

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 16, 2005**

A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

- 1. Approval of the August 2, 2005 City Council meeting minutes.**

THE MINUTES FOR AUGUST 2, 2005 MEETING WAS PULLED SO THAT ALDERMAN MARR COULD REVIEW THEM.

- 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.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 160-05.

- 3. Broker of Record/Benefits Consulting Services Contract:** A resolution approving an agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 161-05.

4. **Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 162-05.

5. **WL-4 Easement Purchase:** A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Hamstring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 163-05.

6. **Botanical Gardens Grant Request to Arkansas Parks & Tourism:** A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 164-05.

7. **Federal Aviation Administration Grant Acceptance:** A resolution authorizing the Fayetteville Municipal Airport staff to accept a grant in the amount of \$116,605.00 from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund an Airport Master Plan update.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 165-05.

B. UNFINISHED BUSINESS:

1. **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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.*

THIS ITEM WAS TABLED TO SEPTEMBER 6, 2005 CITY COUNCIL MEETING PER HANNAH McNEIL, PROJECT MANAGER.

2. **R-PZD 05-1463 (Oakbrooke Subdivision):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.*

THIS ITEM WAS TABLED TO THE SEPTEMBER 6, 2005 CITY COUNCIL MEETING LEAVING THE ORDINANCE ON THE THIRD READING.

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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.*

THIS ITEM WAS TABLED TO THE SEPTEMBER 6, 2005 CITY COUNCIL MEETING LEAVING THE ORDINANCE ON THE SECOND READING.

4. **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 at the August 2, 2005 City Council meeting*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4741.

5. **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 at the August 2, 2005 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4742.

6. **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 at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

C. NEW BUSINESS:

1. **Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.

THIS ITEM WAS TABLED TO THE SEPTEMBER 6, 2005 CITY COUNCIL MEETING.

2. **HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.

THIS ITEM WAS LEFT ON THE FIRST READING OF THE ORDINANCE TO BE FORWARDED TO THE ORDINANCE REVIEW COMMITTEE.

3. **ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres:

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4743.

4. **RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4744.

5. **ADM 05-1663 (Nelson Crossing):** A resolution approving a variance from Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 166-05.

6. **Multi-Craft Contractors, Inc. Rehabilitation Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,446.00; and declaring an emergency.

PASSED WITH AN EMERGENCY CLAUSE AND SHALL BE RECORDED AS ORDINANCE NO. 4745.

D. INFORMATIONAL:

Council Tour: NONE

MEETING ADJOURNED AT 7:55 P.M.

Adjourn 7:55 PM

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

7-0

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

Minutes
pulled
so
Don
Marr
can
read
passed
Res.

160-05
to
165-05

7-0

Subject:	Planning Commission Appeal (Hondapa)			
Motion To:		Table until 9/6/05		
Motion By:		Marr		
Seconded:		Thiel		
B.1. Unfinished Business Tabled until 9/6/05	Lucas	✓		
	Jordan	✓		
	Reynolds	absent		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Ferrell	✓		
	Mayor Coody			

7-0

Subject:	R-PZD 05-1463 Dakbrooke Subdivision			
Motion To:		3rd read	table until 9/6/05 Meeting	
Motion By:		Jordan	Marr	
Seconded:		Marr	Jordan	
B.2. Unfinished Business Tabled until 9/6/05 Meeting	Lucas	✓	✓	
	Jordan	✓	✓	
	Reynolds	absent		
	Thiel	✓	✓	
	Cook	✓	✓	
	Marr	✓	✓	
	Rhoads	✓	✓	
	Ferrell	✓	✓	
	Mayor Coody			

Left on the third reading.

7-0

7-0

Subject:	R-P2D 05-1555 Oakbrooke				
Motion To:		tabled until 9/6			
Motion By:		Jordan			
Seconded:		Marr			
B.3. Unfinished tabled until 9/6/05 left on the Second Reading	Lucas	✓			
	Jordan	✓			
	Reynolds	absent			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

7-0

Subject:	ANX 05-1580- (Sloan Properties)				
Motion To:		3rd read	Pass		
Motion By:		Jordan			
Seconded:		Lucas			
B.4. Unfinished passed 6-1 4741	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	absent			
	Thiel	✓	✓		
	Cook	✓	N		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Mayor Coody				

7-0

6-1

Subject:	R2N 05-1581 (Sloan Properties)				
Motion To:		3rd read	Pass		
Motion By:		Thiel			
Seconded:		Jordan			
B.S. Unfinished passed 47.42	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	Absent			
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Mayor Coody				

7-0

7-0

Subject:	Solid Waste & Recycling Services -				
Motion To:		tabled indef.			City of Elkins
Motion By:		Jordan Ferrell			
Seconded:		Alton Jordan			
B.C. Unfinished tabled indef.	Lucas	✓			
	Jordan	✓			
	Reynolds	Absent			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

7-0

Subject:	Hay Group Salary & Benefits Survey				
Motion To:					Contract
Motion By:					
Seconded:					
C. 1. New Business This was Left on the First Reading	Lucas				
	Jordan				
	Reynolds	Absent			
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Ferrell				
	Mayor Coody				

Subject:	HMR Tax Revision				
Motion To:		Forward to Ordinance Review			
Motion By:		Thiel			
Seconded:					
C. 2. New Business Left on the First Reading Forwarded to Ordinance Review	Lucas	✓			
	Jordan	✓			
	Reynolds	Absent			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

Subject:	ANX 05-1603 (Lane)				
Motion To:		2nd reading	3rd reading	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Rhoads	Thiel		
C.3. New Business <u>passed</u> 4743	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	Absent			
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	N	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	5-2	

Subject:	ANX RZN 05-1604 (Lane)				
Motion To:		2nd reading	3rd read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Thiel	Thiel		
C.4. New Business <u>passed</u> 4744	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	Absent			
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject:	ADM - 05-1663 (Nelson Crossing)				
Motion To:		Approve			
Motion By:		Thiel			
Seconded:		Marr Ferrell			
C.S. New Business Passed Res 166-05	Lucas	✓			
	Jordan	✓			
	Reynolds	Absent			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Coody				

Subject:	Multi-Craft Contractors, Inc. Rehabilitation				
Motion To:		2nd read	3rd read	Pass	Contract
Motion By:		Jordan	Jordan		Emergency Clause Jordan
Seconded:		Cook	Cook		Cook
C.I.B. New Business Passed with Emergency Clause 4745	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Reynolds	Absent			
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Mayor Coody				
		7-0	7-0	7-0	

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
August 16, 2005**

A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

- 1. Approval of the August 2, 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. Broker of Record/Benefits Consulting Services Contract:** A resolution approving an ~~agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker~~ of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options.
- 4. Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.
- 5. WL-4 Easement Purchase:** A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Hamstring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.

6. **Botanical Gardens Grant Request to Arkansas Parks & Tourism:** A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.
7. **Federal Aviation Administration Grant Acceptance:** A resolution authorizing the Fayetteville Municipal Airport staff to accept a grant in the amount of \$116,605.00 from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund an Airport Master Plan update.

B. UNFINISHED BUSINESS:

1. **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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.*
2. **R-PZD 05-1463 (Oakbrooke Subdivision):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.*
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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.*
4. **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 at the August 2, 2005 City Council meeting.*
5. **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 at the August 2, 2005 City Council meeting.*

6. **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 at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.*

C. NEW BUSINESS:

1. **Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.
2. **HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.
3. **ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres.
4. **RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.
5. **ADM 05-1663 (Nelson Crossing):** A resolution approving a variance from Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.
6. **Multi-Craft Contractors, Inc. Rehabilitation Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,446.00; and declaring an emergency.

D. INFORMATIONAL:

Council Tour: NONE

Added at Agenda Session 8/9/05

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

A. 7
Federal Aviation Administration
Grant Acceptance
Page 1 of 42

8/16/2005
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: Approve a Grant Agreement with US Dept of Transportation / Federal Aviation Administration (DOT/FAA), in the amount of \$116,605.00 for "Airport Master Plan Update". Contact: Don Harris, FAA Project Manager, FAA ASW 631, 2601 Meacham Blvd, Ft Worth, TX, 76137-4298 Phone: 817-222-5634 office, 817-222-5987 fax, don.harris@faa.gov.

REVENUE

\$ 116,605.00
Cost of this request

\$ 116,603
Category / Project Budget

Airport Master Plan Update
Program Category / Project Name

5550.0955.6820.33
Account Number

\$ - 0 -
Funds Used to Date

Capital
Program / Project Category Name

05029.1
Project Number

\$ 116,603
Remaining Balance

Airport
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature]
Department Director

8/16/05
Date

Previous Ordinance or Resolution # 66-05

Original Contract Date: _____

[Signature]
City Attorney

8/5/05
Date

Original Contract Number: _____

[Signature]
Finance and Internal Service Director

8/5/05
Date

Received in City Clerk's Office

[Signature]
Date

8/6/05
Date

Received in Mayor's Office

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: August 5, 2005

SUBJECT: Approve a Grant Agreement with the Dept of Transportation / Federal Aviation Administration (DOT/FAA), in the amount of \$116,605 for Airport Master Plan Update.

RECOMMENDATION: Approve the Grant Agreement

BACKGROUND: The City Council Resolution # 66-05, dated 4/5/05, approved the DOT/FAA Grant application and Task Order to McClelland Consulting Engineers to produce an Airport Master Plan Update., Total project cost is \$122,742.00. The FAA grant will cover 95% of the total project cost and the State Department of Aeronautics Grant will cover the remaining 5%.

DISCUSSION: The Airport Master Plan Update will, through extensive research and analysis, identify and examine the role of the airport within the region's system of airports, and formulate a strategic plan and program that bests represents the goals of the community and airport and sets forth a realistic and achievable direction and plan of action for the development of the airport and its environs.

Time is of the essence. The grant must be signed and received by the FAA by August 24, 2005.

BUDGET IMPACT: The project is 100% funded by grants from the DOT/FAA and the Arkansas Department of Aeronautics.

Attachments: Staff Review Form
Resolution 66-05
Grant Agreement 1 Original, 1 File Copy

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 AUTHORIZING THE FAYETTEVILLE MUNICIPAL AIRPORT STAFF TO ACCEPT A GRANT IN THE AMOUNT OF \$116,605.00 FROM THE FEDERAL AVIATION ADMINISTRATION AND THE ARKANSAS DEPARTMENT OF AERONAUTICS TO FUND AN AIRPORT MASTER PLAN UPDATE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Municipal Airport staff to accept a grant in the amount of \$116,605.00 from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund an Airport Master Plan Update.

PASSED and APPROVED this 16th day of August 2005

APPROVED:

By _____

DAN COODY, Mayor

ATTEST:

By _____

SONDRA SMITH, City Clerk

RESOLUTION NO. 66-05

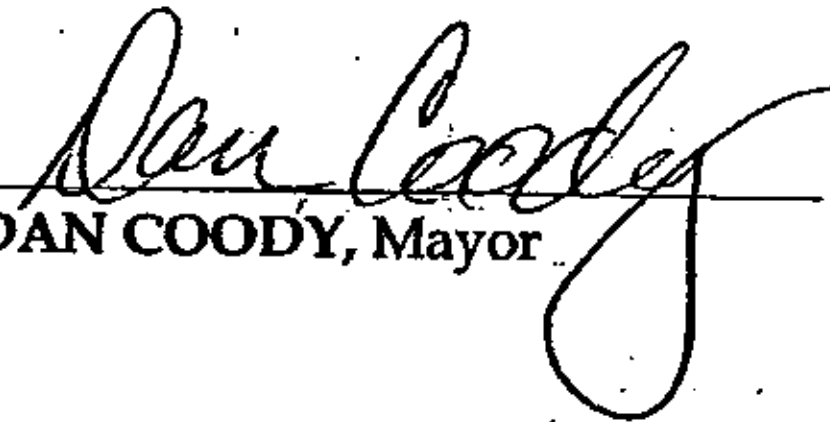
A RESOLUTION TO APPROVE TASK ORDER #5 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$122,742.00 TO PRODUCE AN AIRPORT MASTER PLAN AND TO APPROVE APPLICATIONS FOR GRANT FUNDING FROM THE FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS TO PAY FOR THIS PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT OF \$122,750.00

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 #5 to the contract with McClelland Consulting Engineers, Inc. in the amount of \$122,742.00 to produce an Airport Master Plan and approves applications for grant funding from the FAA and Arkansas Department Of Aeronautics to pay for this project, and approves a budget adjustment of \$122,750.00 as attached.

PASSED and APPROVED this 5th day of April, 2005.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



AUG-05-2005 FRI 10:23 AM

FAY. MUN. AIRPORT

4797187646

P. 01 A. 7
Federal Aviation Administration
Grant Acceptance
Page 5 of 42



U.S. Department
of Transportation
Federal Aviation
Administration

Federal Aviation Administration
Southwest Region, Airports Division
Arkansas/Oklahoma Airports Development Office

Fort Worth, Texas 76193-0630

August 2, 2005

RECEIVED
AUG 04 2005
AIRPORT

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

Dear Mayor Coody:

The Federal Aviation Administration (FAA) is enclosing two copies of the Grant Offer for Airport Improvement Program (AIP) Project No.3-05-0020-033-2005 for Fayetteville Municipal (Drake Field). The governing body of the Sponsor must pass a resolution to accept, your attorney must certify, and **you must execute the Grant Offer by August 24, 2005, to be valid.** After execution, please return the Grant Offer marked original to us. The second copy is for your files.

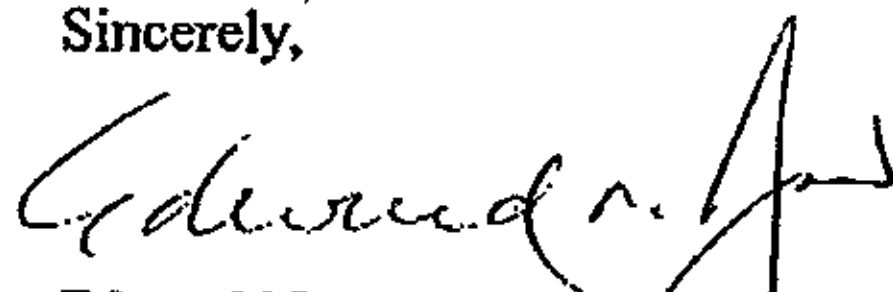
Please note that Grant Condition No. 4 requires you to complete the project without undue delay to promote better stewardship of limited AIP funds.

We further direct your attention to Condition No. 9. Under this grant and all future grants, your airport is authorized to use the Letter of Credit (LOC) method for securing reimbursements directly from the Federal Treasury for completed work. A number of the airports have successfully implemented this practice and it is being extended to you to ~~promote greater efficiency of resources. We will no longer need to review and process~~ interim project payments, but will monitor your progress from weekly Construction Progress Reports (FAA Form 5370-1) and quarterly LOC Federal Cash Transactions Report (Standard Form 272). When you complete your project, your program manager will need your statement and distribution of the project costs to close this project. Please contact Mr. Tim Riley at (405) 954-2272 for assistance establishing the LOC for this project.

Until the FAA closes the grant, we ask that you make a LOC draw for incurred project expenses every 30 days. Also, we must receive a LOC "Federal Cash Transactions Report" by October 31 for all amassed grant costs through September 30 to promote a Federal fiscal year-end grant accounting.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Edward N. Agnew
Manager, Arkansas/Oklahoma
Airport Development Office

Enclosure (2)



U.S. Department
of Transportation
Federal Aviation
Administration

Original

GRANT AGREEMENT

PART I – OFFER

August 2, 2005

Date of Offer

Fayetteville Municipal (Drake Field)

Airport/Planning Area

3-05-0020-033-2005

Grant No

134398903

DUNS No

TO: City of Fayetteville
(herein called the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated **July 7, 2005**, for a grant of Federal funds for a project at or associated with **Fayetteville Municipal (Drake Field)**, which Project Application, as approved by the FAA, is hereby incorporated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for the Airport (herein called the "Project") consisting of the following:

Airport Master Plan Update

all as more particularly described in the Project Application.

NOW THEREFORE, pursuant to and for the purpose of carrying out the provisions of Title 49, United States Code, as amended, herein called "the Act," and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application and its acceptance of this Offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the assurances and conditions as herein provided, **THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay, as the United States share of the allowable costs incurred in accomplishing the Project, **ninety-five (95) per centum** thereof.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

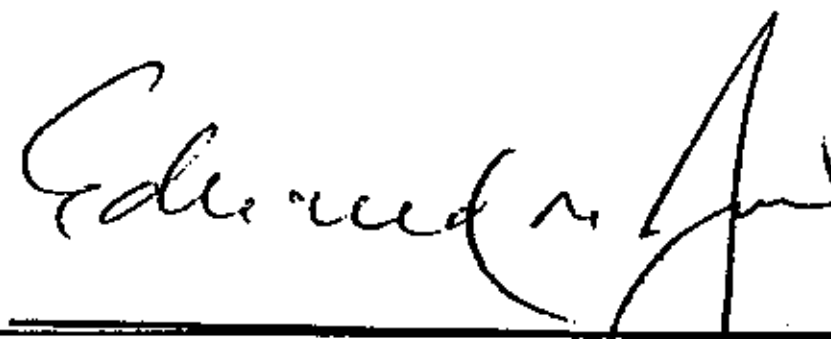
CONDITIONS

1. The maximum obligation of the United States payable under this Offer shall be **\$116,605.00**. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 47108(b) of the Act, the following amounts are being specified for this purpose:
\$116,605.00 for planning
2. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under the Act.
3. Payment of the United States' share of the allowable project costs will be made pursuant to and in accordance with the provisions of such regulations and procedures as the Secretary shall prescribe. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. The Sponsor shall carry out and complete the Project without undue delays and in accordance with the terms hereof, and such regulations and procedures as the Secretary shall prescribe, and agrees to comply with the assurances which were made part of the project application.
5. The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. This offer shall expire and the United States shall not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **August 24, 2005**, or such subsequent date as may be prescribed in writing by the FAA.
7. The Sponsor shall take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. It shall obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. It shall return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. It shall furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share shall be approved in advance by the Secretary.
8. The United States shall not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **LETTER OF CREDIT:** The Sponsor agrees to request cash drawdowns on the letter of credit only when actually needed for its disbursements and to timely reporting of such disbursements as required. It is understood that failure to adhere to this provision may cause the letter of credit to be revoked.

10. **INFORMAL LETTER AMENDMENT OF AIP PROJECTS:** It is mutually understood and agreed that if, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000.00 or five percent (5%), whichever is greater, the maximum obligation of the United States can be unilaterally reduced by letter from the FAA advising of the budget change. It is further understood and agreed that if, during the life of the project, the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the change in grant description will be unilaterally amended by letter from the FAA. Upon issuance of the aforementioned letter, either the grant obligation of the United States is adjusted to the amount specified or the grant description is amended to the description specified.
11. **MAXIMUM OBLIGATION INCREASE FOR NONPRIMARY AIRPORTS:** In accordance with Section 47108(b) of the Act, as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- a. may not be increased for a planning project;
 - b. may be increased by not more than 15 percent for development projects;
 - c. may be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
12. **COORDINATION:** The Sponsor agrees to coordinate this master planning study with the metropolitan planning organizations, other local planning agencies, and with the State Airport System Plan prepared by the State's Department of Transportation and consider any pertinent information, data, projections, and forecasts which are currently available or as will become available. The Sponsor agrees to consider all Clearinghouse comments and to furnish a copy of the final report to the State's Department of Transportation.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



(Signature)

Edward N. Agnew

(Typed Name)

**Manager, Arkansas/Oklahoma Airports
Development Office**

(Title)

PART II - ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

Executed this _____ day of _____, 2005.

City of Fayetteville

(Name of Sponsor)

(SEAL)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Typed Title of Sponsor's Designated Official Representative)

Attest: _____

Title: _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Arkansas. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this day of _____, 2005.

By _____

(Signature of Sponsor's Attorney)

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: ☒ Application ☐ Preapplication ☒ Construction ☐ Non-Construction		2. DATE SUBMITTED July 2005		Applicant Identifier FY052130																													
3. DATE RECEIVED BY STATE		State Application Identifier		4. DATE RECEIVED BY FEDERAL AGENCY 7/19/05																													
5. APPLICANT INFORMATION Legal Name: City of Fayetteville		Organizational Unit: Department: Airport Department Division:																															
Organizational DUNS: 134398903 7/21/05 DH		Name and telephone number of person to be contacted on matters involving this application (give area code) Prefix: Mr. First Name: Ray Middle Name: Last Name: Boudreaux Suffix: Director of Aviation Email: rboudreaux@ci.fayetteville.ar.us																															
Address: Street: 4500 S. School, Suite F City: Fayetteville County: Washington State: Arkansas Zip Code: 72701 Country: United States		Phone number (give area code): 476-718-7642 FAX number (give area code): 479-718-7646																															
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 7 1 - 6 0 1 8 4 6 2		7. TYPE OF APPLICANT: (See back of form for Application Types) ☒ C Other (specify)																															
8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters)		9. NAME OF FEDERAL AGENCY FAA SW Region																															
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER 2 0 - 1 0 6		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Master Plan Update for Fayetteville Municipal Airport																															
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): Washington County, Arkansas		14. CONGRESSIONAL DISTRICTS OF a. Applicant Third b. Project Third																															
13. PROPOSED PROJECT Start Date: June 2005 Ending Date: July 2006		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																															
15. ESTIMATED FUNDING <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>a. Federal</td> <td>\$</td> <td>116,605</td> <td>.00</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>c. State</td> <td>\$</td> <td>6,137</td> <td>.00</td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>f. Program income</td> <td>\$</td> <td></td> <td>.00</td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td>122,742</td> <td>.00</td> </tr> </table>		a. Federal	\$	116,605	.00	b. Applicant	\$		.00	c. State	\$	6,137	.00	d. Local	\$		.00	e. Other	\$		.00	f. Program income	\$		.00	g. TOTAL	\$	122,742	.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? ☐ Yes If "Yes" attach an explanation ☒ No			
a. Federal	\$	116,605	.00																														
b. Applicant	\$		.00																														
c. State	\$	6,137	.00																														
d. Local	\$		.00																														
e. Other	\$		.00																														
f. Program income	\$		.00																														
g. TOTAL	\$	122,742	.00																														
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 b. Title Mayor c. Telephone number (give area code) 479-575-8330 e. Date Signed July 7, 2005																																	

PART II

PROJECT APPROVAL INFORMATION
SECTION AItem 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes ☒ No ☐Name of Governing Body _____
Primary Rating _____Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

No ☐ Yes ☒ (Attach Documentation)

Name of Agency or Board _____

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

☒ Yes ☐ No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

☐ Yes ☒ No

Name of Approving Agency _____

Date _____

Item 5.

Is the proposal project covered by an approved comprehensive plan?

☐ Yes ☒ NoCheck one: State ☐
Local ☐
Regional ☐

Location of Plan _____

Item 6.

Will the assistance requested serve a Federal installation?

☐ Yes ☒ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

☐ Yes ☒ 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 ☒ 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 ☒ NoNumber of:
Individuals. _____
Families. _____
Businesses. _____
Farms. _____Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

☐ Yes ☒ No

See instructions for additional information to be provided.

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.

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

OMB NO. 04-R0209

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

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	\$	\$	\$
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees (Master Plan)			\$122,742
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			\$ 122,742
20. Federal Share requested of Line 19			116,605
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			116,605
23. Grantee share			
24. Other shares (Ark Dept of Aeronautics)			6,137
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$ 122,742

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)	
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	
28. Other Shares	\$ 6,137
a. State	
b. Other	
c. Total Other Shares	
29. TOTAL	\$ 6,137

SECTION E - REMARKS

Standard DOT Part V Assurances:

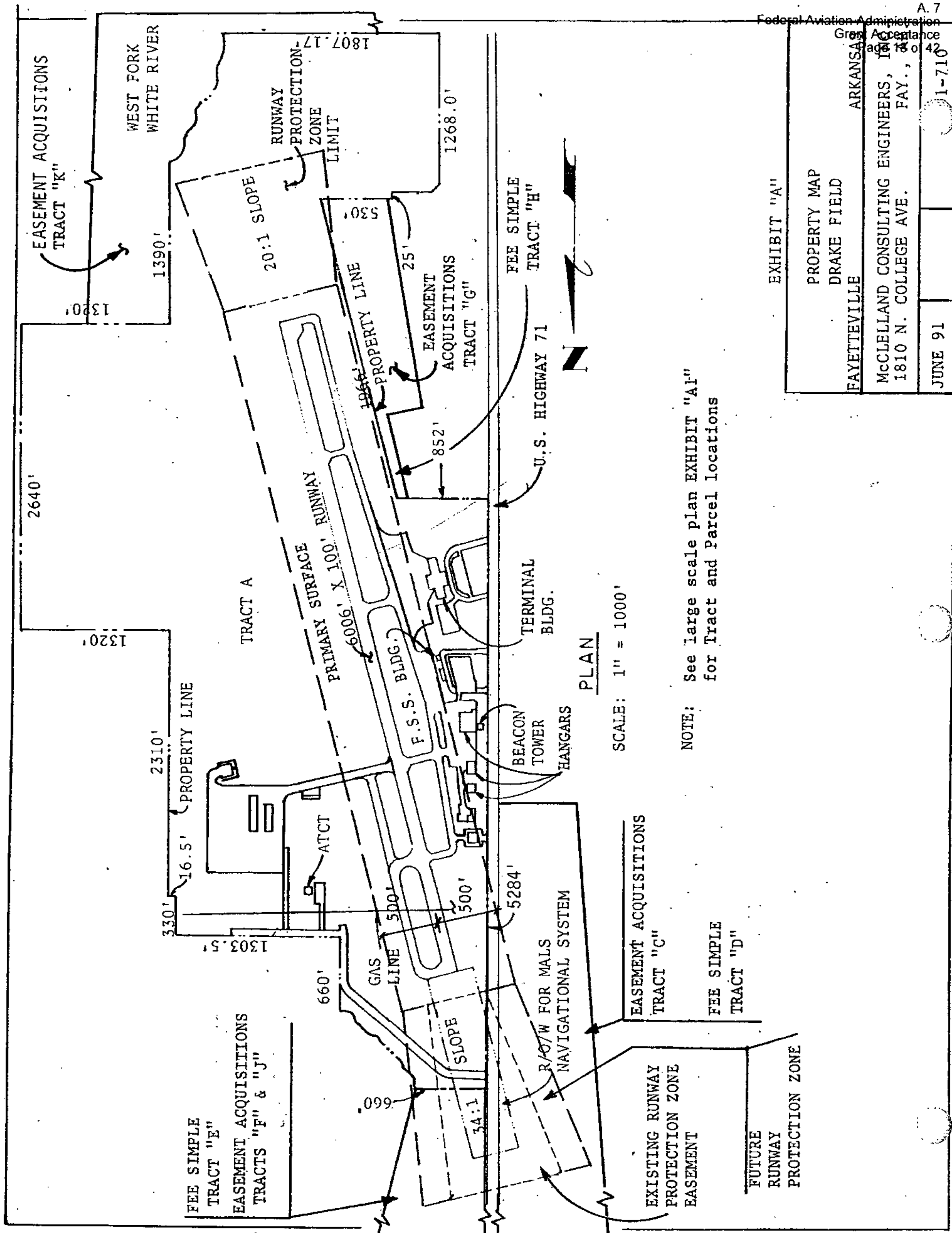
Title IV Assurances, Dated: July 2005

Exhibit A, Dated: June 1991

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

PART IV
PROGRAM NARRATIVE STATEMENT
MASTER PLAN UPDATE
FAYETTEVILLE MUNICIPAL AIRPORT
FAYETTEVILLE, ARKANSAS

The existing Master Plan is out of date and most of the five and ten year projects have been completed at Fayetteville Municipal Airport, Drake Field, Fayetteville, Arkansas. The objective of the MASTER PLAN UPDATE is to provide a current plan for future improvements for the five, ten and twenty year planning periods. Fayetteville Municipal Airport has become a full service GA Airport and is experiencing steadily increasing GA traffic the since 1999 and no longer serves Airline Traffic.



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 7, 2005

CITY OF FAYETTEVILLE
(Sponsor)


(Signature of Authorized Official)

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 or 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.

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.

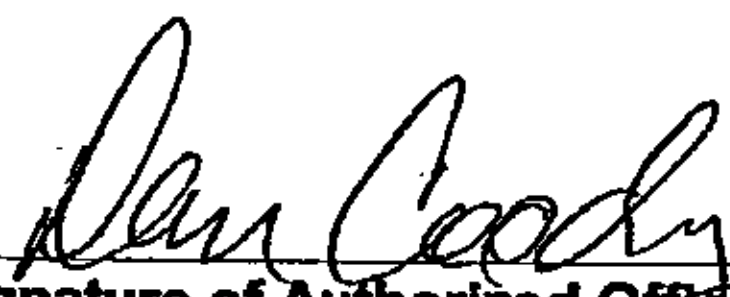
STANDARD DOT TITLE VI ASSURANCES (Continued)

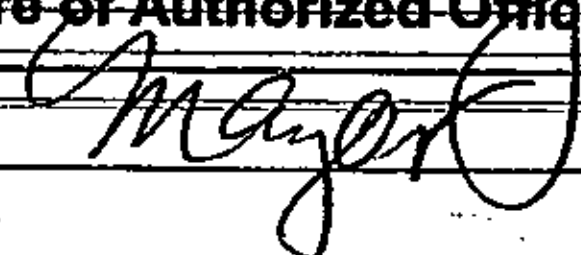
8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

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 7, 2005

CITY OF FAYETTEVILLE
(Sponsor)


(Signature of Authorized Official)


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 or 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.

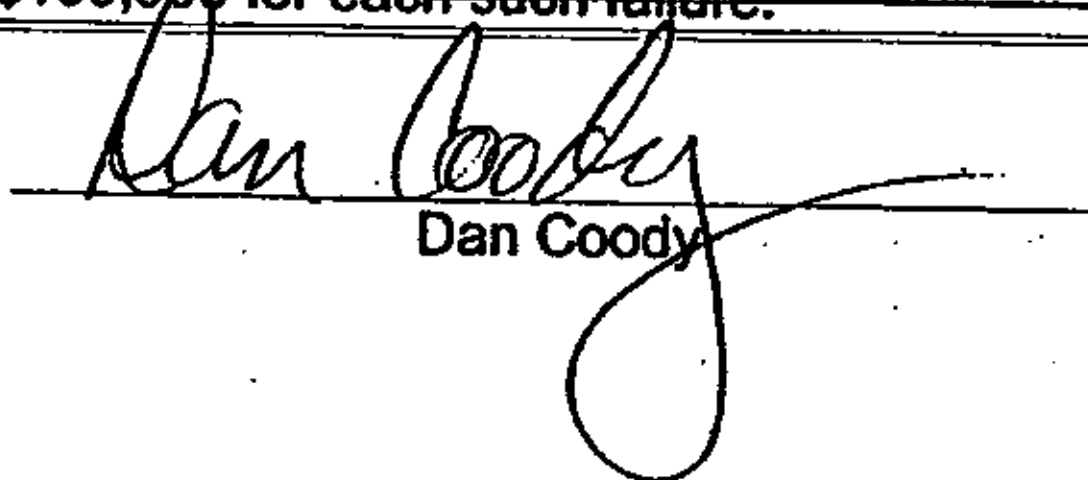
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

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 subrecipients 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


Dan Coody

Date July 7, 2005

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:

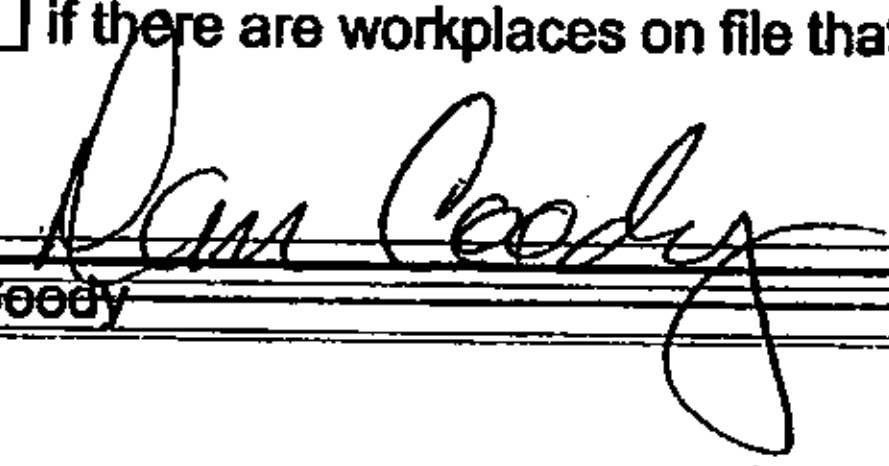
Place of Performance (Street address, city, county, state, zip code)

Fayetteville Municipal Airport, Drake Field

4500 S. School Ave.

Fayetteville, Arkansas

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


Dan Goody

Mayor

Title

July 7, 2005

Date

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
AIRPORT IMPROVEMENT PROGRAM
SPONSOR CERTIFICATION
SELECTION OF CONSULTANTS

City of Fayetteville	Fayetteville Municipal	3-05-0020-033-2005
(Sponsor)	(Airport)	(Project Number)
Master Plan Update (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.

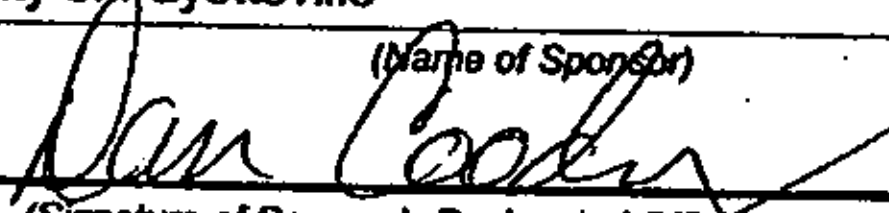
	Yes	No	N/A
1. Solicitations were (will be) made to ensure fair and open competition from a wide area of interest.	☒	☐	☐
2. For contracts over \$100,000, consultants were (will be) selected using competitive procedures based on qualifications, experience, and disadvantaged enterprise requirements with 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.	☒	☐	☐

- | | 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 7, 2005

(Date)

PART V
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).
- 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. 3373.¹
- 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.
- 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 Opportunity¹
- Executive Order 11990 - Protection of Wetlands
- Executive Order 11998 - Flood Plain Management
- Executive Order 12072 - Intergovernmental Review of Federal Programs.
- Executive Order 12599 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- 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 benefiting 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 that 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. If 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 that 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.

22. 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 200 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 of 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 that 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

CURRENT FAA ADVISORY CIRCULARS FOR AIP/PFC PROJECTS

Updated on: 7/1/05

CURRENT FAA ADVISORY CIRCULARS FOR BOTH AIP and PFC PROJECTS

NUMBER	TITLE
70/7460-1 and Change 1	Obstruction Marking and Lighting
150/5000-13	Announcement of Availability--RTCA Inc., Document RTCA-221, Guidance and Recommended Requirements for Airport Surface Movement Sensors
150/5100-15A	Civil Rights Requirements For The Airport Improvement Program
150/5070-5A	Airport Master Plans
150/5190-5 and Change 1	Exclusive Rights and Minimum Standards for Commercial Aeronautical Activities
150/5200-29B	Notices to Airmen (NOTAMS) for Airport Operators
150/5210-5B	Painting, Marking and Lighting of Vehicles Used on an Airport
150/5210-7C	Aircraft Fire and Rescue Communications
150/5210-13B	Water Rescue Plans, Facilities, and Equipment
150/5210-14A	Aircraft Fire and Rescue Personnel Protective Clothing
150/5210-15	Airport Rescue & Firefighting Station Building Design
150/5210-18	Systems for Interactive Training of Airport Personnel
150/5210-19	Driver's Enhanced Vision System (DEVS)
150/5220-4B	Water Supply Systems for Aircraft Fire and Rescue Protection
150/5220-10C	Guide Specification for Water/Foam Type Aircraft Rescue and Firefighting Vehicles
150/5220-13B	Runway Surface Condition Sensor Specification Guide
150/5220-16C	Automated Weather Observing Systems for Nonfederal Applications
150/5220-17A and Change 1	Design Standards for Aircraft Rescue Firefighting Training Facilities
150/5220-18	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-19	Guide Specification for Small, Dual-Agent Aircraft Rescue and Firefighting Vehicles
150/5220-20 and Change 1	Airport Snow and Ice Control Equipment
150/5220-21B	Guide Specification for Lits Used to Board Airline Passengers With Mobility Impairments
150/5220-22 and Change 1	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5300-13 and Changes 1 through 3	Airport Design
150/5300-14 and Changes 1 and 2	Design of Aircraft Deicing Facilities
150/5320-5B	Airport Drainage
150/5320-6D and Changes 1 through 3	Airport Pavement Design and Evaluation
150/5320-12C and Changes 1 through 5	Measurement, Construction, and Maintenance of Skid-Resistant Airport Pavement Surfaces
150/5320-14	Airport Landscaping for Noise Control Purposes
150/5320-15 and Change 1	Management of Airport Industrial Waste
150/5320-17	Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5325-4A and Change 1	Runway Length Requirements for Airport Design
150/5335-5 and Change 1	Standardized Method of Reporting Pavement Strength PCN
150/5340-1J	Standards for Airport Markings
150/5340-5B and Change 1	Segmented Circle Airport Marker System
150/5340-18D	Standards for Airport Sign Systems
150/5340-19	Taxiway Centerline Lighting System
150/5345-3E	Specification for L321 Panels for Remote Control of Airport Lighting
150/5345-5A	Circuit Selector Switch
150/5345-7E	Specification for L324 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10E	Specification for Constant Current Regulators Regulator Monitors
150/5345-12C	Specification for Airport and Helipad Beacon
150/5345-13A	Specification for L341 Auxiliary Relay Cabinet Assembly for PFC Control of Airport Lighting Circuits
150/5345-26C	Specification for L322 Plug and Receptacle, Cable Connectors
150/5345-27D	Specification for Wind Cone Assemblies

Secretary, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program.

- b. 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.
 - c. 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.
 - d. Disposition of such land under (a), (b), or (c) 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 and safety 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 7/1/05 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 S. (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).
38. **Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
39. **Competitive Access.**
- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 1. Describes the requests
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
 - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

CURRENT FAA ADVISORY CIRCULARS FOR AIP/PFC PROJECTS
Updated on: 7/1/05

150/5345-28F	Precision Approach Path Indicator (PAPI) Systems
150/5345-39B and Change 1	FAA Specification L853, Runway and Taxiway Centerline Retro reflective Markers
150/5345-42D	Specification for Airport Light Bases, Transformer Housings, Junction Boxes and Accessories
150/5345-43E	Specification for Obstruction Lighting Equipment
150/5345-44G	Specification for Taxiway and Runway Signs
150/5345-45A	Lightweight Approach Light Structure
150/5345-46B	Specification for Runway and Taxiway Light Fixtures
150/5345-47A	Isolation Transformers for Airport Lighting Systems
150/5345-49A	Specification L354, Radio Control Equipment
150/5345-50 and Change 1	Specification for Portable Runway Lights
150/5345-51 and Change 1	Specification for Discharge-Type Flasher Equipment
150/5345-52	Generic Visual Glideslope Indicators (GVGI)
150/5345-53B	Airport Lighting Equipment Certification Program
150/5345-54A and Change 1	Specification for L-1884 Power and Control Unit for Land and Hold Short
150/5345-55	Lighted Visual Aid to Indicate Temporary Runway Closure
150/5360-9	Planning and Design of Airport Terminal Facilities at Nonhub Locations
150/5360-11	Energy Conservation for Airport Buildings
150/5360-12D	Airport Signing & Graphics
150/5360-13 and Change 1	Planning and Design Guidance for Airport Terminal Facilities
150/5370-2E	Operational Safety on Airports During Construction
150/5370-10B	Standards for Specifying Construction of Airports
150/5370-13	Off-peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5380-6A	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7	Pavement Management System
150/5380-8	Handbook for Identification of Alkali-Silica Reactivity in Airfield Pavements
150/5390-2B	Helipad Design
150/5390-3	Vertiport Design
150/5395-1	Seaplane Bases
150/5200-30	Airport Winter Safety and Operations
150/5200-33	Hazardous Wildlife Attractants On or Near Airports
150/5300-15	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5370-11	Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements
150/5370-12	Quality Control of Construction for Airport Grant Projects
150/5370-6	Construction Progress and Inspection Report-Airport Grant Program

THE FOLLOWING ADDITIONAL APPLY to AIP PROJECTS ONLY

NUMBER	TITLE
150/5100-14C	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-15A	Civil Rights Requirements For The Airport Improvement Program
150/5100-17 and Changes 1 through 4	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5190-5 and Change 1	Exclusive Rights and Minimum Standards for Commercial Aeronautical Activities
150/5200-30A and Changes 1 through 3	Airport Winter Safety and Operations
150/5200-33A	Hazardous Wildlife Attractants on or Near Airports
150/5300-15	Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17	Airfield Pavement Surface Evaluation and Rating (FASER) Manuals
150/5360-11	Energy Conservation for Airport Buildings
150/5370-6B	Construction Progress and Inspection Report-Airport Grant Program
150/5370-11A	Use of Nondestructive Testing Devices in the Evaluation of Airport Pavements
150/5370-12	Quality Control of Construction for Airport Grant Projects
150/5370-13	Off-peak Construction of Airport Pavements Using Hot-Mix Asphalt

CURRENT FAA ADVISORY CIRCULARS FOR AIP/PFC PROJECTS
Updated on: 7/1/05

NUMBER	TITLE
150/5380-7	Pavement Management System
150/5380-8	Handbook for Identification of Alkali-Silica Reactivity in Airfield Pavements

THE FOLLOWING ADDITIONAL APPLY to PFC PROJECTS ONLY

NUMBER	TITLE
150/5000-12	Announcement of Availability—Passenger Facility Charge (PFC) Application (FAA Form 5500-1)

Paradigm

DEVELOPMENT

Paradigm Development Enterprises, Inc. 479.236.6636 Fax 479.443-3383

July 19, 2005

RE: Oakbrooke Subdivision

Dear City Council Member:

It has come to my attention that there is some mis-information that has recently surfaced concerning Paradigm Development's Oakbrooke Subdivision. After having spoke with neighbors, and the administration, I learned that the public has concerns about such items as the minimum square footage of the homes, that the properties will become "rentals", excessive "on-street parking", traffic through adjoining neighborhoods, and the look of the single family attached homes along the north property line.

We began this project in October of 2004 with a Ward 4 meeting. Since then, Paradigm Development has been diligent in the provision of information to the City and the public at large. I would like to address the concerns that I have heard this morning and make an attempt to convey a response to each concern.

1. **TRAFFIC THROUGH ADJOINING NEIGHBORHOODS** – There seems to be a concern that the traffic from Oakbrooke will be funneled through Bridgeport, and that traffic during the school year is congested.

Though we are not traffic engineers, we do know that, like water, drivers take the path of least resistance. Motorists will indeed take the most direct route to an arterial street, with the fewest turns, stops, etc. We believe that some traffic may find it's way through Bridgeport, however; once the subdivision is complete, the residents of Oakbrooke and Bridgeport alike will find their way to at least two new outlets to Ruppel Road. We believe that the new infrastructure could possibly relieve some traffic congestion problems that Bridgeport is experiencing.

2. **RENTAL PROPERTIES** – There is some notion that the houses of Oakbrooke will be small and constructed to a "cheap quality", or possibly become rental properties.

The homes of Oakbrooke are architecturally designed, within the Paradigm offices, and are not "stock plans". Though some homes may be smaller than those in adjoining neighborhoods, others will be larger. Regardless of size, however, the homes shall be constructed of the equal or superior quality, fit and finish. The restrictive covenants strictly enforce the quality and types of materials allowed. Examples consist of, "no vinyl, metal, or Exterior Insulation and Finish Systems (EIFS) will be permitted", "tile, wood shake, or 30 year architectural shingles", and "finished floor elevations must be a minimum of 18" above finished grade". These are not covenants that lend to "cheap houses". Houses will range typically from 1600 to 2000 square feet. Again, some houses may be somewhat smaller, but others will be somewhat larger. There are restrictions on parts of the land that requires some 2000 and 2500 square foot homes, and no houses shall be smaller than 1600 square feet. Though you can probably find "rent houses" in all neighborhoods, the homes of Oakbrooke do not lend themselves to becoming rentals any more than the adjoining neighborhoods.

However, after having heard the concerns from adjoining property owners, and having conveyed to the Administration that the typical minimum square footage would be around 1400 square feet, the covenants have been amended to reflect; "All dwellings shall be a minimum of

1,400 square feet of heated floor space (excluding garage), for single family detached homes; and 1400 square feet of heated floor space for single family attached homes.

3. **EXCESSIVE ON-STREET PARKING** – Some are concerned that there may be excessive "on-street parking" due to the density of the neighborhood.

On the contrary, you are more likely to find on-street parking in other neighborhoods, than in Oakbrooke. Typically, garages are built on the fronts of houses, where the leading façade is built to the front property setback line, or 25 feet from the right of way. This practice lowers the expense for a home builder, as he doesn't have to install near as much concrete driveway.

In Oakbrooke, the garages are set as close to the rear property line as possible. This allows for more "hard surface" along the side of the structure and into the rear yard; thereby, vehicles that may typically occupy the street will have space to park within the property. Further, by locating the garages to the rear, they promote more privacy between neighbors; performing as a buffer between property owners.

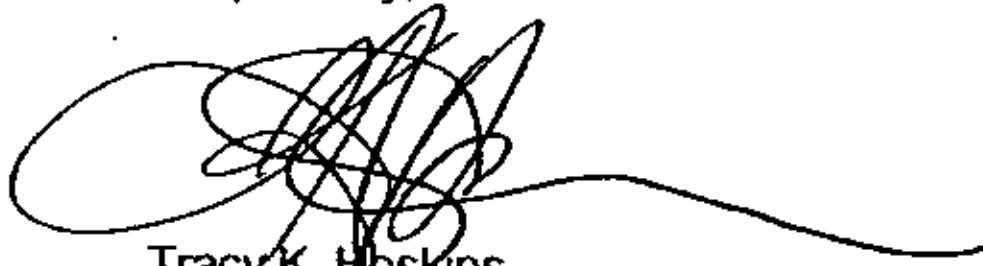
As for density, Oakbrooke is not proposed to take advantage of the full RSF4 zoning; the same zoning as the surrounding developments.

4. **SINGLE FAMILY ATTACHED OR "CONDOMINIUMS"** – Concerns have been expressed that we intend to construct "multi-family" homes.

We have no intention, nor have we ever had the intention, to construct "multi-family" homes. All homes of Oakbrooke are individual structures deeded with their respective parcel of land. Though technically some homes are considered "attached", they do not share an entire common side wall, as you would find in a condominium development. As you drive or walk down the street, these homes would appear to be individual homes with at least 20 feet between the main structures, with front yards, back yards, and side yards. Typically, RSF4 neighborhoods have 16 feet between structures.

I hope that the above has clarified some concerns or issues and I am available to answer any questions you may have. It is my intention to invite the public to the Ward 4 meeting this coming Monday, July 25th at which time I intend to address the above and any further concerns the neighbors may have concerning Oakbrooke Phases 1 and/or 2.

Respectfully,



Tracy K. Hoskins
President

8/9/05

Residential Trash						Fleet Costs	Fuel Costs	Labor Costs	Processing Costs	Disposal Costs	Revenue	Overall Costs
# of Houses	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost	Anticipated disposal Cost	Revenue					
700	108	\$2.79	\$301.32	\$256.71	\$814.17	\$1,996	\$9,294					
Secretary support (in overhead)												
cart delivery (one time)	50	\$1.46	\$73.00	\$30.90	\$1,837.60							
cart maintenance	173	\$0.29	\$50.17	\$53.46	\$159.13							
Sub Total			\$424.49	\$341.06	\$2,810.90	\$1,996	\$9,294					\$5,572.45
Residential Recycling												
# of Houses	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost	MRF Cost	Anticipated disposal Cost	Revenue				
700	108	\$1.55	\$167.40	\$95.35	\$857.43		\$0	\$1,004				
Recycling support (in overhead)												
Sub Total			\$167.40	\$95.35	\$857.43	\$562.90		\$1,004				\$1,683.08
Residential Yardwaste by appointment												
# of Houses	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost	Composting Cost	Anticipated disposal Cost	Revenue				
700	108	\$1.38	\$149.04	\$151.69	\$636.55	\$153.21	\$0	\$0				\$1,090.49
Commercial Trash												
# of Business's	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost		Anticipated disposal Cost	Revenue				
30	65	\$1.23	\$79.95	\$100.43	\$385.37		\$3,793	\$3,273				
Sales Support (in overhead)												
Sub Total			\$79.95	\$100.43	\$385.37		\$3,793	\$3,273				\$4,358.75
Drop Box Trash												
# of Business's per month	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost		Anticipated disposal Cost	Revenue				
17	65	\$1.11	\$72.15	\$401.70	\$367.70		\$1,517	\$4,373				
Sales Support (in overhead)												
Sub Total			\$72.15	\$401.70	\$367.70		\$1,517	\$4,373				\$2,358.55
Bulk Collections by appointment												
# of Houses	# of miles	Cost per mile	Fleet cost	Fuel costs	Labor Cost		Anticipated disposal Cost	Revenue				
700	108	\$1.40	\$151.20	\$667.44	\$385.33		\$43.13	\$650				\$1,247.09
Total Monthly Cost												\$16,812
Total Monthly Revenue												\$18,594
Annual Revenue Gains												\$21,393

Fayetteville Solid Waste and Recycling

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 16, 2005**

A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

1. **Approval of the August 2, 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. **Record/Benefits Consulting Services Contract:** A resolution approving an agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options. *Broker of*
4. **Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.
5. **ADM 05-1662 Master Street Plan Amendment:** A resolution amending the Master Street Plan, reclassifying Shiloh Drive south of Joyce Boulevard, north of Mud Creek from a collector street to a local street in the manner recommended by the Planning Commission for a Large Scale Development (LSD) 05-1593.

6. **WL-4 Easement Purchase:** A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Hamstring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.

B. UNFINISHED BUSINESS:

1. **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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.*
2. **R-PZD 05-1463 (Oakbrooke Subdivision):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.*
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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.*
4. **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 at the August 2, 2005 City Council meeting.*
5. **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 at the August 2, 2005 City Council meeting.*
6. **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 at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.*

C. NEW BUSINESS:

1. **Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.
2. **HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.
3. **ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres.
4. **RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.
5. **ADM 05-1663 (Nelson Crossing):** A resolution approving a variance from Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.
6. **Botanical Gardens Grant Request to Arkansas Parks & Tourism:** A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.
7. **Multi-Craft Contractors, Inc. Rehabilitation Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,446.00; and declaring an emergency.

D. INFORMATIONAL:

Council Tour: August 15, 2005 – 4:30 PM



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director *SD*

FROM: Kevin Springer, Budget Manager *KS*

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.

*Moved to 8/16/05 CC mtg
7/12/05 @ Staff Agenda
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.

ATTEST:

By: SONDRA SMITH, City Clerk

APPROVED:

By: DAN GOODY, Mayor

DRAFT

City of Fayetteville, Arkansas
Budget Adjustment Form

A. 2
Survey & Research Center Proposal Approval
Page 4 of 68

Budget Year 2005	Department: General Government Division: Miscellaneous Program: Miscellaneous	Date Requested 6/20/2005	Adjustment Number
-------------------------	---	---------------------------------	-------------------

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

Budget Office Use Only

Requested By	Date
	6-20-05
Budget Manager	Date
Department Director	Date
	6-21-05
Finance & Internal Services Director	Date
Mayor	Date

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



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

Proposal of a Project to Survey the Citizens of Fayetteville
for the City of Fayetteville
Survey Research Center, University of Arkansas
6/20/2005

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

PROJECT SPECIFICATIONS	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
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

Proposal of a Project to Survey the Citizens of Fayetteville
for the City of Fayetteville
Survey Research Center, University of Arkansas
6/20/2005

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.

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&q_r_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

A. 2
Survey & Research Center Proposal Approval
Page 11 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 12 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 13 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 14 of 68

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	

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 15 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 16 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 17 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 18 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 19 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 20 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 21 of 68

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
elimination -> 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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 22 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 23 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 24 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 25 of 68

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 |

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 26 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 27 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 28 of 68

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

Citizens' Survey Draft -- Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 29 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 30 of 68

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
June 3, 2004

A. 2
Survey & Research Center Proposal Approval
Page 31 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 32 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 33 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 34 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 35 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 36 of 68

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

A. 2
Survey & Research Center Proposal Approval
Page 37 of 68

98:

RACE

<i>Demographics</i>	
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

<i>Demographics</i>	
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

<i>Demographics</i>	
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

<i>Demographics</i>	
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

A. 2
Survey & Research Center Proposal Approval
Page 38 of 68

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 to \$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

~~5-30-05~~
~~7 Jun 05~~

July 19, 2005

City Council Meeting Date

Kevin Springer
Submitted By

Budget & Research
Division

Finance & Internal Services
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)

Cost of this request

\$ 25,000.00

Category/Project Budget (2005)

Services & Charges

Program Category / Project Name

1010.6600.5315.00

Account Number

\$ -

Funds Used to Date

Miscellaneous Program

Program / Project Category Name

\$ 25,000.00

Remaining Balance

General

Fund Name

Project Number

Budgeted Item

☒

Budget Adjustment Attached

☒

Previous Ordinance or Resolution # 71-03


Department Director 6-21-05
Date

Original Contract Date:

Original Contract Number:


City Attorney 6/22/05
Date

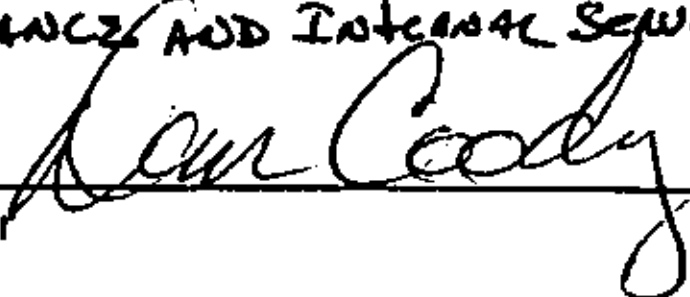
Received in City Clerk's Office




FINANCE AND INTERNAL SERVICES DIRECTOR 6-23-05
DATE

Received in Mayor's Office




Mayor 6/23/05
Date

Comments:

Citizens' Survey Draft – Substantive Questions
 City of Fayetteville
 Survey Research Center, University of Arkansas
 July 7, 2005

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

Old Question

10:

Q2A

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.

- 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

Old Question

11:

Q2B

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.

- 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

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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.

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

Old Question

13:

Q03A

What aspect of utilities needs the most attention?

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

Old Question

Subset Question

14:

Q03B

What aspect of public safety services needs the most attention?

Police	1	=> Q3TX
Fire	2	=> Q3TX
Animal control	3	=> Q3TX
Ambulance	4	=> Q3TX
Disaster preparedness	5	=> Q3TX
All of the above aspects of public safety services	6	=> Q3TX
Other	7	O => Q3TX
Don't know	8	=> Q04
Refused	9	=> Q04

Old Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

15:

What aspect of transportation needs the most attention?

Q03C

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:

What aspect of streets needs the most attention?

Q03D

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:

What aspect of parks and recreation services needs the most attention?

Q03E

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

18:

Q03F

What aspect of information programs needs the most attention?

Definitions: Government Access Channel (PEG) appears on COX Channel 16. 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.

Old Question

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 aspects of information programs.....	5	=> Q3TX
Other	6	O => Q3TX
Don't know	8	=> Q04
Refused	9	=> Q04

Subset Question

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

Old Question

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.

Fayetteville Public Library	01	=> Q04A
Growth and Development	02	=> Q04B
Surface and Ground water	03	=> Q04C
Downtown Fayetteville.....	04	=> Q04G
College Avenue Development.....	05	=> Q04H
Housing.....	06	=> Q04E
A Clean and Green City.....	07	=> Q04F
Other	08	O => Q4TX
Don't know	98	=> Q05
Refused	99	=> Q05

Old 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
July 7, 2005

25:

Q04E

What aspect of housing needs the most attention?

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 aspects of housing	5	=> Q4TX
Other	6	O => Q4TX
Don't know	8	=> Q05
Refused.....	9	=> Q05

Old Question

Subset Question

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.]

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 aspects of a clean and green city	07	=> Q4TX
Other	08	O => Q4TX
Don't know	98	=> Q05
Refused.....	99	=> Q05

Old Question

Subset Question

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.

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	=> Q05
Refused.....	9	=> Q05

New Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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

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.

Planned and managed growth.....	1	=> Q05A
Development of Downtown Fayetteville.....	2	=> Q05B
Development of College Avenue.....	3	=> Q05C
Development of South Fayetteville.....	4	=> Q05D
Improved mobility and street quality.....	5	=> Q05D
A beautiful city- clean and green.....	6	=> Q05E
Don't know	8	=> Q07A
Refused.....	9	=> Q07A

Old Question

32:

Q05A

Which method of managing growth would you most prefer?

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

Old Question

Subset Question

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.

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

New Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

34:

To improve South Fayetteville, which would you most prefer?

Q05C

- | | | |
|--|---|---------|
| 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:

In order to improve mobility and street quality, which would you most prefer?

Q05D

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:

To enhance the beauty of Fayetteville, which would you most prefer?

Q05E

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
Survey Research Center, University of Arkansas
July 7, 2005

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

New Question

Subset Question

38:

Q05G

Which aspect of the <Q05F> 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	=> Q5TX
Landscaping improvements other than trees	2	=> Q5TX
Sidewalks	3	=> Q5TX
Crosswalks	4	=> Q5TX
The center turn lane at intersections	5	=> Q5TX
Don't know	8	=> Q06
Refused	9	=> Q06

New Question

Subset Question

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.

Planting more trees on the streets	1
Landscaping improvements other than trees	2

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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	=> Q06C
Development of South Fayetteville.....	4	=> Q06D
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
Survey Research Center, University of Arkansas
July 7, 2005

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.

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

New Question

Subset Question

44:

Q06C

To improve South Fayetteville, which would you most prefer?

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	=> Q06E
Don't know	8	=> Q6TX
Refused	9	=> Q07A

Old Question

Subset Question

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.

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

Old Question

Subset Question

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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
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

Old Question

Subset Question

47:

Which section of College Avenue needs the most attention?

Q06F

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

New Question

Subset Question

48:

Which aspect of the <Q06F> section of College Avenue needs the most attention?

Q06G

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
Landscaping improvements other than trees	2	=> Q6TX
Sidewalks	3	=> Q6TX
Crosswalks	4	=> Q6TX
The center turn lane at intersections	5	=> Q6TX
Don't know	8	=> Q07A
Refused	9	=> Q07A

New Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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.

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

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

Old Question

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

New Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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 Improvement
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
Survey Research Center, University of Arkansas
July 7, 2005

No 2
Don't know 8
Refused 9

New Question

57:
New park programming

Q9_3

Yes 1
No 2
Don't know 8
Refused 9

New Question

58:
Public safety improvements

Q9_4

Yes 1
No 2
Don't know 8
Refused 9

New Question

60:
~~City program awareness~~
How effective has the anti-litter program been?

Q09A

Very effective 1
Effective 2
Neither effective nor ineffective 3
Ineffective 4
Very ineffective 5
Don't know 8
Refused 9

New Question

Subset Question

61:
~~City program awareness~~
How has the street program changed the quality of your typical ride? Is it:

Q09B

A lot smoother 1
Smoother 2
The same as before 3
Rougher 4
A lot rougher 5
Don't know 8
Refused 9

New Question

Subset Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

62:

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:

Q09C

- 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:

City program awareness
Which of the following public safety services performs the best?

Q09D

- Police..... 1
- Fire..... 2
- Ambulance..... 3
- Don't know..... 8
- Refused..... 9

=> HOU
=> HOU

New Question

Subset Question

64:

City program awareness
Which of the following public safety services needs more attention?

Q09E

- Police..... 1
- Fire..... 2
- Ambulance..... 3
- Don't know..... 8
- Refused..... 9

New Question

Subset Question

65:

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.

HOU

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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

Old Question

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

Old Question

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

Old Question

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

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

70:

Housing for older adults.

Q10E

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:

Affordable housing

Q10F

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

Citizens' Survey Draft -- Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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 16. 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.]

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

Old Question

73:

Q12

How do you communicate with the City? Again, please tell me all the answers that apply. Do you:

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

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

74:

Q13

Fayetteville has grown over the past two years. Would you say that Fayetteville's population 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

Old Question

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

Old Question

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

Old Question

77:

MCR

Now we would like your opinions about some options for managing growth.

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

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:

- 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

Old Question

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

Old Question

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

Old Question

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

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

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

85:

Q23

For which of the following would you be willing to pay an extra \$10.00 to \$20.00 per year in taxes?

- 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

Old Question

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

New Question

87:

Q25

Where?

- Enter location here 1 O
- Don't know 8
- Refused 9

New Question

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

New Question

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.

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

90:

Demographics
How long have you lived in Fayetteville?

TENU

- 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:

Demographics
On what street do you live?

STLV

- Enter street..... 1 0
- Not applicable..... 2
- Don't know 3
- Refused..... 3

Old Question

92:

What is the nearest cross street to your home?

CSST

- Enter street..... 1 0
- Not applicable..... 2
- Don't know 8
- Refused..... 9

Old Question

93:

Demographics
Which of these best describes your residence?

RES D

- 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 0
- 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

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
- Not applicable 12
- Don't know 98
- Refused 99

Old Question

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

Old Question

Citizens' Survey Draft – Substantive Questions
City of Fayetteville
Survey Research Center, University of Arkansas
July 7, 2005

96:

Demographics

CONG

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:

Demographics

HISP

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:

Demographics

RACE

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

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
- Not applicable..... 7
- Don't know 8
- Refused 9

Old Question

100:

VOTE

In talking to people about elections, we often find that a lot of people were not able to vote because they weren't registered, they were sick, or they just didn't have time. Which of the following best described you:

Interviewer: If R is not sure what election, tell them, "In 2004, you remember that John Kerry ran for president on the Democratic ticket against George W. Bush for the Republicans. For that election, which best described you:"

- I did not vote (in the election last November) 1
- I thought about voting last- but didn't 2
- I usually vote, but didn't last time 3
- I am sure I voted 4
- Don't know 8
- Refused 9

New Question

101:

BYEAR

Demographics
In what year were you born?

- Enter year..... 1
- Not applicable..... 1898
- Don't know 1899
- Refused..... 1899

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 to \$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



City Council Meeting of August 16, 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 29, 2005
SUBJECT: Insurance Broker/Benefits Consultant

Recommendation

Staff recommends approval of a contract with Hoffman-Henry of Little Rock, Arkansas, in the amount of \$16,500 for Broker of Record/Benefits Consulting services for 2005 – 2006 plus four one year options to renew. The agreement also contains provisions for performance incentives and Staff requests an additional amount of \$3,000 for this purpose. If earned, the incentive would be 5% of premium savings for any savings in premium over the last year's premium. It must be a true savings, not just a decrease in services, increased deductible, or changes to plan structure or plan design, etc. This additional amount will be held in the budget to order to pay any incentive earned.

Discussion

Since 2002 the City has utilized broker/consulting services to negotiate group plan renewals, evaluate plan design and provide independent analysis of claims history and medical cost trends. The broker/consultant is paid a flat service fee and any commissions on policy premiums are credited to offset the fee or rebated back to the City of Fayetteville.

Procurement Method

This firm was selected following a professional selection method which included the required notification/advertisement process. Seven proposals were received and are listed below.

Firm Name & Location	Proposed Cost
Arthur J. Gallagher & Co. - Springfield, MO	\$60,000
Brown & Brown Insurance - Rogers, AR	\$30,000
Hay Group - Dallas TX	\$75,000
Hoffman-Henry - Little Rock, AR	\$16,500
Legacy Capital Group - Little Rock, AR	\$75,000
Ramsey, Krug, Farrell & Lensing - Little Rock, AR	\$12,280 or 10% of premium savings whichever is greater
Stephens Insurance Services Inc. - Little Rock, AR	\$50,000

Of all proposals reviewed, Hoffman-Henry submitted the best overall proposal. Hoffman-Henry also included a guaranteed fee of \$16,500 for the second year of service, if the City chooses to exercise one of the four one year options to renew the contract. While the existing contract

does not include an inflation index for the third through fifth years, the City always has the option to not renew the agreement if it is determined that the renewal cost is not acceptable to the City.

Budget Impact

Successful negotiation of insurance policies through the use of a broker/consultant has assisted in the City's efforts to contain the cost of insurance to both the City and its employees.

This item is budgeted and sufficient funds are available within the Professional Services account in the Human Resources program.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH HOFFMAN-HENRY INSURANCE IN THE AMOUNT OF \$19,500.00 TO PROVIDE BROKER OF RECORD/BENEFITS CONSULTING SERVICES FOR 2005-2006 WITH FOUR 1-YEAR RENEWAL OPTIONS.

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 agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide Broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 16th day of August, 2005.

APPROVED

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

Proposal:

Part I – Business Organization

Hoffman-Henry Insurance

"Earning your trust with the insurance you need, the experience you want, the service you demand!"

Hoffman-Henry Insurance is not only one of Arkansas' truly Independent Firms but we are also a leading provider of Insurance, Bonding, and Risk Services and have been for over 100 YEARS! With offices in Little Rock, Pine Bluff, Searcy, and FAYETTEVILLE Hoffman-Henry is poised to provide Big Brokerage Services in a local Home Town way.

For more than 100 years, the Hoffman-Henry Team has been answering the insurance/risk needs of its clients with concern and professionally crafted coverage at competitive rates. Our job is to meet your needs in today's environment of changing business, professional, and governmental requirements. Whether it's P&C, Professional, Employee Benefits, Financial Services, Bonds or Personal Insurance Hoffman-Henry has a professional team with the expertise and capabilities to handle your needs.

"As your consultant, you buy our expertise, we buy your insurance!"

Service is our Strength

Service is our pledge to you. As a client of Hoffman-Henry you can expect us to:

- Match you insurance requirements with value in the solutions we recommend
- Provide attentive follow-up to your questions and service needs
- Provide advice and counsel on changes that may affect your business or coverage
- Provide aggressive negotiations, claims and customer service
- Maintain strong relationships with carriers and market vendors
- Most importantly; "Be There When You Need Us"

Services to be provided out of the Fayetteville and Little Rock offices.

Employee Benefits Team:

Jeff Jackson, CHC	Lead Consultant / Negotiator
Tracy Collins, ACSR, EIS	Lead Customer Service
Mason Grashot, CPA CISR, Series 6 / 63	Actuarial Analysis Services
Amy Francis	Lead Marketing, Inside CSR
Karen Reib	CSR / Clerical
Tiffiney Dye	CSR / Clerical
Don Harris, Series 6 /63, CFP ongoing	Financial Services (as needed)
James Bass	Back Up Mktg / CSR

Principals

Mason Grashot, CPA, CISR, Series 6 /63
Ron Adams, CISR
Richard Henry, CISR

Part II – Concept and Solution

Hoffman-Henry feels with the past relationship between Jeff Jackson and the City of Fayetteville we have an extremely good understanding of the City's current benefit plans and contracts. As well we are very familiar with the City's technology capabilities thus providing us with an immediate understanding of how to establish communication resources.

While we are convinced of the need for immediate conversations on benefit plan designs and current contracts we feel that this would have to be placed second on our priority list if awarded the contract. Our very first task out of the gate would be to communicate with BCBS (current health carrier) on its abilities and assurances to provide the necessary reporting and notification procedures for the new medicare part "D" requirements involving retiree benefit plans.

With the medicare part "D" issue resolved we would then turn our attention to the evaluation of current plans / contracts and a thorough utilization analysis. This will require multiple meetings with Ark. BCBS and result in a reporting session with City officials. The sessions with City personnel will be to determine matters such as current satisfaction levels, financial positions, willingness to consider implementing new strategies such as HAS's and electronic enrollment strategies. Our emphasis will be on developing a renewal strategy that can be quantified in terms of success and one that incorporates the desires of City officials with regard to structure and economic factors.

Hoffman-Henry will identify industry emerging benefit plan design strategies and alternative services that the City may incorporate to improve the overall offering the City has for its employees as well as position the City in a more favorable economic position. It will be our goal to come out of these sessions with a clear direction at which time we will begin design of the City's bid specs for the entire benefit package for the 2006 plan year.

We will then work with City officials to determine what segment of the more than "30" health carriers and "70" carriers overall that we would seriously consider. If it is determined that we would desire to go to every single market it will not be a problem in that our technology resources allow us to handle this sort of task with ease. Through the process of elimination we will establish the contenders from the pretenders and greatly narrow the scope of carriers to consider. The short list selection will be based on several grade points such as; benefit design flexibility, long range economic factors, claims payment, customer service, provider selection, technology resources, administrative resources, and of course price to name the major components. Hoffman-Henry will make presentations on a full and complete market evaluation and financial analysis to include immediate and long range impacts.

This will take us through the marketing phase and into the negotiation stage of the renewal process. Once the short list is determined Hoffman-Henry will then bring the selected carriers to the table for interviews as needed. We will begin negotiating contract,

benefit design, and pricing issues as necessary with selected carriers with a target to obtain the most favorable benefit/economic outcome for the City.

Hoffman-Henry will make recommendations based on the outcome of the negotiation stage, market trends, and our opinion of satisfying the City's needs and desires most effectively. Our recommendations will be based on concise market and financial analysis, relationship and experience with the recommended carriers. It will include but not be limited to benefit plan designs, carriers, financial arrangements, administrative procedures, and funding levels.

Once selections are made for the 2006 plan year we will establish a plan for:

1. auditing of contracts and premium billings
2. open enrollment procedures (i.e. electronic enrollment and reporting) with established timelines and follow up procedures for clean up
3. eligibility and enrollment audits

This would conclude the evaluation, marketing, negotiations, selection, and open enrollment phases of "Scope of Services".

Hoffman-Henry understands and is committed, capable, and prepared to provide as a day to day service ongoing advisory services as needed. As well, we will provide through our electronic platform and face to face ongoing communication and education resources in areas such as but not limited to:

- a. legislative and compliance matters
- b. emerging industry and benefit plan design issues
- c. industry specific trends
- d. employee education & information materials

Hoffman-Henry shall provide claims adjudication assistance as needed and act as liaison for the City with all carriers and vendors. These services will be headed by Tracy Collins (lead CSR) and will include personal as well as electronic format solution based procedures.

Hoffman-Henry will continue to provide on a quarterly basis evaluations and presentations on utilization analysis and will assist in identifying and tracking emerging trends within the City's group plan performance. Our strategy will be to include industry standard data with historically based frequency information within the group's utilization so that the City may actually have useful information for long range planning. We will also provide groups specific information in conjunction with industry data so that we can begin building norms studies for ongoing use in planning and design.

Hoffman will repeat the earlier outlined evaluation, marketing, recommendations phases on an annual basis. We will provide market forecasts each year to establish benchmarking points as we move from one plan year to the next.

Part III – Program

Hoffman-Henry's Strategic Action Timetable is attached (see exhibit 2) and outlines a preliminary task timetable assuming that the bid is awarded by Aug 1st, 2005. Our timeline is flexible and certainly could be amended after review with City officials.

Our plan would be to meet with City personnel to determine strategic plan for upcoming renewal initially considering the time constraints involved. We would immediately put into place the renewal action plan based on the outcome of sessions with City officials. We'll move directly into marketing mode where we have relationships with over 70 carriers doing business in Arkansas and have NO restrictions from any carriers.

At the same time begin implementing our client services model.

Our client services model consists of:

1. monthly on-site service calls
2. multiple communication protocols
3. implementation of our customer service personnel tree headed by Tracy Collins (lead CSR) with three assigned to the team
4. implementation of our electronic platform for communication, legislative & compliance, employee education materials

Part IV – Account Team Personnel

Jeff Jackson, HR & Employee benefits Division manager and lead consultant will take the leadership role with the City's account. Jeff will be lead consultant / negotiator / analyst and will direct the service team and accountable functions.

Primary Duties:

<u>Names</u>	<u>Title/Duties</u>	<u>Reports To</u>
Jeff Jackson	Lead Consultant /Negotiator/ Analysis	Principals
Mason Grashot	Financial & Actuarial Analysis	Is a Principal
Tracy Collins	Lead CSR -- On-Site/email / phone / fax	Jeff Jackson
Amy Francis	Lead marketing / Internal CSR	Jeff Jackson
Don Harris	Financial Services	Jeff Jackson
Karen Reib	CSR / Communications	Jeff Jackson
Tiffany Dye	CSR / Clerical	Jeff Jackson

Over 70 years of experience.

See Exhibit 4 attached – BIO on Jeff Jackson

Part V – Corporate Experience

Experience & References:

Shelia Sipes
Human Resources
Heifer Project Int'l.
PO Box 727
Little Rock Ar. 72203
501-907-2652

Michele Bechhold, SPHR	1989 – 1992	BCBS
Director Human Resources	2000 – 2003	lead consultant
City of Fayetteville		
113 W. Mountain		
Fayetteville, Ar. 72701		
501-228-7111		

Stephanie Smith 1998-2003 lead consultant
Arkansas Easter Seals
3920 Woodland
Little Rock, Ar. 72212
501-227-3662

Marion D. Wine, SPHR
Director of Human resources
United Cerebral Palsy
9720 N. Rodney Parham Rd
Little Rock Ar. 72227
501-224-6076

Dan Watson
VP Business Affairs
Williams Baptist College
PO Box 3248
Walnut Ridge Ar. 72476
870-889-3924

2001-2003 lead consultant

Other pertinent work experience:

SAU – Magnolia Ar – 1993-1997
 HSU – Arkadelphia Ar – 1992-1995
 Arkansas State Teachers Group – 1986 – 1997
 Bowie County Tx – Texarkana Tx – 1994-1997
 Garland County – Hot Spring Ar – 1992 – 1994
 City of Eldorado – Eldorado Ar – 1993-1997

Other references:

David Stubbs
Chief Council / Dir HR Services
Latco Inc.
PO Box 9
Lincoln Ar. 72744
479-824-3282

Greg Williams, CFO
Nabholz Construction Co.
PO Box 2090
Conway, Ar. 72033
501-327-7781

Dee Rodgers, CHC
Reg. Sales Manager
Arkansas BlueCross BlueShield
501-378-2000

Cameron Wedgeworth
Reg. Sales Dir.
United Health Care
415 N McKinley St. Suite 820
Little Rock Ar. 72205
501-660-1118

Val McDaniel
President
Key Benefits Group
9220 Maumelle Blvd
Norht little Rock Ar. 72113
501-758-0289

Chuck Andolina
Director of Sales
Principal Financial Group
13737 Noel Rd, Suite 1210
Dallas Tx. 75240
800-442-1022

Part VI – Authorized Negotiator

Jeff Jackson, CHC
Mgr. HR & Employee Benefits Division
Hoffman-Henry Insurance
10025 W. Markham, Suite 125
Little Rock, Ar. 72205
800-224-8895

Part VII – Cost Proposal

See Exhibit 1 attached.

Part VIII – Proof of Insurance

See Exhibit 3 attached.

Exhibit 1

Consulting Fees

First Year	
Description	Fee
Develop/Implement program - 2.0 -Scope , including ▪ Develop benefit & service strategic plan ▪ Develop / maintain understanding of benefit plans ▪ Negotiate Plan Cost Factors ▪ Manage Carrier Relationships ▪ Conduct financial analysis and market study ▪ Perform critical factor analysis ▪ Recommend plan design / contract changes ▪ Evaluation of contracts ▪ Evaluate retiree medical plans ▪ Written Service Timeline ▪ Provide claims adjudication support ▪ Monitor / report plan performance	Incl
Claims Analysis ▪ Detailed Claims Analysis, subject to receipt of claims data - quarterly ▪ Frequency and Provider Profiles	Incl
All Services in section 2.0-Scope: Bid 05-23;including ▪ Establish an implementation plan ▪ Manage Renewal/Open Enrollment Process ▪ Manage Bid Process ▪ Manage Enrollment Process ▪ Identify/report market-product trends ▪ Analyze Carrier-Vendor capabilities ▪ Analyze managed care networks ▪ Review alternative vendors/insurers/TPA's ▪ Establish performance guarantees for TPA ▪ Communicate plan design changes to employees* ▪ Education / Communication Services ▪ Provide Client with access to MyWave™ (HR, Legislative, Compliance, and Benefits Administration Internet based resource)	Incl
Optional Service: Employer/Employee Communication- Education Resources Integrated Technology Resources; <u>HRConnections:</u> ▪ Web Site Construction / Maintenance (Specific) ▪ Financial/HR Management Tools ▪ Employee Web Site Access ▪ Employee Benefit Selection Database - reporting ▪ HR/Benefits/Non-Benefits Integration ▪ Healthcare Information Resource	{\$2,000 Yr 1 -Construction/ \$1000 Annually Thereafter; changes & maintenance}
Carrier Audits	Incl
Actuary Analysis	Incl
Year One	
Retainer Fee	\$16,500

Year Two	
Retainer Fee	\$16,500

ACORD™ COMMERCIAL GENERAL LIABILITY SECTION				DATE	
PRODUCER PHONE (A/C, No, Ext): (870)534-4532 FAX (501)325-2265 Hoffman-Henry Insurance Corporation 305 E 6th Avenue P O Box 8848 Pine Bluff, AR 71611		APPLICANT Hoffman-Henry Insurance Corp (First Named Insured)			
		EFFECTIVE DATE 01/01/2005	EXPIRATION DATE 07/01/2005	DIRECT BILL ☒	PAYMENT PLAN
		AGENCY BILL ☐		AUDIT	
CODE: AGENCY CUSTOMER ID: 00001052		SUB CODE: FOR COMPANY USE ONLY			

COVERAGES				LIMITS		PREMIUMS	
COMMERCIAL GENERAL LIABILITY				GENERAL AGGREGATE	\$	5,000,000	PREMISES/OPERATIONS
X CLAIMS MADE OCCURRENCE				PRODUCTS & COMPLETED OPERATIONS AGGREGATE	\$		
OWNER'S & CONTRACTOR'S PROTECTIVE				PERSONAL & ADVERTISING INJURY	\$		PRODUCTS
X Errors & Omissions				EACH OCCURRENCE	\$	5,000,000	
DEDUCTIBLES				FIRE DAMAGE (Any one fire)	\$		OTHER
PROPERTY DAMAGE \$				MEDICAL EXPENSE (Any one person)	\$		
BODILY INJURY \$				EMPLOYEE BENEFITS	\$		TOTAL
PER CLAIM PER OCCURRENCE							
OTHER COVERAGES, RESTRICTIONS AND/OR ENDORSEMENTS (For hired/non-owned auto coverages attach the Business Auto Section, ACORD 127)							
Deductible \$10,000 per claim, aggregate on deductible has been removed this year.							

[illegible]

CLAIMS MADE (Explain all "Yes" responses)		EMPLOYEE BENEFITS LIABILITY	
1. PROPOSED RETROACTIVE DATE:		1. DEDUCTIBLE PER CLAIM: \$	
2. ENTRY DATE INTO UNINTERRUPTED CLAIMS MADE COV:		2. NUMBER OF EMPLOYEES:	
3. HAS ANY PRODUCT, WORK, ACCIDENT, OR LOCATION BEEN EXCLUDED, UNINSURED OR SELF-INSURED FROM ANY PREVIOUS COVERAGE?	YES NO	3. NUMBER OF EMPLOYEES COVERED BY EMPLOYEE BENEFITS PLANS:	
4. WAS TAIL COVERAGE PURCHASED UNDER ANY PREVIOUS POLICY?		4. RETROACTIVE DATE:	
REMARKS		REMARKS	

SECTION
DATE A. 3

Record Benefits Consulting Services
07/13/2004

Page 14 of 24

APPLICANT Hoffman-Henry Insurance Corp
(First
Named
Insured)

EFFECTIVE DATE	EXPIRATION DATE	DIRECT BILL	PAYMENT PLAN	AUDIT
07/01/2004	01/01/2007	X AGENCY BILL		
FOR COMPANY USE ONLY				

LIMITS

GENERAL AGGREGATE	\$ 1,000,000
PRODUCTS & COMPLETED OPERATIONS AGGREGATE	\$
PERSONAL & ADVERTISING INJURY	\$
EACH OCCURRENCE	\$
FIRE DAMAGE (Any one fire)	\$
MEDICAL EXPENSE (Any one person)	\$
EMPLOYEE BENEFITS	\$

PREMIUMS
PREMISES/OPERATIONS
PRODUCTS
OTHER
TOTAL

PROPERTY DAMAGE	\$	[] PER CLAIM
BODILY INJURY	\$	[] PER OCCURRENCE
	\$	

OTHER COVERAGES, RESTRICTIONS AND/OR ENDORSEMENTS (For hired/non-owned auto coverages attach the Business Auto Section, ACORD 127)

[illegible]

(U) UNIT - PER UNIT
(T) OTHER

EMPLOYEE BENEFITS LIABILITY

1. DEDUCTIBLE PER CLAIM: \$

2. NUMBER OF EMPLOYEES:

3. NUMBER OF EMPLOYEES COVERED BY EMPLOYEE BENEFITS PLANS:

4. RETROACTIVE DATE:

REMARKS

ACORD® WORKERS COMPENSATION APPLICATION

Record Benefits Consulting Services Contract
Page 15 of 24

PRODUCER Hoffman-Henry Insurance Corporation E 6th Avenue Box 8848 Pine Bluff, AR 71611	PHONE (A/C, No, Ext) (870) 534-4532 FAX (501) 325-2265	COMPANY Cincinnati Ins Co-CC	UNDERWRITER Chris Coffaro
APPLICANT NAME Hoffman-Henry Insurance Corp		MAILING ADDRESS (including ZIP code) P. O. Box 8848 Pine Bluff, AR 71611 Jefferson	
YRS IN BUS		SIC	INDIVIDUAL CORPORATION PARTNERSHIP SUBCHAPTER "S" CORP LIMITED CORP OTHER:
CODE:	SUB CODE:	CREDIT BUREAU NAME:	ID NUMBER:
AGENCY CUSTOMER ID 00001052		FEDERAL EMPLOYER ID NUMBER 71-0577894	OTHER RATING BUREAU ID OR STATE EMPLOYER REGISTRATION NUMBER:

STATUS OF SUBMISSION		BILLING/AUDIT INFORMATION	
QUOTE	☒ ISSUE POLICY	BILLING PLAN	PAYMENT PLAN
☒ BOUND (Give date and/or attach copy)	01/01/2005	☒ AGENCY BILL	☐ ANNUAL
ASSIGNED RISK (Attach ACORD 133)		☐ DIRECT BILL	☐ SEMI-ANNUAL
			☐ QUARTERLY
			☐ % DOWN:
			AUDIT
			☐ AT EXPIRATION
			☐ MONTHLY
			☐ SEMI-ANNUAL
			☐ OTHER:
			☐ QUARTERLY

LOCATIONS	
#	STREET, CITY, COUNTY, STATE, ZIP CODE
00001	305 E 6th Avenue Pine Bluff Jefferson AR 71601
00002	10025 West Markham Little Rock Pulaski AR 72201
00003	1518 Race Street Searcy White AR

POLICY INFORMATION	
PROPOSED EFF DATE 01/01/2005	PROPOSED EXP DATE 01/01/2006
NORMAL ANNIVERSARY RATING DATE	PARTICIPATING NON-PARTICIPATING
RETRO PLAN	
PART 1 - WORKERS COMPENSATION (States)	PART 2 - EMPLOYER'S LIABILITY
	\$ 100,000 EACH ACCIDENT
	\$ 500,000 DISEASE-POLICY LIMIT
	\$ 100,000 DISEASE-EACH EMPLOYEE
PART 3 - OTHER STATES INS DEDUCTIBLES	AMOUNT/%
ALL EXCEPT MONOPOLISTIC	
MEDICAL	
INDEMNITY	
OTHER COVERAGES	
U.S.L. & H. VOLUNTARY COMP	☒
FOREIGN COV	☒
MANAGED CARE OPTION EXCNT	☒
Scheduled	
DIVIDEND PLAN/SAFETY GROUP	ADDITIONAL COMPANY INFORMATION

RATING INFORMATION									
STATE	LOC	CLASS CODE	COM-PANY USE	CATEGORIES, DUTIES, CLASSIFICATIONS	# EMPLOYEES FULL TIME	PART TIME	ESTIMATED ANNUAL REMUNERATION	RATE	ESTIMATED ANNUAL PREMIUM
AR	1	8810		Clerical Office Employees NOC	38		1,419,400	0.24000	3,407.00
AR	1	8742		Salespersons, Collectors, Messengers	13		1,172,600	0.48000	5,628.00
SPECIFY ADDITIONAL COVERAGES/ENDORSEMENTS									
								FACTOR	FACTORED PREMIUM
TOTAL									\$ 9,035.00
INCREASED LIMITS									\$
DEDUCTIBLE									\$
Scheduled Credit								0.90000	\$
EXPERIENCE MODIFICATION								0.89000	\$ -994.00
LOSS CONSTANT									\$
ASSIGNED RISK SURCHARGE									\$
ARAP									\$
Terrorism								0.03000	\$ 778.00
PREMIUM DISCOUNT								0.04020	\$ -331.00
EXPENSE CONSTANT									\$ 160.00
									\$
MINIMUM PREMIUM									\$
DEPOSIT PREMIUM									\$
TOTAL EST ANNUAL PREMIUM									\$ 8,648.00

Hoffman-Henry Insurance Corp

Additional Coverages and Factors
Hoffman-Henry Insurance Corporation

Line of Business Coverages	Limits	Ded/Ded Type	Rate	Premium	Factor
Coverage					
WC & Employer's Liability	100,000/500,000/ 100,000			160.00	
Expense constant					0.90000
Scheduled Credit				-994.00	0.89000
Adjst. to reconcile-exp					
mod. premium				-331.00	0.04020
Premium discount				778.00	0.03000
Terrorism					

Bio: Jeff Jackson, CHC
Mgr. HR & Employee Benefits Division
Hoffman-Henry Insurance Corp.

- 20+ years in the employee benefits industry
 - 12+ with Ark. BCBS (sales & Sales Mgmt)
 - 8 in the independent brokerage environment directing employee benefits divisions
 - 7+ with Ramsey Krug Farrell & Lensing
 - Current – Hoffman-Henry Insurance Group
- Designations:
 - CHC Certified Health Consultant
 - ZyWave HRIS Certified
 - CEBS – started program
 - Managed Care Sales Specialists (Health Care Connections LTD)
- Sit on Legislative Committee of CAHU
- Built / Managed \$30,000,000+ book of business in independent brokerage
- Built / Managed South Ark/ NE Texas region @ BCBS (\$100,000,000+)
- Developed start-up HMO in Texas
- Developed and Introduced Managed Care to South Ark Region / BCBS
- Extensive Experience In:
 - Managed Care Plans(PPO/POS/HMO/PCN/DMO)
 - Large Group Management
 - All Group & Voluntary Benefit Plan Design
 - Employer / Employee communication education systems (HRIS)
 - Carrier Relationship Maintenance
 - Provider Network Development / PHO Development
 - Organized Labor Negotiations / Relations
 - Healthcare Financial Models;
 - Insured
 - Self funding / other alternative financial arrangements
 - HRA's
 - HSA's

AGREEMENT FOR BROKER/CONSULTANT AND RELATED SERVICES

This AGREEMENT executed this _____ day of _____, 2005, between the City of Fayetteville, Arkansas, hereinafter called the "City" and Hoffman-Henry, hereinafter called the "Broker/Consultant", and having an address at 10025 West Markham, Suite 125, Little Rock, Arkansas.

IN CONSIDERATION OF THE FOLLOWING COVENANTS contained herein the parties agree as follows:

1.0 Scope of Work

Broker/Consultant shall provide, as a minimum, professional services and dedicated personnel necessary to perform the following:

- * Develop a complete understanding of the City's current benefit plans.
- * Evaluate existing insurance contracts, any self retained risk and claims history and make recommendations concerning any changes, modifications, and/or additions in the terms, conditions and coverage limits needed to yield a fiscally responsible strategy for benefits management which protects the interests of the City and its employees.
- * Identify programs, products and insurers capable of meeting the City's employee benefits needs and prepare bid specifications for markets capable of quoting for upcoming renewals.
- * When so authorized by City representatives by means of a "broker of record" letter, approach appropriate markets on behalf of the City to obtain pricing with respect to the program adopted by the City.
- * Present for City consideration, in an understandable format, an evaluation of the results of each solicitation, with a comprehensive financial analysis and recommendations for selection of an insurer for each type of product.
- * Negotiate on the City's behalf the details of insurance contracts with selected carriers and audit resulting policies for accuracy of coverage, terms and conditions, and compliance with financial arrangements and administrative procedures acceptable to the City.
- * A representative of the broker/consultant must be available for open enrollment meetings and any other meetings deemed necessary during the year.
- * Provide assistance in the form of advisory services or written reports as is customarily expected from a professional insurance broker/consultant.

- * Provide educational materials and support to City staff regarding legislative changes that impact benefit plans, emerging plan designs, and trends within the health care and employee benefits market.
- * Provide claims adjudication support with insurance carriers on an as needed basis for all policies.
- * Produce evaluative reports on a quarterly basis tracking utilization, paid premium, and identify/track any emerging trends.
- * On an annual basis, the broker/consultant will evaluate plan designs, offer suggestions/strategies to enhance the cost effectiveness of the benefit plans, forecast market conditions and serve as the City's liaison with carriers during the renewal/bidding process.

2.0 Compensation

Compensation for the scope of services outlined in the contract will be \$16,500 per year, for the first two years of the contract, to be invoiced quarterly. Payments will be made within 30 days of receipt of invoice.

In the event that operations change substantially by either the addition or deletion of other operations or entities or a substantial change in the scope and nature of the City's benefit program, the City will negotiate in good faith to revise compensation upward or downward as appropriate.

Five (5) percent of the savings of premium over the previous year's premiums will be shared with the Broker/Consultant. It must be a true savings and not just a decrease in services, coverage, increased deductible, or changes to plan structure or plan design, etc.

Broker/Consultant will disclose commissions received and will credit such commissions against compensation hereunder. If commissions exceed agreed-upon compensation hereunder, excess commissions will be returned to the City if permitted by law. Otherwise, excess commissions will be carried forward and applied against compensation for subsequent years of this agreement.

3.0 Term of Contract

The initial term of this contract shall be for a period of one (1) year. The contract shall be renewable by mutual consent, on an annual basis thereafter for four (4) additional years, for a maximum total contract term of five (5) years. The contract may be terminated by either party by giving the other party written notice of such intent not less than sixty (60) days prior to the effective date of the termination. In the event of termination, claims for compensation owed the Broker/Consultant by the City shall be limited to verifiable services rendered.

4.0 Legal Compliance

The Broker/Consultant is responsible for full and complete compliance with all applicable laws, rules, regulations and licensing requirements imposed by any public authority having jurisdiction.

5.0 Proposer's Insurance

The Broker/Consultant must provide and maintain in force at all times during the term of the services contemplated herein insurance for Workers' Compensation, Commercial General Liability, Automobile Liability, and Errors and Omissions Liability. Such policies shall be issued by companies authorized to do business in the State of Arkansas. Evidence of such coverage is to be submitted with contract approval. Minimum amount for Commercial General Liability and Errors and Omissions Liability is \$2,000,000 aggregate.

6.0 Approval of Agent

The City reserves the right to require the Broker/Consultant to replace the assigned agent with another agent of the same company if, in the opinion of the City staff, the agent is not rendering or is incapable of rendering the quality of service and cooperation required.

7.0 Auditable Records

The Broker/Consultant shall maintain such accounts and records in connection with its performance of services for the City as may reasonably be required by the City. The Broker/Consultant shall, at any reasonable time during the term and for a period of one year following the completion of work under the contract, afford the City's agents and auditors reasonable facilities and access for examination and audit of its records pertaining to its performance and shall, upon request by the City, produce and exhibit all such records.

8.0 Changes in Contract

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/or the City Council in advance of the change in scope, cost or fees.

9.0 Indemnification

The Broker/Consultant, in performing its obligations under this contract, is acting independently and the City assumes no responsibility of liability for the

Broker/Consultant's acts or omissions to third parties, and the Broker/Consultant shall agree to indemnify and hold harmless, the City, its officers and employees against any and all claims, lawsuits, judgments, costs and expenses for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the broker/consultant's breach of the terms or provisions of contract, or by any negligent act or omission of the broker/consultant, its officers, agents, employees, or invitee, in the performance of this contract; except that the indemnity specified in this paragraph shall not apply to any liability resulting from the sole negligence of the City, its officers, or employees. In the event of joint and concurrent negligence of both the Broker/Consultant and the City, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Arkansas, without, however, waiving any governmental immunity available to the City under Arkansas law and without waiving any defense of the parties under Arkansas law. This paragraph is solely for the benefit of the Broker/Consultant and the City and is not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

10. Arkansas 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 Freedom of Information Act request is presented to the City of Fayetteville the Broker/Consultant 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."

This contract contains the entire agreement between Broker/Consultant and the City. It may be amended only by an agreement in writing signed by both parties.

IN WITNESS WHEREOF, City and Broker/Consultant have executed this agreement, the effective date of which shall be _____.

CITY OF FAYETTEVILLE

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

Broker/Consultant

By: _____
Title: _____

ATTEST:

By: _____
Administrative Manager

City Of Fayetteville
(Not a Purchase Order)

Requisition No.: Date: 7/28/2005
P.O Number: Expected Delivery Date:

Vendor #: New Vendor Vendor Name: Hoffman-Henry Insurance
Address: Fob Point:
City: State: Zip Code: Ship to code: 60
Requester: Pam Ferguson Requester's Employee #: 2134
Division Head Approval: [Signature]

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Broker of Record Benefits Consultants Service	1	ea	6,875.00	\$6,875.00	1010.1210.5314.00			
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: \$6,875.00
Tax: -0-
Total: \$6,875.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____
Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____
Dispatch Manager: _____ Utilities Manager: _____ Other: _____

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

A. 3
Record Benefits Consulting Services Contract
Page 24 of 24

8/16/2005

City Council Meeting Date

Michele Bechhold

Submitted By

Human Resources

Division

Finance & Internal Services

Department

Action Required:

Approval of award of contract to Hoffman-Henry Insurance for Broker of Record/Benefits Consultant.

\$ 19,500.00

Cost of this request

1010.1210.5314.00

Account Number

Project Number

\$ 297,349.00

Category / Project Budget

\$ 124,172.00

Funds Used to Date

\$ 173,177.00

Remaining Balance

Services & Charges

Program Category / Project Name

Human Resources

Program / Project Category Name

General Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

[Signature]

Department Director

7-28-05

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]

City Attorney

7/29/05

Date

Received in City Clerk's Office

[Signature]

Finance and Internal Service Director

7-28-05

Date

Received in Mayor's Office

[Signature]

Mayor

8/1/05

Date

Comments:

CITY ATTORNEY AGENDA REQUEST

A. 4
Clela B. Stroud Water Agreement
Page 1 of 12

FOR: COUNCIL MEETING OF August 16, 2005

FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve An Agreement With The Clela B. Stroud Trust In Which The City Agrees To Provide Adequate Domestic Water To The Trust Land And The Trust Agrees To Pay The City \$40,000.00 As Its Cost Share And Remove A Reversion Clause In the Land Upon Which The City's Water Tank Is Located

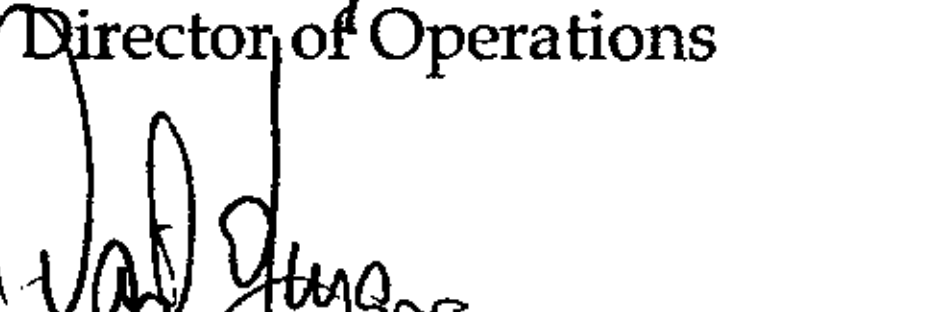
APPROVED FOR AGENDA:


City Attorney

7-29-05
Date


Director of Operations

7-29-05
Date


Water & Wastewater Director

7/29/05
Date



RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH THE CLELA B. STROUD TRUST IN WHICH THE CITY AGREES TO PROVIDE ADEQUATE DOMESTIC WATER TO THE TRUST LAND AND THE TRUST AGREES TO PAY THE CITY \$40,000.00 AS ITS COST SHARE AND REMOVE A REVERSION CLAUSE IN THE LAND UPON WHICH THE CITY'S WATER TANK IS LOCATED

WHEREAS, in February 1991, Clela B. Stroud for her Trust conveyed about .23 acres of her land in Goshen to the White River Rural Water Association "so long as said lands are used by the Association for storage tank purposes to provide pressure to lands herein conveyed together with other lands similarly situated"; and

WHEREAS, in December 1996, the City of Fayetteville received a Special Corporate Warranty Deed which included reference to the reversion clause from the White River Rural Water Association upon purchasing its assets; and

WHEREAS, the Clela B. Stroud Trust is willing to remove the reversion clause and pay \$40,000.00 as its cost share for the City's assurance that it will provide adequate domestic water to the property line of its 98.7 acre parcel sufficient to serve 80 single family homes.

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 Contract with the Clela B. Stroud Trust attached as Exhibit A to provide adequate domestic water pressure and capacity to serve eighty single family homes on the Trust's 98.7 acres in exchange for the Trust's removal of the reversionary clause in its deed and the Trust's payment of \$40,000.00 to the City as its cost share for this water project.

PASSED and APPROVED this 16th day of August, 2005.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

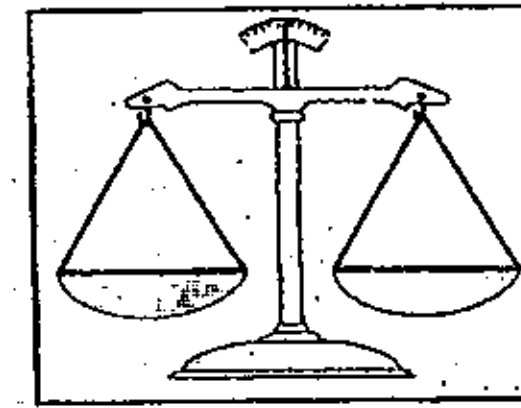
ATTEST:

By: _____
SONDRA SMITH, City Clerk

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: Dan Coody, Mayor
Bob Davis, Water & Wastewater Director
David Jurgens, Water & Waste Water Maintenance Superintendent
Ron Petrie, Director of Current Planning
Brent O'Neal, Engineer

FROM: Kit Williams, City Attorney

DATE: May 19, 2005

RE: Stroud subdivision in Goshen: Resolving Deed Reverter Issues

David Jurgens explained to me that the site on Stroud's land for another water tank would not be high enough to provide sufficient water pressure to his property. Instead, the close by Benson Mountain site would have to be used. There is apparently sufficient room on that site to place another water tank. One as small as needed for the 80 home Stroud development (27,000 gallons) would have potential freezing problems and could not provide adequate fire protection water.

David Jurgens has met several times with the Goshen City Council about water capacity issues and their desire for fire hydrants to increase fire protection capabilities. Goshen would have to come up with money to increase the water capacity for fire protection water as Fayetteville's responsibilities are for domestic water (not fire protection water).

The deed to the City of Fayetteville from the White River Rural Water Association (December 31, 1996) contain an exception for the Clela B. Stroud deed to the Water Association because of the reverter clause in her deed. That reverter clause states: "so long as said lands are **used by the Association** for storage tank purposes to provide pressure to the lands herein

conveyed together with other lands similarly situated." (emphasis added; copies of both deeds attached).

It could be argued (and was by Robert Still of the Bassett Firm in the late 90's) that the reverter clause could be activated by the sale of the land (upon which is a water tank) by the Association to Fayetteville since the Association was no longer using the land. That is worrisome, but I believe that argument would probably not prevail.

It could also be argued that that language which specifically called "to provide **pressure** to the land" placed a burden on the Association and later on Fayetteville to provide adequate water **pressure** to Mr. Stroud's lands. Since only an extremely high water tank could provide pressure to lands not far below the water tank, we could argue that would be an unreasonable requirement and hence unenforceable. However, such tall water tanks must be used uniformly throughout the Great Plains and other flat areas of the country. I would guess that the City has some appropriately tall water tanks to serve the top of Mt. Sequoyah and other hilltops in town. If so, this might not be an unreasonable stipulation in the reverter clause so that **we could already have the responsibility "to provide pressure to the land herein conveyed together with other lands similarly situated."**

If no solution can be worked out, Mr. Stroud will probably sue on this reverter clause. The City could face a dramatic expense if he won and the land and its water tank reverted to him because of the failure of the city to perform under the reverted clause. ~~We very well might have to buy back that land and water tank at a cost of hundreds of thousands of dollars.~~

On the other hand, Mr. Stroud is willing to resolve these deed restriction problems with new, no reverter deeds and will pay the estimated cost of water storage and pump improvement to serve the approximately 80 homes anticipated in the development of his land. In addition to this, the City would still receive the water impact fees (\$24,640.00) when the homes connect to our system.

Although Mr. Eldridge (like any good lawyer) suggests \$35,000.00 as the proper figure, Mr. Stroud agreed to \$40,000.00 during the meeting in my office with Mr. Eldridge present.

Mr. Stroud needs this issue resolved **BEFORE** he can sell his property to whomever will develop it. To do that, he needs a contract with the city assuring that we will supply domestic water at proper pressure to this land for up to 80 houses. This will require additional capacity on Benson Mountain in the near future, an increase in the pumping capacity to Benson Mountain storage tank(s) and increase in line size from Benson Mountain to the Stroud land. This could also possibly be accomplished by a tall water tank on his land.

I recommend we agree to such a deal to clear up the title on our existing large water tank on the land conveyed by Mr. Stroud's mother to the Water Association and thence to the City. We would need to move forward promptly to construct additional storage in consultation with the City of Goshen and its stated desire of providing fire protection water. If Goshen is not prepared to move forward and pay for such additional capacity to be served by the Benson Mountain site, then we should size an additional tank for only anticipated domestic water usage needs.

CONTRACT

On this _____ day of August, 2005, the Clela B. Stroud Trust dated May 28, 1985, hereinafter "Trust," and the City of Fayetteville, hereinafter "City," enter into this Contract and agree as follows:

Trust is the owner of about 98.7 acres of land in Washington County, on Fire Tower Road, east of Goshen, Arkansas. Trust is the owner of the aforesaid land, previously owned by Clela B. Stroud and Trust has the legal authority, power, and right, through its Trustee, to sign a warranty deed or remove the reversion clause from the warranty deed for the .23 acres conveyed to the White River Rural Water Association (on February 7, 1990) and then to the City on December 30, 1996. Upon acceptance of this Contract by the City Council of City and execution by City of this Contract to provide adequate water service to his acreage, the trustee of Trust agrees to sign any and all documents necessary or desirable to remove the reversion clause from deeds covering this .23 acre parcel.

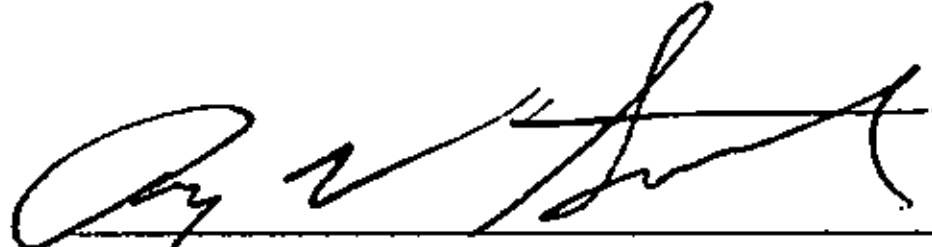
City agrees that it will build the necessary structure (water tank or alternatives) and mains so that Trust will have adequate domestic water service available to a corner or side of Trust's property sufficient to serve with adequate pressure, eighty (80) single family homes on eighty (80) lots. City does not agree to provide adequate capacity and pressure for fire fighting water flows without cost shares from the City of Goshen, a developer, etc. that City deems adequate to cover this additional expense. This obligation of City shall run with the land and be enforceable by any subsequent owner of the real estate.

Trust agrees to pay and City agrees to accept \$40,000.00 as Trust's cost share for the City to construct sufficient water storage facilities to provide adequate domestic water up to Trust's nearest property line for said eighty (80) single family residential lots.

THIS CONTRACT IS NOT IN EFFECT UNTIL AND UNLESS the Fayetteville City
Council approves it by formal Resolution or Ordinance.

In agreement, with all shown above, the parties sign their names below.

CLELA B. STROUD TRUST
Dated May 28, 1986



AUDREY STROUD, Trustee

DAN COODY, Mayor

WITNESS:

SONDRA SMITH, City Clerk

Clela B. Stroud W

FILED FOR RECORD

'96 DEC 19 PM 2 31

WASHINGTON CO AR
K. HANNESS

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That I, Clela B. Stroud, Trustee of the Clela B. Stroud Trust dated May 28, 1985, hereinafter called Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to me in hand paid by White River Rural Water Association hereinafter called Grantee, do hereby grant, bargain and sell unto the said Grantee and Grantee's heirs and assigns, the following described land, situate in Washington County, State of Arkansas, to-wit:

A part of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 34, Township 17 North, Range 28 West, being more particularly described as follows, to-wit: From the Northwest corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of said Section 34, thence North 88 degrees 07' 50" East 350.00 feet, thence South 0 degrees 30' 11" West 857.27 feet to the POINT OF BEGINNING, said point being on the South Right-of-Way line of County Road No. 328, thence along said South Right-of-Way line South 88 degrees 15' 13" West 100.00 feet; thence leaving said South Right-of-Way line South 0 degrees 30' 11" West 100.00 feet; thence North 88 degrees 15' 13" East 100.00 feet; thence North 0 degrees 30' 11" East 100.00 feet to the POINT OF BEGINNING, containing 0.23 acres, more or less, Washington County, Arkansas. Subject to any easements and/or rights-of-way of record.

TO HAVE AND TO HOLD the said lands and appurtenances unto the White River Rural Water Association so long as said lands are used by the Association for storage tank purposes to provide pressure to the lands herein conveyed together with other lands similarly situated. And I, the said Grantor, hereby covenant that I am lawfully seized of said land and premises, that the same is unincumbered, and that I will forever warrant and defend the title to the said lands against all legal claims whatever.

WITNESS my hand and seal on this 7th day of February, 1990.
1991

Clela B. Stroud
CLELA B. STROUD, Trustee of the Clela B. Stroud Trust dated May 28, 1985

STATE OF ARKANSAS)
COUNTY OF WASHINGTON) ss.

96079037

On this 7th day of February, 1990, before me, a Notary Public, personally appeared Clela B. Stroud known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged that she had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires:

1-9-97

NOTARY PUBLIC



SPECIAL CORPORATE WARRANTY DEED

swearing that at least the legally correct amount of document has been placed on this instrument.

Grantee _____
Address _____

KNOW ALL MEN BY THESE PRESENTS:

That White River Rural Water Association, (hereinafter referred to as "Grantor") a corporation organized under and by virtue of the laws of the State of Arkansas, by its President and Secretary, duly authorized by proper resolution of its Board of Directors, for and in the consideration of One Dollar and other valuable consideration, to us in hand paid by the City of Fayetteville, Arkansas, (hereinafter referred to as "Grantee") the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said the City of Fayetteville, Arkansas, a municipal corporation organized under and by virtue of the laws of the State of Arkansas, its successors and assigns, the following described land situate in Washington County, State of Arkansas, to-wit:

A part of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section 34, Township 17 North, Range 28 West, Washington County, Arkansas, described as beginning at an existing iron pin which is North 88° 07' 50" East 350.00 feet and South 0° 30' 11" West 857.27 feet from the Northwest corner of said 40 acre tract; thence South 88° 15' 13" West 100.00 feet to an existing iron pin; thence South 0° 30' 11" West 100.00 feet to an existing iron pin; thence North 88° 15' 13" East 100.00 feet to a set iron pin; thence North 0° 30' 11" East 100.00 feet the point of beginning, containing 0.23 acres, more or less. (DESCRIPTION TAKEN FROM SURVEY BY DOUGLAS G. HEMINGWAY ON OCTOBER 31, 1996, AND PROVIDED TO THE PARTIES HERETO)

Subject to easements, rights-of-way and restrictive covenants of record, if any.

TO HAVE AND TO HOLD the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereto belonging. And said Grantor hereby covenants with the said Grantee that Grantor is lawfully seized of said lands and premises, that the same is unincumbered, and that it will forever warrant and defend the title to said lands against all lawful claims whatever.

However, no warranty is made and exception is taken regarding any restrictions or reverter clauses as set forth in a Warranty Deed, dated February 7, 1991, and filed for record December 19, 1996 as Land Document No. 96-79037, among the land records of Washington County, Arkansas, executed by Clela B. Stroud, Trustee of the Clela B Stroud Trust dated May 28, 1985 to White River Rural Water Association.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its President and its seal affixed by its Secretary this 30th day of December, 1996.

WHITE RIVER RURAL WATER ASSOCIATION

Wallace R. Sitton (Seal)
Wallace R. Sitton, President

Gerald Bowman (Seal)
Gerald Bowman, Secretary

FILED FOR RECORD
96 DEC 31 PM 2 36
WASHINGTON CO AR
K. HARNES

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF WASHINGTON) ss.

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public within and for the County aforesaid, duly commissioned and acting, appeared in person the within named Wallace R. Sitton and Gerald Bowman to me personally known, who stated that they were the President and Secretary of White River Rural Water Association, an Arkansas corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said 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 as such Notary Public this 30th day of December, 1996.

My Commission Expires:

APRIL 1, 2002

Charles L. Harwell
Notary Public

This deed was filed by Charles L. Harwell, Attorney at Law, 111 Holcomb Street, Springdale, AR 72764.

JOHN R. ELDRIDGE, III
ATTORNEY AT LAW

P.O. BOX 580
201 N. EAST AVENUE, SUITE 100
FAYETTEVILLE, ARKANSAS 72702-0580

TELEPHONE 479.443.0908

FACSIMILE 479.443.2713

johnr@eldridgelawfirm.com

May 18, 2005

VIA HAND DELIVERY

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

Re: *Clela B. Stroud Trust, Dated May 28, 1985*

Dear Mayor Coody:

I represent Rusty Stroud, who is the successor trustee of the Clela B. Stroud Trust. That trust is the owner of approximately 98.70 acres of land in Washington County, Arkansas, located on Fire Tower Road, east of Goshen, Arkansas. I am enclosed a copy of various letters and *Deeds* related to this property. These have previously been provided to City Attorney Kit Williams. It is my client's desire to obtain from the City of Fayetteville the assurance of water service to the property in order that the property may be sold for subdivision development.

The background behind why the City should commit to do this follows. Some time before February of 1990, Clela Stroud was approached by the White River Rural Water Association to provide land as a sight for a water storage tank. In February of 1990, she executed a *Warranty Deed* to the White River Rural Water Association, giving it .23 acres of the real estate for that purpose, conditioned upon the real estate being used "by the Association for storage tank purposes to provide pressure to the lands therein conveyed together with other lands similarly situated." The letter attached hereto from David Stills to Jerry Rose in 1998 states that Mr. Stills (and I as well) is of the opinion that the conveyance was an estate of fee simple determinable, which automatically terminates on the happening of the condition and at that time reverts back to the Grantor or the Grantor's successor in title. When White River Rural Water Association sold out to the City of Fayetteville "the Association" ceased using the land and ownership would have reverted to the Stroud trust. Some support of this is evidenced by the conveyance of White River Rural Water Association to the City of Fayetteville, a copy of that *Deed* is also attached.

Honorable Dan Coody
May 18, 2005
Page Two

Without burdening you too much with the legalities (all of which have been discussed with Kit Williams), it is my client's desire to sell the property to developers who would put in a subdivision. Lengthy conversations have occurred with the City Water Department to assure a buyer that water service will be provided.

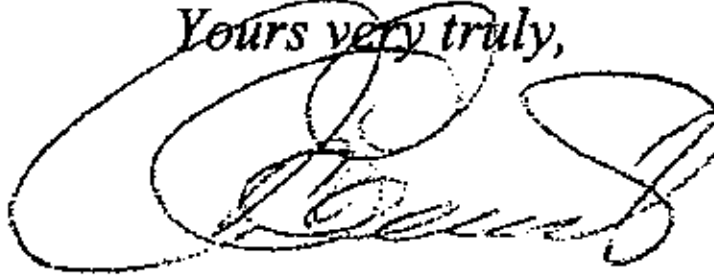
My client, Mr. Stroud, and I met with Kit Williams last week to discuss in detail these issues and the specifics of the potential need for water storage to serve the subject real estate. We all agreed that the owner of the subject land should only be responsible for a contribution that equals the demand created by a subdivision on that land, approximately 80 lots. One alternative we discussed was letting my client build a water storage tank on site for service to the subject real estate connected to the existing water lines in the area. My client is willing to bear the expense necessary to provide water storage capacity for development on the property. Today, Kit Williams informed me that the City Engineers believe that a 35,000-gallon water storage tank on the subject real estate would not provide water pressure sufficient to serve the subdivision. Apparently, the view is that a second storage tank on Benson Mountain would be needed. However, City Engineers expressed concern that a 35,000-gallon tank tied into the existing tank on Benson Mountain would present some concerns, primarily icing of the smaller tank. Also, as you know, the Goshen City Council is presently dealing with issues of water pressure related to fire protection for its citizens.

We offered to Kit Williams and would reiterate that offer now, that the Clela B. Stroud Trust make payment to the City of Fayetteville of an amount determined to be sufficient for creation of sufficient water storage to serve a proposed subdivision on the subject real estate, which contribution would be held by the City and applied to the cost of additional storage capacity at a later date. The City would give a contractual commitment to serve the subdivision with adequate water pressure. The Trust would release the reverter and convey the existing storage tank site to the City.

Since development on the property will take some period of time, possibly as much as a year or more, that time would allow the City of Fayetteville, as well as the City of Goshen, to resolve some of these concerns and determine what the best long term solution for the water needs in the area. My client has obtained reliable cost figures of the cost to provide water storage capacity to an 80 lot subdivision. We went over the calculation with Mr. Williams at our earlier meeting. Suffice it to say that the cost would be in the neighborhood of \$35,000.00. My client is ready, willing, and able to make that contribution to the City of Fayetteville in exchange for a contractual commitment to provide water service to the property. That will allow him to assure a purchaser that water service will be available and sell this property.

Honorable Dan Coody
May 18, 2005
Page Two

I believe Kit Williams can provide you additional information and advice on this matter and I am, likewise, happy to visit with you and other representatives at your convenience. Thank you for your prompt consideration of this matter.

Yours very truly,

John R. Eldridge, III

JRE/mlb
Enclosure

pc: Mr. Rusty Stroud
Mr. Kit Williams ✓

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 28, 2005

Subject: Master Street Plan Amendment for Shiloh Drive (ADM 05-1662)

RECOMMENDATION

Planning Staff recommends approval of a resolution amending the Master Street Plan to reclassify Shiloh Drive between Joyce Boulevard and Mud Creek from a Collector Street to a Local Street on this policy document.

BACKGROUND

Property: Shiloh Drive between Joyce Boulevard and Mud Creek (fronting Red Lobster, Dixie Café, etc.) is currently classified as a Collector Street, which is defined by the Master Street Plan to provide traffic circulation between arterial streets, channeling traffic into the arterial system. The Master Street Plan previously called for Shiloh Drive to connect across Mud Creek to an eastern extension of Van Asche, which would have fulfilled a logical Collector Street function. However, previous actions by the Planning Commission and City Council removed the connection across Mud Creek and Van Asche subsequently was constructed with a cul-de-sac, on which Red Robin, Boi de Ouro, Smokey Bones and Marriott Courtyard are developed or are approved for development. However, this action did not change the classification of Shiloh Drive, which now terminates at Mud Creek and is fully developed. This street does function to carry traffic in the area, however it is not necessary to require additional right-of-way in an effort to widen this street based on the assumption that the carrying capacity of the street is adequate to serve the existing development and any future re-development of adjoining properties.

Request: The request is to amend the Master Street Plan to reclassify Shiloh Drive as a Local Street in this location only. This would require redevelopment on Shiloh Drive in this location to dedicate 25 feet from centerline, as opposed to 35 feet from centerline. A Local Street requires a total right-of-way of 50 feet for two lanes, as opposed to a Collector Street, which requires a total of 70 feet for three lanes.

DISCUSSION

The Planning Commission considered this Master Street Plan amendment as part of the LSD 05-1593 (Nelson's Crossing) on July 25, 2005, on which they voted 8-0-0 in favor of the recommended amendment as it relates to the planned commercial development.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE MASTER STREET PLAN, RECLASSIFYING SHILOH DRIVE SOUTH OF JOYCE BOULEVARD, NORTH OF MUD CREEK FROM A COLLECTOR STREET TO A LOCAL STREET IN THE MANNER RECOMMENDED BY THE PLANNING COMMISSION FOR LARGE SCALE DEVELOPMENT (LSD) 05-1593.

WHEREAS, the Collector Street classification is intended to provide traffic circulation between arterials and the current or future configuration does not do so

WHEREAS, Shiloh Drive south of Joyce Boulevard terminates at Mud Creek and is not shown to extend across the creek on the Master Street Plan to connect to any other street

WHEREAS, development south of the creek has extended Van Asche and created a cul-de-sac that would not allow the connection between arterials

WHEREAS, the four properties served by Shiloh Drive would be just as well served with the Local Street classification without additional right-of-way dedication

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 herein above mentioned change.

PASSED and APPROVED this _____ day of August, 2005.

APPROVED:

By:

DAN COODY, MAYOR

ATTEST:

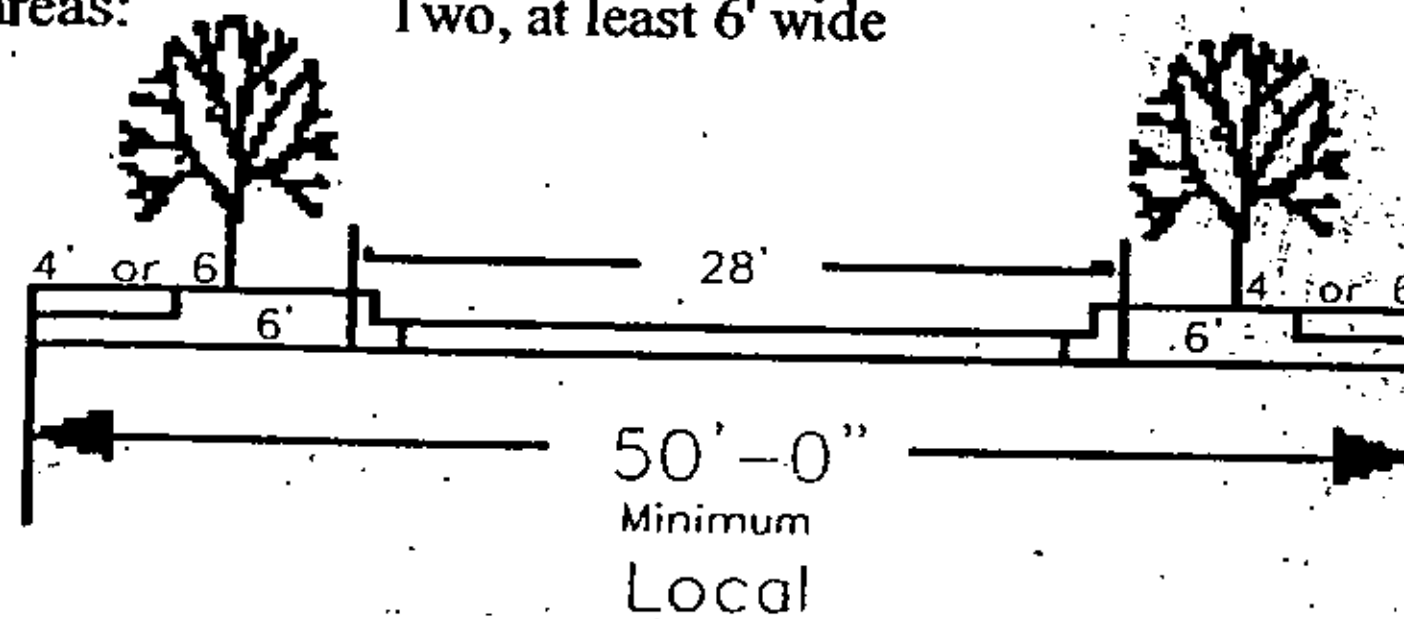
By:

SONDRA SMITH, CITY CLERK

• PLANS AND POLICIES •

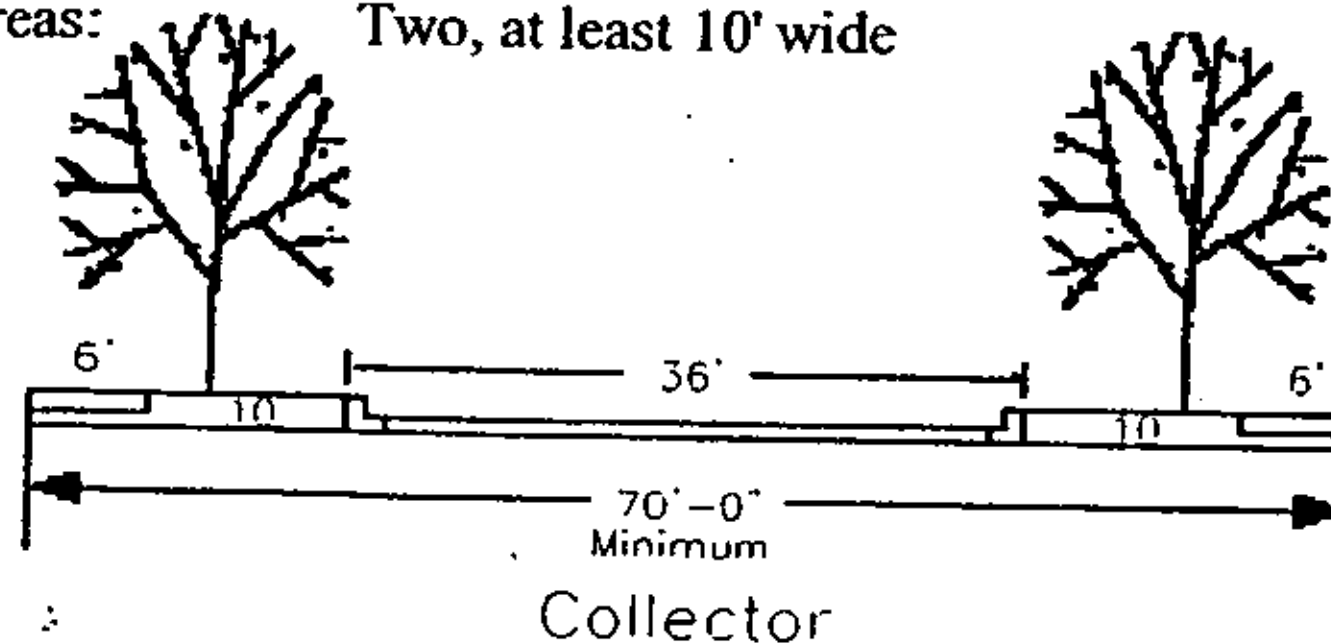
LOCAL STREETS provide for the second lowest level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order systems. They are not intended to provide for through traffic movements.

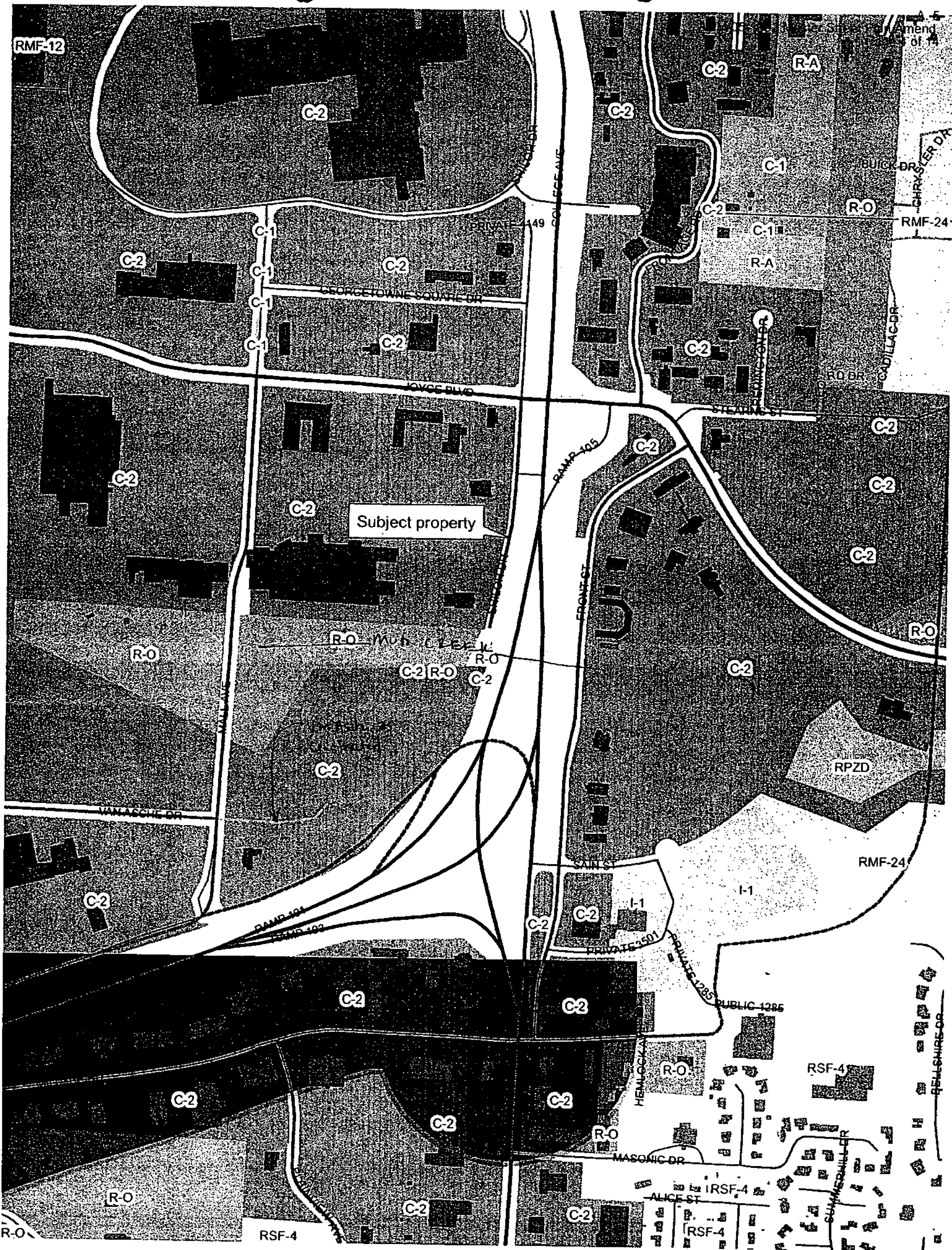
Design Service Volume:	Less than 4,000 vpd
Speed:	20-25 mph
Traffic Lanes:	Two 10' lanes
Parking Lanes:	Provided but not defined
Paved Width:	28' from back of curb
Right of Way:	50'
Sidewalks:	Two 4', at least 6' from curb
Tree planting areas:	Two, at least 6' wide

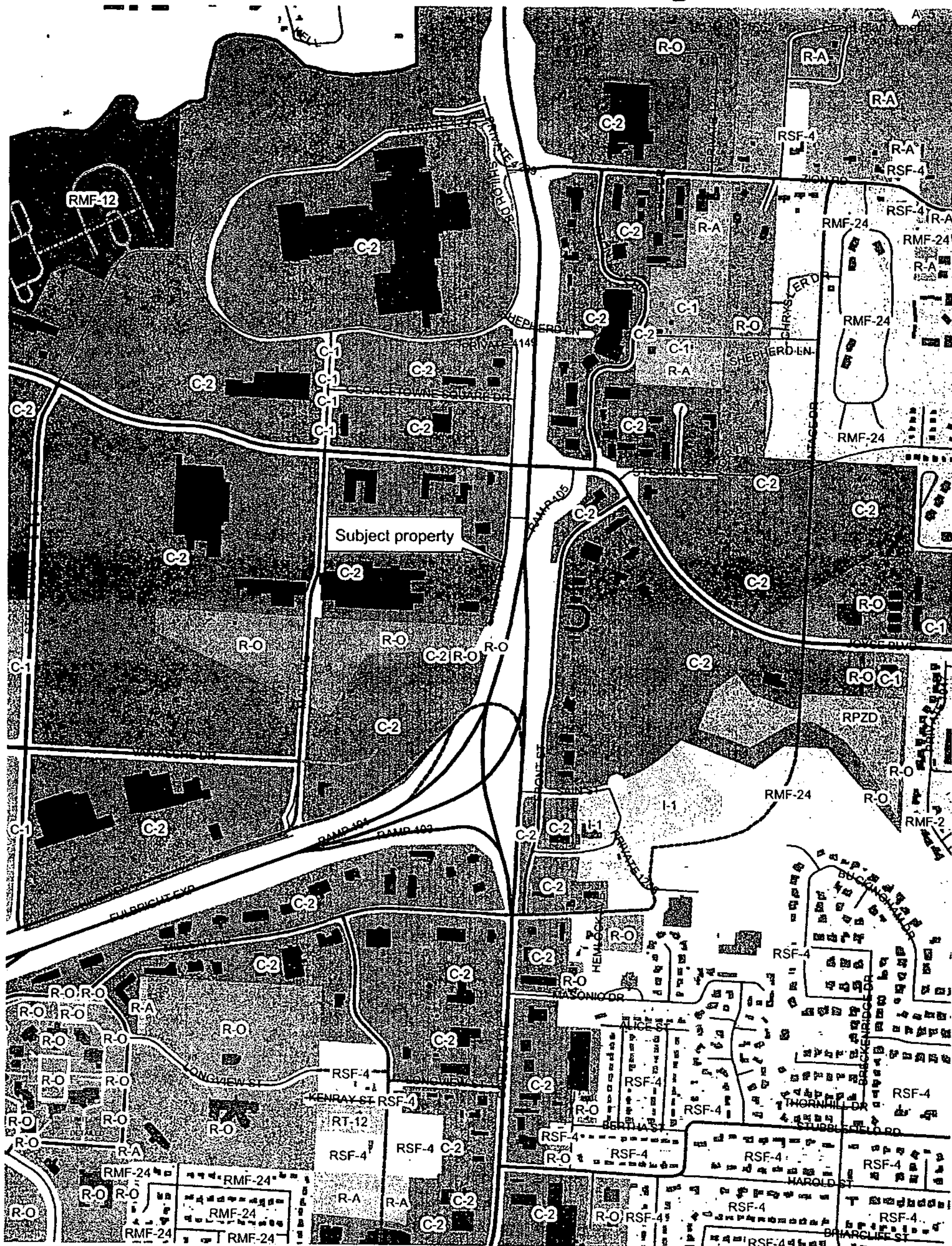


COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and channel it into the arterial system. Connections between arterials should be indirect to discourage use by traffic from outside the neighborhood. In residential neighborhoods, frontage along collectors is discouraged; houses should front on local or residential streets.

Design Service Volume:	4,000 vpd, 6,000 vpd with left turn bays
Speed:	25-30 mph
Traffic Lanes:	Two 11' travel lanes, 10' turn bays where warranted
Parking Lanes:	Two lanes provided. None when turn bay exists
Paved Width:	36' from back of curb
Right of Way:	At least 70'
Multi-use trail:	Two at least 6' wide, at least 10' from curb
Tree Planting areas:	Two, at least 10' wide









PC Meeting of July 25, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Planning Commission
FROM: Andrew Garner, Sr. Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: July 25, 2005

LSD 05-1593: Large Scale Development (NELSON'S CROSSING, 174): Submitted by STEVE CLARK for property located at the SOUTHWEST CORNER OF JOYCE BOULEVARD AND NORTH COLLEGE AVENUE (HIGHWAY 71B). The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.94 acres. The request is to approve a 57,900 square foot commercial/retail development on the subject property.

Property Owner: NELSON'S CROSSING
Property Owner: NEXT CHAPTER RESOURCES
Planner: ANDREW GARNER

Findings:

Property: The subject property is bordered by Joyce Boulevard on the north and Shiloh Drive on the east adjacent to the Spring Park Commercial Subdivision with a portion of the site within the Design Overlay District. The property has street frontage and ingress/egress on Joyce Boulevard and Shiloh Drive. The site contains no wetlands or floodplains and minimal tree canopy. The old Ramada Inn was located at this site and is in the process of being demolished. There is also an existing retail store at the northeast corner of the site.

Surrounding Land Use/Zoning: The site is entirely surrounded by mixed use commercial development zoned C-2, Thoroughfare Commercial.

Proposal: The applicant proposes to construct a retail and office shopping center consisting of a 62,650 square foot retail building and a 5,486 square foot retail building, with 233 total parking spaces.

Request: The request is for Large Scale Development approval of the submitted site plans for the proposed commercial development.

Parking Ratio: As shown in Table 1, parking for the proposed commercial development is consistent with City requirements.

Table 1
Proposed Parking

Project	Square Feet	Ratio	Required Spaces	Permitted Number of Spaces Over or Under Required ($\pm 30\%$)	Proposed
Nelson's Crossing	68,136	1/250 sq. ft.	273	82	233

Right-of-way being dedicated: The City's Master Street Plan requires dedication of right-of way along Shiloh Drive for a total of 35' from centerline right-of way. The applicant is proposing 25' from centerline right-of-way and is **not** in compliance with the Master Street Plan. The applicant has requested a right-of-way reduction of Shiloh Drive from a Collector Street (35' from centerline) to a Local Street (25' from centerline), which requires City Council approval.

Street Improvements: Six-foot sidewalks at the right-of-way line, right-of-way ingress/egress from Joyce and Shiloh.

Water/Sewer: Water and sewer are available to the site. Sewer is being extended from existing lines in the western and southern portions of the site, and water will be extended from an existing water line adjacent to the western border of the site.

Parks: N/A

Adjacent Master Street Plan Streets: Joyce Boulevard (Principal Arterial); Shiloh Drive (Collector)

Design Overlay District: A portion of this site falls into the Design Overlay District. The following comments address that area within the Design Overlay District boundary.

- **Greenspace:** The applicant has **not** complied with the 25' greenspace requirement along all rights-of-way within the Design Overlay District. The applicant proposes 15' greenspace along Joyce Boulevard. Along Shiloh Drive, with the required additional dedication of 10' right-of-way the project would have 15' greenspace. Planning Commission Determination of appropriate greenspace is included as a condition of approval.
- **Signage:** Monument signs or wall signs have not been depicted on the plat or elevations. All signage shall be permitted in accordance with Design Overlay District criteria.
- **Curb Cuts:** The applicant has **not** complied with the curb cut requirements for a minimum of 250' from an intersection or 200' between curb cuts. The proposal utilizes two curb cuts on Joyce Boulevard, one on Shiloh Drive, and one on a shared access easement on the western border of the site. The easternmost curb cut on Joyce Boulevard and the curb cut on Shiloh Drive do not meet the minimum distance from an intersection (250') as required by ordinance.

Additionally, the curb cut on Shiloh Drive does not meet the minimum distance between curb cuts (200'). Cross-access is proposed to the west with an access drive connecting from Shiloh Drive across the southern border of the site to a shared access easement linking north-south to Joyce Boulevard. Planning Commission determination of appropriate curb cuts is included as a condition of approval.

- **Lighting:** A note has been added to the plat indicating compliance with this requirement.
- **Exterior Appearance:** Elevations have been submitted for all four sides of the building. Planning Commission determination of architectural treatment of fronts, along with Commercial Design Standards, is required.
- **Building Material:** A materials sample board has been submitted for review.
- **Site Coverage:** The plat does indicate site coverage, 30.2% open/pervious, in compliance with the 25% open space requirement
- **Fencing:** N/A
- **Outdoor Storage:** N/A
- **Access:** Pedestrian access from the street to the entrance of the structure by way of a designated walk has not been provided and is included as a condition of approval. Six (6) bicycle racks are to be provided for multi-modal access.

Tree Preservation: The project would preserve 0.02 acre of the existing 0.05 acre tree canopy on the site and mitigation is required.

Recommendation: Staff recommends LSD 05-1593 be approved with the following conditions to address:

Conditions of Approval:

1. Planning Commission determination of Commercial Design Standards. *Staff finds that elevations presented meet the required commercial design standards. The proposed 'Tuscan-inspired' shopping center is well articulated. Due to the scale and location of the project outside of the Spring Park Commercial Subdivision, it is establishing a separate design theme for the immediate vicinity.*

- 2. City Council determination of a reduction of Shiloh Drive right-of-way from Collector Street (35' from centerline) to a Local Street (25' from centerline). *Staff finds that it is appropriate to reduce the classification of Shiloh Drive from a Collector Street to a Local Street from Joyce Boulevard as requested by the applicant. This determination was made based on the fact that existing and proposed development and future development patterns appear to yield less than 4,000 vehicle trips per day on this section of Shiloh Drive (the maximum allowed on a local street). The majority of development in the immediate vicinity has direct access onto either Mall Avenue or Joyce Boulevard and does not contribute traffic to this isolated section of Shiloh Drive. There are only four parcels besides the proposed development that have primary frontage onto this section of Shiloh Drive. It does not appear that future development patterns would make it necessary to connect Shiloh Drive south across Mud Creek. Lack of future connection would limit the number of vehicle trips per day to those that currently exist in addition to those from the proposed project.*
3. Planning Commission determination of appropriate greenspace in the Design Overlay District.
- a. Shiloh Drive. *If additional dedication of 10' of right-of-way along Shiloh Drive is required, the project would be providing 15' of greenspace in violation of the Design Overlay District 25' requirement. In such circumstance that the right-of-way reduction along Shiloh Drive is not granted by City Council, staff does not find that special conditions exist warranting a variance of the greenspace requirement. Staff would therefore recommend that the plans be modified to provide 25' of greenspace along Shiloh Drive, exclusive of the right-of-way.*
 - b. Joyce Boulevard. *The project proposes approximately 81' of frontage along Joyce Boulevard in the Design Overlay District with 15' of greenspace when 25' is required. Staff recommends that the eastern curb cut on Joyce Boulevard be moved to the west to line up with the drive aisle immediately west of the proposed curb cut. The proposed violation would most likely be entirely eliminated with this revision. It should be noted that at the July 14, 2005 Subdivision Committee meeting, the Subdivision Committee recommended that all proposed the curb cuts be left as proposed.*
4. Planning Commission determination of appropriate curb cuts in the Design Overlay District.
- a. Joyce Boulevard. *The eastern curb cut on Joyce Boulevard is located approximately 225' from the intersection of Joyce Boulevard/Shiloh Drive when 250' is required. Staff recommends that this curb cut be moved to the west to line up with the drive aisle immediately west of the proposed curb cut. This would eliminate a violation of the Design Overlay District curb cut requirements for 250' from an intersection. It should be noted that at the July 14, 2005 Subdivision Committee meeting, the Subdivision Committee recommended that the proposed curb cuts on Joyce Boulevard be left as proposed. The committee agreed with the applicant's concern that moving this curb cut to the west would cause internal traffic circulation problems and would not provide adequate throat length for vehicles entering the site.*

- b. Shiloh Drive. Any curb cuts on the project's Shiloh Drive frontage would be in violation of Design Overlay District curb cut standards. Staff recommends a curb cut along the project's Shiloh Drive frontage to provide connectivity. Some options include:

- Leave the curb as proposed by the applicant. This would be approximately 200' from the intersection of Shiloh Drive and Joyce Boulevard (a 50' violation), and within approximately 60' of the existing curb cut to the north (a 140' violation).
- Move the curb cut from the proposed location as far to the south as possible to eliminate the violation of curb cut requirement of 250' from an intersection. However, this would put the curb cut within approximately 20' of an existing curb cut (a 180' violation).

It should be noted that at the July 14, 2005 Subdivision Committee the committee recommended that the curb cut on Shiloh Drive be left as proposed. The committee expressed concern that moving it north or south would make it very close to existing curb cuts resulting in potential traffic hazards.

5. Refer to the tree preservation report for additional conditions.
6. Pedestrian access from the street frontage to the entrance of the proposed structures shall be provided and depicted on the plat. Pedestrian access shall not replace a landscape island.
7. All freestanding and wall signs shall comply with Design Overlay District and Commercial Design Standards and other ordinance specifications for location, size, type, number, etc.

Standard Conditions of approval:

8. Trash enclosures shall be screened with access not visible from the street, with materials that are complimentary to and compatible with the proposed building. Access to the enclosure shall not be visible from the street, pursuant to city ordinance.
9. All outdoor lighting shall be meet with the criteria set forth in the City of Fayetteville's Lighting Ordinance.
10. All mechanical/utility equipment (roof and ground mounted) shall be screened from view using materials that are compatible with and incorporated into the structure.
11. 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).

12. 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.
13. Large scale development shall be valid for one calendar year.
14. 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 and all utility easements.
 - c. Project Disk with all final revisions
 - d. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 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.

15. Additional conditions:

Planning Commission Action:

☒ Approved ☐ Denied ☐ Tabled

Meeting Date: July 25, 2005

8-0

Comments:

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature

Date

NELSON'S CROSSING LSD

June 16, 2005

Nelson's Crossing ,LLC owns 4.939 acres on the Southwest corner of Joyce Boulevard and North College which was formerly the Center Inn. They propose to construct an upscale two story, Tuscan inspired shopping center of 57,900 SF to include retail and office space.

A portion of the project lies with the I-540 Overlay district and will comply with the additional design requirements. The project as proposed will require the relocation of existing sewer main.

J. STEVE CLARK, P.E.

CIVIL / ENVIRONMENTAL ENGINEERING

July 18, 2005

Mr. Jeremy Pate
Director of Current Planning
City of Fayetteville
125 W. Mountain
Fayetteville, Arkansas 72701

Re: Nelson's Crossing - LSD 05-1593
Fayetteville, Arkansas

Dear Mr. Pate:

We would like to the following waivers and variances on the referenced project. These waivers are necessary for the development of the project.

Dedication of Right of Way along Shiloh Drive 35 feet from Centerline - We request that the ROW dedication be reduced to 25 feet from centerline of Shiloh Drive. The Master Street Plan shows Shiloh Drive as a Collector street. However, as part of the approval process of CMN Business Park II Phase II, it was recognized that Shiloh Drive would not extend across Mud Creek. For this reason we believe that the street should be downgraded to a local street and the Right of Way dedication reduced to 25 feet from centerline.

Curb Cut Distance from intersections along Joyce Boulevard - The eastern most curb cut along Joyce Boulevard is proposed to be constructed 225 feet from the intersection of Shiloh Drive. This is less than the required separation as established by the Design Overlay District. We located the driveway as shown to provide a direct connection from the rear service area of the main building to Joyce Boulevard. If we moved the driveway to the next parking bay to the west then truck traffic would need to make two additional 90 degree turns to exit the site. We believe that a safer and more accessible site design is achieved with the driveway as proposed.

Twenty five foot green space requirement within the Design Overlay District - We request that the 25 foot width be reduced to 15 feet along an 81 foot length of Joyce Boulevard. This the area immediately to the west of the eastern most driveway. The Design Overlay District Boundary in this area crosses the property line at a very flat angle. This created several challenges with designing the project site. We can only achieve the 25 green space in this area by eliminating 9 parking spaces. However the parking on the site is at a premium and those spaces are needed. We would meet the 25 foot requirements at the other street frontages.

Curb Cut Distance from intersections - The curb cut along Shiloh Drive is proposed to be constructed 160 feet from the intersection of Joyce Boulevard. This is less than the required separation as established by the Design Overlay District. We located the driveway as shown to provide a direct connection along the front aisle of the project and believe this is the preferred location for this driveway. There is an existing driveway into the site immediately south of this proposed location that will be closed as part of this project construction.

Please call me at 444-8171 if there are any questions.

Sincerely,
Clark Consulting



J. Steve Clark, P.E.

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

16-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 05-1662: Shiloh Drive, 174): A request to amend the Master Street Plan policy document to reclassify Shiloh Drive, a Collector Street, south of Joyce Boulevard, to a Local Street

\$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 ☐

[Signature] 7-29-05
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 1-29-05
City Attorney Date

Original Contract Number: n/a

[Signature] 8-3-05
Finance and Internal Service Director Date

Received in City Clerk's Office



[Signature] 8/3/05
Mayor Date

Received in Mayor's Office



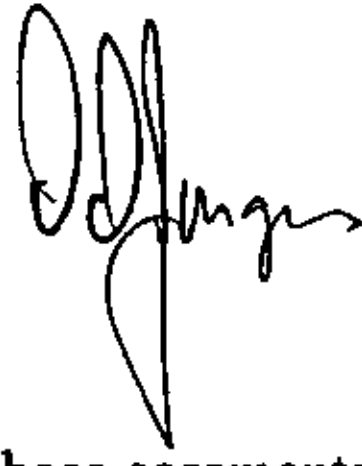
Comments:

Fayetteville

City Council Meeting of August 16, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: David Jurgens, Interim Water & Wastewater Director 

Date: July 28, 2005

Subject: Approval of \$457,750 plus a 10% contingency to purchase easements, based on appraisals, for Wastewater system Improvements Project line WL-4 (Gregg Lift Station to Hamestring Lift Station).

RECOMMENDATION : Staff recommends approval of \$457,750 plus a 10% contingency of \$45,775 to purchase easements for construction of gravity sewer lines from the Gregg Avenue Lift Station to the new Hamestring Lift Station, project WL-4.

BACKGROUND: As part of the Wastewater System Improvements Project (WSIP), the City of Fayetteville is constructing a gravity sewer transmission main from the planned lift station at Gregg Avenue to the new Hamestring Lift Station (northwest) on Sunshine Road. This is a 48" diameter gravity line that will carry flows from over 35% of the City. The easements, consisting of both temporary construction easements (TCE's) and permanent easements (PE's), required are those properties where the wastewater lines will be placed or properties required for access into the alignment areas where the wastewater lines will be placed. Because it must follow the terrain, it will be installed on properties both within and outside the City limits.

DISCUSSION: Negotiations are underway with individual property owners.

BUDGET IMPACT: Payment for easements 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.

RESOLUTION NO. _____

A RESOLUTION APPROVING A LUMP SUM ALLOCATION IN THE AMOUNT OF \$457,750.00 FOR THE PURCHASE OF EASEMENTS REQUIRED FOR THE CONSTRUCTION OF GRAVITY SEWER LINES FROM THE GREGG AVENUE LIFT STATION TO THE NEW HAMESTRING LIFT STATION/WASTEWATER SYSTEM IMPROVEMENTS PROJECT (WSIP) WL-4; AND APPROVING A 10% CONTINGENCY IN THE AMOUNT OF \$45,775.00.

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 lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of gravity sewer lines from the Gregg Avenue Lift Station to the New Hamestring Lift Station/Wastewater System Improvements Project (WSIP) WL-4.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a 10% contingency in the amount of \$45,775.00.

PASSED and APPROVED this 16th day of August 2005.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

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

A.6
WL-4 Easement Purchase
Page 3 of 4

16-Aug-05
City Council Meeting Date

David Jurgens

Submitted By

Water/Wastewater

Division

Water/Wastewater

Department

Action Required:

Approval of \$457,750 plus a 10% contingency of \$45,775 to purchase easements for construction of gravity sewer lines from the Gregg Avenue Lift Station to the new Hamestring Lift Station, project WL-4. Funds are available in Fiscal Year 2005 budget.

\$503,525.00

Cost of this request

4490.9480.5805.00

Account Number

02133.0305

Project Number

\$ 113,011,587.00

Category/Project Budget

\$ 24,402,875.77

Funds Used to Date

\$ 88,608,711.23

Remaining Balance

Wastewater System Imp Project

Program Category / Project Name

Water and Wastewater

Program / Project Category Name

Water/Sewer

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

28 July 05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

7/29/05
Date

Finance and Internal Service Director

8/1/05
Date

Received in City Clerk's Office

ENTERED
7/29/05
ckp

Mayor

8/1/05
Date

Received in Mayor's Office

ENTERED
7/29/05
4:55 PM

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 8/16/05 mtg 8/2/05
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

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

B. 1
Planning Commission Appeal
(HondaPro)
Page 5 of 40

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



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 <u>YES</u>
Date: <u>June 13, 2005</u>	☒ Approved ☒ Denied
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>July 5, 2005 (1st reading if recommended)</u>	☒ Approved ☒ Denied

Allen/Morgan 7-1-0
of Vaughn voting no

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	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24
----------------	---------

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

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: P-0 SITE ADDRESS: 388 W. Poplar
 PROPERTY OWNER: Pattobin 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:	FOR OFFICIAL USE ONLY:	
	PROPOSED:	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 1/2 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: 750-1144
 NAME ON LEASE: Sammy Mahandessian HOME PHONE: (501) 286-1586
 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: AFTER CARS
 SQ. FT. OF TOTAL BUILDING: 3600 SQ. FT. OF YOUR BUSINESS: _____ SQ. FT. OF EXPANSION: _____

FOR OFFICIAL USE ONLY:

PROPERTY ZONED: <u>P-0</u>	PARCEL NUMBER: <u>105 09523-00</u>	CERTIFICATE NUMBER: _____
PLAT PAGE: <u>307</u>	LOT: <u>16</u> BLOCK: <u>1</u> PHASE: _____	S-T-R: _____
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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

DW 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
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

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

B. 1
Planning Commission Appeal
(HondaPro)
Page 19 of 40

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

B. 1
Planning Commission Appeal
(HondaPro)
Page 20 of 40

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

October 1, 1996

RZ9-1224

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.

Planning Commission Minutes
September 9, 1996
Page 11

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 remainder 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 negotiating 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

FILE B.1
PC September 9, 1996 Planning Commission Appeal
(HondaPro)
Page 24 of 40

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

B. 1
Planning Commission Appeal
(HondaPro)
Page 27 of 40

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 air lifts 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

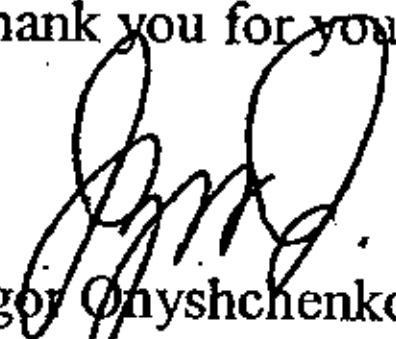
REF: RZN 05-1524 (HONDA PRO, 367)

Dear Sir,

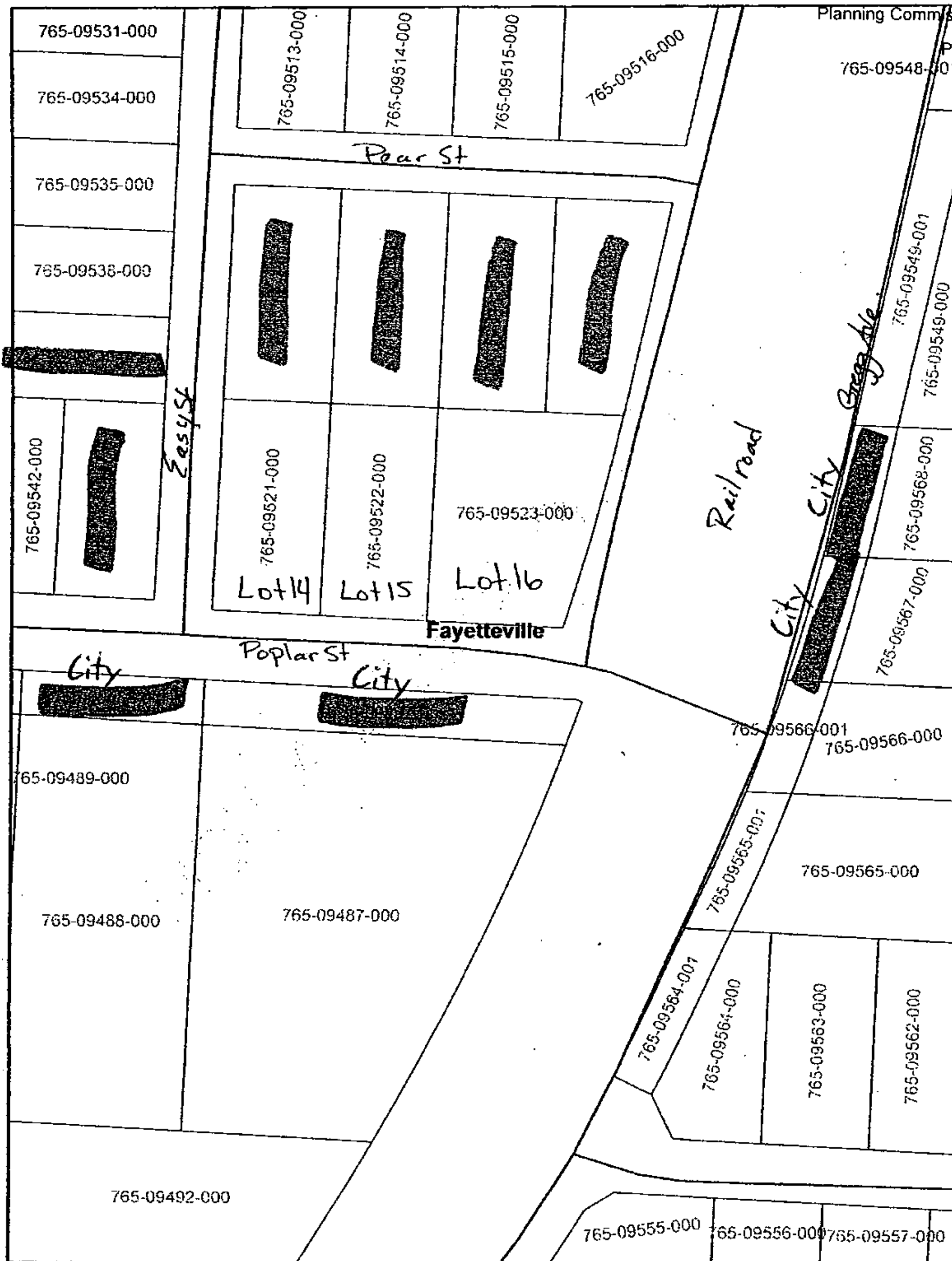
It has been brought to my attention that the Fayetteville Planning Commission has been asked to review a proposed REZONING adjacent to my property. I, as the owner and the resident of the adjacent property at 2032 N. Easy Ave oppose the attempt to rezone the subject property from RESIDENTIAL OFFICE to 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 Management, 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.



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.



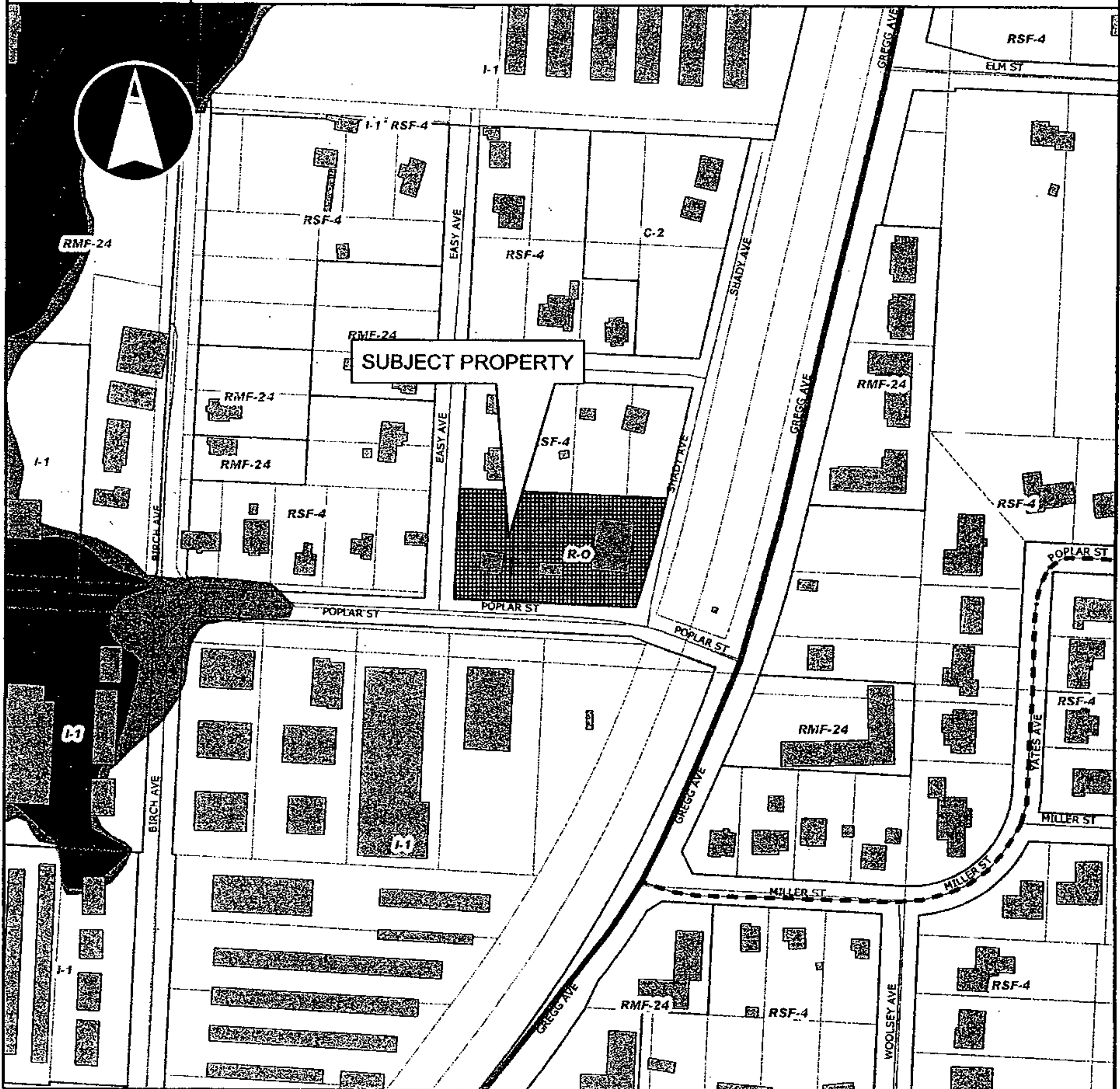
View of lots 14-16 from Easy St.



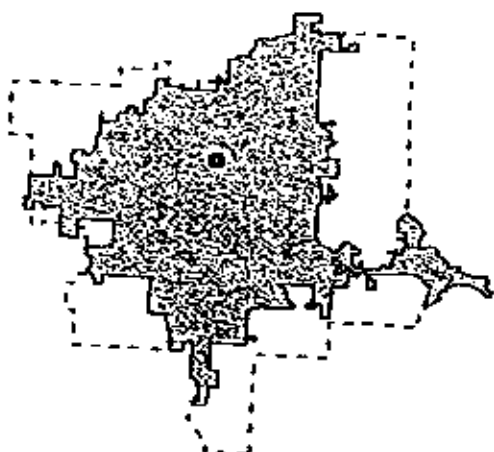
RZN05-1524

Close Up View

HONDA PRO



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

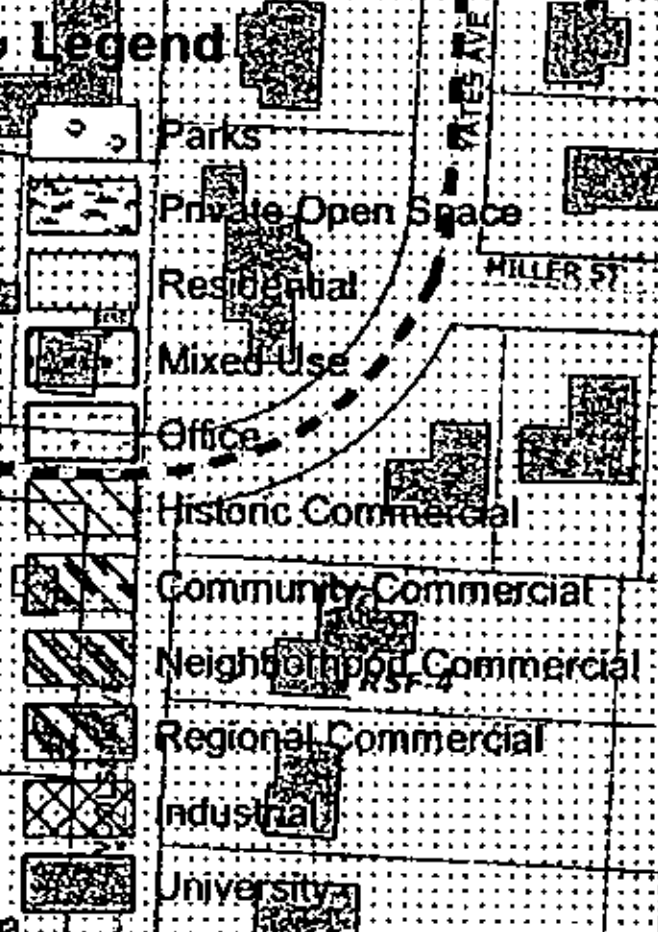
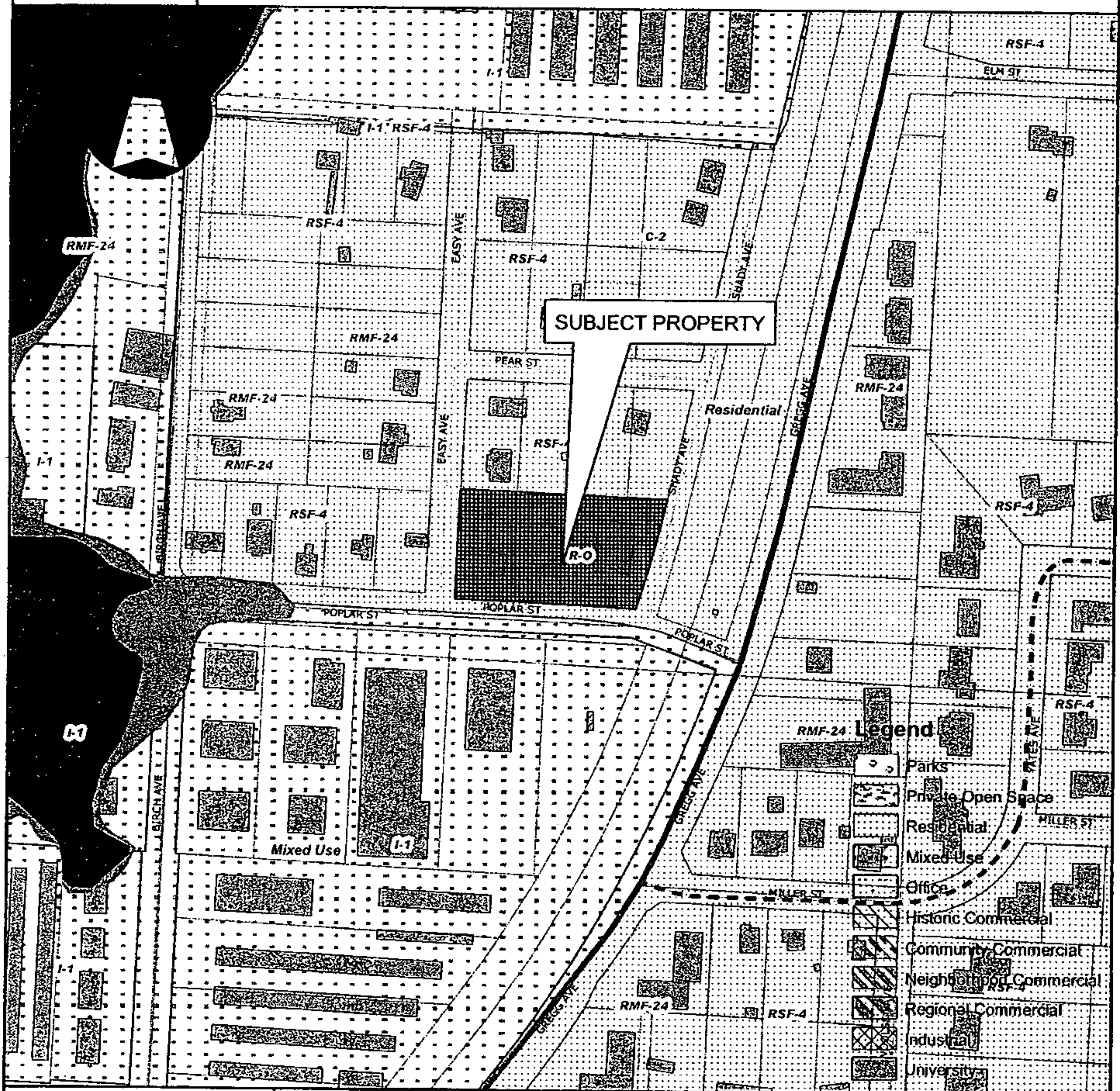
Outside City



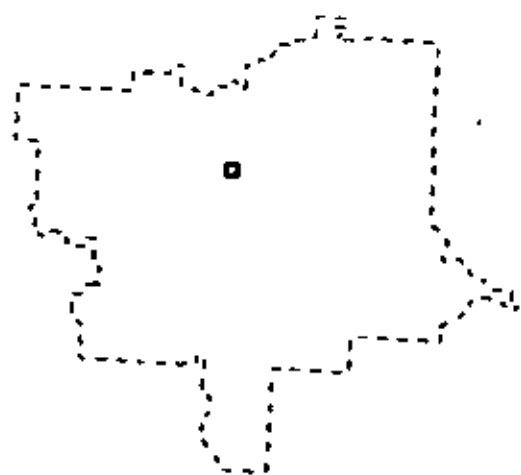
RZN05-1524

Future Land Use

HONDA PRO



Overview



Legend

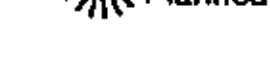
Subject Property



Streets



Existing



Planned

Boundary



Planning Area



Overlay District



Outside City

Master Street Plan



Freeway/Expressway



Principal Arterial



Minor Arterial



Collector



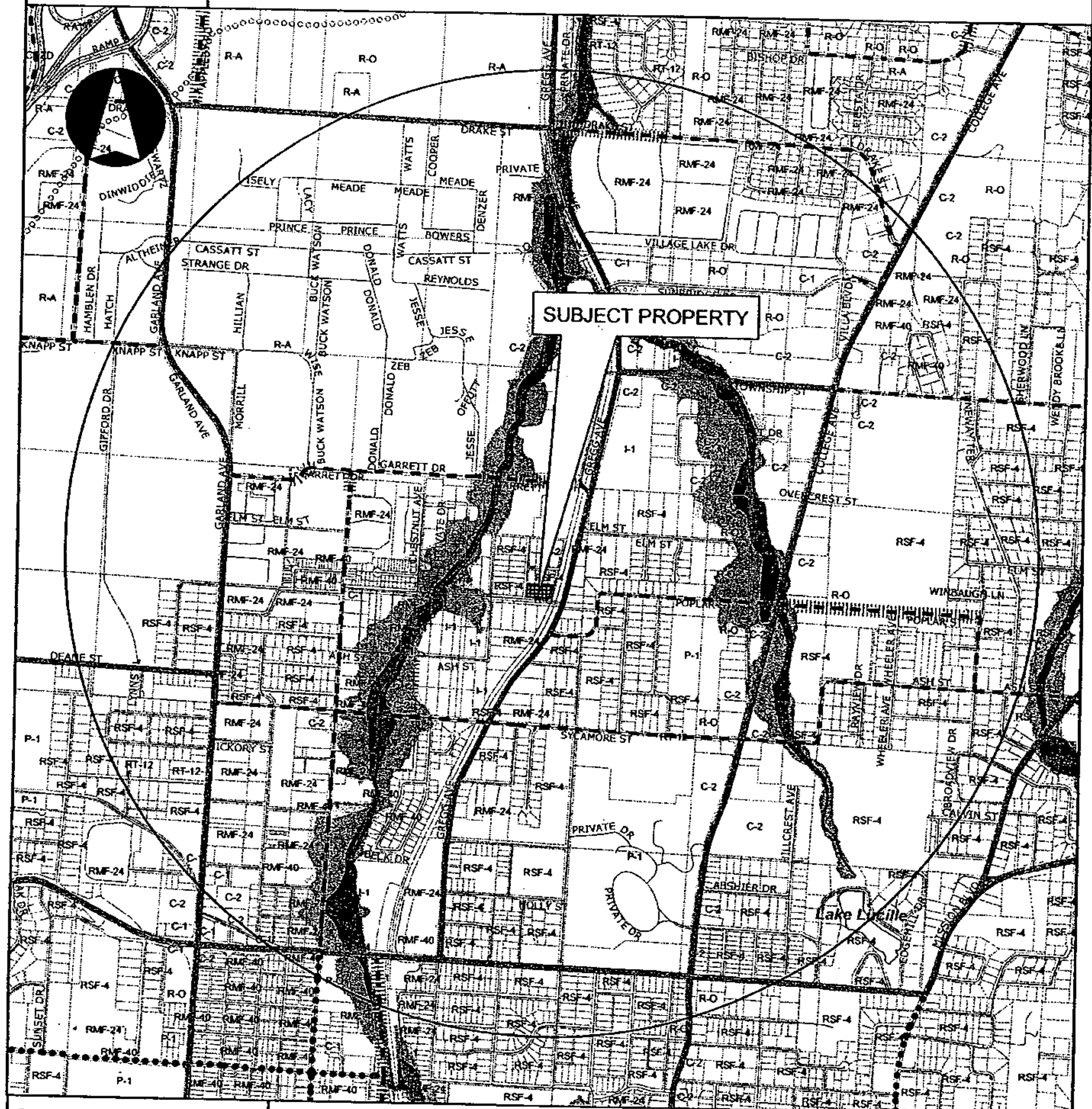
Historic Collector



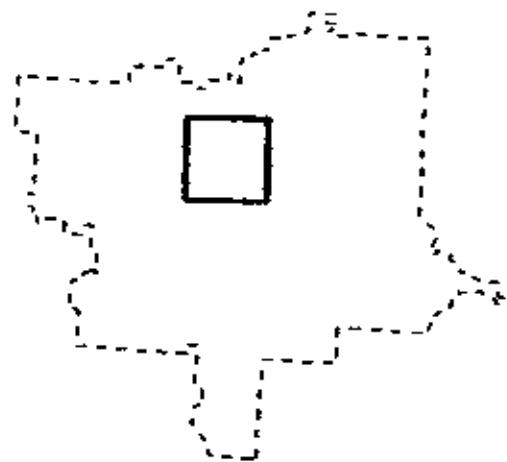
RZN05-1524

One Mile View

HONDA PRO



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 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 Ruppel 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 Ruppel 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.

*Left on the second reading 8/2/05
Left on the first reading 7/19/05*

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 1/4) 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.



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 Ruppel 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: Ruppel 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) & Ruppel Rd (Minor Arterial)

Street Improvements: Staff recommends the following:

- ♦ An assessment in the amount of \$4,749 for improvements along Ruppel 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 Ruppel Road Bridge over Hamstring 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 provide 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 Ruppel 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 COMMISSION 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 Ruppel 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 Ruppel 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 Ruppel 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 Criteria" 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

Date: June 27, 2005 ✓ Approved Denied
9-0

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 Ruppel 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 decided 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, studies 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 Ruppel 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 Ruppel 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 Ruppel Road frontage along Ruppel 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 Ruppel 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 Ruppel - 521.5 vpd

Assume 50 % of vehicle trips using Ruppel 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
0.6620

Hamestring Creek Bridge Costs:

8,400 s.f.(\$50.00/s.f.) = \$420,000.00

Hancock Estates Subdivision Percentage of Costs:

$$\underline{0.0176}(\$420,000.00) = \underline{\$7,399.66}$$

2 2788.17

Therefore, the Engineering Division recommends that Oakbrooke Subdivision Ph.1 be assessed \$7,399.66 for the future Ruppel Road Bridge across Hamstring Creek.

3. SUMMARY OF RECOMMENDATIONS:

A. Ruppel Road Assessment: Cost estimate to be provided by developers engineer for review.

B. Offsite Assessment for Ruppel Road Bridge over Hamstring Creek:

\$7,399.66



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 minimized 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 Ruppel 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



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 XXXXXXXXXX, trustee of the XXXXXXXXXX U/T/D DateXXXXXXXXXX, 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 an 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:

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

** Applicant's Response to Home
Addressed at the Subdivision
Committee Meetings.*

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

B. 2
R-PZD 05-1463
(Oakbrooke Subdivision)
Page 40 of 52

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.

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

2. **The developer shall be responsible to pay an assessment for improvements along the frontage of Ruppel 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 Ruppel Road has been provided to the City's Engineering Division for the entire project (two entrances onto Ruppel 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 Ruppel 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 performed 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.

page 2

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

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 Ruppel 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, spirit 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.

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

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 Use Unit 2 and 4 apply, and suggests that Use Unit 24: Home Occupation be 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 be 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.**

page 4

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

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**

page 5

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

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 -

Ripple Road Along Subdivision Frontage

Acknowledge, see information provided above.

Bridge Over Hamstring Creek

Acknowledge, and agree.

Landscape Administrator -

1. Tree canopy calculations and mitigation

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

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

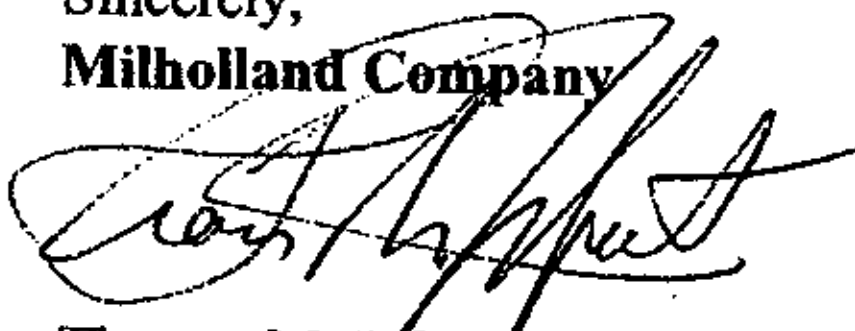
RLA: AR

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

April 16, 2005

Suzanne Morgan
113 West Mountain Street
Fayetteville, AR 72701

RECEIVED
APR 19 2005
PLANNING DIV.

Ms. Morgan

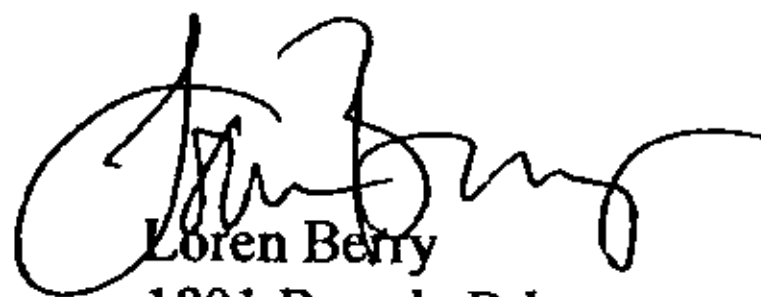
Recently a rezoning poster was placed near our residence and I am confused by the description of the rezoning. The notice, RPZD 05-1463, states a new area, Oakbrook, consisting of 95 single family homes is to be built on 10.47 acres.

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 Ruppel 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
O.E. Luttrell, Co-Trustee

Martha Kay Luttrell
Martha Kay Luttrell, Co-Trustee

Loren and Wilma Berry, Husband and Wife

Loren E. Berry
Loren E. Berry

Wilma J. Berry
Wilma J. Berry

ACKNOWLEDGEMENT

State of Arkansas)
County of Washington)SS

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

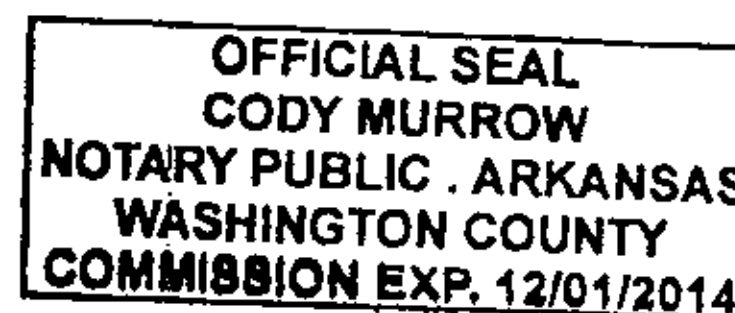


EXHIBIT "A"

Tract A:

A part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ 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.

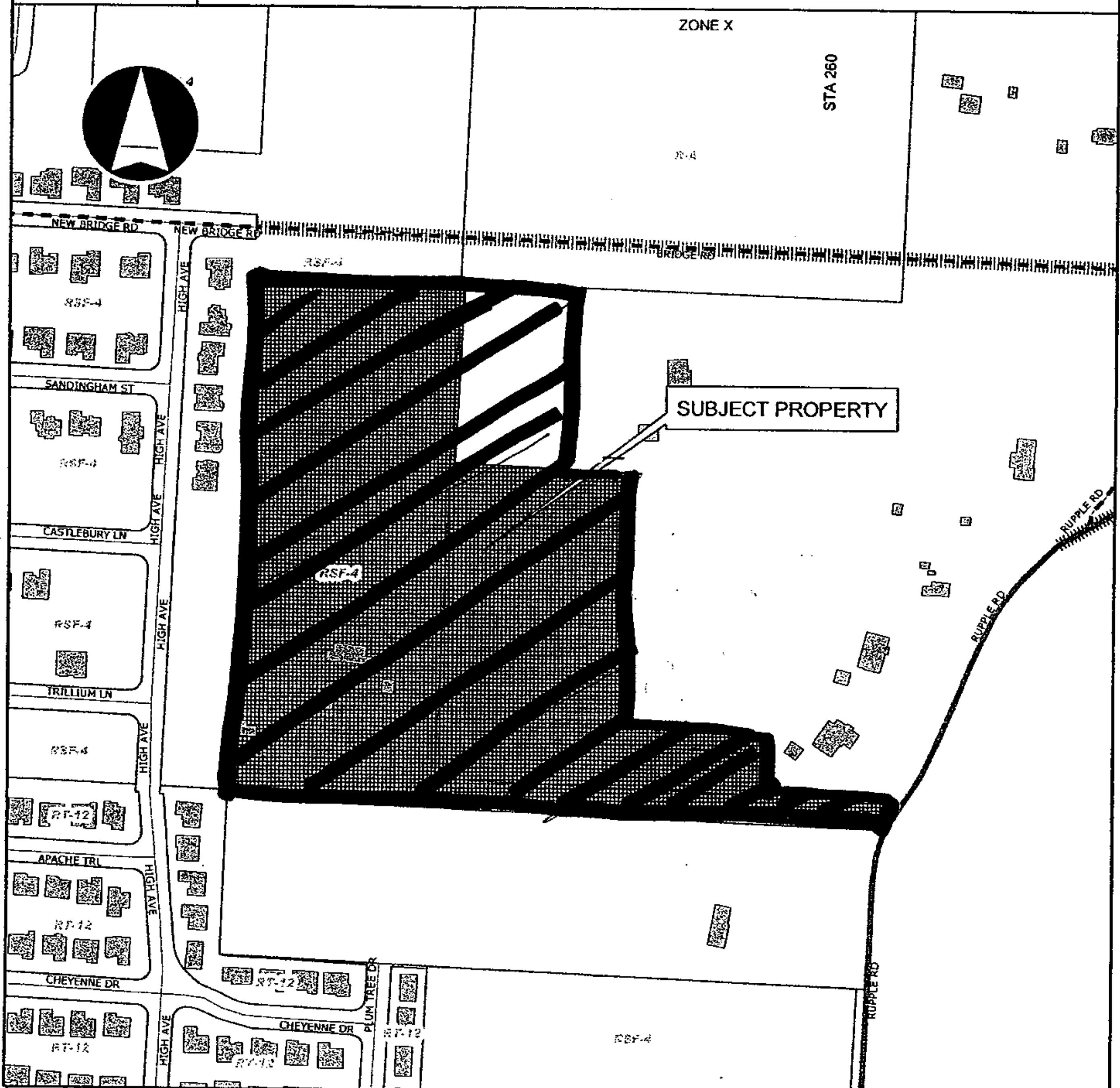
Tract B:

A part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ 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 $\frac{1}{4}$ the SE $\frac{1}{4}$ 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.

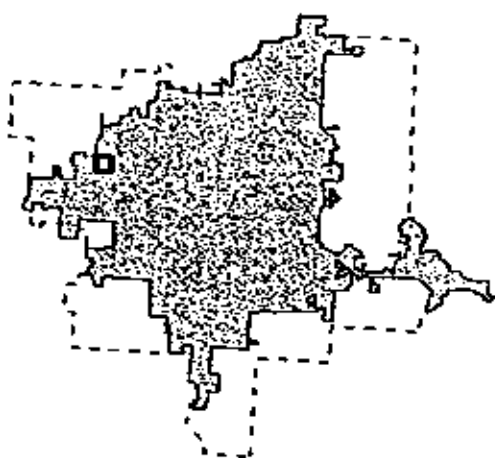
R-PZD05-1463

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

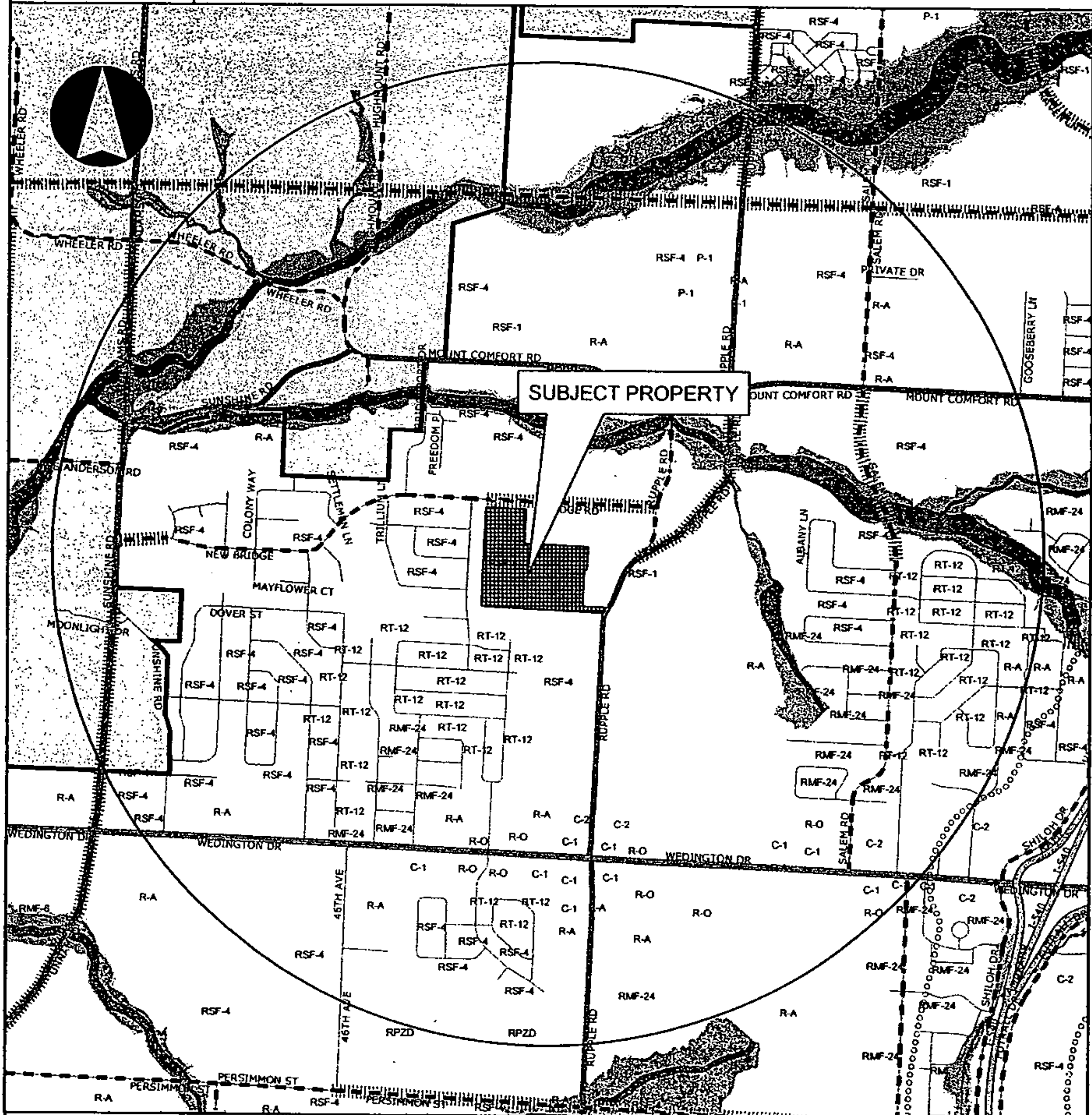
Outside City



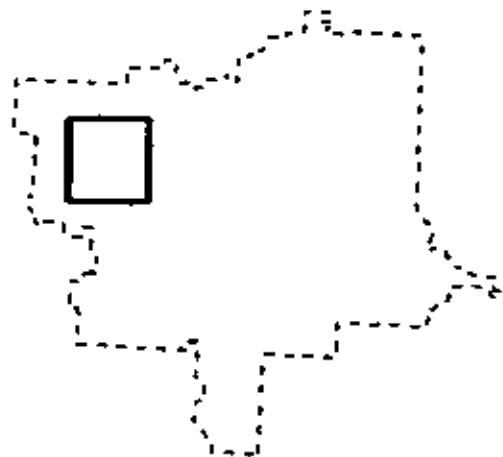
R-PZD05-1463

OAKBROOKE S/D

One Mile View



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 0.125 0.25 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
Submitted By

Planning
Division

Operations
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
Date

Received in City Clerk's Office




Finance and Internal Service Director

7-6-05
Date

Received in Mayor's Office




Mayor

7/5/05
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *J*

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 Ruppel 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 Ruppel 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.

Left on the second reading 8/2/05

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 "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



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 Ruppel 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 Ruppel Road and from several proposed streets within Oakbrooke Phase I:

- North: Stub-out to vacant property
- South: From Oakbrooke Phase I
- East: Ruppel 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: Ruppel Road (Minor Arterial)

Street Improvements: Staff recommends the following:

- ◆ An assessment for improvements along Ruppel 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 Ruppel Road Bridge over Hamstring 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 Ruppel 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 Ruppel 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 Ruppel 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 Ruppel Road. No connections are proposed from this development to undeveloped properties to the north and southeast; however, the proposed Street "F" to Ruppel 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 Rurple 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 Subdivision. 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 Ruppel Road, minor arterial. Road improvements required for Ruppel 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 Ruppel Road, then northward to Hamstring Creek.

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.

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 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
RZN 05-1576	Mt Sequoyah	NO		3	1.0 miles	2 minutes	3.25 minutes	0	0	0
R-PZD 05-1555	OakBrook 2	NO	10.47	7	1.1 miles	3 minutes	3.50 minutes	9	4	6

Handwritten mark: a stylized 'X' or signature.

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 **R-PZD 05-1555 (Oakbrook Phase II, 361)** submitted by Mel Milholland for property located west of Ruppel Road and east of Bridgeport Phase II 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 this residential planned zoning district **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,

A handwritten signature in black ink, appearing to read "Rob Turberville".

Lieutenant Rob Turberville
Fayetteville Police Department



PC Meeting of July 11, 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: 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 minimized 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.

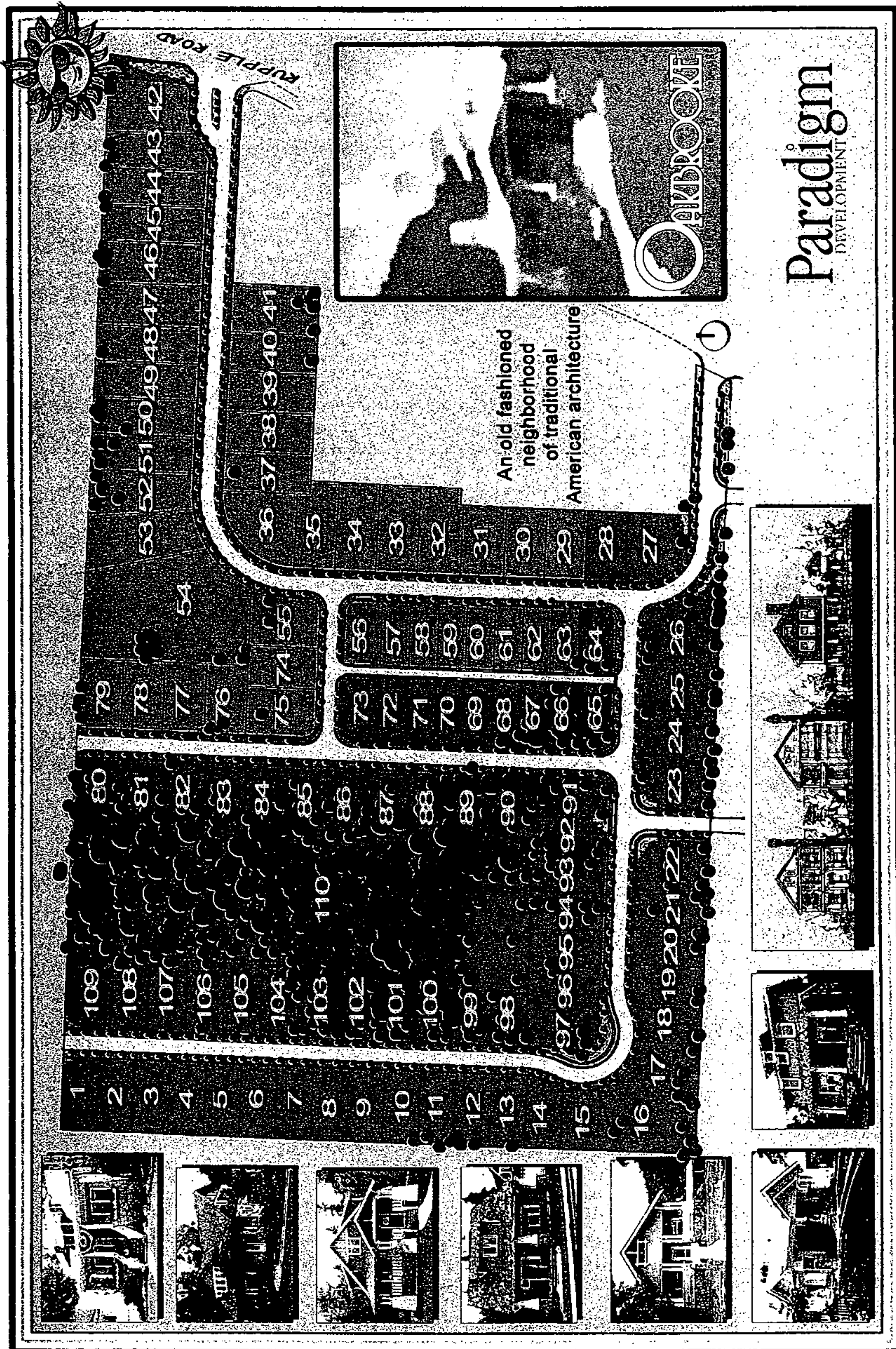
As with the surrounding developments, Oakbrooke will be a single family residential neighborhood. However, Oakbrooke will strive for character which is lacking in nearby developments. By not using stock plans but specifically designing each home for each lot Oakbrooke strives to raise the standard of residential development in the Ruppel 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.

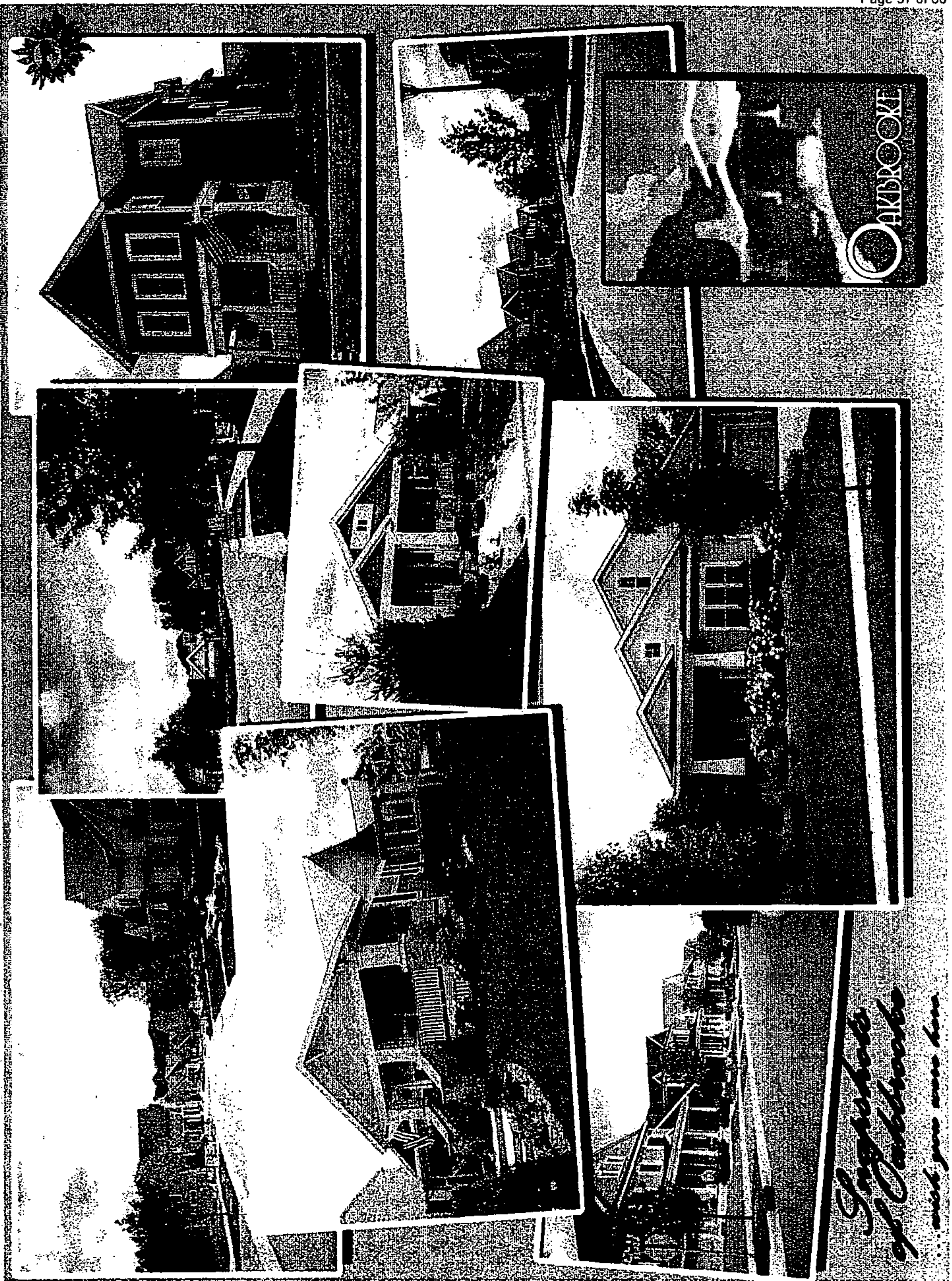
Principle reasons for the PZD request are for smaller building setback dimensions and greater variety in the type of single family home offered.

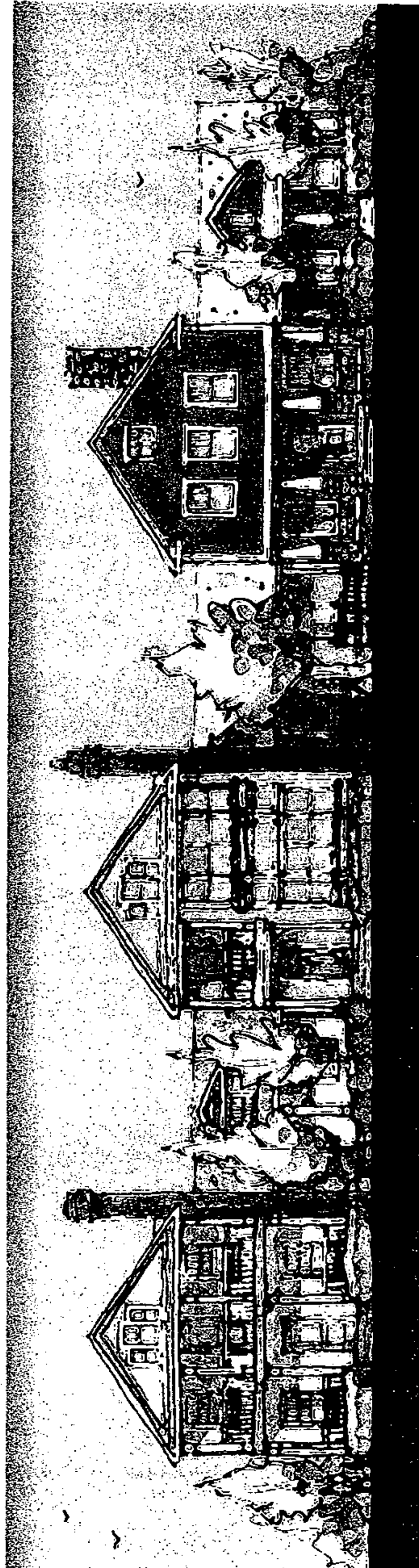
Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas









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 XXXXXXXXXX, trustee of the XXXXXXXXXX U/T/D DateXXXXXXXXXX, 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:** Invalidity 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 an 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)

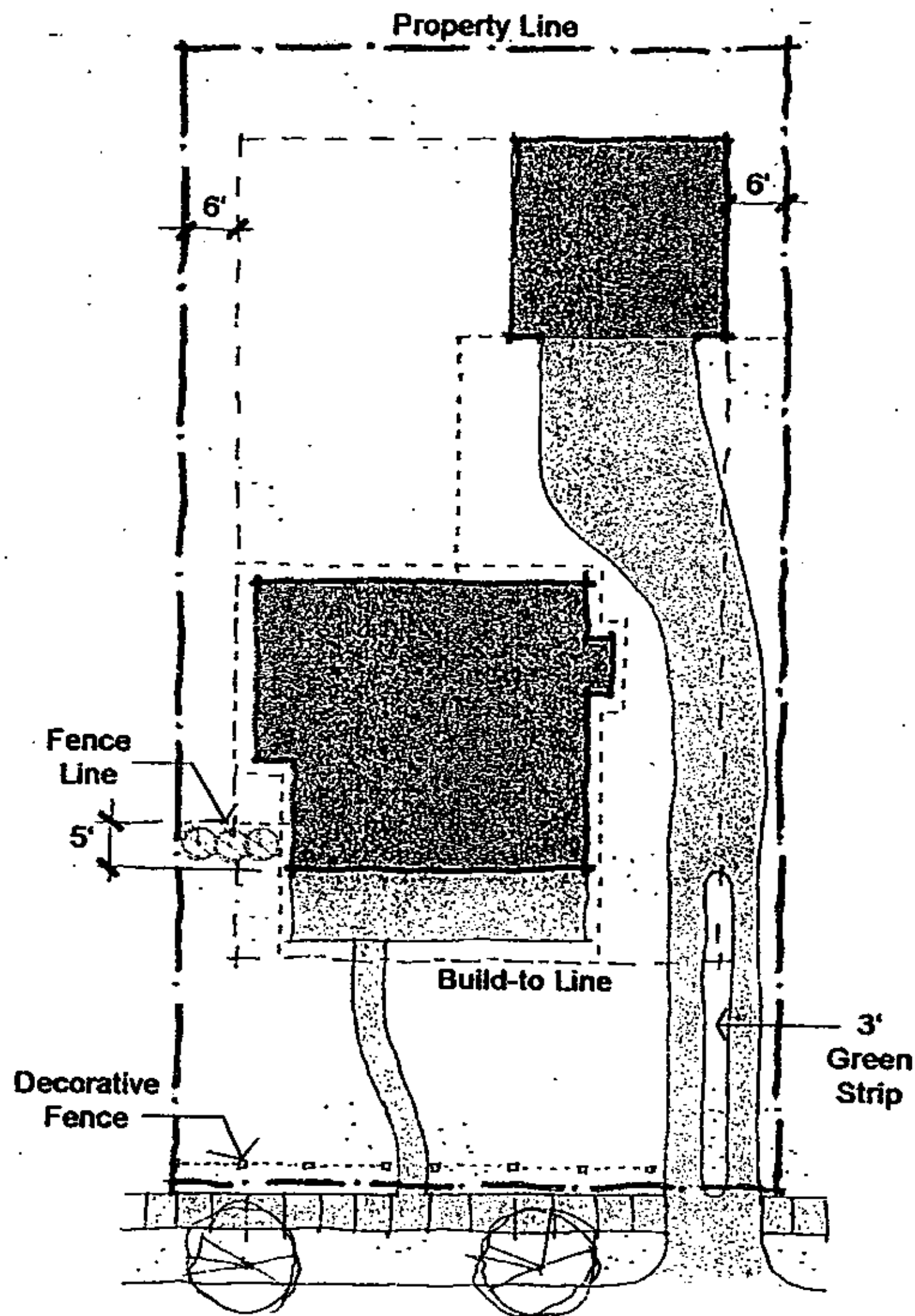
On this day, before me personally appeared XXXXXXXXX, to me personally known, who acknowledge that he is the trustee of his respective trust, and that he, as such trustee, being authorized so to do, has executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this _____ day of _____, _____.

Notary Public

My Commission Expires:

Typical Lot Layout



Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, 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

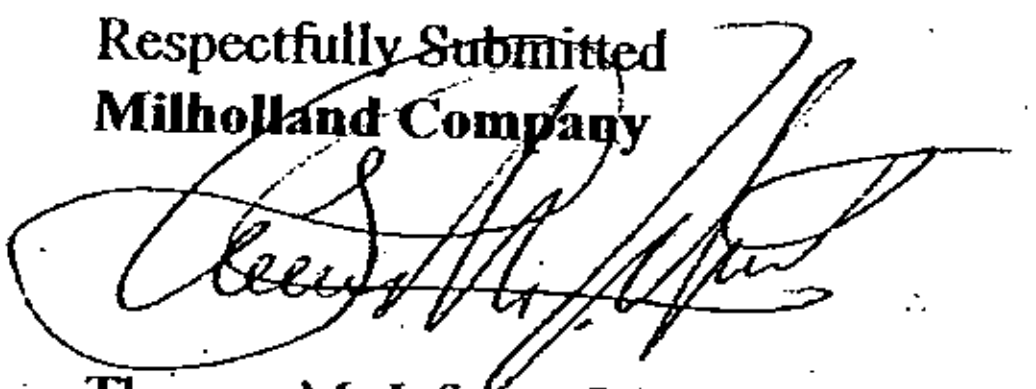
Dear Suzanne and Brent:

It is my opinion as a professional, having over 14 years of experience in performing 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.

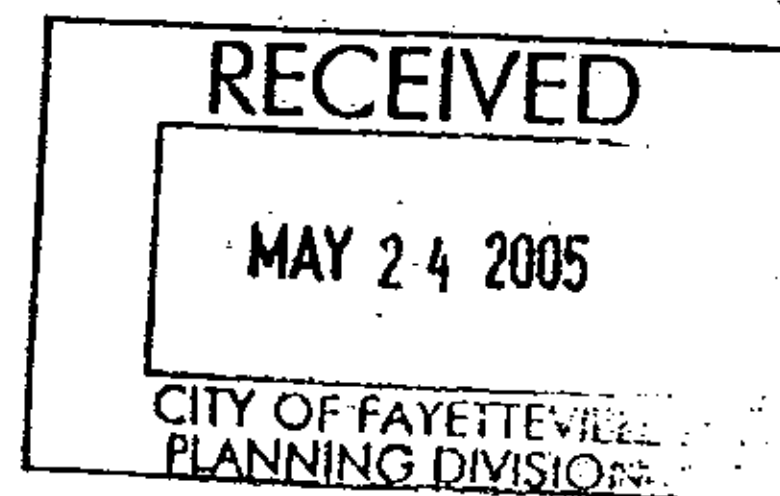
Should additional information or a concurrence be necessary, please contact MCO.

Respectfully Submitted
Miltholland Company



Thomas M. Jefcoat, RLA, REM 07813
Senior Projects Manager

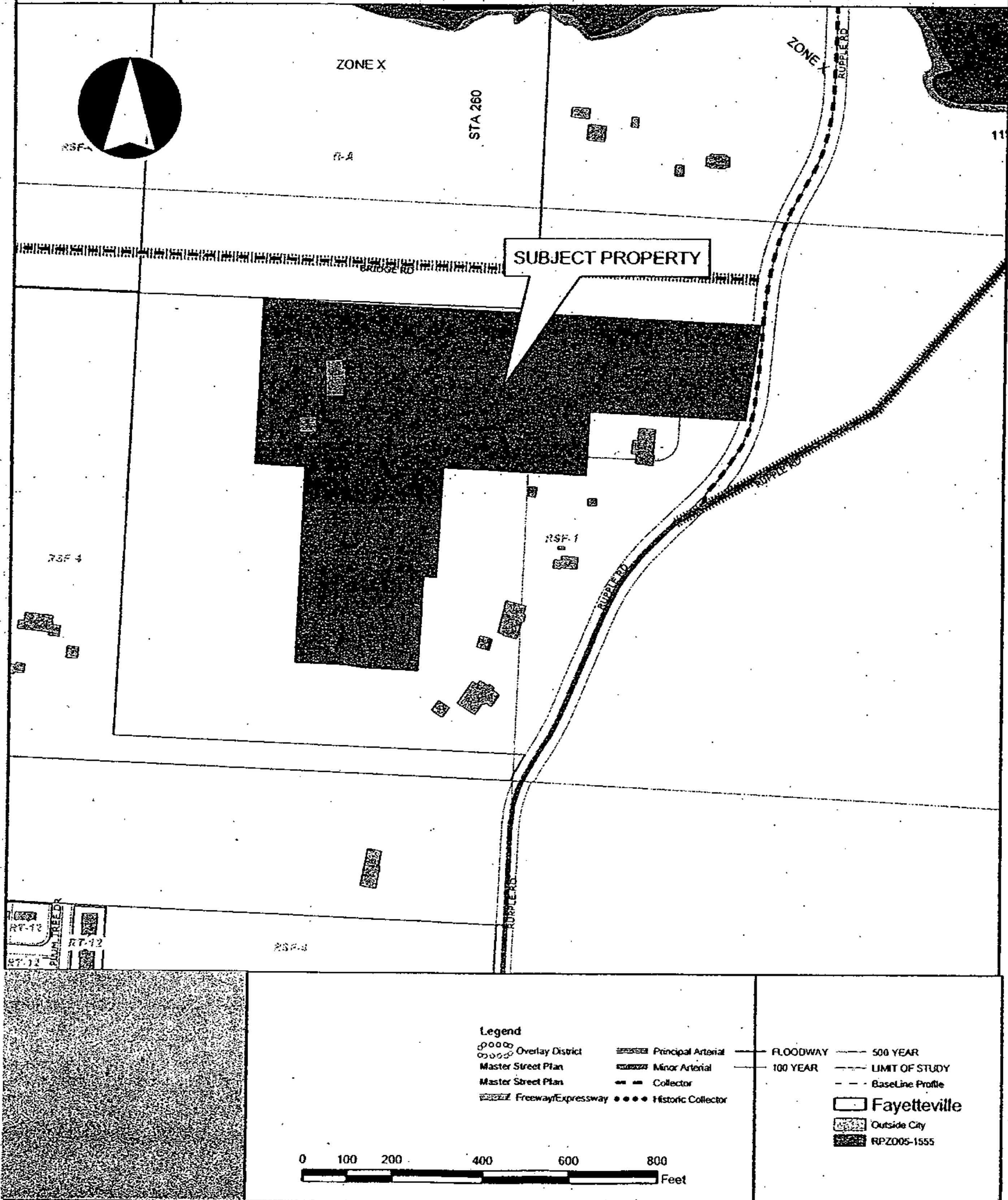
cc: Tracy Hoskins



RPZD05-1555

Close Up View

OAKBROOK PHASE II

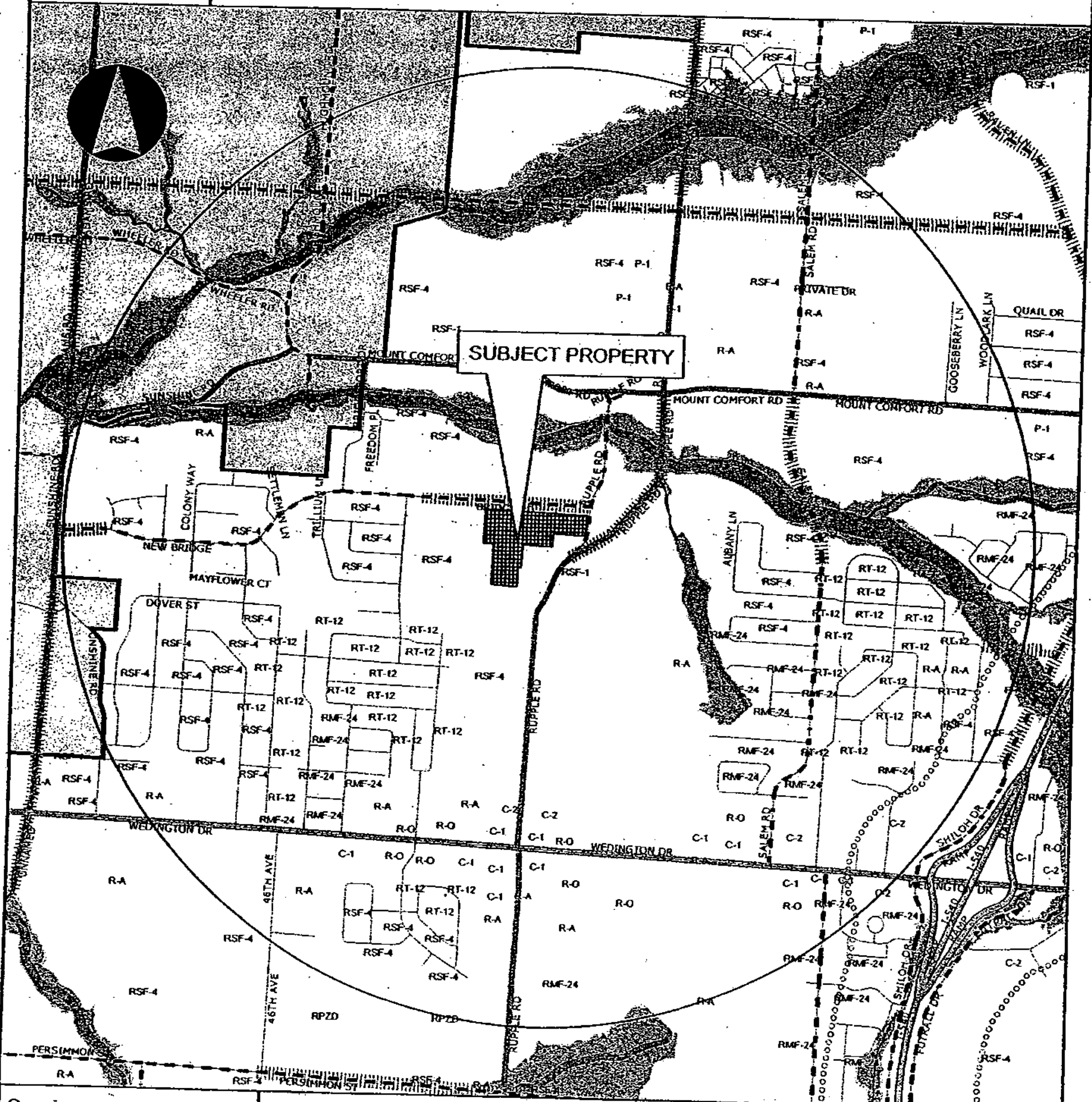


RPZD05-1555

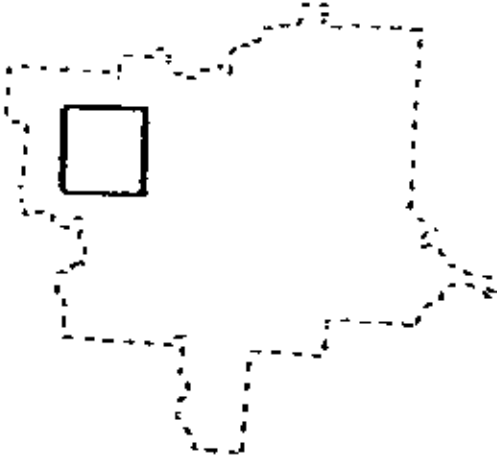
One Mile View

OAKBROOK PHASE II

SUBJECT PROPERTY



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 0.125 0.25

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
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 05-1555: (Oakbrooke Phase II, 361): Submitted by Mel Milholland for property located west of Ruppel 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




Mayor

7/15/05
Date

Received in Mayor's Office



Comments:



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 minimized 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 Ruppel 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.

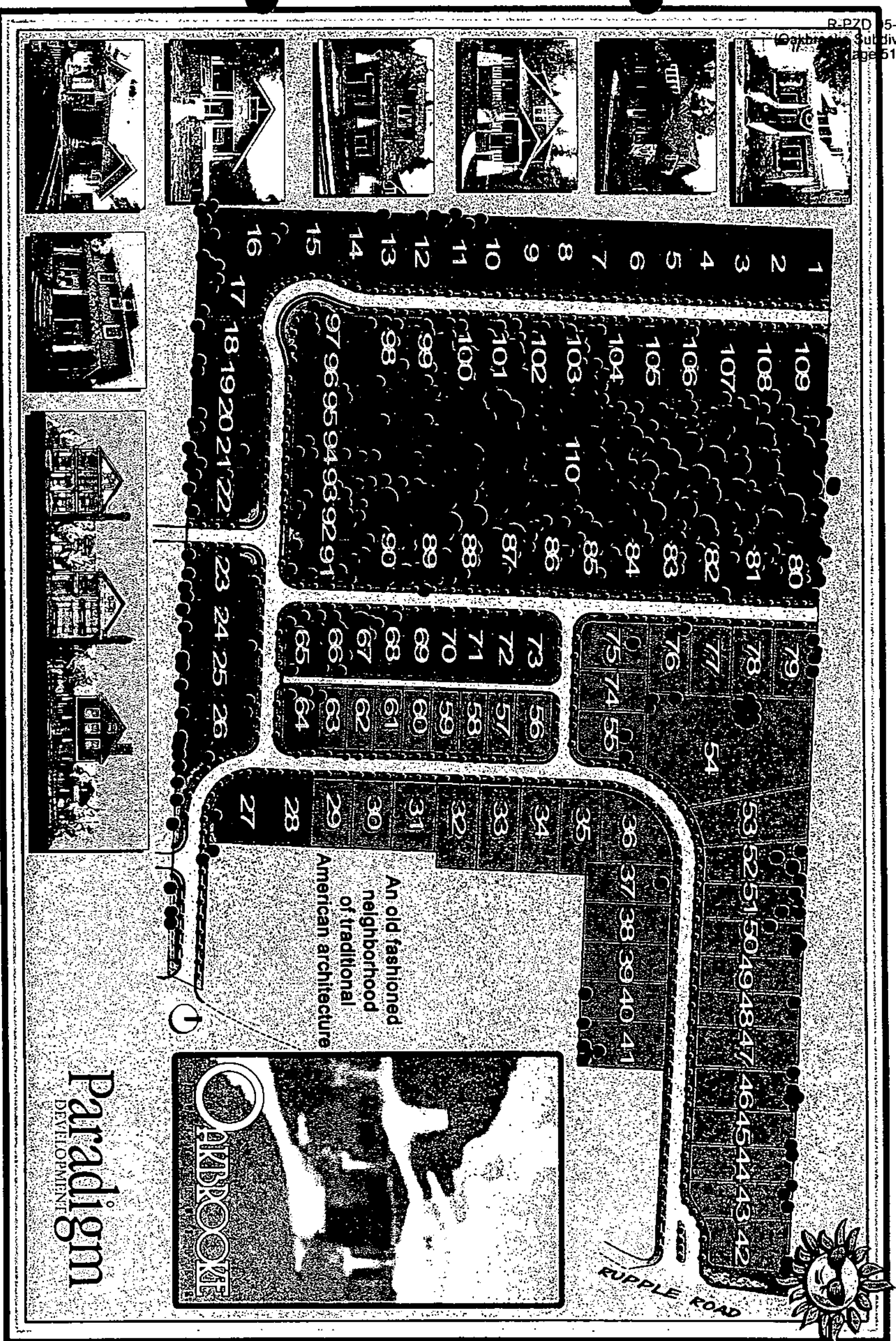
Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT

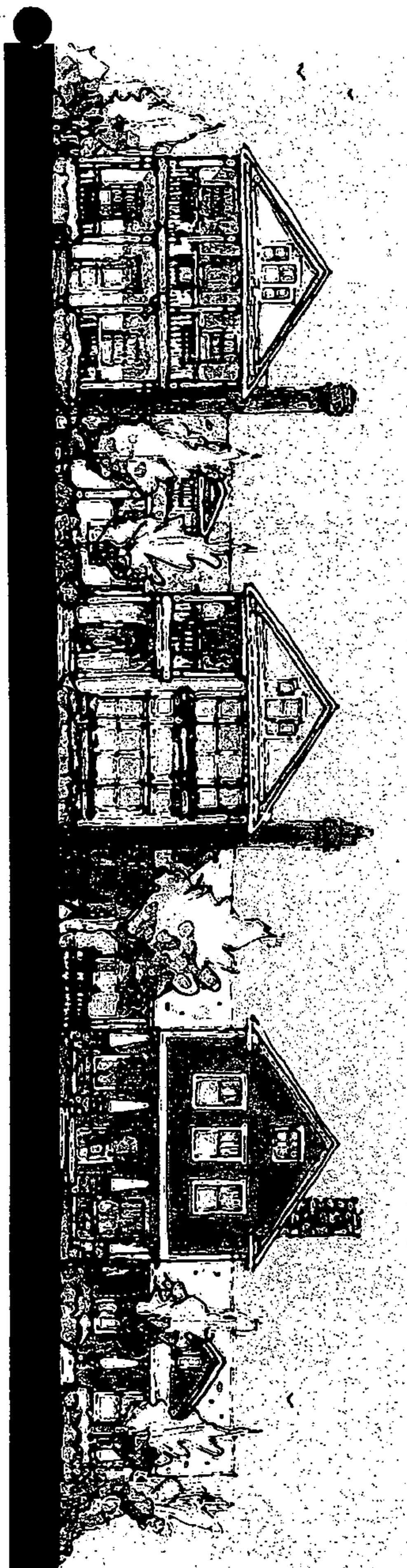
479.236.6636

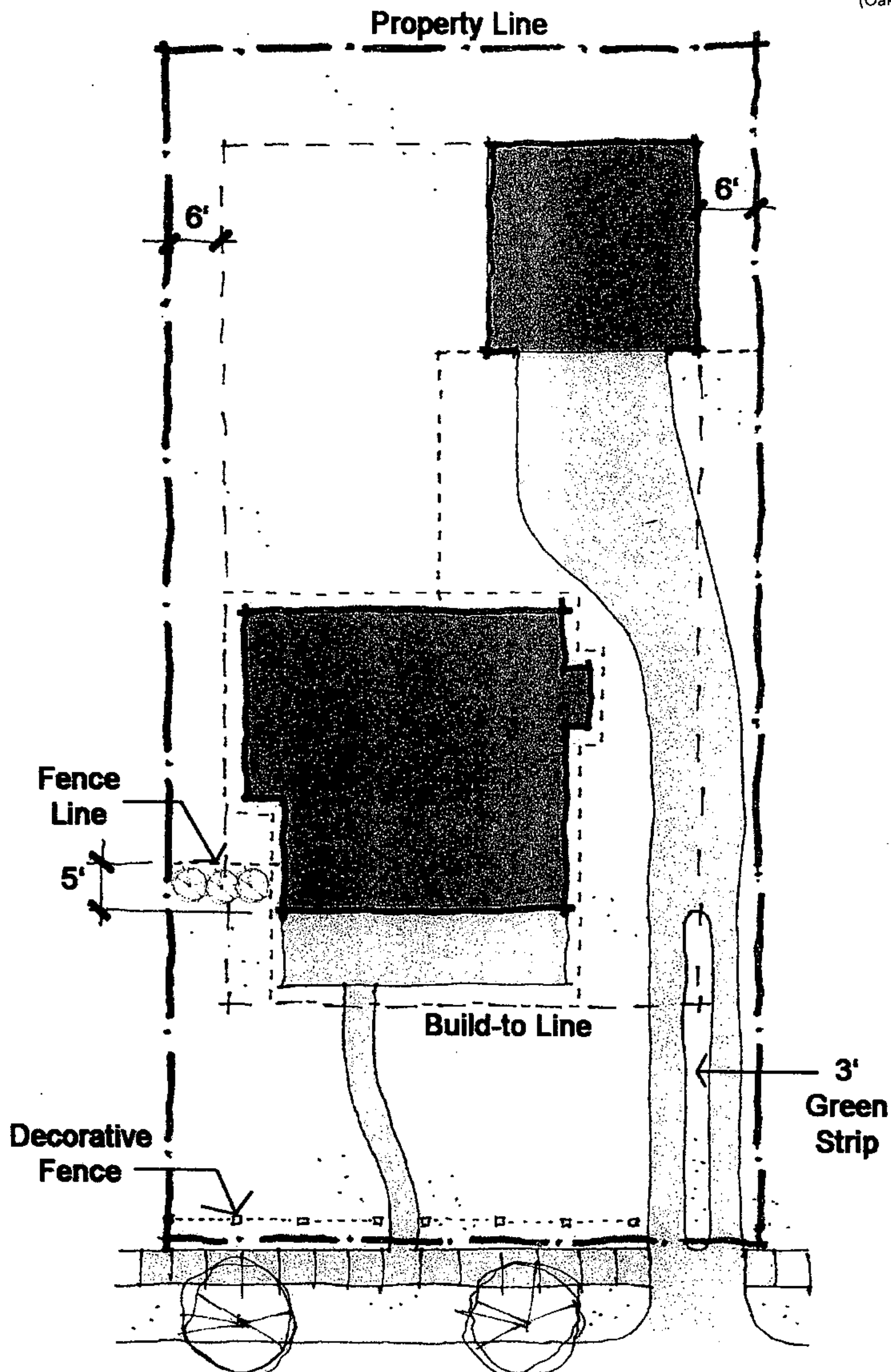
*Leading
by example*





*Longshots
of Oakbrooke
will give you more time*





RSF-4 and Oakbrooke PZD Comparison Chart

*R-PZD 05-1555
Oakbrooke*

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; <i>detached units are typ. 60-73'; attached units are 47'</i>	47' minimum; <i>detached units are typ. 61-81'; attached units are 47'</i>	47' minimum; <i>detached units are typ. 60-81'; attached units are 47'</i>
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)

B. 3
R-PZD 05-1555
(Oakbrooke Subdivision)
Page 56 of 60

Paradigm

DEVELOPMENT

Paradigm Development Enterprises, Inc. 479 236 6636 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.

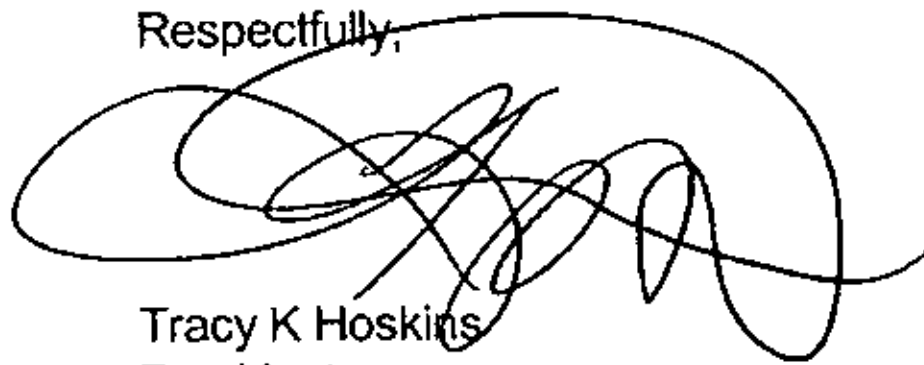
It was also stated that the Buyers of Mr Butlers property were not inform of the development and "would never had bought the property had they known". The Seller's broker has stated that notice was given to the prospective Buyers on June 9th, 2005. See the attached document. In reality, the Butlers sold 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,

A handwritten signature in black ink, appearing to be "Tracy K Hoskins", written over a large, loopy flourish.

Tracy K Hoskins
President

Jul 21 05 04:41p

McKinney Real Estate

4794420860

B.3
R-PZD 05-1555
(Oakbrooke Subdivision)
Page 58 of 60



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 Ruppel 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 Ruppel 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

Fax: 521-5698
To: Martha McBride
From: Sue 879-5924
McKinney Real Estate (479)442-0888 ph.
(479)442-0860 fax

RE: Ripple Rd
Date: 6-9-05

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

*Miltholland Company**Engineering & Surveying*

Melvin L. Miltholland, 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

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 Huntsville 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.

Left on the second reading 8/2/05

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

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



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 <u>YES</u>
	☒ Approved ☐ Denied
Date: <u>July 11, 2005</u>	Trumbo/Myers ² 7-0-0
CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date: <u>August 02, 2005 (1st reading if recommended)</u>	

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 will not substantially alter the population density and thereby undesirably increase the load on police services or create an 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.

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 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	*1
RZN 05-1576	Mt Sequoyah	NO		3	1.0 miles	2 minutes	3.25 minutes	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,

A handwritten signature in black ink, appearing to read "R. Turberville", is written over the typed name.

Lieutenant Rob Turberville
Fayetteville Police Department

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

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 RZNOS-1580

FILED
2005 MAY 23 AM 10 31
KAREN COMBS PITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

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

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:

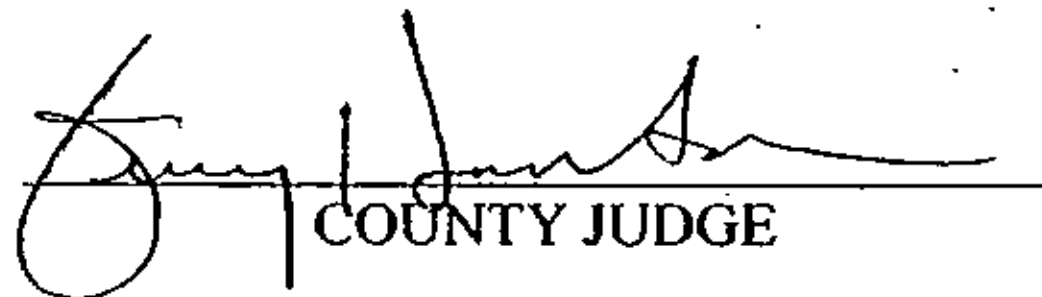
A part of the Northeast Quarter of the Southeast Quarter and a part of the Southeast Quarter of the Southeast Quarter of Section 19, Township 16 North, Range 29 West and being more particularly described follows: Beginning at a point which is South

FILED
2005 MAY 23 AM 10 31
KAREN COMBS PITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

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 COMBES
CO. & PRODUCE CO.
WASHINGTON COUNTY, ARKANSAS

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 N 89°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.

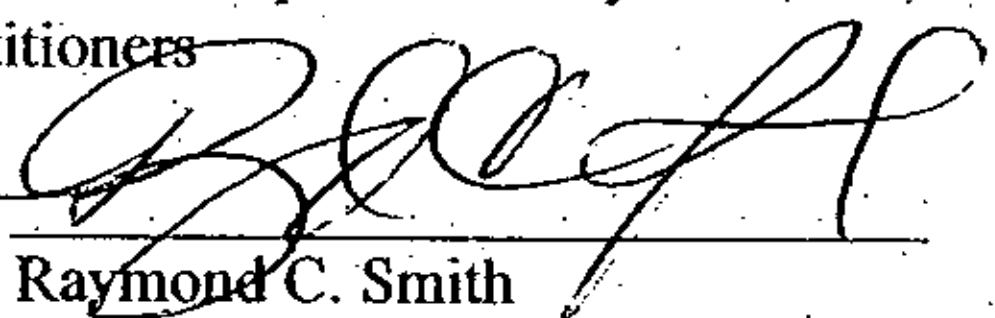
4. Pursuant to Arkansas Code Annotated Section 14-40-601 et seq, this Court has jurisdiction over the subject matter herein, and Petitioners request that the above-described real property be annexed in and to the City of Fayetteville, Arkansas.

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. Smith 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. Smith

AUTHORIZATION

I(WE), Don & Evaleen 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: ^{Nov.} ~~October~~ 10th, 2004.

Don Osborne

Evaleen 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

NW 7th
Date: October 7th, 2004.

Dale King
Linda King

AUTHORIZATION

I(WE), Mary Lou 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
~~601-10723-000~~

Date: Nov
~~October~~ ____, 2004.

Ray C. Smith

AUTHORIZATION

I(WE), Ozark Electric Cooperative 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



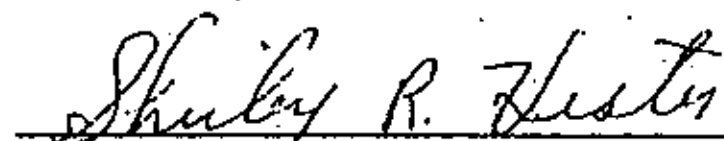
ROBERT ERICKSON

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 NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 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 ^{7th}17, 2005



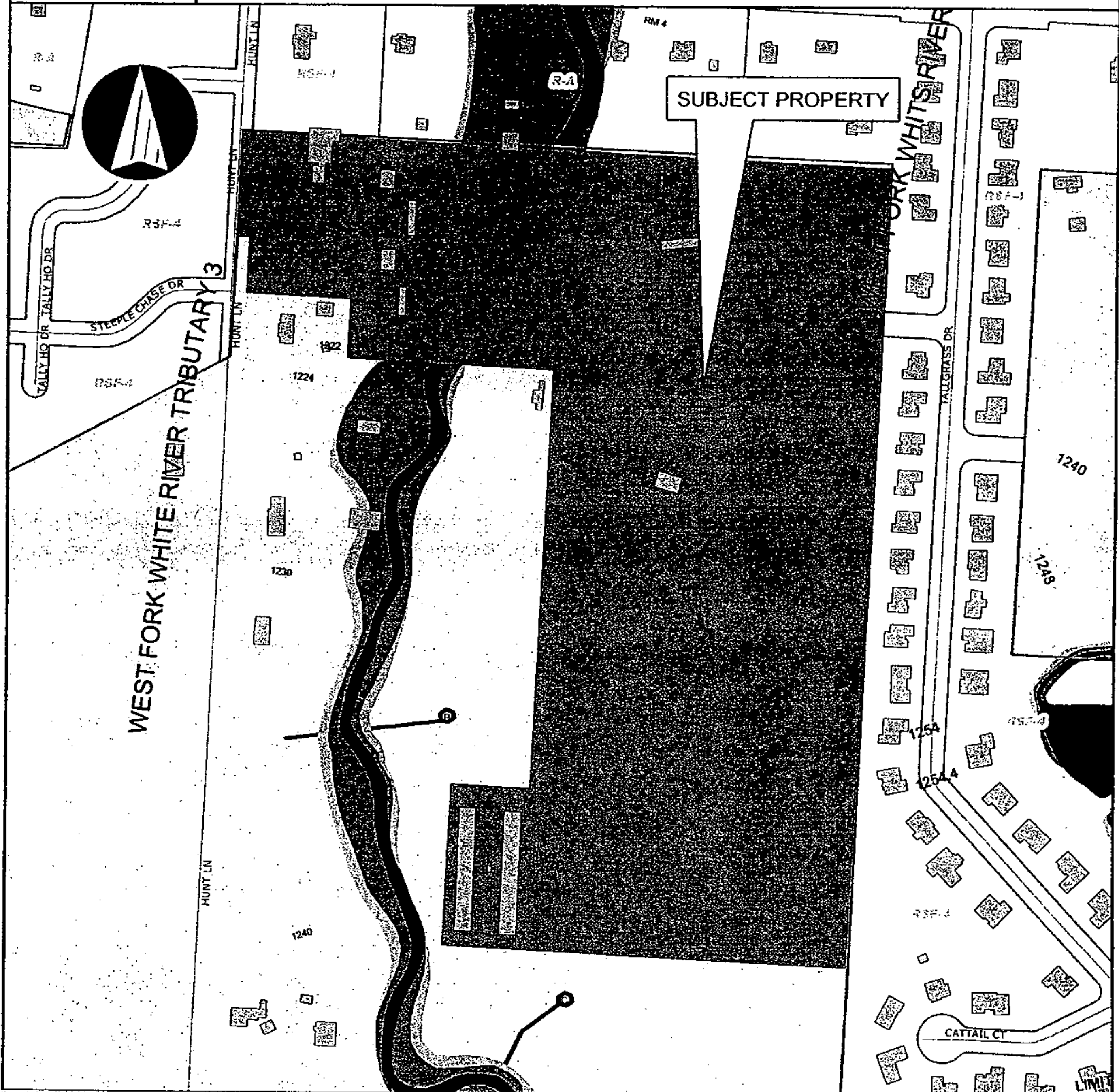
Shirley R. Hester, Trustee
Shirley R. Hester Family Trust

EXHIBIT "A"

ANX05-1580

Close Up View

SLOAN PROPERTIES, INC



Legend

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

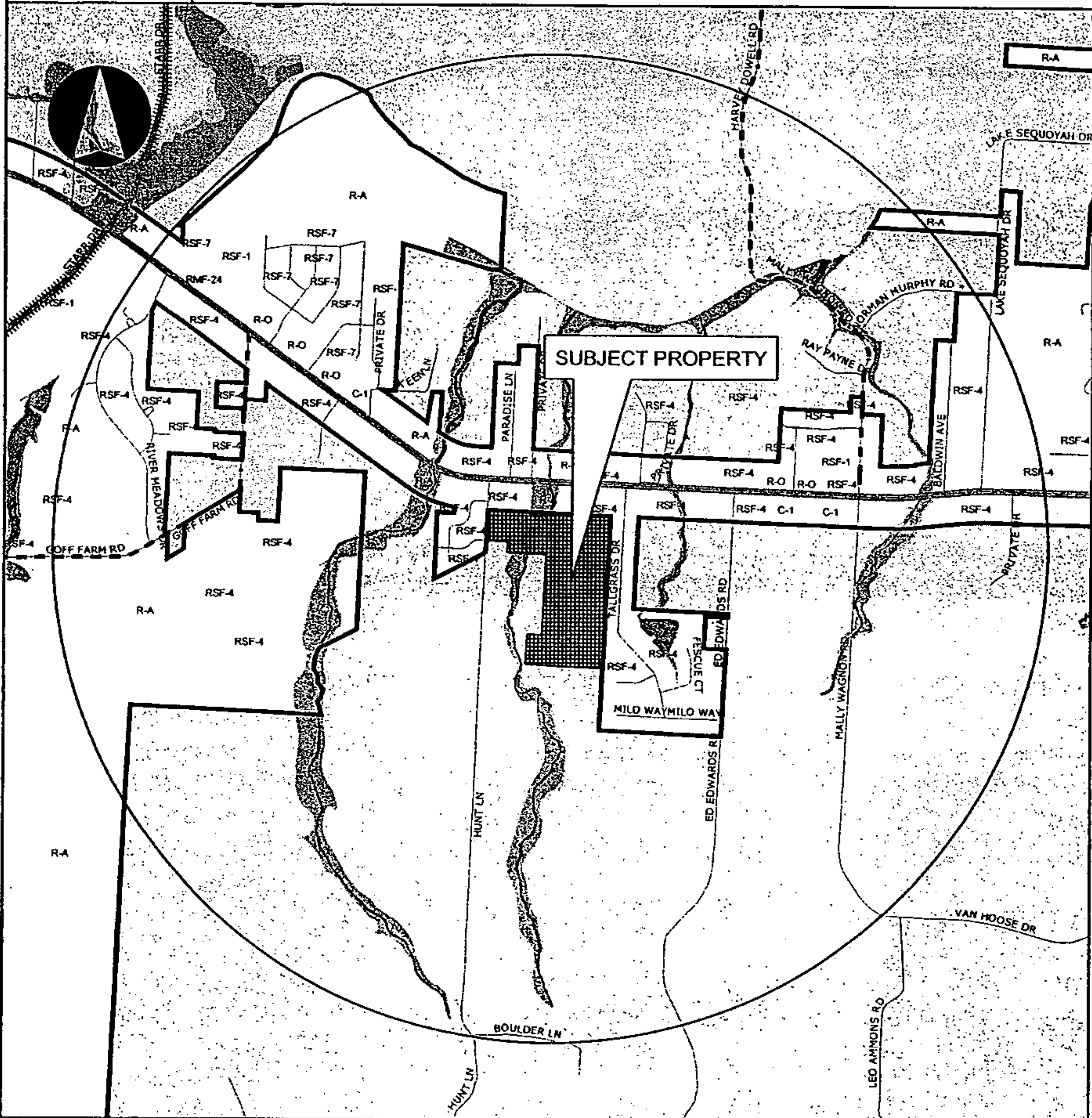
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- BaseLine Profile
- Fayetteville
- Outside City
- ANX05-1580

0 100 200 400 600 800 Feet

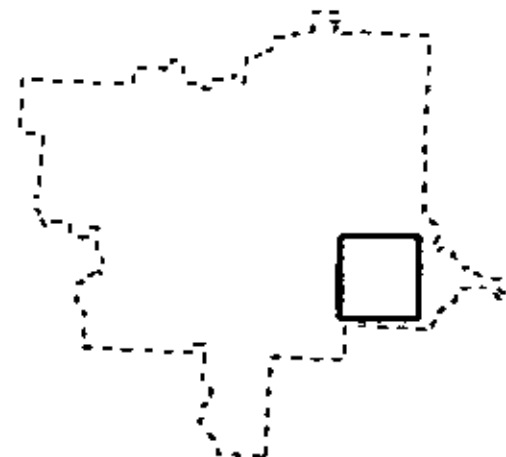
ANX05-1581

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

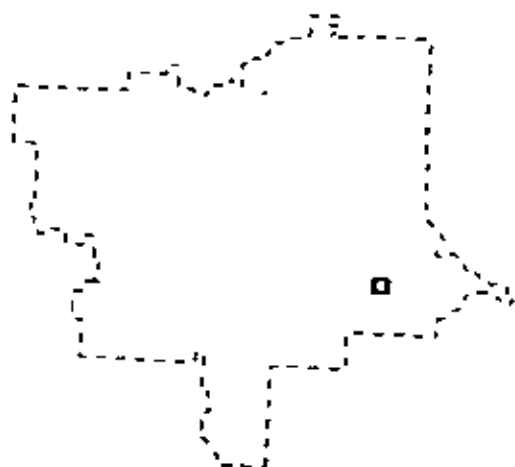
ANX05-1580

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

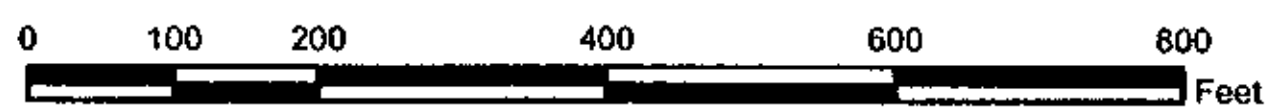
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



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

B. 4
ANX 05-1580 (Sloan Properties)
Page 31 of 32

2-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
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
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



Mayor

7/15/05
Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning ^Y

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.

Left on the second reading 8/2/05

City Council Meeting of August 02, 2005
Agenda Item Number

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

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 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



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 <u>YES</u>	☒ Approved	☐ Denied
Date: <u>July 11, 2005</u>	Myres/Trumbo ² 6-0-1		
CITY COUNCIL ACTION:	Required <u>YES</u>	☒ Approved	☐ Denied
Date: <u>August 02, 2005 (1st reading if recommended)</u>	Arthes - abstain		

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 Huntsville 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 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 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:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

161.07 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	*1
RZN 05-1576	Mt Sequoyah	NO		3	1.0 miles	2 minutes	3.25 minutes	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

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 SE¼ 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 subdivision.

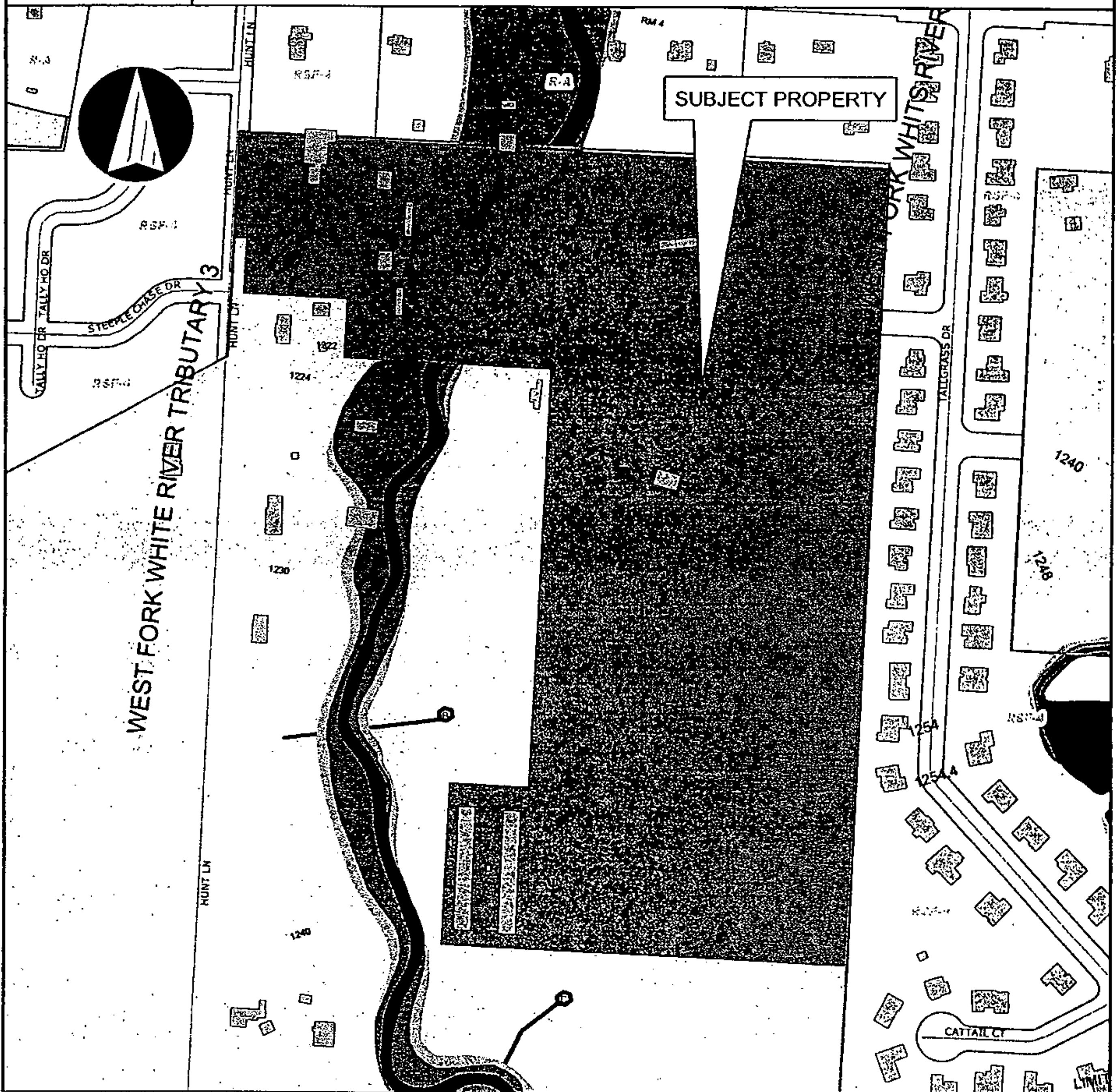
**WOULD IT BE IMPRACTICAL TO USE THE LAND FOR ANY OF THE
USES PERMITTED UNDER ITS EXISTING ZONING
CLASSIFICATION**

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



Legend

ooooo Overlay District
 Master Street Plan
 Master Street Plan
 Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

FLOODWAY
 500 YEAR
 100 YEAR
 LIMIT OF STUDY
 BaseLine Profile

Fayetteville
 Outside City
 RZN05-1581

0 100 200 400 600 800 Feet

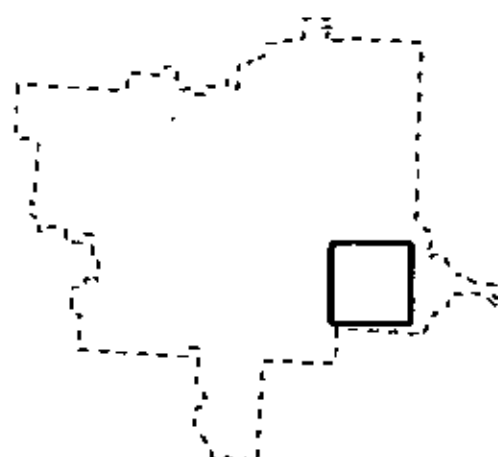
SLOAN PROPERTIES, INC

One Mile View



SUBJECT PROPERTY

Overview



Boundary

 Planning Area

Overlay District

☐ Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

~~25-254~~ Minor Arterial

Collector

◆◆◆◆ Historic Collector

0 0.125 0.25

0.5

0.75

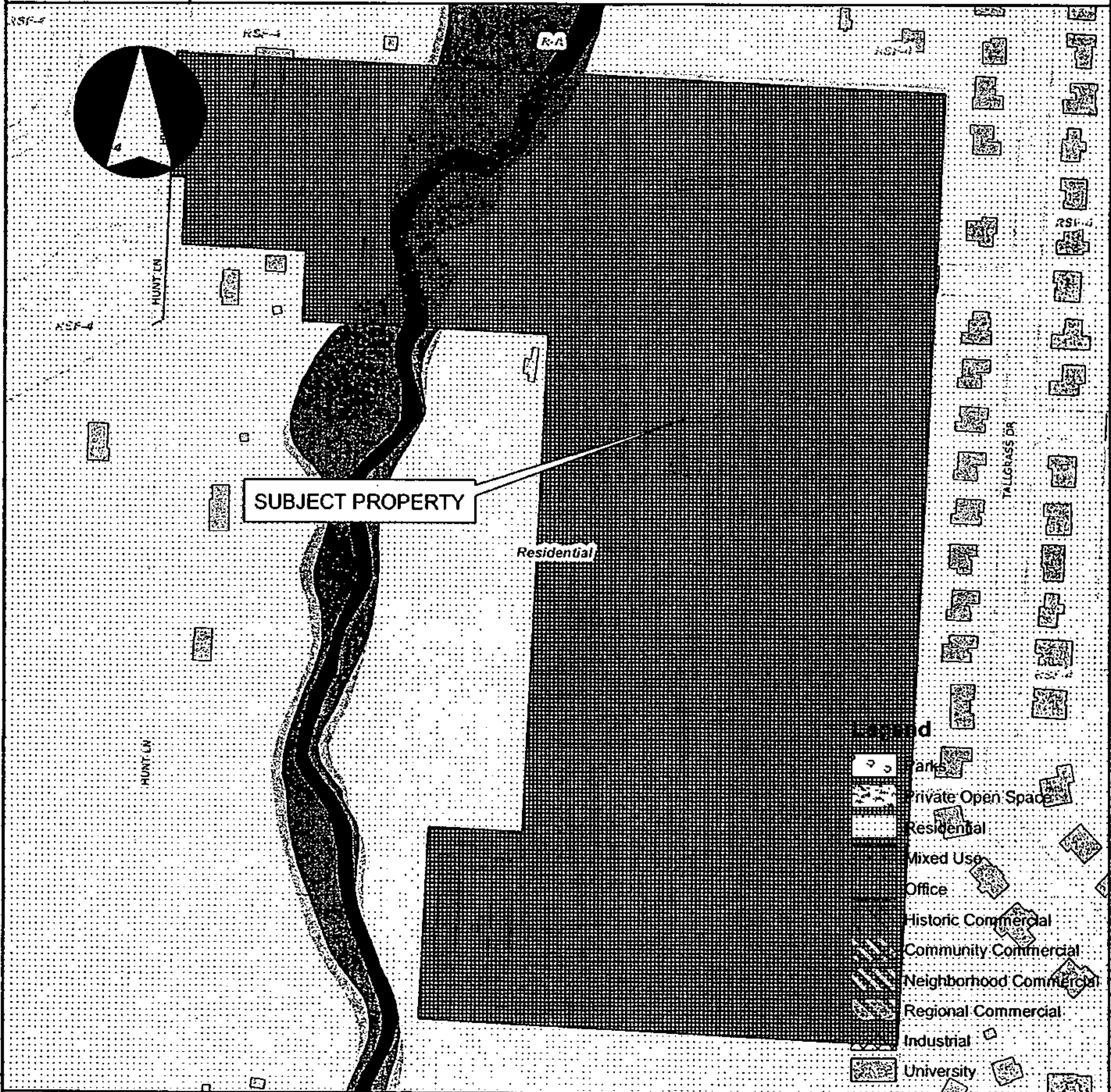
1

5 Miles

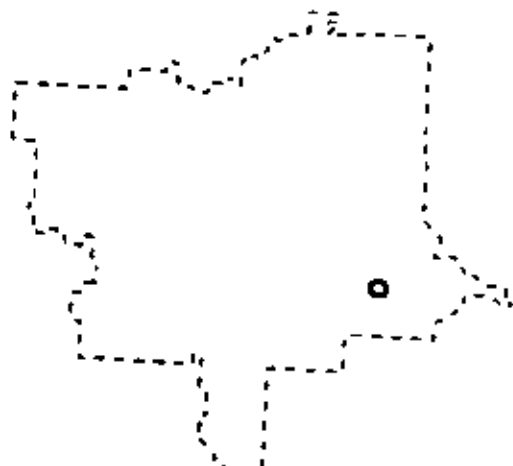
RZN05-1581

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



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

2-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
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 ☐

[Signature] 7-14-05
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 7-15-05
City Attorney Date

Original Contract Number: n/a

[Signature] 7-15-05
Finance and Internal Service Director Date

Received in City Clerk's Office



[Signature] 7/15/05
Mayor Date

Received in Mayor's Office



Comments:



OPERATIONS DIRECTOR

To: Mayor and City Council

From: Gary Dumas *Gary Dumas*

Date: July 29, 2005

Re: Solid Waste Plan To Recover Costs For Residential Carts In Elkins

Background

Staff recommends implementing a Pay-As-You-Throw program using only 64 and 96-gallon carts in Elkins. Upon approval of a Solid Waste Contract, a fee should be implemented to recover the costs of purchasing 64 and 96-gallon carts for residential service in Elkins. The current contract with Toter Inc. for purchasing residential carts is \$38.99 and \$43.54, tax included, for 64 and 96-gallon carts respectively.

Discussion

Staff recommends three possible options for recovering the costs of supplying 64 and 96-gallon residential carts to the 700 residential households in Elkins. Using similar percentages found in Fayetteville, staff is estimating 85% of the residents will use 64-gallon carts and 15% will use 96-gallon carts. Using this estimate the approximate cost to supply residential carts would be \$27,770.75 (\$23,199.05 for 64's and \$4,571.70 for 96's)

- Option 1) The City of Elkins pay the upfront the cost, estimated to be \$27,770.75, necessary to supply the carts to current Elkins residents and pay monthly for each new future service,
- Option 2) Individual residents pay the cost upfront for their cart, or
- Option 3) Residents pay six monthly payments of \$6.50 for 64-gallon or \$7.26 for 96-gallon carts in addition to the normal monthly user fee of \$12.49 or \$17.74 for 64 and 96-gallon carts respectively.

All business and multiple family activities would be required to purchase or lease appropriately sized containers.

Tabled to 8/16/05 cc mtg 8/2/05



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

Tabled to 8/16/05 CC mtg 8/2/05

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 GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

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.

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.

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

August 2nd, 2005
City Council Meeting Date

Brian Pugh

Submitted By

Solid Waste and Recycling
Division

Operations

Department

Action Required:

Request for Council to authorize negotiation of contract with the City of Elkins for Solid Waste and Recycling Services.

\$0.00

Cost of this request

n/a

Account Number

n/a

Project Number

n/a

Category/Project Budget

n/a

Funds Used to Date

\$ -

Remaining Balance

n/a

Program Category / Project Name

n/a

Program / Project Category Name

n/a

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

7-15-05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

7/15/05


Finance and Internal Service Director

7/15/05
Date

Received in City Clerk's Office




Mayor

7/15/05
Date

Received in Mayor's Office



Comments:



City Council Meeting of August 16, 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 

DATE: July 28, 2005

SUBJECT: Contract with HayGroup to conduct the Biennial Salary & Benefit Survey

Recommendation

Staff recommends approval of a contract in the amount of \$28,000 with the HayGroup to conduct the regularly scheduled biennial salary and benefit survey. Staff also recommends the approval of a project contingency in the amount of \$1600 to cover other necessary project expenses and travel expenses. Staff is also requesting approval of a bid waiver.

Discussion

The City's salary and benefit survey is normally conducted in the odd-numbered years with the results presented to Council for implementation in the even numbered years. The last survey was completed in 2003. Recommendations from that survey were implemented in 2004, with the Police Department adjustment phased in 50% in 2004 and the remaining 50% in 2005. The adjustments made to the salary structure are in the chart below.

Employee Group/Rank	Total Percent of Increase to Salary Structure
Hourly	7.9 %
Salaried	6.19%
Executive	15.6%
Police Officer	6.8%
Police Sergeant	3.6%
Police Lieutenant	6.1%
Police Captain	8.8%
Fire Department	0%

The City's next salary and benefits survey is scheduled to be completed in 2005. Upon completion of the survey, Staff will present the results and a recommendation for implementation of any salary structure adjustments.

Staff is asking Council to approve a bid waiver for this project because the HayGroup is uniquely positioned to provide these services to the City. The consulting firm worked with the City in 2001 to develop the current survey methodology and already has the City's benefit data in their proprietary database. Their familiarity with our processes and possession of our benefits data will enable them to produce the survey in a cost effective and timely manner. The fact that Hay already has the City's benefit data loaded in their database will save numerous hours of

billable time that would otherwise be needed to gather and enter this information.

The projected timeline for this project would allow survey results to be presented in time for Council consideration during the November budget discussions for the 2006 budget year if the bid waiver is approved. If Council does not wish to approve the bid waiver, Staff estimates that a recommendation to select a consulting firm could be presented to Council at the October 18 meeting. In this scenario, the projected date to receive a completed survey would be early in January 2006.

Budget Impact

This item is budgeted and sufficient funds are available within the Professional Services account in the Human Resources program.

Staff is available to answer any questions you may have.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING; APPROVING A CONTRACT WITH HAYGROUP, INC. IN THE AMOUNT OF \$28,000.00 TO ACCOMPLISH THE SALARY AND BENEFITS SURVEY PROJECT; AND APPROVING A TRAVEL CONTINGENCY NOT TO EXCEED \$1,600.00.

WHEREAS, in 2001, HayGroup, Inc. in cooperation with the City of Fayetteville, developed the current survey methodology and already has the City's benefit data in their proprietary database, making them uniquely qualified to provide salary and benefits survey services to the City; and

WHEREAS, HayGroup, Inc.'s familiarity with our processes and possession of our benefits data will enable them to produce the survey in a cost effective and timely manner.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical; waives the requirements of formal competitive bidding, and approves a contract with HayGroup, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project. A copy of the contract, 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 travel contingency not to exceed \$1,600.00.

PASSED and APPROVED this 16th day of August, 2005.

APPROVED

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

CONTRACT

The City of Fayetteville, Arkansas (hereinafter "Fayetteville") and Hay Group, Inc. agree as follows:

The City of Fayetteville agrees to hire the Hay Group, Inc. to accomplish the Salary and Benefits Survey Project as set forth in the letter of July 15, 2005, to Michele Bechhold from Marie Dufresne of the Hay Group, Inc. (attached as Exhibit A to this Contract).

The City of Fayetteville agrees to pay the Hay Group, Inc. a contingency amount not to exceed \$1,600 for reimbursement of incurred travel expenses for this Salary and Benefits Survey Project.

The City of Fayetteville agrees to pay and the Hay Group, Inc. agrees to accept the sum of **Twenty Eight Thousand Dollars (\$28,000.00)** as full payment to accomplish the Salary and Benefits Survey Project outlined in the July 15, 2005 letter (Exhibit A).

The City of Fayetteville will pay the Hay Group, Inc. **Fourteen Thousand Dollars (\$14,000.00)** upon full execution of this contract by both parties. Fayetteville will pay Hay Group, Inc. the second Fourteen Thousand Dollar (\$14,000.00) payment upon its satisfactory completion of the entire Salary and Benefits Survey Project as stated in Exhibit A including receipt by Fayetteville of the Hay Group, Inc.'s final report with recommendations.

Presented by:
Hay Group, Inc.

Agreed to and accepted by:
City of Fayetteville

Paul Glogowski

Dan Coody, Mayor

Date

Date

ATTEST:

Sondra Smith, City Clerk

Hay Group, Inc.

8350 N. Central Expressway
Suite 825
Dallas, TX 75206

July 15, 2005

HayGroup

Ms. Michele Bechhold
Director of Human Resources
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Compensation and Benefits Comparative Analysis

Dear Michele,

Paul and I want to confirm our proposed pricing for the services you requested. The project will include collection of survey data from cities specifically chosen for the City's survey group for their cash compensation programs.

Once we have collected the survey data, we will prepare a Market comparison report for both the cash compensation programs at City of Fayetteville and the Benefits programs. Where possible, we will provide separate information for Uniformed versus Civilian. The final report will include benefit values and charts which will make it easier to see where any differences exist.

Fee Estimates

Hay Group agrees to \$18,000 for the compensation survey and analysis portion of the project.

Hay Group agrees to \$10,000 for the benefit prevalence report. The Hay databases would be used to prepare a prevalence report without quantitative values. We have attached a list of current City, County, State and Federal entities in our benefits data base for your information. Total cost of the project would be \$28,000.

The final report would include an analysis of the City's benefits as compared to the organizations in the database. As previously stated, Hay will provide separate information for Uniformed and Civilian personnel wherever possible.

Hopefully this will provide you with what you need for budgeting approval. I look forward to moving forward and getting started on the projects as outlined. In the meantime, please let me know if you need any further information.

Sincerely,



Marie R. Dufresne, CCP, CBP, GRP
Senior Consultant

LIST OF PARTICIPANTS IN 2004 HBR DATABASE

August 2004

LIST OF PARTICIPANTS IN 2004 HBR DATABASE BY STANDARD INDUSTRIAL CLASSIFICATION CODE

GOVERNMENT GOVERNMENT

COMPANY NAME	SIC CODE	ZIP CODE	SALES (\$MIL)	# OF TR EMPS	COST DATA	FORT 1000	STATE	TAX STATUS
Board of Governors of the Federal Reserve System	9000	20551	245.6	1816	C		DIST COLUMBIA	NFP
City of Appleton, WI	9000	54911					WISCONSIN	NFP
City of Arlington, TX	9000	76004	391.7	2250	C		TEXAS	NFP
City of Austin, TX	9000	78767	1900.0	9979	C		TEXAS	NFP
City of Bismarck, ND	9000	58506					NORTH DAKOTA	NFP
City of Bloomington, MN	9000	55431					MINNESOTA	NFP
City of Carrollton, TX	9000	75006	71.0	896			TEXAS	NFP
City of Colorado Springs, CO	9000	80903	500.0	3553			COLORADO	NFP
City of Dallas, TX	9000	75201	1450.0	12226			TEXAS	NFP
City of Davenport, IA	9000	52801	80.0	830			IOWA	NFP
City of Fargo, ND	9000	58102					NORTH DAKOTA	NFP
City of Fayetteville, AR	9000	72701	63.6	682			ARKANSAS	NFP
City of Fort Worth, TX	9000	76102					TEXAS	NFP
City of Garland, TX	9000	75040	441.2	2024			TEXAS	NFP
City of Kenosha, WI	9000	53140					WISCONSIN	NFP
City of Lakewood, CO	9000	80226	40.0	727			COLORADO	NFP
City of Lincoln, NE	9000	68508					NEBRASKA	NFP
City of Middletown, OH	9000	45042	116.0	466			OHIO	NFP
City of Naperville, IL	9000	60566	303.6	977	C		ILLINOIS	NFP
City of Newark, NJ	9000	7102	496.7	3000			NEW JERSEY	NFP
City of Philadelphia, PA	9000	19102	2700.0	28014			PENNSYLVANIA	NFP
City of Raleigh, NC	9000	27602	214.2	2779			NORTH CAROLINA	NFP
City of Rapid City, SD	9000	57701	38.9	475			SOUTH DAKOTA	NFP
City of Savannah, GA	9000	31401	200.0	2021			GEORGIA	NFP
City of Sioux City, IA	9000	51102	103.0	841			IOWA	NFP
City of Sioux Falls, SD	9000	57104	205.0	974			SOUTH DAKOTA	NFP
City of Troy, MI	9000	48084	74.2	460			MICHIGAN	NFP
County of Champaign, IL	9000	61802	45.0	645			ILLINOIS	NFP
County of Collin, TX	9000	75069		1424			TEXAS	NFP
County of Dane, WI	9000	53703	285.0	2035			WISCONSIN	NFP
County of DuPage, IL	9000	60187	249.0	2930			ILLINOIS	NFP
County of Ellis, TX	9000	75165					TEXAS	NFP
County of Fort Bend, TX	9000	77469					TEXAS	NFP
County of Hillsborough, FL Civil Service	9000	33601	2771.0	10028	C		FLORIDA	NFP
County of Jackson Courthouse, MO	9000	64106	180.0	2057			MISSOURI	NFP
County of Johnson, KS	9000	66061	299.1	3202			KANSAS	NFP
County of Miami-Dade, FL	9000	33128	4000.0	29000			FLORIDA	NFP
County of Milwaukee, WI	9000	53233	932.0	6941			WISCONSIN	NFP
County of Peoria, IL	9000	61602	45.3	832			ILLINOIS	NFP
County of Schuylkill, PA	9000	17901	73.7	701			PENNSYLVANIA	NFP
County of Ulster, NY	9000	12401					NEW YORK	NFP
Dayton & Montgomery County Public Library	9000	45402	25.0	636			OHIO	NFP

LIST OF PARTICIPANTS IN 2004 HBR DATABASE BY STANDARD INDUSTRIAL CLASSIFICATION CODE

GOVERNMENT GOVERNMENT (continued)

COMPANY NAME	SIC CODE	ZIP CODE	SALES (\$MIL)	# OF EMPS	TR COST DATA	FORT 1000	STATE	TAX STATUS
Federal Bureau of Investigation	9000	22203					VIRGINIA	NFP
Federal Government	9000	22203	1000000.0	3000000			VIRGINIA	NFP
Hillsborough County Superior Court	9000	3101	53.0				NEW HAMPSHIRE	NFP
Jacob K. Javits Convention Center	9000	10001	120.0	111			NEW YORK	for profit
Lexington Fayette Urban County Government	9000	40507	208.0	2800			KENTUCKY	NFP
Metropolitan Development & Housing Agency	9000	37206	240.0	362	C		TENNESSEE	NFP
Metropolitan Water Reclamation District of Greater Chicago	9000	60611	300.6	2161			ILLINOIS	NFP
New York State Department of Civil Service	9000	12239	94.0	214378			NEW YORK	NFP
North Dakota Public Employees' Retirement System	9000	58502	3.8	13500			NORTH DAKOTA	NFP
Office of the Special Deputy Receiver	9000	60654					ILLINOIS	NFP
State Auditor's Office, Austin, TX	9000	78711	30534.0	94532			TEXAS	NFP
State Employees' Retirement System of Illinois	9000	62794	33000.0	78796			ILLINOIS	NFP
State of Colorado	9000	80202		26000			COLORADO	NFP
State of Connecticut	9000	6106	8137.0	46099			CONNECTICUT	NFP
State of Idaho	9000	83720					IDAHO	NFP
State of Minnesota, Department of Human Services	9000	55155	190.5	6000			MINNESOTA	NFP
State of Nebraska	9000	68509					NEBRASKA	NFP
State of North Carolina	9000	27699	19005.0	87857			NORTH CAROLINA	NFP
Texas Department of Housing & Community Affairs	9000	78711	32.0	314			TEXAS	NFP
Township of Hillsborough, NJ	9000	8844	17.2	168			NEW JERSEY	NFP
Unified Government of Wyandotte County/KCK	9000	66101					KANSAS	NFP
Warren County Employees' Retirement Board	9000	16365	10.0	280			PENNSYLVANIA	NFP
Workforce Safety & Insurance	9000	58506	89.6	230			NORTH DAKOTA	NFP

City Of Fayetteville

(Not a Purchase Order)

Supply Contract
Page 9 of 10

Vendor #:

86170

Vendor Name:

Hay Management Consultant

Address:

Fob Point:

City:

State:

Zip Code:

Requester:

Requester's Employee #:

Pat Ferguson

2134

Item

Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1

Salary & Benefits Survey

1

Ea

28,000.00

\$28,000.00

1010.1210.5314.00

2

Project Contingency

1

Ea

1,600.00

\$1,600.00

1010.1210.5314.00

3

\$0.00

4

\$0.00

5

\$0.00

6

\$0.00

7

\$0.00

8

\$0.00

9

\$0.00

10

\$0.00

Shipping/Handling

Lot

\$0.00

Special Instructions:

Subtotal:

\$29,600.00

Tax:

\$0.00

Total:

\$29,600.00

Approvals:

Mayor:

Department Director:

Finance & Internal Services Director:

Budget Manager:

Dispatch Manager:

Utilities Manager:

Purchasing Manager:

IT Manager:

Other:

Requisition No.:

Date:

P.O. Number:

7/28/2005

Expected Delivery Date:

Mail

Yes: ☐ No: ☒

Taxable

Yes: ☐ No: ☒

Division Head Approval:

Yes: ☐ No: ☒

Quotes Attached

Yes: ☐ No: ☒

Extension:

278

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

C. 1
Hay Group Salary and Benefits Survey Contract
Page 10 of 10

16-Aug-05

City Council Meeting Date

Michele Bechhold

Submitted By

Human Resources

Division

Finance & Internal Services

Department

Action Required:

Approve a contract with the HayGroup in the amount of \$28,000 to conduct a salary and benefit survey and a project contingency of \$1,600. Staff also requests approval of a bid waiver.

Not to exceed \$29,600

Cost of this request

\$

297,349.00

Category/Project Budget (2005)

Services & Charges

Program Category / Project Name

1010.1210.5314.00

Account Number

\$

124,172.00

Funds Used to Date

Human Resources

Program / Project Category Name

\$

173,177.00

Remaining Balance

General Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Department Director

Date

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Clerk's Office

ENTERED
7/28/05
CJF

Mayor

Date

Received in Mayor's Office

ENTERED
7/29/05
4:35pm

Comments:



THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Dan Coody, Mayor

From: Stephen Davis, Finance & Internal Services Director
Marsha Farthing, Accounting Manager

Date: July 30, 2005

Subject: HMR Tax revision

Recommendations

Staff recommends approval of a revision to the HMR Tax Ordinances to include all concession stands except those owned by 501(c)(3) non-profit organizations.

Background

The City currently levies a 2% (1% Parks, 1% A&P) Hotel, Motel and Restaurant tax upon the gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses engaged in the business of selling prepared food and beverages for on or off-premises consumption excluding organizations qualified under 501(c)(3) of the Federal Internal Revenue Code. When the ordinances were amended in 2001, concession stands operated on a short term basis for festivals were excluded from the tax.

The current ordinances are viewed as being unfair by local restaurant owners. Local vendors with concessions stands at festivals are required to collect and remit the HMR Tax on all of their gross receipts including any sales from concession stands they operate, while vendors without a local presence are exempt from the tax. Because of complaints from local restaurant owners the City formed a committee to review the current ordinance, to make recommendations for a revision to the ordinance and to prepare procedures and enforcement rules for the changes if passed by City Council.

Proposed Change

This proposal is intended to address the perceived inequities of the existing ordinance based on discussions over the past few weeks between accounting staff, parks staff, parking management staff and A & P Commission staff. The following procedure has been recommended by the committee.

The Parking Management Office will distribute the HMR Tax information and forms with the Special Event Application Form currently required by the City for special events. The festival chairman will be responsible for distributing the tax information and forms to the concession vendors and for collecting the forms and the taxes at the end of the event. All taxes and forms will be remitted to the Parking Management Office at the end of the event. This procedure is modeled after the procedures from the State of Arkansas governing collection of sales tax from special events.

Budget Considerations

There will be an increase in HMR tax revenues through the expansion of the tax to include all concession stands. The additional expenses associated with the collection of the tax should be minimal as long as the event chair is responsible for collection of these taxes.

ORDINANCE NO. _____

AN ORDINANCE AMENDING §§ 35.19 & 35.30 TO CHANGE
THE DEFINITION OF CONCESSION STANDS AS IT PERTAINS
TO THE COLLECTION OF HMR TAX.

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

Section 1. That Section §35.19 is hereby repealed and the following is
inserted in its stead:

§ 35.19 Definitions

Concession stands. Stands run by non-profit groups are excluded from this
taxation. All other stands, including those operated on a recurring basis,
such as for athletic events, barbecue stands and other on-going stands,
whether mobile or stationary, shall collect the Parks HMR tax.

Section 2. That Section §35.30 is hereby repealed and the following is
inserted in its stead:

§ 35.19 Definitions

Concession stands. Stands run by non-profit groups are excluded from this
taxation. All other stands, including those operated on a recurring basis,
such as for athletic events, barbecue stands and other on-going stands,
whether mobile or stationary, shall collect the Parks HMR tax.

PASSED and APPROVED this 16th day of August, 2005.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

State Sales Tax Code

26-52-518. Special events.

(a) As used in this section, unless the context otherwise requires:

(1) "Person" means a person as defined in § 26-52-103;

(2) "Promoter" or "organizer" means a person who organizes or promotes a special event which results in the rental, occupation, or use of any structure, lot, tract of land, motor vehicle, sample or display case, table, or any other similar items for the exhibition and sale of tangible personal property by special events vendors;

(3)(A) "Special event" means an entertainment, amusement, recreation, or marketing event which occurs at a single location on an irregular basis and where tangible personal property is sold.

(B) Such special events shall include, but are not limited to:

- (i) Auto shows;
- (ii) Boat shows;
- (iii) Gun shows;
- (iv) Knife shows;
- (v) Home shows;
- (vi) Craft shows;
- (vii) Flea markets;
- (viii) Carnivals;
- (ix) Circuses;
- (x) Bazaars;
- (xi) Fairs; and
- (xii) Art or other merchandise displays or exhibits.

(C) Such special events shall not include any county, district or state fair or the four states livestock show that has been approved, pursuant to the rules and regulations of the Arkansas Livestock and Poultry Commission, to receive state funds; and

(4) "Special event vendor" means a person making sales of tangible personal property at a

special event within the State of Arkansas and who is not permitted under § 26-52-201 et seq.

(b)(1) Special event vendors shall collect sales tax from purchasers of tangible personal property and remit the tax daily, along with a daily sales tax report, to the promoter or organizer.

(2) The isolated sale exemption found in § 26-52-401(17) shall not apply to sales of tangible personal property at special events.

(c) Promoters or organizers of special events shall register for sales tax collection with the director and shall provide to special event vendors special event sales tax reporting forms and any other information which may be required by the director.

(d) Special event vendors shall file daily special event sales tax reports with organizers or promoters during the special event and remit daily sales tax due along with the daily report.

(e) Within thirty (30) days following the conclusion of the special event, the organizer or promoter shall forward all daily reports and payments to the Department of Finance and Administration along with a completed sales tax report combining all taxable sales and sales tax due.

(f)(1) Promoters and organizers shall not be liable for unreported taxes of special event vendors.

(2) Promoters and organizers shall be liable for their failure to remit to the director sales taxes which are remitted to them by special event vendors.

(3) Promoters and organizers shall be subject to applicable penalty and interest impositions.

History. Acts 1995, No. 370, § 1; 1997, No. 137, § 1; 1997, No. 1256, § 1.

Amendments. The 1997 amendment by No. 137 added (a)(3)(C).

The 1997 amendment by No. 1256, amending Acts 1997, No. 137, substituted "county, district or state fair or the four states livestock" for "county fair" in (a)(3)(C).



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
REVENUE DIVISION - OFFICE OF FIELD AUDIT
NORTHWEST DISTRICT

FAX TRANSMITTAL SHEET

TO: Shellen FROM: Debbie Hesselme
COMPANY: City of Fayetteville DATE: 1/21/05
FAX NUMBER: 479-575-8273 TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 479-575-8274 SENDER'S PHONE NUMBER: (479) 636-0799
RE: _____

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

This facsimile message may contain privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this communication in error, please immediately notify us by telephone to arrange for the return of the original document to us. Thank you.

2301 WEST WALNUT, SUITE 8
ROGERS, AR 72756

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

CHAPTER 35: TAXATION

ARTICLE I
TAX ON REAL AND
PERSONAL PROPERTY

35.01 Levying Of Tax

- (A) A tax is hereby levied on the real and personal property within the city.
- (B) The tax so levied and the rate provided therefor are hereby certified to the County Clerk, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.
- (C) The City Clerk is hereby authorized and directed to file certified copies of this section in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector.

(Ord. No. 3384, 10-18-88; Code 1991, §35.01)

State law reference(s)--Taxation generally, A.C.A. §26-73-101 et seq.; Levying of tax, A.C.A. §26-75-207.

35.02-35.18 Reserved

ARTICLE II
TRANSIENT OCCUPANCY TAX*

35.19 Definitions

Bakeries, donut shops and ice cream shop. These are included within the definitions of "similar businesses" of this ordinance and are therefore subject of this tax.

Beverage shops. Businesses that sell beverages prepared or dispensed at their business are included within the definition of "similar businesses" of this ordinance and are therefore subject to this tax.

Caterers. Caterers are for profit businesses or persons who deliver or serve catered food or beverages at a location within the city limits of Fayetteville.

Concession stands. Stands run by non-profit groups are excluded from this taxation, as well as stands operated on a short term basis, such as First Night, Springfest, Autumnfest and county fairs. Other stands operated on a recurring basis, such as for

athletic events, barbecue stands and other on-going stands, whether mobile or stationary, will collect the Parks HMR tax.

Convenience stores. All food and beverages prepared on site are taxable.

Delis. Delis shall include establishments selling prepared food or beverage as defined, however this tax shall not apply to sliced meat and/or cheese sold by the pound.

Prepared food or beverage. Any food or beverage product prepared or altered in a food/beverage establishment for sale.

(Ord. No. 4317, 6-5-01)

**Note*--The definitions section of this ordinance was assigned a new number to make it consistent with other definition sections throughout this code and arranged in alphabetical order by this codifier.

35.20 Levy Of Tax

There is hereby levied, effective, a tax of 1% (the tax) upon the gross receipts from the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit in the city and upon the portion of gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store-restaurants, caterers and similar businesses as may be defined from time to time by ordinance from the sale of prepared food and beverages for on or off-premises consumption, but such tax shall not apply to such gross receipts or gross proceeds of organizations qualified under §501(c)(3) of the Federal Internal Revenue Code.

(Code 1965, §18A-1(a); Ord. No. 2310, 3-1-77; Ord. No. 2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-19-82, Ord. No. 4317, 6-5-01; Code 1991, §35.20)

Cross reference(s)--Penalty, §35.99.

State law reference(s)--Authority generally, A.C.A. §26-75-602.

35.21 Collection; When Payment Due

The tax shall be collected from the purchaser or user of the food or accommodations by the person, firm, corporation, association, trust, or estate (or other entity of whatever nature) selling such food or furnishing such accommodations (the taxpayer), and

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

the taxpayer shall remit to the city by the 20th day of each month all collections of the tax for the preceding month, accompanied by reports on forms to be prescribed by the mayor.

(Code 1965, §18A-1(b); Ord. No. 2310, 3-1-77; Ord. No. 2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-19-82; Code 1991, §35.21)

State law reference(s)—Gross receipts taxes authorized, A.C.A. §26-75-602.

35.22 Application Of Rules And Regulations

As provided in A.C.A. §26-52-301 et seq., as amended, together with the rules and regulations thereunder, shall, so far as practicable, apply to the administration, collection, assessment, and enforcement of the tax.

(Code 1965, §18A-1(c); Ord. No. 2310, 3-1-77; Ord. No. 2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-19-82; Code 1991, §35.22)

State law reference(s)—Tax levied. §26-52-301 at seq 1.

35.23 Repealed
See 33.311

35.24 Advertising And Promotion Fund

- (A) There is hereby created the city Advertising and Promotion Fund, to which fund there shall be credited all collections of the tax.
- (B) The city Advertising and Promotion Fund shall be used, in the manner determined by the city Advertising and Promotion Commission, exclusively for the advertisement and promotion of the city and its environs and/or for the construction, maintenance, repair, and operation of a convention center, including the pledge of revenues therein to the payment of bonds issued under A.C.A. §26-75-607.

(Code 1965, §18A-1(d), (e); Ord. No. 2310, 3-1-77; Ord. No. 2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-19-82; Code 1991, §35.24)

State law reference(s)—A.C.A. §26-75-607, Authority to issue bonds.

35.25 Penalties And Enforcement

The city may assess penalties and interest against taxpayers who fail to timely report or pay the tax. The penalty shall be equal to five percent of the unpaid tax amount per month not to exceed a total assessment of 35% of the unpaid tax. Simple interest on unpaid

taxes shall be assessed at the rate of 10% per annum. In addition, the city may exercise all powers listed under A.C.A. §26-75-603 (c) as may be amended from time to time and may utilize the provisions of A.C.A. §26-75-603 (d) and (e) amended from time to time in enforcing the tax.

(Ord. No. 4303, 3-20-01)

State law reference(s)—A.C.A. §26-75-603, collection of tax.

35.26 Examinations And Investigations

The collector of the tax in order to enforce the tax, by determining the accuracy of taxpayer reports and remittances, or fixing any liability under the ordinance, may make an examination or investigation of the place of business, the tangible personal property, equipment, and facilities, and the books, records, papers, vouchers, accounts, and documents of any taxpayer or other person. Every taxpayer or other person and his agents and employees shall exhibit to the collector these places and items and facilitate any examination or investigation.

(Ord. No. 4303, 3-20-01)

35.27 Rules And Regulations

The city after notice and public hearing may pass any rules and regulations necessary for carrying into effect the provisions for the enforcement of this ordinance.

(Ord. No. 4303, 3-20-01)

35.28-35.29 Reserved

**ARTICLE III
ADDITIONAL OCCUPANCY TAX***

35.30 Definitions

Bakeries, donut shops and ice cream shop. These are included within the definitions of "similar businesses" of this ordinance and are therefore subject of this tax.

Beverage shops. Businesses that sell beverages prepared or dispensed at their business are included within the definition of "similar businesses" of this ordinance and are therefore subject to this tax.

Caterers. Caterers are for profit businesses or persons who deliver or serve catered food or beverages at a location within the city limits of Fayetteville.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

Concession stands. Stands run by non-profit groups are excluded from this taxation, as well as stands operated on a short term basis, such as First Night, Springfest, Autumnfest and county fairs. Other stands operated on a recurring basis, such as for athletic events, barbecue stands and other on-going stands, whether mobile or stationary, will collect the Parks HMR tax.

Convenience stores. All food and beverages prepared on site are taxable.

Delis. Delis shall include establishments selling prepared food or beverage as defined, however this tax shall not apply to sliced meat and/or cheese sold by the pound.

Prepared food or beverage. Any food or beverage product prepared or altered in a food/beverage establishment for sale.

(Ord. No. 4317, 6-5-01; Ord. No. 4318, 6-5-01)

State law reference(s)--Gross receipts tax authorized, A.C.A. §26-75-602(c)(2).

Fed law reference(s)--F.I.R.C. §501(c)(3)

35.31 Levy Of Parks HMR Tax

There is hereby levied, a tax of 1% (the tax) upon the gross receipts or gross proceeds from the renting, leasing, or otherwise furnishing of hotel or motel accommodations for profit in the city and upon the portion of the gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, caterers and similar businesses as may be defined from time to time by ordinance from the sale of prepared food and beverages for on or off-premises consumption, but such tax shall not apply to such gross receipts or gross proceeds of organizations qualified under §501(c)(3) of the Federal Internal Revenue Code.

(Ord. No. 3900, §1, 7-5-95; Ord. No. 4318, 6-5-01; Code 1991, §35.31)

State law reference(s)--Penalty, A.C.A. §26-75-601 et seq.

35.32 Disposition Of Revenues

(A) The revenues collected from the additional tax of 1% shall be used by the city parks and recreation department for the promotion and development of city parks and recreation areas.

(B) Proceeds of the additional 1% tax shall be

deposited into a special fund established by the city to be used for the development, construction, and maintenance of city parks. The funds shall be disbursed by the mayor upon approval of the City Council.

(Ord. No. 3900, §2, 7-5-95; Code 1991, §35.32)

State law reference(s)--A.C.A. Collection of tax § 26-75-603.

35.33 Penalties And Enforcement

The city may assess penalties and interest against taxpayers who fail to timely report or pay the tax. The penalty shall be equal to five percent of the unpaid tax amount per month not to exceed a total assessment of 35% of the unpaid tax. Simple interest on unpaid taxes shall be assessed at the rate of 10% per annum. In addition, the city may exercise all powers listed under A.C.A. §26-75-603 (c) as may be amended from time to time and may utilize the provisions of A.C.A. §26-75-603 (d) and (e) as may be amended from time to time in enforcing the tax.

(Ord. No. 4302, 3-20-01)

35.34 Examinations And Investigations

The collector of the tax in order to enforce the tax, by determining the accuracy of taxpayer reports and remittances, or fixing any liability under the ordinance, may make an examination or investigation of the place of business, the tangible personal property, equipment, and facilities, and the books, records, papers, vouchers, accounts, and documents of any taxpayer or other person. Every taxpayer or other person and his agents and employees shall exhibit to the collector these places and items and facilitate any examination or investigation.

(Ord. No. 4302, 3-20-01)

35.35 Rules And Regulations

The city after notice and public hearing may pass any rules and regulations necessary for carrying into effect the provisions for the enforcement of this ordinance.

(Ord. No. 4302, 3-20-01)

35.36-35.98 Reserved

35.99 Penalty

It shall be unlawful for any taxpayer, as defined in §35.21, to fail to remit to the city by the twentieth day of each month all collections of the tax for the preceding month as levied by §35.20, and, upon conviction thereof, the taxpayer shall be punished by

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

a fine of not more than \$500.00, or double that sum
for each repetition of such offense.

(Code 1965, §18A-(b); Ord. No. 2310, 3-1-77; Ord. No.
2648, 7-15-80; Ord. No. 2711, 3-24-81; Ord. No. 2869, 10-
19-82)

Note--Ordinance No. 4318, adopted June 2001, enacts
provisions to add a new section which is now included
§35.30 definitions, to be consistent with this Code.

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

8/16/2005
City Council Meeting Date

Marsha Farthing, Accounting Manag
Submitted By

Accounting and Audit
Division

Finance and Internal Services
Department

Action Required:

Staff recommends approval of a revision to the City's HMR Tax Ordinances to include all concession stands except those owned by a 501(c)(3) non-profit organization.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

7-25-05
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

7/29/05
Date

Original Contract Number:

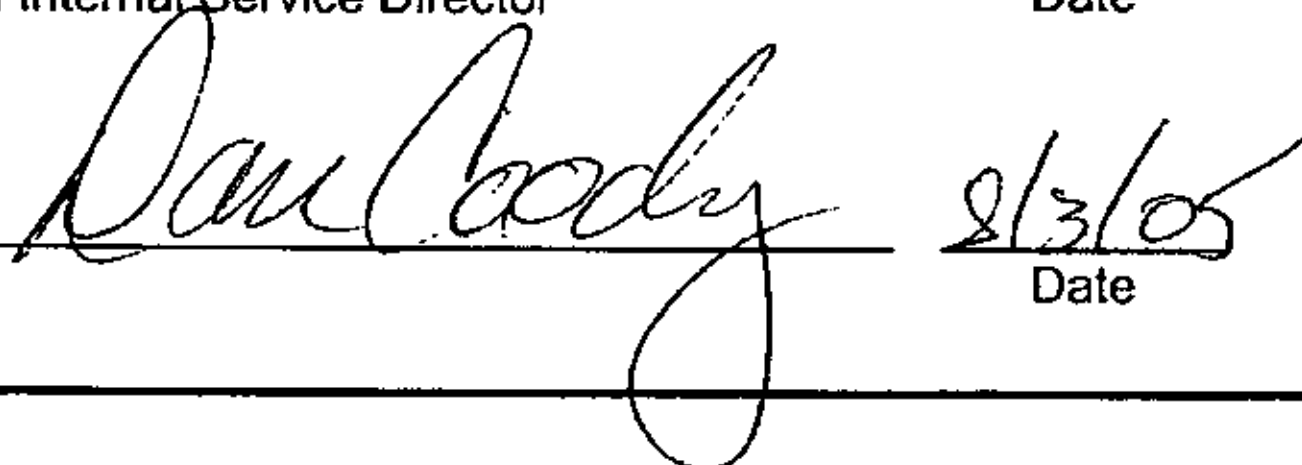

Finance and Internal Service Director

8-3-05
Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor


Date

ENTERED
7-25-05
Sondra

ENTERED
7-29-05
gms

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 25, 2005

Subject: Annexation for Lane (ANX 05-1603)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation submitted by Lane for approximately 5.3 acres located north of Huntsville Road. This action will incorporate the 5.3-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains approximately 5.3 acres and is located north of Huntsville Road (Hwy 16 East) and Deerfield Way Subdivision in southeast Fayetteville. The tract of property is within the Planning Area and adjacent to the City limits along the western and southern property lines where it abuts 53.8 acres of property recently annexed by the City of Fayetteville. The West Fork of the White River is located to the north of the property. At this time, the majority of the subject property is an excavated pit that will not be developed but utilized for detention, according to the applicant's representative.

Annexation of the property will not create an island of unincorporated property or create a peninsula of City property. Water and sewer service and infrastructure shall be extended to the property 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 a small portion of the property 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.

DISCUSSION

This item was heard at the regular Planning Commission on July 25, 2005. The Planning Commission voted 8-0-0 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 05-1603 FOR PROPERTY
LOCATED NORTH OF HUNTSVILLE ROAD (HWY 16 EAST) AND
DEERFIELD WAY CONTAINING APPROXIMATELY 5.3 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

EXHIBIT "A"
ANX 05-1603

A PART OF THE NORTHWEST QUARTER (NW1/4) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER (W1/4) CORNER OF SAID SECTION 20 AND CONTINUING THENCE S87°22'31"E 930.97 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID NORTHWEST QUARTER (NW1/4), AND CONTINUING THENCE N02°40'06"E 350.01 FEET TO A POINT BEING THE INTERSECTION OF THE EXISTING FAYETTEVILLE CITY LIMITS BOUNDARY AND THE WESTERN BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED OF RECORD IN BOOK 1284, PAGES 240 AND 241 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS, THENCE CONTINUING N02°40'06"E 1441.44 FEET, THENCE N62°08'56"E 246.16 FEET, THENCE N53°32'58"E 213.11 FEET TO THE EAST BOUNDARY OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 20, THENCE ALONG SAID EAST BOUNDARY S02°32'24"W 224.64 FEET THE POINT OF BEGINNING;

THENCE S87°12'14"E 524.04 FEET;

THENCE S02°39'28"W 439.28 FEET;

THENCE N87°16'57"W 523.14 FEET;

THENCE N02°32'24"E 440.00 (DC=440.00) FEET TO THE POINT OF BEGINNING, CONTAINING 5.284 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

DRAFT



PC Meeting of July 25, 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 18, 2005

ANX 05-1603: (LANE (5A), 571): Submitted by MEL MILHOLLAND for property located at N OF HUNTSVILLE & HWY 16E, W OF DEERFIELD WAY. The property is in the Planning Area and contains approximately 5.28 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: FORREST & MODYNE LANE

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 <u>YES</u>
Date: <u>July 25, 2005</u>	☒ Approved ☐ Denied
	Trumbo/Clark ² 8-0-0
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>August 16, 2005 (1st reading if recommended)</u>	☒ Approved ☐ Denied

BACKGROUND:

Property description: The subject property contains approximately 5.28-acres owned by the Lanes. It is located north of Huntsville Road (Hwy 16 East) and Deerfield Way Subdivision in southeast Fayetteville. At this time, the majority of this property is an excavated pit that will not be developed, according to the applicant's representative. The tract of property is within the Planning Area and adjacent to the City limits along the western and southern property lines where it abuts property recently annexed by the City of Fayetteville. The West Fork of the White River is located to the north of the property.

Proposal: The applicant proposes annexation of approximately 5.28 acres into the City of Fayetteville.

Recommendation: Staff recommends approval of the proposed annexation based on the findings herein.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	West Fork of the White River (one property removed); pasture	Planning Area
South	Vacant/Pasture (PPL proposed)	RSF-4, Res. Single Family – 4 units/acre
East	Residential Single Family; Vacant/Pasture	Planning Area
West	Vacant/Pasture (PPL proposed)	RSF-4, Res. Single Family – 4 units/acre

INFRASTRUCTURE:

Streets: Traffic from the site will access East Huntsville Road to the south.

Surrounding Master Street Plan Streets:

South: Huntsville Rd (Principal Arterial), Mally Wagnon (Collector), Country Ridge and Deerfield Way (Local)

Water: Public water is not adjacent to the site. There is an 8" main along East Huntsville Road and a 2" main along Mally Wagnon Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete a looped system. A study of the water system shall be completed at the cost of the developer to confirm adequate supply and pressure. There are plans to improve the water system in this area, though the timing is not known.

Sewer: The site is near sanitary sewer mains. A short off-site sewer main extension may be required to serve this development. A capacity analysis of the sewer lines and/or lift stations downstream of the site shall be conducted prior to development and at the cost of the developer.

Fire: The subject property is located approximately 4.3 miles from the Fire Station #5. Response time to the property at maximum build-out is projected at approximately 8.25 minutes. Response time is projected at 6.25 minutes from the future Fire Station #3 at the Tyson complex on Huntsville Road.

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 an island of unincorporated property and does not exacerbate problems created by the extension of peninsulas. In the 1960's, the City of Fayetteville 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 corridor. The proposed annexation does not extend further north and only slightly farther east than the recently annexed property to which the subject property adjoins. 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 south and west.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area is currently vacant at this time and located adjacent to property recently annexed into the City of Fayetteville and zoned RSF-4. The Planning Division has accepted a preliminary plat application for the subdivision of a portion of recently annexed property. The applicant intends to incorporate this property with surrounding City property for future development. There are several other subdivisions north and south of Huntsville Road further east and west of the subject 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. It is one tract removed from a natural barrier created by the White River. There are no planned crossings of the river in this area, which creates a natural boundary for development within this area.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in an anticipated response time of 8 minutes for fire protection from Fire Station #5. Response times are anticipated to be reduced by 2 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 and a large pit formerly utilized for excavation. Tree canopy is concentrated along the boundary of this property, skirting the edge of the pond. 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 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.

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.

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 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: 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 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. It is located adjacent to an extension of City property along Huntsville Road. To expand the city limits in this area north towards the river 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 owner requests annexation and request to rezone the portion of property deemed developable, approximately 1.63 acres, to RSF-4, Residential single family - 4 units/acre, while leaving the remainder R-A, Residential Agricultural.

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 is anticipated, but 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 approximately 5.28 acres owned by the Lanes, and is adjacent to three tracts of property, containing 53.8 acres, recently annexed into the City of Fayetteville. The annexation of the subject property will further define the northern boundary of the City south of the West Fork of the White River, a natural boundary to the north. As additional petitions of annexation are submitted, the annexation of properties to create a city boundary which follows the existing natural barriers (i.e. the riparian corridors) and the existing 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 5.28 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

C. 3
ANX 05-1603 (Lane)
Page 11 of 22

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

July 18, 2005

Jeremy Pate
Director of Current Planning
City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72702

Dear Mr Pate:

This document is in response to the request for a determination of whether the proposed ANX 00-1603 and subsequent RZN 00-1604 (Lane (5A), 571) submitted by Mel Milholland for property located north of Hunstville Road (HWY 16E) and west of Deerfield Way 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 the proposed rezoning **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,

A handwritten signature in black ink, appearing to read "Rob Turberville", written over the word "Sincerely,".

Lieutenant Rob Turberville
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review										
July 12, 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
PZD 00-1599	Zion Gardens		13.55	4	2.4 miles	7 minutes	7.5 minutes	22	8	13
ANX 00-1603	Lane 5A	YES	5.28	5	4.3 miles	8 minutes	8.25 minutes	N/A	N/A	N/A
ANX 00-1603	Lane 5A	YES	5.28	3	3.3 miles	6 minutes	6.25 minutes	N/A	N/A	N/A
RZN 00-1604	Lane 5A		1.628	5	4.3 miles	8 minutes	8.25 minutes	1	0	1
RZN 00-1604	Lane 5A		1.628	3	3.3 miles	6 minutes	6.25 minutes	1	0	1
RZN 00-1576	Mt Sequoyah		u/k	1	1.0 miles	2 Minutes	4.0 minutes	0	0	0
RZN 00-1576	Mt Sequoyah		u/k	3	1.0 miles	2 Minutes	3.25 Minutes	0	0	0

*1 This property has sections in both Station 1 and Station 3's first due area. Due to the unknown number of acres we are unable to calculate the projected fire and ems calls/year for this rezoning.

3 This is the projected new station #3

IN THE COUNTY COURT OF WASHINGTON COUNTY

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

NO. CC2005-16

ORDER OF ANNEXATION

Now on this 13th day of June, 2005, this cause comes on to be heard, the Petitioners, Forrest E. Lane and Modyne L. Lane, who are represented by the Engineer of Record, Melvin Milholland, Clint McDonald, and James E Atwood, Attorney at Law, P.A., 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 5th day of May, 2005 at which time this Court fixed the 13th day of June, 2005, at 10:00a.m., 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 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 Acct. 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 13th day of June, 2005.

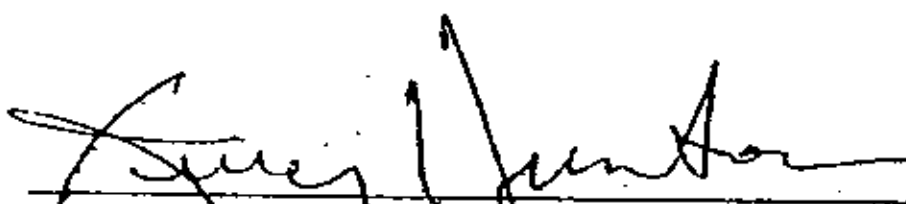
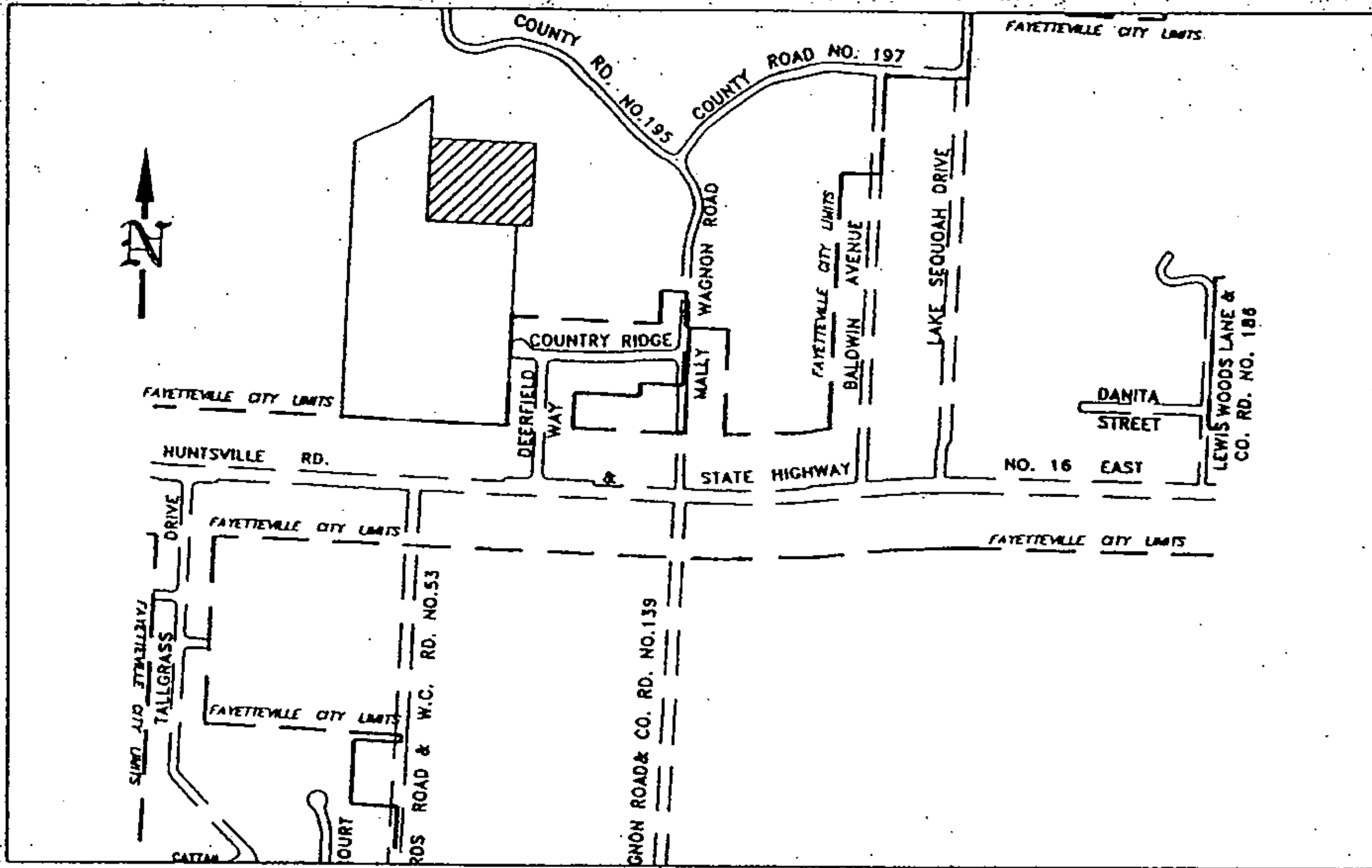

The Honorable Jerry Hunton
Washington County Judge

EXHIBIT "A"

C. 3
ANX 05-1603 (Lane)
Page 15 of 22



ANNEXATION VICINITY MAP E-745

ANNEXATION DESCRIPTION:

A PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER (W $\frac{1}{4}$) CORNER OF SAID SECTION 20 AND CONTINUING THENCE S87°22'31"E 930.97 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$), AND CONTINUING THENCE N02°40'06"E 350.01 FEET TO A POINT BEING THE INTERSECTION OF THE EXISTING FAYETTEVILLE CITY LIMITS BOUNDARY AND THE WESTERN BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED OF RECORD IN BOOK 1284, PAGES 240 AND 241 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS, THENCE CONTINUING N02°40'06"E 1441.44 FEET, THENCE N62°08'56"E 246.16 FEET, THENCE N53°32'58"E 213.11 FEET TO THE EAST BOUNDARY OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 20, THENCE ALONG SAID EAST BOUNDARY S02°32'24"W 224.64 FEET THE POINT OF BEGINNING;

THENCE S87°12'14"E 524.04 FEET;

THENCE S02°39'28"W 439.28 FEET;

THENCE N87°16'57"W 523.14 FEET;

THENCE N02°32'24"E 440.00 (DC=440.00) FEET TO THE POINT OF BEGINNING, CONTAINING 5.284 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

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**

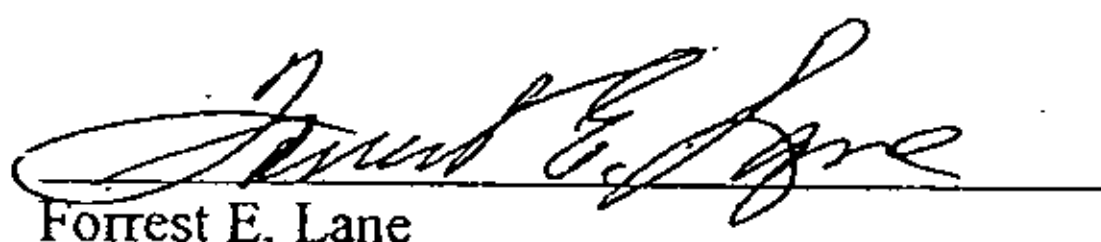
The Petitioners, Forrest E. Lane and Modyne L. Lane, hereby submit their Petition to annex certain real property into the City of Fayetteville, Washington, County, Arkansas, pursuant to A.C.A. Section 14-40-601, et. Seq. as follows:

1. That Petitioners own the real property described on the Plat Map, Exhibit "A", attached hereto and made a part hereof (the "Real Property"), and said Real Property is situated in Washington County, Arkansas, and is contiguous with the City of Fayetteville, Arkansas, and is within the City of Fayetteville, School District.
2. The Petitioners name Melvin Milholland, Clint McDonald, and James Atwood, Attorney at Law, P.A. as the persons authorized to act on their behalf with respect to this Petition.
3. The Petitioners desire that the Real Property become part of the City of Fayetteville, Arkansas, and petitions the County Judge for annexation of the Real Property into the City of Fayetteville.
4. 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. The Petitioners herein desire that the Real Property become part of the City of Fayetteville, Washington County, Arkansas, and Petitioners state that they will do

any and all legal acts necessary to accomplish the objective set forth herein.

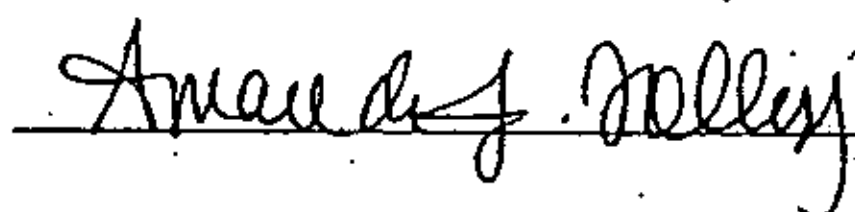
THEREFORE, Petitioners respectfully pray that this Court set a hearing, and after notice of such hearing, that the County Judge sign an Order annexing the above described Real Property into the City of Fayetteville, Washington County, Arkansas, and to order such other relief as is appropriate under applicable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

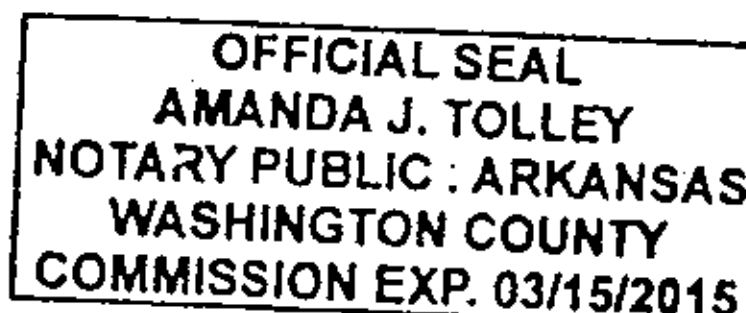
Respectfully executed this 22 day of April, 2005.

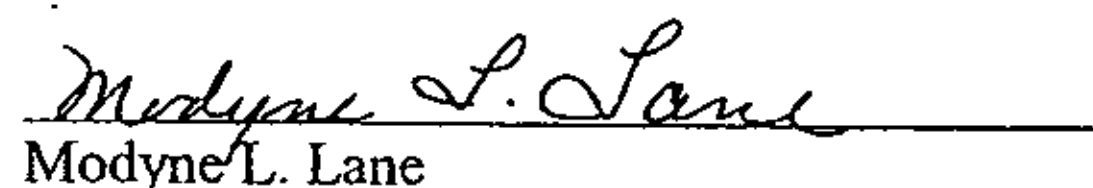

Forrest E. Lane

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 22 day of April, 2005.

My Commission Expires: 3/15/2015






Modyne L. Lane

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 22 day of April, 2005.

My Commission Expires: 3/15/2015



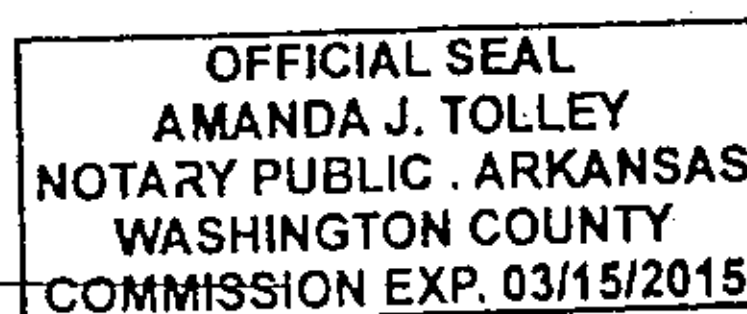
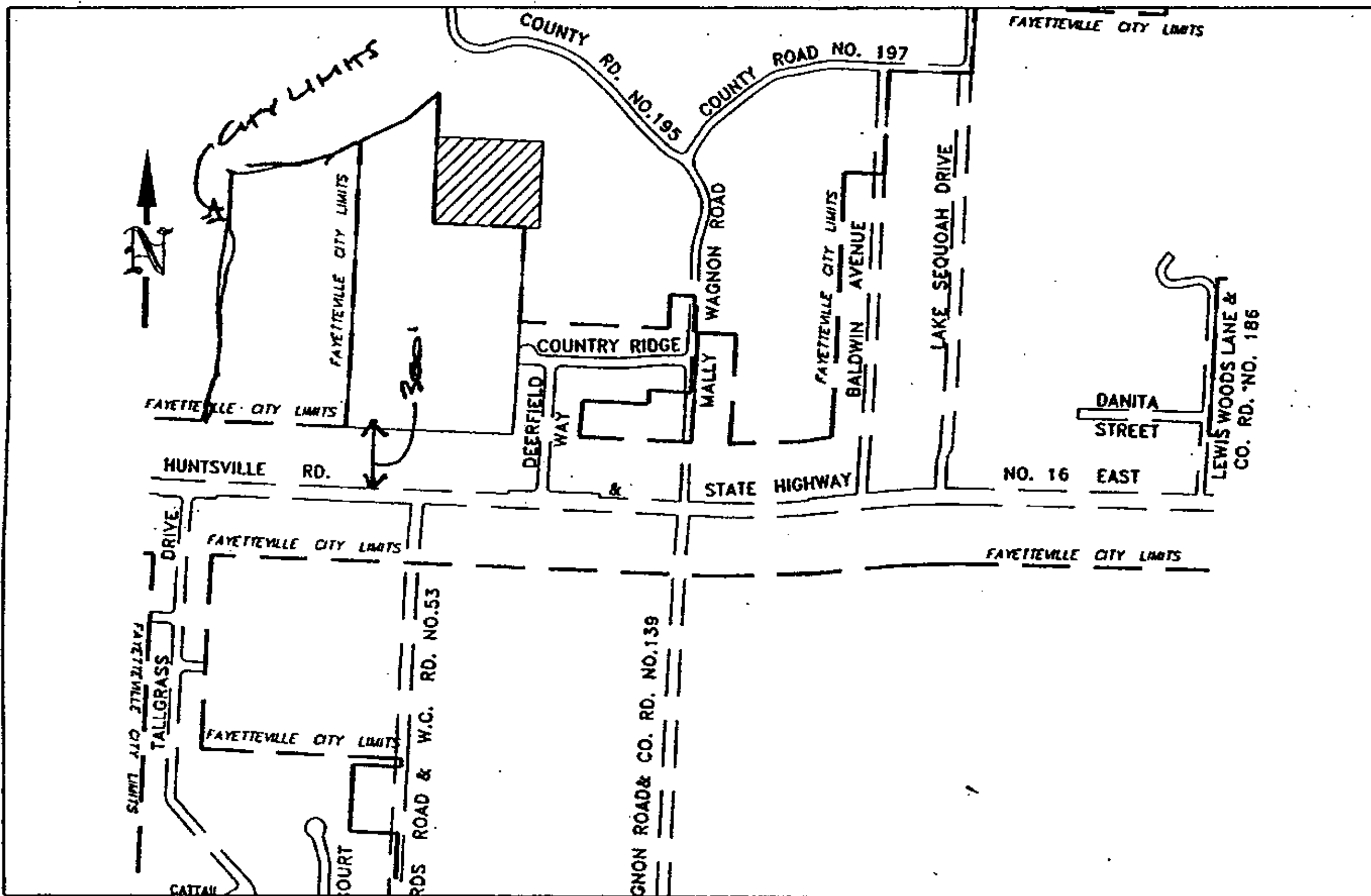


EXHIBIT "A"



ANNEXATION VICINITY MAP E-745

ANNEXATION DESCRIPTION:

A PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER (W $\frac{1}{4}$) CORNER OF SAID SECTION 20 AND CONTINUING THENCE S87°22'31"E 930.97 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$), AND CONTINUING THENCE N02°40'06"E 350.01 FEET TO A POINT BEING THE INTERSECTION OF THE EXISTING FAYETTEVILLE CITY LIMITS BOUNDARY AND THE WESTERN BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED OF RECORD IN BOOK 1284, PAGES 240 AND 241 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS, THENCE CONTINUING N02°40'06"E 1441.44 FEET, THENCE N62°08'56"E 246.16 FEET, THENCE N53°32'58"E 213.11 FEET TO THE EAST BOUNDARY OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 20, THENCE ALONG SAID EAST BOUNDARY S02°32'24"W 224.64 FEET THE POINT OF BEGINNING;

THENCE S87°12'14"E 524.04 FEET;

THENCE S02°39'28"W 439.28 FEET;

THENCE N87°16'57"W 523.14 FEET;

THENCE N02°32'24"E 440.00 (DC=440.00) FEET TO THE POINT OF BEGINNING, CONTAINING 5.284 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

OWNER: Forrest E. Lane
FORREST E. LANE (HUSBAND)

DATE: 6/16/05

OWNER: Mobyne L. Lane
MOBYNE L. LANE (WIFE)

DATE: 6/16/05



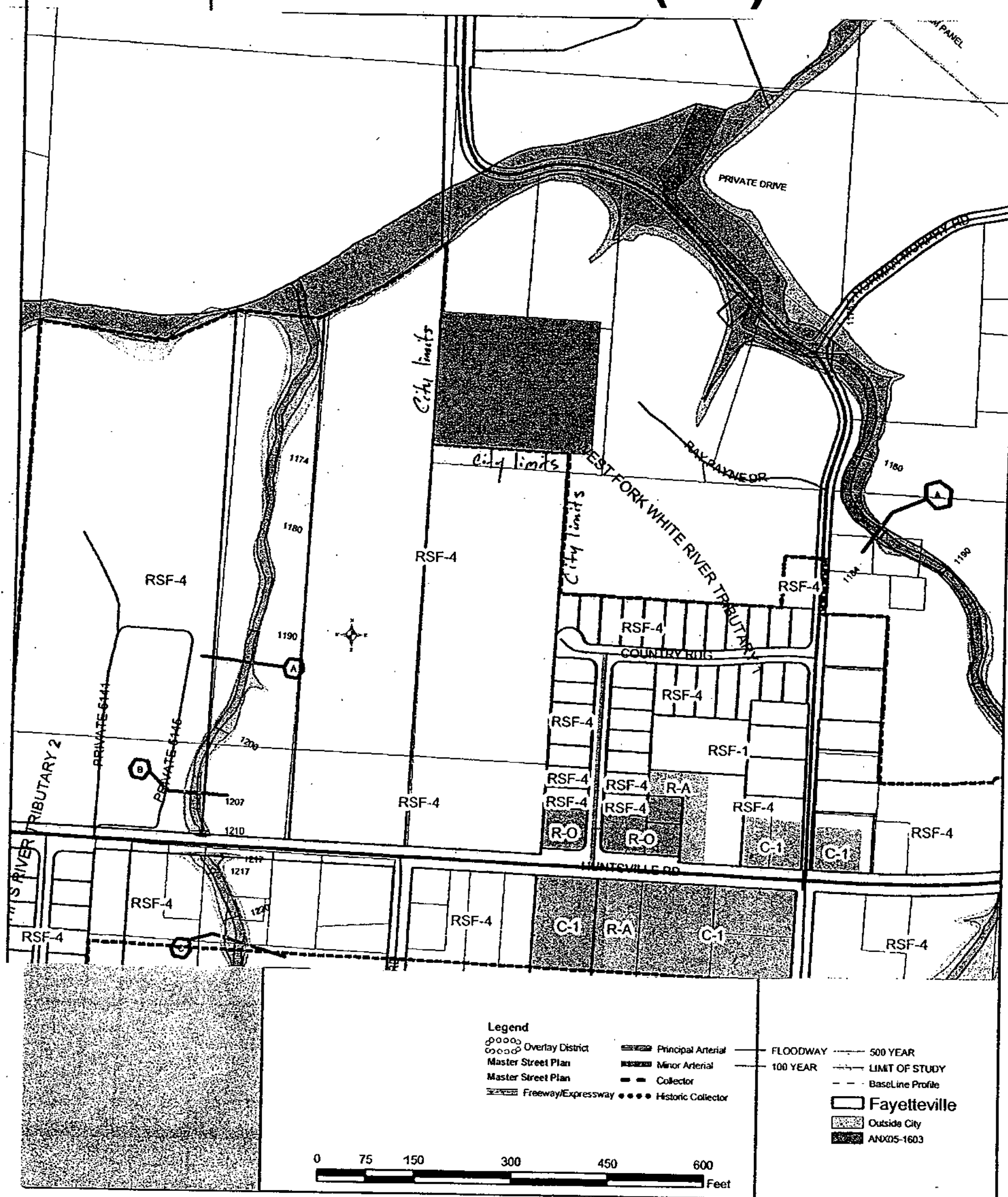
THENCE S87°12'14"E 524.04 FEET;
THENCE S02°39'28"W 439.28 FEET;
THENCE N87°16'57"W 523.14 FEET;
THENCE N02°32'24"E 440.00 (DC=440.00) FEET TO THE POINT OF BEGINNING,
CONTAINING 5.284 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

7/12/05

ANX05-1603

Close Up View

LANE (5A)



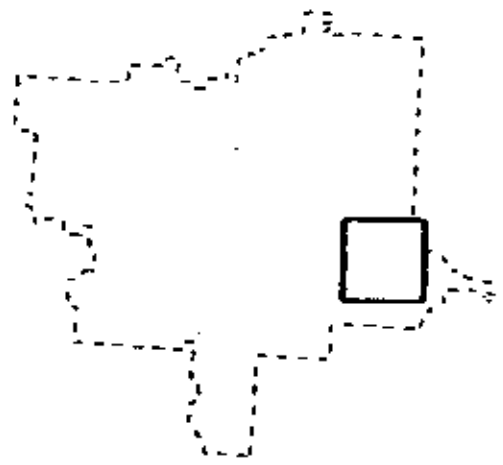
ANX05-1603

One Mile View

LANE (5A)



Overview



Legend

Subject Property
ANX05-1603

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



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

16-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 05-1603: (Lane (5A), 571): Submitted by Mel Milholland for property located north of Huntsville Road (Hwy 16 East) and Deerfield Way. The property is located in the Planning Area and contains approximately 5.3 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 ☐

[Signature] 7-28-05
Department Director Date

Previous Ordinance or Resolution # n/a

[Signature] 7-29-05
City Attorney Date

Original Contract Date: n/a

Original Contract Number: n/a

[Signature] 8-3-05
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
7/28/05

[Signature] 8/3/05
Mayor Date

Received in Mayor's Office
ENTERED
7/29/05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations GD

From: Jeremy C. Pate, Director of Current Planning JCP

Date: July 25, 2005

Subject: Rezoning for Lane (RZN 05-1604)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 1.6 acres of property from R-A, Residential-Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

BACKGROUND

The subject property contains approximately 1.6-acres. It is located north of Huntsville Road (Hwy 16 East) and Deerfield Way Subdivision in southeast Fayetteville. At this time, the property is currently vacant and used for agricultural purposes. This 1.6-acre property is a portion of a larger 5.3-acre tract requested for annexation. The applicant anticipates incorporating this property into adjacent property to the west for development of a residential subdivision. Only a portion of the 5.3-acre tract is requested for rezoning, as the applicant intends to utilize an existing excavated basin for detention.

The applicant proposes a rezoning of the subject property to facilitate the future development of a residential area. 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 05-1603, be approved.

Rezoning this property to allow development of four units per acre will not significantly increase the population density in this area and is consistent with the surrounding residential zoning. It is the opinion of the Fayetteville Police Department that this rezoning will not create an undesirable increase on police services.

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 July 25, 2005. The Planning Commission voted 8-0-0 to forward this item to the City Council with a recommendation in favor of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1604 FOR APPROXIMATELY
1.6 ACRES LOCATED NORTH OF HUNTSVILLE ROAD
(HWY 16 EAST) AND DEERFIELD WAY 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

EXHIBIT "A"
RZN 05-1604

A PART OF THE NORTHWEST QUARTER (NW) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER (W) CORNER OF SAID SECTION 20 AND CONTINUING THENCE S87°22'31"E 930.97 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID NORTHWEST QUARTER (NW), AND CONTINUING THENCE N02°40'06"E 350.01 FEET TO A POINT BEING THE INTERSECTION OF THE EXISTING PAYETTEVILLE CITY LIMITS BOUNDARY AND THE WESTERN BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED OF RECORD IN BOOK 1284, PAGES 240 AND 241 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS, THENCE CONTINUING N02°40'06"E 1441.44 FEET, THENCE N62°08'56"E 246.16 FEET, THENCE N53°32'58"E 213.11 FEET TO THE EAST BOUNDARY OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 20, THENCE ALONG SAID EAST BOUNDARY S02°32'24"W 224.64 FEET THE POINT OF BEGINNING;

THENCE S87°12'14"E 70.55 FEET

THENCE AN ARC LENGTH OF 163.84 FEET HAVING A RADIUS OF 50 FEET AND DELTA ANGLE OF 187°45'07", WITH CHORD BEARING AND DISTANCE OF S06°40'20"W 99.77 FEET;

THENCE S02°41'09"W 256.79 FEET;

THENCE S87°18'51"E 460.60 FEET;

THENCE S02°39'29"W 83.84 FEET;

THENCE S87°16'57"W 523.14 FEET

THENCE N02°32'24"E 440.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70,908 SF, 1.628 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS



PC Meeting of July 25, 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 18, 2005

RZN 05-1604: (LANE (5A), 571): Submitted by MEL MILHOLLAND for property located at N OF HUNTSVILLE RD & HWY 16E, W OF DEERFIELD WAY. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.628 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.
Property FORREST & MODYNE LANE Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
Date: <u>July 25, 2005</u>	☒ Approved ☐ Denied
	Clark/Trumbo ² 8-6-0
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>August 16, 2005 (1st reading if recommended)</u>	☐ Approved ☐ Denied

BACKGROUND:

Property description: The subject property contains approximately 1.628-acres owned by the Lanes. It is located north of Huntsville Road (Hwy 16 East) and Deerfield Way Subdivision in southeast Fayetteville. At this time, the property is currently vacant and used for agricultural purposes. This 1.628-acre property is a portion of a larger 5.28-acre tract requested for annexation. With approval of this proceeding annexation, ANX 05-1603, the 5.28-acre tract will be zoned R-A, Residential Agricultural. The applicant anticipates incorporating this property into adjacent property to the west for development of a residential subdivision. Only a portion of the 5.28-acre tract is requested for rezoning, as the applicant intends to utilize the existing water basin for detention.

Proposal: The applicant intends to develop this property in conjunction with property to the west for single family use at a maximum density of 4 units per acre. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre. The remainder of the 5.28-acre tract of land

requested for annexation will remain R-A, Residential Agricultural and is planned to be utilized for detention for the subsequent development.

Recommendation: Staff recommends approval of the rezoning request to rezone the subject property RSF-4 based on findings herein.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	West Fork of the White River (one property removed); pasture	Planning Area R-A, Residential Agricultural
South	Vacant/Pasture (PPL proposed)	RSF-4, Res. Single Family – 4 units/acre
East	Residential Single Family; Vacant/Pasture	Planning Area R-A, Residential Agricultural
West	Vacant/Pasture (PPL proposed)	RSF-4, Res. Single Family – 4 units/acre

INFRASTRUCTURE:

Streets: Traffic from the site will access East Huntsville Road to the south.

Surrounding Master Street Plan Streets:

South: Huntsville Rd (Principal Arterial), Mally Wagon (Collector), Country Ridge and Deerfield Way (Local)

Water: Public water is not adjacent to the site. There is an 8" main along East Huntsville Road and a 2" main along Mally Wagon Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete a looped system. A study of the water system shall be completed at the cost of the developer to confirm adequate supply and pressure. There are plans to improve the water system in this area, though the timing is not known.

Sewer: The site is near sanitary sewer mains. A short off-site sewer main extension may be required to serve this development. A capacity analysis of the sewer lines and/or lift stations downstream of the site shall be conducted prior to development and at the cost of the developer.

Fire: The subject property is located approximately 4.3 miles from the Fire Station #5. Response time to the property at maximum build-out is projected at approximately 8.25 minutes. Response time is projected at 6.25 minutes from the future Fire Station #3 at the Tyson complex on Huntsville Road.

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: The General Plan 2020 Future Land Use Plan designates this site as **Residential**.

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: Future development of the subject property at 4 units per acre would be compatible with the development within the City and the adjacent property east and south of the subject property.

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

Finding: Should the annexation request for the 5.28-acres north and east of the existing city limits be approved, the property is zoned R-A by default. The applicant is requesting the consideration of rezoning only a portion of this property to RSF-4, as the remainder of property has been deemed undesirable for development. Staff finds that this zoning is compatible with the General Plan 2020 and surrounding developments within the City.

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

Finding: The additional density will create a minimal increase in the amount of traffic currently utilizing Huntsville Road and intersecting streets. The West Fork of the White River to the north of this and surrounding properties may prevent a northern street connection. No north-south street connection is identified on the Master Street Plan between Mally Wagnon Road and Starr Drive, an unconstructed street. Staff recommends connectivity between future development of this property and surrounding properties to allow for many alternative routes of travel to Huntsville Road.

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

Finding: The proposed zoning will increase population density from that zoning currently in place. The 1.628 acre tract under an R-A zoning designation would allow for a maximum 1 single family residential dwelling unit with variance approvals for minimum area requirements (2 acres). With the proposed RSF-4 designation for the property, a maximum of 6 single family

dwelling units would be permitted.

Increased load on public services were taken into consideration and recommendations from Engineering, Police Department, and Fire Department are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

K:\Reports\2005\PC Reports\07-25-05\RZN 05-1602 (Lane (5A)).doc

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 4
RZN 05-1604 (Lane)
Page 9 of 20

POLICE DEPARTMENT

July 18, 2005

Jeremy Pate
Director of Current Planning
City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72702

Dear Mr Pate:

This document is in response to the request for a determination of whether the proposed ANX 00-1603 and subsequent RZN 00-1604 (Lane (5A), 571) submitted by Mel Milholland for property located north of Hunstville Road (HWY 16E) and west of Deerfield Way 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 the proposed rezoning **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,

A handwritten signature in black ink, appearing to read "R. Turberville".

Lieutenant Rob Turberville
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review										
July 12, 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
PZD 00-1599	Zion Gardens		13.55	4	2.4 miles	7 minutes	7.5 minutes	22	8	13
ANX 00-1603	Lane 5A	YES	5.28	5	4.3 miles	8 minutes	8.25 minutes	N/A	N/A	N/A
ANX 00-1603	Lane 5A	YES	5.28	3	3.3 miles	6 minutes	6.25 minutes	N/A	N/A	N/A
RZN 00-1604	Lane 5A		1.628	5	4.3 miles	8 minutes	8.25 minutes	1	0	1
RZN 00-1604	Lane 5A		1.628	3	3.3 miles	6 minutes	6.25 minutes	1	0	1
RZN 00-1576	Mt Sequoyah		u/k	1	1.0 miles	2 Minutes	4.0 minutes	0	0	0
RZN 00-1576	Mt Sequoyah		u/k	3	1.0 miles	2 Minutes	3.25 Minutes	0	0	0

*1 This property has sections in both Station 1 and Station 3's first due area. Due to the unknown number of acres we are unable to calculate the projected fire and ems calls/year for this rezoning.

3 This is the projected new station #3

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

July 11, 2005

Project No. E-745

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Suzanne Morgan, Planning Division

RE: Lane Annexation and Rezoning

Dear Suzanne:

In response to your request for information describing why such a unique shape of property has been carved out of the 5 acre tract for re-zoning from the more of less rectangular tract submitted for annexation.

The explanation is very simple and one that has been discussed with Staff by Mr. Milholland, I believe.

- Annexation of the entire 5 acre tract is so that a future void, hole, or island does not exist within the City Limits. For the most part, the majority of the tract is an excavated pit, that can / will not be developed. The pit is incorporated by design to meet the City's requirement for detention. For tax reasons, that area of the property may be left with the inherent zoning of annexation.
- The unique shape request for RSF-4 zoning is the only area of the 5 acre tract desirable for development that is compatible with that proposed and existing surrounding developments.

Should you require additional explanation, please advise. Thank you for your assistance and understanding concerning this project.

Sincerely,

Milholland Company

Thomas M. Jefcoat, ASLA
Senior Projects Manager

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

July 11, 2002

Project No. E-745

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Suzanne Morgan, Planning Division
RE: Lane Annexation and Re-zoning

Dear Suzanne:

The following responses are provided in addressing items 5 and 6 in the re-zoning application.

Item 5. 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. Legal description shall appear on plat and shall be submitted on floppy, cd or by email to rthomas@ci.fayetteville.ar.us in word or word perfect format.

I believe that this item was properly addressed, but by your indication is attached herewith, plat with description and on floppy.

Item 6. A written description of this request addressing the following items:

a. Current ownership information and any proposed or pending property sales.

The property is currently owned by Mr. and Mrs. Lane, those having signed the application as the owners, information provided on application. Sale of the property is pending to:

NLC, Inc. - Clint McDonald, contact

2350 Hunt Lane

Fayetteville, Arkansas 72701

b. Reason (need) for requesting the zoning change.

The current development train is that of RSF-4. The development plans for this project property, as incorporated with that of previously submitted adjoining property zoning request, approved, is for RSF-4 development. This tract is a portion of the overall 36.156 acres planned for development.

c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

The development of this property is going to be almost identical to that of surrounding developments, existing and proposed. The land use is the same. Traffic patterns of egress and ingress are directly to and from Hwy 16, although connectivity between adjoining properties is provided where feasible. The appearance of developed conditions (home construction) will be very similar. Signage is for identification only and relate only to the development.

d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

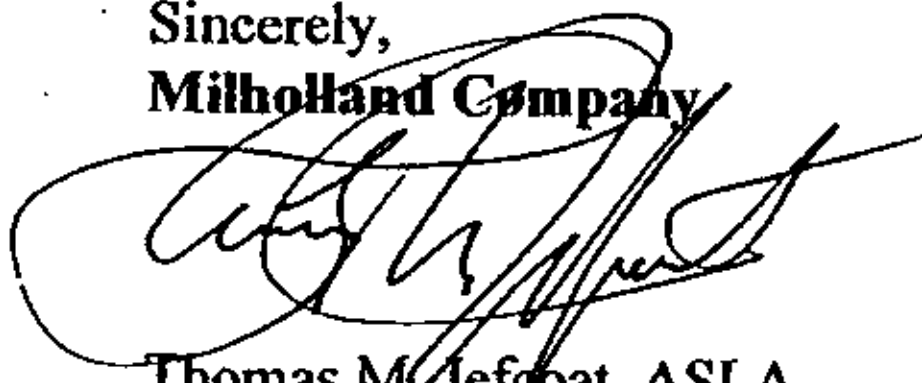
City services of water and sewer exist to the property. There is an 8" water main fronting the property along Hwy 16. Development of this property will provide for looped connections along the Highway as well as to existing developed property to the east. There exist a 12" gravity sanitary sewer system near the property's northwest corner and an 8" gravity line to east where connections are proposed to service the development of this property.

Should you require additional information, please advise.

Thank you for your assistance with this project.

Sincerely,

Milholland Company



Thomas M. Jefcoat, ASLA
Senior Projects Manager

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

July 21, 2005

Project No. E-745

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Suzanne Morgan, Planning Division

RE: Lane Property - Rezoning

Dear Suzanne:

Responses to your question have not been forgotten, have just risen to top of stack, sorry.

First order, Yes, Clint McDonal is the current owner of the property. Exchange of ownership was occurring at time of submitting applications. Tandi of our office will be providing you with documentation of ownership, either attached herewith or under separate cover depending on when received in our office.

Now, response to item seven (7) of the application.

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.

We believe the degree is 100% in agreement.

7.b. Whether the proposed zoning is justified and/or needed at the time of the request.

We believe that the zoning request as submitted is both justified and needed. Justified in both uses requested, RSF-4 for development as residential, and RA as lowest permitted annexed use for that of detention. Need, is demanded growth, and for proper design utilization of the land.

7.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zonings of this total acreage (5.284 acres), for uses intended, will only create five (5) residential lots. The remaining area zoned RA will be used for detention. This will not increase traffic danger or 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.

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Five (5) additional homes will not increase such load undesirably.

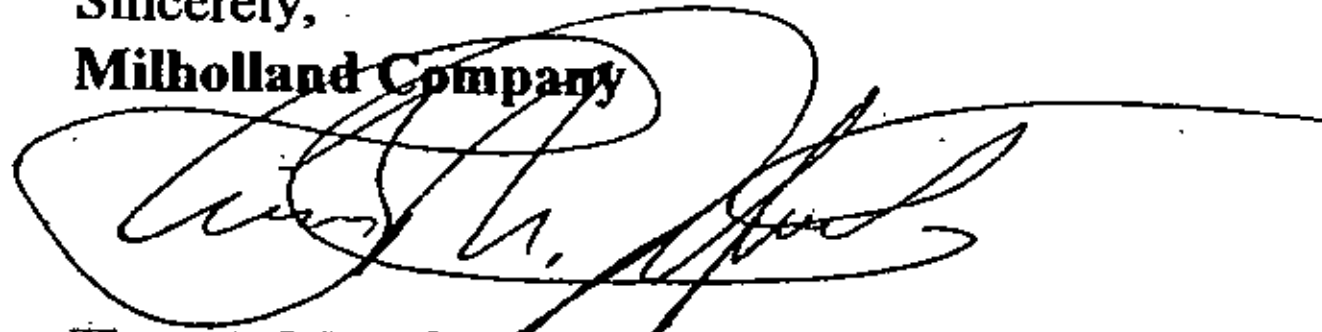
7.e. Way it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The only area requested of zoning to RSF-4 is for development of five (5) lots for connection of subdivision, proper design layout, and routing of storm water to the proposed detention facility.

Should you have additional question, or of additional documentation, please advise. Thank you for your cooperation and assistance on this project.

Sincerely,

Milholland Company



Thomas M. Jefcoat, ASLA
Senior Projects Manger

cc: Clint McDonald

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 4
RZN 05-1604 (Lane)
Page 16 of 20

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: RZN 05-1604 Lane (5A) Return by: 7.22.05
Parcel: 001-15252-000

Plat Page#: 571
Section: 20
Township: 16
Range: 29

Current Zoning: R-A
Proposed Zoning: _____

Submittal:

1st

2nd

3rd

Closure error / comments:

1st: Parcel Closes, point of origin had to be adjusted to fit existing data (see ANX05-1603).

Has the applicant been contacted with requested revisions:

YES

NO

Checked by:

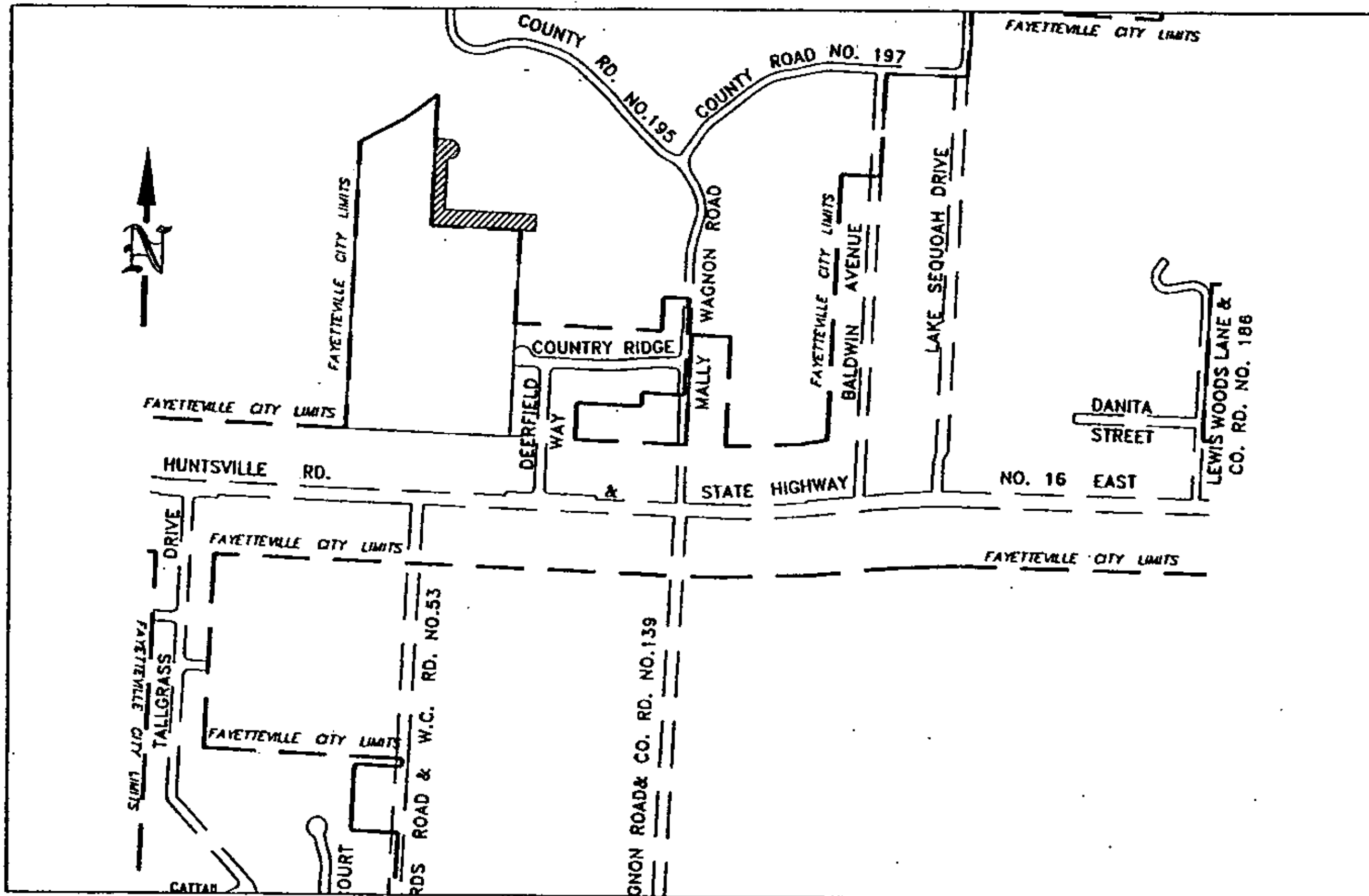
TJ

Date shape file was created:

7/5/2005

EXHIBIT "A"

C. 4
RZN 05-1604 (Lane)
Page 17 of 20



REZONING

VICINITY MAP

E-745

REZONING DESCRIPTION:

A PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION TWENTY (20), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE WEST QUARTER (W $\frac{1}{4}$) CORNER OF SAID SECTION 20 AND CONTINUING THENCE S87°22'31"E 930.97 FEET TO A POINT ON THE SOUTHERN BOUNDARY OF SAID NORTHWEST QUARTER (NW $\frac{1}{4}$), AND CONTINUING THENCE N02°40'06"E 350.01 FEET TO A POINT BEING THE INTERSECTION OF THE EXISTING FAYETTEVILLE CITY LIMITS BOUNDARY AND THE WESTERN BOUNDARY OF A PARCEL OF LAND DESCRIBED IN A WARRANTY DEED FILED OF RECORD IN BOOK 1284, PAGES 240 AND 241 IN THE CIRCUIT CLERK'S OFFICE OF WASHINGTON COUNTY, ARKANSAS, THENCE CONTINUING N02°40'06"E 1441.44 FEET, THENCE N62°08'56"E 246.16 FEET, THENCE N53°32'58"E 213.11 FEET TO THE EAST BOUNDARY OF THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 20, THENCE ALONG SAID EAST BOUNDARY S02°32'24"W 224.64 FEET THE POINT OF BEGINNING;

THENCE S87°12'14"E 70.55 FEET;
THENCE AN ARC LENGTH OF 163.84 FEET, HAVING A RADIUS OF 50 FEET AND DELTA ANGLE OF 187°45'07", WITH CHORD BEARING AND DISTANCE OF S06°40'20"W 99.77 FEET;
THENCE S02°41'09"W 256.79 FEET;
THENCE S87°18'51"E 460.60 FEET;
THENCE S02°39'29"W 83.84 FEET;
THENCE N87°16'57"W 523.14 FEET;
THENCE N02°32'24"E 440.00 FEET TO THE POINT OF BEGINNING, CONTAINING 70908 SF, 1.628 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

OWNER:

Forrest E. Lane
FORREST E. LANE (HUSBAND)

DATE:

6/16/05

OWNER:

Modyne L. Lane
MODYNE L. LANE (WIFE)

DATE:

6/16/05

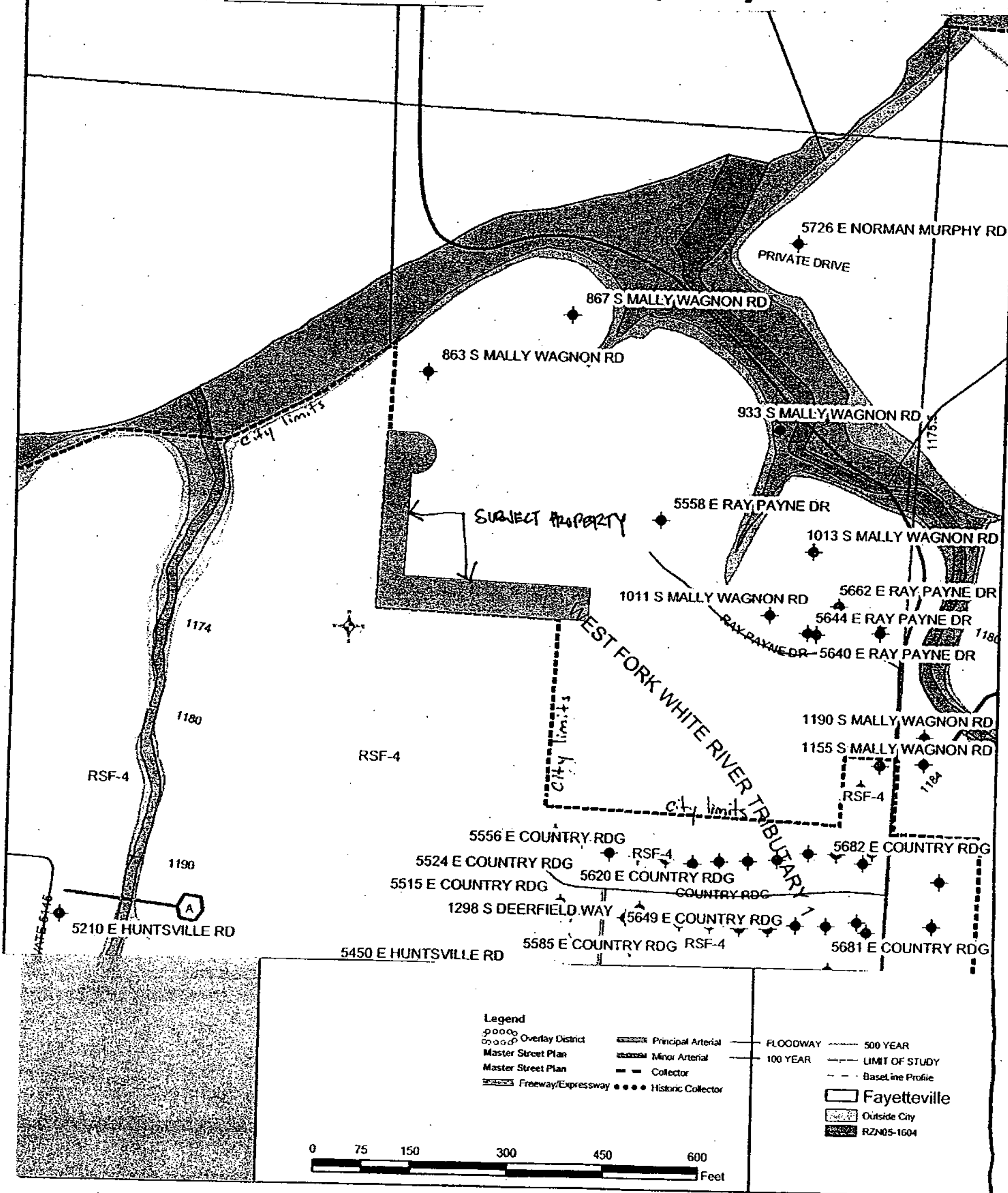
REVISIONS:

First Submittal as RZN05-1604
Parcel closes
7/5/2005
TS

RZN05-1604

Close Up View

LANE (5A)



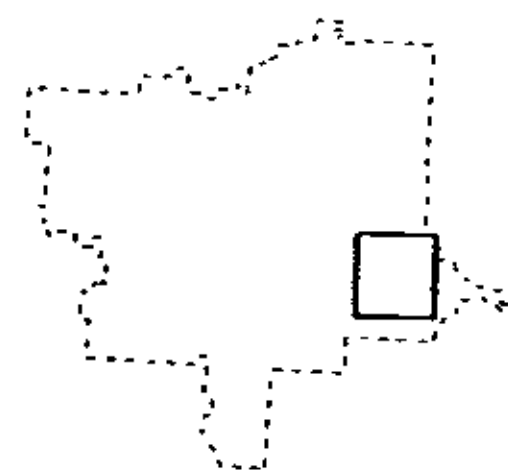
RZN05-1604

One Mile View

LANE (5A)



Overview



Legend

Subject Property

RSF-4

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

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

C. 4
RZN 05-1604 (Lane)
Page 20 of 20

16-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 05-1604: (Lane (5A), 571): Submitted by Mel Milholland for property located north of Huntsville Road (Hwy 16 East) and Deerfield Way. The property is zoned R-A, Residential-Agricultural and contains approximately 1.6 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
7-28-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

Original Contract Number: n/a


Finance and Internal Service Director
8-3-05
Date

Received in City Clerk's Office



Mayor
8/3/05
Date

Received in Mayor's Office

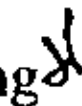

Comments:

City Council Meeting of August 16, 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 28, 2005

Subject: Tree Preservation Ordinance variance for Nelson's Crossing (ADM 05-1663)

RECOMMENDATION

Planning Staff recommends approval of a variance from the Tree Preservation ordinance section 167.04 Tree Preservation and Protection During Development, Section D: Prior Tree Removal. Staff finds that a strict application of the ordinance requirements in this case would work an injustice as applied to the proposed development, and said variance would not nullify the intent and purpose of the chapter, with the proposed tree plantings on the property.

BACKGROUND

Property: A Large Scale Development was recently approved by the Planning Commission on the site of the former Ramada Inn at Joyce Boulevard and Shiloh Drive, allowing for the construction of 57,900 square foot commercial/retail/ restaurant development with associated landscaping and parking on 4.94 acres (Nelson's Crossing). Prior to submitting a large scale development, the developer contracted with a demolition crew and obtained the necessary permits to begin demolition of the hotel. As part of this demolition, the contractor removed trees on the site, consisting of several Bradford Pear trees and an 18" sweetgum tree. This prior tree removal was not approved by the city, thus falls under a penalty in the Tree Preservation ordinance that requires a minimum of 10% of the total lot area to be replanted at the time of development. For the removal of the 3-4 trees prior to approval by the city, the developer would be required, with the strict application of this ordinance, to replant a total of 109 trees on the property. With prior approval granted, only 13 trees would be required to be replanted, based on the size, canopy area and priority of the trees being removed. Staff and the Planning Commission found that a strict application of this ordinance in this situation does not meet the intent or purpose of the ordinance and warrants a variance by the City Council. However, staff also finds that a disincentive to remove trees without prior approval must remain in place, as this is the intent of the prior removal penalty. Staff recommends in favor of granting a variance from the strict application of this ordinance, instead recommending that 25 additional trees over the amount required (13) be planted, resulting in a total of 38 trees. The Planning Commission recommended 5 trees be planted on-site, with 20 to be planted off-site.

Request: The request is for a variance from the strict application of the Tree Preservation ordinance, which is attached for review. A total of 38 2-inch caliper mitigation trees are

City Council Meeting of August 16, 2005
Agenda Item Number

required to be planted (exclusive of the trees required for the city's landscaping ordinances) with the variance approval.

DISCUSSION

The Planning Commission considered this variance request as part of the large scale development LSD 05-1593 (Nelson's Crossing) on July 25, 2005, on which they voted 8-0-0 in favor of the recommended variance as it relates to the project. The official recommendation from the Planning Commission was for 25 additional mitigation trees, with five to be planted on-site and twenty to be planted in off-site locations.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE FROM CH. 167 TREE PRESERVATION AND PROTECTION IN THE MANNER RECOMMENDED BY THE PLANNING COMMISSION FOR LARGE SCALE DEVELOPMENT (LSD) 05-1593.

WHEREAS, with the demolition of the former Ramada Inn several trees were removed prior to approval of the large scale development plans and the developer is thus required to be penalized

WHEREAS, the penalty of replanting 109 trees to replace the three to four removed, by ordinance, would work an injustice as applied to the proposed development due to the nature of the tree removal and penalty imposed therefore

WHEREAS, the Planning Commission recognizes both the intent of the ordinance penalty for prior tree removal and that a fair penalty should be imposed to provide disincentive for prior removal

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 herein above mentioned variance.

Section 2. That the developer shall be required to plant a total of thirty-eight (38) two-inch caliper large species mitigation trees to mitigate for the removed canopy and as penalty for prior removal without approval.

PASSED and APPROVED this _____ day of August, 2005.

APPROVED:

By:

DAN COODY, MAYOR

ATTEST:

By:

SONDRA SMITH, CITY CLERK

CHAPTER 167: TREE PRESERVATION AND PROTECTION

167.04 Tree Preservation And Protection During Development

(D) *Prior tree removal.*

- (1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.
- (2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

CHAPTER 156: VARIANCES

- 5) *Tree preservation plan.* A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council.



PC Meeting of July 25, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

TREE PRESERVATION and PROTECTION REPORT

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

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: July 20, 2005

ITEM #: LSD 05-1593 (Nelson's Crossing)

With demolition of the hotel formerly on this site, the applicant's representative indicated that the one tree that was worthy of preserving (an 18" sweet gum) was removed. The developer of this property has removed trees below the required minimum preceding approval of a Tree Preservation Plan, which is a violation of Ch. 167.04, Tree Preservation and Protection During Development. Fayetteville's city code addresses the prior removal of trees, requiring a developer to reforest the site to meet the percent minimum canopy requirements, plus an additional ten percent (10%) of the total area of the property for which the applicant is seeking approval, less right-of-way. The number of trees to be planted shall be calculated using the Base Density for High Priority Trees. There is no option to pay money-in-lieu.

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	4.792
square feet	208,739
Existing Tree Canopy	
acres	0.13
square feet	5,550
percent of site area	2.7%
Existing Tree Canopy Preserved	
acres	0
square feet	0
percent of total site area	0%
Percent Minimum Canopy Required	2.7%*

* Reforestation of an additional 10% of the total area of the property in question is added due to the prior removal of trees without permission.

- 2.7% at Low Priority: 13 trees

- 10% penalty at High Priority: 96 trees (adding 10% of existing area)

4.792 acres = 208,739 SF x 10% = 20,874 SF / 218 (high priority density factor) = 96 trees

TOTAL MITIGATION TREES: 109 2-inch caliper trees

167.04 Tree Preservation And Protection During Development

(D) *Prior tree removal.*

(1) If trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the Base Density for High Priority trees.

(2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

FINDINGS:

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

- The canopy existing on this site is primarily 12-18" landscape trees planted with the development of this property in the past. Many are not desirable species, with the exception of the 18" sweet gum that was removed. The significant alterations to this site would endanger the survivability of many of these trees. Initial efforts were indicated to protect the 18" sweet gum located in front of the proposed building, however the developer removed this tree prior to approval, which constitutes a violation of city ordinance.

Whether the design incorporates the required Tree Preservation Priorities.

- The submittal does incorporate the required priorities, though all trees are proposed for removal.

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

- Environmental degradation will not occur as a result of the removal of these trees.

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.

- Adjacent properties will not be impacted by removal of trees on this property.

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

- No alternative construction methods are proposed.

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

- The size and shape of the lot does not inhibit the flexibility of design.

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 all groups of trees on this site is fair.

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

- The tree size, location and species on this site do not lend themselves to preservation, thus placing structures, utilities, etc. did not respect the location of this canopy.

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

- N/A

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

- The tree size, location and species on this site do not lend themselves to preservation, thus placing structures, utilities, etc. did not respect the location of this 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, and the 10% additional canopy, along with the required landscaping for the site, will greatly enhance the canopy coverage on this property with appropriate species selected.

The effect other chapters of the UDC, 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:

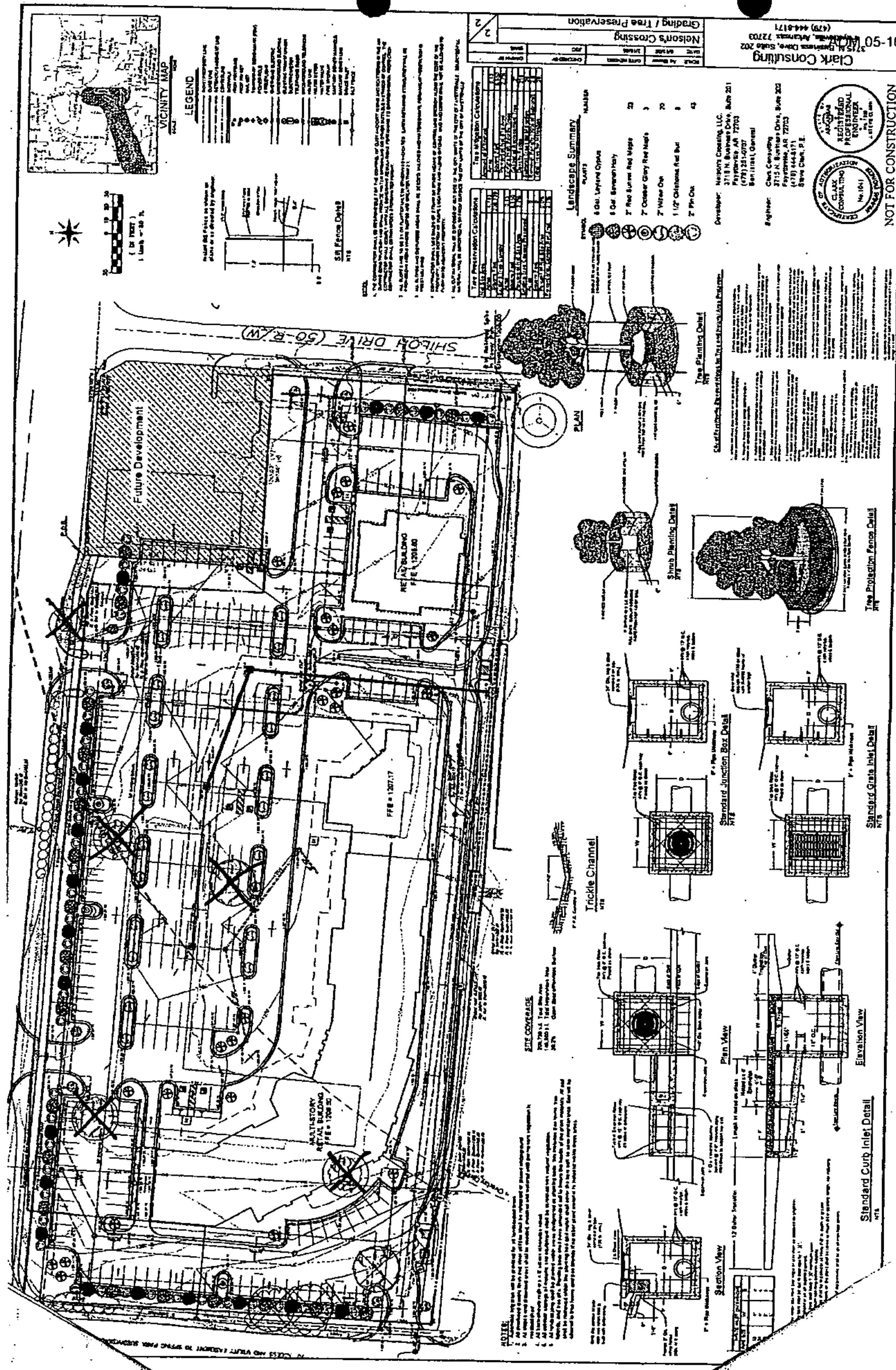
- N/A

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

- Staff is recommending approval of the submitted Tree Preservation Plan.

Recommendation: Staff recommends approval of the submitted Tree Preservation Plan associated with LSD 05-1593 with the following conditions:

1. The developer shall be required to plant mitigation trees on this site to meet the percent minimum canopy requirements. The site must also be forested with an additional ten percent (10%) of the total area of the property for which the applicant is seeking approval, less the right-of-way dedication. The number of trees required to be planted shall be calculated using the Base Density for High Priority Trees (218). The total number of trees to be planted on the property, in addition to landscaping requirements, shall be 109 2-inch caliper trees. Staff has identified several areas to place these trees without compromising the design proposed, namely within street rights-of-way and along the south boundary of the property. Please coordinate with the Landscape Administrator for approval of the best location for the required mitigation trees.
2. All mitigation trees shall be planted in accordance with the Unified Development Code.



NOT FOR CONSTRUCTION



Clark Consulting
3715 N. Business Drive, Suite 201
Fayetteville, AR 72703
(479) 444-8171
Fax: (479) 444-8171
www.clarkconsulting.com

Engineer: Clark Consulting
3715 N. Business Drive, Suite 201
Fayetteville, AR 72703
(479) 444-8171
Steve Clark, P.E.

Developer: Nelson's Crossing, LLC
3715 N. Business Drive, Suite 201
Fayetteville, AR 72703
(479) 444-8171
Ben Hitt, General

Landscaping Summary

ITEM	QUANTITY	REMARKS
1. 6" Cal. Laurel Opale	20	
2. 6" Cal. Sansevieria	20	
3. 2" Red Laurel Red Maple	20	
4. 2" Oakleaf Glory Tree Maple	20	
5. 2" White Oak	20	
6. 1 1/2" Chinese Red Bud	20	
7. 2" Pin Oak	20	

Tree Preservation Calculations

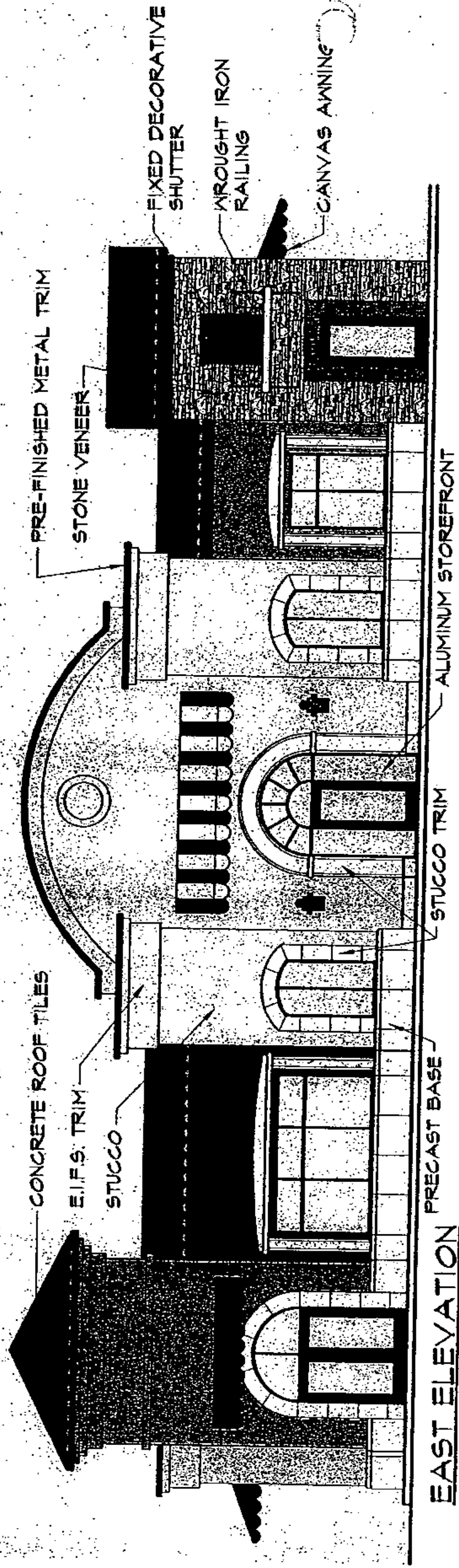
ITEM	QUANTITY	REMARKS
1. 6" Cal. Laurel Opale	20	
2. 6" Cal. Sansevieria	20	
3. 2" Red Laurel Red Maple	20	
4. 2" Oakleaf Glory Tree Maple	20	
5. 2" White Oak	20	
6. 1 1/2" Chinese Red Bud	20	
7. 2" Pin Oak	20	

Tree Preservation Calculations

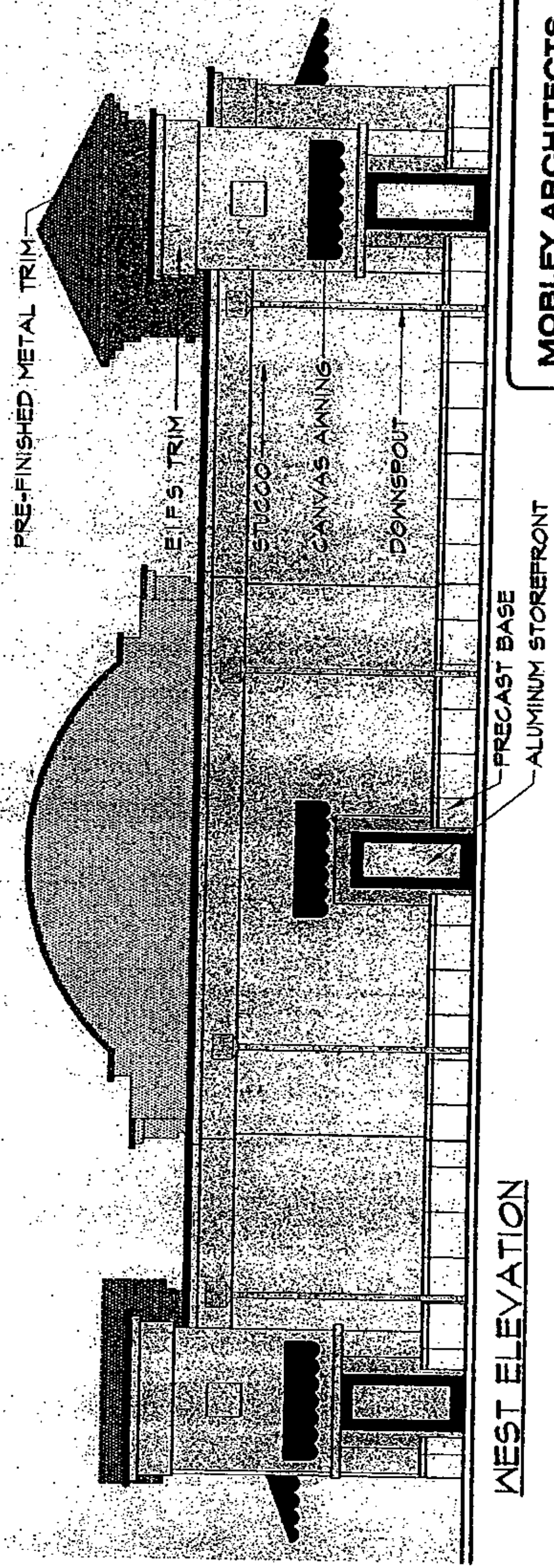
ITEM	QUANTITY	REMARKS
1. 6" Cal. Laurel Opale	20	
2. 6" Cal. Sansevieria	20	
3. 2" Red Laurel Red Maple	20	
4. 2" Oakleaf Glory Tree Maple	20	
5. 2" White Oak	20	
6. 1 1/2" Chinese Red Bud	20	
7. 2" Pin Oak	20	

NELSON'S CROSSING - BUILDING ONE

FAYETTEVILLE, ARKANSAS



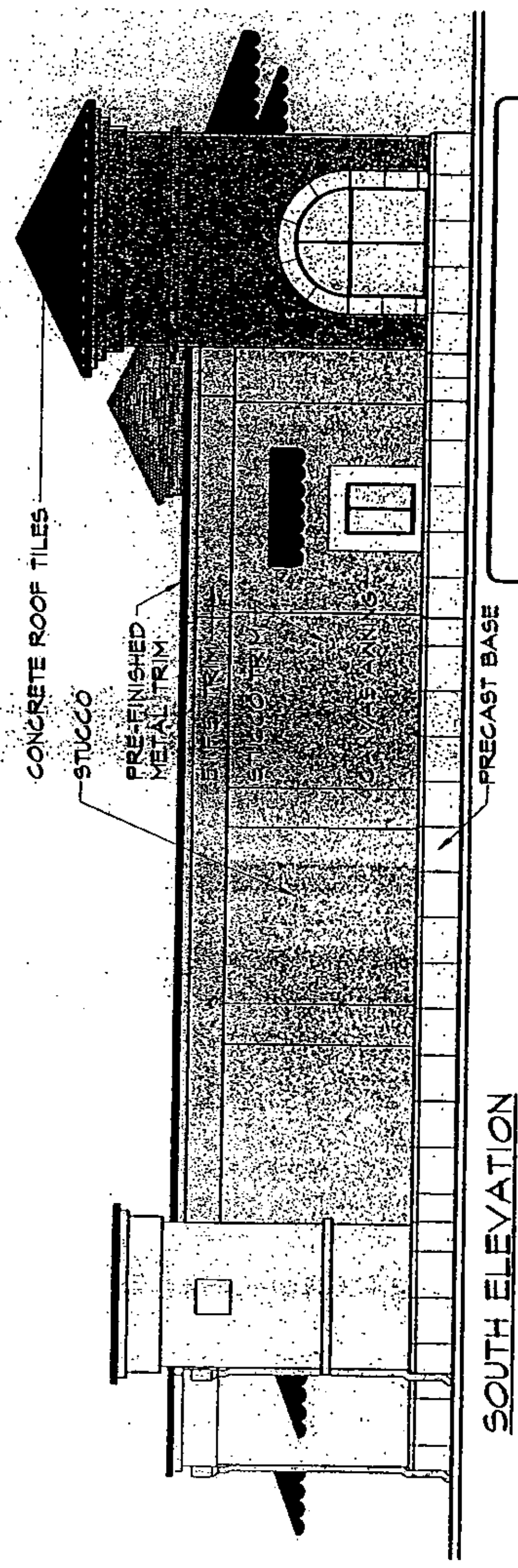
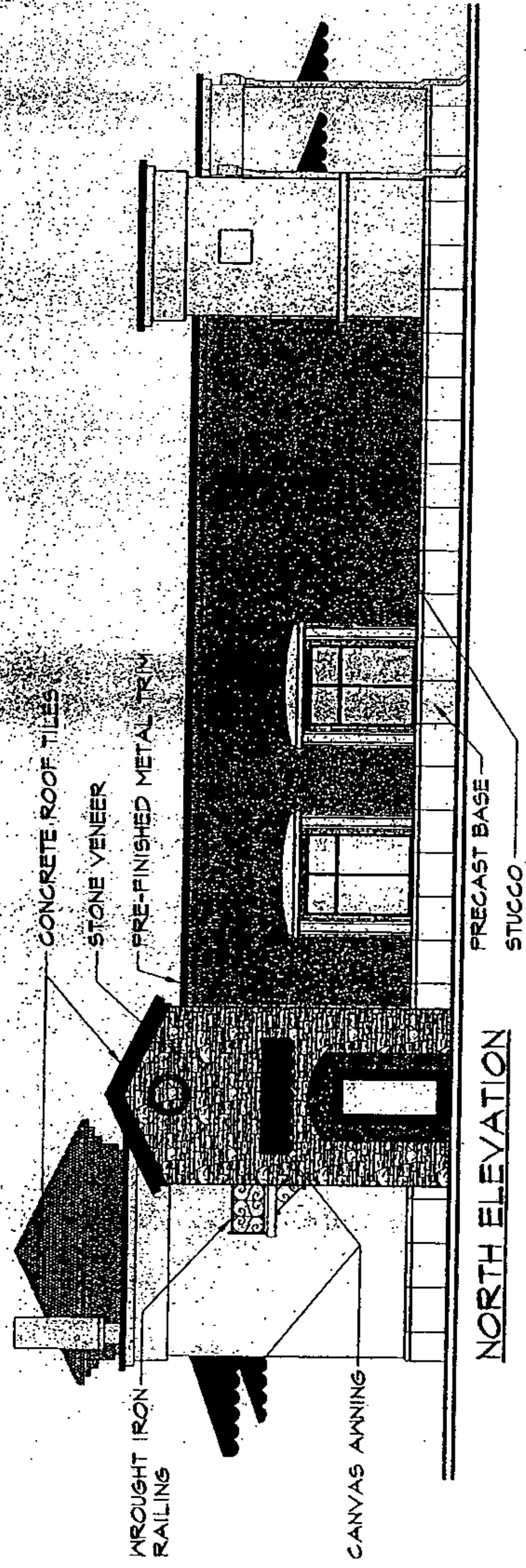
EAST ELEVATION



WEST ELEVATION

MOBLEY ARCHITECTS, INC.
 3716 NO. BUSINESS DR., STE. 202
 FAYETTEVILLE, AR 72703
 (479) 251-0909

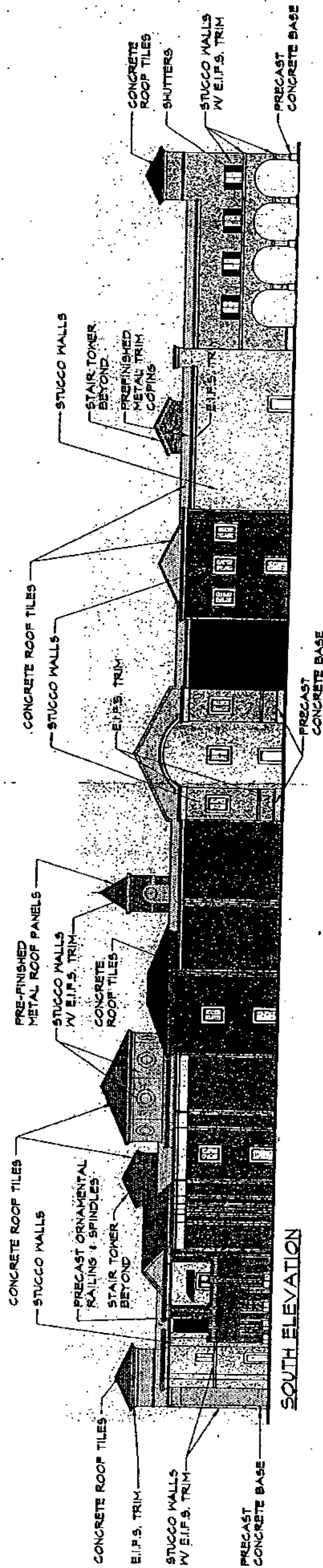
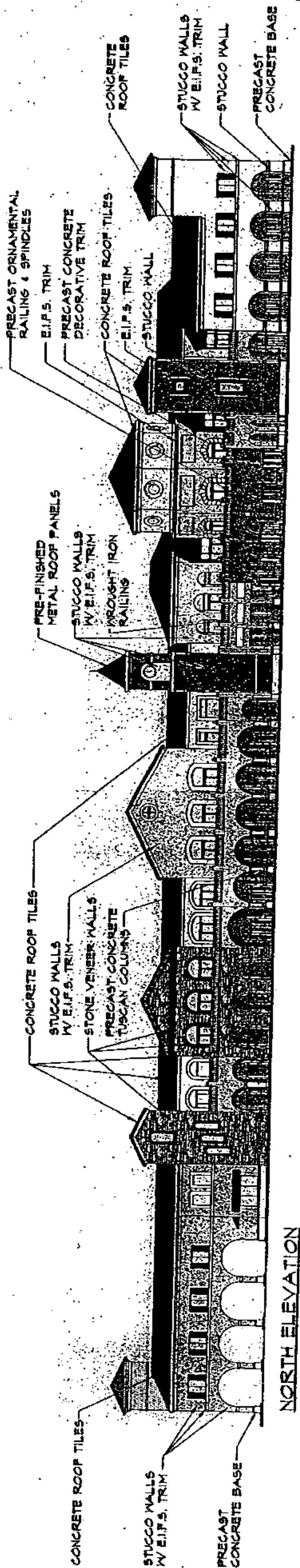
BUILDING - BUILDING ONE FAYETTEVILLE, ARKANSAS



MOBLEY ARCHITECTS, INC.
 3715 NO. BUSINESS DR., STE. 202
 FAYETTEVILLE, AR 72703
 (479) 251-0808

NELSON'S CROSSING - BUILDING TWO

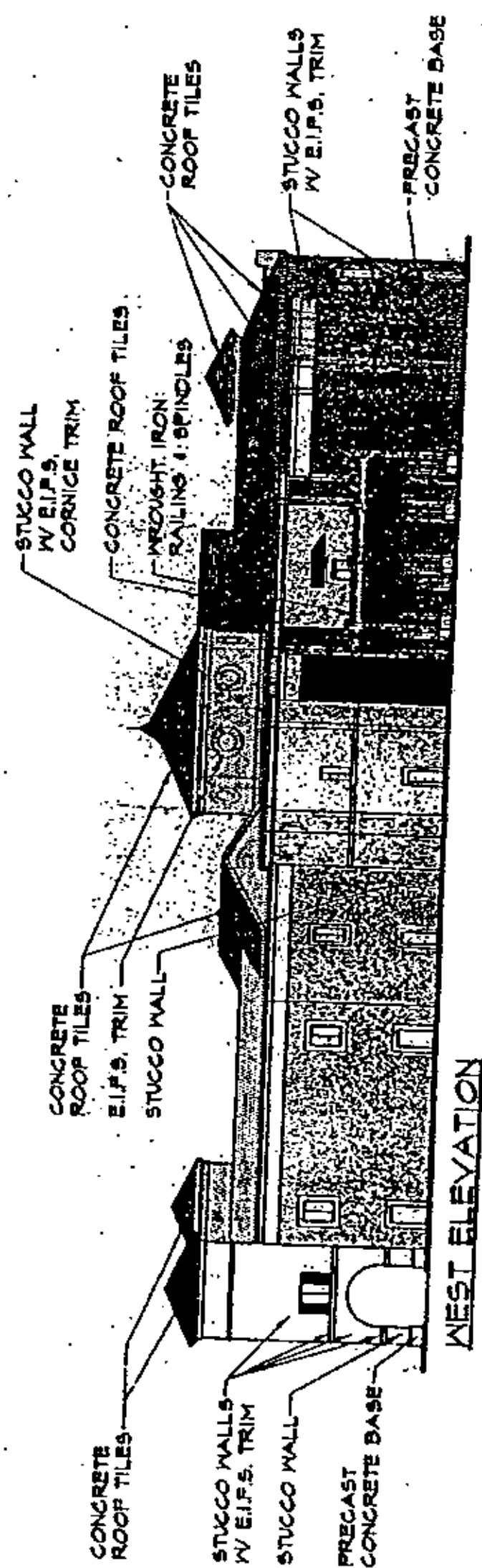
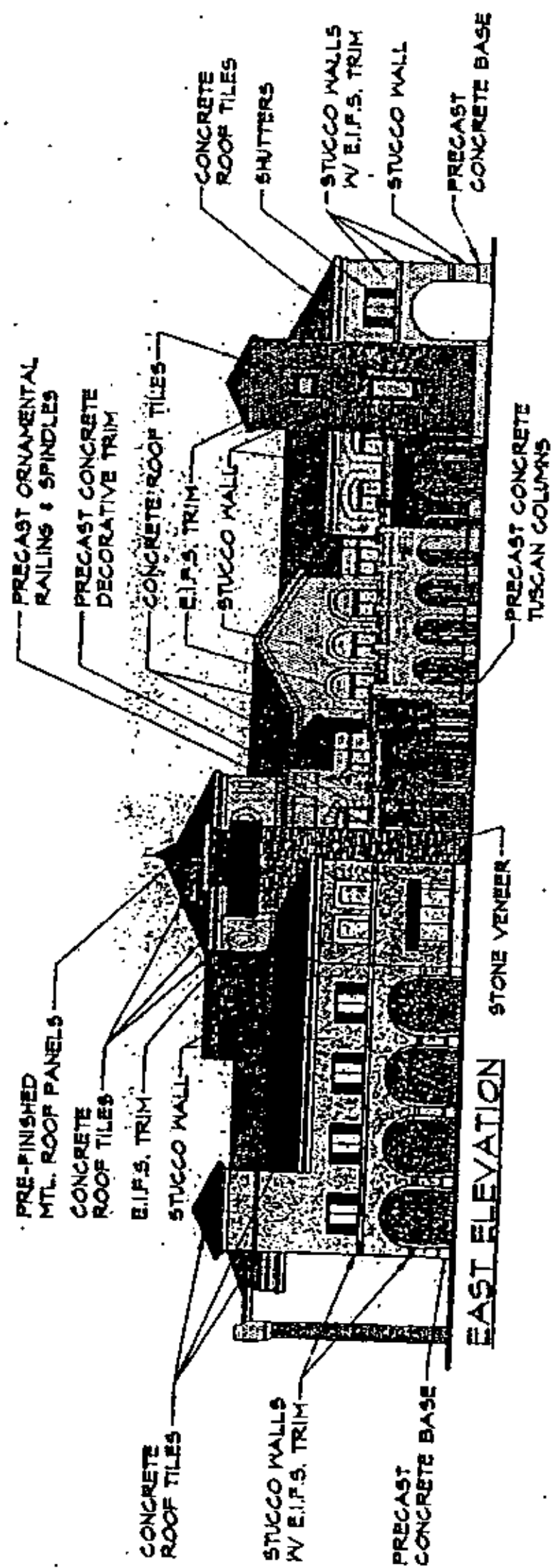
FAYETTEVILLE, ARKANSAS



MOBLEY ARCHITECTS, INC.
3716 NO. BUSINESS DR., STE. 202
FAYETTEVILLE, AR 72708
(479) 281-0908

NELSON'S CROSSING - BUILDING TWO

FAYETTEVILLE, ARKANSAS

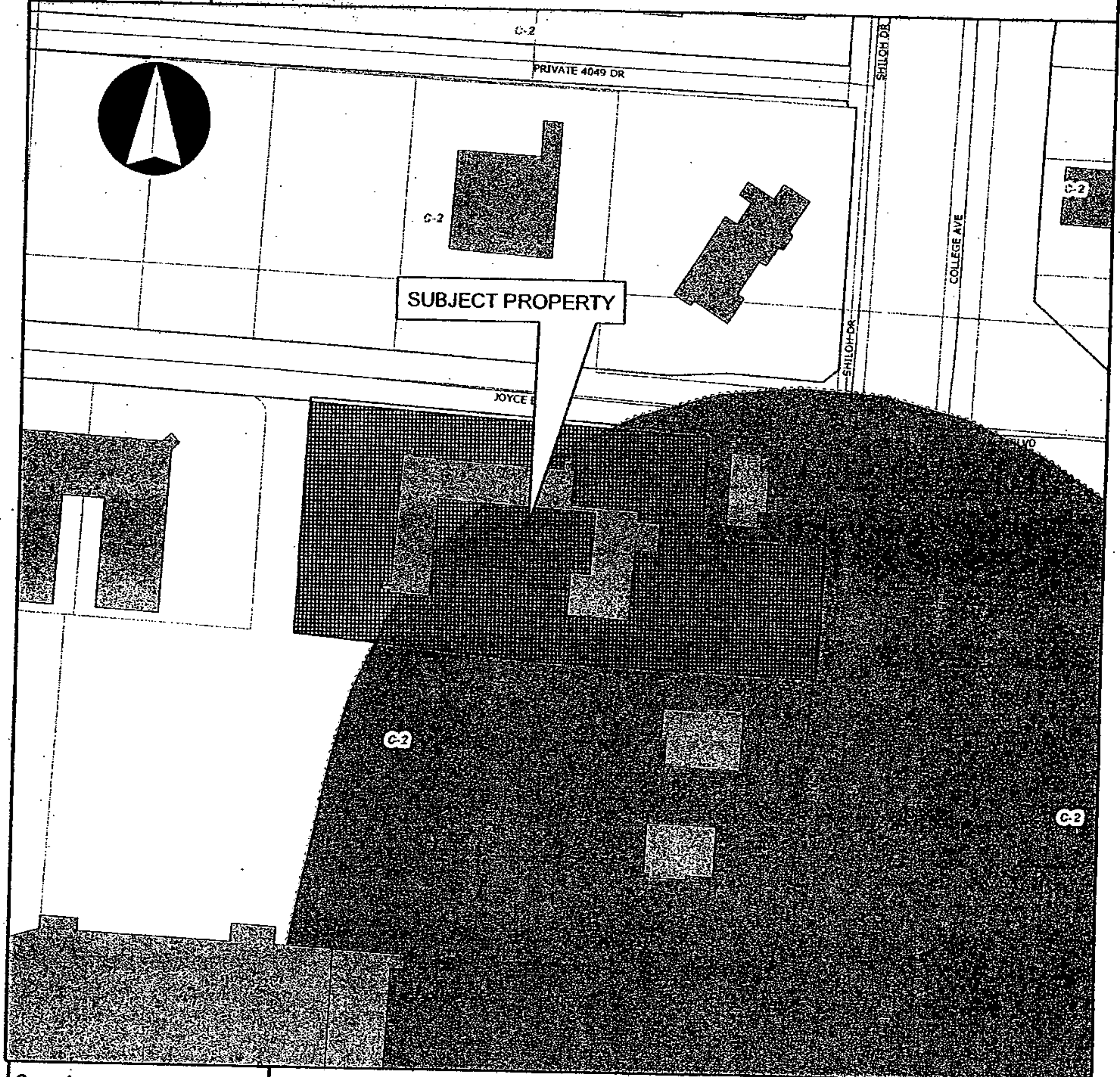


MOBLEY ARCHITECTS, INC.
3718 NO. BUSINESS DR., STE. 202
FAYETTEVILLE, AR 72703
(479) 281-0906

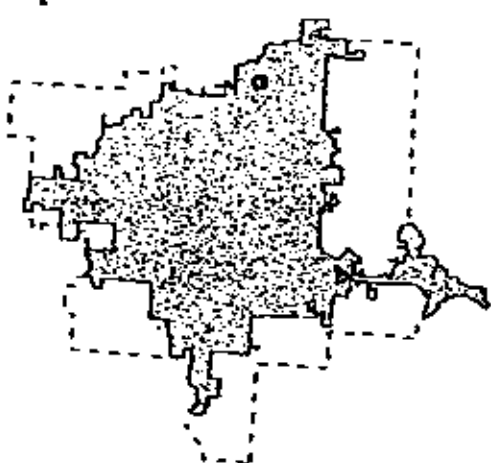
LSD05-1593

Close Up View

NELSON'S CROSSING



Overview



Legend

LSD05-1593

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

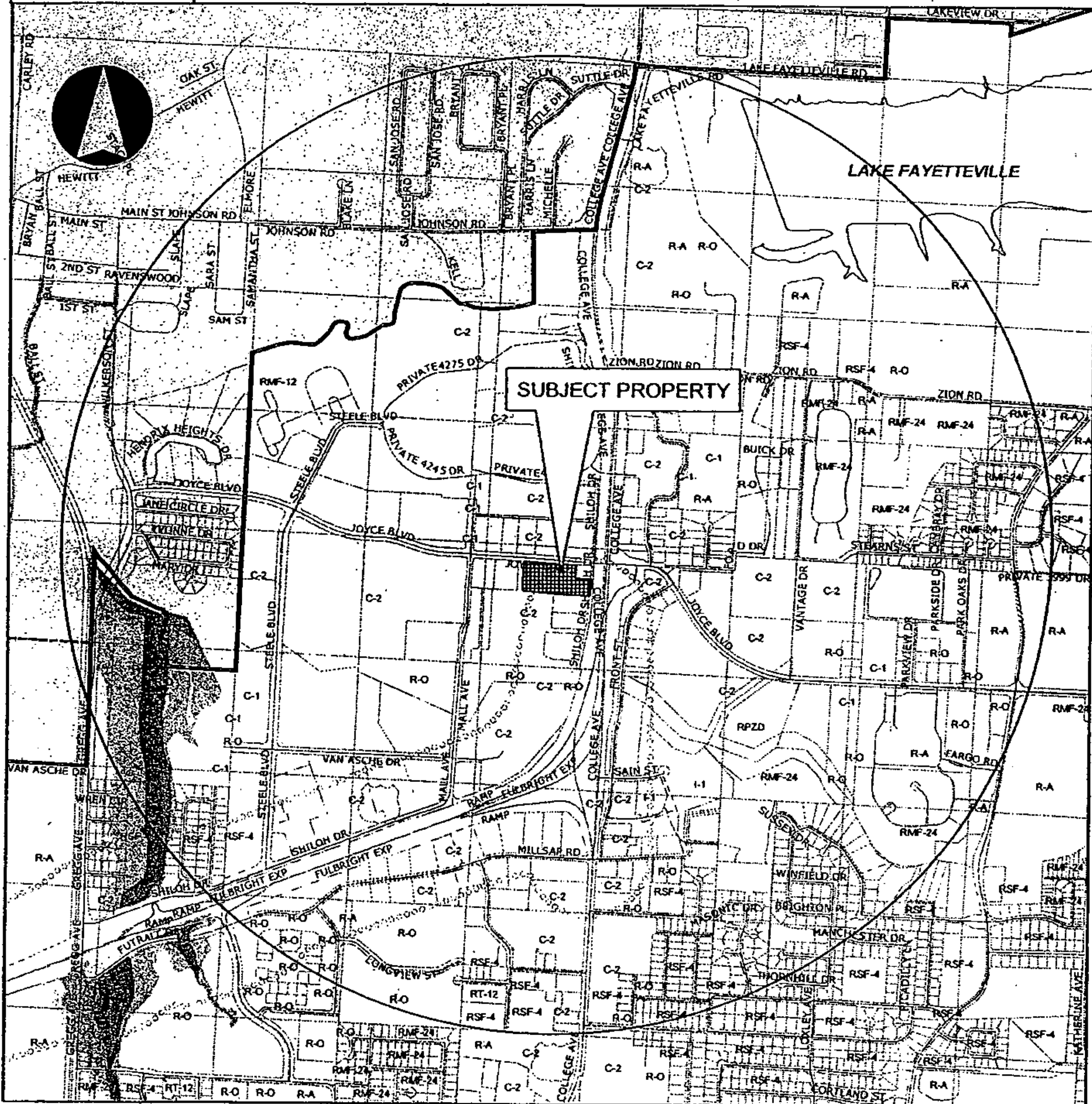
Outside City



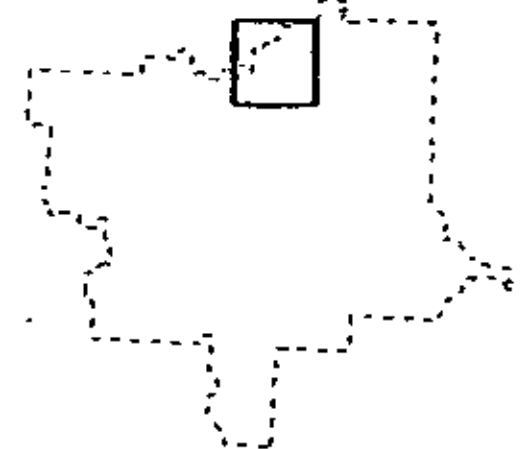
LSD05-1593

One Mile View

NELSON'S CROSSING



Overview



Legend

Subject Property

LSD05-1593

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING §167.04 (D) (2) TO CLARIFY LANGUAGE CONCERNING WAIVERS OF THE PENALTY FOR THE REMOVAL OF TREE CANOPY PRIOR TO APPLICATION FOR DEVELOPMENT.

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

Section 1. That Section §167.04 (D) (2) is hereby repealed and the following is inserted in its stead:

§167.04 TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT.

(D) *Prior tree removal.*

(2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, or without the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

PASSED and APPROVED this 19th day of August, 2005

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

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

16-Aug-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 05-1663: (Nelson Crossing, 174): A variance request from Ch 167 Tree Preservation and Protection of the Unified Development Code for a proposed redevelopment of the Ramada Inn site at Joyce Boulevard and Shiloh Drive

\$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 ☐

Gay Simon 7-29-05
Department Director Date

K. Kaufman 7-29-05
City Attorney Date

Stephen 8-3-05
Finance and Internal Service Director Date

Alan Coody 8/3/05
Mayor Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office



Received in Mayor's Office



Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 6
Botanical Gardens Grant Request to
Arkansas Parks & Tourism
Page 1 of 16

To: Mayor Coody and City Council
Thru: Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director
FROM: David Wright, Recreation Superintendent
DATE: July 27, 2005
SUBJECT: Resolution to apply for Arkansas Outdoor Grant Program

Background

The Land and Water Conservation Fund (LWCF) is a federal program with funds derived from the sale of federal surplus real estate property, federal motor boat fuel tax, and Outer Continental Shelf mineral receipts. The Arkansas Natural and Cultural Resources Grant and Trust Fund (NCRGTF) is a state program with funds collected from a tax on the transfer of certain real estate in the State of Arkansas. LWCF and NCRGTF funds are included in the Department of Parks and Tourism's Outdoor Recreation Grants Program for funding outdoor recreation facilities. Only incorporated cities and counties may apply. This is a 50/50 reimbursable matching grant with a \$250,000 maximum request on matching funds. Last year, Arkansas Parks and Tourism awarded our City with \$40,000 for construction of Braden Park. In 2002, the City of Fayetteville was awarded \$100,000 for construction of the skate park. This year's grant deadline is August 28, 2005. A resolution from the City of Fayetteville is required to apply for the grant.

Current Status

On, June 6th, a public meeting was held to gather input from the public of their recreational desires and to prioritize an eligible grant project. An outreach to groups such as ethnic minority populations, the elderly and persons with disabilities was attained through group meetings. It was determined after obtaining public input that a grant for the Botanical Garden Society of the Ozarks should be submitted. Immediately following the meeting, Parks and Recreation Advisory Board endorsed the decision from the public meeting, recommending to City Council that the Parks and Recreation Division work with the Botanical Gardens to complete the grant application.

The grant application must include detailed budgets, plans, specifications and bid documents that are ready for immediate bid and construction. Facilities constructed with this grant must be accessible to the handicapped. The plans for the Botanical Gardens are completed and the facilities are completely ADA accessible. The grant also asks the application to specify how the funding meets the needs of the community. Based on the recommendation from the Parks and Recreation Master Plan, our division has tried to provide a wider diversity of recreation programming. The Botanical Garden provides the wishes of program diversity for the Citizens of Fayetteville.

Only municipalities can apply for the grant. However, municipalities can work with other agencies to submit grants. The two organizations must have a lease/working agreement, something the City of Fayetteville and BGSO has had since 1997. If awarded the grant, BGSO will be completely responsible for the bidding, development and payment of a contractor(s) for Phase 1A of the site. Phase 1A will include a studio workshop with offices, meeting space and

rooms for lectures, an arrival plaza, the Great Lawn, themed gardens, green house and public parking. The BGSO will be responsible for submitting the payment receipts and invoices to the State of Arkansas and the City. Once the State pays the city, the money will be receipted as grant revenue and reimbursed to BGSO.

This grant contains twelve (12) obligations covering everything from compliance of the Americans for Disabilities Act to property retained in perpetuity for outdoor recreation use. The land and the project our department would like to apply for grant funds each meet these obligations, provided we are not violating any agreement with our outstanding water and sewer bonds. Lake Fayetteville is owned by the Water and Sewer Fund. If at any time the City should default on bond payments, this property could be lost. All of the Lake Fayetteville property is currently contained within an Arkansas Parks and Tourism Park Boundary. In 1994 the City was awarded grant funding for the pavilion at Veterans Memorial Park. This park boundary establishes the land to remain for outdoor recreation use for perpetuity.

Section 6(f)(3) of the LWCF Act states "*No property acquired or developed with assistance under this section shall, without the approval of the Secretary of the United States Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location.*" If this property must ever be used for anything other than recreational use, it is possible to convert the park boundary. The City is currently going through the process with the property across Highway 265.

Recommendation

After discussing this scenario with Assistant City Attorney David Whitaker, Parks and Recreation requests City Council approval of a resolution to authorize the City, in conjunction with the Botanical Gardens Society of the Ozarks, to apply for up to \$250,000 from the Arkansas Parks and Tourism Outdoor Recreation Grant Program for the new Botanical Gardens site at Lake Fayetteville.

ATTACHMENTS

Public Meeting Minutes June 6, 2005
PRAB Meeting Minutes June 6, 2005
Phase 1A Conceptual Plan
BGSO/City of Fayetteville Agreement
Conditions of Arkansas Outdoor Recreation Grant
Email from Gordon Wilbourn to Stephen Davis – July 13, 2005

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE PARKS AND RECREATION DIVISION IN CONJUNCTION WITH THE BOTANICAL GARDEN SOCIETY OF THE OZARKS TO APPLY FOR AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) FOR THE CONSTRUCTION OF PHASE 1A OF THE BOTANICAL GARDENS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.

PASSED and APPROVED this 16th day of August, 2005.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes June 6, 2005

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on June 6, 2005 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Mike Hill.

Present:

Parks and Recreation Advisory Board members Hill, Bailey, Langsner, Davidson, Harrison, Pawlik-Holmes and Park Staff Hatfield, Edmonston, Wright, Jumper, Mihalevich, Dutton, Whillock and Audience.

Arkansas Parks and Tourism Outdoor Recreation Grant Program

Board member Monroe Harrison reported on the public meeting held at 5:00 P.M. prior to this PRAB meeting. All speakers were in favor of the grant application to be prepared in conjunction with The Botanical Gardens of the Ozarks.

PRAB Motion:

Harrison recommended approval and moved to approve the application of the grant. The motion was seconded by Langsner.

The motion was approved 5-0-0 with Hill, Bailey, Langsner, Davidson, and Harrison voting 'yes' and Pawlik-Holmes, Mauritsen and Marley absent for the vote.

Arkansas Parks and Tourism Outdoor Grants Program

Public Meeting Minutes June 6, 2005

The public meeting to gain citizen recommendations on possible park projects to use grant money convened at 5:00 P.M.

There were 12 citizens and one Parks Board Member present as well as the City of Fayetteville Parks Staff which included David Wright, Connie Edmonston and Cheryl Whillock. Monroe Harrison represented the Parks Board membership.

Connie Edmonston, Director Parks and Recreation, explained the grant request process and this grant in particular. She emphasized the August 26 grant deadline and the amount of information that will be gathered for the grant request. The purpose of the meeting was to allow the public to give project requests for the grant application.

Scott Starr, Director of Operations for the Botanical Garden Society of the Ozarks, presented the possibility of a combined effort between the City's Parks Department and the BGSO to utilize the grant in the completion of the Botanical Gardens of the Ozarks. He expressed the intent to build a high quality facility where all citizens of all ages, abilities and nationalities will have the chance to enjoy the benefits of a horticultural experience. Having visited with seniors, educators, and Hispanic community representatives, he found all were interested in assisting in the creation of such a facility.

To meet these goals of public use and enjoyment the structure needs to be finished and the paving completed. The Garden will be connected to the existing trail system and preservation of our natural resources through the reuse of rainwater runoff are more objectives. Several gardens consisting of high-end horticulture, children's garden, and sensory gardens to appeal to the special needs/handicap person will be installed.

Mina Marsh, a teacher and interpretive naturalist, Gail Pianalto, a board member of the BGSO and Dalinda Galaviz of the NWA Hispanic Advisory Council spoke supporting the cooperative effort between the City of Fayetteville and The Botanical Garden Society of the Ozarks toward applying for the grant.

There were no other comments so Connie Edmonston closed the meeting by thanking the attendees and presenters for participating in the decision making process.

Minutes submitted by Parks and Recreation Secretary, Cheryl Whillock

Phase 1A Conceptual Plan

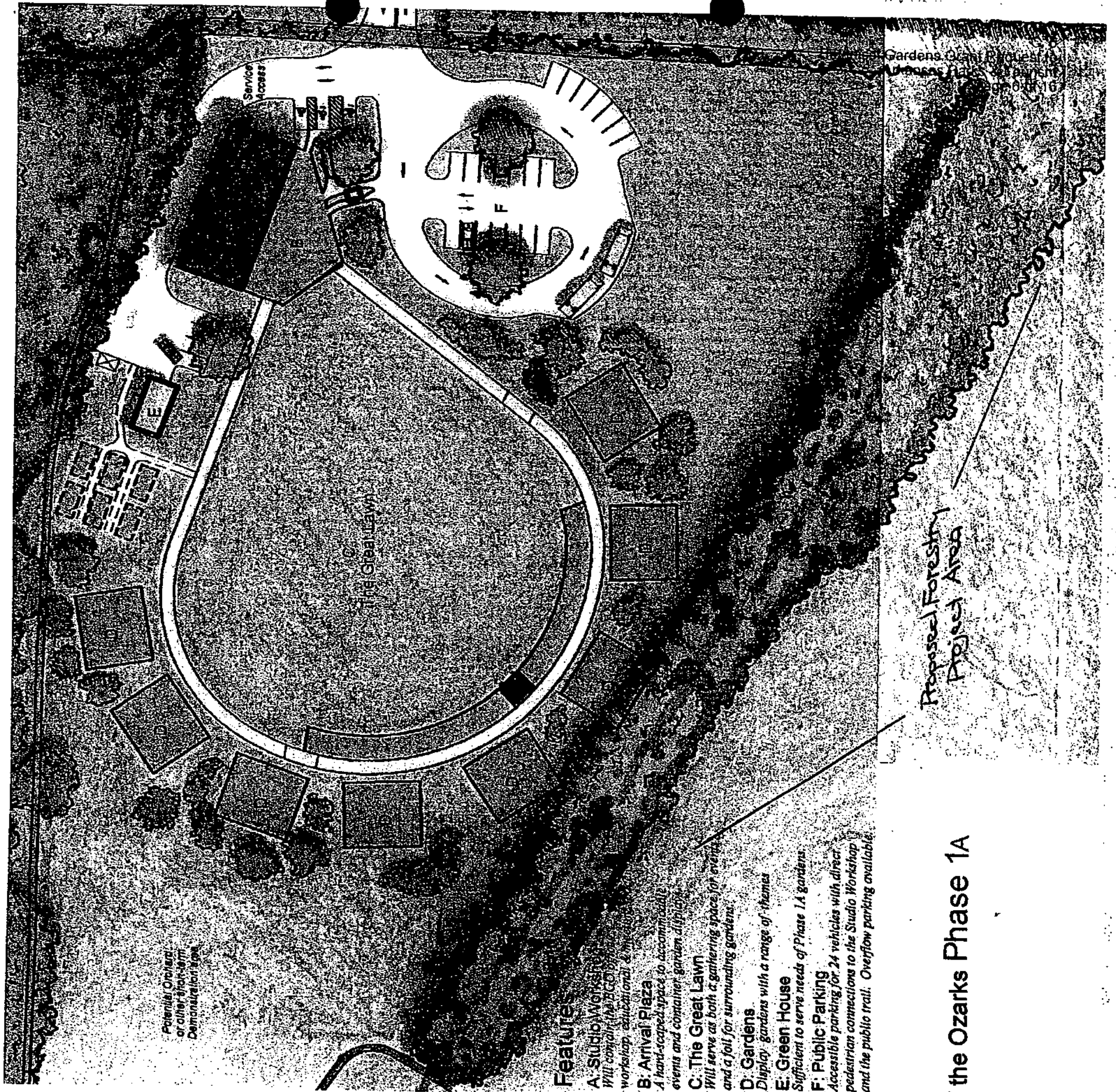
This preliminary development stage is designed to establish a BGO presence on the site and allow us to begin offering site-based programs to the public. It will be a multi-purpose facility which will provide office space, as well as a venue for lectures, functions, events, and rest rooms until and during implementation of the overall master plan.

This development does not preclude the overall master plan, but is a meaningful first step to that end, which is more readily understandable by the community than the daunting task of funding the entire master plan from inception.

- **Improves BGO Visibility**
Establishes our presence on the site, in the community, and in the region
- **Provides a Program Venue**
Enables BGO to offer a complete range of programs to the NWA community including educational, event, and recreational opportunities.
- **Relates to Community Needs**
Attracts visitors and relates directly to their interests and needs.
- **Enhances Funding Feasibility**
Provides a relatively inexpensive first phase which is adaptable to many funding options.
- **Provides Flexible Phasing**
Requires minimal infrastructure that can endure as long as needed without interfering with future development.
- **Allows for Economical Operation**
Possible to maintain with minimal staff.



Botanical Garden of the Ozarks Phase 1A



RESOLUTION NO. ~~130-03~~

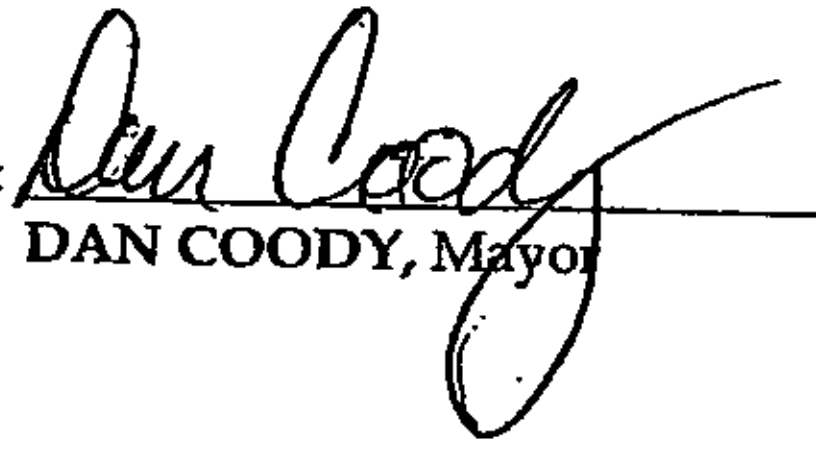
A RESOLUTION APPROVING A LAND LEASE AGREEMENT
WITH THE BOTANICAL GARDEN SOCIETY OF THE OZARKS
FOR THE PURPOSE OF OPERATING A BOTANICAL GARDEN
AT LAKE FAYETTEVILLE PARK.

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 Land Lease Agreement with the Botanical Garden Society of
the Ozarks for the purpose of operating a botanical garden at Lake Fayetteville
Park. A copy of the Lease Agreement marked Exhibit "A" is attached hereto and
made a part hereof.

PASSED and APPROVED this 2nd day of September 2003.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk

LAND LEASE AGREEMENT

THIS AGREEMENT made this 2nd day of September 2003 by and between the City of Fayetteville, a Municipal Corporation of the State of Arkansas, hereinafter referred to as "the City", and the Botanical Garden Society of the Ozarks, Inc., an Arkansas Non-Profit Corporation, hereinafter referred to as "BGSO".

WITNESSETH:

WHEREAS, the parties desire to enter into an agreement regarding the operation and functioning of the Botanical Garden Society of the Ozarks which will serve the Northwest Arkansas community, and which will be built on land owned by the City of Fayetteville.

WHEREAS, the BGSO's purpose is the establishment and operation of a botanical garden where diverse collections of plants will be displayed, utilized, and preserved for educational, environmental, recreational and scientific purposes, thereby promoting public awareness of the vital and unlimited roles that plants perform.

NOW, THEREFORE, in consideration of the mutual covenants of the parties hereto the parties covenant and agree as follows:

The City hereby designates for the establishment, construction, maintenance, and operation thereon of a botanical garden as aforesaid for the collection and display of plant materials and for such other purposes as are incident to the development and maintenance of a botanical garden and for no other purpose whatsoever, contiguous tracts of land in the City, described as follows:

A part of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4), a part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), a part of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4), all in Section 24, Township 17 North, Range 30 West, Washington County, Arkansas, being all of that portion in said Section 24 as described in a Warranty Deed Recorded in Book 402 at Page 313 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, less and except that portion of said parcel lying North of Lake Fayetteville waters and within the waters of Lake Fayetteville, said waters being more particularly described as that portion of said parcel lying below an elevation of 1238 feet above mean sea level, said elevation being the top of the Lake Fayetteville spillway.

The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 24, Township 17 North, Range 30 West, as described in a Warranty Deed Recorded in Book 400 at Page 328 of the records of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas and a part of the fractional Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 19, Township 17 North, Range 29 West, Washington County, Arkansas, being particularly described as follows: Beginning at a point which is North 88° 22' 40" West 108.90 feet from the Southeast corner of NW 1/4 of the NW 1/4 of said Section 19, thence North 02° 21' 13" East 1048.50 feet; thence 88° 22' 40" West 1242.78 feet; thence South 02° 31' 34" West 1048.55 feet to the South line of said 40 acre tract; thence along said South line South 88° 22' 40" East 1242.78 feet to the Point of Beginning, less and except that portion of said parcel lying North of Lake Fayetteville waters and within the waters of Lake Fayetteville, said waters being more particularly described as that portion of said parcel lying below an elevation of 1238 feet above mean sea level, said elevation being the top of the Lake Fayetteville spillway.

1.0. MAINTENANCE, PROMOTION, AND OPERATION OF THE GARDEN. The parties agree that the Society shall operate, maintain, and promote the Botanical Garden of the Ozarks for and on behalf of the City on the property wholly owned by the City and identified above and incorporated by reference herein as set forth in this agreement.

2.0. LEASE TERM. The lease term shall commence on the date of this agreement and shall expire at midnight local time in the City of Fayetteville, Arkansas, on the date which is 25 years from and after the date of this agreement, subject to such being sooner terminated as provided in this agreement. This lease term shall be renewed for three (3) additional 25 year renewal terms upon the mutual agreement of the parties. This lease term may be renewed upon approval of the City of Fayetteville, Arkansas. Each renewal term will not be unreasonably denied by the City as long as the BGSO continues to operate a botanical garden on the City property identified with this lease.

2.1. REVIEW AND EVALUATION. The parties acknowledge that the Botanical Garden of the Ozarks is in its formative stages and that its development will be ongoing and changeable. IT IS FURTHER recognized that the roles, functions, and responsibilities of the respective parties will develop, grow, and/or change as well. For these reasons, the parties shall review and evaluate this agreement on a yearly basis to insure its appropriateness and applicability. The BGSO shall present an annual progress review to the Parks and Recreation Staff, Advisory Board and the City Council.

2.2. The Mayor or his designated representative and the BGSO shall meet as requested by any party to review the terms of this lease, to suggest and negotiate changes which may be appropriate.

3.0. TITLE TO BUILDINGS AND GROUNDS. The BGSO acknowledges without reservation that the City owns and shall hold title to the grounds and any future buildings constructed on the premises.

4.0. OPERATING POLICIES AND RESPONSIBILITIES. The BGSO shall provide to the Mayor or his designated representative its general operating policies for the Garden in written form. These operating policies shall ensure nondiscriminatory opportunities for all citizens. The Society agrees that its policies and operations shall be designed to preserve and maintain the integrity of all buildings, grounds and improvements existing on the premises, and shall consider the policies of Parks and Recreation regarding cultural and recreational facilities.

5.0. RULES AND REGULATIONS OF BGSO. The BGSO may establish and enforce any reasonable rules and regulations regarding behavior of visitors to assure the well being of the plants and gardens, as well as the safety, comfort and quality of experience for visitors to the premises and shall provide copies of these rules and regulations to the Mayor or his designated representative. To the extent permitted by law, either the City or the BGSO may exclude objectionable uses, or abusive or offensive person(s) from all premises subject to this agreement.

6.0. OPERATION AND SUPERVISION OF THE BOTANICAL GARDENS OF THE OZARKS. The BGSO shall exercise sole operational and supervisory authority over all grounds, buildings and personnel of the Garden and over all such matters, including but not limited to, safety, insurance, planning, plant acquisitions, displays and gardens, and the purchase, exchange, or acquisition of additional items to be added to the collections, except as otherwise provided in this agreement. The BGSO at its expense will be responsible for all maintenance and security associated with the operation of the Botanical Garden, including equipment, parking lots, and other improvements. The BGSO may not sublet any portion of the property without the express written consent of the City Council.

7.0 TRAILS: The BGSO specifically acknowledges the right of the public to access trails in the non-fee area without charge. BGSO must obtain the approval of the Parks and Recreation Staff on the routing and design of all public trails through this land lease area.

7.1 Construction of or enhancements to the primary public pedestrian and bicycle trails through the non-fee area to the west of the fee area (see attachment) must be approved by both the City of Fayetteville and the BGSO. Primary public trails located immediately adjacent to the fee area and all secondary trails related to BGSO programming will be designed, constructed, and maintained by the BGSO. (See attached maps identifying these areas)

7.2 Any enhancements or construction of any trails by the City within the non-fee area will be maintained by the City of Fayetteville.

7.3 The BGSO will construct and maintain a parking lot near the Visitor Education Center that allows free public parking with direct access to the primary public trails seven days a week.

7.4 The Society will be responsible for all educational, research and informational programs conducted on the premises and all printed material.

7.5 The parties agree that all employees and volunteers shall be employees or volunteers of the BGSO and shall not be considered to be City employees or volunteers for any purpose whatsoever. The BGSO shall have the sole authority for engaging, terminating, fixing compensation, supervising and otherwise directing all personnel, including sub-contractors, in conformance with applicable laws governing employees and volunteers at the Botanical Garden.

8.0 CONSTRUCTION, ALTERATIONS, IMPROVEMENTS AND MAINTENANCE.

8.1 The Final Master Plan must be approved by the City Council, and shall serve as the development guide to present and future construction, expansion, and improvements to the premises. The parties agree that the BGSO will submit to the Fayetteville Parks and Recreation Staff for review all plans for construction, future alterations, and improvements to be located on the premises including, but not limited to, gardens, greenhouses, entrances and parking, and for all other alterations to any facilities and grounds at the Garden which undertakings shall be subject to applicable City procedures, zoning ordinances, and design review.

8.2 Any major changes to the Master Plan shall be submitted to the Fayetteville Parks and Recreation Advisory Board for approval.

9.0 **HOURS OF OPERATION.** The BGSO shall establish the hours of operation for the Botanical Garden and shall consider the public interest in establishing such hours. The public parking lot will be open during daylight hours.

10.0 **SIGNS.** Lessee may place such signs as it may deem proper on the premises, so long as said signs are in compliance with Lessor's sign ordinances.

11.0 PROGRAM ACCESSIBILITY AND PROGRESS.

11.1 As consideration for this lease, BGSO will offer free general admission to the Garden each Saturday morning from 9:00am to 12:00pm. This waived fee provision only applies to general admissions and not to specialty areas, buildings or events that require a separate entry fee. In addition to the above stated consideration, BGSO will recognize the importance of its botanical educational role by making garden access arrangements with the Fayetteville School District for students and teachers.

11.2 Groups using any of the facilities of the Garden shall abide by all regulations as established by the City and the BGSO.

11.3 PROGRESS. BGSO will develop and open a botanical garden on the City property identified with this lease agreement. BGSO will offer botanical garden programmatic and educational services as part of its mission. BGSO will establish an initial yearly attendance goal minimum for all BGSO garden services and programs of 5,000 people beginning with calendar year 2005. BGSO will develop a three to five year plan of action with stated goals and objectives. BGSO will continue to review, refine and renew these actions plans during the course of this lease. BGSO will prepare, publish and present an annual operations report to be submitted to the Fayetteville City Council.

12.0 LAWS. The BGSO shall comply with all present and future laws, ordinances, and rules and regulations, pertaining to the City of Fayetteville including, but not limited to, the Americans with Disabilities Act and the Arkansas Freedom of Information Act.

13.0 RESOLUTION OF CONFLICT. In the event of disagreement regarding operations procedures or scheduling, a committee consisting of four (4) members, one (1) appointed by the City, one (1) appointed by the City Parks & Recreation Advisory Board, and two (2) by the BGSO will be constituted to resolve the differences. If no resolution is reached within a reasonable period, then this committee shall refer the matter to the City Council, whose decision shall be binding to both parties.

14.0 INSURANCE. The BGSO agrees to obtain and maintain through the duration of the lease at its own expense, Commercial General Liability Insurance covering public liability, bodily injuries, death, products liability and property damage for damages and expenses arising out of the operation of the Garden prior to opening the Garden to the public.

15.0 DEFENSE AND INDEMNIFICATION. The BGSO agrees to defend, indemnify and hold the City, its officers, employees, agents and representatives harmless against all damages, expenses, loss or liability from any claim or suit arising or alleged to have arisen from any act or omission of the BGSO, its officers, employees, agents or representatives by reason of the operation of the Garden under this agreement, including, but not limited to, damage to or destruction of property or injuries to or death of a person or persons.

16.0 SELECTION OF TRUSTEES. The BGSO agrees that the City Council will appoint one (1) member of the BGSO's Board of Directors. One member shall be a current member of the City's Parks and Recreation Advisory Board and one member must represent the Parks and Recreation Staff. The BGSO further agrees to supply the names of those persons elected to the Board of Directors to the City Clerk as public record. The Board of Directors shall faithfully and diligently exercise such authority as herein conferred in conformity with the provisions of this agreement.

16.1 The BGSO shall file a true and correct copy of its corporate charter, with amendments, if any, and an accurate and complete copy of its Bylaws and any amendments thereto, and a copy of the I.R.S. Letter of Determination of I.R.C. Sec. 501(c)(3) status with the City to be maintained as a public record. In the event of subsequent amendments to such charter or bylaws, true and correct copies of the same shall be timely filed with the City Clerk.

17.0 FUNDING SOURCES.

17.1 In order to achieve and continue the public purpose of this agreement, funding shall be provided or permitted but not limited to the following sources:

A. The BGSO agrees to use its best efforts to secure gifts of cash, services, endowments, and plant materials for the purpose of fulfilling its obligations hereunder. Any funds raised for the Garden by the BGSO shall be used for the purpose of equipping and maintaining the Garden, for the improvement of real property, for the general maintenance of the Garden, or for any other purpose designated by the BGSO's Board of Directors.

B. Generated revenue from admission, gift shop, program and service fees, and miscellaneous rental income.

C. Gifts, grants, bequests and devises from private donors, expended in conformance with the terms of their receipt.

D. Earned income from investments.

E. Bond funds as may be authorized.

18.0 FINANCIAL REPORTS. In accordance with the BGSO's Bylaws, the City shall receive a copy of the financial audit of the Garden's financial books and records every year. The report will be provided within ninety (90) days of each completed audit. In addition, the BGSO shall timely provide to the City the yearly operating budget of the BGSO.

19.0 RENT, FEES, CONCESSIONS AND TAXES. The BGSO shall have the right to set admission fees to the Garden as well as fees for optional services such as programs, space rental, etc. Fees shall be reasonable and in line with similar services available in the tourism market place.

19.1 The BGSO shall pay promptly all taxes and license fees of whatever nature applicable under municipal, state, and federal law. In addition, the parties agree that the BGSO shall indemnify and save the City harmless from and against any liens or similar liabilities claimed or changes against the BGSO pursuant to the BGSO's operation of the Garden.

20.0 REMEDIES FOR BREACH OR VIOLATIONS OR DISPUTES.

20.1 Termination of Agreement. The parties agree that if either party materially breaches or fails to perform its obligations under this agreement, the other party may give notice in writing of intent to terminate. If the breaching or non-performing party fails to commence and effect cure in good faith to the satisfaction of the other party within ninety (90) days of such notice or such longer period, if agreed in writing by the parties, the agreement shall be deemed terminated at the expiration of the ninety (90) days period or other agreed period. Any request of extension shall not be unreasonably withheld.

20.2. In the event the BGSO shall be adjudicated bankrupt or insolvent or take the benefit of any reorganization of composition proceedings or insolvency law, or make an assignment for the benefit of creditors, or if the BGSO's interest under this agreement shall be levied upon or attempted to be attached or sold under any process of law, or if a receiver shall be appointed for the BGSO, then and thereafter the City shall have the right and option to terminate this agreement irrespective of whether or not default exists hereunder, said determination to be effective immediately upon City's exercise of such option by giving written notice to the BGSO.

20.3 The parties agree that neither part shall be liable or responsible to the other for delays or impossibilities of performance caused by force majeure occurrences beyond the control of the parties including, but not limited to, civil disorder, fires, floods, or acts of God.

BOTANICAL GARDEN SOCIETY
OF THE OZARKS, INC.

By: Blair Johanson
Blair Johanson, President

CITY OF FAYETTEVILLE, ARKANSAS

By: Charles Daniel Coody
Charles Daniel Coody, Mayor

ATTEST:

By: _____
Name and title:

deadline. If the Form 424 is faxed, the entire application containing original signatures must be postmarked on or before the application deadline, August 26, 2005.

WHERE TO SEND THE APPLICATION

Outdoor Recreation Grants Program
Department of Parks and Tourism
Number One Capitol Mall
Little Rock, Arkansas 72201

HOW THE APPLICATION CAN BE PREPARED

- The application can be prepared locally. The Outdoor Recreation Grant Program staff will upon request, provide applicants with a sample copy of an application. This sample provides the applicant with the correct format of all elements of the application including forms, narratives, a detailed budget, maps, resolutions, required clearances, and acquisition information.
- The application can be prepared by consultants. (Grant preparation cannot be paid for with grant funds).
- The application can be prepared by the local areawide Planning or Economic Development Districts or the Regional Planning Commissions.

WHAT ARE OUR OBLIGATIONS?

We are jointly committed! Both the Department of Parks and Tourism's Outdoor Recreation Grants Program and the project sponsor are committed to long term program compliance. After the project is completed and all grant funds have been disbursed, our commitment to the requirements of the Arkansas Matching Grant Program continues. These ongoing commitments include:

1. Property acquired or developed under the program must be retained in perpetuity for outdoor recreation use and will be subject to inspection by the State at least once every five years. In addition each project will be inspected by the State during construction and before final reimbursement is made.
2. Once a public park project boundary has been identified by the Department of Parks and Tourism and the local project sponsor, all facilities constructed within that boundary, at any future time, must be in compliance with the rules and regulations of the Outdoor Recreation Grants Program *Project Management Guide*. This also applies to those facilities constructed in whole or in part with local funds.
3. No overhead utility lines are allowed within the project boundary. All existing utility lines located within the park boundaries must be placed underground.
4. A permanent sign stating that federal LWCF or state NCRGTF moneys were used to acquire and/or develop public outdoor recreation facilities must be maintained within the park in perpetuity. Guidelines for the size, placement and design of the signs will be presented to each applicant after grant approval. Upon project completion the applicant will be required to describe the location of the sign, and state that the sign location will not change.
5. All public recreation facilities constructed within a Matching Grant Program assisted park must be accessible to the handicapped. This also applies to those facilities constructed in whole or part with local funds.
6. Property acquired or developed with assistance from the fund must be open to entry and use by all persons regardless of race, color, religion, sex, or national origin. Discrimination on the basis of residence, including preferen-

- tial reservation or membership systems, is prohibited, except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.
7. Property acquired or developed with assistance from the Matching Grant Program shall be operated and maintained in perpetuity. The property shall be maintained so as to appear attractive and inviting to the public. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards. Properties shall be kept safe for public use. Fire prevention, lifeguards, and the like should be provided for proper public safety. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their functional lifetime to prevent undue deterioration and to encourage public use. Facilities that have reached an age that renders them obsolete or worn out may be removed with written permission of the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Director. Permission must be obtained prior to removal of the facilities.
 8. The Arkansas ORGP staff will conduct periodic post completion inspections of the project area to ensure that program compliance continues after the project is completed. These inspections will be unannounced. Sponsors who fail to comply with long term commitment may jeopardize future eligibility for matching grant funds for new projects and/or be subject to legal actions by the State or Federal government to enforce program compliance.
 9. The property shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility. Property which is not operated and maintained in good condition may jeopardize the awarding of future grant funds to that jurisdiction.
 10. Participants may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with Matching Grant Program assistance when such a limitation is necessary for maintenance or preservation. Thus, limitations may be imposed on the type of users (i.e. hunters or four-wheelers, etc.). All limitations must be in accord with the applicable grant agreement and amendments.
 11. All recipients of Matching Grant Program moneys must comply with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act, of 1990 Title II and Title III.
 12. Properties (parks and recreation areas) acquired or developed with LWCF/NCRGTF assistance are prohibited by Section 6(f)(3) of the LWCF Act of 1965, as amended, from conversion to other than public outdoor recreation use.
Section 6(f)(3) of the LWCF Act states that "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, U. S. Department of the Interior, be converted to other than public outdoor recreation use. The Secretary shall approve such conversion only if he/she finds it to be in accordance with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP) and only upon such conditions as he/she deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonable equivalent usefulness and location".

From: Steve Davis
To: Edmonston, Connie; Wright, David
Date: 7/27/05 1:31PM
Subject: Fwd: Arkansas Outdoor Recreation Grant Obligations and Provisions

Connie/David

I think this email clarifies the issue relating to the grant application. The agenda memo must contain a discussion of the potential impacts on the water & sewer system that come with accepting a grant with the conditions this grant contains.

Because I am out of town Thursday through Monday please route the grant agenda item through Marsha and Vicki.

Thanks
Stephen

>>> "Wilbourn, Gordon M." <Gordon.Wilbourn@KutakRock.com> 07/27/05 01:27PM >>>
Steve,

This email confirms our phone conversation earlier this afternoon.

I've taken a look at the attachments to your July 18th email with respect to the Arkansas Outdoor Recreation Grant Obligations program. Specifically, you asked me to consider the requirements of the program as they might relate to the City's covenants in connection with its outstanding water and sewer revenue bonds. The City's bonds are secured by system revenues and not by any mortgage lien on the real and personal property comprising the water and sewer system. The City has covenanted, however, to keep the system unencumbered by liens and other restrictions. As you described the currently proposed grant application, the property under consideration for recreation related improvements will not encompass any current portions of the system. Accordingly, I don't think there are any problems that would be caused initially by accepting a grant. You've put your finger on the possible future complications. If the City at some point in the future decided it wanted to construct system improvements within a "public park project boundary" (determined at the time the grant is made), it would have to jump through various bureaucratic hoops imposed by the U.S. Department of the Interior to get permission for such improvements.

So the short answer is that you would not be violating any present covenants by accepting a grant. You should, however, consider carefully the drawing of the accompanying "public park project boundary" and its implications on any future system improvements that might be needed.

Gordon M. Wilbourn
Kutak Rock LLP
425 West Capitol Avenue, Suite 1100
Little Rock, Arkansas 72201
501.975.3101 (phone)
501.975.3001 (fax)
gordon.wilbourn@kutakrock.com

#####

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

C. 6
Botanical Gardens Grant Request to
Arkansas Parks & Tourism
Page 16 of 16

16-Aug-05

City Council Meeting Date

David Wright/Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Resolution approving Parks and Recreation and the Botanical Garden Society of the Ozarks to submit an Outdoor Recreation Grant to the Arkansas Department of Parks and Tourism, in the amount of \$250,000.

n/a
Cost of this request
n/a
Account Number
n/a
Project Number

n/a
Category/Project Budget
n/a
Funds Used to Date
n/a
Remaining Balance

n/a
Program Category / Project Name
n/a
Program / Project Category Name
n/a
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director

7-28-07?
Date

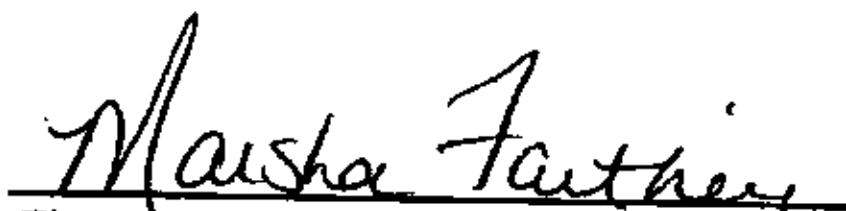
Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney

7/29/05
Date


Finance and Internal Service Director

8/1/05
Date

Received in City Clerk's Office




Mayor

8/1/05
Date

Received in Mayor's Office



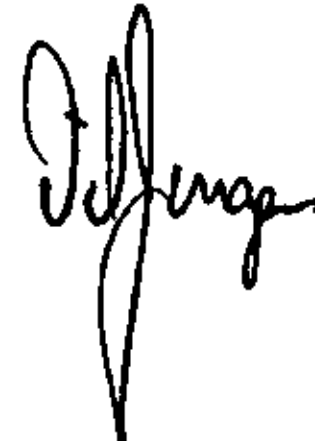
Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Mayor Dan Coody

From: David Jurgens, Interim Water/Wastewater Director



Date: July 27, 2005

Subject: Bid waiver ordinance and a contract with Multi-Craft Contractors, Inc. for emergency repairs to the effluent filtering system at Noland Wastewater Plant.

Fayetteville City Administration recommends approval of an authorization totaling \$30,000.00, said amount including a contract with Multi-Craft Contractors, Inc. of Springdale, Arkansas in the amount of \$27,554.00 plus a contingency in the amount of \$2,446.00.

The Noland Wastewater Treatment Plant includes ten effluent filter cells providing the final polishing of wastewater before release to the receiving streams. These units were constructed in 1988 and have been in constant service since said date. In 2003, seven of the units were rebuilt using capital improvement funds. In June 2005, two of the three remaining units failed beyond repair. The filtering process is an essential component of the wastewater plant, as filtration is necessary to meet the effluent limits set forth in the city's current NPDES discharge permit. It is vital that these units be operational before the rainfall increases in September.

Under State of Arkansas Procurement Law, Section 19-11-203, the maintenance of technical equipment (such as wastewater treatment plant effluent filters) is exempted from competitive bidding. Furthermore, due to the specialized nature of the work, the interaction/coordination with delicate wastewater plant operations and the emergency nature of this need, the waiver of competitive bidding requirements is deemed to also meet the City of Fayetteville's criteria for waiver of bidding.

The rehabilitation of the seven filter cells in 2003 was completed by Multi-Craft Contractors, Inc. using the specifications developed by OMI staff. The same set of specifications for the work, materials, schedules and constraints will be used for the rebuilding of these two filter cells. OMI has contacted Multi-Craft Contractors, Inc. to provide a proposal for the engineering filter rehabilitation and has negotiated a lump sum price of \$27,554.00 for completion of the filter rehabilitation in accordance with the specifications. Considering the fact that the negotiated contract price transfers some risk to the contractor and the bid price includes 100% performance and payment bonds, it is deemed a reasonable and competitive proposal. The total completion time is predicted at 30 days, subject to plant flows and operator directions.

The \$27,554.00 expenditure for effluent filter rehabilitation shall be charged against project number 02069, Plant Pumps and Equipment, W.W.T.P., account number 5400.5800.5414.00. There is sufficient funding in this account to support this project, therefore no budget adjustment is necessary at this time.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH MULTI-CRAFT CONTRACTORS, INC. IN THE AMOUNT OF \$27,554.00 TO PROVIDE EMERGENCY REHABILITATION TO THE EFFLUENT FILTERING SYSTEM AT THE NOLAND WASTEWATER TREATMENT PLANT; APPROVING A CONTINGENCY IN THE AMOUNT OF \$2,446.00; AND DECLARING AN EMERGENCY.

WHEREAS, the effluent filtering process is an essential component to meet the effluent limits set forth in the City's current NPDES discharge permit; and,

WHEREAS, two of the effluent filter cells have failed and must be repaired before rainfall increases in September, and;

WHEREAS, Multi-Craft Contractors, Inc. is uniquely qualified, and prepared to conduct the required rehabilitation without delay.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding and approves a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the Effluent Filtering System at the Noland Wastewater Treatment Plant

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Contingency in the amount of \$2,446.00.

Section 3. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, hereby finds the immediate rehabilitation of the effluent filter cells to be necessary to preserve the health and safety of the citizens of Fayetteville, and because of such, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 16th day of August 2005.

APPROVED

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

CONTRACT
EFFLUENT FILTER REPAIRS
NOLAND WASTEWATER TREATMENT PLANT
FAYETTEVILLE, ARKANSAS

THIS AGREEMENT, made and entered into the __ day of _____, 2005, by and between the City of Fayetteville, County of Washington, State of Arkansas, and Multi-Craft Contractors, Inc, Springdale, Arkansas, hereinafter called the Contractor.

WITNESSETH THAT:

WHEREAS, the City of Fayetteville has waived competitive bidding for emergency repairs on technical equipment at the Noland Wastewater Treatment Plant in accordance with Arkansas Purchasing Law (19-11-103), and has secured what is deemed a reasonable and competitive proposal for the rehabilitation of sever effluent filter cells in accordance with the Filter Cell Rebuild Requirements (attached) and the July 21, 2005 proposal from Multi-Craft Contractors, Inc. (attached), all of said materials having been approved by the City of Fayetteville, Arkansas; and

WHEREAS, pursuant to the non-competitive solicitation and negotiation, the Contractor is deemed to be a reasonable, responsible, competitive and qualified provider for the emergency construction of said Improvements;

NOW THEREFORE, the Contractor agrees with the City of Fayetteville to commence and complete the construction of:

Rehabilitation of two (2) effluent filter cells at the Noland Wastewater Treatment Plant in accordance with the specifications titled "Filter Cell Rebuild Requirements" (pages 1 through 7) and Multi-Craft quote dated July 21, 2005 in accordance with the proposal schedule, plan drawings, the contract documents including the project specifications, including all Work required for a complete and acceptable installation, for the lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being TWENTY SEVEN THOUSAND FIVE HUNDRED FIFTY FOUR AND 00/100 (\$27,554.00), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Technical Specifications, the General Conditions, the Supplementary Conditions, and in accordance with the Plans, which include all blueprints, and other drawings, and written or printed explanatory matter thereof.

The Contractor shall be required to furnish 100% Performance and Payments Bonds and a Certificate of Insurance prior to the issuance of a Notice to Proceed. The Bonds shall be written by an approved surety, the insurance certificate shall include: property, personal injury, workman compensation insurance coverage and general liability in statutory coverage amounts. The insurance certificate shall list the City of Fayetteville as an additional insured and as a certificate holder.

The Contractor agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and totally complete all work within thirty (30) calendar days. Time of completion will be subject to discretion of the Wastewater Plant operations, as loading conditions or operational considerations may require staging, segmenting or delaying portions of the work.

The City of Fayetteville agrees to pay the Contractor in current funds for the performance of the

contract in accordance with the accepted Bid, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after completion of each unit, and in accordance with the bid Specifications, the City of Fayetteville will make payments to the Contractor for work performed, based upon the project manager's approval of work completed, said invoice being certified by the Contractor and accepted by the City of Fayetteville. Retainage shall be withheld from the partial payments as provided by Arkansas state laws by the City of Fayetteville until final completion and acceptance by the City of Fayetteville.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

The Contractor agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If the Contractor fails in completing the contract within the time stipulated herein, the Contractor agrees to pay the City of Fayetteville, as liquidated damages the sum of one hundred dollars (\$100.00) per day for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages City of Fayetteville would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage City of Fayetteville would sustain in related costs. Said amounts of liquidated damages shall be deductible from any amount due Contractor under the Final Estimate of said work, after the completion thereof, and Contractor shall be entitled to the Final Estimate less such amounts of liquidated damages.

If the Contractor be delayed at any time in the progress of the work by any act or neglect of the City of Fayetteville or of the City of Fayetteville's employees, or by any other Contractor employed by the City of Fayetteville, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by any cause which the Project Manager shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Project Manager may decide.

No such extension shall be made for delay occurring more than seven days before claim therefore is made in writing to the Project Manager. In the case of a continuing cause for delay, only one claim is necessary.

In the event the Contractor abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given Contractor by the City of Fayetteville, then the City of Fayetteville shall have the option of 1) declaring this contract at an end, in which event the City of Fayetteville shall not be liable to the Contractor for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of Contractor; and in that event, should the surety fail, neglect or refuse to carry out said contract, 3) said City of Fayetteville may complete the contract as its own expense and maintain an action against the Contractor and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by City of Fayetteville in completing this contract, less the total amount provided for hereunder to be paid Contractor upon the completion of this contract.

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.

The contractor shall ensure that the City of Fayetteville receives lien waivers from all material

suppliers, subcontractors and sub-subcontractors and before work begins on the project. The contractor shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following: "According to Arkansas Law, it is understood that no liens can be filed against public property if a valid and enforceable payment and performance bond is in place. Regarding this Project and Agreement, the valid and enforceable bonds are with _____." The contractor shall have each subcontractor; sub-subcontractor and material supplier execute a written receipt evidencing acknowledgment of this statement prior to commencement of the work of the subcontractor, sub-subcontractor or material supplier.

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 the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act. (A.C.A. 25-19-101 et. Seq.) Only legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance."

Contractor shall hold harmless, defend and indemnify the City from any and all claims, actions, suits, charges and judgments whatsoever that arise out of performance or nonperformance of the services or subject matter called for in this contract, provided that nothing herein shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville under the Constitution and Statutes of the State of Arkansas.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the City of Fayetteville and Contractor have hereto set their hands and seals, respectively.

Multi-Craft Contractors, Inc

City of Fayetteville, Arkansas

By: _____
Authorized Signature

By: _____
Mayor Dan Coody

Witness*

City Clerk, Sondra Smith

*If corporation, secretary should attest.

End of Contract

Filter Cell Rebuild Requirements

I. Hardware and Materials specifications.

A. All hardware shall be of high quality stainless steel.

1. The all thread stud material shall be 5/8-inch by 11 stainless steel.
 - a) The studs shall be cut to size and a 5/8-inch by 11 stainless steel nut shall be welded to one end of the stud.
2. The nuts shall be 5/8-inch by 11 stainless steel.
3. The flat washers shall be 5/8-inch stainless steel.
4. If coupling nuts are required, they shall be 5/8-inch by 11 stainless steel.

B. The filter screen material shall be stainless steel and identical to the new installed filter screens.

1. The screen specifications shall be:
 - a) 316 stainless steel, wire size .040, 40 mesh, 40 microns, cross-weave and interwoven
 - b) The screen width shall be 60 inches wide and cut to size. The screen length shall be 16 feet long and cut to size.
2. Screen samples and current vendor information is available.
3. The selection of the filter screen material shall meet the approval of the owner's operations representative.

C. The Rubber gasket material shall be neoprene.

1. The short neoprene rubber gasket shall be 5 feet long by 3 inches wide by 1/8-inch thick. This is trimmed to size after installation.
2. The long neoprene rubber gaskets shall be 16 feet long by 3 inches wide by 1/8-inch thick. This is trimmed to size after installation.

D. The filter sand shall meet the specifications of the owner's operations representative.

II. Remove the Filter from active service.

A. Prepare filter for out of service status.

1. Contact the Operator on Duty.
2. Place the Filter out of service.

b) If the nut is jammed or frozen on the stud, the stud shall be cut with a saw to facilitate removal of the I-beam.

(1) A new stainless steel all thread stud shall be fabricated and reinstalled during the rebuild and repair process

2. Remove the I-beam.

a) Caution shall be exercised during the I-beam removal process to limit stud thread damage.

E. Remove the screen hold-down grates.

1. Remove the screen hold-down grates from the screen area.
2. Clean any sand from the grid openings of the grate.

F. Remove the filter screen hold-down bars.

1. Remove the securing hardware bolts on the short angle iron screen hold down bars.
 - a) The old rusted iron nuts shall be removed in order to extract the securing bolts.*
 - (1) It may be necessary to cut the securing bolt for the removal.*
 - b) Replace the securing bolt with a new stainless steel all thread securing bolt and place one stainless steel nut above and one below the securing brace clip.*

G. Remove old screen and rubber gasket material.

1. Pull up the old screen and remove the old filter gasket material.
 - a) Dispose of the gasket material on the screen and frame.*
 - b) Roll up the old screen and save it as a pattern for the new screen. The new screen shall be cut to size.*

IV. Rebuild and Repair

A. Recondition the all-thread studs that hold down the I-beams.

1. The old rusted iron nut or remaining residue shall be removed from the all-thread stainless steel I-beam mounting stud.
2. The threads shall be cleaned and restored to proper condition.
 - a) Use a wire brush on the threads to remove any debris.*
 - b) Recondition the threads using a 5/8-inch by 11 die. Run this die all the way to the bottom of the stud.*
3. The I-beam hold down stud's physical mounting shall be inspected.

2. The new screen shall be rolled out over the gasket material and smoothed flat.
3. The long angle iron screen hold-down braces shall be placed on each long side of the screen.
 - a) *Caution shall be used to make sure that the screen, gasket, and hold-down brace are over the angle iron base frame secured in the concrete supports.*
4. The short angle iron screen hold-down braces shall be installed at each short end of the screen.
 - a) *The short brace shall be inserted under the hold-down brace clips and secure the long angle iron hold-down braces.*
 - b) *Install the securing bolt and nut through the hole in the hold down brace clips.*
 - (1) *The top nut shall be tightened against the bottom nut to secure the bolt after the bolt has secured the short angle iron filter hold-down brace.*

D. Install the screen grates.

1. The screen grates shall be reinstalled upon the screens in the proper position.

E. Install the I-beams.

1. The I-beams shall be installed over the hold-down studs and on the tops of the screen grates.
 - a) *The long screen hold-down angle iron braces shall be aligned as needed to insure that the I-beam's securing tabs make sufficient contact.*
2. A new stainless washer and new stainless steel nut shall be used to secure the I-beam to the hold-down studs.
 - a) *The tightening process shall alternate from one end of the I-beam to the other end of the I-beam until the assembly is evenly secured.*
 - b) *The installation shall be inspected and readjusted as needed to properly secure the screen grates and long angle iron screen hold-down braces.*

F. All installation shall be inspected.

1. All hardware installation shall be inspected and adjusted as needed.
 - a) *All nuts shall be checked for proper tightness.*
 - b) *Any hardware or equipment found loose or found defective shall be adjusted, repaired, or replaced.*

(FRI) JUL 22 2005 9:28/ST. 9:23/NM-06080000

C.7
Multi-City Contractors, Inc.
Rehabilitation Contract
Page 9 of 10

07/21/05 3:20 PM File: Fserver\pub\Filters2003\Filter Rebuild Requirements.doc 7 of 7

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

C. 7
Multi-Craft Contractors, Inc.
Rehabilitation Contract
Page 10 of 10

16-Aug-05
City Council Meeting Date

David Jurgens

Submitted By

Water/Wastewater

Division

Water/Wastewater

Department

Action Required:

Passage of an ordinance approving a bid waiver for a contract and approving the contract with Multi-Craft Contractors, Inc. for the emergency repairs of the effluent filtering system at the Noland Wastewater Treatment Plant, and declaring an emergency. Contract value is \$27,554.00, contingency amount is \$2,446.00, resulting in the total requested amount of \$30,000. Funds are available in Fiscal Year 2005 budget.

\$30,000.00

Cost of this request

\$ 254,607.00

Category/Project Budget

Water and Wastewater

Program Category / Project Name

5400-5800-5414.00

Account Number

\$ 153,842.09 55,355.70

Funds Used to Date

Water and Wastewater

Program / Project Category Name

0201702069

Project Number

\$ 170,764.91 4,299,655.09

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

7/29/05

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
7/29/05
CJ

Mayor

Date

Received in Mayor's Office

ENTERED
7/29/05 PB
4:35 PM

Comments:

City of Fayetteville, Arkansas

Sales & Use Tax Bonds

Bond Purpose	Principle Outstanding	2005	2008	2011	2014
WSIP					
Series 2004					
Soil & Water	\$ 65,000,000	\$ 65,000,000			
Transportation Series 2005	\$ 25,000,000	\$ 25,000,000			
Transportation Series 2008	\$ 35,000,000		\$ 35,000,000		
Transportation Series 2011	\$ 45,000,000			\$ 45,000,000	
Transportation Series 2014	\$ 50,000,000				\$ 50,000,000
Total	\$ 220,000,000	\$ 90,000,000	\$ 35,000,000	\$ 45,000,000	\$ 50,000,000

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 16, 2005**

A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

✓ **Approval of the August 2, 2005 City Council meeting minutes.**

✓ **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.

Pull 9/6
✓ **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.

B. UNFINISHED BUSINESS:

1. **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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.*
2. **R-PZD 05-1463 (Oakbrooke):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.*
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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.*
4. **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 first reading at the July 19, 2005 City Council meeting. This item was left on the second reading at the August 2, 2005 City Council meeting.*
5. **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 at the August 2, 2005 City Council meeting.*
6. **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 at the August 2, 2005 City Council meeting.*
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. *This item was tabled at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.*

C. NEW BUSINESS:

Sept. 6 (1) **Mansfieldhouse, LLC Lease Agreement:** A resolution approving a lease agreement with Mansfieldhouse, LLC for property located at the northwest corner of Dickson Street and West Avenue to provide parking enforcement and revenue collection services for a proposed 154-space parking lot.

Sept. 6 (2) **Parking Management Staffing Addition:** A resolution authorizing the addition of one (1) half-time position in the Parking Management Division; and approving a budget adjustment in the amount of \$7,695.00.

Consent (3) **Record Benefits Consulting Services Contract:** A resolution approving an agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options.

Check with [unclear] [unclear] [unclear] (4) **Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.

Consent (5) **Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.

(6) **HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.

(7) **ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres.

(8) **RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.

Consent (9) **ADM 05-1562 Master Street Plan Amendment:** A resolution amending the Master Street Plan, reclassifying Shiloh Drive south of Joyce Boulevard, north of Mud Creek from a collector street to a local street in the manner recommended by the Planning Commission for a Large Scale Development (LSD) 05-1593.

(10) **ADM 05-1663 (Nelson Crossing):** A resolution approving a variance *form* Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.

Add to description (11) **Botanical Gardens Grant:** *Request to Ark. Parks & Tourism.* A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.

Consent

12. WL-4 Easement Purchase: A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Hamestring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.

13. Multi-Craft Contractors, Inc. Rehabilitation Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,446.00; and declaring an emergency.

D. INFORMATIONAL:

Council Tour: August 15, 2005 – 4:30 PM

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
August 16, 2005**

A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

1. **Approval of the August 2, 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. **Broker of Record/Benefits Consulting Services Contract:** A resolution approving an agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options.
4. **Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.
5. **ADM 05-1662 Master Street Plan Amendment:** A resolution amending the Master Street Plan, reclassifying Shiloh Drive south of Joyce Boulevard, north of Mud Creek from a collector street to a local street in the manner recommended by the Planning Commission for a Large Scale Development (LSD) 05-1593.

*Remove
until
Street
Committee
Reviews*

- ✓ **WL-4 Easement Purchase:** A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Hamstring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.

B. UNFINISHED BUSINESS:

- ✓ **1. 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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.*
- ✓ **2. R-PZD 05-1463 (Oakbrooke Subdivision):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.*
- ✓ **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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.*
- ✓ **4. 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 at the August 2, 2005 City Council meeting.*
- ✓ **5. 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 at the August 2, 2005 City Council meeting.*
- ✓ **6. 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 at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.*

C. NEW BUSINESS:

1. **Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.

*Minutes from
Adoption of this
Ordinance 19705*

2. **HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.

3. **ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres.

4. **RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.

5. **ADM 05-1663 (Nelson Crossing):** A resolution approving a variance from Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.

Consent

6. **Botanical Gardens Grant Request to Arkansas Parks & Tourism:** A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.

7. **Multi-Craft Contractors, Inc. Rehabilitation Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,446.00; and declaring an emergency.

D. INFORMATIONAL:

NONE

Council Tour: ~~August 15, 2005 - 4:30 PM~~

"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:

Ynab Aguada was inserted in the regular editions on
August 15, 2005.

PO# _____

** Publication Charge: \$ 267.84

Subscribed and sworn to before me this

15 day of August, 2005.

Sharlene D. Williams
Notary Public

Sharlene D. Williams
Notary Public
State of Arkansas

My Commission Expires: _____ My Commission Expires
October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

AUG 19 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
AUGUST 16, 2005**



A meeting of the Fayetteville City Council will be held on August 16, 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**

A. CONSENT:

- 1. Approval of the August 2, 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. Broker of Record/Benefits Consulting Services Contract:** A resolution approving an agreement with Hoffman-Henry Insurance in the amount of \$19,500.00 to provide broker of Record/Benefits Consulting Services for 2005-2006 with four 1-year renewal options.
- 4. Clela B. Stroud Water Agreement:** A resolution to approve an agreement with the Clela B. Stroud Trust in which the City agrees to provide adequate domestic water to the trust land and the trust agrees to pay the City \$40,000.00 as its cost share and remove a reversion clause in the land upon which the City's water tank is located.
- 5. WL-4 Easement Purchase:** A resolution approving a lump sum allocation in the amount of \$457,750.00 for the purchase of easements required for the construction of Gravity Sewer Lines from the Gregg Avenue Lift Station to the New Harnestring Lift Station/Wastewater System Improvements Project (WSIP) WL-4; and approving a 10% contingency in the amount of \$45,775.00.
- 6. Botanical Gardens Grant Request to Arkansas Parks & Tourism:** A resolution authorizing the Fayetteville Parks and Recreation Division in conjunction with the Botanical Garden Society of the Ozarks to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of two hundred fifty thousand dollars (\$250,000.00) for the construction of Phase 1A of the Botanical Gardens.
- 7. Federal Aviation Administration Grant Acceptance:** A resolution authorizing the Fayetteville Municipal Airport staff to accept a grant in the amount of \$116,605.00 from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund an Airport Master Plan update.

B. UNFINISHED BUSINESS:

- 1. 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 at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting.
- 2. R-PZD 05-1463 (Oakbrooke Subdivision):** An ordinance establishing a residential planned zoning district titled R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel 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 at the August 2, 2005 City Council meeting.
- 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 Ruppel 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 left on the second reading at the August 2, 2005 City Council meeting.
- 4. 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 at the August 2, 2005 City Council meeting.
- 5. 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 at the August 2, 2005 City Council meeting.
- 6. 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 at the August 2, 2005 City Council Meeting until the August 16, 2005 City Council meeting.

C. NEW BUSINESS:

- 1. Hay Group Salary and Benefits Survey Contract:** An ordinance waiving the requirements of formal competitive bidding; and approving a contract with Hay Group, Inc. in the amount of \$28,000.00 to accomplish the Salary and Benefits Survey Project; and approving a travel contingency not to exceed \$1,600.00.
- 2. HMR Tax Revision:** An ordinance amending §§ 35.19 & 35.30 to change the definition of concession stands as it pertains to the collection of HMR tax.
- 3. ANX 05-1603 (Lane):** An ordinance annexing that property described in Annexation Petition ANX 05-1603 for property located north of Huntsville Road (Highway 16 East) and Deerfield Way containing approximately 5.3 acres.
- 4. RZN 05-1604 (Lane):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Highway 16 East) and Deerfield Way from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Units Per Acre.
- 5. ADM 05-1663 (Nelson Crossing):** A resolution approving a variance from Chapter 167 Tree Preservation and Protection in the manner recommended by the Planning Commission for Large Scale Development (LSD) 05-1593.
- 6. Multi-Craft Contractors, Inc. Rehabilitation Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract with Multi-Craft Contractors, Inc. in the amount of \$27,554.00 to provide emergency rehabilitation to the effluent filtering system at the Noland Wastewater Treatment Plant; approving a contingency in the amount of \$2,448.00; and declaring an emergency.

**D. INFORMATIONAL:
Council Tour: NONE**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal line extending to the right.

DATE: **August 17, 2005**

RE: **Passed Ordinances and Resolutions from City Council meeting
of August 16, 2005**

1. **Survey & Research Center Proposal:** Resolution approving proposal from Survey Research Center at U of A in amount of \$29,312.05 with a not-to-exceed cost of \$30,000.00 for development and implementation of citizen survey; and approving budget adjustment in amount of \$5,000.00;

2. **Broker of Record/Benefits Consulting Services:** Resolution approving agreement w/Hoffman-Henry Insurance in amount of \$19,500.00 to provide Broker of Record/Benefits Consulting Service for 2005-2006 w/four 1-year renewal options;

3. **Clela B. Stroud Water Agreement:** Resolution approving agreement w/Clela B. Stroud Trust in which City agrees to provide adequate domestic water to trust land and trust agrees to pay City \$40,000.00 as its cost-share and remove a reversion clause in the land upon which the City's water tank is located;

4. **WL-4 Easement Purchase:** Resolution approving lump sum allocation in amount of \$457,750.00 for purchase of easements required for construction of gravity sewer lines from Gregg Avenue Lift Station to new Hamestring Lift Station/Wastewater System Improvements Project WL-4 and approving 10% contingency in amount of \$45,775.00;

5. **Botanical Gardens Grant Request:** Resolution authorizing Fayetteville Parks & Recreation Division in conjunction w/Botanical Garden Society of the Ozarks to apply for an Arkansas Parks & Tourism Outdoor Recreation grant in amount of \$250,000.00 for construction of Phase 1A of the Botanical Gardens;

6. **Federal Aviation Administration Grant Acceptance:** Resolution authorizing Fayetteville Municipal Airport staff to accept a grant in amount of \$116,605.00 from Federal Aviation Administration and Arkansas Department of Aeronautics to fund an Airport Master Plan update;

7. **ANX 05-1580:** Ordinance annexing property described in annexation petition ANX 05-1580 for property located at Hunt Lane, south of Highway 16 East, containing 31.59 acres;

8. **RZN 05-1581:** Ordinance rezoning 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, four units per acre;

9. **ANX 05-1603:** Ordinance annexing property described in annexation petition ANX 05-1603 for property located north of Huntsville Road (Hwy. 16 East) and Deerfield Way containing approximately 5.3 acres;

10. **RZN 05-1604:** Ordinance rezoning property described in rezoning petition RZN 05-1604 for approximately 1.6 acres located north of Huntsville Road (Hwy. 16 East) and Deerfield Way from R-A, Residential-Agricultural, to RSF-4, Residential-Single Family, four units per acre;

11. **ADM 05-1663:** Resolution approving a variance from **Chapter 167 Tree Preservation and Protection** in the manner recommended by Planning Commission for LSD 05-1593;

12. **Multi-Craft Contractors, Inc. Rehabilitation Contract:** Ordinance waiving requirements of formal competitive bidding and approving a contract w/Multi-Craft Contractors, Inc. in amount of \$27,554.00 to provide emergency rehabilitation to effluent filtering system at Noland Wastewater Treatment Plant; approving contingency in amount of \$2,446.00 and declaring an emergency.