

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
September 6, 2005**

A meeting of the Fayetteville City Council will be held on September 6, 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

Presentation of the Final Check for Blair Library Construction given by Louis Gottsponer, President, Library Board of Trustees and Louise Schaper, Executive Director.

A. CONSENT:

1. **Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.**

APPROVED.

2. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 167-05.

3. **Braden Park Contract Award:** A resolution approving a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park; approving a 10% project contingency in the amount of \$10,996.00; and approving a budget adjustment in the amount of \$20,178.00 for same.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 168-05.

4. **University of Arkansas Cost Share Agreement:** A resolution approving a cost-share agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP).

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 169-05.

5. **McClelland Consulting Engineers Task Order No. 11:** A resolution approving Task Order No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 170-05.

6. **Cinnabar Service Company Easement Negotiation:** A resolution to approve an additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for the Wastewater System Improvement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 171-05.

7. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** 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.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 172-05.

8. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClinton Anchor Division reducing the contract amount by \$278,481.85.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 173-05.

9. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 174-05.

10. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 175-05.

- 11. Wedington Drive W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 176-05.

B. UNFINISHED BUSINESS:

- 1. Amend § 96.05 Motor Vehicle and Motorcycle Sound Limit:** An ordinance to amend § 96.05 Motor Vehicle and Motorcycle Sound Limit of the Code of Fayetteville. *This ordinance was left on the second reading at the May 3, 2005 City Council meeting. This item was tabled at the May 17, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4747.

- 2. Mally Wagon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagon Road less than a quarter mile from the city limits. *This item was tabled at the August 2, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-05.

- 3. Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. *This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting. This item was tabled at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4748.

- 4. 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 left on the third reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4749.

5. **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 left on the second reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4750.

6. **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 left on the first reading at the August 16, 2005 City Council meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

7. **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 at the August 16, 2005 City Council meeting. This item was forwarded to the Ordinance Review Committee.*

THIS ITEM WAS TABLED INDEFINITELY.

C. NEW BUSINESS:

Added at City Council Meeting: Firemen's Lawsuit Settlement: A resolution to approve the settlement agreement with the Plaintiffs in the Peter T. Reagan, et al v. City of Fayetteville, Federal District Court Civil Case No. 05-5045.

THIS ITEM WAS BROUGHT FORWARD AT THE REQUEST OF THE CITY ATTORNEY, KIT WILLIAMS. THE RESOLUTION PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-05.

Added at the City Council Meeting: Hurricane Katrina Funds: A resolution authorizing the use of up to \$100,000.00 from the Replacement & Disaster Recovery Fund for use in collecting and distributing aid to Hurricane Katrina survivors; and the use of 1851 East Huntsville Road (Mexican Original Bldg) as a disaster Relief Collection and Distribution Center; approving a budget adjustment in the amount of \$100,000.00 recognizing grant revenue from the Federal Emergency Management Agency (FEMA); and declaring an emergency.

THIS ITEM WAS BROUGHT FORWARD AT THE REQUEST OF FINANCIAL SERVICES DIRECTOR, STEVE DAVIS. THE RESOLUTION PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-05.

Added at the City Council Meeting: Taxicab Fee Adjustment: An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, of the Code of Fayetteville to allow for a fuel surcharge; and declaring an emergency.

THIS ITEM WAS BROUGHT FORWARD AT THE REQUEST OF FINANCIAL SERVICES DIRECTOR, STEVE DAVIS. THE RESOLUTION PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4751.

1. **Walker House Demolition:** A resolution to authorize bids and approve the lowest qualified bid received for the demolition and disposal of the Walker House located at 901 South College Avenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 180-05.

2. **Amend § 34.27 Sale of Municipally Owned Real Property:** An ordinance amending § 34.27, Code of Fayetteville to exempt the dedication of real property to the Arkansas State Highway Commission from the requirements of the ordinance; and declaring an emergency.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4752.

3. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 181-05.

4. **Gregg Avenue (Hwy 180) Widening Project:** A resolution approving the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue Widening.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 182-05.

5. **Amend § 166.05 Large Scale Development (LSD):** An ordinance to clarify that the miscellaneous requirements for large scale developments found in § 166.05 (C) (6) and (7) also apply to preliminary plats.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4753.

6. **ANX 05-1628 (Lamberth-Carlton):** An ordinance annexing that property described in Annexation Petition ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4754.

7. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection from R-O Residential-Office to C-2, Thoroughfare Commercial.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4755.

8. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4756.

9. **ADM 05-1656 Adoption of the Downtown Master Plan Street Classification System:** A resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl and Associates.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 183-05.

10. **Adoption of § 161.08 District RSFH-8:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.

THIS ITEM TABLED INDEFINITELY.

11. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4757.

12. **Taxicab Fee Adjustment Reconsideration:** An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, of the Code of Fayetteville to allow for a fuel surcharge; and declaring an emergency.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4751.

D. INFORMATIONAL:

1. **Council Tour:** NONE

Meeting adjourned at 10:30 p.m.

Adjourn 10:30 PM.

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

Subject:	Consent				
Motion To:	Approve				
Motion By:	Jordan				
Seconded:	Marr				
<u>passed</u> Res. 167-05 to 176-05	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

Subject:	Amend 96.05 Motor Vehicle				
Motion To:		3rd Read	Pass		
Motion By:		Thiel			
Seconded:		Jordan			
B.1. <u>Unfinished</u> Passed 7-1 4747	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	N		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Mayor Coody				

8-0

7-1

Subject:	Mally Wagon Road Sewer Service				
Motion To:					
Motion By:		Reynolds			
Seconded:		Thiel			
B.2. <u>Unfinished</u> Passed 4-4 Mayor Coody Voted yes 177-05	Reynolds	✓			
	Thiel	✓			
	Cook	N			
	Marr	N			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	N			
	Jordan	N			
	Mayor Coody	✓			

Mayor Coody Voted yes
4-4

Subject:	Planning Commission Appeal (Honda Pro)				
Motion To:		Approve the appeal			
Motion By:		Cook			
Seconded:		Reynolds			
B.3. Unfinished Appeal passed	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	N			
	Jordan	N			
	Mayor Coody				

6-2

Subject:	Planning Commission Appeal (Honda Pro)				
Motion To:		2nd read	3rd read	Approve	
Motion By:		Cook	Reynolds		
Seconded:		Jernell	Ferrell		
B.3. Unfinished ordinance Passed 4748	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	N	
	Jordan	✓	✓	N	
	Mayor Coody				

8-0

8-0

6-2

Subject:	R - PZD - 05 - 1463 (Oak brooke Subdivision)				
Motion To:		Amend PZD -		Pass	
Motion By:		Jordan			
Seconded:		Ferrell			
B.4. Unfinished Passed as Amended 4749	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		N	
	Marr	✓		✓	
	Rhoads	✓		✓	
	Ferrell	✓		✓	
	Lucas	✓		N	
	Jordan	✓		N	
	Mayor Coody				

8-0

5-3

Subject:	R - PZD - 05 - 1555 (Oak brooke Subdivision)				
Motion To:		3rd read	Amend PZD	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Jordan	Lucas		
B.5. Unfinished Passed as Amended 4750	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	N	
	Jordan	✓	✓	N	
	Mayor Coody				

8-0

8-0

5-3

Subject:	Hay Group Salary & Benefit Survey Contract				
Motion To:		Tabled Indef.			
Motion By:		Marr			
Seconded:		Ferrell			
<u>B.6.</u> <u>Unfinished</u> Tabled Indefinitely	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent during vote			
	Jordan	✓			
	Mayor Coody				

7-0

Subject:	HMR Tax Revision				
Motion To:		Tabled Indef.			
Motion By:					
Seconded:					
<u>B.7.</u> <u>Unfinished</u> Tabled Indefinitely	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8-0

Subject:	Firemen's Lawsuit				
Motion To:		Add to Agenda	Approve		
Motion By:		Rhoads	Marr		
Seconded:		Jordan	Cook		
Added to the Agenda <u>Passed</u> 178-05	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Mayor Coody				

8-0

8-0

Subject:	Katrina Funds				
Motion To:		Add to Agenda	Approve		
Motion By:		Jordan	Jordan		
Seconded:		Thiel	Thiel		
Added to the Agenda <u>Passed</u> 179-05	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Mayor Coody				

8-0

8-0

Subject:	Taxi Fee Adjustment				
Motion To:		add to the Agenda			
Motion By:		Cook			
Seconded:		Marr.			
Added to the Agenda	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8-0

Subject:	Taxi Fee Adjustment				
Motion To:		2nd read	3rd read		Emergency Clause
Motion By:		Reynolds	Reynolds		Marr
Seconded:		Ferrell	Ferrell		Ferrell
Added to the Agenda Passed With Emergency Clause 4751	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Mayor Coody				

8-0

8-0

8-0

8-0

Subject:	Walker House Demolition				
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Thiel			
C. 1. New Business Passed 180-05	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

8-0

Subject:	Amend 34.27				
Motion To:		2nd read	3rd read	Pass	Clause Emergency
Motion By:		Jordan	Jordan		Jordan
Seconded:		Cook	Cook		Cook
C. 2. New Business Passed With Emergency Clause 4752	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	absent during vote	absent during vote	absent during vote	absent during vote
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Mayor Coody				

Subject:	Razurbach Road Highway 112				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Jordan			
C. 3. New Business passed 181-05	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent during vote			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody				

7-0

Subject:	Gregg Avenue Highway 180				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Jordan			
C. 4. New Business passed 182-05	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	absent during vote			
	Jordan	✓			
	Mayor Coody				

7-0

Subject:	Amend 166.05 Large Scale Develop.				
Motion To:		2nd read	3rd	Pass	
Motion By:		Cook	Jordan		
Seconded:		man	Cook		
C.5. New Business <u>Passed</u> 4753	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				
		8-0	8-0	8-0	

Subject:	A NX 05-1628 (Lambert - Carlton)				
Motion To:		2nd read	3rd	Pass	
Motion By:		Ferrell	Jordan		
Seconded:		Cook	Cook		
C.6. New Business <u>Passed</u> 4754	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	N	
	Mayor Coody				
		8-0	8-0	6-2	

Subject:	RZN - 05-1629 Dixie Development				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Cook		
Seconded:		Ferrell	Ferrell		
C.7. New Business <u>Passed</u> 4755	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject:	RZN 05-1696 (Staggs)				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Jordan		
Seconded:		Ferrell	Rhoads		
C.8. New Business <u>Passed</u> 4756	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody				

8-0

8-0

8-0

Subject:	ADM 05-1696 Adoption of the Downtown Master Plan Street Classification			
Motion To:		Approve As Amended	Amend resolution	
Motion By:		Marr	Jordan	
Seconded:		Jordan	Lucas	
C. 9, New Business passed 183-05	Reynolds	✓	✓	
	Thiel	✓	✓	
	Cook	✓	N	
	Marr	✓	N	
	Rhoads	✓	✓	
	Ferrell	✓	✓	
	Lucas	✓	✓	
	Jordan	✓	✓	
	Mayor Coody			

8-0

6-2

Subject:	Adoption of 161.08 District RSFH-8			
Motion To:		Table Ind.		
Motion By:		Thiel		
Seconded:		Jordan		
C. 10. New Business Table Indef.	Reynolds	✓		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Ferrell	✓		
	Lucas	✓		
	Jordan	✓		
	Mayor Coody			

8-0

Subject:	Amend 166.08 Design Standards				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Reynolds	Jordan		
Seconded:		Ferrell	Ferrell		
C.I.I. New Business <u>Passed</u> 4757	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	N	
	Marr	✓	✓	N	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	N	
	Mayor Coody				

8-0

8-0

5-3

Subject:	Taxi Fee Adjustment				
Motion To:		Reconsider	Back to Org. 2nd read	3rd read	Pass / EC
Motion By:		Reynolds	Ferrell	Jordan	Marr
Seconded:		Ferrell	Marr	Marr	Jordan
Taxi <u>passed</u> 4758 4751	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	✓	✓	✓	✓
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Jordan	✓	✓	✓	✓
	Mayor Coody				

8-0

8-0

8-0

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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
September 6, 2005**

A meeting of the Fayetteville City Council will be held on September 6, 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

Presentation of the Final Check for Blair Library Construction given by Louis Gottsponer, President, Library Board of Trustees and Louise Schaper, Executive Director.

A. CONSENT:

- 1. Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.**
- 2. Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.
- 3. Braden Park Contract Award:** A resolution approving a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park; approving a 10% project contingency in the amount of \$10,996.00; and approving a budget adjustment in the amount of \$20,178.00 for same.

4. **University of Arkansas Cost Share Agreement:** A resolution approving a cost-share agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP)
5. **McClelland Consulting Engineers Task Order No. 11:** A resolution approving Task Order No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport.
6. **Cinnabar Service Company Easement Negotiation:** A resolution to approve an additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for the Wastewater System Improvement Project.
7. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** 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.
8. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClinton Anchor Division reducing the contract amount by \$278,481.85.
9. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.
10. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.
11. **Wedington Drive W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.

B. UNFINISHED BUSINESS:

1. **Amend § 96.05 Motor Vehicle and Motorcycle Sound Limit:** An ordinance to amend § 96.05 Motor Vehicle and Motorcycle Sound Limit of the Code of Fayetteville. *This ordinance was left on the second reading at the May 3, 2005 City Council meeting. This item was tabled at the May 17, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

2. **Mally Wagnon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagnon Road less than a quarter mile from the city limits. *This item was tabled at the August 2, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. *This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting. This item was tabled at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
4. **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 left on the third reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
5. **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 left on the second reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
6. **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 left on the first reading at the August 16, 2005 City Council meeting.*
7. **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 at the August 16, 2005 City Council meeting. This item was forwarded to the Ordinance Review Committee.*

C. NEW BUSINESS:

1. **Walker House Demolition:** A resolution to authorize bids and approve the lowest qualified bid received for the demolition and disposal of the Walker House located at 901 South College Avenue.

2. **Amend § 34.27 Sale of Municipally Owned Real Property:** An ordinance amending § 34.27, Code of Fayetteville to exempt the dedication of real property to the Arkansas State Highway Commission from the requirements of the ordinance; and declaring an emergency.
3. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.
4. **Gregg Avenue (Hwy 180) Widening Project:** A resolution approving the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue Widening.
5. **Amend § 166.05 Large Scale Development (LSD):** An ordinance to clarify that the miscellaneous requirements for large scale developments found in § 166.05 (C) (6) and (7) also apply to preliminary plats.
6. **ANX 05-1628 (Lamberth-Carlton):** An ordinance annexing that property described in Annexation Petition ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres.
7. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection from R-O Residential-Office to C-2, Thoroughfare Commercial.
8. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.
9. **ADM 05-1656 Adoption of the Downtown Master Plan Street Classification System:** A resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl and Associates.
10. **Adoption of §161.08 District RSFH-8:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.
11. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

D. INFORMATIONAL:

1. **Council Tour: NONE**

Aldermen

Ward 1 Position 1 - Robert Reynolds
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Ward 3 Position 2 - Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City Council
Meeting Minutes
August 2, 2005**

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

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Mayor Coody presented Barry Harper a proclamation recognizing the Fayetteville High School Bulldog Band as official ambassadors of the City of Fayetteville, Arkansas to the Tournament of Roses Parade in Pasadena, California in 2006.

Barry Harper thanked the Mayor and the City.

Alderman Ferrell moved to move New Business #6, Mount Sequoyah Street Extension, to the front of the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

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

Alderman Ferrell: The developer had a press conference last week and I have communicated with people. What I had indicated was that I would ask tonight that this be tabled indefinitely.

Alderman Ferrell moved to table this resolution indefinitely. **Alderman Lucas** seconded the motion.

Tom Hennelly, H2 Engineering: The resolution that was passed in 1996 requires that we bring any type of request like this to the Council and it was difficult to get it on the agenda. I would like to thank Alderman Ferrell for stepping up to the plate for us, even though he may have opposed the ideal itself, he was willing to allow us to come before you and at least give us a chance. I do appreciate Alderman Thiel and Reynolds and their help, although they adamantly opposed this, I understand their support of their Ward.

A week ago we had a meeting with the neighborhood association and there were some things that were brought up during that, that I think need a little clarification. The Mayor was enthusiastic about this project in that there was a 30 acre land donation associated with it, which he was a big proponent for. He made it perfectly clear to me, crystal clear, that he was in opposition of a connection over the mountain. Through his department heads in engineering and planning he tried to discourage us from doing this, but I can be bull headed at times. I do think, and still think that the merits of this project, as a whole, with the land donation, the density and the tree preservation that are incorporated in it were far over shadowed by this one issue. We have revised the plat to remove that. I appreciate your time. Thank you.

Mayor Coody: Thanks Tom. I appreciate your statement because I was getting blasted for being supportive of this when that was the opposite of the truth. Thanks for your statements.

Alderman Thiel: Mayor, the neighborhood up there has indicated to me that they would prefer that we actually vote this proposal down, or reject the proposal. They would just feel more comfortable with us doing that, it would be making a statement that this Council is still very supportive of the original resolution. Tabling indefinitely they do not feel like it makes a strong enough statement. They are also concerned that we are just basically tabling this indefinitely; we are not voting it down. So, I will vote against the motion to table this indefinitely.

Mayor Coody: In order to save some time would you consider amending your motion?

Alderman Ferrell: What does table indefinitely mean?

Mayor Coody: It means that it goes away basically.

Kit Williams: Well, it doesn't go away, it goes to the table and stays on the table until someone brings it off the table.

Mayor Coody: Yes. But if it is tabled indefinitely it takes a long while to come back up.

Alderman Ferrell: Have we ever had anything come back from being tabled indefinitely?

Kit Williams: I think we actually have. We have tabled a raze and removal indefinitely, I think before and when we didn't get enough action on it we brought it back, if I remember right.

Some people say it is the same thing as killing a motion, to table it indefinitely; it is not exactly the same. Even if you vote this down, someone else could bring a new resolution forward.

Alderman Ferrell: I guess go ahead.

Mayor Coody: We have a motion on the floor.

Alderman Lucas: Can we not just vote on that motion.

Victoria Sowder, a Resident: Thank you Mr. Mayor and ladies and gentlemen of the City Council. I just wanted to say I appreciate very much the Barbar Group and H2 Engineering being sensitive to the concerns that were voiced very vocally by our established Mount Sequoyah neighborhoods. I am grateful also to be asked by my neighbors to say thanks to the City Council members who have been supportive of Resolution 19-96. I can say most definitely, representing our four neighborhood associations that they would feel much better if this was shown historically as being defeated, rather than simply tabled indefinitely. I will say also that my neighbors and I look forward to working with H2 Engineering and the Barbar Group to develop our input into their plans for a very nice neighborhood, that would serve as a great compliment to our historic and established neighborhoods, in a very non-connected physically way. Thank you very much.

Mayor Coody: We really appreciate the opportunity for the 30 acre contribution of the 40 acres that we have so long sought for the City. This is going to make quite an addition to the park on Mount Sequoyah. That would make it 97 acres right in the heart of town of beautiful woods. We appreciate that contribution very much.

Upon roll call the motion passed 5-3. Alderman Ferrell, Lucas, Reynolds, Cook and Rhoads voting yes. Alderman Jordan, Thiel and Marr voting no.

This resolution was tabled indefinitely.

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

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

Resolution 148-05 Recorded in the Office of the City Clerk.

Alderman Jordan asked if it was possible to move the two Oakbrooke items together, one after the other on the agenda.

Kit Williams: You certainly can with a suspension of the rules; you can move things around on the agenda if you want to, just like we did on the Mount Sequoyah resolution. If the other Aldermen agree with you then certainly you can do that.

Alderman Thiel: Do you want to move them both to New Business.

Alderman Jordan: Yes, or we can do them both on Old Business, it doesn't matter. I just thought you are going to hear one then it will be a while and you will hear another one.

Alderman Jordan moved to move New Business #4 R-PZD 05-1555 (Oakbrooke Subdivision) below Unfinished Business #5 R-PZD 05-1463 (Oakbrooke). Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

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

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

Resolution 149-05 Recorded in the Office of the City Clerk

Alderman Jordan moved to approve the Consent Agenda. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

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

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning: The applicant has submitted documentation indicating that the island that was being created, which was the basis for the recommendation for

denial from staff and Planning Commission, documentation has been submitted to the County to annex that three acre tract as well so that will not be creating an island. That will be before you a couple of agendas from now, as soon as it gets through the County process.

Pam Jones, Dixie Development: We have really worked hard to annex in this three acres, we appreciate your patience regarding that. It did take a lot of effort. We hope that you will consider our request for annexation. I can answer any questions that you might have.

Alderman Thiel: I would like to make a statement about annexations in general. I guess if I believed that if we quit annexing property, that it would stop growth and sprawl, then I probably would not support annexations, but I don't think that is the case. I think this is a project that I think is important that it is part of the City. I think the developer will do improvements to the main streets, build to City standards and the sewer will go into our sewer system. So, I do support this annexation. I do think we are going to have to start looking a little closer at our annexations until we determine how soon we are going to get our treatment plant. I will support this.

Alderman Lucas: I am very grateful that you were able to bring forward this island and I appreciate the efforts you went through to do that. It would have been very difficult for me to support it if it had been an island.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Ferrell, Lucas, Jordan, Reynolds, Thiel, Marr and Rhoads voting yes. Alderman Cook voting no.

Ordinance 4732 as Recorded in the Office of the City Clerk.

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

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan: How many units is this going to be.

Jeremy Pate: If it was developed to maximum density it would be about 97 units, what we are seeing is an average of somewhere between 2.6 and 3.0 dwelling units per acre. When this

subdivision develops, dedicates right of way and park land, this would be between 60 and 70 if that were the plan.

Alderman Jordan: Which lift station will be affected by this?

Jeremy Pate: I believe the sewer would drain toward the Hamestring lift station.

Alderman Jordan: How many units are left on the Hamestring lift station right now?

Ron Petrie, City Engineer: We have been waiting on the report from RJN to give us those numbers. We had a meeting with them today to discuss the preliminary numbers. According to them there are approximately 400 units remaining in these two basins, Hamestring and Owl Creek, 400 in each basin.

Alderman Jordan: We have been under the assumption that it was about 1,200 units but it is actually 400.

Ron Petrie: That's right. We will get the final report this Friday and we will share that with the Water & Sewer Committee.

Alderman Jordan: Would you consider that a concern?

Ron Petrie: Sure, it is a concern. We have laid out an action plan, in this basin, back in May to the Water & Sewer Committee. 400 are going to make it critical that we move ahead with our last two action items, which is to determine a cost effective solution. There are several which will be paid mainly by developers within these basins. We want to bring an assessment district to the City Council. We are hoping to get that to the Council in September to address additional capacity in these basins.

Alderman Jordan: So we do need to address that situation with an assessment district.

Ron Petrie: It is critical that we address it quickly. It is not at the point that it is an emergency, but it will be soon.

Alderman Thiel: Once the capacity of both these lift stations is determined, if we do go ahead and approve this zoning at 4 units per acre, the staff will be basing the large scale developments that come through on a first come first serve as to that capacity. So, at any point when that capacity has been reached I am assuming staff will let us know unless we do get something in the works before that time. So, regardless of how we make a decision on this, there is still going to be that determination made by the staff.

I really appreciate Lioneld and the entire Water & Sewer Committee really pushing that this be determined so staff will know where we are at.

Ron Petrie: We will count these off when the developments get approved at Planning Commission, when we actually have real new lots. 400 is your worst case scenario. You have to

look at the lots that we have already counted off that will not come on line for another two to three years. Hopefully if everything goes as planned we will have a solution and we will have a fix in place and be able to make some type of assessment to whoever develops in these basins, so that it is being paid totally by private development and not the City.

Mayor Coody: That doesn't mean that we can only have 400 more homes for those that have plans in the works because it takes three years to go from approval of a subdivision to basically having someone move into a house. So everything is counted almost three years in advance at this point.

Ron Petrie: That's right. Everything has been approved but is still under construction at this time so you have lots that have been taken out of the capacity that will take three years from today before someone is actually flushing toilets.

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

Ordinance 4733 as Recorded in the Office of the City Clerk.

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

Alderman Marr: The applicant contacted me and asked that we table this for two weeks until the next Council meeting. They are in the process of working on a Bill of Assurance to address some concerns that have been expressed. Due to personal situations they had to be out of town tonight.

Alderman Marr moved to table this appeal to the August 16, 2005 City Council meeting. **Alderman Cook** seconded the motion. Upon roll call the motion passed unanimously.

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

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

Jeremy Pate: Staff received a letter from the applicant today asking us to withdraw this item from the agenda.

Kit Williams: Since this is an appeal I don't think we actually have to vote. I think they can withdraw their appeal themselves and if they have done that it is simply withdrawn.

This appeal was withdrawn by the applicant.

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.*

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: There will be a Ward meeting Friday night to discuss this.

Katherine Sherer, a Real Estate Agent: Fayetteville is a forerunner in keeping the aesthetics of this town beautiful and the idea behind Oakbrooke is right behind that. The homes are going to be old style with new floor plans inside. It is important that the outlining areas don't become another sea of tract style homes that are just small square footages and everything looks alike and it is kind of like Springdale. We just don't want to see that. I just think we need to keep it beautiful. Here is an outlying area that is getting ready to develop and they want to use good turn of the century designs. It is going to not only be good for Fayetteville but the home values are going to stay up higher. It is a good idea and I have been waiting for somebody to come up with it. I had not heard anything until just now and I am really excited about it.

Mel Milholland, Milholland Engineering: We had a Ward meeting the other night on this project. Residential PZD's are relatively new to the community of Fayetteville. I think staff, Planning and the Council decided a couple of years ago that this was the direction you wanted to go in Fayetteville to accomplish residential homes in another fashion rather than just a standard RSF-4 subdivision. On this project we worked very close with the staff to do everything they felt like we needed to do regarding trees and preservation of green space. My understanding of the purpose of the PZD is to provide for the flexibility of the type of homes and different size lots and a variation of buildings. Not necessarily multi-housing but single family and at the same time provide a larger green space. I feel with this project we have tried very hard to do that. I do feel that the community comfort level is the old zoning but with this new PZD zoning we are uncomfortable. This is what we thought you wanted to see. It is a little different format than the RSF-4 but yet accomplishes the same thing and gets more green space. I would like the Council to consider what was approved in the PZD zoning for residential use. I think this is a good example of what that ordinance intended to do. I really feel that the folks will eventually accept this, like all ordinances it takes them a while for them to. They have a concern about change, it

is quite a change from the standard RSF-4, but it is accomplishing the same thing. I think it will be a good subdivision.

A Citizen (No name was given): I was very excited to learn about this particular project. I think if you want to find the future you need to look to the past. This is kind of where this goes. This has a lot of really unique features. It de-emphasizes cars, there is affordable housing in it, it is walkable, it is very ascetically pleasing and I think it is the wave of the future. I strongly encourage you to do everything you can to approve this and approve other housing developments like this. It truly does help us from an economic development point of view to have this kind of development and to have these kinds of developers here that are really looking into the future and planning really quality type developments. I particularly like the mixed income type things and I think it is important to you to have some more affordable housing.

Tom Fetner, Bridgeport Resident: I don't think that any of the residents disagree with what has been said so far. We do still have a few issues we would like to discuss. Alderman Jordan has set a Ward meeting for us for Friday night. If we can get together Friday night, I think we can work out the few issues that we have left and we will feel more comfortable with it at that point in time.

This ordinance was left on the second reading.

The following item was moved from New Business.

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.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

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

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

City Attorney Kit Williams read the ordinance.

Tom Hennelly, H2 Engineering: This was initially tabled due to a traffic issues that were related. We have addressed those issues with staff and resolved them in the large scale that is to follow and come through the Planning Commission. We have addressed those items.

Jeremy Pate: The primary issue with this particular request is the access onto Highway 45 in this location because of sight distance issues. The Engineering staff will be looking at that very carefully to determine if an access is needed what the best way would be to access onto Highway 45 from this location. We have not actually seen development plans; the large scale development would follow this rezoning request.

Terry Box, a Resident: My father and the family trust own the property directly north of the Mathias property. This does not border the Box property, but the rest of the property that they own does. We want to voice our support of the R-O zoning for this property. We do have some reservations based on some discussions that we have heard in the past, on what they might do with the remaining part that they are not asking to be rezoned right now. There are some that have said they may want to do a higher density residential area there. We would be opposed to that. We think the best use long term is R-O for all the property on Box Avenue.

Alderman Ferrell: There is C-1 and R-O west of you, right?

Terry Box: The east side is Box Avenue, the south side is bounded by the Mathias property, the north side is R-O, half of the west side of the property is C-1, the other half is already R-O. In our opinion the best use in the future would be R-O.

Alderman Reynolds: I talked to Mr. Mathias and he said he was going to leave that R-O.

Alderman Cook: One of my problems was the traffic on Mission and Highway 45. As that cul-de-sac develops over time it is going to create more traffic through there. If they could design a way to connect that cul-de-sac to Vandergriff Drive and create a connection then I would not be concerned about the zoning as far as density.

Terry Box: We discussed that with the Planning Commission in the past. My father would give road right-of-way if a road could be built. The problem would be the engineering, but we are willing to work out something on that.

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

Ordinance 4734 as Recorded in the Office of the City Clerk.

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

Residential Single Family, 2 Units Per Acre. *This item was Left on the Second Reading at the July 19, 2005 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan: How many units will be on which lift station?

Jeremy Pate: I don't really have an idea exactly how many units, based on the total residential components that we are looking at tonight, all of Mountain Ranch; we are looking at about 1,200 units if they maxed it out. There are three different discharge points that this sewer would go to. I would say roughly a third of this would flow to the west that would be approximately 400 units.

Alderman Jordan: How do the developments match up with our hillside specifications?

Jeremy Pate: At RSF-2 those are half acre lots minimum so those would easily comply with what we are looking at.

Alderman Jordan: What about the intersection in that location.

Ron Petrie: We are currently awaiting final construction plans from the engineers, for the school section. There are two parts to this, one is the intersection itself and the other one is associated with the school, just south of the intersection. We have worked out the details but we are still waiting on the final construction plans. The City Council has approved a cost share for the intersection itself to widen that and allow for a five lane road with a boulevard.

Alderman Jordan: The 400 units would they go to Owl Creek?

Ron Petrie: Both. They would go to Owl Creek first and then Hamestring.

Alderman Jordan: How many more units can we put on Owl Creek?

Ron Petrie: That is the 400 number that we mentioned earlier.

Tom Terminella, Developer: The land mass is such that there are actually three different interceptors that surround that property. Our plans include visiting with City staff. The long term cure for that valley is getting to the Shiloh interceptor to relieve the inceptor lines at Owl Creek and Hamestring. We will cooperate fully. We feel we will be able to work with staff to come up with multiple solutions until the new plan comes on line.

Alderman Jordan: So you don't have a problem with the assessment district then?

Tom Terminella: There are assessment districts from here to Bentonville and we've been able to work with the municipalities and come up with fixes.

Jim Bemis, Resident: Every time I step up here I am going to be talking about the traffic that we have on Wedington, Highway 62, Ruppel Road and Persimmon. I am a supporter of Mr. Terminella's project. I am deathly afraid of what is going on at Ruppel and Wedington. You can have a perfect development but you aren't going to satisfy me until those roads are planned and on paper. I understand it might be 16 years before Ruppel is completed. You are doing exactly out there what you did to College, Lafayette and Maple. I promise you that you will rule the day that you didn't do the planning that you can do now on a flat prairie and pasture land. Please do it.

Charlie Sloan, Land Owner: Cooperation has been 110% with Mr. Terminella. We encourage you to pass this and work with him.

Alderman Jordan: What is your feeling on the assessment district?

Charlie Sloan: We are willing to work with you.

Alderman Thiel: I am very pleased with this on this hillside. I strongly support this aspect of your rezoning request to the R-2 on the hillsides.

Alderman Jordan: I want to thank Mr. Terminella for working with Shirley and myself. I think it is a very good development. I appreciate his patience.

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

Ordinance 4735 as Recorded in the Office of the City Clerk.

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

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4736 as Recorded in the Office of the City Clerk.

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

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4737 as Recorded in the Office of the City Clerk.

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

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4738 as Recorded in the Office of the City Clerk.

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

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

City Attorney Kit Williams read the ordinance.

Alderman Marr: I would like to thank the staff for the consolidated map. To the comments Mr. Bemis made, I think many of us hear you loud and clear and I think that the Street Committee will address that. I hope it doesn't take 16 years to resolve this problem; we certainly will be fighting to make sure it doesn't.

Alderman Lucas: I have known Mr. Terminella for a long time and he promised that he would protect our mountain over there and I think with this development he certainly is going to. I also want to thank Mr. Bemis because he is our conscience and he keeps us on track. It is very important with our school there and the development that is going on in that area that we really watch how we put our streets in and do it in a timely manner.

Mayor Coody: Mr. Terminella, apparently you have won over the Council with your good design and your working with the neighborhood and everyone to make this project well respected. You are setting a good model for other developers to use. Thank you very much.

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

Ordinance 4739 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

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

Alderman Ferrell: The letter we received from them said they would reimburse the City not to exceed \$60,000. If it should get higher what is the process for that.

Kit Williams: It certainly would have to come back to you before any more money can be spent.

Steve Davis, Finance and Internal Services Director: Based on our latest calculation it appears that we will have money left over in the contingency so that we will not be incurring any additional exposure in terms of funding this request nor will we have to ask the developers for any cash, because it is all coming in under that \$887,000 cap that was established early on.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 150-05 as Recorded in the Office of the City Clerk

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.

Jeremy Pate gave a brief description of the property. The Planning Commission voted 7-0 to forward this item to the City Council and staff is recommending approval of this request.

Alderman Thiel: The sewer flow will go to the Noland Plant?

Jeremy Pate: Yes.

Alderman Thiel: Are we tracking the Noland Plant capacity still?

Jeremy Pate: In looking at the preliminary numbers for the Noland Plant, I don't believe that any of the actual lift stations are any where near what we are looking at on the west side. We are going to try to get a City wide map together to look at those numbers. It looks like we are under capacity for that area in dry weather flows.

Alderman Thiel: Have you had any concerns about this?

Jeremy Pate: I have not, the only question that came up was there is a small gap, I have not confirmed this, but we do believe that is actually right of way. Not all of these properties are proposing to develop.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

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.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

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 moved to Unfinished Business to follow Oakbrooke Phase I.

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: We do have the descriptions and the easements in hand, they are currently getting signed. Jeremy gave a brief description of the property and the easement.

Alderman Thiel: I don't mind vacating this but it would have been nice to wait until we had the other easement located.

Jeremy Pate: The issue is we have an easement in place and if we had constructed the sewer lines in that exact location it would have taken out a lot of very nice mature trees. We have worked with the property owner and our land agents to exchange the easements. This ordinance is subject to those easements being recorded and received by the City.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4740 as Recorded in the Office of the City Clerk.

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

This resolution was moved to the beginning of the agenda.

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

Alderman Ferrell moved to amend Section 3 of the resolution to state, *the City Council, City of Fayetteville, Arkansas hereby directs the negotiation team that any acceptable agreement with the City of Farmington must insure that Fayetteville resident, business and industrial rate payers will be held harmless by insuring that in town rates will not increase nor otherwise be adversely affected because of any agreement with the City of Farmington.* Alderman Jordan seconded the motion.

Alderman Marr: If we put this in this resolution are we going to bind any negotiation from the other side. It certainly addresses what we are all concerned about but I don't know how we could prove or disprove that any change wasn't a result of that as it related to cost or maintenance. Those are my concerns because I completely agree with Alderman Ferrell.

Alderman Ferrell: I think Section A of the resolution addresses that.

Mayor Coody: Kit, what is your take on this? What do you think about any kind of negotiating problems with this?

Kit Williams: I think these are really policy decisions that the City Council is making. This whole negotiation does raise many issues.

Alderman Cook: Direction is what we need and I think that is why we brought this resolution forward. It is a policy decision.

Steve Davis: The whole point of bringing this forward is to provide assurance not only to us the negotiating team but also to the City of Farmington that the Fayetteville City Council is interested in seeing what can come out of this negotiation. Right now we are faced with the need to comply with our Federal permit to split the flows of our system so that the wastewater that is generated in the west and flows to the west plant we can't do that without dealing with Farmington in some fashion. Farmington has a contract with us that runs through March, 2009 that if we fail to get a resolution to the existing contract we will have to deal with their waste flow to Noland until 2009. If we do not have an agreement to take over their system we will have to negotiate an operating contract. Our existing operating contract with Farmington and Greenland does not contain any flow limitations at all. If we are concerned about the loading at the Noland Plant then we need to negotiate a new contract.

Alderman Jordan: This has been a concern of mine and at first I was not thrilled about taking over Farmington's wastewater treatment problems. The thing that I came to a conclusion on is right now there is a moratorium in that City, if somehow that moratorium is lifted and they decided to grow, we have to basically serve that City. We would have no control over what they do at all.

Mayor Coody: There would be impact fees and there would be things like that so that if it did grow rapidly at least we would get the money back in the treasury to some infrastructure work.

Alderman Jordan: I understand that but the point is this, under the present contract if the moratorium is lifted we would get no impact fees and we would still have to service whatever they grow to.

Kit Williams: That is correct. The moratorium is because they have already reached the capacity of their lift station and they do not have the money to expand their lift station. It is their requirement under the current contract to expand their capacity in their lift station not Fayetteville's. If we take over their system and we assume responsibility then one of the issues is do we have to then increase their capacity in their lift station allowing them to expand at whatever rate they would like. That is something that concerns me and that I would like to get the feel of the City Council about and their input on that.

Mayor Coody: Whatever the negotiating team comes up with is going to have to be approved by the City Council.

Alderman Jordan: Another concern of mine is if a developer comes along and he takes care of that lift station and that moratorium is lifted where are we then under the current contract?

Mayor Coody: We would be handling the extra flow.

Alderman Jordan: That's exactly right.

Alderman Ferrell: It would seem like to me during negotiation we certainly need to address that.

Upon roll call the motion passed unanimously.

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

Resolution 151-05 as Recorded in the Office of the City Clerk

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.

Gary Dumas, Director of Operations: We have three options on the purchase of carts, either the City of Elkins will purchase them, their residents will purchase them or we can give them the opportunity to buy the carts over a period of six months with the billing done by the City of Elkins.

Mayor Coody: This is just to negotiate; this is not approving anything correct.

Gary Dumas: Right. All we are doing is setting the parameters. Essentially the negotiation is our rate structure plus this.

Alderman Reynolds: Gary, I am glad you did what you did on this. I think those people will be more responsible if they have to buy their carts. I didn't think it was right for the Fayetteville taxpayers to buy cart for another City.

Alderman Thiel: We have been told that residential solid waste and recycling does not pay for itself that the commercial side basically subsidizes the residential side. Is that still a safe assessment?

Gary Dumas: It is a safe assessment that recycling does not pay for itself. The only option for carts is 64 and 96 for the City of Elkins because those two sizes adequately cover the cost for the garage, recycling and yard waste services.

Alderman Thiel: We are going to provide them with recycling bins.

Gary Dumas: Yes, and we charge them for those bins also.

Alderman Thiel: The combination of solid waste and recycling, does that pay for itself?

Gary Dumas: If you exclude the 32 gallon cart size, yes.

Alderman Thiel: Because we are dealing with another city we are also looking at a cost benefit to the citizens of Fayetteville and also a benefit to the City of Elkins because they would be encouraged to recycle. I understand that the Elkins representatives are under the impression that we will be charging the same rate that we are for our citizens, is that correct? Is there going to be a cost to the citizens of Fayetteville to do this in our solid waste program?

Gary Dumas: No, it will make the system money.

Alderman Thiel: Because of the commercial part that we will be taking over?

Gary Dumas: Yes, and because we are not offering the 32 gallon cart size. That size cart does not pay for the service that is provided.

Alderman Cook: I would like to have more information, a spread sheet that proves that this is a cost effective thing to do, a number analysis.

Alderman Reynolds: If we do this, I would like for us to get the cost separately and in six months revisit this and see if it is feasible to the citizens of Fayetteville.

Gary Dumas: Certainly.

Alderman Lucas: Will everyone in Elkins use this system?

Gary Dumas: Everyone will be using the system. They can choose whether or not to recycle but they will be charged for the recycling service.

Alderman Ferrell: Can we amend this resolution as we did with the City of Farmington.

Alderman Ferrell moved to amend the resolution to state, Alderman Ferrell moved to add Section 2 to the resolution to state, *the City Council, City of Fayetteville, Arkansas hereby directs the negotiation team that any acceptable agreement with the City of Elkins must insure that Fayetteville resident, business and industrial rate payers will be held harmless by insuring that in town rates will not increase nor otherwise be adversely affected because of any agreement with the City of Elkins.* Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marr: I want to thank the Mayor and staff for bringing forward opportunities that allow us to leverage expense basis and be rate neutral to the citizens of Fayetteville. I am not going to support this because I philosophically have a concern that I don't think we should be in the trash hauling business. I think we are a municipality that provides core services for our City. When we begin to take our model outside of our City limits then we are becoming a business. I think it is private businesses responsibility to provide services in the market. Elkins came to us to create a new competitor in the market. I have a hard time about our management issues, timing issues and taking things away from the services that we do. There are a lot of other things we need to be focusing on right now. It's not that I think it is a bad concept, it's that I philosophically disagree with it.

Mayor Coody: When did Elkins come to us?

Gary Dumas: It must have been four or five months ago.

Mayor Coody: Their rational for coming to us was what?

Gary Dumas: Their contract was expiring with their current provider and they wanted an alternative.

Mayor Coody: Basically if there is no competition that's not a very good example of free market enterprise. But, introducing competition into this does further the free market approach. We would be providing that competition if we could be competitive and they so choose to use us.

Alderman Thiel: I tend to agree with Alderman Marr. However, there are a lot of people that are very supportive of recycling because our land fill is filling up. I don't know if their commercial business that they are dealing with is going to have any incentive what so ever to recycle. With us only offering only two carts there still is and incentive to recycle.

Alderman Thiel moved to table the resolution to the August 16, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled until the August 16, 2005 City Council meeting.

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

Kit Williams gave a brief description of the case. He stated they are working together but have not resolved the issue.

Alderman Thiel: Do you feel this is going to cost us more than this. Do we have any idea where this is going to end and what the cost to the City will be?

Kit Williams: At this point we really don't know what the final cost to the City will be. There are still some major disagreements between us and the attorneys representing the firefighter's plaintiffs. We are trying to resolve that.

Alderman Ferrell: How much of the \$20,000 have we spent so far?

Michele Bechhold, Human Resources Director: We have actually paid almost all of that \$20,000 and we have not paid the June bill yet. This \$50,000 is based on if we settle the lawsuit and move forward in a supervised settlement.

Alderman Marr: Did the law firm give time estimates relating to the rate per hour charges by each attorney?

Michele Beachhold: There is not a specific time estimate. I do have the rates and we are receiving a 10% discount on the rates and they are not charging us for travel. I do not have a specific number of hours that they estimated per individual on the case.

Alderman Marr: How did they give you this \$50,000 target?

Michele Bechhold: That is a number that I estimated. If they don't bill us that much, those funds will not be expended.

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

Resolution 152-05 as Recorded in the Office of the City Clerk

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

Gary Dumas gave a brief description of this proposal.

Alderman Jordan: What does the CIP Sales Tax Reserve do?

Steve Davis: It is the monies that are left over from projects that have been completed or additional revenues that come in that have not been programmed for a project from sales tax or interest earnings in prior years. The Reserve Account is basically money the City retains in case a project runs more than we originally expected in the planning process or if a project comes up that wasn't programmed.

Alderman Jordan: We could use it for an emergency situation like a street or a bridge?

Steve Davis: Only if it was a capital related emergency.

Alderman Jordan: I do have a problem with it coming out of that reserve. Is there any other place that money could come from?

Steve Davis: Yes. We could get it from interest income.

Alderman Rhoads: If we didn't use the money for this what could we use it for?

Steve Davis: Any capital project the City has.

Alderman Rhoads: Are there any other projects that had any merit?

Steve Davis: I don't believe we examined other capital projects.

Alderman Thiel: Will the balance of this come from the Parks Development Fund. How does this affect their CIP project?

Gary Dumas: In the proposal that you have before you there is no Parks Development Funds used in future years. It is a Council decision on how you use HMR funds in the future.

A discussion followed on the funds and where they will come from to fund this resolution in the future.

Alderman Thiel: I am not opposed to being more aggressive in our trails program. I am concerned about hiring nine people for eight years.

A discussion followed on the amount of money that has been spent in the past through subcontracting this service out and the advantage to bringing this in house.

Gary Dumas stated we would get more trails for the money with this brought in house.

A discussion followed on the trail system, the paving of the trails, the equipment used in building the trails and what is planned for Ward 1 and Ward 4 as far as trails is concerned. A discussion also followed on the cost per foot to build these trails in the past and the future.

Alderman Cook suggested we state a dedicated amount to trails each year. My issue with this is the funding for this and the other costs that are not included in this. I am very supportive of trails.

Alderman Lucas: I am concerned about sustaining this program and where the funds will come from. I would feel more comfortable if we saw this at budget time so that we could see the entire picture.

A discussion followed on the timing of this.

Mayor Coody said we stated the trail program as it is right now is not meeting any serious goal. He said we are not making the kind of progress on trails that he anticipated that we would and he asked the staff to come up with a program to match the success rate that we have had with the sidewalks, street paving and curb and gutter.

Alderman Marr: I strongly support the trails program. I believe trails provide a quality of life. It is my opinion the trails system is an infrastructure that is missing and needs to be added. I believe we need to do this and I believe that we need to do it tonight. It is not my vision to have a trail that is just a flat piece of asphalt, that doesn't have benches and trash cans and things like that on it.

William Alder voiced his support for the trails system.

Jessie Thomas voiced his support for the trails system.

Alderman Lucas: Although I am concerned about using the reserve funds, I think we need to do this now.

Alderman Jordan: I think this is important for people that have health problems. I think this plan will provide alternate transportation and will be an economic engine for this City and most progressive cities have a program like this. This is a leap of faith that I am willing to take so I will support this program.

Alderman Marr moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-2. Alderman Lucas, Jordan, Thiel, Cook, Marr and Rhoads voting yes. Alderman Ferrell and Reynolds voting no.

Resolution 153-05 as Recorded in the Office of the City Clerk

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

Kit Williams: Basically this is not just a grant that the City is proposing here but it is an agreement to purchase services from the Northwest Arkansas Aviation Technology Center.

Ray Boudreaux, Airport Director: This is an opportunity to keep that school viable for the future. The need for these professionals will be more and more every day?

Alderman Thiel: This is for rent and utilities for one year. Do you feel confident this will be the last time that you ask for funding?

Mike Kratchner, NWA Aviation Technology Center: I believe so.

Alderman Thiel: My concern with this is not the viability of the technology center. My concern is funding this from the Economic Development Fund. I would rather see these funds come from the Airport Fund.

Mayor Coody: We have two options if we want to see the Airport Fund break even and not be a drain on the General Fund then this would need to come from the Economic Development Fund.

Alderman Ferrell voiced his support of the school.

Alderman Ferrell moved to amend the resolution to remove the word grant from the resolution and replace it with the word agreement. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel moved to amend the resolution to have the funds to come from the Airport Fund. Alderman Marr seconded the motion. Upon roll call the motion passed 7-1. Alderman Ferrell, Lucas, Jordan, Thiel, Cook, Marr and Rhoads voting yes. Alderman Reynolds voting no.

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

Resolution 154-05 as Recorded in the Office of the City Clerk

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

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

Resolution 155-05 as Recorded in the Office of the City Clerk

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

Crystal Geodereis with J.B. Hays Investments gave a brief description of her proposed project. She stated she would like to provide affordable housing on the property that she is requesting sewer extended to. She stated that even though this property is outside the city limits it will be developed to City standards. She asked this to be tabled until the next meeting so that she might get with planning regarding some questions they have with the project.

Alderman Lucas: Have you talked about being annexed into the city?

Crystal Geodereis: We were concerned about where the annexations were going. This area would have been annexed had the annexations not been tabled last year. It was apparent that maybe there was an issue with annexations so we decided to take this route. This needs to be done and if it is going to be done it needs to be done right.

Alderman Cook: It is City ordinance that we don't provide sewer service outside the city limits. It's not just a discussion about whether we want to provide service to this development, it is a policy decision that we would be changing in the City.

Kit Williams: It says within our ordinance that the City sewer system shall not be extended outside the City's corporate limits except on express approval of the City Council. That has not happened much before but they do have the right to do this.

Alderman Thiel: As long as this development goes through the Planning Commission and the process that something in the City would. This might be an interesting policy decision by the Council and maybe a good one, as long as we have adequate space in our treatment plant.

Alderman Marr moved to table the resolution to the September 6, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled until the August 16, 2005 City Council meeting.

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

Alderman Rhoads: I was asked to bring forward this resolution. I think there is an amendment to it since agenda session.

He gave a brief description of the resolution.

Alderman Marr: We have not had any negative calls about this in Ward 2. We support this change. The design if it is very much in line with what type of development we want to see with our Downtown Master Plan.

Mayor Coody: It is a phenomenal design and we wish you well on the project.

Alderman Reynolds moved to amend the resolution to add a Section 3 to match the resolution that was handed out at the City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lucas: This is an easement that we are giving to someone, if they bought it how much would it cost?

Kit Williams: Basically they really are buying it.

Alderman Lucas: I know they are giving us office space. What is the dollar value of this easement?

Kit Williams: It is very difficult to determine that because this is a parking lot and it is very unlikely that the City would build something on this parking lot.

Mayor Coody asked shall the resolution pass. Upon roll call the resolution passed unanimously. (There was no motion and no second on the resolution)

Resolution 156-05 as Recorded in the Office of the City Clerk

Razorback Road Utility Relocation: A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Razorback Road in the amount of \$233,846.80 and approving a budget adjustment in the amount of \$1,451,347.00..

Paul Libertini, Engineering gave a brief description of the resolution. The correct numbers are \$233,846.80 and the budget adjust is \$1,451,347.00.

Alderman Jordan moved to amend the resolution to the amount that was stated. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 157-05 as Recorded in the Office of the City Clerk

Wedington Drive Utility Relocation: A resolution to approve the Arkansas State Highway Commission's highway utility construction/relocation agreement for the widening of Wedington Drive from Ruppel Road to Double Springs Road in the approximate amount of \$1,022,538.93 and approving a budget adjustment in the amount of \$1,754,694.00.

Paul Libertini gave a brief description of the resolution. The correct numbers are \$1,022,538.93 and the budget adjustment is \$1,754,694.00.

Alderman Jordan moved to amend the resolution to the amount that was stated. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

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

Resolution 157-05 as Recorded in the Office of the City Clerk

PUBLIC HEARING:

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

Chad Ball, Code Compliance Administrator gave a brief description of the property.

Mayor Coody: The appropriate letters have been sent out over the past few months.

Chad Ball: Yes

Alderman Thiel: He still has 90 days to this on his own?

Chad Ball: Yes. If you approve this resolution, we will post the resolution for 30 days, send a final notice letter informing him that we will begin our process of raze and removal in 30 days. The removal process itself takes about 30 days.

Mayor Coody: Mr. Brickman how can we resolve this?

Paul Brickman, Owner: This house is in pretty bad condition. I bought it in a tax sale less than a year ago. If I put money into it and the old owner comes back on me, state law says I don't get

a dime until after two years. I am willing to move forward right now and rebuild it. Today, I submitted a building permit application to do that.

Chad Ball: Upon approval of the Building Safety Director's approval of the permit then we back out and with his approval they do whatever they need to do to make the necessary repairs.

Alderman Marr: One of the things that concerns me is properties in this condition are the kind of properties we want cleaned up and not in our City. Sometimes when people file for a permit to stop this process months go by before work is done which doesn't alleviate the problem. What kind of protection does the citizens and this Council have that if Mr. Brickman has filed this permit that there is going to be continual work to get this done.

Chad Ball: I would defer the official answer to the Building Safety Director but they usually want a time table and if the time table for the first permit is not met we go on with our process.

Mayor Coody: So if we approve this tonight it will be in the process but there will be some working with Mr. Brickman from the Building Safety Department.

Chad Ball: Yes we will continue to work with Mr. Brickman.

Alderman Reynolds: Mayor, I am in favor of this resolution to keep the ball rolling.

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

Resolution 159-05 as Recorded in the Office of the City Clerk

Meeting Adjourned at 10:15 PM.

Dan Coody, Mayor

Sondra Smith, City Clerk

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City Council
Meeting Minutes
August 16, 2005**

A meeting of the Fayetteville City Council was held on August 16, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Reynolds

Pledge of Allegiance

CONSENT:

Approval of the August 2, 2005 City Council Meeting Minutes.

Pulled from the agenda.

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.

Resolution 160-05 Recorded in the Office of the City Clerk.

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.

Resolution 161-05 Recorded in the Office of the City Clerk.

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.

Resolution 162-05 Recorded in the Office of the City Clerk.

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.

Resolution 163-05 Recorded in the Office of the City Clerk.

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.

Resolution 164-05 Recorded in the Office of the City Clerk.

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.

Resolution 165-05 Recorded in the Office of the City Clerk.

Alderman Marr moved to approve the Consent Agenda with the August 2, 2005 City Council minutes removed. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

UNFINISHED BUSINESS:

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.*

Alderman Marr moved to table the appeal until the September 6, 2005 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

This appeal was tabled to the September 6, 2005 City Council meeting.

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.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning: I believe there have been a couple of meetings since the last Council meeting. The applicant has a presentation as well to present some of the hopefully compromises between the neighborhood and this development.

Tracy Hoskins, Paradigm Development: We brought a presentation to present to you after the public comment tonight. We are here to answer any questions that you might have.

Karen Stewart, a Citizen: I have the property just north of this development and we have had communication problems with this development since April 13. I think there are some things that have not been addressed. I would love to support this, but I feel like the developer has not given a Bill of Assurance and that we can bank on his word. I also feel that the engineers have not properly addressed the detention pond that exists and how that is going to affect the Hamestring Creek and the gully that runs just north of there. Also, some of the neighbors, the Fetner's and also the Berry's that live on Ruppel Road next to this property told me that they would like to have had some kind of a privacy fence. A large scale development is what a PZD is adhered to and sometimes in a large scale development, fences are allowed.

Also in one of the other statements in his covenants that he presented yesterday, said that no privacy fence shall be over four feet tall, yet in his covenants he also suggests that RV's, boats and things like that should be screened with a privacy fence. Well I don't think a four foot privacy fence is going to cover much of an RV or a boat. I would like to see that part of it changed to an eight foot privacy fence just around the perimeter or for the screening, the other parts are fine.

Also at the other meetings I have not spoken and addressed access. There are two access roads into this development. Both of the accesses to the north are less than 300 feet apart that is redundant to me, if we can't have an access to the northern part of the property. New Bridge Road, which will run to the north of this property, will be extended when Ruppel Road is extended and that will extend that road at least 200 feet to 300 feet. That means that from where the proposed new Ruppel Road will be, to the first entrance it will be over a 1000 feet. To have two accesses to the north property that are less than 300 feet and none for the next 1000 feet is

redundant. If you are not going to give us an access there, don't give us the second one either. If you look at your maps you can see that on the maps.

Alderman Ferrell: Did you tell me that you were going to develop some property.

Karen Stewart: No we are not now.

Alderman Ferrell: You were thinking about it though?

Karen Stewart: We were thinking about it but there's only 400 units left on the Hamstring lift station, after all that's in the works go through, there will be only 400 flushes left. Also, I think that the traffic on Ruppel Road, especially after we get Oakbrooke and then also Bellwood and then we have another one going in on the east side of Ruppel. I think that the infrastructure needs to be fixed first. I would appeal to the Planning Board to slow down and wait, make these families that you want to move into town take up residency in some of the smaller homes in the downtown area and make those downtown areas vital again, if they are only rent houses. I have heard there is not affordable housing, there is a lot of affordable housing out there. My friend who just moved into town, lives on the other side of Bridgeport, they paid \$150,000 for their home. Now days that's affordable housing.

Tom Fetner, Bridgeport Resident: I am here as the spokesperson for some of the residents of that subdivision. We have had numerous discussions with the developer and we have a list of concerns. We have three items that we would like to see addressed in the covenants. He did that, he sent a copy to the City Clerk, however I don't believe that is a part of the ordinance that you have. We would like to see the ordinance amended to include those new covenants and then I think that we are okay with the development. We do still have concerns about the infrastructure of Ruppel Road, the intersection of Ruppel and Mount Comfort and the traffic coming through Bridgeport as a result of those areas not being able to handle the traffic that this will generate.

Mayor Coody: Jeremy, how would we incorporate these if the petitioner is willing to do these three conditions?

Jeremy Pate: I believe the best way instead is not incorporating an entire covenant, which it is extremely hard for the City to enforce covenants, but to incorporate those specific conditions. The Planning Commission voted to have specific conditions of approval; these would be simply amendments to those conditions to add them as conditions of approval for this project. But it would need to be an official amendment to the actual ordinance that is presented before you tonight.

Mayor Coody: Mr. Hoskins, I know that when I spoke with you earlier, just to make sure you knew these conditions were being floated, to make sure you knew you about this. One of the things on Condition #3 was that where they were talking about a Club House you said that you may want to build houses there. I didn't know if that was communicated or if that's your plan but I wanted that stated. Is the Club House satisfactory with you?

Tracy Hoskins: On lots 52, 53 and 54 in Oakbrooke Phase II that we were reserving for the Club House or Club House amenities, etc. we would also like to reserve the right to be able to put houses on them as well, just as the surrounding houses. We were just trying to reserve those

three lots in an effort to do a Club House situation, where one of the kids could walk down the street and buy a candy bar or a soda pop or what have you. Just a neighborhood amenity for Oakbrooke and Bridgeport or Bellwood or the subdivision to the south of us, etc. Just kind of a little community where you can go and pick up a few little things. We don't have any intention of any strip centers or any gas stations or McDonalds or anything like that in this location.

Mayor Coody: Mr. Fetner, instead of just a Club House if that were also used for homes would that fall within the perimeters that you would like to see or is there a reason that you would prefer the Club House instead?

Tom Fetner: Yes sir, I think that we would agree with that. Our concern was that it seemed to be loosely written, the way the PZD had the different uses in there, we just didn't want to see a gas station or a strip mall, a 7-11 or what have you. If there were going to be houses in there that would be acceptable to us. If it was a Club House with a snack bar and a little souvenir stand, that would be okay. We just do not want a strictly commercial enterprise there.

Mayor Coody: So if the language in #3 were to read lots 52-54 to be designated for Club House use only or for homes would that be acceptable?

Tom Fetner: Yes sir that would be acceptable.

Mayor Coody: This is from the neighborhood; they sent it to me and the Council. The three conditions and I will read these for the benefit of everyone are, Condition #1, the homes are to be a minimum of 1,400 square feet of heated and cooled space to be compatible with the established neighborhood, Condition #2, attached homes on lots 56-73 only. All other lots shall be single family detached homes. Condition #3, lots 52-54 to be designed for Club House use only or for homes. The Club House will be allowed to sell food and neighborhood related items. Those are the three requests the neighbors have made and I understand that the petitioner has agreed to these. Is that true?

Tracy Hoskins: Sure.

Alderman Lucas: Jeremy, the Club House that sells candy bars and stuff how is that going to be designated, because if in five years or something they want to let someone come in and have a concession stand, they lease it out to someone. I don't think that's what they are in favor of. Are they going to be allowed to do that?

Jeremy Pate: If the Council restricts it to a Club House only and with this specific language and the conditions that the Mayor read, I would think that's the only thing that Planning Staff would be able to permit.

Alderman Lucas: But, it could be leased out to someone to manage?

Jeremy Pate: It could, yes madam. Just like a home could be leased or rented.

Alderman Lucas: A concession stand or a convenience store could be leased out in that space?

Jeremy Pate: Correct. That existing home is larger, I am not sure how large it is, but it is a different character, it wouldn't really fit in with the neighborhood as it is currently constructed.

It also has a pool which could potentially be utilized for the neighborhood. So, I think capitalizing on those existing resources is something that the developer was looking to do. Originally they had included some neighborhood shopping and some eating places to expand some of those uses, but it is my understanding that if the amendment takes place those would be removed. It will simply be a Club House, so we will anticipate snack shops and things of that nature.

Virgil Neuroth, Fayetteville Chamber of Commerce: I just want to give some numbers that we obtained today on housing in Fayetteville. These are compiled from real estate transfers for the second quarter of this year. There were 390 transfers and the average cost of the transfer, or the value of the house was \$204,555. A year ago the same quarter the average transfer for 336 homes was \$194,891. In all of Washington County there were 911 transfers in the second quarter of this year with a value of \$183,470. Last year the average was \$158,142. Those are just some numbers that you might be interested in of the housing cost in Fayetteville.

Alderman Lucas: Property is going up.

Alderman Jordan: Jeremy, let's talk about the units on Hamestring lift station. At the last Council meeting we were told that there was about 430 left.

Jeremy Pate: I believe that is correct.

Alderman Jordan: Has this development been included in this 430 count?

Jeremy Pate: It was not and that is something that we do want to bring to the Council's attention. Tim Conklin and I discussed this afternoon that we believe it should be included in part of that assessment.

Tim Conklin, Planning and Development Management Director: At the last Water and Sewer Committee we did discuss that we have been monitoring the Hamestring lift station for the last several years. Last May we presented to the Water and Sewer Committee that an interim measure most likely would have to occur between the opening of the West Side Treatment Plant, lift stations and line work completion. This past July, RJN Associates did update the model and re-calibrate it. Initially as we were counting off units that were approved by the Planning Commission, we looked at large scale developments and subdivisions, we anticipated around 1,200, and the report did come back at 435 units. Oakbrooke was not included within the RJN report; there are 109 units in this development. We've had two meetings with the developers that we have identified out in west Fayetteville. We've discussed this with them and intend to bring to the City Council on September 6 a recommendation for some type of development assessment, impact fee or method of looking at how to expand capacity in the interim. At the last Water and Sewer Committee they gave the go ahead to amend RJN's contract to look at some preliminary design engineering solutions that will be under way. With regard to Oakbrooke, this evening you do have the option to amend this ordinance to potentially add a condition that at the time of final plat, whatever is determined to be an assessment within the basin, potentially could be charged. We don't have a number this evening; we have indicated that in the last two meetings with the development community. That is something that you should consider. The developer was just informed of this late this afternoon. Basically we have 435 units and this is 109. That is kind of where we are at with regard to the Hamestring lift station basin. There are solutions out there; the other solution is there is the potential for them to

fund and build lift stations and force mains to serve their individual developments. It's very common for that to be completed where they could pump back to the Noland Plant and bypass Owl Creek and Hamestring. That's where we are at this evening.

Alderman Jordan: This development is about 109 units.

Tim Conklin: That's correct.

Alderman Jordan: On Ruppel Road how many trips a day would that be?

Tim Conklin: It would be 1,090, ten trips per house.

Alderman Jordan: How wide is that road there Tim?

Tim Conklin: I don't have that number. We can find out for you.

Alderman Lucas: Tim said 109 units; explain to me how you came up with that? On the first Phase it is 58 single and 30 attached lots or units?

Jeremy Pate: They are the same in this case; every unit is on a separate lot. So the number of lots equals the same amount of units.

Alderman Lucas: It says that you can have two or three attached units.

Jeremy Pate: Correct, but if there were three they would be on three lots.

Alderman Lucas: So we really don't know how many attached we are going to have since they can be two or three?

Jeremy Pate: This is assuming the amendments occurs, on lots 56-73 would be allowed to have attached units and on 56, 57 and 58 you could have three attached units. The number of units corresponds exactly to the number of lots.

Alderman Lucas: In the first phase how many units do we have?

Jeremy Pate: Phase I has 68 lots and that means 68 units. Some of those are attached and some are detached and Phase II has 41. There are 110 lots total, lot 110 is where the tree preservation area and detention is.

Alderman Ferrell: What was the last subdivision to be approved in this area that is being served by these lift stations?

Jeremy Pate: Likely it was either the Clabber Creek Subdivision or Bellwood which is directly south of this property.

Alderman Ferrell: Neither one of those were asked to contribute?

Jeremy Pate: No, those were actually reflected in the 435 unit number that we have left, so all the approved subdivisions by the Planning Commission up to the cut off date when we submitted

were included in those numbers. That does include Bellwood to the south, Bridgeport Phases 7 and 8 to the north and the Springwoods Subdivision that were approved. There were several in this report that were actually included in that.

Alderman Ferrell: Some of them just very recently?

Jeremy Pate: Actually we have seen very recently more growth on the east side and south east. So we haven't really seen as much recently.

Alderman Ferrell: One of the reasons that I kind of like this is the diversity of the proposed buildings and the cost of them. There is the possibility for some people to get into some homes. It seems to me like the developer has tried very hard to comply with the wishes of the people that are living around there. I understand that we are moving forward with the problem on our sewer, working out some kind of a scheme to get people to contribute because we are in that situation.

Mr. Hoskins, I understand you were just asked today about this new charge. What is your take on that?

Tracy Hoskins: Well, I actually was notified about 15 minutes before this meeting of this proposition. Tim and I spoke a few days ago about the overall notion of an assessment district for improvement of the wastewater situation on the west side of town. Of course, I support that as well, I think it is something that probably needs to be done and I think a lot of the developers would rather contribute to that than have their projects put off for who knows how long. I am a little surprised and I have asked what the assessment would be and there are no numbers to that yet. It's not an ordinance yet and we have capacity. I would have assumed, I don't know when they ordered this report, but I think Oakbrooke was well on its way of coming through the system. I would have assumed that Oakbrooke would have potentially been involved in those numbers. So, I was a little bit surprised, I also have not had a whole lot of time to digest it actually.

Alderman Ferrell: I guess my thought on the deal was that since you had agreed to the three stipulations or amendments. I am just trying to figure out if it is possible to move this along, how we could do that. He doesn't know what the cost would be to him.

Mayor Coody: I don't think anyone knows right now what the cost would be, although it would be kept as reasonable as possible. There has been an on going discussion with a lot of the development community to try to resolve these wastewater issues as quickly and as amicability as possible. I think everyone wants to contribute rather than to see everything shut down.

Alderman Ferrell: I understand that. But if you or I were doing it just like him, I don't think we would want to sign anything carte blanche, not knowing what it would be.

Mayor Coody: I understand that.

Alderman Thiel: It hasn't been that long ago that we passed a resolution on this Council that if the treatment plant, whenever we continue to annex and approve rezoning's on the west side that if we reached capacity before our plant was built they just basically would not be able to build. So we are offering these developers the ability to build at this point if they make it possible for them to build. Otherwise they just will not have that ability. I don't understand what the

concern is. He may obviously and some of the future developers out there may have cost that they will have to pass on but it's either that or not build there. We can't go beyond and not be able to serve the people that are already on sewer in the City of Fayetteville. That's been the concern about all these annexations out west all along. That's just an understanding whenever the developers come in, that they are dealing with an area that is basically adding on to the capacity of our treatment plant.

Alderman Ferrell: I think he fully understands that. I was just trying to figure out a way to perhaps move it along. Like I said I can't blame him because he doesn't know.

David Jurgens, Water and Sewer Maintenance Superintendent: We had a couple of meetings with the developers in the area and what we are doing right now is we have underway an evaluation of short term, mid term and long term circumstances and ways that we can provide adequate capacity on the west side of town. We have been working with the developer and talking about several different funding options for that and we are still evaluating what those funding options are. In a parallel tract we are evaluating what those capacity physical improvements may be. There are three or four different alternatives out there that we are looking at. We have already got a contract in place with the RJN Group that has done most of the other modeling in the west part of town. So there are simultaneous actions of looking at the different methods of funding and the wastewater improvements that might be needed in the short term until the plant comes on line. There are also the engineering evaluations of what type of improvements there could be both short term and that would serve the long term needs as well in the same part of town. We have been making good progress, they are not super fast solutions but we are trying to make sure we have well thought out solutions so that everything that we can possibility do will last a long time and will be a forever improvement will be done that way. We want to think through anything that would be a short term needed improvement, that we do the minimum possible to accomplish the short term needs as well.

Mayor Coody: What has been the perspective of the development community folks that you have dealt with?

David Jurgens: They have been very positive in working with the city staff in trying to figure out the solutions.

Alderman Cook: What is the time frame of when we might have a figure together if we go this assessment route?

David Jurgens: In the plan that we presented to the Water and Sewer Committee two months ago we were looking at trying to have the funding mechanism and the temporary solution identified by the September 6, 2005 meeting and we are still aiming towards that goal.

Mayor Coody: Mr. Hoskins what is your take on the assessment district? We have been talking to a lot of the big developers out there and they seem to be recognizing the benefit to doing this. Is this something you would be relatively comfortable getting into?

Tracy Hoskins: Of course I don't think any developer likes to sign up for something that he doesn't know what the cost is. Do I understand that there is not capacity at this time for this subdivision?

Mayor Coody: No there would be, but it is going to be limited. Basically from what I understand an assessment district would as we start to use up these remaining 300 lots would put a mechanism in place to where we could and you could continue to do your work and still have capacity issues taken care of for the short term while we get the sewer system built.

Tracy Hoskins: Again like I said, I told Tim several days ago that I was definitely in support of an improvement district, whatever kept things rolling. I would hate to see a moratorium. I am not opposed to contributing to it; I am a little uncomfortable not knowing what the price will be. In this particular development with the saving of all the trees we have done quite a few things in this development that are costing us some money but if it is something we need to do to get this approved that's fine.

Ginny Masullo, Ruppel Road Resident: I am aware of a lot of the traffic problems in our town. Ruppel Road I feel is very unique. Have any of you driven on that road personally, during school hours, when you would be taking children to school? That road is probably one of the most dangerous roads, that section of Ruppel Road. I want to say clearly that I am not at all opposed to this development. I think this is a beautiful development. I think the one that is going in across the road, I don't think it has been approved yet, that is going to be 1,600 homes, I was assured that the sewer was included in those calculations.

Jeremy Pate: That development has not come through the City Council yet, but the assessment would be the same what ever the City Council decides to assess for that.

Ginny Masullo: And the calculations for the sewer were included with that proposed development? Is it about 1,600 homes?

Jeremy Pate: It is not included in this model.

Ginny Masullo: Would it be the Hamstring station?

Jeremy Pate: Potentially yes.

Ginny Masullo: So, is it included in the calculations for the sewer? I am a little confused.

David Jurgens: It is being included in the calculations for improvements that are being evaluated. All of the developments that have reached approval status are included in the numbers of homes that exist and the numbers that are available right now. All the proposed developments that are coming forward are being identified in the proposed improvements that are being evaluated as we speak.

Mayor Coody: Is the 1,600 homes included in the calculation.

David Jurgens: I don't know if that number is correct.

Ginny Masullo: Well, it is over a 1,000.

Alderman Marr: I want to be clear, it is not included in the 400 balance but it is included in the solution that is being planned.

David Jurgens: That's correct. The 400 slots identities every thing that has been approved.

Ginny Masullo: So, we're really short in the sewer right now and I understand that there are proposals being made. So, we have a backup of the sewer, we have a backup of the traffic. Again, Ruppel Road is very unique, that section. We have tremendous development going on there. At the south end of Ruppel Road, just on the other side of the Youth Center is another development that has been approved for approximately 117 homes. Jefferson School will be moving there, across from the Youth Center, on the south end of Ruppel Road. At the north end of Ruppel Road we have the middle school and we have an elementary school just beyond that. We have a lot of traffic that will be for children, I am not just talking vehicle traffic, I am talking, this is a road that is going to need sidewalks, this is a road that is going to need bicycle lanes or we are going to have big regrets in the form of fatal accidents. If you will go back and look at the County records there have been a significant number of accidents on that road, fortunately not fatal. It is a very curvy road with no shoulder. I understand the difficulties in getting this infrastructure in as we are growing so rapidly. I understand that we have plans for Ruppel Road, but I think that we will be making a grave mistake if we do not make some kind of way. I know each Ward has their concerns, but somehow this Council is going to have to decide priorities on the roads instead of just deciding their Ward. We are going to have to work together. Please, I implore you, Ruppel Road is a fatal accident waiting and if you are going to pour all of these developments on it. Please find a way to fix this road before you build all of those developments or while these developments are being built. At least that section that is between the Youth Center and the schools. This is for the children.

Mayor Coody: I think that Ruppel Road is on the bond issue for sure and I think this will be one of the top priorities if I understand.

Ginny Masullo: My understanding about the bond issue is it has been tabled because of the sewer, I understand that, so we have the traffic backup or do we have the sewer backup, it is a problem. I understand that it is a problem but I implore you in the very difficult job that you have to figure out a way to fix this road or I think when you will look back on your work and you are going to have some regrets.

Mayor Coody: Well, we are working on it and we are not putting this off any more than we have to.

Joe Ferrell, Walnut Grove resident: This will back up into Walnut Grove. The thing that is really important is Ruppel Road's traffic and there is no way out for that many automobiles. There is no way to handle that traffic with the roads that we have. If they back up into our area, we only have Salem Avenue that goes out. There are too many homes in there and we have a lot of kids running around and school buses and everything else. I can't see how you could put a road in there. We have to get that straightened out. It is almost impossible to put that many people in there without having the roads big enough to handle it.

Mayor Coody: We do have a plan to improve Ruppel Road and make it a four lane boulevard all the way from south of the Boys and Girls Club to the mall area. We are going to be doing that as quickly as we can. It will take; if this subdivision is approved tonight it would take a year and a half to three years to get all the houses built and people living in them. We are going to try everything we can to get Ruppel Road built before then.

Karen Stewart: It was brought to my attention a few minutes ago that Mr. Hoskins was going to build houses on those three lots that were to be preserved for Phase II.

Mayor Coody: Are you talking about where the club house is?

Karen Stewart: Yes.

Mayor Coody: To be quite clear it would be a Club House or he could build houses there. But, I think the plan is still to build a Club House.

Karen Stewart: I understood that he could also build houses there on those three lots.

Mayor Coody: As an option, yes.

Karen Stewart: The reason that I object is because Phase II has no green space. All the green space for this PZD is in the one unit. Also they are going to lose some tree canopy because of the new retention pond that is going to be built. So, that means that Phase II is not going to have any green space at all if those three lots are built on. Also in this development he has no plans for trails. Where are the kids going to play or ride their bicycles if there are no facilities? My understanding of the PZD is that it is designed that way to take advantage of grouping the houses, smaller houses in an area that way it will allow for more green space and more public access to green space. That is my objection, if you take these three lots away that means Phase II has no green space at all.

Jeremy Pate: The initial review of this plat had both phases as one. We were looking at the overall picture and what we have done, because of the purchase of the property is to split those into two phases. We did evaluate tree canopy separately but the green space does have public access easements that have been determined by the Planning Commission to be appropriate to allow for this neighborhood to all utilize this opens common green space in the middle.

Mayor Coody: So the green space was calculated on both phases or was it not?

Jeremy Pate: It was calculated separately. There is no minimum green space percentage with a subdivision. With a PZD we do try to find pockets and this worked out well.

Tracy Hoskins: We are still paying parks fees on 109 lots. These three acres that we set aside for tree preservation. As far as lots 52-54, there was never an intention for any of those lots to be green, they would have one of two buildings on them, either something that was Club House oriented and parking for that or homes.

Alderman Marr: If this wasn't a PZD what would be the maximum units that could be developed?

Jeremy Pate: That is a very good question. There are two zoning districts on this property. Phase I is primarily RSF-4, I believe, Phase II is split into a portion of RSF-1, part of this property was annexed into the City in August, 2004 when this was part of an island. At four units per acre in Phase I that would be roughly 80 homes. On Phase II another eleven acres, assuming that was half and half, I would say 30 for a total of about 110 lots. That is a rough estimate.

Alderman Marr: So roughly the same density as is in the PZD.

Jeremy Pate: Yes, roughly the same density. If it were all zoned RSF-4, if this project was not coming through as a PZD we would likely recommend it to be zoned RSF-4 simply because that is the way this area is being developed. So, if you look at that it would probably be a more realistic density. Additionally without the PZD, we would not have the ability to look at that open space as preserved open space. The interior would likely be lots to be developed or the backs of lots to be developed.

Alderman Marr: If this was denied and the developer moved forward with developing the property under the existing zoning, basically it is the same density. Are there any other requirements that would have to go to the Planning Commission or Council that have been offered here?

Jeremy Pate: No, those are not hinges that we have the ability to control at all through the Planning Commission.

Alderman Lucas: There wouldn't be attached homes though.

Jeremy Pate: Correct. They would have to meet all the minimum lot requirements, lot sizes, etc. per the zoning district. The only other thing is if the applicant did choose to rezone everything RSF-4 that would come back before the Council to determine if that was an appropriate zoning. Staff would likely recommend that zoning in that area based upon the response times and the surrounding property. Property to the southwest is actually zoned for multifamily but it was not developed as that.

Alderman Marr: The wastewater assessment that you have been talking about, what I am looking at tonight does not contain any requirement of participation under the current package that we have?

Jeremy Pate: Under the current ordinance that you have in front of you, no it does not nor does it contain any of the discussions that we have had over the past few weeks. We would recommend that to be amended if that is the Council's desire.

Alderman Marr: How have you made that a requirement? How has the wording been when you don't have calculations and numbers? Give me an idea what the condition would be.

Tim Conklin: This is the first one we have had to deal with since we have received the report. The condition could be worded to state that prior to or at the time of final plat an assessment impact fee or developer contribution be made to participate in the funding of lift station capacity, interim enhancements within the Hamestring, Owl Creek basin. Once again that would have to be determined by the City Council. There are several options being evaluated, each of those options will result in a different amount of capacity being generated and the number of dwelling units that could be built over the next three years within this basin.

Alderman Marr: It concerns me to put a condition on that, that is so open ended and ambiguous when on September 6, 2005 we are suppose to have some targeted idea of what solutions and pricing may be. Also, I would like to have the time again to drive out during

school hours. Therefore I am going to move that we table this until the September 6, 2005 meeting for further analysis and financial data.

Alderman Jordan: On the road in this particular development how much improvements will the developer be required to make on Ruppel Road?

Jeremy Pate: Staff is recommending an assessment for this particular development. Due to the fact that we are looking at potential improvements in the future and we don't want that money to be wasted, we are looking at an assessment for both phases in the amount of around \$31,000. There is actually very little frontage that this property has on Ruppel; however there is a rough portionally test that the Planning Commission applies to these developments. There is an assessment for the bridge and the improvements to Ruppel Road and that is around \$31,000.

Alderman Jordan: When will that be assessed?

Jeremy Pate: It will be assessed prior to final plat, prior to the construction of any homes.

Alderman Marr moved to table the ordinance to the September 6, 2005 City Council meeting. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Reynolds** was absent.

This ordinance was tabled to the September 6, 2005 City Council meeting.

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.*

Alderman Jordan moved to table the ordinance to the September 6, 2005 City Council meeting. **Alderman Marr** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Reynolds** was absent.

This ordinance was tabled to the September 6, 2005 City Council meeting.

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.*

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I think Mr. Sloan has done a good job of visiting with everyone adjacent to this that would possibly have concerns. It sounds like everyone is quite happy with it.

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

Ordinance 4741 as Recorded in the Office of the City Clerk.

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.*

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4742 as Recorded in the Office of the City Clerk.

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.*

Alderman Ferrell moved to table this indefinitely. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

NEW BUSINESS:

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.

City Attorney Kit Williams read the ordinance.

Bruce Johanson, Johanson Group stated the Johanson Group has been in existence since 1973 and has worked with compensation related issues for over 30 years. He described the businesses that his company has worked for. He gave a brief description of his company. He stated this issue came up a couple of years ago and it was talked about at the Council meeting that the next time this came up it would go out for competitive bidding. He stated he was surprised that it is

not out for competitive bidding. He stated they would like to participate in competitive bidding. He feels the project can be done for at least half of the projected amount. He spoke of the advantages his company has. He stated his company is here in Fayetteville and the funds spent would be put back into the community.

Mayor Coody: I know we did talk about opening this up to bid. What is the reason that we did not do that?

Michele Bechhold: We did intent to complete an RFP process this year; however the fair labor standards act issues have taken most of the time of the HR staff. We determined that when we reevaluated our time line that in order to meet the expectations of the employees and have a salary survey completed by the end of 2005, the best option would be to request that Council to consider this bid waiver so that we could complete the survey and have the results in within the 2005 calendar year. Hay Group has our benefit data, which is in their proprietary data base that is one of the things that we believe, will save billable time and staff time as well. Our basic goal is to get the survey completed, have that to meet the employee expectations and have that to provide to Council during the budget discussions for the 2006 budget.

Mayor Coody: How long do you think it will be before we get this information back from Hay Group?

Michele Bechhold: November, for the November budget discussions.

Mayor Coody: Mr. Johanson you have heard the explanation why the staff wants to stay with Hay Group, do you have any response to that?

Bruce Johanson: My understanding is if you are able to do an RFP and turn that around, from the day that you are going to be putting together would take probably somewhere between six to eight weeks. So it would still meet your November time line. It doesn't take very long to put a proposal together with an RFP.

Mayor Coody: If we were to not go with Hay Group but go with the Johanson Group, do you think they would be able to accomplish our goals in the set amount of time? Is the time the only factor why we are staying with Hay Group and do you think the Johanson Group could meet that?

Michele Bechhold: A part of the process is also the selection process itself. Mr. Johanson is the best able to provide us with an estimate of how long his firm would take to do this. I certainly wouldn't know that. Part of our process as you know is a selection committee process. We would also have the RFP with a two or three week deadline, then we would have a selection committee that would have to review all of the RFP responses, perhaps do interviews on those, make a decision, create a packet and take that to Council. That does add quite a bit to the timeline. As stated in the packet, I think January, 2006 would be the earliest that we could provide the survey results if we do select another vendor and the bid waiver is not approved.

Alderman Thiel: I am extremely disappointed especially if Mr. Johanson contacted the Mayor and HR a month ago and you didn't at that time take that seriously. This discussion was around several years ago and I strongly support using someone locally if they meet the requirements. I am disappointed that if I vote against this, that I would be voting against getting the employees

wage package completed by budget time. I feel like the ball got dropped here a little bit by somebody. I feel we do need to bid this out, we should have in the past and we did say that we would do that in the future. Regardless of time restraints that is something I think should have been prioritized. I feel very strongly that we should bid this out.

Michele Bechhold: The calls and the conversations that I have had with Mr. Johanson have certainly been taken seriously. We did intend to do an RFP process but as the settlement of the lawsuit continued to take most of the resources of the HR Department, we had to reevaluate what we would be able to do and accomplish within the timelines that we have.

Alderman Rhoads: The estimated time of completion, I think you stated is January. Is it January because of the selection process and the things you described or is it that late because of getting someone new in there?

Michele Bechhold: A lot of it is because of selection process. Some of it is the estimated time for a new consultation to become familiar with our processes, with the Wage and Benefit Committee, our survey instruments and what form of data that we have had in the past. We estimated that January, 2006 would be a realistic date.

Alderman Rhoads: In the RFP is it possible to put in a timeline that they have to meet?

Michele Bechhold: It is possible. October 18th was an estimate of when we would be able bring a recommendation to select a consulting firm to Council. That leaves a fairly short amount of time to send out all of the documents, look at the survey group, send out all those documents and get those responses back. The Wage and Benefit Committee members have expressed some concern of maintaining complete accurately of the data if the survey itself were rushed with a short time frame.

Kit Williams: The new State law is in effect that doesn't require competitive bidding if the amount is under \$20,000. Mr. Johanson said he could do it for half the price that would take his bid below \$20,000. So it is possible the City would not have to through the normal process with an RFP. This could significantly cut the time of looking for a company.

Alderman Rhoads: My thought process isn't really aimed at trying to find someone locally as much as it is to find the best group that can serve this need. If we truncate the process to the point that our selection keeps us from getting the best then I probably wouldn't be for that.

Mayor Coody: Mr. Johanson did speak to me and I turned it over to HR because I don't try to direct staff to go to a particular business. I let staff make these decisions through the selection process. I don't think it would be a good idea to inject politics into a business decision like that.

Alderman Marr: We had this discussion two years ago. I certainly understand the issues with lawsuits and settlements and negotiation. They are very time consuming. I think in the future we should be doing the selection on the off year so we are not in a crunch time. I do think we should go to bid. We said that two years ago and now we are sitting here 24 months later with not enough time to do it. I don't know our processing; I trust Michele's judgment on knowing the time it takes to do an RFP. I like the idea of putting it out and seeing if we get something below that amount that is competitive and review them. That would save us from maybe not having to bring this back to the Council.

Alderman Ferrell: I would like to see us go for a RFP.

Steve Davis, Finance and Internal Services Director: It is my sense that the Council wants us to do competitive selection. We will have a RFP on the street by one week from Wednesday. If it comes in under \$20,000 we will award the contract without any further delay. We can not award a contract to a single source, above \$10,000 without a bid waiver, even under the new rules. So, we have to have some competition.

Alderman Marr: Can we have a really tight turn around time?

Steve Davis: The problem that we have run into on the short turn around on the request for proposals is that most of the competition self selects out.

Alderman Rhoads: Having come from an environment where there were more irons on the fire than there was fire, I understand what the HR Department is going through. One needs to keep in mind all the things they are responsible for and that they do a pretty good job on those things.

This ordinance was left on the first reading.

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.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I have received some calls on this and I think there are questions on how this should be implemented. I would suggest that this go to the Ordinance Review Committee to iron out some of the issues.

Alderman Ferrell: I have had some calls from some people that think we want to get rid of Bikes, Blues and BBQ. I don't think that is the case. I don't feel that way.

Mayor Coody: Every year we hear the same negative rumor. We keep proving that we are not out to kill it, we do every thing we can to help.

Nelson Driver, Event Director for Bikes, Blues and BBQ read some notes from some Dickson Street businesses that support Bikes, Blues and BBQ. He suggested we check with other cities to see how they handle these types of issues.

Mayor Coody: We have heard from local businesses that they have to charge the tax and vendors that come in from out of state do not have to charge the tax.

Alderman Thiel moved to refer this to the Ordinance Review Committee. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

Left Ordinance was left on the first reading.

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.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Thiel: It says public water is not adjacent to this site. How close is the water? I support this annexation due to the close proximity to the river and the White River and my concern of the use of septic tanks. The use of septic tanks this close to a water way really concerns me.

Jeremy Pate: We actually have a subdivision that has been submitted to the Planning Commission that is adjacent to the south. This would connect to that property and means would be extended to access this property.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Lucas, Jordan, Thiel, Rhoads and Ferrell voting yes. Alderman Cook and Marr voting no. Alderman Reynolds was absent.

Ordinance 4743 as Recorded in the Office of the City Clerk.

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.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: These 1.6 acres that has been requested to be rezoned would be RSF-4. The remaining property would remain R-A.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: They are just rezoning this piece and the rest of that land is going to be used for detention?

Jeremy Pate: That's correct. The majority of the property is currently an excavated pit that was utilized with the construction of Highway 16.

Alderman Cook: Did the subdivision to the south not have detention designed in it because this was coming through?

Jeremy Pate: The project was designed to have detention within this particular area.

Alderman Thiel: That's interesting. It wasn't annexed yet?

Jeremy Pate: Correct, that is something we do a lot.

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

Ordinance 4744 as Recorded in the Office of the City Clerk.

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.

Jeremy Pate gave a brief discussion of the project. He stated the 20 off site trees would need to be on property either owned by the City or the developer. He also stated they are looking at changing the ordinance.

Alderman Thiel: I feel like the property owner should have the right to go ahead and plant on that property if he can. I would not want us to dictate where mitigated trees are to be planted. I would just as soon see this continue to come before the Council and not revise the ordinance.

Jeremy Pate: There is a huge disincentive with the ordinance that is currently written.

Kit Williams: We feel like there is a very simple fix to this, changing an an to an or under the wavier provision. He read the section they are proposing to change.

Alderman Thiel: Will the discussion of the ordinance go to the Tree and Landscape Committee or will it come to the Council?

Jeremy Pate: I believe it depends on how extensive it is.

Alderman Thiel: If we are going to change that ordinance let's have as much discussion as we can before it comes to Council.

Steve Clark, Clark Consulting: It was not our intent to take the tree out. It was certainly accidental; it was an out of town crew. We apologize.

Alderman Thiel moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Reynolds was absent.

Resolution 166-05 as Recorded in the Office of the City Clerk

Ben Israel, Dixie Development: I want to thank the City staff for helping us work through this problem. Prior to the tree coming down there four trees on the site, three Bradford Pears and one Sweet Gum tree. There are 106 trees going back on the site. There are going to be 26 times the number of trees on the site than there were before we bought the site. That was before the penalty, the penalty would have created another 109 trees on the site which would have been 52 times the number of trees than were originally there. We are going to spend 16 million dollars out there. The tax rate when we bought the place was \$23,000 per year for property tax, we are estimating the property tax when we finish will be \$155,000 per year. We are predicting the sales tax revenue will be in excess of \$425,000 per year and we are creating new jobs. We have torn down one of the worst looking building on one of the best corners and we are replacing it with one of the best buildings in Northwest Arkansas. We accept the penalty but it seems like you are punishing someone that is doing a lot of good for the City for doing something that was in error. I encourage you to look at the ordinance. We are pro trees.

Mayor Coody: I don't feel that we want to punish you because you are doing very much for the City. I am sorry this happened. We do want to express our gratitude for your high quality developments and your efforts to plant trees in town.

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.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4745 as Recorded in the Office of the City Clerk.

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

Meeting Adjourned at 7:55 PM

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner")

PAT TOBIN, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to all allowed uses listed under C-2, except for unit 33 under permitted uses & unit 32 & 35 under conditional uses.

~~2. Other restrictions including number and type of structures upon the property are limited to~~

2. Specific activities will not be allowed upon petitioner's property include unit 33-adult live entertainment club or bar.
unit 32-sexually oriented business, & unit 35-outdoor music establishments.

3. (Any other terms or conditions) The owner will install additional landscape screening to include low evergreen shrubs beds along the sidewalk to screen the parking lot; untill evergreen trees (six) along the north property between existing shrubs; and the addition of six shade trees along the south and east ~~property~~ street as set forth in the commercial design standards.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, PAT TOBIN, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

Date

Printed Name

Address

Signature

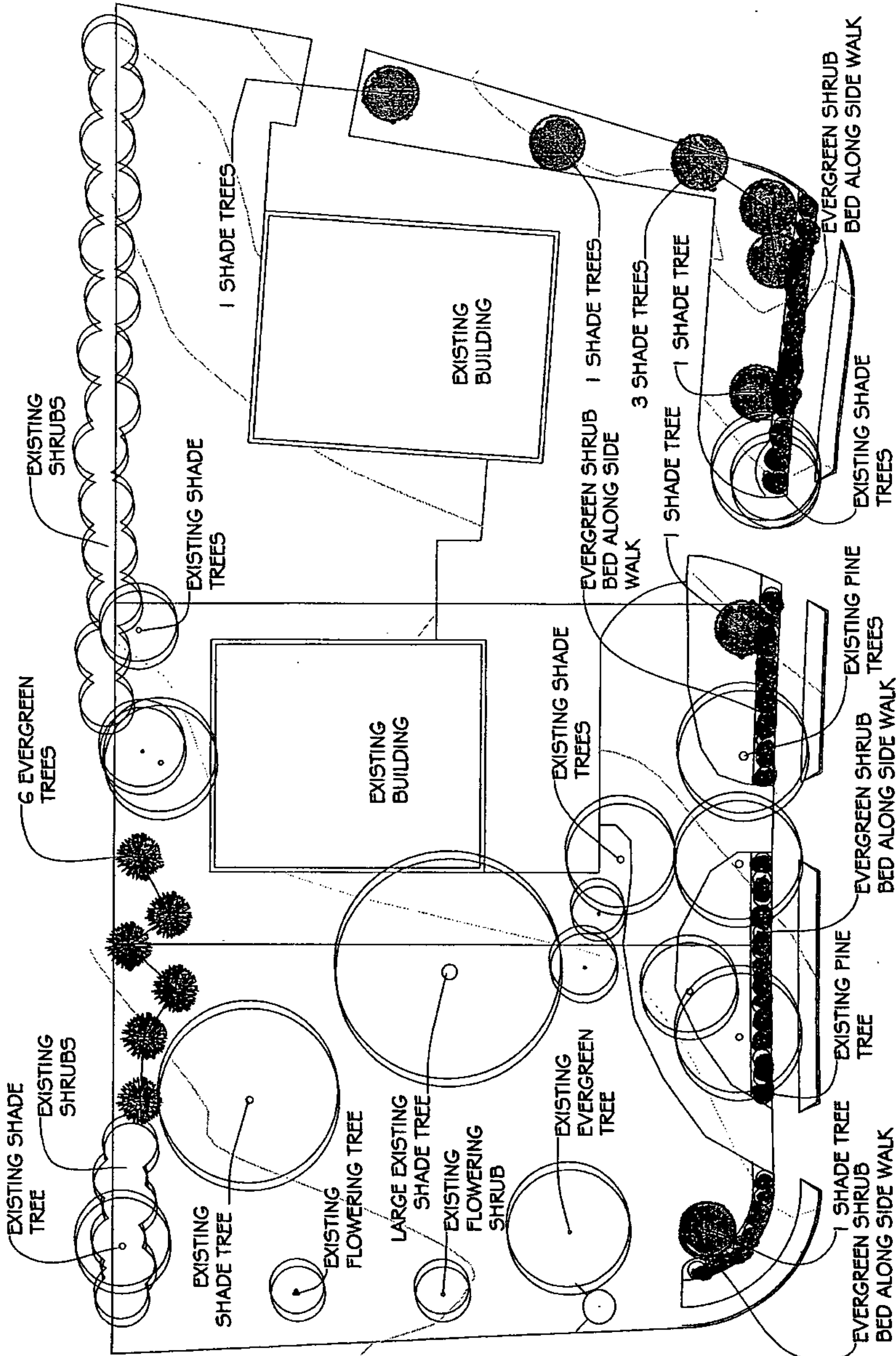
NOTARY OATH

STATE OF ARKANSAS |
COUNTY OF WASHINGTON |

And now on this the ____ day of _____, 200__, appeared before me, _____ and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

NOTARY PUBLIC

My Commission Expires:



NORTH

SCALE 1" = 30' - 0"

TOBIN PROPERTY

POPLAR STREET

Handed out at
agenda Session

B. 4
R-PZD 05-1463 (Oakbrooke Subdivision)
Page 1 of 2

8/30/05



THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management
DATE: August 30, 2005
SUBJECT: Oakbrook Subdivision Sewer Assessment

BACKGROUND

Staff has recently made statements that all new development within the Hamestring/Owl Creek Sewer Basin that have not already been approved by the Planning Commission will be required to pay a sewer assessment. This assessment would fund potential interim lift station and force main sewer improvements to serve the basin if necessary prior to the new wastewater treatment plant being completed.

The current process of requiring on-site and off-site improvements is typically determined at the Planning Commission level. Oakbrook Subdivision Phase 1 was submitted on April 14, 2005, and approved by the Planning Commission on June 27, 2005. Oakbrook Phase 2 was submitted on May 19, 2005, and approved by the Planning Commission on July 11, 2005. The City was informed by an ongoing detailed study of the reduced capacity within the basin at the end of July 2005.

After further consideration of the timing of Planning Commission approval for Oakbrook Subdivision Phases 1 and 2, staff recommends this development be allowed to proceed without a condition for a sewer assessment.



Human Resources Division
113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8278
Fax: (479) 718-7698

B. 6
Hay Group Salary and
Benefits Survey Contract
Page 1 of 2

Departmental Correspondence

TO: Mayor Dan Coody & City Council
THRU: Stephen Davis, Finance & Internal Services Director
FROM: Michele Bechhold, Human Resources Director *MB*
DATE: August 24, 2005

SUBJECT: Salary and Benefits Survey Project Update/Additional Information for the
Hay Group Salary and Benefits Survey Contract Agenda Item Tabled on 8-16-05

The Selection Committee met and approved the RFP document on August 23, 2005. The RFP was posted on the City's website on August 24, 2005 as staff committed to during the August 16 Council Meeting. The City will accept proposals until September 7, 2005 at 4:00pm. On September 9, the Selection Committee will meet to discuss the proposals and determine if any firms will be invited for interview. Any interviews scheduled will be conducted on September 13 or 14, 2005.

Staff anticipates presenting this project to Council for consideration at the September 27 Agenda Session.

Staff is available to answer any questions you may have.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

C. 10
Adoption of 161.08
District RSFH-8
Page 2 of 2

(E) *Setback requirements.*

Front Setback	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building maximum height	30 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 60% of the total lot area.

CITY ATTORNEY AGENDA REQUEST

FOR: CITY COUNCIL MEETING OF SEPTEMBER 6, 2005

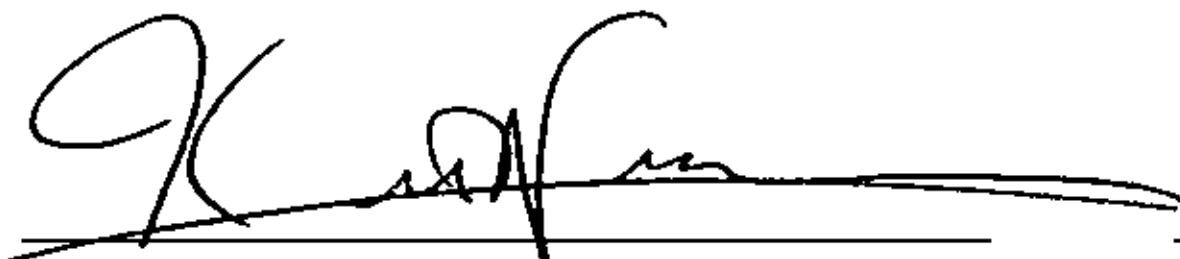
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Approve The Settlement Agreement With The Plaintiffs In The Peter T. Reagan, et al v. City of Fayetteville, Federal District Court Civil Case No. 05-5045

APPROVED FOR AGENDA:

 9-6-05
KIT WILLIAMS Date
City Attorney

DAN COODY Date
Mayor

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TRANSFER OF 2 PARCELS OF LAND (APPROXIMATELY 12,614 SQUARE FEET TOTAL) TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY ASSOCIATED WITH THE GREGG AVENUE WIDENING.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue widening.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes the Mayor and City Clerk to execute deeds and any other instruments necessary to effect the transfer of these properties.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

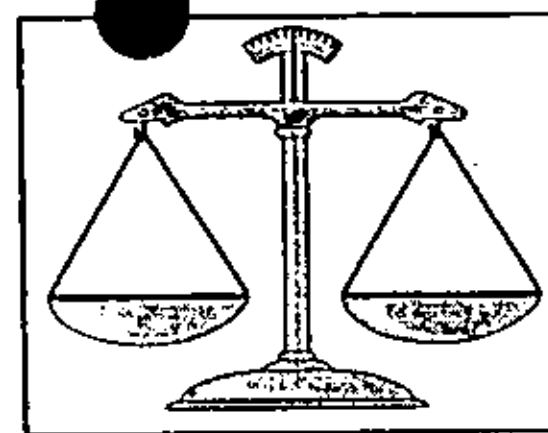
By:

SONDRA SMITH, City Clerk

DRAFT

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

**TO: Dan Coody, Mayor
City Council**

FROM: Kit Williams, City Attorney

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

DATE: September 6, 2005

RE: Settlement Agreement to end Firefighters case

As you know, I had hoped that we could present a signed, proposed Settlement Agreement for your consideration at the Special City Council meeting prior to your Agenda Meeting last Tuesday. Unfortunately, there were a few terms which still needed some final polishing so we could not go forward then. The proposed settlement amount of \$50,000.00 remains unchanged.

I am happy to report to you that **all terms and conditions of the Settlement Agreement have now been agreed to by the Plaintiffs. I also agree to this proposed Settlement Agreement and recommend its approval.** As you know I have participated in two mediations supervised by Federal Magistrate Beverly Stites Jones in Fort Smith. The City would like to thank Judge Jones for her invaluable assistance in this mediation effort. The City is also appreciative that Federal District Judge Jimm Larry Hendren granted the parties several stays of legal proceedings to provide both sides sufficient time to explore all the possibilities of settlement without incurring substantial legal expenses for discovery and pretrial motions.

Attorney Mark Martin who is representing the plaintiff Firefighters and I have taken advantage of the Federal Court's continuing stay to meet several times to explore possible solutions to the issues raised in this litigation. Mr. Martin has worked tirelessly and diligently in an effort to find

a fair and equitable middle ground within the complex and complicated issues of firefighter pay as mandated by the Fair Labor Standards Act.

Just like the almost complete settlement agreement handed out to you last Tuesday, **this Settlement Agreement resolves all wage and employment related issues between the City and all 84 plaintiffs** and all attorney's fees. Our review and analysis of two years of payroll records indicated that the City had probably made some inadvertent technical mistakes in computing overtime. The City had paid the firefighters about what the Fair Labor Standards Act would have mandated, but we paid EMT pay, Hazmat pay and Longevity pay as a specific amount every pay period rather than including it as a pay component for overtime pay computation. Even an inadvertent, technical mistake in computing proper overtime pay usually justifies an award of attorney's fees against an employer.

But rather than seeking to earn as large an attorney's fee as possible by going through a trial and appeal, Attorney Mark Martin considered the long range benefit to his clients and worked out this settlement with me. **Without this settlement, the City would have likely had to pay significantly more just for attorney's fees than the entire amount of this settlement proposal.** Therefore, I wholeheartedly recommend that the City Council approve this Settlement Agreement.

Please suspend the rules and place this Resolution to Approve The Settlement Agreement on tonight's agenda. Settlement of cases involving numerous plaintiffs is always difficult because every plaintiff must agree. In this case, there are 84 plaintiffs who have all agreed to settle their claims.

Once the City Council accepts this proposed Settlement Agreement, the agreement is finalized and the case will be dismissed with prejudice when approved by the Federal Court. Postponing a decision would endanger this settlement and could be very costly to the City. Therefore, I urge that the City Council vote to approve this Settlement Agreement at tonight's meeting.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE SETTLEMENT AGREEMENT WITH THE PLAINTIFFS IN THE PETER T. REAGAN, ET AL V. CITY OF FAYETTEVILLE FEDERAL DISTRICT COURT CIVIL CASE NO. 05-5045

WHEREAS, after two mediation sessions supervised by Federal Magistrate Judge Beverly Stites Jones and numerous settlement conferences between Fayetteville Firefighter attorney Mark Martin and Fayetteville City Attorney Kit Williams, a possible settlement agreement has been agreed to by the plaintiff firefighters and is recommended for approval of the City Council by City Attorney Kit Williams and Mayor Dan Coody.

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 Settlement Agreement with the Plaintiffs in the Peter T. Reagan et al v. City of Fayetteville, Federal District Court Civil Case No. 05-5045 as attached hereto as Exhibit A and authorizes City Attorney Kit Williams and Mayor Coody to execute this agreement.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE, ARKANSAS**

PETER T. REAGAN, ET AL

PLAINTIFFS

vs.

Civil Action No. 05-5045

CITY OF FAYETTEVILLE

DEFENDANT

SETTLEMENT AGREEMENT

WHEREAS, the plaintiffs brought this action against the defendant City of Fayetteville, Arkansas ["City"] claiming violations of the Fair Labor Standards Act, 29 U.S.C. §201, et seq. (FLSA); and

WHEREAS, the plaintiffs and the defendant City have considered that their interests are best served by the settlement of this action, and have concluded that the terms of this Settlement Agreement are fair, reasonable and adequate;

COME NOW, all Plaintiffs within the above captioned case by their attorneys Thomas Woodley and Mark L. Martin and Defendant City of Fayetteville by City Attorney Kit Williams and hereby agree to settle the above captioned case as follows:

1. All Plaintiff Fire Fighters agree, based upon the promises and considerations presented by the City of Fayetteville below, to Dismiss this Case With Prejudice.

2. Defendant City of Fayetteville agrees to the following promises and actions:

A. The City of Fayetteville will issue equal checks in the aggregate amount of \$30,000.00 to all named Plaintiffs less the state statute required 6% LOPFI deduction and the federally mandated 1.45% Medicare deduction. The City will pay the

City's portion of the Medicare taxes and LOPFI contribution of 13.81% for each check out of its funds (not out of the aggregate \$30,000.00). These checks will be forwarded in bulk to plaintiffs' counsel Woodley & McGillivray, at their law offices at 1125 15th Street, N.W., Suite 400, Washington, D.C. 20005 for dispersal to the individual plaintiffs.

B. The City of Fayetteville shall pay attorneys' fees and costs to plaintiffs' attorneys in the amount of \$20,000.00. The amount of \$15,000.00 shall be forwarded to the plaintiffs' counsel, Woodley & McGillivray, at their law offices at 1125 15th Street, N.W., Suite 400, Washington, D.C. 20005. This amount shall be made payable by check to "WOODLEY & MCGILLIVARY". The \$5,000.00 attorney's fees to be apportioned to Mark L. Martin, shall at Mr. Martin's request, be paid by the City directly to the Fayetteville Fire Fighters Association IAFF Local 2866 Scholarship Fund.

3. The Plaintiffs and the City of Fayetteville agree that the \$20.00 per paycheck EMT pay should and will be included when overtime is calculated. Since almost all Fire Fighters have achieved EMT status, the pay matrix may be adjusted so that EMT pay becomes a regular component of all Fire Fighters pay within the new pay matrix rather than being separately listed.

4. The Plaintiffs and the City of Fayetteville agree that the additional pay for the Hazmat team currently paid to such specially trained Fire Fighters should be and will be included in overtime calculations.

5. The Plaintiffs and the City of Fayetteville agree that the additional pay for longevity pay will be included in overtime calculations.

6. All Plaintiffs and the City of Fayetteville agree and covenant that this Settlement Agreement is a full and final settlement and resolution of any and all FLSA

pay, pay or leave policy, or hours of work related issues that do or might exist between the parties as of the date of this Agreement.

7. The City has not retaliated against the Plaintiffs for having pursued their Fair Labor Standards Act Case and commits that it will not retaliate or otherwise subject any of the Plaintiffs to discriminatory treatment in relation to all other City employees. The City specifically consents that the Court's supervisory powers to enforce the terms of this Settlement Agreement will include consideration of any retaliatory allegation made by any Plaintiff that the City has violated any provision of this paragraph.

8. The Plaintiffs and the City of Fayetteville agree and covenant to use the better avenues of communications recently established by the City of Fayetteville to attempt to resolve any possible future pay or employment related issues.

9. This Settlement Agreement will be jointly submitted by the parties to the Court for approval and for the issuance of the accompanying Final Order and Judgment dismissing this action with prejudice; provided however that this Court will retain jurisdiction for the purpose of enforcing compliance with the terms of this Settlement Agreement under federal law.

It is the intent of this Settlement Agreement to fully resolve any and all FLSA pay, pay policy or hours of work related issues between all named Plaintiffs and the City of Fayetteville. Both parties intend to "close the door" on any past differences, issues or possible claims against any party, and move forward in a united front in the best interests of the citizens of Fayetteville, Arkansas.

Thomas A. Woodley *Thomas A. Woodley*

Date: Sept 2, 2005

9/6/05
Date

Mark Martin

Counsel For Plaintiffs

Kit Williams
Fayetteville City Attorney
113 W. Mountain
Fayetteville, AR 72701
(479) 575-8313 Phone
(479) 575-8315 Fax

9/6/05
Date



Susan Keller Kendall
Cross Gunter Witherspoon & Galchus, P.C.
101 West Mountain, Suite 200
Fayetteville, AR 72701

Counsel For Defendants

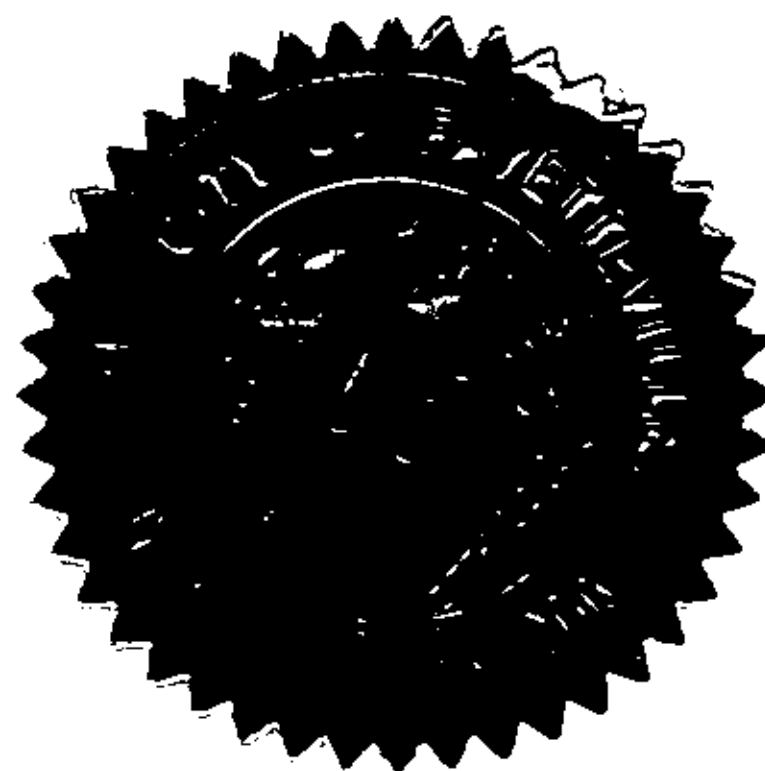
CITY OF FAYETTEVILLE

By: _____
DAN COODY
Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

**Office of the Mayor
City of Fayetteville
Proclamation**

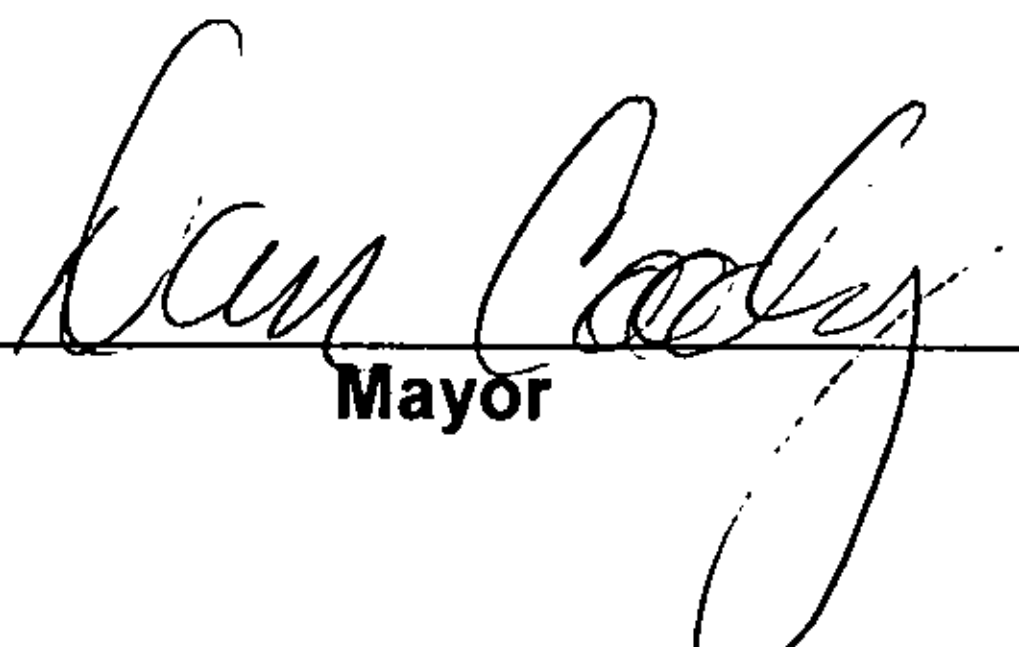


WHEREAS: the State of Arkansas has been designated a Category B Disaster Area by Presidential Proclamation dated September 3, 2005, and

WHEREAS: the City of Fayetteville has been called upon to provide assistance and aid to the survivors of Hurricane Katrina,

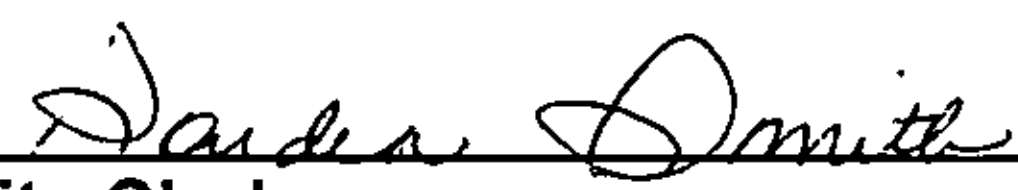
NOW THEREFORE, pursuant to A.C.A. § 12-75-108 I, Dan Coody, Mayor of the City of Fayetteville, Arkansas do hereby declare a Local Disaster Emergency in the City of Fayetteville, Arkansas on September 3, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Fayetteville, Arkansas to be affixed on the 3rd day of September, 2005.



Mayor

Attest:



City Clerk



161.26 District RSFH-8, Residential Single-Family Historic - 8 units/acre

C. 10
Adoption of 161.08
District RSFH-8
Page 1 of 2

(A) Purpose. The RSFH Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) Uses.

(1) Permitted uses.

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

(2) Conditional uses.

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

(C) Density.

	By Right	Conditional Use
Single-family dwelling units per acre	8 or less	--
Two-family dwelling units per acre	--	8

(D) Bulk and area regulations.

(1) Lot width minimum.

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) Lot area minimum.

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

C. 10
Adoption of 161.08
District RSFH-8
Page 2 of 2

(E) *Setback requirements.*

Front Setback	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building maximum	height	30 ft.
------------------	--------	--------

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

117-05

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

September 6, 2005
City Council Meeting Date

Stephen Davis

Submitted By

Finance & Internal Servs. Dir.

Division

Finance & Internal Services

Department

Action Required:

City Council is requested to authorize the use of up to \$100,000 from the Replacement & Disaster Recovery Fund for use in collecting and distributing aid for Katrina evacuees and using 1851 East Huntsville Road (Mexican Original) as a collection and distribution center. A budget adjustment is attached.

\$ 100,000.00

Cost of this request

\$ -

Category / Project Budget

Katrina Relief Effort - FEMA

Program Category / Project Name

4270.9270.5315.00

Account Number

\$ -

Funds Used to Date

Other Capital Projects

Program / Project Category Name

05051

Project Number

\$ -

Remaining Balance

Replacement & Disaster Recovery

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒


Department Director

9-6-05
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

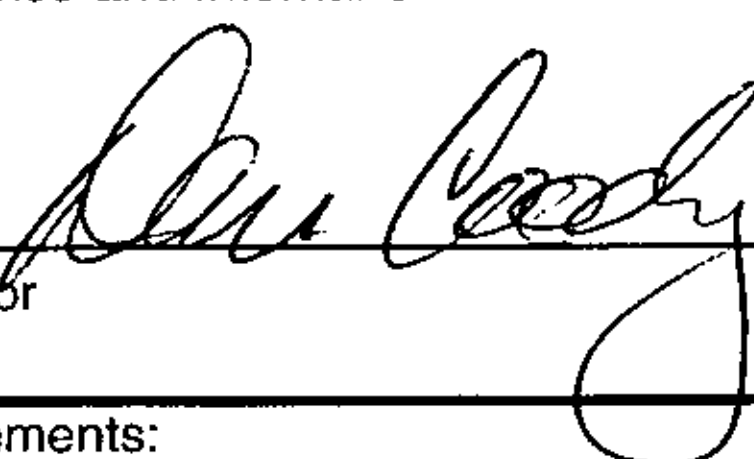
9/6/05
Date

Original Contract Number:


Finance and Internal Service Director

9-6-05
Date

Received in City Clerk's Office


Mayor

9/6/05
Date

Received in Mayor's Office



Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Dan Coody, Mayor

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

DATE: September 6, 2005

SUBJECT: **Replacement and Disaster Recovery Funds - Hurricane Katrina**

Recommendations

Staff recommends approval of the use of \$100,000 of funds from the Replacement and Disaster Recovery Fund to finance the City's Hurricane Katrina relief effort.

Background

In November 2002 the Fayetteville City Council passed Ordinance 4435 establishing a Replacement and Disaster Recovery Fund. The ordinance designated \$3,000,000 of funds to be reserved for a disaster or emergency. These funds cannot be spent without a specific resolution of the City Council that declares a disaster or emergency and authorizes the use of these funds. The remaining balance in the fund is to be used to purchase replacement public safety vehicles.

The devastation left from Hurricane Katrina has affected hundreds of thousands of people living in the Louisiana and Mississippi gulf coast area. The disaster has touched many of the surrounding states and everyone is being asked to help as much as possible. It is staff's understanding that Arkansas has been designated within the disaster area and therefore is eligible to receive reimbursement from FEMA. The City of Fayetteville has offered the use of the Tyson Mexican Original building to be used as a collection and distribution point for donations of supplies for the hurricane evacuees. Funds are needed to pay for labor to clean the building, staff to maintain the facility, to purchase necessary equipment to make the building functional, and any associated utility costs.

In addition to these expenses there have been several public safety employees called by FEMA to help in the disaster area. Staff would like City Council's approval to continue to pay these employees their current salaries. The City will seek reimbursement for all of these costs from FEMA.

Budget Considerations

At the beginning of September the Replacement and Disaster Recovery Fund had a reserved fund balance of \$3,000,000 and an unreserved fund balance of \$1,172,487. The investments in the fund earned \$206,220 in 2004 and \$106,159 thru August 2005. The City also anticipates that FEMA will reimburse the City for some of the costs associated with the relief effort.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE USE OF UP TO \$100,000.00 FROM THE REPLACEMENT & DISASTER RECOVERY FUND FOR USE IN COLLECTING AND DISTRIBUTING AID TO HURRICANE KATRINA SURVIVORS; AND THE USE OF 1851 EAST HUNTSVILLE ROAD (MEXICAN ORIGINAL) AS A DISASTER RELIEF COLLECTION AND DISTRIBUTION CENTER; APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$100,000.00 RECOGNIZING GRANT REVENUE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA); AND DECLARING AN EMERGENCY.

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

Section 1. That, pursuant to Section 2 of Ordinance No. 4435, the City Council of the City of Fayetteville, Arkansas hereby determines that a disaster or emergency requiring the use of funds from the Replacement & Disaster Recovery Fund has occurred, and authorizes the use of up to \$100,000.00 from the Replacement & Disaster Recovery Fund for use in collecting and distributing aid to Hurricane Katrina survivors.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the use of 1851 East Huntsville Road (Mexican Original) as a Disaster Relief Collection And Distribution Center.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$100,000.00 recognizing grant revenue from the Federal Emergency Management Agency (FEMA).

Section 4. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, hereby finds the immediate provision of disaster relief services to be necessary to preserve the health and safety of Hurricane Katrina survivors in the City of Fayetteville, and because of such, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

ORDINANCE NO. 4435

AN ORDINANCE REPEALING ORDINANCE NO. 1085
AND ESTABLISHING A REPLACEMENT AND DISASTER
RECOVERY FUND

WHEREAS, Ordinance No. 1085 was passed on June 20, 1955, and established the Vehicle and Maintenance Equipment Replacement Fund and required \$1,400.00 to be deposited monthly into this fund; and

WHEREAS, the Vehicle and Maintenance Equipment Replacement Fund currently has a designated fund balance of about \$4,181,665.00; and

WHEREAS, \$3,000,000.00 of this fund should be reserved in an account entitled "Disaster Recovery Account" so that the City will have substantial available resources if a disaster befalls our city; and

WHEREAS, this \$3,000,000.00 and the remaining \$1,181,665.00 balance should be transferred to a new fund designated as the Replacement and Disaster Recovery Fund.

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 repeals Ordinance No. 1085 and establishes a new fund "Replacement and Disaster Recovery Fund" into which all moneys from the "Vehicle and Maintenance Replacement Fund" shall be transferred.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designated \$3,000,000.00 of the Replacement and Disaster Recovery Fund to be reserved and not dispersed until and unless the City Council determines by Resolution that a disaster or emergency requiring use of those funds has occurred. As soon as feasible after any such disbursement of funds from the Replacement and Disaster Recovery Fund, these funds should be restored to bring the Replacement and Disaster Recovery Fund up to the Three Million Dollar (\$3,000,000.00) fund balance.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby adopts the policy attached as Exhibit "A" for the use and disposition of funds within the Replacement and Disaster Recovery Fund in excess of the Three Million Dollars (\$3,000,000.00) reserved disaster or emergency amount.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby states that the policy (attached as Exhibit "A") describes procedures for the purchase, replacement, insurance costs, license fee, repairs and maintenance of items that cost \$10,000.00 or less currently on the motor pool schedule.

PASSED and APPROVED this the 19th day of November, 2002.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
Heather Woodruff, City Clerk

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

Budget Year 2005	Department: Replacement Fund Exp Division: Program:	Date Requested 9/6/2005	Adjustment Number
----------------------------	---	-----------------------------------	-------------------

Project or Item Added/Increased:
\$100,000 is requested in the Contract Services Account of the Replacement and Disaster Recovery Fund.

Project or Item Deleted/Reduced:
To recognize \$100,000 of grant revenue from FEMA.

Justification of this Increase:
Funds will be used to finance the City's Hurricane Katrina relief effort.

Justification of this Decrease:
FEMA will reimburse the City for costs associated with the relief effort.

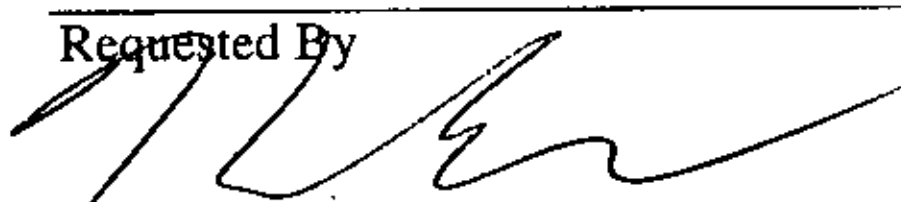
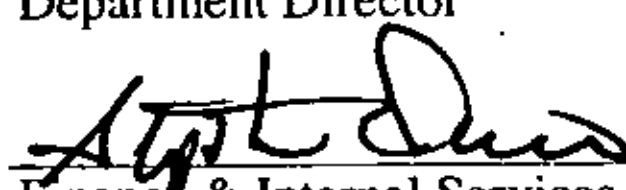
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Contract services	4270	9270	5315	00	100,000	05051	01

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Federal Grant-Operational	4270	0927	4309	01	100,000	05051	01

Approval Signatures

Requested By	Date
	9-6-05
Budget Manager	Date
Department Director	Date
	9-6-05
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Date of Approval

Initial Date

Posted to General Ledger

Initial Date

Posted to Project Accounting

Initial Date

Entered in Category Log

Initial Date

Office of the Mayor
City of Fayetteville
Proclamation

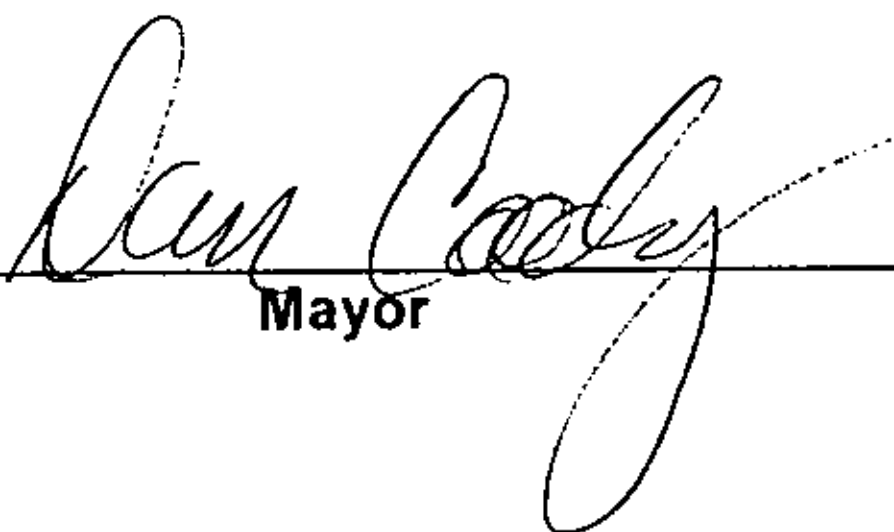


WHEREAS: the State of Arkansas has been designated a Category B Disaster Area by Presidential Proclamation dated September 3, 2005, and

WHEREAS: the City of Fayetteville has been called upon to provide assistance and aid to the survivors of Hurricane Katrina,

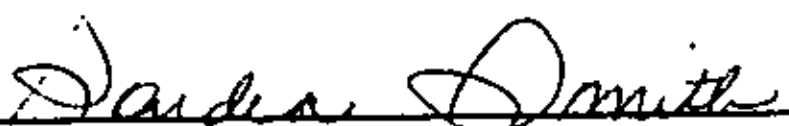
NOW THEREFORE, pursuant to A.C.A. § 12-75-108 I, Dan Coody, Mayor of the City of Fayetteville, Arkansas do hereby declare a Local Disaster Emergency in the City of Fayetteville, Arkansas on September 3, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Fayetteville, Arkansas to be affixed on the 3rd day of September, 2005.



Mayor

Attest:



City Clerk



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

6-Sep-05
City Council Meeting Date

Stephen Davis
Submitted By

Division

Finance & Internal Services
Department

Action Required:

Staff recommends Council consider amending §117 Vehicle Related Business to adjust the Initial Meter Charge and/or Charge Per Mile.

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

9-2-05
Date

Previous Ordinance or Resolution #

Original Contract Date:


City Attorney

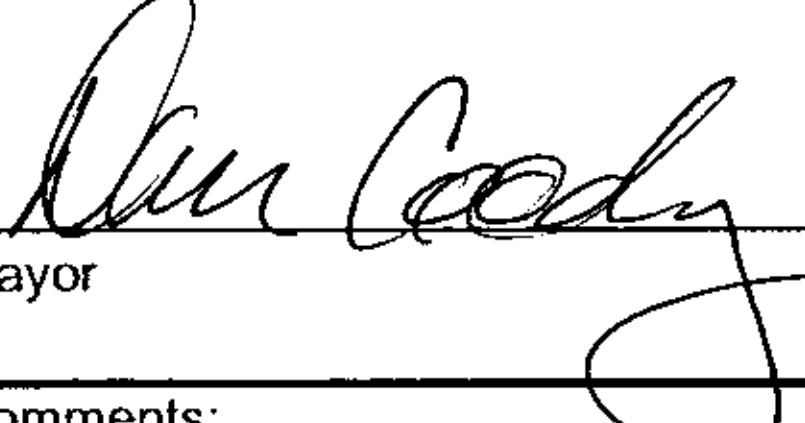
9/6/05

Original Contract Number:


Finance and Internal Service Director

9-2-05
Date

Received in City Clerk's Office



Mayor

9/6/05
Date

Received in Mayor's Office

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: September 2, 2005

Subject: Taxi-Cab Fee Adjustment

Recommendation

Staff recommends City Council review Fayetteville Code of Ordinances §117.49 (B) Subsection(s) 1 and 2 to provide emergency relief for Taxi Cab operators.

Background

The City has existing taxi cab operators providing services to Fayetteville citizens. These taxi companies complied with the requirements for a certificate of public convenience and necessity.

Discussion

The City was approached on Wednesday, August 30 for relief from the provisions of §117.49 (B) Subsection(s) 1 and 2 due to the rising cost of fuel. Staff recommends Council consider adjusting the initial meter charge and/or adding a fuel surcharge to provide additional operating revenues for the taxi companies.

Representatives of the taxi companies can be available for a discussion with Council for this item.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XI: CHAPTER 117,
ARTICLE IV: TAXICABS, OF THE CODE OF FAYETTEVILLE TO
ALLOW FOR A FUEL SURCHARGE; AND DECLARING AN
EMERGENCY

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

Section 1. That § 117.49(B)(1), Code of Fayetteville is hereby repealed, and
the following is inserted in its stead:

The initial rates are set out as follows:

(1) Exclusive ride. Ceiling rate, no more than a rate of:

(a) Initial meter charge \$2.00

(b) Fuel Surcharge (per trip) \$1.00

(c) Charge per mile.....\$1.50

Section 2. Emergency Clause. That the City Council of the City of
Fayetteville, Arkansas, hereby finds the sudden and drastic increases in the cost
of gasoline has placed an undue financial burden on taxicab operators in the city,
and that a fuel surcharge is necessary to ensure that the operators are able to
continue providing for the transportation needs of the citizens of the City 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 6th day of September, 2005.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

FAYETTEVILLE CODE OF ORDINANCES
TITLE XI BUSINESS REGULATIONS

117.45 Refusal Of Passenger To Pay Fare

It shall be unlawful for any person to refuse to pay the legal fare of any of the vehicles mentioned in this article after having hired the same, and it shall be unlawful for any person to hire any vehicle herein defined with intent to defraud the person from whom it is hired of the value of such service.

(Code 1965, §20-33.6; Ord. No. 1910, 4-3-73; Code 1991, §117.45; Ord. No. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.46 Daily Manifest To Be Kept

Every company shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip and amount of fare. The forms for each manifest shall be of a character approved by the chief of police.

(Code 1965, §20-33.9; Ord. No. 1910, 4-3-73; Ord. No. 2527, 5-1-79; Code 1991, §117.46; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.47 Advertising

(A) Subject to the restrictions provided herein, it shall be lawful for any person owning or operating a taxicab, bus, van, or motor vehicle for hire to permit advertising matter to be affixed or installed in or on such taxicab, bus, van, or motor vehicle for hire. The advertising shall not in any way obstruct the vision of the driver of the vehicle. Advertising on a taxicab shall be limited to one sign located on the rear of the vehicle which sign shall not exceed nine square feet in area. Advertising on a bus or van shall be limited to one sign on each side of the vehicle and one sign on the rear of the vehicle, none of which signs shall exceed 12 square feet in area.

(B) It shall be unlawful for any person to display on any taxicab, bus, van, or motor vehicle for hire any advertisement of tobacco products, alcoholic beverages, x-rated motion pictures, or any advertisement that is false, misleading, or deceptive.

(Code 1965, §20-33.10; Ord. No. 1910, 4-3-73; Ord. No. 2750, 8-18-81; Code 1991, §117.47; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.48 Enforcement

The police department possesses the authority under existing law to issue citations as appropriate.

(Code 1965, §20-33.11; Ord. No. 1910, 4-3-73; Code 1991, §117.48; Ord. 4623, 10-05-04; Ord. 4661, 12-21-04)

117.49 Meter Rates Established

(A) It shall be unlawful for any person, owning,

operating, driving, or in charge of any taxicab for hire in the city to drive or operate such taxicab, or to use or advertise in connection therewith the word "taxi," "taxicab," or "cab" or in soliciting trade from the public to represent or exhibit such vehicle as a "taxi," "taxicab," or "cab" unless such vehicle is equipped with an approved fare meter according to the provisions of this chapter. An approved fare meter is a meter that registers accumulating fare charge with each amount being visible to passenger(s).

(B) Meter rates shall be used exclusively by all taxicabs excluding waiting time except as provided in subsection (D) below. The ceiling rates shall apply to all taxicabs operating in the city.

The initial rates are set out as follows:

(1) Exclusive ride. Ceiling rate, no more than a rate of:

(a) Initial meter charge \$2.00

(b) Charge per mile \$1.50

(2) No more than \$1.00 per additional person shall be charged.

(3) Waiting time ceiling rate, not to exceed \$18.00 per hour.

(C) Passengers shall pay only the fare which appears on the meter. If no fare appears on the meter, the passenger's ride shall be free, except as provided in subsection (D) below, and excluding waiting time.

(D) A taxicab operator may make special contractual arrangements in advance with persons at fares either higher or lower than those set forth by this article, but such contract must be in writing and a copy thereof filed with the City Clerk.

117.50-117.59 Reserved

**ARTICLE V
LIMOUSINE SERVICE**

117.60 Definition

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Limousine service. Transportation service over the streets of the city, in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.

(Code 1965, §20-34; Ord. No. 1080, 4-4-55; Ord. No. 2099, 4-

From: Sondra Smith
To: Wood, Amber
Date: 9/6/05 4:41PM
Subject: Re: Fwd: Agenda Session - September 13, 2005 (Outside Agencies Funding Requests)

Good Morning Amber!

Last Year we put it on the informational section of the Agenda as a meeting to follow agenda session. I think that is how we need to list it.

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
(479) 718-7695 (Fax)
ssmith@ci.fayetteville.ar.us

>>> Amber Wood 09/06/05 10:31AM >>>
Hey Sondra,

How do you want me to list this on the Agenda? Just let me know. Have a great day!

Amber :)

Amber Wood
City of Fayetteville
City Clerk Division
575-8323
awood@ci.fayetteville.ar.us

>>> Kevin Springer 09/02/05 10:39AM >>>

I have forwarded my Agenda Item to Steve Davis for approval for the September 20, City Council meeting. We are going to have the outside agencies present their requests to City Council at the September 13 agenda session but I feel that we probably need to have it follow the end of the session so that the other items are not prolonged. Can we schedule the presentation on the Proposed Agenda as a separate item at the end of the agenda?

Thanks,
Kevin

Kevin Springer
Budget Manager

City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8226
(479) 575-8225 - Fax
kspringer@ci.fayetteville.ar.us

Handled
out at Council Meeting

[illegible]

8/25/2005	Night Shift	Paul	\$94.25	5	Split		\$47.13	\$17.75	0	\$0.00	\$29.37	\$586.99	\$364.99
8/26/2005	Day Shift	Cindy	\$140.50	8	Split		\$70.25	\$20.00	18	\$36.00	\$50.25	\$637.24	\$379.24
8/26/2005	Eve Shift	Kenny	\$317.50	12	Split		\$158.75	\$49.50	4	\$8.00	\$109.25	\$746.49	\$480.49
8/26/2005	Night Shift	Paul	\$136.50	7	Split		\$68.25	\$32.75	0	\$0.00	\$35.50	\$781.99	\$515.99
8/26/2005	Night Shift	JB				\$0.00			0	\$0.00	\$0.00	\$781.99	\$515.99
8/27/2005	Day Shift	Cindy	\$156.75	11		\$8.00	\$88.00	\$29.50	8	\$16.00	\$39.25	\$821.24	\$539.24
8/27/2005	Eve Shift	Kenny	\$148.00	10	Split		\$74.00	\$29.00	0	\$0.00	\$45.00	\$866.24	\$584.24
8/27/2005	Night Shift	JB	\$125.75	9		\$7.00	\$63.00	\$22.30	0	\$0.00	\$40.45	\$906.69	\$624.69
8/27/2005	Night Shift	Paul	\$94.75	5.5	Split		\$47.38	\$15.50	0	\$0.00	\$31.87	\$938.56	\$656.56
8/28/2005	Day Shift	Rebecca	\$45.75	6	Split		\$22.88	\$10.00	0	\$0.00	\$12.87	\$951.43	\$669.43
8/28/2005	Eve Shift	Kenny	\$58.25	7	Split		\$29.13	\$0.00	0	\$0.00	\$29.12	\$980.55	\$698.55
			\$3,134.25	194.5			\$1,593.90	\$559.80	141	\$282.00			
Date	Shift	Driver	Total Money	Hours Worked	Rate of Pay	Money To Driver	Gas	Coupon Taken	Coupon Total	Net Loss or Gain	Accumulate Total	Actual Cash	
8/29/2005	Day Shift	Cindy	\$120.50	12.25	\$8.00	\$98.00	\$27.50	0	\$0.00	-\$5.00	-\$5.00	-\$5.00	
8/29/2005	Eve Shift	JB	\$211.00	12.5	\$7.00	\$105.50	\$42.20	0	\$0.00	\$63.30	\$58.30	\$58.30	
8/30/2005	Day Shift	Rebecca	\$208.75	12.5	\$7.00	\$104.38	\$30.00	16	\$32.00	\$74.37	\$132.67	\$100.67	
8/30/2005	Eve Shift	Kenny	\$107.75	8	Split	\$53.88	\$12.00	12	\$24.00	\$41.87	\$174.54	\$118.54	
8/30/2005	Eve Shift	JB	\$153.50	10.5	\$7.00	\$84.00	\$6.00	3	\$6.00	\$63.50	\$238.04	\$176.04	
8/31/2005	Day Shift	Cindy	\$194.50	12	\$8.00	\$96.00	\$40.00	0	\$0.00	\$58.50	\$296.54	\$234.54	
8/31/2005	Eve Shift	Paul	\$194.75	13	\$8.00	\$104.00	\$66.00	4	\$8.00	\$24.75	\$321.29	\$251.29	
			\$1,190.75	80.75		\$645.76	\$223.70	35	\$70.00				

\$10,868.75

817.9

\$6,385.84

\$2,055.66

601

\$1,202.00

\$2,427.25

\$1,225.25

8/12/2005	Night Shift	JB	\$148.00	12	7	\$84.00	\$0.00	0	\$0.00	\$64.00	\$192.47	-\$13.53
8/12/2005	Night Shift	Paul	\$171.00	9	0	\$85.50	\$37.00	4	\$8.00	\$48.50	\$240.97	\$26.97
8/13/2005	Day Shift	Cindy	\$39.75	5.75	8	\$46.00	\$0.00	4	\$8.00	-\$6.25	\$234.72	\$12.72
8/13/2005	Day Shift	Rebecca	\$151.75	8.5	7	\$75.87	\$38.28	1	\$2.00	\$37.60	\$272.32	\$48.32
8/13/2005	Night Shift	JB	\$129.75	10.5	7	\$73.50	\$21.85	0	\$0.00	\$34.40	\$306.72	\$82.72
8/13/2005	Night Shift	Paul	\$138.00	8	8	\$64.00	\$24.00	0	\$0.00	\$50.00	\$356.72	\$132.72
8/14/2005	Sunday	Paul	\$101.25	8	0	\$50.62	\$8.50	0	\$0.00	\$42.13	\$398.85	\$174.85
8/14/2005	Sunday	Kenny	\$239.75	14	0	\$119.87	\$43.00	0	\$0.00	\$76.88	\$475.73	\$251.73
8/15/2005	Day Shift	Cindy	\$2,247.65	178.25		\$1,372.81	\$399.11	112	\$224.00			
8/15/2005	Day Shift	Cindy	\$50.25	11.5		\$92.00	\$25.00	15	\$30.00	-\$66.75	-\$66.75	-\$96.75
8/15/2005	Night Shift	JB	\$92.25	10		\$70.00	\$16.80	0	\$0.00	\$5.45	-\$61.30	-\$91.30
8/16/2005	Day Shift	Rebecca	\$234.75	13.4		\$117.38	\$0.00	7	\$14.00	\$117.37	\$56.07	\$12.07
8/16/2005	Eve Shift	Kenny	\$45.90	6		\$42.00	\$0.00	7	\$14.00	\$3.90	\$59.97	\$1.97
8/16/2005	Night Shift	JB	\$104.75	10		\$70.00	\$38.25	0	\$0.00	-\$3.50	\$56.47	-\$1.53
8/17/2005	Day Shift	Rebecca	\$114.50	9.5		\$66.50	\$41.50	0	\$0.00	\$6.50	\$62.97	\$4.97
8/17/2005	Day Shift	Kenny	\$51.00	7		\$25.50	\$15.00	15	\$30.00	\$10.50	\$73.47	-\$14.53
8/17/2005	Night Shift	Paul	\$185.75	10		\$92.87	\$44.75	0	\$0.00	\$48.13	\$121.60	\$33.60
8/18/2005	Day Shift	Cindy	\$114.00	11		\$88.00	\$25.55	4	\$8.00	\$0.45	\$122.05	\$26.05
8/18/2005	Eve Shift	Kenny	\$85.00	6		\$42.50	\$16.00	5	\$10.00	\$26.50	\$148.55	\$42.55
8/18/2005	Night Shift	Paul	\$135.50	10		\$80.00	\$37.25	0	\$0.00	\$18.25	\$166.80	\$60.80
8/19/2005	Day Shift	Cindy	\$84.25	11.25		\$90.00	\$25.00	6	\$12.00	-\$30.75	\$136.05	\$18.05
8/19/2005	Eve Shift	Kenny	\$215.00	10		\$107.50	\$30.00	2	\$4.00	\$77.50	\$213.55	\$91.55
8/19/2005	Night Shift	JB	\$153.20	10		\$76.60	\$24.00	3	\$6.00	\$52.60	\$266.15	\$138.15
8/20/2005	Day Shift	Cindy	\$124.00	10.25		\$82.00	\$40.00	4	\$8.00	\$2.00	\$268.15	\$132.15
8/20/2005	Eve Shift	Kenny	\$75.00	6		\$37.50	\$14.00	10	\$20.00	\$23.50	\$291.65	\$135.65
8/20/2005	Night Shift	JB	\$160.25	12.5		\$87.50	\$30.40	2	\$4.00	\$42.35	\$334.00	\$174.00
8/20/2005	Night Shift	Paul	\$155.00	7		\$77.50	\$54.25	0	\$0.00	\$23.25	\$357.25	\$197.25
8/19/2005	Dispatch	Paul	\$0.00	7		\$56.00	\$0.00	0	\$0.00	-\$56.00	\$301.25	\$141.25
8/21/2005	Sunday	Cindy	\$58.50	7		\$29.25	\$20.00	14	\$28.00	\$9.25	\$310.50	\$122.50
8/21/2005	Sunday	Kenny	\$30.50	7		\$15.25	\$7.00	0	\$0.00	\$8.25	\$318.75	\$130.75
8/22/2005	Day Shift	Cindy	\$2,269.35	192.4		\$1,445.85	\$504.75	94	\$188.00			
8/22/2005	Eve Shift	Kenny	\$146.00	10		\$80.00	\$11.00	44	\$88.00	\$55.00	\$55.00	-\$33.00
8/22/2005	Night Shift	JB	\$170.00	4.5	Split	\$35.25	\$10.00	2	\$4.00	\$26.25	\$81.25	-\$10.75
8/23/2005	Day Shift	Rebecca	\$152.50	13.5		\$94.50	\$30.00	0	\$0.00	\$31.00	\$112.25	\$20.25
8/23/2005	Night Shift	JB	\$234.50	15	Split	\$117.25	\$38.25	5	\$10.00	\$79.00	\$219.25	\$117.25
8/24/2005	Day Shift	Cindy	\$224.75	12.5		\$100.00	\$53.00	2	\$4.00	\$71.75	\$291.00	\$185.00
8/24/2005	Night Shift	Paul	\$212.00	10	Split	\$106.00	\$38.75	31	\$62.00	\$67.25	\$358.25	\$190.25
8/25/2005	Day Shift	Rebecca	\$156.75	12	Split	\$84.00	\$25.00	21	\$42.00	\$47.75	\$406.00	\$196.00
8/25/2005	Eve Shift	Kenny	\$198.50	12.5	Split	\$99.25	\$34.00	0	\$0.00	\$65.25	\$471.25	\$261.25
8/25/2005	Night Shift	JB	\$249.75	12	Split	\$124.88	\$38.50	6	\$12.00	\$86.37	\$557.62	\$335.62

Date	Shift	Driver	Total Money	Hours Worked	Rate of Pay	Money To Driver	Gas	Coupon Taken	Coupon Total	Net Loss or Gain	Accumulate Total	Actual Cash
8/1/2005	Day Shift	Cindy	\$107.00	9.5	\$7.00	\$66.50	\$0.00	26	\$52.00	\$40.50	\$40.50	-\$11.50
8/1/2005	Eve Shift	David E	\$45.00	2	\$0.00	\$22.50	\$0.00	23	\$46.00	\$22.50	\$63.00	-\$35.00
8/1/2005	Night Shift	Paul	\$67.50	10	\$7.00	\$70.00	\$40.75	6	\$12.00	-\$43.25	\$19.75	-\$90.25
8/2/2005	Day Shift	Jacob	\$158.75	12	\$7.00	\$84.00	\$27.00	16	\$32.00	\$47.75	\$67.50	-\$74.50
8/2/2005	Eve Shift	Paul	\$73.00	10	\$7.00	\$70.00	\$16.75	0	\$0.00	-\$13.75	\$53.75	-\$88.25
8/3/2005	Day Shift	Cindy	\$97.50	11.5	\$7.00	\$80.50	\$26.78	24	\$48.00	-\$9.78	\$43.97	-\$146.03
8/3/2005	Eve Shift	David E	\$110.75	12	\$7.00	\$84.00	\$19.25	26	\$52.00	\$7.50	\$51.47	-\$190.53
8/4/2005	Day Shift	Jacob	\$251.75	13	\$0.00	\$120.88	\$40.00	61	\$122.00	\$90.87	\$142.34	-\$221.66
8/4/2005	Night Shift	Duncan	\$168.50	11	\$0.00	\$84.25	\$18.50	0	\$0.00	\$65.75	\$208.09	-\$155.91
8/5/2005	Day Shift	Cindy	\$64.50	10	\$7.00	\$70.00	\$27.75	13	\$26.00	-\$33.25	\$174.84	-\$215.16
8/5/2005	Eve Shift	JB	\$193.75	11	\$0.00	\$96.88	\$30.27	5	\$10.00	\$66.60	\$241.44	-\$158.56
8/5/2005	Night Shift	Jacob	\$176.50	10	\$0.00	\$88.25	\$20.00	9	\$18.00	\$68.25	\$309.69	-\$108.31
8/5/2005	Dispatch	Paul	\$0.00	7	\$7.00	\$49.00	\$0.00	0	\$0.00	-\$49.00	\$260.69	-\$157.31
8/6/2005	Day Shift	Cindy	\$101.75	9.5	\$7.00	\$66.50	\$23.50	4	\$8.00	\$11.75	\$272.44	-\$153.56
8/6/2005	Eve Shift	Duncan	\$59.00	8.5	\$7.00	\$59.50	\$0.00	6	\$12.00	-\$0.50	\$271.94	-\$166.06
8/6/2005	Eve Shift	JB	\$67.00	4	\$0.00	\$33.50	\$16.75	0	\$0.00	\$16.75	\$288.69	-\$149.31
8/6/2005	Night Shift	Paul	\$90.75	4	\$0.00	\$45.38	\$27.00	0	\$0.00	\$18.37	\$307.06	-\$130.94
8/6/2005	Dispatch	JB	\$0.00	3	\$7.00	\$21.00	\$0.00	0	\$0.00	-\$21.00	\$286.06	-\$151.94
8/6/2005	Dispatch	Paul	\$0.00	4	\$7.00	\$28.00	\$0.00	0	\$0.00	-\$28.00	\$258.06	-\$179.94
8/7/2005	Day Shift	David J	\$48.00	2	\$7.00	\$14.00	\$0.00	0	\$0.00	\$34.00	\$292.06	-\$145.94
8/7/2005	Eve Shift	Paul	\$145.75	8	\$0.00	\$72.88	\$34.00	0	\$0.00	\$38.87	\$330.93	-\$107.07
			\$2,026.75	172		\$1,327.52	\$368.30	219	\$438.00			
Date	Shift	Driver	Total Money	Hours Worked	Rate of Pay	Money To Driver	Gas	Coupon Taken	Coupon Total	Net Loss or Gain	Accumulate Total	Actual Cash
8/8/2005	Day Shift	Cindy	\$118.25	12	8	\$96.00	\$28.00	31	\$62.00	-\$5.75	-\$5.75	-\$67.75
8/8/2005	Eve Shift	Duncan	\$25.50	2	7	\$14.00	\$0.00	0	\$0.00	\$11.50	\$5.75	-\$56.25
8/8/2005	Night Shift	Dave E	\$20.25	2.5	7	\$17.50	\$0.00	0	\$0.00	\$2.75	\$8.50	-\$53.50
8/9/2005	Day Shift	Cindy	\$34.50	6.5	8	\$52.00	\$0.00	6	\$12.00	-\$17.50	-\$9.00	-\$83.00
8/9/2005	Eve Shift	Dave E	\$110.50	4.5	0	\$55.25	\$33.00	22	\$44.00	\$22.25	\$13.25	-\$104.75
8/9/2005	Night Shift	JB	\$107.50	10	7	\$70.00	\$20.00	0	\$0.00	\$17.50	\$30.75	-\$87.25
8/10/2005	Day Shift	Cindy	\$85.25	12	8	\$94.00	\$27.50	18	\$36.00	-\$36.25	-\$5.50	-\$159.50
8/10/2005	Night Shift	Paul	\$122.25	10	8	\$80.00	\$35.68	4	\$8.00	\$6.57	\$1.07	-\$160.93
8/11/2005	Day Shift	Rebecca	\$184.50	12.5	7	\$92.25	\$30.30	8	\$16.00	\$61.95	\$63.02	-\$114.98
8/11/2005	Eve Shift	Kenny	\$73.00	7.5	7	\$36.50	\$11.00	4	\$8.00	\$25.50	\$88.52	-\$97.48
8/11/2005	Night Shift	Paul	\$148.25	10	8	\$80.00	\$20.00	0	\$0.00	\$48.25	\$136.77	-\$49.23
8/12/2005	Day Shift	Cindy	\$6.75	5	8	\$40.00	\$0.00	0	\$0.00	-\$33.25	\$103.52	-\$82.48
8/12/2005	Day Shift	Kenny	\$91.90	8	7	\$45.95	\$21.00	10	\$20.00	\$24.95	\$128.47	-\$77.53

[illegible]

7/14/2005	Day Shift	Rebecca	\$39.00	9	\$7.00	\$63.00	\$10.00	0	\$0.00		\$34.00	-\$80.65	-\$124.65
7/14/2005	Eve Shift	JB	\$80.25	9	\$7.00	\$63.00	\$21.00	11	\$22.00		\$34.00	-\$84.40	-\$150.40
7/14/2005	Night Shift	Jacob	\$90.00	10.5	\$7.00	\$73.50	\$18.00	2	\$4.00		\$13.00	-\$85.90	-\$155.90
7/15/2005	Day Shift	Cindy	\$118.75	10	\$7.00	\$70.00	\$23.75	0	\$0.00		\$25.00	-\$60.90	-\$130.90
7/15/2005	Day Shift	Rebecca	\$79.75	6	\$7.00	\$42.00	\$20.00	6	\$12.00		\$17.75	-\$43.15	-\$125.15
7/15/2005	Eve Shift	JB	\$121.00	11	\$7.00	\$77.00	\$19.00	0	\$0.00		\$25.00	-\$18.15	-\$100.15
7/15/2005	Night Shift	Paul	\$130.25	9	\$0.00	\$65.00	\$19.50	0	\$0.00		\$45.75	\$27.60	-\$54.40
7/15/2005	Dispatch	Jacob	\$0.00	8	\$7.00	\$56.00	\$0.00	0	\$0.00		\$58.00	-\$28.40	-\$110.40
7/16/2005	Day Shift	Cindy	\$41.50	9	\$7.00	\$63.00	\$20.00	1	\$2.00		\$41.50	-\$69.90	-\$153.90
7/16/2005	Day Shift	Rebecca	\$29.00	6.5	\$7.00	\$45.50	\$10.00	13	\$26.00		\$26.50	-\$96.40	-\$206.40
7/16/2005	Eve Shift	JB	\$100.00	11.5	\$7.00	\$80.50	\$25.05	0	\$0.00		\$55.55	-\$101.95	-\$211.95
7/16/2005	Night Shift	Jacob	\$122.75	10	\$7.00	\$70.00	\$19.00	0	\$0.00		\$33.75	-\$68.20	-\$178.20
7/16/2005	Dispatch	Paul	\$0.00	7	\$7.00	\$49.00	\$0.00	0	\$0.00		\$49.00	-\$117.20	-\$227.20
7/17/2005	Day Shift	Rebecca	\$10.50	6	\$0.00	\$5.25	\$0.00	0	\$0.00		\$5.25	-\$111.95	-\$221.95
7/17/2005	Day Shift	Jacob	\$39.25	0	\$0.00	\$19.63	\$0.00	0	\$0.00		\$19.62	-\$92.33	-\$202.33
7/17/2005	Night Shift	Paul	\$38.50	0	\$0.00	\$19.25	\$0.00	0	\$0.00		\$19.25	-\$73.08	-\$183.08
			\$1,526.30	182.5		\$1,291.53	\$307.85	55	\$110.00				
7/18/2005	Day Shift	Cindy	\$79.25	11.5	\$7.00	\$80.50	\$25.00	15	\$30.00		\$26.25	-\$26.25	-\$56.25
7/18/2005	Night Shift	Paul	\$177.50	10	\$0.00	\$88.75	\$26.25	0	\$0.00		\$62.50	\$36.25	\$6.25
7/19/2005	Day Shift	Rebecca	\$67.50	11.5	\$7.00	\$80.50	\$20.00	2	\$4.00		\$39.00	\$3.25	-\$30.75
7/19/2005	Night Shift	Jacob	\$146.25	10	\$0.00	\$73.25	\$27.00	0	\$0.00		\$46.00	\$49.25	\$15.25
7/20/2005	Day Shift	Cindy	\$141.50	11.75	\$7.00	\$82.25	\$27.00	7	\$14.00		\$32.25	\$81.50	\$33.50
7/20/2005	Night Shift	Jacob	\$105.00	10.5	\$7.00	\$73.50	\$22.00	0	\$0.00		\$9.50	\$91.00	\$43.00
7/21/2005	Day Shift	David J	\$74.25	9	\$0.00	\$0.00	\$0.00	18	\$36.00		\$74.25	\$165.25	\$81.25
7/21/2005	Day Shift	Dave E	\$27.50	2	\$7.00	\$14.00	\$0.00	5	\$10.00		\$13.50	\$178.75	\$84.75
7/21/2005	Eve Shift	JB	\$84.00	3	\$0.00	\$42.00	\$17.50	4	\$8.00		\$24.50	\$203.25	\$101.25
7/21/2005	Night Shift	Paul	\$139.50	10	\$7.00	\$70.00	\$31.75	0	\$0.00		\$37.75	\$241.00	\$139.00
7/22/2005	Day Shift	Cindy	\$51.00	8.75	\$7.00	\$61.25	\$10.75	4	\$8.00		\$21.00	\$220.00	\$110.00
7/22/2005	Eve Shift	JB	\$75.00	10.5	\$7.00	\$73.50	\$20.00	4	\$8.00		\$18.50	\$201.50	\$83.50
7/22/2005	Night Shift	Jacob	\$232.25	9.5	\$0.00	\$116.50	\$25.00	0	\$0.00		\$90.75	\$292.25	\$174.25
7/22/2005	Dispatch	Paul	\$0.00	4	\$7.00	\$28.00	\$0.00	0	\$0.00		-\$28.00	\$264.25	\$146.25
7/22/2005	Night Shift	Paul	\$78.00	3	\$0.00	\$39.00	\$15.00	0	\$0.00		\$24.00	\$288.25	\$170.25
7/23/2005	Day Shift	Cindy	\$55.00	9.5	\$7.00	\$66.50	\$12.00	10	\$20.00		\$23.50	\$264.75	\$126.75
7/23/2005	Day Shift	JB	\$66.75	6	\$7.00	\$42.00	\$13.50	12	\$24.00		\$11.25	\$276.00	\$114.00
7/23/2005	Night Shift	Paul	\$238.00	9	\$0.00	\$119.00	\$28.25	0	\$0.00		\$90.75	\$366.75	\$204.75
7/23/2005	Night Shift	Jacob	\$104.75	4	\$0.00	\$52.50	\$11.00	0	\$0.00		\$41.25	\$408.00	\$246.00
7/23/2005	Dispatch	Jacob	\$0.00	3	\$7.00	\$21.00	\$0.00	0	\$0.00		\$21.00	\$387.00	\$225.00
7/24/2005	Day Shift	Jacob	\$219.50	8	\$0.00	\$109.75	\$21.00	0	\$0.00		\$88.75	\$475.75	\$313.75
			\$2,162.50	164.5		\$1,333.75	\$353.00	81	\$162.00		\$475.75		
7/25/2005	Day Shift	Cindy	\$110.00	12	\$7.00	\$84.00	\$30.00	27	\$54.00		\$34.00	-\$4.00	-\$58.00
7/25/2005	Night Shift	Jacob	\$102.00	9.5	\$7.00	\$66.50	\$18.00	0	\$0.00		\$17.50	\$13.50	-\$40.50

RUNS

Date	Shift	Driver	Total Money	Hours Worked	Rate of Pay	Money To Driver	Gas	Coupon Taken	Coupon Total	Net Loss or Gain	Accumulate Total	Actual Cash
7/1/2005	Day Shift	Cindy	\$217.50	12.45	\$0.00	\$108.75	\$23.75	32	\$64.00	\$85.00	\$85.00	\$21.00
7/1/2005	Day Shift	Rebecca	\$145.50	10.45	\$0.00	\$73.15	\$19.00	13	\$26.00	\$53.35	\$138.35	\$48.35
7/1/2005	Eve Shift	JB	\$100.75	9	\$7.00	\$63.00	\$25.00	0	\$0.00	\$12.75	\$151.10	\$61.10
7/1/2005	Night Shift	Jacob	\$165.00	9.5	\$0.00	\$82.50	\$28.29	0	\$0.00	\$54.21	\$205.31	\$115.31
7/2/2005	Day Shift	Cindy	\$112.50	12	\$7.00	\$84.00	\$20.00	3	\$6.00	\$8.50	\$213.81	\$117.81
7/2/2005	Day Shift	Rebecca	\$107.00	10	\$7.00	\$70.00	\$21.25	7	\$14.00	\$15.75	\$229.56	\$119.56
7/2/2005	Eve Shift	Paul	\$43.00	7.5	\$7.00	\$52.50	\$12.00	4	\$8.00	\$20.50	\$208.06	\$90.06
7/2/2005	Night Shift	JB	\$98.75	7	\$7.00	\$49.00	\$0.00	0	\$0.00	\$49.75	\$257.81	\$139.81
7/3/2005	Sunday	Jacob	\$124.75	7	\$0.00	\$62.38	\$15.00	18	\$36.00	\$47.37	\$305.18	\$151.18
7/4/2005	Monday	Rebecca	\$1,114.75	84.9		\$645.28	\$164.29	77	\$154.00			
7/5/2005	Day Shift	Cindy	\$28.00	7	\$0.00	\$14.00	\$0.00	0	\$0.00	\$14.00	\$14.00	\$14.00
7/5/2005	Day Shift	Cindy	\$150.50	13.5	\$7.00	\$94.50	\$45.01	10	\$20.00	\$10.99	\$24.99	\$4.99
7/5/2005	Night Shift	Paul	\$64.75	8.5	\$7.00	\$59.50	\$23.25	5	\$10.00	\$89.00	\$6.99	-\$23.01
7/6/2005	Day Shift	Cindy	\$107.00	12	\$7.00	\$84.00	\$25.00	21	\$42.00	\$20.00	\$4.99	-\$67.01
7/6/2005	Eve Shift	JB	\$48.00	4	\$7.00	\$28.00	\$0.00	16	\$32.00	\$20.00	\$24.99	-\$79.01
7/6/2005	Night Shift	Paul	\$110.25	9.5	\$7.00	\$66.50	\$17.75	0	\$0.00	\$26.00	\$50.99	-\$53.01
7/7/2005	Day Shift	Rebecca	\$105.50	12	\$7.00	\$84.00	\$30.00	28	\$56.00	\$33.50	\$42.49	-\$117.51
7/7/2005	Eve Shift	JB	\$8.25	3.5	\$7.00	\$24.50	\$0.00	0	\$0.00	\$16.25	\$26.24	-\$133.76
7/7/2005	Night Shift	Jacob	\$81.00	8	\$7.00	\$56.00	\$25.00	0	\$0.00	\$31.00	\$26.24	-\$133.76
7/8/2005	Day Shift	Rebecca	\$113.50	10	\$7.00	\$70.00	\$0.00	28	\$56.00	\$43.50	\$69.74	-\$146.26
7/8/2005	Day Shift	Cindy	\$17.00	6.5	\$7.00	\$45.50	\$25.50	6	\$12.00	\$64.00	\$15.74	-\$212.26
7/8/2005	Eve Shift	JB	\$213.00	11.45	\$0.00	\$106.50	\$32.00	0	\$0.00	\$74.50	\$90.24	-\$137.76
7/8/2005	Night Shift	Jacob	\$146.00	9	\$0.00	\$73.00	\$17.00	5	\$10.00	\$56.00	\$146.24	-\$91.76
7/8/2005	Dispatch	Paul	\$0.00	7	\$7.00	\$49.00	\$0.00	0	\$0.00	\$19.00	\$97.24	-\$140.76
7/9/2005	Day Shift	Cindy	\$50.25	9.5	\$7.00	\$66.50	\$17.50	0	\$0.00	\$87.50	\$63.49	-\$174.51
7/9/2005	Day Shift	Rebecca	\$130.00	8	\$0.00	\$55.00	\$17.50	7	\$14.00	\$57.50	\$120.99	-\$131.01
7/9/2005	Eve Shift	JB	\$73.00	9.5	\$7.00	\$66.50	\$17.01	4	\$8.00	\$10.50	\$110.48	-\$149.52
7/9/2005	Night Shift	Paul	\$139.00	10	\$7.00	\$70.00	\$20.00	0	\$0.00	\$49.00	\$159.48	-\$100.52
7/9/2005	Dispatch	Jacob	\$0.00	7	\$7.00	\$49.00	\$0.00	0	\$0.00	\$49.00	\$110.48	-\$149.52
7/10/2005	Sunday	Paul	\$18.50	0	\$0.00	\$9.25	\$0.00	0	\$0.00	\$9.25	\$119.73	-\$140.27
7/10/2005	Sunday	Rebecca	\$8.00	0	\$0.00	\$4.00	\$0.00	0	\$0.00	\$4.00	\$123.73	-\$136.27
7/10/2005	Sunday	Jacob	\$21.75	0	\$0.00	\$10.88	\$13.00	0	\$0.00	\$24.88	\$121.60	-\$138.40
7/11/2005	Day	Cindy	\$1,633.25	165.95		\$1,186.13	\$325.52	130	\$260.00			
7/11/2005	Night Shift	David E	\$24.00	6	\$7.00	\$42.00	\$0.00	0	\$0.00	\$18.00	-\$82.50	-\$82.50
7/12/2005	Day Shift	Rebecca	\$78.50	11.5	\$7.00	\$80.50	\$21.00	18	\$36.00	\$23.00	-\$105.50	-\$141.50
7/12/2005	Night Shift	Paul	\$166.80	10.5	\$0.00	\$83.40	\$23.00	4	\$8.00	\$60.40	-\$45.10	-\$89.10
7/13/2005	Day Shift	Cindy	\$92.00	12.5	\$7.00	\$87.50	\$30.00	0	\$0.00	\$25.50	-\$70.60	-\$114.60
7/13/2005	Night Shift	JB	\$88.50	7.5	\$7.00	\$52.50	\$12.05	0	\$0.00	\$23.95	-\$46.65	-\$90.65

6/29/2005	Eve Shift	JB	\$83.75	6	\$7.00	\$42.00	\$31.80	14	\$28.00	\$9.95	\$1,800.98	\$961.98	
6/29/2005	Night Shift	Jacob	\$117.50	9	\$7.00	\$63.00	\$11.00	0	\$0.00	\$43.50	\$1,844.48	\$1,005.48	\$830.80
6/30/2005	Day Shift	Rebecca	\$123.50	13	\$7.00	\$91.00	\$15.00	7	\$14.00	\$17.50	\$1,861.98	\$1,008.98	\$675.50
6/30/2005	Eve Shift	Jacob	\$58.25	6	\$7.00	\$42.00	\$14.00	2	\$4.00	\$2.25	\$1,864.23	\$1,007.23	\$142.00
6/30/2005	Night Shift	Paul	\$75.00	10	\$7.00	\$70.00	\$21.50	0	\$0.00	\$16.50	\$1,847.73	\$990.73	

\$8,865.70 760.45

\$5,630.81 \$1,416.64

\$1,065.00

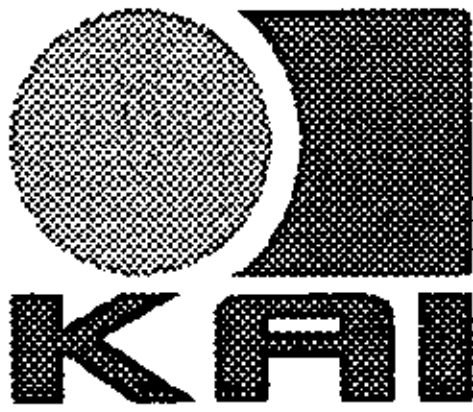
6/16/2005	Eve Shift	Jacob	\$161.75	10.5	\$0.00	\$80.88	\$24.00	3	\$6.00	\$56.87	\$1,311.65	\$766.65
6/16/2005	Night Shift	Paul	\$99.75	8	\$7.00	\$56.00	\$8.50	0	\$0.00	\$35.25	\$1,346.90	\$801.90
6/16/2005	Day Shift	Dave	\$55.00	0	\$7.00	\$0.00	\$0.00	0	\$0.00	\$55.00	\$1,401.90	\$856.90
6/17/2005	Day Shift	Cindy	\$104.25	10.45	\$7.00	\$73.15	\$21.94	0	\$0.00	\$9.16	\$1,411.06	\$866.06
6/17/2005	Eve Shift	Jacob	\$197.00	11	\$0.00	\$98.50	\$23.00	12	\$24.00	\$75.50	\$1,486.56	\$917.56
6/17/2005	Night Shift	Paul	\$159.25	9.5	\$0.00	\$79.63	\$23.75	3	\$6.00	\$55.87	\$1,542.43	\$967.43
6/18/2005	Day Shift	Cindy	\$173.25	12.4	\$0.00	\$86.62	\$36.70	14	\$28.00	\$49.93	\$1,592.36	\$989.36
6/18/2005	Eve Shift	Jacob	\$117.00	9	\$0.00	\$58.50	\$14.01	0	\$0.00	\$44.49	\$1,636.85	\$1,033.85
6/18/2005	Night Shift	Paul	\$115.25	9	\$0.00	\$57.63	\$13.50	0	\$0.00	\$44.12	\$1,680.97	\$1,077.97
6/19/2005	Sunday	Paul	\$145.00	9	\$0.00	\$72.50	\$32.46	13	\$26.00	\$40.04	\$1,721.01	\$1,092.01
6/20/2005	Day Shift	Cindy	\$108.00	12	\$0.00	\$84.00	\$24.62	17	\$34.00	\$50.62	\$1,720.39	\$1,057.39
6/20/2005	Day Shift	JB	\$0.00	6	\$7.00	\$42.00	\$0.00	0	\$0.00	\$42.00	\$1,678.39	\$1,015.39
6/20/2005	Eve Shift	Jacob	\$117.00	10	\$7.00	\$70.00	\$9.00	0	\$0.00	\$38.00	\$1,716.39	\$1,053.39
6/21/2005	Day Shift	James	\$167.05	12	\$7.00	\$84.00	\$38.76	9	\$18.00	\$44.29	\$1,760.68	\$1,079.68
6/21/2005	Night Shift	Paul	\$79.50	9	\$7.00	\$63.00	\$16.25	3	\$6.00	\$0.25	\$1,760.93	\$1,073.93
6/22/2005	Day Shift	Cindy	\$93.95	12	\$7.00	\$84.00	\$24.25	33	\$66.00	\$14.30	\$1,746.63	\$993.63
6/22/2005	Eve Shift	Rebecca	\$44.00	8	\$7.00	\$56.00	\$3.50	2	\$4.00	\$15.50	\$1,731.13	\$974.13
6/22/2005	Eve Shift	JB	\$18.50	6	\$7.00	\$42.00	\$5.15	0	\$0.00	\$28.65	\$1,702.48	\$945.48
6/22/2005	Night Shift	JB	\$0.00	6.5	\$7.00	\$45.50	\$0.00	0	\$0.00	\$45.50	\$1,656.98	\$899.98
6/22/2005	Night Shift	Jacob	\$76.25	8.5	\$7.00	\$59.50	\$14.00	5	\$10.00	\$2.75	\$1,659.73	\$892.73
6/23/2005	Day Shift	James	\$131.55	8.5	\$7.00	\$59.50	\$32.00	35	\$70.00	\$40.05	\$1,699.78	\$862.78
6/23/2005	Day Shift	Rebecca	\$0.00	6	\$7.00	\$42.00	\$0.00	0	\$0.00	\$42.00	\$1,679.01	\$1,050.01
6/23/2005	Eve Shift	JB	\$108.00	13.5	\$7.00	\$94.50	\$17.00	0	\$0.00	\$3.50	\$1,675.51	\$1,046.51
6/23/2005	Night Shift	Paul	\$274.75	12	\$0.00	\$137.38	\$29.75	4	\$8.00	\$107.62	\$1,783.13	\$1,146.13
6/24/2005	Day Shift	Cindy	\$85.75	9	\$7.00	\$63.00	\$15.00	2	\$4.00	\$7.75	\$1,790.88	\$1,149.88
6/24/2005	Eve Shift	Rebecca	\$60.75	6	\$7.00	\$42.00	\$15.60	0	\$0.00	\$3.15	\$1,794.03	\$1,153.03
6/24/2005	Night Shift	Jacob	\$52.75	7	\$7.00	\$49.00	\$12.00	0	\$0.00	\$8.25	\$1,785.78	\$1,144.78
6/24/2005	Night Shift	David	\$9.25	1	\$7.00	\$7.00	\$0.00	0	\$0.00	\$2.25	\$1,796.28	\$1,155.28
6/24/2005	Night Shift	Paul	\$148.50	9	\$0.00	\$74.25	\$22.75	0	\$0.00	\$51.50	\$1,847.78	\$1,206.78
6/25/2005	Day Shift	Cindy	\$95.25	11.5	\$7.00	\$80.50	\$21.75	3	\$6.00	\$7.00	\$1,840.78	\$1,193.78
6/25/2005	Day Shift	Rebecca	\$66.00	5.5	\$7.00	\$38.50	\$12.00	16	\$32.00	\$15.50	\$1,856.28	\$1,177.28
6/25/2005	Eve Shift	JB	\$70.75	10	\$7.00	\$70.00	\$11.55	0	\$0.00	\$10.60	\$1,845.48	\$1,166.48
6/25/2005	Dispatch	Jacob	\$0.00	6.5	\$7.00	\$45.50	\$0.00	0	\$0.00	\$45.50	\$1,799.98	\$1,120.98
6/25/2005	Night Shift	Paul	\$89.50	8.5	\$7.00	\$59.50	\$18.75	0	\$0.00	\$11.25	\$1,811.23	\$1,132.23
6/26/2006	Sunday	Rebecca	\$129.25	8	\$0.00	\$63.25	\$17.00	18	\$36.00	\$49.00	\$1,860.23	\$1,145.23
6/27/2005	Day Shift	Cindy	\$58.75	10	\$7.00	\$70.00	\$18.75	4	\$8.00	\$30.00	\$1,830.23	\$1,107.23
6/27/2005	Night Shift	Jacob	\$40.00	11	\$7.00	\$77.00	\$0.00	3	\$6.00	\$37.00	\$1,793.23	\$1,064.23
6/28/2005	Day Shift	James	\$68.55	8.5	\$7.00	\$59.50	\$5.00	22	\$44.00	\$4.05	\$1,797.28	\$1,024.28
6/28/2005	Eve Shift	Rebecca	\$42.25	5	\$7.00	\$35.00	\$34.50	4	\$8.00	\$27.25	\$1,770.03	\$989.03
6/28/2005	Night Shift	Paul	\$51.25	8.5	\$7.00	\$59.50	\$16.25	0	\$0.00	\$24.50	\$1,745.53	\$964.53
6/29/2005	Day Shift	Cindy	\$112.00	9.5	\$7.00	\$66.50	\$0.00	15	\$30.00	\$45.50	\$1,791.03	\$980.03

\$1,555.88
\$294.00

\$1,276.41

Date	Shift	Driver	Total Money	Hours Worked	Rate of Pay	Money To Driver	Gas	Coupon Taken	Coupon Total	Net Loss or Gain	Accumulate Total	Actual Cash
6/1/2005	Day Shift	Jacob	\$125.00	10	\$7.00	\$70.00	\$14.00	19	\$38.00	\$41.00	\$41.00	\$3.00
6/1/2005	Night Shift	Paul	\$134.60	9	\$0.00	\$67.30	\$16.75	0	\$0.00	\$50.55	\$91.55	\$53.55
6/2/2005	Day Shift	Cindy	\$48.60	12	\$7.00	\$84.00	\$5.00	1	\$2.00	\$40.40	\$51.15	\$11.15
6/2/2005	Eve Shift	Jacob	\$30.00	6	\$7.00	\$42.00	\$0.00	0	\$0.00	\$12.00	\$39.15	-\$0.85
6/2/2005	Night Shift	Paul	\$110.00	9	\$7.00	\$63.00	\$21.00	0	\$0.00	\$26.00	\$65.15	\$25.15
6/3/2005	Day Shift	Cindy	\$117.60	12	\$7.00	\$84.00	\$29.00	32	\$64.00	\$4.60	\$69.75	-\$34.25
6/3/2005	Eve Shift	Paul	\$180.90	9.5	\$0.00	\$90.25	\$24.60	0	\$0.00	\$66.05	\$135.80	\$31.80
6/3/2005	Night Shift	Jacob	\$185.20	15	\$7.00	\$105.00	\$20.00	0	\$0.00	\$60.20	\$196.00	\$92.00
6/4/2005	Day Shift	Cindy	\$171.50	12	\$0.00	\$85.75	\$17.00	14	\$28.00	\$68.75	\$264.75	\$132.75
6/4/2005	Eve Shift	Jacob	\$210.00	10	\$0.00	\$105.00	\$32.00	0	\$0.00	\$73.00	\$337.75	\$205.75
6/4/2005	Night Shift	Paul	\$127.75	8	\$0.00	\$63.88	\$13.75	0	\$0.00	\$50.12	\$387.87	\$255.87
6/5/2005	Day Shift	Paul	\$212.50	8.5	\$0.00	\$106.25	\$23.25	0	\$0.00	\$83.00	\$470.87	\$338.87
6/5/2005	Eve Shift	David	\$41.25	4	\$7.00	\$28.00	\$6.20	0	\$0.00	\$7.05	\$477.92	\$345.92
6/6/2005	Day Shift	Cindy	\$50.20	9	\$7.00	\$63.00	\$24.00	15	\$30.00	\$36.80	\$441.12	\$279.12
6/6/2005	Day Shift	David	\$19.20	3	\$7.00	\$21.00	\$0.00	0	\$0.00	\$1.80	\$439.32	\$277.32
6/6/2005	Eve Shift	Jacob	\$97.75	7.5	\$7.00	\$52.50	\$12.00	0	\$0.00	\$33.25	\$472.57	\$310.57
6/7/2005	Day Shift	Cindy	\$104.10	12	\$7.00	\$84.00	\$23.00	7	\$14.00	\$21.90	\$469.67	\$293.67
6/7/2005	Day Shift	Dave	\$27.35	0	\$7.00	\$0.00	\$0.00	0	\$0.00	\$27.35	\$497.02	\$321.02
6/7/2005	Night Shift	Paul	\$175.75	7	\$0.00	\$87.88	\$17.50	0	\$0.00	\$70.37	\$567.39	\$391.39
6/8/2005	Day Shift	Cindy	\$114.80	11.5	\$7.00	\$80.50	\$17.55	10	\$20.00	\$16.75	\$584.14	\$388.14
6/8/2005	Night Shift	Jacob	\$152.00	9.5	\$0.00	\$76.00	\$24.00	0	\$0.00	\$52.00	\$636.14	\$440.14
6/9/2005	Day Shift	James	\$63.20	12	\$7.00	\$84.00	\$15.00	2	\$4.00	\$35.80	\$600.34	\$400.34
6/9/2005	Eve Shift	Paul	\$147.75	10.5	\$0.00	73.88	\$26.50	0	\$0.00	\$47.37	\$647.71	\$447.71
6/10/2005	Day Shift	Cindy	\$80.60	10.5	\$7.00	\$73.50	\$22.15	21	\$42.00	\$15.05	\$632.66	\$390.66
6/10/2005	Eve Shift	Jacob	\$207.75	11	\$0.00	103.88	\$26.00	33	\$66.00	\$77.87	\$710.53	\$402.53
6/10/2005	Night Shift	Paul	\$208.75	9	\$7.00	\$63.00	\$20.01	35.5	\$71.00	\$125.74	\$836.27	\$457.27
6/11/2005	Day Shift	Cindy	\$113.40	9.5	\$7.00	\$66.50	\$20.00	15	\$30.00	\$26.90	\$863.17	\$454.17
6/11/2005	Eve Shift	Jacob	\$147.00	11.1	\$7.00	\$77.70	\$12.00	0	\$0.00	\$57.30	\$920.47	\$511.47
6/11/2005	Night Shift	Paul	\$92.75	7	\$7.00	\$49.00	\$15.00	0	\$0.00	\$28.75	\$949.22	\$540.22
6/11/2005	Exec	Brice	\$91.00	5	\$0.00	\$0.00	\$0.00	0	\$0.00	\$91.00	\$1,040.22	\$631.22
6/12/2005	Sunday	Jacob	\$144.50	10	\$0.00	\$72.25	\$23.00	4	\$8.00	\$49.25	\$1,089.47	\$672.47
6/13/2005	Day Shift	Cindy	\$121.40	12	\$7.00	\$84.00	\$17.00	7	\$14.00	\$20.40	\$1,109.87	\$678.87
6/13/2005	Night Shift	Paul	\$142.25	12.5	\$7.00	\$87.50	\$29.28	6	\$12.00	\$25.47	\$1,135.34	\$692.34
6/14/2005	Day Shift	James	\$107.65	12	\$7.00	\$84.00	\$40.51	14	\$28.00	\$16.86	\$1,118.48	\$647.48
6/14/2005	Day Shift	David	\$88.00	4	\$0.00	\$44.00	\$2.00	0	\$0.00	\$42.00	\$1,160.48	\$689.48
6/14/2005	Night Shift	Jacob	\$161.50	10.5	\$0.00	\$80.75	\$20.00	0	\$0.00	\$60.75	\$1,221.23	\$750.23
6/15/2005	Day Shift	Cindy	\$101.00	12	\$7.00	\$84.00	\$27.00	18	\$36.00	\$10.00	\$1,211.23	\$704.23
6/15/2005	Night Shift	Paul	\$157.50	10	\$0.00	\$78.75	\$18.25	6	\$12.00	\$60.50	\$1,271.73	\$752.73
6/16/2005	Day Shift	James	\$69.05	10	\$7.00	\$70.00	\$16.00	10	\$20.00	\$18.96	\$1,254.78	\$715.78

\$1,128.59



KEY ARCHITECTURE, INC.

P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702 PH: 479.444.6066 FAX: 479.444.1445

Handed out
at the City
Council Meeting
9/6/05

Letter of Transmittal

To: Sondra

From:

Key Architecture, Inc.

Address:

City Clerk's Office

Date:

September 2, 2005

Project:

Planning Appeal HondaPro

Project Number:

0473

☐ For Approval

☐ For Your Use

☐ As Requested

☐ For Review & Comments

We are sending you:

Number of copies

Description

1	Bill of Assurance from Pat Tobin

Notes/Comments:

Jeremy Pate asked that we deliver this to you.

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner")

Pat TOBIN, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to all allowed uses listed under C-2, except for unit 33 under permitted uses & unit 32 & 35 under conditional uses.

~~2. Other restrictions including number and type of structures upon the property are limited to~~

~~2. &~~ Specific activities will not be allowed upon petitioner's property include unit 33-adult live entertainment club or bar.
unit 32-sexually oriented business, & unit 35-outdoor music establishments.

3. (Any other terms or conditions) The owner will install additional landscape screening to include low evergreen shrubs beds along the sidewalk to screen the parking lot; untill evergreen trees (six) along the north property between existing shrubs; and the addition of six shade trees along the south and east ~~property~~ street as set forth in the commercial design standards.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, PAT TOBIN, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

9-2-05
Date

2901 TOBIN DR
Address

PAT TOBIN
Printed Name

[Signature]
Signature

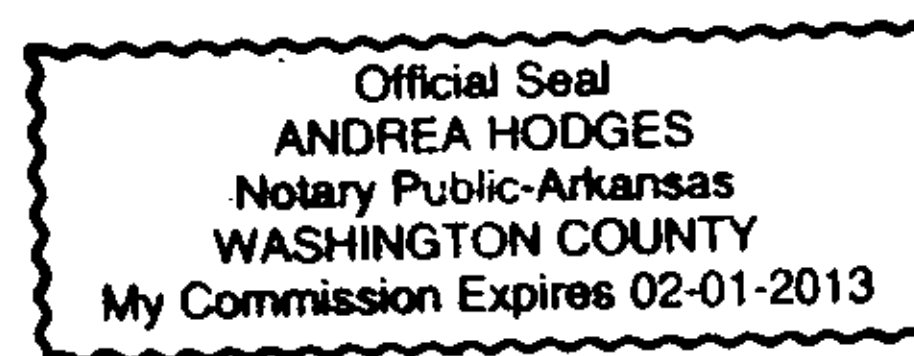
NOTARY OATH

STATE OF ARKANSAS |
COUNTY OF WASHINGTON |

And now on this the 2 day of SEPTEMBER, 2005 appeared before me, ANDREA HODGES and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

[Signature]
NOTARY PUBLIC

My Commission Expires:
02-01-2013



From: "Louise Schaper" <lschaper@faylib.org>
To: "City Clerk" <city_clerk@ci.fayetteville.ar.us>
Date: 9/5/05 10:49AM
Subject: RE: Public Meetings and Final Agenda

It will be Anne de Noble, Treasurer, Library Board, who will help make the presentation. Louis had to leave on travel for work.

Louise Schaper,
 Executive Director
 Fayetteville Public Library
 Fayetteville, Arkansas 72701
 479.571.2222 ext. 4300
 479.236.5943 cell
 479.571.0222 fax
www.faylib.org

"Fayetteville Public Library: 2005 Library of the Year"

-----Original Message-----

From: City Clerk [mailto:city_clerk@ci.fayetteville.ar.us]
Sent: Friday, September 02, 2005 9:42 AM
To: City Clerk
Subject: Public Meetings and Final Agenda

Attached is a copy of the Public Calendar for the week of September 5th and the Final Agenda for the September 6, 2005 City Council Meeting. If you have any questions please contact our office at the number listed below. Have a great day!

PUBLIC MEETINGS FOR THE WEEK OF SEPTEMBER 5, 2005

* Meetings scheduled to be televised by the Government Channel are indicated with an asterisk *

MONDAY, SEPTEMBER 5

HOLIDAY

TUESDAY, SEPTEMBER 6

3:45 PM Board of Adjustments/Board of Sign Appeals* Room 326
 6:00 PM City Council Meeting* Room 219

WEDNESDAY, SEPTEMBER 7

No Meetings Listed

THURSDAY, SEPTEMBER 8

12:00 PM Methamphetamine Awareness Committee Chamber of Commerce
 1:30 PM Airport Board* Airport Conference Room
 3:30 PM Planning Agenda Session Planning Office
 4:30 PM Street Committee* Room 326

FRIDAY, SEPTEMBER 9

No Meetings Listed

Final Agenda
 City of Fayetteville Arkansas
 City Council Meeting
 September 6, 2005

CITY COUNCIL AGENDA MEMO

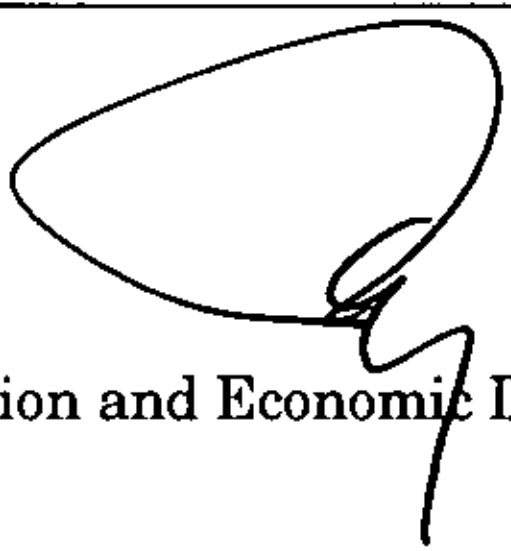
TO: Mayor and City Council

THRU: Airport Board

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: August 12, 2005

SUBJECT: Presentation of the Economic Impact Report of the Fayetteville Municipal Airport, Drake Field prepared by the Sam M. Walton College of Business, Center for Business and Economic Research.



RECOMMENDATION: Approve presentation of the Economic Impact Study to the City Council at the August 30 Agenda meeting by Dr. Jeffery T. Collins.

BACKGROUND: The Airport Board approved the study to evaluate the economic impact of the Airport to the City of Fayetteville. The Board resolved to send the report to the Council for their information at their August 11, 2005 meeting.

DISCUSSION: The study determined the overall annual economic impact of the presence of the Fayetteville Municipal Airport, Drake Field to be in excess of \$17M.

BUDGET IMPACT: None

Attachments: Economic Impact Study

**Analyzing the Economic Impact to the City of
Fayetteville from Operations and Capital
Improvements at Drake Field**



**SAM M.
WALTON**
COLLEGE of BUSINESS

Center for Business and Economic Research

Center for Business and Economic Research
Reynolds Center Building 217
Sam M. Walton College of Business
1 University of Arkansas
Fayetteville, Arkansas 72701-1201
(479) 575-4151
Contact: Dr. Jeffery T. Collins, Director
July 2005

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Executive Summary

The change of Fayetteville Drake Field from a commercial airport to a general aviation airport has meant a change in the facility's economic impact on the City of Fayetteville, Washington County, and Northwest Arkansas. A 1997 economic impact study of the airport estimated the economic contribution of Drake Field at \$43,275,000. Even with the loss of commercial flights to Northwest Arkansas Regional Airport in Highfill, Drake Field still has a substantial economic impact as a general aviation airport.

As a general aviation airport, Drake Field serves business and recreational air traffic. In 2004, Drake Field had 45,237 flight operations and sold 371,361 gallons of fuel. The airport is vital for business travelers coming to Fayetteville who want to decrease productivity losses that are associated with flying on commercial airlines and with the more than 30 minute drive from Northwest Arkansas Regional Airport to Fayetteville. Additionally, some of the highest demand times for the airport occur during University of Arkansas Razorback sporting events. In 2004, there were 120 airplanes at Drake Field during the University of Arkansas/University of Texas football game. The airport also serves as a place where public charters, aerial photography services, and flight training occur.

Drake Field is also the home of a number of small for-profit and not-for-profit businesses. Aviation training and education facilities, a military museum, an air museum, avionics installation and repair services, a restaurant, and a hair salon are all located on the airport premises. The existence of these businesses is directly tied to the operation of Drake Field as a viable general aviation airport.

This study uses the IMPLAN input-output model to estimate the 2004-2005 local economic impact of Drake Field. The IMPLAN model uses inter-industry relationships to estimate the indirect and induced effects of local employment. The results of the estimation show that the operation of Drake Field:

- Was directly responsible for **\$10,845,589** of economic activity in 2004;
- Had indirect and induced economic output of **\$2,963,727** and **\$3,338,884**; and
- Accounted for total economic activity of **\$17,038,201** in Washington County.

In terms of jobs, the operation of Drake Field:

- Caused the direct employment of **95.2** people;
- Created indirect and induced employment of an additional **34.7** and **40.4** people; and
- Produced a total of **170.3** jobs in Washington County in 2004.

This economic activity resulted from day-to-day operations of Drake Field and its associated businesses as well as from one-time construction projects.

Introduction

In 1997, an economic impact study of Drake Field airport was produced that estimated the economic contribution of Drake Field to the City of Fayetteville in 1995 was \$43,275,000. Since that time, important changes in the usage of Drake Field have occurred. In 1998, commercial service began at the Northwest Arkansas Regional Airport (XNA) and subsequently ended at Drake Field. While the Northwest Arkansas region reaps the benefits of increased commercial flights, the City of Fayetteville is no longer the primary beneficiary of the associated economic activity. In 2005, Drake Field functions as a general aviation airport. There are a variety of businesses both located at the airport and dependant on the operation of the airport for revenues. Additionally, Drake Field serves as an important gateway into the City of Fayetteville for those who require a more direct connection to the city than XNA allows.

Operations at Drake Field and its associated businesses, combined with capital improvement projects at the facility have a real and substantial economic impact on the local economy. This study attempts to quantify the direct, indirect, and induced economic effects associated with Drake Field in order to improve the understanding of the airport's impact on Fayetteville and Washington County.

Background Information

Drake Field is a general aviation airport in Northwest Arkansas, located three miles south of the town center in Fayetteville. It was established in 1936 in honor of Noah Drake, who donated \$3,500 to purchase the land that was used to construct an airport for Fayetteville. Today Drake Field has a 6,006 foot long and 100 foot wide runway.

As a general aviation airport, Drake Field serves a spectrum of aircraft uses from privately-owned light single-engine aircraft to business jets to emergency aircraft to cargo and delivery services. There are numerous public and private structures located on the Drake Field airport property. One fixed base operator (FBO), one maintenance hangar, three corporate hangars, an aviation technologies school, and the Arkansas Air Museum hangar are located on the west side. Seven T hangar buildings, a pilot lounge with restrooms, and the air traffic control tower are on the east side of the airport. An 18,750 square foot multipurpose hangar, a new executive ramp area, and an eight unit twin size T hangar have been constructed recently. There are more than 80 aircraft based at Fayetteville Drake, many of which are located in the T hangars. Others are corporate style, cabin class aircraft.

General aviation airports like Drake Field have a significant impact on the national economy. According to a 2002 study conducted by DRI-WEFA, in 2000 the total impact of civil aviation exceeded \$900 billion and 11 million jobs, representing nine percent of the U.S. gross domestic product (GDP). This economic contribution is split as 88 percent

commercial aviation and 12 percent general aviation. So, general aviation airports contribute over \$108 billion and 1.32 million jobs to the national economy.

When estimating the economic impact of Drake Field, the importance of unquantifiable aspects of the airport to the local community should not be overlooked. This economic impact study determines how the airport benefits the economy of Washington County not only quantitatively, but also qualitatively. Drake Field contributes to the community by providing an easy, fast alternative gateway into Fayetteville. Most corporations would never locate a plant, headquarters, or distribution center in a community without a nearby airport. According to National Business Aviation Association statistics, the popularity of business aircraft has increased as more companies realize the efficiency and productivity of this powerful business tool. The number of companies operating business aircraft in the United States has grown more than 60 percent from 6,584 companies operating 9,504 aircraft in 1991 to 10,661 companies operating 15,879 aircraft in 2003. After the events of September 11, 2001 it became much more convenient for many businesses to use general aviation rather than commercial transportation. Corporate/executive and business aircraft operators have compiled the best safety records of any segment of general aviation.

Drake Field is favorably located for business as well as personal use; the airfield is located close to the city center of Fayetteville, so driving times are lessened and traffic delays are mitigated. Businesses are also able to avoid the long procedure of registration at the airport, which saves time as well. These and any other advantages of the airport help attract businesses to the area, create working places, increase the inflow of revenues to the local economy, and raise the standard of living of the population. Another economic advantage of Drake Field is that many of its construction expenses are covered by state and federal public fund grants and this brings new money into the community, making improving the airport a civic bargain.

The quantitative economic value of the Fayetteville Municipal Airport is measured in terms of the employment, economic output, and the local taxes Drake Field and associated businesses produce.

Activities at Drake Field

Having a sense of the impact of general aviation on the national economy can directly inform the local economic impact analysis of Drake Field. First to be considered are the revenue drivers at Drake Field and its associated businesses. The local airport leases hangars for the purpose of aircraft storage. Most of the tenants have flying aircraft in their hangars and utilize them for business and pleasure. The sources of profit of the airport are mostly rents and leases and fuel sales, both to Drake Field tenants and to transient aircraft customers. In 2005, increasing oil prices has lessened the traffic at the airport over 2004 levels, but fuel sales have gone up. For the first six months of 2005, fuel sales have increased over the same time last year, though operations have declined almost 13 percent. For the year 2004 the total operating revenues were \$1,225,862, from which \$374,643 was revenue from rents and leases, \$802,711 was revenue from aviation fuel

sales, \$15,110 was reimbursement from FEMA, and \$33,398 was miscellaneous revenue. There were estimated fuel sales of 371,361 gallons in 2004, while the total number of operations for the same year was 45,237. Based on recent levels of operations at the airport, the Federal Aviation Administration will provide 91 percent of the cost of the air traffic control tower that serves Drake Field for the next two years.

There are different kinds of activities held at the airport, including recreational flying and parachuting, career training, flight training, corporate/business activity, creating gateway for VIPs, aerial photography, police/law enforcement, air shows, and public charters. Shipping of perishable goods, freight, and cargo activity are also held at the airport from time to time. Two museums are on the Drake Field property: the Arkansas Air Museum and the Ozark Military Museum. An air show is held annually, which draws in visitors from the region. Additionally, there are charter airlines and aircraft maintenance companies headquartered at Drake Field.

Employment at Drake Field

In 2004, there were approximately 100 full-time equivalent jobs associated with Drake Field. Table 1 shows the diversity of industries that supported this employment and the number of employees in each business. The City of Fayetteville employed a small staff to operate the city airport, including three persons in administration, three in maintenance, and three in flight operations. Construction at the airport supported an additional 25 jobs in 2004. The remaining jobs are associated with small business, either located on the grounds of Drake Field or that directly support the airport. These employment numbers serve as the inputs into the IMPLAN economic impact model that will estimate the total effect of Drake Field on the local economy.

Table 1: Direct Employment at Drake Field, Associated Businesses, and Construction

<i>Business Name</i>	<i>Business Type</i>	<i>Full-time Employees</i>	<i>Part-time Employees</i>
Airport Administration	Administration	3	
Airport Support	Support	6	
APAC Arkansas	Construction		20
ARAB Pest Control	Office-pest control	3	3
Arch Construction	Construction		5
Arkansas Air Museum	Air museum	4	
Aviation Maintenance Professionals (AMP)	Aircraft maintenance	2	1
Clarion Catering	Food services		1
Duncan and Associates	Investigation	1	
Executive Aviation Services	Charter		6
FAA Air Traffic Control Tower	Air traffic control	3	2
FAA Airways Facilities	Federal government	4	
Fayetteville Fire Department	Fire department	5	
Flying Investments	Falcon modification-maintenance	10	
Hertz Local Edition	Automobile rental	1	
Northwest Arkansas Technology Center	Aircraft and pilot training center	4	4
Ozark Military Museum	Military museum	1	
Phoenix Rising	Aircraft maintenance	2	3
Photographic Operator	Photographic Services	1	
Plane Good Restaurant	Food services	3	2
Ross Executive Aviation, Inc	Flying instruction	2	
Superior Industries International, Inc.	Corporate hangar	1	1
Terminal Hair Salon	Personal services	1	
University of Arkansas Aviation Department	University of Arkansas planes/hangar	2	
United States Postal Service (USPS)	Postal services	1	1
Wings Avionics, Inc.	Avionics maintenance	4	
XLT Marketing, Inc	Advertising and marketing	1	
Total		66	49

Sources: Drake Field staff, CBER staff inquiries

Related Studies

Before determining the current economic impact of Drake Field airport, it is useful to examine the pre-existing literature on the economic impacts of airports. In this section, short summaries of two such studies are included, as well as a description of the Economic Impact study performed in 1997 for the Fayetteville Municipal Airport.

Monterey, San Benito, and Santa Cruz Counties Study (2003)

The study considers six airports serving the region, one of which is a scheduled air carrier airport and all of which serve general aviation purposes. Although no perfect analogies exist between these airports and the Drake Field, two airports with approximately the same runway length as Drake Field are examined. They analyzed the collected data with the California Airport Economic Impact Model. The model reported the impacts in three categories: direct, indirect and induced. To determine these impacts they conducted a local business survey, an airport tenant survey and a visitor travel survey. They also made a comparison of the 1991 and 2003 studies of the economic impact, and observed increases or decreases in different parameters of the impact, such as jobs and passenger spending.

Athens-Ben Epps Airport Study (2003)

The two primary measures of an airports' importance are its economic impact and its transportation benefits. The latter is very difficult to measure and most economic impact studies concentrate on the first measure. To estimate the direct economic impact they included the following categories of economic activity: jobs, income, property values, business sales/revenue (economic activity/output), value added and business profit. They also calculated capital expenditures for maintenance and/or expansion of the local facilities as another type of direct impact. The third type of the direct economic impact is Air Travel Visitors and their spending in various travel-related industry sectors. They also calculated a multiplier effect which results from the re-circulation of spending by the suppliers to the aviation and related industries, industries frequented by visitors, and by workers in those industries. The multiplier effect comprises the total economic impact. They collected data from the airport management as well as from the surveys they conducted to businesses located on the Airport site, and to the owners of the aircrafts.

Drake Field Economic Impact Study (1997)

For the year 1995 the total direct, indirect and induced economic impact of Drake Field on the City of Fayetteville was estimated at \$43.3 million, while regional impacts were expected to be three to four times this amount. The objective of the economic impact study was to determine quantitatively how the airport benefited the economy of the City of Fayetteville during 1995. Direct economic impacts were measured in terms of local employment, employees' personal income and business purchases of goods, services and facilities. Indirect impacts were measured in terms of local visitor industry employment, employees' personal income and travelers' expenditures while visiting the City. Induced

economic impacts result from the multiplier effects of re-spending direct and indirect impacts.

The methodology used to determine the airports' direct impacts included conducting an economic activity survey of organizations that were directly related to airport operations. These organizations included airlines, aviation service providers, ground transportation companies, concessions, government agencies and other airport tenants. The methodology used to estimate the airports' indirect impact of the visitor industry was to derive airport-related economic activity from publicly available secondary data. In order to estimate an induced impact of the airport a re-spending multiplier of 0.5 was applied to the sum of direct and indirect impacts.

This study was extended to project the year 2000 economic impact of Drake Field if all commercial air traffic was lost (as was subsequently the case). The total economic impact of Drake Field in this case was projected to be \$8,099,000 for the year 2000, with employment of 66.

Study Methodology

This study employs an input-output approach to evaluate the economic impact of projected capital improvements and spending on operations at Drake Field. The study relies on estimating multiplier impacts from the widely used input-output model, the IMPLAN model. IMPLAN is a regional impact model that enables the evaluation of the economic impact of specific activities such as construction or operation of public works projects, as well as retail, wholesale, manufacturing, and service sales within an economy. IMPLAN was originally developed by the U.S. Department of Agriculture Forest Service in cooperation with the Federal Emergency Management Agency (FEMA), the U.S. Department of Interior Bureau of Land Management, and the University of Minnesota to assist the Forest Service in land and resource management planning.

The basic data sources for the current edition of IMPLAN and the model used in this study are the input-output accounts of the United States, developed by the U.S. Department of Commerce, Bureau of Economic Analysis (BEA), and county income and employment data published by BEA and the Bureau of Labor Statistics (BLS). The model reflects 2002 industrial structure and technology, and 2002 prices (trade flows in the model are expressed in 2002 dollars). However, results of this analysis were adjusted to 2005 prices. Also certain values of cost and spending in the model will depend upon data supplied by administrators at Drake Field which are specific to operations and facilities construction at Drake Field, while IMPLAN data are for whole sectors, including different types of activities.

The IMPLAN model uses a 525-sector input-output model to measure the effects of three types of impacts: direct, indirect, and induced. Direct impacts consist of employment and purchases of goods and services in the region resulting from the activity

being evaluated, which in this case is the construction and operation of the general aviation facilities at Drake Field and its associated businesses. Indirect (inter-industry) impacts consist of goods and services purchased by the firms, which supply inputs consumed in the direct activity. Induced impacts consist of increased household purchases of goods and services in the region by employees of direct and indirect employers. The model generates multipliers, which summarize the magnitude of the indirect and induced effects generated by a given direct change (increase in employment), to estimate changes in output, income, and employment. In other word, the multiplier is the ratio of total impact to direct impact.

As an illustration of the concept of the multiplier, consider an increase in the production of an automobile assembly plant in a certain region. Assume the plant is increasing its production by a 1000 automobile per year, and hiring 50 new workers with a total payroll of \$0.8 million per year. These are the initial or direct impact on the region. Now, the production of more automobiles requires more production on the part of the auto parts and steel industries to meet the additional demand by the automobile assembly plant. These two related industries would need to hire more workers, say 40 workers, with a total pay roll of \$0.4 million per year. The worker in the three industries will spend the largest part of there payroll on purchases of goods and services, creating additional sales revenues and profit (say \$0.2 million) for sectors such as food stores, hospitals and doctors,...etc. Those sectors would need to hire more workers (say 20) to meet the higher demand on their products. Assuming, for simplicity, those are the only rounds of spending in the region, the initial employment in the assembly plant, 50 workers, led to a total employment of 90 workers in the whole region. The employment multiplier in this case is $90/50 = 1.8$. By the same token, a total income of \$1.4 million resulted from the initial payroll of \$0.8 million by the assembly plant and the multiplier is $1.4/0.8 = 1.75$

In the IMPLAN model, inter-industry relationships (use and make coefficients) are quantified based on data on the production functions of the different industries in the region. The IMPLAN model can be used to estimate multipliers based on those coefficients in a specific region such as a county. In this study, the model will be applied to Washington County and we will infer the impact on the City of Fayetteville. The results reflect the impact of the construction and operating activities at Drake Field. Any leakage of spending to out-of-local area is already considered by the IMPLAN model and is excluded from the total impact.

Results

Employment Impact Results

The information contained in Table 1 regarding employment numbers by industry were used as inputs in the IMPLAN model for the Drake Field analysis. Table 2 contains the results of the IMPLAN model estimation of employment impact by industry within Washington County. In Table 2, the results are listed by industry in descending order of the magnitude of the employment impact. In 2004, the operation of Drake Field had the biggest employment impact on the "other new construction" sector at 24.2 jobs.

Industries with no direct employment impact, but relatively large indirect and induced impacts, include real estate (4.7 total jobs), travel arrangement and reservation services (2.7 total jobs), wholesale trade (2.6 total jobs), and physicians, dentists, and other health professionals (2.2 total jobs). Smaller employment impacts were estimated for a wide variety of manufacturing and service industries. The 95.2 direct jobs cause the creation of 34.7 indirect jobs and 40.4 induced jobs, for a total of 170.3 jobs associated with Drake Field.

Table 2: Employment impacts of Drake Field using the IMPLAN model (2004)

Industry	Direct	Indirect	Induced	Total
Other new construction	24.2	0	0	24.2
Commercial machinery repair and maintenance	16.3	0.2	0	16.5
Air transportation	14.8	0	0	14.8
Food services and drinking places	4.8	3.8	5.1	13.7
Federal Non-Military	7.7	0	0	7.7
Other educational services	5.7	0.6	0.4	6.7
Other State and local government enterprises	4.7	0.7	0.4	5.8
Museums- historical sites- zoos- and parks	4.8	0	0	4.8
Real estate	0	2.9	1.9	4.7
Other personal services	3.8	0	0.1	3.9
Management of companies and enterprises	2.8	0.3	0.1	3.2
Employment services	0	2.7	0.5	3.2
Travel arrangement and reservation services	0	2.7	0	2.7
Wholesale trade	0	1.5	1.2	2.6
Offices of physicians- dentists- and other health	0	0	2.2	2.2
Architectural and engineering services	0	1.9	0.1	2
Hospitals	0	0	2	2
Food and beverage stores	0	0.3	1.6	1.9
General merchandise stores	0	0.4	1.5	1.9
Motor vehicle and parts dealers	0	0.3	1.4	1.6
Miscellaneous store retailers	0	0.4	1.2	1.6
Scenic and sightseeing transportation and support	0	1.4	0.1	1.5
Postal service	0.9	0.4	0.1	1.5
Legal services	0	0.9	0.6	1.5
Advertising and related services	0.9	0.4	0.1	1.5
Nursing and residential care facilities	0	0	1.5	1.5
Personal care services	1	0	0.6	1.5
Clothing and clothing accessories stores	0	0.2	1.2	1.4
Automotive repair and maintenance- except car wash	0	0.2	1.1	1.4
Investigation and security services	1	0.2	0.1	1.3
Automotive equipment rental and leasing	0.9	0.1	0.1	1.1
Photographic services	1	0.1	0	1.1
Truck transportation	0	0.6	0.4	1
Services to buildings and dwellings	0	0.8	0.3	1
Maintenance and repair of nonresidential buildings	0	0.7	0.2	0.9
Building material and garden supply stores	0	0.1	0.7	0.9
Non-store retailers	0	0.1	0.8	0.9
Monetary authorities and depository credit intermediaries	0	0.3	0.6	0.9
Accounting and bookkeeping services	0	0.7	0.2	0.9



<i>Industry</i>	<i>Direct</i>	<i>Indirect</i>	<i>Induced</i>	<i>Total</i>
Gasoline stations	0	0.1	0.7	0.8
Telecommunications	0	0.5	0.3	0.8
Business support services	0	0.7	0.2	0.8
Child day care services	0	0	0.8	0.8
Social assistance- except child day care services	0	0	0.8	0.8
Other maintenance and repair construction	0	0.6	0.1	0.7
Sporting goods- hobby- book and music stores	0	0.1	0.6	0.7
Securities- commodity contracts- investments	0	0.3	0.4	0.7
Hotels and motels- including casino hotels	0	0.3	0.4	0.7
Private households	0	0	0.7	0.7
Health and personal care stores	0	0.1	0.5	0.6
Couriers and messengers	0	0.4	0.1	0.5
Furniture and home furnishings stores	0	0.1	0.4	0.5
Electronics and appliance stores	0	0.1	0.3	0.5
Civic- social- professional and similar organizations	0	0.2	0.3	0.5
Newspaper publishers	0	0.3	0.1	0.4
Nondepository credit intermediation	0	0.3	0.1	0.4
Insurance carriers	0	0.1	0.2	0.4
Computer systems design services	0	0.3	0	0.4
Fitness and recreational sports centers	0	0.1	0.2	0.4
Other amusement- gambling- and recreation industries	0	0	0.4	0.4
Dry-cleaning and laundry services	0	0.1	0.3	0.4
Power generation and supply	0	0.2	0.1	0.3
Commercial printing	0	0.2	0.1	0.3
Plastics plumbing fixtures and all other plastics	0	0.2	0.1	0.3
Other commercial and service industry machinery manufacturing	0	0.3	0	0.3
Radio and television broadcasting	0	0.2	0.1	0.3
Elementary and secondary schools	0	0	0.3	0.3
Home health care services	0	0	0.3	0.3
Other ambulatory health care services	0	0	0.3	0.3
Animal production- except cattle and poultry and eggs	0	0.1	0.1	0.2
Poultry processing	0	0.1	0.2	0.2
Motor vehicle parts manufacturing	0	0.1	0.1	0.2
Aircraft engine and engine parts manufacturing	0	0.2	0	0.2
Warehousing and storage	0	0.1	0.1	0.2
Motion picture and video industries	0	0.1	0.1	0.2
General and consumer goods rental except video tapes	0	0.1	0.1	0.2
Management consulting services	0	0.1	0	0.2
Veterinary services	0	0	0.2	0.2
Other support services	0	0.1	0	0.2
Car washes	0	0	0.2	0.2
Electronic equipment repair and maintenance	0	0.2	0	0.2
Cattle ranching and farming	0	0	0.1	0.1
Natural gas distribution	0	0	0.1	0.1
Maintenance and repair of farm and nonfarm residences	0	0.1	0	0.1
Hand and edge tool manufacturing	0	0.1	0	0.1
Machine shops	0	0.1	0	0.1
Electroplating- anodizing- and coloring metal	0	0.1	0	0.1
All other electronic component manufacturing	0	0.1	0	0.1

<i>Industry</i>	<i>Direct</i>	<i>Indirect</i>	<i>Induced</i>	<i>Total</i>
Other aircraft parts and equipment	0	0.1	0	0.1
Buttons- pins- and all other miscellaneous manufacturing	0	0	0	0.1
Insurance agencies- brokerages- and related	0	0	0.1	0.1
Video tape and disc rental	0	0	0.1	0.1
Machinery and equipment rental and leasing	0	0.1	0	0.1
Specialized design services	0	0	0	0.1
Custom computer programming services	0	0	0	0.1
Scientific research and development services	0	0	0	0.1
All other miscellaneous professional and technical	0	0.1	0	0.1
Office administrative services	0	0.1	0	0.1
Waste management and remediation services	0	0	0	0.1
Performing arts companies	0	0	0.1	0.1
Spectator sports	0	0	0.1	0.1
Independent artists- writers- and performers	0	0	0	0.1
Promoters of performing arts and sports and agents	0	0	0.1	0.1
Other accommodations	0	0	0.1	0.1
Household goods repair and maintenance	0	0.1	0	0.1
Death care services	0	0	0.1	0.1
Religious organizations	0	0	0.1	0.1
Grant making and giving and social advocacy organizations	0	0	0.1	0.1
Total	95.2	34.7	40.4	170.3

Source: CBER estimates using the IMPLAN input-output model

Output Impact Results

The IMPLAN model associates a particular level of employment in an industry with a level of economic output. In this way, the IMPLAN model can use employment numbers as an input and estimate the associated economic activity. For the 95.2 jobs directly associated with the operation of Drake Field, the operation of associated businesses, or with construction at Drake Field, the total direct economic activity was estimated to be \$10,845,589 for the year 2004 in Washington County. Indirect economic output was estimated to be \$2,963,727 and induced economic output was measured at \$3,228,884. The total economic output impact for Drake Field in 2004 in Washington County was estimated to be \$17,038,201.

Unsurprisingly, the largest industry impacts were in the air transportation, other new construction, and commercial machinery repair and maintenance sectors. Again, the real estate sector had the largest indirect and induced impact, without having any direct expenditures. There were 223 industries with measurable economic output impacts from activity at Drake Field.

Table 3: Economic output impacts of Drake Field using the IMPLAN model (2004)

Industry	Direct	Indirect	Induced	Total
Air transportation	\$2,803,692	\$3,535	\$4,266	\$2,811,492
Other new construction	\$1,856,482	\$0	\$0	\$1,856,482
Commercial machinery repair and maintenance	\$1,611,328	\$24,475	\$2,959	\$1,638,762
Other State and local government enterprises	\$1,120,836	\$169,436	\$83,762	\$1,374,034
Museums- historical sites- zoos- and parks	\$1,117,569	\$0	\$2,565	\$1,120,134
Federal Non-Military	\$577,211	\$0	\$0	\$577,211
Management of companies and enterprises	\$504,749	\$47,680	\$23,924	\$576,353
Food services and drinking places	\$187,362	\$148,174	\$200,015	\$535,552
Real estate	\$0	\$258,091	\$167,487	\$425,578
Other personal services	\$409,218	\$749	\$6,690	\$416,656
Owner-occupied dwellings	\$0	\$0	\$415,287	\$415,287
Wholesale trade	\$0	\$207,926	\$164,008	\$371,934
Other educational services	\$263,919	\$27,287	\$17,666	\$308,872
Offices of physicians- dentists- and other health	\$0	\$0	\$222,857	\$222,857
Travel arrangement and reservation services	\$0	\$215,131	\$3,401	\$218,532
Hospitals	\$0	\$0	\$192,228	\$192,228
Telecommunications	\$0	\$107,464	\$62,852	\$170,316
Scenic and sightseeing transportation and support	\$0	\$162,270	\$5,919	\$168,189
Automotive equipment rental and leasing	\$143,000	\$11,343	\$9,962	\$164,306
Monetary authorities and depository credit intermediaries	\$0	\$52,350	\$100,770	\$153,120
Architectural and engineering services	\$0	\$124,143	\$4,455	\$128,599
Motor vehicle and parts dealers	\$0	\$21,105	\$104,977	\$126,082
Advertising and related services	\$76,038	\$35,154	\$7,237	\$118,429
Postal service	\$76,024	\$30,502	\$11,820	\$118,346
Power generation and supply	\$0	\$63,755	\$47,779	\$111,534
Truck transportation	\$0	\$65,430	\$43,355	\$108,785
Legal services	\$0	\$48,982	\$34,899	\$83,881
Automotive repair and maintenance- except car wash	\$0	\$13,959	\$69,563	\$83,522
General merchandise stores	\$0	\$15,897	\$66,775	\$82,672
Food and beverage stores	\$0	\$11,931	\$64,723	\$76,655
Employment services	\$0	\$60,580	\$11,623	\$72,203
Insurance carriers	\$0	\$24,553	\$46,523	\$71,076
Securities- commodity contracts- investments	\$0	\$27,434	\$41,155	\$68,589
Nursing and residential care facilities	\$0	\$0	\$65,422	\$65,422
Nondepository credit intermediation and related	\$0	\$40,748	\$21,578	\$62,326
Maintenance and repair of nonresidential buildings	\$0	\$46,884	\$14,776	\$61,660
Other commercial and service industry machinery manufacturing	\$0	\$55,686	\$391	\$56,078
Building material and garden supply stores	\$0	\$9,221	\$46,789	\$56,010
Plastics plumbing fixtures and all other plastics	\$0	\$40,505	\$12,423	\$52,929
Personal care services	\$31,458	\$573	\$18,428	\$50,459
Other maintenance and repair construction	\$0	\$45,897	\$4,507	\$50,404
Photographic services	\$41,878	\$4,572	\$1,956	\$48,406
Clothing and clothing accessories stores	\$0	\$6,993	\$40,391	\$47,384
Radio and television broadcasting	\$0	\$37,288	\$9,938	\$47,225
Natural gas distribution	\$0	\$18,486	\$27,653	\$46,139
Motor vehicle parts manufacturing	\$0	\$28,938	\$16,600	\$45,538
Other ambulatory health care services	\$0	\$63	\$41,567	\$41,630

Aircraft engine and engine parts manufacturing	\$0	\$37,660	\$503	\$38,163
Newspaper publishers	\$0	\$30,202	\$7,579	\$37,781
Poultry processing	\$0	\$8,021	\$29,264	\$37,285
Social assistance- except child day care services	\$0	\$11	\$36,710	\$36,721
Accounting and bookkeeping services	\$0	\$27,282	\$8,865	\$36,147
State and local government electric utilities	\$0	\$20,194	\$14,767	\$34,961
Miscellaneous store retailers	\$0	\$8,393	\$26,160	\$34,554
Hotels and motels- including casino hotels	\$0	\$12,965	\$20,593	\$33,557
Services to buildings and dwellings	\$0	\$24,141	\$8,771	\$32,913
Machinery and equipment rental and leasing	\$0	\$30,117	\$2,403	\$32,520
Investigation and security services	\$24,827	\$5,895	\$1,709	\$32,431
Business support services	\$0	\$25,555	\$6,809	\$32,364
Gasoline stations	\$0	\$4,683	\$26,236	\$30,919
Health and personal care stores	\$0	\$6,207	\$23,803	\$30,010
Furniture and home furnishings stores	\$0	\$4,986	\$24,154	\$29,140
Couriers and messengers	\$0	\$21,405	\$6,088	\$27,493
Office administrative services	\$0	\$22,291	\$4,399	\$26,690
Electronics and appliance stores	\$0	\$6,036	\$18,644	\$24,679
Child day care services	\$0	\$0	\$24,184	\$24,184
Other amusement- gambling- and recreation industries	\$0	\$351	\$23,641	\$23,992
Civic- social- professional and similar organizations	\$0	\$8,264	\$15,339	\$23,603
Computer systems design services	\$0	\$20,900	\$2,322	\$23,223
Nonstore retailers	\$0	\$3,234	\$18,169	\$21,403
Electronic equipment repair and maintenance	\$0	\$16,373	\$3,822	\$20,195
Sporting goods- hobby- book and music stores	\$0	\$2,507	\$17,441	\$19,948
Other aircraft parts and equipment	\$0	\$19,756	\$115	\$19,871
Other support services	\$0	\$15,290	\$4,239	\$19,529
Motion picture and video industries	\$0	\$9,832	\$8,220	\$18,051
Home health care services	\$0	\$0	\$17,004	\$17,004
Lessors of nonfinancial intangible assets	\$0	\$11,836	\$4,356	\$16,192
Cable networks and program distribution	\$0	\$2,127	\$13,875	\$16,002
Poultry and egg production	\$0	\$3,158	\$12,068	\$15,226
Dry-cleaning and laundry services	\$0	\$5,062	\$10,029	\$15,092
Warehousing and storage	\$0	\$8,701	\$4,913	\$13,613
Maintenance and repair of farm and nonfarm residences	\$0	\$7,442	\$6,023	\$13,465
Household goods repair and maintenance	\$0	\$7,936	\$5,079	\$13,015
Waste management and remediation services	\$0	\$6,903	\$5,773	\$12,676
All other electronic component manufacturing	\$0	\$9,268	\$3,209	\$12,477
Hand and edge tool manufacturing	\$0	\$10,314	\$1,989	\$12,303
Management consulting services	\$0	\$8,932	\$2,658	\$11,590
Insurance agencies- brokerages- and related	\$0	\$3,866	\$7,223	\$11,089
Fluid milk manufacturing	\$0	\$1,935	\$9,044	\$10,979
Commercial printing	\$0	\$8,640	\$2,324	\$10,963
All other food manufacturing	\$0	\$1,035	\$9,403	\$10,437
Frozen food manufacturing	\$0	\$3,457	\$6,750	\$10,207
General and consumer goods rental except video tape	\$0	\$6,305	\$3,812	\$10,117
Machine shops	\$0	\$9,702	\$388	\$10,090
Sound recording industries	\$0	\$4,279	\$5,788	\$10,067
Fitness and recreational sports centers	\$0	\$3,845	\$5,954	\$9,800
Grant making and giving and social advocacy	\$0	\$0	\$9,362	\$9,362

organizations				
Cattle ranching and farming	\$0	\$1,720	\$7,563	\$9,283
Buttons- pins- and all other miscellaneous manufacturing	\$0	\$6,778	\$2,337	\$9,116
Veterinary services	\$0	\$179	\$8,764	\$8,943
Elementary and secondary schools	\$0	\$0	\$8,780	\$8,780
All other miscellaneous professional and technical	\$0	\$5,956	\$1,614	\$7,570
Metal valve manufacturing	\$0	\$7,126	\$239	\$7,364
Animal- except poultry- slaughtering	\$0	\$1,573	\$5,484	\$7,056
Performing arts companies	\$0	\$2,094	\$4,772	\$6,866
Death care services	\$0	\$0	\$6,852	\$6,852
Food product machinery manufacturing	\$0	\$6,212	\$209	\$6,421
Information services	\$0	\$4,297	\$1,611	\$5,908
Independent artists- writers- and performers	\$0	\$4,685	\$920	\$5,605
Metal window and door manufacturing	\$0	\$4,571	\$944	\$5,516
Video tape and disc rental	\$0	\$32	\$5,447	\$5,479
Mixes and dough made from purchased flour	\$0	\$546	\$4,807	\$5,353
Soap and other detergent manufacturing	\$0	\$602	\$4,746	\$5,348
Promoters of performing arts and sports and agents	\$0	\$1,939	\$3,254	\$5,193
Rail transportation	\$0	\$3,161	\$1,933	\$5,094
Animal production- except cattle and poultry and e	\$0	\$2,517	\$2,520	\$5,037
Glass and glass products- except glass containers	\$0	\$3,193	\$1,815	\$5,008
Scientific research and development services	\$0	\$2,399	\$2,359	\$4,758
Electroplating- anodizing- and coloring metal	\$0	\$4,432	\$223	\$4,655
Bread and bakery product- except frozen- manufacturing	\$0	\$1,276	\$3,315	\$4,591
Tortilla manufacturing	\$0	\$539	\$3,988	\$4,527
Periodical publishers	\$0	\$2,779	\$1,398	\$4,177
Specialized design services	\$0	\$2,955	\$1,220	\$4,176
Religious organizations	\$0	\$0	\$4,101	\$4,101
Manifold business forms printing	\$0	\$3,604	\$493	\$4,097
Data processing services	\$0	\$3,301	\$635	\$3,937
Relay and industrial control manufacturing	\$0	\$3,816	\$119	\$3,935
Mining machinery and equipment manufacturing	\$0	\$3,667	\$128	\$3,795
Ophthalmic goods manufacturing	\$0	\$1,236	\$2,445	\$3,681
All other crop farming	\$0	\$1,935	\$1,660	\$3,595
Metal can- box- and other container manufacturing	\$0	\$2,593	\$731	\$3,324
Sawmills	\$0	\$2,616	\$703	\$3,319
Car washes	\$0	\$240	\$3,075	\$3,315
Custom computer programming services	\$0	\$2,884	\$423	\$3,307
Funds- trusts- and other financial vehicles	\$0	\$11	\$3,235	\$3,246
Wood kitchen cabinet and countertop manufacturing	\$0	\$2,255	\$987	\$3,242
Spectator sports	\$0	\$1,309	\$1,687	\$2,996
Watch- clock- and other measuring and controlling	\$0	\$1,579	\$1,292	\$2,871
Sign manufacturing	\$0	\$2,328	\$470	\$2,798
Other computer related services- including facilities	\$0	\$2,558	\$228	\$2,786
Spring and wire product manufacturing	\$0	\$2,384	\$343	\$2,727
Private households	\$0	\$0	\$2,710	\$2,710
Farm machinery and equipment manufacturing	\$0	\$2,460	\$86	\$2,546
Wood container and pallet manufacturing	\$0	\$1,592	\$940	\$2,532
Other accommodations	\$0	\$121	\$2,337	\$2,458
Water- sewage and other systems	\$0	\$1,174	\$1,016	\$2,191

Metal coating and nonprecious engraving	\$0	\$1,773	\$88	\$1,861
Transit and ground passenger transportation	\$0	\$598	\$1,262	\$1,860
Fruit and vegetable canning and drying	\$0	\$532	\$1,294	\$1,826
Meat processed from carcasses	\$0	\$318	\$1,476	\$1,794
Environmental and other technical consulting services	\$0	\$1,423	\$330	\$1,753
State and local government passenger transit	\$0	\$505	\$1,149	\$1,654
Bowling centers	\$0	\$1	\$1,431	\$1,432
Miscellaneous electrical equipment manufacturing	\$0	\$872	\$372	\$1,244
Other millwork- including flooring	\$0	\$1,020	\$186	\$1,206
Scales- balances- and miscellaneous general purpose	\$0	\$1,113	\$42	\$1,155
Engineered wood member and truss manufacturing	\$0	\$913	\$197	\$1,110
Travel trailer and camper manufacturing	\$0	\$4	\$1,103	\$1,107
Iron and steel mills	\$0	\$975	\$96	\$1,071
Turned product and screw- nut- and bolt manufacturing	\$0	\$921	\$31	\$952
Fabricated pipe and pipe fitting manufacturing	\$0	\$733	\$120	\$854
Search- detection- and navigation instruments	\$0	\$720	\$71	\$790
Metal forming machine tool manufacturing	\$0	\$693	\$8	\$701
Metal household furniture manufacturing	\$0	\$4	\$646	\$651
Nonupholstered wood household furniture manufacturing	\$0	\$8	\$625	\$633
Colleges- universities- and junior colleges	\$0	\$35	\$580	\$615
Other leather product manufacturing	\$0	\$67	\$527	\$594
Book publishers	\$0	\$160	\$408	\$568
Dental laboratories	\$0	\$0	\$482	\$482
Coated and uncoated paper bag manufacturing	\$0	\$294	\$187	\$481
Dry pasta manufacturing	\$0	\$36	\$398	\$434
Surgical appliance and supplies manufacturing	\$0	\$123	\$311	\$434
Fruit farming	\$0	\$17	\$406	\$423
Pharmaceutical and medicine manufacturing	\$0	\$2	\$384	\$386
Special tool- die- jig- and fixture manufacturing	\$0	\$341	\$40	\$380
Greenhouse and nursery production	\$0	\$48	\$263	\$312
Sanitary paper product manufacturing	\$0	\$29	\$225	\$254
Agriculture and forestry support activities	\$0	\$81	\$169	\$250
Prepress services	\$0	\$204	\$34	\$238
Ready-mix concrete manufacturing	\$0	\$211	\$20	\$231
Vegetable and melon farming	\$0	\$28	\$182	\$209
Other animal food manufacturing	\$0	\$44	\$156	\$200
Copper rolling- drawing- and extruding	\$0	\$170	\$13	\$183
Soft drink and ice manufacturing	\$0	\$30	\$124	\$154
Rolling mill and other metalworking machinery	\$0	\$145	\$6	\$151
Sheet metal work manufacturing	\$0	\$116	\$9	\$125
Textile and fabric finishing mills	\$0	\$33	\$79	\$112
Industrial mold manufacturing	\$0	\$105	\$5	\$111
Software publishers	\$0	\$13	\$98	\$111
Dog and cat food manufacturing	\$0	\$10	\$93	\$103
Wiring device manufacturing	\$0	\$84	\$5	\$88
Prefabricated metal buildings and components	\$0	\$79	\$0	\$80
Other miscellaneous textile product mills	\$0	\$38	\$33	\$71
Institutional furniture manufacturing	\$0	\$44	\$23	\$67
Curtain and linen mills	\$0	\$3	\$56	\$59
Plate work manufacturing	\$0	\$50	\$3	\$53

Cutlery and flatware-except precious-manufacturing	\$0	\$11	\$38	\$50
Showcases- partitions- shelving- and lockers	\$0	\$30	\$18	\$48
Tire manufacturing	\$0	\$31	\$12	\$44
Textile bag and canvas mills	\$0	\$5	\$30	\$36
Lighting fixture manufacturing	\$0	\$19	\$12	\$32
Nitrogenous fertilizer manufacturing	\$0	\$21	\$6	\$28
Fabricated structural metal manufacturing	\$0	\$22	\$1	\$23
Software reproducing	\$0	\$19	\$4	\$23
Industrial and commercial fan and blower manufacturing	\$0	\$20	\$0	\$21
Stone mining and quarrying	\$0	\$15	\$2	\$17
Sporting and athletic goods manufacturing	\$0	\$1	\$15	\$17
Concrete block and brick manufacturing	\$0	\$12	\$1	\$13
Office supplies-except paper-manufacturing	\$0	\$6	\$6	\$12
Ornamental and architectural metal work manufacturing	\$0	\$10	\$0	\$11
Doll-toy-and game manufacturing	\$0	\$1	\$10	\$11
Ball and roller bearing manufacturing	\$0	\$10	\$0	\$10
Jewelry and silverware manufacturing	\$0	\$1	\$7	\$8
Air purification equipment manufacturing	\$0	\$6	\$1	\$7
Other concrete product manufacturing	\$0	\$5	\$1	\$6
Truck trailer manufacturing	\$0	\$1	\$5	\$6
Burial casket manufacturing	\$0	\$0	\$4	\$4
Grain farming	\$0	\$1	\$2	\$3
Miscellaneous fabricated metal product manufacturing	\$0	\$3	\$0	\$3
Non-chocolate confectionery manufacturing	\$0	\$0	\$2	\$2
Forest nurseries-forest products- and timber	\$0	\$0	\$0	\$1
Drilling oil and gas wells	\$0	\$1	\$1	\$1
Vitreous china and earthenware articles manufacturing	\$0	\$0	\$0	\$1
Total	\$10,845,589	\$2,963,727	\$3,228,884	\$17,038,201

Source: CBER estimates using the IMPLAN input-output model

Local Tax Implications

The IMPLAN model estimates economic impacts on a county level. All of the results previously presented have been for Washington County, Arkansas. However, it is a reasonable assumption to make that most of the economic impact will accrue to people and businesses in the City of Fayetteville. The population of Fayetteville represents 38 percent of the population of Washington County. However, for the purposes of this study, it is assumed that 75 percent of the impacts actually accrue within Fayetteville. This implies that Drake Field supports 128 jobs and \$12.8 million of economic output in the city.

With this substantial amount of economic activity come tax revenue implications for the city. According to the U.S. Bureau of Labor Statistics, the city of Fayetteville had employment of 34,287 people in 2004. According to the results presented above, 0.4 percent of this employment is directly or indirectly attributable to Drake Field.

In the 1997 economic impact study of Drake Field, the average local tax burden per employee was calculated and then applied to the employment impact estimate. According to the 4th Quarter 2004 Quarterly Management Report of the City of

Fayetteville, total taxes collected by the city for the year 2004 were \$42,383,316. This amount includes property taxes, county sales taxes, city sales taxes, the wastewater improvement sales tax, HMR taxes, franchise fees, and other taxes. Dividing this number by the total 2004 employment in Fayetteville yields an average employee burden of \$1,236. Applying that estimated average burden to the estimated Fayetteville employment generated by activities related to Drake Field yields a tax impact to the City of Fayetteville of \$158,225.

The City of Fayetteville is not the only entity that benefits from revenues generated by activities at Drake Field. For example, personal property taxes are assessed on airplanes based on their "situs" or hanger location. For Drake Field's aircraft, personal property taxes are paid to Washington County, the City of Fayetteville, and to the Greenland School District. In fact, there are subsidiary revenue effects for communities throughout Northwest Arkansas as a result of the activities at Drake Field.

Conclusions

As a general aviation airport, Drake Field serves the City of Fayetteville and the Northwest Arkansas region as a convenient business and recreational gateway. Additionally, Drake Field supports a number of small businesses, from aircraft maintenance companies to a restaurant to flight training and educational facilities. Two museums, related to aviation, are sited on Drake Field. Additionally, Drake Field brings in federal and state dollars for capital improvements, which provide construction employment.

The economic impact of Drake Field was measured using the IMPLAN input-output model. The IMPLAN model uses direct employment by industry as an input and generates associated multiplier effects. The operations of Drake Field and its related businesses were responsible for the direct employment of 95.2 people in 15 industries in 2004. However, total employment from Drake Fields, including indirect and induced effects was 170.3 people in 108 industries. These 170.3 employees generated \$17,038,201 of economic activity in Washington County in 2004.

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for R-PZDs 05-1463 and 05-1555 known as Oakbrooke Subdivision Phases I and II, the Owner/Developer of this property, Tracy K Hoskins voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

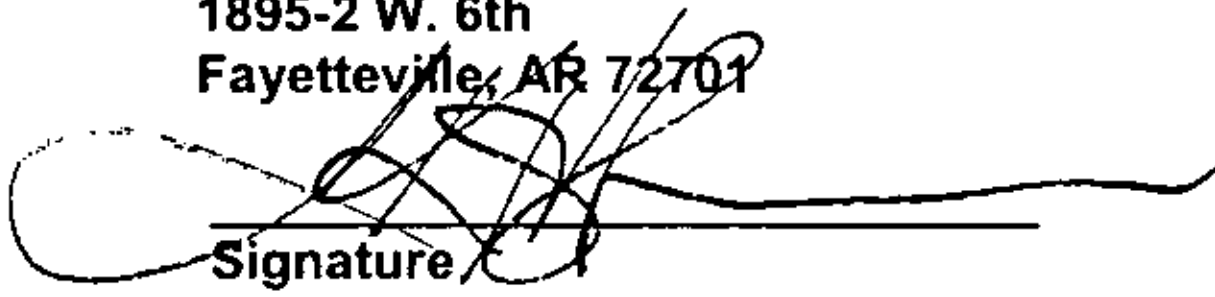
The Petitioner expressly grants the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Chancery/Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial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

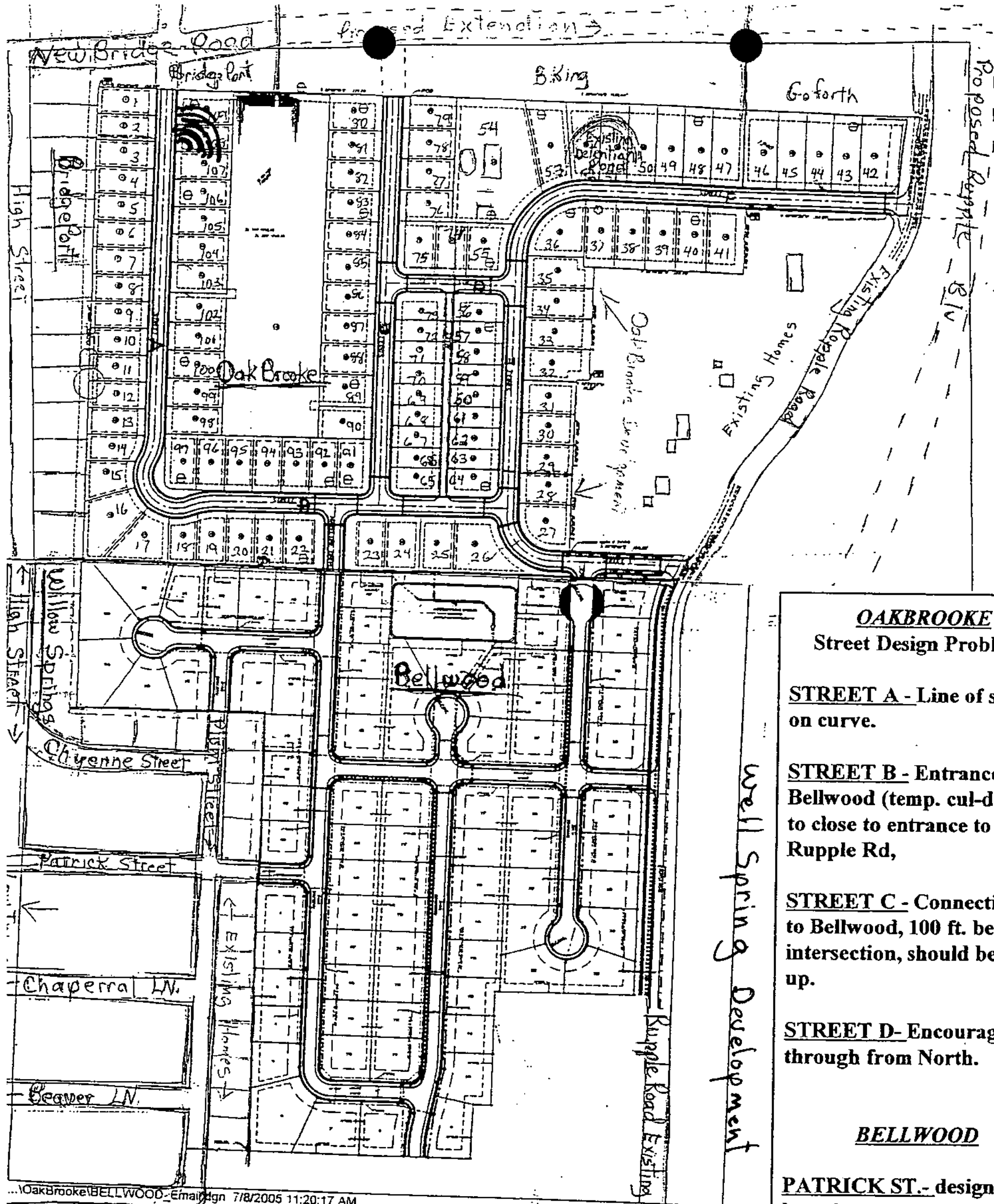
Petitioner hereby voluntarily offers assurances that Petitioner agrees to subordinate 109 sewer taps from the second (or last) Phase of Petitioner's approved subdivision known as Laureate fields, for the benefit of Oakbrooke Subdivision Phases I and II. The Petitioner agrees to pay any appropriate Sewer Improvement District Impact Fees that may exist at the time, if in the event that the final phase, or any portion thereof, of said Laureate Fields comes on-line prior to the completion of the City's west side sewer treatment plant.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Tracy K Hoskins, as the owner, developer, or Petitioner voluntarily offer all such assurances and sign my name below.

9/06/05

Tracy K. Hoskins - Petitioner
1895-2 W. 6th
Fayetteville, AR 72701


Signature



SEPTEMBER 2, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION**PHASE I & II**

108 AMERICAN STYLE BUNGALOWS ON APPROX. 32 ACRES IN THE CRAFTSMAN STYLE. SMALLER ATTACHED AND DETACHED ROW HOUSES (TOWNHOUSES) AT 1000 SQ. FT. OR GREATER, ADJACENT TO BRIDGEPORT COMMUNITY. CITIZENS ARE AFRAID THAT THESE SMALL UNITS WILL TURN INTO RENT HOUSES AND EVENTUALLY RUIN THE CHARACTER OF THIS FINE ESTABLISHED NEIGHBORHOOD.

WE ALSO WANT ASSURANCES THAT OAKBROOKE HAS A SOUND CONSERVATION PLAN, REGARDING THE EFFECTS OF THE REMOVAL OF THE TWO EXISTING, GOVERNMENT FUNDED, "RETENTION PONDS" WILL HAVE ON OUR ENVIRONMENT. ACCORDING TO A "STUDY" AIRED ON "PUBLIC ACCESS TV", IN JULY, 2005 WASHINGTON COUNTY HAS A PROBLEM WITH CREEK BANK EROSION AND SILT INFILTRATION INTO OUR STREAMS, LAKES AND SEWER SYSTEMS, CAUSED IN PART BY POORLY PLANNED DEVELOPMENTS AND INSPECTION OVERSIGHTS.

BUILT IN THE 1960'S, THESE OLD "RETENTION PONDS" HAVE ADEQUATELY KEPT THIS FROM HAPPENING FOR OVER 45+ YEARS, AS WELL AS PRESERVING AN ECOSYSTEM OF INTERMITTENT WET LANDS AND WILDLIFE HABITAT.

NOTE: BRIDGEPORT'S AND MRS. KING'S GREENSPACE AND TREE PRESERVATION AREAS BELOW THESE PONDS HELP PROTECT STORM WATER DAMAGE FROM OCCURRING AS THEY FALL OVER 100 FEET DIRECTLY INTO HAMSTRING CREEK.

LET US MAKE SURE WE DON'T ALLOW THE EROSION TO START AGAIN. PROTECT THESE VERY VALUABLE SITES IN OUR COMMUNITY.

THERE IS A CONTRADICTION IN OAKBROOK'S PROPOSED COVENANTS.

IT IS STATED THAT ALL FENCES OR SCREENING NOT BE OVER 4 FEET IN HEIGHT AND OF THE PICKET TYPE.

THE SCREENING COVENANT STATES THAT ALL BOATS, RV'S OR OTHER OFFENSIVE OBJECTS BE SCREENED FROM ALL ADJACENT PROPERTY OWNERS. THIS IS IMPOSSIBLE BECAUSE OF THE 4 FOOT FENCE HEIGHT LIMITATION.

IT IS BECAUSE OF THIS CONTRADICTION THAT WE PLEAD WITH THE CITY COUNCIL TO ADOPT THIS PARAGRAPH FOR THIS PZD AND ALL PZD'S HEREAFTER TO SOLVE FUTURE DISPUTES WITH ADJACENT PROPERTY OWNERS AND ESTABLISHED NEIGHBORHOODS.

ALL PERIMETER LOTS THAT ARE ADJACENT TO THE BOUNDARY OF THE PZD OR ADJACENT TO ANY BOUNDARY OR PERIMETER STREET RIGHT-OF-WAY, MUST CONFORM TO THE CITY CODES, REGULATIONS, AND COVENANTS OF THOSE PROPERTIES. *Paraphrased from the City of Bentonville Code Handbook.

WE ARE ASKING THE CITY COUNCIL TO VOTE NO OR AT LEAST TABLE THIS DEVELOPMENT UNTIL SOME BILL OF ASSURANCE FROM THE DEVELOPER TRACY HOSKINS, CAN BE OBTAINED.

<u>NAME</u>	<u>ADDRESS</u>	<u>WARD</u>	<u>PHONE</u>
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SEPTEMBER 2, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION**PHASE I & II**

108 AMERICAN STYLE BUNGALOWS ON APPROX. 32 ACRES IN THE CRAFTSMAN-STYLE. ~~SMALLER ATTACHED-AND-DETACHED-ROW-HOUSES (TOWNHOUSES)~~ AT 1000 SQ. FT. OR GREATER, ADJACENT TO BRIDGEPORT COMMUNITY. CITIZENS ARE AFRAID THAT THESE SMALL UNITS WILL TURN INTO RENT HOUSES AND EVENTUALLY RUIN THE CHARACTER OF THIS FINE ESTABLISHED NEIGHBORHOOD.

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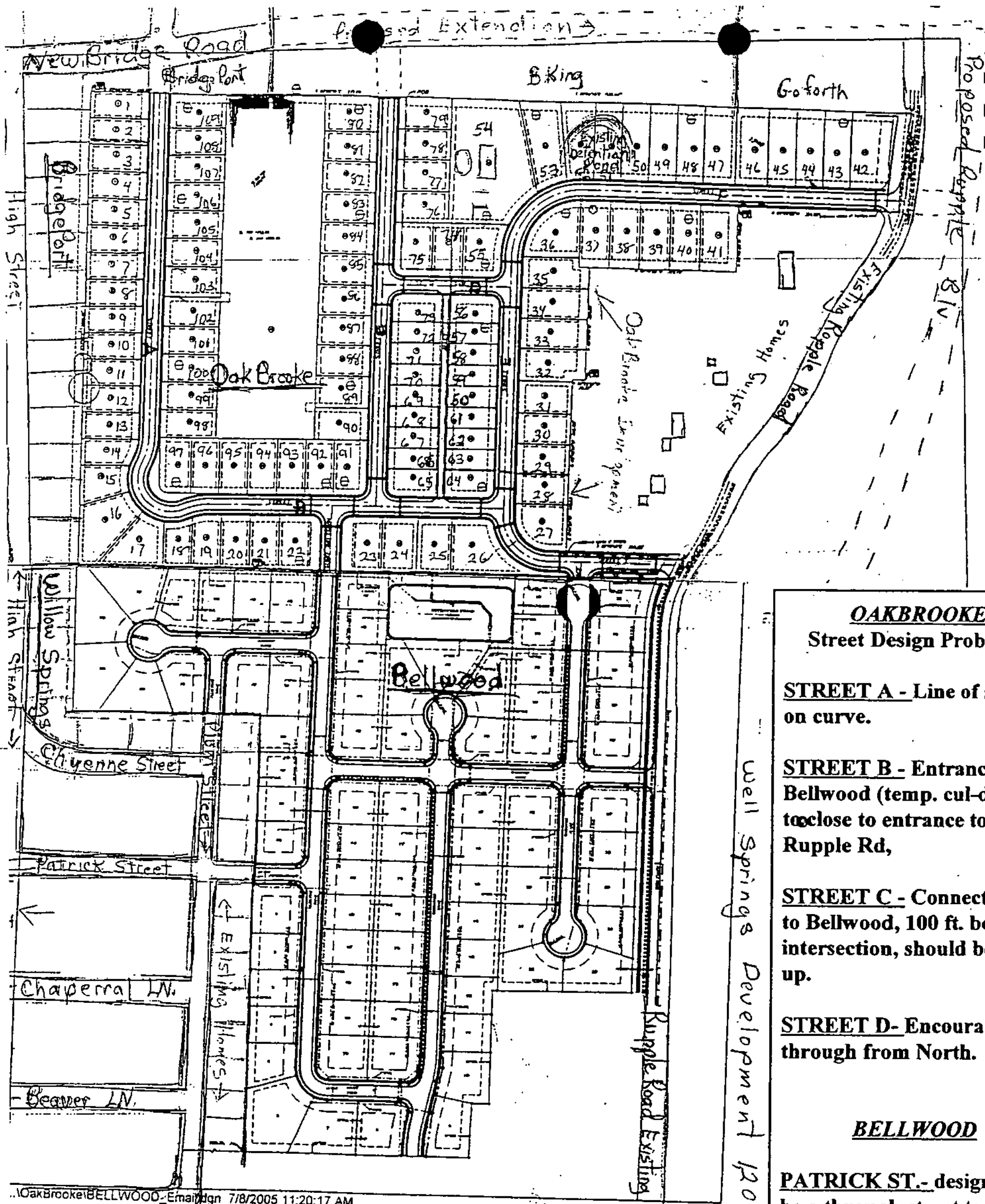
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OAKBROOKE

Street Design Problems

STREET A - Line of sight on curve.

STREET B - Entrance from Bellwood (temp. cul-de-sac) too close to entrance to Ruppel Rd,

STREET C - Connectivity to Bellwood, 100 ft. between intersection, should be lined up.

STREET D - Encourages cut through from North.

BELLWOOD

PATRICK ST. - designed to be a through street to Ruppel Rd. 15 yrs. ago. This puts more traffic moving through neighborhood. Temp. Cul-de-sac too close to major intersection - Lines up with Springs Development

GREATEST PROBLEM

Proper placement of a traffic signal when Well Springs (east side of Ruppel Rd) is developed. 1200 units will be using this street plan. Traffic will be going through these (3) ~~three~~ developments at all sides.

WE ARE ASKING THE CITY COUNCIL TO VOTE NO OR AT LEAST TABLE THIS DEVELOPMENT UNTIL SOME BILL OF ASSURANCE FROM THE DEVELOPER TRACY HOSKINS, CAN BE OBTAINED.

NAME	ADDRESS	WARD	PHONE
1. Wendy Brewer 1893 Rupp Rd		4	479/582-1414
2. Larry Pinner 4136 Huntsville Rd.		1	479-442-5444
3. Wendy Pierce	2155 N Rupp	4	479.790.2277 ✓
4. Frank	2155 N Rupp	4	479.200.7204
5. Mike	895 S. Erika Ave	1	479-790-2111
6. John	1920 N. High Ave	4	479-443-6539 ✓
7. Miss	1904 HGA AVE	4	521-6296
8. Aloia STORET	1875 High Avenue	4	479-973-0598
9. Oliver & Funzia McCall		4	479-587-8141 ✓
10. Dianne Pittman	1858 Leg	4	582-5095 pittman@uark.edu
11. Margaret & Mary	4355 W. Castlebury Ln		200-2496
12. John Morse	4355 W. Castlebury Ln		530-1537
13. John	1838 N High		507 655 2288
14. John Hardy	1824 High Ave		479-527-0901
15. Tracy Mares	1824 N. High Ave		422-0854
16. Frank S. Proter	4378 New Bridge	4	443-6644
17. John	4378 NEW BRIDGE		530-7225
✓ 18. John	1850 N High Ave		587-0783
19. Sherry Schooler	1867 High Ave		443-0787
20. Michelle Hartman	4358 Sandingham St.		582-9211 ✓ michelle.hartman@bms.com

	Name	Address	Ward	Phone
21.	Shelly Bishop	4396 W New Bridge Rd	Spishop/2	521-6225
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AUGUST 16, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

108 AMERICAN STYLE BUNGALOWS ON APPROX. 32 ACRES IN THE CRAFTSMAN STYLE. SMALLER ATTACHED & DETACHED ROW HOUSES (TOWNHOUSES) BETWEEN 1000 SQ. FT. OR GREATER, ADJACENT TO BRIDGEPORT COMMUNITY. CITIZENS ARE AFRAID THAT THESE SMALL UNITS WILL TURN INTO RENT HOUSES AND EVENTUALLY RUIN THE CHARACTER OF THIS FINE ESTABLISHED NEIGHBORHOOD.

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NAME	ADDRESS	WARD	PHONE
Jack Cothran	4745 Constitution Dr.	4	251-0146
Berky Williams	4763 Constitution Dr.		525-9144
Doug Pitt	4829 New Bridge Rd		521-6347
Walter Gasser	4810 " " "		283-2100
Don J. Dehner	1917 Colony Way		571-9188
Nick DiCarlo	1941 Colony Way		582-1704
Alan Nicci	1975 Colony Way		283 4430
Ashley Chua	1953 Colony Way		251-1070
Chris Brown	4870 Constitution Dr		530-8464
Jane May	4828 Constitution Dr.		527-9298
Carl Maudde	4812 Constitution Dr		582-0531
Cheryl McNeil	4789 Constitution Dr.		442-7743
Eric Sternlage	4803 Constitution Drive		587-8936
Sara Steinlage	4803 Constitution Dr."		587-8936
Bob Hume	4821 Constitution		587-0649
Pet Daulton	4846 Constitution		444 8156
Jessie & Donna Garcia	4847 Constitution Dr		521-3494

AUGUST 16, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

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4

NAME	ADDRESS	WARD	PHONE
Colene Lee	4747 Mayflower		582-5355
Debbie DAVIS	1718 N. Desare		443-5915
Amanda Gubel	1827 N. Desare		527-9885
Michael Wynn	1834 N. Independence Pl.		973-0242
John Olson	1777 Independence		422-4657
Lloyd Roberts	1745 N. Independence		444-1476
Jim Lynch	1746 N. Independence		582-0563
James Hodge	1780 Independence		236-8055
Gina Wingham	1806 N. Independence		582-0415
Don Wingham	1826 N. Independence		790-8373
Stephanie Harter	1822 Independence Pl.		521-5184
Julie Yarnall	1840 N. Independence Pl.		942-552
	4106 N. Bridge		501-733-4085
Kathleen Baxley	4692 New Bridge Rd		442-0830
Andrius Bittle	4658 New Bridge Rd		587-8007
Sherri Richardson	4700 Constitution Dr.		521-1688
Teri Allen	1959 Settlement Lane		442-2425
Rene Mitchell	4678 Constitution		527-6937
Mark F. Remmer	4731 Constitution		521-4556
Emma Cason	4754 Constitution		582-2265

AUGUST 16, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

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NAME	ADDRESS	WARD	PHONE
Jennifer Anderson	4783 W. Mayflower Cr		479-521-1939
Paul Johnson	4776 Mayflower Cr		479-283-2609
John Lewandowski	1795 Desarc Way		479-251-1247
Wendy Lewis	1811 N. Desarc Way		520-6540
Mar. Morris	1822 N. Desarc Way		(479) 587-8942
Harmon Shopp	4775 W. New Bridge Rd		479 521 1467
Kenneth Mount	4847 New Bridge Rd		479-521-4462
Brad Rumba	1770 Colony Way		601-3486
Junior Lopez	1738 Edgway		443-9982
Darren Field	1759 Colony Way	Don Field	582-2257
Jeremy Rosencranz	1811 Colony Way		682-472-7344
David Coley	4828 W. New Bridge		443-4390
Cheri Coley	4828 W. New Bridge		443-4390
John Engelman	4738 W. New Bridge Rd		444-7395
Rebecca Stewart	4765 W. Mayflower		582-1173
	4807 N. Mayflower		521-3796
Laura Hollison	1750 Desarc Way		442-4954
Ronald H. Sherrill	1784 Desarc Way		521-3614
Sue Sherrill	1784 Desarc Way		521-3614
Shirley	1806 Desarc Way		479-283-4791

AUGUST 16, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

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NAME	ADDRESS	WARD	PHONE
Liz Esch	4756 New Bridge		479-251-1554
Richard Esch	4756 New Bridge		251-1554
Mike Stierle	4792 New Bridge		251-7456
Aminu Bryant	1857 Colony Way		575-01088
Charles Johnson	1800 Colony Way		582-4698
Jim Price	1721 Colony Way		443-7916
Paul Tucker	1885 Colony Way		587-0248
Walter	1871 Colony Way		466-9304
MD	4845 Plymouth Rock Pl		443-4465
Marshall Smith	4827 Plymouth Rock Pl		443-5536
500	4791 PLYMOUTH ROCK P		527-6889
John Bryant	4773 PLYMOUTH ROCK		521-4225
Susan Upchurch	4737 Plymouth Rock		444-9652
Wes Hill	4754 Plymouth Rock		527-9508
Bobby Hill	4770 Plymouth Rock		521-3565
LARRY C. HANCOCK	4790 PLYMOUTH ROCK PL		521-4088
Stephenie Negel	4844 " "		442-4223

RESIDENTIAL PLANNING ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

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Jack Cochran	4745 Constitution Dr.	4	251-0146
Becky Williams	4763 Constitution Dr.		525-9144
Doug Patten	4829 New Bridge Rd		521-6347
Walter Young	4810 " "		283-2100
Don J. Dehner	1917 Colony Way		571-4188
Nick DiCarlo	1941 Colony Way		582-1704
Harold Nicci	1975 Colony Way		283 4430
Ashley Chua	1953 Colony Way		251-1070
Chris Brown	4870 Constitution Dr		530-8464
Donna May	4828 Constitution Dr.		527-9248
Ann Mawde	4812 Constitution Dr		582-0531
Cheryl McNeil	4789 Constitution Dr.		442-7743
Eric Sternlage	4803 Constitution Drive		587-8936
Sara Steinlage	4803 Constitution Dr.		587-8936
Bob Homan	4821 Constitution		587-0649
Pet Dals	4846 Constitution		444 8156
Jessie & Danna Garcia	4847 Constitution Dr		521-3494

RESIDENTIAL PLANNING ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

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Charles Johnson	1800 Colony Way		582-4698
Jim Price	1721 Colony Way		443-7916
Paul Kuhn	1885 Colony Way		587-0248
Walter	1871 Colony Way		466-9304
NOV 11	4845 Plymouth Rock Pl		443-4465
Marshall Smith	4827 Plymouth Rock Pl		443-5536
500	4791 PLYMOUTH ROCK P		527-6819
John Beyster	4773 PLYMOUTH ROCK		521-4225
Susan Upchurch	4737 Plymouth Rock		444-9652
Wes Hill	4754 Plymouth Rock		527-9508
Bobby Hill	4772 Plymouth Rock		521-3565
LARRY C. HAZARD	4790 PLYMOUTH ROCK PL		521-4688
Stephen Nozick	4844 " "		442-4223

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<u>NAME</u>	<u>ADDRESS</u>	<u>WARD</u>	<u>PHONE</u>
1. LOREN BERLY	1801 Ruppel		442-5550
2. Karen Stewart		4	442-2753
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RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

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John Lewandowski	1795 Desarc Way		479-251-1247
Wendy Lewis	1811 N. Desarc Way		530-6540
Mari Morris	1822 N. Desarc Way		(479) 587-8942
Norman Shopp	4775 W New Bridge Rd		479 521 1467
Begonia Mount	4847 New Bridge Rd		479-521-4462
Brad Thibbo	1770 Colony Way		601-3486
Junior Lopez	1738 Edgway		443-9982
Darren Field	1759 Colony Way	1	582-2257
Jeremy Rosencranz	1811 Colony Way		682-472-7344
David Colay	4828 W. New Bridge		443-4390
Cheri Coley	4828 W New Bridge		443-4396
John Engelman	4738 W. New Bridge Rd		444-7395
Rebecca Marshall	4765 W Mayflower		582-1173
	4807 N Mayflower		521-3796
Laura Hollison	1750 Desarc Way		442-4954
Ronald H Sherrill	1784 Desarc Way		521-3614
Dave Sherrill	1784 Desarc Way		521-3614
Shirley	1806 Desarc Way		479-283-4799

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION.

PHASE I & II

108 AMERICAN STYLE BUNGALOWS ON APPROX 32 ACRES IN THE CRAFTSMAN STYLE. SMALLER ATTACHED & DETACHED ROW HOUSES (TOWNHOUSES) BETWEEN 1000 SQ. FT. OR GREATER, ADJACENT TO BRIDGEPORT COMMUNITY. CITIZENS ARE AFRAID THAT THESE SMALL UNITS WILL TURN INTO RENT HOUSES AND EVENTUALLY RUIN THE CHARACTER OF THIS FINE ESTABLISHED NEIGHBORHOOD.

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NAME	ADDRESS	WARD	PHONE
Charles Lee	4747 Mayflower		582-5355
Debbie Davis	1718 N. Desore		443-5915
Amanda Gubel	1827 N. Desore		527-9885
Michael Wynn	1834 N. Independence Pl.		973-0242
John Olson	1777 Independence		422-4657
Lloyd Roberts	1745 N. Independence		444-1476
Jim Lynch	1746 N. Independence		582-0563
James Hodge	1780 Independence		236-8055
Cindy Wynnham	1806 N. Independence		582-0415
Don Wynnham	1806 N. Independence		790-8373
Stephanie Harter	1822 Independence Pl.		521-5184
Kiki Yarnall	1840 N. Independence Pl.		442-552
	4706 N. Bridge		501-733-4088
Robert Bexte	4692 New Bridge Rd		442-0830
Andrick Bittle	4658 New Bridge Rd		587-8007
Sherrin Richardson	4700 Constitution Dr.		521-1688
Teri Allen	1959 Settlement Lane		442-2425
Leona Mitchell	4678 Constitution		527-6937
Mark F. Remmer	4731 Constitution		521-4556
Emma Crison	4754 Constitution		582-2265

SEPTEMBER 2, 2005

RESIDENTIAL PLAN ZONING DISTRICT OF OAKBROOKE SUBDIVISION

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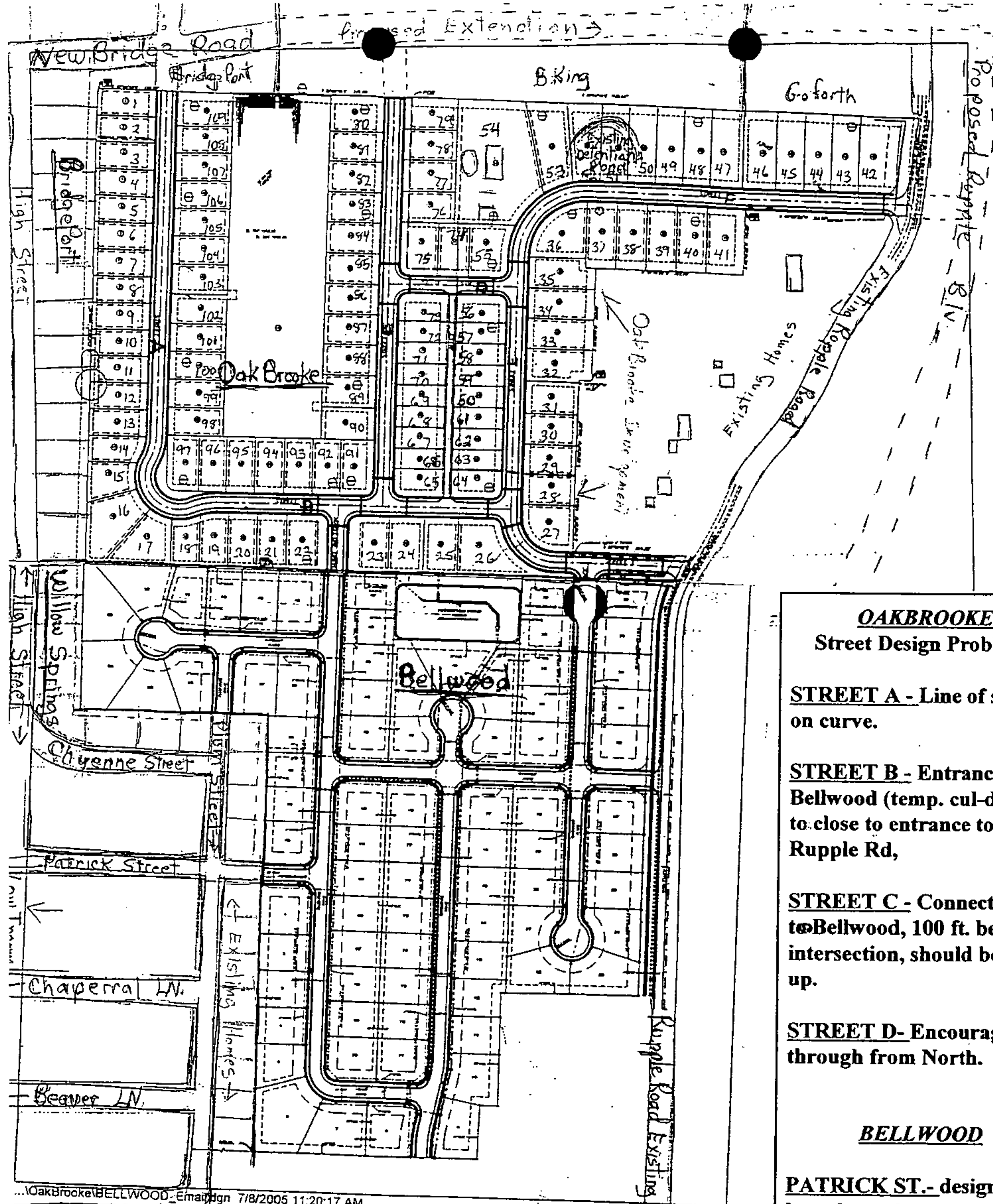
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OAKBROOKE

Street Design Problems

STREET A - Line of sight on curve.

STREET B - Entrance from Bellwood (temp. cul-de-sac) to close to entrance to Ruppel Rd,

STREET C - Connectivity to Bellwood, 100 ft. between intersection, should be lined up.

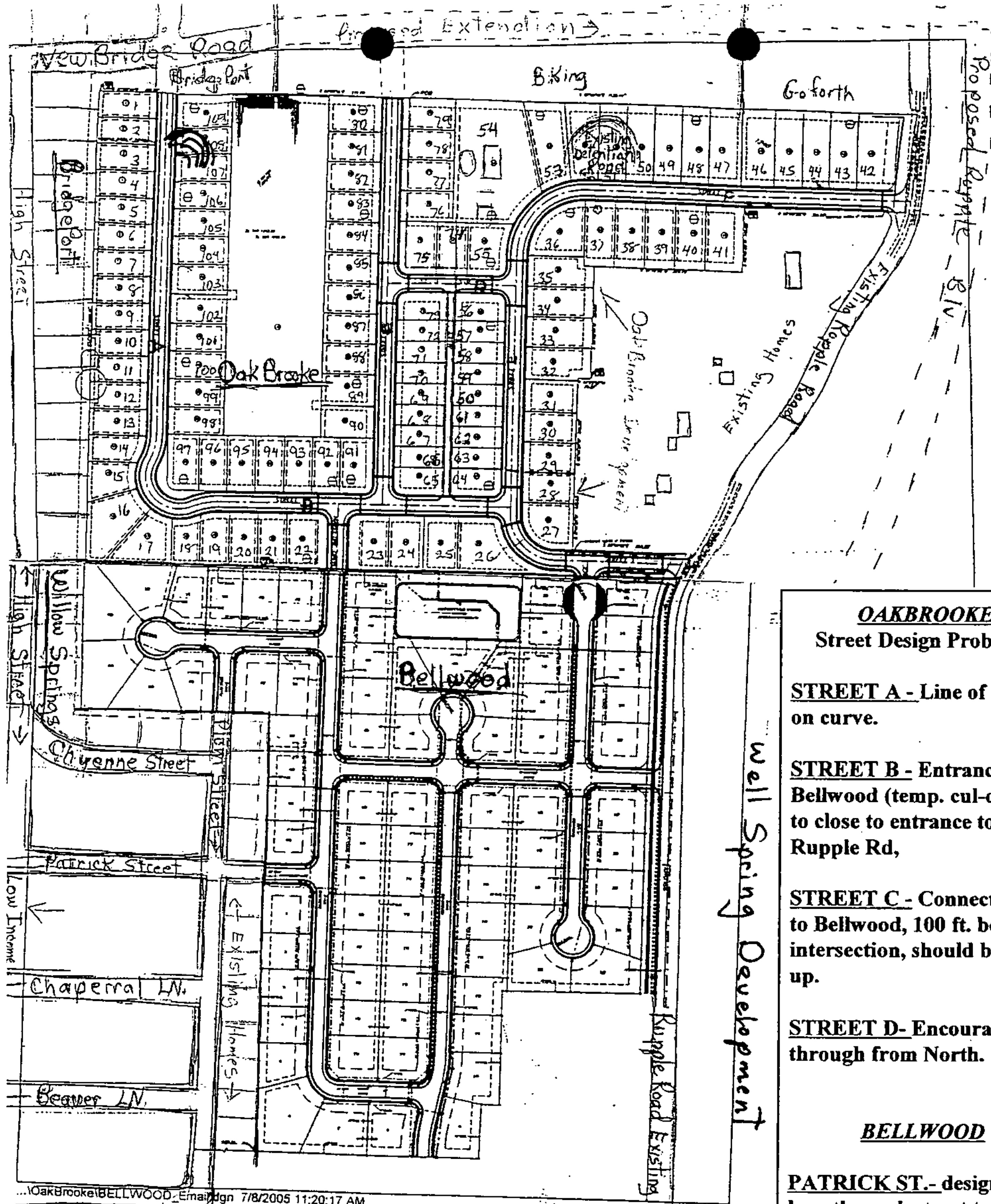
STREET D - Encourages cut through from North.

BELLWOOD

PATRICK ST. - designed to be a through street to Ruppel Rd. 15 yrs. ago. This puts more traffic moving through neighborhood. Temp. Cul-de-sac too close to major intersection - Lines up with Spring Wood Development

GREATEST PROBLEM

Proper placement of a traffic signal when Spring Wood (east side of Ruppel Rd) is developed. 1200 units will be using this street plan. Traffic will be going through these two developments at all sides.



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Well Spring Wood

GREATEST PROBLEM

Proper placement of a traffic signal when Well Spring Wood (east side of Ruppel Rd) is developed. 1200 units will be using this street plan. Traffic will be going through these two developments at all sides.

*Handed out at
Agenda Session*

8/30/05



THE CITY OF FAYETTEVILLE, ARKANSAS

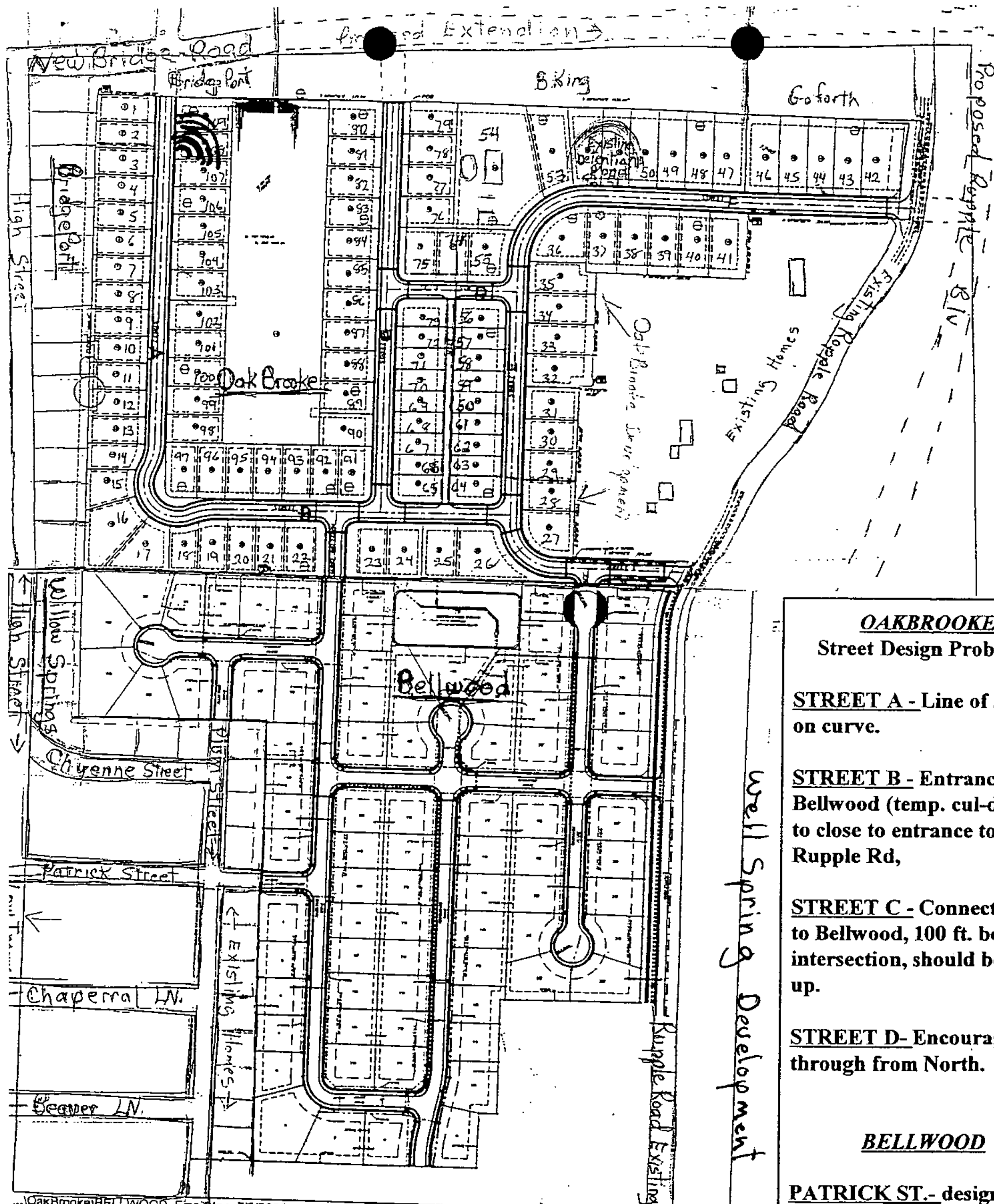
TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management
DATE: August 30, 2005
SUBJECT: Oakbrook Subdivision Sewer Assessment

BACKGROUND

Staff has recently made statements that all new development within the Hamestring/Owl Creek Sewer Basin that have not already been approved by the Planning Commission will be required to pay a sewer assessment. This assessment would fund potential interim lift station and force main sewer improvements to serve the basin if necessary prior to the new wastewater treatment plant being completed.

The current process of requiring on-site and off-site improvements is typically determined at the Planning Commission level. Oakbrook Subdivision Phase 1 was submitted on April 14, 2005, and approved by the Planning Commission on June 27, 2005. Oakbrook Phase 2 was submitted on May 19, 2005, and approved by the Planning Commission on July 11, 2005. The City was informed by an ongoing detailed study of the reduced capacity within the basin at the end of July 2005.

After further consideration of the timing of Planning Commission approval for Oakbrook Subdivision Phases 1 and 2, staff recommends this development be allowed to proceed without a condition for a sewer assessment.



OAKBROOKE

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SEPTEMBER 2, 2005

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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
September 6, 2005**

A meeting of the Fayetteville City Council will be held on September 6, 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**

Presentation on the Economic Impact Report of the Fayetteville Municipal Airport given by Dr. Jeffrey T. Collins-*Agenda Session Only*

Presentation on the Hillside Preservation Best Practices and Ordinance Recommendations given by Jim Pitts with Design Workshop-*Agenda Session Only*

Presentation on the Final Check for Blair Library Construction given by Louis Gottsponer, President, Library Board of Trustees and Louise Schaper, Executive Director-*City Council Meeting Only*

A. CONSENT:

- 1. Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.**
- 2. Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.
- 3. Braden Park Contract Award:** A resolution approving a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park; approving a 10% project contingency in the amount of \$10,996.00; and approving a budget adjustment in the amount of \$20,178.00 for same.

4. **University of Arkansas Cost Share Agreement:** A resolution approving a cost-share agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP)
5. **McClelland Consulting Engineers Task Order No. 11:** A resolution approving Task Order No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport.
6. **Cinnabar Service Company Easement Negotiation:** A resolution to approve an additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for the Wastewater System Improvement Project.
7. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** 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.
8. **ADM 05-1666 Master Street Plan Amendment for Ruppel Road:** A resolution amending the Master Street Plan reclassifying the entire length of Ruppel Road from a minor arterial street to a principal arterial street.
9. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClinton Anchor Division reducing the contract amount by \$278,481.85.
10. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.
11. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.
12. **Wedington Drive W & S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.

B. UNFINISHED BUSINESS:

1. **Amend § 96.05 Motor Vehicle and Motorcycle Sound Limit:** An ordinance to amend § 96.05 Motor Vehicle and Motorcycle Sound Limit of the Code of Fayetteville. *This ordinance was left on the second reading at the May 3, 2005 City Council meeting. This item was tabled at the May 17, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
2. **Mally Wagon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagon Road less than a quarter mile from the city limits. *This item was tabled at the August 2, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O , Residential Office, to C-2, Thoroughfare Commercial. *This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting. This item was tabled at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
4. **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 left on the third reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
5. **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 left on the second reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
6. **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 left on the first reading at the August 16, 2005 City Council meeting.*

7. **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 at the August 16, 2005 City Council meeting. This item was forwarded to the Ordinance Review Committee.*

C. NEW BUSINESS:

1. **Walker House Demolition:** A resolution to authorize bids and approve the lowest qualified bid received for the demolition and disposal of the Walker House located at 901 South College Avenue.
2. **Amend § 34.27 Sale of Municipally Owned Real Property:** An ordinance amending § 34.27, Code of Fayetteville to exempt the dedication of real property to the Arkansas State Highway Commission from the requirements of the ordinance; and declaring an emergency.
3. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.
4. **Gregg Avenue (Hwy 180) Widening Project:** A resolution approving the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue Widening.
5. **Amend § 166.05 Large Scale Development (LSD):** An ordinance to clarify that the miscellaneous requirements for large scale developments found in § 166.05 (C) (6) and (7) also apply to preliminary plats.
6. **ANX 05-1628 (Lamberth-Carlton):** An ordinance annexing that property described in Annexation Petition ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres.
7. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection from R-O Residential-Office to C-2, Thoroughfare Commercial.
8. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.
9. **ADM 05-1656 Adoption of the Downtown Master Plan Street Classification System:** A resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl and Associates.
10. **Adoption of §161.08 District RSFH-8:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.

11. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

D. INFORMATIONAL:

1. **Hamestring/Owl Creek Sewer Basin Options:** Information will be provided at Agenda Session.
2. **Council Tour: September 5, 2005 – 4:30 PM**



MEMORANDUM

Date: 8/1/05
To: Mayor Dan Coody and City Council Members
Thru Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director
From: Alison Jumper, Park Planner
Reference: Braden Park
Subject: Arkansas Parks and Tourism Outdoor Recreation Grant

Background:

Braden Park is a neighborhood park that will serve the recreational needs of Covington Subdivision located northeast of East Township Street. The City received the 2.25 acres of park land through the Park Land Dedication Ordinance in 1998. The project includes walking paths, playground equipment, stone work and picnic tables. Three public meetings were held with the neighborhood to develop the park master plan. The Braden Park Master Plan was approved by the Parks and Recreation Advisory Board on August 2nd, 2004.

In 2004, the Parks and Recreation Division applied and was awarded a \$40,000 50/50 reimbursable matching grant from the Arkansas Parks and Tourism Outdoor Recreation Grants Program for the 2005 grant year. City Council resolution number 144-04 authorized the City to apply for this grant.

The grant contains twelve (12) obligations including items such as ADA compliance, no overhead utility lines allowed, and signage. Additionally, the grant requires a boundary to be established for the project. The land within this boundary must be retained in perpetuity for outdoor recreational use and will be subject to inspections by the State. The boundary for this grant includes the entire 2.25 acre park.

Matching funds for this project were budgeted from sales tax fund in the neighborhood park development category, the Covington P.O.A. donation of \$10,000; and northeast Park Land Dedication funds, \$11,165.

Current Status:

The grant was awarded by Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000 for 2005.

Recommendation:

Parks and Recreation staff recommends approval of grant award from Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000 and a budget adjustment acknowledging this grant award to be added to the project budget for Braden Park.

Attachments: Arkansas Parks and Tourism Outdoor Recreation Grant Award
Resolution #144-04
Budget Adjustment
Grant Obligations

cc: files

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE PARKS AND RECREATION DIVISION TO ACCEPT AN ARKANSAS PARKS AND TOURISM OUTDOOR RECREATION GRANT IN THE AMOUNT OF \$40,000.00 FOR THE BRADEN PARK PROJECT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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 to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenue.

PASSED and APPROVED this 6th day of September, 2005

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST

By: _____

SONDRA SMITH, City Clerk

DRAFT



STATE OF ARKANSAS
OFFICE OF THE GOVERNOR

RECEIVED

DEC 29 2004

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

Mike Huckabee
Governor

December 17, 2004

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

Dear Mayor Coody:

The Department of Parks and Tourism's Outdoor Recreation Grants Advisory Committee has recommended that the City of Fayetteville be awarded a grant based on their FY 2005 application for matching grant funds.

It gives me great pleasure to award the City of Fayetteville a matching grant in the amount of \$40,000.00 to assist in the development of Braden Park.

The Department of Parks and Tourism will contact you in the near future to explain our procedure for the awards.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Mike Huckabee".

Mike Huckabee

MH:rn:iph:al

cc: Senator Sue Madison
Representative Marilyn Edwards
Richard W. Davies, Executive Director
Department of Parks and Tourism

RESOLUTION NO. 144-04

**A RESOLUTION AUTHORIZING THE MAYOR TO
APPLY FOR AN ARKANSAS PARKS AND TOURISM
OUTDOOR RECREATION GRANT IN AN AMOUNT
UP TO FIFTY THOUSAND DOLLARS (\$50,000.00)
FOR THE BRADEN PARK PROJECT**

WHEREAS, Fayetteville, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following; the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

The City Council is well aware and appraised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

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

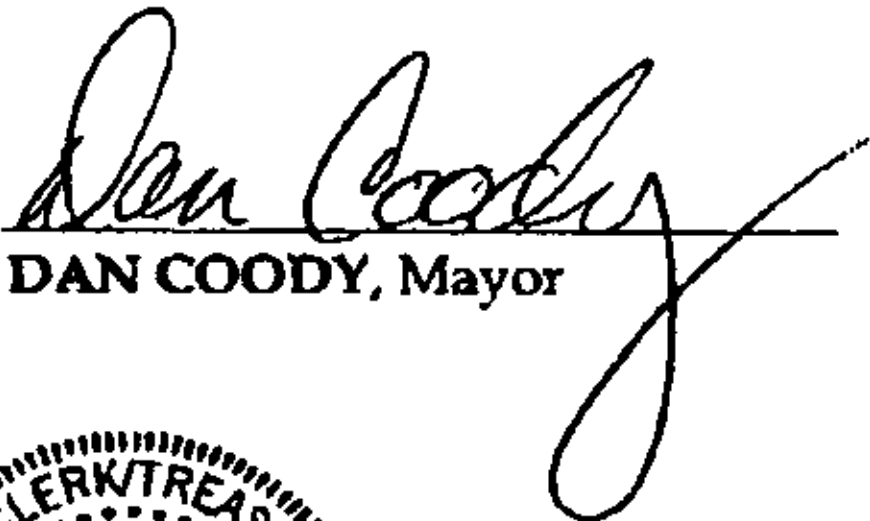
Section 1: The City Council of the City of Fayetteville hereby authorizes the Mayor to make application to the Arkansas Department of Parks and



Tourism for assistance to develop recreational facilities for the City; therefore such application shall be submitted as expediently as possible.

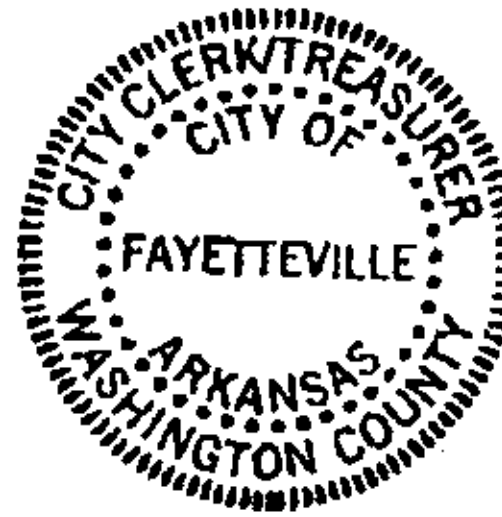
PASSED and APPROVED this 21st day of September, 2004.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



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".

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

A. 2
Arkansas Parks and Tourism
Outdoor Recreation Grant
Page 8 of 10

Budget Year 2005	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 7/29/2005	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased:

\$40,000 is requested in the Park Improvements Account for Braden Park Development in the Neighborhood Park Development Project # 02013.1

Project or Item Deleted/Reduced:

To recognize a \$40,000 grant awarded on December 17, 2004 from Arkansas Parks and Tourism in the State Grants Capital fund.

Justification of this Increase:

The additional funding is needed for the development of this neighborhood park.

Justification of this Decrease:

In December 2004 Arkansas Parks and Tourism awarded this grant to Fayetteville Parks and Recreation to construct Braden Park.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	4470	9470	5806	00	40,000	02013	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
State grants-Capital	4470	0947	4302	00	40,000		

Approval Signatures

Connie Edmonston 8-2-05
Requested By Date

Budget Manager Date

Department Director Date

Steph Daw 8-18-05
Finance & Internal Services Director Date

Mayor Date

Budget Office Use Only

Type: A B C D E

Date of Approval Initial Date

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

Entered in Category Log Initial Date

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

A. 2
Arkansas Parks and Tourism
Outdoor Recreation Grant
Page 9 of 10

6-Sep-05
City Council Meeting Date

Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Approval to accept a grant in the amount of \$40,000 from Arkansas Parks and Tourism Outdoor Recreation Grants Program on attached budget adjustment in the amount of \$40,000.

\$ 40,000.00
Cost of this request
4470.9470.5806
Account Number
2013.1
Project Number

\$ 61,127.00
Category/Project Budget
\$ 347.00
\$ -
Funds Used to Date
\$ 60,780.00
\$ -
Remaining Balance

Neighborhood Park Development
Program Category / Project Name
Park Development
Program / Project Category Name
Sales Tax
Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

[Signature]
Department Director

8-17-05
Date

Previous Ordinance or Resolution # 144-04

Original Contract Date: 1-Jun-05

[Signature]
City Attorney

8/18/05
Date

Original Contract Number: A-10445-05-WA

[Signature]
Finance and Internal Service Director

8/18/05
Date

Received in City Clerk's Office



[Signature]
Mayor

8/18/05
Date

Received in Mayor's Office



Comments:



MEMORANDUM

Date: 8/1/05
To: Mayor Dan Coody and City Council Members
Thru Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director
From: Alison Jumper, Park Planner
Reference: Braden Park
Subject: Contract Award

Background:

Braden Park is a neighborhood park that will serve the recreational needs of Covington Subdivision located northeast of East Township Street. The City received the 2.25 acres of park land through the Park Land Dedication Ordinance in 1998. The project includes walking paths, playground equipment, stone work and picnic tables. Three public meetings were held with the neighborhood to develop the park master plan. The Braden Park Master Plan was approved by the Parks and Recreation Advisory Board on August 2nd, 2004.

Funding for this project was provided in sales tax funds, \$40,000; Arkansas Parks and Tourism Outdoor Recreation Grant, \$40,000; donation from the Covington P.O.A., \$10,000; and northeast Park Land Dedication funds, \$11,165. The budget adjustment accepting the \$40,000 grant award is another agenda item for consideration at the August 16th City Council meeting.

A request to Parks and Recreation Advisory Board to utilize \$11,165 from Park Land Dedication fund in the northeast park district was approved at the August 1st, 2005 meeting. This project was first bid in June of 2005. One bid was received and was over the certification of funds. The project was adjusted into two phases and re-bid in July.

Current Status:

The project bids were opened on July 28th, 2005. There was one responsive bidder, Midland Construction, Inc. The total base bid was in the amount of \$164,907. Because the bid was over the project budget, the deductive alternate in the amount of \$41,000 was deleted from this project making the total bid amount \$123,907. Contract prices have been negotiated to bring the total cost of phase one into the amount certified for the project which was \$109,962.

A budget adjustment includes approval of \$20,178 from to be transferred from Forestry, Safety, and ADA Compliance project. Ample funds are remaining within this project to complete the project and in order to comply with ADA regulations, this equipment must be accessible to users with disabilities. The use of Forestry and ADA project funding is appropriate for this project because it will provide ADA access to users.

Recommendation:

Parks and Recreation staff recommends approval to award the construction contract to Midland Construction, Inc. in the amount of \$109,962 with a 10% project contingency of \$10,996 for a total project cost of \$120,958 and a budget adjustment in the amount of \$20,178.

Attachments: Construction Contract
Bid Tabulation
Budget Adjustment
PRAB August 1, 2005 meeting minutes

A. 3
Braden Park Contract Award
Page 2 of 22

cc: files

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH MIDLAND CONSTRUCTION, INC. IN THE AMOUNT OF \$109,962.00 FOR THE CONSTRUCTION OF BRADEN PARK; APPROVING A 10% PROJECT CONTINGENCY IN THE AMOUNT OF \$10,996.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$20,178.00 FOR SAME.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park. 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 10% project contingency in the amount of \$10,996.00.

Section 3: That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of \$20,178.00 for same.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

Section 00500

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2005 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and Midland Construction, Inc. (herein after called CONTRACTOR).

CITY OF FAYETTEVILLE and Midland Construction, Inc., in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

Midland Construction, Inc. shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of play structures, play areas, site preparation, paving and stone work

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

will be hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for Braden Park shall be substantially completed within 60 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 90 consecutive calendar days after the date when the Contract Time commences to run.

3.2. Liquidated Damages. CITY OF FAYETTEVILLE and Midland Construction, Inc. recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and Midland Construction, Inc. agree that as liquidated damages for delay (but not as a penalty Midland Construction, Inc. shall pay CITY OF FAYETTEVILLE One hundred and fifty dollars (\$150.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Midland Construction, Inc. shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, Midland Construction, Inc. shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay Midland Construction, Inc. for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. For all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

See attached Bid Tabulation dated 08-11-2005

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

Midland Construction, Inc. shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of Midland Construction, Inc.'s Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02. All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the PARKS AND RECREATION DIVISION PROJECT MANAGER, and if the character and progress of the Work have been satisfactory to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, CITY OF FAYETTEVILLE, on recommendation of PARKS AND RECREATION DIVISION PROJECT MANAGER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to CITY OF FAYETTEVILLE as provided in paragraphs 14.02.B.5 & 14.02.D of the

General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to Midland Construction, Inc. to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement Midland Construction, Inc. makes the following representations:

6.1. Midland Construction, Inc. has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. Midland Construction, Inc. has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. Midland Construction, Inc. is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. Midland Construction, Inc. has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. Midland Construction, Inc. accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which Midland Construction, Inc. is entitled to rely as provided in paragraph 4.02 of the General Conditions.

Midland Construction, Inc. acknowledges that such reports and drawings are not Contract Documents and may not be complete for Midland Construction, Inc.'s purposes. Midland Construction, Inc. acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. Midland Construction, Inc. has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning

conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by Midland Construction, Inc. and safety precautions and programs incident thereto. Midland Construction, Inc. does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. Midland Construction, Inc. is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. Midland Construction, Inc. has correlated the information known to Midland Construction, Inc. information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. Midland Construction, Inc. has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that Midland Construction, Inc. has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to Midland Construction, Inc. and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and Midland Construction, Inc. concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 7, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.7. Specifications consisting of Divisions 1 through 16 as listed in table of contents thereof.
- 7.8. Addenda numbers one through two, inclusive.

- 7.9. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through eight with each sheet bearing the following general title: **Braden Park.**
- 7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
- 7.10.1. Notice to Proceed
- 7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

- 8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.
- 8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.
- 8.3. CITY OF FAYETTEVILLE and Midland Construction, Inc. each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.
- 8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.
- 8.5. 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.
- 8.6. Freedom of Information Act. City contract 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, Midland Construction, Inc. will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and Midland Construction, Inc. have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to Midland Construction, Inc. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and Midland Construction, Inc. or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2005 (which is the Effective Date of the Agreement).

CITY OF FAYETTEVILLE: City of Fayetteville

By: _____
Mayor

[CORPORATE SEAL]

CONTRACTOR:

By:

Title

[CORPORATE SEAL]

Attest

Maguelene T. Zimmerman

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach License No. 0015340206
evidence of authority to sign and resolution or other documents Agent for service of process:
authorizing execution of Agreement.)

(If Midland Construction, Inc. is a corporation, attach evidence of authority to sign)

Exhibit A

PERFORMANCE BOND

Exhibit B

PAYMENT BOND

Exhibit C

CERTIFICATES OF INSURANCE

NOTICE TO PROCEED

TO: _____

DATE: _____

PROJECT: Braden Park Construction Project

You are hereby notified to commence WORK in accordance with the Contract dated _____ on or before _____, and you are to substantially complete the WORK within ninety consecutive calendar days thereafter and have the Work complete and ready for final payment within thirty consecutive calendar days thereafter. The date for Substantial completion is therefore _____. The date for final completion is therefore _____.

CITY OF FAYETTEVILLE, ARKANSAS
City of Fayetteville

By _____
Park Planner

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by
_____ this the _____ day of _____, 2005.

By _____

Title _____

price per bid documents	negotiated price	total
-------------------------	------------------	-------

[illegible]

D1								
	IRRIGATION SYSTEM	L.S.	1.00		0.00			
	1 1/2 meter and tap, impact fees	L.S.	1.00					
	POROUS PAVING (9)	S.F.	2392.00		0.00			
	WATER TAP PLAY ELEMENT (7)	EA.	1.00		0.00			
	PICNIC TABLE INSTALLATION	EA.	2.00		0.00			
	FIRE PIT STONES (9)	C.F.	18.00		0.00			
					\$41,000.00			41000

1001

\$109,960.37



August 11, 2005

Mr. Steve Zimmerman
Midland Construction, Inc.
14571 Zimmerman Lane
Springdale, AR 72756

RE: Braden Park Bid # 05-32

Dear Mr. Zimmerman,

Thank you for your continuing cooperation regarding the Braden Park bid. I am pleased that we were able to negotiate a price that will allow the project to move forward. I am enclosing the revised bid numbers that have been agreed upon. Please review the numbers and sign below to accept the revisions. The bid will be presented at the September 6th City Council meeting for approval. If approved, we will then be able to award the bid and move forward.

Thank you again for your cooperation. I look forward to working with you on this project.

Best Regards,

Alison Jumper

Alison Jumper
Park Planner
City of Fayetteville

Please sign below in agreement with the negotiated bid prices. Fax back to 479-521-7714.

By: *[Signature]*

Date: *8/11/05*

Braden Park Masterplan Preliminary Bid Tabulation

ITEM NUMBER	DESCRIPTION	UNIT	EST. QTY.	UNIT \$	ESTIMATE	negotiated	estimate
1	MOBILIZATION/CLEARING/GRUBBING	L. S.	1.00	16,335.00	16,335.00	13,335.00	13,335.00
2	CONSTRUCTION STAKING	L. S.	1.00	2,500.00	2,500.00	2,000.00	2,000.00
3	SILT FENCE (2) (4)	L. F.	100.00	13.00	1,300.00	10.00	1,000.00
4	POROUS PAVING (9)	S. F.	3500.00	8.35	29,225.00	8.16	28,549.99
5	CONCRETE WALK	S. F.	402.00	9.00	3,618.00	7.13	2,867.99
6	1 1/2" meter and tap, impact fees	L. S.	1.00	4,000.00	4,000.00	4,000.00	4,000.00
7	IRRIGATION SYSTEM	L. S.	1.00	10,500.00	10,500.00	10,500.00	10,500.00
8	CONCRETE CURB-PLAYGROUND CONTA	L. F.	177.00	28.00	4,956.00	28.00	4,956.00
9	PLAYGROUND SAFETY SURFACING-POU	S. F.	316.00	32.00	10,112.00	30.42	9,611.99
10	PLAYGROUND SAFETY SURFACING-SAN	C. Y.	79.00	45.00	3,555.00	45.00	3,555.00
11	PLAYGROUND SUBDRAINS - 4" PERFOR	L. F.	156.00	7.00	1,092.00	7.00	1,092.00
12	CLIMBING BOULDERS (9)	C. F.	456.00	39.00	17,784.00	39.00	17,784.00
13	SEATING BOULDERS (9)	C. F.	133.00	20.00	2,660.00	20.00	2,660.00
14	FIRE PIT STONES (9)	C. F.	18.00	140.00	2,520.00	140.00	2,520.00
15	STEPPING STONES (9)	C. F.	1.25	400.00	500.00	400.00	500.00
16	FLAGSTONE PAVERS (9)	S. F.	57.20	132.00	7,550.40	107.14	6,128.40
17	SIGN INSTALLATION	L. S.	1.00	1,200.00	1,200.00	700.00	700.00
18	PICNIC TABLE INSTALLATION	EA.	2.00	200.00	400.00	200.00	400.00
19	POLARIS (7)	EA.	1.00	\$20,000.00	20,000.00	18,000.00	18,000.00
20	TRIPLE SHIFTER (7)	EA.	1.00	9,400.00	9,400.00	8,500.00	8,500.00
21	PLAYGROUND INSTALLATION & FREIGHT	L. S.	1.00	13,000.00	13,000.00	10,000.00	10,000.00
22	ROTATING SAND TABLE (7)	EA.	1.00	1,300.00	1,300.00	1,100.00	1,100.00
23	WATER TAP PLAY ELEMENT (7)	EA.	1.00	1400	1,400.00	1,200.00	1,200.00
					\$164,907.40		150,960.37

DEDUCTIVE ALTERNATES

D1	IRRIGATION SYSTEM	L. S.	1.00		0.00		
	1 1/2" meter and tap, impact fees	L. S.	1.00				
	POROUS PAVING (9)	S. F.	2392.00		0.00		
	WATER TAP PLAY ELEMENT (7)	EA.	1.00		0.00		
	PICNIC TABLE INSTALLATION	EA.	2.00		0.00		
	FIRE PIT STONES (9)	C. F.	18.00		0.00		
					\$41,000.00		41000

\$41,000.00

Total

\$123,907.40

\$109,960.37

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

A. 3
Braden Park Contract Award
Page 19 of 22

Budget Year 2005	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 7/29/2005	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Added/Increased:
\$20,178 is requested in the Park Improvements Account for Braden Park Development in the Neighborhood Park Development Project # 02013.1

Project or Item Deleted/Reduced:
To reduce the Forestry, Safety, & ADA project # 02045.1 by \$20,178.

Justification of this Increase:
The additional funding is needed for the development of this neighborhood park.

Justification of this Decrease:
There is sufficient funds available in this project to meet 2005 objectives. The construction of Braden Park will include play equipment for age groups 2-5 and 5-12. In order to comply with ADA regulations, this equipment must be accessible to users with disabilities. Plans include installing poured-in-place rubber safety surfacing around the play elements to meet the regulations as well as ADA accessible walks to the play areas. The use of Forestry and ADA project funding is appropriate for this project because it will provide ADA access to users.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	4470	9470	5806	00	20,178	02013	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Park improvements	4470	9470	5806	00	20,178	02045	1

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

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes August 1, 2005

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order by Mike Hill at 5:30 P.M. on August 1, 2005 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Present:

Parks and Recreation Advisory Board members Hill, Bailey, Harrison, Langsner, Marley, Davidson, Mauritson, Pawlik-Holmes and Park Staff Edmonston, Wright, Coles, Jumper, Whillock and Audience.

1. Park Land Dedication Fund Request: Alison Jumper, Park Planner

Parks and Recreation Staff is requesting \$11,165 from the Northeast Park District Fund for the Braden Park Development project. Currently there is \$40,000 funded for the project. Arkansas Parks and Tourism awarded \$40,000 in matching funds for the development of Braden Park. In addition, Covington POA is donating \$10,000 to the project which makes a total budget of \$90,000. Bids were opened in June and were over the budgeted amount. We estimate the \$11,165 added to the project budget will be sufficient funds for this project to proceed according to the plans approved in the Braden Park Master Plan.

Davidson inquired if this amount will fully fund both phases. Jumper said the amount is for phase I only. Davidson asked what the cost of phase II would be. Jumper said phase I consists of the walks and playground as the bulk of the construction with phase II being minimal consisting of the fire pit and other miscellaneous items for completion of the park. Edmonston stated the staff has met with the citizens of the community and have received the approval for the project to be completed in two phases.

Marley asked why the bids were over the original estimated cost. Jumper said it is difficult to get bids on small projects resulting in only one bid. Edmonston said Fayetteville costs of these types of projects is high. Marley asked if future projects could be planned for in-house construction. Edmonston said that possibility is being considered.

PRAB Motion: Mauritson moved to permit use of \$11,165 from the Northeast Park district funds for phase I of the Braden Park Development project. The motion was seconded by Davidson. Hill, Bailey, Harrison, Langsner, Marley, Davidson and Mauritson voted "yes" with Pawlik-Holmes absent for the vote.

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

A. 3
Braden Park Contract Award
Page 21 of 22

6-Sep-05
City Council Meeting Date

Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Approval of a contract to construct Braden Park with Midland Construction, Inc. in the amount of \$109,962 with a 10% contingency of \$10,996 for a total cost of \$120,958. Approval of attached budget adjustment in the amount of \$20,178.

\$	120,958.00
Cost of this request	
4470.9470.5806	
Account Number	
2013.1	
Project Number	

\$	101,127.00
Category/Project Budget	
\$	347.00
\$	-
Funds Used to Date	
\$	100,178.00
\$	-
Remaining Balance	

Neighborhood Park Development
Program Category / Project Name
Park Development
Program / Project Category Name
Sales Tax
Fund Name

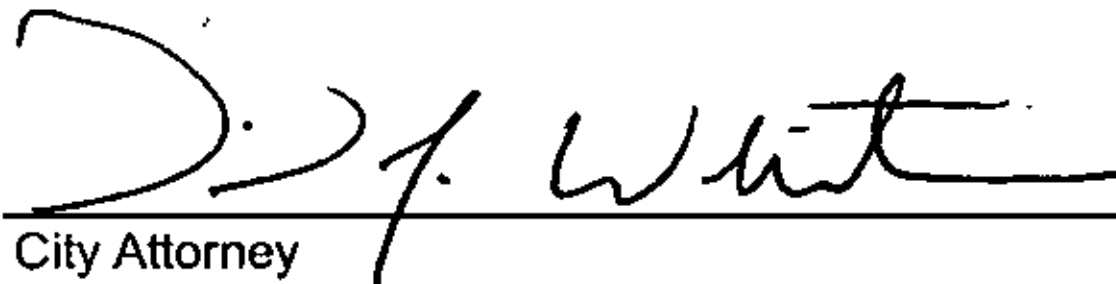
Budgeted Item ☒

Budget Adjustment Attached ☒


Department Director 8-17-05
Date

Previous Ordinance or Resolution # 144-04

Original Contract Date: 1-Jun-05


City Attorney 8/18/05
Date

Original Contract Number: A-10445-05-WA


Finance and Internal Service Director 8/18/05
Date

Received in City Clerk's Office
ENTERED 8-18-05


Mayor 8/18/05
Date

Received in Mayor's Office
ENTERED 8-18-05

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 9, 2005

SUBJECT: Approve Agreement between the City of Fayetteville and the University of Arkansas for a cost share to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP) located on South School Street, not to exceed \$40,000.00.

RECOMMENDATION: Approve a cost share agreement not to exceed \$40,000.00 from the Fayetteville Economic Development Fund to match funding from the U of A to be used for engineering work needed to develop application to the Economic Development Administration Public Works Program to fund a comprehensive Master Development Plan for the ARTP.

BACKGROUND: In 2002 the U of A developed a Strategic Plan for the development of the Arkansas Research and Technology Park located on South School Street in Fayetteville. Funding for the Plan was shared by many public bodies including the City of Fayetteville in the amount of \$36,000.00. Today, the Genesis Business Incubator is home to eleven emerging companies. The Innovation Center hosts three "new technology" companies and two University Research Departments. In all, 254 jobs can be attributed to the existence of the ARTP in Fayetteville.

DISCUSSION: This project will assist in the funding of engineering work needed to develop infrastructure as the ARTP continues to grow as a state of the art research and technology park. The preliminary information provided through this cost share and the contracts with McClelland Consulting Engineers and ★ is necessary to prepare a grant application to the EDA for funding to develop the long term development Master Plan that will guide the park over the next ten years of development. It is anticipated that more than 1,000 jobs will be created in the park over the next ten years.

BUDGET IMPACT: The project cost share will be funded through the economic development fund.

Attachments: Staff Review Form
Budget Adjustment

★ BATSON BRAVO ENGINEERS

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



RESOLUTION NO. _____

A RESOLUTION APPROVING A COST-SHARE AGREEMENT WITH THE UNIVERSITY OF ARKANSAS IN AN AMOUNT NOT TO EXCEED \$40,000.00 FROM THE ECONOMIC DEVELOPMENT FUND TO OBTAIN ENGINEERING SERVICES RELATED TO THE CONTINUED DEVELOPMENT OF THE ARKANSAS RESEARCH AND TECHNOLOGY PARK (ARTP).

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 Cost-Share Agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP).

PASSED and APPROVED this 6th day of September 2005.

APPROVED

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

LETTER OF AGREEMENT
For
ENGINEERING SERVICES PURSUENT TO DEVELOPMENT
Of
THE ARKANSAS RESEARCH AND TECHNOLOGY PARK
UNIVERSITY OF ARKANSAS

WHEREAS the University of Arkansas Research and Technology Park continues to support the developing Technology Industry in Fayetteville and,

WHEREAS there is a need for an engineering study into the future infrastructure needs of the park as development continues and,

WHEREAS a Strong Partnership with the University of Arkansas is one of the City Goals for 2008 and,

WHEREAS it is essential that the engineering study be completed in order to apply for Economic Development Administration (EDA) funding to implement a long term Master Plan and,

WHEREAS the University of Arkansas shall enter into a contract for the engineering study,

It is hereby agreed that the parties cost share the engineering study and that the City share not exceed 50% of the project cost or \$40,000.00 whichever is less.

Entered into this _____ day of September, 2005

For the City of Fayetteville:

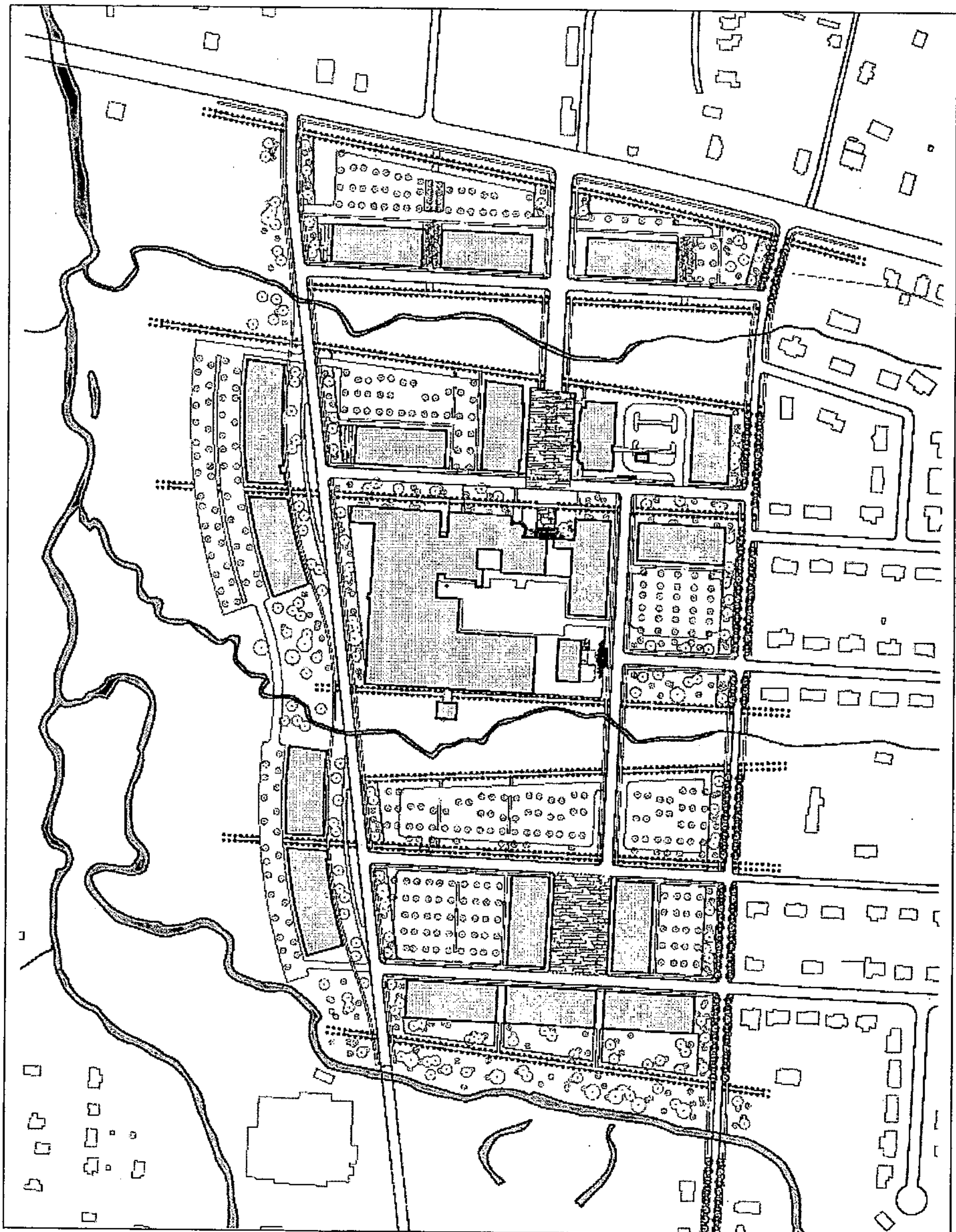
For the University of Arkansas:

Dan Coody, Mayor

Attested by:

Attested by:

Sondra Smith, City Clerk



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

9/6/2005
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: Approve a Cost Share Agreement in the amount of \$40,000.00, with the University of Arkansas to be paid from the Economic Development Fund.

\$ 40,000.00
Cost of this request

\$ 100,000.00
Category / Project Budget

Economic Development Matches
Program Category / Project Name

4470.9470.5315.00
Account Number

\$ -
Funds Used to Date

Serv / Chgs
Program / Project Category Name

02050.1
Project Number

\$ 100,000.00
Remaining Balance

Cap Imp
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Service Director

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office

ENTERED
8/16/05
P.H.

Comments:

City Council Meeting of: September 6, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee
Airport Board

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: August 11, 2005

SUBJECT: Approve Task Order No. 11 with McClelland Consulting Engineers for detailed Architectural and Engineering design for the phase 1 renovation of the Fayetteville Municipal Airport, Drake Field Terminal Building in the amount of \$31,150.00.

RECOMMENDATION: Approve Task Order No. 11 to contract #917 with McClelland Consulting Engineers in the amount of \$31,150.00 for Architectural and Engineering services related to phase I of the Terminal Building remodeling project. The Airport Board approved this project at their August 11, 2005 meeting.

BACKGROUND: Task Order No. 11 employs McClelland Consulting Engineers and Richard Alderman of Whittenberg-Delony Davidson, Inc. architects to engineer and design a project to remodel the lobby and FBO space of the Airport Terminal Building. The Airport Board included this project in the capital program to remodel the area to look more like an executive airport service center or hotel Lobby rather than a commercial airport lobby. With Million Air accepting a contract to operate the FBO line and fuel services, it makes the project even more appropriate. Million Air of Fayetteville will participate in the project in accordance with their lease agreement.

DISCUSSION: This project will remodel the lobby of the airport into an executive style airport service area and will result in the lobby looking more like a hotel lobby. Since the airlines moved to XNA, the number of people in the building reduced with the number of aircraft remaining relatively the same. The difference is the number of passengers-per aircraft. General aviation airports that serve the business passenger are designed to look more like a living room where passengers and crews can wait in comfort. This project will bring the Fayetteville Drake terminal up to the standard and style of the terminals at Springdale, Rogers, and the Regional Airport to attract the business traveler.

BUDGET IMPACT: The project is budgeted in the 2005 capital improvement budget. Funds are available.

Attachments: Staff Review Form

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



RESOLUTION NO. _____

A RESOLUTION APPROVING TASK ORDER NO. 11 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$31,150.00 FOR DETAILED ARCHITECTURAL AND ENGINEERING DESIGN FOR THE PHASE 1 RENOVATION OF THE TERMINAL BUILDING AT THE FAYETTEVILLE MUNICIPAL AIRPORT.

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 No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 Renovation of the Terminal Building at the Fayetteville Municipal Airport.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By DAN COODY, Mayor

ATTEST:

By SONDRA SMITH, City Clerk

McClelland Consulting Engineers, Inc.

CAPABILITY

GENERAL QUALIFICATIONS

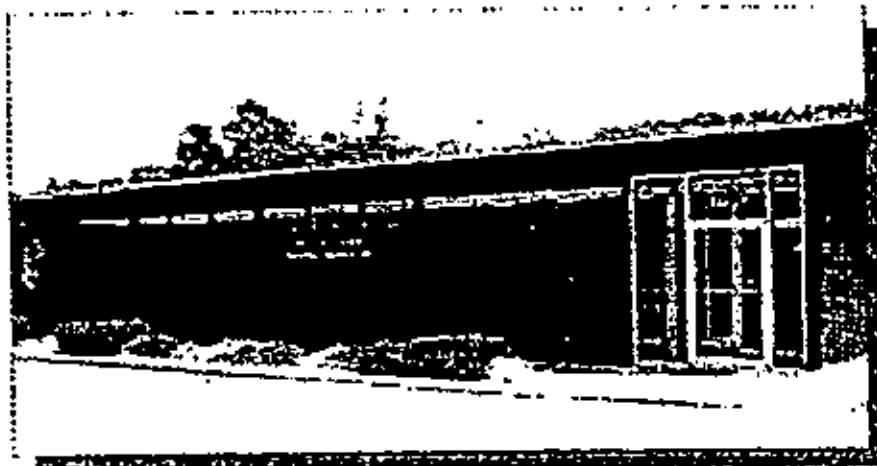
THE TEAM

McClelland Consulting Engineers, Inc. (MCE) will serve as the lead consultant for the "team". We have assembled a group of professionals that brings **specialized experience** relative to your potential projects.

- ♦ Kimley-Horn and Associates, Inc. is a national engineering firm with extensive airport facilities design experience. They provide a wealth of experience that will supplement McClelland's "local knowledge" of Drake Field.
- ♦ Barnard Dunkelberg & Company is a nationally recognized airport planning firm that can provide all services required for the development of an airport planning program.
- ♦ Aviation Alliance, Inc. will provide engineering services for all runway and/or taxiway lighting assignments.
- ♦ Wittenberg Delony & Davidson, Inc. is an architectural firm that has served with MCE on many team projects in the past.
- ♦ Green Anderson Engineers, Inc. is a mechanical and electrical consulting engineering firm with a wide range of commercial, industrial and institutional experience.

McClelland has worked with each of these team members on past projects that were successfully implemented.

McCLELLAND CONSULTING ENGINEERS, INC.



FAYETTEVILLE, ARKANSAS

McClelland Consulting Engineers (MCE) is a multidiscipline engineering firm specializing in civil and environmental engineering, geotechnical engineering, structural engineering, environmental laboratory analysis, construction management and surveying. Established in Fayetteville, Arkansas, in 1963, McClelland Consulting Engineers, Inc. (MCE) has grown to become one of the largest engineering consulting firms in Arkansas. MCE specializes in planning, design, and construction management of airport facilities.

MCE employs approximately 80 skilled persons who work out of offices in Little Rock and Fayetteville. Both offices are similar in size, and both offices have similar experience. In its second generation, the company maintains a strong financial position, has increased its staff by 70% in the past 24 years, and is one of the largest engineering firms in Arkansas. The average term of employment for MCE's three Fayetteville office Partners is 25 years, which means that the company experience claimed remains with us rather than with those who have moved on.

TASK ORDER NO. 11

PHASE 1 TERMINAL\FBO RENOVATIONS

FAYETTEVILLE MUNICIPAL AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 6, 2003, as amended. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers sets forth the project description, project schedule, and engineering and architectural fees related to the preparation of Construction Documents for the Phase 1 of the Terminal/FBO Building Renovation at Fayetteville Municipal Airport, Drake Field. Our Architectural Consultant Wittenberg-Delony Davidson, Inc. from their Fayetteville office will perform this task.

SECTION I - PROJECT DESCRIPTION

The project is to consist of: assistance in applying for state funding for the project; Detailed Architectural and Engineering Design for the Phase 1 Renovation of the Terminal\FBO Building; final cost estimates; meetings with the Airport Management and Airport Advisory Board to review the desired renovations; and Architectural Services associated with the Construction Administration for this project.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland Consulting Engineers through its Consultant will endeavor to execute the project construction documents within a four (4) week time period, as expeditiously as possible, to enable the City of Fayetteville to solicit competitive bids for construction as soon as possible.

SECTION III - SCOPE OF SERVICES

MCE through its Consultant shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, this project is likely to include:

- A. Assisting the City of Fayetteville in making application for a grant from the Arkansas Department of Aeronautics.
- B. Development of Final Construction Documents and Cost Estimates for the following areas:

FBO

- New Carpet and Flooring
- Entry Desk and Display Wall
- Millwork
- Flight Line Desk
- Weather Info Area
- New Room Finishes for: Media Room, 2 Offices, & Reading Room
- Misc. Wall Finishes

Toilets (South)

- Counter Tops
- Showers

Restaurant

- New Wall at Kitchen
- Windows & Doors at Patio
- Selective Demolition

- C. Meeting with the Airport Management and their Tenants to discuss design criteria, desired features, and schedule.
- D. Construction Administration and Periodic Inspections of the work.
- E. Providing a set of "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.
- F. Reproduction Cost for drawing sets.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to MCE as compensation for his services:

A. Project Coordination:	Lump Sum	\$ 850.
B. Construction Documents, Bidding, & Const. Admin:	Lump Sum	\$ 26,750.
C. Preparation of "Record Drawings":	hourly rates estimated to be	\$ 550.
D. Reproduction Costs:	Actual Cost Not to Exceed	\$ 3000.

Appendix "A" presents hourly rates for personnel anticipated to be assigned to this project as well as the basis of payments to be made to MCE.

SECTION V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

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

FOR THE CITY OF FAYETTEVILLE:

By: _____

Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: *R. Wayne Laver* *8-9-05*

Vice President

Attest: *John C. Quinn*

APPENDIX A
TASK ORDER NO. 11
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$125 to \$150
Project Manager	\$90 to \$120
Project Engineer	\$75 to \$90
Design Engineer II	\$65 to \$75
Principal Architect	\$130 to \$165
Project Architect	\$100 to \$125
Associate Architect	\$90 to \$110
Architect	\$80 to \$95
Intern Architect	\$60 to \$75
Construction Coordinator	\$75 to \$95
Computer Technician	\$45 to \$60
Clerical Support	\$45 to \$65
CADD Technician III	\$55 to \$65
CADD Technician II	\$45 to \$55
CADD Technician I	\$35 to \$45

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

6-Sep
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Approve Task Order #11 to Contract #917 McClelland Consulting Engineers, Inc., PO Box 1229, Fayetteville, AR, 72702-1229, Wayne Jones P.E., Vice President, 479-443-2377 office, 479-443-9241 fax, wjones@mcclelland-engrs.com, in the amount of \$31,150.00.

\$31,150.00
Cost of this request
5550.3960.5314.00
Account Number
05021.1
Project Number

\$ 300,000.00
Category/Project Budget
\$ 8,200.00
Funds Used to Date
\$ 291,800.00
Remaining Balance

Terminal Building Rehabilitation
Program Category / Project Name
Airport Capital Improvements
Program / Project Category Name
General Fund / Airport
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

4/30/2003

Original Contract Number:

917

City Attorney

Finance and Internal Service Director

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office



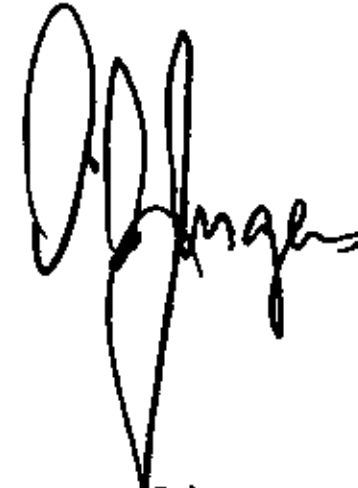
Comments:

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water/Wastewater Director, Interim



Date: August 15, 2005

Subject: Resolution Approving \$40,000 plus a 5% contingency of \$2,000 to Cinnabar Service Company for easement negotiation assistance in conjunction with the WSIP.

RECOMMENDATION

Fayetteville City Administration recommends the City Council approve \$40,000, plus a \$2,000 contingency, for Cinnabar Service Company for easement negotiation assistance in conjunction with the Wastewater System Improvement Project (WSIP).

BACKGROUND

Cinnabar was selected by a professional selection committee based on proposals submitted in accordance with RFP 05-11. The proposal and subsequent selection included a proposed and agreed upon hourly work rate and mileage reimbursement rate.

DISCUSSION

Cinnabar has been providing excellent service in their easement negotiations to date. In order to continue negotiations currently in progress and complete the easement acquisitions required for the WSIP, the total amount of work required of Cinnabar shall exceed \$20,000. Thus, approval is requested of the City Council to continue this work.

Cinnabar's negotiator has been involved in the most challenging easement negotiations on both the west and east side line work. Changing negotiators at this time would only weaken the City's negotiating position.

BUDGET IMPACT

Funds are available in Fiscal Year 2005 budget.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN' ADDITIONAL
\$42,000.00 FOR CINNABAR SERVICE COMPANY
FOR EASEMENT NEGOTIATION ASSISTANCE FOR
THE WASTEWATER SYSTEM IMPROVEMENT PROJECT

**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 additional \$40,000.00, plus \$2,000.00 contingency for Cinnabar Service
Company for easement negotiation assistance for the Wastewater System Improvement
Project.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

A. 6
Cinnabar Service Company Easement Negotiation
Page 3 of 4

6-Sep-05

City Council Meeting Date

David Jurgens

Submitted By

Water/Wastewater

Division

Water/Wastewater

Department

Action Required:

Approval of \$40,000 plus a 5% contingency of \$2,000 to Cinnabar Service Company for easement negotiation assistance in conjunction with the WSIP. Funds are available in Fiscal Year 2005 budget.

\$42,000.00

Cost of this request

4480-9480-5315.00

Account Number

02133.0305

Project Number

\$ 113,011,587.00

Category/Project Budget

\$ 26,305,272.00

Funds Used to Date

\$ 86,706,315.00

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

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Clerk's Office

Finance and Internal Service Director

Mayor

Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations *(signature)*

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

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.

Removed until Street Committee reviews

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:

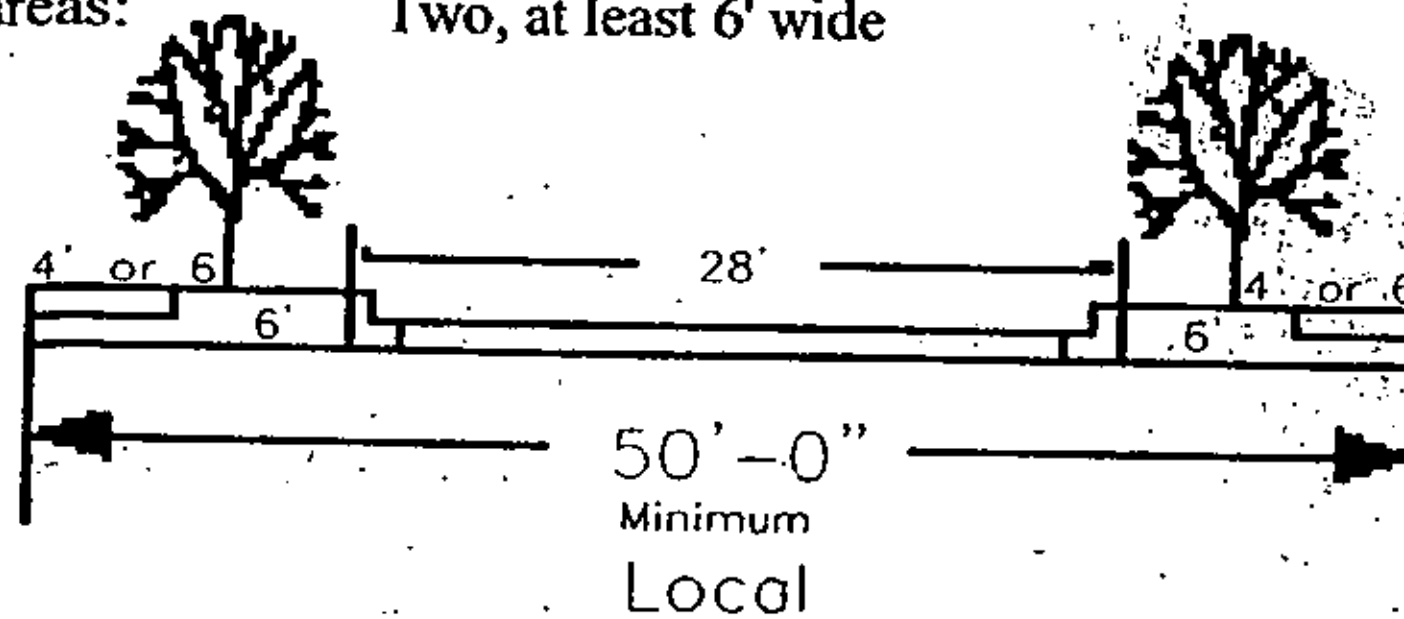
By: _____

SONDRA SMITH, CITY CLERK

• PLANS AND POLICIES •

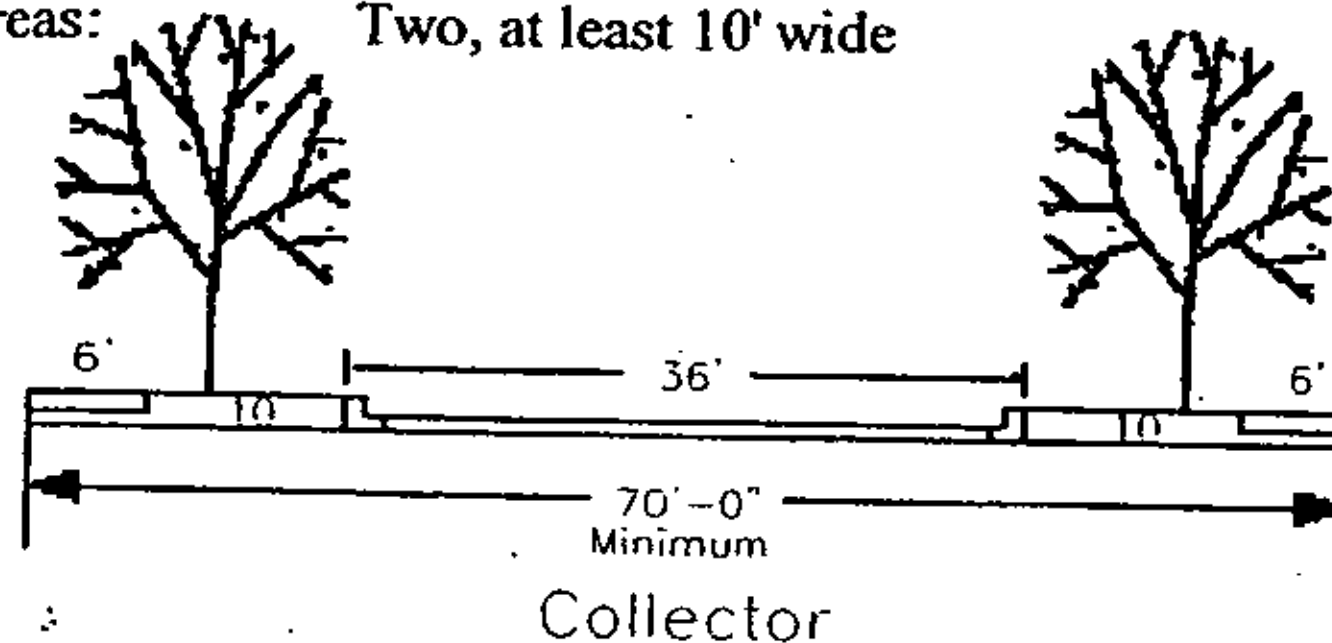
LOCAL STREETS provide for the second lowest level of traffic flow and service. They provide access to abutting land uses and provide connections to higher order systems. They are not intended to provide for through traffic movements.

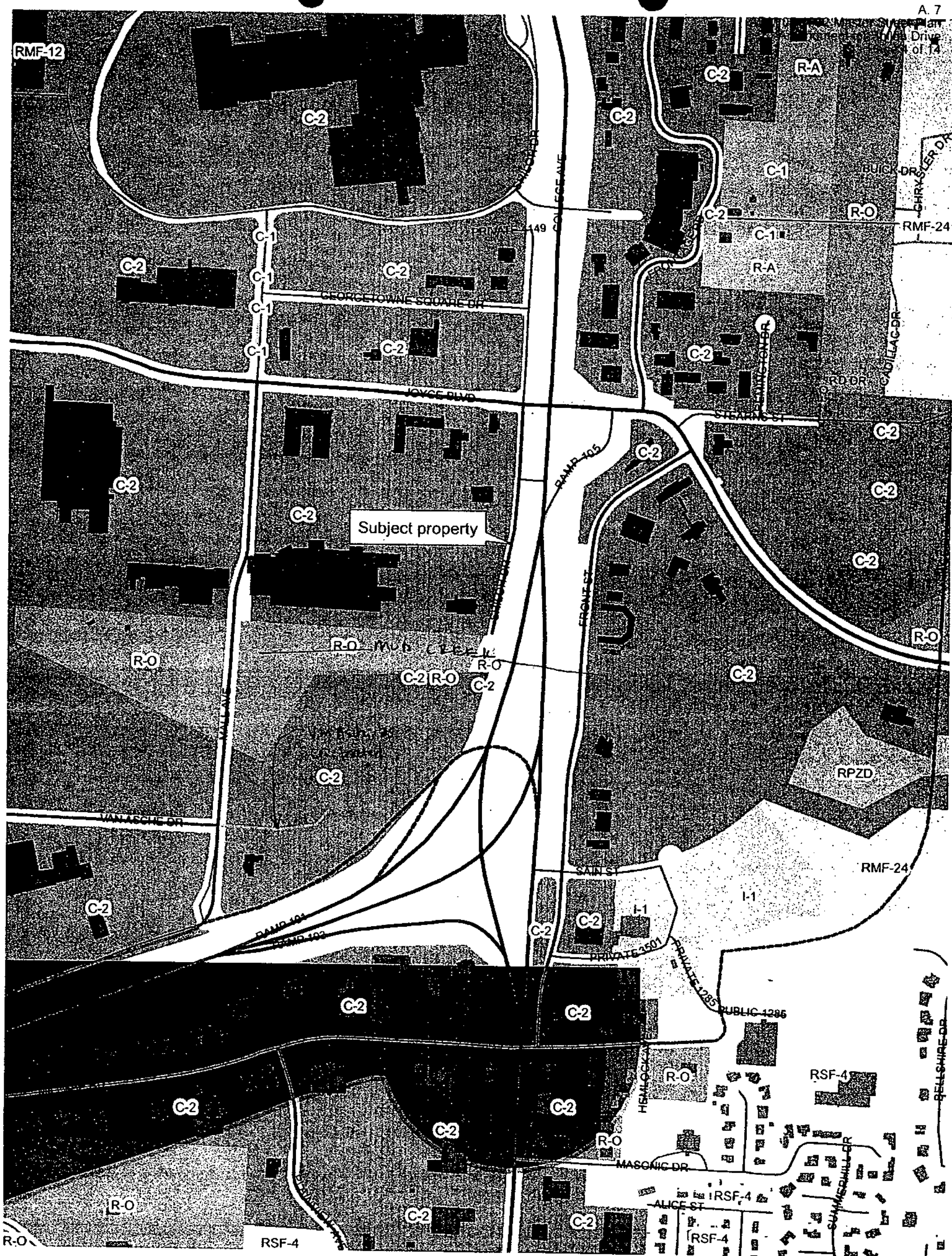
Design Service Volume:	Less than 4,000 vpd
Speed:	20-25 mph
Traffic Lanes:	Two 10' lanes
Parking Lanes:	Provided but not defined
Paved Width:	28' from back of curb
Right of Way:	50'
Sidewalks:	Two 4', at least 6' from curb
Tree planting areas:	Two, at least 6' wide

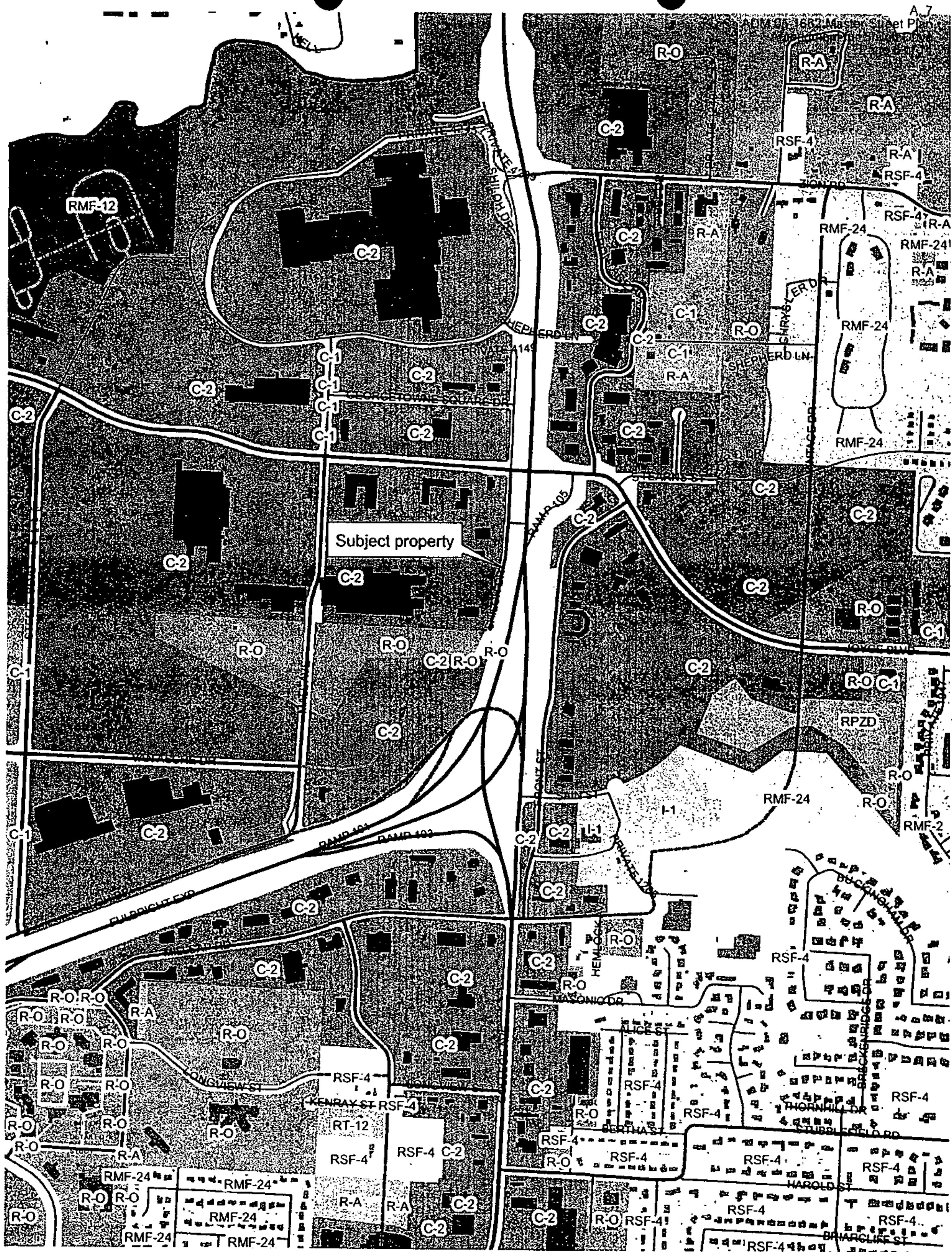


COLLECTOR STREETS provide traffic circulation within residential, commercial, and industrial areas. They collect traffic from local or residential streets in neighborhoods and channel it into the arterial system. Connections between arterials should be indirect to discourage use by traffic from outside 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 a 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 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 *JP*
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 ☐

Ray Danner
Department Director

7-29-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

R. W. Pate
City Attorney

1-29-05

Original Contract Number: n/a

Stephane
Finance and Internal Service Director

8-3-05
Date

Received in City Clerk's Office

ENTERED
7/29/05
step

Ken Coody
Mayor

8/3/05
Date

Received in Mayor's Office

ENTERED
7-29-05
JMA

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director *TC*

From: Leif Olson, Associate Planner

Date: August 18, 2005

Subject: Approval of a resolution to amend the Master Street Plan to reclassify Ruppel Road from a Minor Arterial street to a Principal Arterial street. (ADM 05-1666).

RECOMMENDATION

Planning Staff recommends approval of a resolution amending the Master Street Plan to reclassify the entire length of Ruppel Road from a Minor Arterial Street to a Principal Arterial Street.

BACKGROUND

Property: Areas adjacent to the existing Ruppel Road are developing rapidly and there have been ongoing discussions regarding the future alignment and cross-section for Ruppel Road. The future extension of Ruppel Road to both the north and south will provide an essential corridor to access the residential, commercial, and civic uses currently being designed and built in this area. The Master Street Plan currently identifies Ruppel Rd. as a Minor Arterial which requires a 90' right-of-way and four 12' travel lanes. This Master Street Plan amendment will reclassify Ruppel Rd. as a Principal Arterial requiring a 110' right-of-way with a 20' minimum median planting strip, with dedicated turn lanes at intersections, and four 12' travel lanes. This Principal Arterial cross-section will enhance the travel experience for residents by providing a functional and attractive road designed to move traffic safely and efficiently.

Request: The request is to amend the Master Street Plan to reclassify Ruppel Road as a Principal Arterial.

DISCUSSION

The Planning Commission considered this Master Street Plan amendment on July 25, 2005, on which they voted 9-0-0 in favor of the recommended amendment.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE MASTER STREET PLAN
RECLASSIFYING THE ENTIRE LENGTH OF RUPPLE ROAD FROM
A MINOR ARTERIAL STREET TO A PRINCIPAL ARTERIAL
STREET.

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 amends the Master Street Plan to reclassify the entire length of Ruppel Road
from a Minor Arterial Street to a Principal Arterial Street.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____
DAN GOODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 8, 2005

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Tim Conklin, Planning and Development Management Director
DATE: August 1, 2005

ADM 05-1666: Administrative Item (MASTER STREET PLAN AMENDMENT):
Submitted by the Planning Staff to amend the Master Street Plan and reclassify the entire length of Ruppel Road from a Minor Arterial Street to a Principal Arterial Street.

RECOMMENDATION: Staff recommends approval of the requested Master Street Plan Amendment based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		Required	☒ YES
		Approved	☐
		Denied	☐
Date: August 8, 2005			
CITY COUNCIL ACTION:		Required	☒ YES
		Approved	☐
		Denied	☐
Date: September 6, 2005			

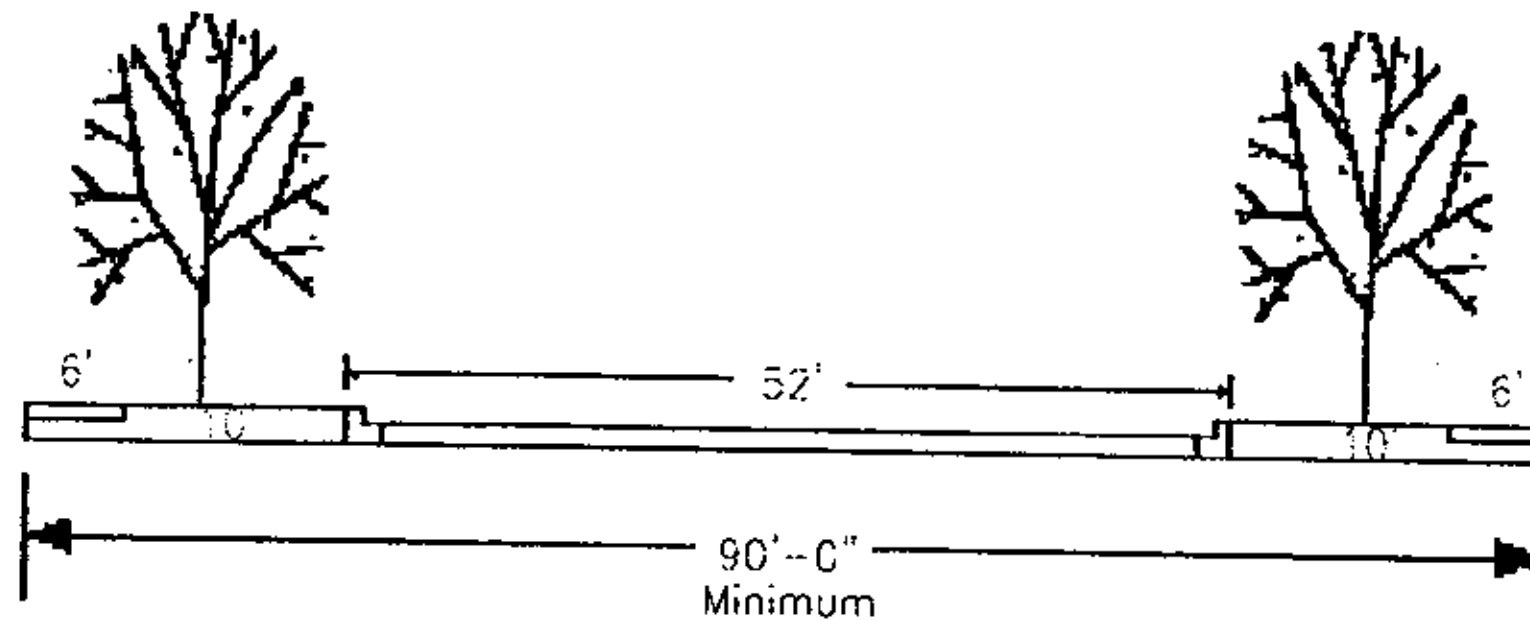
BACKGROUND:

Ordinance Amendment: The City of Fayetteville has been developing a Street Program to bring before the voters as a sales tax bond issue. Ruppel Road is one of the major projects included in this program. Currently the Master Street Plan identifies Ruppel Rd. as a Minor Arterial which requires a 90' right-of-way and four 12' travel lanes. This Master Street Plan amendment will reclassify Ruppel Rd. as a Principal Arterial requiring a 110' right-of-way with a 20' minimum median planting strip, with dedicated turn lanes at intersections, and four 12' travel lanes.

MINOR ARTERIAL STREETS connect higher functional class facilities, etc. Residential frontage is strongly discouraged. Access should be from perpendicular local or residential streets.

Design Service Volume: 12,200 vpd, 14,800 vpd with left turn bays
Speed: 35-40 mph

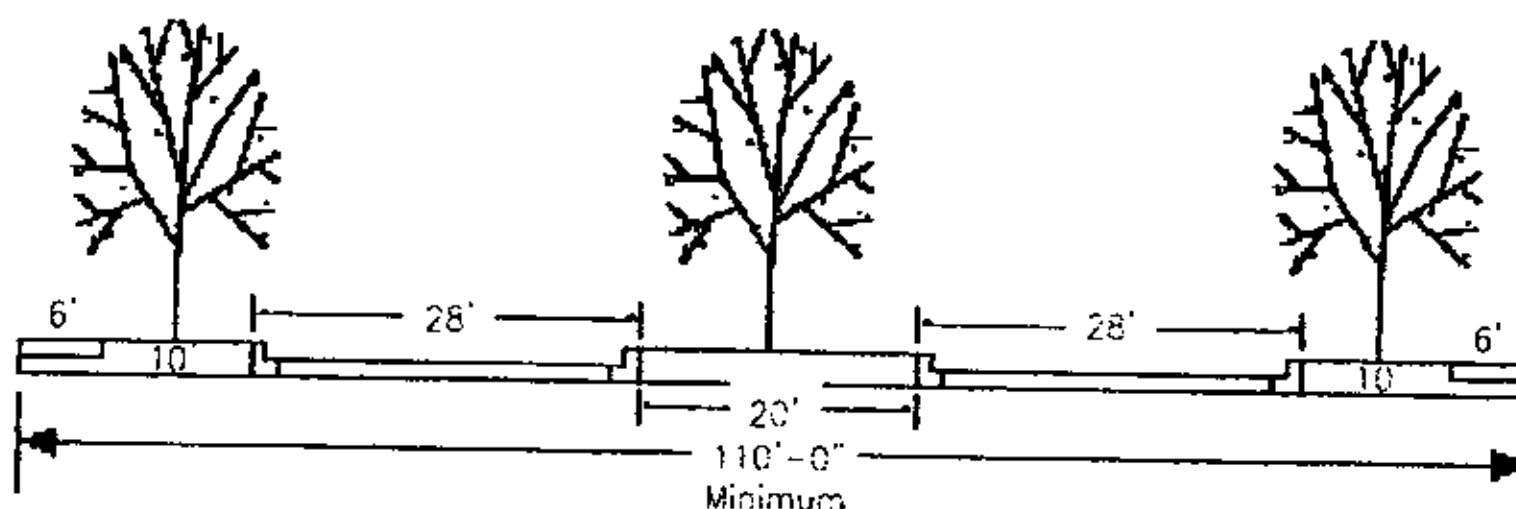
Traffic Lanes:	Four 12' travel lanes, 11' turn lanes possible at intersections
Parking Lanes:	None
Paved Width:	52' from back of curb, 59' with turn lane
Right of Way:	At least 90'
Multi-use Trail:	Two at least 6' wide, at least 10' from curb
Tree Planting Areas	Two, at least 10' wide



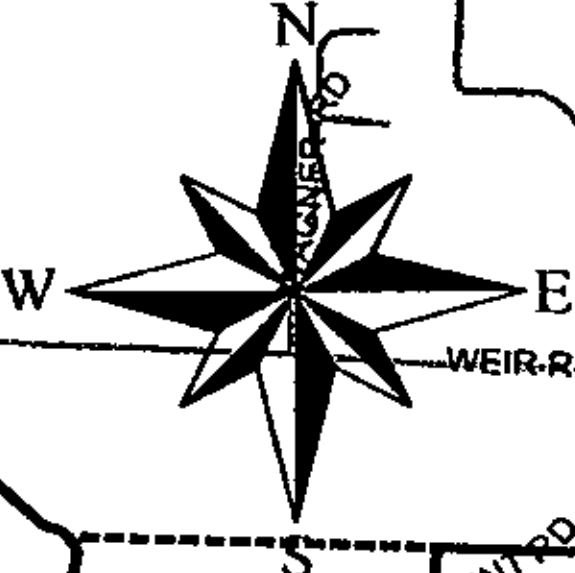
Minor Arterial

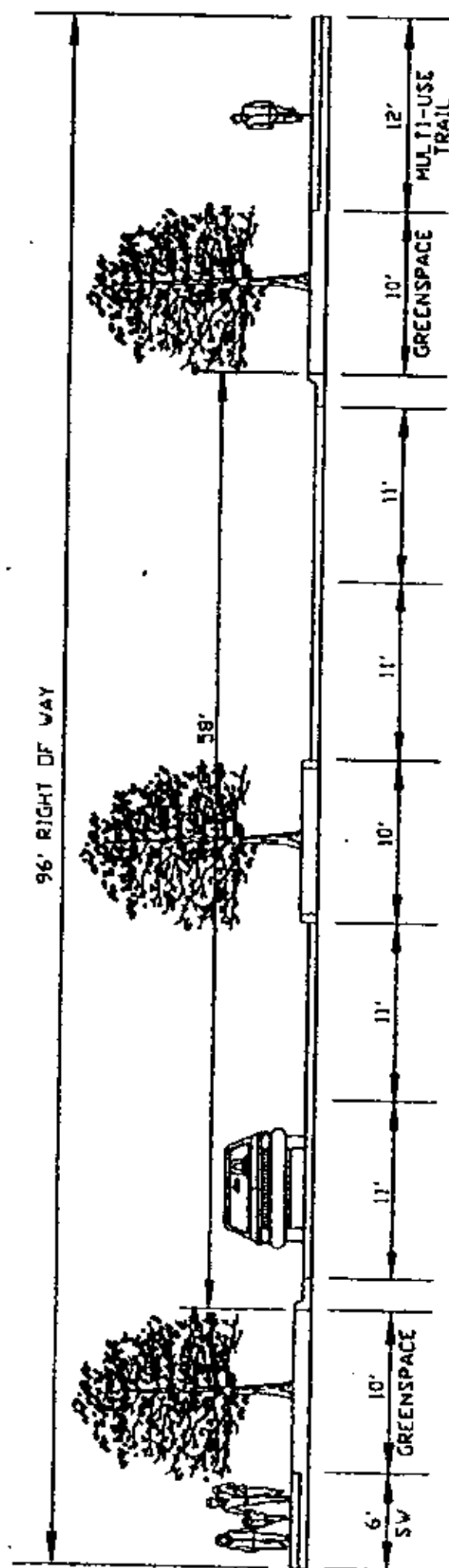
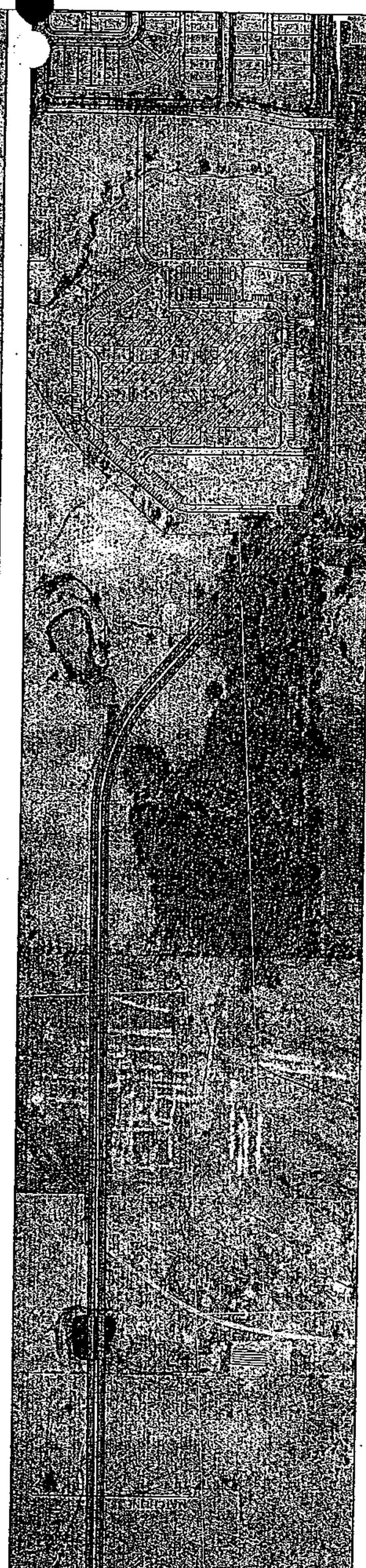
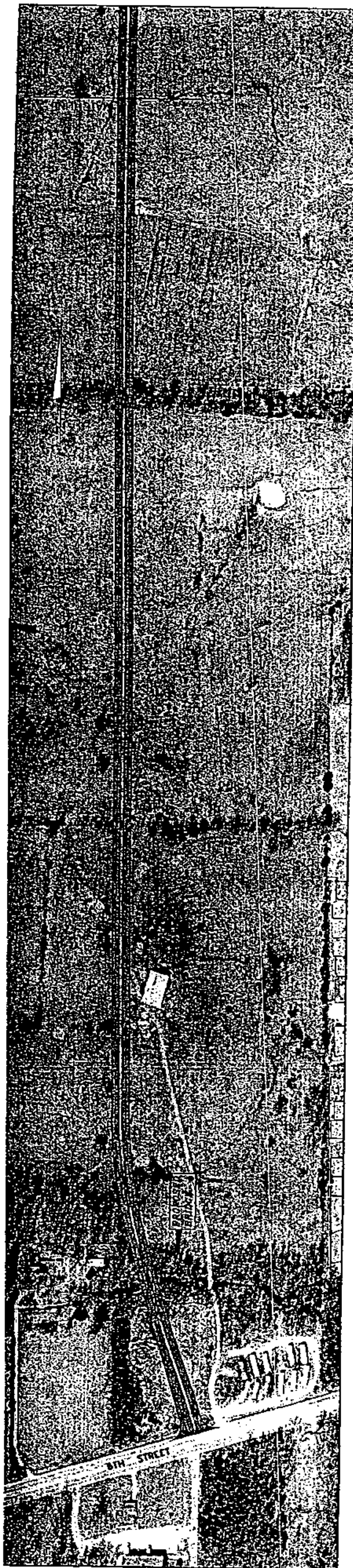
PRINCIPAL ARTERIAL STREETS carry high volumes of through traffic. They are designed as boulevards for beauty and safety. In areas where sufficient right of way is unobtainable, the minor arterial four lane section can be used.

Design Service Volume:	17,600 vpd, 20,600 vpd with left turn bay
Speed:	40-45 mph
Traffic Lanes:	Four 12' travel lanes, 12' turn lanes possible at intersections and at frequent intervals
Parking Lanes:	None
Paved Width:	28' from back of curb each side of median
Right of Way:	At least 110'
Multi-use Trails:	Two at least 6' wide, at least 10' from curb
Median:	20' minimum if no turn bay. May be reduced to 8' to accommodate turn bays
Tree planting areas:	Two, at least 10' wide, in addition to the median



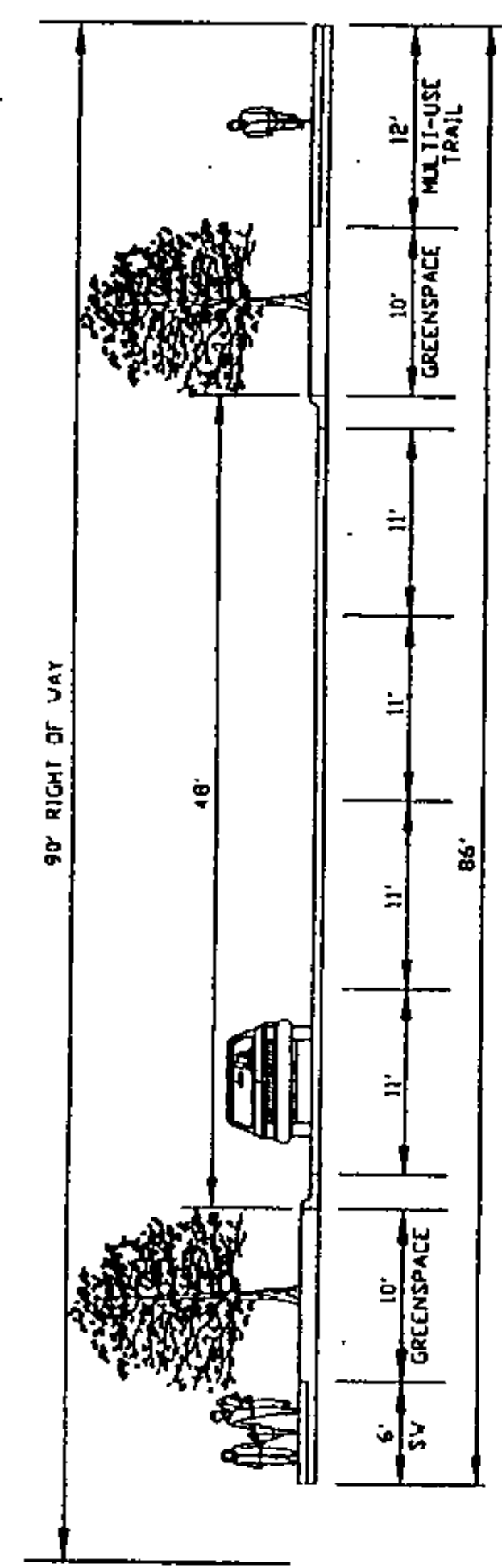
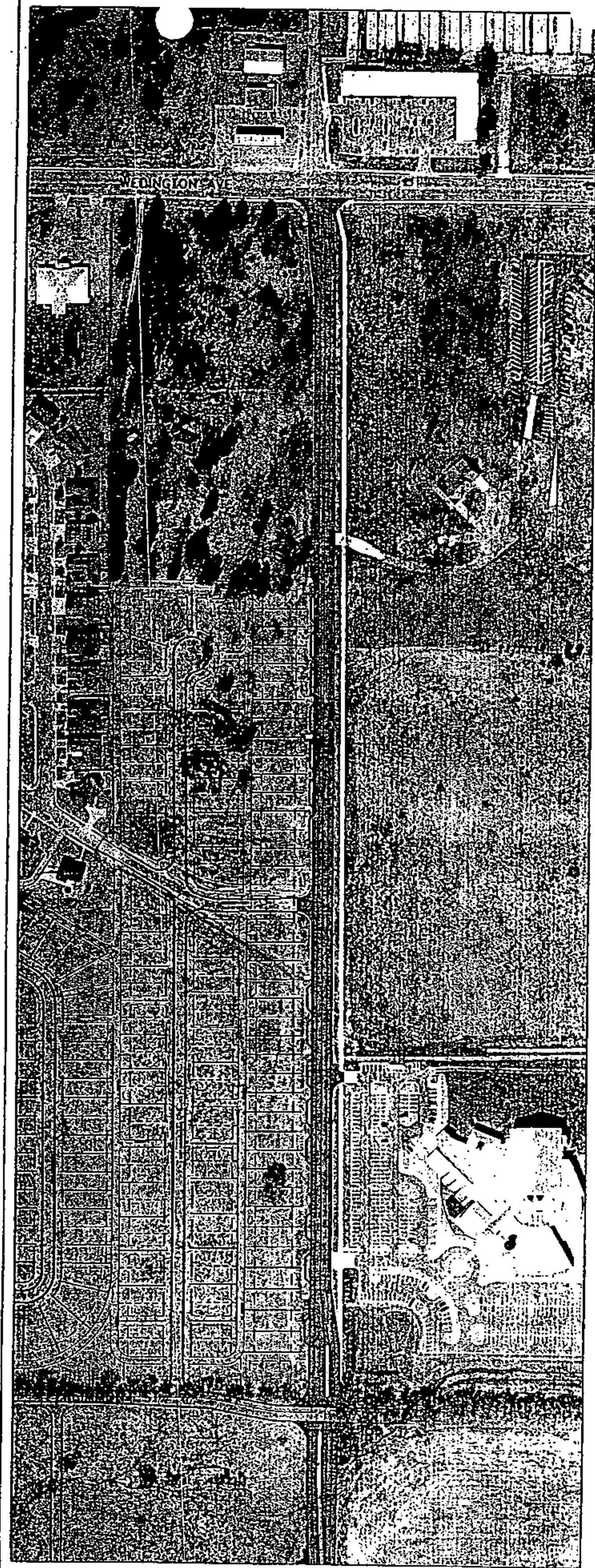
Principal Arterial



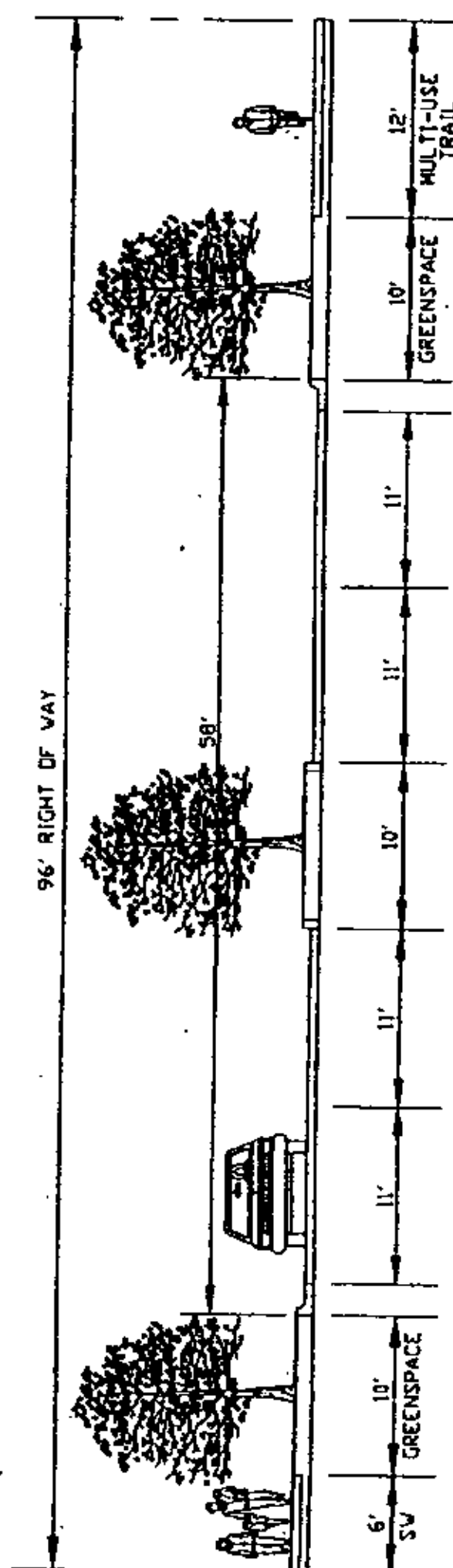
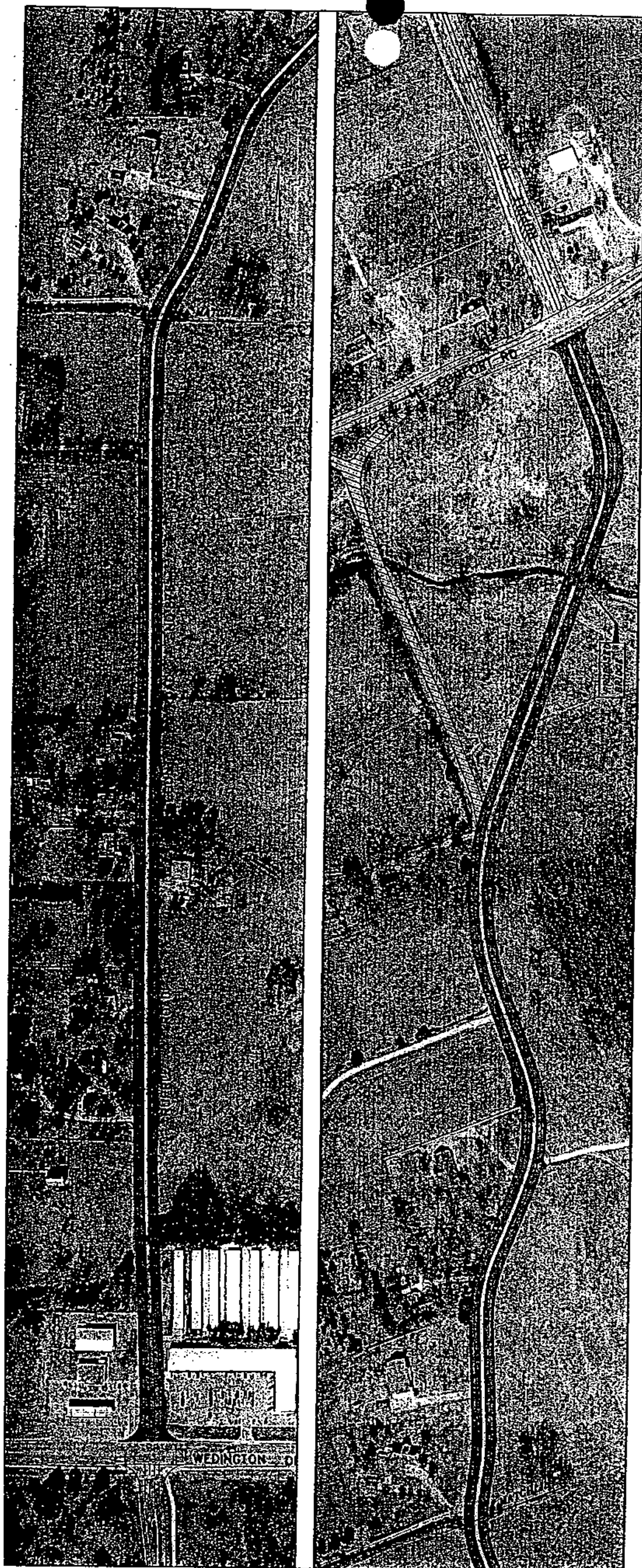


RUPPLE ROAD IMPROVEMENTS
6th ST. TO PERSIMMON ST.
CONCEPT PLAN

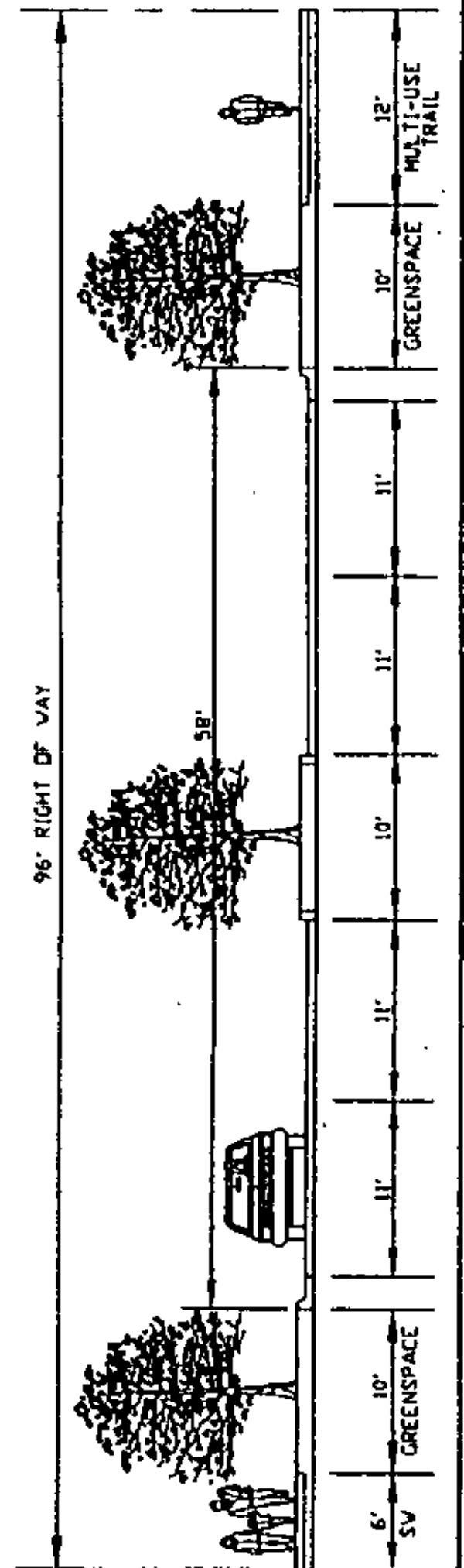
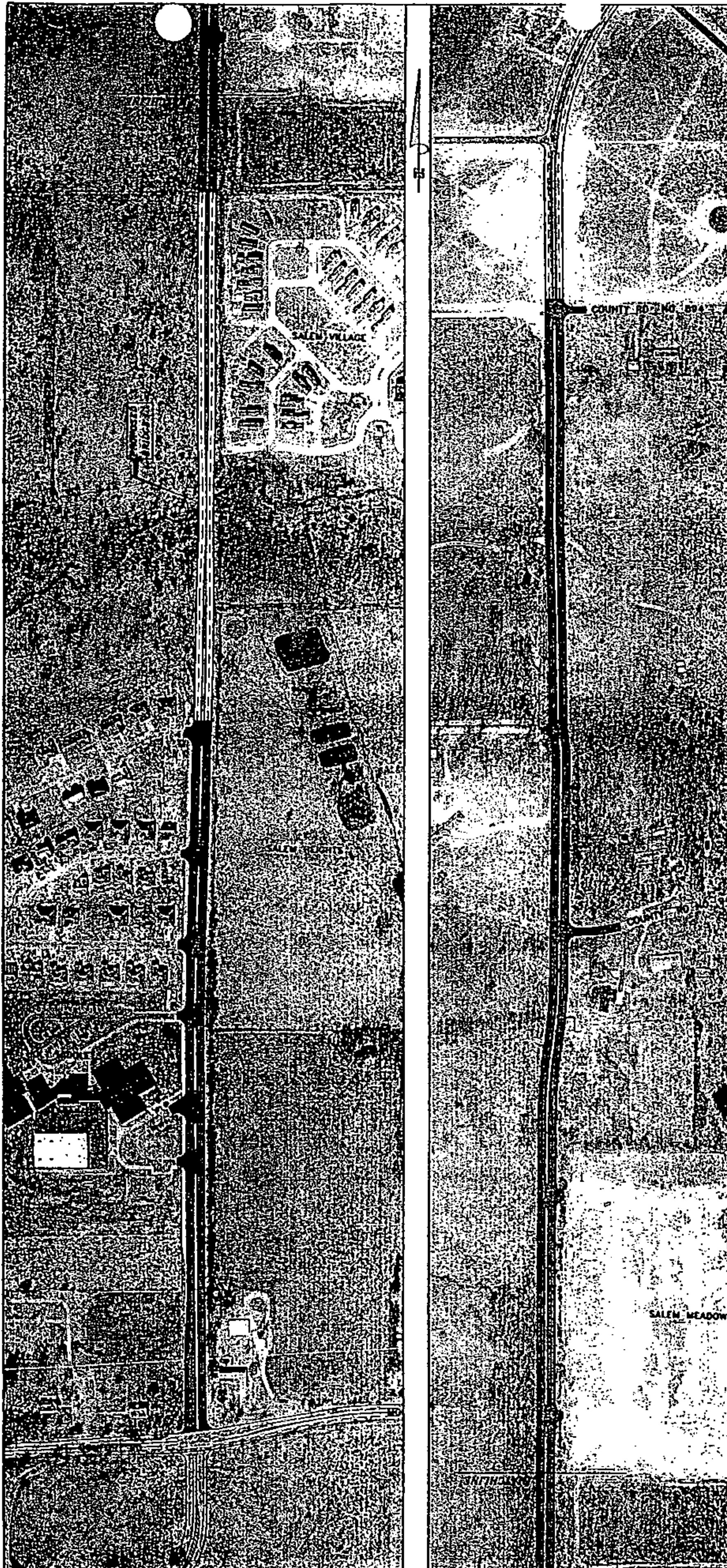
RUPPEL ROAD IMPROVEMENTS
 PERSIMMON ST. to WEDINGTON AVE.
 CONCEPT PLAN



RUPPLE ROAD IMPROVEMENTS
WEDINGTON DR. to MT. COMFORT RD.
CONCEPT PLAN



RUPPLE ROAD IMPROVEMENTS
MT. COMFORT TO HOWARD NICKEL
CONCEPT PLAN



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

9/6/2005
City Council Meeting Date

Leif Olson
Submitted By

Planning
Division

Operations
Department

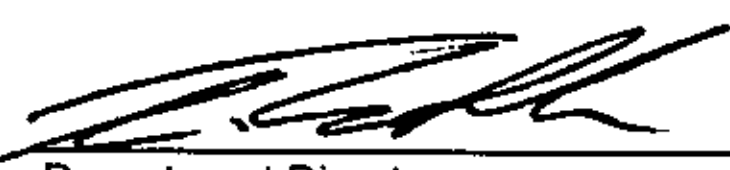
Action Required:

Approval of a resolution to amend the Master Street Plan by reclassifying the entire length of Ruppel Road from a Minor Arterial Street to a Principal Arterial 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 ☐

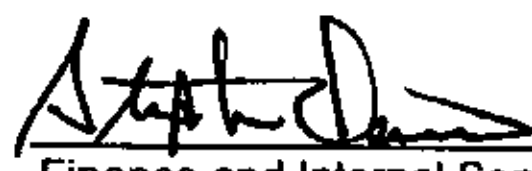

Department Director 8-18-05
Date

Previous Ordinance or Resolution # n/a

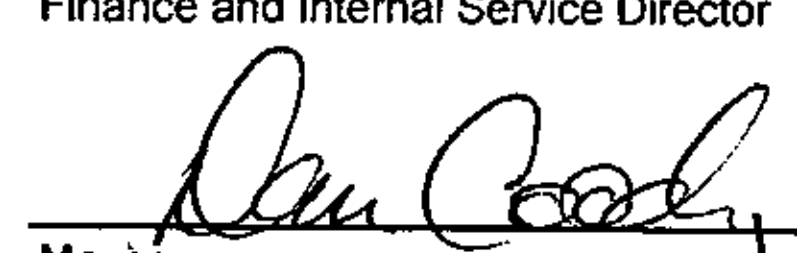

City Attorney 8/19/05
Date

Original Contract Date: n/a

Original Contract Number: n/a


Finance and Internal Service Director 8-19-05
Date

Received in City Clerk's Office
ENTERED 8-18-05
AW


Mayor 8/19/05
Date

Received in Mayor's Office
ENTERED 8/19/05
AW

Comments:

City Council Meeting of: September 6, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee
Airport Board

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: August 4, 2005

SUBJECT: Rescind the Change Order Contained in Resolution No. 155-05 and approve a revised Change Order to the construction contract with APAC-Arkansas, Inc., McClinton-Anchor.

RECOMMENDATION: Rescind the Change Order Contained in Resolution No. 155-05 and approve a revised Change Order to the construction contract with APAC-Arkansas, Inc., McClinton-Anchor reducing the contract amount by \$278,481.85.

BACKGROUND: The West Side General Aviation Apron was designed and bid IAW direction from the FAA that the project had support for funding in FY 2005 and FY 2006 in the amount of \$1,165,206.00 Federal and State money. The funds were to be provided in two grant years, 2005/2006, split in amounts according to construction progress, i.e. grading, fill, and sewer line installation in year one; paving and striping in the second year. The FAA fiscal year ends 9/30/05, thus 2006 funding could be accessed subsequent to the start of construction and the project could continue unimpeded. The project was designed and bid with implied assurance from the FAA that all the funding would be made available to complete the project.

After the design and bid process had been completed, which is a pre-requisite of the FAA's Grant Offer, the FAA informed us that the 2006 funds earmarked for the project had become tentative, and would possibly be disapproved due to exigencies of other FAA funding priorities. Therefore, only the 2005 funds for the project would be available at this time. A last minute effort was made to downsize the project to within the allocated funding amount, and a draft Change Order amount was included in the Council Agenda package for Resolution 155-05, and was approved August 2nd.

On August 2nd, the day of the Council Meeting to approve the revised construction Contract and grant, the FAA project manager contacted the airport to inform us that additional grant

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

funds were being made available, 95% of a total construction cost of \$886,724.15, in order to conduct the project to a satisfactory stage of completion, sufficiently usable, and that any additional funding for the project, as originally designed and bid, remained in doubt. The additional grant funds were made available following numerous conversations between the consulting engineer, the contractor, and the airport staff to revise the project to complete the sufficiently usable project. With approval of the FAA for the funding amount needed to complete the satisfactory project, the Engineer and Contractor were instructed to produce Change Order #1 to reduce the project for the newly revised amount of \$278,481.85.

DISCUSSION: This Resolution will correct the draft Change Order amount submitted to Council, so that the project budget and scope is reduced from its original full scale, to within the FAA's grant offer amount. This project is essential to the continued growth of Fayetteville Municipal Airport. It expands the aircraft parking area on the West side of the runway and additionally provides two lots for future hangar development.

BUDGET IMPACT: The project is 100% funded by FAA and the State Department of Aeronautics. Additional revenue can be expected in the form of land rent for hangar construction and additional parking ramp for transient aircraft.

Attachments: Staff Review Form
Resolution 155-05
Change Order #1 (4 Originals)
Copy of Contract with APAC

RESOLUTION NO. _____

A RESOLUTION RESCINDING THE CHANGE ORDER CONTAINED IN RESOLUTION No. 155-05 AND APPROVING A REVISED CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH APAC-ARKANSAS, INC., McCLINTON-ANCHOR DIVISION REDUCING THE CONTRACT AMOUNT BY \$278,481.85.

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 rescinds the Change Order contained in Resolution No. 155-05, and approves a revised Change Order to the construction contract with APAC-Arkansas, Inc., McClinton-Anchor Division reducing the contract amount by \$278,481.85. A copy of the revised Change Order, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED

By

DAN GOODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

file copy

RESOLUTION NO. 155-05

A RESOLUTION AWARDING A CONSTRUCTION CONTRACT TO APAC-ARKANSAS, INC., McCLINTON-ANCHOR DIVISION IN THE AMOUNT OF \$1,165,206.00 AND APPROVING A CHANGE ORDER REDUCING THE CONTRACT AMOUNT BY \$486,923.00, TO CONSTRUCT THE WEST GENERAL AVIATION APRON; APPROVING A 5% PROJECT CONTINGENCY OF \$29,130.00; AND ACCEPTING GRANTS FROM THE FAA AND ARKANSAS DEPARTMENT OF AERONAUTICS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards a construction contract to APAC-Arkansas, Inc., McClinton-Anchor Division in the amount of \$1,165,206.00 and approving a Change Order reducing the contract amount by \$486,923.00, to construct the West General Aviation Apron. A copy of the contract and Change Order, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 5% project contingency of \$29,130.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby accepts grants from the FAA and Arkansas Department of Aeronautics totaling \$678,183.00.

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



ATTEST:

By: *Sondra Smith*
SONDRA SMITH, City Clerk

APPROVED:

By: *Dan Coody*

DAN COODY, Mayor



CHANGE ORDER

Order No. 1

Date: August 4, 2005

Agreement Date: August 2, 2005

NAME OF PROJECT: West Side GA Apron Improvements

OWNER: City of Fayetteville (Airport Department)

CONTRACTOR: APAC-Arkansas Inc., McClinton Anchor Division

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Adjust the scope of the project to delete the West 165 feet of the Apron and adjust the quantities and several unit prices for the project as detailed on the attached page 2 of this Change Order. Deduct a cost of \$ 278,481.85 from the contract.

Justification:

1. The project funding by the FAA has been reduced for the second year of the funding cycle, thereby requiring the apron project to be constructed in two phases. This Change Order removes the work in Phase II from the project.

CONTRACT PRICE prior to this Change Order: \$ 1,165,206.00

Decrease in Contract Price: \$ (278,481.85)

Revised CONTRACT PRICE Including this Change Order: \$ 886,724.15

Final Completion Time Prior to This Change Order: 150 Calendar Days

Net Time Change Resulting From This Change Order: 0 Calendar Days

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (~~decreased~~) by 0 calendar days.

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by: James A. Cole 08/04/05
APAC- Arkansas, Inc., McClinton Anchor Division Date

Recommended by: R. Wayne J. Mer 8-4-05
McClelland Consulting Engineers, Inc. Date

Approved by: _____
City of Fayetteville Date

CHANGE ORDER NO. 1 PRICING
Revised Phase I, West side GA Apron Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-034-2005
August 3, 2005
MCE Project No. FY052127

Item #	Description	BID Qty.	Unit	McClinton-Anchor Division, APAC-Arkansas, Inc.,				
				BID Unit Price	Extended	REVISED Bid Qty.	Revised Bid Unit Price	Revised Extended
1	Mobilization & Demobilization	1	LS	\$56,000.00	\$56,000.00	1	\$56,000.00	\$56,000.00
2	Topsoil Removal (Plan Quantity)	530	CY	\$7.00	\$3,710.00	380	\$7.00	\$2,660.00
3	Unclassified Excavation (Plan Quantity)	11,800	CY	\$11.00	\$127,600.00	8,200	\$11.20	\$91,840.00
4	Embankment from Excavation (Plan Quantity)	1,050	CY	\$6.25	\$6,562.50	775	\$6.25	\$4,843.75
5	Select Borrow Embankment (Plan Quantity)	6,940	CY	\$16.85	\$116,939.00	4,690	\$16.85	\$79,026.50
6	Topsoil Replacement (Plan Quantity)	2,040	CY	\$28.00	\$57,120.00	1,440	\$28.00	\$40,320.00
7	Undercut and Embankment Backfill	1,500	CY	\$21.00	\$31,500.00	1,000	\$21.00	\$21,000.00
8	Soil Stabilization Fabric	7,500	SY	\$1.60	\$12,000.00	4,500	\$1.60	\$7,200.00
9	Straw Bale Barrier	150	LF	\$2.10	\$315.00	105	\$2.10	\$220.50
10	Filter Fabric Barrier	800	LF	\$4.38	\$3,504.00	600	\$4.38	\$2,628.00
11	Crushed Aggregate Base Course	4,250	TN	\$18.50	\$78,625.00	2,856	\$19.00	\$54,264.00
12	7-Inch Portland Cement Concrete Pavement	9,215	SY	\$37.00	\$340,955.00	6,132	\$40.95	\$251,105.40
13	Apron Joint Sealant	1	LS	\$21,000.00	\$21,000.00	1	\$14,070.00	\$14,070.00
14	4-Inch Asphalt Binder, Type II	40	TN	\$78.00	\$3,120.00	40	\$78.00	\$3,120.00
15	2-Inch Asphalt Surface, Type II	20	TN	\$119.00	\$2,380.00	20	\$119.00	\$2,380.00
16	Concrete Curb and Gutter	126	LF	\$30.00	\$3,780.00	126	\$30.00	\$3,780.00
17	Handicap Ramps, AHTD Type 3	2	EA	\$960.00	\$1,920.00	2	\$960.00	\$1,920.00
18	18-Inch RCP, Class III, Wall B	560	LF	\$64.00	\$35,840.00	390	\$64.00	\$24,960.00
19	8-Inch PVC Sch 80 Pipe	182	LF	\$42.00	\$7,644.00	0	\$0.00	\$0.00
20	Grate Inlet	4	EA	\$6,000.00	\$24,000.00	2	\$6,000.00	\$12,000.00
21	Junction Box	2	EA	\$4,200.00	\$8,400.00	2	\$4,200.00	\$8,400.00
22	Curb Inlet over Existing Pipe	1	LF	\$4,150.00	\$4,150.00	0	\$0.00	\$0.00
23	Reconstruct Inlet Top to Grate Inlet	1	EA	\$4,000.00	\$4,000.00	1	\$4,000.00	\$4,000.00
24	Pipe Underdrain System	200	LF	\$10.00	\$2,000.00	150	\$10.00	\$1,500.00
25	Solid Sodding	20	SY	\$10.30	\$206.00	10	\$10.30	\$103.00
26	Seeding, Fertilizing, and Mulching	2.6	AC	\$2,000.00	\$5,200.00	1.8	\$2,000.00	\$3,600.00
27	Taxiway Striping (Yellow)	700	LF	\$3.00	\$2,100.00	550	\$3.45	\$1,897.50
28	Taxiway Striping (Black Outline)	1,400	LF	\$3.00	\$4,200.00	1,100	\$3.45	\$3,795.00
29	Trench and Excavation Safety System	1	LS	\$6,125.00	\$6,125.00	1	\$6,100.00	\$6,100.00
30	Remove Existing Chain Link Fence	710	LF	\$2.85	\$2,023.50	710	\$2.85	\$2,023.50
31	New 6" Chain Link Fence with Barbed Wire	780	LF	\$19.00	\$14,820.00	655	\$19.00	\$12,445.00
32	Relocate Siding Gate and Controls	1	LS	\$3,200.00	\$3,200.00	0	\$0.00	\$0.00
33	Remove Curb and Gutter	1	LS	\$3,500.00	\$3,500.00	1	\$3,500.00	\$3,500.00
34	Remove Asphalt Pavement (3020 SY)	1	LS	\$9,000.00	\$9,000.00	1	\$9,000.00	\$9,000.00
35	Remove Gravel Surface (4468 SY)	1	LS	\$24,000.00	\$24,000.00	1	\$19,460.00	\$19,460.00
36	Remove Concrete Swale (72 SY)	1	LS	\$750.00	\$750.00	1	\$750.00	\$750.00
37	Remove Concrete Block Building and Foundation	1	LS	\$2,740.00	\$2,740.00	1	\$2,740.00	\$2,740.00
38	Remove Duplex Pump Station, Backfill, and Cap Force Main	1	LS	\$6,700.00	\$6,700.00	1	\$6,700.00	\$6,700.00
39	Relocate SCADA System Antenna to Pump Sta. South of Terminal Building	1	LS	\$260.00	\$260.00	1	\$260.00	\$260.00
40	Remove Concrete Inlet	1	LS	\$205.00	\$205.00	0	\$0.00	\$0.00
41	Remove 12", 15", and 18" RCP (LF)	1	LS	\$2,300.00	\$2,300.00	1	\$2,300.00	\$2,300.00
42	Remove Sanitary Sewer Manholes	2	EA	\$250.00	\$500.00	2	\$250.00	\$500.00
43	New Sanitary Manhole	6	EA	\$2,700.00	\$16,200.00	6	\$2,700.00	\$16,200.00
44	8" SDR 26 PVC Sewer Pipe	1,140	LF	\$50.00	\$57,000.00	1,140	\$50.00	\$57,000.00
45	Crushed Stone Trench Backfill	908	TN	\$19.00	\$17,252.00	908	\$19.00	\$17,252.00
46	Conc. Curb Removal and Repair	40	LF	\$23.00	\$920.00	40	\$23.00	\$920.00
47	Asphalt Drive Repair	545	SY	\$52.00	\$28,340.00	545	\$52.00	\$28,340.00
48	Asphalt Parking Repair	100	SY	\$44.00	\$4,400.00	100	\$44.00	\$4,400.00
49	Third Party Insurance Coverage (Rider Amount)	1	LS	\$200.00	\$200.00	1	\$200.00	\$200.00
TOTAL BID					\$1,165,206.00	Change Order 1 Price		\$886,724.15

Reduced Project Cost (\$278,481.85)

CONTRACT

THIS AGREEMENT, made and entered into on the 2nd day of August 2005, by and between **McClinton-Anchor, a Division of APAC**, herein called the Contractor, and the **City of Fayetteville**:

WITNESSETH:

That **McClinton-Anchor, a Division of APAC**, for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

1. That **McClinton-Anchor, a Division of APAC**, shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled:

West Side GA Apron Improvements, Fayetteville Municipal Airport, AIP Project 3-05-0020-034-2005

Advertisement for Bids
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
Specifications
Drawings – 14 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to **McClinton-Anchor, a Division of APAC** for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of **One Million One Hundred Sixty Five Thousand, Two Hundred Six & 00/100 Dollars (\$1,165,206.00)**.
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **150** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: **City of Fayetteville** and **McClinton-Anchor, a Division of APAC**, recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by **City of Fayetteville** if the Work is not completed on time. Accordingly, instead of requiring any such proof, **City of Fayetteville** and **McClinton-Anchor, a Division of APAC**, agree that as liquidated damages for delay (but not as a penalty) **McClinton-Anchor, a Division of APAC**, shall pay **City of**

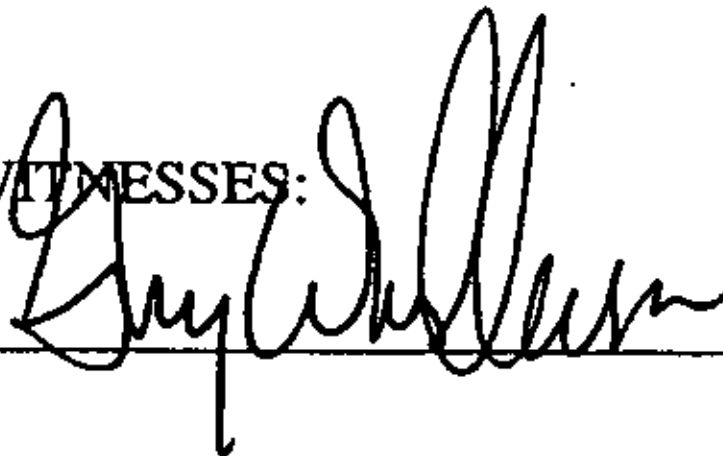
Fayetteville Four Hundred Dollars (\$400.00) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within **30 days** of receipt of an approved payment request, **the City of Fayetteville** shall make partial payments to **McClinton-Anchor, a Division of APAC**, on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by **McClinton-Anchor, a Division of APAC**, LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville**.
6. That upon submission by **McClinton-Anchor, a Division of APAC**, of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by **McClinton-Anchor, a Division of APAC**, in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by **McClinton-Anchor, a Division of APAC**, of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville**.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, **McClinton-Anchor, a Division of APAC**, shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville**. In such event, no further payment to **McClinton-Anchor, a Division of APAC**, shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville**.
8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.
9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, **McClinton-Anchor, a Division of APAC** will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. Seq.). Only Legally authorized photocopying cost pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterparts be deemed an original Contract.

SEAL:

WITNESSES:

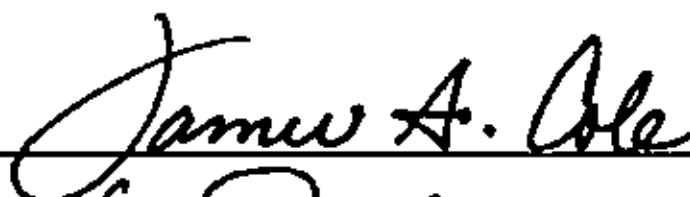


ATTEST:

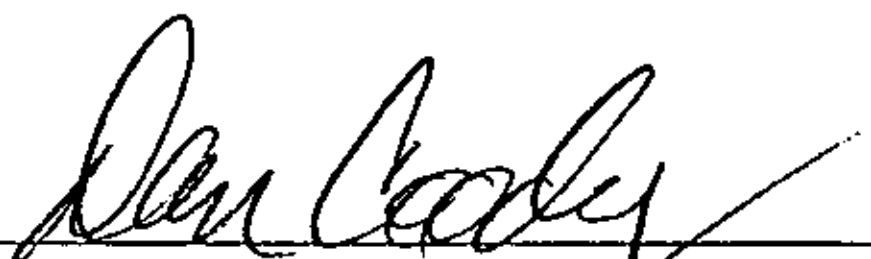

City Clerk



McClinton-Anchor, a Division of APAC

By 
Vice President
Title

CITY OF FAYETTEVILLE

By 
Dan Coody, Mayor

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

6-Sep
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Approve an Amendment to Resolution 155-05, revising the Change Order #1 amount with APAC - Arkansas Inc., McClintion Anchor Division.

(\$278,481.85)
Cost of this request
5550.3960.5314.00
Account Number
05034
Project Number

\$ 1,079,316.00
Category/Project Budget
\$ 100,689.00
Funds Used to Date
\$ 978,627.00
Remaining Balance

West General Aviation Apron
Program Category / Project Name
Airport Capital Improvements
Program / Project Category Name
General Fund / Airport
Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution # 155-05

Original Contract Date: 8/2/2005

City Attorney

8/11/05

Original Contract Number: 1007

Finance and Internal Service Director

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office

ENTERED
8/11/05

Comments:

City Council Meeting of September 6, 2005

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water/Wastewater Director, Interim



Date: August 4, 2005

Subject: Approval of a \$161,590 purchase, plus a 5% contingency of \$8,000, for a meter test bench for testing and repairing water meters from Floyd S. Salser, Jr. & Associates.

RECOMMENDATION

Fayetteville City Administration recommends approval of a purchase totaling \$161,590.00, for a meter test bench for testing and repairing water meters from Floyd S. Salser, Jr. & Associates, plus a contingency in the amount of \$8,000.00.

BACKGROUND

Water meters are essentially our cash register for the 13+ million gallons of water we distribute daily. Keeping them calibrated is essential to receiving the appropriate revenue to match the water sold. They experience wear on the inside of the mechanism which causes them to gradually read a lower volume than actually passes through the meter. The City loses the revenue difference between the water consumed and the water that is actually billed for, based on the meter reading.

Meters must be periodically tested and, as necessary, repaired or replaced, to prevent this loss of revenue. This meter test bench shall replace our existing testing hardware, which is 25 years old and can only test meters up to 1". Larger meters are hooked up to a fire hose and tested outside, which is labor intensive, somewhat dangerous, and seasonal. The test bench being purchased will allow us to test all meters up to 6". As water sold increases as meter size increases, the ability to calibrate these larger meters significantly improves our ability to ensure our billing is accurate. This test bench includes a computer memory module, allowing us to easily track meter maintenance by serial number.

DISCUSSION

Publically advertised bids were opened on July 15, 2005. Floyd S. Salser, Jr. & Associates was the only company that submitted bids. This price is fair and reasonable, based on discussions with other utilities.

BUDGET IMPACT

The approval of the resolution will have no adverse budget impact; the Meter Operations Department's budget for 2005 includes funds for this meter test bench. The purchase includes installation; the contingency is requested to cover any additional hardware, fittings, and/or associated labor that may be required to make the test bench fit the piping built into the new Operations Center.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #05-52 TO FLOYD S. SALSER, JR. & ASSOCIATES IN THE AMOUNT OF \$161,590.00 FOR THE PURCHASE OF A METER TEST BENCH FOR TESTING AND REPAIRING WATER METERS; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$8,000.00.

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 awards Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a Meter Test Bench for testing and repairing water meters;

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a contingency in the amount of \$8,000.00.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk



**City of Fayetteville
Purchasing Division
Purchasing@ci.fayetteville.ar.us
113 W. Mountain St.
Fayetteville, AR 72701**

Invitation to Bid

Bid# 05-52

**Water Meter Test Benches
Specification**

**City of Fayetteville
Water Operations Department
Fayetteville, Arkansas
Don Osburn (479)575-8384**

DATE ISSUED: June 23, 2005

DATE & TIME OF OPENING: July 15, 2005 at 11:00 a.m.

BUYER: Andrea Foren, Room 306, (479)575-8220

F.O.B. Fayetteville, AR

Bid 05-52, Addendum 1

Date: 7/6/2005

To: All Prospective Vendors

From: Peggy Vice

RE: Items Change



Please note that these changes have been made to the following items in the bid.

Item 2.03 should read that the gravimetric system has a repeatable accuracy of + or - 1/10 of one percent.

Item 2.12 should read that the gravimetric system has a repeatable accuracy of + or - 1/10 of one percent.

Item 2.13 should say that all piping on the large meter test system shall be copper or powder coated steel. The large piping will be coated steel in 3" and larger sizes.

Any questions regarding this extension of Bid 05-52 should be directed to City of Fayetteville Purchasing Division.

Ryan DeJarnette
Purchasing Intern
tdejarnette@ci.fayetteville.ar.us
(479)575-8304

Peggy Vice
Purchasing Agent
pvice@ci.fayetteville.ar.us
(479)575-8289

SECTION 1: GENERAL REQUIREMENTS

1.0 SCOPE

This specification covers the purchase of two (2) water meter test benches: a bench to test $\frac{1}{8}$ " through 2" water meters, and a bench to test 3" through 6" water meters. The water meter test benches shall be installed in the water meter testing area of the Water Operations Department, which is located at 2435 Industrial Dr, Fayetteville, Arkansas. The new water meter test benches shall replace the existing Ford Meter Company test benches located in Water Operations' Water Meter Shop.

The vendor shall include as an option a trade-in price for the existing test bench and tanks.

The vendor shall include the cost of freight and set up to Fayetteville, Arkansas as part of the bid.

1.1 GENERAL

Any vendor bidding on this specification is required to make a site visit to Water Operations to take all needed measurements for the installation location, and to document existing piping, drain locations, etc. All site visits shall be coordinated with:

Don Osburn
Superintendent, Water Meter Services
Water Operations Department
(479) 575-8384

The proposed test benches shall be computer-based, test small meters ranging from $\frac{1}{8}$ " through 2", and test large water meters ranging from 3" through 6".

The water meter test bench shall be designed, constructed, and tested in accordance with applicable American Society of Mechanical Engineers (ASME), National Electrical Manufacturer's Association (NEMA), American National Standards Institute (ANSI), Underwriters' Laboratories (UL), National Institute for Standard Technologies (NIST), and Institute of Electrical and Electronics Engineers (IEEE) recommendations, and shall adhere to National Electric Code (NEC) and local electrical codes.

The vendor shall also provide a list of at least three previous water meter test bench installations that the vendor performed with a contact name and phone number.

SECTION 2: SYSTEM REQUIREMENTS

2.0 5/8" through 2" WATER METER TEST BENCH

The test bench for the meter sizes ranging from 5/8" through 2" shall test a minimum of:

- Ten (10) 5/8" through 3/4" water meters
- Five (5) 1-inch water meters
- Five (5) 1 1/2 - inch water meters
- Five (5) 2-inch water meters

2.01 5/8" through 1" Positioning Mechanism

The 5/8" through 1" meters shall be held in position with saddle fixtures that can accommodate circular, threaded ends. The saddle fixtures shall incorporate gaskets to ensure tight, leak-free seatings. The carrier bars to which the saddle fixtures are attached shall slide freely on stainless steel guide rails to allow for easy installation and removal of the water meters.

2.02 1 1/2" and 2" Positioning Mechanism

The 1 1/2" and 2" meters shall be held in position with a mechanism that can accommodate oval, flanged ends and threaded ends. The method by which the meters are seated shall ensure tight, leak-free seatings. The carrier bars shall slide freely on stainless steel guide rails to allow for easy installation and removal of the water meters.

2.03 Water Tank

The water tank for the 5/8" through 2" water meters shall be adequately sized to allow for standard tests as specified by the AWWA. The tank shall be constructed from stainless steel. The water in the water tank shall be weighed by a gravimetric weight scale system with an accuracy of +/- 0.01%. The gravimetric weight scale system shall conform to the NIST standards for weighing systems.

2.04 Piping and Fittings

All fittings shall be either bronze or brass and rated for a minimum of 150 psi. All pressure-line or flow-line piping shall be copper and rated for a minimum pressure of 150 psi. The drain line piping can be schedule 40 PVC.

2.05 Catch Pan

The test bench shall be equipped with a catch pan made of either stainless steel or an epoxy coated metal. The material used to fabricate the catch pan shall not be susceptible to rusting.

2.06 Console Control System

The water meter test bench shall be computer-based and interface with a console control system via meter test bench software, which shall be specified by the vendor. The software shall be compatible with Microsoft SQL database management software. The console control system's computer shall have the following minimum specifications:

- 2.4 GHz Intel Pentium 4
- 256 MB SDRAM
- 40 GB Hard Drive
- 3.5" Floppy Drive
- 52 x 32 x 52 CD-RW-ROM Drive
- 17" Color Touch Screen Monitor
- Microsoft Windows 2000 Operating System or newer
- Microsoft Windows Compatible Keyboard
- Sound Card
- Network 10/100 Interface Card

2.1 3" through 6" WATER METER TEST BENCH

The test bench for meter sizes ranging from 3" through 6" shall be capable of testing fire-line, compound, and turbine water meters. The minimum number of meters capable of being tested for the various water meter sizes shall be:

- Four (4) 3" water meters
- Three (3) 4" water meters
- Two (2) 6" water meters

2.11 Position Mechanism

The method used to seat the water meters in position on the test bench shall allow for easy installation and removal. The method shall not incorporate any type of bolting that requires an external wrench to seat the meters for testing.

2.12 Water Tank

The water tank for the 3" through 6" water meters shall be adequately sized to allow for standard tests as specified by the AWWA. The tank

shall be constructed from stainless steel. The water in the water tank shall be weighed by a gravimetric weight scale system with an accuracy of +/- 0.01%. The gravimetric weight scale system shall conform to the NIST standards for weighing systems.

2.13 Piping and Fittings

All fittings shall be either bronze or brass and rated for a minimum of 150 psi. All pressure-line or flow-line piping shall be copper and rated for a minimum pressure of 150 psi. The drain line piping can be schedule 40 PVC.

2.14 Catch Pan

The test bench shall be equipped with a catch pan made of either stainless steel or an epoxy coated metal. The material used to fabricate the catch pan shall not be susceptible to rusting.

2.15 Console Control System

The water meter test bench shall be computer-based and interface with a console control system via meter test bench software, which shall be specified by the vendor. The software shall be compatible with Microsoft Access or Oracle database management software. The console control system's computer shall have the following minimum specifications:

- 2.4 GHz Intel Pentium 4
- 256 MB SDRAM
- 40 GB Hard Drive
- 3.5" Floppy Drive
- 52 x 32 x 52 CD-RW-ROM Drive
- 17" Color Touch Screen Monitor
- Microsoft Windows 2000 Operating System or newer
- Microsoft Windows Compatible Keyboard
- Sound Card
- Network 10/100 Interface Card

SECTION 3: DELIVERY, WARRANTY AND TRAINING

3.0 Warranty

Each test bench shall be warranted free of defects in craftsmanship and operation. Each system as a whole shall have the warranty period commence upon acceptance. The warranty period shall be for one (1) year. All software updates

be provided at no cost for two years. Customer service support will be at no cost for a period of 2 years.

3.1 Training

The water meter test bench vendor shall provide 3 days of training onsite at no cost. The training shall consist of basic operation of the each system; system configuration; routine maintenance; and troubleshooting points.

3.2 Delivery

The water meter test bench systems shall both be delivered together. Both water meter test bench systems shall be delivered to:

Water Operations Department
2435 S. Industrial Dr.
Fayetteville, Arkansas. 72701

The vendor shall give a minimum delivery notice of **one (1) week** but time must be coordinated with Don Osburn by calling (479) 575-8384.

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

Bidder agrees that this bid shall be good and may not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for receiving bids.

Bid Item 1 (5/8"-2" Water Meter Test Benches): _____ *

Bid Item 2 (3"-6" Water Meter Test Benches): _____ *

Total Bid Price: *\$161,590.00 (This price includes \$500. used equipment trade-in.)

COMPANY NAME Floyd S. Salser, Jr. & Associates dba
MARS Company

CONTACT PERSON Jim Smith

TITLE Vice President of Manufacturing

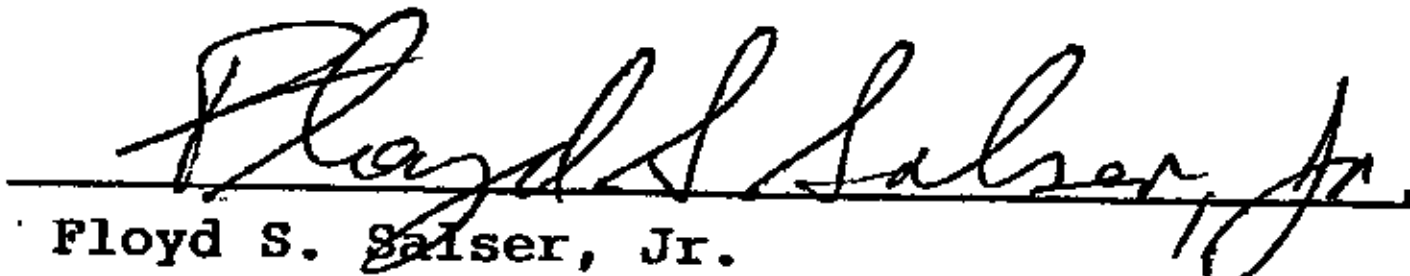
ADDRESS P.O. Box 772887

Ocala, FL 34477-2887

TELEPHONE (800) 782-5268 FAX (352) 694-7397

E-Mail jim@marswater.com

SIGNATURE:


Floyd S. Salser, Jr.

All inclusive bids must be submitted no later than July 15, 2005 at or before 11:00 a.m. to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Bid 05-52, Water Meter Test Benches. Each bidder will be required to meet or exceed

the specifications. Any deviation must be noted with specifications attached to bid. Questions on specification clarification should be directed to Don Osburn, Water Operations Supervisor at (479)575-8389 or dosburn@ci.fayetteville.ar.us



P.O. Box 772887
Ocala, Florida 34477-2887
(352) 694-7195
(800) 782-5268

REFERENCE: Bid #05-52

PREVIOUS TEST BENCH INSTALLATION REFERENCES

1. Board of Water Supply
Honolulu, Hawaii
Mr. Richard Chignon
Telephone: 808-748-5411
2. The Birmingham Water Works Board
Birmingham, AL
Mr. Al Crumpton
Telephone: 205-251-3261
3. San Jose Water Company
San Jose, CA
Mr. Michael Salas
Telephone: 408-279-7823
4. Fairfax County Water
Fairfax, Virginia
Mr. Tim Justice
Telephone: 703-289-6150

(Not a Purchase Order)

Revised 8/17/03

Comments:



Date: August 18, 2005

To: Fayetteville City Council

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

From: Ron Petrie, City Engineer *RP*

Subject: **Razorback Road Water & Sewer Relocations Project**
Amendment #1 to Engineering Contract

RECOMMENDATION:

The Staff recommends Council approval of Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960 for final design, bidding, construction administration, and resident services during construction for water & sewer relocations for the Hwy. 112 (Razorback Road) Widening Project from 15th Street to 6th Street.

BACKGROUND

The Arkansas State Highway Department (AHTD) has a current construction project (Job 040399) for the widening of Hwy 112 (Razorback Road) from 15th Street to 6th Street. In order to clear the way for the widening project by A.H.T.D., portions of the existing water and sewer facilities serving this area will have to be relocated to avoid construction conflicts with the highway facilities.

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

DISCUSSION

Bids were opened on August 10th and Gilbert Central is the apparent low bidder. AHTD typically issues a Notice To Proceed to the contractor 30 days after the bid opening. It is imperative that McClelland Consulting Engineers, Inc. be authorized to complete the design work immediately and then oversee this project throughout the construction phase.

BUDGET IMPACT

This project is currently funded as the City Council passed Resolution No. 157-05 at its August 2nd meeting which approved a budget amendment in the amount of \$1,451,347.

RP/pdl

Attachments: 3 Original Contract Amendments No. 1

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT ^{space} #1 TO THE
CONTRACT WITH McCLELLAND CONSULTING
ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED
\$116,960.00 FOR FINAL DESIGN, BIDDING, CONSTRUCTION
ADMINISTRATION, AND RESIDENT SERVICES DURING
CONSTRUCTION FOR WATER AND SEWER RELOCATION
FOR HIGHWAY IMPROVEMENTS TO RAZORBACK ROAD.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby
approves Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in
an amount not to exceed \$116,960.00 for final design, bidding, construction
administration, and resident services during construction for water and sewer relocation
for highway improvements to Razorback Road. A copy of Amendment #1 marked
Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

AMENDMENT NO. 1

TO

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
FAYETTEVILLE HIGHWAY 112 WATER AND SEWER MAIN RELOCATION
RELOCATION OF WATER AND SEWER MAINS ALONG RAZORBACK ROAD
FINAL DESIGN, BIDDING, AND CONSTRUCTION PHASE SERVICES

The Agreement for Professional Engineering Services executed on January 18, 2005 for Relocation of Water and Sewer Mains along Razorback Road in Fayetteville, Arkansas is hereby amended. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the authorized Scope of the Project, and the Fees and Payments, due to the requested increase in scope of services on the Razorback Road water and sewer main project.

The Agreement lists the Scope of Services for:

1. Preliminary Design Phase Services
2. Final Design Phase Services
3. Bidding Phase Services
4. Construction Phase Services
5. Post-Construction Phase Services
6. Resident Services During Construction

However, only the Preliminary Design Phase Services were authorized for completion in the basic Agreement and were covered in Section 6, Payments to McClelland.

The purpose of this Amendment No. 1 is to authorize McClelland to complete Final Design, Bidding, Construction, Post-Construction and Resident Services During Construction as defined in the Agreement and hereinafter, and to establish compensation for these services.

SECTION 2 – BASIC SERVICES OF MCCLELLAND

McClelland is hereby authorized to complete Final Design Phase Services as defined under Section 2.3 of the Agreement, to include preparation of property mapping and detailed easement documents as defined under Subsection 2.3.6. McClelland is hereby authorized to complete Bidding Phase Services as defined under Section 2.4 of the Agreement.

McClelland is hereby authorized to complete Construction Phase Services to include:

1. Review of submittals.
2. Processing monthly pay requests.
3. Scheduling and attending progress meetings, as needed.
4. Coordination of construction activities between the Contractor and City of Fayetteville.

McClelland is hereby authorized to complete Post – Construction Phase Services to include:

1. Securing and processing of final documents (Bonds, affidavits, etc.).
2. Preparation and submission of Record Drawings.
3. Coordination of post – construction/clean up activities required of the Contractor.

McClelland is hereby authorized to provide Resident Services During Construction to include:

1. Providing a resident construction observer to be at the project during construction activities related to the water and sewer main installation. Resident services shall be full time during pipe laying periods and part time during site preparation and site clean up periods.
2. The resident construction observer shall maintain daily logs of site conditions, work completed, activities relating to property owners, and information/directives received from the City of Fayetteville.

3. The resident construction observer shall not provide superintendence over the Contractor's personnel or over the Contractor's work and safety procedures.

SECTION 6 – PAYMENTS TO MCCLELLAND

Compensation for Final Design, Bidding, Construction, Post-Construction and Resident Services During Construction shall be based upon cost reimbursement, plus profit, as established under Subsection 6.1.1 for Preliminary Design Phase Services. This payment procedure is to be acceptable to the Arkansas Highway and Transportation Department for reimbursement purposes. Attachments B 1 through B 4 list estimated manhours and labor rates as applicable for these phases of the project. These cost factors are summarized as follows:

Final Design and Easement Preparation:	\$41,109
Bidding Phase:	\$ 3,167
Construction and Post – Construction Services:	\$15,284
Resident Services During Construction:	<u>\$57,400</u>
Total	\$116,960

This Amendment No. 1 authorizes an additional one hundred sixteen thousand nine hundred sixty dollars (\$116,960) to the originally approved twenty-two thousand eight hundred dollars (\$22,800). This Total Contract Amount (\$139,760) shall not be exceeded without specific written authorization from the City of Fayetteville.

All other provisions and conditions of the original Agreement remain in full force and effect. Final Design and Bidding Services shall be completed to conform to the requirements of the Arkansas Highway and Transportation Department's project schedule. Subsequent phases shall conform to the City of Fayetteville's schedule with the construction contractor.

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

FOR: THE CITY OF FAYETTEVILLE:

By: _____

Attest: _____

Date: _____

FOR: McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn

Attest: Robert White

Date: 7/27/05

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

A. 11
Razorback Rd. W & S Relocations
Project Amendment #1
Page 8 of 10

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

Project or Item Added/Increased: Razorback Road Utility W/S Relocation	Project or Item Deleted/Reduced: None. AHTD cost reimbursement and use of reserves are proposed for this project.
---	--

Justification of this Increase: AHTD is preparing to bid this highway widening project	Justification of this Decrease: Sufficient cash and investments exist to fund this request
---	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	744,252	05014	1
Sewer improvements	5400	5700	5815	00	960,219	05014	1

Decrease Expense Budget (Increase Revenue Budget)

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

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

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

September 6, 2005
City Council Meeting Date

Ron Petrie Engineering Operations
Submitted By Division Department

Action Required:

A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960 for final design, bidding, construction administration, and resident services during construction for water & sewer relocations for the Hwy. 112 (Razorback Road) Widening Project from 15th Street to 6th Street.

Approval of a budget adjustment is requested.

\$ 116,960.00 Cost of this request	\$ 22,800.00 Category / Project Budget	Razorback Rd Utility W/S Relocation Program Category / Project Name
5400-5600-5808-00 Account Number	\$ 22,800.00 Funds Used to Date	Water Line Improvements Program / Project Category Name
05014 Project Number	\$ - 0 - Remaining Balance	Water & Sewer Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

[Signature]
Department Director 8-18-05
Date

Previous Ordinance or Resolution # 13-05

Original Contract Date: 1/18/2005

Original Contract Number: 991

[Signature] *[Initials]*
City Attorney 8/19/05
Date

[Signature]
Finance and Internal Service Director 8-19-05
Date

[Signature]
Mayor 8/19/05
Date

Received in City Clerk's Office	ENTERED 8-18-05 <i>aw</i>
Received in Mayor's Office	ENTERED 8/19/05 <i>TH</i>

Comments:



Date: August 18, 2005

To: Fayetteville City Council

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

From: Ron Petrie, City Engineer *RSP*

Subject: **Wedington Drive Water & Sewer Relocations Project
Amendment #1 to Engineering Contract**

RECOMMENDATION:

The Staff recommends Council approval of Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793 for final design, bidding, construction administration, and resident services during construction for water & sewer relocations for the Hwy. 16 (Wedington Drive) Widening Project from Ruppel Road to Double Springs Road.

BACKGROUND

The Arkansas State Highway Department (AHTD) has a current construction project (Job 040423) for the widening of Hwy 16 (Wedington Drive) from Ruppel Rd. to Double Springs. In order to clear the way for the widening project by A.H.T.D., the existing water and sewer facilities serving this area will have to be relocated to avoid construction conflicts with the highway facilities. Also, in addition to the necessary relocations, staff has requested some over-sizing of the water mains, and fire protection improvements for this area.

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

DISCUSSION

Bids were opened on August 10th and Gilbert Central is the apparent low bidder. AHTD typically issues a Notice To Proceed to the contractor 30 days after the bid opening. It is imperative that McClelland Consulting Engineers, Inc. be authorized to complete the design work immediately and then oversee this project throughout the construction phase.

BUDGET IMPACT

This project is currently funded as the City Council passed Resolution No. 158-05 at its August 2nd meeting which approved a budget amendment in the amount of \$1,754,694.

RP/pdl

Attachments: 3 Original Contract Amendments No. 1

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT #1 TO THE CONTRACT WITH McCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$145,793.00 FOR FINAL DESIGN, BIDDING, CONSTRUCTION ADMINISTRATION, AND RESIDENT SERVICES DURING CONSTRUCTION FOR WATER AND SEWER RELOCATION FOR HIGHWAY IMPROVEMENTS TO WEDINGTON DRIVE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive. A copy of Amendment #1, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
FAYETTEVILLE HIGHWAY 16 WATER AND SEWER MAIN RELOCATION
RELOCATION OF WATER AND SEWER MAINS ALONG WEDINGTON DRIVE
FINAL DESIGN, BIDDING, AND CONSTRUCTION PHASE SERVICES

The Agreement for Professional Engineering Services executed on January 18, 2005 for Relocation of Water and Sewer Mains along Wedington Drive in Fayetteville, Arkansas is hereby amended. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville (hereinafter "City of Fayetteville") and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the authorized Scope of the Project, and the Fees and Payments, due to the requested increase in scope of services on the Wedington Drive water and sewer main project.

The Agreement lists the Scope of Services for:

1. Preliminary Design Phase Services
2. Final Design Phase Services
3. Bidding Phase Services
4. Construction Phase Services
5. Post-Construction Phase Services
6. Resident Services During Construction

However, only the Preliminary Design Phase Services were authorized for completion in the basic Agreement and were covered in Section 6, Payments to McClelland.

The purpose of this Amendment No. 1 is to authorize McClelland to complete Final Design, Bidding, Construction, Post-Construction and Resident Services During Construction as defined in the Agreement and hereinafter, and to establish compensation for these services.

SECTION 2 – BASIC SERVICES OF MCCLELLAND

McClelland is hereby authorized to complete Final Design Phase Services as defined under Section 2.3 of the Agreement, to include preparation of property mapping and detailed easement documents as defined under Subsection 2.3.6. McClelland is hereby authorized to complete Bidding Phase Services as defined under Section 2.4 of the Agreement.

McClelland is hereby authorized to complete Construction Phase Services to include:

1. Review of submittals.
2. Processing monthly pay requests.
3. Scheduling and attending progress meetings, as needed.
4. Coordination of Construction activities between the Contractor and City of Fayetteville.

McClelland is hereby authorized to complete Post – Construction Phase Services to include:

1. Securing and processing of final documents (Bonds, affidavits, etc.).
2. Preparation and submission of Record Drawings.
3. Coordination of post – construction/clean up activities required of the Contractor.

McClelland is hereby authorized to provide Resident Services During Construction to include:

1. Providing a resident construction observer to be at the project during construction activities related to the water and sewer main installation. Resident services shall be full time during pipe laying periods and part time during site preparation and site clean up periods.
2. The resident construction observer shall maintain daily logs of site conditions, work completed, activities relating to property owners, and information/directives received from the City of Fayetteville.

3. The resident construction observer shall not provide superintendence over the Contractor's personnel or over the Contractor's work and safety procedures.

SECTION 6 – PAYMENTS TO MCCLELLAND

Compensation for Final Design, Bidding, Construction, Post-Construction and Resident Services During Construction shall be based upon cost reimbursement, plus profit, as established under Subsection 6.1.1 for Preliminary Design Phase Services. This payment procedure is to be acceptable to the Arkansas Highway and Transportation Department for reimbursement purposes. Attachments B 1 through B 4 list estimated manhours and labor rates as applicable for these phases of the project. These cost factors are summarized as follows:

Final Design and Easement Preparation:	\$53,068
Bidding Phase:	\$ 3,167
Construction and Post – Construction Services:	\$15,284
Resident Services During Construction:	<u>\$74,274</u>
Total	\$145,793

It is estimated that \$14,000 of the \$54,000 previously authorized for the Preliminary Design Phase Services can be transferred to Final Design and Bidding Phase Services, so that an Agreement Amendment Total Contract Amount for Preliminary Design, Final Design, Bidding, Construction, Post – Construction and Resident Services is one hundred eighty five thousand seven hundred ninety three dollars (\$185,793). Consequently, this Amendment No. 1 authorizes an additional one hundred thirty one thousand seven hundred ninety three dollars (\$131,793) to the originally approved fifty four thousand dollars (\$54,000). This Contract Amount (\$185,793) shall not be exceeded without specific written authorization from the City of Fayetteville.

All other provisions and conditions of the original Agreement remain in full force and effect. Final Design and Bidding Services shall be completed to conform to the requirements of the Arkansas Highway and Transportation Department's project

schedule. Subsequent phases shall conform to the City of Fayetteville's schedule with the construction contractor.

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

FOR: THE CITY OF FAYETTEVILLE:

By: _____

Attest: _____

Date: _____

FOR: McCLELLAND CONSULTING ENGINEERS, INC.:

By: 

Attest: 

Date: 7/27/05

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

A. 12
Wedington Drive W & S Relocations
Project Amendment #1
Page 8 of 10

Budget Year 2005	Department: Water & Wastewater Division: Water & Sewer Maintenance Program: Sewer Mains Construction	Date Requested August 2, 2005	Adjustment Number
----------------------------	--	---	-------------------

Project or Item Added/Increased: Wedington (Highway 16 West) Water and Sewer Relocation	Project or Item Deleted/Reduced: None. AHTD Cost Reimbursement and use of reserves are proposed for this project.
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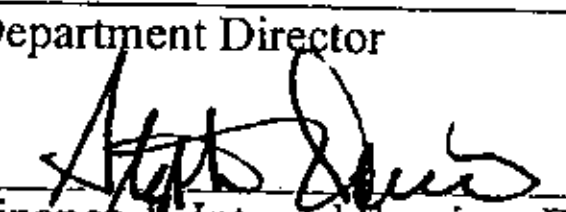
Justification of this Increase: AHTD is preparing to bid this highway widening project	Justification of this Decrease: Sufficient cash and investments exist to fund this project
---	---

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	1,411,126	05015	.1
Sewer improvements	5400	5700	5815	00	268,168	05015	.1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
St Hwy-utility relocation	5400	0940	4303	00	1,233,500	05015	1
Use of fund balance	5400	0940	4999	99	445,794	05015	

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Date of Approval				Initial	Date
Department Director	Date	Posted to General Ledger				Initial	Date
 Finance & Internal Services Director	8-19-05 Date	Posted to Project Accounting				Initial	Date
Mayor	Date	Entered in Category Log				Initial	Date

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

September 6, 2005
City Council Meeting Date

Ron Petrie Engineering Operations
Submitted By Division Department

Action Required:

A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793 for final design, bidding, construction administration, and resident services during construction for water & sewer relocations for the Hwy. 16 (Wedington Drive) Widening Project from Ruppel Road to Double Springs Road. *Approval of a budget adjustment is requested.*

\$ 145,793.00 Cost of this request	\$ 54,000 Category / Project Budget	Wedington Utility W/S Relocations Program Category / Project Name
5400-5600-5808-00 Account Number	\$ 54,000.00 Funds Used to Date	Water Line Improvements Program / Project Category Name
05015 Project Number	\$ - Remaining Balance	Water & Sewer Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☒

 8-18-05
Department Director Date

Previous Ordinance or Resolution # 12-05

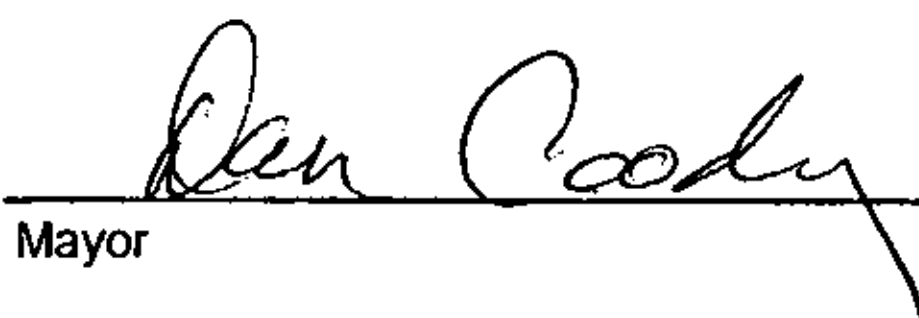
Original Contract Date: 1/18/2005

Original Contract Number: 990

 8/19/05
City Attorney Date

 Aug 19, 2005
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED 8-18-05
SIGN

 8/19/05
Mayor Date

Received in Mayor's Office
ENTERED 8/19/05
SIGN

Comments:

ALDERMAN AGENDA REQUEST FORM

B. 1
Amend 96.05 Motor Vehicle and
Motorcycle Sound Limit
Page 1 of 4

FOR: COUNCIL MEETING OF May 3, 2005
~~APRIL 19, 2005~~

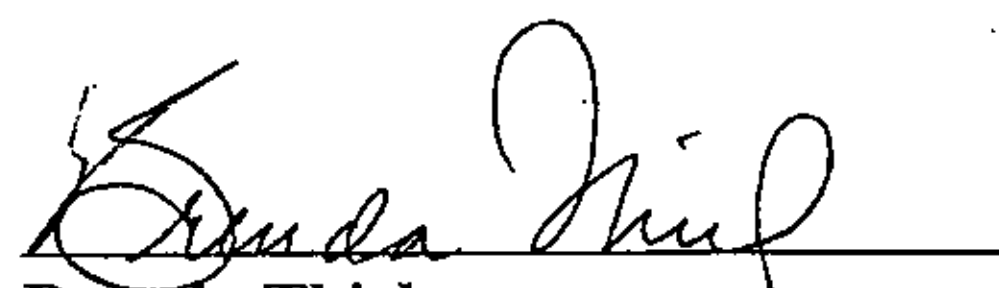
FROM:

BRENDA THIEL, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §96.05 Motor Vehicle And Motorcycle Sound Limit Of The Code
Of Fayetteville

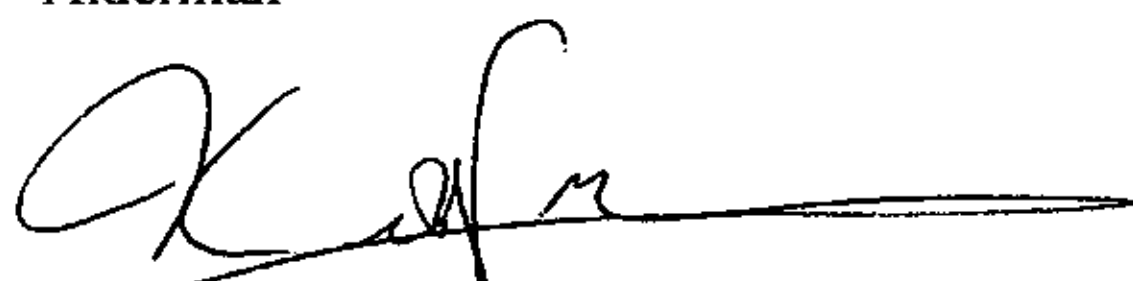
APPROVED FOR AGENDA:



Brenda Thiel

Alderman

4/18/05
Date



Kit Williams

City Attorney (as to form)

4/18/05
Date

Tabled to the Sept. 6, 2005 mtg 5/17/05
Left on the second reading May 3, 2005

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §96.05 MOTOR VEHICLE
AND MOTORCYCLE SOUND LIMIT OF THE CODE OF
FAYETTEVILLE**

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Table II of **§96.05 Motor Vehicle and Motorcycle Sound Limit**, subsection (A) by changing the maximum allowed decibels for vehicles of 10,000 or more pounds from 92 for speed limit zones of 35 mph or less to 86 decibels; from 96 for speed limit zones over 35 mph to 90 decibels and from 94 for stationary run up to 88 decibels. All other parts of this noise ordinance shall remain unchanged and in full force and effect.

PASSED and APPROVED this 19th day of May, 2005.

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

**96.05 Motor Vehicle And Motorcycle
Sound Limit**

- (A) No person shall operate or cause to be operated a public or private motor vehicle or motorcycle on a public right-of-way or private property at any time and in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table II below.

TABLE II

MOTOR VEHICLE AND MOTORCYCLE
SOUND LIMIT

(Measured at 25 Feet From the Near
Side of the Nearest Lane Monitored)

Sound Level in dB

Vehicle class	Speed limit 35mph or less	Speed limit over 35mph	Stationary Run-up
Motor vehicle carrier engaged in interstate commerce of GVWR or GCWR of 10,000 lbs. Or more	92 86	96 90	94 88
Any other motor vehicle or any combination of vehicles towed by any such motor vehicles	78	78	78
Motorcycles	78	78	78

Amend →

unchanged →

- (B) No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation.
- (C) No person shall sound any horn or other auditory signaling device on or in any motor vehicle on any public right-of-way or public place, except as a warning of danger.
- (D) Operating or causing to operate any sound amplification device from within a vehicle so that the sound is plainly audible at a distance of 30 feet or more from the vehicle whether in a street, a highway, an alley, parking lot or driveway, whether public or private property, is prohibited and declared to be a noise disturbance in violation of this chapter.

(Code 1965, §13-8.1(d), (e), (f); Ord. No. 2580, 12-4-79; Ord.

Bob Davis 7/11/05
ALDERMAN AGENDA REQUEST FORM

B. 2
Mally Wagon Road Sewer Service
Page 1 of 36

Kit 7/15/05

FOR: COUNCIL MEETING OF AUGUST ~~2~~² 2005

8/2/05

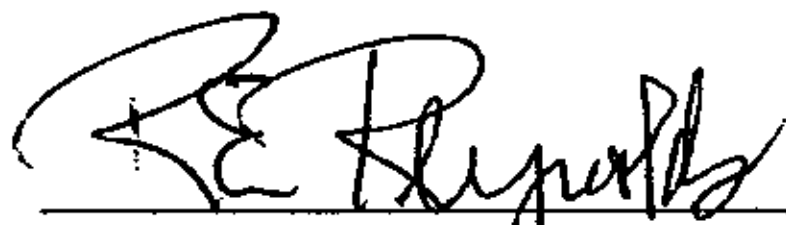
FROM:

ALDERMAN ROBERT REYNOLDS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

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

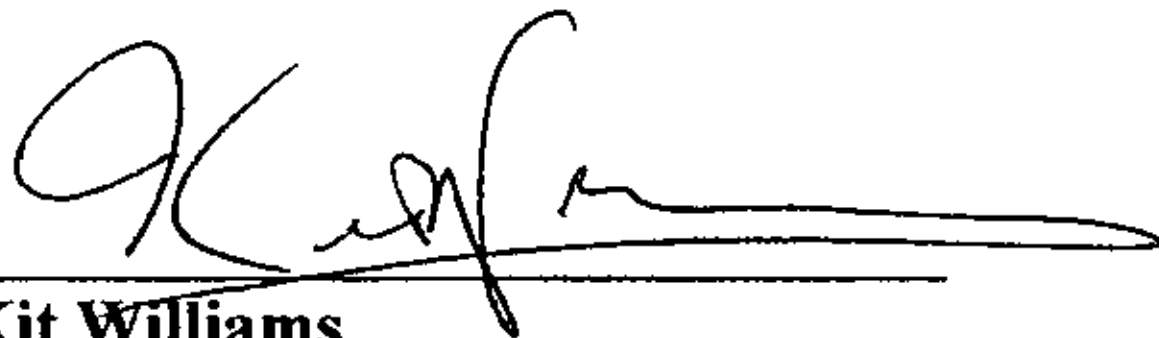
APPROVED FOR AGENDA:



Robert Reynolds
Alderman

7-26-05

Date



Kit Williams
City Attorney (as to form)

7-25-05

Date

Tabled to the 9/6/05 cc mtg 8/2/05

RESOLUTION NO. _____

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

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

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

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

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

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

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

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

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

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

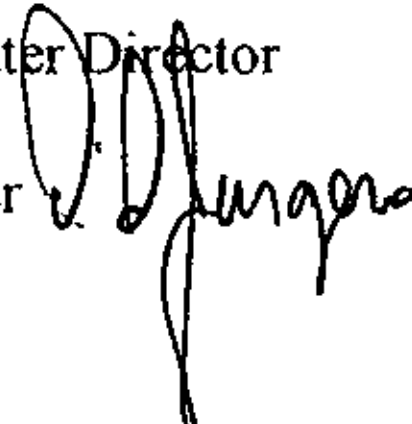
By: _____

SONDRA SMITH, City Clerk



WATER AND WASTEWATER DEPARTMENT
DEPARTMENTAL CORRESPONDENCE

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

FROM: David Jurgens, Water/Sewer 

DATE: 31 May 2005

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

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

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

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

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

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

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

Attachments: Letter of Request, with

- Proposed annexation map
- Property survey
- Draft lot layout
- Zoning map identifying property location
- Aerial identifying property location

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

June 4, 2005

Dear Mr. Williams,

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

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

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

Sincerely,

Ceytal

VARIANCE

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

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

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name - JB Hays

Address - 2595 Firewood
Fayetteville Ark 72703

E-mail: _____

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

Fax - (479) 251-8701

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

Name - Crystal Goedercis

Address - 1760 Starr Drive
Fayetteville, Ar 72701

E-mail: Jess 19899@abc global
. net

Phone - (479) 313-4756
()

Fax - 527
(479) 313-9747

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

Current Zoning District: County

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

Date which structure was built (if applicable): None

BUILDER

Name - JB Hays Family
Development

Address - same as above

Phone - _____

(479) 521-7777
()

Fax - 527
(479) 251-8701

Board of Adjustment

Deadline Date for submittal July 12 @ 10:00 am

FINANCIAL INTERESTS

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

JB Hays

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

Name (printed): Crystal Goedereis

Date: 05-31-05

Signature: Crystal Goedereis

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

Owners (attach additional info if necessary):

Name (printed): JB Hays

Address - 2595 Firewood

Signature: JB Hays

Fayetteville, Ar 72703

Date: 5-30-05

Phone -
()

Name (printed): _____

Address - _____

Signature: _____

Phone -
()

Date: _____

Checklist:

Attach the following items to this application:

- ☐ 1. Payment in full of applicable fees for processing the application.
\$25.00 before a violation has occurred ✓
\$100.00 after violation has occurred
- ☐ 2. Legal description of property (may be found on deed or current survey of property). A survey may be required if the deed cannot be platted accurately. ✓
- ☐ 3. Complete written description of this request (what is proposed by the applicant) to include:
Building size in square feet; existing and proposed - Conceptual plat
Number of off-street parking spaces to be provided / number required - see Conceptual plat
- ☐ 4. Two sets of typed, mailing labels listing the name and address of each adjacent property owner -

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

- 5. A copy of the plat on record in the county assessor's office. The owner's name and the parcel number for every adjacent property shall be shown on this plat (map).
- 6. Site plan drawn to scale, (scaled to fit on a 8 ½ x 11 sheet of paper) based on the deed or survey (survey is required for variance of an existing violation), showing all proposed structures dimensioned from the overhang to each property line, required setbacks, and requested variance(s). - See conceptual plan.
- 7. A typed letter addressed to the ~~chair of the board of adjustment~~ ^{MC Mayor & City Council} demonstrating each of the following 4 criteria (required by ordinance):
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

Dear Applicant:

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

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

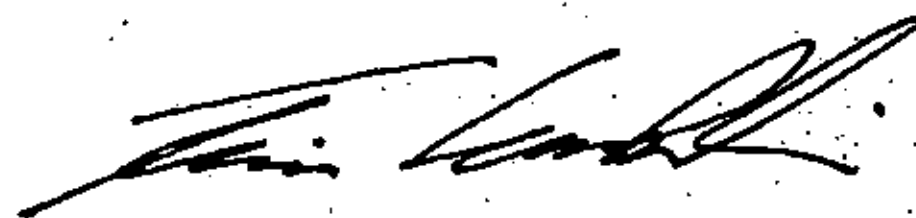
If you have any questions about neighborhood associations or their boundaries, please contact Courtney at 479.575.8253.

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

Sincerely,



Courtney McDade
Neighborhood Coordinator



Tim Conklin
Director of Community Planning and
Engineering Services

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

May 25, 2005

Dear Mr. Mayor & City Council,

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

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

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

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

Sincerely,

Crystal

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

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

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

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

- 1) The use of the Petitioners property shall be limited to the use of a single family development following the guidelines of a RSF 7 however I might add that the average density will only be 4 per acre but we need the lots to be 7000 square feet in order to make it look nice with Architectural appeal instead of row housing.
- 2) Other restrictions including number and type of structures upon the property are limited to RSF 7 guidelines with a maximum square footage of each house shall not exceed 1600 square feet of heated space, garages will be attached no larger than 2 cars.
- 3) Specific activities will not be allowed upon petitioner's property including anything not allowed in a RSF 7 development.
- 4) The development will be annexed as soon as it touches city property or the city wishes and the lots will be sold that way. With time of the essence and as this is in the county we would ask that we would only be required to go through Parks, and Tech Platt and that the City Planners be allowed or the City Council to sign off on final Platt. It is not our intention to avoid anything as we have already stated that we will meet or exceed all city requirements but we do not want to be delayed as we have already been working on this since December 2004.

NOTARY PUBLIC

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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

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

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

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

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

(E) *Setback requirements.*

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

(F) *Height regulations.*

Building height maximum	30 ft.
-------------------------	--------

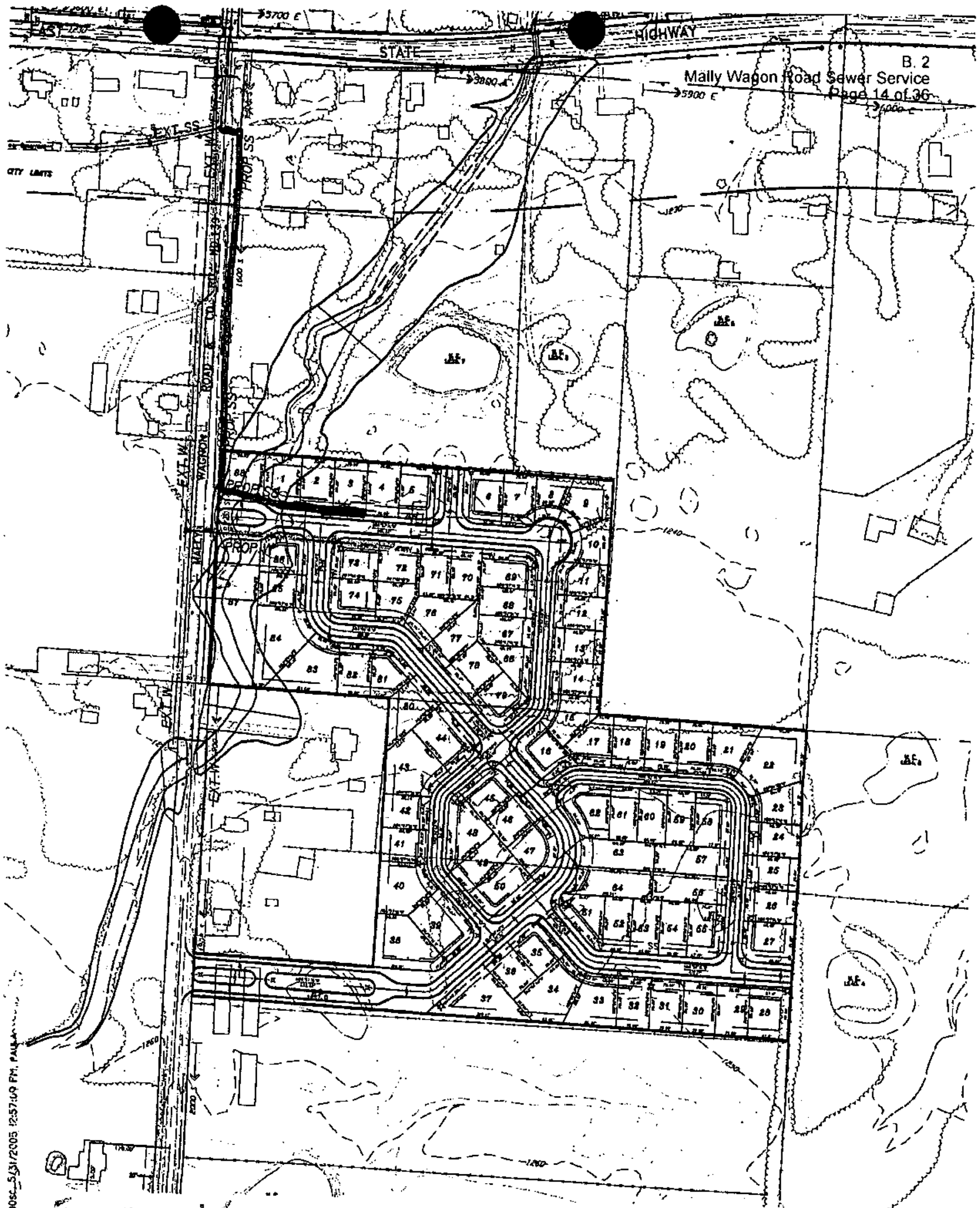
(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

Cross reference(s)–Variance, Ch. 156.

161.09 District RT-12, Residential Two And Three Family

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



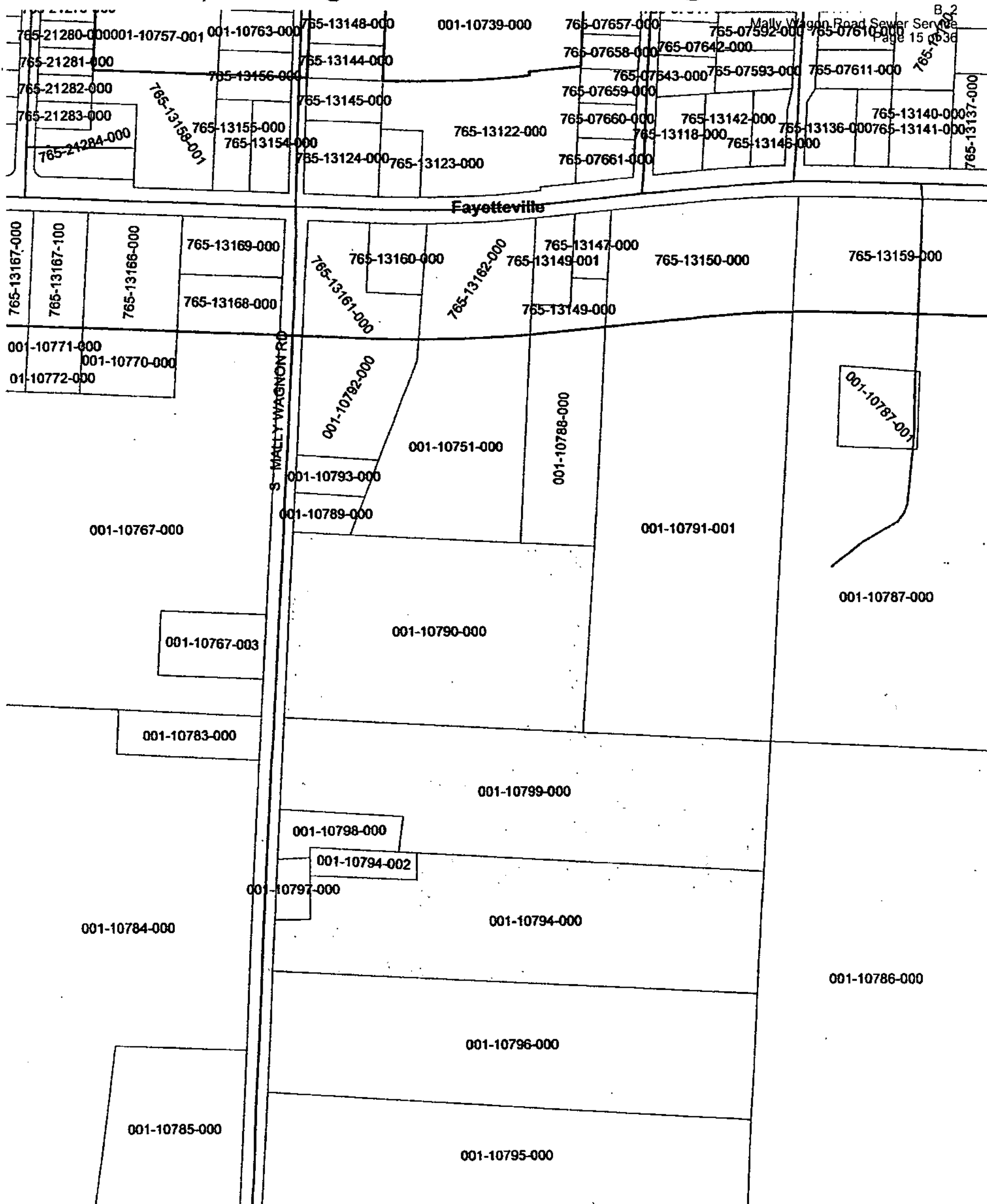
EXISTING WATER
PROPOSED WATER

EXISTING SEWER
PROPOSED SEWER

Mally Wagnon Addition Conceptual Plat

Checked by:
Drawn by: PMM
Horizontal Scale: 1"=200'
Vertical Scale: -
Date: 24MAY05
H2 PROJECT NUMBER: 05-007
H2 ENGINEERING, INC.
2758 MILLENNIUM DRIVE Suite 1 FAYETTEVILLE, ARKANSAS 72703 PHONE: (479) 582-H2E1 FAX: (479) 582-9254

P:\LAND PROJECTS 2005\05-007\DWG\05-007REV1.DWG, 8.5X11-2005-5/31/2005 12:57:49 PM, P.M.M.



Search Results

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Parcel: **001-10789-000** S-T-R: **20-16-29** Type: **RI** Assessed Value: **9,804**

Location Address: **1690 S MALLY WAGNON RD RURAL**

1 Owner Name: **FREEMAN, KEITH**

Mailing Address: **1690 S MALLY WAGNON RD FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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

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Search Results

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

Search Time **0** Seconds

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Search Results

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Parcel: **001-10791-001** S-T-R: 20-16-29 Type: AV Assessed Value: 260

Location Address: RURAL

1 Owner Name: **BROOKS, WILLIAM J. & SUZANNE H.**

Mailing Address: **6073 E HUNTSVILLE RD FAYETTEVILLE AR 72701**

Search Time 0 Seconds

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Search Results

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

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Search Results

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[Print Page](#)

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

Search Time 0 Seconds

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Parcel: **001-10783-000** S-T-R: **20-16-29** Type: **AI** Assessed Value: **20,080**

1 Location Address: **1811 MALLY WAGNON RD RURAL**

Owner Name: **MARTIN, JAMES F. & BETTY L.**

Mailing Address: **1811 MALLY WAGNON RD FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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Search Results

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

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Parcel: **001-10799-000** S-T-R: **20-16-29** Type: **AI** Assessed Value: **25,975**

Location Address: **1824 S MALLY WAGNON RD RURAL**

¹ Owner Name: **SEXSON, JIMMIE L & BOBBYE S.**

Mailing Address: **1824 S MALLY WAGNON RD FAYETTEVILLE AR 72701**

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Search Results

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Parcel: **001-10794-000** S-T-R: **20-16-29** Type: **AM** Assessed Value: **260**

Location Address: **S MALLY WAGNON RD RURAL**

¹ Owner Name: **PATRICK, KENT ELDON**

Mailing Address: **1924 S MALLY WAGNON RD FAYETTEVILLE AR 72701-0487**

Search Time **0** Seconds

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Search Results

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Parcel: **001-10798-000** S-T-R: **20-16-29** Type: **RI** Assessed Value: **9,152**

Location Address: **1872 S MALLY WAGNON RD RURAL**

1 Owner Name: **REDMAN, CHRISTINA D**

Mailing Address: **1872 S MALLY WAGNON ROAD FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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Parcel: **001-10794-002** S-T-R: **20-16-29** Type: **RV** Assessed Value: **436**

Location Address: **RURAL**

¹ Owner Name: **REDMAN, CHRISTINA D**

Mailing Address: **1872 S MALLY WAGNON ROAD FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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Search Results

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Parcel: **001-10797-000** S-T-R: **20-16-29** Type: **AI** Assessed Value: **16,361**

Location Address: **1924 S MALLY WAGNON RD RURAL**

Owner Name: **PATRICK, KENT ELDON**

Mailing Address: **1924 S MALLY WAGNON RD FAYETTEVILLE AR 72701-0487**

Search Time **0** Seconds

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

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Search Results

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Parcel: **001-10796-000** S-T-R: **20-16-29** Type: **AM** Assessed Value: **400**

Location Address: **S MALLY WAGON RD RURAL**

¹ Owner Name: **SWAFFORD, L.C & PEGGY C.**

Mailing Address: **2225 EMMA AVE FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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Search Results

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

Search Time **0** Seconds

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Search Results

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

Search Time **1** Seconds

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Search Results

Record 1 to 1 of 1

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Parcel: **001-10787-000** S-T-R: **20-16-29** Type: **AI** Assessed Value: **33,080**

Location Address: **6073 E HUNTSVILLE RD RURAL**

¹ Owner Name: **BROOKS, WILLIAM J. & SUZANNE H.**

Mailing Address: **6073 E HUNTSVILLE RD FAYETTEVILLE AR 72701**

Search Time **0** Seconds

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

January 27, 2005

Dear Dave,

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

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

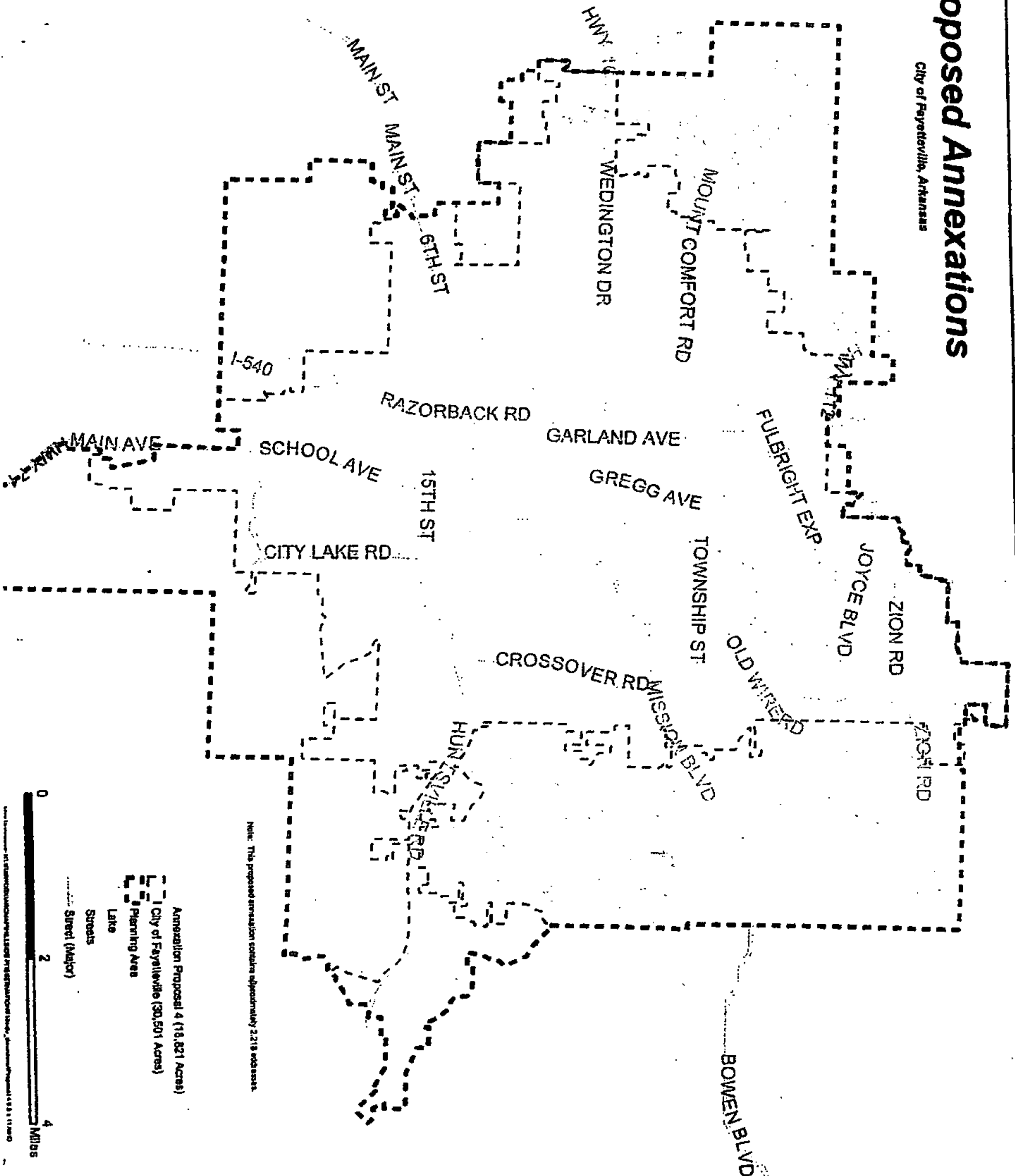
In closing, we feel this is a win /win situation for the city, the builders, the developers, and most importantly the new homeowners. The property is already in the growth area that is slated to be annexed into the city. It is close enough to Fayetteville and already has a Fayetteville address that it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

Sincerely,



Proposed Annexations

City of Fayetteville, Arkansas



Note: This proposed annexation contains approximately 2,218 acres.

STATE RECORDING NUMBER:
800-16N-28W-0-20-204-72-0066

RR SPIKE
SW CORNER
NW 1/4, SEC 20
T-16-N, R-28-W

MALLY WAGON RD.
CO. RD. #195



- These standard symbols will be found in the drawing.
- FOUND IRON PIN
 - ◆ COTTON SPINDLE
 - SET IRON PIN
 - FOUND PIPE
 - FENCE
 - FOUND STONE
 - STATE MONUMENT

David Foster
David Foster

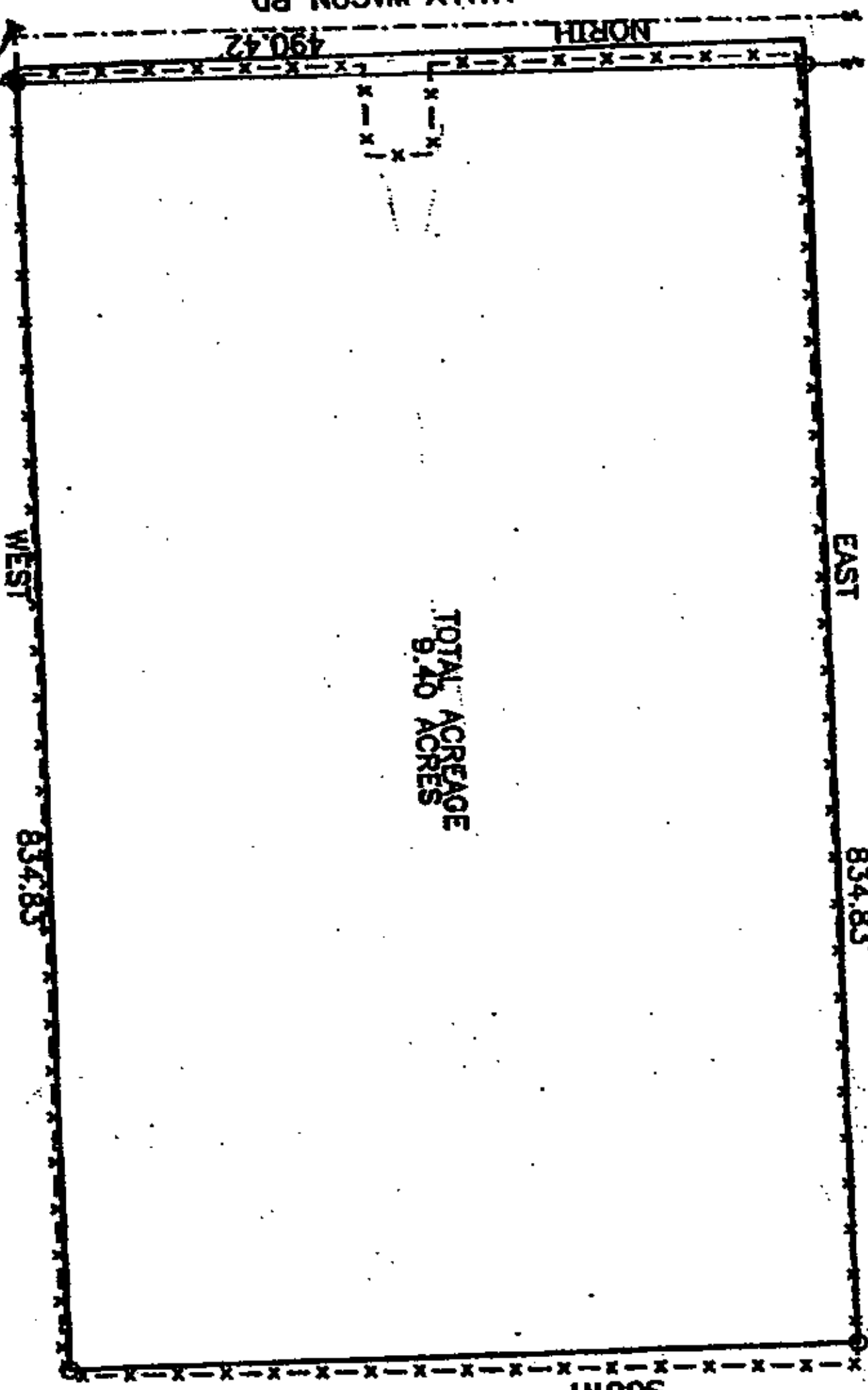
BLEW LAND SURVEYING			
DRAWN	DATE	BY	DATE
REL	11/12/03	DAVID FOSTER	11/12/03
APPROVED	DATE	PROJECT NO.	
	11/12/03	08-4844	
SCALE	1" = 100'		



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

SURVEY DESCRIPTION:
A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE
SOUTHEAST QUARTER (SE 1/4) OF SECTION 20, TOWNSHIP 16
NORTH, RANGE 28 WEST, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A
POINT WHICH IS TWENTY-FIVE (25) FEET EAST OF THE
SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND
RUNNING THENCE NORTH 490.42 FEET, THENCE EAST
834.83 FEET, THENCE SOUTH 490.42 FEET, THENCE WEST
834.83 FEET TO THE POINT OF BEGINNING, CONTAINING
8.40 ACRES MORE OR LESS, SUBJECT TO THAT PORTION
IN THE RIGHT OF WAY OF COUNTY ROAD 195 (MALLY
WAGON ROAD), ON THE WEST SIDE OF HEREIN DESCRIBED
TRACT.

SUBMITTED FOR: MCNAUGHTON REALTY/HOWARD



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 9/6/05 mtg 8/16/05
Tabled to 8/16/05 mtg 8/21/05
Tabled to 8/21/05 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

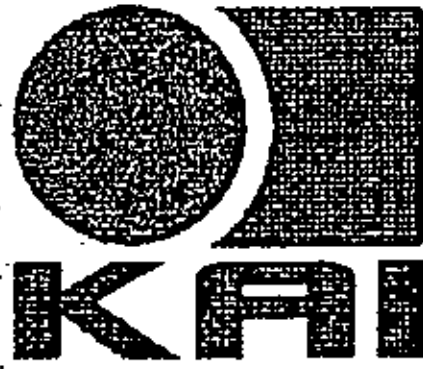
LEGAL DESCRIPTION OF LOTS 14, 15 AND 16:

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



KEY ARCHITECTURE, INC. P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702 PH: 479.444.6066 FAX: 479.444.1445

August 11, 2005

Jan Gambill, Senior Planning Clerk
Planning Division
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Planning Commission Appeal (HondaPro)

Dear Ms. Gambill:

This letter is to request that this item be tabled until the next City Council Meeting. Due to a family emergency and a pre-scheduled vacation I will be unable to attend the meeting on August 16th.

We are currently working on some type of landscape bill of assurance and addressing the council members' concern for this project.

If you have any questions, I will be back in the office on Wednesday, August 17th or you may contact Mr. Pat Tobin at (479) 466-9802 or (479) 443-1338.

Thank you,

Hannah McNeill
Senior Project Manager

Tabled to Sept. 6 CC mtg 8/16/05

HONDAPRO

Planning Commission Appeal (Honda Pro)
Page 6 of 42
B. 3

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 ☒ YES	☒ Denied
	☒ Approved	
Date: <u>June 13, 2005</u>		Allen/Morgan 7-1-07 w/ Vaughn voting no
CITY COUNCIL ACTION:	Required ☒ YES	☒ Denied
	☒ Approved	
Date: <u>July 5, 2005 (1st reading if recommended)</u>		

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: 380 W Poplar
 PROPERTY OWNER: Pat Tobin 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 Mohandessian HOME PHONE: (501) 286-1586
 HOME ADDRESS: 1557 Garland 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: A FEW CARS
 SQ. FT. OF TOTAL BUILDING: 3500 SQ. FT. OF YOUR BUSINESS: _____ SQ. FT. OF EXPANSION: _____

FOR OFFICIAL USE ONLY:

PROPERTY ZONED: P-0 PARCEL NUMBER: 105 09503-005 S-T-R: _____
 PLAT PAGE: 307 LOT: 16 BLOCK: 1 PHASE: _____ SUBDIVISION: _____
 USE UNIT: _____ INCLUDED USE(S): _____
 \$161.02 CERTIFICATE OF ZONING COMPLIANCE NONCONFORMING SECTIONS: _____
 NOTES: _____

CITY PLANNER

DATE

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

February 25, 2002

Mr. Sammy Mohandessian
Braden, Inc. DBA Quality Auto Exchange
PO Box 8666
Fayetteville, AR 72703

Re: Request for Certificate of Zoning Compliance

Dear Mr. Mohandessian:

The Planning Division has received your request for a Certificate of Zoning Compliance to establish a used car sales lot at 300 W. Poplar Street. Unfortunately, staff is unable to approve this request. The use of this site for your proposed business is not permitted. This property was zoned in 1977 for Residential-Office uses (Ord. #2349). It is not zoned properly for used vehicle sales, this type of use would require a Thoroughfare Commercial (C-2) zoning district. With this letter, I am returning your \$25.00 application fee. If you have initiated business at this location, you must discontinue that activity immediately. An approved Certificate of Zoning Compliance or building permit must be received prior to the operation of any new business within the City of Fayetteville.

If you have questions regarding this information, you may contact the Planning Division.

Sincerely,



Dawn T. Warrick
Senior Planner

cc: Tim Conklin, City Planner
File

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

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. 3
Planning Commission Appeal (Honda Pro)
Page 20 of 42

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. 3
Planning Commission Appeal (Honda Pro)
Page 21 of 42

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

~~R295374~~

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.3
Planning Commission Appeal (Honda Pro)
September 9, 1996 Page 25 of 42

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. 3
Planning Commission Appeal (Honda Pro)
Page 28 of 42

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

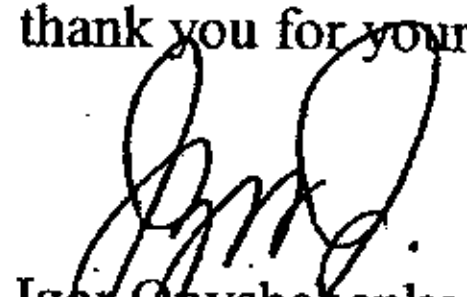
REF: RZN 05-1524 (HONDA PRO, 367)

Dear Sir,

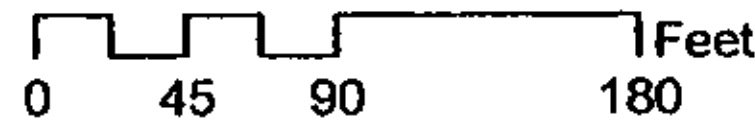
It has been brought to my attention that the Fayetteville Planning Commission has been asked to review a proposed REZONING adjacent to my property. I, as the owner and the resident of the adjacent property at 2032 N. Easy Ave oppose the attempt to rezone the subject property from RESIDENTIAL OFFICE to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



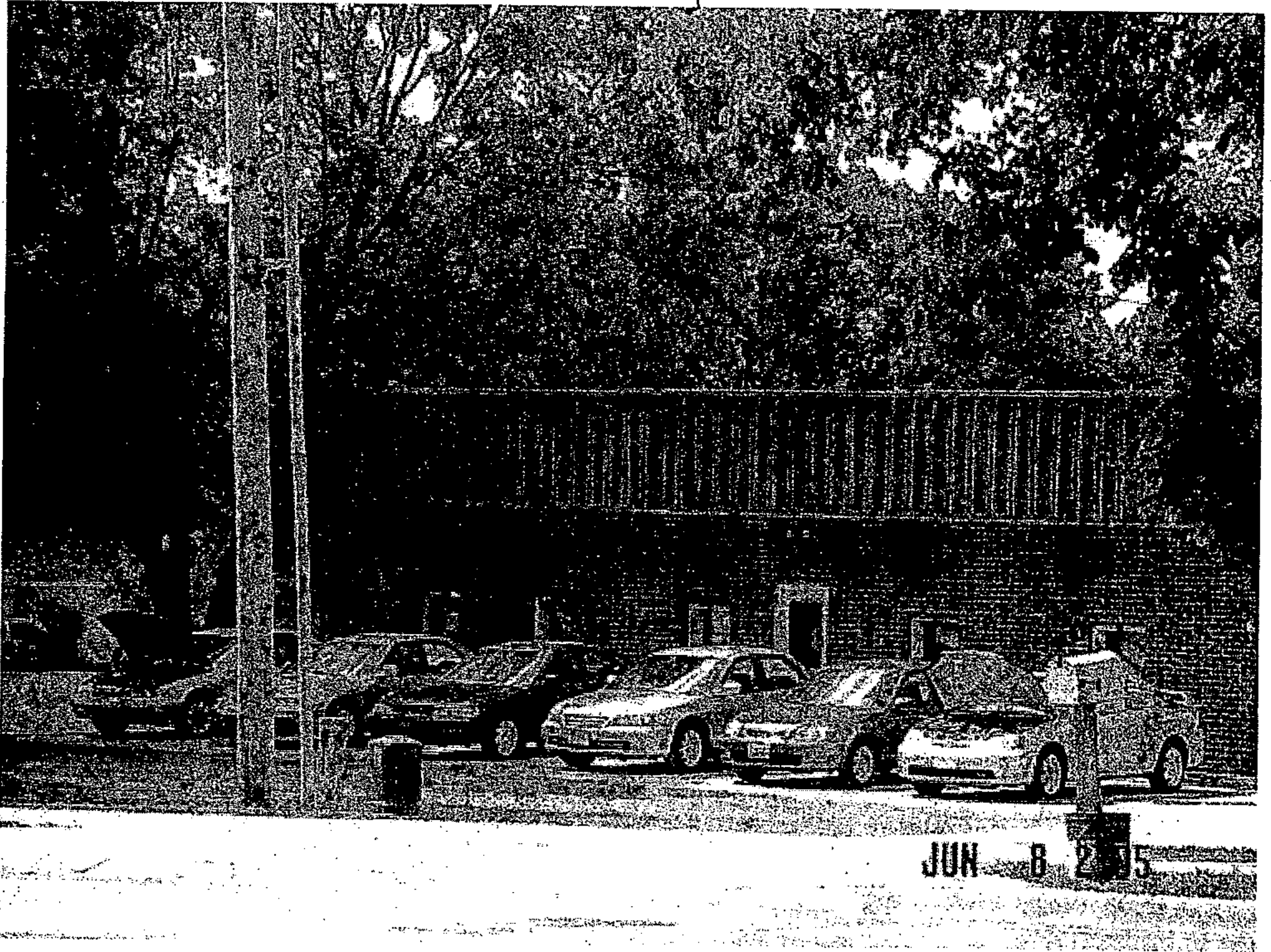
Igor Onyshchenko
Owner/Resident



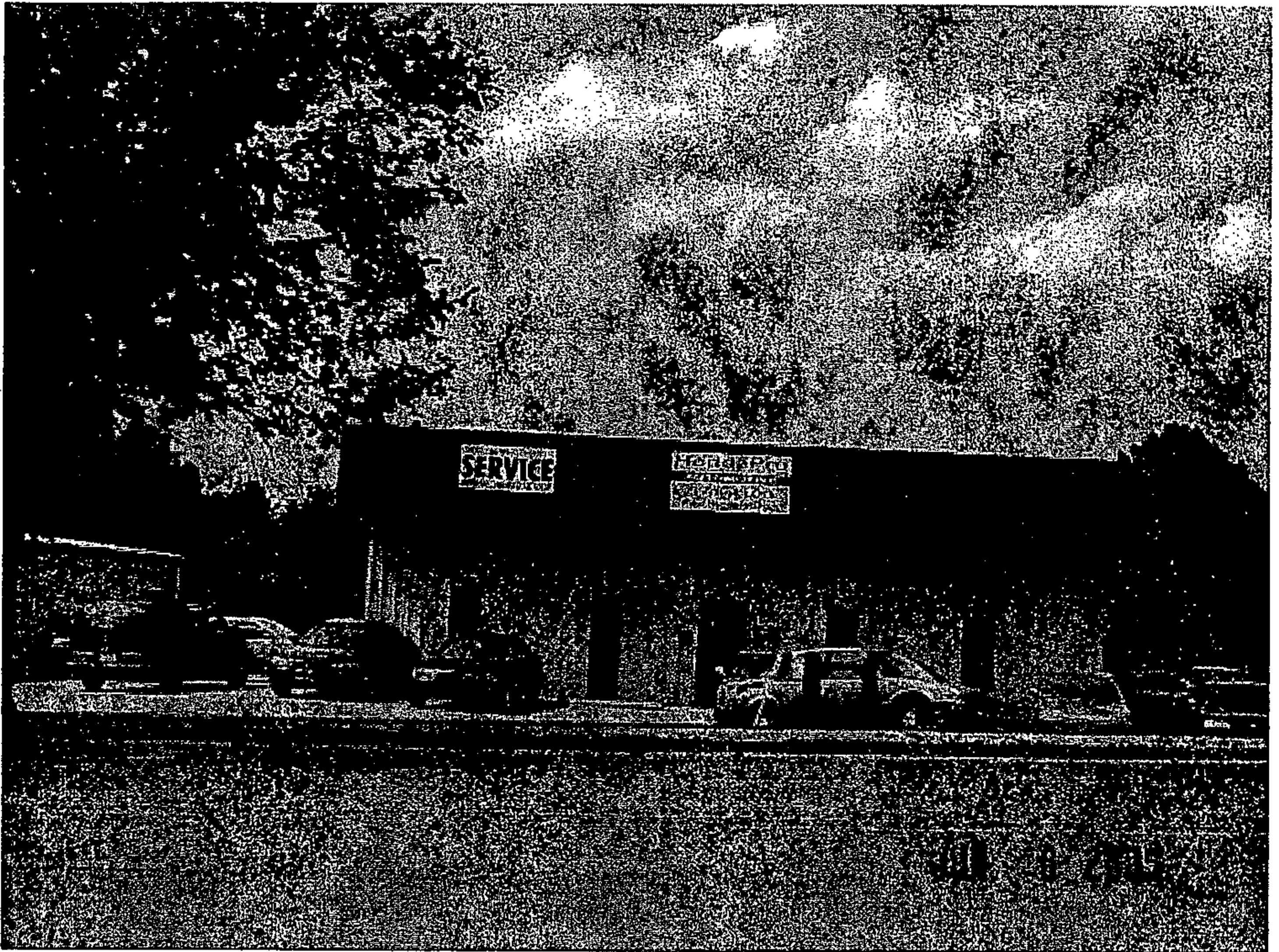
This map was created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Management, and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital 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."

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.



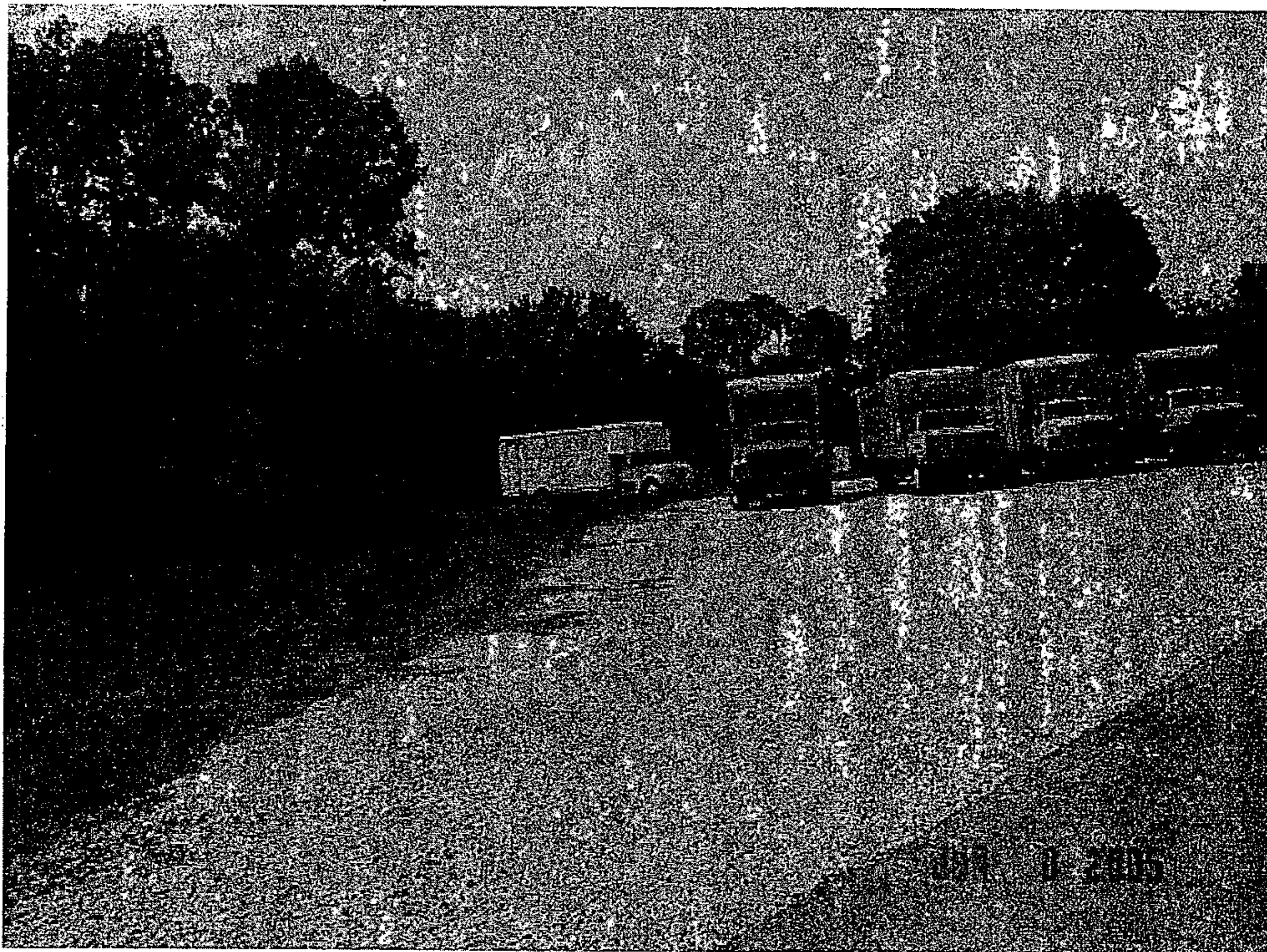
View of north side of property.
(Cars used for salvage)



Residential property north of Lot 16.



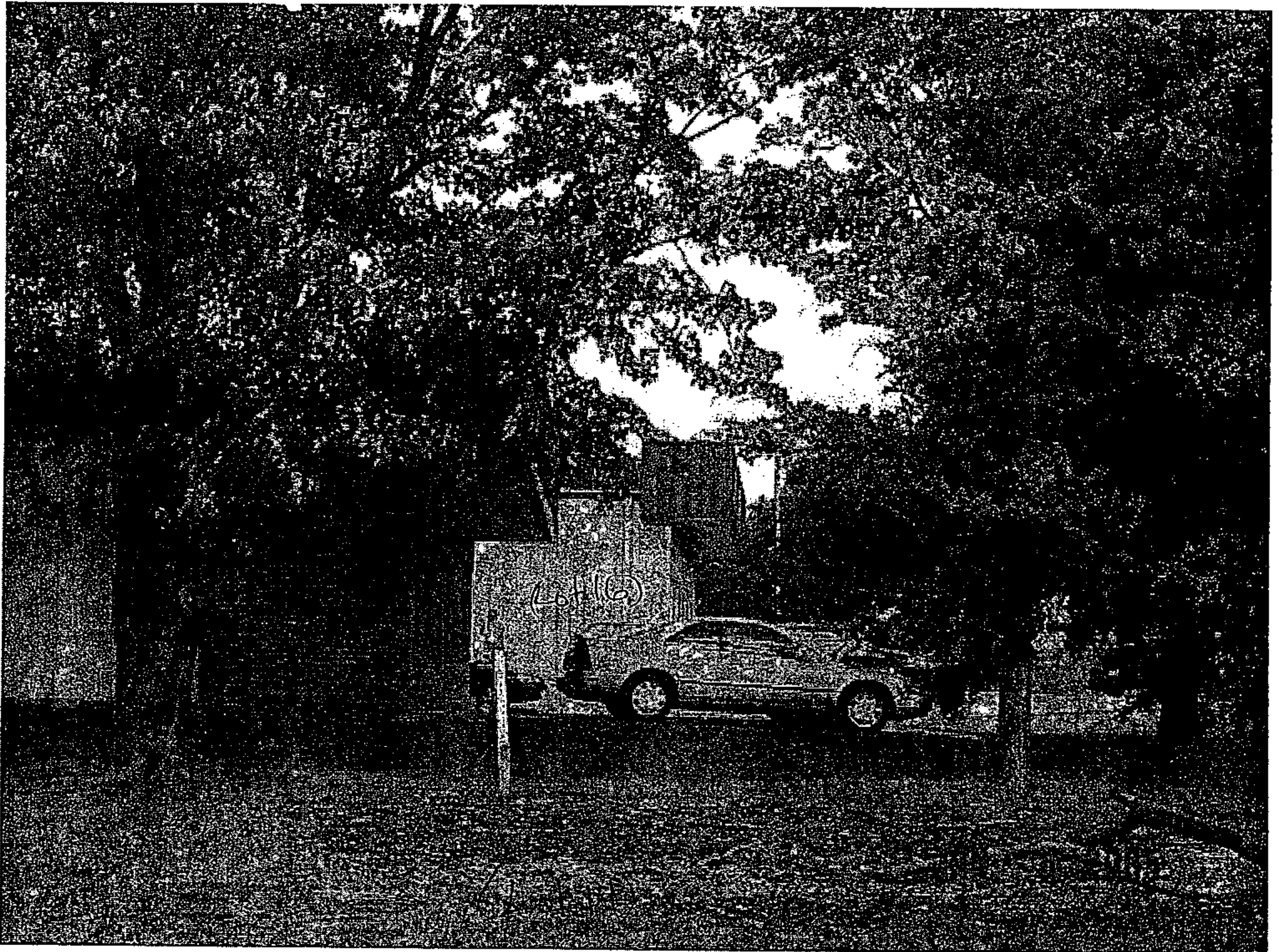
C-2 property to the north. (Rezoned C-2 in 1990)



View of properties north of lots 14-16.



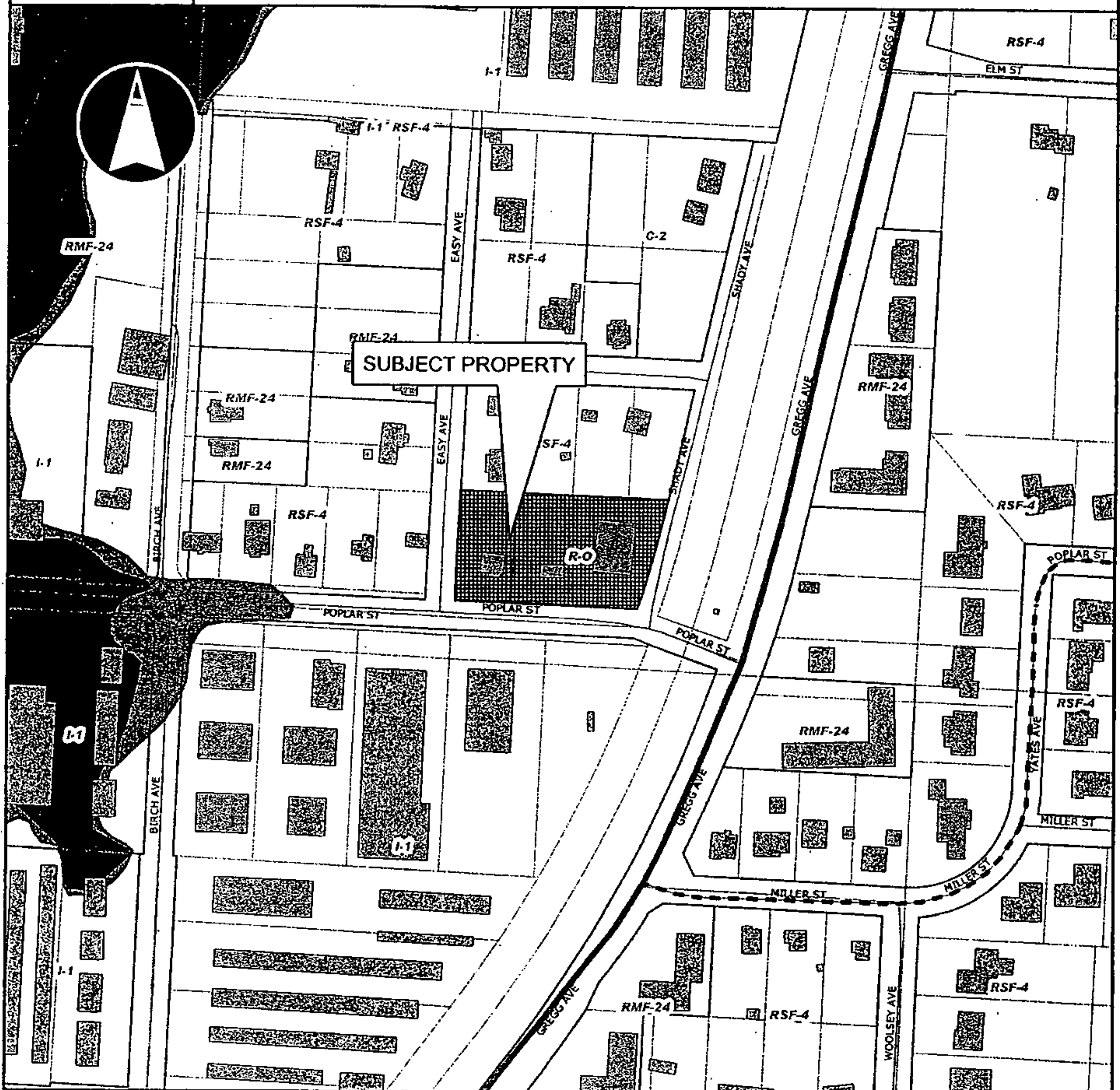
View of lots 14-16 from Easy St.



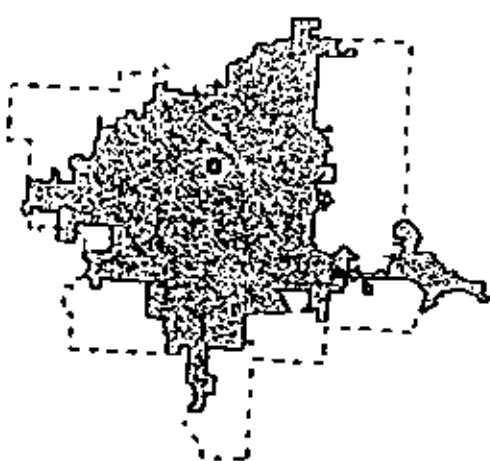
RZN05-1524

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

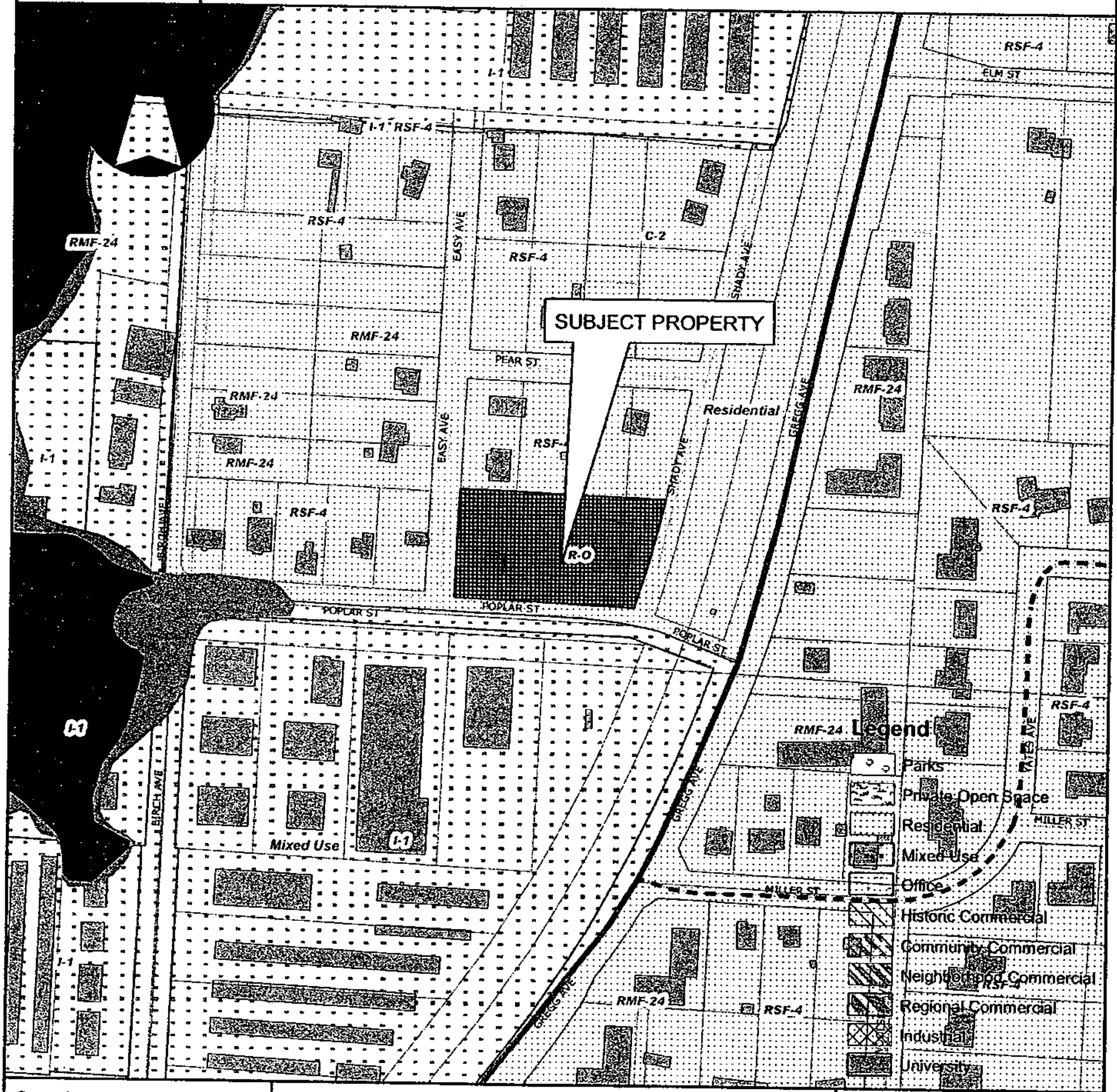
Outside City

0 50 100 200 300 400
Feet

RZN05-1524

Future Land Use

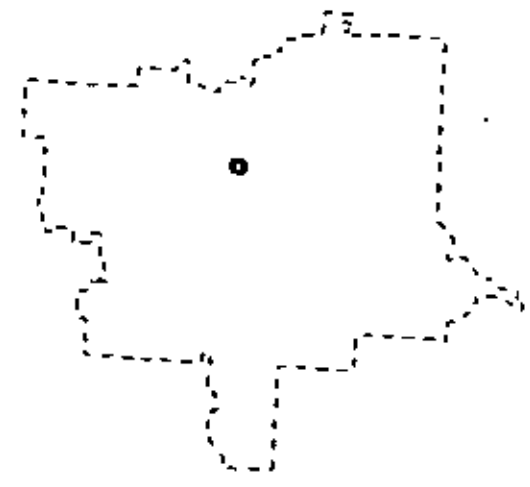
HONDA PRO



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



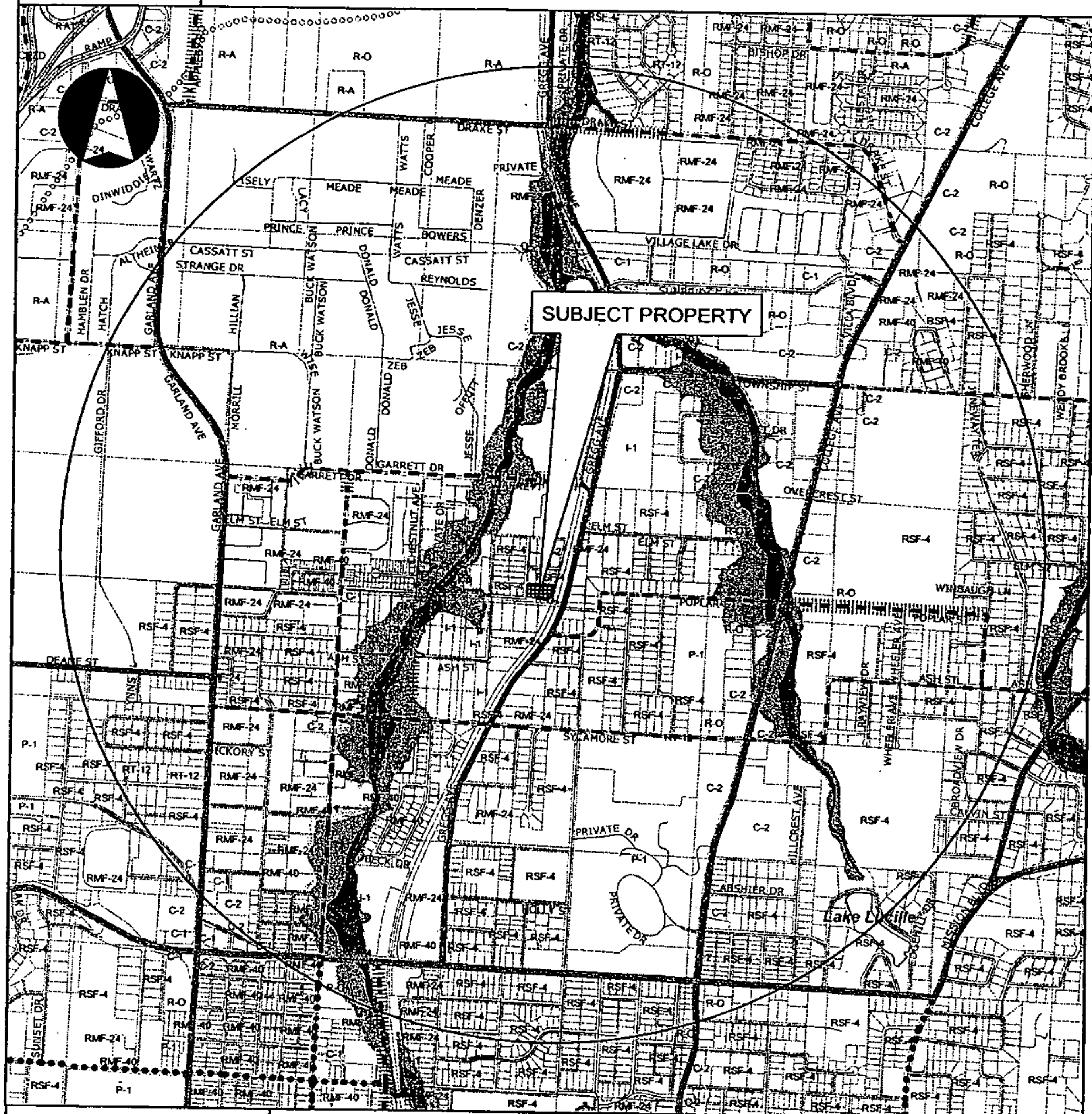
Legend

- | | | |
|---------------------------------------|--|--|
| Subject Property
RZN05-1524 | Boundary
Planning Area
Overlay District
Outside City | Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector |
| Streets
Existing
Planned | | |
- 0 50 100 200 300 400 Feet

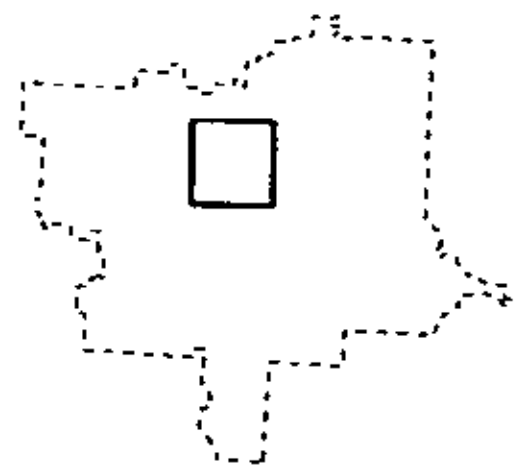
RZN05-1524

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 0.125 0.25 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 *JP*

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.

*Tabled at the Sept. 6. mtg and
Left on the third reading 8/16/05
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.

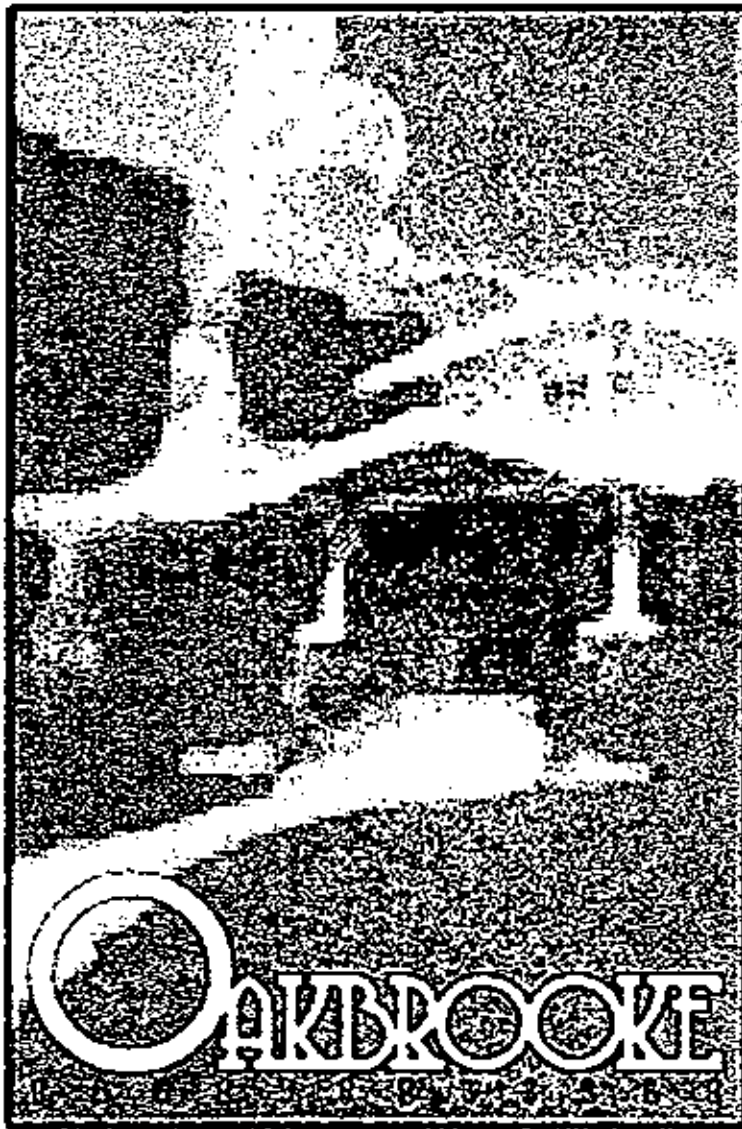
APPROVED:

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 1/2) 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.



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.

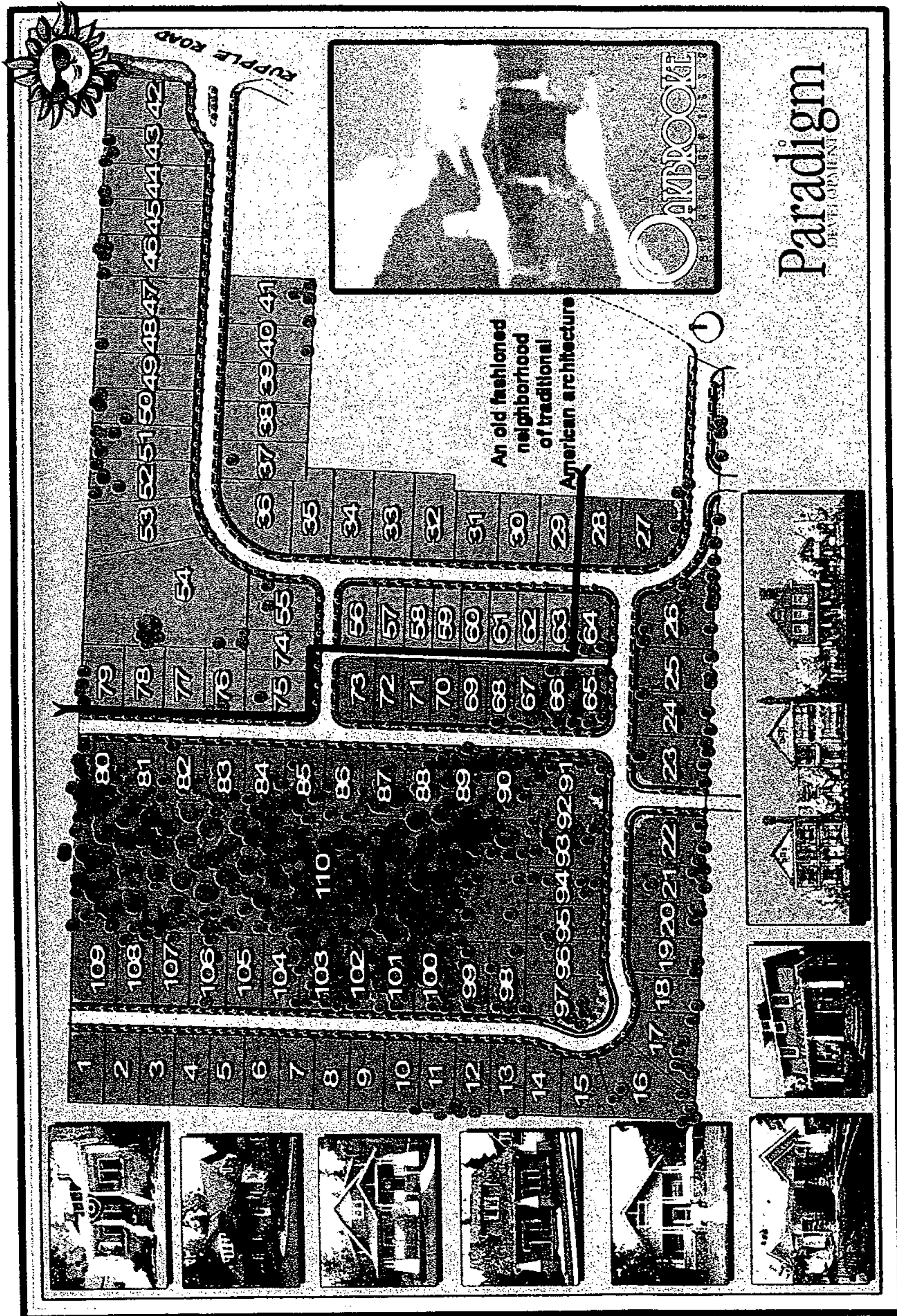
Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

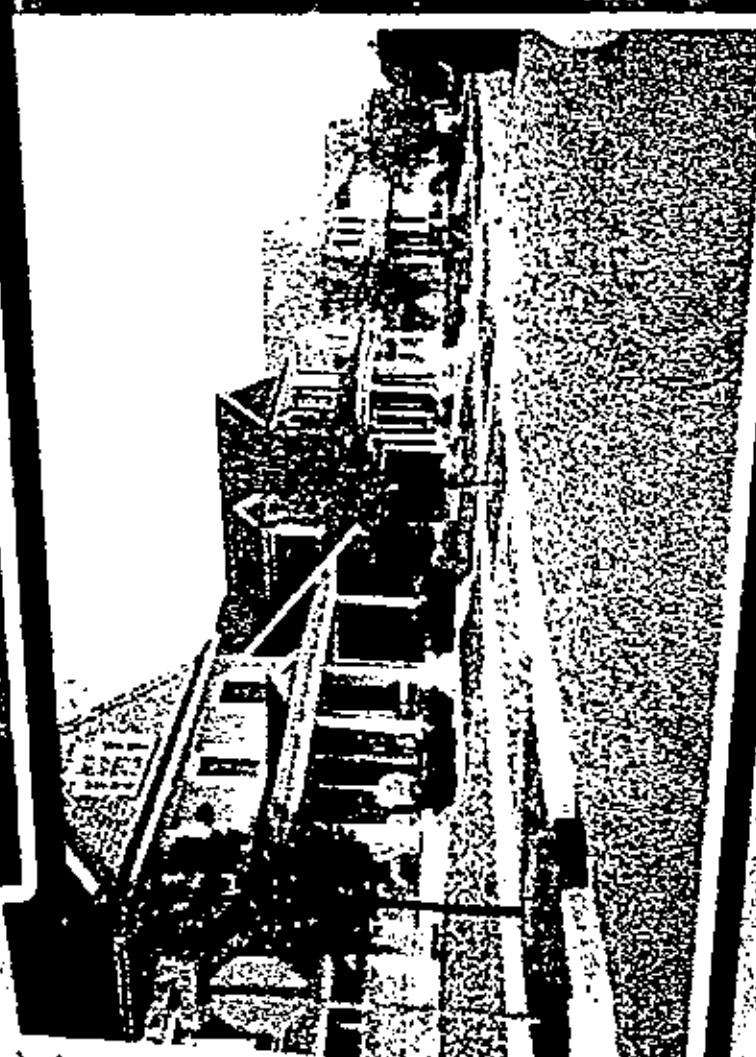
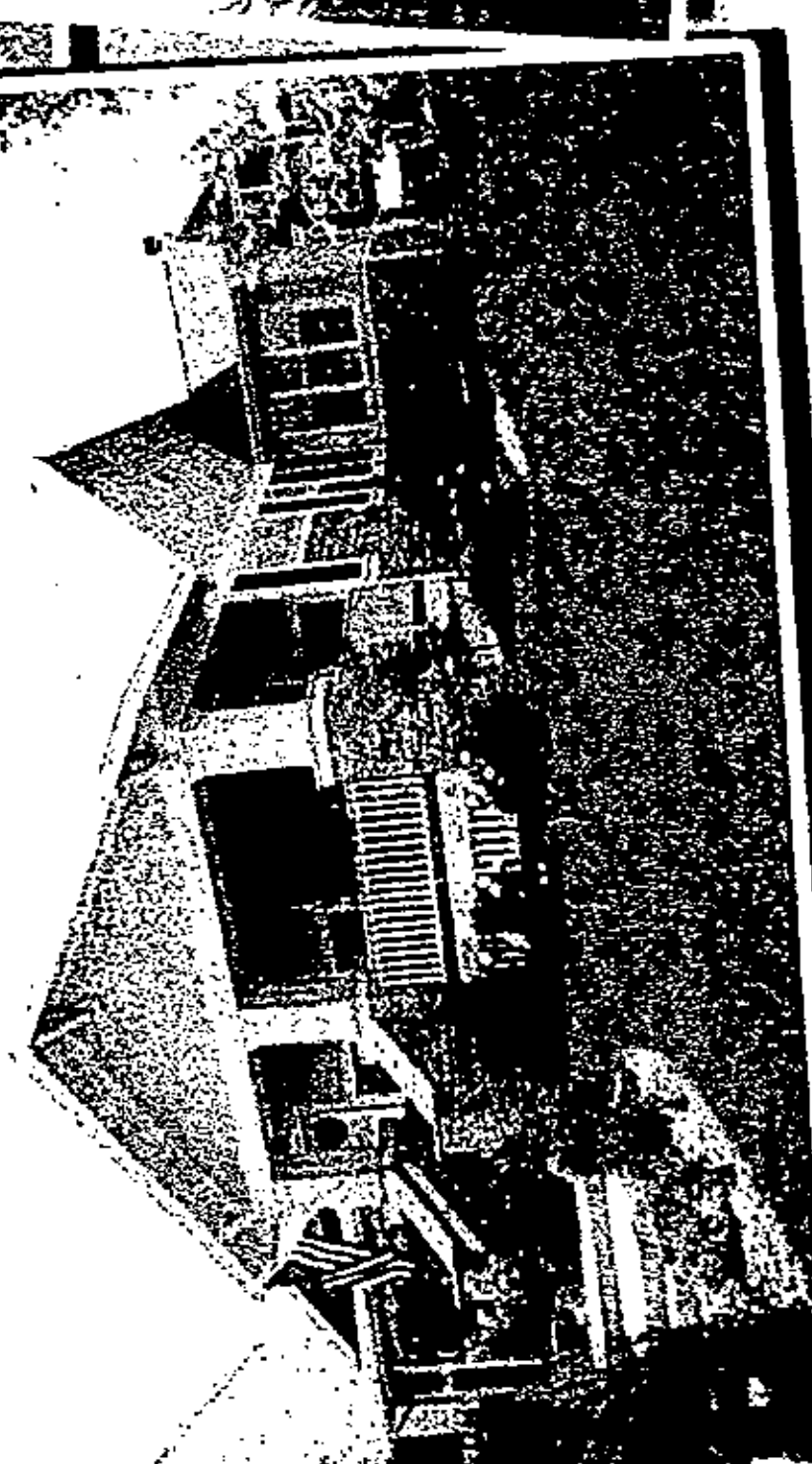
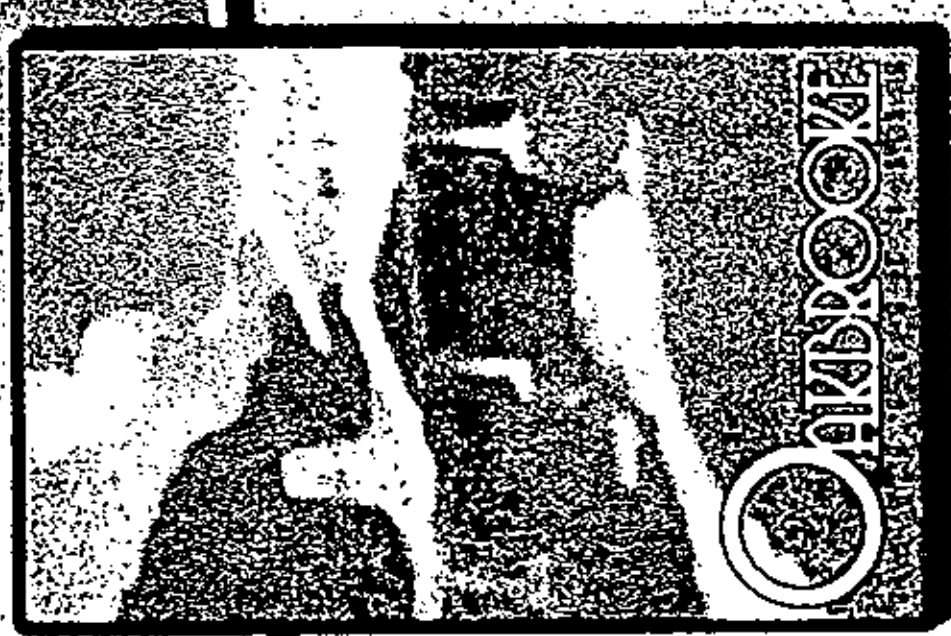
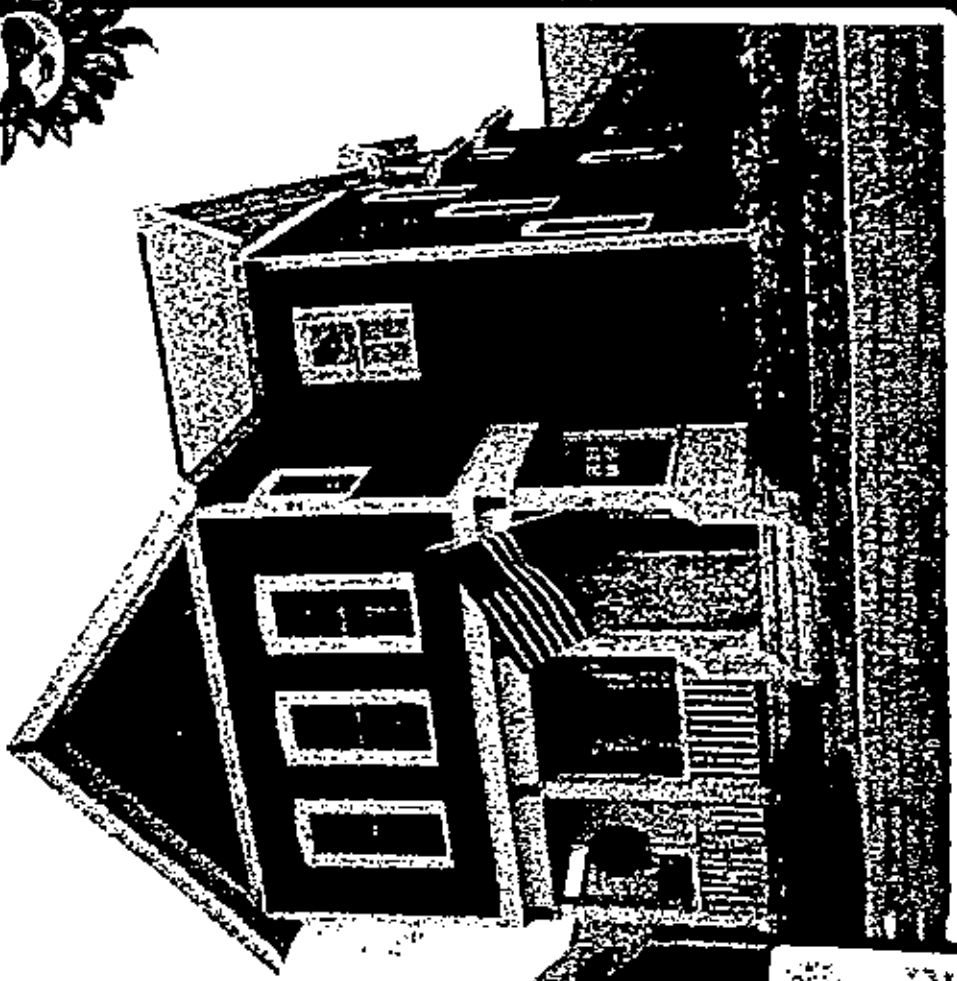
Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT

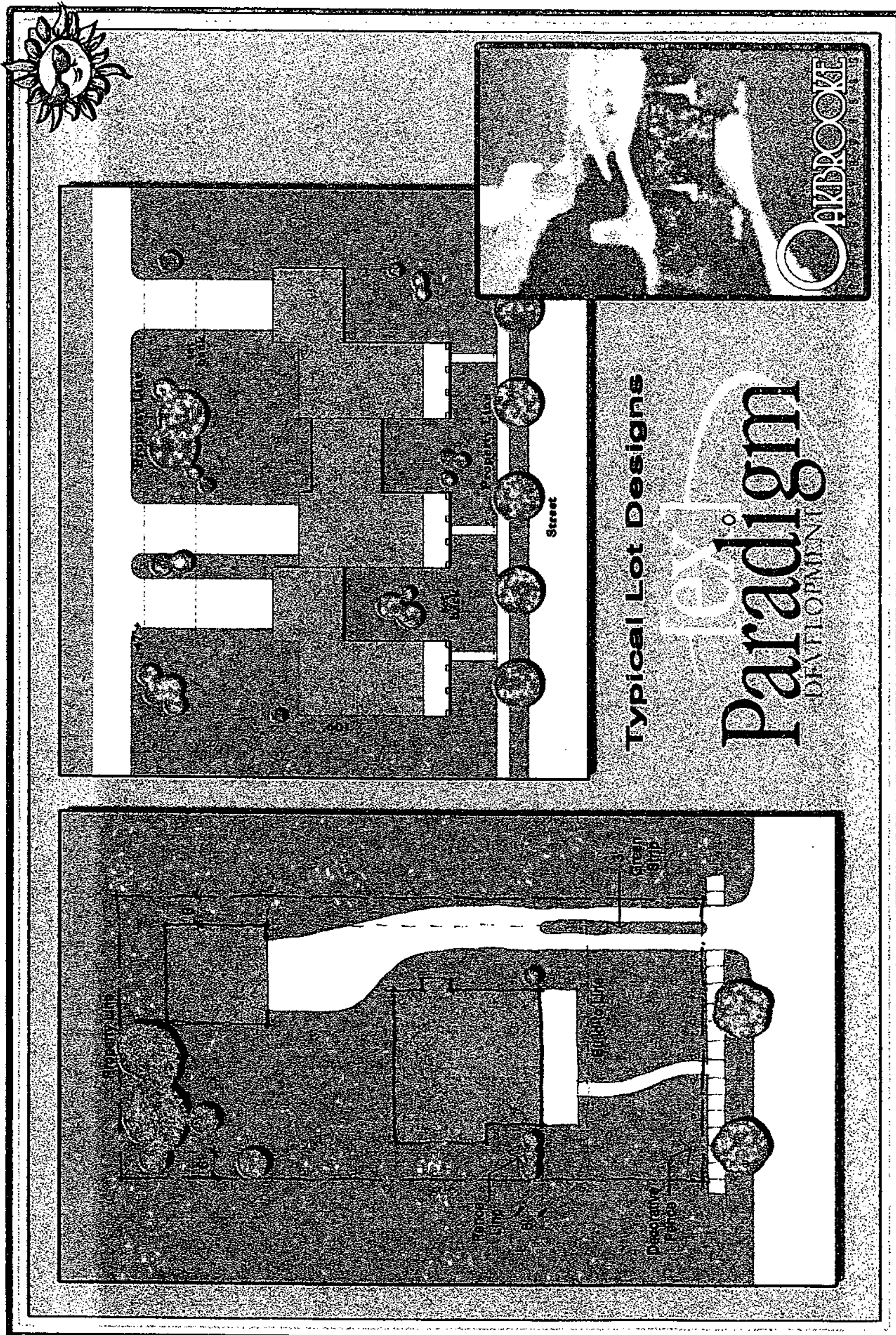
479.236.6636

*Leading
by example*





*Snapshots
of Oakbrooke
with you are here*



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.

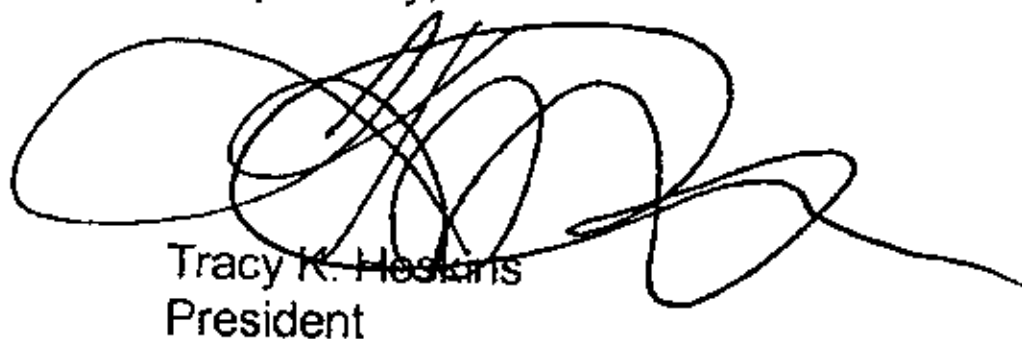
As for density, Oakbrooke is not proposed to take advantage of the full RSF4 zoning; the same zoning as the surrounding developments.

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

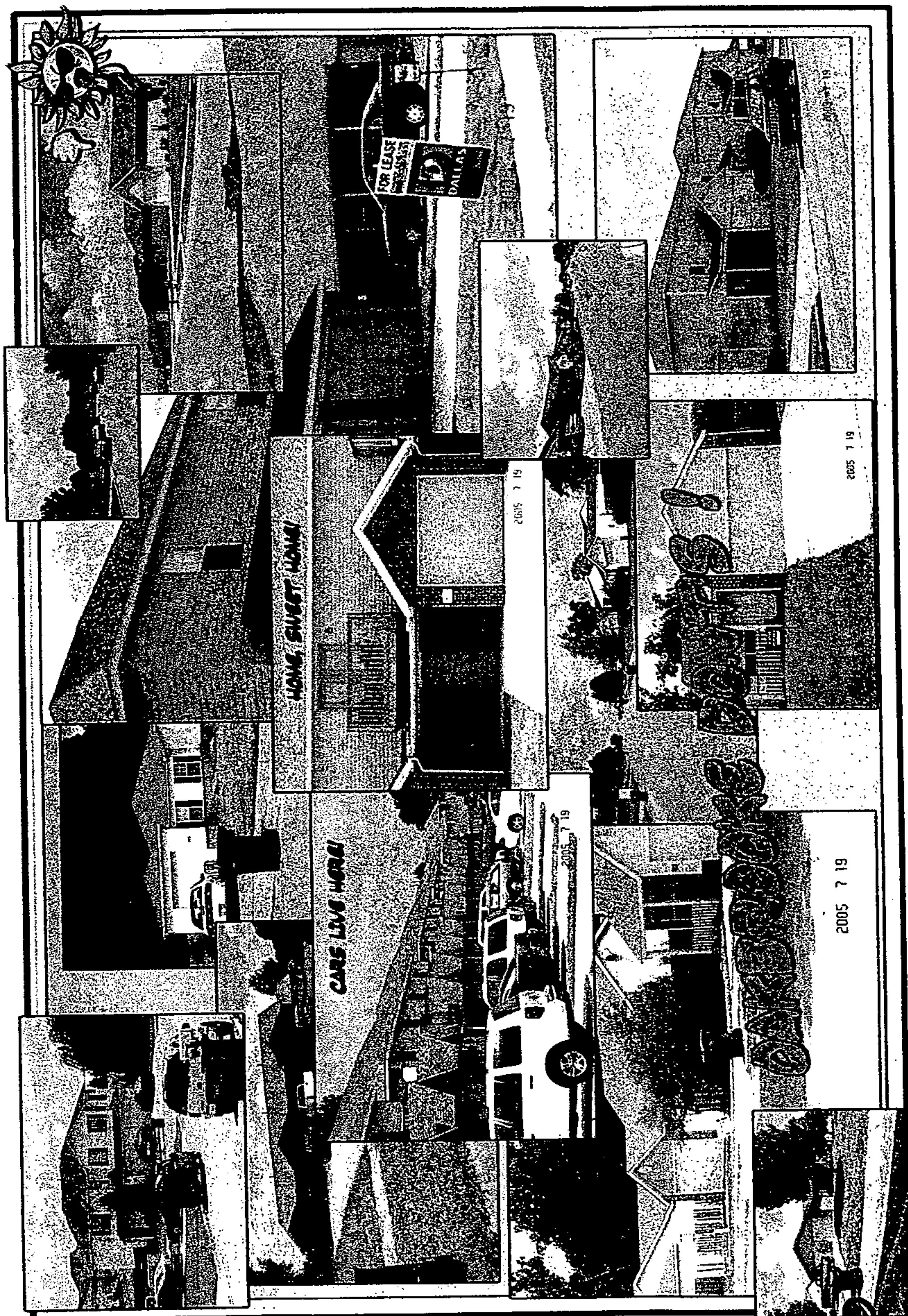
We have no intention, nor have we ever had the intention, to construct "multi-family" homes. All homes of Oakbrooke are individual structures deeded with their respective parcel of land. Though technically some homes are considered "attached", they do not share an entire common side wall, as you would 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.

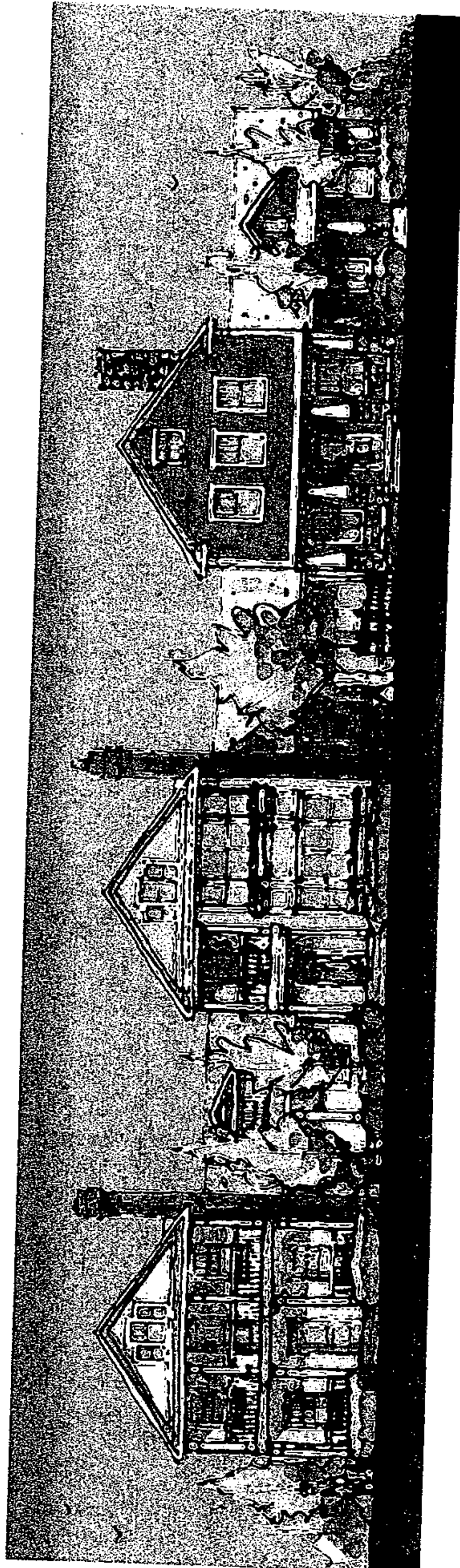
I hope that the above has clarified some concerns or issues and I am available to answer any questions you may have. It is my intention to invite the public to the Ward 4 meeting this coming Monday, July 25th at which time I intend to address the above and any further concerns the neighbors may have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

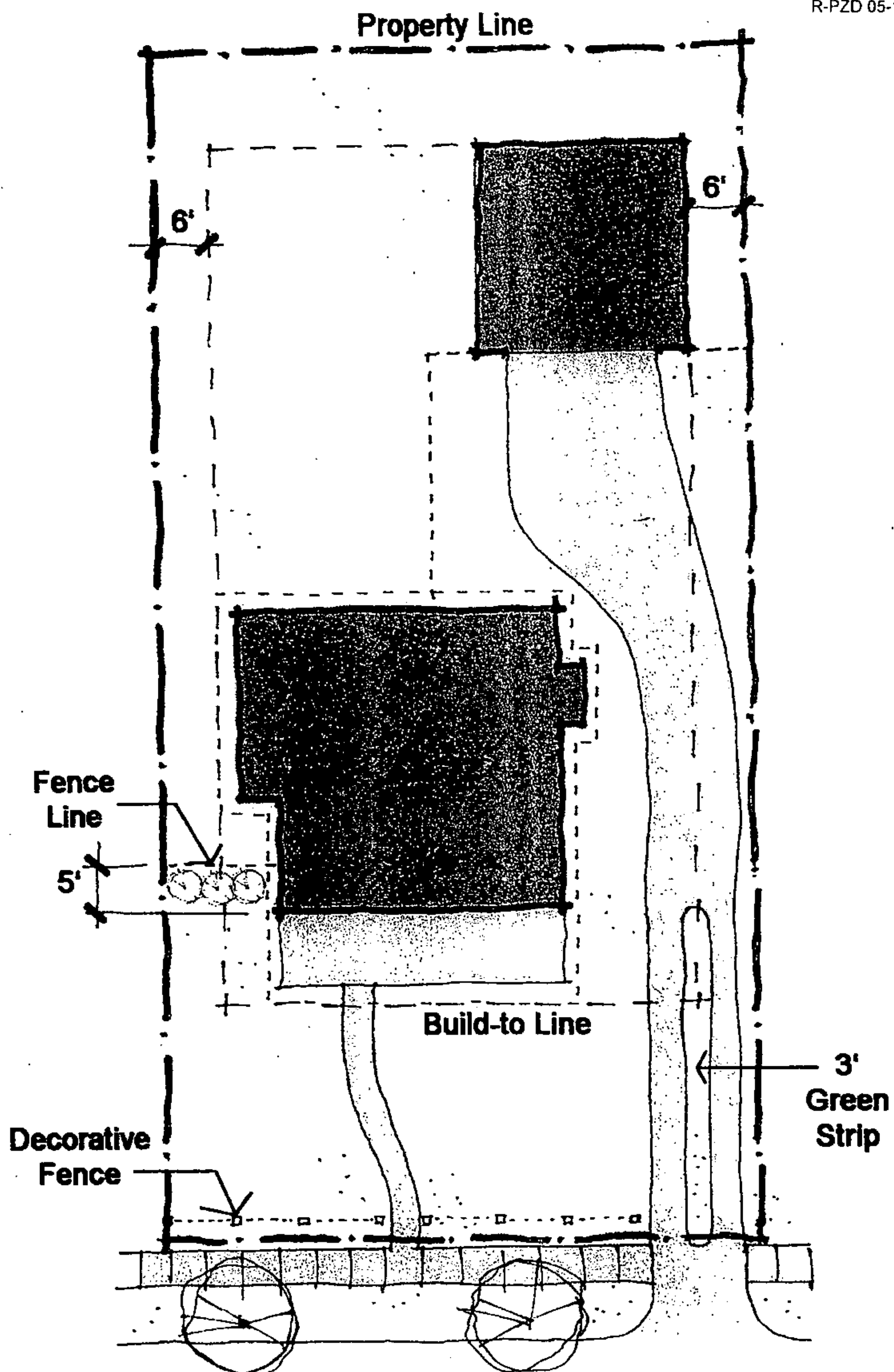
Respectfully,



Tracy K. Hoskins
President







Paradigm

DEVELOPMENT

Paradigm Development Enterprises, Inc. 479.236.6636 fax 479.443.3383

July 19, 2005

RE: Oakbrooke Subdivision

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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

PROTECTIVE COVENANTS, RESTRICTIONS, BILL OF ASSURANCE
FOR OAKBROOKE SUBDIVISION PHASES I AND II
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 Phase I and Oakbrooke Phase II, 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" shall mean 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. Lots numbered 56 through 73 are reserved for Single Family Attached Homes. All other lots shall be Single Family Detached Homes.
3. MINIMUM SQUARE FOOTAGE: All dwellings shall be a minimum of 1,400 square feet of heated floor space (excluding garage), for single family detached homes; and 1,400 square feet of heated floor space for single family attached homes. Lots numbered 25 through 35, 55, and 56 through 74 shall be a minimum of 1,600 square feet of heated floor space. Of these lots, ten lots shall be a minimum of 2,000 square feet of heated floor space, and two lots shall be a minimum of 2,500 square feet of heated floor space. *Please verify with the Developer prior to construction.
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. 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).

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, stone, iron, or wood (picket type); 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.

Protective Covenants and Restrictions for Oakbrooke Phases I and II

IN WITNESS WHEREOF this instrument has been executed this _____ day of _____, 20____.

Page 5 of 6



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

J 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 deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

Sec. 161.25 Planned Zoning District

- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) Compatibility. Providing for compatibility with the surrounding land uses.
 - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) No negative impact. Does not have a negative effect upon the future development of the area;
 - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
 - (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
 - (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
 - (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
 - (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, while also providing a development that is compatible with surrounding residential subdivisions and preserving natural features of the site within open space to be maintained by the POA. The development will offer attached and detached single family housing types, alley access to those lots on which townhouses are permitted, and require homes to be built a maximum 14' from the front property line with detached garages to be accessed by strips of concrete to reduce the amount of impervious surface. These development standards will result in the creation of a unique character in this area. Open space is proposed within the subdivision to serve as an area of tree preservation and detention for the subdivision; however, it is not accessible by those within the subdivision. Staff recommends that provision of pedestrian access to this large open area will be a benefit to the future residents and achieve yet another of the goals of the Planned Zoning District. The proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

Environmental Resources:

9.16.a Identify areas of environmental concern and protect and preserve environmental resources.

9.16.b Define and protect areas of significant floodplains, hillsides, trees and other environmental resources through cluster development provisions, density controls, protective easements and other new and existing development standards and regulations.

Community Character:

9.19.g Encourage new residential development to incorporate varying lot sizes, home prices and types of dwelling units.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The subject described real property is proposed to be rezoned to R-PZD 05-1463. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed Residential Planned Zoning District allows single-family lot development in the form of single-family detached, two-family and three-family residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The proposed subdivision allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very unique style and type of development. Public improvements provided within the development will ensure future street connectivity and extension of public services to adjacent undeveloped properties.

(2) Permitted uses.

Unit 1 City-wide uses by right

Unit 2 City-wide uses by conditional use permit

~~Unit 3 Public protection and utility facilities~~

Unit 4 Cultural and recreational facilities

~~Unit 5 Government facilities~~

Unit 8 Single-family dwellings

Unit 9 Two-family dwellings**
Unit 10 Three-family dwellings**
~~Unit 12 Offices, studios and related services~~
~~Unit 13 Eating places~~
~~Unit 15 Neighborhood shopping~~
~~Unit 19 Commercial recreation, small sites~~
Unit 24 Home occupations
~~Unit 25 Professional offices~~
~~Unit 26 Multi-family dwellings~~

** = Lots 29-38 only.

FINDING: The proposed Use Units are permitted uses within a Residential Planned Zoning District. All other ancillary uses (tree preservation/open areas, trails, etc.) are allowed by right.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from RSF-1, Residential Single Family – 1 unit per acre, and RSF-4, Residential Single Family – 4 units per acre, to R-PZD 05-1463, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1463, with associated Preliminary Plat, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning of the existing RSF-1 and RSF-4 property to the proposed R-PZD development for single family residential use with development of detached/single family and two- and three-family townhomes at a density of 3.26 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan that promotes unique forms of development. Compatibility with adjacent developments within the RSF-4 zoning district has been achieved by clustering the smaller lots to the east of

the property, adjacent to undeveloped property that is proposed to be developed as Phase II of Oakbrooke Subdivision, and platting larger lots, more similar in size to the adjacent property, along the western and southern property boundary.

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

Finding: The proposed zoning is needed in order to develop a subdivision in the manner proposed with the R-PZD site plan.

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

Finding: The proposed zoning will not create or appreciably increase traffic danger or congestion surrounding streets. Approximately 680 average two-way vehicle trips per day from this development would be created. Access to this site will be provided from the south through a subdivision recently approved for construction, from a Collector Street to the north, and a Minor Arterial Street to the east. These surrounding streets are to be designed to accommodate large volumes of traffic, and although 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
0.6670

Hamestring Creek Bridge Costs:

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

Hancock Estates Subdivision Percentage of Costs:

$$0.0176(\$420,000.00) = \$7,399.66$$

$$= 2788.17$$

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 an 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



Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

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

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

B. 4
R-PZD 05-1463 (Oakbrooke)
Page 49 of 62

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.

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, 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 preformed as if permanent. On recent similar temporary cul-de-sac assessments (Bridgedale, Phase I) the figure \$5,500 has been used, to which we are in concurrence. However, this cul-de-sac will require some additional drainage work for which the following cost is provided.

Sidewalk, curb & guttering, roadway and drive resurfacing - \$5,500

Additional drainage structure and pipe - \$2,700

The estimated construction cost for street extension (remove temporary cul-de-sac) would total \$8,200.

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.

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, 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 Ruppel 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 Ruppel 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

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, 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

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, 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 Hamestring 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

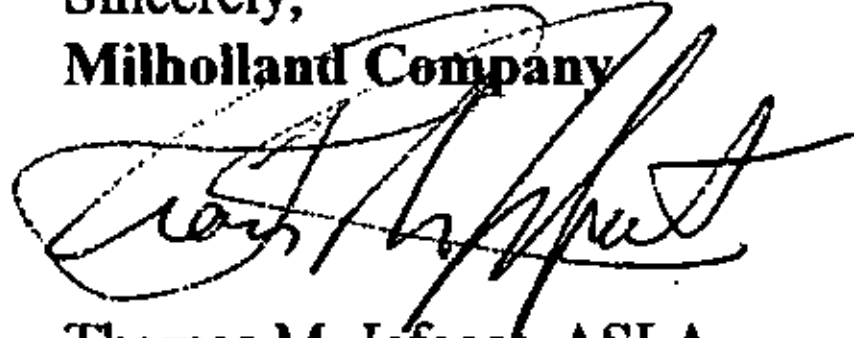
The Owner/Developer, Tracy Hoskins, will provide additional responses and addressing these and other issues under separate cover.

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

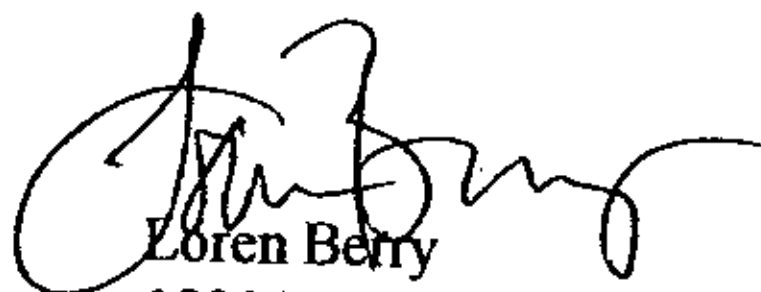
Recently a rezoning poster was placed near our residence and I am confused by the description of the rezoning. The notice, RPZD 05-1463, states a new area, Oakbrook, consisting of 95 single family homes is to be built on 10.47 acres.

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

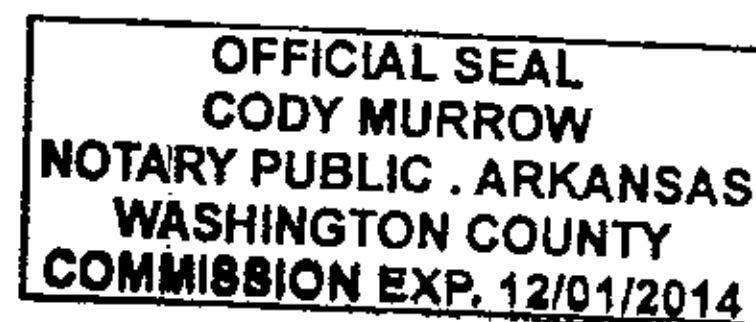


EXHIBIT "A"

Tract A:

A part of the S ½ of the SE ¼ of Section 1, T-16-N, R-31-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point 757.80 feet East and 60.00 feet North of the SW corner of said 80.00 acre tract; thence North 643.00 feet; thence East 361.20 feet; thence South 253.00 feet; thence West 28.45 feet; thence South 390.00 feet; thence West 332.75 feet to the point of beginning, containing 5.077 acres, more or less.

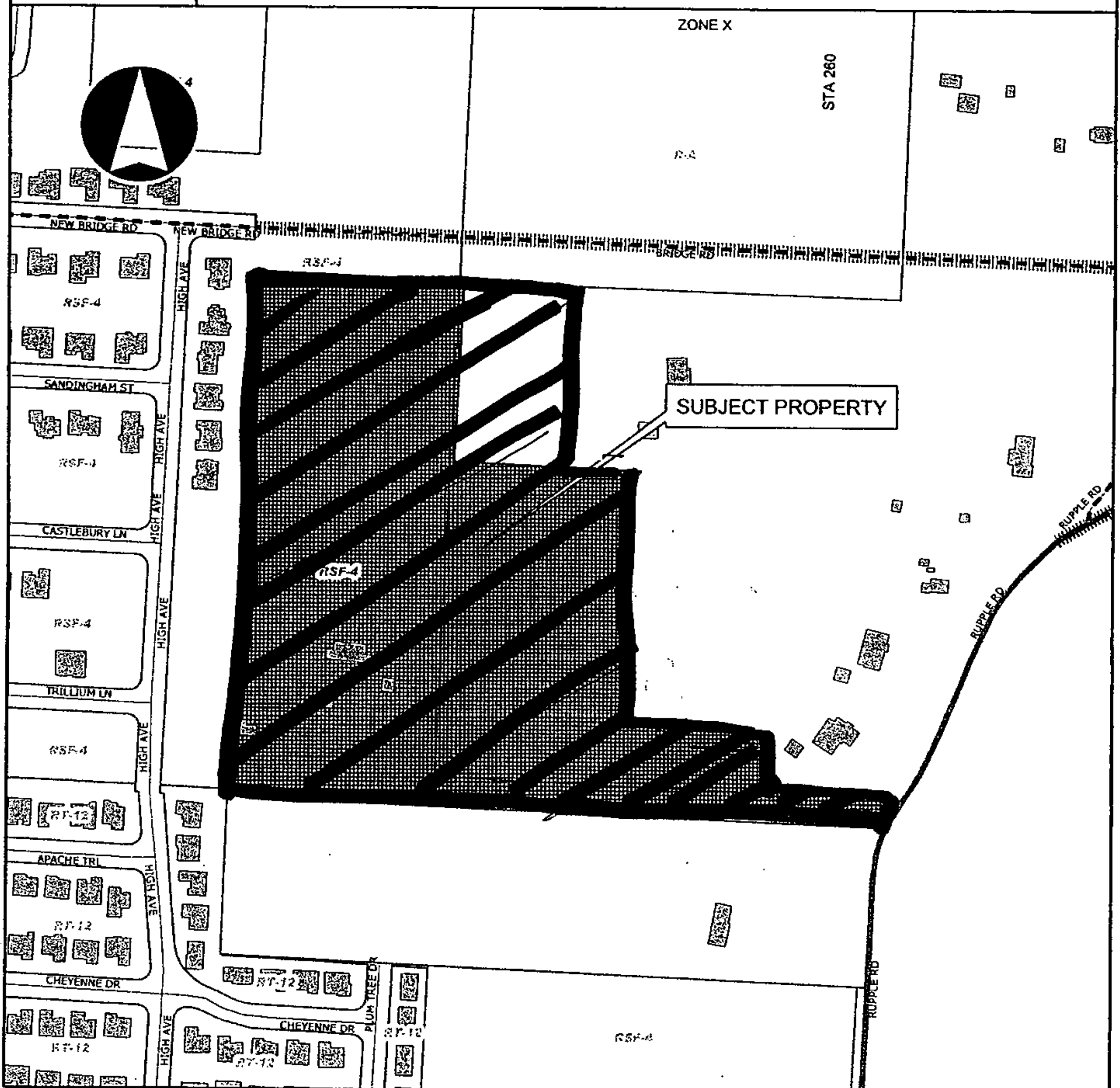
Tract B:

A part of the S ½ of the SE ¼ of Section 1, T-16-N, R-31-W, Washington County, Arkansas, being more particularly described as follows: Beginning at a point 229.45 feet West and 302.10 feet North of the SE corner of the SW ¼ the SE ¼ of said Section 1; thence North 147.9 feet; thence East 415.85 feet; thence S 22°10' W, 211.07 feet; thence N 82°00' W, 338.35 feet to the point of beginning containing 1.5 acres more or less.

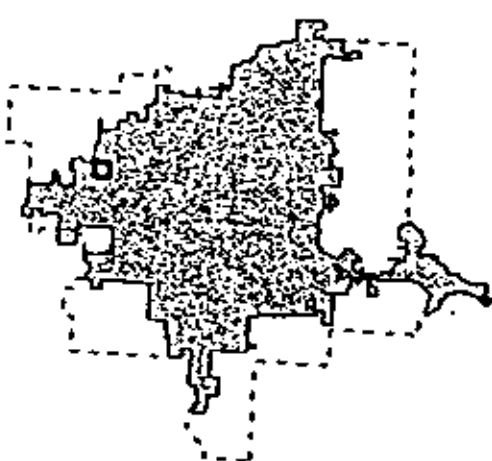
R-PZD05-1463

Close Up View

OAKBROOKE S/D



Overview



Legend

R-PZD05-1463

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

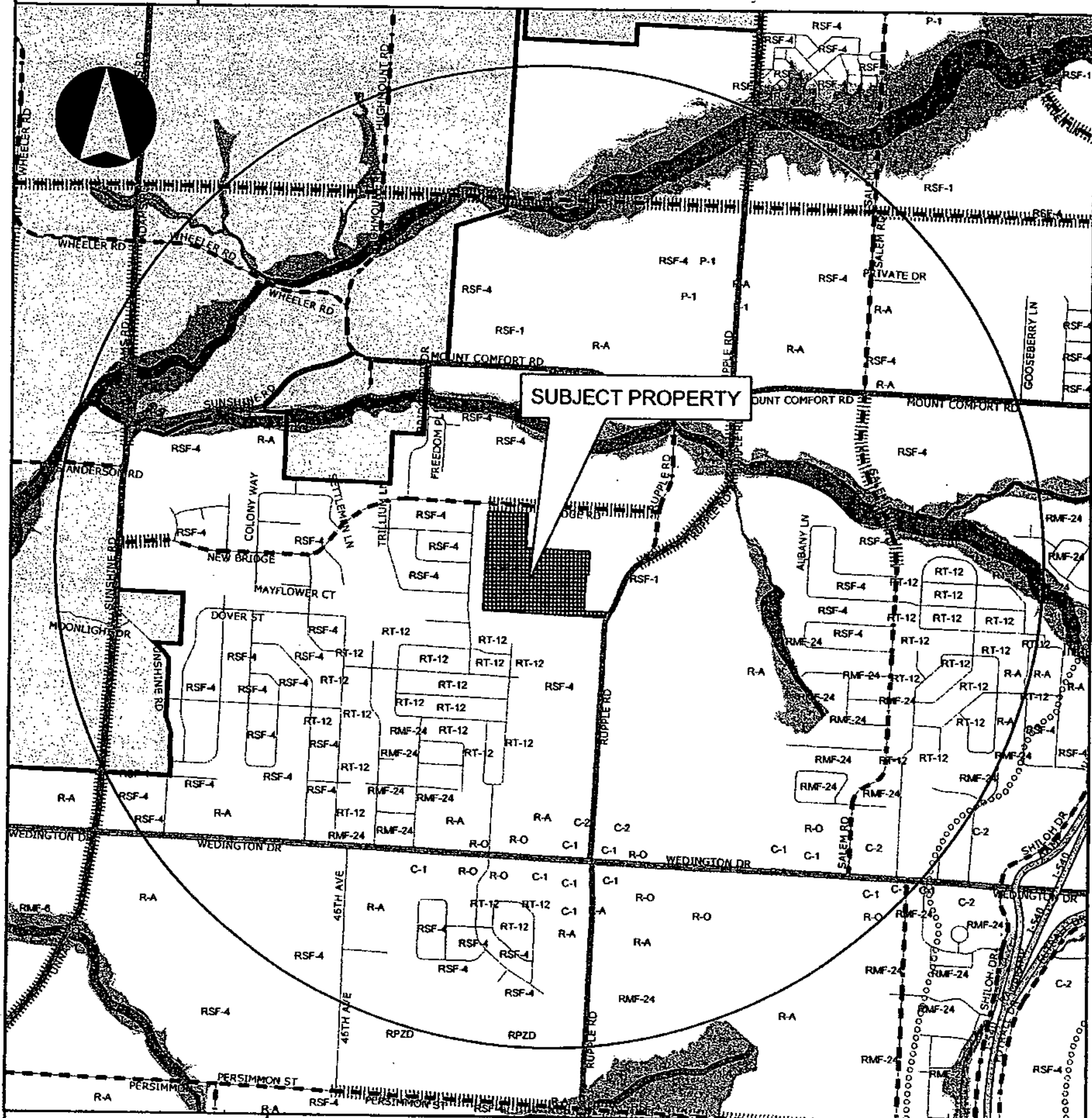
Outside City

0 75 150 300 450 600
Feet

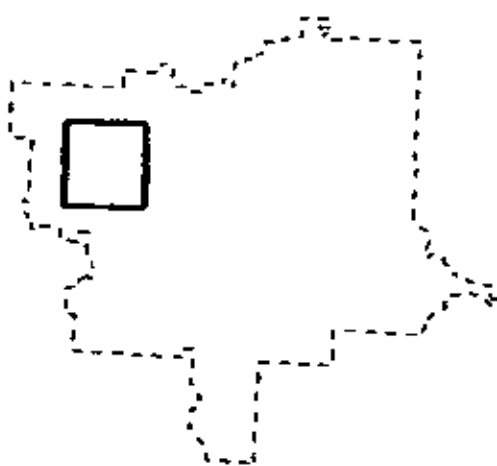
R-PZD05-1463

One Mile View

OAKBROOKE S/D



Overview



Legend

Subject Property

R-PZD05-1463

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.125 0.25

0.5

0.75

1

Miles

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

B. 4
R-PZD 05-1463 (Oakbrooke)
Page 61 of 62

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


Finance and Internal Service Director

7-6-05
Date

Received in City Clerk's Office



Mayor

7/5/05
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

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.

*Tabled to Sept. 6, 2005 mtg 8/16/05
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 proposed subdivision. 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

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 XXXXXXXXXXXX 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:

~~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 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 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 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.

Engineering: Water: Public water is adjacent to the site. There is a 6" waterline along Ruppel 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

AX

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.

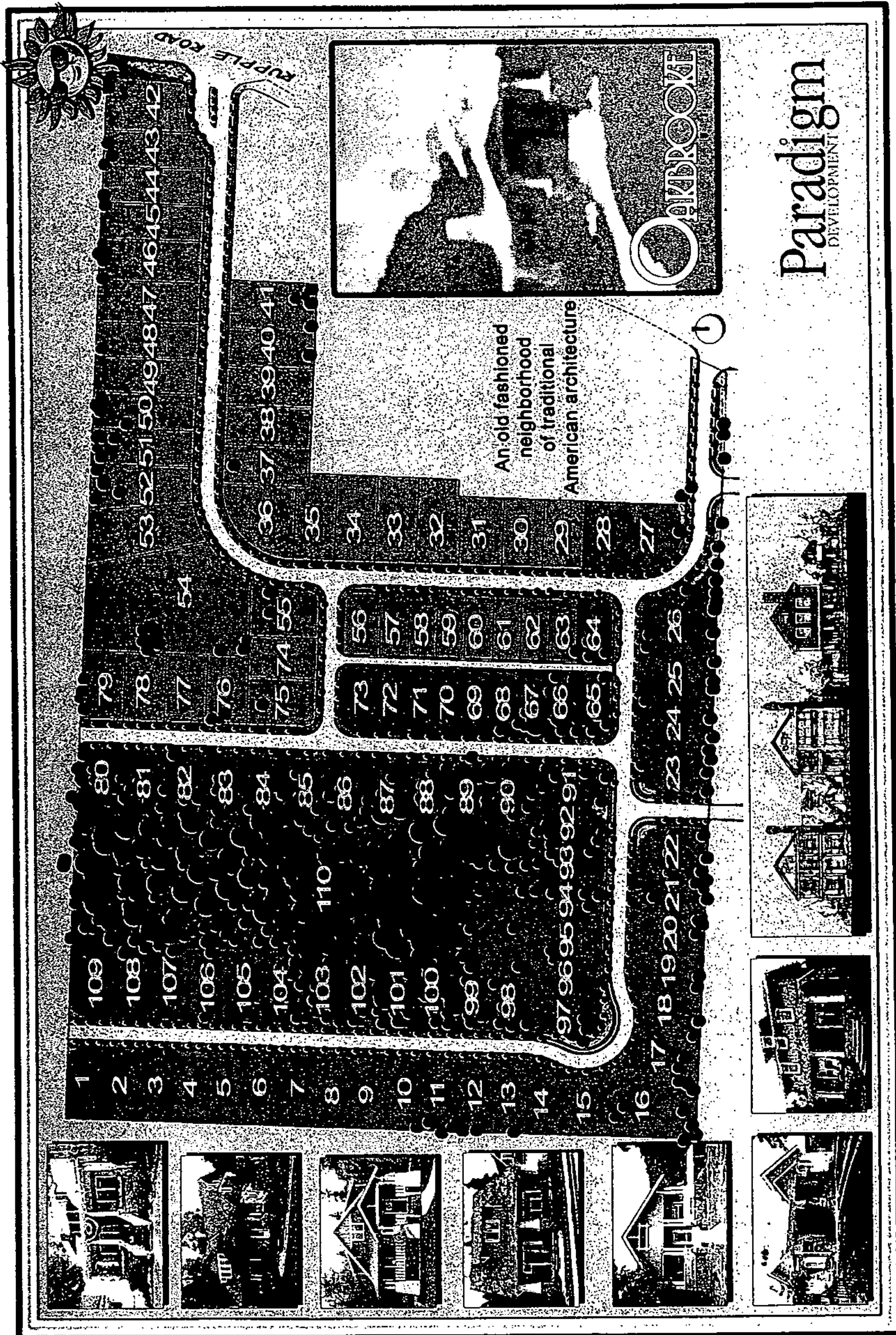
As with the surrounding developments, Oakbrooke will be a single family residential neighborhood. However, Oakbrooke will strive for character which is lacking in nearby developments. By not using stock plans but specifically designing each home for each lot Oakbrooke strives to raise the standard of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

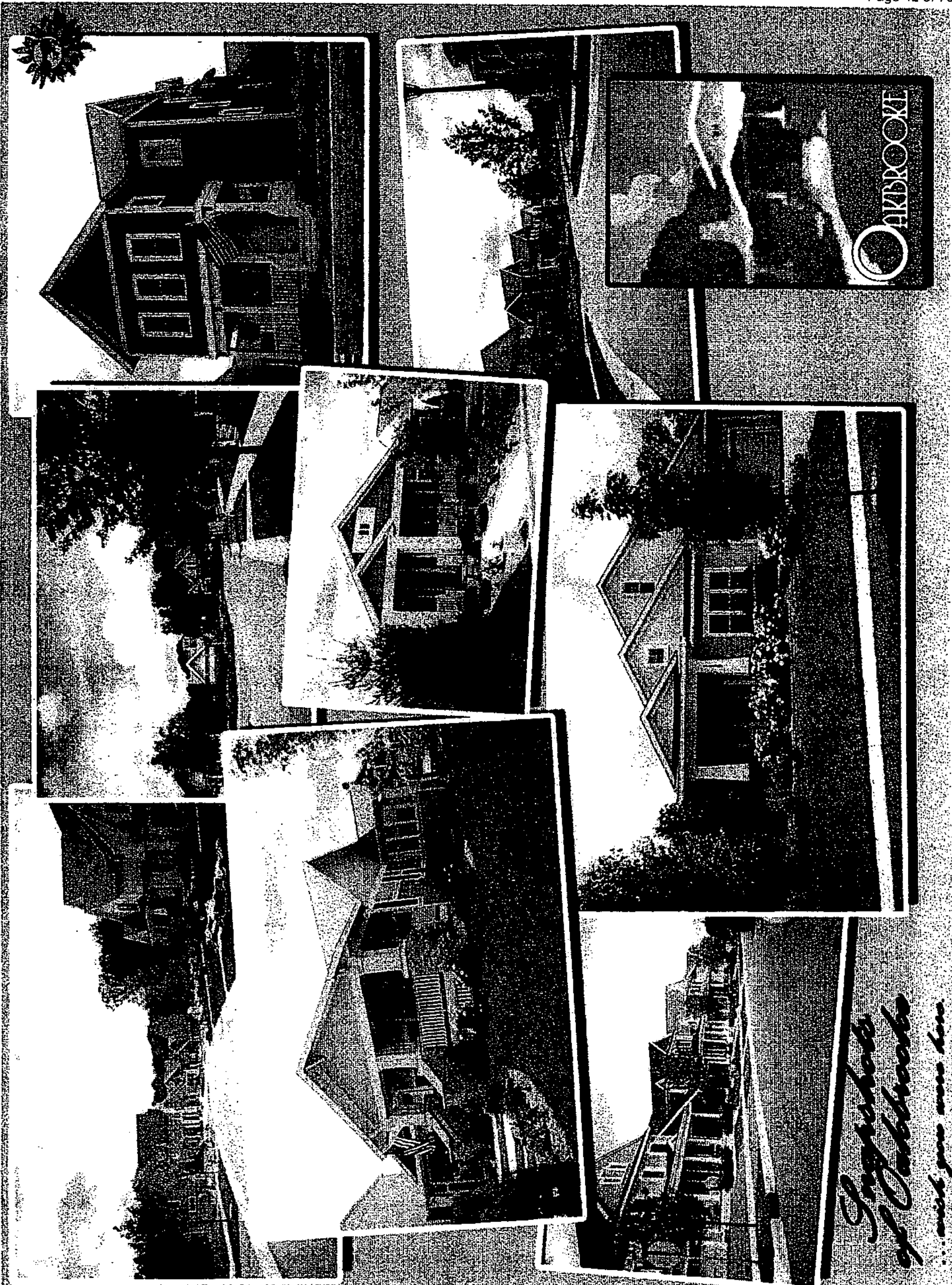
Principle reasons for the PZD request are for smaller building setback dimensions and greater variety in the type of single family home offered.

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

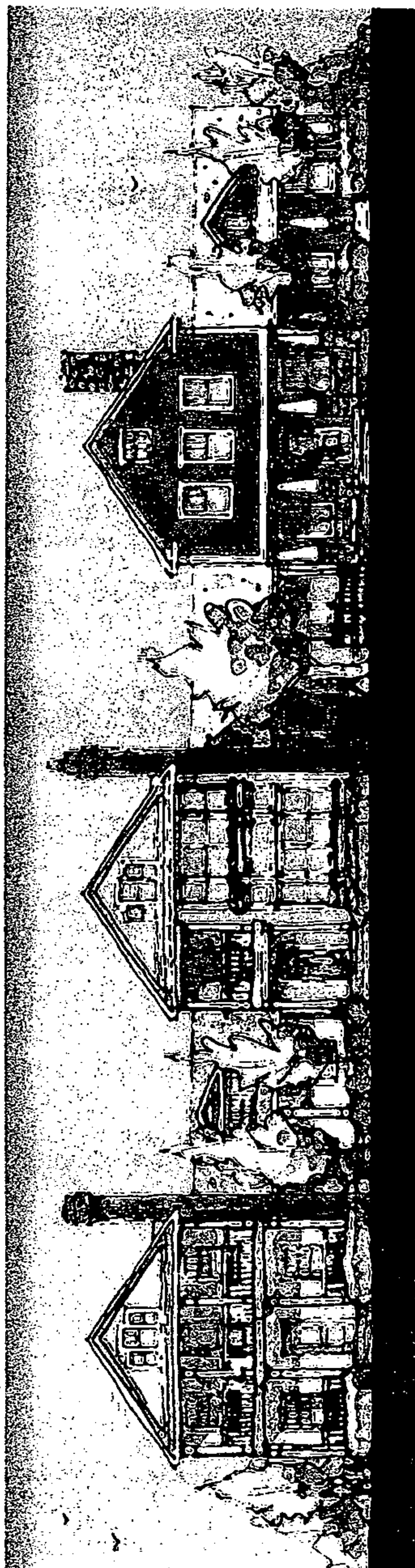
Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas







*Spectacular
Oakbrooke
...and you can have*



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 XXXXXXXXXXXXX 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:** 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)

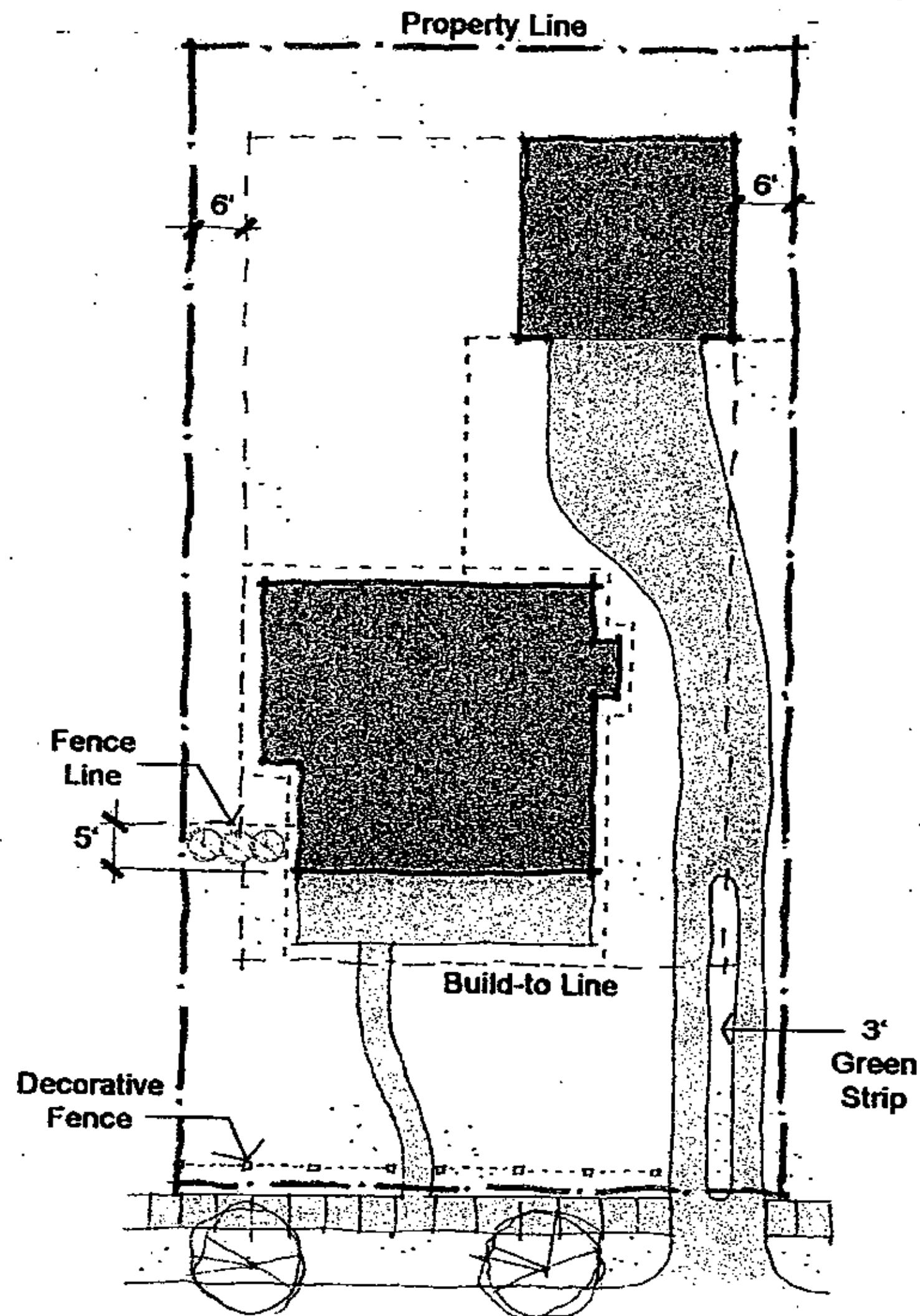
On this day, before me personally appeared XXXXXXXXX, to me personally known, who acknowledge that he is the trustee of his respective trust, and that he, as such trustee, being authorized so to do, has executed the foregoing instrument for the purposes therein contained.

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

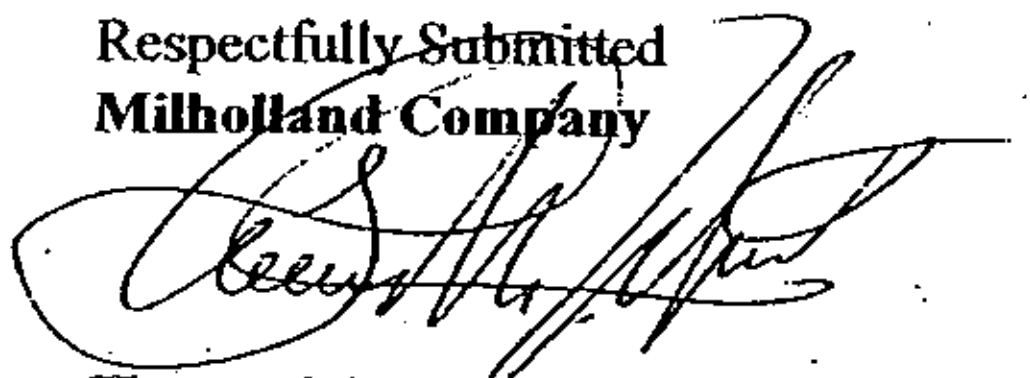
Dear Suzanne and Brent:

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.

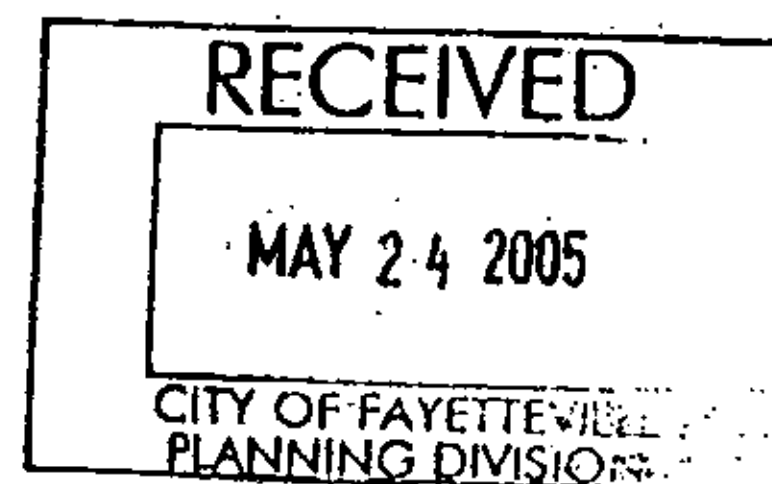
Should additional information or a concurrence be necessary, please contact MCO.

Respectfully Submitted
Miltholland Company



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

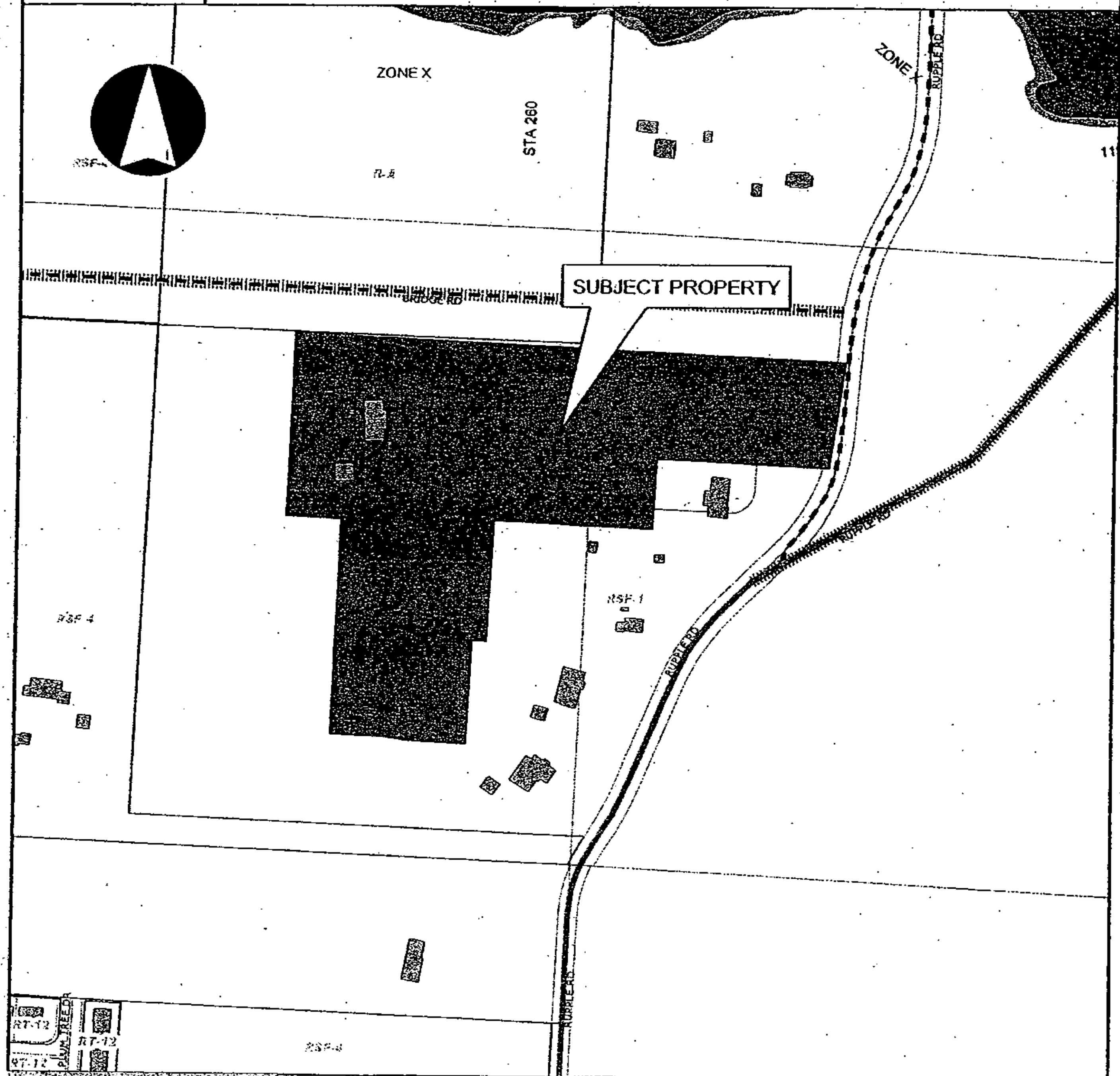
cc: Tracy Hoskins



RPZD05-1555

Close Up View

OAKBROOK PHASE II

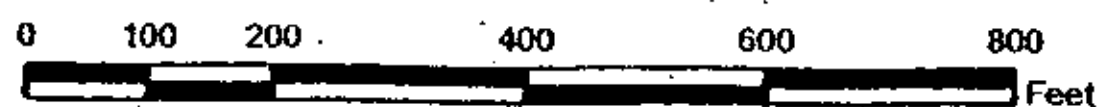


Legend

- ○ ○ ○ ○ 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

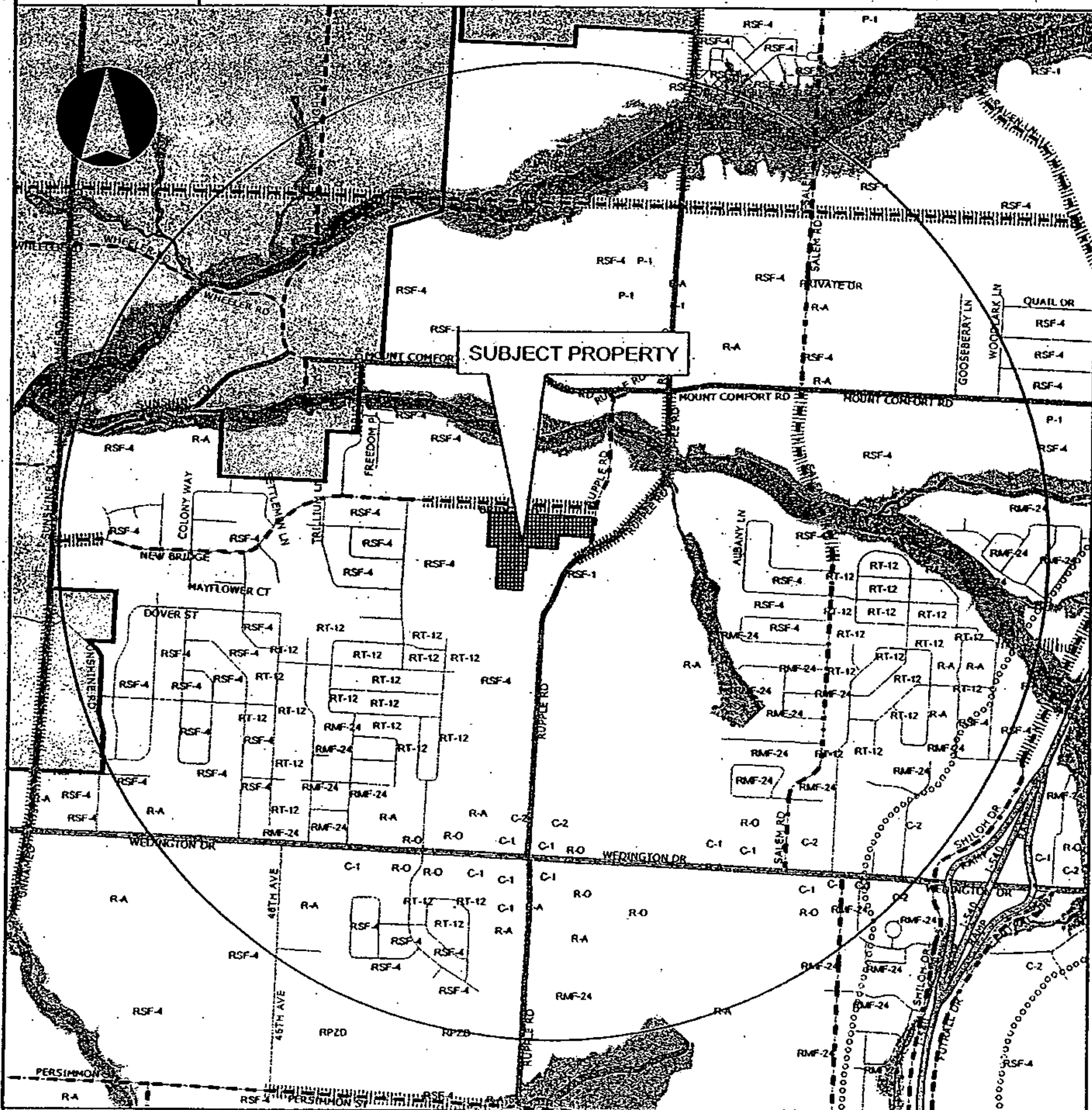
- Fayetteville
- Outside City
- RPZD05-1555



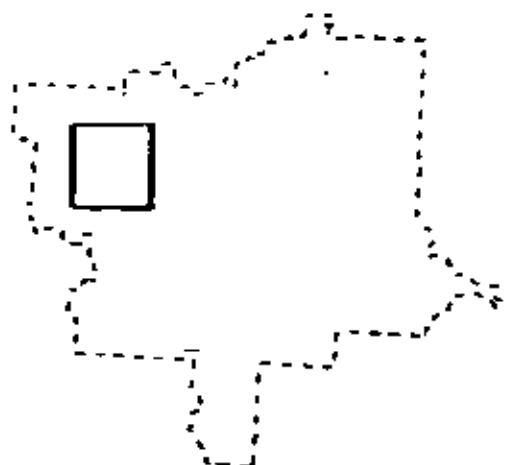
RPZD05-1555

One Mile View

OAKBROOK PHASE II



Overview



Legend

Subject Property
RPZD05-1555

Boundary

Planning Area
Overlay District
Outside City

Master Street Plan

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

0 0.125 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 ☐

[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
ENTERED
7-14-05

[Signature] 7/15/05
Mayor Date

Received in Mayor's Office
ENTERED
7/15/05

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.

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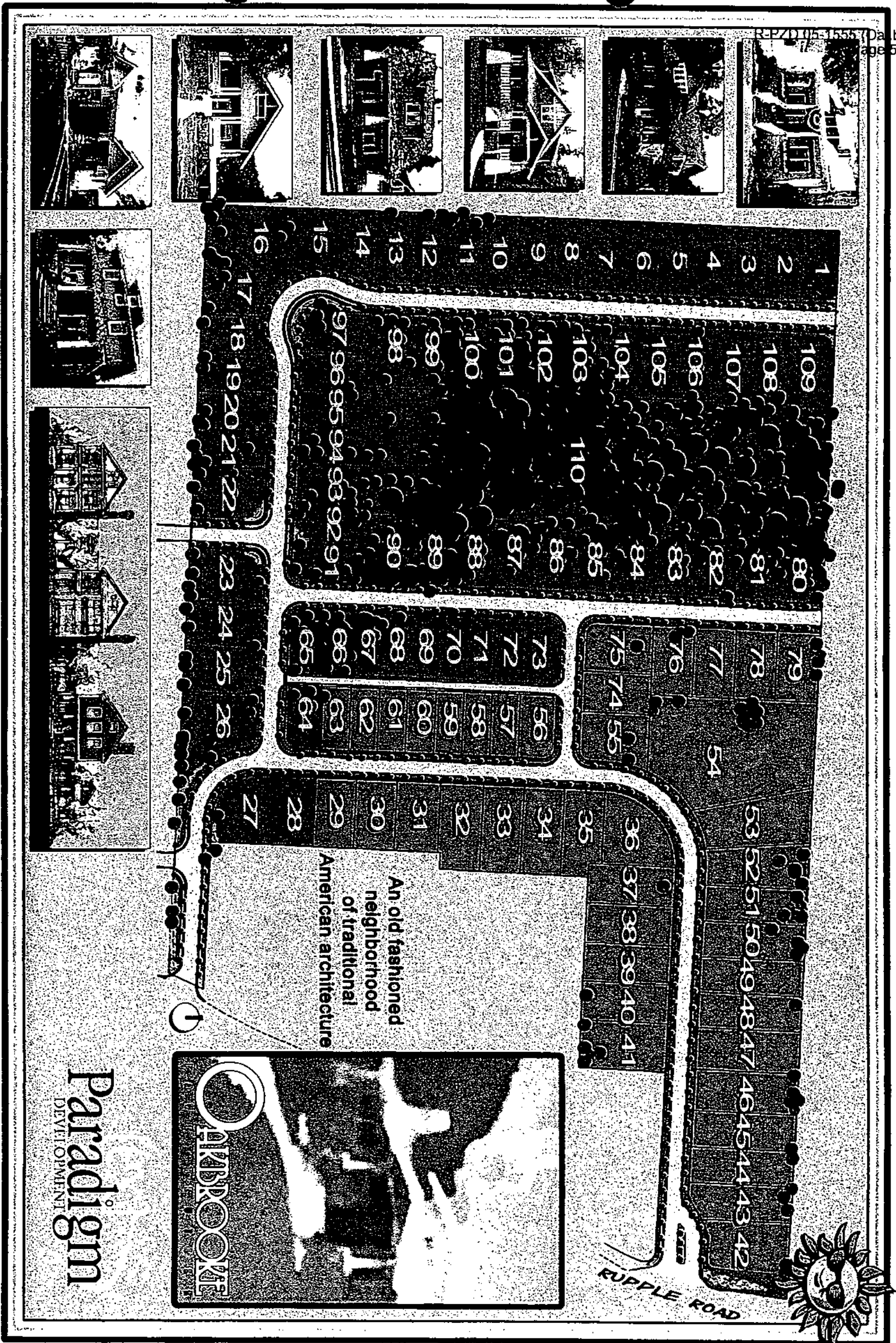
Both water and sanitary sewer services are available to the site through the extension of existing 8" mains.

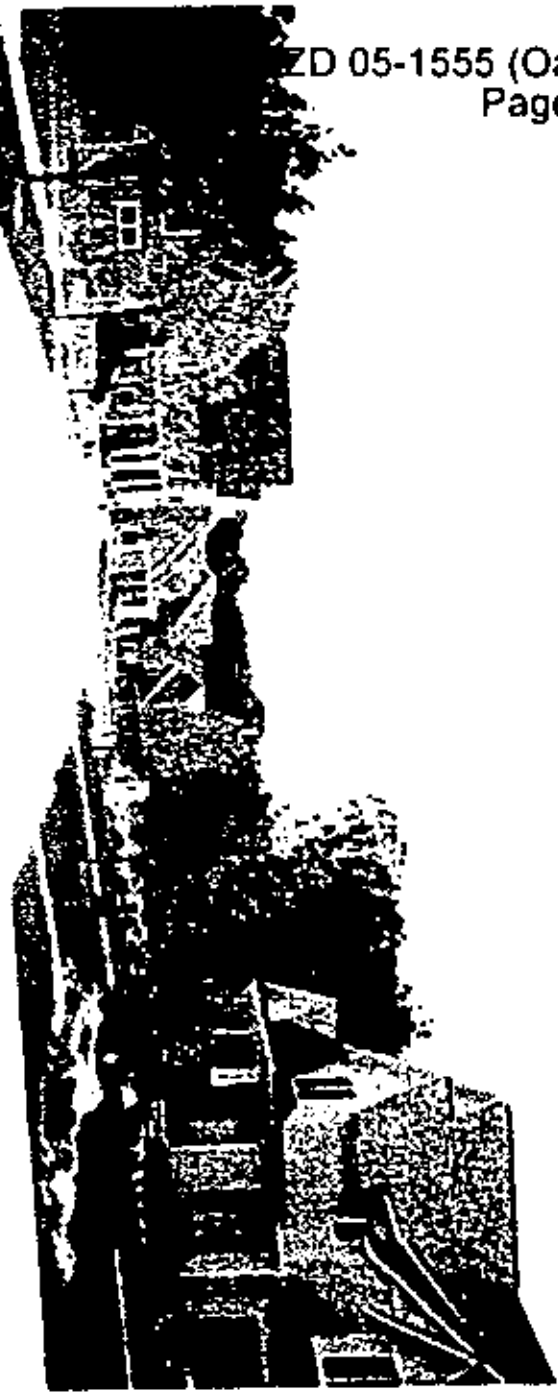
Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT

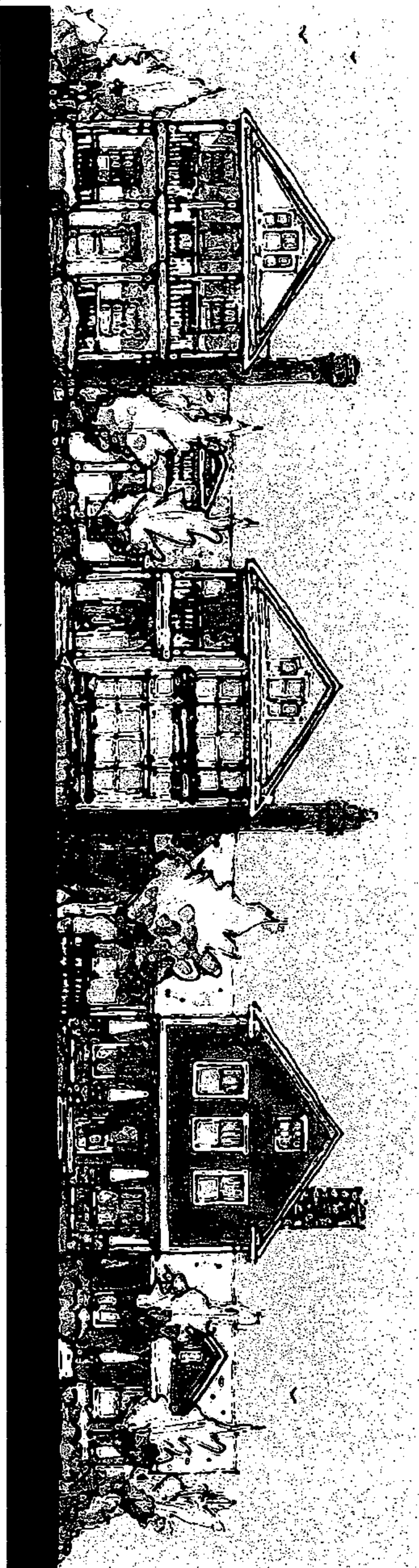
479.236.6636

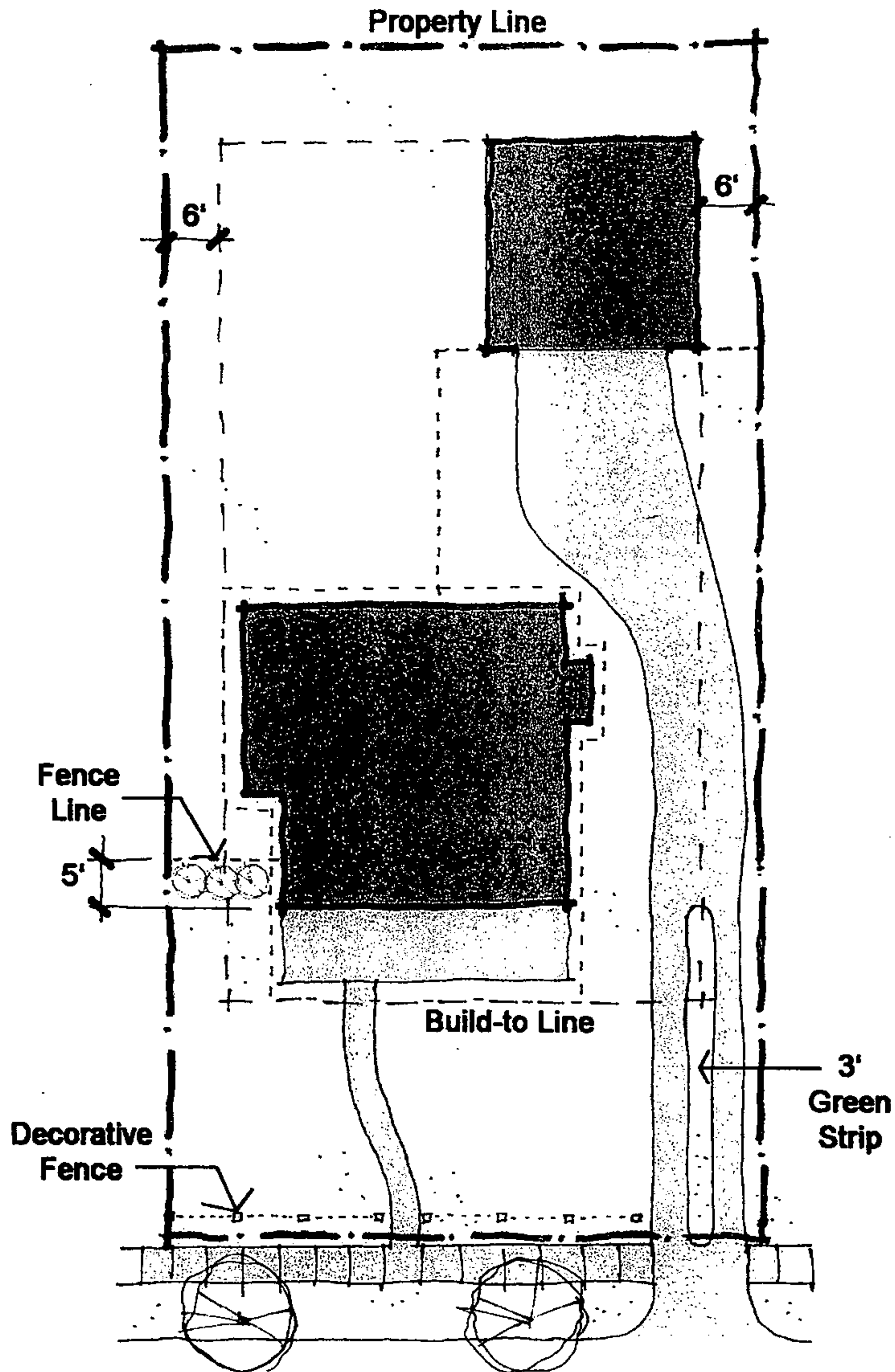
*Leading
by example*





*Images of
Oakbrooke
will give you the*





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

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.

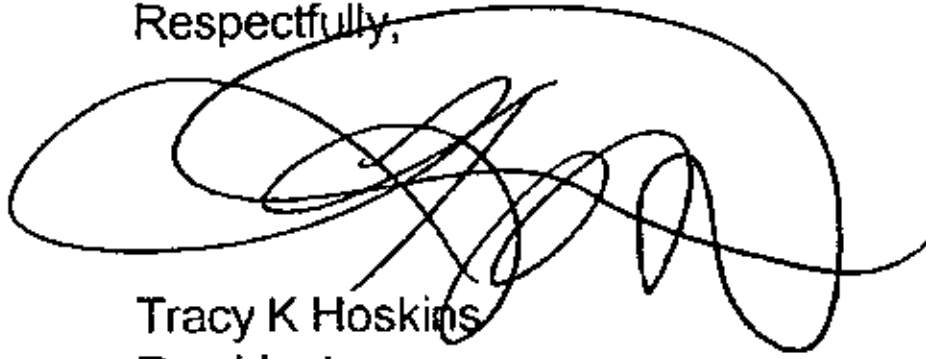
It was also stated that the Buyers of Mr Butlers property were not inform of the development and "would never had bought the property had they known". The Seller's broker has stated that notice was given to the prospective Buyers on June 9th, 2005. See the attached document. In reality, the Butlers sold 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 large, stylized handwritten signature in black ink, consisting of several loops and flourishes, positioned above the printed name.

Tracy K Hoskins
President



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

Jul 21 05 04:41p

McKinney Real Estate

4794420860

B. 5
R-PZD 05-1555 (Opkbr2oke)
Page 64 of 70

Fax: 521-5698
To: Martha McBride
From: Susie 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

Handed out at
City Council meeting
7/19/05

B. 5
PZD 05-055 (Oakbrooke)
Page 66 of 70



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

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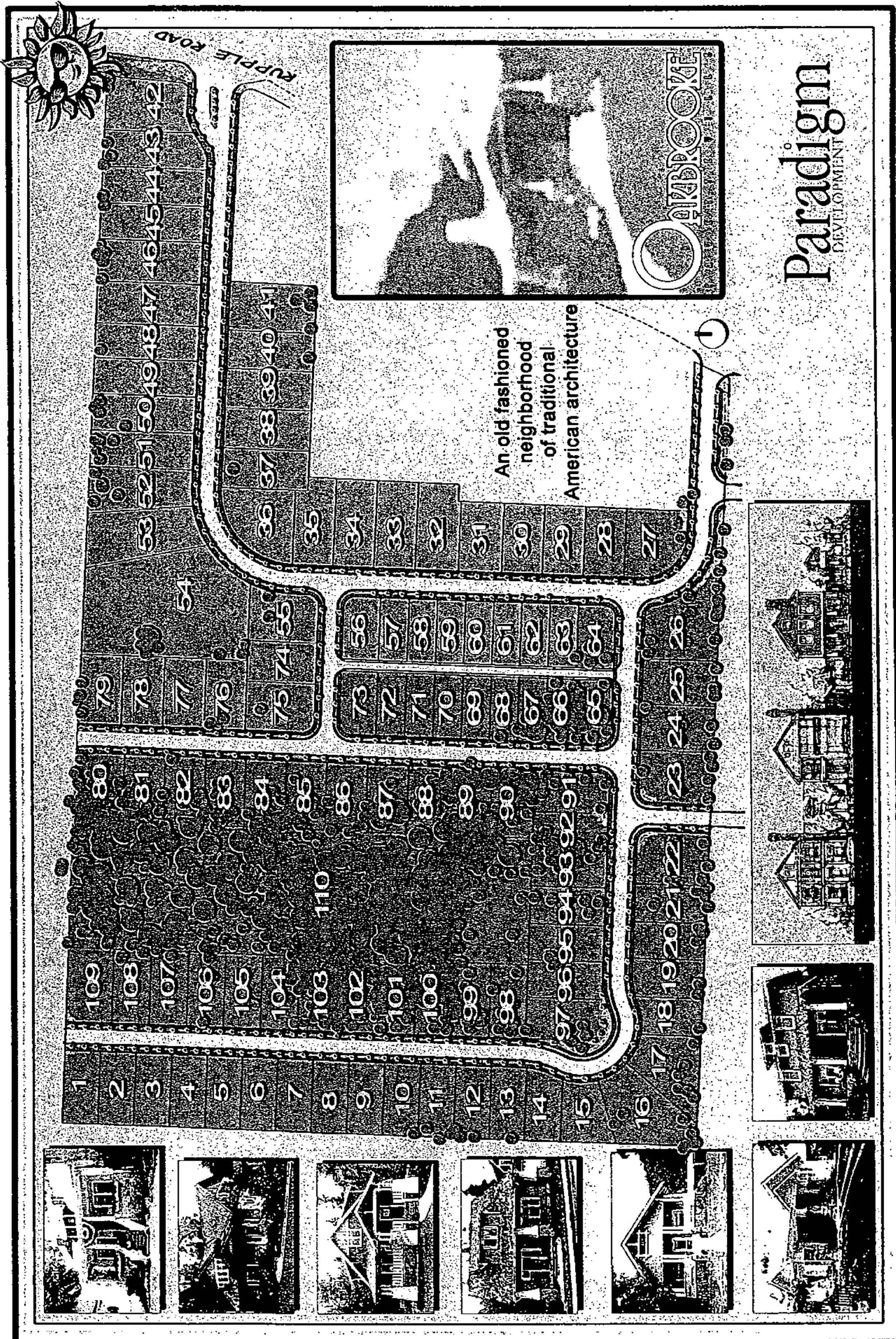
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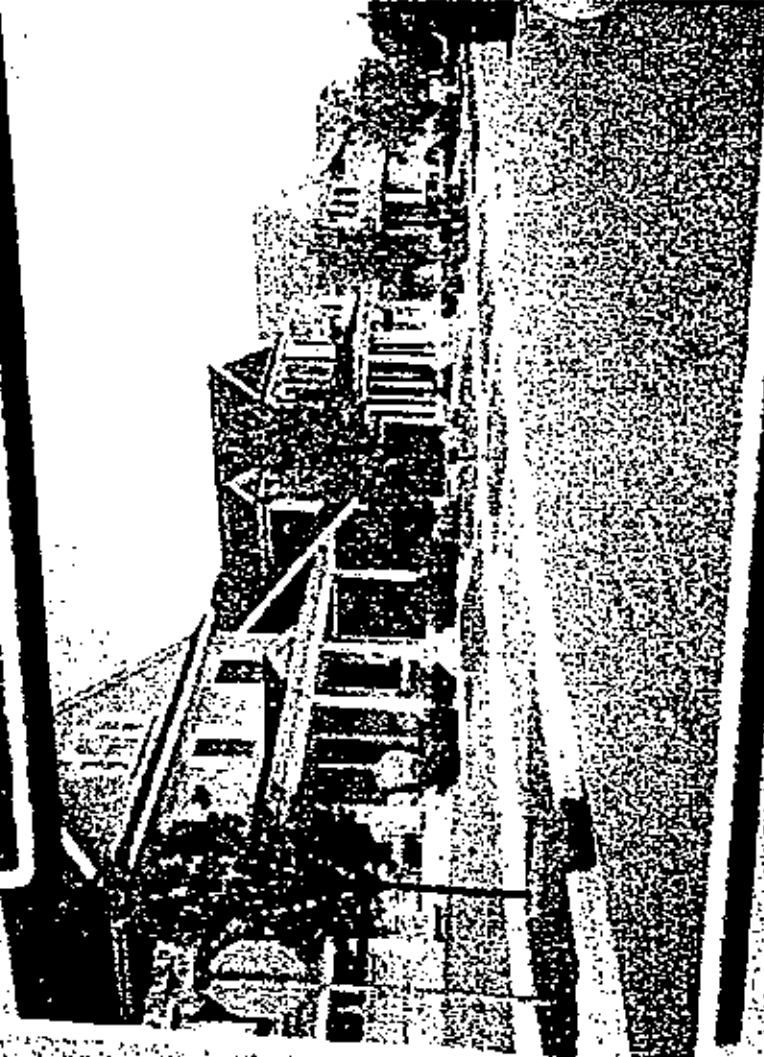
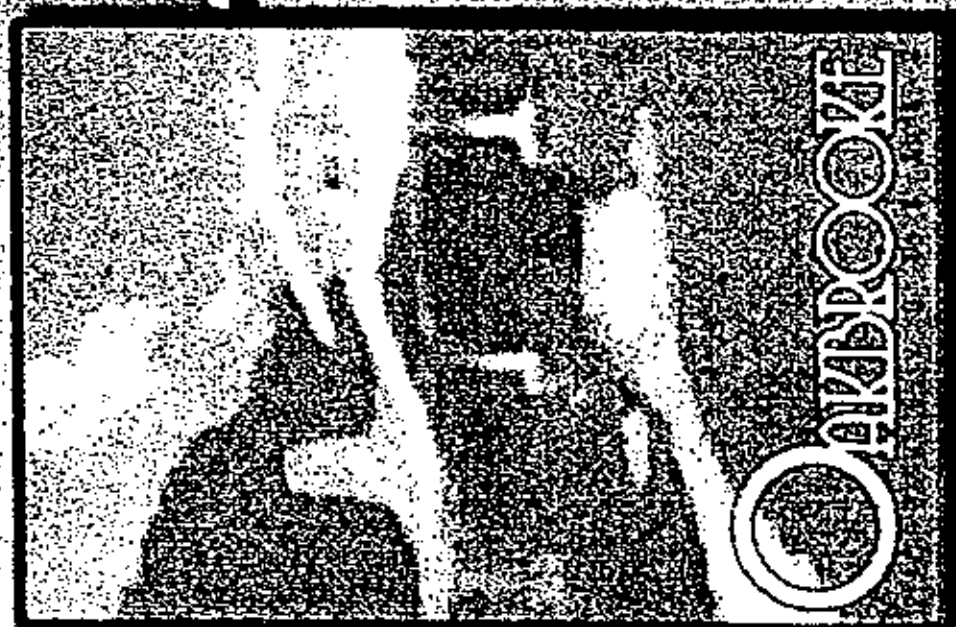
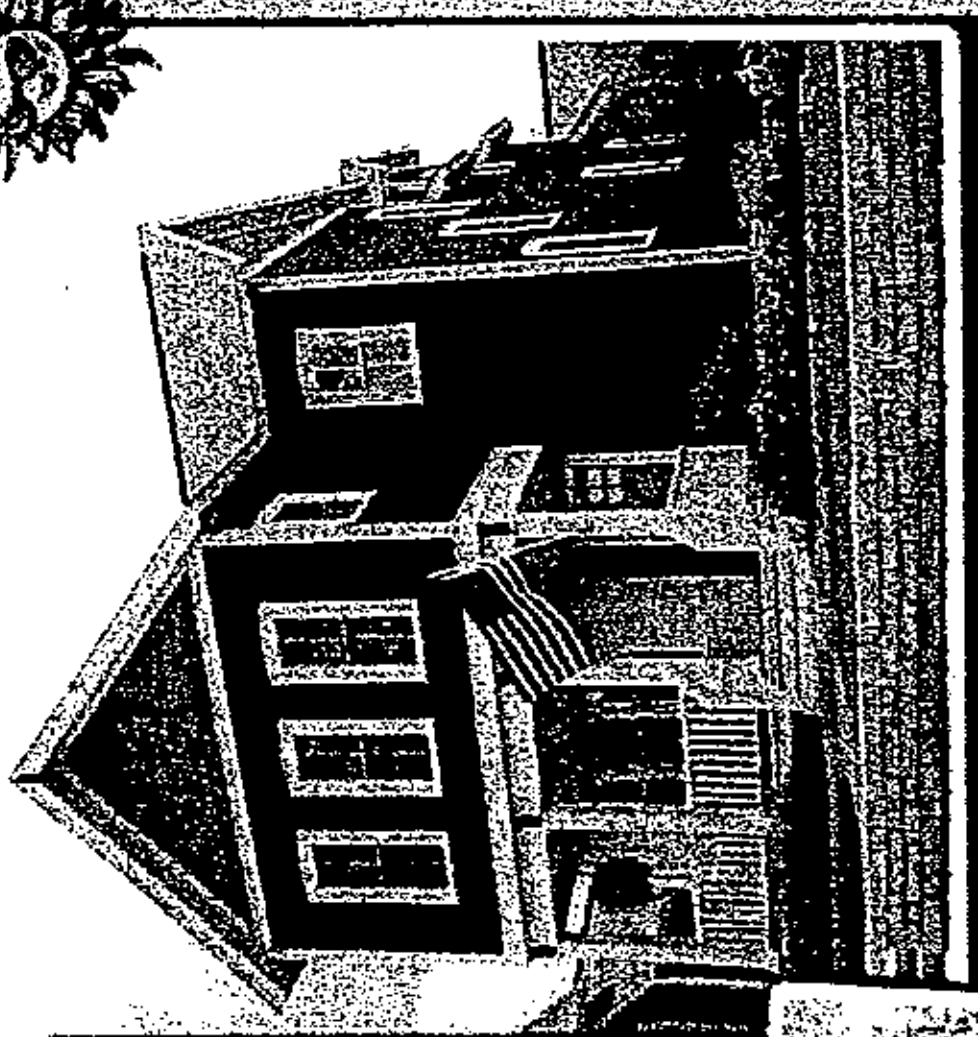
Tracy K. Hoskins
Paradigm Development
Fayetteville, Arkansas

Paradigm
DEVELOPMENT

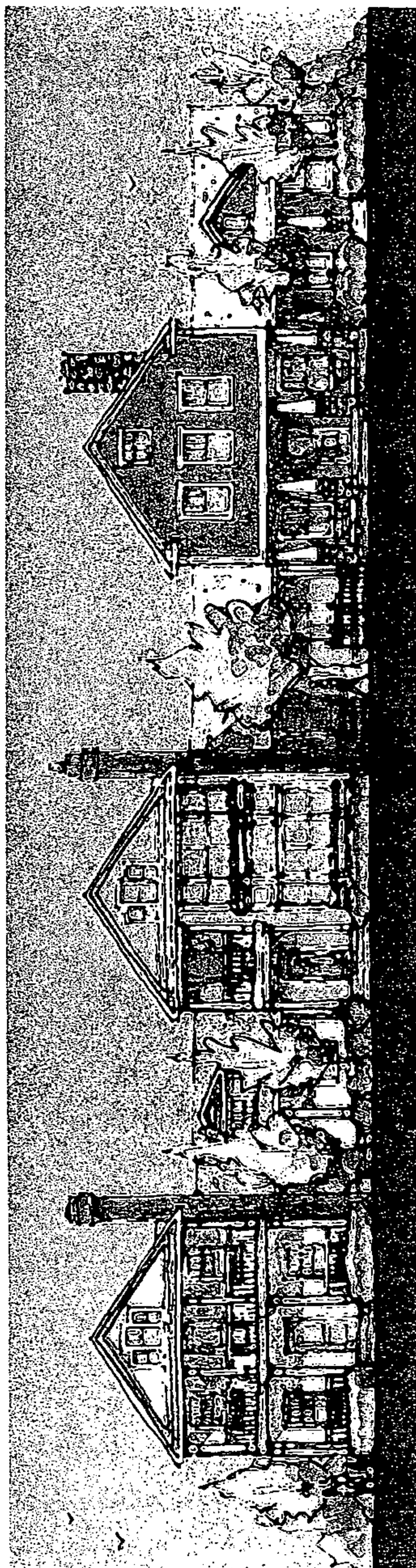
479.236.6636

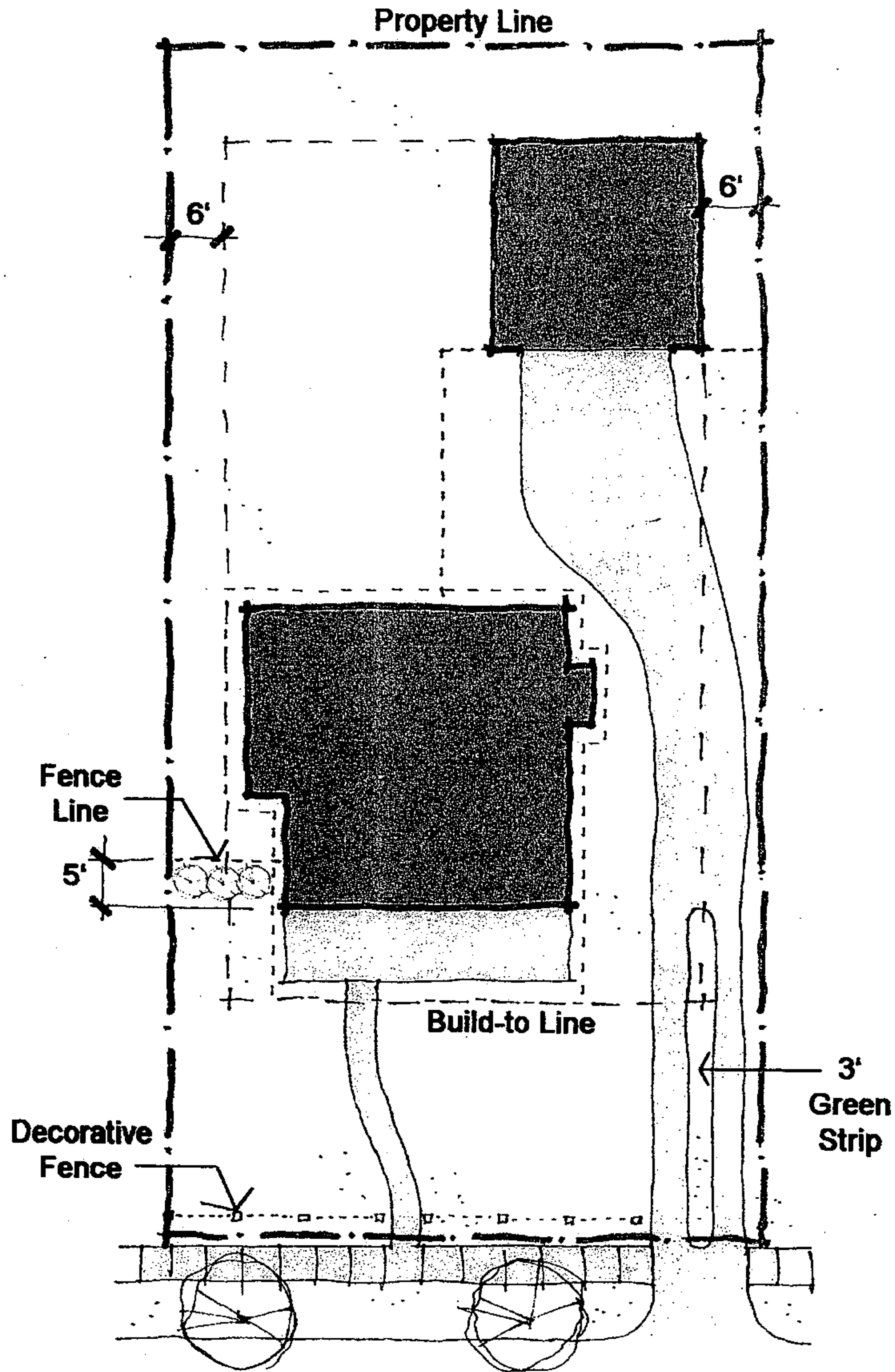
*Leading
by example*





*Longshots
of Oakbrooke*
...with you are here







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 *[Signature]*

FROM: Michele Bechhold, Human Resources Director *MB*

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

Left on the first reading 8/16/05

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.

DRAFT

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 EMPS	TR 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)

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

Vendor Name: Hay Management Consultant

Address: _____ Fob Point: _____
 City/State/Zip: _____

Requester: Pam Ferguson Requester's Employee #: 2134 Extension: 278

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				

Subtotal: \$29,600.00
 Tax: \$0.00
 Total: \$29,600.00

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

B. 6
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
CJH

Mayor

Date

Received in Mayor's Office

ENTERED
7/29/05
7:30pm

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.

*Forward to Ordinance Review Committee
left on the first reading 8/16/05*

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 COODY, 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 Kesselme
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, 7-15-88; 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)

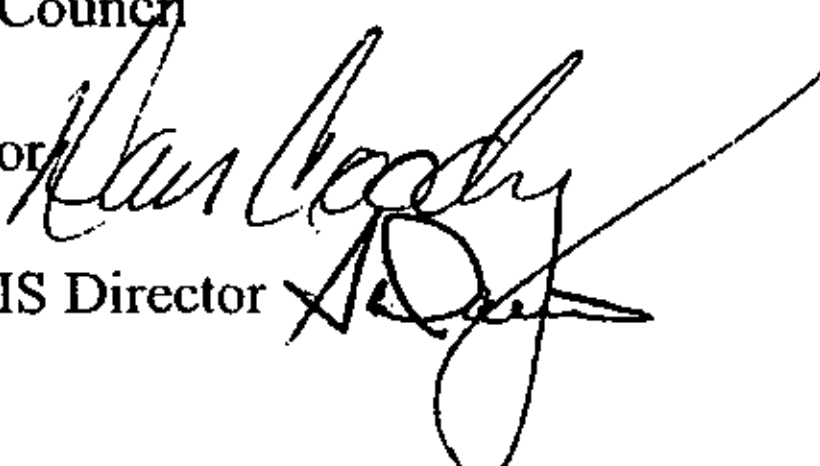
Note--Ordinance No. 4318, adopted June 2001, enacts
provisions to add a new section which is now included
§35.30 definitions, to be consistent with this Code.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor 

FROM: Stephen Davis, FIS Director 

DATE: August 12, 2005

SUBJECT: HMR Tax Revision – August 16, 2005 City Council Agenda
Supplemental Information

Background

During the Agenda Session August 9 City Council requested additional information for the above referenced agenda item. The additional information concerned alternatives to amending the existing HMR ordinances. The primary reason(s) for proposing an amendment to the existing HMR ordinances is to address stated concerns by the business community who must compete with food and beverage (beer gardens) vendors set-up at various festivals.

As was discussed there are four primary methods of generating revenue from festivals:

- 1) Establish a market-based rental rate for use of city facilities (parking lots, streets, etc) for festival venues.
- 2) Establish a city-wide business license.
- 3) Amend existing HMR tax ordinances to require collection of the HMR tax at festivals.
- 4) Amend the existing Alcoholic Beverage License Ordinance to require a revenue-based Beer and Light Wine License for festivals.

Discussion

This memo addresses the last two items only: amendment of the HMR tax ordinances and amendment to the Alcoholic Beverage License Ordinance to require a revenue-based Beer and Light Wine License for festivals.

HMR Ordinance Revision

The discussion with City Council centered on collection methods that were verifiable and cost-effective. Staff has stated that as long as the festival sponsor was the collection agent for the HMR tax that cost to the City would be minimal. Collection methods and accountability issues would need to be resolved prior to the festival event.

*Forward. to Ordinance Review Committee
Let it on the first reading 8/16/05*

The table below provides an indication of the revenue that could be generated by amending the HMR ordinance(s). The cost of collection is not determined at this point, however, it can be assumed that the City's General Fund would spend more than the 2% collection fee to collect the HMR tax revenue.

Item	Amounts	Tax/Fee Revenue
Average value of meal sold	\$7.00	
Number of Meals Sold	20,000	
Taxable Value of Meals Sold	\$140,000.00	
HMR Tax Collection – Parks		\$1,344.00
HMR Tax Collection – A & P		\$1,344.00
General Fund Collection Fee		\$56.00

HMR collection efforts would require each food vendor to complete forms prior to the festival/event and then to voluntarily remit the appropriate monies to the City with the proper form completed. If the food vendor does not voluntarily complete these forms then the City Prosecutor's will likely have to be involved in the collection efforts. An alternative would be for the City to model this effort after the State procedure which requires the festival/event sponsor to collect the state sales & use taxes. (Please see attachment titled "Instruction for Form ST370")

Retail Beer and Light Wine Ordinance Revision

If City Council amended the Retail Beer and Light Wine ordinance to require a fee-based permit for festivals, the City could collect more revenue for General Fund with very little additional collection cost. This option would generate slightly less revenue in the first year but would generate far more revenue the 2nd and all future years. The second and subsequent year's revenue increases because the 2nd and future years permits are based on the prior year's sales. The down-side is that no additional revenue would be generated for either Parks Development Fund or the Advertising & Promotion Commission.

Item	Amounts	Tax/Fee Revenue
Average value of beer sold	\$4.00	
Number of Beers Sold	40,000	
Taxable Value of Beer Sold	\$160,000.00	
HMR Tax Collection – Parks		\$0.00
HMR Tax Collection – A & P		\$0.00
General Fund Revenue – 1 st Year		\$40.00
General Fund Revenue – 2nd Year		\$815.00

Conclusion

Staff prefers amending the retail beer and light wine ordinance because of the cost/benefit of this process compared to amending the HMR ordinances. Finally, staff will be researching and preparing a report for City Council that describes how other cities manage festivals.

INSTRUCTIONS FOR FORM ST370

General Information

The Sales Tax Schedule is a form the Special Events Promoter gives to the booth operator / vendor to complete and report their sales and tax collections. It is to be completed and turned in to the Special Events Promoter at the end of the event. (Effective 07-28-95).

Line by Line Instructions

1. Reporting Number: The Special Events Promoter inserts his Reporting Number in this blank.
2. Special Events Promoter: Special Events Promoter insert it-his name in this blank. NOTE: promoter could use a rubber stamp for the reporting number and name.
3. Event Name: Insert Name of Event. Example is "Big Event Festival"
4. Event Location: Insert City/State where the event is taking place.
5. Collection Date: Enter the date of each collection.

BOOTH OPERATOR/VENDOR SECTION

6. Block 1. VENDOR NAME Booth operator/vendor name goes in this block.
7. Block 2. PERMIT NUMBER Insert Booth operator/vendor Permit Number if they have one. If the booth operator/vendor has a permit number, they do not have to report their sales and tax collections to the Special Events Promoter but, report their sales and tax computations to the department on their ST400 Excise Tax report form. Also, if the booth vendor has a sales tax permit number, he is required to complete the 'Booth Operator/Vendor' portion of the ST370 and return it to the Special Events Promoter at the end of the event.
8. Block 3. BOOTH NUMBER This field is for use by the Special Events Promoter in order to help keep track of the booth collections.
9. Block 4. ADDRESS Insert the Booth Vendor mailing address.
10. Block 5. CITY, STATE, ZIP CODE Insert your city, state and zip code.
11. Block 6. SOCIAL SECURITY NUMBER Insert the booth operator's social security number or their business's Federal Identification Number.

STATE TAX COMPUTATION SECTION

12. LINE 1. Enter your total gross sales for the event.
13. LINE 2. Enter the cost of goods on which sales tax has been paid.
14. LINE 3. Subtract line 2 from line 1 and enter the difference. This is your taxable sales.
15. LINE 4. Multiply the amount on line 3 by the state tax rate and enter that amount as TAX DUE.

LOCAL TAX COMPUTATION SECTION

16. Column 1. Enter the city and/or county name where the event is being held. You must collect the local tax for the city and/or county where the event is taking place. You do not collect local taxes for your city and/or county if you are from a different location. The Special Events Promoter should provide the booth operator/vendor with the local taxes that should be collected. If the event is held outside the city limits the city tax does not apply.
17. Column 2. Enter the city and or county local code as defined by the Sales & Use Tax Section of Arkansas. The Special Events Promoter should provide this information.
18. Column 3. The event's gross sales amount is entered here. This amount should be the same as LINE 1 in the State Tax Computation Section.
19. Column 4. Enter the cost of goods on which sales tax has been paid.
20. Column 5. Subtract column 4 from column 3 and enter the difference. This is your taxable sales.
21. Column 6. Enter the local tax rate which should be provided by the Special Events Promoter.
22. Column 7. Multiply the amount on column 5 by the local tax rate in column 6 and enter that amount as TAX DUE.
23. TOTAL LOCAL TAX ROW. Add the amounts in column 7 and enter the total on this row.

SUMMARY SECTION

24. Enter the amount from line 4 of the state tax computation section in the STATE TAX block. Enter the amount from the TOTAL LOCAL TAX row in the LOCAL TAX block. Add the STATE TAX block and the LOCAL TAX block and enter the total in the TOTAL TAX block. This is the amount that must be remitted to the Special Events Promoter at the end of the event.

ST 370

State of Arkansas
DF&A/Sales and Use Tax Section
Special Events Vendor
Sales Tax Report Schedule

Promoter's Reporting Number: _____

Special Event Promoter: _____

EVENT DATE: _____

EVENT NAME: _____

EVENT LOCATION: _____

BOOTH OPERATOR/VENDOR SECTION		
1. VENDOR NAME	2. Arkansas Permit Number if applicable	3. Booth Number
4. ADDRESS		
5. CITY, STATE, ZIP CODE		
6. SOCIAL SECURITY NUMBER or BUSINESS FEDERAL ID		

STATE TAX COMPUTATION SECTION	
1. TOTAL GROSS SALES	
2. LESS: Purchases of items that tax was previously paid	
3. TAXABLE SALES	
4. TAX (6.000% X amount on line 3)	

LOCAL TAX COMPUTATION SECTION						
1. CITY OR COUNTY NAME	2. LOCAL CODE	3. GROSS SALES	4. LESS PURCHASES	5. TAXABLE SALES	6. LOCAL TAX RATE	7. TAX DUE
TOTAL LOCAL TAX						→

SUMMARY SECTION		
STATE TAX	+	LOCAL TAX
=	TOTAL TAX	

Special Event/Booth Vendor Signature _____

Date _____

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:

Original Contract Number:


City Attorney

7/29/05
Date

Received in City Clerk's Office

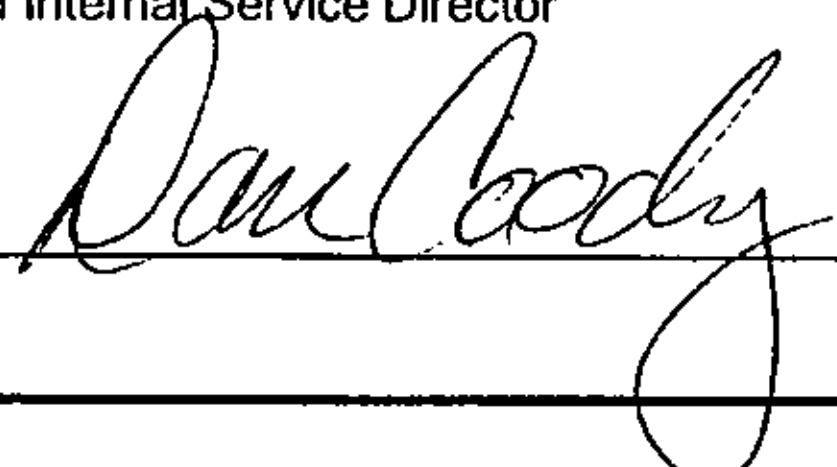



Finance and Internal Service Director

8-3-05
Date

Received in Mayor's Office

Mayor


Date

8/3/05



Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 7
HMR Tax Revision
Page 16 of 20

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor 

FROM: Stephen Davis, FIS Director 

DATE: August 12, 2005

SUBJECT: HMR Tax Revision – August 16, 2005 City Council Agenda
Supplemental Information

Background

During the Agenda Session August 9 City Council requested additional information for the above referenced agenda item. The additional information concerned alternatives to amending the existing HMR ordinances. The primary reason(s) for proposing an amendment to the existing HMR ordinances is to address stated concerns by the business community who must compete with food and beverage (beer gardens) vendors set-up at various festivals.

As was discussed there are four primary methods of generating revenue from festivals:

- 1) Establish a market-based rental rate for use of city facilities (parking lots, streets, etc) for festival venues.
- 2) Establish a city-wide business license.
- 3) Amend existing HMR tax ordinances to require collection of the HMR tax at festivals.
- 4) Amend the existing Alcoholic Beverage License Ordinance to require a revenue-based Beer and Light Wine License for festivals.

Discussion

This memo addresses the last two items only: amendment of the HMR tax ordinances and amendment to the Alcoholic Beverage License Ordinance to require a revenue-based Beer and Light Wine License for festivals.

HMR Ordinance Revision

The discussion with City Council centered on collection methods that were verifiable and cost-effective. Staff has stated that as long as the festival sponsor was the collection agent for the HMR tax that cost to the City would be minimal. Collection methods and accountability issues would need to be resolved prior to the festival event.

The table below provides an indication of the revenue that could be generated by amending the HMR ordinance(s). The cost of collection is not determined at this point, however, it can be assumed that the City's General Fund would spend more than the 2% collection fee to collect the HMR tax revenue.

Item	Amounts	Tax/Fee Revenue
Average value of meal sold	\$7.00	
Number of Meals Sold	20,000	
Taxable Value of Meals Sold	\$140,000.00	
HMR Tax Collection – Parks		\$1,344.00
HMR Tax Collection – A & P		\$1,344.00
General Fund Collection Fee		\$56.00

HMR collection efforts would require each food vendor to complete forms prior to the festival/event and then to voluntarily remit the appropriate monies to the City with the proper form completed. If the food vendor does not voluntarily complete these forms then the City Prosecutor's will likely have to be involved in the collection efforts. An alternative would be for the City to model this effort after the State procedure which requires the festival/event sponsor to collect the state sales & use taxes. (Please see attachment titled "Instruction for Form ST370")

Retail Beer and Light Wine Ordinance Revision

If City Council amended the Retail Beer and Light Wine ordinance to require a fee-based permit for festivals, the City could collect more revenue for General Fund with very little additional collection cost. This option would generate slightly less revenue in the first year but would generate far more revenue the 2nd and all future years. The second and subsequent year's revenue increases because the 2nd and future years permits are based on the prior year's sales. The down-side is that no additional revenue would be generated for either Parks Development Fund or the Advertising & Promotion Commission.

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Conclusion

Staff prefers amending the retail beer and light wine ordinance because of the cost/benefit of this process compared to amending the HMR ordinances. Finally, staff will be researching and preparing a report for City Council that describes how other cities manage festivals.

INSTRUCTIONS FOR FORM ST370

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SUMMARY SECTION

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ST 370

State of Arkansas
DF&A/Sales and Use Tax Section

Special Events Vendor
Sales Tax Report Schedule

Promoter's Reporting Number: _____

Special Event Promoter: _____

EVENT DATE: _____

EVENT NAME: _____

EVENT LOCATION: _____

BOOTH OPERATOR/VENDOR SECTION		
1. VENDOR NAME	2. Arkansas Permit Number if applicable	3. Booth Number
4. ADDRESS		
5. CITY, STATE, ZIP CODE		
6. SOCIAL SECURITY NUMBER or BUSINESS FEDERAL ID		

STATE TAX COMPUTATION SECTION	
1. TOTAL GROSS SALES	
2. LESS: Purchases of Items that tax was previously paid	
3. TAXABLE SALES	
4. TAX (6.000% X amount on line 3)	

LOCAL TAX COMPUTATION SECTION						
CITY OR COUNTY 1. NAME	LOCAL 2. CODE	GROSS 3. SALES	LESS 4. PURCHASES	TAXABLE 5. SALES	LOCAL 6. TAX RATE	7. TAX DUE
TOTAL LOCAL TAX ----->						

SUMMARY SECTION		
STATE TAX	+	LOCAL TAX
		= TOTAL TAX

Special Event/Booth Vendor Signature _____

Date _____

DEPARTMENTAL CORRESPONDENCE

September 6, 2005 City Council Meeting

TO: Mayor Dan Coody and Fayetteville City Council

THROUGH: Stephen Davis, Financial and Internal Services Director 

FROM: Coy Hurd, Project Manager 

DATE: August 19, 2005

SUBJECT: Demolition of the Walker House

Recommendation:

Because of the presence of toxic residue from mold contamination, Staff recommends that the Walker House be slated for demolition, and that bids be solicited for this work. We are asking the Fayetteville City Council to approve these actions.

Background:

On May 3, 2005, the Fayetteville City Council authorized the partial renovation of the Walker House (901 South College Avenue, adjacent to the Senior Citizen's Center) with a budget of \$33,738. Before this work was to commence, Building Services Division (as is its policy) tested the structure for the presence of any hazardous materials or conditions.

Testing found that the building contains a large amount of mold. This virulent mold is of the Aspergillus variety, and its residue is considered toxic. The opinion of our consultant, Cindy Hammons (whose report is attached), is that the building is currently unsafe for habitation and should be considered for remediation or demolition. The Building Services Staff concurs with this opinion, and feels that this structure should be razed.

memo of August 19, page two

Discussion:

Rehabilitation of the building could cost in excess of \$97,000. The interior of the building would have to be entirely gutted to the frame and the exposed surfaces treated with an approved fungicide. New insulation, finishes, and electrical components would then be required. It is most doubtful that the benefit of the building would support this large investment.

Budget Impact:

The cost of the demolition and disposal of the Walker House is predicted to be less than \$16,000. After City Council approves demolition, Staff will seek bids in compliance with applicable purchasing policies and procedures. The funds are presently budgeted and reside in fund 02089.

RESOLUTION NO. _____

**A RESOLUTION TO AUTHORIZE BIDS AND APPROVE
THE LOWEST QUALIFIED BID RECEIVED FOR THE
DEMOLITION AND DISPOSAL OF THE WALKER HOUSE
LOCATED AT 901 SOUTH COLLEGE AVENUE**

**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 Building Services Division to solicit bids for the demolition of the Walker House at 901 South College Avenue and to accept the lowest qualified bidder for this project.

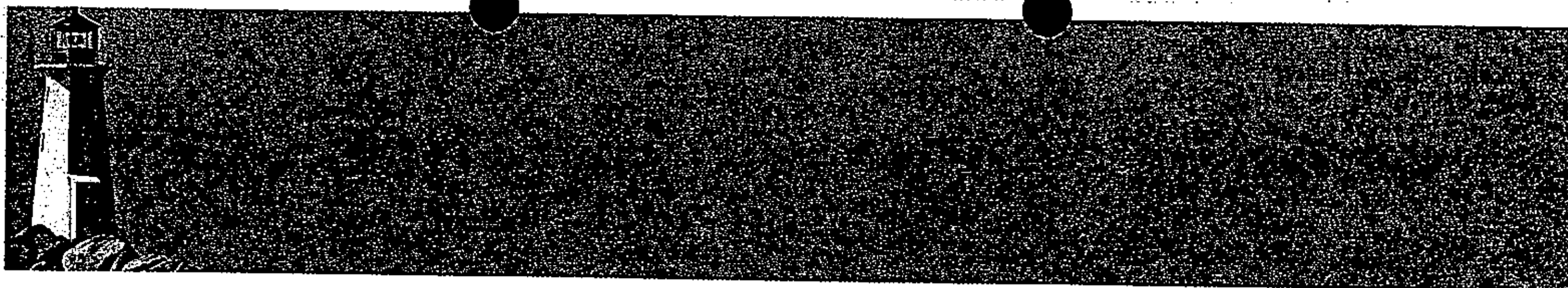
PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



Lakeshore Environmental

Mold Resources of NorthWest Arkansas

6-26-05

Coy Hurd, Ph.D.
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

On 6-22-05, a mold evaluation was conducted at the residence located at 901 Wood, Fayetteville, AR, per your request. The following report is provided for your review.

There was a strong odor of mold throughout the residence and in the garage. There are visible water damaged areas inside the residence as well as visible mold growth inside the residence. Tape lift samples were collected and examined microscopically at 400X magnification.

The primary mold identified throughout the residence was *Aspergillus*. *Aspergillus* has been identified as a potential water indicator mold as well as a potential toxigenic mold. See attached photos. Even if the exterior repairs are made, the mold conditions as they exist now would make the residence unsafe for occupancy.

Recommendations:

- Removal of all floor coverings
- Removal and replacement of damaged drywall (including the garage area)
- Professional cleaning of all surfaces—treat with EPA registered fungicide
- Certified inspection of the HVAC unit—the unit is located in the crawlspace; the crawlspace was in 2-3 inches of standing water on the day of the inspection
- Inspection to determine the cause of standing water in the crawlspace
- Air sampling for mold once the cleaning and repairs are completed

If you have questions, please contact me.

Cindy Hammons, BS, MPH, CSP
Industrial Hygienist and Microbiologist

P.O. Box 1356
Rogers, AR 72757

Phone: 479-925-1715
Fax: 479-925-2075
E-mail: chazcorp@arkansas.net

City of Fayetteville
Staff Review Form

C. 1
Walker House Demolition
Page 5 of 6

9/6/2005
City Council Meeting Date

Coy Hurd

Submitted By

Building Services

Division

Financial and Internal Services

Department

Action Required:

The action required is for the Fayetteville City Council to authorize the Building Services Division to solicit bids for the demolition of the Walker House, 901 South College Avenue, due to the presence of a virulent mold.

\$ 16,000.00

Cost of this request

4470.9470.5315.00

Account Number

02089

Project Number

\$ 19,996.00

Category / Project Budget

3,829.82

\$

Funds Used to Date

\$ 16,166.18

Remaining Balance

Building Improve.- Leased Buildings

Program Category / Project Name

Other Capital Improvements

Program / Project Category Name

Sales Tax Capital Funds

Fund Name

Budgeted Item

XX

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Received in City Clerk's Office

Finance and Internal Service Director

Date

Received in Mayor's Office

Mayor

Date

Comments:



Date: August 17, 2005
To: Fayetteville City Council
Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations
From: Ron Petrie, City Engineer *RP*
Subject: **Sale Of Municipally Owned Real Property**

RECOMMENDATION

The Staff recommends Council approval of the proposed supplement to §34.27 of the Fayetteville Code Of Ordinances. (Attached)

BACKGROUND

The Arkansas State Highway & Transportation Department (AHTD) is currently in the process of widening several State highways within the City limits. The City owns several parcels along these corridors that the State will need to acquire portions of for right-of-way. The following is a summary of the right-of-way that is needed to date with the anticipation that more will be needed in the future:

- AR Hwy 112 (Razorback Rd) – 18,441 s.f. (0.42 acres)
- AR Hwy 180 (Gregg Ave) – 12,181 s.f. (0.28 acres)
- AR Hwy 16 (Happy Hollow/Huntsville Intersection) – 23,000 s.f. (0.53 acres, est. – work to be done by City & dedicated to the State)

DISCUSSION

In order to meet the AHTD deadlines, it would be beneficial to the State and the City that property could be dedicated to the Arkansas State Highway Commission by City Council Resolution.

BUDGET IMPACT

This item will save the money that would have been spent on appraisals, newspaper advertisements, certified mail, and signs.

RP/pdl
Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING §34.27, CODE OF FAYETTEVILLE TO EXEMPT THE DEDICATION OF REAL PROPERTY TO THE ARKANSAS STATE HIGHWAY COMMISSION FROM THE REQUIREMENTS OF THE ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Fayetteville is required from time to time to transfer lands to the Arkansas State Highway Commission to accommodate State Highway improvements within the City; and,

WHEREAS, these transfers must be made in a timely manner so as not to cause undue delay to badly needed projects to provide safe and efficient roadways to the citizens of Fayetteville; and,

WHEREAS, the requirements of §34.27, Code of Fayetteville, would cause such delays to several high priority projects if not immediately amended.

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

Section 1. That §34.27, Code of Fayetteville, is hereby amended by inserting the following after §34.27 (H) (3):

- (4) The dedication of real property to the Arkansas State Highway Commission shall be exempt from the requirements of this section and may be dedicated by City Council Resolution.

Section 2. Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, hereby finds the immediate dedication of certain municipally-owned real property to be necessary to ensure the 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 6th day of September, 2005.

ATTEST:

By: SONDRA SMITH, City Clerk

APPROVED:

By: DAN COODY, Mayor

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

such procedures are deemed not feasible nor practical.

(C) In regard to the marketing and sale of hay produced at the sludge management site at the pollution control plant:

(1) The current year's sludge management site hay crop shall be advertised for sale, at a pre-established base price on or about April 1st of a given year. The hay shall be pre-committed, on a first-call, first-commit basis, up to 60% of the projected crop. Any remaining hay shall be marketed during the harvest season, at the same base price on a first come, first served basis.

(2) A base or standard price shall be established based on average fair market value for square baled bermuda grass hay, behind the baler, in Northwest Arkansas, as established by cooperative extension service recommendations.

(3) Prior to buyer's removal of the hay from the sludge management site, adjustments, as determined by Operations Management International, Inc. (OMI) personnel, will be made to the base price for quantity purchases; according to the type of bale purchased; and the relative quality of the harvested hay; and for damage the hay may have received during the harvest.

(Code 1965, §2-69; Ord. No. 1215, 9-14-59; Ord. No. 1827, 10-4-71; Ord. No. 2006, 5-7-74; Ord. No. 3545, 4-16-91; Code 1991, §34.25; Ord. 4553, 04-06-04)

34.26 Authority Of City Employee To Contract With The City

An employee of the city shall be permitted to conduct business with the city, provided the contract or job is for services, is submitted as a competitive bid, is approved by the City Council following disclosure of the direct or indirect financial interest of the individual employee, and the total sum payable under the contract does not exceed \$500.00.

(Code 1965, §2-70; Ord. No. 3013, 6-5-84; Code 1991, §34.26)

State law reference(s)—Purchase, lease and sale authorized, A.C.A. §14-54-302.

34.27 Sale Of Municipally Owned Real Property

(A) Municipally owned real property shall not be offered for sale without the express authorization, by resolution, of the City Council. The City Council shall determine whether the property should be rezoned prior to offering it for sale.

(B) Such resolutions shall contain a specific finding by the City Council that the subject real property no longer serves a municipal purpose.

(C) Two simultaneous and independent appraisals of the real property shall be obtained by the city for the City Council's consideration, dated within six months of the proposed sale.

(D) Public notice shall be given not less than thirty calendar days before the first City Council meeting at which such a resolution is introduced, by all of the following means:

(1) A conspicuous display advertisement placed in a newspaper of general circulation in the city, on at least four separate occasions;

(2) Certified mail, return receipt requested, to all adjacent property owners; and

(3) Signs, prominently displayed, and at all approaches to the subject real property, announcing that the City Council will be considering the sale of the real property, the date on which the sale is to be debated, as well as the telephone number of the mayor's office.

(E) Upon an affirmative vote of the City Council, the city shall solicit sealed bids, at a minimum price set by the City Council, from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property.

(F) The city shall sell the subject real property to the highest qualified bidder. In the event none of the bids from a qualified bidder equals the minimum price set by the City Council, the city shall reject all bids, and may reopen the bidding, upon City Council approval.

(G) Upon receipt of an acceptable bid, and authorization by a separate resolution of the City Council, the conveyance of the real property shall be performed by the mayor and city clerk.

FAYETTEVILLE CODE OF ORDINANCES
TITLE III ADMINISTRATION

(H) Exemptions from the requirements of this ordinance:

(1) The sale of the industrial park, business park, and technology park lands are expressly exempt from the provisions of this ordinance. Industrial park land includes all of the land in and around the South Industrial park as specifically identified within the black bold line on the map attached as Exhibit A.

(2) The sale of real property to other public entities or to a non-profit corporation for charitable purposes shall only require a single appraisal, a single display advertisement placed in a newspaper of general circulation in the city, the certified mail, and sign requirements set forth in subsections (D)(2) & (3). Following the setting of a minimum price by the City Council no lower than the appraised value, the public entity or non-profit corporation may purchase the property at that price, and the sale shall be exempt from the provisions of subsections (E), (F) & (G) of this ordinance.

(3) If the City Council has approved by ordinance the Project Plan for a Redevelopment District that includes the acquisition of real property or buildings with the intent to resell this property to a private developer, this acquired property shall be exempt from the requirements of this section and can be sold by City Council Resolution.

Note—Ord. 4380, adopted March 19, 2002, enacts provisions for exemptions from the requirements of ordinance; such provisions have been set forth above. This ordinance was enacted with an Exhibit A attached thereto and may be viewed in the office of the city clerk anytime during regular business hours.

(Ord. No. 4358, 1-2-02; Ord. No. 4380, §1, (Ex. A), 3-19-02; Ord. No. 4651, 12-07-04)

State law reference(s)—Purchase, lease and sale authorized, A.C.A. §14-54-302; Bidding process, A.C.A. §14-54-402.

34.28-34.99 Reserved

DEDICATE BY WARRANT

Comments:



Date: August 18, 2005
To: Fayetteville City Council
Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations
From: Ron Petrie, City Engineer 
Subject: **Razorback Road (Hwy 112) Widening Project
Right-Of-Way Acquisition**

RECOMMENDATION

Staff recommends Council approval of the conveyance of right-of-way to the Arkansas State Highway Commission for a purchase price of \$34,475.

BACKGROUND

The Arkansas State Highway Department (AHTD) has a current construction project (Job 040399) for the widening of Hwy 112 (Razorback Road) from 15th Street to 6th Street. Bids were opened on August 10th and Gilbert Central is the apparent low bidder. AHTD typically issues a Notice To Proceed to the contractor 30 days after the bid opening.

DISCUSSION

For the purposes of constructing the proposed widening project, AHTD is requesting the acquisition of three parcels of City land for State Highway right-of-way. Tract 6 is 2,517± square feet for \$2,525, Tract 9 is 14,541± square feet for \$30,550, and Tract 12 is 1,383± square feet for \$1,400 for a total land area of 18,441± square feet and a total purchase price of \$34,475.

BUDGET IMPACT

The \$34,475 gained from the sale of this property should be reinvested into City Project Number 05014, Razorback Road Utility Water/Sewer Relocations to offset the project costs of acquiring new easements to relocate the City utilities as part of this State Highway construction project.

RP/pdl
Attachments: Three AHTD Contracts To Sell

RESOLUTION NO. _____

A RESOLUTION APPROVING THE SALE OF 3 PARCELS OF LAND (APPROXIMATELY 18,441 SQUARE FEET TOTAL) TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY ASSOCIATED WITH THE RAZORBACK ROAD WIDENING FOR A TOTAL PURCHASE PRICE OF \$34,475.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes the Mayor and City Clerk to execute deeds and any other instruments necessary to effect the conveyance of these properties.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

JOB NAME: North of Hwy. 16 – Hwy. 180

ORIGINAL

JOB
TRACT
FAP

040399
6

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: c/o Gary Dumas, 113 West Mountain, Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter of Section 20, Township 16 North, Range 30 West, Washington County, Arkansas more particularly described as follows:

Beginning at a computed point being used as the Northeast 1/16 corner of Section 20 said point being on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 040399; thence North 87° 01' 44" West along the South line of the Northwest Quarter of the Northeast Quarter of Section 20 a distance of 12.58 feet to a point on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 4864; thence North 02° 45' 18" East along said right of way line a distance of 200.00 feet to a point; thence South 87° 01' 44" East a distance of 12.59 feet to a point on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 040399 said point also being on the West line of the Northwest Quarter of the Northeast Quarter of Section 20; thence South 02° 45' 26" West along said right of way line a distance of 200.00 feet to the point of beginning and containing 0.06 acres more or less as shown on plans prepared by the AHTD referenced as Job 040399.

AJ/crr
04/11/05

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

\$2,525.00

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to

Dated this _____ day of _____, 20____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. ID # /SS# _____

STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public day of , 20 .

MY COMMISSION EXPIRES:

NOTARY PUBLIC

AUTHORIZATION FORM

Form must be filled out completely, signed and turned
into Administrative immediately following first contact.

JOB # _____

TRACT # _____

PROPERTY OWNER: _____

ADDRESS: _____

TELEPHONE # _____

MORTGAGE COMPANY _____

ADDRESS: _____

TELEPHONE # _____

LOAN # _____

CONTACT PERSON: _____

Due to the construction of the above mentioned project we are acquiring property from your mortgagor. It may be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principle balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage, write "none." Must be signed by owner even if no mortgage.

By our signatures we are authorizing the Arkansas State Highway & Transportation Department to enter into the process necessary to obtain a Partial Release, if necessary.

Mortgagor's Signature _____ Date _____

JOB NAME: North of Hwy. 16 – Hwy. 180

ORIGINAL

JOB
TRACT
FAP

Razorback Road (Hwy 112) Widening Project
C. 3
Page 6 of 14
040399
9

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: Attn: Gary Dumas, 113 West Mountain, Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Northeast Quarter of Section 20, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as:

Starting at a cotton picker spindle being used as the East 1/16 corner of Sections 17 and 20; thence South 87° 28' 53" East along the North line of the Northeast Quarter of the Northeast Quarter of Section 20 a distance of 24.14 feet to a point on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 4864; thence South 03° 16' 33" West along said right of way line a distance of 27.92 feet to a point; thence South 68° 17' 21" East along said right of way line a distance of 31.62 feet to a point; thence South 08° 54' 24" East along said right of way line a distance of 23.69 feet to a point; thence North 85° 44' 32" East along said right of way line a distance of 40.35 feet to a point; thence South 66° 56' 15" West along said right of way line a distance of 55.33 feet to a point on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 040399 for the point of beginning; thence South 01° 09' 47" West along said right of way line a distance of 450.47 feet to a point; thence North 87° 28' 53" West a distance of 42.29 feet to a point on the Southerly right of way line of Arkansas State Highway 112 as established by AHTD Job 4864; thence North 03° 28' 23" East along said right of way line a distance of 78.12 feet to a point; thence North 06° 08' 18" East along said right of way line a distance of 100.12 feet to a point; thence North 00° 24' 48" East along said right of way line a distance of 100.13 feet to a point; thence North 03° 16' 33" East along said right of way line a distance of 160.02 feet to a point; thence North 66° 56' 15" East along said right of way line a distance of 28.36 feet to the point of beginning and containing 0.33 acres more or less as shown on plans prepared by the AHTD referenced as Job 040399.

AJ/crr
03/31/05

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

PAYMENT DUE-----**\$30,550.00**

(Appraised value offered by the Commission for real estate, including damages, if any, to the remainder; to be paid after approval of title and execution of a deed as hereinafter provided).

The Commission shall have the irrevocable right to exercise the "Contract to Sell" at any time within ninety (90) days from date; and it is agreed that if within the time above specified, the said Commission shall declare its intention to exercise this "Contract to Sell" including the right to purchase said land, the Grantor(s) will execute and sign a Warranty Deed when presented by the Commission and receive payment of the stated "Payment Due" from the said Commission, less any amount that may be found due and payable to any mortgagee. It is expressly understood that the said Commission shall not be obligated further unless stated herein to wit:

It is understood and agreed that closing costs will not accrue to the Grantor(s) as the Grantee's Attorney will prepare the necessary documents for closing and the Grantee will pay the cost of recording all instruments conveying title to the Arkansas State Highway Commission.

Grantor(s) further agrees neither to sell nor encumber the said real estate during the term of the "Contract to Sell".

The Arkansas State Highway Commission is hereby authorized and directed to make payment of the purchase funds for the conveyance to _____

Dated this _____ day of _____, 20____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. I.D.# /SS# _____

Signature _____
 Fed. I.D.# /SS# _____

ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public, acting within and for the aforesaid County, on this day personally appeared _____ well known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and stated to me that _____ executed the same for consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public _____ day of _____, 20____.

MY COMMISSION EXPIRES:

NOTARY PUBLIC

AUTHORIZATION FORM

Form must be filled out completely, signed and turned
into Administrative immediately following first contact.

JOB # _____	TRACT # _____
PROPERTY OWNER: _____	
ADDRESS: _____ _____	
TELEPHONE # _____	

MORTGAGE COMPANY _____
ADDRESS: _____ _____
TELEPHONE # _____
LOAN # _____
CONTACT PERSON: _____

Due to the construction of the above mentioned project we are acquiring property from your mortgagor. It may be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principle balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage, write "none." Must be signed by owner even if no mortgage.

By our signatures we are authorizing the Arkansas State Highway & Transportation Department to enter into the process necessary to obtain a Partial Release, if necessary.

Mortgagor's Signature _____ Date _____

JOB NAME: North of Hwy. 16 – Hwy. 180

ORIGINAL

JOB
TRACT
FAP

Razorback Road (Hwy 112) Widening Project
C. 3
Page 10 of 14
040399
12

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: c/o Garu Dumas, 113 West Mountain, Fayetteville, AR 72701

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Northwest Quarter of the Northeast Quarter of Section 20, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at a computed point being used as the Northeast 1/16 corner of Section 20 said point being on the Easterly right of way line of Arkansas State Highway 112 as established by AHTD Job 040399; thence North 87° 01' 44" West along the South line of the Northwest Quarter of the Northeast Quarter of Section 20 a distance of 102.58 feet to a point on the Westerly right of way line of Arkansas State Highway 112 as established by AHTD Job 4864 for the point of beginning; thence continue North 87° 01' 44" West along the South line of the Northwest Quarter of the Northeast Quarter of Section 20 a distance of 6.92 feet to a point; thence North 02° 45' 26" East a distance of 200.00 feet to a point; thence South 87° 01' 44" East a distance of 6.91 feet to a point on the Northerly right of way line of Arkansas State Highway 112 as established by AHTD Job 4864; thence South 02° 45' 18" West along said right of way line a distance of 200.00 feet to the point of beginning and containing 0.03 acres more or less as shown on plans prepared by the AHTD referenced as Job 040399.

AJ/crr
03/07/05

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

\$1,400.00

NOTARY PUBLIC

AUTHORIZATION FORM

Form must be filled out completely, signed and turned
into Administrative immediately following first contact.

JOB # _____	TRACT # _____
PROPERTY OWNER: _____	
ADDRESS: _____ _____	
TELEPHONE # _____	

MORTGAGE COMPANY _____
ADDRESS: _____ _____
TELEPHONE # _____
LOAN # _____
CONTACT PERSON: _____

Due to the construction of the above mentioned project we are acquiring property from your mortgagor. It may be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principle balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage, write "none." Must be signed by owner even if no mortgage.

By our signatures we are authorizing the Arkansas State Highway & Transportation Department to enter into the process necessary to obtain a Partial Release, if necessary.

Mortgagor's Signature _____ Date _____

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

September 6, 2005
City Council Meeting Date

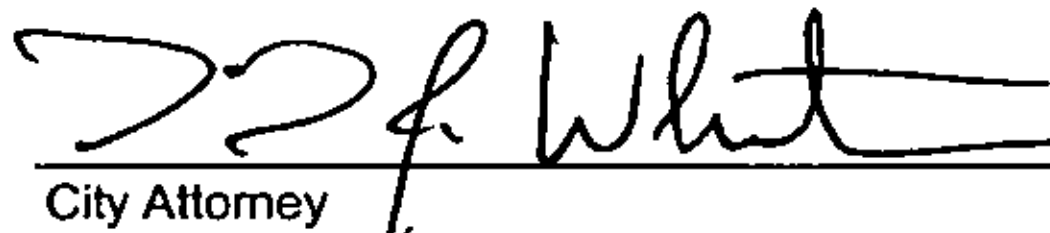
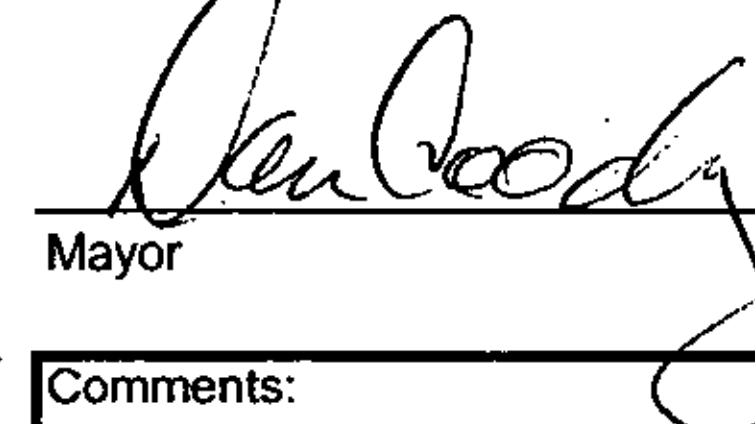
Ron Petrie Engineering Operations
Submitted By Division Department

Action Required:

A resolution to accept offers totaling approximately \$34,475 from the Arkansas State Highway Commission for 3 tracts of City property (18,441 sq. ft., more or less) along Razorback Road (Hwy 112), ~~and to waive the requirements of Section 34.27, Sale Of Municipally Owned Real Property,~~ and to authorize the Mayor to execute deeds and any other necessary papers to effect a transfer of ownership of this property.

\$ 34,475 Revenue Cost of this request	\$ - Category / Project Budget	Gain/Loss - Sale of Assets Program Category / Project Name
2100-0910-4881-02 Account Number	\$ - Funds Used to Date	Program / Project Category Name
Project Number	\$ - Remaining Balance	Stunt Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

 Department Director	8-18-05 Date	Previous Ordinance or Resolution # _____
 City Attorney	8/19/05 Date	Original Contract Date: _____
 Finance and Internal Service Director	8-19-05 Date	Original Contract Number: _____
 Mayor	8/19/05 Date	

Received in City Clerk's Office

Received in Mayor's Office


Comments:



Date: August 19, 2005
To: Fayetteville City Council
Thru: Dan Coody, Mayor
Gary Dumas, Director of Operations
From: Ron Petrie, City Engineer 
Subject: **Gregg Avenue (Hwy 180) Widening Project
Right-Of-Way Acquisition**

RECOMMENDATION

Staff recommends Council approval of the dedication of right-of-way to the Arkansas State Highway Commission.

BACKGROUND

The City adopted Resolution No. 110-01 supporting the widening of Hwy 180 (Gregg Ave) from Township Street to Fulbright Expressway and agreeing to certain terms with the Arkansas State Highway & Transportation Department (AHTD). AHTD will construct the new roadway at their cost in exchange for the City reimbursing AHTD for right-of-way acquisitions and utility relocations. Additionally, once the project is complete, the City will accept for future maintenance the entire section of Hwy 180 from N. College to the Fulbright Expressway which includes Township Street from N. College to Gregg Avenue, and Gregg Avenue from Township Street to the Fulbright Expressway. Township Street and Gregg Avenue will be removed from the State Highway System and become part of the City Street System.

DISCUSSION

For the purposes of constructing the proposed widening project, AHTD is requesting the acquisition of two parcels of City land for State Highway right-of-way. Tract 9 is 12,181 square feet, more or less and Tract 17 is 433 square feet, more or less for a total of 12,614 square feet, more or less which has an estimated land value of \$16,600. This property will be conveyed to AHTD for the construction of this project, but will be conveyed back to the City once the project has been completed and the entire roadway including State right-of-way is turned over to the City for maintenance.

BUDGET IMPACT

No Impact.

RP/pdl
Attachments: Two AHTD Contracts To Sell

RESOLUTION NO. _____

A RESOLUTION APPROVING THE TRANSFER OF 2 PARCELS OF LAND (APPROXIMATELY 12,614 SQUARE FEET TOTAL) TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR RIGHT-OF-WAY ASSOCIATED WITH THE GREGG AVENUE WIDENING.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby authorizes the Mayor and City Clerk to execute deeds and any other instruments necessary to effect the transfer of these properties.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

JOB NAME: Township Rd. – Futrall Dr. (Gregg Ave. – Fayetteville) JOB
TRACT

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address: Fayetteville, AR

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Southeast Quarter of Section 34, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at a point of commencement being used as the Southeast 1/16 corner of Section 34; thence South 87° 26' 57" East along the North line of the Southeast Quarter of the Southeast Quarter of Section 34 a distance of 448.88 feet to a point on the Easterly prescriptive right of way line of State Highway 180 as established by Affidavit from the City of Fayetteville dated November 6, 2001; thence North 28° 10' 58" West along said right of way line a distance of 126.38 feet to a point; thence North 87° 34' 04" West along said right of way line a distance of 9.79 feet to a point; thence North 26° 12' 38" West along said right of way line a distance of 464.23 feet for the point of beginning; thence North 20° 00' 15" West along said right of way line a distance of 142.96 feet to a point on the Northeasterly right of way line of State Highway 180 as established by AHTD Job 040420; thence South 55° 27' 48" East along said right of way line a distance of 34.27 feet to a point; thence South 20° 44' 25" East along said right of way line a distance of 105.00 feet to a point; thence South 07° 07' 21" West along said right of way line a distance of 11.91 feet to a point; thence South 71° 59' 18" West a distance of 15.81 feet to the point of beginning and containing 0.06 acres more or less as shown on plans prepared by the AHTD referenced as Job 040420.

And Also:

Part of the North 1/2 of the Southeast Quarter and part of the Southwest Quarter of the Northeast Quarter all being in Section 34, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at a point of commencement being used as the Center East 1/16 corner of Section 34; thence North 87° 29' 51" West along the North line of the Northwest Quarter of the Southeast Quarter of Section 34 a distance of 59.01 feet to a point on the Easterly right of way line of State Highway 180 as established by AHTD Job 040420 for the point of beginning; thence South 05° 21' 20" East along said right of way

line a distance of 23.81 feet to a point; thence South 06° 55' 03" East along said right of way line a distance of 174.53 feet to a point; thence South 07° 48' 34" East along said right of way line a distance of 148.55 feet to a point; thence South 09° 31' 48" East along said right of way line a distance of 98.15 feet to a point; thence South 10° 47' 15" East along said right of way line a distance of 69.83 feet to a point on the Easterly prescriptive right of way line of State Highway 180 as established by Affidavit from the City of Fayetteville dated November 6, 2001; thence North 13° 27' 42" West along said right of way line a distance of 141.74 feet to a point; thence North 10° 14' 18" West along said right of way line a distance of 291.22 feet to a point; thence North 08° 05' 22" West along said right of way line a distance of 96.51 feet to a point; thence North 86° 19' 55" East along said right of way line a distance of 6.17 feet to a point; thence in a Northwesterly direction along said right of way line on a curve to the right having a radius of 1879.86 feet a distance of 117.83 feet having a chord bearing of North 01° 52' 20" West a distance of 117.81 feet to a point; thence North 00° 04' 36" West along said right of way line a distance of 32.90 feet to a point; thence South 88° 32' 02" East a distance of 18.01 feet to a point on the Easterly right of way line of State Highway 180 as established by AHTD Job 040420; thence South 11° 38' 04" East along said right of way line a distance of 55.19 feet to a point; thence South 83° 52' 59" West along said right of way line a distance of 17.03 feet to a point; thence South 06° 49' 53" East along said right of way line a distance of 49.16 feet to a point; thence South 05° 21' 20" East along said right of way line a distance of 56.60 feet to the point of beginning and containing 0.22 acres more or less as shown on plans prepared by the AHTD referenced as Job 040420.

Total area to acquire containing 0.28 acres more or less.

DCM/crr
11/01/04

- ☒ Uncontrolled Access
☐ Partially Controlled Access -- Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

JOB NAME: Township Rd. – Futrall Dr. (Gregg Ave. – Fayetteville)

Gregg Avenue (Hwy 180) Widening Project
C. 4.
Page 5 of 6

JOB
TRACT

040420
17

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Fayetteville
Address:

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Washington, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of Lot 21 of the Sunbridge Center Subdivision to the City of Fayetteville, Township 17, North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at a point of commencement being used as the Southeast 1/16 corner Section 34; thence South 87° 26' 57" East along the North line of the Southeast Quarter of the Southeast Quarter of Section 34 a distance of 448.88 feet to a point on the Easterly prescriptive right of way line of State Highway 180 as established by Affidavit from the City of Fayetteville dated November 6, 2001; thence South 28° 10' 58" East along said right of way line a distance of 77.52 feet to a point; thence South 28° 16' 30" West along said right of way line a distance of 260.80 feet for the point of beginning; thence South 67° 58' 32" East a distance of 42.61 feet to a point on the Northerly right of way line of Sunbridge Drive as established by the plat of Sunbridge Center Subdivision recorded in Plat Book 13, Page 60; thence South 67° 25' 13" West along said right of way line a distance of 30.00 feet to a point on the Easterly prescriptive right of way line of State Highway 180 as established by Affidavit from the City of Fayetteville dated November 6, 2001; thence North 22° 24' 45" West along said right of way line a distance of 25.81 feet to a point; thence North 28° 16' 30" West along said right of way line a distance of 4.13 feet to the point of beginning and containing 433 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040420.

DCM/crr
04/27/05

- ☒ Uncontrolled Access
☐ Partially Controlled Access – Access break from Station _____ to Station _____
☐ Fully Controlled Access
☐ Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator
By _____ Date _____

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

September 6, 2005
City Council Meeting Date

Ron Petrie
Submitted By

Engineering
Division

Operations
Department

Action Required:

A resolution to convey 2 tracts of City property (12,614 sq. ft., more or less) along Gregg Avenue (Hwy 180) to the Arkansas State Highway Commission, ~~and to waive the requirements of Section 34.27, Sale Of Municipally Owned Real Property,~~ and to authorize the Mayor to execute a deed and any other necessary papers to effect a transfer of ownership of this property

\$ - Cost of this request	\$ 360,000.00 Category / Project Budget	Gregg - Fulbright to Township ROW Program Category / Project Name
4470.9470.5809.00 Account Number	\$ 330,000.00 Funds Used to Date	Street Improvements Program / Project Category Name
04010 Project Number	\$ 30,000.00 Remaining Balance	Sales Tax Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date

Original Contract Number:

Finance and Internal Service Director

Date

Received in City Clerk's Office



Mayor

Date

Received in Mayor's Office



Comments:

CITY ATTORNEY AGENDA REQUEST

C. 5
Amend 166.05 (LSD)
Page 1 of 6

FOR: COUNCIL MEETING OF September 6, 2005
~~MARCH 15, 2005~~

FROM:
KIT WILLIAMS, CITY ATTORNEY

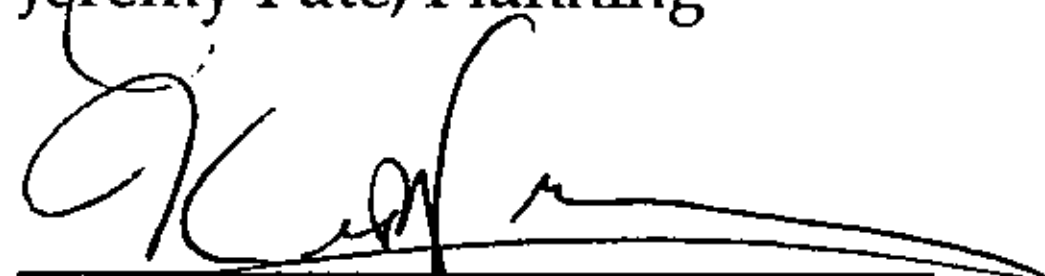
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Clarify That The Miscellaneous Requirements For Large Scale Developments Found In §166.05 (C) (6) And (7) Also Apply To Preliminary Plats

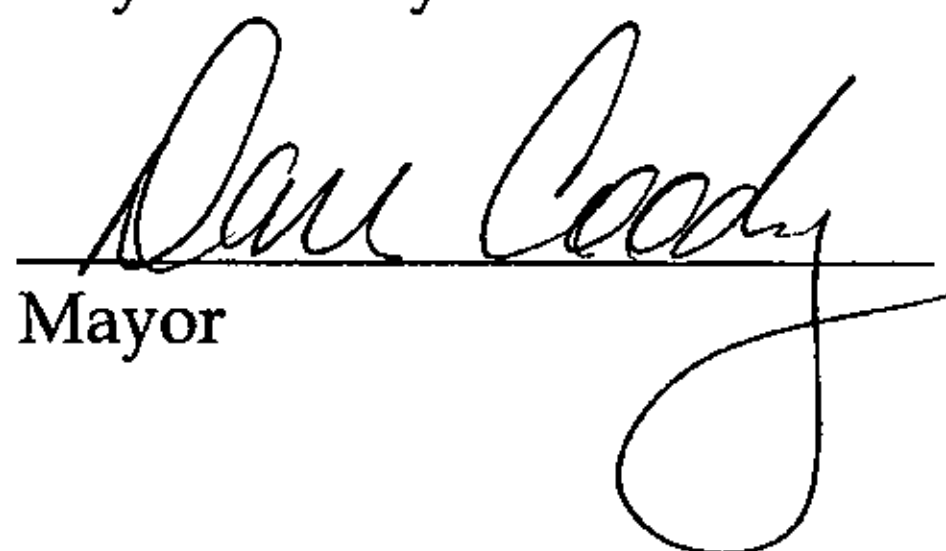
APPROVED FOR AGENDA:



Jeremy Pate, Planning 08.15.05
Date



City Attorney 8/15/05
Date

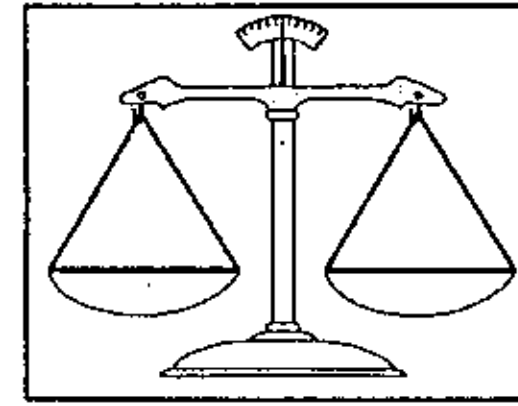


Mayor 8/15/05
Date

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

C. 5
Amend 166.05 (LSD)
Page 2 of 6

TO: **Dan Coody, Mayor**
City Council

CC: **Jeremy Pate, Planning**

FROM: **Kit Williams, City Attorney**

DATE: **August 15, 2005**

RE: **Amendments to §166.05 (C) (6) and (7) of UDC**

§166.05 (C) (6) and (7) should be amended to include "or Preliminary Plat" at several locations to ensure the same factors that the Planning Commission may consider in accepting or rejecting Large Scale Developments are also relevant to Preliminary Plats.

Without this clarification, a developer could challenge the Planning Commission's authority (and the City Council's authority on appeal) to reject a Preliminary Plat even if it clearly created or compounded a dangerous traffic condition or otherwise did not comply with the other considerations stated in the Unified Development Code.

ORDINANCE NO. _____

AN ORDINANCE TO CLARIFY THAT THE MISCELLANEOUS
REQUIREMENTS FOR LARGE SCALE DEVELOPMENTS
FOUND IN §166.05 (C) (6) AND (7) ALSO APPLY TO
PRELIMINARY PLATS

WHEREAS, the Unified Development Code clearly sets forth the grounds which
could justify the Planning Commission to reject a Large Scale Development; and

WHEREAS, this section should expressly refer to Preliminary Plats to ensure
these considerations also apply to approval/rejection decisions for Preliminary Plats.

**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
amends §166.05 (C) (6) and (7) by deleting those subsections in their entirety and
enacting new subsection 6 entitled: "*Dedication of right-of-way*" and a new subsection 7
entitled: "*Miscellaneous requirements for both Large Scale Developments and
Preliminary Plats*" as shown on Exhibit "A" attached hereto.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

(6) *Dedication of right-of-way.* Dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the large scale development or preliminary plat into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(7) *Miscellaneous requirements for both large scale developments and preliminary plats.*

(a) Comply with those requirements of 166.01 through 166.04 of the development regulations pertaining to streets, surface drainage system, water system, sanitary sewer systems; and, if the development is housing, said requirements pertaining to public parks; and install a sidewalk adjacent to all abutting streets or highways in accordance with city specifications for sidewalk construction.

(b) The developer may be required to install off-site improvements, where the need for such improvements is created in whole or in part by the proposed large scale development or preliminary plat. For purposes of this section, an off-site improvements shall mean all or any part of, a street, surface drainage system, water system, or sanitary sewer system, which is to be installed on property located outside the proposed large scale development or preliminary plat.

(c) Any required off-site improvements shall be installed according to city standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the large scale development or preliminary plat.

(d) The Subdivision Committee or Planning Commission may refuse to approve a large scale development or preliminary plat for any of the following reasons:

(i) The preliminary plat or development plan is not submitted in accordance with the requirements of this chapter.

(ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.

(iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

(iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

(v) City water and sewer is not readily available to the property within the large scale development or preliminary plat and the developer has made no provision for extending such service to the development.

(vi) The developer refused to comply with subsection (7) (b) and (c) pertaining to required on-site and off-site improvements.

Fayetteville Code of Ordinances

inches. The vicinity map need not be drawn to scale.

- (2) **Site location map.** The site location map shall depict the following:

- (a) The size and shape of the property on which the development is to be located.
- (b) The location, size and arrangement of existing buildings, signs, outdoor advertising, and other improvements, water courses, ponds and streams, and any other distinctive or unusual features that will remain after the development is completed.
- (c) The location, size and arrangement of proposed buildings or additions, parking and loading areas, and the type of surfacing proposed for such areas, streets, driveways, curb cuts, community facilities, pedestrian ways, and open spaces.

- (3) **Legal description.** A correct legal description of the property located within the large scale development, and a correct legal description, certified by an abstractor or surveyor, of street right-of-way dedications and vacations and utility and drainage easements.

- (4) **Vicinity map.** The vicinity map shall depict the following:

- (a) The location and name of any street which abuts or intersects the large scale development; and,
- (b) The location and name of any other street, building or landmark necessary to clearly indicate the location of the large scale development.

- (5) **Preliminary street and drainage plans.** (Required only where the developer proposes new streets or an alteration in the existing street plan.) Submit to the Zoning and Development Administrator for review by the Plat Review Committee preliminary street and drainage plans, showing alignment of streets and direction of flow of storm and sanitary sewers in relation to topography. Where an official street and drainage plan exists, it shall be submitted for purposes of comparison.

- (6) **Dedication of right-of-way.** Dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the large scale development into conformance with the right-of-way

requirements of the Master Street Plan for said streets; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

- (7) **Miscellaneous requirements.**

- (a) Comply with those requirements of §166.03 through §166.04 of the development regulations pertaining to streets, surface drainage system, water system, sanitary sewer systems; and, if the development is multi-family housing, said requirements pertaining to public parks; and install a sidewalk adjacent to all abutting streets or highways in accordance with city specifications for sidewalk construction.

- (b) The developer may be required to install off-site improvements, where the need for such improvements is created in whole or in part by the proposed large scale development. For purposes of this section, an off-site improvement shall mean all or any part of, a street, surface drainage system, water system, or sanitary sewer system, which is to be installed on property located outside the proposed large scale development.

- (c) Any required off-site improvements shall be installed according to city standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the large scale development.

- (d) The Subdivision Committee or Planning Commission may refuse to approve a large scale development for any of the following reasons:

- (i) The development plan is not submitted in accordance with the requirements of this section.
- (ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.
- (iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
- (iv) The proposed development would create or compound a dangerous

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: August 15, 2005

Subject: Annexation for Lamberth-Carlton (ANX 05-1628)

RECOMMENDATION

The Planning Commission voted to recommend approval of the subject annexation request submitted by H2 Engineering, Inc. for approximately 13.00 acres of property located east of Dead Horse Mountain Road. This action will incorporate the 13.00-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains approximately 13.00 acres and is located east of Dead Horse Mountain Road. The tract of property is within the Planning Area and is surrounded by the City limits to the north, east, and west. The property is wooded and lies at the base of Stonebridge Mountain. 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. The applicant intends to develop the property for residential use within the City of Fayetteville and has proposed a Residential Planned Zoning District. 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 August 8, 2005. The Planning Commission voted 8-0-0 to recommend this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED
IN ANNEXATION PETITION ANX 05-1628 FOR PROPERTY
LOCATED EAST OF DEADHORSE MOUNTAIN ROAD,
CONTAINING 13.00 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 05-1628

PARCEL: 001-11266-000 DEED: 2005-3737
PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°34'09"W 660.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, AND RUNNING THENCE S02°41'50"W 660.72 FEET, THENCE N87°32'05"W 198.00 FEET, THENCE N02°41'50"E 660.60 FEET, THENCE S87°34'09"E 198.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.0 ACRES, MORE OR LESS, SUBJECT TO EXISTING EASEMENTS AND RIGHT-OF-WAYS. SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE ROADWAY EASEMENT OVER AND ACROSS THE NORTH SIDE OF HEREIN DESCRIBED TRACT AS REFERRED TO IN WARRANTY DEED BOOK 1212 AT PAGE 442, WASHINGTON COUNTY, ARKANSAS. ALSO SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN WARRANTY DEED BOOK 97 AT PAGE 81630, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO EASEMENT, RIGHTS-OF-WAY, AND OTHER RESTRICTIONS OF RECORD, IF ANY.

PARCEL: 001-11265-000 DEED: 97-81630
A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE WEST 660 FEET, THENCE SOUTH 660 FEET, THENCE EAST 660 FEET, THENCE NORTH 660 FEET TO THE POINT OF BEGINNING, CONTAINING 10 ACRES, MORE OR LESS.

ALSO, ALL RIGHTS TO A 30 FOOT WIDE ROADWAY EASEMENT AS DESCRIBED IN RECORD BOOK 965 AT PAGE 239.

ALSO, AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY CONSTRUCTION FOR THE USE AND BENEFIT OF BOTH HERSHELL E. ROGERS AND RUBY L. ROGERS, HUSBAND AND WIFE, AND THOMAS R. AHREND AND SUSAN V. AHREND, HUSBAND AND WIFE, THEIR HEIRS AND ASSIGNS, OVER AND ACROSS THE FOLLOWING DESCRIBED LAND: A PART OF THE S 1/2 OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING AT A POINT WHERE THE NORTH LINE OF SAID 20 ACRE TRACT INTERSECTS AT THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD, THENCE EAST 962 FEET, THENCE SOUTH 30 FEET, THENCE WEST 962 FEET, THENCE IN A NORTHERLY DIRECTION TO THE POINT OF BEGINNING.

SUBJECT TO RIGHT OF WAYS, EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



PC Meeting of August 08, 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: August 2, 2005

ANX 05-1628: Annexation (LAMBERTH-CARLTON INVESTMENTS, 685): Submitted by H2 ENGINEERING, INC. for property located E OF DEADHORSE MTN RD. The property is in the Planning Area and contains approximately 13.00 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owner: LAMBERTH-CARLTON

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>August 08, 2005</u>	☒ Approved ☐ Denied
CITY COUNCIL ACTION:	Required: <u>YES</u>
Date: <u>September 06, 2005 (1st reading if recommended)</u>	☒ Approved ☐ Denied

BACKGROUND:

Property description: The subject property contains approximately 13 acres located east of Dead Horse Mountain Road. The property is fully wooded and lies at the base of Stonebridge Mountain. It is currently within the Planning Area and surrounding by the city limits to the north, east and west.

Proposal: The applicant proposes annexation of approximately 13 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	Stonebridge Meadows Golf Course	R-A, Residential Agricultural
South	Vacant	Planning Area
East	Vacant	R-A, Residential Agricultural
West	Vacant	R-A, Residential Agricultural

INFRASTRUCTURE:

Streets: The site would have access to Dead Horse Mountain Road, a minor arterial. Off-site improvements to Dead Horse Mountain Road are currently being evaluated by staff.

Surrounding Master Street Plan Streets:

South: Dead Horse Mountain Road (Minor Arterial)

Water: Public water is near to the site. There is a 6" waterline along Dead Horse Mountain Road to the west. Water service will need to be extended at the cost of the developer within the property at the time of development connecting within the proposed development to the east to make a looped system. There are no planned long range improvements for the water system in this area.

Sewer: Sanitary sewer is not adjacent to the site. Sewer service will need to be extended at the cost of the developer within the property at the time of development. A downstream study of the sanitary sewer system shall be complete by the developer prior to submittal of construction plans.

Drainage: The site is mostly on a hillside of mostly areas that contain 15% or greater slopes. Runoff from the site flows overland to the west to an existing swale and then north to a tributary of the West Fork of the White River.

Fire: The subject property is located approximately 3.5 miles from the Fire Station #5. Response time to the property at maximum build-out is projected at approximately 8 minutes. Response time is projected at 5 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 have a negligible impact on both the population density and traffic congestion for the surrounding areas.

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 or a peninsula. It will "fill in" the city limits where the existing property is currently bordered by the city limits in three directions.

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 vacant at this time and located adjacent to property zoned R-A, Residential Agricultural. The owner of this property has proposed a Residential Planned Zoning District for this property combined with an additional 123 acres. 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.

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 3 minutes with the construction of a new fire station on Huntsville Road at the Tyson Plant. 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.

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. It is located adjacent to an extension of City property and in close proximity to a large area of property west of Dead Horse Mountain Road that was recently annexed by the City of Fayetteville. To expand the city limits to the south in this location 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, but does not request to rezone the property at this time. The applicant has submitted an R-PZD for development of this property in conjunction with an additional 123 acres to the east.

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 and has been proposed as an R-PZD. This development shall be reviewed by both the Planning Commission and City Council for compatibility and appropriate density, use, etc.

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.

Finding: The property is forested and located at the base of Stonebridge Mountain. 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 have a negligible impact on both the population density and traffic congestion for the surrounding areas.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: The property surrounding the subject property is within the City and within the service limits of the fire and police. Service shall be provided to this area with the same level of response and service as other developments in this area. Future development of this and surrounding properties will increase the number of responses emergency services have to this property.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in the surrounding areas. The subject property is not being served by city 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.w Encourage larger annexations to create acceptable boundaries.

Finding: This annexation consists of approximately 13 acres and is adjacent to city property to the north, east and west. The annexation of the subject property will further define the southern boundary of the City.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 13 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

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 6
ANX.05-1628 (Lamberth-Carlton)
Page 11 of 26

POLICE DEPARTMENT

July 29, 2005

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

Mr Pate:

This document is in response to the request for a determination of whether the proposed ANX 05-1628 (Lamberth-Carlton Investments, 685) submitted by submitted by H2 Engineering Inc. for property located east of Deadhorse Mountain Road 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 annexation will have a negligible impact on both the population density and traffic congestion for that area.

Sincerely,

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

Lieutenant Rob Turberville
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review

[illegible]

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8267

PLANNING DIVISION CORRESPONDENCE

TO: GIS
FROM: Jan Gambill, Senior Planning Clerk
DATE:
SUBJECT: Legal check for planning project

*Also see: legal/ks/any/
2005/Anx05-west.Gpp*

Project Name: ANX 05-1628 Lamberth-Carlton Return by: _____
Parcel: 001-11266-000, 001-11265-000

Plat Page#: 685
Section: 25
Township: 16
Range: 30

Current Zoning: County
Proposed Zoning: R-A

Submittal: 1st 2nd 3rd

Closure error / comments: OK

Has the applicant been contacted with requested revisions:

YES NO

Checked by: CP

Date shape file was created: 7.13.2005

LAMBERTH-CARLTON INVESTMENTS, LLC - 13 ACRES
ANNEXATION SUBMITTAL

PARCEL: 001-11266-000 DEED: 2005-3737

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°34'09"W 660.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, AND RUNNING THENCE S02°41'50"W 660.72 FEET, THENCE N87°32'05"W 198.00 FEET, THENCE N02°41'50"E 660.60 FEET, THENCE S87°34'09"E 198.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.0 ACRES, MORE OR LESS, SUBJECT TO EXISTING EASEMENTS AND RIGHT-OF-WAYS. SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE ROAD WAY EASEMENT OVER AND ACROSS THE NORTH SIDE OF HEREIN DESCRIBED TRACT AS REFERRED TO IN WARRANTY DEED BOOK 1212 AT PAGE 442, WASHINGTON COUNTY, ARKANSAS. ALSO SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN WARRANTY DEED BOOK 97 AT PAGE 81630, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO EASEMENT, RIGHTS-OF-WAY, AND OTHER RESTRICTIONS OF RECORD, IF ANY.

PARCEL: 001-11265-000 DEED: 97-81630

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE WEST 660 FEET, THENCE SOUTH 660 FEET, THENCE EAST 660 FEET, THENCE NORTH 660 FEET TO THE POINT OF BEGINNING, CONTAINING 10 ACRES, MORE OR LESS.

ALSO, ALL RIGHTS TO A 30 FOOT WIDE ROADWAY EASEMENT AS DESCRIBED IN RECORD BOOK 965 AT PAGE 239.

ALSO, AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY CONSTRUCTION FOR THE USE AND BENEFIT OF BOTH HERSHELL E. ROGERS AND RUBY L. ROGERS, HUSBAND AND WIFE, AND THOMAS R. AHREND AND SUSAN V. AHREND, HUSBAND AND WIFE, THEIR HEIRS AND ASSIGNS, OVER AND ACROSS THE FOLLOWING DESCRIBED LAND: A PART OF THE S 1/2 OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING AT A POINT WHERE THE NORTH LINE OF SAID 20 ACRE TRACT INTERSECTS AT THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD, THENCE EAST 962 FEET, THENCE SOUTH 30 FEET, THENCE WEST 962 FEET, THENCE IN A NORTHERLY DIRECTION TO THE POINT OF BEGINNING.

SUBJECT TO RIGHT OF WAYS, EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

EXHIBIT "A"



H2 ENGINEERING



June 29, 2005

Planning Division
City of Fayetteville
125 West Mountain
Fayetteville, AR 72701

**RE: LAMBERTH-CARLTON INVESTMENTS LLC – 13 ACRES
REQUEST FOR ANNEXATION**

To whom it may concern:

The property owners for the above referenced project are Dewitt Goff (Parcel # 001-11266-000) and Don and Connie West (Parcel # 001-11265-000). The property is located in southeast Fayetteville, approximately 480 feet east of Dead Horse Mountain Road and 0.9 miles south of the intersection of Goff Farm Road.

The proposed annexation area is contiguous to a 123-acre parcel being considered for development. This 13-acre parcel will be integrated into the master development plan of the adjacent property. The property is contiguous to Fayetteville City Limits along the north, east, and west boundaries of the parcels. The subject property is bound by undeveloped properties to all sides.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kipp Hearne', is written over a horizontal line.

Kipp Hearne, P.E.
Vice-President

FILED

2005 JUN 10 AM 11 15

KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

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. CC2005-20

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

The Petitioners, Connie S. West, Don West, and Dewitt C. Goff, 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 collectively 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. Connie S. West and Don West own the real property designated by Washington County as parcel number 001-11265-000, and Dewitt C. Goff owns the real property designated by Washington County as parcel number 001-11266-000, which are the parcels set forth and described in Exhibit A.
2. The Petitioners name James E. Atwood, Attorney at Law, P.A. as the person 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.

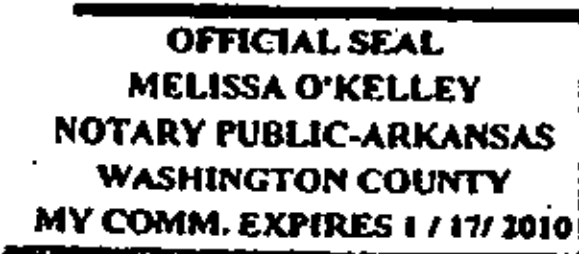
Respectfully executed this 10 day of June, 2005.

Connie S. West
Connie S. West

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 10th day of June, 2005.

My Commission Expires:

1-17-10 Melissa O'Kelley

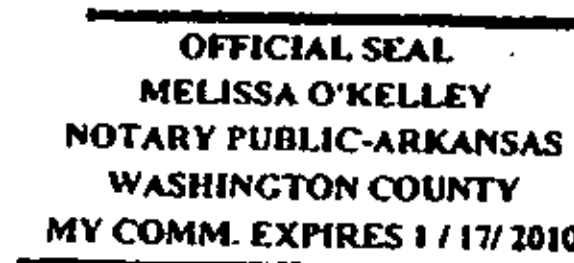


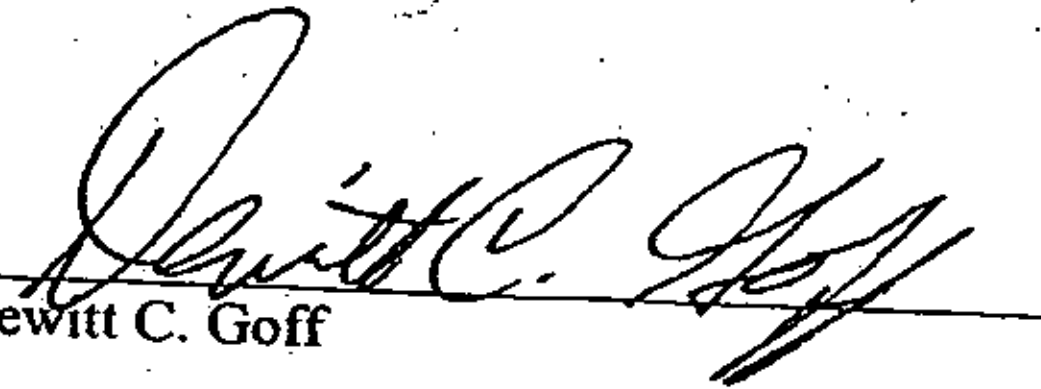
Don West
Don West

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 10th day of June, 2005.

My Commission Expires:

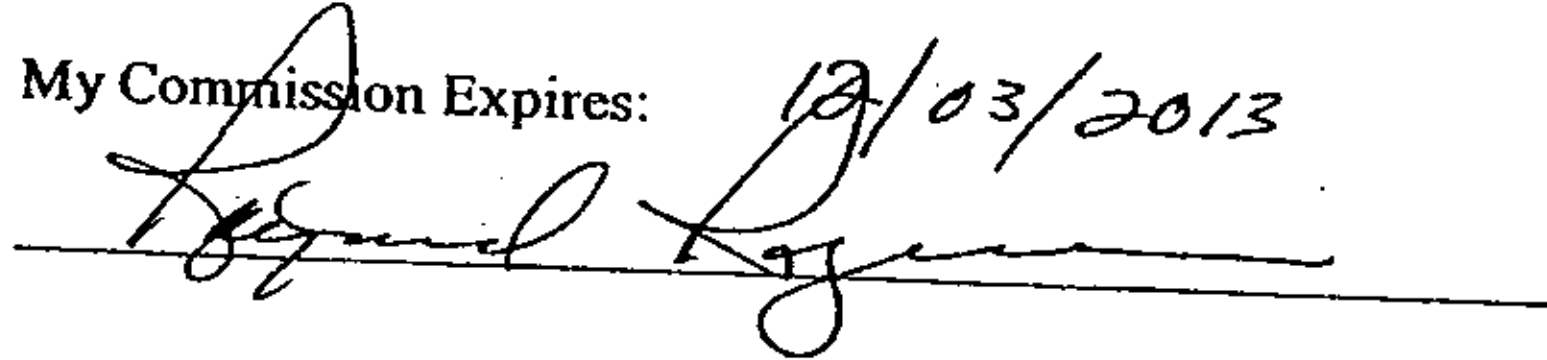
1-17-10 Melissa O'Kelley




Dewitt C. Goff

SUBSCRIBED AND SWORN TO before me, a Notary Public, on this the 09 day of
JUNE, 2005.

My Commission Expires: 12/03/2013





IN THE COUNTY COURT OF WASHINGTON COUNTY

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

NO. CC-2005-20

ORDER OF ANNEXATION

Now on this 13th day of July, 2005, this cause comes on to be heard, the Petitioners, Connie S. West, Don West, and Dewitt C. Goff, who are represented by 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 10th day of June, 2005 at which time this Court fixed the 13th day of July, 2005, at 10:00 a.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.

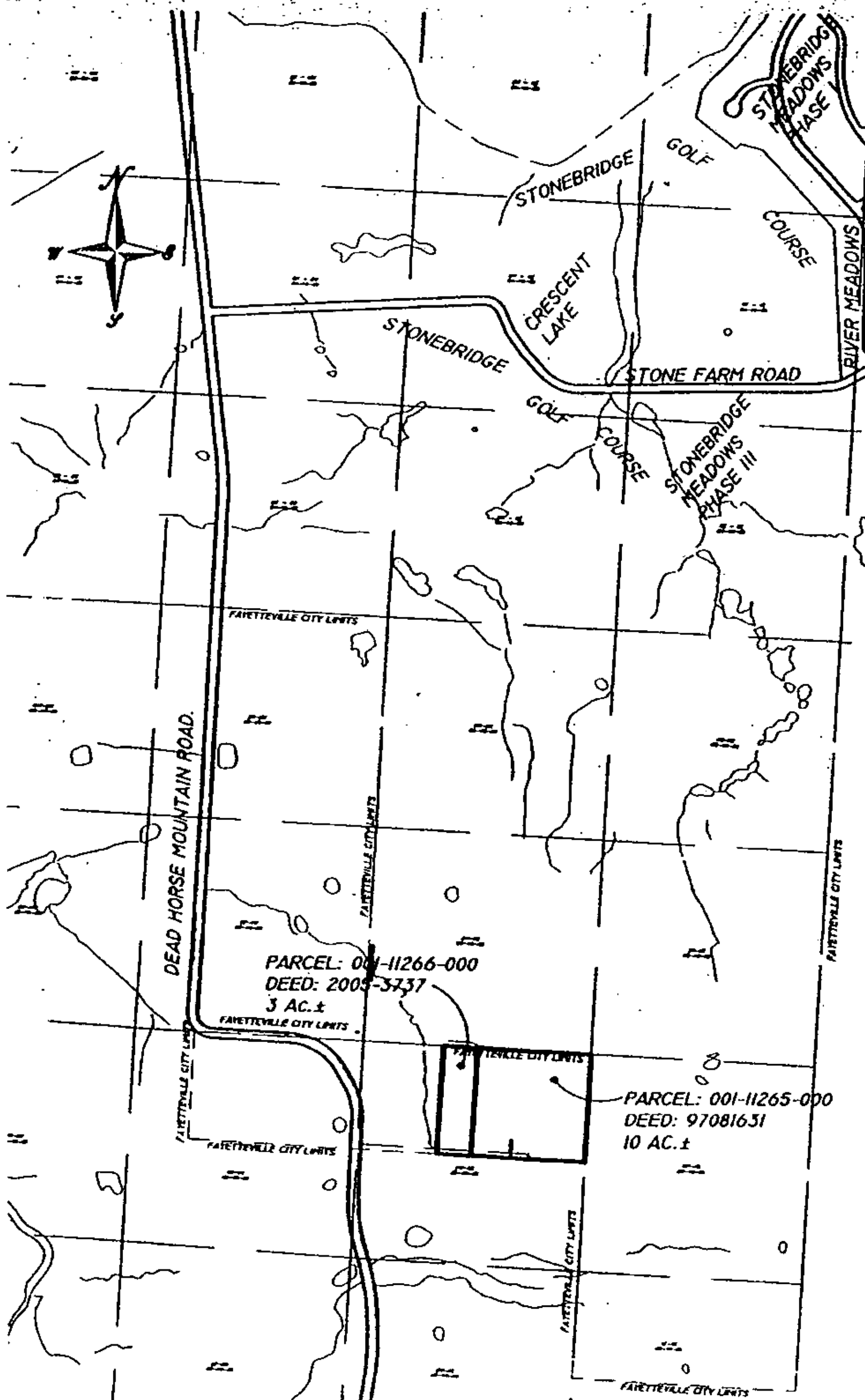
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2005 JUL 13 AM 10 03
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

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 July, 2005.


The Honorable Jerry Hunton
Washington County Judge



PARCEL: 001-11266-000 DEED: 2005-3737
PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°34'09"W 660.00 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, AND RUNNING THENCE S02°41'50"W 660.72 FEET, THENCE N87°32'05"W 198.00 FEET, THENCE N02°41'50"E 660.60 FEET, THENCE S87°34'09"E 198.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.0 ACRES, MORE OR LESS, SUBJECT TO EXISTING EASEMENTS AND RIGHT-OF-WAYS. SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE ROADWAY EASEMENT OVER AND ACROSS THE NORTH SIDE OF HEREIN DESCRIBED TRACT AS REFERRED TO IN WARRANTY DEED BOOK 1212 AT PAGE 442, WASHINGTON COUNTY, ARKANSAS. ALSO SUBJECT TO AND HAVING RIGHTS TO A 30' WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN WARRANTY DEED BOOK 97 AT PAGE 81630, WASHINGTON COUNTY, ARKANSAS.

SUBJECT TO EASEMENT, RIGHTS-OF-WAY, AND OTHER RESTRICTIONS OF RECORD, IF ANY.

PARCEL: 001-11265-000 DEED: 97-81630
A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE WEST 660 FEET, THENCE SOUTH 660 FEET, THENCE EAST 660 FEET, THENCE NORTH 660 FEET TO THE POINT OF BEGINNING, CONTAINING 10 ACRES, MORE OR LESS.

ALSO, ALL RIGHTS TO A 30 FOOT WIDE ROADWAY EASEMENT AS DESCRIBED IN RECORD BOOK 965 AT PAGE 239.

ALSO, AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY CONSTRUCTION FOR THE USE AND BENEFIT OF BOTH HERSHELL E. ROGERS AND RUBY L. ROGERS, HUSBAND AND WIFE, AND THOMAS R. AHREND AND SUSAN V. AHREND, HUSBAND AND WIFE, THEIR HEIRS AND ASSIGNS, OVER AND ACROSS THE FOLLOWING DESCRIBED LAND: A PART OF THE S 1/2 OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, DESCRIBED AS BEGINNING AT A POINT WHERE THE NORTH LINE OF SAID 20 ACRE TRACT INTERSECTS AT THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD, THENCE EAST 962 FEET, THENCE SOUTH 30 FEET, THENCE WEST 962 FEET, THENCE IN A NORTHERLY DIRECTION TO THE POINT OF BEGINNING.

SUBJECT TO RIGHT OF WAYS, EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

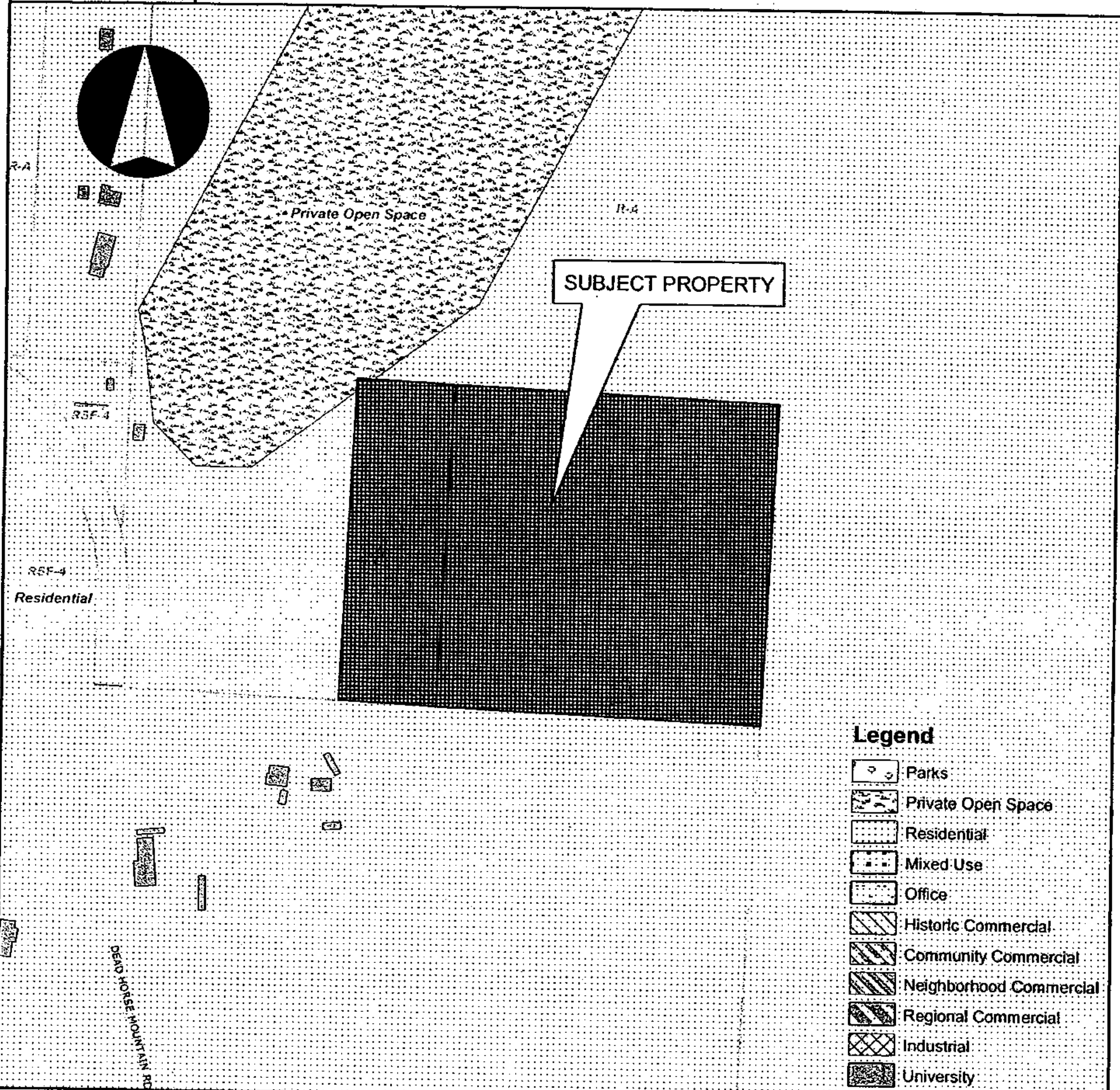
VICINITY MAP

Checked by: TAH	 H2 ENGINEERING, INC. 2758 MILLENNIUM DRIVE Suite 1 FAYETTEVILLE, ARKANSAS PHONE: (479) 582-H2EI FAX: (479) 582-9254
Drawn by: PMM	
Horizontal Scale: 1" = 300'	
Vertical Scale: n/a	
Date: 13APR05	
Page No.: 607, 646, 685 Project Number: 05-022 Notes:	

ANX05-1628

Future Land Use

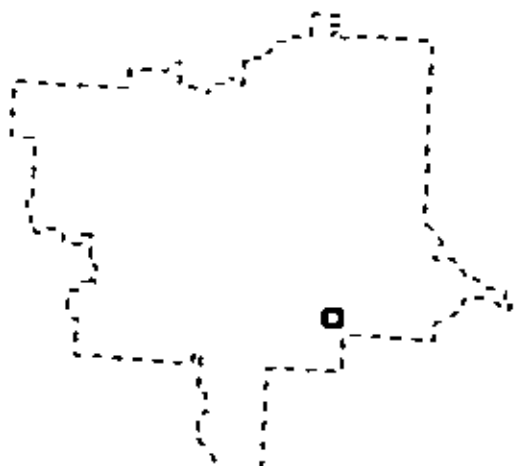
LAMBERTH-CARLTON INVESTMENTS



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

ANX05-1628

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

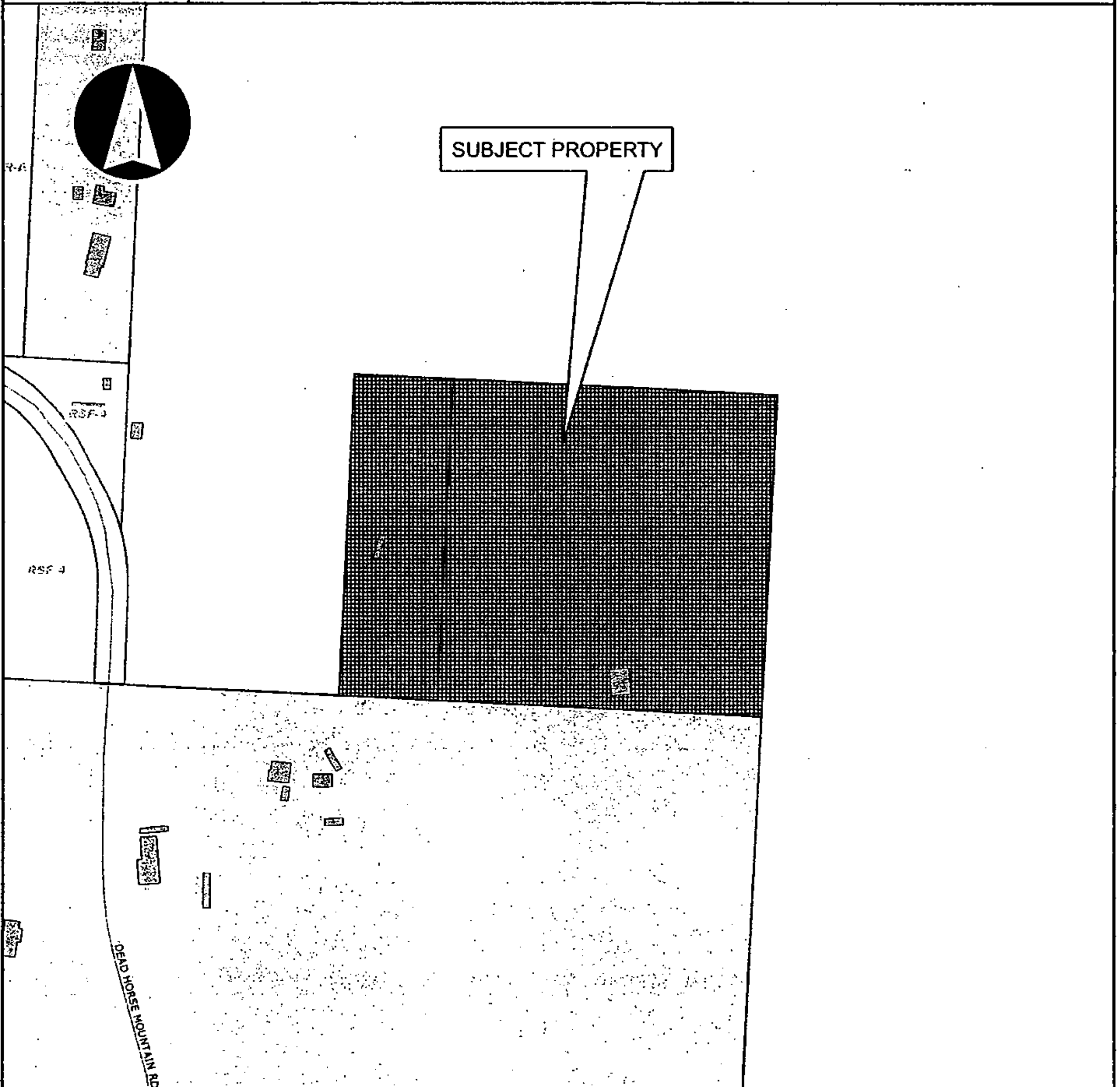
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 100 200 400 600 800 Feet

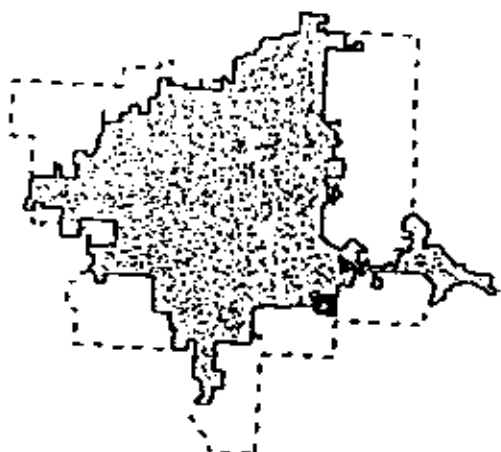
ANX05-1628

LAMBERTH-CARLTON INVESTMENTS

Close Up View



Overview



Legend

ANX05-1628

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

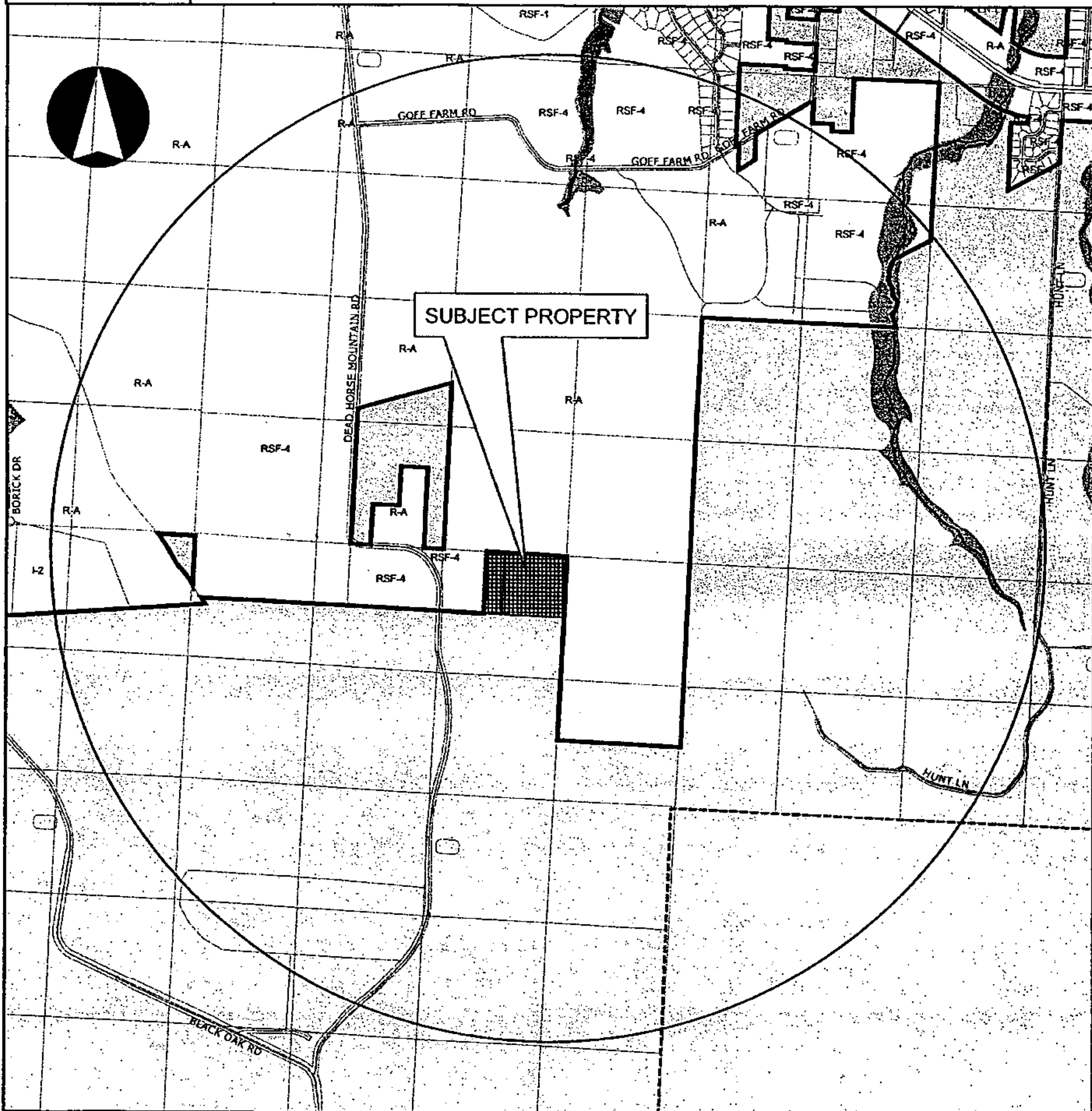
Outside City

0 75 150 300 450 600 Feet

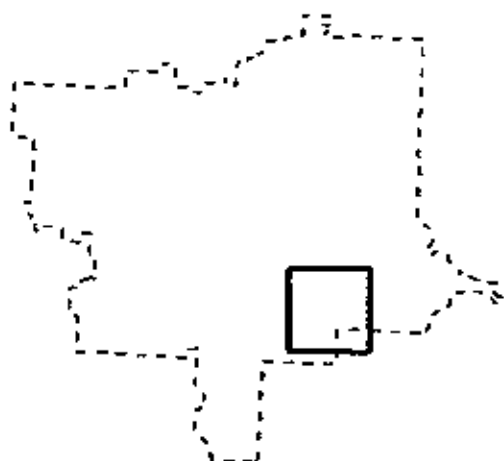
ANX05-1628

LAMBERTH-CARLTON INVESTMENTS

One Mile View



Overview



Legend

Subject Property

ANX05-1628

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. 6
ANX 05-1628 (Lamberth-Carlton)
Page 25 of 26

6-Sep-05
City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 05-1628: (LAMBERTH-CARLTON, 685): Submitted by H2 Engineering, Inc. for property located at East of Deadhorse Mountain Road. The property is in the Planning Area and contains approximately 13.00 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]
Department Director
8-15-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney
8-16-05
Date

Original Contract Number: n/a

[Signature]
Finance and Internal Service Director
8-17-05
Date

Received in City Clerk's Office
ENTERED
8-15-05
aw

[Signature]
Mayor
8/18/05
Date

Received in Mayor's Office
ENTERED
8/16/05
TH

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: August 10, 2005

Subject: Rezoning for Dixie Development (RZN 05-1629)

RECOMMENDATION

The Planning Commission voted to recommend approval of the subject rezoning request rezoning approximately 8.83 acres of property from R-O, Residential Office, to C-2, Thoroughfare Commercial.

BACKGROUND

The subject property contains 8.83-acres and is owned by Dixie Development. It is located north of Van Asche, and west of Mall Avenue identified as Lot 12 of CMN Business Park. Surrounding properties are a mix of commercial uses to the north with the Goody's retail clothing store adjacent to the northern border. Mud Creek flows east-west adjacent to the southern border of the site. This riparian corridor has been preserved as part of the 1.7-mile long City of Fayetteville Mud Creek Trail. To the south of Mud Creek is Fuddrucker's restaurant, Noodles restaurant is under construction to the east, and undeveloped land is located immediately west of the site. The applicant intends to develop this property for a restaurant and a mix of retail uses, similar in density and character to the surrounding development. The applicant requests a rezoning of the subject property from R-O to C-2 to allow the development of retail uses, and to allow a restaurant on the site without having to obtain a conditional use permit. Staff recommends approval of this rezoning request based on findings stated herein. The development of this property will be compatible with those commercial developments surrounding the property and the CMN Business Park vicinity.

DISCUSSION

This item was heard at the regular Planning Commission on August 8, 2005. The Planning Commission voted 8-0-0 to recommend this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1629 FOR APPROXIMATELY
8.8 ACRES LOCATED AT LOT 12 CMN BUSINESS PARK,
* NORTHWEST OF THE VAN ASCHE AND MALL AVENUE
INTERSECTION FROM 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 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 05-1629

LOT 12 OF CMN BUSINESS PARK II,
PHASE II, FAYETTEVILLE, ARKANSAS, ALSO BEING DESCRIBED AS
FOLLOWS:

BEGINNING AT THE NW CORNER OF THE SE ¼ OF THE NW ¼ OF SECTION 26,
TOWNSHIP 17 NORTH, RANGE 30 WEST; THENCE S87°10'11"E 1059.02 FEET;
THENCE S03°36'32"W 565.77 FEET; THENCE N66°09'46"W 1124.42 FEET;
THENCE N02°15'04"E 162.64 FEET TO THE POINT OF BEGINNING AND
CONTAINING 8.829 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-
OF-WAY, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR
FACT.

DRAFT



PC Meeting of August 8, 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: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: August 3, 2005

RZN 05-1629: (DIXIE DEVELOPMENT – LOT 12 CMN BUSINESS PARK, 173): Submitted by ROGER TROTTER of SHELDEN ENGINEERING for property located at LOT 12 CMN PARK, NW OF THE VAN ASCHE AND MALL AVE INTERSECTION. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 8.83 acres. The request is to rezone the subject property to C-2, Commercial Thoroughfare.

Owner: DIXIE MANAGEMENT & INVESTMENT, LP
Planner: ANDREW GARNER

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required	☒ YES
	☒ Approved	☐ Denied
Date: August 8, 2005	1-0-0	
CITY COUNCIL ACTION:	Required	☒ YES
	☒ Approved	☐ Denied
Date: September 6, 2005 (1 st reading if recommended)		

BACKGROUND:

Property description: The subject property contains one 8.83-acre parcel identified as Lot 12 of CMN Business Park north of Van Asche, and west of Mall Avenue. Surrounding properties are a mix of commercial uses to the north with the Goody's retail clothing store adjacent to the northern border. Mud Creek flows east-west adjacent to the southern border of the site and is a significant environmental preservation and recreation feature in the City. This riparian corridor has been preserved as part of the 1.7-mile long City of Fayetteville Mud Creek Trail. The 100-year floodplain for Mud Creek covers a majority of the site, and a wetland mitigation area is also adjacent to Mud Creek in this vicinity. To the south of Mud Creek is Fuddrucker's restaurant, Noodles restaurant is under construction to the east, and undeveloped land is located immediately west of the site.

Proposal: The applicant intends to utilize the property for a restaurant and a mix of retail uses. However, Use Units 13, 15, and 16 under which restaurants and many retail uses are located are not permitted uses in the R-O, Residential Office zoning district. Use Unit 13, Eating Places, is allowed as a conditional use in the R-O zoning district. 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 and vicinity.

Recommendation: Staff recommends approval of the rezoning request. This site is designated as Regional Commercial on the future land use plan, which is consistent with the C-2 zoning district. The site is part of a remaining pocket of R-O zoning district entirely surrounding by C-2. This project is within the largest area of commercial development in the City in the vicinity of major thoroughfares, namely I-540 and College Avenue. This area of Fayetteville contains a number of restaurant, shopping, and commercial uses including the Northwest Arkansas Mall, serving the Northwest Arkansas region.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Goody's	C-2, Thoroughfare Commercial
South	Mud Creek; Fuddrucker's Restaurant	C-2, Thoroughfare Commercial
East	Noodles Restaurant (under construction)	R-O, Residential Office
West	Undeveloped	C-2, Thoroughfare Commercial

INFRASTRUCTURE:

- Streets:** Access to the site is provided by Mall Avenue, a collector street, as identified in the Master Street Plan.
- Water:** Public water is adjacent to the site. There is an 8" main along Mall Avenue. The 36" main also passes along the north property line. This line has a large easement with no development allowed.
- Sewer:** The site has access to sanitary sewer. There is a large diameter sewer main as well as a large diameter force main along the north property line.
- Fire:** The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station No. 4 to the site would be approximately five minutes for a distance of 1.5 miles.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

LAND USE PLAN: The Future Land Use Plan designates this site for Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial is consistent with the land use plan for this area and the proposed use is compatible with surrounding properties that are similarly zoned.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning is consistent with current land use planning objectives and policies and is compatible with adjacent properties in the same district. Surrounding properties are primarily commercial in nature with some undeveloped area, and function entirely within a commercial district. The property in question is part of a small pocket of R-O surrounded by C-2. The entire area near the I-540/College Avenue interchange is indicated on the Future Land Use plan as a large regional commercial area that would be best facilitated by uses allowed within the C-2 zoning district. The other R-O property in the zone was recently approved for a restaurant requiring a Conditional Use.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 identifies the Guiding Policies for Regional Commercial areas as follows:

- Areas that provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.
- Encourage continuing improvements and expansion of regional shopping and entertainment attractions.
- Ensure that transportation network serving regional commercial areas meet acceptable levels of service.
- Require large commercial sites to be designed and landscaped to preserve aesthetic character of their surroundings.

The proposed use would be compatible and similar to adjacent land uses and would encourage continued growth of this identified regional commercial area.

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

Finding: Future development with the proposed zoning would potentially increase traffic accessing onto Mall Avenue more than allowed under the current R-O zoning. However the roadways in this area have been designed to accommodate surrounding regional commercial development and the proposed rezoning of a small remaining pocket of R-O would not create additional traffic that would result in traffic danger or congestion.

Police – It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request.

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. Public service providers have responded accordingly:

Police – This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.

Fire – This rezoning is in close proximity to Fire Station No. 4 and has an adequate response time of five minutes.

Engineering - **Water:** Public water is adjacent to the site. There is an 8" main along Mall Avenue. Water service will need to be extended within the property at the time of development and additional connections may be required to complete a looped system. A 36" water main also passes along the north property line; however, this line has a large easement that specifies no construction. There are no plans to improve the water system in this area.

Sewer: The site has access to sanitary sewer. There is a large diameter sewer main as well as a large diameter force main along the north property. Sewer service will need to be extended within the property at the time of development.

Streets: Currently the site has access to Mall Avenue, a collector street on the Master Street Plan.

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 Unified Development Code

Section 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.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Fayetteville Unified Development Code

Section 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.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 7
RZN 05-1629 (Dixie Development)
Page 11 of 20

POLICE DEPARTMENT

July 29, 2005

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

Mr Pate:

This document is in response to the request for a determination of whether the proposed **RZN 05-1629 (Dixie Development, 173)** submitted by submitted by Sheldon Engineering for property located at lot 12 CMN Park, at Van Asche Drive and Mall Avenue 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 rezoning will have a negligible impact on both the population density and traffic congestion for that area.

Sincerely,

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

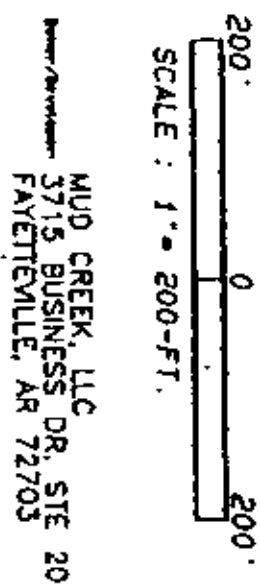
Lieutenant Rob Turberville
Fayetteville Police Department

Item 6:

- A: Current Ownership - Dixie Management & Investment, LP
- B: A restaurant would like to be a tenant in our new building. We also have interest from other retailers that would like to be there.
- C: All surrounding areas are zoned C-2 and this property would be used for similar type businesses as the contiguous property.
- D: 8" Water line located on the east side of the property bordering Mall Ave. and the 12" sewer line located on the north side of the property would be available for this site.

Item 7:

- A: The proposed zoning is consistent with all surrounding property
- B: The rezoning by the current owner is needed because the highest and best use for the property is for Retail.
- C: The traffic should not increase to the degree that would require additional traffic controls to be placed.
- D: This proposed zoning would not increase the population density in this area.
- E: No Comment



LEGAL DESCRIPTION:
LOT 12 OF CAN BUSINESS PARK II,
PHASE II, FAYETTEVILLE, ARKANSAS, ALSO BEING DESCRIBED AS FOLLOWS: 26,
BEGINNING AT THE NW CORNER OF THE S21/4 OF THE NW1/4 OF SECTION 26,
TOWNSHIP-17 NORTH, RANGE 30 WEST; THENCE S87°0'11"E 1058.02 FEET;
THENCE S03°36'33"W 565.77 FEET; THENCE N68°09'46"W 1124.42 FEET;
THENCE N02°18'04"E 1628.04 FEET TO THE POINT OF BEGINNING AND
CONTAINING 8,829 ACRES, MORE OR LESS, AND SUBJECT TO ANY RIGHTS-OF-WAY,
EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

DATE: JUNE 25, 2005

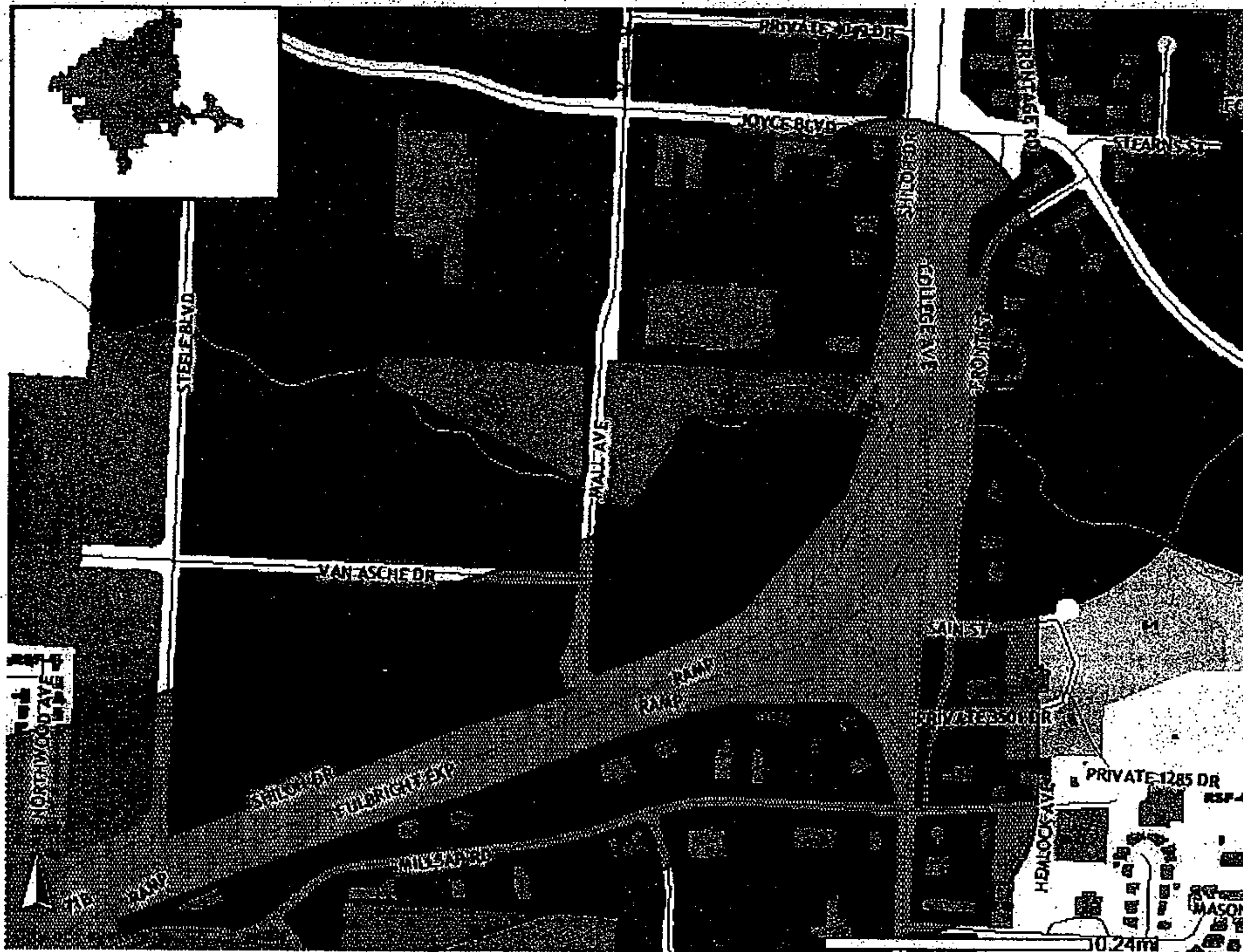
REGISTERED
PROFESSIONAL
ENGINEER
No. 8988
JAMES A.
SHELDON

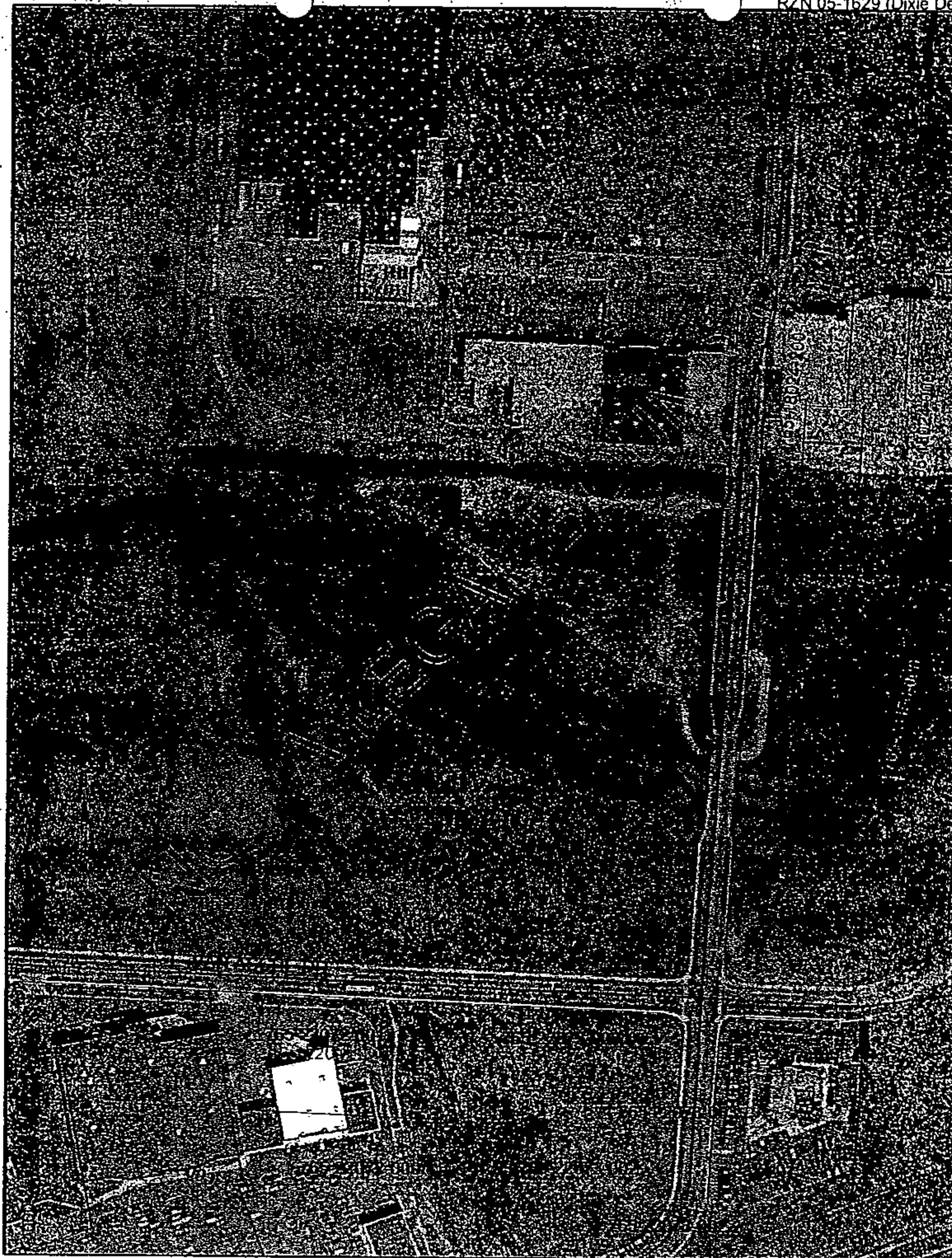
LOT 12 – CMN BUSINESS PARK

REZONING (R0 TO C2)

SHELDEN ENGINEERING

5241 TERRAPIN RD -HARRISON, AR 72601
OFFICE: (870) 741-7705 FAX: 741-7705





0 230 460 920 Feet

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."

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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.



RZN05-1629

Close Up View

DIXIE DEVELOPMENT

gton County



C-2

SUBJECT PROPERTY

C-2

R-O

R-O

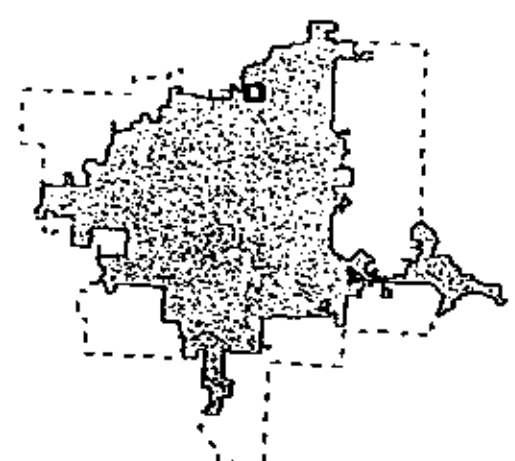
R-O C-2

C-2

VAN ASCH DR

MALL AVE

Overview



Legend

RZN05-1629

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway Historic Collector

Principal Arterial

Minor Arterial

Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

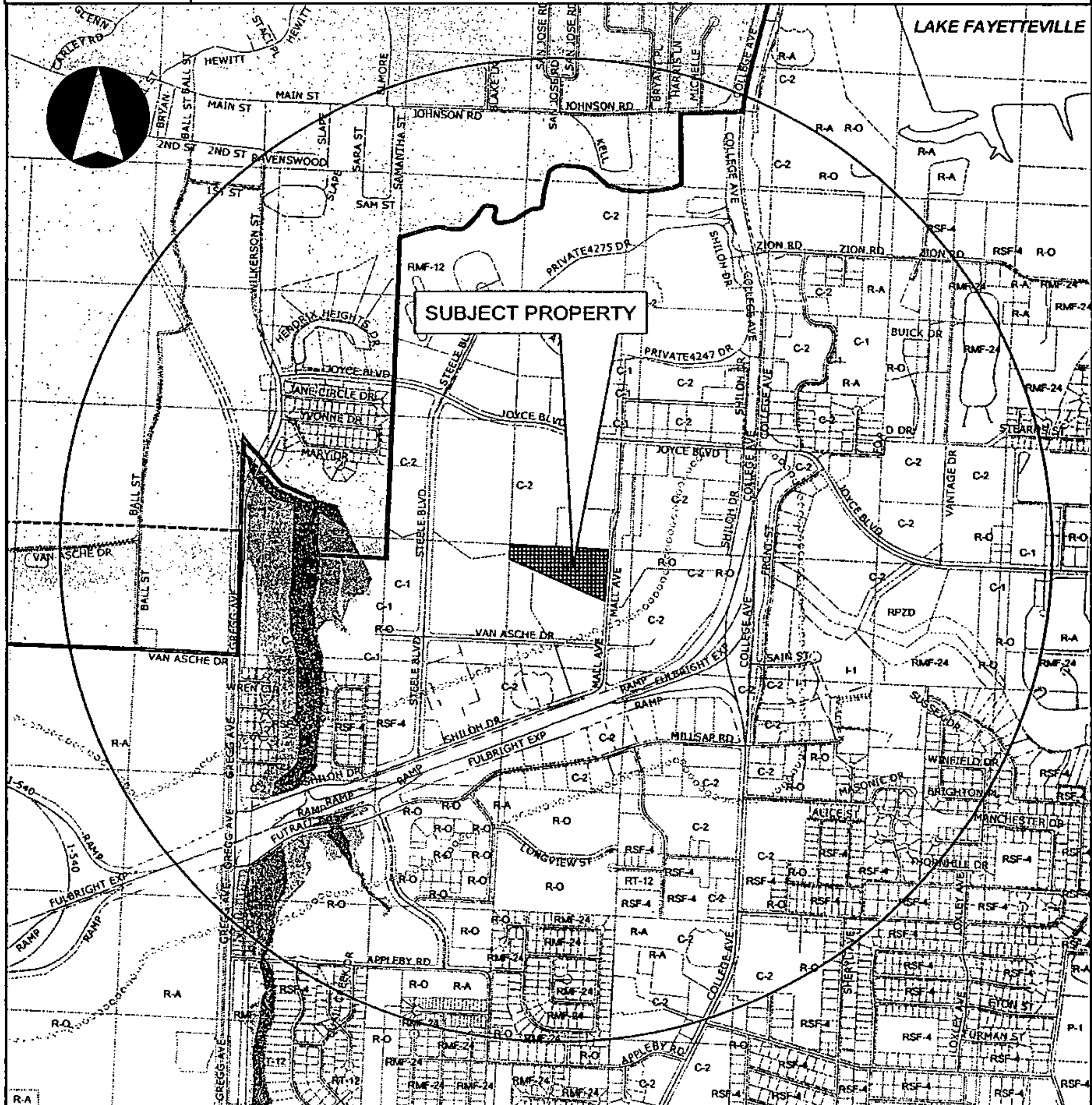
Outside City



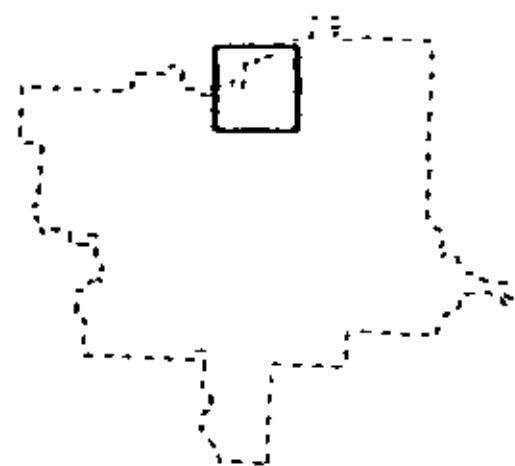
RZN05-1629

One Mile View

DIXIE DEVELOPMENT



Overview



Legend

Subject Property

RZN05-1629

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.125 0.25

0.5

0.75

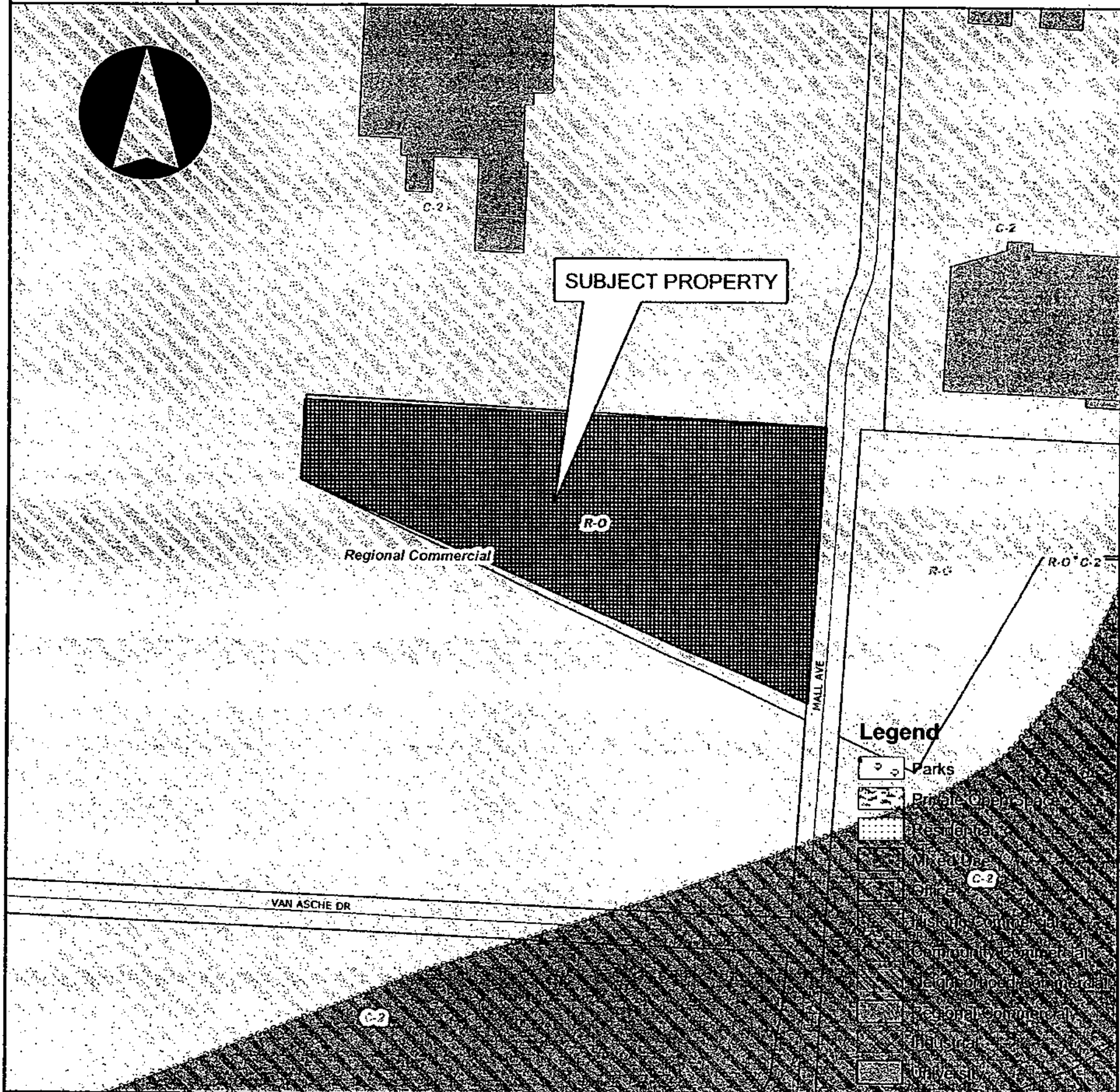
1

Miles

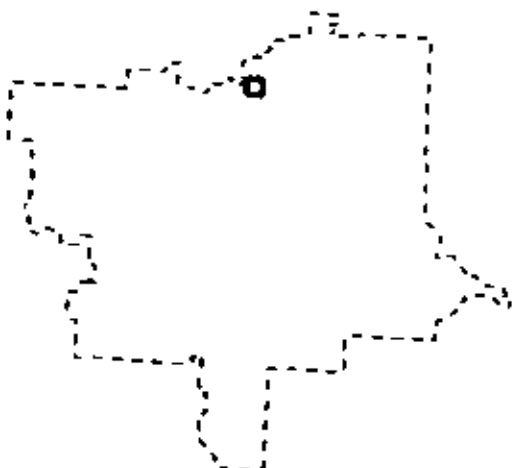
RZN05-1629

Future Land Use

DIXIE DEVELOPMENT



Overview



Legend

Subject Property



RZN05-1629

Streets



Existing



Planned

Boundary



Planning Area



Overlay District



Outside City

Master Street Plan



Freeway/Expressway



Principal Arterial



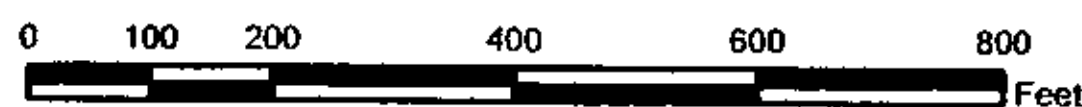
Minor Arterial



Collector



Historic Collector



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

6-Sep-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 05-1629: (DIXIE DEVELOPMENT LOT 12, 173): Submitted by Roger Trotter of Sheldon Engineering for property located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection. The property is zoned R-O, Residential-Office, and contains approximately 8.83 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 8-15-05
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 8-16-05
City Attorney Date

Original Contract Number: n/a

[Signature] 8-17-05
Finance and Internal Service Director Date

Received in City Clerk's Office


[Signature] 8/18/05
Mayor Date

Received in Mayor's Office


Comments:

City Council Meeting of September 6, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

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

Date: August 17, 2005

Subject: Rezoning for Staggs (RZN 05-1696)

RECOMMENDATION

Planning Staff recommends approval of rezoning approximately 0.68 acres of property from C-2, Thoroughfare Commercial, to R-O, Residential Office.

BACKGROUND

Property description: The subject property consists of lots 8 and 9 of Grandview Heights Subdivision, containing approximately 0.68 acres. The property is located between School Avenue and Haddon Avenue and is zoned C-2, Thoroughfare Commercial. There are currently two single-story homes on the property with a common access from School Avenue. Surrounding properties are a mix of single family residential, office, commercial and industrial uses with adjacent businesses including a bail bond business and the Tyson plant. This area is designated as Community Commercial on the future land use plan.

Background: This item was first heard at the April 25, 2005 Planning Commission meeting with staffs recommendation to rezone the property from RSF-4, Residential Single Family-4 Units per Acre to C-2, Thoroughfare Commercial. The applicant had requested this rezoning so that a Bail Bonding Agency could operate on the property. Ultimately, the zoning that was requested was based on previous interpretations by the Zoning & Development Administrator, who determined that this specific use was allowed under Use Unit 16, Shopping goods. Use Unit 16 is not an allowable use in C-1, Neighborhood Commercial, or in R-O Residential Office zoning districts; consequently the applicant had no choice but to request a C-2 zoning.

While this request was under review at the City Council, City staff continued to receive additional requests to permit bail bonding agencies along S. School to support the new jail facilities. In studying a description of the actual use, hours, traffic impact and other impacts on surrounding properties that this use has, staff found that the use would more appropriately fit into Use Unit 12, Offices, studios and related services. This use includes such things as banks, office buildings, social and welfare agencies, employment, travel and advertising agencies, dental clinics, etc. Subsequently, City staff brought forward an ordinance amending Chapter 162, Use Units, Section 162.01 L.2, of the Code of Fayetteville, to add Bail Bonding Agency to Use Unit 12: Offices, Studios and Related

City Council Meeting of September 6, 2005
Agenda Item Number

Services. This ordinance was passed on July 19, 2005 and was recorded as Ordinance No. 4728.

Given that Bail Bonding Agencies are now an allowable use in the R-O zoning district, staff finds that a rezoning from C-2 to R-O for the subject property would be more compatible with surrounding properties that are similarly zoned and provide a transition from other properties in the area that are zoned C-2 and I-1 to that of RSF-4 to the east. As indicated in the attached minutes, both the City Council and the applicant were agreeable to revisiting the rezoning at the appropriate time.

Request: The request is to rezone the property to R-O, Residential Office.

DISCUSSION

This property was rezoned from RSF-4, Residential Single Family-4 Units per Acre to C-2, Thoroughfare Commercial at City Council on June 7, 2005 and was recorded as Ordinance No. 4708.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1696 FOR APPROXIMATELY
0.68 ACRES LOCATED AT 2824 S SCHOOL AVENUE FROM
C-2, THOROUGHFARE COMMERCIAL TO R-O, RESIDENTIAL
OFFICE.

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

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

From C-2, Thoroughfare Commercial, to R-O, Residential Office, as shown in
Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 05-1696

LOT NUMBERED EIGHT (8), GRANDVIEW HEIGHTS SUBDIVISION, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

-AND-

A PART OF LOT 9, GRANDVIEW HEIGHTS SUBDIVISION, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET P/K NAIL MARKING THE SOUTHWEST CORNER OF LOT 9, GRANDVIEW HEIGHTS SUBDIVISION, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH SCHOOL STREET; THENCE ALONG THE WEST LINE OF SAID LOT 9 AND ALONG SAID RIGHT OF WAY LINE NORTH 21 DEGREES 35 MINUTES 00 SECONDS EAST, 100.00 FEET TO A SET REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 9, THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF LOT 9, SOUTH 69 DEGREES 07 MINUTES 01 SECONDS EAST, 150.00 FEET TO AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE WEST RIGHT OF WAY OF HADDON AVENUE. THENCE ALONG THE EAST LINE OF SAID LOT 9 AND SAID RIGHT OF WAY LINE, SOUTH 21 DEGREES 35 MINUTES 00 SECONDS WEST 98.07 FEET TO A SET REBAR. THENCE LEAVING SAID EAST LINE AND SAID RIGHT OF WAY LINE, NORTH 66 DEGREES 05 MINUTES 29 SECONDS WEST, 47.45 FEET. THENCE NORTH 71 DEGREES 35 MINUTES 35 SECONDS WEST, 102.73 FEET TO THE POINT OF BEGINNING, CONTAINING 14,620.19 SQUARE FEET AND SUBJECT TO ANY EASEMENTS OF RECORD, AS PER A PLAT OF SURVEY BY SATTERFIELD LAND SURVEYORS, P.A., JOB NO. 29-393, DATED 05/18/2003.

ORDINANCE NO. 4708

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 05-1448 FOR APPROXIMATELY .68 ACRES LOCATED AT 2824 S. SCHOOL AVENUE FROM RSF-4, SINGLE FAMILY, 4 UNITS PER ACRE TO C-2, THOROUGHFARE COMMERCIAL

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

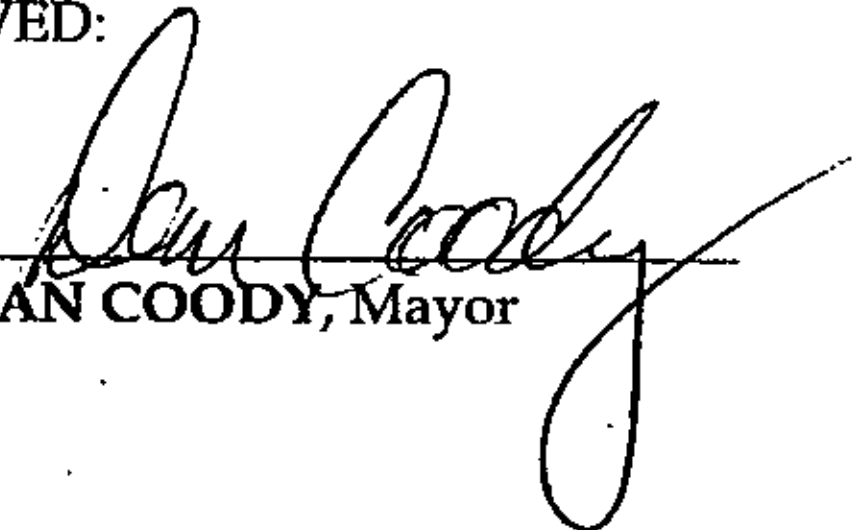
Section 1: That the zone classification of the following described property is hereby changed as follows:

From RSF-4, Residential Single Family, 4 units per acre to C-2 Thoroughfare Commercial, as shown in Exhibit "A" attached hereto and made a part hereof.

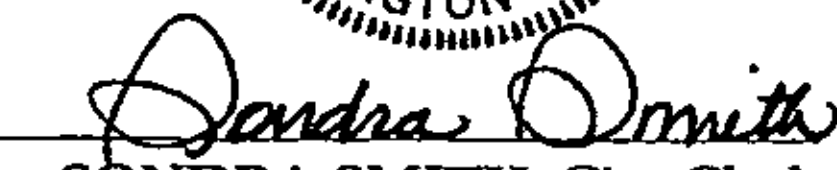
Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this 7th day of June, 2005.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk

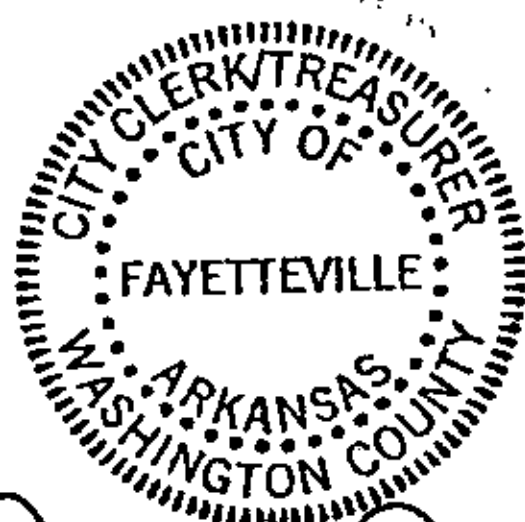


EXHIBIT "A"
RZN 05-1448

LOT NUMBERED EIGHT (8), GRANDVIEW HEIGHTS SUBDIVISION, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.
-AND-

A PART OF LOT 9, GRANDVIEW HEIGHTS SUBDIVISION, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A SET P/K NAIL MARKING THE SOUTHWEST CORNER OF LOT 9, GRANDVIEW HEIGHTS SUBDIVISION, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF SOUTH SCHOOL STREET; THENCE ALONG THE WEST LINE OF SAID LOT 9 AND ALONG SAID RIGHT OF WAY LINE NORTH 21 DEGREES 35 MINUTES 00 SECONDS EAST, 100.00 FEET TO A SET REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 9, THENCE LEAVING SAID RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF LOT 9, SOUTH 69 DEGREES 07 MINUTES 01 SECONDS EAST, 150.00 FEET TO AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE WEST RIGHT OF WAY OF HADDON AVENUE. THENCE ALONG THE EAST LINE OF SAID LOT 9 AND SAID RIGHT OF WAY LINE, SOUTH 21 DEGREES 35 MINUTES 00 SECONDS WEST 98.07 FEET TO A SET REBAR. THENCE LEAVING SAID EAST LINE AND SAID RIGHT OF WAY LINE, NORTH 66 DEGREES 05 MINUTES 29 SECONDS WEST, 47.45 FEET. THENCE NORTH 71 DEGREES 35 MINUTES 35 SECONDS WEST, 102.73 FEET TO THE POINT OF BEGINNING, CONTAINING 14,620.19 SQUARE FEET AND SUBJECT TO ANY EASEMENTS OF RECORD, AS PER A PLAT OF SURVEY BY SATTERFIELD LAND SURVEYORS, P.A., JOB NO. 29-393, DATED 05/18/2003.

seems to me kind of an unfair assessment or penalty charged to fisherman and I don't know why. I'm sure it's been that way for years. Let's try to keep it at a minimum.

Alderman Thiel: I think the point he made is very good, and everyone really does need to look at this rate. The Parks Board recommendation went from \$1 to \$5 per daily boating for seniors. I think he made some valid points.

This Ordinance was Left on the First Reading.

Washington County Cost Share for Woolsey Farm Road & 54th Street: A resolution authorizing the payment of \$95,686.00 to Washington County as the City of Fayetteville's share of the cost of Improvements to Woolsey Farm Road and 54th Street along the southwest perimeter of the Westside Sewer Treatment Plant; and approving a 20% project contingency in the amount of \$19,137.00.

Gary Dumas, Director of Operations: We have some updated numbers on that that we just received today. You have a memo I think in front of you. The total project cost is about \$186,940. The city's share of that is \$93,470.27 with a 10% project contingency. That would bring the total project up to \$102,817.29 verses the numbers the mayor just read.

Kit Williams: There will need to be a motion to amend the resolution to the one I just handed out. There is also a new section 3 there.

Alderman Rhoads moved to amend the resolution. Alderman Reynolds seconded the motion. Mayor Coody asked shall the motion pass. Upon roll call the motion passed unanimously.

Alderman Jordan moved to approve the resolution as amended. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 100-05 as Recorded in the Office of the City Clerk.

→ **RZN 05-1448 (Staggs):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1448 for property located at 2824 S. School Avenue. The property is zoned RSF-4, Single Family 4 Units/Acres and contains approximately 0.68 acres. The request is to rezone the subject property to C-2, Commercial Thoroughfare.

Mr. Williams read the ordinance.

Jeremy Pate, Director of Current Planning: The Planning Commission voted 8 to 0 to recommend approval of this rezoning request to the City Council from RSF-4 to C-2 Thoroughfare Commercial. Properties located across from McBride Distributing Facility and the Tyson Plant area, on South School, which is zoned I-1. There are also adjacent properties zoned C-2 to the north. As you're well aware there are several bail bondsmen in this area, primarily because of the Washington County jail facility that is in this area. A question was asked at agenda session about remedial measures and how we're not typically supportive of a business that goes in illegally and then is the track that they come. However, this is the remedial process that the city does have. There was no permit required for someone to go into this house and put

City Council Meeting Minutes
May 17, 2005
Page 10 of 21

up a business, except for their sign and that's originally how we caught that, as a violation notice was issued and this is a remedial measure. If the rezoning is denied, that business person will have to move from that place of business and we would follow suit with the prosecutor's office to do that. However, we feel that the future land use plan in this area does promote this type of development and we're supportive of this rezoning application to C-2.

Alderman Thiel: All the neighbors have been notified, and there were no objections?

Jeremy Pate: No.

Alderman Thiel: And residential zoning will remain on 2 sides? The back and the south side?

Jeremy Pate: On the south side, there is a rezoning request that the Planning Commission will be looking at either this coming meeting or the following for the bail bondsman office that is going in there as well. There is a request for a C-2 zoning on that property as well.

Alderman Thiel: So that would make that whole strip from Country Club Road down to Peach?

Jeremy Pate: There may be one lot. I'm not exactly sure because I haven't reviewed that in total, but I know that the address next to this has a request for a rezoning application on that one as well.

Alderman Thiel: None of the residences, west of there on Hayden, have objected?

Jeremy Pate: We have not heard anything from any adjacent property owners.

Alderman Thiel: Have they all been notified or do they have to be touching the property, those on Hayden?

Jeremy Pate: We typically notify property owners even from across the street, even though this is not required by the city. For instance, McBride Distributing should have received notification. I can verify this for you if you'd like, and we can double check to make sure these residents have been notified if you choose to leave this on this reading tonight.

Alderman Marr: Jeremy, in our packet on the close-up view of the subject property, the property you're speaking of coming to Planning Commission, is that the property north, between the current C-2 and this requested property?

Jeremy Pate: That property is already zoned C-2. The label is shown higher up.

Alderman Marr: What about this house on the property just south of it that is crossing the line?

Jeremy Pate: That's a product of an old aerial photograph. Most of the state is taken off aerial photographs and these maps are then generated from that. There's probably a situation where that's just a wrong location.

Alderman Marr: Are all the properties across the street from Hayden Avenue still RSF-4?

City Council Meeting Minutes
May 17, 2005
Page 11 of 21

Jeremy Pate: That is correct. Across from Hayden Avenue and to the east, you can see on page 14 of 16, those properties to the east are zoned RSF-4. There's an old subdivision that has never been developed except for those two streets, Hayden and Denver are the only two.

Alderman Marr: Are bail bondsmen offices not allowed in residential office?

Jeremy Pate: I do not believe so. I think we checked that use unit to see if that was a potential for this area. I know we've checked that on 6th street before, because that particular strip area is designated mixed use, as opposed to the community commercial that this is designated and I believe that we have designated a use unit to that that is not allowed in the PRO district.

Alderman Marr: It concerns me that with that street directly across Hall being single-family residential and the one south of it. Typically, we see zoning transitions from industrial, commercial, residential office. I'd be more comfortable with it if it was an R-O zoning, but if it's not allowed, then it's not allowed.

Jeremy Pate: We've assigned use unit 16 to bail bondsmen, under shopping goods and I do not believe that is allowed in the R-O zoning district. I can find out.

Alderman Marr: Could they have done a conditional use on the property?

Jeremy Pate: No. Use unit 16 is not allowed by right or conditional use in an R-O Zoning district.

Mayor Coody: Could they have done a conditional use?

Jeremy Pate: No, sir.

Alderman Marr: Thank you.

Russell Staggs, citizen: To the west of us is where the Tyson plant and jail facility are and to the east, there are houses behind the road. We own the two lots there, and right next to our property line is another bail bond business. There's not much room from the back of the house to the street.

Alderman Thiel: My concern was if everyone was notified or not.

Jeremy Pate: I can verify that for you if it's the Council wish to leave it on this reading for the next meeting. We have certified mail receipts for every mailing that has been sent out.

Alderman Reynolds: I wouldn't mind going through two readings, but I'd like to see those copies for the third reading.

Alderman Lucas: I don't like businesses to move in and then we have to rezone to fit whatever has already moved in.

Alderman Jordan: I would tend to agree with Shirley. We've seen that in our ward a time or two and it never does work out very well.

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Alderman Thiel: As Jeremy pointed out at the Council tour, this gentleman really did assume that that was commercial.

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

Mr. Williams read the ordinance.

Alderman Farrell: Have you lived there quite a while or did you recently get the property and decide to go into business?

Mr. Staggs stated that bail bondsmen often move their businesses to be closer to the jails. He said that the property owner thought that the property had already been rezoned and that the property was commercial already, but was not aware of any paperwork that the owner possessed as evidence of the land being commercialized.

This Ordinance was Left on the Second Reading.

RZN 05-1450 (Stonebridge Meadows Phase V): An ordinance rezoning that property described in Rezoning petition RZN 05-1450 for property located at Goff Farm Rd., east of Crescent Lake Subdivision and west of Stonebridge Meadows Golf Course. The property is zoned R-A, Residential-Agricultural and contains approximately 26.61 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 Units per Acre.

Mr. Williams read the ordinance.

Jeremy Pate: This property is located on Golf Farm Road, and this is intended to be another phase of the Stonebridge Golf subdivision that is rapidly developing around the golf course. To the west is a tributary lake; to the west of that is Crescent Lake subdivision, which is listed there in your ordinance. I believe one of the holes for the golf course is located to the east of this property. One of the holes for the golf course is between this property and Stonebridge Meadows Phase 1. The Planning Commission did vote 8-0 to forward this item with recommendation for approval. We did not receive any public comment at the Planning Commission meeting. I would like to mention that it is currently a vacant pasture, and this property is within the bridge assessment area for Dead Horse Mountain Road. Therefore, at the time of development, there will be a calculation made for assessment for that bridge.

Alderman Cook: Is the bridge assessment done as one lump fee up front or is that assessed as the lots are sold?

Jeremy Pate: It's part of final plat, so it's a lump fee and is based on the vehicle trips that are generated by that development.

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

Mr. Williams read the ordinance.

Mr. Williams read the ordinance.

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

Ordinance 4707 as Recorded in the Office of the City Clerk

→ **RZN 05-1448 (Staggs):** An ordinance rezoning that property described in Rezoning Petition RZN 05-1448 for property located at 2824 S. School Avenue. The property is zoned RSF-4, Single Family 4 Units/Acres and contains approximately 0.68 acres. The request is to rezone the subject property to C-2, Commercial Thoroughfare. *This ordinance was left on the second reading at the May 17, 2005 City Council Meeting.*

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

Mr. Williams read the ordinance.

Jeremy Pate, Director of Current Planning: There was a question at the last meeting if adjacent property owners across the street had been notified. We have provided you with documentation to the applicant and staff of both notified property owners across the streets in all directions. We did not receive any public comment regarding this item.

Alderman Thiel: At the agenda meeting you noted that the building that is currently operating is not the building we are discussing.

Jeremy Pate: That is correct.

Alderman Thiel: It appears like there is a shared driveway.

Jeremy Pate: The applicant may be able to answer that question a little bit better. I think there's access from the street behind as well.

Alderman Thiel: But there will be a shared driveway if we approve the other one in the future?

Russell Staggs, citizen: The driveway is actually ours. I believe the owner got the right-of-way for the driveway and the other company has added on to our driveway. So, where the property line is, the driveway pretty much splits it down the middle. He did add a part of a driveway to ours.

Alderman Thiel: Ok. I noticed that there's a new bail bond office that has just opened up about a block south.

Jeremy Pate: We received that word today and we're issuing a violation notice. They're zoned R-O I believe, and it's not allowed in that zoning district.

Alderman Thiel: I'm really concerned about the two that are now in operation. This one is the only one that has actually applied. It concerns me that that whole row will be dotted with these little houses that have only been moderately remodeled. Basically, they have just put a neon sign in their window. They're not doing much to enhance that strip. However, I feel like this

applicant has been up front by applying for it. I feel like the applicant has done the right thing, and I support it.

Mayor Coody: Will we send letters to the two violators?

Jeremy Pate: We have sent letters to the one directly adjacent and they are actually going before the Planning Commission for a rezoning request. That will be coming before you if they recommend approval. We just heard about the other one, so we will be generating that violation letter. They will have 30 days to respond. If they apply for rezoning, that typically is seen as enough justification to basically freeze their business. They can continue operating, but no further activity, signage, or development can occur on that property until some sort of action has been taken, whether it is rezoning, approval or denial. If it's denied, they would have to move their business.

Alderman Ferrell: Can you think of anything that you all have commonality in that your business looks at, that might help avoid this if someone comes into town and is going to go into the bail bonding business?

Russell Staggs, citizen: No sir. This is my first go at this too. When we found out that we were residential, the first thing I did was get in touch with Jeremy.

Alderman Lucas: The first step should be to find out what the zoning is.

Alderman Reynolds: That's why we need a business license.

Mayor Coody: We keep talking about this but every time the subject of a business license comes up, it gets shot down. But, it would solve this problem.

Alderman Marr: What is the process of staff to look at a business use and assign it to a different zoning classification? My concern on these properties is abutting these residential neighborhoods and having uses in this zoning like an adult live entertainment club and bar and sexually oriented business. I'm uncomfortable rezoning these, I understand that that's the class and city code that these businesses go into, but I think we're really treading on the ability that if something happens or something goes out of business, the uses that we allow in this area, directly across from a residential street concerns me. It's very different than the bail bondsman business currently owned on business Highway 71, one block from the jail and already in the commercial business district.

Jeremy Pate: I think there are two ways to address that. One of course, is our future Land Use Plan, which we rely heavily upon when we make recommendations. That's the policy document that you all adopted and we adhere to as much as possible. The C-2 zoning classifications fits very well in that thoroughfare type commercial, which is this business corridor as noted in our future Land Use Plan. More directly, I guess, is that we have to look at a use when it is not specifically designated in our Use Units, under our Chapter 162. When we look at Use Units, there are lists of uses, but not all uses are listed, there's simply not a way to encompass everything. If it's not specifically listed we try to look at comparable uses and try to find the best classification. My job is to make an interpretation on where that use should fit in, and we have made the interpretation that it fits in this particular zoning district. Staff is actually going through all of those uses, because a lot of them have been assigned since 1970 and are no longer necessarily appropriate in the district that they're in. So, we're actually going through and doing

an inventory that we'll probably present to you at some point this year some modifications to clarify some of those and to shift some of those uses around to where they're more appropriately located. That's probably the more direct way to address that question.

Alderman Marr: Could you share with me why? What about a bail bond office makes it a higher impact use that makes it comparable to these C-2 zonings?

Jeremy Pate: It's not necessarily a high traffic impact use, for instance. The use there does not necessarily generate high traffic. But, in comparison to a lot of the other uses within that Use Unit 15, it's very comparable to a walk-in types of business. I think that determination was made before I was here, in other bail bonds offices across the city. So, we try to be consistent with those types of uses. That's the use that's been assigned previously to those types of uses in other places in the city.

Alderman Reynolds: Jeremy, why won't the bail bonding business fit into our R-O category?

Jeremy Pate: It's something we're looking at, not only bail bondsmen but professional offices; accounting businesses sometimes don't fit in zoning districts that seem entirely appropriate. Right now the Use Unit 15 is not allowed in the R-O district at all, by conditional use or by right. So, that would take a change to the actual zoning ordinance to allow that type of use. Again, if it's Council's desire, that's something we can look at and bring forward to actually spell out that bail bondsman offices should be used to a different Use Unit, so that it would be located in something like R-O or C-1.

Alderman Reynolds: I think we need to do that.

Mayor Coody: Would it be your suggestion that we table this for two weeks, let them come back with a modification to the zoning, to allow this in R-O?

Alderman Reynolds: If we can do it in two weeks. I don't want to hold his business up. But, he can go ahead and operate.

Alderman Thiel: Are you anywhere close to getting that ready?

Jeremy Pate: We are just beginning. There are hundreds of uses that we are looking at currently and trying to determine if they are appropriate where they are or if they should be shifted around. We'd like to present those all as one component. But again, even with the use changing, Alderman Reynolds, the future Land Use Plan shows that area to be zoned as a C-2 type of area with that type of use. Ultimately, that's something that we would need to look at as well when we're looking at our General Plan update.

Alderman Reynolds: I know it shows that, but we don't have to agree with it.

Jeremy Pate: That's true.

Alderman Lucas: The thing that concerns me is that it's right next to homes. We're talking about housing choices for all income levels, and this is just right next to that neighborhood. It just doesn't seem appropriate to me. I thought we looked at C-2 at intersections and things like that instead of strips.

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Jeremy Pate: You are exactly right. A lot of the nodes of development that we see in our General Plan now show major intersections as potential commercial nodes to support residential activities. Currently, in our General Plan there are areas along College Avenue and along Highway 71 that do show that strip of commercial activity to be located.

Alderman Reynolds: I can see the west side of School Avenue being C-2, but where this is at, on the east side with residential behind it, I would like to see it a little lighter in zoning. It's not going to shut him down because there are two more out there in violation. We haven't approved anybody down there for bonding yet, have we?

Jeremy Pate: No sir. There are other C-2 properties along this strip. So, there are a lot of bail bondsmen moving in that are entirely appropriate. They are legal because they are in the right zoning district. There happens to be about three that are not, and this is one of them. Across School Avenue it is actually zoned I-1 and I-2, so it's pretty heavy industrial. That's a higher intensity use there.

Alderman Thiel: The Mountain Man business that has just been sighted is in R-O?

Jeremy Pate: That's correct; I believe they are located in an R-O district.

Alderman Thiel: I don't see how we can hold him up. He can't start his business until we approve something. The other ones are acting illegally, and we're basically giving them the opportunity to operate, and he's the only one that's applied.

Alderman Lucas: Can they not be fined?

Alderman Thiel: We can't shut them down apparently. Is that right?

Jeremy Pate: It has not been the city's policy currently to shut a business down if they are in violation. We send them a violation notice and we give them ample of time to respond. Again, we work with the city prosecutor's office to do that.

Alderman Rhoads: I'd like to see us go ahead and vote so these people could go ahead and get into business.

Alderman Lucas: Is there not anything that can be done with the ones that are operating when they shouldn't be?

Kit Williams: What we've done in the past is that we have prosecuted them. We had some problems on Old Farmington Road. We prosecuted them and got them to discontinue that improper usage. Unfortunately, later on, a new owner came in and started using the property illegally again. If our ordinances are not enforced, and basically the criminal prosecution does not work after an extended try, we can in fact seek an injunction. The problem with that is that there is potential liability to the city if you close an operating business down and then the judge later on determines in the case that maybe you shouldn't have, that you didn't have enough grounds to do that. The other difficulty is that the injunction usually will not be allowed until you have exhausted your legal remedies, the remedies of normally enforcing the ordinances where you have them enforced by the city prosecutor, which is what we do. I think that's what these warning orders have been. Normally people get into compliance fairly quickly. As you heard from Jeremy, the person that received the warning from the Planning Department is now

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going to be in front of the Planning Commission on Monday night to get into compliance. So, I don't think anyone here is trying to not get into compliance; it just takes a while to go through the process.

Mayor Coody: I'm getting mixed signals here. On one hand, no one wants to keep the gentleman from going into business. On the other hand, I don't think the City Council wants to rezone this C-2, while we look at putting this Use Unit back under R-O.

Jeremy Pate: That is correct. Currently, it's zoned RSF-4, which only allows single-family residents.

Mayor Coody: How long do you think it'll be before you get your list ready to bring back to us for consideration?

Jeremy Pate: We can get on that just as soon as possible. We've been working on it for about a week and a half now. Would it need to go before Ordinance Review?

Kit Williams: It would probably need to go before the Planning Commission, so that's another stop along the way before it ever gets back to the City Council.

Mayor Coody: Is there a way where we don't have to rezone this property permanently, just because we're few weeks ahead of being able to do it properly?

Kit Williams: No zoning is permanent. The City Council has the overall authority to take a legislative decision and rezone property, even when it's not been so requested by a person. Now, if you rezone the property and take away most of its value, there is a chance that they could claim that there was ill taking, but I don't think a change from a C-2 to an R-O, especially if R-O would allow the business to continue operating, would be a problem. What you could do, if you wanted to tonight is go ahead and rezone this C-2, so he'll be in compliance. Then when the R-O is reconsidered in the future and expanded to include bail bondsmen you could certainly rezone his property then yourself to R-O, which would be in compliance with what he's already doing. I don't think that would be a detriment to the owner, so that would be one way to do it. This way, he would be operating legally after tonight.

Mayor Coody: Would it be ok if we followed this scenario where we went ahead and rezoned you C-2 this evening, but when all of our paperwork gets done, we rezone you back R-O, so you would be allowed to continue operating.

Russell Staggs, citizen: Yes, that would be fine. Basically, all we want to do anyway is be able to put a sign up to let people know we're in business.

Mayor Coody: Thank you for your compliance in coming to the city first before you set up your business.

Alderman Marr: Jeremy, in the packet, the Use Unit you have highlighted is Use Unit 16, shopping goods. Directly above that is neighborhood shopping goods, which are Use Unit 15, which is allowed in neighborhood commercial, which limits the uses of the more extensive businesses, it's a shopping goods business. I don't understand why it can't operate within that, which would take care of our issue of potentially more impact with this.

Jeremy Pate: Use Unit 15, does currently contain things such as bookstores, camera shops, clothing, drug, food, jewelry, hardware stores, hobby shops, pawn shops, optical goods, pet shops.

Alderman Marr: So if it allows a pawn shop, I don't understand how a bail bondsman would not be comparable to Use Unit 15.

Jeremy Pate: It comes down to what this use has been interpreted to fall under and what we've issued certificates of zoning compliance for other businesses operating under the same rules and regulations of a bail bondsman office. The neighborhood shopping goods is grouped in limited areas while prohibiting all others not necessary in residential areas. That's under Use Unit 15. Use Unit 16 is more regional or community wide, ordinarily purchased less frequently. I think that's probably one of the decisions one of the former director's made because they're not typically located near residential areas and are located in C-2 districts.

Alderman Jordan: I know we've been talking about the business licenses. When they come in and apply for the business licenses then we would know the area that they would be in? Then, everything would be checked out? Does that change things from what we're doing now?

Alderman Reynolds: The Planning Department would know where they were going.

Alderman Jordan: So basically we would have a tracking system?

Mayor Coody: Yes. I think this situation and others that keep popping up like this would be headed off if we had some kind of process.

Alderman Jordan: I think we need that.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Thiel, Cook, Rhoads, Ferrell and Reynolds voting yes. Alderman Marr, Lucas, and Jordan voting no.

Ordinance 4708 as Recorded in the Office of the City Clerk

NEW BUSINESS:

ANX 05-1451 (Lane): An ordinance annexing that property described in Annexation Petition ANX 05-1451 for property located at the end of Country Ridge Road, North of Hwy 16 East and West of Deerfield Way containing approximately 24.19 acres.

Mr. Williams read the ordinance.

Jeremy Pate gave a brief description of the property. Staff is recommending approval of this annexation and the Planning Commission voted 8-0 to forward this item with a recommendation for approval.

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



PC Meeting of April 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, Associate Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: April 15, 2005

RZN 05-1448: (STAGGS, 678): Submitted by RUSS STAGGS for property located at 2824 S SCHOOL AVENUE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 0.68 acres. The request is to rezone the subject property to C-2, COMMERCIAL THOROUGHFARE.

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>April 25, 2005</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☐ Approved	☐ Denied
Date:	<u>May 19, 2005 (1st reading if recommended)</u>	

BACKGROUND:

Property description: The subject property consists of lots 8 and 9 of Grandview Heights Subdivision, containing approximately 0.68 acres. The property is located between School Avenue and Haddon Avenue and is zoned RSF-4. There are currently two single-story homes on the property with a common access from School Avenue. Surrounding properties are a mix of single family residential, commercial and industrial uses with adjacent businesses including an auto repair service and the Tyson plant.

Proposal: The applicant intends to utilize the existing structures on the property for a bail bond business. Use unit 16, under which bail bonds is located, is not allowed in the RSF-4 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 approval of the rezoning request. This area is designated as Community Commercial on the future land use plan, which is consistent with the C-2 zoning district. It is identified on the General Plan 2020 and functions as an area of commercial property that acts as a buffer between industrial and residential uses. The property has direct access to School Avenue, a major thoroughfare. The area adjacent to School Avenue serves as a large commercial area with an existing assortment of residential, shopping, and industrial uses located in close proximity to each other, serving the surrounding community.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Auto Repair Service	C-2, Thoroughfare Commercial
South	Single Family Residential	RSF-4, Res. Single Family – 4 du/acre
East	Single Family Residential	RSF-4, Res. Single Family – 4 du/acre
West	Tyson Plant	I-1, Heavy Commercial & Light Industrial I-2, General Industrial

INFRASTRUCTURE:

Streets: Currently the site has access to South School. Road improvements per AHTD and dedication per the master street plan are required

Surrounding Streets:

North: 26th Street (Local)

South: Peach Street (Local)

East: Haddon Avenue (Local)

West: School Avenue (Principal Arterial)

Water: Public water is adjacent to the site. There is a 12" main along South School. Water service will need to be extended within the property at the time of development.

Sewer: Sanitary sewer is adjacent to the site.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #1 to the site would be approximately 5 minutes for a distance of 2.1 miles.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density nor will it create an undesirable increase on police services.

LAND USE PLAN: The Future Land Use Plan designates this site for Community Commercial. Rezoning this property to C-2, Thoroughfare Commercial is consistent with the land use plan for this area and the proposed use is compatible with surrounding properties that are similarly zoned.

FINDINGS OF THE STAFF

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

Finding: The proposed rezoning is consistent with current land use planning objectives and policies and is compatible with adjacent properties in the same district. The property in question is adjacent to parcels zoned RSF-4 to the east and south, C-2 to the north, and I-1/I-2 to the west. Surrounding properties are primarily industrial or commercial in nature. The lots within Grandview Heights Subdivision adjacent to School Avenue are indicated on the Future Land Use plan for an area higher intensity commercial use. Enforcement of development regulations will alleviate any negative appearance of commercial development along School Avenue and Haddon Avenue by regulating landscaping, access, commercial design standards, etc.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 defines Community Commercial as "activity areas that primarily serve the residents of the community." The proposed zoning and use would be similar to and compatible with adjacent land uses and support existing use such as the County Correctional Facility.

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

Finding: Future development with the proposed zoning may increase traffic accessing onto adjacent rights-of-ways. At this time, a curb cut exists from the property to School Avenue. Restricting additional curb cuts on School Avenue or closing the existing entrance and constructing a new access from Haddon Avenue may decrease potential traffic conflicts on this major thoroughfare.

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.

Currently the site has access to School Avenue and Haddon Avenue. At the time of future development, these streets may need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

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.

161.17 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.

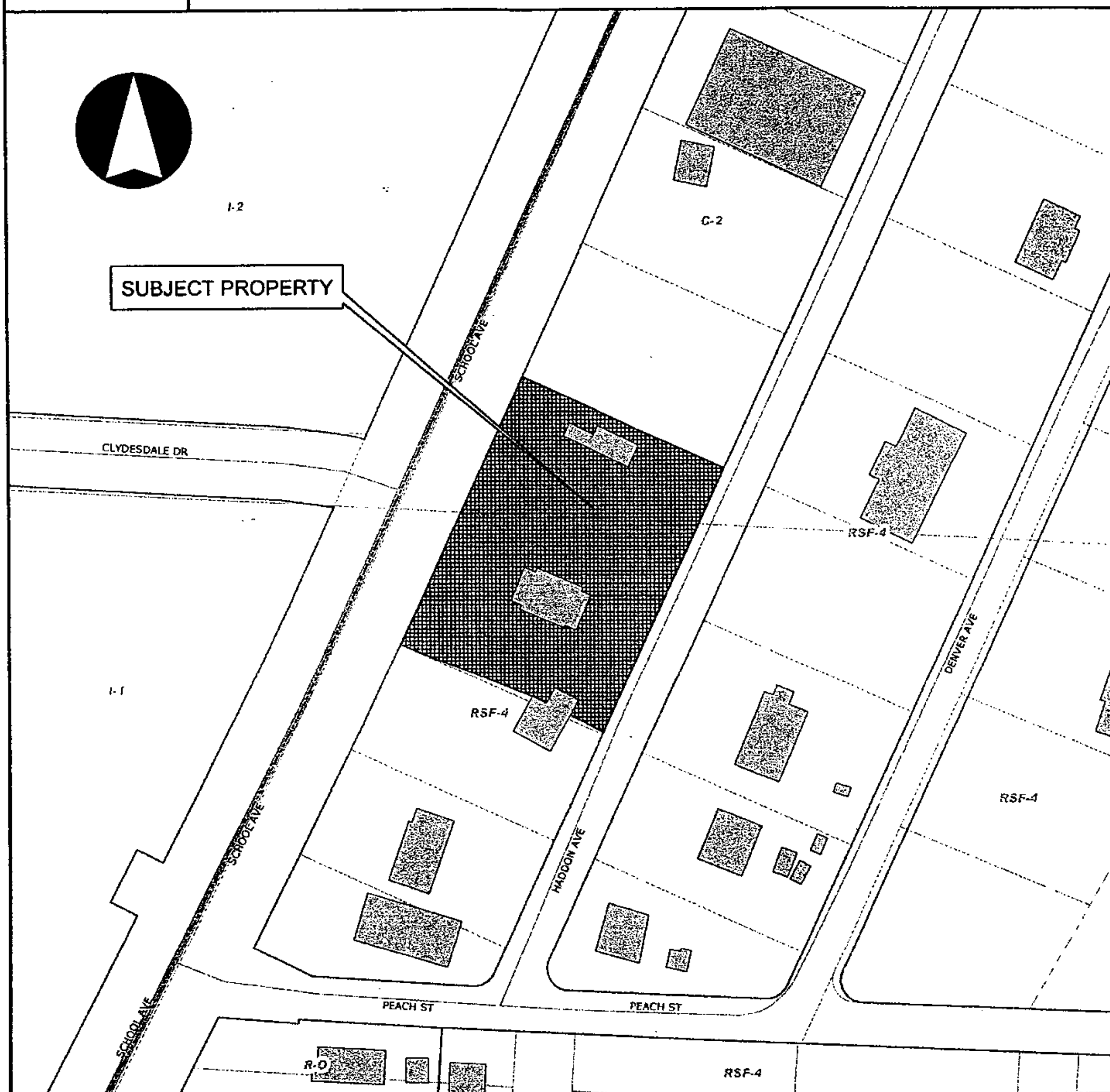
(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

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

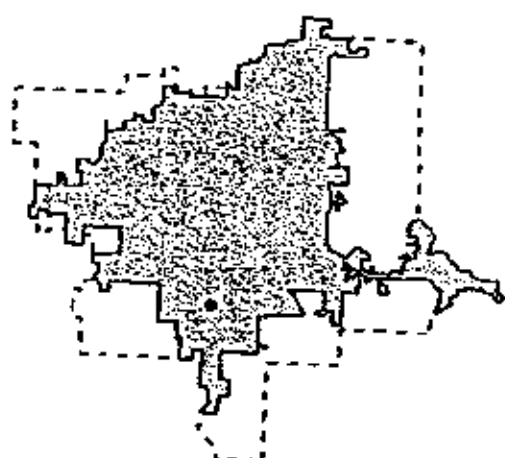
RZN05-1448

Close Up View

STAGGS



Overview



Legend

RZN05-1448

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

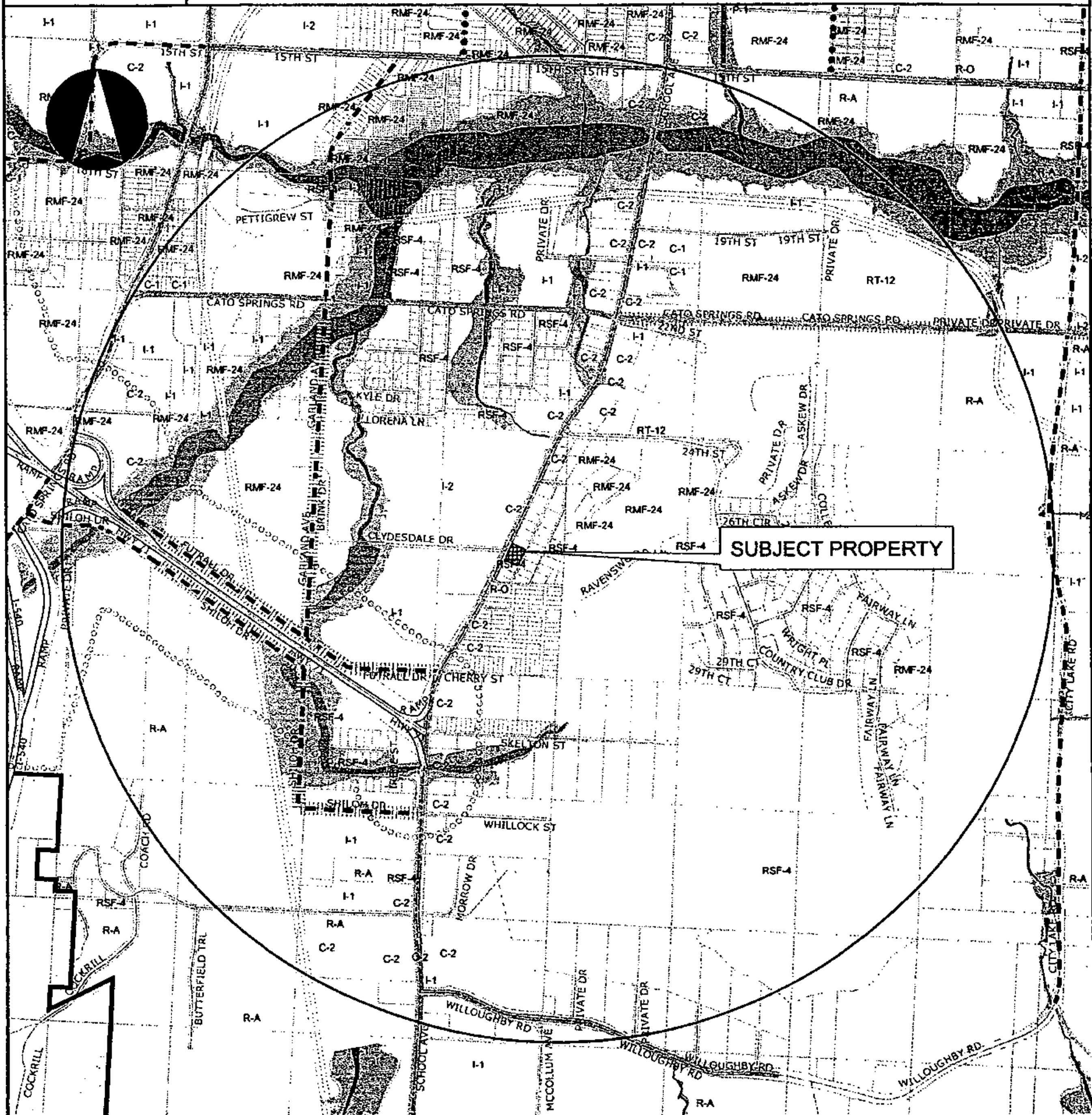
Outside City



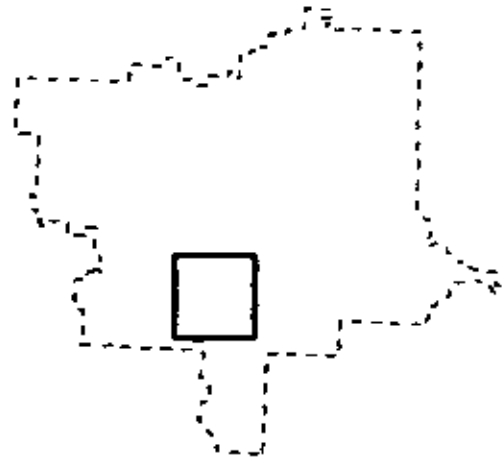
RZN05-1448

STAGGS

One Mile View



Overview



Legend

Subject Property
RZN05-1448

Boundary

Planning Area
Overlay District
Outside City

Master Street Plan

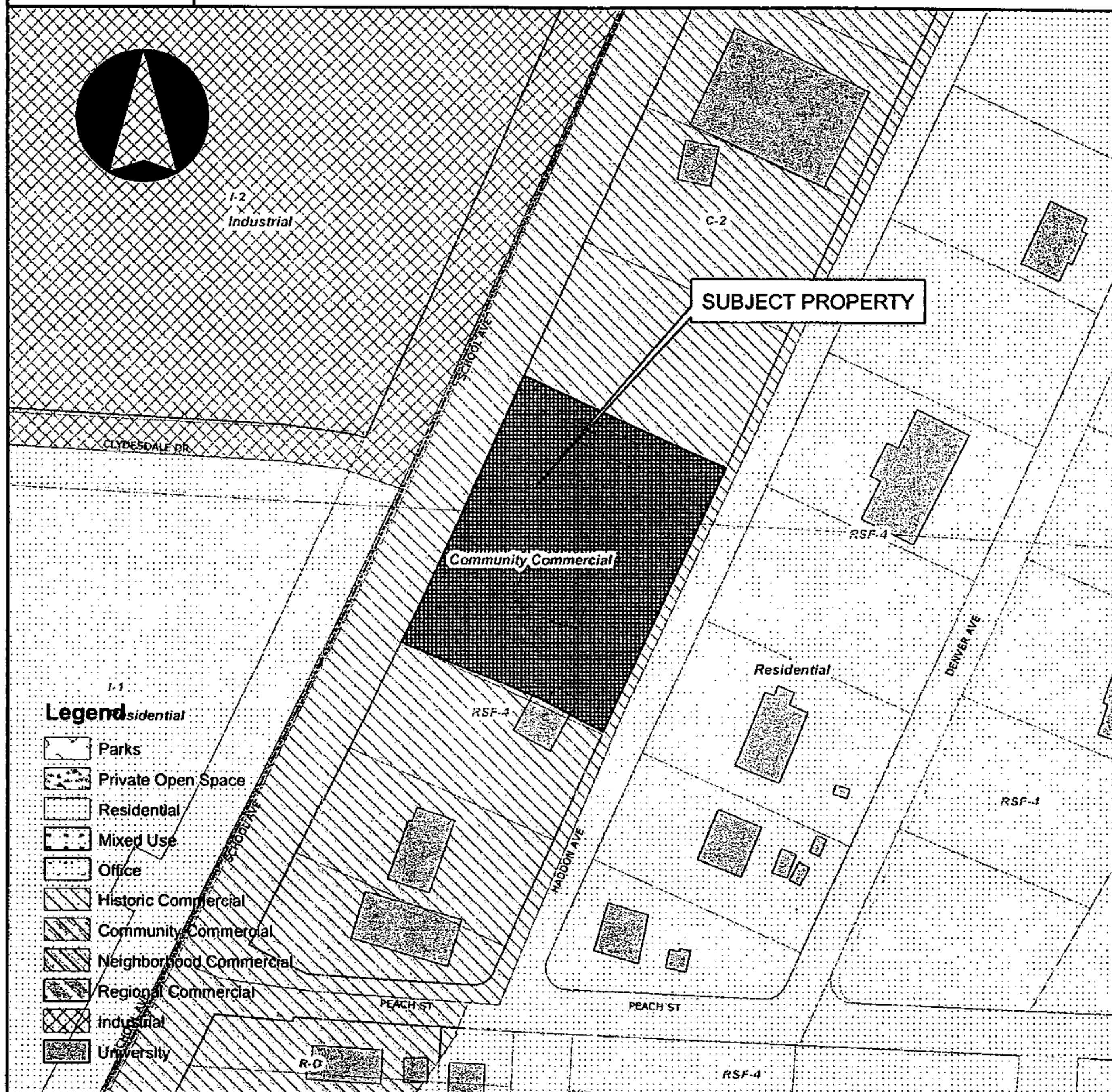
Master Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

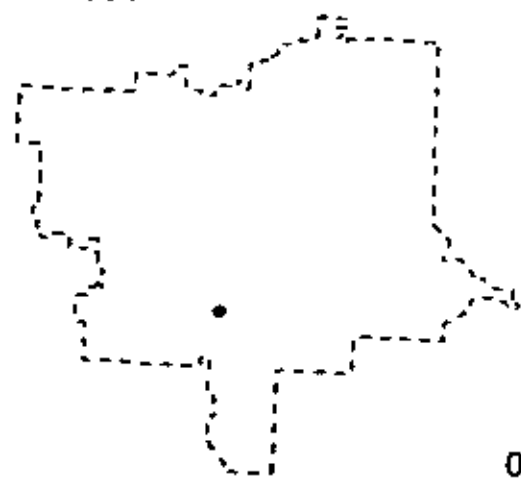
RZN05-1448

Future Land Use

STAGGS



Overview



Legend

Subject Property

RZN05-1448

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

6-Sep-05
City Council Meeting Date

Jeremy Pate *[Signature]*
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 05-1696: STAGGS, 678): Submitted by PLANNING STAFF for property located at 2824 S. SCHOOL AVENUE. The property is zoned C-2, Thoroughfare Commercial and contains approximately 0.68 Acres. The request is to rezone the subject property to R-O, Residential Office.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name
	\$ -	

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director
8-18-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature]
City Attorney
8-19-05
Date

Original Contract Number: n/a

[Signature]
Finance and Internal Service Director
8-19-05
Date

Received in City Clerk's Office
ENTERED 8-18-05
[Signature]

Received in Mayor's Office
ENTERED 8/19/05
[Signature]

Mayor
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director *T.C.*

From: Leif Olson, Associate Planner

Date: August 18, 2005

Subject: Approval of a resolution amending the Master Street Plan and General Plan 2020, adopting street cross sections for the Downtown Master Plan area (ADM 05-1656).

RECOMMENDATION

Planning Staff recommends approval of a resolution amending the Master Street Plan and the General Plan 2020 to adopt street cross sections for the Downtown Master Plan area.

BACKGROUND

The City of Fayetteville hired Dover, Kohl and Associates in 2004 to assist City Staff in drafting a Downtown Master Plan. Following an extensive and well attended public process a Downtown Master Plan was adopted by the City with recommended action items to implement the plan. The City has adopted the Downtown Master Plan document, and the proposed amendments to the General Plan 2020: "Master Street Plan – Street Classifications", is one step in changing the existing codes in order to implement the vision that will guide future development downtown. The current Master Street Plan chapter details street cross-sections that are more applicable to suburban types of development. Streets in the downtown area are unique, and the emphasis of this amendment is to enhance the inherent walkability of the downtown area.

DISCUSSION

The Planning Commission considered this Master Street Plan amendment on July 25, 2005, on which they voted 9-0-0 in favor of the recommended amendment.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE MASTER STREET PLAN AND
THE GENERAL PLAN 2020 TO ADOPT THE DOWNTOWN
MASTER PLAN STREET CLASSIFICATION SYSTEM AND CROSS
SECTIONS AS PROPOSED BY DOVER KOHL AND ASSOCIATES.

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 amends the Master Street Plan and the General Plan 2020 to adopt the
Downtown Master Plan Street Classification System and Cross Sections as proposed
by Dover Kohl and Associates.

PASSED and APPROVED this 6th day of September, 2005.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 8, 2005

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Long Range Planner
THRU: Tim Conklin, Planning and Development Management Director
DATE: August 1, 2005

ADM 05-1656: Administrative Item (MASTER STREET PLAN AMENDMENT):
Submitted by the Planning Staff to amend the Master Street Plan and the General Plan 2020 adopting the street classification system and cross sections as recommended by the Downtown Master Plan. The proposed street cross sections will address the existing conditions and guide future street enhancements with regard to streets located within the Downtown Master Plan Area.

RECOMMENDATION: Staff recommends approval of the requested Master Street Plan Amendment based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	Approved	☐ Denied
Date: <u>August 8, 2005</u>		
CITY COUNCIL ACTION:	Required	<u>YES</u>
	Approved	☐ Denied
Date: <u>September 6, 2005</u>		

BACKGROUND:

Ordinance Amendment: The City of Fayetteville hired Dover, Kohl and Associates in 2004 to assist City Staff in drafting a Downtown Master Plan. Following an extensive and well attended public process a Downtown Master Plan was adopted by the City with recommended action items to implement the plan. The City has adopted the Downtown Master Plan document, and the proposed amendments to the General Plan 2020: "Master Street Plan – Street Classifications", is one step in changing the existing codes in order to implement the vision that will guide future development downtown. The current Master Street Plan chapter details street cross-sections that are more applicable to suburban types of development. Streets in the downtown area are unique, and the emphasis of this amendment is to enhance the inherent walkability of the downtown area.

Implementation of the Downtown Master Plan: City of Fayetteville staff has been

incrementally implementing the recommendations set forth in the Downtown Master Plan. Projects and amendments that have been accomplished include the following:

- Creation of the Hwy 71 East Square Redevelopment TIF District.
- Purchase of the Fay Jones property for the expansion of the green space park adjacent to the new Frisco Trail.
- Conversion of several one-way streets back to two-way traffic.
- City's commitment to fund the Fayetteville Downtown Partners for the evaluation and creation of a Business Improvement District.

Planning Staff is working on the following projects on an on-going basis.

- Master Street Plan amendments (this ordinance).
- Form Based Code with architectural guidelines and attainable housing.
- Conversion of the remaining one-way streets located around the downtown square back to two-way traffic.

PROPOSED ORDINANCE CHANGES:

~~Strikethrough Text~~ proposed for deletion

Bold Text proposed for insertion

10.3 Downtown Master Plan – Street Classifications

The following street sections shall apply to all streets located within the Downtown Master Plan boundary. Accompanying this chapter is a “Master Street Plan Map for the Downtown Master Plan area” which illustrates the locations of the following street cross sections.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 8, 2005

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Long Range Planner
THRU: Tim Conklin, Planning and Development Management Director
DATE: August 1, 2005

ADM 05-1656: Administrative Item (MASTER STREET PLAN AMENDMENT):
Submitted by the Planning Staff to amend the Master Street Plan and the General Plan 2020 adopting the street classification system and cross sections as recommended by the Downtown Master Plan. The proposed street cross sections will address the existing conditions and guide future street enhancements with regard to streets located within the Downtown Master Plan Area.

RECOMMENDATION: Staff recommends approval of the requested Master Street Plan Amendment based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		Approved	☐ Denied
Date: <u>August 8, 2005</u>			
CITY COUNCIL ACTION:		Required	<u>YES</u>
		Approved	☐ Denied
Date: <u>September 6, 2005</u>			

BACKGROUND:

Ordinance Amendment: The City of Fayetteville hired Dover, Kohl and Associates in 2004 to assist City Staff in drafting a Downtown Master Plan. Following an extensive and well attended public process a Downtown Master Plan was adopted by the City with recommended action items to implement the plan. The City has adopted the Downtown Master Plan document, and the proposed amendments to the General Plan 2020: "Master Street Plan – Street Classifications", is one step in changing the existing codes in order to implement the vision that will guide future development downtown. The current Master Street Plan chapter details street cross-sections that are more applicable to suburban types of development. Streets in the downtown area are unique, and the emphasis of this amendment is to enhance the inherent walkability of the downtown area.

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Planning Staff is working on the following projects on an on-going basis.

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PROPOSED ORDINANCE CHANGES:

~~Strikethrough Text~~ proposed for deletion

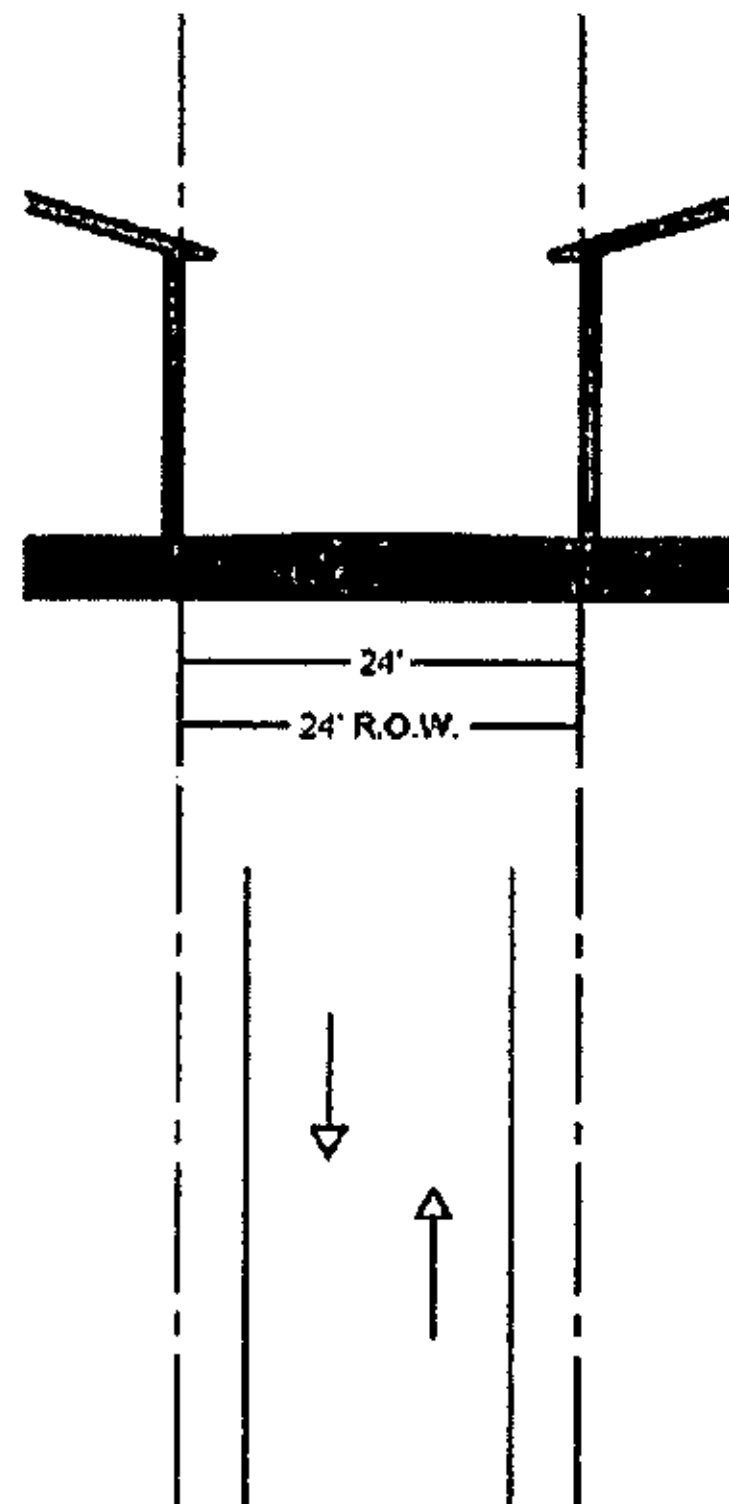
Bold Text proposed for insertion

10.3 Downtown Master Plan – Street Classifications

The following street sections shall apply to all streets located within the Downtown Master Plan boundary. Accompanying this chapter is a "Master Street Plan Map for the Downtown Master Plan area" which illustrates the locations of the following street cross sections.

ALLEY WITH COMMERCIAL REAR ACCESS is a street type provided for "traditional neighborhood" development, with access to properties from rear alleys. These streets provide rear access to primarily commercial property and are intended to be used for the delivery of goods.

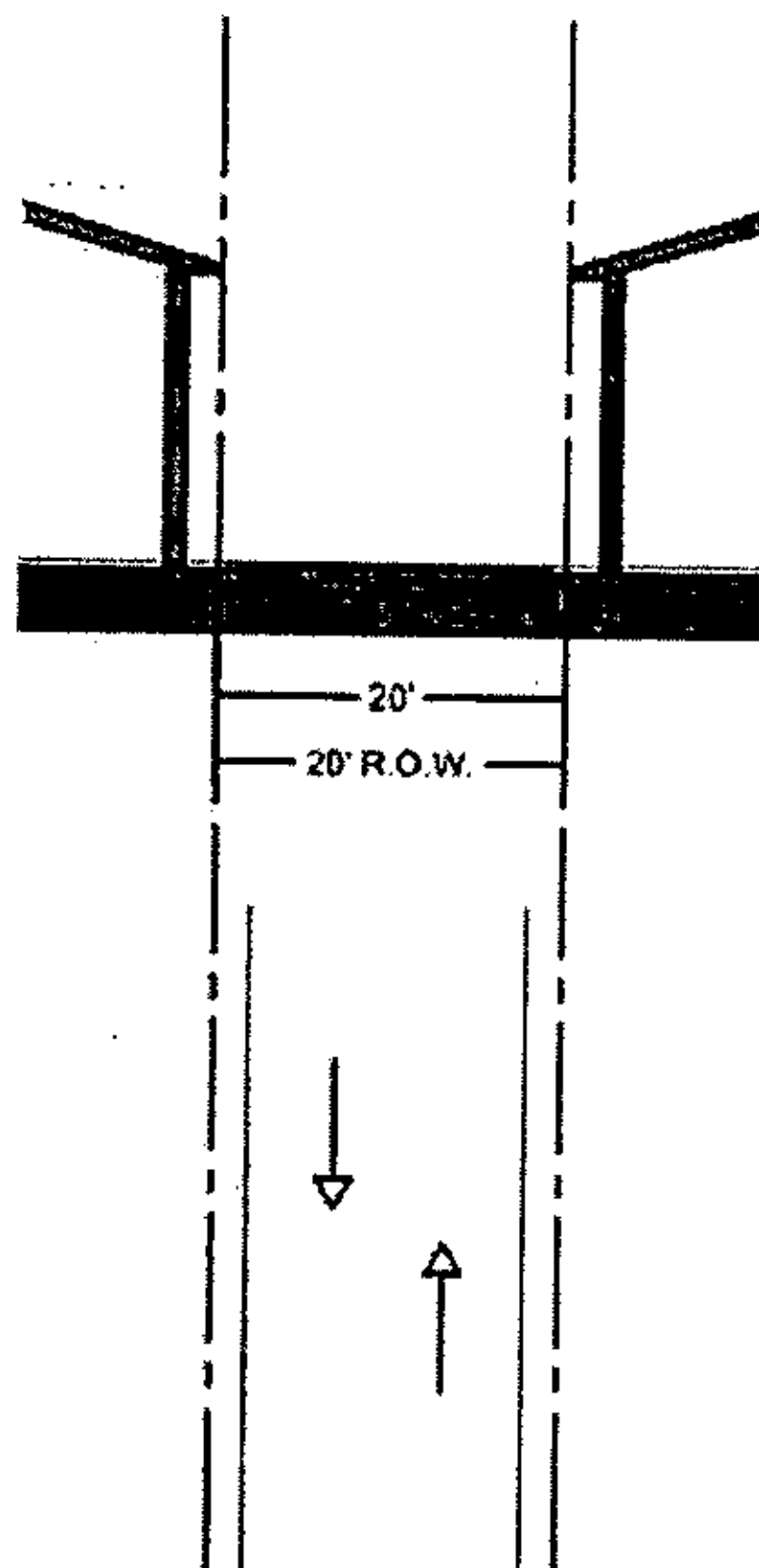
Design Service Volume:	N/A
Speed:	10-15 mph
Traffic Lanes:	Two 10' lanes
Parking:	Allowed
Paved Width:	20' no curb
Right of Way:	24'
Sidewalks:	None
Tree planting areas:	None
Curb cuts	None



ALLEY (A 24)
Alley = Commercial Rear Access

LANE WITH RESIDENTIAL REAR ACCESS is a street type provided for "traditional neighborhood" development, with access to properties from rear alleys. These streets provide rear access to primarily residential property and are intended to be used by property owners to access rear garages and driveways.

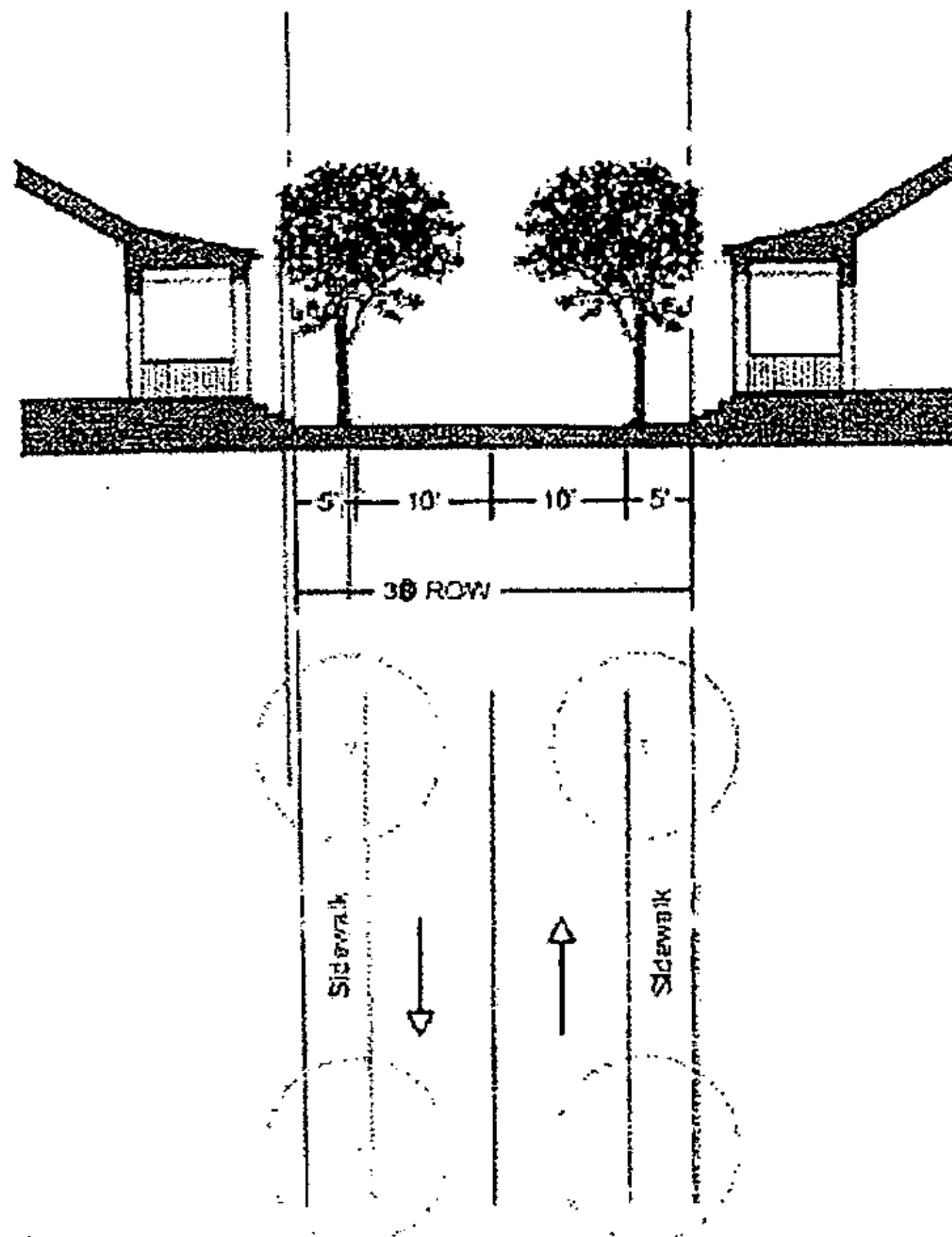
Design Service Volume:	N/A
Speed:	15 mph
Traffic Lanes:	Two 10' lanes
Parking:	Not allowed
Paved Width:	20' no curb
Right of Way:	20'
Sidewalks:	None
Tree planting areas:	None
Curb cuts	None



Lane (LA 20)
 Lane = Residential Rear Access

STREET 2 LANE URBAN (ST 30 10/10): A general traditional thoroughfare serving pedestrian mobility, with two travel lanes and no parking.

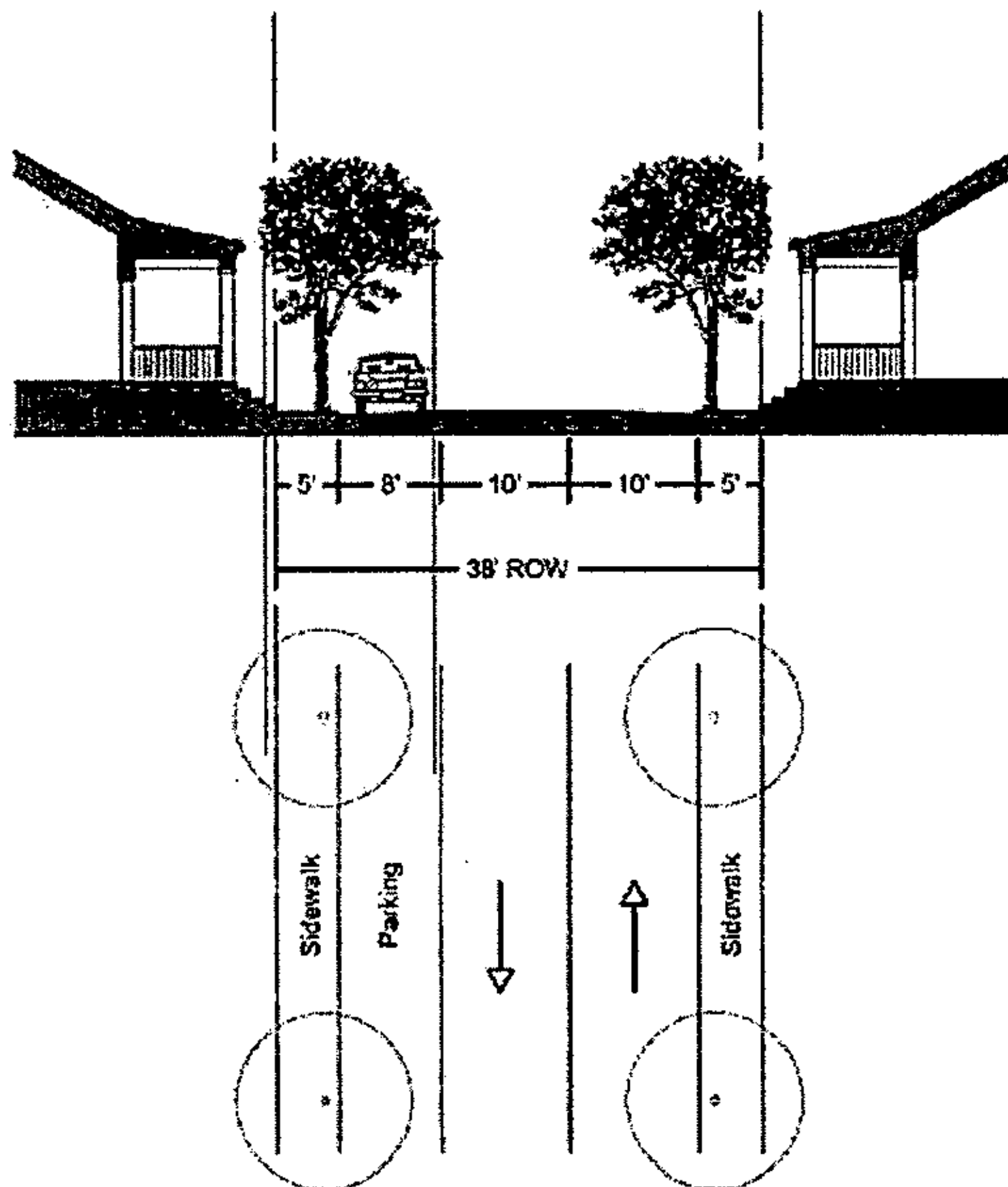
Design Service Volume:	N/A
Speed:	20 mph
Traffic Lanes:	Two 10' lanes
Parking:	none
Paved Width:	20' from front of curb
Right of Way:	30'
Sidewalks:	5' both sides
Tree planting areas:	5' both sides – tree pits with sidewalk grates



STREET (ST 30 10/10)
Street = 2 Lane, Urban (typical)

STREET 2 LANE URBAN (ST 38 8/10/10): A general traditional thoroughfare serving pedestrian mobility, with two travel lanes and parking on one side.

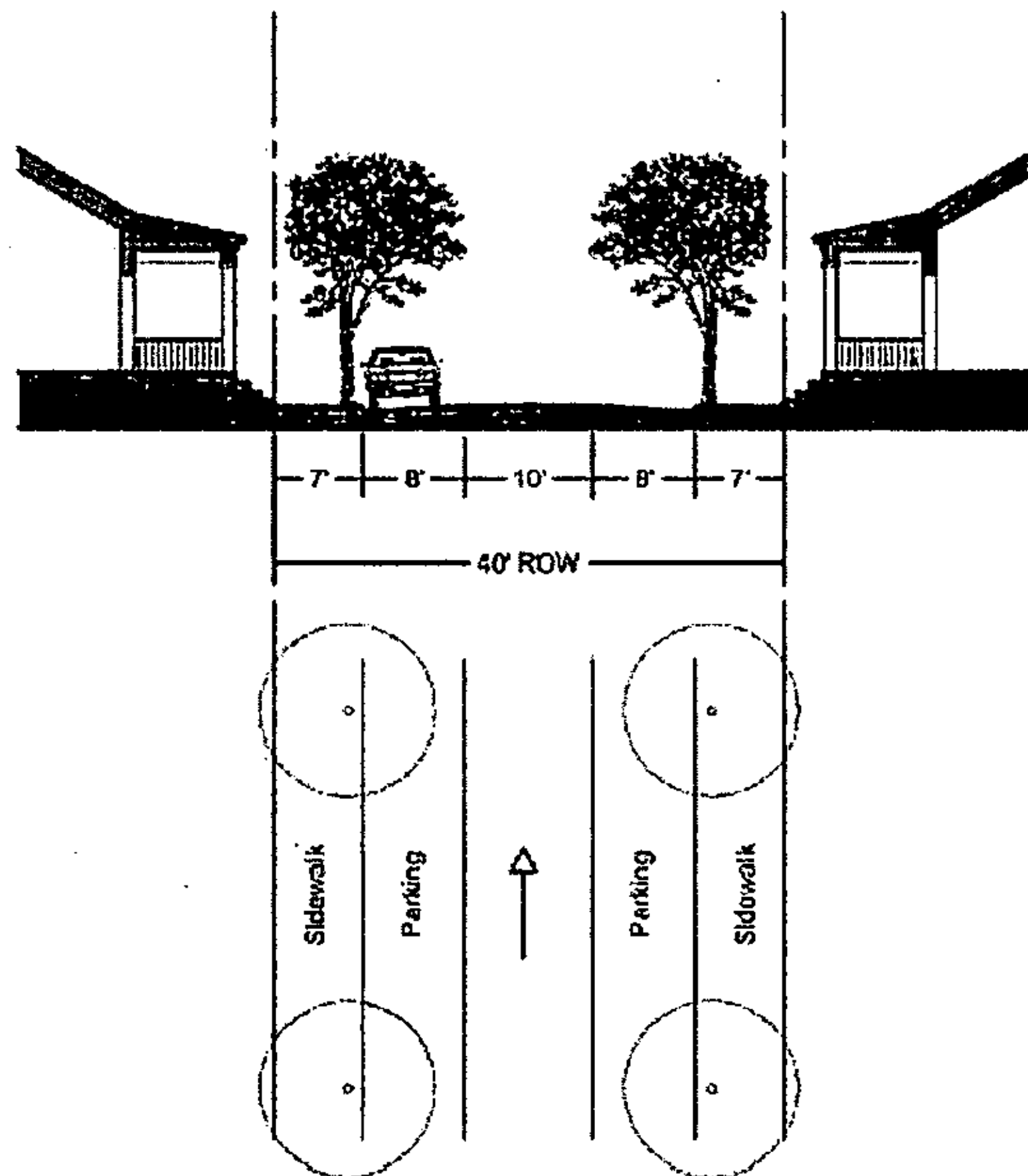
Design Service Volume:	N/A
Speed:	20 mph
Traffic Lanes:	Two 10' lanes
Parking:	8' allowed on one side
Paved Width:	28' from front of curb
Right of Way:	38'
Sidewalks:	4' both sides
Tree planting areas:	5' both sides – tree pits with sidewalk grates



STREET (ST 38 8/10/10)
Street = 2 Lane, Urban (typical)

ONE WAY STREET (ST 40 8/10/8): A general traditional thoroughfare serving pedestrian mobility, with one travel lane and parking on both sides.

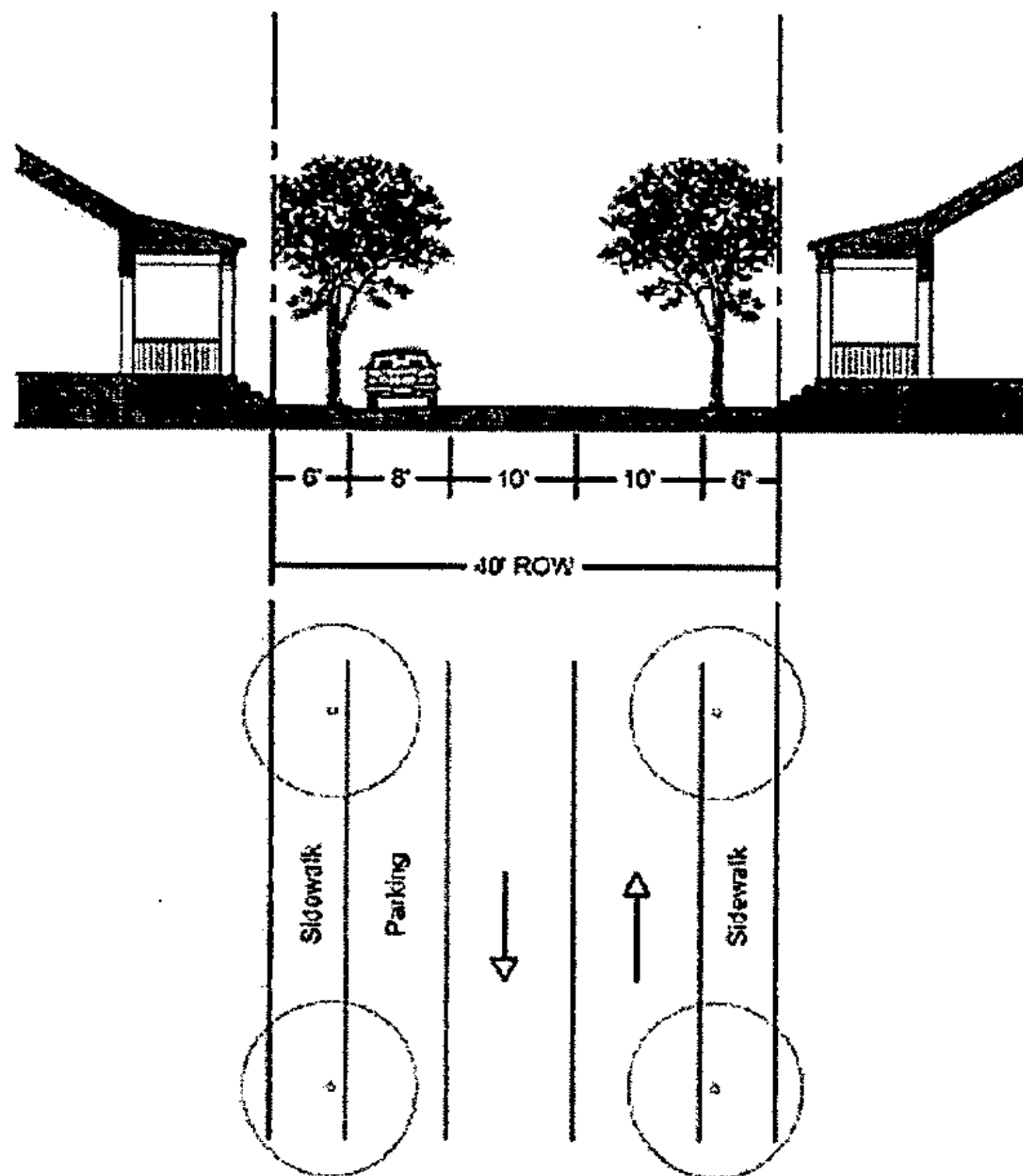
Design Service Volume:	N/A
Speed:	25 mph
Traffic Lanes:	One 10' lane
Parking:	8' required both sides
Paved Width:	26' from front of curb
Right of Way:	40'
Sidewalks:	4' both sides
Tree planting areas:	3' both sides



One-Way STREET (ST 40 8/10/8)
Street = 2 Lane, Urban (typical)

TWO WAY STREET (ST 40 8/10/10): A general traditional thoroughfare serving pedestrian mobility, with two travel lanes and parking on one side.

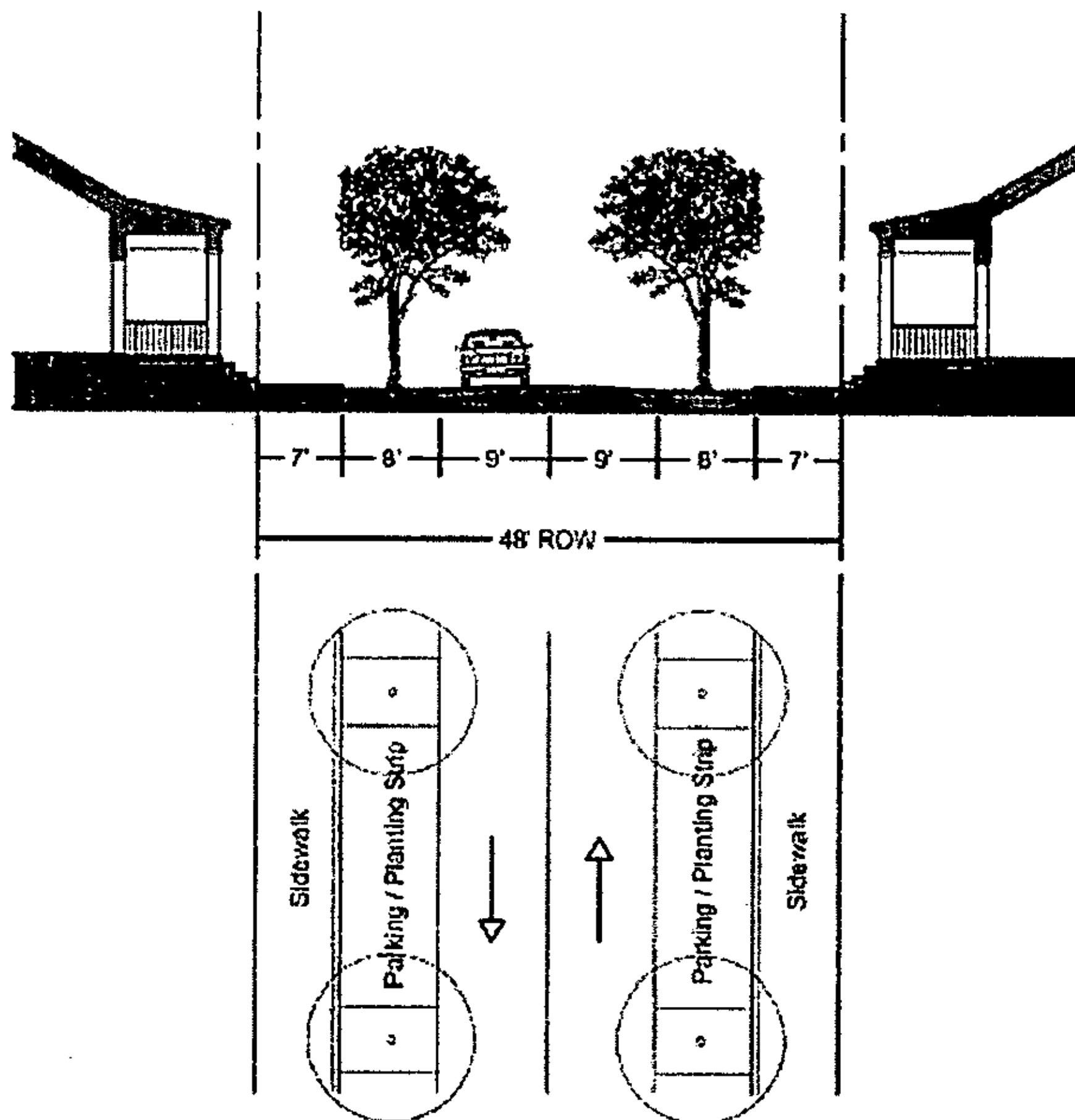
Design Service Volume:	N/A
Speed:	20 mph
Traffic Lanes:	Two 10' lanes
Parking:	8' required one side
Paved Width:	28' from front of curb
Right of Way:	40'
Sidewalks:	6' both sides
Tree planting areas:	2' both sides with trees placed in planter boxes



STREET (ST 40 8/10/10)
Street = 2 Lane, Urban (typical)

STREET (ST 48 8/9/9/8): A general traditional thoroughfare serving pedestrian mobility, with two travel lanes and parking on both sides.

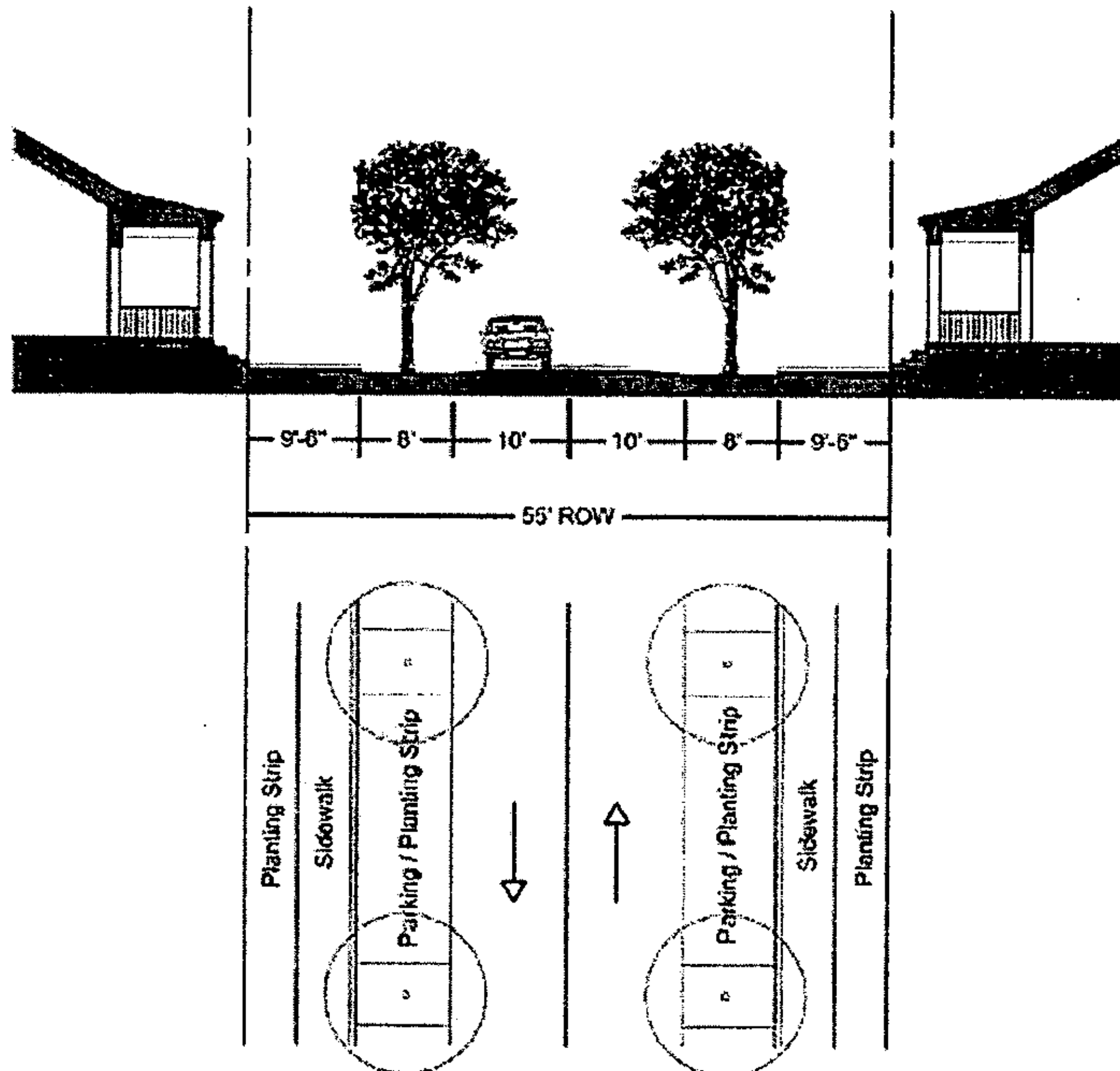
Design Service Volume: N/A
Speed: 30 mph
Traffic Lanes: Two 9' lanes
Parking: 8' both sides
Paved Width: 18' from front of curb
Right of Way: 40'
Sidewalks: 7' both sides
Tree planting areas: 8' both sides



STREET (ST 48 8/9/9/8)
 Street = 2 Lane, Urban

STREET (ST 55 8/10/10/8): A general traditional thoroughfare serving pedestrian mobility with two travel lanes.

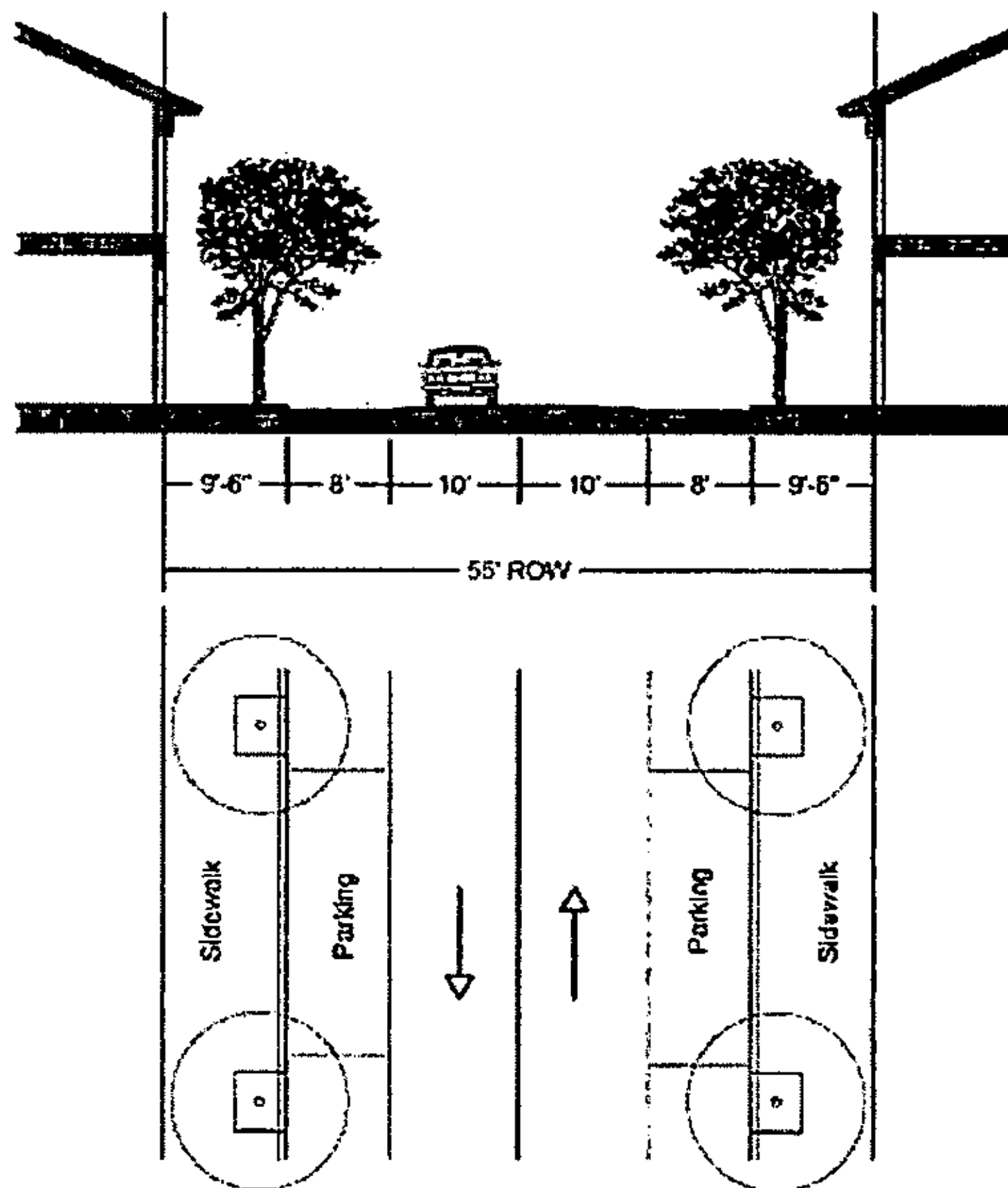
Design Service Volume:	N/A
Speed:	30 mph
Traffic Lanes:	Two 10' lanes
Parking:	8' both sides
Paved Width:	20' from front of curb
Right of Way:	55'
Sidewalks:	5' both sides
Tree planting areas:	8' both sides



STREET (ST 55 8/10/10/8)
Street = 2 Lane, Urban

MAIN STREET (MS 55 8/10/10/8): A traditional thoroughfare with features that encourage pedestrian movement, serving a compact mix of land uses, potentially including retail, office and residential. Main Streets have parallel parking on both sides and, where the uses are more compact and activity is more intense, angle (or diagonal) parking is specified.

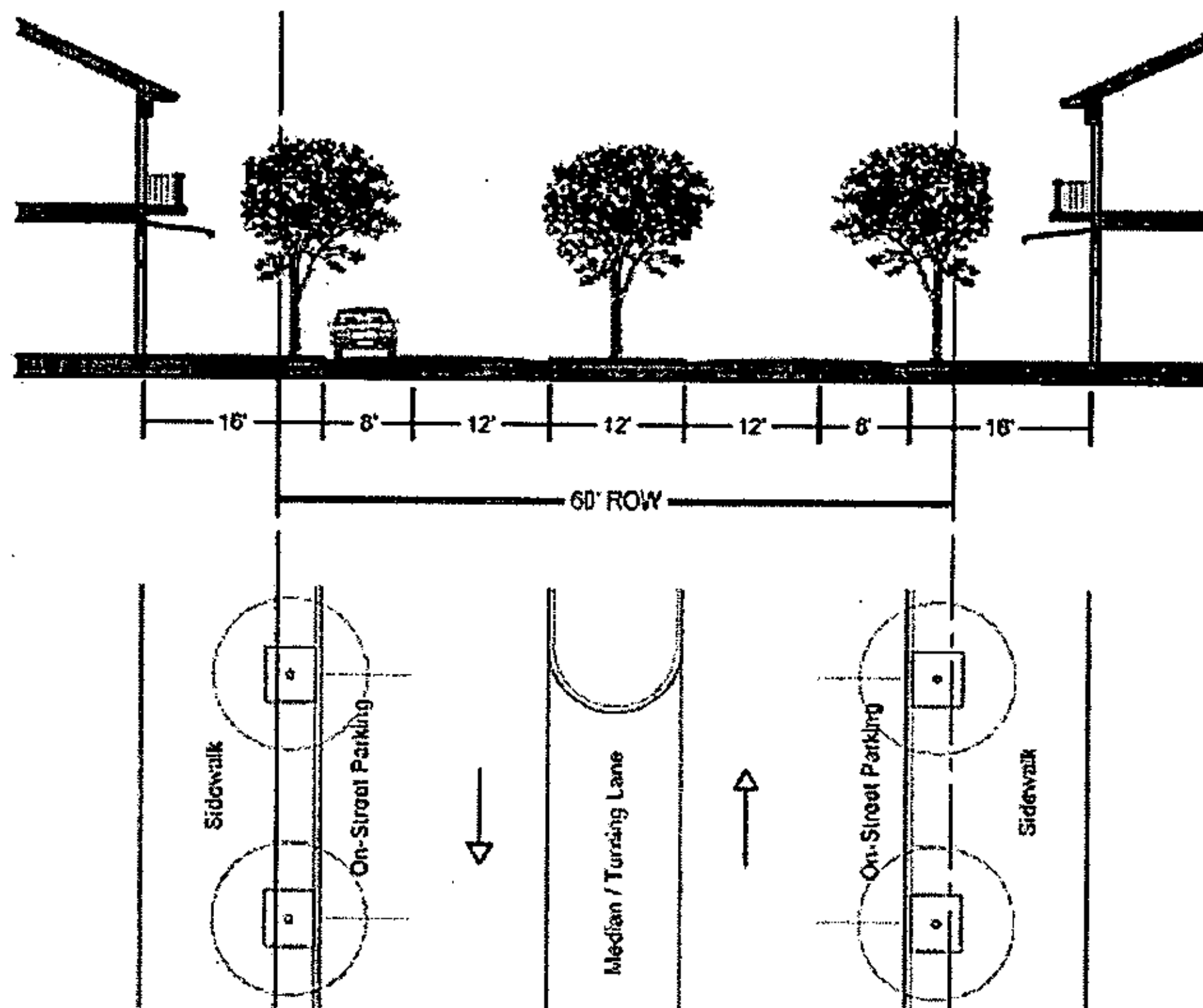
Design Service Volume:	N/A
Speed:	20 mph
Traffic Lanes:	Two 10' lanes
Parking:	8' allowed on one side
Paved Width:	38' from front of curb
Right of Way:	55'
Sidewalks:	9' 6" both sides
Tree planting areas:	Tree pits located in the sidewalk with grate



MAIN STREET (MS 55 8/10/10/8)
Street = 2 Lane, Urban

BOULEVARD (60 8/12/12/12/8): A principle traditional thoroughfare designed to encourage pedestrian mobility while traversing a community. Boulevards have multiple adjacent land uses. They generally have center medians, street trees, sidewalks and parallel parking. Where higher traffic volumes occur, multi-way boulevards are specified with center travel lanes, adjacent medians and lower speed, and outside access lanes. The outer lanes and medians are pedestrian friendly and the center lanes serve motor vehicle mobility.

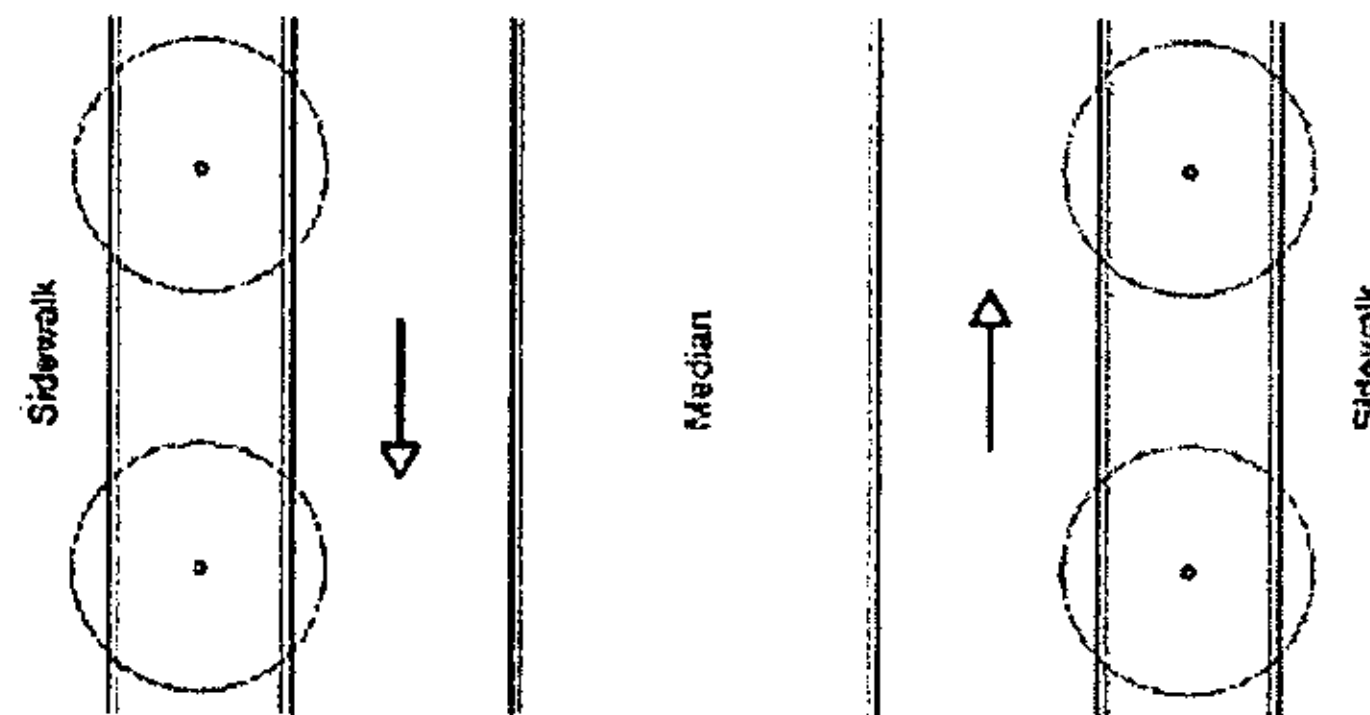
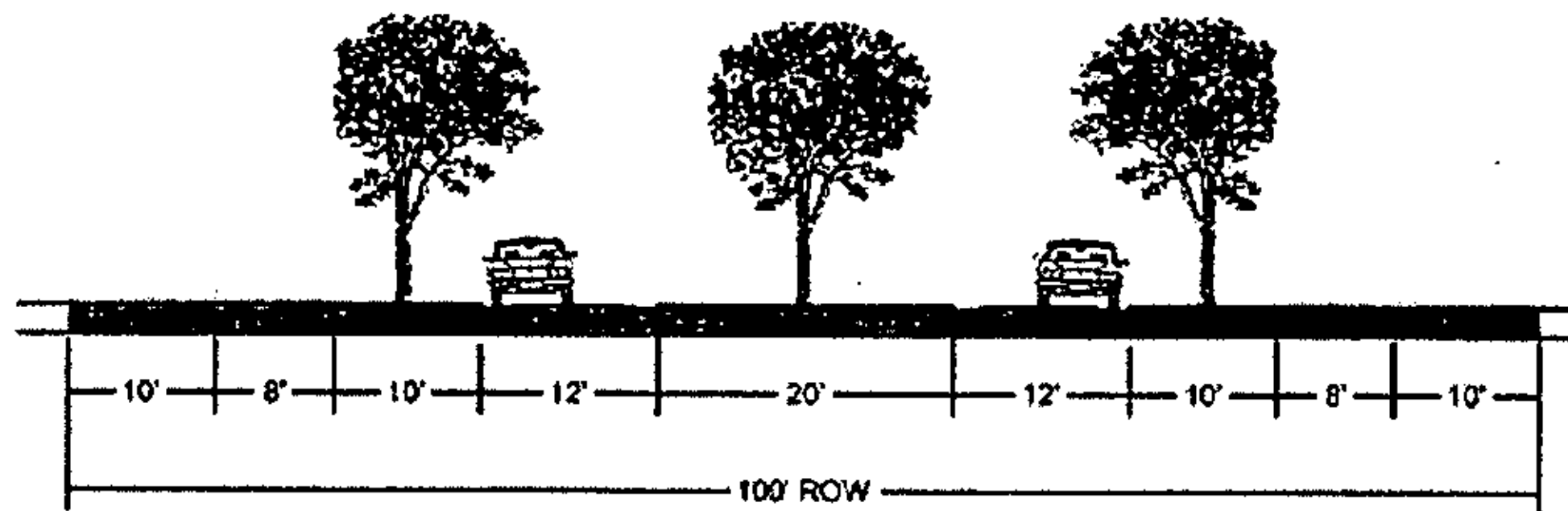
Design Service Volume:	N/A
Speed:	35 mph
Traffic Lanes:	Two 12' lanes
Parking:	8' required on both sides
Paved Width:	20' from front of curb
Right of Way:	60'
Sidewalks:	8' both sides
Tree planting areas:	4' both sides – 12' center



BOULEVARD (BV 60 8/12/12/12/8)
Street = 3 Lane, Urban

BOULEVARD (BV 100 12/20/12): A principle traditional thoroughfare designed to encourage pedestrian mobility while traversing a community. Boulevards have multiple adjacent land uses. They generally have center medians, street trees, sidewalks and parallel parking.

Design Service Volume:	N/A
Speed:	40 mph
Traffic Lanes:	Two 12' lanes
Parking:	None
Paved Width:	12' from front of curb
Right of Way:	100'
Sidewalks:	6' both sides
Tree planting areas:	10' both sides – 20' center



BOULEVARD (BV 100 12/20/12)
Street = 2 Lane, Urban

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

9/6/2005
City Council Meeting Date

Leif Olson
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of a resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan street cross sections as proposed by Dover Kohl and Associates.

\$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
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

8-18-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

City Attorney

8/19/05
Date

Original Contract Number: n/a

Finance and Internal Service Director

8-19-05
Date

Received in City Clerk's Office
ENTERED
8-18-05
Clerk

Mayor

8/19/05
Date

Received in Mayor's Office
ENTERED
8/19/05
Pitt

Comments:

City Council Meeting of September 6, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Tim Conklin, Planning and Development Management Director T.C.

From: Leif Olson, Associate Planner

Date: August 18, 2005

Subject: Approval of an ordinance to adopt a new residential zoning district, RSFH-8, 8 units / acre.

RECOMMENDATION

Planning Staff recommends approval of an ordinance amendment to the Unified Development Code adopting a new residential zoning district, RSFH-8, Residential Single Family Historic - 8 units/acre.

BACKGROUND

Many of the older areas in the City of Fayetteville were platted prior to World War II and before the advent of today's automobile culture and 2,000 to 5,000 sq. ft. homes. Necessarily, these areas required smaller lots and they were typically developed in a compact pedestrian oriented neighborhood pattern. Many lots in the City were platted 40 to 60 feet wide and 100 to 130 feet deep. Homes, outbuildings, and driveways were then placed on lots with consideration to slope, street orientation, and the topography.

The current ordinances that we utilize to regulate development are based in the suburban development patterns that dominated the last half century. Our current codes require larger lots, deeper setbacks, street front access, etc., which ensures that new development, for the most part, will reflect these suburban patterns.

Historic platted lots must have variances granted in most cases to allow for single family residential infill development. Additionally, existing homes often have to request setback variances in order to add additional living space, outbuildings, porches, etc. Adoption of this new zoning district will allow property owners to bring their properties into compliance without using a variance procedure, and it will encourage the infill development of single family homes in a traditional land use pattern.

DISCUSSION

The Planning Commission considered this UDC amendment on July 25, 2005, on which they voted 9-0-0 in favor of the recommended amendment. Subsequent discussions with the neighborhood that intends to use this zoning district in a rezoning application have expressed concern regarding utilizing a build to line. Therefore, Planning Staff has

City Council Meeting of September 6, 2005
Agenda Item Number

amended the RSFH-8 zoning district by requiring a 15 ft. setback line as opposed to the 15 to 25 ft. build to line that was originally suggested.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE, OF THE CODE OF FAYETTEVILLE, TO PROVIDE A NEW RESIDENTIAL ZONING DISTRICT.

WHEREAS, many of the historical residential neighborhoods in Fayetteville were platted prior to current zoning ordinances; and,

WHEREAS, these residential neighborhoods are therefore considered non-conforming in regards to bulk, area, and setback requirements; and,

WHEREAS, the City of Fayetteville desires to preserve these neighborhoods in their present residential conditions; and,

WHEREAS, the City of Fayetteville recognizes that future residential developments are likely to be built in a historical or New Urbanist pattern,

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

Section 1. That Chapter 161: Zoning Regulations Unified Development Ordinance, Code of Fayetteville is hereby amended by inserting Exhibit "A" attached hereto and made a part hereof.

PASSED and APPROVED this 6th day of September, 2005.

DRAFT

APPROVED

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"

161.08 District RSFH-8, Residential Single-Family Historic 8 units/acre

(A) *Purpose.* The RSFH Residential District is designed to bring historic platted development into conformity and to allow for the development of new residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	By Right
Single-family dwelling units per acre	8

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	150 ft.
---------------	---------

(2) *Lot area minimum.*

Single-family	15,000 sq. ft.
---------------	----------------

(3) *Land area per dwelling unit.*

Single-family	15,000 sq. ft.
---------------	----------------

(E) *Setback requirements / Build to Line.*

Front Build to Line	Side Setback	Rear setback
15-25 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building height maximum	30 feet
-------------------------	---------

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



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of August 8, 2005

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Long Range Planner
THRU: Jeremy Pate, Director of Current Planning
Tim Conklin, Planning and Development Management Director
DATE: August 1, 2005

ADM 05-1657: Administrative Item (CHAPTER 161: ZONING REGULATIONS AMENDMENT): Submitted by Planning Staff to amend Chapter 161: Zoning Regulations, adopting a new residential zoning classification RSFH-8, Residential Single Family Historic - 8 units/acre. This proposal will create a new zoning district that will allow for existing platted lots that are non-conforming in regards to lot width, lot area, building setbacks, etc. to become conforming by creating a zoning district specifically for the historic residential platted areas of the City.

RECOMMENDATION: Staff recommends approval of the requested zoning amendment.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	☐ Denied
	Approved	☐ Denied	
Date: <u>August 8, 2005</u>			
CITY COUNCIL ACTION:	Required	<u>YES</u>	☐ Denied
	Approved	☐ Denied	
Date: <u>September 6, 2005</u>			

BACKGROUND:

Ordinance Amendment: Many of the older areas in the City of Fayetteville were platted prior to World War II and before the advent of today's automobile centered culture. Necessarily, these areas required smaller lots and more compact neighborhood pedestrian oriented development patterns. Many lots in the City were platted 40 to 60 feet wide and 100 to 130 feet deep. Homes, outbuildings, and driveways were then placed on lots with consideration to slope, street orientation, and the topography.

Development patterns, post World War II, were more sub-urban in nature and relied on the convenience of the automobile in order to move development out to the fringes of the City. During the post WWII era is when the City adopted its first planning codes and

zoning ordinances. The current ordinances that we use to regulate development are based in the suburban development patterns that dominated the last half century. Our current codes require larger lots, deeper setbacks, street front access, etc., which ensures that new development, for the most part, will reflect these suburban patterns.

Historic platted lots must have variances granted in most cases to allow for single family residential infill development. Additionally, existing homes often have to request setback variances in order to add additional living space, outbuildings, porches, etc. Adoption of this new zoning district will allow property owners to bring their properties into compliance without using a variance procedure, and it will encourage the infill development of single family homes.

PROPOSED ORDINANCE CHANGES:

~~Strikethrough Text~~ proposed for deletion
Bold Text proposed for insertion

161.26 District RSFH-8, Residential Single-Family Historic - 8 units/acre

(A) *Purpose.* The RSFH Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

	By Right	Conditional Use
Single-family dwelling units per acre	8 or less	--
Two-family dwelling units per acre	--	8

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building maximum	height	30 ft.
---------------------	--------	--------

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

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

9/6/2005
City Council Meeting Date

Leif Olson
Submitted By

Planning
Division

Operations
Department

Action Required:

Approval of an ordinance amendment to adopt a new residential zoning classification RSFH-8, Residential Single Family Historic - 8 units/acre.

\$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
n/a
\$ -
Remaining Balance

n/a
Program Category / Project Name
n/a
Program / Project Category Name
n/a
Fund Name

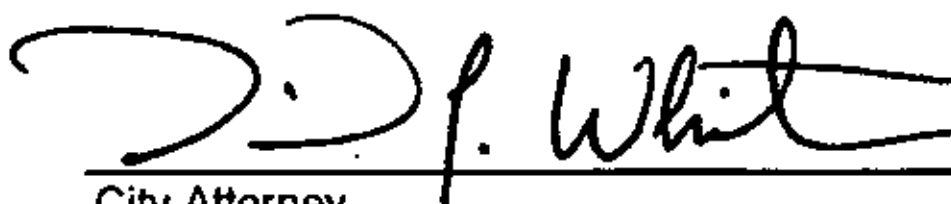
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 8-18-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney 8/19/05
Date

Original Contract Number: n/a


Finance and Internal Service Director 8-19-05
Date

Received in City Clerk's Office
ENTERED 8-18-05
dw


Mayor 8/19/05
Date

Received in Mayor's Office
ENTERED 8/19/05
PH

Comments:

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF SEPTEMBER 6, 2005

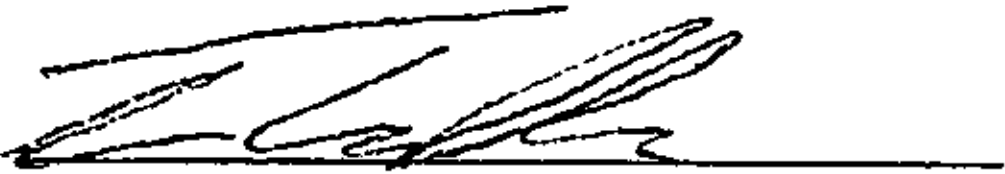
FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

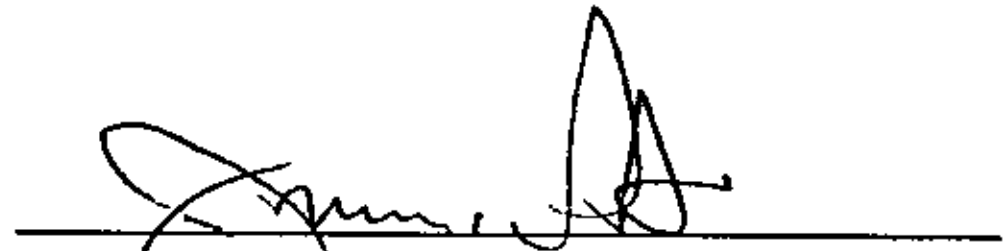
An Ordinance To Amend §166.08 Design Standards By Adding A New Subsection To Section (F) Residential Lots

APPROVED FOR AGENDA:



Tim Conklin
Planning & Development Management Director

8-23-05
Date



Jeremy Pate
Director of Current Planning

08-23-2005
Date



Kit Williams
City Attorney

8-23-05
Date

Dan Coody
Mayor

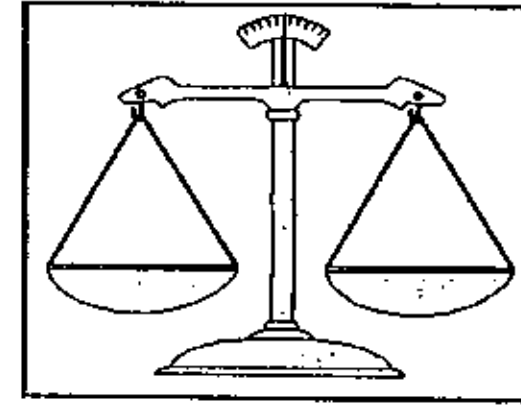
Date

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

C. 11
Amend 166.08 Design Standards
Page 2 of 4



LEGAL DEPARTMENT

TO: City Council

FROM: Kit Williams, City Attorney

DATE: August 23, 2005

RE: Amendment to §166.08 (F)

I have been requested to amend §166.08 (F) so that any subdivision outside the city limits for which the City Council allows sewer service and which agrees to annex when legally possible and develop pursuant to all inside the city regulations (including impact fees) would be able to use the slightly smaller bulk and area requirements for inside the city residential subdivisions. I believe this proposed new subsection will accomplish that.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND §166.08 DESIGN STANDARDS
BY ADDING A NEW SUBSECTION TO SECTION (F)
RESIDENTIAL LOTS**

WHEREAS, if the City Council decides to grant sewer service to an area close to, but not adjacent to the city limits whose owner has agreed to develop pursuant to all ordinance requirements for inside the city developments (including payment of all impact fees), this area should be allowed to develop in accordance with the bulk and area regulations for developments within the City.

**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 amends **§166.08 (F) Residential Lots** by enacting subsection (3) as shown below:

“(3) Developments outside city developed to all inside the city standards.”

“If the City Council grants access to the City’s sewer system pursuant to §51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all inside the city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the city limits rather than those within the planning area.”

PASSED and APPROVED this 6th day of September, 2005.

APPROVED: **DRAFT**

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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
September 6, 2005**

A meeting of the Fayetteville City Council will be held on September 6, 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**

Presentation on the Economic Impact Report of the Fayetteville Municipal Airport given by Dr. Jeffrey T. Collins-*Agenda Session Only*

Presentation on the Hillside Preservation Best Practices and Ordinance Recommendations given by Jim Pitts with Design Workshop-*Agenda Session Only*

Presentation on the Final Check for Blair Library Construction given by Louis Gottsponer, President, Library Board of Trustees and Louise Schaper, Executive Director-*City Council Meeting Only*

A. CONSENT:

- 1. Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.**
- 2. Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.
- 3. Braden Park Contract Award:** A resolution approving a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park; approving a 10% project contingency in the amount of \$10,996.00; and approving a budget adjustment in the amount of \$20,178.00 for same.

4. **University of Arkansas Cost Share Agreement:** A resolution approving a cost-share agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP)
5. **McClelland Consulting Engineers Task Order No. 11:** A resolution approving Task Order No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport.
6. **Cinnabar Service Company Easement Negotiation:** A resolution to approve an additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for the Wastewater System Improvement Project.
7. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** 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.
8. **ADM 05-1666 Master Street Plan Amendment for Ruppel Road:** A resolution amending the Master Street Plan reclassifying the entire length of Ruppel Road from a minor arterial street to a principal arterial street.
9. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClinton Anchor Division reducing the contract amount by \$278,481.85.
10. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.
11. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.
12. **Wedington Drive W & S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.

Remove (8)

B. UNFINISHED BUSINESS:

1. **Amend § 96.05 Motor Vehicle and Motorcycle Sound Limit:** An ordinance to amend § 96.05 Motor Vehicle and Motorcycle Sound Limit of the Code of Fayetteville. *This ordinance was left on the second reading at the May 3, 2005 City Council meeting. This item was tabled at the May 17, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
2. Mally ^{Spelling} ~~Wagon~~ Road Sewer Service: A resolution to allow extension ^{Spelling} of sewer service outside the City's corporate limits on a 25 acre parcel on Mally ~~Wagon~~ Road less than a quarter mile from the city limits. *This item was tabled at the August 2, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
3. ~~Bid of Assurance?~~ **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 at the August 16, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*
4. **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 left on the third reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
5. **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 left on the second reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*
6. **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 left on the first reading at the August 16, 2005 City Council meeting.*

7. **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 at the August 16, 2005 City Council meeting. This item was forwarded to the Ordinance Review Committee.*

C. NEW BUSINESS:

1. **Walker House Demolition:** A resolution to authorize bids and approve the lowest qualified bid received for the demolition and disposal of the Walker House located at 901 South College Avenue.
2. **Amend § 34.27 Sale of Municipally Owned Real Property:** An ordinance amending § 34.27, Code of Fayetteville to exempt the dedication of real property to the Arkansas State Highway Commission from the requirements of the ordinance; and declaring an emergency.
3. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.
4. **Gregg Avenue (Hwy 180) Widening Project:** A resolution approving the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue Widening.
5. **Amend § 166.05 Large Scale Development (LSD):** An ordinance to clarify that the miscellaneous requirements for large scale developments found in § 166.05 (C) (6) and (7) also apply to preliminary plats.
6. **ANX 05-1628 (Lamberth-Carlton):** An ordinance annexing that property described in Annexation Petition ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres.
7. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection from R-O Residential-Office to C-2, Thoroughfare Commercial.
8. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.

9. **ADM 05-1656 Adoption of the Downtown Master Plan Street Classification System:** A resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl and Associates.

10. **Adoption of §161.08 District RSFH-8:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.

11. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

D. INFORMATIONAL:

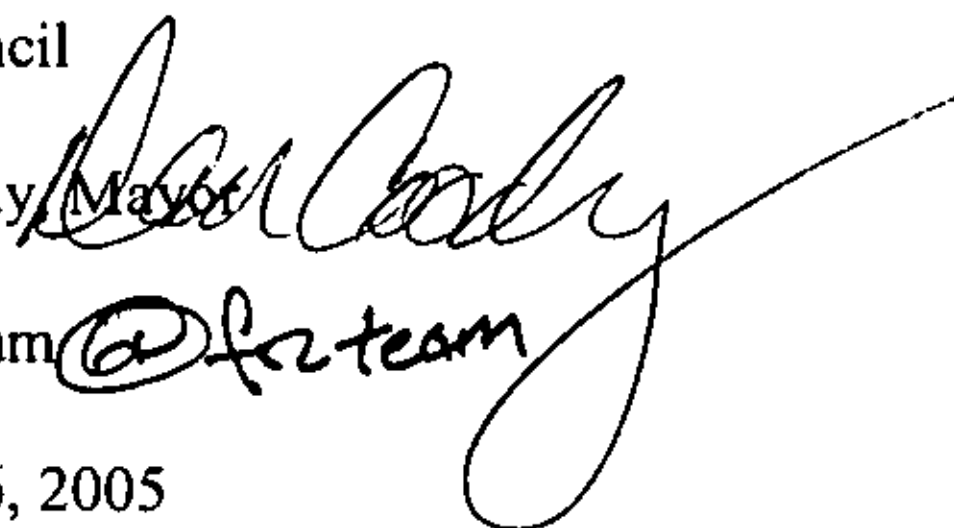
1. **Hamestring/Owl Creek Sewer Basin Options:** Information will be provided at Agenda Session.
2. **Council Tour:** September 5, 2005 – 4:30 PM



Assel Out at
Agenda Session
8/30/05

OPERATIONS DIRECTOR

To: City Council

Thru: Dan Coody 

From: WSIP Team 

Date: August 26, 2005

Re: Hamestring/Owl Creek Sanitary Sewer Basin

The Staff has been monitoring the Hamestring/Owl Creek Sanitary Sewer Basin capacity for several years due to the rapid growth in West Fayetteville and the timeframe for completion of the Westside Sewer Plant and associated lift stations and line improvements.

With the completion of a traditional sewer plant 33 to 36 months after contract award, it is anticipated that improvements may be required to augment the line and lift station capacity within this basin before completion of the Westside Sewer Plant and related improvements.

In an effort to accommodate the building activity within this basin until the Westside Plant is online, the staff has been meeting regularly with developers within this basin to create a plan of action that can be accepted by the development community and the City Council. We anticipate a final solution within 30 days of the September 6th City Council meeting. Discussion points to date have focused upon the following:

1. Until a final solution is agreed to, all subdivision approvals within this basin would be subject to a bill of assurance which would require the developer to contribute to the cost of the agreed upon solution on a per lot basis.
2. The RJN Study recommending various options will be completed as soon as possible. This is anticipated to be within 2 weeks of the September 6th City Council meeting.
3. A developer/City meeting will be scheduled as soon as practical after delivery of the RJN Report.
4. A recommended solution will be determined at this scheduled developer/City meeting.
5. The development community will be asked to agree to the creation of an assessment district with each dwelling unit or equivalent created within this basin after September 1, 2005, subject to the assessment fee.
6. The assessment fee will be determined by dividing the estimated cost of the solution by the number of dwelling units or equivalents (i.e. lots for single family and equivalents for multiple family and non-residential uses) anticipated to be

built upon between September 1, 2005 and the beginning of operation of the Westside Sewer Plant.

7. Every attempt will be made to minimize the construction of any temporary improvements.
8. The assessment fees will be maintained in a separately identifiable account.
9. Any funds not utilized for the solution will be returned to the contributing developers on a prorated basis after the Westside Plant is operational.

The staff will continue to keep the City Council informed and will continue to work with the development community to resolve in a positive manner this very complex issue.

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
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Presentation on the Final Check for Blair Library Construction given by Louis Gottsponer, President, Library Board of Trustees and Louise Schaper, Executive Director-City Council Meeting Only

A. CONSENT:

- Pulled and sent back to Administration*
1. **Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.**
 2. **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.
 3. **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.

4. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.
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Pulled and sent back to David Jagers
NEW BUSINESS:

- Consent* 1. **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.
- Consent* 2. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClinton Anchor Division reducing the contract amount by \$278,481.85.
- Consent* 3. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.
- Consent* 4. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.
- Consent* 5. **Wedington Drive W & S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.
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7. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.
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Compare to Ord.

11. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest from R-O Residential-Office to C-2, Thoroughfare Commercial.

12. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.

13. **Adoption of §161.08 District RSFH-8:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.

14. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

15. **Hamestring/Owl Creek Sewer ^{Basin Options} Assessment District:** ~~Tim Conklin~~ : Information will be provided at Agenda session

D. INFORMATIONAL:

D.1

Council Tour: September 5, 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:

Final Agenda was inserted in the regular editions on
September 5, 2005.

PO# _____

** Publication Charge: \$ 379.44

Subscribed and sworn to before me this

6 day of September, 2005.

Sharlene D. Williams

Notary Public

Sharlene D. Williams

Notary Public

My Commission Expires: _____ State of Arkansas

My Commission Expires

October 18, 2014

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SEP 07 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody, Mayor**

THRU: **Sondra Smith, City Clerk**

FROM: **Kit Williams, City Attorney**

DATE: **September 7, 2005**

RE: **Passed Ordinances and Resolutions from City Council meeting
of September 6, 2005**

1. **Arkansas Parks & Tourism Outdoor Recreation Grant:** Resolution authorizing Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for Braden Park Project; and approving budget adjustment recognizing grant revenue;

2. **Braden Park Contract Award:** Resolution approving contract w/Midland Construction, Inc. in amount of \$109,962.00 for construction of Braden Park; approving 10% contingency in amount of \$10,996.00; and approving budget adjustment in amount of \$20,178.00 for same;

3. **U of A Cost Share Agreement:** Resolution approving cost-share agreement w/U of A in amount not to exceed 440,000.00 from Economic Development Fund to obtain engineering services related to continued development of Arkansas Research and Technology Park;

4. **McClelland Consulting Engineers Task Order No. 11:** Resolution approving Task Order #11 w/McClelland Consulting Engineers in amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport;

5. **Cinnabar Service Company Easement Negotiation:** Resolution approving additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for Wastewater System Improvement Project;

6. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** Resolution amending 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 LSD 05-1593;

7. **APAC Change Order Amendment:** Resolution rescinding Change Order contained in Resolution No. 155-05 and approving revised change order to construction contract w/APAC-Arkansas, Inc., McClinton-Anchor division reducing contract amount by \$278,481.85;

8. **Floyd S. Salser Jr. & Assoc. Water Meter Testing Purchase:** Resolution awarding Bid 05-52 to Floyd S. Salser Jr. & Assoc. in amount of \$161,590.00 for purchase of Meter Test Bench for testing and repairing water meters; and approving contingency in amount of \$8,000.00;

9. **Razorback Road W&S Relocation Project Amendment #1:** Resolution approving Amendment #1 to contract w/McClelland Consulting Engineers, Inc. in amount not to exceed \$116,960.00 for final design, bidding, construction administration; and resident services during construction for water and sewer relocation for highway improvements to Razorback Road;

10. **Wedington Dr. W&S Relocation Project Amendment #1:** Resolution approving Amendment #1 to contract w/McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration; and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive;

11. **Amend §96.05 Motor Vehicle & Motorcycle Sound Limit:** Ordinance amending §96.05 Motor Vehicle & Motorcycle Sound Limit of Code of Fayetteville;

12. **Mally Wagon Road Sewer Service:** Resolution allowing extension of sewer service outside City's Corporate Limits on a 25-acre parcel on Mally Wagon Road less than a quarter mile from city limits;

13. **Planning Commission Appeal:** Ordinance rezoning property described in RZN 05-1524 located at 300, 306, 310 W. Poplar St., from RSF-4, Residential Single Family, 4 Units Per Acre and R-0, Residential Office to C-2, Thoroughfare Commercial;

14. **R-PZD 05-1463:** Ordinance establishing R-PZD 05-1463, Oakbrooke Phase I, located west of Ruppel Road and east of Bridgeport Subdivision, containing approximately 20.9 acres, amending official zoning map of City of Fayetteville and adopting Associated Residential Development Plan as approved by Planning Commission;

15. **R-PZD 05-1555:** Ordinance establishing R-PZD 05-1555, Oakbrooke Phase II, located west of Ruppel Road and east of Bridgeport Phase II, containing approximately 11.5 acres, amending official zoning map of City of Fayetteville and adopting Associated Residential Development Plan as approved by Planning Commission;

16. **Firemen Settlement Agreement:** Resolution approving Settlement Agreement w/Plaintiffs in Peter T. Reagan, et al v. City of Fayetteville, Federal District Court Civil Case No. 05-5045;

17. **Hurricane Katrina, FEMA Grant:** Resolution authorizing use of up to \$100,000.00 from Replacement & Disaster Recovery Fund for use in collecting and distributing aid to Hurricane Katrina survivors; use of 1851 E. Huntsville Road (Mexican Original) as a Disaster Relief Collection and Distribution Center; approving budget adjustment in amount of \$100,000.00 recognizing grant revenue from FEMA and declaring an emergency;

18. **Title XI: Chapter 117, Article IV: Taxicabs:** Ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, of Code of Fayetteville to allow for fuel surcharge; and declaring an emergency;

19. **Walker House Demolition:** Resolution authorizing bids and approval of lowest qualified bid received for demolition and disposal of Walker House located at 901 S. College Avenue;

20. **Amendment to §34.27 Sale of Municipally Owned Real Property:** Ordinance amending §34.27, Code of Fayetteville to exempt dedication of real property to Arkansas State Highway Commission from requirements of the Ordinance and declaring an emergency;

21. **Razorback Road (Hwy. 112) Widening Project:** Resolution approving sale of 3 parcels of land (approximately 18,441 square feet total) to Arkansas State Highway commission for right-of-way associated w/Razorback Road widening project for a total purchase price of \$34,475.00;

22. **Gregg Avenue (Hwy. 180) Widening Project:** Resolution approving transfer of 2 parcels of land (approximately 12,614 square feet total) to Arkansas State Highway Commission for right-of-way associated w/Gregg Avenue widening project;

23. **Amendment to §166.05 Large Scale Development:** Ordinance clarifying that miscellaneous requirements for Large Scale Developments found in §166.05 (C) (6) and (7) also apply to Preliminary Plats;

24. **ANX 05-1628:** Ordinance annexing property described in ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres;

25. **RZN 05-1629:** Ordinance rezoning property described in RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of Van Asche and Mall Avenue intersection from R-O, Residential Office to C-2, Thoroughfare Commercial;

26. **RZN 05-1696:** Ordinance rezoning that property described in RZN 05-1696 for approximately 0.68 acres located at 2824 S. School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office;

27. **ADM 05-1656:** Resolution amending Master Street Plan and the General Plan 2020 to adopt Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl & Associates;

28. **Amendment to §166.08 Design Standards:** Ordinance amending §166.08 Design Standards by adding new subsection to Section (F) Residential Lots.

FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
SEPTEMBER 6, 2005



A meeting of the Fayetteville City Council will be held on September 6, 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

Presentation of the Final Check for Blair Library Construction given by Louis Gottspomer, President, Library Board of Trustees and Louise Schaper, Executive Director.

A. CONSENT:

1. Approval of the August 2, 2005 and the August 16, 2005 City Council Meeting Minutes.

2. **Arkansas Parks and Tourism Outdoor Recreation Grant:** A resolution authorizing the Fayetteville Parks and Recreation Division to accept an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$40,000.00 for the Braden Park Project; and approving a budget adjustment recognizing the grant revenue.

3. **Braden Park Contract Award:** A resolution approving a contract with Midland Construction, Inc. in the amount of \$109,962.00 for the construction of Braden Park; approving a 10% project contingency in the amount of \$10,996.00; and approving a budget adjustment in the amount of \$20,178.00 for same.

4. **University of Arkansas Cost Share Agreement:** A resolution approving a cost-share agreement with the University of Arkansas in an amount not to exceed \$40,000.00 from the Economic Development Fund to obtain engineering services related to the continued development of the Arkansas Research and Technology Park (ARTP)

5. **McClelland Consulting Engineers Task Order No. 11:** A resolution approving Task Order No. 11 with McClelland Consulting Engineers in the amount of \$31,150.00 for detailed architectural and engineering design for the Phase 1 renovation of the terminal building at the Fayetteville Municipal Airport.

6. **Cinnabar Service Company Easement Negotiations:** A resolution to approve an additional \$42,000.00 for Cinnabar Service Company for easement negotiation assistance for the Wastewater System Improvement Project.

7. **ADM 05-1662 Master Street Plan Amendment for Shiloh Drive:** 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.

8. **APAC Change Order Amendment:** A resolution rescinding the change order contained in Resolution No. 155-05 and approving a revised change order to the construction contract with APAC Arkansas, Inc., McClelland Anchor Division reducing the contract amount by \$278,481.85.

9. **Floyd S. Salser Jr. & Associates Water Meter Testing Purchase:** A resolution awarding Bid #05-52 to Floyd S. Salser, Jr. & Associates in the amount of \$161,590.00 for the purchase of a meter test bench for testing and repairing water meters; and approving a contingency in the amount of \$8,000.00.

10. **Razorback Road W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$116,960.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Razorback Road.

11. **Wedington Drive W&S Relocations Project Amendment #1:** A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$145,793.00 for final design, bidding, construction administration, and resident services during construction for water and sewer relocation for highway improvements to Wedington Drive.

B. UNFINISHED BUSINESS:

1. **Amend § 96.05 Motor Vehicle and Motorcycle Sound Limit:** An ordinance to amend § 96.05 Motor Vehicle and Motorcycle Sound Limit of the Code of Fayetteville. *This ordinance was left on the second reading at the May 3, 2005 City Council meeting. This item was tabled at the May 17, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

2. **Mally Wagnon Road Sewer Service:** A resolution to allow extension of sewer service outside the City's corporate limits on a 25 acre parcel on Mally Wagnon Road less than a quarter mile from the city limits. *This item was tabled at the August 2, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

3. **Planning Commission Appeal (HondaPro):** A request to appeal the Planning Commission's motion to deny rezoning request RZN 05-1524 rezoning Lots 14, 15 and 16 of the Parker's Plat of Valley View Acres from RSF-4, Residential Single Family, 4 Units Per Acre and R-O, Residential Office, to C-2, Thoroughfare Commercial. *This item was tabled at the July 19, 2005 City Council meeting until the August 2, 2005 City Council meeting. This item was tabled at the August 2, 2005 City Council meeting until the August 16, 2005 City Council Meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council Meeting.*

4. **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 left on the third reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*

5. **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 left on the second reading at the August 16, 2005 City Council meeting. This item was tabled at the August 16, 2005 City Council meeting until the September 6, 2005 City Council meeting.*

6. **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 left on the first reading at the August 16, 2005 City Council meeting.*

7. **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 at the August 16, 2005 City Council meeting. *This item was forwarded to the Ordinance Review Committee.*

C. NEW BUSINESS:

1. **Walker House Demolition:** A resolution to authorize bids and approve the lowest qualified bid received for the demolition and disposal of the Walker House located at 901 South College Avenue.

2. **Amend § 34.27 Sale of Municipally Owned Real Property:** An ordinance amending § 34.27, Code of Fayetteville to exempt the dedication of real property to the Arkansas State Highway Commission from the requirements of the ordinance; and declaring an emergency.

3. **Razorback Road (Hwy 112) Widening Project:** A resolution approving the sale of 3 parcels of land (approximately 18,441 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Razorback Road widening for a total purchase price of \$34,475.00.

4. **Gregg Avenue (Hwy 180) Widening Project:** A resolution approving the transfer of 2 parcels of land (approximately 12,614 square feet total) to the Arkansas State Highway Commission for right-of-way associated with the Gregg Avenue Widening.

5. **Amend § 166.05 Large Scale Development (LSD):** An ordinance to clarify that the miscellaneous requirements for large scale developments found in § 166.05 (C) (6) and (7) also apply to preliminary plats.

6. **ANX 05-1628 (Lamberth-Carlton):** An ordinance annexing that property described in Annexation Petition ANX 05-1628 for property located east of Deadhorse Mountain Road, containing 13.00 acres.

7. **RZN 05-1629 (Dixie Development):** An ordinance rezoning that property described in rezoning petition RZN 05-1629 for approximately 8.8 acres located at Lot 12 CMN Business Park, northwest of the Van Asche and Mall Avenue intersection from R-O Residential-Office to C-2, Thoroughfare Commercial.

8. **RZN 05-1696 (Staggs):** An ordinance rezoning that property described in rezoning petition RZN 05-1696 for approximately 0.68 acres located at 2824 S School Avenue from C-2, Thoroughfare Commercial to R-O, Residential Office.

9. **ADM 05-1666 Adoption of the Downtown Master Plan Street Classification System:** A resolution amending the Master Street Plan and the General Plan 2020 to adopt the Downtown Master Plan Street Classification System and cross sections as proposed by Dover Kohl and Associates.

10. **Adoption of §161.08 District RSFH-6:** An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide a new Residential Zoning District.

11. **Amend § 166.08 Design Standards:** An ordinance to amend § 166.08 Design Standards by adding a new subsection to Section (F) Residential Lots.

D. INFORMATIONAL:

1. Council Tour: NONE