fayetteville
for the City of Fayetteville
Survey Research Center, University of Arkansas
6/20/2005

Table 1. Cost estimates of telephone survey implemented with an initial letter, over-sampling of African American and Hispanic citizens and reports for 17- and 18-minutes in length *Note: 392 + 23 (12 or so each AA & Hisp)*

	Phone survey	Phone survey
Completions	415	415
Estimated sampling error	LE +/- .05	LE +/- .05
Effective sample size for mail & phone	2377	2377
Effective sample size for oversample	1817	1817
Total effective sample size	4194	4194
Questionnaire Length (min.)	17	18
Letter	Yes, partially	Yes, partially
WAGES		
Hourly rate pre-July 1	$8.72	$8.72
Total Production Hours	862	893
Total wages pre-July 1	$7,519.39	$7,790.87
Hourly rate post-July 1	$8.98	$8.98
Total Production Hours	216	223
Total wages post-July 1	$1,936.24	$2,006.15
Total Wages	$9,455.63	$9,797.02
STAFF SALARIES		
Hourly rate pre-July 1	$32.04	$32.04
Staff time (Hours)	172	174
Total staff pre-July 1	$5,506.38	$5,589.51
Hourly rate post-July 1	$32.67	$32.67
Staff time (Hours)	172	174
Total staff post-July 1	$5,614.65	$5,699.41
Total Salaries	$11,121.03	$11,288.92
MATERIALS & SUPPLIES		
Printing costs	$300.00	$300.00
Postage	$434.03	$434.03
Stationary & envelopes	$0.00	$0.00
Telephone equipment & long distance	$180.00	$180.00
Travel	$0.00	$0.00
Sample	$1,312.85	$1,312.85
Translating	$340.00	$360.00
Ad in Hispanic newspaper	$40.00	$40.00
Interviewer rewards	$62.88	$65.15
Other materials, equipment & supplies	$1,480.31	$1,533.75
Total Materials & Supplies	$4,220.07	$4,295.79
TOTAL SURVEY	$24,796.74	$25,381.72

Proposal of a Project to Survey the Citizens of Fayetteville
for the City of Fayetteville
Survey Research Center, University of Arkansas
6/20/2005

Table 2. Cost estimates of telephone survey implemented with an initial letter, over-sampling of African American and Hispanic citizens and reports for 20 through 23 minutes in length

	Phone survey, oversampling for African American and Hispanic residents	Phone survey, oversampling for African American and Hispanic residents	Phone survey, oversampling for African American and Hispanic residents	Phone survey, oversampling for African American and Hispanic residents
PROJECT SPECIFICATIONS				
Completions	415	415	415	415
Estimated sampling error	LE +/- .05	LE +/- .05	LE +/- .05	LE +/- .05
Effective sample size -- mail & phone	2462	2506	2549	2592
Effective sample size for oversample	1817	1817	1817	1817
Total effective sample size	4279	4323	4366	4409
Questionnaire Length (min.)	20	21	22	23
Letter	Yes, partially	Yes, partially	Yes, partially	Yes, partially
WAGES				
Hourly rate pre-July 1	$8.72	$8.72	$8.72	$8.72
Total Production Hours	995	1026	1057	1088
Total wages pre-July 1	$8,674.53	$8,946.01	$9,217.49	$9,488.97
Hourly rate post-July 1	$8.98	$8.98	$8.98	$8.98
Total Production Hours	249	256	264	272
Total wages post-July 1	$2,233.69	$2,303.60	$2,373.50	$2,443.41
Total Wages	$10,908.22	$11,249.61	$11,590.99	$11,932.38
STAFF SALARIES				
Hourly rate pre-July 1	$32.04	$32.04	$32.04	$32.04
Staff time (Hours)	183	185	188	191
Total staff pre-July 1	$5,860.08	$5,943.20	$6,026.33	$6,109.45
Hourly rate post-July 1	$32.67	$32.67	$32.67	$32.67
Staff time (Hours)	183	185	188	191
Total staff post-July 1	$5,975.30	$6,060.06	$6,144.82	$6,229.58
Total Salaries	$11,835.38	$12,003.27	$12,171.15	$12,339.03
MATERIALS & SUPPLIES				
Printing costs	$300.00	$300.00	$300.00	$300.00
Postage	$434.03	$441.65	$449.26	$456.88
Stationary & envelopes	$0.00	$0.00	$0.00	$0.00
Telephone equipment & long distance	$180.00	$180.00	$180.00	$180.00
Travel	$0.00	$0.00	$0.00	$0.00
Sample	$1,425.47	$1,467.08	$1,508.70	$1,550.31
Translating	$400.00	$420.00	$440.00	$460.00
Ad in Hispanic newspaper	$40.00	$40.00	$40.00	$40.00
Interviewer rewards	$72.54	$74.85	$77.17	$79.49
Other materials, equipment & supplies	$1,707.72	$1,762.30	$1,816.88	$1,871.46
Total Materials & Supplies	$4,629.75	$4,755.88	$4,882.01	$5,008.14
TOTAL SURVEY	$27,373.36	$28,019.59	$28,665.82	$29,312.05

Sample

The SRC would complete surveys of at least 373 citizens of Fayetteville. The estimated sampling error associated with this number of surveys is ± 5 percent if a simple random sample is drawn. A random sample of telephone numbers generated for the City of Fayetteville would be purchased. The longer the survey, the more sample needed.

In order to garner the desired number of completed interviews, each telephone number would be called as many as six times. The SRC cannot guarantee response rates, however optimistic we may be about them. Although the SRC follows methods demonstrated to improve response rates, subject to the client's preferences, we can only carefully follow the agreed-upon research design. Only adults (people age 18 or older) would be interviewed. To improve the gender ratio, these estimates include costs of randomly selecting household respondents.

Oversampling Minority Ethnicity Populations

According to the *2000 Census of Population*[1] African American and Hispanic/Latino residents compose approximately 5 percent each of Fayetteville's population. It is likely that citizens from these two groups hold opinions on the survey topics that differ from those held by citizens of the majority ethnicity.

Both African American and Hispanic/Latino respondents tend to under-respond to surveys. Because they compose a small fraction of the population and they respond to surveys in percentages lower than their representation in the population, proportionately more households from these two groups would be surveyed. To obtain an estimated sampling error of ± 20 percent, approximately 46 people need to be surveyed. This would provide 23 African American and 23 Latino/Hispanic completed responses. Without the additional screening, it is estimated that about 11 African American and 12 Hispanic/Latino residents would complete the survey. In order to obtain surveys from the additional 11 Hispanic/Latino and 12 African American households the SRC would screen households at numerous additional telephone numbers.

These numbers would be screened only. Any household members who identify themselves as African American or Hispanic/Latino would be interviewed until the desired number of completed interview is obtained. Please note, however, these estimates guarantee only that the SRC would call all of these numbers at least six times, if appropriate. The SRC cannot guarantee that 23 surveys would be completed by African American and 23 by Hispanic/Latino Fayetteville residents however diligent the effort.

Bilingual interviewers would interview Hispanic/Latino respondents, if needed. All interviewers are trained to forward Spanish-speaking respondents to the bilingual interviewers.

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[1] *Census of Population 2000.* U. S. Department of Commerce, Bureau of the Census, DP-1. Profile of General Demographic Characteristics: 2000. Data Set: Census 2000 Summary File 1 (SF1) 100-Percent Data Geographic Area: Fayetteville township, Washington County, Arkansas. Washington, DC.
http://factfinder.census.gov/servlet/QTTable?ds_name=D&geo_id=06000US0514391283&qr_name=DEC_2000_SF1_U_DP1&_lang=en.

Proposal of a Project to Survey the Citizens of Fayetteville
for the City of Fayetteville
Survey Research Center, University of Arkansas
6/20/2005

Survey Publicity

The SRC recommends that the City announce the survey in the issues of any of its publications or other appropriate communications media that would be published prior to or coincidentally with the survey. The SRC would gladly provide information needed in the announcement.

Time Line

A tentative time line is shown in Table 2. Because the survey is being revised rather than drafted anew, the initial time period could be shortened significantly. The time line is drafted so as to account for a review via a democratic process, however.

Table 2. Proposed Time Line for Survey of Citizens of Fayetteville

	Telephone Survey	
	Telephone survey, with initial letter and screen for additional African American and Hispanic residents	
	Weeks	Dates
Revise questionnaire	5	April 4 – July 7
Submit questionnaire and letter for IRB review	2	June 20 – July 7
Program telephone interviewing system and test	3	May 16 – July 9
Conduct field tests and review responses	1.5	July 9 – July 11
Request Council Members' and Mayor's signatures (Agenda setting meeting June 28 and Council meeting July 5 & other)	2	June 21 – July 5
Address, print and sign letters and mail	1	July 8 – July 9
Conduct interviews	3	July 14 – August 10
Clean and analyze data and write report	5	August 11 – August 30
Revisions and final report	2	August 30 – September 15

Deliverables

Communication about progress would be made to the principal investigators every week during the period of telephoning or mailing. After the study, the SRC would provide a Data Report. It would include a simple codebook and frequencies of the variables. The data would be delivered electronically in Excel. A short Technical Report and graphic presentation would be written and presented to City officials as desired. In addition, a slightly more in-depth report indicating changes over time would also be written. These would include revisions of charts or figures and up to six or so bivariate analyses. Please note that the latter pertains to tables rather than variables.

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

9: **Q01**

Let's start with your assessment of Fayetteville. How would you rate Fayetteville as a place to live?

Excellent 1
Good 2
Neither good nor poor 3
Poor 4
Very poor 5
Don't know 8
Refused 9

10: **Q02A**

With which one of the following city services are you most satisfied?

[Interviewer: Read the whole list.]

[Definitions: Public Safety Services include Animal Control, the Police and Fire Departments, bicycle patrol, the Crime Prevention Unit and the School Resource officers. These services help to ensure that the citizens of Fayetteville can live safely.]

rotation -> 6 .....
Utilities 01
Public Safety Services 02
Transportation 03
Streets 04
Parks and Recreation Services 05
Information Programs 06
Other ..... 07 O
Don't know 98
Refused 99

11: **Q02B**

Here is a second list of city services. With which one of these are you most satisfied?

[Interviewer: Read the whole list.]

[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]

rotation -> 6 .....
Fayetteville Public Library 01
Growth and Development 02
Surface and Ground water 03
Downtown Fayetteville 04
College Avenue Development 05
Housing 06
A Clean and Green City 07
Other ..... 08 O
Don't know 98
Refused 99

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

12: **Q03**

Which one of the following city services do you think needs the most improvement?
[Definitions: Public Safety Services include Animal Control, the Police and Fire Departments, bicycle patrol, the Crime Prevention Unit and the School Resource officers. These services help to ensure that the citizens of Fayetteville can live safely.]
rotation -> 6

Utilities	01		=> Q03A
Public Safety Services	02		=> Q03B
Transportation	03		=> Q03C
Streets	04		=> Q03D
Parks and Recreation Services	05		=> Q03E
Information Programs	06		=> Q03F
Other	07	O	=> Q3TX
Don't know	98		=> Q04
Refused	99		=> Q04

13: **Q03A**

What aspect of utilities needs the most attention?
rotation -> 4

Garbage collection	1		=> Q3TX
Recycling	2		=> Q3TX
Water and sewer maintenance services	3		=> Q3TX
Meter reading and utility billing services	4		=> Q3TX
All of the above aspects of utilities	5		=> Q3TX
Other	6	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

14: **Q03B**

What aspect of public safety services needs the most attention?
rotation -> 5

Police	1		=> Q3TX
Fire	2		=> Q3TX
Animal control	3		=> Q3TX
Ambulance	4		=> Q3TX
Disaster preparedness	5		=> Q3TX
All of the above	6		=> Q3TX
Other	7	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

15: **Q03C**

What aspect of transportation needs the most attention?
rotation -> 5

Ease of car travel in the city	1		=> Q3TX
Ozark Regional Transit/Public transportation	2		=> Q3TX
Razorback Transit	3		=> Q3TX
Alternative transportation such as bicycling and walking	4		=> Q3TX
All of the above	5		=> Q3TX
Other	6	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

16: **Q03D**

What aspect of streets needs the most attention?
rotation -> 5

Street maintenance	1		=> Q3TX
Cleanliness of streets	2		=> Q3TX
Street repair	3		=> Q3TX
Sidewalk maintenance	4		=> Q3TX
Sidewalk accessibility, such as cut-away curbs	5		=> Q3TX
All of the above	6		=> Q3TX
Other	7	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

17: **Q03E**

What aspect of parks and recreation services needs the most attention?

[Definitions: Trails pass through corridors of undeveloped land in a city that connect elements of the community such as parks, schools, neighborhoods and shopping centers while offering safe movement to pedestrians. Typically paved and at least 10 feet wide, trails differ from sidewalks in that they pass through more natural settings and don't typically follow the path of traffic.]
rotation -> 8

Development of new parks	01		=> Q3TX
Park maintenance	02		=> Q3TX
Improvement to existing parks	03		=> Q3TX
Recreational facilities	05		=> Q3TX
Recreation for youth	06		=> Q3TX
Recreation for adults	07		=> Q3TX
Concerts in city parks	08		=> Q3TX
Lights of the Ozarks	09		=> Q3TX
All of the above	10		=> Q3TX
Other	11	O	=> Q3TX
Don't know	98		=> Q04
Refused	99		=> Q04

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18: **Q03F**

What aspect of information programs needs the most attention?

[Definitions: Government Access Channel (PEG) appears on COX Channel 3 or Channel 18, depending on the subscriber's location in Fayetteville. Its broadcasts include but aren't limited to: Fayetteville City Council Meetings, Fayetteville City Planning Commission Meetings and Washington County Quorum Court. Public Access Television appears on COX Channel 18. It's operated by Community Access Television (CAT), a nonprofit organization under contract with the city of Fayetteville. CAT's purpose is to provide a channel of free expression for every citizen. The city of Fayetteville exercises no editorial control over CAT.]
rotation -> 4

Public Access Television (CAT)	1		=> Q3TX
Government Access Channel	2		=> Q3TX
City's information system for resolving complaints	3		=> Q3TX
City website	4		=> Q3TX
All of the above	5		=> Q3TX
Other	6	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

19: **Q3TX**

In order to address <Q03>, would you be willing to pay additional taxes?

Yes	1
Maybe	2
No	3
Don't know	8
Refused	9

20: **Q04**

Here is another list of city services. Which of these do you think needs the most improvement?

[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]
rotation -> 7

Fayetteville Public Library	01		=> Q04A
Growth and Development	02		=> Q04B
Surface and Ground water	03		=> Q04C
Downtown Fayetteville	04		=> Q04D
College Avenue Development	05		=> Q04E
Housing	06		=> Q04F
A Clean and Green City	07		=> Q4TX
Other	08	O	=> Q05
Don't know	98		=> Q05
Refused	99		

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21: **Q04A**

What aspect of the Fayetteville Public Library needs the most attention?
rotation -> 7

Hours open	01		=> Q4TX
Books available	02		=> Q4TX
Audiovisual items available (eg videos, DVDs, CDs, audiobooks)	03		=> Q4TX
Computer resources available	04		=> Q4TX
Children's and teen programs and services	05		=> Q4TX
Adult programs and services	06		=> Q4TX
Availability of branch libraries	07		=> Q4TX
All of the above	08		=> Q4TX
Other	09	O	=> Q4TX
Don't know	98		=> Q05
Refused	99		=> Q05

22: **Q04B**

What aspect of growth and development needs the most attention?
rotation -> 6

Stricter development standards	1		=> Q4TX
Lower development standards	2		=> Q4TX
Limiting growth	3		=> Q4TX
Promoting growth	4		=> Q4TX
More environmental protection	5		=> Q4TX
Less environmental protection	6		=> Q4TX
Other	7	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

23: **Q04C**

What aspect of ground and surface water needs the most attention?
rotation -> 3

Water quality	1		=> Q4TX
Storm drainage	2		=> Q4TX
Flood control	3		=> Q4TX
All of the above	4		=> Q4TX
Other	5	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

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24: **Q04D**

What aspect of Downtown Fayetteville or College Avenue needs the most attention?

[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]
rotation -> 2

Downtown Fayetteville	1		=> Q04G
College Avenue	3		=> Q04H
Both areas	4		=> Q4TX
Other	5	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

25: **Q04E**

What aspect of housing needs the most attention?
rotation -> 4

Promote affordable housing	1		=> Q4TX
Code enforcement	2		=> Q4TX
Public housing	3		=> Q4TX
Funding for safety or handicap accessibility	4		=> Q4TX
All of the above	5		=> Q4TX
Other	6	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

26: **Q04F**

What aspect of a clean and green city needs the most attention?

[Definitions: Code Enforcement examples include enforcing city building codes dealing with issues such as abandoned homes and cars, trash, weeds and debris.]
rotation -> 6

Hillside preservation	01		=> Q4TX
Tree planting and landscaping	02		=> Q4TX
Litter pick-up and cleanliness of streets	03		=> Q4TX
Removal of power lines from street frontage	04		=> Q4TX
Stronger codes	05		=> Q4TX
Improved code enforcement	06		=> Q4TX
All of the above	07		=> Q4TX
Other	08	O	=> Q4TX
Don't know	98		=> Q05
Refused	99		=> Q05

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27: **Q04G**

To continue improving Downtown Fayetteville which would you most prefer?
[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]
rotation -> 6

More housing units in & around downtown	1	=> Q4TX
More attractive buildings and streets	2	=> Q4TX
More entertainment businesses and venues	3	=> Q4TX
More unique retail opportunities attracting shoppers	4	=> Q4TX
Greater ease of access and parking	5	=> Q4TX
More office space	6	=> Q4TX
Don't know	8	=> Q06
Refused	9	=> Q06

28: **Q04H**

Which section of College Avenue needs the most attention?

[Interviewer: Don't read "All of College Avenue needs improvement".]

[Use landmarks if needed: Mountain St.: Mountain Inn & Old Courthouse Maple: Papa John's Pizza Sycamore: Traffic light north of McDonald's Rolling Hills: Fiesta Square Shopping Center Zion Rd.: NWA Mall & Lowe's]

Mountain to Maple Street	1
Maple to Sycamore Street	2
Sycamore Street to Rolling Hills Boulevard	3
Rolling Hills Boulevard to Zion Road	4
All of College Avenue needs improvement	5
Don't know	8
Refused	9

29: **Q04I**

Which aspect of this section < > of College Avenue needs the most attention?

[Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention. Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.]
rotation -> 5

Planting more trees on the streets	1
Landscaping improvements other than trees	2
Sidewalks	3
Crosswalks	4
Center turn lane	5
Don't know	8
Refused	9

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30: **Q4TX**

In order to address <Q04>, would you be willing to pay additional taxes?
Yes 1
Maybe 2
No 3
Don't know 8
Refused 9

31: **Q05**

Okay, let's look at a slightly different subject. Of the following goals for the City of Fayetteville, which is the most important to you? Is it:

[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]
rotation -> 6 .....
Planned and managed growth ..... 1 => Q05A
Development of Downtown Fayetteville ..... 2 => Q05B
Development of College Avenue ..... 3 => Q05F
Development of South Fayetteville ..... 4 => Q05C
Improved mobility and street quality ..... 5 => Q05D
A beautiful city- clean and green ..... 6 => Q05E
Don't know ..... 8 => Q07A
Refused ..... 9 => Q07A

32: **Q05A**

Which method of managing growth would you most prefer?
rotation -> 5 .....
Quality development within existing neighborhoods consistent with neighborhood plans 1 => Q5TX
Develop affordable housing ..... 2 => Q5TX
Upgrade infrastructure such as streets and utilities in older parts of Fayetteville 3=> Q5TX
Growth paying for growth-continued use of fees on new construction to pay for needed infrastructure 4=>Q5TX
New planning standards and/or regulations to support alternative development 5=> Q5TX
Don't know ..... 8 => Q06
Refused ..... 9 => Q06

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33: **Q05B**

To continue improving Downtown Fayetteville, which would you most prefer?
[Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.]
rotation -> 6

More housing units in & around downtown	1	=> Q5TX
More attractive buildings and streets	2	=> Q5TX
More entertainment businesses and venues	3	=> Q5TX
More unique retail opportunities attracting shoppers	4	=> Q5TX
Greater ease of access and parking	5	=> Q5TX
More office space	6	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

34: **Q05C**

To improve South Fayetteville, which would you most prefer?
rotation -> 7

Develop affordable single family housing, including condominiums	1	=> Q5TX
Develop new parks	2	=> Q5TX
Improve existing parks	3	=> Q5TX
Redevelop industrial areas for non-industrial uses	4	=> Q5TX
Develop sidewalks	5	=> Q5TX
Improve South School Avenue	6	=> Q05H
Connect all residents to the city sewer system	7	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

35: **Q05D**

In order to improve mobility and street quality, which would you most prefer?
Definition: Improve traffic flow may include improving conditions of streets, widening the major streets that already exist, adding new streets, adding stop signs or stop lights and/or adjusting speed limits to reduce travel time and congestion and to improve safety.
rotation -> 4

Develop more sidewalks	1	=> Q5TX
Protect neighborhoods from traffic impacts	3	=> Q5TX
Develop improved public transportation	4	=> Q5TX
Improve traffic flow	5	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

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36: **Q05E**

To enhance the beauty of Fayetteville, which would you most prefer?

Definitions: Streetscapes involve construction of enhancements to a street to improve the overall appearance and make it more appealing (eg brick crosswalks like those on Dickson Street). Gateways are entrances to a city from a major road or highway (eg interchange on Interstate 540 at the Fayetteville Business District exit near the NW Arkansas Mall.

rotation -> 7

Improve appearances of major corridors such as College Avenue	1	=> Q5TX
Preserve hillsides	2	=> Q5TX
Improve quality of parks throughout the city	3	=> Q5TX
Preserve trees	4	=> Q5TX
Enforce codes such as less trash on streets and integrity of structures	5	=> Q5TX
Create more attractive streetscapes and gateways or entrances	6	=> Q5TX
Enact a rental property inspection program	7	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

37: **Q05F**

Which section of College Avenue needs the most attention?

[Interviewer: Don't read "All of College Avenue needs improvement".]

[Use landmarks if needed: Mountain St.: Mountain Inn & Old Courthouse Maple: Traffic light, pizza shop, frame shop Sycamore: Traffic light north of McDonald's Rolling Hills: Fiesta Square Shopping Center Zion Rd.: NWA Mall & Lowe's]

Mountain to Maple Street	1
Maple to Sycamore Street	2
Sycamore Street to Rolling Hills Boulevard	3
Rolling Hills Boulevard to Zion Road	4
All of College Avenue needs improvement	5
Don't know	8
Refused	9

38: **Q05G**

Which aspect of this section < > of College Avenue needs the most attention?

Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention. Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.

rotation -> 5

Planting more trees on the streets	1	=> Q5TX
Landscaping improvements other than trees	2	=> Q5TX
Sidewalks	3	=> Q5TX
Crosswalks	4	=> Q5TX
Center turn lane	5	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

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39: **Q05H**

Which aspect of S. School Avenue needs the most attention?

Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention.

Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.

rotation -> 5

Planting more trees on the streets	1
Landscaping improvements other than trees	2
Sidewalks	3
Crosswalks	4
Center turn lane	5
Don't know	8
Refused	9

40: **Q5TX**

In order to address <Q05>, would you be willing to pay additional taxes?

Yes	1
Maybe	2
No	3
Don't know	8
Refused	9

41: **Q06**

Of the remaining goals for the City of Fayetteville, which is the most important to you?

Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.

rotation -> 5

élimination -> 6

selon Q05

Planned and managed growth	1	=> Q06A
Development of Downtown Fayetteville	2	=> Q06B
Development of College Avenue	3	=> Q06F
Development of South Fayetteville	4	=> Q06C
Improved mobility and street quality	5	=> Q06D
A beautiful city- clean and green	6	=> Q06E
Don't know	8	=> Q07A
Refused	9	=> Q07A

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42: **Q06A**

Which method of managing growth would you most prefer? rotation -> 5

Quality development within existing neighborhoods consistent with neighborhood plans	1 => Q6TX
Develop affordable housing	2=> Q6TX
Upgrade infrastructure such as streets and utilities in older parts of Fayetteville	3=> Q6TX
Growth paying for growth-continued use of fees on new construction to pay for needed infrastructure	4=>Q6TX
New planning standards and/or regulations to support alternative development	5=> Q6TX
Don't know	8 => Q07A
Refused	9 => Q07A

43: **Q06B**

To continue improving Downtown Fayetteville, which would you most prefer?

Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.

rotation -> 6

More housing units in & around downtown	1 => Q6TX
More attractive buildings and streets	2 => Q6TX
More entertainment businesses and venues	3 => Q6TX
More unique retail opportunities attracting shoppers	4 => Q6TX
Greater ease of access and parking	5 => Q6TX
More office space	6 => Q6TX
Don't know	8 => Q07A
Refused	9 => Q07A

44: **Q06C**

To improve South Fayetteville, which would you most prefer?

rotation -> 7

Develop affordable single family housing, including condominiums	1 => Q6TX
Develop new parks	2 => Q6TX
Improve existing parks	3 => Q6TX
Redevelop industrial areas for non-industrial uses	4 => Q6TX
Develop sidewalks	5 => Q6TX
Improve South School Avenue	6 => Q06H
Connect all residents to the city sewer system	7 => Q6TX
Don't know	8 => Q07A
Refused	9 => Q07A

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45: **Q06D**

In order to improve mobility and street quality, which would you most prefer?

Definition: Improve traffic flow may include improving conditions of streets, widening the major streets that already exist, adding new streets, adding stop signs or stop lights and/or adjusting speed limits to reduce travel time and congestion and to improve safety.

rotation -> 4

Develop more sidewalks	1	=> Q6TX
Protect neighborhoods from traffic impacts	3	=> Q6TX
Develop improved public transportation	4	=> Q6TX
Improve traffic flow	5	=> Q6TX
Don't know	8	=> Q6TX
Refused	9	=> Q07A

46: **Q06E**

To enhance the beauty of Fayetteville, which would you most prefer?

Definitions: Streetscapes involve construction of enhancements to a street to improve the overall appearance and make it more appealing (eg brick crosswalks like those on Dickson Street). Gateways are entrances to a city from a major road or highway (eg interchange on Interstate 540 at the Fayetteville Business District exit near the NW Arkansas Mall.

rotation -> 7

Improve appearances of major corridors such as College Avenue	1	=> Q6TX
Preserve hillsides	2	=> Q6TX
Improve quality of parks throughout the city	3	=> Q6TX
Preserve trees	4	=> Q6TX
Enforce codes such as less trash on streets and integrity of structures	5	=> Q6TX
Create more attractive streetscapes and gateways or entrances	6	=> Q6TX
Enact a rental property inspection program	7	=> Q6TX
Don't know	8	=> Q07A
Refused	9	=> Q07A

47: **Q06F**

Which section of College Avenue needs the most attention?

[Interviewer: Don't read "All of College Avenue needs improvement".]

[Use landmarks if needed: Mountain St.: Mountain Inn & Old Courthouse Maple: Traffic light, Pizza Shop, Frame Shop Sycamore: Traffic light north of McDonald's Rolling Hills: Fiesta Square Shopping Center Zion Rd.: NWA Mall & Lowe's]

Mountain to Maple Street	1
Maple to Sycamore Street	2
Sycamore Street to Rolling Hills Boulevard	3
Rolling Hills Boulevard to Zion Road	4
All of College Avenue needs improvement	5
Don't know	8
Refused	9

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48: **Q06G**

Which aspect of this section <> of College Avenue needs the most attention?

[Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention. Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.]
rotation -> 5

Planting more trees on the streets	1	=> Q6TX
Landscaping improvements other than trees	2	=> Q6TX
Sidewalks	3	=> Q6TX
Crosswalks	4	=> Q6TX
Center turn lane	5	=> Q6TX
Don't know	8	=> Q07A
Refused	9	=> Q07A

49: **Q06H**

Which aspect of S. School Avenue needs the most attention?

[Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention. Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.]
rotation -> 5

Planting more trees on the streets	1
Landscaping improvements other than trees	2
Sidewalks	3
Crosswalks	4
Center turn lane	5
Don't know	8
Refused	9

50: **Q6TX**

In order to address <Q06>, would you be willing to pay additional taxes?

Yes	1
Maybe	2
No	3
Don't know	8
Refused	9

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51: **Q07A**

Downtown Master Plan

In the past few years, the City has started a process of revitalizing downtown Fayetteville. Among other things, it has led a process of planning that has resulted in a Downtown Master Plan. How satisfied are you with the planning process? Are you:

[Interviewer: Don't read "haven't heard of the plan". Examples of the revitalization include the Convention Center, moving the library downtown, financing the rebuilding of the Mountain Inn block, remodeling the old Courthouse, redesigning and improving the gardens on the square and improving the Lights of the Ozarks Festival.]

Very satisfied	1	
Satisfied	2	
Neither satisfied nor dissatisfied	3	
Dissatisfied	4	
Very dissatisfied	5	
Haven't heard of the plan	6	=> Q08
Don't know	8	=> Q08
Refused	9	=> Q08

52: **Q07B**

Downtown Master Plan

To what extent have you participated in the Downtown Master Planning process? Was it to:

inversion -> 5

A great extent	1
Some extent	2
Neither some or a small extent	3
Small extent	4
Have not participated at all in the planning process	5
Don't know	8
Refused	9

53: **Q08**

Dickson Street Improvements

In the past few years, the City rebuilt and repaved Dickson Street, installed new lighting, installed and repaired sidewalks, gutters and curbs, added handicap accessibility features and added new street crossings, signage and landscaping. How much were the changes worth doing:

Very worth doing	1
Worth doing	2
Neither worth doing nor wasteful	3
Wasteful	4
Very wasteful	5
Don't know	8
Refused	9

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54: **Q09**

screen [template 0] ->
Q9_4
Fayetteville has initiated several new programs in the last few years. Please tell me which of the following programs you are aware of?

Not aware of any of these programs

Yes 1
No 2
Don't know 8
Refused 9

55: **Q9_1**

The anti-litter program

Yes 1
No 2
Don't know 8
Refused 9

56: **Q9_2**

Street Improvements

Yes 1
No 2
Don't know 8
Refused 9

57: **Q9_3**

New park programming

Yes 1
No 2
Don't know 8
Refused 9

58: **Q9_4**

Public safety improvements

Yes 1
No 2
Don't know 8
Refused 9

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60: **Q09A**

City program awareness

How effective has the anti-litter program been?

Very effective 1
Effective 2
Neither effective nor ineffective 3
Ineffective 4
Very ineffective 5
Don't know 8
Refused 9

61: **Q09B**

City program awareness

How has the street program changed the quality of your typical ride? Is it:

A lot smoother 1
Smoother 2
The same as before 3
Rougher 4
A lot rougher 5
Don't know 8
Refused 9

62: **Q09C**

City program awareness

How has your use of Fayetteville's parks changed, if at all, as a result of the changes in park programming? Has your park use:

Increased a lot 1
Increased 2
Stayed the same 3
Decreased 4
Decreased a lot 5
Don't know 8
Refused 9

63: **Q09D**

City program awareness

Which of the following public safety services performs the best?

Police 1
Fire 2
Ambulance 3
Don't know ..... 8 => HOU
Refused ..... 9 => HOU

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64: **Q09E**

City program awareness

Which of the following public safety services needs more attention?
élimination -> 3
selon Q09D
Police 1
Fire 2
Ambulance 3
Don't know 8
Refused 9

65: **HOU**

Housing types

Now we're going to do something a bit different. For each of the following types of housing in Fayetteville, please tell me if there are too many, too few or if the number of these housing units is just about right.
Click to continue 1

66: **Q10A**

Housing for first time buyers [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

67: **Q10B**

Condominiums [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing". Definitions: Condominiums are individually owned homes or apartments contained in a multi-unit complex or on land owned commonly by all residents.]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

68: **Q10C**

Apartments [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

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69: **Q10D**

Single family homes [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

70: **Q10E**

Housing for older adults [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

71: **Q10F**

Affordable housing [Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing". Definitions: Affordable housing is housing which costs no more than 30% of a household's annual income.]
Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

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72: **Q11**

Switching gears, I'm about to ask you two questions where you can select all the answers that apply. To start, when you want information from the city, how do you get it? Do you obtain it through:

[Definitions: Personal Contact includes such activities as attending City Council meetings, visiting with Council representatives, attending public meetings, visiting City Hall and talking to neighbors, friends or relatives. Newspapers include the Arkansas Democrat Gazette, the Morning News, the NWA Times, Fayetteville Free Weekly and All About Town among others. Radio includes stations such as KUAF, KKEG, KXNA and others. Government Access Channel (PEG) appears on COX Channel 3 or Channel 18, depending on the subscriber's location in Fayetteville. Its broadcasts include but aren't limited to: Fayetteville City Council Meetings, Fayetteville City Planning Commission Meetings and Washington County Quorum Court. Public Access Television appears on COX Channel 18. It's operated by Community Access Television (CAT), a nonprofit organization under contract with the city of Fayetteville. CAT's purpose is to provide a channel of free expression for every citizen. The city of Fayetteville exercises no editorial control over CAT. Internet includes going to the city website or to other websites. Inserts in utility bills are fliers and handbills included in the utility bills mailed by the City. These inserts inform citizens of changes in policy, suggest energy-saving techniques and other things.]

rotation -> 8

Personal contact 01
Newspapers 02
Radio 03
Public access television (CAT) 04
Government access channel 05
Other television stations 06
Internet 07
Inserts in utility bills 08
I don't seek information from the City 09
Don't know 98
Refused 99

73: **Q12**

How do you communicate with the City? Again, please tell me all the answers that apply. Do you:

rotation -> 7

Attend City Council meetings 01
Visit with City Council representatives 02
Visit with other governmental representatives (eg mayor, city managers) 03
Communicate via telephone 04
Communicate via letter 05
Communicate via e-mail 06
Communicate via the city website 07
Don't contact the city 08
Don't know 98
Refused 99

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74: **Q13**

Fayetteville has grown over the past two years. Would you say that Fayetteville's growth has been:
Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
Don't know 8
Refused 9

75: **Q14**

Fayetteville's business and retail growth has been:
Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
Don't know 8
Refused 9

76: **Q15**

Fayetteville's job growth has been:
Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
One of the above, but they're all minimum wage jobs 6
Don't know 8
Refused 9

77: **MGR**

Now we would like your opinions about some options for managing growth. For each question, please tell me whether you are very supportive, supportive, neither supportive nor unsupportive, unsupportive or very unsupportive of the option.
Click to continue 1

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

78: **Q16**

Some citizens want the City to permit additional development within currently developed areas and others want the City to permit development of current farmland on the edges of the city. Which do you prefer, that the City promote quality development:
rotation -> 2
Within existing neighborhoods consistent with neighborhood plans..... 1
On current farmland consistent with city regulations 2
Neither one 3
Don't know..... 8
Refused 9

79: **Q17**

How supportive or unsupportive are you of the City buying land to preserve open or green spaces? Are you:
Very supportive 1
Supportive..... 2
Neither supportive nor unsupportive 3
Unsupportive 4
Very unsupportive 5
Don't know..... 8
Refused 9

80: **Q18**

How supportive or unsupportive are you for requiring City long-term land use plans?

[Definitions: Long-term land use plans are plans for an area of land that prepares for growth and use of the land over a time span of decades.]
Very supportive 1
Supportive..... 2
Neither supportive nor unsupportive 3
Unsupportive 4
Very unsupportive 5
Don't know..... 8
Refused 9

81: **Q19**

How supportive or unsupportive are you for limiting funding for development to only certain areas of the city?
Very supportive 1
Supportive..... 2
Neither supportive nor unsupportive 3
Unsupportive 4
Very unsupportive 5
Don't know..... 8
Refused 9

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

82: **Q20**

Currently 3/4 of a cent of Fayetteville's sales tax is used for sewer improvement. Do you favor or oppose extending the existing 3/4 cent tax to make other infrastructural improvements?

[Interviewer: If the tax is extended, citizens will not see an increase in their sales tax. This will simply extend the duration of the tax to provide money for other infrastructural improvements such as improving city water services and road maintenance:]

Favor 1
Oppose 2
Unsure 3
Refused 9

83: **Q21**

The City needs to maintain a balanced budget. In order to maintain current city services, which of the following methods do you prefer?

[Interviewer: A voter-approved purpose such as the library]
rotation -> 4 .....
A new special tax dedicated only for a voter-approved purpose 1
Funding the Library from the City's general fund and reducing other city services 2
.....
No additional funding 3
Reduce city services 4
Don't know 8
Refused 9

84: **Q22**

Do you favor or oppose spending additional tax dollars for street improvements?

Favor 1
Oppose 2
Unsure 3
Refused 9

85: **Q23**

For which of the following would you be willing to pay an extra $10.00 to $20.00 per year in taxes?
rotation -> 4 .....
Instituting a smart growth plan for the area 1
Buying land for greenspace that would not be developed 2
Buying land to keep farmland from being developed 3
Buying land for parks 4
Unwilling to pay any additional taxes 5
Don't know 8
Refused 9

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

86: **Q24**

Safety

Is there any area of Fayetteville where you would be afraid to walk alone at night?

Yes 1
No ..... 2 => Q26
Don't know ..... 8 => Q26
Refused ..... 9 => Q26

87: **Q25**

Where?

Enter location here ..... 1 O
Don't know 8
Refused 9

88: **Q26**

Safety

How about at home at night-- do you feel safe and secure, or not?

Yes 1
No 2
Don't know 8
Refused 9

89: **DEMO**

Demographics

We're nearly done. I just need to ask you a few questions to make sure we've talked to a wide variety of people from all over the city.

Click to continue 1

90: **TENU**

Demographics

How long have you lived in Fayetteville?

Less than one year 1
1 to 5 years 2
6 to 10 years 3
11 to 20 years 4
More than 20 years, but not all my life 5
All of my life 6
Don't know 8
Refused 9

91: **STLV**

Demographics

On what street do you live?

Enter street ..... 1 O
Don't know 2
Refused 3

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

92: **CSST**

What is the nearest cross street to your home?
Enter street ..... 1 O
Don't know 8
Refused 9

93: **RESD**

Demographics
Which of these best describes your residence:
One family house detached from any other houses 1
One family house attached to one or more houses 2
A building with two or more apartments 3
Mobile home 4
Other ..... 5 O
Don't know 8
Refused 9

94: **REAS**

Demographics
What is the top reason you choose to live in Fayetteville? I have a list: [Interviewer: if the R gives more than one reason, get the TOP reason.]
Close to family 01
Quality of life 02
Close to work 03
Close to the U of A 04
School quality 05
The weather 06
High value for the tax dollar 07
Recreation opportunities 08
Born here 09
All of the above 10
Other ..... 11 O
Don't know 98
Refused 99

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

95: **WORK**

Demographics

Which of the following best describes you? Are you:

[Interviewer: If the R gives you two answers, ask them which BEST describes them.]
Working full-time (35 hours a week or more) 01
Working part-time 02
Looking for work 03
Student, not working 04
Student, working part-time 05
Student, working full-time 06
A full-time homemaker 07
Retired and work part or full-time 08
Retired and don't work 09
Other ..... 10 O
Don't know 98
Refused 99

96: **CONG**

Demographics

How long, on average, does it take you to get to work (school) one way?
One quarter hour or less (15 minutes or less) 01
Half hour (30 minutes) 02
Three quarters hour (45 minutes) 03
One hour (60 minutes) 04
Hour and 15 minutes (75 minutes) 05
Hour and a half (90 minutes) 06
Hour and three-quarters (105 minutes) 07
Two hours (120 minutes) 08
Two and a quarter hours or more (135 minutes or more) 09
Don't know 98
Refused 99

97: **HISP**

Demographics

Are you Spanish, Hispanic or Latino?

[Definitions: Spanish, Hispanic or Latino describes people of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race (US Census Bureau definition).]
Yes 1
No 2
Don't know 8
Refused 9

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

98: **RACE**

Demographics

What is your race?

White	1	
Black or African-American	2	
Asian or Pacific Islander	3	
American Indian or Alaska native	4	
Other	5	O
Don't know	8	
Refused	9	

99: **EDUC**

Demographics

What is the highest degree or level of school you have completed?

12th grade or less, no diploma	1
High school graduate or GED	2
Some college, no degree	3
Associate degree (eg AA, AS, vocational school, certificate program)	4
Bachelor's degree (eg BA, BS, AB)	5
Graduate or professional degree	6
Don't know	8
Refused	9

100: **VOTE**

Demographics

In 2004, you remember that John Kerry ran for president on the Democratic ticket against George W. Bush for the Republicans. Do you remember for sure whether or not you voted in that election?

Yes, respondent voted in the last presidential election	1
No, respondent didn't vote in the last presidential election	2
Don't know	8
Refused	9

101: **BYEAR**

Demographics

In what year were you born?

Enter year	
Don't know	1898
Refused	1899

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

102: **INCO**

Demographics

How much do you anticipate your household's total income before taxes will be in 2005?

[Interviewer: if the R asks why we need this information, explain that it is only to assure that we spoke to a sufficient number of people of different backgrounds.]

Less than $15,000 1
$15,001 to $25,000 2
$25,001 to $35,000 3
$35,001 to $50,000 4
$50,001 to $75,000 5
$75,001 ti $100,000 6
More than $100,000 7
Don't know 8
Refused 9

103: **GEND**

Demographics

Finally, are you:

Male 1
Female 2
Refused 9

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

~~7-Jun-05~~ July 19, 2005
City Council Meeting Date

Kevin Springer	Budget & Research	Finance & Internal Services
Submitted By	Division	Department

Action Required:

Approval of a proposal from the Survey Research Center (SRC) at the University of Arkansas for the development and implementation of a Citizen's Survey. The cost of the proposal is $29,312.05 with a not-to-exceed cost of $30,000.00.

$29,312.05 (NTE $30,000.00)	$ 25,000.00	Services & Charges
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
1010.6600.5315.00	$ -	Miscellaneous Program
Account Number	Funds Used to Date	Program / Project Category Name
	$ 25,000.00	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — 6-21-05 Date

Previous Ordinance or Resolution # 71-03
Original Contract Date:
Original Contract Number:

City Attorney — 6/22/05 Date

FINANCE AND INTERNAL SERVICES DIRECTOR — 6-23-05 DATE

Mayor — 6/23/05 Date

Received in City Clerk's Office ENTERED 6/22/05

Received in Mayor's Office ENTERED JW 6/23/05

Comments:

Agenda 7-26-05 Meeting

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

9:

Let's start with your assessment of Fayetteville. How would you rate Fayetteville as a place to live? **Q01**

Excellent 1
Good 2
Neither good nor poor 3
Poor 4
Very poor 5
Don't know 8
Refused 9

Old Question

10:

With which one of the following city services are you most satisfied? Interviewer: Read the whole list. **Q2A**

Definitions: Public Safety Services include Animal Control, the Police and Fire Departments, bicycle patrol, the Crime Prevention Unit and the School Resource officers. These services help to ensure that the citizens of Fayetteville can live safely.

Utilities 01
Public Safety Services 02
Transportation 03
Streets 04
Parks and Recreation Services 05
Information Programs 06
Other 07
Don't know 98
Refused 99

Old Question

11:

Here is a second list of city services. With which one of these are you most satisfied? Interviewer: Read the whole list. **Q2B**

Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.

Fayetteville Public Library 01
Growth and Development 02
Surface and Ground water 03
Downtown Fayetteville 04
College Avenue Development 05
Housing 06
A Clean and Green City 07
Other 08
Don't know 98
Refused 99

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

15: **Q03C**

What aspect of transportation needs the most attention?

Ease of car travel in the city	1		=> Q3TX
Ozark Regional Transit/Public transportation	2		=> Q3TX
Razorback Transit	3		=> Q3TX
Alternative transportation such as bicycling and walking	4		=> Q3TX
All of the above aspects of transportation	5		=> Q3TX
Other	6	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

Old Question

Subset Question

16: **Q03D**

What aspect of streets needs the most attention?

Street maintenance	1		=> Q3TX
Cleanliness of streets	2		=> Q3TX
Street repair	3		=> Q3TX
Sidewalk maintenance	4		=> Q3TX
Sidewalk accessibility, such as cut-away curbs	5		=> Q3TX
All of the above aspects of streets	6		=> Q3TX
Other	7	O	=> Q3TX
Don't know	8		=> Q04
Refused	9		=> Q04

Old Question

Subset Question

17: **Q03E**

What aspect of parks and recreation services needs the most attention?

Definitions: Trails pass through corridors of undeveloped land in a city that connect elements of the community such as parks, schools, neighborhoods and shopping centers while offering safe movement to pedestrians. Typically paved and at least 10 feet wide, trails differ from sidewalks in that they pass through more natural settings and don't typically follow the path of traffic.

Development of new parks	01		=> Q3TX
Park maintenance	02		=> Q3TX
Improvement to existing parks	03		=> Q3TX
Recreational facilities	05		=> Q3TX
Recreation for youth	06		=> Q3TX
Recreation for adults	07		=> Q3TX
Concerts in city parks	08		=> Q3TX
Lights of the Ozarks	09		=> Q3TX
All of the above aspects of parks and recreation services	10		=> Q3TX
Other	11	O	=> Q3TX
Don't know	98		=> Q04
Refused	99		=> Q04

Old Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

21:

What aspect of the Fayetteville Public Library needs the most attention?

Q04A

Hours open	01		=> Q4TX
Books available	02		=> Q4TX
Audiovisual items available (eg videos, DVDs, CDs, audiobooks)	03		=> Q4TX
Computer resources available	04		=> Q4TX
Children's and teen programs and services	05		=> Q4TX
Adult programs and services	06		=> Q4TX
Availability of branch libraries	07		=> Q4TX
All of the above aspects of the Fayetteville Public Library	08		=> Q4TX
Other	09	O	=> Q4TX
Don't know	98		=> Q05
Refused	99		=> Q05

Old Question

Subset Question

22:

What aspect of growth and development needs the most attention?

Q04B

Stricter development standards	1		=> Q4TX
Lower development standards	2		=> Q4TX
Limiting growth	3		=> Q4TX
Promoting growth	4		=> Q4TX
More environmental protection	5		=> Q4TX
Less environmental protection	6		=> Q4TX
Other	7	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

Old Question

Subset Question

23:

What aspect of ground and surface water needs the most attention?

Q04C

Water quality	1		=> Q4TX
Storm drainage	2		=> Q4TX
Flood control	3		=> Q4TX
All of the above aspects of water	4		=> Q4TX
Other	5	O	=> Q4TX
Don't know	8		=> Q05
Refused	9		=> Q05

Old Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
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28: **Q04H**

Which section of College Avenue needs the most attention?
Interviewer: Don't read "All of College Avenue needs improvement". Use landmarks if needed: Mountain St.: Mountain Inn & Old Courthouse Maple: Papa John's Pizza Sycamore: Traffic light north of McDonald's Rolling Hills: Fiesta Square Shopping Center Zion Rd.: NWA Mall & Lowe's

Mountain to Maple Street 1
Maple to Sycamore Street 2
Sycamore Street to Rolling Hills Boulevard 3
Rolling Hills Boulevard to Zion Road 4
All of College Avenue needs improvement 5
Don't know 8
Refused 9

New Question

Subset Question

29: **Q04I**

Which aspect of the <Q04H> section of College Avenue needs the most attention?

Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention.
Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.

Planting more trees on the streets 1
Landscaping improvements other than trees 2
Sidewalks 3
Crosswalks 4
The center turn lane, at intersections 5
Don't know 8
Refused 9

New Question

Subset Question

30: **Q4TX**

In order to address <Q04>, would you be willing to pay additional taxes?

Yes 1
Maybe 2
No 3
Don't know 8
Refused 9

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

34: **Q05C**

To improve South Fayetteville, which would you most prefer?

Develop affordable single family housing, including condominiums	1	=> Q5TX
Develop new parks	2	=> Q5TX
Improve existing parks	3	=> Q5TX
Redevelop industrial areas for non-industrial uses	4	=> Q5TX
Develop sidewalks	5	=> Q5TX
Improve South School Avenue	6	=> Q05H
Don't know	8	=> Q06
Refused	9	=> Q06

Old Question

Subset Question

35: **Q05D**

In order to improve mobility and street quality, which would you most prefer?

Definition: Improve traffic flow may include improving conditions of streets, widening the major streets that already exist, adding new streets, adding stop signs or stop lights and/or adjusting speed limits to reduce travel time and congestion and to improve safety.

Develop more sidewalks	1	=> Q5TX
Protect neighborhoods from traffic impacts	3	=> Q5TX
Develop improved public transportation	4	=> Q5TX
Improve traffic flow	5	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

Old Question

Subset Question

36: **Q05E**

To enhance the beauty of Fayetteville, which would you most prefer?

Definitions: Streetscapes involve construction of enhancements to a street to improve the overall appearance and make it more appealing (eg brick crosswalks like those on Dickson Street). Gateways are entrances to a city from a major road or highway (eg interchange on Interstate 540 at the Fayetteville Business District exit near the NW Arkansas Mall.

Improve appearances of major corridors such as College Avenue	1	=> Q5TX
Preserve hillsides	2	=> Q5TX
Improve quality of parks throughout the city	3	=> Q5TX
Preserve trees	4	=> Q5TX
Enforce codes such as less trash on streets and integrity of structures	5	=> Q5TX
Create more attractive streetscapes and gateways or entrances	6	=> Q5TX
Enact a rental property inspection program	7	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

Old Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
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Sidewalks 3
Crosswalks 4
The center turn lane at intersections 5
Don't know 8
Refused 9

New Question

Subset Question

40: **Q5TX**

In order to address <Q05>, would you be willing to pay additional taxes?

Yes 1
Maybe 2
No 3
Don't know 8
Refused 9

Old Question

41: **Q06**

Of the remaining goals for the City of Fayetteville, which is the most important to you?

Definitions: Downtown Fayetteville includes the region of Fayetteville bordered by College Avenue and Arkansas Avenue on the east and west and Maple Street and Sixth Street on the north and south.

Planned and managed growth ..... 1 => Q06A
Development of Downtown Fayetteville ..... 2 => Q06B
Development of College Avenue ..... 3 => Q06F
Development of South Fayetteville ..... 4 => Q06G
Improved mobility and street quality ..... 5 => Q06D
A beautiful city- clean and green ..... 6 => Q06E
Don't know ..... 8 => Q07A
Refused ..... 9 => Q07A

Old Question

42: **Q06A**

Which method of managing growth would you most prefer?

Quality development within existing neighborhoods consistent with neighborhood plans ..... 1 => Q6TX
Develop affordable housing ..... 2 => Q6TX
Upgrade infrastructure such as streets and utilities in older parts of Fayetteville ..... 3 => Q6TX
Growth paying for growth- continued use of fees on new construction to pay for needed infrastructure ..... 4 => Q6TX
New planning standards and/or regulations to support alternative development ..... 5 => Q6TX
Don't know ..... 8 => Q07A
Refused ..... 9 => Q07A

Old Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
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interchange on Interstate 540 at the Fayetteville Business District exit near the NW Arkansas Mall.

Improve appearances of major corridors such as College Avenue 1	=> Q6TX	**Old Question**
Preserve hillsides 2	=> Q6TX	
Improve quality of parks throughout the city 3	=> Q6TX	
Preserve trees 4	=> Q6TX	**Subset Question**
Enforce codes such as less trash on streets and integrity of structures ... 5	=> Q6TX	
Create more attractive streetscapes and gateways or entrances 6	=> Q6TX	
Enact a rental property inspection program 7	=> Q6TX	
Don't know 8	=> Q07A	
Refused 9	=> Q07A	

47: **Q06F**

Which section of College Avenue needs the most attention?

Interviewer: Don't read "All of College Avenue needs improvement". Use landmarks if needed: Mountain St.: Mountain Inn & Old Courthouse Maple: Traffic light, Pizza Shop, Frame Shop Sycamore: Traffic light north of McDonald's Rolling Hills: Fiesta Square Shopping Center Zion Rd.: NWA Mall & Lowe's

Mountain to Maple Street 1	**New Question**
Maple to Sycamore Street 2	
Sycamore Street to Rolling Hills Boulevard 3	
Rolling Hills Boulevard to Zion Road 4	**Subset Question**
All of College Avenue needs improvement 5	
Don't know 8	
Refused 9	

48: **Q06G**

Which aspect of the <Q06F> section of College Avenue needs the most attention?

Interviewer: If the R tries to choose more than one response or says "all of those" ask them to choose the aspect that needs the most attention.
Definitions: Landscape improvements other than trees means weed removal, planting bushes and flowers, etc.

Planting more trees on the streets 1	=> Q6TX	**New Question**
Landscaping improvements other than trees 2	=> Q6TX	
Sidewalks 3	=> Q6TX	
Crosswalks 4	=> Q6TX	**Subset Question**
The center turn lane at intersections 5	=> Q6TX	
Don't know 8	=> Q07A	
Refused 9	=> Q07A	

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52: **Q07B**

Downtown Master Plan

To what extent have you participated in the Downtown Master Planning process? Was it to:

A great extent 1
Some extent 2
Neither some or a small extent 3
Small extent 4
Have not participated at all in the planning process 5
Don't know 8
Refused 9

New Question

53: **Q08**

Dickson Street Improvements

In the past few years, the City has rebuilt and repaved Dickson Street, installed new lighting, installed and repaired sidewalks, gutters and curbs, added handicap accessibility features and added new street crossings, signage and landscaping. How much were the changes worth doing:

Very worth doing 1
Worth doing 2
Neither worth doing nor wasteful 3
Wasteful 4
Very wasteful 5
Don't know 8
Refused 9

New Question

54: **Q09**

Fayetteville has initiated several new programs in the last few years. Please tell me which of the following programs you are aware of?

Not aware of any of these programs
Yes 1
No 2
Don't know 8
Refused 9

New Question

55: **Q9_1**

The anti-litter program
Yes 1
No 2
Don't know 8
Refused 9

New Question

56: **Q9_2**

Street Improvements
Yes 1

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
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July 7, 2005

62: **Q09C**

City program awareness

How has your use of Fayetteville's parks changed, if at all, as a result of the changes in park programming? Has your park use:

Increased a lot 1
Increased 2
Stayed the same 3
Decreased 4
Decreased a lot 5
Don't know 8
Refused 9

New Question

Subset Question

63: **Q09D**

City program awareness

Which of the following public safety services performs the best?

Police 1
Fire 2
Ambulance 3
Don't know ..... 8 => HOU
Refused ..... 9 => HOU

New Question

Subset Question

64: **Q09E**

City program awareness

Which of the following public safety services needs more attention?

Police 1
Fire 2
Ambulance 3
Don't know 8
Refused 9

New Question

Subset Question

65: **HOU**

Housing types

Now we're going to do something a bit different. For each of the following types of housing in Fayetteville, please tell me if there are too many, too few or if the number of these housing units is just about right.

Old Question

Citizens' Survey Draft – Substantive Questions
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70: **Q10E**

Housing for older adults.

Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".

Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

Old Question

71: **Q10F**

Affordable housing

Interviewer: if the R seems hesitant repeat, "Are there too many, too few or just about the right amount of this type of housing".

Definitions: Affordable housing is housing which costs no more than 30% of a household's annual income.

Too many 1
Too few 2
Just about the right amount 3
Don't know 8
Refused 9

Old Question

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City of Fayetteville
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74:

Fayetteville has grown over the past two years. Would you say that Fayetteville's population growth has been:

Q13

Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
Don't know 8
Refused 9

Old Question

75:

Fayetteville's business and retail growth has been:

Q14

Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
Don't know 8
Refused 9

Old Question

76:

Fayetteville's job growth has been:

Q15

Much too slow 1
Somewhat too slow 2
The right amount 3
Somewhat too fast 4
Much too fast 5
One of the above, but they're all minimum wage jobs 6
Don't know 8
Refused 9

Old Question

77:

Now we would like your opinions about some options for managing growth.

MGR

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

82: **Q20**

Currently 3/4 of a cent of Fayetteville's sales tax is used for sewer improvement. Do you favor or oppose extending the existing 3/4 cent tax to make other infrastructural improvements?

Interviewer: If the tax is extended, citizens will not see an increase in their sales tax. This will simply extend the duration of the tax to provide money for other infrastructural improvements such as improving city water services and road maintenance.

Favor 1
Oppose 2
Unsure 3
Refused 9

New Question

83: **Q21**

The City needs to maintain a balanced budget. In order to maintain current city services, which of the following methods do you prefer?

Interviewer: A voter-approved purpose such as the library

A new special tax dedicated only for a voter-approved purpose 1
Funding the Library from the City's general fund and reducing other city services 2
No additional funding 3
Reduce city services 4
Don't know 8
Refused 9

New Question

84: **Q22**

Do you favor or oppose spending additional tax dollars for street improvements?

Favor 1
Oppose 2
Unsure 3
Refused 9

New Question

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City of Fayetteville
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90: **TENU**

Demographics

How long have you lived in Fayetteville?

Less than one year 1
1 to 5 years 2
6 to 10 years 3
11 to 20 years 4
More than 20 years, but not all my life 5
All of my life 6
Not applicable 7
Don't know 8
Refused 9

Old Question

91: **STLV**

Demographics

On what street do you live?

Enter street ..... 1 O
Not applicable .....
Don't know 2
Refused 3

Old Question

92: **CSST**

What is the nearest cross street to your home?

Enter street ..... 1 O
Not applicable 2
Don't know 8
Refused 9

Old Question

93: **RESD**

Demographics

Which of these best describes your residence

One family house detached from any other houses 1
One family house attached to one or more houses 2
A building with two or more apartments 3
Mobile home 4
Other ..... 5 O
Not applicable 6
Don't know 8
Refused 9

Old Question (slightly reworded the question)

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

96: **CONG**

Demographics

How long, on average, does it take you to get to work (school) one way?

One quarter hour or less (15 minutes or less) 01
Half hour (30 minutes) 02
Three quarters hour (45 minutes) 03
One hour (60 minutes) 04
Hour and 15 minutes (75 minutes) 05
Hour and a half (90 minutes) 06
Hour and three-quarters (105 minutes) 07
Two hours (120 minutes) 08
Two and a quarter hours or more (135 minutes or more) 09
Not applicable 10
Don't know 98
Refused 99

Old Question (slightly reworded answers for clarification)

97: **HISP**

Demographics

Are you Spanish, Hispanic or Latino?

Definitions: Spanish, Hispanic or Latino describes people of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin, regardless of race (US Census Bureau definition).

Yes 1
No 2
Not applicable 3
Don't know 8
Refused 9

Old Question

98: **RACE**

Demographics

What is your race?

White or Caucasian 1
Black or African-American 2
Asian or Pacific Islander 3
American Indian or Alaska native 4
Other ..... 5 O
Not applicable 6
Don't know 8
Refused 9

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

102: **INCO**

Demographics

How much do you anticipate your household's total income before taxes will be in 2005?

Interviewer: if the R asks why we need this information, explain that it is only to assure that we spoke to a sufficient number of people of different backgrounds.

Less than $15,000	1
$15,001 to $25,000	2
$25,001 to $35,000	3
$35,001 to $50,000	4
$50,001 to $75,000	5
$75,001 ti $100,000	6
More than $100,000	7
Don't know	8
Refused	9

Old Question

103: **GEND**

Demographics

Finally, are you:

Male	1
Female	2
Refused	9

Old Question

Fayetteville

City Council Meeting of ~~July 19~~, 2005

CITY COUNCIL AGENDA MEMO

August 2

To: Mayor and City Council

From: Bob Davis, P.E., Water & Wastewater Director

Date: July 1, 2005

Subject: Approval of a contract amendment for ECO, Inc. to provide Construction Phase Services dealing with the regulatory and environmental services for construction and post-construction activities associated with all WSIP projects.

RECOMMENDATION: I recommend approval of this contract amendment. This recommendation was preceded by a thorough review of proposed tasks presented by ECO, Inc. including an intense question and answer session, negotiation and refinement, and finally, revision of their preliminary proposal. A detailed breakdown of tasks and estimated hours for each task are provided. ECO, Inc. has played the primary role in defining regulatory and environmental requirements for the WSIP work. Approval of this contract amendment will provide the City with continuation of responsible charge and subsequent engineering responsibility by a single, consistent entity (ECO, Inc.). ECO, Inc.'s regulatory and environmental services regarding the WSIP have been conducted in a timely, professional manner and we have every reason to believe that this track record will continue throughout construction and post-construction phase activities.

BACKGROUND: As part of the Wastewater Systems Improvement Project (WSIP) the City of Fayetteville has undertaken a major renovation and expansion of their existing wastewater facilities including treatment and collection. These improvements have required definition of environmental and regulatory concerns and subsequent permitting. The proposed services will provide assurance that permit requirements are met and that wetland mitigation and site restoration is in compliance with permit requirements.

DISCUSSION: ECO, Inc. has played a primary role in all regulatory and environmental aspects of the WSIP to date. They have provided thorough and dependable services to provide environmental and regulatory liability minimization tools to protect the City.

BUDGET IMPACT: Payment for construction phase services offered by ECO, Inc. will be from the 3/4 –cent sales tax bond election held on November 6, 2001 for the Wastewater System Improvements Project. Funding through the Arkansas Soil and Water Conservation Commission will not be used to fund this expense. The $658,161.00 requested for these services is 0.53% of the $125,000,000.00 budget allocated for the Wastewater System Improvements Project.

Moved to August 2, 2005
Meeting at Agenda Session
on 7/12/05

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT No. 2 TO THE CONTRACT WITH ECO, INC. IN THE AMOUNT OF $598,329.00 TO PROVIDE CONSTRUCTION PHASE SERVICES FOR ALL WASTEWATER SYSTEM IMPROVEMENTS PROJECTS (WSIP); AND APPROVING A 10% PROJECT CONTINGENCY IN THE AMOUNT OF $59,832.00.

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. 2 to the contract with ECO, Inc. in the amount of $598,329.00 to provide Construction Phase Services for all Wastewater System Improvements Projects (WSIP).

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a 5% project contingency in the amount of $59,832.00.00.

PASSED and **APPROVED** this 19th day of July, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

AMENDMENT NO. 2
TO
AGREEMENT FOR - ENVIRONMENTAL CONSULTING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
ENVIRONMENTAL CONSULTING OPERATIONS, INCORPORATED
BENTON, ARKANSAS

WHEREAS, On September 16, 2003 the City of Fayetteville, Arkansas (**FAYETTEVILLE**) and Environmental Consulting Operations, Inc. of Benton, Arkansas (**ECO**) entered into an agreement for environmental consulting services in connection with the Wastewater System Improvement Project (**Project**). Scope of services being provided includes environmental consultant services related to various environmental permits, best management practices for construction and wetland mitigation activities, and

WHEREAS, **ECO** has proceeded with these services in accordance with the scope set forth in the agreement, and

WHEREAS, Amendment No. 1 to the agreement included environmental consultant services in connection with **INTERCEPTOR SEWER REALIGNMENT-SPRINGWOODS SUBDIVISION**; and

WHEREAS, **FAYETTEVILLE** requests the scope of **ECO's** services be amended to include **"CONSTRUCTION/POST CONSTRUCTION PHASE ENVIRONMENTAL CONSULTING SERVICES"**; and

WHEREAS, **ECO** agrees to provide amended scope of services on an hourly rate basis with a not-to-exceed additional cost of Five Hundred Ninety-Eight Thousand Three Hundred and Twenty-Nine U.S. Dollars (US $598,329).

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, **FAYETTEVILLE** and **ECO**, the parties hereto, stipulate and agree that the Agreement for Environmental Consulting Services dated September 16, 2003, is hereby amended in the following particulars:

SECTION 1 - AUTHORIZATION OF SERVICES

1.1 Services on any assignment shall be undertaken only upon written Authorization of **FAYETTEVILLE** and agreement of **ECO.**

1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of **ECO.**

1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF ECO

2.1 General

2.1.1 Perform environmental consulting services in connection with the Project as hereinafter stated, which shall include normal environmental consulting services incidental thereto.

2.1.1.1 The Scope of Services to be furnished by **ECO** during the Construction Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.

2.1.1.2 The Scope of Services to be furnished by **ECO** during the Post-Construction Phase, if any, will be finalized and contained in an amendment to this Agreement prior to commencement of the Post-Construction Phase.

2.1.1.3 The preliminary Scope of Services to be furnished by **ECO** for Resident Services During Construction, if any, will be finalized and contained in an amendment to this Agreement prior to commencement of the Construction Phase.

2.1.2 The environmental consulting services to which this Agreement applies are a part of the Wastewater System Improvement Project. **ECO** shall coordinate their activities and services primarily with **FAYETTEVILLE** Water and Wastewater Director and all other parties that **FAYETTEVILLE** may contract with for program management or professional design services as a part of the Wastewater System Improvement Project.

2.2 Construction Phase

2.2.1 Conduct periodic visual on-site observations of construction activities to evaluate implementation of Best Management Practices (BMPs) and regulatory compliance status of activities conducted by Contractors and develop written reports to document observations and provide recommendations to applicable Design Professionals and **FAYETTEVILLE**, and assist Design Professionals in the preparation of other related documents pertaining to environmental regulatory issues, as described in Appendix A of this Agreement.

2.2.1.1 Text documents shall be provided to **FAYETTEVILLE** in Microsoft® Word, Microsoft Excel, and Adobe PDF version 2004 software.

2.2.1.2 When requested by **FAYETTEVILLE's** Water and Wastewater Director, prepare for and attend up to four City Council meetings to provide periodic updates on the progress of the environmental regulatory program.

2.2.2 Prepare technical criteria and written descriptions to address environmental regulatory compliance status or requests for information by governmental authorities having jurisdiction to review or approve the environmental regulatory permitting of the Project. Assist **FAYETTEVILLE** in consultations with appropriate authorities.

2.2.3 Furnish Design Professionals with applicable environmental regulatory documents, specific to their scopes of work.

2.2.3.1 Fully disclose all subcontract agreements including the name and address of the subconsultant, the scope of services to be provided and the value of the subcontract agreement.

2.2.4 Render monthly work progress reports to **FAYETTEVILLE** and confirm status of compliance with environmental regulatory compliance schedule.

2.2.5 Provide to the **FAYETTEVILLE** in a format mutually acceptable to the **FAYETTEVILLE** and **ECO** such schedules, reports, project summaries, and other data as may be required, for posting by others on a project web site to allow the public to monitor and review the activities, materials, and financial status of the project. Refresh the data supplied to the **FAYETTEVILLE** no more frequently than monthly.

2.2.6 Arrange for applicable environmental regulatory permit requirements to be sent to project Design Professionals who will be performing Construction Phase services and preparing notices to be sent to Contractors.

2.2.7 **FAYETTEVILLE** shall organize, convene and conduct Pre-Bid Conferences. **ECO** shall not be required to attend the Pre-Bid Conferences. As needs arise for further explanations of the environmental regulatory requirements or as questions are posed from prospective bidders, **FAYETTEVILLE** will communicate such issues to directly to **ECO**. **ECO** shall consider the questions received and provide the necessary clarifications and changes to **FAYETTEVILLE** for dissemination to concerned parties.

2.2.8 **FAYETTEVILLE** and applicable Design Professional shall organize, convene and conduct Pre-Construction Conferences. **ECO** shall attend the Pre-Construction Conferences and provide both written and oral presentation of contract environmental regulatory requirements. **ECO** shall consider the questions received from successful bidders, both during and after Pre-Construction Conferences and provide the necessary clarifications and answers to **FAYETTEVILLE** for dissemination to concerned parties.

2.2.9 See Appendix A for additional services or clarification of services to be provided by ECO.

2.3 Post-Construction Phase

2.3.1 The scope of Post-Construction Phase Services, if any, will be negotiated prior to commencement of the Post-Construction Phase.

2.4 Resident Services During Construction

2.4.1 The scope of Resident Services During Construction, if any, will be negotiated prior to commencement of the Construction Phase.

SECTION 3 - ADDITIONAL SERVICES OF ECO

3.1 General

If authorized in writing by the **FAYETTEVILLE** Mayor and the City Council and agreed to in writing by **ECO, ECO** shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Furnishing renderings or Project documents concerning construction costs for **FAYETTEVILLE's** use.

3.1.2 Miscellaneous Studies

Investigations, studies, or surveys for wetland mitigation on real property other than the West Side Wastewater Treatment facility property currently owned by **FAYETTEVILLE.**

3.1.3 Preparing to serve or serving as a witness for **FAYETTEVILLE** in any litigation or other proceeding involving the Project.

3.1.4 Extra Services

3.1.4.1 Services not specifically defined heretofore that may be authorized by **FAYETTEVILLE.**

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond **ECO's** control, **ECO** shall notify **FAYETTEVILLE** and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If **FAYETTEVILLE** deems that such services described in 3.2 are not required, **FAYETTEVILLE** shall give prompt written notice to **ECO**. If **FAYETTEVILLE** indicates in writing that all or parts of such Contingent Additional Services are not required, **ECO** shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by **FAYETTEVILLE**, including revisions to drawings, specifications, or other documents made necessary by adjustments in **FAYETTEVILLE's** program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF FAYETTEVILLE

FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of **ECO**:

4.1 Provide full information as to **FAYETTEVILLE's** requirements for the Project.

4.2 Assist **ECO** by placing at **ECO's** disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

4.3 Guarantee access to and make all provisions for **ECO** to enter upon public and private property as required for **ECO** to perform his services under this Agreement.

4.4 Examine all studies, reports, sketches, cost opinions, construction reports, drawings, proposals, and other documents presented by **ECO** and render in writing decisions pertaining thereto.

4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.

4.6 Designate in writing a person to act as **FAYETTEVILLE's** representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define **FAYETTEVILLE's** policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

4.7 Give prompt written notice to **ECO** whenever **FAYETTEVILLE** observes or otherwise becomes aware of any defect in the Project.

4.8 Furnish approvals, correspondence, Notices of Violation, and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.

4.9 Pay for placement of legal notices and advertisements in newspapers or other publications required by program requirements of the Wastewater System Improvement Project.

4.10 Furnish, or direct **ECO** to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.

4.11 If **FAYETTEVILLE's** standard bidding requirements, Agreement forms and General Conditions are to be used, **FAYETTEVILLE** shall provide copies of such documents for **ECO's** use in coordinating the Contract Drawings and Specifications.

4.12 **FAYETTEVILLE** and/or its representative will review all documents and provide written comments to **ECO** in a timely manner.

SECTION 5 - PERIOD OF SERVICE

5.1 This Agreement will become effective upon the first written notice by **FAYETTEVILLE** authorizing services hereunder.

5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. **ECO** will proceed with providing the authorized services immediately upon receipt of written authorization

from **FAYETTEVILLE.** Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

SECTION 6 - PAYMENTS TO ECO

6.1 Compensation

6.1.1 Construction Phase Services

For the Scope of Services during the Construction Phase described herein, **FAYETTEVILLE** shall pay **ECO** the sum of the following:

6.1.1.1 For time expended by personnel, payment at the hourly rates indicated in the attached "Schedule of Hourly Professional Service Billing Rates". Such rates include overhead and profit. The schedule is effective January 1, 2005, and will be revised annually.

6.1.1.2 For outside expenses incurred by **ECO**, such as authorized travel and subsistence, including airfare, food, lodging, automobile rental, commercial services, courier deliveries, and incidental expenses, the cost to **ECO**.

6.1.1.3 The total payment for the Basic Scope of Services described in Appendix A is estimated to be Five Hundred Ninety-Eight Thousand Three Hundred and Twenty-Nine U.S. Dollars (US $598,329), but is not a guaranteed maximum. The total payment is based on expending no more than 4,905 person-hours.

6.1.1.4 Subject to the City Council approval, adjustment of the not-to-exceed amount may be made should **ECO** establish and **FAYETTEVILLE** agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if **FAYETTEVILLE** decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

6.2 Statements

6.2.1 Monthly statements for each calendar month shall be submitted to **FAYETTEVILLE** or such parties as **FAYETTEVILLE** may designate for Construction Phase services consistent with **ECO's** normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by **ECO** and approved by **FAYETTEVILLE.** Applications for payment shall be accompanied each month by the updated project progress report as the basis for determining the value earned as the work is accomplished. Final payment for Construction Phase services shall be made upon **FAYETTEVILLE's** approval and acceptance with the satisfactory completion of the Construction Phase for the Project.

6.2.2 Statements and updated environmental regulatory compliance status report for each calendar month will be submitted in electronic format simultaneously to **FAYETTEVILLE,** followed by signed original document to **FAYETTEVILLE.** Statements will be based on **ECO's** estimated percent of services completed at the end of the preceding month, and justified by the updated monthly project progress report.

6.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of **ECO's** statement is disputed by **FAYETTEVILLE,** the undisputed portion shall be paid by **FAYETTEVILLE** by the due date. **FAYETTEVILLE** shall advise **ECO** in writing of the basis for any disputed portion of any statement. **FAYETTEVILLE** will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, **ECO** shall execute and deliver to **FAYETTEVILLE** a release of all claims against **FAYETTEVILLE** arising under or by virtue of this Agreement, except claims which are specifically exempted by **ECO** to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of **FAYETTEVILLE's** claims against **ECO** or his sureties under this Agreement or applicable performance and payment bonds, if any.

6.4.1 Post-Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions prior to commencement of Post-Construction Phase Services.

6.4.2 Resident Services During Construction

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions prior to commencement of Resident Services During Construction.

6.4.2 Additional Services

For authorized Additional environmental consulting services under Section 3, "Additional Services", compensation to **ECO** shall be negotiated at the time Additional Services are authorized.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, **ECO** will maintain (in United States Dollars) the following minimum insurance coverages:

Type of Coverage	Limits of Liability
Workers' Compensation	Statutory
Employers' Liability	$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	$1,000,000 Combined Single Limit
Professional Liability Insurance	$1,000,000 Each Claim

ECO will provide to **FAYETTEVILLE** certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

7.1.2 Construction Contractors shall be required to provide (or **FAYETTEVILLE** may provide) Owner's Protective Liability Insurance naming **FAYETTEVILLE** as a Named Insured and **ECO** as additional insured, or, to endorse **FAYETTEVILLE**, and **ECO** as additional

insureds on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to **FAYETTEVILLE**, and **ECO**. All contract insurance carriers shall be required to list **FAYETTEVILLE**, Arkansas Soil and Water Conservation Commission, and **ECO** as certificate holders, furnishing copies of the contractor's insurance certificate to each party

7.1.3 **FAYETTEVILLE** and **ECO** waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of **ECO's** services. All construction Contractors shall be required to provide waivers of subrogation in favor of **FAYETTEVILLE** and **ECO** for damage or liability covered by any construction Contractor's policy of insurance.

7.1.4 Neither the professional activities of **ECO**, nor the presence of **ECO** or **ECO's** employees and subconsultants at a construction site, shall relieve the Contractors and any other entity of their obligation, duties, and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and any health or safety precautions required by the regulatory agencies. **ECO** and **ECO's** personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their scope of work or any health or safety precautions. **FAYETTEVILLE** agrees that the construction contractors are solely responsible for jobsite safety, and warrants that this intent shall be made evident in **FAYETTEVILLE'S** agreement with all contractors. **FAYETTEVILLE** also agrees that **FAYETTEVILLE, ECO** and **ECO's** subconsultants shall be indemnified and shall be made additional insureds under the construction contractor's general liability insurance policy.

7.1.5 **ECO** will not possess broad responsibilities in relation to construction activities, including both contractual and de facto authority over the work of the trade contractors; and, will not be directly and substantially engaged in activities that were integrally connected with safety issues, notwithstanding contract language expressly disclaiming safety responsibility.

7.1.6 **FAYETTEVILLE** agrees that **ECO** will not be responsible for any damages caused by surface excavations or subsurface penetrations for surface and underground improvements performed by others.

7.1.7 It is acknowledged by **FAYETTEVILLE** that **ECO's** scope of services does not include any services related to asbestos or hazardous or toxic materials. In the event that **ECO** or any other party encounters asbestos or hazardous or toxic materials at the jobsite, or should it become known in any way that such materials may be present at the jobsite or any adjacent areas that may effect the performance of **ECO's** services, **ECO** may, at **ECO's** option and without liability for consequential or any other damages, suspend performance of services on the project until **FAYETTEVILLE** retains appropriate specialist consultant(s) or contractor(s) to identify, abate and/or remove the asbestos or hazardous or toxic materials, and warrant that the jobsite is in full compliance with applicable laws and regulations.

7.1.8 **FAYETTEVILLE**, and **ECO** waive all rights against each other and their officers, directors, agents, or employees for property damage covered by property insurance during and after the completion of **ECO's** services. All construction Contractors shall be required to provide waivers of subrogation in favor of **FAYETTEVILLE** and **ECO** for damage or liability covered by any construction Contractor's policy of insurance. In addition, a provision similar to this shall be incorporated into all Construction Subcontracts entered into by construction Contractors and subcontractors with waivers of subrogation in favor of **FAYETTEVILLE** and **ECO** for damage or liability covered by any construction Contractor's or subcontractor's policy of insurance.

7.2 Professional Responsibility

7.2.1 **ECO** will exercise reasonable skill, care, and diligence in the performance of **ECO's** services and will carry out its responsibilities in accordance with customarily accepted environmental consulting services ordinarily exercised by members of the same profession currently practicing under similar circumstances. **FAYETTEVILLE** will promptly report to **ECO** any defects or suspected defects in **ECO's** services of which **FAYETTEVILLE** becomes aware, so that **ECO** can take measures to minimize the consequences of such a defect. **FAYETTEVILLE** and **ECO** further agree to impose a similar notification requirement on all construction contractors in the Bid Documents and shall require all subcontracts at any level to contain a like requirement. **FAYETTEVILLE** retains all remedies to recover for its damages caused by any negligence of **ECO**.

7.2.2 In addition **ECO** will be responsible to **FAYETTEVILLE** for damages caused by its negligent conduct during its activities at the Project Site to the extent covered by **ECO's**

Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.2.3 **ECO** has no control of any regulatory control authority's subjectiveness in regulatory interpretations, the dynamics of environmental regulations, nor the retroactiveness thereof. Additionally, **ECO** has no control over any Contractor's implementation of BMPs or compliance status and is therefore not responsible for maintaining compliance with terms and conditions of any environmental regulatory permit. Observations and recommendations made by **ECO** in no way guarantees or warranties compliance with environmental regulatory requirements.

7.2.4 **ECO** shall visit the project site at appropriate intervals during construction to become generally familiar with the progress and quality of the Contractors' work to determine if the work is proceeding in general conformance with the applicable sections of the Bid Documents pertaining to environmental regulatory requirements. **FAYETTEVILLE** has not retained **ECO** to make detailed inspections or to provide exhaustive or continuous project review and observation services. **ECO** does not guarantee the performance of, and shall have no responsibility for, the acts or omissions of any Contractor, subcontractor, supplier, or any other entity furnishing materials or performing any work on the project

7.2.5 If **ECO** for any reason does not complete the scope of services contemplated by this Agreement, **ECO** cannot be responsible for the accuracy, completeness, or workability of the any Bid Documents or Construction Phase documents prepared by **ECO**, if used, changed, or completed by another party. Accordingly, **FAYETTEVILLE** agrees to the fullest extent permitted by law, to indemnify and hold **ECO** harmless from any claim, liability, or cost (including reasonable attorney's fees and defense costs) for injury or loss arising or allegedly arising from such use, completion or any unauthorized changes made by any party to any document prepared by **ECO**.

7.3 Changes

FAYETTEVILLE shall have the right to make changes within the general scope of **ECO's** services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of **FAYETTEVILLE** and the President of **ECO**.

7.4 Termination

7.4.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.4.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.4.1.2 An opportunity for consultation with the terminating party prior to termination.

7.4.2 This Agreement may be terminated in whole or in part in writing by **FAYETTEVILLE** for its convenience, provided that **ECO** is given:

7.4.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.4.2.2 An opportunity for consultation with the terminating party prior to termination.

7.4.3 If termination for default is effected by **FAYETTEVILLE**, an equitable adjustment in the price provided for in this Agreement shall be made, but

7.4.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,

7.4.3.2 Any payment due to **ECO** at the time of termination may be adjusted to cover any additional costs to **FAYETTEVILLE** because of **ECO's** default.

7.4.4 If termination for default is effected by **ECO**, or if termination for convenience is effected by **FAYETTEVILLE**, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to **ECO** for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by **ECO** relating to commitments which had become firm prior to the termination.

7.4.5 Upon receipt of a termination action under Paragraphs 7.4.1 or 7.4.2 above, **ECO** shall:

7.4.5.1 Promptly discontinue all affected work (unless the Notice directs otherwise),

7.4.5.2 Deliver or otherwise make available to **FAYETTEVILLE** all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by **ECO** in performing this Agreement, whether completed or in process.

7.4.6 Upon termination under Paragraphs 7.4.1 or 7.4.2 above **FAYETTEVILLE** may take over the work and may award another party an agreement to complete the work under this Agreement.

7.4.7 If, after termination for failure of **ECO** to fulfill contractual obligations, it is determined that **ECO** had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of **FAYETTEVILLE**. In such event, adjustments of the agreement price shall be made as provided in Paragraph 7.4.4 of this clause.

7.5 Delays

In the event the services of **ECO** are suspended or delayed by **FAYETTEVILLE** or by other events beyond **ECO's** reasonable control, **ECO** shall be entitled to additional compensation and time for reasonable costs incurred by **ECO** in temporarily closing down or delaying the Project.

7.6 Rights and Benefits

ECO's services will be performed solely for the benefit of **FAYETTEVILLE** and not for the benefit of any other persons or entities.

7.7 Dispute Resolution

7.7.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between **FAYETTEVILLE** and **ECO** which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of **FAYETTEVILLE** or **ECO** in the performance of this Agreement, and disputes concerning payment.

7.7.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.7.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of

proper jurisdiction, until the procedures in Paragraphs 7.7.3 and 7.7.4 have been complied with.

7.7.3 Notice of Dispute

7.7.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

7.7.3.2 For disputes arising within one year after the making of final payment, **FAYETTEVILLE** shall give **ECO** written Notice at the address listed in Paragraph 7.12 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.7.4 Negotiation: Within seven days of receipt of the Notice, **FAYETTEVILLE** and **ECO** shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of **ECO** and the Mayor of **FAYETTEVILLE** or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.8 **FAYETTEVILLE** represents that it has sufficient funds or the means of obtaining funds to remit payment to **ECO** for services rendered by **ECO**.

7.9 Publications

Recognizing the importance of professional development on the part of **ECO's** employees and the importance of **ECO's** public relations, **ECO** may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to **ECO's** services for the Project. Such publications will be provided to **FAYETTEVILLE** in draft form for **FAYETTEVILLE's** advance review. **FAYETTEVILLE** shall review such drafts promptly and provide **FAYETTEVILLE's** comments to **ECO**. **FAYETTEVILLE** may require deletion of proprietary data or confidential information from such publications, but otherwise **FAYETTEVILLE** will not unreasonably withhold approval. The cost of **ECO's** activities pertaining to any such publication shall be for **ECO's** account.

7.10 Indemnification

7.10.1 **FAYETTEVILLE** agrees that it will require all construction Contractors to indemnify, defend, and hold harmless **FAYETTEVILLE** and **ECO** from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.11 Ownership of Documents

All documents provided by **FAYETTEVILLE** including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of **FAYETTEVILLE**. **ECO** may retain reproduced copies of drawings and copies of other documents.

Documents, drawings, and specifications prepared by **ECO** as part of the Services shall become the property of **FAYETTEVILLE** when **ECO** has been compensated for all Services rendered, provided, however, that **ECO** shall have the unrestricted right to their use. **ECO** shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of **ECO**.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. **ECO** makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.12 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

FAYETTEVILLE's address:

113 West Mountain
Fayetteville, Arkansas 72701

ECO's address:

1313 Highway 229-5A
Benton, Arkansas 72015

ASWCC's address:

Project No. CS-050803-03
Arkansas Soil and Water Conservation Commission
101 E. Capitol, Suite 350
Little Rock, Arkansas 72201

7.13 Successor and Assigns

FAYETTEVILLE and **ECO** each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither **FAYETTEVILLE** nor **ECO** shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.14 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.15 Entire Agreement

This Agreement represents the entire Agreement between **ECO** and **FAYETTEVILLE** relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event **FAYETTEVILLE** issues to **ECO** a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by **ECO**, shall be considered as a document for **FAYETTEVILLE's** internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of **ECO**:

8.1.1 **FAYETTEVILLE's** or Arkansas Soil and Water Conservation Commission's (ASWCC's) review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve **ECO** of responsibility for the technical adequacy of the work. Neither **FAYETTEVILLE's** nor ASWCC's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

8.1.2 **ECO** shall be and shall remain liable, in accordance with applicable law, for all damages to **FAYETTEVILLE** caused by **ECO's** negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to **FAYETTEVILLE** or **FAYETTEVILLE**-furnished data.

8.1.3 **ECO's** obligations under this clause are in addition to **ECO's** other express or implied assurances under this Agreement or State law and in no way diminish any other rights that **FAYETTEVILLE** may have against **ECO** for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between **FAYETTEVILLE** and **ECO** arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 **ECO** shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. **ECO** shall also maintain the financial information and data used by **ECO** in the preparation of support of the cost submission required for any negotiated agreement or change order and send to **FAYETTEVILLE** a copy of the cost summary submitted. The United States Environmental Protection Agency, the Comptroller General of the United States, the United States Department of Labor, **FAYETTEVILLE**, the State or any of their

authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. **ECO** will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of $10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of **ECO**;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

ECO warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or continent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by **ECO** for the purpose of securing business. For breach or violation of this warranty, **FAYETTEVILLE** shall have the right to annul this Agreement without liability or at its discretion, to deduct from the

contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

8.5.1 If **FAYETTEVILLE** finds after a notice and hearing that **ECO** or any of **ECO's** agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of **FAYETTEVILLE**, the State or EPA in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, **FAYETTEVILLE** may, by written notice to **ECO** terminate this Agreement. **FAYETTEVILLE** may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which **FAYETTEVILLE** bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, **FAYETTEVILLE** may pursue the same remedies against **ECO** as it could pursue in the event of a breach of the Agreement by **ECO**. As a penalty, in addition to any other damages to which it may be entitled by law, **FAYETTEVILLE** may pursue exemplary damages in an amount (as determined by **FAYETTEVILLE**) which shall be not less than three nor more than ten times the costs **ECO** incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the **FAYETTEVILLE, ECO** will provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

8.7 Debarment And Suspension

I certify that to the best of my knowledge and belief that the company that I represent and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to $10,000 or imprisonment for up to 5 years, or both. I further certify that I will obtain a similar certification for each subcontract awarded in excess of $25,000.

DEBARMENT CERTIFICATION
AUTHORIZED REPRESENTATIVE

COMPANY NAME: Environmental Consulting Operations, Inc. (ECO)

SIGNATURE: Bruce Shackleford DATE: 6/13/05

PRINTED NAME: Bruce Shackleford TITLE: President

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and ECO, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

ENVIRONMENTAL CONSULTING OPERATIONS, INC.

By: Bruce Shackleford

Title: Bruce Shackleford, President

Changes, modifications or amendments in scope, price or fees to this Contract shall **not** be allowed without formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES

CITY OF FAYETTEVILLE
AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES

APPENDIX A – SCOPE OF SERVICES FOR CONSTRUCTION PHASE

I. GENERAL

This is **Appendix A,** consisting of **11** pages, referred to in and part of the **Agreement For Professional Environmental Consulting Services** between CITY OF FAYETTEVILLE, ARKANSAS (**FAYETTEVILLE**) and ENVIRONMENTAL CONSULTING OPERATIONS, INC. (**ECO**)

dated_____.

Initial:
CITY OF FAYETTEVILLE_____
ECO

The following contains detailed Scope of Services tasks for the Construction Phase:

Generally, the project will include the construction of **FAYETTEVILLE**'s Westside sewer collection system improvements; Eastside sewer collection system improvements; Paul Noland Treatment Plant rehabilitation; and Westside Wastewater Treatment Facility, wetland mitigation site, and Broyles Road improvements. **ECO's** Scope of Services will be to observe implementation of the Environmental Regulatory Program during the Construction Phases.

PART A - PROJECT ADMINISTRATION AND MANAGEMENT, COORDINATION/TRAINING

1. Basic Scope of Services

a) Project Administration

i) Perform project initiation activities
ii) Perform general administration and project management activities.
iii) Perform **ECO's** internal project control including budgeting, scheduling, and quality control activities.

- Provide environmental regulatory updates to **FAYETTEVILLE** for project website
- Provide project environmental regulatory information to **FAYETTEVILLE** and Design Professionals
- Review Contractor submittals associated with environmental compliance
- Review Contractor Change Orders and Contract changes associated with wetland mitigation.
- Prepare Construction Phase Monthly Progress reports

b) Coordination Meetings

i) Due to the importance of communicating regulatory requirements early in the project, **ECO** will meet with the Design Professionals and selected Contractors during Pre-Construction Conferences to provide clarification of contract-specific

environmental regulatory requirements, discuss Section 02270 environmental specifications in Bid Documents and required contractor environmental submittals, and answer questions Contractors may have. This will serve to prevent misunderstandings and avoid noncompliance with environmental permit requirements. This will include preparation of handout materials and recordkeeping documents required by environmental permits, and review of Contractor environmental submittals accompanying Contractor's bid.

ii) Attend monthly progress meetings with **FAYETTEVILLE** representatives and Design Professionals to coordinate construction activities for all contracts.

iii) Meet with Arkansas Department of Environmental Quality (ADEQ) and US Army Corps of Engineers (Corps) if violations are identified.

iv) Meet with individual Design Professionals for information exchange, goal setting, setting timelines, and reviewing plans/drawings.

v) Attend monthly coordination meetings with ASWCC to address performance review of wetland mitigation.

c) Training

The general storm water permit requires inspections to be performed by qualified personnel, and defines **"qualified personnel"** as a person knowledgeable in the principles and practice of erosion and sediment controls and who possesses the skills to assess conditions at the site that could impact storm water quality and the effectiveness of the BMPs selected to control the quality of storm water discharges.

i) **ECO** will provide storm water pollution prevention training to Contractor and Design Professional's resident site representatives to assist them in gaining knowledge about contract-specific BMP implementation, proper recordkeeping requirements, and contract environmental specifications developed by **ECO** and to enhance implementation of a standardized Project Environmental Program.

PART B – CONSTRUCTION SURVEY

1. Basic Scope of Services

a) **ECO** will assist applicable Design Professionals in identifying locations of wetland areas designated for temporary disturbance and restoration.

b) **ECO** will mark wetland areas in the field to facilitate easy observation in the field by Contractors and Design Professionals. Applicable wetland areas include:
Contract WL-1: Old Wire to Gregg
Contract WL-2: North to Poplar to Van Asche
Contract WL-3: Porter to Hamestring
Contract WL-4: Gregg to Hamestring
Contract WL-5: Hamestring to WWTP
Contract EL-1&2: Line 7
Contract EL-3: Line 4

PART C – WETLAND MITIGATION SITE

1) Purpose

Successful wetland mitigation is a multi-disciplined endeavor, requiring the expertise of both engineers and environmental professionals. During the construction period at the Wetland Mitigation Site, ECO will provide construction phase services to observe the establishment of wetland hydrology, seedbed preparation and planting/seeding activities for wetland plant species. As described within the Section 02921 specifications developed by ECO, Contractor shall select plant species from a candidate species list, and Contractor shall be allowed to select from various options of seedbed preparation. ECO will review plant species and seedbed preparation options selected by Contractor, will discuss proper implementation of planting activities with Contractor and Resident Engineer, provide periodic oversight of implementation of Section 02921 Wetland Mitigation Site Development Specifications, and provide guidance to Contractor and Resident Engineer in achieving mitigation goals for compliance with FAYETTEVILLE'S Section 404 permit No. 14207 requirements.

2) Basic Scope of Services

Services to be provided by **ECO** in relation to the Wetland Mitigation Site during the Construction Phase, shall be limited to:

a) Site Visits/Observations

i) Subsequent to commencement of construction, **ECO** will make site visits during the following stages of completion:

- Berm construction @ 30%, 60%, 90% completion
- Herbicide application(s) and prescribed burn activities
- Upland/wet meadow planting zone seedbed preparation @ 30%, 60%, 90% completion
- Marsh planting zone site preparation and layout @ 30%, 60%, 90% completion
- Forested wetland bedding preparation and layout @ 30%, 60%, 90% completion
- Site seeding and tree planting activities @ 30%, 60%, 90% completion
- Wetland Mitigation Site 100% completion

ii) During these site visits, **ECO** will evaluate plant/seed storage and handling practices utilized by Contractor. A report of findings, observations, and recommendations will be developed and submitted to the Design Professional Resident Engineer and **FAYETTEVILLE**.

b) Success Criteria & Performance Standards

As required by the Little Rock District Corps Wetland Mitigation Policy, success criteria and performance standards shall be included within the Wetland Mitigation Plan. Performance standards are measurable attributes of restored or created wetlands that, when measured over an appropriate period, can be used to judge whether project goals have been achieved. Performance standards are also referred to as "success criteria, "success standards" and other names.

i) **ECO** will provide services for development and implementation of methodology for evaluating success in achieving performance standards. Mitigation performance standards have been developed by **ECO** to be staged over time so that different success criteria can

be met as the project evolves and matures. Some of the success criteria involve specific scores on various wetland assessment scales, as compared to the baseline wetland information generated during the preconstruction assessment. Other criteria are qualitative and do not ensure success in quantifiable terms. The following practicably measurable quantitative and/or qualitative characteristics (as contained within the Final Wetland Compensatory Mitigation Plan developed by **ECO**) will be among the performance standards measured to ascertain the degree of compensatory mitigation success:

Hydrology Performance Standards

- **Hydrology Standard 1: The mitigation site hydroperiod is restored**
- **Hydrology Standard 2: Area and depth of wetland hydrological zones**
- **Hydrology Standard 3: Corps wetland hydrology criteria**
- **Hydrology Standard 4: Provides sediment retention**

Soils Performance Standards

- **Soil Standard 1: Soils parameters will be used to provide supportive evidence of success but will not carry minimum requirements**
- **Soil Standard 2: Soil chemical and physical parameters**

Vegetation Performance Standards

- **Vegetation Standard 1: Vegetation survival and density**
- **Vegetation Standard 2: Vegetation species diversity and composition**
- **Vegetation Standard 3: Meet current federal delineation manual for hydrophytic vegetation**

General Standard

- **Assessment of Wetland Function and Value using Charleston Method adopted by the Little Rock District Corps of Engineers**

ii) Specific performance standards will be applied to Contractor's work during the construction phase to evaluate acquisition of appropriate equipment and materials and success of hydrological modifications, seedbed preparation, and establishment of targeted vegetation, as described within 02921 specifications in Bid Documents. **ECO's** performance standard methodology will serve a three-fold purpose: 1) The methodology will be utilized during construction to evaluate Contractor's conformance with 02921 specifications; 2) The methodology will be utilized to develop the Wetland Monitoring Plan, as required by the project Section 404 permit; and 3) The methodology will be utilized to develop Project Performance Reports, as required by the terms and conditions of the RLF Project No. CS-050803-03 administered by the ASWCC.

c) Wetland Mitigation Monitoring Plan

The Section 404 permit issued to **FAYETTEVILLE** requires annual monitoring and reporting. A total of five annual reports on the status of the mitigation level of success shall be submitted to the Corps of Engineers. The first report is due on December 31st after the first growing season following completion of the mitigation work, and subsequent reports shall be submitted on or before December 31st of each year thereafter. These reports shall include inventories of all plant species, along with their estimated relative frequency and

percent cover, and photographs showing all representative areas of the mitigation site. Additionally, the reports are to include the results of applying the performance standards.

i) For the purpose of developing a standardized approach to monitoring, **ECO** will develop a Wetland Mitigation Monitoring Plan to include procedures for measuring achievement of performance standards described above. The Plan can subsequently be the primary tool used to conduct the annual monitoring reports utilizing the following criteria:

- **Soil evaluations for characteristics of redoxymorphic conditions**
- **Soil chemical and physical parameters**
- **Hydrological instrument and surface water observations of degree of inundation/saturation**
- **Plant community status with regard to community dominants; survival rate of planted species; and ratio of planted species versus volunteer species**
- **Assessment of wetland function (Charleston Method) for the mitigation site**
- **Comparison of mitigation site functional characteristics to reference wetland**
- **Capability of the mitigation wetland to store or detain precipitation introduced into the system**
- **Capacity of the wetland to store water below the wetland surface**
- **Growth or biomass accumulation and decomposition that indicates elements are converted between organic and inorganic forms**
- **Microtopographic relief sediment scour and deposition**
- **Redistribution of detritus**
- **Localized sediment deposition**
- **Structural roughness**
- **Presence of debris jams and wrack; debris blockages in active channels and in side channels; accumulations in microtopographic depressions; accumulations in vegetation**
- **Vegetative community (density, basal area, vertical stratification, cover and species composition) typical of reference site with evidence of nutrient uptake and release (plant growth, litter production, decomposition rate, etc.)**
- **Surface films or layers of recently deposited sediments**
- **Maintenance of wetland and upland hydrological zones**
- **Nutrient transformations and processing**
- **Maintain characteristic detrital biomass**
- **Habitat maintenance of spatial structure to support animal populations and guilds by providing heterogenous habitats**
- **Nutrient cycling processes that convert elements from one form to another; primarily recycling processes**
- **Meeting federal criteria for wetland soils, hydrology and vegetation**
- **Photographic documentation from permanent photo stations**
- **Corrective actions**

d) Wetland Mitigation Operations and Maintenance Manual

The goal of the wetland vegetation management is to have the presence of desirable species for a significant portion of the growing season in most years that are usually dominated by perennial plants. The primary avenue to achieve this is proper control of hydrology. The wetland mitigation cells will be constructed with weir structures for control of water levels. The wetlands need periods of drawdown for life cycle completion of wetland plant species. Therefore, the wetland cells have been designed to store water when needed, and to release water as necessary, in order to maintain the required level of soil inundation and/or saturation. The wetland mitigation contract design calls for installation of hydrological

parameter investigation instruments in order to monitor the surface soil hydrological regime within each wetland cell for the purpose of tracking groundwater and soil moisture levels.

i) **ECO** will develop a Wetland Mitigation Operations and Maintenance Manual to include procedures for the following:

- **Generation of a database of hydrological parameter investigation instruments to evaluate cause and effect relationships between operations of flow control structures and plant community diversity, site hydrology, and soil characterization.**
- **Generation of a database of surface water inundation and rainfall**
- **Seasonal operation of discharge events at weir structures**
- **Seasonal water storage within wetland cells**
- **Seasonal vegetation management to control plant community succession**

PART D - REGULATORY COMPLIANCE DURING CONSTRUCTION PHASE

a) Site Observations

ECO will conduct monthly site compliance observations. During the evaluations, **ECO** will identify activities that exhibit potential violations of environmental permits. These services shall include evaluations of erosion control structure implementation and maintenance, maintenance of required recordkeeping, and proper materials storage and disposal. **ECO's** site visitation services will include evaluations for compliance with the ADEQ general storm water permit for construction activity (ARR150541), Section 404 individual permit for west side construction activities, Nationwide Section 404 permit for east side construction activities, and compliance with Part 112 of Title 40 of the Code of Federal Regulations for oil storage requirements on construction sites. After each site visit, **ECO** will develop a brief report of findings to discuss the areas where corrective actions are needed. Whenever practicable, the monthly site compliance observations will be performed concurrently with Wetland Mitigation Site Observations, marking wetlands in the field, and monthly progress meetings.

b) Storm Water Pollution Prevention Plan for Construction Activity Revisions

Currently, ADEQ is revising language to the storm water construction general permit (ARR150000) that will affect the **FAYETTEVILLE's** Wastewater Improvements Project. **ECO** participates on the Storm Water Permit Task Force that is currently working with ADEQ to review the forthcoming permit revisions. The revised permit is anticipated to become effective in October of 2005.

i) Upon the issuance of the "modified" general storm water permit, **ECO** will revise the Master Comprehensive Best Management Practices Plan, and the Addendum Comprehensive Best Management Plans for all project construction contracts, as required by the permit.

c) ADEQ Storm Water Permit For Industrial Activity

The new Westside Wastewater Treatment Facility will be required to have the ADEQ **industrial** storm water permit ARR000000 for "Operators of Facilities Discharging Storm

Water Associated With Industrial Activity Located in the State of Arkansas". **This is not the same permit as the storm water construction permit** (ARR150000) for "Facilities Discharging Storm Water Associated With Construction Activity Located in the State of Arkansas". The industrial storm water permit regulates discharges composed entirely of storm water associated with **industrial** activity, including:

"ix. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including lands dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 million gallons per day or more, or required to have an approved pretreatment program under 40 CFR Part 403."

The Westside WWTP will have a design flow in excess of 1.0 mgd, and is required to have an approved pretreatment program, therefore the facility will be regulated under the general storm water permit for industrial activity. **FAYETTEVILLE** will be required to submit a Notice of Intent (NOI) **at least two weeks prior** to the commencement of storm water discharge from the facility. More specifically, this means two weeks before the facility receives and treats wastewater. A storm water pollution prevention plan (SWPPP) must be developed prior to submittal of the NOI.

i) **ECO** will develop the NOI for submittal to ADEQ.

ii) As required by the permit, **ECO** will develop a SWPPP for industrial activity to include the following required elements:

- **Pollution Prevention Team**
- **Description Of Potential Pollutant Sources**
- **Site Drainage Map Showing Direction Of Flow And Materials Handling Areas**
- **Inventory Of Exposed Materials**
- **Spills And Leaks.**
- **Risk Identification And Summary Of Potential Pollutant Sources**
- **Measures And Controls**
- **Good Housekeeping**
- **Preventive Maintenance**
- **Spill Prevention and Response Procedures**
- **Inspections**
- **Employee Training**
- **Recordkeeping**
- **Non-Storm Water Discharges**
- **Management of Runoff**
- **Documentation of Permit Eligibility Related to Total Maximum Daily Loads (TMDL)**
- **Attainment of Water Quality Standards After Authorization**
- **Comprehensive Site Compliance Evaluation**

c) Storm Water Construction Permit Notice Of Termination

When all storm water discharges associated with construction activities that are authorized by the general permit have ceased, and final stabilization of disturbed areas has been achieved, a notification letter may be submitted by the **FAYETTEVILLE** to ADEQ on a contract-specific basis. **FAYETTEVILLE** will be required to certify that disturbed soils have been

finally stabilized, that temporary erosion and sediment control measures have been removed, and that all storm water discharges associated with construction activities from the identified contract authorized by the general permit have been eliminated.

i) Prior to the certification and submittal of the notification letter, **ECO** will field verify that these tasks have been achieved, upon request. Should final stabilization not be achieved, when **ECO** is requested to perform the field verification, **ECO** will develop a brief report of findings to discuss corrective actions needed. If final stabilization has successfully been achieved, **ECO** will develop a letter of termination of authorization under the general storm water permit for construction activity for each construction contract. Upon achieving final stabilization for all construction contracts, **ECO** will prepare an official Notice of Termination (NOT) for submittal to ADEQ to completely terminate permit ARR150541.

d) 404 Permit Termination

Standard language contained in Nationwide 404 permit No. 12 for the Eastside collection system includes *"Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody."* and *"In wetlands, the top 6" to 12" of the trench should normally be backfilled with topsoil from the trench"*. Consequently, when the eastside collection system contracts are completed, **FAYETTEVILLE** must certify that they have complied with the terms and conditions of the permit. Similarly, the individual Section 404 Permit No. 14207 states, *"After installation of sewerline crossings, you shall restore stream channels and wetland surfaces to original contours. In wetlands, ruts or similar features from equipment must be repaired to create a level surface to improve revegetation of the wetland area"*.

To document that stream and wetland crossings have been restored, as near as possible, to "pre-construction conditions", post-construction evaluations of wetlands and stream crossings shall be conducted to verify that required restoration was completed, as prescribed.

i) **ECO** will conduct post-construction observations at 20 wetland and 52 stream crossings at the east side and west side construction sites to observe wetland restoration and streambank stabilization. This can be done concurrently with site visits that are associated with evaluating storm water permit final stabilization requirements, where applicable.

PART E – FIRST-YEAR WETLAND MITIGATION MONITORING/ASWCC PERFORMANCE REPORT

a) Due to the wetland mitigation being funded through the ASWCC RLF Program, **FAYETTEVILLE** will be required to submit Quarterly Performance Review Reports, beginning one (1) year after substantial completion of the Wetland Mitigation Site. **ECO** will utilize wetland mitigation performance standards to develop quarterly performance reports for submittal to ASWCC, and complete the first-year wetland mitigation monitoring report for submittal to the Corps of Engineers.

II - SERVICES AND ITEMS NOT INCLUDED

a) ECO is not responsible for the following services:

- Aerial photographs/design drawings
- Completing calculations/models for constructed hydrologic budget for constructed wetland
- Flood plain maps for areas within flood plains where construction activities will occur
- Wetland monitoring subsequent to first-year report.

b) Contingent Additional Services

i) If Contingent Additional Services are required due to circumstances beyond **ECO's** control, **ECO** shall notify **FAYETTEVILLE** and request approval to conduct specific Contingent Additional Services. **FAYETTEVILLE** retains the options of executing a formal contract amendment approved by the Mayor and the City Council, or approval in writing for Contingent Additional Services to be performed on an hourly rate and expenses basis, charged according to **ECO's** standard fee schedule. In either case, **ECO** will provide a cost estimate to **FAYETTEVILLE** and detail the scope of services, prior to commencing such services. If **FAYETTEVILLE** deems that such services are not required, **FAYETTEVILLE** shall give prompt notice to **ECO**, and **ECO** shall have no obligation to provide those services.

ii) The scope of services contained herein is based upon the current environmental regulatory requirements at the time of the development of the scope of services, and upon communications with regulatory personnel. **ECO** has no control of any regulatory control authority's subjectiveness in regulatory interpretations, the dynamics of environmental regulations, nor the retroactiveness thereof. Should environmental regulatory requirements specific to the project significantly change; or if interpretations of and/or applications of current environmental regulations significantly change, it may become necessary to amend **ECO's** scope of services.

iii) Should the locations or alignments of structures, such as effluent line, outfall, pump stations and sewer line alignments, to be changed which necessitate further aquatic resource assessments, such as stream crossing surveys and/or wetland delineations, and significant modifications to documents developed by **ECO** it may become necessary to amend the scope of services provided by **ECO**.

CITY OF FAYETTEVILLE
FEES FOR ENVIRONMENTAL CONSULTING SERVICES

The charges for labor below are based upon the typical fees for ECO's personnel, and the projected level of effort necessary to complete the tasks described in Appendix A.

The total payment for the basic Scope of Services described in Appendix A is estimated to be Five Hundred Ninety-Eight Thousand Three Hundred and Twenty-Nine U.S. Dollars (US $598,329), but is not a guaranteed maximum. The total payment is based on expending no more than 4,905 person-hours.

Subject to the City Council approval, adjustment of the estimated sum amount may be made should ECO establish and FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

If Additional Services beyond the estimated sum amount are required due to circumstances beyond ECO's control, ECO shall notify FAYETTEVILLE and request approval to conduct specific Contingent Additional Services. FAYETTEVILLE retains the options of executing a formal contract amendment approved by the Mayor and the City Council, or approval in writing for Contingent Additional Services to be performed on a time and expenses basis, charged according to ECO's standard fee schedule. In either case, ECO will provide a budget figure to FAYETTEVILLE and detail the scope of services, prior to commencing such services. If the FAYETTEVILLE deems that such services are not required FAYETTEVILLE shall give prompt notice to ECO, and ECO shall have no obligation to provide those services.

For time expended by ECO personnel, payment at hourly rates indicated in the attached "Schedule of Hourly Professional Service Billing Rates". Such rates include overhead and profit. The schedule is effective January 1, 2005, and will be revised annually.

Labor	Hourly Billing Rate
Project Director (Principal)	$ 102.75
Assoc. Sr. Environmental Scientist	$ 95.00
Sr. Environmental Scientist	$ 93.00
Environmental Scientist	$ 68.25
Field Ecologist	$ 66.75
Clerical/Administrative	$ 35.00

CITY OF FAYETTEVILLE
AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES
APPENDIX A – FEES FOR CONSTRUCTION PHASE

Part A - Project Administration And Management, Coordination, Meetings, Training, Preconstruction Conferences	
Total Labor – 740 hours	**$71,783**
Total Expenses	**$10,824**
Total Fees	**$82,607**
Part B – Construction Survey	
Total Labor – 316 hours	**$39,182**
Total Expense	**$3,720**
Total Fees	**$42,902**
Part C – Wetland Mitigation Site Visitation, Performance Standards, Monitoring Plan, O&M Manual	
Total Labor – 1,894	**$198,971**
Total Expenses	**$39,813**
Total Fees	**$238,784**
Part D – Storm Water & 404 Permit Regulatory Compliance During Construction Phase/SWPPP Industrial Activity	
Total Labor – 1,536 hours	**$161,274**
Total Expenses	**$24,907**
Total Fees	**$186,181**
Part E – First Year Wetland Mitigation Monitoring & ASWCC Performance Reports	
Total Labor – 419 hours	**$44,097**
Total Expenses	**$3,758**
Total Fees	**$47,855**
Construction Phase (Appendix A) Total	
Total Labor – 4,905 Hours	**$515,307**
Total Expenses	**$83,022**
Total Fees	**$598,329**

* Expenses include meals, mileage, lodging, & copying costs

** Labor is projected to be rated based upon the contract spanning from 2005 through end of 2008. Monthly Site compliance evaluations and Progress Meetings are pro-rated over projected hourly fees for 2005, 2006, 2007, and 2008.

*** Total cost estimate is generally based upon **ECO**, Inc. making monthly trips to Fayetteville to spend three to four days and two to three nights each month, plus labor for document preparation. When practicable, services provided for each trip will be a combination of 1) attending monthly Progress Meetings, 2) attending Pre-Construction Conferences, 3) Providing training for Design Professionals and Contractors, 4) conducting site compliance evaluations for all contracts with current construction activities, 5) marking wetlands for observations by Design Professionals and Contractors, and 6) providing construction services associated with mitigation activities. This approach will save an estimated Sixty-Seven Thousand Five Hundred US Dollars (US$67,500), as compared to making individual trips to conduct the six aforementioned tasks separately.

Upon request by **FAYETTEVILLE** or Design Professionals, **ECO** will essentially be "on call" and will make additional unscheduled site visits to address regulatory compliance issues.

END OF APPENDIX A

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

7/19/2005
City Council Meeting Date

Bob Davis	Water & Wastewater	
Submitted By	Division	Department

Action Required:

Approval of Amendment to ECO, Inc. Contract for $598,329.00 with a 10% contingency of $59,832 for a total of $658,161.00. ECO is the environmental consultant for the WSIP.

$658,161.00	$ 113011587.00 -	Wastewater System Improvements Project/West Line Work
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
4480.9480.5314.00	$ 26703001.29 -	
Account Number	Funds Used to Date	Program / Project Category Name
02133.0302	$ 863.085585.71 -	Wastewater System Improvements Project Project Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [x] Budget Adjustment Attached [ ]

Bob Davis — 7-1-05
Department Director — Date

Previous Ordinance or Resolution # 4515

Original Contract Date: 9-16-03

Original Contract Number:

D. P. Whit — 7/5/5
City Attorney

Received in City Clerk's Office ENTERED 7-1-05 AW

Finance and Internal Service Director — 7-6-05
Date

Received in Mayor's Office ENTERED 7/5/05 AS

Mayor — 7/5/05
Date

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: The Fayetteville City Council
THROUGH: Mayor Dan Coody
FROM: Stephen Davis, Finance and Internal Services Director
Coy Hurd, Project Manager
DATE: July 14, 2005
RE: Electrical Relocation at the Mountain Inn site

Recommendation

Staff recommends that City Council approve a $60,000 Change Order to King Electrical Contractors for the Mountain Inn Project. It is imperative to the success of the project that the electrical relocation work continues to progress. We recommend that the City accept the Developers' proposal for reimbursement.

Discussion

On June 21, 2005, the Fayetteville City Council agreed to the action of increasing the amount of work that King Electrical Contractors could be authorized to do regarding the relocation of the electrical lines allowing the demolition of the Mountain Inn and adjacent buildings. King's ceiling (according to his existing on-call contract with the City) is $20,000 per project. This action by the City Council allowed the electrical relocation work to move forward by expanding the ceiling to $100,000 for the Mountain Inn Project only.

This limitation was communicated to Chris King (of King Electrical Contractors) on June 22. On July 8, a telephone call was placed to Chris King to discuss several matters relative to the project. He had just been in contact with his subcontractor, Fayette Tree and Trench, who is trenching at the site to allow for installation of underground conduit. As reported to the City Council on July 12, Mr. King related that the cost of the trenching had exceeded expectations due to the complications uncovered once actual trenching had started. He related that the cost of all electrical relocation work to date was $104,540, and was now expected to rise to near $160,000. Mr. King was instructed to prepare to stop work on the site, as his $100,000 ceiling had been exceeded.

This is a critical juncture for the project. If progress on the demolition is to be maintained, the electrical transclosure must be moved out of the way. Funds are available to pay this cost and reside in the project's contingency fund. The constraint that must be accommodated is the $100,000 cap set on King Electrical Contractors' work.

This cost information was communicated to the Developers, and they have requested that City continue this phase of the work uninterrupted. The Developers have agreed to increase the purchase price of the land to reimburse for all electrical relocation costs above the amount of $100,000 already authorized. This commitment was communicated verbally by Mr. Richard Alexander to Stephen Davis (on July 11, 2005). Written confirmation of this commitment has been attached to this memorandum. If the funds presently residing in the contingency are not fully utilized for other unforeseen items, they would be used toward paying these costs in lieu of the Developers having to pay.

EAST SQUARE DEVELOPMENT COMPANY, LLC
11 N. WEST AVENUE
FAYETTEVILLE, AR 72701
(479) 521-9188

July 12, 2005

To Whom It May Concern:

In order to facilitate the continuing progress of the Mountain Inn Project, the undersigned agree to pay up to $60,000 for electrical utility relocation above and beyond the $877,000 previously earmarked for demolition and utility relocation. Said money to be paid by increasing the purchase price of the Mountain Inn property.

Sincerely,

Richard P. Alexander, Member

RESOLUTION NO. _____

A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH KING ELECTRICAL CONTRACTORS, INC. IN THE AMOUNT OF $60,000.00 FOR ELECTRICAL UTILITY RELOCATION ASSOCIATED WITH THE MOUNTAIN INN PROJECT; AND ACCEPTING THE PROMISE OF EAST SQUARE DEVELOPMENT COMPANY, LLC TO REIMBURSE THE CITY OF FAYETTEVILLE IN AN AMOUNT NOT TO EXCEED $60,000.00.

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 a Change Order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby accepts and relies upon the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

PASSED and **APPROVED** this 2nd day of August 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville
Staff Review Form

2-Aug-05
~~21-Jun-05~~
City Council Meeting Date

Coy Hurd	Building Services	Financial and Internal Services
Submitted By	Division	Department

Action Required:

The required action is a resolution to designate $60,000 toward the permanent utility placement work associated with the construction of the new hotel to occupy the existing Mountain Inn site, and permission to exceed the $100,000 limit on King Electric's contract for this project. Further action required is to accept the Developers' proposal for reimbursement to the City.

Developer pay ($60,000) Expense $60,000		Hwy 71 East Square Redevelopment District #1
Cost of this request	$ 887,000.00 Category/Project Budget	Program Category / Project Name
4490 9490 5315.00	$887,000.00	Other Improvements
Account Number	Funds Used to Date	Program / Project Category Name
05038.2	0	TIF Capital Improvement Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [XX] Budget Adjustment Attached [ ]

Department Director — 7-15-05 Date

Previous Ordinance or Resolution # 4716

Original Contract Date:

Original Contract Number:

City Attorney — 7/15/05

Received in City Clerk's Office — ENTERED 7/15/05

Finance and Internal Service Director — 7-15-05 Date

Received in Mayor's Office — ENTERED 7/15/05

Mayor — 7/15/05 Date

SIGN HERE

Comments:

City Council Meeting of August 2, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Matt Mihalevich, Park Planner

Date: July 5, 2005

Subject: Resolution to approve the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept a combination of money and land for the Park Land Dedication Requirement of Fairlane Apartments.

RECOMMENDATION

Fayetteville Parks and Recreation Advisory Board (PRAB) and Parks and Recreation Staff recommend accepting money and land as the Park Land Dedication requirement for Fairlane Apartments.

BACKGROUND

The proposed development of Fairlane Apartments is located south of Huntsville Rd. (Hwy 16) east of Curtis Ave. and west of Happy Hollow Rd. The owner is Chris Adams with Adams Land and Cattle, LLC. and the engineering firm is Crafton, Tull & Associates, Inc. The development contains 114 multi-family units on 6.22 acres. The requirement for park land is 2.052 acres or money in lieu is $44,802. There are currently no existing parks within the ½ mile service area.

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

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

Parks and Recreation Staff met with the owners to evaluate the site and reach an agreement on the location and size of the proposed park land. The development was presented to the Parks and Recreation Advisory Board on May 2, 2005.

DISCUSSION

The Parks and Recreation Staff and PRAB recommend a combination of money and land for the Park Land Dedication requirement. Approximately 1.34 acres of land for a future neighborhood park will be dedicated. The remaining money-in-lieu contribution of $14,060 will be used for park improvements in the southwest park district. This decision is based upon the potential acquisition of additional park land to the east of the proposed development. If you have any questions, please call me at 444-3472.

Attachments;

Fairlane Apartments Location Map
Fairlane Apartments Site Map
Developer Letter
PRAB May 2, 2005 Meeting Minutes

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT APPROXIMATELY 1.34 ACRES OF LAND AND APPROXIMATELY $14,060.00 CASH IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR THE FAIRLANE APARTMENTS.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 in lieu of the required Park Land Dedication for the Fairlane Apartments.

PASSED and **APPROVED** this 2nd day of August, 2005.

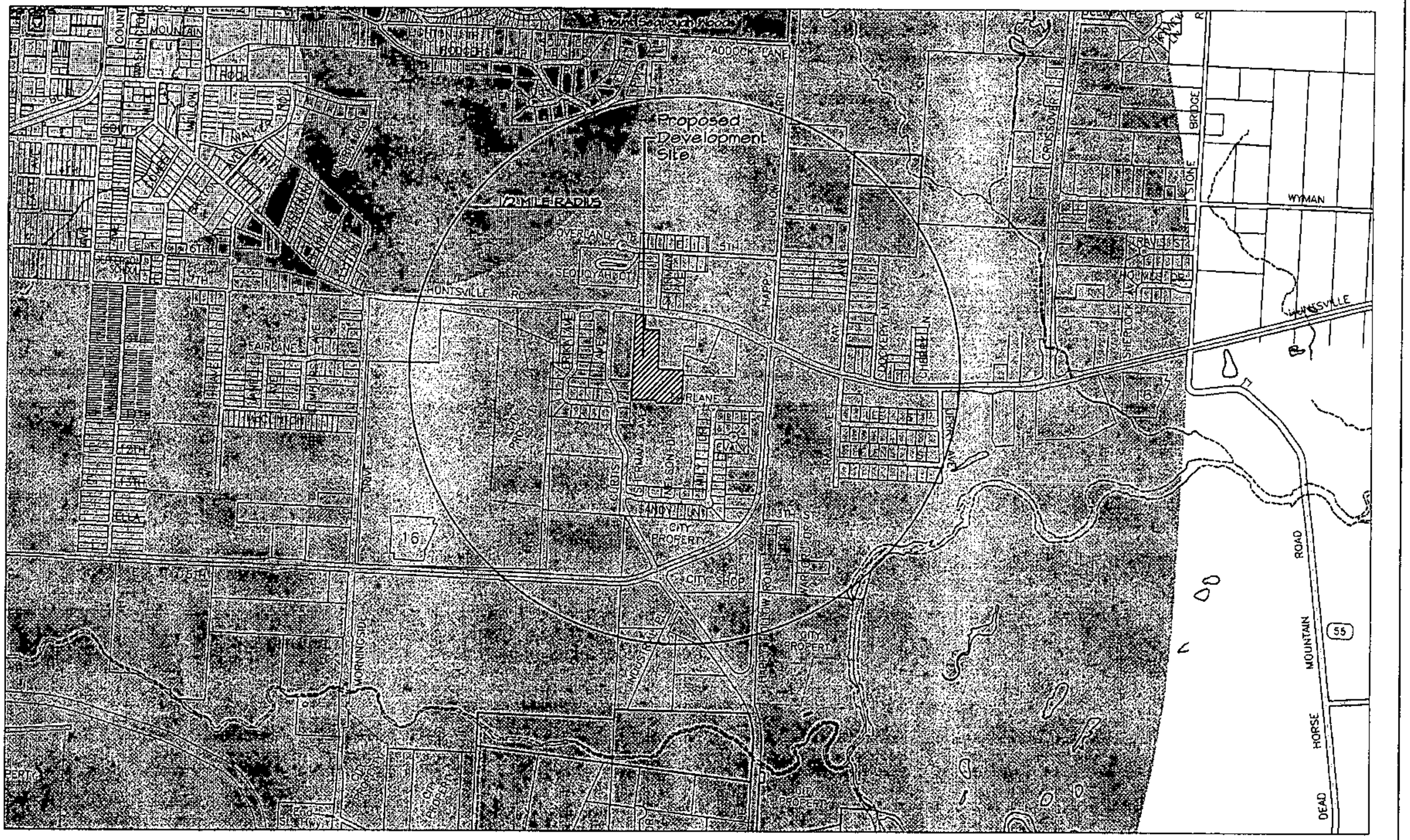
APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT



Fairlane Apartments

0 800 1600 2400

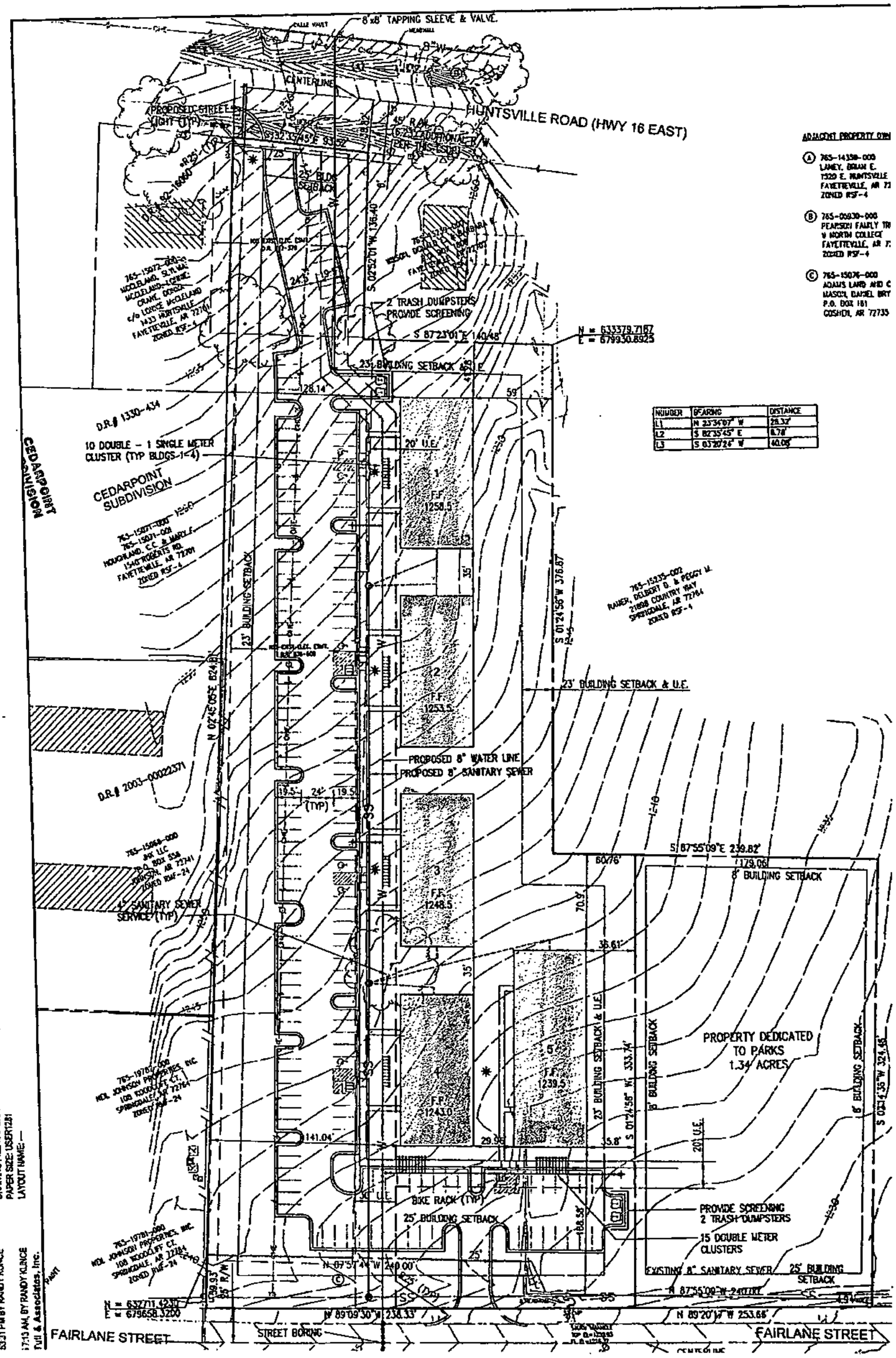
Legend

- Existing Park Land
- Community Park Service Area
- Neighborhood Park Service Area
- Mini Park Service Area

PROXIMITY MAP

Adams Apartments

Chris Adams



NUMBER	BEARING	DISTANCE
L1	N 23°34'07" W	28.32'
L2	S 82°35'45" E	8.78'
L3	S 03°20'24" W	40.05'

Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

April 12, 2005

Matt Mihalevich
City of Fayetteville
Parks and Recreation
Fayetteville, AR

RE: Adams Apartments
Hwy 16
Fayetteville, AR
CTA #: 051028-00

Dear Matt:

Attached are 2 sets of revised site plans for the apartment project on Hwy 16 in Fayetteville. As you are aware we walked the site with Fayetteville Parks staff and were advised that a neighborhood park was needed in the area. We agreed to go back and look at our design and determined the feasibility of providing a park area at the southeast corner of the project.

We think the project would work on 112 units and dedicating a park area containing approximately 1.2 acres. Therefore we are requesting to dedicate the land shown and pay additional fee for the remaining that is required by ordinance.

The exact area and fee would be finalized after we had gone through the planning process. We would like to present this at the May 2nd parks board meeting.

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

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes May 2, 2005

1. Park Land Dedication: Alison Jumper, Park Planner

Development Name:	Adams Apartments
Engineer:	Crafton, Tull & Associates, Inc.
Owner:	Chris Adams
Location:	South of Huntsville Rd. between Huntsville Rd. and Fairlane St., west of Happy Hollow.
Park District:	SE
Units:	124 Multi Family
Total Acres:	5.96 acres
Land Dedication Requirement:	2.108 acres
Money in Lieu Requirement:	$48,732
Existing Parks:	No parks exist within a half mile radius service area.
Developer's Request:	1.2 Acre Park and $20,997.50 in fees

Staff Recommendation: 1.4 Acre Park (Include area labeled detention as park land, with detention off of park property) and $16,372.50 in fees

Developer's Comments:

** This recommendation would require a waiver of the Park Land Ordinance to the City Council due to the project including over 100 units.

Justification: Currently there are no neighborhood parks within a ½ mile radius of the proposed development. With 124 units, this major development creates a strong need for a neighborhood park. In addition, there are many residents in this area which could be served by this park.

Staff is in the process of contacting adjacent property owners with undeveloped land to the east and north of the proposed park land to inquire about the possibility of acquiring a portion of their land for future park expansion.

There is $6,800.0 in Park Land Dedication Fund in the SE Park District to potentially purchase some of the surrounding acres.

Hatfield said the developer is looking at alternative ways to direct detention off park property. There is an opportunity to obtain more land adjacent to the park acreage. Staff is visiting with adjacent property owners.

Hill stated that there are a lot of neighbors currently in this area that can give input and feedback immediately.

Langsner said that the people who currently own homes will have a larger stake in the development of the park.

Hill suggested not waiting until project is finished to start the process of acquiring surrounding land and that the process should be started soon.

PRAB Motion:

Marley moved to accept Staff recommendation to accept 1.4 acres and $16,372.50 in fees.

Langsner seconded the motion.

The motion was approved 6-0-0 with Hill, Bailey, Langsner, Marley, Mauritson and Pawlik-Holmes voting 'yes', and Davidson and Harrison absent for the vote.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

August 2nd, 2005
City Council Meeting Date

Matt Mihalevich C.E.	Parks & Recreation	Operations
Submitted By	Division	Department

Action Required:

Resolution to approve the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept a combination of money and land to fulfill the park land dedication requirement for Fairlane Apartments.

N/A	N/A	N/A
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
N/A	N/A	N/A
Account Number	Funds Used to Date	Program / Project Category Name
N/A	N/A	N/A
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-6-05 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney 7/19/05

Original Contract Number: _____

Finance and Internal Service Director 7-19-05 Date

Received in City Clerk's Office ENTERED 7-19-0 DW

Mayor 7/20/05 Date

Received in Mayor's Office ENTERED 7/19/05 DW

Comments:

RECEIVED
JUN 0 1 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

RECEIVED
JUN 0 1 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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

3715 N. Business Drive, Suite 201
Fayetteville, AR 72703

May 31, 2005

Ms. Sondra Smith, City Clerk
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Re: Appeal of Planning Commission decision to deny Annexation of 24.35 acre tract at Mt. Comfort Road and Hughmount Road Fayetteville, AR

Dear Ms. Smith:

We would like to be placed on the City Council agenda to appeal the Planning Commission's decision to deny the annexation request ANX 05-1490. The Planning Commission denied the annexation because the annexation as requested would create a 3-acre island of land that would remain in the county.

The Planning Commission vote was 5 to 4 against the annexation, with four of the Commissioners voting for the annexation. The remaining Commissioners expressed their support for the annexation, but did not vote for our request due to the current City policy to not create islands of land that would remain outside the city limits.

Dixie Development purchased this property in December 2004. We have been in discussion with the owner of the 3-acre parcel prior to closing on the tract. We have offered to purchase the 3-acres or to process an annexation request for the owner. We have not been successful with any of our offers to date.

Phone 479.251.0707
Toll Free 877.872.0707
Fax 479.251.0714

Tabled to 8/2/05 mtg 7/19/05
Tabled to 7/19/05 mtg 7/5/05
Left on Second Reading 6/21/05

We understand the reasons for the City's policy on annexation. However, there are instances when, in the best interests of the citizens of Fayetteville, the policies must be adjusted. We believe this instance necessitates an adjustment.

Thank you for your attention to this matter.

Respectfully Submitted,

Pam Jones

Pam Jones
Special Projects, Dixie Development, Inc.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 01, 2005

Subject: Annexation for Dixie Development (ANX 05-1490)

RECOMMENDATION

The Planning Commission voted to deny the requested annexation for Dixie Development, a 24.35 acre tract located north of Mount Comfort Road and east of Hughmount Road. Planning Staff originally recommended denial of the annextation request as it would result in the creation of an island of unincorporated property. Beyond the policy directive to not create islands of unincorporated area, staff is supportive of the annexation request.

BACKGROUND

The subject property contains four parcels of property consisting of 24.35-acres. The property is owned by Dixie Development. It is located at the northeast corner of Mount Comfort Road, where the Minor Arterial Street turns north and continues as Hughmount Road, a Collector Street. The property adjoins the City limits to the east, where property has recently developed as Wildflower Meadows Subdivision. Other subdivisions, such as Bridgeport and Clabber Creek, are located south and east of the subject property.

The applicant requests annexation of the property into the City of Fayetteville. A rezoning request has also been submitted, for RSF-4 zoning. The applicant intends to develop the property for residential use within the City of Fayetteville.

No public comment was received for this item.

DISCUSSION

This item was heard at the regular Planning Commission on May 23, 2005. The Planning Commission voted 5-4-0 to deny this item, with Commissioners Vaught, Graves, Trumbo and Lack voting no. The applicant has submitted an appeal of the Planning Commission decision to the City Clerk within the 10-day appeal period.

Annexation of this property would create a three-acre island of unincorporated property located north of Mount Comfort Road. Annexation Guiding Policy 11.6.a states, *"Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula."* Staff had informed the applicant of the resulting island at the time a Petition

for annexation was submitted to the County Clerk and met with a representative from Dixie Development prior to the submittal of the annexation application to discuss this issue. At the Planning Commission meeting, the applicant's representative stated that his client had had discussions regarding annexation with the owner of the three-acre parcel and at one time had attempted to purchase this property to no avail.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANX 05-1490 FOR APPROXIMATELY 24.35 ACRES LOCATED AT THE NORTHEAST CORNER OF MOUNT COMFORT AND HUGHMOUNT ROADS AND ZONING SUCH PROPERTY R-A, RESIDENTIAL AGRICULTURE

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

Section 1: That the property described in Exhibit A attached hereto is annexed into the City of Fayetteville.

Section 2: That the map of the City of Fayetteville is hereby amended by adding the property described in Exhibit A to the City of Fayetteville.

Section 3: That the Official Zoning map of the City of Fayetteville is hereby amended to zone the property described in Exhibit A as R-A, Residential Agricultural.

Section 4: That the property described in Exhibit A is hereby assigned to Ward No. 4.

PASSED and **APPROVED** this 5th day of July, 2005.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Fayetteville
ARKANSAS

PC Meeting of May 23, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	May 18, 2005

ANX 05-1490: (DIXIE DEVELOPMENT, 321): Submitted by STEVE CLARK for property located at NE CORNER MT COMFORT AND HUGHMOUNT RD. The property is in the Planning Area and contains approximately 24.35 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: DIXIE DEVELOPMENT Planner: SUZANNE MORGAN

RECOMMENDATION:
Staff recommends denial of this annexation request as it would result in creation of an island of unincorporated property within city limits and based on the findings herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	○ Approved	**⊗ Denied**	
Date: May 23, 2005	Motion to Deny by Anthes/Clark² 5-4-0 w/ Vaught, Graves, Trumbo & Lack voting no.		
CITY COUNCIL ACTION:	**Required**	**YES**	
	○ Approved	**○ Denied**	
Date: June 21, 2005 (1st reading if recommended)			

BACKGROUND:

Property description: The subject property contains four parcels of property consisting of 24.35-acres. The property is owned by Dixie Development. It is located at the northeast corner of Mount Comfort Road, where the Minor Arterial Street turns north and continues as Hughmount Road, a Collector street. The property adjoins the City limits to the east, where property was recently developed as Wildflower Meadows Subdivision. Other subdivisions such as Bridgeport and Clabber Creek are located south and east of the subject property.

Proposal: The applicant proposes annexation of 24.35 acres into the City of Fayetteville.

Public Comment: Staff has received no public comment concerning the requested annexation.

Recommendation: Based on the information submitted to date and the findings herein, staff recommends denial of this annexation request. Incorporation of this property will create an island of County property containing approximately 3 acres within the city limits. Staff has contacted the applicant's representative on several occasions to inform him that creation of an island is contrary to the City's Annexation Policy.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Hamestring Creek; Residential Single Family on large lots	Planning Area
South	Large Lot Residential Development	Planning Area
East	Wildflower Meadows Subdivision	RSF-4, Res. Single Family – 4 units/acre
West	Large Lot Residential Developoment	Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Mt. Comfort Road. Mt. Comfort Road is a minor arterial along the south boundary of the property and a collector along the west side of the property by the current Master Street Plan. Road improvements required for Mt. Comfort Road along the property are to include: right-of-way dedication, pavement 14' from centerline, curb and gutter, storm drainage, and sidewalks.

Surrounding Master Street Plan Streets:
South: Mount Comfort Road, Minor Arterial
West: Mount Comfort Road and Hughmount Road, Collector Streets
East: Morning Mist Road, Collector Street

Water: Public water is adjacent to the site. There is an 8" main along the south and west side of Mt. Comfort Road. There is a 4" main parallel to the 8" main along the north side of Mt. Comfort Road. There is a 6" main along Hughmont Road. There may be existing water stub-outs from development on the east side of the development. Water service would need to be extended within the property at the time of development. Minimum size of new water mains is 8". Additional connections may be required to complete a looped system. This may include an off-site connection to be determined at a later date. No long range improvements to the water system are planned at this time for this area. A study of the water supply to serve this property **shall** be conducted prior to development at the cost of the developer.

Sewer: The site **does** have access sanitary sewer. There is a 15" sewer main approximately 520 feet south of the property along Hamestring Creek, and an 8" main within the development to the east. Minimum size of new sewer mains is 8". Sewer would need to be extended to serve the property. A capacity analysis

of the downstream sewer lines **shall** be conducted and a capacity analysis of the lift stations downstream of the site **shall** be conducted by the developer prior to development.

Fire: The subject property is located approximately 1.8 miles from Fire Station #7. Response time to the property is projected at 5 minutes.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: **Annexation of the property will not create a peninsula or extend the current city limits further west of the surrounding city boundary. Annexation of this property will create an island of County property within the City of Fayetteville. Staff finds that the incorporation of property which would result in the creation of an island does not meet the objectives of the City's Annexation Policy and suggests the applicant further evaluate the possibility of incorporation of the adjacent three-acre parcel with this annexation request.**

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: **The proposed annexation area is adjacent to the City Limits to the east.**

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: **This area is currently utilized for several single family homes and agriculturally related activities. The annexation of this property would neither include nor exclude subdivisions/neighborhoods. The applicant anticipates subdivision of this property for single family use.**

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: **Proposed boundaries follow property lines of the existing parcels, not natural**

corridors.

11.6.e Timing of services within annexation areas should be considered.

Finding: **Surrounding property, developed for single family use, is currently being served by city utilities and fire and police emergency services. Fire response times are projected at approximately 5 minutes. Extension of water and sewer services will be required at the time of development. A study of water supply and the sewer and lift station capacity will be required at the time of development.**

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **The property consists of cleared pasture land. No information has been presented to designate the subject property environmentally sensitive. Incorporation of this property would allow for the requirement of parks, open space and tree preservation.**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **The surrounding subdivisions south and east of this property currently receive public services. Staff finds that public services will be able to be provided efficiently in this location. The Engineering Division has requested studies on water and sewer capacity to ensure that current services may sustain any further development on the property.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **The service area of the city will not extend further west with the annexation of this property. Additionally, the adjacent Minor Arterial and Collector Streets that surround and stub-out to this property will provide a direct route for emergency services to the subject property.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in the surrounding areas. The subject property is not being served by city sewer, but does have access to water at this time.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Annexation and future development of this property will result in an increased demand on the City water and sewer services. Increased use of the existing services in the area may negatively impact the water supply and sewer capacity in this area. Development of the property would require an extension of the existing sewer lines. Off-site street improvements will be evaluated. Mount Comfort Road is an unimproved road and extensive improvements are planned. An assessment for standard street improvements adjacent to the property will be required at the time of development at the cost of the developer. This property is also located in the Clabber Creek Bridge Assessment area.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned R-A, Residential Agricultural. The property owners request annexation and rezoning of this property to RSF-4, Residential single family - 4 units/acre. Increased density on this property will increase the demand of services in this residentially developed area. Staff finds**

that the area proposed for annexation will receive the same level of service available to the surrounding properties.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.**

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **Development of this property has not been proposed. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation consists of 24.35 acres owned by Dixie Development. Staff recommends the inclusion of the adjacent 3-acre tract to the east and potentially the adjacent tract to the west along Hughmount Road with this annexation request. Doing so will create a more acceptable City boundary and meet the criteria of the Annexation Policy which discourages annexation of property that would result in the creation of an island.**

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: **No fiscal impact assessment was conducted for this annexation of 24.35 acres.**

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
11.6.d Boundaries for annexed areas should follow natural corridors.
11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

11.6.g Public services must be able to be provided efficiently in newly annexed areas.
11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

11.6.j Areas currently served by utilities and other public services should be annexed.
11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

11.6.m Promote long-range planning with adjacent jurisdictions.
11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

11.6.o Designate zoning districts for the property during the annexation process.
11.6.p An annexation study should be completed on all annexation proposals.
11.6.q Development proposals require a separate review from the annexation proposals.
11.6.r Residents should be fully informed of annexation activities.
11.6.w Encourage larger annexations to create acceptable boundaries.
11.6.t Conduct a fiscal impact assessments on large annexations.

May 16, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

In reference to **ANX05-1490: (DIXIE DEVELOPMENT, 321):** Submitted by STEVE CLARK, for property located at NE CORNER MT. COMFORT AND HUGHMOUNT RD. The property is in the Planning Area and contains approximately 24.35 acres. The request is to annex the subject property into the City of Fayetteville.

It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review May 10, 2005										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
ANX05-1488	Collins/Kinghorn	YES	17.33	*3				0	0	0
RZN05-1489	Collins/Kinghorn		17.33	*3	4.4 miles	8 minutes	8.5 minutes	16	6	10
RZN05-1489	Collins/Kinghorn		17.33	5	5.5 miles	12 minutes	12 minutes	16	6	10
ANX05-1490	Dixie Develop	YES	24..35	7				0	0	0
RZN05-1491	Dixie Develop		24.35	7	1.8 miles	5 minutes	5.5 minutes	22	9	13
ANX05-1495	Benton Develop	YES	10.66	7				0	0	0
RZN05-1502	Benton Develop		10.66	7	2.6 miles	6 minutes	6.5 minutes	10	4	6

* = Proposed Station 3

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8267

PLANNING DIVISION CORRESPONDENCE

TO: GIS
FROM: Jan Gambill, Senior Planning Clerk
DATE:
SUBJECT: Legal check for planning project

Project Name: ANX05.1490 Dixie Mgmt. Return by: 4-29
Parcel: 001-11382-004;003; 001-16809.000,-003

Plat Page#: 321
Section: 1
Township: 16
Range: 30

Current Zoning: County
Proposed Zoning: R-A1

Submittal: (1st) 2nd 3rd

Closure error / comments: OK - ALREADY CHECKED 2-16-2005

Has the applicant been contacted with requested revisions: YES NO

Checked by: CR

Date shape file was created: 2/16/2005 → 4/22/2005

FILED
2005 MAR 23 AM 9 27
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

NO: CC 2005-3

ORDER OF ANNEXATION

Now on this 14th day of March, 2005, this cause comes on to be heard, the Petitioners, Dr. Ben Israel, as General Partner of Dixie Management and Investments LP, an Arkansas Limited Partnership, who is represented by the engineer of record, Steve Clark, after announcing the hearing of the cause and there being no protests or objections, whereupon, the matter is submitted to the Court upon the Petition filed herein, and the oral and documentary evidence having been adduced, the Court being well and sufficiently advised finds:

1. The Petition in this cause was filed on the 7th day of February, 2005 at which time this Court fixed the 14th day of March, 2005, at 10:00 am as the date and time of hearing for said cause, and that a full notice of this hearing was given as required by law and the proof of publication of said notice is now on file with the County Clerk of this Court and the Court has jurisdiction of this cause.

2. The Court is satisfied that the allegations of the Petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed; that the property owners have freehold interests in the property hereinafter described in the Petition and constitute the real owners of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described on "Exhibit A" attached hereto.

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is adapted for urban purposes and this territory should be annexed to and made part of the City of Fayetteville, Arkansas.

IT IS THEREFORE, CONSIDERED, ORDERED, AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the Acts of the Legislature of 1875 of the State of Arkansas, and all Acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1953, as codified in *Ark. Code Ann.* 14-40-601, et seq., and this Order shall be duly recorded by the County Clerk of Washington County.

IT IS SO ORDERED this 22nd day of March, 2005

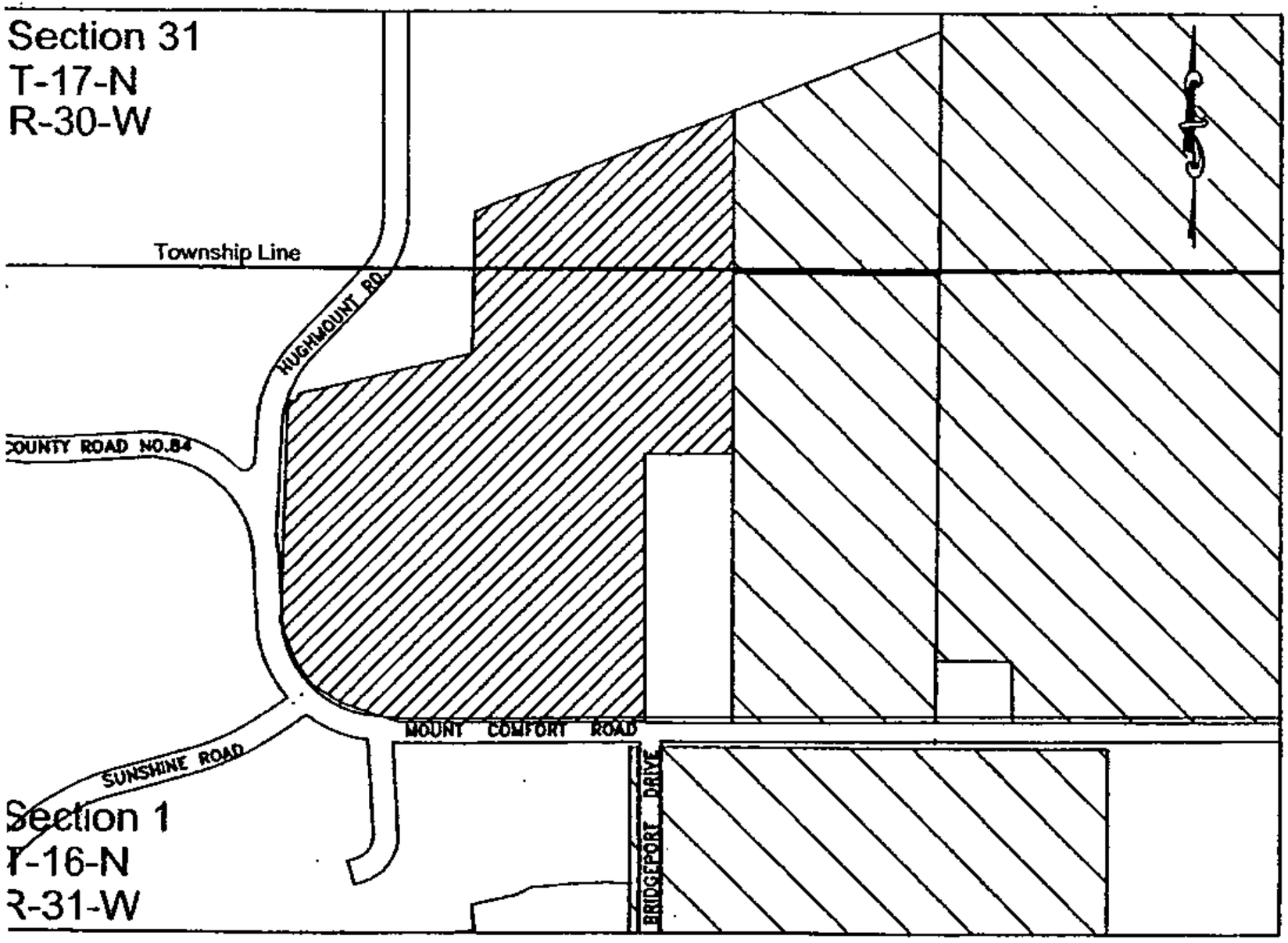
The Honorable Jerry Hunton
Washington County Judge

Exhibit A

Part of the Fractional Northwest Quarter (FRL NW 1/4) of Section 1, Township 16 North, Range 31 West, and part of the South Half (S 1/2) of Section 31, Township 17 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:

Commencing at a found iron bolt, said bolt accepted and used as the Southwest corner of the Southeast Quarter (SE 1/4) of the Fractional Northwest Quarter (FRL NW 1/4) of said Section 1, Township 16 North, Range 31 West thence North 01 degrees 53 minutes 58 seconds East a distance of 28.33 feet to a found 1/2 inch diameter iron pin and the POINT OF BEGINNING ; thence North 84 degrees 40 minutes 38 seconds West a distance of 19.29 feet to a found 1/2 inch diameter iron pin; thence North 76 degrees 20 minutes 32 seconds West a distance of 63.43 feet to a found 1/2 inch diameter iron pin; thence North 64 degrees 58 minutes 43 seconds West a distance of 61.18 feet to a found 1/2 inch diameter iron pin; thence North 47 degrees 49 minutes 33 seconds West a distance of 69.50 feet to a found 1/2 inch diameter iron pin; thence North 35 degrees 00 minutes 05 seconds West a distance of 67.78 feet to a found 1/2 inch diameter iron pin; thence North 15 degrees 54 minutes 21 seconds West a distance of 70.73 feet to a found 1/2 inch diameter iron pin; thence North 00 degrees 20 minutes 48 seconds East a distance of 563.56 feet to a set cotton picker spindle; thence South 85 degrees 36 minutes 33 seconds East a distance of 23.81 feet to a set 5/8 inch diameter iron pin; thence North 40 degrees 05 minutes 48 seconds East a distance of 15.55 feet to a found 1/2 inch diameter iron pin; thence North 79 degrees 34 minutes 49 seconds East a distance of 437.56 feet to a found 1/2 inch diameter iron pin; thence North 03 degrees 47 minutes 41 seconds East a distance of 354.75 feet to a found 1/2 inch diameter iron pin; thence North 71 degrees 56 minutes 02 seconds East a distance of 112.10 feet to a found 1/2 inch diameter iron pin; thence North 71 degrees 55 minutes 52 seconds East a distance of 556.38 feet to a found 1/2 inch diameter iron pin and the northwest corner of Wildflower Meadows Subdivision; thence along the west line of said Wildflower Meadows Subdivision South 03 degrees 06 minutes 36 seconds West a distance of 832.24 feet to a found 1/2 inch diameter iron pin; thence leaving said west line North 87 degrees 56 minutes 15 seconds West a distance of 208.26 feet to a found 1/2 inch diameter iron pin; thence South 03 degrees 03 minutes 18 seconds West a distance of 626.12 feet to a found 1/2 inch diameter iron pin; thence North 87 degrees 51 minutes 31 seconds West a distance of 310.40 feet to a found 1/2 inch diameter iron pin ; thence North 87 degrees 55 minutes 51 seconds West a distance of 283.81 feet to the POINT OF BEGINNING , containing 24.35 acres, more or less, and being subject to the right of way of Mount Comfort Road along the south and west sides and Washington County Road # 703 along the west side thereof. And also being subject to any easements, rights of ways, covenants and restrictions of record.

EXHIBIT "A"



VICINITY MAP

Owners:
Dixie Managment and Investments, LP
3715 N. Business Drive, Ste. 201
Fayetteville, Ar 72703

Annexation Boundary:

Part of the Fractional Northwest Quarter (FRL NW 1/4) of Section 1, Township 16 North, Range 31 West, and part of the South Half (S 1/2) of Section 31, Township 17 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:Commencing at a found iron bolt, said bolt accepted and used as the Southwest corner of the Southeast Quarter (SE 1/4) of the Fractional Northwest Quarter (FRL NW 1/4) of said Section 1, Township 16 North, Range 31 West thence North 01 degrees 53 minutes 58 seconds East a distance of 28.33 feet to a found 1/2 inch diameter iron pin and the POINT OF BEGINNING ;thence North 84 degrees 40 minutes 38 seconds West a distance of 19.29 feet to a found 1/2 inch diameter iron pin; thence North 76 degrees 20 minutes 32 seconds West a distance of 63.43 feet to a found 1/2 inch diameter iron pin; thence North 64 degrees 58 minutes 43 seconds West a distance of 61.18 feet to a found 1/2 inch diameter iron pin; thence North 47 degrees 49 minutes 33 seconds West a distance of 69.50 feet to a found 1/2 inch diameter iron pin; thence North 35 degrees 00 minutes 05 seconds West a distance of 67.78 feet to a found 1/2 inch diameter iron pin; thence North 15 degrees 54 minutes 21 seconds West a distance of 70.73 feet to a found 1/2 inch diameter iron pin; thence North 00 degrees 20 minutes 48 seconds East a distance of 563.56 feet to a set cotton picker spindle; thence South 85 degrees 36 minutes 33 seconds East a distance of 23.81 feet to to a set 5/8 inch diameter iron pin; thence North 40 degrees 05 minutes 48 seconds East a distance of 15.55 feet to a found 1/2 inch diameter iron pin; thence North 79 degrees 34 minutes 49 seconds East a distance of 437.56 feet to a found 1/2 inch diameter iron pin; thence North 03 degrees 47 minutes 41 seconds East a distance of 354.75 feet to a found 1/2 inch diameter iron pin; thence North 71 degrees 56 minutes 02 seconds East a distance of 112.10 feet to a found 1/2 inch diameter iron pin; thence North 71 degrees 55 minutes 52 seconds East a distance of 356.38 feet to a found 1/2 inch diameter iron pin and the northwest corner of Wildflower Meadows Subdivision; thence along the west line of said Wildflower Meadows Subdivision South 03 degrees 06 minutes 36 seconds West a distance of 832.24 feet to a found 1/2 inch diameter iron pin; thence leaving said west line North 87 degrees 56 minutes 15 seconds West a distance of 208.26 feet to a found 1/2 inch diameter iron pin; thence South 03 degrees 03 minutes 18 seconds West a distance of 626.12 feet to a found 1/2 inch diameter iron pin; thence North 87 degrees 51 minutes 31 seconds West a distance of 310.40 feet to a found 1/2 inch diameter iron pin ; thence North 87 degrees 55 minutes 51 seconds West a distance of 283.81 feet to the POINT OF BEGINNING , containing 24.35 acres, more or less, and being subject to the right of way of Mount Comfort Road along the south and west sides and Washington County Road # 703 along the west side thereof. And also being subject to any easements, rights of ways, covenants and restrictions of record.

Clark Consulting
CIVIL / ENVIRONMENTAL ENGINEERING
3715 Business Drive, Suite 202 Fayetteville, AR 72703 (479)444-8171

SCALE: 1"=150'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE: 02/03/05	02/28/05	JSC	Konold

Petition for Annexation

1/1

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF THE PETITION OF CERTAIN PROPERTY TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

NO. CC20

FILED
2005 FEB 7 AM
WASHINGTON COUNTY & PROBATE COURT
BY

PETITION TO ANNEX TERRITORY TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

Come now the petitioners (the "Petitioners"), Dixie Management and Investment, LP, an Arkansas limited partnership, to annex certain property into the city of Fayetteville, Washington County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. States as follows:

1. That the petitioners collectively own the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and the Real Property is situated in Washington County, Arkansas, and contiguous with the city of Fayetteville, Arkansas and is within the City of Fayetteville, School District.

2. That the Petitioners name Steve Clark, and Pam Jones as the persons authorized to act on their behalf.

3. That the Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the property into the City of Fayetteville.

4. That a true and correct presentation of the Real Property and how it is contiguous to the City of Fayetteville, Arkansas is shown on the Plat Map, Exhibit "A", attached hereto.

5. That the Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and the Petitioners state that they will do any and all legal acts necessary to accomplish the objective set forth herein.

THEREFORE, Petitioners respectfully pray that this court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable law.

Respectfully submitted this 4th day of February, 2005.

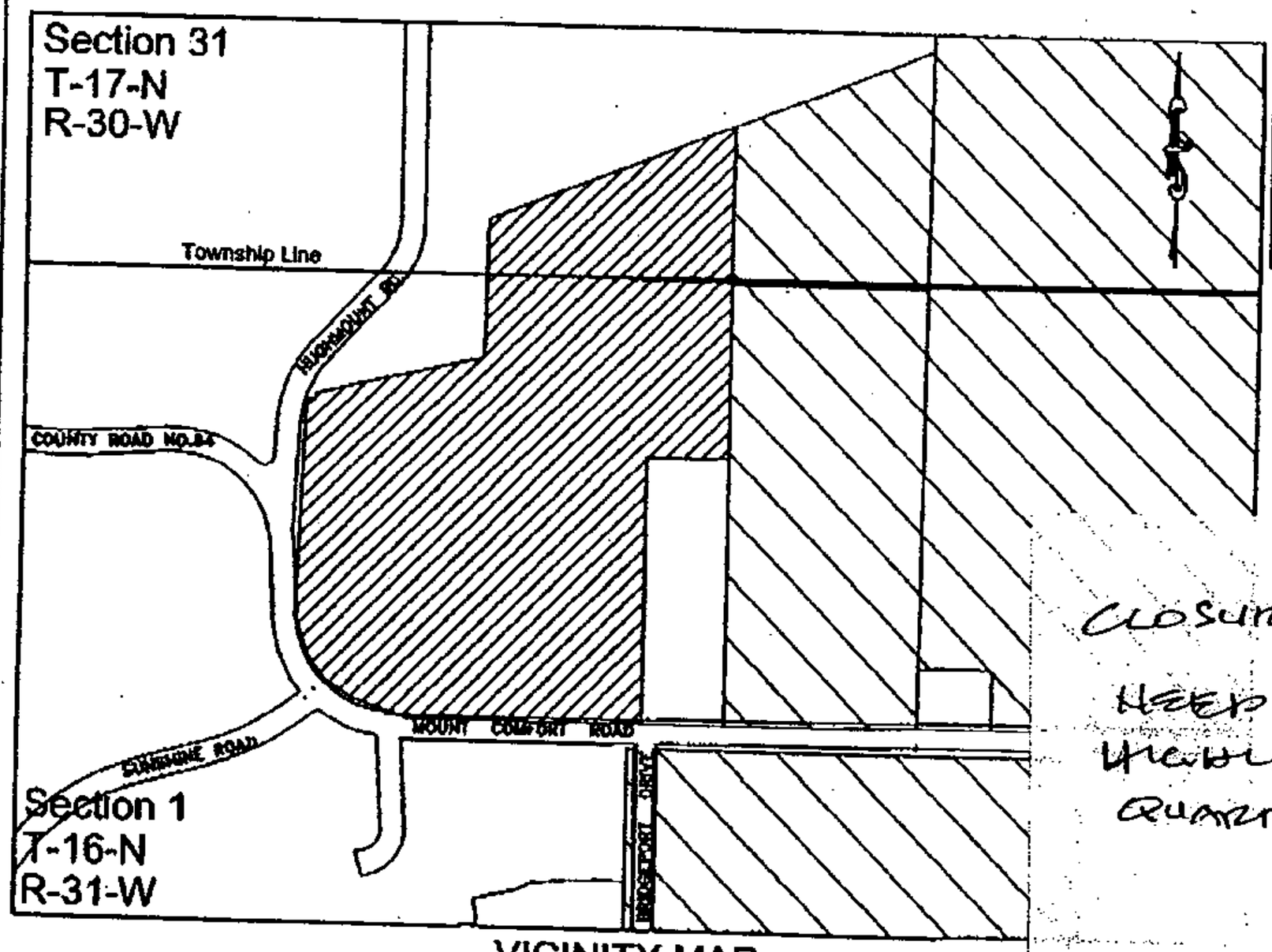
Petitioner and General Partner
Dixie Management and Investments, LP
An Arkansas Limited Partnership
3715 N. Business Drive, Ste. 201
Fayetteville, Ar 72703

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a notary Public, this 4th day of February, 2005.

Notary Public

EXHIBIT "A"



VICINITY MAP

Owners:
Dixie Managment and Investments, LP
3715 N. Business Drive, Ste. 201
Fayetteville, Ar 72703

CLOSURE OK.

NEED TO CORRECT HIGHLIGHTED QUARTER REFERENCE.

CLYDE
2-16-05

Annexation Boundary:

Part of the Fractional Northwest Quarter (FRL NW 1/4) of Section 1, Township 16 North, Range 31 West, and part of the South Half (S 1/2) of Section 31, Township 17 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows:
Commencing at a found iron bolt, said bolt accepted and used as the Southwest corner of the Northeast Quarter (NE 1/4) of the Fractional Northwest Quarter (FRL NW 1/4) of said Section 1, Township 16 North, Range 31 West
thence North 01 degrees 53 minutes 58 seconds East a distance of 28.33 feet to a found 1/2 inch diameter iron pin and the POINT OF BEGINNING ;
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thence North 35 degrees 00 minutes 05 seconds West a distance of 67.76 feet to a found 1/2 inch diameter iron pin;
thence North 15 degrees 54 minutes 21 seconds West a distance of 70.73 feet to a found 1/2 inch diameter iron pin;
thence North 00 degrees 20 minutes 48 seconds East a distance of 563.56 feet to a set cotton picker spindle; ~~583.56~~ 563.56
thence South 85 degrees 38 minutes 33 seconds East a distance of 23.81 feet to to a set 5/8 inch diameter iron pin;
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thence North 79 degrees 34 minutes 49 seconds East a distance of 437.56 feet to a found 1/2 inch diameter iron pin;
thence North 03 degrees 47 minutes 41 seconds East a distance of 354.75 feet to a found 1/2 inch diameter iron pin;
thence North 71 degrees 56 minutes 02 seconds East a distance of 112.10 feet to a found 1/2 inch diameter iron pin;
thence North 71 degrees 55 minutes 52 seconds East a distance of 556.38 feet to a found 1/2 inch diameter iron pin and the northwest corner of Wildflower Meadows Subdivision;
thence along the west line of said Wildflower Meadows Subdivision South 03 degrees 08 minutes 38 seconds West a distance of 832.24 feet to a found 1/2 inch diameter iron pin;
thence leaving said west line North 87 degrees 56 minutes 15 seconds West a distance of 208.26 feet to a found 1/2 inch diameter iron pin;
thence South 03 degrees 03 minutes 18 seconds West a distance of 626.12 feet to a found 1/2 inch diameter iron pin;
thence North 87 degrees 51 minutes 31 seconds West a distance of 310.40 feet to a found 1/2 inch diameter iron pin ;
thence North 87 degrees 55 minutes 51 seconds West a distance of 283.81 feet
to the POINT OF BEGINNING , containing 24.35 acres, more or less,
and being subject to the right of way of Mount Comfort Road along the south and west sides and Washington County Road # 703 along the west side thereof. And also being subject to any easements, rights of ways, covenants and restrictions of record.

Clark Consulting
CIVIL / ENVIRONMENTAL ENGINEERING
3715 Business Drive, Suite 202 Fayetteville, AR 72703 (479)444-8171

SCALE: 1"=150'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE: 02/03/05		JSC	Konold

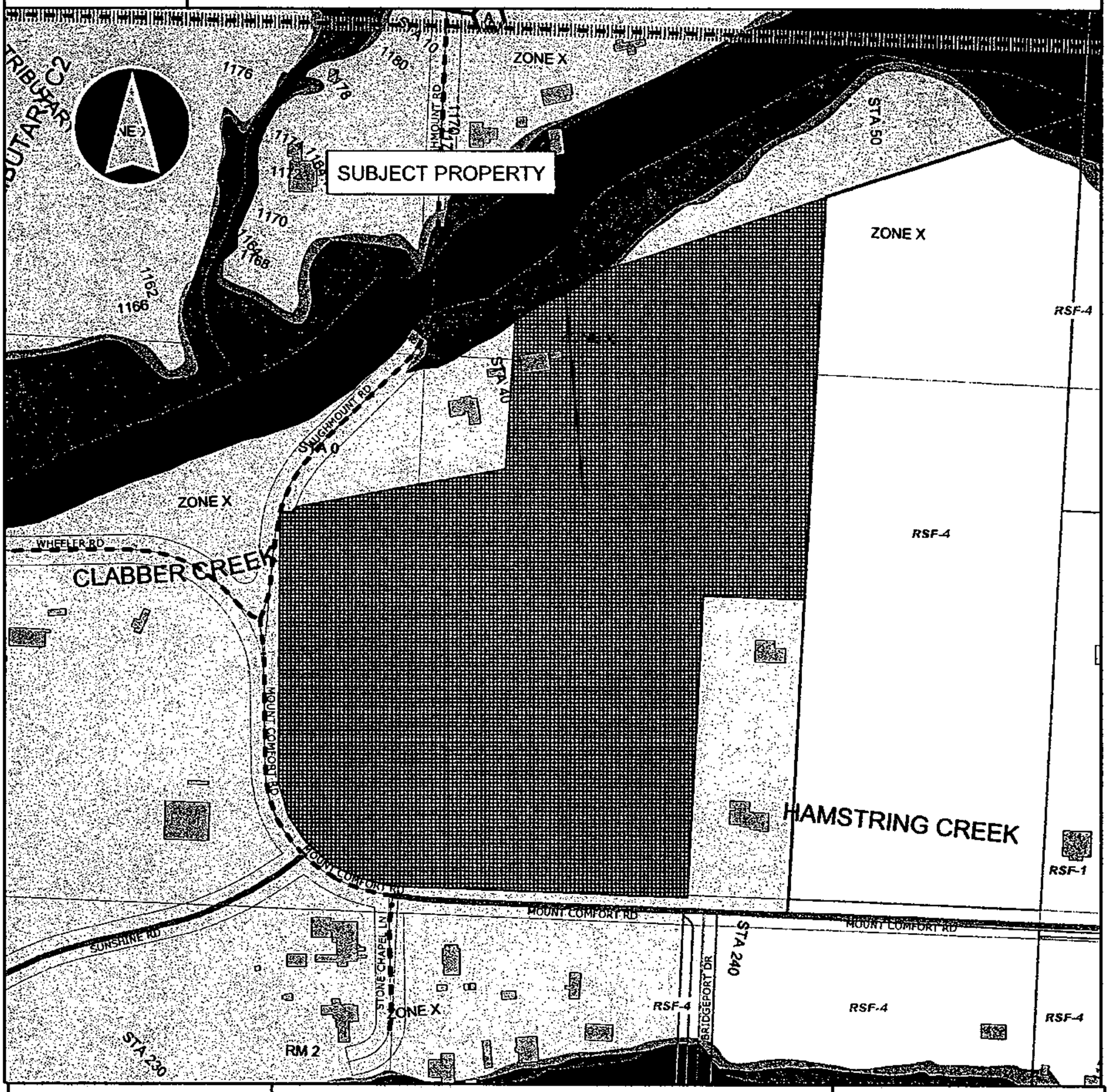
Petition for Annexation

1/1

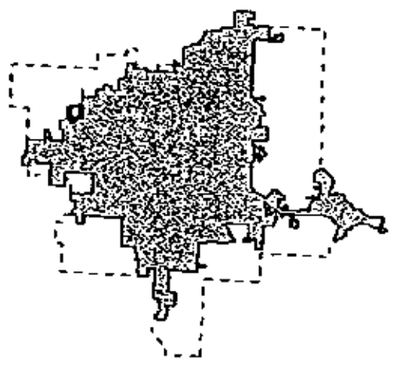
ANX05-1490

Close Up View

DIXIE MANAGEMENT



Overview



Legend

ANX05-1490

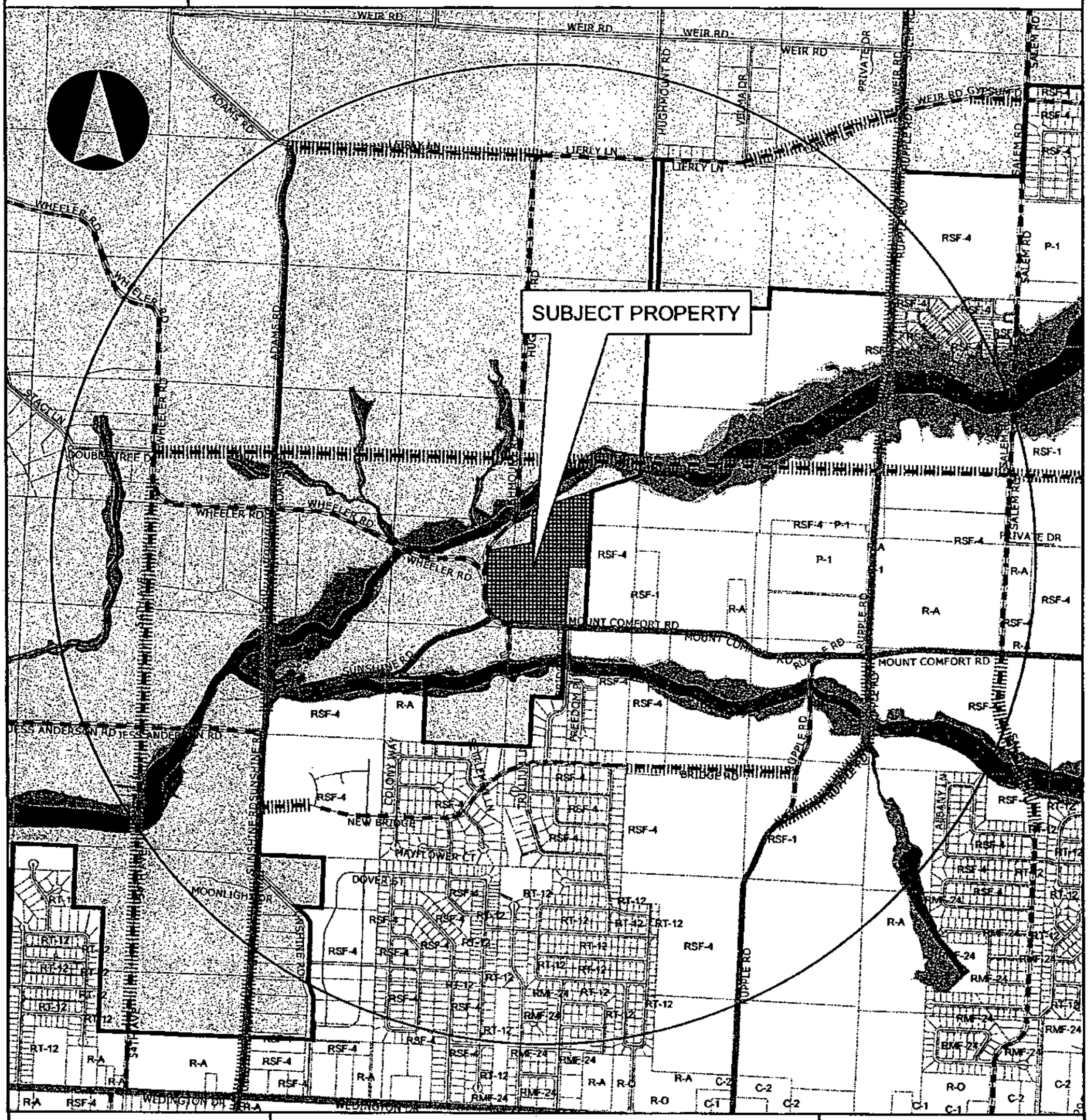
Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City

0 75 150 300 450 600
Feet

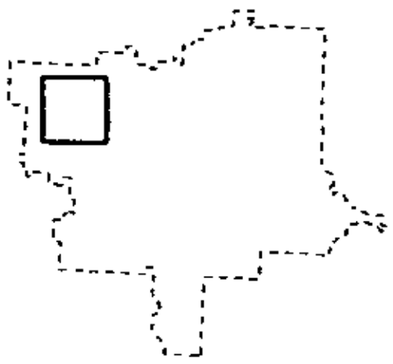
ANX05-1490

One Mile View

DIXIE MANAGEMENT



Overview



Legend

Subject Property

ANX05-1490

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

Planning Commission Minutes
May 23, 2005

Items:

ANX 05-1490 (Dixie Development)
RZN 05-1491 (Dixie Development)

ANX 05-1490: (DIXIE DEVELOPMENT, 321): Submitted by STEVE CLARK for property located at NE CORNER MT COMFORT AND HUGHMOUNT RD. The property is in the Planning Area and contains approximately 24.35 acres. The request is to annex the subject property into the City of Fayetteville.

RZN 05-1491: (DIXIE DEVELOPMENT, 321): Submitted by STEVE CLARK for property located at NE CORNER WEST COMFORT AND HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 24.35 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Ostner: The next item is ANX 05-1490 for Dixie Development submitted by Steve Clark for property located at the northeast corner of Mt. Comfort and Hughmount Road. If we could have the staff report please.

Morgan: Yes Sir. This property is located north of Mt. Comfort and actually, east of Mt. Comfort where Mt. Comfort heads north and then turns into Hughmount Road. Mt. Comfort to the south is a minor arterial and to the west of this property is a collector street. This property is located adjacent to city property to the east where it abuts Wildflower Meadows Subdivision, a recently approved Final Plat and subdivision in this area. It is also located adjacent to other subdivisions such as Bridgeport and Clabber Creek. The applicant proposes annexation of 24.35 acres into the City of Fayetteville at this time. It is adjacent to several collector and minor arterial streets. With development of this property we would require assessments for the nearby Clabber Creek bridge as well as study with regard to water and sewer. Fire and Police currently service the many subdivisions that are in this area. It is a very developed part of town on the western side of Fayetteville at four units per acre density approved in that area. There is, however, as you can see on page 11.18 an island which would be created with annexation of this property. Staff finds that the creation of this island would be problematic in this area and would not meet the policy of one of the annexation guiding policies 11.6(a). We do find that annexation and future development of this property would result in an increased amount on water and sewer services, however, these areas are already currently served by water and sewer and there would be no extensions required to serve this development. The annexation does consist of 24.35 acres. Staff recommends at this time the inclusion of the adjacent three acre tract to the east of the property and potentially the adjacent tract to the west along Hughmount Road. Staff finds that this will create a better city boundary. For the reasons mentioned, staff is recommending denial of this annexation request as it would result in an island of unincorporated property and based on the findings within the staff report. The applicant has also submitted a request to rezone the property to RSF-4 at this time. With regard to this, if the approval of the

preceding annexation is granted property will be zoned R-A and they are requesting this rezoning, if the annexation is not granted, this rezoning may not be voted upon. However, with regard to the density that is requested, it would allow for four units per acre and the applicant is proposing a subdivision with 63 single family lots. Staff finds that the density requested is compatible with adjacent developments in the area and finds that Fire and Police are currently servicing this well developed area just adjacent to this property and that there are the arterial and collector streets which access this property will allow for adequate city services to the property. Therefore, should the annexation be forwarded with a recommendation for approval staff does recommend approval of the requested rezoning.\

Ostner: Thank you. Will the applicant step forward and give us your presentation please?

Clark: I'm Steve Clark, Clark Consulting, representing Dixie Development. I think the only issue at hand on this one is the creation of an island. The history on the project was my client found the piece of property. They did ask me to do a feasibility. We did a layout and determined that we could develop the property and make it work. Most of the work that I had been doing at that point in time had been working in Springdale and Bentonville. I honestly was not aware of the fact that you guys had the policy about not creating islands when you annex property. Had we known that, we probably would've looked at it a little differently. Based on the numbers and the land and the location and the contiguity with city property we assumed we could get it annexed and developed and brought into the city. I was sitting in a Planning Commission meeting several months ago and the discussion was out at Stonebridge Meadows and you brought up the issue of creating an island and I said "Uh oh, we have a problem." I went back and we have talked to the owner of the three acre property. We asked her if she was interested in selling. We made her a much more than fair offer, a very generous offer. We spent 60 plus days trying to negotiate with her, trying to contact her, trying to acquire her land to no avail. We tried to get her to agree to annexation and she hasn't said that she was not willing to do but she is very difficult to get a hold of and difficult to make a decision. The long and short of it is we have a piece of property that we would like to develop. The only hold up that I'm aware of is the issue of creating a small island. I would hate to see a three acre island cause us to stop this project. If we are not allowed to annex we would have to look at other options, which would be either a step type system or going to slightly larger lots and going to a septic system. We don't want to do that. I don't like step systems, I don't like septic systems but sometimes that is the only alternative. We would appreciate your comments and recommendation for this one.

Ostner: At this point I am going to open it up to the public for comment. If anyone would like to speak to this issue please come forward. We have no public so I am going to close the public comment session and bring it back to the Commission for comments.

Anthes: I believe I agree with the applicant when he says that the island is the issue in this case. As we all know, the City Council made a policy that we follow. The policy is very clear that we can't create an island however, City Council can. No matter how we vote on this issue the City Council is going to see this item and therefore, I will move to deny ANX 05-1490 based on policy knowing that you can now go forward.

Clark: Second.

Ostner: Is there any further discussion?

Trumbo: To me this property, if you look at the map on page 11.19 it lies right between several water ways here. When I look at this I have to say to myself is it worth letting this property develop right now with a septic system over three acres of an island? I understand that we have a policy of not creating islands. I am not going to vote for your motion because the City Council should know that the development pressure is there and they need to move forward on this taskforce that has already been mentioned tonight. I would rather have an island than 150 septic tanks personally so that is why I am going to vote against this motion.

Graves: We know that there is a great deal of developmental pressure out here. Things have been building out rather quickly out here. North on Salem Road we recently had some county developments out there on septic and we have also recently approved Cherry Hills subdivision on septic, which is right near this area. When we have the opportunity to bring something into the city which is contiguous to other city property like this that I think is an environmentally sensitive area near these creeks, I don't believe it is that you weigh one particular factor to consider in the annexation guidelines heavier than you do the others. There are a number of reasons to annex this and there is one reason to not annex it. It seems like this island factor really seems to be the prominent factor that gets looked at all the time to the exclusion of others and for that reason, I'm against the motion as well.

Vaught: To me this is a little different than the last one dealing with the island issue. Do you feel like with some more time you could possibly talk with the neighbor about joining your annexation?

Clark: We have been talking with her for about five months, I don't think two weeks is going to make a difference.

Vaught: I was going to extend you the same courtesy we gave the other applicants. Would you want to table this and possibly, I think if you had her it would be a pretty easy call. Without her it makes it a difficult question.

Clark: I am torn. I really am. If I thought in two weeks it would make a difference or get her on board I would say let's table it in two weeks. However, with the time frame that it takes to do the annexation, even if she agreed, we would be 90 plus days away. We would certainly like to have your support and we think it is appropriate to overlook the island. I don't know if you guys have the authority to overlook the island and base your vote on a recommendation over this island issue.

Vaught: Jeremy, if this is denied if they talk to that adjoining property owner and get them to join their annexation request is that substantially different where they could reapply?

Pate: Again, it goes back to the applicant does have the opportunity to appeal to the City Council. The vote here tonight is either a recommendation to table which then would provide more time to get back to this committee to then recommend forwarding to the City Council or deny which then the applicant could appeal with this particular request. A new application could come in at a date in the future.

Vaught: That would be substantially different enough adding one property?

Pate: I would believe so because it would be a different legal description, a different property, a different parcel. We could look at that. The City Council makes that decision so if they deny that is really what would kick in that year requirement. You are just making a recommendation.

Vaught: Correct. I'm saying if City Council denied it over this island issue as well if they were able to get that property owner to join them would that be substantially different enough?

Pate: I think so because honestly, that is the hang up issue for staff to recommend. We contact Ms. Jones, one of the applicant's representative as well, many months ago and sat down and had a conversation with her about this very request and told her that we would not be able to support this request at this time because of the island policy. This is where we are now. Like Mr. Clark mentioned, we didn't see any progress in that.

Vaught: I have one more question for the City Attorney on the guiding policies. I guess they are just policies and one of those would be islands. I know you were probably more involved in writing those guiding policies than any of us were.

Williams: The annexation policy is just part of the 2020 Plan that was adopted two or three years ago. Actually, I think it came out of the Planning Department. It simply is one thing to consider. You are not bound to follow any one of those items that are considerations for the annexation. You look at that as a guide and then you make a decision on a case by case basis on what you think is best. Do you want this land in Fayetteville or not. That is your basic question. You have some guiding principals to look at including response time and everything else including whether or not it is a peninsula or an island. Those are all part of your decision but none of them makes your decision. Your recommendation to the City Council is do you want this land within the City of Fayetteville. Do you think it is in the best interest of the City of Fayetteville to have this land within the city limits or not.

Vaught: With that, I think I am going to have to agree with Commissioners Graves and Trumbo on this item.

Allen: I think that Commissioner Graves makes some good points about reasons why this land should be annexed. However, in lieu of guidance from the City Council, which I am looking for, I am going to go with the guidance of our staff and will vote to deny.

Ostner: As I understand it, this issue of islands is not just a detail. The City Council went through a great deal of effort last summer to forcibly annex islands that had been overlooked or left out or whatever. As I understand it, there could be big problems if a piece of land is annexed with a piece of land in the county adjacent to it. Do we not have future trouble requiring sewer and water and requiring a lot of things through land that is not in the city?

Pate: There are always those issues with services. This is a relatively smaller tract than some of the other ones that we have seen. Improvements adjacent to this property, dedication of right of way, for instance, sewer connection, this will remain on septic until it is within the city limits for this particular piece of property even though sewer would be readily available. Those are the kinds of issues that we look at. Mt. Comfort with the development of this property would be improved except for this section, which leaves a gap. It does create situations which are problematic. I believe that was one of the purposes of that guiding principle was to help alleviate some of those issues.

Ostner: Part of what we refer to regularly is basically an orderly system of growth outward not let's just do it so they won't put in septic. There are developments all over that could put in septic tomorrow but they are waiting. You know why they are waiting? It is because there is

tremendous value if they can get annexed, if they can sell police, water, sewer trash and all of those things with that house. There are going to be Cherry Hills and they are going to say we are going to do it anyway but those are few and far between in the big picture. The reason these came to us is because there is a great thing going on, one of the best things, Fayetteville. We shouldn't give it away. I'm not saying that this shouldn't be annexed ever, I'm not saying that this shouldn't be annexed tonight. Without Ms. So and so's piece of property I am against it. I am not against it per say, I'm just against it the way it is happening tonight I don't think is good for the betterment of the city.

Clark: You were talking about services and utilities, water is across her property.

Ostner: Not just infrastructure though. Police are not allowed to drive outside of the city limits, etc.

Clark: There are some issues with police services, although I don't think they can be prohibited from driving across the county. They just can't provide police services in the county. Sewer would be to the west along Sunshine Drive so sewer wouldn't be an issue. We would extend sewer and propose to construct sewer so that she would have sewer accessible so that would be a motivation factor for her to annex into the city and eliminate this island after the fact. We are prepared to do many things to try to make this happen.

Clark: This land should come into the city, I wish Cherry Hills would have come into the city. However, I am going to follow staff's recommendation because I do believe not creating islands is a good guiding principal. Having said that, I also think the annexation taskforce report that Commissioner Graves mentioned has been done for nine months and we still have not seen it. Please, we need action on it because of situations like tonight. If the City Council would give us some definitive guidelines then we would know better how to make our votes with confidence I don't have that confidence tonight so I am going to error on the side of caution knowing that you are going to appeal to City Council in two weeks, they are going to make the policy decision whether or not to create an island. I have begged the City Council I am also asking for that report to get a hearing. We haven't even discussed it, the Council hasn't discussed it. It needs to see the light of day and we need to have dialogue about it to get hopeful guidelines in place. I am going to respectively vote to deny knowing that the City Council can and possibly should override it but that is their policy to make.

Ostner: I also just want to point out that I don't think that we are doing our job any less because we don't have more direction on annexation or these guiding principals or whatever. Council is stuck with the same set of principals as

we are. They do have the ability to change those whereas we don't. Otherwise, they do count on us for our opinion. The opinion of what we have in front of us tonight so I would encourage you to go ahead and see this for what it is. As Mr. Williams pointed out, we do have total discretion. The island issue does not have to control your no vote, it could control your no vote because we do have the ability to make that decision tonight. We have a motion to deny and we have a second. Is there further discussion? Will you all the roll please?

Roll Call: Upon the completion of roll call the motion to deny ANX 05-1490 was approved by a vote of 5-0-4 with Commissioners Vaught, Graves, Trumbo and Lack voting no.

Thomas: The motion carries.

Williams: I would recommend tat you go ahead and consider the rezoning petition. Although, the City Council will not consider a rezoning without approving the annexation but I do think that it would be unfair for the applicant to not have any action taken tonight, I do recommend even though it would be contingent upon the City Council reversing your recommendation I still think you ought to go forward and give the recommendation to City Council with the assumption that it will be annexed.

Ostner: The next item is RZN 05-1491 for Dixie Development, the same piece of property we were discussing previously. Staff, you wrote a recommendation of approval of this rezoning based on compatibility with this and adjoining properties but I am looking at the land use map on page two and note that north of this property is residential development on large lots in the Planning Area south of this is large lot residential development in the planning area and west of this project is large lot residential development in the planning area. East of this property is RSF-4. I guess I would like you to talk about why when this is bounded on three sides by large lot subdivisions you are saying that rSF-4 is a compatible transition.

Pate: A few things have changed. In the very recent future Cherry Hills, which is a 10,000 sq.ft. lot subdivision almost 200 lots have been approved directly northwest of this property. Of course, Wildflower Meadows is to the east. Property from this property all the way east to Rupple Road is developing residential. One of the largest subdivisions in Fayetteville, Bridgeport subdivision and subsequently Fairfield Subdivision, one property removed to the south is developed at single family. That is zoned RSF-4, it is not developed at that density, it is somewhere around 2.6 or 2.8 units per acre. In that regard, staff found that it was compatible with the properties being developed in that district. The property directly south I believe was actually requested to be annexed several years ago. It was already developed. It was not brought forward in its entirety because

of issues with the development and services provided. The applicant at the time was not proposing to bring those services up to city standards and so it was not brought into the city. There are a number of properties that would not be allowed in RSF-4 districts. There is a very large nursery operation in this area. That is going back to the annexation policies and creating islands that is obviously one of the concerns with not having land use controls because that could become a storage unit or other industrial property As of right now we felt generally in the area that properties were developing in a manner that was compatible with the RSF-4 district. While there are existing large lots, we feel that the trend in this area, even in the county, is to develop with that type of density.

Clark: Mr. Clark, does your developer intend to develop at four units per acre?

Clark, S.: No, we are intending to put lots in that are 85' wide and 130' in depth and so it works out to about to about 2.6 to 2.8. I believe there is a schematic in the packet of a proposed design.

Morgan: The letter from the applicant stated 63 lots and on this 24.35 acres it is 2.58 units per acre.

Clark: I asked that question because certainly if I would've had the opportunity to vote against the Cherry Hills Subdivision I would have because it wasn't in the city because of density. We certainly looked at a lot of other things. I think RSF-4 to develop at that density would be still very high for this there is no transitional housing in this area and I am much more likely to support what you are talking about.

Clark,S: We don't want to put small lots, very narrow lots, small lots, anything that would develop at a true four units per acre isn't the size of lots that we are looking at.

MOTION:

Myres: I would like to make a motion that we approve RZN 05-1491 contingent upon City Council annexing.

Ostner: We have a motion to forward, is there a second?

Trumbo: Second.

Ostner: Is there further comment? Could you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 05-1491 to the City Council was approved by a vote of 9-0-0.

Planning Commission
May 23, 2005
Page 62

Thomas: The motion carries.

Announcements

Meeting adjourned 8:58 p.m.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: May 25, 2005

Subject: Rezoning for Dixie Development (RZN 05-1491)

RECOMMENDATION

The Planning Commission voted to recommend approval of the subject rezoning request rezoning approximately 24.35 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single-Family – 4 units per acre, should the City Council approve the preceding ANX 05-1490.

BACKGROUND

The subject property contains 24.35-acres and is owned by Dixie Development. It is located at the northeast corner of Mount Comfort Road, where the Minor Arterial Street turns north and continues as Hughmount Road. Property recently platted as Wildflower Meadows Subdivision adjoins the property to the east. Other subdivisions such as Bridgeport and Clabber Creek are located south and east of the subject property. If the preceding ANX 05-1490 is approved, the property will be zoned R-A, Residential-Agricultural.

The applicant intends to develop this property for a single family subdivision with 63 single family lots, similar in density and character to the surrounding subdivisions within the City and a recently approved subdivision in the Planning Area. The applicant requests a rezoning of the subject property from R-A to RSF-4 to allow the development of a residential subdivision.

Should the annexation of this property approved, staff recommends approval of this rezoning request based on findings stated herein. The development of this property will be compatible with those residential developments surrounding the property.

DISCUSSION

This item was heard at the regular Planning Commission on May 23, 2005. The Planning Commission voted 9-0-0 to recommend this rezoning request should the City Council vote to approve ANX 05-1490, which would incorporate the subject property into the City of Fayetteville.

Tabled to 8/2/05 mtg 7/19/05
Tabled to 7/19/05 mtg 7/5/05
Left on Second Reading 6/21/05

The Planning Commission voted 5-4-0 to deny the request to annex the 24.35-acre property, as it would result in the creation of an island of unincorporated property. Anticipating that the denial of the annexation would be appealed by the applicant to the City Council, the City Attorney recommended that the Planning Commission make a recommendation for the rezoning request should the City Council approve the annexation.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1491 FOR APPROXIMATELY 24.35 ACRES LOCATED AT THE NORTHEAST CORNER OF MOUNT COMFORT AND HUGHMOUNT ROAD, FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

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

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

From R-A, Residential-Agricultural to RSF-4, Residential Single-Family, 4 units per acre, as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By:_____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1491

PART OF THE FRACTIONAL NORTHWEST QUARTER (FRL NW 1/4) OF SECTION 1 , TOWNSHIP 16 NORTH, RANGE 31 WEST, AND PART OF THE SOUTH HALF (S 1/2) OF SECTION 31 , TOWNSHIP 17 NORTH, RANGE 30 WEST, OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON BOLT, SAID BOLT ACCEPTED AND USED AS THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE FRACTIONAL NORTHWEST QUARTER (FRL NW 1/4) OF SAID SECTION 1 , TOWNSHIP 16 NORTH, RANGE 31 WEST THENCE NORTH 01 DEGREES 53 MINUTES 58 SECONDS EAST A DISTANCE OF 28.33 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN AND THE POINT OF BEGINNING; THENCE NORTH 84 DEGREES 40 MINUTES 38 SECONDS WEST A DISTANCE OF 19.29 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 76 DEGREES 20 MINUTES 32 SECONDS WEST A DISTANCE OF 63.43 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 64 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF 61.18 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 47 DEGREES 49 MINUTES 33 SECONDS WEST A DISTANCE OF 69.50 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 35 DEGREES 00 MINUTES 05 SECONDS WEST A DISTANCE OF 67.78 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 15 DEGREES 54 MINUTES 21 SECONDS WEST A DISTANCE OF 70.73 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 00 DEGREES 20 MINUTES 48 SECONDS EAST A DISTANCE OF 563.56 FEET TO A SET COTTON PICKER SPINDLE; THENCE SOUTH 85 DEGREES 36 MINUTES 33 SECONDS EAST A DISTANCE OF 23.81 FEET TO A SET 5/8 INCH DIAMETER IRON PIN; THENCE NORTH 40 DEGREES 05 MINUTES 48 SECONDS EAST A DISTANCE OF 15.55 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 79 DEGREES 34 MINUTES 49 SECONDS EAST A DISTANCE OF 437.56 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 03 DEGREES 47 MINUTES 41 SECONDS EAST A DISTANCE OF 354.75 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 71 DEGREES 56 MINUTES 02 SECONDS EAST A DISTANCE OF 112.10 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 71 DEGREES 55 MINUTES 52 SECONDS EAST A DISTANCE OF 556.38 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN AND THE NORTHWEST CORNER OF WILDFLOWER MEADOWS SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID WILDFLOWER MEADOWS SUBDIVISION SOUTH 03 DEGREES 06 MINUTES 36 SECONDS WEST A DISTANCE OF 832.24 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE LEAVING SAID WEST LINE NORTH 87 DEGREES 56 MINUTES 15 SECONDS WEST A DISTANCE OF 208.26 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE SOUTH 03 DEGREES 03

MINUTES 18 SECONDS WEST A DISTANCE OF 626.12 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 87 DEGREES 51 MINUTES 31 SECONDS WEST A DISTANCE OF 310.40 FEET TO A FOUND 1/2 INCH DIAMETER IRON PIN; THENCE NORTH 87 DEGREES 55 MINUTES 51 SECONDS WEST A DISTANCE OF 283.81 FEET TO THE POINT OF BEGINNING, CONTAINING 24.35 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT OF WAY OF MOUNT COMFORT ROAD ALONG THE SOUTH AND WEST SIDES AND WASHINGTON COUNTY ROAD # 703 ALONG THE WEST SIDE THEREOF. AND ALSO BEING SUBJECT TO ANY EASEMENTS, RIGHTS OF WAYS, COVENANTS AND RESTRICTIONS OF RECORD.

DRAFT

Fayetteville
ARKANSAS

PC Meeting of May 23, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	May 19, 2005

RZN 05-1491: (DIXIE DEVELOPMENT, 321): Submitted by STEVE CLARK for property located at NE CORNER WEST COMFORT AND HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 24.35 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: DIXIE DEVELOPMENT Planner: SUZANNE MORGAN

RECOMMENDATION:
Staff recommends approval of the requested rezoning should the preceding annexation be approved based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
⊗ Approved **○ Denied**
Date: **May 23, 2005** Motion to approve, contingent upon City Council's approval of annexation, made by Myres/Trumbo 9-0-0

CITY COUNCIL ACTION: **Required** **YES**
○ Approved **○ Denied**
Date: **June 21, 2005 (1st reading if recommended)**

Comments: _____

BACKGROUND:
Property description: The subject property contains four parcels of property consisting of 24.35-acres. The property is owned by Dixie Development. It is located at the northeast corner of Mount Comfort Road, where the Minor Arterial Street turns north and continues as Hughmount Road. Property recently subdivided as Wildflower Meadows Subdivision adjoins the property to the east. Other subdivisions such as Bridgeport and Clabber Creek are located south and east of the subject property. If approval of the preceding ANX 05-1490 is granted, the property will be zoned R-A, Residential Agricultural. If it is not, this request may not be voted upon.

Proposal: The applicant intends to develop this property for a single family subdivision with 63 single family lots, similar in density and character to the surrounding subdivisions. The applicant requests a rezoning of the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family – 4 units per acre, to allow the development of a residential subdivision.

Recommendation: Should the previous annexation request ANX 05-1490 be approved, staff recommends approval of this rezoning request based on findings stated herein. The development of this property will be compatible with those residential developments surrounding the property.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Hamstring Creek; Residential Single Family on large lots	Planning Area
South	Large Lot Residential Development	Planning Area
East	Wildflower Meadows Subdivision	RSF-4, Res. Single Family – 4 units/acre
West	Large Lot Residential Development	Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Mt. Comfort Road. Mt. Comfort Road is a minor arterial along the south boundary of the property and a collector along the west side of the property by the current Master Street Plan. Road improvements required for Mt. Comfort Road along the property are to include: right-of-way dedication, pavement 14' from centerline, curb and gutter, storm drainage, and sidewalks.

Surrounding Master Street Plan Streets:
South: Mount Comfort Road, Minor Arterial
West: Mount Comfort Road and Hughmount Road, Collect Streets
East: Morning Mist Road, Collector Street

Water: Public water is adjacent to the site. There is an 8" main along the south and west side of Mt. Comfort Road. There is a 4" main parallel to the 8" main along the north side of Mt. Comfort Road. There is a 6" main along Hughmont Road. There may be existing water stub-outs from development on the east side of the development. Water service would need to be extended within the property at the time of development. Minimum size of new water mains is 8". Additional connections may be required to complete a looped system. This may include an off-site connection to be determined at a later date. No long range improvements to the water system are planned at this time for this area. A study of the water supply to serve this property **shall** be conducted prior to development at the cost of the developer.

Sewer: The site **does** have access sanitary sewer. There is a 15" sewer main approximately 520 feet south of the property along Hamstring Creek, and an 8" main within the development to the east. Minimum size of new sewer mains is 8". Sewer would need to be extended to serve the property. A capacity analysis of the downstream sewer lines **shall** be conducted and a capacity analysis of the lift stations downstream of the site **shall** be conducted by the developer prior to development.

Fire: The subject property is located approximately 1.8 miles from Fire Station #7. Response time to the property is projected at 5 minutes. At full build-out, a projected 22 calls are expected with a projected response time of 5.5 minutes.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will** substantially alter the population density and **will possibly** create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 97 new homes will dramatically increase the traffic on an already congested arterial street. (Mt Comfort Road).

LAND USE PLAN: The Future Land Use Plan designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and is compatible with surrounding properties.

FINDINGS OF THE STAFF

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

Finding: **The proposed rezoning is consistent with land use planning objectives and policies and is compatible with zoning and use of adjacent properties. Surrounding properties are residential or agricultural in nature. The subject property provides for an extension of existing single family subdivisions. The Future Land Use Plan identifies the subject property for residential development.**

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

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. It will provide the potential for development comparable to the approved subdivisions in this area.**

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

Finding: **Access to this site is provided by Mount Comfort Road, designated a Minor Arterial to the south and a Collector to the west. Access is also available from Morning Mist Road, a Collector street. Development of this 24.35-acre tract will increase the traffic on the adjacent streets; however, these streets have been identified to be designed to carry large volumes of traffic per day. A thorough review of the proposed connectivity to Mount Comfort Road from within the property and the extension of Morning Mist Road will be required at the time of development. According to the preliminary concept plan for development, Morning Mist Dr. stubs-out to the west and does not connect to the adjacent collector street. A curb cut onto Mount Comfort Rd/Hughmount Dr. is proposed in close proximity to the eventual connection of Morning Mist Drive. At the time of development, staff will evaluate the proposed street intersections onto the surrounding Master Street Plan streets to ensure the safe traffic movement.**

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

Finding: **The proposed zoning would increase population density. The approximately 24.35-acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 12 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 97 dwelling units would be permitted. This increases the possible number of residential units, yet is consistent with land use and zoning within the City of Fayetteville and developing areas to the east and south.**

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

It is the opinion of the Fayetteville Police Department that this rezoning <u>will</u> substantially alter the population density and <u>will possibly</u> create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 97 new homes will dramatically increase the traffic on an already congested arterial street. (Mt Comfort Road).

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: **N/A**

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half

(D) Bulk and area regulations.

Lot width minimum	200 ft.
Lot Area Minimum: Residential: Nonresidential:	 2 acres 2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

May 16, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

In reference to **RZN05-1491: (DIXIE DEVELOPMENT, 321):** Submitted by STEVE CLARK, for property located at NE CORNER MT. COMFORT AND HUGHMOUNT RD. The property is zoned R-A RESIDENTIAL AGRICULTURAL and contains approximately 24.35 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acres.

It is the opinion of the Fayetteville Police Department that this rezoning **will** substantially alter the population density and **will possibly** create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 97 new homes will dramatically increase the traffic on an already congested arterial street. (Mt Comfort Road).

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review May 10, 2005										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
ANX05-1488	Collins/Kinghorn	YES	17.33	*3				0	0	0
RZN05-1489	Collins/Kinghorn		17.33	*3	4.4 miles	8 minutes	8.5 minutes	16	6	10
RZN05-1489	Collins/Kinghorn		17.33	5	5.5 miles	12 minutes	12 minutes	16	6	10
ANX05-1490	Dixie Develop	YES	24..35	7				0	0	0
RZN05-1491	Dixie Develop		24.35	7	1.8 miles	5 minutes	5.5 minutes	22	9	13
ANX05-1495	Benton Develop	YES	10.66	7				0	0	0
RZN05-1502	Benton Develop		10.66	7	2.6 miles	6 minutes	6.5 minutes	10	4	6

* = Proposed Station 3

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

Part of the Fractional Northwest Quarter (FRL NW 1/4) of Section 1, Township 16 North, Range 31 West, and part of the South Half (S 1/2) of Section 31, Township 17 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows: Commencing at a found iron bolt, said bolt accepted and used as the Southwest corner of the Southeast Quarter (SE 1/4) of the Fractional Northwest Quarter (FRL NW 1/4) of said Section 1, Township 16 North, Range 31 West thence North 01 degrees 53 minutes 58 seconds East a distance of 28.33 feet to a found 1/2 inch diameter iron pin and the POINT OF BEGINNING ;thence North 84 degrees 40 minutes 38 seconds West a distance of 19.29 feet to a found 1/2 inch diameter iron pin; thence North 76 degrees 20 minutes 32 seconds West a distance of 63.43 feet to a found 1/2 inch diameter iron pin; thence North 64 degrees 58 minutes 43 seconds West a distance of 61.18 feet to a found 1/2 inch diameter iron pin; thence North 47 degrees 49 minutes 33 seconds West a distance of 69.50 feet to a found 1/2 inch diameter iron pin; thence North 35 degrees 00 minutes 05 seconds West a distance of 67.78 feet to a found 1/2 inch diameter iron pin; thence North 15 degrees 54 minutes 21 seconds West a distance of 70.73 feet to a found 1/2 inch diameter iron pin; thence North 00 degrees 20 minutes 48 seconds East a distance of 563.56 feet to a set cotton picker spindle; thence South 85 degrees 36 minutes 33 seconds East a distance of 23.81 feet to to a set 5/8 inch diameter iron pin; thence North 40 degrees 05 minutes 48 seconds East a distance of 15.55 feet to a found 1/2 inch diameter iron pin; thence North 79 degrees 34 minutes 49 seconds East a distance of 437.56 feet to a found 1/2 inch diameter iron pin; thence North 03 degrees 47 minutes 41 seconds East a distance of 354.75 feet to a found 1/2 inch

diameter iron pin; thence North 71 degrees 56 minutes 02 seconds East a distance of 112.10 feet to a found 1/2 inch diameter iron pin; thence North 71 degrees 55 minutes 52 seconds East a distance of 556.38 feet to a found 1/2 inch diameter iron pin and the northwest corner of Wildflower Meadows Subdivision; thence along the west line of said Wildflower Meadows Subdivision South 03 degrees 06 minutes 36 seconds West a distance of 832.24 feet to a found 1/2 inch diameter iron pin; thence leaving said west line North 87 degrees 56 minutes 15 seconds West a distance of 208.26 feet to a found 1/2 inch diameter iron pin; thence South 03 degrees 03 minutes 18 seconds West a distance of 626.12 feet to a found 1/2 inch diameter iron pin; thence North 87 degrees 51 minutes 31 seconds West a distance of 310.40 feet to a found 1/2 inch diameter iron pin ; thence North 87 degrees 55 minutes 51 seconds West a distance of 283.81 feet to the POINT OF BEGINNING , containing 24.35 acres, more or less, and being subject to the right of way of Mount Comfort Road along the south and west sides and Washington County Road # 703 along the west side thereof. And also being subject to any easements, rights of ways, covenants and restrictions of record.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Kurt Konold
Applicant's Signature

1st Submittal
submitted as: RZN 05-1491
4/21/05 TJ

Dixie Management and Investments, LP. , owners of this parcel on Mount Comfort Road, are requesting to rezone the property from R-A to RSF-4. They propose to develop the land into a residential subdivision.

The preliminary lot layout consists of 63 single family lots, which is compatible with Bridgeport Addition and Clabber Creek. Egress will be onto Mount Comfort Road and Hughmount Road

Each entrance will have a monument sign identifying the subdivision built in accordance with City regulations.

The developer will build an 8" sewer line along Sunshine Road, CR 887, to the southwest to an existing lift station. Water mains will be extended into the development from the existing subdivision to the east. The development will also tie into the existing water main along Mount Comfort Road.

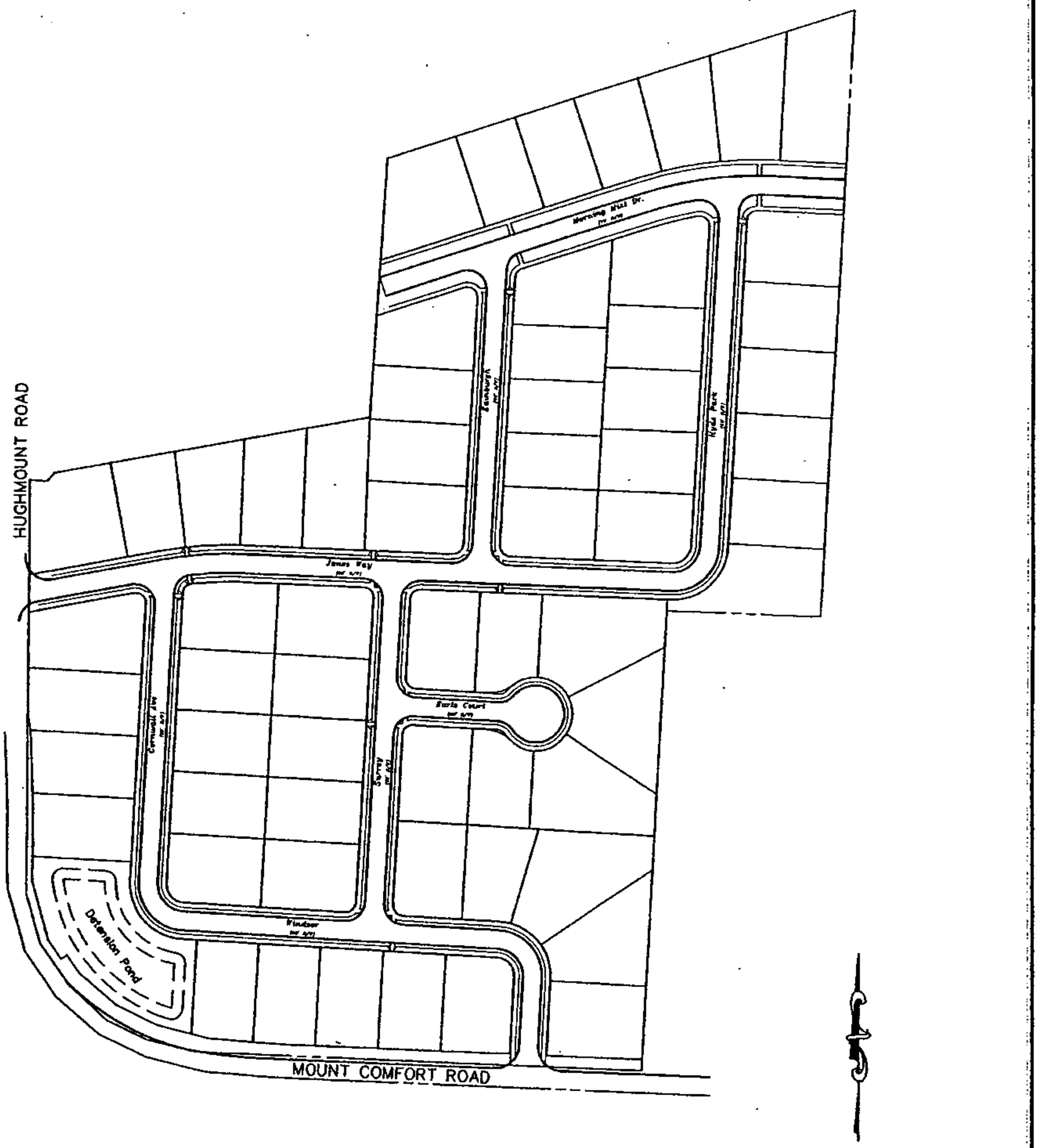
The Fayetteville Land Use plan shows this area to be low density single family residential. Our request for the zoning to be RSF-4 is consistent with the land use plan.

With the rapid growth in the area the supply of single family lots is continuously being deplenished. We believe that this rezoning request is justified and needed.

Mt,. Comfort Road is shown to be a minor arterial and will handle the increase in traffic caused by this development.

Single family development is one of the lowest densities that we can request. It will not adversely impact the infrastructure in the area.

The existing zoning of this property is Agricultural and constructing residential subdivisions in agricultural zoning districts is not practical.



(IN FEET)
1 inch = 200 ft.

Clark Consulting
CIVIL / ENVIRONMENTAL ENGINEERING
3715 Business Drive, Suite 202 Fayetteville, AR 72703 (479)444-8171

SCALE: 1" = 200'	DATE REVISED:	CHECKED BY:	DRAWN BY:
DATE: 04/13/05		JSC	Konold

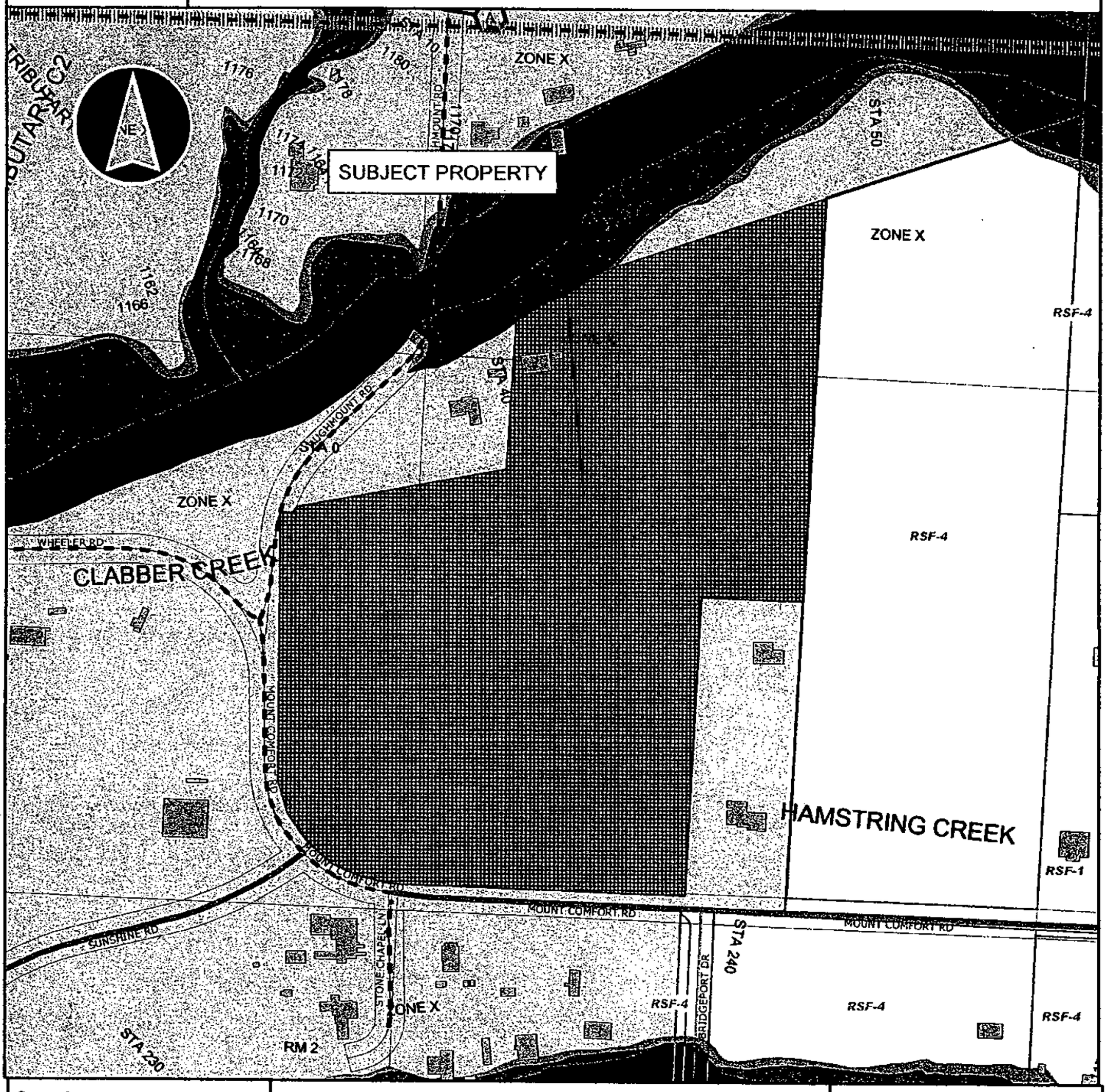
Preliminary Lot Layout
Mount Comfort Road - Israel

1/1

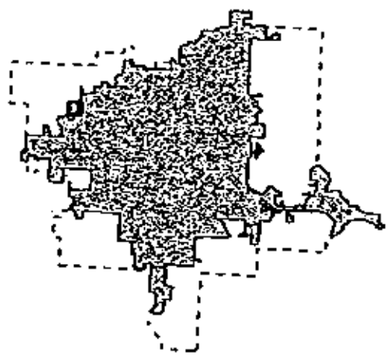
RZN05-1491

Close Up View

DIXIE DEVELOPMENT



Overview



Legend

RZN05-1491

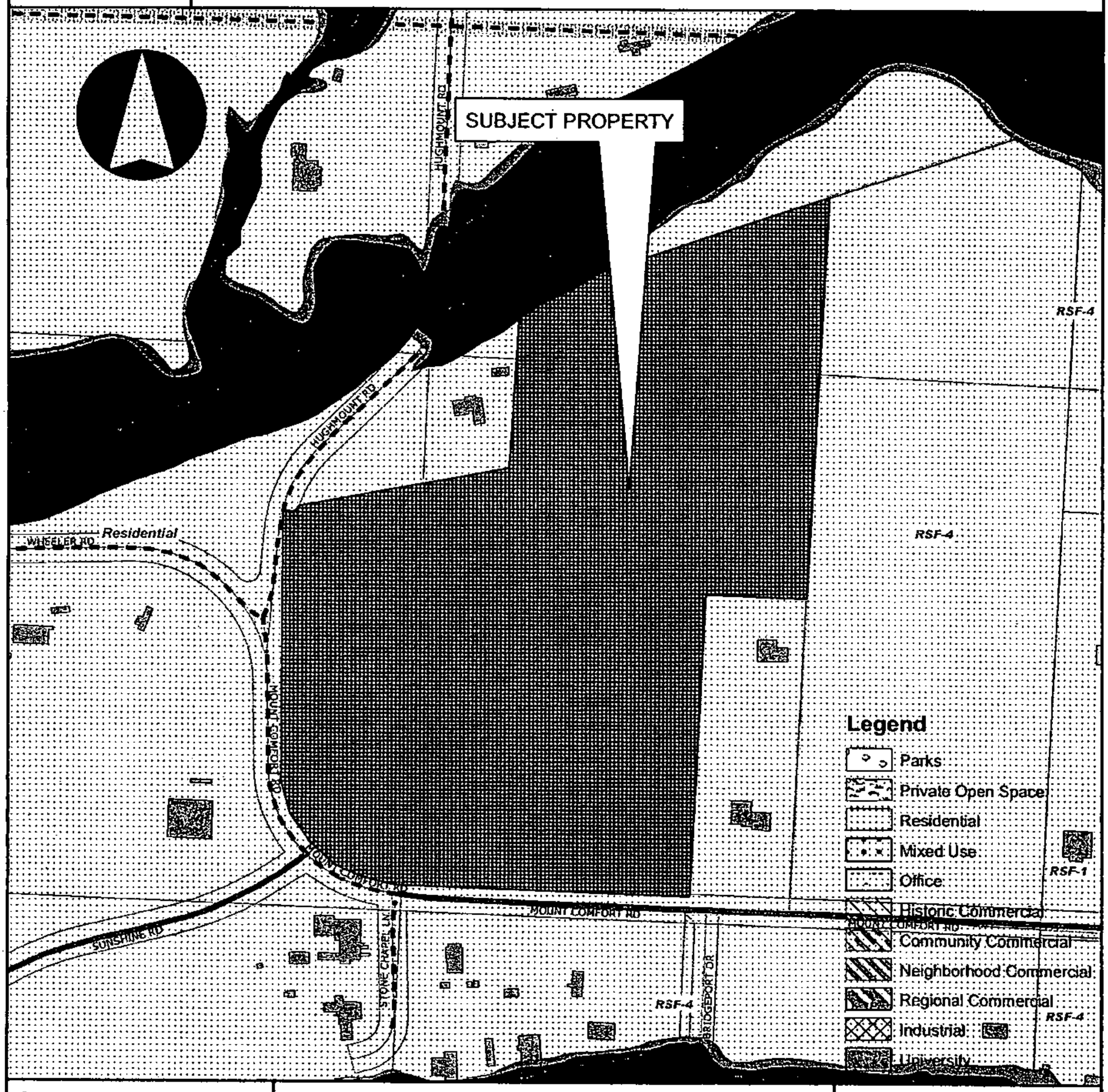
Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City

0 75 150 300 450 600
Feet

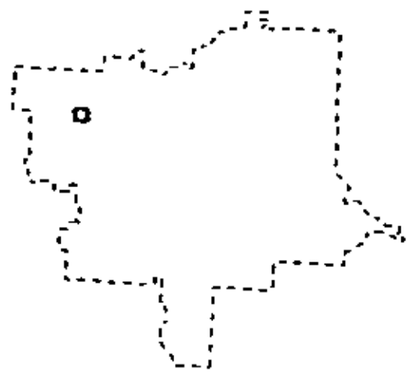
RZN05-1491

Future Land Use

DIXIE DEVELOPMENT



Overview



Legend

Subject Property
RZN05-1491

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
Outside City

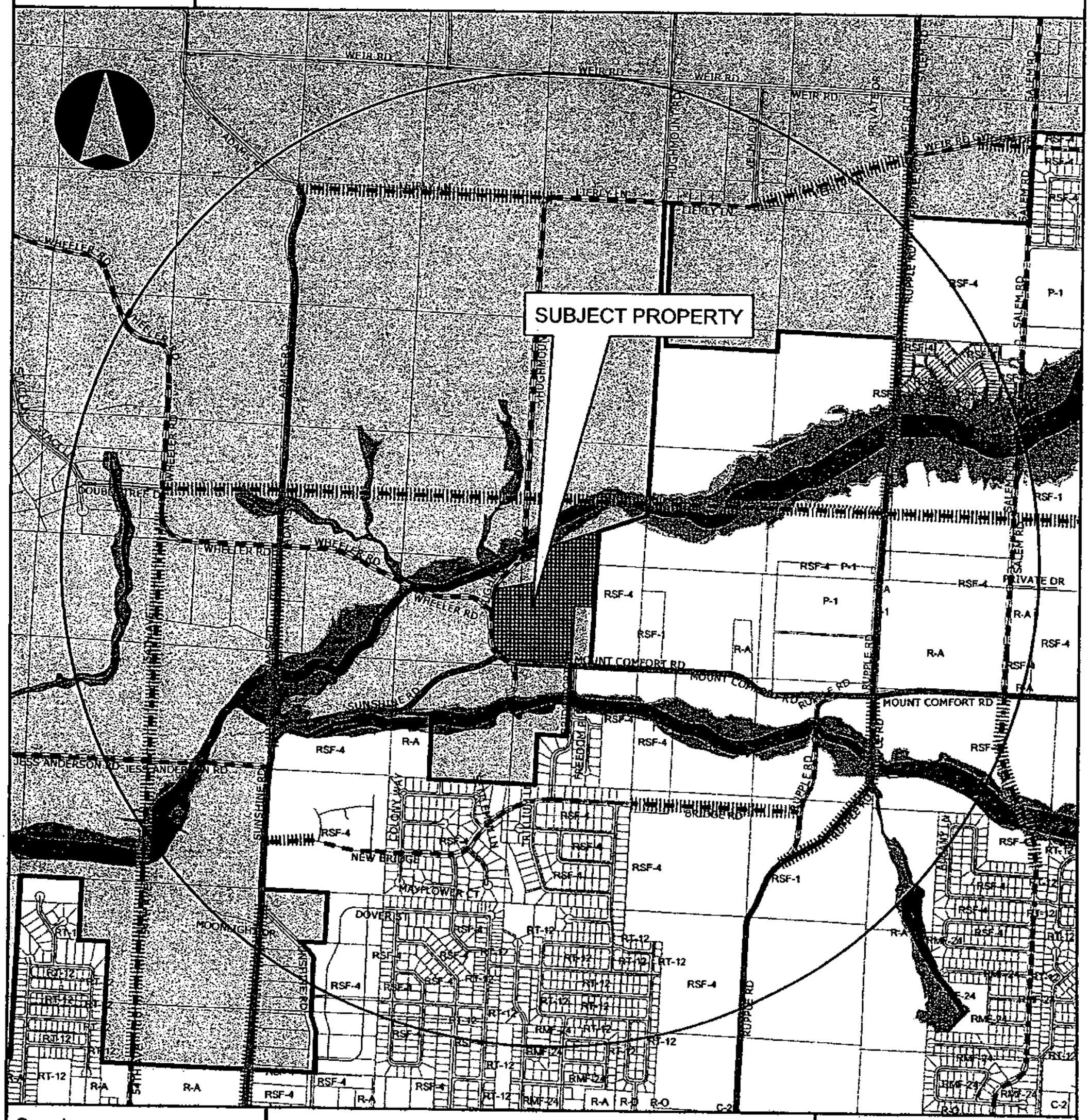
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 50 100 200 300 400
Feet

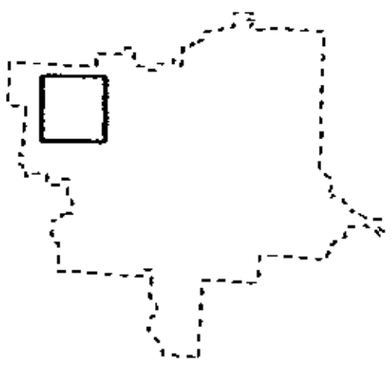
RZN05-1491

One Mile View

DIXIE DEVELOPMENT



Overview



Legend

Subject Property

RZN05-1491

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

21-Jun-05
City Council Meeting Date

Jeremy Pate JP	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1491: (DIXIE DEVELOPMENT, 571): Submitted by Steve Clark for property located at the northeast corner of Mount Comfort and Hughmount. The property is zoned R-A, Residential-Agricultural, and contains approximately 24.35 acres. The request is to ~~annex~~ rezone the subject property to RSF-4, Residential Single-Family, 4 units per acre. 9Kit

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 6.2.05 Date

City Attorney — 6-3-05 Date

Finance and Internal Service Director — 6-6-05 Date

Mayor — 6/8/05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 6/6/05

Received in Mayor's Office ENTERED 6/6/05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 6, 2005

Subject: Rezoning for HondaPro (RZN 05-1524)

RECOMMENDATION

The Planning Commission voted to deny the subject rezoning request rezoning Lots 14, 15, and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family – 4 units per acre and R-O, Residential Office, to C-2, Thoroughfare Commercial.

BACKGROUND

Property description: The subject property consists of three parcels, containing lots 14, 15, and 16 of the Parker's Plat of Valley View Acres. This property is located north of Poplar Street and west of Shady Avenue, which runs parallel to Gregg Avenue. Lots 15 and 16 have been zoned R-O, Residential Office since 1977. Lot 14 is zoned RSF-4, Residential Single-Family – 4 units per acre. There is currently an automotive repair, sales, and auto salvage business operating on lots 15 and 16. This business, HondaPro, leases these two lots and the vacant lot to the west (Lot 14) and has been in operation for two years according to the information supplied by the applicant.

Background: In 2002 the owner of Quality Auto Exchange was issued a violation letter for operating an automotive sales business on the subject property and subsequently relocated this business. In March of 2005, the Planning Division received a complaint for the former lessee regarding the current use of the subject property for automotive sales, service and repair. On March 11, 2005, a violation letter was sent to the property owner, who was given 30 days to resolve the situation to the City's satisfaction. With no response from the property owner within the allotted time frame, staff sent a Final Notice to the owner on April 20, 2005. On May 5, 2005, a representative of Honda Pro submitted an application to rezone the property. It was determined that the applicant would either need an I-2 zoning to allow for auto salvage in addition to the repair and sales or a C-2, Thoroughfare Commercial, if all auto salvage on the property were ceased and salvage cars removed. The applicant has indicated to staff that he will remove all automobiles currently used for salvage of parts for other repairs and requests a C-2 zoning district so that the existing business may remain in operation at its current location.

Proposal: The applicant intends to continue utilizing the existing structure on the property for automotive sales, services and repair. Use unit 17, under which this use is

Tabled to 8/2/05 mtg 7/19/05

categorized, is not allowed in the RSF-4 or R-O zoning district as a permitted or conditional use. The applicant proposes a rezoning of the subject property to C-2, Thoroughfare Commercial.

Public Comment: Staff has received several calls from surrounding property owners who have expressed concern regarding the impact of the rezoning request on the surrounding residential neighborhood. A letter from an adjoining property owner in this single family neighborhood is also included in the staff report.

DISCUSSION

This item was heard at the regular Planning Commission on June 13, 2005. The Planning Commission voted 7-1-0 to deny the requested rezoning with Commissioner Vaught voting no. The applicant has submitted an appeal of the Planning Commission decision to the City Clerk within the 10-day appeal period.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1524 LOCATED AT 300,306, 310 WEST POPLAR STREET FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE AND R-O, RESIDENTIAL-OFFICE TO 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 RSF-4, Residential Single-Family, 4 units per acre and R-O, Residential-Office, to C-2, Thoroughfare Commercial, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1524

LEGAL DESCRIPTION OF LOTS 14, 15 AND 16:

LOT 14: BLOCK 1 IN THE REVISED PLAT OF BLOCK 6, PARKER'S PLAT OF VALLEY VIEW ACRES, AND ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

LOT 15: LOT NUMBERED FIFTEEN (15) IN BLOCK NUMBERED ONE (1) IN PARKER'S PLAT OF VALLEY VIEW ACRES, IN FAYETTEVILLE, ARKANSAS, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

LOT 16: LOT NUMBERED SIXTEEN (16) IN BLOCK NUMBERED ONE (1). REVISED PLAT OF BLOCK NUMBERED FIVE (5) IN PARKER'S PLAT OF VALLEY VIEW ACRES, AN ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

DRAFT

HONDAPRO

300 W.Poplar St. Fayetteville, AR 72703
(479) 571-4100

June 21, 2005

The City of Fayetteville
Attention: Jesse Fulcher – Planning Technician
125 West Mountain
Fayetteville, AR 72701

Dear Mr. Fulcher:

This letter is being forwarded to most respectfully appeal the denial of our recently proposed rezoning request number RZN 05-1524 per the Planning Commissions' decision made on June 13, 2005.

Please respond as to how we need to proceed with this appeal from this point. As always, if you should have any questions, or require any documentation from us, please do not hesitate to contact our office

Sincerely,

Seth McClelland
HondaPro, Owner

SM/ch

RECEIVED
JUN 21 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Fayetteville
ARKANSAS

PC Meeting of June 13, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	May 25, 2005

RZN 05-1524: (HONDA PRO, 367): Submitted by SETH MCCLELLAND for property located at 300, 306, 310 W POPLAR ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY – 4 UNITS PER ACRE, and R-O, RESIDENTIAL OFFICE. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

Property Owner: PAT and STACY TOBIN Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends denial of the requested rezoning to C-2, Thoroughfare Commercial, based on the findings herein.

PLANNING COMMISSION ACTION: Required YES
Date: June 13, 2005 ◉ Approved ○ Denied
Allen/Myres 2 7-1-0
w/ Vaught voting no

CITY COUNCIL ACTION: Required YES
Date: July 5, 2005 (1st reading if recommended) ○ Approved ○ Denied

BACKGROUND:

Property description: The subject property consists of three parcels, containing lots 14, 15, and 16 of the Parker's Plat of Valley View Acres. This property is located north of Poplar Street and west of Shady Avenue, which runs parallel to Gregg Avenue. Lots 15 and 16 have been zoned R-O, Residential Office since 1977. Lot 14 is zoned RSF-4, Residential Single-Family – 4 units per acre. There is currently an automotive repair, sales, and auto salvage business operating on lots 15 and 16. This business, HondaPro, leases these two lots and the vacant lot to the west (Lot 14) and has been in operation for two years according to the information supplied by the applicant.

Background: In February 2002, the owner of Quality Auto Exchange submitted a Certificate of

Zoning Compliance to establish a used vehicle sales business on the subject property. This type of use was not permitted in an R-O zoning district, and would require a C-2 zoning. The Planning Division denied the Certificate of Zoning Compliance and informed the owner that if the business had initiated, it must be discontinued immediately. Upon inspection of the property a short time later, staff found that the business was in operation on this site. A violation letter was issued on April 25, 2002 to the owner. Subsequently, the business did cease operation at this location.

In March of 2005, the Planning Division received a complaint regarding the use of the subject property for automotive sales, service and repair. On March 11, 2005, a violation letter was sent to the property owner, who was given 30 days to resolve the situation to the City's satisfaction. With no response from the property owner within the allotted time frame, staff sent a Final Notice to the owner on April 20, 2005. On May 5, 2005, a representative of Honda Pro submitted an application to rezone the property. It was determined that the applicant would either need an I-2 zoning to allow for auto salvage in addition to the repair and sales or a C-2, Thoroughfare Commercial, if all auto salvage on the property were ceased and salvage cars removed. The applicant has indicated to staff that he will remove all automobiles currently used for salvage of parts for other repairs and requests a C-2 zoning district so that the existing business may remain in operation at its current location.

Timeline of Previous Rezoning Requests for the Subject and Surrounding Properties:

Date	**Location**	**Request**	**Staff Recommendation**	**Action**
1977	Lot 16	Rezone from RSF-4 to R-O	Approval	Granted
1990	NW corner of Pear St. and Shady Ave.	Rezone from RSF-4 to C-2	Approval with many conditions. Approval would allow an illegal business to stay in operation.	Granted subject to a Bill of Assurance with six conditions.
1995	Lots 15 & 16	Rezone from RSF-4 (Lot 15) and R-O (Lot 16) to I-1	Denial	Applicant withdrew rezoning request.
1996	Lot 15	Rezone from RSF-4 to R-O	Approval	Granted

Proposal: The applicant intends to continue utilizing the existing structure on the property for automotive sales, services and repair. Use unit 17, under which this use is categorized, is not allowed in the RSF-4 or R-O zoning district as a permitted or conditional use. The applicant proposes a rezoning of the subject property to C-2, Thoroughfare Commercial, to allow for a use that is compatible and similar in nature to the uses that surround the parcel.

Recommendation: Staff recommends denial of the rezoning request. This area is designated Residential the future land use plan, which is consistent with the current RSF-4 and R-O zoning districts.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single Family Residential	RSF-4, Res. Single Family – 4 du/acre
South	Construction Speed Engineering	I-1, Heavy Commercial & Light Industrial
East	Rail Road Tracts	RSF-4, Res. Single Family – 4 du/acre
West	Single Family Residential	RSF-4, Res. Single Family – 4 du/acre

INFRASTRUCTURE:

Streets: Currently the site has access to Poplar Street and Easy Avenue. Road improvements required for Poplar and Easy at the time of development may include: right-of-way dedication, widening of pavement, curb and gutter, storm drainage, and sidewalks.

Surrounding Streets:
North: Pear St. (Local)
South: Poplar St. (Local)
East: Shady Ave. (Local) & Gregg Ave. (Minor Arterial)
West: Easy Ave. (Local)

Water: Public water is adjacent to the site. There is a 6" main along Poplar Street. There is also a 1.25" main that parallels the 6" main and turns north along Easy Avenue. Water service would need to be extended within the property at the time of development. Minimum size of new water mains is 8". Additional connections may be required to complete a looped system. This may include an off-site connection to be determined at a later date. No long range improvements to the water system are planned at this time for this area.

Sewer: The site **does** have access sanitary sewer. There is an 18" sewer main along Easy Avenue, and a 6" main along Poplar Street. Sewer would need to be extended within the property to serve the development.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #2 to the site would be approximately 4 minutes for a distance of 1.6 miles.

Police: It is the opinion of the Fayetteville Police Department that this re-zoning **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: The Future Land Use Plan designates this site for **Residential** use. Rezoning this property to C-2, Thoroughfare Commercial is not consistent with the land use plan for this area and is not compatible with surrounding single family residential properties.

FINDINGS OF THE STAFF

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

Finding: **The proposed rezoning is not consistent with current land use planning objectives and policies and is not compatible with adjacent properties in the same district. The property in question is adjacent to parcels zoned RSF-4 to the north and west. Property to the south, across Poplar Street, is zoned I-1 and is an active industrial area. Property to the east is utilized for the Arkansas Rail Road and separates the subject property from Gregg Street. The Future Land Use Plan indicates this property as Residential. A residential zoning district in this area is compatible with the surrounding RSF-4 zoning district. A C-2 zoning district, however, will allow for the operation of businesses that will have a greater impact on the residential properties.**

There is currently a small residential neighborhood located north of the subject property, accessed by unimproved streets and dense with vegetation. The rezoning and subsequent development of the subject property will significantly impact these single family residents. Lots 15 and 16 have been zoned R-O to allow for the development of offices and residential dwellings that are more appropriate in this neighborhood as a transitional zoning district from the RSF-4 zone to the north and I-1 zone to the south. Lot 14 is currently vacant and zoned RSF-4, which will allow for development of single family residential uses. The current zoning districts on each of the properties are shown to be desirable and appropriate on the Future Land Use Plan and are compatible with the existing development 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 not justified, as it will not promote orderly and consistent development patterns. The General Plan 2020 encourages "defin[ing] appropriate areas and the size of areas for community commercial districts." The Future Land Use plan and past rezoning requests considered and acted upon by the City Council indicate that the appropriate use of the subject property is residential in nature. A Residential Office zoning district was permitted to allow for some flexibility in use on Lots 15 and 16, to allow for residential and/or office use, as it functions as a transitional area between the residential neighborhood to the north and the industrial businesses south of Poplar Street. Rezoning this property is not only a consideration of compatibility, but as whether the existing neighborhood should be protected from encroachment.**

The applicant's need to rezone this property is a result of a violation of the R-O zoning district for operation of an automotive sales and repair business on Lots 15 and 16 and the desire to utilize/expand said business onto Lot 14, currently zoned RSF-4.

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

Finding: **The existing, non-conforming business on this property generates more traffic than would a residential development. As currently zoned, the property could be utilized for office use which could possible generate traffic on the surrounding streets. Staff finds that rezoning the subject property would potentially increase traffic on surrounding streets, most of which are unimproved and narrow, should increased development occur.**

Police – **It is the opinion of the Fayetteville Police department that an appreciable increase in traffic danger and congestion will not be created by this rezoning request.**

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

Finding: **The proposed zoning would not substantially alter the population density in the area. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: **N/A**

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.15 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 13	Eating places
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

161.17 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	**Shopping goods**
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.
(D) *Bulk and area regulations.* None.
(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

May 31, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

In reference to **RZN 05-1524 (HONDA PRO, 367):** submitted by SETH MCCLELLAND for the property located at 300, 306, and 310 W. POPLAR STREET. The property is zoned R-O, RESIDENTAIL-OFFICE. The request is to rezone the subject property to I-1, Heavy Commercial, Light Industrial.

It is the opinion of the Fayetteville Police Department that this re-zoning **will not** substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review May 31, 2005										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
RZN05-1523	Hartlerode	No	0.25	1	2.1 miles	4 Minutes	N/A	N/A	N/A	N/A
RZN05-1524	Honda Pro	No		2	1.6 miles	4 minutes	N/A	N/A	N/A	N/A

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

The applicant must provide a site plan, drawn to scale, showing setbacks and measurements from overhangs on all proposed structures, existing structures, utility easements, off-street parking, driveways, landscaping and other proposed permanent improvements like pools, hot tubs, heating or a.c. units, decks, carports, etc. The distance from any proposed structure to property lines must be clearly indicated. Floor plans may be required for certain uses to verify zoning compliance. ***NOTE: Property lines can be accurately determined only by survey. The street is not the front property line.***

SECTION (A) ZONING REQUIREMENTS:

•PROPERTY ZONED: R-O SITE ADDRESS: 380 W Poplar
•PROPERTY OWNER: Pat Tolan PHONE:
•PROPERTY OWNER'S ADDRESS: CITY: STATE: ZIP:
•NUMBER OF DWELLING UNITS: * IS THIS PROPERTY SUBJECT TO RESTRICTIVE COVENANTS? YES NO
•IF YES, HAS THE APPROPRIATE REVIEW BOARD APPROVED THIS PROJECT? YES NO
NOTE: THE CITY DOES NOT ENFORCE RESTRICTIVE COVENANTS. THIS INFORMATION IS FOR NOTIFICATION PURPOSES ONLY.

THOSE NOT APPLYING FOR A BUILDING PERMIT, PLEASE CONTINUE TO SECTION (C) OTHERWISE COMPLETE ENTIRE APPLICATION

SECTION (B) BUILDING SETBACKS:

•SCALE USED FOR SITE PLAN:
•PROPOSED BUILDING HEIGHT:
•ARE THERE OTHER STRUCTURES EXISTING ON THE LOT?
YES NO If yes, please describe:

•SETBACKS:	PROPOSED:	FOR OFFICIAL USE ONLY: MINIMUM	COMMENT:
NORTH:			
SOUTH:			
EAST:			
WEST:			

SECTION (C) PUBLIC REQUIREMENTS:

•**PUBLIC SIDEWALK:** A sidewalk is required along street(s) and constructed in accordance to specifications in the City's Street and Sidewalk Ordinance.
•**ADDRESS NUMBERS:** No permanent water meter will be set until permanent address numbers (visible from the street and at least 4" high) are installed on the structure.. House numbers may not be changed without approval from the Water Department.
•**DRIVEWAYS:** Driveways must be paved with hot mix asphalt or concrete and must be surfaced for a minimum of 12 ½ feet into the property.
•**OFF-STREET PARKING:** The parking area(s) must be striped into a minimum of spaces of size, of these spaces, shall be ADA accessible including for van accessibility, and shall include accessible ramps where needed. You must also provide curbs, bumper guards or wheel stops so that no part of a parked vehicle extends beyond the boundary of the parking lot.
•SPACES REQUIRED: •SPACES PROVIDED:
•DO YOU SHARE PARKING WITH ANY OTHER BUSINESS? YES NO If yes, please explain in writing.

SECTION (D) ADDITIONAL REVIEWS & APPROVAL DATES:

BOARD OF ADJUSTMENTS:
PLANNING COMMISSION:
LARGE SCALE DEVELOPMENT:
LOT SPLIT:

SECTION (E) NON-RESIDENTIAL REQUIREMENTS:

•BUSINESS NAME: Quality Auto Exchange BUSINESS PHONE: (501) 286-1586
•NAME ON LEASE: Sammy Mohandessian HOME PHONE: (501) 442-5502
•HOME ADDRESS: 1557 Cortland CITY: Fayetteville STATE: AR ZIP: 72703
•INTENDED USE OF STRUCTURE: Used Cars PREVIOUS USE OF STRUCTURE: ?
•IS THE STRUCTURE VACANT? YES (NO) If yes, how long has the structure been vacant? N/A
•IS THE BUSINESS A HOME OCCUPATION? YES (NO) If yes, provide: permit ID #: PC approval date:
•DOES THE USE REQUIRE AN AIR PERMIT FROM THE ARKANSAS DEPARTMENT OF ENVIRONMENT QUALITY? YES (NO)
If yes, please provide a copy of the permit.
•DOES THE USE PRODUCE AN ODOR? YES (NO) If yes, please describe the odor:
•NUMBER OF EMPLOYEES: 1
•OUTDOOR STORAGE OF MATERIAL AND/OR EQUIPMENT? (YES) NO If yes, please describe: AFGN cars
•SQ. FT. OF TOTAL BUILDING: 3600 SQ. FT. OF YOUR BUSINESS: SQ. FT. OF EXPANSION:

FOR OFFICIAL USE ONLY:

CERTIFICATE NUMBER: -
PROPERTY ZONED: R-O PARCEL NUMBER: 765-09503-000 S-T-R: - -
PLAT PAGE: 307 LOT: 16 BLOCK: 1 PHASE: SUBDIVISION:
USE UNIT: INCLUDED USE(S):
§161.02 CERTIFICATE OF ZONING COMPLIANCE NONCONFORMING SECTIONS:
NOTES:

CITY PLANNER DATE

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

February 25, 2002

Mr. Sammy Mohandessian
Braden, Inc. DBA Quality Auto Exchange
PO Box 8666
Fayetteville, AR 72703

Re: Request for Certificate of Zoning Compliance

Dear Mr. Mohandessian:

The Planning Division has received your request for a Certificate of Zoning Compliance to establish a used car sales lot at 300 W. Poplar Street. Unfortunately, staff is unable to approve this request. The use of this site for your proposed business is not permitted. This property was zoned in 1977 for Residential-Office uses (Ord. #2349). It is not zoned properly for used vehicle sales, this type of use would require a Thoroughfare Commercial (C-2) zoning district. With this letter, I am returning your $25.00 application fee. If you have initiated business at this location, you must discontinue that activity immediately. An approved Certificate of Zoning Compliance or building permit must be received prior to the operation of any new business within the City of Fayetteville.

If you have questions regarding this information, you may contact the Planning Division.

Sincerely,

Dawn T. Warrick
Senior Planner

cc: Tim Conklin, City Planner
File

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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

DTW APRIL ~~February~~ 25, 2002

Mr. Sammy Mohandessian
Braden, Inc. DBA Quality Auto Exchange
PO Box 8666
Fayetteville, AR 72703

Re: Zoning Violation

Dear Mr. Mohandessian:

On February 25, 2002, the Planning Division contacted you (see attached correspondence) to notify you that the use of property at 300 W. Poplar Street for used car sales was not permitted. After speaking with Mr. William Greenhaw, attorney, on March 21, 2002, I understood that you were in the process of relocating your business to an appropriate location. I have since had the occasion to conduct a site tour and it is evident that you continue to operate this business in violation of City ordinance.

This is the only notice you will receive from the Planning Division. Should this violation not be remedied within the next thirty (30) days, I will forward this file information to the City Prosecutor for further action.

We are also writing to notify you of the serious nature of continuing the violation. A violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than $25.00 and not more than $500.00. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided.

The city may take such other lawful action as is necessary to prevent or remedy this violation. An appeal may be filed with the Board of Adjustment if you are aggrieved by an interpretation or decision regarding this zoning matter. If you have any questions or need more information regarding this letter, please contact Dawn Warrick, Senior Planner, at 575-8264.

Sincerely,

/Dawn T. Warrick

Dawn T. Warrick
Senior Planner

cc: Tim Conklin, City Planner
Hugh Earnest, Urban Development Director
Casey Jones, City Prosecutor
Mr. William Greenhaw
Stacy Tobin (property owner of record)
File

H:\USERS\COMMON\DAWNT\complaints\qualityauto_not1doc

From: Dawn Warrick
Date: 3/21/02 2:42PM
Caller: BILL GREENHAW
Company: REPRESENTING CLIENT ON POPLAR AND GREGG
Phone: 442-2562

QUALITY AUTO EXCHANGE SAMMY M.WHAT ARE THE ODDS OF GETTING IT REZONED? OR DOES HE NEED TO LOOK FOR ANOTHER LOCATION?

Returned call 3/21/02 - left message

Mr Greenhaw has advised his client to look for another location for his used car sales. He has either relocated or is in the process of doing so.

3/21/02 DW

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone:
479-575-8264

PLANNING DIVISION CORRESPONDENCE

VIOLATION NOTICE

March 11, 2005

Honda Pro Automotive
300 W. Poplar
Fayetteville, AR 72703

Re: Zoning Violation

Dear Management:

The City of Fayetteville has received a complaint regarding the use of your property located at 300 W. Poplar. City staff has investigated this complaint and determined that the use of your property for automotive sales, service and repair violates § Chapter 161:15 of the City of Fayetteville Unified Development Code. Your property is zoned R-O, Residential Office. An automotive sales, service and repair business is not allowed within the R-O zoning district. Furthermore, each business operating within the City of Fayetteville shall obtain a Certificate of Zoning Compliance as required by § Chapter 161.02 of the City of Fayetteville Unified Development Code.

You are hereby given notice to correct this violation within 30 days from receipt of this letter. If the matter is not resolved to the satisfaction of the city at that time, the City Prosecutor will be asked to take immediate action. If the violation is corrected prior to the criminal summons being requested, you may contact the Planning Division for an inspection to verify the violation has been corrected.

We are also writing to notify you of the serious nature of continuing the violation. A violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than $25.00 and not more than $500.00. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided.

The city may take such other lawful action as is necessary to prevent or remedy this violation. An appeal may be filed with the Board of Adjustment if you are aggrieved by an interpretation or decision regarding this matter. If you have any questions or need more information regarding this letter, please contact Jesse Fulcher, Planning Technician, at 575-8264.

Sincerely,

Jesse Fulcher
Planning Technician

cc: Jeremy Pate
Senior Planner

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone:
479-575-8264

PLANNING DIVISION CORRESPONDENCE

VIOLATION NOTICE

April 20, 2005

Stacy A. Tobin
2901 Tobin Ln.
Fayetteville, AR 72703

Re: Zoning Violation-**Final Notice**

Dear Property Owner:

The City of Fayetteville has received a complaint regarding the use of your property located at 300 W. Poplar. City staff has investigated this complaint and determined that the use of your property for automotive sales, service and repair violates § Chapter 161.15 of the City of Fayetteville Unified Development Code. Your property is zoned R-O, Residential Office. An automotive sales, service and repair business is not allowed within the R-O zoning district. Furthermore, each business operating within the City of Fayetteville shall obtain a Certificate of Zoning Compliance as required by § Chapter 161.02 of the City of Fayetteville Unified Development Code.

You are hereby given notice to correct this violation within 30 days from receipt of this letter. If the matter is not resolved to the satisfaction of the city at that time, the City Prosecutor will be asked to take immediate action. If the violation is corrected prior to the criminal summons being requested, you may contact the Planning Division for an inspection to verify the violation has been corrected.

We are also writing to notify you of the serious nature of continuing the violation. A violation of the provisions of this chapter shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than $25.00 and not more than $500.00. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties provided.

The city may take such other lawful action as is necessary to prevent or remedy this violation. An appeal may be filed with the Board of Adjustment if you are aggrieved by an interpretation or decision regarding this matter. If you have any questions or need more information regarding this letter, please contact Jesse Fulcher, Planning Technician, at 575-8264.

Sincerely,

Jesse Fulcher
Planning Technician

cc: Jeremy Pate
Senior Planner

May 4, 2005

Jesse Fulcher
Planning Technician
City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

RECEIVED
MAY 17 2005
PLANNING DIV.

Dr. Mr. Fulcher:

I am writing in reference to correspondence that I received from you in March. In this correspondence, you notified me of a zoning violation at 300 W. Poplar. I was unaware of the violation and I appreciate your notification.

As the land owner, I have asked the leasing agent of the building to rectify the situation as soon as possible. I know that he has been in communication with the business owner and they are looking at ways to remedy the situation.

Sincerely,

Stacy T. Keenan

Stacy T. Keenan

October 1, 1996

RZ9[illegible]

Mayor Hanna introduced consideration of an ordinance rezoning .26 acres located at 302 W. Poplar from R-1, Low Density Residential, to R-O, Residential-Office, as requested by Patrick Tobin.

City Attorney Rose read the ordinance for the first time.

Pat Tobin, petitioner, gave a brief history of this property. The property east of this is zoned R-O. They have the right of first refusal on the property to the west. The property across that street is a parking lot. The property directly across the street is zoned I-1. All the property owners adjoining this area are in favor of it. They do not want apartments or multi-family units.

Alderman Williams moved to suspend the rules and go to the second reading. Alderman Parker seconded. Upon roll call, the motion passed on a vote of 6 to 0.

City Attorney Rose read the ordinance for the second time.

Alderman Daniel moved to go to the third and final reading. Alderman Miller seconded. Upon roll call, the motion passed on a vote of 6 to 0.

City Attorney Rose read the ordinance for the third time.

There being no further comments, Mayor Hanna called for the vote.

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

ORDINANCE 3998 APPEARS ON PAGE OF ORDINANCE BOOK

VA96-9

Mayor Hanna introduced consideration of an ordinance vacating an easement located on lot 9 of Colt Square Subdivision located at the northwest corner of Colt Square and Green Acres Rd. as requested by Bill Keating.

City Attorney Rose read the ordinance for the first time.

Alderman Daniel commented on this being an after-the-fact thing. She wondered how to prevent these from happening.

Alderman Williams asked about the required approval forms.

Alett Little, Planning Director, replied they have been received.

RZ96-17.00 REZONING R-1 TO R-O
PATRICK TOBIN- N OF POPLAR AND W OF SHADY LANE

The next item on the agenda was a request submitted by Patrick Tobin for property located north of Poplar and west of Shady Lane. The property is zoned R-1 and contains approximately .26 acres. The request is for a rezoning to an R-O district.

The staff recommends approval of the rezoning as being consistent with the category designated for this area in General Plan 2020, as well as begin compatible with adjacent property to the east.

Ms. Johnson added the property was very close to the railroad track on Gregg street.

Ms. Little stated the property did adjoin R-O property to the east.

Ms. Johnson questioned what was located on the property.

Ms. Little stated the home that was on the property had been moved; it was now vacant.

Mr. Sugg questioned the zoning of the lot on the corner of Easy and Poplar.

Ms. Little stated it was R-1 and there was a piece of R-2 but the reminder of the block was R-1. She stated the area to the north of Pear street was C-2.

Mr. Pat Tobin, owner of the property, stated he owned the property to the east which was zoned R-O. He added they had removed the home on the site when he took possession, because it had been condemned. He stated they were negotioning to buy the little white house that was on the corner of Easy Street. The property across the street was zoned I-1 and they felt the R-O would be a good addition to the area.

MOTION

Mr: Odom moved to approve the zoning request.

Mr. Forney seconded the motion.

The roll was call and passed unanimously.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission Members
THRU: Kevin Crosson, Public Works Director
Charles Venable, Asst. Public Works Director
FROM: Alett S. Little, City Planner
DATE: September 9, 1996

REQUEST: This is a rezoning petition R96-17 submitted by Pat Tobin for property located north of Poplar, west of Gregg (302 W. Poplar). This request is to rezone the property from R-1, Low Density Residential to R-O, Residential-Office.

RECOMMENDED MOTION:

RZ96-17: Staff recommends approval of the rezoning as being consistent with the category designated for this area in General Plan 2020, as well as being compatible with adjacent property to the east.

PLANNING COMMISSION ACTION: YES Required
_____Approved _____Denied

Date: 9/9/96

Comments:

_____

_____

CITY COUNCIL ACTION: YES Required
_____Approved _____Denied

Date: ___/___/___

4 16- 30 RZ 96.00 - 17.00 367.00
Patrick Tobin
North of Poplar, West of Shady Lane

View from Poplar

BACKGROUND :

This rezoning request is for Lot 15 of Valley View Acres subdivision (approximately .26 acres) from R-1 to R-O. Contingent upon rezoning approval, the applicant intends to develop this lot along with the adjoining lot (lot 16 of approximately .38 acres & zoned R-O) with the intention of constructing a building for lease to service and/or commercial oriented small businesses. The property in question had a single-family home on it, which has since been removed. The applicant states in his letter that no sale of this property is anticipated.

Upon site inspection, it was noted that this block, bounded on the west by Easy St., on the north by Pear St., on the south by Poplar St., and on the east by Shady Ave is a residential block. It has commercial uses to the south, another residential block to the north then industrial type uses. There is a three- block area of primarily R-1 uses with some heavier density residential, one piece of residential office, and one piece of C-2.

4 16- 30 RZ 96.00 - 17.00 367.00
Patrick Tobin
North of Poplar, West of Shady Lane

ADJACENT LAND USE AND ZONING:

North: Pear St., R-1, s-f homes, C-2
South: Poplar St., I-1, vacant building, Duke's Pool hall
East: R-O, Shady St., RR, Gregg St, R-2, multi-family
West: mix of R-1 & R-2, s-f homes

INFRASTRUCTURE:

St. Louis & San Francisco Rail Road.
Poplar Street is classified as a collector with current r-o-w of 40'; required r-o-w is 60' - 80'.
Shady Street is classified as a local street with current r-o-w of 30'.

Water: 6" line on Poplar
Sewer: 6" line on Poplar

GENERAL PLAN:

General Plan 2020 called for the area to develop as residential and mixed use.

4 16- 30 RZ 96.00 - 17.00 367.00
Patrick Tobin
North of Poplar, West of Shady Lane

HONDAPRO

To All Members of the Planning Commission:

HondaPro is a fully functional Honda and Acura service center. We offer state of the art technology and extensive knowledge of the Honda product to serve the public with reasonably priced dealership-quality service. More than that, our customers can enjoy the advantages of dealing with an independently owned and operated service center.

The two buildings occupied by HondaPro currently house a state of the art office facility, two shop facilities with a total of four airlifts and an alignment rack. In the approximate two and one-half years that we have been at this location, we have established a business that employs six members of the community, and was last noted to have served 1,438 customers mostly in Northwest Arkansas.

We take pride in saying that we have built a team of professionals able to assist customers through the diagnosis and repair of even the most difficult problem, and that we have a sales team, that although small, is unsurpassed in the area. We take pride in our work that shows through the loyalty of our customers.

In view of information aforementioned as well as information contained in the body below, we feel that HondaPro is an asset to the community as well as to the property that we occupy. Until receipt of the notice indicating a zoning violation, we have not received any form of notification from city officials or neighboring businesses and residents that we have impacted the area in a negative way. On the contrary, it is our understanding that the violation notice was prompted from a complaint of a disgruntled past renter of the property that we occupy who received multiple complaints due to cars being parked in a manner that blocked traffic of residents and neighboring businesses. It is for these reasons that we would sincerely appreciate your favorable consideration to the proposed zoning request that we have made.

6.a. Current ownership information and any proposed or pending property sales.

Darlene and Patrick Tobin and Stacey Keenan own lots 14, 15 and 16. There is no current pending property sales of the said property, and we have nothing to indicate any future proposed sales. Honda Pro has rented the properties for the last two and one-half years.

6.b. Reason (need) for requesting the zoning change.

We are in receipt of a Notice of Violation issued by the City of Fayetteville stating that our location is not zoned for the nature of our business. This letter has prompted our request and need of this zoning change as we have had an established business at this location for the past two and one-half years.

6.c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance and signage.

Since our occupancy the appearance of the property has been vastly improved. The grounds have been cleaned, offices have been renovated and nicely remodeled, shops have been remodeled, equipment has been installed and our business has been established. The land is currently used mostly for parking, and does not exceed the boundaries of our lots. Our lots are kept clean and well maintained. Poplar Street traffic is not impacted through normal customer drop off and pick up routines associated with the common nature of our business. Shady Avenue traffic is minimally impacted through vehicles being pulled in and out for repair, the occasional LTL delivery and wrecker drop off services. Since start up of our operation, we have not received any traffic-related complaints from customers or neighboring businesses and residents. Our signage is minimal and tasteful and does not exceed the profile of the building.

6.d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

This property currently has a 1" water line and a 6" water line on the north end of the property, and a 6" sewer line located on the south side of the property.

7.a. The degree to which the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

It is our understanding that future proposed zoning plans lists the property that we occupy to be zoned for industrial business. Properties adjacent to our lots are already zoned for industrial businesses. Businesses include automotive wrecker impound, automotive shop, restaurant and an adult entertainment bar. The nature of our automotive sales and service business closely corresponds to that of some of the neighboring businesses. A great deal of revenue produced from our business is returned to the community through local purchases of supplies, local utilities and taxes.

7.b. Whether the proposed zoning is justified and/or needed at the time of the request.

HondaPro is a family business that offers a valuable service to the community that has survived the test of business start up by maintaining our customer oriented businesslike principles. Our property is kept clean and is environmentally sound and safe. We operate knowing that the appearance of our property and facility affects the level of customer satisfaction, and thus we strive to maintain the appearance of our properties. Our business is thriving at our current location, we feel that we have had a positive impact on the surrounding area and thus feel that rezoning is warranted.

7.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Vehicles on our premises are parked within the boundaries of our lot. Therefore, road and sidewalk passages are never blocked or congested as a result. We have not experienced any instances that would warrant a concern related to traffic danger or traffic congestion.

7.d. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water and sewer facilities.

The nature of our business is not one that would have a negative impact on any of the resources listed above.

7.e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The lots currently occupied by HondaPro are zoned for residential and office use. However, the existing dwellings on these lots are better suited for industrial business such as that of some of our neighbors. In addition, the property location in proximity to the railroad track, Poplar Street and surrounding businesses makes it an unlikely candidate for favorable residential real estate expansion purposes.

June 8, 2005

To: Jeremy Pate
Interim Zoning and Development Administrator
125 W. Mountain, Fayetteville, AR 72701

REF: RZN 05-1524 (HONDA PRO, 367)

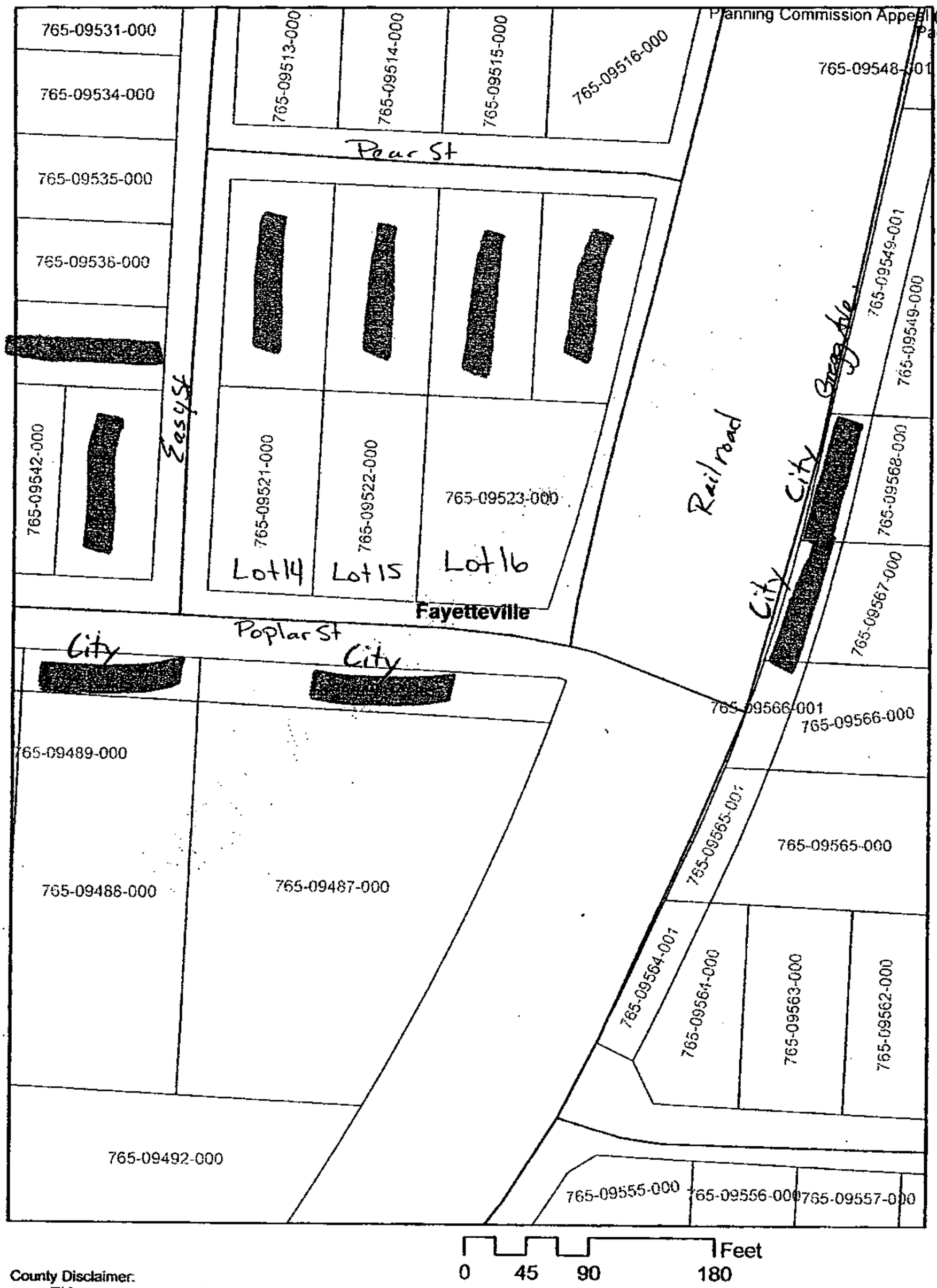
Dear Sir,

It has been brought to my attention that the Fayetteville Planning Commission has been asked to review a proposed REZONING adjacent to my property. I, as the owner and the resident of the adjacent property at 2032 N. Easy Ave oppose the attempt to rezone the subject property from RESIDENTIAL OFFICE to Heavy Commercial, Light Industrial.

Having been a resident at that property for almost a decade, I have seen it grow and develop into a great community of people. A few generations have been superceding one another and the owner turnover has been minimal. The rezoning will substantially change the atmosphere of the neighborhood, which should be maintained. The change will cause more noise, traffic and disturbance to a quite community of surrounding houses and one of many disappearing quite areas of the city of Fayetteville.

I would really appreciate your effort to reject the proposed rezoning request. Again, I thank you for your attention to this letter.

Igor Onyshchenko
Owner/Resident



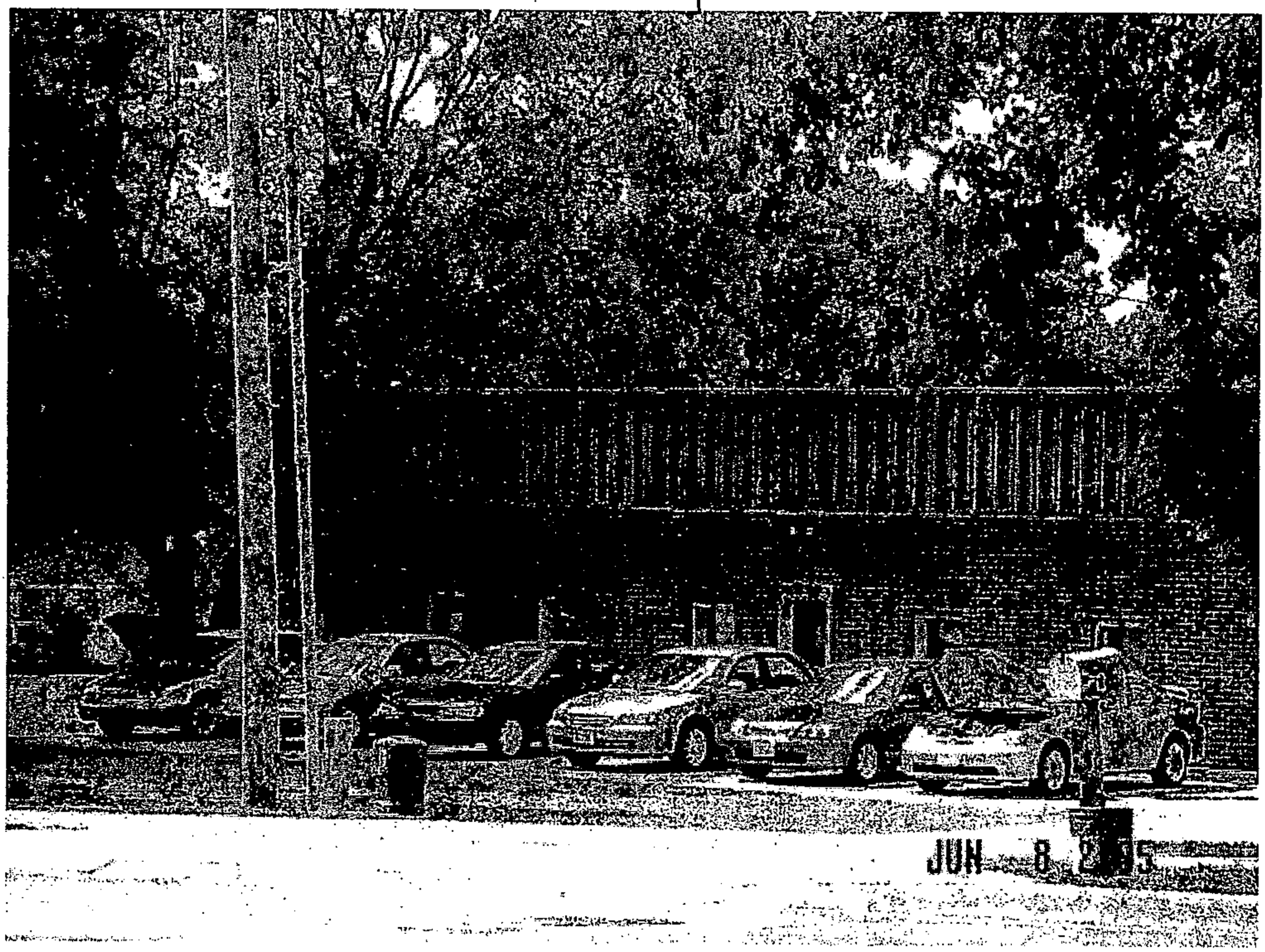
County Disclaimer:

This map was created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Managment, and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre." and Arkansas Code 15-21-502 (6) which indicates that "'Digital cadastre' means the storage and manipulation of computerized representations of parcel maps and linked databases."

This map has been developed from the best available sources. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed. In no event shall said Washington County be liable for direct, indirect, incidental, consequential or special damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the map.

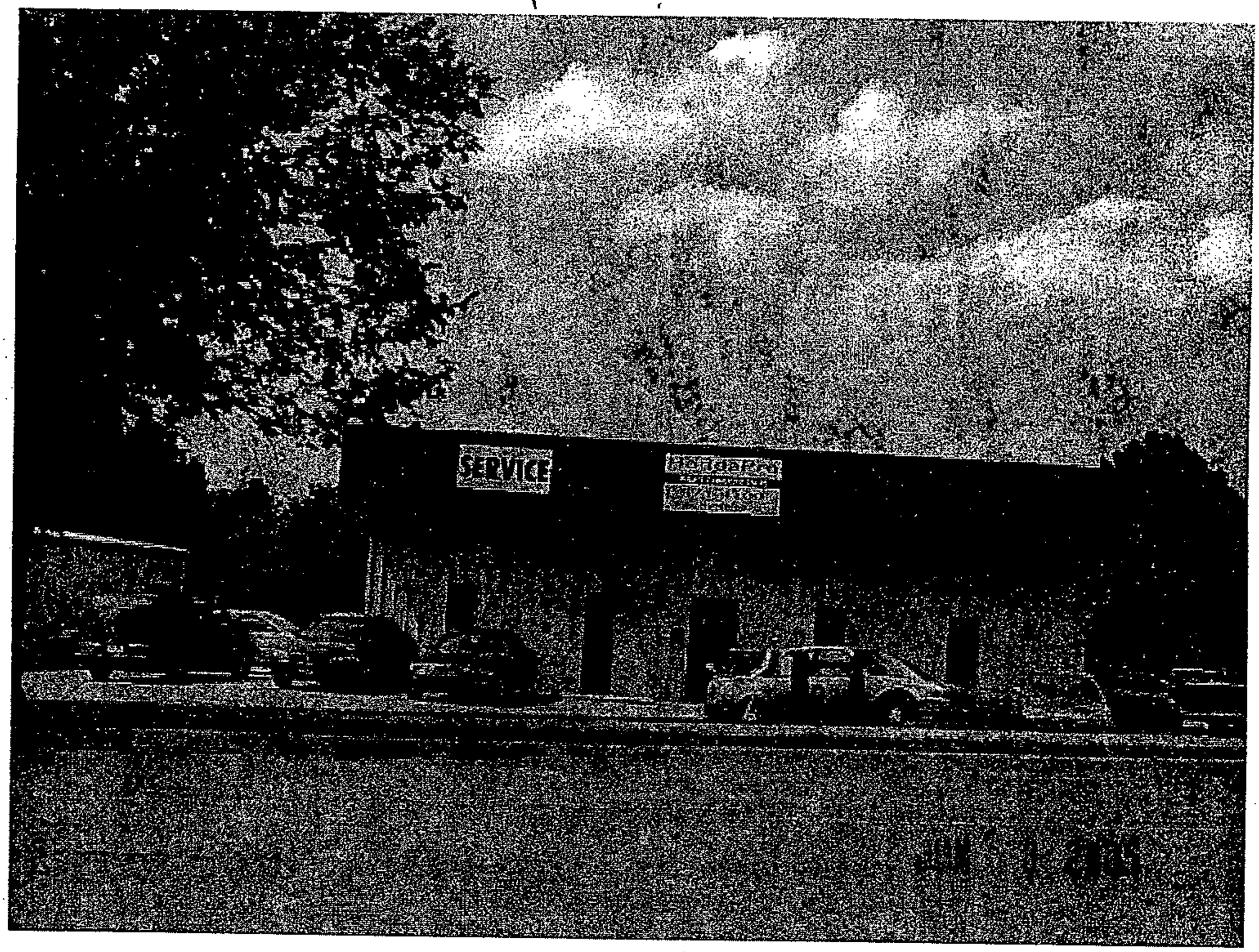
The parcel lines shown are considered a graphical representation of the actual boundaries. Washington County is in no way responsible for or liable for any misrepresentation or re-use of this map. Distribution of this map is intended for informational purposes and should not be considered authoritative for engineering, legal and other site-specific uses.

View of lot 15 from Poplar St.



JUN - 8 2015

View of lot 16 from Poplar St.



View of north side of property.
(Cars used for salvage)

Residential property north of Lot 16.

C-2 property to the north. (Rezoned C-2 in 1990)

View of properties north of lots 14-16.

View of lots 14-16 from Easy St.

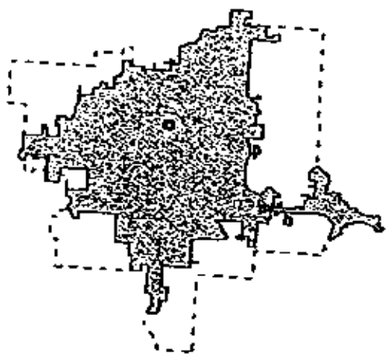
RZN05-1524

Close Up View

HONDA PRO

SUBJECT PROPERTY

Overview



Legend

RZN05-1524 | Overlay District | Master Street Plan | Master Street Plan | Freeway/Expressway | Principal Arterial | Minor Arterial | Collector | Historic Collector | FLOODWAY | 100 YEAR | 500 YEAR | LIMIT OF STUDY | BaseLine Profile | Fayetteville | Outside City

0 50 100 200 300 400 Feet

RZN05-1524

Future Land Use

HONDA PRO

SUBJECT PROPERTY

Residential

Mixed Use

Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview

Legend

Subject Property

RZN05-1524

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 50 100 200 300 400

Feet

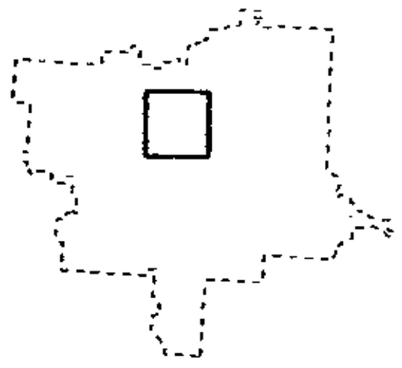
RZN05-1524

One Mile View

HONDA PRO

SUBJECT PROPERTY

Overview



Legend

Subject Property

RZN05-1524

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

City Council Meeting of July19 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 06, 2005

Subject: Planning Commission Appeal for Rapido Rabbit Carwash (ADM 05-1582)

RECOMMENDATION

The Planning Commission voted on June 27 to deny an Administrative Item for Rapido Rabbit Carwash, located south of Wedington Drive and west of Shiloh Drive. Staff recommended denial of the request.

BACKGROUND

Property description: The subject property is located south of Wedington Drive and west of Shiloh Drive. The Large Scale Development for Rapido Rabbit Carwash was approved by the Subdivision Committee on October 15, 2004. The fourth condition of approval as accepted by the applicants state that "The proposed monument sign and/or wall signage shall comply with Design Overlay District specifications for location, size, type, number, ect." Not only was the applicant made aware of the unique sign requirements within the Design Overlay District at the time of Large Scale Development approval, but also at the time the applicant requested building permit approvals.

The applicant has received all required building permits and is in the process of construction. In May 2005, the applicant made inquires regarding the sign ordinance to determine the number and type of signs that would be allowed at the new Rapido Rabbit Carwash location. Staff informed the applicant of the ordinance requirements on sign content in the Design Overlay District. The Unified Development Code states, "Content of monument and wall signs shall be limited to the name of the business. Advertising shall not be permitted on the structure, wall sign, or monument sign."

Request: The applicant requests that content other than the name of the business, Rapido Rabbit Carwash, be permitted on the proposed monument sign. The applicant proposes a monument sign with the business name, logo (a rabbit), and price and type of services provided on the site ($3 car wash; 3 minutes free vacuums). Staff finds that the name (Rapido Rabbit Carwash) and logo (rabbit) meet the requirements of the Design Overlay District. The inclusion of the price and services provided on the site is information other than the name of the business and consequently does not meet the Design Overlay District requirements.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Administrative Item was denied with a vote of 9-0-0. The applicant has submitted an

Tabled to 8/2/05 mtg 7/19/05

appeal of the Planning Commission decision to the City Clerk within the 10-day appeal period.

BUDGET IMPACT

None.

June 30, 2005

Dear Sir,

This letter is in regards to item # 4, ADM 05-1582, which was presented to the City of Fayetteville Planning Commission on Monday, June 27, 2005. The request was to allow content other than the name of the business (Rapido Rabbit Carwash) on the proposed monument sign on the property located at 3107 Weddington Dr, Fayetteville, Ar. The property is zoned C-2, thoroughfare commercial, is within the Design Overlay District, and contains approximately 1.30 acres. The item was denied on stated date of meeting. It is our (ACS) desire to request an appeal to the City Council to be heard at the July 19, 2005 meeting.

Thank you in advance for your consideration and response.

Peg Swink
Project Coordinator
ACS
8405 So Zero Ste A
Fort Smith, Ar 72903
Phone 479-452-6859
Fax 479-452-6255
Cell 479-739-4066

RECEIVED
JUN 30 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Associate Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: June 20, 2005

ADM 05-1582:Administrative Item (Rapido Rabbit Carwash, 440) The property is located at 3107 Wedington Dr. and is zoned C-2, Thoroughfare Commercial. The property is within the Design Overlay District and contains approximately 1.30 acres. The request is to allow content other than the name of the business on the proposed monument sign.

Planner: JESSE FULCHER

RECOMMENDATION

Planning Staff recommends denial of **ADM 05-1582.** A sign with content other than the name of the business is not in character with existing signage within the Design Overlay District, nor is it consistent with the approved signage of surrounding businesses. Advertizing with wall/monument signage is currently forbidden by ordinance in the Design Overlay District.

BACKGROUND

The subject property is located south of Wedington Drive and west of Shiloh Drive. The Large Scale Development for Rapido Rabbit Carwash was approved by the Subdivision Committee on October 15, 2004. The fourth condition of approval as accepted by the applicants state that "The proposed monument sign and/or wall signage shall comply with Design Overlay District specifications for location, size, type, number, ect." Not only was the applicant made aware of the unique sign requirements within the Design Overlay District at the time of Large Scale Development approval, but also at the time the applicant requested building permit approvals.

The applicant has received all required building permits and is in the process of construction. In May 2005, the applicant made inquires regarding the sign ordinance to determine the number and type of signs that would be allowed at the new Rapido Rabbit Carwash location. Staff informed the applicant of the ordinance requirements on sign content in the Design Overlay District. The Unified Development Code states, "Content of monument and wall signs shall be limited to the name of the business. Advertising shall not he permitted on the structure, wall sign, or monument sign."

REQUEST

The applicant requests that content other than the name of the business, Rapido Rabbit Carwash, be permitted on the proposed monument sign. The applicant proposes a monument sign with the business name, logo (a rabbit), and price and type of services provided on the site ($3 car wash; 3 minutes free vacuums).

DISCUSSION

Chapter 161.24 of the Unified Development Code states that the content of monument and wall signs shall be limited to the name of the business. Advertising shall not be permitted on the structure, wall sign, or monument sign. The inclusion of the price and type of services renderd by this business is information other than the name of the business. A sign stating the name of the business will sufficiently inform potential customers of the services rendered at this site and the price of the service can be conveyed in an appropriate location on the property, which will be visible only to those who have chosen to use this facility, rather than visible to the general public.

FINDINGS

UDC - Chapter 156.02 Zoning Regulations

(A) *General regulations.* A variance shall not be granted unless and until an application demonstrates:

(1) *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or building in the same district.

Finding: **No special conditions exist which are peculiar to the land, structure, or building, which are not applicable to other properties in the same district. All properties in the Design Overlay District must adhere to the same regulations as stated in Chapter 161.24.**

(2) *Deprivation of rights.* That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning regulations.

Finding: **The literal interpretation of the provisions of the zoning regulations would not deprive the applicant of rights commonly enjoyed by other properties in the same district. All signs in the Design Overlay District are limited to the name of the business only.**

(3) *Resulting actions.* That the special conditions and circumstances do not result from the actions of the applicant.

Finding: **The request for a variance from the requirement of the Design Overlay District is an action of the applicant's proposal to have information other than the name of the business on the monument sign.**

(4) *No special privileges.* That granting the variance requested will not confer on the applicant any special privilege that is denied by Zoning, Chapters 160 through 165, to other lands, structures, or building in the same district.

Finding: **The granting of the variance would confer a special privilege to the applicant that is denied to other properties in the same district.**

(5) *Nonconforming uses.* No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Finding: **N/A**

(B) *Consideration by the Planning Commission.* Applications for variances of zoning and development shall be considered by the Planning Commission.

(1) *Design Overlay District.*

(a) *Special conditions.* The purpose of this section is to authorize in specific cases such variances from the regulations of the Design Overlay District as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Design Overlay District regulations would result in unnecessary hardship.

Finding: **The literal enforcement of the Design Overlay District regulations would not result in an unnecessary hardship. All other businesses in the DOD have had the same requirements to comply with in regards to content of signs.**

(b) *Variance requested.* A variance from the terms of the Design Overlay District regulations shall not be granted by the Planning Commission unless and until the applicant provides from what section a variance is requested. This shall be submitted along with the large scale development plan.

Finding: **The applicant requests a variance of §161.24 (D) (2) (e).**

(c) *Findings.* The Planning Commission shall make the following findings:

(i) *Requirements met.* That the requirements of §156.02.(A) have been met by the applicant for a variance.

Finding: **These findings have been made in the staff report under Section A.**

(ii) *Minimum variance.* That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Finding: **N/A**

(iii) *Harmony with general purpose.* That the granting of the variance will be in harmony with the general purpose and intent of the Design Overlay District, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Finding: **Staff finds that to allow the requested sign will not be harmonious with the purpose and intent of the Design Overlay District, which is "to preserve and enhance the economic value and viability of property within and near the Overlay District for the I-540 Highway Corridor." Other businesses in the area have complied with the sign ordinance as adopted, with few exceptions.**

(d) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this section.

Finding: **N/A**

156.02 Zoning Regulations
Certain variances of the zoning regulations may be applied for as follows:

(B) *Consideration by the Planning Commission.* Applications for variances of zoning and development shall be considered by the Planning Commission.

(1) *Design Overlay District.*

(a) *Special conditions.* The purpose of this section is to authorize in specific cases such variances from the regulations of the Design Overlay District as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Design Overlay District regulations would result in unnecessary hardship.

(b) *Variance requested.* A variance from the terms of the Design Overlay District regulations shall not be granted by the Planning Commission unless and until the applicant provides from what section a variance is requested. This shall be submitted along with the large scale development plan.

(c) *Findings.* The Planning Commission shall make the following findings:

(i) *Requirements met.* That the requirements of §156.02.(A) have been met by the applicant for a variance.

(ii) *Minimum variance.* That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(iii) *Harmony with general purpose.* That the granting of the variance will be in harmony with the general purpose and intent of the Design Overlay District, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(d) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this section.

161.24 Design Overlay District (I-540 Highway Corridor)

(A) *Purpose.* The purpose of establishing a Design Overlay District for the I-540 Highway Corridor is as follows:

(1) To protect and enhance the distinctive scenic quality of the I-540 Highway Corridor by providing for nonresidential developments which will maximize preservation and enhancement of the natural, rural, and open character of the terrain and foliage.

(2) To address the issues of traffic and safety.

(3) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, drainage and heat islands.

(4) To preserve and enhance the economic value and viability of property within and near the Overlay District for the I-540 Highway Corridor.

(B) *Overlay District boundaries.* The Overlay District encompasses all lands lying within 660 feet of each side of the right-of-way of I-540 from the intersection of I-540 and State Highway 471 (a/k/a 71B) north to the city limits of Fayetteville, (a/k/a the 71 Bypass and/or John Paul Hammerschmidt Expressway), and also that portion known as State Highway 471S described more fully as that portion of State Highway 471 which connects I-540 to State Highway 471 (a/k/a North College) and all future extensions of I-540 within the City of Fayetteville. Said boundaries are set out on the official plat pages along with a legal description of such boundaries located in the

Planning Division.

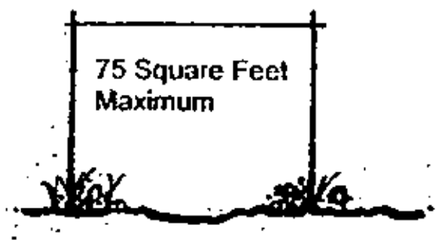
(C) *Application of Overlay District: Regulations and standards.* The regulations and standards contained herein shall apply to all nonresidential properties, (including, but not limited to new development), located within the Overlay District boundaries. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including, but not limited to nonresidential zoning district and signage regulations and standards. Should the regulations and standards of the underlying and Overlay District conflict, the Overlay District regulations and standards shall control.

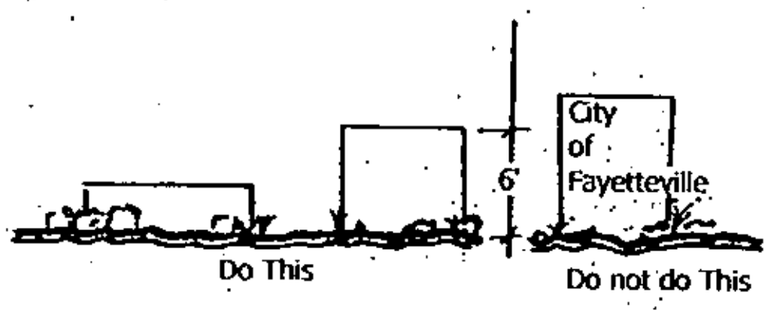
(2) *Signage.*

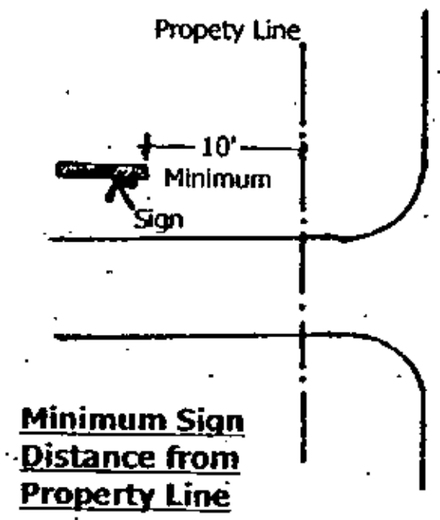
(a) *Nonresidential free-standing signs.*

(i) Each separate nonresidential lot will be allowed a single ground-mounted (monument) sign located on the building site. In the case of lots with double frontage, two ground-mounted (monument) signs shall be allowed.

(ii) The sign shall be a maximum of six feet high, 75 square feet in area, and setback a minimum of 10 feet from the property line.







(b) *Wall signs.* One wall sign may be installed per business. Sign area shall not exceed 20% of that wall area or 200 square feet, whichever is less. A second sign may be allowed if it is determined that the structure has more than one front facing a street or highway right-of-way.

(c) *Illumination.* Only indirect lighting may be used for illumination of all signs.

(d) *Multiple tenants.* The owner of the building shall be responsible for the provisions of one monument sign with sign area for multiple tenants.

(e) *Sign content.* Content of monument and wall signs shall be limited to the name of the business. Advertising shall not be permitted on the structure, wall sign or monument.

Design Team
SIGN COMPANY

350 Pinhook Road
Savannah, TN 38372
Phone: 800-953-3744
Fax: 731 926-2022

Chris Pierce, Owner
Tracy Gamez, Project Manager

City of Fayetteville, AR
Administrative Item
Design Overlay District Sign Variance
125 W. Mountain St
Fayetteville, AR 72701

May 31st, 2005

Chair of the Planning Commission:

I am respectfully requesting consideration in regards to the $3 being installed on the monument sign as it is part of the logo and signature of "Rapido Rabbit."

The size, height and illumination of the sign would be within the ordinance of the city of Fayetteville. The height of the sign would be 5' x 12' on a 1' base.

As requested in the application for the Design Overlay District Sign Variance, please find the response for the checklist.

a. We have installed similar signage in other locations that allow us to have the signature of $3. Please realize that this part of the signage is not easily removed and is not considered advertising, but part of the logo.
b. The literal interpretation does affect the signage for Rapido Rabbit as special provisions would have to be made in order to take out part of the logo.
c. The special conditions are a result from the ordinance and not how signage is displayed in cities other than Fayetteville, AR.
d. This will not allow special privilege to Rapido Rabbit, but only allow Rapido Rabbit to utilize the signage already established for them.
e. This is a minimum variance request to utilize signage currently in place and will allow Rapido Rabbit to use their current logo.
f. This request will not be injurious to the neighborhood or detrimental to the public welfare.

Sincerely,

Tracy Gamez
Project Manager

JUN. 7. 2005 4:57PM DESIGN TEAM SIGN NO. 628 P. 2

Requested Monument Sign

NO. 628 P. 8

8" RADIUS

96 in

60 in

CAR WASH

RÁPIDO RABBIT

$3

3 MINUTES FREE VACUUMS

STANDARD 2 1/2' FLANGE PAN FORMED AND EMBOSSED
RABBIT COLORS PMS 142 YELLOW, RED PMS 032, GREY PMS 643, PINK PMS 691
CAR WAH LETTERS TO BE PMS 021 YELLOW WITH PMS 032 RED BACKGROUND
3 MINUTES FREE VACUUMS TO BE PMS 021 YELLOW AND PMS REFLEX BLUE
8" radius corners

JUN. 7. 2005 4:58PM DESIGN TEAM SIGN

Alternative Monument Sign
(without Advertisement)

8" RADIUS

144 in

60 in

STANDARD 2 1/2' FLANGE PAN FORMED AND EMBOSSED
RABBIT COLORS PMS 142 YELLOW, RED PMS 032, GREY PMS 643, PINK PMS 691
CAR WAH LETTERS TO BE PMS 021 YELLOW WITH PMS 032 RED BACKGROUND
8" radius corners

NORTH

WEDINGTON DRIVE (HWY 16)

S85°58'52"E 199.11'

PROPOSED MONUMENT SIGN. MAX. HEIGHT 6' MODEL RR-D 5'X 8' I.D. SIGN

BY OTHERS

ACCESS EASEMENT

25' UTILITY EASEMENT AND LANDSCAPE SETBACK

WATER AND NATURAL GAS EASEMENT

60' ACCESS EASEMENT

50' BUILDING SETBACK

1.30 ACRE

INSTALL A WASTE RECEPTACLE AT ENTRANCE WHICH COMPLEMENTS THE PROPOSED BUILDING

PROPOSED BUILDING
GROSS FLOOR AREA = 4,630 S.F.
FIN. FLOOR = 1261.00
BLDG. HEIGHT = 35'

ROOF OVERHANG TO PROP. LINE

30' UTILITY EASEMENT

SIDEWALK

DUMPSTER

DUMPSTER MUST BE SCREENED ON THREE SIDES WITH MATERIALS THAT ARE COMPATIBLE AND COMPLEMENTARY TO THE PROPOSED BUILDING

N86°25'46"W 199.07'

6' PRIVACY FENCE

25' BLDG. SETBACK

20' UTILITY ESMT.

S02°08'14"W 282.80'

RMF-24

765-13743-000

FAYETTEVILLE ARTS LTD PTN

Fayetteville
ARKANSAS

SC Meeting of October 15, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Subdivision Committee Members
FROM: Leif Olson, Associate Planner
Brent O'Neil, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: October 14, 2004

LSD 04-1245: Large Scale Development (RAPPIDO RABBIT CAR WASH, 440): Submitted by MARK RICKETT for property located south of Wedington Dr. and west of I-540. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.3 acres. The request is to approve a 4,630 s.f. commercial development with 22 vacuum spaces proposed on the subject property.

Property Owner: COULSON OIL CO. INC. Planner: LEIF OLSON

Findings:

Background: In June of 2004, the Subdivision Committee approved a lot split for this property. As a condition of approval the property was required to have a shared access for both lots created.

Property Description: The 1.3-acre site is located south of Weddington Dr. and west of I-540. It is zoned C-2, and it is currently vacant.

Surrounding Land Use / Zoning:

Direction	Land Use	Zoning
North	Bank of Fayetteville, Gas station	C-2, Thoroughfare Commercial
South	Apartments	RMF-24, Res. Multifamily, 24 DU/acre
East	Liquor Store	C-2, Thoroughfare Commercial
West	Automobile Wash	C-2, Thoroughfare Commercial

Proposal: The applicant is requesting approval to construct a 4,630 SF car wash.

Right-of-way being dedicated: 55 feet from centerline right-of-way along Wedington Dr.

Street Improvements: No street improvements are required for this development.

Adjacent Master Street Plan Streets: Wedington, Principal Arterial.

Tree Preservation: Waived. There are no trees located on this site.

Public Comment: Staff is working with the adjoining property owners on a large scale development.

Recommendation: Staff recommends approval of **LSD 04-1245** at the Subdivision Committee level with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements: *Interior sidewalk shall also be constructed from the existing sidewalk along Wedington Dr. to the proposed structure, per chapter 161.24.*

2. Planning Commission determination and approval of Commercial Design Standards: *Staff finds the elevations as presented indicates that the proposed structure generally meets the requirements as set forth in the Design Overlay District.*

166.14 Commercial Design And Development Standards

(D) *Design elements guidelines for commercial structures.*

(1) The elements to avoid or minimize include:

(a) Unpainted concrete precision block walls;
(b) Square "boxlike" structures;
(c) Metal siding which dominates the main facade;
(d) Large blank, unarticulated wall surfaces;
(e) Large out of scale signs with flashy colors.

(2) *Construction and appearance design standards for commercial structures.*

(a) A commercial structure or development shall be designed to avoid or minimize the elements set forth in (1)(a) – (d) above.

(b) A commercial development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site.

(c) A development should provide compatibility and transition between adjoining developments.

161.24 *Design Overlay District:*

(5) *Exterior appearance.* All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.

(6) *Building material.* Buildings shall be constructed of wood, masonry, or natural looking materials. No structures shall be allowed that have metal side walls UNLESS such metal siding is similar in appearance to wood, masonry, or natural looking material.

3. All landscaping on the subject property, shall be maintained pursuant to city code.

4. The proposed monument sign and/or wall signage shall comply with Design Overlay District specifications for location, size, type, number, etc.

5. All mechanical and utility equipment, wall- or roof-mounted, shall be screened from view with materials that are architecturally compatible with and incorporated into the associated structure. Freestanding utilities shall be screened from view with architecturally compatible materials or vegetation.

Standard Conditions of approval:

6. 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)

7. 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.

8. Large scale development shall be valid for one calendar year, pursuant to Ch. 166.20.

9. Trash enclosures shall be screened with access not visible from the street.

10. 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

11. Additional conditions:

_____

_____

Subdivision Committee Action: ☐ Approval ☐ Forwarded to P.C.

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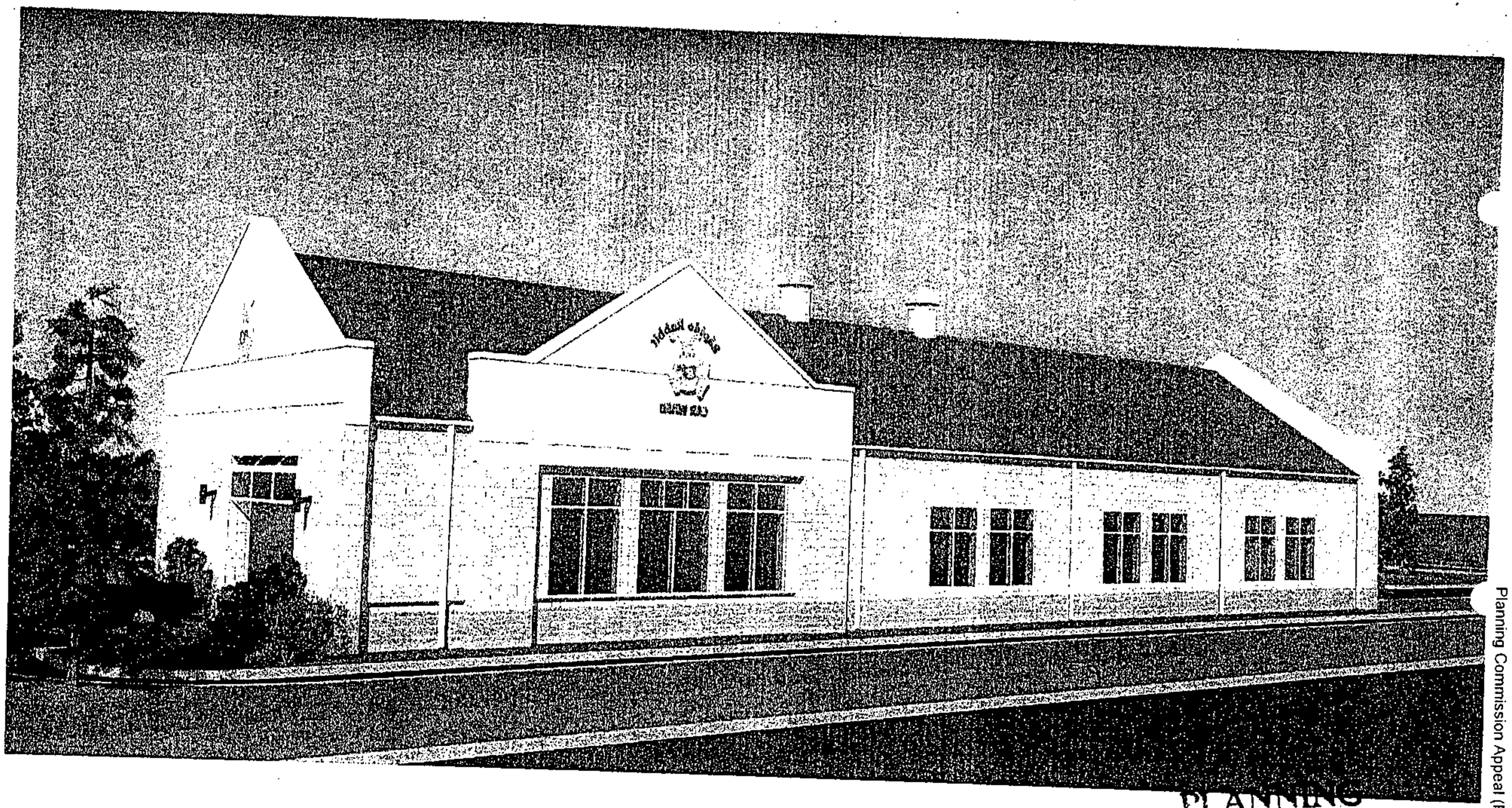
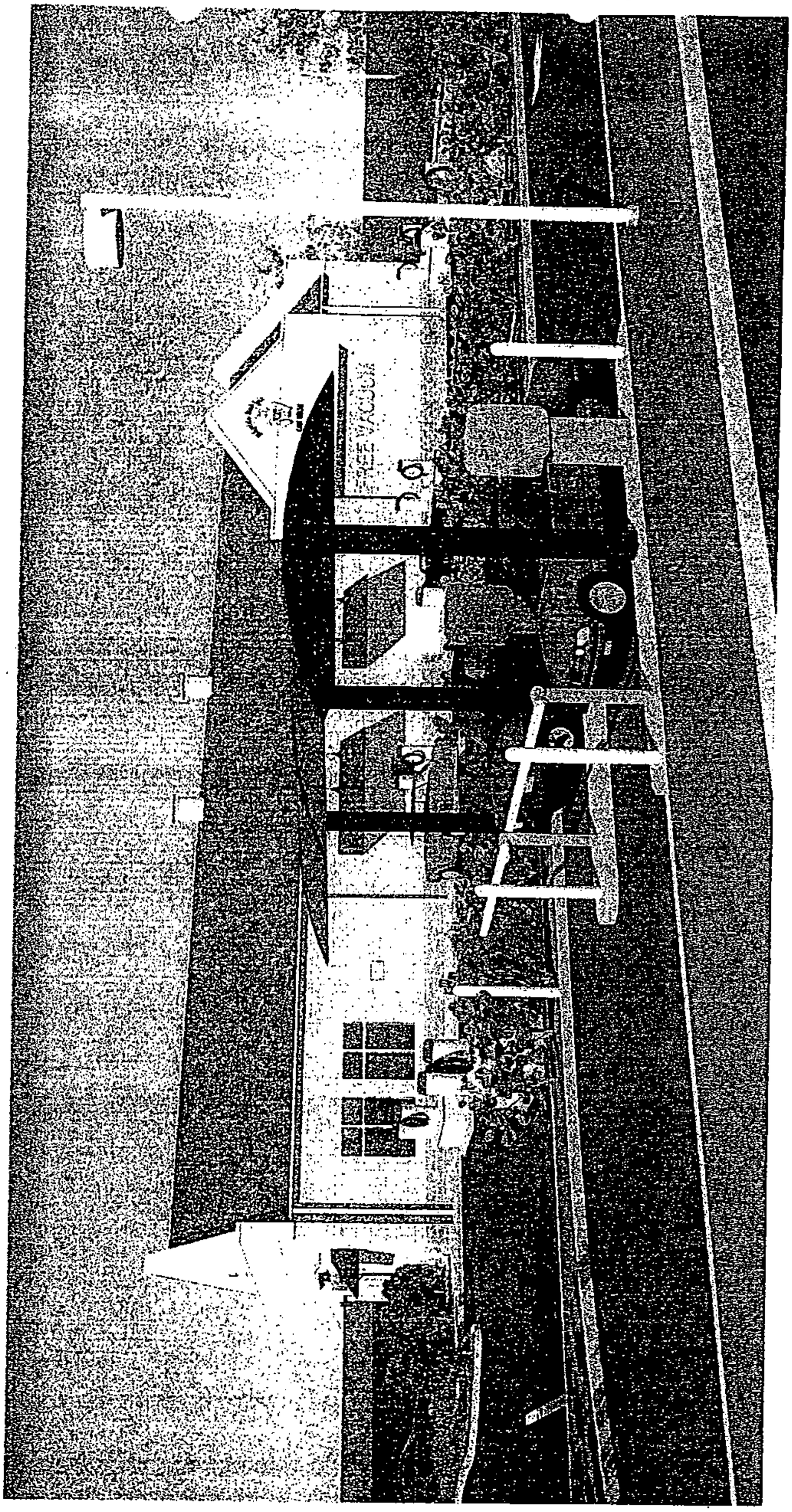
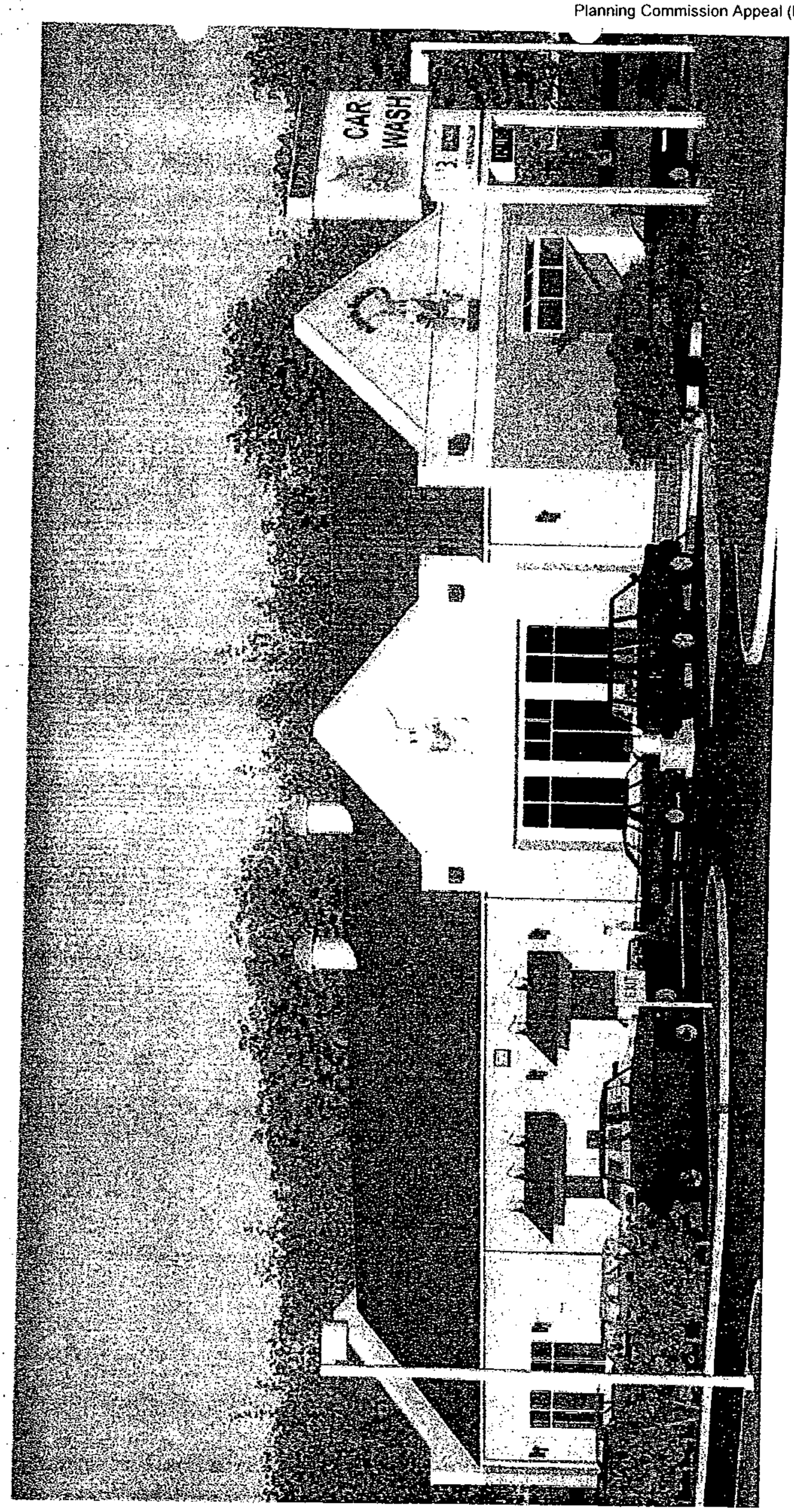


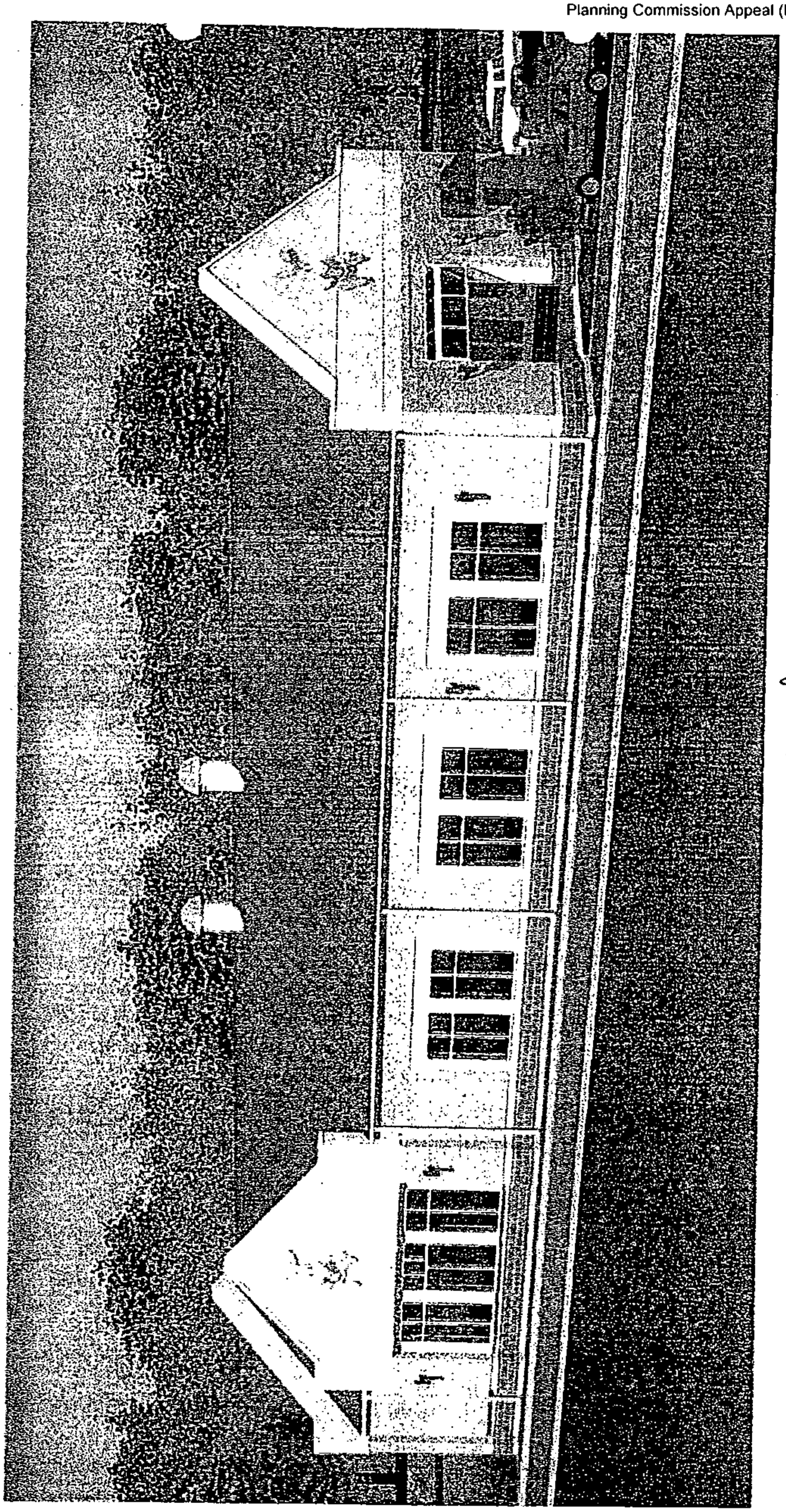
File Copy
Elevations
LSD Rapido Rabbit

PLANNING
COMMISSION
APPROVED
10/15/04 RD
(Date)





East / North

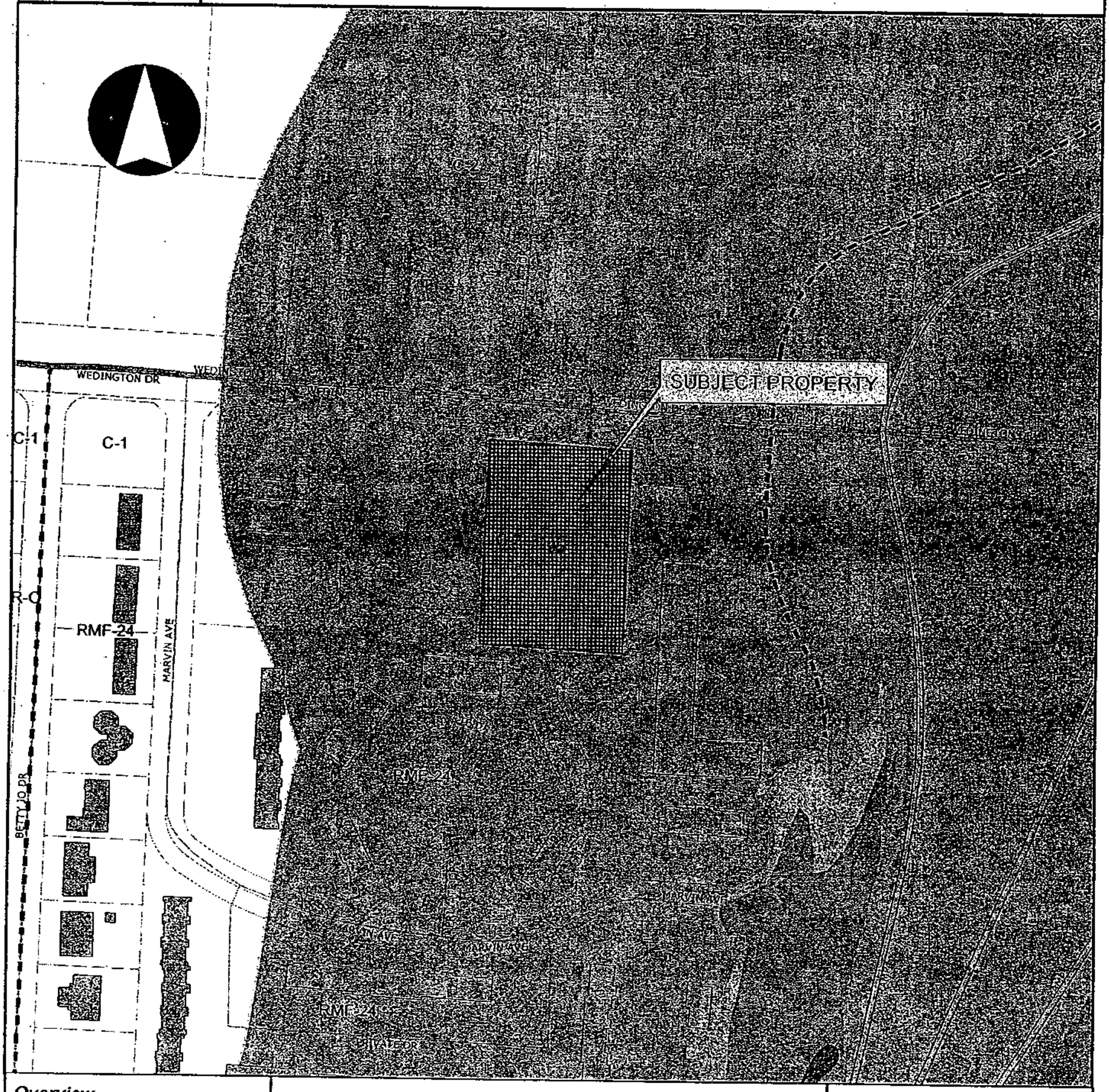


West / South

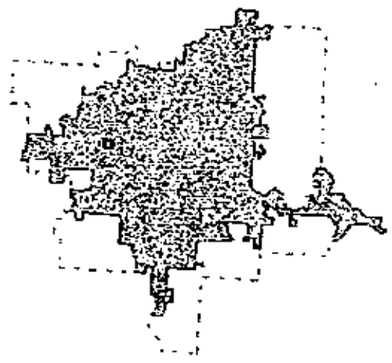
LSD04-1245

Close Up View

RAPIDO RABBIT CARWASH



Overview



Legend

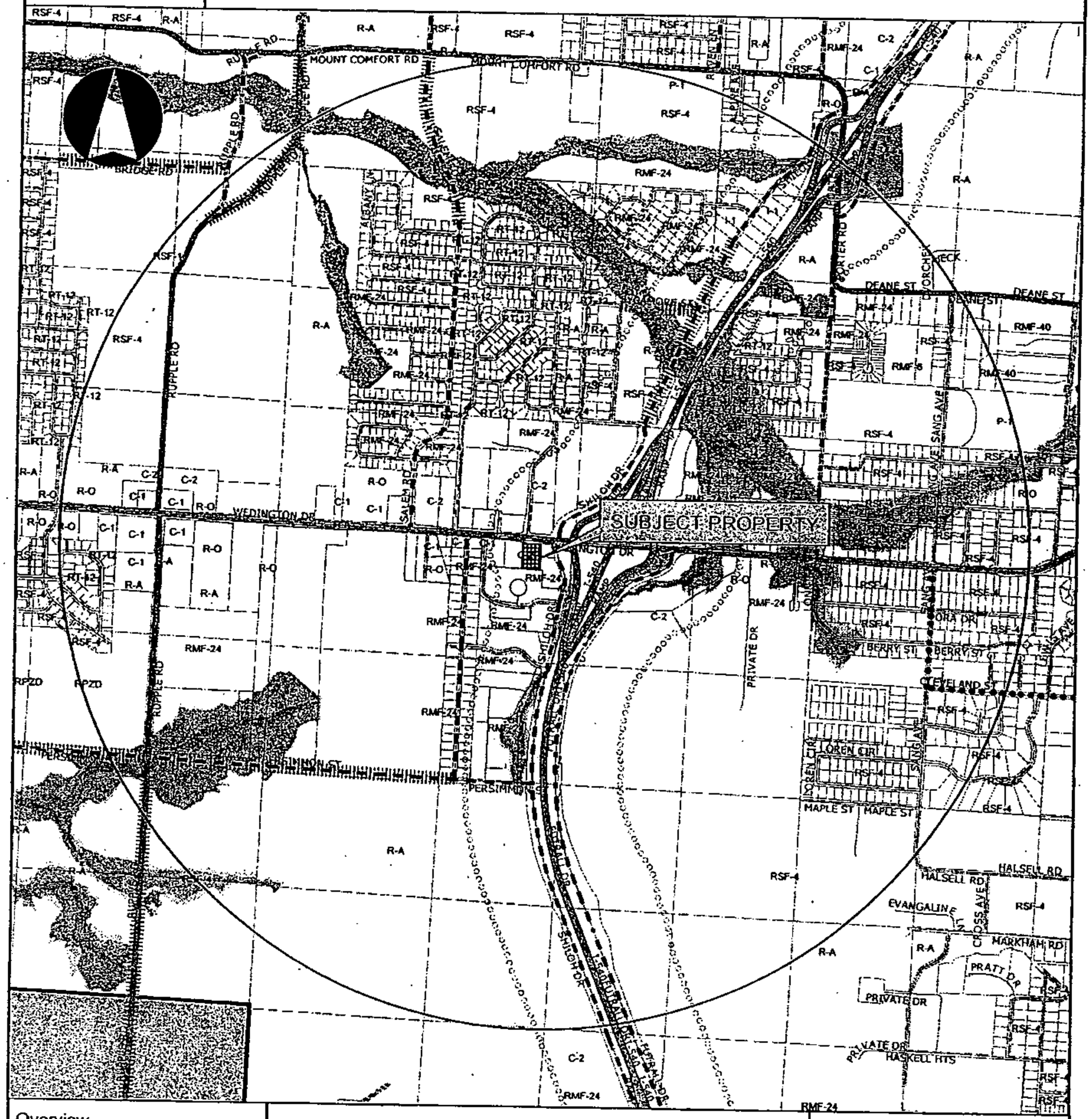
Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
LSD04-1245
Fayetteville
Outside City

0 75 150 300 450 600
Feet

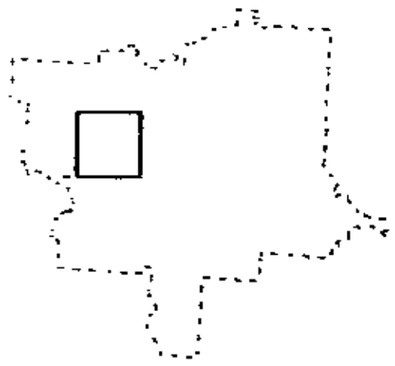
LSD04-1245

One Mile View

RAPIDO RABBIT CARWASH



Overview



Legend

Subject Property

LSD04-1245

Boundary

Planning Area

Overlay District

Outside City

Streets

Streets — Existing

Planned

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

LSD 04-1245: Large Scale Development (RAPIDO RABBIT CARWASH, 440): Submitted by MARK RICKETT for property located at WEDINGTON DRIVE, E OF THE PROPOSED IHOP RESTAURANT. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.68 acres. The request is to approve the development of a 4,630 sq.ft. automatic carwash with 22 parking spaces proposed.

Anthes: The fifth item we'll hear today is Large Scale Development #04-1245 for Rapido Rabbit Carwash. Would the applicant come forward? It's missing-applicant day.

Olson: Yes. This Large Scale Development was submitted by Mark Rickett for property located,south of Wedington Dr. and west of I-540. This property is zoned C-2 Thoroughfare Commercial and contains approximately 1.3 acres. The request is for the development of a 4,630 SF car was facility with 22 parking/vacuum spaces. Background-in June of 2004, the Subdivision Committee approved the Lot Split of this property. It is a 1.3 acre site. Right-of-way being dedicated: the development of this will require a dedication of 55 feet of right-of-way from the center line on Wedington Dr. The adjacent Master Street Plan street is Wedington, which is classified as a principle arterial. Staff does recommend approval of this Large Scale Development with ten conditions of approval.

Anthes: Thank you, Leif. Are there other staff comments?

O'Neil: Yes ma'am. We have a verbal agreement between the applicant and the adjacent property owner, which is IHOP. The applicant and the representatives of the adjoining IHOP have come to a verbal agreement on the shared improvements, being the drive, the water, and a shared detention pond. A signed agreement between both parties shall be provided prior to permitting of either project. The agreement should detail which developer is responsible for each of the improvements that are being shared by the projects in the event that one of the projects does not proceed, the other developer will be responsible for the construction of all the required improvements.

Anthes: Thank you. I guess I have a question of Leif. How does that enter into our record of this meeting in a binding way?

Clark: Should that be another condition of approval, as stated?

General: Yes.

Clark: Then I will move the inclusion of that as stated. So that would be our 11th condition. Did you follow all of that?

Rickett: Yes, we've met this morning.

Anthes: I'll second. Do you approve the addition of that condition?

Shackelford: Yes.

Anthes: Would any member of the public like to address Large Scale Development 04-1245? Seeing none, I'll close it to public comment. Commissioners?

Clark: Is staff comfortable with the screening for the dumpster facility? Because it seems like it's kind of visible.

Pate: The original dumpster location was actually out front. We had been trying to work with both of our solid waste divisions so that they could access this location, and the applicant so they can actually move back as far to the rear of the property as possible. There is a privacy fence to the south, those apartments there. They are required to screen that from this commercial use, or screen this commercial use to that area. Staff believes that adequate screening is provided with this plan. It will not be up near the front of the right-of-way and visible there.

Anthes: Will there be gates on this enclosure?

Pate: I'm not sure if gates are proposed. It looks like just on three sides with materials compatible with the structure. Access may not be visible from the right-of-way. So if that ends up being the case, then we'd expect to see something to screen that access.

Rickett: I can do that.

Anthes: So to start with the conditions of approval. Planning Commission determination of street improvements. Interior sidewalks will also be constructed from the existing sidewalk along Wedington Drive to the proposed structure. Do you agree with that condition?

Rickett: Yes.

Anthes: The second is commercial design standards. Do you have comments?

Clark: Well, I did notice the roof was red.

Anthes: But it's not in CMN Business Park.

Clark: Boy aren't you lucky. Planning Commission is haunted by red. I am fairly comfortable that it meets the design standards as well.

Anthes: Well, it's definitely a box.

Clark: Yeah, but it's a carwash.

Anthes: I'm not sure that a carwash is much more than a box, I believe that you have articulated the facades with these propped up gables on all sides. And you've broken up the expanse of finishes on the wall. Looks like you've got a base and other material.

Clark: Is this the back? Which view is this?

Rickett: That would be the rear I suppose.

Clark: Because I'm noticing you dropped the awnings on the back side. Is that my imagination or is it true?

Rickett: Yeah, the awnings are on the front. Actually, that would be the eastern side that you were looking at.

Clark: That's the eastern side.

Rickett: The one you were looking at before, that would be the west. I believe that is the way that the building is oriented.

Clark: Is there going to be any type of screening? IHOP is to the east.

Rickett: No, IHOP is to the west.

Clark: Okay. So there's no screening on either side, just the fence on the back, by the apartments?

Pate: Correct, the screening requirement is only to property zoned and utilized as residential.

Clark: Right, okay. It's a box, it's a wet box, but it's got some articulated points on it that I appreciate.

Shackelford: I'm okay with the commercial design standards.

Clark: Yes, I am too.

Anthes: So, we are in the design overlay district. Looks like anything else in terms of the conditions is pretty straight forward. Are there any other questions or comments? I guess I have one and that is there's canopy lighting on the south side of the sight. That's adjacent to what you said is the residential

area? Do we need to add a condition that talks about directed downward and away from those structures?

Pate: That's actually an ordinance requirement within the design overlay district. Regardless of whether it is a condition or not, they have to comply with those requirements.

Anthes: Okay, thank you.

Clark: Okay.

Anthes: I personally would like to see a gate on that dumpster just because it is visible.

Rickett: We can do that.

MOTION:

Clark: Then, Madam Chair, I move that we approve Large Scale Development 04-1245 with all stated conditions of approval including the new one that was entered into the record.

Shackelford: I'll second.

Anthes: I'll concur. Thank you.

Clark: Thank you.

Rickett: Thank you very much.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 28, 2005

Subject: Residential Planned Zoning District for Oakbrooke Subdivision, Phase I (R-PZD 05-1463)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Oakbrooke Subdivision, Phase I. This action will establish a unique zoning district for a residential subdivision on a 20.882-acre tract located west of Rupple Road, south of Newbridge Road. The proposal consists of 68 single family lots with attached and detached residential dwelling units.

BACKGROUND

Property Description: The property consists of a total of 20.882 acres located west of Rupple Road, south of New Bridge Road. The property is mainly large open pasture and developed for one single family residence. This area was incorporated into the City of Fayetteville in August of 2004 with the annexation of all islands of County property. The property is zoned RSF-1 and RSF-4 and located adjacent to single family subdivisions to the north, west, and south, all of which are zoned RSF-4. There is a natural drainage feature on the site, along which the majority of the tree canopy on the site exists.

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family development with traditional American style bungalows and American tudor houses encouraged consisting of 68 single family dwelling units. All lots will have a front building setback that is a build-to line, on which all homes will be constructed, where possible. Common drives will be encouraged. All driveways within the property are proposed to be constructed as two narrow strips of concrete for access, and detached garages are proposed. Of the 68 lots, 58 shall be single family detached units. The remaining 10 lots on the eastern portion of the property may be constructed as either single family detached dwellings or townhomes with either two or three attached units. Each of these 10 lots will have rear alley access. This private alley is 20' wide with a 12' one-way access road.

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DISCUSSION

The Planning Commission voted 9-0-0 in favor of this request on Monday, June 27, 2005. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (preliminary plat). Recommended conditions were approved by the Planning Commission, which are reflected in the attached staff report. Additionally, staff has made some minor alterations to the conditions to reflect the intended rezoning request.

Public discussion included the affect of the proposed development on the value of surrounding properties, compatibility, street connectivity and access to the open space/tree preservation area.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1463, OAKBROOKE PHASE I, LOCATED WEST OF RUPPLE ROAD AND EAST OF BRIDGEPORT SUBDIVISION, CONTAINING APPROXIMATELY 20.9 ACRES, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION

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

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

From RSF-4, Residential Single Family, four units per acre and RSF-1, Residential Single Family, one unit per acre, to R-PZD 05-1463 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan and development standards as shown on the preliminary plat and all conditions of approval determined appropriate and approved by the Planning Commission on June 27, 2005.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and **APPROVED** this 19th day of July, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 05-1463

A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE ¼) OF THE FRACTIONAL SECTION 1, TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY ON (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER, OF SAID EIGHTY (80) ACRE TRACT; THENCE N02'17'42"E 1069.16 FEET; THENCE S87'49'42"E 428.22 FEET; THENCE S87'09'15"E 271.79 FEET; THENCE S02'17'42"W 385.47 FEET; THENCE S87'42'18"E 115.00 FEET; THENCE S02'17'42"W 452.00 FEET; THENCE S87'42'18"E 109.00 FEET; THENCE S81'31'56"E 50.29 FEET; THENCE S87'10'33"E 118.38 FEET; THENCE S02'49'27"W 173.53 FEET; THENCE S87'10'42"E 254.30 FEET; THENCE S25'22'44"W 64.97 FEET TO THE SOUTH BOUNDARY OF SAID 80 ACRE TRACT; THENCE N87'10'42"W 1319.64 TO THE POINT OF BEGINNING AND CONTAINING 20.9 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~June 22, 2005~~ *Revised June 30, 2005*

R-PZD 05-1463: Planned Zoning District (OAKBROOKE S/D, Ph. I, 361): Submitted by MEL MILHOLLAND for property located at W OF RUPPLE RD AND E OF BRIDGPORT PHASE II. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY – 1 UNIT/ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 20.882 acres. The request is to approve a Residential Planned Zoning District with 68 single family lots to consist of attached and unattached units.

Property Owner: TRACY HOSKINS Planner: SUZANNE MORGAN

Findings:

Property Description: The property consists of a total of 20.882 acres located west of Rupple Road, south of Mount Comfort Road. The property is mainly large open pasture and developed for one single family residence. This area was incorporated into the City of Fayetteville in August of 2004 with the annexation of all islands of County property. The property is zoned RSF-1 and RSF-4 and located adjacent to single family subdivisions to the north, west, and south, all of which are zoned RSF-4. There is a natural drainage feature on the site, along which the majority of the tree canopy on the site exists.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Bridgeport Ph. 8, pasture	RSF-4, RSF-1
South	Bellwood SD (under const.)	RSF-4
East	Single Family homes, pasture	RSF-1
West	Bridgeport Ph. 2	RSF-4

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family development with traditional American style bungalows and American tudor houses encouraged consisting of 68 single family dwelling units. All lots will have a front building setback that is a build-to line, on which all homes must abut. ~~No shared driveways will be~~

~~permitted~~. Shared driveways are encouraged. All driveways are proposed to be constructed as two narrow strips of concrete for access, and detached garages are proposed. Of the 68 lots, 58 shall be single family detached units. The remaining 10 lots on the eastern portion of the property may be constructed as either single family detached dwellings or townhomes with either two or three attached units. Each of these 10 lots will have rear alley access. This private alley is 20' wide with a 12' one-way access road.

To further clarify "townhome," it is a: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. *(Source: mortgagewarehousemb.com)* A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own.

Process: The property on which this subdivision has been submitted consists of all and parts of several tracts of property. The applicant has submitted a property line adjustment to create a legal tract of land consisting of 20.882 acres. Revisions for the property line adjustment are being reviewed at this time. The property line adjustment shall be filed prior to construction plan approval of this requested R-PZD. Approval of this R-PZD will allow the developer to install the required infrastructure. With final plat approval, the property will be subdivided and the property will be developed with unique development and zoning requirements, based on the criteria approved at this time.

The following zoning criteria are proposed by the applicant:

ZONING CRITERIA - R-PZD 05-1463 Oakbrooke Subdivision, Phase I
(A) *Permitted Uses.*

Lots 1-68	Unit 1	City-wide uses by right
Lots 1-68	Unit 2	City-wide uses by conditional use
Lots 1-68	Unit 4	Cultural and Recreational Facilities
Lots 1-68	Unit 8	Single-family dwelling
Lots 29-38	Unit 9	Two-family dwelling
Lots 29-38	Unit 10	Three-family dwelling
Lots 1-68	Unit 24	Home Occupations
Lot 69	---	No uses permitted. Tree preservation.

**No use units have been specified for Lot 69, designated for Open Space/Tree Preservation.

(B) *Density.*

	For entire Subdivision
Units per acre	68 units/20.882 acres = 3.26 units/acre

*The property is currently zoned RSF-4 and RSF-1.

(C) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings	Three-family dwellings
Lot minimum width	47 feet minimum per dwelling/lot	47 feet minimum per dwelling/lot	47 feet minimum per dwelling/lot
Lot area minimum	5000 SF minimum per dwelling/lot	5000 SF minimum per dwelling/lot	5000 SF minimum per dwelling/lot
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.	Varies. Only one dwelling unit per lot permitted.	Varies. Only one dwelling unit per lot permitted.

(E) *Setback requirements.*

Building setbacks vary. **(See chart on plat for specific lot setbacks)**

Front Building Setback: All lots have a 14' front building setback, which is also a build-to line, where possible.

Rear Building Setback: Range from 10' to 20' (See plat for complete chart)

Side Building Setback: Range from 6' to 10', with the exception of lots 64-73, which shall be permitted zero-foot side setbacks to allow for the construction of two and three-family townhouses. ***All single family detached or row of townhomes permitted on these lots shall have a separation that meets building code requirements.***

(F) *Height and Width.* Maximum 56.5' height to allow for three-story structures, the bottom story being a walk-out basement area on special sloped lots, calculating a maximum building width of 50-feet and a 10/12 pitch roof.

(G) *Building area.* ~~On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot~~. None

Water & Sewer: Water and sewer lines are being extended to serve the development.

Access: Access is from several streets in the area:
North: New Bridge Road, a Collector Street
South: Hazeltine Dr. and Oakhaven Place, Local Streets (not yet constructed)
East: Rupple Road, a Minor Arterial
West: No access is available from the adjacent subdivision.

Interior to the project, public streets are being provided. Most are 50' rights-of-way, with one 42' right-of-way (Street D) and a private 20' alley with a 12' one-way drive proposed. Sidewalks are located on both sides of each public street.

Adjacent Master Street Plan Streets: New Bridge Rd (Collector) & Rupple Rd (Minor Arterial)

Street Improvements: Staff recommends the following:

- An assessment in the amount of **$4,749** for improvements along Rupple Road frontage to include street 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.
- Off-site assessment for Rupple Road Bridge over Hamestring Creek in the amount of **$7,399.66**.
- An assessment in the amount of **$8,200** for construction of a portion of "Street C" where a temporary cul-de-sac will be utilized until the street is extended to the north.
- Staff recommends an off-site improvement at the intersection of Newbridge Road and "Street A", to widen the existing portion of "Street A" to a 28' wide street within the existing 50' right-of-way. The construction of a stub-out to this property granted no immediate benefit to Bridgeport Ph. 8, in which development it was constructed, but it was required as part of that subdivision to provided connectivity to future development to the south. The applicant of this project is benefited by this stub-out, because it allows for access to Newbridge Road. No other off-site improvements are required to be constructed with this development; an assessment for road improvements ($4,749) along the subject property frontage of Rupple Road and a bridge assessment of $7,399.66 is required. Staff finds that this improvement meets the rough proportionality test for the proposed development, especially as it relates to the Phase II development following, which will include many more lots in this immediate area. The impact of this property on this intersection warrants the recommended improvements so that this intersection will better function to allow for safe traffic movement and not create a dangerous traffic situation.

Tree Preservation:

Existing:	38.5%
Preserved:	23.4%
Mitigation:	On-site mitigation, 68 large species trees

Parks: The Parks and Recreation Advisory Board recommended accepting money in lieu of land for 78 Single Family Units on March 7, 2005. On April 4, 2005 the Parks and Recreation Advisory Board reviewed this development again with the addition of 25 single family units within phase II. The new recommendation was accepting money in lieu of land for 103 single family units for phase I & II. Phase I of the development consists of 68 single family lots and requires payment of **$37,740** prior to final plat approval.

Public Comment: Staff has received numerous calls from surrounding property owners throughout the last few months with questions and concerns regarding the proposed density and type of use and construction. Included in the staff report are those written comments from citizens that were received by staff.

Recommendation: Staff recommends the Planning Commission forward **R-PZD 05-1463** to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions

of approval:

Conditions of Approval:

1. Planning Commission determination of appropriate access to available open space within the subdivision. *Staff recommends that the Open Space/Tree Preservation Lot be provided with at least two points of pedestrian access, preferably between lots 48-49 and 61-62 (coordinate detention access/storm sewer easement). This access will allow pedestrian access only, with a sidewalk/trail from the street into this open space. While intended to be open space/tree preservation area, as indicated in the latest correspondence, this area of mature tree canopy should still be enjoyed by area residents and should not be entirely blocked off with the creation of lots. Staff does not recommend the area to be developed as a public park, rather, to be utilized by this neighborhood for private passive recreation.* **PLANNING COMMISSION DETERMINED THAT TWO ACCESS EASEMENTS SHALL BE LOCATED BETWEEN LOTS 48-49 AND 61-62 TO ALLOW FOR PEDESTRIAN ACCESS TO THE OPEN SPACE. THE POA IS TO DETERMINE IF IMPROVED ACCESS IS DESIRED AT A LATER DATE.**

2. Planning Commission determination of the requested waiver of the City's Street Design Standards:
   - "Street E" radius – 100 feet; the required minimum is 150 feet.
   - "Street B" radius – 75 feet; the required minimum is 150 feet.
   - Jog between Hazeltine Street and "Street C" – 98 feet; the required minimum is 150 feet.

   Staff has evaluated the proposed waivers and finds the measures taken to ensure traffic safety are in accordance with the city's expectations; staff recommends approval of the requested waivers. **PLANNING COMMISION DETERMINED IN FAVOR OF THE REQUESTED WAIVERS.**

3. Planning Commission determination of offsite assessments. *Staff recommends that* the *developer shall be proportionately assessed for the future construction of a bridge on Rupple Road in the amount of* **$4,625.68** *based on the projected impact of the development upon this infrastructure, to be paid prior to recordation of the final plat. (See attached memo from Engineering.)* **PLANNING COMMISSION DETERMINED IN FAVOR OF THE BRIDGE ASSESSMENT.**

4. The developer shall be responsible to pay an assessment in the amount of **$4,749** for improvements along the frontage of Rupple Road to include 14' street from centerline, curb and gutter, a 6' sidewalk at the right-of-way per Master Street Plan requirements, and storm drainage prior to recordation of the final plat. **PLANNING COMMISSION DETERMINED IN FAVOR OF THE BRIDGE ASSESSMENT.**

5. Staff recommends off-site improvements at the intersection of Newbridge Road and "Street A" to include the widening of the constructed portion of "Street A" from a 24'

wide street to a 28' wide street. No other off-site improvements are required except for an assessment for road improvements along the subject property frontage of Rupple Road and a bridge assessment. Staff finds that the improvement to this intersection meets the rough proportionality test. **PLANNING COMMISSION DETERMINED THIS OFF-SITE IMPROVEMENT MEETS THE ROUGH PROPORTIONALITY TEST, AND THE DEVELOPER SHALL BE RESPONSIBLE FOR WIDENING THE STREET TO A MINIMUM OF 28 FEET IN WIDTH TO NEWBRIDGE ROAD.**

6. A temporary cul-de-sac and access easement shall be constructed and shown on the final plat at the north end of "Street C" to provide for sufficient turn-around for emergency vehicles unless future development on adjacent property extends this street prior to Final Plat. The radius of said temporary cul-de-sac shall meet City requirements.

7. The developer shall pay **$8,200** for construction of a portion of "Street C", including a 28' street, curb and gutter, sidewalk, and storm drain within the area identified as the temporary cul-de-sac prior to recordation of the final plat.

8. Prior to recordation of the final plat, the developer shall erect at the entrance of any private street/alley a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic and a sign at the stub-out of "Street C" indicating the future extension of the street.

9. A property line adjustment to create a legal tract of land on which this R-PZD is proposed shall be filed prior to construction plan approval.

10. All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.

11. Allowed uses in this R-PZD shall be restricted to Use Units 1, 2, 4, 8, 9, 10, and 24, with Use Units 9 and 10 allowed only on lots 29-38. Lot 69 is to be reserved as Open Space/Tree Preservation, on which no Use Unit is permitted. All other bulk and area, setback, height, lot area and width, and building area criteria shall be enforced as noted on the plat and/or within the staff report "Zoning Critiera" A-G, as noted.

12. The maximum number of dwelling units on this property is 68 units.

13. All residential structures shall be built to the front build-to line as reflected on the approved plat, **WHERE POSSIBLE. (MODIFIED BY PLANNING COMMISSION).**

14. The greenspace numbers within the Street Data chart shall be updated so that the street width, greenspace, and sidewalks equal the dedicated right-of-way for each street.

15. The lot reserved for open space and tree conservation shall be the responsibility of the Property Owner's Association.

16. Payment of Park fees in the amount of **$37,740** shall be paid prior to the application of signatures to the final plat.

17. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of **(68) 2-inch caliper large species trees**. A planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat. If all trees can not be reasonably located on the property, with the approval of the Landscape Administrator, the difference shall be paid into the Tree Fund.

18. Mitigation trees shall be located throughout the site; a detailed tree planting plan shall be submitted at the time of final plat for review and approval by the Landscape Administrator.

Standard Conditions of Approval:

19. 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)

20. 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.

21. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.

22. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

23. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
    b. Separate easement plat for this project that shall include the tree preservation area.
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all

incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: **__yes__ Required**

__J__ Approved **_____ Denied**

9-0

Date: June 27, 2005

Comments: Upon reviewing the revisions post-Planning Commission approval, staff proposes the following revision:
Condition of Approval: There shall be no maximum or minimum buildable area for each lot.

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

By **Date**

Findings associated with R-PZD 05-1463

Sec. 166.06. Planned Zoning Districts (PZD).

(B) *Development standards, conditions and review guidelines*

(1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. Creating a unique subdivision with a mixture of lot sizes and housing types that are compatible with the surrounding developments, and preservation of natural features on the property has been achieved. The total density of this development is comparable to the surrounding developments, zoned RSF-4; however, lot sizes within this proposed subdivision are smaller and resemble those subdivisions within and near the downtown area. Additionally, the proposal has designated areas adjacent to developed properties to be developed as slightly larger lots, with smaller detached single family and two- and three-family lots clustered on the eastern portion of the property. Clustering the development on the outer edges of the property, the developer has left a majority of the natural drainage corridor and surrounding tree canopy in tact. Staff recommends that this open area be made available to those residents of the subdivision through pedestrian access. This will allow for an area of common usable open space where a City-owned park has not been recommended. The streets within this proposed subdivision will allow for connectivity from developed properties to the west to Rupple Road, and connections are proposed from this development to surrounding properties. The proposed subdivision open space, a unique style of housing types, building placement and lot pattern will benefit the health, safety, amenity and welfare of the community as a whole.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and

quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is not required as a part of this development.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Internal streets are comprised of public streets within 50 feet and 42 feet rights-of-way, with appropriate connectivity proposed. A north-south Minor Arterial Street is indicated adjacent to the east property line, within a minimum of 45 feet of right-of-way from centerline. Several waiver requests for street radii and the distance between a jog in a street have been submitted to the Planning Commission for consideration. Staff has reviewed these waivers and found that granting the waivers will not adversely affect traffic patterns or safety. Design of the streets in this configuration was a deviation of standard requirements, but it did allow for flexibility in lot design to facilitate the preservation of trees within the natural drainage area on the property. Although most of the lots will be accessed from the public street, a row of lots along the eastern edge of the property will be accessed by way of a private alley. This will be a unique feature among all surrounding developments and within the subdivision itself, emphasizing an older pattern of development typically seen in more traditional neighborhood developments. Staff finds that the connectivity proposed from this property to surrounding properties is adequate, but recommends that improvements to the existing stub-out from Newbridge Road, a Collector Street, be widened from 24' to 28' so that there is not a bottle neck at this

intersection.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Standard parking ratios for single family units (2 spaces per unit/dwelling) is enforced. Although some of the dwellings within this development will be attached, they are utilized for a single family on a distinct lot and are required to comply with the single family dwelling parking lot requirements.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The development exceeds all open space requirements.

(6) *Sidewalks.* As required by §166.03.

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior streets; money in lieu of construction of a six-foot sidewalk required on the side of the Collector Street adjacent to the subject property shall be required prior to approval of the final plat.

(7) *Street Lights.* As required by §166.03.

FINDING: All street lights installed shall be pursuant to the above-referenced code section, with a maximum of 300 feet spacing on all streets.

(8) *Water.* As required by §166.03.

FINDING: Public water is being provided to the project site, pursuant to city code.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer is being provided to the project site, pursuant to city code.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii)All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way

1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public streets for the proposed development are indicated to be constructed according to the adopted standards of the City. The applicant is providing a 20' private alleyway with a paved drive 12' in width to provide alley access to lots 29-38.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

(12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: Staff recommends approval of the Tree Preservation Plan, with a total of 23.4% tree canopy preserved; the site currently has 38.5% existing tree canopy and 25% is required to be preserved. The applicant proposes to preserve canopy along the natural drainage within the property. A 3.86-acre lot has been designated for the preservation of trees and will also be utilized to detain water run-off from this property. The Property Owner's Association will own and maintain this property. Staff recommends that pedestrian access be provided to this site to allow the residents of this subdivision the opportunity to enjoy the natural features which this property provides.

(13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: N/A

(14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

(1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that_the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation

shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.

(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, while also providing a development that is compatible with surrounding residential subdivisions and preserving natural features of the site within open space to be maintained by the POA. The development will offer attached and detached single family housing types, alley access to those lots on which townhouses are permitted, and require homes to be built a maximum 14' from the front property line with detached garages to be accessed by strips of concrete to reduce the amount of impervious surface. These development standards will result in the creation of a unique character in this area. Open space is proposed within the subdivision to serve as an area of tree preservation and detention for the subdivision; however, it is not accessible by those within the subdivision. Staff recommends that provision of pedestrian access to this large open area will be a benefit to the future residents and achieve yet another of the goals of the Planned Zoning District. The proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

Environmental Resources:

9.16.a Identify areas of environmental concern and protect and preserve environmental resources.

9.16.b Define and protect areas of significant floodplains, hillsides, trees and other environmental resources through cluster development provisions, density controls, protective easements and other new and existing development standards and regulations.

Community Character:

9.19.g Encourage new residential development to incorporate varying lot sizes, home prices and types of dwelling units.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The subject described real property is proposed to be rezoned to R-PZD 05-1463. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed Residential Planned Zoning District allows single-family lot development in the form of single-family detached, two-family and three-family residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very unique style and type of development. Public improvements provided within the development will ensure future street connectivity and extension of public services to adjacent undeveloped properties.

(2) Permitted uses.

Unit 1 City-wide uses by right
Unit 2 City-wide uses by conditional use permit
~~Unit 3 Public protection and utility facilities~~
Unit 4 Cultural and recreational facilities
~~Unit 5 Government facilities~~
Unit 8 Single-family dwellings

Unit 9 Two-family dwellings**
Unit 10 Three-family dwellings**
~~Unit 12 Offices, studios and related services~~
~~Unit 13 Eating places~~
~~Unit 15 Neighborhood shopping~~
~~Unit 19 Commercial recreation, small sites~~
Unit 24 Home occupations
~~Unit 25 Professional offices~~
~~Unit 26 Multi-family dwellings~~
** = Lots 29-38 only.

FINDING: The proposed Use Units are permitted uses within a Residential Planned Zoning District. All other ancillary uses (tree preservation/open areas, trails, etc.) are allowed by right.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from RSF-1, Residential Single Family – 1 unit per acre, and RSF-4, Residential Single Family – 4 units per acre, to R-PZD 05-1463, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1463, with associated Preliminary Plat, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

FINDINGS OF THE STAFF

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

Finding: **The proposed rezoning of the existing RSF-1 and RSF-4 property to the proposed R-PZD development for single family residential use with development of detached/single family and two- and three-family townhomes at a density of 3.26 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promotes unique forms of development. Compatibility with adjacent developments within the RSF-4 zoning district has been achieved by clustering the smaller lots to the east of**

the property, adjacent to undeveloped property that is proposed to be developed as Phase II of Oakbrooke Subdivision, and platting larger lots, more similar in size to the adjacent property, along the western and southern property boundary.

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

Finding: **The proposed zoning is needed in order to develop a subdivision in the manner proposed with the R-PZD site plan.**

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 or congestion surrounding streets. Approximately 680 average two-way vehicle trips per day from this development would be created. Access to this site will be provided from the south through a subdivision recently approved for construction, from a Collector Street to the north, and a Minor Arterial Street to the east. These surrounding streets are to be designed to accommodate large volumes of traffic, and although Rupple Road, the primary access into this development, is not yet improved, there are sufficient means of access to disperse the traffic generated by development of 68 single family lots.**

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 development proposed would create, on average, 177 future residents in this area, thereby altering the population density in the immediate vicinity. Staff finds that an undesirable increase in load on public services would not be created as a direct result of this proposed development. Public services currently service surrounding subdivisions and the new Rupple Road elementary/middle school is being constructed by the Boys and Girls Club, only approximately 0.9 miles from this development. The addition of population to this area will be benefited by these services, and it is desirable to encourage appropriate development of properties located in close proximity to these public amenities.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

    a. It would be impractical to use the land for any of the uses

permitted under its existing zoning classifications;

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

Finding: **N/A**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

ENGINEERING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Brent K. O'Neal, P.E., Staff Engineer
DATE: June 15, 2005
SUBJECT: Oakbrooke Subdivision (R-PZD 05-1463)
Off-Site Assessments

The following is the Engineering Division's recommendation to the Planning Commission for off-site assessments:

1. **RUPPLE ROAD ALONG SUBDIVISION FRONTAGE:**

The developer will be assessed for improvements along the Rupple Road frontage along Rupple to include: street 14' from center line, curb and gutter, sidewalk at the right-of-way per the master street plan, and storm drainage. The developers engineer is to provide a cost estimate for review by the Engineering Division.

2. **BRIDGE OVER HAMESTRING CREEK:**

The Engineering Division recommends that this subdivision be assessed for a percentage of the construction costs to construct a bridge over Hamestring Creek. The following is a rational nexus calculation for this offsite improvement:

Approximate Rupple Road Bridge dimensions:

Length – 150 L.F.; Width – 56'; Surface Area of Decking – 8,400 s.f.

Projected Traffic from development – (109 Lots * 9.57 vpd/lot) - 1043 vpd
Assume 50% of vehicle trips will use Rupple – 521.5 vpd
Assume 50 % of vehicle trips using Rupple go north – 260.75 vpd
Minor Arterial traffic capacity = 14,800 vpd
% Traffic from development = 1.76%

Phase II 41 lots
– 393 vpd
– 196.5
– 98.25
0.66%

Hamestring Creek Bridge Costs:
8,400 s.f.($50.00/s.f.) = $420,000.00

Hancock Estates Subdivision Percentage of Costs:
0.0176($420,000.00) = $7399.66 ≈ 2788.17

Therefore, the Engineering Division recommends that Oakbrooke Subdivision Ph.1 be assessed $7,399.66 for the future Rupple Road Bridge across Hamestring Creek.

3. **SUMMARY OF RECOMMENDATIONS:**

A. Rupple Road Assessment: Cost estimate to be provided by developers engineer for review.

B. Offsite Assessment for Rupple Road Bridge over Hamestring Creek: $7,399.66

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: June 22, 2005

ITEM #: R-PZD 05-1463 (Oakbrooke I)

BACKGROUND:

Requirements Submitted:

✓	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
✓	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	20.85
square feet	908,064
Existing Tree Canopy	
acres	8.04
square feet	350,021
percent of site area	38.5%
Existing Tree Canopy Preserved	
acres	4.88
square feet	212,361
percent of total site area	23.4%
Percent Minimum Canopy Required	**25%**

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.
The majority of mature, healthy trees located on this site are within the existing ravine/draw that drains from the southeast to the northwest. There are many very large, old oak trees located in this area, ranging in size from 18" to 60" in tree caliper size. These trees are in good health, and are sited on fairly steep terrain, which allows better opportunity for preservation, due to the difficult nature of developing this area. This area drains into Hamestring Creek, and preserving these trees will help maintain a high level of water quality draining from this development. The desirability of preserving such a large grouping of mature oak trees is very high, and staff has worked hard with the developer to ensure continued protection of these trees.

Whether the design incorporates the required Tree Preservation Priorities.
The design does incorporate the minimum requirements for tree preservation priorities. Staff has worked with the applicant to maintain a canopy percentage as close to the 25% preserved as possible. The preserved canopy falls just below that, to 23%, although this includes removal of canopy within the interior of lots that will not actually be removed with the construction of the subdivision.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.
Environmental degradation would occur as a result of removal of the trees that are currently shown to be preserved. Though some large trees will be removed with this development, a large grouping of mature oak canopy will be retained.

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.
Most of the canopy is located interior to the property, thus adjacent property owners would not be greatly impacted. However, if all canopy within this ravine were removed, there would likely be significant erosion problems, causing downstream problems in the future.

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.
Alternative construction methods have not been proposed.

Whether the size or shape of the lot reduces the flexibility of the design.
The size and shape of this site does not hinder design flexibility to a great degree.

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.
The general health of the grouping of trees on this property is good. There is not a noticeable sign of disease present.

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.
The majority of trees shown for preservation will be retained in lot 110, which is intended to be preserved as a open space and a tree conservation area. With the exception of storm drainage, which will continue the natural drainage through this ravine, no other utilities are proposed through the preservation area. No structures are proposed, and the use of the property will perpetually be for open space enjoyment.

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.
The majority of existing trees are to be removed for the installation of utilities and streets.

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.
Roads and utilities have been designed as best as possible with relationship to the existing topography and tree canopy.

Construction requirements for On-Site and Off-Site Alternatives.
N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.
On-site Mitigation is desired, with a total of 68 2-inch large species trees to be planted. A detailed street tree planting plan will be required, and all ordinance requirements adhered to for Residential On-site Mitigation, prior to Final Plat.

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

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:
N/A

The impact a substantial modification or rejection of the application would have on the Applicant
Staff recommends this plan be forwarded to the Planning Commission.

Recommendation:
Staff recommends forwarding the Tree Preservation Plan associated with R-PZD 05-1463 to the Planning Commission, with conditions as listed below:

1. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of **(68) 2-inch caliper large species trees**. A planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat. If all trees can not be reasonably located on the property, with the approval of the Landscape Administrator, the difference shall be paid into the Tree Fund.

2. Mitigation trees shall be located throughout the site; a detailed tree planting plan shall be submitted at the time of final plat for review and approval by the Landscape Administrator.

3. Staff recommends that the Open Space/Tree Preservation Lot be provided with at least two points of pedestrian access, preferably between lots 89-90 and 102-103 (coordinate detention access/storm sewer easement). This access will allow pedestrian access only, with a sidewalk/trail from the street into this open space. While intended to be a conservation easement/open space, this area of mature tree canopy should be enjoyed by area residents and should not be entirely blocked off with the creation of lots. Staff does not expect the area to be developed as a public park; rather, to be utilized by this neighborhood for private passive recreation.

The following information is provided for the applicant's use in preparing an on-site mitigation plan:

Request for on-site mitigation

1) *Planting details and notes.* Planting details and notes shall be included on the tree preservation plan as set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual.*

2) *Preferred species.* All trees to be planted shall be species native to the region, when available, and selected from the list of preferred tree species set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual.* Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the landscape administrator.

3) *Placement of trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

Residential On-Site Mitigation. Applicants requesting On-Site Mitigation for Residential Subdivisions shall comply with all the provisions of §167.04 I. 1-7, as well as the following:

(a) The Applicant's Mitigation Plan shall meet or exceed the required number of Mitigation Trees based on the Forestation Requirements as set forth at §167.04 I. 4.

(b) All Plans requesting Residential On-Site Mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the Applicant responsible for the health of all planted trees.

(i) Approval of a Plan requesting Residential On-Site Mitigation shall be contingent upon the Applicant depositing with the City an irrevocable Letter of Credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable Letter of Credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Landscape Administrator for approval.

(ii) Upon completion of the three year landscape establishment period, the Landscape Administrator shall inspect the site and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the Letter of Credit.

(iii) In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the

Landscape Administrator. If the Applicant does not take remedial steps to bring the property into compliance, the City shall use the necessary moneys from the Landscape Establishment Guarantee to do so.

(iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(B) The Applicant shall establish a bona fide Property Owners Association with a Bill of Assurance and Protective Covenants sufficient to ensure the continued health and vitality of the mitigation trees within the subdivision. The Bill of Assurance and Protective Covenants shall be filed of record with the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and file-marked copies thereof shall be provided to the Landscape Administrator prior to Final Plat approval.

(C) Developers requesting mitigation trees be planted along the street right of way of a Subdivision shall submit a street tree planting plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the Approved Street Tree Species List, or be otherwise specifically approved by the Landscape Administrator.

(i) The Applicant's Mitigation Plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of Mitigation Trees are planted.

(ii) The applicant shall submit an annual schedule of the initial structural pruning for all Mitigation Trees planted along street right of ways with the name and contact information of the International Society of Arboriculture (ISA) Certified Arborist or pruning service performing the work

The current owner of the property proposed as Oakbrooke is Tracy K. Hoskins of Paradigm Development, Fayetteville, AR.

The idea behind the Oakbrooke development is to create a neighborhood with an "old fashioned" character, as opposed to a typical "snout-house" subdivision. Oakbrooke will have homes available to a wider range of families from varied social/economic backgrounds. Large family homes will not over-power beginner, or more affordable homes. Interaction between diverse groups of residence is expected and encouraged.

Oakbrooke homes would be located forward on the lot to create an exterior neighborhood "room" in the street. Smaller side setbacks help create the exterior public space by decreasing the amount of negative space in the unused side yards. Homes will have usable front porches pulled close to sidewalks to encourage interaction among neighbors and create a buffer between the private residence and the public space of the street. Garages are located to the rear of the lots to move the blank garage door "face" away from the home. Private space is created in the back yards using the garages as screening devices. Automobiles are moved from the front of the lot to the rear and paving is minimalized by the insertion of green space within the drive. The homes in Oakbrooke say, "People live here; not cars".

All roads lead home in Oakbrooke. There are no "dead end" streets, but friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow safe passage for pedestrians and interaction among friends. Spaces for public gardens and landscaping are included to create community pride among neighbors and to help establish a sense of "place" and arrival.

As with the surrounding developments, Oakbrooke will be a single family residential neighborhood. However, Oakbrooke will strive for character which is lacking in nearby developments. By not using stock plans but specifically designing each home for each lot Oakbrooke strives to raise the standard of residential development in the Rupple Road area. Maintaining existing trees is fundamental to the Oakbrooke Development. The flexibility to design around trees and land features requires smaller setback dimensions. Each home will have usable rooms in the front of the house as opposed to locating them to the rear. This gives the neighborhood "eyes on the street" and creates a safer and friendlier environment. Custom signage and street lighting will help establish the individual character of Oakbrooke.

Principle reasons for the PZD request are for smaller building setback dimensions and greater variety in the type of single family home offered.

Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT
479.236.6636
Leading by example

PROTECTIVE COVENANTS AND RESTRICTIONS
FOR OAKBROOKE SUBDIVISION
FAYETTEVILLE, ARKANSAS

PRELIMINARY

Tracy K Hoskins (Developer) does hereby establish and create the following Protective Covenants, Restrictions and Architectural Control, which shall apply to all lots as shown on the recorded plat of the Oakbrooke, found in Plat Book ____, page ____.

BE IT KNOWN BY THESE PRESENTS, that whereas XXXXXXXXX, trustee of the XXXXXXXXXXX U/T/D DateXXXXXXXXXXX, as owner and developer, do hereby enter the following covenants and restrictions:

DEFINITIONS

1. "Property" shall mean all the real property and improvements that are subject to these Covenants and Restrictions.

2. "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of the fee simple title in any Lot which is a part of the Property, but excluding those having such interest merely as security for the performance of an obligation.

3. "Lot" and "Lots" shall mean and refer to any parcel of land shown upon any recorded Plat of the Property upon which there has been or may be constructed a single-family residence.

PROPERTY AND LOT RESTRICTIONS

1. GENERAL LIMITATIONS: The subdivision and building codes of the City of Fayetteville, Arkansas, as they presently exist or are hereinafter amended, shall be and are hereby made applicable to the Property. All dwellings, buildings, fences, walls, structures, storage buildings, swimming pools, and improvements of every kind shall comply with said ordinances as they exist on the date of their construction. Any conflict between City ordinances and the provisions of these Protective Covenants shall be resolved in favor of the more restrictive provision. Building, architectural, and design specifications shall be in accordance with the regulations set forth in the Fayetteville Zoning Ordinance designated R-PZD (Residential).

2. SINGLE-FAMILY RESIDENTIAL LAND USE AND BUILDING, TYPE: Lots shall only be used for single-family residential purposes. "Single Family" means one or more persons occupying a single dwelling, provided that unless all such persons are related by blood, marriage or adoption, no such family shall contain over three persons. No structure shall be erected on any Lot which exceeds three stories in height. No mobile or modular housing shall be placed on any lot.

3. MINIMUM SQUARE FOOTAGE: All dwellings shall be a minimum of 1,200 square feet of heated floor space (excluding garage), for single family detached homes; and 1000 square feet of heated floor space for single family attached homes. Lots numbered _____ through_____ shall be a minimum of 1600 square feet of heated floor space. Lots numbered _____ through _____ shall be a minimum of 2000 square feet of heated floor space. Lots numbered ___and ___shall be a minimum of 2500 square feet of heated floor space.

4. GARAGES: Each dwelling shall have a garage for a minimum of two (2) cars with dimensions of not less than twenty (20) feet by twenty (20) feet. No carports will be allowed. Garage openings may face a public or private street; however, garage doors must be of decorative type i.e. "carriage". All garages, whenever possible should be detached and located to the rear of the lot, as close to the rear property setback as possible. Under special conditions, this covenant may be modified by the OAC (Oakbrooke Architectural Committee).

5. YARD SPACE RESTRICTIONS AND BUILDING LOCATION: The most forward point on the front

of the house, inclusive of porches, shall be constructed at the property's front building setback line. Under special conditions, this covenant may be modified by the OAC.

6. ROOFS: All structures constructed on the Property must use tile, wood shake or 30-year composition architectural shingles, and must have a minimum of a 4/12 pitch. Any roof less than a 4/12 pitch, and metal roofing must be approved by the OAC.

7. EXTERIORS: The foundations of all structures must be at least 80% brick or stone, or other natural materials. All chimneys are encouraged to be brick, stone, or stucco. No vinyl, metal, or Exterior Insulation and Finish Systems (EIFS) will be permitted. Though vinyl windows are permitted, the OAC encourages the use of wood type windows. Finish floor elevation must be a minimum of eighteen inches (18") above finished grade at the front of the structure, exclusive of garages.

8. ARCHITECTURAL CONTROL: No ranch, contemporary, modern, a-frame, log, or gambrel style structures will be permitted. Oakbrooke is considered to be a traditional Americana neighborhood with an emphasis on TRADITIONAL AMERICAN STYLING; CRAFTSMAN STYLE BUNGALOWS AND AMERICAN TUDOR HOUSES ARE ENCOURAGED.
All floor plans, elevations, specifications, plot plan showing the orientation of any structure, driveway and sidewalks, contractor, and proposed materials and colors must be submitted and approved by Tracy Hoskins representative, Oakbrooke Architectural Committee, prior to starting construction. The OAC will have 10 business days to approve the project or require modifications. The OAC again will have 10 business days to respond each time documents, or revisions, are submitted. Once construction commences, revisions are discouraged, and must be approved by the OAC. The OAC will keep in its file the original plans and specs as reference material. The submitted documents WILL NOT be returned to the applicant.

Post certificate of occupancy; any modification of the exterior of the home must be approved by the OAC, including any color changes.

9. YARDS / LANDSCAPING: All yards shall be fully sodded in front and in back within sixty (60) days of a certificate of occupancy being issued by the City of Fayetteville. All dwellings shall be landscaped with a landscaping package that is appropriate in design and color for the design of the dwelling.

10. LOT MAINTENANCE: All Lots shall be kept in a sanitary and attractive condition, and the Owner or occupant shall keep all weeds and grass thereon cut and neatly maintained and shall in no event use any Lot for storage of material or equipment except for normal residential purposes (except for during construction of residences or other structures.) Construction sites shall be kept neat, safe, and clear of debris at all times. Construction materials should be kept to the rear of the lot, obstructed from view, whenever possible. No burning of garbage, trash, or refuse is allowed (Except for during construction of residences or other structures and with the approval of the Fayetteville Fire Department).

11. SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge, or shrub which obstructs sight lines at intersections in the subdivision shall be permitted.

12. HOME OCCUPATIONS, OFFENSIVE USES OR COMMERCIAL USES: Home occupations, as defined and set forth in the ordinances of the City of Fayetteville, shall be allowed only with prior approval of the OAC. Further, no activity which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the quiet enjoyment of any Owner of a Lot or which degrades property values or distracts from the aesthetic beauty of the property shall be conducted thereon. No repair work, dismantling, or assembling of any motor vehicle or boat shall be done on any Lot unless in a fully enclosed garage or other structure, not in view from adjoining Lots or streets, and if only for noncommercial purposes. Further, no part of any Lot shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing,

mercantile, storing, vending or other such nonresidential purpose. No childcare businesses to be allowed if more than four (4) unrelated children are involved. This area is for residential purposes only. ***Temporary lemonade stands are encouraged!!!***

13. STORAGE OF AUTOMOBILES, BOATS, TRAILERS, OTHER VEHICLES AND EQUIPMENT: No automobiles, boats, trailers, motor homes, campers, recreational vehicles, motorcycles, buses, inoperative vehicles of any kind, cap rigs off trucks, or boat rigging shall be parked or stored permanently or semi-permanently on any public street right-of-way, yard area, or on driveways. Permanent or semi-permanent storage of such vehicles or items must be completely screened from public view either within the garage or behind a solid fence. For the purposes of these Protective Covenants, the phrase "semi-permanent" shall be defined as remaining on or about the same Lot without offsite movement for forty-eight or more consecutive hours. No eighteen wheel vehicles or any other vehicle requiring a commercial driver's license may be parked on any public or private street or any portion of any Lot except to deliver merchandise or materials to residents or construction sites.

14. VISUAL SCREENING: All clotheslines, equipment, garbage cans, woodpiles, refuse containers, storage piles, and household projects such as equipment repair shall be screened by fencing, so as to conceal them from view of neighboring Lots or streets. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the Lots and not allowed to accumulate thereon.

15. TEMPORARY STRUCTURES: No trailer, tent, shack, garage, barn, recreational vehicle, mobile home, or other outbuilding shall be placed, constructed, erected or allowed to remain on a Lot if it is being used for human habitation either temporarily or permanently.

16. STORAGE BUILDINGS: No detached outbuildings may be constructed without prior written consent of the OAC. If consent is granted, detached storage buildings may only be placed to the rear of the house, no closer to side lot line than the sides of the house and be a minimum of twenty (10) feet from the rear yard line, and must be enclosed inside privacy fence. All storage buildings shall use same roof and wall materials as used on the house.

17. FENCES: Fencing of front yard is prohibited, other than decorative fences or landscape walls, not to exceed thirty-two inches above finished grade. No fence shall be erected that is closer to the street than five feet behind the front main façade. No fence shall be erected on an adjoining side street that is closer to the street than three feet behind the interior edge of the sidewalk. Chain link or wire fencing shall be permitted only with prior approval from the OAC. All wire fencing must be screened by landscaping when visible from any street. All wood privacy fences shall have the good side turned toward the outside of the lot. That is, the framework that supports the fence is to be facing inward toward the back yard. No privacy fencing shall exceed four feet in height. Any fencing, walls, or landscape walls located between the street and structure must be constructed of brick or stone (complementary of the structure), and must be approved by the OAC.

18. SATELLITE DISHES: All satellite dishes limited to eighteen inches in diameter shall be placed to the rear of the residence, no closer to side yard than the rear of the house and must be enclosed in privacy fence. Basketball goals are restricted to back yards only.

19. HEATING AND COOLING DEVICES: No structure on any Lot shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from the street or adjoining Lots (this restriction does not apply during the construction of the structure).

20. LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised or kept on any Lot, except that dogs, cats or other household pets may be kept, provided that they are not kept or maintained for any commercial purposes.

21. EASEMENTS SIDEWALKS AND DRIVES: Easements for installation and maintenance of utilities, tree preservation, and drainage facilities are reserved as shown on the recorded Plat. No incinerator structures, buildings, or similar improvements shall be built or maintained within the area of the any easements. Owners are hereby put on notice that any structures, fencing, driveways, sidewalks, or plant material, in the easements are subject to removal at the expense of the Owner(s) of the Lot on which the structure, fencing, driveways, sidewalks, or plant material is located. In effort to minimize curb cuts common drive entries are encouraged. Curb cuts for driveways shall not exceed twelve feet in width. Each individual lot owner shall construct a four foot wide sidewalk, six feet from the back of curb. Sidewalks shall be of a light broom finish with expansion joints four feet on center. Driveways shall be concrete strip type with a minimum three foot green space down the center. Green strip shall begin immediately behind the side walk and continue to the front primary wall of the structure. Driveways may be solid with no green strip from the street to the sidewalk, and beyond the front main wall of the structure. See attached drawing "A". Sidewalks from the entry stoop of the structure shall be built to the public sidewalk and shall be a minimum of three feet wide.

22. MAILBOXES: Mailboxes will be installed upon each property. The particular design shall be designated by the OAC.

23. NO LIABILITY: Tracy Hoskins, the Developer, the OAC, nor any other Owner shall be liable for damages to anyone submitting plans and specifications for approval, or to any Owner of a Lot affected by these Protective Covenants by reason of a mistake in judgment, negligence, or disapproval or failure to approve or disapprove any such plans and specifications and no approval or required modification of plans and specifications submitted shall be considered a warranty of any nature whatsoever pertaining to the suitability of such plans and specifications. Every person who submits plans and specifications for approval agrees that no action or suit for damage will be brought against Tracy Hoskins or the OAC, its members, assigns, or any Owner(s).

24. DURATION OF COVENANTS: These Protective Covenants shall run with the land for a minimum period of thirty (30) years, and shall be automatically extended for successive periods of five (5) years without further action unless terminated by a Vote of a majority of the Owners of Lots in the Property. Each lot owner will have one vote for each lot owned. The developer shall have five votes for each lot owned.

25. SEVERABILITY: Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, otherwise, shall not invalidate or affect any of the covenants and restrictions, or any part thereof, set forth herein, but they shall remain in full force and effect.

26. BINDING EFFECT AND AMENDMENT OF COVENANTS: All Owners shall be deemed to have agreed and covenanted with the Owners of all other Lots within the Property, and with their heirs, successors, and assigns to conform to, and observe the restrictions, covenants, and stipulations contained herein.

27. OAKBROOKE PROPERTY OWNERS ASSOCIATION: The Oakbrooke POA is responsible for the upkeep, maintenance, and repair of drainage easements, private streets, landscape islands and walls, common area sprinkler systems, tree preservation areas, and any common areas or green spaces. Each lot owner will be assessed and annual fee of $___.__, due and payable by January 10th of each year. The Developer shall be the director/overseer of the POA until such time, that by majority vote of the property owners, another is appointed. Again, each lot owner will have one vote for each lot owned. The developer shall have five votes for each lot owned.

IN WITNESS WHEREOF this instrument has been executed this _____ day of

_____, _____.

_____
Owner/Developer

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF WASHINGTON)

On this day, before me personally appeared XXXXXXXX, to me personally known, who acknowledge that he is the trustee of his respective trust, and that he, as such trustee, being authorized so to do, has executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this ____ day of _____, _____.

_____
Notary Public

My Commission Expires:

_____

* Applicant's Response to Items Addressed at the Subdivision Committee Meeting.

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS
Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:
PE: AR, MO
PLS: AR
RLA: AR

June 17, 2005

Project No. E-744

FAYETTEVILLE
125 West Mountain
Fayetteville, Arkansas 72701

ATTN: Suzanne Morgan, Planning Division
RE: Oakbrooke Subdivision, Phase I, R-PZD 05-1463

Dear Suzanne:

The following responses are provided base on comments received at Subdivision Committee Level review, June 16th. Also attached are 26 copies of the R-PAD Plat, revised for continued process approval to the Planning Commission.

Staff requests that the applicant clarify whether Use Unit 2 (City-wide use by conditional use permit) is requested as shown on the plat, and if so, on which lots. The applicant may wish to consider Use Unit (Home Occupations).
At this point of design/planning development, the applicant is not sure which lots may require a conditional use permit in the future and therefore respectfully ask for without designation of specific lots. As for Home Occupations, while not likely, we will add as could certainly become a possibility. Thank you.

Conditions to Address/Discuss

Planning -

1. **Planning Commission determination of the requested waiver of the City's Street Design Standards:**
   a. **Street E radius - 100 feet; the required minimum is 150 feet**
   b. **Street B radius - 75 feet; the required minimum is 150 feet**

Staff has evaluated the proposed waivers and finds the measures taken to ensure traffic safety are in accordance with the city's expectations; staff recommends approval of the requested waivers.
Staff's support and recommendation of approval are appreciated and desired. Thank you.

205 West Center Street; Fayetteville, Arkansas 72701; Phone: (479) 443-4724; Fax: (479) 443-4707; E-mail: MCOengr@swbell.net

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Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:
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PLS: AR
RLA: AR

2. **The developer shall be responsible to pay an assessment for improvements along the frontage of Rupple Road to include 14' street from centerline, curb and gutter, a 6' sidewalk at the right-of-way per Master Street Plan requirements, and storm drainage. The developer's engineer shall provide a cost estimate to the Engineering Division for review and approval prior to Planning Commission consideration.**

An engineer's cost estimate for required improvements along Rupple Road has been provided to the City's Engineering Division for the entire project (two entrances onto Rupple Road for both project Phases) in previous submitted documentation for approval of the entire project. The cost estimate has subsequently been broken down by proportional rationalization and is submitted for processing of Phase II. The following is provided.

The cost estimate previously provided, dated April 8th, should be split between the two development phases thus:

Phase II $15,900
Phase I ..... $ 4,749

3. **Planning Commission determination of offsite assessments.** ***Staff recommends that the developer shall be proportionately assessed for the future construction of a bridge on Rupple Road in the amount of $7,399.66 based on the projected impact of the development upon this infrastructure. (See attached memo from Engineering).***

Acknowledged.

4. **A temporary cul-de-sac and access easement shall be constructed and shown on the plat at the north end of "Street C" to provide for sufficient turn-around for emergency vehicles. The radius of said temporary cul-de-sac shall meet City requirements. The developer's engineer shall submit a cost estimate to the Engineering Division for construction of the portion of street, curb and gutter, sidewalk, and storm drain within the temporary cul-de-sac prior to Planning Commission consideration.**

The plans have been revised to indicate a cul-de-sac. While this may be considered a temporary cul-de-sac, construction will be preformed as if permanent. On recent similar temporary cul-de-sac assessments (Bridgedale, Phase I) the figure $5,500 has been used, to which we are in concurrence. However, this cul-de-sac will require some additional drainage work for which the following cost is provided.

Sidewalk, curb & guttering, roadway and drive resurfacing - $5,500
Additional drainage structure and pipe - $2,700

The estimated construction cost for street extension (remove temporary cul-de-sac) would total **$8,200.**

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5. **Staff recommends off-site improvements at the intersection of Newbridge Road and "Street A" to include the widening of the constructed portion of "Street A" form a 24' wide street to a 28' wide street. No other off-site improvements are required except for an assessment for road improvements along the subject property frontage of Rupple Road and a bridge assessment. Staff finds that the improvement to this intersection meets the rough proportionality test.**

There is no rough proportionality test here, the Owner/Developer is paying for the entire improvement. Our Client, Tracy Hoskins, feels that this is a correction for a mistake, inadvertency of the City. The roadway in question was reviewed and approved by staff and was constructed, accepted by the City approximately 4-6 month ago. This is a new roadway that was inadvertently built undersized for future use per City standards. Our client does not feel that it is his responsibility to correct the problem at his expense. However, sprit of cooperation, our client is willing to have the improvement made part of the development design and the cost of the correction be an expense of the City. The Planning Commission's decision in this matter is appreciated. Mr. Hoskins does not want to delay the approval processing of this project waiting for City Council approval of this expenditure, but would hope that the issue could be separated and contingent if the widening of the short section of roadway is considered necessary at all.

6. **Please verify if there is an existing public access or utility easement along the south side of the property prior to submittal of the final plat. Should there be an existing easement that must be vacated in order to utilize the property for single family development, it shall be vacated prior to application of the final plat.**

Acknowledged. This is not a public access or utility easement. See previous owner's deed contained in previously submitted documents, also find attached herewith.

7. **A property line adjustment to create a legal tract of land on which this R-PZD is proposed shall be filed prior to Planning Commission consideration of this project.**

A Property Line Adjustment application is be processed by Staff in tandem with this project phasing. Filing will be accomplished immediately upon receipt of Staff approval.

8. **All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.**

Acknowledge.

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9. **Allowed uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right and Use Unit 8: Single Family Dwellings for lots 1-28 and 80-109; and Use Unit 8: Single-family Dwellings, Use Unit 9: Two-family Dwellings, and Use Unit 10: Three-family Dwellings - Townhouse development, for those lots with a zero side building setback.** ***Staff requests that the applicant clarify the permitted uses for each lot on the plat, requests clarification as to which lots Une Unit 2 and 4 apply, and suggests that Use Unit 24: Home Occupation by considered as a permitted use for all or some of the proposed lots.***

Acknowledged and agree. Lot numbering has changed since this project is being presented in phases, therefore some lot numbering has changed. The new numbering agree with the request.

10. **The maximum number of dwelling units is 68 units.**

That is correct.

11. **Lots shall be renumbered such that lots 1 through 69 are contained within this preliminary plat. The building setback chart and notes on the plat shall updated to show the revised lot numbers. The plat shall also be modified to dimension right-of-way from the centerline of Rupple Road per Master Street Plan requirements.**

The lots have been renumbered and the plat charts, notes updated.
The right-of-way dimension from the centerline of Rupple Road per Master Street Plan has been added to the plat.

12. **The applicant shall clearly specify the type of garages, driveways, and build-to (setback) requirement for this development on the plat. This will convey the intent of the development within this R-PZD and allow for staff to appropriately evaluate building permits submitted for these lots.**

A note for clarification and understanding has been added to the plat.

13. **The density in Note 12 on the plat shall be revised (68 units/20.882 + 3.26 units per acre).**

The density indicated in Note 12 has been corrected to indicate 3.26.

14. **Include all bulk and area information on the plat (i.e. height, buildable area, etc.).**

This information is added to the plat.

15. **The lot reserved for open space and tree conservation shall be the responsibility of the Property Owner's Association.**

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The area indicated on the plat as Lot 69 (formerly numbered 110) is rename Open Space and Tree Preservation. Conservation is the wrong indication.
Maintenance of the Open Space will be the responsibility of the POA.

16. **Payment of Park fees in the amount of $37,740 shall be paid prior to the application of signatures to the final plat.**

Acknowledged.

17. **Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of (68) 2-inch caliper large species trees. A planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat. If all trees can not be reasonably located on the property, with the approval of the Landscape Administrator, the difference shall be paid into the Tree Fund.**

The area configuration of the detention facility is being adjusted as part of the construction plan to preserve additional existing canopy. Therefore the current calculations are going to be (will need to be) adjusted resulting in lowering the amount of mitigation required (number of trees to be planted on-site). A general planting plan is developed based on the current calculations, indicating tree planting within green-space along road right-of-ways. It is our understanding that trees can be planted under existing canopy, within the Open Space and counted toward mitigation. Therefore there will be ample area for plantings. It is not clear how this adds to existing canopy area but plantings under existing canopy is allowed. Maintenance and monitoring guidelines, etc. have been added as Note 15 to the Tree Preservation Plan.

18. **Mitigation trees shall be located throughout the site; a detailed tree planting plan shall be submitted at the time of final plat for review and approval by the Landscape Administrator.**

It is assumed that this now means that an "As-Built" or "As-Installed" planting plan is required at the end of construction. This must also mean that there will be a Final Inspection and Certification as with other public service installations.

19. **Staff recommends that the Open Space/Tree Preservation Lot be provided with at least two points of pedestrian access, preferably between lots 89-90 and 102-103 (coordinate detention access/storm sewer easement). This access will allow pedestrian access only, with a sidewalk/trail from the street into this open space. While intended to be a conservation easement, as indicated in the latest correspondence, this area of mature tree canopy should still be**

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enjoyed by area residents and should not be entirely blocked off with the creation of lots. Staff does not expect the area to be developed as a public park; rather, to be utilized by this neighborhood for private passive recreation.

The intention expressed by staff are not without merit, but as with any privately held land the Owner/Developer, and/or the POA does not feel that they should be placed in a liable situation by installing sidewalks or pathways that are enticements that invite the public onto their land. Members of the POA, landowners of the subdivision may elect to utilize their land in many different way and is their place to do so. The Owner/Developer, Tracy Hoskins, has expressed on several occasions that if the City wants this area to be utilized as Open Area available for access by the General Public, then he will be willing to donated it as Park Land, but not at the expense of being penalized for loss of tree canopy. There are questions and issues concerning this double enforcement, double penalization to the developer that Mr. Hoskins is hopeful that the Planning Commission can satisfactorily resolve.

Standard Conditions of Approval: 20 through 24.
Acknowledged and acceptable.

Engineering -
Rupple Road Along Subdivision Frontage
Acknowledge, see information provided above.

Bridge Over Hamestring Creek
Acknowledge, and agree.

Landscape Administrator -
1. Tree canopy calculations and mititgation
Reference response Planning No. 17 above

2. Mitigation
Reference response Planning No. 18 above

3. Open Space and Tree Preservation Lot issues
Reference response Planning No. 19 above

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The Owner/Developer, Tracy Hoskins, will provide additional responses and addressing these and other issues under separate cover.

Should Staff or the Planning Commission require supporting information or have additional questions please advise prior to the Planning Commission so that adequate preparation can be given.

Your assistance and cooperation on this project are appreciated as always by MCO.

Sincerely,
Milholland Company

Thomas M. Jefcoat, ASLA
Senior Projects Manager

cc: Tracy Hoskins

205 West Center Street; Fayetteville, Arkansas 72701; Phone: (479) 443-4724; Fax: (479) 443-4707; E-mail: MCOengr@swbell.net

April 16, 2005

RECEIVED
APR 19 2005
PLANNING DIV.

Suzanne Morgan
113 West Mountain Street
Fayetteville, AR 72701

Ms. Morgan

Recently a rezoning poster was placed near our residence and I am confused by the description of the rezoning. The notice, RPZD 05-1463, states a new area, Oakbrook, consisting of 95 single family homes is to be built on 10.47 acres.

I did not see how this could be done and went to the planning office to see the file. Not knowing much about new developments I looked at the file but I am still confused. The Oakbrook plat showed 100+ houses and covered many more acres than the listed 10.47 acres. It also included a five acre plot that is adjacent to our home. It is this five acre section that concerns me. Is this five acres part of the area to be rezoned, again? The sign does not state this.

The adjacent land (five acres) was recently re-zoned four houses to the acre, a change we did not wish but did not protest. Now I am seeing many more than that in the drawing and some divisions that in my opinion can not be single family. In addition, if you are not aware, there were land restrictions placed on the said five acres and the recent buyer was aware of these prior to the sale. I have enclosed a copy of the restrictions that were filed with the said property. The drawings I looked at give the appearance that these restriction are being compromised if not ignored.

Could you please shed some light on this "new development"? The lady that showed me the file said the original date for the sub-planning meeting, April 14, was postponed for some unknown reason.

I can be reached by mail at the address below, at work at 479-575-6886, or by email at lberry@engr.uark.edu. Thank you for any help you can give.

Loren Berry
1801 Rupple Rd.
Fayetteville, AR. 72704

AMENDED AGREEMENT OF LAND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

That we, **O. E. Luttrell and Martha Kay Luttrell, Co-Trustees of the O.E. and Martha Kay Luttrell Living Trust**, being the owners of Tract A as shown on Exhibit "A" attached hereto and made a part of hereof, and **Loren E. Berry and Wilma J, Berry, husband and wife**, being owners of Tract B as shown on stated attached Exhibit "A", hereby amend the restrictive covenants set out in an Agreement dated July 15, 1996 and recorded on July 16, 1996 as Washington County, Arkansas land document #96044428 as they pertain to the properties described on said Exhibit "A" as follows:

No residential multifamily , commercial, warehouse, industrial, or agricultural zoning shall be allowed.

Any single family home dwelling constructed on Tract A must have a minimum heated and cooled living space of 1600 square feet.

Further, at least 40% of the homes of Tract A must be a minimum heated and cooled living space of 2000 square feet. Of this 40%, two homes must be a minimum heated and cooled living space of 2500 square feet. These referenced 40% larger homes shall be located on the easternmost portion of the Tract A.

The original covenants and restrictions dated July 15, 1996 and recorded July 16, 1996 as land document #96044428 shall be replaced in their entirety with this document. Any additional provisions outlined in the original covenants shall be null and void.

WITNESS, our hands and seals this 12th day of March, 2005.

The O.E. and Martha Kay Luttrell Living Trust

O.E. Luttrell, Co-Trustee

Martha Kay Luttrell, Co-Trustee

Loren and Wilma Berry, Husband and Wife

Loren E. Berry

Wilma J. Berry

ACKNOWLEDGEMENT

State of Arkansas)
)SS
County of Washington)

On this day, before me, a Notary Public, duly commissioned and acting, appeared in person the within named O.E. Luttrell and Martha Kay Luttrell, to me personally known as the Co-Trustees of the O..E. and Martha Kay Living Trust, and Loren E. Berry and Wilma J. Berry, to me personally well known as the grantors in the foregoing instrument and who stated that they had executed the same for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 12th day of March, 2005.

Cody Murrow
Notary Public

My commission expires: 12-1-14

OFFICIAL SEAL
CODY MURROW
NOTARY PUBLIC . ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 12/01/2014

EXHIBIT "A"

Tract A:

A part of the S ½ of the SE ¼ of Section 1, T-16-N, R-31-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point 757.80 feet East and 60.00 feet North of the SW corner of said 80.00 acre tract; thence North 643.00 feet; thence East 361.20 feet; thence South 253.00 feet; thence West 28.45 feet; thence South 390.00 feet; thence West 332.75 feet to the point of beginning, containing 5.077 acres, more or less.

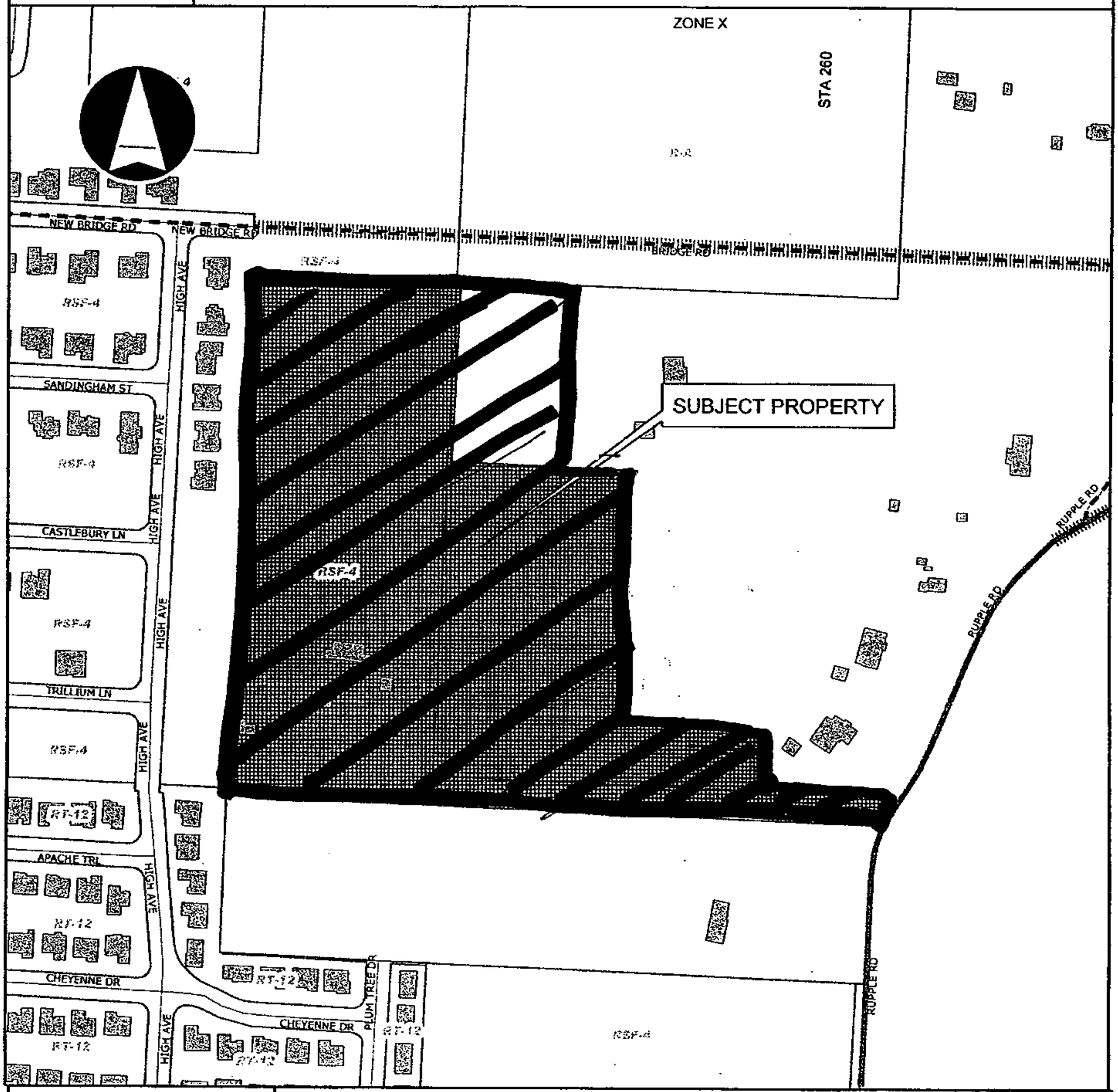
Tract B:

A part of the S ½ of the SE ¼ of Section 1, T-16-N, R-31-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point 229.45 feet West and 302.10 feet North of the SE corner of the SW ¼ the SE ¼ of said Section 1; thence North 147.9 feet; thence East 415.85 feet; thence S 22°10' W, 211.07 feet; thence N 82°00' W, 338.35 feet to the point of beginning containing 1.5 acres more or less.

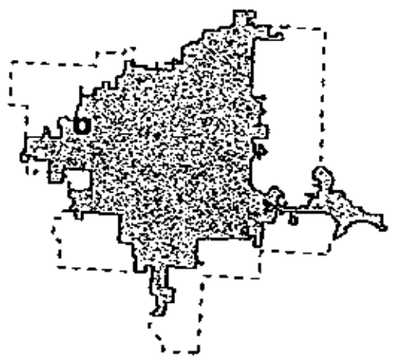
R-PZD05-1463

Close Up View

OAKBROOKE S/D



Overview



Legend

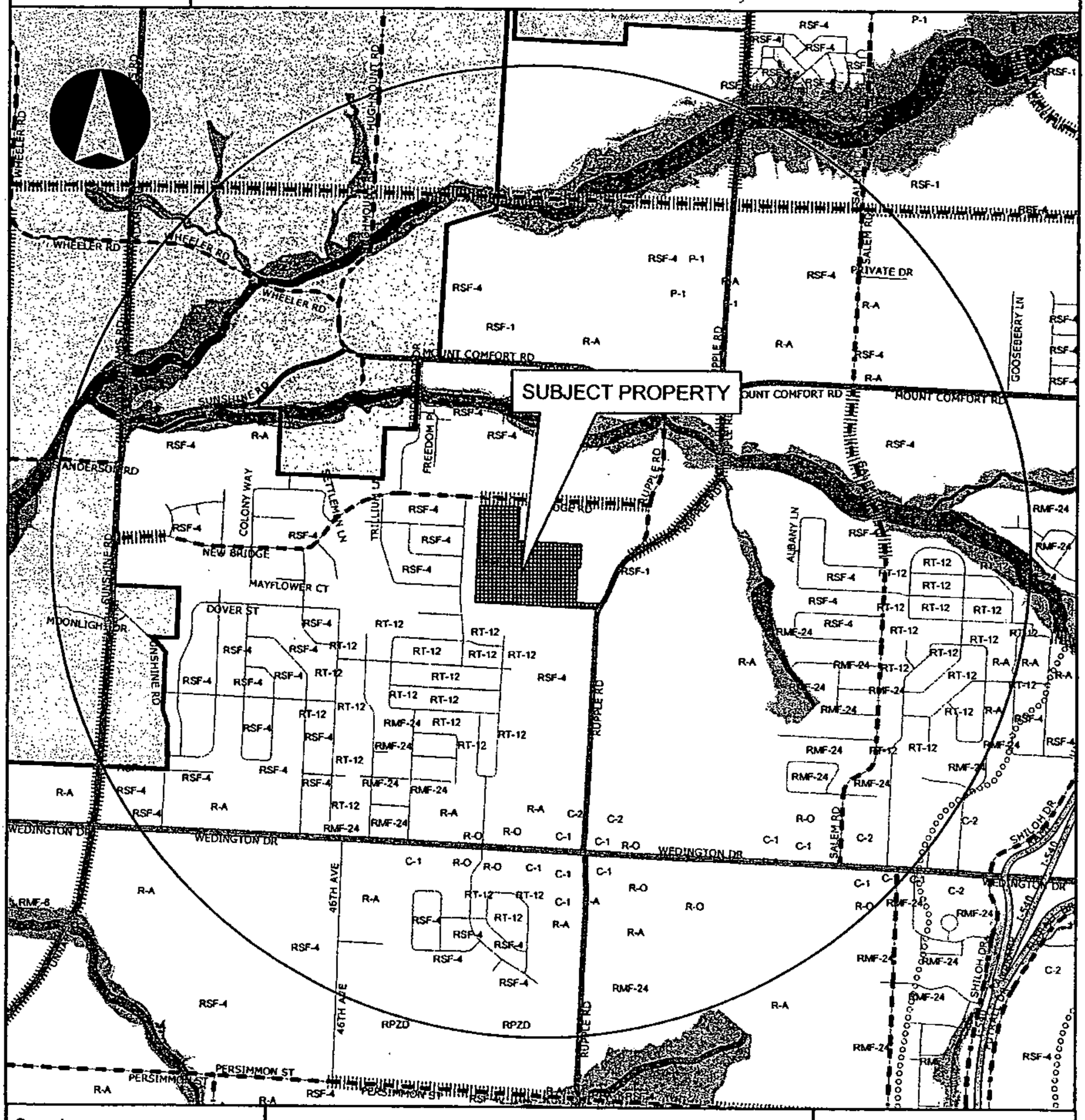
R-PZD05-1463 | Overlay District | Master Street Plan | Master Street Plan | Freeway/Expressway | Principal Arterial | Minor Arterial | Collector | Historic Collector | FLOODWAY | 100 YEAR | 500 YEAR | LIMIT OF STUDY | BaseLine Profile | Fayetteville | Outside City

0 75 150 300 450 600 Feet

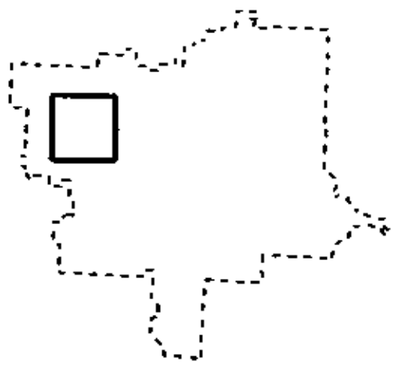
R-PZD05-1463

One Mile View

OAKBROOKE S/D



Overview



Legend

Subject Property

R-PZD05-1463

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

R-PZD 05-1463: (Oakbrooke PH I, 361): Submitted by MEL MILHOLLAND for property located WEST OF RUPPLE RD AND EAST OF BRIDGEPORT PHASE II. The property is zoned RSF-1, RESIDENTIAL SINGLE FAMILY – 1 UNIT/ACRE and RSF-4, RESIDENTIAL SINGLE FAMILY – 4 UNITS/ACRE and contains approximately 20.882 acres. The request is to approve a Residential Planned Zoning District with 68 single family lots to consist of attached and unattached units.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney 7/1/05

Finance and Internal Service Director 7-6-05 Date

Received in City Clerk's Office ENTERED 7/1/05

Mayor 7/5/05 Date

Received in Mayor's Office ENTERED 7/1/05 PA

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 28, 2005

Subject: Rezoning for Mathias (RZN 05-1546)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 1.20 acres of property from RSF-4, Residential Single Family – 4 units per acre, to R-A, Residential Agricultural

BACKGROUND

Property description: The subject property is located north of Mission Blvd (Hwy 45) and east of Crossover Road. It contains 1.20 acres, zoned RSF-4 and is a part of a larger 1.83 parcel of property. The applicant has submitted a property line adjustment to create a 1.20-acre parcel should the requested rezoning to R-O, Residential Office, be approved. Currently the property is vacant; should the rezoning request be approved the applicant's intent is to request approval of a Large Scale Development to construct a bank on this site, one of the several uses permitted within the R-O zoning district.

Background: This property was created in 1974, as an outlot, when the surrounding property was subdivided and platted as Braden Addition, an eleven lot subdivision along Box Avenue. This lot has remained vacant, as have many of the lots within the Braden Addition. In recent years, the previous owner(s) of this property and several properties within Braden Addition have requested rezoning consideration from RSF-4 to C-1 and R-O. None of these rezoning requests were heard by the Planning Commission, as the applicant withdrew the request prior to the scheduled hearing.

Public Comment: Staff has received public comment from the owner to the north who is in favor of the requested rezoning.

Recommendation: Staff recommends approval of the rezoning request. This area is designated Residential on the future land use plan, and located adjacent to a major node of commercial property within the City of Fayetteville. The Residential Office provides a transitional zoning district from the heavier commercial uses and residential uses behind. Recommendations for safe traffic patterns and improvements to surrounding streets will be made at the time of development of this subdivision.

Left on the second reading 7/19/05

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommend in favor of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1546 FOR APPROXIMATELY 1.20 ACRES LOCATED AT THE NORTHWEST CORNER OF HIGHWAY 45 AND BOX AVENUE FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO R-O, RESIDENTIAL OFFICE.

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

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

From RSF-4, Residential Single-Family, 4 units per acre to R-O, Residential Office, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1546

SURVEY DESCRIPTION TRACT "A" (ADJUSTED):
PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPLE MERIDIAN IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 OF THE BRADEN ADDITION AS SHOWN ON THE FINAL PLAT IN THE OFFICE OF THE CIRCULT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS; THENCE S02'31'25"W 116.00 FEET TO THE POINT OF BEGINNING.
THENCE S02'31'25"W 189.82 FEET TO A FOUND IRON PIN; THENCE S29'14'59"W 24.87 FEET TO THE NORTH RIGHT OF WAY OF ARKANSAS HIGHWAY 45, THENCE ALONG SAID RIGHT OF WAY S88'31'46" 204.97 FEET, THENCE DEPARTING SAID NORTH RIGHT OF WAY N62'50'52"E 25.59 FEET, THENCE N02'31'45"E 215.78 FEET, THENCE S87'26'35"E 238.83 FEET TO THE POINT OF BEGINNING. CONTAINING 1.20 ACRES MORE OR LESS SUBJECT TO UTILITY EASEMENTS AND RIGHT OF WAY RECORD.

DRAFT

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	June 23, 2005

RZN 05-1546: (MATHIAS, 372): Submitted by H2 ENGINEERING, INC. for property located at NW CORNER OF HWY 45 AND BOX AVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.20 acres. The request is to rezone the subject property to R-O, RESIDENTIAL OFFICE.

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested rezoning to R-O, Residential Office, based on the findings herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**
	☐ **Approved**	☑ **Denied**
Date: June 27, 2005		
CITY COUNCIL ACTION:	**Required**	**YES**
	☐ **Approved**	☐ **Denied**
Date: July 19, 2005 (1st reading if recommended)		

BACKGROUND:

Property description: The subject property is located north of Mission Blvd (Hwy 45) and east of Crossover Road. It contains 1.20 acres, zoned RSF-4 and is a part of a larger 1.83 parcel of property. The applicant has submitted a property line adjustment to create a 1.20-acre parcel should the requested rezoning to R-O, Residential Office, be approved. Currently the property is vacant; should the rezoning request be approved the applicant's intent is to request approval of a Large Scale Development to construct a bank on this site, one of the several uses permitted within the R-O zoning district.

Background: This property was created in 1974, as an outlot, when the surrounding property was subdivided and platted as Braden Addition, an eleven lot subdivision along Box Avenue. This lot has remained vacant, as have many of the lots within the Braden Addition. In recent years, the previous owner(s) of this property and several properties within Braden Addition have requested rezoning consideration from RSF-4 to C-1 and R-O. None of these rezoning requests were heard by the Planning Commission, as the applicant withdrew the request prior to the scheduled hearing.

Proposal: The applicant requests a rezoning from RSF-4 to R-O for a 1.20 acre tract of property so that it may be developed for a financial institution.

Recommendation: Staff recommends approval of the rezoning request. This area is designated Residential on the future land use plan, and located adjacent to a major node of commercial property within the City of Fayetteville. Rezoning the property R-O, Residential Office is compatible and similar in nature to the uses that surround the parcel and will provide the opportunity for development of a currently vacant tract to a use that is compatible with the surrounding developments.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Vacant	RSF-4, Res. Single Family – 4 du/acre
South	Bank and Shopping Center	C-2, Thoroughfare Commercial
East	Vacant	RSF-4, Res. Single Family – 4 du/acre
West	Gas Station	C-1, Neighborhood Commercial

INFRASTRUCTURE:

Streets: Currently the site has access to Mission Boulevard, a principal arterial, and Box Avenue, a residential street. Road improvements required for Box Avenue include: dedication of right-of-way and sidewalks per the master street plan, width of paving from centerline to be determined at time of submittal to the Planning Division for building permit, curb and gutter, and storm drainage. Road improvements required for Mission Boulevard include, but are not limited to: improvements per AHTD and dedication per the master street plan.

Surrounding Streets:
South: Mission Blvd (Principal Arterial)
East: Box Avenue (Local Street)
West: Crossover Road (Principal Arterial)

Water: Public water is adjacent to the site. There is a 6" waterline along Box Avenue and an 8" waterline along Mission Boulevard. Water service will need to be extended within the property at the time of development. There is also a 24" water main that runs along Flynn Creek at the rear of the property. This main requires a minimum of a 26' wide easement centered on the main. There are no long range improvements for the water system immediately adjacent to the site.

Sewer: Sanitary sewer is adjacent to the site. There is an 8" sewer line that runs along Flynn Creek. Sewer service will need to be extended within the property at the time of development.

Drainage: The site is adjacent to Flynn Creek. Runoff from the site flows overland across the property to the creek. Drainage from the east flows to the creek through a ditch along Mission Boulevard. Additional measures may be required as the property develops and permanent features put in place to protect the creek.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #5 to the site would be approximately 2 minutes for a distance of 1.0 miles.

Police: From Captain Brown of the Fayetteville Police Department:

> "It is my understanding this property is being considered for a bank location. I have serious concerns about the location of the entrance and exit from this property due to the potential for heavy traffic a bank would generate. Westbound traffic at this location is often backed up from the intersection causing a hazard for traffic exiting Crossroad Station. An exit from this property located on Hwy 45 would compound an already existing hazardous situation. If this property were allowed to develop in this manner, I would request any access from Hwy 45 be limited to an entrance only with an entrance/exit located on Box Ave."

LAND USE PLAN: The Future Land Use Plan designates this site for **Residential** use. Rezoning this property to R-O, Residential Office, is consistent with the land use plan for this area and will allow for development that is transitional and compatible with surrounding commercial and residential properties.

FINDINGS OF THE STAFF

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

Finding: **The proposed rezoning is consistent with current land use planning objectives and policies. The property is designated Residential on the Future Land Use Plan and is currently zoned RSF-4. Although the current zoning designation is compatible with the Future Land Use plan, a Residential Office zoning is also compatible with the Future Land Use plan and will permit development of uses compatible with the surrounding area. The 1.20-acre tract is located adjacent to a major commercial node of property within the City of Fayetteville. Properties to the south and west of this tract are utilized for banks, gas stations, grocery stores, restaurants, etc. Further to the east of the property is Vandergriff Elementary and McNair Middle School. The only remaining residential property in this area are 12 lots along Box Avenue. Within this subdivision, there are only four residential single family dwellings. A rezoning of property on the northwest corner of Mission Blvd and Box Avenue to Residential Office will allow for development compatible with the commercial properties to the west and south and residential properties to the north and east. It will also provide a transition from the residential uses along Box Avenue to the highway along Highway 45.**

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

Finding: **The requested rezoning to an R-O zoning designation will allow for development of residential and office uses. The property will currently allow for the development of a single family home, as would an R-O zoning; however, the property has remained vacant for some time. It is the applicant's request that the property be rezoned to allow for development of property compatible with the surrounding commercial and office uses. Although there are several vacant properties within the surrounding commercial node that could be utilized for the proposed financial institution, a Residential Office zoning is appropriate in this location.**

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

Finding: **The property is surrounded by two Principal Arterial streets – Mission Blvd and Crossover Road. These two streets carry a high volume of traffic generated by citizens of Fayetteville and those of surrounding municipalities, as they both provide quick and direct access to the commercial and institutional services provided at and around the location at which they intersect. Mission Blvd is an improved street adjacent to the subject property, but is unimproved further to the west. Site distance from the intersection of Box Ave and Mission Blvd to the east is of concern as existing turning conditions are made difficult due to the crest of a hill on Mission Blvd east of the site as well as turning lanes for the intersection which are located in the immediate area. Box Avenue is a narrow, unimproved road which in its current state is sufficient to serve four single family homes. Development of the property for a bank will result in a significant increase in traffic to this site. Concerns regarding this situation have also been raised by the Police Department. Access to and from this site shall be reviewed at the time of development to ensure that it will not create or compound a dangerous traffic condition. Restricting access from Mission Blvd and improvements to Box Avenue can result in controlled access to and from the property and reduce the potential traffic conflicts.**

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

Finding: **The proposed zoning would not substantially alter the population density in the area. At this time the property is vacant and could be utilized for one single family residence. Rezoning the property R-O will allow the development of a single family or two-family dwelling by right, or multi-family dwellings by conditional use. The applicant proposes development of an office use, which would increase the traffic to this property but not increase the population density. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: N/A

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.15 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 13	Eating places
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

RZN05 154[illegible]

Exhibit "A"

Survey Description Tract "A" (Adjusted):

Part of the Northwest ¼ of the Southwest ¼ of Section 1, Township 16 North, Range 30 West of the Fifth Principle Meridian in Washington County, Arkansas and being more particularly described as follows: Commencing at the Southeast corner of Lot 1 of the Braden Addition as shown on the final plat in the office of the Circuit Clerk and Ex-officio Recorder of Washington County, Arkansas, thence S02°31'25"W 116.00 feet to the Point of Beginning, thence S02°31'25"W 189.82 feet to a found iron Pin, thence S29°14'59"W 24.87 feet to the North right of way of Arkansas Highway 45, thence along said right of way S88°31'46" 204.97 feet, thence departing said north right of way N62°50'52"E 25.59 feet, thence N02°31'45"E 215.78 feet, thence S87°28'35"E 238.83 feet to the point of beginning. Containing 1.20 acres more or less subject to utility easements and right of way of record.

5/25/2005
First submittal: Parcel closes
Submitted as RZN05-1546
TJ

Mathias Shopping Centers, Inc.

H2
ENGINEERING, INC.

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

May 19, 2005

Attn: Planning Commission
Re: Mathias Rezoning

Dear Commissioners,

Please consider this request with the attached application for the rezoning of a parcel of property owned by Mathias Shopping Centers, Inc. at the corner of Arkansas State Highway 45 and Box Avenue.

The subject property is currently owned by Mathias Shopping Centers Inc. and no sales of this property are pending. The rezoning request is from RSF-4 to R-O. The reason for the rezoning is to propose a large scale development for a bank on the site. The current zoning of RSF-4 does not allow for use unit 12 which includes Financial Institutions. While the remainder of the property on Box Avenue is platted as the Braden Addition and is zoned RSF-4, the property to the west, across the creek and to the south, across Highway 45, are zoned C-1 and C-2 respectively. It is not expected that a 3365 square foot bank will appreciably increase the congestion or traffic danger in the area. No significant increase in population density is expected with this bank and as such there will be no undesirable increase in the load on the water and sewer facilities.

This property has been zoned RSF-4 for quite a while and the only time it has been used for a residential purpose is when the original homestead was occupied. That residence has since been demolished. The proximity of the property to Highway 45 and the commercial properties to the west and the south makes it undesirable for residential use. It is our opinion that an R-O zoning with a branch bank provides an appealing transition from the commercial property on Highway 45 to the residential property on Box Avenue.

Thank you for your consideration regarding this matter. If you have any questions or comments please call me @ 582-4234.

Sincerely,

Thomas A. Hennelly, P.E.
President, H2 Engineering, Inc.

2758 Millennium Drive Suite 1 Fayetteville, Arkansas 72703 Phone: 479.582.H2EI Fax: 479.582.9254

H2 ENGINEERING, INC.

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

May 19, 2005

Attn: Planning Staff
Re: Mathias Rezoning

Dear Staff,

Please consider this request with the attached application for the rezoning of a parcel of property owned by Mathias Shopping Centers, Inc. at the corner of Arkansas State Highway 45 and Box Avenue.

The subject property is currently owned by Mathias Shopping Centers Inc. and no sales of this property are pending. The rezoning request is from RSF-4 to R-O. The reason for the rezoning is to propose a large scale development for a bank on the site. While the remainder of the property on Box Avenue is platted as the Braden Addition and is zoned RSF-4, the property to the west, across the creek and to the south, across Highway 45, are zoned C-1 and C-2 respectively. The use, appearance, and traffic generation will be similar to the surrounding property. Water is available via an 8" PVC line on the south boundary, and sewer is available via an 8" line on the west boundary.

Thank you for your consideration regarding this matter. If you have any questions or comments please call me @ 582-4234.

Sincerely,

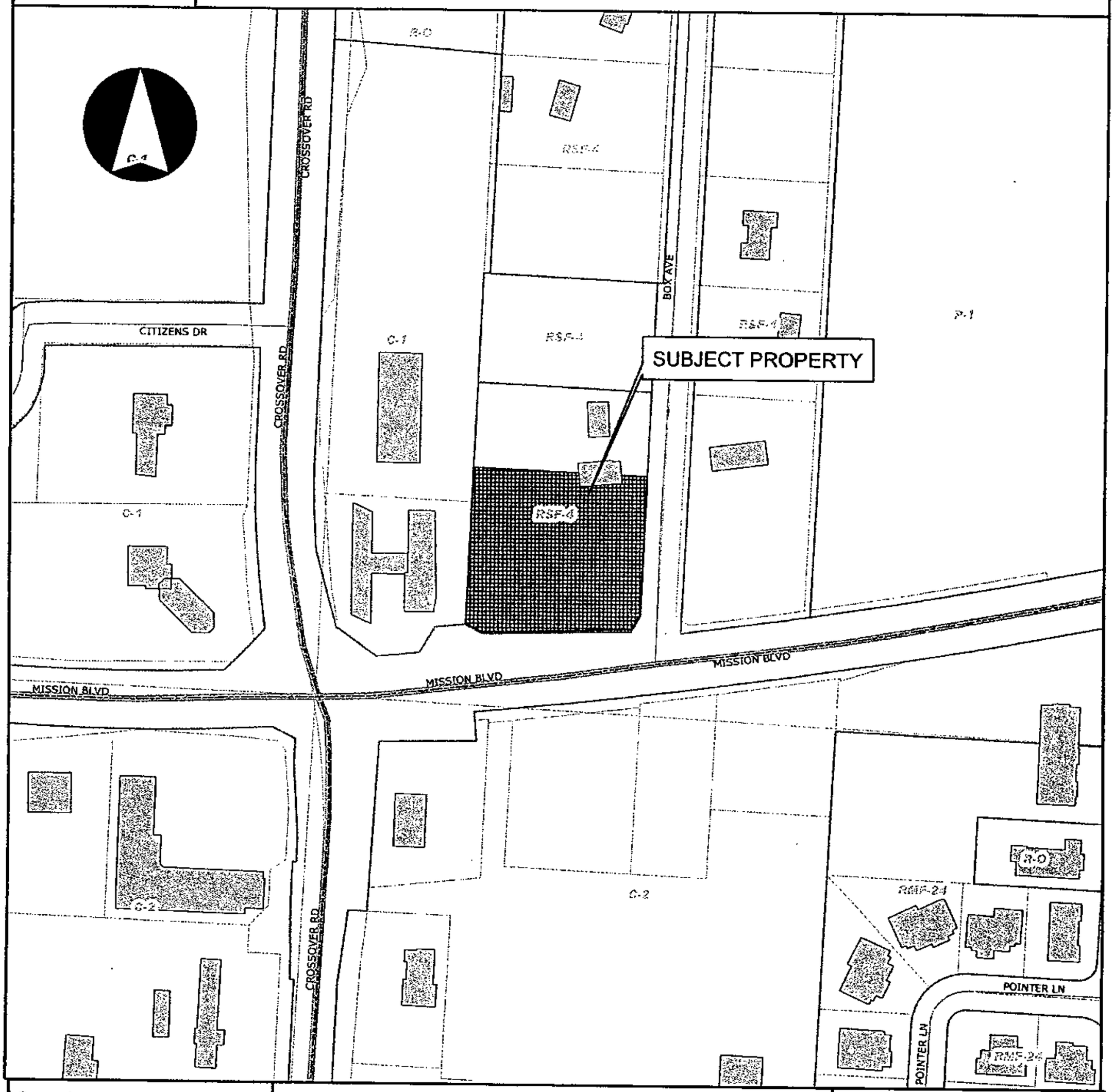
Thomas A. Hennelly, P.E.
President, H2 Engineering, Inc.

2758 Millennium Drive Suite 1 Fayetteville, Arkansas 72703 Phone: 479.582.H2EI Fax: 479.582.9254

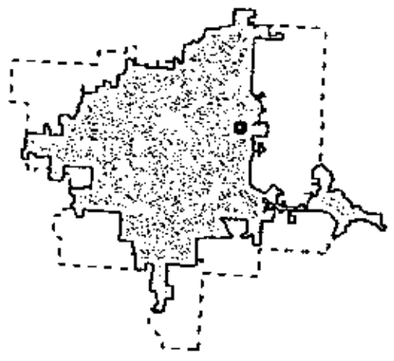
RZN05-1546

Close Up View

MATHIAS



Overview



Legend

RZN05-1546

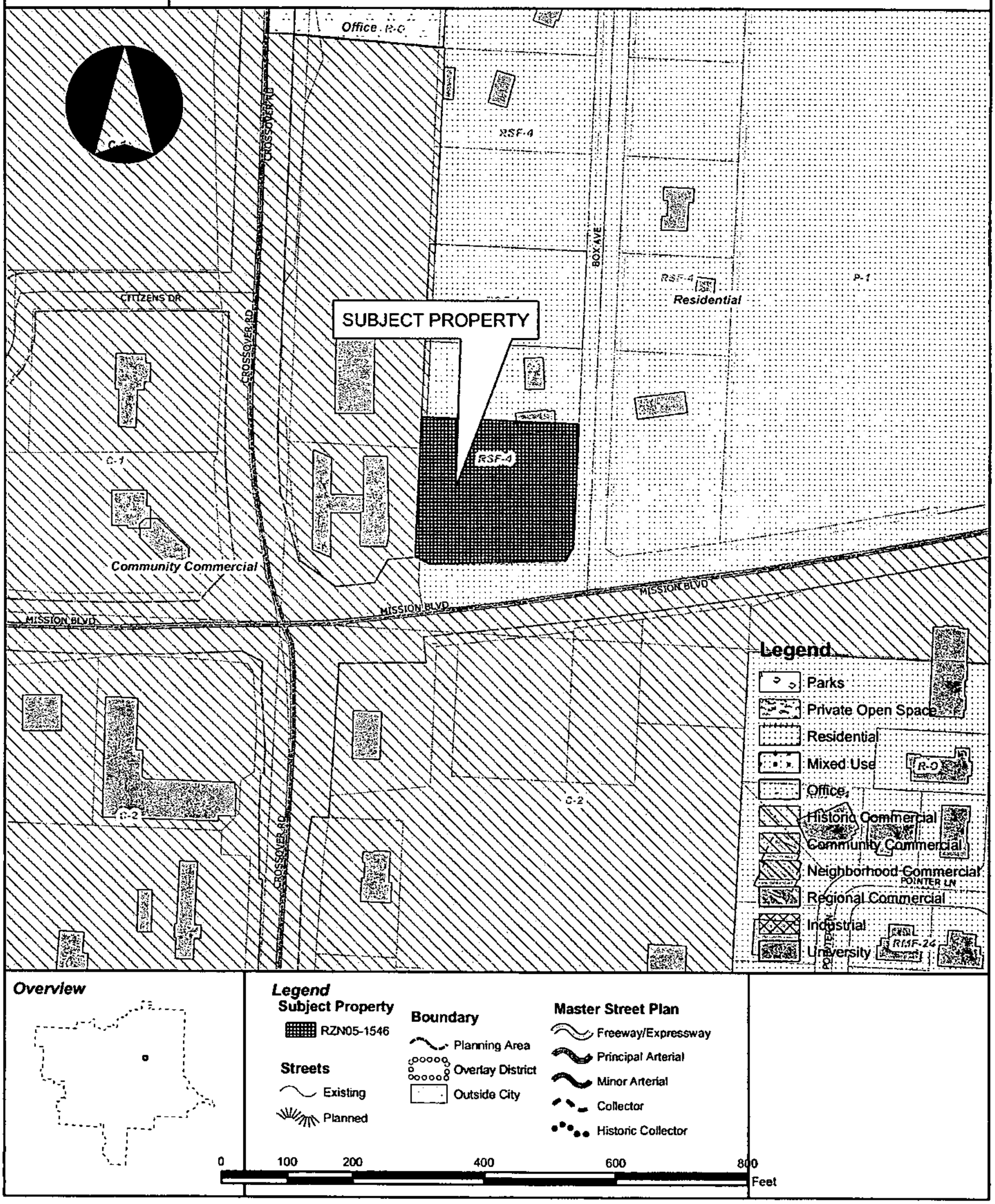
Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City

0 75 150 300 450 600
Feet

RZN05-1546

Future Land Use

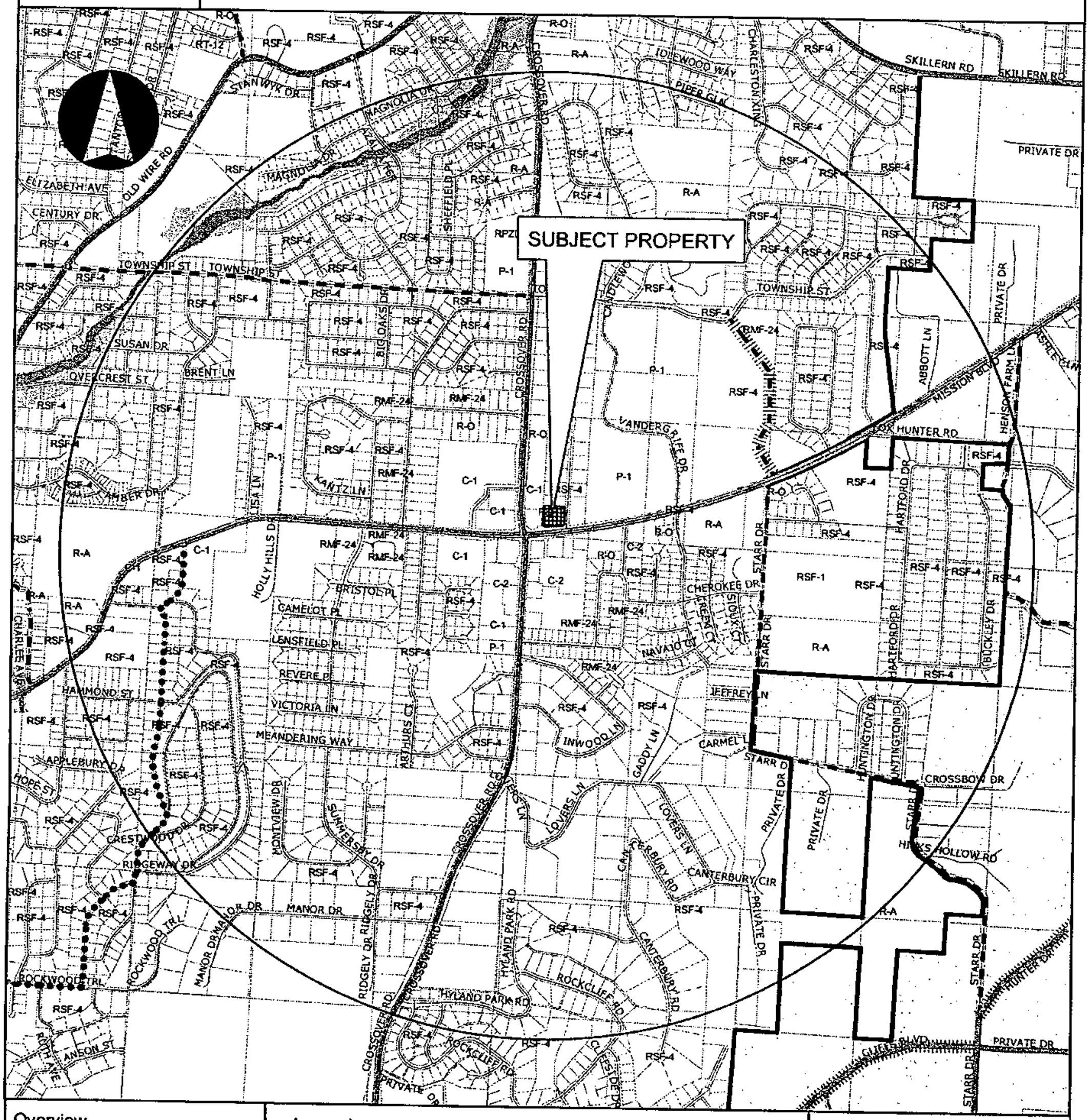
MATHIAS



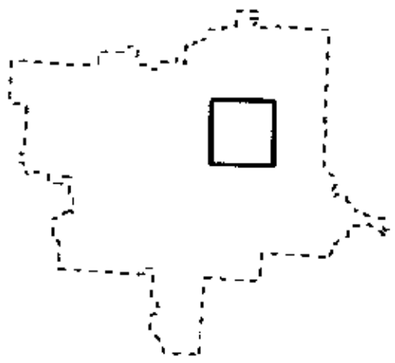
RZN05-1546

One Mile View

MATHIAS



Overview



Legend

Subject Property

RZN05-1546

Boundary

Planning Area

Overlay District

Outside City

0 0.1250.25 0.5 0.75 1 Miles

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1546: (Mathias, 372): Submitted by H2 ENGINEERING, INC. for property located at NW CORNER OF HWY 45 AND BOX AVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.20 acres. The request is to rezone the subject property to R-O, RESIDENTIAL OFFICE.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 7/1/05

Finance and Internal Service Director — 7-6-05 Date

Received in City Clerk's Office ENTERED 7/1/05

Mayor — 7/5/05 Date

Received in Mayor's Office ENTERED 7/1/05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: June 30, 2005

Subject: Rezoning for Mountain Ranch (RZN 05-1564)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 193.66 acres of property from R-A, Residential-Agricultural, to RSF-2, Residential Single family, 2 units per acre, as described herein.

BACKGROUND

This property is located south of Persimmon Street, west of Shiloh Drive and I-540. The subject property is comprised of several areas on the submitted map, including D, F, H, I and J. This property makes up the majority of the land requested for rezoning, and is located on the steepest terrain, which exceeds 15% in places. The area is comprised of a total of 193.66 acres, which represents approximately 53% of the overall area requested for rezoning.

The Future Land Use Plan designates this entire site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially.

The applicant proposes a rezoning of the subject property to facilitate the future development of a master planned community with a mixture of home types and sizes. The master plan developed for the property utilizes the terrain where possible to best facilitate a road network. Subsequently, the zoning requests also respect the natural terrain and slope of the land, with the least density being proposed on the steepest areas of the site. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-2, Residential Single-family, 2 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

Left on the second reading 7/19/05

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1564 (MOUNTAIN RANCH D,F,H,I,J) FOR APPROXIMATELY 193.66 ACRES LOCATED SOUTH OF PERSIMMON STREET AND WEST OF SHILOH DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-2, Residential Single family, 2 units per acre, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1564
AREA D,F,H,I,&J

SURVEY DESCRIPTION: PARCEL "D" (RSF-2 ZONING)
PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N87°55'47"W 650.10 FEET; THENCE N03°03'50"E 872.22 FEET; THENCE N38°31'10"E 527.78 FEET; THENCE S87°13'27"E 478.88 FEET; THENCE S33°01'37"E 609.07 FEET; THENCE S00°41'23"W 807.80 FEET; THENCE N86°10'59"W 497.27 FEET; THENCE N87°55'47"W 30.05 FEET TO THE POINT OF BEGINNING, CONTAINING 30.81 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

SURVEY DESCRIPTION: PARCEL "F" (RSF-2 ZONING)
PART OF THE NE1/4 OF THE SW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE S02°48'25"W 1320.68 FEET TO THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE N86°21'11"W 229.41 FEET; THENCE N32°32'01"W 1638.65 FEET; THENCE S86°10'59"E 380.05 FEET; THENCE S86°16'57'E 797.35 FEET TO THE POINT OF BEGINNING, CONTAINING 21.32 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

SURVEY DESCRIPTION: PARCEL "H" (RSF-2 ZONING)

PART OF THE SW 1/4 AND A PART OF THE SE1/4 OF SECTION 18, AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, ALL IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SW1/4 OF THE SE1/4 OF SAID SECTION 18; THENCE ALONG THE NORTH LINE OF SAID 40 ACRE TRACT S86°54'22"E 876.68 FEET; THENCE S17°15'15"E 351.32 FEET; THENCE

S00°02'42"E 744.59 FEET; THENCE S01°08'57"W 241.87 FEET; THENCE S02°36'12"W 111.28 FEET TO THE CENTERLINE OF OLD FARMINGTON ROAD; THENCE ALONG SAID CENTERLINE, S81°29'27"W 169.59 FEET; THENCE S72°24'26"W 124.37 FEET; THENCE S61°42'56"W 90.38 FEET; THENCE LEAVING THE CENTERLINE OF OLD FARMINGTON ROAD, N02°46'26"E 233.30 FEET; THENCE N87°23'48"W 681.69 FEET TO THE SOUTHEAST CORNER OF SAID SE1/4 OF THE SW1/4 OF SAID SECTION 18; THENCE N87°10'08"W 1293.28 FEET; THENCE N03°05'26"E 1183.18 FEET; THENCE S38°04'30"E 399.06 FEET; THENCE S25°23'41"E 403.35 FEET; THENCE S50°03'15"E 420.98 FEET; THENCE S81°57'll"E 316.79 FEET; THENCE N58°15'28"E 441.52 FEET; THENCE N07°07'03"E 255.37 FEET; THENCE N57°02'04"W 228.98 FEET; THENCE N42°38'23"W 332.98 FEET; THENCE N04°48'54"E 229.92 FEET; THENCE S86°21'1 1"E 229.41 FEET TO THE POINT OF BEGINNING, CONTAINING 47.43 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES

<u>SURVEY DESCRIPTION:</u> PARCEL "I" (RSF-2 ZONING)

PART OF THE FRACTIONAL SW1/4 OF THE SW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID FRL. SW1/4, SW1/4 THAT IS N87°50'08"W 623.23 FEET FROM AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID FRL. SW1/4 OF THE SW1/4 OF SECTION 18, ALSO BEING N87°50'08"W 660.08 FEET FROM A FOUND STONE AT AN EXISTING FENCE CORNER; THENCE S03°05'26"W ALONG AN EXISTING FENCE 1334.86 FEET TO THE SOUTH LINE OF SAID FRL. SW1/4, SW 1/4; THENCE ALONG SAID SOUTH LINE N87°08'30"W 689.66 FEET TO THE S.W. CORNER OF THE PROPERTY AS DESCRIBED IN BOOK 754 OF WARRANTY DEEDS AT PAGE 313 OF THE LAND RECORD DOCUMENTS OF THE CIRCUIT CLERK AND EX OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS; THENCE N03°05'26"E 1326.41 FEET TO THE NORTH LINE OF SAID FRL. SW1/4, SW1/4; THENCE S87°50'08"E 696.84 FEET TO THE POINT OF BEGINNING, CONTAINING 21.17 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS OF RECORD OR FACT.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDI NATES.

<u>SURVEY DESCRIPTION</u>: PARCEL "J" (RSF-2 ZONING)

A PART OF THE FRACTIONAL NW1/4 OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE FRACTIONAL NW1/4 OF SAID SECTION 19, THENCE S87°08'30"E 1872.97 FEET TO THE NORTHEAST CORNER OF THE FRACTIONAL NW1/4 OF SAID FRACTIONAL NW1/4; THENCE S87°10'08"E 65.39 FEET; THENCE S02°23'23"W 1452.13 FEET TO A FOUND COTTON SPINDLE IN THE CENTER LINE OF OLD FARMINGTON ROAD; THENCE ALONG THE CENTER LINE OF OLD FARMINGTON ROAD, S54°11'43"W 67.19 FEET TO A FOUND COTTON SPINDLE; THENCE S52°36'01"W 442.08 FEET; THENCE ALONG AND LEAVING THE CENTER LINE OF OLD FARMINGTON ROAD, S54°18'57"W 305.08 FEET TO A FOUND IRON PIN; THENCE S81°32'45"W 8.56 FEET TO THE SOUTHEAST CORNER OF THE 1.62 ACRE SCHOOL-CHURCH TRACT; THENCE N02°09'19"W 294.74 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE N89°34'10"W 214.65 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S01°56'49"W 331.56 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S81°32'45"W 28.18 FEET TO A FOUND IRON PIN; THENCE N88°56'16"W 367.34 FEET TO A FOUND IRON PIN; THENCE N01°56'53"E 718.48 FEET TO A FOUND STONE; THENCE N86°28'58"W 658.72 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL NW1/4 OF SAID FRACTIONAL NW1/4; THENCE N02°15'53"E 1309.63 FEET TO THE POINT OF BEGINNING, CONTAINING 72.93 ACRES, MORE OR LESS.

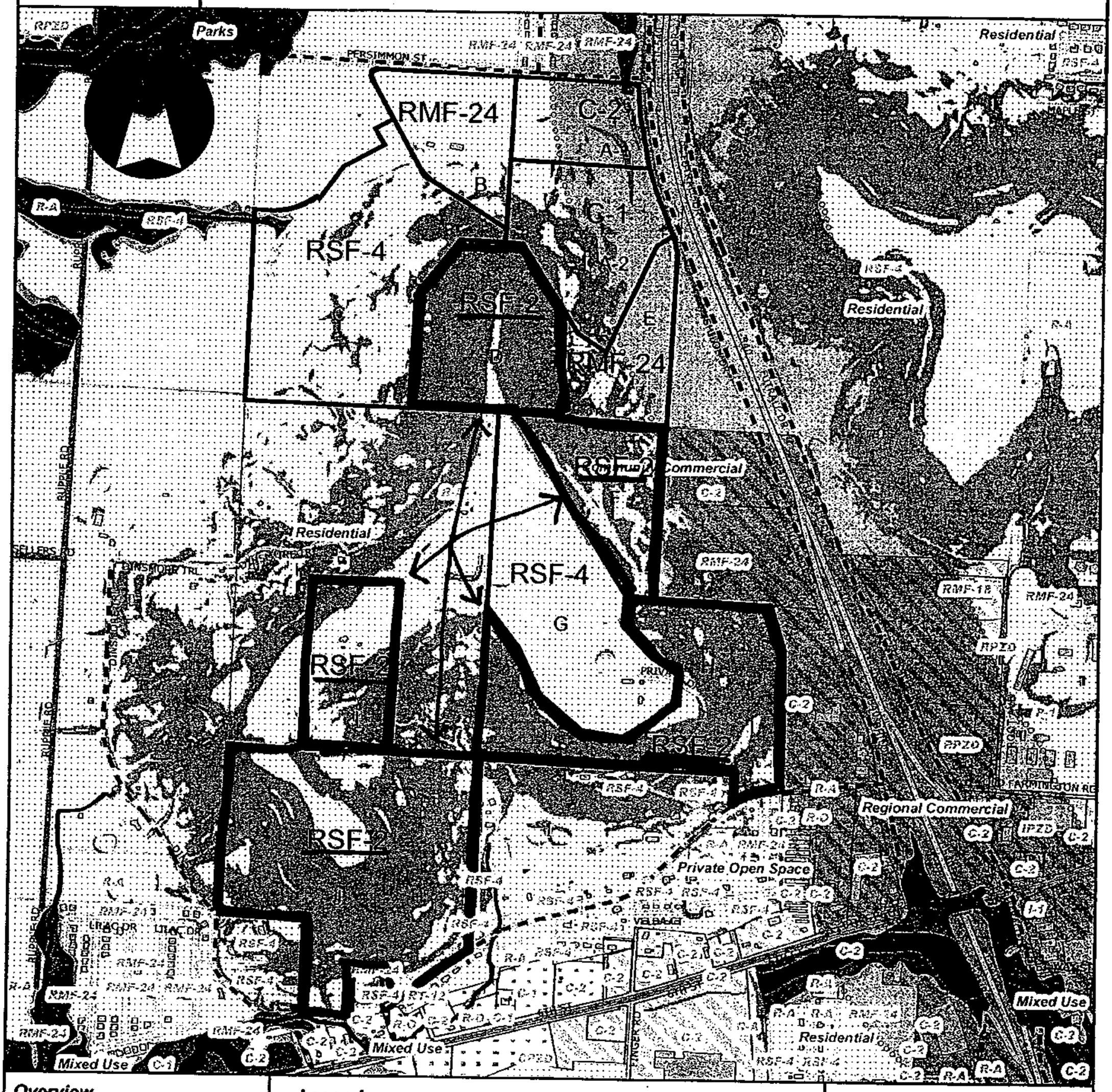
ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

DRAFT

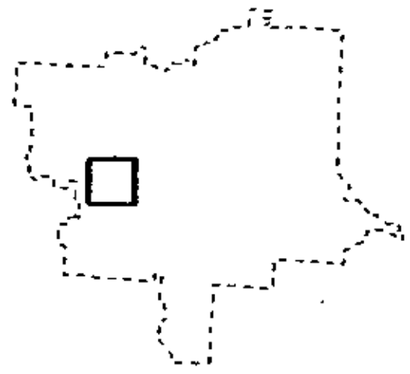
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

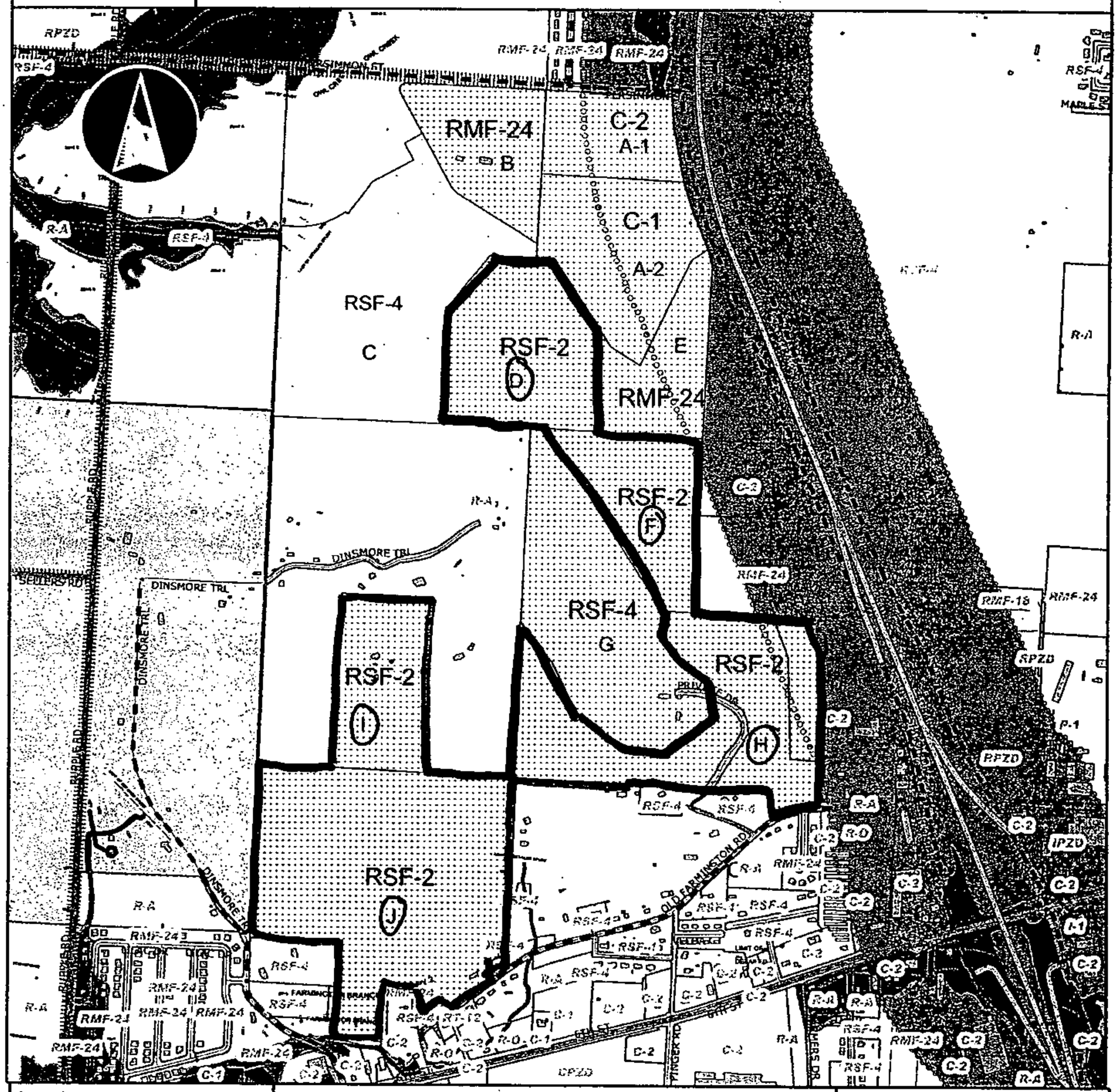
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

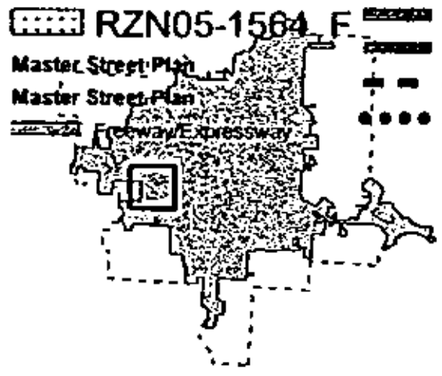
0 300 600 1,200 1,800 2,400
Feet

MOUNTAIN RANCH

Close Up View



Overview



Legend

- RZN05-1564_F
- Master Street Plan
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector
- Freeway/Expressway
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- RZN05-1564_H
- RZN05-1564_I
- RZN05-1564_J
- RZN05-1564_D
- RZN05-1560
- RZN05-1561
- RZN05-1562
- RZN05-1563
- RZN05-1565
- RZN05-1566

0 300 600 1,200 1,800 2,400 Feet

RZN05-1564

Two Mile View

MOUNTAIN RANCH

SUBJECT PROPERTY

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

RZN05-1561

RZN05-1562

RZN05-1563

RZN05-1564

RZN05-1564_F

RZN05-1564_H

RZN05-1564_I

RZN05-1564_J

RZN05-1565

RZN05-1566

Overview

Legend

Subject Property

RZN05-1560

Boundary

Planning Area

Overlay District

Outside City

0 0.25 0.5 1 1.5 2 Miles

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Director of Current Planning
DATE: June 22, 2005

RZN 05-1560: (MOUNTAIN RANCH A-1, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 14.60 acres. The request is to rezone the subject property to C-2, THOROUGHFARE COMMERCIAL. Planner: JEREMY PATE

RZN05-1561: (MOUNTIAN RANCH A-2, 479): Submitted by CRAFTON TULL & ASSOCIATES, INC. – ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 27.01 acres. The request is to rezone the subject property to C-1, NEIGHBORHOOD COMMERCIAL. Planner: JEREMY PATE

RZN 05-1562: (MOUNTAIN RANCH B, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 19.04 acres. The request is to rezone the subject property to RMF-24, RESIDENTIAL MULTI FAMILY, and 24 UNITS PER ACRE. Planner: JEREMY PATE

RZN 05-1563: (MOUNTAIN RANCH C, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 56.23 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, and 4 UNTS PER ACRE. Planner: JEREMY PATE

RZN 05-1564: (MOUNTAIN RANCH D, F, H, I, J, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 193.66acres. The request is to rezone the subject property to RSF-2, RESIDENTIAL SINGLE FAMILY, and 2 UNITS PER ACRE. Planner: JEREMY PATE

RZN 05-1565: (MOUNTAIN RANCH E, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately

16.88 acres. The request is to rezone the subject property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE. Planner: JEREMY PATE

RZN 05-1566: (MOUNTAIN RANCH G, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located at S OF PERSIMMON AND W OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 41.48 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE. Planner: JEREMY PATE

RECOMMENDATION:
Staff recommends approval of the requested rezonings A-2, B, C, D, F, G, H, I and J based on the findings included as part of this report.

Staff recommends approval of the requested rezoning A-1 from R-A to C-2 subject to the offered Bill of Assurance limiting the potentially incompatible uses located within the C-2 zoning district, but allowing uses that are located for convenience and accessibility along major thoroughfares and do not present a threat to the integrity or compatibility of adjoining neighborhoods.

Staff recommends denial of 05-1562 (E) from R-A to RMF-24 in its current configuration. Staff finds that the slope exceeding 15% along the western boundary of this particular request (west of the Design Overlay District Boundary) is not conducive to multifamily development, and actually goes against the city's goals to minimize high impact development on our hillsides. Staff recommends the RSF-2 zoning classification be extended into this area, west of the Design Overlay District boundary. If multifamily zoning is still desired near Shiloh and I-540, east of the D.O.D. boundary and within the less steeply sloping area of the property, staff is supportive of this request. Multi-family development can be appropriately located on hillsides; however, development standards are not addressed at the time of a straight rezoning request. Staff would gladly evaluate a multi-family development at a later date in this area, when development standards and siting of the structures and parking can be discussed. Staff finds that there is potential in this particular sloped area that a Planned Zoning District might be more appropriate, in order for the developer to cluster multi-family development and retain the density desired.

PLANNING COMMISSION ACTION:	**Required**	**YES**
Date: June 27, 2005	**☑ Approved** 9-0-0 (ALL ITEMS AS REQUESTED)	**○ Denied**
CITY COUNCIL ACTION:	**Required**	**YES**
Date: July 19, 2005 (1st reading if recommended)	**○ Approved**	**○ Denied**

Comments: _____

_____

_____

BACKGROUND:

Property description: The subject property contains approximately 370 acres in total, located west of Shiloh/I-540, south of the future Persimmon Street, east of the future Rupple Road and north of Old Farmington Road. The site consists of flat areas near Shiloh and the future Persimmon Street, hillside that rises up to the top of the mountain, and a relatively flat mountaintop. Five different zoning districts are requested for the 370 acres, and most follow closely with the topography of the site, delegating less intense, least dense development in those areas that are the steepest and most appropriate for low density; higher intensity multi-family and commercial development along the arterial/collector street systems that allow for ease of vehicular traffic in and out, as well as close pedestrian/vehicular access from the surrounding residential uses; low to medium density residential uses in those areas that have the least amount of significant slope and where there is the ability to develop at a higher density; and commercial areas that are located near major collector street intersections, creating a small neighborhood commercial node to support surrounding residential uses.

The applicant has previously submitted a concept masterplan prepared for the property in question, stating his intentions to develop this mountain and surrounding land with a mixture of densities and uses, which was received favorably by the Planning Commission and City Council. The submitted rezoning requests support that masterplan, containing a mixture of uses and house types based on access availability and existing topography, among other factors.

Proposal: The applicant proposes rezoning the 370 acres into five different zoning districts in eleven separate "areas." These districts include RSF-2 (the majority of property), RSF-4, RMF-24, C-1 and C-2.

Area	Proposed Zoning	Acres	Percentage of Land
A-1	C-2*	14.6	3.9%
A-2	C-1	27.01	7.3%
B	RMF-24	19.04	5.1%
C	RSF-4	56.23	15.2%
D, F, H, I, J	RSF-2	193.66	52.3%
~~E~~	~~RMF-24**~~	~~16.88~~	~~4.6%~~
G	RSF-4	41.48	11.2%
TOTAL		**~ 370**	100%

WITHDRAWN BY APPLICANT

** With Bill of Assurance offered by the applicant*

*~~** Staff recommends modifications to this request~~*

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Multi-family development, Persimmon Street	RMF-24
South	Single family, commercial, mixed two-family and multi-family development, agricultural	RSF-4, RMF-24, C-2, R-A
East	Commercial, I-540	C-2
West	Single family, agricultural	R-A, RSF-4

PUBLIC SERVICES:

Streets: Currently the site has access to Shiloh Drive, a collector, and Persimmon Street, also a collector. Road improvements required for both Shiloh Drive and Persimmon Street include: right-of-way dedication and sidewalks per the Master Street Plan, pavement width as determined, curb and gutter, and storm drainage. Access to some of the southern tracts will need to be determined at the time of development, as well as off-site improvements to ensure a dangerous traffic situation is not created. This includes, but is not limited to, evaluation of Old Farmington Road and 6th Street.

Water: Public water is adjacent to or near several of the areas in question, but not readily available without additional extensions. Some of the developments currently under construction or approved will extend water even closer to these properties. A 36" main supply pipeline runs along Shiloh Drive. There is also an 8" waterline that runs along Betty Jo Drive to the north. Water service would need to be extended to the property at the time of development. Approval of the Mountain Ranch Phase I development will supply an additional connection point for water. Minimum size of new water mains is 8". Additional connections are required to complete a looped system. There are some long range water distribution system improvements planned in the area along Rupple Road and Persimmon Road, some of which are cost shares with developers in the area.

Sewer: The site **does not** have immediate access to sanitary sewer. There is an 18" sewer force main along Shiloh Drive. Sewer will be located near the site with the completion of Mountain Ranch Phase I. Sewer will need to be extended to and within the property to serve the development. A study of the downstream system shall be completed prior to the submittal of construction drawings.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #7 (Rupple Road) to the site would be approximately 3-5 minutes for a distance of 1.0-2.0 miles. These times do not include any of the planned extensions or access points from Rupple and Persimmon, which should greatly enhance response time and level of service for

this area once constructed.

Police: The Fayetteville Police Department responds that a substantial increase in population from that which is currently present is anticipated, due to the nature of the current zoning of Residential Agricultural changing with any type of development on this property. Subsequently, street improvements in the area will need to occur with future development, in order to maintain safe and adequate levels of traffic movement and safety, as well as allow for an efficient response to calls for service, including preventative patrol, criminal investigations, traffic enforcement and other police services. Currently it is not possible to accurately predict how much these rezonings will increase the calls for service. However, in comparisons to historical data, an estimate can be derived. In comparing the requested RSF-4, RSF-2 and RMF-24 zoning districts to similarly developed areas in the city, an anticipated 0.7% increase, 1.4% increase and 1.5% increase in calls for service, respectively, is anticipated with maximum build-out of the property in question. This does not take into account, however, the time it takes to build out a development or the improved infrastructure required as part of the development. As more information is gathered and a more comprehensive methodology established for evaluating both impact to the Police Department and what that ultimately means in personnel, etc., this information will be updated for the Planning Commission and City Council. Based on information of the future street plans for this area, the completion of Rupple Road, Persimmon Street and potential connection with Old Farmington Road from the I and J sections should aid with traffic congestion in the area.

It is the opinion of the Fayetteville Police Department that the commercial rezoning and subsequent development will not cause any major issues in regard to call volume of traffic congestion, especially with street improvements in this area allowing for alternate means of ingress/egress.

LAND USE PLAN: The Future Land Use Plan designates this site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially. While the commercial zoning requests near Persimmon and Shiloh are not necessarily consistent with the Future Land Use Plan, staff finds that the significant changes in character of this area of the city in the past 3-5 years warrants a small commercial node to allow for commercial services within close walking or driving distance of developing residential areas.

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 majority of the proposed rezoning requests is consistent with current land use planning objectives and policies and is compatible with adjacent properties in the same district. Surrounding properties are very mixed in use, containing multi-family commercial, agricultural and single family uses. Rezoning the properties located on the steeper slopes to RSF-2 is highly desirable, as this zoning district is appropriate for a lower density development that protects the hillside. Similarly, zoning those areas that are less steep but still located on or near the mountain to RSF-4 allows for residential development that provides a transition between adjacent existing and proposed uses.**

Staff is recommending for the rezoning of the area A-1 to a C-2 zoning district, with the offered Bill of Assurance that limits the more intrusive uses of a C-2 district. In discussions with the applicant regarding staff's initial findings against the C-2 zoning, the uses intended for this property do not include many of those allowed within the zoning district, and thus have been offered to be removed, subject to approval of the rezoning. Staff finds that a limited neighborhood commercial zoning area at this important future east terminus of Persimmon Street with supporting office, retail and restaurant services for the surrounding, developing residential areas is appropriate and warranted.

Staff is recommending that the request for rezoning to RMF-24 be modified for area E, finding that the development of multi-family dwelling units in the portion of this area identified with 15% or greater slopes is not consistent with the City's adopted policies. Staff would support a rezoning to RMF-24 in that portion of area E east of the 15% or greater slope, which falls generally along the western boundary of the I-540 Design Overlay District.

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

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 Guiding Policies for Residential Areas includes "site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure and retail and commercial goods and services." The proposed master planned community will include all of these services, including increased accessibility with improvements to surrounding streets and the construction of Persimmon Street, access to the Boys & Girls Club and walking distance to the new Rupple Road School, along with proposed neighborhood commercial areas and easy access to I-540 to travel to larger regional and community commercial centers within Fayetteville. The use of the property for agricultural means is no longer desirable or needed, and rezoning the subject property will allow for development of property already within the city limits**

with access to existing infrastructure and support services.

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

Finding: **Future development with the proposed zonings would create traffic in the area, based on an evaluation of the existing zoning (R-A) and the proposed uses, all of which exceed 1 units per 2 acres and agricultural use. However, the proximity of the property to Shiloh Drive and I-540, along with the construction of Persimmon Street through from Rupple Road, is positive for the development of this property at the density and intensity requested. Additional street improvements and access points will be required as development proceeds, and a connection south to Hwy 62 via Rupple Road to the west will eventually provide a western north-south connection. Traffic danger and congestion should be minimized if the appropriate improvements to surrounding streets and interconnectivity is required at the time 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 would substantially alter the population density in the area. Public service providers have responded accordingly:**

Police – **This rezoning will substantially alter the population density, and increase the numbers of calls for service. While difficult to project the future calls for service, developments of similar densities and size, when compared, total approximately 3.5% of the total annual calls for service. In comparing the requested RSF-4, RSF-2 and RMF-24 zoning districts to similarly developed areas in the city, an anticipated 0.7% increase, 1.4% increase and 1.5% increase in calls for service, respectively, is anticipated with maximum build-out of the property in question. This does not take into account, however, the time it takes to build out a development or the improved infrastructure required as part of the development. Based on information of the future street plans for this area, the completion of Rupple Road, Persimmon Street and potential connection with Old Farmington Road from the I and J sections should aid immensely with traffic congestion in the area.**

Fire – **This rezoning is in close proximity to Fire Station #7 and has an adequate response time of 3-5 minutes. This response time does not consider the approved construction of Persimmon and Rupple, which should open access to this development considerably.**

Engineering – **There are currently water lines and sewer lines adjacent to several of the**

areas in question, though not all. A sewer analysis will be required at the time of development, in order to determine if capacity is available at that time for downstream lift stations. Both water and sewer lines will be required to be extended into and within the development, by the developer.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: **N/A**

161.16 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
Unit 25	Professional offices

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.17 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
~~Unit 17~~	~~Trades and services~~
Unit 18	Gasoline service stations & drive-in restaurants
~~Unit 19~~	~~Commercial recreation, small sites~~
~~Unit 20~~	~~Commercial recreation, large sites~~
~~Unit 33~~	~~Adult live entertainment club or bar~~
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
~~Unit 21~~	~~Warehousing and wholesale~~
~~Unit 28~~	~~Center for collecting recyclable materials~~
~~Unit 32~~	~~Sexually oriented business~~
Unit 35	Outdoor music establishments
~~Unit 36~~	~~Wireless communications facilities~~

(C) *Density.* None.
(D) *Bulk and area regulations.* None.
(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	2

(D) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	21,780 sq. ft.
Land area per dwelling unit	21,780 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(F) *Height regulations.*

Building height maximum	35 ft.

(G) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.13 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	4 to 24

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: •Development •Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: •No bedroom •One bedroom •Two bedroom	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements .

Front	Side	Rear
25 ft.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

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

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Zoning Request Description

a. Current ownership information. The property is currently owned by The Reserve, L.L.C., with the exception of Parcel 765-14653-000, which is owned by Tom and Monica Terminella. There are no known proposed or pending property sales at this time.
b. Reason for zoning change request. To allow development of the tract with mixed used, including commercial, multi-family, and single family residential areas. This entire project includes over 400 acres, and will be built in multiple phases.
c. How the property relates to surrounding properties. This property will continue the emerging trend in the area for single family residential uses, with supporting multi-family and commercial uses, and fits in well with these uses. This trend has been recognized by Fayetteville school officials with location of a new school across Rupple Road from the project. In addition, inclusion of land for parks is being worked out with the Parks Advisory Board to meet the expected needs for recreational facilities in the area. Anticipated traffic needs have been addressed with the cooperative improvement and construction of both Persimmon Street and Rupple Road in the vicinity by developers of various projects within the area.
d. Availability of water and sewer. Both water and sewer are available in the area. An 8" water has been extended to the Boys and Girls Club, immediately to the north of this tract, and a 36" water line runs along the I-540 frontage road to the east. An 8" sanitary sewer exists along the north property line. Sewer capacity concerns for this area have been discussed with planning staff, and the area able to be served by the existing facilities, pending completion of the new treatment plant project, has been established.

SURVEY DESCRIPTION : PARCEL "A-1" (C-2 ZONING)

PART OF THE FRACTIONAL NE1/4 OF THE NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY FOR PERSIMMON STREET THAT IS S02°08'03"W 59.89 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE ALONG SAID RIGHT-OF-WAY LINE S87°01'21"E 943.56 FEET TO THE WEST RIGHT-OF-WAY FOR INTERSTATE 540 (I-540); THENCE ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING TWO COURSES:
THENCE S03°34'27"E 234.65 FEET; THENCE S10°24'46"E 417.06 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY N86°54'54"W 1068.85 FEET; THENCE N03°03'50"E 636.82 FEET; THENCE S87°34'55"E 0.97 FEET TO THE POINT OF BEGINNING, CONTAINING 14.60 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

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SURVEY DESCRIPTION : PARCEL "A-2" (C-1 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF INTERSTATE 540 (I-540) THAT IS N14°46'48"W 137.85 FEET FROM THE NORTHEAST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE LEAVING SAID RIGHT-OF-WAY S56°05'47"W 145.17 FEET; THENCE S25°05'29"W 895.09 FEET; THENCE N57°34'21"W 259.82 FEET; THENCE N30°57'00"W 193.36 FEET; THENCE N33°01'37"W 609.07 FEET; THENCE N87°13'27"W 135.02 FEET; THENCE N03°03'50"E 631.37 FEET; THENCE S86°54'54"E 1068.85 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF INTERSTATE 540 (I-540); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES: THENCE S10°24'46"E 3.20 FEET; THENCE S17°51'21"E 210.51 FEET; THENCE S21°42'11"E 323.07 FEET TO THE POINT OF BEGINNING, CONTAINING 27.01 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

5-31-05
Applicant's Signature

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RZN 05-1562

SURVEY DESCRIPTION : PARCEL "B" (RMF-24 ZONING)

PART OF THE FRACTIONAL NW1/4 OF THE NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY FOR PERSIMMON STREET THAT IS S02°08'03"W 59.89 FEET AND THENCE N87°34'55"W 0.97 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID 40 ACRE TRACT S03°03'50"W 1164.80 FEET; THENCE N57°55'15"W 694.62 FEET; THENCE 89.15 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND A LONG CHORD OF N43°19'37"W 88.19 FEET; THENCE N28°43'59"W 769.63 FEET; THENCE 49.69 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 172.50 FEET AND A LONG CHORD OF N20°28'53"W 49.52 FEET; THENCE 73.06 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND A LONG CHORD OF N40°05'39"E 63.32 FEET; THENCE N02°25'05"E 5.05 FEET TO THE SOUTH RIGHT-OF-WAY OF PROPOSED PERSIMMON STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°34'55"E 1058.59 FEET TO THE POINT OF BEGINNING, CONTAINING 19.04 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

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SURVEY DESCRIPTION: PARCEL "C" (RSF-4 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE FRACTIONAL NW1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N02°15'42"E 135.27 FEET; THENCE S87°04'16"E 111.76 FEET; THENCE 393.30 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 565.26 FEET AND A LONG CHORD OF N72°59'46"E 385.42 FEET; THENCE S36°52'30"E 23.63 FEET; THENCE N36°46'51"E 306.00 FEET; THENCE N61°16'01"E 349.40 FEET; THENCE N28°43'59"W 143.88 FEET; THENCE N61°16'01"E 155.00 FEET; THENCE S28°43'59"E 448.84 FEET; THENCE 89.15 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A LONG CHORD OF S43°19'37"E 88.19 FEET; THENCE S57°55'15"E 694.62 FEET; THENCE S03°03'50"W 103.38 FEET; THENCE N87°13'27"W 343.86 FEET; THENCE S38°31'10"W 527.78 FEET; THENCE S03°03'50"W 872.22 FEET; THENCE N87°55'47"W 1249.34 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL SW1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N02°15'42"E 1316.01 FEET TO THE POINT OF BEGINNING, CONTAINING 56.23 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

5-31-05

Applicant's Signature

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DFHIJ

SURVEY DESCRIPTION : PARCEL "D" (RSF-2 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N87°55'47"W 650.10 FEET; THENCE N03°03'50"E 872.22 FEET; THENCE N38°31'10"E 527.78 FEET; THENCE S87°13'27"E 478.88 FEET; THENCE S33°01'37"E 609.07 FEET; THENCE S00°41'23"W 807.80 FEET; THENCE N86°10'59"W 497.27 FEET; THENCE N87°55'47"W 30.05 FEET TO THE POINT OF BEGINNING, CONTAINING 30.81 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

193.64 Total

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

8-8-11

Applicant's Signature

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RZN05-1565

SURVEY DESCRIPTION : PARCEL "E" (RMF-24 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE S02°58'02"W 1314.35 FEET TO THE SOUTHEAST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N86°16'57"W 797.35 FEET; THENCE N00°41'23"E 807.80 FEET; THENCE S30°57'00"E 193.36 FEET; THENCE S57°34'21"E 259.82 FEET; THENCE N25°05'29"E 895.09 FEET; THENCE N56°05'47"E 145.17 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF INTERSTATE 540 (I-540); THENCE ALONG SAID RIGHT-OF-WAY S14°46'48"E 137.85 FEET TO THE POINT OF BEGINNING, CONTAINING 16.88 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

5-31-05

Applicant's Signature

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SURVEY DESCRIPTION: PARCEL "F" (RSF-2 ZONING)

PART OF THE NE1/4 OF THE SW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE S02°48'25"W 1320.68 FEET TO THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE N86°21'11"W 229.41 FEET; THENCE N32°32'01"W 1638.65 FEET; THENCE S86°10'59"E 380.05 FEET; THENCE S86°16'57"E 797.35 FEET TO THE POINT OF BEGINNING, CONTAINING 21.32 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

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RZN 05-1564

SURVEY DESCRIPTION : PARCEL "G" (RSF-4 ZONING)

PART OF THE SW1/4 AND A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS S87°55'47"E 30.05 FEET FROM THE NORTHWEST CORNER OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 18; THENCE S86°10'59'E 117.22 FEET; THENCE S32°32'01"E 1638.65 FEET; THENCE S04°48'54"W 229.92 FEET; THENCE S42°38'23"E 332.98 FEET; THENCE S57°02'04"E 228.98 FEET; THENCE S07°07'03"W 255.37 FEET; THENCE S58°15'28"W 441.52 FEET; THENCE N81°57'11"W 316.79 FEET; THENCE N50°03'15"W 420.98 FEET; THENCE N25°23'41"W 403.35 FEET; THENCE N38°04'30"W 399.06 FEET; THENCE N02°33'13"E 1481.96 FEET TO THE POINT OF BEGINNING, CONTAINING 41.48 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

G:\041053-00\sur\desc\ZONING desc\Parcel G_RSF-4.doc

SURVEY DESCRIPTION : PARCEL "H" (RSF-2 ZONING)

PART OF THE SW1/4 AND A PART OF THE SE1/4 OF SECTION 18, AND PART OF THE NW1/4 OF THE NE1/4 OF SECTION 19, ALL IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SW1/4 OF THE SE1/4 OF SAID SECTION 18; THENCE ALONG THE NORTH LINE OF SAID 40 ACRE TRACT S86°54'22"E 876.68 FEET; THENCE S17°15'15"E 351.32 FEET; THENCE S00°02'42"E 744.59 FEET; THENCE S01°08'57"W 241.87 FEET; THENCE S02°36'12"W 111.28 FEET TO THE CENTERLINE OF OLD FARMINGTON ROAD; THENCE ALONG SAID CENTERLINE, S81°29'27"W 169.59 FEET; THENCE S72°24'26"W 124.37 FEET; THENCE S61°42'56"W 90.38 FEET; THENCE LEAVING THE CENTERLINE OF OLD FARMINGTON ROAD, N02°46'26"E 233.30 FEET; THENCE N87°23'48"W 681.69 FEET TO THE SOUTHEAST CORNER OF SAID SE1/4 OF THE SW1/4 OF SAID SECTION 18; THENCE N87°10'08"W 1293.28 FEET; THENCE N03°05'26"E 1183.18 FEET; THENCE S38°04'30"E 399.06 FEET; THENCE S25°23'41"E 403.35 FEET; THENCE S50°03'15"E 420.98 FEET; THENCE S81°57'11"E 316.79 FEET; THENCE N58°15'28"E 441.52 FEET; THENCE N07°07'03"E 255.37 FEET; THENCE N57°02'04"W 228.98 FEET; THENCE N42°38'23"W 332.98 FEET; THENCE N04°48'54"E 229.92 FEET; THENCE S86°21'11"E 229.41 FEET TO THE POINT OF BEGINNING, CONTAINING 47.43 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

5-31-05

Applicant's Signature

G:\041053-00\sur\desc\ZONING desc\Parcel H_RSF-2.doc

SURVEY DESCRIPTION: PARCEL "I" (RSF-2 ZONING)

PART OF THE FRACTIONAL SW1/4 OF THE SW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID FRL. SW1/4, SW1/4 THAT IS N87°50'08"W 623.23 FEET FROM AN EXISTING IRON PIN AT THE NORTHEAST CORNER OF SAID FRL. SW1/4 OF THE SW1/4 OF SECTION 18, ALSO BEING N87°50'08"W 660.08 FEET FROM A FOUND STONE AT AN EXISTING FENCE CORNER; THENCE S03°05'26"W ALONG AN EXISTING FENCE 1334.86 FEET TO THE SOUTH LINE OF SAID FRL. SW1/4, SW1/4; THENCE ALONG SAID SOUTH LINE N87°08'30"W 689.66 FEET TO THE S.W. CORNER OF THE PROPERTY AS DESCRIBED IN BOOK 754 OF WARRANTY DEEDS AT PAGE 313 OF THE LAND RECORD DOCUMENTS OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS; THENCE N03°05'26"E 1326.41 FEET TO THE NORTH LINE OF SAID FRL. SW1/4, SW1/4; THENCE S87°50'08"E 696.84 FEET TO THE POINT OF BEGINNING, CONTAINING 21.17 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS OF RECORD OR FACT.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

Applicant's Signature

G:\041053-00\sur\desc\ZONING desc\Parcel I_RSF-2.doc

SURVEY DESCRIPTION: PARCEL "J" (RSF-2 ZONING)

A PART OF THE FRACTIONAL NW1/4 OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE FRACTIONAL NW1/4 OF SAID SECTION 19, THENCE S87°08'30"E 1872.97 FEET TO THE NORTHEAST CORNER OF THE FRACTIONAL NW1/4 OF SAID FRACTIONAL NW1/4; THENCE S87°10'08"E 65.39 FEET; THENCE S02°23'23"W 1452.13 FEET TO A FOUND COTTON SPINDLE IN THE CENTER LINE OF OLD FARMINGTON ROAD; THENCE ALONG THE CENTER LINE OF OLD FARMINGTON ROAD, S54°11'43"W 67.19 FEET TO A FOUND COTTON SPINDLE; THENCE S52°36'01"W 442.08 FEET; THENCE ALONG AND LEAVING THE CENTER LINE OF OLD FARMINGTON ROAD, S54°18'57"W 305.08 FEET TO A FOUND IRON PIN; THENCE S81°32'45"W 8.56 FEET TO THE SOUTHEAST CORNER OF THE 1.62 ACRE SCHOOL-CHURCH TRACT; THENCE N02°09'19"W 294.74 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE N89°34'10"W 214.65 FEET TO THE NORTHWEST CORNER OF SAID TRACT; THENCE S01°56'49"W 331.56 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S81°32'45"W 28.18 FEET TO A FOUND IRON PIN; THENCE N88°56'16"W 367.34 FEET TO A FOUND IRON PIN; THENCE N01°56'53"E 718.48 FEET TO A FOUND STONE; THENCE N86°28'58"W 658.72 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL NW1/4 OF SAID FRACTIONAL NW1/4; THENCE N02°15'53"E 1309.63 FEET TO THE POINT OF BEGINNING, CONTAINING 72.93 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

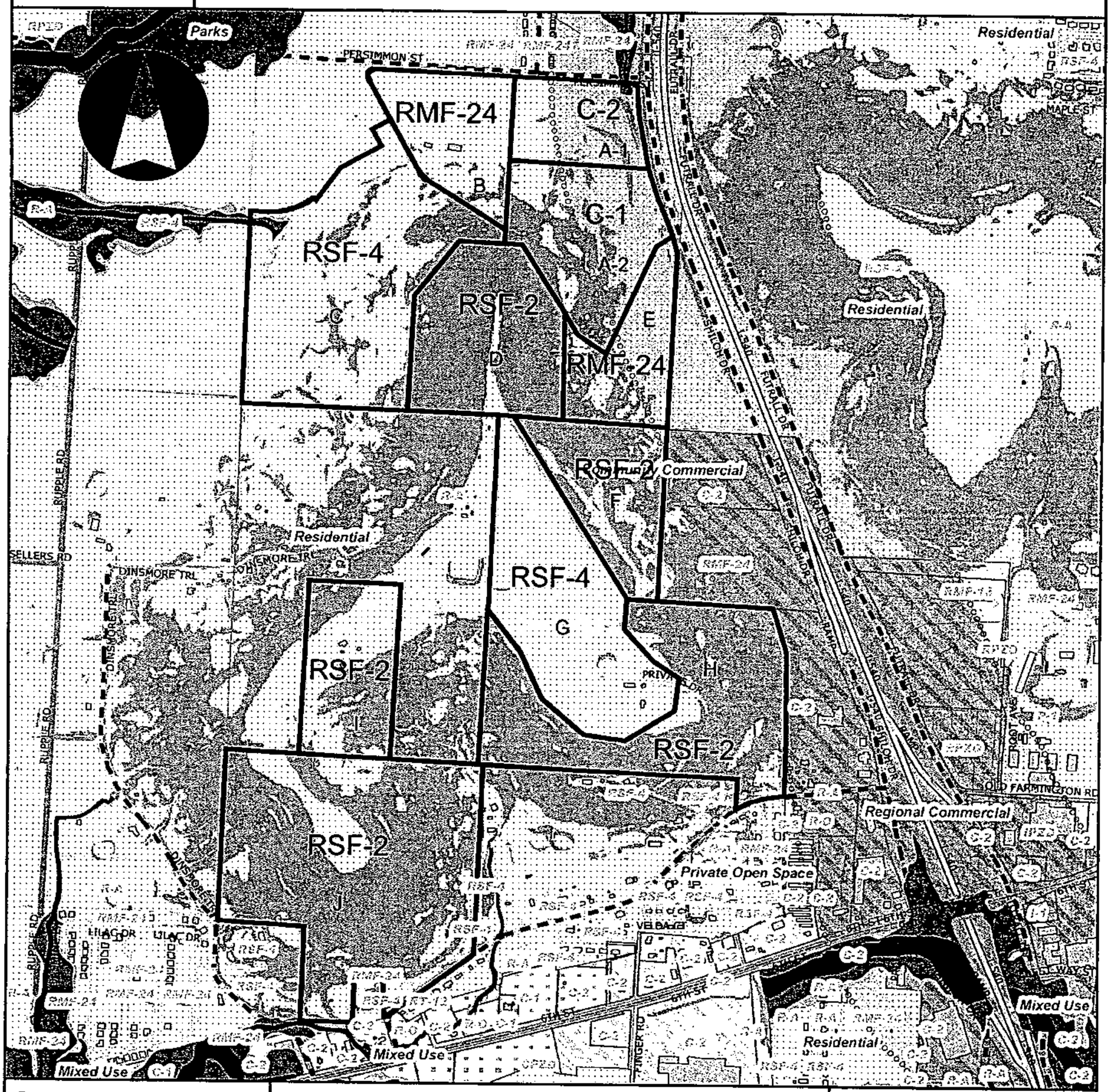
Applicant's Signature

G:\041053-00\sur\desc\ZONING desc\Parcel J_RSF-2.doc

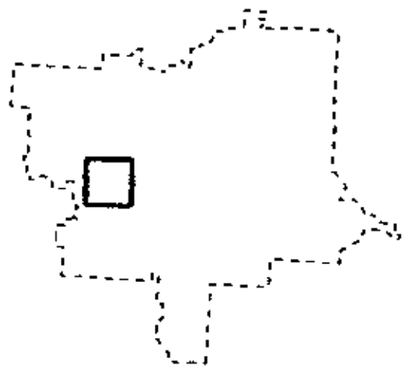
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

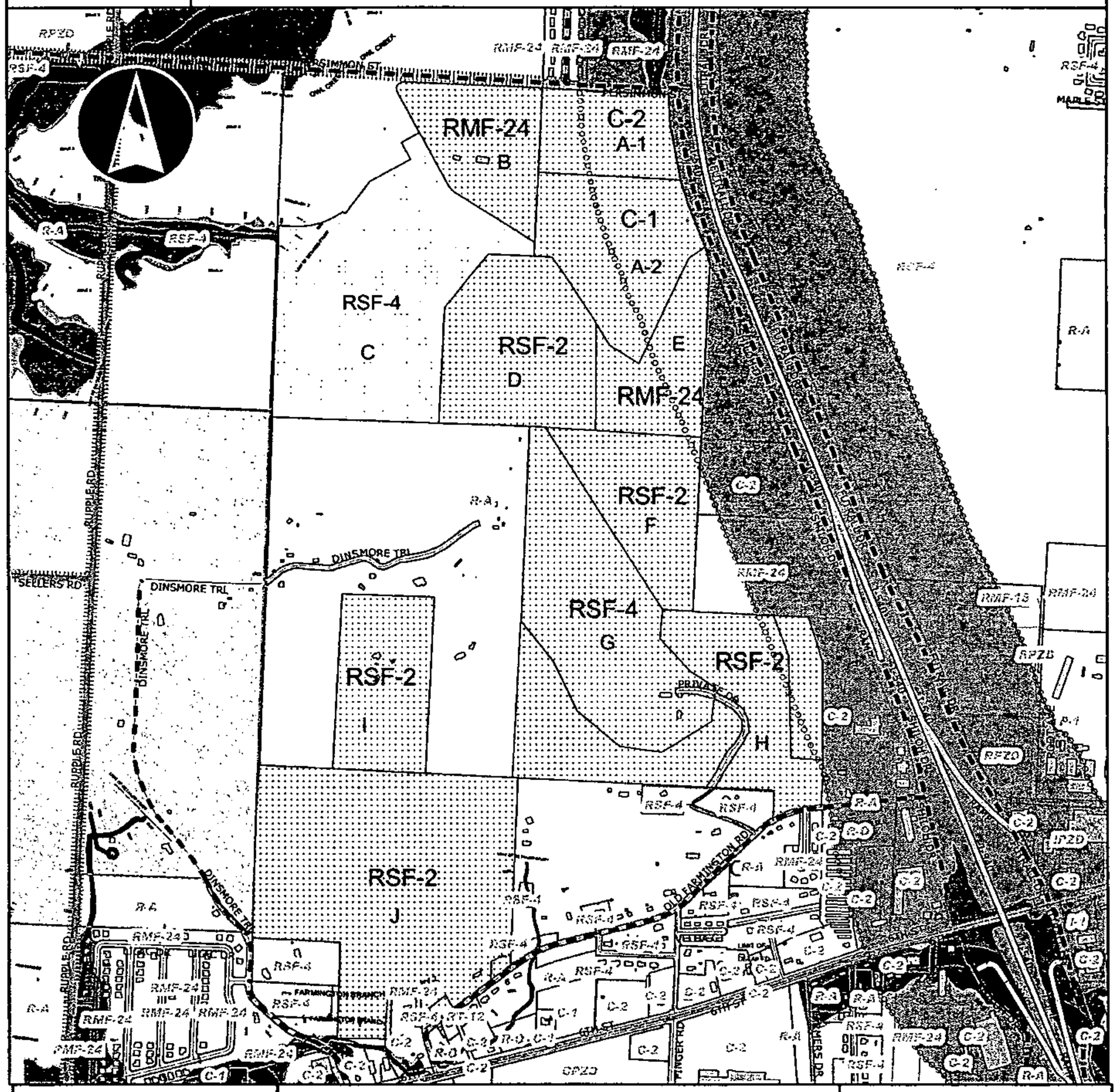
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

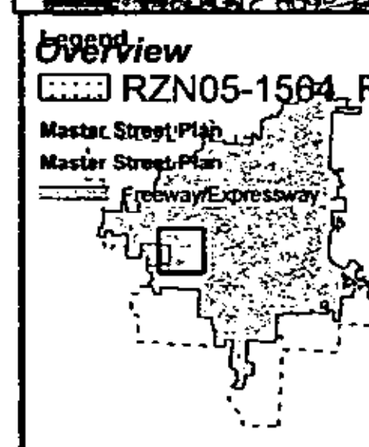
0 300 600 1,200 1,800 2,400

Feet

MOUNTAIN RANCH

Close Up View





Legend

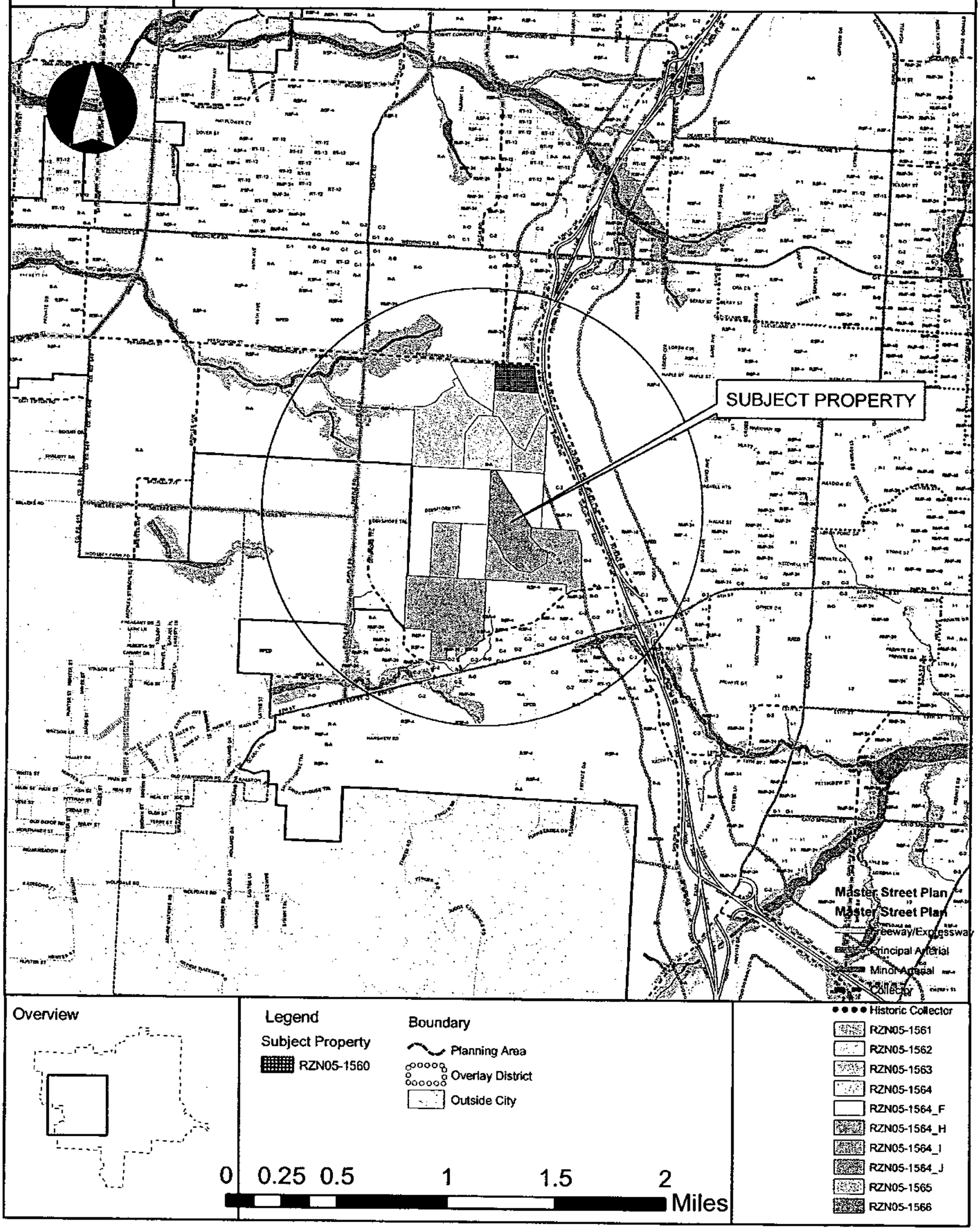
Principal Arterial
Minor Arterial
Collector
Historic Collector
Overlay District
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City
RZN05-1564_H
RZN05-1564_I
RZN05-1564_J
RZN05-1564_D
RZN05-1560
RZN05-1561
RZN05-1562
RZN05-1563
RZN05-1565
RZN05-1566

0 300 600 1,200 1,800 2,400 Feet

RZN05-1564

Two Mile View

MOUNTAIN RANCH



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1564: (Mountain Ranch D,F,H,I,J, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located SOUTH OF PERSIMMON AND WEST OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 193.66 acres. The request is to rezone the subject property to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney 7/1/05

Finance and Internal Service Director 7-6-05 Date

Mayor 7/5/05 Date

Received in City Clerk's Office ENTERED 7/1/05

Received in Mayor's Office ENTERED 7-1-05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: June 30, 2005

Subject: Rezoning for Mountain Ranch (RZN 05-1563, RZN 05-1566)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 97.71 acres of property from R-A, Residential-Agricultural, to RSF-4, Residential Single family, 4 units per acre, as described herein.

BACKGROUND

The subject property is comprised of two "areas" on the submitted map, that of Area C (56.23 acres) and G (41.48 acres). These areas are situated on less steep property, following the terrain where possible to allow for a suitable density of residential homes at a maximum density of four units per acre. Area C is directly east of the approved Mountain Ranch Phase I development; Area G is on top of the larger mountain, in an area that flattens out after rising in elevation from all directions. Property to the west is zoned RSF-4 and R-A, with approved development plans on a portion of the land. The property is in some of the least steep areas of the overall land being discussed, thereby lending itself to more density than the surrounding slopes. Additionally, being located near a Collector Street will aid in keeping traffic congestion minimal.

The Future Land Use Plan designates this entire site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially.

The applicant proposes a rezoning of the subject property to facilitate the future development of a master planned community with a mixture of home types and sizes. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

Left on the second reading 7/19/05

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1563 (MOUNTAIN RANCH C) and RZN 05-1566 (MOUNTAIN RANCH G) FOR APPROXIMATELY 97.71 ACRES LOCATED SOUTH OF PERSIMMON STREET AND WEST OF SHILOH DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-4, Residential Single family, 4 units per acre, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1563 and RZN 05-1566

SURVEY DESCRIPTION PARCEL: "C" (RSF-4 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE FRACTIONAL NW1/4 OF THE NW ¼ OF SAID SECTION 18; THENCE N02°15'42"E 135.27 FEET; THENCE S87°04'16'E 111.76 FEET; THENCE 393.30 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 565.26 FEET AND A LONG CHORD OF N72°59'46"E 385.42 FEET; THENCE S36°52'30"E 23.63 FEET; THENCE N36°46'51"E 306.00 FEET; THENCE N61°16'01"E 349.40 FEET; THENCE N28°43'59"W 143.88 FEET; THENCE N61°16'01" 155.00 FEET; THENCE S28°43'59"E 448.84 FEET; THENCE 89.15 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 175.00 FEET AND A LONG CHORD OF S43°19'37"E 88.19 FEET; THENCE S57°55'15"E 694.62 FEET; THENCE S03°03'50"W 103.38 FEET; THENCE N87°13'27"W 343.86 FEET; THENCE S38°31'10"W 527.78 FEET; THENCE S03°03'50"W 872.22 FEET; THENCE N87°55'47'W 1249.34 FEET TO THE SOUTHWEST CORNER OF THE FRACTIONAL SW1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE N02°15'42"E 1316.01 FEET TO THE POINT OF BEGINNING, CONTAINING 56.23 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

SURVEY DESCRIPTION PARCEL "G" (RSF-4 ZONING)

PART OF THE SW1/4 AND APART OF THE SW1/4 OF THE SE l/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS S87°55'47"E 30.05 FEET FROM THE NORTHWEST CORNER OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 18; THENCE S86°10'59'E 117.22 FEET; THENCE S32°32'01"E 1638.65 FEET; THENCE S04°48'54"W 229.92 FEET; THENCE S42°38'23"E 332.98 FEET; THENCE S57°02'04"E 228.98 FEET; THENCE S07°07'03"W 255.37 FEET; THENCE S58°15'28"W 441.52 FEET; THENCE N81°57'11"W 316.79 FEET; THENCE N50°03'15"W 420.98 FEET; THENCE N25°23'41"W 403.35 FEET; THENCE

N38°04'30"W 399.06 FEET; THENCE N02°33'13"E 1481.96 FEET TO THE POINT OF BEGINNING, CONTAINING 41.48 ACRES, MORE OR LESS.

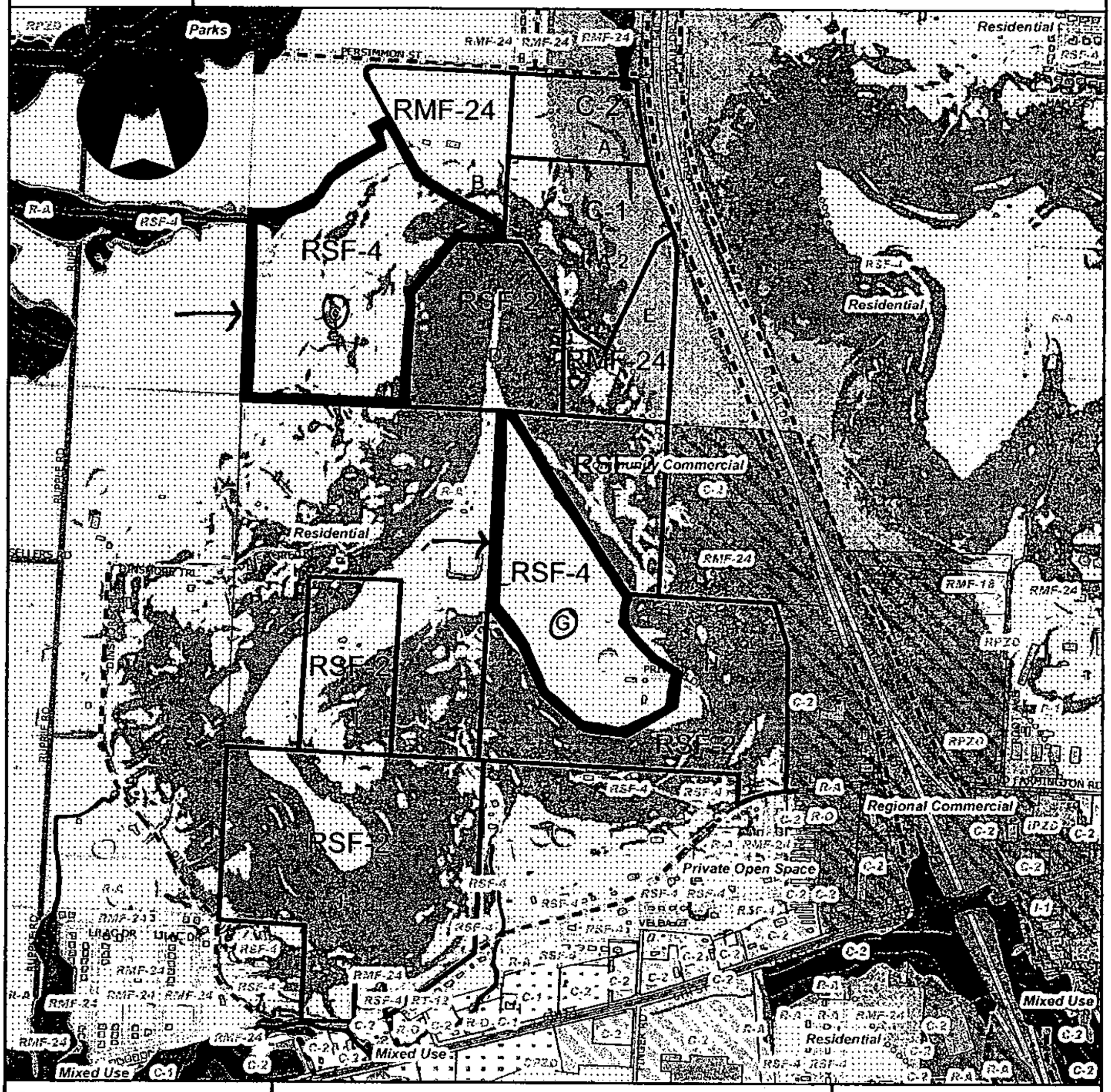
ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES;

DRAFT

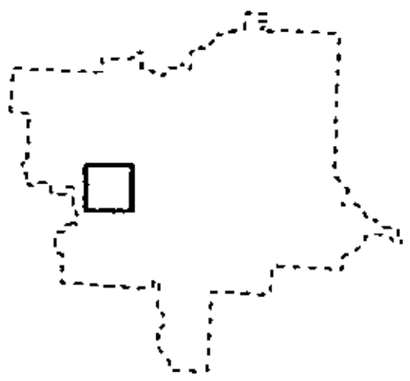
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

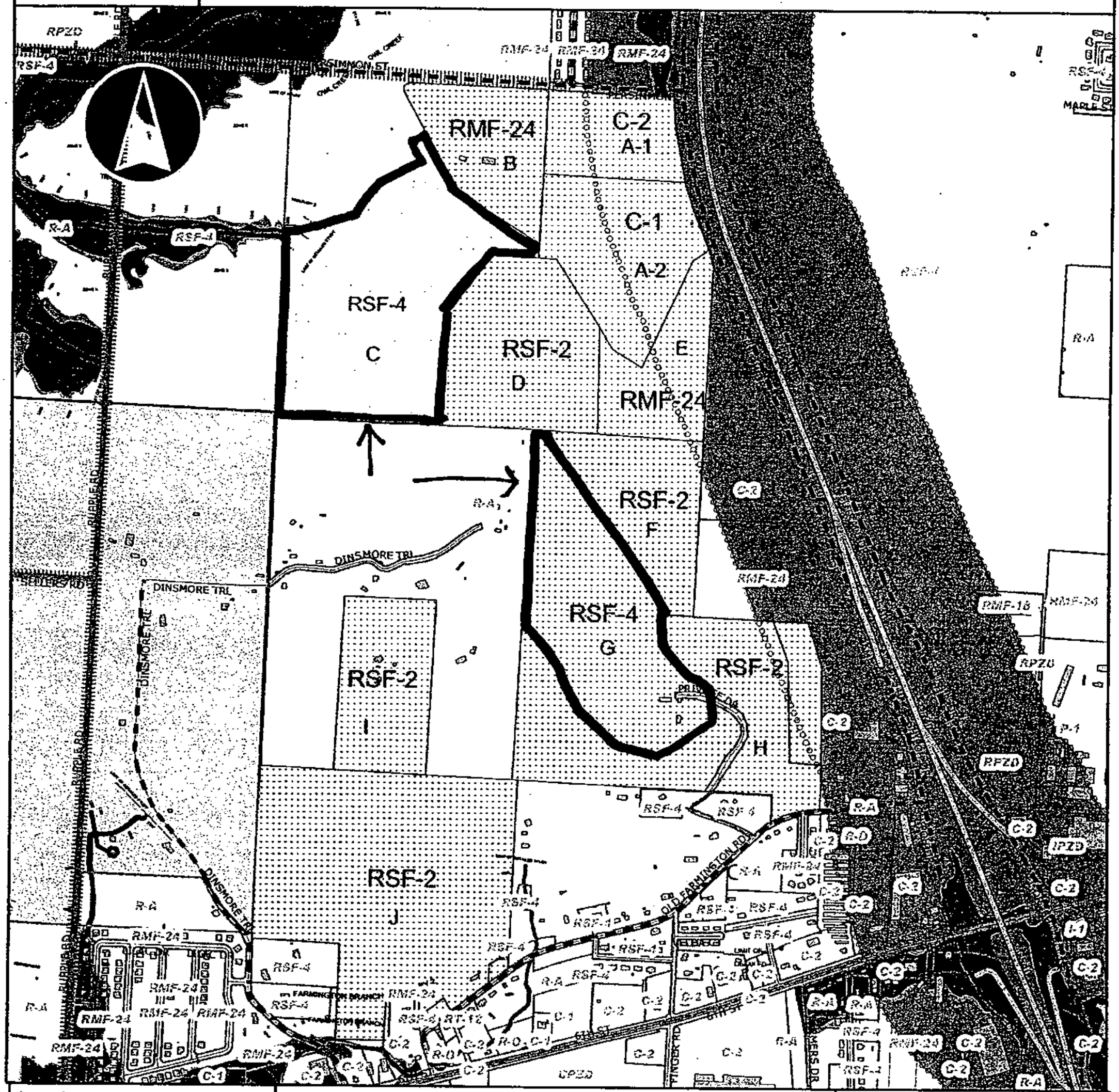
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

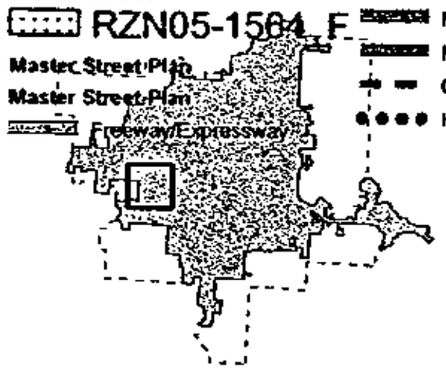
0 300 600 1,200 1,800 2,400 Feet

MOUNTAIN RANCH

Close Up View



Overview



Legend

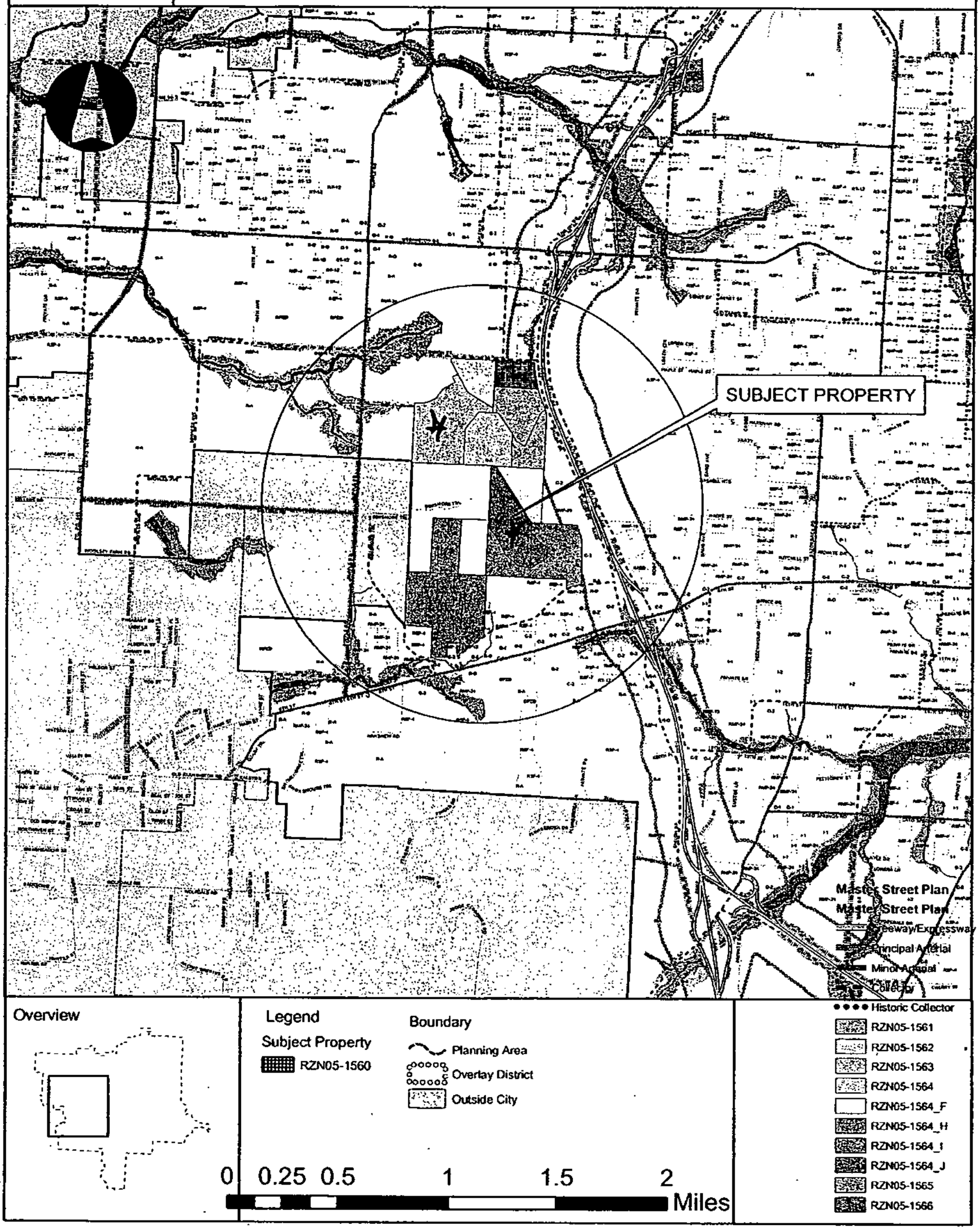
- RZN05-1564_F
- Master Street Plan
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector
- Freeway/Expressway
- Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- RZN05-1564_H
- RZN05-1564_I
- RZN05-1564_J
- RZN05-1564_D
- RZN05-1560
- RZN05-1561
- RZN05-1562
- RZN05-1563
- RZN05-1565
- RZN05-1566

0 300 600 1,200 1,800 2,400 Feet

RZN05-1564

Two Mile View

MOUNTAIN RANCH



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1563, RZN 05-1566: (Mountain Ranch C, G, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located SOUTH OF PERSIMMON AND WEST OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 97.71 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 7/1/05

Finance and Internal Service Director — 7-6-05 Date

Received in City Clerk's Office ENTERED 7/1/05

Mayor — 7/5/05 Date

Received in Mayor's Office ENTERED 7-1-05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: June 30, 2005

Subject: Rezoning for Mountain Ranch (RZN 05-1562)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 19.04 acres of property from R-A, Residential-Agricultural, to RMF-24, Residential Multi-family, 24 units per acre, as described herein.

BACKGROUND

The subject property contains approximately 19.04 acres, located near the intersection of Persimmon Street and Betty Jo Drive. Property to the north is developed with single, two, three and multi-family housing; it is zoned RMF-24. The property is in one of the least steep areas of the overall land being discussed, thereby lending itself to more density. Additionally, being located near a Collector Street will aid in keeping traffic congestion minimal.

The Future Land Use Plan designates this entire site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially.

The applicant proposed a rezoning of the subject property to facilitate the future development of a master planned community with a mixture of home types and sizes. The request is to rezone the subject property from R-A, Residential Agricultural, to RMF-24, Residential Multi-family, 24 units per acre. Staff find that mixing the unit type and density within an overall master plan is in keeping with the General Plan 2020 goals and objectives.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

Left on the second reading 7/19/05

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1562 (MOUNTAIN RANCH B) FOR APPROXIMATELY 19.04 ACRES LOCATED SOUTH OF PERSIMMON STREET AND WEST OF SHILOH DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RMF-24, Residential Multi-family, 24 units per acre, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1562

SURVEY DESCRIPTION PARCEL: "B" (RMF-24 ZONING)

PART OF THE FRACTIONAL NW1/4 OF THE NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY FOR PERSIMMON STREET THAT IS S02°08'03"W 59.89 FEET AND THENCE N87°34'55"W 0.97 FEET FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID 40 ACRE TRACT S03°03'50"W 1164.80 FEET; THENCE N57°55'15"W 694.62 FEET; THENCE 89.15 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND A LONG CHORD OF N43°19'37"W 88.19 FEET; THENCE N28°43'59"W 769.63 FEET; THENCE 49.69 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 172.50 FEET AND A LONG CHORD OF N20°28'53"W 49.52 FEET; THENCE 73.06 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET AND A LONG CHORD OF N40°05'39"E 63.32 FEET; THENCE N02°25'05"E 5.05 FEET TO THE SOUTH RIGHT-OF-WAY OF PROPOSED PERSIMMON STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY S87°34'55"E 1058.59 FEET TO THE POINT OF BEGINNING, CONTAINING 19.04 ACRES, MORE OR LESS.

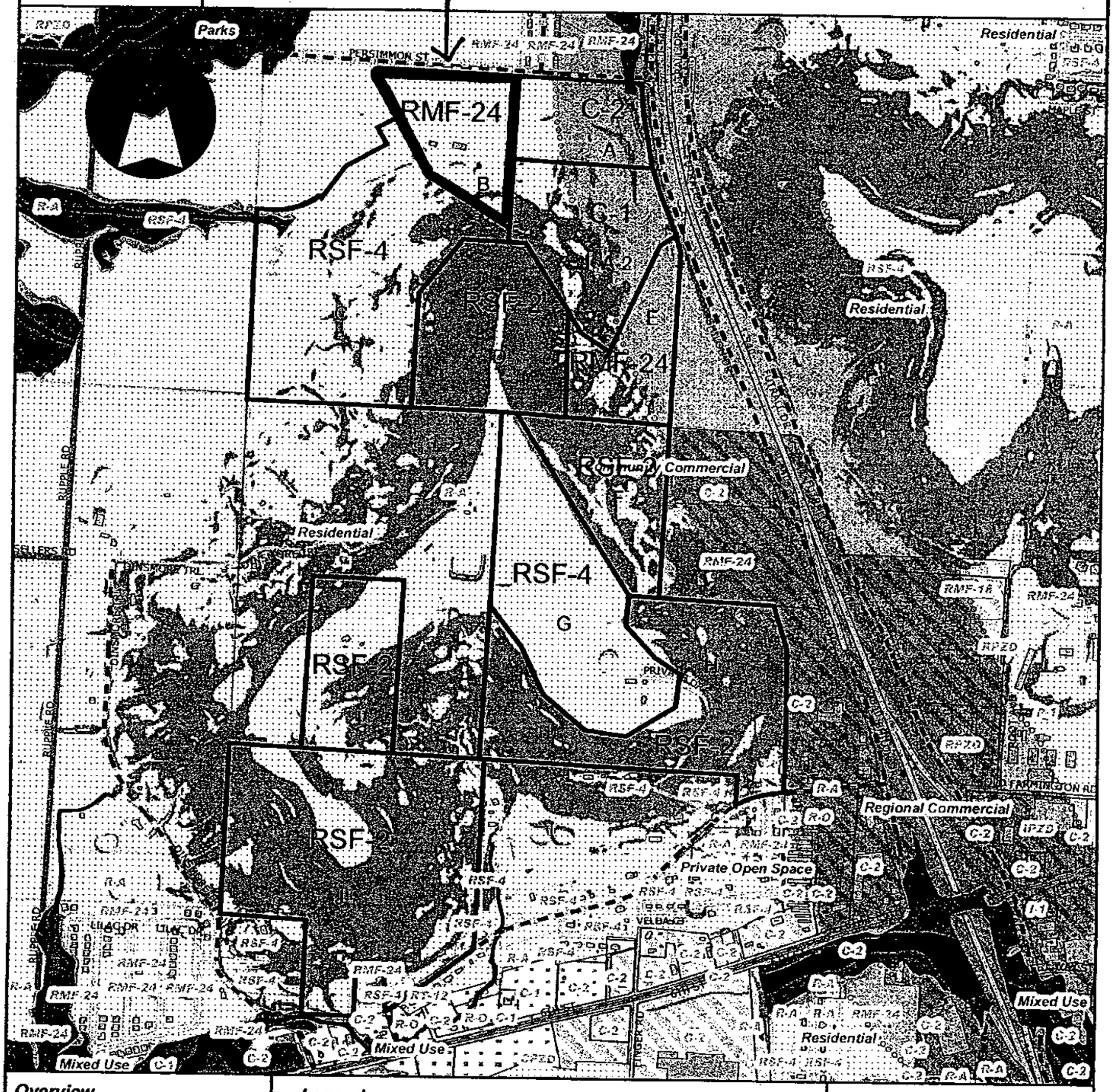
ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

DRAFT

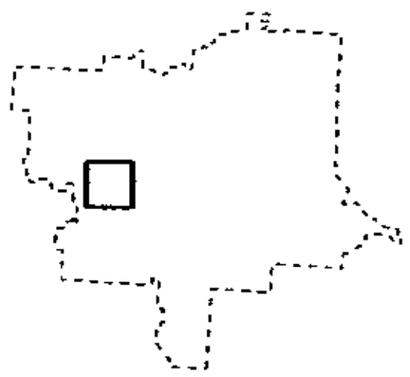
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

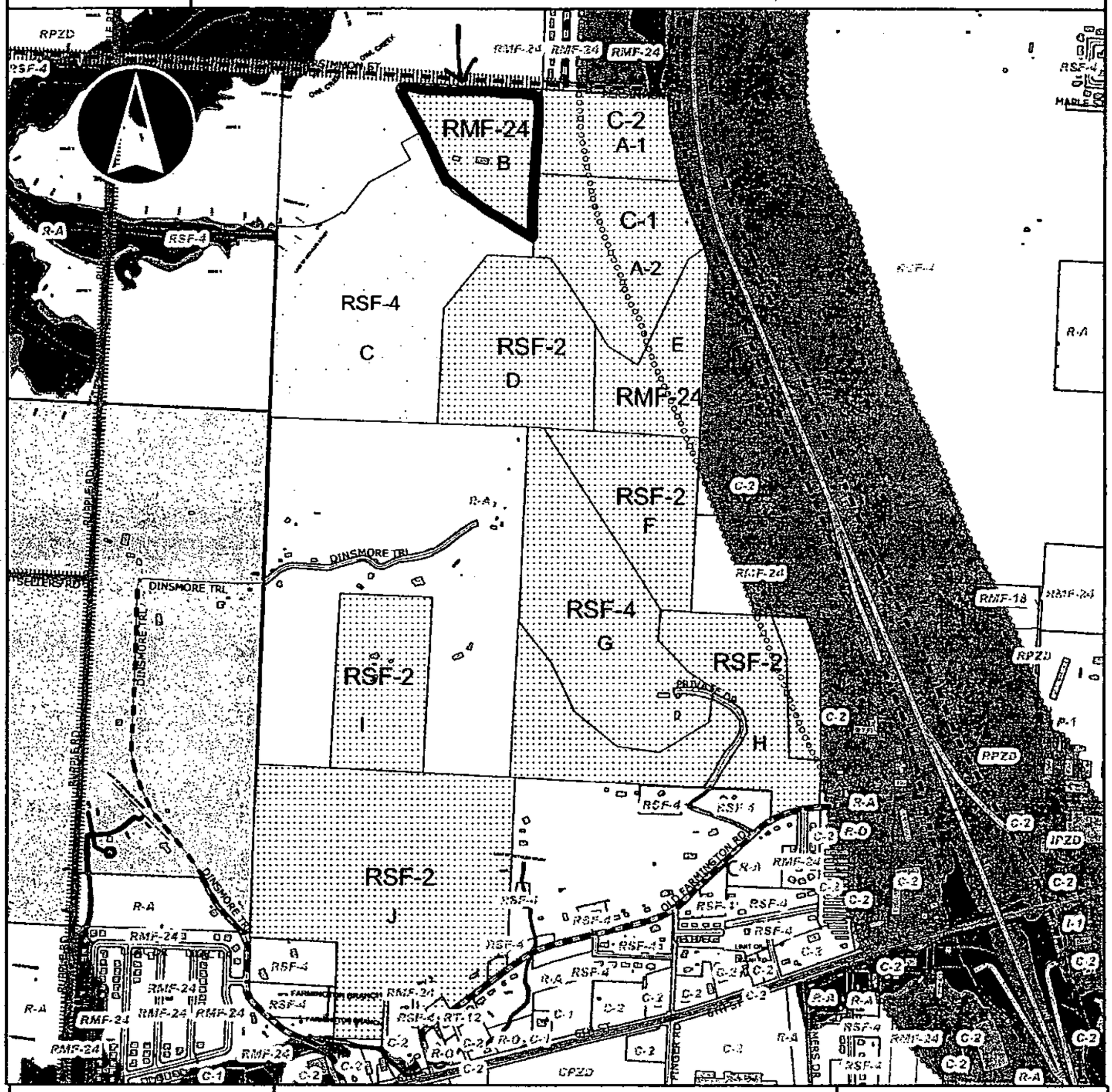
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 300 600 1,200 1,800 2,400 Feet

MOUNTAIN RANCH

Close Up View



Overview

Legend

RZN05-1564_F

Master Street Plan
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

Master Street Plan
- Freeway/Expressway

Overlay District

FLOODWAY
100 YEAR

500 YEAR
LIMIT OF STUDY
BaseLine Profile

Fayetteville

Outside City

RZN05-1564_H

RZN05-1564_I

RZN05-1564_J
RZN05-1564_D
RZN05-1560
RZN05-1561
RZN05-1562
RZN05-1563
RZN05-1565
RZN05-1566

0 300 600 1,200 1,800 2,400
Feet

RZN05-1564

Two Mile View

MOUNTAIN RANCH

SUBJECT PROPERTY

Master Street Plan

Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

RZN05-1561
RZN05-1562
RZN05-1563
RZN05-1564
RZN05-1564_F
RZN05-1564_H
RZN05-1564_I
RZN05-1564_J
RZN05-1565
RZN05-1566

Overview

Legend

Subject Property
- RZN05-1560

Boundary
- Planning Area
- Overlay District
- Outside City

0 0.25 0.5 1 1.5 2 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1562: (Mountain Ranch B, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located SOUTH OF PERSIMMON STREET AND WEST OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 19.04 acres. The request is to rezone the subject property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney 7/1/05

Finance and Internal Service Director 7-6-05 Date

Received in City Clerk's Office ENTERED 7/1/05

Mayor 7/5/05 Date

Received in Mayor's Office ENTERED 7-1-05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: June 30, 2005

Subject: Rezoning for Mountain Ranch (RZN 05-1561)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 27.01 acres of property from R-A, Residential-Agricultural, to C-1, Neighborhood Commercial, as described herein.

BACKGROUND

The subject property contains approximately 27.01 acres, located near the southwest intersection of Shiloh Drive and Persimmon Street, west of I-540. Both of the adjacent Collector streets are improved streets at this time. A portion of the property is located within the Design Overlay District along I-540.

The Future Land Use Plan designates this entire site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially. While the commercial zoning requests near Persimmon and Shiloh are not necessarily consistent with the Future Land Use Plan, staff finds that the significant changes in character of this area of the city in the past 3-5 years warrants a small commercial node to allow for commercial services within close walking or driving distance of developing residential areas.

The applicant proposed a rezoning of the subject property to facilitate the future development of a supporting commercial area for planned residential growth. The request is to rezone the subject property from R-A, Residential Agricultural, to C-1, Neighborhood Commercial. Staff finds that small commercial nodes that support surrounding residential areas are in keeping with the General Plan 2020, and that this intersection represents such a node that is evolving with development in this area.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

Left on the second reading 7/19/05

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1561 (MOUNTAIN RANCH A-2) FOR APPROXIMATELY 27.01 ACRES LOCATED SOUTH OF PERSIMMON STREET AND WEST OF SHILOH DRIVE FROM R-A, RESIDENTIAL 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 R-A, Residential Agricultural to C-1, Neighborhood Commercial, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1561

SURVEY DESCRIPTION: PARCEL "A-2" (C-1 ZONING)

PART OF THE FRACTIONAL NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY INTERSTATE 540 (I-540) THAT IS N14°46'48"W 137.85 FEET FROM THE NORTHEAST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 18; THENCE LEAVING SAID RIGHT-OF-WAY LINE S56°05'47"W 145.17 FEET; THENCE S25°05'29"W 895.09 FEET; THENCE N57°34'21"W 259.82 FEET; THENCE N30°57'00"W 193.36 FEET; THENCE N33°01'37"W 609.07 FEET; THENCE N87°13'27"W 135.02 FEET; THENCE N03°03'50"E 631.37 FEET; THENCE S86°54'54"E 1068.85 FEET; TO A POINT ON THE WEST RIGHT-OF-WAY OF INTERSTATE 540 (I-540); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE COURSES: THENCE S10°24'46"E 3.20 FEET; THENCE S17°51'21"E 210.51 FEET; THENCE S21°42'11"E 323.07 FEET TO THE POINT OF BEGINNING, CONTAINING 27.01 ACRES, MORE OR LESS.

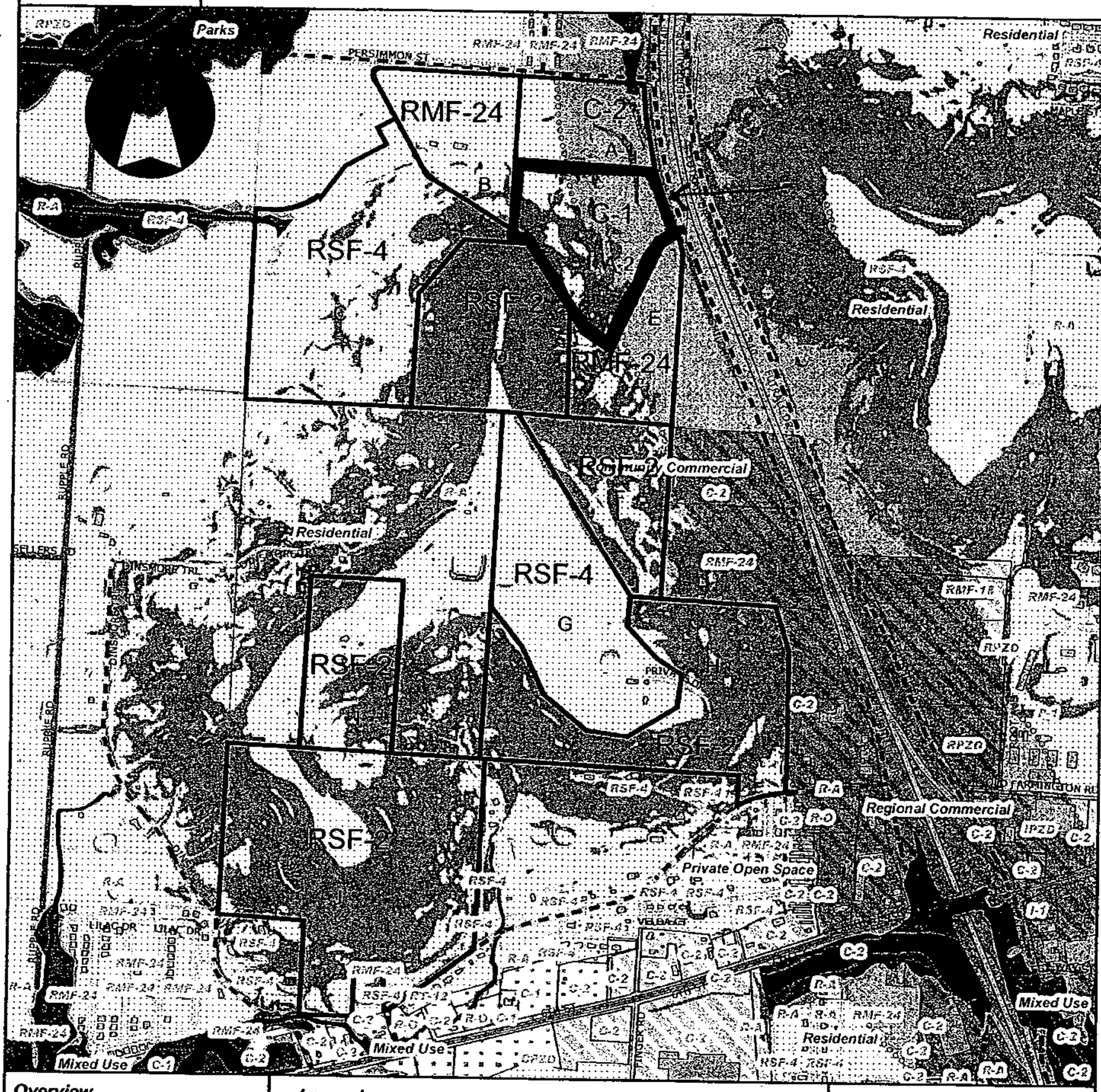
ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES

DRAFT

MOUNTAIN RANCH

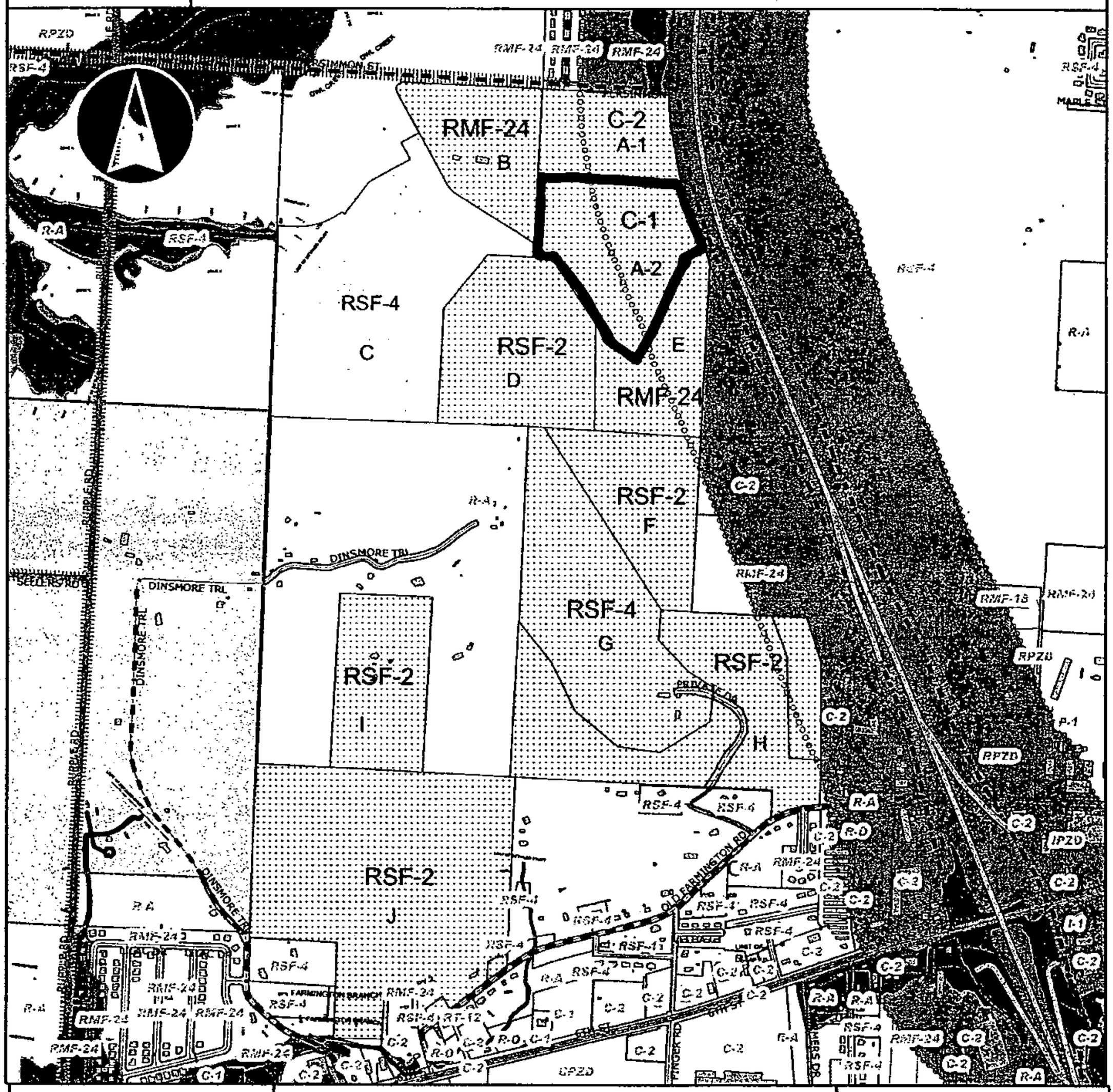
Future Land Use

MOUNTAIN RANCH



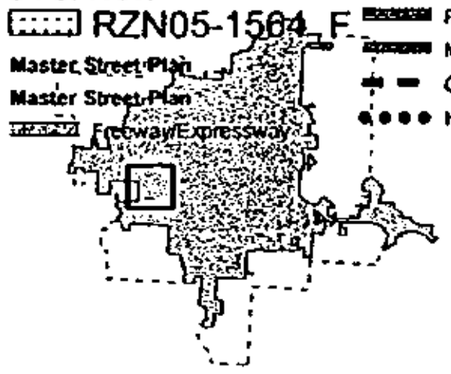
MOUNTAIN RANCH

Close Up View



Legend

Overview



RZN05-1564_F

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

Overlay District

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

Outside City

RZN05-1564_H

RZN05-1564_I

RZN05-1564_J

RZN05-1564_D

RZN05-1560

RZN05-1561

RZN05-1562

RZN05-1563

RZN05-1565

RZN05-1566

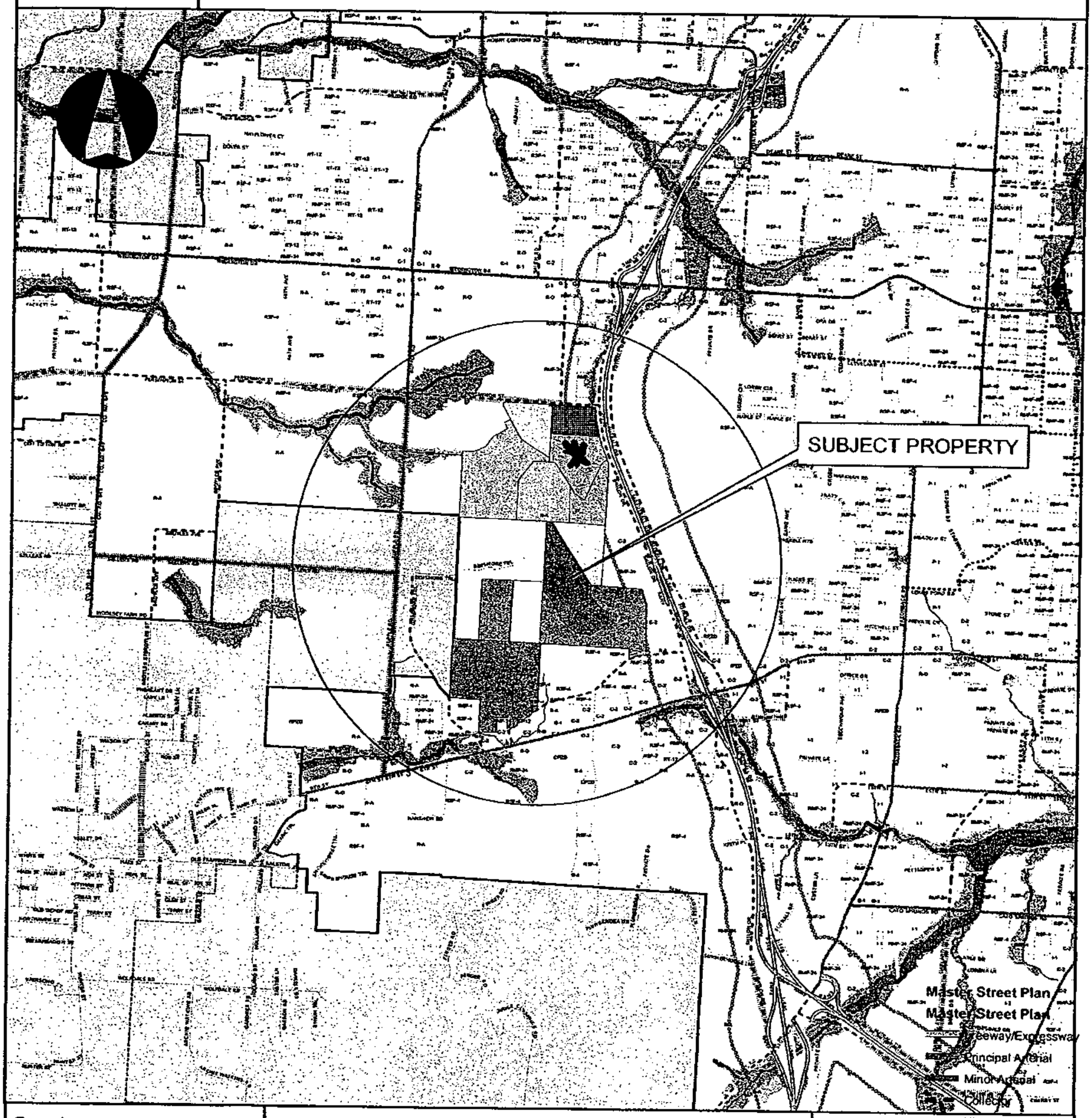
0 300 600 1,200 1,800 2,400

Feet

RZN05-1564

Two Mile View

MOUNTAIN RANCH



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate JP	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1561: (Mountain Ranch A-2, 479): Submitted by CRAFTON TULL & ASSOCIATES, INC. – ROGERS for property located SOUTH OF PERSIMMON STREET AND WEST OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 27.01 acres. The request is to rezone the subject property to C-1, NEIGHBORHOOD COMMERCIAL.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney 7/1/05

Finance and Internal Service Director 7-6-05 Date

Mayor 7/5/05 Date

Received in City Clerk's Office ENTERED 7/1/05

Received in Mayor's Office ENTERED 7-1-05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: June 30, 2005

Subject: Rezoning for Mountain Ranch (RZN 05-1560)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 14.60 acres of property from R-A, Residential-Agricultural, to C-2, Thoroughfare Commercial, subject to a Bill of Assurance offered by the applicant on the subject property.

BACKGROUND

The subject property contains approximately 14.60 acres, located at the southwest intersection of Shiloh Drive and Persimmon Street, west of I-540. Both of the adjacent Collector streets are improved streets at this time.

The Future Land Use Plan designates this entire site for Residential use. The majority of rezoning requests for the Mountain Ranch project is consistent with the land use plan for future residential uses and is compatible with surrounding properties that are developed residentially or commercially. While the commercial zoning requests near Persimmon and Shiloh are not necessarily consistent with the Future Land Use Plan, staff finds that the significant changes in character of this area of the city in the past 3-5 years warrants a small commercial node to allow for commercial services within close walking or driving distance of developing residential areas.

The applicant proposed a rezoning of the subject property to facilitate the future development of a supporting commercial area for planned residential growth. The request is to rezone the subject property from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. Staff originally had reservations about the request, and met with the applicant to address these concerns. Following, a Bill of Assurance was offered by the applicant to restrict some of the more potentially objectionable uses found in a C-2 zoning district.

DISCUSSION

This item was heard at the regular Planning Commission on June 27, 2005. The Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning, with clarifications to the Bill of Assurance being offered.

BUDGET IMPACT

None.

Left on the second reading 9/19/05

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1560 (MOUNTAIN RANCH A-1) FOR APPROXIMATELY 14.60 ACRES LOCATED SOUTH OF PERSIMMON STREET AND WEST OF SHILOH DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO 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-A, Residential Agricultural to C-2, Thoroughfare Commercial, as shown on Exhibit "A" attached hereto and made a part hereof.

Section 2: That the rezoning is subject to the Bill of Assurance offered by the applicant and shown as Exhibit "B" attached hereto and made a part hereof.

Section 3: 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1560

SURVEY DESCRIPTION: PARCEL "A-1" (C-2 ZONING)

PART OF THE FRACTIONAL NE1/4 OF THE NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY FOR PERSIMMON STREET THAT IS S02°08'03"W 59.89 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE ALONG SAID RIGHT-OF-WAY LINE S87°01'21"E 943.56 FEET TO THE WEST RIGHT-OF-WAY FOR INTERSTATE 540 (I-540); THENCE ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING TWO COURSES:
THENCE S03°34'27"E 234.65 FEET; THENCE S10°24'46"E 417.06 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY N86°54'54"W 1068.85 FEET; THENCE N03°03'50"E 636.82 FEET; THENCE S87°34'55"E 0.97 FEET TO THE POINT OF BEGINNING, CONTAINING 14.60 ACRES, MORE OR LESS.

ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.

DRAFT

BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner(s), developer, or buyer of this property, (hereinafter "Petitioners") RESERVE LLC, hereby voluntarily offer this Bill of Assurance and enter into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioners expressly grant to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/ Circuit Court of Washington County and agrees that if Petitioners or Petitioners' heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioners acknowledge that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioners' rezoning request.

Petitioners hereby voluntarily offer assurances that Petitioners and Petitioners' property shall be restricted as follows **IF** Petitioners' rezoning is approved by the Fayetteville City Council.

1. The use of Petitioners' property described in Exhibit "A" attached hereto shall be limited to those uses permitted by right and by conditional use in the C-2 zoning district, with the exception of the following:

Permitted Uses to be excluded:

a. Unit 20: Commercial recreation, large sites
b. Unit 33: Adult live entertainment club or bar

Conditional Uses to be excluded:

a. Unit 21: Warehousing and wholesale
b. Unit 28: Center for collecting recyclable materials
c. Unit 32: Sexually oriented business
d. Unit 36: Wireless communications facilities

2. Further, the use of the petitioner's property described in Exhibit "A" attached hereto shall **exclude** the following uses in the Use Unit 17 designation:

Buses, Manufactured home sales, Used car lots, farm supplies and equipment and repair, auctioneer, cabinetmaker, tattoo services, taxidermist, tool sharpening repair service and motor repair.

3. The use of the Petitioner's property described in Exhibit "A" attached hereto shall **exclude** the following specific uses in the Use Unit 19 designation:

Bowling alley, slot car track, skating rink.

4. Petitioners specifically agree that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioners' rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioners' property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, we, RESERVE LLC, as the owners, developers or buyers (Petitioners) **voluntarily offer** all such assurances and sign our names below.

9-6-05	TOM TERMINELLA
Date	Printed Name
24 MEADOW ST	8-8-11
Address FAY AR	Signature RESERVE, LLC
Date	Printed Name
Address	
	Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 12 day of July, 2005, appeared before me, Jamie Terminella and after being placed upon his/her oath swore or affirmed that he agreed with the terms of the above Bill of Assurance and signed his name above.

Jamie Renee Terminella
NOTARY PUBLIC

My Commission Expires: April 13, 2015

EXHIBIT "A"
RZN 05-1560

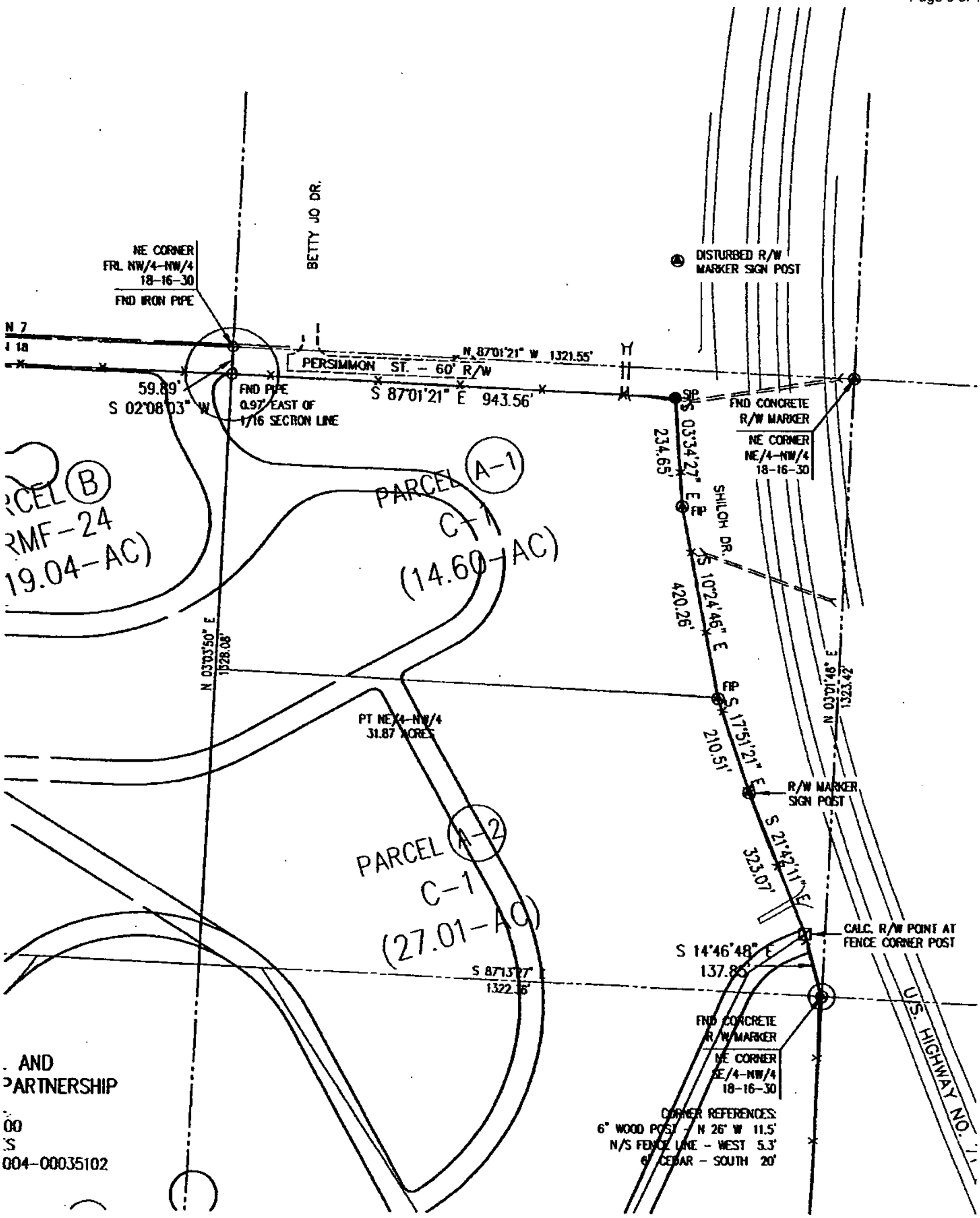
(INSERT LEGAL DESCRIPTION OF PROPERTY AFFECTED BY BILL OF ASSURANCE)

SURVEY DESCRIPTION : PARCEL "A-1" (C-2 ZONING)

PART OF THE FRACTIONAL NE1/4 OF THE NW1/4 OF SECTION 18 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY FOR PERSIMMON STREET THAT IS S02°08'03"W 59.89 FEET FROM THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE ALONG SAID RIGHT-OF-WAY LINE S87°01'21"E 943.56 FEET TO THE WEST RIGHT-OF-WAY FOR INTERSTATE 540 (I-540); THENCE ALONG SAID WEST RIGHT-OF-WAY THE FOLLOWING TWO COURSES:
THENCE S03°34'27"E 234.65 FEET; THENCE S10°24'46"E 417.06 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY N86°54'54"W 1068.85 FEET; THENCE N03°03'50"E 636.82 FEET; THENCE S87°34'55"E 0.97 FEET TO THE POINT OF BEGINNING, CONTAINING 14.60 ACRES, MORE OR LESS.

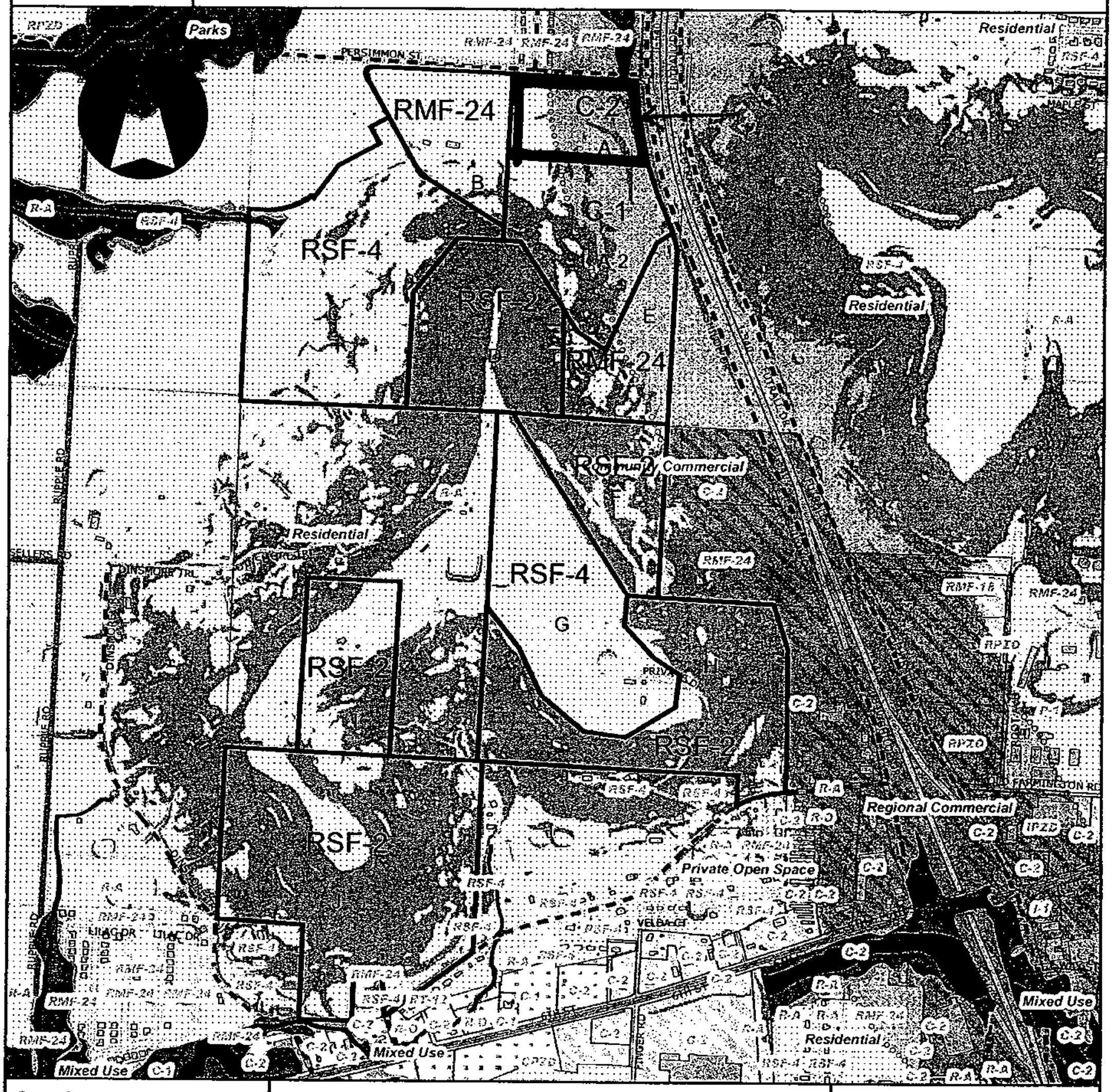
ALL BEARINGS ARE BASED ON THE CITY OF FAYETTEVILLE STATE PLANE COORDINATES.


NE CORNER
FRL NW/4-NW/4
18-16-30
FND IRON PIPE
BETTY JO DR.
DISTURBED R/W
MARKER SIGN POST
N 7
J 18
N 87°01'21" W 1321.55'
PERSIMMON ST. - 60' R/W
59.89'
S 02°08'03" W
FND PIPE
0.97' EAST OF
1/16 SECTION LINE
S 87°01'21" E 943.56'
SP
FND CONCRETE
R/W MARKER
NE CORNER
NE/4-NW/4
18-16-30
234.65'
S 03°34'27" E
SHILOH DR.
420.26'
S 10°24'46" E
FP
N 03°01'48" E
1323.42'
210.51'
S 17°51'21" E
R/W MARKER
SIGN POST
323.07'
S 21°42'11" E
CALC. R/W POINT AT
FENCE CORNER POST
S 14°46'48" E
137.85'
FND CONCRETE
R/W MARKER
NE CORNER
SE/4-NW/4
18-16-30
CORNER REFERENCES:
6" WOOD POST - N 26° W 11.5'
N/S FENCE LINE - WEST 5.3'
6" CEDAR - SOUTH 20'
U.S. HIGHWAY NO. 1
PARCEL B
RMF-24
19.04-AC)
PARCEL A-1
C-1
(14.60-AC)
N 03°03'50" E
1528.08'
PT NE1/4-NW/4
31.87 ACRES
PARCEL A-2
C-1
(27.01-AC)
S 87°13'27" E
1322.36'
. AND
PARTNERSHIP
00
S
004-00035102

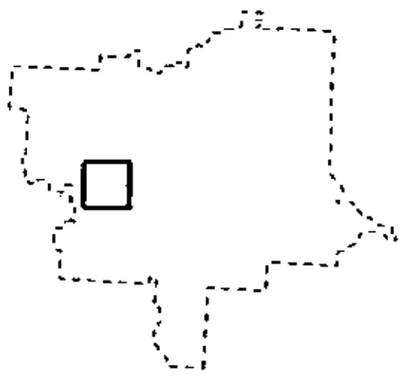
MOUNTAIN RANCH

Future Land Use

MOUNTAIN RANCH



Overview



Legend

Subject Property

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

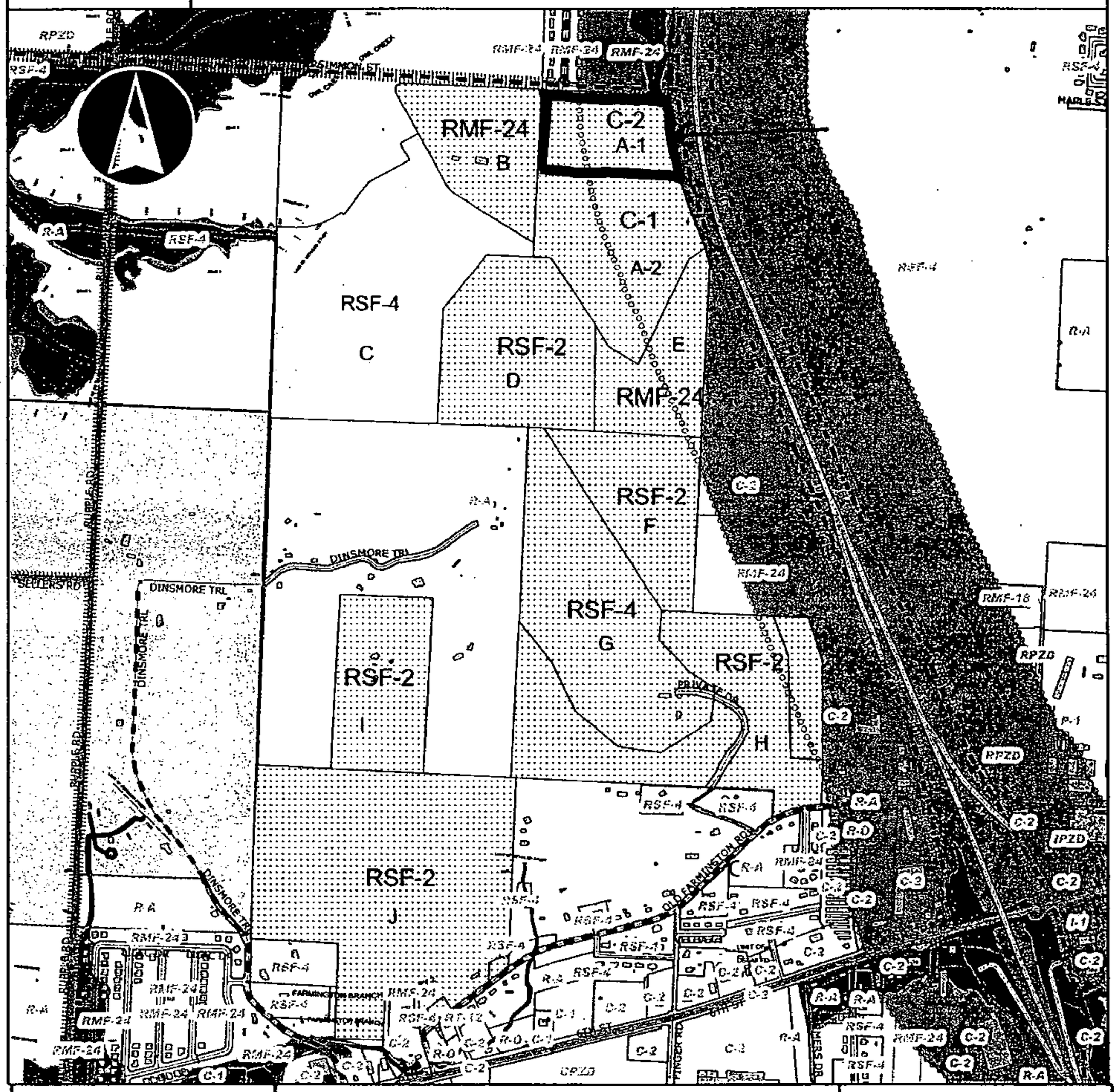
Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 300 600 1,200 1,800 2,400 Feet

MOUNTAIN RANCH

Close Up View



RZN05-1564

Two Mile View

MOUNTAIN RANCH

SUBJECT PROPERTY

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Overview

Legend

Subject Property

RZN05-1560

Boundary

Planning Area

Overlay District

Outside City

0 0.25 0.5 1 1.5 2 Miles

Historic Collector

RZN05-1561

RZN05-1562

RZN05-1563

RZN05-1564

RZN05-1564_F

RZN05-1564_H

RZN05-1564_I

RZN05-1564_J

RZN05-1565

RZN05-1566

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate JP	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1560: (Mountain Ranch A-1, 479): Submitted by CRAFTON TULL & ASSOCIATES INC. - ROGERS for property located SOUTH OF PERSIMMON AND WEST OF I-540. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 14.60 acres. The request is to rezone the subject property to C-2, THOROUGHFARE COMMERCIAL.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 7/1/05

Finance and Internal Service Director — 7-6-05 Date

Mayor — 7/5/05 Date

Received in City Clerk's Office ENTERED 7/1/05

Received in Mayor's Office ENTERED 7.1.05

Comments:

City Council Meeting of August 02, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: July 13, 2005

Subject: Annexation for Sloan Properties, Inc. (ANX 05-1580)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation submitted by Sloan Properties, Inc. on behalf of property owners of six separate properties totaling 31.59 acres located south of Huntsville Road. This action will incorporate the 31.59-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains 31.59 acres, consisting of all or portions of six legal tracts of property, each owned by a separate individual, corporation, or trust. It is located south of Huntsville Road (Hwy 16 East) and west of Sequoyah Meadows Subdivision. At this time, the property is currently used for agricultural uses with several single family homes located on the property. It is within the Planning Area and adjacent to the City limits along the northern, western, and eastern property lines. Several properties located north of Huntsville Road have recently requested annexation into the City of Fayetteville. On June 7, 2005, the City Council passed an ordinance to incorporate a total 53.781 acres located north of Huntsville, northeast of the subject property.

Annexation of the property will not create an island of unincorporated property or create a peninsula of City property. It will extend the city limit no further south than it currently exists and will facilitate incorporation of the southern portion of properties along Hunstville Road which were partially annexed in the 1960s. Water and sewer service shall be extended to the property at the time of development. Improvements to the existing infrastructure adjacent to this site and construction of streets in compliance with the Master Street Plan will be required at the time of development. City fire and police currently service the adjoining neighborhoods.

The applicant requests annexation of the property into the City of Fayetteville. A rezoning request has also been submitted, for RSF-4 zoning. The applicant intends to develop the property for residential use within the City of Fayetteville.

Staff recommends approval of the proposed annexation. The subject property is adjacent to the City limits, and future development of the area may be consistent and compatible to surrounding subdivisions should the property be annexed into the City of Fayetteville.

City Council Meeting of August 02, 2005
Agenda Item Number

DISCUSSION

This item was heard at the regular Planning Commission on July 11, 2005. The Planning Commission voted 7-0-0 to forward this item to the City Council with a recommend of approval.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 05-1580 FOR PROPERTY LOCATED AT HUNT LANE, SOUTH OF HWY 16 EAST, CONTAINING 31.59 ACRES.

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

Section 1: That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4: That the above-described property is hereby assigned to Ward No. One.

PASSED and **APPROVED** this ____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
ANX 05-1580

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH RANGE 29 WEST AND BEING MORE PARTICULARLY DESCRIBED FOLLOWS:
BEGINNING AT A POINT WHICH IS SOUTH 343.33 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER AND RUNNING THENCE N89°59'51"E 1320.53 FEET, THENCE SOUTH 213.00 FEET, THENCE S00°09'05"E 1421.88 FEET, THENCE S89°59'23"W 662.14 FEET, THENCE S89°59'23"W 160 FEET, THENCE NORTH 330.00 FEET, THENCE N89°59'23"E 160 FEET, THENCE N00°04'33"W 858.00 FEET, THENCE S89°59'31"W 422.46 FEET, THENCE N00°00'27"W 120.06 FEET, THENCE WEST 212.00 FEET, THENCE NORTH 114.00 FEET, THENCE WEST 25.68 FEET, THENCE NORTH 212.94 FEET TO THE POINT OF BEGINNING, CONTAINING 31.59 ACRES, MORE OR LESS.

DRAFT

Fayetteville
ARKANSAS

PC Meeting of July 11, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Suzanne Morgan, Current Planner
THRU:	Jeremy Pate, Director of Current Planning
DATE:	July 6, 2005

ANX 05-1580: Annexation (SLOAN PROPERTIES, INC., 609): Submitted by RAYMOND SMITH for property located at HUNT LANE, S OF HWY 16E. The property is in the Planning Area and contains approximately 31.59 acres. The request is to annex the subject property into the City of Fayetteville.
Property Owners: KING, OSBORNE, SMITH, HESTER, OZARK ELECT, MULLIS
Planner: SUZANNE MORGAN

RECOMMENDATION:
Staff recommends approval of the requested annexation based on the findings included as part of this report:

PLANNING COMMISSION ACTION:	**Required**	**YES**
	⊗ Approved	**○ Denied**
Date: July 11, 2005	Trumbo/Myres²	7-0-0
CITY COUNCIL ACTION:	**Required**	**YES**
	○ Approved	**○ Denied**
Date: August 02, 2005 (1st reading if recommended)		

BACKGROUND:
Property description: The subject property contains 31.59 acres, consisting of all or portions of six legal tracts of property, each owned by a separate individual, corporation, or trust. It is located south of Huntsville Road (Hwy 16 East) and west of Sequoyah Meadows Subdivision. At this time, the property is currently used for agricultural uses with several single family homes located on the property. It is within the Planning Area and adjacent to the City limits along the northern, western, and eastern property lines.

Proposal: The applicant proposes annexation of 31.59 acres into the City of Fayetteville.

Recommendation: Staff recommends approval of the proposed annexation based on the finding herein.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Residential Single Family	RSF-4, R-A
South	Residential Single Family; pasture	Planning Area
East	Residential Single Family	RSF-4
West	Residential Single family; pasture	RSF-4, Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Hunt Lane, and Tallgrass Drive via an existing stub-out, a residential street. Road improvements required for Hunt lane include: dedication of right-of-way and installation of sidewalks per the Master Street Plan, width of paving from centerline to be determined at time of submittal to the Planning Division for subdivision, curb and gutter, and storm drainage. Traffic will exit the development and access Huntsville Road, a Principal Arterial Street.

Surrounding Master Street Plan Streets:
South: Huntsville Rd (Principal Arterial)
East: Tallgrass Drive (Local Street)
West: Hunt Lane (Local Street)

Water: Public water is adjacent to the site. There is an 8" waterline along Hunt Lane and an 8" waterline along Tallgrass Drive. Water service will need to be extended within the property at the time of development connecting the two previously mentioned systems. Long range improvements for the water system include increasing the size of the service line along Huntsville Road to a 12" diameter main.

Sewer: Sanitary sewer is near to the site. There is an 8" sewer main within the development to the west, and an 8" sewer main within the development to the east. Sewer service will need to be extended to, and within, the property at the time of development. An analysis of the downstream sewer system as well as downstream lift stations shall be performed prior to submittal of construction review plans at the cost of the developer.

Drainage: The site is mostly hilltop land with some areas which contain 15% or greater slopes. There appears to be a creek through the site that does contain floodplain and floodway. Runoff from the site is split down the bulk of the property flowing overland to the east, and west to the creek. Drainage from the site flows northward until it reaches the West Fork of the White River. Additional measures may be required as the property develops and permanent features put in place to protect the creek and restrict the runoff to pre-developed conditions.

Fire: The subject property is located approximately 3.5 miles from the Fire Station #5. Response time to the property is 6 minutes with a projected response time at full build-out to be approximately 6.45 minutes with 29 annual calls for service. This does not take into account the decreased response time for the future Fire Station at the Tyson complex on Huntsville Road (proposed Fire Station #3), which is 4 minutes from subject property.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density or create an undesirable increase the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: **Annexation of the property will not create an island of unincorporated property. The proposed annexation will join two existing peninsulas, thereby mitigating any adverse effects of the existing peninsulas.**

Due to rapid growth, the City of Fayetteville in the 1960's annexed a peninsula of property to incorporate Lake Sequoyah, a primary water source, within the city limits. Since this time, the City has annexed several properties north and south of the 600' Huntsville Road corridor. The proposed annexation is located south of the Huntsville Road corridor between two existing peninsulas of city property. That to the west was annexed in 1988, and property to the east and developed as Sequoyah Meadows Subdivision was annexed in 1991. Annexation of the subject property begins to "fill in" the land that is encompassed on all sides but the south by existing city limits. Therefore, staff finds that the proposed annexation will not further exacerbate any problems associated with the current situation.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: **The proposed annexation area is adjacent to the City Limits to the north, east, and west.**

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: **This area is currently developed for single family residences and agricultural activities. The property does not consist of defined subdivisions or neighborhoods; however, future development plans include residential development of the property. Annexation of the property would allow for Planning Commission review of development in accordance with City standards, and would require the same standards of development as the adjacent properties already within the city limits.**

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: **Proposed boundaries follow property lines of the existing parcels. When property adjacent to Huntsville Road was annexed in the 1960s, the affected properties were partially annexed, in which the northern 300' was within the city limits and the remaining property was in the County. The proposed annexation encompasses the southern portions of these tracts as well as additional parcels.**

11.6.e Timing of services within annexation areas should be considered.

Finding: **Current conditions result in a response time of 6 minutes for fire protection from Fire Station #5. Response times are anticipated to be reduced by two minutes with the construction of a new fire station on Huntsville Road at the Tyson Plant. Additionally, the City's Fire Department currently responds to calls much further west and north of this property, with much higher response times. Extension of water and sewer lines will occur at the time of development to aid in the improvement of services.**

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: **The property is mainly cleared pasture land. Tree canopy is concentrated along property lines and within the riparian corridor of the creek which bisects the western portion of property and flows north into the West Fork of the White River. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property. Development outside the city does not allow for the requirement of parks, open space or tree preservation.**

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: **It is the opinion of the Fayetteville Police Department that this annexation <u>will not</u> substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.**

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: **Fire and police currently serve subdivisions further east of the subject property. Service shall be provided to this area with the same level of response and service as other developments in this area.**

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: **These factors were taken into consideration in the responses and recommendations included in this report.**

<u>INFRASTRUCTURE AND UTILITIES</u>

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: **Water, fire and police protection are currently provided in the surrounding areas. The subject property is not being served by city utilities at this time.**

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: **Evaluation of the downstream sewer system as well as downstream lift stations shall be performed prior to submittal of construction review plans at the cost of the developer. Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. At this time, the property is residential and agricultural in nature.**

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: **The proposed annexation is not part of a phased annexation initiated by the City, though it has been discussed as desirable for annexation in past task force meetings. In a location where the current city boundary extends only 300' from Huntsville Road with existing peninsulas to the east and west, expanding the city limits south will create a more appropriate City boundary and allow for development to occur under city guidelines.**

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: **N/A**

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: **N/A**

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: **Annexations are automatically zoned R-A, Residential Agricultural. The property owners request for annexation and request to rezone this property RSF-4, Residential single family - 4 units/acre.**

11.6.p An annexation study should be completed on all annexation proposals.

Finding: **Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.**

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: **Development of all or portions of this property has not been proposed. At the time the applicant(s) desire to develop the property, the applicant(s) will be required to submit project plans for review and approval by the Planning Commission.**

11.6.r Residents should be fully informed of annexation activities.

Finding: **Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.**

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: **This annexation consists of 31.59 acres owned by six persons/corporations. The applicant of the annexation encouraged the property owners to the north to join the request for annexation, as the annexation of only a portion of the property would have resulted in the creation of an island. The annexation of all properties will incorporate a larger area into the City and create a more**

acceptable boundary to the south. As additional petitions of annexation are submitted, the annexation of additional property to create a city boundary which follows existing natural barriers and streets will create an even more desirable city boundary.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: **No fiscal impact assessment was conducted for this annexation of 31.59 acres.**

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
11.6.d Boundaries for annexed areas should follow natural corridors.
11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

11.6.g Public services must be able to be provided efficiently in newly annexed areas.
11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

11.6.j Areas currently served by utilities and other public services should be annexed.
11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

11.6.m Promote long-range planning with adjacent jurisdictions.
11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

11.6.o Designate zoning districts for the property during the annexation process.
11.6.p An annexation study should be completed on all annexation proposals.
11.6.q Development proposals require a separate review from the annexation proposals.
11.6.r Residents should be fully informed of annexation activities.
11.6.w Encourage larger annexations to create acceptable boundaries.
11.6.t Conduct a fiscal impact assessments on large annexations.

Fayetteville Fire Department Service Delivery Impact: Zoning Review

July 1, 2005

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year	
ANX 05-1580	Sloan Prop	YES	31.59	5	3.5 miles	6 minutes	6.45 minutes	0	0	0	
ANX 05-1580	Sloan Prop	YES	31.59	3	2.6 miles	4 minutes	4.75 minutes	0	0	0	
RZN 05-1581	Sloan Prop	NO	31.59	5	3.5 miles	6 minutes	6.45 minutes	29	11	17	
RZN 05-1581	Sloan Prop	NO	31.59	3	2.6 miles	4 minutes	4.75 minutes	29	11	17	
RZN 05-1576	Mt Sequoyah	NO		1	0.8 miles	2 minutes	4.00 minutes	0	0	0	*1
RZN 05-1576	Mt Sequoyah	NO		3	1.0 miles	2 minutes	3.25 minutes	0	0	0	*1
R-PZD 05-1555	OakBrook 2	NO	10.47	7	1.1 miles	3 minutes	3.50 minutes	9	4	6	

3 is the proposed Station 3 at Ray and E Huntsville

*1 This property lies in both Station 1 and the Proposed Station 3 first due area. There is no estimate on acreage so the projected Calls for service can not be estimated

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

July 1, 2005

Suzanne Morgan
Associate Planner
City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

Dear Ms Morgan:

This document is in response to the request for a determination of whether the proposed **ANX 05-1580 (Sloan Properties, INC., 609)** and **(RZN 05-1581 (Sloan Properties, INC.,609)** submitted by Raymond Smith for property located at Hunt Lane, south of Arkansas State Highway 16E would substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that although this annexation and rezoning will increase traffic congestion, it **will not** substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger in the area.

Sincerely,

Lieutenant Rob Turberville
Fayetteville Police Department

FAYETTEVILLE POLICE DEPARTMENT
P.O. BOX 1988
FAYETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 479-587-3555 FAX: 479-587-3522

LEGAL CHECK

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS CASE NO. CC 2005-12

FILED
2005 MAY 23 AM 10 21
KAREN COMBS PITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. AR.

ORDER OF ANNEXATION

On this 23 day of May, 2005, this cause comes on to be heard, the Petitioners, Charles W. Sloan, Dale & Linda K, Don & Evadean Osborne, Clifford & Mary Lou Smith, Ozark Electric Cooperative Corp., and Shirley R. Hester, Trustee, represented by their Attorney, Raymond C. Smith of Fayetteville, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and the oral and documentary evidence adduced, the Court being well and sufficiently advised finds:

1. The Petition in this cause was filed April 18, 2005, at which time the Court fixed May 23, 2005 at 10:30 a.m., as the date of hearing for said cause, and that a full thirty days notice of hearing was given as required by law and notice of publication is now on file with the Clerk of this Court and the Court has jurisdiction of this cause.

2. The Court is satisfied that the allegations of the petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed, that the property owners have a freehold interest in the property hereinafter described in the petition and constitutes the real owner of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas in this cause is described as follows:

A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 16 North, Range 29 West and being more particularly described follows: Beginning at a point which is South

COPY

6/9/2005
First submittal: Parcel o.k.
submitted as RZ05-1580

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS CASE NO. CC 2005-12

FILED
2005 MAY 23 AM 10 31
KAREN COMBS PITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. AR

ORDER OF ANNEXATION

On this 23 day of May, 2005, this cause comes on to be heard, the Petitioners, Charles W. Sloan, Dale & Linda K, Don & Evadean Osborne, Clifford & Mary Lou Smith, Ozark Electric Cooperative Corp., and Shirley R. Hester, Trustee, represented by their Attorney, Raymond C. Smith of Fayetteville, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and the oral and documentary evidence adduced, the Court being well and sufficiently advised finds:

1. The Petition in this cause was filed April 18, 2005, at which time the Court fixed May 23, 2005 at 10:30 a.m., as the date of hearing for said cause, and that a full thirty days notice of hearing was given as required by law and notice of publication is now on file with the Clerk of this Court and the Court has jurisdiction of this cause.

2. The Court is satisfied that the allegations of the petition are sustained by the proof, that the limits of the territory to be annexed have been properly filed, that the property owners have a freehold interest in the property hereinafter described in the petition and constitutes the real owner of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas in this cause is described as follows:

A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 16 North, Range 29 West and being more particularly described follows: Beginning at a point which is South

343.33 feet from the Northwest corner of said Northeast Quarter of Southeast Quarter and running thence N 89°59'51" E 1320.53 feet, thence South 213.00 feet, thence S 00°09'05" E 1421.88 feet, thence S 89°59'23" W 662.14 feet, thence S 89°59'23" W 160 feet, thence North 330.00 feet, thence N89°59'23" E 160 feet, thence N 00°04'33" W 858.00 feet, thence S 89°59'31" W 422.46 feet, thence N 00°00'27" W 120.06 feet, thence West 212.00 feet, thence North 114.00 feet, thence West 25.68 feet, thence North 212.94 feet to the point of beginning, containing 31.59 acres, more or less.

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is particularly adapted for urban purposes and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. Sec. 14-40-601, et seq, and this Order shall be duly recorded by the Clerk of Washington County, Arkansas.

COUNTY JUDGE

FILED
2005 APR 18 PM 1 39
KAREN CRAWFORD-CIRCUIT CLERK
CO. & PROBATE COURTS
WASHINGTON COUNTY, AR

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF ANNEXATION
OF CERTAIN LANDS TO THE CITY
OF FAYETTEVILLE, ARKANSAS

CASE NO. CC 2005-12

PETITION FOR ANNEXATION

COMES now, Charles W. Sloan, Dale & Linda King, Don & Evadean Osborne, Clifford & Mary Lou Smith, Ozark Electric Cooperative Corp, and Shirley R. Hester, Trustee, and for their joint Petition for Annexation, state and allege as follows:

1. Petitioners are the record title holders of separate parcels of land contained within the following described real property situated in Washington County, Arkansas:

A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 16 North, Range 29 West and being more particularly described follows: Beginning at a point which is South 343.33 feet from the Northwest corner of said Northeast Quarter of Southeast Quarter and running thence N 89°59'51" E 1320.53 feet, thence South 213.00 feet, thence S 00°09'05" E 1421.88 feet, thence S 89°59'23" W 662.14 feet, thence S 89°59'23" W 160 feet, thence North 330.00 feet, thence N89°59'23" E 160 feet, thence N 00°04'33" W 858.00 feet, thence S 89°59'31" W 422.46 feet, thence N 00°00'27" W 120.06 feet, thence West 212.00 feet, thence North 114.00 feet, thence West 25.68 feet, thence North 212.94 feet to the point of beginning, containing 31.59 acres, more or less.

2. All the above-described property is adjacent to and contiguous to the present boundary line for the City of Fayetteville, Washington County, Arkansas. See survey and description of property, attached hereto as Exhibit "A".

3. The above-described property is suitable for annexation to the City of Fayetteville, Arkansas, and is necessary for the proper growth, prosperity and management of the land and the City of Fayetteville, Arkansas.

4. Pursuant to Arkansas Code Annotated Section 14-40-601 et seq, this Court has jurisdiction over the subject matter herein, and Petitioners request that the above-described real property be annexed in and to the City of Fayetteville, Arkansas.

5. Petitioners further state that Attorney Raymond C. Smith of Fayetteville, Arkansas, is authorized to act for and on behalf of the Petitioners in all matters relating to this Petition and subsequent hearing or annexation proceedings. See Exhibit "B" attached hereto for the authorization.

6. Petitioners request this Court set a date for hearing on this Petition, not less than thirty (30) days subsequent to the filing of this Petition and further hearings or annexation proceedings therewith.

WHEREFORE, Petitioners pray that the above-described real property be annexed to the City of Fayetteville, Washington County, Arkansas, pursuant to the provisions of applicable Arkansas law, subsequent to a hearing thereon as required by law; that this Court, by Order, fix a time and place for said hearing not less than thirty days subsequent to the filing of this Petition; and for all other relief to which the Petitioners may be entitled.

Charles W. Sloan, Dale& Linda King, Don & Evadean Osborne, Clifford & Mary Lou Smith, Ozark Electric Co-Operative Corp. and Shirley R. Hester,
Petitioners

By: _____

Raymond C. Smith
Attorney at Law #80135
70 North College Avenue, Suite 11
Fayetteville, Arkansas 72701
(479) 521-7011

EXHIBIT "B"

AUTHORIZATION

(SEE ATTACHED)

AUTHORIZATION

I(WE), Charles W. Sloan authorize the law firm of Raymond C. Smith, P.A., to act for and on my (our) in all matters relating to Annexation and Rezoning, including but not limited to any and all petitions, applications, hearings and proceedings before or with the City of Fayetteville or with the County Court of Washington County, for the following described real property situated in Washington County, Arkansas, to-wit:

Parcel Number 001-10725-000

Date: April 7, 2005

Charles W. Sloan

_____

AUTHORIZATION

I(WE), Don + Evadian Osborne authorize Attorney Raymond C. Smith, to act for and on my(our) behalf in matters relating to Annexation and Rezoning, including but not limited to all applications, hearings and proceeding before or with the County Court of Washington County and the City of Fayetteville, Arkansas, for the following described real estate situated in Washington County, Arkansas, to-wit:

Parcel Number 001-10724-000

Date: ~~October~~ Nov. 10th, 2004.

Don Osborne

Evadian Osborne

AUTHORIZATION

I(WE), Dale + Linda King authorize Attorney Raymond C. Smith, to act for and on my(our) behalf in matters relating to Annexation and Rezoning, including but not limited to all applications, hearings and proceeding before or with the County Court of Washington County and the City of Fayetteville, Arkansas, for the following described real estate situated in Washington County, Arkansas, to-wit:

Parcel Number 001-10723-000

Date: ~~October~~ Nov 7th, 2004.

Dale King

Linda King

AUTHORIZATION

I(WE), Mary Lu Smith authorize Attorney Raymond C. Smith, to act for and on my(our) behalf in matters relating to Annexation and Rezoning, including but not limited to all applications, hearings and proceeding before or with the County Court of Washington County and the City of Fayetteville, Arkansas, for the following described real estate situated in Washington County, Arkansas, to-wit:

Parcel Number 765-13112-001 ~~001-10922-000~~

Date: ~~October~~ Nov ___, 2004.

Mary Lu Smith

AUTHORIZATION

I(WE), Ozark Electric Cooperation Corp authorize the law firm of Raymond C. Smith, P.A., to act for and on my (our) in all matters relating to Annexation and Rezoning, including but not limited to any and all petitions, applications, hearings and proceedings before or with the City of Fayetteville or with the County Court of Washington County, for the following described real property situated in Washington County, Arkansas, to-wit:

Parcel Number 765-13068-000

Date: April 7, 2005

R & C Signature

ROBERT ERICKSON

AUTHORIZATION

I, Shirley R. Hester, Trustee, **Shirley R. Hester Family Trust,** authorize the law firm of Raymond C. Smith, P.A. to act for and on behalf of the aforesaid Trust and Trustee, in all matters relating to Annexation and Rezoning, including but not limited to any and all petitions, applications, hearings and proceeding before or with the County of Washington, Arkansas, and the City of Fayetteville, for the following described real property situated in Washington County, Arkansas, to-wit:

Part of the NE¼ of the SE¼ of Section 19, Township 16N, Range 29W, consisting of approximately 0.71 acres, mol. Washington County Tax Assessor Parcel Number 001-10720-000, as per Deed recorded with the Circuit Clerk of Washington County, Arkansas, 8/17/04 at 2004-33644

Date: March 17th, 2005

Shirley R. Hester

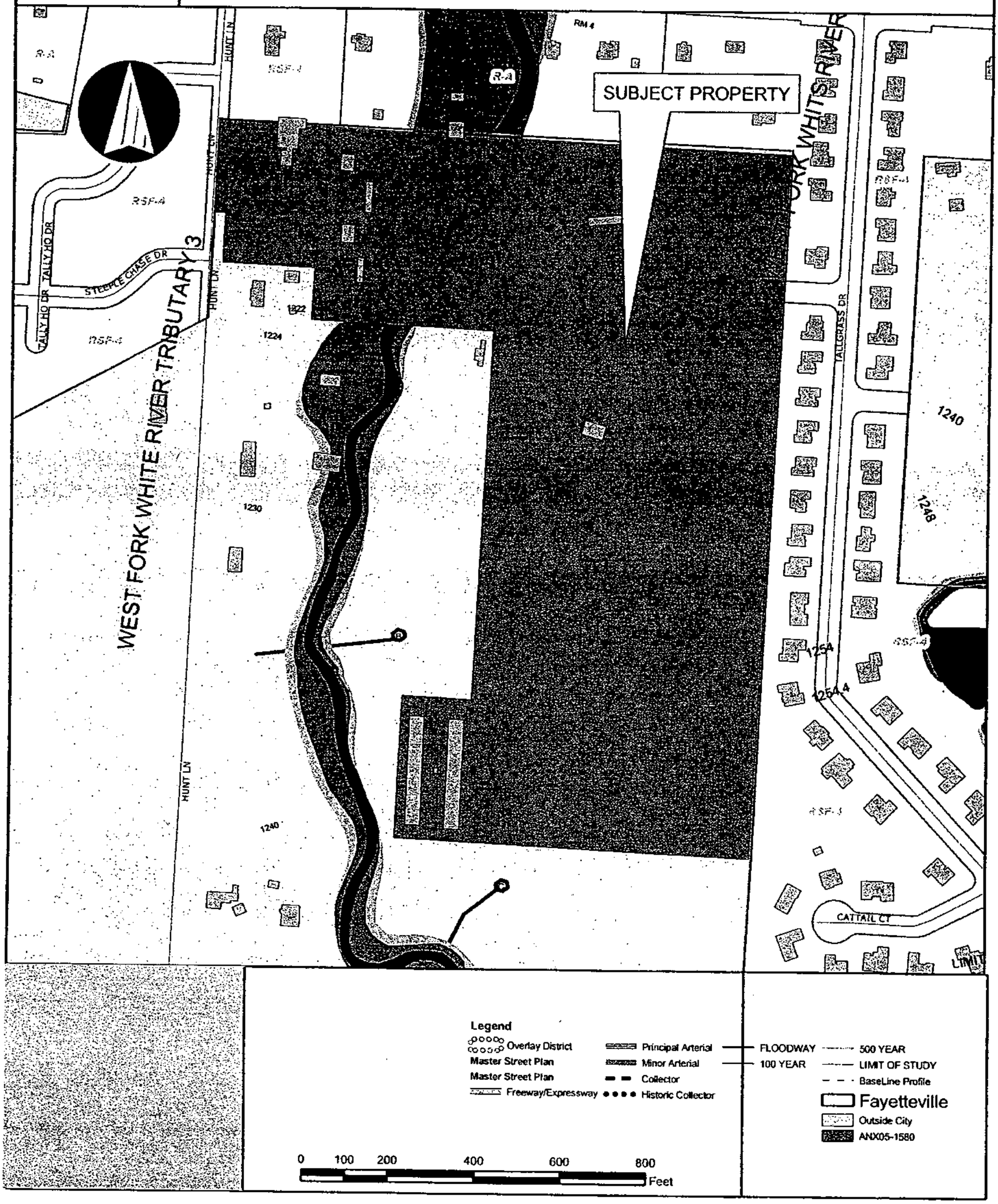
Shirley R. Hester, Trustee
Shirley R. Hester Family Trust

EXHIBIT "A"

ANX05-1580

Close Up View

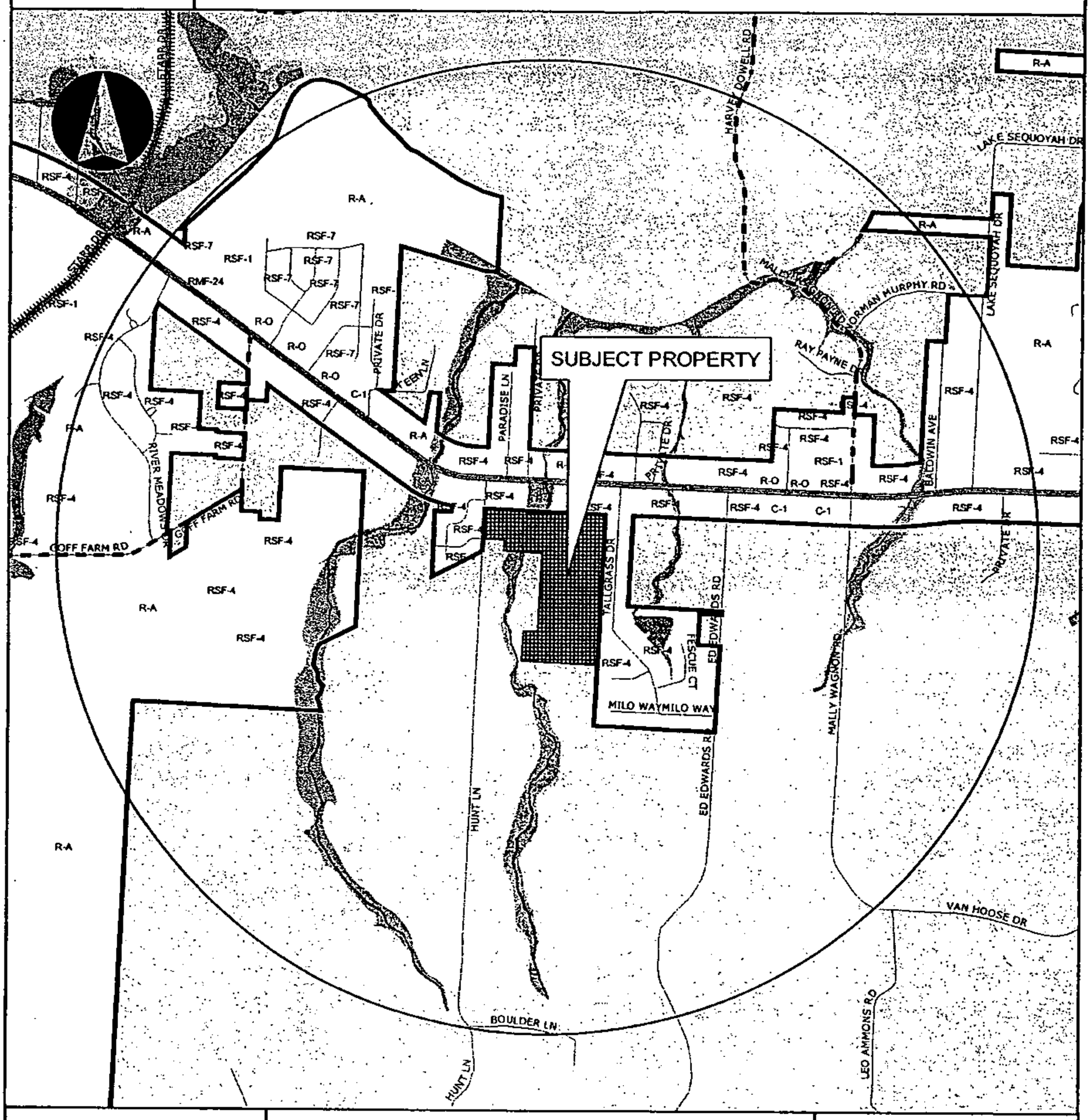
SLOAN PROPERTIES, INC



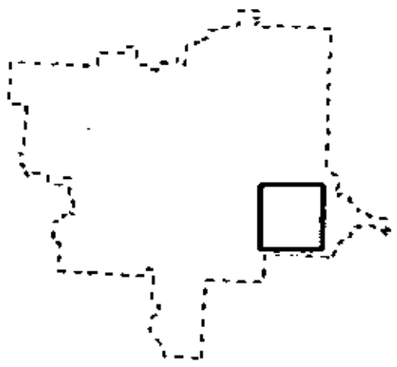
ANX05-1581

One Mile View

SLOAN PROPERTIES, INC



Overview



Legend

Subject Property

ANX05-1580

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

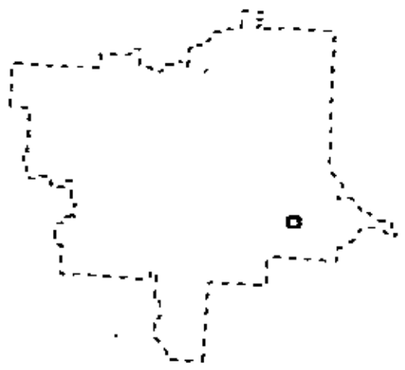
0 0.125 0.25 0.5 0.75 1 Miles

ANX05-1580

Future Land Use

SLOAN PROPERTIES, INC

Overview



Legend

Subject Property
ANX05-1580

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
Outside City

Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 100 200 400 600 800
Feet

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2-Aug-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

ANX 05-1580: (SLOAN PROPERTIES, INC., 609): Submitted by Raymond Smith for property located at Hunt Lane, South of Hwy 16 East. The property is in the Planning Area and contains approximately 31.59 acres. The request is to annex the subject property into the City of Fayetteville.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

SIGN HERE
Department Director — 7-14-05 Date

City Attorney — 7-15-05 Date

Finance and Internal Service Director — 7-15-05 Date

Mayor — 7/15/05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED 7/14/05

Received in Mayor's Office
ENTERED 7-15-05 JWC

Comments:

City Council Meeting of August 02, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 13, 2005

Subject: Rezoning for Sloan Properties, Inc. (RZN 05-1581)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 31.59 acres of property from R-A, Residential-Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

BACKGROUND

The subject property contains 31.59 acres, consisting of all or portions of six legal tracts of property, each owned by a separate individual, corporation, or trust. It is located south of Huntsville Road (Hwy 16 East) and west of Sequoyah Meadows Subdivision. At this time, the property is currently used for agricultural uses with several single family homes located on the property. It is zoned R-A, Residential Agricultural.

The applicant proposes a rezoning of the subject property to facilitate the future development of a residential area at a higher density than that allowed within the R-A zoning district. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre should the preceding annexation request, ANX 05-1580, be approved.

Rezoning this property to allow development of four single family dwellings per acre will not significantly increase the population density in this area. This property is adjacent to two single-family subdivisions within the City, both of which are zoned RSF-4; therefore, development of this property for residential use at four units per acre is consistent with the surrounding development. It is the opinion of the Fayetteville Police Department that this rezoning will not create an undesirable increase on police services. Improvements to water and sewer service, as well as construction of infrastructure adjacent to and within this site will be required at the time of development.

Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

DISCUSSION

This item was heard at the regular Planning Commission on June 11, 2005. The Planning Commission voted 6-0-1 to forward this item to the City Council with a recommendation in favor of the rezoning. Commissioner Anthes abstained from voting on this item.

Public comment was received at the Planning Commission meeting from two adjacent residents who expressed concern regarding the potential increase in traffic on Huntsville Road, the impacts of an increase in density, and questions regarding impact to existing natural features at the time of development.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1581 FOR APPROXIMATELY 31.59 ACRES LOCATED AT HUNT LANE, SOUTH OF HWY 16 EAST FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

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

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

From R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre, as shown on 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 _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

EXHIBIT "A"
RZN 05-1581

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH RANGE 29 WEST AND BEING MORE PARTICULARLY DESCRIBED FOLLOWS:
BEGINNING AT A POINT WHICH IS SOUTH 343.33 FEET FROM THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SOUTHEAST QUARTER AND RUNNING THENCE N89°59'51"E 1320.53 FEET, THENCE SOUTH 213.00 FEET, THENCE S00°09'05"E 1421.88 FEET, THENCE S89°59'23"W 662.14 FEET, THENCE S89°59'23"W 160 FEET, THENCE NORTH 330.00 FEET, THENCE N89°59'23"E 160 FEET, THENCE N00°04'33"W 858.00 FEET, THENCE S89°59'31"W 422.46 FEET, THENCE N00°00'27"W 1320.06 FEET, THENCE WEST 212.00 FEET, THENCE NORTH 114.00 FEET, THENCE WEST 25.68 FEET, THENCE NORTH 212.94 FEET TO THE POINT OF BEGINNING, CONTAINING 31.59 ACRES, MORE OR LESS

DRAFT

Fayetteville
ARKANSAS

PC Meeting of July 11, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: July 6, 2005

RZN 05-1581: Rezoning (SLOAN PROPERTIES INC., 609): Submitted by RAYMOND SMITH for property located at HUNT LANE, S OF HWY 16E. The property is ZONED R-A, RESIDENTIAL AGRICULTURAL and contains approximately 31.59 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.
Property Owners: KING, OSBORNE, SMITH, HESTER, OZARK ELECT, MULLIS
Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
	⊗ Approved	**○ Denied**	
Date: July 11, 2005	Myres/Trumbo 2	6-0-1	
CITY COUNCIL ACTION:	**Required**	**YES**	Anthes - abstain
	○ Approved	**○ Denied**	
Date: August 02, 2005 (1st reading if recommended)			

BACKGROUND:
Property description: The subject property contains 31.59 acres, consisting of all or portions of six legal tracts of property, each owned by a separate individual, corporation, or trust. It is located south of Huntsville Road (Hwy 16 East) and west of Sequoyah Meadows Subdivision. At this time, the property is currently used for agricultural uses with several single family homes located on the property. At this time the subject property is zoned R-A, Residential Agricultural.

Proposal: The applicant intends to develop the property for residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single-Family - 4 units per acre, should the preceding annexation request be approved (see attached letter from the applicant's representative). Those properties currently developed for single family use within this property will be permitted to continue this use within the RSF-4 zoning district. Any

agricultural use on the property which currently exists will become a nonconforming use, but may continue on the property until such time that it has ceased for more than 120 days.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 31.59 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 05-1580, is an accompanying item to this rezoning request.

Recommendation: Staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Residential Single Family	RSF-4, R-A
South	Residential Single Family; pasture	Planning Area
East	Residential Single Family; pasture	RSF-4, Planning Area
West	Residential Single family	RSF-4

INFRASTRUCTURE:

INFRASTRUCTURE:

Streets: Currently the site has access to Hunt lane, and Tallgrass Drive via an existing stub-out, a residential street. Road improvements required for Hunt lane include: dedication of right-of-way and installation of sidewalks per the Master Street Plan, width of paving from centerline to be determined at time of submittal to the Planning Division for subdivision, curb and gutter, and storm drainage. Traffic will exit the development and access Hunstville Road, a Principal Arterial Street.

Surrounding Master Street Plan Streets:
South: Huntsville Rd (Principal Arterial)
East: Hunt Lane (Local Street)
West: Tallgrass Drive (Local Street)

Water: Public water is adjacent to the site. There is an 8" waterline along Hunt Lane and an 8" waterline along Tallgrass Drive. Water service will need to be extended within the property at the time of development connecting the two previously mentioned systems. Long range improvements for the water system include increasing the size of the service line along Huntsville Road to a 12" diameter main.

Sewer: Sanitary sewer is near to the site. There is an 8" sewer main within the development to the west, and an 8" sewer main within the development to the east. Sewer service will need to be extended to, and within, the property at the time of development. An analysis of the downstream sewer system as well as downstream lift stations shall be performed prior to submittal of construction review plans at the cost of the developer.

Drainage: The site is mostly hilltop land with some areas witch contain 15% or greater slopes. There appears to be a creek through the site that does contain floodplain and floodway. Runoff from the site is split down the bulk of the property flowing overland to the east, and west to the creek. Drainage from the site flows northward until it reaches the West Fork of the White River. Additional measures may be required as the property develops and permanent features put in place to protect the creek and restrict the runoff to pre-developed conditions.

Fire: The subject property is located approximately 3.5 miles from the Fire Station #5. Response time to the property is 6 minutes with a projected response time at full build-out to be approximately 6.45 minutes with 29 annual calls for service. This does not take into account the decreased response time for the future Fire Station at the Tyson complex on Huntsville Road (proposed Fire Station #3), which is 4 minutes from subject property.

Police: It is the opinion of the Fayetteville Police Department that this annexation **will not** substantially alter the population density or create an undesirable increase the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: **The proposed RSF-4 zoning for a Single family residential use is compatible with adjacent and nearby single family residential land use. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning.**

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

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A subdivision with density compatible to those surrounding subdivisions within the City could not be developed as it is currently zoned. A higher density than the R-A zoning district is appropriate in this area, and would provide compatibility with adjoining developments that are zoned RSF-4. Some of the properties within the requested rezoning are partially within the City at this time. Of those properties, several are zoned RSF-4, while others are zoned R-A. Rezoning to RSF-4 will be compatible with the surrounding zoning districts and uses, and any agricultural use could remain as a nonconforming use until such time that the activity ceases for more than 120 days.**

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

Finding: **The additional density will create an increase in the amount of traffic currently utilizing Huntsville Road, Hunt Lane, and Tallgrass Drive. Connectivity between this property and surrounding properties shall be evaluated at the time of development to ensure adequate vehicular circulation. The several existing streets that surround the property will allow traffic to disperse in an efficient manner and lessen any negative affects from the addition of vehicular traffic in this area. The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of traffic danger and congestion in the area.**

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

Finding: **The proposed zoning would increase population density. Under an R-A, Residential Agricultural designation, the 31.59-acre tract would allow for a maximum of 15 dwelling unit (1 unit / 2 acres). With the proposed RSF-4 designation, 126 dwelling units would be permitted, with a projected total of 278 future residents in this area. Rezoning the property increases the possible number of residential units and population than that which would be allowed in the R-A zoning district, but is consistent with land use, zoning, and development patterns in the immediate vicinity.**

Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: **N/A**

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1.	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half

(D) Bulk and area regulations.

Lot width minimum	200 ft.
Lot Area Minimum: Residential: Nonresidential:	 2 acres 2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

Fayetteville Fire Department Service Delivery Impact: Zoning Review											
July 1, 2005											
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year	
ANX 05-1580	Sloan Prop	YES	31.59	5	3.5 miles	6 minutes	6.45 minutes	0	0	0	
ANX 05-1580	Sloan Prop	YES	31.59	3	2.6 miles	4 minutes	4.75 minutes	0	0	0	
RZN 05-1581	Sloan Prop	NO	31.59	5	3.5 miles	6 minutes	6.45 minutes	29	11	17	
RZN 05-1581	Sloan Prop	NO	31.59	3	2.6 miles	4 minutes	4.75 minutes	29	11	17	
RZN 05-1576	Mt Sequoyah	NO		1	0.8 miles	2 minutes	4.00 minutes	0	0	0	*1
RZN 05-1576	Mt Sequoyah	NO		3	1.0 miles	2 minutes	3.25 minutes	0	0	0	*1
R-PZD 05-1555	OakBrook 2	NO	10.47	7	1.1 miles	3 minutes	3.50 minutes	9	4	6	
3 is the proposed Station 3 at Ray and E Huntsville											
*1 This property lies in both Station 1 and the Proposed Station 3 first due area. There is no estimate on acreage so the projected Calls for service can not be estimated											

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS — POLICE DEPARTMENT

July 1, 2005

Suzanne Morgan
Associate Planner
City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701

Dear Ms Morgan:

This document is in response to the request for a determination of whether the proposed **ANX 05-1580 (Sloan Properties, INC., 609)** and **(RZN 05-1581 (Sloan Properties, INC.,609)** submitted by Raymond Smith for property located at Hunt Lane, south of Arkansas State Highway 16E would substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that although this annexation and rezoning will increase traffic congestion, it **will not** substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger in the area.

Sincerely,

Lieutenant Rob Turberville
Fayetteville Police Department

FAYETTEVILLE POLICE DEPARTMENT
P.O. BOX 1988
FAYETTEVILLE, ARKANSAS 72702-1988

(DELIVERIES) POLICE: 100-A WEST ROCK STREET 72701
JAIL: 140-A WEST ROCK STREET 72701
PHONE: 479-587-3555 FAX: 479-587-3522

CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES

Assessor's Parcel Numbers 765-10725; 001-101724-000; 001-10723-000; 765-13068-000; 001-10722-000; 001-10721-000; 001-10720-000; 001-10719; and 001-10735-000, are part of NE¼ of SE¼ and part of SE¼ of SE1/4 of Section Nineteen (19) , T16N, R29W 31.59 acres, more or less. There are no proposed or pending property sales for this property.

REASON FOR REQUESTED ZONING CHANGE

Parcel Numbers 765-10725-000; 001-10724-000; 001-10723-000; 765-13068-000; 001-10722-000; 001-10721-000; 001-10720-000; 001-10719-000; and 001-10735-000 are currently zoned A-1 and will be annexed into the City of Fayetteville and zoned as R-A, It is proposed to re-zone 31.29 acres of the parcels to RSF-4 for development into a single family residential subdivision.

LAND DEVELOPMENT

The development of this property is consistent with the land use of the residential areas surrounding the proposed development with slight increase in vehicle traffic.

WATER/SEWER ACCESS

.An 3" water line is available on the North West end of the property on Hunt Lane and an 8" water line is situated along Tall Grass Drive on the East side of the property. An 8" sewer line extends along the East side of the property along Tall Grass Drive.

DEGREE TO WHICH THE PROPOSED ZONING IS CONSISTENT WITH LAND USE PLANNING OBJECTIVES, PRINCIPLES AND LAND USE AND ZONING PLANS

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

WHETHER THE PROPOSED ZONING IS JUSTIFIED AND/OR NEEDED AT THE TIME THE REZONING IS PROPOSED

The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City of Fayetteville. Zoning this property as RSF-4 is consistent with surrounding subdivision.

WHETHER THE PROPOSED ZONING WOULD CREATE OR APPRECIABLY INCREASE TRAFFIC DANGER AND CONGESTION

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

WHETHER THE PROPOSED ZONING WOULD ALTER THE POPULATION DENSITY AND THEREBY UNDESIRABLY INCREASE THE LOAD ON PUBLIC SERVICES INCLUDING SCHOOLS, WATER, AND SEWER FACILITIES

This increase is not expected to undesirably increase the load on public services including schools, water and sewer facilities. Improvements planned to the Fayetteville overall wastewater treatment system and the coming on line of the new wastewater treatment facility on the western side of Fayetteville should adequately provide services to the sub-division.

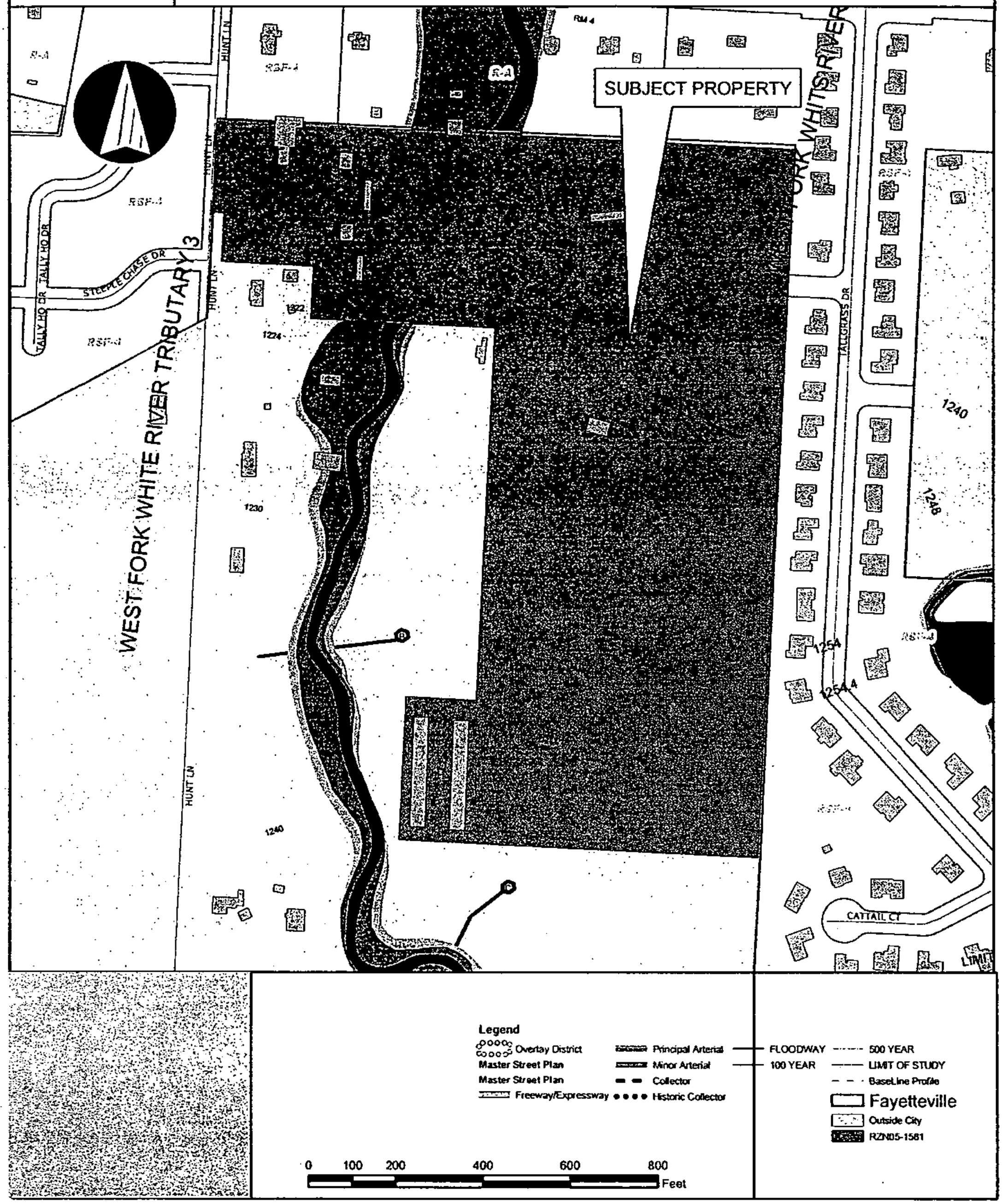
WOULD IT BE IMPRACTICAL TO USE THE LAND FOR ANY OF THE USES PERMITTED UNDER ITS EXISTING ZONING CLASSIFICATION

This property is presently in the county but within the Fayetteville Growth Area. It would be impractical to maintain the A-1 or R-A zoning since it would be inconsistent with the surrounding areas already zoned as residential subdivisions,

RZN05-1581

Close Up View

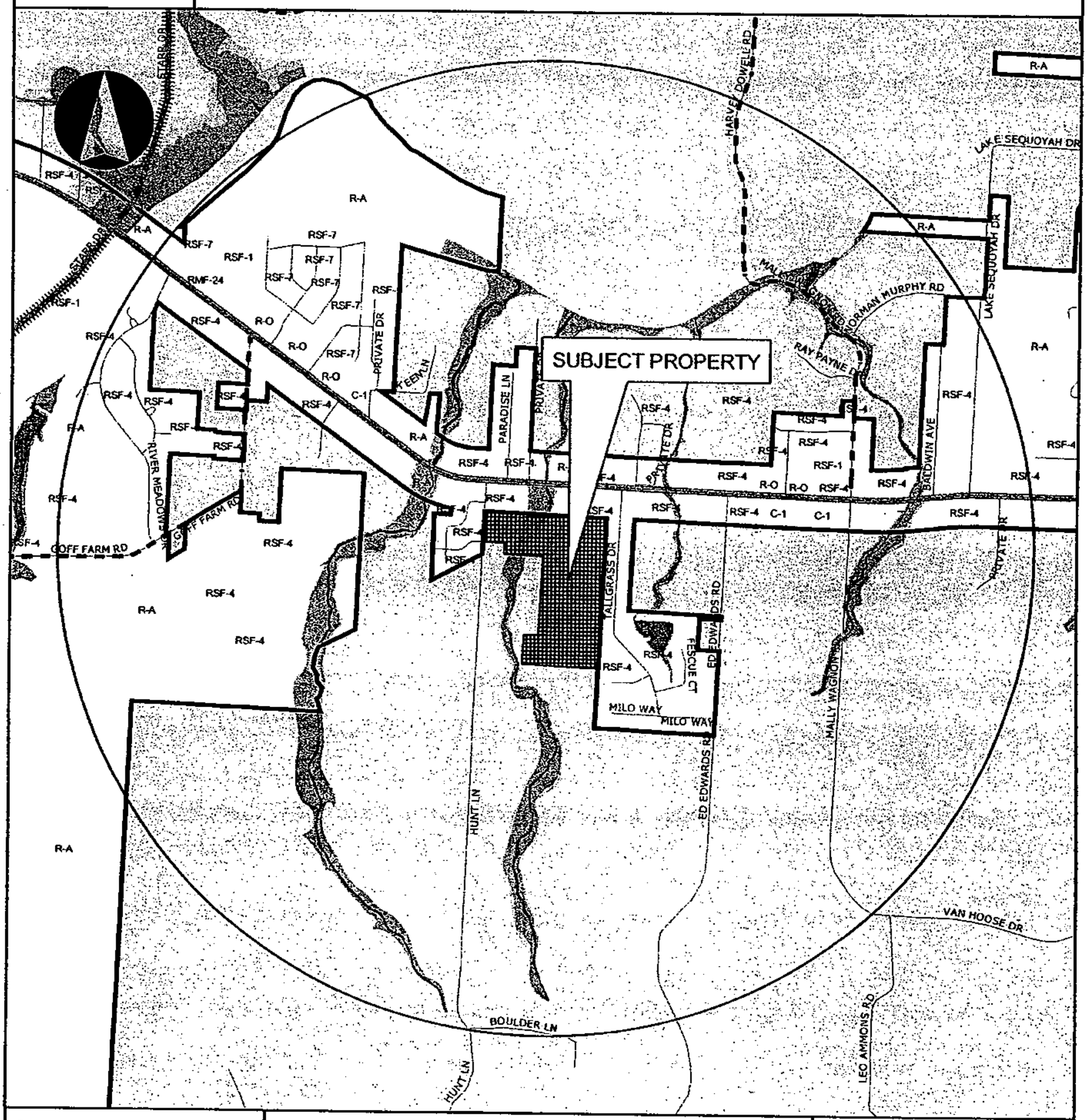
SLOAN PROPERTIES, INC



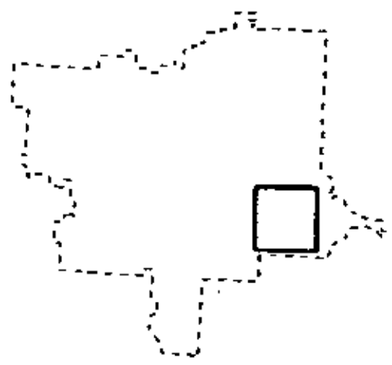
RZN05-1581

One Mile View

SLOAN PROPERTIES, INC



Overview



Legend

Subject Property

RZN05-1581

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

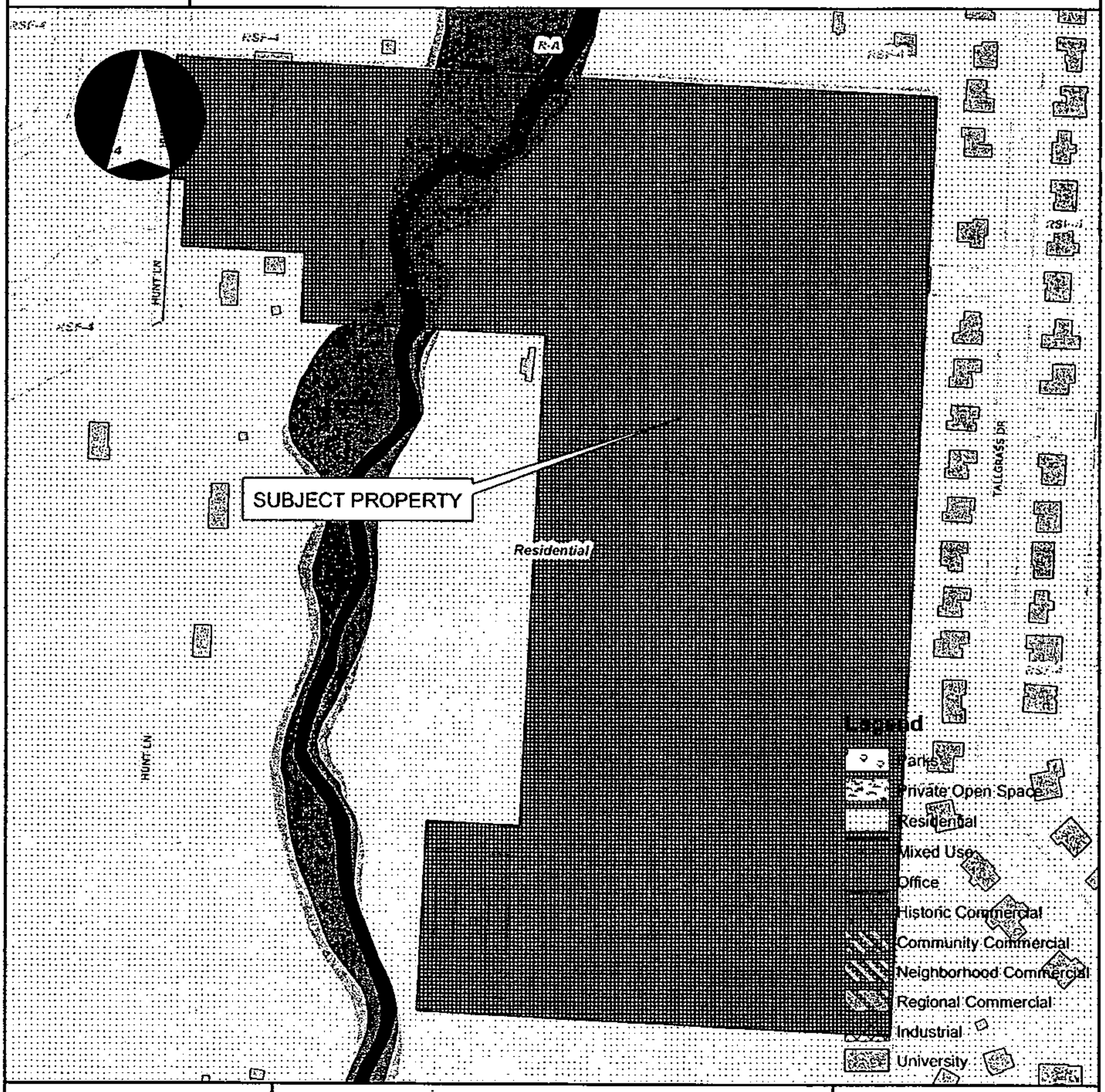
Historic Collector

0 0.125 0.25 0.5 0.75 1 Miles

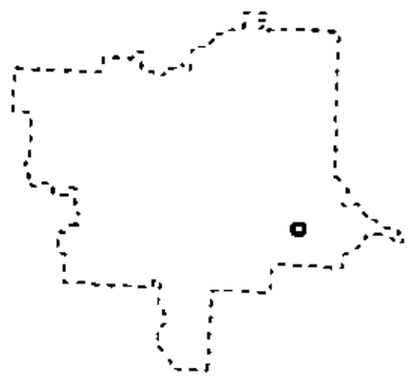
RZN05-1581

Future Land Use

SLOAN PROPERTIES, INC



Overview



Legend

Subject Property

RZN05-1581

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 100 200 400 600 800

Feet

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2-Aug-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 05-1581: (Sloan Properties, Inc., 609): Submitted by Raymond Smith for property located at Hunt Lane, South of Hwy 16 East. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 31.59 acres. The request is to rezone the subject property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-14-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 7-15-05

Finance and Internal Service Director — 7-15-05 Date

Received in City Clerk's Office ENTERED 7/14/05

Mayor — 7/15/05 Date

Received in Mayor's Office ENTERED 7-15-05

Comments:

City Council Meeting of August 02, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: July 13, 2005

Subject: Residential Planned Zoning District for Oakbrooke Subdivision, Phase II (R-PZD 05-1555)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Oakbrooke Subdivision, Phase II. This action will establish a unique zoning district for a residential subdivision on a 11.506-acre tract located west of Rupple Road. The proposal consists of 41 single family lots with attached and detached residential dwelling units, as well as three lots allowing mixed use.

BACKGROUND

The property consists of a total of 11.506 acres located west of Rupple Road, south of Mount Comfort Road. The property is mainly large open pasture and developed for one single family residence. This area was incorporated into the City of Fayetteville in August of 2004 with the annexation of all islands of County property. The property is zoned RSF-1 and is located adjacent to undeveloped property to the north. Planned subdivisions are located to the south and there is existing residential development to the east and west. The applicant has submitted a request for approval of a Residential Planned Zoning District to the west and south of this property.

The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family development with traditional American style bungalows and American tudor houses encouraged consisting of 41 single family dwelling units. All lots will have a front building setback that is a build-to line, on which all homes will be constructed, where possible. Common drives and driveways with a 3' grass separation between strips of concrete will be encouraged, and detached garages are proposed. Of the 41 lots, 22 lots are to be single family detached units. The remaining 19 lots on the western and northern portion of the property may be constructed as either single family detached dwellings or townhomes with either two or three attached units. The 8 lots located along the western property line will have rear alley access, and corresponds with the lots on Phase I.

Lot 24 is proposed to be owned by the Property Owner's Association and utilized for a club house or other supporting non-residential use. The applicant has requested that those use units allowing Eating Places and Neighborhood Shopping be permitted on this lot and two adjacent lots to the east (lots 24-26). Specific conditions to maintain the integrity of the overall development are recommended in the staff report.

DISCUSSION

The Planning Commission voted 7-0-0 in favor of this request on Monday, July 11, 2005. Approval of a Planned Zoning District requires City Council approval as it includes zoning (land use) as well as development approval (preliminary plat). Recommended conditions were approved by the Planning Commission, which are reflected in the attached staff report. Additionally, staff has made some minor alterations to the conditions to reflect the intended rezoning request.

Public discussion included comments regarding the density of the proposed development.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1555, OAKBROOK PHASE II, LOCATED WEST OF RUPPLE ROAD AND EAST OF BRIDGEPORT PHASE II, CONTAINING APPROXIMATELY 11.5 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION.

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

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

From RSF-1, Residential Single Family, 1 unit per acre, to R-PZD 05-1555 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. **That the change in zoning classification is based upon the approved master development plan and development standards as shown on the preliminary plat and all conditions of approval determined appropriate and approved by the Planning Commission on July 11, 2005.**

Section 3: **That this ordinance shall take effect and be in full force at such time as all of the requirements of the development plan have been met.**

Section 4. **That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.**

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By:_____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT

EXHIBIT "A"
R-PZD 05-1555

A PART OF THE SOUTH HALF (S1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE FRACTIONAL SECTION 1, TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY ONE (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID EIGHTY (80) ACRE TRACT, AND CONTINUING THENCE N02°17'42"E 1069.16 FEET, THENCE S87°49'42"E 428.22 FEET, AND THENCE S87°09'15"E 271.79 FEET TO THE POINT OF BEGINNING; THENCE S87°09'15"E 1132.44 FEET; THENCE S08°18'00"W 225.89 FEET; THENCE N87°00'35"W 354.57 FEET TO A FOUND IRON PIN; THENCE S02°48'25"W 146.65 FEET TO A FOUND IRON PIN; THENCE N87°10'22"W 327.79 FEET TO A FOUND IRON PIN; THENCE S02°50'14"W 253.09 FEET; THENCE N87°22'17"W 28.37 FEET; THENCE S02°49'27"W 216.23 FEET; THENCE N87°10'33"W 118.38 FEET; THENCE N81°31'56"W 50.29 FEET; THENCE N87°42'18"W 109.00 FEET; THENCE N02°17'42"E 452.00 FEET; THENCE N87°42'18"W 115.00 FEET; THENCE N02°17'42"E 385.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.506 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

DRAFT

Fayetteville
ARKANSAS

PC Meeting of July 11, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Subdivision Committee Members
FROM: Suzanne Morgan, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~July 6, 2005~~ *July 13, 2005*

R-PZD 05-1555: Residential Planned Zoning District (OAKBROOK PHASE II, 361): Submitted by MEL MILHOLLAND for property located W OF RUPPLE RD & E OF BRIDGEPORT PH. II. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 11.506 acres. The request is to approve a residential subdivision with 22 single family and 19 townhouse lots proposed.

Property Owner: TRACY HOSKINS Planner: SUZANNE MORGAN

Findings:

Property Description: The property consists of a total of 11.506 acres located west of Rupple Road, south of Mount Comfort Road. The property is mainly large open pasture and developed for one single family residence. This area was incorporated into the City of Fayetteville in August of 2004 with the annexation of all islands of County property. The property is zoned RSF-1 and is located adjacent to undeveloped property. The applicant has submitted a request for approval of a Residential Planned Zoning District to the west and south of this property.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Pasture; single family residence	R-A, RSF-1
South	Oakbrooke Ph. I (proposed)	RSF-4 & RSF-1
East	Single family homes	RSF-1
West	Oakbrooke Ph. I (proposed)	RSF-4, RSF-1

Proposal: The applicant requests a rezoning and preliminary plat approval for a residential subdivision within a unique R-PZD zoning district. The proposed use of the site is for a single family development with traditional American style bungalows and American tudor houses encouraged consisting of 41 single family dwelling units. All lots will have a front building setback that is intended to be a build-to line, on which all homes must abut, where possible. Common driveways are encouraged, based on information provided in the covenants. ~~All driveways will be required~~ *Driveways are encouraged* to be constructed as two narrow strips of

concrete for access with a 3-foot greenspace between (outside of the right-of-way), and detached garages are proposed. Of the 41 lots, 22 (lots 1-13, 25-33) are to be single family detached units. The remaining 19 lots on the western and northern portion of the property may be constructed as either single family detached dwellings or townhomes with either two or three attached units. The 8 lots located along the western property line will have rear alley access. This private alley is 20' wide with a 12' one-way access road.

To further clarify "townhome," it is a: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. *(Source: mortgagewarehousemb.com)* A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own (if you don't own the land, it is a **condominium**).

Process: The property on which this subdivision has been submitted consists of all and parts of several tracts of property. The applicant has submitted a property line adjustment to create a legal tract of land consisting of 11.506 acres. Revisions for the property line adjustment are being made at this time. ~~The property line adjustment shall be filed prior to City Council consideration of this requested R-PZD.~~ *A property line adjustment has been filed to create a legal tract of land on which this R-PZD is being processed.* Approval of this R-PZD will allow the developer to install the required infrastructure. With final plat approval, the property will be subdivided and the property will be developed with unique development and zoning requirements.

The following bulk and area regulations are proposed by the applicant:

ZONING CRITERIA: R-PZD 05-1463 Oakbrooke Subdivision, Phase II

(A) *Proposed Uses.*

Lot Number	Use Unit	Type of Use
1-41	Unit 1	City-wide uses by right
1-41	Unit 2	City-wide uses by conditional use
24-26	Unit 4	Cultural and Recreational Facilities
1-41	Unit 8	Single-family dwelling
14-18; 19-24; 34-41	Unit 9	Two-family dwelling
34-41	Unit 10	Three-family dwelling
1-41	Unit 24	Home Occupations
24-26	Unit 13	Eating Places
24-26	Unit 15	Neighborhood Shopping

All other uses allowed within the R-PZD zoning district shall not be permitted.

(B) *Density.*

	For entire Subdivision
Units per acre	41 units/11.506 acres = 3.56 units/acre

*The property is currently zoned RSF-1.

(C) *Bulk and area regulations.*

	Single-family dwellings	**Two-family dwellings**	**Two-family dwellings**	**Other uses (Lots 24-26)**
Lot minimum width	47 feet minimum per dwelling/lot	47 feet minimum per dwelling/lot	47 feet minimum per dwelling/lot	61 feet minimum
Lot area minimum	5000 SF minimum per dwelling/lot	5000 SF minimum per dwelling/lot	5000 SF minimum per dwelling/lot	12,000 SF
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.	5000 SF minimum (or one lot)	5000 SF minimum (or one lot)	12,000 SF

(D) *Setback requirements.*

Building setbacks vary. **(See chart on plat for specific lot setbacks)**

Front Building Setback: All lots have a 14' front building setback, which is also a build-to line. Therefore, all structures permitted shall be built no more than 14' from the right-of-way, where possible.

Rear Building Setback: Range from 10' to 20' (See plat for complete chart)

Side Building Setback: Range from 0' to 10'. *All single family detached or row of townhomes permitted on these lots shall have a separation that meets building code requirements.*

(E) *Height and Width.* Maximum 56.5' height to allow for three-story structures.

(F) *Building area.* On any lot the area occupied by all buildings shall not exceed 60% on lots 1-33 and 95% on lots 34-41.

Water & Sewer: Water and sewer lines are being extended to serve the development.

Access: Access is provided from Rupple Road and from several proposed streets within Oakbrooke Phase I:

North: Stub-out to vacant property
South: From Oakbrooke Phase I
East: Rupple Road, a Minor Arterial
West: From Oakbrooke Phase I

Interior to the project, public streets are being provided. Most are 50' rights-of-way, with one 42' right-of-way (Street D). Sidewalks are located on both sides of each public street.

Adjacent Master Street Plan Streets: Rupple Road (Minor Arterial)

Street Improvements: Staff recommends the following:

- An assessment for improvements along Rupple Road frontage to include street 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.
- Off-site assessment for Rupple Road Bridge over Hamestring Creek.

Tree Preservation:

Existing:	1.1%
Preserved:	0.8%
Mitigation:	Six trees, on-site

Parks: The Parks and Recreation Advisory Board recommended accepting money in lieu of land for 78 Single Family Units on March 7, 2005. On April 4, 2005 the Parks and Recreation Advisory Board reviewed this development again with the addition of 25 single family units within phase II. The new recommendation was accepting money in lieu of land for 103 single family units for phase I & II. This Phase of the development consists of 41 single family lots and requires payment of $22,755 prior to final plat approval.

Public Comment: Staff has received numerous calls from surrounding property owners throughout the last few months with questions and concerns regarding the proposed density and type of use and construction. These comments have been in regard to Phase I and Phase II of the Oakbrooke Subdivision.

Recommendation: Staff recommends the Planning Commission forward **R-PZD 05-1555** to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions of approval:

Conditions of Approval:

1. Approval of construction plans for Oakbrooke Phase II are contingent upon approval for construction plans of Oakbrooke Subdivision Phase I.

2. The final plat of Phase II may not be approved and filed until the necessary infrastructure is installed to provide water, sewer, public access and other ordinance requirements to all lots. If the project is contingent upon off-site water or sewer extensions, the applicant shall be responsible for extending said lines and obtaining the necessary easements to do so.

3. Planning Commission determination of offsite bridge assessments. *Staff recommends that the developer be proportionately assessed for the future construction of a bridge on Rupple Road in the amount of* **$2,788.17** *based on the projected impact of the 41-lot development upon existing infrastructure.* **PLANNING COMMISSION DETERMINED IN FAVOR OF A BRIDGE ASSESSMENT.**

4. The developer shall be responsible to pay an assessment for improvements along the frontage of Rupple Road to include 14' street from centerline, curb and gutter, a 6' sidewalk at the right-of-way per Master Street Plan requirements, and storm drainage in the amount of **$15,900** prior to recordation of the final plat. **PLANNING**

COMMISSION DETERMINED IN FAVOR OF AN ASSESSMENT FOR STREET IMPROVEMENTS.

5. A property line adjustment to create a legal tract of land on which this R-PZD is proposed shall be filed prior to City Council consideration of this project. **A PROPERTY LINE ADJUSTMENT HAS BEEN FILED AT THE WASHINGTON COUNTY CIRCUIT CLERK'S OFFICE.**

6. All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.

7. Interior streets shall be constructed to City of Fayetteville Master Street Plan standards and specifications, with 28 or 24 foot wide streets (as indicated on the plat) and four-foot sidewalks on both sides, located at the right-of-way line.

8. A minimum separation of five feet from the property line shall be enforced for all curb cuts onto the public streets, pursuant to city ordinance. All curb cuts/driveway approaches and sidewalk construction through the driveways shall meet City of Fayetteville Standards. The width of individual curb cuts shall not exceed 12 feet.

9. Common driveways are encouraged. If common driveways are utilized between two property owners, the drive may be constructed on the property line.

10. Beyond the right-of-way, residential driveways are encouraged to utilize the proposed three-foot green strip centered between concrete strips, to allow for increased greenspace and add to the character of the development *(see attached draft covenants)*.

11. Allowed uses, bulk and area, setback, height, lot area and width, and building area criteria shall be enforced as noted within the staff report "Zoning Criteria" sections A-F, as noted above. Said information shall be included on the Final Plat.

12. Lots 34-41 shall have rear vehicular access from the alley only. Lot 14 shall not access directly onto Rupple Road.

13. The maximum number of dwelling units is 41 units.

14. There shall be a maximum building area of 60% for lots 1-33 and maximum building area of 95% for lots 34-41.

15. Lot 26, reserved for the POA as a potential club house, shall be the responsibility of the Property Owner's Association or other designated person. New development on this lot (or other lots to be utilized for non-residential use) shall be in conformance with the use units listed, and, if applicable, shall require large scale development approval.

16. Future non-residential development shall comply with the minimum standards for development in the Unified Development Code. Structures proposed shall be reviewed

to ensure appropriate architectural compatibility with adjoining residential uses is maintained, including the incorporation of elements such as materials, roof pitches, porches, patios, etc.

17. Payment of Park fees in the amount of **$22,755** shall be submitted prior to the application of signatures to the final plat.

18. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of **(6) 2-inch caliper large species trees**. A planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat.

19. Mitigation trees shall be located throughout the site; a detailed tree planting plan shall be submitted at the time of final plat for review and approval by the Landscape Administrator.

20. The plans need to indicate the tree preservation fencing around the dripline of the protected trees. Tree Preservation Plans shall be submitted with all revisions in order for this item to be forwarded to the City Council for review.

21. Specific notes shall be included on the construction plans for the protection of all off-site trees that are in close proximity to the subdivision, due to the proximity of construction of the proposed sewer line. If any off-site trees are damaged or removed during construction, mitigation shall be the responsibility of the developer at the time of Final Plat. Consult the standard notes for tree protection currently on the plans.

22. The building setback chart indicates a 20' rear building setback for Lot 7. Revise the plat to reflect this dimension. **PLAT HAS BEEN REVISED.**

23. The following mistakes are in the building setback chart: Lot 19 side right setback needs to be modified to 10 feet. Reverse the left/right side setbacks on Lot 24. Reverse the back/side left setbacks on Lot 33. Revise the order of the chart such that all lot numbers are listed consecutively. **PLAT HAS BEEN REVISED.**

24. Modify the "Other Uses" column in the Bulk and Area Regulations chart (see staff report). The applicant has modified the request to allow Use Units 4, 13, and 15 on lots 24-26. **PLAT HAS BEEN REVISED.**

25. The Street Information chart references Street Entrance 'F'. Please clearly identify "Entrance 'F'" on the plat and revise the street width in the chart to 20'. **PLAT HAS BEEN REVISED.**

26. There are two Permitted Uses charts on the plat. Remove the "Proposed Uses" chart which references the inaccurate lot numbers. Revise the Use Unit numbers to correspond with the correct use description and the name of Use Unit 15 within the

"Permitted R-PZD Uses" chart on the plat. Use units must be determined at this time of rezoning. **PLAT HAS BEEN REVISED.**

27. ALL REVISIONS TO THE PLAT, INCLUDING THE CLARIFICATION OF USE UNITS AND ZONING CRITERIA TO BE ADDED TO THE PLAT SHALL BE REVISED AND SUBMITTED BEFORE THIS ITEM WILL BE SUBMITTED TO THE CITY CLERK'S OFFICE FOR REVIEW BY THE CITY COUNCIL. **ALL REQUESTED REVISIONS HAVE BEEN MADE.**

Standard Conditions of Approval:

28. 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)

29. 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.

30. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.

31. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

PLANNING COMMISSION ACTION: **__yes__ Required**

_____Approved _____Denied

Date: June 27, 2005

Comments:

_____

_____

_____

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

_____ _____

By **Date**

Findings associated with R-PZD 05-1555

Sec. 166.06. Planned Zoning Districts (PZD).

(B) *Development standards, conditions and review guidelines*

(1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. Creating a unique subdivision with a mixture of lot sizes, housing types, and uses (residential, eating places, neighborhood shopping, etc.) that are compatible with the surrounding developments, and preservation of natural features on the property has been achieved. The total density of this development is comparable to the surrounding developments, zoned RSF-4; however, several lot sizes within this proposed subdivision are smaller and resemble those subdivisions within and near the downtown area. Additionally, the proposal has designated areas adjacent to undeveloped properties to be developed as slightly larger lots, with smaller detached single family and two- and three-family lots clustered on the eastern portion of the property. The streets within this proposed subdivision will allow for connectivity from Oakbrooke Phase I to the west to Rupple Road. No connections are proposed from this development to undeveloped properties to the north and southeast; however, the proposed Street "F" to Rupple Road will create street frontage for the property to the southeast, and connectivity to the north is provided for in Phase I of this subdivision. The proposed subdivision open space, a unique style of housing types, use units, building placement and lot pattern will benefit the health, safety, amenity and welfare of the community as a whole.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and

quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is not required as a part of this development.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Internal streets are comprised of public streets within 50 feet and 42 feet rights-of-way, with appropriate connectivity proposed. A north-south Minor Arterial Street is indicated adjacent to the east property line, within a minimum of 45 feet of right-of-way from centerline. All proposed streets meet City design requirements. The applicant does propose an island at the intersection of Street F and Rupple Road. The plat has been revised to provide 20' width between the street curb and island to comply with City of Fayetteville Fire Code requirements. Although most lots will be accessed from the public street, a row of lots along the western edge of the property will be accessed by way of a private alley which is located in Phase I of Oakbrooke Subdivison. This will be a unique feature among all surrounding developments and within the subdivision itself, emphasizing an older pattern of development typically seen in more traditional neighborhood developments. Staff finds the connectivity proposed from this property to surrounding properties adequate.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Standard parking ratios for single family units (2 spaces per unit/dwelling) is enforced. Although some of the dwellings within this development may be attached, they are utilized for a single family on a distinct lot and are required to comply with the single family dwelling parking lot requirements. (See specific conditions of approval regarding driveway construction in the staff report.) All parking areas on properties developed for commercial/retail use shall comply with the City's Parking Lot ordinance requirements.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The development does not provide any open space for the residents, as all lots are to be utilized for residential or compatible recreational, eating or shopping uses. A considerable amount of open space has been set aside for residents in Phase I of this subdivision.

(6) *Sidewalks.* As required by §166.03.

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior streets; money in lieu of construction of a six-foot sidewalk required on the side of the Collector Street adjacent to the subject property shall be required prior to approval of the final plat.

(7) *Street Lights.* As required by §166.03.

FINDING: All street lights installed shall be pursuant to the above-referenced code section, with a maximum of 300 feet spacing on all streets.

(8) *Water.* As required by §166.03.

FINDING: Public water is being provided to the project site, pursuant to city code.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer is being provided to the project site, pursuant to city code.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii)All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public streets for the proposed development are indicated to be constructed according to the adopted standards of the City. The applicant is providing a 20' private alleyway with a paved drive 12' in width in Phase I of Oakbrooke Subdivision to provide alley access to lots 34-41.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

(12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: Staff recommends approval of the Tree Preservation Plan, with a total of 0.8% tree canopy preserved; the site currently has 1.1% existing tree canopy and 1.1% is required to be preserved.

(13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: N/A

(14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

(1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that_the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the

event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.

(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, while also providing a development that is compatible with surrounding residential subdivisions and providing a potential place of for recreation, eating and neighborhood shopping on three lots (1.74 acres) within Phase II of the development. The development will offer attached and detached single family housing types, with street or alley access to those lots on which townhouses are permitted, and require homes to be built a maximum 14' from the front property line, where possible, with detached garages to be accessed by strips of concrete to reduce the amount of impervious surface. These development standards will result in the creation of a unique character in this area. Open space is not proposed within this phase of the subdivision, but has been provided in Oakbrooke Phase I, located east of the proposed subdivision. Staff finds that the proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

Community Character:

9.19.g Encourage new residential development to incorporate varying lot sizes, home prices and types of dwelling units.

Neighborhood Commercial Areas:

9.12.d Provide commercial uses that are accessible for the convenience of individuals living in residential districts.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The subject described real property is proposed to be rezoned to R-PZD 05-1555. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for

predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed Residential Planned Zoning District allows single-family lot development in the form of single-family detached, two-family and three-family residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities in Phase I of the propose subdivison. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very unique style and type of development. Public improvements provided within the development will ensure future street connectivity and extension of public services to adjacent undeveloped properties.

(2) Permitted uses.

Unit 1 City-wide uses by right
Unit 2 City-wide uses by conditional use permit
~~Unit 3 Public protection and utility facilities~~
Unit 4 Cultural and recreational facilities*
~~Unit 5 Government facilities~~
Unit 8 Single-family dwellings
Unit 9 Two-family dwellings**
Unit 10 Three-family dwellings***
~~Unit 12 Offices, studios and related services~~
Unit 13 Eating places*
Unit 15 Neighborhood shopping*
~~Unit 19 Commercial recreation, small sites~~
Unit 24 Home occupations

~~Unit 25 Professional offices~~
~~Unit 26 Multi-family dwellings~~
* = Lots 24-26 only.
** = Lots 14-24 & 34-41 only.
*** = Lots 34-41 only.

FINDING: The proposed Use Units are permitted uses within a Residential Planned Zoning District.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from RSF-1, Residential Single Family – 1 unit per acre, to R-PZD 05-1555, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1555, with associated Preliminary Plat, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

FINDINGS OF THE STAFF

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

Finding: **The proposed rezoning of the existing RSF-1 property to the proposed R-PZD development for single family residential use with development of detached/single family and two- and three-family townhomes at a density of 3.26 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The applicant also proposes uses on three of the 41 lots that will allow for eating places and neighborhood shopping areas which, when developed according to the ordinances set forth by the City of Fayetteville, can be compatible with and benefit the surrounding residential population.**

The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promotes unique forms of development. Compatibility with adjacent developments within the RSF-1 and R-A zoning district has been achieved by clustering the smaller lots to the west of the property, adjacent to

Phase I of Oakbrooke Subdivision, and platting larger lots, more similar in size to the adjacent property, along the northern, southern, and eastern property boundaries.

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

Finding: **The proposed zoning is needed in order to develop a subdivision in the manner proposed with the R-PZD site plan.**

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 or congestion surrounding streets. Approximately 410 average two-way vehicle trips per day from this development would be created. Access to this site will be provided from the south and west through the proposed Phase I of Oakbrook Subdivision and a Minor Arterial Street to the east. These surrounding streets are to be designed to accommodate the large volumes of traffic generated by residential and regional traffic, and although Rupple Road, the primary access into this development, is not yet improved, there are sufficient means of access to disperse the traffic generated by development of 41 lots and the property which could be developed for commercial/retail uses.**

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 development proposed would create, on average, 91 future residents in this area, thereby altering the population density in the immediate vicinity. Staff finds that an undesirable increase in load on public services would not be created as a direct result of this proposed development. Public services currently service surrounding subdivisions and the new Rupple Road elementary/middle school is being constructed by the Boys and Girls Club, only approximately 0.9 miles from this development. The addition of population to this area will be benefited by these services, and it is desirable to encourage appropriate development of properties located in close proximity to these public amenities.**

Engineering: **Water: Public water is adjacent to the site. There is a 6" waterline along Rupple Road. There are also connections that shall be made to developments to the west, and south through existing or future stub-outs. Water service shall be extended to the property at the time of development. Minimum size**

of new water mains is 8". No long range improvements to the water distribution system are planned at this time for this area.

Sewer: The site does not have access to sanitary sewer. Sewer will be available through additional developments to the north, west and south. A study of the downstream system shall be completed prior to the submittal of construction drawings.

Streets: Currently the site has access to Rupple Road, minor arterial. Road improvements required for Rupple Road include: right-of-way dedication and sidewalks per the Master Street Plan, pavement width as determined, curb and gutter, and storm drainage.

Drainage: Drainage from the site mostly flows overland to the north and east to the ditch line along Rupple Road, then northward to Hamestring Creek.

Police: **It is the opinion of the Fayetteville Police Department that this annexation <u>will not</u> substantially alter the population density or create an undesirable increase the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.**

Fire: **The subject property is located approximately 1.1 miles from the Fire Station #7. Response time to the property is 3 minutes with a projected response time at full build-out to be approximately 3.5 minutes with 9 annual calls for service.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

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

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

Finding: **N/A**

161.25 Planned Zoning District

(A) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10)Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(B) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

(C) *R – PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

(2) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(3) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

Fayetteville
ARKANSAS

PC Meeting of July 11, 2005

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

THE CITY OF FAYETTEVILLE, ARKANSAS

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: July 06, 2005

ITEM #: R-PZD 05-1555 (Oakbrooke II)

BACKGROUND:

Requirements Submitted:

✓	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
✓	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	11.32
square feet	493,468
Existing Tree Canopy	
acres	0.13
square feet	5,549
percent of site area	1.1%
Existing Tree Canopy Preserved	
acres	0.12
square feet	3,852
percent of total site area	.80%
Percent Minimum Canopy Required	**1.1%**

FINDINGS:

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

- **The majority of mature, healthy trees located in this area are within the existing ravine/draw that drains from the southeast to the northwest, west of the subject property in Phase I of Oakbrooke. On this particular site are very few trees; the property consists of primarily open field, with a few individual trees. There are two large, high priority trees located on-site, proposed to be preserved. Two off-site trees also exist, on the adjacent King property. These trees shall also be preserved, with appropriate protection measures in place prior to construction.**

Whether the design incorporates the required Tree Preservation Priorities.

- **The design does incorporate the minimum requirements for tree preservation priorities. Staff has worked with the applicant to maintain a canopy percentage that removes very little of the established, mature canopy.**

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

- **Environmental degradation would not likely occur as a result of removal of the trees that are currently shown to be preserved.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **The impact of the removal of the trees north of this property would greatly affect the adjacent property owner. Every care is to be taken to ensure that these trees maintain a healthy state through the process of construction. The applicant shall be responsible for the protection of these off-site trees.**

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

- **Alternative construction methods have not been proposed.**

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

- **The size and shape of this site does not hinder design flexibility to a great degree.**

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

- **The general health of the grouping of trees on this property is good. There is not a noticeable sign of disease present.**

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

- **The trees being preserved will not likely be affected by utility or home construction. Those most in danger and thus necessitate greater protection are the off-site trees to the north.**

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

- **Public utilities will need to be installed close to several of the trees proposed for preservation. However, every care by the developer shall be taken to ensure their prolonged health.**

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

- **Roads and utilities have been designed as best as possible with relationship to the existing topography and tree canopy.**

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

- **N/A**

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

- **On-site Mitigation is desired, with a total of six (6) 2-inch large species trees to be planted. A detailed street tree planting plan will be required, and all ordinance requirements adhered to for Residential On-site Mitigation, prior to Final Plat.**

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

- **N/A.**

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

- **N/A**

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

- **Staff recommends this plan be forwarded to the Planning Commission.**

Recommendation:
Staff recommends forwarding the Tree Preservation Plan associated with R-PZD 05-1455 to the Planning Commission, with conditions as listed below:

1. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of **(6) 2-inch caliper large species trees**. A planting plan, maintenance and monitoring plan, and associated three-year bonds to mitigate for the removal of excess tree canopy is required prior to Final Plat.

2. Mitigation trees shall be located throughout the site; a detailed tree planting plan shall be submitted at the time of final plat for review and approval by the Landscape Administrator.

3. The plans need to indicate the tree preservation fencing around the dripline of the protected trees. Tree Preservation Plans shall be submitted with all revisions in order for this item to be forwarded to the City Council for review.

4. Specific notes shall be included on the construction plans for the protection of all off-site trees that are in close proximity to the subdivision, due to the proximity of construction of the proposed sewer line. If any off-site trees are damaged or removed during construction, mitigation shall be the responsibility of the developer at the time of Final Plat. Consult the standard notes for tree protection currently on the plans.

The following information is provided for the applicant's use in preparing an on-site mitigation plan:

Request for on-site mitigation

1) *Planting details and notes.* Planting details and notes shall be included on the tree preservation plan as set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual.*

2) *Preferred species.* All trees to be planted shall be species native to the region, when available, and selected from the list of preferred tree species set forth in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual.* Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the landscape administrator.

3) *Placement of trees.* The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

Residential On-Site Mitigation. Applicants requesting On-Site Mitigation for Residential Subdivisions shall comply with all the provisions of §167.04 I. 1-7, as well as the following:

(a) The Applicant's Mitigation Plan shall meet or exceed the required number of Mitigation Trees based on the Forestation Requirements as set forth at §167.04 I. 4.

(b) All Plans requesting Residential On-Site Mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the Applicant responsible for the health of all planted trees.

(i) Approval of a Plan requesting Residential On-Site Mitigation shall be contingent upon the Applicant depositing with the City an irrevocable Letter of Credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable Letter of Credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Landscape Administrator for approval.

(ii) Upon completion of the three year landscape establishment period, the Landscape Administrator shall inspect the site and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City shall release the Letter of Credit.

(iii) In the absence of such a finding, the Applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the

Landscape Administrator. If the Applicant does not take remedial steps to bring the property into compliance, the City shall use the necessary moneys from the Landscape Establishment Guarantee to do so.

(iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(B) The Applicant shall establish a bona fide Property Owners Association with a Bill of Assurance and Protective Covenants sufficient to ensure the continued health and vitality of the mitigation trees within the subdivision. The Bill of Assurance and Protective Covenants shall be filed of record with the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and file-marked copies thereof shall be provided to the Landscape Administrator prior to Final Plat approval.

(C) Developers requesting mitigation trees be planted along the street right of way of a Subdivision shall submit a street tree planting plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the Approved Street Tree Species List, or be otherwise specifically approved by the Landscape Administrator.

(i) The Applicant's Mitigation Plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of Mitigation Trees are planted.

(ii) The applicant shall submit an annual schedule of the initial structural pruning for all Mitigation Trees planted along street right of ways with the name and contact information of the International Society of Arboriculture (ISA) Certified Arborist or pruning service performing the work

The current owner of the property proposed as Oakbrooke is Tracy K. Hoskins of Paradigm Development, Fayetteville, AR.

The idea behind the Oakbrooke development is to create a neighborhood with an "old fashioned" character, as opposed to a typical "snout-house" subdivision. Oakbrooke will have homes available to a wider range of families from varied social/economic backgrounds. Large family homes will not over-power beginner, or more affordable homes. Interaction between diverse groups of residence is expected and encouraged.

Oakbrooke homes would be located forward on the lot to create an exterior neighborhood "room" in the street. Smaller side setbacks help create the exterior public space by decreasing the amount of negative space in the unused side yards. Homes will have usable front porches pulled close to sidewalks to encourage interaction among neighbors and create a buffer between the private residence and the public space of the street. Garages are located to the rear of the lots to move the blank garage door "face" away from the home. Private space is created in the back yards using the garages as screening devices. Automobiles are moved from the front of the lot to the rear and paving is minimalized by the insertion of green space within the drive. The homes in Oakbrooke say, "People live here, not cars".

All roads lead home in Oakbrooke. There are no "dead end" streets, but friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow safe passage for pedestrians and interaction among friends. Spaces for public gardens and landscaping are included to create community pride among neighbors and to help establish a sense of "place" and arrival.

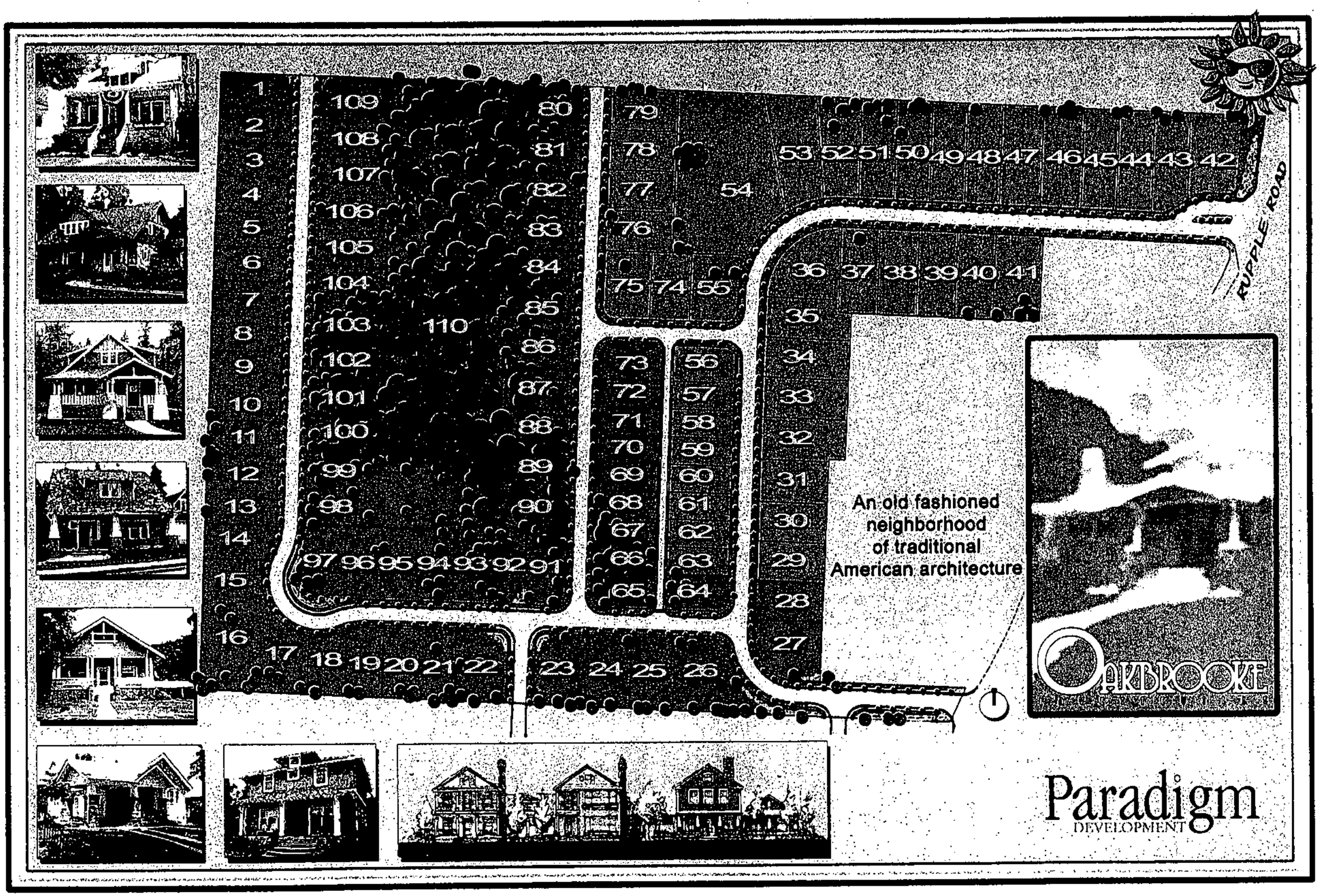
As with the surrounding developments, Oakbrooke will be a single family residential neighborhood. However, Oakbrooke will strive for character which is lacking in nearby developments. By not using stock plans but specifically designing each home for each lot Oakbrooke strives to raise the standard of residential development in the Rupple Road area. Maintaining existing trees is fundamental to the Oakbrooke Development. The flexibility to design around trees and land features requires smaller setback dimensions. Each home will have usable rooms in the front of the house as opposed to locating them to the rear. This gives the neighborhood "eyes on the street" and creates a safer and friendlier environment. Custom signage and street lighting will help establish the individual character of Oakbrooke.

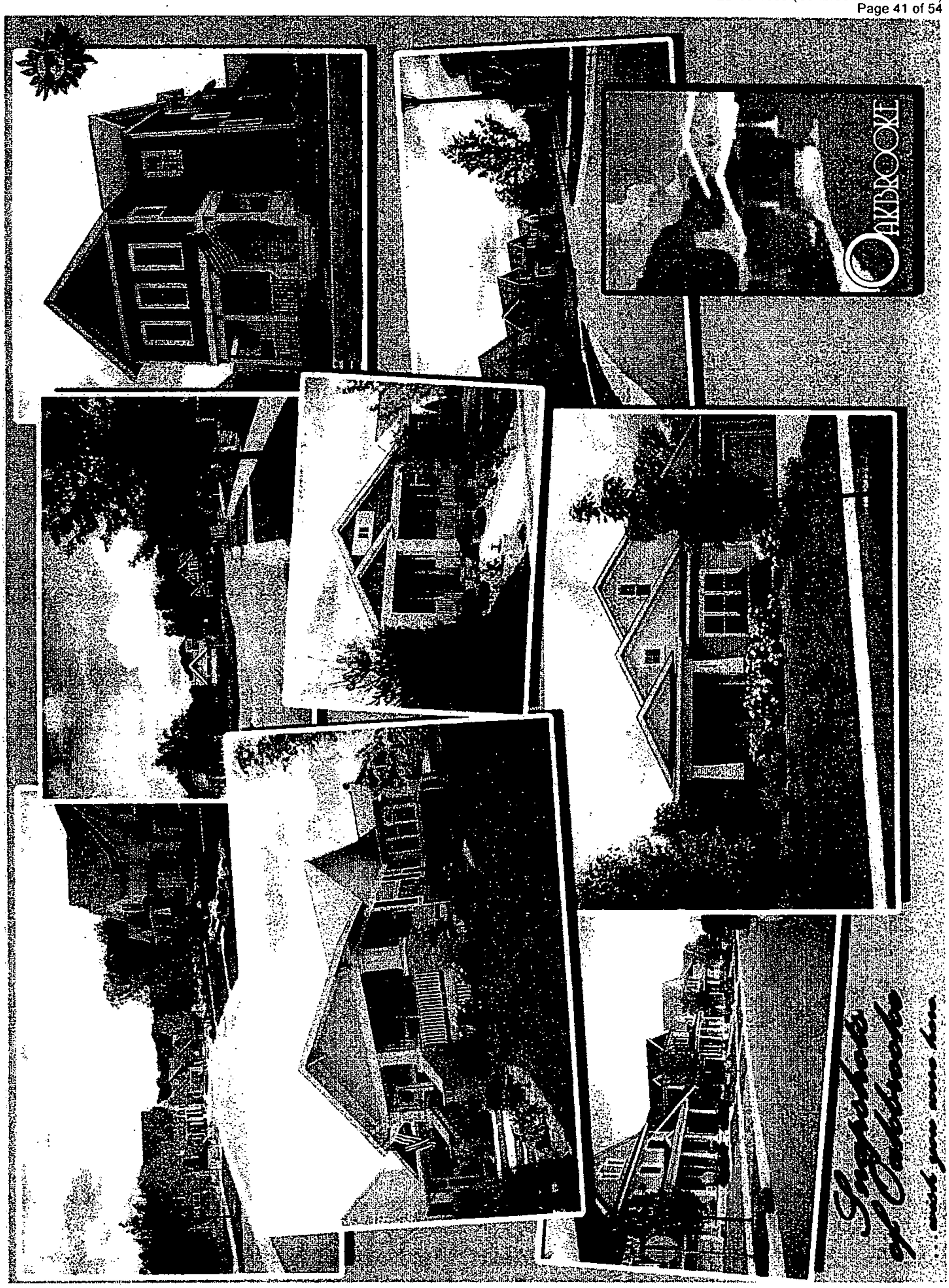
Principle reasons for the PZD request are for smaller building setback dimensions and greater variety in the type of single family home offered.

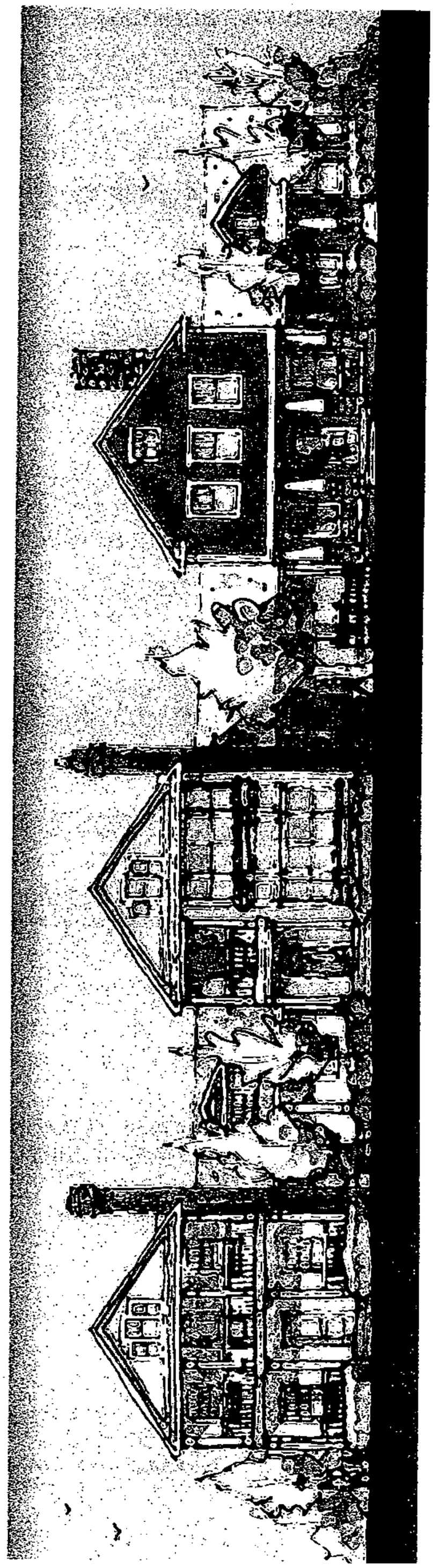
Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT
479.236.6636
Leading by example


RUPPLE ROAD
An old fashioned neighborhood of traditional American architecture
OAKBROOKE
Paradigm
DEVELOPMENT


OAKBROOKE



EMAILED TO JEREMY PATE ON 4/27/05 AT 12:02PM

PROTECTIVE COVENANTS AND RESTRICTIONS
FOR OAKBROOKE SUBDIVISION
FAYETTEVILLE, ARKANSAS

PRELIMINARY

Tracy K Hoskins (Developer) does hereby establish and create the following Protective Covenants, Restrictions and Architectural Control, which shall apply to all lots as shown on the recorded plat of the Oakbrooke, found in Plat Book ____, page ____.

BE IT KNOWN BY THESE PRESENTS, that whereas XXXXXXXXX, trustee of the XXXXXXXXXXX U/T/D DateXXXXXXXXXXX, as owner and developer, do hereby enter the following covenants and restrictions:

DEFINITIONS

1. "Property" shall mean all the real property and improvements that are subject to these Covenants and Restrictions.

2. "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of the fee simple title in any Lot which is a part of the Property, but excluding those having such interest merely as security for the performance of an obligation.

3. "Lot" and "Lots" shall mean and refer to any parcel of land shown upon any recorded Plat of the Property upon which there has been or may be constructed a single-family residence.

PROPERTY AND LOT RESTRICTIONS

1. GENERAL LIMITATIONS: The subdivision and building codes of the City of Fayetteville, Arkansas, as they presently exist or are hereinafter amended, shall be and are hereby made applicable to the Property. All dwellings, buildings, fences, walls, structures, storage buildings, swimming pools, and improvements of every kind shall comply with said ordinances as they exist on the date of their construction. Any conflict between City ordinances and the provisions of these Protective Covenants shall be resolved in favor of the more restrictive provision. Building, architectural, and design specifications shall be in accordance with the regulations set forth in the Fayetteville Zoning Ordinance designated R-PZD (Residential).

2. SINGLE-FAMILY RESIDENTIAL LAND USE AND BUILDING, TYPE: Lots shall only be used for single-family residential purposes. "Single Family" means one or more persons occupying a single dwelling, attached or detached, provided that unless all such persons are related by blood, marriage or adoption, no such family shall contain over three persons. No structure shall be erected on any Lot which exceeds three stories in height. No mobile or modular housing shall be placed on any lot.

3. MINIMUM SQUARE FOOTAGE: All dwellings shall be a minimum of 1,200 square feet of heated floor space (excluding garage), for single family detached homes; and 1000 square feet of heated floor space for single family attached homes. Lots numbered _____ through_____ shall be a minimum of 1600 square feet of heated floor space. Lots numbered _____ through _____ shall be a minimum of 2000 square feet of heated floor space. Lots numbered ___and ___shall be a minimum of 2500 square feet of heated floor space.

4. GARAGES: Each dwelling shall have a garage for a minimum of two (2) cars with dimensions of not less than twenty (20) feet by twenty (20) feet. No carports will be allowed. Garage openings may face a public or private street; however, garage doors must be of decorative type i.e. "carriage". All garages, whenever possible should be detached and located to the rear of the lot, as close to the rear property setback as possible. Under special conditions, this covenant may be modified by the OAC (Oakbrooke Architectural Committee).

5. YARD SPACE RESTRICTIONS AND BUILDING LOCATION: The most forward point on the front of the house, inclusive of porches, shall be constructed at the property's front building setback line. Under special conditions, this covenant may be modified by the OAC.

6. ROOFS: All structures constructed on the Property must use tile, wood shake or 30-year composition architectural shingles, and must have a minimum of a 4/12 pitch. Any roof less than a 4/12 pitch, and metal roofing must be approved by the OAC.

7. EXTERIORS: The foundations of all structures must be at least 80% wood or concrete board siding, brick or stone, or other natural materials. All chimneys are encouraged to be brick, stone, or stucco. No vinyl, metal, or Exterior Insulation and Finish Systems (EIFS) will be permitted. Though vinyl windows are permitted, the OAC encourages the use of wood type windows. Finish floor elevation must be a minimum of eighteen inches (18") above finished grade at the front of the structure, exclusive of garages.

8. ARCHITECTURAL CONTROL: No ranch, contemporary, modern, a-frame, log, or gambrel style structures will be permitted. Oakbrooke is considered to be a traditional Americana neighborhood with an emphasis on TRADITIONAL AMERICAN STYLING; CRAFTSMAN STYLE BUNGALOWS AND AMERICAN TUDOR HOUSES ARE ENCOURAGED.
All floor plans, elevations, specifications, plot plan showing the orientation of any structure, driveway and sidewalks, contractor, and proposed materials and colors must be submitted and approved by Tracy Hoskins representative, Oakbrooke Architectural Committee, prior to starting construction. The OAC will have 10 business days to approve the project or require modifications. The OAC again will have 10 business days to respond each time documents, or revisions, are submitted. Once construction commences, revisions are discouraged, and must be approved by the OAC. The OAC will keep in its file the original plans and specs as reference material. The submitted documents WILL NOT be returned to the applicant.

Post certificate of occupancy; any modification of the exterior of the home must be approved by the OAC, including any color changes.

9. YARDS / LANDSCAPING: All yards shall be fully sodded in front and in back within sixty (60) days of a certificate of occupancy being issued by the City of Fayetteville. All dwellings shall be landscaped with a landscaping package that is appropriate in design and color for the design of the dwelling. Each lot shall have a minimum of one "street tree" located on center between the back of curb and the public sidewalk. The OAC shall determine the species of all street trees.

10. LOT MAINTENANCE: All Lots shall be kept in a sanitary and attractive condition, and the Owner or occupant shall keep all weeds and grass thereon cut and neatly maintained and shall in no event use any Lot for storage of material or equipment except for normal residential purposes (except for during construction of residences or other structures.) Construction sites shall be kept neat, safe, and clear of debris at all times. Construction materials should be kept to the rear of the lot, obstructed from view, whenever possible. No burning of garbage, trash, or refuse is allowed (Except for during construction of residences or other structures and with the approval of the Fayetteville Fire Department).

11. SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge, or shrub which obstructs sight lines at intersections in the subdivision shall be permitted.

12. HOME OCCUPATIONS, OFFENSIVE USES OR COMMERCIAL USES: Home occupations, as defined and set forth in the ordinances of the City of Fayetteville (use unit four), shall be allowed only with prior approval of the OAC. Further, no activity which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the quiet enjoyment of any Owner of a Lot or which degrades property values or distracts from the aesthetic beauty of the property shall be

conducted thereon. No repair work, dismantling, or assembling of any motor vehicle or boat shall be done on any Lot unless in a fully enclosed garage or other structure, not in view from adjoining Lots or streets, and if only for noncommercial purposes. Further, no part of any Lot shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or other such nonresidential purpose. No childcare businesses to be allowed if more than four (4) unrelated children are involved. This area is for residential purposes only. ***Temporary lemonade stands are encouraged!!!***

13. STORAGE OF AUTOMOBILES, BOATS, TRAILERS, OTHER VEHICLES AND EQUIPMENT: No automobiles, boats, trailers, motor homes, campers, recreational vehicles, motorcycles, buses, inoperative vehicles of any kind, cap rigs off trucks, or boat rigging shall be parked or stored permanently or semi-permanently on any public street right-of-way, yard area, or on driveways. Permanent or semi-permanent storage of such vehicles or items must be completely screened from public view either within the garage or behind a solid fence. For the purposes of these Protective Covenants, the phrase "semi-permanent" shall be defined as remaining on or about the same Lot without offsite movement for forty-eight or more consecutive hours. No eighteen wheel vehicles or any other vehicle requiring a commercial driver's license may be parked on any public or private street or any portion of any Lot except to deliver merchandise or materials to residents or construction sites.

14. VISUAL SCREENING: All clotheslines, equipment, garbage cans, woodpiles, refuse containers, storage piles, and household projects such as equipment repair shall be screened by fencing, so as to conceal them from view of neighboring Lots or streets. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the Lots and not allowed to accumulate thereon.

15. TEMPORARY STRUCTURES: No trailer, tent, shack, garage, barn, recreational vehicle, mobile home, or other outbuilding shall be placed, constructed, erected or allowed to remain on a Lot if it is being used for human habitation either temporarily or permanently.

16. STORAGE BUILDINGS: No detached outbuildings may be constructed without prior written consent of the OAC. If consent is granted, detached storage buildings may only be placed to the rear of the house, no closer to side lot line than the sides of the house and be a minimum of ten (10) or twenty (20) feet from the rear yard line, where applicable (as per recorded plat), and must be enclosed inside privacy fence. All storage buildings shall use same roof and wall materials as used on the house.

17. FENCES: Fencing of front yard is prohibited, other than decorative fences or landscape walls, not to exceed thirty-two inches above finished grade. No fence shall be erected that is closer to the street than five feet behind the front main façade. No fence shall be erected on an adjoining side street that is closer to the street than three feet behind the interior edge of the sidewalk. Chain link or wire fencing shall be permitted only with prior approval from the OAC. All wire fencing must be screened by landscaping when visible from any street. All wood privacy fences shall have the good side turned toward the outside of the lot. That is, the framework that supports the fence is to be facing inward toward the back yard. No privacy fencing shall exceed four feet in height. Any fencing, walls, or landscape walls located between the street and structure must be constructed of brick or stone (complementary of the structure), and must be approved by the OAC.

18. SATELLITE DISHES: All satellite dishes limited to eighteen inches in diameter shall be placed to the rear of the residence, no closer to side yard than the rear of the house and must be enclosed in privacy fence. Basketball goals are restricted to back yards only.

19. HEATING AND COOLING DEVICES: No structure on any Lot shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from the street or adjoining Lots, or adjoining land owners. This restriction does not apply during the construction of the

structure.

20. LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised or kept on any Lot, except that dogs, cats or other household pets may be kept, provided that they are not kept or maintained for any commercial purposes.

21. EASEMENTS SIDEWALKS AND DRIVES: Easements for installation and maintenance of utilities, tree preservation, and drainage facilities are reserved as shown on the recorded Plat. No incinerator structures, buildings, or similar improvements shall be built or maintained within the area of the any easements. Owners are hereby put on notice that any structures, fencing, driveways, sidewalks, or plant material, in the easements are subject to removal at the expense of the Owner(s) of the Lot on which the structure, fencing, driveways, sidewalks, or plant material is located. In effort to minimize curb cuts common drive entries are encouraged. Curb cuts for driveways shall not exceed twelve feet in width. Each individual lot owner shall construct a four foot wide sidewalk, five or six feet from the back of curb, where applicable, as per final plat. Sidewalks shall be of a light broom finish with expansion joints four feet on center. Driveways shall be concrete strip type with a minimum three foot green space down the center. Green strip shall begin immediately behind the side walk and continue to the front primary wall of the structure. Driveways may be solid with no green strip from the street to the sidewalk, and beyond the front main wall of the structure. See attached drawing "A". Sidewalks from the entry stoop of the structure shall be built to the public sidewalk and shall be a minimum of three feet wide.

22. MAILBOXES: Mailboxes will be installed upon each property. The particular design shall be designated by the OAC.

23. NO LIABILITY: Tracy Hoskins, the Developer, the OAC, nor any other Owner shall be liable for damages to anyone submitting plans and specifications for approval, or to any Owner of a Lot affected by these Protective Covenants by reason of a mistake in judgment, negligence, or disapproval or failure to approve or disapprove any such plans and specifications and no approval or required modification of plans and specifications submitted shall be considered a warranty of any nature whatsoever pertaining to the suitability of such plans and specifications. Every person who submits plans and specifications for approval agrees that no action or suit for damage will be brought against Tracy Hoskins or the OAC, its members, assigns, or any Owner(s).

24. DURATION OF COVENANTS: These Protective Covenants shall run with the land for a minimum period of thirty (30) years, and shall be automatically extended for successive periods of five (5) years without further action unless terminated by a Vote of a majority of the Owners of Lots in the Property. Each lot owner will have one vote for each lot owned. The developer shall have five votes for each lot owned.

25. SEVERABILITY: Invalidation of any restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, otherwise, shall not invalidate or affect any of the covenants and restrictions, or any part thereof, set forth herein, but they shall remain in full force and effect.

26. BINDING EFFECT AND AMENDMENT OF COVENANTS: All Owners shall be deemed to have agreed and covenanted with the Owners of all other Lots within the Property, and with their heirs, successors, and assigns to conform to, and observe the restrictions, covenants, and stipulations contained herein.

27. OAKBROOKE PROPERTY OWNERS ASSOCIATION: The Oakbrooke POA is responsible for the upkeep, maintenance, and repair of drainage easements, private streets, landscape islands and walls, common area sprinkler systems, tree preservation areas, and any common areas or green spaces. Each lot owner will be assessed and annual fee of $___.__, due and payable by January 10th of each year. The Developer shall be the director/overseer of the POA until such time, that by majority vote of the

property owners, another is appointed. Again, each lot owner will have one vote for each lot owned. The developer shall have five votes for each lot owned.

IN WITNESS WHEREOF this instrument has been executed this _____ day of

_____, _____.

_____
Owner/Developer

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) SS.
COUNTY OF WASHINGTON)

On this day, before me personally appeared XXXXXXXX, to me personally known, who acknowledge that he is the trustee of his respective trust, and that he, as such trustee, being authorized so to do, has executed the foregoing instrument for the purposes therein contained.

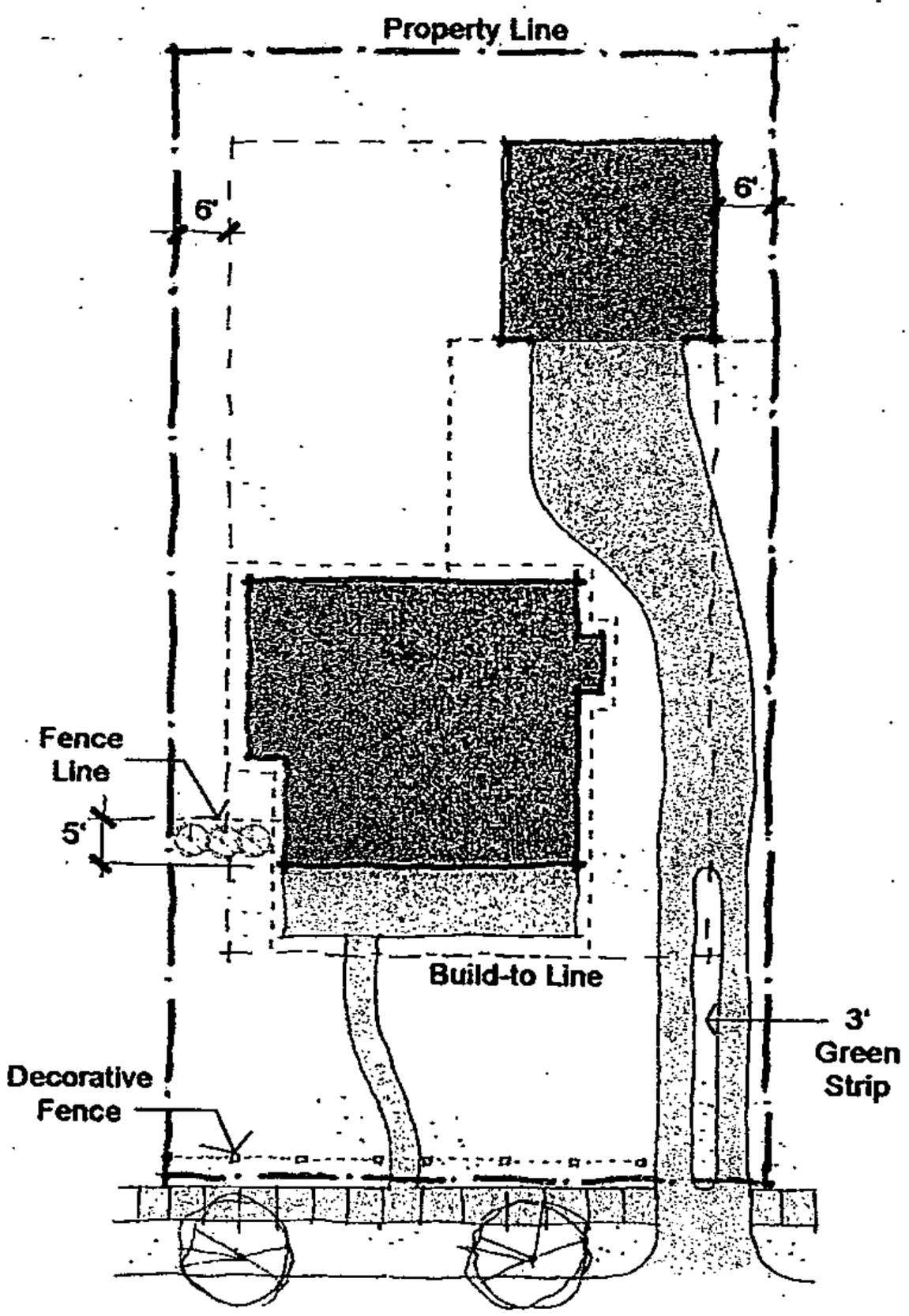
Witness my hand and seal this ____ day of _____, _____.

_____
Notary Public

My Commission Expires:

_____

Typical Lot Layout


Property Line
6'
6'
Fence
Line
5'
Build-to Line
3'
Green
Strip
Decorative
Fence

Milholland Company
Engineering & Surveying
Melvin L. Milholland, PE, PLS
Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:
PE: AR, MO
PLS: AR
RLA: AR

May 23, 2005

Project No. E-744

FAYETTEVILLE
125 West Mountain
Fayetteville, Arkansas

ATTN: Suzanne Morgan and Brent O'Neal
Planning and Engineering Division
RE: Oakbrooke Subdivision, Phase I and II

Dear Suzanne and Brent:

It is my opinion as a professional, having over 14 years of experience in preforming wetland delineations, as a Registered Environmental Manager, after several cursory visits to the site and have reviewed available data for performance of a Level 1 Determination, wetland conditions do not exist on the subject property.

The three indicator of wetland condition, a Dominance of Hydrophytic Vegetation, the presence of Hydric Soils, and surface characteristics to support Wetland Hydrology are not found at the subject property. Further site investigation for the identifying plant species, collection of soil samples, and ascertaining indicators of wetland hydrology is not warranted.

Should additional information or a concurrence be necessary, please contact MCO.

Respectfully Submitted
Milholland Company

Thomas M. Jefcoat, RLA, REM 07813
Senior Projects Manager

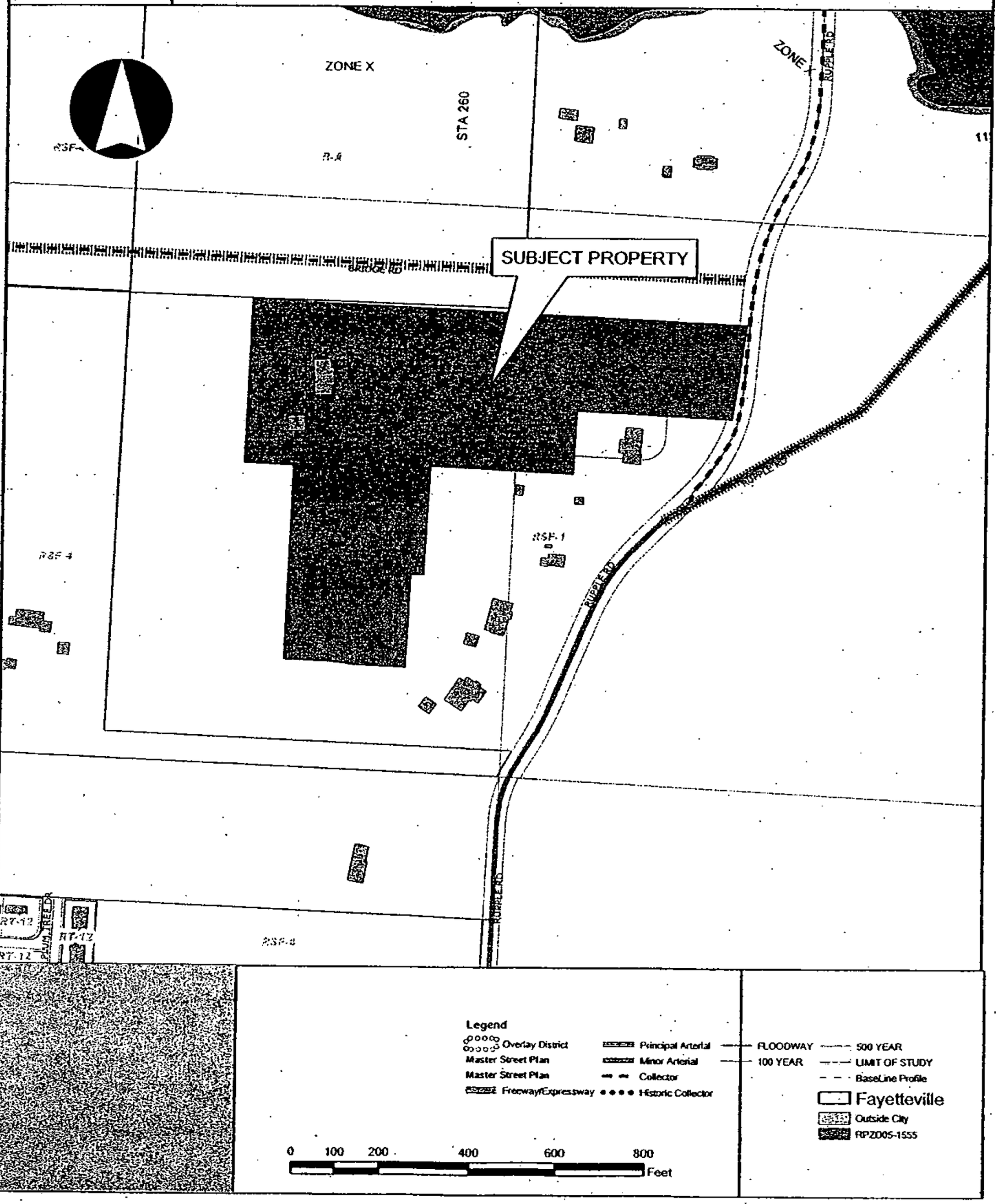
cc: Tracy Hoskins

RECEIVED
MAY 24 2005
CITY OF FAYETTEVILLE
PLANNING DIVISION

RPZD05-1555

Close Up View

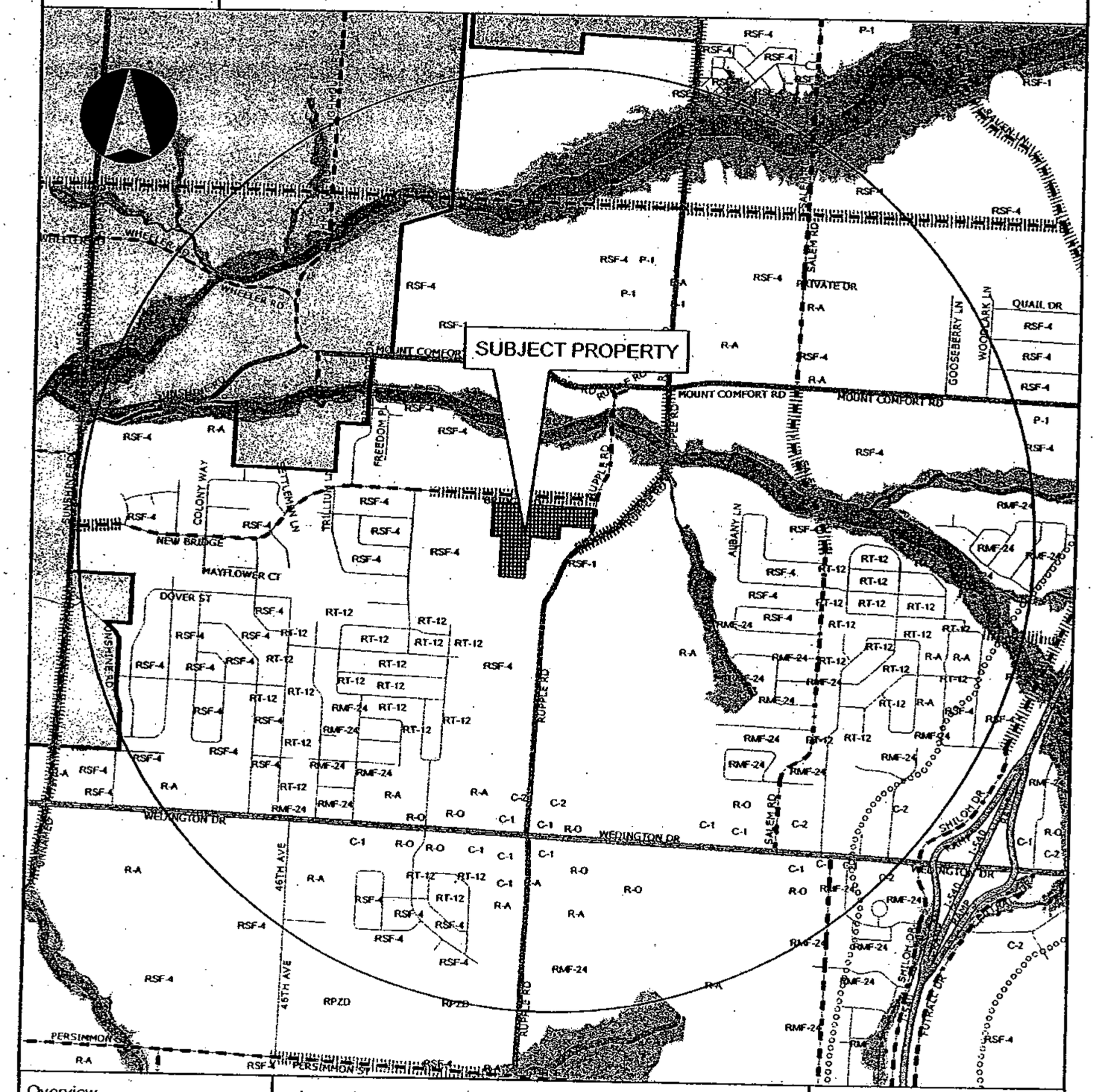
OAKBROOK PHASE II



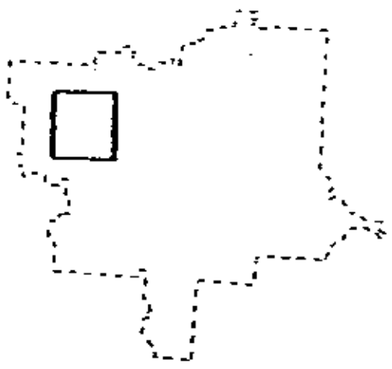
RPZD05-1555

One Mile View

OAKBROOK PHASE II



Overview



Legend

Subject Property

RPZD05-1555

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

2-Aug-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

R-PZD 05-1555: (Oakbrooke Phase II, 361): Submitted by Mel Milholland for property located west of Rupple Road and East of Bridgeport Phase II. The property is zoned RSF-1, Residential Single Family, 1 unit per acre, and contains approximately 11.506 acres. The request is to approve a residential subdivision with 22 single family and 19 townhouse lots.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-14-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney — 7-15-05

Finance and Internal Service Director — 7-15-05 Date

Received in City Clerk's Office 7-14-05 ENTERED 7/14/05

Mayor — 7/15/05 Date

Received in Mayor's Office ENTERED 7/15/05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning JP

Date: June 30, 2005

Subject: Easement Vacation for springwoods (VAC 05-1522)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating a utility easement crossing the subject property, as described and depicted herein.

BACKGROUND

The subject property is located southwest of I-540, Arkansas State Highway 112 within the Springwoods Commercial Planned Zoning District (C-PZD) and adjoining parcels to the east. The final plat for the Springwoods C-PZD was approved by the City in June 2004 and the future vacation of this permanent multi-use/water/sewer easement was noted on the final plat. Currently no public utilities or public uses occupy the easement.

As part of an agreement between the City of Fayetteville and the applicant (see attachments to this report), the easement would stay in place until an alternative easement serving the same purpose was located, secured, and conveyed to the City. It was only a matter of timing as to when the alternative easement would be conveyed. The required conditions regarding this alternative easement have been met between the City and the applicant, and an easement has been granted along the north property line in a similar fashion.

The applicant requests to vacate a 50' multi-use easement and a 100' temporary construction easement, as it is no longer necessary to facilitate the construction of future sewer lines.

DISCUSSION

Notification was provided to all appropriate utility representatives and adjoining property owners. No objections were submitted. Conditions pertinent to the subject request are included as a condition of approval. The Planning Commission voted 9-0-0 on its consent agenda to forward this item to the City Council with a recommendation for approval of the vacation request at the regular meeting of June 27, 2005.

BUDGET IMPACT

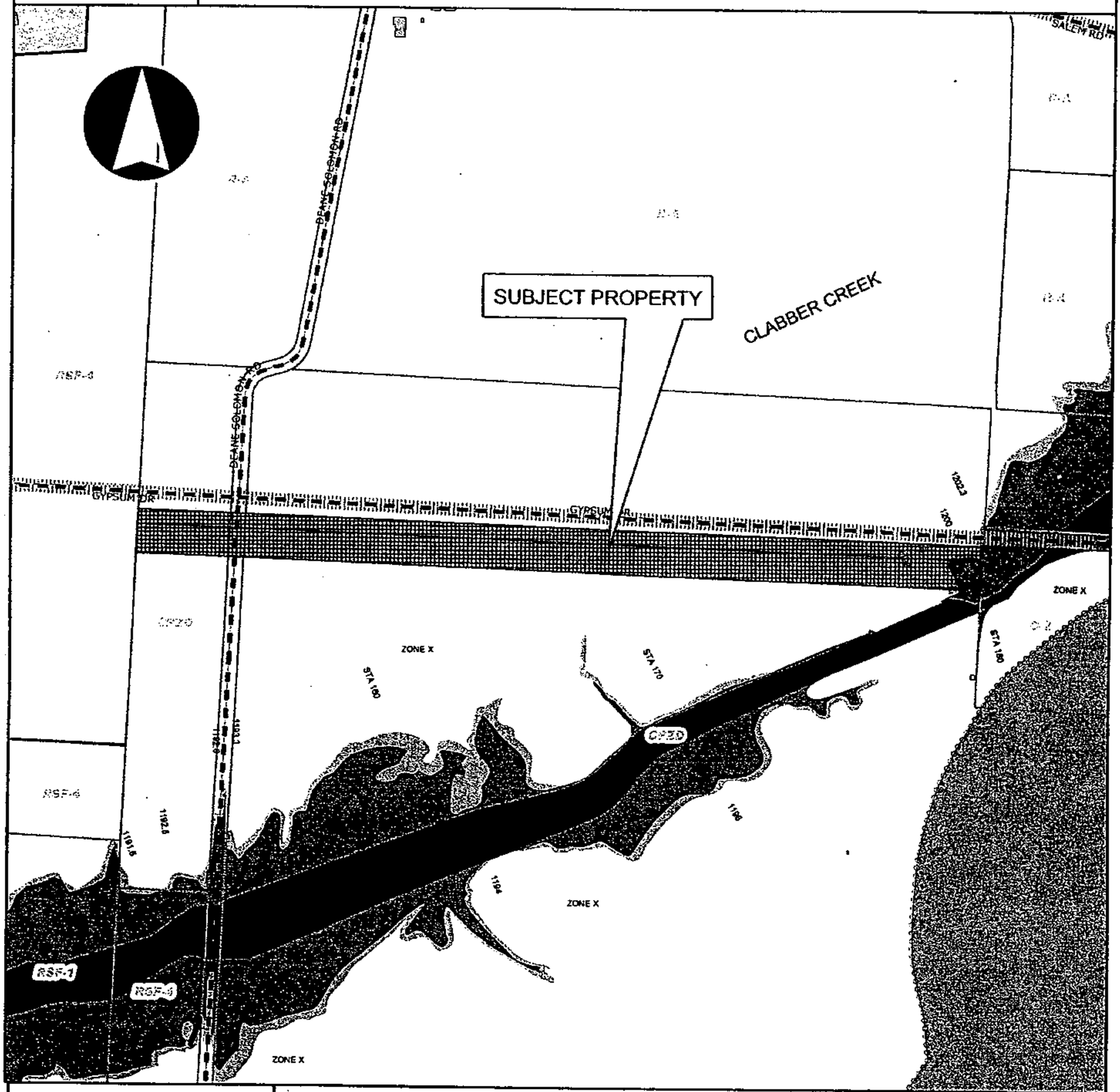
None.

Moved to August 2, 2005
at Agenda Session on
7/12/05

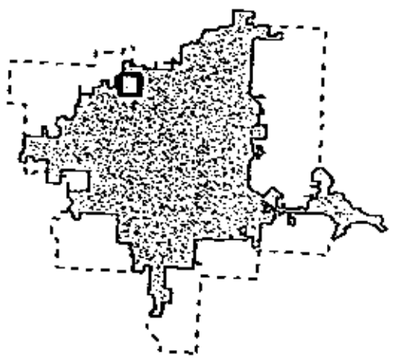
VAC05-1522

Close Up View

SPRINGWOODS



Overview



Legend

VAC05-1522

Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City

0 150 300 600 900 1,200
Feet

EXHIBIT "B"

Fayetteville
ARKANSAS

PC Meeting of June 27, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Director of Current Planning
Brent O'Neal, Staff Engineer
DATE: June 23, 2005

VAC 05-1522: Vacation (Springwoods, pp 247) Submitted by PATRICK HARGUS for property located at SPRINGWOODS & SW CORNER OF HWY 112 & TRUCKER'S DRIVE. The property is zoned C-PZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 90.93 acres. The request is to vacate a permanent multi-use easement and a temporary construction easement within the subject property.

Property Owner: COLLINS HAYNES Planner: JEREMY PATE

Findings:

Property Description and Background: The subject property is located southwest of I-540, Arkansas State Highway 112 within the Springwoods Commercial Planned Zoning District (C-PZD) and adjoining parcels to the east. The final plat for the Springwoods C-PZD was approved by the City in June 2004 and the future vacation of this permanent multi-use/water/sewer easement was noted on the final plat. Currently no public utilities or public uses occupy the easement.

As part of an agreement between the City of Fayetteville and the applicant (see attachments to this report), the easement would stay in place until an alternative easement serving the same purpose was located, secured, and conveyed to the City. It was only a matter of timing as to when the alternative easement would be conveyed. The required conditions regarding this alternative easement have been met between the City and the applicant, and an easement has been granted along the north property line in a similar fashion.

Request: The applicants request to vacate a 50' multi-use easement and a 100' temporary construction easement, as it is no longer necessary to facilitate the construction of future sewer lines.

The appli
cant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	**RESPONSE**
Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
Southwestern Bell Telephone	No Objections

CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	No Objections.
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. Adjacent property owners had no objections to the proposed vacation.

Recommendation: Staff finds that vacating the easement would not adversely affect the provision of utilities to the property or any other properties. Staff recommends approval of the proposed easement vacation **VAC 05-1522** with the following conditions:

1. The Concurrence for release of easement for Southwestern Bell shall be recorded at the Benton County courthouse prior to vacating the easement.

PLANNING COMMISSION ACTION: **__yes__Required**
_____Approved _____Denied

Date: June 27, 2005

Comments:_____

_____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
By

_____
Title

_____
Date

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COPY OF RECORDED FINAL PLAT

Zoned A-1
000-15830-000
GRAVES, MELVA DEAN TRUST
MELVA DEAN GRAVES TRUST
2841 N CHARLESTON CROSSING
FAYETTEVILLE, AR 72703

Zoned A-1
000-15830-000
GRAVES, MELVA I
MELVA DEAN GR/
2841 N CHARLES
FAYETTEVILLE, AI

247.42'
S 87°12'42" E

36" WATER LINE

Multi-use easements shall be vacated and replaced upon delivery of easements per "Interceptor Sewer Realignment – Springwoods Subdivision" letter between the City of Fayetteville and Legacy Project, L.L.C., dated April 6, 2004.

765-15859-000
CUMULUS WIRELESS
SERVICES, INC.
3535 PIEDMONT
BLDG. 14 SUITE 1400
ATLANTA, GA 30305

1030.56'
S 02°27'35" W

844'

508.62'

50' Permanent Multi-use Easement
S 87°54'20" E 4090.66'

100' Temporary Construction Easement
S 87°54'20" E
4090.91'

(FILED 95023074-76)
5' SOUTHWESTERN BELL TELEPHONE COMPANY EASEMENT

552.50'
S 02°27'35" E

50' Permanent Multi-use Easement lays adjacent to and parallel with the South R/W of Trucker's Drive and filed by separate instrument

36" WATER LINE

30' CITY OF FAYETTEVILLE
WATER & SEWER LINE EASEMENT
(FILED 95010241-42)

190.35'
S 31°34'42" W

126.75'
S 16°25'41" W

PETITION TO VACATE EASEMENT

PETITION TO VACATE A 50' PERMANENT MULTI-USE EASEMENT AND A 100' TEMPORARY CONSTRUCTION EASEMENT LOCATED IN PARCELS WITHIN THE SPRINGWOODS C-PZD03-08.00 AND PARCELS LOCATED ADJACENT AND EAST OF SPRINGWOODS, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the *easement,* hereinafter sought to be abandoned and vacated, lying in Parcels within *the springwoods C-PZD03-08.00 and Parcels located adjacent and East of Springwoods*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement and temporary construction easement that is described as follows:

Survey Description 50' Permanent Multi-Use Easement
Located in a part of the N ½ of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas, more precisely described as follows: Starting at the NW Corner of the NW ¼ of the NW ¼ of Section 33; thence South 02 degrees 28 minutes 26 seconds West, 508.24 feet to the true POINT OF BEGINNING; thence South 87 degrees 54 minutes 20 seconds East, 2884.98 feet; thence South 02 degrees 27 minutes 35 seconds West, 50.00 feet; thence North 87 degrees 54 minutes 20 seconds West, 2885.00 feet; thence North 02 degrees 28 minutes 26 seconds East, 50.00 feet to the true POINT OF BEGINNING containing 3.311 acres more or less and being subject to any rights-of-way and easements of record.

Survey Description 100' Temporary Construction Easement
Located in a part of the N ½ of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas, more precisely described as follows: Starting at the NW Corner of the NW ¼ of the NW ¼ of Section 33; thence South 02 degrees 28 minutes 26 seconds West, 558.24 feet to the true POINT OF BEGINNING; thence South 87 degrees 54 minutes 20 seconds East, 2885.00 feet; thence South 02 degrees 27 minutes 35 seconds West, 100.00 feet; thence North 87 degrees 54 minutes 20 seconds West, 2885.02 feet; thence North 02 degrees 28 minutes 26 seconds East, 100.00 feet to the true POINT OF BEGINNING containing 6.623 acres more or less and being subject to any rights-of way and easements of record.

That the abutting real estate affected by said abandonment of the easements are Lots 4, 5, 6, and 8 of the springwoods C-PZD03-08.00, property owned by Springwoods Landholdings LLC, and parcels adjacent and East of Springwoods, owned by Legacy Project LLC, and located within the City of Fayetteville. Currently no Public Utilities or Public uses occupy said Easements and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described Easement.

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 easements of the public for the use of said easements.

Dated this 5 day of May, 2005.

Springwoods Landholdings LLC,

H. Collins Haynes
Authorized Agent

Legacy Projects LLC,

H. Collins Haynes
Authorized Agent

EGIS ENGINEERING, INC.

314 South Main
Bentonville, AR 72712-5903
Web: www.egis-env.com

(479) 271-9252
(479) 271-8627 (fax)
egis@egis-env.com

May 2, 2005

Written Description to Request the vacation of Existing Easements

To: The Fayetteville City Planning Commission and The Fayetteville City Council

A petition to request a Vacation of a Multi-Use/Water/Sewer Easement and a Temporary Construction Easement is hereby being submitted to the City of Fayetteville. Attached with this letter is a legal description and a graphic representation of the Easements requested to be Vacated.

The Easements are located entirely within the Springwoods C-PZD03-08.00 and adjoining parcels to the East. The Easements lie entirely on property owned by Springwoods Landholdings, LLC and Legacy Projects, LLC. No portion of the Easements are located upon other property. Currently no Public Utilities or Public Uses occupy said Easements. As part of an agreement with the City of Fayetteville, per a letter between the City of Fayetteville and Legacy Projects, LLC dated April 6, 2004 and attached herewith, said Easements were stipulated to be included with the Springwoods C-PZD Final Plat and remain in effect until such time that an Alternate Easement, serving the same purpose, could be located, secured, and conveyed to the City of Fayetteville.

Please know that an Alternate Easement, as approved by the City of Fayetteville, has been conveyed to the City in the form of Easements and recorded in the Washington County Court House on February 9, 2005, document ID # 00815071003.

Sincerely,

Patrick Hargus...

Patrick Hargus, RLA
Director of Planning and Landscape Architecture
EGIS Engineering, Inc.

Survey Description 50' Permanent Mulli-use Easement

Located in a part of the N ½ of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas, more precisely described as follows: Starting at the NW Corner of the NW ¼ of the NW ¼ of Section 33;
thence South 02 degrees 28 minutes 26 seconds West, 508.24 feet to the true POINT OF BEGINNING;
thence South 87 degrees 54 minutes 20 seconds East, 2884.98 feet;
thence South 02 degrees 27 minutes 35 seconds West, 50.00 feet;
thence North 87 degrees 54 minutes 20 seconds West, 2885.00 feet;
thence North 02 degrees 28 minutes 26 seconds East, 50.00 feet to the true POINT OF BEGINNING containing 3.311 acres more or less and being subject to any rights-of-way and easements of record.

Survey Description 100' Temporary Construction Easement

Located in a part of the N ½ of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas, more precisely described as follows: Starting at the NW Corner of the NW ¼ of the NW ¼ of Section 33;
thence South 02 degrees 28 minutes 26 seconds West, 558.24 feet to the true POINT OF BEGINNING;
thence South 87 degrees 54 minutes 20 seconds East, 2885.00 feet;
thence South 02 degrees 27 minutes 35 seconds West, 100.00 feet;
thence North 87 degrees 54 minutes 20 seconds West, 2885.02 feet;
thence North 02 degrees 28 minutes 26 seconds East, 100.00 feet to the true POINT OF BEGINNING containing 6.623 acres more or less and being subject to any rights-of-way and easements of record.

50' Mult-Use Easement
To be Vacated

100' Temporary Construction
Easement to be vacated.

Hwy 112

Deane Solomon Road

Shiloh Drive

Moore Lane

SEWAGE LIFT STATION DETAIL
SCALE: 1"=100'

LOCATION MAP

Job: Final Plat of
C-PZD05-06 Springwoods
Sheet #3 of 3
Pt. of Sec 33, Twp 17 N, Rg 30 W
RAMSEY SURVEYING, INC.
Job Number: 03110-2

INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION
Fayetteville, Arkansas

THIS AGREEMENT, made and entered into the 6th day of April, 2004, by and between the **CITY OF FAYETTEVILLE,** County of Washington, State of Arkansas (hereafter called **FAYETTEVILLE**); and **LEGACY PROJECT, LLC,** an Arkansas limited liability company, and/or its assigns (hereafter called **LEGACY**)
WITNESSETH THAT:

WHEREAS, Fayetteville by an agreement executed on May 6, 2003 agreed to convey and deed property as described in Exhibit "A" hereof and generally located on the north side of Interstate 540, situated in the City of Fayetteville, Washington County, Arkansas, containing approximately 289 acres of land, more or less, being subject to specific stated terms and conditions; and

WHEREAS, pursuant to the stated terms and conditions of said agreement; Item 16, the following provisions are made:

"**Reservation of Public Streets, Right-of-Ways, Utility Easements and Temporary Construction Easements.** A new waste water treatment facility project is currently in the preliminary stages of design and construction for the City of Fayetteville. As part of that project many new wastewater collection systems will be installed around the city and a large gravity main is planned for the north side of Clabber Creek across this property from East to West. It is therefore understood that, as part of this conveyance, Legacy Project will convey to the City of Fayetteville, at no cost to the city and on forms to be provided by the City of Fayetteville or their designee, a permanent Water/Sewer Easement of 40 foot width parallel to and south of the planned extension of Truckers Drive and any alignment adjustments as mutually agreed and a Temporary Construction Easement of 150 foot width south of the permanent easement, along with the right of ingress and egress across the property to facilitate construction. The Temporary Construction Easement shall terminate upon completion of the initial construction of the sewer main. The City of Fayetteville agrees to maintain a periodic consultation with Legacy Project as to the desirable and necessary design location of this proposed sewer main sewer line. Existing public streets, rights-of-way and easements shall remain public and be available for public use"; and

WHEREAS, Legacy has completed a development plan for the land that proposes an alternative reservation of public streets, right-of-ways, utility easements and temporary construction easements from that set forth in the aforementioned Section 16 of the May 6, 2003 agreement; and

WHEREAS, Fayetteville finds the modification of the original alignment of the proposed interceptor sewer line to be in the best public interest;

NOW THEREFORE, Fayetteville and Legacy agree to the following modified terms and conditions for Section 16 of the May 6, 2003 agreement:

1. Legacy shall grant to Fayetteville a 50-foot wide permanent utility easement along the north and west property lines of the previously described 289 acre tract, the extent of said easement to be generally described as follows: Beginning at the northeast corner of the tract, 2,885 and running thence westerly along the north property line a distance of approximately 2,885 feet to a property corner, thence

continue southerly along the west property line to a distance of approximately 1816.06 feet to a property corner, said property corner representing the end of said 50 foot wide permanent utility strip along the perimeter of said 289 acre tract of land. In addition to a 50-foot wide permanent utility easement, Legacy shall grant to Fayetteville a 100-foot wide temporary construction easement, said 100-foot to be in addition to and parallel with the previously described 50-foot permanent easement inside said property.

2. Legacy shall secure easement grants to the City of Fayetteville a 50-foot wide permanent utility easement and a minimum 50-foot wide temporary construction easement between the northeast corner of the 289 acre tract of land and the east right-of-way line of Arkansas State Highway 112, said easement being generally described as follows: Beginning at the northeast corner of the 289 tract of land, and running thence easterly parallel with the north property line as distance of approximately 1,117 feet to the west right-of-way of Arkansas State Highway 112, said intersection of the property line with the right-of-way line marking the end of said easement. This easement will provide a continuous and linear alignment for the proposed interceptor sewer line from the west right-of-way line of Arkansas State Highway 112 to the northwest corner of the 289 acre tract.
3. Fayetteville, upon receipt of all necessary easement documents from Legacy for the above-described continuous utility corridor, shall release Legacy from the right-of-way street, utility easement and temporary construction easement requirements set forth in Section 16 of the May 6, 2003 agreement. It is to be clearly recognized, acknowledged and agreed that the easement acquisition required of Legacy involves voluntary negotiations with other private interests whose participation is not assured. Should Legacy, through no fault of its own, be unable to secure a continuous easement corridor, the original agreement terms, set forth in Section 16 will remain valid.
4. Legacy agrees and covenants to fully compensate Fayetteville for any and all increased project costs associated with the re-alignment of the proposed interceptor sewer line from the originally proposed routing. Increased costs may include, but not be limited to; increased excavation costs, added rock removal costs, engineering costs, abandoned design costs, increased manhole depths, additional environmental analysis, expanded historical/cultured resource survey work and other costs directly attributed to changing the alignment of the interceptor sewer line from its originally approved routing. Legacy's financial obligations under this provision will be based upon actual increased costs; however, in no case shall the total financial obligation to Fayetteville exceed one-hundred fifty thousand dollars ($150,000.00). The costs of right-of-way acquisitions by Legacy will be the sole cost of Legacy and are not a component of the $150,000.00 financial obligation.
5. Legacy agrees to complete the off-site right-of-way acquisition in a prompt and expedient manner, with the necessary right-of-way documents to be delivered to Fayetteville within sixty (60) calendar days from the date of this agreement. If at the end of the 60-day period, Legacy has not produced the continuous right-of-way corridor, and Fayetteville has not granted a formal, written extension of time for such task, the approval of the re-alignment by Fayetteville shall become null and void, with the provisions of Section 16 in the May 6, 2003 agreement

remaining in full force and effect. Furthermore, said default by Legacy shall obligate Legacy to fully reimburse Fayetteville for any and all costs incurred for the implementation of the new interceptor sewer line alignment, said stranded costs to have a ceiling of $150,000.00 as noted in the previous section.

6. Upon execution of this agreement by Legacy and Fayetteville, it is mutually understood and agreed that Fayetteville shall proceed immediately with the planning and design of the proposed interceptor sewer based upon the re-alignment. Actions that Fayetteville shall take, and for which Legacy may become accountable under default may include; engineering, surveys, test borings, plan development, drawing revisions, historical/cultural assessments and other project actions that are specific to the new alignment requested by Legacy.
7. Fayetteville shall maintain accurate records of authorizations, transactions and costs relating to the new alignment of the interceptor sewer line. As these costs are incurred, Fayetteville shall from time to time, but more frequently than once per month, submit requests for reimbursement to Legacy for costs incurred. Legacy agrees and covenants to review, process and remit payments to Fayetteville within 30 calendar days after receipt of statement. Failure to pay amounts to Fayetteville in said 30-day window shall grant Fayetteville the right to claim a late payment penalty of 6% of the principal amount of the statement for all time the statement remains unpaid.
8. A sketch of the original interceptor server line route and the proposed interceptor re-alignment is attached hereto and made a part of this agreement. Fayetteville and Legacy agree that this exhibit generally depicts the character and scope of this matter.
9. Any party of any other agreement in conflict with this agreement are repealed and amended as noted herein. All other provisions, not affected by this agreement remain in full force and effect. The failure of Legacy to furnish the required right-of-way corridor within the specified time frame shall render Legacy in default, and void the terms of this agreement excepting these rights of cost recovery from Legacy granted to Fayetteville.

END OF AGREEMENT

EXECUTED ON THIS 5th DAY OF FEB., 2004 BY LEGACY PROJECT, LLC. LEGACY PROJECT, LLC., an ARKANSAS limited liability company.

By: _____
H. COLIN HAYNES

Attest: _____
Authorized Member

EXECUTED THIS _____ DAY OF _____, 2004 BY City OF FAYETTEVILLE, COUNTY OF WASHINGTON, STATE OF ARKANSAS, a municipal corporation.

By: _____
DAN COODY, Mayor

Attest: _____
SONDRA SMITH, City Clerk

File Number: 2003-00063089 1 of 2

[redacted]

WARRANTY DEED
MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

[redacted]
Doc. ID: [illegible]
Recorded: 10/13/2003 at 01:49:38 PM
Fee Amt: $15.00 Page 1 of 2
Washington County, AR
Bette Dickey Circuit Clerk
File# 2003-00063089

THAT the CITY OF FAYETTEVILLE, ARKANSAS, a municipal corporation, hereinafter called GRANTOR, for and in consideration of the sum of One-hundred Dollar ($100.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Legacy Project, LLC, an Arkansas limited liability corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:
A part of Section 33, Township 17 North, Range 30 West, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Section 33; thence along the West line of said Section 33 South 02° 28' 11" West 1818.08 feet; thence South 87° 19' 54" East 330.00 feet; thence South 02° 28' 19" West 2480.86 feet; thence South 87° 21' 19" East 660.23 feet; thence South 02° 28' 40" West 328.99 feet; thence South 87° 21' 18" East 868.00 feet; thence North 02° 28' 51" East 329.86; thence South 87° 31' 53" East 631.86 feet to the westerly right of way line of U. S. Highway 71; thence Northerly along said westerly right of way line the following bearings and distances;

North 34° 22' 18" East	902.80 feet
North 38° 27' 59" East	150.79 feet
North 34° 22' 25" East	949.12 feet
North 27° 10' 09" East	171.37 feet
North 07° 18' 08" East	170.41 feet
North 08° 19' 10" West	280.77 feet
North 12° 48' 23" West	100.11 feet
North 16° 36' 58" West	57.67 feet
North 04° 18' 48" East	198.28 feet
North 18° 24' 53" East	128.68 feet
North 31° 34' 48" East	180.38 feet
North 56° 13' 38" East	191.34 feet
North 68° 53' 28" East	127.62 feet
North 75° 15' 02" East	117.64 feet
North 74° 58' 18" East	180.11 feet
North 38° 07' 08" East	74.14 feet;

thence leaving said west right of way line and running North 87° 17' 28" West 1101.15 feet; thence North 02° 28' 17" East 1030.39 feet to the North line of Section 33; thence along the North line of Section 33 North 87° 14' 58" West 347.30 feet to the North quarter corner of Section 33; thence continuing along the North line of said Section 33 North 87° 19' 24" West 2637.40 feet to the Point of Beginning, containing 239.27 acres, more or less, being subject to rights of way and easements of record.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

File Number: 200300053061 2 of 2

WITNESS the execution hereof on this 12th day of December, 2003

CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY: Dan Coody
Dan Coody, Mayor

ATTEST:

Sandra Smith
Sandra Smith, City Clerk

(Seal)

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Dan Coody and Sandra Smith, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the Mayor and City Clerk of the City of Fayetteville, Arkansas, a municipal corporation, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 12 day of December, 2003.

Notary Public

APPROVAL SEAL
DEBRA BROWNE
NOTARY PUBLIC ARKANSAS
WASHINGTON COUNTY
MY COMMISSION EXPIRES: 07-17-12

My Commission Expires:

RESOLUTION NO. 45-04

A RESOLUTION TO APPROVE AN AGREEMENT WITH LEGACY PROJECT, LLC FOR INTERCEPTOR SEWER REALIGNMENT FOR SPRINGWOODS SUBDIVISION

WHEREAS, a new interceptor sewer needs to be constructed within the Springwoods Subdivision at a different location than originally planned because of Legacy Project, LLC's request.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the Interceptor Sewer Realignment for Springwood Subdivision agreement as attached as Exhibit A in which the City agrees to relocate the original site of the interceptor sewer in consideration of Legacy Project LLC's agreement to pay the City's relocation expenses up to the maximum projected cost of $150,000.00.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 4-7-2005

UTILITY COMPANY: City of Fayetteville Water & Sewer Superintendent

REQUESTED VACATION (*applicant must check all that apply*):

☑ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☐ Alley

☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address: Located North of Moore Lane, East of Deane Solomon Rd, West of Hwy. 112, within the Springwoods PZD 03-08.00 and adjoining parcel to the West, Fayetteville, Arkansas. SEE ATTACHED DESCRIPTION FOR DETAILS

(See attached legal description and graphic representation of what is being vacated)

UTILITY COMPANY COMMENTS:

☒ No objections to the vacation(s) described above.

☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

SAID EASEMENT WAS REPLACED BY EASEMENT PLAT 23A-141 IN FEB 2005. THE DOCUMENT ID IS THE ATTACHED LETTER FROM EGIS, unsigned, dated 5 APR 05, IS NOT CORRECT.

D E Rogers
Signature of Utility Company Representative

WATER/SEWER MAINT SUPERINTENDENT
Title

(FRI) 4. 15' 05 8:37/NO. 4864252500 P 3 C.4
VAC 05-1522 (Springwoods)
Page 18 of 24

APR-15-2005 08:48AM TEL)
ID)C&E CAC/CMC
PAGE:003 R=100%

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 4-7-2005

UTILITY COMPANY: Southwestern Bell Telephone Company

REQUESTED VACATION (*applicant must check all that apply*):

- ☑ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (*alley, easement, right-of-way*), described as follows:

General location / Address: Located North of Moore Lane, East of Deane Solomon Rd, West of Hwy. 112, within the Springwoods PZD 03-08.00 and adjoining parcel to the West, Fayetteville, Arkansas.

(See attached legal description and graphic representation of what is being vacated)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

The attached Concurrence must be filed in order for this release to be complete.

Lynda E. Sommerfeldt Palmer
Signature of Utility Company Representative

Lynda E. Sommerfeldt Palmer
Mgr. -Engr (Right-of-Way)
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY AND UTILITY EASEMENT VACATIONS

DATE: **4/18/05**

UTILITY COMPANY: **Southwestern Bell Telephone, L.P. (dba SBC Arkansas)**

REQUESTED VACATION: (*applicant must check all that apply*):

✓ **Utility Easement**

Street and all the utility easements located within the vacated street

Right-of-Way for alley or streets and all utility easements located within the vacated right-of-way.

Alley

Street right-of-way

I have been notified of the petition to vacate the following **Utility Easement** described as follows:

General location/Address: Located north of Moore Lane, east of Deane Solomon Road, west of Hwy. 112, with the Springwoods PZD 03-08.00 and adjoining to the west, Fayetteville, Arkansas.

UTILITY COMPANY COMMENTS:

No objections to the vacation described above.

Signature of this form does not constitute a release of easement. The attached Concurrence must be recorded at the Benton County courthouse in order for this release to be complete and legal.

Signature of SBC Company Representative:

Lynda E. Sommerfeldt Palmer, Mgr.-Engr. (ROW)
1111 West Capitol, Room 941
Little Rock, AR 72201
(501) 373-5255

CONCURRENCE TO RELEASE
A DEDICATED UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. SBC Arkansas, hereby concurs in the vacation of a fifty foot (50') multi-use easement, to-wit:

Located in a part of the N ½ of Section 33, Township 17 North, Range 30 West, in Fayetteville, Washington County, Arkansas, more precisely described as follows: Starting at the NW ¼ of the NW ¼ of Section 33; thence South 02°28'26"W, 508.24 feet to the TRUE POINT OF BEGINNING; thence South 87°54'20"E, 2884.98 feet; thence South 02°27'35" W, 50.00 feet; thence North 87°54'20" West, 2885.00 feet; thence North 02°28'26"E, 50.00 feet to the TRUE POINT OF BEGINNING containing 3.311 acres, more or less and being subject to only right-of-way and easements of record.

Also, a one hundred foot (100') temporary construction easement located in a part of the N ½ of Section 33, Township 17 North, Range 30 West in Fayetteville, Washington County, Arkansas T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as follows: Starting at the NW corner of the NW ¼ of the NW ¼ of Section 33; thence South 02°28'26"W, 558.24 feet to the TRUE POINT OF BEGINNING; thence South 87°54'20"E, 2885.00 feet; thence South 02°27'33"W, 100.00 feet; thence North 87°54'20"W, 2885.02 feet; thence North 02°28'26"E, 100.00 feet to the TRUE POINT OF BEGINNING containing 6.623 acres, more or less and being subject to any rights-of-way and easements of record.

Signed and executed this 18th day of April, 2005.

Doc ID: 008439920001 Type: REL
Recorded: 05/03/2005 at 02:05:58 PM
Fee Amt: $8.00 Page 1 of 1
Washington County, AR
Bette Stamps Circuit Clerk
File 2005-00018800

By: _____
F. Jean Davis
Director-Engineering/Construction

CORPORATE ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF PULASKI

On this the 18th day of April, 2005, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone LP, a Texas limited partnership, d.b.a. SBC Arkansas, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official seal.

LYNDA E. SOMMERFELDT PALMER NOTARY PUBLIC FAULKNER COUNTY, AR COMM. EXP. 8-10-2011

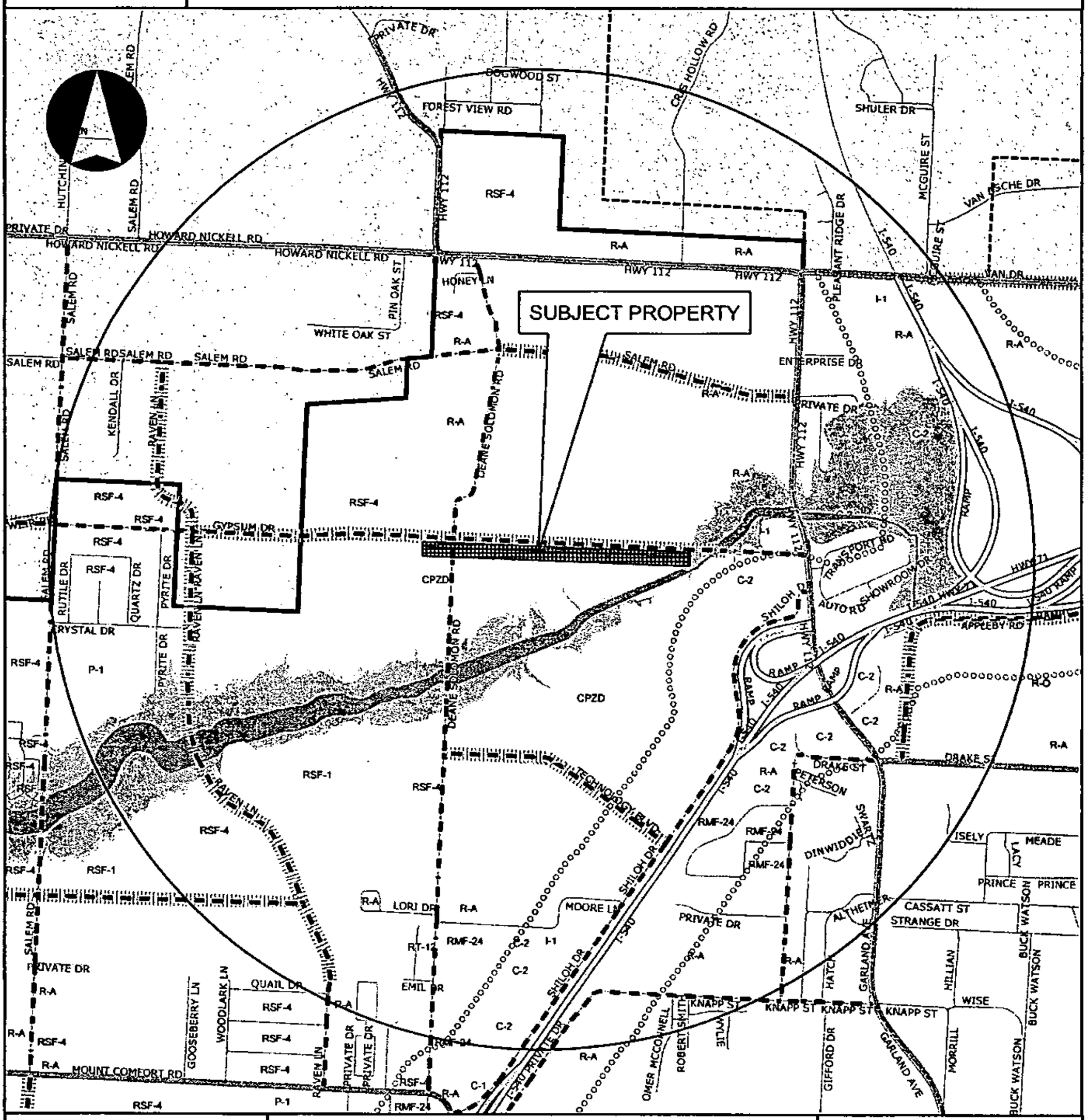
This instrument prepared by SBC
1111 W. Capitol, Room 941
Little Rock, AR 72201 (501-373-5255)

Lynda E. Sommerfeldt Palmer
Notary Public in and for Faulkner Co.
My commission expires 8/11/2011

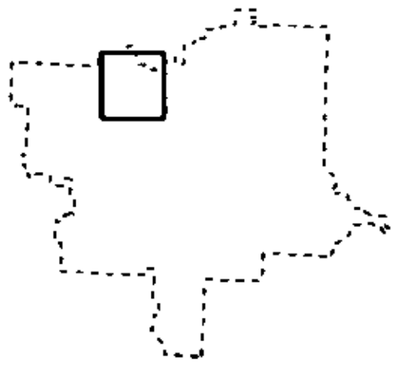
VAC05-1522

One Mile View

SPRINGWOODS



Overview



Legend

Subject Property
VAC05-1522

Boundary
Planning Area
Overlay District
Outside City

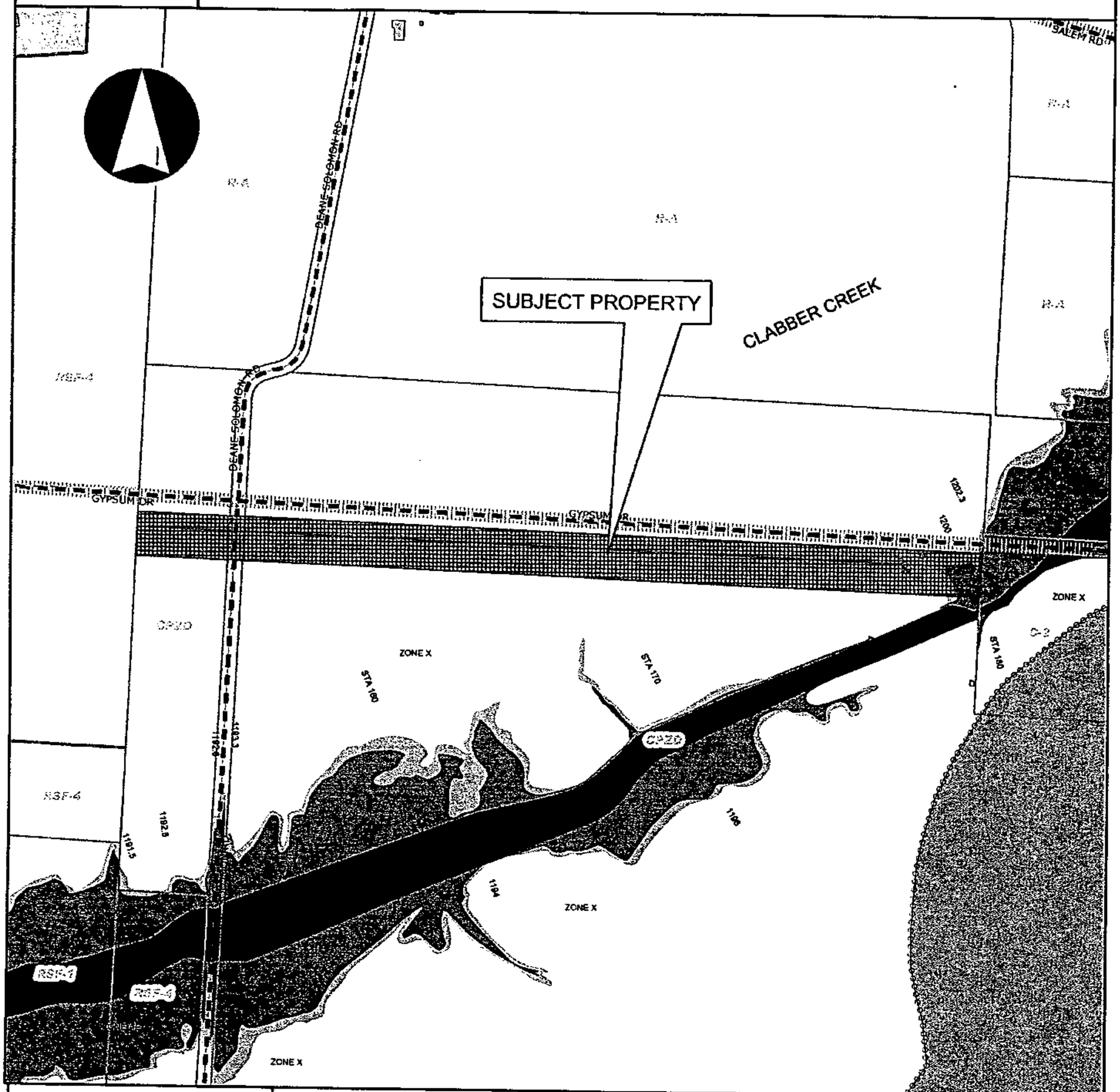
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1250.25 0.5 0.75 1 Miles

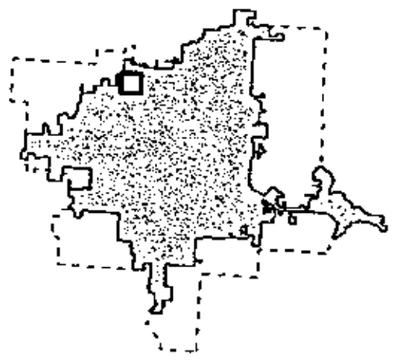
VAC05-1522

Close Up View

SPRINGWOODS



Overview



Legend

VAC05-1522

Overlay District
Master Street Plan
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector
FLOODWAY
100 YEAR
500 YEAR
LIMIT OF STUDY
BaseLine Profile
Fayetteville
Outside City

0 150 300 600 900 1,200 Feet

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Jul-05
City Council Meeting Date

Jeremy Pate	Planning	Operations
Submitted By	Division	Department

Action Required:

VAC 05-1522: (springwoods, 247): Submitted by Patrick Hargus, for property located at Springwoods Planned Zoning District, at the intersection of Hwy 112 and Trucker's Drive. The property is zoned C-PZD, Commercial Planned Zoning District and contains approximately 90.93 acres. The request is to vacate a utility easement crossing the subject property.-

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director 7-1-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

City Attorney 7/1/05

Original Contract Number: n/a

Received in City Clerk's Office ENTERED 7/1/05

Finance and Internal Service Director 7-6-05 Date

Received in Mayor's Office ENTERED 7.1.05

Mayor Date

Comments:

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF AUGUST 2, 2005

FROM:
ALDERMAN BOBBY FERRELL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
A Resolution To Make An Exception To The Policy Of Not Extending Streets Over Mt. Sequoyah

APPROVED FOR AGENDA:

Bobby Ferrell

Bobby Ferrell
Alderman

Date

Kit Williams
City Attorney (as to form)

7-19-05
Date

RESOLUTION NO. _____

A RESOLUTION TO MAKE AN EXCEPTION TO THE POLICY OF NOT EXTENDING STREETS OVER MT. SEQUOYAH

WHEREAS, on February 20, 1996, the City Council unanimously passed Resolution No. 19-96 entitled "A Resolution Reiterating A Policy Of Not Extending Streets Or Roads Over Mt. Sequoyah; Not Requiring Or Encouraging Landowners And Developers To Build Such Streets Or Roads; Requiring City Council Approval For Any Such Streets Or Roads; And Allowing Trail Access In Undeveloped Land Owned By The Methodist Assembly Center;" and

WHEREAS, Section 1 of Resolution No. 19-96 states: "That the City reiterates its policy that streets and roads should not be extended over Mt. Sequoyah which would connect College Avenue to Manor Drive, Highway 265, Happy Hollow or Cliffs Boulevard, or which would connect Highway 45 to Highway 16"; and

WHEREAS, Section 3 of Resolution No. 19-96 requires City Council approval by resolution after public comment for any deviation from this policy; and

WHEREAS, the Barber Group seeks approval to build a connecting street over Mt. Sequoyah between Highway 265 and Rockwood Trail and seeks City Council approval for this exception to City policy.

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 an exception to the City policy that streets should not be extended over Mt. Sequoyah that would serve as a connection between Highway 265 and College Avenue and grants the Barber Group's request to build such a connecting street as specified in its proposal.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: DRAFT
_____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

H2 ENGINEERING, INC.

July 15, 2005

City Council
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Barber Group Development on Mt Sequoyah

Dear Aldermen:

On behalf of our clients, The Barber Group, please consider this correspondence an official request for City Council approval to make a street connection over Mt Sequoyah as part of a proposed residential development. As required by Resolutions 19-96 and 61-96, we are requesting that the City Council pass a resolution approving the connection from Ainsworth to Highway 265.

We understand the sensitivity of this issue but are faced with a difficult situation. The property being proposed for development is the DePalma property. This 80 acre parcel extends from Rockwood Trail to Highway 265 and is zoned RSF-4. We are proposing a development with 98 residential lots resulting in a density of 1.2 units per acre, significantly less than the allowable 320 lots at 4 units per acre. This development includes a 28.5 acre park land donation and approximate 11 acre tree preservation/tree buffer area along Highway 265. The dilemma we face, if not allowed to make a connection, is that the section of Hwy 265, which is adjacent to this property, has sight distance issues and does not have a center turn lane. This presents a very dangerous situation for two entrances onto this major highway for what could be up to 960 vehicle trips per day. The same could be said for a connection exclusively to the west over Mt Sequoyah. Although some level of improvements will have to be made to the existing streets to handle the proposed traffic, we don't believe this development will create a safety issue for the future serviceability of Rockwood. We feel the safest design for all is to provide an opportunity to funnel traffic both east and west from this development.

We realize that cut-thru traffic is the greatest concern to the local citizens. We are proposing a design that will discourage thru traffic by eliminating an obvious thoroughfare and by introducing speed humps within the development. These design techniques have been endorsed by Planning Staff on other projects and have been successfully implemented in other communities.

In summary, we are not proposing this connection just to have a connection over Mt Sequoyah. Rather, we feel that it would be irresponsible of us and a disservice to the residents of Mt Sequoyah, and the residents of Fayetteville as a whole, to propose this project without the connectivity which the city requires on all other developments.

Thank you for your consideration in this matter. Please feel free to contact me to discuss this at any time. 582-4234 (ofc) 263-0556 (cell)

Sincerely,

Thomas A. Hennelly, P.E.
President
H2 Engineering, Inc.

2758 Millennium Drive Suite 1 Fayetteville, Arkansas 72703 Phone: 479.582.H2EI Fax: 479.582.9254

RESOLUTION NO. 19-96

MICROFILMED

A RESOLUTION REITERATING A POLICY OF NOT EXTENDING STREETS OR ROADS OVER MT. SEQUOYAH; NOT REQUIRING OR ENCOURAGING LANDOWNERS AND DEVELOPERS TO BUILD SUCH STREETS OR ROADS; REQUIRING CITY COUNCIL APPROVAL FOR ANY SUCH STREETS OR ROADS; AND ALLOWING TRAIL ACCESS IN UNDEVELOPED LAND OWNED BY THE METHODIST ASSEMBLY CENTER.

WHEREAS, after numerous public hearings in 1994 with extensive citizen participation, the Planning Commission established a policy not to connect streets over Mt. Sequoyah (sometimes referred to as East Mountain), but rather endorsed a loop concept in which traffic would be directed along established highways and major thoroughfares shown on the Master Street Plan rather than on local streets through established neighborhoods; and

WHEREAS, the City Council Street Committee after hearings endorsed and supported the Planning Commission's recommendations concerning these policies as shown on the Master Street Plan; and

WHEREAS, the Fayetteville City Council formally adopted and passed the Master Street Plan in 1995 and has continued to expend substantial City revenues on Highway 265, Cliffs Boulevard, Happy Hollow and Joyce Street (in furtherance of the loop concept); and

WHEREAS, it would not be in the best interests of the City to connect College Avenue or Mission Boulevard over Mt. Sequoyah on its narrow, winding and congested streets to Manor Drive, Highway 265, Cliff Boulevard or Happy Hollow Road, nor to connect Highways 45 and 16 East over Mt. Sequoyah.

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

Section 1. That the City reiterates its policy that streets or roads should not be extended over Mt. Sequoyah which would connect College Avenue to Manor Drive, Highway 265, Happy Hollow or Cliffs Boulevard, or which would connect Highway 45 to Highway 16.

Section 2. That landowners and developers of land on Mt. Sequoyah shall not be required nor encouraged to build streets which would act as part of a connection over Mt. Sequoyah from College Avenue to Highway 265, nor as part of a connection between Highway 16 and 45.

Section 3. That prior to approval by the Planning Commission or City staff of a street that would act as a connection over Mt. Sequoyah, a resolution to approve such request must be presented and approved by the City Council after opportunity for public comment.

Section 4. That roads accessing or through undeveloped land owned by the Methodist Assembly Center on the east side of Mt. Sequoyah should not be required nor encouraged, but access by trails should be provided if agreed to by the Methodist Assembly.

PASSED AND APPROVED this 20th day of February, 1996.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

SEAL
CITY CLERK

RESOLUTION NO. 61-96

MICROFILMED

A RESOLUTION CLARIFYING RESOLUTION 19-96.

WHEREAS, Resolution 19-96 states City Council policy regarding street connectivity over Mt. Sequoyah; and,

WHEREAS, confusion has developed regarding the operational aspects of this policy;

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

Section 1. The Planning Commission is to forward for consideration by the City Council:

1. Any Preliminary Plat, Large Scale Development, or other development plan in which the developer proposes to create a street connection over Mt. Sequoyah, pursuant to Resolution 19-96.

After City Council action regarding the proposed street connection, it will return the Preliminary Plat, Large Scale Development, or other development plan to the Planning Commission for appropriate action.

In the absence of a developer's proposal to create a connection over Mt. Sequoyah, the Planning Commission is instructed to consider each Preliminary Plat, Large Scale Development, or other development plan on its own merits.

PASSED AND APPROVED this 14th day of May, 1996.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

CITY ATTORNEY AGENDA REQUEST

FOR: COUNCIL MEETING OF AUGUST 2, 2005

FROM:
KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Appoint A Negotiation Team To Work With Farmington On The Issue Of Accepting Farmington's Sewer System Into The Fayetteville Sewer System And Issues Related Thereto

APPROVED FOR AGENDA:

City Attorney — Date: 7-20-05

RESOLUTION NO. _____

A RESOLUTION TO APPOINT A NEGOTIATION TEAM TO WORK WITH FARMINGTON ON THE ISSUE OF ACCEPTING FARMINGTON'S SEWER SYSTEM INTO THE FAYETTEVILLE SEWER SYSTEM AND ISSUES RELATED THERETO

WHEREAS, on June 13, 2005, a Memorandum of Understanding was signed by Mayor John Harris of Farmington and Mayor Dan Coody of Fayetteville; and

WHEREAS, on July 14, 2005, the Fayetteville Sewer Committee agreed to present a Resolution to the City Council for the appointment of a negotiating team for Fayetteville consisting of Alderman Kyle Cook, Finance and Internal Services Director Steve Davis and City Attorney Kit Williams; and

WHEREAS, on July 19, 2005, the City of Farmington agreed to begin negotiating with the City of Fayetteville over this possible take over of the Farmington Sewer System by the City of Fayetteville and appointed a negotiation team consisting of an Alderman, the Business Manager and the City Attorney.

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 appoints Alderman Kyle Cook, Finance and Internal Services Director Steve Davis and City Attorney Kit Williams and as the negotiation team.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby directs the negotiation team to consider all possible results and repercussions from the possible take over of the Farmington sewer system by the City of Fayetteville including:

a. Whether the sewer rates will be identical within the City of Farmington and City of Fayetteville or whether previous investments by the citizens of Fayetteville will require some differential in rates;

b. What the likely cost will be to the Fayetteville Sewer Fund for the acceptance of the Farmington sewer system including current major rehabilitation costs, new sewer mains, new force mains, new or enlarged sewer lift stations;

c. The advisability of providing sewer service to areas where the City of Fayetteville is legally prevented from providing water service with possible solutions and costs of those solutions;

d. Whether the take over of the Farmington sewer system will result in required expenditures to substantially increase sewer capacity of the City of Farmington paid for by the City of Fayetteville Sewer Fund and whether any limitations on such future capacity demand are feasible and whether annexation growth restriction borders between the cities can or should be part of any sewer take over agreement;

e. Whether system wide sewer impact fees can be applied throughout Farmington after any take over of its sewer system;

f. Whether the power of condemnation for sewer main construction enlargement, rehabilitation and maintenance can be assured to the City of Fayetteville within the City of Farmington's borders; and

g. Any other possible current or long range issues created by this potential take over of the City of Farmington sewer system.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CITY OF FARMINGTON

June 13, 2005

Memorandum of Understanding

The Mayor of Farmington, Arkansas and the Mayor of Fayetteville, Arkansas enter into the following as their memorandum of understanding regarding the future relationship of their respective cities in providing sewer service to the City of Farmington.

1. The City of Farmington agrees to transfer ownership in what is known as the Farmington Sewer System in Attachment A.

2. The City of Fayetteville agrees to accept ownership of said sewer system.

3. The cities mutually agree that consideration in this transfer is the City of Fayetteville undertaking to address capacity issues at the existing point-of-connection of the City of Farmington sewer system to the City of Fayetteville Sewer System and to address future City of Farmington sewer capacity issues in a manner similar to addressing City of Fayetteville capacity issues.

4. The City of Farmington understands and agrees that the existing wastewater impact fee assessment, as amended from time to time, will apply in the same manner as it applies within Fayetteville.

5. The cities agree that utility mains shall be extended at the cost/expense of the developer and the City of Fayetteville shall not unreasonably withhold concurrence for extension within the City of Farmington.

6. The cities agree that from time to time additional wastewater system enhancements (sewer main, trunk lines, etc.) may be needed within the city limits of Farmington to properly maintain and operate the wastewater collection system. When these improvements require City of Farmington consent the City of Farmington agrees that it shall not unreasonably withhold consent to the improvement.

7. The cities agree that all sizing, siting and collection system determinations shall be made in the most environmentally sensitive, cost-effective manner utilizing state-of-the-art best management practices for wastewater collection systems as defined by USEPA, Water Environment Federation and/or Arkansas Department of Environmental Quality and their successor organizations.

8. The cities agree to monitor capacity utilization to ensure adequate capacity exists to address approved development plans and agree to pro-rate (based on customer base) available capacity once bio-loading attains 75% of permitted capacity. Such pro-ration to be in-place until capacity additions are in-place and utilized to reduce bio-loading to less than 70% of permitted capacity.

9. Infrastructure funding – it is agreed by the cities that utility system revenues and impact fees will be used to fund utility system enhancements. The City of Fayetteville prepares a biennial capital improvement program that identifies, prioritizes and schedules infrastructure improvements. Each city agrees to use best efforts to identify all known infrastructure capacity related improvements that impact/benefit both Farmington and Fayetteville for the wastewater collection system. Infrastructure funding other than wastewater system revenues or impact fees (grant, sales tax, property tax, etc.) must be communicated to each city so that both cities may independently determine the best method to fund their proportional cost of the improvement.

10. The City of Fayetteville upon acceptance of the Farmington Sewer System agrees to provide necessary repairs, replacements, and/or rehabilitation to that system and agrees to treat it as an integral part of the Fayetteville Sewer System and to give the acquired system no less of a priority than is given to the remaining portion of the Fayetteville System.

11. Should Farmington desire to repair, replace,.and /or rehabilitate the existing gravity flow interceptor line and/or Lift station 12 before the Fayetteville West-side Wastewater Treatment Plant is completed and functional, Farmington shall be financially responsible for that project in an amount equal to the percentage of Farmington's flow within the existing flow interceptor line.

12. Fayetteville agrees to provide rate parity to Farmington expediently after the transfer agreement is approved by the respective City Councils. Rate parity is defined as operations; maintenance and replacement cost and excludes the repair, replacement, and/or rehabilitation identified in Item 11.

13. Each city commits to enact, implement, maintain and enforce policies that limit inflow and infiltration from private service connection lines to the public wastewater collection system.

14. The cities agree that a representative appointed by the City of Farmington shall serve as an ex officio member of the Fayetteville Water and Sewer Committee.

15. The City of Fayetteville agrees to provide, manage and maintain sewer service to Farmington at no less capacity or service area that exists at the time of transfer.

16. At the conclusion of this transfer the cities agree to faithfully negotiate an exclusive wastewater utility franchise agreement.

The undersigned Mayor of Farmington and Fayetteville respectfully request the City Attorneys of their respective cities to draft a contract containing the above provisions to be presented to the City Council of Farmington and Fayetteville for their consideration and approval.

John Harris, Mayor
City of Farmington

Dan Coody, Mayor
City of Fayetteville

Fayetteville
ARKANSAS

OPERATIONS DIRECTOR

To: Mayor and City council

From: Gary Dumas

Date: July 15, 2005

Re: Elkins Solid Waste Service Request

Recommendation:

Authorize staff to negotiate a contract for Solid Waste and Recycling Services with the City of Elkins.

Background:

The City of Fayetteville Solid Waste and Recycling Division operates as an Enterprise Fund. This requires that the user revenues fund the entire operation. Revenues are generated from the user rate structure: users rates are set for residences (trash, recycling, yard waste collection, and bulk pick-up); businesses (95-gallon carts, 2 to 8-yard metal containers, and 8-yard compactors); drop box services (20 to 40 yard drop boxes and compactor services): Some services included in the rate structure that are funded by overhead are the ward cleanups, bulky waste roundup, composting and mulching operations and sales, and environmental education.

All Solid Waste and Recycling operations are funded through user fees and revenue derived from the sale of waste collected and recycled or reprocessed for reuse.

Since most revenue necessary to fund the operations are derived from user fees with no scheduled inflationary adjustment, it is critical to monitor the cost of service and the revenues derived from that service. This is an ongoing activity and one that the Council will need to address this budget year.

However, other revenue enhancements through additional services or expansion of customer base are potential options that can partially offset rate increases by spreading the overhead expense over a larger base.

Discussion:

The City of Elkins has expressed interest in the City of Fayetteville Solid Waste and Recycling Division providing solid waste services to all residents and businesses within the City of Elkins. Elkins representatives have visited our facilities and have formally requested that Fayetteville consider providing this service.

The City of Elkins, population 1,983, has approximately 700 single-family structures, 25 multiple family locations, and 30 commercial and business locations. Elkins is located on the east border of our current route area and it is 10.5 miles from our yard to the

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CITY STAFF TO ENTER INTO NEGOTIATIONS WITH THE CITY OF ELKINS, ARKANSAS TO PROVIDE SOLID WASTE & RECYCLING SERVICES TO THE CITY OF ELKINS, ARKANSAS.

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 City Staff to enter into negotiations with the City of Elkins, Arkansas to provide solid waste & recycling services to the City of Elkins, Arkansas.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

furthest east end of Elkins. The majority of residential housing areas are located in several tracts off the main road (Highway 16). There are some residential units in the more rural area on the south side (1 – 2 miles) from the main road. The access roads are paved and in fairly good condition. The 30 commercial businesses are all located off the main highway with reasonable access. Staff estimates the commercial dumpster service at 116 to 200 yards per week. Some of the larger commercial businesses may require more service or compactors. Staff will be able to ascertain the exact service required later when it is appropriate to interview each business.

Staff would plan to offer Residential Trash service with 64 & 96-gallon carts only, Recycling with 18-gallon bins with lids, and also include Yard Waste and bulk item collections. Due to a safety issue involving the busy highway, staff recommends not offering an exemption service. Staff proposes to service the entire city for Residential Trash & Recycling each Wednesday for 10 hours each week. This is one fourth of one normal weekly route. Elkins currently has a yard waste program by appointment two times per month. We will continue this program and will involve two men and one vehicle for 4 hours each week. The costs to provide these services are the same as the current costs for Fayetteville residents.

The new construction currently in progress in Elkins possibly will result in 2 to 4 Drop Box loads per week involving 1 man, 1 vehicle and appropriate boxes, for 2 to 4 hours per week. Bulk Service would be offered and routed in with our regular pickup schedule currently running Monday thru Wednesday with one day each for metal, furniture, and brush while reserving Thursday for overloads. Commercial businesses would have either 95-gallon carts or 2 to 8 yd dumpster service. Cart Customers and 2 yd dumpsters would be serviced by one rear load vehicle using two men and 4 hours collection time. Commercial 4 to 8 yd dumpsters would be serviced by a one man and one Front Loader involving collections 1 to 6 times per week and hours as needed, approximately 4 hours. The residential carts would be repaired and serviced as needed with lids, wheels or service changes using one man and time as needed.

The Solid Waste Division will handle the delivery and recording of cart numbers. This could be accomplished in two days with 8 to 10 men. Elkins would continue to bill customers on their water bills. The City of Fayetteville would present one bill per month and receive remittance from the City of Elkins. All new accounts, increase or decrease in service and cancellations, would be handled by the City of Elkins with daily faxes to Solid Waste to perform service the next business day. Customer complaint calls should come directly to the Solid Waste Division for corrective action with a monthly report back to the City of Elkins. Bad Debt, Delinquencies, and Stop Service would be the responsibility of the City of Elkins with notification to our Solid Waste Office to perform required action.

Education for beginning residential service would include meetings with the Elkins community to discuss service options and program requirements. Elkins would be responsible for a reprint of Solid Waste brochures with changes approved through staff. Current recycling brochures and PAYT extra bags stickers could be provided from existing supplies for 2005. Costs for future printing would be left to the city of Elkins for informational brochures.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
e-mail - gdumas@ci.fayetteville.ar.us

Table A. Revenue projections from Elkins Service

Commercial – 95 gallon carts, 2 to 8 yd dumpsters	Drop box – 20, 30, and 40 yd boxes	Residential 64 gallon carts (595 carts)	Residential 96 gallon carts (105 carts)	Total Monthly Revenue	Annual Revenue Projection
$3,275	$5,300	$7,432	$1,863	**$17,870**	**$214,440**

Table B. Projected Start up Costs for beginning residential service to Elkins

Allocated cost of ¼ of a Residential Automated Vehicle	Carts	Employee costs to deliver carts	Equipment Costs for delivering carts	Total projected start up costs
*$56,250	$27,425	$3,760	$440	**$87,875**

*Currently budgeted for Fayetteville growth

Total projected costs for beginning residential service in Elkins involves costs already being assumed through normal budget conditions and can be absorbed into service operations with little difficulty. The Solid Waste Division in 2004 budgeted a new automated collection vehicle to handle growth in City residential collections. Due to the problems associated with Mack trucks, staff chose not to purchase a new vehicle until the problems were resolved. The current residential vehicles are 3 years old, almost half of the expected life, and staff plans to budget for an eighth truck in 2006. This vehicle could handle the growth occurring to date in Fayetteville and handle the expansion with the City of Elkins. A ninth vehicle as a spare is also currently planned for 2006. The Solid Waste and Recycling Division have absorbed residential growth to date in Fayetteville into the six existing routes. Staff is averaging a 9 hours operation for on Monday through Thursday collections with Wednesday as the light day. The residential program would be able to handle the new Elkins route by forfeiting the light Wednesday service day. It should be stressed that costs for covering residential areas in Elkins would be incurred one day per week only.

Service to the City of Elkins can be provided with no decrease in service levels to Fayetteville customers. This service can be accommodated within equipment and staffing expansions already necessitated by Fayetteville population growth. Service to the City of Elkins will absorb a portion of the excess capacity created by the expansions necessitated by Fayetteville population growth, but the revenue generated by an Elkins' contract will spread overhead cost to a larger customer base and help to contain and minimize customer rate increases.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
e-mail - gdumas@ci.fayetteville.ar.us

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

August 2nd, 2005
City Council Meeting Date

Brian Pugh	Solid Waste and Recycling	Operations
Submitted By	Division	Department

Action Required:

Request for Council to authorize negotiation of contract with the City of Elkins for Solid Waste and Recycling Services.

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	$ -	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director — 7-15-05 Date

City Attorney — 7/15/05 Date

Finance and Internal Service Director — 7/15/05 Date

Mayor — 7/15/05 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 7/15/05

Received in Mayor's Office — ENTERED 7/15/05

Comments:

Fayetteville
ARKANSAS

City Council Meeting of August 2, 2005

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Michele Bechhold, Human Resources Director MB

DATE: July 14, 2005

SUBJECT: Professional Services Agreement with Cross, Gunter, Witherspoon & Galchus, P.C.

Recommendation
Staff recommends approval of a change order in the amount of $50,000 to the professional services agreement for legal services with Cross, Gunter, Witherspoon & Galchus, P.C. (CGWG) On April 19, 2005 Council approved a contract in an amount not to exceed $20,000 with this firm for legal services associated with the City's defense in the Peter T. Reagan, et al v. City of Fayetteville, Case No. 05-5045, Federal District Court. The firm is also working with the Department of Labor (DOL) to facilitate the supervised settlement process which covers the employees who are not party to the lawsuit.

Discussion
Initial legal services focused heavily on the DOL supervised settlement. CGWG attorneys met several times with City staff to become familiar with how the City calculated payroll and to identify all the components of employee pay. Numerous hours were spent researching how the provisions of the Fair Labor Standards Act should be applied to the City's payroll practices, exploring the supervised settlement process with the Department of Labor, making contact with DOL personnel and discussing our case at length to facilitate the settlement.

Moving forward in the supervised settlement process, the attorneys and City staff prepared for the DOL investigator to be on-site and arranged for him to interview approximately forty-three employees from divisions throughout the City with the exception of the Fire Department. Due to the pending lawsuit, the DOL will not include the Fire Department in the settlement process. Numerous hours were spent researching DOL opinions and case law. The DOL investigator was consulted regarding the proposed method of calculating pay within the capabilities of the City's software system.

The attorneys coordinated their efforts with Kit Williams and met with City staff in preparation for mediation. Several meetings were held to determine how data should be gathered to facilitate the calculation of any back pay that might be owed.

During June, a tremendous amount of effort was expended by both the staff of CGWG and the City to compile all the materials/information needed for the mediation process. Basically two and one-half years of payroll were recreated and analyzed for each of the eighty-four plaintiffs.

Staff anticipates that this change order will cover legal expenses through the month of August if

the lawsuit is settled.

This firm was selected through a professional selection process based on their extensive experience in the specialized field of labor law.

Budget Impact

A budget adjustment is required to fund this change order. $50,000 would be taken from Fund Balance and transferred to the Legal Services account in the Human Resources program. The budget adjustment form is attached.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH CROSS, GUNTER, WITHERSPOON & GALCHUS, P.C. IN AN AMOUNT NOT TO EXCEED $50,000.00 TO CONTINUE REPRESENTATION OF THE CITY IN THE PETER T. REAGAN, ET. AL. v. CITY OF FAYETTEVILLE LAWSUIT; AND APPROVING A BUDGET ADJUSTMENT.

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 an Amendment to the Contract For Professional Services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 (attached as Exhibit A) and authorizes Mayor Coody to sign this contract.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of $50,000.00

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES

On this _____ day of August, 2005, the City of Fayetteville and the law firm of Cross, Gunter, Witherspoon & Galchus, P.C. agree to the following amendment to the contract for professional labor law services dated April 19, 2005:

1. The initially authorized amount of budget for these services was **$20,000.00**, and said amount has been exhausted. Cross, Gunter, Witherspoon & Galchus, P.C. is hereby authorized to bill for services or expenses not to exceed an additional amount of $50,000.00. Any billing for services or expenses in excess of this amount shall require the **prior approval of the Fayetteville City Council**.

2. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Cross, Gunter, Witherspoon & Galchus, P.C. will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

3. The jurisdiction and venue for any dispute between the parties shall be Washington County Circuit Court.

4. It is agreed that the failure of any party to invoke any of the available remedies under this Amendment or under law in the event of one or more breaches or defaults by any party under the agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

5. Each paragraph of this Amendment is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

6. This Amendment shall be interpreted according to and enforced under the laws of the State of Arkansas.

7. The parties agree and understand that this Amendment is supplemental to the original Contract, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

8. Each of the undersigned warrants that he or she has the full right, power and authority to execute this Amendment on behalf of the party indicated for the purposes herein contained.

In agreement with all the above terms the City of Fayetteville by Mayor Dan Coody and Cross, Gunter, Witherspoon & Galchus, P.C. by Richard A. Roderick sign their names below.

CROSS, GUNTER, WITHERSPOON & GALCHUS, P.C.

By: _____
RICHARD A. RODERICK
President

CITY OF FAYETTEVILLE

By: _____
DAN COODY
Mayor

Attest: _____
SONDRA SMITH, City Clerk

AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES

On this _____ day of August, 2005, the City of Fayetteville and the law firm of Cross, Gunter, Witherspoon & Galchus, P.C. agree to the following amendment to the contract for professional labor law services dated April 19, 2005:

1. The initially authorized amount of budget for these services was **$20,000.00**, and said amount has been exhausted. Cross, Gunter, Witherspoon & Galchus, P.C. is hereby authorized to bill for services or expenses not to exceed an additional amount of $50,000.00. Any billing for services or expenses in excess of this amount shall require the **prior approval of the Fayetteville City Council.**

2. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Cross, Gunter, Witherspoon & Galchus, P.C. will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

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4. It is agreed that the failure of any party to invoke any of the available remedies under this Amendment or under law in the event of one or more breaches or defaults by any party under the agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

5. Each paragraph of this Amendment is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

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8. Each of the undersigned warrants that he or she has the full right, power and authority to execute this Amendment on behalf of the party indicated for the purposes herein contained.

In agreement with all the above terms the City of Fayetteville by Mayor Dan Coody and Cross, Gunter, Witherspoon & Galchus, P.C. by Richard A. Roderick sign their names below.

CROSS, GUNTER, WITHERSPOON & GALCHUS, P.C.

By: _____
RICHARD A. RODERICK
President

CITY OF FAYETTEVILLE

By: _____
DAN COODY
Mayor

Attest: _____
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Finance & Internal Services Division: Human Resources Program: Human Resources	Date Requested	Adjustment Number
2005		7/15/2005	

Project or Item Added/Increased:

The Legal Services account in the HR program needs to be increased by $50,000 to pay legal costs associated with the Peter T. Reagan, et al v. City of Fayetteville lawsuit in Federal District Court and the Department of Labor supervised settlement.

Project or Item Deleted/Reduced:

Fund Balance

Justification of this Increase:

Funds are necessary to pay attorney's fees.

Justification of this Decrease:

There is sufficient fund balance remaining to comply with City policy.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Legal services	1010	1210	5314	01	50,000		

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	1010	0001	4999	99	50,000		

Approval Signatures

Requested By	7-14-05 Date
Budget Manager	7-14-05 Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

07-15-05P05:04 RCVD

2-Aug-05
City Council Meeting Date

Michele Bechhold	Human Resources	Finance & Internal Services
Submitted By	Division	Department

Action Required:

To approve a change order in the amount of $50,000 to the professional services agreement with Cross, Gunter, Witherspoon & Galchus P.C. for legal services.

$50,000.00	$ 297,349.00	Services & Charges
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
1010.1210.5314.01	$ 118,873.00	Human Resources
Account Number	Funds Used to Date	Program / Project Category Name
	$ 178,476.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [X]

Department Director — 7/14/05 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — 7/15/05 Date

Mayor — 7/15/05 Date

Received in City Clerk's Office ENTERED 7-14-05 AW

Received in Mayor's Office ENTERED 7/15/05 9:41

Comments:

Fayetteville
ARKANSAS

OPERATIONS DIRECTOR

To: Mayor and City Council
From: Gary Dumas, Director of Operations
Date: July 11, 2005

Re: Division Personnel Realignment and Trail Construction Program Change

During the City Council Strategic Planning Retreats of 2003 and 2004, two of the Principle Objectives were to "Utilize Creeks as Pedestrian Walkways and Trails" and "Devclopment of a Trails/Sidewalk Network."

Since 2001, approximately 4.4 miles of trails have been completed, an average of 1.1 miles each of the last 4 years.

Trails, walkways, and sidewalks are elements of the community's infrastructure system. Other major elements of the community's infrastructure system prior to 2003 were the assets maintained by the separate Street Division, Sidewalk Division, and Traffic Division. These Divisions were consolidated in January 2003 to take advantage of centralized management, centralized labor, centralized equipment, centralized planning, etc. With the organizational changes made with the consolidation of these various Divisions into the unified Transportation Division in 2003, the Sidewalk Construction and Rehabilitation Program has met and exceeded all construction efforts of prior years and continues an aggressive program with 22,000 feet (4.17 miles) of new and rehabilitated sidewalk to be constructed this year as compared to 3,174 feet (.6 miles) in 2002. This organizational change has resulted in an increase in productivity of greater than 700%. Production has also improved with the in-house overlay program with 8.90 miles rehabilitated in 2002, and 18.5 miles scheduled for 2005 for a productivity increase of 207%.

The most recent trail project awarded for construction and completed is the Frisco Trail. This trail had a construction price of $403,836.22 for 2,300 feet of trail with trail lighting. This project had a construction cost of $175.58 per linear foot or $927,062 per mile. This bid price does not include staff time committed to design, drafting, preparation of bid documents, bidding, and construction and project management.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

Trail Name	Construction Costs	Length in Feet	Cost per Foot	Cost per Mile
Frisco Trail	$403,836.22	2,300 feet	$175.58	$927,062
West Mud Creek Trail	$454,918.32	5,280 feet	$86.16	$454,918.32
East Mud Creek Trail	$269,584.67	3,600 feet	$74.88	$395,366.40
Average Costs			$100.92	$532,857

With the current system of design/bid/build, doubling, tripling, or even quadrupling the available funding would not significantly increase trail construction.

Two issues are at play in creating a program that has not kept pace with public expectations. Both will be addressed.

The first is the organizational structure that separates the Trails Coordinator, Steve Hatfield, from the resources available to others undertaking similar infrastructure design, drafting, bidding, construction inspection, and project management. The primary purpose of the Engineering Division is to plan, design, and manage infrastructure project contracts such as roadway construction. Trail construction is very similar to single land street construction. By moving the Trails Coordinator to the Engineering Division, the resources available to others undertaking similar work will be available.

The second is the reliance upon contractors and the bid process for trail construction.

The current method has resulted in limited trail construction at a high cost per mile.

In a focused effort to improve the construction of new trails and to utilize the limited resources available for trail construction in the most efficient method possible, a shift in personnel resources has been implemented and an enhancement of personnel and equipment utilizing available financial resources will be presented for City Council action.

First, Steve Hatfield, Trails Coordinator, has been reassigned to the Engineering Division. This reassignment places trail planning and construction together with all other City infrastructure planning, design, contract management, and construction. Additionally, resources are available within the Engineering Division to assist with drafting, construction inspection, and project management. These available resources will allow Steve Hatfield to focus more time on trail design and more importantly, right-of-way acquisition, rather than having to perform his own drafting, inspection service, and contract management. Coordination will continue with the Parks and Recreation Advisory Board, the Sidewalk and Trails Task Force, and the Street Committee.

Second, currently within the Parks Sales Tax CIP Fund and Parks Development Fund (HMR) $625,213 is budgeted for trails development. In a focused effort to seriously begin a trails construction program a part of the remaining Parks Sales Tax CIP Fund and

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Parks Development Fund may be re-budgeted and utilized for trail construction. This evaluation will need to be accomplished by the Parks and Recreation Division and the Parks and Recreation Advisory Board.

Additionally, for a well-conceived trails construction program, resources are available within the Sales Tax Reserve and can, with City Council action, be committed to a sustainable multi-year trails construction plan.

Using the currently budgeted 2005 through 2007 allocation for trail construction of $1.28 million, and the average costs per foot of the 3 trails discussed above of $100.92 per foot, 2.4 miles of trail might be constructed during the next 3 years utilizing past design/bid/build construction practices. This level of low production and high cost is unacceptable.

A budget adjustment for personnel and equipment will be forwarded to the Council for action on August 2 that will authorize the expansion of personnel and equipment within the Transportation Division to create crews primarily dedicated to preparation of trail corridors for paving and for necessary trail concrete work. These two crews would be augmented by the current paving and concrete crews within the Transportation Division as necessary but not detracting from their normal duties; any lost time would be compensated for by the added crews working on streets and sidewalks. This would provide an opportunity to obtain better utilization of existing paving equipment and reduce trail costs greatly.

An annual in-house trail construction program developing five miles of new trail per year would have the following costs:

Start-up costs for equipment - $593,782
Personnel and operating supplies for last quarter of 2005 - $152,126
Materials for the last quarter of 2005 - $147,241
Total Costs for 2005 - $893,149

Total (Recurring) Costs for 2006 - $1,263,679

Total cost from October 2005 through December 2006 - $2,156,828
Results – 6.25 miles of new trail construction at $65.36 per linear foot

For the first 15 months, 6.25 miles of trail could be constructed at a cost of $65.36 per foot. The average costs over 8 years (the anticipated equipment life) with 4% annual inflation on all costs, would drop as the initial equipment is capitalized to $57.56 per linear foot with results of 41.25 miles at an average annual cost of approximately $1,600,000.

The inclusion of trail lighting, unique bridges, overpasses, and the purchase of right-of-way when donations cannot be obtained will require use of additional Sales Tax Reserve.

When comparing the currently existing program using the historical average cost of $100.92 per foot and with 4% annual inflation, the average yearly cost for the same level of production would increase to $3,175,392.

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Fayetteville, Arkansas 72701
Office phone - 479-575-8330
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Net saving for a 41.25-mile trail construction program would be approximately $13,600,000.

The first trail to be developed with in-house resources could be the Scull Creek Trail followed by the Clabber Creek Trail and other important community trail linkages.

Bond program funding could be utilized to augment annual funding. With the cost saving that the in-house trails construction program will generate, an option worth discussion is the inclusion of wording such as "Scull Creek Trail and other Priority Trails and Linkages" in the bond program, while maintaining the currently proposed $7.3 million. These funds could be utilized to construct approximately 30 miles of trail.

The primary responsibility of the Trails Coordinator will be to work with various property owners to obtain trail right-of-way or easements so that trail improvements can begin. Obtaining right-of-way in order to stay ahead of the construction crews will be a challenging effort requiring the communication and graphics skills necessary to discuss clearly, describe, and explain the positive implications of the trail corridor through and adjacent to private property. Additional resources may be necessary for right-of-way acquisition when gift or donation is not an option.

This is an aggressive in-house trail construction program. It will require the commitment of the City Council to fund annually both construction activities and any necessary right-of-way acquisition. It will require the commitment of the Trails Coordinator to work with various property owners to secure donations of trail easements and right-of-way. It may require acquisition through purchase of some right-of way.

If two of the City Council's Principle Objectives within their Strategic Plan; to "Utilize Creeks as Pedestrian Walkways and Trails" and "Development of a Trails/Sidewalk Network;" are to be achieved, changes of both organizational structure and process must be made. The changes proposed in this memo will begin a sustainable program to achieve these objectives.

113 West Mountain
Fayetteville, Arkansas 72701
Office phone - 479-575-8330
Fax - 479-575-8257
E-mail - gdumas@ci.fayetteville.ar.us

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSPORTATION DIVISION TO HIRE NINE (9) ADDITIONAL FULL-TIME EMPLOYEES (TRAIL PREP AND TRAIL CONCRETE CREWS); AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $267,936.00 TO IMPLEMENT AN IN-HOUSE TRAIL CONSTRUCTION PROGRAM.

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 Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews).

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2005		8/1/2005	

Project or Item Requested:	Project or Item Deleted:
$267,936.00 is requested in the Park Improvements account in the Sales Tax Capital Improvements program for the expansion of personnel and equipment within the Transportation Division to create crews primarily dedicated to preparation of trail corridors for paving and for necessary trail concrete work.	Transfer $267,936.00 from Use of Fund Balance.
Justification of this Increase:	**Justification of this Decrease:**
The Transportation Division's production has increased steadily over the past two years. Additional funding is now required to provide the necessary resources for an in-house trails development program which will provide an opportunity to utilize existing paving equipment and reduce trail costs.	Use of reserve funds is required to meet the financial demands of an aggressive in-house trail construction program.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Park improvements	4470	9470	5806	00	267,936	02016	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	267,936		

Approval Signatures		Budget Office Use Only					
John Nelson	7/14/2005	Type:	A	B	C	D	E
Requested By	Date						
Barbara Lell	7/15/05	Date of Approval			Initial	Date	
Budget Manager	Date						
[signature]	7-14-05	Posted to General Ledger			Initial	Date	
Department Director	Date						
[signature]	7-18-05	Posted to Project Accounting			Initial	Date	
Finance & Internal Services Director	Date						
[signature]	7/18/05	Entered in Category Log			Initial	Date	
Mayor	Date						

Trail Preparation Crew - 2005 Total Cost	
Personnel Services Cost.....:$	66,804
Capital Outlay & Initial Purchases.....:$	522,977
Operation and Maintenance Expense.....:$	42,684
	632,465
Trail Concrete Crew - 2005 Total Cost	
Personnel Services Cost.....:$	34,386
Capital Outlay & Initial Purchases.....:$	70,805
Operation and Maintenance Expense.....:$	8,252
	113,443
Materials for 4th Qtr - 2005 Total Cost	147,241
2005 Total Cost	**893,149**

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2-Aug-05
City Council Meeting Date

Terry Gulley	Transportation	Operations
Submitted By	Division	Department

Action Required:

A resolution authorizing the hiring of nine (9) full-time employees (trail prep & trail concrete crews) in the Transportation Division and approving a budget adjustment in the amount of $267,936 for personnel, equipment, and materials.

$ 267,936.00	$ 625,213.00	Trail Development
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5806.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
02016	$ 625,213.00	Sales Tax Capital
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] Budget Adjustment Attached [X]

Department Director — 7-18-05 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance & Internal Services Director — 7-18-05 Date

Received in City Clerk's Office

City Attorney — 7/18/05 Date

Received in Mayor's Office
ENTERED 7/15 BH

Mayor — 7/18/05 Date

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: July 1, 2005

SUBJECT: Economic Development Fund support to the Arkansas Aviation Technology Center to support accreditation effort.

RECOMMENDATION: The Arkansas Aviation Technology Center submitted a request to the Airport for abatement of their rent and utilities for an indefinite period (the letter of request is attached). Airport staff fully supports the Arkansas Aviation Technology Center at the Airport and presented the request to the Airport Board at their June meeting. The Airport Board supported the abatement for an 18 month period but would not support the funding of the request from the airport fund. The Airport Board noted that the AATC is a 501 c (3) not for profit organization. Staff recommends that the funding to support this request come in the form of a City of Fayetteville economic development fund grant.

BACKGROUND: The school currently occupies a large hangar at the airport that was specifically modified for them using State grants and City of Fayetteville building maintenance personnel for much of the work. The school was located at the Fayetteville Municipal Airport, Drake Field as the airlines were relocating to the new Northwest Arkansas Regional Airport. One of their stated objectives was to provide a training center to support the needs of Ozark Aircraft Systems (OAS) which was also locating at the new airport. OAS grew initially to a large staff of more than 200 employees many of whom were trained by the AATC. When OAS failed and subsequently closed, the need for mechanics dropped and AATC experienced a dramatic reduction in applicants. They have done a great job adapting to the environment but with the additional expense associated with the accreditation regime, have had a difficult time maintaining profitability which is a requirement of accreditation through the Council on Occupational Education (COE). This process requires the school to invest in many educational improvements which include media services, staff training, facilities and equipment maintenance and systems improvements, and requires further that the school have a balanced budget. They maintain a student load of approximately 45 students, 4 full time employees, one part time employee and 3 contract instructors. They operate within a $611,990.64 budget, most of which is spent in Fayetteville. Student body increases could change any day as the hangars at XNA remain available for another aviation maintenance concern to occupy and there have been many interested lookers.

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

On the balance sheet, the accreditation standard requires an absence of loss or a profit for a two year consecutive period prior to full accreditation. The agreement with the Airport requires that the AATC pay rent of $4,500.00 a month and to cover the cost of their utilities. In 2004, the school gave up one of its buildings in order to save money. (That building is now leased to Phoenix Rising Aviation) Accreditation is essential as it results in credibility for fund raising and allows students to access Federal Financial Aid for tuition. As a 501 C (3) organization the school is eligible for tax deductible contributions.

DISCUSSION: Accreditation is an essential step for the AATC. Accreditation allows the school to participate in Federal Financial Aid programs for its students. The accreditation status results in a participation agreement with US Department of Education. Without accreditation, students and the school are prohibited from applying for any financial aid. AATC holds pre-accreditation status which allows the school to participate in the financial aid programs. Pre-accreditation status is time limited, usually 3 years. They recently requested a two year extension to the process but were denied. They have asked for a one year extension but have not received a decision. This grant will allow the AATC to balance their budget for 2005 and with an extension, a balanced statement in 2006. Should accreditation be terminated, through withdrawal or denial, the grant will help insure support of NWACC for financial aid programs to support their students. Greater than 95% of the students that attend AATC rely on Federal Financial Aid.

BUDGET IMPACT: Funding is not available in the airport fund. A reduction of $54,000.00 in the form of rent, would very negatively affect the airport budget. Utilities run between $16.000.00 and $18,000.00 annually. If financial assistance were to be approved and the cost allocated to the airport budget, the total cost would be between $70,000.00 and $72,000.00 annually. Recommend support be provided through the economic development fund in the form of a $54,000.00 grant. This amount would be sufficient to carry AATC through a one year period with a balanced budget.

Attachments: AATC Letter
AATC Presentation to the Airport Board
AATC Budget
Staff review form

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT FUND GRANT IN THE AMOUNT OF $54,000.00 TO THE NORTHWEST ARKANSAS AVIATION TECHNOLOGY CENTER AT THE FAYETTEVILLE MUNICIPAL AIRPORT TO FACILITATE ITS ACCREDITATION BY THE COUNCIL ON OCCUPATIONAL EDUCATION (COE); AND APPROVING A BUDGET ADJUSTMENT.

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 a an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to facilitate its accreditation by the Council On Occupational Education (COE).

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of $54,000.00

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: General Government Division: Aviation & Economic Development Program: Economic Development	Date Requested	Adjustment Number
2005		8|2|05	

Project or Item Requested:
$54,000 is requested for the NW Ark Aviation Technology Center.

Project or Item Deleted:
None. Use of designated fund balance from the Wilson Springs Economic Development monies.

Justification of this Increase:
The Airport Board in June recommended that General Fund support the Center with rent for twelve months ending June 30, 2006.

Justification of this Decrease:
A portion of the Wilson Springs proceeds were set aside for economic development.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Transf to NWAATC	1010	6600	5730	00	54,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	1010	0001	4999	99	54,000		

Approval Signatures

Requested By	Date
Budget Manager	7-19-05 Date
Department Director	Date
Finance & Internal Services Director	7-19-05 Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

	Initial	Date
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

Kent Williamson,
Chairman

Chip Fichtner,
Vice Chairman

Duane Futch,
Secretary

Bobby New,
Treasurer

Directors:

Mark Simmons

Ken Pummill

David Hausam

Date: May 25, 2005

To: Ray Boudreaux, Airport Director
Aviation and Economic Development
4500 South School Avenue
Fayetteville, AR 72701

From: Michael D. Kratchmer, Executive Director
Arkansas Aviation Technologies Center
4248 South School Avenue
Fayetteville, AR 72701

Dear Mr. Boudreaux,
Arkansas Aviation Technologies Center is at a turning point in its development and faces new challenges that threaten our continued operation. Lower, but steady enrollments have taken their toll as we seek to achieve accreditation and improve our relationship with the Community College and High Schools. Furthermore, we will work to take better advantage of our 501(c)(3) organization to improve our student programs, facilities, and equipment.

In order to achieve success in the coming years, I would like to very respectfully request abatement of our rent, and assistance with our utilities for an indefinite period. I stand ready to present any information regarding the operation of our school that will assist in making a decision.

My sincere thanks for everything you and your staff have done.

Respectfully,

Michael D. Kratchmer

Executive Director

Michael D. Kratchmer,
Executive Director

Paula Carollo
Financial Aid Director

The Arkansas Aviation Technologies Center
FAA Air Agency Certificate # N1KT082K
4248 S. School Ave., Fayetteville, AR 72701
Phone (479) 443-2283 – Fax (479) 443-2266

Drake Field, Fayetteville
February, 10, 2005

Presentation to:
The Board of Directors
Fayetteville Municipal Airport

By:
Michael D. Kratchmer
Executive Director
Arkansas Aviation Technologies Center

Drake Field, Fayetteville
February, 10, 2005

Presentation to:
The Board of Directors of Fayetteville Municipal Airport

On December 16, 1997 at 9:30 am a group people representing business, local government, aviation industry and education met to ponder the future of Northwest Arkansas. The Northwest Arkansas Regional Airport was scheduled for completion in the 4th quarter of 1998 and with the impending location of Ozark Aircraft Systems there, the group was faced with the realization that a skilled workforce would be needed in aviation and industrial technology. Arkansas Aviation Technologies Center was born that day.

The endeavor was supported by the Northwest Arkansas Council and the Northwest Arkansas Alliance for Higher Education consisting of University of Arkansas, John Brown University, Northwest Technical Institute, and Northwest Arkansas Community College. Thus, AATC was created to implement, deliver, and coordinate an industry-driven curriculum of training in the fields of aviation maintenance, avionics, electronics, and such other curriculum as may be necessary to support aviation and industry in Northwest Arkansas.

Throughout 1998, while the AATC board was considering development of the program for training technicians, much consideration was given to the location of the school. Early on, the plan called for an aviation training facility at XNA near the developing Ozark Aircraft Systems, but it was agreed that since it would take 15 to 18 months to train technicians the Board must find a place sooner. It was generally agreed at the time that the school would be located at the Genesis Center at U of A.

On October 21st, 1998, in its regular meeting the board considered a letter from the Mayor of Fayetteville offering a vacant hangar at Drake Field. It was not until early 1999 that a lease agreement was reached and construction began on the improvements to the hangar. In November 1998 a grant from AEDC of $1.8 million dollars was presented to the City of Fayetteville, acting as agent to AATC, for the development of the Aviation Maintenance Technician School.

Northwest Arkansas Aviation Technologies Center (a.k.a. Arkansas Aviation Technologies Center) was incorporated June 30th, 1998 as a not-for-profit corporation chartered exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code. It's positioning at Drake Field was a move to balance the economic impact of the loss of commercial carriers to the new regional airport. Following are some accomplishments of AATC to demonstrate that we have helped to ease that loss somewhat.

Since opening for training on June 14th, 1999 AATC has interviewed 474 prospects at Drake Field. There are 198 graduates and more than half of those are working in Northwest Arkansas either in aviation or other industrial or technology related jobs.

Drake Field, Fayetteville
February, 10, 2005

Our students are working at City of Fayetteville, Cessna Wichita, Cessna Independence, L-3 Communications, Raytheon, Falcon Jet, Premier Turbines, Sabreliner, Walmart Aviation, GE engines, Sam's Aircraft, Aviation Maintenance Professionals, Flying Investments, Beaver Lake Aviation, Blue Sky Aviation, Hughes Aviation, Pheonix Rising, Continental, American Eagle, Atlantic Coast Airlines, Golden Aviation, HeliTech Helicopters and AATC. Half of our current staff members are graduates of AATC.

Since it's opening AATC has distinguished itself, Fayetteville Drake Field, and Northwest Arkansas in ways that many may not be aware of.

- FAA Certification – Our certification carries a high level of confidence with FAA as evidenced by an exemption from Federal Regulations in the innovative way that we train our technicians. Only 3 schools in the entire US hold that exemption. Further, an out-of-state school adopted our training methods and that generated significant revenue for AATC and national recognition for Fayetteville at an Aviation Technician Education Council conference in Atlanta. In January 2005 yet another school, this one in Arkansas, expressed interest in our exemption. FAA rates AMT schools by number of applicants for certification tests. There are 6 AMT schools in Arkansas and 23 total in Arkansas, Kansas, Missouri, and Oklahoma. As of 3rd quarter of 2004, only three other schools among the 23 have more applicants than AATC. All 3 are in Oklahoma.
- State Board Licensure – AATC is licensed by the Arkansas State Board of Private Career Education and continues since it's opening in good standing.
- Veterans Education Certification – AATC is VA Approved by the State Approving Agency for Veterans Training, Arkansas Department of Workforce Education.
- National Accreditation – A Candidate for Accreditation since 2002 with the Council on Occupational Education AATC will host an Accreditation Team Visit by a peer school for full accreditation in April 2005. If granted full accreditation AATC will take its place with other great AMT schools from across the country. The staff at AATC has been working for nearly 3 years to meet accreditation standards with COE. Participation in Federal Student Aid programs depends on accreditation. In each of two reporting years AATC exceeds accreditation standards and is above the national average in completion, placement, and licensure. Licensure exam pass rate for the previous 2 reporting years was 100%.

Our graduates have apparently represented Fayetteville well, particularly at Cessna Service Centers. On December 9th, 2004 I had the distinct honor, with Mr. McClurg also of AATC, to attend the Grand Opening of the World's largest jet service center in Wichita. By personal invitation from Ron Chapman, Senior Vice President of Customer Service at Cessna Aircraft Company we joined over 2000 others from around the world to visit this magnificent facility. Of 152 schools across the country AATC represented Fayetteville, Arkansas on the VIP list with only two other schools, Pittsburgh Institute of Aeronautics and Kansas State University Salina. In 2005 the service center will employ 250 technicians and later at full capacity over 500.

Drake Field, Fayetteville
February, 10, 2005

Economically speaking, AATC has generated $2,060,000 in revenue since January of 2000 (not including the AEDC grant). It has expended $2,338,000 nearly all of which is spent locally (about 8% directly to City of Fayetteville). In a comparison with another AMT school AATC trained 80 technicians in 2003, with a staff of 8 for about $640,000, while the other school trained 23 technicians, with 19 staff, for $1,400,000. We feel this is significant and training at AATC is still a good value at $16,500 for the entire program including tuition, books, tools, and FAA tests.

In 2005 AATC will have 22 more graduates and is faced with replacing those with new AMT candidates. An even greater challenge is facing us as our equipment and facility continues to age while we consider adding new aviation programs, all desperately needed for accreditation. Some of our challenges can be met with careful planning and budgeting but to truly become a world-class aviation training facility in Fayetteville we will need to increase funding. To date, AATC has met increased cost with tuition increases.

I have studied how other public and private not-for-profit technical schools have met similar challenges. All have successful foundations or internal procedures for funding program and institutional improvement, student activities, and community involvement. They use their 501(c)(3) organization as a tool to funnel grants and donations of money, equipment and services to benefit their schools, students, and local communities.

Later this month AATC will have the first meeting of its newly formed Aviation Program Advisory Board. The Board will be made up of individuals from aviation businesses and educational institutions in Northwest Arkansas. Once formally established they will begin to formulate plans for the future of the AMT program at Drake Field. Their goals will then be presented to our governing Board for approval and my staff and I will implement them. I am certain that much more aggressive fundraising will be at the top of their list. And certainly our efforts will begin with greater participation in events at Drake Field.

I would like to encourage the general public to visit Fayetteville airport. Visit the museums. Visit the aviation businesses and see what they are doing. Visit the fine restaurant in the terminal. Learn to fly. Visit AATC. We will be pleased to have you.

Thank you for allowing me some time to reacquaint you with Arkansas Aviation Technologies Center.

43,735.49

Arkansas Aviation Technologies Center
OPERATING CASH FLOW BUDGET COMPARISON
January to March 2005

	Jan 2005		Feb 2005		Mar 2005		Total YR through Quarter	
RECEIPTS	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*
Tuition	30,718.12	47,000.00	53,982.29	47,000.00	43,650.29	47,000.00	128,350.70	141,000.00
High School Tuition & Other	4,900.00	4,900.00	0.00	0.00	0.00	4,200.00	4,900.00	9,100.00
Student Materials	490.00	667.00	985.00	667.00	879.00	667.00	2,354.00	2,001.00
Interest Income	8.87	2.50	10.24	2.50	7.21	2.50	26.32	7.50
Total Receipts	**36,116.99**	**52,569.50**	**54,977.53**	**47,669.50**	**44,536.50**	**51,869.50**	**135,631.02**	**152,108.50**
DISBURSEMENTS								
Advertising & Marketing	5,855.46	3,750.00	4,350.12	3,750.00	3,902.40	3,750.00	14,107.98	11,250.00
Financial Aid /Accreditation	1,525.98	0.00	5,978.35	0.00	334.70	0.00	7,839.03	0.00
Insurance	1,251.93	2,084.00	1,381.50	2,084.00	0.00	2,084.00	2,633.43	6,252.00
Janitorial	1,012.01	1,566.66	1,343.42	1,566.66	1,040.29	1,566.66	3,395.72	4,699.98
Legal Fees	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Meeting Expense	23.93	75.00	0.00	0.00	124.68	0.00	148.61	75.00
Office Expense	1,761.37	1,166.66	1,374.54	1,166.66	1,646.63	1,166.66	4,782.54	3,499.98
Other Expense	1,982.14	400.00	1,634.77	400.00	112.82	400.00	3,729.73	1,200.00
Personnel Cost - Salaries	20,087.80	26,666.66	24,890.45	26,666.66	25,145.90	26,666.66	70,124.15	79,999.98
Personnel Cost - Emp. Benefits	2,938.42	4,166.66	3,972.69	4,166.66	4,057.65	4,166.66	10,968.76	12,499.98
Postage	52.85	150.00	13.37	150.00	430.11	150.00	496.33	450.00
Professional Fees	0.00	885.42	1,004.06	885.42	653.44	885.42	1,657.50	2,656.26
Rent and Improvements	4,500.00	4,750.00	427.46	4,750.00	9,000.00	4,750.00	13,927.46	14,250.00
Student Supplies	1,736.44	2,150.00	184.46	2,150.00	1,580.79	2,150.00	3,501.69	6,450.00
Student Testing	180.00	916.66	0.00	916.66	935.00	916.66	1,115.00	2,749.98
Telephone	332.89	375.00	345.82	375.00	330.43	375.00	1,009.14	1,125.00
Transfer to (from) Restricted Acct.	0.00	0.00	(1,500.00)	0.00	(2,250.00)	0.00	(3,750.00)	0.00
Travel & Training Expense	808.01	600.00	0.00	600.00	93.59	600.00	901.60	1,800.00
Utilities	3,013.52	1,334.00	2,344.95	1,334.00	1,392.03	1,334.00	6,750.50	4,002.00
Total Disbursements	**47,062.75**	**51,036.72**	**47,745.96**	**50,961.72**	**48,530.46**	**50,961.72**	**143,339.17**	**152,960.16**
Monthly Cash Flows	(10,945.76)	1,532.78	7,231.57	(3,292.22)	(3,993.96)	907.78	-7,708.15	-851.66
Cumulative Operating CF	**(10,945.76)**	**1,532.78**	**(3,714.19)**	**(1,759.44)**	**(7,708.15)**	**(851.66)**		
NON-OPERATING RECEIPTS								
Line of Credit - BOF	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Transfer from Reserve Accounts	27,500.00	0.00	0.00	0.00	5,572.47	0.00	33,072.47	0.00
Other Non-Recurring Revenue	0.00	0.00	0.00	0.00	0.00	0.00	-	-
Total Non-Operating	27,500.00	0.00	0.00	0.00	5,572.47	0.00		
Cumulative Cash Flow	16,554.24	1,532.78	23,785.81	(1,759.44)	25,364.32	(851.66)		
ENDING CASH BALANCE	**22,611.81**	**7,590.35**	**29,843.38**	**4,298.13**	**31,421.89**	**5,205.91**	**31,421.89**	**5,205.91**

Arkansas Aviation Technologies Center
OPERATING CASH FLOW BUDGET COMPARISON
April to June 2005

	April 2005		May 2005		June 2005		Total Year through Quarter	
RECEIPTS	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*
Tuition	36,887.45	47,000.00	45,115.39	47,000.00	0.00	47,000.00	210,353.54	282,000.00
High School Tuition & Other Income	4,200.00	0.00	4,500.00	0.00	0.00	4,200.00	13,600.00	13,300.00
Student Materials / Vending Income	459.00	667.00	441.00	667.00	0.00	667.00	3,254.00	4,002.00
Interest Income	17.29	2.50	23.03	2.50	0.00	2.50	66.64	15.00
Total Receipts	**41,563.74**	**47,669.50**	**50,079.42**	**47,669.50**	**0.00**	**51,869.50**	**227,274.18**	**299,317.00**
DISBURSEMENTS								
Advertising & Marketing	8,045.33	3,750.00	3,303.80	3,750.00	0.00	3,750.00	25,457.11	22,500.00
Financial Aid/Accreditation	368.17	0.00	3,900.00	0.00	0.00	0.00	12,107.20	0.00
Insurance	0.00	2,084.00	4,925.00	2,084.00	0.00	2,084.00	7,558.43	12,504.00
Janitorial	950.56	1,566.66	1,206.73	1,566.66	0.00	1,566.66	5,553.01	9,399.96
Legal Fees	0.00	0.00	0.00	0.00	0.00	150.00	-	150.00
Meeting Expense	0.00	75.00	35.16	0.00	0.00	0.00	183.77	150.00
Office Expense	631.11	1,166.66	2,993.61	1,166.66	0.00	1,166.66	8,407.26	6,999.96
Other Expense	1,859.43	400.00	1,508.47	400.00	0.00	400.00	7,097.63	2,400.00
Personnel Cost - Salaries	37,422.72	26,666.66	24,304.43	26,666.66	0.00	26,666.66	131,851.30	159,999.96
Personnel Cost - Emp. Benefits	5,090.00	4,166.66	4,529.84	4,166.66	0.00	4,166.66	20,588.60	24,999.96
Postage	200.00	150.00	388.25	150.00	0.00	150.00	1,084.58	900.00
Professional Fees	605.63	885.42	1,306.88	885.42	0.00	885.42	3,570.01	5,312.52
Rent and Improvements	4,941.91	4,750.00	0.00	4,750.00	0.00	4,750.00	18,869.37	28,500.00
Student Supplies	672.31	2,150.00	2,670.02	2,150.00	0.00	2,150.00	6,844.02	12,900.00
Student Testing	0.00	916.66	1,053.84	916.66	0.00	916.66	2,168.84	5,499.96
Telephone	353.71	375.00	351.04	375.00	0.00	375.00	1,713.89	2,250.00
Transfer to (from) Restricted Accts	0.00	0.00	(750.00)	0.00	0.00	0.00	(4,500.00)	0.00
Travel & Training Expense	50.00	600.00	6.25	600.00	0.00	600.00	957.85	3,600.00
Utilities	1,081.94	1,334.00	1,219.94	1,334.00	0.00	1,334.00	9,052.38	8,004.00
Total Disbursements	**62,272.82**	**51,036.72**	**52,953.26**	**50,961.72**	**0.00**	**51,111.72**	**258,565.25**	**306,070.32**
Monthly Cash Flows	(20,709.08)	(3,367.22)	(2,873.84)	(3,292.22)	0.00	757.78		
Cumulative Operating CF	**(28,417.23)**	**(4,218.88)**	**(31,291.07)**	**(7,511.10)**	**(31,291.07)**	**(6,753.32)**		
NON-RECURRING RECEIPTS								
Line of Credit - BOF	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Transfer from Reserve Accounts	0.00	0.00	29,407.50	0.00	0.00	0.00	62,479.97	0.00
Other Non-Recurring Revenue	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Total Non-Operating	0.00	0.00	29,407.50	0.00	0.00	0.00		
Overall Cumulative Cash Flow	4,655.24	(4,218.88)	31,188.90	(7,511.10)	31,188.90	(6,753.32)		
ENDING CASH BALANCE	**10,712.81**	**1,838.69**	**37,246.47**	**(1,453.53)**	**37,246.47**	**(695.75)**		

OPERATING CASH FLOW BUDGET COMPARISON

3rd Quarter: July to September 2005

	July 2005		August 2005		September 2005		Total Year through Quarter	
OPERATING RECEIPTS	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*
Tuition	0.00	47,000.00	0.00	47,000.00	0.00	47,000.00	210,353.54	423,000.00
High School Tuition & Other	0.00	0.00	0.00	0.00	0.00	0.00	13,600.00	13,300.00
Student Materials / Vending Income	0.00	667.00	0.00	667.00	0.00	667.00	3,254.00	6,003.00
Interest Income	0.00	2.50	0.00	2.50	0.00	2.50	66.64	22.50
Total Receipts	**0.00**	**47,669.50**	**0.00**	**47,669.50**	**0.00**	**47,669.50**	**227,274.18**	**442,325.50**
DISBURSEMENTS								
Advertising & Marketing	0.00	3,750.00	0.00	3,750.00	0.00	3,750.00	25,457.11	33,750.00
Financial Aid / Accreditation Cost	0.00	0.00	0.00	0.00	0.00	0.00	12,107.20	0.00
Insurance	0.00	2,084.00	0.00	2,084.00	0.00	2,084.00	7,558.43	18,756.00
Janitorial	0.00	1,566.66	0.00	1,566.66	0.00	1,566.66	5,553.01	14,099.94
Legal Fees	0.00	0.00	0.00	0.00	0.00	0.00	-	150.00
Meeting Expense	0.00	75.00	0.00	0.00	0.00	0.00	183.77	225.00
Office Expense	0.00	1,166.66	0.00	1,166.66	0.00	1,166.66	8,407.26	10,499.94
Other Expense	0.00	400.00	0.00	400.00	0.00	400.00	7,097.63	3,600.00
Personnel Cost - Salaries	0.00	26,666.66	0.00	26,666.66	0.00	26,666.66	131,851.30	239,999.94
Personnel Cost - Emp. Benefits	0.00	4,166.66	0.00	4,166.66	0.00	4,166.66	20,588.60	37,499.94
Postage	0.00	150.00	0.00	150.00	0.00	150.00	1,084.58	1,350.00
Professional Fees	0.00	885.42	0.00	885.42	0.00	885.42	3,570.01	7,968.78
Rent and Improvements	0.00	4,750.00	0.00	4,750.00	0.00	4,750.00	18,869.37	42,750.00
Student Supplies	0.00	2,150.00	0.00	2,150.00	0.00	2,150.00	6,844.02	19,350.00
Student Testing	0.00	916.66	0.00	916.66	0.00	916.66	2,168.84	8,249.94
Telephone	0.00	375.00	0.00	375.00	0.00	375.00	1,713.89	3,375.00
Transfer to (from) Restricted Accts	0.00	0.00	0.00	0.00	0.00	0.00	(4,500.00)	0.00
Travel & Training Expense	0.00	600.00	0.00	600.00	0.00	600.00	957.85	5,400.00
Utilities	0.00	1,334.00	0.00	1,334.00	0.00	1,334.00	9,052.38	12,006.00
Total Disbursements	**0.00**	**51,036.72**	**0.00**	**50,961.72**	**0.00**	**50,961.72**	**258,565.25**	**459,030.48**
Monthly Operating CF	0.00	(3,367.22)	0.00	(3,292.22)	0.00	(3,292.22)		
Cumulative Operating CF	**(31,291.07)**	**(10,120.54)**	**(31,291.07)**	**(13,412.76)**	**(31,291.07)**	**(16,704.98)**		
NON-RECURRING ACTIVITY								
Line of Credit - BOF	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Transfer from (to) Reserve Accts	0.00	0.00	0.00	0.00	0.00	0.00	62,479.97	0.00
Other Non-Recurring Rev. or (Exp.)	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Total Non-Operating	0.00	0.00	0.00	0.00	0.00	0.00		
Cumulative Non Recurring CF	**62,479.97**		**62,479.97**		**62,479.97**			
Cumulative Total CF	**31,188.90**	**(10,120.54)**	**31,188.90**	**(13,412.76)**	**31,188.90**	**(16,704.98)**		
ENDING CASH BALANCE	**37,246.47**	**(4,062.97)**	**37,246.47**	**(7,355.19)**	**37,246.47**	**(10,647.41)**		

OPERATING CASH FLOW BUDGET COMPARISON

4th Quarter: October to December 2005

	October 2005		November 2005		December 2005		Total	Total
RECEIPTS	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*	*Actual*	*Budget*
Tuition	0.00	47,000.00	0.00	47,000.00	0.00	47,000.00	210,353.54	564,000.00
High School Tuition & Other Income	0.00	0.00	0.00	14,000.00	0.00	0.00	13,600.00	27,300.00
Student Materials	0.00	667.00	0.00	667.00	0.00	667.00	3,254.00	8,004.00
Interest Income	0.00	2.50	0.00	2.50	0.00	2.50	66.64	30.00
Total Receipts	**0.00**	**47,669.50**	**0.00**	**61,669.50**	**0.00**	**47,669.50**	**227,274.18**	**599,334.00**
DISBURSEMENTS								
Advertising & Marketing	0.00	3,750.00	0.00	3,750.00	0.00	3,750.00	25,457.11	45,000.00
Accreditation/Financial Aid Cost	0.00	0.00	0.00	0.00	0.00	0.00	12,107.20	0.00
Insurance	0.00	2,084.00	0.00	2,084.00	0.00	2,084.00	7,558.43	25,008.00
Janitorial	0.00	1,566.66	0.00	1,566.66	0.00	1,566.66	5,553.01	18,799.92
Legal Fees	0.00	0.00	0.00	0.00	0.00	0.00	-	150.00
Meeting Expense	0.00	75.00	0.00	0.00	0.00	0.00	183.77	300.00
Office Expense	0.00	1,166.66	0.00	1,166.66	0.00	1,166.66	8,407.26	13,999.92
Other Expense	0.00	400.00	0.00	400.00	0.00	400.00	7,097.63	4,800.00
Personnel Cost - Salaries	0.00	26,666.66	0.00	26,666.66	0.00	26,666.66	131,851.30	319,999.92
Personnel Cost - Emp. Benefits	0.00	4,166.66	0.00	4,166.66	0.00	4,166.66	20,588.60	49,999.92
Postage	0.00	150.00	0.00	150.00	0.00	150.00	1,084.58	1,800.00
Professional Fees	0.00	885.42	0.00	885.42	0.00	885.42	3,570.01	10,625.04
Rent and Improvements	0.00	4,750.00	0.00	4,750.00	0.00	4,750.00	18,869.37	57,000.00
Student Supplies	0.00	2,150.00	0.00	2,150.00	0.00	2,150.00	6,844.02	25,800.00
Student Testing	0.00	916.66	0.00	916.66	0.00	916.66	2,168.84	10,999.92
Telephone	0.00	375.00	0.00	375.00	0.00	375.00	1,713.89	4,500.00
Transfer to (from) Restricted Accts	0.00	0.00	0.00	0.00	0.00	0.00	(4,500.00)	0.00
Travel & Training Expense	0.00	600.00	0.00	600.00	0.00	600.00	957.85	7,200.00
Utilities	0.00	1,334.00	0.00	1,334.00	0.00	1,334.00	9,052.38	16,008.00
Total Disbursements	0.00	51,036.72	0.00	50,961.72	0.00	50,961.72	258,565.25	611,990.64
Monthly Cash Flows	0.00	(3,367.22)	0.00	10,707.78	0.00	(3,292.22)		
Cumulative Operating CF	**-31,291.07**	**(20,072.20)**	**(31,291.07)**	**(9,364.42)**	**(31,291.07)**	**(12,656.64)**		
Line of Credit - BOF	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Transfer from (to) Reserve Accts	0.00	0.00	0.00	0.00	0.00	0.00	62,479.97	0.00
Other Non-Recurring Revenue	0.00	0.00	0.00	0.00	0.00	0.00	-	0.00
Total Non-Operating	0.00	0.00	0.00	0.00	0.00	0.00		
Cumulative Non Recurring CF	**62,479.97**		**62,479.97**		**62,479.97**			
Cumulative Cash Flow	**31,188.90**	**(20,072.20)**	**31,188.90**	**(9,364.42)**	**31,188.90**	**(12,656.64)**		
ENDING CASH BALANCE	**37,246.47**	**(14,014.63)**	**37,246.47**	**(3,306.85)**	**37,246.47**	**(6,599.07)**		

ARKANSAS AVIATION TECHNOLOGIES CENTER
ANNUAL OPERATING CASH FLOW BUDGET COMPARISON
1/1/05 to 05/31/05

RECEIPTS	1/1/05 to 05/31/05	Annual Budget	% Collected
Tuition	210,353.54	564,000.00	37%
High School Tuition & Other Income	13,600.00	27,300.00	50%
Student Materials / Vending Income	3,254.00	8,004.00	41%
Interest Income	66.64	30.00	222%
Total Receipts	227,274.18	599,334.00	38%

DISBURSEMENTS	1/1/05 to 05/31/05	Annual Budget	% Used
Advertising & Marketing	25,457.11	45,000.00	57%
Accreditation Cost	12,107.20	0.00	
Insurance	7,558.43	25,008.00	30%
Janitorial	5,553.01	18,799.92	30%
Legal Fees	0.00	150.00	0%
Meeting Expense	183.77	300.00	61%
Office Expense	8,407.26	13,999.92	60%
Other Expense	7,097.63	4,800.00	148%
Personnel Cost - Salaries	131,851.30	319,999.92	41%
Personnel Cost - Emp. Benefits	20,588.60	49,999.92	41%
Postage	1,084.58	1,800.00	60%
Professional Fees	3,570.01	10,625.04	34%
Rent and Improvements	18,869.37	57,000.00	33%
Student Supplies	6,844.02	25,800.00	27%
Student Testing	2,168.84	10,999.92	20%
Telephone	1,713.89	4,500.00	38%
Transfer to (from) Restricted Accts	(4,500.00)	0.00	
Travel & Training Expense	957.85	7,200.00	13%
Utilities	9,052.38	16,008.00	57%
Total Disbursements	258,565.25	611,990.64	42%
Net Fund Balance	(31,291.07)	(12,656.64)	

Average Students & Number of Hours

Week	FT Students	FT Hours	HS Students	HS Hours
7-Jan	51	1392	6	54
14-Jan	48	1494	6	90
21-Jan	50	1325	6	72
28-Jan	48	1410	6	90
4-Feb	52	1526	6	72
11-Feb	40	1284	6	90
18-Feb	41	1218	6	90
25-Feb	40	1218	6	90
4-Mar	43	1116	6	90
11-Mar	44	1296	6	90
18-Mar	48	1242	6	90
25-Mar	46	708	6	0
1-Apr	46	1340	6	90
8-Apr	43	1308	6	90
15-Apr	43	1266	6	90
22-Apr	30	1020	6	90
29-Apr	37	834	6	90
6-May	46	914	0	0
13-May	41	1026	0	0
20-May	42	594	0	0
27-May	38	1110	0	0
3-Jun	38	984	0	0
10-Jun	37	1110	0	0
17-Jun	34	834	0	0
24-Jun				
1-Jul				

Week	FT Students	FT Hours	HS Students	HS Hours
8-Jul		0		0
15-Jul				
22-Jul				
29-Jul				
5-Aug				
12-Aug				
19-Aug				
26-Aug				
2-Sep				
9-Sep				
16-Sep				
23-Sep				
30-Sep				
7-Oct				
14-Oct				
21-Oct				
28-Oct				
4-Nov				
11-Nov				
18-Nov				
25-Nov				
2-Dec				
9-Dec				
16-Dec				
23-Dec				
30-Dec				
	43	1102.76	4.25	54.72

Projected Total (12 months) 57344 2025

Hours

1 January to 30 June	Adult	22937	Projected Income (12 months)	$492,795.88	$12,270.55
1 January to 30 June	HS	1368			

Actual Monthly Income

Month	
1	$36,116.99
2	$54,977.53
3	$44,536.50
4	$41,563.74
5	$50,779.42
6	
7	
8	
9	
10	
11	
12	

$45,594.84 Average 12 Months

$547,138.03

Actual Monthly Expense

Month	
1	$44,562.75
2	$49,245.96
3	$48,530.46
4	$62,272.86
5	$52,953.26
6	
7	
8	
9	
10	
11	
12	

$51,513.06 Average 12 Months

$618,156.70

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

8/2/2005
City Council Meeting Date

Ray M. Boudreaux	Aviation & Economic Development	General Government
Submitted By	Division	Department

Action Required:

Approve a $54,000 Economic Development Fund Grant to the Arkansas Aviation Technology Center at te Fayetteville Municipal Airport, Drake Field.

$ 54,000.00	$ ~~180,000.00~~	Economic Development Matches
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.6600.5730.00 ~~4470.9470.5315..00~~	$ -	Avi / ED Improve
Account Number	Funds Used to Date	Program / Project Category Name
02~~3804~~	$ ~~100,000.00~~	Cap Improvement Const
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director — July 15, 2005 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

City Attorney — 7/19/05 — Date

Received in City Clerk's Office ENTERED 7/14/05

Finance and Internal Service Director — 7-19-05 — Date

Received in Mayor's Office ENTERED 7/15/05 7:30

Mayor — 7/29/05 — Date

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: July 8, 2005

SUBJECT: Approve Contract for construction of West Side General Aviation Apron with APAC of Arkansas for $1,165,206 plus a 5% contingency of $58,260 and approve a budget adjustment of $244,000 and approve FAA Grant #33.

RECOMMENDATION: Bids for construction of the West Side General Aviation Apron were received July 8, 2005. The low bidder was APAC of Arkansas for $1,165,206. This project will be paid for from the proceeds of FAA AIP grant #33 and State of Arkansas Department of Aeronautics matching funds.

BACKGROUND: The City Council approved this project with resolution No. 67-05. The FAA has agreed to pay for the project and a copy of the initial Grant letter is attached to this memo. This project will be funded in two grant years so the grant letter is only for the first grant year. The purpose of this Council Action is to approve the contract for construction, the contingency fund of 5% and the grant application. Total project cost is $1,265,056 which includes the engineering costs previously approved. The FAA grant will cover 95% of the total project cost and the State Department of Aeronautics Grant will cover the remaining 5%.

DISCUSSION: This project continues the redevelopment of the Fayetteville Municipal Airport, Drake Field into a first class general aviation facility. This project provides additional aircraft parking ramp and provides additional west side ramp for construction of additional hangars for private operators and businesses.

BUDGET IMPACT: The project is fully funded by the FAA and the Arkansas Department of Aeronautics. A budget adjustment is included to cover all the project costs.

Attachments: Staff Review Form
Contract w/ McClinton-Anchor (3cys)
Bid Tab
Resolution 67-05
FAA Grant Letter
Grant Application
Budget Adjustment

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

RESOLUTION NO. _____

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO APAC-ARKANSAS, INC., McCLINTON-ANCHOR DIVISION IN THE AMOUNT OF $1,165,206.00 AND APPROVING A CHANGE ORDER REDUCING THE CONTRACT AMOUNT BY $486,923.00, TO CONSTRUCT THE WEST GENERAL AVIATION APRON; APPROVING A 5% PROJECT CONTINGENCY OF $29,130.00; AND ACCEPTING GRANTS FROM THE FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS.

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 construction contract to APAC-Arkansas, Inc., McClinton-Anchor Division in the amount of $1,165,206.00 and approving a Change Order reducing the contract amount by $486,923.00, to construct the West General Aviation Apron. A copy of the contract and Change mOrder, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 5% project contingency of $29,130.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby accepts grants from the FAA and Arkansas Department of Aeronautics totaling $678,183.00.

PASSED and **APPROVED** this 2nd day of August, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

U.S. Department
of Transportation

**Federal Aviation
Administration**

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

Fort Worth, Texas 76193-0000

RECEIVED
MAY 16 2005
AIRPORT

May 12, 2005

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Dear Mayor Coody:

Your request for assistance under the Airport Improvement Program (AIP), as authorized by Title 49 United States Code, to Update the Fayetteville Municipal Airport Master Plan has been approved for Fiscal Year 2005. The allocation is as follows:

Federal Funds: $646,619.00
Project Number: 3-05-0020-034-2005
Development: Construct West Side General Aviation Apron

This allocation may be used only for the development described above and you are expected to proceed without delay. Please contact your Airports Division Program Manager, Mr. Don Harris, at (817) 222-5634 and provide updated information regarding the project schedule for grant issuance. This schedule will include a timely grant offer being made based on advertised bids. This allocation is tentative and will remain valid so long as the project formulation is proceeding on the schedule. Failure to meet the schedule will jeopardize project funding and could lead to withdrawal of the tentative allocation.

We look forward to working with you and your staff toward the successful completion of this project.

Sincerely,

ORIGINAL SIGNED BY:

Edward N. Agnew
Manager, Arkansas/Oklahoma
Airports Development Office

cc:
Mr. Ray Boudreaux, Director
Aviation and Economic Development
4500 South School Avenue, Suite F
Fayetteville, AR 72701

Version 7/03

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
July 2005	FY052127
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier 3-05-0020-034-2005

1. TYPE OF SUBMISSION:

Application	Preapplication
☒ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name: **City of Fayetteville**	Organizational Unit:
	Department: **Airport Department**
Organizational DUNS:	Division:
Address:	**Name and telephone number of person to be contacted on matters involving this application (give area code)**
Street: **4500 S. School, Suite F**	Prefix: **Mr.** First Name: **Ray**
City: **Fayetteville**	Middle Name:
County: **Washington**	Last Name: **Boudreaux**
State: **Arkansas** Zip Code: **72701**	Suffix: **Director of Aviation**
Country: **United States**	Email: **rboudreaux@ci.fayetteville.ar.us**
6. EMPLOYER IDENTIFICATION NUMBER *EIN*:	Phone number (give area code): **476-718-7642** FAX number (give area code): **479-718-7646**
7 1 - 6 0 1 8 4 6 2	

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters)

Other *(specify)*

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 2 0 - 1 0 6

TITLE:

7. TYPE OF APPLICANT: (See back of form for Application Types) C

Other (specify)

9. NAME OF FEDERAL AGENCY
FAA SW Region

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
West Side General Aviation Apron Improvements :

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.):*
Washington County, Arkansas

13. PROPOSED PROJECT

Start Date	Ending Date
Sept 2005	July 2006

14. CONGRESSIONAL DISTRICTS OF

a. Applicant	b. Project
Third	Third

15. ESTIMATED FUNDING

a. Federal	$	646,619 .00
b. Applicant	$	200 .00
c. State	$	34,032 .00
d. Local	$	.00
e. Other	$	.00
f. Program income	$	.00
g. TOTAL	$	680,851 .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS

a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE:

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes" attach an explanation ☒ No

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. Authorized Representative

Prefix **Mr.**	First Name **Dan**	
Last Name **Coody**		Suffix
b. Title **Mayor**		c. Telephone number (give area code) **479-575-8330**
d. Signature of Authorized Representative		e. Date Signed _____

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

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

PART II

PROJECT APPROVAL INFORMATION
SECTION A

Item 1.
Does this assistance request require State, local, regional, or other priority rating?
Yes ___X___ No

Name of Governing Body _____.
Primary Rating _____.

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances?

Yes ___X___ (Attach Documentation)
No _____

Name of Agency or Board _____.

Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

___X___ Yes _____ No

(Attach Comments)

Item 4.
Does this assistance request require State, local, regional or other planning approval?

_____ Yes ___X___ No

Name of Approving Agency _____.
Date _____.

Item 5.
Is the proposal project covered by an approved comprehensive plan?

_____ Yes ___X___ No

Check one: State o
Local o
Regional o
Location of Plan _____.

Item 6.
Will the assistance requested serve a Federal installation?

_____ Yes ___X___ No

Name of Federal Installation _____.
Federal Population benefiting from Project _____.

Item 7.
Will the assistance requested be on Federal land or installation?

_____ Yes ___X___ No

Name of Federal Installation _____.
Location of Federal Land _____.
Percent of Project _____.

Item 8.
Will the assistance requested have an impact or effect on the environment?

_____ Yes ___X___ No

See instruction for additional information to be provided

Item 9.
Will the assistance requested cause the displacement of individuals families, businesses, or farms?

_____ Yes ___X___ No

Number of:
Individuals. _____.
Families. _____.
Businesses. _____.
Farms. _____.

Item 10.
Is there other related Federal assistance on this project previous, pending, or anticipated?

_____ Yes ___X___ No

See instructions for additional information to be provided.

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Sponsor has adopted Drake Field Ordinance 2607, which regulates and restricts all land use activities in the vicinity of Fayetteville Municipal Airport, Drake Field. This ordinance was adopted January 20, 1980 and as amended.

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

4. Land. - (a) The Sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport, subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

The Sponsor holds fee simple title to Tract A and easements shown in Tract B of the attached property map, Exhibit "A". Title for Tracts A and B were approved under previous projects. Status has not changed since approval.

Land and easements acquired under AIP 3-0020-05-11 & 15 include easements, Tracts C, D, F, J, G, and K; Fee Simple Tract D, E, and H.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART II - SECTION C (Continued)

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

(C) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

5. Exclusive Rights. - There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 80-R0184

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No..... 20.106

2. Functional or Other Breakout .....

SECTION B -CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	$	$	$ 1,500
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			53,300
5. Other Architectural engineering fees			7,400
6. Project inspection fees			39,150
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			579,501
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			680,851
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			200
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			680,651
20. Federal Share requested of Line 19			680,651
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			646,619
23. Grantee share			200
24. Other shares (Ark Dept of Aeronautics)			34,032
25. Total Project (Lines 22, 23 & 24)	$	$	$ 680,851

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION OMB NO. 80-R0184

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a.	$	$
b.		
c.		
d.		
e.		
f.		
g. Totals	$	$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	$
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	$ 200
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	200
28. Other Shares	
a. State (Ark Dept of Aeronautics)	34,032
b. Other	
c. Total Other Shares	34,032
29. TOTAL	$ 34,032

SECTION E – REMARKS

Plans and Specifications, Dated: June 2005

Standard DOT Part V Assurances:

Title IV Assurances, Dated: July 2005

Exhibit A, Dated: June 1991

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

PART IV

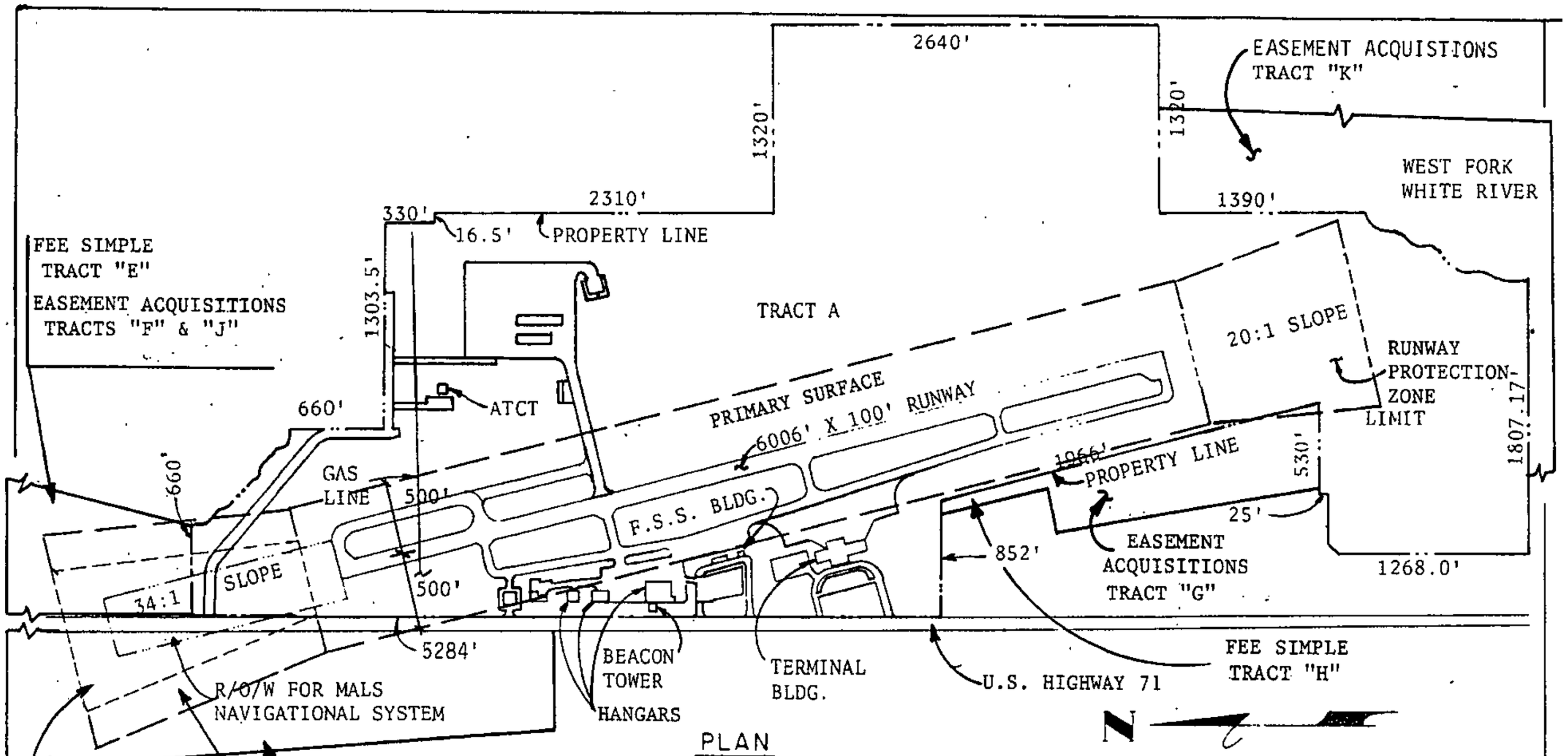
PROGRAM NARRATIVE STATEMENT

WEST SIDE GA APRON IMPROVEMENTS

FAYETTEVILLE MUNICIPAL AIRPORT
FAYETTEVILLE, ARKANSAS

The proposed improvements are located at Fayetteville Municipal Airport, Drake Field, Fayetteville, Arkansas. The objective of these improvements is to provide additional apron for GA aircraft parking and apron for future Corporate Hangars, in accordance with the ongoing Master Plan Update, as at numerous times the apron for the FBO parking is full of aircraft.

1. This apron area will provide additional GA Aircraft Parking and access to the future Corporate Hangars around part of this apron.



PLAN

SCALE: 1" = 1000'

NOTE: See large scale plan EXHIBIT "A1" for Tract and Parcel locations

EXHIBIT "A"

PROPERTY MAP
DRAKE FIELD
FAYETTEVILLE ARKANSAS

McCLELLAND CONSULTING ENGINEERS, INC.
1810 N. COLLEGE AVE. FAY., AR

JUNE 91			91-710

APAC-Arkansas, Inc
Contract Approval
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ASSURANCES
Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. **Airport Planning Undertaken by a Sponsor.** Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in section C apply to planning projects. The terms, conditions, and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

a. Title 49, U.S.C., subtitle VII, as amended.
b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.[1]
c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
d. Hatch Act - 5 U.S.C. 1501, et seq.[2]
e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.[1 2]
f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).[1]

g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.[1]
h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
i. Clean Air Act, P.L. 90-148, as amended.
j. Coastal Zone Management Act, P.L. 93-205, as amended.
k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.[1]
l. Title 49 ,U.S.C., Section 303, (formerly known as Section 4(f))
m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
p. American Indian Religious Freedom Act, P.L. 95-341, as amended.
q Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.[1]
r. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.[1]
s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.[1]
t. Copeland Antikickback Act - 18 U.S.C. 874.[1]
u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.[1]
v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.[2]
x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

Executive Order 11246 - Equal Employment Opportunity[1]
Executive Order 11990 - Protection of Wetlands
Executive Order 11998 – Flood Plain Management
Executive Order 12372 - Intergovernmental Review of Federal Programs.
Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction[1]
Executive Order 12898 - Environmental Justice

Federal Regulations

a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
c. 14 CFR Part 150 - Airport noise compatibility planning.
d. 29 CFR Part 1 - Procedures for predetermination of wage rates.[1]
e. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.[1]
f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).[1]
g. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).[1]
h. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.[3]
i. 49 CFR Part 20 - New restrictions on lobbying.
j. 49 CFR Part 21 - Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
k. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
l. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition for Federal and federally assisted programs.[1 2]

m. 49 CFR Part 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
n. 49 CFR Part 27 - Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance.[1]
o. 49 CFR Part 29 – Government wide debarment and suspension (non-procurement) and government wide requirements for drug-free workplace (grants).
p. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
q. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.[1]

Office of Management and Budget Circulars

a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
b A-133 - Audits of States, Local Governments, and Non-Profit Organizations

[1] These laws do not apply to airport planning sponsors.
[2] These laws do not apply to private sponsors.
[3] 49 CFR Part 18 and OMB Circular A-87 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

a. **Public Agency Sponsor:** It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. **Private Sponsor:** It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.

4. Good Title.

a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.

f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.

6. Consistency with Local Plans. The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. **Consideration of Local Interest.** It has given fair consideration to the interest of communities in or near where the project may be located.

8. **Consultation with Users.** In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. **Public Hearings.** In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. **Air and Water Quality Standards.** In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

11. **Pavement Preventive Maintenance**. With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. **Terminal Development Prerequisites.** For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. **Accounting System, Audit, and Record Keeping Requirements.**

a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with

the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. **Minimum Wage Rates.** It shall include, in all contracts in excess of $2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. **Veteran's Preference.** It shall include in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Veterans of the Vietnam era and disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. **Conformity to Plans and Specifications.** It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into the grant agreement.

17. **Construction Inspection and Approval.** It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. **Planning Projects.** In carrying out planning projects:

    a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.

    b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

    c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

    d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

    e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

    f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.

g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.

h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary.
In furtherance of this assurance, the sponsor will have in effect arrangements for-
(1) Operating the airport's aeronautical facilities whenever required;
(2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
(3) Promptly notifying airmen of any condition affecting aeronautical use of the airport.
Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

21. Economic Nondiscrimination.

a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical

activities, including commercial aeronautical activities offering services to the public at the airport.

b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
(1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
(2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.

d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.

e. Each air carrier using such airport (whether as a tenant, nontenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or nontenants and signatory carriers and nonsignatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.

g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.

h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights. It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this

paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.

It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. **Fee and Rental Structure.** It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. **Airport Revenues.**

a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. **Reports and Inspections.** It will:

a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;

c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
   (i) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
   (ii) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. **Use by Government Aircraft.** It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that-
   a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
   b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. **Land for Federal Facilities.** It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. **Airport Layout Plan.**

   a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways,

taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.

30. **Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or (b) the period during which the sponsor retains ownership or possession of the property.

31. **Disposal of Land.**

a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, 1) be paid to the Secretary for deposit in the Trust Fund, or 2) be reinvested in an approved noise compatibility project as prescribed by the Secretary.

b. (1) For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (a) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (b) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.
(2) Land shall be considered to be needed for airport purposes under this assurance if (a) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (b) the revenue from interim

uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

c. Disposition of such land under (a) or (b) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. **Engineering and Design Services.** It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement **prescribed** for or by the sponsor of the airport.

33. **Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated 7/1/99 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. **Relocation and Real Property Acquisition.** (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. **Access By Intercity Buses**. The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. **Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non discrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).

STANDARD DOT TITLE VI ASSURANCES

City of Fayetteville (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.

2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.

3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:

(a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and

(b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.

6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:

(a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
(b) the period during which the Sponsor retains ownership or possession of the property.

7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.

STANDARD DOT TITLE VI ASSURANCES *(Continued)*

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED **July , 2005**

CITY OF FAYETTEVILLE
(Sponsor)

Dan Coody

Mayor
(Title)

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. the contractor shall not participate either directly of indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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, the undersigned shall complete and submit Standard Form LLL "Disclosure of Lobby Activities", in accordance with its instructions.

3. The undersigned shall require that the language of this 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 subrecipents shall certify and disclose accordingly.

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.

Signed _____ Date July , 2005

Dan Coody

Title Mayor

CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS
Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) 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:

(b) Establishing an ongoing drug-free awareness program to inform employees about-

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) 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 (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) 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;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) 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. Notices shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted-

(1) 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

CERTIFICATION REGARDING
DRUG-FREE WORKPLACE REQUIREMENTS
(Continued)

Alternate I. (Grantees Other Than Individuals)

(2) 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;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f),

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

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

Fayetteville Municipal Airport, Drake Field

4500 S. School Ave.

Fayetteville, Arkansas

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

Dan Coody

Mayor
Title

July ,2005
Date

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AIRPORT IMPROVEMENT PROGRAM SPONSOR CERTIFICATION

SELECTION OF CONSULTANTS

City of Fayetteville	Fayetteville Municipal	3-05-0020-034-2005
(Sponsor)	*(Airport)*	*(Project Number)*

West Side General Aviation Apron Improvements *(Work Description)*

Title 49, United States Code, section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General standards for selection of consultant services within Federal grant programs are described in Title 49, Code of Federal Regulations (CFR), Part 18.36. Sponsors may use other qualifications-based procedures provided they are equivalent to specific standards in 49 CFR 18 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standard.

	Yes	No	N/A
1. Solicitations were (will be) made to ensure fair and open competition from a wide area of interest.	☒	☐	☐
2. For contracts over $100,000, consultants were (will be) selected using competitive procedures based on qualifications, experience, and disadvantaged enterprise requirements with the fees determined through negotiations.	☒	☐	☐
3. A record of negotiations has been (will be) prepared reflecting considerations involved in the establishment of fees, which are not significantly above the sponsor's independent cost estimate.	☒	☐	☐
4. If engineering or other services are to be performed by sponsor force account personnel, prior approval was (will be) obtained from the FAA.	☒	☐	☐
5. The consultant services contracts clearly establish (will establish) the scope of work and delineate the division of responsibilities between all parties engaged in carrying out elements of the project.	☒	☐	☐
6. Costs associated with work ineligible for AIP funding are (will be) clearly identified and separated from eligible items in solicitations, contracts, and related project documents.	☒	☐	☐

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AIRPORT IMPROVEMENT PROGRAM
SPONSOR CERTIFICATION

PROJECT PLANS AND SPECIFICATIONS

City of Fayetteville *(Sponsor)* | Fayetteville Municipal Airport *(Airport)* | 3-05-0020-034-2005 *(Project Number)*

West Side General Aviation Apron Improvements *(Work Description)*

Title 49, United States Code, section 47105(d), authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). AIP standards are generally described in FAA Advisory Circular (AC) 150/5100-6, Labor Requirements for the Airport Improvement Program, AC 150/5100-15, Civil Rights Requirements for the Airport Improvement Program, and AC 150/5100-16, Airport Improvement Program Grant Assurance One--General Federal Requirements. A list of current advisory circulars with specific standards for design or construction of airports as well as procurement/installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Except for the certified items below marked not applicable (N/A), the list includes major requirements for this aspect of project implementation, although it is not comprehensive, nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

	Yes	No	N/A
1. The plans and specifications were (will be) prepared in accordance with applicable Federal standards and requirements, so no deviation or modification to standards set forth in the advisory circulars, or State standard, is necessary other than those previously approved by the FAA.	☒	☐	☐
2. Specifications for the procurement of equipment are not (will not be) proprietary or written so as to restrict competition. At least two manufacturers can meet the specification.	☒	☐	☐
3. The development included (to be included) in the plans is depicted on the airport layout plan approved by the FAA.	☒	☐	☐
4. Development that is ineligible for AIP funding has been (will be) omitted from the plans and specifications.	☒	☐	☐
5. The process control and acceptance tests required for the project by standards contained in Advisory Circular 150/5370-10 are (will be) included in the project specifications.	☒	☐	☐
6. If a value engineering clause is incorporated into the contract, concurrence was (will be) obtained from the FAA.	☒	☐	☐
7. The plans and specifications incorporate (will incorporate) applicable requirements and recommendations set forth in the Federally approved environmental finding.	☒	☐	☐

	Yes	No	N/A
7. Mandatory contact provisions for grant-assisted contracts have been (will be) included in consultant services contracts.	☒	☐	☐
8. The cost-plus-percentage-of-cost methods of contracting prohibited under Federal standards were not (will not be) used.	☒	☐	☐
9. If the services being procured cover more than the single grant project referenced in this certification, the scope of work was (will be) specifically described in the advertisement, and future work will not be initiated beyond five years.	☒	☐	☐

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have prepared documentation attached hereto for any item marked "no" that is correct and complete.

City of Fayetteville

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

Dan Coody

(Typed Name of Sponsor's Designated Official Representative)

Mayor

(Typed Title of Sponsor's Designated Official Representative)

July_____, 2005

(Date)

	Yes	No	N/A
8. For construction activities within or near aircraft operational areas, the requirements contained in Advisory Circular 150/5370-2 have been (will be) discussed with the FAA as well as incorporated into the specifications, and a safety/phasing plan has FAA's concurrence, if required.	☒	☐	☐
9. The project was (will be) physically completed without Federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design.	☒	☐	☐

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have prepared documentation attached hereto for any item marked "no" that is correct and complete.

City of Fayetteville
(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

Dan Coody
(Typed Name of Sponsor's Designated Official Representative)

Mayor
(Typed Title of Sponsor's Designated Official Representative)

July_____, 2005
(Date)

CONTRACT

THIS AGREEMENT, made and entered into on the____ day of _____2005, by and between **McClinton-Anchor, a Division of APAC,** herein called the Contractor, and the **City of Fayetteville**:

W I T N E S S E T H:

That **McClinton-Anchor, a Division of APAC,** for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

1. That **McClinton-Anchor, a Division of APAC,** shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled:

West Side GA Apron Improvements, Fayetteville Municipal Airport, AIP Project 3-05-0020-034-2005

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications
	Drawings – 14 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to **McClinton-Anchor, a Division of APAC** for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of **One Million One Hundred Sixty Five Thousand, Two Hundred Six & 00/100 Dollars ($1,165,206.00).**

3. The Work will be completed and ready for final payment in accordance with the General Conditions within **150** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.

4. Liquidated Damages: **City of Fayetteville** and **McClinton-Anchor, a Division of APAC,** recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by **City of Fayetteville** if the Work is not completed on time. Accordingly, instead of requiring any such proof, **City of Fayetteville** and **McClinton-Anchor, a Division of APAC,** agree that as liquidated damages for delay (but not as a penalty) **McClinton-Anchor, a Division of APAC,** shall pay **City of**

Fayetteville Four Hundred Dollars ($400.00) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within **30 days** of receipt of an approved payment request, **the City of Fayetteville** shall make partial payments to **McClinton-Anchor, a Division of APAC,** on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by **McClinton-Anchor, a Division of APAC**, LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville.**

6. That upon submission by **McClinton-Anchor, a Division of APAC,** of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by **McClinton-Anchor, a Division of APAC**, in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by **McClinton-Anchor, a Division of APAC,** of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville.**

7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, **McClinton-Anchor, a Division of APAC,** shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville.** In such event, no further payment to **McClinton-Anchor, a Division of APAC,** shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville.**

8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, McClinton-Anchor, a Division of APAC will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. Seq.). Only Legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterparts be deemed an original Contract.

SEAL:

McClinton-Anchor, a Division of APAC

WITNESSES

By James A. Cole

Vice President

Title

ATTEST:

CITY OF FAYETTEVILLE

City Clerk

By

Dan Coody, Mayor

RESOLUTION NO. 67-05

A RESOLUTION TO APPROVE TASK ORDER #6 TO A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF $99,850.00 TO DESIGN AND OVERSEE THE CONSTRUCTION OF A NEW WEST SIDE GENERAL AVIATION APRON AND SEWER LINE REPLACEMENT, AND TO APPROVE APPLICATIONS FOR FUNDING FROM THE FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS TO PAY FOR THIS PROJECT AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,079,316.00

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 Task Order #6 to a contract with McClelland Consulting Engineers, Inc. in the amount of $99,850.00 to design and oversee the construction of a new west side general aviation apron and sewer line replacement.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves applications for funding from the FAA and Arkansas Department of Aeronautics to pay for this project.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $1,079,316.00.

PASSED and **APPROVED** this 5th day of April, 2005.

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

ATTEST:

By: _____
SONDRA SMITH, City Clerk

APPROVED:

By: _____
DAN COODY, Mayor

MCE McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

P.O. Box 1229
Fayetteville, Arkansas 72702-1229
479-443-2377
FAX 479-443-9241

July 8, 2005

Mr. Ray Boudreaux
Airport Department
City of Fayetteville
4500 S. School Ave., Suite F
Fayetteville, AR 72701

Re: West Side GA Apron Improvements
Fayetteville Municipal Airport, Drake Field
AIP 3-05-0020-034-2005

Dear Mr. Boudreaux:

Bids were received on the above referenced project on Friday, July 8, 2005, with two Contractors submitting a bid for this project. The low bidder is McClinton-Anchor Div. of APAC-Arkansas, Inc., of Fayetteville, Arkansas, in the amount of $1,165,206.00 for the Total Bid amount. There were three General Contractors who had plans and were asking questions and considering bidding this project. A copy of the certified Bid Tabulation is enclosed. The Engineer's estimate of the Construction Cost is also attached and was in the amount of $1,157,900.10. The Bid amount is only 0.6 percent above the estimated project construction cost.

We have worked with McClinton-Anchor Div. of APAC-Arkansas, Inc., on numerous Drake Field airport projects and have always had very excellent results. We recommend the City accept the low bid submitted by McClinton-Anchor Div. of APAC-Arkansas, Inc. for the Total Bid in the amount of $1,165,206.00.

If there are any questions regarding the bids or this recommendation, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.

R. Wayne Jones, P.E.
Vice President

Enclosures: Bid Tabulation
Estimated Construction Cost

J:\2005\052127\corres\bourdreaux-0708.wpd:wj

West side GA Apron Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-034-2005
June 27, 2005
MCE Project No. FY052127

Item #	Description	Qty.	Unit	APAC-Arkansas, Inc., McClinton-Anchor Division		Midland Construction, Inc.	
				Unit Price	Extended	Unit Price	Extended
1	Mobilization & Demobilization	1	LS	$56,000.00	$56,000.00	$45,000.00	$45,000.00
2	Topsoil Removal (Plan Quantity)	530	CY	$7.00	$3,710.00	$8.00	$4,240.00
3	Unclassified Excavation (Plan Quantity)	11,600	CY	$11.00	$127,600.00	$10.00	$116,000.00
4	Embankment from Excavation (Plan Quantity)	1,050	CY	$6.25	$6,562.50	$6.00	$6,300.00
5	Select Borrow Embankment (Plan Quantity)	6,940	CY	$16.85	$116,939.00	$12.00	$83,280.00
6	Topsoil Replacement (Plan Quantity)	2,040	CY	$28.00	$57,120.00	$26.00	$53,040.00
7	Undercut and Embankment Backfill	1,500	CY	$21.00	$31,500.00	$17.00	$25,500.00
8	Soil Stabilization Fabric	7,500	SY	$1.60	$12,000.00	$5.00	$37,500.00
9	Straw Bale Barrier	150	LF	$2.10	$315.00	$19.00	$2,850.00
10	Filter Fabric Barrier	800	LF	$4.38	$3,504.00	$5.00	$4,000.00
11	Crushed Aggregate Base Course	4,250	TN	$18.50	$78,625.00	$23.00	$97,750.00
12	7-Inch Portland Cement Concrete Pavement	9,215	SY	$37.00	$340,955.00	$40.00	$368,600.00
13	Apron Joint Sealant	1	LS	$21,000.00	$21,000.00	$22,600.00	$22,600.00
14	4-Inch Asphalt Binder, Type II	40	TN	$78.00	$3,120.00	$173.00	$6,920.00
15	2-Inch Asphalt Surface, Type II	20	TN	$119.00	$2,380.00	$207.00	$4,140.00
16	Concrete Curb and Gutter	126	LF	$30.00	$3,780.00	$19.00	$2,394.00
17	Handicap Ramps, AHTD Type 3	2	EA	$960.00	$1,920.00	$1,000.00	$2,000.00
18	18-Inch RCP, Class III, Wall B	560	LF	$64.00	$35,840.00	$30.00	$16,800.00
19	8-Inch PVC Sch 80 Pipe	182	LF	$42.00	$7,644.00	$30.00	$5,460.00
20	Grate Inlet	4	EA	$6,000.00	$24,000.00	$4,200.00	$16,800.00
21	Junction Box	2	EA	$4,200.00	$8,400.00	$4,200.00	$8,400.00
22	Curb Inlet over Existing Pipe	1	LF	$4,150.00	$4,150.00	$5,000.00	$5,000.00
23	Reconstruct Inlet Top to Grate Inlet	1	EA	$4,000.00	$4,000.00	$3,200.00	$3,200.00
24	Pipe Underdrain System	200	LF	$10.00	$2,000.00	$10.00	$2,000.00
25	Solid Sodding	20	SY	$10.30	$206.00	$25.00	$500.00
26	Seeding, Fertilizing, and Mulching	2.6	AC	$2,000.00	$5,200.00	$3,000.00	$7,800.00
27	Taxiway Striping (Yellow)	700	LF	$3.00	$2,100.00	$3.25	$2,275.00
28	Taxiway Striping (Black Outline)	1,400	LF	$3.00	$4,200.00	$3.25	$4,550.00
29	Trench and Excavation Safety System	1	LS	$6,125.00	$6,125.00	$3,000.00	$3,000.00
30	Remove Existing Chain Link Fence	710	LF	$2.85	$2,023.50	$3.50	$2,485.00
31	New 6' Chain Link Fence with Barbed Wire	780	LF	$19.00	$14,820.00	$24.00	$18,720.00
32	Relocate Sliding Gate and Controls	1	LS	$3,200.00	$3,200.00	$4,000.00	$4,000.00

C. 11
APAC-Arkansas, Inc
Contract Approval
Page 40 of 44

West side GA Apron Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-034-2005
June 27, 2005
MCE Project No. FY052127

Item #	Description	Qty.	Unit	APAC-Arkansas, Inc., McClinton-Anchor Division		Midland Construction, Inc.	
				Unit Price	Extended	Unit Price	Extended
33	Remove Curb and Gutter	1	LS	$3,500.00	$3,500.00	$7,000.00	$7,000.00
34	Remove Asphalt Pavement (3020 SY)	1	LS	$9,000.00	$9,000.00	$18,000.00	$18,000.00
35	Remove Gravel Surface (4468 SY)	1	LS	$24,000.00	$24,000.00	$38,000.00	$38,000.00
36	Remove Concrete Swale (72 SY)	1	LS	$750.00	$750.00	$1,000.00	$1,000.00
37	Remove Concrete Block Building and Foundation	1	LS	$2,740.00	$2,740.00	$17,000.00	$17,000.00
38	Remove Duplex Pump Station, Backfill, and Cap Force Main	1	LS	$6,700.00	$6,700.00	$9,000.00	$9,000.00
39	Relocate SCADA System Antenna to Pump Sta. South of Terminal Building	1	LS	$260.00	$260.00	$2,500.00	$2,500.00
40	Remove Concrete Inlet	1	LS	$205.00	$205.00	$1,300.00	$1,300.00
41	Remove 12", 15", and 18" RCP (LF)	1	LS	$2,300.00	$2,300.00	$2,700.00	$2,700.00
42	Remove Sanitary Sewer Manholes	2	EA	$250.00	$500.00	$1,600.00	$3,200.00
43	New Sanitary Manhole	6	EA	$2,700.00	$16,200.00	$2,400.00	$14,400.00
44	8" SDR 26 PVC Sewer Pipe	1,140	LF	$50.00	$57,000.00	$85.00	$96,900.00
45	Crushed Stone Trench Backfill	908	TN	$19.00	$17,252.00	$20.00	$18,160.00
46	Conc. Curb Removal and Repair	40	LF	$23.00	$920.00	$36.00	$1,440.00
47	Asphalt Drive Repair	545	SY	$52.00	$28,340.00	$52.00	$28,340.00
48	Asphalt Parking Repair	100	SY	$44.00	$4,400.00	$70.00	$7,000.00
49	Third Party Insurance Coverage (Rider Amount)	1	LS	$200.00	$200.00	$400.00	$400.00
	TOTAL BID				$1,165,206.00		$1,249,444.00

Certified: R Wayne Jones
R. Wayne Jones, P.E. #4532

C. 11
APAC-Arkansas, Inc
Contract Approval
Page 41 of 44

ESTIMATED CONSTRUCTION COST
WEST SIDE GA APRON IMPROVEMENTS
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
PROJECT NO. FY052127
June 27, 2005

Item No.	Description	Qty.	Unit	Unit Price	Extended
1	Mobilization & Demobilization	1.0	LS	$25,000.00	$25,000.00
2	Topsoil Removal (Plan Quantity)	530.0	CY	$7.00	$3,710.00
3	Unclassified Excavation (Plan Quantity)	11600.0	CY	$12.50	$145,000.00
4	Embankment from Excavation (Plan Quantity)	1050.0	CY	$12.00	$12,600.00
5	Select Borrow Embankment (Plan Quantity)	6940.0	CY	$19.00	$131,860.00
6	Topsoil Replacement (Plan Quantity)	2040.0	CY	$10.50	$21,420.00
7	Undercut and Embankment Backfill(Field Measured)	1500.0	CY	$22.00	$33,000.00
8	Soil Stabilization Fabric	7500.0	SY	$1.90	$14,250.00
9	Straw Bale Barrier	150.0	LF	$7.50	$1,125.00
10	Filter Fabric Barrier	800.0	LF	$4.50	$3,600.00
11	Crushed Aggregate Base Course	4250.0	TN	$18.00	$76,500.00
12	7" Portland Cement Concrete Pavement	9215.0	SY	$32.00	$294,880.00
13	Apron Joint Sealant	1.0	LS	$25,000.00	$25,000.00
14	4" Asphalt Binder, Type II	40.0	TN	$65.00	$2,600.00
15	2" Asphalt Surface, Type II	20.0	TN	$68.00	$1,360.00
16	Concrete Curb and Gutter	126.0	LF	$16.00	$2,016.00
17	Handicap Ramps, AHTD Type 3	2.0	EA	$350.00	$700.00
18	18" RCP, Class III, Wall B	560.0	LF	$55.00	$30,800.00
19	8" PVC Sch 80 Pipe	182.0	LF	$25.00	$4,550.00
20	Grate Inlet	4.0	EA	$6,500.00	$26,000.00
21	Junction Box	1.0	EA	$5,500.00	$5,500.00
22	Curb Inlet over Existing Pipe	1.0	LF	$4,500.00	$4,500.00
23	Reconstruct Inlet Top to Grate Inlet	1.0	EA	$3,500.00	$3,500.00
24	Pipe Underdrain System	200.0	LF	$10.50	$2,100.00
25	Solid Sodding	20.0	SY	$10.00	$200.00
26	Seeding, Fertilizing, & Mulching	2.6	AC	$2,500.00	$6,500.00
27	Taxiway Striping (Yellow)	700.0	LF	$1.50	$1,050.00
28	Taxiway Striping (Black Outline)	1400.0	LF	$1.50	$2,100.00
29	Trench and Excavation Safety System	1.0	LS	$5,000.00	$5,000.00
30	Remove Existing Chain Link Fence	710.0	LF	$10.50	$7,455.00
31	New 6' Chain Link Fence with Barbed wire	780.0	LF	$20.00	$15,600.00
32	Relocate Sliding Gate and Controls	1.0	LS	$3,000.00	$3,000.00
33	Remove Curb and Gutter (708 LF)	1.0	LS	$3,850.00	$3,850.00
34	Remove Asphalt Pavement (3020 SY)	1.0	LS	$15,500.00	$15,500.00
35	Remove Gravel Surface (4468 SY)	1.0	LS	$15,600.00	$15,600.00
36	Remove Concrete Swale (72 SY)	1.0	LS	$550.00	$550.00
37	Remove Concrete Block Building and Foundation	1.0	LS	$7,500.00	$7,500.00
38	Remove Duplex Pump Sta., Backfill and Cap Force Main	1.0	LS	$8,500.00	$8,500.00
39	Relocate SCADA System Antenna to Pump Sta South of Terminal Building	1.0	LS	$750.00	$750.00
40	Remove Concrete Inlet	1.0	LS	$2,000.00	$2,000.00
41	Remove 12", 15", and 18" RCP (LF)	1.0	LS	$1,500.00	$1,500.00
42	Remove Sanitary Sewer Manholes	2.0	EA	$800.00	$1,600.00
43	New Sanitary Manhole	6.0	EA	$2,300.00	$13,800.00
44	8" SDR 26 PVC Sewer Pipe	1140.0	LF	$45.00	$51,300.00
45	Crushed Stone Trench Backfill	988.0	TN	$22.00	$21,736.00
46	Conc. Curb Removal and Repair	40.0	LF	$30.00	$1,200.00
47	Asphalt Drive Repair	545.0	SY	$70.00	$38,150.00
48	Asphalt Parking Repair	100.0	SY	$62.50	$6,250.00
49	Third Party Insurance Coverage (Rider Amount)	1.0	LS	$500.00	$500.00
	SUBTOTAL				**$1,102,762.00**

Contengency 5% **$55,138.10**

TOTAL ESTIMATED CONSTRUCTION COST **$1,157,900.10**

RESOLUTION NO. 67-05

A RESOLUTION TO APPROVE TASK ORDER #6 TO A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF $99,850.00 TO DESIGN AND OVERSEE THE CONSTRUCTION OF A NEW WEST SIDE GENERAL AVIATION APRON AND SEWER LINE REPLACEMENT, AND TO APPROVE APPLICATIONS FOR FUNDING FROM THE FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS TO PAY FOR THIS PROJECT AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $1,079,316.00

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 Task Order #6 to a contract with McClelland Consulting Engineers, Inc. in the amount of $99,850.00 to design and oversee the construction of a new west side general aviation apron and sewer line replacement.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves applications for funding from the FAA and Arkansas Department of Aeronautics to pay for this project.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $1,079,316.00.

PASSED and **APPROVED** this 5th day of April, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

CITY CLERK/TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

07-15-05P05:04 RCVD

2-Aug
City Council Meeting Date

Ray M. Boudreaux	Aviation & Economic Development	General Government
Submitted By	Division	Department

Action Required:

Approve a contract with APAC - McClinton Anchor APAC - Arkansas, Inc., PO Box 1367, Fayetteville, AR, 72702-1367, phone: 521-3550, fax: 521-2826, in the amount of ~~$1,165,206~~ $275,383 to construct West General Aviation Apron. Approve a 5% project contingency of ~~$58,260~~ 29,130. ~~Approve a budget adjustment.~~ XD

$1,223,466.00	$ 1,079,316.00	Taxiway A Extension Phase I
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.3960.7820.34	$ 99,850.00	Airport Capital Improvement
Account Number	Funds Used to Date	Program / Project Category Name
05034.1	$ 979,466.00	General Government - Airport
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — July 11, 2005 — Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

City Attorney — 7/14/05 — Date

Original Contract Number: _____

Finance and Internal Service Director — 7/15/05 — Date

Received in City Clerk's Office
ENTERED 7-11-05 lw

Mayor — 7/15/05 — Date

Received in Mayor's Office
ENTERED 7/14/05 ff

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Yolanda Fields, CRCC Director

Date: July 11, 2005

Subject: Raze & Removal of structure on 2016 W Stone St

RECOMMENDATION

Staff recommends a resolution to order the raze and removal of the structure.

BACKGROUND

Service Request #21361, Case #3276: Code Compliance was working a separate Ordinance Violation on this property and observed the possible unsafe building on the property owned by Paul Brickman. The property is located at 2016 W Stone St. The Fire Marshal's Office determined the structure has deteriorated to the point of needing major repairs. The Building Safety Director has also inspected the site and determined the structure is unsafe to occupy.
An Unsafe Buildings Notice of Violation was sent by Certified Mail to the owner on April 29, 2005. The property owner, Paul Brickman, signed the Certified Mail receipt on May 13, 2005. By ordinance the owner were given until June 13, 2005 to acquire a building permit and make repairs or to demolish and remove the structure.

DISCUSSION

This parcel contains a single story wood frame single family dwelling. The building is secure but has deteriorated to a point were it is no longer safe. There is not a current building permit on this structure.

BUDGET IMPACT

Contracting the raze and removal of the property would cost approximately $4,000.00. The cost would be billed to the property owner. If payment is not received, the city will place a lien on the property for the amount of the raze and removal.

RESOLUTION NO. _____

A RESOLUTION ORDERING THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE OWNED BY PAUL BRICKMAN LOCATED AT 2016 W. STONE STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS

WHEREAS, Paul Brickman is the record owner of the real property situated at 2016 W. Stone Street, City of Fayetteville, Washington County, Arkansas, more particularly described as follows:

(Replat of W ½ Block 2) Lot 23 Block 2, West End Addition (WC Parcel Number 765-11963-000); and,

WHEREAS, the City Council has determined that the structure located on said property is dilapidated, unsightly, unsafe, and detrimental to the public welfare; and,

WHEREAS, Paul Brickman, having been properly served with a Violation Notice by Certified Mail, Return Receipt Requested, and given thirty (30) days to correct said violation, has refused to repair, or raze and remove said dilapidated, unsightly, and unsafe structure.

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

Section 1: That, by the authority granted pursuant to A.C.A. §14-56-203, and in accordance with the provisions of Ordinance No. 3948 of 1996, Paul Brickman is hereby ordered to raze and remove forthwith, the dilapidated, unsightly, and unsafe structure located on the aforementioned real property. The manner of removing said structure shall be: dismantle by hand or bulldozer, and haul all debris to a landfill.

Section 2. That if, Paul Brickman does not comply with this order, the Mayor is hereby directed to cause the dilapidated, unsightly, and unsafe structure to be razed and removed; and that a lien against the real property be granted and given the City, pursuant to A.C.A. §14-54-904, for the costs associated therewith.

PASSED and **APPROVED** this 2nd day of August 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

2016 W Stone Street

Office of Code Compliance
113 West Mountain Street
Fayetteville, Arkansas 72701
Phone 479-444-3430
Fax 479-444-3445

FAYETTEVILLE

VIOLATION NOTICE

April 29, 2005

Owner: PAUL BRICKMAN
P.O. BOX 44252

WASHINGTON, DC 20026

RE: Property @ 2016 W STONE ST, Fayetteville, AR

WC Parcel # 765-11963-000 Case # 3276

Dear Property Owner:

It appears that your property contains a violation of the Fayetteville Unified Development Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct the problem, please call our office at (479)575-8237.

Suspected Violation That Needs Correction:

§173.08 Unsafe Buildings. No persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the City which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

How This Violation Can Be Voluntarily Corrected:

Please obtain a building permit and make repairs as required or demolish the building and remove all debris from the lot.

Potential Penalties:
If this violation is not corrected within thirty (30) days from the service of this notice, you can be issued a Criminal Citation for the above violation and be summoned to appear in court. Our office can also suggest the structure be razed and removed. The costs shall be charged to the owner(s) of the property and the city shall have a lien against such property for such costs. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to appeal to the appropriate City Board, Commission or City Council. Please see Chapter 155 of the Unified Development Code.

If the residence is owner occupied and meets certain income requirements, you may qualify for federal assistance under our Community Development Block Grant. For more information on this program, please call (479) 575-8270 or 575-8260.

Sincerely,

RRESTON HAMMONS
Code Compliance Officer

Cc: file

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Paul I. Brickman
P.O. Box 44252
Washington, DC 20026

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Paul Brickman ☐ Agent ☐ Addressee

B. Received by (Printed Name) Paul Brickman

C. Date of Delivery 5-13-05

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7003 0500 0003 3458 5311

PS Form 3811, February 2004 Domestic Return Receipt 3276 P5 102595-02-M-1540

7003 0500 0003 3458 5311

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To Paul Brickman
Street, Apt. No.; or PO Box No. P.O. Box 44252
City, State, ZIP+4 Washington, DC 20026

PS Form 3800, June 2002 See Reverse for Instructions

The City of Fayetteville, Arkansas

BUILDING SAFETY DIVISION

DEPARTMENTAL CORRESPONDENCE

TO: Chad Ball, Code Compliance Officer

FROM: Steve Cattaneo, Building Safety Director

DATE: March 17, 2005

RE: 2016 W. Stone St.

I have inspected the structure at this address and have found it unsafe to occupy.

Fayetteville
Fire Department
Office of Fire Marshal

To: Chad Ball
Community Resources

Date: 5-10-05

Re: Property Assessment
2016 Stone

Report: CE-97-05

From: Dennis Ledbetter
Evidence Technician

I was an assigned to do a property assessment at 2016 Stone Street. This was a single story wood frame single family dwelling. There were no utilities to the structure. This structure has deteriorated to the point of needing major repairs. The property owner should consider the cost of repairs verses removal. The owner of the property should obtain proper permits before making any repairs to the structure.

Record **1** of **1** Last Updated 07/11/05

Parcel Number: **765-11963-000** Prev. Parcel Number: **145151-000-00** Type: **RI**
Location: **2016 STONE ST**
Owner Name: **BRICKMAN, PAUL**
Mailing Address: **PO BOX 44252 WASHINGTON DC 20026**
Lot: Block: S-T-R: **17-16-30**
Addition: **WEST END ADD**
School District: **FAYETTEVILLE SCH, FAY** Tax District: **011**
City: **FAYETTEVILLE**
Legal: **(REPLAT W 1/2 BLOCK 2) LOT 23 BLOCK 2**
Current Year A79 Credit Status: **V**

Last Appraised: **2004**	**Appraised Value**	**Taxable Value**
Land	**15,000**	**2,300**
Improvement	**10,850**	**989**
Total	**25,850**	**3,289**

Tax History

Year	Taxable Value	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	A79 Credit	A79 Status	Net Total Tax	Total Tax Paid	Payment Status
2004	**3,003**	**$155.74**	**$0.00**	**$0.00**	**$0.00**	**$155.74**	**O**	**$0.00**	**$0.00**	
2003	**2,860**	**$151.47**	**$0.00**	**$0.00**	**$0.00**	**$151.47**	**O**	**$0.00**	**$0.00**	
2002	**2,848**	**$147.98**	**$0.00**	**$0.00**	**$0.00**	**$147.98**	**O**	**$0.00**	**$0.00**	
2001	**2,719**	**$141.28**	**$0.00**	**$0.00**	**$0.00**	**$141.28**	**O**	**$0.00**	**$0.00**	
2000	**2,590**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**O**	**$0.00**	**$0.00**	
1999	**2,590**	**$132.61**	**$0.00**	**$0.00**	**$0.00**			**$132.61**	**$132.61**	**PAID**
1998	**2,590**	**$132.87**	**$0.00**	**$0.00**	**$0.00**			**$132.87**	**$132.87**	**PAID**
1997	**2,590**	**$132.87**	**$0.00**	**$0.00**	**$0.00**			**$158.95**	**$158.95**	**PAID**
1996	**2,590**	**$0.00**	**$0.00**	**$0.00**	**$0.00**			**$0.00**	**$0.00**	**PAID**
1995	**2,590**	**$0.00**	**$0.00**	**$0.00**	**$0.00**			**$0.00**	**$0.00**	**PAID**

Available Tax Payment Receipt(s)

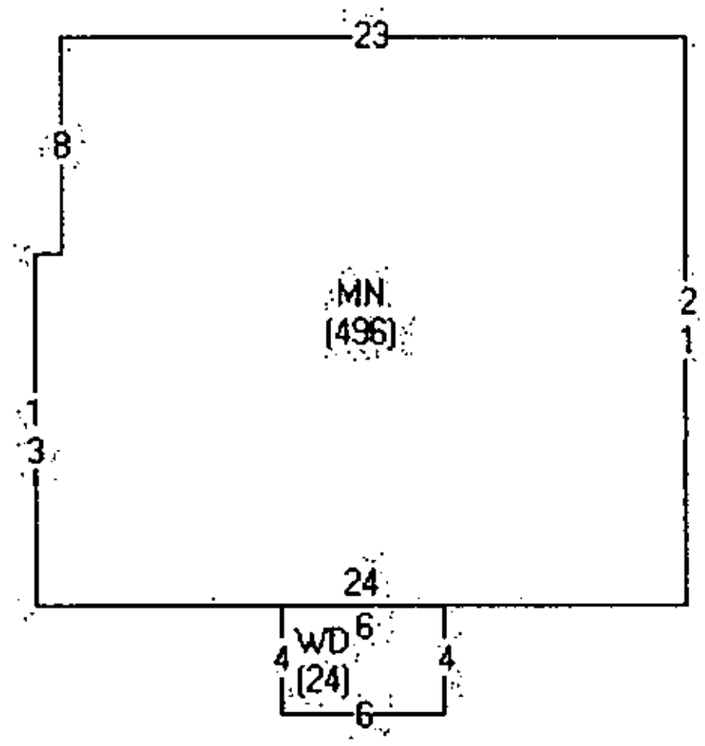
Year	Receipt #	Payment Date	Ad Valorem Tax	Imp. Dist. Tax	Timber Tax	Voluntary Tax	Penalty Tax	Payment
1999	**998067**	**10/5/2004**	**$132.61**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$132.61**

Deed History

Date	Book	Page	Grantee1	Grantee2	Deed Type	Sale Amount	Revenue Amount
9/22/2004	**2004**	**39834**	**BRICKMAN, PAUL**		**LD**	**0**	
	WCS 2004-39834 LIMITED WD #147899 (DELINQUINT UNDER EVERETT LEE DAVIS)						
8/20/2003	**2003**	**47025**	**DAVIS, PATSY; DAVIS GARY R.**		**QC**	**0**	
	PMW 2003-47025 QC NO REV GRANTEES ARE JOINT TENANTS WITH RIGHT OF SURVIVORSHIP						
12/5/1990	**95**	**8616**	**DAVIS, EVERETT LEE**	**2016 STONE**	**WD**	**0**	**0.00**
	NO REV, FILED 2/21/95, NOTERY SIG 12/5/90.						
1/1/1985	**1078**	**975**	**DAVIS, EVERETT & DEPHA MAE**	**RT 2 BOX 263**		**0**	**0.00**

Structure Number	Occupancy Type	Construction Type	First Floor Living Area	Total Living Area	Age or Year Constructed	Basement Area
1	**SF**	**FS**	**496**	**496**	**53**	

Sketch:



Next Item | Previous Item | Ledger Card | Prev. Ledger Card | Return to Search Results | Modify Search | New Search

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

Report Date 07/12/2005 03:59 PM **Submitted By** 2285 Page 1

Case # 3276

Case Information

Stages

	Date / Time	By
Processed		
Resolved	07/12/2005 15:55	2285
Expires		

Associated Information

Case Group			
Priority	173.08	UNSAFE BUILDINGS	☒ Auto Reviews
Resolution Code	01	HIGH PRIORITY	Bill Group
Source			
Name	CE PH	CODE COMPLIANCE	

Applications Affected

☒ Building Application ☒ Project Application ☒ Use Application ☒ License Application ☐ Case

Description of Case

4-12,ph, House has much deterioration, roof leaking, structure open, floors very unlevel indicating foundation rot, ceiling falling @ several locations, appears not feasible to rebuild.
7-11-05cb, requesting r&r of structure, will prepare agenda request

Project # **Project/Phase Name** **Phase #**
Size/Area **Size Description**

Customer Service

Service #	Problem	Resolution Code	Resolved Date
21361	CE834		

Property/Site Information

Address 2016 W STONE ST
FAYETTEVILLE AR 72701-

Location

Owner/Tenant

Contact ID AC3013 **Name** PAUL BRICKMAN
Mailing Address P.O. BOX 44252 **Organization**
City WASHINGTON **State/Province** DC
ZIP/PC 20026 **Country** ☐ Foreign
Day Phone (202)377-3831 x **Evening Phone**
Fax **Mobile #**

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

765-11963-000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

Report Date 07/12/2005 03:59 PM **Submitted By** 2285 Page 2

Applicants/Contacts

Primary	Y	**Capacity**	OWNER	**Contact ID**	AC3013 ☐ Foreign
Effective		**Expire**			
Name	PAUL BRICKMAN				
Day Phone	(202)377-3831 x	**Eve Phone**		**Address**	P.O. BOX 44252
Pager		**PIN #**			WASHINGTON
Fax		**Mobile**			DC
E-Mail	Paul.Brickman@ed.gov				20026
Organization		**Position**		**Profession**	
Comments					

No Comments

Contractors

No Contractors

Item Description	Item Status
Check Fees	Fees Successful
Check Inspections	Inspections Failed
89404 CE CIT #1 CODE COMPLIANCE CITATION DEL.	Waived
83165 CE FOLLOW #1 CODE COMPLIANCE FOLLOW-UP	Failed
86407 CE FOLLOW #2 CODE COMPLIANCE FOLLOW-UP	Failed
87311 CE FOLLOW #3 CODE COMPLIANCE FOLLOW-UP	No Action
78530 CE INIT #1 CODE COMPLIANCE INITIAL	Closed
89405 CE PRECT #1 CODE COMPLIANCE PRE-COURT	Waived
Check Reviews	Reviews Failed
19271 CE SUPV CODE COMPLIANCE SUPERVISOR	Approved
19635 CE SUPV CODE COMPLIANCE SUPERVISOR	Incomplete
Check Conditions	Conditions Successful
POST VIOL POST VIOLATION	Approved, DONE
RESEARCH PROPERTY RESEARCH	Approved, DONE
IMAGE ATTACHED DIGITAL PHOTO REQ.	Approved, DONE
CERT RECD LOG TYPE OF "RECD" CERT MAIL	Approved, DONE
CERT SENT CERTIFIED MAIL SENT	Approved, DONE
CDBG QUAL CDBG QUALIFY	Approved, N/A
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	1
Case # 3594	

Inspections

Insp #	Insp Type	#	Ord/Grp	Assigned To	Call		Scheduled	
Preference	Inspected By	Comments						
89404	CE CIT	1	0					
89405	CE PRECT	1	0					
87311	CE FOLLOW	3	0	1489			06/24/2005 16:51	2285
83165	CE FOLLOW	1	0	1489	05/17/2005 08:17	1489	06/14/2005 16:00	1489
	1489	6-14,ph, no change, rear door open, grass overgrown(starting case)						
86407	CE FOLLOW	2	0	1489	06/14/2005 16:45	1489	06/24/2005 16:44	1489
		6-21,ph, no change						
78530	CE INIT	1	0	1489	04/11/2005 09:25	2285	04/12/2005 16:17	1489
	1489	4-12,ph, House has much deterioration, roof leaking, structure open, floors very unlevel indicating foundation rot, ceiling falling @ several locations, appears not feasible to rebuild.						

Inspections

Insp #	Insp Type	#	Ord/Grp	Assigned To	Call	Scheduled	Preference	Inspected By	Comments

Review Activities

Act #	Act Type	Status	Waived	Issued	Started	Completed	Comp By	Comments
19271	CE SUPV	1	N	06/22/2005 16:51	07/11/2005 09:55	07/12/2005 12:55	2285	
19635	CE SUPV	0	N	07/12/2005 15:56	07/12/2005 15:56			

Check Conditions

Condition	Approval	Approved By	Approved Date	Applied By	Applied Date	Assigned	Supervisor Required	Comments
POST VIOL	DONE	2285	07/12/2005 15:56	2285	07/12/2005 15:55	1489	N	
RESEARCH	DONE	1489	04/12/2005 12:28	1489	04/12/2005 12:28	1489	N	
IMAGE	DONE	1489	04/12/2005 16:50	1489	04/12/2005 12:28	1489	N	
CERT RECD	DONE	1489	05/17/2005 08:17	1489	04/12/2005 16:51	1489	N	recd 5-13-05, sig by Paul Brickman
CERT SENT	DONE	1489	04/29/2005 09:18	1489	04/12/2005 16:51	1489	N	cert# 7003 0500 0003 3458 5311
CDBG QUAL	N/A	1489	05/17/2005 08:19	1489	05/17/2005 08:17	1489	N	

Employee

Employee ID	Last	First	MI	Comments
1489	HAMMONS	PRESTON	E	

Log

Action	Description	Entered By	Start	Stop	Hours	Comments

No Log Entries

GISLOCATE.BMP

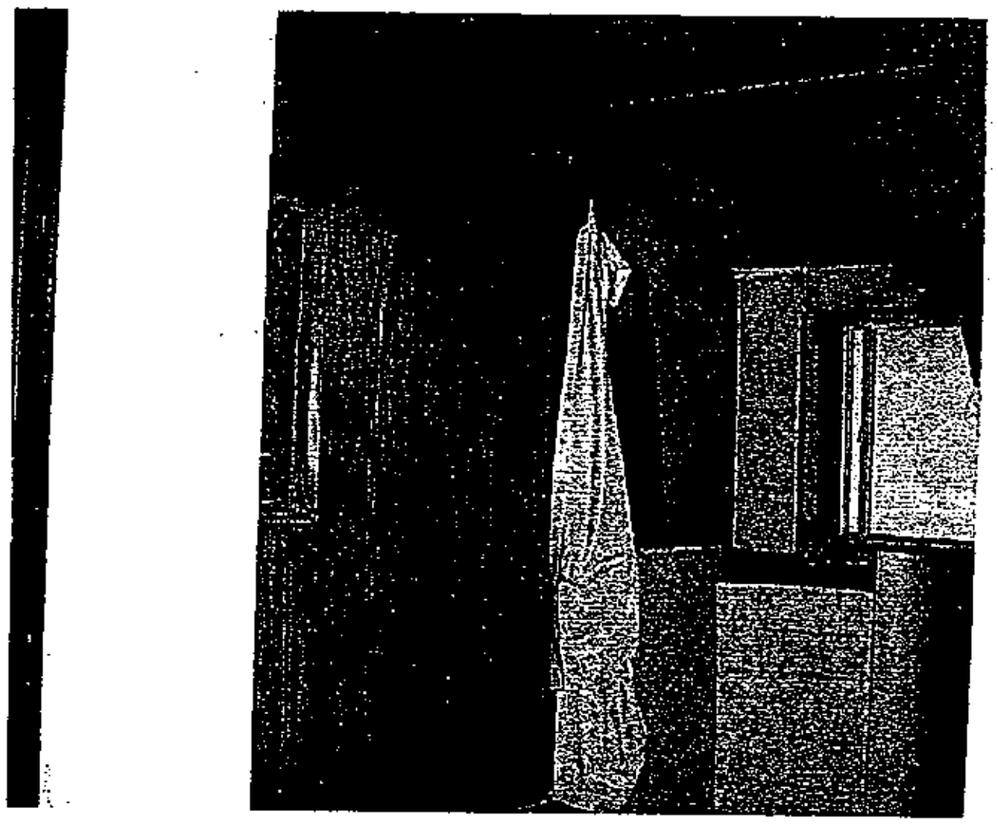
A 04-12-05.JPG

B 04-12-05.JPG

C 04-12-05.JPG

City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479)521-7700 Fax (479)575-8316

Report Date 07/12/2005 03:59 PM **Submitted By** 2285



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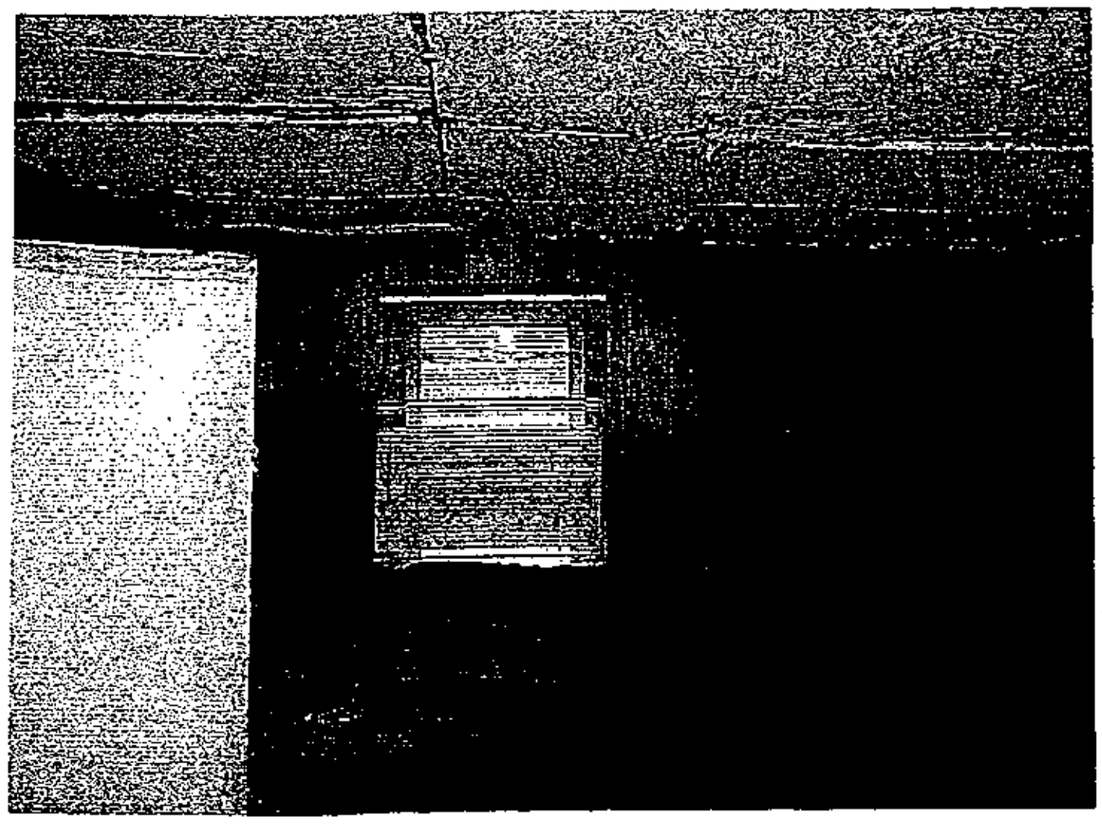

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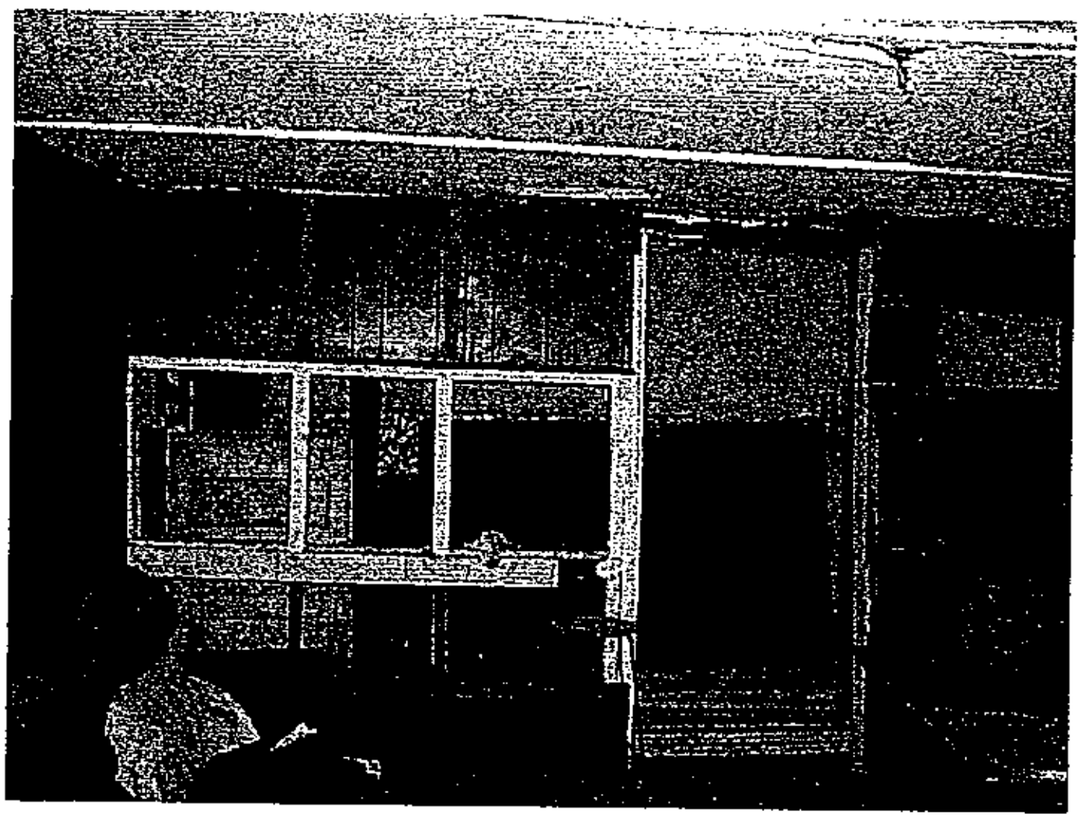

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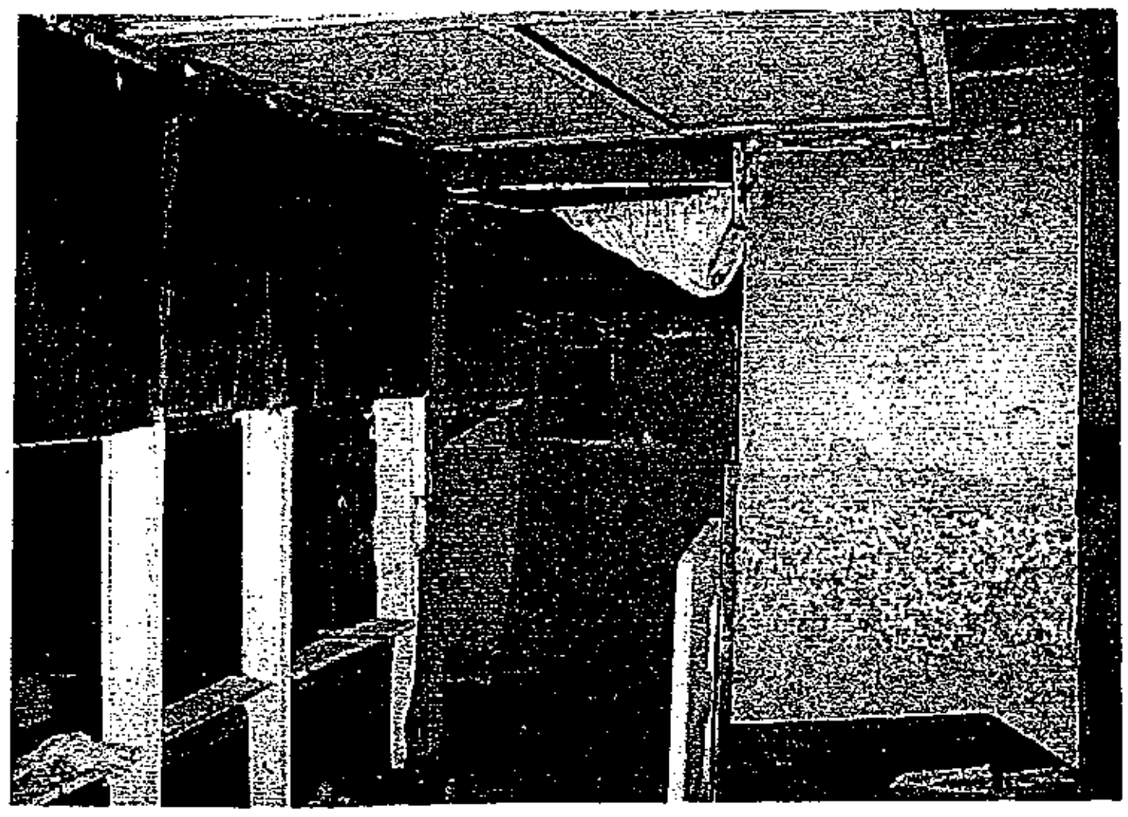

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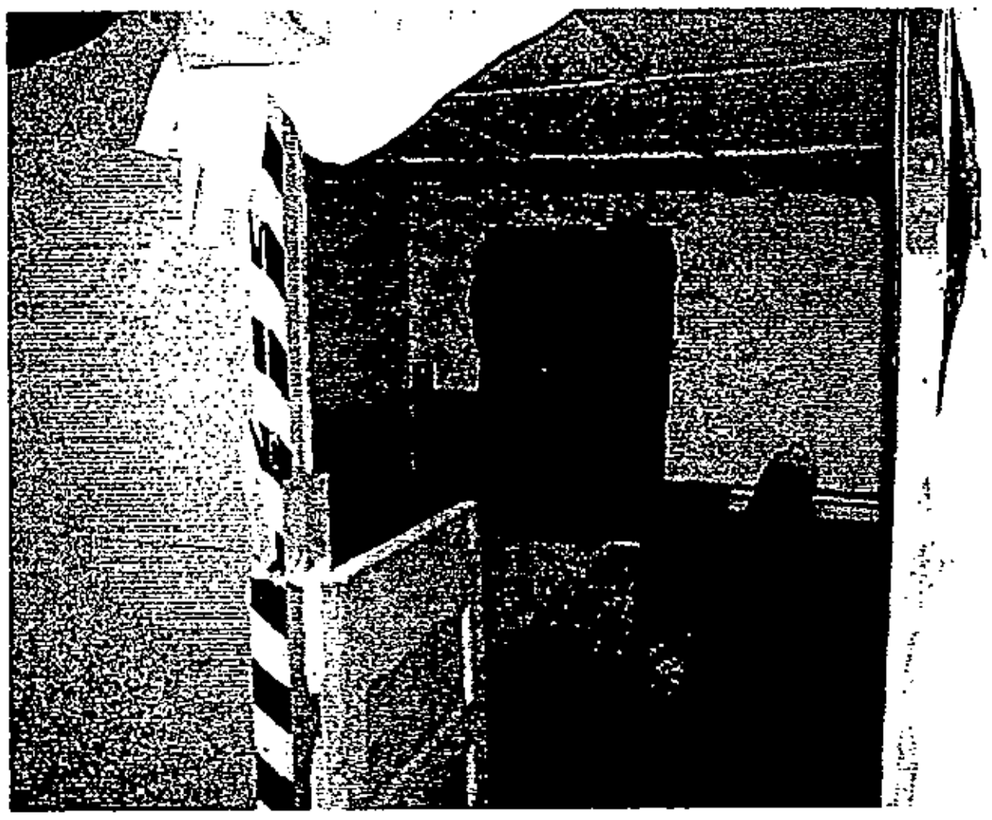

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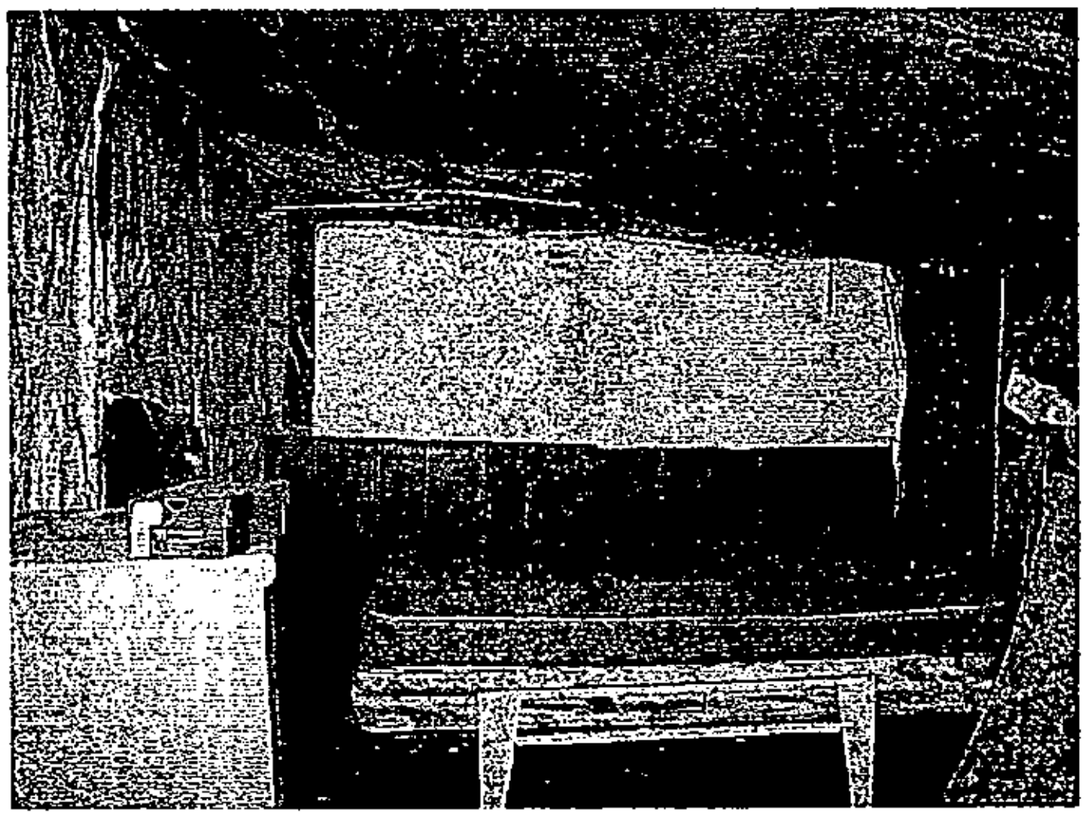

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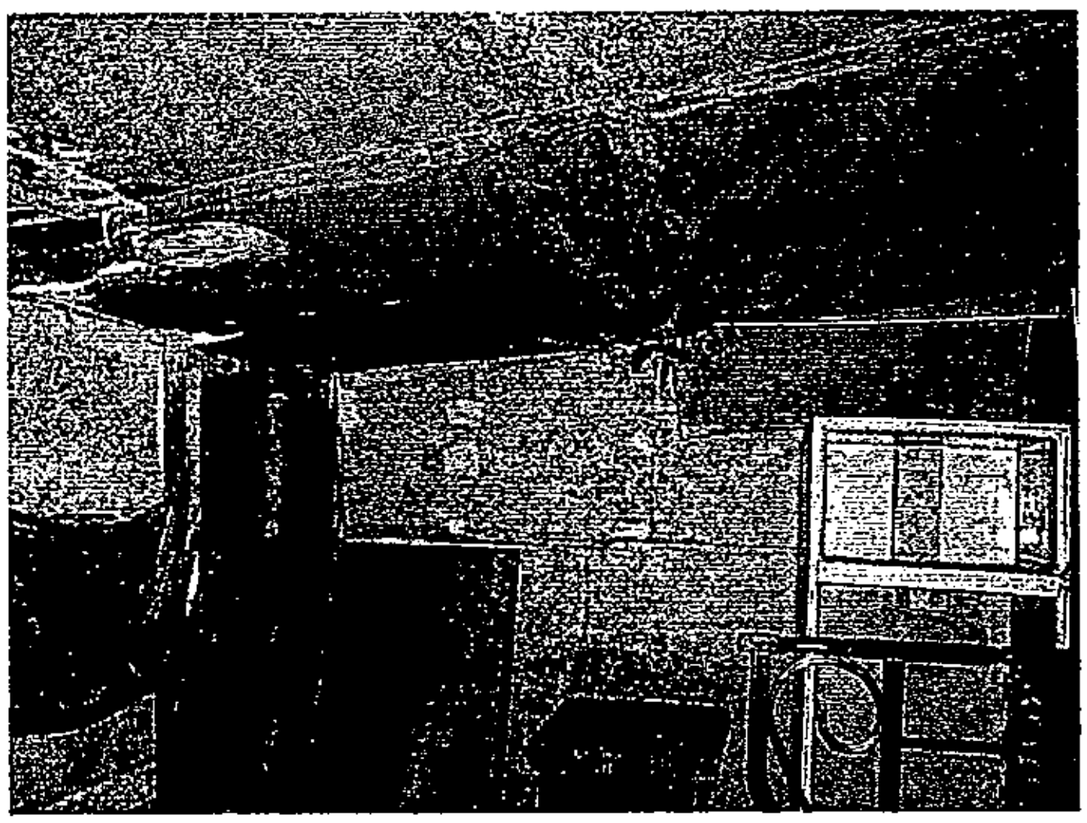

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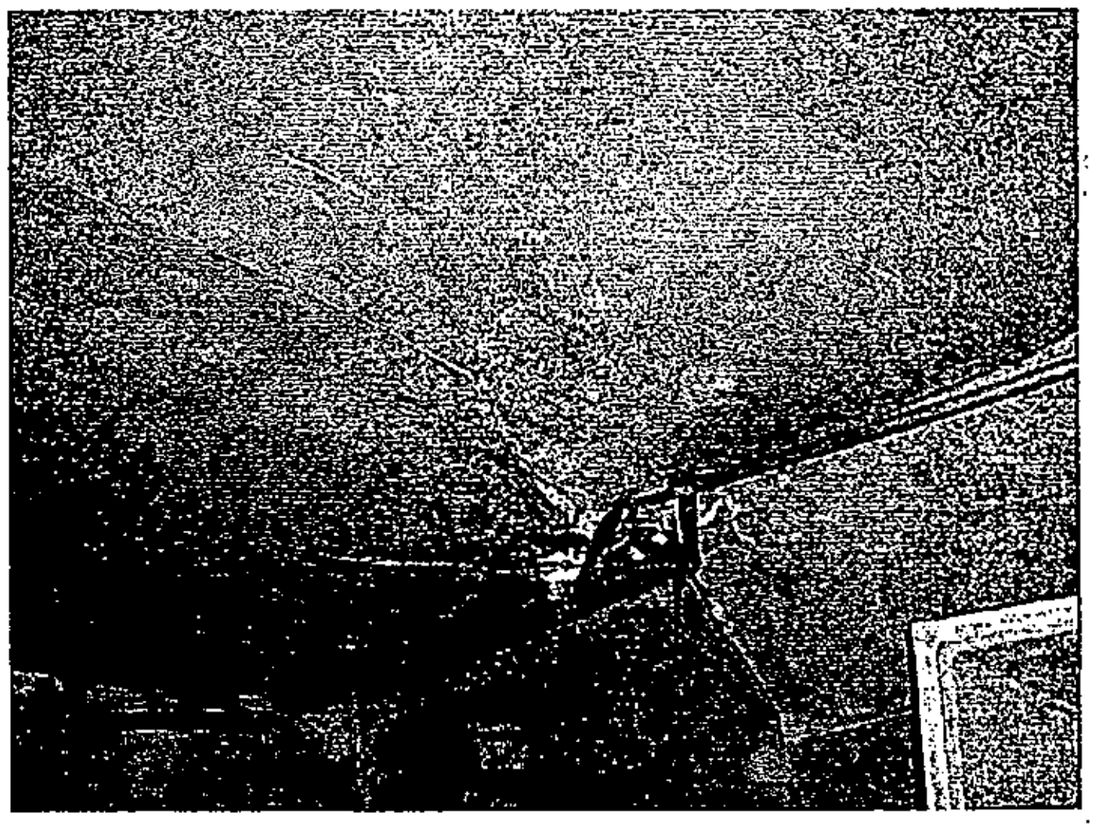

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City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2-Aug-05
City Council Meeting Date

Yolanda Fields	Comm Res & Code Com	Operations
Submitted By	Division	Department

Action Required:

Public Hearing and [redacted] to order the Raze and Removal of the dilapidated structure located at 2016 W Stone St, Fayetteville, AR 72701 Resolution

$4,000.00	$ 25,000.00	
Cost of this request	Category/Project Budget	Program Category / Project Name
1010-6420-5315.00	$ 20,000.00	Contract Services
Account Number	Funds Used to Date	Program / Project Category Name
	$ 5,000.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Department Director 7-14-05 Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

7-15-05

City Attorney 7/15/05 Date

Received in City Clerk's Office ENTERED 7/14/05

Mayor 7/15/05 Date

Received in Mayor's Office ENTERED 7/14/05

See Attached Memo

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION
"Northwest Arkansas' Most Widely Read Newspaper"

AFFIDAVIT OF PUBLICATION

I, **Erin Emis**, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Trial Agenda
Aug 2, 2005

was inserted in the regular editions on _____.

PO# _____

** Publication Charge: $ 401.76

Subscribed and sworn to before me this

2 day of August, 2005.

Sharlene D. Williams
Notary Public

My Commission Expires: _____

Sharlene D. Williams
Notary Public
State of Arkansas
My Commission Expires
October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
AUG 09 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
AUGUST 2, 2005

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Recognize Fayetteville High School Bulldog Band: A resolution to recognize the accomplishments of the Fayetteville High School Bulldog Band and proclaim the Fayetteville High School Bulldog Band to be official ambassadors of the City of Fayetteville, Arkansas to the Tournament of Roses Parade in Pasadena, California in 2006.

A. CONSENT:
1. Approval of the July 19, 2005 City Council meeting minutes.
2. Fairlane Apartments Park Land Dedication: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

B. UNFINISHED BUSINESS:
1. Planning Commission Appeal (Dixie Development): An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.
2. RZN 05-1491 (Dixie Development): An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.
3. Planning Commission Appeal (HondaPro): A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.
4. Planning Commission Appeal (Rapido Rabbit Carwash): A request to appeal the Planning Commission's motion to deny Administrative request ADM 05-1582 for Rapido Rabbit Carwash located south of Wedington Drive and west of Shiloh Drive. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.
5. R-PZD 05-1463 (Oakbrooke): An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission. This item was Left on the First Reading at the July 19, 2005 City Council meeting.
6. RZN 05-1546 (Mathias): An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.
7. RZN 05-1564 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1564 (Mountain Ranch D,F,H,I,J) for approximately 193.66 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 Units Per Acre. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.
8. RZN 05-1563, RZN 05-1566 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1563 (Mountain Ranch C) and RZN 05-1566 (Mountain Ranch G) for approximately 97.71 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family 4 Units Per Acre. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.
9. RZN 05-1562 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1562 (Mountain Ranch B) for approximately 19.04 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to RMF-24, Residential Multi-Family, 24 Units Per Acre. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.
10. RZN 05-1561 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.
11. RZN 05-1560 (Mountain Ranch): An ordinance rezoning that property described in Rezoning Petition RZN 05-1560 (Mountain Ranch A-1) for approximately 14.60 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial. This item was Left on the Second Reading at the July 19, 2005 City Council meeting.

C. NEW BUSINESS:

1. King Electrical Contractors, Inc. Change Order: A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

2. ANX 05-1580 (Sloan Properties): An ordinance annexing that property described in Annexation Petition ANX 05-1580 for property located at Hunt Lane, south of Highway 16 East containing 31.59 Acres.

3. RZN 05-1581 (Sloan Properties): An ordinance rezoning that property described in Rezoning Petition RZN 05-1581 for approximately 31.59 acres located at Hunt Lane, south of Highway 16 east from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4-Units Per Acre.

4. R-PZD 05-1555 (Oakbrooke Subdivision): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1555, Oakbrooke Phase II, located west of Rupple Road and east of Bridgeport Phase II, containing approximately 11.5 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

5. VAC 05-1522 (Springwoods): An ordinance approving VAC 05-1522 submitted by Patrick Hargus for property located at Highway 112 and Truckers Drive (The Springwoods Planned Zoning District) vacating a utility easement as indicated in the attached map and legal description.

6. Mt. Sequoyah Street Extension: A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

7. Appointment of Negotiation Team for Farmington Sewer System: A resolution to appoint a negotiation team to work with Farmington on the issue of accepting Farmington's Sewer System into the Fayetteville Sewer System and issues related thereto.

8. Solid Waste and Recycling Services-City of Elkins: A resolution authorizing City staff to enter into negotiations with the City of Elkins, Arkansas to provide Solid Waste & Recycling Services to the City of Elkins, Arkansas.

9. Cross, Gunter, Witherspoon & Galchus P.C. Change Order: A resolution to approve an amendment to the contract for professional services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 to continue representation of the City in the Peter T. Reagan, ET. AL. v. City of Fayetteville lawsuit; and approving a Budget Adjustment.

10. Trail Construction Program Staffing Addition: A resolution authorizing the Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews); and approving a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

11. Economic Development Fund Grant: A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to Facilitate National Accreditation; and approving a budget adjustment.

12. APAC-Arkansas, Inc. Contract Approval: A resolution awarding a construction contract to APA-Arkansas, Inc., McClinton Anchor Division in the amount of $1,165,206.00 and approving a change order reducing the contract amount by $486,923.00, to construct the west general aviation apron; approving a 5% project contingency of $29,130.00; and accepting grants from the FAA and Arkansas Department of Aeronautics.

13. Mally Wagon Road Sewer Service: A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagon Road less than a quarter mile from the city limits.

14. Legacy Building Site Easement: A resolution to convey a twenty foot easement for access and to restrict construction of structures around the proposed Legacy building on the site of the demolished Shulertown Market building.

15. Razorback Road Utility Relocation: A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Razorback Road in the amount of $313,671.00 and approving a budget adjustment in the amount of $1,704,471.00.

16. Wedington Drive Utility Relocation: A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Wedington Drive from Rupple Road to Double Springs Road in the approximate amount of $445,793.70 and approving a budget adjustment in the amount of $1,679,294.00.

D. PUBLIC HEARING:

1. Raze and Removal of Structure on 2016 W. Stone St.: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: NONE

THANK YOU!

Arkansas Democrat-Gazette, NW Ed.
212 N. East Avenue
Fayetteville, AR 72701
479-442-1700

VISA PURCHASE
CARD #**********4345*
EXPIRATION DATE : *****
DATE 08-02-2005 #006602 A
TIME 12:59:22
SALE 401.76

APPROVED 077763
AVS: YES

CLERK : Ashley Stewart
MERCH ORDER# :

ITEM DESC:_____
_____
_____

X _____

PLEASE IMPRINT CARD
---------- THANK YOU ----------

RECEIVED
AUG 0 9 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 2, 2005

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation given by Adam Motherwell on the 2004 Annual Audit-Agenda Session Only

Call to Order
Roll Call
Pledge of Allegiance

A. CONSENT:

1. **Approval of the July 19, 2005 City Council meeting minutes.**

move to August 16, 2005

2. **Survey & Research Center Proposal Approval:** A resolution approving a proposal from the Survey Research Center (SRC) at the University of Arkansas in the amount of $29,312.05 with a not-to-exceed cost of $30,000.00 for the development and implementation of a citizen survey; and approving a budget adjustment in the amount of $5,000.00.

Move to August 16, 2005

3. **ECO Inc. Contract:** A resolution approving Amendment No. 2 to the contract with ECO, Inc. in the amount of $598,329.00 to provide construction phase services for all Wastewater System Improvements Projects (WSIP); and approving a 10% project contingency in the amount of $59,832.00.

New Business

4. **King Electrical Contractors, Inc. Change Order:** A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

5. **Fairlane Apartments Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

B. UNFINISHED BUSINESS:

1. **Planning Commission Appeal (Dixie Development):** An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting. This item was tabled at the July 5, 2005 City Council meeting until the July 19, 2005 City Council meeting. This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

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3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. ***This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting.***

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5. **R-PZD 05-1463 (Oakbrooke):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Rupple Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending the Official Zoning Map of the City of Fayetteville; and adopting the associated Residential Development Plan as approved by the Planning Commission. ***This item was Left on the First Reading at the July 19, 2005 City Council meeting.***

6. **RZN 05-1546 (Mathias):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1546 for approximately 1.20 acres located at the northwest corner of Highway 45 and Box Avenue from RSF-4, Residential Single Family, 4 Units Per Acre to R-O, Residential Office. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

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Alderman Marr ONE MAP with item 7-11 on it.

10. **RZN 05-1561 (Mountain Ranch):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1561 (Mountain Ranch A-2) for approximately 27.01 acres located south of Persimmon Street and west of Shiloh Drive from R-A, Residential Agricultural to C-1, Neighborhood Commercial. ***This item was Left on the Second Reading at the July 19, 2005 City Council meeting.***

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C. NEW BUSINESS:

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2. **RZN 05-1581 (Sloan Properties):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1581 for approximately 31.59 acres located at Hunt Lane, south of Highway 16 east from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4-Units Per Acre.

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4. VAC 05-1522 (Springwoods): An ordinance approving VAC 05-1522 submitted by Patrick Hargus for property located at Highway 112 and Truckers Drive (The Springwoods Planned Zoning District) vacating a utility easement as indicated in the attached map and legal description.

Need Ordinance

5. **Mt. Sequoyah Street Extension:** A resolution to make an exception to the policy of not extending streets over Mt. Sequoyah.

aldermen — memo from to staff as why.

6. **Appointment of Negotiation Team for Farmington Sewer System:** A resolution to appoint a negotiation team to work with Farmington on the issue of accepting Farmington's Sewer System into the Fayetteville Sewer System and issues related thereto.

7. **Solid Waste and Recycling Services-City of Elkins:** A resolution authorizing City staff to enter into negotiations with the City of Elkins, Arkansas to provide Solid Waste & Recycling Services to the City of Elkins, Arkansas.

[redacted]

8. **Cross, Gunter, Witherspoon & Galchus P.C. Change Order:** A resolution to approve an amendment to the contract for professional services with Cross, Gunter, Witherspoon & Galchus, P.C. in an amount not to exceed $50,000.00 to continue representation of the City in the Peter T. Reagan, ET. AL. v. City of Fayetteville lawsuit; and approving a Budget Adjustment.

9. **Trail Construction Program Staffing Addition:** A resolution authorizing the Transportation Division to hire Nine (9) additional full-time employees (Trail Prep and Trail Concrete Crews); and approving a Budget Adjustment in the amount of $267,936.00 to implement an In-House Trail Construction Program.

10. **Economic Development Fund Grant:** A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to facilitate its accreditation by the Council on Occupational Education (COE); and approving a budget adjustment.

11. **APAC-Arkansas, Inc. Contract Approval:** A resolution awarding a construction contract to APA-Arkansas, Inc., McClinton Anchor Division in the amount of $1,165,206.00 and approving a change order reducing the contract amount by $486,923.00, to construct the west general aviation apron; approving a 5% project contingency of $29,130.00; and accepting grants from the FAA and Arkansas Department of Aeronautics.

add: Molly Wagar
Legacy Building

D. PUBLIC HEARING:

Add: Fayetteville, High Band — Consent

1. **Raze and Removal of Structure on 2016 W. Stone St.:** A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in the City of Fayetteville, Arkansas.

Add: Gary Duncan 2 items (do not have copies.)

E. INFORMATIONAL:

Council Tour: August 1, 2005 – 4:30 PM

Staff Meeting
7-20-05

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 2, 2005

A meeting of the Fayetteville City Council will be held on August 2, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Presentation given by Adam Motherwell on the 2004 Annual Audit-Agenda Session Only

Call to Order
Roll Call
Pledge of Allegiance

A. CONSENT:

1. **Approval of the July 19, 2005 City Council meeting minutes.**

2. **Survey & Research Center Proposal Approval:** A resolution approving a proposal from the Survey Research Center (SRC) at the University of Arkansas in the amount of $29,312.05 with a not-to-exceed cost of $30,000.00 for the development and implementation of a citizen survey; and approving a budget adjustment in the amount of $5,000.00.

3. **ECO Inc. Contract:** A resolution approving Amendment No. 2 to the contract with ECO, Inc. in the amount of $598,329.00 to provide construction phase services for all Wastewater System Improvements Projects (WSIP); and approving a 10% project contingency in the amount of $59,832.00.

4. **King Electrical Contractors, Inc. Change Order:** A resolution approving a change order to the contract with King Electrical Contractors, Inc. in the amount of $60,000.00 for electrical utility relocation associated with the Mountain Inn Project; and accepting the promise of East Square Development Company, LLC to reimburse the City of Fayetteville in an amount not to exceed $60,000.00.

5. **Fairlane Apartments Park Land Dedication:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,060.00 cash in lieu of the required park land dedication for the Fairlane Apartments.

New Business

6. **Economic Development Fund Grant:** A resolution approving an Economic Development Fund Grant in the amount of $54,000.00 to the Northwest Arkansas Aviation Technology Center at the Fayetteville Municipal Airport to facilitate its accreditation by the Council on Occupational Education (COE); and approving a budget adjustment.

B. UNFINISHED BUSINESS:

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Rec - Gary Dumas must stay on agenda 7/20/05

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Negotiation Team

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E. INFORMATIONAL:

Council Tour: August 1, 2005 – 4:30 PM

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

DATE: **August 3, 2005**

RE: **Passed Ordinances and Resolutions from City Council meeting of August 2, 2005**

1. **Recognition of Fayetteville High School Band:** Resolution recognizing accomplishments of Fayetteville High school Bulldog Band and proclaim the Fayetteville High School Bulldog Band to be official ambassadors of City of Fayetteville to the Tournament of Roses Parade in Pasadena, CA in 2006;

2. **Fairlane Apartments park land dedication:** Resolution accepting Parks & Recreation Advisory Board's recommendation to accept approximately 1.34 acres of land and approximately $14,000.00 cash in lieu of required park land dedication for Fairlane Apartments;

3. **Planning Commission Appeal (ANX 05-1490)**: Ordinance annexing property described in ANX 05-1490 for approximately 24.35 acres located at northeast corner of Mount Comfort and Hughmount Roads and zoning such property R-A, Residential Agricultural;

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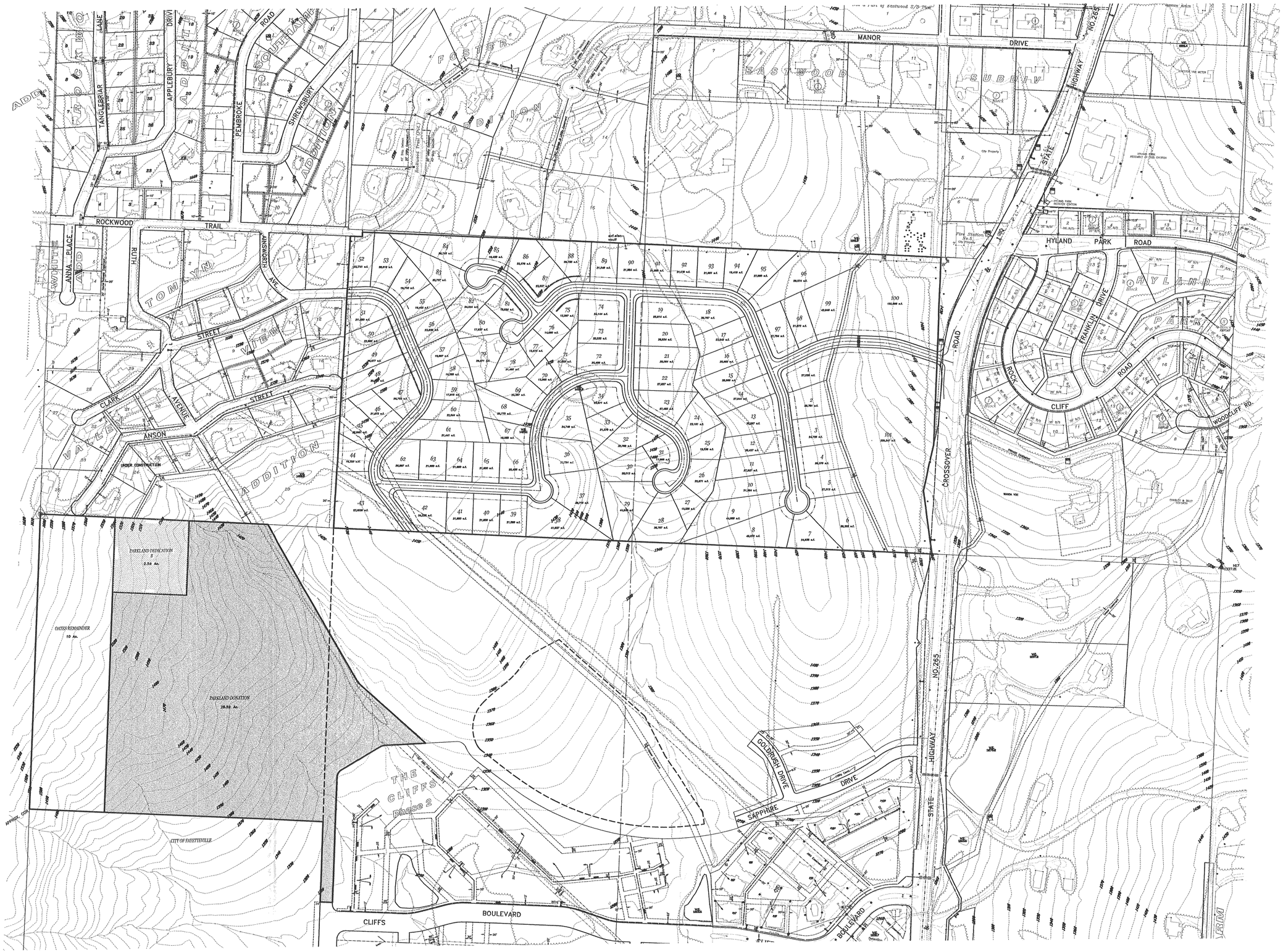
18. **Legacy Building Site Easement**: Resolution conveying 20 foot easement for access and to restrict construction of structures around proposed Legacy Building on site of demolished Shulertown Market building;

19. **Razorback Road Utility Relocation**: Resolution approving Arkansas State Highway Commission Highway-Utility Construction/Relocation agreement for widening of Razorback Road in amount of $233,846.80 and approving budget adjustment in amount of $1,451,347.00;

20. **Wedington Drive Utility Relocation**: Resolution approving Arkansas State Highway Commission Highway-Utility Construction/Relocation agreement for widening of Wedington Drive from Rupple Road to Double Springs Road in approximate amount of $1,022,538.93 and approving budget adjustment in amount of $1,754,694.00;

21. **Raze & Removal of Structure on 2016 W. Stone St.**: Resolution ordering raze and removal of a dilapidated and unsafe structure owned by Paul Brickman located at 2016 W. Stone Street in City of Fayetteville.

CONCEPT PLAT FOR
THE BARBER GROUP



RZN05-1546 B-6 Agenda 8-2-05

H2 ENGINEERING INCORPORATED
CERTIFICATE OF AUTHORIZATION
No. 1105
ARKANSAS ENGINEER

Checked by:	
Drawn by:	
Horizontal Scale:	1"=50'
Vertical Scale:	1"=10'
Date:	01JAN05
Revisions:	
City Project Number:	
Plat Page:	

PAGE	of	PAGES

H2 PROJECT NUMBER:

H2 ENGINEERING, INC
2758 MILLENNIUM DRIVE
Suite 1
FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 582-4234
FAX: (479) 582-9254

CONCEPT PLAT FOR THE BARBER GROUP

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

CERTIFICATE OF AUTHORIZATION
H2 ENGINEERING INCORPORATED
No. 1105
ARKANSAS ENGINEER

Checked by:
Drawn by:FMM
Horizontal Scale: 1"=100'
Vertical Scale: N/A
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agenda 8-2-05
Item # B-6 RPZ05-1546