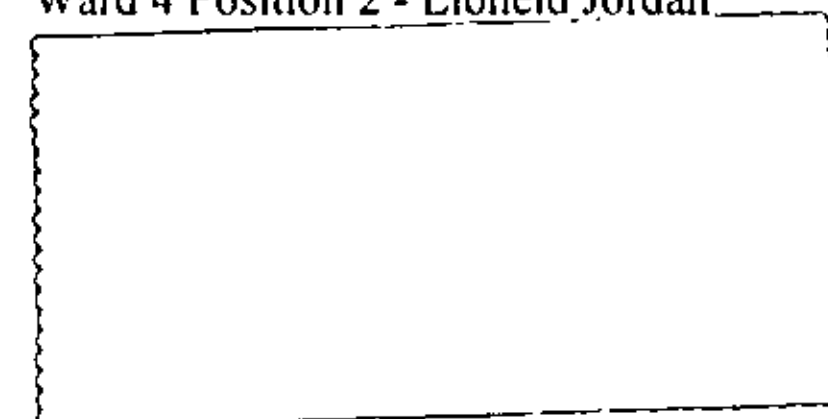


Aldermen

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
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Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
September 20, 2005**

A meeting of the Fayetteville City Council will be held on September 20, 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**

Nominating Committee Report (added at agenda)-APPROVED.

Fayetteville Town Center Annual Report by Willistine Smith

A. CONSENT:

1. **Cornerstone Home Services, LLC:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 184-05.

2. **C & C Services, LLC Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185-05.

3. **Jim Benton Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Jim Benton for the sale of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00; and authorizing the Mayor and the City Clerk to execute said agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-05.

4. **Martin A. Treat Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 187-05.

5. **William's Tractor LB75B Backhoe and Landers Ford F550 4x4:** A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 188-05.

6. **William's Tractor LB75B Backhoe Purchase for Transportation:** A resolution authorizing the purchase of one (1) LB75B Backhoe from William's Tractor in the amount of \$52,999.00 for use by the Transportation Division for the In-House Trails Program; and approving a budget adjustment in the amount of \$52,999.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 189-05.

7. **Downing Sales & Service Bid Award – Two Refuse Trucks:** A resolution awarding Bid #05-62 to Downing Sales & Service in the amount of \$319,425.00 for the purchase of two (2) rear-load refuse trucks for use by the Solid Waste & Recycling Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 190-05.

8. **Downing Sales & Service Bid Award – Drop-Box Hoist Truck:** A resolution awarding Bid #05-63 to Downing Sales & Service in the amount of \$134,972.00 for the purchase of a Drop-Box Hoist Truck for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of \$134,972.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 191-05.

9. **Emergency Vehicles, Inc. Bid Award – Mobile Command Unit:** A resolution awarding Bid #05-60 to Emergency Vehicles, Inc. in the amount of \$185,800.00 for the purchase of a Mobile Command Unit for use by the Fayetteville Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 192-05.

10. **Black & Veatch Change Order # 1:** A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 193-05.

- 11. Waste Management of Arkansas, Inc. Contract Amendment:** A resolution approving Amendment # 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of Municipal Solid Waste; and approving a budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 194-05.

- 12. Former Shake's Building Purchase Time Extension:** A resolution to extend the time allowed to Steve Davis to close on his purchase of the former Shake's Building on 6th Street.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 195-05.

B. UNFINISHED BUSINESS:

None

C. NEW BUSINESS:

- 1. Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4758.

- 2. Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$2,879.98.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4759.

- 3. C-2 Projects, LLC Contract:** A resolution approving a construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement Project; approving a 10% project contingency in the amount of \$128,000.00; and approving a budget adjustment in the amount of \$444,941.25 for same.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 196-05.

- 4. Fayetteville Municipal Property Owners Improvement District # 7 – Timber Trails:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 7 – Timber Trails.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4760.

- 5. Fayetteville Municipal Property Owners Improvement District # 8 – Belclaire:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 8 – Belclaire.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4761.

6. **VAC 05-1651 (Petrino/Prince, 362/363):** An ordinance approving VAC 05-1651 submitted by Ed Prince for property located at 3041 and 3043 Marigold Drive, vacating a portion of a utility easement as indicated on the attached map and legal description.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4762.

7. **North Street Church of Christ:** An ordinance rezoning that property described in rezoning petition RZN 05-1649 for approximately 16.61 acres located at Mt. Comfort Road from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4763.

8. **ANX 05-1488 (Collins/Kinghorn, 533/534):** An ordinance annexing that property described in annexation petition ANX 05-1488 for property located at 6102 and 6110 Lake Sequoyah Drive, containing 17.33 acres.

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

9. **Planning Commission Appeal: Collins/Kinghorn Rezoning:** An ordinance rezoning that property described in rezoning petition RZN 05-1489 for approximately 17.64 acres located at 6102 and 6110 Lake Sequoyah Drive from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

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

10. **Amend §161.25 Planned Zoning District:** An ordinance amending §161.25 Planned Zoning District to allow all use units identified in §162 Use Units of the Unified Development Code to be made available as permitted uses within all Planned Zoning Districts.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4764.

11. **Chapter 50 Garbage and Trash Amendment:** An ordinance amending Chapter 50: Garbage and Trash of the Code of Fayetteville, to allow for annual rate adjustments for residential service, based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4765.

12. **C-PZD 05-1670 (Pratt Place Inn, 481):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 05-1670, Pratt Place Inn, located at the west end of Markham Road, containing approximately 72 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

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

13. **R-PZD 05-1599 (Zion Gardens, 137):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1599, Zion Gardens, located northwest of the intersection of Randal Place and Zion Road, containing approximately 13.9 acres, amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4766.

- 14. R-PZD 05-1636 (Wellspring):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

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

- 15. 2006 Proposed Funding for Outside Agencies:** A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 197-05.

D. INFORMATIONAL:

Council Tour: September 19, 2005 – 4:30 PM

MEETING ADJOURNED AT 8:55 P.M.

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

9-0

Subject:	Nominating Committee Report				
Motion To:		Add to the Agenda	Approve		
Motion By:		Cook	Cook		
Seconded:		Jordan	Marr		
Nominating Committee Report <i>passed</i>	Thiel	XX	XX		
	Cook	XX	XX		
	Marr	XX	XX		
	Rhoads	XX	XX		
	Ferrell	XX	XX		
	Lucas	XX	XX		
	Jordan	XX	XX		
	Reynolds	XX	XX		
	Mayor Coody				

8-0

8-0

Subject:	Consent			
Motion To:		Approve		
Motion By:		Jordan		
Seconded:		Lucas		
Consent Passed 184-05 to 195-05	Thiel	XX		
	Cook	XX		
	Marr	XX		
	Rhoads	XX		
	Ferrell	XX		
	Lucas	XX		
	Jordan	XX		
	Reynolds	XX		
	Mayor Coody			

8-0

Subject:	Legacy, LLC Cost Share Agreement			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Jordan	Jordan	
Seconded:		Reynolds	Cook	
C.1. New Business Passed 4758	Thiel	XX	XX	
	Cook	XX	XX	
	Marr	XX	XX	
	Rhoads	XX	XX	
	Ferrell	XX	XX	
	Lucas	XX	XX	
	Jordan	XX	XX	
	Reynolds	XX	XX	
	Mayor Coody			

8-0

8-0

Subject:	Legacy, LLC Cost Share Agreement			
Motion To:		2nd Reading	3rd Reading	Pass
Motion By:		Jordan	Jordan	
Seconded:		Cook	Cook	
C.2. New Business <u>Passed</u> 4759	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

8-0

Subject:	C-2 Projects, LLC Contract			
Motion To:		Approve		
Motion By:		Cook		
Seconded:		Jordan		
C.3. New Business <u>Passed</u> 196-05	Thiel	XX		
	Cook	XX		
	Marr	XX		
	Rhoads	XX		
	Ferrell	XX		
	Lucas	XX		
	Jordan	XX		
	Reynolds	XX		
	Mayor Coody			

8-0

Subject:	Fayetteville Municipal Property Owners' Improvement District # 7 Timber Trails			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Jordan	Ferrell	
Seconded:		Ferrell	Jordan	
C.4. New Business Passed 4760	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	Absent during the vote	Absent during the vote	Absent during the vote
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

7-0

7-0

7-0

Subject:	Fayetteville Municipal Property Owners' Improvement District # 8 Belclaire			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Ferrell	Jordan	
Seconded:		Marr	Marr	
C.5. New Business Passed 4761	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

8-0

Subject:	VAC 05-1651 Petrino/Prince			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Reynolds	Ferrell	
Seconded:		Ferrell	Reynolds	
C.6. New Business <u>Passed</u> 4762	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

8-0

Subject:	North Street Church of Christ			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Reynolds	Jordan	
Seconded:		Jordan	Ferrell	
C.7. New Business <u>Passed</u> 6-2 4763	Thiel	XX	XX	XX
	Cook	XX	XX	NO
	Marr	XX	XX	NO
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

6-2

Subject:	ANX 05-1488 Collins/Kinghorn			
Motion To:				
Motion By:				
Seconded:				
C.8. New Business <u>Left on the</u> <u>First Reading</u>	Thiel			
	Cook			
	Marr			
	Rhoads			
	Ferrell			
	Lucas			
	Jordan			
	Reynolds			
	Mayor Coody			

Subject:	Planning Commission Appeal Collins/Kinghorn			
Motion To:				
Motion By:				
Seconded:				
C.9. New Business <u>Left on the</u> <u>First Reading</u>	Thiel			
	Cook			
	Marr			
	Rhoads			
	Ferrell			
	Lucas			
	Jordan			
	Reynolds			
	Mayor Coody			

Subject:	Amend 161.25 Planned Zoning District			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Marr	Marr	
Seconded:		Ferrell	Jordan	
C.10. New Business <u>Passed</u> 4764	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

8-0

Subject:	Chapter 50 Garbage & Trash Amendment			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Reynolds	Jordan	
Seconded:		Cook	Cook	
C.11 New Business <u>Passed</u> 4765	Thiel	XX	XX	XX
	Cook	XX	XX	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

8-0

8-0

Subject:	C-PZD 05-1670 Pratt Place Inn			
Motion To:				
Motion By:				
Seconded:				
C.12. New Business <u>Left on the</u> <u>First Reading</u>	Thiel			
	Cook			
	Marr			
	Rhoads			
	Ferrell			
	Lucas			
	Jordan			
	Reynolds			
	Mayor Coody			

Subject:	R-PZD 05-1599 Zion Gardens			
Motion To:		2nd Read	3rd Read	Pass
Motion By:		Ferrell	Rhoads	
Seconded:		Rhoads	Ferrell	
C.13. New Business <u>Passed</u> 4764	Thiel	XX	XX	XX
	Cook	XX	NO	XX
	Marr	XX	XX	XX
	Rhoads	XX	XX	XX
	Ferrell	XX	XX	XX
	Lucas	XX	XX	XX
	Jordan	XX	XX	XX
	Reynolds	XX	XX	XX
	Mayor Coody			

8-0

7-1

8-0

Subject:	R-PZD 05-1636 Wellspring			
Motion To:				
Motion By:				
Seconded:				
C.14. New Business <u>Left on the</u> <u>First Reading</u>	Thiel			
	Cook			
	Marr			
	Rhoads			
	Ferrell			
	Lucas			
	Jordan			
	Reynolds			
	Mayor Coody			

Subject:	2006 Proposed Budget Funding for Outside Agencies			
Motion To:	Amend to Add Funding of \$30,000 total for Ozark Transit, Razorback Transit & Council on Aging			
Motion By:		Lucas		
Seconded:		Jordan		
C.15. New Business <u>Amendment</u> <u>Approved</u>	Thiel	XX		
	Cook	XX		
	Marr	XX		
	Rhoads	XX		
	Ferrell	XX		
	Lucas	XX		
	Jordan	XX		
	Reynolds	XX		
	Mayor Coody			

Subject:	2006 Proposed Funding for Outside Agencies			
Motion To:	Amend to add \$10,000 to the Air Museum's Request			
Motion By:		Thiel		
Seconded:		Reynolds		
C.15.	Thiel	XX		
New Business	Cook	XX		
	Marr	XX		
Amendment	Rhoads	XX		
Approved	Ferrell	XX		
	Lucas	XX		
	Jordan	XX		
	Reynolds	XX		
	Mayor Coody			

8-0

Subject:	2006 Proposed Budget Funding for Outside Agencies			
Motion To:	Approve as amended			
Motion By:		Marr		
Seconded:		Thiel		
C.15.	Thiel	XX		
New Business	Cook	XX		
	Marr	XX		
Passed	Rhoads	XX		
	Ferrell	XX		
	Lucas	XX		
	Jordan	XX		
	Reynolds	XX		
197-05	Mayor Coody			

8-0

Mayor Dan Coody
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Aldermen

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Fayetteville Town Center Annual Report by Willistine Smith

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- 14. R-PZD 05-1636 (Wellspring):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less: amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
- 15. 2006 Proposed Funding for Outside Agencies:** A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

D. INFORMATIONAL:

Council Tour: September 19, 2005 – 4:30 PM

Fayetteville Town Center
Annual Report to Fayetteville City Council
Presented: September 20, 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE
AUG 26 2005

City Clerk

Goals (as stated in Article V, Section 507 of the *Lease and Agreement between the City of Fayetteville, Arkansas and the A&P Commission of the City of Fayetteville, Arkansas*)

1. Generate increased tourism for Fayetteville
2. Remain financially viable with all debts and obligations paid timely
3. Serve the Fayetteville community by use for local, non-profit groups and other community events

I. Tourism Review

a. Total Contracts & Events

	2003	2004	Variance	1/1/05-6/30/05
# of Contracts	167	223	+34%	115
\$ Amount of Sales	\$219,283.06	\$311,360.13	+42%	\$146,298.74
# of Events	153	194	+27%	113

- b. Increased Tourism. The following list represents FTC participation in events potentially drawing overnight guests from outside the NWA area. Because the FTC does not track client guest-lists, we have no way to accurately determine revenue associated with each event.

Event Name	Event Date
Martin Luther King Banquet	1/19/04
American Diabetes Association Banquet	2/26/04
Ducks Unlimited, UA	2/28/04
Governor's Conference on Tourism	3/8/04
Ozark Natural Foods Annual Meeting	3/14/04
UA Towers Awards Banquet	4/21/04
UA Interior Design Exhibition	5/7/04
UA Food Sciences Rice Seminar	5/28/04
Wal-Mart Shareholders Food Show	6/2/04
Ducks Unlimited, UA	2/28/04
Governor's Conference on Tourism	3/8/04
Ozark Natural Foods Annual Meeting	3/14/04
UA Towers Awards Banquet	4/21/04
UA Interior Design Exhibition	5/7/04
Ozark Cooperative Warehouse Food Show	5/15/04
UA Food Sciences Rice Seminar	5/28/04
Wal-Mart Shareholders Food Show	6/2/04
Pretty in Pink	2/7/04
Fellowship of Christian Athletics	9/11/04
Gun & Knife Show	10/1/04
Eddie Armstrong Scholarship Fundraiser	10/22/04
Various wedding parties with out of town guests	Various

II. Financial Viability Summary

	2003 BUDGET	YTD 2003	2004 BUDGET	YTD 2004	2005 BUDGET	1/1/05- 6/30/05
Revenue	\$318,100.66	\$329,522.69	\$378,285.31	\$395,007.54	\$405,372.00	\$186,718.87
Expenses	\$483,073.32	\$360,416.67	\$378,285.31	\$388,975.17	\$405,372.00	\$210,664.43

III. Non-Profit and Community

	2003	2004	1-1 thru 6-30, 2005
Total Events	153	194	113
Non-Profit Events	72	45	49
Ratio: NP to Total Events	47%	27%	43%

a. Community Support

- i. Use of plaza area for peaceful assembly, public speaking (i.e. Peace Rallies, Public Awareness of crippling illnesses such as cancer, Leukemia).
 - ii. Public services including use of plaza to expand local Farmers Market, provision of public restrooms and parking for public events.
 - iii. Local artists displaying their art in the Town Center Lobby offering enrichment of the arts for our community.
 - iv. Participation in community events like First Night, Bikes Blues & BBQ, Paint the Town Red, Pretty in Pink, Chamber of Commerce Business Expo.
 - v. Fayetteville and surrounding towns utilizing the Town Center for Junior/Senior Proms.
- b. A list of non-profit events at the Town Center is available upon request.

IV. Feedback

- a. 2004 Evaluation Rating: (scale of 1 to 4) overall score of 3.83
- b. Customer Comments: (complete report available upon request)
 - i. City of Fayetteville Hands-on Design Session – Everything went great, we appreciate all your help (4)
 - ii. Martin Luther King Recommitment Banquet – Thanks very much for allowing us to use your facilities. You all did a superb job! (4)
 - iii. Promfret Hall – Cleanliness – staff – willingness to assist (3)
 - iv. U of A Education & Health Professionals – Helpful staff, great parking, clean facility (4)
 - v. U of A Interior Design – No complaints really. The AV equipment didn't work well, that may have been our fault though. (4)
 - vi. Blackman & Simon Wedding Reception – I would recommend anyone to use the facility, because you all are very caring. (4)
 - vii. Bounghong & Vega Wedding Reception – dumpsters could be located at a better place. (3)
 - viii. Tyson Marketing – Atmosphere and location. (4)

V. Fayetteville Town Center

a. Staff

- i. Willistine Smith, Facilities Manager
- ii. Jamey Goddard, Sales Director
- iii. Julie Pennington, Event Manager
- iv. Sandra Bennett, Event Coordinator
- v. Eric Clay, Maintenance & Custodial

VI. Supporting Documentation (not included with report unless otherwise noted)

- a. Income Statements: Actual vs. Budget 2003, 2004 and June 30, 2005 - included
- b. 2003 General Ledger
- c. 2004 General Ledger
- d. 2005 General Ledger, 1/1/05 to 6/30/05
- e. Customer Evaluation Summary

Fayetteville Town Center

Income Statement
Actual vs Budget
Twelve Months Ending December 31, 2003

	<u>2003 Budget</u>	<u>2003 Year to Date Actual</u>	<u>Remaining</u>	<u>Month of December 2003 Actual</u>
Revenue				
Rental Income	\$ 282,350.66	\$ 239,150.96	\$ 43,199.70	\$ 19,447.61
Daily Parking	2,400.00	4,126.00	(1,726.00)	264.00
Parking Revenue	33,600.00	32,690.75	909.25	-
Other Income	-	4,027.85	(4,027.85)	-
Sales Tax Expense	-	(693.00)	693.00	(693.00)
Less Returns & Allowances	<u>(1,000.00)</u>	<u>(9.00)</u>	<u>(991.00)</u>	<u>-</u>
Total Revenue	<u>317,350.66</u>	<u>279,293.56</u>	<u>38,057.10</u>	<u>19,018.61</u>
General Expenses				
General Expenses (See Schedule)	<u>483,073.32</u>	<u>360,416.67</u>	<u>122,656.65</u>	<u>31,118.07</u>
Capital Outlay	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Other Income (Expense)				
Interest Income - Checking	750.00	229.13	520.87	14.64
Transfers From Other Funds	<u>-</u>	<u>50,000.00</u>	<u>(50,000.00)</u>	<u>-</u>
Total Other Income (Expense)	<u>750.00</u>	<u>50,229.13</u>	<u>(49,479.13)</u>	<u>14.64</u>
Net Income (Loss)	<u>\$ (164,972.66)</u>	<u>\$ (30,893.98)</u>	<u>\$ (134,078.68)</u>	<u>\$ (12,084.82)</u>

See Accountants' Compilation Report.

Fayetteville Town Center

Schedule of General Expenses
Actual vs Budget

	2003 Budget	2003 Year to Date Actual	Remaining	Month of December 2003 Actual
General Expenses				
Salaries & Wages	\$ 218,475.00	\$ 149,263.35	\$ 69,211.65	\$ 13,750.14
Outside Services	-	170.00	(170.00)	-
Payroll Tax Expense	16,000.00	14,524.40	1,475.60	1,221.78
Insurance	26,237.20	17,103.19	9,134.01	(177.37)
401(k) Company Match	4,000.00	3,882.64	117.36	314.26
Commissions	27,500.00	22,026.37	5,473.63	1,962.67
Materials and Supplies	6,125.00	3,649.78	2,475.22	729.46
Credit Card Discounts	500.00	539.11	(39.11)	41.28
Public Notification	500.00	-	500.00	-
Publications & Dues	750.00	73.65	676.35	-
Water	6,875.00	5,649.41	1,225.59	420.12
Gas	11,300.00	6,687.80	4,612.20	900.25
Electricity	66,211.12	45,848.81	20,362.31	3,203.51
Cable	1,200.00	741.62	458.38	67.42
Telephone	10,300.00	8,371.99	1,928.01	783.73
Insurance - Building	15,600.00	7,913.00	7,687.00	-
Legal Services	25,000.00	5.67	24,994.33	-
Taxes and Licenses	1,500.00	1,395.00	105.00	-
Linens	10,000.00	10,139.90	(139.90)	1,116.26
Miscellaneous	-	330.88	(330.88)	330.88
Repairs and Maintenance	24,000.00	28,751.78	(4,751.78)	870.96
Special Projects	-	8,592.01	(8,592.01)	3,169.46
Advertising and Marketing	10,000.00	5,604.11	4,395.89	822.41
Travel and Training	1,000.00	62.00	938.00	-
Depreciation Expense	-	19,090.20	(19,090.20)	1,590.85
Total General Expenses	\$ 483,073.32	\$ 360,416.67	\$ 122,656.65	\$ 31,118.07

See Accountants' Compilation Report.

Fayetteville Town Center

Statement of Revenues and Expenditures Actual vs Budget

Twelve Months Ending December 31, 2004

	<u>2004 Budget</u>	<u>2004 Year to Date Actual</u>	<u>Remaining</u>	<u>Month of December 2004 Actual</u>
Revenues				
Rental Income	\$ 269,694.57	\$ 283,745.89	\$ (14,051.32)	\$ 21,257.91
Daily Parking	5,000.00	6,076.00	(1,076.00)	626.00
Parking Leases	30,000.00	34,771.89	(4,771.89)	-
Other Income	500.00	22,519.21	(22,019.21)	4,375.21
Sales Tax Expense	(1,071.30)	-	(1,071.30)	-
Less Returns & Allowances	-	(2,289.41)	2,289.41	-
Total Revenues	<u>304,123.27</u>	<u>344,823.58</u>	<u>(40,700.31)</u>	<u>26,259.12</u>
General Expenditures				
General Expenditures (See Schedule)	<u>378,285.31</u>	<u>388,975.17</u>	<u>(10,689.86)</u>	<u>30,530.64</u>
Capital Outlay	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Other Revenues (Expenditures)				
Interest Income - Checking	269.69	183.96	85.73	17.69
Transfers From Other Funds	<u>73,892.35</u>	<u>50,000.00</u>	<u>23,892.35</u>	<u>-</u>
Total Other Revenues (Expenditures)	<u>74,162.04</u>	<u>50,183.96</u>	<u>23,978.08</u>	<u>17.69</u>
Excess Revenues Over Expenditures (Deficit)	<u>\$ 0.00</u>	<u>\$ 6,032.37</u>	<u>\$ (6,032.37)</u>	<u>\$ (4,253.83)</u>

See Accountants' Compilation Report.

Fayetteville Town Center

Schedule of General Expenditures Actual vs Budget

Twelve Months Ending December 31, 2004

	<u>2004 Budget</u>	<u>2004 Year to Date Actual</u>	<u>Remaining</u>	<u>Month of December 2004 Actual</u>
General Expenditures				
Salaries & Wages	\$ 165,271.00	\$ 157,769.51	\$ 7,501.49	\$ 19,311.79
Outside Services	-	141.60	(141.60)	141.60
Payroll Tax Expense	20,138.06	16,338.00	3,800.06	1,649.76
Insurance	21,250.00	16,203.70	5,046.30	-
408(p) Company Match	4,602.15	2,604.65	1,997.50	203.62
Commissions	25,583.18	21,518.18	4,065.00	1,295.74
Materials and Supplies	6,000.00	4,423.34	1,576.66	173.96
Credit Card Discounts	500.00	918.42	(418.42)	89.21
Public Notification	100.00	-	100.00	-
Publications & Dues	250.00	455.10	(205.10)	-
Postage	-	185.58	(185.58)	-
Post Office Box Rent	125.00	126.00	(1.00)	-
Water	7,234.65	5,560.41	1,674.24	-
Gas	9,786.70	9,645.33	141.37	1,204.12
Electricity	56,480.90	47,727.90	8,753.00	3,540.95
Cable	914.10	951.65	(37.55)	-
Telephone	8,549.20	7,531.31	1,017.89	36.60
Insurance - Building	7,500.00	5,769.00	1,731.00	141.00
Taxes and Licenses	2,500.00	1,535.00	965.00	35.00
Linens	11,250.37	12,577.95	(1,327.58)	115.80
Repairs and Maintenance	25,000.00	37,179.52	(12,179.52)	588.07
Special Projects	2,500.00	17,535.25	(15,035.25)	412.57
Advertising and Marketing	2,500.00	3,109.84	(609.84)	-
Travel and Training	250.00	77.72	172.28	-
Depreciation Expense	-	19,090.21	(19,090.21)	1,590.85
Total General Expenditures	\$ 378,285.31	\$ 388,975.17	\$ (10,689.86)	\$ 30,530.64

See Accountants' Compilation Report.

Fayetteville Town Center

Statement of Revenues and Expenditures

Six Months Ending June 30, 2005

	2005 Budget	Month of June 30, 2005 Actual	2005 Year to Date Actual	2004 Year to Date Actual
Revenue				
Rental Income	\$ 325,172.00	\$ 24,484.96	\$ 164,775.46	\$ 142,491.94
Daily Parking	5,000.00	517.00	2,626.00	2,562.00
Parking Leases	35,000.00	0.00	20,325.46	16,937.00
Other Income	0.00	0.00	54.00	6,380.00
Special Projects	40,000.00	0.00	773.94	0.00
Sales Tax Expense	0.00	0.00	(1,552.00)	0.00
Less Returns & Allowances	0.00	(210.00)	(380.00)	(1,264.41)
Total Revenue	<u>405,172.00</u>	<u>24,791.96</u>	<u>186,622.86</u>	<u>167,106.53</u>
General Expenditures				
See Schedule	<u>405,372.31</u>	<u>41,015.23</u>	<u>210,664.43</u>	<u>184,479.99</u>
Other Revenue (Expenditures)				
Interest Income - Checking	200.00	15.07	96.01	74.70
Transfers From Other Funds	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>50,000.00</u>
Total Other Revenues (Expenditures)	<u>200.00</u>	<u>15.07</u>	<u>96.01</u>	<u>50,074.70</u>
Excess of Revenues Over (Under) Expenditures	<u>\$ (0.31)</u>	<u>\$ (16,208.20)</u>	<u>\$ (23,945.56)</u>	<u>\$ 32,701.24</u>

Fayetteville Town Center
Schedule of General Expenditures
Six Months Ending June 30, 2005

	2005 Budget	Month of June 30, 2005 Actual	2005 Year to Date Actual	2004 Year to Date Actual
General Expenditures				
Salaries & Wages	\$ 165,557.00	\$ 14,108.90	\$ 80,819.06	\$ 75,599.40
Outside Services	0.00	0.00	82.60	0.00
Payroll Taxes Expense	20,550.00	1,321.97	9,204.12	8,580.52
Insurance	15,692.00	1,326.77	8,297.37	9,179.22
408(P) Company Match	4,606.71	226.26	1,327.56	1,502.93
Commissions	32,517.25	1,916.50	13,721.85	7,315.18
Materials and Supplies	4,000.00	369.02	2,185.83	1,473.06
Office Supplies/Printing	0.00	0.00	507.06	1,225.31
Credit Card Discounts	1,500.00	18.69	356.76	458.46
Publications & Dues	500.00	0.00	0.00	455.10
Postage	325.00	0.00	126.00	185.58
Post Office Box Rent	0.00	0.00	0.00	126.00
Water	6,846.00	672.98	3,558.51	2,939.05
Gas	12,003.99	391.69	9,156.33	7,763.70
Electricity	51,124.00	4,935.75	24,426.33	23,107.09
Cable	1,029.36	81.51	570.69	461.64
Telephone	8,632.00	607.63	4,378.91	4,021.17
Long Distance Telephone	0.00	73.77	164.96	158.27
Insurance - Vehicles	5,750.00	0.00	0.00	0.00
Taxes and Licenses	1,500.00	500.00	1,500.00	1,500.00
Linens	19,811.00	1,248.25	8,694.66	6,221.19
Miscellaneous Expense	0.00	3.00	3.00	0.00
Repairs and Maintenance	38,178.00	10,572.04	27,625.41	14,938.32
Special Projects	12,000.00	900.00	3,422.00	5,671.13
Advertising and Marketing	3,000.00	75.00	543.00	2,024.84
Travel and Training	250.00	0.00	0.00	27.72
Depreciation Expense	0.00	1,665.50	9,992.42	9,545.11
Total General Expenditures	\$ 405,372.31	\$ 41,015.23	\$ 210,664.43	\$ 184,479.99

From: "Willistine Smith" <wsmith@twncenter.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 8/22/05 9:52AM
Subject: Annual Report to City Council

Sondra, per our conversation I will present the Fayetteville Town Center Annual Report at the September 20, 2005 City Council Meeting. I believe I remember correctly that I should be there around 5:30 pm. I will deliver the reports to you this week.

Again, thank you for your assistance.

Willistine Smith

Facilities Manager

Sept 20, 2005
City Council Meeting

Added at Agenda Session 9/13/05
City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

A. 6
Williams Tractor LB75B Backhoe
Purchase for Transportation
Page 1 of 6

9/20/2005
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

Approval of purchase of one expansion Backhoe for Transportation Division for the Trails Program from Williams Tractor Co., and approval of the budget adjustment to move funds to Fleet Expense account

\$ 52,999.00 Cost of this request	\$ 388,495.00 Category / Project Budget	Backhoes/Loaders Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 341,495.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02076.1 Project Number	\$ 47,000.00 Remaining Balance	Shop Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☒

[Signature]
Department Director

9-8-05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

[Signature]
City Attorney

9/8/05
Date

Original Contract Number: _____

[Signature]
Finance and Internal Service Director

9-12-05
Date

Received in City Clerk's Office

[Signature]
Mayor

9/13/05
Date

Received in Mayor's Office

ENTERED
9/7/05
TAA

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations 

From: David Bragg, Fleet Operations Superintendent 

Date: September 2, 2005

Subject: Purchase of one Expansion Backhoe for Transportation Division for the Trails Program

RECOMMENDATION: That City Council approve the purchase of one LB75B Backhoe from Williams Tractor, and approval of the budget adjustment to move funds from Fleet Revenue account to Fleet Expense account.

BACKGROUND: Bid #05-16 for five backhoes was awarded to Williams Tractor of Fayetteville on March 15, 2005. Williams Tractor has agreed to honor the prices and specifications from this bid for additional purchases. The Transportation Division has need for one more backhoe for the recently approved trails program. I recommend the purchase of one backhoe for the amount of \$52,999.

Funds have been transferred from a special Trails Program account to the Fleet Revenue Account. A Budget Adjustment is attached to transfer funds from the Fleet Revenue Account to Fleet Expense Account for this purchase – funds are available in 9700.1920.5802.00, Project #02076.

The purchase of this expansion unit was approved by the Equipment Committee at the meeting on September 1, 2005.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) LB75B BACKHOE FROM WILLIAM'S TRACTOR IN THE AMOUNT OF \$52,999.00 FOR USE BY THE TRANSPORTATION DIVISION FOR THE IN-HOUSE TRAILS PROGRAM; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$52,999.00.

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 authorizes the purchase of one (1) LB75B Backhoe from William's Tractor in the amount of \$52,999.00 for use by the Transportation Division for the In-House Trails Program.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$52,999.00..

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

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

A. 6
Williams Tractor LB75B Backhoe
Purchase for Transportation
Page 4 of 6

Budget Year 2005	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
----------------------------	--	----------------	-------------------

Project or Item Requested:
\$52,999 is requested in the Fleet Operations Capital Expense Account, Project #02076.

Project or Item Deleted:
Move \$52,999 from Fleet Revenue Account to Fleet Expense account for the purchase of Expansion Backhoe.

Justification of this Increase:
Expansion Backhoe has been approved for purchase from this project.

Justification of this Decrease:
Recognizing revenue from Transportation for the purchase of one Expansion Backhoe.

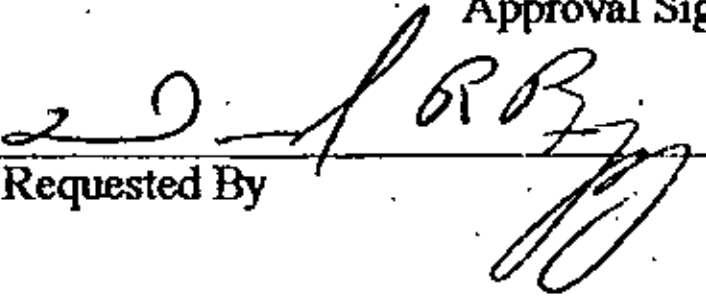
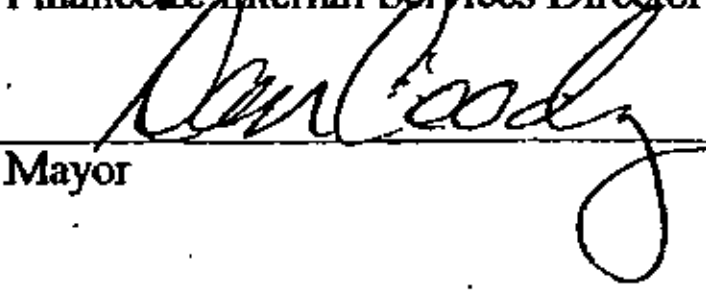
Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	52,999	02076	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Trans from Cap Improv	9700	0970	6602	47	52,999	02076	1

Approval Signatures

	9/12/05
Requested By	Date
 Budget Manager	 Date
 Department Director	 Date
	9-12-05
Finance & Internal Services Director	Date
	9/13/05
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, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 09/06/05

Expansion X or Replacement

Acct. # to be Chgd: 4470.9470.5814.05,Prj.2016.1

Unit # for Current Vehicle:

Unit # for Expansion/Replacement: 666

Purchase Price: \$ 52,999 CIP Budget Amt: N/A CIP Year Budgeted: Project #

Total Annual Budgeted Motor Pool Charges for Unit:

Replacement: Maintenance: Overhead:

Monthly Motor Pool Charges for Current Unit:

Replacement: Maintenance: Overhead:

Monthly Motor Pool Charges for New Unit:

Replacement: 1,074.00 Maintenance: 370.00 Overhead: 71.00

of Months New Unit to be in Service for Current Year: 1.00 Budgeted Amount: 0.00

Annual Cost: 1,515.00

Is a Budget Adjustment Needed?

Difference (Over)/Under Budget: (1,515.00)

X No Yes, BA is attached

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

LB75B Backhoe

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

This is an expansion unit for the recently approved Trails Program.

Approval Signatures:

Thy D. Gully 9-12-05
Division Head Date

2nd R. B. B. B. 9/12/05
Fleet Operations Superintendent Date

 9/12/05
Budget Manager Date

Department Director Date

Finance & Internal Services Dir. Date

Mayor Date

Please return original form to Fleet when signed by all.

Added at Agenda
Session 9/13/05

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

A. 7
Downing Sales & Service Bid Award
Two Refuse Trucks
Page 1 of 8

9/20/2005

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Approval of purchase of two rear load refuse trucks for Solid Waste Division from Downing Sales and Service for the bid price of \$319,425.00

\$ 319,425.00

Cost of this request

\$ 1,180,030.00

Category / Project Budget

Sanitation Vehicles/Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 536,657.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02082.1

Project Number

\$ 643,373.00

Remaining Balance

Shop

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor

Date

Comments:





FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 7
Downing Sales & Service Bid Award
Two Refuse Trucks
Page 2 of 8

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations *(GD)*

From: David Bragg, Fleet Operations Superintendent *2/DB*

Date: September 2, 2005

Subject: Purchase of Two Replacement Rear Load Refuse Trucks for Solid Waste Division

RECOMMENDATION: That City Council approve the purchase of two rear load refuse trucks for Solid Waste Division to replace units #446 and #447 from Downing Sales and Service.

BACKGROUND: Trucks #446 and #447 are both nine years old and are no longer dependable for daily route use. Three sealed bid responses were received for bid #05-62. A bid tabulation sheet is attached. The lowest bid from Downing Sales and Service meets all specifications. I recommend acceptance of the bid from Downing Sales and Service in the amount of \$319,425.00 for two Autocar trucks with New Way bodies and one set of spare cylinders.

Funds are available for this purchase in 9700.1920.5802.00, Project #02082.

The purchase of these two units was approved by the Equipment Committee at the meeting on September 1, 2005.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #05-62 TO DOWNING SALES & SERVICE IN THE AMOUNT OF \$319,425.00 FOR THE PURCHASE OF TWO (2) REAR-LOAD REFUSE TRUCKS FOR USE BY THE SOLID WASTE & RECYCLING DIVISION.

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 #05-62 to Downing Sales & Service in the amount of \$319,425.00 for the purchase of two (2) Rear-Load Refuse Trucks for use by the Solid Waste & Recycling Division.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By:

DAN GOODY, Mayor

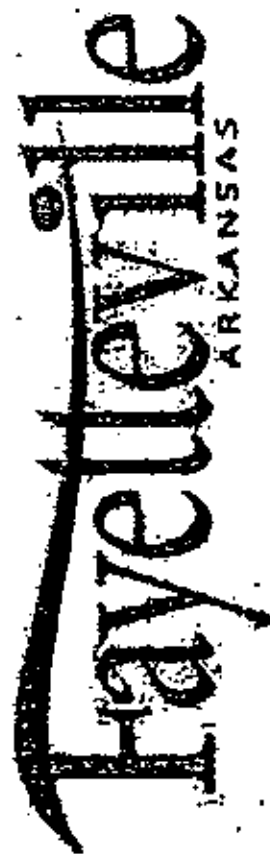
ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

BID: 05-62
DATE: 8/17/05
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Rear Load Refuse Truck

BIDDERS

	Item 1 (price each)	Item 2 (price each)	Item 3	Total (2 each items)
1. Diamond International Trucks	\$108,694.33	\$59,995.0000		337,378.66
2. Downing Sales and Service	\$108,694.33	\$49,924.67	\$2,187.00	317,238.00
3. J&R Equipment	\$108,694.00	\$69,269.00		355,926.00

$\$ = 319,425$

CERTIFIED: _____
P. VICE PURCH MGR

WITNESS

DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor #		3842		Vendor Name: DOWNING SALES AND SERVICE		Requisition No.		Date: 9/2/2005	
Address:				Fob Point:		P.O Number		Expected Delivery Date:	
City:		State:		Zip Code		Ship to code: 050		Division Head Approval Yes: No:	
Requester BARBARA OLSEN		Requester's Employee # 1940		Extended Cost		Account Numbers		Extension: 495	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	REAR LOAD REFUSE COLLECTION	2	EA	\$158,619.00	\$317,238.00	9700.1910.5802.00	02082		
2	TRUCK PER SPECS, BID #05-62		EA		\$0.00				
3	AUTOCAR TRUCKS WITH NEW		EA		\$0.00				
4	WAY BODIES, TO BE UNITS #481,		EA		\$0.00				
5	#482, FIXED ASSET #700481 AND		EA		\$0.00				
6	#700482		EA		\$0.00				
7	REPLACEMENT CYLINDERS	1	SET	\$2,187.00	\$2,187.00	9700.1910.5802.00	02082		
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				
Special Instructions:					Subtotal: 319,425.00				
TAX OWING ON SPARE CYLINDERS ONLY					Tax: 0.00				
Approvals:					Total: 319,425.00				

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

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Solid Waste Program: Composting Date of Request: 09/06/05

Expansion ☐ or Replacement ☒ Acct. # to be Charged: 5500-5070

Unit # for Current Vehicle: 446 Unit # for Expansion/Replacement: 481

Purchase Price: \$ 158,619 CIP Budget Amt: \$ 140,000 CIP Year Budgeted: 2005 Project # 02082

Total Annual Budgeted Motor Pool Charges for Unit:

Replacement: 13,584 Maintenance: 13,104 Overhead: 1,453

Monthly Motor Pool Charges for Current Unit:

Replacement: 480.00 Maintenance: 1,484.00 Overhead: 107.00

Monthly Motor Pool Charges for New Unit:

Replacement: 2,579.00 Maintenance: 995.00 Overhead: 128.00

of Months New Unit to be in Service for Current Year: 0.00 Budgeted Amount: 28,141.00

Unit is expected to be received March or April, 2006 Annual Cost: 24,852.00

Is a Budget Adjustment Needed? Difference (Over)/Under Budget: 3,289.00

☒ No ☐ Yes, BA is attached

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

2006 Autocar Rear Load Refuse Truck with New Way Body

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

Unit #446 is nine years old and no longer dependable for daily route use.

Approval Signatures:

[Signature]
Division Head

9/8/05
Date

Department Director

Date

[Signature]
Fleet Operations Superintendent

9/7/05
Date

[Signature]
Finance & Internal Services Dir.

9-12-05
Date

[Signature]
Budget Manager

9/10/05
Date

Mayor

Date

Please return original form to Fleet when signed by all

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Solid Waste Program: Composting/Commercial Date of Request: 09/06/05
Expansion ☐ or Replacement ☒ Acct. # to be Charged: 50%/50% 5500-5070, -5010
Unit # for Current Vehicle: 447 Unit # for Expansion/Replacement: 482
Purchase Price: \$ 158,619 CIP Budget Amt: \$ 140,000 CIP Year Budgeted: 2005 Project # 02082
Total Annual Budgeted Motor Pool Charges for Unit:
Replacement: 16,104 Maintenance: 22,008 Overhead: 2,096
Monthly Motor Pool Charges for Current Unit:
Replacement: 450.00 Maintenance: 1,484.00 Overhead: 107.00
Monthly Motor Pool Charges for New Unit:
Replacement: 2,579.00 Maintenance: 995.00 Overhead: 128.00
of Months New Unit to be in Service for Current Year: 0.00 Budgeted Amount: 40,208.00
Unit is expected to be received March or April, 2006 Annual Cost: 24,492.00
Is a Budget Adjustment Needed? Difference (Over)/Under Budget: 15,716.00
☒ No ☐ Yes, BA is attached

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

2006 Autocar Rear Load Refuse Truck with New Way Body

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

Unit #447 is nine years old and no longer dependable for daily route use.

Approval Signatures:

[Signature]
Division Head

9/8/05
Date

Department Director

Date

[Signature]
Fleet Operations Superintendent

9/9/05
Date

[Signature]
Finance & Internal Services Dir.

9-12-05
Date

[Signature]
Budget Manager

9/10/05
Date

Mayor

Date

Please return original form to Fleet when signed by all.

Added at Agenda Session

9/13/05

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

A. 8
Downing Sales & Service Bid Award
Drop Box Hoist Truck
Page 1 of 8

9/20/2005

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Approval of purchase of one Refuse Drop Box Hoist Truck for Solid Waste Division from Downing Sales and Service for the bid price of \$134,972.00, and approval of the budget adjustment to move funds to Fleet Expense account

\$ 134,972.00

Cost of this request

\$ 1,180,030.00

Category / Project Budget

Sanitation Vehicles/Equipment

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 536,657.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02082.1

Project Number

\$ 643,373.00

Remaining Balance

Shop

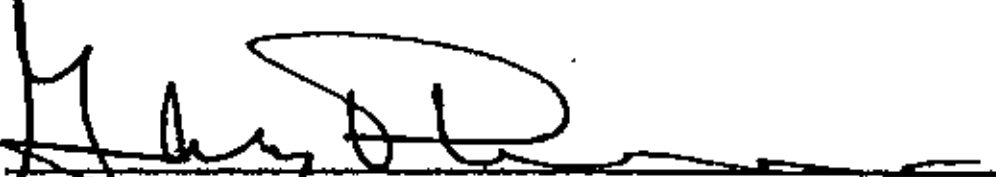
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X



Department Director

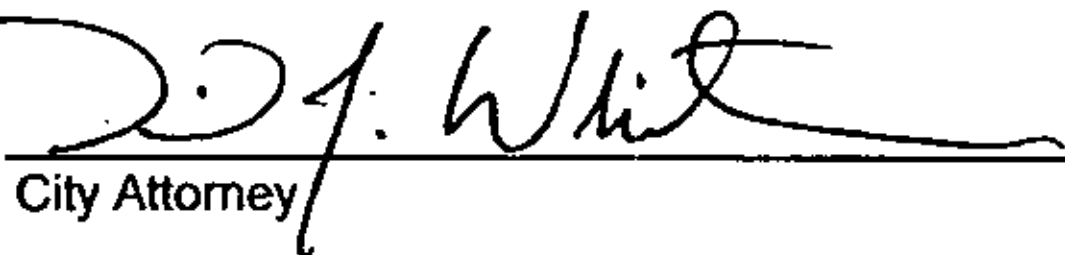
9-8-05

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:



City Attorney

9/8/05

Date

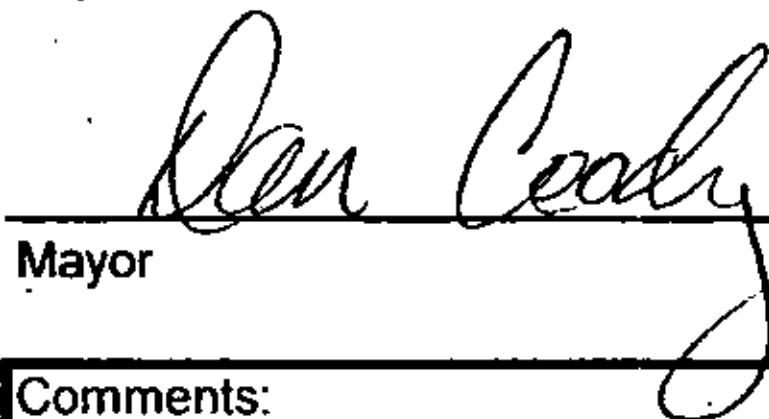


Finance and Internal Service Director

9-12-05

Date

Received in City Clerk's Office



Mayor

9/13/05

Date

Received in Mayor's Office



Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 8
Downing Sales & Service Bid Award
Drop Box Hoist Truck
Page 2 of 8

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations 

From: David Bragg, Fleet Operations Superintendent 

Date: September 2, 2005

Subject: Purchase of one Refuse Drop Box Hoist Truck for Solid Waste Division

RECOMMENDATION: That City Council approve the purchase of one Drop Box Hoist truck for Solid Waste Division from Downing Sales and Service, and approval of the budget adjustment to move funds from Fleet Revenue account to Fleet Expense account.

BACKGROUND: Bid #05-63 was opened on August 16, 2005. Three bid responses were received. A detailed tabulation sheet is attached. The lowest bid from Downing Sales and Service meets all specifications. I recommend acceptance of the bid from Downing Sales and Service in the amount of \$134,972.00. This truck is a recently approved expansion.

Funds have been transferred from Solid Waste fund to the Fleet Revenue Account. A Budget Adjustment is attached to transfer funds from the Fleet Revenue Account to Fleet Expense Account for this purchase – funds are available in 9700.1920.5802.00, Project #02082.

The purchase of this expansion unit was approved by the Equipment Committee at the meeting on September 1, 2005.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #05-63 TO DOWNING SALES & SERVICE IN THE AMOUNT OF \$134,972.00 FOR THE PURCHASE OF A DROP-BOX HOIST TRUCK FOR USE BY THE SOLID WASTE & RECYCLING DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$134,972.00.

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 #05-63 to Downing Sales & Service in the amount of \$134,972.00 for the purchase of a Drop-Box Hoist Truck for use by the Solid Waste & Recycling Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of \$134,972.00.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED
By: DAN GOODY, Mayor

ATTEST
By: SONDRA SMITH, City Clerk

DRAFT

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

A. 8
Downing Sales & Service Bid Award
Drop Box Hoist Truck
Page 4 of 8

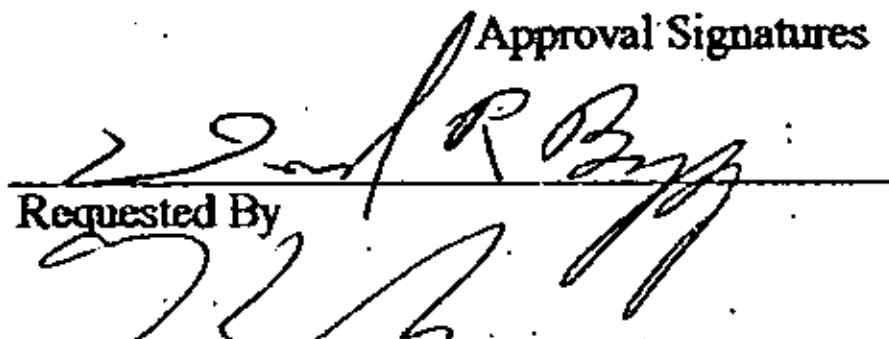
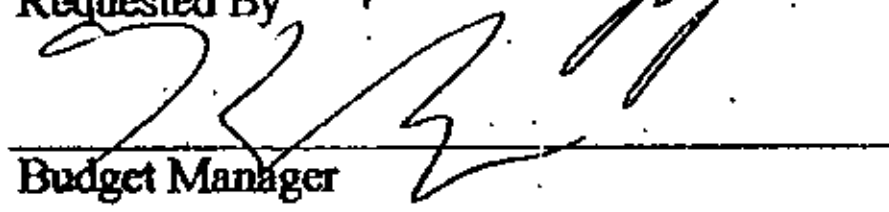
Budget Year 2005	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
--------------------------------	--	----------------	-------------------

Project or Item Requested: \$134,972 is requested in the Fleet Operations Capital Expense Account, Project #02082	Project or Item Deleted: Move \$134,972 from Fleet Revenue Account to Fleet Expense account for the purchase of Expansion Drop Box Hoist Truck.
---	---

Justification of this Increase: Expansion Drop Box Hoist Truck has been approved for purchase from this project.	Justification of this Decrease: Recognizing revenue from the Solid Waste Fund for the purchase of one Expansion Drop Box Hoist Truck
--	--

Increase Budget (Decrease Revenue)							
Account Name		Account Number				Amount	Project Number
Vehicles and equipment		9700	1920	5802	00	134,972	02082 1

Decrease Budget (Increase Revenue)							
Account Name		Account Number				Amount	Project Number
Trans from Solid Waste		9700	0970	6602	50	134,972	02082 1

Approval Signatures			Budget Office Use Only					
Requested By		Date	Type:	A	B	C	D	E
Budget Manager		9/2/05 Date	Date of Approval					
Department Director							Initial	Date
Finance & Internal Services Director		9-12-05 Date	Posted to General Ledger				Initial	Date
Mayor			Posted to Project Accounting				Initial	Date
			Entered in Category Log				Initial	Date

BID: 05-63
DATE: 8/17/05
TIME: 2:30 PM
CITY OF FAYETTEVILLE



Drop Box Refuse Truck

BIDDERS

	Item 1 (price each)	Item 2 (price each)	Item 3	Total (2 each Items)
1. Downing Sales and Service	\$106,447.00	\$28,525.0000	\$7,580.0000 \$134,972.	142,552.00
2. J&R Equipment	\$106,447.00	\$34,671.00	\$7,800.00	148,918.00
3. MHC Kenworth	\$118,190.00	\$34,671.00	No Bid	152,861.00

CERTIFIED: _____ P. VICE PURCH MGR _____ WITNESS _____ DATE _____

City Of Fayetteville

(Not a Purchase Order)

Vendor #		3842		Vendor Name: DOWNING SALES AND SERVICE		Requisition No.		Date: 9/2/2005	
Address:		Fob Point:		State:		P.O Number		Expected Delivery Date:	
City:		Zip Code		Ship to code: 050		Division Head Approval		Quotes Attached	
Requester BARBARA OLSEN		Requester's Employee # 1940		Account Numbers		Extension: 495		Yes: No:	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Project/Subproject #	Inventory #	Fixed Asset #	
1	AUTOCAR DROP BOX HOIST	1	EA	\$134,972.00	\$134,972.00	02082			
2	TRUCK WITH ROLLOFFS OF		EA	\$0.00	\$0.00				
3	AMERICA BODY PER SPECS IN		EA	\$0.00	\$0.00				
4	BID #05-63, TO BE UNIT #480		EA	\$0.00	\$0.00				
5	FIXED ASSET #700480		EA	\$0.00	\$0.00				
6			EA	\$0.00	\$0.00				
7			EA	\$0.00	\$0.00				
8			EA	\$0.00	\$0.00				
9			EA	\$0.00	\$0.00				
10			EA	\$0.00	\$0.00				
	Shipping/Handling		Lot		\$0.00				
Special Instructions:						Subtotal: 134,972.00			
TAX OWING ON SPARE CYLINDERS ONLY						Tax: EXEM 0.00			
Approvals:						Total: 134,972.00			

Department Director: _____

Purchasing Manager: _____

Budget Manager: _____

IT Manager: _____

Finance & Internal Services Director: _____

Utilities Manager: _____

Dispatch Manager: _____

8-23-5

TO
BUDGET

9-7-5

REC'D
FLEET

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Solid Waste Program: Drop Box/Recycling Date of Request: 8/22/05

Expansion X or Replacement Acct. # to be Charged: 50%-5030, 50%-5060

Unit # for Current Vehicle: Unit # for Expansion/Replacement: 480

Purchase Price: \$ 135,000 CIP Budget Amt: CIP Year Budgeted: Project # 02082

Total Annual Budgeted Motor Pool Charges for Unit:

Replacement: <u> </u>	Maintenance: <u> </u>	Overhead: <u> </u>
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Monthly Motor Pool Charges for Current Unit:

Replacement: <u> </u>	Maintenance: <u> </u>	Overhead: <u> </u>
----------------------------	----------------------------	-------------------------

Monthly Motor Pool Charges for New Unit:

Replacement: <u>1,785.00</u>	Maintenance: <u>590.00</u>	Overhead: <u>148.00</u>
------------------------------	----------------------------	-------------------------

of Months New Unit to be in Service for Current Year: 0.00 Budgeted Amount: 0.00

New Unit should arrive approx. Feb. 2006 Annual Cost: 0.00

Is a Budget Adjustment Needed? Difference (Over)/Under Budget: 0.00

X No Yes, BA is attached

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

Autocar WX64 Diesel powered cab and chassis with 60,000 lb. outside rail drop box hoist.

CC451

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

This request was approved by City Council (Resolution 145-05) at the July 19, 2005 meeting, along with a request for new personnel. The truck is needed to continue to offer service in our growing City.

Approval Signatures:

[Signature]
Division Head

8/22/05
Date

[Signature]
Department Director

9/2/05
Date

[Signature]
Fleet Operations Superintendent

8/23/05
Date

[Signature]
Finance & Internal Services Dir.

9-2-05
Date

[Signature]
Budget Manager

8/23/05
Date

[Signature]
Mayor

9/6/05
Date

Please return original form to Fleet when signed by all.

To B.F. 9-7-5

Added at Agenda Session
9/13/05.

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

A. 9.
Emergency Vehicles, Inc. Bid Award
Mobile Command Unit
Page 1 of 6

9/20/2005

City Council Meeting Date

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

Approval of purchase of one expansion Mobile Command Unit for use by the Police Department

\$ 185,800.00

Cost of this request

\$ 188,000.00

Category / Project Budget

Emergency Response Team Vehicle

Program Category / Project Name

9700.1920.5802.00

Account Number

\$

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

05023.1

Project Number

\$ 188,000.00

Remaining Balance

Shop

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐



Department Director

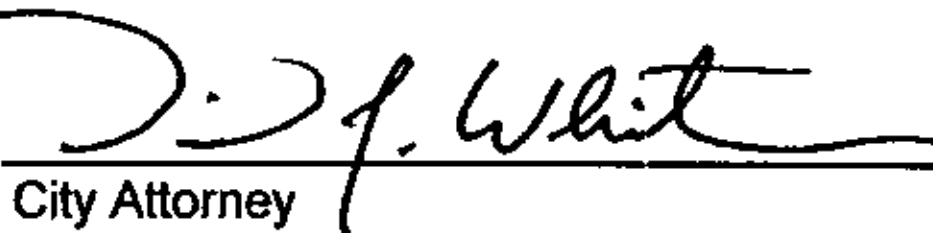
9-8-05

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:



City Attorney

9/8/05

Date

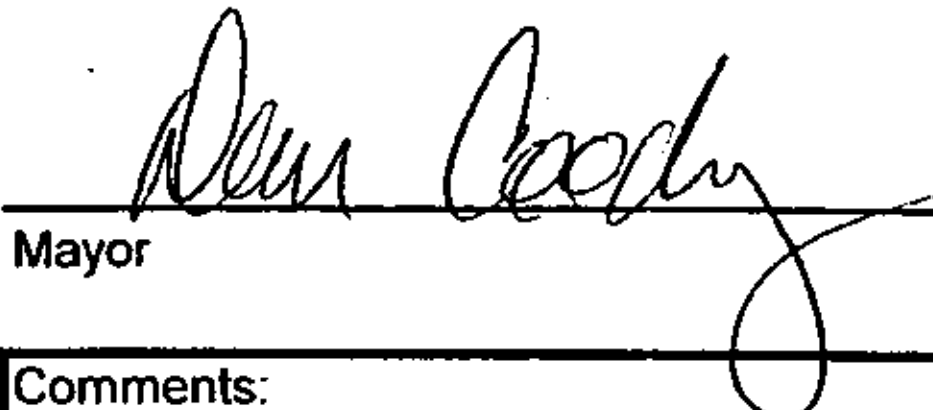


Finance and Internal Service Director

9-12-05

Date

Received in City Clerk's Office



Mayor

9/13/05

Date

Received in Mayor's Office



Comments:



A. 9
Emergency Vehicles, Inc. Bid Award
Mobile Command Unit
Page 2 of 6

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations *(Signature)*

From: David Bragg, Fleet Operations Superintendent *(Signature)*

Date: September 2, 2005

Subject: Purchase of one Expansion Mobile Command Unit for the Police Department

RECOMMENDATION: That City Council approve the purchase of one Expansion Mobile Command Unit for use by the Police Department from Emergency Vehicles, Inc. of Lake Park Florida

BACKGROUND: Bid #05-60 was opened on August 16, 2005 for one Mobile Command Unit. One bid response was received from Emergency Vehicles, Inc. This bid meets all specifications. I recommend acceptance of the bid from Emergency Vehicles, Inc. in the amount of \$183,685 plus \$2115 for additional heat and air conditioning capacity not included in the specifications, but recommended as an option in the EVI bid. Further review by Fleet and Police Department staff confirms the need for this additional capacity. Total award amount is \$185,800.00

Funds are available in 9700.1920.5802.00, Project #05023.

The purchase of this expansion unit was approved by the Equipment Committee at the meeting on September 1, 2005.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #05-60 TO EMERGENCY VEHICLES, INC. IN THE AMOUNT OF \$185,800.00 FOR THE PURCHASE OF A MOBILE COMMAND UNIT FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #05-60 to Emergency Vehicles, Inc. in the amount of \$185,800.00 for the purchase of a Mobile Command Unit for use by the Fayetteville Police Department.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

DRAFT

City Of Fayetteville

(Not a Purchase Order)

Vendor #		Vendor Name: EMERGENCY VEHICLES INC		Requisition No.		Date: 9/2/2005	
Address:		Fob Point:		P.O Number		Expected Delivery Date:	
City:		State:		Mail Yes: ☐ No: ☒ XX			
Requester BARBARA OLSEN		Zip Code		Taxable Yes: ☐ No: ☒ XX		Quotes Attached Yes: ☐ No: ☐	
Item Description		Ship to code: 050		Division Head Approval <i>[Signature]</i>		Extension: 495	
Quantity		Requester's Employee # 1940		Project/Subproject # 05023		Inventory #	
Unit of Issue		Account Numbers		Fixed Asset #			
Unit Cost		Extended Cost					
1	MOBILE COMMAND UNIT PER	1	EA	\$185,800.00	\$185,800.00	9700.1920.5802.00	
2	SPECS IN BID #05-60 TO BE UNIT		EA		\$0.00		
3	#2089, FIXED ASSET UNIT #702089		EA		\$0.00		
4			EA		\$0.00		
5			EA		\$0.00		
6			EA		\$0.00		
7			EA		\$0.00		
8			EA		\$0.00		
9			EA		\$0.00		
10			EA		\$0.00		
Shipping/Handling			Lot		\$0.00		
Special Instructions:				Subtotal:		185,800.00	
				Tax:		EXEMPT	
Approvals:				Total:		185,800.00	
Mayor:				Purchasing Manager:			
Finance & Internal Services Director:				IT Manager:			
Dispatch Manager:				Utilities Manager:			

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Police Program: Patrol Date of Request: 09/06/05
Expansion X or Replacement Acct. # to be Charged: 1010-2940
Unit # for Current Vehicle: Unit # for Expansion/Replacement: 2085
Purchase Price: \$ 185,800 CIP Budget Amt: \$ 188,000 CIP Year Budgeted: 05 Project # 05023
Total Annual Budgeted Motor Pool Charges for Unit:
Replacement: 28,836 Maintenance: 3,600 Overhead: 3,240
Monthly Motor Pool Charges for Current Unit:
Replacement: Maintenance: Overhead:
Monthly Motor Pool Charges for New Unit:
Replacement: 2,403.00 Maintenance: 300.00 Overhead: 270.00
of Months New Unit to be in Service for 2006 Year: 7.00 Budgeted Amount: 35,676.00
Unit is expected to be received June, 2006 Annual Cost: 20,811.00
Is a Budget Adjustment Needed? Difference (Over)/Under Budget: 14,865.00
X No Yes, BA is attached

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

2006 Emergency Response unit, per specs in bid #05-60

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

This expansion was approved in the budget process for 2005.

Approval Signatures:

Division Head Date
2005 R. B. [Signature] 9/12/05
Fleet Operations Superintendent Date
9/12/05 [Signature] 9/12/05
Budget Manager Date

 9-12-05
Department Director Date
 9-12-05
Finance & Internal Services Dir. Date

Mayor Date

Please return original form to Fleet when signed by all.

ALDERMAN AGENDA REQUEST FORM

A. 12
Former Shake's Building Purchase
Time Extension
Page 1 of 2

FOR: COUNCIL MEETING OF SEPTEMBER 20, 2005

FROM: ALDERMAN ROBERT RHOADS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

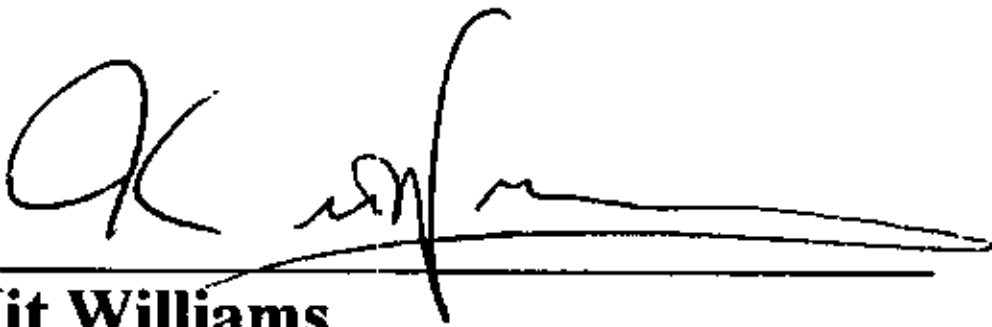
A Resolution To Extend The Time Allowed To Steve Davis To Close On His
Purchase Of The Former Shake's Building On 6th Street

APPROVED FOR AGENDA:

ROBERT RHOADS

Alderman

Date



Kit Williams

City Attorney (as to form)

Sept 14, 05
Date

RESOLUTION NO. _____

**A RESOLUTION TO EXTEND THE TIME ALLOWED
TO STEVE DAVIS TO CLOSE ON HIS PURCHASE OF
THE FORMER SHAKE'S BUILDING ON 6TH STREET**

WHEREAS, after following all the provisions of the sale of real property ordinance for the former Shake's building and remaining lot on 6th Street, the City received only a single bid from Steve Davis; and

WHEREAS, Steve Davis desires additional time to work with his franchiser prior to his closing on this property.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby extends the closing date upon Steve Davis' request until January 31, 2006.

PASSED and APPROVED this 20th 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 20, 2005**

A meeting of the Fayetteville City Council will be held on September 20, 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**

Fayetteville National Heritage Association Presentation – *Agenda Session Only*

Discussion of the Sale of 47 Acres at Lake Fayetteville Hobby Use Area - *Agenda Session Only*

Fayetteville Town Center Annual Report by Willistine Smith

A. CONSENT:

- 1. Approval of the September 6, 2005 City Council meeting minutes.**
- 2. Cornerstone Home Services, LLC:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.
- 3. C & C Services, LLC Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
- 4. Jim Benton Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Jim Benton for the sale of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00; and authorizing the Mayor and the City Clerk to execute said agreement.

5. **Martin A. Treat Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
6. **William's Tractor LB75B Backhoe and Landers Ford F550 4x4:** A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

B. UNFINISHED BUSINESS:

None

C. NEW BUSINESS:

1. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.
2. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$2,879.98.
3. **C-2 Projects, LLC Contract:** A resolution approving a construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement Project; approving a 10% project contingency in the amount of \$128,000.00; and approving a budget adjustment in the amount of \$444,941.25 for same.
4. **Black & Veatch Change Order # 1:** A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.
5. **Fayetteville Municipal Property Owners Improvement District # 7 – Timber Trails:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 7 – Timber Trails.
6. **Fayetteville Municipal Property Owners Improvement District # 8 – Belclaire:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 8 – Belclaire.
7. **VAC 05-1651 (Petrino/Prince, 362/363):** An ordinance approving VAC 05-1651 submitted by Ed Prince for property located at 3041 and 3043 Marigold Drive, vacating a portion of a utility easement as indicated on the attached map and legal description.

8. **North Street Church of Christ:** An ordinance rezoning that property described in rezoning petition RZN 05-1649 for approximately 16.61 acres located at Mt. Comfort Road from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.
9. **ANX 05-1488 (Collins/Kinghorn, 533/534):** An ordinance annexing that property described in annexation petition ANX 05-1488 for property located at 6102 and 6110 Lake Sequoyah Drive, containing 17.33 acres.
10. **Planning Commission Appeal: Collins/Kinghorn Rezoning:** An ordinance rezoning that property described in rezoning petition RZN 05-1489 for approximately 17.64 acres located at 6102 and 6110 Lake Sequoyah Drive from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.
11. **Amend §161.25 Planned Zoning District:** An ordinance amending §161.25 Planned Zoning District to allow all use units identified in §162 Use Units of the Unified Development Code to be made available as permitted uses within all Planned Zoning Districts.
12. **Waste Management of Arkansas, Inc. Contract Amendment:** A resolution approving Amendment # 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of Municipal Solid Waste; and approving a budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.
13. **Chapter 50 Garbage and Trash Amendment:** An ordinance amending Chapter 50: Garbage and Trash of the Code of Fayetteville, to allow for annual rate adjustments for residential service, based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor.
14. **C-PZD 05-1670 (Pratt Place Inn, 481):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 05-1670, Pratt Place Inn, located at the west end of Markham Road, containing approximately 72 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
15. **R-PZD 05-1599 (Zion Gardens, 137):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1599, Zion Gardens, located northwest of the intersection of Randal Place and Zion Road, containing approximately 13.9 acres, amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
16. **R-PZD 05-1636 (Wellspring):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
17. **2006 Proposed Funding for Outside Agencies:** A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

D. INFORMATIONAL:

Discussion at the end of Agenda Session on the Proposed 2006 Funding for Outside Agencies

Council Tour: September 19, 2005 – 4:30 PM

From: Karen Rollet <krollet@uark.edu>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 8/29/05 1:46PM
Subject: presentation at City Council Agenda Session, Sept. 13

Dear Ms. Smith:

Following up on our conversation, here is our request.

The Fayetteville Natural Heritage Association requests a slot of less than 10 minutes on September 13's Agenda Session to make the City Council aware of our project which will use GIS analysis to identify highest priority natural areas for conservation in and around Fayetteville before they disappear due to rapid growth. FNHA will use the information to help landowners identify and preserve valuable natural areas for the future. Partners in the project are the The Nature Conservancy Ozark Highlands Office and the Landscape Architecture Department at the U of A. The project is supported in part by the Arkansas Forestry Commission's Urban Forestry Program and the U.S. Forestry Service.

Please notify me if this is the date, and where and when we should come for the meeting.

Thanks for your help! Karen Rollet-Crocker, FNHA

CC: "einlander@tnc.org" <einlander@tnc.org>, Bob caulk <scaulk@alltel.net>, "Duane, Judy Woltjen" <ozarktraveler@lynks.com>, Pete Heinzelmann <petemarg@cox.net>

*Dan said since this
group has done so much
for the City & the project
is to ultimately benefit
the City, he has no
problem w/ them making a
Presentation* *Paul*

Nominating Committee Report
Meeting: Monday, September 12, 2005
Room 111, City Hall 5:00 p.m.

Members Present – Kyle Cook, Shirley Lucas, and Brenda Thiel

Approved
9/20/05
City Council
meeting

The following is being submitted to the entire City Council for consideration.

Environmental Concerns Committee

The Committee recommends the following candidate for appointment:

- ***Kent Landrum*** – One unexpired community citizen at large term ending 6/30/08.

Sidewalk and Trails Task Force

The Committee recommends the following candidate for reappointment:

- ***Sam Lafoy*** – One community citizen at large term ending 12/31/07.

Tree and Landscape Advisory Committee

The committee recommends the following candidate for appointment:

- ***Amanda Williamson*** – One unexpired landscaping term ending 12/31/06.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

Agenda Session September 13
City Council Meeting Date

*Discussion
Item Only
at Agenda
Session*

Connie Edmonston
Submitted By

Parks and Recreation
Division

Operations
Department

Action Required:

Discussion if City Council desires City Staff to proceed with the sale of 47+ acres at Lake Fayetteville Hobby Use Area located on the east side of Highway 265.

n/a
Cost of this request
n/a
Account Number
n/a
Project Number

n/a
Category/Project Budget
n/a
Funds Used to Date
n/a
Remaining Balance

n/a
Program Category / Project Name
n/a
Program / Project Category Name
n/a
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature]
Department Director
9.2.05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

*Discussion Item - No
Review Needed*
City Attorney

[Signature]
Finance and Internal Service Director
9.6.05
Date

Received in City Clerk's Office
[Stamp: ENTERED 9/2/05] *[Stamp: ENTERED 9/2/05]*

[Signature]
Mayor
9/7/05
Date

Received in Mayor's Office

Comments:

09-02-05P03:06 RCVD

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council
Thru: Gary Dumas, Operations Director
From: Connie Edmonston, Parks and Recreation Director
Date: August 31, 2005
Subject: Discussion Item – Sale of Lake Fayetteville Hobby Use Area

RECOMMENDATION

On August 10, Arkansas Department of Parks and Tourism completed the conversion of 47+ acres at the Hobby Use Area on the east side of Highway 265 to land adjacent Lake Sequoyah. This gives the City the ability to utilize Hobby Use Area for uses other than outdoor recreation.

City Staff is requesting discussion if City Council desires for us to proceed with the sale this 47+ acres at Lake Fayetteville Hobby Use Area. There is substantial time and cost for the City to initiate the process as outlined in the Sale of Municipally Owned Real Property (Ordinance 4651). The Ordinance requires staff to posting signs, public notification of a meeting, certified mailings to all adjacent property owners, and obtaining two appraisals of the real property. These items must be completed in order for City Council to consider the sell of the property as an agenda item. City Staff is asking if the Council wants us to commit resources in order to initiate the process to sell this land.

BACKGROUND

The City purchased 47+ acres located south of Ivey Lane on September 12, 1949 from Norman and Rosalea Ivey in the amount of \$20,000. This land was purchased with Water and Sewer Funds as a watershed area to establish the lake as a water supply.

As early as 1972, Parks and Recreation utilized this property for the Model Airplane Club's landing strip. The Blackhawk Archery Club established an archery range on the northeast side of this property in 1975. Both of these outdoor recreation groups were forced to move in the late 1980's due to the potential hazard these activities posed to the newly established neighborhoods adjacent to their sites. A fund drive began in 1973 to raise funds to build a softball field at Lake Fayetteville. Two additional softball fields were completed in 1981. In 1982, City Council transferred to Parks and Recreation the "...assumption of full control" over Lake Fayetteville and Sequoyah boat dock operations.

In 1994, Lake Fayetteville Park's 651 acres was placed within an Arkansas Department of Parks and Tourism Outdoor Recreation boundary when the City was awarded \$25,000 in grant funds to construct a pavilion and picnic facilities a Veterans Memorial Park. The grant stipulated this land must be used for public outdoor recreation purposes for perpetuity unless a conversion was made to transfer the park boundary to another piece of property of equal value.

During the Community Park discussions held in February and March of 2004, Parks and Recreation Advisory Board (PRAB) approved to trade or sell the Hobby Use Area. It was the intent of PRAB to utilize funds from the sale for the Community Park. Soon after that date, Project for Victims of Family Violence, Inc. requested to purchase 1.5 acres of land at the Hobby Use site to construct a Peace at Home facility to house victims of family violence with grant assistance from the Donald W. Reynolds Foundation. One of the requirements of the grant is to have ownership of the property. On January 4, 2005, City Council approved Ordinance 4670 waiving the requirements of the sale of 1.5 acres at an appraised value of \$30,000 to this non-profit corporation. The deed to the corporation could not be signed until a conversion of the land was approved by Arkansas Parks and Tourism and the National Park Service.

In December of 2004, Parks and Recreation made the request to Arkansas Department of Parks and Tourism to transfer the 47+ acres at Lake Fayetteville to land located at Lake Sequoyah. The request for conversion was approved on August 10, 2005.

DISCUSSION

At the time of purchase of this land, State Highway 265 was not constructed; therefore, Lake Fayetteville Park was not separated into two parcels of land. The Hobby Use 47+ acres is now separated from the larger 604 acre parcel by a busy highway. The remaining 604 acres of Lake Fayetteville on the west side of Highway 265 offers a wide variety of recreational opportunities for our citizens including a 194 acre fishing lake, boatdock office and boat stalls, 3 softball fields, Environmental Study Center, Botanical Garden area, playgrounds, picnic areas, 2 pavilions, sand volleyball courts, 4 restrooms, disc golf course, kiosks, as well as the popular 5-1/2 miles of trail that loop round the entire lake. There are no recreational plans for the Hobby Use Area at this time.

With Arkansas Parks and Tourism's approval of the conversion, the deed for the 1.5 acres to Project for Victims Violence, Inc. can be signed. City Staff would like to continue discussions with Council if we want to consider the possibility of selling the remaining 47+ acres at Lake Fayetteville Hobby Use Area.

BUDGET IMPACT

Maintenance required at the Hobby Use Area included brush hogging two to three times and year and fence repair would be eliminated if this land is sold.

Attachments:

Ordinance 4651 - Sale of Municipally Owned Real Property

Property Map

City Council Minutes December 5, 1982

PRAB Minutes February 27, 2004

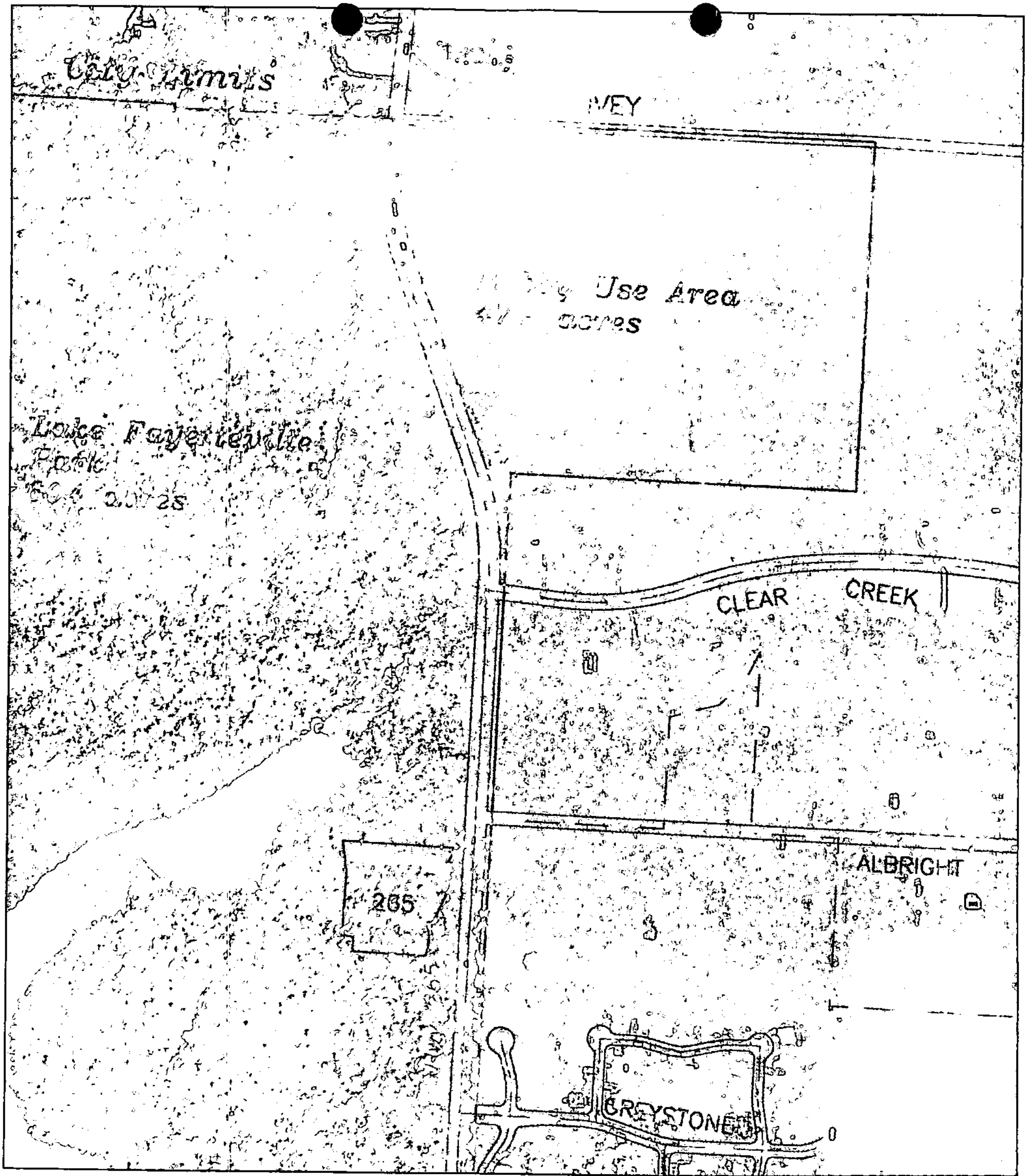
PRAB Minutes March 1, 2004

Arkansas Parks and Tourism Conversion Approval Letter – August 10, 2005

Arkansas Parks and Tourism Boundary Map

Ordinance 4670 – Project for Victims of Family Violence Sale of 1.5 Acres

Resolution 07-05 – Project for Victims of Family Violence Sewer and Access Easement



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.
- (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.

Parks & Recreation Department: Assumption of full control over the Lakes Fayetteville and Sequoyah boat dock operations.

- 330.1 City Manager Grimes stated that the dock operations at Lakes Fayetteville and Sequoyah have, by tradition, had one operator at each boat dock, responsible for having those facilities open seven days a week from daylight to dark. These operators receive a nominal salary, but they do receive the revenues from certain concessions, such as boat rentals, fuel, candy, bait, etc. The Parks & Recreation Department is interested in assuming responsibility for the operation of these boat docks.
- 330.2 In general discussion, the Board felt that an increase in boat stall rental should also be considered, along with the possibility of guided tours.
- 330.3 It was determined that the City Staff would mail out Requests for Proposals for a person or persons to operate the boat docks for the City, inexchange for the concessions.
- 330.4 City Engineer: Discussion of the proposal to hire a full-time registered professional engineer.
- 330.5 City Manager Grimes stated that he felt the Board should consider the possibility of separating the Water & Sewer Department from the Engineering Department, which would necessitate the hiring of an engineer, with a three-person field crew. This staff would handle the design work for streets, engineering projects, sidewalks, etc. Mr. Grimes added that these types of projects are currently being given to outside firms, at a very high cost annually.
- 330.6 There was also discussion on the possible use of University architectural students to perform some of these projects. There was some question about the request for additional equipment for this purpose and it was decided that this request would have to be thoroughly reviewed. The City Manager stated there is ample surveying equipment.
- 330.7 Mr. Grimes suggested that this transition should take place in 1984, rather than at this time, in order to allow some time to clarify duties and the administrative structure of the departments.
- 330.8 Concept of Full-Time Minute-Taker: To cover the City Board, Planning Commission, Board of Adjustment, Plat Review Committee, Subdivision Committee, Police & Fire Pension Fund Boards, Civil Service Commission, and City Board committee meetings.
- 330.9 In general discussion of this concept, the advantage, as stated, would be to free up time of the current staff to carry on the other aspects of their positions.
- 330.10 The disadvantages, as stated, would be that it might pose inconsistency, particularly if a University student would be hired, because of the turnover.
- 330.11 It was determined that the City Staff would get more details on this concept and make their recommendations to the Board at a later date.

PARKS AND RECREATION ADVISORY BOARD

**Special Meeting Minutes
February 27, 2004**

Opening:

The special meeting of the Parks and Recreation Advisory Board Funding Committee was called to order at 12:10 p.m. on February 27, 2004 in the Conference Room of the Parks and Recreation Building located at 1455 Happy Hallow Road, Fayetteville, Arkansas by Rebecca Ohman.

Present:

Parks and Recreation Advisory Board members Hill, Mauritson, and Pawlik Holmes; City staff Edmonston, Ohman, Wright, and Weber

Discussion:

The Parks and Recreation Advisory Board Funding Committee reviewed the timeline for the process to complete the environmental study. Ohman explained a selection committee then reviewed the proposals and selected the Terracon Consultants on February 12, 2004. The contract will go to City Council on March 2, 2004. The study will begin immediately after City Council's approval. ADEQ needed some minor formatting adjustments to change the request from a grant to funding reimbursement. The committee and staff reviewed how much Parks revenue is eligible to attach to a bond repayment. Pawlik Holmes asked if this revenue included programs revenue expected in the future from programs at Community Park. Hill discussed funding avenues and scenarios with bonds, development cost, land purchase cost, and total cost. Hill stated a funding source is needed for the land purchase within the short time period given. A funding source must be established fast. Mauritson agreed to prepare to purchase immediately. Hill asked if there is a possibility to trade land. The committee discussed a trade of

Hobby Use land. A recommendation was made to review other small park land for trade or sale to assist in future community needs. A discussion regarding funds from Wilson Springs land sale resulted in the committee's decision to request a minimum of 3 million dollars for the Community Park land purchase from City Council.

Motions to be made at PRAB meeting:

- 3 million dollars towards the land acquisition for Community Park from City Council out of Wilson Springs funds.
- Request for Park staff to prepare Hobby Use for land trade for Community Park.

Adjournment

Meeting was adjourned at 1:05 p.m.

Minutes submitted by: Rachel Weber

Approved:

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes
March 1, 2004

Opening:

Prior to the meeting, Parks staff met with PRAB members and neighborhood citizens at the Gregg Street neighborhood garden spot located between Stone and 6th Streets to view the site.

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:42 p.m. on March 1, 2004 in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Chairman Colwell.

Present:

Parks and Recreation Advisory Board members Colwell, Bailey, Eads, Hill, Marley, Shoulders, Mauritsen, Pawlik Holmes; City staff Coles, Ohman, Wright, Jumper, Weber, Hatfield, Edmonston; and Audience.

1. Approval of February 5, 2004 Minutes

MOTION:

Hill moved to approve the Parks and Recreation Advisory Board January 5, 2004 meeting minutes as distributed.

Eads seconded the motion.

The motion was approved 6-0-0 with Colwell, Bailey, Eads, Hill, Marley, and Mauritsen voting 'yes' with Shoulders and Pawlik Holmes absent for the vote.

2. Community Park Update

Ohman stated on February 17, 2004, an application for funding was submitted to ADEQ on receiving reimbursement funding for the site characterization study through a memo of agreement. Staff is currently working with ADEQ. Terracon Consultants contract approval has been placed on the Consent Agenda on March 2, 2004. The Notice to Proceed will be issued on March 8, 2004. The cost of the study has been verified by ADEQ as reimbursable expenses.

Hill stated the Funding Committee reviewed development cost and recommends making a motion to sell or trade Hobby Use Park. This is prime property to sell for development in that area. It would help supply needed funds for community park.

Edmonston stated it is necessary to go to Arkansas Department of Parks and Tourism to change the boundary in order to sell such property.

Hill clarified the recommendation is to trade and not to sell the land. The Hobby Use Park land will be traded to the City for other identical parkland.

Shoulders asked if other park land was reviewed for the purpose of trade or sale.

Hill stated the Funding Committee discussed reviewing a list of smaller park property for this purpose.

Citizen asked if the city must purchase all of the Cummings property.

Ohman explained the agreement is a right of first refusal which gives the City the first option to purchase if an offer is made on any part of the Cummings Estate within the time specified in the agreement.

Mayor Coody stated that developers have offered to purchase Hobby Use Park land. The City would be willing to work with Parks and Recreation to make the trade. It would be in the cities best interest to purchase all of the offered land from the Cummings property. The City can purchase all the land and then sell some of the land to recoup the cost of the purchase.

Citizen asked if Fayetteville Schools are going to purchase some land.

Mayor Coody replied we can not give away land however, the option for the schools to purchase more land than what is needed is available. This would give them the option to sell some of their purchased land to recoup some of their purchase cost as well.

Mauritson asked Mayor Coody what the minimum acreage developers will want.

Mayor Coody replied there is a lot of development land plus about 300-325 acres available for green space use.

Mayor Coody asked Ms. Ohman if she had been able to contact any of the adjacent owners.

Ohman replied not yet.

Marcia Rachel asked if the City of Fayetteville is interested in purchasing land off Shiloh for second access to the property.

Mayor Coody mentioned that there is interest in an outdoor amphitheatre incorporated into the park plan. He summarized this is a good economic development without a major investment.

MOTION:

Hill moved for Park staff to study Hobby Use in order to qualify it as a property to trade for other city property.

Colwell seconded the motion.

Upon roll call, the motion was approved 8-0-0 with Colwell, Bailey, Eads, Hill, Marley, Shoulders, Mauritson, and Pawlik Holmes voting 'yes'.

MOTION:

Hill moved for Park staff to request at least 3 million dollars of the proceeds from Wilson Springs to be allocated for Community Park land.

Mauritson seconded the motion.

Upon roll call, the motion was approved 8-0-0 with Colwell, Bailey, Eads, Hill, Marley, Shoulders, Mauritson, and Pawlik Holmes voting 'yes'.

3. Disc Golf: Randy Lee

Lee explained there have been a lot of meetings to solve the issues with this request. A meeting with Trey Marley was held to walk North Shores location.

Mauritson asked if there is a true guideline for discs to stay clear of the water.



**DEPARTMENT OF
PARKS & TOURISM**

One Capitol Mall
Little Rock, AR 72201

Phone: 501-682-7777

FAX: 501-682-1364

History Commission
501-682-6900 (V/T)

Keep Arkansas
Beautiful Division
501-682-3507

Personnel Section
501-682-7742 (V/T)

State Parks Division
501-682-1191 (V/T)

Tourism Division
501-682-7777 (V/T)

INTERNET
arkansas.com
ArkansasStateParks.com

Mike Huckabee
GOVERNOR

Richard W. Davies
EXECUTIVE DIRECTOR

**STATE PARKS,
RECREATION
& TRAVEL
COMMISSION**

Jane Christenson
CHAIRMAN

Jim Shamburger
VICE-CHAIRMAN

Steve Arrison

Bill Barnes

Jay Bunyard

Polly Crews

Danny Ford

Jim Gaston

Debra Haak

Billy Lindsey

Montine McNulty

Mike Mills

Ness Sechrest

Wade Williams

DIVISION DIRECTORS

Larry Cargile
ADMINISTRATION

Greg Butts
STATE PARKS

Joe David Rice
TOURISM

Nancy Clark
GREAT RIVER ROAD

John L. Ferguson
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AMERICANS WITH
DISABILITIES ACT
EMPLOYER

Arkansas®

THE NATURAL STATE

Wednesday, August 10, 2005

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

RE: Project # 05-00438
Lake Fayetteville Park Conversion

Dear Mayor Coody:

The City's request for conversion of the park property at Lake Fayetteville Park has been approved by the National Park Service. You may now make all necessary transfer of ownership for all lands involved in the conversion. Be aware that the new park property is encumbered under all of the same rules and regulations in the Land and Water Conservation Fund that the original park was subject to and must remain in outdoor recreation in perpetuity. It is the responsibility of the City to develop the new property into a useable park site.

If you have any further questions please feel free to contact me at (501)-682-1301.

Sincerely,

Ian Hope, Project Officer
Outdoors Recreation Grants Program

ARKANSAS PARKS & TOURISM BOUNDARY MAP

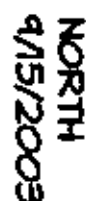
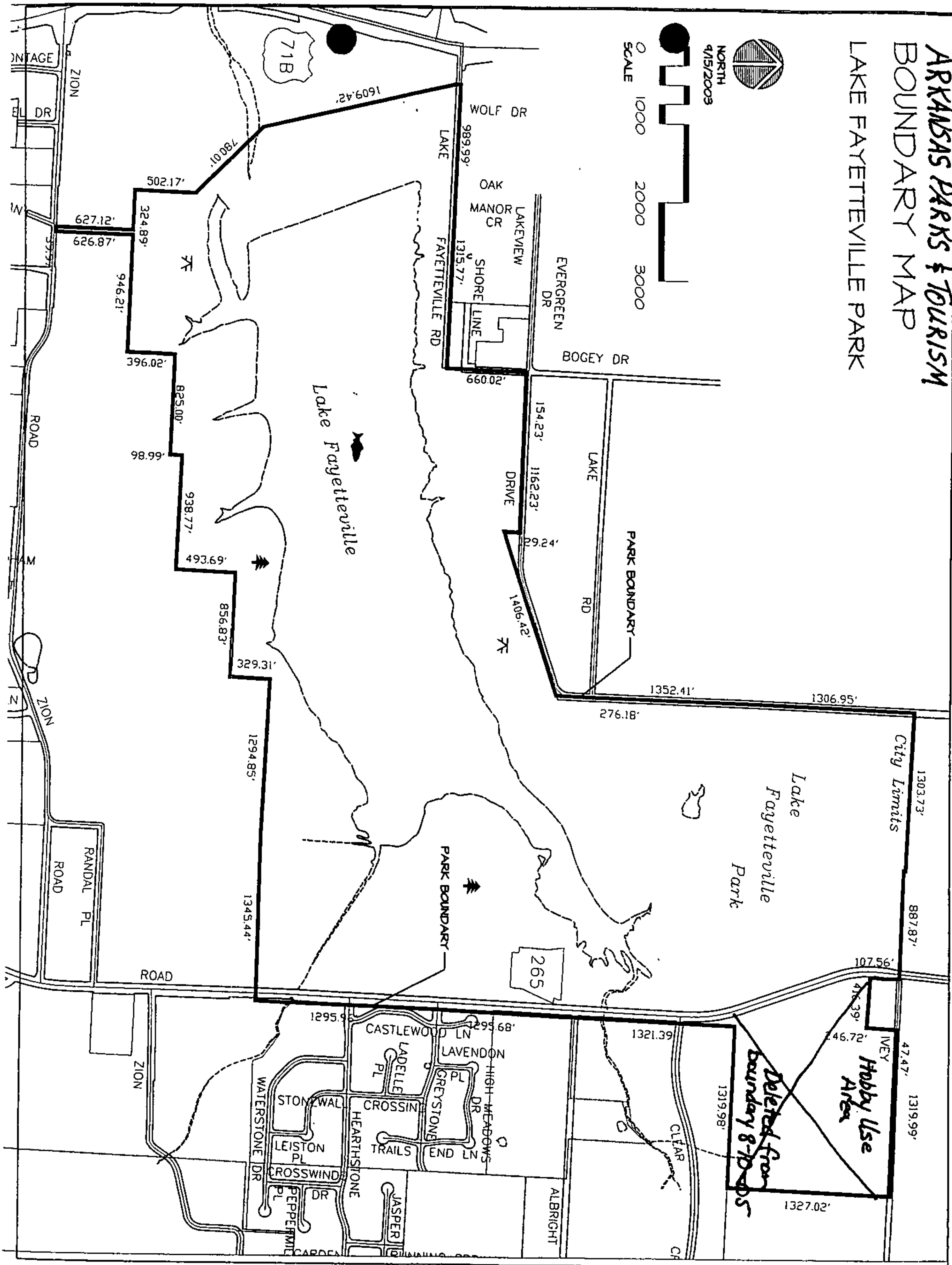


Figure 1



ORDINANCE NO. 4670

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

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

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

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

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

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

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

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

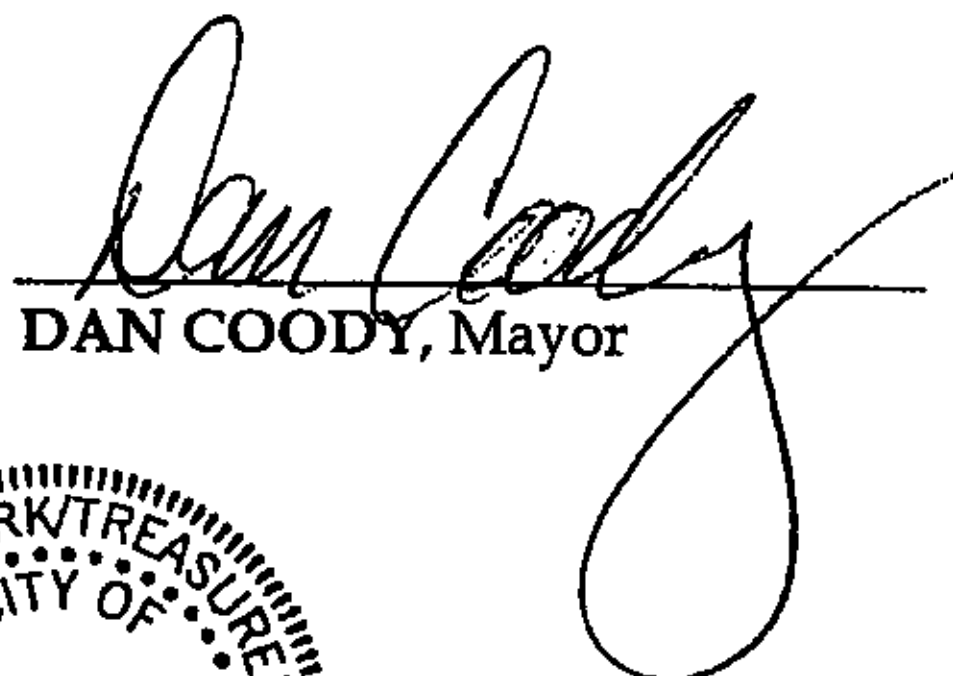


better serve local victims of domestic abuse. Therefore, the city Council hereby determines and declares that an emergency exists, that it is necessary for the preservation of the public peace, health and safety that this ordinance become effective without delay, and that therefore because of this emergency,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

PASSED and APPROVED this 4th day of January, 2005.

APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



RESOLUTION NO. 07-05

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

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

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

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

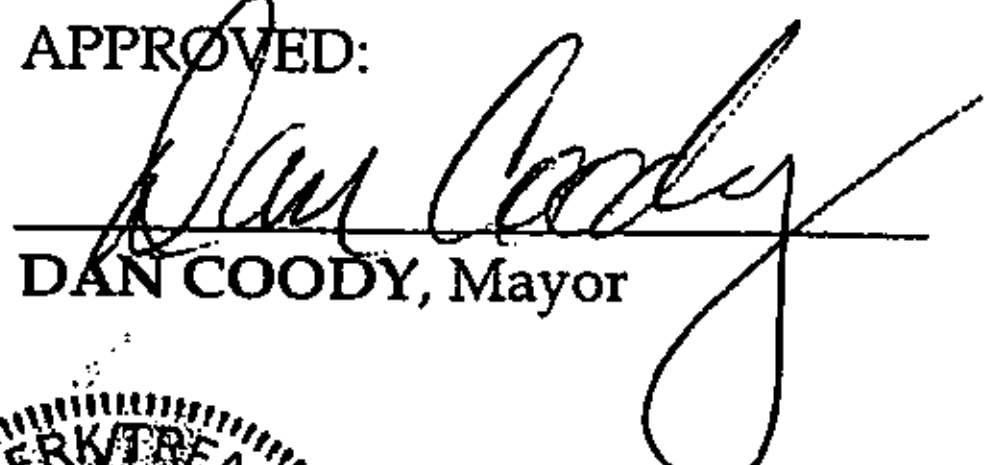
WHEREAS, the City Council determines that providing a domestic violence shelter is a valid public purpose and that the services offered to Fayetteville citizens by the Project For Victims Of Family Violence, Inc. constitute sufficient consideration for the rental value of the approximately .69 acres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

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

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

PASSED and APPROVED this 4th day of January, 2005.

APPROVED:

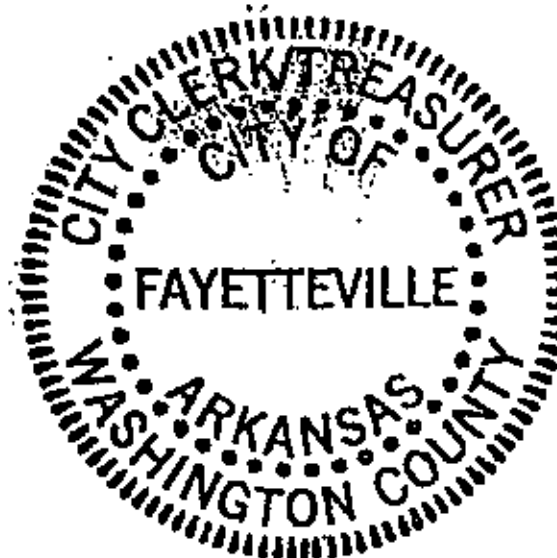
By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



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

9/20/2005
City Council Meeting Date

Ray M. Boudreaux Aviation & Economic Development General Government
Submitted By Division Department

Action Required:

Action Required: Approve an Offer and Acceptance Contract with Cornerstone Home Services LLC, c/o Halley Hoggatt, 2137 W Berry St., Fayetteville, AR, 72701, phone: 479-443-2828, 479-263-1005 cell, to purchase from the City, Parcel ~~30E~~ in the South Industrial Park. (30E)

REVENUE		
\$ <u>28,000.00</u>	\$ <u>20,298.00</u>	<u>Contrib</u>
Cost of this request		Program Category / Project Name
<u>1010.0001.4881.02</u>	\$ <u>50,606.00</u>	<u>General Fund Revenue</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>NA</u>	\$ <u>(30,308.00)</u>	<u>General</u>
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

[Signature] August 30 2008
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] 9/2/05
City Attorney Date

Original Contract Date: _____

[Signature] 9/2/05
Finance and Internal Service Director Date

Original Contract Number: _____

[Signature] 9/2/05
Mayor Date

Received in City Clerk's Office
ENTERED
9/2/05

Received in Mayor's Office
ENTERED
9/2/05

Comments:

09-01-05P05:27 RCVD

City Council Meeting of: September 20, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

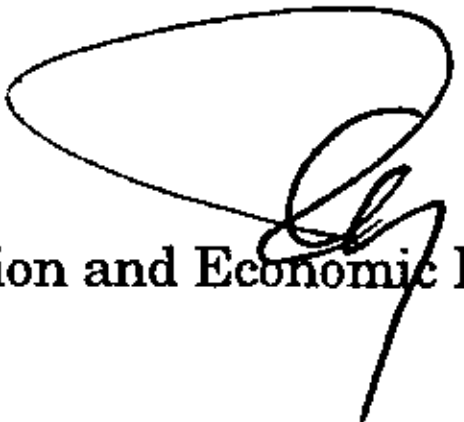
TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: August 29, 2005

SUBJECT: Approve Offer and Acceptance Contract for the purchase of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00 by Cornerstone Home Services, LLC



RECOMMENDATION: Approve contract for the sale of Parcel 30E in the Fayetteville Industrial Park to Cornerstone Home Services, LLC, Halley Hoggatt, owner operator for a total price of \$28,000.00.

BACKGROUND: Halley Hoggatt has offered to purchase the tract, Parcel 30E in the Fayetteville Industrial Park for a total price of \$28,000.00 cash plus obligations as identified in the O & A to share the costs of closing the sale. Mr. Hoggatt, owner and operator of Cornerstone Home Services, LLC, will construct a 4,400 square foot building from which to operate a contracting and remodeling business. Mr. Hoggatt employs 5 individuals and plans to add an additional 5 individuals. He is currently located at 2525 Mount Comfort Rd. where the facility is too small for his business.

DISCUSSION: The parcel is located at the north end of South Leeper Drive north of East Pump Station Road and is zoned I-1.

BUDGET IMPACT: The proceeds will go into the economic development fund.

Attachments: Staff Review form
Offer and Acceptance

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND CORNERSTONE HOME SERVICES, LLC FOR THE SALE OF PARCEL 30E IN THE FAYETTEVILLE INDUSTRIAL PARK FOR \$28,000.00; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT.

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 Offer and Acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of parcel 30E in the Fayetteville Industrial Park for \$28,000.00. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute said agreement with Cornerstone Home Services, LLC.

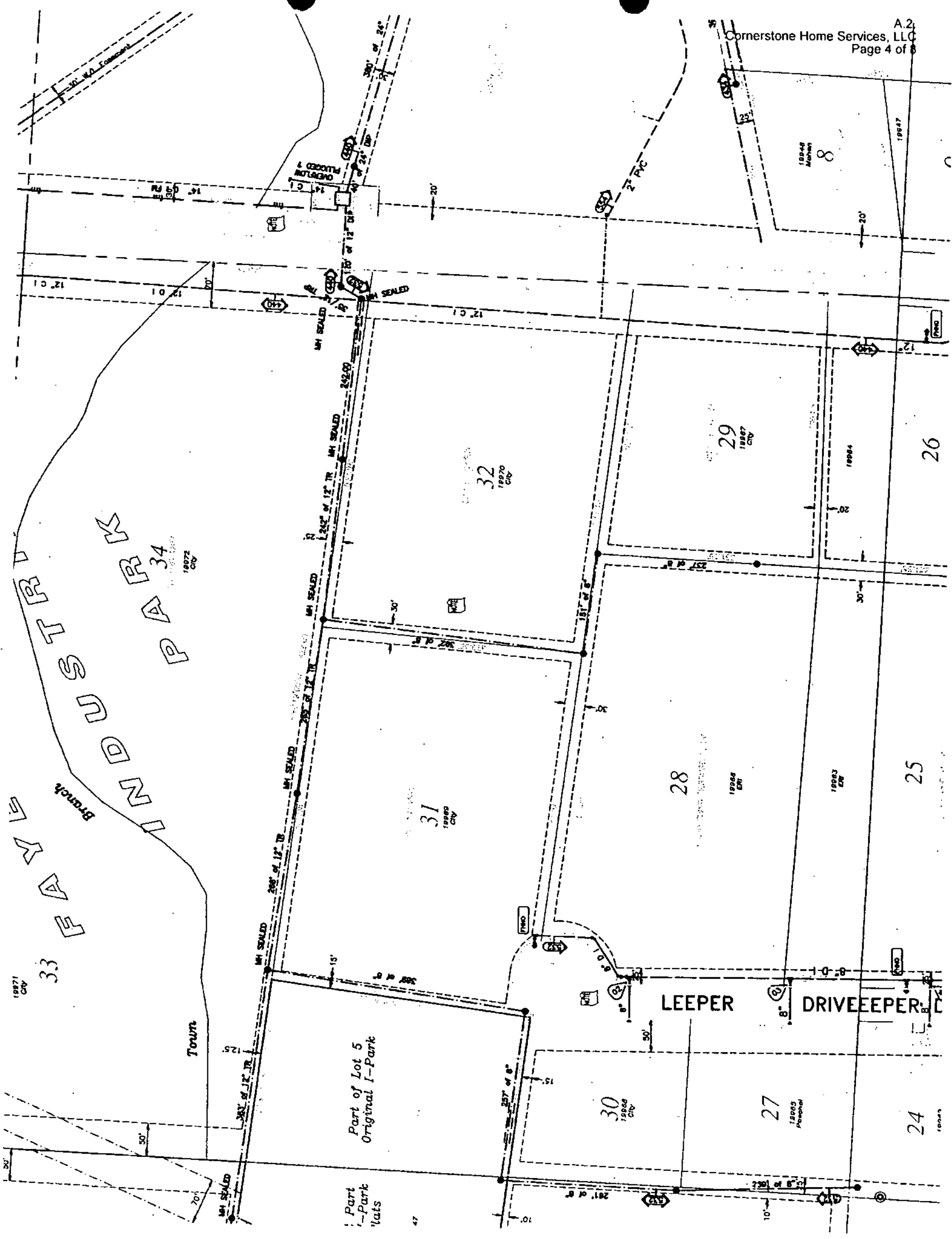
PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By: DAN GOODY, Mayor

ATTEST
By: SONDRA SMITH, City Clerk

DRAFT



OFFER AND ACCEPTANCE CONTRACT

1. Cornerstone Home Services, LLC offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price:** Subject to the following conditions, Cornerstone Home Services, LLC shall pay for the property at closing, the total and cash payment of \$ 28,000.00.
3. **Contingent Earnest Money Deposit:** Cornerstone Home Services, LLC herewith tenders a check for \$1,000.00 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to Cornerstone Home Services, LLC by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to Cornerstone Home Services, LLC. If Cornerstone Home Services, LLC fails to fulfill their obligations under this contract or, after all conditions have been met, Cornerstone Home Services, LLC fails to close this transaction, the earnest money may, at the option of the City of Fayetteville, become liquidated damages to the City of Fayetteville.
4. Conveyance will be made to Cornerstone Home Services, LLC by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.
5. The City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the City of Fayetteville. Cornerstone Home Services, LLC and the City of Fayetteville shall share equally in the cost of the title insurance.
6. The City of Fayetteville agrees to allow Cornerstone Home Services, LLC, if Cornerstone Home Services, LLC so desires, at Cornerstone Home Services, LLC's expense, to survey the property. The City of Fayetteville agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the City of Fayetteville.
7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within ninety (90) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Possession of the property shall be delivered to Cornerstone Home Services, LLC on the date of closing.
10. The City of Fayetteville hereby grant(s) permission for Cornerstone Home Services, LLC or his designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.
13. The City of Fayetteville shall disclose to Cornerstone Home Services, LLC any and all environmental hazards of which the City of Fayetteville has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Cornerstone Home Services, LLC and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at Cornerstone Home Services, LLC's discretion, Cornerstone Home Services, LLC may cure such environmental hazard, and the City of Fayetteville shall indemnify Cornerstone Home Services, LLC for all costs associated with said cure.

OFFER AND ACCEPTANCE CONTRACT
Page 2 of 4

14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both Cornerstone Home Services, LLC and the City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the City of Fayetteville on or before the 2nd day of November, 2005.
17. The City of Fayetteville shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within Thirty (30) days of acceptance by the City of Fayetteville.
18. It is expressly understood by the parties that the price established by the City Council is a reduced price to create valuable manufacturing jobs in the Fayetteville Industrial Park and that the sale of the property may not be for speculation or resale. Should Cornerstone Home Services, LLC wish to sell the property before the project proposed to the City of Fayetteville is constructed, the City of Fayetteville shall have the right to purchase the property at the same price less all of its costs including any infrastructure built by the City to accommodate the project for which it was sold to Cornerstone Home Services, LLC.
19. This Offer and Acceptance Contract is contingent upon approval of the project by the City Planning Department and upon Cornerstone Home Services being able to obtain financing for the project.
20. **NOTICE:** THE Cornerstone Home Services, LLC AND THE CITY OF FAYETTEVILLE ASSERTS HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE Cornerstone Home Services, LLC OF THE \$ 1,000.00 EARNEST MONEY DEPOSIT.



Date: 9/1/05

Date: _____

AGENT OR WITNESS:

Louise Powers

Date: 9-1-05

City of Fayetteville, Arkansas,
A municipal corporation

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

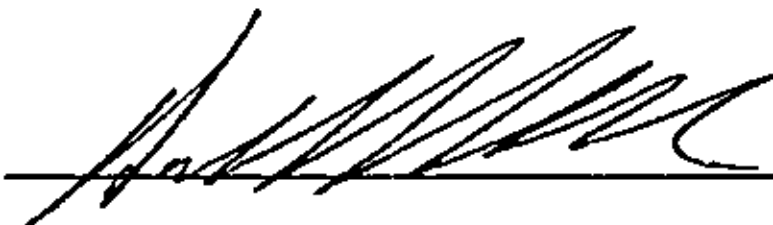
Date: _____

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 4

EXHIBIT "A"
PROPERTY DESCRIPTION

That property described as Lot 30E containing 1.4 acres plus or minus of the Fayetteville Industrial Park located in 23-16-30 Washington County, Arkansas located on the Cul-de-Sac of S. Leeper Drive north of East Pump Station Road.

SIGNED FOR IDENTIFICATION:



Date: 9/1/05

Date: _____

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

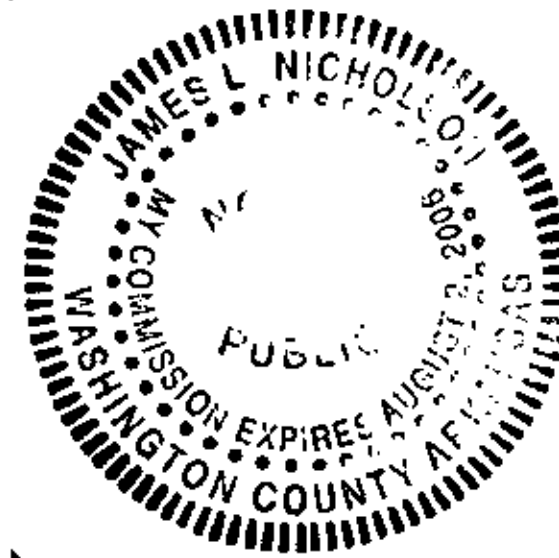
OFFER AND ACCEPTANCE CONTRACT
Page 4 of 4

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
ss.



BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared 9/1/05, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are Halley Hoggatt of Fayetteville and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said himself, and further stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 1st day of September, 2005.

James L. Nicholson
Notary Public

MY COMMISSION EXPIRES:

August 2, 2006

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
ss.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2005.

Notary Public

MY COMMISSION EXPIRES:

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

9/20/2005
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: Approve an Offer and Acceptance Contract with C & C Services LLC, Contact: Claudette Cardwell, PO Box 3153, Fayetteville, AR, 72702, phone: 479-443-5409, Cardwell41@aol.com, to purchase from the City, Parcel 11W in the South Industrial Park.

REVENUE

\$ 132,000.00

Cost of this request

1010.0001.4881.02

Account Number

NA

Project Number

\$ 20,298.00

\$ 50,606.00

Funds Used to Date

\$ (30,308.00)

Remaining Balance

Contrib

Program Category / Project Name

General Fund Revenue

Program / Project Category Name

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Department Director

Date

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office



Received in Mayor's Office



Comments:

09-01-05P05:27 RCVD

City Council Meeting of: September 20, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: August 29, 2005

SUBJECT: Approve Offer and Acceptance Contract for the purchase of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00 by C & C Services, LLC.

RECOMMENDATION: Approve contract for the sale of Parcel 11W in the Fayetteville Industrial Park to C & C Services, LLC for a total price of \$132,000.00.

BACKGROUND: JS Candy Clark, President and Claudette Cardwell, CFO, owners and operators of C & C Services LLC of Fayetteville have applied to purchase lot 11W of the Fayetteville Industrial Park containing approximately 6.6 acres for the listed price of \$20,000.00 per acre. C & C is an industrial and commercial cleaning business currently located in a leased property on South School St. The building is too small and with the new site they plan to construct a new facility and expand. They currently employ 48. They plan to invest approximately \$1,000,000.00 in the property.

DISCUSSION: The parcel is located on Morningside Drive, South of the City Water and Sewer Department property and North of the Salmon and Sons Trucking Company property.

BUDGET IMPACT: The proceeds will go into the economic development fund.

Attachments: Staff Review form
Offer and Acceptance

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND C & C SERVICES, LLC FOR THE SALE OF PARCEL 11W IN THE FAYETTEVILLE INDUSTRIAL PARK FOR \$132,000.00; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT.

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 Offer and Acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of parcel 11W in the Fayetteville Industrial Park for \$132,000.00. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute said agreement with C & C Services, LLC.

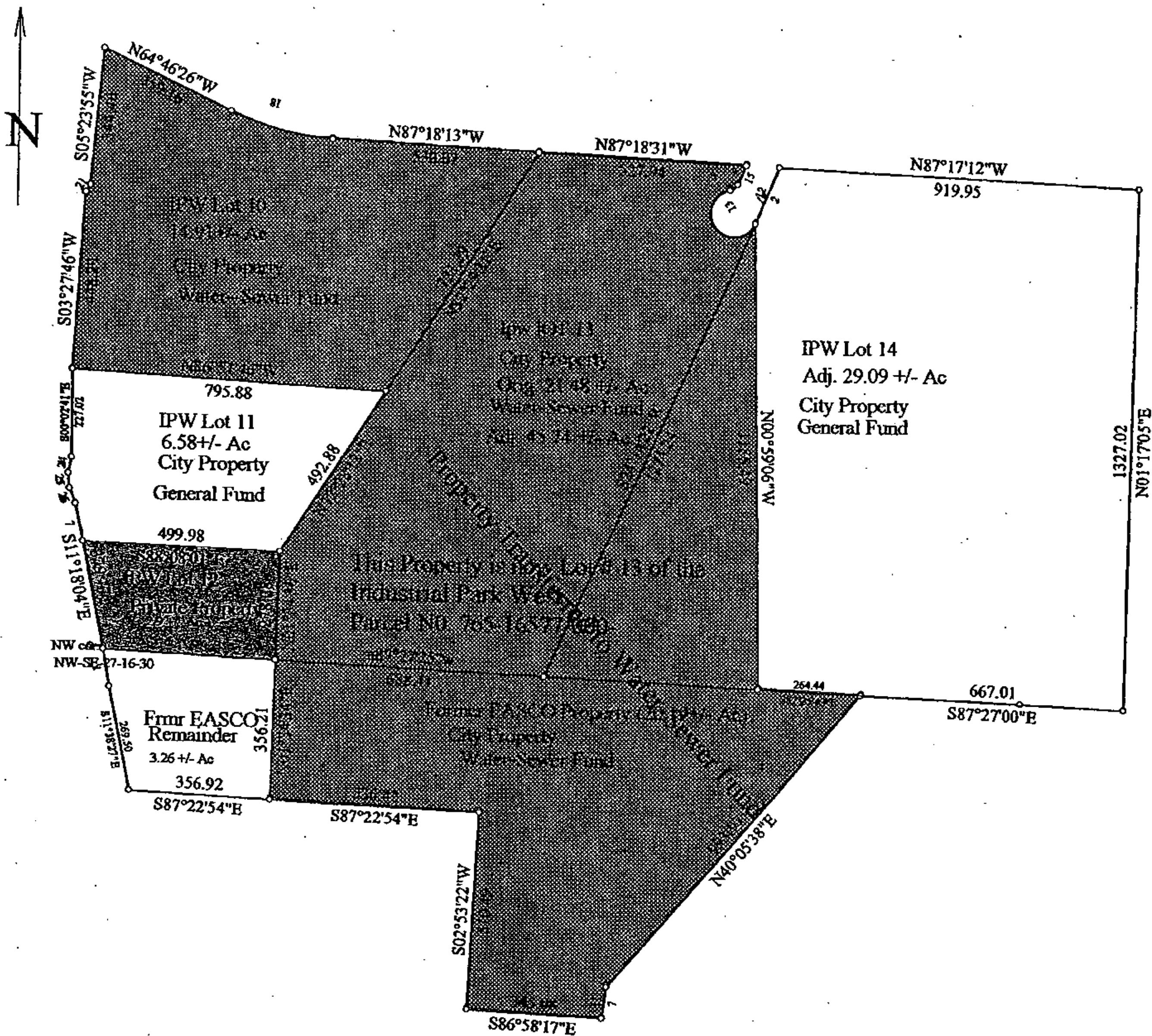
PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By: _____
DAN GOODY, Mayor

ATTEST
By: _____
SONDRA SMITH, City Clerk

DRAFT



Title: Properties Transferred to Water--Sewer Fund		Date: 03-18-2004
Scale: 1 inch = 400 feet	File: IPWLnd-to-WS.Sur..des	

OFFER AND ACCEPTANCE CONTRACT

1. C&C Services, LLC offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price:** Subject to the following conditions, C&C Services, LLC shall pay for the property at closing, the total and cash payment of \$ 132,000.00.
3. **Contingent Earnest Money Deposit:** C&C Services, LLC herewith tenders a check for \$1,000.00 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to C&C Services, LLC by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to C&C Services, LLC. If C&C Services, LLC fails to fulfill their obligations under this contract or, after all conditions have been met, C&C Services, LLC fails to close this transaction, the earnest money may, at the option of the City of Fayetteville, become liquidated damages to the City of Fayetteville.
4. Conveyance will be made to C&C Services, LLC by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.
5. The City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the City of Fayetteville. C&C Services, LLC and the City of Fayetteville shall share equally in the cost of the title insurance.
6. The City of Fayetteville agrees to allow C&C Services, LLC, if C&C Services, LLC so desires, at C&C Services, LLC's expense, to survey the property. The City of Fayetteville agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the City of Fayetteville.
7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within ninety (90) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Possession of the property shall be delivered to C&C Services, LLC on the date of closing.
10. The City of Fayetteville hereby grant(s) permission for C&C Services, LLC or their designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.
13. The City of Fayetteville shall disclose to C&C Services, LLC any and all environmental hazards of which the City of Fayetteville has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, C&C Services, LLC and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at C&C Services, LLC's discretion, C&C Services, LLC may cure such environmental hazard, and the City of Fayetteville shall indemnify C&C Services, LLC for all costs associated with said cure.

OFFER AND ACCEPTANCE CONTRACT
Page 2 of 4

14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both C&C Services, LLC and the City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the City of Fayetteville on or before the 2nd day of November, 2005.
17. The City of Fayetteville shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within Thirty (30) days of acceptance by the City of Fayetteville.
18. It is expressly understood by the parties that the price established by the City Council is a reduced price to create valuable manufacturing jobs in the Fayetteville Industrial Park and that the sale of the property may not be for speculation or resale. Should C&C Services, LLC wish to sell the property before the project proposed to the City of Fayetteville is constructed, the City of Fayetteville shall have the right to purchase the property at the same price less all of its costs including any infrastructure built by the City to accommodate the project for which it was sold to C&C Services, LLC.
19. **NOTICE:** THE C&C Services, LLC AND THE CITY OF FAYETTEVILLE ASSERTS HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE C&C Services, LLC OF THE \$ 1,000.00 EARNEST MONEY DEPOSIT.

B. Candy Clark
Claudette Gardwell

Date: 8/31/05

Date: 8/31/05

AGENT OR WITNESS:

Louise Powers

Date: 8-31-05

City of Fayetteville, Arkansas,
A municipal corporation

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 4

EXHIBIT "A"
PROPERTY DESCRIPTION

That property described as Lot 11W containing 6.6 acres plus or minus of the Fayetteville Industrial Park located in 22-16-30 Washington County, Arkansas, the Northwest Corner of which is located 792.75 feet South of the Southwest Corner of the former Arkansas and Missouri Railroad 100' Right of Way as it intersects with Morningside Drive and as documented on the Final Plat, Fayetteville Industrial Park-West dated July, 1987.

SIGNED FOR IDENTIFICATION:

JB Candy Clark

Date: 8/31/05

Claudette Cardwell

Date: 8/31/05

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

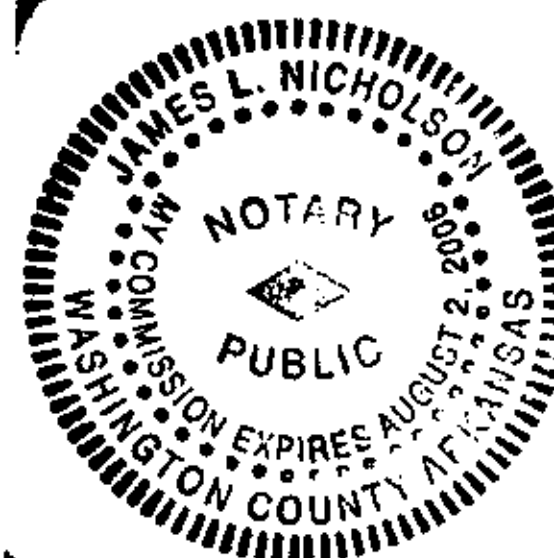
OFFER AND ACCEPTANCE CONTRACT
Page 4 of 4

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.
)



BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared 8/31/05 to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are SS Candy Clark / Claudette Creedwell of Fayetteville and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said Themselves, and further stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 31st day of August, 2005.

James L. Nicholson
Notary Public

MY COMMISSION EXPIRES:

Aug 2, 2006

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.
)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2005.

Notary Public

MY COMMISSION EXPIRES:

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

9/20/2005
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: Approve an Offer and Acceptance Contract with Jim Benton, 1974 Fox Hunter Rd, Fayetteville, AR, 72701, phone: 479-741-8255, 479-236-5462 Cell, to purchase from the City, Parcel 29E in the South Industrial Park.

REVENUE

\$ 61,480.00

Cost of this request

1010.0001.4881.02

Account Number

NA

Project Number

\$ 20,298.00

\$ 50,606.00

Funds Used to Date

\$ (30,308.00)

Remaining Balance

Contrib

Program Category / Project Name

General Fund Revenue

Program / Project Category Name

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office



Received in Mayor's Office



Department Director

Date

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Comments:

09-01-05P05:27 RC

City Council Meeting of: September 20, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: Mayor

THRU: Staff/Contract Review Committee

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

DATE: August 29, 2005

SUBJECT: Approve Offer and Acceptance Contract for the purchase of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00 by Jim Benton.

RECOMMENDATION: Approve contract for the sale of Parcel 29E in the Fayetteville Industrial Park to Jim Benton for a total price of \$61,480.00.

BACKGROUND: Jim Benton has applied to purchase the property in the Fayetteville Industrial Park identified as parcel 29E located along South Armstrong Avenue. The property is located directly across the street from his current business where he has mini-storage and U-Haul rental vehicles. He will expand his business into this parcel.

DISCUSSION: The parcel will allow the owner a highly visible location for his business

BUDGET IMPACT: The proceeds will go into the economic development fund.

Attachments: Staff Review form
Offer and Acceptance

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND JIM BENTON FOR THE SALE OF PARCEL 29E IN THE FAYETTEVILLE INDUSTRIAL PARK FOR \$61,480.00; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT.

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 Offer and Acceptance contract between the City of Fayetteville and Jim Benton for the sale of parcel 29E in the Fayetteville Industrial Park for \$61,480.00. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute said agreement with Jim Benton.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By: _____
DAN GOODY, Mayor

ATTEST
By: _____
SONDRA SMITH, City Clerk

DRAFT

OFFER AND ACCEPTANCE CONTRACT

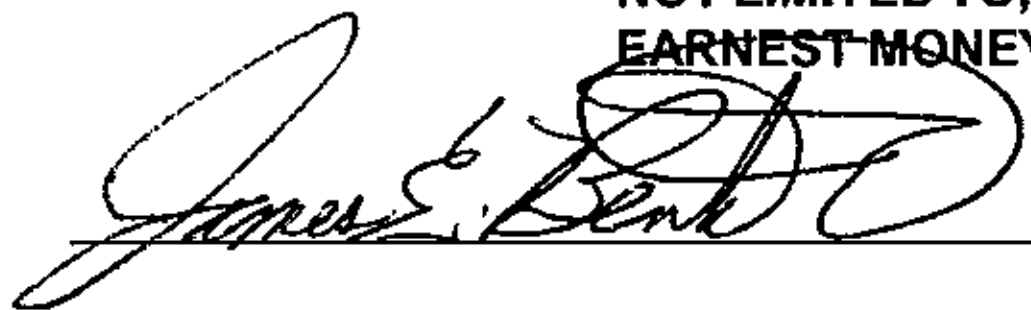
1. Jim Benton offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price:** Subject to the following conditions, Jim Benton shall pay for the property at closing, the total and cash payment of \$ 61,480.00.
3. **Contingent Earnest Money Deposit:** Jim Benton herewith tenders a check for \$1,000.00 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to Jim Benton by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to Jim Benton. If Jim Benton fails to fulfill their obligations under this contract or, after all conditions have been met, Jim Benton fails to close this transaction, the earnest money may, at the option of the City of Fayetteville, become liquidated damages to the City of Fayetteville.
4. Conveyance will be made to Jim Benton by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.
5. The City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the City of Fayetteville. Jim Benton and the City of Fayetteville shall share equally in the cost of the title insurance.
6. The City of Fayetteville agrees to allow Jim Benton, if Jim Benton so desires, at Jim Benton's expense, to survey the property. The City of Fayetteville agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the City of Fayetteville.
7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within ninety (90) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Possession of the property shall be delivered to Jim Benton on the date of closing.
10. The City of Fayetteville hereby grant(s) permission for Jim Benton or their designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.
13. The City of Fayetteville shall disclose to Jim Benton any and all environmental hazards of which the City of Fayetteville has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Jim Benton and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at Jim Benton's discretion, Jim Benton may cure such environmental hazard, and the City of Fayetteville shall indemnify Jim Benton for all costs associated with said cure.

OFFER AND ACCEPTANCE CONTRACT
Page 2 of 4

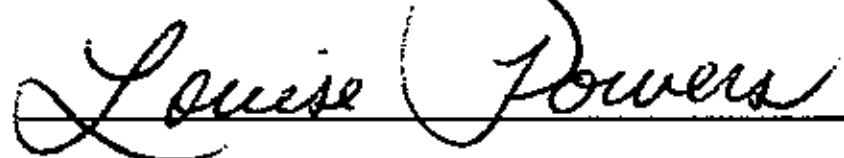
14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both Jim Benton and the City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the City of Fayetteville on or before the 2nd day of November, 2005.
17. The City of Fayetteville shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within Thirty (30) days of acceptance by the City of Fayetteville.
18. It is expressly understood by the parties that the price established by the City Council is a reduced price to create valuable manufacturing jobs in the Fayetteville Industrial Park and that the sale of the property may not be for speculation or resale. Should Jim Benton wish to sell the property before the project proposed to the City of Fayetteville is constructed, the City of Fayetteville shall have the right to purchase the property at the same price less all of its costs including any infrastructure built by the City to accommodate the project for which it was sold to Jim Benton.
19. NOTICE: THE Jim Benton AND THE CITY OF FAYETTEVILLE ASSERTS HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE Jim Benton OF THE \$ 1,000.00 EARNEST MONEY DEPOSIT.



Date: 8/31/05

Date: _____

AGENT OR WITNESS:



Date: 8-31-05

City of Fayetteville, Arkansas,
A municipal corporation

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 4

EXHIBIT "A"
PROPERTY DESCRIPTION

That property described as Lot 29E containing 2.9 acres plus or minus of the Fayetteville Industrial Park located in 23-16-30 Washington County, Arkansas located along South Armstrong Avenue.

SIGNED FOR IDENTIFICATION:



Date: 8/31/05

Date: _____

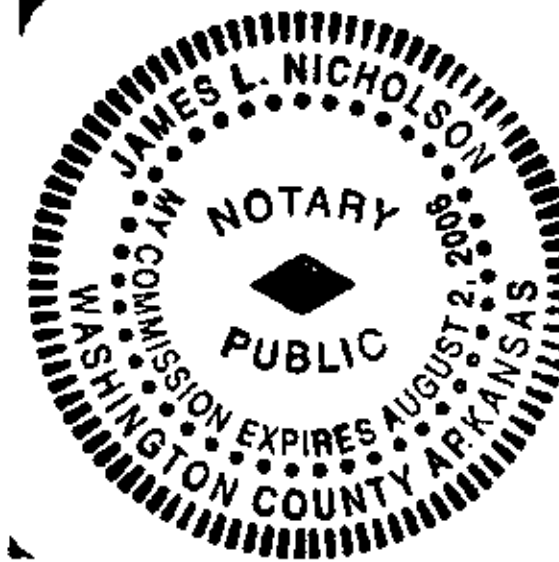
Date: _____

Date: _____

Dan Coody, Mayor

Sondra Smith, City Clerk

OFFER AND ACCEPTANCE CONTRACT
Page 4 of 4.



ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
SS.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared 8/31/05, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are JAMES E. Benton of Fayetteville and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said himself, and further stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 31st day of August, 2005.

James L. Nicholson
Notary Public

MY COMMISSION EXPIRES:

August 2, 2006

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

)
)
SS.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2005.

Notary Public

MY COMMISSION EXPIRES:

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

9/20/2005

City Council Meeting Date

Ray M. Boudreaux

Submitted By

Aviation & Economic Development

Division

General Government

Department

Action Required:

Action Required: Approve an Offer and Acceptance Contract with Martin A. Treat, c/o Denis Fleming, VP Lindsey & Assoc., Inc. 3900 Front Street, Fayetteville, AR, 72703, 479-527-8781 office, 479-521-3630 fax, dfleming@lindsey.com, to purchase from the City, Parcel 20W in the South Industrial Park.

REVENUE

\$ 200,000.00

Cost of this request

\$ 20,298.00

Contrib

Program Category / Project Name

1010.0001.4881.02

Account Number

\$ 50,606.00

Funds Used to Date

General Fund Revenue

Program / Project Category Name

NA

Project Number

\$ (30,308.00)

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor

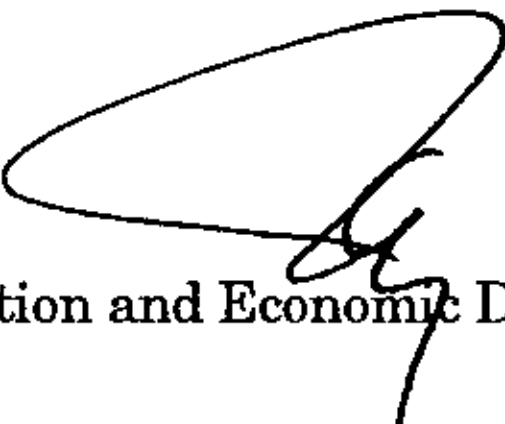
Date

Comments:

City Council Meeting of: September 20, 2005
Agenda Item Number:

CITY COUNCIL AGENDA MEMO

TO: Mayor

THRU: Staff/Contract Review Committee 

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

DATE: August 29, 2005

SUBJECT: Approve Offer and Acceptance Contract for the purchase of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00 by Martin A. Treat.

RECOMMENDATION: Approve contract for the sale of Parcel 20W in the Fayetteville Industrial Park to Martin A. Treat for a total price of \$200,000.00.

BACKGROUND: Martin A. Treat has offered to purchase the tract, Parcel 20W in the Fayetteville Industrial Park for a total price of \$200,000.00 cash. This offer was brought to the City by Dennis Fleming of Lindsey and Associates. He will be compensated for his services to broker the property by the purchaser. Martin A. Treat will construct a 10,000 Square foot warehouse and 6,000 square foot office complex for his commercial flooring business. He currently employs 11 people and has run out of space in his current location. He plans to expand the business but needs the additional space to be able to expand.

DISCUSSION: The parcel is located at the corner of Morningside and Pump Station Road and is zoned I-1.

BUDGET IMPACT: The proceeds will go into the economic development fund.

Attachments: Staff Review form
Offer and Acceptance

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN OFFER AND ACCEPTANCE CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND MARTIN A. TREAT FOR THE SALE OF PARCEL 20W IN THE FAYETTEVILLE INDUSTRIAL PARK FOR \$200,000.00; AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT.

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 Offer and Acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of parcel 20W in the Fayetteville Industrial Park for \$200,000.00. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute said agreement with Martin A. Treat.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED

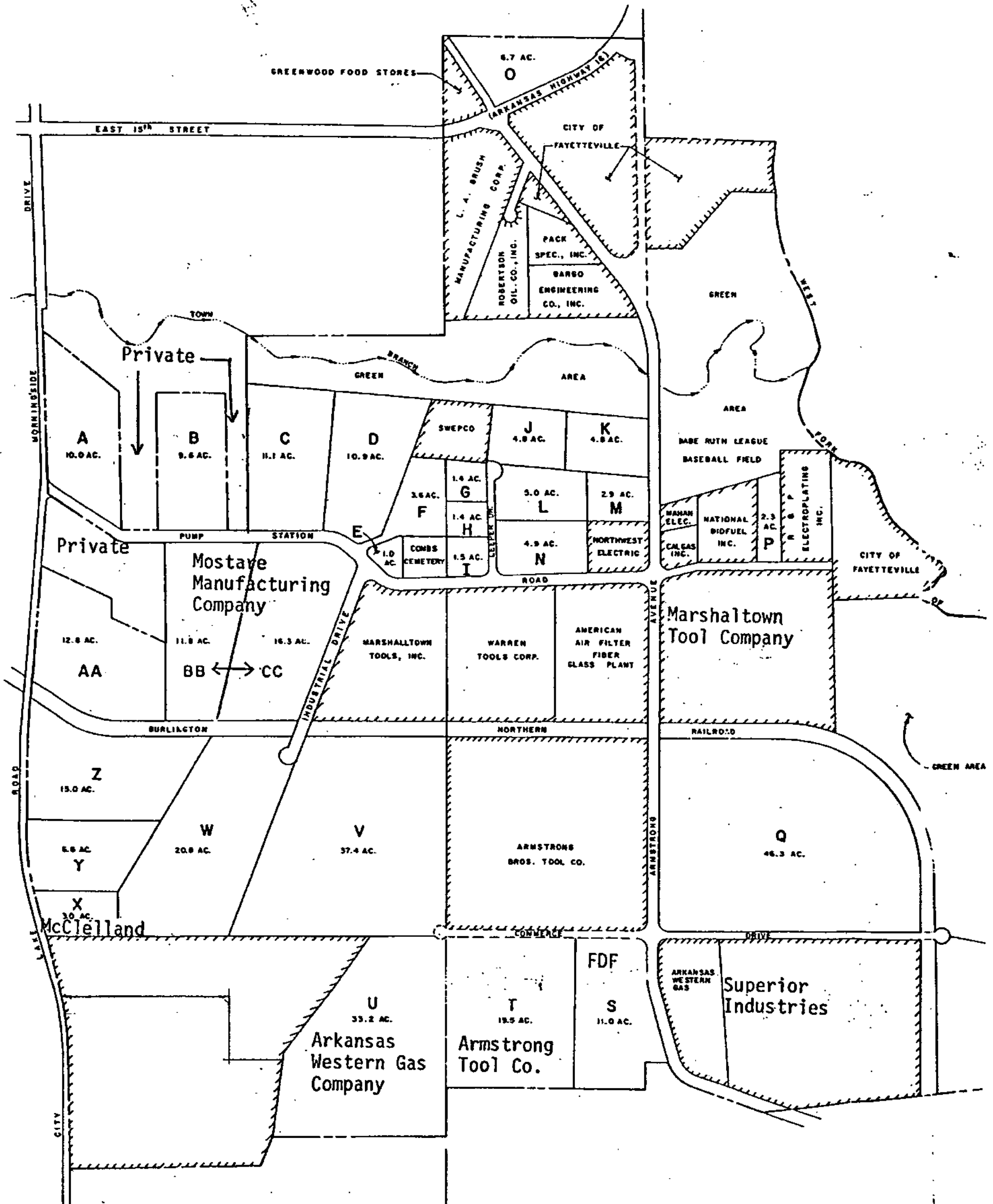
By: _____

DAN GOODY, Mayor

By: _____

SONDRA SMITH, City Clerk

DRAFT



OFFER AND ACCEPTANCE CONTRACT

1. Martin A. Treat offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price:** Subject to the following conditions, Martin A. Treat shall pay for the property at closing, the total and cash payment of \$ \$200,000.00.
3. **Contingent Earnest Money Deposit:** Martin A. Treat herewith tenders a check for \$ 1,000.00 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to Martin A. Treat by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to Martin A. Treat. If Martin A. Treat fails to fulfill their obligations under this contract or, after all conditions have been met, Martin A. Treat fails to close this transaction, the earnest money may, at the option of the City of Fayetteville, become liquidated damages to the City of Fayetteville.
4. Conveyance will be made to Martin A. Treat by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.
5. The City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the City of Fayetteville. Martin A. Treat and the City of Fayetteville shall share equally in the cost of the title insurance.
6. The City of Fayetteville agrees to allow Martin A. Treat, if Martin A. Treat so desires, at Martin A. Treat's expense, to survey the property. The City of Fayetteville agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the City of Fayetteville.
7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.
8. The closing date shall be within ninety (90) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.
9. Possession of the property shall be delivered to Martin A. Treat on the date of closing.
10. The City of Fayetteville hereby grant(s) permission for Martin A. Treat or their designates to enter the above described property and improvements for the purpose of inspection and/or surveying.
11. All fixtures, improvements and attached equipment are included in the purchase price.
12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.
13. The City of Fayetteville shall disclose to Martin A. Treat any and all environmental hazards of which the City of Fayetteville has actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, Martin A. Treat and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at Martin A. Treat's discretion, Martin A. Treat may cure such environmental hazard, and the City of Fayetteville shall indemnify Martin A. Treat for all costs associated with said cure.

OFFER AND ACCEPTANCE CONTRACT
Page 2 of 4

14. This agreement shall be governed by the laws of the State of Arkansas.
15. This agreement, when executed by both Martin A. Treat and the City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.
16. This contract expires, if not accepted by the City of Fayetteville on or before the 2nd day of November, 2005.
17. The City of Fayetteville shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within thirty (30) days of acceptance by the City of Fayetteville.
18. It is expressly understood by the parties that the price established by the City Council is a reduced price to create valuable manufacturing jobs in the Fayetteville Industrial Park and that the sale of the property may not be for speculation or resale. Should Martin A. Treat wish to sell the property before the project proposed to the City of Fayetteville is constructed, the City of Fayetteville shall have the right to purchase the property at the same price less all of its costs including any infrastructure built by the City to accommodate the project for which it was sold to Martin A Treat.
19. NOTICE: Martin A. Treat AND THE CITY OF FAYETTEVILLE ASSERTS HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE Martin A. Treat OF THE \$ 1000.00 EARNEST MONEY DEPOSIT.

Martin A. Treat

Date: 8/30/05

Date: _____

AGENT OR WITNESS:

Lindsey & Associates, Inc.
LINDSEY & ASSOCIATES, INC.

Date: 8/30/05

City of Fayetteville, Arkansas,
A municipal corporation

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

OFFER AND ACCEPTANCE CONTRACT
Page 3 of 4

EXHIBIT "A"
PROPERTY DESCRIPTION

That property described as Lot 20W of the Fayetteville Industrial Park located in 27-16-30 Washington County,
AR at the corner of Pump Station Rd. (north side) and Morningside Dr. (east side) containing 10 acres $\pm$.

SIGNED FOR IDENTIFICATION:

Martin A. Treat

Date: 8/30/05

Date: _____

Dan Coody, Mayor

Date: _____

Sondra Smith, City Clerk

Date: _____

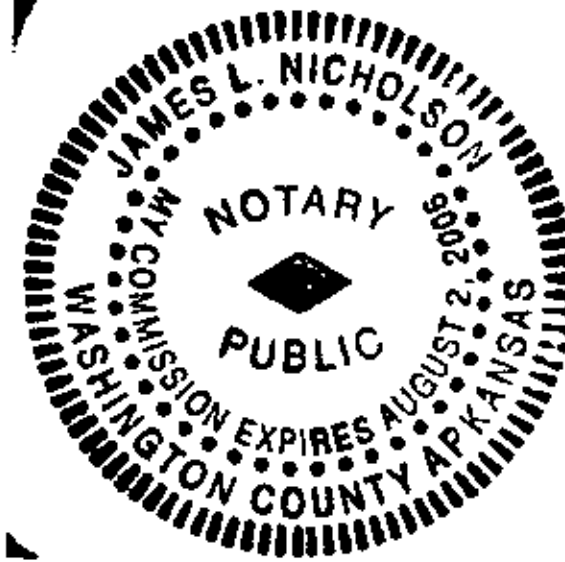
OFFER AND ACCEPTANCE CONTRACT
Page 4 of 4

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.
)



BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared 8/20/05, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are Martin A. Treat of Fayetteville and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said himself, and further stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 30th day of August, 2005.

James L. Nicholson
Notary Public

MY COMMISSION EXPIRES:

August 2, 2006

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

) ss.
)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this _____ day of _____, 2005.

Notary Public

MY COMMISSION EXPIRES:

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

20-Sep-05
City Council Meeting Date

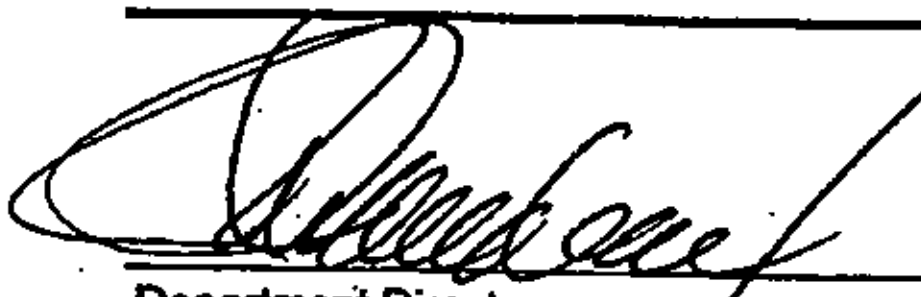
David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

Approval of purchase of one Backhoe and one Skid Steer Loader from Williams Tractor; one dump truck from Landers Ford for use by Drake Field Airport; and approval of the Budget Adjustment to move funds into the Airport Expansion Equipment Expense Account.

\$115,435.00 Cost of this request	\$ - Category/Project Budget	Airport Expansion Equipment Program Category / Project Name
5550.3960.5802.00 Account Number	\$ - Funds Used to Date	Airport Capital Program / Project Category Name
05046.1 Project Number	\$ - Remaining Balance	General Government Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☒


Department Director
Sept 2, 2005
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney
9/6/05
Date

Received in City Clerk's Office



Mayor
9/6/05
Date

Received in Mayor's Office


Comments:

09-02-05P04:34 RCVD



A.6.
William's Tractor LB75B Backhoe Purchase
Landers Ford FF50 4x4 Purchase
Page 2 of 8

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent *DB*

Date: September 2, 2005

Subject: Purchase of one 4 x 4 Dump Truck, one backhoe and one skid steer for use by Drake Field Airport

RECOMMENDATION: That City Council approve the purchase of one 4 x 4 cab and chassis with dump body, one LB75B Backhoe and one S205 Skid Steer for use by Drake Field Airport.

BACKGROUND: Bid #05-61 for a dump truck was opened on August 16, 2005. Two bid responses were received. A detailed tabulation sheet is attached. The lowest bid from Landers Ford of Little Rock meets all specifications. I recommend acceptance of the bid from Landers Ford in the amount of \$38,243.00.

Bid #05-16 for five backhoes and bid #05-17 for four skid steer loaders was awarded to Williams Tractor on March 15, 2005. There is now a need for one additional backhoe and one skid steer loader for use at Drake Field Airport. Williams Tractor has agreed to honor the prices and specifications of these bids for additional purchases. I recommend the purchase of one backhoe in the amount of \$52,999 and one skid steer in the amount of \$24,193.41.

FAA funds are available for this purchase from the recent sale of the snow blower which is no longer required for operation of the airport. These funds can only be used for purchase of airport maintenance equipment. A Budget Adjustment to move funds into the Airport Expansion Equipment Project is attached.

Funds are available in 5550.3960.5802.00, Project #05046.1.

The purchase of these expansion units was approved by the Equipment Committee at the meeting on September 1, 2005.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) SKID STEER LOADER AND ONE (1) LB75B BACKHOE FROM WILLIAM'S TRACTOR IN THE AMOUNT OF \$77,192.41; AND THE PURCHASE OF ONE (1) F550 4x4 CAB AND CHASSIS WITH DUMP BODY FROM LANDERS FORD IN THE AMOUNT OF \$24,193.41 FOR USE AT THE FAYETTEVILLE MUNICIPAL AIRPORT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$115,435.00.

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 authorizes the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41 for use at the Fayetteville Municipal Airport.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the purchase of one (1) F550 4x4 cab and chassis with dump body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$115,435.00.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

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

Budget Year 2005	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expenditures	Date Requested 8/2/2005	Adjustment Number
Project or Item Added/Increased: \$115,435 is requested in the Capital Projects Vehicle & Equipment account.		Project or Item Deleted/Reduced: \$115,435 in the Gain/loss sale of assets revenue account.	
Justification of this Increase: Will provide for Backhoe, Dumptruck with blade, and skidsteer with broom, for the airport.		Justification of this Decrease: Proceeds from the sale of Oshkosh snowblower will be used for this purchase.	

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number	Amount	Project Number
Vehicles and equipment	5550 3960 5802 00	115,435	05046 01

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number	Amount	Project Number
Gain/loss sale of assets	5550 0955 6881 02	115,435	05046 01

Approval Signatures Requested By Budget Manager Department Director Finance & Internal Services Director Mayor 8/2/05 Date 8/2/2005 Date Date Date		Budget Office Use Only Type: A B C D E Date of Approval Posted to General Ledger Posted to Project Accounting Entered in Category Log Initial Initial Initial Initial Date Date Date Date
---	--	--

BID: 05-61
 DATE: 8/16/05
 TIME: 3:30 PM
 CITY OF FAYETTEVILLE

Dump Truck



BIDDERS

	Item 1	Item 2	Total
Landers Ford	\$31,778.00	\$6,465.0000	38,243.00
Landers McClarty	\$32,524.75	\$6,465.0000	38,989.75

CERTIFIED: _____

P. VICE PURCH MGR

WITNESS

DATE

City Of Fayetteville

(Not a Purchase Order)

Vendor # **7582** Vendor Name: **LANDER'S FORD** P.O Number **9/2/2005**
 Address: **7582** Fob Point: **LANDER'S FORD** Expected Delivery Date:

City: **7582** State: **7582** Zip Code: **050** Ship to code: **050** Division Head Approval: **29/05** Quotes Attached: **Yes: No:**

Requester: **BARBARA OLSEN** Requester's Employee #: **1940** Extension: **495** Inventory #: **05046.1** Fixed Asset #:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 F550 4 x 4 CAB AND CHASSIS	1	EA	\$38,243.00	\$38,243.00	5550.3960.5802.00	05046.1		
2	WITH DUMP BODY PER SPECS		EA		\$0.00				
3	BID #05-61, TO BE UNIT #354,		EA		\$0.00				
4	FIXED ASSET #700354		EA		\$0.00				
5			EA		\$0.00				
6			EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions: **Subtotal: 38,243.00**

Approvals: **Tax: EXEMPT** **Total: 38,243.00**

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

City Of Fayetteville

(Not a Purchase Order)

Vendor # **11133** Vendor Name: **WILLIAMS TRACTOR**

Address: _____ Fob Point: _____
 City: _____ State: _____ Zip Code: _____ Ship to code: _____
 Requester's Employee # **1940** Extension: **495**

Requester **BARBARA OLSEN** Division Head Approval: _____
 Requester's Employee # **1940** Extension: **495**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	LB75B BACKHOE PER SPECS ON	1	EA	\$52,999.00	\$52,999.00	5550.3960.5802.00	05046.1		
2	BID #05-16, TO BE UNIT #667,		EA		\$0.00				
3	FIXED ASSET #700667		EA		\$0.00				
4	\$205 SKID STEER LOADER PER	1	EA	\$24,193.41	\$24,193.41	5550.3960.5802.00	05046.1		
5	SPECS ON BID #05-17, TO BE UNIT		EA		\$0.00				
6	#668, FIXED ASSET #700668		EA		\$0.00				
7			EA		\$0.00				
8			EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: **77,192.41**
 Tax: **EXEMPT**
 Total: **77,192.41**

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

Requisition No. _____ Date: **9/2/2005**
 P.O Number _____ Expected Delivery Date: _____

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

20
9/27/2005

City Council Meeting Date

Brent K. O'Neal

Submitted By

Engineering

Division

Operations

Department

Action Required:

Approval of a cost-share and bid waiver for Deane Soloman Road Cost Share in the amount of \$22,528.78 with a contingency of \$3,379.32 with Legacy LLC, for the upsizing of approximately 1282 feet of 8 water main to a 12" water main.

\$ 25,908.10
Cost of this request

\$ 274,740.00
Category / Project Budget

Water and Sewer Cost Share
Program Category / Project Name

Account Number

\$ 25,512.00
Funds Used to Date

Water Main Improvements
Program / Project Category Name

Project Number

\$ 249,228.00
Remaining Balance

Water and Sewer
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City Clerk's Office

Received in Mayor's Office

Mayor

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin

From: Ron Petrie, City Engineer

Date: August 31, 2005

Subject: Proposed Deane Soloman Road Cost Share in the amount of \$22,528.78 with a contingency of \$3,379.32 with Legacy LLC, for the upsizing of approximately 1282 feet of 8" water main to a 12" water main.

RECOMMENDATION

Staff recommends that the City cost-share with Legacy LLC, the developer, to upsize approximately 1282 feet of 8" water main to a 12" main. By participating in the construction of these improvements, the City will be continuing a 12" grid in the water line distribution system in this area.

BACKGROUND

The developer is planning a residential development along the east side of Deane Soloman Road. A rezoning request has been submitted for this property and is currently in the Planning Commission process. As a part of this future development, the developer will be required to construct a water main extension to provide service and fire protection to the site.

DISCUSSION

The developer currently has a residential subdivision, Springwoods Lot 5, under construction north of Mount Comfort Road. Springwoods Lot 5 is located directly north of Springwoods Lot 3. The developer has requested approval of an extension of a water main along Deane Soloman Road across the frontage of both residential developments. The developer has a contractor on-site and would like for them to install this additional water main at the same time as the Springwoods Lot 5 construction. This area is identified on the Water Master plan as a corridor for a portion of a 12" grid along Deane Soloman Road. It would benefit the City to cost-share with the developer for the construction of this portion of the planned grid.

Construction estimates have been provided to the City for these improvements by Legacy LLC as follows:

Developer's Share	\$ 38,293.50
City's Share	\$ 22,528.78
15% Contingency(City's Share)	<u>\$ 3,379.32</u>
Total	\$ 64,201.60

BUDGET IMPACT

The funds for this water line distribution project will come from the Water and Sewer Fund. Currently there is \$249,228.00 available in the Water and Sewer Cost Share account.

The final costs to the City will be based upon actual costs as documented by Legacy LLC, subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH LEGACY, LLC IN THE AMOUNT OF \$22,528.78 FOR THE UPSIZING OF APPROXIMATELY 1282 FEET OF 8" WATER MAIN TO A 12" WATER MAIN; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$3,379.32.

WHEREAS, the Water Master Plan calls for a 12" water main along Deane Solomon Road, where Legacy, LLC is developing residential subdivisions; and,

WHEREAS, entering into a cost-share agreement with Legacy, LLC and utilizing their on-site contractor to construct the water main extension will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process, and;

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical.

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 waives the requirements of formal competitive bidding and approves a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of \$3,379.32.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and Legacy, LLC, Witnesseth:

WHEREAS, Legacy, LLC, will be proposing a development along the east side of Deane Soloman Road north of Moore Lane and south of West Salem Road; and

WHEREAS, The developer will be extending an 8" main through the project site to provide service an fire protection to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 8" water main extension to a 12" main. This upgrade will continue the creation of a 12" water main grid in this area in accordance with the water distribution master plan.

NOW, THEREFORE, the City of Fayetteville and Legacy, LLC, agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for the upsizing to a 12" water main along Persimmon Street.
 - B. Pay a maximum-not-to-exceed cost of \$25,908.10 for the afore mentioned water main construction as was provided by Legacy, LLC, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by Legacy, LLC, The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to Legacy, LLC, within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Legacy, LLC, agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

- C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.
3. It is further understood that the contract for construction is between Legacy, LLC, and his Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$25,908.10 for the water main upgrade.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

Legacy, LLC,

By: _____
DAN COODY, Mayor

By: _____

City Of Fayetteville
(Not a Purchase Order)

City Of Fayetteville (Not a Purchase Order)										Requisition No.:		Date: 8/31/2005	
										P.O Number:		Expected Delivery Date:	
Vendor #: New		Vendor Name: Legacy LLC				Fob Point:		Mail Yes: No:		Quotes Attached Yes: No:			
Address: 5417 Pinnacle Point Dr.		Zip Code: 72758		Ship to code: x		Requester's Employee #: 2476		Extension: 424		Division Head Approval:			
City: Rogers		State: AR		Account Numbers		Project/Subproject #		Inventory #		Fixed Asset #			
Requester: Brent O'Neal		Quantity		Unit of Issue		Unit Cost		Extended Cost					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost								
1	Deane Solomon Water Line				\$22,528.78								
2	Cost Share upsizing approx. 1282 ft of 8" water main to 12" water main				\$0.00								
3					\$0.00								
4					\$0.00								
5					\$0.00								
6					\$0.00								
7					\$0.00								
8					\$0.00								
9					\$0.00								
10					\$0.00								
Shipping/Handling			Lot		\$0.00								
Special Instructions:													
						Subtotal:		\$22,528.78					
						Tax:							
						Total:		\$22,528.78					

Approvals:

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

Deane Solomon Road Waterline at Springwoods PZD Lot #5 -Meadow View Subdivision

Cost Comparison

8" vs. 12" Water Main

For purpose of estimating cost share with City of Fayetteville

	8" Water Main		12" Water Main	
1282 L. F. of PVC water main	\$26.75 per L.F.	\$34,293.50	\$34.04 per L.F.	\$43,639.28
5 Valves	\$800.00 per Unit	\$4,000.00	\$2575.00 per Unit	\$12,875.00
Fittings	\$6.00 per lb.		Add. 718 lbs.	\$4,308.00
Total		\$38,293.50		\$60,822.28
Cost difference between the two sizes				\$22,528.78

*Estimates provided by site contractor, Dean Crowder Construction, Inc. Actual costs may vary.



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

9/20/2005
City Council Meeting Date

Brent K. O'Neal
Submitted By

Engineering
Division

Operations
Department

Action Required:

Approval of a cost-share and bid waiver for Deane Soloman Road Cost Share in the amount of \$19,200.02 with a contingency of \$2,879.98 with Legacy LLC, for the upsizing of approximately 1538 feet of 8 water main to a 12' water main.

\$ 22,080.00
Cost of this request

\$ 274,740.00
Category / Project Budget

Water & Sewer Cost Share
Program Category / Project Name

5400.5600.5808.00
Account Number

\$ 25,512.00
Funds Used to Date

Water Main Improvements
Program / Project Category Name

02067
Project Number

\$ 249,228.00
Remaining Balance

Water and Sewer
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 9-2-05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____


City Attorney 9/2/05
Date


Finance and Internal Service Director 9-2-05
Date

Received in City Clerk's Office



Mayor 9/2/05
Date

Received in Mayor's Office

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin

From: Ron Petrie, City Engineer

Date: August 31, 2005

Subject: Proposed Deane Soloman Road Cost Share in the amount of \$19,200.02 with a contingency of \$2,879.98 with Legacy LLC, for the upsizing of approximately 1538 feet of 8" water main to a 12" water main.

RECOMMENDATION

Staff recommends that the City cost-share with Legacy LLC, the developer, to upsize approximately 1538 feet of 8" water main to a 12" main. By participating in the construction of these improvements, the City will be continuing a 12" grid in the water line distribution system in this area.

BACKGROUND

The developer is planning a residential development along the east side of Deane Soloman Road. A rezoning request has been submitted for this property and is currently in the Planning Commission process. As a part of this future development, the developer will be required to construct a water main extension to provide service and fire protection to the site.

DISCUSSION

The developer currently has a residential subdivision, Springwoods Lot 3, under construction north of Mount Comfort Road. Springwoods Lot 5, the future development, will be located directly north of Springwoods Lot 3. The developer has requested approval of an extension of a water main along Deane Soloman Road across the frontage of the future residential development, and Springwoods Lot 3. The developer has a contractor on-site and would like for them to install this additional water main at the same time as the Springwoods Lot 5 construction. This area is identified on the Water Master plan as a corridor for a portion of a 12" grid along Deane Soloman Road. It would benefit the City to cost-share with the developer for the construction of this portion of the planned grid.

Construction estimates have been provided to the City for these improvements by Legacy LLC as follows:

Developer's Share	\$ 44,341.50
City's Share	\$ 19,200.02
15% Contingency(City's Share)	\$ <u>2,879.98</u>
Total	\$ 66,421.50

BUDGET IMPACT

The funds for this water line distribution project will come from the Water and Sewer Fund. Currently there is \$249,228.00 available in the Water and Sewer Cost Share account.

The final costs to the City will be based upon actual costs as documented by Legacy LLC, subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH LEGACY, LLC IN THE AMOUNT OF \$19,200.02 FOR THE UPSIZING OF APPROXIMATELY 1538 FEET OF 8" WATER MAIN TO A 12" WATER MAIN; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$2,879.98.

WHEREAS, the Water Master Plan calls for a 12" water main along Deane Solomon Road, where Legacy, LLC is developing residential subdivisions; and,

WHEREAS, entering into a cost-share agreement with Legacy, LLC and utilizing their on-site contractor to construct the water main extension will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process, and;

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical.

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 waives the requirements of formal competitive bidding and approves a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of \$2,879.98.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this _____, by and between the City of Fayetteville, Arkansas and Legacy, LLC, Witnesseth:

WHEREAS, Legacy, LLC, will be proposing a development along the east side of Deane Soloman Road north of Moore Lane and south of West Salem Road; and

WHEREAS, The developer will be extending an 8" main through the project site to provide service an fire protection to the development; and

WHEREAS, it will benefit the City of Fayetteville to upgrade this 8" water main extension to a 12" main. This upgrade will continue the creation of a 12" water main grid in this area in accordance with the water distribution master plan.

NOW, THEREFORE, the City of Fayetteville and Legacy, LLC, agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:
 - A. Pay for 100% of the actual documented construction costs for the upsizing to a 12" water main along Persimmon Street.
 - B. Pay a maximum-not-to-exceed cost of \$20,080.00 for the afore mentioned water main construction as was provided by Legacy, LLC, and made a part of this agreement.
 - C. Reconsider the costs if the future and actual construction prices exceed the maximum-not-to-exceed amount that was furnished by Legacy, LLC, The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.
 - D. Make all efforts to provide payment to Legacy, LLC, within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.
2. Legacy, LLC, agrees to:
 - A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.
 - B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

- C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.
3. It is further understood that the contract for construction is between Legacy, LLC, and his Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of \$20,080.00 for the water main upgrade.

**IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE
SIGN BELOW:**

CITY OF FAYETTEVILLE

Legacy, LLC,

By: _____
DAN COODY, Mayor

By: _____

City Of Fayetteville
(Not a Purchase Order)

Vendor #: New		Vendor Name: Legacy LLC		Requisition No.: _____		Date: 8/31/2005	
Address: 5417 Pinnacle Point Dr.		Fob Point: _____		P.O Number: _____		Expected Delivery Date: _____	
City: Rogers		State: AR		Mail Yes: _____ No: _____		Quotes Attached Yes: _____ No: _____	
Requester: Brent O'Neal		Requester's Employee #: 2476		Taxable Yes: _____ No: _____		Divison Head Approval: _____	
Zip Code: 72758		Ship to code: x		Extension: 424		Inventory # _____	
Account Numbers		Project/Subproject # x		Fixed Asset # _____			

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Inventory #	Fixed Asset #
1	Deane Solomon Water Line				\$19,200.02			
2	Cost Share upsizing approx. 1538 ft of 8" water main to 12" water main				\$0.00			
3					\$0.00			
4					\$0.00			
5					\$0.00			
6					\$0.00			
7					\$0.00			
8					\$0.00			
9					\$0.00			
10					\$0.00			
	Shipping/Handling		Lot		\$0.00			
Special Instructions:								
					Subtotal:		\$19,200.02	
					Tax:			
					Total:		\$19,200.02	

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Deane Solomon Road Waterline at Springwoods PZD Lot #3 - Prairie View Subdivision

Cost Comparison

8" vs. 12" Water Main

For purpose of estimating cost share with City of Fayetteville

	8" Water Main		12" Water Main	
1538 L. F. of PVC water main	\$26.75 per L.F.	\$41,141.50	\$34.04 per L.F.	\$52,353.52
4 Valves	\$800.00 per Unit	\$3,200.00	\$2575.00 per Unit	\$10,300.00
Fittings	\$6.00 per lb.		Add. 148 lbs.	\$888.00
Total		\$44,341.50		\$63,541.52
Cost difference between the two sizes				\$19,200.02

*Estimates provided by site contractor, Dean Crowder Construction, Inc. Actual costs may vary.



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

9/20/2005
City Council Meeting Date

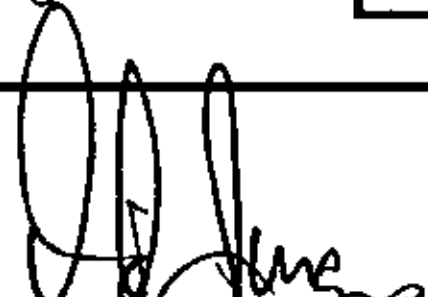
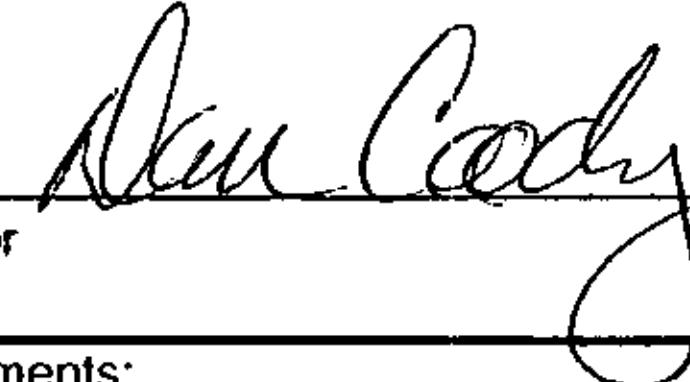
<u>Matt Casey</u>	<u>Engineering</u>	<u>Operations</u>
Submitted By	Division	Department

Action Required:

Approval of the Construction Contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for North College Waterline Replacement Project, also the project contingency in the amount of \$128,000 (10%), and the related budget adjustments in the amount of \$444,941.25.

\$1,415,211.25	\$ 1,147,902.00	North College Waterline
Cost of this request	Category/Project Budget	Replacement Project
5400.5600.5808.00	\$ 177,632.00	Program Category / Project Name
Account Number	Funds Used to Date	Water & Sewer Improvements
02030	\$ 970,270.00	Program / Project Category Name
Project Number	Remaining Balance	Water & Sewer Fund
		Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☒

 _____ Department Director  _____ City Attorney  _____ Finance and Internal Service Director  _____ Mayor	<u>2 Sept 05</u> Date <u>9/2/05</u> Date <u>9/6/05</u> Date <u>9/7/05</u> Date	Previous Ordinance or Resolution # _____ Original Contract Date: _____ Original Contract Number: _____ Received in City Clerk's Office ENTERED 9/2/05 ENTERED 9/2/05 Received in Mayor's Office
---	--	---

Comments:

09-02-05P04:02 RCVD

FAYETTEVILLE

C.3.
C-2 Projects, LLC Contract
Page 2 of 12

THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

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

From: Matt Casey, Assistant City Engineer

Subject: **North College Waterline Replacement Project
Construction Contract with C-2 Projects LLC**

BACKGROUND

The existing 8" water line is in the middle of North College Avenue. It has experienced a number of significant leaks that present significant hazards to the road, to traffic during and immediately following the leak, and is very dangerous to repair as it requires closing both middle lanes. There is also at least one smaller leak that has been identified by leak detection but, due to the water system configuration, is impossible to pinpoint. This leak could be creating a void under the road. The pipe is very old and a number of businesses are shut down when the water line is shut off for repairs. There have also been a number of leaks on services in the area. The project is designed to abandon the line in College while reinforcing the grid throughout the area. The grid has a number of dead end and small (2 1/4" or smaller) lines that will be replaced, abandoned or looped.

Per City Council approval, McClelland Consulting Engineers, Inc. has been performing the engineering services for this project. Plans and Specifications were completed this summer and the project was advertised for construction.

DISCUSSION / STATUS

On August 18, 2005, two bids were received by the City of Fayetteville and the low bidder is C-2 Projects, LLC, from Springfield Missouri, in the amount of \$1,377,141.00 with deductive alternate #1 for \$89,929.75 and deductive alternate #2 for \$89,523.55. Staff is recommending accepting deductive alternate #1 which will remove a section of line along Washington between Maple Street and Davidson Street.

Attached for your information is McClelland's award recommendation, as well as bid tabulation sheets.

RECOMMENDATION:

The Staff recommends Council approval of the following:

- (1) Award of the Construction Contract to C-2 Projects, LLC, in the amount of \$1,287,211.25.
- (2) Approval of a 10% Project Contingency in the amount of \$128,000.00.
- (3) Approval of the related Budget Adjustment in the amount of \$444,941.25

FUNDING FOR 2005:

2005 Budget	\$1,147,902.00
Funds used to date	\$177,632.00
Remaining Funds	\$ 970,270.00
Needed Budget Adjustment	\$444,941.25

One reason for the estimated cost over-run is the abundance of construction projects and the low number of interested contractors in Northwest Arkansas.

Attachments: Contract Documents
Vicinity Map
Letter of recommendation
Bid Tabulation

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH C-2 PROJECTS, LLC IN THE AMOUNT OF \$1,287,211.25 FOR THE NORTH COLLEGE WATERLINE REPLACEMENT PROJECT; APPROVING A 10% PROJECT CONTINGENCY IN THE AMOUNT OF \$128,000.00; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$444, 941.25 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 construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement 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 10% project contingency in the amount of \$128,000.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of \$444, 941.25 for same.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk



P.O. Box 1229
Fayetteville, Arkansas 72702-1229
479-443-2377
FAX 479-443-9241

August 17, 2005

Mr. Ron Petrie, P.E.
City Engineer
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mr. Petrie:

Bids were received for the referenced project at 2:00 p.m., Tuesday, August 16, 2005. Two bidders submitted bids, and the bids have been tabulated as indicated on the enclosed Bid Tabulation.

C-2 Projects, LLC submitted an irregular bid in that this bidder listed the extended bid amount in words, instead of the unit price bid amount. The City of Fayetteville has the right to waive irregularities such as this, as listed on page 00030-2 of the specifications. Other than this matter, both of the bidders are properly licensed and submitted proper bid bonds and the bids appear to be in order.

Presuming that this bid irregularity is waved, C-2 Projects, LLC is the low bidder. Their bid total of \$1,377,141.00 exceeded my updated engineer's estimate of \$1,338,000, but the cost difference is not extreme. There were two line segments designated as deductive alternates. Water Line 86 has a deductive alternate price of \$89,929.75 and Water Line 84 has a deductive alternate price of \$89,523.55, so the project bid price could be reduced to \$1,287,211.25 or \$1,197,687.70 if one or both deductive alternates are accepted.

Presuming your City is having satisfactory results with C-2 Projects current work on Gregg Avenue, we recommend that the contract be awarded to C-2 Projects, LLC, and that the irregular bid schedule be documented with this bidder to insure that the correct unit prices are used.

Very truly yours,
McClelland Consulting Engineers

Robert W. White, P.E.
Vice-President

Encl: Bid Tabulation

Cc: Mrs. Peggy Vice w/Encl.
Mr. David Jurgens w/Encl.

BID TABULATION
FAYETTEVILLE NORTH COLLEGE WATER MAIN REPLACEMENT
MCE Project NO. FY032142
Bid Date August 16, 2005

Item #	Description	Qty.	Units	C-2 Projects, LLC Unit Cost	Extended	Building & Utility Contractors, Inc. Unit Cost	Extended
1	Act 291, 1993 Trench and Excavation Safety System	1	LS	24,785.00	24,785.00	125,000.00	125,000.00
2	12-Inch PVC, C-900, Class 200 Water Main	377	LF	127.50	48,067.50	75.00	28,275.00
3	8-Inch PVC, C-900, Class 200 Water Main	4,450	LF	93.50	416,075.00	65.00	289,250.00
4	6-Inch PVC, C-900, Class 200 Water Main	87	LF	87.50	7,612.50	45.00	3,915.00
5	6-Inch Ductile Iron, Class 350 Fire Hydrant Stubs	180	LF	95.50	17,190.00	55.00	9,900.00
6	2-Inch PVC, SDR 13.5, Class 315 by Open Cut or 2" Polyethylene, Directionally Bored	1,352	LF	60.00	81,120.00	25.00	33,800.00
7	2-Inch Polyethylene, Directionally Bored	367	LF	112.00	41,104.00	100.00	36,700.00
8	1 1/2-Inch Polyethylene Service Tubing	10	LF	12.00	120.00	50.00	500.00
9	1-Inch Polyethylene Service Tubing by Open Cut or Directional Bore	1,600	LF	45.00	72,000.00	40.00	64,000.00
10	12" Butterfly Valve w/Box	2	EA	4,800.00	9,600.00	2,500.00	5,000.00
11	8" Gate Valve w/Box	17	EA	2,000.00	34,000.00	1,000.00	17,000.00
12	6" Gate Valve w/Box	18	EA	1,300.00	23,400.00	750.00	13,500.00
13	2" Gate Valve w/Box	11	EA	725.00	7,975.00	350.00	3,850.00
14	Three Way Fire Hydrant	15	EA	3,375.00	50,625.00	4,000.00	60,000.00
15	Remove Existing Fire Hydrant	5	EA	85.50	427.50	250.00	1,250.00
16	Service Line Connection to Existing Service Line or Meter Setter, Including Plumber Connection to Existing Building Service, if Required	68	EA	905.75	61,591.00	1,000.00	68,000.00
17	New 5/8" x 3/4" Meter Setting, Complete, Including Plumber Connection to Existing Building Service	20	EA	505.00	10,100.00	1,500.00	30,000.00
18	Single 1" Meter Settings Complete, Including Plumber Connection to Existing Building Service	1	EA	735.00	735.00	1,200.00	1,200.00
19	Relocate Existing Meter Setting, Including Plumber Connection to Existing Building Service	15	EA	625.00	9,375.00	1,200.00	18,000.00
20	Install New Meter Yoke at Existing Meter Setting	20	EA	150.00	3,000.00	250.00	5,000.00
21	Install New Meter Box at Existing Meter Setting	15	EA	190.00	2,850.00	100.00	1,500.00
22	Install New Meter Box Lid at Existing Meter Setting	15	EA	160.00	2,400.00	50.00	750.00
23	12" x 1" Saddle, One Inch Corporation Stop and Tap	1	EA	200.00	200.00	500.00	500.00
24	8" x 1" Saddle, 1" Corporation Stop and Tap	52	EA	165.00	8,580.00	450.00	23,400.00
25	2" x 1" Saddle, 1" Corporation Stop and Tap	12	EA	145.00	1,740.00	200.00	2,400.00
26	10" x 8" Tapping Tee, 8" Tapping Valve w/Box	1	EA	4,750.00	4,750.00	2,000.00	2,000.00
27	8" x 8" Tapping Tee, 8" Tapping Valve w/Box	5	EA	4,200.00	21,000.00	1,800.00	9,000.00
28	6" x 6" Tapping Tee, 6" Tapping Valve w/Box	7	EA	4,200.00	29,400.00	1,200.00	8,400.00
29	6" x 2" Tap, 2" Corporation Stop	1	EA	1,600.00	1,600.00	500.00	500.00
30	2" x 2" Connection	3	EA	850.00	2,550.00	500.00	1,500.00
31	24-Inch Bored Steel Casing	65	LF	506.00	32,890.00	350.00	22,750.00
32	16-Inch Bored Steel Casing	127	LF	285.00	36,195.00	300.00	38,100.00
33	16-Inch Direct Bury Steel Casing	62	LF	200.00	12,400.00	100.00	6,200.00

BID TABULATION
FAYETTEVILLE NORTH COLLEGE WATER MAIN REPLACEMENT
MCE Project NO. FY032142
Bid Date August 16, 2005

34	8-Inch Direct Bury Steel Casing	40	LF	125.00	5,000.00	80.00	3,200.00
35	4-Inch Direct Bury Steel Casing	80	LF	77.00	6,160.00	60.00	4,800.00
36	Cap Existing 8" Main	1	EA	505.00	505.00	500.00	500.00
37	Cap Existing 6" and 4" Mains	10	EA	430.00	4,300.00	350.00	3,500.00
38	Cap Existing 2 1/4" and 2" Mains	9	EA	335.00	3,015.00	250.00	2,250.00
39	Abandon Existing Valve	7	EA	115.00	805.00	250.00	1,750.00
40	Epoxy Coated Ductile Iron Fittings	4,200	LB	7.85	32,970.00	60.00	252,000.00
41	Asphalt Surface Restoration	5,050	SY	30.00	151,500.00	65.00	328,250.00
42	Asphalt Highway Restoration	20	SY	83.00	1,660.00	100.00	2,000.00
43	Concrete Surface Restoration	700	SY	62.00	43,400.00	60.00	42,000.00
44	Concrete Sidewalk Restoration	140	SY	65.00	9,100.00	60.00	8,400.00
45	Curb and Gutter Restoration	500	LF	30.00	15,000.00	20.00	10,000.00
46	Exposed Aggregate Driveway Restoration	16	SY	18.50	296.00	100.00	1,600.00
47	Granular Fill	2,570	TON	10.00	25,700.00	30.00	77,100.00
48	Flowable Fill	25	CY	64.50	1,612.50	100.00	2,500.00
49	Trench Stabilization Material	30	TON	22.00	660.00	50.00	1,500.00
TOTAL BASE BID (Items 1 through 49)					1,377,141.00		1,672,490.00

Total Base Bid Fayetteville North College Water

DEDUCTIVE ALTERNATE SCHEDULE NO. 1
Water Line 86 Along Washington Avenue

Item #	Description	Qty.	Units	C-2 Projects, LLC Unit Cost	Extended	Building & Utility Contractors, Inc. Unit Cost	Extended
1	Act 291, 1993 Trench and Excavation Safety System, Line 86	1	LS	2,478.50	2,478.50	5,000.00	5,000.00
2	8-Inch PVC, C-900, Class 200 Water Main	464	LF	93.50	43,384.00	65.00	30,160.00
3	1-Inch Polyethylene Service Tubing	235	LF	45.00	10,575.00	40.00	9,400.00
4	Service Line Connection to Existing Service Line or Meter Setter, Including Plumber Connection to Existing Building Service, If Required	7	EA	905.75	6,340.25	1,000.00	7,000.00
5	8"x1" Saddle, 1" Corporation Stop and Tap	7	EA	165.00	1,155.00	450.00	3,150.00
6	8"x8" Tapping Tee, 8" Tapping Valve w/Box	1	EA	4,200.00	4,200.00	1,800.00	1,800.00
7	Cap Existing 6" and 4" Mains	2	EA	430.00	860.00	350.00	700.00
8	Epoxy Coated Ductile Iron Fittings	20	LB	7.85	157.00	60.00	1,200.00
9	Asphalt Surface Restoration	510	SY	30.00	15,300.00	65.00	33,150.00
10	Concrete Sidewalk Restoration	12	SY	65.00	780.00	60.00	720.00
11	Curb and Gutter Restoration	70	LF	30.00	2,100.00	20.00	1,400.00
12	Granular Fill	260	TON	10.00	2,600.00	30.00	7,800.00
Total Deductive Alternate Schedule No. 1					89,929.75		101,480.00

BID TABULATION
FAYETTEVILLE NORTH COLLEGE WATER MAIN REPLACEMENT
MCE Project NO. FY032142
Bid Date August 16, 2005

DEDUCTIVE ALTERNATE SCHEDULE NO. 2
Water Line 84 Along Washington Avenue

Item #	Description	Qty.	Units	C-2 Projects, LLC Unit Cost	Extended	Building & Utility Contractors, Inc. Unit Cost	Extended
1	Act 291, 1993 Trench and Excavation Safety System, Line 84	1	LS	1,200.00	1,200.00	2,000.00	2,000.00
2	8-Inch PVC, C-900, Class 200 Water Main	471	LF	93.50	44,038.50	65.00	30,615.00
3	6-Inch Ductile Iron, Class 350 Fire Hydrant Stubs	7	LF	95.50	668.50	55.00	385.00
4	1-Inch Polyethylene Service Tubing	100	LF	45.00	4,500.00	40.00	4,000.00
5	6" Gate Valve w/Box	1	EA	1,300.00	1,300.00	750.00	750.00
6	Three Way Fire Hydrant	1	EA	3,375.00	3,375.00	4,000.00	4,000.00
7	Service Line Connection to Existing Service Line or Meter Setter, Including Plumber Connection to Existing Building Service, If Required	5	EA	905.75	4,528.75	1,000.00	5,000.00
8	8"x1" Saddle, 1" Corporation Stop and Tap	5	EA	165.00	825.00	450.00	2,250.00
9	10"x8" Tapping Tee, 8" Tapping Valve w/Box	1	EA	4,750.00	4,750.00	2,000.00	2,000.00
10	6"x6" Tapping Tee, 6" Tapping Valve w/Box	1	EA	4,200.00	4,200.00	1,200.00	1,200.00
11	Cap Existing 2 1/4" and 2" Mains	2	EA	335.00	670.00	250.00	500.00
12	Epoxy Coated Ductile Iron Fittings	108	LB	7.85	847.80	60.00	6,480.00
13	Asphalt Surface Restoration	470	SY	30.00	14,100.00	65.00	30,550.00
14	Concrete Surface Restoration	10	SY	62.00	620.00	60.00	600.00
15	Curb and Gutter Restoration	50	LF	30.00	1,500.00	20.00	1,000.00
16	Granular Fill	240	TON	10.00	2,400.00	30.00	7,200.00
Total Deductive Alternate Schedule No. 2					89,523.55		98,530.00

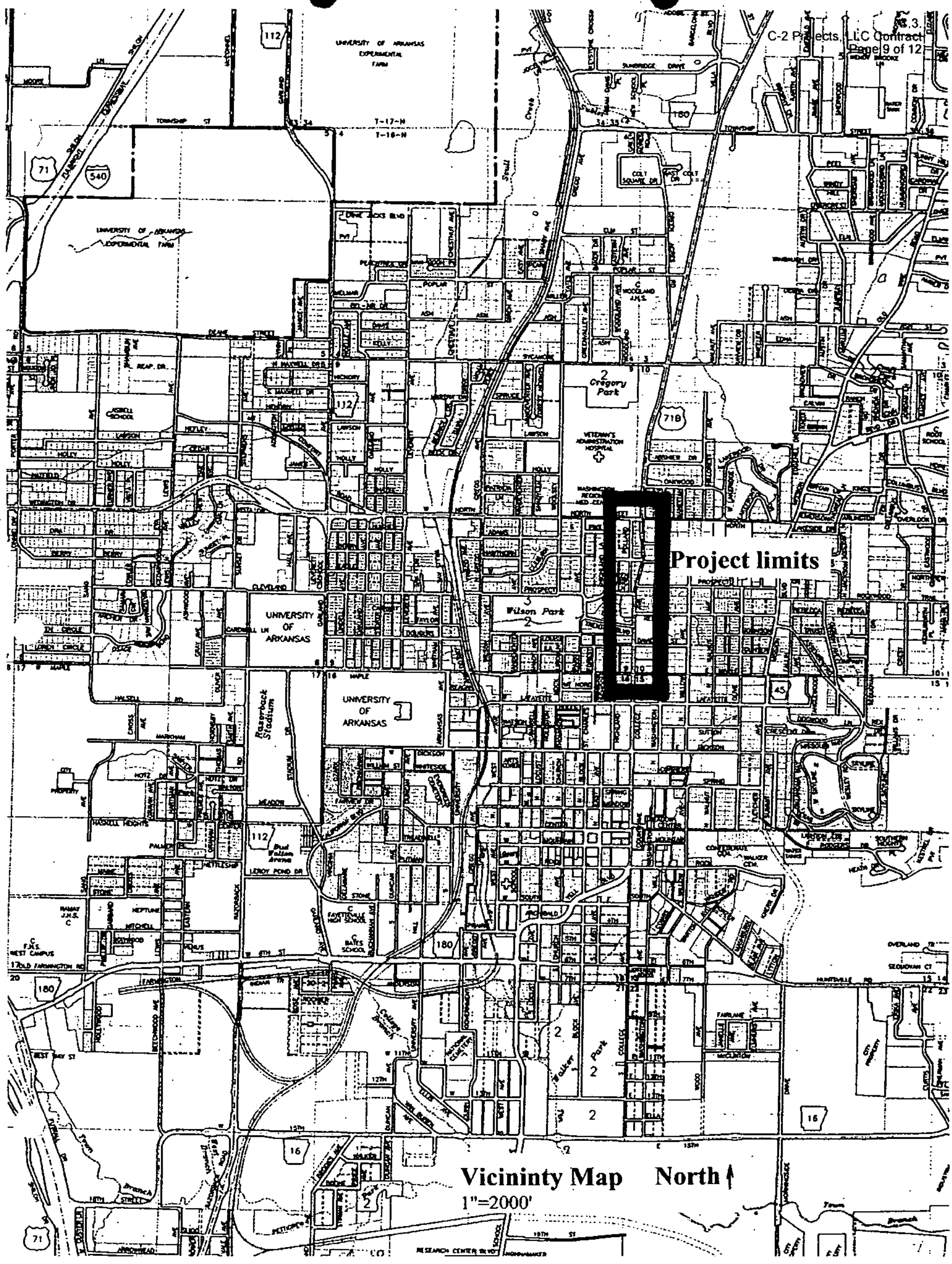
Name:

Robert W. White

Robert W. White, P.E. No. 4695

Date:

August 17, 2005



Project limits

Vicinity Map North
1"=2000'

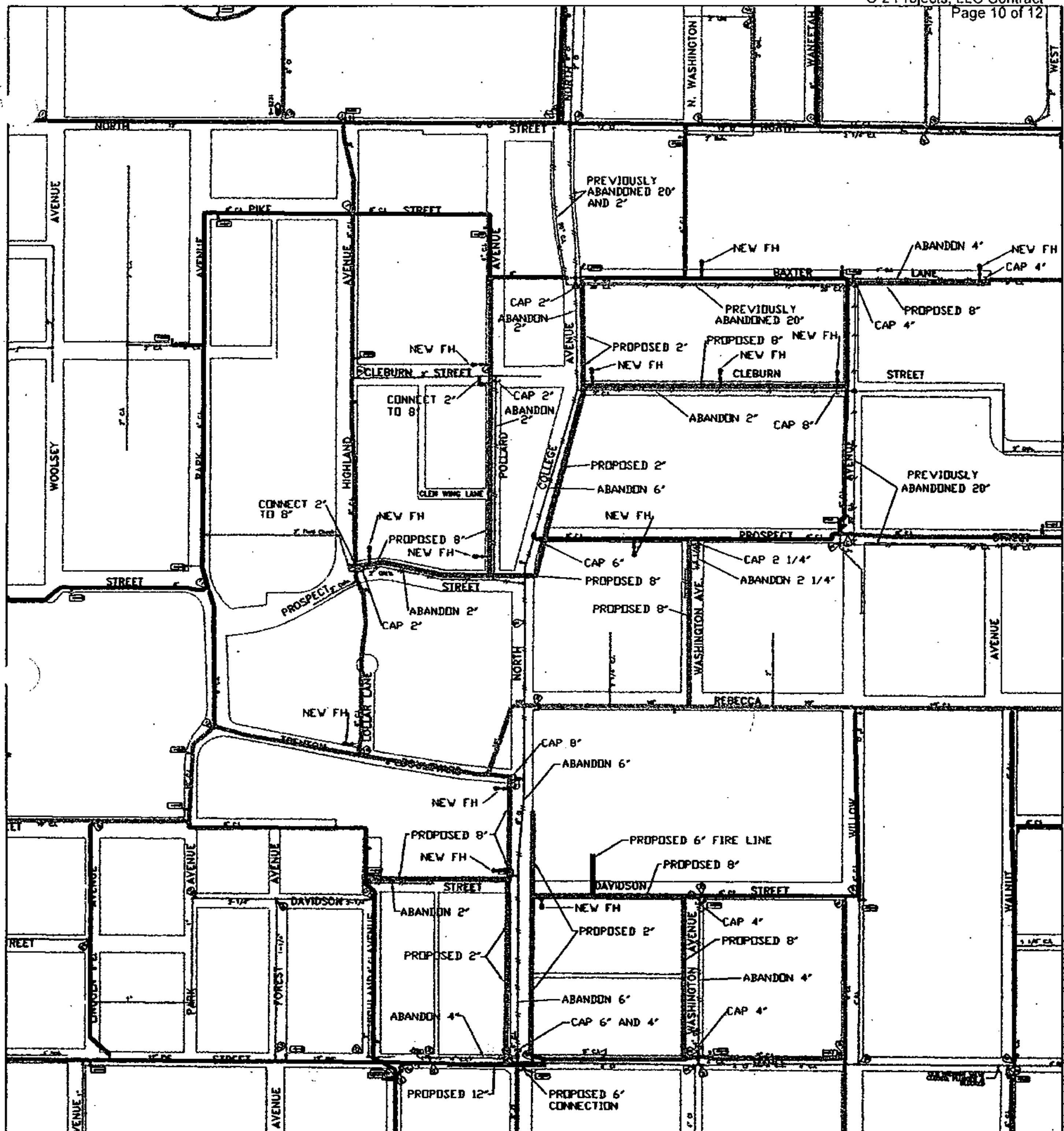


FIGURE NO. 6
NORTH COLLEGE WATER MAIN REPLACEMENT
ALTERNATIVE NO. 2
REPLACEMENT MAINS
WITH NORTH COLLEGE CROSSINGS MINIMIZED

LEGEND

EXISTING WATER MAINS	TO BE ABANDONED	PROPOSED WATER MAINS
4" OR SMALLER	----	=====
6"	----	=====
8"	----	=====
10"	----	=====
12"	----	=====
OVER 12"	----	=====
NEW OR REPLACEMENT FIRE HYDRANT		⊗

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

C.3.
C-2 Projects, LLC Contract
Page 11 of 12

Budget Year 2005	Department: Water & Wastewater Division: Water & Sewer Maintenance Program: Capital Water Mains	Date Requested 9/20/2005	Adjustment Number
----------------------------	---	------------------------------------	-------------------

Project or Item Added/Increased:
\$500,000 is requested in the North College Waterline Replacement project.

Project or Item Deleted/Reduced:
\$500,000 from the Use of Fund Balance.

Justification of this Increase:
The funds are to cover the approval of a contract with C-2 Projects.

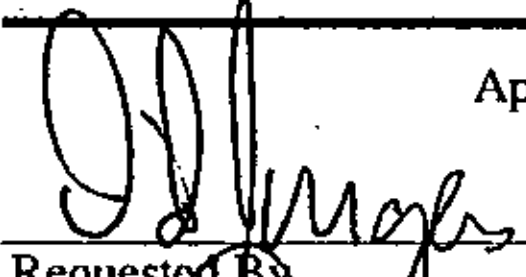
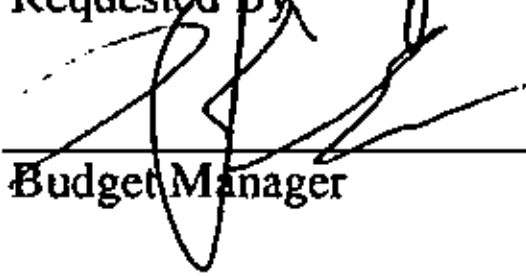
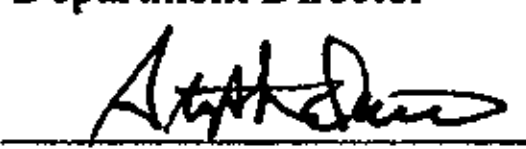
Justification of this Decrease:
There is sufficient fund balance remaining to meet 2005 objectives.

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Water line improvements	5400	5600	5808	00	500,000	02030	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	5400	0940	4999	99	500,000		

Approval Signatures	
Requested By 	Date 2 Sept 05
Budget Manager 	Date 9-1-05
Department Director	Date
Finance & Internal Services Director 	Date 9-6-05
Mayor	Date

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

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

C.4.
Black & Veatch Change Order # 1
Page 1 of 26

9/20/2005

City Council Meeting Date

David Jurgens

Submitted By

Water/Wastewater

Division

Water/Wastewater

Department

Action Required:

Approval of a time and materials contract change order number one, in an amount not to exceed \$300,000.00, with Black and Veatch, plus approval of a \$15,000 contingency, for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines.

\$ 330,000.00

Cost of this request

\$ 988,489.00

Category / Project Budget

36" Water Line Repl & Protection

Program Category / Project Name

5400.5600.5808.00

Account Number

\$ 34,243.20

Funds Used to Date

Water Line Improvements

Program / Project Category Name

03018

Project Number

\$ 954,245.80

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

☐

Department Director

1 Sept 05
Date

Previous Ordinance or Resolution # 47-03

Original Contract Date: 16-Apr-03

Original Contract Number:

City Attorney

9/2/5
Date

Finance and Internal Service Director

9-6-05
Date

Received in City Clerk's Office

Mayor

9/7/05
Date

Received in Mayor's Office

Comments:

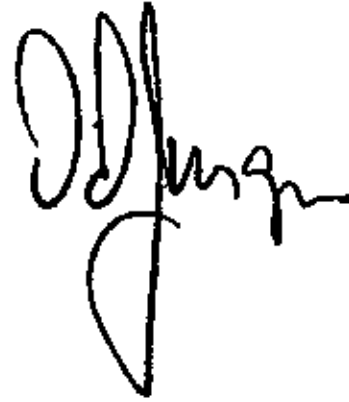
09-02-05P03:33 RCVD

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water/Wastewater Director, Interim



Date: August 27, 2005

Subject: Approval of a time and materials contract change order (number one), in an amount not to exceed \$300,000.00, with Black and Veatch, plus approval of a \$15,000 contingency, for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines.

RECOMMENDATION

Fayetteville City Administration recommends approval of a time and materials contract change order number one, in an amount not to exceed \$300,000.00, with Black and Veatch, plus approval of a \$15,000 contingency, for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines.

BACKGROUND

There have been three major leaks on our 36" water transmission main that carries water from the Beaver Water District (BWD) plant in Lowell to Fayetteville. These leaks, each of which caused a loss of approximately 6 million gallons of water in less than 45 minutes, have all occurred in areas of highly corrosive soil between Crossover Road and the intersection of Township and Old Wire Road. Analysis by City crews and the Ductile Iron Pipe Research Association identified those areas along the length of the pipeline where the soil has the characteristics that cause pipe failure. Black and Veatch's initial analysis and study, completed in August, 2005, made the following recommendations:

a. Short term recommendations include (1) installing SCADA control on selected valves on the 36" transmission main (\$400,000); (2) installing pressure regulating valves on the 36" and 42" transmission lines (\$770,000); and (3) painting the surge tank in Springdale (\$180,000).

b. Long term recommendations identify alternatives for replacing the 36" transmission main in areas where the corrosion potential is highest. The alternatives involve installing the replacement transmission line in conjunction with highway widening projects on Highway 265.

The study also identified a section of pipe that has insufficient pressure when water is not being actively pumped from the BWD. Upon notification of this, the Arkansas Health Department required that this be corrected; that this section of pipe must be brought up to adequate pressure, most likely by installing pressure sustaining valves on the 36" and 42" transmission lines. This will also serve to reduce the surges that are believed to contribute to the major breaks on the 36" line.

DISCUSSION

This change order to the Black and Veatch contract is for design, construction supervision, post-construction analysis and testing on short term recommendations (1) and (2), which will protect the 36" transmission main, provide adequate pressure to meet ADH requirements, and allow the fastest

possible response to any future leaks on the 36" line (thus minimizing water loss and the resulting downstream damage). Unlike traditional engineering projects, there will be a great deal of post-construction engineering analysis and effort to ensure all valve settings and control mechanisms are calibrated to ensure there is no interruption to Fayetteville's water supply as a result of this work, but also to ensure maximum protection from and in the event of a major break.

SCADA communication facilities will be installed by OMI in coordination with City staff, and Black and Veatch. SCADA controls are funded under a separate project.

Staff recommends design specifications for the surge tank painting be developed in-house.

BUDGET IMPACT

There are sufficient funds in the project account in the 2005 budget for this design project. Short term work items (1) and (3) shall be funded using 2005 funds. Short term work item (2) is being programmed into the 2006 budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH BLACK & VEATCH IN AN AMOUNT NOT TO EXCEED \$300,000.00 FOR DESIGN, CONSTRUCTION SUPERVISION, POST-CONSTRUCTION ANALYSIS AND TESTING FOR IMPROVEMENTS TO THE 36" AND 42" WATER TRANSMISSION LINES; AND APPROVING A CONTINGENCY IN THE AMOUNT OF \$15,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines. A copy of Change Order #1, 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 contingency in the amount of \$15,000.00.

PASSED and APPROVED this 20th day of September, 2005.

ATTEST:

By: _____
SONDRA SMITH, City Clerk

APPROVED

By: _____
DAN COODY, Mayor

DRAFT

AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
BLACK AND VEATCH CORPORATION

WHEREAS, On April 16, 2003, the City of Fayetteville, Arkansas (**CITY OF FAYETTEVILLE**) and Black & Veatch Corporation of Kansas City, Missouri (**BLACK & VEATCH**) entered into an Agreement for engineering services in connection with the Fayetteville Existing 36-inch Water Transmission Line - Rehabilitation Study (The "Project"). The scope of these services included a study and,

WHEREAS, **BLACK & VEATCH** has proceeded with these services in accordance with the scope set forth in the Agreement, and

WHEREAS, **CITY OF FAYETTEVILLE** requests that the scope of **BLACK & VEATCH** 's services to be amended to provide Final Design Phase, Bidding Phase, Construction Phase; and Post Construction Phase Services for the **Project**, and

NOW THEREFORE, in consideration of the mutual covenants and Agreements herein contained, **CITY OF FAYETTEVILLE** and **BLACK & VEATCH**, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated April 16, 2003, is hereby amended in the following particulars:

SECTION 2 - BASIC SERVICES OF BLACK & VEATCH

2.1 - General.

Delete Article 2.1.1.1 in its entirety and replace with the following:

- 2.1.1.1 The Scope of Services to be furnished by BLACK & VEATCH during the Study Phase of the Project is included in Appendix A attached hereto and made part of this Agreement.

2.2 Final Design Phase Services

- 2.2.1 Insert APPENDIX B – SCOPE OF SERVICES FOR FINAL DESIGN PHASE attached to this Amendment No. 1.

2.3 Bidding Phase Services

- 2.3.1 Insert APPENDIX C – SCOPE OF SERVICES FOR BIDDING PHASE attached to this Amendment No. 1.

2.4 Construction Phase Services.

- 2.4.1 Insert APPENDIX D – SCOPE OF SERVICES FOR CONSTRUCTION PHASE attached to this Amendment No. 1.

2.5 Post-Construction Phase Services.

- 2.5.1 Insert APPENDIX E – SCOPE OF SERVICES FOR POST-CONSTRUCTION PHASE attached to this Amendment No. 1.

SECTION 3 - ADDITIONAL SERVICES OF BLACK & VEATCH

Add the following tasks to SECTION 3 of the Agreement:

- 3.1.10 Additional meetings with local, state, or Federal agencies to discuss project.
- 3.1.11 Review of drawings and other data submitted by Contractor(s) beyond one resubmission because of failure of Contractor to account for exceptions previously noted by BLACK & VEATCH.
- 3.1.12 Appearances at public meetings or before special boards.

- 3.1.13 Supplemental engineering work required to meet the requirements of regulatory or funding agencies that become effective subsequent to the date of this amendment.
- 3.1.14 Special consultants or independent professional associates requested by CITY OF FAYETTEVILLE.
- 3.1.15 Preparation for litigation, or other legal or administrative proceedings; and appearances in court in connection with change orders or construction incidents.
- 3.1.16 Engineering assistance to CITY OF FAYETTEVILLE for and during negotiation meetings.
- 3.1.17 Observing factory tests and field retesting of equipment that fails to pass the initial test.
- 3.1.18 Visits to the construction site or to CITY OF FAYETTEVILLE's location in excess of the number of such trips and the associated time set forth in Appendices B, C, D, and E.
- 3.1.19 Where field conditions differ from the conditions indicated in the construction contract documents, preparation of sketches of construction work for approval by CITY OF FAYETTEVILLE, to supplement the drawings and specifications as may be required; and providing redesign or relocation information if required by underground obstructions, utilities, unacceptable condition of existing transmission mains, or other conditions.
- 3.1.20 Services for making revisions to drawings and specifications made necessary by the acceptance of substitutions proposed by the Contractor(s); and services after the award of the contract for evaluating and determining the acceptability of substitutions proposed by the Contractor.
- 3.1.21 Additional or extended services during construction made necessary by (1) work damaged by fire or other cause during construction, (2) a significant amount of defective or neglected work by any Contractor, (3) acceleration of the progress schedule involving service beyond normal working hours, (4) prolongation of the construction contract time by more than sixty days, (5) default by any Contractor, and (6) failure of the Contractor to complete the work within the construction contract time.
- 3.1.22 Services resulting from significant delays, changes, or price increases caused directly or indirectly by shortages of materials, equipment, or energy.

- 3.1.23 Evaluation of unusually complex or unreasonably numerous claims submitted by Contractor(s) or others in connection with the work.
- 3.1.24 Review and analysis of claims for differing subsurface and physical conditions submitted by the Contractor(s) or others in connection with the work.
- 3.1.25 Prepare applications and supporting documents for governmental grants, loans, or advances.
- 3.1.26 Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.
- 3.1.27 Services made necessary by the default of the Contractor, by major defects or deficiencies in the Work of the Contractor, or by failure of performance of either CITY OF FAYETTEVILLE or Contractor under the Contract for Construction.
- 3.1.28 Resident Project Representative Services to observe the Contractor's work and general progress of the work. BLACK & VEATCH will perform periodic site visits to the construction site(s) to observe the progress of the work, as defined in Appendix D.

SECTION 4 - CITY OF FAYETTEVILLE'S RESPONSIBILITIES

Add the following tasks to SECTION 4 of Agreement:

- 4.13 Furnish all maps, drawings, reports, records, manuals, and other data that are available in the files of CITY OF FAYETTEVILLE which may be useful in the work involved under this Amendment No. 1 to BLACK & VEATCH.
- 4.14 Obtain all temporary construction and permanent easements necessary for the work.
- 4.15 Field locate the 36-inch and 42-inch transmission mains at the site of each pressure control station and at the sites of the isolation valves on the 36-inch transmission main prior to test pitting by BLACK & VEATCH.
- 4.16 Provide BLACK & VEATCH with flow meter data measured by the new insertion-type, flow meter installed on the existing 36-inch transmission main for review and evaluation during Post-Construction Phase. Data will be provided on electronic file and hardcopy form.

SECTION 5 - PERIOD OF SERVICE

Add the following to SECTION 5 of Agreement:

- 5.3 The services described in this Amendment are expected to be completed in accordance with the following schedule:

Final Design Phase Services	Completed within 120 days from Notice to Proceed by CITY OF FAYETTEVILLE
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Construction Phase Services,	Completed within 120 days from Notice to Proceed to Contractor by CITY OF FAYETTEVILLE
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Post Construction Phase Services,	Completed within 90 days of Contractor's Final Completion
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CITY OF FAYETTEVILLE agrees to adjust schedule if the scope of work is revised, if the Notice to Proceed to BLACK & VEATCH is delayed, if the Notice to Proceed to Contractor is delayed, or for any other delays beyond BLACK & VEATCH'S control.

- 5.4 The provisions of this Amendment have been agreed to in anticipation of the orderly progress of construction through completion of the services stated in this Amendment. BLACK & VEATCH will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed as defined in this Amendment.

SECTION 6 - PAYMENTS TO BLACK & VEATCH

- 6.1 Compensation

Delete Section 6.1.2 of the Agreement and replace with the following:

- 6.1.2 Basic Services of Amendment No. 1.

For the scope of Basic Services set forth in this Amendment No. 1, including Final Design Phase, Bidding Phase, Construction Phase, and Post-Construction Phase Services, the CITY OF FAYETTEVILLE agrees to pay BLACK & VEATCH on an ACTUAL COST NOT-TO-EXCEED BASIS with the upper limit as

set forth herein. The total payment to BLACK & VEATCH for all Basic Services defined in this Amendment No. 1 shall not exceed Three Hundred Thousand Dollars (\$300,000) except as provided for in Section 3 of the Agreement.

6.1.2.1 Subject to prior City Council approval, adjustment of the not-to-exceed upper limit may be made should BLACK & VEATCH establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to amend the duration of work from the time period specified in the amended Agreement for completion of work and such modification warrants such adjustment. Changes, modifications, or amendments in scope, price or fees to this Amendment No. 1 shall not be allowed without formal contract amendment approved by the Mayor and City Council in advance of the change in scope, cost, fees, or delivery schedule.

6.1.3 Additional Services.

For authorized Additional engineering services under Section 3, "Additional Services", compensation to BLACK & VEATCH shall be negotiated at the time Additional Services are authorized.

6.1.4 The CITY OF FAYETTEVILLE agrees that the BLACK & VEATCH's not-to-exceed upper limit for this Amendment No. 1 is based on the durations indicated in Section 5.3 of this Amendment No. 1 and if the construction period is extended that the BLACK & VEATCH shall be entitled to additional compensation.

6.1.4.1 Hourly billing rates plus reimbursable direct expenses shall be used as the basis for determining payment to BLACK & VEATCH for the costs incurred by BLACK & VEATCH while providing the services described in this Amendment No. 1. Costs are, but not limited to, the salaries and benefits paid to employees engaged directly in providing the Services and profit. The hourly billing rates are included as **Appendix F** to this Amendment No. 1.

6.1.4.2 The following direct expenses are considered reimbursable and are included in the not-to-exceed amount.

6.1.4.2.1 Travel, subsistence, and incidental costs.

- 6.1.4.2.2 Use of motor vehicles on a mileage basis or rental cost basis for vehicles used for short periods. Mileage basis shall not exceed 41 cents per mile.
- 6.1.4.2.3 Subcontract costs, including but not limited to, those for soils and geotechnical investigations and reports, testing laboratory services, surveying and mapping services, and other subcontract services, plus a five percent fee.
- 6.1.4.2.4 Reproduction costs for reports, drawings and specifications required as deliverables to CITY OF FAYETTEVILLE or contractor as part of the work.
- 6.1.4.3 The following direct expenses are considered reimbursable, but are not included in the not-to-exceed amount.
 - 6.1.4.3.1 Charges of special consultants requested by CITY OF FAYETTEVILLE.
 - 6.1.4.3.2 Special insurance coverage required by CITY OF FAYETTEVILLE, including the cost of naming the CITY OF FAYETTEVILLE as an additional insured.
 - 6.1.4.3.3 Local taxes or fees applicable to the engineering work or payments therefore.
 - 6.1.4.3.4 Direct charges for review of drawings and specifications by government agencies, if any.
 - 6.1.4.3.5 Cost of acquiring any other materials or services specifically for and applicable to only this project.
- 6.1.4.4 It is understood and agreed that the not-to-exceed upper limit is based on the start of the services being authorized not later than September 15, 2005. If start of services is not authorized by dates given, it is understood and agreed that the not-to-exceed upper limit will be adjusted accordingly by an amendment to the Agreement.
- 6.1.4.6 It is understood and agreed that BLACK & VEATCH shall keep records of costs and expenses on the basis of generally accepted accounting practice and records shall be available for inspection at reasonable times.

All other provisions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this ____
day of _____, 20__.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

BLACK & VEATCH CORPORATION

Steven D. Phillips
By: _____
Vice President

Title: _____

END OF AMENDMENT NO. 1 TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

This is **Appendix B**, consisting of 8 pages, referred to in and part of the **Agreement for Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and BLACK & VEATCH CORPORATION dated April 16, 2003.

Initial:
CITY OF FAYETTEVILLE
BLACK & VEATCH



The following is the Scope of Services for the Design Phase.

B.1. DESCRIPTION OF PROJECT.

This work involves the design of transmission main improvements, which were identified in the report titled: "Existing 36-Inch Water Transmission Line Rehabilitation Study" prepared by Black & Veatch in October 2004 for the City of Fayetteville. The work will involve construction of the following facilities:

- B.1.1. Two pressure control stations, one installed on the existing 36-inch transmission main and the other on the existing 48-inch transmission main. Each pressure control station will include a precast concrete vault, a pressure sustaining valve, an air release valve, two manual isolation valves, SCADA system equipment, and necessary appurtenances. The SCADA system equipment, including a remote terminal unit (RTU) with integral radio and enclosure, cabling, antenna, and antenna mast will be designed, furnished and installed by Operations Management International, Inc. (OMI). OMI will also provide programming and configuration of RTU and existing human machine interface (HMI) located at the Paul R. Noland Wastewater Treatment Plant.
- B.1.2. Installation of one 36-inch isolation butterfly valves on existing 36-inch transmission main near the intersection of Mission Boulevard and Old Wire Road. The valve will be installed in a precast concrete vault with an electric actuator and remotely monitored and controlled. SCADA equipment, including a remote terminal unit with integral radio and enclosure, cabling, antenna, and antenna mast will be designed, furnished and installed by OMI. OMI will also provide the programming and configuration of RTU and existing HMI located at the Paul R. Noland Wastewater Treatment Plant.
- B.1.3. Replacement of a manual actuator on an existing 36-inch valves, installed on the 36-inch transmission main near Joyce Boulevard and the other off Birdie Street with electric actuators. Precast vaults will be installed to house the valve, actuator, and SCADA system equipment necessary for remote valve monitoring and control. SCADA equipment, including a remote terminal unit with integral radio and enclosure, cabling, antenna, and antenna mast will be designed, furnished and installed by OMI.

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

OMI will also provide the programming and configuration of RTU and existing HMI located at the Paul R. Noland Wastewater Treatment Plant.

- B.1.4. Installation of one insertion-type, electromagnetic flow meter on the existing 36-inch transmission main. The flow meter will be installed within an existing vault previously used to house a reverse flow control valve near the intersection of Old Wire Road and Old Missouri Road. The flow meter will be remotely monitored utilizing the existing SCADA system. SCADA equipment, including a remote terminal unit with integral radio and enclosure, cabling, antenna, and antenna mast will be designed, furnished and installed by OMI. OMI will also provide the programming and configuration of RTU and existing HMI located at the Paul R. Noland Wastewater Treatment Plant.

B.2. DESCRIPTION OF DESIGN SERVICES.

B.2.1. PROJECT MANAGEMENT

- B.2.1.1 **PROJECT INITIATION AND ADMINISTRATION.** Provide project administration and management of design, bidding, construction, and post-construction phase services. Set up management system for filing, communications, tracking progress, budgets and invoicing. Provide management functions required to successfully complete the work, including all project correspondence with CITY OF FAYETTEVILLE; consultation and coordination with the CITY OF FAYETTEVILLE's Project Manager; supervision and coordination of the services provided by BLACK & VEATCH, implementation of project-specific procedures, a quality control/quality assurance plan, and a workflow plan; scheduling and assignment of personnel resources, and continuous monitoring of work progress; and invoicing for the work performed.
- B.2.1.2 **PROJECT PROCEDURES.** Prepare project procedures manual to be used by CITY OF FAYETTEVILLE and BLACK & VEATCH to cover the project description, project participants, lines of communication, and QA/QC standards to be used.
- B.2.1.3 **DESIGN AND DRAFTING STANDARDS AND CRITERIA.** BLACK & VEATCH will use its own design procedures, drafting standards and criteria, and Typical Drawing Details in the development of the contract documents.
- B.2.1.4 **SPECIFICATIONS.** Format and assemble the technical specifications in accordance with the Master Format and Section Format recommended by the Construction Specifications Institute Manual of Practice. BLACK & VEATCH

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

will follow the Master Format level one titles and the level two titles based on BLACK & VEATCH's experience and standard technical specifications for work of this type. BLACK & VEATCH will follow the Section Format defined as Part 1 GENERAL, Part 2 PRODUCTS and Part 3 EXECUTION. The details within each of the parts will be based on BLACK & VEATCH's experience and standard technical specifications for work of this type.

Specifications will be prepared so as to comply with the Arkansas Soil and Water Conservation Commission (ASWCC) Revolving Loan Fund Program.

- B.2.1.5 CONSTRUCTION DOCUMENTS. Prepare construction documents based on the BLACK & VEATCH's experience for selection of private construction contractors on a competitive bid basis.
- B.2.1.6 PROJECT MONITORING. Conduct regular budget, schedule, and invoice review for progress and invoice accuracy.
- B.2.1.7 SUBCONTRACTOR COORDINATION. Coordinate efforts of BLACK & VEATCH's subcontractors working on the project.
- B.2.1.8 CONSTRUCTION PERMITS ASSISTANCE. Provide assistance to CITY OF FAYETTEVILLE in obtaining the necessary permits from State and local agencies. Assistance will include the preparation of applications, exhibits, drawings and specifications as necessary for CITY OF FAYETTEVILLE's execution and submittal. All construction trade permits will be obtained by the contractor.

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

B.2.2. PROJECT DEVELOPMENT

- B.2.2.1 PROJECT INITIATION MEETING AND DATA COLLECTION. The purpose of this meeting is to clarify CITY OF FAYETTEVILLE'S intended scope of work, schedule, budget requirements, and other special requirements for the project; to review pertinent available data, project staffing, organization and lines of communication; and to present Engineer's initial work plan and initial work schedule to confirm they meet the CITY OF FAYETTEVILLE's expectations.

At the Project Initiation Meeting, BLACK & VEATCH will obtain data from CITY OF FAYETTEVILLE that will be used to complete the work, including copies of construction record drawings; shop drawings and pipe laying schedule data for existing 36-inch transmission main and 36-inch butterfly valve installed in transmission main near Joyce Blvd, descriptions of easements in the areas of Work, and the CITY OF FAYETTEVILLE's latest version of its bidding requirements, bidding forms, contracting forms, and General Conditions.

BLACK & VEATCH will prepare minutes of the Project Initiation Meeting and distribute the minutes as directed by CITY OF FAYETTEVILLE.

- B.2.2.2 FIELD INVESTIGATIONS. Conduct field investigations and test pitting to verify the location and depth of existing 36-inch and 42-inch transmission mains at the pressure control stations and isolation valve locations. Test pitting will also be performed to determine whether rock material potentially exists within the limits of excavation at each site. BLACK & VEATCH will also meet with electrical utility company representatives to confirm the availability and reliability of electrical service to the proposed sites for the two pressure control stations, to the two electrically actuated isolation valves, and to the existing vault which will be used to house a flow meter inserted into the existing 36-inch transmission main,. BLACK & VEATCH will also observe the general condition of existing vault which will be used to house a flow meter inserted into the existing 36-inch transmission main to verify its suitability for reuse and need for any modifications.

- B.2.2.3 SITE SURVEY. Provide through a subcontract, the necessary field design surveys for the preparation of construction drawings and specifications. Surveys will determine existing easement limits, site topography, contours, and utility locations, insofar as possible.

CITY OF FAYETTEVILLE

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

- B.2.2.4 HYDRAULIC TRANSIENT ANALYSIS.** Perform a hydraulic transient analysis of the existing 36-inch and 42-inch transmission mains between the Beaver Water District Water Treatment Plant and the interconnection at Joyce Boulevard. This analysis will evaluate the potential impact of valve operations at the pressure control stations and the valve isolation vault near Joyce Boulevard on the development or mitigation of surges in each transmission main. The effectiveness of the existing surge tank to provide surge protection will be evaluated for normal changes in transmission main flow rates and sudden or unplanned changes in flow as a consequence of power loss to pumps or pipeline failure. The minimum and maximum flows and associated pressures will also be evaluated for subsequent submittal to the Arkansas Department of Health.
- B.2.2.5 COORDINATION WITH BEAVER WATER DISTRICT.** A Project Coordination Meeting will be conducted by BLACK & VEATCH with CITY OF FAYETTEVILLE and representatives of the Beaver Water District. A description of the project will be presented and its anticipated effect on future pumping operations of the Beaver Water District will be discussed.
- B.2.2.6 CONFIRMATION OF SCADA SYSTEM INTERFACE.** A SCADA System Meeting will be conducted by BLACK & VEATCH with CITY OF FAYETTEVILLE and representatives of Operations Management International (OMI) to confirm the requirements to interface the existing SCADA system and this project. The SCADA system work to be performed by OMI to incorporate this project into the existing HMI at the Paul R. Noland Wastewater Treatment Plant will be discussed along with the completion of a radio path study by OMI.
- B.2.2.7 PREPARATION OF BASIS OF DESIGN MEMORANDUM.** Based on the outcome of the Project Initiation Meeting and field investigations, BLACK & VEATCH will prepare a detailed Basis of Design Memorandum suitable for use in establishing agreement on the scope of the work, design parameters, performance requirements, and project approach. The Basis of Design Memorandum will contain a preliminary site plan and sketches of the pressure control stations general arrangement, along with the SCADA system interface to be furnished and installed by OMI.
- B.2.2.8 QUALITY CONTROL REVIEW.** Perform an internal quality control review of the Basis of Design Memorandum for accuracy and completeness.
- B.2.2.9 SUBMITTAL OF DESIGN MEMORANDUM.** Submit five copies of the Basis of Design Memorandum to CITY OF FAYETTEVILLE for review and comment. Also submit three copies of the Basis of Design Memorandum to the Arkansas

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

Department of Health for review and confirmation of minimum positive pressure required to be maintained in each transmission main.

B.2.2.10 DESIGN MEMORANDUM REVIEW MEETING. Meet with CITY OF FAYETTEVILLE in Fayetteville to obtain their comments on the Basis of Design Memorandum. BLACK & VEATCH will resolve any questions and revise the Basis of Design Memorandum as necessary, and resubmit five revised copies of the Design Memorandum to CITY OF FAYETTEVILLE for approval.

B.2.2.11 PRELIMINARY OPINION OF PROBABLE CONSTRUCTION COST. Prepare a preliminary opinion of probable construction cost for the improvements defined in the Basis of Design Memorandum and submit it to the CITY OF FAYETTEVILLE for review.

B.2.3 DETAILED DESIGN

B.2.3.1 COMMENCEMENT OF DETAILED DESIGN. After acceptance of the Basis of Design Memorandum by CITY OF FAYETTEVILLE, BLACK & VEATCH will proceed with detailed design of the improvements and will prepare construction contract documents. Intermediate deliverables will be submitted to City at the 50% and 90% completion stages.

B.2.3.2 50% COMPLETION - DRAWINGS, SPECIFICATIONS, AND FRONT-END DOCUMENTS. Prepare CADD drawings containing site plans of each structure, mechanical floor plans and sections, and electrical power plans and one-line diagrams. Prepare preliminary control system descriptions and an input/output list. Review and coordinate BLACK & VEATCH'S standard contract front-end documents with text and sections required by CITY OF FAYETTEVILLE and prepare draft front-end documents. Prepare preliminary specification sections for all specification Divisions. Engineer will perform an internal quality control review on the above items before submitting five copies to the City for review.

B.2.3.3 50% COMPLETION - OPINION OF PROBABLE CONSTRUCTION COST. Engineer will prepare an updated opinion of probable construction cost and submit it to the City.

B.2.3.4 50% COMPLETION - DESIGN REVIEW MEETING. Meet with CITY OF FAYETTEVILLE in Fayetteville to discuss their review comments related to the Level 1 submittal and to resolve any questions.

CITY OF FAYETTEVILLE

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APPENDIX B - SCOPE OF SERVICES FOR FINAL DESIGN PHASE

- B.2.3.5 COORDINATION WITH BEAVER WATER DISTRICT.** A second Project Coordination Meeting will be conducted by BLACK & VEATCH with CITY OF FAYETTEVILLE and representatives of the Beaver Water District following the 50% Completion Design Review Meeting. 50% Completion design documents will be reviewed with the Beaver Water District to confirm their acceptance of the proposed improvements.
- B.2.3.6 90% COMPLETION - DRAWINGS, SPECIFICATIONS AND FRONT END DOCUMENTS.** Address the CITY OF FAYETTEVILLE's review comments on 50% completion submittal and incorporate them into the preparation of final review set of drawings for 90% Completion. Prepare CADD drawings which include final installation details, dimensions, schedules, and diagrams for all design disciplines. Prepare final updated front end documents, including Instructions to Bidders, Bid Forms, Agreement and Bonds. Make final review edits to all specification sections. Perform a final internal quality control review on the above items and then submit five copies to CITY OF FAYETTEVILLE for review.
- B.2.3.7 FINAL OPINION OF PROBABLE CONSTRUCTION COST.** Prepare a final opinion of probable construction cost and submit it to the CITY OF FAYETTEVILLE.
- B.2.3.8 FINAL DESIGN REVIEW MEETING.** Meet with CITY OF FAYETTEVILLE in Fayetteville to discuss their review comments for the Level 3 submittal and to resolve any questions.
- B.2.3.9 GOVERNMENTAL AGENCY REVIEW.** After addressing the CITY OF FAYETTEVILLE's review comments on the Level 3 submittal, BLACK & VEATCH will incorporate their comments into the drawings and specifications and submit three copies of the final review drawings, front-end documents and technical specifications to the Arkansas Department of Environmental Quality and the Arkansas Department of Health for review. Attend one meeting in Fayetteville, Arkansas or Little Rock Arkansas to discuss the final review documents with regulatory agency officials, if required.
- B.2.3.10 FINAL BIDDING DOCUMENTS.** After addressing the review comments from the Arkansas Department of Environmental Quality and Arkansas Department of Health, BLACK & VEATCH will incorporate their comments into the drawings and specifications and prepare final bidding documents. Five copies of the final bidding documents will be submitted to CITY OF FAYETTEVILLE for review. After receipt of the CITY OF FAYETTEVILLE's review comments on the final Bidding Documents, BLACK & VEATCH will revise, if necessary, and provide five copies to CITY OF FAYETTEVILLE together with one electronic file copy of the Bidding Documents.

End of Appendix B

**CITY OF FAYETTEVILLE
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APPENDIX C - SCOPE OF SERVICES FOR BIDDING PHASE

This is **Appendix C**, consisting of 2 pages, referred to in and part of the **Agreement for Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and BLACK & VEATCH CORPORATION dated April 16, 2003.

Initial:
CITY OF FAYETTEVILLE
BLACK & VEATCH



The following is the Scope of Services for Bidding Phase.

- C.1 BID LETTING. Coordinate bid letting date, time, and place with CITY OF FAYETTEVILLE, and prepare final Invitation to Bid.
- C.2 PROJECT ADVERTISEMENT. Identify potential contractors and suppliers, and distribute copies of Invitation to Bid. Arrange for Invitation to Bid to be sent to contractors publishing services. Legal notice will be placed in legal notices section of a local newspaper(s) of countywide and statewide circulation and will be coordinated with CITY OF FAYETTEVILLE purchasing agent.
- C.3 PLAN HOLDERS LIST. Distribute plan holders' list to recipients of Bidding Documents prior to bid opening.
- C.4 ADDENDA DEVELOPMENT AND ISSUANCE. Prepare addenda for drawings and Bidding Documents as required and submit to CITY OF FAYETTEVILLE in timely manner such that addenda can be issued by BLACK & VEATCH in accordance with Construction Contract General Conditions.
- C.5 ISSUANCE OF BIDDING DOCUMENTS. Assist CITY OF FAYETTEVILLE by issuing and tracking Bidding Documents, addenda, and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect from prospective bidders an appropriate non-refundable fee to off-set cost of reproducing and distributing Bidding Documents.
- C.6 PRE-BID CONFERENCE. Conduct, at a date and time selected a place provided by the CITY OF FAYETTEVILLE, a Pre-Bid Conference to:
 - C.6.1 Instruct prospective bidders and suppliers as to the types of information required by the Bidding Documents and the format in which bids should be presented.
 - C.6.2 Review special project requirements and contract documents in general.

**CITY OF FAYETTEVILLE
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APPENDIX C - SCOPE OF SERVICES FOR BIDDING PHASE

- C.6.3 Receive requests for interpretations which will be addressed by addendum.
- C.6.4 Prepare minutes of Pre-Bid Conference and distribute to plan holders.
- C.7 **INTERPRET BIDDING DOCUMENTS.** Interpret Bidding Documents and prepare and issue addenda to the Bidding Documents when required.
- C.8 **BID OPENING.** Assist CITY OF FAYETTEVILLE during bid opening. Answer questions during bid opening; make preliminary tabulation of bids, and review questionnaires and bids for completeness.
- C.9 **APPARENT SUCCESSFUL BIDDER.** Review and evaluate the qualifications of the apparent successful bidder and the proposed major or specialty subcontractors. The review and evaluation will include such factors as work completed, equipment that is available for the work, financial resources, technical experience, and responses from references.
- C.10 **BID TABULATION.** Prepare and distribute formal bid tabulation sheets, evaluate bids, and make written recommendations to CITY OF FAYETTEVILLE concerning contract award.
- C.11 **CONFORMED CONSTRUCTION DOCUMENTS.** Prepare and distribute conforming copies of the construction contract documents. These services will include review of contractor's bonds, furnishing the Contractor unsigned construction contract documents, and transmitting the construction contract documents to CITY OF FAYETTEVILLE for signature and distribution.

End of Appendix C

**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX D - SCOPE OF SERVICES FOR CONSTRUCTION PHASE

This is **Appendix D**, consisting of 3 pages, referred to in and part of the **Agreement for Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and BLACK & VEATCH CORPORATION dated April 16, 2003.

Initial:
CITY OF FAYETTEVILLE
BLACK & VEATCH



The following is the Scope of Services for Construction Phase.

D.1. General

By performing these services, BLACK & VEATCH shall not have authority or responsibility to supervise, direct, or control the Contractor's work or the Contractor's means, methods, techniques, sequences, or procedures of construction. BLACK & VEATCH shall not have authority or responsibility for safety precautions and programs incident to the Contractor's work or for any failure of the Contractor to comply with laws, regulations, rules, ordinances, codes, or orders applicable to the Contractor furnishing and performing the work. Specific services to be performed by BLACK & VEATCH are as follows:

D.2. Management

BLACK & VEATCH's management functions required to successfully complete services to be provided under this Agreement, including all project correspondence with the CITY OF FAYETTEVILLE, supervision and coordination of the services provided by BLACK & VEATCH, including the scheduling and assignment of personnel, invoicing and continuous monitoring of the progress of the services.

D.3. Office Support Services During Construction

D.3.1. Review and comment on the Contractor's initial and updated construction schedule and advise CITY OF FAYETTEVILLE as to acceptability. BLACK & VEATCH's review shall be for general conformity of the to the provisions of the contract documents, to determine if the Contractor's construction schedule and activity sequence include the completion dates, construction sequencing for any special conditions (such as the ability of the CITY OF FAYETTEVILLE to keep the existing water distribution system in operation during construction). BLACK & VEATCH's review shall not include an analysis of Contractor's approach, means and methods of construction for performing the work specified in the contract documents.

D.3.2. Review and comment on the Contractor's initial schedule of values and schedule of estimated monthly payments and advise CITY OF FAYETTEVILLE as to acceptability.

**CITY OF FAYETTEVILLE
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APPENDIX D - SCOPE OF SERVICES FOR CONSTRUCTION PHASE

- D.3.3. Review drawings and other data submitted by the Contractor as required by the construction contract documents. BLACK & VEATCH's review shall be for general conformity to the construction contract documents and shall not relieve the Contractor of any of his contractual responsibilities. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction, or to safety precautions and programs incident hereto.
 - D.3.4. Receive and review guarantees, bonds, and certificates of inspection, tests and approvals which are to be assembled by the Contractor in accordance with the construction contract documents and transmit them to CITY OF FAYETTEVILLE. BLACK & VEATCH's review is not a legal review to determine if the Contractor's guarantees and bonds comply with all applicable requirements of the contract documents.
 - D.3.5. Interpret construction contract documents when requested By CITY OF FAYETTEVILLE or Contractor.
 - D.3.6. Review and process the Contractor's monthly payment applications and supporting data to determine the amounts owed to Contractor and forward to CITY OF FAYETTEVILLE if appropriate. Recommend approval of all payments to Contractor in accordance with the Contract Documents. BLACK & VEATCH's review shall be for the purpose of making a full independent mathematical check of the Contractor's payment request.
 - D.3.7. Provide documentation and administer the processing of change orders, including applications for extension of construction time. Evaluate the cost and scheduling aspects of all change orders and, where necessary, negotiate with the Contractor to obtain a fair price for the work. Said negotiation shall be subject to the approval of CITY OF FAYETTEVILLE. Services related to unusually complex or unusually numerous claims are considered an Additional Service.
- D.4. Field Support Services During Construction**
- D.4.1. At a date and time selected by CITY OF FAYETTEVILLE and at a facility provided by CITY OF FAYETTEVILLE, conduct a preconstruction conference. BLACK & VEATCH shall prepare an agenda for the conference, and prepare and distribute minutes. The preconstruction conference shall include a discussion of the Contractor's tentative schedules, procedures for transmittal and review of the Contractor's submittals, processing payment applications, processing of Contractor's request for interpretations, clarifications, or information, critical work sequencing, change orders, record documents, and the Contractor's responsibilities for safety and first aid.

**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX D - SCOPE OF SERVICES FOR CONSTRUCTION PHASE

- D.4.2. Conduct a monthly progress meeting with Contractor and prepare and distribute minutes of the meeting. While on-site, observe progress of the work, and consult with CITY OF FAYETTEVILLE's project manager and the Contractor concerning problems and/or progress of the construction. A total of three (3) meetings are anticipated.
- D.4.3. Design Team personnel with areas of responsibility including project management, civil, mechanical, electrical, and control and instrumentation will make periodic site visits. These site visits will be at intervals appropriate to the stages of construction to observe the general progress and quality of the executed work, and to determine, in general, if the Project is proceeding in accordance with the Contract Documents. It is anticipated that four (4) separate on-site visits will be required, with each site visit consisting of a three day period to observe the work. After each site visit, BLACK & VEATCH will prepare a written report summarizing discussions and site observations and submit it to CITY OF FAYETTEVILLE.
- D.4.4. Investigate any unforeseen subsurface conditions or unforeseen underground facilities that may be encountered in accordance with Construction Contract General Conditions. Submit written conclusions to CITY OF Fayetteville's project manager.
- D.4.5. Investigate claims of CITY OF FAYETTEVILLE and the Contractor relating to the acceptability of the work or the interpretation of the requirements of the construction contract documents. Submit written conclusions to CITY OF FAYETTEVILLE's project manager.
- D.4.6. Conduct a substantial completion inspection of the construction work and prepare a punch-list of those items to be completed or corrected before final completion of the project. Submit written results of the inspection to CITY OF FAYETTEVILLE's project manager and the Contractor. It is anticipated that BLACK & VEATCH's project personnel will require a total of two staff persons for one one-day inspection trip.
- D.4.7. Conduct a final inspection to determine if the construction is completed. BLACK & VEATCH shall submit written results to CITY OF FAYETTEVILLE's project manager and also provide written recommendations concerning final payment, including a list of items, if any, to be completed prior to making such payment. It is anticipated that the BLACK & VEATCH's project personnel will require a total of one staff person for one one-day inspection trip.

End of Appendix D

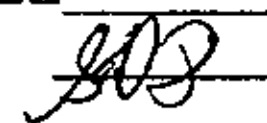
**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX E - SCOPE OF SERVICES FOR POST-CONSTRUCTION PHASE

This is **Appendix E**, consisting of 1 page, referred to in and part of the **Agreement for Professional Engineering Services** between CITY OF FAYETTEVILLE, ARKANSAS and BLACK & VEATCH CORPORATION dated April 16, 2003.

Initial:

CITY OF FAYETTEVILLE
BLACK & VEATCH



The following is the Scope of Services for the Post-Construction Phase.

- E.1 BLACK & VEATCH agrees to provide the following services after completion of the Project.
 - E.1.1 Prepare a Record Set of construction drawings based the construction records maintained by Contractor and BLACK & VEATCH. One Record Set of construction drawings shall be provided in electronic CADD files and hardcopy form to CITY OF FAYETTEVILLE.
 - E.1.2 Review and evaluate distribution system flow data received from the CITY OF FAYETTEVILLE that was measured by the new insertion-type, flow meter installed on the existing 36-inch transmission main. The evaluation will determine those flow conditions that could be used to detect when a major break has occurred in the 36-inch transmission main. Submit proposed flow conditions to the CITY OF FAYETTEVILLE for its consideration in defining when automatic isolation of that portion of the existing 36-inch transmission main between the Township Road and Joyce Boulevard, using electric actuated butterfly valves, is to occur.
 - E.1.13 Meet with CITY OF FAYETTEVILLE's project manager and representatives of Operations Management International to discuss the proposed flow conditions. CITY OF FAYETTEVILLE will provide the selected flow conditions to Operations Management International for programming the operation of the isolation valves based on flow meter output data.

End of Appendix E

**CITY OF FAYETTEVILLE
AGREEMENT FOR ENGINEERING SERVICES**

APPENDIX F - HOURLY BILLING RATES FOR ENGINEERING SERVICES

This is APPENDIX F, consisting of one page, referred to in and part of Amendment No. 1 to Agreement For Professional Engineering Services between CITY OF FAYETTEVILLE, ARKANSAS and BLACK & VEATCH dated April 16, 2003.

Initial
CITY OF FAYETTEVILLE
BLACK & VEATCH

[Signature]

Job Classification	Hourly Billing Rate		
	2005	2006	2007
Principal	\$201	\$209	\$217
Project Manager	\$172	\$179	\$185
Project Secretary	\$62	\$65	\$67
Project Account.	\$62	\$65	\$67
Project Engineer	\$159	\$165	\$171
Lead Civil Engineer	\$104	\$108	\$112
Civil Design Engineer	\$93	\$96	\$100
Civil Tech	\$83	\$86	\$89
Structural Sr.	\$149	\$155	\$161
Structural Engineer	\$120	\$125	\$130
Structural Tech	\$91	\$95	\$98
Geotech Specialist	\$140	\$145	\$151
Architect	\$114	\$118	\$123
Architect Tech	\$88	\$91	\$95
Architect Drafter	\$85	\$88	\$91
Building Mechanical Sr Engr	\$141	\$147	\$152
Building Mechanical Engineer	\$122	\$127	\$131
Building Mechanical Technician	\$78	\$81	\$84
Pump Specialist	\$165	\$172	\$178
Process Mech. / Chem Feed Engr	\$104	\$108	\$112
Electrical Specialist	\$148	\$153	\$159
Electrical Engineer	\$124	\$128	\$133
Electrical Technician	\$104	\$108	\$112
Electrical Drafting	\$91	\$95	\$98
I&C Specialist	\$143	\$148	\$154
I&C Engineer	\$127	\$132	\$137
Shop Drawings Admin	\$119	\$124	\$129
Shop Drawings Clerical	\$53	\$54	\$56
Process Engr - Odor Control	\$146	\$152	\$157
Process Engineer - Liq. Trtmt	\$156	\$162	\$168
Operations Specialist	\$136	\$142	\$147
Operations Process Engr.	\$127	\$132	\$137
Engineer - Writer	\$127	\$132	\$137
Engineer - Writer / Mfg Manuals	\$127	\$132	\$137
Technical Review	\$127	\$132	\$137
Graphics	\$91	\$95	\$98
Editor / Word Processing / Clerk	\$69	\$71	\$74
Estimator	\$133	\$138	\$143
Resident Project Representative	\$110	\$115	\$120

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

C.5.
Fayetteville Municipal Property Owners
Improvement District # 7 - Timber Trails
Page 1 of 20

9/20/2005

City Council Meeting Date

Sondra Smith

Submitted By

City Clerk

Division

City Clerk

Department

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 7 - Timber Trails. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by Jim McCord on behalf of the Improvement District.

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

Remaining Balance

N/A

Fund Name

Budgeted Item

N/A

Budget Adjustment Attached

N/A

Sondra Smith
Department Director

9/6/05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Approved as to form:
J. P. Whit
City Attorney

9/7/05
Date

Stephane
Finance and Internal Service Director

9-7-5
Date

Received in City Clerk's Office



Received in Mayor's Office



Mayor

Date

Comments:

JAMES N. McCORD
Attorney at Law
11 N. WEST AVE.
SUITE #202
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 695-1135
jimmccordlaw@alltel.net

September 6, 2005

Sondra Smith
Fayetteville City Clerk
City Administration Building
113 West Mountain Street
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement
District No. 7- Timber Trails

Dear Ms. Smith:

Enclosed for filing in the office of the Fayetteville City Clerk are three executed counterparts of a Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails. Please file mark each Petition, retain one for the City's permanent file, one for presentation to the Mayor, and return the other counterpart to me. The Petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Ark. Code Ann. Sec. 14-94-101 et seq.

. Ark. Code Ann. Sec. 14-94-106 provides:

- (a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.
- (2) The mayor shall thereupon set a date and time not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.
- (b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.



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- (2) If the governing body determines that all the owners of the real to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

* * *

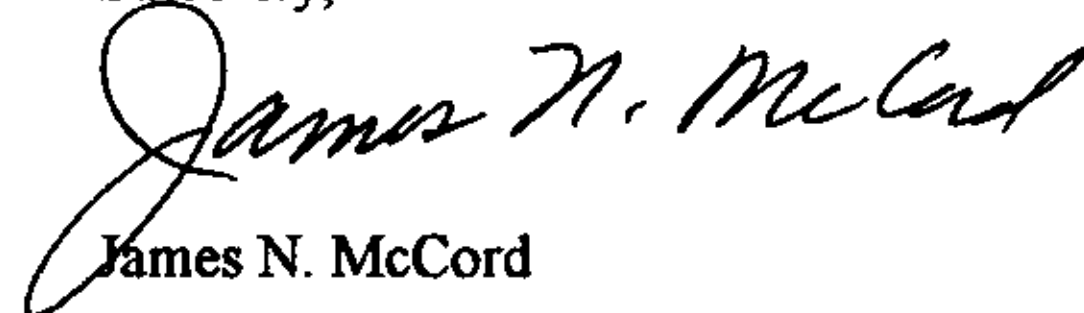
- (c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

Enclosed is a form the Mayor may use to give the City Council notice of the date and time of the hearing on the Petition. Also enclosed is an executed Abstracter's Certificate certifying that the improvement district petition is signed by the owners of the record title to all the real property described in the Petition. I have drafted and enclose an ordinance which would establish the district and name the commissioners.

Formation of a municipal property owners' improvement district is merely a financing alternative for the cost of subdivision infrastructure. The improvement district issues special assessment bonds, bond proceeds are used to construct or purchase the improvements, the district levies an annual tax on each lot in the district to pay debt service on the bonds, the annual taxes are collected by the county tax collector and paid to the bond trustee, and the trustee makes debt service payments to the bondholders. The developer must comply with all city development ordinances.

Should there be any questions, please contact me.

Sincerely,


James N. McCord

pc: Kit Williams, City Attorney
Brandon Barber

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH AND LAY OFF
FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 7- TIMBER TRAILS**

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails has been filed with the Fayetteville City Clerk; and

WHEREAS, the City Clerk has presented said petition to the Mayor; and

WHEREAS, the Mayor has set September 20, 2005, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1: That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as Fayetteville Municipal Property Owners' Improvement District No. 7-Timber Trails for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2: The following three individuals are hereby appointed as commissioners of said improvement district: Brandon Barber, Seth Kaffka and Brandon Rains.

Section 2: The following three individuals are hereby appointed as commissioners of said improvement district: Brandon Barber, Seth Kaffka and Brandon Rains.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails.

Section 4: The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

TO: Fayetteville City Council
FROM: Mayor Dan Coody
DATE: September ____, 2005
RE: Petition to Form Fayetteville Municipal Property Owners'
Improvement District No. 7 – Timber Trails

Pursuant to Ark. Code Ann. Sec. 14-94-106(a)(2), I hereby set Tuesday, September 20, 2005, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 7 – Timber Trails.

Ark. Code Ann. Sec. 14-94-106(b)(1) provides that, at the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district. Ark. code Ann. §14-94-106(b)(2)(A) provides that if the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and layoff the district as defined in the petition and to appoint the commissioners named in the petition.

cc: Kit Williams, City Attorney
James N. McCord

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE NORTH LINE OF SAID NE1/4 OF THE SW1/4 S87°07'09"E 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S87°07'09"E 1302.49 FEET TO THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 OF THE SW1/4 S02°49'15"W 988.39 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF SAID NE1/4 OF THE SW1/4; THENCE ALONG SAID SOUTH LINE N87°07'09"W 728.17 FEET; THENCE DEPARTING SAID SOUTH LINE N02°59'06"E 247.55 FEET; THENCE N88°17'28"W 383.63 FEET; THENCE N02°46'56"E 111.11 FEET; THENCE N88°18'04"W 191.00 FEET; THENCE N02°46'56"E 641.51 FEET TO THE POINT OF BEGINNING, CONTAINING 25.87 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 7- TIMBER TRAILS

For their petition to form Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails, the undersigned petitioners state:

1. Petitioners are the record title owners to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.

2. Petitioners desire that the real property described in Exhibit "A" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and

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CITY CLERK'S OFFICE



telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

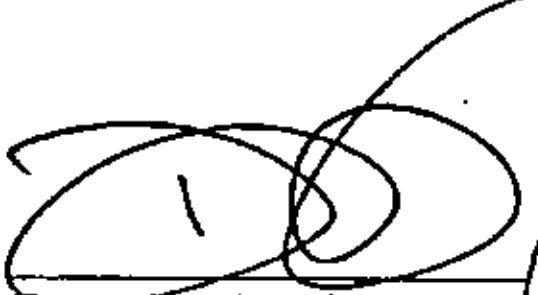
3. Petitioners desire that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioners name the following three individuals who own real property in the district to be appointed as commissioners of the district: Brandon Barber, Seth Kaffka and Brandon Rains.

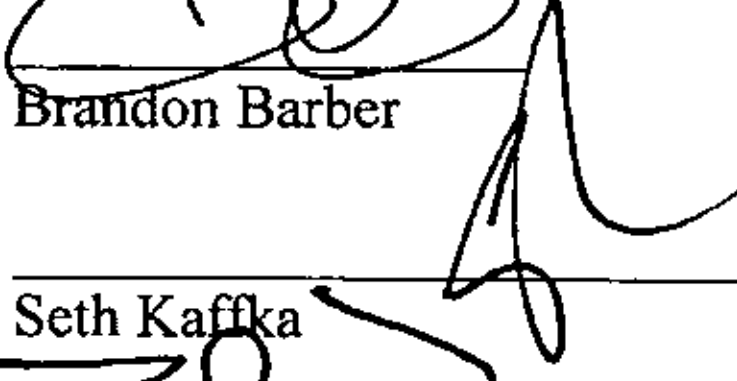
5. Petitioners propose that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails.

WHEREFORE, the undersigned Petitioners hereby petition the City Council of Fayetteville Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

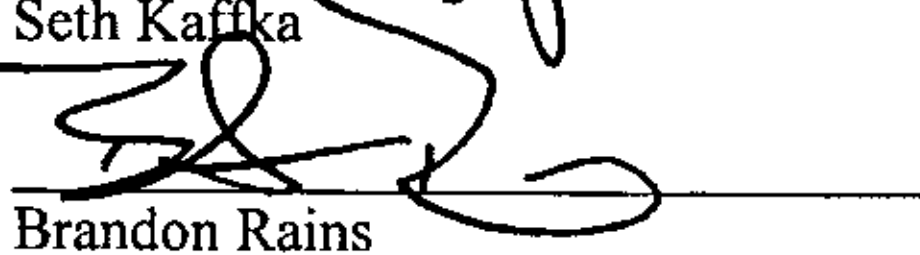
DATED this 6th day of September, 2005.



Brandon Barber

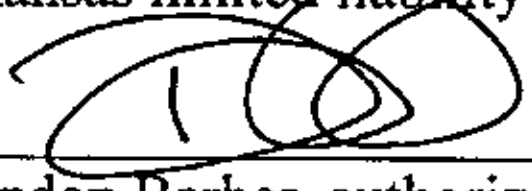


Seth Kaffka



Brandon Rains

SCB Investments, LLC
An Arkansas limited liability company

By: 

Brandon Barber, authorized member

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE NORTH LINE OF SAID NE1/4 OF THE SW1/4 S87°07'09"E 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S87°07'09"E 1302.49 FEET TO THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 OF THE SW1/4 S02°49'15"W 988.39 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF SAID NE1/4 OF THE SW1/4; THENCE ALONG SAID SOUTH LINE N87°07'09"W 728.17 FEET; THENCE DEPARTING SAID SOUTH LINE N02°59'06"E 247.55 FEET; THENCE N88°17'28"W 383.63 FEET; THENCE N02°46'56"E 111.11 FEET; THENCE N88°18'04"W 191.00 FEET; THENCE N02°46'56"E 641.51 FEET TO THE POINT OF BEGINNING, CONTAINING 25.87 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS
PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 7- TIMBER TRAILS

ABSTRACTER'S CERTIFICATE OF PROPERTY OWNERSHIP

Blue Star Title of Arkansas, Inc. hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, reflect that the following are the owners of the record title to all of the real property described in Exhibit "A" to the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 7 – Timber Trails, a copy of which Exhibit "A" is attached hereto and made a part hereof:

SCB Investments, LLC, Brandon Barber, Seth Kaffka and Brandon Rains

DATED this ^{September} 6th day of ~~August~~, 2005.

Blue Star Title of Arkansas, Inc.

By: Nancy K. Wilson
AUTHORIZED REPRESENTATIVE

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE NORTH LINE OF SAID NE1/4 OF THE SW1/4 S87°07'09"E 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S87°07'09"E 1302.49 FEET TO THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 OF THE SW1/4 S02°49'15"W 988.39 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF SAID NE1/4 OF THE SW1/4; THENCE ALONG SAID SOUTH LINE N87°07'09"W 728.17 FEET; THENCE DEPARTING SAID SOUTH LINE N02°59'06"E 247.55 FEET; THENCE N88°17'28"W 383.63 FEET; THENCE N02°46'56"E 111.11 FEET; THENCE N88°18'04"W 191.00 FEET; THENCE N02°46'56"E 641.51 FEET TO THE POINT OF BEGINNING, CONTAINING 25.87 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.



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CITY OF FAYETTEVILLE
MAYOR'S OFFICE

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

City Clerk/Treasurer Division

September 6, 2005

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

RE: Petition to form Fayetteville Municipal Property Owners'
Improvement District No. 8
Belclaire

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 7 - Timber Trails has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Sondra Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
James N. McCord

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 8- BELCLAIRE

For their petition to form Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire, the undersigned petitioners state:

1. Petitioners are the record title owners to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.

2. Petitioners desire that the real property described in Exhibit "A" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

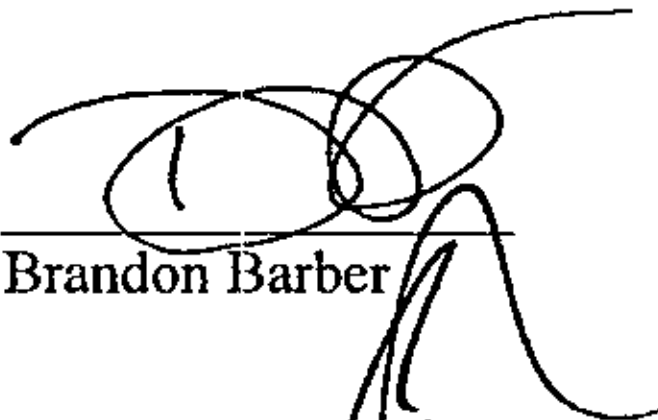
3. Petitioners desire that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioners name the following three individuals who own real property in the district to be appointed as commissioners of the district: Brandon Barber, Seth Kaffka and Brandon Rains.

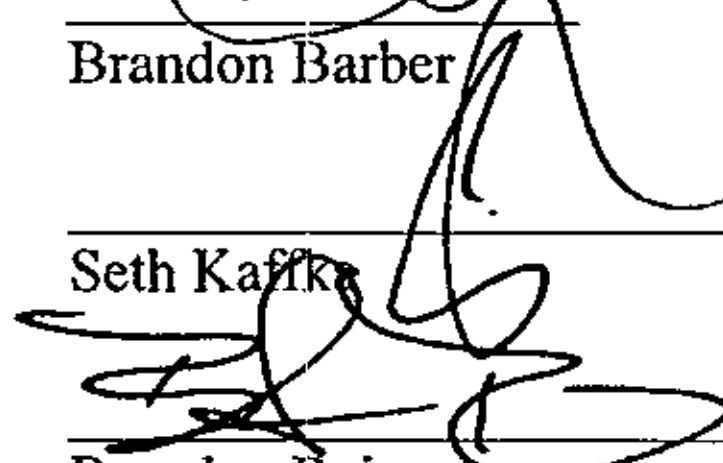
5. Petitioners propose that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire.

WHEREFORE, the undersigned Petitioners hereby petition the City Council of Fayetteville Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

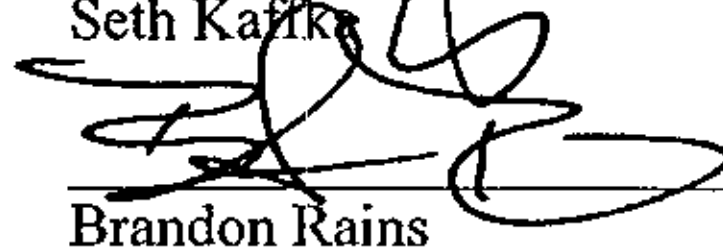
DATED this 6th day of September, 2005.



Brandon Barber

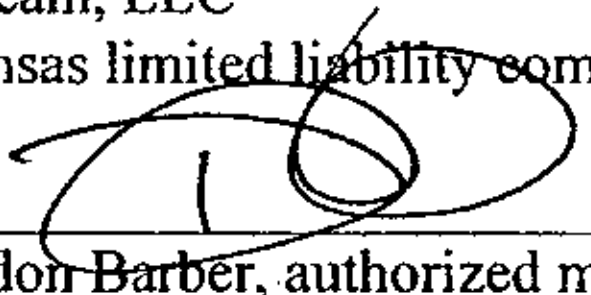


Seth Kafka



Brandon Rains

Dream Team, LLC
An Arkansas limited liability company

By: 

Brandon Barber, authorized member

ALL THE SW1/4 OF THE NW1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST,
WASHINGTON COUNTY, ARKANSAS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE NW1/4; THENCE
N02°40'23"E 1312.71 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF THE NW1/4;
THENCE S87°10'24"E 1320.29 FEET TO THE NORTHEAST CORNER OF SAID SW1/4 OF THE
NW1/4; THENCE S02°33'23"W 1314.52 FEET TO THE SOUTHEAST CORNER OF SAID SW1/4 OF
THE NW1/4; THENCE N87°05'43"W 1322.97 FEET TO THE POINT OF BEGINNING,
CONTAINING 39.86 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR
RESTRICTIONS OF RECORD OR FACT.

14-94-106. Hearing on petition and determination.

(a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.

(2) The mayor shall thereupon set a date and time, not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.

(b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

(2) If the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners as named in the petition if commissioners are named in the petition and are property owners in or creditors of the district, or as is otherwise provided from among such property owners or creditors.

(3) The petition shall state the specific purposes for which the district is to be formed, and the ordinance establishing the district shall give it a name which shall be descriptive of the purpose. It shall also receive a number to prevent its being confused with other districts for similar purposes.

(c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

(d) The findings of the governing body shall be conclusive unless attacked by a suit in the chancery court of the county in which the municipality is located, brought within thirty (30) days after the publication.

History. Acts 1987, No. 113, § 4; 1989, No. 276, § 2; 1995, No. 1127, § 2.

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

C.6.
Fayetteville Municipal Property Owners
Improvement District # 8 - Belclaire
Page 1 of 20

9/20/2005
City Council Meeting Date

Sondra Smith
Submitted By

City Clerk
Division

City Clerk
Department

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 8 - Belclaire. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by Jim McCord on behalf of the Improvement District.

N/A Cost of this request	N/A Category / Project Budget	N/A Program Category / Project Name
N/A Account Number	N/A Funds Used to Date	N/A Program / Project Category Name
N/A Project Number	N/A Remaining Balance	N/A Fund Name

Budgeted Item ☐ N/A Budget Adjustment Attached ☐ N/A

[Signature] 9/6/05
Department Director Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Approved as to form:
[Signature] 9/7/05
City Attorney Date

Received in City Clerk's Office
ENTERED 9-6-05

[Signature] 9-7-05
Finance and Internal Service Director Date

Received in Mayor's Office
ENTERED 9/7/05

Mayor Date

Comments:

JAMES N. McCORD
Attorney at Law
11 N. WEST AVE.
SUITE #202
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 695-1135
jimmccordlaw@alltel.net

September 6, 2005

Sondra Smith
Fayetteville City Clerk
City Administration Building
113 West Mountain Street
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement
District No. 8- Belclaire

Dear Ms. Smith:

Enclosed for filing in the office of the Fayetteville City Clerk are three executed counterparts of a Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire. Please file mark each Petition, retain one for the City's permanent file, one for presentation to the Mayor, and return the other counterpart to me. The Petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Ark. Code Ann. Sec. 14-94-101 et seq.

. Ark. Code Ann. Sec. 14-94-106 provides:

- (a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.
- (2) The mayor shall thereupon set a date and time not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.
- (b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



- (2) If the governing body determines that all the owners of the real to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

* * *

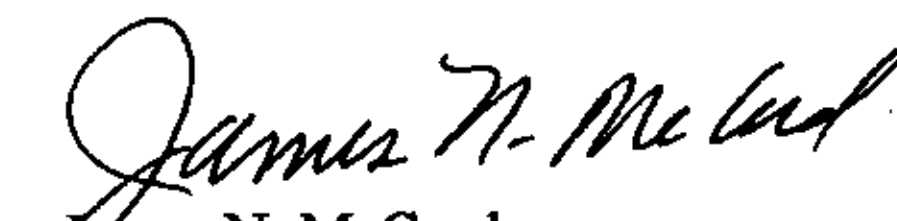
- (c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

Enclosed is a form the Mayor may use to give the City Council notice of the date and time of the hearing on the Petition. Also enclosed is an executed Abstractor's Certificate certifying that the improvement district petition is signed by the owners of the record title to all the real property described in the Petition. I have drafted and enclose an ordinance which would establish the district and name the commissioners.

Formation of a municipal property owners' improvement district is merely a financing alternative for the cost of subdivision infrastructure. The improvement district issues special assessment bonds, bond proceeds are used to construct or purchase the improvements, the district levies an annual tax on each lot in the district to pay debt service on the bonds, the annual taxes are collected by the county tax collector and paid to the bond trustee, and the trustee makes debt service payments to the bondholders. The developer must comply with all city development ordinances.

Should there be any questions, please contact me.

Sincerely,


James N. McCord

pc: Kit Williams, City Attorney
Brandon Barber

TO: Fayetteville City Council
FROM: Mayor Dan Coody
DATE: September ___, 2005
RE: Petition to Form Fayetteville Municipal Property Owners'
Improvement District No. 8 – Belclaire

Pursuant to Ark. Code Ann. Sec. 14-94-106(a)(2), I hereby set Tuesday, September 20, 2005, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 8 – Belclaire.

Ark. Code. Ann. Sec. 14-94-106(b)(1) provides that, at the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district. Ark. code Ann. §14-94-106(b)(2)(A) provides that if the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and layoff the district as defined in the petition and to appoint the commissioners named in the petition.

cc: Kit Williams, City Attorney
James N. McCord

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH AND LAY OFF
FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 8- BELCLAIRE**

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire has been filed with the Fayetteville City Clerk; and

WHEREAS, the City Clerk has presented said petition to the Mayor; and

WHEREAS, the Mayor has set September 20, 2005, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and

WHEREAS, the Fayetteville City Council has determined from an abstracter's certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

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

Section 1: That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as Fayetteville Municipal Property Owners' Improvement District No. 8-Belclaire for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

Section 2: The following three individuals are hereby appointed as commissioners of said improvement district: Brandon Barber, Seth Kaffka and Brandon Rains.

Section 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire.

Section 4: The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ALL THE SW1/4 OF THE NW1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST,
WASHINGTON COUNTY, ARKANSAS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE NW1/4; THENCE
N02°40'23"E 1312.71 FEET TO THE NORTHWEST CORNER OF SAID SW1/4 OF THE NW1/4;
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CONTAINING 39.86 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR
RESTRICTIONS OF RECORD OR FACT.

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT
YOU FAVOR THE ESTABLISHMENT OF AN
IMPROVEMENT DISTRICT. IF THE DISTRICT
IS FORMED, YOU MAY BE CHARGED FOR
THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 8- BELCLAIRE

For their petition to form Fayetteville Municipal Property Owners' Improvement
District No. 8- Belclaire, the undersigned petitioners state:

1. Petitioners are the record title owners to all of the real property described in
Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in
the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas.
All of said property is located within the corporate limits of the City of Fayetteville,
Arkansas.

2. Petitioners desire that the real property described in Exhibit "A" attached
hereto and made a part hereof be established and laid off into a municipal property
owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the
purpose of constructing, purchasing, accepting as a gift or maintaining facilities for
waterworks, recreation, drainage, gas pipelines, underground trenches and excavations
necessary for the installation by public utilities or municipal utilities of electric and

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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

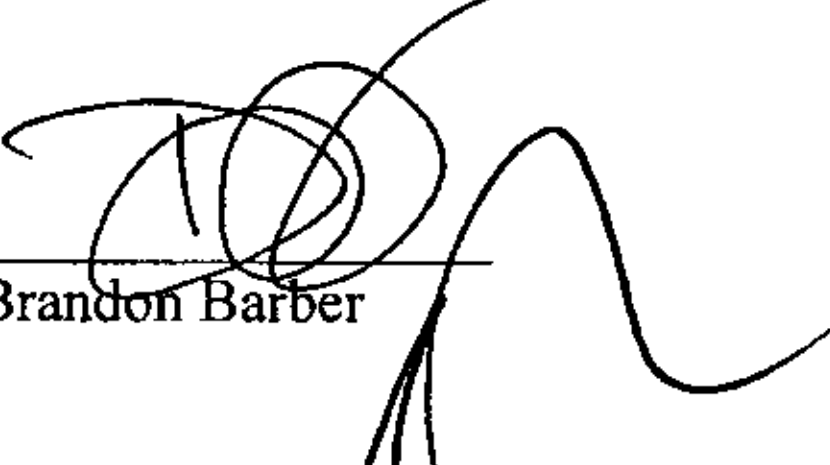
3. Petitioners desire that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioners name the following three individuals who own real property in the district to be appointed as commissioners of the district: Brandon Barber, Seth Kaffka and Brandon Rains.

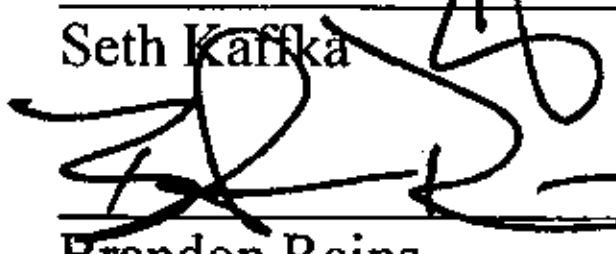
5. Petitioners propose that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire.

WHEREFORE, the undersigned Petitioners hereby petition the City Council of Fayetteville Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 8- Belclaire for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

DATED this 6th day of September, 2005.



Brandon Barber

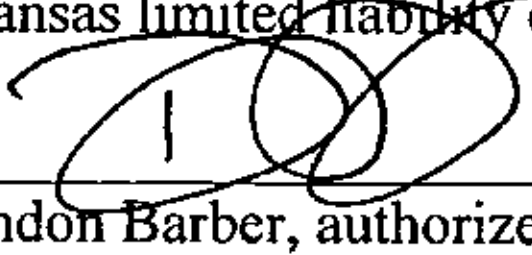


Seth Kafka



Brandon Rains

Dream Team, LLC
An Arkansas limited liability company

By: 

Brandon Barber, authorized member

ALL THE SW1/4 OF THE NW1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST,
WASHINGTON COUNTY, ARKANSAS, ALSO DESCRIBED AS FOLLOWS:

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RESTRICTIONS OF RECORD OR FACT.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

**PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 8- BELCLAIRE**

ABSTRACTER'S CERTIFICATE OF PROPERTY OWNERSHIP

Blue Star Title of Arkansas, Inc. hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, reflect that the following are the owners of the record title to all of the real property described in Exhibit "A" to the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 8 – Belclaire, a copy of which Exhibit "A" is attached hereto and made a part hereof:

Dream Team, LLC, Brandon Barber, Seth Kaffka and Brandon Rains

DATED this 6th day of September, 2005.

Blue Star Title of Arkansas, Inc.

By: Nancy K. Wilson
AUTHORIZED REPRESENTATIVE

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SEP 06 2005

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**



ALL THE SW1/4 OF THE NW1/4 OF SECTION 28, TOWNSHIP 17 NORTH, RANGE 30 WEST,
WASHINGTON COUNTY, ARKANSAS, ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SW1/4 OF THE NW1/4; THENCE
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CONTAINING 39.86 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR
RESTRICTIONS OF RECORD OR FACT.



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SEP 06 2005

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

113 West Mountain
Fayetteville, AR 72701

Telephone: (479) 575-8323

Fax: (479) 718-7695

city_clerk@ci.fayetteville.ar.us

City Clerk/Treasurer Division

September 6, 2005

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

RE: Petition to form Fayetteville Municipal Property Owners'
Improvement District No. 7
Timber Trails

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 7 - Timber Trails has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Sondra Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
James N. McCord

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 7- TIMBER TRAILS

For their petition to form Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails, the undersigned petitioners state:

1. Petitioners are the record title owners to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.

2. Petitioners desire that the real property described in Exhibit "A" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and

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SEP 06 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

3. Petitioners desire that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purpose of preserving, maintaining, and operating the improvements, replacing equipment, paying salaries to employees, and performing any other functions or services authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioners name the following three individuals who own real property in the district to be appointed as commissioners of the district: Brandon Barber, Seth Kaffka and Brandon Rains.

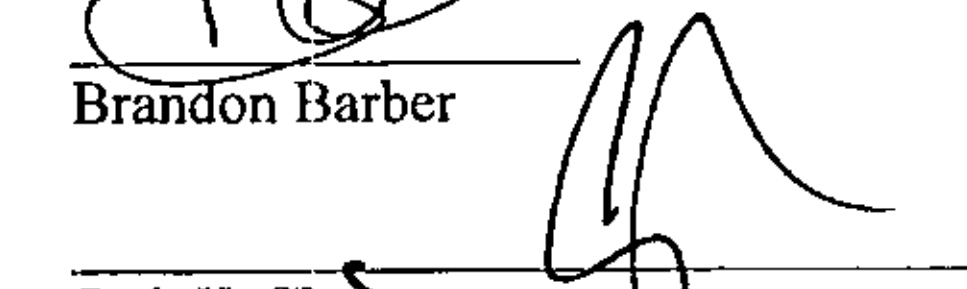
5. Petitioners propose that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails.

WHEREFORE, the undersigned Petitioners hereby petition the City Council of Fayetteville Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 7- Timber Trails for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

DATED this 6th day of September, 2005.



Brandon Barber

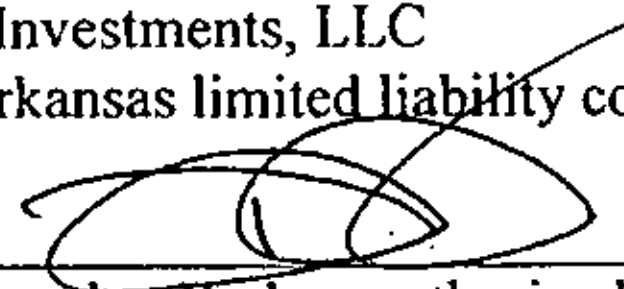


Seth Kafka



Brandon Rains

SCB Investments, LLC
An Arkansas limited liability company

By: 

Brandon Barber, authorized member

PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE NORTH LINE OF SAID NE1/4 OF THE SW1/4 S87°07'09"E 20.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE S87°07'09"E 1302.49 FEET TO THE NORTHEAST CORNER OF SAID NE1/4 OF THE SW1/4; THENCE ALONG THE EAST LINE OF SAID NE1/4 OF THE SW1/4 S02°49'15"W 988.39 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF SAID NE1/4 OF THE SW1/4; THENCE ALONG SAID SOUTH LINE N87°07'09"W 728.17 FEET; THENCE DEPARTING SAID SOUTH LINE N02°59'06"E 247.55 FEET; THENCE N88°17'28"W 383.63 FEET; THENCE N02°46'56"E 111.11 FEET; THENCE N88°18'04"W 191.00 FEET; THENCE N02°46'56"E 641.51 FEET TO THE POINT OF BEGINNING, CONTAINING 25.87 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

14-94-106. Hearing on petition and determination.

(a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.

(2) The mayor shall thereupon set a date and time, not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.

(b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

(2) If the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners as named in the petition if commissioners are named in the petition and are property owners in or creditors of the district, or as is otherwise provided from among such property owners or creditors.

(3) The petition shall state the specific purposes for which the district is to be formed, and the ordinance establishing the district shall give it a name which shall be descriptive of the purpose. It shall also receive a number to prevent its being confused with other districts for similar purposes.

(c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

(d) The findings of the governing body shall be conclusive unless attacked by a suit in the chancery court of the county in which the municipality is located, brought within thirty (30) days after the publication.

History. Acts 1987, No. 113, § 4; 1989, No. 276, § 2; 1995, No. 1127, § 2.

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

C.7.
VAC 05-1651 Petrino/Prince
Page 1 of 16

20-Sep-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 05-1651: (Petrino/Prince, 362/363): Submitted by Ed Prince, for property located at 3041 and 3043 Marigold Drive, Lot 69 of Pine Valley Phase IV. The property is zoned RMF-24, Residential Multi Family, 24 units per acre. The request is to vacate a portion of a utility easement crossing the subject property.

\$363.00	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

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

City Attorney

9/2/05

Original Contract Number: n/a

Finance and Internal Service Director

Date

Received in City Clerk's Office

ENTERED
9/2/05

Mayor

Date

Received in Mayor's Office

ENTERED

9-2-05

Comments:

City Council Meeting of September 20, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: August 30, 2005

Subject: Easement Vacation for Petrino/Prince (VAC 05-1651)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating the southern 5-feet of a 25-foot utility easement along the northwest portion of the subject property, as depicted herein.

BACKGROUND

The subject property is Lot 69 of Pine Valley Phase IV. The lot was platted with a 25' building setback and general utility easement for use along Marigold Dr. There were no objections from the utility representatives. The water main is located within the right-of-way and the sewer is located to the west of the lot.

The building permit for this property was approved with the home located outside of all required building setbacks. A survey of the property conducted after construction of the home found that a wall that was constructed on the west side of the walkway protruded into the 25' utility easement and front setback (see attached photo). The wall was constructed along the walkway because of a significant drop in elevation along the west side of the structure. The applicant plans to apply for a variance for the encroachment into the front setback, if the utility easement vacation is approved.

The applicant requests to vacate the southern 5-feet of the existing easement.

DISCUSSION

Notification was provided to all appropriate utility representatives and adjoining property owners. No objections were submitted. This item was heard at the regular Planning Commission on August 22, 2005. The Planning Commission voted 6-0-0 to recommend this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 05-1651 SUBMITTED BY
ED PRINCE FOR PROPERTY LOCATED AT 3041 AND 3043
MARIGOLD DRIVE, VACATING A PORTION OF A UTILITY
EASEMENT AS INDICATED ON THE ATTACHED MAP AND
LEGAL DESCRIPTION.

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

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

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

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

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

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

Section 3. That this Vacation approval is subject to the condition of approval that
further development of this property shall not encroach within any existing
easements or setbacks.

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By _____
Dan Coody, Mayor

ATTEST:

By _____
Sondra Smith, City Clerk

EXHIBIT "A"
VAC 05-1651

THE SOUTH 5.00' OF THE EXISTING 25.00' UTILITY EASEMENT ALONG THE
NORTHSIDE OF LOT 69, PINE VALLEY SUBDIVISION PHASE IV, TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION IN THE OFFICE OF
THE CIRCUIT CLERK AND EX-OFFICIO RECORDER, WASHINGTON COUNTY,
ARKANSAS.

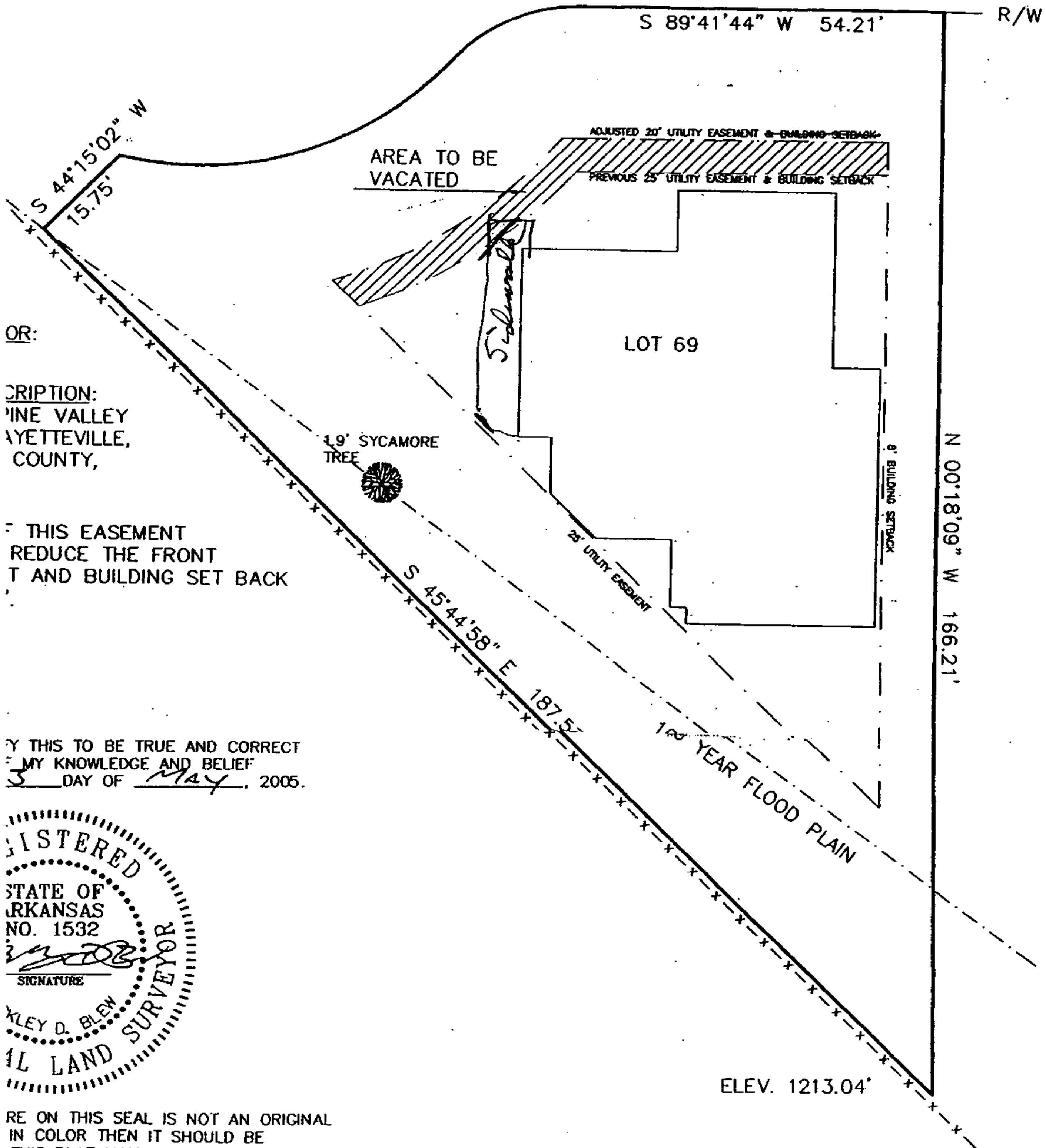
DRAFT

EXHIBIT "B"

C.7.
VAC.05-1651 Petrino/Prince
Page 5 of 16

MARIGOLD DRIVE

ELEV. 1229.30'



OR:

DESCRIPTION:
PINE VALLEY
WYETTEVILLE,
COUNTY,

THIS EASEMENT
REDUCE THE FRONT
T AND BUILDING SET BACK

BY THIS TO BE TRUE AND CORRECT
MY KNOWLEDGE AND BELIEF
3 DAY OF May, 2005.

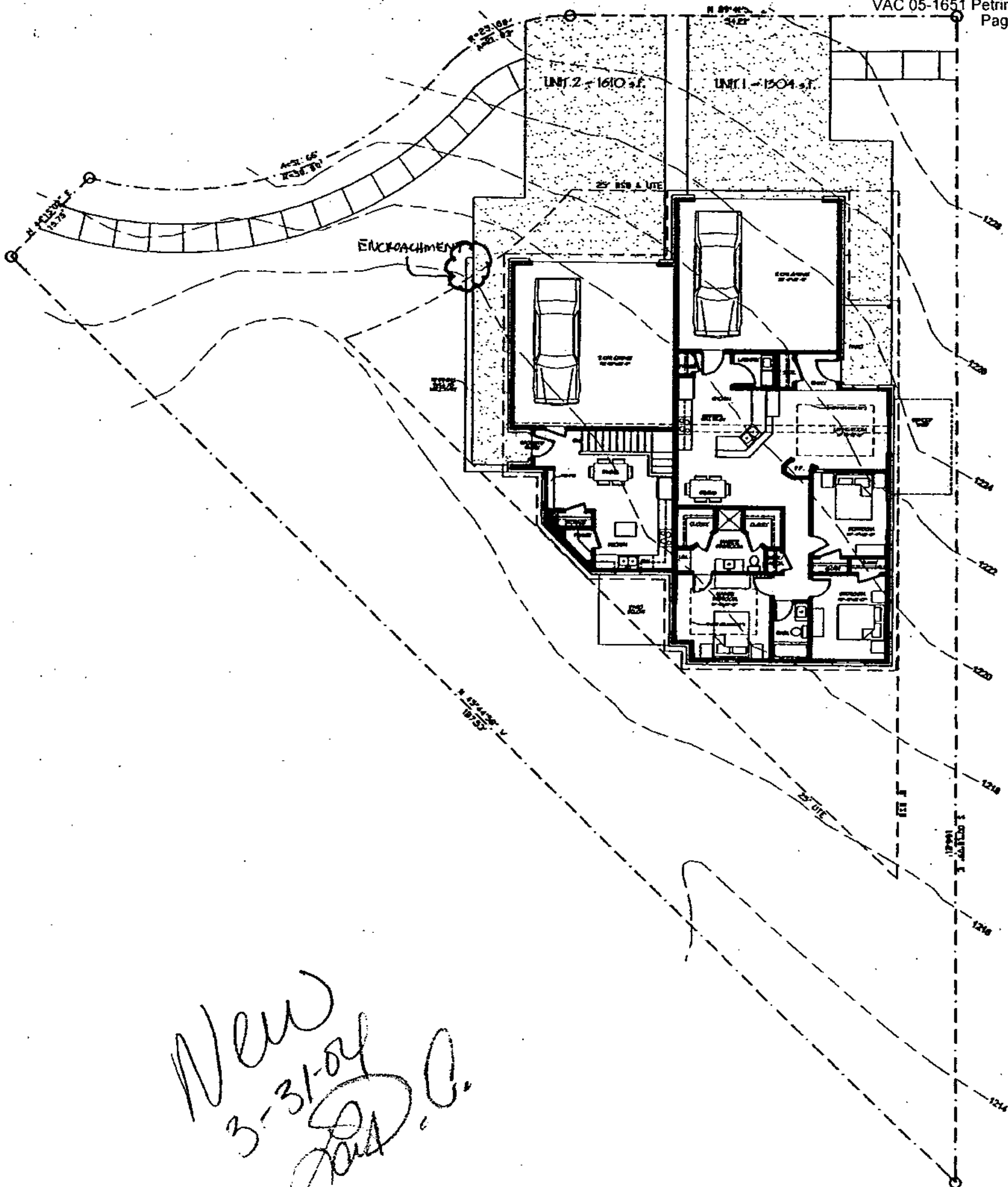


RE ON THIS SEAL IS NOT AN ORIGINAL
IN COLOR THEN IT SHOULD BE
THIS PLAT MAY HAVE BEEN ALTERED.
IFICATION SHALL NOT APPLY TO ANY
S NOT BEAR AN ORIGINAL SEAL AND

0' 20' 40' 60'

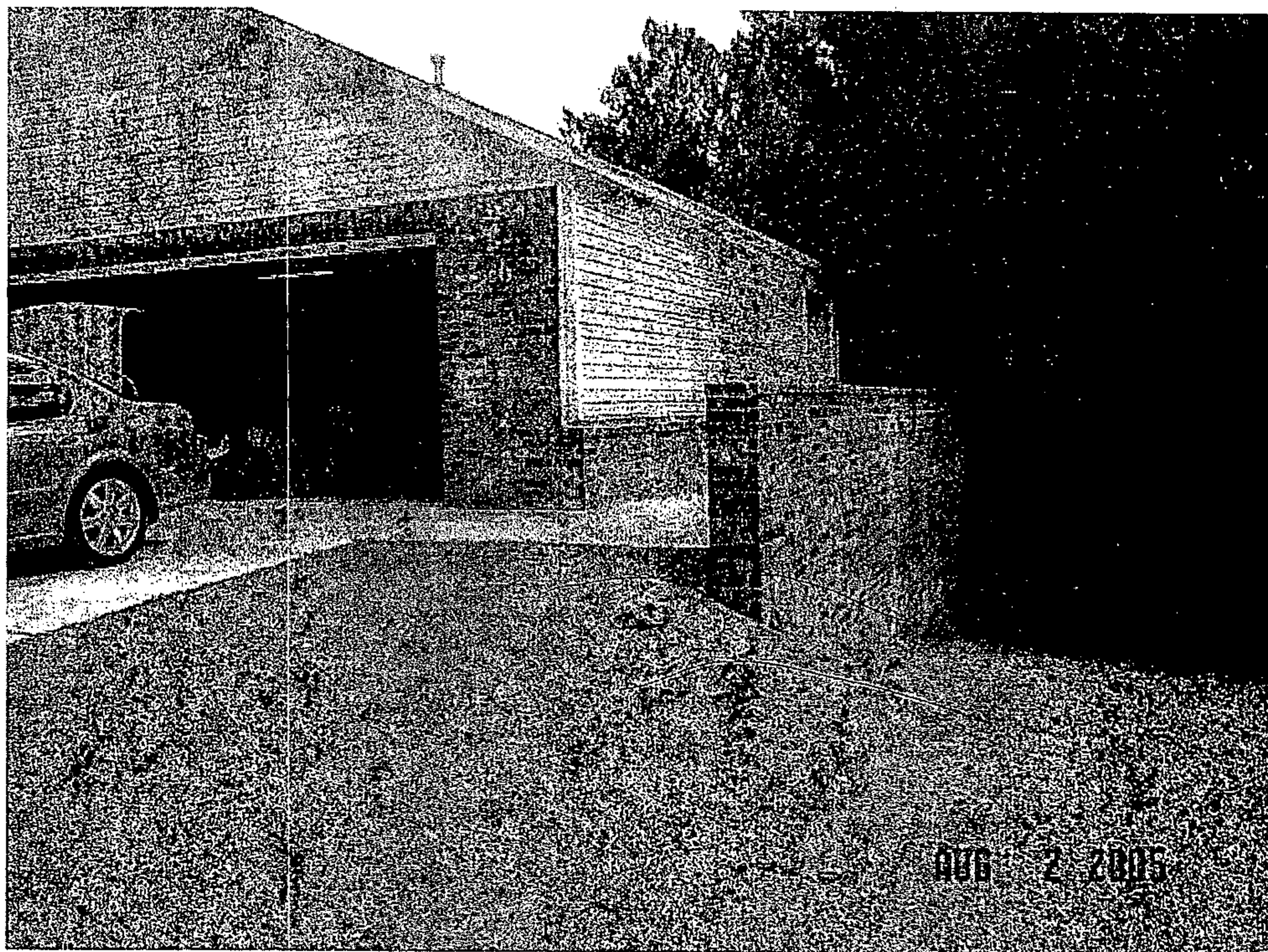


GRAPHIC SCALE 1 inch = 20 ft.



SITE PLAN (lot 69)

1" = 20'-0"





PC Meeting of August 22, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: August 15, 2005

(VAC 05-1651: Vacation (Petrino/Prince, pp 362/363) Submitted by ED PRINCE for property located at 3041 & 3043 MARIGOLD DRIVE. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE. The request is to vacate a portion of a utility easement on the subject property.

Findings: Vacating the portions of easement would not adversely affect access to the utilities serving the property or any other adjacent property.

Background: The subject property is Lot 69 of Pine Valley Phase IV. The lot was platted with a 25' building setback and utility easement. The easement is for general utility use along Marigold Drive. Utility representatives have no objections to the requested vacation. The water main is located within the right-of-way and the sewer is located to the west of the lot.

The building permit for this property was approved with the home located outside of all required building setbacks. A survey of the property was conducted after construction of the home and the owner found that a wall that was constructed on the west side of the walkway protruded into the 25' utility easement and front setback. The wall was constructed along the walkway because of a significant drop in elevation along the west side of the structure. The applicant is planning on applying for a variance for the encroachment into the front setback, if the utility easement vacation is approved.

Request: The request is to vacate the southern 5' of the existing easement.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES

Ozarks Electric

Cox Communications

RESPONSE

No Objections.

No comments.

AEP/SWEPCO

No Objections.

SW Bell

No Objections.

Arkansas Western Gas

No Objections.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer

No Objections.

Transportation

No Objections.

Solid Waste

No Objections.

Engineering

No Objections.

Public Comment: The applicant has submitted the required notification forms to the adjacent property owners. Adjacent property owners had no objections to the proposed vacation.

Recommendation: Staff recommends approval of the proposed utility easement vacation 05-1651 with the following condition:

1. Further development of this property shall not encroach within any existing easements or setbacks.

PLANNING COMMISSION ACTION: yes Required _____ Approved _____ Denied

Date:
August 22, 2005

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By

Title

Date

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: _____

161.13 District Rmf-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
------------------------	---------

Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
•Development	10,000 sq. ft.
•Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
•No bedroom	1,700 sq. ft.
•One bedroom	1,700 sq. ft.
•Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements .

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

Cross reference(s)--Variance, Ch. 156.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

PETITION TO VACATE UTILITY EASEMENT

**PETITION TO VACATE AN EASEMENT LOCATED IN LOT 69, PINE VALLEY
SUBDIVISION PHASE IV, CITY OF FAYETTEVILLE, ARKANSAS**

**TO: The Fayetteville City Planning Commission and
The Fayetteville City Council**

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 69, Pine Valley Subdivision Phase IV, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

**THE SOUTH 5' OF THE EXISTING 25' UTILITY EASEMENT ALONG THE
NORTH SIDE OF LOT 69 PINE VALLEY SUBDIVISION PHASE IV, TO THE CITY
OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION IN THE
OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER,
WASHINGTON COUNTY, ARKANSAS.**

That the abutting real estate affected by said abandonment is: Lot 69 Pine Valley Subdivision in the City of Fayetteville, Arkansas; used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate and that the title to said real estate sought to abandoned to be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said utility easement.

Dated this th 20 day of June, 2005

Printed name

Signature

Printed name

Signature

APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE

C.7.
VAC 05-1651 Petrino/Prince
Page 14 of 16

Plat Page: 262
Hansen AP#: 8957

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: PME-24 SITE ADDRESS: 3041 + 3043 W. Marigold Dr.
 • PROPERTY OWNER: Sandra Petrino HOME PHONE: 479 443-4100
 • PROPERTY OWNER'S ADDRESS: 1914 E. Mission Blvd CITY: Fayetteville STATE: AR ZIP: 72703
 • 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: 1/16" = 1'
 • PROPOSED BUILDING HEIGHT: 21' 8" 31' 8"
 • ARE THERE OTHER STRUCTURES EXISTING ON THE LOT?
 YES ☒ NO ☐ If yes, please describe: _____

Lot # 69 x 146'

• SETBACKS:		FOR OFFICIAL USE ONLY:	
	PROPOSED:	MINIMUM:	COMMENT:
NORTH:	<u>25</u>	<u>25</u>	<u>25' UETBSB</u>
SOUTH:	<u>25</u>	<u>25</u>	<u>25' UETBSB</u>
EAST:	<u>8</u>	<u>8</u>	
WEST:	<u>25</u>	<u>25</u>	<u>25' UETBSB</u>

SECTION (C) NON-RESIDENTIAL REQUIREMENTS:

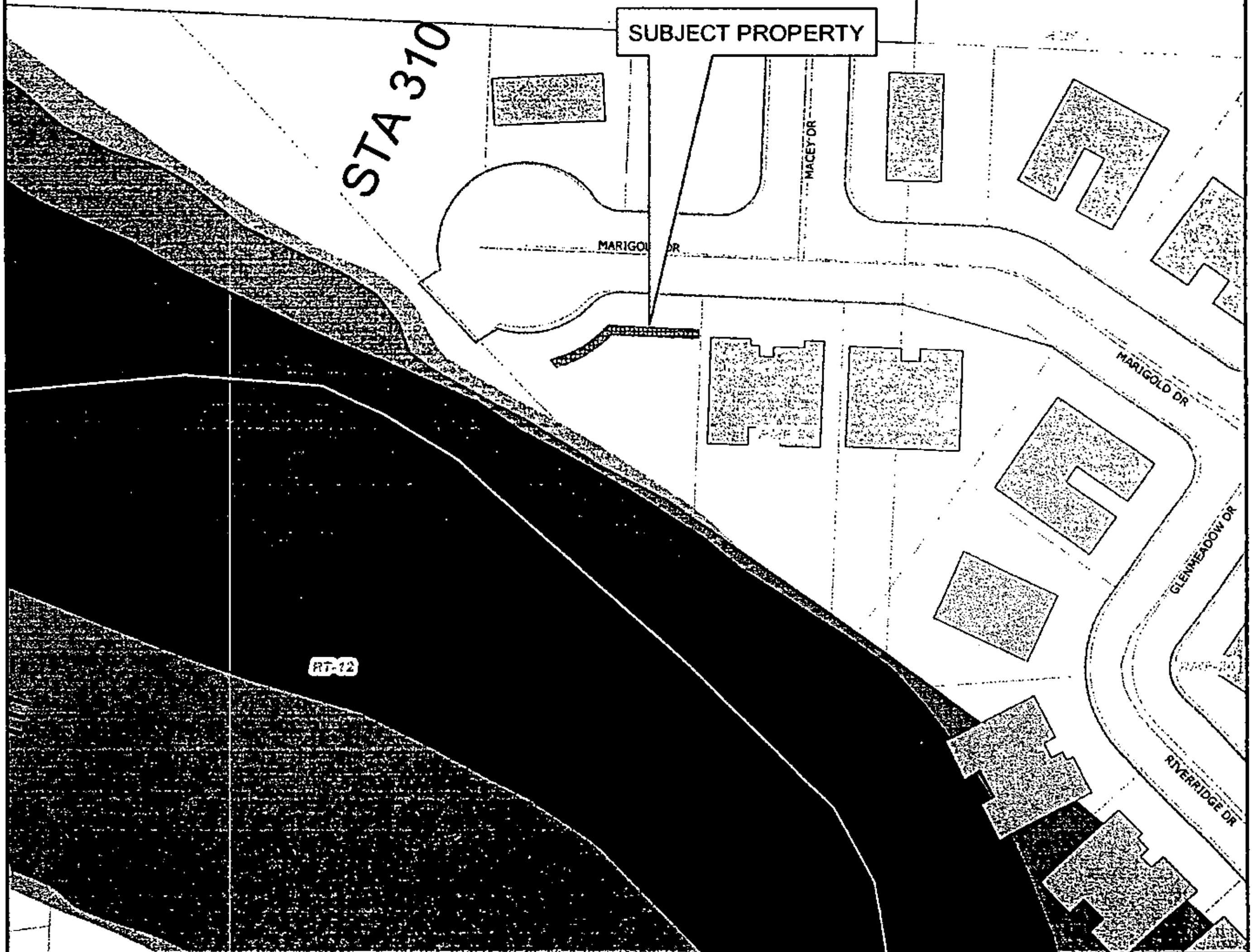
- BUSINESS NAME: _____ BUSINESS PHONE: _____
 • NAME ON LEASE: _____ HOME PHONE: _____
 • HOME ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____
 • INTENDED USE OF STRUCTURE: _____ PREVIOUS USE OF STRUCTURE: _____
 • IS THE STRUCTURE VACANT? YES NO If yes, how long has the structure been vacant? _____
 • 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: _____
 • OUTDOOR STORAGE OF MATERIAL AND/OR EQUIPMENT? YES NO If yes, please describe: _____
 • SQ. FT. OF TOTAL BUILDING: _____ SQ. FT. OF YOUR BUSINESS: _____ SQ. FT. OF EXPANSION: _____

***NOTE: When a Home Occupation or change of use invites the public onto its premises by signage, advertisements or otherwise then a Change of Occupancy is required. A Change of Occupancy usually requires alterations to bring structure in to code compliance for the proposed occupancy. Application for a Change of Occupancy can be obtained from the Building Safety Division or at the City Web site.**

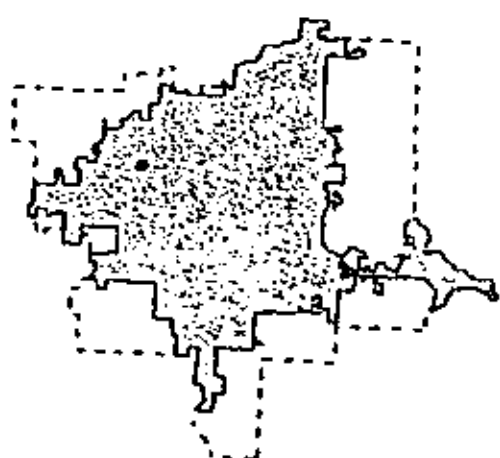
VAC05-1650

Close Up View

PETRINO/PRINCE



Overview



Legend

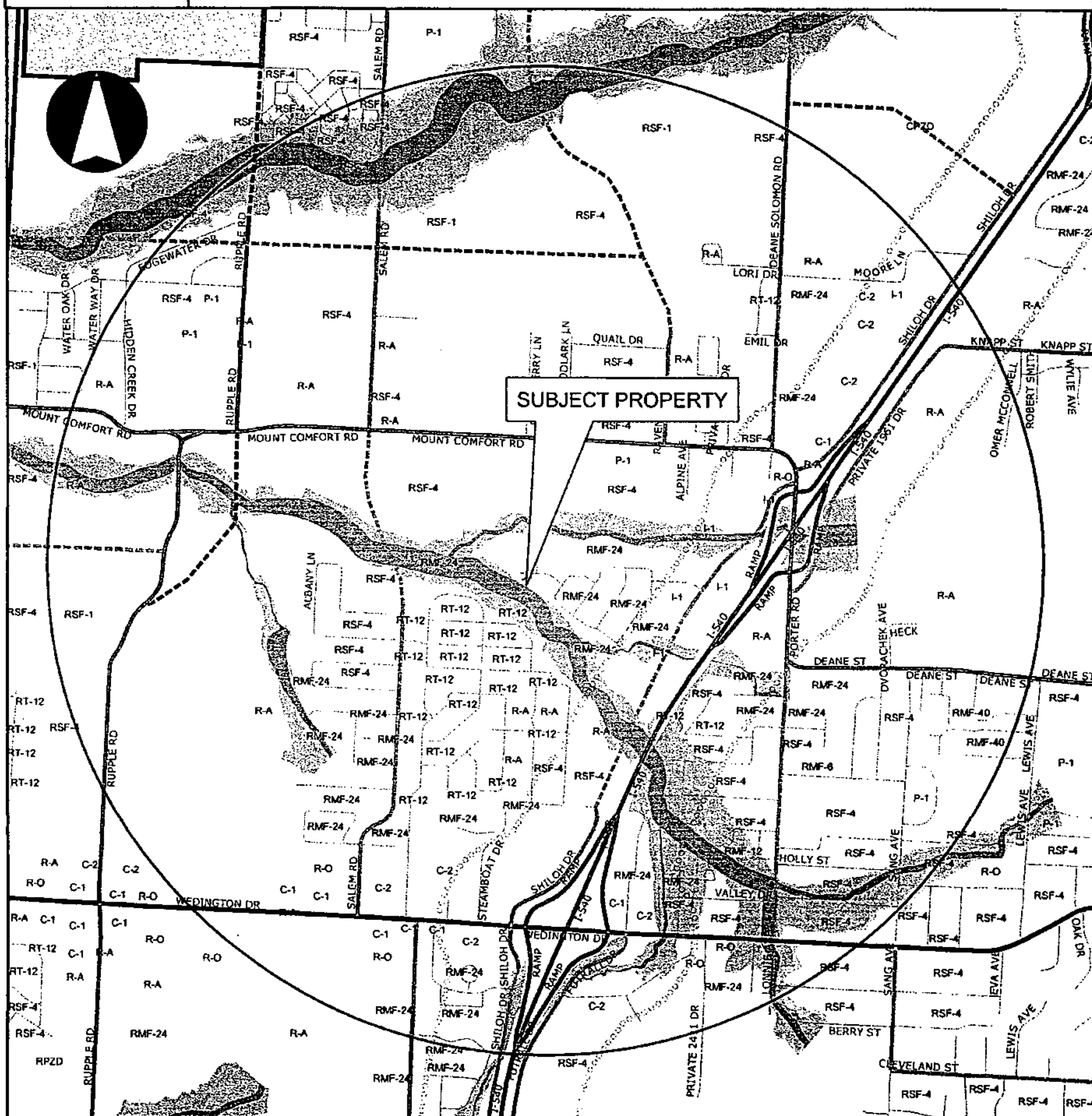
- VAC05-1650 Overlay District
- FLOODWAY
- 500 YEAR
- 100 YEAR
- LIMIT OF STUDY
- Baseline Profile
- Fayetteville
- Outside City

0 50 100 200 300 400 Feet

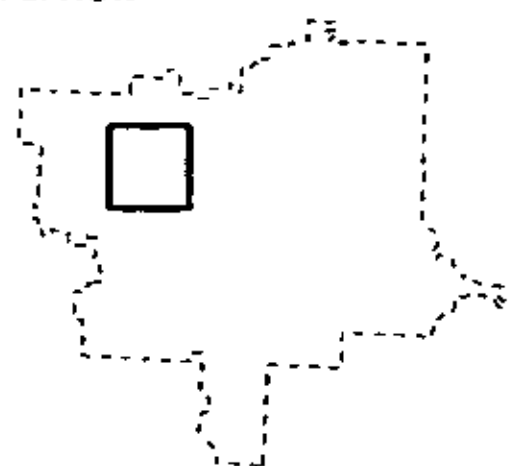
VAC05-1650

One Mile View

PETRINO/PRINCE



Overview



Legend

Subject Property
VAC05-1650

Boundary

Planning Area
Overlay District
Outside City

Legend

0 0.125 0.25 0.5 0.75 1

Miles

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

C.8.
North Street Church of Christ
Page 1 of 40

20-Sep-05
City Council Meeting Date

Jeremy Pate^X
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 05-1649: (NORTH STREET CHURCH OF CHRIST, 362): Submitted by Hight-Jackson Associates P.A. for property located at Mt.Comfort Road. The property is zoned RSF-4, Residential Single Family, 4 units per acre, and contains approximately 16.61 acres. The request is to rezone the subject property to P-1, Institutional.

\$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
9/2/05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

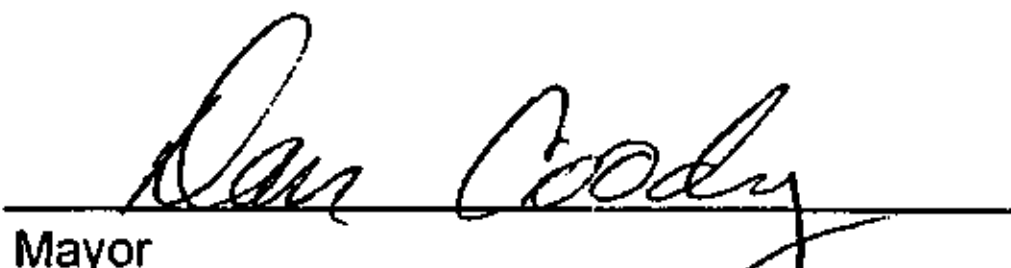

City Attorney
9/2/05
Date

Original Contract Number: n/a


Finance and Internal Service Director
9-2-05
Date

Received in City Clerk's Office

ENTERED
9/2/05


Mayor
9/2/05
Date

Received in Mayor's Office

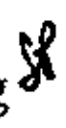
ENTERED
9-2-05

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 30, 2005

Subject: Rezoning for North Street Church of Christ (RZN 05-1649)

RECOMMENDATION

The Planning Commission voted to recommend approval of the subject rezoning request rezoning approximately 16.61 acres of property from RSF-4, Residential Single-Family Four Units Per Acre, to P-1, Institutional.

BACKGROUND

The subject property contains 16.61-acres and is owned by North Street Church of Christ. It is located on the south side of Mount Comfort Road east of the future Salem Road. The site is surrounded by single-family homes along Mount Comfort Road and undeveloped land. The applicant intends to develop this property for a church serving approximately 600-800 people at full build-out. A Conditional Use Permit was approved by the Planning Commission on February 14, 2005 to allow a church use on the site, however, the church would like to have a monument sign and any freestanding signs are prohibited in the RSF-4 zoning district. The applicant requests a rezoning of the subject property from RSF-4 to P-1, the allowable zoning for a church (Use Unit 4) that would also allow for a monument sign. Staff recommends approval of this rezoning request based on findings stated herein. The development of this property for a church will be compatible with the existing and planned residential development surrounding the property and in the Mount Comfort Road vicinity.

DISCUSSION

This item was heard at the regular Planning Commission on August 22, 2005. The Planning Commission voted 6-0-0 to recommend this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1649 FOR APPROXIMATELY
16.61 ACRES LOCATED AT MT. COMFORT ROAD FROM RSF-4,
RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO P-1,
INSTITUTIONAL.

**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 P-1,
Institutional, 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 05-1649

TRACT #1

A 7.95 ACRE PART OF THE EAST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, T-16-N, R-30-W, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE N89°53'32" E A DISTANCE OF 329.08' TO POINT; THENCE S00°14'09" E A DISTANCE OF 264.66' TO A SET IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE N89°53'32" E A DISTANCE OF 329.22' TO AN IRON PIN; THENCE S00°16'00" E A DISTANCE OF 1049.83' TO AN IRON PIN; THENCE S89°24'39" W A DISTANCE OF 329.79' TO AN IRON PIN; THENCE N00°14'09" W A DISTANCE OF 1052.60' TO AN IRON PIN AT THE POINT OF BEGINNING. HAVING AN AREA OF 346377.6 SQUARE FEET OR 7.95 ACRES MORE OR LESS.

THIS PROPERTY IS SERVED BY A 25' WIDE INGRESS EGRESS AND UTILITY EASEMENT AS SHOWN ON DEED #97034187 IN THE WASHINGTON COUNTY CIRCUIT CLERKS OFFICE. SUBJECT TO ALL EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS AND ALL OTHER ENCUMBRANCES, BOTH PUBLIC AND PRIVATE.

TRACT #2

A 8.15 ACRE PART OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, T-16-N, R-30-W, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE N89°53'32" E A DISTANCE OF 159.55' TO POINT; THENCE S00°24'35" E A DISTANCE OF 30' TO A POINT ON THE SOUTH RIGHT-OF-WAY OF MT. COMFORT ROAD AND THE TRUE POINT OF BEGINNING; THENCE N89°53'32" E ALONG THE SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 48.55' TO A POINT; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S00°11'47" W A DISTANCE OF 246.54' TO AN IRON PIN; THENCE N89°54'25" E A DISTANCE OF 122.76' TO A POINT; THENCE S00°14'09" E A DISTANCE OF 1040.69' TO AN IRON PIN; THENCE S89°24'39" W A DISTANCE OF 329.79' TO AN IRON PIPE; THENCE N00°12'19" W A DISTANCE OF 1041.84' TO AN IRON PIN; THENCE N88°59'23" E A DISTANCE OF 160.55' TO AN IRON PIN; THENCE N00°24'38" W A DISTANCE OF 245.66' TO THE POINT OF BEGINNING. HAVING AN AREA OF 354962.6 SQUARE FEET OR 8.15 ACRES MORE OR LESS.

SUBJECT TO ALL EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS AND ALL OTHER ENCUMBRANCES, BOTH PUBLIC AND PRIVATE.

TRACT #3

A 0.51 ACRE PART OF THE WEST HALF OF THE WEST HALF OF THE
NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, T- 16-
N, R-30-W, OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF
FAYETTEVILLE, WASHINGTON COUNTY ARKANSAS. BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SAID 10 ACRE TRACT,
AND RUNNING THENCE S88°37'23"E A DISTANCE OF 78.70'; THENCE
S00°57'30" W 276.44'; THENCE N88°37'23"W 80.66'; THENCE N01°14'20"E
276.44' TO THE POINT OF BEGINNING, CONTAINING 0.51 ACRES MORE OR
LESS. LESS AND EXCEPT THAT PART OF THE NORTHEND EMBRACED IN
MT. COMFORT ROAD.

SUBJECT TO ALL EXISTING EASEMENTS, RIGHT-OF-WAYS, RESTRICTIONS
AND ALL OTHER ENCUMBRANCES, BOTH PUBLIC AND PRIVATE.

DRAFT



PC Meeting of August 22, 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 16, 2005

RZN 05-1649: RZN 05-1649: (NORTH STREET CHURCH OF CHRIST, 362): Submitted by HIGHT-JACKSON ASSOC. P.A. for property located at MT. COMFORT ROAD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 16.61 acres. The request is to rezone the subject property to P-1, Institutional.

Property Owner: NORTH STREET CHURCH OF CHRIST
Planner: ANDREW GARNER

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required ☒ YES
<i>Recommendation to be:</i>	☒ Approved ☐ Denied
Date: <u>August 22, 2005</u>	<i>Clark, Graves</i> <u>2-1</u> <u>6-0</u> <u>0</u>
CITY COUNCIL ACTION:	Required ☒ YES
	☐ Approved ☐ Denied
Date: <u>September 20, 2005 (1st reading if recommended)</u>	

BACKGROUND:

Property Description: The subject property contains three parcels totaling 16.61 acres and is located on the south side of Mount Comfort Road east of the future Salem Road. The site is zoned RSF-4, Residential Single Family Four Units per Acre. The site is occupied by farmland, and is surrounded by single family homes along Mount Comfort Road and undeveloped land as depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family homes	RSF-4, Res. Single Family – 4 units/acre
South	Greenspace deeded to City Parks	RMF-24, Res. Multi-Family – 24 units/acre
East	Agricultural/vacant property	RSF-4, Res. Single Family – 4 units/acre
West	Agricultural/vacant property	RSF-4, Res. Single Family – 4 units/acre

Background: A Conditional Use Permit to allow for a new church (Use Unit 4) on the site in the existing RSF-4 Zoning District was approved by the Planning Commission on February 14, 2005.

Proposal: The applicant intends to utilize the property for a church serving approximately 600-800 people at full build-out. The church would include an auditorium, administrative offices, educational classrooms and multi-purpose facilities. A Conditional Use Permit was approved to allow a church use on the site, however, the church would like to have a monument sign and any freestanding signs are prohibited in the RSF-4 Zoning District. Therefore the applicant is proposing to re-zone the property to P-1, Institutional, the allowable zoning for a church (Use Unit 4) that would also allow for a monument sign.

Recommendation: Staff recommends approval of the rezoning request. Granting a re-zone to P-1 for these uses allowed within the P-1, Institutional, zoning district would be consistent with surrounding land uses that are in large part being developed for residential uses. The addition of a church in this area would be able to serve and be supported by the future population of the surrounding areas. Specific conditions for screening, landscaping, etc. will aid in diminishing the presence of the non-residential use in a residential area. Further Mount Comfort Road is dedicated as a minor arterial on the Master Street Plan, and is planned to support traffic that would be generated by the proposed church. The February 14, 2005 Planning Commission Staff report (attached) provides more details on traffic and other items addressed with the Conditional Use application.

INFRASTRUCTURE:

Streets: Access to the site is provided by Mount Comfort Road, a minor arterial, as identified in the Master Street Plan.

Water: Public water is adjacent to the site. Water service will need to be extended within the property at the time of development. There are no long range improvements for the water system in this area.

Sewer: Sanitary sewer is adjacent to the site along the north and the south ends of the property. Sewer service is in the process of being re-aligned to allow development of the property. A study of the downstream sewer system must be completed by the developer prior to submittal of construction plans.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time would be within acceptable limits of service delivery, estimated at four minutes from Fire Station No. 7.

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 Residential uses. While not residential in use, rezoning this property to P-1, Institutional for use of a church is compatible with surrounding properties that are primarily residential and provides a support service to the surrounding, growing community.

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 residential in nature with some undeveloped area, and function within a residential district that has several churches along Mount Comfort Road. This area of Mount Comfort Road is indicated on the Future Land Use plan as residential. The proposed church would be compatible with the existing and future residential uses as it would serve and be supported by the future population of the surrounding areas. The proposed church would be best facilitated by a P-1 zoning, which would more accurately reflect the proposed use than the current RSF-4 zoning. Additionally, P-1 zoning would also allow one free-standing sign. The church desires a freestanding sign within view of Mount Comfort Road as the proposed structures would be sited well south of the road.

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 some Guiding Policies for Residential areas that are applicable to the proposed rezoning:

9.8.d Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances.

The proposed use would be compatible to adjacent land uses and would encourage continued growth of this identified residential area. The proposed church use would serve the existing and future population of the surrounding areas and would not create a nuisance or adversely affect the public interest.

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, at times of peak hours during church services, increase traffic accessing onto Mount Comfort Road more than allowed under the current RSF-4 zoning. Mount Comfort Road is a minor arterial roadway that has been prioritized for comprehensive improvements in the future by the City Street Committee. Depending on the timing of development, it is likely that staff would recommend typical street improvements in the form of an assessment for this development. With this standard requirement the project would not create additional traffic that would result in traffic danger or congestion. Additional review of cross-access to adjacent, vacant properties will also be evaluated.

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. 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 would not adversely impact adequate response times for City Fire Department to this development.

Engineering - Water: Public water is adjacent to the site. Water service will need to be extended within the property at the time of development. There are no long range improvements for 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 northern property line. Sewer service will need to be extended within the property at the time of development.

Streets: The site has access to Mount Comfort Road, a minor arterial. Construction of street improvements may be required, or an assessment for those improvements. Dedication of right-of-way per the City's Master Street Plan will be required. Cross-access or street connectivity will also be evaluated at the time of development.

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

Finding: N/A

**Fayetteville Unified Development Code
Section 161.07 District Rsf-4, Residential
Single-Family – Four Units Per Acre**

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

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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

**Fayetteville Unified Development Code
Section 161.22 District P-1, Institutional**

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that 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.

(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(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

NORTH STREET CHURCH OF CHRIST REZONE

**CORRESPONDENCE FROM CITY OF
FAYETTEVILLE POLICE AND FIRE
DEPARTMENT**



Fayetteville Fire Department

MEMO

To: Suzanne Morgan, Planning
From: Chris Lynch, Fire Management Team
Date: 08/15/03
Re: Zoning Review

The following requests for annexation and/or rezoning are all within the acceptable limits of service delivery impact for the Fire Department.

- 1) R-PZD05-1610, East Square
- 2) R-PZD05-1635, the Falling Water subdivision request is currently considered in the upper threshold in relation to response times. That area is currently serviced by Fire Station #5. With the addition of Fire Station #3, the response times for this area will substantially improve. The service impact of this development will typically take eighteen months to occur.
- 3) RZN 05-1649, North St COC.
- 4) RZN 05-1650, Knight

Cc: Jeremy Pate
Andrew Garner
Jesse Fulcher



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C.8.
North Street Church of Christ
Page 15 of 40

POLICE DEPARTMENT

Monday, August 15, 2005

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

Dear Mr. Pate,

This document is in response to the request for a determination of whether the proposed **RZN 051649: (North Street Church of Christ)** submitted by Hight-Jackson Associates P.A. would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and congestion.

It is the opinion of the Fayetteville Police Department this rezoning request will have a negligible impact on the population density and traffic congestion for that area.

Sincerely,

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

Lieutenant Rob Turberville
Fayetteville Police Department

**NORTH STREET CHURCH OF CHRIST
REZONE APPLICATION
APPLICANT SUBMITTAL LETTER JULY 13, 2005**

HIGHT - JACKSON
ASSOCIATES . P A
ARCHITECTS AND PLANNERS



July 13, 2005

Suzanne Morgan
City of Fayetteville, Planning Office
125 West Mountain Street
Fayetteville, AR 72701

Please find the follow responses to questions 6 and 7 on the attached Rezoning Application.

- 6a. The current owner is the North Street Church of Christ. No sales are pending on the proposed property.
- 6b. The property needs to be rezoned to prepare for the Large Scale Development design process and have proper zoning for a Religious Institution.
- 6c. The zoning and proposed use relate to existing land usage for adjacent properties along Mount Comfort Road because it is consistent with other Religious Institutions on nearby property. In addition, the building will sit well south of the roadway so as not to detract from the residential setting. Signage, lighting, parking and landscaping will be designed according to the proposed zoning. Furthermore, under conditional occupancy of the existing RSF-4 zoning the building would not be readily identifiable from the street without a monument sign.
- 6d. Water and sewer are available directly on or adjacent to the property with adequate size to accommodate the facility. 10 inch and 12 inch gravity sewer mains lie with the property line on the south side of the site and a 12 inch water main lies along the south side of Mount Comfort Road inside the north property line.
- 7a. The proposed zoning is consistent with existing land uses along Mount Comfort Road. Planing and Zoning Commission members encouraged the rezoning of this property at a previous Conditional Use Permit hearing for the same development.
- 7b. This rezoning is justified and will not adversely effect surrounding properties and will be needed to comply with current ordinances.
- 7c. The project will cause only slight traffic increases on a periodic basis due to meeting times. Meeting times will be scheduled in the future but are anticipated to be typical of a Religious Institution of this size and nature.
- 7d. Population densities will not be increased because the site will not be used for dwelling units and will increase the burden on public services in a minimal manner.

**NORTH STREET CHURCH OF CHRIST
CONDITIONAL USE PERMIT**

**PLANNING DIVISION STAFF REPORT
FEBRUARY 14, 2005
PLANNING COMMISSION MEETING**



PC Meeting of February 14, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Leif Olson, Associate Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Interim Planning Director
DATE: February 08, 2005

CUP 05-1369: Conditional Use (NORTH STREET CHURCH OF CHRIST):
Submitted by HIGHT-JACKSON ASSOCIATES for property located at at 3225 W. MT. COMFORT RD., WEST OF I-540. The property is zoned RSF-4, RESIDENTIAL-SINGLE FAMILY 4/UNITS PER ACRE and contains approximately 16 acres. The request is to approve the development of a Church (Use Unit 4) in an RSF-4, Residential Single Family zoning district.

Property Owner: DOCKERY/MIDDLETON

Planner: LEIF OLSON

RECOMMENDED MOTION:

Staff recommends approval of the requested church use in the RSF-4 zoning district on the described property, subject to the following conditions:

1. Conditional Use approval shall not be construed to guarantee Large Scale Development approval. A Large Scale Development plan shall be submitted for Planning Commission approval of the proposed development and shall comply with all applicable provisions of the Unified Development Code including, but not limited to: tree preservation, minimum parking requirements, minimum buffering requirements, minimum landscape requirements, storm water detention, setbacks and bulk/area requirements.
2. The project shall conform to the setbacks and open space requirements of the RSF-4 zoning district, and to any other applicable development requirements.
3. A minimum of 70 feet of frontage shall be required along Mt. Comfort Rd. for this property to be developed as proposed, or a variance request granted by the Board of Adjustment. *Staff recommends an additional twenty feet of frontage be obtained and adjusted onto the subject property, pursuant to City Code.*
4. A property line adjustment shall be approved by the Planning Division and filed with the County to merge the two deeded tracts of land proposed for

this development.

5. All exterior lighting for the project shall be shielded, directed downward and away from adjacent properties. Light poles shall not exceed 20' in height, and only high pressure sodium lighting or energy equivalent shall be permitted. Lighting shall not be excessively bright or cause a glare that would be injurious to pedestrians, vehicles or adjacent property owners.
6. All trash dumpsters shall be enclosed on all sides, with access not visible from the street or adjacent properties. The enclosure shall be constructed of materials similar or identical to that of the primary structures, to ensure complimentary and compatible design.
7. All roof- or ground-mounted utilities shall be screened from view utilizing materials that are compatible with and complimentary to the architecture of the building.
8. A detailed landscape plan shall be provided at the time of Large Scale Development review. In order to adequately screen the proposed non-residential use from surrounding RSF-4 properties, the applicant shall install a minimum 12-foot wide landscape buffer surrounding the development, to screen access drives, parking areas, detention areas, buildings, etc. This screen access buffer strip shall be entirely on the lot which is required to provide the buffer strip, and shall extend along the full length of the boundary separating the lot from surrounding properties. The landscape buffer area shall consist of a combination of evergreen and deciduous trees and shrubs sufficient to screen the use. The buffer strip shall be in addition to other parking lot and Large Scale Development landscape requirements.
9. Based upon the intensity of use and traffic generation proposed at the time of development, the applicant shall be responsible for a proportionate share of off-site street improvements to Mt. Comfort Road, the street most affected by the proposed use. Depending upon timing, staff may recommend typical street improvements to be made in the form of an assessment for this development, in order to assist in the comprehensive Mt. Comfort improvement plans.
10. Signage within the RSF-4 zoning district is highly limited. Freestanding or monument signs are not allowed. A limit of one (1) on-site wall sign not to exceed 16 square feet in display surface area is permitted.

PLANNING COMMISSION ACTION: Required YES
Date: February 14, 2005 ☒ Approved

☐ Denied

8-0-1

Comments:

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this conditional use.

Name:

Date:

BACKGROUND:

Property Description: The subject 16-acre site is located east of the future Salem Rd. and south of Mt. Comfort Rd. The site is situated between Mt. Comfort Rd. on the north and Hamestring Creek on the south. It is zoned RSF-4, Residential Single Family 4 Units / Acre. Currently it is occupied by farmland, with single family homes along Mt. Comfort Road.

The proposed site for this church is actually comprised of two separate deeded tracts of land with two separate owners. The eastern tract of land is owned by Middleton (7.95 acres) and was created as a tandem lot in 1988. As such, this tract is restricted to one single family dwelling unit, unless combined with another tract with adequate access and street frontage. This tract does not have frontage on Mt. Comfort Rd. and is only accessible through a 25' access easement. In order to develop this property as proposed, this tract will have to be merged with the parcel to the west. The tract of land located to the west is owned by Dockery (8.15 acres). Based on staff research, this tract was created prior to 1985, without City approval. The current property owners also own an adjacent parcel of land with 120 feet of frontage onto Mt. Comfort. According to city ordinance, paraphrased, if two lots with continuous frontage in single ownership each do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel, and no parcel shall be used or sold in a manner which diminishes compliance with lot width and area. Thus development of the subject parcel could not occur without a property line adjustment to obtain an additional 20 feet of the smaller Dockery parcel or a variance approval by the Board of Adjustment.

Proposal: The applicant is requesting approval for the use of a new church in the RSF-4 zoning district, which requires a conditional use permit. Design of the actual structure has not yet occurred, though a conceptual site plan has been submitted for general review. The applicant proposes a church serving approximately 600-800 people at full build-out. The program calls for an auditorium, administrative offices, educational classrooms and multi-purpose facilities. The church has submitted anticipated hours of operation, which is a seven-day schedule with evening and morning services proposed. Detention to control stormwater runoff from the development is anticipated, as is screening of the use from adjacent neighborhoods and property.

Parking: All parking is to be provided on-site; the City's parking regulations call for a minimum of 648 spaces to be provided, based on the amount of auditorium space proposed. With the conceptual plan submitted, the usable space will need to decrease in order to meet the parking ordinance requirements.

Access: Access to the site is proposed in two locations on Mt. Comfort Rd. Based on the traffic generated from the church, two points of ingress/egress that meet city codes are required. These points of access are to be evaluated for sight distance, conformance to city specifications, design standards and location, at the time of development.

Request: The applicant requests approval for the development of a church, Use Unit 4:

Cultural and recreational facilities, within the RSF-4 zoning district. The proposed use is not permissible within the RSF-4 zoning district without conditional use approval.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single family homes	RSF-4, Res. Single Family – 4 units/acre
South	Greenspace deeded to City Parks	RMF-24, Res. Multi-Family – 24 units/acre
East	Agricultural/vacant property	RSF-4, Res. Single Family – 4 units/acre
West	Agricultural/vacant property	RSF-4, Res. Single Family – 4 units/acre

GENERAL PLAN DESIGNATION: Residential

§ 163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting a conditional use for a church within the RSF-4 zoning district.

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
- (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under §161.07.B to grant the requested conditional use permit.

- (b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Granting the conditional use will not adversely affect the public interest. Surrounding properties are in large part being developed for residential use. The addition of a church in this area will be able to serve and be supported by the future population of the surrounding areas. The public interest is not considered adversely affected by the presence of a church. Specific conditions for screening, landscaping, etc. will aid in diminishing the presence of the non-residential use in a residential area.

- (c.) The Planning Commission shall certify:

- (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are no specific rules governing this individual conditional use request.

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

- (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: The lot on which the use is proposed has 50 feet of frontage onto Mt. Comfort, plus the approximately 120 feet with the adjacent lot that is considered a part of overall property, by ordinance. Unless a variance is granted by the Board of Adjustment, an additional 20 feet of property must be acquired for a Large Scale Development to be processed for this development. This allows for one point of access,

which is proposed to have both left and right turn lanes. A second access point to Mt. Comfort Rd is proposed through a 25' access easement located on the eastern edge of the development. Two points of access are necessary for adequate traffic flow and control and access in case of fire or other emergency. Pedestrian access has not been addressed with the application materials provided by the developer.

Offsite street improvements will be necessary on Mt. Comfort Road, based on the traffic impact imposed by the use proposed at the time of development. A church typically generates much more peak-time traffic flows, particularly at the times of evening and morning services. An approximate summation of peak hour flows has been calculated (see attached), resulting in an average 2-way weekday traffic volume of 683 cars per day, equating to roughly 68 homes. Assessments for future improvements along Mt. Comfort are at this time being recommended, due to the City Street Committee's prioritization for comprehensive Mt. Comfort improvements in the near future. It is anticipated, depending upon the timing of development, that staff will recommend typical street improvements to be in the form of an assessment for this development.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: Off-street parking areas as proposed in the concept plan do not meet the City's minimum requirement for the number of spaces required. A minimum of 665 spaces would be required to serve the roughly 38,000 SF auditorium, if this entire space is considered, as indicated, as assembly area/auditorium. The applicant proposes 348 parking spaces at this time with another 140 spaces proposed in the future, for a total build out of 488 parking spaces. An additional 177 parking spaces would need to be constructed to meet the City's minimum parking requirements, should the numbers submitted on the site plan hold true. Site constraints such as parking, tree preservation areas, buffer areas, landscape islands, storm water detention, etc. greatly inhibit the potential development of this site for such a large auditorium. Staff is recommending approval of the church use, with the condition that the amount of square feet proposed be adequately served with appropriate parking as determined by city code, and all other ordinance requirements are fully met. A more fully developed site plan will be essential in order to determine the maximum

potential build-out for the proposed use, while complying with all other zoning and development regulations.

Lighting for the parking lot shall be shielded, directed downward and away from adjacent properties. All parking lot fixtures shall utilize full cut-off sodium fixtures with a maximum height of 20 feet.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: The applicant has not addressed the issue of solid waste collection with this application. However, with Large Scale Development review of the project, Solid Waste will review the size, type and location of containers to ensure needs are adequately met. All trash dumpsters shall be enclosed on all sides, with access not visible from the street or adjacent properties. The enclosure shall be constructed of materials similar or identical to that of the primary structures, to ensure complimentary and compatible design.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities to serve the development will be reviewed at Technical Plat Review at the time of development. All existing overhead electric/cable lines under 12-kv on the property shall be relocated underground. All new utilities shall be located underground. All roof- or ground-mounted utilities shall be screened from view utilizing materials that are compatible with and complimentary to the architecture of the building.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: A detailed landscape plan shall be provided at the time of Large Scale Development review. In order to adequately screen the proposed non-residential use from surrounding RSF-4 properties, the applicant shall install a minimum 12-foot wide landscape buffer surrounding the development, to screen access drives, parking areas, detention areas, buildings, etc. This buffer strip shall be entirely on the lot which is required to provide the buffer strip, and shall extend along the full length of the boundary separating the lot from surrounding properties. The landscape buffer area shall consist of a combination of evergreen and deciduous trees and shrubs sufficient to screen the use. The buffer strip shall be in addition to other parking lot and Large Scale Development landscape requirements.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Signage within the RSF-4 zoning district is highly limited. Freestanding or monument signs are not allowed. A limit of one (1) on-site wall sign not to exceed 16 square feet in display surface area is permitted. Specific conditions regarding exterior lighting have been identified to prohibit excessively bright or glaring light that would be injurious to pedestrians, vehicles or adjacent property owners.

- (g.) Required setbacks and other open space; and

Finding: The project shall conform to the setbacks and open space requirements of the RSF-4 zoning district, and to any other applicable development requirements.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: The proposed church is compatible with adjacent residential properties and other property in the district and will serve the surrounding residential properties.

From Chapter 161 Zoning Regulations Fayetteville Unified Development Code

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.

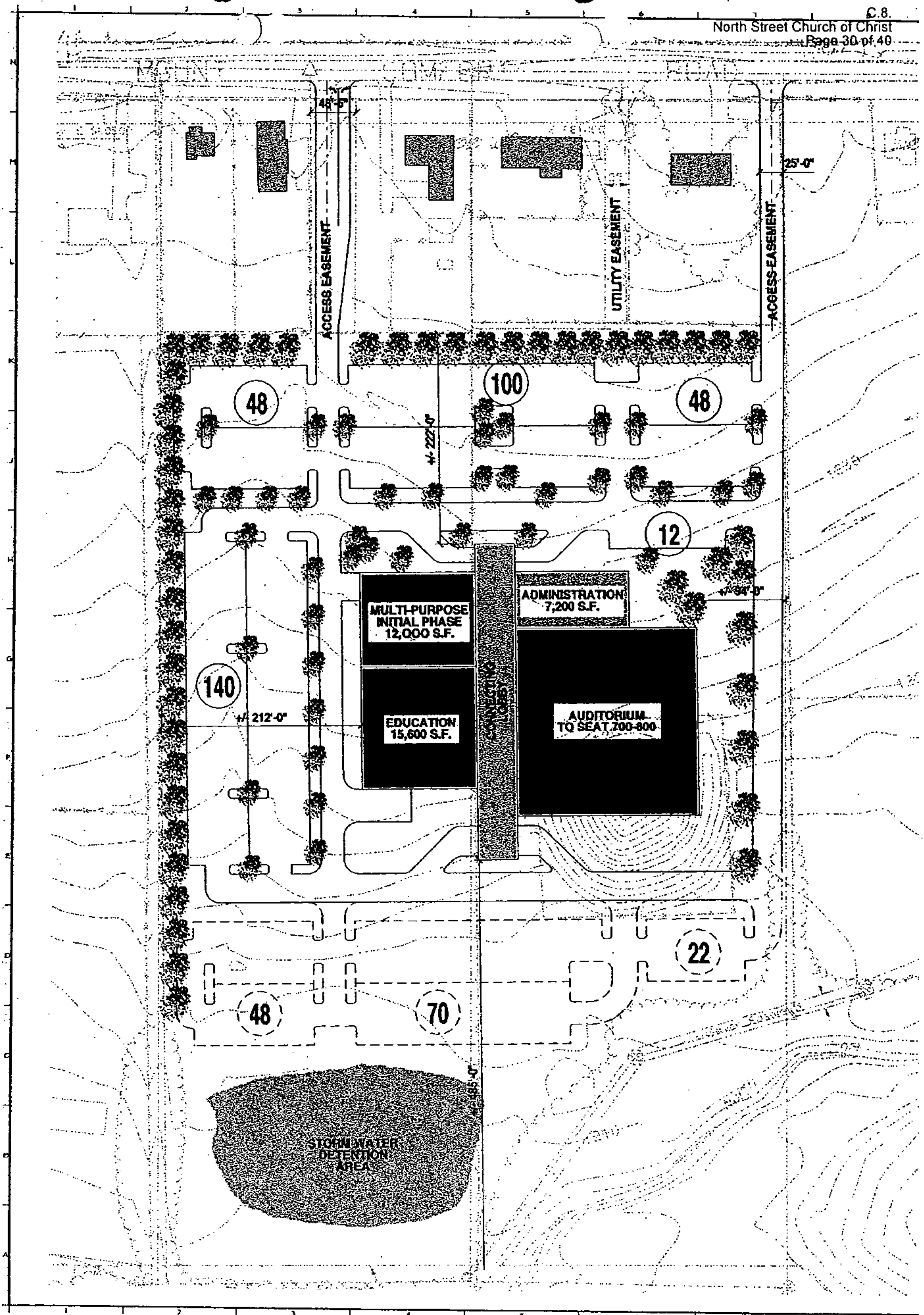
(F) *Height.* None.

Summary of Trip Generation Calculation
For 38 Th.Gr.Sq.Ft. of Church - Auditorium only
February 09, 2005

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.11	7.20	1.00	346
7-9 AM Peak Hour Enter	0.39	0.00	1.00	15
7-9 AM Peak Hour Exit	0.33	0.00	1.00	13
7-9 AM Peak Hour Total	0.72	1.88	1.00	27
4-6 PM Peak Hour Enter	0.36	0.00	1.00	14
4-6 PM Peak Hour Exit	0.30	0.00	1.00	11
4-6 PM Peak Hour Total	0.66	1.01	1.00	25
Saturday 2-Way Volume	9.70	15.56	1.00	369
Saturday Peak Hour Enter	2.40	0.00	1.00	91
Saturday Peak Hour Exit	0.85	0.00	1.00	32
Saturday Peak Hour Total	3.25	6.39	1.00	124

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS



HIGHT - JACKSON
ASSOCIATES . P A
ARCHITECTS AND PLANNERS



January 5, 2005

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Ref: North Street Church of Christ
Application for Conditional Use Permit
Mount Comfort Road

Architect's Comments.

The enclosed site plan is intended to convey to the Fayetteville Planning Department the Owner's long term needs and intended use for this property. It shows the approximate location of the building and the size when all planned phases have been completed.

The need to control storm water run off is anticipated and the general area of detention has been depicted. Engineering studies will be conducted and submitted for approval at the appropriate time.

The screening of all parking areas from neighboring properties is to be accomplished through the use of shrubs, trees, and landscaping berms. Islands within the parking areas will have plantings as well. A full landscape plan meeting the requirements of the City of Fayetteville will be submitted for review at the appropriate time. The parking lot and area lighting will be limited to 20' poles and all lighting directed in a downward direction to keep "spillover" into the neighboring areas to a minimum. Parking spaces will be phased as the congregation grows to the ultimate 600 in planned attendance and has additional area if needed. Exit onto Mount Comfort Road will be from the two access points shown, with the main entrance (west) having three lanes with left and right turn lanes as depicted on the drawing.

While the actual structure(s) has not been designed at this time, it is our client's intent to have a permanent presence at this location. Over a period of time they will relocate the entire church plant from its present location to this site. The envisioned buildings will be conventional masonry and steel construction and will have an exterior appearance that will meet the guidelines set forth by the City of Fayetteville.

Please accept this information as part of your review on behalf of our client. Our client is also submitting information concerning this application. Your earliest decision is critically important to our client in meeting the demands of the sellers in a time frame they have been given.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gary W. Jackson", with a long horizontal line extending to the right.

Gary W. Jackson

HIGHT.JACKSON.ASSOCIATES.PA

GWJ: jw

Cc: Mark Mahaffey
Chris King
Ashely Tucker
file

North Street
Church of Christ
764 W. North Street
Fayetteville, Arkansas 72701
(479) 442-9171

January 5, 2005

To: City of Planning Office
Re: Conditional Use Application

This letter serves as information requested by the City of Fayetteville, Arkansas Planning Office. The North Street Church of Christ (Fayetteville, Arkansas) is requesting a Conditional Use Permit for land located on Mt. Comfort Road to be the site of a new church facility. The current address to the property is 3225 W. Mt. Comfort Road, Fayetteville, Arkansas 72704, which is owned by J.R. Dockery. The Dockery's also own the west 8.67 acre parcel of which this conditional use pertains.

The intended use of the 2 parcels is for a church facility. The hours of anticipated operations would be as follows:

- Sundays 8:00 a.m. through 7:30 p.m.
- Morning and evening services with approximately 600 in attendance at morning service and approximately 300 in attendance at the evening service with smaller activities during the day.
- Monday through Friday would require a normal business day of 9:00 a.m. to 5:00 p.m. with approximately 8 staff members present.
- We would also anticipate a Benevolent Ministry that would meet Tuesday (9:00 a.m. till noon) and Thursdays (1:00 p.m. till 3:30 p.m.) with approximately 35 in total attendance.
- Wednesday evening service would occur between 6:30 to 8:00 p.m. with approximately 250 in attendance.

Summary of Trip Generation Calculation

For 75 Th.Gr.Sq.Ft. of Church

February 07, 2005

Approximate size of church in entirety.

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.11	7.20	1.00	683
7-9 AM Peak Hour Enter	0.39	0.00	1.00	29
7-9 AM Peak Hour Exit	0.33	0.00	1.00	25
7-9 AM Peak Hour Total	0.72	1.88	1.00	54
4-6 PM Peak Hour Enter	0.36	0.00	1.00	27
4-6 PM Peak Hour Exit	0.30	0.00	1.00	23
4-6 PM Peak Hour Total	0.66	1.01	1.00	50
Saturday 2-Way Volume	9.70	15.56	1.00	728
Saturday Peak Hour Enter	2.40	0.00	1.00	180
Saturday Peak Hour Exit	0.85	0.00	1.00	64
Saturday Peak Hour Total	3.25	6.39	1.00	244

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

*North Street
Church of Christ*

764 W. North Street
Fayetteville, Arkansas 72701
(479) 442-9171

The current zoning is RSF-4 and requires a 75 foot minimum street frontage. We consider this requirement a non-issue since the current property was split off many years ago so that we are not now creating a new lot. The current 50 foot wide frontage will serve more than adequate as an entrance/exit drive to the new facility site. We cannot at this time acquire any additional property along Mt. Comfort Road but do not intend to add to the current owned 50 foot width.

Traffic impact will be minimal due to the times of service and the small office required.

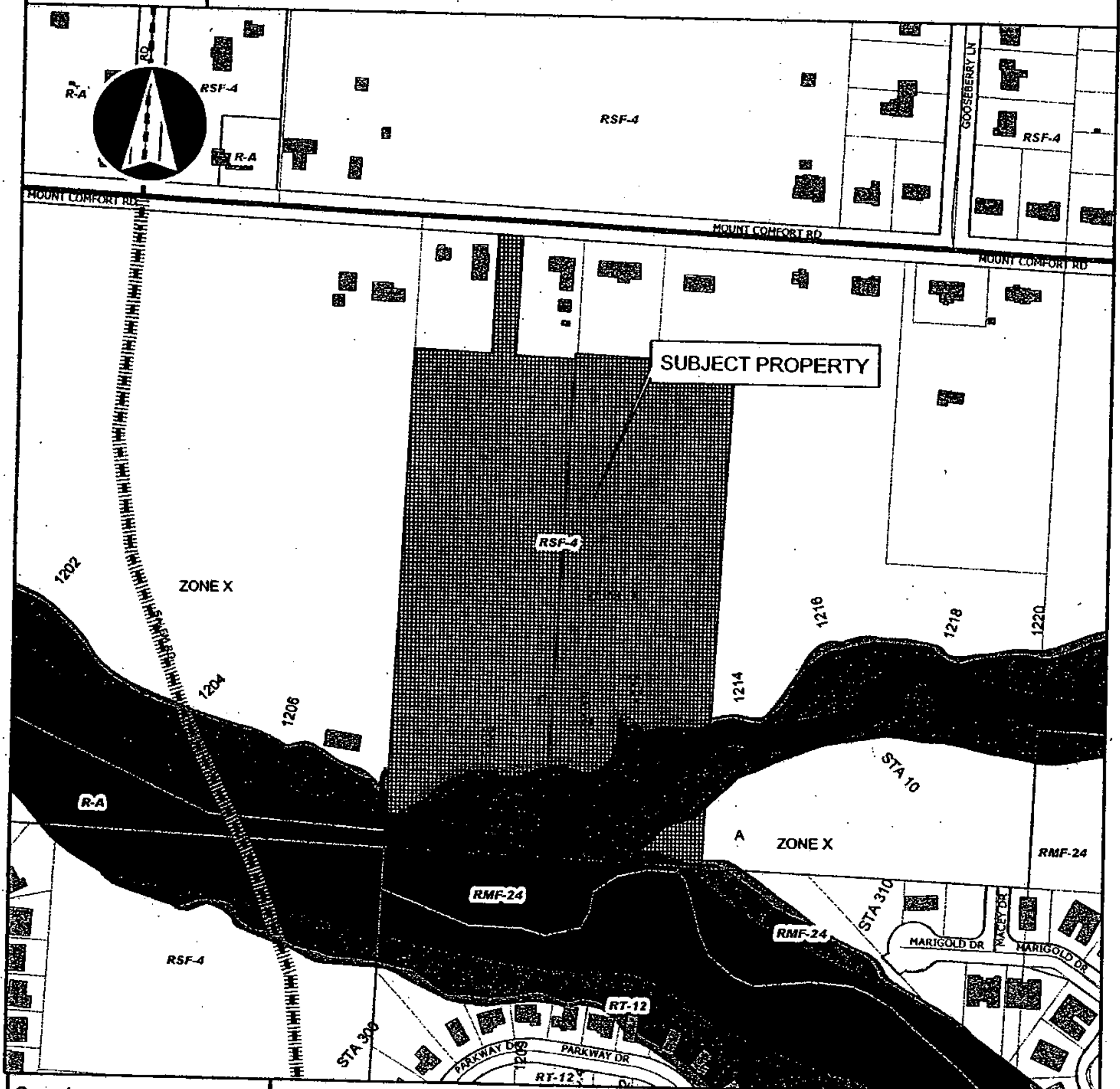
Respectfully Submitted,
Building Committee North Street Church of Christ


Mark Mahaffey

CUP 05-1369

Close Up View

NORTH ST. CHURCH OF CHRIST



Overview



Legend

CUP 05-1369

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

BaseLine Profile

Fayetteville

Outside City

0 75 150 300 450 600
Feet

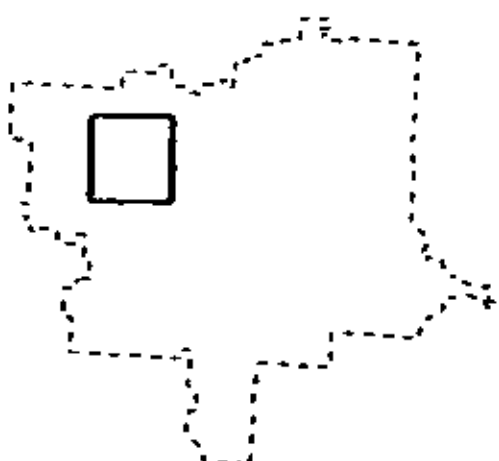
CUP 05-1369

One Mile View

NORTH ST. CHURCH OF CHRIST



Overview



Legend

Subject Property

CUP 05-1369

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0.05 0.1 0.2 0.3 0.4

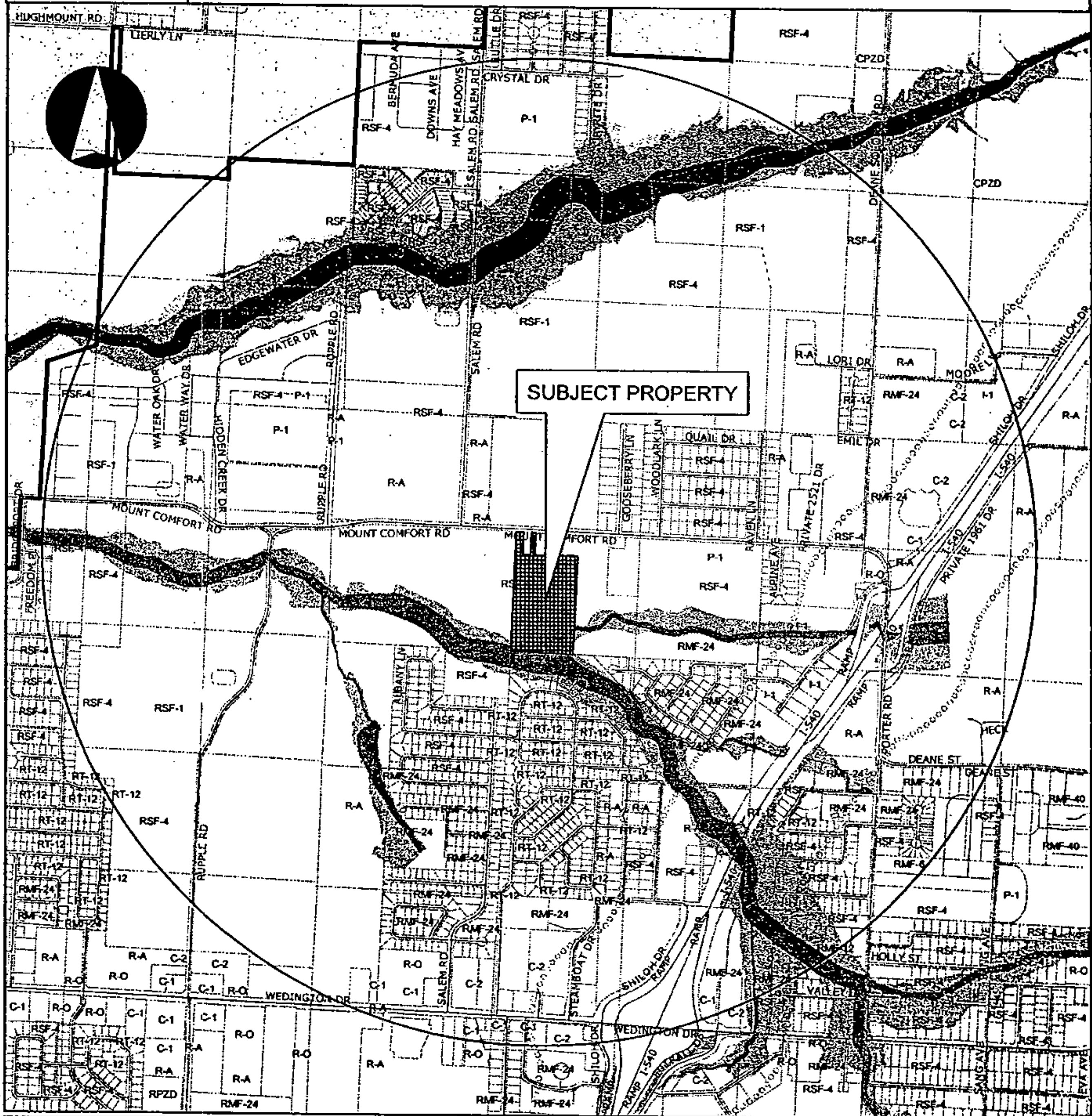
Miles

**NORTH STREET CHURCH OF CHRIST REZONE
REGIONAL AND VICINITY MAPS**

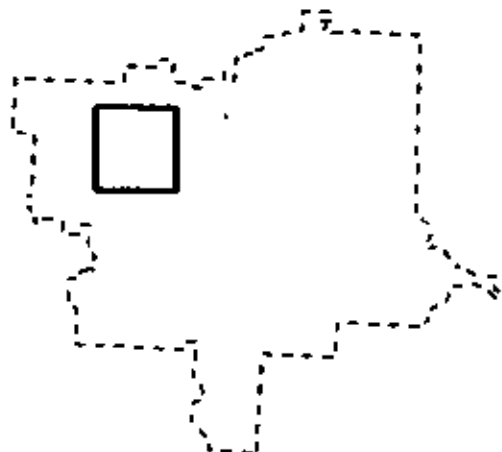
RZN05-1649

NORTH STREET CHURCH OF CHRIST

One Mile View



Overview



Legend

Subject Property

RZN05-1649

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0.0 0.125 0.25

0.5

0.75

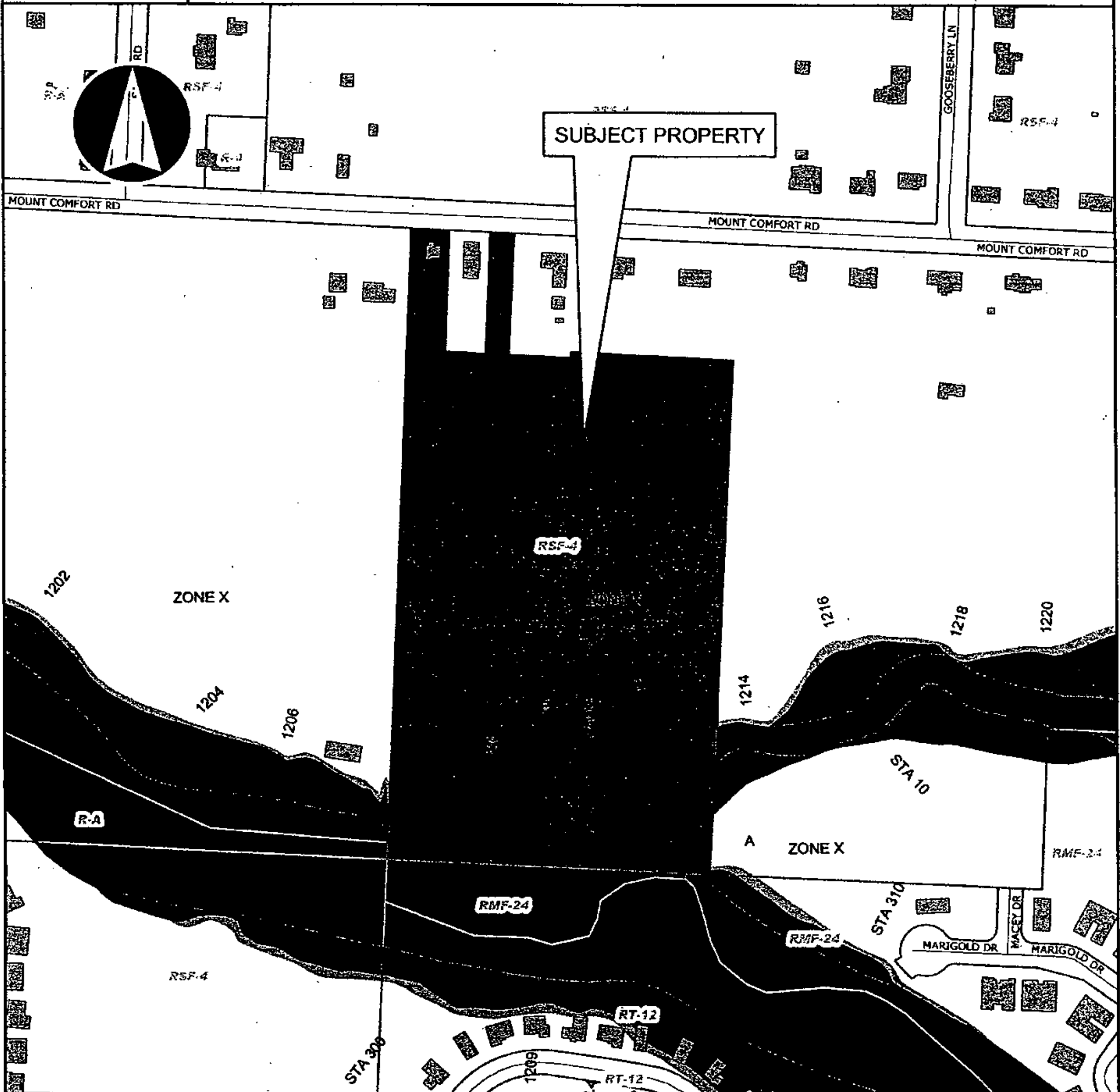
1

Miles

RZN05-1649

NORTH STREET CHURCH OF CHRIST

Close Up View



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
- RZN05-1649



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

C.9.
ANX 05-1488 Collins/Kinghorn
Page 1 of 28

20-Sep-05
City Council Meeting Date

Jeremy Pate *[Signature]*
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 05-1488: (COLLINS/KINGHORN, 533/534): Submitted by Michelle Harrington for property located at 6102 and 6110 Lake Sequoyah Drive. The property is in the Planning Area and contains approximately 17.33 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
9/2/05
Date

Previous Ordinance or Resolution # n/a

[Signature]
City Attorney
9/2/05
Date

Original Contract Date: n/a

[Signature]
Finance and Internal Service Director
9/2/05
Date

Original Contract Number: n/a

[Signature]
Mayor
Date

Received in City Clerk's Office
ENTERED
9/2/05
[Signature]

Received in Mayor's Office
ENTERED
9-2-05
[Signature]

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 24, 2005

Subject: Annexation for Collins/Kinghorn (ANX 05-1488)

RECOMMENDATION

The Planning staff recommends approval of the subject annexation request submitted by Collins and Kinghorn for approximately 17.33 acres of property located north of Lake Sequoyah Drive. This action will incorporate the 17.33-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property contains four parcels of property consisting of 17.33-acres. The majority of property is owned by the Collins with the remainder owned by the Kinghorns. The property is located west of Lake Sequoyah, north of Lake Sequoyah Drive. Property north and east of the subject property was annexed into the City of Fayetteville in the 1960s to incorporate Lake Sequoyah, a primary water source. Annexation of the property will not create an island of unincorporated property or create a peninsula of City property. Improvements to the existing infrastructure adjacent to this site and a study of water and sewer capacity will be required at the time of development.

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 requested a rezoning to RSF-4. Staff recommends the incorporation of this property into the City of Fayetteville. Although the proposed annexation is located on the fringes of the City's eastern limits, incorporation of this property will create an acceptable city boundary and ensure that development of the property is compliant with City regulations within an appropriate zoning district.

DISCUSSION

This item was heard at the regular Planning Commission meeting on May 23, 2005 at which time the Planning Commission tabled this item to allow staff and the applicant to further evaluate the timing and level of services available to this property.

This item was heard at the regular Planning Commission on August 22, 2005. The Planning Commission voted 6-0-0 to recommend this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED
IN ANNEXATION PETITION ANX 05-1488 FOR PROPERTY
LOCATED AT 6102 AND 6110 LAKE SEQUOYAH DRIVE,
CONTAINING 17.33 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 05-1488

A PART OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION SEVENTEEN (17), AND A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 17; THENCE S02°35'30"W 520.81 FEET TO THE POINT OF BEGINNING; THENCE S87°30'11"E 128.12 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF ROUND MOUNTAIN ROAD; THENCE ALONG SAID RIGHT-OF-WAY AS FOLLOWS: S52°00'25"E 51.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 82.93 FEET, A CHORD BEARING S33°48'45"E AND A ARC LENGTH OF 46.58 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 20.39 FEET, A CHORD BEARING OF S06°56'40"W AND A ARC LENGTH OF 11.16 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 940.28 FEET, A CHORD BEARING OF S17°42'54"W AND A ARC LENGTH OF 123.18 FEET; THENCE S12°35'24"W 105.74 FEET; THENCE S10°38'05"W 157.06 FEET; THENCE S11°06'27"W 194.04 FEET; THENCE A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 125.12 FEET, A CHORD BEARING OF S41°04'21"W AND A ARC LENGTH OF 140.38 FEET; THENCE N89°04'02"W 12.39 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 17; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG SAID EAST LINE OF SECTION 17 S02°35'30"W 30.76 FEET; THENCE LEAVING SAID EAST LINE OF SECTION 17 N87°02'55"W 333.17 FEET; THENCE N87°02'53"W 194.84 FEET; THENCE N87°02'53"W 330.33 FEET; THENCE N02°18'16"E 775.06 FEET; THENCE S87°38'58"E 532.56 FEET; THENCE S02°41'04"W 82.50 FEET; THENCE N78°27'28"E 340.08 FEET TO THE POINT OF BEGINNING, CONTAINING 17.33 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT-OF-WAY OF LAKE SEQUOYAH DRIVE, AND ANY EASEMENTS THAT ARE RECORDED OR UNRECORDED.



PC Meeting of August 22, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~May 18, 2005~~ Updated August 18, 2005

ANX 05-1488: (COLLINS/KINGHORN, 533/534): Submitted by MICHELE, A HARRINGTON for property located at 6102/6110 LAKE SEQUOYAH DRIVE. The property is in the Planning Area and contains approximately 17.33 acres. The request is to annex the subject property into the City of Fayetteville.

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends approval of the requested annexation of 17.33 acres into the City of Fayetteville based on the findings herein. Incorporation of this property into the City of Fayetteville will establish zoning regulations and ensure compliance with ordinance regulations at the time of development.

Should the Planning Commission vote to recommend approval of the annexation, staff recommends denial of the request to rezone the property to RSF-4.

PLANNING COMMISSION ACTION:		Required <u>YES</u>	☐ Denied
Date: <u>August 22, 2005</u>		☒ Approved	☐ Denied
		<i>Anthes/Clark²</i>	<i>6-0-0</i>
CITY COUNCIL ACTION:		Required <u>YES</u>	☐ Denied
Date: <u>September 20, 2005 (1st reading if recommended)</u>		☐ Approved	☐ Denied

BACKGROUND:

Property description: The subject property contains four parcels of property consisting of 17.33-acres. The majority of property is owned by the Collins with the remainder owned by the Kinghorns. The property is located west of Lake Sequoyah, north of Lake Sequoyah Drive. Property north and east of the subject property was annexed into the City of Fayetteville in the 1960s to incorporate Lake Sequoyah, a primary water source.

Proposal: The applicant proposes annexation of 17.33 acres into the City of Fayetteville.

Public Comment: Staff has received no public comment concerning the requested annexation.

Recommendation: Staff recommends the incorporation of this property into the City of Fayetteville. Although the proposed annexation is located on the fringes of the City's eastern limits, incorporation of this property will create an acceptable city boundary and ensure that development of the property is compliant with City regulations within an appropriate zoning district.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Woodland	R-A, Residential Agricultural
South	Single family farms	Planning Area
East	Lake Sequoyah Spur Lake Sequoyah	Planning Area R-A, Residential Agricultural
West	Vacant; Pasture	Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Lake Sequoyah Drive. With development, road improvements are required for Lake Sequoyah Drive along the property to include: right-of-way dedication, pavement 14' from centerline, curb and gutter, storm drainage, and sidewalks.

Surrounding Master Street Plan Streets:
South: Lake Sequoyah Road, Local Street
East: Lake Sequoyah Spur, Local Street

Water: Public water is adjacent to the site. There is a 6" main along Lake Sequoyah Drive. Water service will 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 the areas around Lake Sequoyah. A study of the water supply shall be conducted prior to development.

Sewer: The site **does not** have access to sanitary sewer. There is a 6" sewer main along Lake Sequoyah Drive to the south. Minimum size of new sewer mains is 8". Sewer will need to be extended approximately 1000 feet to serve the property. A capacity analysis of the downstream sewer lines shall be conducted and a capacity analysis of the lift stations downstream of the site shall be conducted prior to development.

Fire: The subject property is located approximately 5.5 miles from Fire Station #5. Response time to the property is projected at 12 minutes. A new Fire Station #3 is

proposed at the Tyson complex on Huntsville. It is located 4.4 miles from the subject property with an 8 minute response time. At this time, no date of completion has been anticipated for the completion of this proposed fire station.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: Annexation of the property will not create a peninsula. In the 1960s, property was annexed into the City to create the peninsula with which this property adjoins. The incorporation of this property will not extend the city limits further west than the surrounding city properties to the north and south. At the time the applicant initially submitted a request for annexation, staff requested further investigation of the legal description of the property and ownership information of property to the east, as it appeared the annexation of the 17.33 acres would create an island of unincorporated property. Upon further investigation, it appears that this property is owned by the City of Fayetteville.

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.

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

Finding: This area is currently utilized for several single family homes and agriculturally related activities. The annexation of this property would neither include nor exclude subdivisions/neighborhoods. The applicant anticipates subdivision of this property for single family use.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines of the existing parcels, not natural corridors.

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

Finding: Annexation of the property as currently developed will not place an additional burden on the services within the area. Should this property remain in the Planning Area, the property could be developed with a minimum 10,000 sq ft lots and 75' of lot width with septic systems, city water, and streets constructed to city standards. Incorporation of the property into the City of Fayetteville will ensure that the property is zoned such that it is compatible with surrounding properties and development in accordance with all city regulations. Significant evaluation and potential improvements of water services are required to adequately service this property. Sewer is not currently available. Fire response time to the property is 12 minutes from Fire Station #5. This can be improved in the near future with a planned Fire Station #3 on Huntsville Road. Reduction of this response time to 8 minutes is anticipated with the construction of a new fire station on the former Tyson Complex; however, staff has no anticipated time frame for the completion of this project.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property consists of cleared pasture land and wooded areas. No information has been presented to designate the subject property environmentally sensitive. However, the property is very near Lake Sequoyah, a primary water source for the City of Fayetteville and surrounding municipalities. Annexation of the property would allow for the extension of sanitary sewer. Development within the Planning Area would necessitate the utilization of a community septic system or individual septic systems on each lot. Incorporation of this property would also allow for the requirement of parks, open space and tree preservation.

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: Water and sewer service is of concern, with the Engineering Division requiring a study of the water at the time of development and extension of the nearest sewer services which are located 1,000 feet from the property. Response time to this location for emergency personnel is anticipated at 8-12 minutes. Additional fire hydrants and adequate access would need to be provided. Annexation of a the property and a low density zoning comparable to the surrounding properties may not necessitate significant improvements to public services in this area.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: This property is located at the north eastern-most portion of the city limits. There is very little development in the surrounding area, and therefore does not at this time require a high level of service from fire, police or water services. Sewer is not available to this property. The considerable distance of this property from the denser population within the core of the City may result in a less efficient level of service to this property. The primary concern is an increased density may result in more service calls with a higher response time than desired. The annexation of property with a zoning of R-A, RSF-0.5 or RSF-1 will not result in significant increase of demand on emergency and public services.

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. The level of service for this property may be reduced in comparison to surrounding subdivisions located in closer proximity to the more densely populated areas of the City.

11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Annexation and future development of this property will result in an increased demand on the existing infrastructure systems should the property be zoned and developed at a density greater than the low density residential similar to the surrounding development and comparable to R-A, RSF-0.5 and RSF-1 zoning district. No long range improvements to the water system are planned for the water system around Lake Sequoyah. Increased use of the existing services in the area may negatively impact the water supply in this area. Additionally, there is no immediately accessible sewer service in this area. Development of the property would require an extension of the existing sewer lines, the nearest being 1,000 feet from the property. Analysis of the downstream sewer lines and a capacity analysis of the lift stations downstream of the site would need to be conducted prior to development. The proposed annexation and subsequent

rezoning could result in 69 units, with a calculated 152-person population increase.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners request annexation and rezoning of this property to RSF-4, Residential single family - 4 units/acre. Increased density on this property will increase the load on public infrastructure in this area.

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Development of this property has not been proposed. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

- 11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the

Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: This annexation consists of 17.33 acres owned by the Lanes. Extending the city boundary to the south will expand the existing peninsula, but will not extend the city limits further east or west than currently located. Annexation of property that would create an island of unincorporated property is not consistent with the Annexation Policy and may create future problems at the time of development by impeding access or extension of services west of Lake Sequoyah Spur to this property.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 17.33 acres.

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

Fayetteville Fire Department Service Delivery Impact: Zoning Review May 10, 2005										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
ANX05-1488	Collins/Kinghorn	YES	17.33	*3				0	0	0
RZN05-1489	Collins/Kinghorn		17.33	*3	4.4 miles	8 minutes	8.5 minutes	16	6	10
RZN05-1489	Collins/Kinghorn		17.33	5	5.5 miles	12 minutes	12 minutes	16	6	10
ANX05-1490	Dixie Develop	YES	24.35	7				0	0	0
RZN05-1491	Dixie Develop		24.35	7	1.8 miles	5 minutes	5.5 minutes	22	9	13
ANX05-1495	Benton Develop	YES	10.66	7				0	0	0
RZN05-1502	Benton Develop		10.66	7	2.6 miles	6 minutes	6.5 minutes	10	4	6

* = Proposed Station 3

May 16, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1488. The property is in the Planning Area and contains approximately 17.33 acres. The request is to annex the subject property into the City.

It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

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

Case No. CC 2005-8

DECREE OF ANNEXATION

Now on this 4th day of April, 2005, this cause comes on to be heard, the Petitioners, **BOBBY JOE COLLINS and BETTY F. COLLINS**, husband and wife, and **DOUGLAS W. KINGHORN and ANITA R. KINGHORN**, husband and wife, through their attorney, Michele A. Harrington of Harrington, Miller, Neihouse & Kieklak, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and any oral and documentary evidence adduced, the Court being well and sufficiently advised of the facts and the law, doth hereby find, judge and decree as follows:

1. The Petition in this cause was filed on March 1, 2005, at which time this Court fixed Monday, April 4, 2005, at 10:45 a.m., as the date and time of hearing for said cause, and that a full thirty (30) days has passed since the filing of the Petition, and this Court has jurisdiction of the persons and subject matter of this cause of action, and venue is proper herein.

2. The Petition filed herein named Harrington, Miller, Neihouse & Kieklak, P.A. to act on behalf of Petitioners in filing and presenting the Petition to the Court and handling all matters connected with the Petition, as well the required notices, and this and any other hearings or annexation proceedings connected therewith.

3. Harrington, Miller, Neihouse & Kieklak, P.A. has given Notice of hearing on the Petition as required by law, and the proof of publication of said notice is now on file with the Clerk of this Court.

4. The Court is satisfied that the allegations of the Petition filed herein are sustained by the proof, and that a majority of the total number of real estate owners in the area affected by this Petition have signed said Petition, and that such majority owns more than one-half (1/2) of the acreage affected.

5. The land and territory sought to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE1/4) of Section Seventeen (17), and a part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section 17; thence S 02°35'30"W 520.81 feet to the POINT OF BEGINNING; thence S 87°30'11"E 128.12 feet to a point on the West right-of-way of Round Mountain Road; thence along said right-of-way as follows: S 52°00'25"E 51.33 feet; thence along a curve to the right, said curve having a radius of 82.93 feet, a chord bearing S 33°48'45"E and a arc length of 46.58 feet; thence along a curve to the right, said curve having a radius of 20.39 feet, a chord bearing of S 06°56'40"W and a arc length of 11.16 feet; thence along a curve to the left, said curve having a radius of 940.28 feet, a chord bearing of S 17°42'54"W and a arc length of 123.18 feet; thence S 12°35'24"W 105.74 feet; thence S 10°38'05"W 157.06 feet; thence S 11°06'27"W 194.04 feet; thence a curve to the right, said curve having a radius of 125.12 feet, a chord bearing of S 41°04'21" W and a arc length of 140.38 feet; thence N 89°04'02" W 12.39 feet to a point on the East line of said Section 17; thence leaving said right-of-way and along said east line of Section 17 S 02°35'30" W 30.76 feet; thence leaving said East line of Section 17 N 87°02'55" W 333.17 feet; thence N 87°02'53" W 194.84 feet; thence N 87°02'53" W 330.33 feet; thence N 02°18'16" E 775.06 feet; thence S 87°38'58" E 532.56 feet; thence S 02°41'04" W 82.50 feet; thence N 78°27'28" E 340.08 feet to the POINT OF BEGINNING, containing 17.33 acres, more or less. Subject to the right-of-way of Lake Sequoyah Drive, and any easements that are recorded or unrecorded.

and, the same is accurately described in the Petition filed herein.

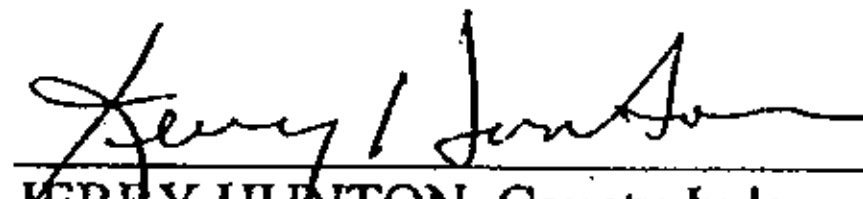
6. Attached to and made a part of said Petition is an accurate Vicinity Map of the above-described property that is sought to be annexed to the City of Fayetteville, Arkansas.

7. The above-described property owned by the Petitioners, **BOBBY JOE COLLINS and BETTY F. COLLINS, Husband and Wife**, and **DOUGLAS W. KINGHORN and ANITA R. KINGHORN, Husband and Wife**, is adjacent and contiguous to the present city boundary line for the City of Fayetteville, Washington County, Arkansas, and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

8. The prayer of the Petition filed herein is right and proper and should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the original papers in this cause be delivered to the Clerk of Washington County, Arkansas, with the same to be properly recorded upon the records of Washington County, Arkansas, and the Clerk, after properly recording and filing the original papers, is directed to prepare certified transcripts of the same; that one of the certified transcripts shall be delivered to the City of Fayetteville, Arkansas, one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.


JERRY HUNTON, County Judge

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

IN THE MATTER OF:
ANNEXING TO THE CITY OF FAYETTEVILLE,
ARKANSAS, CERTAIN LANDS CONTIGUOUS
TO SAID CITY OF FAYETTEVILLE, WASHINGTON
COUNTY, ARKANSAS

BOBBY JOE COLLINS and BETTY
F. COLLINS, Husband and Wife, and
DOUGLAS W. KINGHORN AND ANITA R.
KINGHORN, Husband and Wife

PETITIONERS

PETITION FOR ANNEXATION

Come now, BOBBY JOE COLLINS and BETTY F. COLLINS, Husband and Wife, and
DOUGLAS W. KINGHORN and ANITA R. KINGHORN, Husband and Wife, Petitioners, and
for their Petition for Annexation state as follows:

1. Petitioners, BOBBY JOE COLLINS and BETTY F. COLLINS, Husband and
Wife, are the sole record owners of the following described property situated in Washington
County, Arkansas, to-wit:

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of
Section Seventeen (17), and a part of the Northwest Quarter (NW1/4) of the
Southwest Quarter (SW1/4) of Section Sixteen (16), Township Sixteen (16) North,
Range Twenty-nine (29) West, Washington County, Arkansas, being more
particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE1/4) of the
Southeast Quarter (SE1/4) of said Section 17; thence S02°35'30" W 520.81 feet to
the POINT OF BEGINNING; thence S87°30'11"E 128.12 feet to a point on the
West right-of-way of Round Mountain Road; thence along said right-of-way as
follows: S52°00'25"E 51.33 feet; thence along a curve to the right, said curve
having a radius of 82.93 feet, a chord bearing of S33°48'45"E and a arc length of
46.58 feet; thence along a curve to the right said curve having a radius of 20.39
feet, a chord bearing of S06°56'40"W and a arc length of 11.16 feet; thence along
a curve to the left, said curve having a radius of 940.28 feet, a chord bearing
S17°42'54"W and a arc length of 123.18 feet; thence S12°35'24"W 105.74 feet;

thence S10°38'05"W 157.06 feet; thence S11°06'27"W 194.04 feet; thence a curve to the right, said curve having a radius of 125.12 feet, a chord bearing S41°04'21"W and a arc length of 140.38 feet; thence N89°04'02"W 12.39 feet to a point on the East line of said Section 17; thence leaving said right-of-way and along said east line of Section 17 S02°35'30"W 30.76 feet thence leaving said East line of Section 17 N87°02'55"W 333.17 feet; thence N02°00'17"E 182.47 feet; thence N87°35'38"W 195.03 feet; thence S01°56'14"W 180.62 feet; thence N87°02'53"W 330.33 feet; thence N02°18'16"E 775.06 feet; thence S87°38'58"E 532.56 feet; thence S02°41'04"W 82.50 feet; thence N78°27'28"E 340.08 feet to the POINT OF BEGINNING, containing 16.52 acres, more or less. Subject to the right-of-way of Lake Sequoyah Drive, and any easements that are recorded or unrecorded.

2. Petitioners, DOUGLAS W. KINGHORN and ANITA R. KINGHORN, Husband and Wife, are the sole record owners of the following described property situated in Washington County, Arkansas, to-wit:

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Seventeen (17), and a part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section 17; thence S02°35'30"W 520.81 feet; thence S87°30'11"E 128.12 feet to a point on the West right-of-way of Round Mountain Road; thence along said right-of-way as follows: S52°00'25"E 51.33 feet; thence along a curve to the right, said curve having a radius of 82.93 feet, a chord bearing of S33°48'45"E and a arc length of 46.58 feet; thence along a curve to the right, said curve having a radius of 20.39 feet, a chord bearing of S06°56'40"W and a arc length of 11.16 feet; thence along a curve to the left, said curve having a radius of 940.28 feet, a chord bearing of S17°42'54"W and a arc length of 123.18 feet; thence S12°35'24"W 105.74 feet; thence S10°38'05"W 157.06 feet; thence S11°06'27"W 194.04 feet; thence a curve to the right, said curve having a radius of 125.12 feet, a chord bearing of S41°04'21"W and a arc length of 140.38 feet; thence N89°04'02"W 12.39 feet to a point on the East line of said Section 17; thence leaving said right-of-way and along said east line of Section 17 S02°35'30"W 30.76 feet; thence leaving said East line of Section 17 N87°02'55"W 333.17 feet to the POINT OF BEGINNING; thence N02°00'17"E 182.47 feet; thence N87°35'38"W 195.03 feet; thence S01°56'14"W 180.62 feet; thence S87°02'53"E 194.84 feet to the POINT OF BEGINNING, containing 0.81 acre, more or less. Subject to the right-of-way of Lake Sequoyah Drive, and any easements that are recorded or unrecorded.

3. The combined legal descriptions of BOBBY JOE COLLINS and BETTY F. COLLINS, Husband and Wife, and DOUGLAS W. KINGHORN and ANITA R. KINGHORN, Husband and Wife, as depicted on the Plat of Survey dated February 9, 2005, prepared by Presley, Brannan & Associates, Inc., a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference, is as follows:

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE1/4) of Section Seventeen (17), and a part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section 17; thence S 02°35'30"W 520.81 feet to the POINT OF BEGINNING; thence S 87°30'11"E 128.12 feet to a point on the West right-of-way of Round Mountain Road; thence along said right-of-way as follows: S 52°00'25"E 51.33 feet; thence along a curve to the right, said curve having a radius of 82.93 feet, a chord bearing S 33°48'45"E and a arc length of 46.58 feet; thence along a curve to the right, said curve having a radius of 20.39 feet, a chord bearing of S 06°56'40"W and a arc length of 11.16 feet; thence along a curve to the left, said curve having a radius of 940.28 feet, a chord bearing of S 17°42'54"W and a arc length of 123.18 feet; thence S 12°35'24"W 105.74 feet; thence S 10°38'05"W 157.06 feet; thence S 11°06'27"W 194.04 feet; thence a curve to the right, said curve having a radius of 125.12 feet, a chord bearing of S 41°04'21" W and a arc length of 140.38 feet; thence N 89°04'02" W 12.39 feet to a point on the East line of said Section 17; thence leaving said right-of-way and along said east line of Section 17 S 02°35'30" W 30.76 feet; thence leaving said East line of Section 17 N 87°02'55" W 333.17 feet; thence N 87°02'53" W 194.84 feet; thence N 87°02'53" W 330.33 feet; thence N 02°18'16" E 775.06 feet; thence S 87°38'58" E 532.56 feet; thence S 02°41'04" W 82.50 feet; thence N 78°27'28" E 340.08 feet to the POINT OF BEGINNING, containing 17.33 acres, more or less. Subject to the right-of-way of Lake Sequoyah Drive, and any easements that are recorded or unrecorded.

4. All of the above-described property is adjacent and contiguous to the present city boundary line for the City of Fayetteville, Washington County, Arkansas.

5. A true and correct copy of the Vicinity Map of the above-described property is attached hereto as a part of Exhibit "A" and made a part hereof by reference.

6. The above-described property is suitable for annexation to the City of Fayetteville, Arkansas, and is necessary for the proper growth, prosperity and management of the above-described property and the City of Fayetteville, Arkansas.

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

8. Petitioners further state that the law firm of Harrington, Miller, Neihouse & Kieklak, P.A., Springdale, Arkansas, is authorized to act for and on behalf of the Petitioners in all matters connected with this Petition and subsequent hearings or annexation proceedings connected therewith.

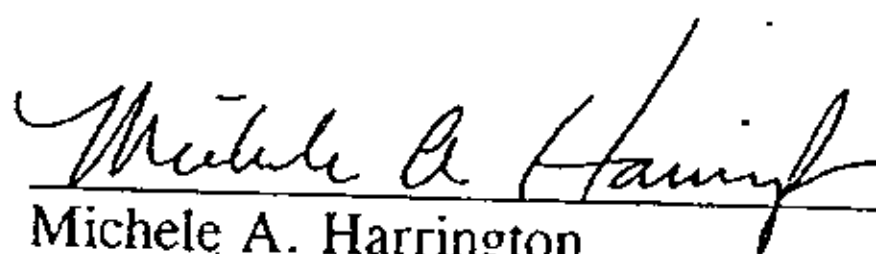
9. Petitioners request that this Court set a date for hearing this Petition, not less than thirty (30) days after the date of the filing of this Petition, pursuant to Arkansas law.

WHEREFORE, Petitioners pray that the above-described property be annexed to the City of Fayetteville, Washington County, Arkansas, pursuant to the provisions of Arkansas law, after a hearing thereon as required by law; and that this Court, by its Order, fix a time and place for said hearing not less than thirty (30) days from the filing of this Petition; and for all other proper relief to which Petitioners may be entitled.

BOBBY JOE COLLINS and BETTY F. COLLINS,
Husband and Wife, and DOUGLAS W. KINGHORN
and ANITA R. KINGHORN, Husband and Wife,
Petitioners

HARRINGTON, MILLER, NEIHOUSE & KIEKLAK
A Professional Association
113 East Emma Avenue
Post Office Box 687
Springdale, Arkansas 72765
(479) 751-6464
Attorneys for Petitioners

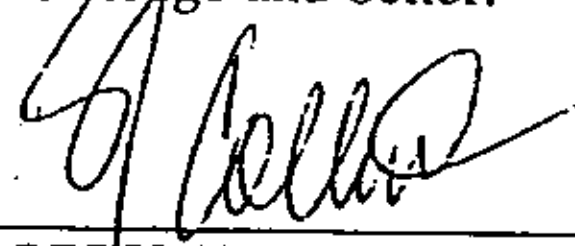
By:


Michele A. Harrington
Arkansas Bar No. 85217

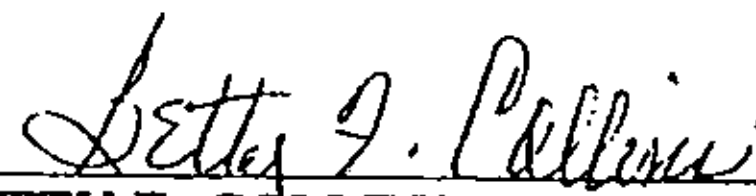
VERIFICATION

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

We, BOBBY JOE COLLINS and BETTY F. COLLINS, Husband and Wife, Petitioners herein, hereby state under oath that we have read the above and foregoing Petition for Annexation, and that the facts and allegations contained therein are true and correct to the best of our knowledge and belief.



BOBBY JOE COLLINS



BETTY F. COLLINS

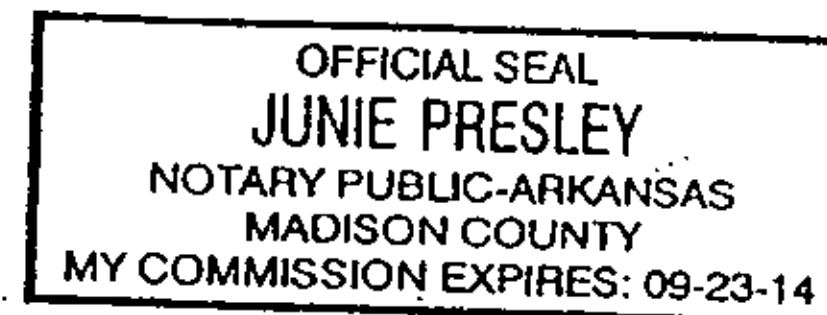
SUBSCRIBED AND SWORN to before me, a Notary Public, this 25th day of February, 2005.

My Commission Expires:

9/23/14



Notary Public



VERIFICATION

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

I, DOUGLAS W. KINGHORN and ANITA R. KINGHORN, Husband and Wife, Petitioners herein, hereby state under oath that we have read the above and foregoing Petition for Annexation, and that the facts and allegations contained therein are true and correct to the best of our knowledge and belief.

Douglas W. Kinghorn
DOUGLAS W. KINGHORN

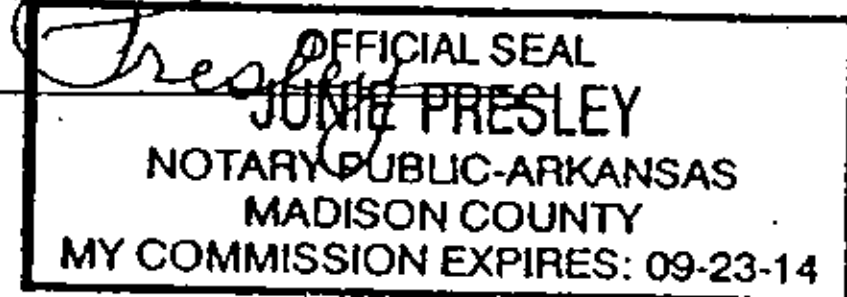
Anita R. Kinghorn
ANITA R. KINGHORN

SUBSCRIBED AND SWORN to before me, a Notary Public, this 25th day of February, 2005.

My Commission Expires:

9/23/14

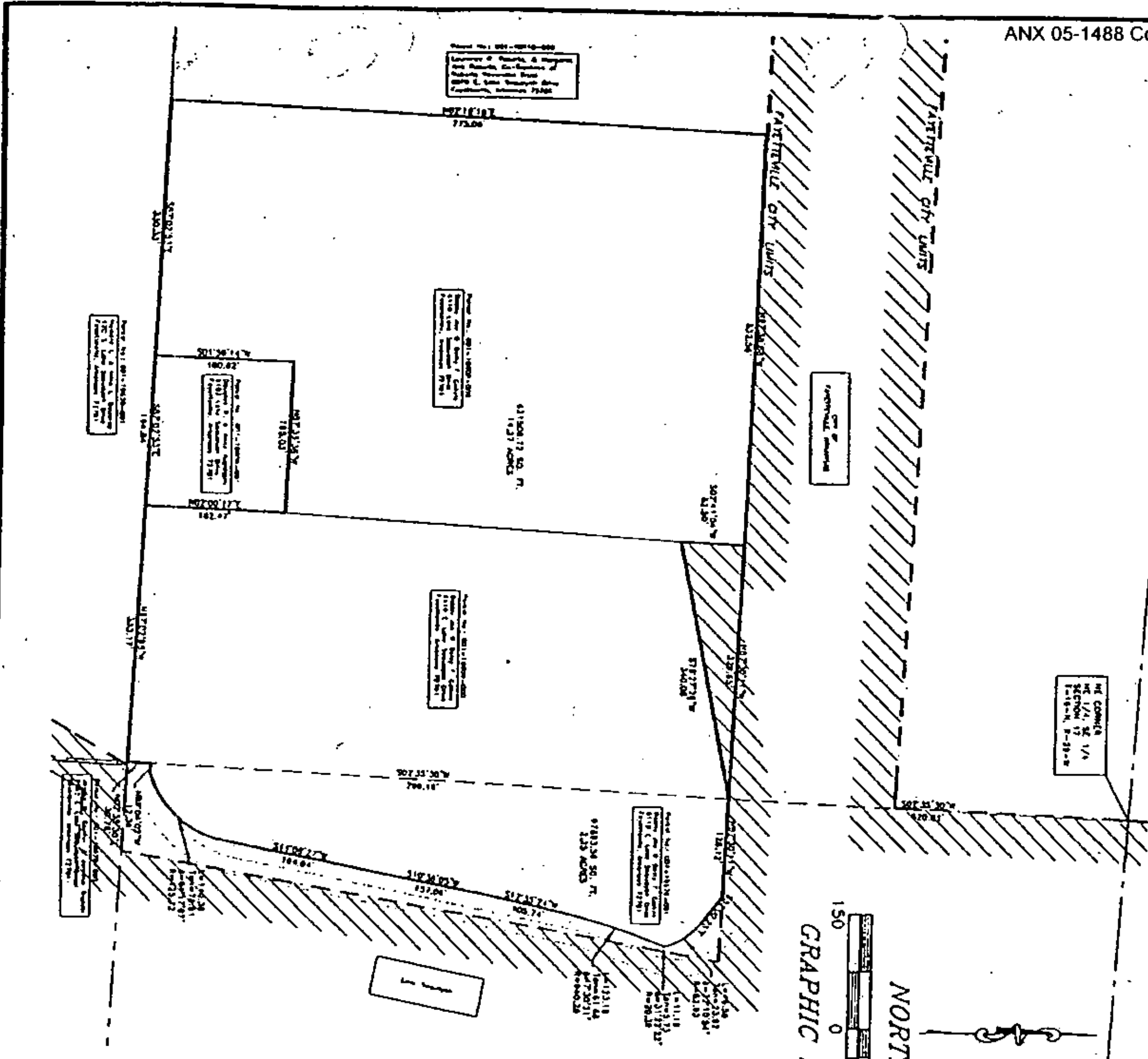
June Presley
Notary Public



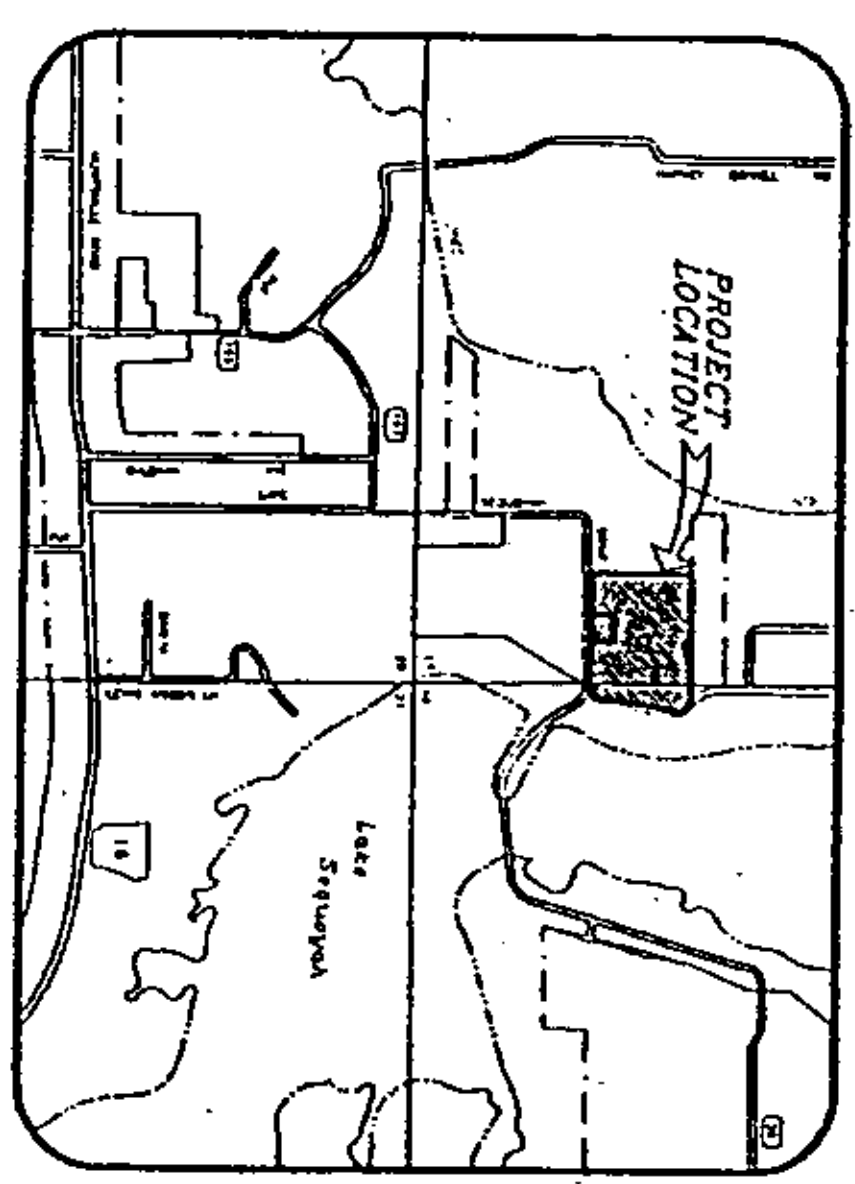
CERTIFICATE OF SERVICE

I, Michele A. Harrington, Attorney for Petitioners herein, hereby certify that I have served a true copy of the within and foregoing on the City Clerk for the City of Fayetteville, Arkansas, by placing a copy thereof in the U. S. Mail, postage prepaid, addressed to her mailing address in Fayetteville, Arkansas, this the 28th day of February, 2005.

Michele A. Harrington
Michele A. Harrington



NORTH
GRAPHIC SCALE
150 0 150



VICINITY MAP
SCALE: NONE

Collins & Kinghorn Combined Legal Description

A part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section Seventeen (17), and a part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SW 1/4) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

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PRESLEY, BRANNAN, & ASSOCIATES, Inc.		GENERAL LAYOUT FOR	
CONSULTING ENGINEERS		JOE COLLINS	
2113 North Loop East, Suite 100 Houston, Texas 77058 (713) 861-1111		WASHINGTON COUNTY, ARKANSAS	
DATE	BY	DATE	BY
1/1/00	JCB	1/1/00	JCB

Collins & Kinghorn Combined Legal Description

A part of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Seventeen (17), and a part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

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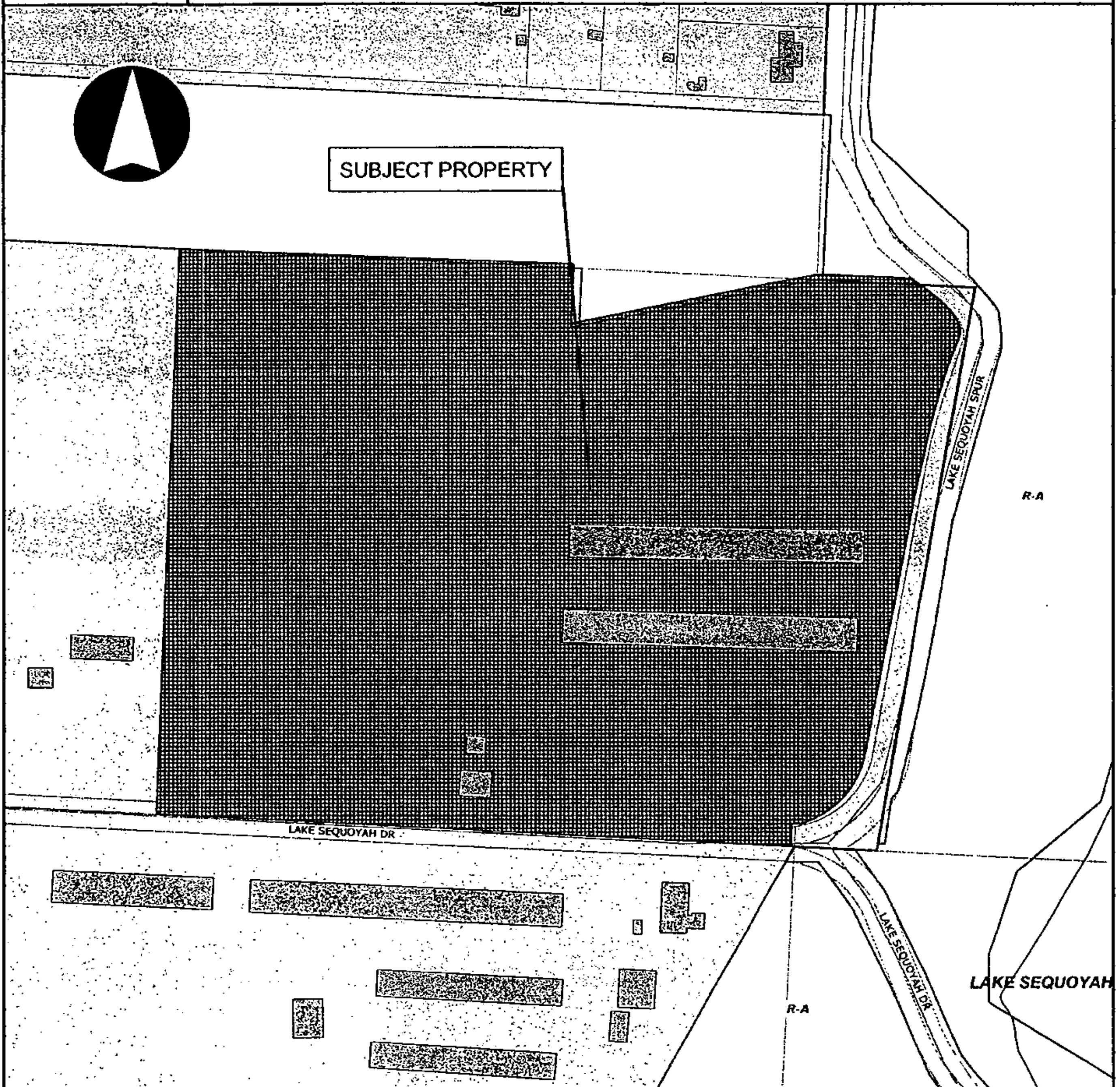
ANX05-1488

Close Up View

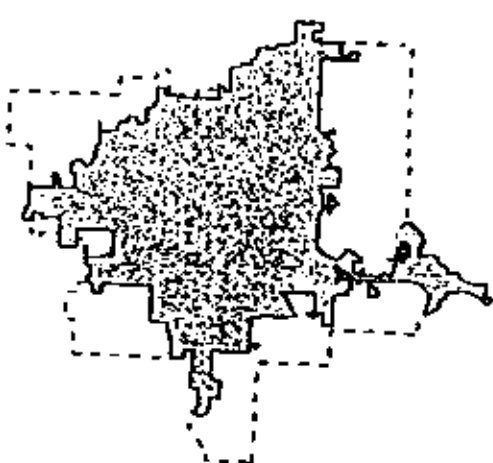
COLLINS/KINGHORN



SUBJECT PROPERTY



Overview



Legend

ANX05-1488

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

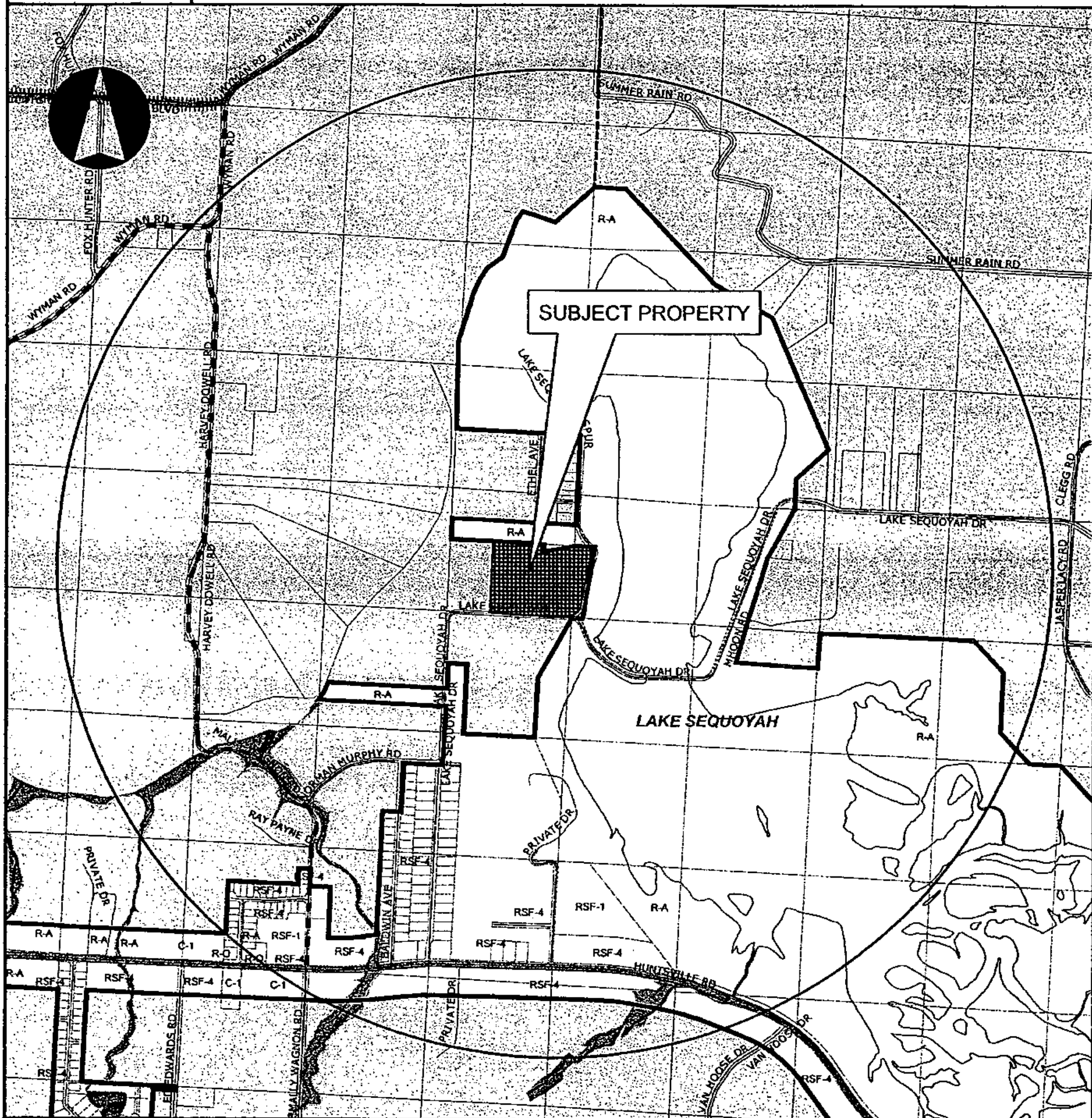
Outside City



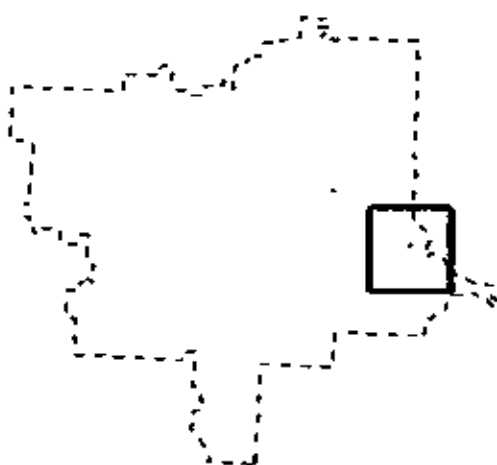
ANX05-1488

One Mile View

COLLINS/KINGHORN



Overview



Legend

Subject Property

ANX05-1488

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

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Miles

PRESLEY, BRANNAN & ASSOCIATES, INC.

Consulting Engineers

Office (479) 756-8720

Charles Presley, P.E. & R.L.S.
Steve Brannan, P.E.
2143 Worth Lane
Springdale, Arkansas 72764

Fax (479) 756-8714

August 25, 2005

City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Notice of Appeal to City Council concerning Collins/Kinghorn Rezoning

Dear City Council Member:

This letter is to notify you of our desire to appeal the recent Planning Commission decision on 8/22/05 concerning the rezoning of the Collins and Kinghorn properties (RZN 05-1489) located at 6102/6110 Lake Sequoyah Drive. Mr. Collins and Mr. Kinghorn have no desire to proceed with the annexation (ANX 05-1488) of their properties if the rezoning appeal fails. If the rezoning is not feasible, please let us know so that we can withdraw our request for annexation and begin the development of this property within the county.

Sincerely,



Steve Brannan, P.E.

8/30/05 Spoke to Steve Brannan

Annexation will not be on the
City Council Agenda until the
September 20, 2005 City Council
meeting. Therefore this appeal
of the rezoning will be added
to Sept. 20, 2005.

Dondra 8/30/05

RECEIVED
AUG 29 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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August 25, 2005

Ms. Suzanne Morgan
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Notice of Appeal to City Council concerning Collins/Kinghorn Rezoning

Dear Ms. Morgan:

This letter is to notify you of our desire to appeal the recent Planning Commission decision on 8/22/05 concerning the rezoning of the Collins and Kinghorn properties (RZN 05-1489) located at 6102/6110 Lake Sequoyah Drive. Let me state once more that Mr. Collins and Mr. Kinghorn have no desire to proceed with the annexation (ANX 05-1488) of their properties if the rezoning appeal fails.

Sincerely,



Steve Brannan, P.E.

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

AUG 25 2005

RECEIVED

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 24, 2005

Subject: Rezoning for Collins/Kinghorn (RZN 05-1489)

RECOMMENDATION

The Planning Commission voted to deny the subject rezoning request rezoning approximately 17.64 acres of property from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre. Planning Staff originally recommended denial of the rezoning request, finding that the infrastructure currently in place is insufficient to serve a development of this density, and that four units per acre in this area is a density that is incompatible with surrounding land use.

BACKGROUND

The subject property contains four parcels of property consisting of 17.64-acres. The majority of property is owned by the Collins with the remainder owned by the Kinghorns. The property is located west of Lake Sequoyah, north of Lake Sequoyah Drive. Property requested for rezoning is 0.31 acres larger than the annexation request; this portion of property was previously annexed and zoned R-A, Residential Agricultural. Property north and east of the subject property was annexed into the City of Fayetteville in the 1960s to incorporate Lake Sequoyah, a primary water source.

At this time, the property is currently used for single family and agricultural use. The developer intends to develop this property for single family use at a maximum density of 4 units per acre. Correspondence from the applicant states that anticipated development will not exceed 56 residential lots, which is a total density of 3.17 units per acre. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission meeting on May 23, 2005 at which time the Planning Commission tabled this item to allow staff and the applicant to further evaluate the timing and level of services available to this property.

This item was heard at the regular Planning Commission on August 22, 2005. The Planning Commission voted 5-1-0 to deny the rezoning request, with Commissioner Graves voting no. The applicant has submitted an appeal of the Planning Commission

decision to the City Clerk within the 10-day appeal period. (See applicant's appeal of Planning Commission decision.)

Staff recommended denial of the rezoning request to rezone the property RSF-4, and suggested that the applicant evaluate a more appropriate density of development that is compatible with the surrounding properties, such as R-A, RSF-0.5, or RSF-1. The lack of services in this area may impede residential development at 4 units per acre without significant off-site improvements.

The applicant has clearly indicated that should the rezoning of RSF-4 be denied, that the annexation request would be withdrawn and the property would be developed within the Planning Area, which would require City water, septic systems, and streets built to city standards.

At the August 22, 2005 Planning Commission meeting, Commissioner Anthes moved to forward the rezoning request with a recommendation of an RSF-0.5 zoning designation. This motion failed for lack of a second. Subsequently, the Planning Commission denied the requested zoning with a majority vote.

See attached agenda item ANX 05-1488 (Collins/Kinghorn) for supplementary information.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1489 FOR APPROXIMATELY
17.64 ACRES LOCATED AT 6102 AND 6110 LAKE SEQUOYAH
DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4,
RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is
hereby changed as follows:

From R-A, Residential Agricultural, to RSF-4, Residential Single Family,
4 units per acre, as shown on Exhibit "A" Attached hereto and made a part
hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is
hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
RZN 05-1489

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION SEVENTEEN (17), AND A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 17; THENCE S02°35'30"W 520.81 FEET TO THE POINT OF BEGINNING; THENCE S87°30'11"E 128.12 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF ROUND MOUNTAIN ROAD; THENCE ALONG SAID RIGHT-OF-WAY AS FOLLOWS:

S52°00'25"E 51.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 82.93 FEET, A CHORD BEARING OF S33°48'45"E AND A ARC LENGTH OF 46.58 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 20.39 FEET, A CHORD BEARING OF S06°56'40"W AND A ARC LENGTH OF 11.16 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 940.28 FEET, A CHORD BEARING OF S17°42'54"W AND A ARC LENGTH OF 123.18 FEET; THENCE S12°35'24"W 105.74 FEET; THENCE S10°38'05"W 157.06 FEET; THENCE S11°06'27"W 194.04 FEET; THENCE A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 125.12 FEET, A CHORD BEARING OF S41°04'21"W AND A ARC LENGTH OF 140.38 FEET; THENCE N89°04'02"W 12.39 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 17; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG SAID EAST LINE OF SECTION 17 S02°35'30"W 30.76 FEET; THENCE LEAVING SAID EAST LINE OF SECTION 17 N87°02'55"W 333.17 FEET; THENCE N87°02'53"W 194.84 FEET; THENCE N87°02'53"W 330.33 FEET; THENCE N02°18'16"E 775.06 FEET THENCE S87°38'58"E 532.56 FEET; THENCE S87°30'11"E 329.65 FEET TO THE POINT OF BEGINNING, CONTAINING 17.64 ACRES, MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF LAKE SEQUOYAH DRIVE, AND ANY EASEMENTS THAT ARE RECORDED OR UNRECORDED.

PRESLEY, BRANNAN & ASSOCIATES, INC.
Consulting Engineers

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Charles Presley, P.E. & R.L.S.
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August 25, 2005

Ms. Suzanne Morgan
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Notice of Appeal to City Council concerning Collins/Kinghorn Rezoning

Dear Ms. Morgan:

This letter is to notify you of our desire to appeal the recent Planning Commission decision on 8/22/05 concerning the rezoning of the Collins and Kinghorn properties (RZN 05-1489) located at 6102/6110 Lake Sequoyah Drive. Let me state once more that Mr. Collins and Mr. Kinghorn have no desire to proceed with the annexation (ANX 05-1488) of their properties if the rezoning appeal fails.

Sincerely,



Steve Brannan, P.E.



PC Meeting of August 22, 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 18, 2005

RZN 05-1489: (COLLINS/KINGHORN, 533/534): Submitted by MICHELE, A HARRINGTON for property located at 6102 AND 6110 LAKE SEQUOYAH DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 17.64 acres. The request is to rezone the subject property to RSF-4, Residential Single-family, 4 units per acre.

Planner: SUZANNE MORGAN

RECOMMENDATION:

Staff recommends denial of the requested rezoning to RSF-4, based on the findings herein. Staff would encourage the evaluation of an alternate zoning designation that is more compatible with the surrounding properties and level of service available in this area.

PLANNING COMMISSION ACTION:		Required <u>YES</u>
	☐ Approved	☒ Denied
Date: <u>August 22, 2005</u>	- Motion by Commissioner Arthes to recommend RSF-0.5 to the City Council. Motion failed for lack of a second. - Motion by Commissioner Clark for denial. Motion seconded by Commissioner Allen. VOTE: 5-1-0 with Commissioner Graves Voting no.	
CITY COUNCIL ACTION:		Required <u>YES</u>
	☐ Approved	☐ Denied
Date: <u>September 20, 2005 (1st reading if recommended)</u>		

BACKGROUND:

Property description: The subject property contains four parcels of property consisting of 17.64-acres. The majority of property is owned by the Collins with the remainder owned by the Kinghorns. The property is located west of Lake Sequoyah, north of Lake Sequoyah Drive. Property north and east of the subject property was annexed into the City of Fayetteville in the 1960s to incorporate Lake Sequoyah, a primary water source. At this time, the property is currently used for single family and agricultural use. If approval of the preceding ANX 05-1488 is granted, the property will be zoned R-A, Residential Agricultural. If it is not, this request may not be voted upon.

Proposal: The developer intends to develop this property for single family use at a maximum density of 4 units per acre. Correspondence from the applicant states that anticipated development will not exceed 56 residential lots, which is a total density of 3.17 units per acre. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre.

Recommendation: Staff recommends denial of the rezoning request to rezone the property RSF-4, and suggests that the applicant evaluate a more appropriate density of development that is compatible with the surrounding properties, such as R-A, RSF-0.5, or RSF-1. Additionally, staff finds that the lack of services in this area may impede residential development at 4 units per acre without significant off-site improvements.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Wooded area	R-A, Residential Agricultural
South	Single family farms	Planning Area
East	Lake Sequoyah Spur Lake Sequoyah	Planning Area R-A, Residential Agricultural
West	Vacant; Pasture	Planning Area

INFRASTRUCTURE:

Streets: Currently the site has access to Lake Sequoyah Drive. With development, anticipated road improvements are required for Lake Sequoyah Drive along the property to include: right-of-way dedication, pavement 14' from centerline, curb and gutter, storm drainage, and sidewalks.

Surrounding Master Street Plan Streets:
South: Lake Sequoyah Road, Local Street
East: Lake Sequoyah Spur, Local Street

Water: Public water is adjacent to the site. There is a 6" main along Lake Sequoyah Drive. Water service will 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 the areas around Lake Sequoyah. A study of the water supply to serve this property **shall** be conducted prior to development at the cost of the developer.

Sewer: The site **does not** have access to sanitary sewer. There is a 6" sewer main along Lake Sequoyah Drive to the south. Minimum size of new sewer mains is 8". Sewer will need to be extended approximately 1000 feet to serve the property if developed. A capacity analysis of the downstream sewer lines **shall** be conducted and a capacity analysis of the lift stations downstream of the site **shall** be conducted by the

developer prior to development.

Fire: The subject property is located approximately 5.5 miles from Fire Station #5. Response time to the property is projected at 12 minutes for a projected 16 calls per year at full build-out. A new Fire Station #3 is proposed at the Tyson complex on Huntsville Road. It is located 4.4 miles from the subject property with an anticipated 8 minute response time. The Fire Department has been responsible for serving the Lake Sequoyah area of the City since its annexation 35-45 years ago. At this time, no date of completion has been announced for the completion of this proposed fire station at the Tyson complex.

Police: It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density and will possibly create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 69 new homes will dramatically increase the traffic on a collector street, (Lake Sequoyah Drive) which will in turn place the traffic on an already congested arterial street (E. Huntsville Road).

LAND USE PLAN: The Future Land Use Plan designates this site as **Residential**.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The majority of property adjacent to the 17.64-acre subject property is located within the Planning Area and consists of large tracts of land developed for single family and agricultural uses. The Lewis Baldwin Addition, located approximately 0.4 miles away, is the nearest property within the City zoned RSF-4 and developed for single family use. Staff finds that the development of this property for residential use is appropriate and compatible with the future land use plan; however, development of 4 units per acre is not compatible with the surrounding properties.

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

Finding: The proposed rezoning of the property is not justified or needed at this time. The property is currently developed and used for residential use. Should the annexation request for the 17.64 acres be approved, the property is zoned R-A by default. Within the Residential Agricultural zoning district, property can be subdivided into 2-acre minimum lots with 200' lot width on an improved public street. In addition, the R-A zoning district permits a variety of agrarian uses

which are compatible with surrounding properties. Other zoning districts with more compatible densities include R-A, RSF-0.5, and RSF-1.

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

Finding: The additional density will create an increase in the amount of traffic currently utilizing Lake Sequoyah Spur, Lake Sequoyah Drive and Huntsville Road. These streets are not built to City standards and may inadequately serve the traffic generated by single family development at the density proposed. The nearest arterial street is Huntsville Road, and although a state highway and designated a Principal Arterial, it is currently unimproved. The addition of the anticipated traffic on the surrounding streets may, therefore, result in an increased volume of traffic congestion and danger. An increase in traffic, coupled with inadequate roads may result in a decreased response time of emergency vehicles.

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

Finding: The proposed zoning will increase population density from that zoning currently in place. The 17.64 acre tract under an R-A zoning designation would allow for a maximum 8 single family residential dwelling units. With the proposed RSF-4 designation, a maximum 69 single family dwelling units would be permitted.

The potential increase in population in a location that is currently rural in nature will negatively impact the load on public services. The current water and sewer services are inadequate to serve a single family development of such density without significant improvements and studies to determine capacity and function. Off-site street improvements would also need to be evaluated by the developer to ensure a safe traffic situation. Emergency services will have a lengthy response time of 12 minutes with a projected 16 calls per year at full build-out with the current zoning request.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density and will possibly create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 69 new homes will dramatically increase the traffic on a collector street, (Lake Sequoyah Drive) which will in turn place the traffic on an already congested arterial street (E. Huntsville Road).

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

Finding: N/A

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

K:\Reports\2005\PC Reports\08-22-05\VRZN 05-1489 (Collins & Kinghorn).doc

161.04 District Rsf-5, Residential Single-Family – One Half Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of two acres and a maximum gross density of approximately one-half unit per acre.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	One-half (approximately)
----------------	--------------------------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot area minimum	2 acres
Land area per dwelling unit	2 acres

(E) *Setback requirements.*

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

(F) *Height regulations.*

Building height maximum	35 ft.
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(G) *Building area.* None.

(Code 1991, §160.043; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	1
----------------	---

(D) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	43,560 sq. ft. (1 acre)
Land area per dwelling unit	43,560 sq. ft. (1 acre)

(E) *Setback requirements.*

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

(F) *Height regulations.*

Maximum building height	35 ft.
-------------------------	--------

(G) *Building area.* None.

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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

May 16, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

In reference to **RZN 05-1489 (COLLINS/KINGHORN, 533/534)**: submitted by MICHELLE A HARRINGTON for property located at 6102 / 6110 LAKE SEQUOYAH DRIVE. The property is zoned R-A, RESIDENTAIL-AGRICULTURAL and contains approximately 17.33 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acres.

It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density and will possibly create an undesirable increase on police services. This rezoning will increase our response time to calls for service because this property is on the very outer fringes of our current service area. The potential of creating 69 new homes will dramatically increase the traffic on a collector street, (Lake Sequoyah Drive) which will in turn place the traffic on an already congested arterial street (E. Huntsville Road)

Individually, each of these annexations and rezoning do not necessarily substantially alter the population density, nor do they create and appreciable increase in traffic danger and congestion. The sum total presented over the years, however, has had a substantial impact on the demand for police services and has caused an appreciable increase in traffic congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fayetteville Fire Department Service Delivery Impact: Zoning Review May 10, 2005										
Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
ANX05-1488	Collins/Kinghorn	YES	17.33	*3				0	0	0
RZN05-1489	Collins/Kinghorn		17.33	*3	4.4 miles	8 minutes	8.5 minutes	16	6	10
RZN05-1489	Collins/Kinghorn		17.33	5	5.5 miles	12 minutes	12 minutes	16	6	10
ANX05-1490	Dixie Develop	YES	24.35	7				0	0	0
RZN05-1491	Dixie Develop		24.35	7	1.8 miles	5 minutes	5.5 minutes	22	9	13
ANX05-1495	Benton Develop	YES	10.66	7				0	0	0
RZN05-1502	Benton Develop		10.66	7	2.6 miles	6 minutes	6.5 minutes	10	4	6

* = Proposed Station 3

Rezoning Application

5. A written description of this request addressing the following items:

a. Current ownership information and any proposed or pending property sales.

**6102 Lake Sequoyah, Fayetteville, AR 72701
is owned by Douglas R. Kinghorn and
Anita W. Kinghorn, Husband and Wife**

**6110 E. Lake Sequoyah Road, Fayetteville, AR 72701
is owned by Bobby Joe Collins and Betty F. Collins,
Husband and Wife**

**There are no pending property sales. This property would be divided
into lots, which will be sold for residential construction.**

b. Reason (need) for requesting the zoning change.

**The zoning change is requested to allow this property to be
subdivided into residential lots not to exceed 4 lots/acre. It is expected
that development will not exceed ~~4~~ lots. Traffic on Lake Sequoyah will
increase to some extent. However, developer will improve streets per
City standards.**

→ 56 (per applicant's representative)

c. Statement of how the property will relate to surrounding properties in terms of
land use, traffic, appearance, and signage.

**The appearance of the houses to be built is expected to be compatible
with existing houses in the area. The only signage would be an entry
sign(s) with the subdivision name on it.**

d. Availability of water and sewer (state size of lines). This information is available
from the City Engineering Division.

**During development, water and sewer will be constructed to serve the
property. In addition, a lift station will be built in the Northeast
Corner. It will pump to a manhole on Lake Sequoyah Drive. The
water line will be 8". The sewer line is not yet sized, but will be per
City standards.**

Rezoning Application

6. The Planning Commission is required to make specific findings with regard to this application. The applicant shall provide written statements addressing the following:

- a. The degree to which the proposed zoning is consistent with land use planning objectives, principals, and policies and with land use and zoning plans.

The City of Fayetteville owns Lake Sequoyah to the East and the property to the North of the subject parcel. The zoning will be slightly more dense than the surrounding properties.

- b. Whether the proposed zoning is justified and/or needed at the time of the request.

This land is being annexed and it is the City's preference to rezone at that time so that the city of Fayetteville is able to control residential expansion in Fayetteville.

- c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The land to be rezoned will increase traffic, but the street will be improved per City standards.

- 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.

According to the engineer, installation of proposed water and sewer lines will be adequate to support the number of lots proposed.

- e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The existing zoning is Agricultural (R-A). It is appropriate to rezone to residential before residential development would take place.

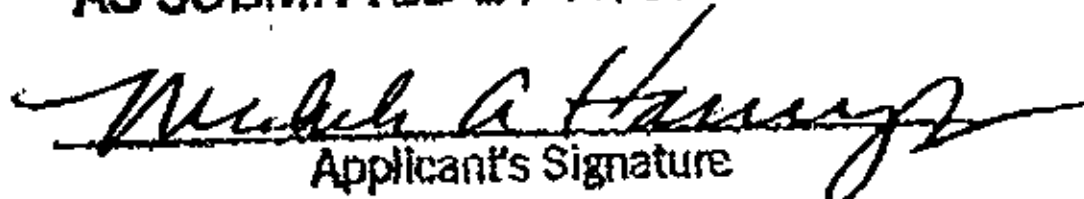
- f. **Note:** The legal descriptions for the rezoning are not identical to those for the annexation for the reason that a small wedge on the North side (Parcel #13066-011) is already in the Fayetteville City limits.

Collins & Kinghorn Combined Legal Description with out-parcel

A part of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section Seventeen (17), and a part of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Sixteen (16), Township Sixteen (16) North, Range Twenty-nine (29) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of said Section 17; thence S 02°35'30" W 520.81 feet to the POINT OF BEGINNING; thence S 87°30'11" E 128.12 feet to a point on the West right-of-way of Round Mountain Road; thence along said right-of-way as follows: S 52°00'25" E 51.33 feet; thence along a curve to the right, said curve having a radius of 82.93 feet, a chord bearing of S 33°48'45" E and a arc length of 46.58 feet; thence along a curve to the right, said curve having a radius of 20.39 feet, a chord bearing of S 06°56'40" W and a arc length of 11.16 feet; thence along a curve to the left, said curve having a radius of 940.28 feet, a chord bearing of S 17°42'54" W and a arc length of 123.18 feet; thence S 12°35'24" W 105.74 feet; thence S 10°38'05" W 157.06 feet; thence S 11°06'27" W 194.04 feet; thence a curve to the right, said curve having a radius of 125.12 feet, a chord bearing of S 41°04'21" W and a arc length of 140.38 feet; thence N 89°04'02" W 12.39 feet to a point on the East line of said Section 17; thence leaving said right-of-way and along said east line of section 17 S 02°35'30" W 30.76 feet; thence leaving said East line of Section 17 N 87°02'55" W 333.17 feet; thence N 87°02'53" W 194.84 feet; thence N 87°02'53" W 330.33 feet; thence N 02°18'16" E 775.06 feet thence S 87°38'58" E 532.56 feet; thence S 87°30'11" E 329.65 feet to the POINT OF BEGINNING,, containing 17.64 acres, more or less. Subject to the right-of-way of Lake Sequoyah Drive, and any easements that are recorded or unrecorded.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT


Applicant's Signature

1st submittal: Parcel Closes

Submitted as: RZN05-1489

4/25/05 TS

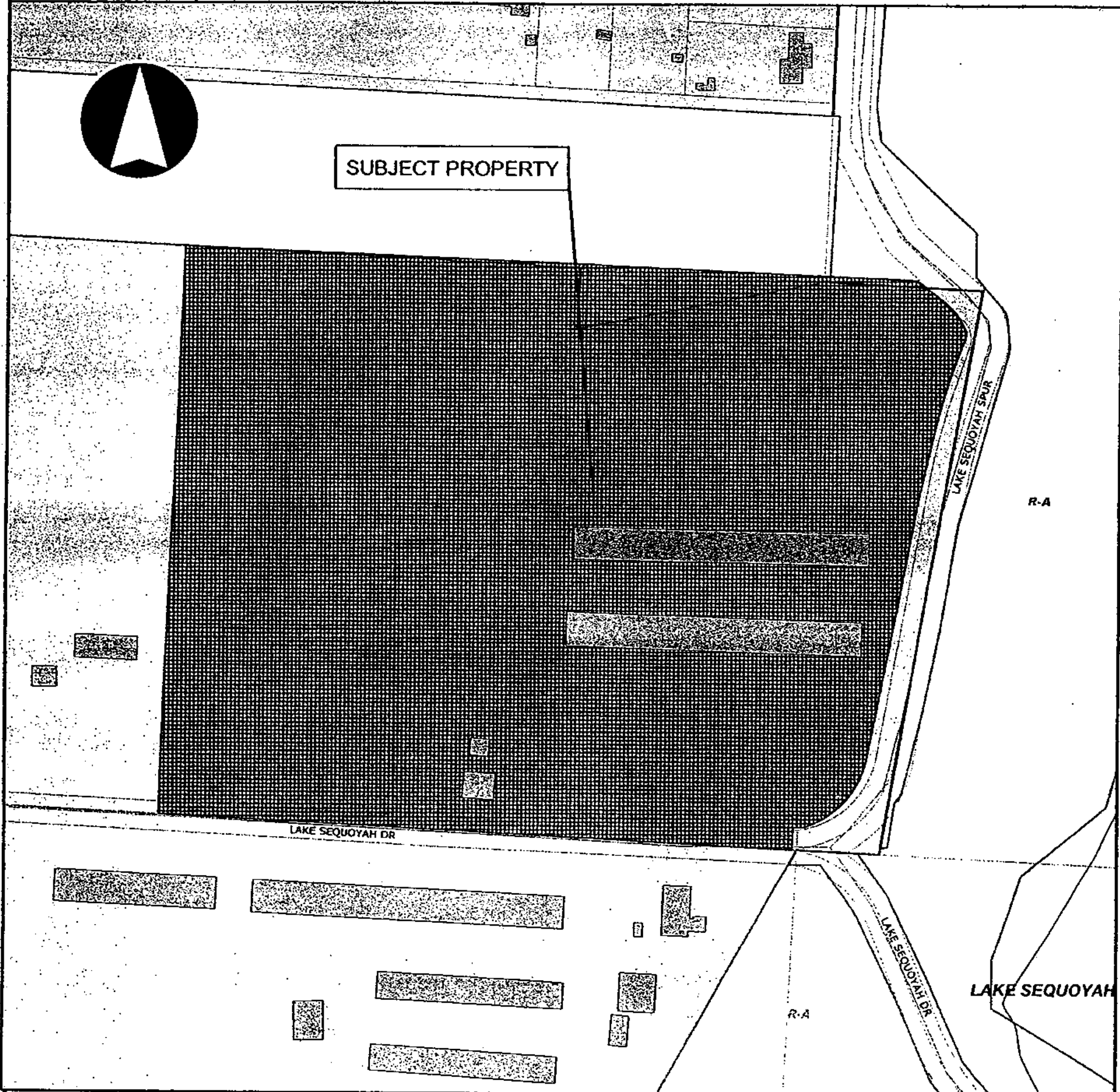
RZN05-1489

Close Up View

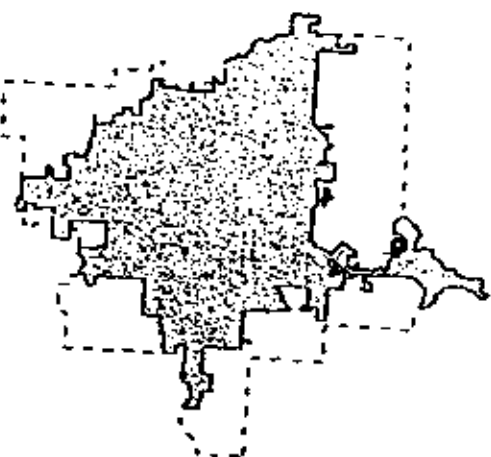
COLLINS/KINGHORN



SUBJECT PROPERTY



Overview



Legend

RZN05-1489

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

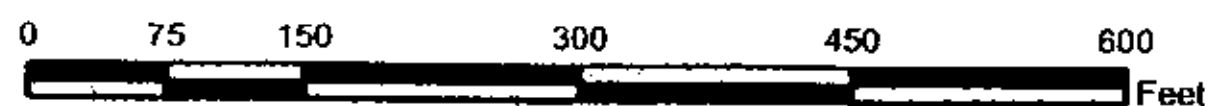
500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

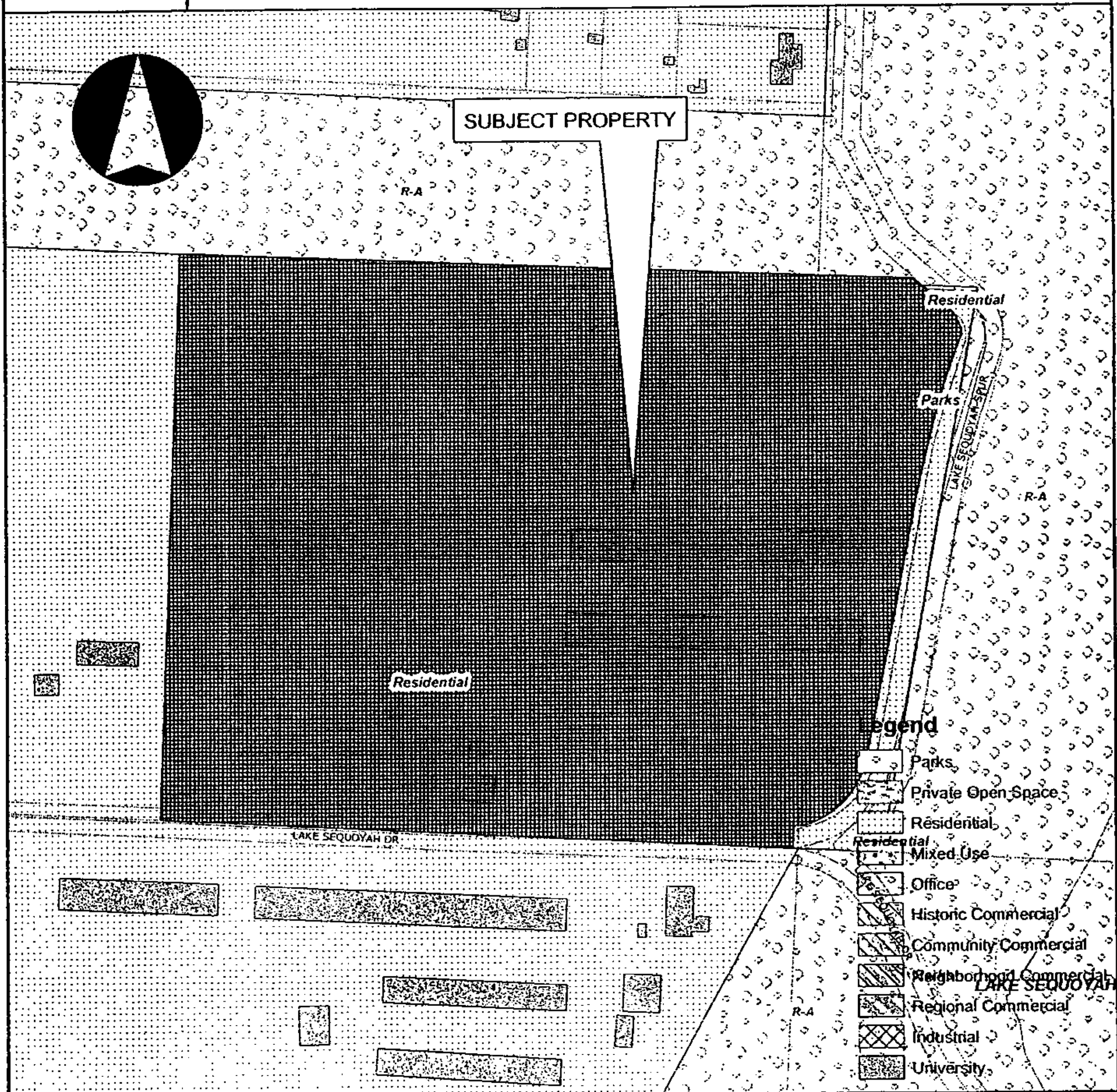
Outside City



RZN05-1489

Future Land Use

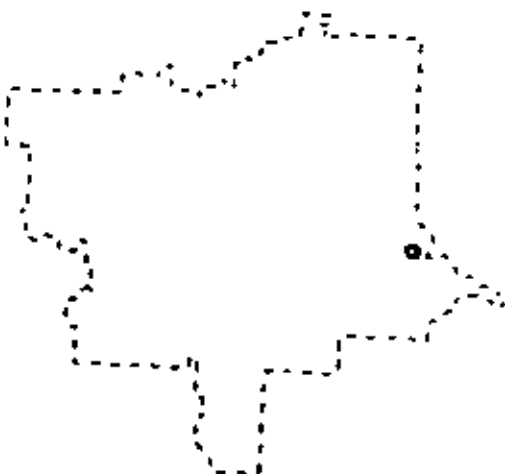
COLLINS/KINGHORN



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

- RZN05-1489

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

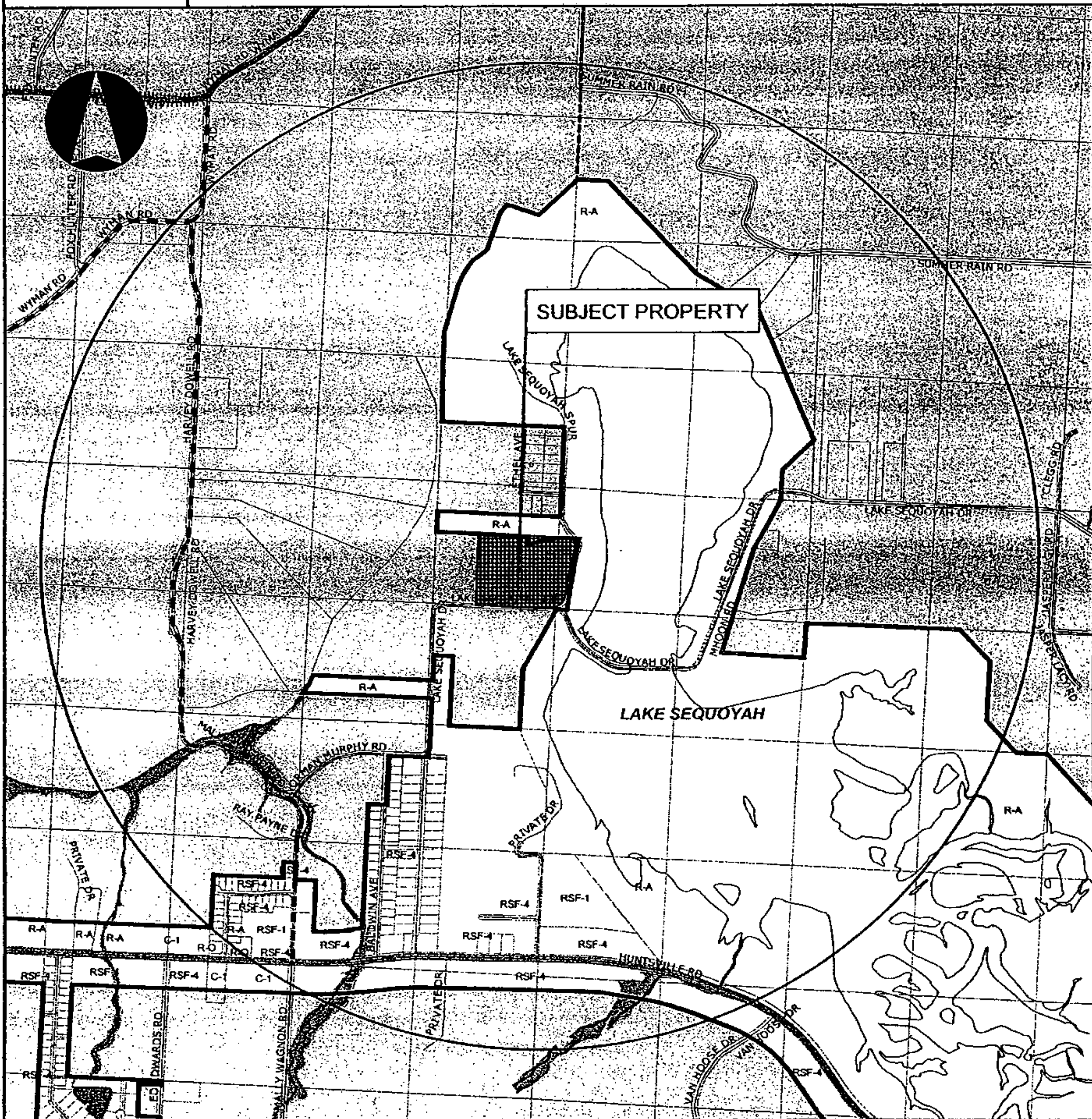
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 50 100 200 300 400 Feet

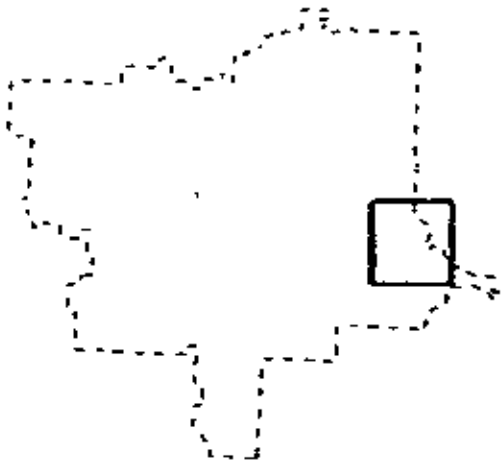
RZN05-1489

One Mile View

COLLINS/KINGHORN



Overview



Legend

Subject Property

RZN05-1489

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

20-Sep-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

Submitted by Planning Staff requesting an amendment to the §161.25 Planned Zoning Districts of the Unified Development Code to allow all identified use units within the permissible uses for Planned Zoning Districts

\$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

9-2-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

9-2-05


Finance and Internal Service Director

9-2-05
Date

Received in City Clerk's Office




Mayor

Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations *CD*

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

Date: August 31, 2005

Subject: Permitted Uses to be allowed in Planned Zoning Districts

RECOMMENDATION

Planning Staff recommends approval of an ordinance amendment allowing all established Use Units in the Unified Development Code, §162 to be permitted within Residential, Commercial and Industrial Planned Zoning Districts.

BACKGROUND

With each type of Planned Zoning District – Residential, Commercial and Industrial – there are specific uses that an applicant is allowed to choose from when requesting a Planned Zoning District rezoning. The list to choose from varies, depending upon the type of PZD, and what use is most prevalent: residential, commercial or industrial. Those uses then excluded (not chosen) with an applicant's Planned Zoning District request, which is based upon a Master Development Plan, are then not permitted unless a future rezoning is approved by the City Council. With the recent modifications to the PZD ordinance, one change does now allow for all Use Units to be available as a conditional use option.

With each PZD submitted, staff and the City Council evaluate the permitted and conditional uses proposed, the setbacks, density, intensity, development standards, commitments, etc. A level of detail and compatibility is expected from each project proposed, and if it does not meet the criteria for approval, the request is recommended for denial. At this time, Planning Staff finds that the criteria in place limiting the available Use Units within a Planned Zoning District to be an impediment to certain mixed-use development proposals. There are certain uses that could be very appropriately permitted by right, with the right development standards, buffering, screening, etc. It is our opinion that all uses established within §162 Use Units should be available to choose from, regardless of the type of Planned Zoning District application. The majority (51%) of the uses within the PZD still has to remain residential, commercial or industrial, respectively, in order to be approved. The measures in place to protect adjacent property owners, achieve compatibility and result in a project that meets the goals and policies of the city are major elements of consideration within each and every Planned Zoning District proposed. However, the limited number of uses available in the Planned Zoning District available uses have also stifled or severely altered several projects that could have been

accomplished in a manner that would add benefit or result in a successful project in the City of Fayetteville.

DISCUSSION

This item was not reviewed by the Planning Commission. Staff has forwarded this item to the City Council, in anticipation of the discussion of one of the first Master Development Plan – Planned Zoning Districts being reviewed, Pratt Place Inn. The requested uses for agriculture (Use Unit 6, Agriculture and Use Unit 7, Animal Husbandry) as uses in this Commercial Planned Zoning District can not currently be allowed in any planned zoning district as a permitted use. Staff finds the proposed changes are similar in nature to those approved with the recent PZD amendments for conditional uses, and requests a similar action for all permitted uses.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING §161.25 PLANNED ZONING DISTRICT TO ALLOW ALL USE UNITS IDENTIFIED IN §162 USE UNITS OF THE UNIFIED DEVELOPMENT CODE TO BE MADE AVAILABLE AS PERMITTED USES WITHIN ALL PLANNED ZONING DISTRICTS.

WHEREAS, the Unified Development clearly sets forth the grounds for approval and denial of a Planned Zoning District, and includes specific criteria for compatibility; and

WHEREAS, certain desirable uses are not currently permitted uses in any Planned Zoning District; and

WHEREAS, one of the goals of the Planned Zoning District ordinance is to provide opportunity for mixed-use planned development, with appropriate measures in place to ensure a high degree of compatibility;

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 §161.25 (C.2), (D.2) and (E.2) "Permitted Uses" by deleting those subsections in their entirety and replacing them with the following language:

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

Proposed revisions to §161.25, with removed language identified with ~~strike-thru~~ and proposed language identified ***in bold italics and highlighted***.

CHAPTER 161: ZONING REGULATIONS

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

All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

- (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.

(D) *C-PZD, Commercial Planned Zoning District*

- (1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

- (a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.
- (b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
- (c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
- (d) To encourage commercial development which is consistent with the city's General Plan.
- (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

(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 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping
Unit 16	Shopping goods

Unit 17	Trades and services
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 24	Warehousing and wholesale
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 29	Dance halls

All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) Conditions.

- (a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.
- (b) Residential uses must be appropriate to the design of the project.
- (c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.

(E) I-PZD Industrial Planned Zoning District.

- (1) Purpose and intent. The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezoned. The legislative purpose, intent and application of this district include, but are not limited to, the following:
 - (a) To provide for manufacturing activities in a manner compatible with the surrounding area.
 - (b) To encourage the application of sound planning and design principles in the orderly development of industrial activities.
 - (c) To maximize manufacturing potential without adversely affecting the living environment of the community.

- (d) To encourage industrial development that is consistent with the city's General Plan.

(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 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 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 and drive in restaurants
Unit 20	Commercial recreation, large sites
Unit 24	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 34	Facilities emitting odors and facilities handling explosives

All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) Conditions.

- (a) In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.
- (b) Ancillary commercial and office uses shall be compatible with the design and scale of the project.
- (c) Residential uses must be appropriate to the scope and character of the development.

(F) Bulk and area regulations.

- (1) Residential density. Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;

- (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (2) *Lot area and yard requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.
- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02)

Current Uses identified within §162 of the Unified Development Code.

CHAPTER 162: USE UNITS

162.01 Establishment/Listing

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. The asterisk (*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.

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 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 11	Manufactured home park
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 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 37	Manufactured homes

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

C.12.
Waste Management of Arkansas, Inc.
Contract Amendment
Page 1 of 8

9/20/2005

City Council Meeting Date

Gary Dumas

Submitted By

Solid Waste & Recycling

Division

Operations

Department

Action Required:

Approval of Amendment Number 4 to Waste Management Contract for Operation of the Transfer Station and Transport and Disposal of Municipal Solid Waste; and approval of a budget adjustment in the amount of \$25,000 for increased disposal fees.

annual cost cost - \$75,000
4 months in 2005 - \$25,000

Cost of this request

5500.xxxx.5316.00

Account Number

Project Number

\$ 1,470,775.00

Category/Project Budget

\$ 1,243,639.00

Funds Used to Date

\$ 227,136.00

Remaining Balance

Services and Charges

Program Category / Project Name

Various

Program / Project Category Name

Solid Waste

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X


Department Director

9-2-05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

9/7/05
Date


Finance and Internal Service Director

9-7-05
Date

Received in City Clerk's Office



Received in Mayor's Office



Mayor

Date

Comments:

09-02-05P04:52 RCVD



OPERATIONS DIRECTOR

Agenda Request

To: Mayor and City Council
From: Gary Dumas 
Date: August 31, 2005
Re: Amendment Number 4 to Waste Management Contract for Operation of the
Transfer Station and Transport and Disposal of Municipal Solid Waste

Recommendation

Staff recommends approval of Amendment Number 4 to Waste Management Contract for Operation of the Transfer Station and Transport and Disposal of Municipal Solid Waste; and approval of a budget adjustment in the amount of \$25,000.

Background

On September 25, 1995 the City of Fayetteville entered into a Contract with Waste Management as successor-in-interest to Sunray Services. This contract provides in Section 1. TERM OF AGREEMENT options for three successive 5-year terms, option one was exercised by Amendment 3 on May 18, 1999. This Contract extension will end on September 24, 2006. Section 3. FEES provides for an equitable adjustment of the fees not more frequently than twice a year. Amendment 1 (March 18, 1997), Amendment 2 (February 2, 1998), and Amendment 3 (May 18, 1999 with an effective date of August 31, 2001) adjusted the fees accordingly and were approved by the City. In 2004 Waste Management proposed a rate increase in accordance with Contract Section 3. This request was withdrawn prior to action by the City Council. In early August 2005 Waste Management proposed a 5 year contract extension. Since the contract had been in place for 9 years and 10 months without competitive bidding and inquiries from other regional landfills indicated that competitive bidding would be in the best long-term interests of the citizens of Fayetteville, the Administration rejected the offer to exercise the second contract extension.

Waste Management has now submitted a fee adjustment based upon material changes in the cost of doing business beyond their control in accordance with Contract Section 3

Discussion

Waste Management has not received a fee adjustment since May 18, 1999. The contract language permits equitable fee adjustments not more frequently than twice annually. The U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index All Urban Consumers, All Items, (see attached chart) indicates a change of 18.3% from the second half of 1999 through the first half of 2005. The requested rate increase would be effective September 1, 2005 through September 24, 2006, unless changing conditions

warranted additional adjustments, per contract language. The requested change in fees is from \$29.20 to \$30.58 for a 4.7% increase in the rate charged to the Solid Waste Enterprise. This fee increase will be required to be reflected in our Solid Waste rates.

The rate for non-City of Fayetteville waste sources will increase from \$40.00 per ton to \$42.75 per ton.

It is estimated that the Solid Waste & Recycling Division will collect and dispose of approximately 17,400 tons of waste between September 1 and December 31, 2005. An additional \$25,000 is required for the remainder of 2005.

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

C.12.
Waste Management of Arkansas, Inc.
Contract Amendment
Page 4 of 8

Budget Year 2005	Department: Operations Division: Solid Waste & Recycling Program: Commercial Collections	Date Requested 9/1/2005	Adjustment Number
----------------------------	--	-----------------------------------	-------------------

Project or Item Requested:
\$25,000 is requested for solid waste disposal fees.

Project or Item Deleted:
No project is deleted. Reserve funds will finance increased disposal fees.

Justification of this Increase:
This increase is needed due to an amendment to the contract with Waste Management which increases disposal fees from \$29.20 per ton to \$30.58 per ton. It is estimated that the Solid Waste & Recycling Division will collect and dispose of more than 17,400 tons of waste from September 1 through December 31, 2005.

Justification of this Decrease:
Use of reserve funds is required to address immediate needs of the Solid Waste & Recycling Division.

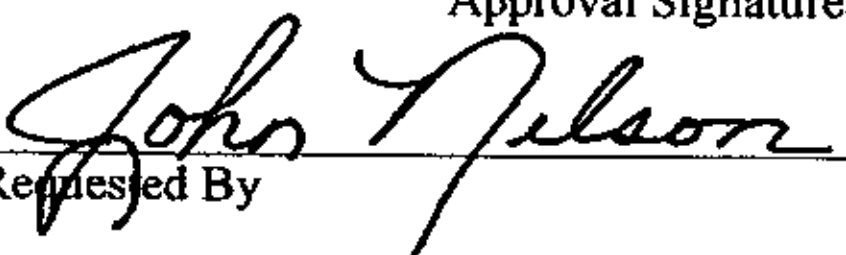
Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Solid waste disposal	5500	5010	5316	00	15,000	
Solid waste disposal	5500	5020	5316	00	7,000	
Solid waste disposal	5500	5030	5316	00	3,000	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of fund balance	5500	0950	4999	99	25,000	

Approval Signatures

	9/2/2005
Requested By	Date
Budget Manager	Date
Department Director	Date
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			

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT No. 4 TO THE CONTRACT WITH WASTE MANAGEMENT OF ARKANSAS, INC. FOR OPERATION OF THE TRANSFER STATION AND TRANSPORT AND DISPOSAL OF MUNICIPAL SOLID WASTE; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$25,000.00 TO COVER THE COST OF INCREASED DISPOSAL FEES.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment No. 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of municipal solid waste. A copy of Amendment No. 4, 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 budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

AMENDMENT #4

C.12.
Waste Management of Arkansas, Inc.
Contract Amendment
Page 6 of 8

Contract with Waste Management of Arkansas, Inc.
for the Operation of Transfer Station,
and Transport and Disposal of Municipal Solid Waste

The City of Fayetteville, by agreement dated September 25, 1995, contracted with Waste Management of Arkansas, Inc. as successor-in-interest to Sunray Services, Inc. for the operation of Fayetteville's transfer station, and transport and disposal of municipal solid waste. Amendment #4 does hereinafter amend the contracted terms of the agreement as specified in Section 3 of the contract document. The approved amendments to Section 3 of the contract document are as follows:

- Section 3.(a) For operation of the City Transfer Station, currently \$4.13 per ton, effective September 1, 2005, of solid waste delivered to the Transfer Station, \$4.51 per ton;
- Section 3.(b) For outgoing transport of solid waste delivered to the City Transfer Station, currently \$5.07 per ton, effective September 1, 2005, based on incoming weight delivered to the Transfer Station, \$6.07 per ton;
- Section 3.(c) *(No change)* For its disposal of waste delivered to the City Transfer Station, \$20.00 per ton;
- Section 3.(d) *(No change)* For disposal of solid waste delivered to Contractor's landfill or transfer station, \$29.20 per ton;
- Section 3.(e) For accepting at the City's Transfer Station and disposing of solid waste generated from other sources other than the City of Fayetteville, currently \$40.00 per ton, effective September 1, 2005, of waste delivered to the Transfer Station, \$42.72 per ton.
- Section 3.(f) *(No change)* A minimum charge for accepting solid waste from sources other than the City of Fayetteville, \$1.30 per bag until exceeds \$20.65, or \$20.65 minimum up to 1,000 pounds. After 1,000 pounds, other sources will be charged currently \$42.75 per ton.

IN WITNESS WHEREOF, the parties to these presents have executed this Amendment #4 of the contract for the operation of Fayetteville's transfer station, and transport and disposal of municipal solid waste to be effective September 1, 2005.

CITY OF FAYETTEVILLE, ARKANSAS

ATTEST:

By: _____
Dan Coody, as Mayor

Date: _____

City Clerk

WASTE MANAGEMENT OF ARKANSAS, INC.

By: _____
Roger Lawrence, as authorized signatory

Date: _____



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Data extracted on: August 31, 2005 (5:08:59 PM)

Consumer Price Index - All Urban Consumers

12 Months Percent Change

Series Id: CUUR0000SA0
Not Seasonally Adjusted
Area: U.S. city average
Item: All items
Base Period: 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1999	1.7	1.6	1.7	2.3	2.1	2.0	2.1	2.3	2.6	2.6	2.6	2.7	2.2	1.9	2.5
2000	2.7	3.2	3.8	3.1	3.2	3.7	3.7	3.4	3.5	3.4	3.4	3.4	3.4	3.3	3.5
2001	3.7	3.5	2.9	3.3	3.6	3.2	2.7	2.7	2.6	2.1	1.9	1.6	2.8	3.4	2.2
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2.0	2.2	2.4	1.6	1.3	1.9
2003	2.6	3.0	3.0	2.2	2.1	2.1	2.1	2.2	2.3	2.0	1.8	1.9	2.3	2.5	2.0
2004	1.9	1.7	1.7	2.3	3.1	3.3	3.0	2.7	2.5	3.2	3.5	3.3	2.7	2.3	3.0
2005	3.0	3.0	3.1	3.5	2.8	2.5	3.2							3.0	

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City Council Agenda Items
or
Contracts

C.13.
Chapter 50 Garbage and Trash Amendment
Page 1 of 6

9/20/2005

City Council Meeting Date

Gary Dumas

Submitted By

Solid Waste & Recycling

Division

Operations

Department

Action Required:

Approval of Amendment to Code of Ordinances Garbage and Trash Section 50.40 (A) Residential Service to Provide for an Annual Rate Adjustment based upon the prior year Consumer Price Index.

\$ (75,934.00)

Cost of this request

5500.0950.4430.21

Account Number

Project Number

\$ -

Category/Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Program Category / Project Name

Solid Waste Fund Revenue

Program / Project Category Name

Solid Waste

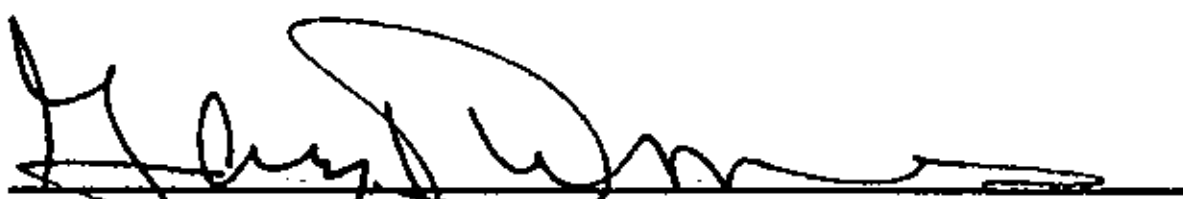
Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐


Department Director

9-2-05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

9/7/05


Finance and Internal Service Director

9-7-05
Date

Received in City Clerk's Office



Received in Mayor's Office



Mayor

Date

Comments:

09-02-05P04:52 RCVD



OPERATIONS DIRECTOR

Agenda Request

To: Mayor and City Council
From: Gary Dumas **GD**
Date: August 31, 2005
Re: Amendment to Code of Ordinances Garbage and Trash Section 50.40 (A)
Residential Service to Provide for an Annual Rate Adjustment based upon the prior year
Consumer Price Index

Recommendation

Staff recommends approval of Amendment to Code of Ordinances Garbage and Trash Section 50.40 (A) Residential Service to Provide for an Annual Rate Adjustment based upon the prior year Consumer Price Index.

Background

During the summer of 2002 the Staff and Council developed a fee structure to implement the automated pay-as-you-throw residential collection system now in place. There has been no fee adjustment since that date even though since January 2003 and June 2005 the Consumer Price Index has increased by 8%. The Solid Waste System runs as a municipal enterprise and has a very narrow margin that is designed to allow for timely program growth of additional vehicles, staff, and equipment as required by the increasing customer base. This increasing customer base will incrementally always require additional capital investment and additional operating funds to address the increased number of customers. These expansions will involve additional routes, additional drivers, and additional vehicles.

As this customer growth occurs, expansion or replacement of the physical plant, the buildings (the transfer station and materials recover facility) will be necessitated. While these changes are not in the near future some financial planning to generate adequate resources for these events should be in place.

Discussion

The Solid Waste and Recycling Enterprise Fund this next year will be required to add two residential service vehicles to address customer growth and service reliability. These vehicles in 2002 had a cost of \$196,488 each. Added personnel will also be required for the continued level of service being provided.

In order to address continuing growth pressures without reliance upon sales tax, general fund, or any non-enterprise resources some revenue enhancement is necessary. The staff has worked diligently to expand solid waste and trash services in order to reduce overhead costs and to generate income to help to pay for the necessary residential and

commercial program growth as it occurs. These efforts have been successful in delaying any discussion of rate increases during the last three years even though all costs have been increasing. This effort to enhance revenue will continue subject to City Council approval. However, these efforts are only partially off-setting the increases in program expense which have occurred during the past three years and which are expected to continue at current or increasing rates.

In order to address the enterprise revenue needs incrementally on an annual basis rather than be required to take large rate increases to our customers the following is proposed. The current residential fee schedule is

50.40 Rates For Services

(A) *Residential service.* Garbage and trash shall be collect from residential customers one time each week for the following rates:

Garbage/Trash User Fee Schedule

Container Volume	Fixed Fee	Graduated Volume Fee	Cart capitalization included in base rate	Monthly Rate
32	\$5.76	2.06	0.37	\$8.19
64	\$5.76	6.24	0.49	\$12.49
96	\$5.76	\$11.43	0.55	\$17.74

The proposed residential fee schedule is proposed to be increased by the annual cost of living index. That amount for 2006 would be 3% based upon the CPI, All Urban Consumers, Not Seasonally Adjusted, U. S. City Average, All Items, 1st Half of 2005. The proposed would be as follows:

Garbage/Trash User Fee Schedule

Container Volume	Monthly Rate
32	\$8.43
64	\$12.86
96	\$18.27

This increase would range from \$0.24 to \$0.53 per month or \$2.88 to \$6.36 per year. On an individual basis, this would be a minor increase but on a system basis this should generate adequate revenue over time to maintain the residential collection system without the major rate increases that have been very problematic when occurring on 5 to 10 year intervals. This increase is proposed to be effective on January 1, 2006.

Commercial rates are being evaluated currently. Commercial rates are much more complex as different types of users generate different tonnages in the same size container. For example, a restaurant would generate more expense to the system with an 8cubic yard container than an office with a similar container. For this reason, during the past

month Solid Waste and Recycling has been conducting an audit of all commercial businesses, weighing containers in an effort to collect enough data to create a more equitable commercial rate structure. The commercial rate structure will be before the Council during the budget review period.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND TRASH, OF THE CODE OF FAYETTEVILLE, TO ALLOW FOR ANNUAL RATE ADJUSTMENTS FOR RESIDENTIAL SERVICE, BASED UPON THE CONSUMER PRICE INDEX (CPI) AS PUBLISHED BY THE U.S. DEPARTMENT OF LABOR.

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

Section 1. That §50.40(A) Code of Fayetteville is hereby amended by inserting the following after subsection (3):

(4) The Garbage/Trash User Fee shall be adjusted annually based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor .

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk



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Consumer Price Index - All Urban Consumers

12 Months Percent Change

Series Id: CUUR0000SA0
Not Seasonally Adjusted
Area: U.S. city average
Item: All items
Base Period: 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
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2000	2.7	3.2	3.8	3.1	3.2	3.7	3.7	3.4	3.5	3.4	3.4	3.4	3.4	3.3	3.5
2001	3.7	3.5	2.9	3.3	3.6	3.2	2.7	2.7	2.6	2.1	1.9	1.6	2.8	3.4	2.2
2002	1.1	1.1	1.5	1.6	1.2	1.1	1.5	1.8	1.5	2.0	2.2	2.4	1.6	1.3	1.9
2003	2.6	3.0	3.0	2.2	2.1	2.1	2.1	2.2	2.3	2.0	1.8	1.9	2.3	2.5	2.0
2004	1.9	1.7	1.7	2.3	3.1	3.3	3.0	2.7	2.5	3.2	3.5	3.3	2.7	2.3	3.0
2005	3.0	3.0	3.1	3.5	2.8	2.5	3.2							3.0	

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C.14.
C-PZD 05-1670 Pratt Place Inn
Page 1 of 40

20-Sep-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

C-PZD 05-1670: (Pratt Place Inn, 481): Submitted by Julian & Jane Archer for property located at the west end of Markham Road. The property is zoned RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural, and contains approximately 72.1 acres. The request is to approve a Master Development Plan - Planned Zoning District for a commercial hotel/Inn, restaurant, cabins, agricultural and residential uses.

\$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

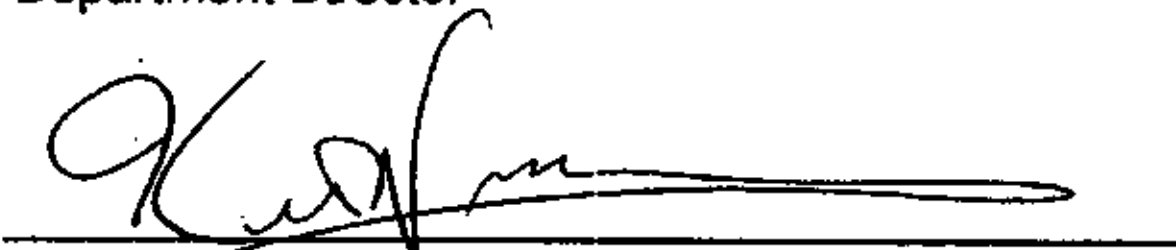
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Department Director

9/2/05
Date

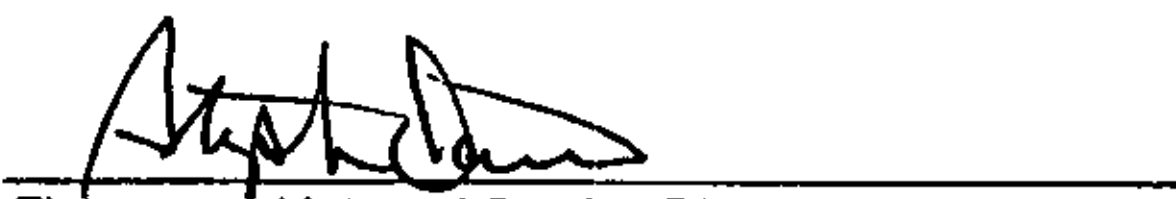
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

9/2/05

Original Contract Number: n/a


Finance and Internal Service Director

9-2-05
Date

Received in City Clerk's Office




Mayor

9/2/05
Date

Received in Mayor's Office

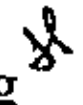


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 31, 2005

Subject: Commercial Planned Zoning District for Pratt Place Inn (C-PZD 05-1670)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Commercial Planned Zoning District (C-PZD) for Pratt Place Inn, based on the Master Development Plan, development standards and statement of commitments submitted. This action will establish a unique zoning district for a mixed-use project on approximately 72 acres located at the west end of Markham Road. The proposal consists of a hotel/inn with seven rooms, a restaurant, up to four rustic log cabins, four single family dwelling units, the utilization of the existing barn for weddings and other social events, agricultural use and supporting infrastructure and improvements for the Inn use.

BACKGROUND

The property consists of a total of 72 acres located at the west end of Markham Road, fronting onto Markham, Sang, Cross and Halsell. It is currently zoned RSF-4 and R-A, and occupied by agricultural land, tree canopy, several cabins, single family homes and a large barn. Portions of the property were rezoned to R-A in 2002 to allow for agricultural uses, including horses, and included a Bill of Assurance.

The applicant requests a rezoning and Master Development Plan approval for a mixed-use project within a unique C-PZD zoning district. The site is intended to be kept in much its same state, but to allow for the existing historic home to be remodeled into an Inn and restaurant. Associated parking, a swimming pool, tennis court and other ancillary uses are proposed, as well. The existing barn has been utilized in the past to host social events, such as weddings and receptions. The rezoning would formally recognize this use as part of the Pratt Place Inn project. Existing, older cabins on the property are proposed to be removed, and up to four log cabins to replace them on the property. The remainder of the site is proposed to remain much as is, utilizing some of the land for agricultural timber, nut trees, grazing or a couple of single family homes. The project is divided into three (3) Planning Areas, each with its own permitted and conditional uses, setbacks, lot sizes, etc.

DISCUSSION

This item was not reviewed by the Planning Commission. The submittal was made directly to Planning Staff, evaluated and a recommendation made to the City Council. Depending upon the outcome of the City Council decision, the actual development would be required to be reviewed and approved by the Planning Commission as a large scale development.

The applicant did hold a neighborhood meeting and was instructed to notify adjoining property owners of the rezoning request at least 10 days prior to the public meeting.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 05-1670, PRATT PLACE INN, LOCATED AT THE WEST END OF MARKHAM ROAD, CONTAINING APPROXIMATELY 72 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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-A, Residential Agricultural, to C-PZD 05-1670 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, development standards, statement of commitments and conditions of approval as submitted, determined appropriate and approved by the City Council.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master 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" pg 1 of 2
C-PZD 05-1670

INSERT LEGAL DESCRIPTION HERE, TO BE APPROVED BY GIS DIVISION

DRAFT

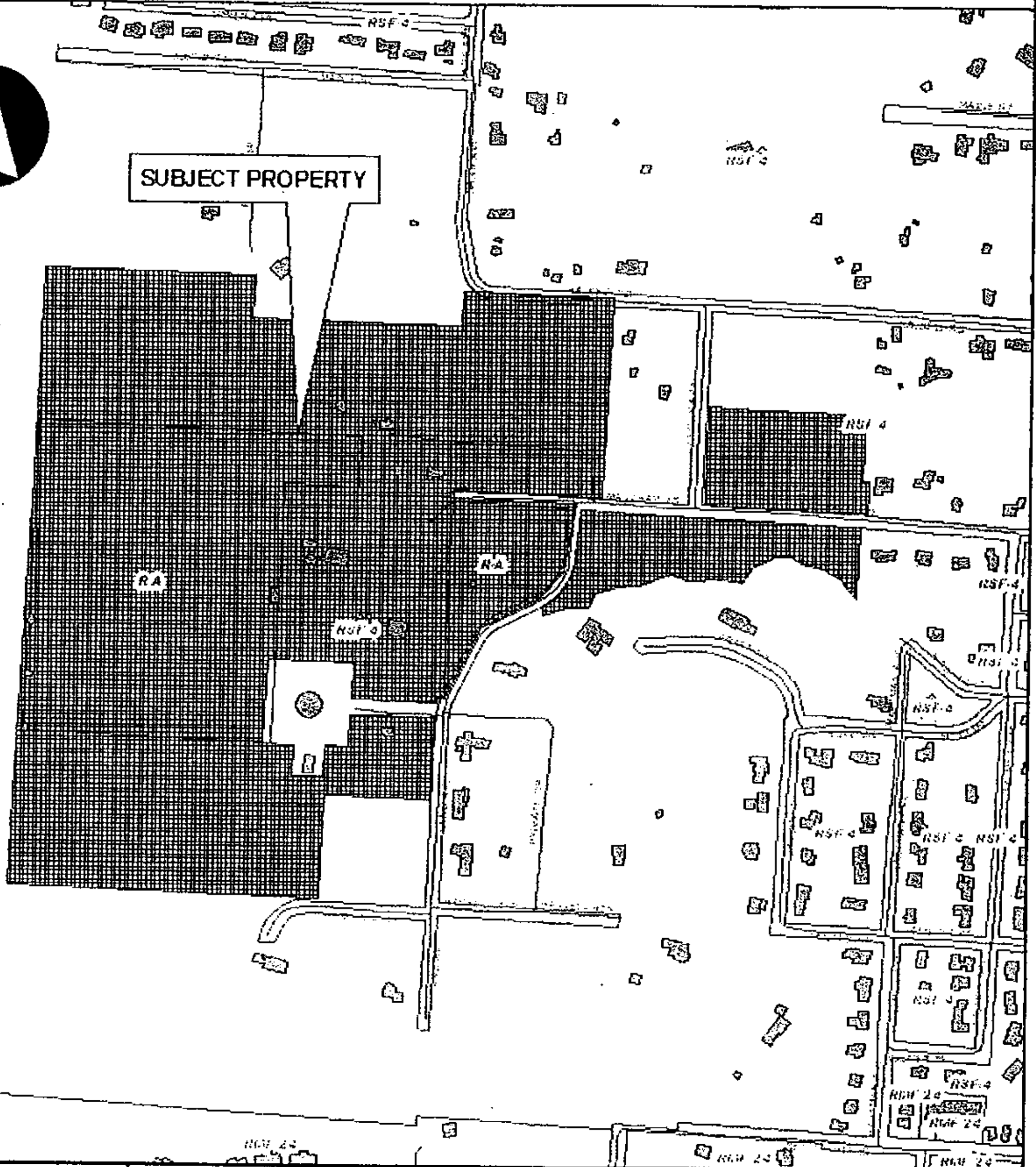
PZD05-1670

Close Up View

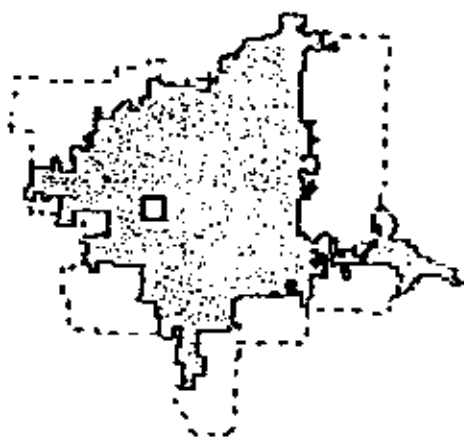
PRATT PLACE INN



SUBJECT PROPERTY



Overview



Legend

PZD05-1670

Overlay District
Under Street Plan
Under Street Plan
Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Minor Collector

100 YEAR
500 YEAR
LIMIT OF STUDY
Baseline Profile
Fayetteville
Outside City

0 150 300 600 900 1200 Feet



CC Meeting of September 20, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Coody
City Council
FROM: Jeremy Pate, Director of Current Planning
DATE: August 30, 2005

C-PZD 05-1670: Commercial Planned Zoning District (Pratt Place Inn): Submitted by JULIAN & JANE ARCHER for property located at 2231, 2230, 2148, 2115, 2255 MARKHAM ROAD, along MARKHAM ROAD AND SANG AVENUE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 72.1 acres. The request is to approve a Master Development Plan – Commercial Planned Zoning District for an historic inn, cabins, restaurant, reception/gathering space, agricultural use and associated parking.

Property Owner: Julian & Jane Archer

Planner: Jeremy Pate

Findings:

Property Description: The property consists of several parcels totaling 72.1 acres that is currently utilized for residential and agricultural purposes. The applicants requests a rezoning and Master Development Plan approval for the subject 72.1 acres. There is both dense tree canopy and open pasture land located on the site. Currently there are several structures on the property, including a barn, a 5,000 SF Victorian farmhouse that is on the Arkansas Register of Historic Places, single family homes at various addresses, fenced pastures, 1920s-30s camp cabins, timberland and trails. Access is rather limited, primarily from Markham Road, which connects east to Razorback Road.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Single family homes	RSF-4
South	Single family homes, open land	RSF-4
East	Single family homes	RSF-4
West	Undeveloped property	RSF-4

Proposal: The applicant requests a rezoning and Master Development Plan approval for a mixed-use project on the property. The project will include the redevelopment of an historic structure on the site into a 7-guest room Inn and 60-seat restaurant, kitchen, etc. A separate residence for the Innkeeper is proposed, and ancillary uses such as a tennis court, swimming

pool, valet parking, and overflow parking are also proposed. The existing barn is proposed to be utilized for both as storage for horses and barn dances, dinner parties, weddings, and other scheduled intermittent social events. No amplified music is to be permitted outside of any structure on the property. Several old camp cabins will be eventually removed, and a maximum of four authentic log cabins could replace them. These cabins would accommodate 2-4 adults each, and would be rented as a retreat/residence by the day, much the same as the Inn. Planning Area 2 is intended to remain for agricultural or open space use, without the potential for additional dwellings units. Planning Area 3, once a pasture, is proposed to be utilized for agricultural purposes, with the planting of a grove of trees so as to retain its former agricultural use. Neither is to be permitted for parking, either permanently or for temporary events, such as football games.

Process: The purpose of the subject request is for a rezoning approval in order to re-use the Victorian house as an Inn with dining facilities, along with associated activities. Staff is not supportive of rezoning the property to C-2, which would be the required zoning for a hotel and restaurant, wedding reception facility, and parking area. However, the applicant also has a desire to retain both the architectural integrity of the existing structure and the agricultural/natural setting of this property which happens to be in the middle of the city. In order to do so, the Planned Zoning District process was recommended. As recently approved by the City Council, an applicant has the option of presenting a Master Development Plan – Planned Zoning District to the City Council first. This action would effectively rezone the property based on the plans and information provided. However, it does not give development approval. The applicant is required to return through the large scale development process, in this case, in order for the Planning Commission to confirm that the development plans presented are compliant with the zoning and Master Development Plans approved by the City Council.

The following bulk and area regulations are proposed by the applicant, and are included in detail within the attached submittal:

ZONING CRITERIA: C-PZD 05-1670 (Pratt Place Inn)

(A) Proposed Uses.

Planning Area 1

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
Unit 2		City-wide uses by conditional use
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture
Unit 7		Animal husbandry
Unit 8		Single Family Dwellings
Unit 13		Eating Places
Unit 14		Hotel, motel & amusement facilities
	Unit 29*	Dance halls*

* Conditional use approval by the Planning Commission required; uses shall be limited to wedding receptions, scheduled private events, etc. that are related to the overall Pratt Place Inn project.

Planning Area 2 & 3

Permitted Use	Conditional Use	Type of Use
Unit 1		City-wide uses by right
	Unit 4	Cultural & Recreational facilities
Unit 6		Agriculture

(B) Density/Intensity

Planning Area	Density (dwelling units)	Intensity (square feet nonresidential)
1	Maximum 4 dwelling units Oak Cabin (existing) 2248 W. Markham Tower House (existing) 109 N. Sang Innkeeper House (proposed) 2230 W. Markham Archer Log House (existing) 2115 W. Markham <i>Inn, maximum 4 new rental cabins do not count toward density, as these are not to be utilized as residences</i>	Maximum 33,340 SF Inn: 18,900 SF (proposed) Barn: 6,300 SF (existing) Two-stall barn: 340 SF English Cottage (existing): 1,800 SF Max. 4 cabins: 6,000 SF (1500 SF each proposed, with removal of existing cabins)
2	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)
3	No dwelling units permitted	Any structure size permitted to be determined by Conditional Use Permit, if requested (Planning Commission)

(C) Bulk and area regulations.

Planning Area	Lot width minimum	Lot area minimum	Land area per dwelling unit
1	200 feet (frontage onto a public street)	1 acres	1 acre
2	N/A	3.57 acres	No dwellings permitted
3	N/A	4.18 acres	No dwellings permitted

(D) Setback requirements.

Planning Area	Front	Side	Rear
1	50 feet	10 feet	20 feet
2	50 feet	10 feet	20 feet
3	50 feet	10 feet	20 feet

(E) Height. Maximum height for all structures.

Planning Area	
1	60 feet
2	50 feet
3	50 feet

(F) Building area. In any Planning Area the area occupied by all buildings shall not exceed 25% of the total lot area.

(G) *Signage.* Signage on the property shall be allowed as follows:

Planning Area	Freestanding Signage	Wall Signage
1	2'x3' freestanding sign at Sang and Markham 3'x5' freestanding sign at the end of Markham	As permitted in Commercial zones for the Inn; no other signage permitted
2	None permitted	As permitted in Residential zones
3	2'x3' freestanding sign at Cross and Markham	As permitted in Residential zones

* No pylon/pole signs shall be permitted, only monument signs. Signage location shall be permitted in accordance with setbacks and other criteria in Ch. 174 Signs, unless noted herein.

Water & Sewer: Water is currently available, and will be extended on-site with adequate fire protection (hydrants) and water line size to be provided as required by code. It will be necessary for the development to connect to city sewer and cease use of the existing septic systems. Sewer line connections, extensions, etc. will be evaluated and required to meet city codes to serve the properties at the time of development.

Access: Access is provided from Markham and Sang Streets. These are residential streets with open ditches which provide access to the University Heights neighborhood west of the University of Arkansas campus. Markham is currently narrow and is failing in portions west of Cross Avenue. At the time of development, streets that the development will access will need to be reconstructed to provide a safe and adequate means of access, as determined by the Planning Commission. At minimum, a 20-foot wide pavement width will be required, with improvements to the failing pavement north of Cross Avenue. Access for ladder trucks to this property for the Fire Department is a stated concern, without improvements as mentioned above.

Interior to the project, private drives are proposed. Access to future cabins will need to meet with Fire Department approval in order to provide adequate fire protection and emergency access in time of need. The slope, width and construction of interior drives to access future structures shall be evaluated at the time of development to ensure proper access is achieved.

Adjacent Master Street Plan Streets: Markham Road, Sang Avenue (Residential Streets)

Street Improvements: Staff recommends the following:

- ♦ Markham Road accessing the subject property from Cross Avenue into the property will need to be improved to a minimum 20-foot standard, if not greater. Existing pavement will need to be evaluated and improved, if necessary. The Planning Commission shall determine the amount of improvement necessary in order to approve the proposed development with adequate and safe access.
- ♦ Drainage improvements associated with the widening will also need to be evaluated and required, as necessary, based on the City Engineer's recommendation and the Planning Commission's determination at the time of Large Scale Development.

Tree Preservation: Much of the site contains existing tree canopy, though there are areas of dense canopy and areas of open pasture land. The majority of the property is intended to be utilized in its existing state, without a great deal of disturbance. Typical agricultural activities,

including the use of pastureland for grazing of animals, pecan/nut orchards, and agricultural timberland are proposed to remain allowed. An overall survey of existing canopy has not been provided, though enough detail to meet the criteria of the Tree Preservation Ordinance is to be provided at the time of Large Scale Development review. There is anticipated tree removal with construction of the entry drives, parking lot and groves of nut trees for agricultural use. The project shall meet or exceed the minimum percent canopy (25%) required for a Planned Zoning District.

Parks: If additional residential dwelling units above that which currently exist are created, the project shall be evaluated for parkland dedication or fees-in-lieu, to meet the parkland dedication ordinance.

Public Comment: Staff advised the applicant to hold a public meeting with the University Heights Neighborhood Association, which has occurred. Several concerns were voiced, including additional traffic on substandard roads, drainage, noise potential and tree buffers. Many of these items are addressed in the conditions of approval.

Recommendation: Staff recommends approval of the Master Development Plan – Planned Zoning District for Pratt Place (C-PZD 05-1670), with the following conditions:

Conditions of Approval:

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
2. Pursuant to city ordinance, development of the property shall be approved by the Planning Commission through the large scale development review process. Should a subdivision of land be desired, all applicable ordinances and processes shall be followed in order to meet city ordinances.
3. A final legal description shall be approved by the GIS division prior to recordation of the ordinance, and shall accurately reflect the parcels requested for rezoning.
4. No amplified outdoor music shall be permitted at any point on the property. The property is surrounded by single family residences, and the potential for noise generation from the proposed development has been voiced as a concern.
5. Public water and sewer lines shall be extended as required by city ordinance at the time of development.
6. Street improvements at the time of development shall include the widening and repair or reconstruction of Markham Road to a minimum 20-foot width west of Cross Avenue into the subject property. Dedication of right-of-way to meet Master Street Plan

requirements, appropriate drainage, lighting, sidewalk and other surrounding or adjacent street improvements as determined by the Planning Commission to be appropriate in alleviating the impact of the increase in use and traffic generation shall be determined by the Planning Commission.

7. Access to future outlying cabins will need to meet with Fire Department approval prior to building permit in order to provide adequate fire protection and emergency access in time of need. The slope, width and construction of interior drives to access future structures shall be evaluated at the time of development to ensure proper access is achieved.
8. At no time shall the proposed Inn or rental cabins be utilized for semi- or permanent residences, without City Council approval. The existing cabins on the property shall be removed prior to the issuance of building permits for the proposed cabins.
9. A Tree Preservation Plan shall be prepared at the time of development. At all times a significant tree canopy and vegetative buffer (visual and physical) shall be maintained adjacent to surrounding properties in Planning Area 1, where the non-residential activities are to occur. Other tree removal for bona fide agricultural purposes is expected to occur. Trees that meet the significant tree status as determined by the Urban Forester shall remain, unless approved for removal by the Urban Forester.
10. Pursuant to the original Bill of Assurance rezoning a portion of the subject property for agricultural purposes, the following agricultural uses shall not be permitted within the Planning Areas: commercial chicken houses, hog farms or feed lots.
11. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
12. Zoning and development criteria shall be enforced as noted within the staff report "Zoning Criteria" sections A-G, as noted above. Said information shall be included with any submitted development plans.
13. 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.
14. Planning Areas 2 & 3 shall not be utilized for permanent or temporary parking, to discourage high volumes of traffic on surrounding substandard streets. Parking shall not be allowed on surrounding substandard public streets during events held on the property, unless and until the streets are improved to a sufficient level so as to allow for on-street parking, as determined by the Transportation Division.

15. Phasing: The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Inn within one year of the approval date of the associated Large Scale Development by the Planning Commission. The PZD ordinance shall be valid if all permits are issued to begin construction of the proposed Innkeeper house and cabins within three years of the same approval date.
16. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

CITY COUNCIL ACTION:

yes Required

 Approved Denied

Date: Sept 20, 2005

Comments:

The "CONDITIONS OF APPROVAL", stated in this report, are accepted in total without exception by the entity requesting approval of this rezoning/master development plan item.

By _____

Date _____

Findings associated with C-PZD 05-1670

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the General Plan 2020;

FINDING: Staff finds the application to be in substantial compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. In review of the General Plan 2020, the application provides for a mixture of residential, agricultural and commercial activities in the heart of the city, while conserving a great deal of open space to remain intact.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. There are currently substandard water lines and existing septic systems on the site that would be abandoned and replaced with public mains and service lines that meet City of Fayetteville specifications. Fire and emergency response time is adequate, though improvements to existing street infrastructure will be necessary at the time of development, and is indicated in the conditions of approval.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, retains an agricultural and residential feeling, even with the addition of the Inn and restaurant. It is anticipated that traffic will increase a certain degree for the proposed uses, and street improvements accessing the property will need to be evaluated and determined at the time of development. The primary development proposed is interior to the site (approximately 1300 feet from the nearest residence) and is thus for the most part inaccessible both visually and in terms of other impacts. Staff is not supportive of a rezoning to a standard Commercial zoning district in this location; however, the definitive nature of the proposed Master Development Plan indicates that the rezoning will be compatible and indeed remain much the same, with a few exceptions, as the existing land use.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is intended to be utilized only in a limited area, with little disturbance to the remainder of the site. The property intended for the development contains existing development for the most part, and will be compatible for the uses proposed. The parking area is sited to be buffered from view and to remove as few trees as possible.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Based on the Master Development Plan submitted, traffic counts will increase, especially with the use of a restaurant. Peak counts may increase with the use of facilities for weddings and other reserved events, however the amount of development proposed is relatively minimal. At the time of development, the existing streets will be evaluated by the engineer and requirements made by the Planning Commission as to the extent of improvements necessary for development approval.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan has been submitted, recognize the zoning and development criteria required of a Master Development Plan submittal. Architectural elevations of the proposed inn and descriptions of the proposed cabins have been provided that indicate the rural setting is to be retained with development of the subject property.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: Staff finds that in review of the requested rezoning, the Master Development Plan proposed does not violate recognized zoning considerations, as found below.

(J) 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. At this time, the Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments offered by the applicant and those recommended by staff, and design standards to ensure the proposal will achieve a high level of compatibility with adjacent properties. Staff finds that the proposal herein does incorporate an acceptable level of compatibility. While commercial in nature, the proposed Inn and associated activities achieves an architectural appeal and further restricts the use of the subject property to much less density, traffic generation and other concerns that a single family residential subdivision at four units per acre would entail. The building location is optimal, sited interior to the site; tree preservation and conservation of natural amenities is addressed in the Statement of Commitments, and is a higher commitment than currently required with an agricultural zoning. Parking is to be achieved in a sensitive and buffered manner, and interior circulation will be provided that meets all applicable development codes. Staff finds that the proposed uses on the subject property do not adversely affect surrounding property and will have minimal impact.

- (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 at this time; with development of the site, all applicable development criteria will be applied for appropriate landscaping, screening and buffering of parking areas and objectionable uses.

- (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: Ingress and egress interior to the project shall be evaluated and required to be constructed with the large scale development of the property. Public streets shall be improved to an acceptable standard, as determined by the Planning Commission, and interior private drives shall be constructed to provide for safe and adequate access to all structures for emergency vehicles.

- (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 the proposed uses shall apply. All parking areas shall conform to City of Fayetteville standard specifications, unless approved otherwise.

- (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 provides a great deal of open space to be retained for agricultural use and overflow use for various social events. As noted in the conditions of approval, staff has recommended a significant natural tree and vegetative buffer to be retained on the property to act as a buffer from adjacent properties.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Sidewalks and other pedestrian connections will be evaluated at the time of development.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights will be evaluated at the time of development.

- (8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer will be 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 and private streets/drives shall conform to city standards. Improvements to existing streets shall be determined by the Planning Commission at the time of development. Public and Private streets shall not be gated, unless permitted by express approval from the City Council by resolution.

- (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: A tree preservation plan shall be submitted at the time of development. It is anticipated that trees will be removed from this site with the continued agricultural uses proposed and currently in operation.

- (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: All commercial structures shall be evaluated as set forth in the code.

- (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 utilizes a unique mixture of agricultural, residential and commercial uses, while retaining the natural setting currently in existence on this large-acre site in the heart of the city. There is a desirable distribution of land uses, with the highest impact uses concentrated to areas already impacted, thereby decreasing the amount of existing natural features disturbed. Staff finds the uses to be compatible to the area, with the commitments, development standards, conditions of approval and other criteria in place with the rezoning request.

(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 C-PZD 05-1670, with three Unique Planning Areas. The development standards, statement of commitments and Master Development Plan approved shall be adopted with the rezoning.

D) *C-PZD, Commercial Planned Zoning District*

- (1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

- (a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.

- (b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
- (c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
- (d) To encourage commercial development which is consistent with the city's General Plan.
- (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

FINDING: The proposed use is mixture of uses containing agricultural, residential and commercial uses. A general commercial rezone is not appropriate in this area; however, with proper measures in place, the proposed Inn will fit into the environment in a sensitive manner, not create traffic or noise problems, re-utilize an historic structure, create land use restrictions on the property that will ensure compatibility and minimize adverse impact on surrounding areas. Staff finds the Planned Zoning District process to be the only one in which this unique proposal could be supported.

(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 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 29	Dance halls

FINDING: See Zoning Criteria Chart above for the uses permitted by right and by conditional use as proposed by the applicant.

(3) Conditions.

- (a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leasable floor area within the development.

- (b) Residential uses must be appropriate to the design of the project.
- (c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from R-A, Residential Agricultural and RSF-4, Residential Single Family, 4 units per acre, to C-PZD 05-1670, with the adoption of the associated Master Development Plan.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to C-PZD 05-1670, with the associated Master Development Plan, is not specifically consistent with the land use plan for this area, however it does not greatly increase the usable space and actually decreases the density to be allowed on the property. The proposed plan, commitment and other conditions placed upon the project result in a compatible development 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 is to a great degree consistent with many of the principles and policies in place**

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 anything other than agricultural or single family uses on the property.**

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

Finding: **The proposed zoning will likely increase peak traffic, due to the change in use from an existing house to a hotel/restaurant facility. Street improvements will need to occur as a result, and shall be installed with development of the project. Staff finds the proposal will not appreciable increase traffic danger and congestion.**

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

sewer facilities.

Finding: **Population density will be decreasing with the requested rezoning, due to the fact that much of the property zoned RSF-4 is being restricted from development altogether.**

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 Fire Department

303 W. Center St. Fayetteville AR. 72701

Date: August 31, 2005

To: Jeremy Pate

From: Captain Dale Riggins

Subject: Re-zoning review from the Fayetteville Fire Department.

PZD05-1670 (Pratt Place Inn)

These 72 acres are covered by Station 2 on North Garland.

The property is 1.4 miles from the station with an anticipated response time of 4 minutes. No calls for service are figured on this type of development and there should be no adverse affects on our call volume. Our only concern is the access of our ladder trucks to this property. With the road and trees it will be very hard to maneuver an aerial truck to this property without improvements. Another concern is the access to the future 'cabins' and their locations.

RPZD05-1636 (Well Spring)

These 152 acres are currently covered by Station 7 on Ruppel Road.

The property is 0.8 miles from the station with an anticipated response time of 1.5 minutes to the beginning of this subdivision and 2.5 minutes after the maximum build out is completed. We project this development to produce 235 calls for service per year at maximum build out (92 fire/other and 143 EMS). This accounts for the residential properties only. Typically, commercial properties do not greatly affect our call volume with-in a fire district. The service impact of this development will typically take eighteen months, after the development is started, to occur. Since this project is predicted to take 4-5 years to complete there should be no adverse effects on our call volume or response times to this subdivision. Since Ruppel Road is narrow and curvy, the widening of this road will greatly help getting our apparatus to the scene of this development along with any calls north of that area.

If you have any questions, please feel free to call or email me.

Dale Riggins
Captain
Fayetteville Fire Department

Previous Rezoning Actions

ORDINANCE NO. 4392

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZN 02-9.00 FOR A PARCEL CONTAINING
APPROXIMATELY 18.80 ACRES LOCATED AT 2231 MARKHAM
ROAD, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY JULIAN
AND JANE ARCHER.

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

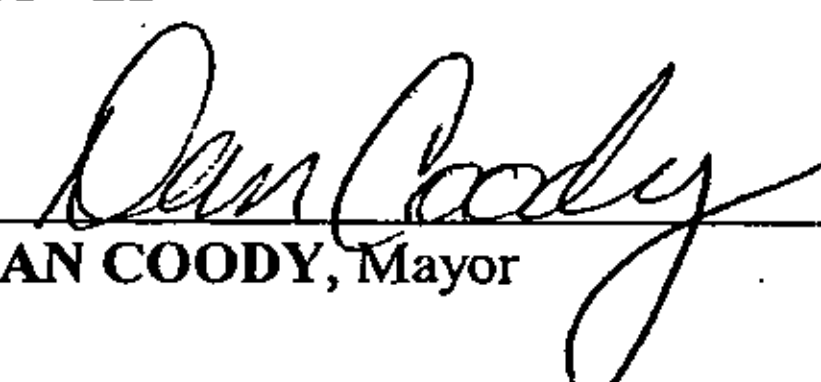
Section 1: That the zone classification of the following described property is
hereby changed as follows:

From R-1, Low Density Residential to A-1, Agricultural 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 21st day of May, 2002.

APPROVED:

By: 

DAN COODY, Mayor



By: 

Heather Woodruff, City Clerk



EXHIBIT "A"

A PORTION OF PARCEL 765-14548-000 DESCRIBED AS FOLLOWS TO-WIT: THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT AND RUNNING, THENCE EAST 783.2 FEET; THENCE SOUTH 83 FEET; THENCE WEST 783.2 FEET; THENCE NORTH 831 FEET TO THE POINT OF BEGINNING, CONTAINING 14.94 ACRES, MORE OR LESS. ALSO, A PORTION OF PARCEL 765-14536-000 DESCRIBED AS A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE EAST 1020 FEET; THENCE NORTH 165 FEET; THENCE WEST 1020 FEET; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING, CONTAINING 3.86 ACRES, MORE OR LESS.

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") Julian & Jane Archer, 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 _____

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

3. Specific activities will not be allowed upon petitioner's property include commercial chicken houses, feed for hog lots, trailers, park, cemetery, crematorium, mausoleum, hospital, convalescent home

4. (Any other terms or conditions) _____

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, Jane Archer as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

Jane Archer

Julian Archer

Printed Name

Jane Archer
Julian Archer

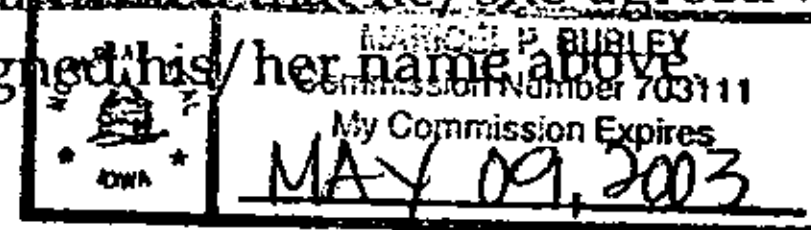
Signature

Mar. 26, '02
① Date 2115 Markham
Fayetteville, AR 72701
② 402-29th St.
Address
Des Moines, Ia. 50312

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 26 day of MARCH, 2002 appeared before me, Julian P.W. ARCHER and JANE G. ARCHER 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

Maucel P. Burley

My Commission Expires:
MAY 09, 2003

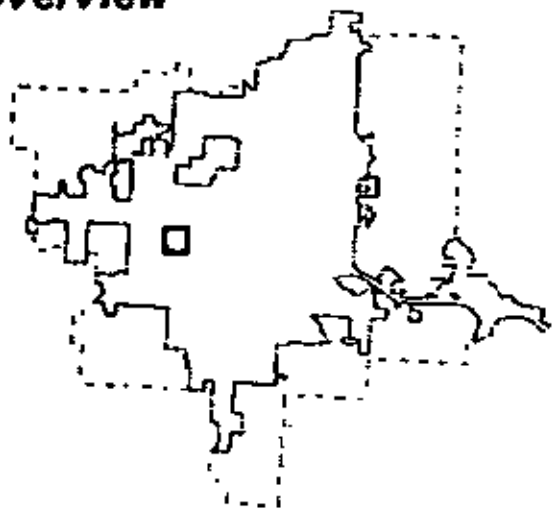
RZN02-09.00

ARCHER

Close Up View



Overview



Legend

Subject Property

RZN02-09.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 125 250 500 750 1,000 Feet

Planning Commission
April 22, 2002
RZN02-9 & RZN02-12 Archer
Page 8 & 9.13

ORDINANCE NO. 4393

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-12.00 FOR A PARCEL
CONTAINING APPROXIMATELY 4.10 ACRES LOCATED AT 2231
MARKHAM ROAD, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY
JULIAN AND JANE ARCHER.

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

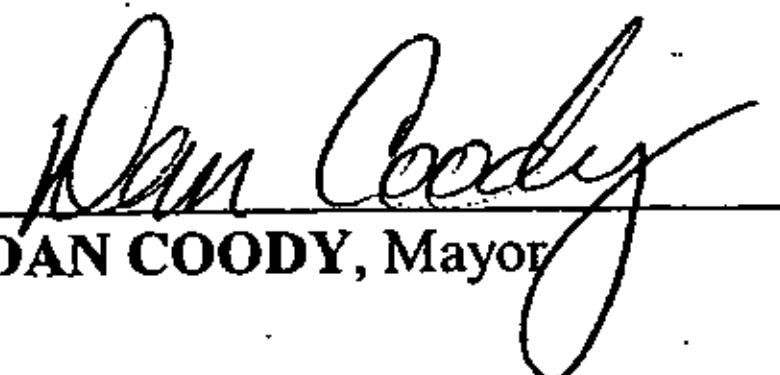
Section 1: That the zone classification of the following described
property is hereby changed as follows:

From R-1, Low Density Residential to A-1, Agricultural 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 21st day of May, 2002.

APPROVED:

By: 
DAN COODY, Mayor



By: 
Heather Woodruff, City Clerk



EXHIBIT "A"

A PORTION OF PARCEL 765-14529-000 DESCRIBED AS FOLLOWS: PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17 IN TOWNSHIP 16 NORTH OF RANGE 30 WEST, DESCRIBED AS ONE ACRE IN THE NORTHWEST CORNER THEREOF, DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING, THENCE EAST 208.67 FEET; THENCE SOUTH 208.67 FEET; THENCE WEST 208.67 FEET; THENCE NORTH 208.67 FEET TO THE POINT OF BEGINNING CONTAINING 1.0 ACRES, MORE OR LESS. ALSO, A PORTION OF PARCEL 765-14525-000 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 16 NORTH OF RANGE 30 WEST OF THE 5TH P.M., EXCEPT ONE ACRE OUT OF THE NORTHWEST CORNER THEREOF, CONTAINING 19 ACRES, MORE OR LESS. SUBJECT TO A 20 FOOT ROADWAY ACROSS THE NORTH SIDE THEREOF, AND A 20 FOOT ROADWAY EXTENDING FROM SAID MENTIONED ROADWAY IN A SOUTHERLY DIRECTION ACROSS SAID 19 ACRES. LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT, TO-WIT: PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 16 NORTH OF RANGE 30 WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING NORTH 1 DEGREE 02 MINUTES EAST 660 FEET FROM THE SOUTH WEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND RUNNING THENCE NORTH 89 DEGREES 22 MINUTES EAST 317 FEET TO POINT OF BEGINNING OF LAND TO BE EXCEPTED; THENCE NORTH 0 DEGREES 48 MINUTES EAST 339.3 FEET TO A ROAD; THENCE WITH EAST LINE OF ROAD NORTH 38 DEGREES 34 MINUTES EAST 113.9 FEET; THENCE NORTH 4 DEGREES 21 MINUTES EAST 222.4 FEET TO A FENCE ALONG SOUTH SIDE OF MARKHAM ROAD; THENCE SOUTH 89 DEGREES 43 MINUTES EAST 913 FEET TO A FENCE CORNER; THENCE SOUTH 0 DEGREES 40 MINUTES WEST 633.5 FEET TO A FENCE CORNER; THENCE SOUTH 89 DEGREES 22 MINUTES WEST 1002.1 FEET TO THE POINT OF BEGINNING, CONTAINING 14.4 ACRES, MORE OR LESS. ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACT: A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 17, TOWNSHIP 16 NORTH, RANGE 30 WEST, OF THE POINT WHICH IS NORTH 1 DEGREE 02 MINUTES EAST, 660.00 FEET, ALONG THE ¼ SECTION LINE AND 44.50 FEET, EAST OF THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT, AND RUNNING THENCE EAST 272.50 FEET, THENCE NORTH 0 DEGREES 48 MINUTES EAST 339.32 FEET, THENCE SOUTH 58 DEGREES 40 MINUTES WEST 213.70 FEET, THENCE SOUTH 22 DEGREES 33 MINUTES WEST 247.04 FEET TO THE POINT OF BEGINNING.

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") Julian + Jane Crick, 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 Use Unit 1: City Wide Uses by Right, Use Unit 3: Public Protection + Utility Facilities, Use Unit 8: Limited to only single homes, no manufactured homes or trailers parked shall be allowed to be established on the property.
2. Other restrictions including number and type of structures upon the property are limited to Use Unit 7: Limited to only animal farms for show, breeding, training + farms with livestock + use as a riding stable. No commercial concentrated animal feeding operations shall be established on the property.
3. Specific activities will not be allowed upon petitioner's property include Use Unit 6: Agriculture would not be allowed as part of this request.
4. (Any other terms or conditions) _____

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, _____, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

Julian Archer

Jane Archer
Printed Name

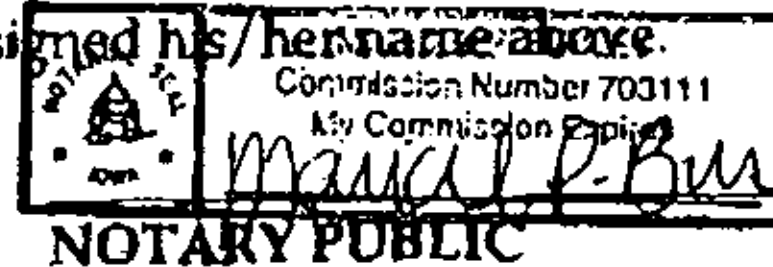
① Date April 29, '02
2115 Markham
Fayetteville, AR 72701
② 402-29th Street
Address
Los Mochis, Ca. 50312

Julian Archer
Jane Archer
Signature

NOTARY OATH

STATE OF ARKANSAS
COUNTY OF WASHINGTON

And now on this the 29 day of April, 2002 appeared before me, Julian and Jane Archer 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.

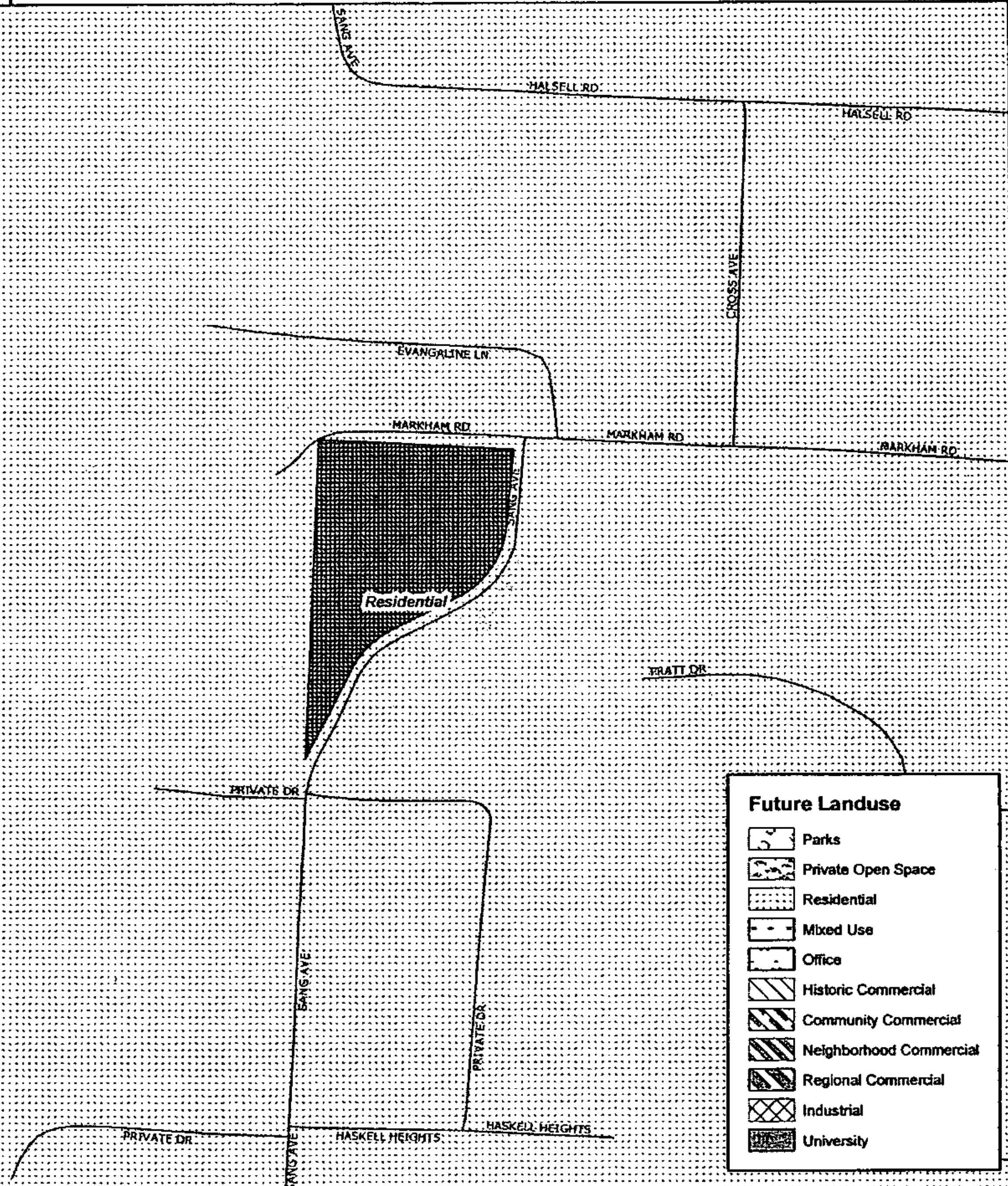


My Commission Expires:
MAY 01, 2003

RZN02-12.00

Future Landuse

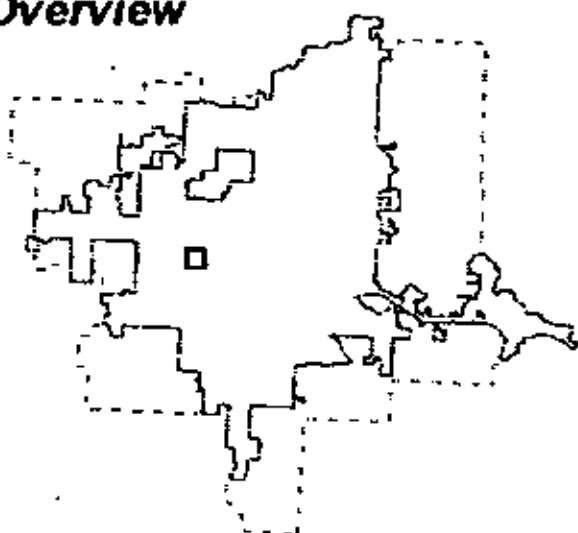
ARCHER



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN02-12.00

Streets

- Existing
- Planned

Boundary

- Planning Area
- Overlay District
- City Limits

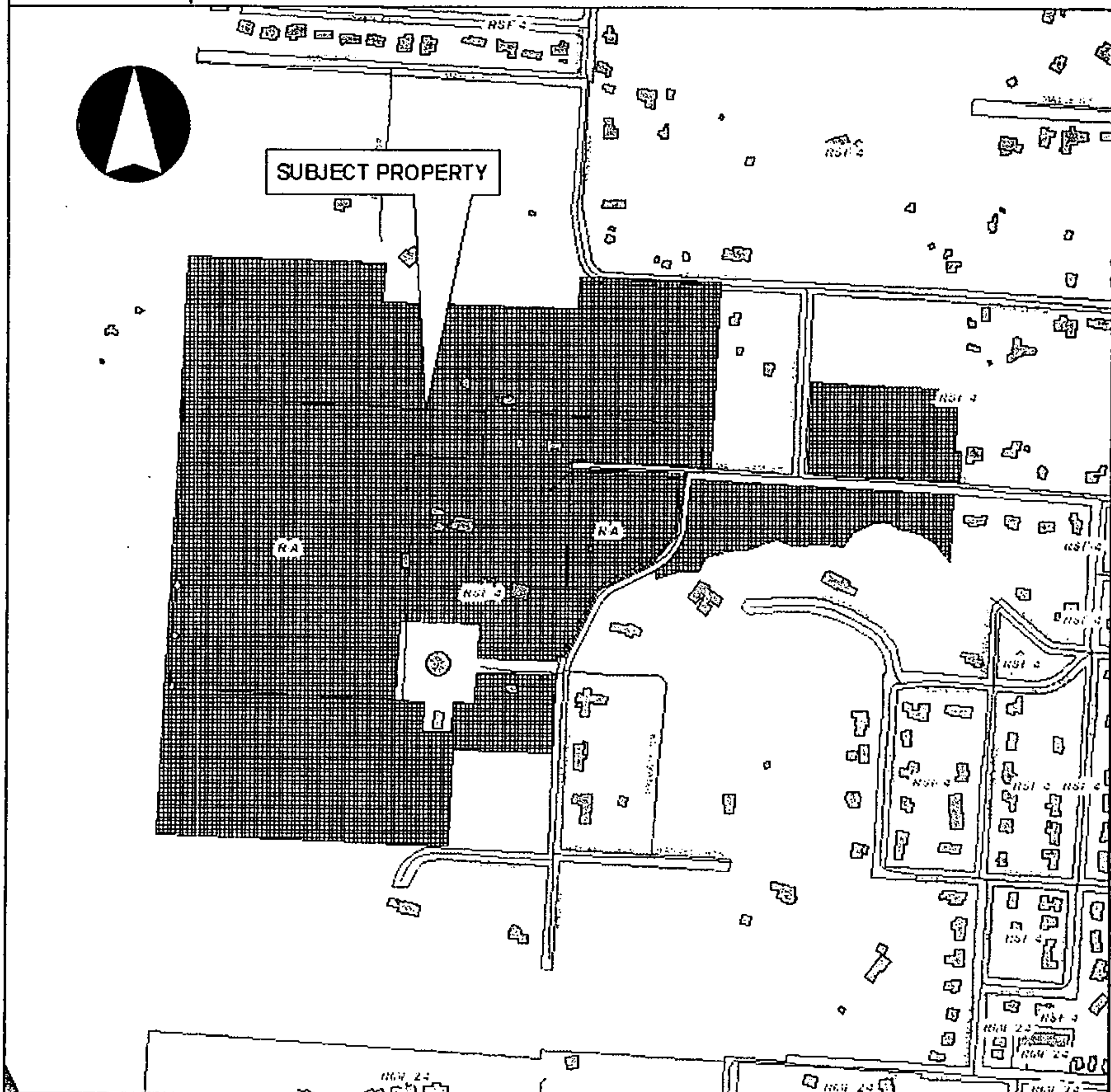


Planning Commission
April 22, 2002
RZN02-9 & RZN02-12 Archer
Page 8 & 9.15

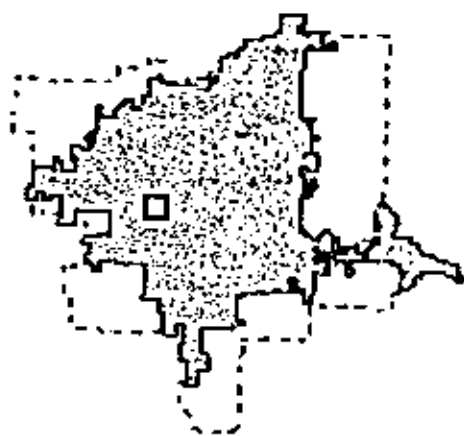
PZD05-1670

Close Up View

PRATT PLACE INN



Overview



Legend

PZD05-1670

Overlay District

Minor Street Plan

Minor Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Minor Collector

FLOOD BARRIER

100 YEAR

50 YEAR

100 YEAR

100 YEAR STUDY

Baseline Profile

Fayetteville

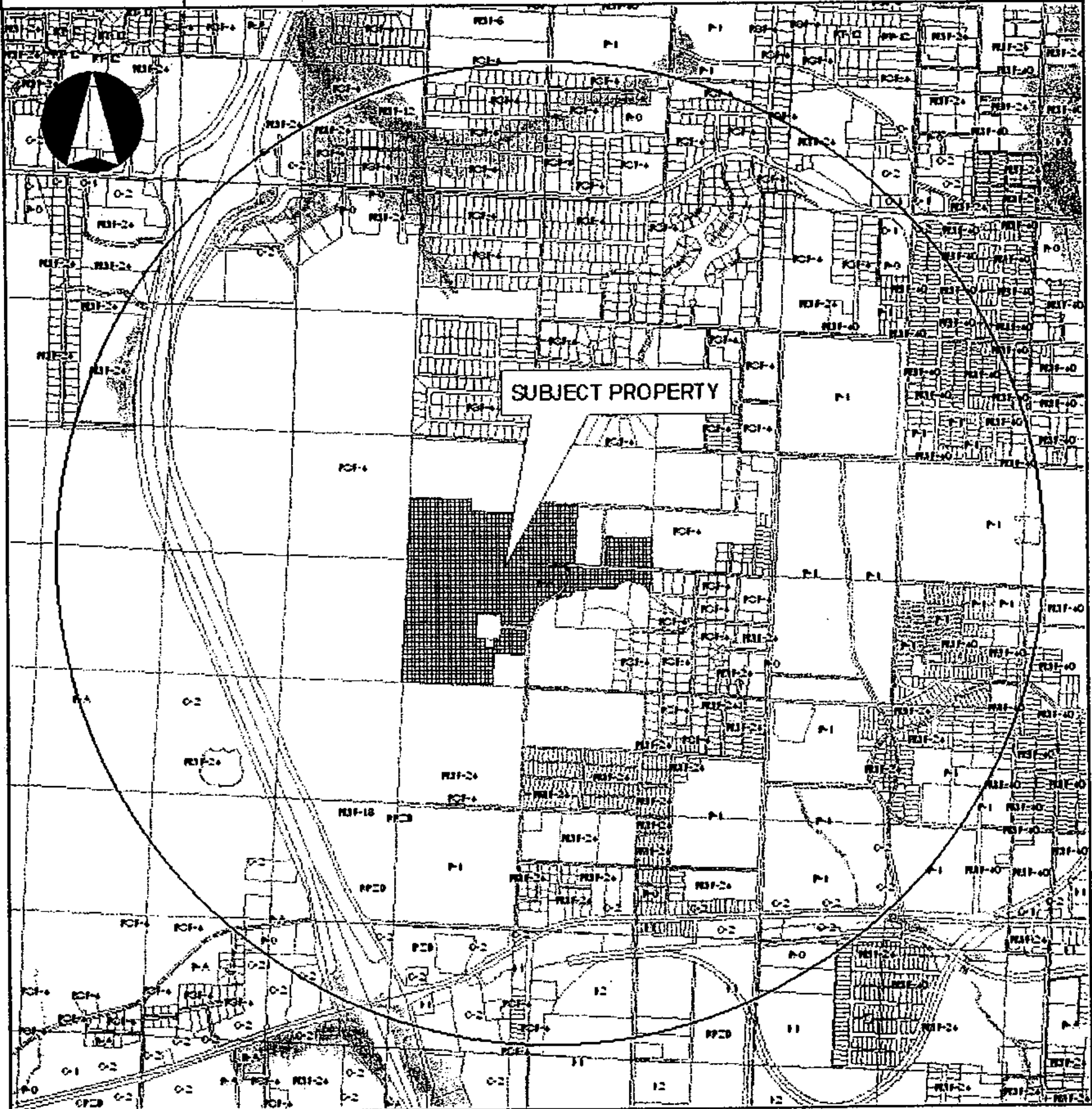
Outside City



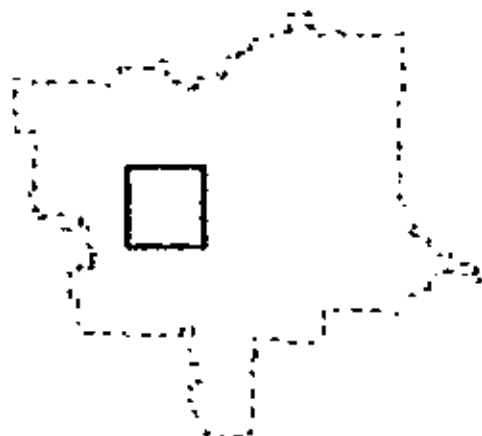
PZD05-1670

One Mile View

PRATT PLACE INN



Overview



Legend

Subject Property

PZD05-1670

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Minor Collector

0.0 0.125 0.25

0.5

0.75

1

Miles

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

C.15.
R-PZD 05-1599 Zion Gardens
Page 1 of 62

20-Sep-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 05-1599: (Zion Gardens, 137): Submitted by H2 Engineering for property located northwest of the intersection of Randal Place and Zion Road. The property is zoned R-O, Residential Office and contains approximately 13.9 acres. The request is to approve a Residential Planned Zoning District with 95 townhomes, that 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

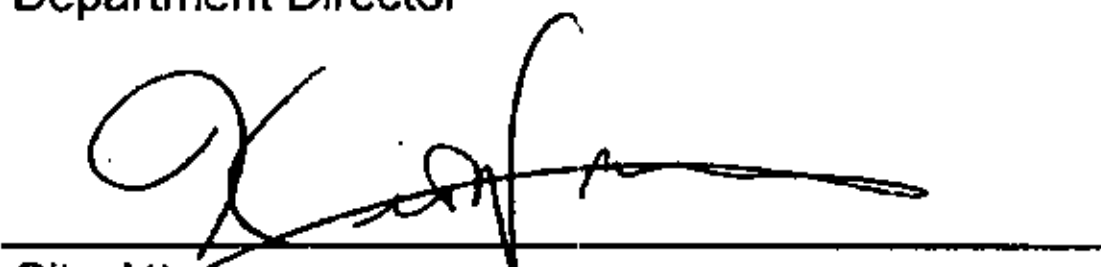
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Department Director

9/2/05
Date

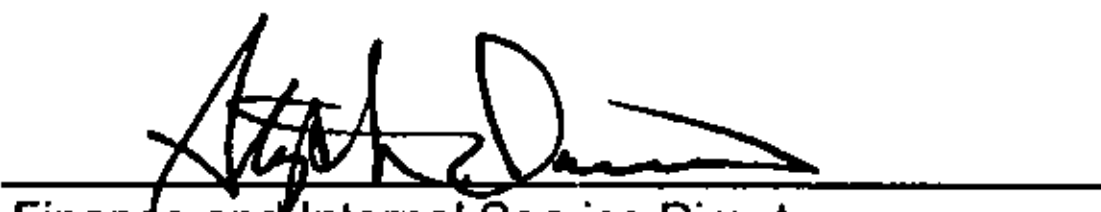
Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

9/2/05

Original Contract Number: n/a


Finance and Internal Service Director

9-2-05
Date

Received in City Clerk's Office



Mayor

9/2/05
Date

Received in Mayor's Office


Comments:

City Council Meeting of September 20, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning 

Date: August 30, 2005

Subject: Residential Planned Zoning District for Zion Gardens (R-PZD 05-1599)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Zion Gardens. This action will establish a unique zoning district for a residential subdivision on a 13.9-acre tract located northwest of the intersection of Randal Place and Zion Road. The proposal consists of 95 single-family lots with attached and detached residential dwelling units, as well as two lots allowing tree preservation, utilities, and landscaped area.

BACKGROUND

The property consists of a total of 13.9 acres located northwest of the intersection of Randal Place and Zion Road. The property is mainly large open pasture with some mature trees in the southwestern corner of the property and along the property lines. The property is zoned R-O, Residential-Office and is located adjacent to undeveloped pasture with some scattered rural single family residences. 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 a "neighborhood feel" by fronting units to the streets, providing adequate sidewalks, tree-lined streets, and trees on the front and rear of alternating lots, with access to attached garages on the rear of the units off of 16-foot public alleys. Of the 97 lots, lots 1-76 are to be single-family detached units, lots 77-95 are to be either attached or detached single-family units, and lots 96 and 97 will remain undeveloped for tree preservation, utilities, and landscaped area. In addition to typical residential uses, lots 1-95 will also be allowed Use Unit 24, Home Occupations.

DISCUSSION

The Planning Commission voted 6-0-0 in favor of this request on Monday, August 22, 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 with some revision, in addition to adding one new condition, all of which are reflected in the attached staff report. The additional condition recommended by the Planning

City Council Meeting of September 20, 2005
Agenda Item Number

Commission and supported by staff involves removing the originally proposed River Birch Drive in front of lots 57-65 to allow for additional greenspace along the Zion Road frontage of the property. Access is to be from rear alleys and the houses will front on both a large greenspace area and Zion Road. The plat has been modified to reflect this revised condition.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1599, ZION GARDENS, LOCATED NORTHWEST OF THE INTERSECTION OF RANDAL PLACE AND ZION ROAD, CONTAINING APPROXIMATELY 13.9 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 R-O, Residential Office, to R-PZD 05-1599 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 August 22, 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 05-1599

A PART OF THE NE1/4 OF THE SE1/4 OF SECTION 24, TOWNSHIP 17 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 24 AND RUNNING THENCE S86°44'28"E 804.17 FEET; THENCE S88°52'07"E 243.36 FEET; THENCE S87°14'08"E 230.59 FEET TO A POINT ON THE CENTERLINE OF RANDALL PLACE, SAID POINT BEING N87°14'08"W 22.14 FEET FROM THE NORTHEAST CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 24; THENCE S2°09'04"W 418.17 FEET ALONG SAID CENTERLINE TO A POINT WHERE SAID CENTERLINE INTERSECTS THE NORTH RIGHT-OF-WAY LINE, EXTENDED, OF ZION ROAD; THENCE LEAVING SAID CENTERLINE AND RUNNING SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING: N89°42'09"W 600.2 FEET, S70°20'58"W 246.5 FEET TO A FENCE CORNER; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTHWESTERLY ALONG A FENCE LINE THE FOLLOWING: N4°01'52"W 18.0 FEET, N89°06'06"W 184.03 FEET, S88°38'09"W 69.62 FEET, S89°01'W 91.67 FEET, N87°26'18"W 102.66 FEET TO A FENCE CORNER LOCATED ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID FENCE LINE AND RUNNING N2°11'57"E 537.49 FEET TO THE POINT OF BEGINNING, CONTAINING 13.9 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO THE RANDALL PLACE RIGHT-OF-WAY ALONG THE EAST LINE AND ANY OTHER EASEMENTS AND/OR RIGHT-OF-WAYS OF RECORD.

DRAFT



PC Meeting of August 22, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission
FROM: Andrew Garner, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: July 28, 2005

R-PZD 05-1599: RESIDENTIAL PLANNED ZONING DISTRICT (ZION GARDENS, 137): Submitted by H2 ENGINEERING, INC. for property located at NW OF THE INTERSECTION OF RANDAL PLACE AND ZION ROAD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 13.9 acres. The request is to approve the preliminary plat of a Residential Planned Zoning District with 95 townhomes, attached and detached, on the subject property.

Property Owner: MORRISS & ANN HENRY
Submitted on behalf of: ZION PLACE, LLC
Planner: ANDREW GARNER

Findings:

Property Description: The property consists of a total of 13.9 acres located west of Crossover Road and immediately northwest of the intersection of Randal Place and Zion Road. The property is mainly large open pasture with some mature trees in the southwestern corner of the property and along the property lines. The property is zoned R-O (Residential-Office) and is located adjacent to undeveloped open pasture with some scattered rural single family residences. R-O currently allows for office, studio, single family and duplex housing up to 24 units per acre.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Pasture; single family residence	Residential-Agriculture (R-A)
South	Single family residences; open pasture	Residential Single Family Residences (RSF-4); Residential-Agriculture (R-A)
East	Undeveloped disturbed lot; Fayetteville Athletic Club	Residential Multi-Family 24 Units/Acre (RMF-24); Residential-Office (R-O); Neighborhood Commercial (C-1)
West	Open pasture	Residential-Agriculture (R-A)

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 95 attached and detached townhomes. The project is designed to encourage a "neighborhood feel" by fronting the units to the streets, providing adequate sidewalks, tree-lined streets to be maintained by the property owner's association, and trees on the front and rear of alternating lots. The applicant has submitted a draft Bill of Assurance/Restrictive Covenants with specific restrictions intended to promote a traditional neighborhood including architectural, landscaping, building, and development requirements for each unit.

The applicant proposes 97 lots as follows: 76 lots (lots 1-76) to be detached single-family homes, 18 lots (lots 77-95) in the southeastern portion of the site are to be either detached or attached townhomes, and lots 96-97 will remain undeveloped for easement, open space, and tree preservation. The lots will front on the streets and have access from the rear off 16-foot public alleys (with the exception of lots 66-76 that will front the tree preservation area in the southwest corner of the site). The total density proposed is 7.5 units per acre.

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. 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; it is considered a single-family dwelling.

(Source: mortgagewarehousemb.com)

The following bulk and area regulations are proposed by the applicant:

ZONING CRITERIA: R-PZD 05-1599 Zion Gardens

(A) Proposed Uses.

LOTS	USE UNIT	ALLOWABLE USES
Lots 1-95	Unit 1	City-wide uses by right
Lots 1-95	Unit 2	City-wide uses by conditional use
Lots 1-95	Unit 8	Single-family dwelling
Lots 1-95	Unit 24	Home Occupations
Lots 77-95	Unit 26	Multi-Family Dwellings
Lots 96-97	No use unit allowed	Tree Preservation, Utilities, and Landscaped Area

All other uses allowed within the R-PZD zoning district shall not be permitted.

(B) Density.

Units for entire Subdivision	Number of Acres	Units Per Acre
95	13.55	7.01

Note: The property is currently zoned Residential-Office (R-O) which allows up to 24 units/acre.

(C) *Bulk and area regulations.*

	Single-family dwellings	Multi-family dwellings	Other uses (Lot 96)	Other uses (Lot 97)
Lot minimum width	20 feet minimum per dwelling/lot	20 feet minimum per dwelling/lot	200 feet minimum	585 feet minimum
Lot area minimum	3,000 SF minimum per dwelling/lot	2,200 SF minimum per dwelling/lot	1,650 SF minimum	2.2 acres
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.	Varies. Only one dwelling unit per lot permitted.	1,650 SF minimum (or one lot)	2.2 acres

(D) *Setback requirements.*

Building setbacks vary.

Front Building Setback: 12'

Rear Building Setback: 0'

Side Building Setback: 0'. *All detached or attached townhomes permitted on these lots shall have a separation that meets building code requirements.*

(E) *Height.* Maximum 56.5' height to allow for three-story structures.

(F) *Building area.* Single-Family Attached: 75% maximum built area.
Single-Family Detached: 65 % maximum built area.

Water & Sewer: Water and sewer lines are being extended to serve the development.

Access: Access is provided from Zion Road and Randal Place.

North: Stub-out to vacant property

South: From Zion Road, a Collector

East: Randal Place, a Local Street

West: Stub-out to vacant property

Interior to the project, public streets and alleys are being provided. Most are 40' rights-of-way with 24' wide streets, with one 35' right-of-way (River Birch Drive) and one 50-foot right-of-way (Lantana Lane) with a 28' wide street. Alleys are within a 20' right-of-way and are 16' in width. Sidewalks are located on both sides of each public street.

Adjacent Master Street Plan Streets: Zion Road (Collector); Randal Place (Local Street)

Street Improvements: As requested by the City, a traffic study was prepared by the applicant to address potential traffic safety and congestion as a result of the proposed project. The traffic study concluded that if Zion Road and Randal Place are improved to Master Street Plan standards, all study area intersections and roadway segments are calculated to operate at Level of Service (LOS) "D" or better.¹ The traffic study also concluded that sight distance along Zion

¹ LOS refers to the operating characteristics of road segments and intersections, with ratings starting at LOS A for a free flow traffic condition, and LOS F for a gridlock traffic condition. It is general industry standard that LOS D and higher are acceptable, however, the City of Fayetteville does not have a formalized significance threshold.

Road is acceptable. The traffic study did not address the sight distance along Randal Place.

Based on independent review of the traffic study and site visits by Staff, the following street improvements are recommended:

- ♦ Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. This creates a collector street width for this frontage, minus the curb and gutter on the south side, which will be installed by adjacent development. Alignment to be approved by City Engineering Staff.
- ♦ Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

Tree Preservation: Existing: 12.3%
Preserved: 6.49%
Mitigation: Required, 137 trees on-site.

Parks: The Parks and Recreation Advisory Board recommended accepting money in lieu of land for 95 Single Family Units on June 6, 2005. The applicant is required to pay \$52,725 prior to final plat approval.

Public Comment: Staff has received comments from two adjacent property owners discussing concerns with excessive storm water increase and an increase in traffic from the project.

Recommendation: Staff recommends **R-PZD 05-1599** be forwarded to City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends the following improvements:
 - a. Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. Alignment to be approved by City Engineering Staff.
 - b. Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

2. Future subdivision signage will be permitted in accordance with standard residential

subdivision signage.

3. All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.
4. Interior streets shall be constructed to City of Fayetteville Master Street Plan standards and specifications, with 24-foot and 28-foot wide streets (as indicated on the plat) and four-foot sidewalks on both sides, located at the right-of-way line. The proposed round-a-bout configuration shall reviewed through the construction plan review process by City Engineering to meet their approval.
5. Planning Commission determination of appropriate street width for Frontier Elm Drive that is currently proposed at 40' right-of-way. *Though a through street, staff finds this width to be adequate to allow for safe traffic movement.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

6. Based on current calculations, the developer shall be responsible for on-site mitigation to meet the Tree Preservation ordinance, in the amount of **(137) 2-inch caliper large species trees**. A final 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. A copy of the regulations regarding on-site mitigation planting plans is included for your information.
7. Covenants and notes on the final plat that ensure the continued health and vitality of the mitigation trees shall be reviewed by the Urban Forester prior to Final Plat recordation.
8. The construction of homes on lots 66-76 shall require the ~~pier/beam~~ **pier and above-grade beam** foundation system as submitted with the PZD proposal, in order to count these trees as preserved. Appropriate trimming of tree limbs shall be coordinated with the Urban Forester. **PLANNING COMMISSION REVISED 08/22/05**
9. Street tree plantings shall be planted generally as shown on the Landscape Plan along the frontage of Zion Road and Randal Road, either in the right-of-way or within the open space along the street. Maximum spacing is to be 30 feet apart.
10. All Master Street Plan sidewalks (6') along Zion Road and Randal Place, and the 4' meandering sidewalk through the tree preservation area shall be constructed, not guaranteed, prior to signing the final plat.
11. All interior curb cuts shall be from proposed alleys.
12. The project shall comply with the zoning criteria A-F as set out in this staff report.
13. Payment of Park fees in the amount of **\$52,725** shall be submitted prior to the application of signatures to the final plat.

14. Planning Commission determination of placement of retaining walls along intended street stub-outs (Lantana Lane and Frontier Elm Drive). The retaining walls shall be curved at the stub-out extension to make the future street right-of-way apparent. Additionally, signs shall be installed on both sides of the retaining walls at each stub-out indicating these two streets are intended to connect to adjacent property in the future (coordinate with Transportation Division).

PLANNING COMMISSION DETERMINED IN FAVOR OF THIS CONDITION.

15. An assessment ~~in the amount of \$3,162~~ shall be paid for the construction of the street stub-outs to the property line prior to signing the final plat subject to Engineering Division approval. This assessment includes construction costs for subbase, base, pavement, curb/gutter, and sidewalks. PLANNING COMMISSION REVISED 08/22/05
16. Off-site drainage improvements to alleviate flooding on the Lea property to the northeast of the site include the following:
 - a. The applicant shall install a 4' by 8' box culvert under Randal Place ~~with two (2) 24" underground arched pipes~~. PLANNING COMMISSION REVISED 08/22/05
 - b. Staff recommends a cost-share for the incremental cost above the cost of constructing an 8' wide trapezoidal channel with a concrete bottom and grass sides to install two (2) 42" arched pipes in order to avoid having an 8' wide above-ground channel on the Lea's property, to be installed by developer. PLANNING COMMISSION REVISED 08/22/05
17. Confirm with the Fire Department the minimum pavement width and turning radius needed to service Lots 66-76. *The applicant has met with the Fire Department and revised the alleys to a 20' width to accommodate emergency access.*
18. All sidewalk street crossings shall be reviewed and approved by the Sidewalk Administrator at the time of construction plan review.

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.

ADDITIONAL CONDITION RECOMMENDED BY PLANNING COMMISSION
08/22/05

23. If staff and the applicant agree that the proposed River Birch Drive can be removed from the plans, the plat shall be revised prior to City Council. If not, the plat shall stay as shown. If River Birch Drive is eliminated the Planning Commission recommends the following:
 - a. Shift lots 57-65 to the south to provide additional on-street parking on the widened Alley 2 north of River Birch Drive; and
 - b. Leave the existing connection between Alley 4 and Cantana Lane.

PLANNING COMMISSION ACTION: yes Required

 Approved Denied

Date: August 22, 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 05-1599

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 pedestrian access 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, RSF-24, and R-A; however, several lot sizes within this proposed subdivision are smaller and resemble those subdivisions within and near the downtown area. The proposal has designated all 95 buildable lots to be able to develop as single family dwellings, and 18 lots in the southeastern area near the main roadway frontages have the option of developing as single-family attached dwellings. The streets within this proposed subdivision will allow for connectivity to the currently undeveloped areas to the north and west, with direct access onto Zion Road and Randal Place to the south and west, respectively. The proposed onsite tree preservation area traversed by a meandering pedestrian path, 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 and alleys. Most streets are 40 feet rights-of-way, with one 35 foot right of way (River Birch Drive) and one 50 foot right-of-way (Lantana Lane), with appropriate connectivity proposed. Lots will be accessed from the rear off of one-way public alleys with 20 feet right-of-way. 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. This feature helps create a streetscape with garages in the rear of the lot, and encourages pedestrian use along the tree-lined streets. There are no existing or planned streets to the north or west of the site. Zion Road (Collector Street) and Randal Place (Local Street) are adjacent to the south and east property lines. All proposed streets meet City design requirements. Staff finds the connectivity proposed from this property to surrounding properties adequate. Most services will access rear alleys, and have reviewed the plans accordingly.

- (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. Additionally, 16 parking spaces are planned for the southwestern corner of the subdivision.

- (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 onsite public parkland and is contributing money in lieu of land for 95 single family units. However Lot 97 is a tree preservation lot and would be traversed by a meandering sidewalk linking public sidewalks on proposed Lantana Lane and Begonia Lane, thereby providing on-site open space.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior streets and through the tree preservation area. Construction of six-foot sidewalks is required on the project's frontage along Zion Road and Randal Place adjacent to the subject property. Construction of these sidewalks 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 one-way 16-foot public alleys to provide access to garages in the rear of the lots.

- (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 6.49% tree canopy preserved; the site currently has 12.3% existing tree canopy and 137 trees are required to be planted on-site for mitigation.

- (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 and undeveloped area, and providing a unique pedestrian access through the tree preservation area in the southwestern portion of the site. The development will offer attached and detached single family housing types, with alley access to all lots, and restrictive subdivision covenants requiring all units to meet development standards including exterior and interior architectural requirements. These development standards will result in the creation of a unique neighborhood in this area. Designated active open space is not provided onsite, however the tree preservation area in the southwest area of the site will be able to be accessed through a meandering sidewalk and available for passive recreation. 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 05-1599. 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 residential development in the form of single-family detached and multi-family attached while preserving many of the City-designated significant trees in the southwest corner of the site. This tree preservation area will help ensure that the development will be compatible with the rural residential community character in the vicinity. This preservation area is located along a substantial portion of the project's Zion Road frontage and will remain one of the predominant views of the site as currently seen from this public viewpoint. 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 compatible relationship with surrounding development and land uses to the south and east, and potential development to the north and west is achieved, while allowing for a 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 77-95 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 R-O, to R-PZD 05-1599, with the adoption of the associated preliminary plat.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as an Office Area. The area surrounding three sides of the site is designated as Residential Area, with the area immediately east also designated as Office. Rezoning this property to R-PZD 05-1599, with associated Preliminary Plat, is not consistent with the land use plan for the site, however it is compatible with future designated land uses consisting of office and residential uses.

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 R-O property to the proposed R-PZD development for single family residential use with development of detached/single family and multi-family townhomes at a density of 7.5 units

per acre is not entirely consistent with the General Plan 2020 that identifies this area for Office use. However the proposed residential uses and density are generally compatible with R-O uses intended to provide office and compatible residential uses with an allowed density of 4-24 units/acre. The proposed rezoning would not be a substantial change in the planned character of the community. The applicant also proposes home occupation uses to be allowed on all lots.

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 R-A zoning district to the north and west has been achieved by limiting the smaller multi-family lots to the southeast area of the property, adjacent to Zion Road and Randal Place. As with all new development, the project would introduce a more intense use than currently exists in this mainly undeveloped area. However, the proposed subdivision would be compatible with the density and planned use of the vicinity for Office and Residential use. Services currently being offered in the area, including office, commercial, restaurant and recreation, both support and would be supported by the proposed development. This project would help accommodate planned growth in the City of Fayetteville.

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

Finding: The proposed zoning is needed in order to develop 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: Public comment has been received from adjacent property owners discussing a dangerous traffic condition, a blind curve, along Randal Place adjacent to the northeastern exit on the site. In response to that concern, the plan was revised to designate the alley at the northeast portion as an exit only. This limits the potentially dangerous left turn into the subdivision around the Randal Place curve. Additionally, at the City's request a traffic study was conducted by Peters & Associates Engineers, Inc. to analyze traffic danger and congestion and street improvement issues². The traffic study concluded that there is adequate sight distance along Zion Road but did not analyze Randal Place. The traffic study assessed potential street improvements that would be required as a result of this project. The study concluded that with improvements to Zion Road and Randal Place to Master Street Plan standards along the project frontage, traffic generated by this project would

² Peters & Associates Engineers, Inc. 2005. Traffic Study Zion Gardens Residential Subdivision. August 15.

not appreciably increase traffic congestion.

With improvements to Zion Road and Randal Place to Master Street Plan standards, the proposed zoning will not create or appreciable increase traffic danger or congestion on surrounding streets.

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 development would create, on average, 209 future residents in this area, thereby altering the population density in the immediate vicinity. As this area is planned for Office use with a potential density of 4-24 residential units per acre, and the proposed zoning would result in approximately 7 units per acre, the population growth from this site is less than anticipated. Therefore, 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 subdivisions mainly to the south. The closest elementary school in the City of Fayetteville appears to be Butterfield Elementary School located at 3050 Old Missouri Road, approximately 1.5-2.0 miles south of the project site.

Engineering: **Water:** Public water is adjacent to the site. There is a 12" waterline along Zion Road and an 8" waterline along Randal Place. This development shall make water available for future development to the north and west through 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 has access to sanitary sewer through an existing 8" sewerline along Zion Road.

Streets: Currently the site has access to Zion Road (a Collector Street) and Randal Place (a Local Street). Road improvements required include:

- (1) Improvements to Zion Road along the project frontage to Master Street Plan standards with 34' of pavement, curb and gutter and storm drainage along the north side of the street, ending at the edge of pavement on the south side of the street, 6' sidewalk at the right-of-way along the project frontage. Alignment to be approved by City Engineering Staff.
- (2) Improvements to Randal Road along the project frontage to Master Street Plan standards with 14' from centerline, curb and gutter, 6' sidewalk at the right-of-way, and storm drainage.

Drainage: Drainage from the site mostly flows overland to the east to a

ditch line, then northward to Lake Fayetteville. Public comment from a property owner immediately east of the site discussed existing problems with storm water runoff that are not related to this development specifically. However, future development on this site would likely exacerbate the problem. The applicant has agreed to help improve the existing storm water runoff problem in coordination with City Engineering staff by replacing the existing culvert at 2770 East Randal Place with an improved drainage system. The City Council will review a cost-share agreement to pay a portion of the cost for these drainage improvements. This will help alleviate a localized drainage problem in this area that would have been aggravated by the proposed development.

Police: It is the opinion of the Fayetteville Police Department that this rezoning would cause additional traffic congestion, based on existing traffic environment and anticipated growth, without improvements to Zion Road. Accordingly, staff is recommending the developer be responsible for constructing a Collector Street at its full width along the property frontage.

Fire: The subject property is located approximately 2.4 miles from the Fire Station No. 4. Response time to the property is 7 minutes with a projected response time at full build-out to be approximately 7.5 minutes with 22 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

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-PZD 04-1307 with multi-family/townhouse dwelling units is consistent with the land use plan and compatible with surrounding land uses and density in the area.

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.



PC Meeting of August 22, 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, Director of Current Planning

Date: August 17, 2005

ITEM #: R-PZD 05-1599 (Zion Gardens)

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	13.9
square feet	605,290
Existing Tree Canopy	
acres	1.71
square feet	74,402
percent of site area	12.3%
Existing Tree Canopy Preserved	
acres	0.9
square feet	39,258
percent of total site area	6.5%
Percent Minimum Canopy Required	12.3%

FINDINGS:

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

- Trees on this property are grouped in two major areas, along the southwest and along the north property line. There are several significant trees amongst these, in good to excellent condition. The original plan called for the removal of all but seven trees – staff was not supportive of this plan. The applicant worked with the Landscape Administrator to revise.

street layout, actually removing a street and lots in order for the trees that are along Zion Road and thus most visible and enjoyed by the public to remain intact. Additionally, several lots that face onto these trees will not utilize a standard foundation type; rather, a pier/beam style of foundation will be utilized to protect the tree roots in this area. This has risen the canopy level from the initial 0.5% to 6.49%.

Whether the design incorporates the required Tree Preservation Priorities.

- The design does incorporate the minimum requirements for tree preservation priorities. Several lots were relocated, a street removed and a different type of foundation is to be utilized in certain areas in order to save a majority of the canopy on-site.

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

- Minimal environmental degradation will occur here due to the removal of trees surrounding this property, due to the nature of their existence. The majority of tree removal is along the north property line due to the construction of the proposed alley.

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.

- Reduction in the tree canopy along the existing property lines around the property will not have a detrimental impact upon adjacent properties.

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

- Alternative construction methods have been proposed; a pier and beam foundation will be utilized for the lots 66-76, in order to not grade these lots for a typical foundation.

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.

- Most trees are in fair to good condition.

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

- The trees shown for removal are primarily located within proposed utility easements, or within right-of-way. Those not removed during initial construction have the best chance of survival by the proposed lot layout and also have a good chance for survival afterwards, with construction of the homes.

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 a rear alley.

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

- No significant obstructions exist to the routing of roads and utilities.

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

- N/A

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

- An on-site mitigation plan has been requested and will be required before this project proceeds forward in the review process.

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 approved by the Planning Commission, with revisions.

Recommendation:

Staff recommends approval the Tree Preservation Plan associated with R-PZD 05-1599, 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 **(137) 2-inch caliper large species trees**. A final 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. A copy of the regulations regarding on-site mitigation planting plans is included for your information.
2. Covenants and notes on the final plat that ensure the continued health and vitality of the mitigation trees shall be reviewed by the Urban Forester prior to Final Plat recordation.
3. The construction of homes on lots 66-76 shall require the pier/beam foundation system as submitted with the PZD proposal, in order to count these trees as preserved. Appropriate trimming of tree limbs shall be coordinated with the Urban Forester.

LANDSCAPE PLAN

1. Street tree plantings shall be planted generally as shown along the frontage of Zion Road and Randal Road, either in the right-of-way or within the open space along the street. Maximum spacing is to be 30 feet apart.

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

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469

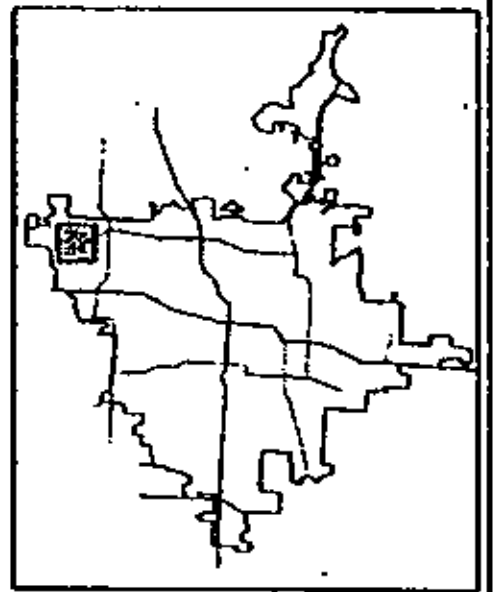
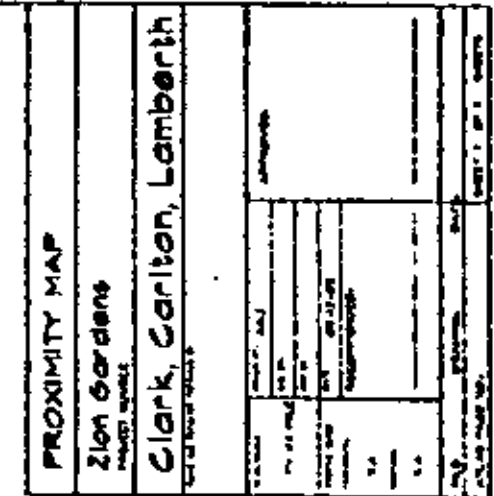
TO: Andrew Garner, Associate Planner
FROM: Alison Jumper, Park Planner
DATE: July 13, 2005
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: July 14, 2005
Item: PZD 05-1599 Zion Gardens, 137
Park District: NE
Zoned: PZD
Billing Name & Address: Morriss & Ann Henry

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	95 @ \$555 per unit = \$52,725
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$393 per unit = \$ _____
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- The Parks and Recreation Advisory Board recommended accepting money in lieu of land for 95 Single Family Units on June 6, 2005.
- Lake Fayetteville is located within a one-half mile service area and will serve the recreational needs of this development.
- Fees are due prior to signing of the final plat.



Zion Gardens

- ☐ Existing Park Land
- ☐ Community Park Service Area
- ☐ Neighborhood Park Service Area
- ☐ Mini Park Service Area



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C.15.
R-PZD 05-1599 Zion Gardens
Page 36 of 62

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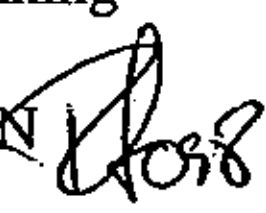
JUL 22 2005

PLANNING DIV.

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Jeremy Pate, Director of Current Planning

FROM: Rob Turberville, Lieutenant – ADMIN 

DATE: July 21, 2005

SUBJECT: PZD00-1599 (Zion Gardens, 137)

My previous correspondence regarding the Zion Gardens PZD stated that in our opinion this proposal “would create an appreciable increase in traffic danger and traffic congestion.” Our opinion was based on the current traffic environment and how an increase would cause additional traffic congestion. This assessment about traffic congestion should not be translated to an increase in traffic danger. The Street Department would have more specific information regarding questions about traffic impact for the Zion Road PZD and future proposals.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C.15.
R-PZD 05-1599 Zion Gardens
Page 37 of 62

POLICE DEPARTMENT

95 units, 13.55 zone

density - 7.01 du/acre.

July 18, 2005

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

RECEIVED
JUL 18 2005
PLANNING DIV.

Dear Mr Pate:

This document is in response to the request for a determination of whether the proposed PZD 00-1599 (Zion Gardens, 137) submitted by H2 Engineering, INC for property located northwest of the intersection of Randall Place and Zion 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 zoning proposal would create an appreciable increase in traffic danger and traffic congestion. The traffic way on Zion Road is very narrow and does not allow much room on the shoulder. In addition to the narrowness of this road, there is a blind curve and a small hill located west of proposed zoning. The speed limit is set at 25 miles per hour in this area, similar to that of a school zone. This speed limit reflects the traffic dangers in this area without the increased traffic flow created by this zoning request.

Zion Road is a heavily traveled roadway due to access from Highway 265 to North College Avenue. There are numerous commercial businesses, three high-density residential apartment complexes, some residential dwellings and a city park on this stretch of road. We feel it would not be wise to add more traffic to this roadway until there is a more adequate road system to accommodate the additional traffic flow created by this zoning request. The likelihood exists that an increased traffic flow and traffic congestion in this area could increase traffic danger and also affect response times for emergency vehicles.

Sincerely,

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

Lieutenant Rob Turberville



August 15, 2005

City of Fayetteville
Mr. Andrew Garner
Planning
114 West Mountain
Fayetteville, AR 72701

RE: ZION GARDENS PZD – SUBDIVISION COMMITTEE REVISIONS

Mr. Garner:

Please find enclosed the preliminary plat, water and sewer plan, tree preservation and grading plans for your review. Revisions have been made in response to comments received during the subdivision committee review. We have also included a construction estimate for future stub-outs to adjacent property as well as an exhibit showing the helical piers that are specified to be used on lots 66-76. A traffic study of the area is being completed by Peters and Associates and should be submitted to your department tomorrow.

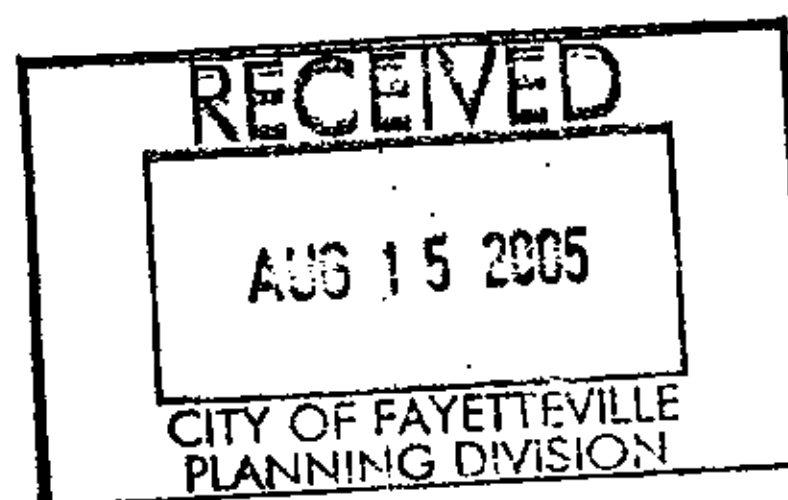
We have analyzed the drainage situation on the Lea property to the northeast of the site. Currently, the Lea property experiences some flooding and Randall Road is sometimes covered with water in large rains. Mr. Lea is concerned that Zion Gardens may add to the problem. After analyzing the situation based on a 25 year storm, we believe that a 4' x 8' box culvert under Randall Road would adequately carry the flows and would prevent Randall Road from being over-topped during large rain events. With the increased capacity under the road, there would need to be an 8' wide trapezoidal channel with a concrete bottom and grass sides running across the Lea property. When this solution was presented to Mr. Lea and the City of Fayetteville, Mr. Lea expressed that he did not want an 8' wide channel running across his property. It was then calculated that 2 – 42" arched pipes would be sufficient to replace the channel and it has been agreed that they will be installed instead of the channel. Zion Gardens will pay for the construction of the box culvert and the cost of constructing an 8' wide trapezoidal channel with a concrete bottom and grass sides and the City of Fayetteville will pay the incremental cost above the channel to install the 2 – 42" arched pipes.

If you have any questions or comments, please feel free to call me at 582-4234.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Thompson', with a long horizontal flourish extending to the left.

Jeremy Thompson, E.I.
H2 Engineering, Inc.





July 20, 2005

City of Fayetteville
Mr. Andrew Garner
Planning
114 West Mountain
Fayetteville, AR 72701

RE: ZION GARDENS PZD RESUBMITTAL

Mr. Garner:

Please find enclosed the preliminary plat, water and sewer plan, tree preservation and grading plans for your review. Revisions have been made in response to comments received during the technical plat review and initial subdivision committee review.

As requested by staff, we have evaluated the existing street and drainage conditions between this project and Old Missouri Rd. The current drainage situation is acceptable. All of the drainage in the area between our project and Old Missouri Rd. is being captured and released by a pond to the southwest of our project and has been integrated into the drainage improvements constructed by the city for the intersection with Old Missouri Rd. Zion Rd. averages 22 feet wide from our property to the intersection. In our opinion, the current conditions provide adequate access for emergency vehicles and neither improvements to drainage structures nor the street width would increase the serviceability of the street.

If you have any questions or comments, please feel free to call me at 582-4234.

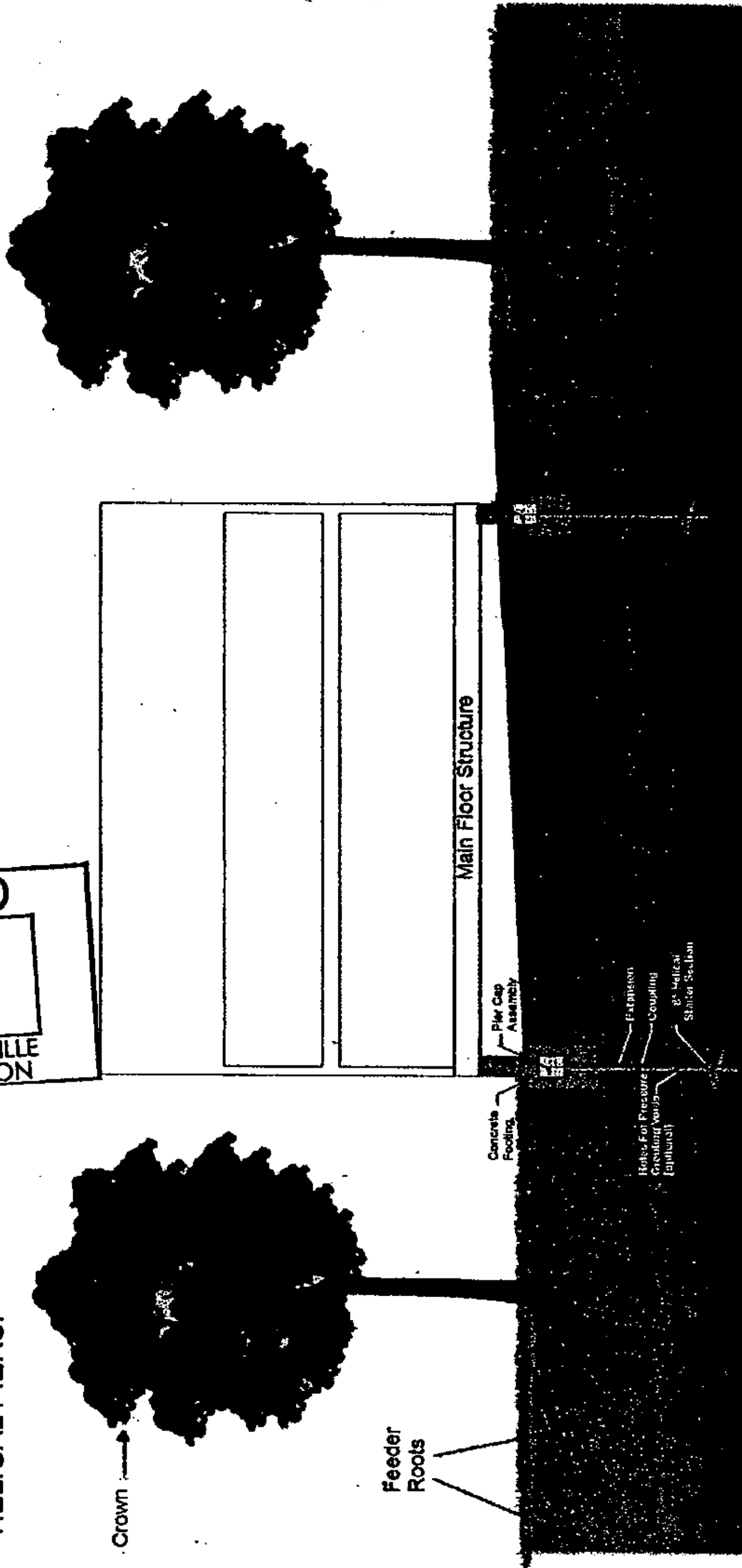
Sincerely,

A handwritten signature in black ink, appearing to read 'J. Thompson', with a long horizontal line extending to the right.

Jeremy Thompson, E.I.
H2 Engineering, Inc.

RECEIVED
AUG 15 2005
CITY OF FAYETTEVILLE
PLANNING DIVISION

HELICAL PIERS:



ZION GARDENS

Helical Piers



June 15, 2005

City of Fayetteville
Attn: Planning Staff
113 West Mountain
Fayetteville, AR 72701

RE: ZION GARDENS – PZD APPLICATION

Dear Staff:

This correspondence is intended to address the requested items in the PZD application as they pertain to the above referenced project. Zion Gardens is a proposed 13.90 acre Residential Planned Zoning District consisting of 95 residential townhouses both attached and detached. Lot widths for the detached units range from 30 feet to 35 feet. Lot widths for the attached units are 22 feet.

The property is currently owned by Morris and Ann Henry and is under contract with Zion Place, LLC.

There is a variety of zonings which surround this property. Directly to the east is zoned RMF-24, to the north and west is R-A, to the south is RSF-4, R-A, and RMF-24. This project, as proposed, has a density of 6.8 units per acre. With the proximity of this project to one existing RMF-24 development to the south and RMF-24 zoned property to the east, it will be a good transition development between the R-A and RSF-4 property to the south and west. Traffic generated by this development, using 7 vehicle trips per day per house hold is 665. The RMF-24 development to the south generates approximately 780 vehicle trips per day using 5 trips per house hold. The RSF-4 development to the south generates 63 vehicle trips per day.

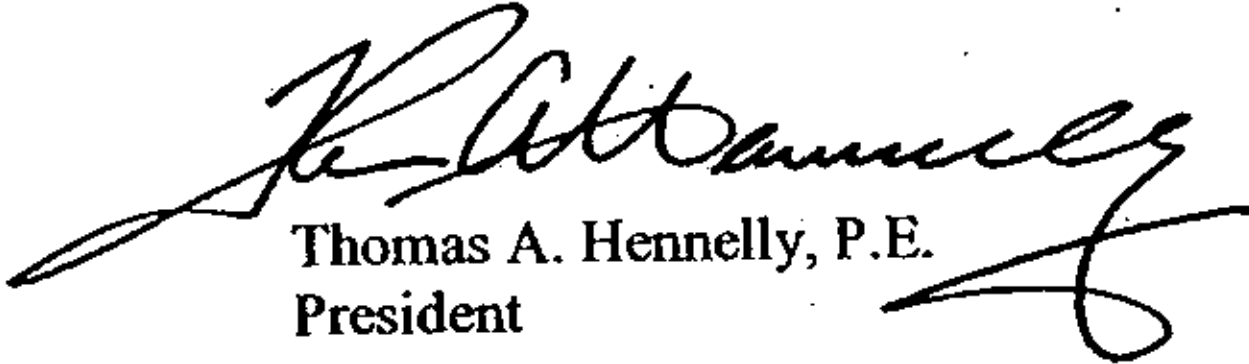
The overall aesthetic nature of this development will be of higher standards than other developments in the general vicinity. The proposed units are designed so that they front to the City streets with an alley behind for garage access. The street configuration provides an opportunity for vehicular traffic to access the development from either Zion Road or Randall Road. The project is designed to enhance the “neighborhood” feel by fronting the units to the streets, providing adequate pedestrian sidewalks, and providing garden areas to be maintained by the property owner’s association.

Water and sewer utilities are located directly adjacent to the site. A 12-inch water main is existing along the north side of Zion Road and along the west side of Randall Road. A 10-inch gravity sewer main is existing along the south side of Zion Road.

The nature of this development is congruent with the PZD ordinance in that the design of this project, with regard to the lot configuration and incorporation of alleys and garden areas, is more appropriately reviewed in terms of promoting neighborhood enhanced design features instead of standard zoning regulations.

Thank you for your consideration and comments with regard to this project.

Respectfully,



Thomas A. Hennelly, P.E.
President

BILL OF ASSURANCE AND RESTRICTIVE COVENANTS FOR ZION GARDENS

Zion Place, LLC, being the fee owner of the described real property, hereafter to be known as Zion Gardens, said and being located in Washington County, Arkansas, do hereby impose the following Restrictive Covenants and limitations on uses to which to below described lands may be put.

All lots and common areas in Zion Gardens Subdivision, a subdivision in Fayetteville, Washington County, Arkansas, as per Plat of said subdivision on record in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

We further hereby specify that such Restrictive Covenants shall run with the land, as provided by law, and said covenants shall be binding on all parties and persons under them and shall be for the benefit of and impose limitations on all future owners of such land. These covenants are intended for the purpose of keeping the development of the land uniform and suitable for the uses specified hereafter:

- 1 No building or structure of any kind whatsoever, except as hereafter provided, other than a single dwelling house shall be erected on the property. Any such dwelling house shall be used for residential purposes only.
- 2 No dwelling shall be permitted on any portion of said tract unless the total heated floor area of the main structure, exclusive of open porches and garages shall be at least 1,500 square feet.
- 3 No building or other structure shall be erected, placed or altered on any lot or tract in this subdivision until the building plans and specification therefore, exterior color scheme and materials thereof and plot plan, which plot plan shows the location and facing of such building, have been approved in writing by a majority of an Architectural Committee composed of Tim W. Cooper, Mike D. Lamberth, Clayton C. Carlton, Thomas B. Buffington, and one of their duly authorized representatives, representative, or successors.
- 4 Each dwelling located on any portion of said tract shall have a concrete, double bituminous seal coat or other paved surface of equal quality connecting any garage, carport, or parking area of the dwelling located thereon to the street.
- 5 No landscaping shall be installed or materially altered without prior approval of the Architectural Committee.
- 6 No dwelling, building, mobile home or other structure of any nature whatsoever shall be moved onto any portion of the above-described tract.
- 7 No outbuilding shall be constructed on any plots within said tract which shall exceed 450 square feet in area, and such outbuildings so permitted shall be constructed so as to not detract from the general appearance of the neighborhood. Any such permitted outbuilding shall be constructed of

- substantial materials and with workmanship so as to make said structure attractive to the general neighborhood.
- 8 No structure of temporary character, trailer, basement, tent, shack, barn, mobile home, or outbuilding shall be used on any tract at anytime for a residence, either temporarily or permanently.
 - 9 No obnoxious or offensive activities shall be carried on upon any said plot within said tract, nor shall anything be done on any of such plots which may be or may become a nuisance to the neighborhood; whether a nuisance exists shall be determined by affirmative vote of two-thirds (2/3) of the owners of the property of Zion Gardens.
 - 10 No owner of any plot within said tract shall allow garbage or other debris to accumulate on the property, but shall dispose of same at regular intervals so as to eliminate nuisances in the neighborhood. Garbage containers, trash cans, woodpiles and clothes drying areas must be located so that they will not be visible from the front street. No unsightly vegetation shall be permitted to grow on or remain upon the premises, and no refuse pile or unsightly objects shall be allowed to be placed or allowed to remain anywhere on the lots in or on the streets of the subdivision.
 - 11 No inoperative junk motor vehicles or similar vehicles shall be permitted to remain on any portion of the above-described tract for a period in excess of five (5) days.
 - 12 No fence of any kind shall be erected without prior approval of the Architectural Committee.
 - 13 No signs shall be placed in said subdivision other than real estate signs advertising property for sale, these signs shall not exceed 4 square feet in area and no more than one such sign shall be placed in the subdivision for any one property which is being advertised for sale. The developers of the subdivision shall be permitted to erect such signs as they desire advertising the lots for sale until such time as all of the lots have initially been sold.
 - 14 Nothing in these restrictions shall prevent any lots from being used as common areas for the benefit of at least a majority of the lot owners of said subdivision.
 - 15 All homes must be of traditional design. Absolutely no T1-11 siding will be permitted.
 - 16 No television antennas shall be placed on any lot in said subdivision, and satellite dishes shall be placed only where same are not visible from any street and so that same do not detract from the adjoining lots or from the subdivision.
 - 17 All homes must include the following:
 - a. 75% of ceiling height must exceed 8 feet;
 - b. 35% of heated floor space must have crown molding;
 - c. 35% of window openings must be wood cares;
 - d. 35% of floor coverings must be tile or wood;
 - e. Cabinets must be raised panel;
 - f. Base board trim must be at least 6 inches;
 - g. Exterior paint must include at least two colors.

- 18 Each lot owner shall provide adequate off-street parking for vehicles normally used by the occupants of the dwelling on any lot in said subdivision.
- 19 All lots, buildings, landscaping, fences, driveways and all other improvements in said subdivision shall be kept in good repair, maintained and painted as necessary in order to present a neat and orderly appearance and in such condition as to not be a nuisance or substantially detract from the rest of the neighborhood. Landscaping must be reasonably maintained in a fashion similar to the surrounding properties. Should the Architectural Committee deem it necessary, it has the authority to maintain each parcels landscaping and to assess the cost of the same to the property. No vacant lot shall be used to temporarily store or permanently dump or store any types of material or waste, and the owner of the vacant lot shall keep it in such condition as not to detract from the subdivision.
- 20 Any material changes of the buildings and their respective grounds, including paint color, must receive Architectural Committee approval.
- 21 No animal shall be kept in said subdivision other than dogs, cats, and other similar sized household pets, which shall not be kept for commercial purposes, and no lot owner shall keep more than four such households, which are allowed to be outside the dwelling at any time. All such household pets shall be kept in a confined area or on a leash and in accordance with all applicable governmental laws and regulations.
- 22 These covenants and restrictions shall not be amended, canceled, or supplemented unless a written instrument, signed by at least seventy-five percent (75%) of the owners of the above described affected tract is placed on record agreeing to change the covenants and restrictions in whole or in part.
- 23 These restrictions shall operate as covenants running with the land for the benefit of any and all persons who now may own, or who may hereafter own, any part of the above described tract, and such persons are specifically given the right to enforce these restrictions through any proceedings, at law or in equity, against any person or persons violating or threatening to violate such restrictions, and to recover any damages suffered by them from any violation thereof, including a reasonable attorney's fee and punitive damages in the amount of fifty dollars (\$50.00) per day for each violation of these covenants continues.
- 24 Each and all the covenants, conditions, restrictions, and agreements contained herein shall be deemed and construed to be continuing, and no waiver of a breach of any of the covenants, conditions, restrictions, and agreements herein contained shall be construed to be a waiver of any other breach of the same, or other covenants, conditions, restrictions, and agreements; nor shall failure to enforce any one of such restriction, either by forfeiture or otherwise, be construed as a waiver of any other restriction or condition.
- 25 It is expressly agreed that if any covenant or condition or restriction herein above contained, or any portion thereof, is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

- 26 The below signed grantors reserves the right to change or cancel any or all of these restrictions, if in their judgment the development or lack of development of adjacent property makes that course necessary or advisable.
- 27 The foregoing restrictions, covenants and conditions shall be binding on the property for a period of twenty (20) years from the recording of these covenants, and may be extended thereafter, in whole or in part, by a majority vote of the then owners of the property within the described boundaries having an assessed valuation of at least fifty percent (50%) of the total assessed valuation of all property contained in Zion Gardens. Such owners may effect such an extension by executing an appropriate agreement of certificate to said effect and filing same for record in the office of the Circuit Clerk of the county of Washington, State of Arkansas, at least one month prior to the expiration of the restrictions, covenants and conditions sought to be renewed. Filing of such instrument shall be effective to renew any and all conditions, restrictions, and covenants contained herein, or portions thereof, which may be so specified in such instrument and remove any others of the conditions, covenants and restrictions not so specified.
- 28 No oil, oil development, operating oil refining, quarrying or mining operations of any kind shall be permitted upon or in any building site, nor shall oil wells, tanks, tunnel, mineral excavations or shafts be permitted upon or permitted in any building site. No derrick or other structure designed for use in boring of oil or natural gas shall be erected, maintained, or permitted upon any building site.
- 29 No Leaching cesspool shall ever be constructed for use on any lot.
- 30 Easements for the installation, maintenance, repair, and replacement of utility services, sewer and drainage have heretofore been donated and dedicated, said easements being of various widths, reference being hereby filed herewith for a more specific description of width and location thereof. In the event any trees or shrubbery, incinerators, structures, buildings, fences, pavement of similar improvements shall be grown, built, or maintained within the area of such easements, no person, firm or corporation engaged in supplying public utility services shall be liable for the destruction of same in the installation, maintenance, repair or replacement of any utility service located within the area of such easement.
- 31 No automobile, truck, bus, van, recreational vehicle, trailer, boat, tent or temporary structure of any nature whatsoever, shall be parked or otherwise maintained on any lot unless the Architectural Committee has approved said parking, location or maintenance together with any restrictions the Architectural Committee deems appropriate, provided that it is not the intention of this paragraph to exclude the temporary parking of passenger automobiles, boats, and boat trailers or trucks one half ton or smaller in size on any portion of the garage driveway. Recreation vehicles and other recreational, camping, and boating equipment shall be screened from view of adjoining lots and streets in such a manner as to not detract from the neighborhood, and no said recreational vehicles and no other structures except residential buildings shall be used for residential purposes.

- 32 The restrictions herein set forth shall run with the land and shall bind the present owner, its successors and assigns and all parties claiming by, through, or under it shall be taken to hold, agree and covenant with the owners of the lots hereby restricted, and with its successors and assigns, and with each of them to conform to and observe said restrictions, as to the use of said lots and the construction of improvements thereof, but no restrictions set forth shall be personally binding upon any corporation, person or persons, except in respect to breaches committed during its, his or their seizing of title to said land, and Zion Place, LLC, an Arkansas Limited Liability Corporation, its successors and assigns, and also the owner or owners of any of the lots hereby restricted shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set forth, in addition to ordinary legal action for damages and failure of Zion Place, LLC, an Arkansas Limited Liability Corporation, may, by appropriate agreement made expressly for that purpose, assign or convey to any person or corporation all of the rights, reservations and privileges herein reserved by it, and upon such assignment or conveyance being made, its assigns or grantees may, at their option, exercise, transfer or assign these rights, or any one or more of them at any time or times in the same way or manner as though directly reserved by them or it in this instrument.
- 33 In the plat of Zion Gardens Subdivision, the allotter has designated certain areas of land as Common Private Areas and Utility Easements intended as recreation areas and for related activities for the property owners, in said Subdivision and as set forth in Zion Gardens Homeowners Association Declaration, dated _____, 200__, which said Homeowners Association Declaration is hereby incorporated into and made part of this Bill of Assurance.
- 34 There shall be formed a Property Owners Association, organized by the owners of the lots in the subdivision. All property owners shall adhere to by-Laws of the organization. Assessments as set by said Property Owners Association shall be responsible for maintaining the common grounds, including but not limited to Undedicated alleys, curbs and gutters, drainage ditches, retention ponds, landscape sprinkler systems, any landscaping, any signs, any street lights, any lighting fixtures, any walls, the utility bills, and any other cost and expense of maintaining the common grounds. No by-law rule or regulation of such an association shall be effective until same has been reduced to writing and recorded in the Deed Records of Washington County, Arkansas.

Notwithstanding that the undedicated alleys, curbs and gutters, street lights, drainage ditches and retention ponds in the Zion Gardens Subdivision are to remain private and not dedicated to the City of Fayetteville, the City of Fayetteville is expressly granted the right to insure that the above mentioned improvements are maintained by the City of Fayetteville in the City of Fayetteville, Arkansas. In the event it is determined that said improvements

are not so maintained to meet the standard mentioned above, then the City of Fayetteville shall have the right (but shall not be required) to render such maintenance to the above improvements to meet the above standard and to charge all such maintenance cost incurred to the assessed valuation for ad valorem tax purposes. Should any lot owner not pay any charge or cost assessed on the owner's lot by the City of Fayetteville for maintenance as mentioned above, then a lien in favor of the City of Fayetteville may be imposed on said lot. These covenants as they relate to the rights to the City of Fayetteville may be imposed on said lot. These covenants as they relate to the City of Fayetteville, shall not be changed, amended or terminated in any manner without the prior written approval of the City Planning Department of the City of Fayetteville, Arkansas.

- 33 If the provisions set forth herein conflict with any rules, regulations, by-laws, covenants or other provisions of the Property Owners Association mentioned above, then the provisions set forth herein shall control.

FURTHER, WITNESSETH:

The above named owner does dedicate certain lands for the use and benefit of the general public, said lands having been surveyed by William C. Jenkins, Registered Land Surveyor, and being depicted in the recorded plat, a copy of which is attached and incorporated herein as though set out word for word, said dedications to public being given for the establishment of road right-of-way and utility and drainage easement purposes.

The owners of the surrounding tracts shall take title subject to the right of the public to the dedicated public streets and utility and drainage easements and the recording of these Restrictive Covenants and plat in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County shall constitute a valid and complete delivery and dedication of said streets and easements depicted on said plat.

IN WITNESS THEREOF, the undersigned, being of all the owners of the within described property, have executed these Restrictive Covenants in Fayetteville, Arkansas, on this the ____ day of _____, 200__.

Zion Place, LLC

By Mike D. Lamberth, for Zion Place, LLC,
Member, Registered Agent

Traffic Study

Proposed access to the subdivision, as shown on the preliminary subdivision plat, is proposed from one new street intersecting Zion Road (Lantana Lane) and one new street intersecting Randall Place (Frontier Elm Drive).

The subdivision plat for the residential subdivision will cover approximately 15 acres consisting of approximately 95 townhouse dwelling units. The preliminary subdivision plat shows the proposed lots and the approximate location of the proposed internal street network.

STREET SYSTEM

Zion Road is a two-lane asphalt roadway consisting of two 11-foot lanes constructed with shoulders and drainage ditches along the site frontage. The speed limit is 25 miles per hour in the immediate vicinity of the site.

Randall Place is an approximate 19-foot wide two-lane asphalt roadway constructed with drainage ditches. The speed limit is not posted.

The lane geometry of the **Zion Road and Old Missouri Road intersection** is described as follows:

- o East Leg (Zion Road) consists of a westbound thru lane, a westbound left-turn lane and an eastbound receiving lane.
- o West Leg (Zion Road) consists of an eastbound thru / right-turn lane and a westbound receiving lane.
- o South Leg (Old Missouri Road) consists of a northbound right-turn lane, a northbound left-turn lane and a southbound receiving lane.

The lane geometry of the **Zion Road and Highway 265 (Crossover Road) intersection** is described as follows:

- o West Leg (Zion Road) consists of an eastbound thru / left-turn / right-turn lane and a westbound receiving lane.
- o North Leg (Highway 265) consists of a southbound thru / right-turn lane and a northbound receiving lane.
- o South Leg (Highway 265) consists of a northbound

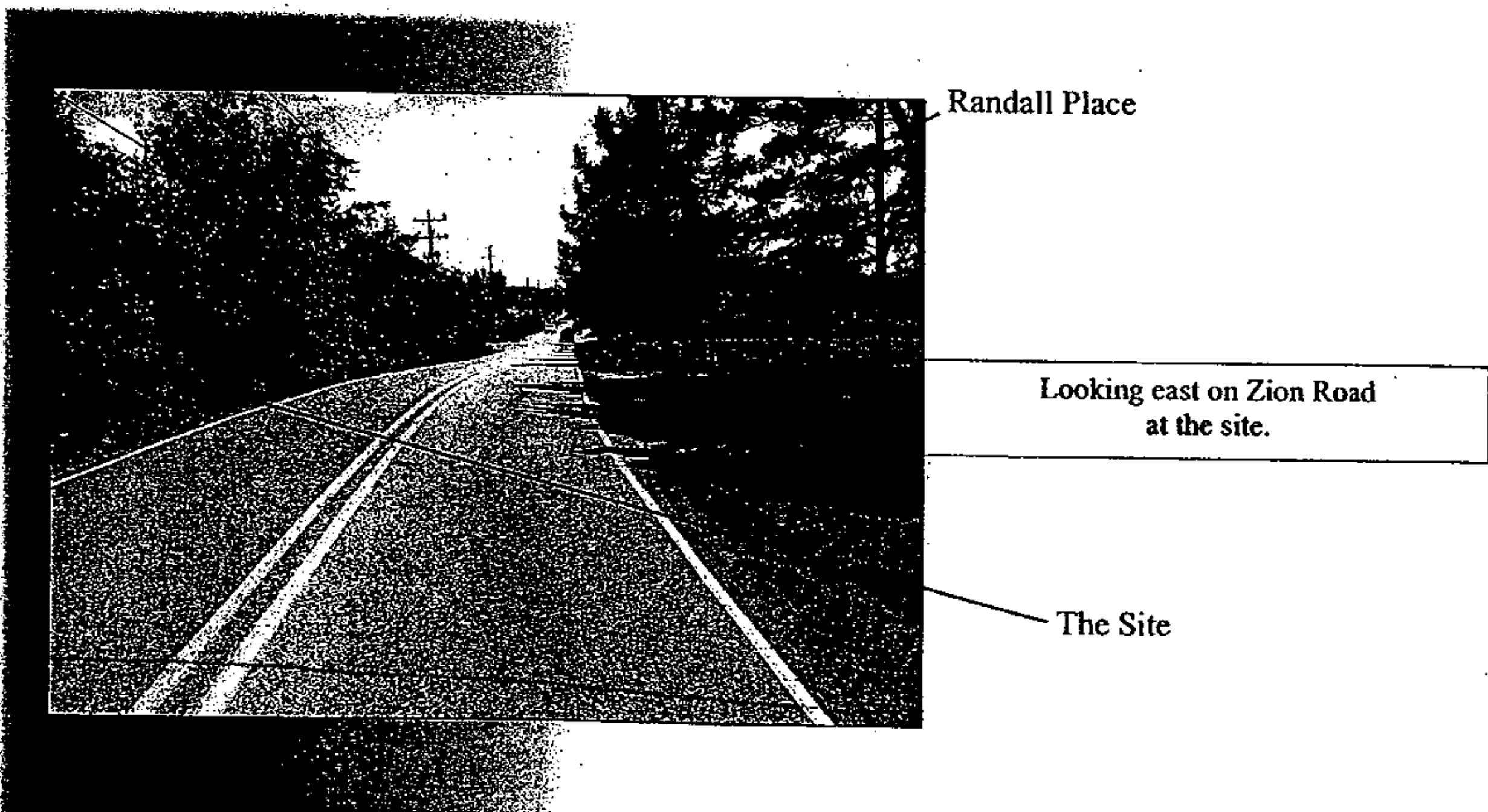


Traffic Study

thru lane, a northbound left-turn lane and a southbound receiving lane.

There is one existing traffic signal in the immediate vicinity of the site. The intersection of Zion Road and Highway 265 (Crossover Road) is signalized. This is a three-phase signal operation with signal indications mounted on mast arms. The controller location is on the southwest corner of the intersection.

The site is an undeveloped tract. The photos following show the general layout of Zion Road, Randall Place, Old Missouri Road, Highway 265 and surrounding land uses in the vicinity of the site.



Traffic Study

FINDINGS AND RECOMMENDATIONS

Findings of this study are summarized as follows:

- Traffic volumes projected to be generated by the residential land use of the site are approximately 557 vehicle trips (combined in and out) per average week-day.
- The AM peak hour (7:15 – 8:15 AM) and the PM peak hour (4:30 – 5:30 PM) have been determined to be the worst-case traffic conditions in the vicinity. It is estimated that approximately 42 additional vehicle trips will seek ingress and egress at the site during the AM peak hour and approximately 49 additional vehicle trips will seek ingress and egress at the site during the PM peak hour at full development of the site.
- There are no planned transportation improvements by the City of Fayetteville, independent of this development, in the immediate vicinity of the site.
- Existing conditions at the intersections studied were analyzed and compared to projected traffic conditions at these same intersections, as well as the main point of access to the site (Lantana Lane) proposed to serve the site. Results of the analysis have indicated for both existing and projected traffic conditions all of the vehicle movements currently operate at or are projected to operate at what calculates as an acceptable LOS "D" or better for the AM and PM peak hours.
- The sight distance on Zion Road at the location of the proposed Lantana Lane was measured to the east and to the west. It was found that there is approximately 250 feet of sight distance to the east and over 500 feet of sight distance to the west which is acceptable intersection corner sight distance for the 25 mile per hour posted speed limit on Zion Road at the site.



Traffic Study

Recommendations of this study are summarized as follows:

- It is recommended that proposed new street construction comply with ordinary City of Fayetteville design standards.



To: Fayetteville Planning Commission

**Fayetteville Planning Commission
Subdivision Committee**

**From: John S. Lea
Greg W. Lee**

Subject: Zion Gardens Subdivision

Date: July 14, 2005

This letter is intended to be our official notification of opposition to the proposed Zion Valley development based on two serious and existing conditions.

Our first issue is the existing problem with storm water runoff from adjacent properties and the further contribution a development of this size and design will undoubtedly make to an already unmanageable situation. This storm water issue has been getting progressively worse as the development around the Zion Road / 265 area has accelerated. The continual erosion on our property has become an ever increasing problem and has reached the point that the washed out areas have become virtually impossible to maintain in the manner in which maintain the rest of our property. The increasing amount of water during peak runoff periods is also inching ever close to the Lea residence, putting this house at increased risk of significant damage.

The significance of this problem can be further substantiated by the Roads and Streets Division of The City of Fayetteville who has twice in the last three years had to rebuild the culvert around the drainage pipe in front of our property where the water rushed over the road at such a rate it totally washed out all surrounding structure. Additionally, I have had Mr. Ron Petrie from the City Engineer's department come out and observe the current erosion and he too has acknowledged the need for an immediate remedy to the situation. Mr. Petrie has indicated to us on several occasions he is working on a solution to the issue and it needs to be tied to this and other future development.

We cannot support any new development in this area until this problem is corrected.

Our Second Issue is the proposed subdivision entrance and exit on Randal place. The proposed entrance or entrances, depending on which plan you have reviewed, are situated directly adjacent to a very sharp curve on Randal Place. This curve has been the site of several wrecks and uncounted close calls because drivers constantly underestimate how sharply the road turns in this particular spot. This problem too has gotten much worse as the development in the area has increased and more drivers are using this route to avoid the light at Zion and Hwy. 265. The large brick mailbox in front of the Lea residence on Randal Pl., while not having been an issue for the previous 12 years, has been totally destroyed twice in the last two years by out of control vehicles.

It is our belief that adding any entrances and exits on this road, even with some improvements or the addition of a turning lane, will only make a very dangerous situation worse.

We proposed to the developers that the two required entrances be located at each end of the developments frontage on Zion Rd. since it has much greater visibility and is much better equipped to handle the traffic. They however indicated they were not willing to acquire the small sliver of land it would require for that design and that other options take away valuable home sites. A situation we again find unacceptable

We feel strongly, as does the other adjacent land owner Ms. Barbara Tyson, we can not support this development unless the entrance and exits were relocated from Randal Pl. to Zion Road.

Thank you for you consideration

John S. Lea
2770 E. Randal Pl.
Fayetteville,, AR. 72703
479-587-0639

Greg W. Lee
4553 Crossover Rd.
Springdale, AR.
479-442-9918



MAPQUEST.

2770 E Randal Pl
 Fayetteville AR
 72703-4903 US

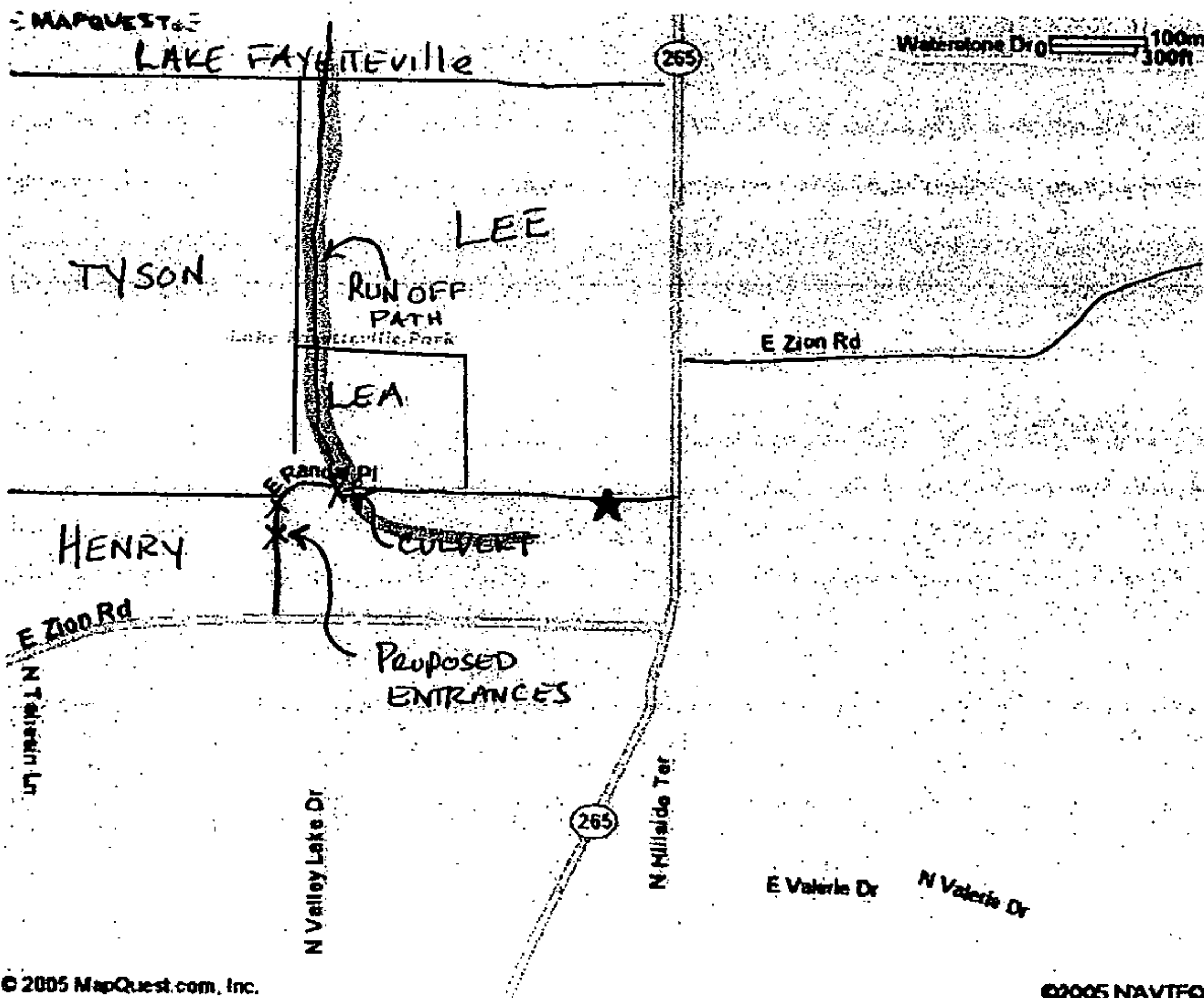
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plus receive a
coupon booklet with
over \$250 in value!

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ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: July 7, 2005

APPLICANT / REPRESENTATIVE CONTACT INFO:

Representative: H2 Engineering, Inc. 479-582-4234

Subdivision Committee Meeting:

Thursday, July 14, 2005 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting:

Monday, July 25, 2005 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: Zion Gardens is a proposed 13.90 acre Residential Planned Zoning District consisting of 95 residential townhouses both attached and detached.

Adjoining Property Address and Parcel Number(s):

Assessor's Parcel Number: 765-15622-000

The site is located north and east of the intersection of Zion Road and Randal Road.

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☒ I have been notified of the above meetings for the described project.

☒ I do not object to the project described above.

☐ I do object to the project described above because:

NLC, Inc.
Name of Property Owner (printed)

NLC Inc.
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: June 21, 2005

APPLICANT / REPRESENTATIVE CONTACT INFO:

Representative: H2 Engineering, Inc. 479-582-4234

Subdivision Committee Meeting:

Thursday, July 15, 2005 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting:

Monday, July 25, 2005 5:30pm
Fayetteville City Administration Building
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ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☐ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☒ I do object to the project described above because: *WITH THE INCREASE*

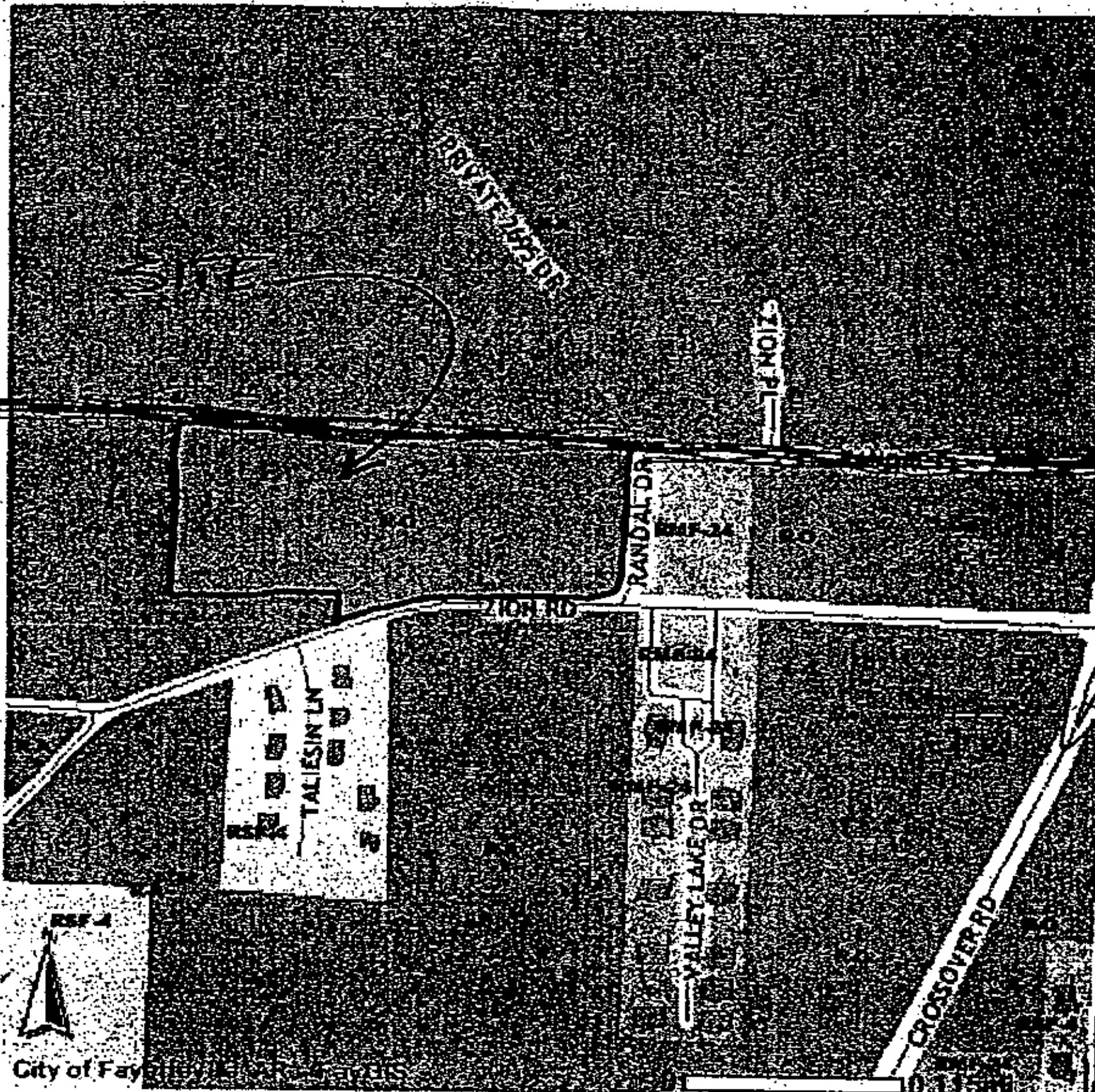
*TRAFFIC. HOW MUCH LAND IS THE DEVELOPER GIVING
WARD THE WIDENING OF ZION RD.*

Name of Property Owner (printed)

William D Annunzio

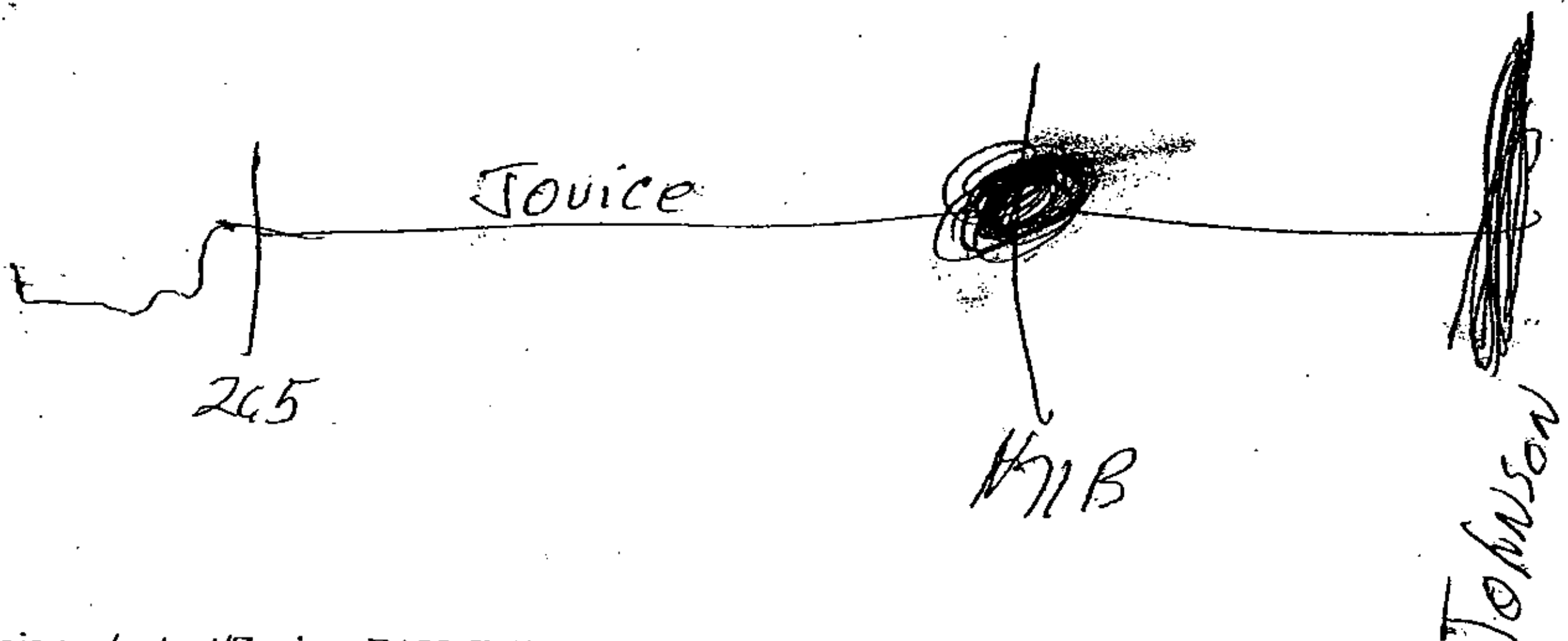
Signature of Property Owner

William D. Annunzio
Ann M. Greese



→ exchange →
Bridge
↓
→ To Huberton
More Traffic

How will widening Zion Rd
Help. wide jounce st. the street
To no where



ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: June 21, 2005

APPLICANT / REPRESENTATIVE CONTACT INFO:

Representative: H2 Engineering, Inc. 479-582-4234

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Adjoining Property Address and Parcel Number(s):

Assessor's Parcel Number: 765-15622-000

The site is located north and east of the intersection of Zion Road and Randal Road.

ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☐ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☐ I do object to the project described above because: *Excessive Storm Water
and Lack of Current Controls.*

John S. LEA

Name of Property Owner (printed)

John S. Lea

Signature of Property Owner

*I have outlined my concerns to the City Engineer
Office.*

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: July 7, 2005

APPLICANT / REPRESENTATIVE CONTACT INFO:

Representative: H2 Engineering, Inc. 479-582-4234

Subdivision Committee Meeting:

Thursday, July 14, 2005 8:30am
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

Planning Commission Meeting:

Monday, July 25, 2005 5:30pm
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

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Adjoining Property Address and Parcel Number(s):

Assessor's Parcel Number: 765-15622-000

The site is located north and east of the intersection of Zion Road and Randal Road.

? get yourself a COMPASS
ADJOINING PROPERTY OWNERS COMMENTS

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope)

☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☒ I do object to the project described above because:

*WHAT ARE YOU GOING TO DO WITH THE TRAFFIC?
VIDEN & MOVE THE JAM TO ZION & 265?
OFFICER*

Name of Property Owner (printed)

WILLIAM B. BIESE

Signature of Property Owner

PZD05-1599

Close Up View

ZION GARDENS



R-A

SUBJECT PROPERTY

R-O

PRIVATE 2695 DR

RANDALL PL

RMF-24

ZION RD

ZION RD

ZION RD

R-A

RSF-4

TALIESIN LN

RSF-4

R-A

RMF-24

Legend

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

500 YEAR

100 YEAR

LIMIT OF STUDY

Base Line Profile

Fayetteville

Outside City

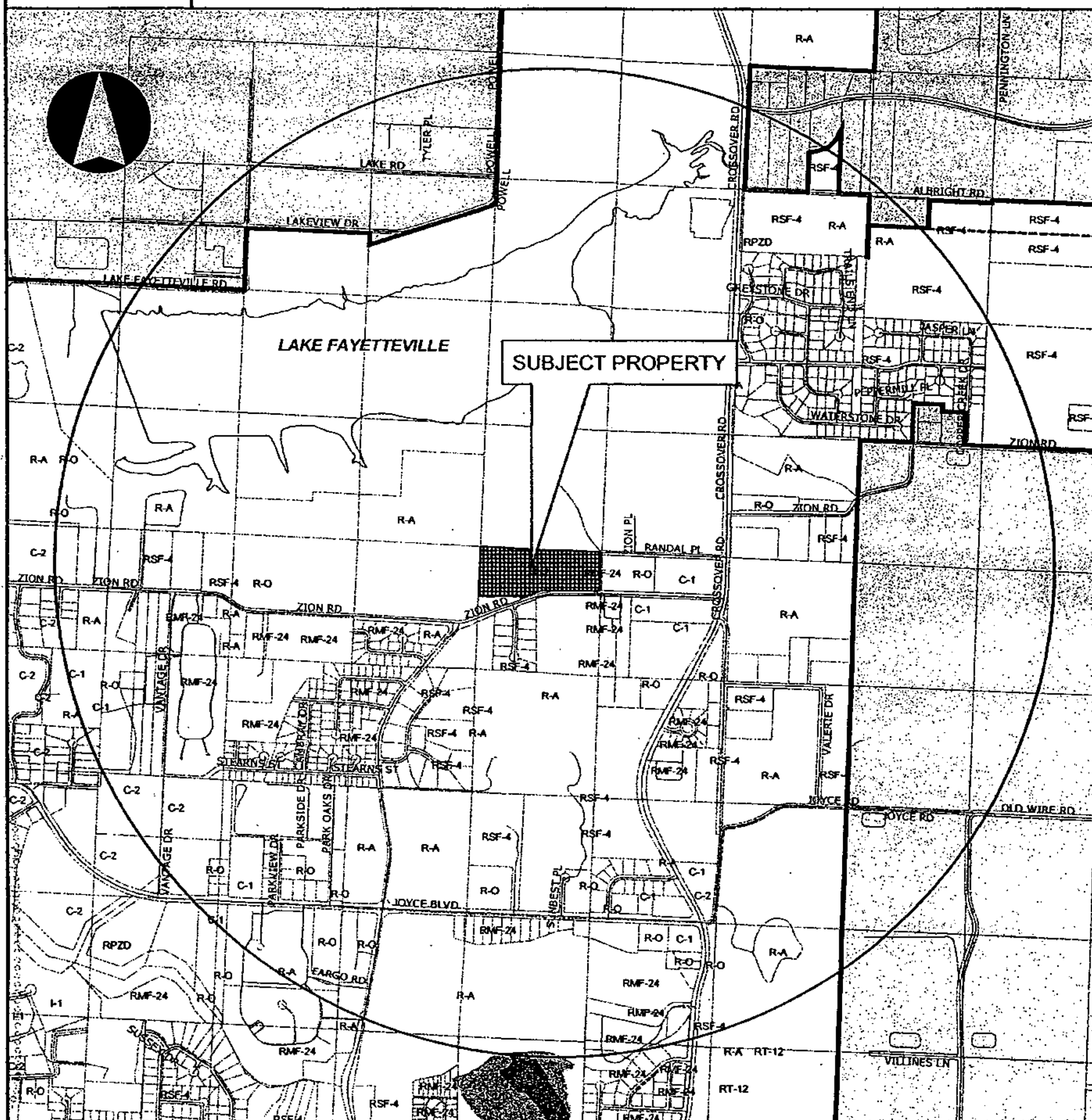
PZD05-1599

0 75 150 300 450 600 Feet

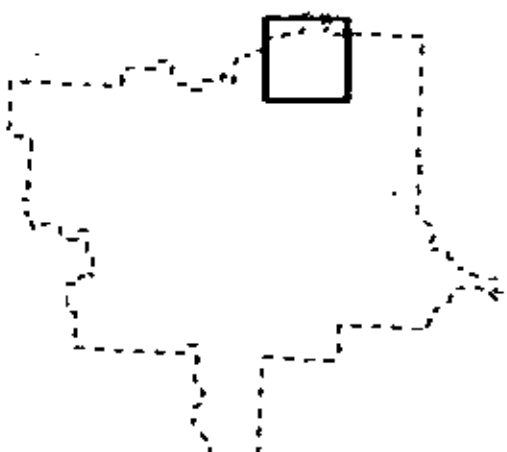
PZD05-1599

One Mile View

ZION GARDENS



Overview



Legend

Subject Property

PZD05-1599

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

20-Sep-05

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 05-1636: (Wellspring, 400): Submitted by Critical Path Design for property located at Ruppel Road and Hwy 16. The property is zoned RSF-1, Residential Single Family, 1 unit per acre and R-A, Residential Agricultural, and contains approximately 152.2 acres. The request is to approve a Master Development Plan - Planned Zoning District for a mixed-use community of residential and commercial uses.

\$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
	\$ -	

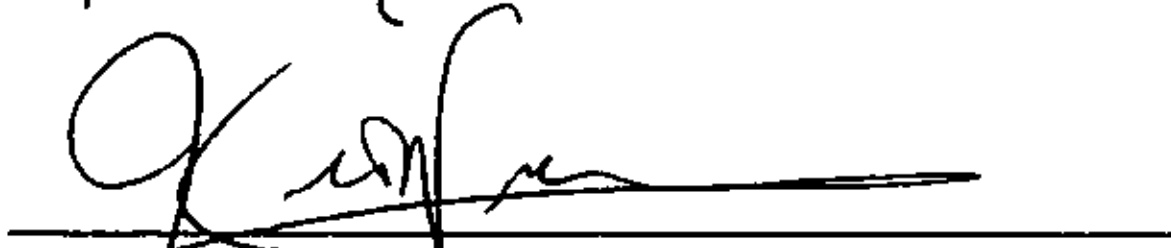
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 9-2-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney 9-2-05
Date

Original Contract Number: n/a


Finance and Internal Service Director 9-2-05
Date

Received in City Clerk's Office



Mayor 9/2/05
Date

Received in Mayor's Office


Comments:

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1636, WELLSRING, LOCATED AT RUPPLE ROAD AND HWY 16, CONTAINING APPROXIMATELY 152 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

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 and R-A, Residential Agricultural, to R-PZD 05-1636 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, development standards, statement of commitments and conditions of approval as submitted, determined appropriate and approved by the City Council.

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the master 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 05-1636

SURVEY DESCRIPTION:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, AND A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 16 NORTH, RANGE 31 WEST, ALL IN WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°42'05"E 617.60' AND N03°03'08"E 102.59' FROM THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7 AND RUNNING THENCE S87°03'27"E 93.41' TO A SET IRON PIN, THENCE N02°40'05"E 1716.06' TO A FOUND IRON PIN, THENCE N02°40'00"E 2143.06' TO A FOUND IRON PIN, THENCE N87°46'42"W 715.35' TO A FOUND IRON PIN, LOCATED AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 7, THENCE N02°27'56"E 46.74' TO A FOUND IRON PIN, LOCATED AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, THENCE N86°58'50"W 751.69' TO THE CENTERLINE OF RUPPLE ROAD, THENCE ALONG SAID CENTERLINE S20°20'50"W 44.46', S14°10'34"W 65.18', S09°16'42"W 44.03', S06°40'25"W 54.50', S05°18'51"W 54.60', S04°54'39"W 54.72', S04°57'12"W 59.85', S07°17'28"W 55.76', S13°38'10"W 52.31', S23°24'21"W 49.39', S32°18'04"W 47.75', S36°38'10"W 37.75', S40°31'21"W 59.19', S44°51'16"W 60.06', S46°48'24"W 67.32', S44°39'19"W 56.83', S39°09'37"W 55.03', S30°55'13"W 66.99', S24°56'32"W 57.82', S22°38'12"W 58.87', S22°23'40"W 54.61', S22°23'30"W 58.25', S23°21'56"W 55.44', S27°27'36"W 58.17', S31°39'13"W 58.36', S31°28'21"W 57.48', S21°21'38"W 54.39', S09°23'27"W 60.29', S02°47'11"W 51.61', S01°55'43"W 51.38', S02°08'41"W 57.15', S02°26'03"W 49.97', S02°30'26"W 51.03', S02°49'34"W 51.91', S02°57'05"W 54.52', S02°54'57"W 52.46', S02°50'56"W 55.16', S02°43'15"W 48.89', S02°33'25"W 54.35', S02°31'07"W 51.57', S02°25'23"W 56.41', S02°19'43"W 50.93', S02°27'09"W 38.77', S02°34'15"W 44.03', S03°12'55"W 52.16', S02°57'10"W 49.78', S02°33'54"W 51.59', S02°57'20"W 63.38', S03°10'04"W 52.97', S02°59'07"W 52.35', S02°31'09"W 51.19', S03°12'19"W 54.91', S02°13'15"W 33.15', S02°14'57"W 49.48', S02°42'49"W 48.61', S02°37'18"W 50.94', S02°42'26"W 49.47', S02°18'12"W 48.56', S02°45'16"W 52.85', S02°38'45"W 52.94', S02°54'55"W 41.80', S02°54'55"W 360.64', THENCE LEAVING SAID CENTERLINE S87°30'27"E 629.81' TO A CORNER POST, THENCE S03°09'47"W 7.60' TO A SET IRON PIN, THENCE S86°50'13"E 1088.84', THENCE S03°03'08"W 434.54', THENCE ALONG SAID RIGHT-OF-WAY S87°02'59"E 209.22' TO THE POINT OF BEGINNING, CONTAINING 152.23 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

City Council Meeting of September 20, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: August 31, 2005

Subject: Residential Planned Zoning District for Wellspring (R-PZD 05-1636)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Wellspring Community, based on the Master Development Plan, development standards and statement of commitments submitted. This action will establish a unique zoning district for a mixed-use project on approximately 152 acres located at Ruppel Road and Hwy 16. The proposal consists of a 1,037 dwelling units – single family, townhome and condominium – and approximately 254,000 square feet of office, commercial, retail, and restaurant space, along with 41 acres of greenspace.

BACKGROUND

The property consists of a total of 152 acres occupying land fronting for 0.7 miles on Ruppel Road and onto Wedington (Hwy 16). It is currently zoned RSF-1 and R-A, and occupied by agricultural land, tree canopy, and several remaining single family homes. It is surrounded by a mixture of uses, from agricultural land to multi-family, single family to mini-storage.

The applicant requests a rezoning and Master Development Plan approval for a mixed-use project within a unique R-PZD zoning district, meaning the principal use of the site (51% or greater) is residential. The site is divided into nine (9) Planning Areas, each with its own unique permitted and conditional uses, building setbacks, lot width and area, density, intensity of nonresidential space, maximum number of dwelling units, phasing for construction, etc. There are a total of 1,037 dwelling units proposed for the site, in different phases and Planning Areas. A maximum of 254,000 SF of nonresidential space is also proposed within the Master Development Plan. Approximately 42 acres (30% of the site) is to be provided for parks, community greenspace, trail systems and/or tree preservation and undisturbed areas. The development is centered around a pedestrian-friendly, traditional urban design approach utilizing a mixture of uses in the same area, while providing for a variety of home styles and types.

City Council Meeting of September 20, 2005
Agenda Item Number

DISCUSSION

This item was not reviewed by the Planning Commission. The submittal was made directly to Planning Staff, evaluated and a recommendation made to the City Council. Depending upon the outcome of the City Council decision, the actual development would be required to be reviewed and approved by the Planning Commission as a large scale development and/or preliminary and final plat.

The applicant did present the project at a Ward 4 meeting and was instructed to notify adjoining property owners of the rezoning request at least 10 days prior to the public meeting. Comments received from the public have been included in the staff report.

BUDGET IMPACT

None.



CC Meeting of September 20, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Coody
City Council
FROM: Jeremy Pate, Director of Current Planning
DATE: August 30, 2005

R-PZD 05-1636: Residential Planned Zoning District (Wellspring Community): Submitted by CRITICAL PATH DESIGN for property located at RUPPLE ROAD AND WEDINGTON DRIVE. The property is zoned RSF-1, SINGLE FAMILY - 1 UNITS/ACRE and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 152.2 acres. The request is to approve a Master Development Plan – Residential Planned Zoning District for new mixed-use community containing residential, office, commercial and open space.

Property Owner: SBC Investments, LLC

Planner: Jeremy Pate

Findings:

Property Description: The property consists of several parcels totaling 152.2 acres that is currently undeveloped, with primarily agricultural pasture land. The property fronts approximately 0.7 miles of Ruppel Road between Wedington and Mt. Comfort and a small portion along Wedington. A 120-foot access easement has been provided to allow for a future street connection to Wedington. There are large groupings of high priority/significant trees located in areas on the site, but a majority of the property exists in pasture, with a few remaining single family homes located upon it. It is currently zoned RSF-1 and R-A; much of the property was part of the island annexation that occurred in 2004, allowing for development within the city limits. There is a fault line that runs east-west through the center of the property, and a creek that enters from the east and travels north to Hamestrung. Bryce Davis Park is located directly adjacent to the east, as well as some single family subdivisions and multi-family development. To the north is undeveloped farmland. The Master Street Plan calls for Ruppel Road to intersect the northwest corner of the site in a new alignment, in order to align with Ruppel Road north of Mt. Comfort.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Largely agricultural	RSF-1, RSF-4, R-A
South	Commercial strip center, ministorage	C-2, R-A
East	Single family, multi-family homes	RSF-4, R-O, C-1
West	Developing subdivisions and s.f. homes	RSF-4, RSF-1

Proposal: The applicant requests a rezoning and Master Development Plan approval for a mixed-use project on the property. The proposal includes a maximum of 1,037 dwelling units and 254,400 square feet of non-residential space. A total of nine (9) separate planning areas are proposed, each of which has identified uses: Parkway townhomes, garden homes, clubhouse, retail promenade, professional/living plaza, commercial complex, courtyard condominiums, business thoroughfare, and community open space/parks/tree preservation areas.

The mixture of uses on the project varies dramatically, from that of solely single family detached to that of solely commercial. However, there are transitions between these that allow for a range of less dense townhomes, more dense condominiums, commercial/office/retail and residential mixed use, etc. Each Planning Area has its own specific density (maximum number of dwellings units allowed) and intensity (maximum square feet of non-residential space), depending upon the desired effect. For reasons of zoning, each Planning Area also has to have established bulk and area criteria, setbacks, height, etc. Otherwise each proposal would have to return to the City Council to address these zoning issues with every development. The information is provided both in a booklet form, which describes the intent of each Planning Area along with a conceptual drawing, and by way of the larger plat, which gives much of the same technical information, along with the actual Master Development Plan. The building, street, and parking arrangement indicated on the master plan will likely vary somewhat from that which is presented. In fact, there are several technical recommendations on connectivity and issues with the Master Street Plan requirements for Ruppel Road currently evident that will need to be addressed. However, these issues can be resolved with the development review of the project and additional City Council action, if needed. At this step in the process it is important to make the policy decision of whether the zoning is appropriate and compatible to this area, given the proposed Master Development Plan, statement of commitments, and development standards.

Process: The purpose of the subject request is for a rezoning approval in order to secure entitlement for the property with a concept of varied density, variety of uses and walk-ability while preserving community area, providing parkland and open space, and other infrastructure improvements to support the community. As recently approved by the City Council, an applicant has the option of presenting a Master Development Plan – Planned Zoning District to the City Council first. This action would effectively rezone the property based on the conceptual plans and information provided. However, it does not give development approval. The applicant is required to return through the preliminary plat and large scale development process (several times, in this case), in order for the Planning Commission to confirm that the development plans presented are compliant with the zoning and Master Development Plans approved by the City Council.

Bulk and area criteria, while usually provided within the staff report, have been provided in duplicate by the applicant. The project booklet provided gives the zoning criteria in detail, as do the Master Development Plans. Please reference this provided material for more information.

Water & Sewer: Water and sewer lines are currently available in the area, and will be designed and constructed in accordance with city specifications to serve the development. Sewer capacity

in this area remains an unresolved issue, though staff has been working on an interim solution until the Wastewater Treatment Plant is on-line, which will be 33-36 months from the initial construction date. Depending upon the City Council's decision, the developer will be required to contribute to the interim solution or simply wait until the treatment plant is online.

Access: Access to the site is provided from Ruppel Road and Wedington (Hwy 16). There is also a stub-out to the property from a subdivision to the northeast that will require connection. Based on information provided by the applicant, a 120-foot wide access easement has been obtained across adjacent property to the south in order to construct and dedicate a public street into the development, which will become a primary entrance into the Wellspring Community. There are also seven proposed entrances onto Ruppel Road, with traffic signalization proposed at one of these entrances. The traffic study indicates the proposed interior frontage road and intersections with Ruppel need to be re-evaluated, a statement with which staff agrees. Sight distance, curb cut proximity, stacking distance, and relationship to the pedestrian movement along Ruppel Road will all be examined in detail at the time of development. Staff is not currently ready to support all ingress/egress points as proposed.

Interior to the project, public and private streets are proposed. The applicant states in the submittal that all streets, whether public or private, will be constructed in accordance with the Unified Development Code. No public or private streets are allowed to be gated, by city ordinance.

Pedestrian circulation has also been addressed, with both sidewalks along streets and trails that connect the various planning areas. A trail is proposed to be constructed from Bryce Davis Park north along the existing creek to eventually connect to Hamstring Creek Trail. Both of these corridors are identified in the Fayetteville Alternative Trails and Transportation Plan as planned trails; the applicant should expect a recommendation for a trail corridor to be dedicated or easement provided in which this trail connection can be realized.

Adjacent Master Street Plan Streets: Ruppel Road (Minor Arterial, currently being considered for Principal Arterial status), Wedington Drive (Principal Arterial)

Street Improvements: The applicant commissioned a traffic study for this project, the executive summary of which is included in the last few pages of the project booklet. Based on the findings provided by the traffic engineer (see last pages of project booklet), staff will be making the following recommendations, at minimum, at the time of development:

- ◆ The developer shall be responsible for constructing Ruppel Road at half of its planned width, which currently includes two travel lanes and half of a boulevard. Six foot sidewalks, street lights and associated drainage is also required. Street improvement shall continue south to intersect with Wedington Drive, providing turn lanes and other improvements as required by the Planning Commission and coordinated with city staff.
- ◆ Signalization to include installation of two new traffic signals in accordance with City of Fayetteville standards (one at Wedington and Drive A, one at Ruppel and Drive D), and reconstruction as necessary of the existing traffic signal at Wedington Drive and Ruppel Road.

- ♦ Re-evaluation of the "frontage drive" and entries onto Ruppel Road to create more acceptable traffic operations.
- ♦ Coordination with city staff to determine the appropriate lane geometry that is consistent with the desired traffic movement along Ruppel Row.
- ♦ Re-evaluation of the alignment of Ruppel Road at the north end of the property, as the Master Street Plan currently calls for this street to begin turning west across the subject property in order to cross Hamstring Creek and be aligned with Ruppel Road north of Mt. Comfort Road.
- ♦ Other improvements as deemed necessary, based on traffic generation, phasing and other applicable criteria.

Tree Preservation: A majority of the site contains open pasture land, though there are several large groupings of high priority trees, including post oak, black oak, mockernut hickory, pignut hickory, black gum, eastern redbud, persimmon, sycamore, American elm, white ash, sweetgum and black cherry. Many of these groupings and significant trees are located within the proposed parkland and community greenspace areas, while others are located interspersed along the north portion of the property along the creek where single family homes are proposed. There are also groupings along the front commercial area. The applicant proposes to meet the expected minimum percent canopy requirements, which is 25% in property zoned PZD, as well as preserve canopy within the parkland and community greenspace areas. The intent is to allow flexibility in order to adjust the layout of individual buildings within the unique Planning Areas in an attempt to meet the minimum percent canopy requirements. Where this can not be achieved, the large area of tree preservation south of the dedicated parkland could potentially be used as credit toward any deficiencies. This is subject to review and approval by the Urban Forester, and must meet the criteria of §167 Tree Preservation and Protection ordinance. More detailed comments from the Urban Forester are included in the attached staff report.

Parks: Staff has met with the applicant regarding the possible extension of Bryce Davis Park, which is adjacent to the east, in order to provide public parkland for the proposed development and others in the surrounding community. The Parks and Recreation Board has also evaluated the proposal and voted to recommend a land dedication of 19 acres to meet parkland dedication requirements. Additionally, the creek that traverses the site draining to Hamstring Creek to the north is on the Fayetteville Alternative Trails and Transportation Master Plan. An easement or dedication of land will likely be expected in order to make this connection, at the time of development. The applicant has indicated approximately 30% of the overall project is to be retained in open greenspace, some of which is undisturbed areas, some parkland, some open community greenspace. The trail connection is anticipated, and will be linked with other pedestrian paths and sidewalks throughout the development. A planned 12.6-acre dedication has been indicated in the submittal. The applicant shall meet the parkland dedication ordinance, based on the number of units proposed, at the time of development.

Public Comment: Staff advised the applicant to present this project to Ward 4, in which the site is located. Most comments from that meeting received were positive. However, there are comments that are included in the staff report that question the proposal's handling of traffic, change in character of land from rural to developed, multi-family units, etc.

Recommendation: Staff recommends approval of the Master Development Plan – Planned Zoning District for Wellspring Community (R-PZD 05-1636), with the following conditions:

Conditions of Approval:

1. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council, including the statement of commitments and development standards presented in the project booklet, shall also be binding and enforceable by law.
2. Approval of this Master Development Plan – Planned Zoning District shall not be construed as development approval. Pursuant to city ordinance, all development of the property shall be approved by the Planning Commission through the large scale development and/or subdivision review process. Each Planning Area shall be evaluated based on the zoning and development criteria established with the Master Development Plan. Circulation, landscaping, tree preservation, design standards, connectivity, infrastructure improvements and other city policies and ordinances remain applicable with the development review process. The conceptual designs proposed are to be used as a template from which detailed plans are produced; however, it is expected that certain items will change, in accordance with the Planned Zoning District ordinance.
3. Due to the fact that the proposal is a Residential Planned Zoning District, in which a minimum of 51% of the use of the property is to be residential, many of the desired commercial uses are not allowed by right and are therefore indicated as conditional uses. It is anticipated that as the Planning Areas develop, these conditional uses will be highly desirable in order to allow the commercial areas to be successful. It is with this understanding of how the commercial, mixed use and residential Planning Areas will develop and relate that staff recommends approval of the proposed uses.
4. Public water and sewer lines shall be extended as required by city ordinance at the time of development. Detailed analysis of the existing water and sewer systems will be required to be submitted with the development submittal. As mentioned in the staff report, the developer shall contribute to the interim wastewater capacity solution in this basin as determined by the City Council in order to develop prior to the Wastewater Treatment Plant completion.
5. Street improvements at the time of development shall include those determined necessary by the Planning Commission, based upon the development proposed. Based on the traffic study provided that evaluates the proposed development and surrounding street infrastructure, the developer shall be responsible, at minimum, for the following:
 - ½ of a four-lane boulevard cross-section on Ruppel Road, to include a 28-foot street section and half a boulevard, to city specifications; right-of-way

- dedication to meet Master Street Plan requirements at the time of development, sidewalks and street lights
 - improvements to Ruppel shall extend south to the intersection with Wedington Drive
 - new traffic signals on Ruppel and Wedington, as recommended by the associated traffic study, along with the reconstruction of the existing Ruppel/Wedington traffic signal
6. Ruppel Road access: The traffic study indicates the proposed interior frontage road and intersections with Ruppel need to be re-evaluated, a statement with which staff agrees. Sight distance, curb cut proximity, stacking distance, and relationship to the pedestrian movement along Ruppel Road will all be examined in detail at the time of development. Staff is not currently ready to support all ingress/egress points as proposed.
 7. City Council determination of a Master Street Plan amendment to move Ruppel Road west of its planned location. *The current Master Street Plan indicates the alignment of Ruppel Road shifting east and bisecting a portion of the subject property. Recent concept designs prepared by staff for the transportation improvement/street bond program have indicated a different scenario (see attached), which is utilized with the Wellspring proposal. Staff recommends that further analysis take place for this important alignment and if needed, plans to be modified and brought back before the City Council for a final decision at the time of development.*
 8. A Tree Preservation Plan shall be prepared at the time of development for each Planning Area. All development proposals shall meet the Tree Preservation and Protection Ordinance.
 9. All development shall meet applicable building codes and other ordinances of the City of Fayetteville.
 10. Zoning and development criteria shall be enforced as approved by the City Council, and currently referenced in the Wellspring Community project booklet and on the submitted Master Development Plan plats. These approved plans, commitments and standards will be kept on file in the Planning Division, and referenced for subsequent development proposed on the property.
 11. Future development shall comply with at least the minimum design standards for development in the Unified Development Code, including but not limited to landscaping, parking, access, street design, stormwater detention, etc. Buildings proposed shall be reviewed to ensure appropriate architectural compatibility, compliance with commercial design standards, and/or conformance with the architectural standards and concepts provided with the subject submittal.
 12. Phasing: The anticipated build-out is 2009 for all three phases. In order to ensure the proposed Master Development Plan meets all of the goals and criteria set forth, a

phasing schedule is required. If certain permitting times are not met, the Planned Zoning District approval shall be voided, or extended as allowed by §166 of the UDC. The following development phasing shall be enforced:

- Phase I: All necessary permits to begin construction of the project, pursuant to the criteria established in §166, shall be obtained within 2 years of the date of the ordinance passing.
- Phase II: All necessary permits to begin construction of the project, pursuant to the criteria established in §166, shall be obtained within 3 years of the date of the ordinance passing.
- Phase III: All necessary permits to begin construction of the project, pursuant to the criteria established in §166, shall be obtained within 4 years of the date of the ordinance passing.

CITY COUNCIL ACTION:

yes Required

 Approved Denied

Date: Sept 20, 2005

Comments:

The "CONDITIONS OF APPROVAL", stated in this report, are accepted in total without exception by the entity requesting approval of this rezoning/master development plan item.

By _____

Date _____

Findings associated with R-PZD 05-1636

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the General Plan 2020;

FINDING: Staff finds the application to be in substantial compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. In review of the General Plan 2020, the application provides for a mixture of residential, office, commercial and mixed uses while providing a great deal of both undisturbed area and usable open space. The proposal utilizes principles of traditional urban design to create compatible, livable and accessible neighborhoods; transitions and manages non-residential development within and adjoining residential neighborhoods to minimize nuisances; utilizes the policies of connectivity, both for vehicles and pedestrians; and sites new development in close proximity to public services and infrastructure.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. Without improvements to existing infrastructure, the proposal would certainly adversely affect public facilities and services. However, as indicated in the submittal and the staff report, certain measures are to be taken to ensure adequate infrastructure improvements are made by the developer to ensure the level of service does not decline due to the proposed development. Examples of this include requirements to improve Ruppel Road, traffic signalization, expanding a public park and trail system, contribution for sewer improvements (long and short term), etc. Fire and police have responded accordingly.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The rezoning request, combined with the Master Development Plan, creates a mixture of commercial, office, retail/restaurant and residential uses. These types of uses surround the development in various stages, and attempts to transition to adjoining uses is obvious in the plans submitted. Staff finds the range of uses to be appropriate in this

rapidly growing Ruppel Road community. Current development ordinances, including Tree Preservation, Landscaping and design standards, enable more developments to be visually compatible than before.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The subject property is remnant farm land that has been mostly cleared. There are areas, especially along the on-site creek, that contain considerably-sized trees. Approximately 30% of the site is proposed to remain in greenspace, and the proposal attempts to respect the natural environment where possible.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Based on the traffic study completed for this project, there would be considerable traffic increase generated by this development and therefore considerable improvements mandated. As noted by the Police and Fire Department, leaving Ruppel Road in situ is not an option. The developer will be expected to make significant improvements to Ruppel Road in order to alleviate and mitigate any burdens placed upon the street infrastructure. These include new traffic signals, construction of half of Ruppel Road (28-foot width, ½ boulevard, curb and gutter, storm drainage, sidewalks, streetlights, etc.), as well as other improvement to ensure safe and adequate vehicular and pedestrian movement. The applicant has indicated that these improvements are anticipated, and agrees to meet the requirements placed upon the project by the City of Fayetteville in order to develop this project.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: A plan and project booklet has been submitted, recognizing the zoning and development criteria required of a Master Development Plan submittal. Typical architectural elevations, materials and design standards are called out, in order to describe the appearance of the community once constructed.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: Staff finds that in review of the requested rezoning, the Master Development Plan proposed does not violate recognized zoning considerations, as found below.

(J) 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. At this time, the Master Development Plan sets out the basic guidelines, development and zoning criteria, commitments offered by the applicant and those recommended by staff, and design standards to ensure the proposal will achieve a high level of compatibility with adjacent properties. Staff finds that the proposal herein does incorporate an acceptable level of compatibility, and development features further the health, safety, amenity and welfare of the community. Density, maximum dwelling units and maximum intensity (non-residential square feet) have been addressed for each planning area; open space is to be provided, both concentrated and within the development as a whole; circulation is achieved via public and private streets, with an emphasis on a traditional urban design, allowing pedestrians freedom of movement; parking, screening, signage, landscaping and tree preservation are all proposed to meet City of Fayetteville standards, allowing for a project that enhances the neighborhood.

- (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 at this time; with development of the site, all applicable development criteria will be applied for appropriate landscaping, screening and buffering of parking areas and objectionable uses.

- (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: Traffic circulation has been evaluated with a traffic study, the results of which are included at the end of the project booklet. Ingress and egress interior to the project shall be evaluated and required to be constructed with the development of the property. A hierarchical system of boulevards, public streets, alleys, rear parking, private drives seem to be proposed. Issues of connectivity will be evaluated and addressed with more refined development of the Planning Areas. Block length, alley width for services, curb cuts and other design criteria will be addressed at the time of development. The "frontage" drive along Ruppel Road, specifically, will need to be re-evaluated.

- (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 the proposed uses shall apply. All parking areas shall conform to City of Fayetteville standard specifications, unless approved otherwise.

- (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 provides a great deal of open space to be retained for community use. Open spaces are indicated to be met with development of each Planning Area, and all buffering, screening and landscaping required by city code will be applicable.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Sidewalks and other pedestrian connections will be evaluated at the time of development to ensure compliance.

(7) *Street Lights*. As required by §166.03.

FINDING: Street lights will be required at the time of development.

(8) *Water*. As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code.

(9) *Sewer*. As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. The developer will be responsible for contributing to the interim solution for wastewater capacity issues in the Hamestring basin, as determined by the City Council.

(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 and private streets/drives shall conform to city standards, which has been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (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: The parkland dedication and development of community open space is planned with Phase I of construction. If more than eight building permits are desired prior to completion of the required nonresidential facilities, guarantees in the amount of 150% will be deposited with the city.

- (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: A tree preservation plan shall be submitted at the time of development. It is anticipated that a large tree preservation/undisturbed area will be protected; however, it is important to note that each Planning Area will also be responsible for its own tree preservation and mitigation.

- (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: All commercial structures shall be evaluated as set forth in the code, at the time of development. Though strict adherence is not essential, submitted concept drawings will be utilized as templates for the future buildings.

- (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 proposed Master Development Plan incorporates the majority of the above criteria, as evidenced in the variety of uses in the Planning Areas; the transitioning from commercial to mixed use to condominium to townhouse to single family detached; a maximum enhancement of existing natural amenities, capitalizing on the stream corridor traversing the property to provide public and private open space and the proximity and extension of an adjacent public park; creating a community atmosphere near two arterial streets, while providing necessary infrastructure improvements to alleviate any potential impact; and providing a variety of housing types within the same area, allowing for a socio-economic diversity while promoting a community atmosphere in which one can work, live and play.

(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-

1636, with nine (9) unique Planning Areas. The development standards, statement of commitments and Master Development 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 use is mixture of uses containing single family detached and attached residential, multifamily residential, commercial, office, retail and restaurant uses. It provides a variety and flexibility of land use, while retaining a primary emphasis on the residential component. Existing adjacent land uses are considered, and transitioned within the development to provide compatibility. Improvements to infrastructure will be required in order to not create heavy traffic congestion, as the primary point of entry (Ripple Road) is substandard for existing traffic. By clustering more densely, a much higher percentage (30%) of open space can be maintained for use and enjoyment of this community and Fayetteville at large.

(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.

FINDING: See Zoning Criteria Chart within the project booklet provided by the applicant for the uses permitted by right and by conditional use in each Planning Area as proposed by the applicant. This project booklet, if approved, will remain on file in the Planning Division for comparison to future development on the property.

***Required Findings for Rezoning Request.**

RECOMMENDATION: Staff recommends approval of the rezoning request from R-A, Residential Agricultural and RSF-1, Residential Single Family, 1 unit per acre, to R-PZD 05-1636, with the adoption of the associated Master Development Plan.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 05-1636, with the associated Master Development Plan, varies this future land use to a mixed use, though the principal use on the property will remain residential. The proposed plan, commitments, design standards and other conditions placed upon the project result in a compatible development with surrounding land uses in the general vicinity, meeting many of the goals of the General Plan 2020 for new development.

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 to a great degree consistent with many of the principles and policies in place. The policies encouraged by the General Plan 2020 call for mixtures of uses, housing sizes and types, pedestrian-friendly neighborhoods, siting new development adjacent to arterials, schools and other public services, and expanding the public trails and parks system. This project meets all of these goals, and creates an internal transition of land uses that attempt to address adjacent land uses.

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

Finding: **The proposed zoning is needed in order to develop anything other than agricultural or low density single family uses on the property.**

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

Finding: **The proposed zoning will undoubtedly result in an increase in vehicle trips, due to the change in use from an existing farm to 1,037 dwelling units and 254,00 SF of nonresidential space. It is essential that street improvements occur as a result, to be installed with development of the project. With the significant improvements caused by the magnitude of development proposed, other users of Ruppel Road and Wedington will likely benefit as well, due to the fact that Ruppel Road is stressed at the current time. An estimated 3% in calls for service is anticipated by the Police Department, and an appreciable increase for the Fire Department, given their proximity (1.5 minutes) to the property, is not anticipated.**

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

Finding: **Population density will be increasing in this area, and has been anticipated with the construction of new public services in the area, including schools, a fire station, and the Boys & Girls Club. Water and sewer services will be required to be evaluated and submitted at the time of development; those improvements necessary to retain an acceptable level of service for all infrastructure as dictated by the City of Fayetteville will be required of the developer, including the extension of water service, sewer lines, contribution to the interim capacity solutions in this basin, and other infrastructure needs deemed appropriate and meeting the rough proportionality of the impact of this development on the existing infrastructure.**

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

POLICE DEPARTMENT

RECEIVED
JUL 25 2005
PLANNING DIV.

July 25, 2005

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

Dear Mr. Pate:

This document is in response to your request for estimated implications/expectations the **Wellspring Community PZD** would place on the Fayetteville Police Department. Based on historical data of similar demographic and geographic commercial and residential areas, estimations can be made regarding an increase in police calls for service. Upon completion of the build out of this PZD, the Fayetteville Police Department can realize an estimated three percent increase in total calls for service. Given the current traffic environment in this area, a development of this size would have an obvious impact on traffic congestion. The Engineering Department may provide more specific information regarding questions about the traffic impact for the Wellspring Community PZD.

Sincerely,

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

Rob Turberville
Fayetteville Police



Fayetteville Fire Department

303 W. Center St. Fayetteville AR. 72701

Date: August 31, 2005

To: Jeremy Pate

From: Captain Dale Riggins

Subject: Re-zoning review from the Fayetteville Fire Department.

PZD05-1670 (Pratt Place Inn)

These 72 acres are covered by Station 2 on North Garland.

The property is 1.4 miles from the station with an anticipated response time of 4 minutes. No calls for service are figured on this type of development and there should be no adverse affects on our call volume. Our only concern is the access of our ladder trucks to this property. With the road and trees it will be very hard to maneuver an aerial truck to this property without improvements. Another concern is the access to the future 'cabins' and their locations.

RPZD05-1636 (Well Spring)

These 152 acres are currently covered by Station 7 on Ruppel Road.

The property is 0.8 miles from the station with an anticipated response time of 1.5 minutes to the beginning of this subdivision and 2.5 minutes after the maximum build out is completed. We project this development to produce 235 calls for service per year at maximum build out (92 fire/other and 143 EMS). This accounts for the residential properties only. Typically, commercial properties do not greatly affect our call volume with-in a fire district. The service impact of this development will typically take eighteen months, after the development is started, to occur. Since this project is predicted to take 4-5 years to complete there should be no adverse effects on our call volume or response times to this subdivision. Since Ruppel Road is narrow and curvy, the widening of this road will greatly help getting our apparatus to the scene of this development along with any calls north of that area.

If you have any questions, please feel free to call or email me.

Dale Riggins
Captain
Fayetteville Fire Department



THE CITY OF FAYETTEVILLE, ARKANSAS

PARKS AND RECREATION DIVISION CORRESPONDENCE

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3471

To: Critical Path Design, Inc.

From: Sarah K. Patterson (Landscape Administrator)

Date: July 22, 2005

Subject: Master Development Comments

ITEM #: PZD-Master Development Plan (Wellspring Development)

TREE PRESERVATION PLAN

1. Zoned PZD, a preserved canopy of 25% will be expected for this area. Significant tree canopies, as defined in the Landscape Manual, will need to be denoted on the Tree Preservation Plan so that their location can be compared to that of development.
2. In the overall design, significant trees in good condition will be expected to have a higher priority of preservation. I would stress the importance of designing structures that work around these trees versus complete removal.
3. Although I am in support of one area to be undisturbed Tree Preservation, I would like to see some tree groupings preserved throughout the development to help break up impermeable services, commercial development, and to lessen the overall impact on the existing environment.
4. As each lot comes through the planning process, a significant tree inventory, site analysis report with map, and a tree preservation plan will need to be submitted so that each can be reviewed on an individual basis.
5. As I am familiar with the property, my concern is for the wet marshy area along Wedington Drive. As it appears the widening of Wedington Drive has caused this area to have drainage issues which I hope will be taken into consideration when developing.

Trees and vegetation benefit these kinds of areas and I am concerned at the effect impermeable services, corresponding with the commercial design, will create.

6. I also have a concern for the sloped areas around the ponds and creek. This might be an area at which you could look into developing a tree preservation buffer along the stream banks. The trees on these hillsides should be categorized as high priority due to their substantial benefits in stabilization/erosion control and storm water management. I would like to see these areas designed with the existing topography to help ensure that environmental impact is kept to a minimum.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469

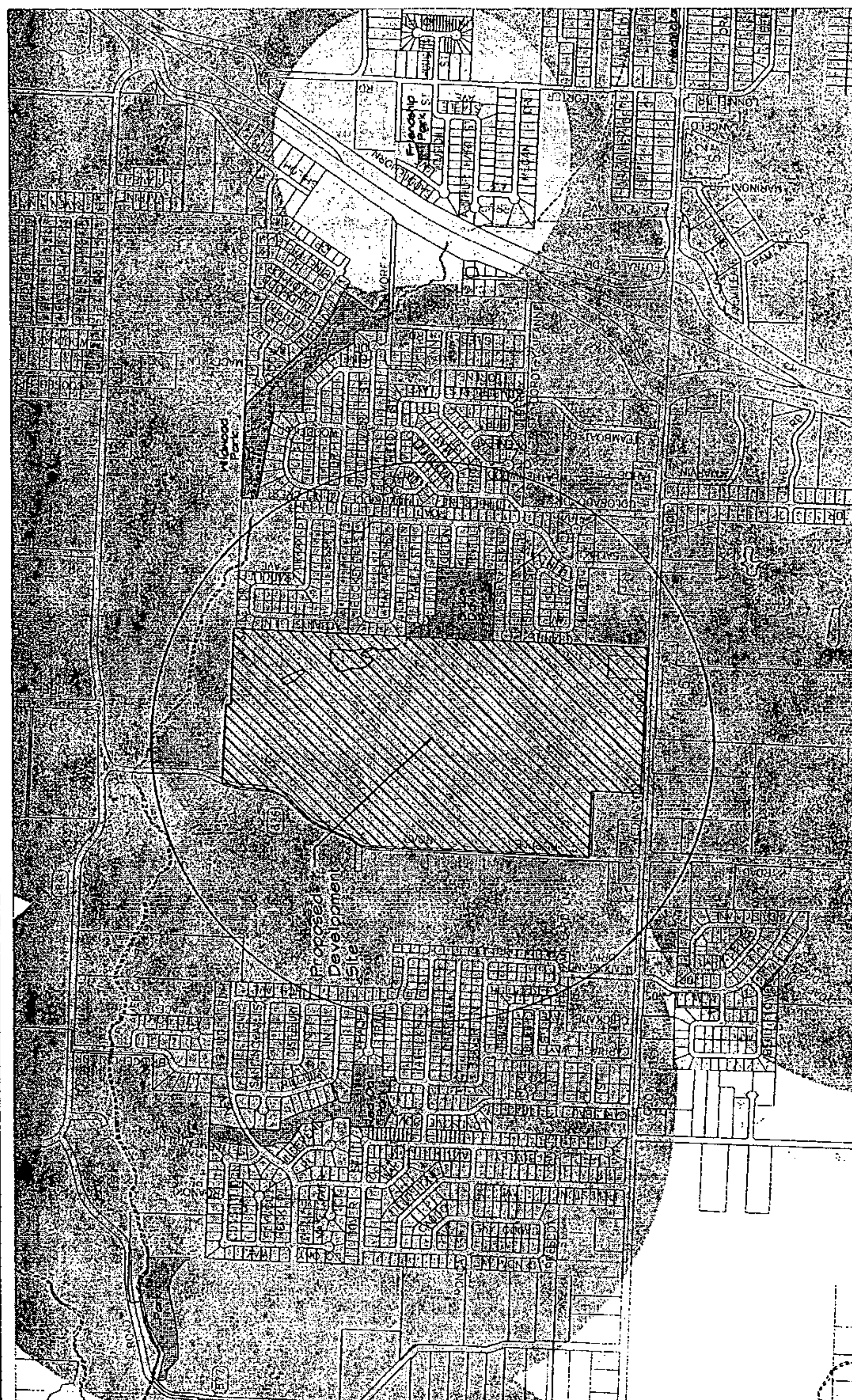
TO: Jeremy Pate, Director of Current Planning
FROM: Alison Jumper, Park Planner
DATE: July 20, 2005
SUBJECT: Parks & Recreation Plat Review Comments

Meeting Date: August 16, 2005
Item: Wellspring PZD
Park District: NW
Zoned: PZD
Billing Name & Address: SCB Investments, LLC
2921 S. Old Missouri Rd.
Springdale, AR 72764

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Multi Family	_____ @ .017 acre per unit = _____ acres	_____ @ \$393 per unit = \$ _____
Mobile Home	_____ @ .024 acre per unit = _____ acres	_____ @ \$555 per unit = \$ _____
Lot Split		_____ @ \$555 per unit = \$ _____

COMMENTS:

- Bryce Davis Park, currently approximately 9.2 acres, borders a portion of the east property line of this proposed development. This adjacency creates opportunity for expansion of the park.
- On May 2, 2005 Parks and Recreation Advisory board recommended accepting a land dedication of approximately 19 acres to meet the requirements of the Park Land Dedication Ordinance. This would expand the park to approximately 28.2 acres.
- A deed for the full land requirement will be due before the final plat is signed.
- Additionally, a trail corridor is planned to the north of this property along Hamestring Creek. It is recommended that the developer provide a pedestrian connection from the park land to the north property line for future connection to the Hamestring Creek trail corridor.

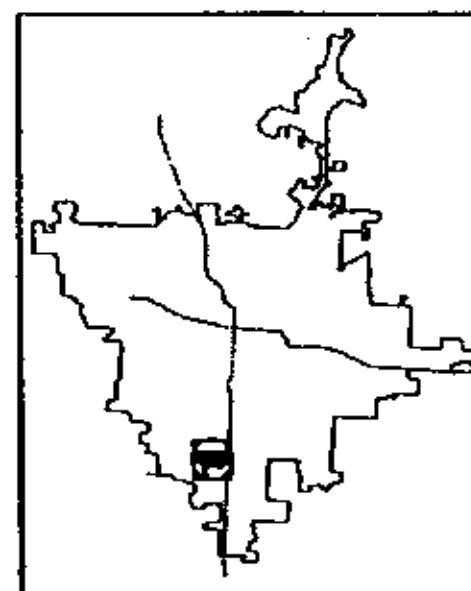


Wellspring



Legend

- Existing Park Land
Community Park Service Area
Neighborhood Park Service Area
Mini Park Service Area



PROXIMITY MAP			
Wellington			
Project Name			
Barber Development Group			

PARKS AND RECREATION ADVISORY BOARD

Meeting Minutes May 2, 2005

Opening:

The regular meeting of the Parks and Recreation Advisory Board was called to order at 5:30 p.m. on May 2, 2005 in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas by Mike Hill.

Present:

Parks and Recreation Advisory Board members Hill, Bailey, Langsner, Marley, Davidson, Mauritsen, Pawlik-Holmes and Park Staff Hatfield, Edmonston, Jumper, Whillock and Audience.

1. Park Land Dedication: Alison Jumper, Park Planner

Development Name:	Wellspring
Engineer:	Critical Path Construction
Owner:	Barber Group
Location:	East of Ruppel Road, north of Wedington Dr.
Park District:	NW
Units:	111 Single Family, 962 Multi family
Total Acres:	114 acres
Land Dedication Requirement:	19 acres
Money in Lieu Requirement:	\$439,671
Existing Parks:	Bryce Davis Park is within a half mile service area.
Developer's Request:	Land
Staff Recommendation:	Land
Developer's Comments:	
Justification:	

Bryce Davis Park is located adjacent to the proposed development's east property line. This creates opportunity for the expansion of the park. Additional land is appropriate considering the number of residences being added to the area. Bryce Davis park is currently 9.2 acres. If land is accepted, the park would be expanded to 28.2 acres.

Though a tour of this property had been scheduled it was decided to continue at City Hall with discussion and presentations due to the familiarity of the Board with the location.

John Nock, representing Westside Development L.L.C and the proposed Wellspring development, presented the proposed plan to maintain the topography of the area as well as the established flora consisting of mature trees. He said the community would be directed to retirement living and would create areas for public use in conjunction with a neighborhood park that will be

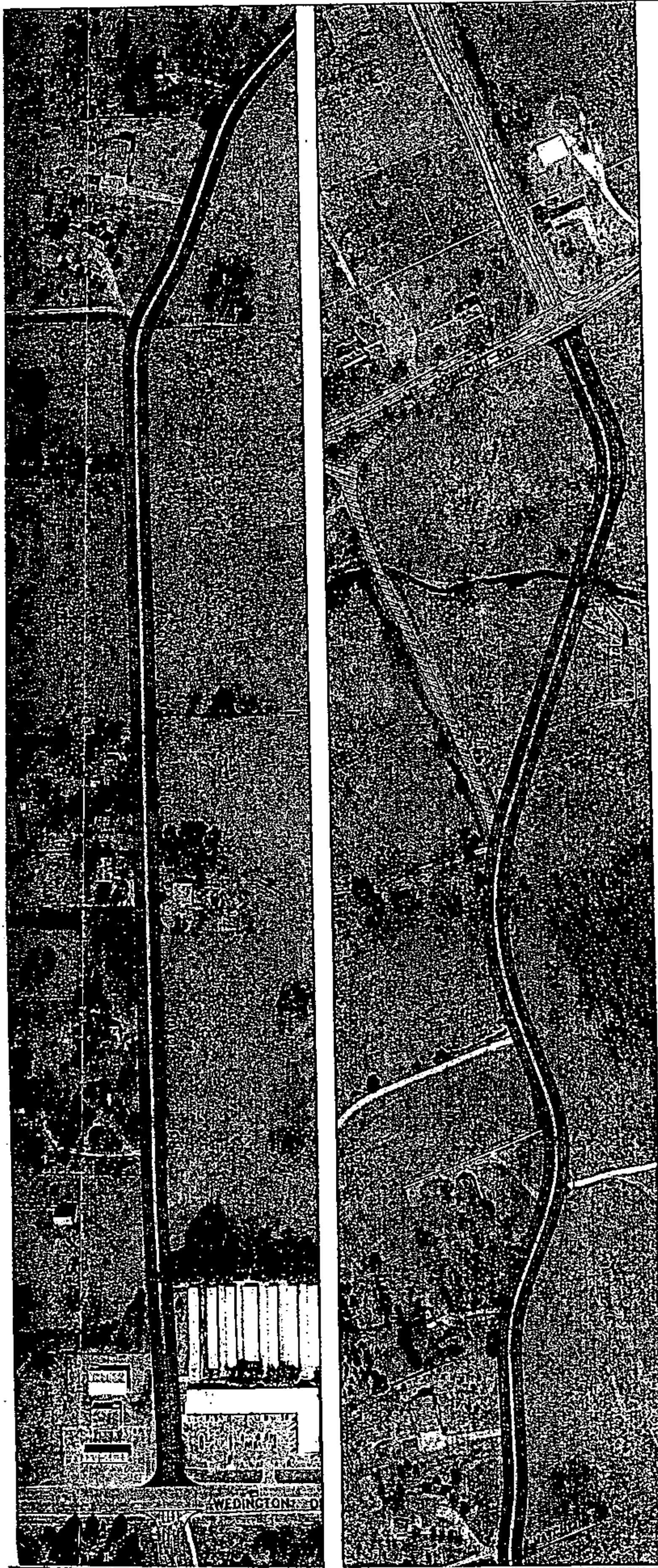
managed by the POA. The total open area including public park, community maintained park and tree preservation area will amount to about 50 acres of green space.

PRAB Motion:

Langsner moved to accept staff recommendation to accept 19 acres of land which will be adjacent to Bryce Davis Park.

Mauritson seconded the motion.

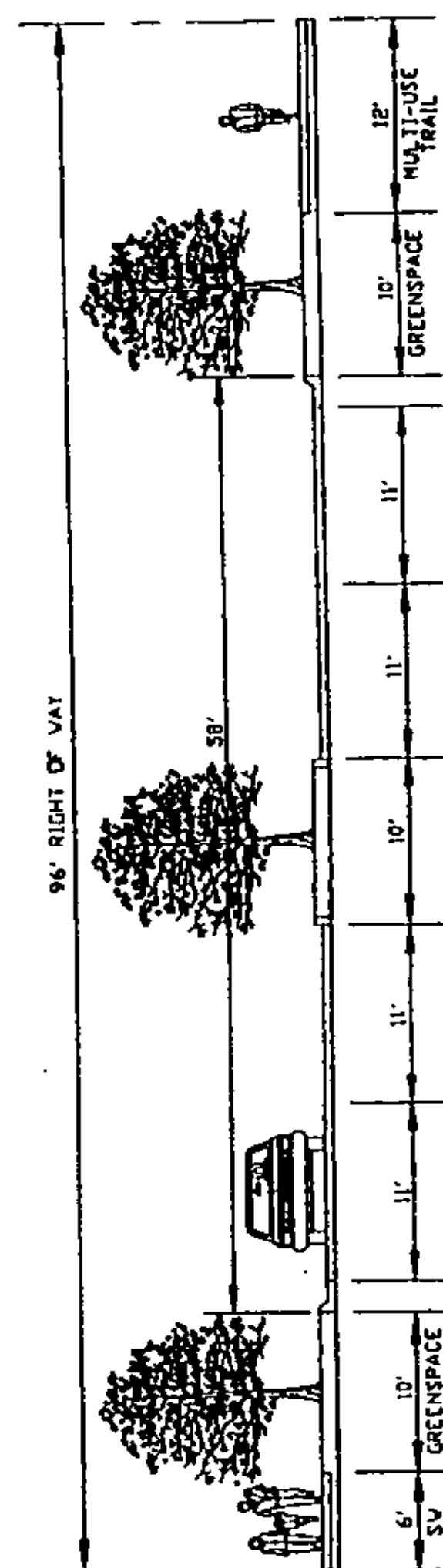
The motion was approved 7-0-0 with Hill, Bailey, Langsner, Marley, Davidson, Mauritson and Pawlik-Holmes voting 'yes', and Harrison absent for the vote.



R-PZD 05-1636

Wellspring
Page 35 of 44

**RUPPLE ROAD IMPROVEMENTS
WEDINGTON DR. to MT. COMFORT RD.
CONCEPT PLAT**



**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

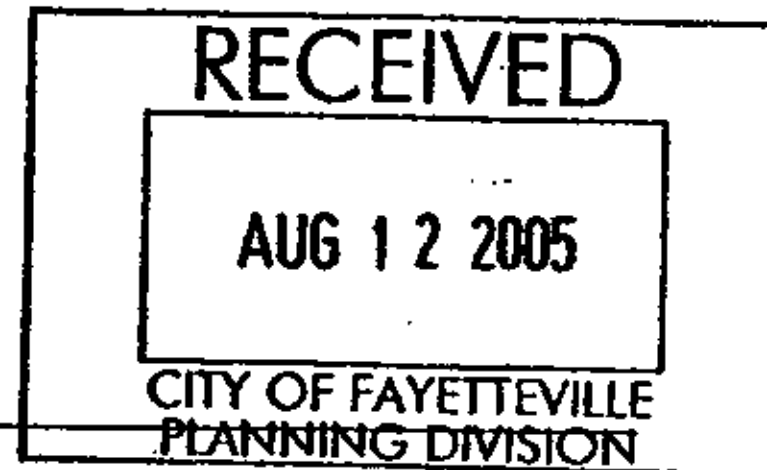
Today's Date: July 19, 2005

APPLICANT/REPRESENTATIVE CONTACT INFO:

Critical Path Design, Inc.

21 W. Mountain, Ste. 121

Fayetteville, AR 72701



City Council Meeting:

Tuesday, August 16, 6:30 P.M.
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

PROJECT DESCRIPTION: Wellspring is a planned community that will offer several types of residential living. The 164-acre site is located just northeast of the Wedington Dr. and Ruppel Rd. Wellspring will offer garden homes for families seeking low-density living, courtyard condos for residents looking for a more urban lifestyle, and townhomes for residents not wanting the responsibilities of yard maintenance. Over 40 acres of city park and tree preservation space will provide green space that separates the residential area from a commercial thoroughfare that will be along Wedington Dr.

**ADJOINING PROPERTY OWNERS COMMENTS
FOR WELLSPRING DEVELOPMENT**

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope.)

 I have been notified of the above meetings for the described project.

 I do not object to the project described above.

 ✓ I do object to the project described above because:

CLAUDE LARSON
Name of Property Owner (Printed)

Claude Larson
Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

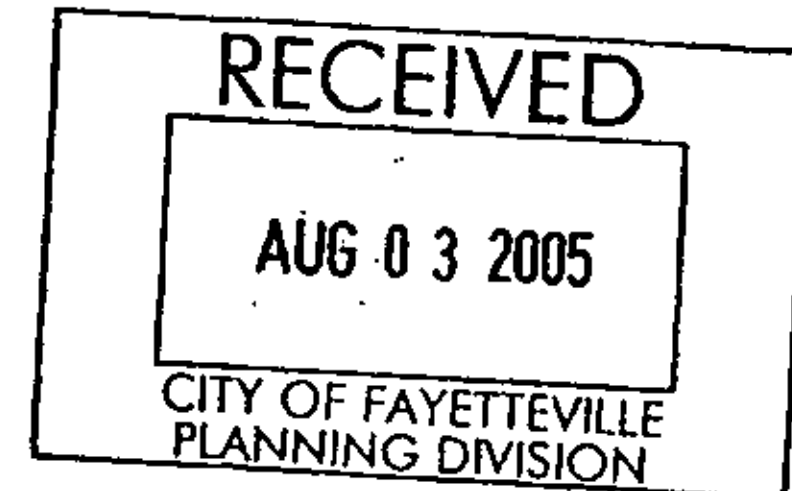
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ADJOINING PROPERTY OWNERS COMMENTS FOR WELLSPRING DEVELOPMENT

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope.)

 I have been notified of the above meetings for the described project.

 I do not object to the project described above.

 X I do object to the project described above because:

JAMES L. HAZEN
Name of Property Owner (Printed)

[Signature]
Signature of Property Owner

I am concerned about the density of people, cars, and becoming rental property. Ruppel Rd is already overloaded. Also concerned about planned low cost townhomes across the street from above property. I don't mind single family homes, but high density is not good. JH

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: July 19, 2005

APPLICANT/REPRESENTATIVE CONTACT INFO:

Critical Path Design, Inc.

21 W. Mountain, Ste. 121

Fayetteville, AR 72701

RECEIVED

AUG 03 2005

CITY OF FAYETTEVILLE
PLANNING DIVISION

City Council Meeting:

Tuesday, August 16, 6:30 P.M.
Fayetteville City Administration Building
113 W. Mountain Street, Room 219

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ADJOINING PROPERTY OWNERS COMMENTS FOR WELLSPRING DEVELOPMENT

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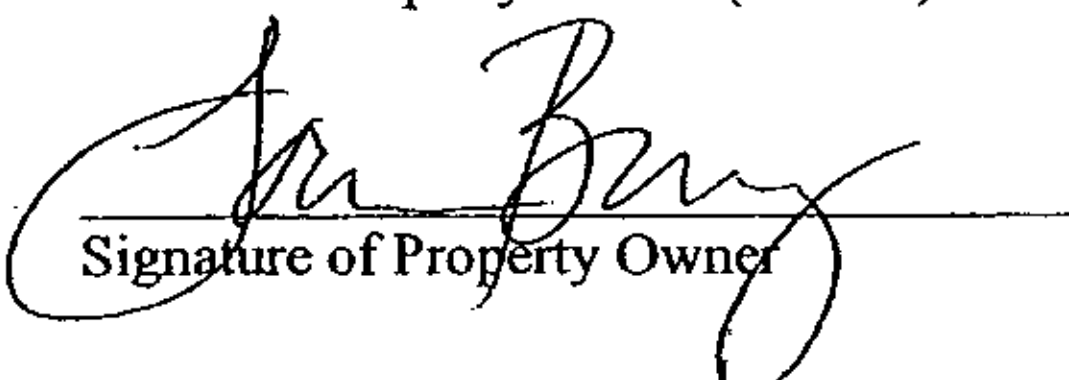
 I do not object to the project described above.

X I do object to the project described above because:

- 1) Ruppel Rd can not take the traffic & is not schedule for overhaul before you will start.
- 2) I do not want a view looking at the back of several HUNDRED apartments (you call them town houses.)
- 3) Your development more than likely will LOWER the value & re-sale of my property.
- 4) I am really afraid this will turn into residence for college students.

Loren Berry

Name of Property Owner (Printed)


Signature of Property Owner

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

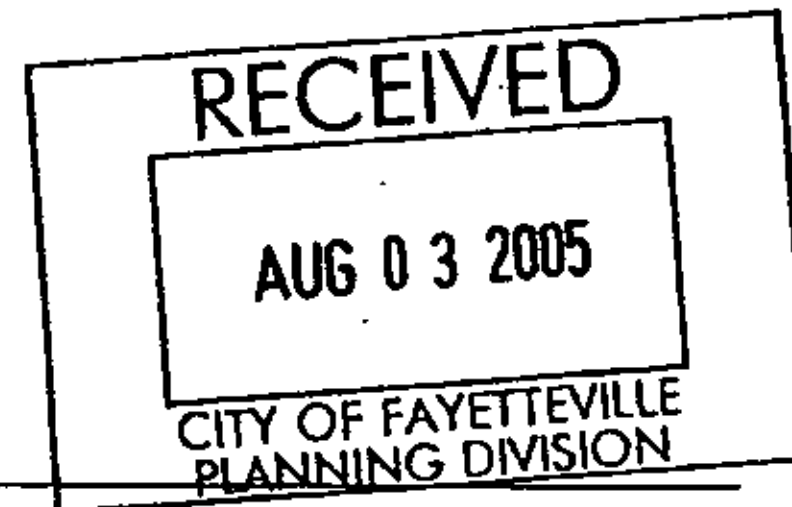
Today's Date: July 19, 2005

APPLICANT/REPRESENTATIVE CONTACT INFO:

Critical Path Design, Inc.

21 W. Mountain, Ste. 121

Fayetteville, AR 72701



City Council Meeting:

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Fayetteville City Administration Building
113 W. Mountain Street, Room 219

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ADJOINING PROPERTY OWNERS COMMENTS FOR WELLSPRING DEVELOPMENT

(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope.)

☒ I have been notified of the above meetings for the described project.

☐ I do not object to the project described above.

☒ I do object to the project described above because:

Peter J. Farrell
Name of Property Owner (Printed)

Peter J. Farrell
Signature of Property Owner

What in the world
Are you going to do
about the traffic?
These roads are already
over loaded - put the
road out lets in before they
start building - let
the builders put them
in - at there cost not
the city's

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: July 19, 2005

APPLICANT/REPRESENTATIVE CONTACT INFO:

Critical Path Design, Inc.

21 W. Mountain, Ste. 121

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ADJOINING PROPERTY OWNERS COMMENTS FOR WELLSPRING DEVELOPMENT

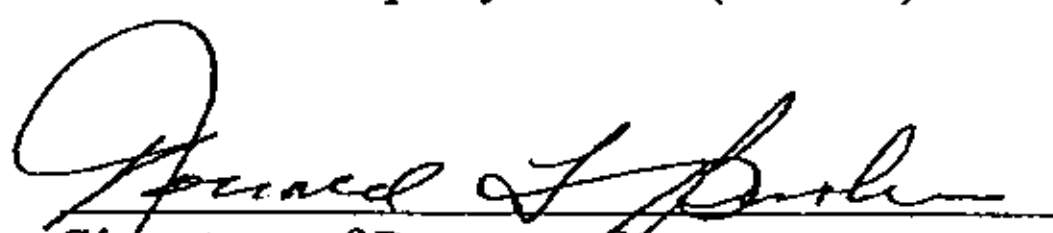
(Return Comments to City of Fayetteville Planning Division in Stamped Enclosed Envelope.)

X I have been notified of the above meetings for the described project. NOTE

 I do not object to the project described above.

X I do object to the project described above because: I AM NOT IN FAVOR OF DEVELOPMENT IN WHAT WAS A RURAL AREA.

RONALD L. BUTLER
Name of Property Owner (Printed)


Signature of Property Owner

NOTE: THE PROPERTY AT 1893 N. RUPPLE ROAD, FORMERLY OWNED BY ME, WAS SOLD ON 15 JULY 2005 TO DR. BREWER.

ADJOINING PROPERTY OWNERS NOTIFICATION OF UPCOMING PUBLIC HEARING

Today's Date: July 19, 2005

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Critical Path Design, Inc.

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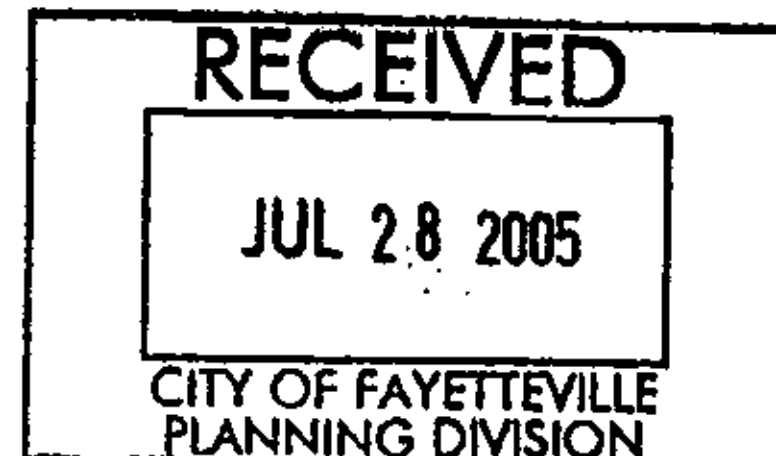
 / I have been notified of the above meetings for the described project.

 / I do not object to the project described above.

 I do object to the project described above because:

William Hazenby
Name of Property Owner (Printed)

[Signature]
Signature of Property Owner



Try to make it Easy

**ADJOINING PROPERTY OWNERS NOTIFICATION
OF UPCOMING PUBLIC HEARING**

RECEIVED

JUL 25 2005

PLANNING DIV.

Today's Date: July 19, 2005

APPLICANT/REPRESENTATIVE CONTACT INFO:

Critical Path Design, Inc.

21 W. Mountain, Ste. 121

Fayetteville, AR 72701

City Council Meeting:

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**ADJOINING PROPERTY OWNERS COMMENTS
FOR WELLSPRING DEVELOPMENT**

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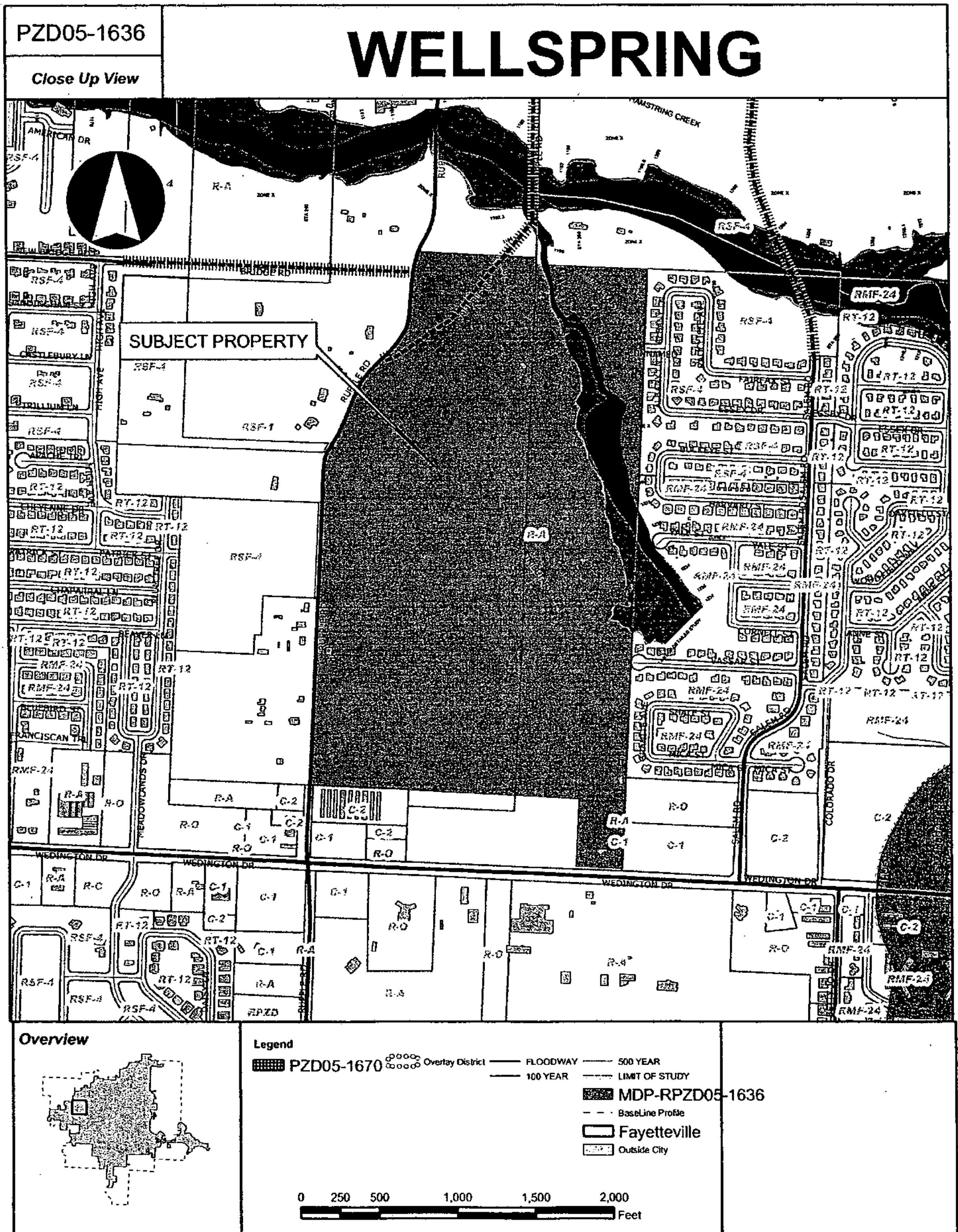
 I have been notified of the above meetings for the described project.

 X I do not object to the project described above.

 I do object to the project described above because:

John R. Meyers
Name of Property Owner (Printed)

1857 ALBANY
FAYETTEVILLE AR
John R. Meyers
Signature of Property Owner



One Mile View

WELLSPRING



Legend

Boundary

Subject Property

 Planning Area
Overlay District

 Outside City

MDP-RPZD05-1636

0 0.125 0.25

0.5

0.75

1

Miles

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

20-Sep-05

City Council Meeting Date

Kevin Springer
Submitted By

Budget & Research
Division

Finance & Internal Services
Department

Action Required:

Approval of a resolution to incorporate a recommended funding listing for Outside Agencies for the 2006 Budget. The approval of the listing does not approve actual funding but will allow staff to incorporate the funding amounts into the 2006 Proposed Budget & Work Program.

N/A - 2006 Budget

Cost of this request

N/A - 2006

Category / Project Budget

Program Category / Project Name

Various

Account Number

N/A - 2006

Funds Used to Date

Program / Project Category Name

N/A - 2006

Project Number

Remaining Balance

Fund Name

Budgeted Item

N/A

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

Received in Mayor's Office

Department Director

Date

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Comments:

09-02-05P02:59 RCVD



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director 

FROM: Kevin Springer, Budget Manager 

DATE: September 1, 2005

SUBJECT: **Outside Agencies Funding Requests – 2006 Budget**

Recommendations

Staff recommends approval of the recommended funding listing for Outside Agencies for the 2006 Budget. The approval of the listing does not approve actual funding but will allow staff to incorporate the funding amounts into the 2006 Proposed Budget & Work Program.

Background

During the City of Fayetteville's Budget Process, the City examines funding requests from Outside Agencies for the next year's budget. Outside Agencies receive funding from the City for services that are contracted.

During each budget process, the funding requests were debated during the month of December which absorbed most of the budget discussions. Since most of the agencies begin their fiscal year in January, it is perceived that it would not be fair to make them adjust operations with very little advance notice. Two years ago, City Staff moved the discussions earlier in the budget process so that preparations could be made by the agencies if funding was eliminated or reduced. The change in the process was positive for City Staff, City Council, and the agencies themselves.

During a feedback process with each Alderman, a few suggestions were made concerning the approval of Outside Funding requests. In the past, the discussions concerning Outside Funding requests were informal and requests could be added or changed without a formal consensus of the entire City Council. The 2006 Budget process takes into consideration the suggestions and have included the funding requests as part of a formal agenda item.

The approval of this agenda item does not guarantee funding for each Outside Agency. The approval of this agenda item will allow staff to incorporate the funding items into the 2006 Proposed Budget & Work Program. In order for each Outside Agency to receive City funds, the 2006 Proposed Budget has to be adopted and a contract with the Outside Agency has to be approved by City Council.

Current Status

City staff has received funding requests from several Outside Agencies totaling \$1,157,424. The amount represents an increase of \$41,558 over the approved 2005 Budget amounts. City staff is recommending for the 2006 Budget the same funding level as approved in 2005. The only exception is Fayetteville Downtown Partners because they are requesting in 2006 an amount less than in 2005. Fayetteville Downtown Partners during the 2005 approved contract stated that their funding requests would be \$150,000, \$90,000, and \$40,000 for the 2005, 2006, and 2007 years respectively. A summary of the funding requests is shown below:

City of Fayetteville, Arkansas					
2006 Proposed Funding for Outside Agencies					
		2006 Staff Recommendations			
Outside Agency	2006 Funding Request	General Fund	Parks HMR Tax Fund	Airport Fund	Total
Public Safety:					
CEMS	\$ 300,000	\$ 300,000	\$ -	\$ -	\$ 300,000
Subtotal	300,000	300,000	-	-	300,000
Recreational Activities:					
Arkansas Air Museum	60,000	10,000	-	10,000	20,000
First Night Fayetteville	15,000	10,000	-	-	10,000
Ozark Military Air Museum	22,590	7,200	-	-	7,200
Fayetteville Boys & Girls Club	250,000	62,500	187,500	-	250,000
Community Access Television	93,000	93,000	-	-	93,000
Council on Aging	60,000	12,500	37,500	-	50,000
Subtotal	500,590	195,200	225,000	10,000	430,200
Transportation:					
Ozark Regional Transit:	206,834	185,666	-	-	185,666
Razorback Transit	60,000	50,000	-	-	50,000
Subtotal	266,834	235,666	-	-	235,666
Economic Development:					
Fayetteville Downtown Partners	90,000	90,000	-	-	90,000
Subtotal	90,000	90,000	-	-	90,000
Totals	\$ 1,157,424	\$ 820,866	\$ 225,000	\$ 10,000	\$ 1,055,866

The Outside Agencies were invited to present their requests formally to the City Council at the September 13, 2005 agenda session. Because of the number of agencies presenting information, we are asking them to limit each presentation to 10 minutes.

City Council during its September 20 meeting will take into consideration the entire slate of funding requests and can make amendments to the funding items as needed.

Budget Considerations

The cost of contracting out functions to the Outside Agencies is \$1,055,866. Of that amount, \$820,866 will be provided from General Fund, \$225,000 from Parks Development HMR Fund, and \$10,000 from Airport Fund. The amounts approved in this agenda item will be incorporated into the 2006 Proposed Budget & Work Program for final approval.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE STAFF OF THE BUDGET
& RESEARCH DIVISION TO INCORPORATE THE FUNDING
LISTING FOR OUTSIDE AGENCIES INTO THE 2006 PROPOSED
BUDGET & WORK PROGRAM.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby authorizes the staff of the Budget & Research Division to incorporate the
funding listing for Outside Agencies into the 2006 Proposed Budget & Work
Program.

PASSED and APPROVED this 20th day of September, 2005.

APPROVED:

By

DAN GOODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
2006 Proposed Funding for Outside Agencies

Outside Agency	2003 Funding	2004 Funding	2005 Budgeted	2006 Funding Request	2006 Staff Recommendations			
					General Fund	Parks HMR Tax Fund	Airport Fund	Total
<u>Public Safety:</u>								
Central Emergency Medical Service	\$ 150,000	\$ 156,800	\$ 300,000	\$ 300,000	\$ 300,000	-	-	\$ 300,000
Subtotal	150,000	156,800	300,000	300,000	300,000	-	-	300,000
<u>Recreational Activities:</u>								
Arkansas Air Museum	7,787	28,000	20,000	60,000	10,000	-	10,000	20,000
First Night Fayetteville	-	-	10,000	15,000	10,000	-	-	10,000
Ozark Military Air Museum	-	-	7,200	22,590	7,200	-	-	7,200
Fayetteville Boys & Girls Club	186,362	250,000	250,000	250,000	62,500	187,500	-	250,000
Community Access Television	69,000	69,000	93,000	93,000	93,000	-	-	93,000
Council on Aging	31,500	82,900	50,000	60,000	12,500	37,500	-	50,000
Subtotal	294,649	429,900	430,200	500,590	195,200	225,000	10,000	430,200
<u>Transportation:</u>								
Ozark Regional Transit:	114,550	176,000	185,666	206,834	185,666	-	-	185,666
Razorback Transit	25,000	25,000	50,000	60,000	50,000	-	-	50,000
Subtotal	139,550	201,000	235,666	266,834	235,666	-	-	235,666
<u>Economic Development:</u>								
Fayetteville Downtown Partners	35,803	20,000	150,000	90,000	90,000	-	-	90,000
Subtotal	35,803	20,000	150,000	90,000	90,000	-	-	90,000
Totals	\$ 620,002	\$ 807,700	\$ 1,115,866	\$ 1,157,424	\$ 820,866	\$ 225,000	\$ 10,000	\$ 1,055,866

Central Emergency Medical Service, Inc.

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund: Direct Support	\$ 150,000	\$ 156,800	\$ 300,000	\$ 300,000	0.00%	\$ 300,000
Total Request	<u>\$ 150,000</u>	<u>\$ 156,800</u>	<u>\$ 300,000</u>	<u>\$ 300,000</u>	<u>0.00%</u>	<u>\$ 300,000</u>

REVISED
8/22/05

City of Fayetteville
**Request For Public Funds
FY 2006**

RECEIVED
AUG 22 2005
BY: _____

Agency: Central Emergency Medical Service, Inc.

Address: 645 S. School Avenue
Fayetteville, AR 72701

Mailing Address (if different from above):

Telephone: 521-5801 **Fax:** 521-1690

Agency Director: Tony Hickerson

Telephone: 521-5801 **Fax:** 521-1690

E-mail: thickerson@centralems.org

Funding requested for FY 2006: \$ 300,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 501(c)(3) 71-0538713

Fiscal year end: December 31, 2006

Program/Agency Description

(Provide an overview of your program/agency).

Central EMS provides the services listed on page six for most of Washington County in an area that includes 900 square miles and approximately 125,000 citizens. Fifty-two full-time and forty-eight part-time employees provide twenty-four-hour ambulance coverage.

REVISED
8/22/05

Budget Information
Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 2,375,692	\$ 2,670,911	\$ -
Employee Merit	-	-	-
Social Security	190,492	199,784	-
Other	409,002	477,875	-
Total Personnel Services	\$ 2,975,186	\$ 3,348,570	\$ -

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 32,951	\$ 35,712	\$ -
Printing & Publishing	-	-	-
Postage	12,132	12,336	-
Advertising	22,013	24,600	-
Travel	23,882	24,053	-
Rent	3,000	3,000	-
Utilities	21,613	22,836	-
Technology	76,897	57,192	-
Materials/Supplies	284,217	261,365	-
Other	1,068,044	1,367,508	-
Other	-	-	-
Total Operating Expenses	\$ 1,544,749	\$ 1,808,602	Undetermined

Total Operating Budget	\$ 4,519,935	\$ 5,157,172	Undetermined
-------------------------------	---------------------	---------------------	---------------------

Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Paramedic	38,670	
EMT	25,050	
EMT	26,303	
EMT	27,173	
Dispatcher	28,868	
EMT	25,000	
Lieutenant	56,246	
EMT	26,303	
Paramedic	41,159	
Dispatcher	29,680	
Dispatcher	38,615	

REVISED
8/22/05

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
EMT	25,050	
Paramedic	32,623	
Dispatcher	28,215	
Dispatcher	29,808	
Paramedic	33,863	
Billing	23,691	
EMT	25,927	
Lieutenant	48,196	
Paramedic	30,900	
Captain	61,750	
Administrator	68,328	
EMT	26,052	
Lieutenant	46,943	
Paramedic	34,505	
Billing	22,110	
Lieutenant	47,720	
Lieutenant	51,294	
Paramedic	33,738	
EMT	25,000	
EMT	30,561	
EMT	29,108	
Dispatcher	28,080	
Billing	24,294	
EMT	26,125	
Vehicle Technician	44,104	
Lieutenant	47,558	
Paramedic	33,345	
Paramedic	33,205	
Paramedic	37,194	
EMT	36,062	
Paramedic	46,275	
Dispatcher	38,194	
EMT	25,000	
EMT	25,000	
Captain	61,750	
Paramedic	33,471	
EMT	37,157	
Does not include part time.		

REVISED
8/22/05

Budget Information

Funding requested from the City of Fayetteville: \$ 300,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

 Funding for specific program or project Funding for agency

 Requesting funding primarily for personal services

 X Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ -	\$ -	\$ -
Employee Merit	-	-	-
Social Security	-	-	-
Other	-	-	-
Total Personnel Services		Undetermined	\$ -

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$ -	\$ -
Printing & Publishing	-	-	-
Postage	-	-	-
Advertising	-	-	-
Travel	-	-	-
Rent	-	-	-
Utilities	-	-	-
Technology	-	-	-
Materials/Supplies	-	-	-
Other	-	-	-
Other	-	-	-
Total Operating Expenses	\$ 300,000	\$ -	\$ 300,000

Total Operating Budget	\$ 300,000	Undetermined	\$ 300,000
-------------------------------	------------	--------------	------------

↑
(This amount represents your funding request for 2006).

REVISED
8/22/05

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

Increased write-offs and bad debt will reduce revenue. Increased costs of labor, medical equipment, medical supplies, fuel, and other materials will increase overall costs. Increased response-time requirements will require the addition of resources (particularly personnel.) Increased population will require additional resources as well. This must all be accomplished in the context of maintaining a publically-acceptable average patient charge.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

Either reduce response-time expectations or increase average patient charge.

REVISED
8/22/05

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

Will require a decrease in service capability, particularly response-time performance, and result in an average patient charge that may not be acceptable.

REVISED
8/22/05

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

Central EMS is committed to the safe and efficient delivery of exceptional patient care, with the highest professional and ethical standards, and to being a part of the team that improves emergency services in the community.

Vision Statement: (if you do not have a vision statement, please indicate)

To engage in public health, civic and charitable activities for the benefit and welfare of Washington County and Northwest Arkansas.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Emergency Ambulance Service: Immediate response to medical and traumatic emergencies.

Non-Emergency Ambulance Service: Interfacility transportation of the ill and injured.

Ambulance Dispatch: Emergency Medical Priority Dispatching to include ambulance dispatch, pre-arrival and post-dispatch instructions to calling parties.

Wheelchair Van Service: Interfacility transportation of patients that do not meet the medical necessity requirements of ambulance transportation.

Medical Standby Services: Fires (medical rehab sector) and high-risk police events. Football games for Fayetteville and Washington County, mass gatherings, public events.

Fire Dispatch: Fire and first Responder dispatch for seventeen rural fire departments.

Public Safety Answering Point: Primary wireless and secondary landline PSAP. Rollover PSAP.

Community Education: Public awareness, CPR, first aid, first responder training, AED.

Which City focus areas do your program services or activities support?

☒ Public Safety

☐ Recreational Activities

☐ Transportation

☐ Economic
Development

REVISED
8/22/05

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

Central EMS's emergency and non-emergency ambulance services and wheelchair services provide a necessary function for public health and safety. The effects of sudden illness and injury are ameliorated by the rapid response of highly trained paramedics and EMTs that begin to treat the patient at the scene and provide continued care during the transportation of the patient to an appropriated medical facility. Non-emergency patients benefit by having these same professionals provide care, compassion, and medical observation and treatment during Interfacility transports. Wheelchair patients have medical transportation available for those times when medical necessity requires transportation but insurers don't provide reimbursement.

REVISED
8/22/05

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.
(Add additional rows if necessary).

We intend to continue to provide exceptional patient care with appropriate response times, clinical sophistication, efficiency, and a high level of customer satisfaction.

Describe how projects will be evaluated (add additional rows if necessary).

Response-time performance evaluation, adherence to medical and dispatch protocols, and customer satisfaction surveys.

REVISED
8/22/05

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Tony Hickerson Date: 8/19/05

Signature of Applicant: _____

Title: Administrator

Organization: Central Emergency Medical Service, Inc.

Arkansas Air Museum

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund:						
Direct Support - Utilities	\$ -	\$ -	\$ 10,000	\$ 10,000	0.00%	\$ 10,000
Airport Fund:						
Direct Support - Airfest		20,000	10,000	20,000	100.00%	10,000
Direct Support - Utilities	7,787	8,000	-	-		-
Direct Support - Hangar Imp				30,000		
Airport Fund:						
*Indirect Support - Maint	-		6,250	10,000	60.00%	6,250
Indirect Support - Rent			40,000	40,000	0.00%	40,000
Total Request	\$ 7,787	\$ 28,000	\$ 66,250	\$ 110,000	66.04%	\$ 66,250

* Airport budgets \$12,500 in Hangar Maintenance to cover repairs for both the Arkansas Air Museum and the Ozark Military Museum.

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006

RECEIVED

AUG 19 2005

BY: _____

Agency: Arkansas Air Museum

Address: 4290 South School Ave.
Fayetteville, AR 72701

Mailing Address (if different from above):

Telephone: 479-521-4947

Fax: 479-521-4947

Agency Director: Derald Linn

Telephone: 479-521-4947

Fax: 479-521-4947

E-mail: arairmus@aol.com

Funding requested for FY 2006: \$ 110,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 58-1705722

Fiscal year end: December 31, 2006

Program/Agency Description

(Provide an overview of your program/agency).

The Arkansas Air Museum is a showcase of aviation history. The "Old White Hangar" which houses the Museum is our largest and one of the most impressive exhibits. This one-of-a-kind building exemplifies Fayetteville history as no book or picture could. Its preservation is important for future generations. The historic aircraft, many from the 1920s and 1930s, and most of which still fly, are a monument to the aviators who flew these magnificent flying machines and kept the "dream" of flight alive. The library features one of the largest collections of aviation related literature and periodicals in the area and is open to members, students and teachers. The new teacher's area features materials, lesson plans and aviation/space curriculums. The exhibits and memorabilia educate, inform, and entertain our publics. We promote aviation by preserving the past.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 46,919	\$ 53,220	\$ 46,200
Employee Merit	-	-	-
Social Security	2,932	3,326	2,888
Other	776	745	4,187
Total Personnel Services	\$ 50,627	\$ 57,291	\$ 53,275

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 1,294	\$ 1,200	\$ 1,020
Printing & Publishing	-	-	-
Postage	456	1,200	900
Advertising	1,832	5,180	3,000
Travel	-	-	-
Rent	-	-	-
Utilities	-	-	-
Technology	-	-	-
Materials/Supplies	685	1,100	1,400
Other	68,991	85,000	37,500
Other	33,361	34,918	32,170
Total Operating Expenses	\$ 106,619	\$ 128,598	\$ 75,990

Total Operating Budget	\$ 157,247	\$ 185,889	\$ 129,265
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Director	25,000	0%
Hangar Manager	10,000	0%
Gift Shop Manager	10,000	0%
Greeter	6,500	0%
	-	
	-	
	-	
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 80,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

☒ Funding for specific program or project ☐ Funding for agency

☐ Requesting funding primarily for personal services

☒ Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ -	\$ 46,200	\$ 46,200
Employee Merit	-	-	-
Social Security	-	2,888	2,888
Other	-	4,187	4,187
Total Personnel Services	\$ -	\$ 53,275	\$ 53,275

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$ 1,020	\$ 1,020
Printing & Publishing	-	-	-
Postage	-	900	900
Advertising	-	3,000	3,000
Travel	-	-	-
Rent	40,000	-	40,000
Utilities	10,000	-	10,000
Technology	-	-	-
Materials/Supplies	-	2,100	2,100
Other	10,000	-	10,000
Other	50,000	15,695	65,695
Total Operating Expenses	\$ 110,000	\$ 22,715	\$ 132,715

Total Operating Budget	\$ 110,000	\$ 75,990	\$ 185,990
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

The city traditionally funds the rent, (\$40,000), utilities, (\$10,000), maintenance, (\$10,000) and capital expense on the hangar, which houses the Arkansas Air Museum. In the past the city has been a sponsor for our biggest fundraiser, the annual AIRFEST. The Museum is requesting a total of \$20,000 for AIRFEST for 2006. In addition we are asking for funding for two projects, an alarm upgrade in the hangar to further protect the building and our collection, \$10,000, and a document protection system of fire and water resistant cabinets for the priceless documents and artifacts in the library (\$20,000).

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

If the Museum lost the support of the city on the rent, utilities and maintenance, it would be very difficult, if not impossible to remain open. An ongoing effort is being made to find additional funding sources; grants, endowments, bequests and other fundraisers to maintain operations. Some of these options take months or years to obtain results.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

The Arkansas Air Museum could not operate without the assistance of the city for our rent, utilities, and maintenance. It is our goal to become operationally self-sustaining, but we could not handle the expenses associated with the building. The hangar is our biggest attraction! Built in 1943, it is the oldest aviation related structure remaining in NW Arkansas and the centerpiece of the Museum, but if we had to pay rent to the city, it would be impossible for the Museum to maintain operations. The loss of city funding would be devastating.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.
(Add additional rows if necessary).

The goals and objectives of the Arkansas Air Museum are: 1.) To provide and maintain the best possible museum within our available resources. 2.) To expand the educational opportunities available at the Museum, for example the development of flight simulation stations. 3.) To develop more "hands-on" exhibits for our visitors. 4.) To obtain accreditation from the American Association of Museums. 5.) To develop a long-range preservation plan for collections. 6.) Improve the preservation of the building.

Describe how projects will be evaluated (add additional rows if necessary).

Projects are evaluated by close monitoring of budgets, manpower and results. The staff and board of directors monitor the Museum's projects to ensure they are on schedule and within budget.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

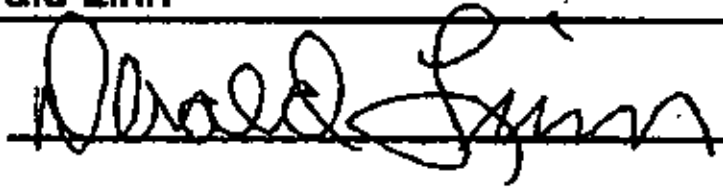
- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Derald Linn Date: 8/18/05

Signature of Applicant: 

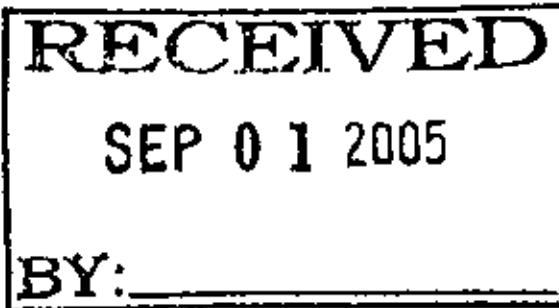
Title: Director

Organization: Arkansas Air Museum, Inc.

First Night Fayetteville

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund:						
Direct Support	\$ -	\$ -	\$ 10,000	\$ 15,000	50.00%	\$ 10,000
Total Request	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 10,000</u>	<u>\$ 15,000</u>	<u>50.00%</u>	<u>\$ 10,000</u>



City of Fayetteville
Request For Public Funds
FY 2006

ORIGINAL

Agency: First Night Fayetteville

Address: P.O. Box 3355

Fayetteville, Arkansas 72702-3355

Mailing Address (if different from above):

same

Telephone: (479)443-4797

Fax: _____

Agency Director: Conrad Odom, Board President; in the process of hiring Event Director

Telephone: 442-7575

Fax: _____

E-mail: _____

Funding requested for FY 2006: \$15,000

Is this a nonprofit organization? ☒ **Yes** ☐ **No**

Tax Exempt Status and Federal ID Number: 71-0801074

Fiscal year end: March 31, 2005

Program/Agency Description

(Provide an overview of your program/agency).

The First Night concept began in 1976 when a group of artists decided to develop a program in Boston as part of the Bicentennial Celebration. The idea has grown into an international organization with First Night® International serving as the overall membership service provider. The local organization is a private, nonprofit organization that represents one of over 180 communities nationally and 10 internationally that produce this unique community festival each year. First Night Fayetteville was founded in 1998 and grew extremely quickly in four years.

On December 31, 2004, the seventh annual First Night @ Fayetteville was produced. This year we had a classical stage and a potpourri stage at St. Paul's Episcopal Church. The Jazz Stage was moved to the Radisson due to the demand of that venue. An International Stage was added at the Town Center and was hugely successful. Other activities included a Folk Stage (a traditional favorite), a Dance Stage, a Writers' Stage and a Film Stage as well as the traditional Celebration Market in Town Center where children could make masks and hats to wear in the annual Puppet Parade. This past year the addition of a final major act (Ultra Suede) was established to keep the momentum going to the fire works at midnight. This was very successful and we hope to have the funds to do this again. As always, the fireworks are the culmination of the evening and enjoyed by citizens all over the city, not just those in attendance of First Night.

We are run by a board of directors and hire an Event Director several months prior to the event.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$29,000	\$22,000	\$10,000
Employee Merit	-	-	-
Social Security	-	-	-
Other	-	-	-
Total Personnel Services	\$ 29,000	\$ 22,000	\$ 10,000

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$700	\$900	\$1,200
Printing & Publishing	1,200	7,500	5,000
Postage	100	500	500
Advertising	-	2,500	5,000
Travel	-	-	100
Rent	-	-	-
Utilities	-	-	-
Technology	500	500	500
Materials/Supplies	1,000	4,000	6,000
Other	11,600	16,520	17,500
Other	5,000	5,000	7,500
Total Operating Expenses	\$ 20,100	\$ 37,420	\$ 43,300

Total Operating Budget	\$ 49,100	\$ 59,420	\$ 53,300
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Event Director	\$10,000	0%
	-	
	-	
	-	
	-	
	-	
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$15,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

☒ Funding for specific program or project ☐ Funding for agency

☐ Requesting funding primarily for personal services

☐ Requesting funding primarily for operating expenses

Proposed Funding Period (from) Dec. 15, 2005 (to) Jan. 15, 2006

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ -	\$10,000	\$ 10,000
Employee Merit	-	-	-
Social Security	-	-	-
Other	-	-	-
Total Personnel Services	\$ -	\$ 10,000	\$ 10,000

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$1,200	\$ 1,200
Printing & Publishing	-	5,000	5,000
Postage	-	500	500
Advertising	-	5,000	5,000
Travel	-	100	100
Rent	-	-	-
Utilities	-	-	-
Technology	-	500	500
Materials/Supplies	-	6,000	6,000
Other Artist	7,500	10,000	17,500
Other Fireworks	7,500	-	7,500
Total Operating Expenses	\$ 15,000	\$ 28,300	\$ 43,300

Total Operating Budget	\$ 15,000	\$ 38,300	\$ 53,300
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

The funds we are requesting from the City are for additional support for artists. We use all local artists for the evening and we want to be able to pay them a fair wage. Additionally, we will need to add more venues/additional acts so that we can spread the crowds out. This is a good "problem" and we want to be sure that we add more diversity into our schedule. The fireworks are the culmination of the evening and people from all over the city enjoy them, not just First Night attendees. We want to improve the fireworks so that they cap off a wonderful evening and set the stage for a safe and happy New Year.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

Each year we have identified new sponsors to become involved in First Night Fayetteville. At the conclusion of this years event, the fundraising committee will reconvene to follow up with previous sponsors and to identify new potential sponsors. We do think it is crucial for the City to assist in funding because this is an event that is all about the community in which we live. The event celebrates and highlights our wonderful downtown square and the artists that call Northwest Arkansas home. First Night Fayetteville provides a safe, festive environment to celebrate the coming of the new year with family, friends and neighbors.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

If we do not receive any support from the City this year, we would have to cut back on our artist compensation and would not be able to hire any additional artists. Our program offerings would be reduced. The fireworks that have been identified with the City would have to change dramatically or risk being eliminated. We would resort to soliciting as much free/donated programming as possible.

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

First Night Fayetteville is an alcohol-free community oriented New Year's Eve Celebration of the community and the arts produced each year on the Fayetteville town square.

Vision Statement: (if you do not have a vision statement, please indicate)

none

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Fayetteville First Night is the only event in Northwest Arkansas that celebrates all aspects of the arts in a family oriented, alcohol free way. All artists are local which allows the event to showcase what an incredible area we live in. The event is associated almost exclusively with the Downtown Fayetteville Square and surrounding areas bringing everyone to our unique downtown. The magical Puppet Parade, Opening and Closing Ceremony and the use of venues that are all situated on the Square have insured that the community at large and attendees identify the concept of First Night with the downtown area. All are welcome to First Night Fayetteville and in attendance there are people of all ages and backgrounds. We encourage those with physical and mental challenges to attend and always have a large attendance of children and adults from this group. A variety of ethnic music and art is presented to celebrate the diversity of our community and to ensure the involvement of those groups. We give hundreds of complimentary tickets away to underserved populations. It is very important to show our youth that celebrating is not about excesses but rather of safe, fun activities.

Which City focus areas do your program services or activities support?

☒ Public Safety

☒ Recreational Activities

☐ Transportation

☐ Economic
Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

Recreational - First Night Fayetteville provides a safe, creative alternative to traditional New Year's Eve celebrations. There are over 50 different activities and programs to partake of on this one night. It is a very interactive event that encourages attendees to participate in almost all programs in one way or the other. It is also a fitting tie-in to the activities of Lights of the Ozarks.

Safety - Streets are blocked off where the crowds mingle so that participants can walk freely around the Square. The event is non-alcoholic so we are not contributing to the crowds on Dickson Street but rather giving a safe alternative.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.
(Add additional rows if necessary).

1. Provide a safe, community oriented New Year's Eve celebration for Northwest Arkansas, specifically Fayetteville. 2. Utilize the talents of local artists and pay them comparable wages. 3. Strengthen our volunteer programs to involve a wide range of citizens. 4. Add one or more major sponsors each year and maintain the involvement of all past sponsors. 5. Boost marketing efforts to improve attendance. 6. Broaden the board of directors to involve more people from various aspects of the city including ethnic diversity.

Describe how projects will be evaluated (add additional rows if necessary).

1. Attendance including sales and complimentary admissions 2. Breadth of arts experience 3. Ethnic diversity of volunteers, artists and attendees 4. direct feedback from evaluations from attendees, artists and volunteers 5. A balanced budget.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Conrad Odom Date: 8/31/05

Signature of Applicant: 

Title: Board President

Organization: First Night Fayetteville

Ozark Military Air Museum

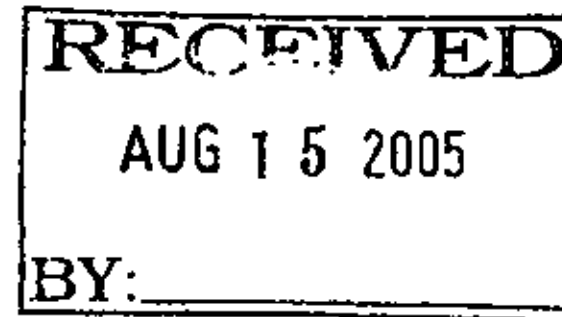
Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	<u>Actual 2003</u>	<u>Actual 2004</u>	<u>Budgeted 2005</u>	<u>Requested 2006</u>	<u>Percent Increase 2005/2006</u>	<u>Recommended Funding 2006</u>
General Fund:						
*Direct Support - Utilities	\$ -	\$ -	\$ 7,200	\$ 22,590	213.75%	\$ 7,200
Total Request	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 7,200</u>	<u>\$ 22,590</u>	<u>213.75%</u>	<u>\$ 7,200</u>

* Airport budgets \$12,500 in Hangar Maintenance to cover repairs for both the Arkansas Air Museum and the Ozark Military Museum.

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006



Agency: Ozark Military Museum

Address: 4360 S. School Ave.

Fayetteville, AR 72701

Mailing Address (if different from above):

Same

Telephone: 479-587-1941

Fax: 479-587-0848

Agency Director: Leonard McCandless, President of Board of Directors

Telephone: 479-587-1941

Fax: 479-587-0848

E-mail: omm@arkansas.net

Funding requested for FY 2006: \$ 22,590

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 501 (c)(3) #71-0637542

Fiscal year end: December 31, 2005

Program/Agency Description

(Provide an overview of your program/agency).

A military museum with artifacts from the Civil War to Iraqi Freedom featuring United States military history education in a "show and tell" setting. We have 14 aircraft, 16 vehicles, 7 trailers, 1 field artillery piece, and 25 showcases filled with artifacts, many uniforms and several miscellaneous items. The museum also features a library with books and videos, a chapel, and a theater area for showing videos to school groups on field trips.

Provide line item detail for each category below.

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ -	\$ -	\$ -
Employee Merit	-	-	-
Social Security	-	-	-
Other	\$5,670	\$6,000	\$10,000
Total Personnel Services	\$ 5,670	\$ 6,000	\$ 10,000

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 1,415	\$ 1,500	\$ 1,500
Printing & Publishing	850	900	1,000
Postage	444	500	500
Advertising	210	300	500
Travel	1,200	800	800
Rent	1,581	1,500	1,500
Utilities	3,265	3,500	3,500
Technology	1,950	600	800
Materials/Supplies	4,334	5,000	5,000
Other	1,565	1,040	1,040
Other	7,925	8,000	8,000
Total Operating Expenses	\$ 24,739	\$ 23,640	\$ 24,140

Total Operating Budget	\$ 30,409	\$ 29,640	\$ 34,140
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[illegible]

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 22,590

Indicate whether the amount being requested is for specific program, project, or agency expenses:

 Funding for specific program or project X Funding for agency

 Requesting funding primarily for personal services

 X Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ -	\$ -	\$ -
Employee Merit	-	-	-
Social Security	-	-	-
Other	6,000	4,000	10,000
Total Personnel Services	\$ 6,000	\$ 4,000	\$ 10,000

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ 1,500	\$ -	\$ 1,500
Printing & Publishing	500	500	1,000
Postage	500	-	500
Advertising	250	250	500
Travel	400	400	800
Rent	1,500	-	1,500
Utilities	3,500	-	3,500
Technology	400	400	800
Materials/Supplies	2,500	2,500	5,000
Other	540	500	1,040
Other	5,000	3,000	8,000
Total Operating Expenses	\$ 16,590	\$ 7,550	\$ 24,140

Total Operating Budget	\$ 22,590	\$ 11,550	\$ 34,140
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

In 2005 the City of Fayetteville helped pay the Ozark Military Museum's utilities. For 2006, the Ozark Military Museum is asking for help with utilities, rent, insurance, accounting, office staff, and the ever increasing cost of artifact restoration, ect.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

The Ozark Military Museum has always excepted private donations and plan to continue this practice.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

Denied funding from the city would be a major setback, possibly causing shorter visiting hours and less displays.

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

The Ozark Military Museum's mission is to educate new generations on United States military history.

Vision Statement: (if you do not have a vision statement, please indicate)

The Ozark Military Museum would like to see as many elementary and middle school classes on field trips to our facility as possible.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

The Ozark Military Museumd not only wants to be educational but also be interesting and entertaining to all age groups.

Which City focus areas do your program services or activities support?

☐ Public Safety

☒ Recreational Activities

☐ Transportation

☒ Economic
Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

The Ozark Military Museum attracts visitors, therefore helping the local economy.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.
(Add additional rows if necessary).

The museum's motto "The best hope for peace...is in the remembrance of War" states our goal of honoring all who have faught and made the ultimate sacrifice for our nation's freedom. Through aquirition and restoration of aritifacts used by our nation's military, the museum can continue to honor these veterans.

Describe how projects will be evaluated (add additional rows if necessary).

Money from the City of Fayetteville will hlp us increase our artifact display and make it possible to rotate displays as artifacts are aquired.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: G. Leonard McCandless Date: 8/12/05

Signature of Applicant: *G. Leonard McCandless*

Title: President of the Board of Directors

Organization: Ozark Military Museum Association, Inc.

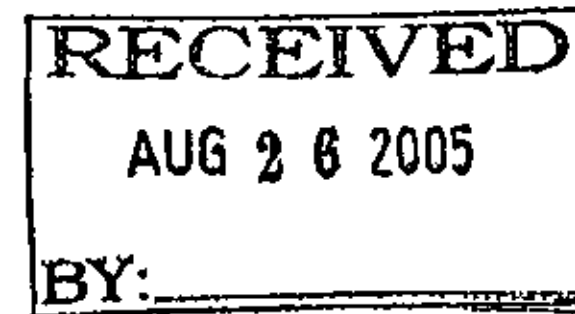
Fayetteville Boys & Girls Club

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003. Funding for the Fayetteville Boys & Girls Club has been split with 25% charged to General Fund in the Parks & Recreation Division and 75% charged to the Parks Development Fund.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund: Direct Support	\$ 46,591	\$ 62,500	\$ 62,500	\$ 62,500	0.00%	\$ 62,500
Parks Development Fund Direct Support	139,771	187,500	187,500	187,500	0.00%	187,500
Total Request	<u>\$ 186,362</u>	<u>\$ 250,000</u>	<u>\$ 250,000</u>	<u>\$ 250,000</u>	<u>0.00%</u>	<u>\$ 250,000</u>

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006



Agency: Donald W. Reynolds Boys & Girls Club of Fayetteville

Address: 560 N. Ruppel Road
Fayetteville, AR 72704

Mailing Address (if different from above):

Telephone: 479-442-9242 Fax: 479-442-6192

Agency Director: Eric J. Schuldt

Telephone: 479-442-9242, ext. 110 Fax: 479-442-6192

E-mail: eric@fayettevillekids.org

Funding requested for FY 2006: \$ 250,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: Exempt by State Statute, Fed ID # 71-0254287

Fiscal year end: Dec. 31

Program/Agency Description

(Provide an overview of your program/agency).

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 895,490	\$ 964,568	\$ 130,153
Employee Merit	-	-	-
Social Security	68,505	71,278	9,957
Other	11,951	33,000	-
Total Personnel Services	\$ 975,946	\$ 1,068,846	\$ 140,110

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 8,250	\$ 8,080	\$ -
Printing & Publishing	2,746	3,000	-
Postage	3,226	3,300	-
Advertising	-	-	-
Travel	14,780	17,970	-
Transportation	80,015	64,000	64,000
Utilities	101,294	114,725	45,890
Technology	1,350	2,872	-
Materials/Supplies	92,262	81,948	-
Other- Res. Dev./S. Events	25,207	21,800	-
Other- General	271,438	248,364	-
Total Operating Expenses	\$ 600,568	\$ 566,059	\$ 109,890

Total Operating Budget	\$ 1,576,514	\$ 1,634,905	\$ 250,000
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Pool Staff Wages	56,250	75%
Facility Staff Wages	73,903	67%
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 250,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

 Funding for specific program or project X Funding for agency

 Requesting funding primarily for personal services

 X Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ 130,153	\$ 834,415	\$ 964,568
Employee Merit	-	-	-
Social Security	9,957	61,321	71,278
Other	-	33,000	33,000
Total Personnel Services	\$ 140,110	\$ 928,736	\$ 1,068,846

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$ 8,080	\$ 8,080
Printing & Publishing	-	3,000	3,000
Postage	-	3,300	3,300
Advertising	-	-	-
Travel	-	17,970	17,970
Rent	64,000	<Transportation>	64,000
Utilities	45,890	68,835	114,725
Technology	-	2,872	2,872
Materials/Supplies	-	81,948	81,948
Other	-	21,800	21,800
Other	-	248,364	248,364
Total Operating Expenses	\$ 109,890	\$ 456,169	\$ 566,059

Total Operating Budget	\$ 250,000	\$ 1,384,905	\$ 1,634,905
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(This amount represents your funding request for 2006).

ORIGINAL

Page 1

Program/Agency Description

(Provide an overview of your program/agency)

The Boys and Girls Club of Fayetteville provides a variety of recreational and youth development opportunities to local youth and families. The Boys & Girls Club of Fayetteville has a long history of providing a safe place for kids to go for swimming, arts & crafts, recreational sports, and instructional programs. In 1941, the organization was founded in Fayetteville as a Boys Club. The organization was known in the 60's, 70's and 80's as the Fayetteville Youth Center. The organization re-affiliated in 1998 with the Boys & Girls Club of America. The Boys & Girls Club of America is one of the most outstanding non-profit organizations in the nation, serving 3.6 million young people globally. In September 2003, the doors to the new Donald W. Reynolds Boys and Girls Club facility were opened providing many positive opportunities for the community including gymnasiums, leisure pool, classrooms, art rooms, teaching kitchen, computer labs, library, rock-climbing wall, indoor track and fitness area. The 88,000 sq. ft. facility is an integral part of the Fayetteville community serving over 8,000 members in 2004. The Boys & Girls Club of Fayetteville is also host to numerous community-wide special events including Easter at the Club, Cinco de Mayo and National Kids Day. These free events are designed to bring families from diverse backgrounds together in a positive social environment. The Boys & Girls Club of Fayetteville also serves as a facility reservation destination for numerous groups needing a location for meetings, civic gatherings, birthday parties, project graduations, and reward trips for local school systems. Specific programs and reporting requirements are outlined in annual agreement with the Parks and Recreation Division.

ORIGINAL

Page 4

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

If City funding is allocated for only year, what strategies do you have in place to sustain your problems? Indicate plans for obtaining funds outside of City funding.

The Boys & Girls Club of Fayetteville generates a large percentage of our budget through membership and program fees. The Board of Directors of the organization believes that it is our obligation to assist with revenue generation and to keep our organization's dependency on the City of Fayetteville to a minimum. Over the last three years, the Boys & Girls Club of Fayetteville has opened a new facility, tripled membership, almost doubled facility hours and increased our operational budget by approximately \$500,000 to keep up with the needs and demands of the citizens. During this time frame, the Boys & Girls Club of Fayetteville has not asked for an increased allocation from the City! The Boys & Girls Club of Fayetteville actively seeks support from the United Way and the Boys & Girls Club of America. The Club also participates in charity fund-raisers, special events and is continually seeking grant funding to support operations. The Boys & Girls Club of Fayetteville has a long history of support from the City of Fayetteville.

ORIGINAL

Page 5

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only)

The Boys & Girls Club of Fayetteville would be significantly damaged by a reduction of funding from the City of Fayetteville. Severe cutbacks in staff, programs and services would occur. A reduction in funding would eliminate the ability of the Boys & Girls Club of Fayetteville to provide safe, educational, well-organized and fun activities for youth and families. The Boys & Girls Club of Fayetteville serves an important role in our community by providing opportunities for youth and families during non-school hours. The Boys & Girls Club of Fayetteville provides many of the essential recreation services expected from a top-quality city. The participation and growth of operations over the last few years has shown the need for the Boys & Girls Club of Fayetteville within our community. A portion of the City of Fayetteville's allocation is used for transportation services provided by the Club. A reduction in funding would eliminate the transportation opportunities for children during the school year and summer. A reduction in funding would also eliminate transportation funding for the Outreach program. This program reaches out to four low-income housing units and gets youth involved in positive programs and activities at the Club. Transportation is used to bring the youth to the Club and helps them to get involved in community events and programs. Currently, the Boys & Girls Club of Fayetteville's Outreach program services: Lewis Plaza, Morgan Manor, Washington Plaza, and Garland Square.

ORIGINAL

Page 6

Mission Statement

The mission of the Boys & Girls Club of Fayetteville is to provide opportunities for positive social, physical, and moral development of youth and families through: a broad range of recreational, leisure, educational, and cultural activities, helping participants to develop a value system that will improve the quality of their lives and lead them to become productive citizens, and involving staff, board members, families, and the community in effective participation toward this mission.

Vision Statement

In the 21st century, the Boys & Girls Club of Fayetteville is a youth-centered and family-based organization dedicated to: helping participants develop the social and moral competencies necessary for achieving their full potential; offering a broad variety of indoor and outdoor programs, aimed at the different levels and facets of development; presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process; providing a positive and constructive environment for interaction among youth, families, and adults from diverse backgrounds; and including the community as an active partner in ensuring that youth are equipped to become productive citizens.

Provide a description of the services provided by your agency or program, including a description of the person or groups who will benefit from the services.

The Boys & Girls Club of Fayetteville provides a variety of recreational, instructional, and character building programs. Programs provided include: gymnastics, judo, swim lessons, basketball, football, fitness, dance, art, pottery, drama, golf, climbing, educational (powerhour- tutoring), after-school and other youth development programming. Opportunities exist at the club for learning with technology. Two computer labs provide programs such as Netsmartz which teaches the basics of internet safety. Our target population is youth between the ages of 6-18, with an emphasis for outreach to those in at-risk environments. We also encourage family interaction and involvement. It is the organization's belief that we can have a positive impact on our youth if we can impact the entire family unit. The Boys & Girls Club of Fayetteville is an organization which provides activities and programs which impact the whole community and encourages involvement and interaction for people from diverse backgrounds. The Boys & Girls Club of Fayetteville provides free community-wide events which strengthen the community. An aggressive scholarship program is available at the Boys & Girls Club of Fayetteville for those community members with a financial need. Currently, over 800 individuals have active scholarship memberships to the facility. The Boys & Girls Club of Fayetteville also provides scholarships for many of the large programs requiring a fee. A partnership with Pagnozzi Charities enables many youth to participate in sport programs by providing scholarships.

ORIGINAL

Page 7

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

The Boys & Girls Club of Fayetteville supports the City of Fayetteville by providing recreational activities for the members of our community. The organization provides one of the best facilities in the nation for recreation and youth development. The Boys & Girls Club of Fayetteville supports the guiding principles of the City of Fayetteville by offering many programs and activities that promote Fayetteville as "A Fun City in which to Live". It is our belief that the Boys & Girls Club of Fayetteville also plays an integral role in helping support public safety and helping Fayetteville maintain a reputation as a "Safe Community". We provide programs and services that promote citizenship and positive decision making for youth. Our facility provides accessibility to a safe place for the youth of our community that keeps them from being on the street, home alone or in situations where poor choices are available. Moreover, our organization recognizes and embraces the challenge of childhood obesity. We intend to encourage our youth to engage in programs that we have developed that promote health and fitness but most importantly have an emphasis on providing a "fun" experience. These programs are vital complements to the physical education programs provided within the local education agency in the interest of supporting healthy lifestyles for our youth and their families.

ORIGINAL

Page 8

Provide a description of your programs or agency's goals and objectives.

Immediate (this year):

Increase program and service awareness by creation of a marketing/promotions plan, increase Outreach to underserved populations, and develop increased transportation opportunities for youth with expansion beyond current service areas.

Short Term (2-3 years):

Short term goals will be built on the above and include continued membership growth and successfully engaging multiple new corporate partners for operational support.

Long Term (4-6 years):

Long term goals will follow everything thus far and include establishment of satellite Clubs located near underserved populations; significant/measurable impact for Club programs on academic performance of youth; become known as a world class organization serving the needs of the community.

Describe how projects will be evaluated.

Project #1 Increase program and service awareness by creation of a marketing/promotions plan, increase Outreach to underserved populations, and develop increased transportation opportunities for youth with expansion beyond current service areas. Evaluation Indicators: A marketing and promotions plan will be designed and implemented by February 2006. The Outreach Program's membership database will grow from 80 to 100 by December 2005.

Project #2 Short term goals will be built on the above and include continued membership growth and successfully engaging multiple new corporate partners for operational support. Evaluation Indicator: Three corporate prospects will be selected based on funding philosophies and proposals will be submitted for their consideration by May 2006.

Project #3 Long term goals will follow everything thus far and include establishment of satellite Clubs located near underserved populations; significant/measurable impact for Club programs on academic performance of youth; become known as a world class organization serving the needs of the community. Evaluation Indicators: Club representatives will arrange meetings with neighboring communities within Washington County to begin preliminary discussion on satellite clubs in 2007/2008.

In addition, the services of the Boys & Girls Club of Fayetteville are evaluated on an annual basis by the Boys & Girls Club of America and the Washington County United Way. The staff at the Boys & Girls Club also conducts multiple customer satisfaction surveys throughout the year to gain input from the community.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Eric J. Schuldt Date: Aug. 2005

Signature of Applicant: E J. Schuldt

Title: Executive Director

Organization: Donald W. Reynolds Boys & Girls Club

Community Access Television

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund: Direct Support	\$ 69,000	\$ 69,000	\$ 93,000	\$ 93,000	0.00%	\$ 93,000
Total Request	<u>\$ 69,000</u>	<u>\$ 69,000</u>	<u>\$ 93,000</u>	<u>\$ 93,000</u>	<u>0.00%</u>	<u>\$ 93,000</u>

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006

RECEIVED
AUG 19 2005
BY: _____

Agency: Community Access Television (C.A.T.)

Address: 101 W. Rock Street
Fayetteville, AR 72701

Mailing Address (if different from above):
Same as above.

Telephone: (479) 444-3433 Fax: (479) 444-3437

Agency Director: Sky Blaylock, CAT Manager

Telephone: (479) 444-3433 Fax: (479) 444-3437

E-mail: sky_blaylock@catfayetteville.com

Funding requested for FY 2006: \$ 93,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 71-0714937

Fiscal year end: December 31, 2005

Program/Agency Description

(Provide an overview of your program/agency).

The purpose of the public access television station is to provide training for the public for public access television productions and to ensure "first-come", first-served, non-discriminatory" programming in accordance with the First Amendment, as a limited public forum for citizens.

CAT is responsible for:

Scheduling and teaching of video production and telecommunications workshops for local citizens.

Promoting the use of the Public Access Channel.

Scheduling of programs on the Public Access Channel.

Cablecasting of programs on the Public Access Channel.

Reporting the public access channel activities to the City of Fayetteville. It is important that the public's right to access the electronic media be maintained, as well as expanded as new media tools and technologies emerge. CAT intends to continue to build partnerships with the local government, schools, community organizations, local businesses and the local cable service provider.

ORIGINAL

Budget Information			
Provide line item detail for each category below.			

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 56,680	\$ 78,800	\$ 78,800
Employee Merit	-	-	-
Social Security-PR Taxes	\$4,680.46	\$5,965.00	\$5,965.00
Other	-	-	-
Total Personnel Services	\$ 61,361	\$ 84,765	\$ 84,765

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 882	\$ 1,000	\$ 1,000
Printing & Publishing	\$ 1,548	\$ 1,500	\$ 1,500
Postage	\$ 661	\$ 300	\$ 300
Advertising	\$ 382	\$ 500	\$ 500
Travel-Conferences/Training	\$ -	\$ 1,500	\$ 1,500
Rent	\$ -	\$ -	\$ -
Utilities	\$ -	\$ -	\$ -
Technology-Media Supplies	\$ 1,256	\$ 1,500	\$ 1,500
Materials/Supplies-Office	\$ 1,303	\$ 1,200	\$ 1,200
Internet Access	\$ 719	\$ 719	\$ 719
Accounting	\$ 2,332	\$ 3,000	\$ 3,000
Bank Fees	-	\$ 10	\$ 10
Contractors	\$ 560	\$ 1,000	\$ 1,000
Contract Prod-Meals	-	\$ 100	\$ 100
Contract Prod- Fuel	\$ 32	\$ 100	\$ 100
Contract Prod- Miscellaneous	\$ 74	\$ 200	\$ 200
Deprecation	\$ 391	-	-
Dues/Upgrades	\$ 1,428	\$ 1,500	\$ 1,500
Insurance	\$ 1,036	\$ 1,500	\$ 1,500
Insurance Workers Comp	\$ 633	\$ 700	\$ 700
Insurance-Miscellaneous	\$ 100	\$ 100	\$ 100
Outreach Services	\$ 4,960	\$ 6,000	\$ 6,000
Outreach-Mgr's Salary+taxes	\$ 7,113	\$ 7,500	\$ 7,500
Staff Meetings	\$ 226	\$ 1,000	\$ 1,000
Finance Charge	\$ 32	\$ 50	\$ 50
In-kind printing	\$ 800	\$ 1,000	\$ 1,000
In-kind materials	\$ 1,345	\$ 1,000	\$ 1,000
In-kind advertising	\$ 6,005	\$ 6,000	\$ 6,000
Newsletter	\$ 217	\$ 1,000	\$ 1,000
Total Operating Expenses	\$ 24,393	\$ 39,979	\$ 39,979
Total Operating Budget	\$ 95,398	\$ 124,744	\$ 124,744

ORIGINAL

Salary Disclosure	
Sky Blaylock, Manager	\$30,000.00
Leo Smith, CAT Production Coordinator	\$20,000.00
Jon Carlson, Office/Technology Coordinator	\$14,000.00
Samanta Manning, Manager's Assistant	\$6,000.00

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 93,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

☐ Funding for specific program or project ☒ Funding for agency

☐ Requesting funding primarily for personal services

☐ Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ 78,800	\$ -	\$ 78,800
Employee Merit	-	-	-
Social Security-PR Taxes	5,965	-	5,965
Other	-	-	-
Total Personnel Services	\$ 84,765	\$ -	\$ 84,765

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ 1,000	\$ -	\$ 1,000
Printing & Publishing	1,548	-	1,548
Postage	300	-	300
Advertising	500	-	500
Travel	1,500	-	1,500
Rent	-	-	-
Utilities	-	-	-
Technology	1,500	-	1,500
Materials/Supplies	1,200	-	1,200
Other	687	-	687
Other		31,744	31,744
Total Operating Expenses	\$ 8,235	\$ 31,744	\$ 39,979

Total Operating Budget	\$ 93,000	\$ 31,744	\$ 124,744
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

No increase or change is being requested at this time.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

CAT's manager is currently spending one day a week to focus on writing grant proposals to bring in outside funds to cover the costs of operations. Grants and outside funding for technical programs are widely available. Currently progress is being made on a Technical Assistance grant to the Donald W. Reynolds Capital Grants program for Fayetteville to build a Community Media Center, as are found all over the world. The Technical Assistance grant will serve to provide monetary support for board development and a consultant for facility design. This grant alone will assist the organization in capacity building, which will go a long way to insure the organization may be fundable to other granting organizations. The Donald W. Reynolds Capital Grant would build and furnish a media center with office and technical equipment needed to provide training in digital technology. It is also a goal of the organization to become accredited to offer classes in order to certify members of the community to enable them to pursue work in digital technology locally which will allow local citizens to participate in the global economy via businesses in Fayetteville, Arkan

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

CAT has been under new management for only short time and has come a long way to deliver positive change. If the funding was not provided by the City there would be no other way at this time to continue to offer this type of access to the citizens. The organization supplements the funding received from the City of Fayetteville by charging fees for workshops and training, offering contract productions and grant writing, holding fundraisers like CAT's 25th Anniversary Celebration, Freedom Festival, CAT Telethon and The FAT CAT Awards Ceremony to earn the extra funds needed to expand the organization. In lieu of denying this funding request, or having to be put in the position of funding CAT or not funding CAT, the City is urged to consider designating a fixed percentage of the franchise fee from the cable company profits to go directly to the access organization. The channel space and these fees were originally mandated by the FCC to give the citizens access to the airwaves in return for their use of our public rights of way.

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

The mission of Community Access Television (CAT) is to make available a medium of communication that provides freedom of expression and community awareness for all local citizens.

Vision Statement: (if you do not have a vision statement, please indicate)

Community Access Television uses media as a social development tool; we define ourselves and not let ourselves be defined by corporate media; we ask our community what it needs and then we fill those needs; we preserve our community's aural and visual history through community archives; we assist non-profit groups in achieving their missions; we put people first and technology second; and we try to stay focused on the things that matter the most, Freedom & Community.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Training in digital video technology is becoming increasingly important in today's society. More and more of our governmental, political and cultural life is taking place electronically. The social divisions born of poverty and race are widening which will raise the stakes since populations excluded from using communication technology by poverty and culture will find their options for participating in society reduced overall. The real story our community is telling features a struggle to insure sufficient bandwidth to allow micro-businesses an opportunity to work globally, and a workforce with the information skills to carry out that business. There are activists who are learning about technology at their local Community Access Station here in Fayetteville. They are currently joining with city leaders and small businesses to learn more about and fight for affordable telecommunications infrastructure. We are using a training program here at CAT designed to train underserved and marginal populations to get the jobs in the information economy and to provide historical programming from the eyes of the citizens.

Community Access Television provides access to digital video technology like a library, or a school.

Which City focus areas do your program services or activities support?

☒ Public Safety

☒ Recreational Activities

☒ Transportation

☒ Economic
Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

Anyone in the Fayetteville community can produce and submit programming in any and all of the City Focus Areas. And do. This is the only television station in the entire state of Arkansas where the content is determined by local citizens and organizations. Via our Short Takes program, Long Takes, Contract Productions or learning how to produce video programs the community can get to the truth about issues by allowing a diversity of opinions to be heard. It can be used for any, and all of the City Focus Areas in that programs about Public Safety, Recreational Activities, Transportation and Economic Development may all air to inform and involve members of the Fayetteville community in civic participation. At any time that the city may request, CAT can perform a program analysis on the types of programs that air on the community channel by category. This month alone the channel has aired 3 programs about children, 2 about art, 8 in current events, 1 educational program, 2 in the performing arts, 1 program on public affairs and 1 travel show.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: SKY BLAYLOCK Date: 8-18-05

Signature of Applicant: 

Title: CAT Manager

Organization: Community Access Television

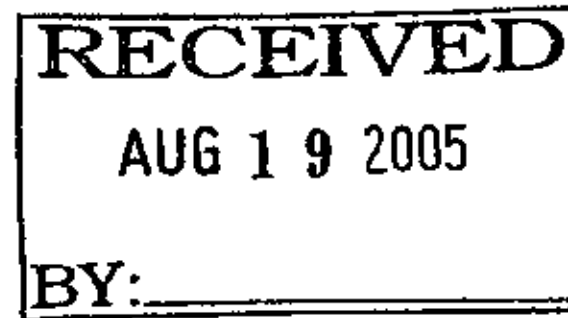
Council On Aging

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003. Funding for the Council on Aging has been split with 25% charged to General Fund in the Parks & Recreation Division and 75% charged to the Parks Development Fund.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund: Direct Support	\$ 7,875	\$ 20,725	\$ 12,500	\$ 15,000	20.00%	\$ 12,500
Parks Development Fund: Direct Support	23,625	62,175	37,500	45,000	20.00%	37,500
Total Request	<u>\$ 31,500</u>	<u>\$ 82,900</u>	<u>\$ 50,000</u>	<u>\$ 60,000</u>	<u>20.00%</u>	<u>\$ 50,000</u>

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006



Agency: Council on Aging (Seniority Matters)

Address: 945 S. College and 1 North School
Fayetteville, AR 72701

Mailing Address (if different from above):
4507 Johnson Road
Springdale, AR 72762

Telephone: 750-3188 Fax: 756-5881

Agency Director: Janet Linebaugh

Telephone: 750-3188 Fax: 756-5881

E-mail: jclinebaugh@sbcglobal.net

Funding requested for FY 2006: \$ 60,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 501 C (3) Tax # 71-0390232

Fiscal year end: June 30, 2005

Program/Agency Description

(Provide an overview of your program/agency).

The Fayetteville Senior Center and Community Adult Center serves seniors 60+ with a noon meal and activities such as bridge, music, dances, quilting, acrylic painting, shopping trips, and much more. Health and wellness activities include walking the trails at Walker Park, blood pressure checks, chair exercise, and yoga. The center has partnered with the Fayetteville Boys and Girls Club to provide water aerobics in a special senior citizen class. The Fayetteville Center offers two weekend events each month and shopping trips each Tuesday. Recently, the Center received a donation of an ice cream machine. This has become a very popular afternoon treat. In addition to serving seniors at the senior center and Hillcrest Towers, the center is responsible for 150 Meals on Wheels per day. Weekend meals for the home-bound are also offered. Future fundraisers include karaoke night, a pancake breakfast, western dance with a potluck dinner, and special holiday parties throughout the year. The center has lowered the rental cost of the building and is beginning to see results from this action.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 117,975	\$ 93,196	\$ 94,450
Employee Merit	-	-	-
Social Security	9,025	8,104	8,028
Other	-	-	5,250
Total Personnel Services	\$ 127,000	\$ 101,300	\$ 107,728

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 5,850	\$ 3,500	\$ 4,500
Printing & Publishing	275	100	425
Postage	111	74	74
Advertising	200	270	70
Travel	-	-	-
Rent	-	-	-
Utilities	12,000	32,969	24,000
Technology	-	-	-
Materials/Supplies	1,000	1,375	1,150
Other	48,819	130,245	36,300
Other	-	-	-
Total Operating Expenses	\$ 68,255	\$ 168,533	\$ 66,519

Total Operating Budget	\$ 195,255	\$ 269,833	\$ 174,247
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Center Director	28,210	15%
Center Manager	24,123	15%
Van Driver	15,877	15%
Facility Worker	11,002	15%
Receptionist (part-time)	8,986	15%
Community Adult Center Director (Hillcrest)	19,530	56%
	-	
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 60,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

☐ Funding for specific program or project ☐ Funding for agency

☐ Requesting funding primarily for personal services

☒ Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ 22,234	\$ 72,216	\$ 94,450
Employee Merit	-	-	-
Social Security	1,933	6,095	8,028
Other	-	5,250	5,250
Total Personnel Services	\$ 24,167	\$ 83,561	\$ 107,728

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ 900	\$ 3,600	\$ 4,500
Printing & Publishing	85	340	425
Postage	15	59	74
Advertising	14	56	70
Travel	-	-	-
Rent	-	-	-
Utilities	15,973	8,027	24,000
Technology	-	-	-
Materials/Supplies	275	875	1,150
Other	18,571	17,729	36,300
Other	-	-	-
Total Operating Expenses	\$ 35,833	\$ 30,686	\$ 66,519

Total Operating Budget	\$ 60,000	\$ 114,247	\$ 174,247
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

The Fayetteville Senior Center needs the increase in funds due to the recent fuel increase, additional activities, and food costs. Since last year's request, the center has added another pickup route. This has increased the budget because of the rising fuel prices. Volunteers have been forced to give up delivering meals to the homebound due to the rising fuel costs. This has meant that staff must drive these routes and use vans when available. If vans are not available, staff will be reimbursed for their fuel costs. Also, food costs have increase by 3%. This is due to an increase in the cost of living raises for personnel and upgrading food items on the menu. The center has been offering salads each Wednesday of the month. This has proved to be a very popular menu and the center will continue this practice. The center is now offering two weekend events a month. Usually, the center is open on one Friday night and one Saturday night with different programs each month.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

The Fayetteville Senior Center is committed to offering the best service possible to their seniors. If funding were not available next year through the City or outside funding, the center would have to cut the weekend activities and combine transportation routes. However, if the City did not fund these programs, outside funding would be requested through private donations, the United Way or fundraising events. The center would have to raise the funds before offering these programs again.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

The Fayetteville Senior Center depends on the City's funding. The solution to the funding cut would be to cut extra activities outside the normal operating times, combine transportation routes or possibly cut a route, change menus, and/or cut some programs that may not be as essential as others. The impact would mean attendance would decline, consumers may not be able to attend the center if the vans did not pick them up, and/or seniors that attend the center on weekends would not have any special activity at the center. The center continues to change activities and it's image by offering special health and wellness activities as well as provide meals that fit a healthier life style. The center's mission is to change as seniors request new activities. Special activities include yoga, music and dances, walking club, acrylic painting, and water aerobics. If funding were not available for Hillcrest Towers residents, the seniors would be encouraged to attend the Fayetteville Senior Center or possibility, the funds could be redirected to the Housing Authority for them to administer the program. The Housing Authority supports this program by abs

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

The Council on Aging is a volunteer organization that exists to enhance the quality of life and promote self-worth of all senior citizens.

Vision Statement: (if you do not have a vision statement, please indicate)

We do not have a vision statement at this time.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

The Fayetteville Senior Center and Community Adult Center serves seniors 60+ years of age. Activities are offered at each location and include yoga, crafts, card games, pool, exercise, educational classes, trips, dances, music, and special events. Twice a month, seniors can enjoy special activities at the Fayetteville Center. Each day, a noon meal is served. Approximately, 50-60 seniors come to eat at the Center and 150 home-bound seniors are delivered a noon meal. Approximately, 30 seniors receive weekend meals. At the Fayetteville Center, seniors can enjoy a daily walking club, an exercise room with treadmills, stationary bicycles, and weight lifting equipment, dances, a craft room which features acrylic painting, pottery, and ceramics, a game room with 2 pool tables, a library, and a computer room with Internet capability. The Community Adult Center features daily support for residents, bingo, potluck dinners, china painting, games, and art classes.

Which City focus areas do your program services or activities support?

☐ Public Safety ☒ Recreational Activities ☒ Transportation ☐ Economic Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

The Fayetteville Senior Center and Community Adult Center at Hillcrest Towers provides recreational activities that include walking, an exercise room, yoga, water aerobics, crafts, dancing and music, educational classes, and many more social events and activities. Transportation is limited to seniors 60+ years of age. Seniors are transported to and from the center, weekly shopping trips, recreational/fun day trips, and trips to other senior centers in Washington County. Most seniors drive, but for those who can't the center can pick them up daily.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.

(Add additional rows if necessary).

The Council on Aging provides activities that support our agency's mission: to keep seniors independent and healthy for as long as possible and to promote self-worth. Major goals for 2005/2006 are: Increase participation by 4%; complete a needs assessment survey by the end of 2005; and secure a stable funding source to sustain programs. The needs assessment will be a major component in the future of the agency. Programs and activities will be driven by the needs of the seniors in our area. The center's objectives include providing a health program that will increase the seniors' physical activities; offer activities that attract baby boomers; increase the number of seniors that participate in the social activities; and increase the number of years seniors can stay active. The outcomes of these objectives are measured through surveys and the director's comments on 6 months evaluations. Future plans include a Companion Program for seniors that need extra support because of physical or mental limitations.

Describe how projects will be evaluated (add additional rows if necessary).

Projects are evaluated through consumer surveys, Center Directors, Center Advisory Committees, the Area Agency on Aging, the United Way, and the Board of Directors. Programs are evaluated daily as to attendance and comments. New programs are added as seniors show interest or requests are made. If it is possible to provide the activity or program, the cost will be evaluated and added if possible. The purpose of the programs is to keep seniors active, healthy, and happy. Additional evaluations are done through the director's observations and comments on yearly consumer updates.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

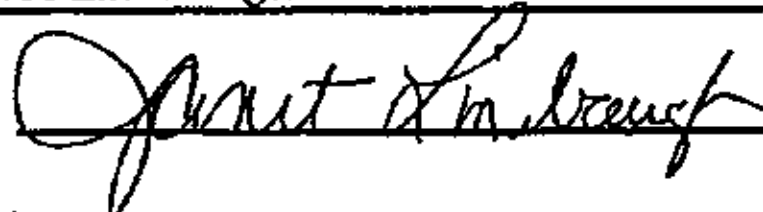
- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Janet Linebaugh Date: 8/19/05

Signature of Applicant: 

Title: Executive Director

Organization: Council on Aging (Seniority Matters)

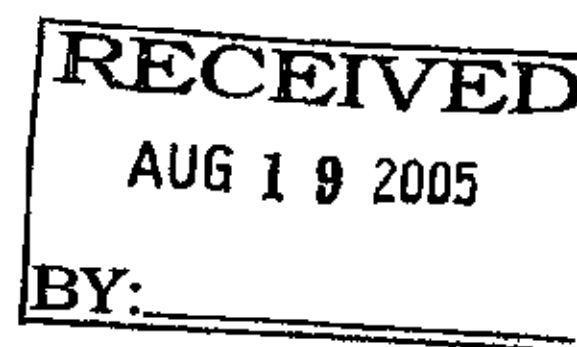
Ozark Regional Transit

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	<u>Actual 2003</u>	<u>Actual 2004</u>	<u>Budgeted 2005</u>	<u>Requested 2006</u>	<u>Percent Increase 2005/2006</u>	<u>Recommended Funding 2006</u>
General Fund: Direct Support	\$ 114,550	\$ 176,000	\$ 185,666	\$ 206,834	11.40%	\$ 185,666
Total Request	<u>\$ 114,550</u>	<u>\$ 176,000</u>	<u>\$ 185,666</u>	<u>\$ 206,834</u>	<u>11.40%</u>	<u>\$ 185,666</u>

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006



Agency: Ozark Regional Transit

Address: 2423 E Robinson Avenue
Springdale, AR 72764

Mailing Address (if different from above):

P. O. Box 785
Springdale, AR 72765

Telephone: (479)756-5901, ext. 247 **Fax:** (479)756-2901

Agency Director: Philip Pumphrey

Telephone: (479)756-5901, ext. 247 **Fax:** (479)756-2901

E-mail: ppumphrey@ozark.org

Funding requested for FY 2006: \$206,834

Is this a nonprofit organization? ☒ X **Yes** ☐ No

Tax Exempt Status and Federal ID Number: 71-0855609

Fiscal year end: September 30, 2005

Program/Agency Description

(Provide an overview of your program/agency).

We provide fixed-route and General Public Dial-a-ride public transportation service with this money, matching it 50% local funding with 50% Federal Transit Administration (FTA) money for operating costs, 20% local with 80% FTA for preventative maintenance, complementary Americans with Disability Act (ADA) paratransit service and for capital match. The goal of this service is to provide the elderly, persons with disabilities, the general public and low-income individuals and families with access to employment, job training, and retention, health care, shopping, social services and activities. The fixed-route in Fayetteville (6th Street) operates from Hillcrest towers and City Hall to the North, Curtis Dr. to the East, Grandview Apartments and the Tyson plant to the South, and the Walmart Store on 6th Street to the West. This fixed-route service, along with the ADA paratransit service operates Monday through Saturday, 7 am to 7 pm. The total revenue hours carrying passengers for these two routes is 6,420 annually and we anticipate providing 17,749 trips for all of 2005.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 65,280	\$ 75,752	\$ 83,650
Employee Merit		-	-
Social Security	4,800	5,570	6,079
Other	25,920	30,078	33,233
Total Personnel Services	\$ 96,000	\$ 111,400	\$ 122,962

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ 640	\$ 743	\$ 803
Printing & Publishing	13	15	241
Postage	6	7	120
Advertising	640	743	803
Travel	26	30	295
Rent	-	-	-
Utilities	1,280	1,485	1,367
Technology	13	15	201
Materials/Supplies	2,502	2,904	3,147
Other	58,880	68,325	76,895
Other	-	-	-
Total Operating Expenses	\$ 64,000	\$ 74,266	\$ 83,872

Total Operating Budget	\$ 160,000	\$ 185,666	\$ 206,834
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Administrative Staff	72,563	8%
Accounting Staff	20,800	8%
Scheduling Staff	54,974	8%
Maintenance Staff	104,421	5%
Dispatch Staff	89,960	8%
Driver Operators and Training Salaries	668,294	8%
Charter Operators	14,344	18%
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$206,834.00

Indicate whether the amount being requested is for specific program, project, or agency expenses:

 Funding for specific program or project X Funding for agency

 Requesting funding primarily for personal services

 X Requesting funding primarily for operating expenses

Proposed Funding Period (from) 10/1/05 (to) 9/30/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ 83,650	\$ 941,706	\$ 1,025,356
Employee Merit	-	-	-
Social Security	6,079	68,439	74,518
Other	33,233	292,588	325,821
Total Personnel Services	\$ 122,962	\$ 1,302,733	\$ 1,425,695

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ 803	\$ 9,197	\$ 10,000
Printing & Publishing	241	2,759	3,000
Postage	120	1,380	1,500
Advertising	803	9,197	10,000
Travel	295	4,205	4,500
Rent	-	-	-
Utilities	1,367	20,333	21,700
Technology	201	2,299	2,500
Materials/Supplies	3,147	55,353	58,500
Other	76,895	786,833	863,728
Other		-	
Total Operating Expenses	\$ 83,872	\$ 891,556	\$ 975,428

Total Operating Budget	\$ 206,834	\$ 2,194,289	\$ 2,401,123
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

Ozark Regional Transit funding request for 2006 is affected by cost increases in fuel, health insurance, and wages. Wage rates are planned to increase by 3% in order to address the pressing need to attract and retain bus drivers. Our Medicaid funding levels have also dropped by approximately \$200,000 over the last three years which was used to subsidize each cities levels of service. The combination of these factors give rise to our increased contribution.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

None. Without the match from the city, all services would stop, because there would not be a match for Federal Transit Administration funding in Fayetteville.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

It would eliminate all transit service provided by ORT in the City of Fayetteville. In addition it cause us to layoff 6 operators, a staff member. Overall, this would negatively impact the "regional transit" program and set it back 10-15 years.

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

Ozark Regional Transit, is dedicated to providing safe, reliable, and affordable public transportation to both the rural and urban residents of the four county area within our jurisdiction.

Vision Statement: (if you do not have a vision statement, please indicate)

To continue to grow to better meet the transportation needs of all of Northwest Arkansas and expand the Regional Transit system.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Public transit benefiting the general public, of which consists the elderly, mobility challenged, and the economically challenged.

Which City focus areas do your program services or activities support?

X Public Safety X Recreational Activities X Transportation : X Economic Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

We support the city in regards to transportation, health and human service delivery, economic development (by assisting persons access to jobs, education to improve employment skills), shopping and medical trips, recreation, etc.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.

(Add additional rows if necessary).

To provide transportation, both fixed route and paratransit in Northwest Arkansas, including Fayetteville for the general public. To expand our service to cover more destination and provide more service.

Describe how projects will be evaluated (add additional rows if necessary).

By ridership for each type of service.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

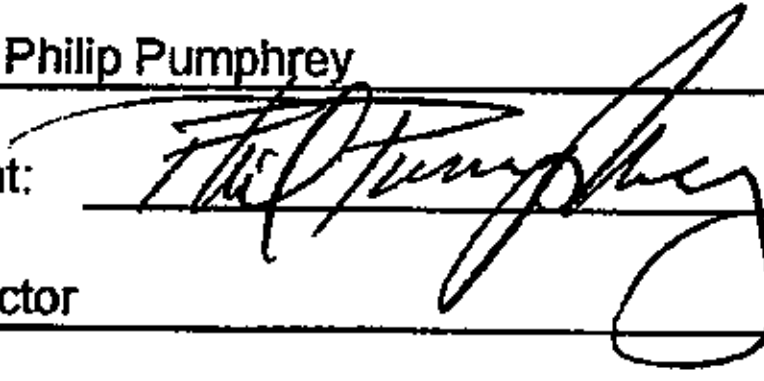
or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

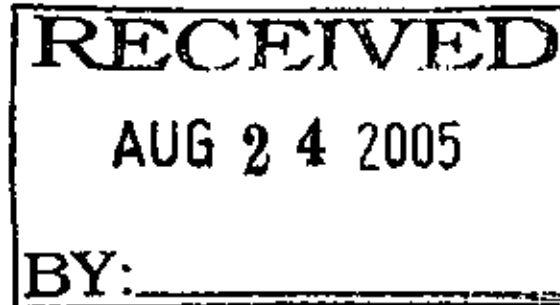
Name of Applicant: Philip Pumphrey Date: 9/18/05
Signature of Applicant: 
Title: Executive Director
Organization: Ozark Regional Transit

Razorback Transit

Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund Direct Support	\$ 25,000	\$ 25,000	\$ 50,000	\$ 60,000	20.00%	\$ 50,000
Total Request	<u>\$ 25,000</u>	<u>\$ 25,000</u>	<u>\$ 50,000</u>	<u>\$ 60,000</u>	<u>20.00%</u>	<u>\$ 50,000</u>

ORIGINAL



City of Fayetteville
Request For Public Funds
FY 2006

Agency: Razorback Transit

Address: 155 Razorback Road ADSB 131
Fayetteville, AR 72701

Mailing Address (if different from above):

Telephone: 479 575-7433 **Fax:** 479 575-2231

Agency Director: Gary K. Smith

Telephone: 479 575-3304 **Fax:** 479 575-2356

E-mail: garys@uark.edu

Funding requested for FY 2006: \$ 60,000

Is this a nonprofit organization? ☒ X **Yes** ☐ **No**

Tax Exempt Status and Federal ID Number: 71-6003252

Fiscal year end: June 30, 2005

Program/Agency Description

(Provide an overview of your program/agency).

Razorback Transit operates 14 buses on 10 fixed routes from 7 a.m. to 6 p.m. Monday through Friday, four buses on four routes from 6 p.m. to 10:30 p.m. Monday through Friday, and four buses on four routes from 7 a.m. to 10:30 p.m. on Saturdays from mid-August to mid-May. From mid-May to mid-August, Razorback operates four buses on four routes from 7 a.m. until 5:30 p.m. Monday through Friday. Paratransit service is also provided with three vans transporting disabled passengers who cannot access the fixed route buses. Razorback Transit's routes cover the northwest one third of the city of Fayetteville. Between July 1, 2004 and June 30, 2005 Razorback transported 1,310,276 passengers on fixed routes and 7,650 in paratransit service. Razorback provides all this service fare free to Fayetteville citizens and visitors.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ 1,067,724	\$ 1,174,170	\$ 1,283,701
Employee Merit	-	-	-
Social Security	-	-	-
Other	211,292	220,853	294,748
Total Personnel Services	\$ 1,279,016	\$ 1,395,023	\$ 1,578,449

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ -	\$ -	\$ -
Printing & Publishing	-	-	-
Postage	-	-	-
Advertising	-	-	-
Travel	1,535	5,000	5,000
Rent	-	-	-
Utilities	-	-	-
Technology	-	-	-
Materials/Supplies	-	-	-
Other	524,492	722,795	871,906
Other	-	-	-
Total Operating Expenses	\$ 526,027	\$ 727,795	\$ 876,906

Total Operating Budget	\$ 1,805,043	\$ 2,122,818	\$ 2,455,355
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
No positions funded by city revenue	-	
	-	
	-	
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	-	
	-	
	-	
	-	
	-	
	-	
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$ 60,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

☐ Funding for specific program or project ☐ Funding for agency

☐ Requesting funding primarily for personal services

☒ Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/31/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ -	\$ 1,283,701	\$ 1,283,701
Employee Merit	-	-	-
Social Security	-	-	-
Other	-	294,748	294,748
Total Personnel Services	\$ -	\$ 1,578,449	\$ 1,578,449

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$ -	\$ -
Printing & Publishing	-	-	-
Postage	-	-	-
Advertising	-	-	-
Travel	-	5,000	5,000
Rent	-	-	-
Utilities	-	-	-
Technology	-	-	-
Materials/Supplies	-	-	-
Other	60,000	811,906	871,906
Other	-	-	-
Total Operating Expenses	\$ 60,000	\$ 816,906	\$ 876,906

Total Operating Budget	\$ 60,000	\$ 2,395,355	\$ 2,455,355
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

An increase of \$10,000 is being requested to help cover the increased operational costs due to inflation, increased salary and fuel costs, and help provide the match for the city's portion of FTA funds to cover the transit services non-UA passengers receive. We estimate non-UA passengers received 4,590 rides on paratransit service and 260,000 rides on fixed routes last fiscal year. FY04 figures show the actual cost of a paratransit trip was \$36.80 and a bus ride was 80 cents. Based on these figures, the city received \$266,512 in transit service from Razorback Transit.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

Razorback Transit receives funding from a student transit fee, the Federal Transit Administration, a state rental vehicle tax, and the University general fund, in addition to the funding provided by the City of Fayetteville.

ORIGINAL

Budget Information

**If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).**

The loss or reduction in city funding would make it more difficult for Razorback Transit to continue to provide the existing level of transit service and may necessitate a reduction in routes or hours of operation.

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

The Transit and Parking Department is committed to providing safe, reliable, and convenient transit, paratransit and parking services for the university community and the general public. Through communication, initiative and integrity the women and men of this department are dedicated to providing quality services and support for an environment conducive to excellence and to developing employee commitment and satisfaction.

Vision Statement: (if you do not have a vision statement, please indicate)

None

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Razorback Transit provides bus and paratransit service for all city residents in its service area. Residents and visitors may ride Razorback fixed routes fare free to any destination within the service area. Disabled citizens, once certified, may ride paratransit van service free of charge. About 60% or 4,590 of Razorback's paratransit passengers are not affiliated with the University. About 280,000 fixed route passengers are not affiliated with the UA.

Which City focus areas do your program services or activities support?

X Public Safety

X Recreational Activities

X Transportation

X Economic
Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

Razorback provides public mass transit service in support of public safety, recreational activities, and economic development by providing safe, convenient and reliable transportation services for citizens who may not have other transportation options or choose to use the more environmentally friendly method to access health care providers, human service agencies, government offices, work, school, shopping, entertainment and recreation venues, and other daily activities. Razorback Transit provides significant benefits to the Fayetteville community by reducing traffic congestion; by reducing pollution from auto exhaust emissions; improving roadway safety; and improving access to the U of A, Fayetteville's largest employer.

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.

(Add additional rows if necessary).

1. Explore the possibility of adding a new route south of the campus with a decision to be made by January 2006.
2. Develop specifications for a multi-year statewide contract for the purchase of 30, 35 and 40 foot low floor buses by January 2006.
3. Implement a trial bicycle rack program on selected routes, with the possibility of expansion to all routes. Trial study to be completed in May 2006.
4. Improve the departmental driver training and customer service program by employing a full-time trainer, updating the training materials, and formalizing the training program by May 2006.

Describe how projects will be evaluated (add additional rows if necessary).

The implementation of a south route will depend on the funding available and the determination of need. Completion of goal #2 will be the successful implementation of a multi-year statewide low floor bus procurement program. Expansion of the bike rack program will depend on the amount of use of the racks in the trial program and the determination of need to expand it to all routes. Improved driver training will be evaluated through a reduction in accidents attributable to the driver. Improved customer service will be evaluated based on the number of valid complaints received from passengers about the service provided by the drivers. A successful bus replacement program will reduce the lifecycle cost of bus operations and spread out the funding required for local match of FTA funds over multiple years.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

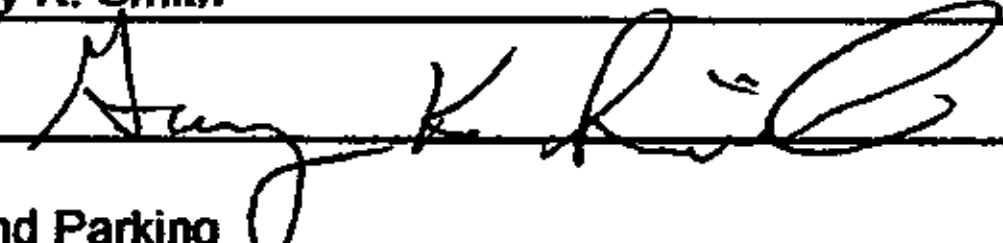
CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Gary K. Smith

Date: 8/19/05

Signature of Applicant: 

Title: Director, Transit and Parking

Organization: Razorback Transit

Fayetteville Downtown Partners

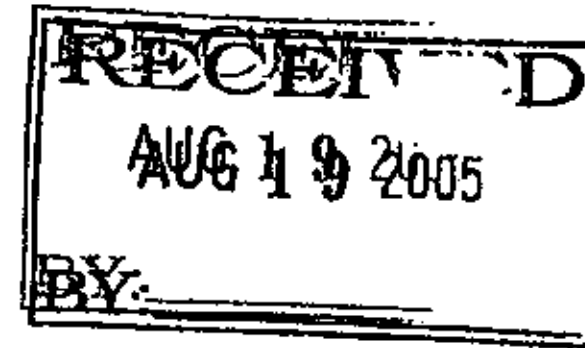
Funding requests and recommendations for FY 2006 are illustrated below. The table also shows the agency's funding history since FY 2003.

	Actual 2003	Actual 2004	Budgeted 2005	Requested 2006	Percent Increase 2005/2006	Recommended Funding 2006
General Fund: Direct Support	\$ 35,803	\$ 20,000	\$ 150,000	\$ 90,000	-40.00%	\$ 90,000
Total Request	<u>\$ 35,803</u>	<u>\$ 20,000</u>	<u>\$ 150,000</u>	<u>\$ 90,000</u>	<u>-40.00%</u>	<u>\$ 90,000</u>

*Fayetteville Downtown Partners was reorganized in 2004 from the existing Downtown Dickson Enhancement project organization.

ORIGINAL

City of Fayetteville
Request For Public Funds
FY 2006



Agency: Fayetteville Downtown Partners

Address: 230 N. Block

Fayetteville, AR 72701

Mailing Address (if different from above):

P.O. Box 3573

Fayetteville, AR 72702

Telephone: 479-571-3337

Fax: _____

Agency Director: Daniel Hintz

Telephone: 479-571-3337

Fax: _____

E-mail: admin@downtowndickson.com

Funding requested for FY 2006: \$90,000

Is this a nonprofit organization? ☒ Yes ☐ No

Tax Exempt Status and Federal ID Number: 71-0800252

Fiscal year end: December 31st

Program/Agency Description

(Provide an overview of your program/agency).

Fayetteville Downtown Partners is a nonprofit organization devoted to ensuring the vitality and healthy growth of Fayetteville's downtown district. Where the Downtown Dickson Enhancement Project, Inc. initiated the collaborative effort of non-profit, private, and public entities to fund improvements on Dickson Street, Fayetteville Downtown Partners (FDP) is set to expand those efforts and continue to enhance the value of Fayetteville's downtown assets in accordance with the accepted downtown master plan. In addition to streetscape improvements and special projects, FDP will provide coordinated marketing efforts, seek funding for enhanced services and activities, promote growth in residential neighborhoods and mixed-use development, and serve as leader for collaboration among entities serving the district.

ORIGINAL

Budget Information

Provide line item detail for each category below.

Personnel Services

	FY2004 Actual	FY2005 Budget	FY2006 Request
Salaries	\$ -	\$ 80,900	\$ 114,000
Employee Merit	-	-	-
Social Security	-	7,917	13,000
Other	-	60,650	40,000
Total Personnel Services	\$ -	\$ 149,467	\$ 167,000

Operating Expenses

	FY2004 Actual	FY2005 Budget	FY2006 Request
Telephone	\$ -	\$ 1,600	\$ 1,600
Printing & Publishing	-	20,750	20,750
Postage	-	1,600	1,600
Advertising	-	36,590	36,590
Travel	-	5,000	10,000
Rent	-	4,000	4,000
Utilities	-	-	-
Technology	-	7,000	2,500
Materials/Supplies	-	1,500	2,500
Other	-	23,950	23,950
Other	-	25,000	25,000
Total Operating Expenses	\$ -	\$ 126,990	\$ 128,490

Total Operating Budget	\$ -	\$ 276,457	\$ 295,490
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Salary Disclosure (attach an additional sheet if necessary)

Agency positions	Compensation (\$)	Percent Funded by the City of Fayetteville
Executive Director	65,000	84%
Project Manager	35,000	100%
Associate Producer - Fayetteville Arts Festival	6,500	0%
Admin support - interns, fellowships, etc	7,500	0%
	-	
	-	
	-	
	-	
	-	
	-	
	-	

ORIGINAL

Budget Information

Funding requested from the City of Fayetteville: \$90,000

Indicate whether the amount being requested is for specific program, project, or agency expenses:

 Funding for specific program or project x Funding for agency

 Requesting funding primarily for personal services

 Requesting funding primarily for operating expenses

Proposed Funding Period (from) 1/1/06 (to) 12/1/06

Personnel Services

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Salaries	\$ 90,000	\$ 24,000	\$ 114,000
Employee Merit	-	-	-
Social Security	-	13,000	13,000
Other	-	40,000	40,000
Total Personnel Services	\$ 90,000	\$ 77,000	\$ 167,000

Operating Expenses

	City Funds (Funds requested from the City of Fayetteville)	Other Funding Sources (Funds received directly from other sources)	TOTAL
Telephone	\$ -	\$ 1,600	\$ 1,600
Printing & Publishing	-	20,750	20,750
Postage	-	1,600	1,600
Advertising	-	36,590	36,590
Travel	-	10,000	10,000
Rent	-	4,000	4,000
Utilities	-	-	-
Technology	-	2,500	2,500
Materials/Supplies	-	2,500	2,500
Other	-	25,000	25,000
Other	-	23,950	23,950
Total Operating Expenses	\$ -	\$ 128,490	\$ 128,490

Total Operating Budget	\$ 90,000	\$ 205,490	\$ 295,490
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(This amount represents your funding request for 2006).

ORIGINAL

Budget Information

If your agency received funding for FY 2005 and is requesting a change in funding level for FY 2006, please explain your reason for the requested increase or decrease.

Fayetteville Downtown Partners is in the second year of a three-year funding request from the City of Fayetteville designed to decrease city funding from the initial first-year request. In 2005, we requested \$150,000 to jump-start the organization and initiate other funding options. We are requesting \$90,000 for fiscal year 2006, and in 2007 we plan to request \$45,000 to supplement general programming and administrative costs.

If City funding is allocated for only one year, what strategies do you have in place to sustain your program? Indicate plans for obtaining funds outside of City funding.

We have been very aggressive in our fundraising efforts in 2005 in order to match the City's investment in our organization. For FY2005, the organization has projected to raise over \$85,000 in administration support and \$100,000 in in-kind/cash donations and revenue from special projects. We will continue this aggressive revenue development strategy in FY2006 by persuing grant and foundation dollars, as well as individual donor investment and alternative revenue opportunities that support the mission of the organization.

ORIGINAL

Budget Information

If City funding is denied, describe the impact on your program.
(Please limit your response to this page only).

Fayetteville Downtown Partners has worked hard to maximize each dollar invested in the organization. In five months, the organization was able to achieve an 85% completion of the 2005 City of Fayetteville's Contract of Services. The original \$150,000 City investment allowed us to hire a full time Executive Director and Project Manager, which opens up the opportunity to continue pursuing an aggressive fundraising, grant writing and entrepreneurial revenue plan, while providing a wide array of services to the downtown developers, merchants and residents. If we do not receive the proposed \$90,000 investment in our second year of operations, our ability to provide a base level of services will be severely compromised. We would need to reduce the full time staff hours, thus directly affecting the organization's ability to produce the same level of deliverables as 2005. Those deliverables would include, but are not limited to, supporting the creation of a Cultural Arts District, facilitating the process for developing a downtown improvement district, expanding or producing the Fayetteville Arts Festival, supporting small businesses through the Merchants' Association, c

ORIGINAL

Program Information

Mission Statement: (if you do not have a mission statement, please indicate)

Fayetteville Downtown Partners' mission is to lead the continual creation of the downtown Fayetteville experience (working mission statement, established 7/16/05).
Our existing mission is to ensure the vitality of a dynamic downtown area through economic development initiatives, capital improvements, and effective marketing of the district.

Vision Statement: (if you do not have a vision statement, please indicate)

We envision a downtown district that is a lively, safe and unique area in which to live and work, as well as a compelling destination to visit.

Provide a description of the services provided by your agency or program, including a description of the persons or groups who will benefit from the services.

Our services include facilitating the implementation of the Downtown Master Plan; seeking out private/public development relationships for projects; offering City staff support on research, design and implementation of codes and ordinances that support the implementation of the Downtown Master Plan; developing workforce housing through innovative financing; creating a cultural arts district; and producing and coordinating events and festivals in the district – everything that enhances our downtown experience. Our stakeholders include everyone that uses Fayetteville's downtown. Specific groups include downtown merchants, bars, restaurants, businesses, residents, artists, and property owners; Walton Arts Center; Fayetteville Public Library; University of Arkansas; Fayetteville Economic Development Council; Fayetteville Convention and Visitors Bureau; Fayetteville Advertising and Promotions Commission; and the City of Fayetteville.

Which City focus areas do your program services or activities support?

☒ Public Safety

☒ Recreational Activities

☒ Transportation

☒ Economic
Development

ORIGINAL

Program Information

Describe how your agency's or program's activities or services support the City Focus Area(s) identified on the previous page.

In accordance with the mission and goals established by the 2004 Fayetteville Downtown Partners Board of Directors and with the recommendations in the Downtown Master Plan, FDP is projecting to provide the following services to the community:

- **FACILITATE the Downtown Master Plan** – As recommended in the Downtown Master Plan, FDP will assist the city in implementation of the Master Plan through identification of community projects and promotion of guidelines set forth in the Downtown Master Plan. (public safety, recreational activities, transportation, economic development)
- **FUNDING** – FDP will investigate various funding mechanisms such as Business Improvement Districts, and grant monies for projects such as public infrastructure, streetscape and landscape maintenance, security, district-wide marketing, special projects, and operating expenses. (public safety, recreational activities, transportation, economic development)
- **DESIGN ASSISTANCE** – Assist the city in developing infill strategies for the district.
- **ATTAINABLE HOUSING** – Advocate high-diversity housing developments and develop an attainable housing project as a non-profit development. FDP will identify and create opportunities for high-diversity housing projects within the area. (economic development)
- **CULTURAL DISTRICT DESIGNATION** – Create an arts and cultural district that celebrates and supports our cultural assets and promotes downtown Fayetteville as the "experience" destination of Northwest Arkansas (recreational activities, economic development)
- **FESTIVALS** – Promote and produce events and festivals that meet our mission to promote downtown Fayetteville. (recreational activities, economic development)
- **DISTRICT COORDINATOR** – FDP will serve as district coordinator among the various groups within the district such as the Merchants' Association, the neighborhood associations, Advertising & Promotions Commission, the Chamber of Commerce, FEDC, the UA, and others to ensure that the downtown image and message are consistent. FDP will also coordinate events or construction projects to ensure traffic controls meet the needs of the downtown community. (public safety, recreational activities, transportation, economic development)
- **REAL ESTATE INVENTORY** – Maintain a current real estate inventory and data as we recruit and retain downtown businesses. FDP will work with the Chamber of Commerce, the Fayetteville Economic Development Council, the City, and the University of Arkansas to recruit new business to the district and will serve as a central resource for real estate inventory and data for the district. (transportation, economic development)
- **Business Development Resource Center** – Develop a Business Development Resource Center with programs to assist small businesses in their expansion and capital improvement projects by providing access to information, resources and low-cost loans and financial incentives. (economic development)

ORIGINAL

Program Goals & Objectives

Provide a description of your program's or agency's goals and objectives.

(Add additional rows if necessary).

- To lead in the implementation of a comprehensive plan for shaping the infrastructure of the downtown district to impart a compelling sense of place and identity.
- To develop and apply a cohesive promotional strategy to establish the downtown district as the premier cultural and entertainment destination in Northwest Arkansas.
- To encourage mixed-use development and adaptive reuse and promote historic preservation.
- To support a healthy and diverse mix of businesses within the downtown district.
- To promote healthy and unique downtown living.
- To promote and encourage the unique atmosphere of the downtown district.

Describe how projects will be evaluated (add additional rows if necessary).

For general evaluations, Fayetteville Downtown Partners has created an extensive feedback process that opens opportunities for all downtown stakeholders to submit questions, concerns and solutions to the organization through public meetings, emails, blogs and other forms of communication. The FDP Board of Directors evaluate projects based on their ability to meet the end goals of the organization as described throughout this document and the Downtown Master Plan. Staff assesses each project through relevant data collection (demographics, revenue vs. expense, outreach numbers, real vs. perceived impact and benefit), the end goals as set by the Board of Directors, the needs/response loop offered by downtown stakeholders and the Downtown Master Plan. FDP staff also conducts research on national best practices using the successes and failures of other organizations as a roadmap for developing and implementing new projects.

ORIGINAL

TERMS AND CONDITIONS

This application does not commit or guarantee receiving public funds. The purpose of completing this form is for budgetary purposes only. If City Council approves a budget containing funding for this request, your organization agrees to abide by the following terms and conditions:

- 1) A contract for services must be negotiated and approved by your organization and the City prior to any disbursements of public funds.
- 2) To provide the City of Fayetteville with an annual audit or an annual compilation and review prepared by a licensed certified public accountant within six months after the fiscal year end or after the completion of the project;

or

- 3) To provide an annual Balance Sheet and a Statement of Revenues and Expenses and, upon request by the City of Fayetteville, access to your organization's financial records by City auditors within six months after the fiscal year end or after the completion of the project.

CERTIFICATIONS

Applicant agrees to comply with all State and City purchasing policies and procedures (available from the City Purchasing Office).

Applicant certifies that the project will comply with all nondiscrimination statutes and will be fully handicapped accessible.

Name of Applicant: Daniel Hintz Date: 8/18/05

Signature of Applicant: 

Title: Executive Director

Organization: Fayetteville Downtown Partners

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 20, 2005**

A meeting of the Fayetteville City Council will be held on September 20, 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**

Fayetteville National Heritage Association Presentation – *Agenda Session Only*

Discussion of the Sale of 47 Acres at Lake Fayetteville Hobby Use Area - *Agenda Session Only*

Fayetteville Town Center Annual Report by Willistine Smith

A. CONSENT:

- 1. Approval of the September 6, 2005 City Council meeting minutes.**
- 2. Cornerstone Homes Services, LLC:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.
- 3. C & C Services, LLC Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
- 4. Jim Benton Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Jim Benton for the sale of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00; and authorizing the Mayor and the City Clerk to execute said agreement.

5. **Martin A. Treat Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
6. **William's Tractor LB75B Backhoe and Landers Ford F550 4x4:** A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

B. UNFINISHED BUSINESS:

None

C. NEW BUSINESS:

1. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.
2. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$2,879.98.
3. **C-2 Projects, LLC Contract:** A resolution approving a construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement Project; approving a 10% project contingency in the amount of \$128,000.00; and approving a budget adjustment in the amount of \$444,941.25 for same.
4. **Black & Veatch Change Order # 1:** A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.
5. **Fayetteville Municipal Property Owners Improvement District # 7 – Timber Trails:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 7 – Timber Trails.
6. **Fayetteville Municipal Property Owners Improvement District # 8 – Belclaire:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 8 – Belclaire
7. **2006 Proposed Funding for Outside Agencies:** A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

*Move
to the
end*

8. **VAC 05-1651 (Petrino/Prince, 362/363):** An ordinance approving VAC 05-1651 submitted by Ed Prince for property located at 3041 and 3043 Marigold Drive, vacating a portion of a utility easement as indicated on the attached map and legal description.

9. **North Street Church of Christ:** An ordinance rezoning that property described in rezoning petition RZN 05-1649 for approximately 16.61 acres located at Mt. Comfort Road from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.

10. **R-PZD 05-1599 (Zion Gardens, 137):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1599, Zion Gardens, located northwest of the intersection of Randal Place and Zion Road, containing approximately 13.9 acres, amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

11. **R-PZD 05-1636 (Wellspring):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

12. **C-PZD 05-1670 (Pratt Place Inn, 481):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 05-1670, Pratt Place Inn, located at the west end of Markham Road, containing approximately 72 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

13. **ANX 05-1488 (Collins/Kinghorn, 533/534):** An ordinance annexing that property described in annexation petition ANX 05-1488 for property located at 6102 and 6110 Lake Sequoyah Drive, containing 17.33 acres.

14. **Planning Commission Appeal: Collins/Kinghorn Rezoning:** An ordinance rezoning that property described in rezoning petition RZN 05-1489 for approximately 17.64 acres located at 6102 and 6110 Lake Sequoyah Drive from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

15. **Amend §161.25 Planned Zoning District:** An ordinance amending §161.25 Planned Zoning District to allow all use units identified in §162 Use Units of the Unified Development Code to be made available as permitted uses within all Planned Zoning Districts.

~~16. Lake Fayetteville Sewer Easement Donation:~~

- Next Meeting - Gary

~~17. Homestring Owl Creek Assessment District:~~

- Next Meeting - Gary

~~18. Joint Lease Agreement with the Fayetteville Public Schools:~~

~~19. Amend §161.24 Design Overlay District Subsection D-2 Planning:~~

20. Waste Management Amendment # 4.

21. Amend § 50.40 Garbage and Trash:

~~22. Mobile Command Unit Expansion:~~

~~23. Williams Ford Fractor Backhoe for Transportation:~~

~~24. Downing Sales Solid Waste Refuse Truck:~~

~~25. Refuse Drop Box for Solid Waste:~~

D. INFORMATIONAL:

Discussion

at the end of
the Agenda

on 2006 Fundraising for
Outside Agencies

Council Tour: September 19, 2005 - 4:30 PM

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
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City of Fayetteville Arkansas
City Council Meeting
September 20, 2005**

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Roll Call
Pledge of Allegiance**

Fayetteville National Heritage Association Presentation – *Agenda Session Only*

Discussion of the Sale of 47 Acres at Lake Fayetteville Hobby Use Area - *Agenda Session Only*

Fayetteville Town Center Annual Report by Willistine Smith

A. CONSENT:

- 1. Approval of the September 6, 2005 City Council meeting minutes.**
- 2. Cornerstone Home Services, LLC:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.
- 3. C & C Services, LLC Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
- 4. Jim Benton Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Jim Benton for the sale of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00; and authorizing the Mayor and the City Clerk to execute said agreement.

5. **Martin A. Treat Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
6. **William's Tractor LB75B Backhoe and Landers Ford F550 4x4:** A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

B. UNFINISHED BUSINESS:

None

C. NEW BUSINESS:

1. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.
2. **Legacy, LLC Cost-Share Agreement – Deane Soloman Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$2,879.98.
3. **C-2 Projects, LLC Contract:** A resolution approving a construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement Project; approving a 10% project contingency in the amount of \$128,000.00; and approving a budget adjustment in the amount of \$444,941.25 for same.
- Consent 4. **Black & Veatch Change Order # 1:** A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.
5. **Fayetteville Municipal Property Owners Improvement District # 7 – Timber Trails:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 7 – Timber Trails.
6. **Fayetteville Municipal Property Owners Improvement District # 8 – Belclaire:** An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 8 – Belclaire.
7. **VAC 05-1651 (Petrino/Prince, 362/363):** An ordinance approving VAC 05-1651 submitted by Ed Prince for property located at 3041 and 3043 Marigold Drive, vacating a portion of a utility easement as indicated on the attached map and legal description.

North Street Church of Christ: An ordinance rezoning that property described in rezoning petition RZN 05-1649 for approximately 16.61 acres located at Mt. Comfort Road from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.

Planning
Commission
Minutes

9. ANX 05-1488 (Collins/Kinghorn, 533/534): An ordinance annexing that property described in annexation petition ANX 05-1488 for property located at 6102 and 6110 Lake Sequoyah Drive, containing 17.33 acres.

Planning
Commission
Minutes

10. Planning Commission Appeal: Collins/Kinghorn Rezoning: An ordinance rezoning that property described in rezoning petition RZN 05-1489 for approximately 17.64 acres located at 6102 and 6110 Lake Sequoyah Drive from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

11. Amend §161.25 Planned Zoning District: An ordinance amending §161.25 Planned Zoning District to allow all use units identified in §162 Use Units of the Unified Development Code to be made available as permitted uses within all Planned Zoning Districts.

Consent

12. Waste Management of Arkansas, Inc. Contract Amendment: A resolution approving Amendment # 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of Municipal Solid Waste; and approving a budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.

13. Chapter 50 Garbage and Trash Amendment: An ordinance amending Chapter 50: Garbage and Trash of the Code of Fayetteville, to allow for annual rate adjustments for residential service, based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor.

14. C-PZD 05-1670 (Pratt Place Inn, 481): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 05-1670, Pratt Place Inn, located at the west end of Markham Road, containing approximately 72 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Planning
Commission
Minutes

15. R-PZD 05-1599 (Zion Gardens, 137): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1599, Zion Gardens, located northwest of the intersection of Randal Place and Zion Road, containing approximately 13.9 acres, amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

16. R-PZD 05-1636 (Wellspring): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

17. 2006 Proposed Funding for Outside Agencies: A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

D. INFORMATIONAL:

Discussion at the end of Agenda Session on the Proposed 2006 Funding for Outside Agencies

Council Tour: September 19, 2005 – 4:30 PM

9810 Collins/Kinghorn

From: Clarice Pearman
To: Housley, Judy
Date: 9/23/05 5:49PM
Subject: Re:

Thanks but you didn't send the ordinance for VAC 05-1651 and I have a question about the ordinance for 161.25. You did not attach with the ordinance email the attachment you printed out. Is that supposed to be attached as Ex. A? Why is it attached. If it is please email it too. You don't have it marked. I need to know before getting signature and publishing.

>>> Judy Housley 09/23/05 09:49AM >>>

From: Judy Housley
To: Pearman, Clarice
Date: 9/26/05 11:18AM
Subject: Response to your e-mail

I thought I had sent you the VAC 05-1651, but here it is again. As for 161.25 it is what Planning sent to me as they were the one's who did that ordinance. David looked at it and said the ordinance only is all you need. Disregard the other. Judy

"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:

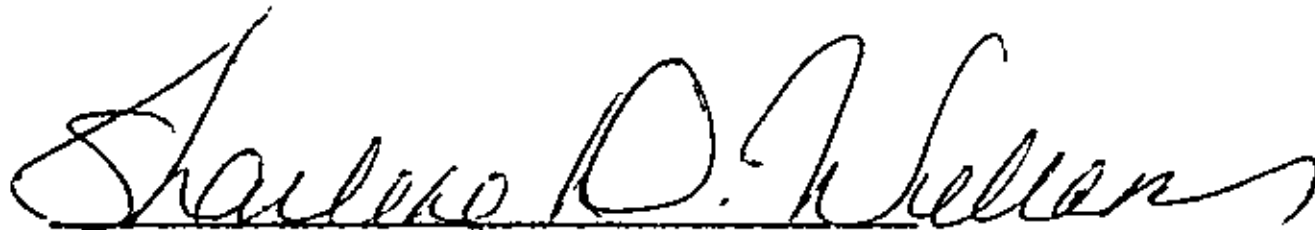
Finas Asenda was inserted in the regular editions on
September 19, 2005.

PO# _____

** Publication Charge: \$ 342.24

Subscribed and sworn to before me this

19 day of September, 2005.



Notary Public

Sharlene D. Williams

Notary Public

My Commission Expires: _____

State of Arkansas

My Commission Expires

October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
SEP 22 2005
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
SEPTEMBER 20, 2005**



A meeting of the Fayetteville City Council will be held on September 20, 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**

Fayetteville Town Center Annual Report by Willistine Smith

A. CONSENT:

- 1. Cornerstone Home Services, LLC:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.
- 2. C & C Services, LLC Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
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- 4. Martin A. Treat Offer and Acceptance:** A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.
- 5. William's Tractor LB75B Backhoe and Landers Ford F550 4x4:** A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.
- 6. William's Tractor LB75B Backhoe Purchase for Transportation:** A resolution authorizing the purchase of one (1) LB75B Backhoe from William's Tractor in the amount of \$52,999.00 for use by the Transportation Division for the In-House Trails Program; and approving a budget adjustment in the amount of \$52,999.00.
- 7. Downing Sales & Service Bid Award - Two Refuse Trucks:** A resolution awarding Bid #05-62 to Downing Sales & Service in the amount of \$319,425.00 for the purchase of two (2) rear-load refuse trucks for use by the Solid Waste & Recycling Division.
- 8. Downing Sales & Service Bid Award - Drop-Box Hoist Truck:** A resolution awarding Bid #05-63 to Downing Sales & Service in the amount of \$134,972.00 for the purchase of a Drop-Box Hoist Truck for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of \$134,972.00.
- 9. Emergency Vehicles, Inc. Bid Award - Mobile Command Unit:** A resolution awarding Bid #05-60 to Emergency Vehicles, Inc. in the amount of \$185,800.00 for the purchase of a Mobile Command Unit for use by the Fayetteville Police Department.
- 10. Black & Veatch Change Order # 1:** A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.
- 11. Waste Management of Arkansas, Inc. Contract Amendment:** A resolution approving Amendment # 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of Municipal Solid Waste; and approving a budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.
- 12. Former Shake's Building Purchase Time Extension:** A resolution to extend the time allowed to Steve Davis to close on his purchase of the former Shake's Building on 6th Street.

B. UNFINISHED BUSINESS:

None

C. NEW BUSINESS:

- 1. Legacy, LLC Cost-Share Agreement - Deane Solomon Road:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.
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D. INFORMATIONAL:

Council Tour: September 19, 2005 - 4:30 PM

WE APPRECIATE YOUR BUSINESS

Arkansas Democrat-Gazette, NW Ed.
212 N. East Avenue
Fayetteville, AR 72701
479-442-1700

VISA PURCHASE

CARD #*****6514*

EXPIRATION DATE : *****

DATE 09-20-2005 #008234 A

TIME 14:10:46

SALE 342.24

APPROVED 013913

AVS: ADDRESS

CLERK : Ashley Stewart

MERCH ORDER# :

ITEM DESC:_____

X _____

PLEASE IMPRINT CARD

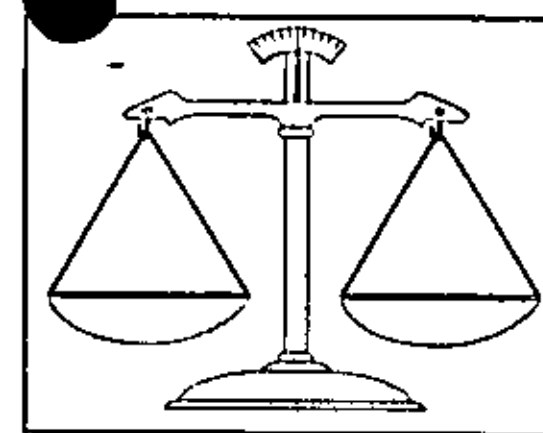
----- THANK YOU -----

RECEIVED

SEP 22 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**

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

DATE: **September 22, 2005**

RE: **Passed Ordinances and Resolutions from City Council meeting
of September 20, 2005**

1. **Cornerstone Home Services, LLC:** Resolution approving offer and acceptance contract between Fayetteville and Cornerstone Home Services, LLC for sale of Parcel 30E in Fayetteville Industrial Park for \$28,000.00 and authorizing Mayor and City Clerk to execute said agreement;

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16. **Municipal Property Owners Improvement Dist. #7:** Ordinance establishing and laying off Fayetteville Municipal Property Owners' Improvement District No. 7 – Timber Trails;

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