

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



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

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
November 15, 2005**

A meeting of the Fayetteville City Council will be held on November 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Presentation on STOPS – Woodland Junior High Littering Program

A. CONSENT:

- 1. Approval of the October 4, 2005 City Council Meeting Minutes.**

APPROVED.

- 2. Little Rock Equipment Sales – Trailer Mounted Crack Sealer:** A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 215-05.

- 3. Barloworld Freightliner of Springdale – 4 Dump Trucks:** A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.

THIS ITEM WAS MOVED TO NEW BUSINESS, ITEM NO. 1.

4. **Baird, Kurtz & Dobson, LLP (BKD) Contract:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 216-05.

5. **LEECO, Inc. Bid Award – SCBA Cylinder Refill System:** A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 217-05.

6. **2005 Vehicle and Machine Fuel:** A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 218-05.

7. **Manage Wastewater Collection and Treatment Activities:** A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 219-05.

8. **UATV Contract – Fayetteville Education Channel:** A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV to operate the Fayetteville Education Channel for a two-year period.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 220-05.

B. UNFINISHED BUSINESS:

1. **ANX 05-1728 Zaccanti:** An ordinance annexing that property described in annexation petition ANX 05-1728 for property located south of Salem Road, east of Crystal Springs Subdivision, containing 80.30 acres. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4793.

2. **Planning Commission Appeal - RZN 05-1729 Zaccanti:** An ordinance rezoning that property described in rezoning petition RZN 05-1729 for approximately 60.00 acres located south of Salem Road, east of Crystal Springs Subdivision from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4794.

C. NEW BUSINESS:

1. **Barloworld Freightliner of Springdale – 4 Dump Trucks:** A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 221-05.

2. **2006-2010 Proposed CIP Adoption:** A resolution adopting the proposed 2006-2010 (CIP) Capital Improvements Program.

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

3. **2006 Proposed Annual Budget Adoption:** A resolution adopting the proposed 2006 Annual Budget and Work Program.

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

4. **ADM 05-1794 College Avenue Right of Way Reduction:** A resolution to vary the right-of-way dedication requirement for 620 N. College Avenue to promote redevelopment of this property and prevent undue hardship to the developer.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 222-05.

5. **Planning Commission Appeal of PPL 05-1733 West Haven Subdivision:**

THIS ITEM WAS SENT BACK TO THE PLANNING COMMISSION.

6. **Mission Boulevard and Lafayette Street Rezoning Study:** A resolution to refer a rezoning study and possible rezoning amendment of the Mission Boulevard and Lafayette Street area to the Planning Commission.

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

7. **R-PZD 05-1635 Fallingwaters:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1635, Fallingwaters, located east of Dead Horse Mountain Road, containing approximately 136.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4795.

8. **RZN 05-1754 Park West Heights:** An ordinance rezoning that property described in rezoning petition RZN 05-1754 for approximately 26.28 acres located at the south east corner of Highway 112 and Deane Solomon Road from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

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

9. **Amend Chapter 117.37 - Taxi Drivers Permit:** An ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an emergency.

PASSED WITH AN EMERGENCY CLAUSE AND SHALL BE RECORDED AS ORDINANCE NO. 4796.

10. **S & K Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 223-05.

11. **USable Life and Blue Cross Insurance Renewal:** A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage , and with Blue Cross/ Blue Shield for the Group Medical Plan.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 224-05.

12. **City of Elkins Sewer Agreement:** A resolution to approve a contract with the City of Elkins concerning their sewer rates and other matters.

THIS ITEM WAS TABLED INDEFINITELY.

D. INFORMATIONAL:

Council Tour: None

Meeting adjourned at 10:30 p.m.

Meeting Adjourned
at 10:30pm

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

Subject:	Consent				
Motion To:				Item #3	Barloworld
Motion By:		Marr		Freightliner	of Springdale
Seconded:		Lucas		4 Dump Trucks	
	Jordan	✓		removed	from
	Reynolds	✓		Consent	and
	Thiel	✓		placed in New	
	Cook	✓		Business #1	
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody	absent			

Passed
With
#3
removedRes.
215-05
to
220-05

7-0

Subject:	ANX 05-1728 Zaccanti				
Motion To:		3rd read	Pass		
Motion By:		Reynolds			
Seconded:		Lucas			
B.1. Unfinished <u>passed</u> 4793	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	N		
	Marr	✓	✓		
	Rhoads	absent	absent		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

7-0

6-1

Subject:	Planning Commission Appeal - RZN 05-1729				
Motion To:		3rd read	Pass		Zaccanti
Motion By:		Marr			
Seconded:		Lucas			
B.2. Unfinished <u>passed</u> 4794	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	absent	absent		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

7-0

7-0

Moved from Consent.

Subject:	Barloworld Freightliner of Springdale				
Motion To:		Approve			4 Dump Trucks
Motion By:		Reynolds			
Seconded:		Marr			
Moved from Consent Passed 221-05	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	N			
	Lucas	✓			
	Mayor Coody				

6-1

Subject:	2006 - 2010 Proposed CIP Adoptions				
Motion To:		Table until next Council Meeting			
Motion By:		Lucas			
Seconded:		Reynolds			
C.I. New Business Tabled to Dec 6, 2005 City Council Meeting	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	2006 Proposed Annual Budget Adoption				
Motion To:		Table to	Dec. 6, 2005		
Motion By:		Reynolds			
Seconded:		Lucas			
C. 2. New Business Tabled to Dec. 6, 2005	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	ADM - 05-1794 College Avenue Right of Way				
Motion To:		Approve			Reduction.
Motion By:		Lucas			
Seconded:		Ferrell			
C. 3. New Business passed 222-05	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	Planning Commission Appeal of PPL 05-1733				
Motion To:		Send back to the Planning		West Haven	
Motion By:		Marr	Commission to	Subdivision	
Seconded:		Thiel	re-evaluate plot		
C. 4, New Business Send Back to the Planning Commission	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0.

Subject:	Mission Boulevard & Lafayette Street				
Motion To:		Motion to Table to Dec. 6, 2005		Rezoning	
Motion By:		Thiel		Study	
Seconded:		Lucas			
C. 5, New Business Table to Dec 6, 2005 City Council Meeting	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	Absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	R-PZ D 05-1635: Falling Waters				
Motion To:		Amend - Park Land			
Motion By:		Thiel			
Seconded:		Ferrell			
C.I.B. New Business <u>Amendment passed</u>	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	R-PZ D - 05-1635 Falling Waters				
Motion To:		Amend Condition #1 to use the information			
Motion By:		Marr		obtained on the cost	
Seconded:		Lucas			
C.I.B. New Business <u>Amendment passed</u>	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject:	R-PZD 05-1635 Falling Waters				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Ferrell		
Seconded:		Ferrell	Reynolds		
C. 6, New Business <u>passed</u> 4795	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	N	✓	
	Marr	✓	✓	✓	
	Rhoads	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				

7-0

6-1

7-0

Subject:	RZN - 05-1754 Park West Heights				
Motion To:		2nd read			
Motion By:		Ferrell			
Seconded:		Reynolds			
C. 7, New Business Left on the Second Reading	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

✓

Subject:	Amend Chapter 117.37 - Taxi Drivers Permit				
Motion To:		2nd read	3rd read	Pass	Emergency
Motion By:		Reynolds	Reynolds		Clause
Seconded:		Marr	Marr		
C. 8. New Business 4796 Passed with Emergency Clause	Jordan	✓	✓	✓	✓
	Reynolds	✓	✓	✓	✓
	Thiel	✓	✓	✓	✓
	Cook	✓	✓	✓	✓
	Marr	✓	✓	✓	✓
	Rhoads	absent	absent	absent	absent
	Ferrell	✓	✓	✓	✓
	Lucas	✓	✓	✓	✓
	Mayor Coody				
		7-0	7-0	7-0	7-0

Subject:	S & K Carriages				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Reynolds			
C. 9. New Business Passed 223-05	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				
		7-0			

Subject:	US Able Life & Blue Cross Insurance			
Motion To:		Approve		Renewal
Motion By:		Cook		
Seconded:		Marr		
<i>C.I.D.</i> <i>New Business</i> <i>Passed</i> <i>224-05</i>	Jordan	✓		
	Reynolds	✓		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	Absent		
	Ferrell	✓		
	Lucas	✓		
	Mayor Coody			

7-0

Subject:	City of Elkins Sewer Agreement			
Motion To:		Table Indef.		
Motion By:		Lucas		
Seconded:		Marr		
<i>C.I.I.</i> <i>New Business</i> <i>Table Indef.</i>	Jordan	✓		
	Reynolds	✓		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	Absent		
	Ferrell	✓		
	Lucas	✓		
	Mayor Coody			

Mayor Coody's Washington DC trip

**Advisory Committee for National Task Force on Local Community
Preparedness & Response
November 16, 2005**

**Invited by Governor James Gilmore, III, Chairman
National Council on Readiness & Preparedness**

**Traveling Nov. 15
Advisory Committee Meeting all day on Nov. 16
Also meeting with representatives from the Congressional delegation in Washington
in the evening
Returning Nov. 17**

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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C. NEW BUSINESS:

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D. INFORMATIONAL:

Council Tour: None

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Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council
Meeting Minutes
October 4, 2005**

A meeting of the Fayetteville City Council was held on October 4, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Lioneld Jordan called the meeting to order.

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

ABSENT: Mayor Coody

Pledge of Allegiance

Vice Mayor Jordan: The Mayor has been out of town during the past week. He went to Washington D.C. to testify before the United States Senate Committee on Homeland Security and Government Affairs regarding "Recovering from Hurricane Katrina; responding to the needs of those displaced, today and tomorrow.

He then went to Albuquerque, New Mexico to the United States Conference of Mayors regarding the Urban Water Summit.

Sergeant Shannon Gabbard and Captain William "Casey" Brown of the Police Department introduced the 2005 Citizen's Police Academy Graduates.

Vice Mayor Jordan thanked the graduates for serving our community.

CONSENT:

Approval of the August 25, 2005 Special City Council meeting minutes and the September 6, 2005 City Council meeting minutes.

Approved.

Arkansas Parks & Tourism Grant – Botanical Gardens: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of \$250,000.00 for the construction of Phase 1A of the Botanical Gardens.

Resolution 198-05 as Recorded in the Office of the City Clerk.

State and Tribal Assistance Grant (STAG) – Sanitary Sewer System Improvements: A resolution authorizing the Mayor to apply for and accept a State and Tribal Assistance Grant (STAG) from the U.S. Environmental Protection Agency for Sanitary Sewer System Improvements; designating the Mayor as the City's authorized representative in all matters relating to the procurement and administration of said grant; and approving a budget adjustment recognizing \$481,200.00 in Grant Revenue.

Resolution 199-05 as Recorded in the Office of the City Clerk.

South Fayetteville Community Development Corporation - Waiving of Fees: A resolution to waive the Building Permit Fee and other developmental fees for South Fayetteville Community Development Corporation.

Resolution 200-05 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

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 ordinance was left on the First Reading at the September 20, 2005 City Council meeting.***

Jeremy Pate stated the applicant would like to table this item indefinitely.

Alderman Marr moved to table the ordinance indefinitely. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

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 ordinance was left on the First Reading at the September 20, 2005 City Council meeting.*

Jeremy Pate stated the applicant would like to table this item indefinitely.

Alderman Marr moved to table the ordinance indefinitely. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

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 ordinance was left on the First Reading at the September 20, 2005 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief update of the project. He stated this development would increase the traffic by 446 trips per day on an average week day. The existing zoning of RSF-4 and R-A would allow for 207 dwelling units and would generate approximately 1,981 vehicle trips per day on an average week day.

Alderman Lucas asked about the sewer problems.

Jerry Kelso, Crafton Tull and Associates: We are not aware of any sewer problems.

Kenneth Smith a resident he would like the undeveloped open space to remain as open space. He would also like the track runners to be able to continue to run on the property. He stated he is in favor of this rezoning.

John McDonald, Track Coach, U of A stated they use the property. He stated they are allowed to run there for free.

Sandy Edwards, Associate Vice Chancellor for Development, U of A stated that throughout her dealing with the Archer's she has been impressed with their initiative to maintain a strong and positive connection with the University. She stated they have improved the grounds by adding trees, landscaping, burying electric and phone lines and renovating buildings. They keep the grounds well maintained and available to the track teams. In dealing with the University the Archer's have been responsive, caring and community minded. They have been insistent that we contact them when issues arise. She stated they encourage the Council to approve this request.

Ann Foster stated she helps the Archer's with the Pratt Place barn. She stated she monitors the noise at various locations during events. She stated has not been able to hear any noise when she does the monitoring.

Alderman Marr: Do you use a device to monitor the noise?

Ann Foster: No.

Jamie Hall 1655 Markham Road stated he believes he is the closest property on Markham Road to the Archer's place. I agree with this PZD zoning. I have never noticed any noise from any events at the barn. I have noticed a little extra traffic but not enough to inconvenience me.

Felicia Farris 2215 Haskell Heights voiced her concern about trees that have been removed from the property and the run off caused by the tree removal. She voiced her concern about the barn that was built for horses but has been used for parties. She asked the Council to look at the property.

Doug Albert stated he has provided landscape services for the Archer's for over 10 years. He stated the reason the trees were removed was to provide for the barn. They do not have horses at this time because the fencing is not complete.

Tim Crane, a resident stated he has had good experiences with the Archer's but he feels there is reason to be careful. He stated in general he is in favor of this because of the alternative. He stated he is concerned about the removal of the trees and the damage to other trees. He does not want anything built on Planning Area 3.

Alderman Ferrell: Did you purchase your property from the Archer's?

Tim Crane: Yes.

Alderman Thiel: According to the PZD, will dwelling units be allowed on Planning Area 3?

Jeremy Pate: There are no dwelling units on Planning Area 3, structures could be allowed in this area as a conditional use but would have to be agricultural use.

Alderman Lucas: Could they add on to the house?

Jeremy Pate: They could eventually add on to a house but they have a maximum square footage. They could not add any additional dwelling units to the planning area without requesting a rezoning request. There is no conservation easement proposed.

Alderman Marr asked about street improvements.

Jeremy Pate stated that once they get an idea of exactly how many vehicle trips will be generated through each phase of this development they would access the streets to see if they need to be approved.

Alderman Lucas stated that she would like to be assured that should this go forward that the sewer be studied around the property and below the property at the bottom of the hill.

Jeremy Pate: We can include that as part of our down stream assessment.

Alderman Marr: This PZD would supercede any current Bill of Assurances on this property?

Jeremy Pate: That is correct.

Albert Skiles, Architect for the project stated there are complaints about increased traffic, we acknowledge that. The bottom line is this is an enterprise that is extremely low impact. A lot of these issues about the details of the project are handled through large scale development. What we are doing here is to approve or disapprove a template. I urge you to consider this as a matter of preservation of something that is very valuable to Fayetteville.

Beverly Roberts, caretaker stated there is no noise from the property. Trees on the property have been marked so they will not be cut. This is a wonderful place to live. The Archer's could sell this property and it could become anything.

John Williams: They do have events in the barn. It is a fantastic barn and a great place to have a party. He voiced his concern about the sewer system or septic system.

Darlene Gooding a landscaper for the Archer's stated she could not think of a more beautiful place to go and have dinner. She stated this is a wonderful place.

Alderman Ferrell asked if new structure and existing structures will be on sewer instead of septic.

Jeremy Pate stated he believed that is correct.

Jerry Kelso said the Archer's have hired them to do a full structure analysis of the barn and we will make sure this barn will be up to code if this zoning passes. That will have to be addressed and permitted.

Lynn Wade, 100 North Sang voiced his concern about the lack of the conservation easement. He asked if Planning Area 1 can be altered since there is no conservation easement to provide the protection that we have been promised. This is bringing a commercial activity into a residential area please consider these issues in this rezoning.

A discussion followed on conditions of approval and Planning Area 1.

Jeremy Pate stated this is a template that has been developed and the Planning Commission and staff will see this and make approval or denial on the development based on the final plan.

Kit Williams: I think the City Council wants to be able to assure the neighbors that the future development that they would be approving tonight, that those locations may not be identical as shown on the plat that they would not be in a very different location that would affect the neighbors.

Jeremy Pate stated they would anticipate these cabins would be generally located in the areas shown.

James Coger stated a lot of the cabins on the property did not have water, electricity or indoor plumbing. His main concern is Markham Road and bringing it up to code. This would be starting a commercial development. He voiced his concern about the notification process. He voiced his concern about some of the existing buildings on the property. He also is concerned about the increase in traffic to Markham Road. He also voiced his concern about the barn that has had parties in it. He is also concerned about the sound to the neighborhood from the property. He is concerned about the PZD process.

Scott Harden stated the Archer's have a real since of ownership. He sated he would like to see this developed with this PZD than sold off for houses or apartments.

Tom Terminella stated we are talking about spot zoning a commercial application in the middle of a dead end residential area with under improved access and utilities. Please hold these folks to the same standards as you hold other folks to. Those streets are narrow going to the property.

Alderman Lucas: Will there be another access to the property.

Jeremy Pate: All of their access points shown in their plan are from Markham.

Alderman Reynolds: Is the recourse on future complaints from neighbors?

Jeremy Pate: If it is a zoning violation they would need to lodge a complaint in the Planning office and we would make sure the zoning is enforced.

Alderman Ferrell asked if the streets will be altered, fixed or built to carry the load.

Jeremy Pate stated yes.

Alderman Ferrell asked how many acres are zoned RSF-4.

Jeremy Pate: 49.1 acres. 207 dwelling units are currently allowed. The plan is to leave a large amount of that property undeveloped.

Alderman Marr said he came tonight thinking the impact of developing this as RSF-4 was much more significant than what is being proposed. There are things in the package that concern me. I would not be supportive if this became a commercial node.

This ordinance was left on the second reading.

R-PZD 05-1636 (Wellspring): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruple 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 ordinance was left on the First Reading at the September 20, 2005 City Council meeting.***

Alderman Marr moved to table this ordinance until the October 18, 2005 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the October 18, 2005 City Council meeting.

The following item was added to the City Council agenda:

Re-approval of Resolution # 188-05. This item was approved at the September 20, 2005 City Council meeting but the amount in the resolution that was to be paid to Landers Ford was incorrect.

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 \$38,243.00 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

Alderman Marr moved to add the William's Tractor LB75B Backhoe and Landers Ford F550 4x4 resolution to the agenda. Alderman Cook seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the resolution.

Kit Williams: There was a clerical error when this was originally passed. Approving this again will clear up the clerical error.

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

Resolution 201-05 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Alderman Ferrell moved to suspend the rules and move New Business #13 VAC 05-1689 (JDM Investments) to New Business #1. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

VAC 05-1689 (JDM Investments): An ordinance approving VAC 05-1689 submitted by Roger Trotter for property located between 2716 and 2728 North Candlewood Drive, vacating a right of way as indicated on the attached map and legal description.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the Vacation. Planning Commission voted 5-2 in favor of the vacation request.

Alderman Thiel asked if a full 50 foot will be maintained as a utility easement.

Jeremy Pate: Correct.

Alderman Cook: When we do plats if we work for future connectivity based on the right of ways, do we require stub outs?

Jeremy Pate: We typically do require stub outs. That is something the Planning Commission determines.

A discussion followed on connectivity.

Eva Madison, 2600 Candlewood Drive spoke on behalf of the Candlewood Property Owners Association. She stated they support this right of way vacation. They have three arguments against the use of this right of way. Safety is an issue, traffic cuts through this subdivision which causes a safety issue. She gave a summary of the traffic problem in this area. The second issue is connectivity. She stated the connectivity would be for only eleven homes. She stated there are other developments that do not have connectivity. She stated exceptions are made regarding connectivity and they would like the Council to make an exception tonight as well. The third issue is fairness. She stated the Candlewood home owners were completely unaware of the potential of a street between these homes because of a lack of notice from the City. The City did not require the developer to stub out the street or provide any other notice to the residents of Candlewood that a street might come through. She stated the developer built these two homes with part of the driveway in the right of way.

Alderman Rhoads: What is the City's current position in regards to this stub out?

Jeremy Pate: The Planning Commission is recommending that it be vacated; Planning staff is recommending that it be constructed as part of the development to the north.

A discussion followed on the vacation and some of the issues that have been raised.

Jeremy Pate stated it is their policy to allow driveways in the right of way. He said these properties were permitted showing the right of way on the site plan and an additional set back. That is why these two homes are 100 feet apart as opposed to your typical 16 feet. He stated that connectivity was not required in some of the subdivisions in this area due to being surrounded by developed lots so there was not a way to connect a street.

Alderman Ferrell stated that when the home owners made improvements to their properties there was no knowledge that there was an easement through there or they would not have spent the time, money and resources to do that. If it had been stubbed out to where it was obvious, then it would be a different story.

Evelyn Brooks, 2728 Candlewood stated they purchased their property in May, 2004 and had no knowledge of any of this. She stated they found out about the right of way in April, 2005. She stated they did not have a survey completed when they purchased the property. She said this

right of way if not vacated would be devastating to her family, to her neighbor and the neighborhood.

Pat Brown, 2716 Candlewood Drive stated the lack of stub out is a concern of his. I would ask that you approve the vacation.

Jay McClelland, JD Investments: They do not want this easement from Candlewood due to safety concerns. He stated they would have to remove trees to provide for this connection.

Alderman Marr: I am typically a big proponent of connectivity but I also believe in the do right rule.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook stated he is also in favor of connectivity. He stated the easy thing would be to vacate this right of way, but he did not take this job to make friends and there are times when he has to think beyond what he personally feels and he has to make decisions that he thinks is right for the City of Fayetteville. Typically he is very supportive of neighborhoods and their needs. He stated he will vote against this not because of the neighbors but because it is the right thing for the City of Fayetteville.

Alderman Lucas stated she is opposed to the City giving up property and she is in favor of neighborhoods. She stated there are other areas in the City where streets are not stubbed out but streets could be built. She stated she is not in favor of vacating the road.

Alderman Rhoads stated he is also for connectivity but he feels the right thing to do is vacate this.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. **Alderman Marr, Rhoads, Ferrell, Jordan, Reynolds and Thiel** voting yes. **Alderman Cook and Lucas** voting no.

Ordinance 4767 as Recorded in the Office of the City Clerk.

Sales and Use Tax Refunding and Capital Improvement Bonds, Series 2005A – Wastewater Treatment: An ordinance authorizing the issuance and sale of the City's not to exceed (1) \$27,000,000 of Sales and Use Tax Refunding and Capital Improvement Bonds, Series 2005A, and (2) \$65,000,000 of Sales and Use Tax Capital Improvement Bonds, Series 2005B, for the purpose of Refunding the City's outstanding Sales and Use Tax Capital Improvement Bonds,

Series 2004, and financing a portion of the cost of improvements to the City's Wastewater Treatment Sewerage and related facilities; authorizing the execution and delivery of a Trust Indenture pursuant to which the Series 2005 Bonds will be issued and secured; authorizing the execution and delivery of an Official Statement pursuant to which the Series 2005 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2005 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the Defeasance and Redemption of the Series 2004 Bonds; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

Steve Davis: The reason why we are doing this tonight is because on July 5th the City Council approved a \$65,000,000 loan agreement with the Arkansas Soil and Water Conservation Commission which is partially funded by an EPA grant. EPA procurement rules require a sealed bid purchasing process. The low bid was above the amount of money that the City certified and it was beyond the 25% threshold for us to negotiate with. There is a new law that has been passed that allows the City to negotiate this contract. The City has completed the negotiation process. He stated this contract is a cost plus guaranteed maximum price contract. The estimated completion time is May or June, 2008. We had to transfer the \$65,000,000 loan from Arkansas Soil and Water to a market based bond issue.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4768 as Recorded in the Office of the City Clerk.

EPA and Audubon Arkansas Cost Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost share in the amount of \$25,000.00 with the U.S. Environmental Protection Agency (EPA) and Audubon Arkansas to fund the collection of Water Quality Data along College Branch in the City of Fayetteville to assist staff with storm water ordinance revisions in compliance with Federal MS4 Storm Water Regulations.

City Attorney Kit Williams read the ordinance.

Melissa Terry with Audubon explained the cost share.

Alderman Thiel stated she is in favor of this.

Alderman Reynolds: Will these funds cover three years?

Melissa Terry: Yes sir. This will allow us to collect data for three years.

Alderman Marr thanked the City Attorney on getting this ordinance drafted and the Council for putting this on the agenda. He stated this is a really good step in terms of Fayetteville's storm water management water quality initiatives.

Alderman Ferrell: What length of time will this study be good for?

Melissa Terry: For the length of time the data is collected, three years then it will become historical data.

Alderman Ferrell: At the end of three years will there be a proposal to continue testing or will you use that historical data to make projections.

Melissa Terry: I hope so. We hope this will continue to grow and expand.

Alderman Marr moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4769 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District #9 – Biella: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 9 – Biella.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4770 as Recorded in the Office of the City Clerk.

Southwestern Bell Telephone Service Agreement: An ordinance waiving the requirements of formal competitive bidding and approving a five-year renewal of the service agreement with Southwestern Bell Telephone, L.P. in the amount of \$69,000.00 to provide Plexar Custom Telecommunications Service.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4771 as Recorded in the Office of the City Clerk.

Fayetteville Depot, LLC Lease Agreement: A resolution approving a lease agreement with Fayetteville Depot, LLC for property located at the northwest corner of Dickson Street and West Avenue to provide parking enforcement and revenue collection services for a proposed parking lot.

Sharon Jenkins gave a brief description of the lease agreement. She stated the owners of this parking lot have requested the City to enter into a lease agreement to provide parking services on this property. Staff recommends approval.

Alderman Thiel stated she agreed with the continuity of parking lot management throughout the city and the revenue stream this will provide. She stated her concern is the budget adjustment that is proposed with this lease agreement. She is also concerned with the City hiring a new person to maintain this lot.

Sharon Jenkins: We will be asking that the new position be approved regardless of this lease agreement. There are many things that new person will do other than provide parking service for this lot.

A discussion followed on parking in the downtown area and the residential parking in the downtown area. They also discussed the charge for parking in this lot and what hour's people will pay to park in this lot. Sharon also explained this contract.

Alderman Lucas: I am concerned about requesting an additional person. She also asked if the money the City would receive from this agreement would pay for the expenses and the expenses of cleaning the lot.

Sharon Jenkins: Typically your citation revenues will cover your salaries.

Gregg House explained how they got to the point of this lease agreement with the City. He stated they saw this as a pilot project and that they are going to charge for parking on this lot with this lease agreement it will generate funds for the City and they will have enforcement and cleaning by the City on the lot.

Alderman Marr: For me I think there are two separate issues, our parking management strategy to get a downtown parking deck is one and whether to contract services for a private land owner to manage parking is another. I think we need a strategy to address downtown parking and I think we are in the process of that with residential meetings. When I look at this contract of services that we are suppose to provide and hear that the Depot Group will be doing this regardless. He stated there are several issues in the contract that he is concerned about.

A discussion followed on the contract and the issues that the Council is concerned about.

Alderman Ferrell stated he did not feel the funds generated would pay for the expenses on this lot.

Alderman Cook stated he is also concerned about the contract. He stated he thinks we are getting the cart before the horse. He said we need to have discussions on parking and get everyone on board before we make decisions like this.

Alderman Thiel stated she is also concerned about us rushing this issue before we have a study of the paid parking in the downtown area.

Alderman Rhoads moved to table this resolution until the October 18, 2005 City Council meeting. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Reynolds** abstained.

This resolution was tabled to the October 18, 2005 City Council meeting.

Associated Time & Parking Controls, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of Parking Revenue Collection Equipment from Associated Time and Parking Controls, Inc. in the amount of \$46,805.10; approving a 10% contingency in the amount of \$4,408.50; and approving a budget adjustment in the amount of \$51,213.60.

Alderman Ferrell moved to table this ordinance until the October 18, 2005 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the October 18, 2005 City Council meeting.

Parking Management Division Position: A resolution authorizing the addition of one (1) full-time position in the Parking Management Division; and approving a budget adjustment in the amount of \$3,282.00.

Alderman Rhoads moved to table this ordinance until the October 18, 2005 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the October 18, 2005 City Council meeting.

RZN-05-1687 (Hopmann): An ordinance rezoning that property described in rezoning petition RZN 05-1687 for approximately 0.18 acres located at 935 North College Avenue from R-O Residential-Office to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the sign requested and the code regarding signs.

A discussion followed on the zonings in this area and the signs that can be allowed.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion failed 4-4. Alderman Rhoads, Ferrell, Lucas and Jordan voting yes. Alderman Cook, Marr, Reynolds and Thiel voting no.

This ordinance was left on the second reading.

RZN-05-1688 (JDM Investments): An ordinance rezoning that property described in rezoning petition RZN 05-1688 for approximately 6.34 acres located at 2806 Crossover, north boundary

of Candle Wood Subdivision from R-A Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Planning Commission voted 7-0 to recommend approval. He stated 24 units would be allowed on the property.

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

City Attorney Kit Williams read the ordinance.

Jay McClelland with JD Investments stated they have meet with the neighborhood and the church on this project.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4772 as Recorded in the Office of the City Clerk.

RZN-05-1711 (Mathias): An ordinance rezoning that property described in rezoning petition RZN 05-1711 for approximately 1.25 acres located at Highway 62 West from R-A, Residential-Agricultural to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. The Planning Commission voted 6-0 to approval this rezoning.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: The neighbors didn't have any problem with the fact that this C-1 will back up closer as houses develop along Old Farmington.

Jeremy Pate: No.

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

City Attorney Kit Williams read the ordinance.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Rhoads, Ferrell Lucas, Jordan, Reynolds and Thiel voting yes. Alderman Cook and Marr voting no.

Ordinance 4773 as Recorded in the Office of the City Clerk.

VAC 05-1632 (East Square Development): An ordinance approving VAC 05-1632 submitted by Bob Kohler for an alley located on the City Block between East Avenue and College Avenue and Center Street and Mountain Street, as indicated on the attached map and legal description.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. Planning Commission and staff recommended approval.

Alderman Lucas: This will not cost the City; the developers are paying for the relocation cost?

Jeremy Pate: That is correct.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4774 as Recorded in the Office of the City Clerk.

VAC 05-1686 (Schultz): An ordinance approving VAC 05-1686 submitted by N. Arthur Scott for property located at 1921 South Vale Avenue, vacating a portion of the right of way as indicated on the attached map and legal description.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. Planning Commission voted 7-0 in favor of this vacation and staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4775 as Recorded in the Office of the City Clerk.

R-PZD 05-1543 (Vantage Center): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1543, Vantage Center, located at the end of Shepard Lane adjacent to Frontage Road, containing approximately 4.7 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the PZD. Planning Commission and staff recommend approval.

Alderman Marr asked if this was going to be a standard model for their apartments.

Kim Fugitt stated he is not sure if they will even build these again.

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

City Attorney Kit Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-1. Alderman Marr, Rhoads, Ferrell, Lucas, Jordan, Reynolds and Thiel voting yes. Alderman Cook voting no.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4776 as Recorded in the Office of the City Clerk.

Amend Title XI: Chapter 117, Article IV: Taxicabs: An ordinance amending Title XI: Chapter 117, Article IV: Taxicabs, of the Code of Fayetteville to provide a Rate Structure and Zone Map for the City of Fayetteville Taxi Coupon Program.

City Attorney Kit Williams read the ordinance.

Steve Davis: One of the taxi companies has requested that the waiting time be amended from \$10 to \$18.

Alderman Cook: Why are we setting the rates, why don't we let the taxi's set their own rates?

Steve Davis: This ordinance gets the City out of the business of setting taxicab rates except for our taxi program that is run through our Community Development Department. Those taxi rates are set by Zone A and Zone B. Zone 1 is \$8 if the trip originates and ends in the same zone, if it is a trip that encompasses two zones it is \$12, all other taxi travel is established by the free market.

Brice Curry, Dynasty Cab voiced his concern about the fees not being prorated if a cab is put in service other than the first of the year. He stated the registration fees are high.

A discussion followed on prorating the fee for cabs.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4777 as Recorded in the Office of the City Clerk.

2005 Millage Levy: An ordinance levying a tax on the Real and Personal Property within the City of Fayetteville, Arkansas, for the year 2005 fixing the rate thereof at 2.0 mils for General Fund – Operations, 0.4 mils for the Firemen's Pension and Relief Fund, 0.4 mils for the Policemen's Pension and Relief Fund and 1.0 mil for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Steve Davis: This is the annual millage levy for the City of Fayetteville. We need to have our levy to the Quorum Court in October. This year we are asking for two mils for the General Fund to provide funds for us to get close to balancing the budget in the General Fund.

Alderman Thiel: The amount that is being requested in the budget for the library this year is \$1.5 million dollars from the General Fund?

Steve Davis: Yes that is correct.

Alderman Thiel: Two mils will generate \$1.781 million dollars.

Steve Davis: That is correct.

Alderman Thiel: So basically those two mils are paying for the library operations?

Steve Davis: You could consider it that way, yes. The opportunity to pass these two mils will be available every year.

Alderman Cook: I agree that we need to start thinking about other funding options rather than depending on sales tax. My problem is the General Fund; we are shifting more and more funds to operations. If we pass these 2 mils then I think it should be ear marked for something specific.

Alderman Ferrell: It is my understanding that the library will seek funding other than from the City.

Steve Davis: The resolution does not address whether the library should seek its own millage or move off the City's General Fund. It recommends that the library board do a strategic service plan and a long term financing strategy for continued library services.

Alderman Ferrell: I would like to see us forgo the 2 mils for the City and let the library decide their fate.

Alderman Lucas: If the library brings something forward after the first of the year, when will they start getting the money?

Steve Davis: October, 2007.

Alderman Lucas: If we fund this through his 2 mils when would we get the money?

Steve Davis: October, 2006.

Alderman Lucas: So we would have funding for a year until they were able to pass millage and get their money. I think this is a good idea. We need to have this to get us through until the library gets something passed and then we can look at not funding this. The people in Ward 4 have not been opposed to an increase in taxes they know we need funding.

Alderman Marr: I think it is smart business to diversify your revenue income stream between sales tax, franchise fees and property tax. I think there are a lot of good reasons to do it and to

diversify. The more we help cities like Farmington, Greenland and Elkins create sewer systems and trash systems the more we are going to give them the ability to have commercial and force us to have another revenue stream. I think the best argument for it is the annexation debate which speaks to the fact that today we benefit from the sales tax of many of these places because people are shopping here when we get nothing from the property tax perspective and yet we have a cost of increase services. I think that is a very strong argument that also supports diversification of revenue. I don't disagree with the comments on the library but I think it is not only bad timing but it is the wrong timing right now. I think the library is one of the best amenities that we have in the City. I think it is our job to educate individuals on why we need to diversify revenue streams. I also think we need to discuss how to earmark the money.

Alderman Thiel: On a \$150,000 appraised value home the increase in taxes would be \$60.00 a year?

Steve Davis: That is correct.

Alderman Thiel: I have had some calls in Ward 1 about this millage increase.

Alderman Marr: We have as well. I don't take it lightly any time we add to what we are going to charge someone for fees or services. That is the reason we would like more information as to what this will be going to.

Steve Davis: Would it be helpful for us to prepare a chart showing where the City's General Fund money has gone to over the past five years.

Alderman Thiel: That would be great. Alderman Thiel also asked if a study on departments and their efficiency had been considered. She stated a study like this would be a way for us to recognize the need.

Jeff Erf asked who initiates the process for a vote on library millage.

Kit Williams: The library board.

Jeff Erf: What assurance do you have that they would actually do that? As I recall last year the library's budget before the new library and the increase in operating and maintenance was about \$1 million. So what we are talking about is an additional \$500,000 for operation and maintenance, now we are including their entire budget. There is \$1 million of General Fund money that we are unable to cover with current revenues. My concern is raising the property tax, I agree with diversity and I have no problem with the higher tax but I want to know where it is going and how it is going to be used. I am concerned that this is not going to fix the problem of the budget short fall every year. I would rather see you go through the budget and see what you can take out.

Kit Williams: Technically the library board would request the election but the City Council would actually call for the special election if it is requested.

Alderman Thiel: Could the City Council call for the election on its own?

Kit Williams: I don't think so. I would have to research that.

This ordinance was left on the first reading.

Meeting Adjourned at 11:15 PM.

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer

10-28-5 11-4-5 11-9-5
TO Redback emailed
BUDGET @ Fleet to City Clerk

City of Fayetteville, Arkansas Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05

Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00

Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 9081

Purchase Price: \$ 40,992 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02080.1

Total Annual Budgeted Motor Pool Charges for Unit: _____ Acct. # for monthly charges: 2100.4120

Replacement: _____ Maintenance: _____ Overhead: _____

Monthly Motor Pool Charges for Current Unit:

Replacement: _____ Maintenance: _____ Overhead: _____

Monthly Motor Pool Charges for New Unit:

Replacement: 524.00 Maintenance: 150.00 Overhead: 43.00

of Months New Unit to be in Service for 2006 Year: 12.00 Budgeted Amount: 0.00

Annual Cost: 8,604.00

Is a Budget Adjustment Needed?

Difference (Over)/Under Budget: (8,604.00)

☒ No ☐ Yes, BA is attached

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

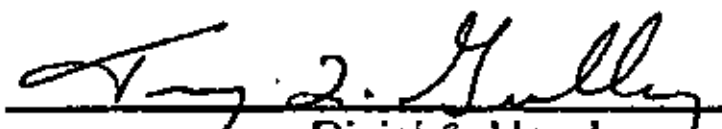
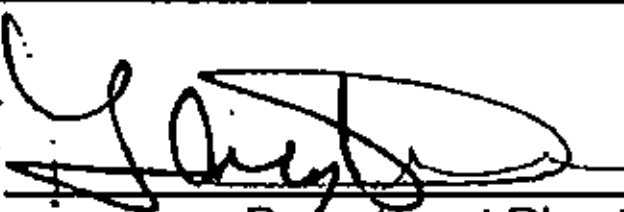
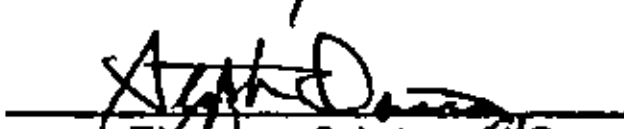
2006 Climline 230DHRC Crack Sealer Truck.

cc949, 10 year life

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

This is an expansion unit approved as a Service Expansion for the 2005 budget year.

Approval Signatures:

 Division Head	<u>10-28-05</u> Date	 Department Director	<u>10-28-05</u> Date
 Fleet Operations Superintendent	<u>10/28/05</u> Date	 Finance & Internal Services Dir.	<u>11-2-05</u> Date
 Budget Manager	<u>10/28/5</u> Date	 Mayor	<u>11/2/05</u> Date

Please return original form to Fleet when signed by all.

TO B. Ball 11-9-5

10-28-5
TO
BUDGET

11-4-5
Rec'd back
@ Fleet

11-9-5
mailed to
City Clerk

City of Fayetteville, Arkansas Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05

Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00

Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 745, 748, 746, 747

Purchase Price: \$ 90,233 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02079.1

Total Annual Budgeted Motor Pool Charges for Unit: Acct. # for monthly charges: 4470.9470.5814.05, Prj.02016.1

Replacement: _____ Maintenance: _____ Overhead: _____

Monthly Motor Pool Charges for Current Unit:

Replacement: _____ Maintenance: _____ Overhead: _____

Monthly Motor Pool Charges for New Unit:

Replacement: 1,153.00 Maintenance: 249.00 Overhead: 100.00

of Months New Unit to be in Service for 2006 Year: 9.00 Budgeted Amount: 0.00

Annual Cost: 13,518.00

Is a Budget Adjustment Needed?

Difference (Over)/Under Budget: (13,518.00)

☒ No ☐ Yes, BA is attached

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

2006 Freightliner M2-112 Dump truck with Ox body.

cc705, 10 year life

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

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

Approval Signatures:

[Signature]
Division Head

10-28-05
Date

[Signature]
Department Director

10-31-05
Date

[Signature]
Fleet Operations Superintendent

10/28/05
Date

[Signature]
Finance & Internal Services Dir.

11-2-05
Date

[Signature]
Budget Manager

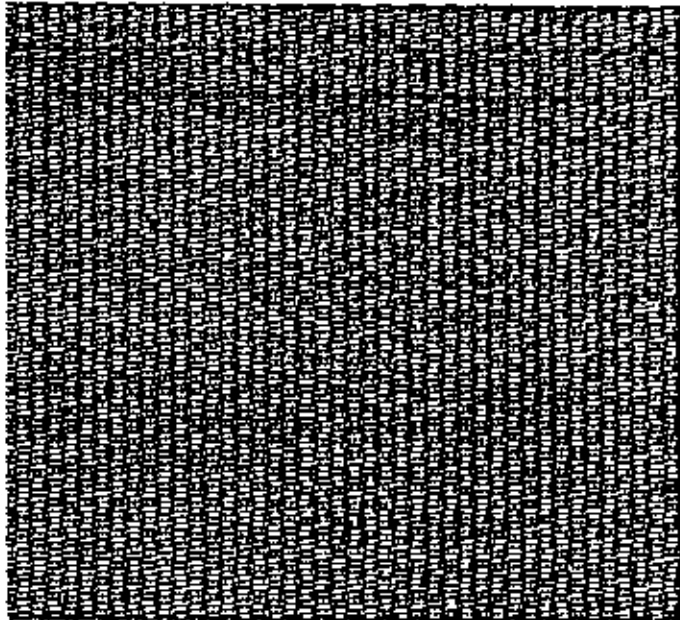
10-18-05
Date

[Signature]
Mayor

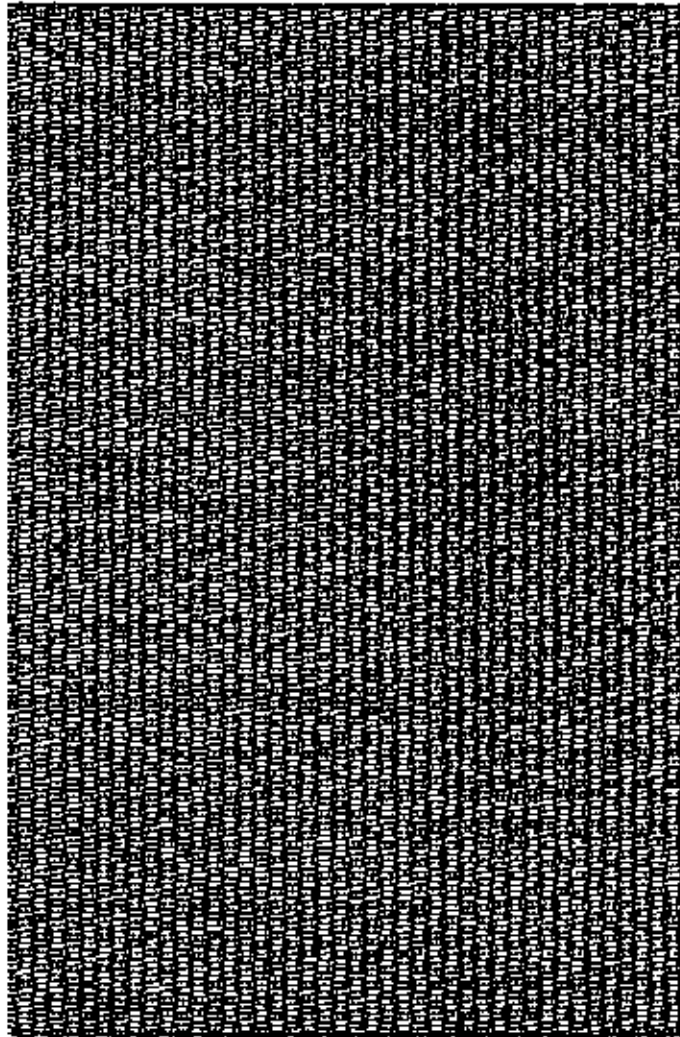
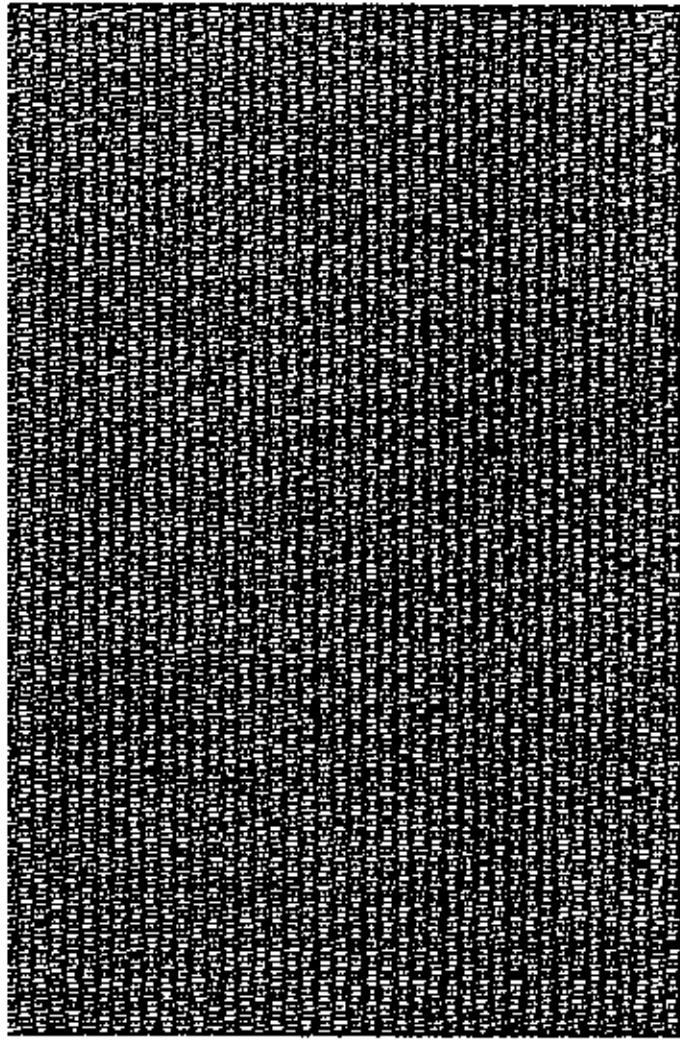
11/2/05
Date

Please return original form to fleet when signed by all.

to RB Jell 11-9-5



2006



City of Fayetteville, Arkansas

**Proposed Budget
Budget-in-Brief**

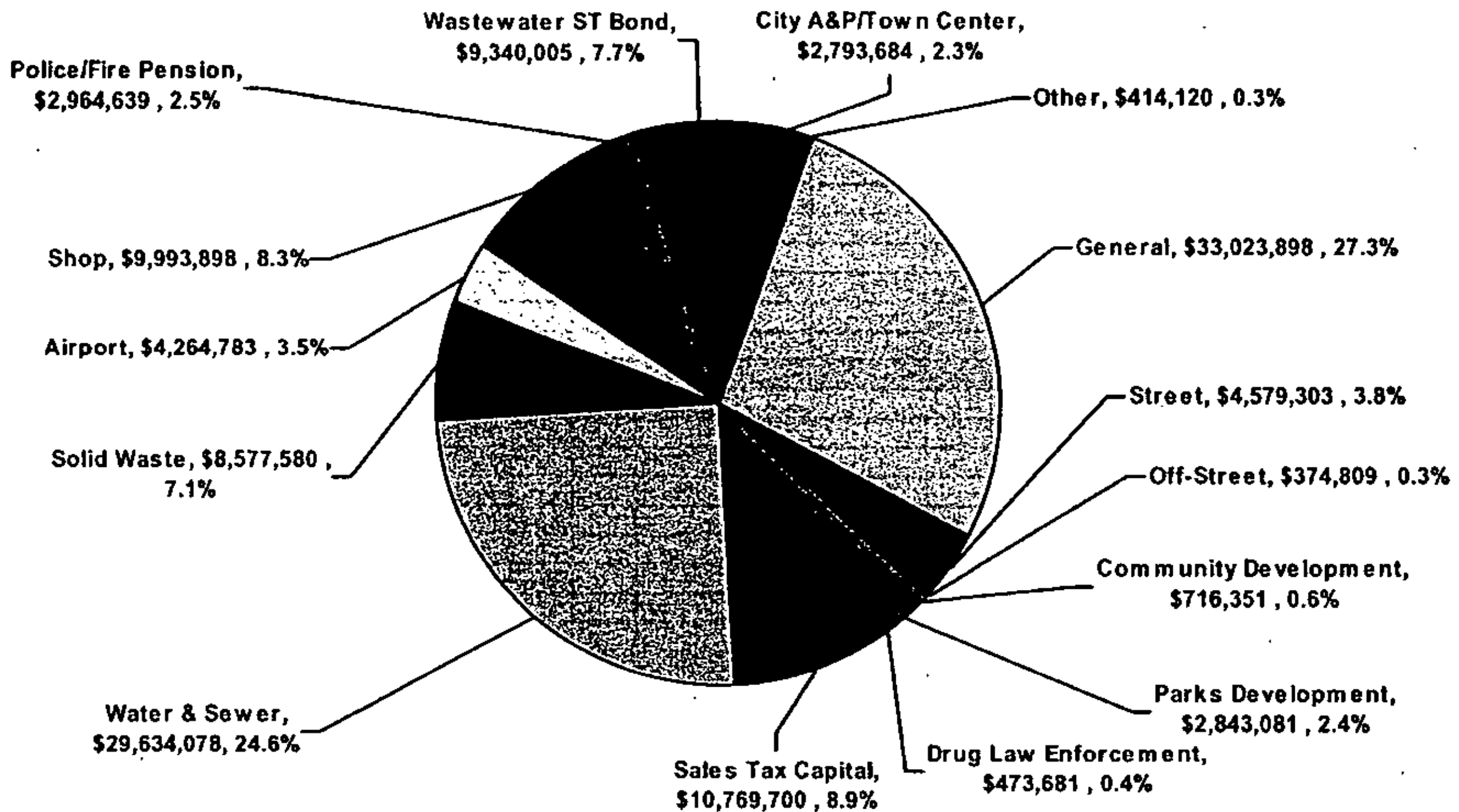
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2 of 1

version . A

[illegible]

City of Fayetteville, Arkansas

2006 Proposed Budget: Schedule of Funding Sources (\$120,763,610)



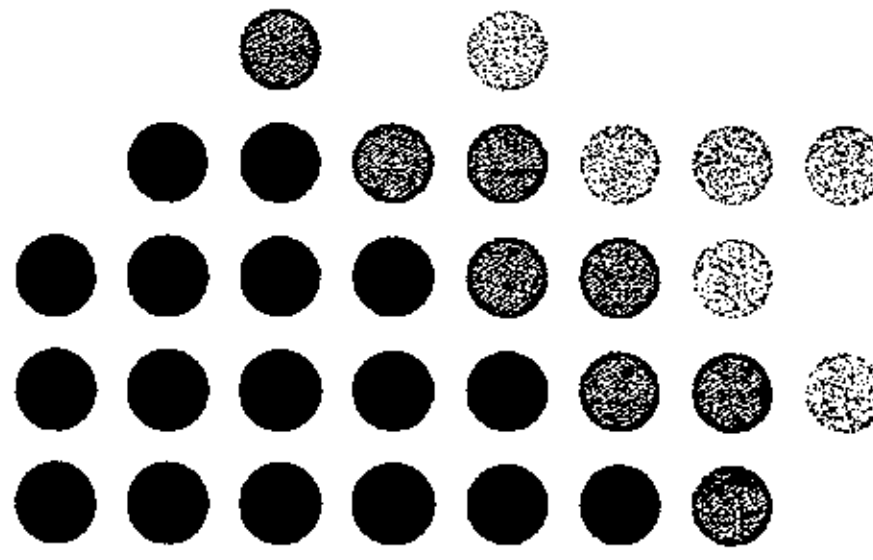
PERSONNEL VARIATION SUMMARY

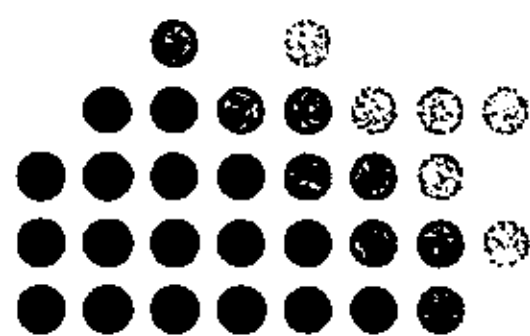
Fund / Division	Additions	Deletions
General Fund		
Animal Services	1.00 Animal Services Officer ¹	
Central Dispatch	1.00 Dispatcher ²	
Police	0.50 Evidence Technician ³	
	1.00 Support Specialist ⁴	
	4.00 Police Officers-Patrol ⁵	3.50 Civilian Jailers ⁵
Fire	1.00 Fire Investigator ⁶	
	4.00 Firefighters ⁷	
Parks & Recreation	1.00 Maintenance Worker IV ⁸	
Solid Waste Fund		
Solid Waste & Recycling	1.00 Truck Driver ⁹	
Airport Fund		
Aviation & Economic Development		1.00 Flight Line Operations Supervisor ¹⁰
		2.00 FBO Line Service Technician ¹⁰
	<u>14.50</u> Total Additions	<u>6.50</u> Total Deletions
	<u>8.00</u> Net Additions	

2006 Proposed Annual Budget & Work Program

November 8, 2005

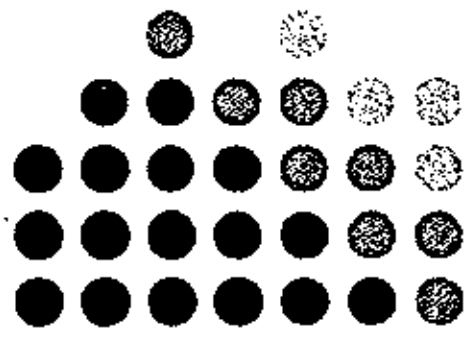
Fayetteville
ARKANSAS





2006 Budget Process

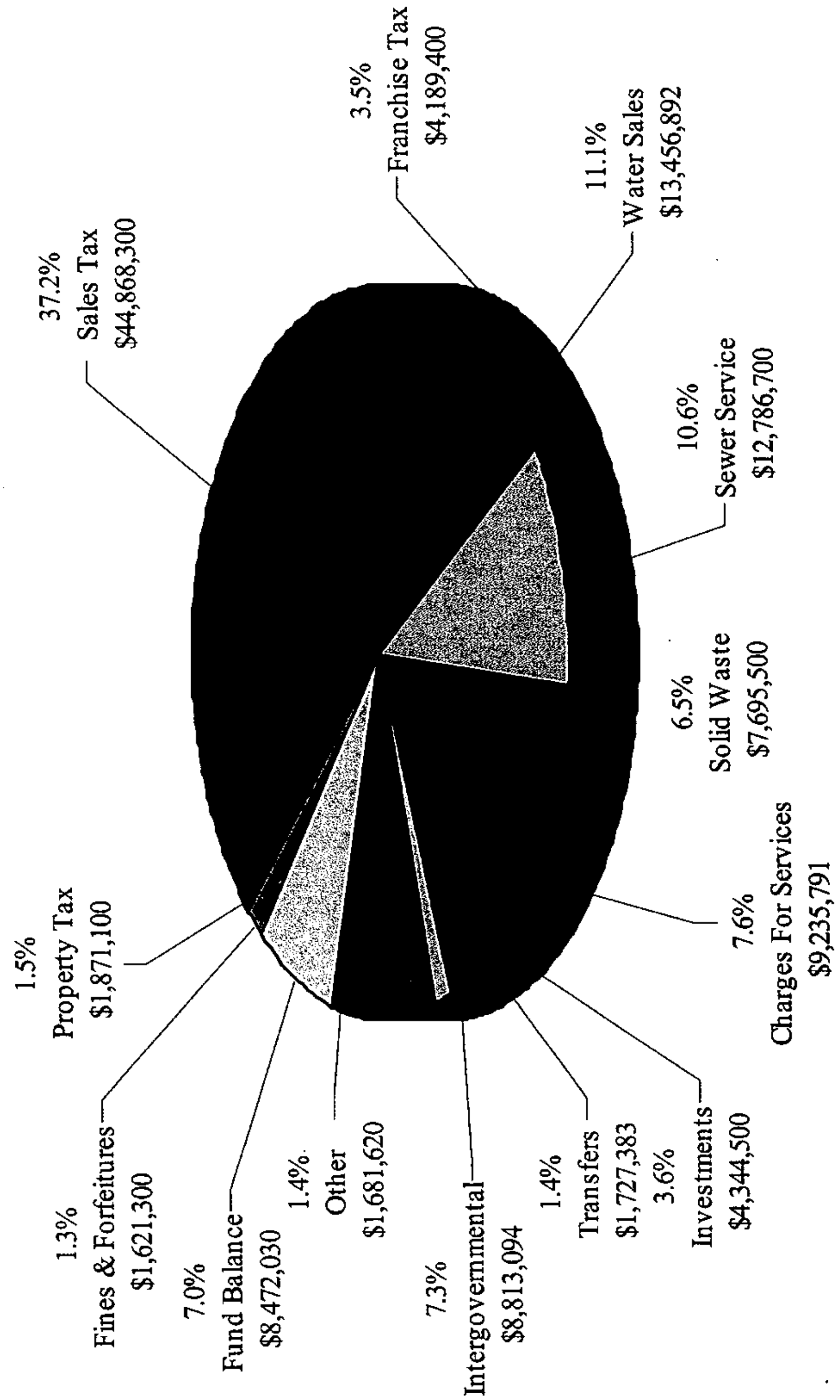
- April-June: Preparation Information
- July: Preparation Training
- July-August: Divisions Working on Budgets
- September 22, 2005: City Council Briefing
- September-October: Budget Analysis
- November: Budget Distribution
- December: Budget Adoption
- January 2006: Budget Implementation

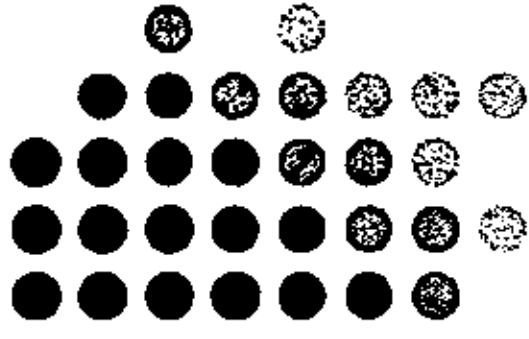


Sources of Funds for 2006

\$120,763,610

Sources of Funds for 2006

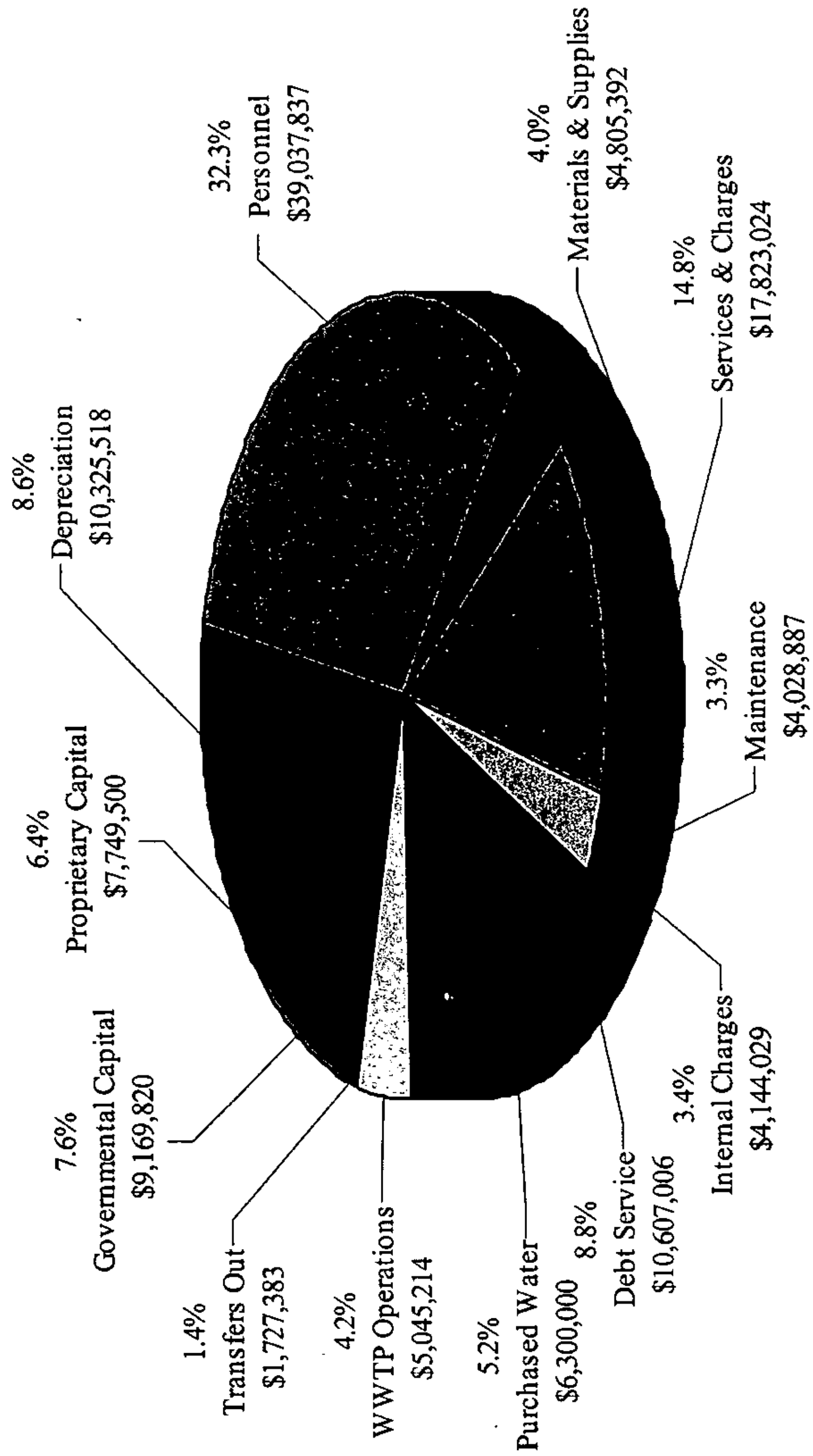


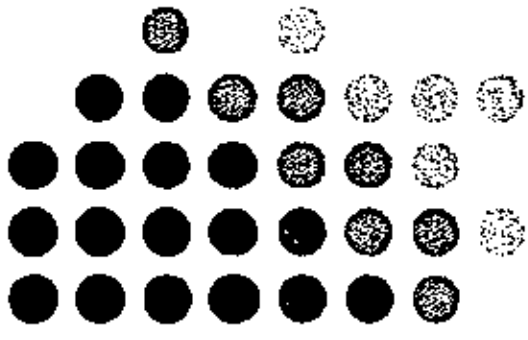


Uses of Funds for 2006

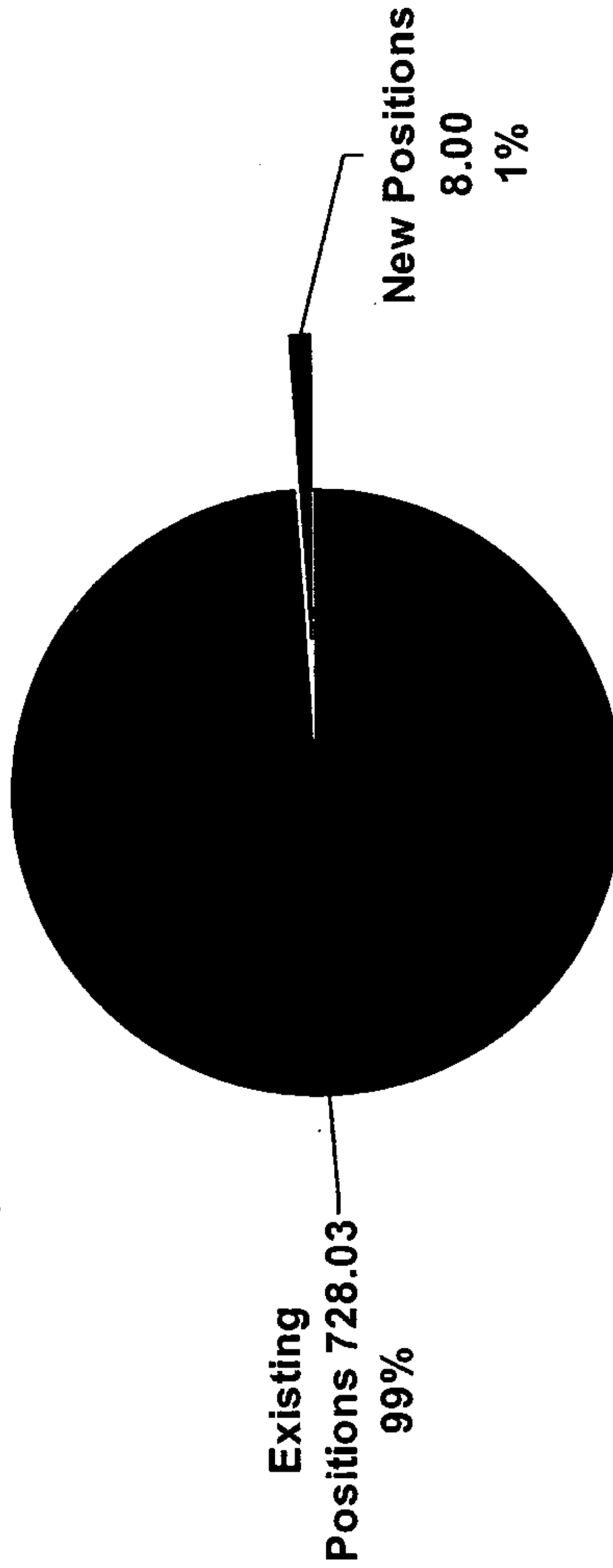
\$120,763,610

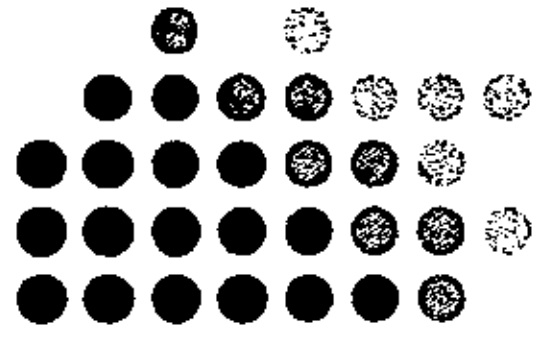
Uses of Funds for 2006





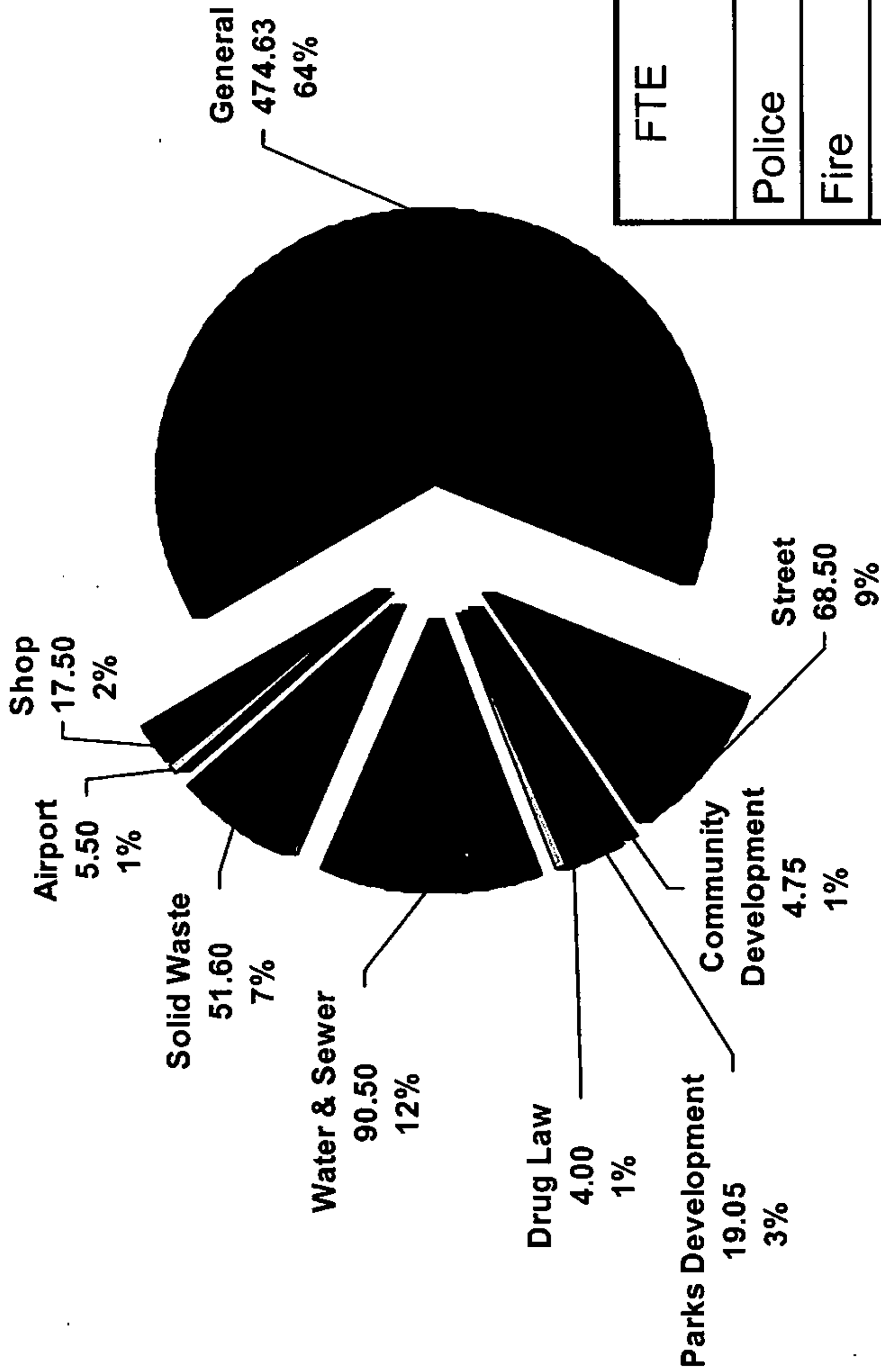
City Positions – (Net) New % Of Total 736.03 FTEs





City Positions by Funding Source

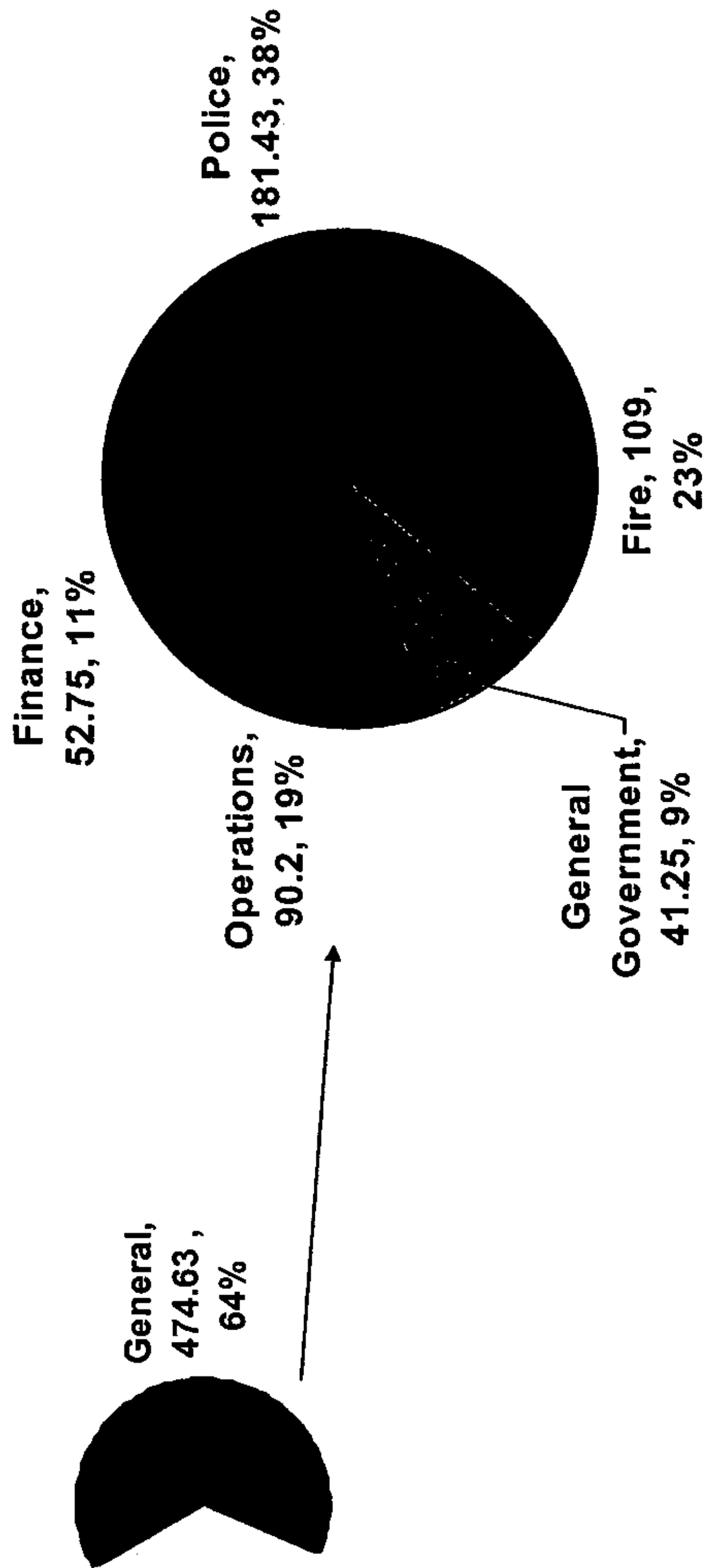
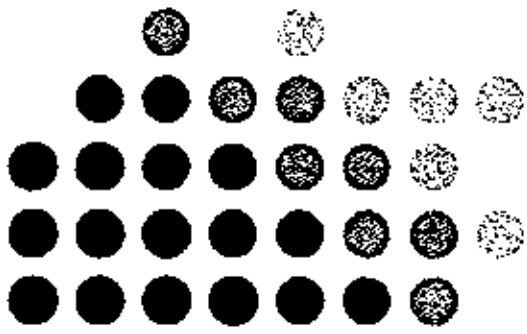
736.03 FTEs



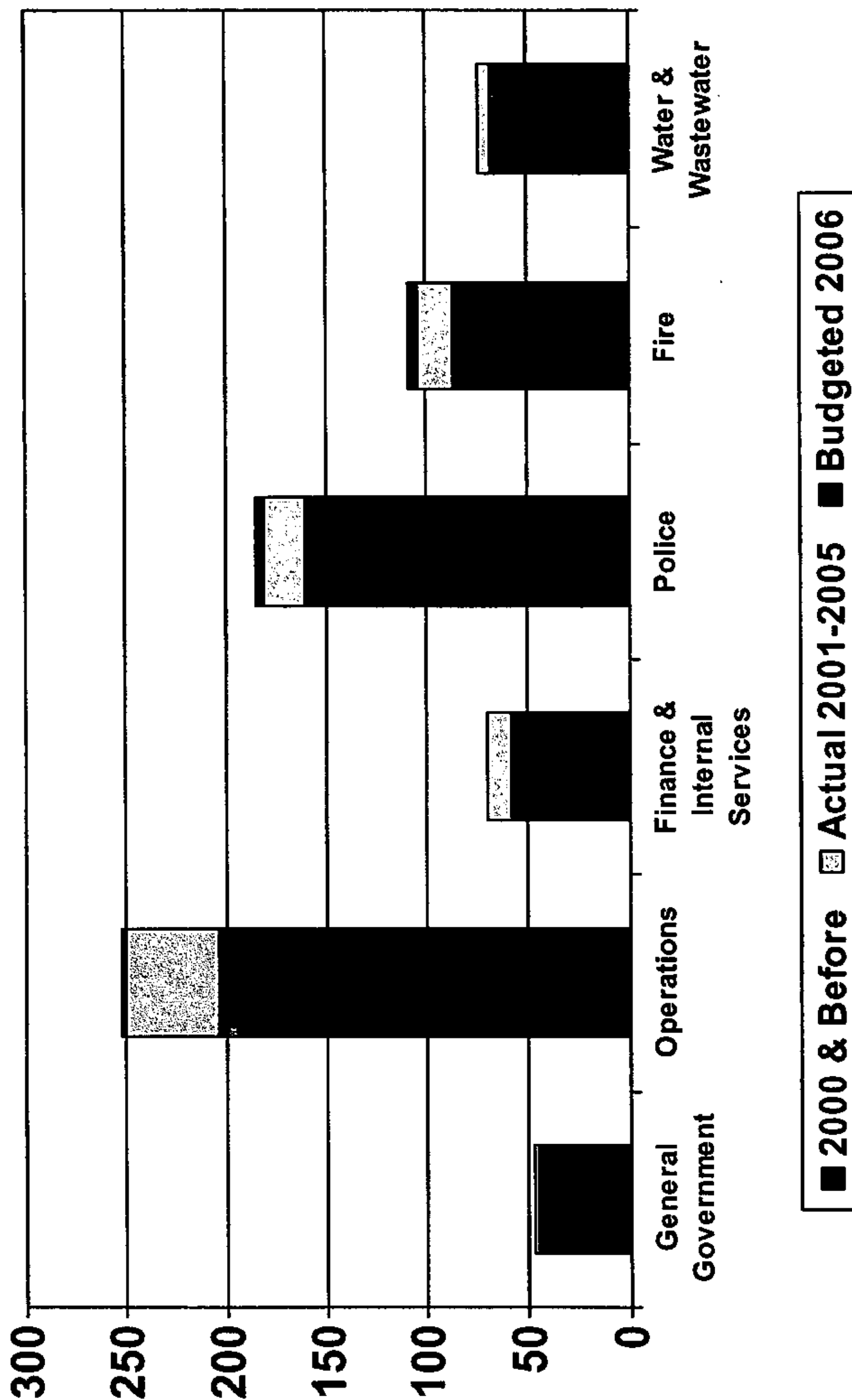
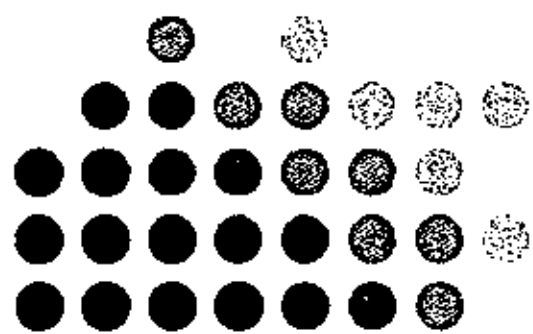
FTE	General Fund Area
Police	181.43
Fire	109.00
Others	184.20
	474.63

City Positions by General Fund

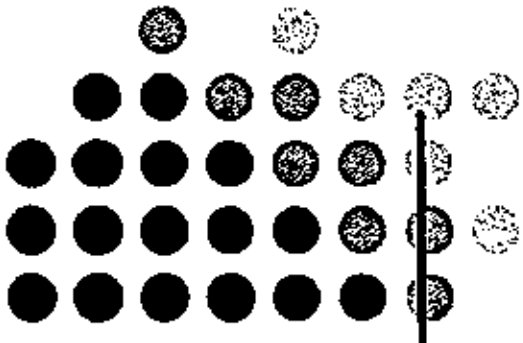
474.63 FTEs



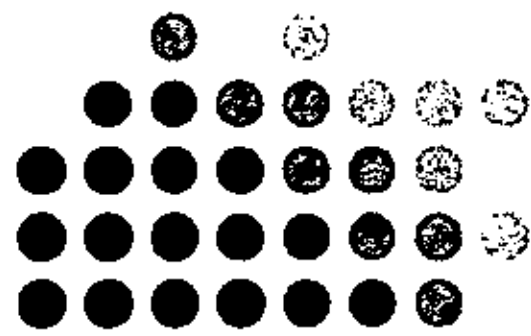
City Positions by Department 2000 - 2006



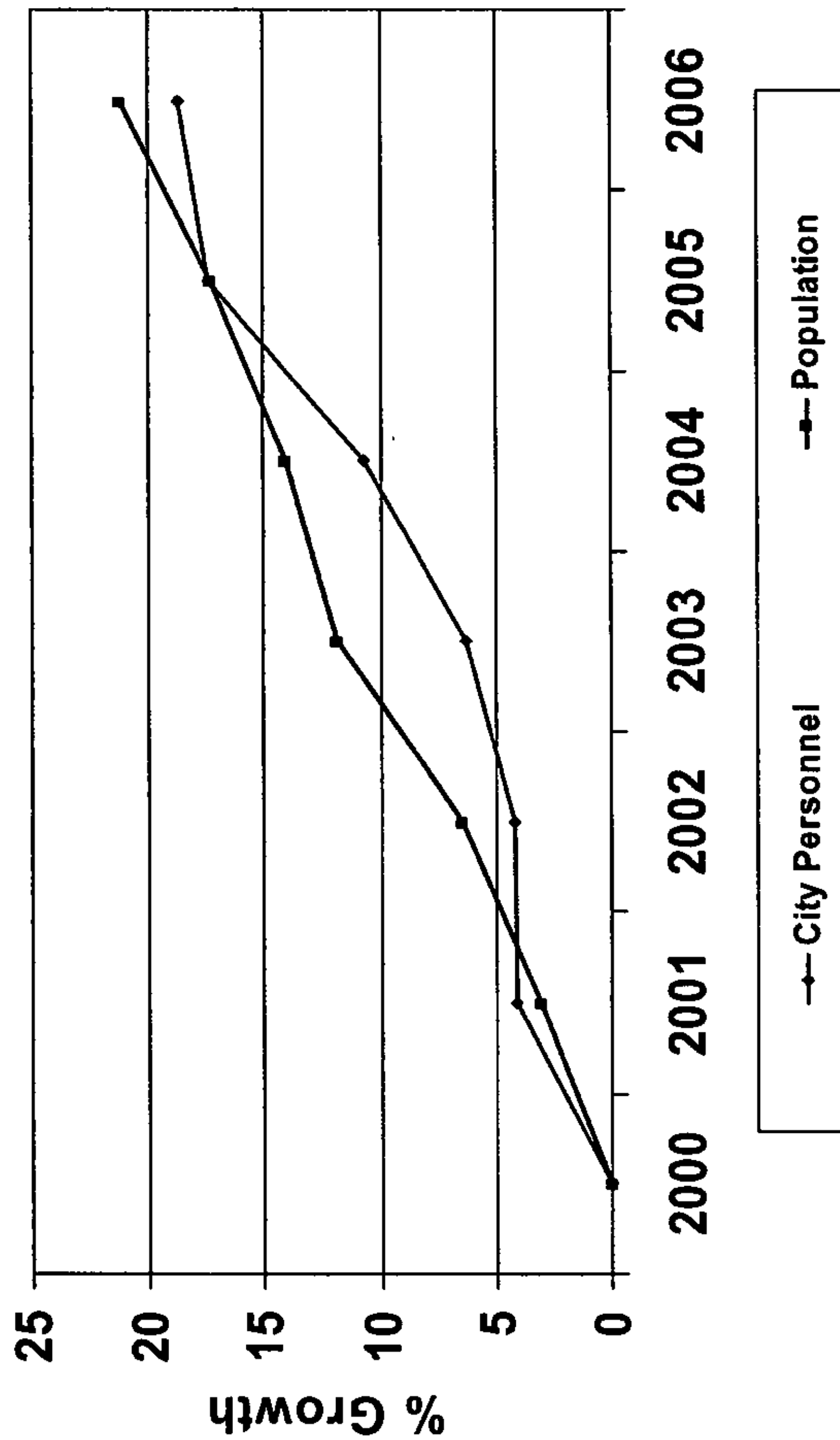
Personnel Variation Summary



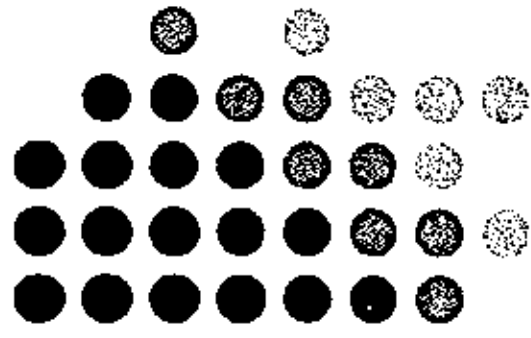
Fund / Division	Additions	Deletions
<u>General Fund</u>		
Animal Services	1.00 Animal Services Officer ¹	
Central Dispatch	1.00 Dispatcher ²	
Police	0.50 Evidence Technician ³	
	1.00 Support Specialist ⁴	
	4.00 Police Officers-Patrol ⁵	3.50 Civilian Jailers ⁵
Fire	1.00 Fire Investigator ⁶	
	4.00 Firefighters ⁷	
Parks & Recreation	1.00 Maintenance Worker IV ⁸	
<u>Solid Waste Fund</u>		
Solid Waste & Recycling	1.00 Truck Driver ⁹	
<u>Airport Fund</u>		
Aviation & Economic Development		
		1.00 Flight Line Operations Supervisor ¹⁰
		2.00 FBO Line Service Technician ¹⁰
	<u>14.50 Total Additions</u>	<u>6.50 Total Deletions</u>
	<u>8.00 Net Additions</u>	



FTE vs. Population Comparison 2000 – 2006 Percent Growth



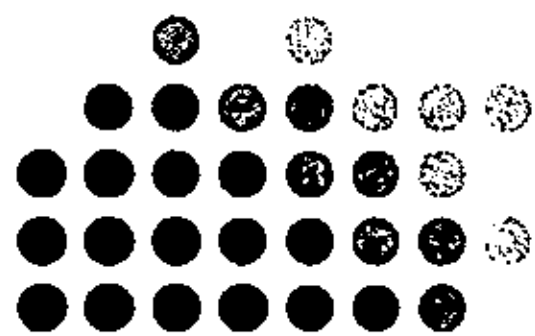
Population estimates based on average projections from Northwest Arkansas Regional Planning Commission and U.S. Department of Census



Proposed Meeting Dates

• Scheduled Meeting Dates

Date	Budget Meeting
Tuesday, November 8, 2005	2005 Proposed Budget Presentation
Tuesday, November 15, 2005	City Council Meeting
Tuesday, November 29, 2005	Budget Working Session (agenda session)
Tuesday, December 6, 2005	City Council Meeting
Tuesday, December 13, 2005	Budget Working Session (agenda session)
Tuesday, December 20, 2005	City Council Meeting



Proposed Meeting Dates

- Tentative Scheduled Dates

Date	Budget Meeting
Thursday, November 17, 2005	Budget Working Session (Tentative: 5:30pm-7:30pm)
Tuesday, November 22, 2005	Budget Working Session (Tentative: 5:30pm-7:30pm)
Thursday, December 8, 2005	Budget Working Session (Tentative: 5:30pm-7:30pm)

From: "Meredith Mahan, M.D." <mmahan@nwaped.com>
To: <:ssmith@ci.fayetteville.ar.us>
Date: 11/3/05 12:54PM
Subject: Doubletree Estates appeal

Dear Mr. Jordan,

The residents of Doubletree Estates would like to appeal the city planning commission's decision of the approval of West Haven subdivision, #PPL 05-1733, that was approved at the planning commission meeting on October 24, 2005, as we do not feel that we were allowed to adequately express our concerns at that meeting. We have worked closely with the engineer for West Haven, Jorgensen and Associates, who had been in agreement with our ideas. We would like to ask for more defined traffic-calming measures for the connection of the two neighborhoods by Staci Lane, and for the reconsideration of Timberview Lane to end in a cul-de-sac. As the plan is now, about half of New Haven would likely use Doubletree as the main access to their homes, increasing the traffic significantly on the main road in and out of Doubletree Estates. Doubletree Drive is a narrow, unimproved street only 20 feet wide, with deep ditches on either side, no sidewalks, and no streetlights, and in its current state is not well-suited for higher volumes of traffic. I will be happy to discuss this in more detail with you. I can be reached at work at 571-7126, pager 713-3347, or my work e-mail mmahan@nwaped.com.

I greatly appreciate your consideration in filing an appeal of this issue with the city council.

Sincerely,

Meredith Mahan

ALDERMAN AGENDA REQUEST FORM

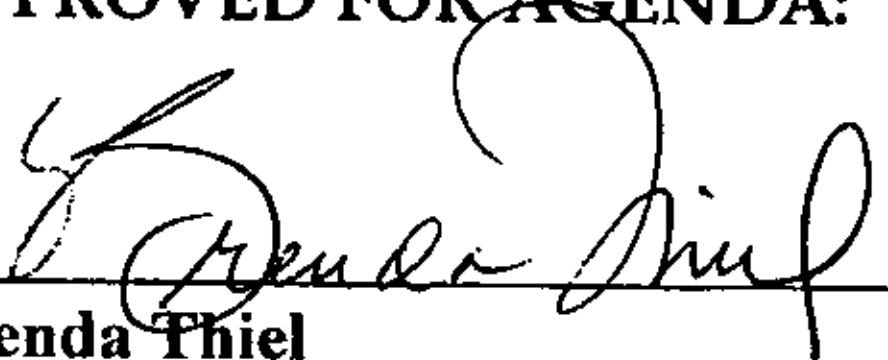
FOR: COUNCIL MEETING OF NOVEMBER 15, 2005

FROM:
BRENDA THIEL, ALDERMAN

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Refer A Rezoning Study And Possible Rezoning Amendment Of The Mission Boulevard And Lafayette Street Area To The Planning Commission

APPROVED FOR AGENDA:


Brenda Thiel
Alderman

Date


Kit Williams
City Attorney (as to form)

Date

11-8-05

RESOLUTION NO. _____

**A RESOLUTION TO REFER A REZONING STUDY AND
POSSIBLE REZONING AMENDMENT OF THE MISSION
BOULEVARD AND LAFAYETTE STREET AREA TO THE
PLANNING COMMISSION**

WHEREAS, an area of RMF-24 and I-1 is inappropriately zoned within a large, established single family neighborhood in the Lafayette Street and Mission Boulevard area; and

WHEREAS, the previous owner of the I-1 zoned parcel agreed to rezone the parcel residential if it were ever sold, but failed to do so; and

WHEREAS, neighbors surrounding this I-1 spot zoning have petitioned to down zone their RMF-24 zoned property to RMF-6 and request the I-1 zoning also to be changed to RMF-6; and

WHEREAS, these zoning issues need to be studied by the Planning Commission with assistance from the City's Planning Department for a prompt recommendation for or against a rezoning amendment to the City Council.

**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 refers to the Planning Commission an official request for a rezoning study and the question of a zoning amendment for the area designated in the map attached as Exhibit A in the Lafayette Street and Mission Boulevard area.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED: **DRAFT**

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Planning and Development Management
DATE: November 08, 2005
SUBJECT: Approval of a resolution for an official request for a rezoning study to be filed with the zoning and development administrator pursuant to 166.17 of the Unified Development Code.

RECOMMENDATION

Staff recommends approving a resolution with an official request for a rezoning study to be filed with the Zoning and Development Administrator pursuant to §166.17 of the Unified Development Code for property located east of Mission, north of Lafayette, south of Maple, and west and east of Tanglewood currently zoned I-1 Heavy Commercial /Light Industrial and RMF-24 (24 units per acre).

BACKGROUND

The 1960 and 1970 zoning map zoned this area as I-1 which contains approximately 6.9 acres. In 1973, The City of Fayetteville Board of Directors approved amending the zoning map to change the existing residential uses in the 6.9 acres to RMF-24 (R-2).

The neighborhood has requested through petition that the existing RMF-24 and I-1 zoning districts be changed to RMF-6, Residential Multi-family, 6 units per acre.

In 1973, the City of Fayetteville Board of Directors did not rezone the existing Arkansas Western Gas facility (the subject property) due to concerns expressed by the gas company's ability to expand. Arkansas Western Gas Company did publicly state that they would give the City notice when the property was sold "so that the present I-1 zoning classification might be changed to R-2" (see attached 1973 minutes).

The property was sold in 1994 to James E. Lindsey Family Trust and has been converted into a warehousing operation. Over the last several years there have been complaints from the surrounding neighborhood regarding the adjacent warehouse operation zoned I-1.

Staff has met with Mr. Lindsey on several occasions to help resolve the neighbors concerns (see attached letter April, 2005)

Rezoning this property will prevent any further expansion of the current I-1 operations; however, this rezoning will "grandfather" the current ongoing operations and still allow Mr. Lindsey to operate the warehouse operation on the site, as long as it remains in continuous operation.

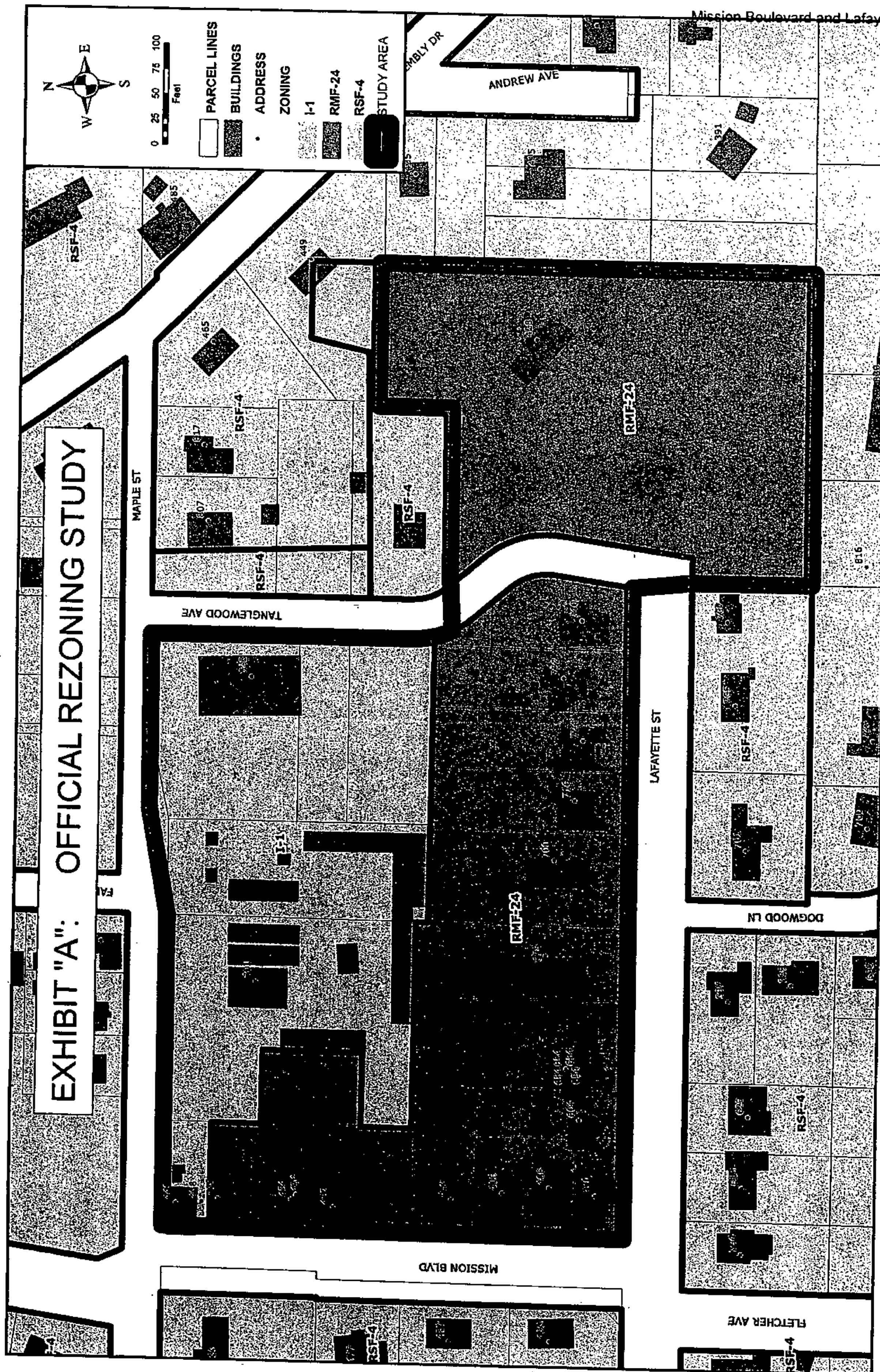
**166.17 Suspending Issuance Of Permits
Pending Zoning Amendments**

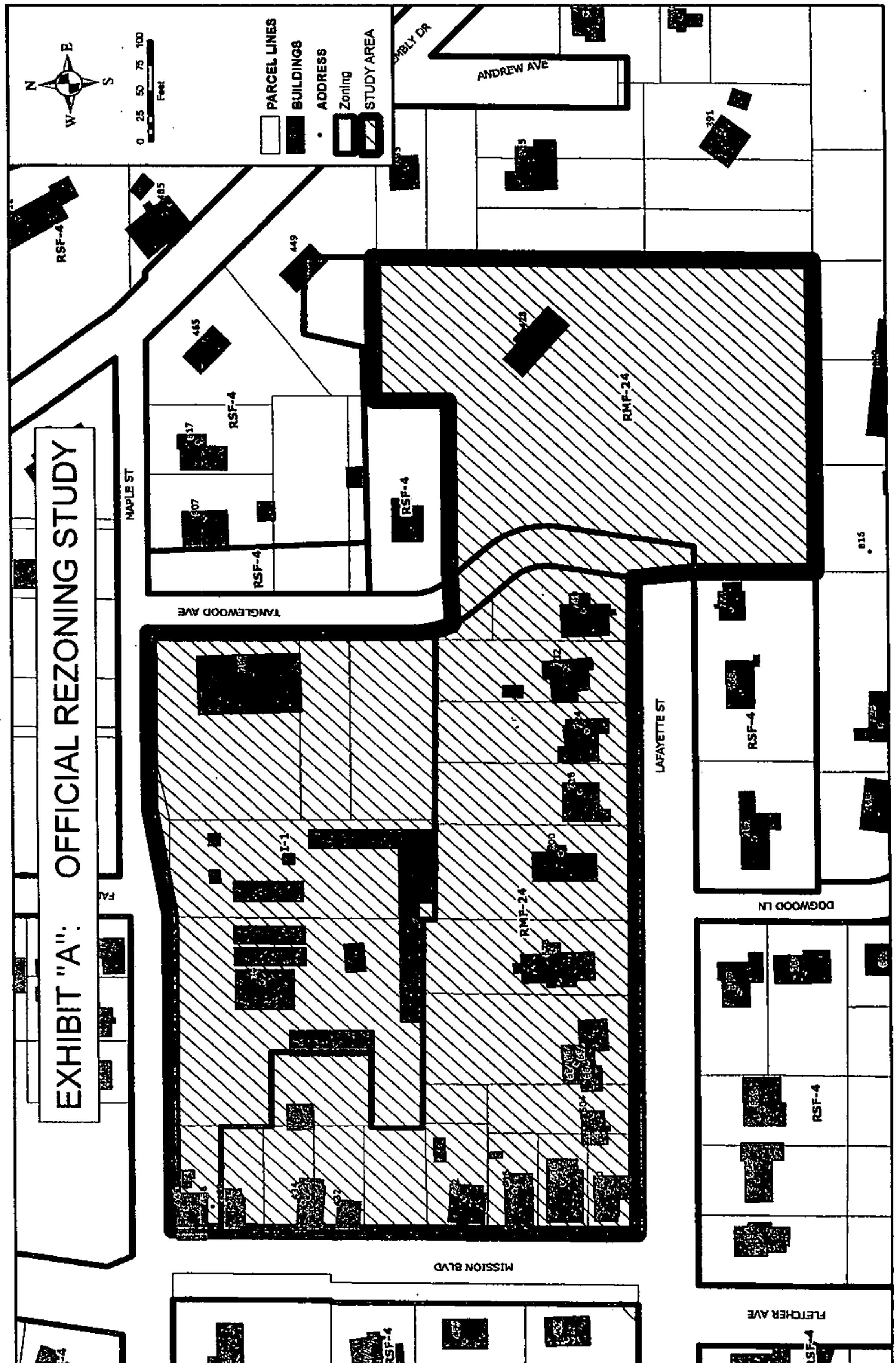
(A) No permit for the erection of any building or structure, or permit for the conduct of any use, shall be issued for a period of not more than 90 days after the question of a zoning amendment, so as to prohibit the use or building contemplated in the area concerned, has been referred to the Planning Commission.

(B) For the purpose of this section an amendment has been referred to the Planning Commission when a rezoning petition or official request for rezoning study is filed with the Zoning and Development Administrator. Provided that if final action by the City Council is not taken on the question within three months of the time the matter is so referred, the permit shall be issued if all other requirements are met. If within such three-month period the governing body of the municipality shall pass an ordinance amending zoning, Chapters 160 through 165, so as to prohibit such building, structure, or use, no such permit shall be issued.

(C) However, nothing contained in this section shall prohibit the issuance of a building permit, or permit for the conduct of any use, if an application for said permit together with all fees required and complete set of plans demonstrating complete or substantially complete compliance with all building and zoning requirements is filed with the Zoning and Development Administrator prior to the reference to the Planning Commission.

(Code 1965, App. A., Art. 9(7); Ord. No. 1747, 6-29-70; Ord. No. 1918, 5-15-73; Code 1991, §160.196; Ord. No. 4100, §2 (Ex. A), 6-16-98)

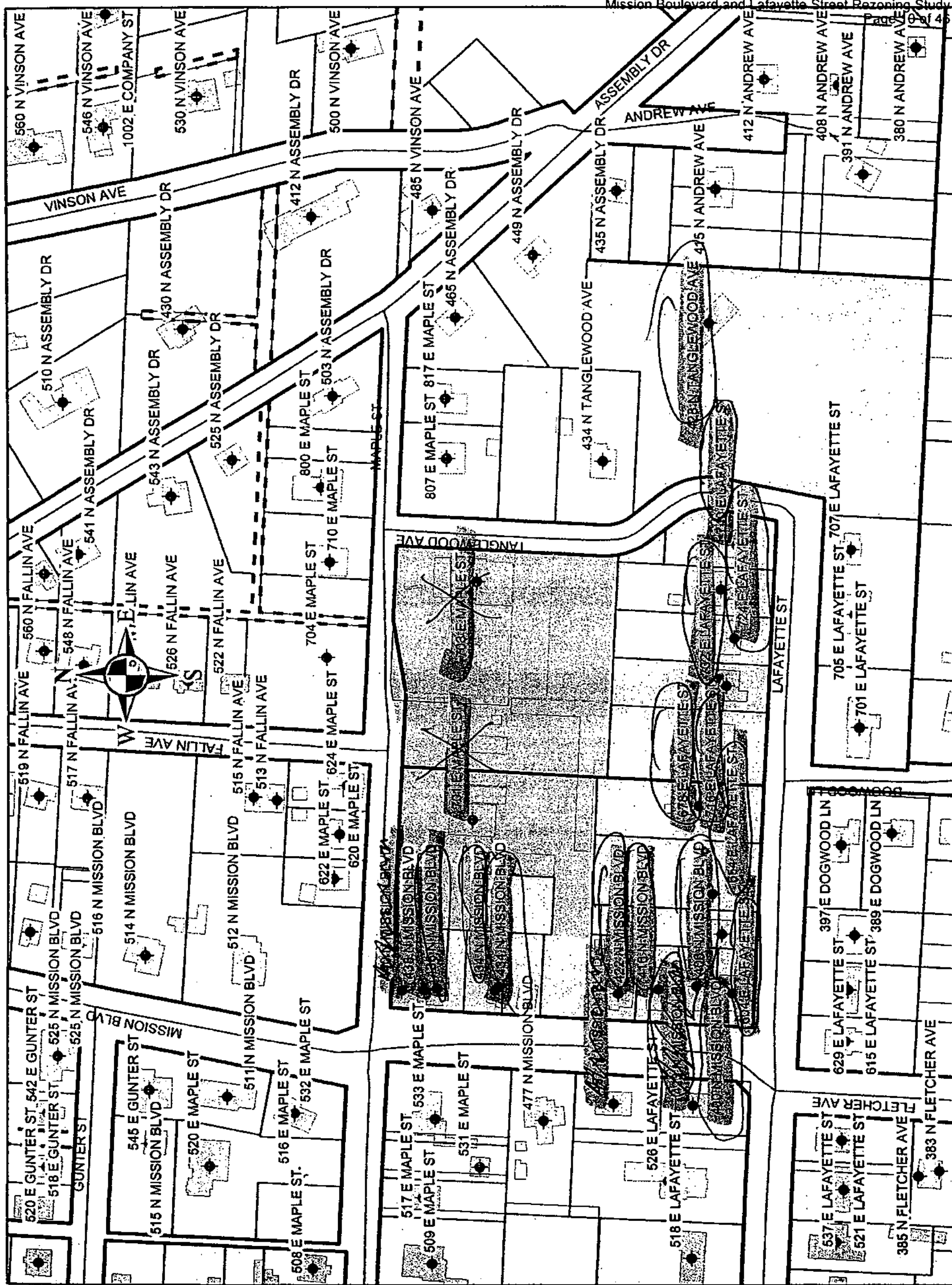




We, the undersigned, do hereby request the City to rezone the following parcels of land located within the City of Fayetteville from RMC-24 Residential Multi Family 24 units / acre to RMC-6 Residential Multi Family 6 units / acre

Parcel Number	Location	Owner Name	Signature	Mailing Address
765-08034-000	604 LAFAYETTE ST	DAGGETT, WILLIAM ANDREW		604 E LAFAYETTE
765-08038-000	654 E LAFAYETTE ST	WINKLER, STEVE E. & M. ALLEN	<i>Steve Winkler</i>	520 EAST MAPLE
765-08031-000	678 E LAFAYETTE ST	HAGSTROM, FRAN; PALERMO, WILLIAM		WASHINGTON MUTUAL BANK F.A. P.O. BOX 45110 JACKSONVILLE FL 32232-5110
765-14381-000	700 Lafayette St	Luecking, Daniel and Janet	<i>Dan Luecking</i>	
765-14380-000	716 E LAFAYETTE ST	WILLIAMS, NANCY ANN, TRUSTEE JOHN & NANCY ANN WILLIAMS REV TR	<i>Nancy Ann Williams</i>	716 E LAFAYETTE FAYETTEVILLE AR 72701
765-14377-000	732 LAFAYETTE ST	HUFF, JOHN H; DAFENPORT, MICHAEL C	<i>John H. Huff</i>	732 E LAFAYETTE FAYETTEVILLE AR 72701
765-14380-001	724 E LAFAYETTE ST	PETIT, JOSH H. & ELOISE A. TTEES OF THE JOSH M. & ELOISE	<i>Josh & Eloise Petit</i>	19021 SHORELINE WAY FAYETTEVILLE AR 72703
765-14374-001	434 TANGLEWOOD	ESTHER KEITER	<i>Esther Keiter</i>	807 E. MAPLE ST., FAYETTEVILLE, AR. 72701
765-14375-000	740 E LAFAYETTE ST	RODDEY, PHILLIP W. & CLENDIA C. RODDEY, TYLER C	<i>Phillip W. Roddey</i>	740 E LAFAYETTE FAYETTEVILLE AR 72701
765-14385-000	428 TANGLEWOOD RD	GILBREATH, JAMES A. & PAMELA T.	<i>James A. Gilbreath</i>	1830 N CROSSOVER FAYETTEVILLE AR 72701
765-08037-000	416 MISSION BLVD	GUN, MAY CHO & SU LUAN	<i>MAY-CHO SU-LUAN</i>	416 MISSION FAYETTEVILLE AR 72701
765-08032-000	422 MISSION BLVD	MAHLER, ALEX & LORI		P.O. BOX 3542 FAYETTEVILLE AR 72702
765-08033-000	406 MISSION BLVD	CLARK, CARL G.; CLARK, JO DEAN; COLEY, CHERI LYNN	<i>Jo Dean Clark</i>	406 MISSION BLVD FAYETTEVILLE AR 72703
765-08035-000	400 MISSION BLVD	BARTLETT, AMANDA RHEA	<i>Amanda Rhea Bartlett</i>	400 MISSION BLVD FAYETTEVILLE AR 72703
765-08042-000	434 1/2 MISSION BLVD	KILGORE, E. MARIE TTEE E. MARIEKILBORE REV TRUST		P.O. BOX 3809 FAYETTEVILLE AR 72702
765-08043-000	434 MISSION BLVD	KILGORE, E. MARIE TTEE E. MARIEKILBORE REV TRUST		P.O. BOX 3809 FAYETTEVILLE AR 72702
765-08040-000	436 MISSION BLVD	KILGORE, E. MARIE TTEE E. MARIEKILBORE REV TRUST		P.O. BOX 3809 FAYETTEVILLE AR 72702
765-08041-000	438 MISSION BLVD	KILGORE, E. MARIE TTEE E. MARIEKILBORE REV TRUST		P.O. BOX 3809 FAYETTEVILLE AR 72702

432 Mission Blvd



**§161.17 DISTRICT I-1 HEAVY COMMERCIAL
AND LIGHT INDUSTRIAL.**

A. Purpose. The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The light industrial district is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities.
Unit 4	Cultural and Recreational Facilities
Unit 6	Agriculture
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 17	Trades and Services
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 21	Warehousing and Wholesale
Unit 22	Manufacturing
Unit 25	Professional Offices
Unit 27	Wholesale Bulk Petroleum Storage Facilities with Underground Storage Tanks

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation-Large Sites
Unit 28	Center for Collecting Recyclable Materials

C. Bulk and Area Regulations/Setbacks.
Setback lines shall meet the following minimum requirements:

From Street R-O-W (when adjoining A or R districts)	50 ft.
From Street R-O-W (when adjoining C, I or P districts)	25 ft.
Side (when adjoining A or R districts)	50 ft.
Side (when adjoining C, I or P districts)	10 ft.
Rear (when adjoining C, I or P districts)	10 ft.

D. Height Regulations. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 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 25 feet.

(Code 1991, §160.039; Code 1965, App. A, Art. 5(VIII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79)

Lindsey Management Co., Inc.

1165 Joyce Boulevard ■ P.O. Box 13000 ■ Fayetteville, AR 72703 ■ (479) 521-6686 ■ Fax (479) 527-8840

April 12, 2005

Mr. Tim Conklin
City of Fayetteville

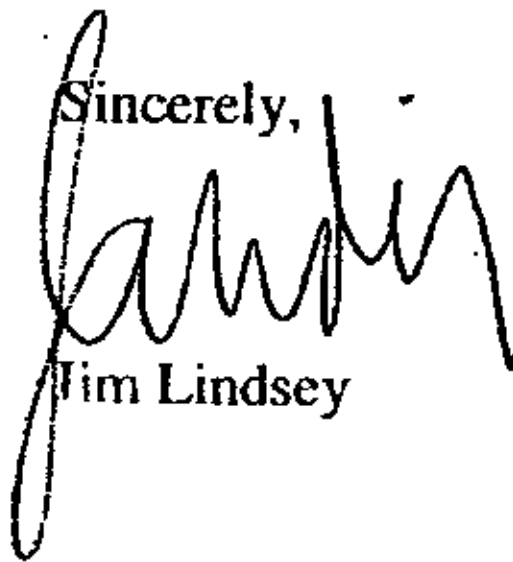
Dear Tim,

Please be advised by this letter that I am willing to do the following at my Maple Street location:

- 1) landscape by planting pine trees as a screen on each neighbors adjoining property line 10 feet apart
- 2) I will not sell this property to anyone who would have a more intense usage than we are using now. This usage would always be inside the I-1 industrial and be agreeable with the City Planner and the neighborhood association.
- 3) I do reserve the right to build on this property myself under the industrial zoning or to re-zone the property and build on it.

I hope this will be received as an act of goodwill.

Sincerely,



Tim Lindsey

Southwest Sequoyah Neighbors say:

When your neighbor's trash piles up --



I-1 Zoning District at 701-703 East Maple

-----your property values go down

\$

What's this doing here?

ASK CITY HALL

ASK ARKANSAS WESTERN GAS

ASK "Great Neighbor" LINDSEY

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

September 9, 2002

Mr. Jim Lindsey
P.O. Box 1174
Fayetteville, AR 72702

Re: Certificate of Zoning for 701-703 Maple

Mr. Lindsey,

I am writing you today with concerns about the above mentioned property. It is required for all businesses in Fayetteville to get a Certificate of Zoning Compliance. Please find attached application and mail it back to the address above with at \$25.00 check made out to The City of Fayetteville. If you have any questions fill free to contact me at 575-8267.

Sincerely,



La Dawnya Cossey
Permit Clerk
113 W. Mountain
Fayetteville, AR 72701
479-575-8267

COPY

RECEIVED

OCT 11 2000

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: It's way past time for this
noise pollution + mess to be out of residential
area -

How do you legislate common sense + good manners??
I guess we need to pass a law about planting
Bradford Pears - also when you see a big pile
of Rip Rap (White Rock) - you know Jim Lindsey was
there!

NAME OF PROPERTY OWNER: James E. Lindsey

LOCATION AND/OR ADDRESS: 701 E Maple

YOUR NAME: Mr. Ron Anderson

ADDRESS: 1423 E. Bridgeway Dr Fay AR

PHONE NUMBER: 521-2825 DATE: 10-2-2000

Mr E Anderson
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

RECEIVED

OCT 11 2000

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, DAA.3
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT:

The dump we pass on the way home makes us feel we live in a slum. We get over it when we get home, but then there it is again when we leave again. Isn't it in the wrong place? Frankly, it would look disgusting no matter where it is, but please, ... in our neighborhood!!??

NAME OF PROPERTY OWNER:

James E. Lindsey

LOCATION AND/OR ADDRESS:

701 E. Maple

YOUR NAME:

Anonymous

ADDRESS:

PHONE NUMBER:

DATE:

SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE:

USE UNIT:

ACTION TAKEN:

BY:

DATE:

RECEIVED

OCT 11 2000

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DIV.
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: I am embarrassed about this
property when friends come to visit from Texas. Of
course I want to show them the beautiful mural Joe
Alexander painted on the side of the restaurant, then
drive them up to Skyline Drive for the beauty and atmosphere.
I would hate to live in closer proximity to 701 E. Maple, but
we do have to pass it often to leave and come home. Help! It is
a nuisance!

NAME OF PROPERTY OWNER: James E. Lindsey

LOCATION AND/OR ADDRESS: 701 E Maple

YOUR NAME: Patti Culberson

ADDRESS: 524 N. Sequoyah Dr.

PHONE NUMBER: 251-1673

DATE: 9/26/00

Patti S Culberson
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

BRUCE ROBERTSON

521-4868

Lindsay 1-7 Mayor and Mission

Revised
14348

New complaint
file

Set up w/

Williams as complainant

Each of the other comp
need to be entered
as references to the
original complaint

Only set one point
for the original - note
for the references

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

October 11, 2000

Mr. Steve Winkler
678 East Lafayette
Fayetteville, AR 72701

Re: 701 E. Maple Street

Dear Mr. Winkler:

As we discussed last week, I did research the information that you provided in your letter dated October 2, 2000 regarding the above mentioned property. I understand that at the neighborhood's request, in 1975, a rezoning for property in this area was approved by the City Board of Directors, however, that rezoning did not affect the specific tract in question at 701 E. Maple Street. While there was discussion at that time about future zoning changes, they were never brought forward by a property owner, past or present, or by a City Board or Commission.

I know that the neighborhood is very interested at this time in seeing this tract rezoned to a different designation. In light of this, I would suggest that you and your neighbors submit a written request and petition to the Planning Commission for consideration. It will be necessary, if this item is to be heard by the Planning Commission, that you provide our office with names and addresses of all adjoining property owners (information located at the County Assessor's Office) as well as that of the current property owner, so that adequate notification may be given as required by State Law. Should the Planning Commission recommend in favor of your request, the item will be forwarded to the City Council for consideration and action. Only after the City Council passes an ordinance is the zoning designation of a parcel changed.

Please keep in mind that once a zoning designation is changed, the uses which are established on the property may become existing non-conforming uses. This means that the section of the City's Unified Development Ordinance which regulated non-conforming uses will apply. I have attached a copy of this section for your records. Simply stated, the non-conforming use may exist until such a time as it is removed. It may not however be enlarged, expanded or extended according to these regulations. Therefore, changing the zoning designation of 701 E. Maple St. would possibly change the long term impact, use or appearance of the property but it will not immediately cause the cessation of current activity on the site.

I hope this information is of assistance to you and your neighbors. Please contact the Planning Division should you have questions regarding the process that I have suggested.

Sincerely,

Dawn T. Warrick
Associate Planner

cc: Tim Conklin, City Planner
Charles Venable, Public Works Director
Fred Hanna, Mayor
Jim Lindsey, Property Owner

Steve E. Winkler
678 East Lafayette
Fayetteville, AR72701

October 2, 2000

Dawn T. Warrick, Associate Planner, City of Fayetteville

Re: Rezoning

Subject property: 701 East Maple Street

Dear Ms. Warrick:

Thank you for your timely response to my complaint. Our neighborhood association is working toward eliminating the current industrial zoning for this property which was never intended for industrial use, but acquired the current I-1 zoning through historical circumstance. About 1926 Arkansas Western Gas Company brought its first service to Fayetteville down Maple street and built a control station on the property. When Fayetteville adopted city wide zoning map in 1970, the area bounded by Maple, Lafayette, Mission and Tanglewood was designated as an I-1 zone because it was occupied by a public utility that could not be relocated. There is no other rational for this I-1 designation.

Not only did residential neighborhoods grow around the gas company facility but other businesses, compatible to the I-1 zone, also began to appear. In 1975, in response to citizens efforts to curtail further location of commercial businesses, the Fayetteville Planning Commission petitioned the Board of Directors to rezone the entire Maple/Lafayette/Mission/Tanglewood area from I-1 to R-2. Three property owners in the subject area objected to being rezoned: The Gas Company, who at that time had purchased land and planned to move its facility to the industrial park; Mr. Glen Lehman who owned and rented commercial property at Maple and Mission; and Mr. Steve Winkler who operated a building salvage facility on Lafayette Street. At the June 3, 1975 regular meeting of the Board of Directors, the Gas Company argued that "if rezoning were approved, the company would not be able to make necessary expansion and would be placed in a position of having to move their facilities at a time when it was not financially feasible". However, Mr. F.H. Martin, representing Arkansas Western Gas Company, stated that the "gas company would give the City notice when they planned to sell the property so that the present I-1 zoning classification might be changed to R-2". With the understanding that the gas company property would become R-2 when they vacated the facility, Mr. Winkler withdrew his opposition to the proposed rezoning. Mr. Lehman's property was designated neighborhood commercial. Based on this understanding the Board passed Ordinance No. 2108 changing the zoning of the area from I-1 to R-2 with the exception of the gas company property.

This property came to the attention of the City again in 1993. The gas company moved circa 1991. While the property sat vacant they installed what adjoining property owners considered excessive outdoor lighting. Fourteen neighbors signed a petition asking the City to address this problem and other apparent violations of the zoning code pertaining to setbacks, parking, material storage, and screening. Alderman Kit Williams responded to neighbors concerns: "I would like to see the Gas Company move from this largely residential area and will bring up your complaints with our city's planning and zoning staff. I will also ask them to check the history for any agreements to leave or vacate that we could enforce now." The excessive lighting was replaced with conventional mercury vapor lights.

The gas company property was sold in 1994 to James E Lindsey and it initially sat empty. In recent years, however, use of the property has become increasingly commercial. It is used for building salvage storage, as a trash relay station, and operating chipper machines. It is an eyesore and creates tractor-trailer truck traffic. The vegetative visual shield was removed with possibly dangerous herbicides and there is trash and broken glass in ditches surrounding the property. In July, 2000, neighbors wrote to Mr. Lindsay detailing their complaints. They feel his response was insufficient.

Members of our organization are of differing opinions as to the most desirable use on the property; some suggest green space, others suggest residential. The unanimous consensus is, however, that an industrial/commercial facility on that property is inappropriate and undesirable. We feel that there is no logical argument to be made that would support locating a three acre industrial zone between two of Fayetteville's premiere neighborhoods; Mt. Sequoyah and The Washington-Willow Historic District.

In the coming months we will work to persuade the City Planning Commission and our elected officials to continue to pursue a residential zoning for the entire area bounded by Maple, Lafayette, Mission and Tanglewood which was begun in 1975.

Sincerely,



Steve E. Winkler, member, Southwestern Sequoyah Neighborhood Association

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

September 26, 2000

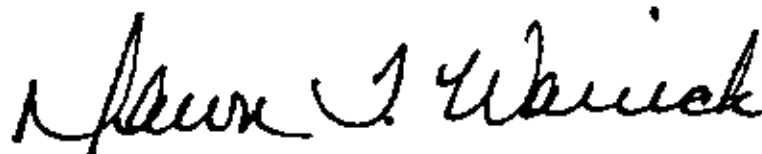
Mr. James Lindsey
c/o Lindsey Management
3900 N. Front Street
Fayetteville, AR 72703

Re: Complaints regarding property at 701 E. Maple

Dear Mr. Lindsey:

This letter is just to make you aware of several complaints which have been received by the Planning Division regarding the above mentioned property. Enclosed you will find a copy of these complaints as well as staff's response. While there is no zoning violation, I would encourage you to try to work with the neighborhood to alleviate some of these concerns if possible. Should you have any questions concerning this information, please do not hesitate to contact the Planning Division at 575-8264.

Sincerely,



Dawn T. Warrick
Associate Planner

cc: Tim Conklin, City Planner
File

COPY

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264

PLANNING DIVISION CORRESPONDENCE

September 25, 2000

Ms. Nancy Williams
716 E. Lafayette Street
Fayetteville, AR 72701

Re: Complaint regarding zoning of 701 E. Maple St.

Dear Ms. Williams:

Planning staff has received your complaint regarding the industrial zoning at 701 E. Maple St. I have researched this location and found that the entire block was designated as industrial at the time of the 1970 adoption of a city-wide zoning map. Later, in 1975, the southeastern portion of the block was rezoned from I-1 to R-2 when the Board of Directors approved Ordinance #2108. I have included copies of the 1970 zoning map as well as the ordinance and an outline of the legal description included in that ordinance for your records. In that the property in question is currently zoned I-1, Heavy Commercial/ Light Industrial, there are a variety of uses permitted by right in this location. I have included with this letter a section of the Unified Development Ordinance which describes this zoning district and lists permitted uses.

A change in zoning designation must be requested by a property owner for a specific tract of land. The request is heard by the Planning Commission and must be approved by the City Council for a change to be official. Once that change has occurred, the applied zoning designation entitles property owners to utilize their land in accordance with those rights conveyed with each specific zoning district.

The General Plan 2020 Future Land Use Map is a planning policy tool that the City Council has adopted which is used as a guide for zoning changes when they are requested. The area at the southeast corner of the intersection of Mission and Maple is called out to be neighborhood commercial, the rest of this general area is designated as residential. If a property owner in this area were to request a rezoning, this plan would be used as one tool in evaluating the request and making a recommendation to the Planning Commission and to the City Council.

With regard to noise in the area, there is a noise ordinance in effect in the City of Fayetteville. This ordinance regulates noise within different zoning districts at different times. It is enforced by the Fayetteville Police Department and if you feel that there is a violation occurring, I encourage you to contact them to investigate.

While I am not able to pursue a violation of zoning regulations at this time, I hope this information is of assistance to you.

Sincerely,



Dawn T. Warrick
Associate Planner

cc:

Tim Conklin, City Planner
Charles Venable, Public Works Director

Copies also provided to additional complainants:

Richard Berquist
565 Fallin
Fayetteville, AR 72701

Pamela Curry
121A N. Skyline Drive
Fayetteville, AR 72701

JoDean & Carl Clark
406 Mission Blvd.
Fayetteville, AR 72701

Gayle O'Donnell
740 E. Lafayette St.
Fayetteville, AR 72701

Donald Choffel
515 W. Holly
Fayetteville, AR 72701

Steve Winkler
678 E. Lafayette
Fayetteville, AR 72701

Marvin Hall
89 Texas Way
Fayetteville, AR 72701

William Shuman
217 Oklahoma Way
Fayetteville, AR 72701

RECEIVED

SEP 18 2000

PLANNING DIV.PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701COMPLAINTS

NATURE OF COMPLAINT:

The Lindsey Storage yard on
east Maple is an eye sore in a nice
residential neighborhood, zoned R-2 I am
told. I would like to see their operation moved
to a commercial area, along with all the
buildings on the property.

NAME OF PROPERTY OWNER:

Lindsey & Associates

LOCATION AND/OR ADDRESS:

3900 Front
Fayetteville

YOUR NAME:

William L Shuman

ADDRESS:

217 Oklahoma Way, Fayetteville 72701

PHONE NUMBER:

442-7137

DATE:

9-14-00

SIGNATURE

William L Shuman

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE:

USE UNIT:

ACTION TAKEN:

BY:

DATE:

0002 7 0 0 5

RECEIVED

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: I am writing to object to the industrial zoning
at 701 E. Maple St. The noise of heavy machinery, and the diesel
trucks make the largest part of my yard unusable. The site is an
eyesore, and adversely affects residential property values all around it.
Eighteen wheelers rumble through the historic district to service the site.
There is often too much noise for quiet residential activities. There is no good
argument for an industrial site between the historic district and Mt. Seagraves.

NAME OF PROPERTY OWNER: James E. Lindsey, Trustee, Lindsey Family Trust
LOCATION AND/OR ADDRESS: 701 E. Maple St.
Fayetteville

YOUR NAME: Nancy Williams

ADDRESS: 716 E. Lafayette St. Fayetteville 72701

PHONE NUMBER: 443-2371

DATE: Sept. 21, 2000

Nancy Williams
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____

USE UNIT: _____

ACTION TAKEN: _____

BY: _____

DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: Property is a public

Misuse

Needs to be rezoned from S-1 to R-2 or R-1

NAME OF PROPERTY OWNER: ~~William W. Hall~~ JAMES E. LINDSEY

LOCATION AND/OR ADDRESS: ~~89 Texas Way~~ 701 E. Maple
Fayetteville, Arkansas

YOUR NAME: William W. Hall

ADDRESS: 89 Texas Way

PHONE NUMBER: 521-0466 DATE: Sept. 13-00

William W. Hall
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: I-1 zone in residential area

NAME OF PROPERTY OWNER: _____

LOCATION AND/OR ADDRESS: 701 E. Maple

YOUR NAME: Steve E. Winkler

ADDRESS: 678 E. Lafayette

PHONE NUMBER: 443-4234 DATE: 9/12/00

Steve E. Winkler
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: This place has been
an eyesore for some time.
Every time I climb the mountain
I'm offended. Remove it to
the industrial area.

NAME OF PROPERTY OWNER: _____

LOCATION AND/OR ADDRESS: _____

YOUR NAME: Donald Choffel

ADDRESS: 815 W. Holly

PHONE NUMBER: 582-3197 DATE: 9-21-00

Donald Choffel
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: The property is inappropriately
zoned Industrial in a Residential area. It
is a public nuisance and an affront to the
citizens in the Mt. Sequoyah and Washington Willow
Historic District. It is wrongly allowed to
even still be industrial! It is not properly
screened (or properly zoned?)

NAME OF PROPERTY OWNER: James E Lindsey

LOCATION AND/OR ADDRESS: 701 E. Maple
Fayetteville, AR.

YOUR NAME: Gayle O'Donnell

ADDRESS: 740 E. Lafayette St.

PHONE NUMBER: 521-3945 DATE: 9-23-00

Gayle O'Donnell
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: _____

*It low rate are property
in the neighborhood*

NAME OF PROPERTY OWNER: _____

LOCATION AND/OR ADDRESS: _____

YOUR NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

DATE: _____

J. Dean Clark
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____

USE UNIT: _____

ACTION TAKEN: _____

BY: _____

DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: Property is a public
nuisance - lots of junk spread
around - wood chippers in use
frequently - very loud - extremely
unpleasant

NAME OF PROPERTY OWNER: James E. Lindsey
LOCATION AND/OR ADDRESS: 701 East Maple

YOUR NAME: Pamela Curry
ADDRESS: 121A N. Skyline Dr.
PHONE NUMBER: 973-0766 DATE: 9/13/00

Pamela Curry
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

PLEASE COMPLETE THIS FORM AND RETURN TO PLANNING DEPARTMENT, 113
WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS 72701

COMPLAINTS

NATURE OF COMPLAINT: the visual appearance
OF the Lindsey property + ALSO
INDUSTRIAL NOISE ARE BOTH A
SERIOUS NUISANCE TO RESIDENCES
IN THIS AREA

NAME OF PROPERTY OWNER: JAMES LINDSEY FAMILY

LOCATION AND/OR ADDRESS: 701 E. maple

YOUR NAME: RICHARD BERQUIST

ADDRESS: 565 FALLIN

PHONE NUMBER: 521-2684 DATE: 9/13/00

Richard Berquist
SIGNATURE

DO NOT WRITE BELOW LINE

PLANNING STAFF

ZONE: _____ USE UNIT: _____

ACTION TAKEN: _____

BY: _____ DATE: _____

ORDINANCE NO. 2108

AN ORDINANCE REZONING THAT PROPERTY IN THE CITY OF FAYETTEVILLE, ARKANSAS, DESCRIBED IN REZONING PETITION R-75-9; AMENDING THE ZONING DISTRICT MAP OF FAYETTEVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the zone classification of the following described property be, and the same is hereby changed as follows:

R-75-9 described as follows:

Part of the NE-1/4, NW-1/4, and part of the NW-1/4, NE-1/4, all in Section 15, Township 16 North, Range 30 West, of the 5th P. M. more particularly described as follows: Beginning at a point in said NE-1/4, NW-1/4, 15-16-30 which is 70 feet South and 210 feet West of the Northeast corner of said 40 acre tract; and running thence South 50 feet; thence East 75 feet; thence South 100 feet; thence West 75 feet, thence South 51 feet; thence East 209.6 feet; thence South 12 feet; thence East 297 feet to a point on the West right-of-way line of Tanglewood Avenue, which point is 297 feet East and 283 feet South of the Northwest corner of the NW-1/4 NE-1/4 of said Section 15, thence South along the West right-of-way line of Tanglewood Avenue 198 feet more or less to the North right-of-way of Lafayette Street, thence West along the North right-of-way line of Lafayette Street 625 feet more or less to the East right-of-way line of Mission Boulevard, thence North along the East right-of-way line of Mission Boulevard 411 feet more or less to a point which is 50 feet South of the South right-of-way line of Maple Street, thence East 110 feet more or less to the point of beginning.

From I-1, Heavy Commercial and Light Industrial District to R-2, Medium Density Residential District.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, be and is hereby, amended to the extent and in the respects necessary to effect and designate the necessary changes provided in Section 1 hereof.

Section 3. That all ordinances or parts thereof in conflict herewith are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after the time provided by law.

PASSED AND APPROVED THIS 3rd DAY OF June, 1975.

APPROVED:

Marion R. Ostrow
MAYOR

ATTEST:

Charles Westhank
CITY CLERK

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS

June 3, 1975

The Board of Directors of the City of Fayetteville, Arkansas, met in a regular session on June 3, 1975, at 7:30 p.m. in the Director's Room of the City Administration Building.

PRESENT: City Manager Donald L. Grimes; Administrative Assistant David McWethy; City Attorney Jim McCord; City Clerk Darlene Westbrook; and Directors Marion R. Orton, Ernest Lancaster, John Todd, Paul Noland, Al Hughes, Russell Purdy, and Morris Collier.

ABSENT: None

OTHERS PRESENT: Members of the audience and representatives of the news media

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order by Mayor Orton. Following a brief moment of respectful silence the minutes of the May 20, 1975 meeting were considered for approval. 303.1

Director Purdy requested that the words "grocery store" appearing in paragraph 299.7 be changed to "boat store". Mayor Orton requested that paragraph 298.1 have the words "commercial horse stables" inserted in paragraph 298.1. City Attorney McCord requested an amendment to paragraph 302.6 to cause it to read: "...a Federal statute banning fireworks may exist...". There being no further amendments, the Mayor declared the minutes approved as amended. 303.2

ORDINANCE REZONING PROPERTY - Mission Street

The proposed ordinance would rezone a 6.9 acre tract of land located east of Mission Boulevard, south of East Maple Street, west of Tanglewood Avenue, and north of East Lafayette Street from I-1 Heavy Commercial and Light Industrial, to R-2 Medium Density Residential as requested by the Planning Commission. 303.3

The ordinance, left on second reading at the May 20, 1975 meeting, was read the third and final time by the City Attorney. During discussion, Mayor Orton reported that one of the property owners previously opposing the rezoning, Mr. Steve Winkler, had written a letter withdrawing his opposition to the proposed rezoning. A motion was made by Director Noland to amend the ordinance to zone tract two and the portion of tract one having a television shop located on it I-1, with the remainder being rezoned R-2 as requested by the Planning Commission; and that the R-2 zone be extended to the east boundary of lot one. The motion was seconded by Director Purdy and passed in unanimous vote of the Board. 303.4

Mr. F. H. Martin, representing the Arkansas Western Gas Company, stated that the gas company would give the City notice when they planned to sell the property so that the present I-1 zoning classification might be changed to R-2. There being no further discussion from the Board or audience, the Mayor asked if the ordinance should pass as amended. In roll call vote of the Board, seven "Ayes" and no "Nays" were recorded whereupon the Mayor declared the ordinance passed. 303.5

ORDINANCE NO. 2108 APPEARS ON PAGE 295 OF ORDINANCE & RESOLUTION BOOK IV

company's operations and that the City could not expect the company to share the cost of the study. He assured the Board that the company would be willing to cooperate with consultants. Mr. Wade told the Board that the company had not contemplated terminating cable service in Fayetteville but that the company had considered decreasing services. He reminded the Board that the company's franchise with the City specifically stated that the cable company was entitled to a reasonable rate of return.

City Manager Grimes recommended appropriating funds from the 1975 Revenue Sharing Contingency Account to meet the expense of the study. Following further discussion, Director Hughes, seconded by Director Noland, motioned to accept the recommendation of the City Manager to acquire the services of Hardin and Associates and to make the recommended appropriation of funds. In roll call vote of the Board the motion received four "Ayes" and three "Nays" which were cast by Directors Collier, Lancaster, and Purdy. 299.1

ORDINANCE REZONING PROPERTY - Fayetteville Planning Commission, petitioner

The proposed ordinance would rezone a 6.9 acre tract of land located east of Mission Boulevard, south of East Maple Street, west of Tanglewood Avenue, and north of East Lafayette Street from I-1 Heavy Commercial and Light Industrial to R-2 Medium Density Residential. 299.2

The City Attorney read the ordinance for the first time after which Director Noland, seconded by Director Todd, moved that rules be suspended and the ordinance placed on second reading. In roll call vote of the Board six "Ayes" and no "Nays" were recorded. Director Hughes did not vote. The City Attorney read the ordinance for the second time. 299.3

Mr. Mort Gitelman, Chairman of the Planning Commission, was present to speak in behalf of the request and stated that the request stemmed from increased requests for zoning changes and the expected move of Arkansas Western Gas facilities currently located on the tract. He stated that the gas company opposed the rezoning because they did not plan to move as soon as previously planned and because an R-2 zoning classification would make their facilities a non-conforming use thereby prohibiting further expansion. He stated that the Planning Commission recommended zoning the property R-2 and that property in the I-1 zone be treated the same. 299.4

Mr. and Mrs. Ed Huenefield were present in the audience and stated their favor of the rezoning as a means to curtail further location of commercial businesses which they felt depreciated property values. Also speaking in favor of the rezoning were Ginger Parker and Betty Easterling. 299.5

Representing Arkansas Western Gas and speaking in opposition to the rezoning was Mr. F. H. Martin who stated that if the rezoning were approved, the company would not be able to make necessary expansion and would be placed in a position of having to move their facilities at a time when it was not financially feasible. Also in opposition to the rezoning were Mr. Steve Winkler and Mr. Glen Lehman. Mr. Lehman stated that the rezoning would deprive owners of property of revenue should they decide to dispose of their property. 299.6

Director Purdy enumerated small businesses that would be seriously harmed if the rezoning were approved and stated that he could not vote favorably on the ordinance in its present form. He stated that he would either favor an ordinance that would rezone all the property R-2 except Mr. Winkler's business, the gas company facilities, and the boatry store; or favor tabling the ordinance until the gas company had moved its facilities or there was a change in the small businesses. 299.7

Mrs. Taylor asked if this would allow concession stands and Chairman Gitelman explained that uses permissible on appeal to the Planning Commission gives the Planning Commission some discretion.

Chairman Gitelman closed the public hearing on Rezoning Petition R75-8.

Donald Nickell wanted to see whether or not Mr. Rushing wished to dispose of this item at this time. If so, the way it was petitioned he felt he could not vote in favor of it because it would be jeopardizing other property there. However, if he wished to table the request and come back later under appeal, he would like to see him get his barn built.

Helen Edmiston inquired of Planning Consultant Larry Wood why he had recommended this A-1 District when the Land Use Study recommended it R-1.

Mr. Wood said the A-1 District should be used as a holding zone while property is awaiting developing in the City. He said there was something wrong if the A-1 Zoning is feared by the surrounding (R-1) properties and the Commission.

John Maguire moved that riding stables be included as an item in Use Unit 4 on appeal to the Planning Commission.

Ernest Jacks seconded the motion.

The motion was voted upon and approved by a vote of 7-1-1. Rita Davis was opposed and Chairman Gitelman abstained.

Parker Rushing then told the Planning Commission that he would like to have action taken on his rezoning request at this time.

Ernest Jacks moved to deny Rezoning Petition R75-8.

Donald Nickell seconded the motion which was approved by a vote of 6-3 with Davis, Ray, and Gitelman opposing.

REZONING PETITION R75-9

Mission Blvd. & Tanglewood Ave.

Maple Street & Lafayette Street

The next item on the agenda was the public hearing on Rezoning Petition R75-9,

Fayetteville Planning Commission (Petitioner), to rezone property bounded on the West by Mission Boulevard, on the East by Tanglewood Avenue, on the North by Maple Street and on the South by Lafayette Street, from I-1, Heavy Commercial & Light Industrial District, to R-2, Medium Density Residential District.

Chairman Gitelman explained the factors that led up to this request. (1) what the Planning Commission perceived as a possible or probable abandonment of the works of the gas company in that industrial area. (2) Some of the members of the Planning Commission felt there was an alarming increase in the nature of commercial uses on Mission Boulevard between the gas company property and Mission. A number of non-conforming uses and commercial uses that had been approved on a case by case basis until it was suddenly found there was a block of property which was essentially devoted to commercial uses. Therefore, the Planning Commission filed this so that a study by the Planning Consultant could be made on it and a public hearing held on whether or not to leave the area as it already is or to dezone it to a residential use. Larry Wood gave the Planning Report and recommended R-2 as the appropriate zoning for this property.

Chairman Gitelman said he had a letter from the gas company protesting the rezoning of the property. He also acknowledged a letter from S. E. Winkler (small business owner on Lafayette Street) who protested the rezoning. Also, Mr. Lynn Wade had handed Chairman Gitelman a letter protesting the rezoning because he was a part owner in a small business and felt it was not fair on his part because he had not received notice of the public hearing.

Joel Freund (who operates the canoe store on the corner of Mission and Maple) was present and asked Planning Consultant Larry Wood why, since the majority of the general area is R-1, he had not recommended that tract of 7 acres be R-1. Mr. Freund said he felt it should be rezoned but to R-1 rather than R-2, and added that this is a terrible corner and that R-2 would only make it worse.

In answer to this, Planning Consultant Larry Wood said he felt the City should start

taking advantage of these passed-over parcels. He said we could not continue to sprawl out across the countryside and expect the municipal government to operate utility services. He said they had to begin to get more dense in developments wherever possible.

Mr. Freund said he hated to see Fayetteville become more infested with R-2 and R-3 units since it was generally a pretty town.

Chairman Gitelman explained that it was a case of balance between the problems of "urban sprawl" against the so-called American ideals of the single-family dwelling on a large lot. He said that around the country more and more cities are being required (sometimes against their own will) to provide for more and more kinds of housing.

Ginger Parker, 700 Dogwood Lane, was present and stated that regardless of what the Planning Commission did with the gas company property, she would like to request they rezone to some residential zone the land that is now being used for residential purposes in the I-1 Zone. She said there were a lot of older homes and the uses permissible under an I-1 Zoning would allow them to be torn down and just about anything could go in, and this would affect the property values of all the property at the foot of the mountain (hers included). She said most of the homes were single-family (there are two or three that are rental houses), and while she preferred to see single family go in there she could see how it would be much easier to sell these lots for multiple-family dwellings because it backs onto the gas company property. She emphasized again that no matter what they did on Mission at least rezone the strip on Lafayette where it would be and stay residential.

Betty Jo Easterling (who has a rental house on East Lafayette) and also Mrs. Louise Brooks (Dogwood Lane) both stated the same opinion as Mrs. Parker.

Mrs. H. D. Bird said she would like to see it changed to residential also.

Mr. Lee Cate (who has rental property on 620 East Maple) said he was pleased with the proposal to change the zoning to R-2.

Mr. Joe Bordens, Dogwood Lane, agreed with Mrs. Parker and Mrs. Easterling and said that the strip on Lafayette just about ruins the neighborhood.

Mr. Steve Winkler (who had submitted a letter protesting this) was present and told the Planning Commission that he was a small businessman involved in a landscaping business and a wrecking contractor. He said he located and bought this property on Lafayette Street because it was zoned I-1. He said he also lived at this location and thought that it was good when a person could have agricultural ventures near his home. He felt this island of activity was beneficial to everyone around and would not disturb the quietness of the neighborhood and would not disturb the beauty of it (for example cutting down trees) because he did live here. He felt the small businesses would not bring property values down and stated that he liked the zoning the way it was.

Mr. Hugh Scarbrough was present and stated that his father lived right across the street from Mr. Winkler and that he himself lived around the corner from this on Fletcher. He said he would like for the Planning Commissioners to see Mr. Winkler's property, especially since he (Mr. Winkler) lived there.

Mr. Winkler said the property was deteriorated before he purchased it and that he was in the process of landscaping and had stones and building material around but that he was in the process of developing something pleasant.

Mr. Steve Moore was present and stated that he was with Mr. Winkler when bought the place and first started as a wrecking contractor. He said Mr. Winkler had since developed a business whereby he is in demand as a contractor. Mr. Moore said if the property were rezoned and this business became non-conforming, Mr. Winkler would have to stop part of his business and lose part of his livelihood because he builds racks. Mr. Moore said Mr. Winkler was one of the hardest working men he had ever known. He said he had been busy making racks in addition to working on his place and though the place may not have all the clean lines that would make it attractive to most people, Mr. Moore said he could certainly state that Mr. Winkler was working on it. He also stated that Mr. Winkler planned to construct a fence to enclose his operation.

Mr. Ed Huenefeld, 724 Dogwood Lane, agreed with Mrs. Parker and said he would also like to see this area rezoned.

Mr. Rex Benham, 526 E. Lafayette, couldn't understand how this area could be a very good potential for businesses because of the location.

Mr. Dale Evans, Mission Boulevard, said he owned a small business and was concerned about the rezoning because he had been thinking about the possibility of extending his present business (house plants and various crafts) into a greenhouse type operation. He said he was hoping to go back to law school in the fall and needed this to support him; this would be close to his home and he would have time left for school studies while working at this. (If this strip is rezoned the existing businesses would become non-conforming and while they could go ahead and operate, they could not expand the business. He said he did not understand all the alternatives and that apartments would have the same detrimental effect on the R-1 as Commercial uses.

Mr. Bob McKinney said he lived on Dogwood Lane for 9 years and his mother owns rental property on the South side of Lafayette. He said it had always been a very lovely place to bring up children and he thought people would have misgivings if this were commercial. He thought that when the barber shop went in on Mission Boulevard that it was a well-founded thing; that he knew the man personally and knew his state of health and the business had supported the man. However, as a former resident of the area he preferred that it be R-1 and not go any further industrially.

Chairman Gitelman declared the public hearing closed.

Rita Davis asked about the possibility of rezoning the strip on Lafayette R-1 and the rest R-2.

The Commission went into a discussion about the gas company property. If the area were rezoned, then the gas company would also become a non-conforming use and could not expand their facilities.

Chairman Gitelman said he was in favor of rezoning this residential but did not know whether or not he would be in favor of excluding the gas company so that it would remain I-1. He felt that this would show a sort of favoritism because it was a bigger operation than the existing smaller businesses involved.

Ernest Jacks said this whole piece of property was zoned when this utility went in (the gas company); therefore, he felt that there would not be any favoritism shown.

Ernest Jacks moved to recommend to the Board of Directors to rezone the property (the strip of lots facing Lafayette) to R-1 and the rest of the area under consideration (excluding the gas company leaving it I-1) to R-2.

Rita Davis seconded the motion.

Chairman Gitelman was still concerned about excluding the gas company. He felt that the area should be left as is or wait until the gas company moves out of the area to do anything about it.

Donald Nickell and Jack Ray indicated they shared Chairman Gitelman's opinion.

Donald Nickell said he felt bad about giving preferential treatment for a big outfit and then turning around and denying the smaller businesses. He felt it should all be kept in the same classification.

Steve Winkler objected to splitting the zoning.

John Maguire and Helen Edmiston concurred with this.

Mr. Gitelman said there was not anything to keep the Commission from zoning this to R-1 and R-2 and include the gas company making their operations a non-conforming use also.

Mr. Nickell said he had no objection to the R-1 or the R-2. However, he thought when the Commission first came up with this idea that they thought they would give the people in this area a better chance to utilize their property (as it was felt this property was quite valuable property); since the people had rather have it R-1, he felt it should be zoned that way.

After considerable discussion the motion and second that was on the floor was defeated by a vote of 2-6-1. Jacks, Davis voted "Aye", John Maguire abstained, and Edmiston, Nickell, Kisor, Power, Gitelman, and Ray voted "Nay".

John Power moved to recommend to the Board of Directors the rezoning of the whole area (including the gas company) to R-2.

Bill Kisor seconded the motion which was approved by a vote of 8-1 with Ernest Jacks opposing.

Planning Administrator Bobbie Jones told the Planning Commission members the Zoning Ordinance required 3/4 of the vote of the Board of Directors to rezone the property if there was written protest from the owners of 20% of the property under consideration, and that in the event of a close vote that it may be necessary to have the legal descriptions of the properties involved.

Rita Davis left the meeting at 5:51 P.M.

The next item was a Conditional Use Request submitted by B & B Discount Sales, Inc., dba Lumberjack Builders Supply to operate as a building materials supply in a C-2, Thoroughfare Commercial District, at 2217 North College Avenue. Ernest Jacks moved that the Conditional Use Request of B & B Discount Sales, Inc. be approved; the motion was seconded by Donald Nickell. It was voted upon and approved unanimously. (6-0).

CONDITIONAL USE REQUEST

B & B Discount Sales, Inc.
(Lumberjack Lumber Sales)
2217 North College Ave.
2217 North College Avenue.

The next item was a request to change a non-conforming use of property at 905 North College Avenue from a paint store to a resale shop for antiques, used furniture, dishes and appliances, clothing, etc. submitted by Loy Peters (zoned R-O, Residential Office District.)

Request to Change
NON-CONFORMING USE

Loy Peters
905 North College Avenue

Ernest Jacks felt that this usage would not be any more intense than the former usage.

Ernest Jacks moved to approve the request for the change of the non-conforming use. Helen Edmiston seconded the motion which was approved unanimously.

Rita Davis re-entered the meeting at 6:55 P.M.

The next item was a request for approval of a tandem lot submitted by James T. Waddell. Mr. Waddell seeks approval of a "lot split" wherein he purchased the property at 2617 City Lake Road from his father-in-law who retained the dwelling at 2635 City Lake Road. (The property had two dwellings on it prior to the sale).

TANDEM LOT

James T. Waddell
2617 City Lake Road
(The property

Mr. Waddell was present to represent.

John Power asked Planning Administrator Bobbie Jones if they were not actually looking at two things --- a tandem lot development as well as a lot split.

Mrs. Jones explained that she could approve the lot split if the tandem lot is approved by the Planning Commission, but explained that Mr. Waddell could not further divide the property or build on it because the 25 foot would not be adequate for street right-of-way. She said Mr. Waddell had come into the Planning Office for a building permit to remodel the existing house.

The Commissioners asked Mr. Waddell if he was aware that he could not divide this up any more and build on it; Mr. Waddell said that he was.

Mr. Waddell said that there was no intention of building another structure on the property.

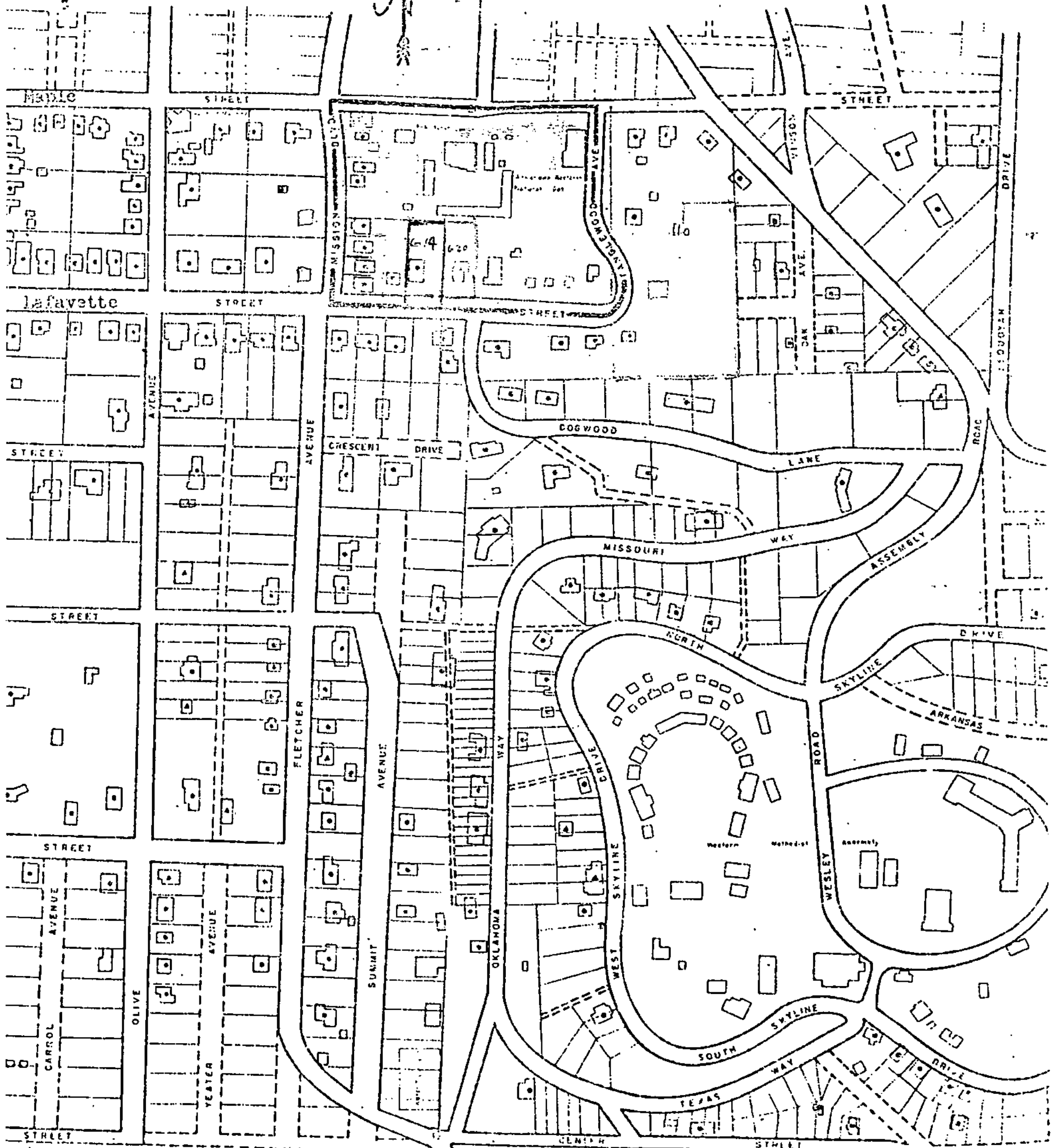
Ernest Jacks moved that the request for the tandem lot be approved.

Helen Edmiston seconded the motion which was approved unanimously.

Mr. Jacks moved to table the Referral from the City Board of Directors to the City Planning Commission for review

REFERRAL FROM CITY BOARD
Proposed Amendment of
Master Street Plan

and recommendations on proposed ordinance to amend the Master Street Plan recommendations



. To rezone from I-1 to R-2.

R75-9

Fayetteville Planning Commission
Planning Commission
May 13, 1975

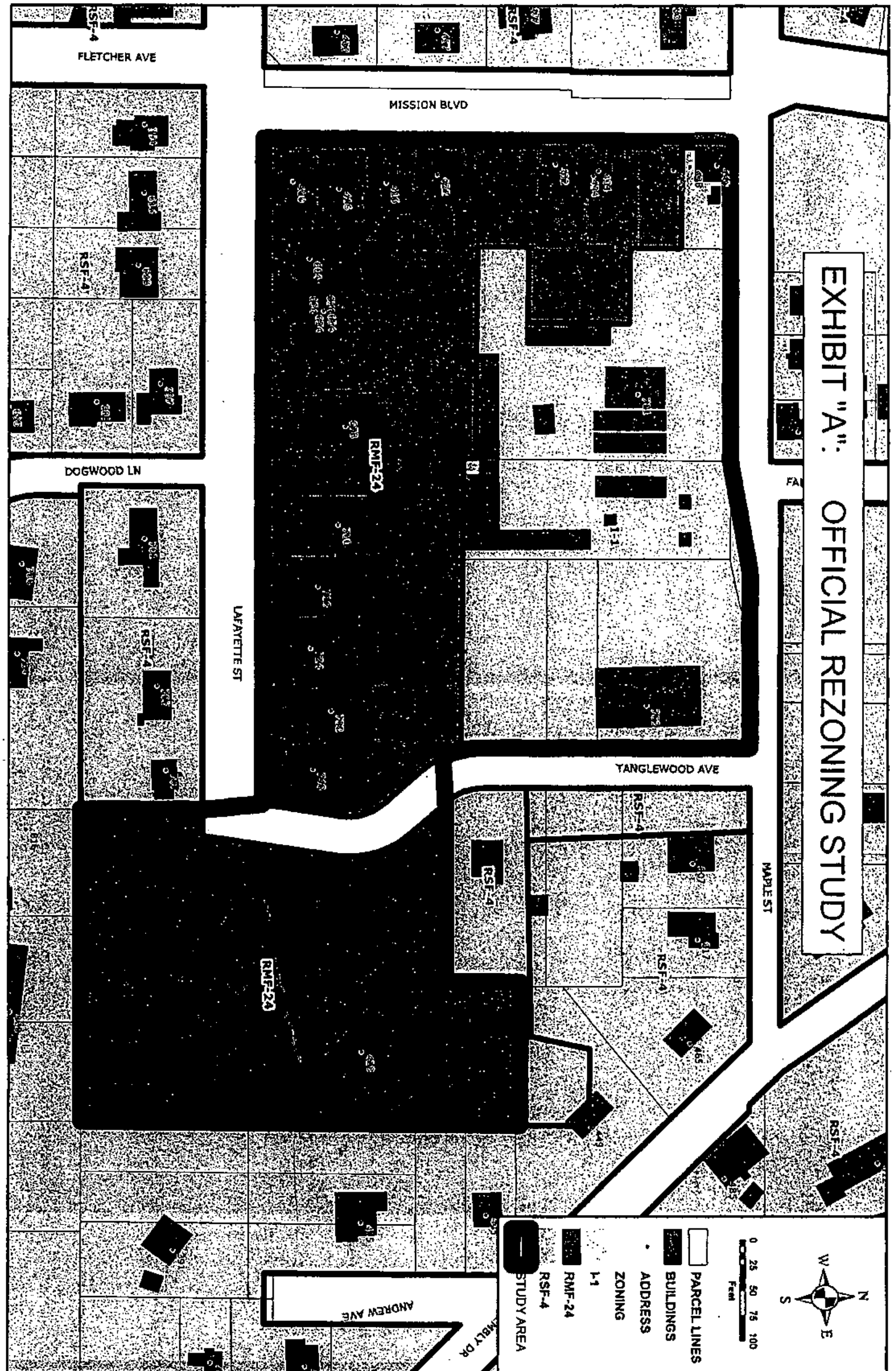


CITY OF FAYETTEVILLE
1970 OFFICIAL ZONING MAP



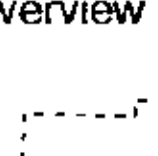
CITY OF FAYETTEVILLE

1970 OFFICIAL ZONING MAP



FALLING WATERS

Overview



0 0.2 0.4 0.8 1.2 1.6 Miles

Miles

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

15-Nov-05
City Council Meeting Date

Kyle Cook

Submitted By

Division

Fayetteville Sewer Committee

Department

Action Required:

Approval of Sewer Agreement with the City of Elkins.

Approximately \$75,000.00

Cost of this request

5400-0940-4432.01

Account Number

Project Number

Category/Project Budget

Funds Used to Date

\$

Remaining Balance

Program Category / Project Name

Sewer Revenues

Program / Project Category Name

Water & Sewer

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office

ENTERED

Ses

11/8/05

Received in Mayor's Office

Fayetteville Sewer Committee Chair

Date

City Attorney

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 11
City of Elkins Sewer Agreement
Page 2 of 28

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

FROM: Kyle Cook, Chair - Fayetteville Sewer Committee 

DATE: November 7, 2005

Subject: **Elkins – Fayetteville Wastewater Contract**

Recommendation

The Fayetteville Sewer Committee recommends approval of the attached contract between the City of Elkins and the City of Fayetteville for Fayetteville to provide wastewater transportation and treatment services.

Background

On July 21, representatives of the City of Elkins formally requested the sewer service contract between Elkins and Fayetteville be opened for negotiation. The Fayetteville Sewer Committee named Kyle Cook and Stephen Davis as the negotiating team representing Fayetteville in the contract negotiations with Elkins.

Discussion

Contract negotiations with Elkins began in late July and continued until the attached contract was completed in mid-October.

This contract has been reviewed by the Fayetteville Sewer Committee and the City Attorney. The Sewer Committee at its October 13 meeting. The Elkins Sewer Committee and Elkins City Attorney have also reviewed the contract and recommended it to the full Elkins City Council for approval. This contract was approved by the City of Elkins last week.

For a more comprehensive discussion of the contract terms please refer to the Staff memo attached.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A CONTRACT WITH THE
CITY OF ELKINS CONCERNING THEIR SEWER RATES
AND OTHER MATTERS**

**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 Sewer Contract with the City of Elkins, Arkansas attached as Exhibit A and
authorizes Mayor Coody to execute this contract.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

DRAFT

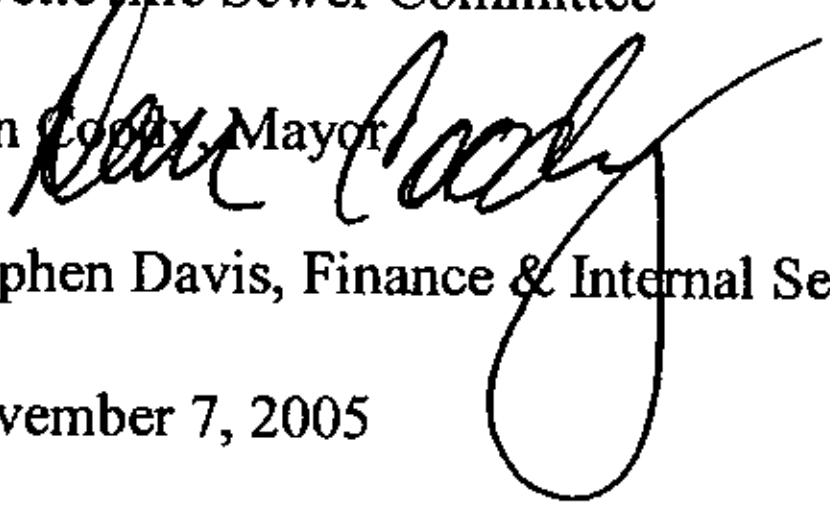
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 11
City of Elkins Sewer Agreement
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DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville Sewer Committee

THROUGH: Dan C. Cook, Mayor 

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: November 7, 2005

Subject: Elkins -- Fayetteville Wastewater Contract

Recommendation

Staff recommends approval of the attached contract between the City of Elkins and the City of Fayetteville for Fayetteville to provide wastewater transportation and treatment services.

Background

The cities of Elkins and Fayetteville entered into an agreement on July 23, 1981 whereby Fayetteville agreed to accept and treat wastewater delivered by Elkins to Fayetteville at a point of connection to the Fayetteville wastewater collection system located in the Baldwin Community on Lewis Woods Lane. The initial contract was entered into so that Elkins could obtain a loan from the Farmers Home Administration to construct a sewer collection system within Elkins. The original term of the loan is forty (40) years. The 1981 contract allocated annually, to Elkins, 36.5 million gallons of treatment capacity in the Paul Noland Wastewater Treatment Plant.

Contractual Issues With the 1981 Agreement

There are a number of contractual issues Fayetteville wanted to clarify in the Elkins-Fayetteville contract.

- Guaranteed Capacity for a Forty (40) Year Term. The original contract allocated capacity in the Paul Noland Treatment Plant from 1981 to 2021.
- The contract did not contain any provisions for infrastructure funding.
- Elkins did not have to provide Fayetteville with the quantity of approved developments.
- The original contract did not address rate-of-return calculation method or which facilities to use for rate development purposes.
- Billing disputes based on the existing Elkins sewer meter.
- Payment terms were not consistent with Fayetteville ordinances.

Discussion

This contract has been reviewed by the Fayetteville Sewer Committee and the City Attorney. The Sewer Committee reviewed the contract at its October 13 meeting and recommended forwarding the agreement to City Council for approval. The Elkins Sewer Committee and Elkins City Attorney

also reviewed the contract. The Elkins Sewer Committee recommended it to the full Elkins City Council for approval and it was approved last week.

This contract strengthens the 1981 service agreement between the cities. It establishes the method for rate development, how capacity expenditures are funded, provides for data - sharing on approved developments in Elkins and links continued development in Elkins to bio-loading capacity at the Paul Noland Treatment Plant. The new contract sets forth a capacity allocation formula on the bio-loading and hydraulic loading threshold attains 75% of rated capacity. Current bio-loading in excess of 80% and hydraulic loading is in excess of 100% of the permitted capacity.

The contract also reduces the rate per 1,000 Fayetteville charges Elkins. The current rate per 1,000 is \$5.71 and the new rate, as stated in the contract, is \$2.81.

- **Guaranteed Capacity for a Forty (40) Year Term. The original contract allocated capacity in the Paul Noland Treatment Plant from 1981 to 2021.**

The original term of the contract with Elkins was tied to Elkins loan that was used to construct their sewer collection system. Changing the expiration term of this contract would probably require the lending agency's approval. The attached contract is for a sixteen- (16) year term. It is set to expire in 2021, as was the 1981 contract. The 1981 contract allocated Elkins 36.5 million gallons on an annual basis. The contract does not address what, if anything, Fayetteville or Elkins can do when this maximum volume is reached. The maximum volumes have been exceeded annually beginning in 2003.

The new contract adds language that will protect Fayetteville from rapid growth in Elkins by linking the ability to add new customers to the bio-loading and hydraulic loading of the Fayetteville facilities used to provide services to Elkins.

- **The contract did not contain any provisions for infrastructure funding.**

This contract contains an infrastructure funding mechanism. It charges \$0.25/1,000 gallons beginning with billings issued after January 1, 2006. The contract also commits Fayetteville to contract for an impact fee feasibility analysis in compliance with the Arkansas Development Impact Fees Act. The Cities agree, in the contract, that this contract can be amended to incorporate impact fees once all of the required analyses are completed.

- **Elkins did not have to provide Fayetteville with the quantity of approved developments.**

Elkins has committed, in this new contract, to provide Fayetteville with an annual report on the number of developments approved by either the Elkins Planning Commission or the Elkins City Council.

- **The original contract did not address rate-of-return calculation method or which facilities to use for rate development purposes.**

This contract stipulates the facilities that Fayetteville can use to develop the cost-of-service rates for Elkins. The contract also establishes the rate-of-return percentage to be used for rate development purposes. The rate-of-return percentage will be based on 2% above the highest bond coupon outstanding at the time of the cost-of-service rate study. The contract also removes the requirement that the independent consultant be a professional engineer and allows the consultant to be an expert with demonstrable experience in utility rate development utilizing the guidelines promulgated by the American Water Works Association or Water Environment Federation.

- **Billing Disputes based on Elkins meter.**

The existing contract provides that Elkins will maintain and replace the meter. Elkins does not have any documentation that the meter has ever been maintained or calibrated. Fayetteville, before October 2003, did not exercise our right of inspection of Elkins meter to confirm the accuracy of the meter readings. OMI and the meter manufacturer in October 2003 conducted a series of tests that revealed the Elkins meter was under-reading by 50%. The meter was set to read 100% and a subsequent calibration test revealed an additional 15% volume error. These tests were observed by representatives of Elkins and Fayetteville and documented, in writing, to the Mayor of Elkins.

This contract transfers the responsibility of the sewer meter from Elkins to Fayetteville and establishes a volume billing procedure that is consistent with how Fayetteville bills our residential customers for sewer service. The new billing procedure is based on 85% of water sold to Elkins. This volume calculation is subject to confirmation using a meter that is accurate within 0.15%. If the meter reading volumes vary by 10% or more for three (3) consecutive months the Cities agree to use the meter readings until the discrepancy is resolved. Fayetteville commits, in this new contract, to have the meter calibrated annually by the manufacturer.

Because the faulty sewer volumes were used to compute the 2003 Sewer Rate for Elkins Fayetteville has caused the rate to be recomputed based on the revised volumes for the base year (2002). This new rate is \$2.81/1,000 gallons. Fayetteville and Elkins negotiators have agreed, subject to both Elkins and Fayetteville City Councils approval, to accept as settlement of all prior claims related to under/over billing Fayetteville re-computing Elkins monthly sewer bills back to March 1, 2005 and refunding to Elkins any excess. The expected refund is approximately \$75,000.00.

- **Payment terms were not consistent with Fayetteville ordinances.**

The contract incorporates Fayetteville's payments terms contained in our ordinances so that all customer groups have the same payment terms.

Budget Impact

The budget impact of this contract is the refunding of wastewater revenue re-calculated at the agreed-upon rate on actual metered volumes back to March 1, 2005. It is expected that this refund will be approximately \$75,000.

The concern, expressed by the Sewer Committee and City Council, is that Fayetteville rate-payers be held harmless as a result of this contract. The \$2.81/1,000 rate will produce more revenue than was identified by the 2003 Water & Sewer Rate. The 2003 Water & Sewer Rate Study identified approximately \$81,000 in revenue from Elkins in 2006. Because of meter errors, discovered subsequent to implementation of the 2003 Rate Study, Fayetteville has received approximately \$275,000 in excess of the revenue requirement identified in the 2003 Water & Sewer Rate Study for 2004 and YTD 2005.

For additional information concerning billing volumes and probable refund, please review the attached tables. Also attached is a letter to Mayor Ladyman that provides more information on the meter and subsequent calibration testing.

ATTACHMENTS:

Fayetteville-Elkins Sewer Contract - 2005
Fayetteville-Elkins Sewer Contract - 1981
Correspondence - Mayor Jack Ladyman
Elkins Wastewater Billing Schedule - Billing in Excess of Rate Study Findings
Elkins Revised Billable Calculations
Schedule of Probable Refund - Elkins
Elkins Wastewater Billing Option
Meter Data Sheet

SEWER CONTRACT

This Agreement, made and entered into this _____ day of _____, 2005, by and between the City of Fayetteville, Arkansas, hereinafter referred to as "Fayetteville", and the City of Elkins, Arkansas, hereinafter referred to as "Elkins";

WITNESSETH:

WHEREAS, Fayetteville in its governmental capacity own and operates its own complete wastewater collection, treatment and discharge system; and

WHEREAS, Elkins in its governmental capacity owns and operates its own wastewater collection system and does not operate a wastewater treatment or discharge system; and

WHEREAS, Fayetteville receives wastewater from Elkins and then transports and processes the wastewater in Fayetteville's wastewater treatment facility and discharged treated wastewater effluent under Fayetteville's National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, at this time it has been determined that the best and most feasible treatment for Elkins' wastewater can be provided by Fayetteville's wastewater treatment facilities; and

WHEREAS, Elkins desires to contract with Fayetteville to provide continued transportation and treatment for the wastewater from Elkins; and

WHEREAS, Fayetteville must ensure that this role does not place financial burden of Fayetteville's retail customers for which Fayetteville's retail customers receive no benefit; and

WHEREAS, Elkins must ensure that this role does not place financial burdens on Elkins' retail customers for which Elkins' retail customers receive no benefit; and

WHEREAS, Elkins acknowledges that Fayetteville must add and fund capacity additions from time-to-time.

NOW THEREFORE, in consideration of the mutual covenants, promises and conditions hereinafter set forth and other valuable considerations, the receipt of which is hereby acknowledged by Fayetteville and Elkins, it is hereby agreed as follows:

A. TREATMENT OF SEWAGE

1. Fayetteville agrees to accept for treatment the sanitary sewage delivered by Elkins to the Fayetteville system and to process such wastes in the same manner as wastes from Fayetteville are treated under the following terms and conditions:
2. Elkins will construct all facilities required to deliver wastewater from Elkins to a "Point of Connection" to Fayetteville's sewer collection system as described below and as Elkins' wastewater is discharged to the environment under Fayetteville's NPDES permit or permits, as well as any other regulatory requirements that apply as a result of said permit or permits. This applies to any and all permits that pertain to any portion of the wastewater conveyance and treatment system through which Elkins wastewater flows. Fayetteville will provide Elkins a current copy of the NPDES permit and any future revisions. Permits which are issued relative to portions of the Fayetteville wastewater conveyance and treatment system through which Elkins wastewater does not flow do not apply.
3. Fayetteville and Elkins agree that Fayetteville shall accept and treat all wastewater flows from Elkins until the bio-loading at the Paul Noland Plant ("Plant") and the hydraulic loading at any point in the collection system from the Point of Connection to and including the "Plant" reaches 75%, and, at that time the Elkins and Fayetteville agree to pro-rate the remaining capacity between all cities and any non-city customers using the "Plant" based on the existing percentage of that "Plant" by each city or non-city customer until additional capacity is provided. Fayetteville will provide Elkins with the average monthly bio-loading for the Noland plant for all of 2005. Going forward, Fayetteville will provide monthly reports to Elkins showing the average bio-loading for each month.

B. RATES FOR SEWER SERVICE

1. Elkins and Fayetteville agree that rate-making shall be fair and equitable, be easy to administer and understand and shall be based on policies that result predictable rate adjustments and avoid abrupt rate changes.
2. Elkins agrees that Fayetteville's return on investment on assets employed to provide service to Elkins will be limited to 2% above the average bond coupon outstanding debt at the time of the comprehensive cost of service study noted in paragraph 5 below.
3. Elkins and Fayetteville agree the rate for sewage treatment services provided herein shall be reduced to \$2.81 per 1,000 gallons of sewage received by Fayetteville from Elkins for treatment beginning on the date this agreement is approved by both Cities. The Cities acknowledge this rate reduction is partially due to the Elkins sewer meter registering faulty volumes.

4. Fayetteville and Elkins agree to apply and accept a retroactive adjustment reducing the 2005 rate of \$5.71/1,000 gallons to \$2.81/1,000 gallons based on actual metered volumes, back to March 1, 2005. Both cities acknowledge this is a settlement that resolved all potential claims and released any rights they might have had prior to March 1, 2005 relating to sewer rates, metering, etc. Fayetteville agrees to release its rights for all back billings for volume underreporting that has occurred prior to the effective date of this agreement.
5. Fayetteville will conduct a comprehensive cost-of-service study in the future that will reset these sewer rates based on industry standards. Fayetteville shall cause the rate per 1,000 gallons for wastewater treatment services to be determined by an independent utility rate consulting firm with demonstrable expertise in water and wastewater utilities under a wholesale contractual agreement and in compliance with the rate methodology based in part or whole on the rate making standards promulgated by the American Water Works Association (AWWA), Water Environment Federation (WEF) or other authoritative organization. All of the wastewater flows from Elkins shall flow through a metering device provided at the pump station which pumps to the point of connection of the Elkins system to the Fayetteville system.

C. IMPACT FEE IMPLEMENTATION or CONTRACTURAL SURCHARGE

1. Elkins and Fayetteville further agree that Elkins shall pay an additional \$0.25/1,000 gallons of billed sewage, beginning January 1, 2006, to fund Elkins' portion of future capacity enhancements to the Fayetteville collection and treatment facilities utilized by Elkins. Fayetteville and Elkins agree that this rate per thousand shall be evaluated concurrent with each comprehensive cost-of-service study described in Section B paragraph 5 above as governed by Section H below. Fayetteville and Elkins further agree that Elkins shall assess, collect and remit to Fayetteville the cost of increasing capacity for the sewer lines necessary to serve Elkins as depicted in APPENDIX A and described in Section I. The capacity cost is to be calculated on the volume of contributed wastewater flow caused by the development under review.
2. Fayetteville agrees to fund a wastewater impact fee feasibility analysis in compliance with the Arkansas Development Impact Fees Act. Elkins and Fayetteville agree that this contract may be amended to incorporate wastewater impact fees at the conclusion of the applicable studies required by the Arkansas Development Impact Fees Act.
3. The payment for wastewater treatment shall be based on metered water purchases discounted by the formula described in APPENDIX B. Elkins and Fayetteville agree to use eighty-five per cent (85%) as the initial percentage. This initial

percentage shall remain in effect until December 31, 2006 at which time the percentage may be adjusted to reflect adjusted wastewater flows as calculated by a registered engineer contracted by Elkins. Elkins and Fayetteville agree that the volume of wastewater received by Fayetteville at the "Point of Connection" shall be measured by the wastewater meter installed. The Cities agree to base monthly billing on the percentage method unless the metering device readings detect any volume discrepancies greater than 10% for three consecutive months. Elkins and Fayetteville agree to use actual meter readings while the volume discrepancies are investigated. The use of the meter for billing purposes shall cease only upon mutual agreement between Elkins and Fayetteville.

4. Fayetteville shall provide the maintenance and any required replacement of the metering device, and Elkins shall be the right of inspection of the metering device and "Point of Connection" at any reasonable time. Elkins shall have full and complete access to the pump station at all times. The metering device shall be calibrated in compliance with the manufacturer's guidelines for accuracy once per year by Fayetteville.
5. A statement for sewer services shall be rendered by Fayetteville once each month, and shall be paid by Elkins in accordance with Fayetteville Code of Ordinances Chapter 51.141, as amended from time-to-time and incorporated herein as of September 14, 2005:

Sewer Billing procedure (A) Bills for sewer service shall be rendered monthly. Sewer bills are due and payable on or before the 20th day following the billing date stated on the sewer bills. Sewer bills not paid on or before the due date shall be considered delinquent and an additional charge of 10% of the total bill shall be added, and if any bill is not paid within 30 days after the bill shall be due, suit may be brought to collect the amount due, together with the expenses of collection and a reasonable attorney's fee. (B) In the case of the sewer customers outside the city limits, if the monthly service charges are not paid within the prescribed time, sewer service to the customer will be discontinued in the same manner and subject to the same provisions as prescribed for discontinuance of service under 51.140(B).

D. ELKINS RESPONSIBILITY FOR SEWER MAINTENANCE

1. Elkins shall have full responsibility for all maintenance and operations of Elkins' sanitary sewer system, including all parts thereof necessary to deliver the sanitary waste to the point of connection with the Fayetteville system in such a manner to be suitable for the treatment capabilities of the Fayetteville system. In such regard, Elkins agrees to comply with all reasonable requirements of Fayetteville.
2. Elkins agrees that Fayetteville will have the right to inspect the sanitary sewage system of Elkins at all reasonable times so as to assure Fayetteville that the construction, maintenance and operation of said sanitary sewer system in being

carried out in a manner consistent with modern engineering and health practices. Fayetteville may inspect any taps onto the sanitary sewer system of Elkins at the time of installation of said taps, said inspection to be by a designated official of Fayetteville. Fayetteville will notify the Elkins Water and Sewer Department during normal business hours, of Fayetteville's intent to inspect portions of Elkins Wastewater Collection System. Fayetteville agrees to provide Elkins a copy of any written reports that result from the inspection(s).

E. ELKINS' ADOPTION OF SEWER CODE REQUIREMENTS

1. Elkins agrees to adopt and enforce with reference to all users of its sanitary sewer system requirements and restrictions which are, at least, as restrictive as those provisions of the ordinances of Fayetteville restricting and controlling discharges into the sanitary sewer system of the City of Fayetteville. The requirement of this subparagraph shall be interpreted as to require the adoption and enforcement of such restrictions by Elkins as are equal to any ordinances or subsequent amendments to such ordinances of Fayetteville.
2. Elkins hereby agrees to exclude from their sewage collection system any industrial process wastewater without prior written approval from Fayetteville. Elkins agrees to provide Fayetteville an official copy of the Elkins adopted guidelines.

F. REPORTING DEVELOPMENT APPROVALS

1. Elkins agrees to provide to Fayetteville, on an annual basis, all development approvals grants by the Elkins Planning Commission and/or Elkins City Council.

G. TERM OF CONTRACT

1. The term of this contract shall be for the life of loan #9206 whose original date is July 23, 1981, with the loan having an initial term of forty (40) years, from Farmers Home Administration to the City of Elkins, which is being made to enable Elkins to build its sewage facilities.

H. SEWER RATE SCHEDULE ADJUSTMENT

1. The rate schedule established herein is subject to adjustment by Fayetteville every two (2) years during this contract upon thirty (30) days written notice to Elkins that Fayetteville intends to conduct a comprehensive rate study.
2. Fayetteville agrees that Elkins may participate in the selection of the independent rate consultant

I. POINT OF CONNECTION

1. The "Point of Connection" shall be at the end of Fayetteville's 10-inch gravity sewer line in Lewis Woods Lane in the Baldwin Community as depicted in APPENDIX A.

J. HOLD HARMLESS

1. Elkins covenants and agrees that it will defend and hold harmless against and indemnify said City of Fayetteville, Arkansas, for any judgment which might be obtained against them by reason of any negligent act on the part of Elkins in the operations, maintenance and construction of Elkins' sewage collection facilities within Elkins' service area. This provision does not waive either City's statutory sovereign immunity. Fayetteville shall not be responsible for damages resulting from acts of God, acts of war, insurrections, or rebellions, acts of public enemy, acts of any unauthorized persons, firms, or corporations, or acts of Elkins', its agents or employees.

K. CONTRACT BINDING ON SUCCESSORS

1. This contract shall be binding upon the parties hereto, their successors and assigns. In the event of any occurrence rendering Elkins incapable of performing under this contract, any successor of Elkins, whether by result of legal process, assignment, or otherwise shall succeed to the rights of Elkins under this contract.

L. NO FRANCHISE OR OTHER FEE OR TAX TO BE LEVIED

1. Elkins will not during the period of this contract or any renewal thereof, levy any franchise tax, occupation tax, or any other tax or fee of any form whatsoever, by whatever name it may be called, upon Fayetteville, or the services rendered by Fayetteville pursuant to this contract without consent of all the parties.

M. TERMINATION

1. This agreement may be terminated by either party upon a material or substantial breach by the other of any of the covenants or agreements contained herein, and the failure of the party in breach to remedy such breach within six (6) months after receipt of written notice of the existence of such breach. Either party will have the right to utilize a mediation process if they disagree with a proposed breach. Elkins reserves the right to re-negotiate or terminate this contract if it is advantageous for the Elkins to pursue a different type of sewage treatment process, subject to advance notification of at least two years.

N. NOTICES

1. The written notices provided for herein shall be sufficient if sent by certified mail, return receipt requested, postage prepaid, to the Mayor of the City of Fayetteville, 113 West Mountain Street, Fayetteville, Arkansas, 72701, or the Mayor of the City of Elkins, 348B North Center Street, Elkins, Arkansas, 72727, but not limited thereto.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE AND IN WITNESS WHEREOF, The Mayor and City Clerk of the City of Fayetteville, Arkansas, by authority of a Resolution adopted by the City Council of the City of Fayetteville, and the Mayor and City Recorder of the City of Elkins, Arkansas, by authority of a Resolution adopted by the City Council of the City of Elkins, have hereunto set their hand and caused the corporation seal to be affixed and dated this _____ day of _____, 2005.

CITY OF FAYETTEVILLE

By: _____
DAN COODY
Mayor of Fayetteville, AR

Attest: _____
Sondra Smith, City Clerk

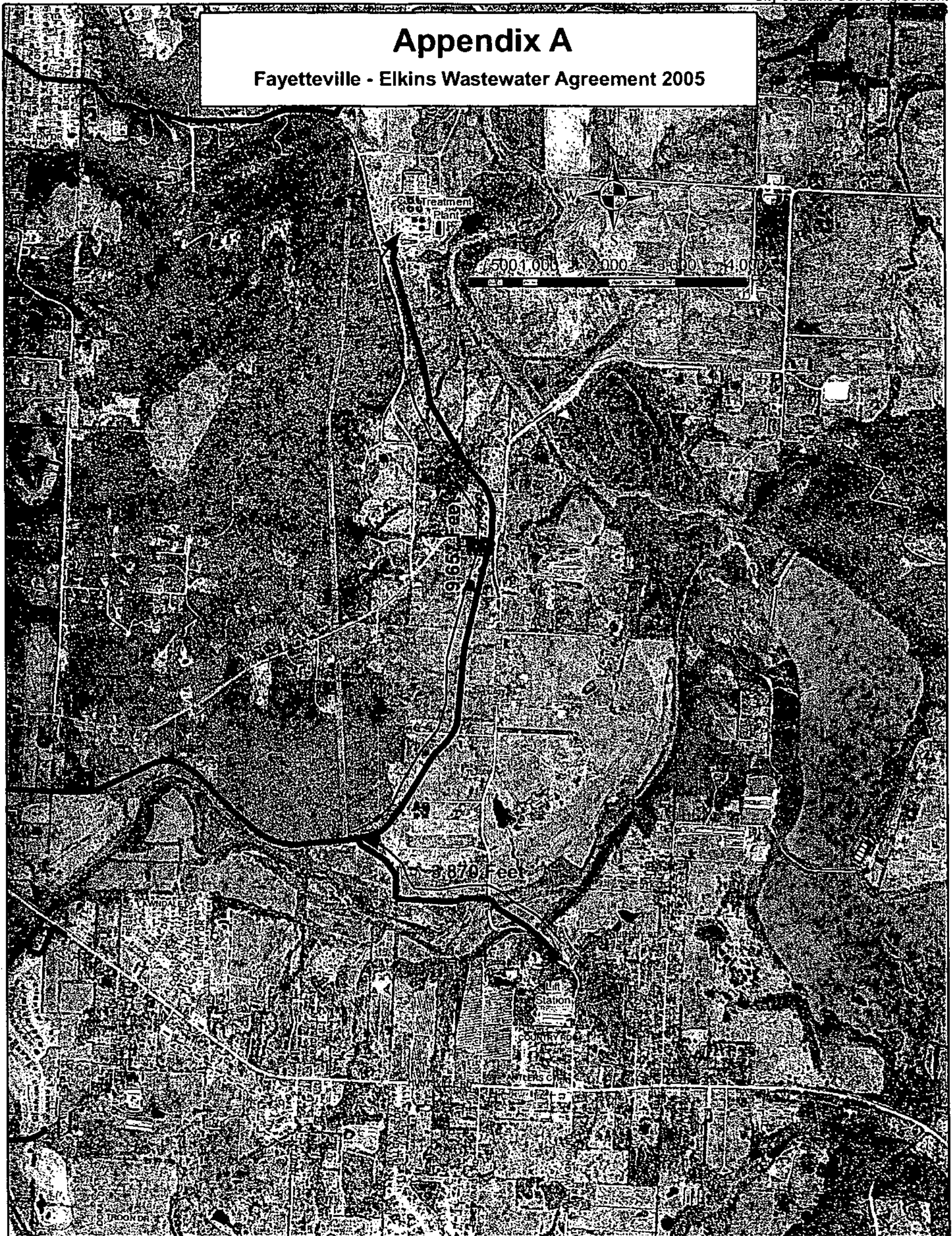
CITY OF ELKINS

By: _____
JACK LADYMAN
Mayor of Elkins, AR

Attest: _____
Meg Smith, Recorder

Appendix A

Fayetteville - Elkins Wastewater Agreement 2005



Fayetteville - Elkins Wastewater Agreement

APPENDIX B

Wastewater Volume Based On Metered Water

FORMULA ACTIONS

Water Meter Reading Volume - September, 2005

Example

4,431,900

Wastewater Volume as a % of Water 85%

3,767,115

SEWER
CONTRACT

THIS AGREEMENT, made and entered into this 23 day of July, 1981, by and between the CITY OF FAYETTEVILLE, ARKANSAS, hereinafter referred to as "FAYETTEVILLE", and the CITY OF ELKINS, ARKANSAS, hereinafter referred to as "ELKINS",

W-I-T-N-E-S-S-E-T-H:

WHEREAS, Fayetteville in its governmental capacity owns and operates its own sewage system; and,

WHEREAS, the residents of Elkins are not now served by a public sewage system; and,

WHEREAS, in order to maintain the health and well-being of the residents of Elkins, it is imperative that a sewage system be provided; and,

WHEREAS, it has been determined that the best and most feasible treatment for Elkins' wastewater can best be provided by Fayetteville's wastewater treatment facilities; and,

WHEREAS, Elkins desires to contract with Fayetteville to provide transportation and treatment for the wastewater from Elkins; now,

THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth and other valuable considerations, the receipt of which is hereby acknowledged by Fayetteville and Elkins, it is hereby agreed as follows:

Fayetteville agrees to accept for treatment the sanitary sewage delivered by Elkins to the Fayetteville system and to process such wastes in the same manner as wastes from Fayetteville are treated under the following terms and conditions:

A. Elkins will construct all facilities required to deliver wastewater from Elkins to a "Point of Connection" to Fayetteville's sewer collection system.

B. The amount of wastewater that Fayetteville agrees to treat under this contract shall not exceed an annual average daily amount of 100,000 gallons per day and shall not exceed 150,000 gallons in any one day.

- 2 -

C. The rate for sewage treatment services provided herein shall be sixty-eight cents (\$0.68) per 1,000 gallons of sewage received by Fayetteville from Elkins for treatment, same to be calculated based on the metered sewage flow through the metering device hereinafter provided for. Upon completion of an in process sewer rate study by Black & Veach for the City of Fayetteville, this rate shall be revised in accordance with the rate determined by said rate study. A statement for sewer services shall be rendered by Fayetteville once each month, and shall be paid by Elkins within 30 days after receipt of said statement.

METER

D. The payment for sewage treatment shall be based upon a measurement of such sewage through a metering device provided at the pump station which pumps to the point of connection of the Elkins system to the Fayetteville system. During any period of time that the metering device should be out of service, the City of Fayetteville shall bill the City of Elkins by using (1) electronic timing devices placed on each pump, or (2) the average daily flow for the previous three-month period. This method shall be used for the full period of time the meter is out of service. Elkins shall provide the maintenance and any required replacement of the metering device, and Fayetteville shall have the right of inspection of the metering device and point of connection at any reasonable time. Fayetteville shall provide the monthly reading of the metering device for the purpose of preparing billings pursuant to the rates established by Paragraph C above or by subsequent amendments thereto. Fayetteville shall have full and complete access to the pump station at all times. The metering device shall be checked for accuracy once per year by Fayetteville.

E. (1) Elkins shall have full responsibility for all maintenance and operation of Elkins' sanitary sewer system, including all parts thereof necessary to deliver the sanitary waste to the point of connection with the Fayetteville system in such a manner to be suitable for the treatment capabilities of the Fayetteville system. In such regard, Elkins agrees to comply with all reasonable requirements of Fayetteville.

- 3 -

(2) Elkins agrees that Fayetteville will have the right to inspect the sanitary sewage system of Elkins at all reasonable times so as to assure Fayetteville that the construction, maintenance and operation of said sanitary sewer system is being carried out in a manner consistent with modern engineering and health practices. Fayetteville may inspect any taps onto the sanitary sewer system of Elkins at the time of installation of said taps, said inspection to be by a designated official of Fayetteville.

(3) Elkins agrees to adopt and enforce with reference to all users of its sanitary sewer system requirements and restrictions which are, at least, as restrictive as those provisions of the ordinances of Fayetteville restricting and controlling discharges into the sanitary sewer system of the City of Fayetteville. The requirement of this subparagraph shall be interpreted as to require the adoption and enforcement of such restrictions by Elkins as are equal to any ordinances or subsequent amendments to such ordinances of Fayetteville. Further, Elkins hereby agrees to exclude from their sewage collection system any industrial process wastewater without prior written approval from Fayetteville.

F. (1) This contract shall be for the life of the loan from Farmers Home Administration to the City of Elkins, which is being made to enable Elkins to build its sewage facilities. Thereafter, this contract shall be reviewed and subject to renegotiation by both parties thereto once each two (2) years on the anniversary date of this contract.

(2) The rate schedule established herein is subject to adjustment by Fayetteville each two (2) years on the anniversary date of this contract upon thirty (30) days written notice to Elkins. The rate schedule may be adjusted more often, at the request of either party hereto, should the "Cost of Service" increase or decrease.

G. The point of connection shall be at the end of Fayetteville's 10 inch gravity sewer line in Lewis Woods Lane in the Baldwin Community.

- 4 -

H. Elkins covenants and agrees that it will defend and hold harmless against and indemnify said City of Fayetteville, Arkansas, for any judgment which might be obtained against them by reason of any negligent act on the part of Elkins in the operation, maintenance and construction of Elkins' sewage collection facilities within Elkins' service area. Fayetteville shall not be responsible for damages resulting from acts of God, acts of war, insurrections, or rebellions, acts of a public enemy, acts of any unauthorized persons, firms, or corporations, or acts of Elkins, its agents or employees.

I. This contract shall be binding upon the parties hereto, their successors and assigns. In the event of any occurrence rendering Elkins incapable of performing under this contract, any successor of Elkins, whether by result of legal process, assignment, or otherwise shall succeed to the rights of Elkins under this contract.

J. Elkins will not during the period of this contract or any renewal thereof, levy any franchise tax, occupation tax, or any other tax of any form whatsoever, by whatever name it may be called, upon Fayetteville, or the services rendered pursuant to this contract without consent of all the parties.

K. This agreement may be terminated by either party upon breach by the other of any of the covenants or agreements contained herein, and the failure of the party in breach to remedy such breach within thirty (30) days after receipt of written notice of the existence of such breach.

L. The written notices provided for herein shall be sufficient if sent by certified mail, return receipt requested, postage prepaid, to the City Manager of the City of Fayetteville, Arkansas, or the Mayor of the City of Elkins, Arkansas, but not limited thereto.

IN WITNESS WHEREOF, the Mayor and City Clerk of the City of Fayetteville, Arkansas, by authority of a resolution adopted by the Board of Directors of the City of Fayetteville, and the Mayor and City Recorder of the City of Elkins, Arkansas, by authority of

- 5 -

a resolution adopted by the City Council of the City of Elkins,
have hereunto set their hands and caused the corporation seal
to be affixed and dated this 23 day of July, 1981.

ATTEST:

CITY OF FAYETTEVILLE

Deborah Todd
City Clerk

By John Todd
John Todd, Mayor

ATTEST:

CITY OF ELKINS

Marie Sylvestre
Recorder

By Arlis Eaton
Arlis Eaton, Mayor



THE CITY OF FAYETTEVILLE, ARKANSAS

September 21, 2005

Jack Ladyman, Mayor
City of Elkins
P. O. Box 331
Elkins, AR 72727

Reference: Wastewater Services Contract - 2005 to 2021

Dear Mayor Ladyman;

Enclosed is the contract proposal from Fayetteville for Fayetteville to provide wastewater transportation and treatment services for Elkins at Fayetteville's Paul Noland Wastewater Treatment Plant.

The proposed contract is the culmination of several months of negotiations between representatives of Elkins and Fayetteville. It is Fayetteville's belief that this agreement accurately reflects the essence of this negotiation process. The primary points-of-concern stated in the early negotiations were the rate per 1,000 gallons and volume measurement.

This agreement establishes the rate per 1,000 gallons from March 1, 2005 until the next comprehensive rate study at \$2.81 per 1,000 gallons. It also contains a provision for an additional \$0.25 per 1,000 gallon to fund additional capacity needs related to new customers. Fayetteville is offering, subject to Elkins approval, to substitute this additional charge for Elkins collecting and remitting to Fayetteville Fayetteville's wastewater impact fee.

This contract calls for Fayetteville to install a new meter and for Elkins and Fayetteville to use a formula based on water purchases as a proxy for wastewater volumes, for a 120-day test period, to determine which method to use for future volume based billing purposes. Fayetteville will install the meter and cause it to be calibrated in compliance with the manufacturer's specifications on an annual basis to ensure accuracy.

At our meeting on September 8, Elkins stated a desire to receive a refund or credit back to October, 2004; the City of Fayetteville took this request under advisement. A review of the correspondence files revealed that Greg Boettcher notified Mayor Brt that Elkins sewer meter was significantly under-reading volumes. This initial correspondence is dated in November 2003 and references discussions and meetings with Mayor Brt; a formal report was provided to Elkins in October, 2003 further documenting the meter under-read. Mr. Boettcher followed the November 2003 letter with follow-up correspondence on January 2004. Arkansas Public Service Commission rules allow for a utility to back-bill for a six month period after a meter malfunction is discovered.

Fayetteville is entitled to bill for additional unreported volumes back to May 2003. Because of the lack of action on the part of Elkins officials to remedy the meter issue, the City of Fayetteville cannot provide a credit back to October 2004. Fayetteville is willing to settle all under-read volume billing issues if Elkins agrees to limit the credit to volumes billed after March 1, 2005.

Also, as stated in our September 8 meeting, Fayetteville will participate in the cost of an impact fee study that addresses Fayetteville's existing water and wastewater impact fee as well as develop an impact fee calculation for the Elkins water and wastewater system. In this regard Fayetteville has negotiated a contract with Duncan Associates to conduct a feasibility analysis.

Fayetteville expects to submit this contract to the Fayetteville Sewer Committee for review and approval on September 29. As soon as the Fayetteville Sewer Committee approves the contract it will be forwarded to Fayetteville City Council for approval. Please note that Fayetteville and Elkins city councils must approve the contract before it can become effective. Also, note that a public hearing is required before any wastewater rates can be adjusted.

If you have any questions concerning any item contained within this letter or the proposed contract, please contact Stephen Davis at 479-575-8330.

Sincerely;



Stephen L. Davis
Finance & Internal Services Director

Enclosure: Proposed contract
Professional Services Agreement with Duncan Associates

CC: Dan Coody, Mayor
Fayetteville Sewer Committee
Kit Williams, Fayetteville City Attorney
Sondra Smith, Fayetteville City Clerk
Ron Petrie, Fayetteville City Engineer
David Jurgens, Fayetteville Water & Wastewater Director, Interim
Rainy Laycox, Fayetteville Billing & Collection Manager

City of Fayetteville, Arkansas

Elkins Wastewater Billing
Billings in Excess of Rate Study Findings

Year	Rate Per Thousand	Wastewater Volumes		A		B		C	
		2003 Rate Study	Meter Volume Read	Revised Billable Volumes	2003 Rate Study Identified Revenue Requirement	Based on Revised Billable Volume	Calculated Annual Billings	Actual Billings	Billings in Excess of Rate Study Findings
2003	\$ 1.80	14,100,000	38,916,600	45,784,234	\$ 25,380	\$ 82,412	\$ 35,025	\$ 9,645	
2004	\$ 5.24	14,100,000	48,227,400	56,738,118	\$ 73,884	\$ 297,308	\$ 230,232	\$ 156,348	
2005	\$ 5.71	14,100,000	35,080,000	41,270,588	\$ 80,511	\$ 235,655	\$ 200,037	\$ 119,526	
Total									\$ 285,519

C - A

Elkins Revised Billable Calculations

YEAR	Metered Wastewater Volume	Documented Undermetered 50%	Adjusted Wastewater Volume	Documented Meter Error 15%	Revised Billable Volumes	Additional Volume Subject To Negotiation	Rate Per M/Gallons	Additional Billable \$
1999	14,098,800	14,098,800	28,197,600	4,976,047	33,173,647	19,074,847	\$ 1.80	34,334.72
2000	12,954,000	12,954,000	25,908,000	4,572,000	30,480,000	17,526,000	\$ 1.80	31,546.80
2001	15,150,700	15,150,700	30,301,400	5,347,306	35,648,706	20,498,006	\$ 1.80	36,896.41
2002	14,235,600	14,235,600	28,471,200	5,024,329	33,495,529	19,259,929	\$ 1.80	34,667.87
2003	19,458,300	19,458,300	38,916,600	6,867,635	45,784,235	26,325,935	\$ 1.80	47,386.68
2004	48,227,400	-	48,227,400	8,510,718	56,738,118	8,510,718	\$ 5.24	44,596.16
2005 YTD	35,080,000	-	35,080,000	6,190,588	41,270,588	6,190,588	\$ 5.71	35,348.26
	<u>159,204,800</u>	<u>75,897,400</u>	<u>235,102,200</u>	<u>41,488,624</u>	<u>276,590,824</u>	<u>117,386,024</u>		<u>\$ 264,776.91</u>

City of Fayetteville, Arkansas

Schedule of Probable Refund - Elkins
Elkins Volumes and Dollars

7-Nov-05

	2004		2005	
	Volume	Dollars	Volume	Dollars
January	6,534,800	\$ 11,762.64	5,683,700	\$ 32,453.93
February	5,087,300	\$ 26,657.45	3,989,400	\$ 22,779.47
March	3,433,000	\$ 17,988.92	3,905,600	\$ 22,300.98
April	3,163,600	\$ 16,577.26	5,437,600	\$ 31,048.70
May	5,257,600	\$ 27,549.82	2,625,300	\$ 14,990.46
June	2,519,800	\$ 13,203.75	2,961,800	\$ 16,911.88
July	4,770,200	\$ 24,995.85	2,981,200	\$ 17,022.65
August	2,997,400	\$ 15,706.38	2,147,400	\$ 12,261.65
September	2,159,600	\$ 11,316.30	2,486,600	\$ 14,198.49
October	2,086,700	\$ 10,934.31	2,861,400	\$ 16,338.59
November	4,659,200	\$ 24,414.21		
December	5,558,200	\$ 29,124.97		
	48,227,400	\$ 230,231.86	35,080,000	\$ 200,306.80

Volumes March 1 to Oct 31 25,406,900

Existing Rate	5.71
New Rate	<u>2.81</u>

Rate Difference	<u>\$ 2.90</u>
-----------------	----------------

Probable Refund Amount	<u><u>\$ 73,680.01</u></u>
------------------------	----------------------------

Elkins Wastewater Billing Option

A	B	C	D
YEAR	Water Purchased Volume	Adjusted Wastewater Volume	Wastewater as a % of Purchased Water
1999	39,493,300	28,197,600	71.40%
2000	42,255,000	25,908,000	61.31%
2001	48,761,700	30,301,400	62.14%
2002	44,704,600	28,471,200	63.69%
2003	45,282,200	38,916,600	85.94%
2004	46,521,100	48,227,400	103.67%
2005 YTD	38,035,900	32,218,600	84.71%
Totals	305,053,800	232,240,800	76.13%

Recommendation: Use 85% of purchased water as the wastewater billing volume.

Reason: Simple calculation that does not rely on monthly customer counts from Elkins to Fayetteville.

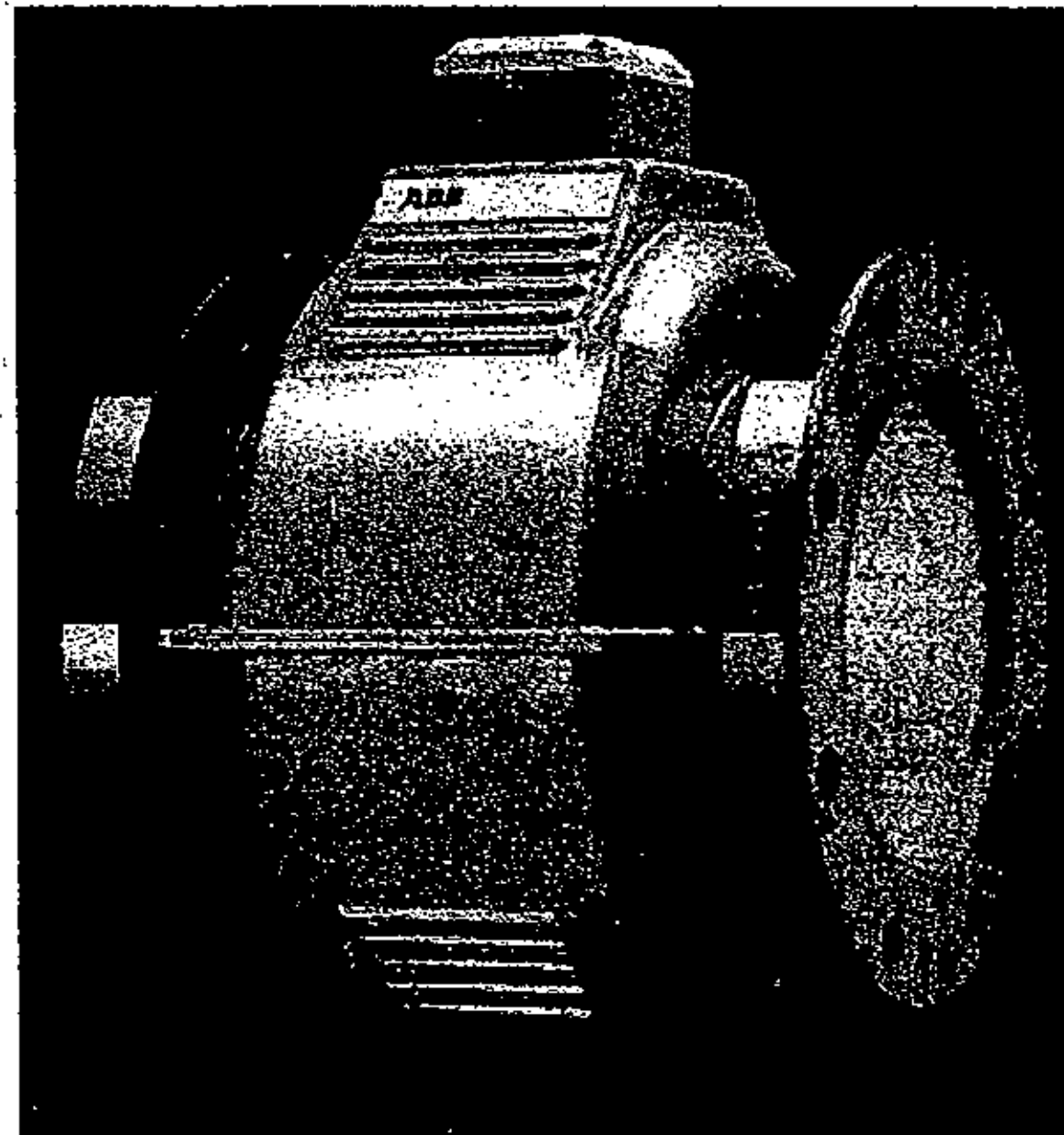
85% represents a reasonable approximation of the wastewater volume after the meter was set to read 100%.

The 85% discounts the increased flow in 2004 caused by the spring flood.

Data Sheet
D-FMP-MagMaster-MFF_4

Field^{IT}
Electro-Magnetic Flowmeters
Electromagnetic Sensor
MagMaster™ Plus MFF

- **Unrivalled, fully traceable flow performance**
 - 0.15% accuracy
- **Operable flow range: 1500:1**
 - ensures more precise revenue measurement
 - superior control of process
 - accurate night-flow measurement
- **Bi-directional system.**
- **Pulsed DC technology incorporates benefits of AC systems.**
- **Submersible and buriable**
 - inherently suitable for use in flooded environments
 - eliminates meter vaults and promotes very low installation costs
- **Designed, manufactured and calibrated to internationally accepted standards**
 - ISO 9001/UKAS(NAMAS)/NIST/NATA
 - ensures reliable, maintenance-free operation
- **2-year warranty as standard**
- **Built-in grounding electrode**
 - eliminates requirement for grounding rings
- **8 to 84 inch (200 to 2200 mm) meter sizes. Larger upon request.**
- **CalMaster enabled product.**
- **NSF approved liner material available.**



MagMaster Plus MFF
Electromagnetic Sensor

ABB

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
November 15, 2005**

A meeting of the Fayetteville City Council will be held on November 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order
Roll Call
Pledge of Allegiance

Presentation on the findings of the 2005 Fayetteville Citizen Survey given by Molly Longstreth, Director of U of A Survey Research Center

A. CONSENT:

- 1. Approval of the October 4, 2005 City Council Meeting Minutes.**
- 2. Little Rock Equipment Sales – Trailer Mounted Crack Sealer:** A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account.
- 3. Barloworld Freightliner of Springdale – 4 Dump Trucks:** A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.
- 4. Baird, Kurtz & Dobson, LLP (BKD) Contract:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville.

5. **LEECO, Inc. Bid Award – SCBA Cylinder Refill System:** A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488.
6. **2005 Vehicle and Machine Fuel:** A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005.

B. UNFINISHED BUSINESS:

1. **ANX 05-1728 Zaccanti:** An ordinance annexing that property described in annexation petition ANX 05-1728 for property located south of Salem Road, east of Crystal Springs Subdivision, containing 80.30 acres. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*
2. **Planning Commission Appeal - RZN 05-1729 Zaccanti:** An ordinance rezoning that property described in rezoning petition RZN 05-1729 for approximately 60.00 acres located south of Salem Road, east of Crystal Springs Subdivision from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*

C. NEW BUSINESS:

1. **2006-2010 Proposed CIP Adoption:** A resolution adopting the proposed 2006-2010 (CIP) Capital Improvement Project.
2. **2006 Proposed Annual Budget Adoption:** A resolution adopting the proposed 2006 Annual Budget and Work Program.
3. **ADM 05-1794 College Avenue Right of Way Reduction:** A resolution to vary the right-of-way dedication requirement for 620 N. College Avenue to promote redevelopment of this property and prevent undue hardship to the developer.
4. **R-PZD 05-1635 Fallingwaters:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1635, Fallingwaters, located east of Dead Horse Mountain Road, containing approximately 136.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
5. **RZN 05-1754 Park West Heights:** An ordinance rezoning that property described in rezoning petition RZN 05-1754 for approximately 26.28 acres located at the south east corner of Highway 112 and Deane Solomon Road from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.
6. **Planning Commission Appeal of PPL 05-1733 West Haven Subdivision:**
7. **Amend Chapter 117.37 - Taxi Drivers Permit:** An ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an emergency.

8. **S & K Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.
9. **USable Life and Blue Cross Insurance Renewal:** A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage , and with Blue Cross/ Blue Shield for the Group Medical Plan.
10. **Manage Wastewater Collection and Treatment Activities:** A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act.
11. **UATV Contract – Fayetteville Education Channel:** A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV to operate the Fayetteville Education Channel for a two-year period.

D. INFORMATIONAL:

Council Tour: November 14, 2005 – 4:30 PM

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

11/15/2005
City Council Meeting Date

David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

A resolution awarding Bid #05-75 to Little Rock Equipment Sales in the amount of \$40,992.00 for the purchase of a trailer mounted crack sealer for use by Transportation Division, and approval of the budget adjustment to move funds to the Fleet Expense Account.

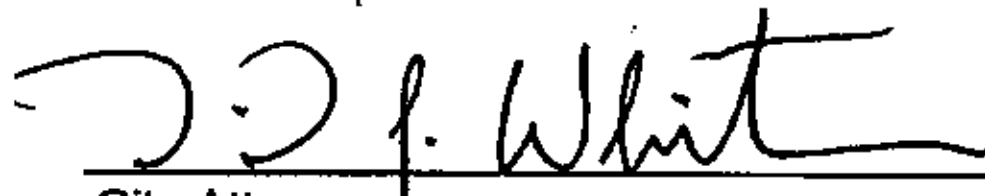
\$ 40,992.00	\$ 304,038.00	Other Vehicles and Equipment
Cost of this request	Category / Project Budget	Program Category / Project Name
9700.1920.5802.00	\$ 131,037.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02080.1	\$ 173,001.00	Shop Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☒

 10/28/05
Department/Director Date

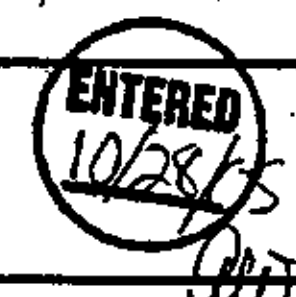
Previous Ordinance or Resolution # _____

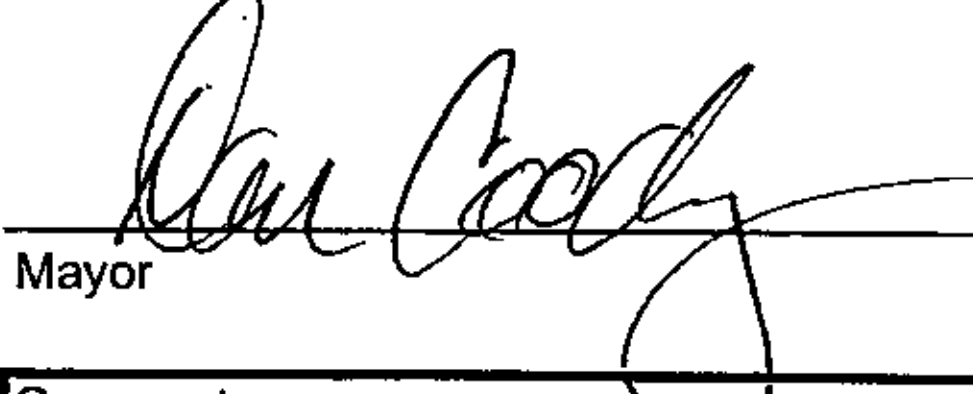
Original Contract Date: _____

 10/28/05
City Attorney Date

Original Contract Number: _____

 11-2-05
Finance and Internal Service Director Date

Received in City Clerk's Office


 11/1/05
Mayor Date

Received in Mayor's Office


Comments:



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

A. 2
Little Rock Equipment Sales
Trailer Mounted Crack Sealer
Page 2 of 8

Interdepartmental Correspondence

To: Mayor/City Council
Thru: Gary Dumas, Director of Operations
From: David Bragg, Fleet Operations Superintendent *DB*
Date: October 27, 2005
Subject: Purchase of one Trailer Mounted Crack Sealer

RECOMMENDATION: That City Council approve the purchase of one trailer mounted Crack Sealer for Transportation Division in the amount of \$40,992.00.

BACKGROUND: Bid #05-75 was opened on October 13, 2005 for one trailer mounted Crack Sealer. Four Bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Southern Star Materials of North Little Rock does not meet specifications in many areas (see attached letter to Equipment Committee). The second lowest bid from Little Rock Equipment Sales meets all specifications.

I recommend acceptance of the second lowest bid from Little Rock Equipment Sales in the amount of \$40,992.00.

This crack sealer is an expansion unit approved in the 2005 operating budget. Funds have been transferred from Transportation 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 #02080.1.

The purchase of this expansion unit was approved by the Equipment Committee on Oct. 25, 2005.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #05-75 TO LITTLE ROCK EQUIPMENT SALES FOR THE PURCHASE OF ONE (1) TRAILER-MOUNTED CRACK SEALER IN THE AMOUNT OF \$40,992.00 FOR USE BY THE TRANSPORTATION DIVISION; AND APPROVING A BUDGET ADJUSTMENT TO MOVE FUNDS TO FLEET EXPENSE ACCOUNT.

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 #05-75 to Little Rock Equipment Sales for the purchase of One (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment to move funds to Fleet Expense Account.

PASSED and APPROVED this 15th day of November, 2005

APPROVED

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

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

A. 2
Little Rock Equipment Sales
Trailer Mounted Crack Sealer
Page 4 of 8

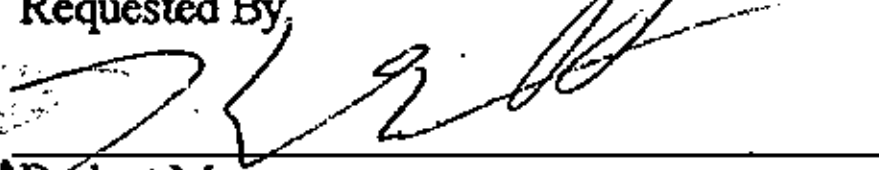
Budget Year 2005	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 10/27/2005	Adjustment Number
----------------------------	--	-------------------------------------	-------------------

Project or Item Requested: \$40,992 is requested in the Fleet Operations Capital Expenses Account, Project# 02080.	Project or Item Deleted: Move \$40,992 from Flet Revenue Account to Fleet Expense account for the purchase of one expansion crack sealer truck.
--	---

Justification of this Increase: Expansion truck has been approved for purchase from this project.	Justification of this Decrease: Recognizing revenue from Transportation for the purchase of one expansion crack sealer truck.
---	---

Increase Budget (Decrease Revenue)							
Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	40,992	02080	1

Decrease Budget (Increase Revenue)							
Account Name	Account Number				Amount	Project Number	
Transfer from Street	9700	0970	6602	10	40,992	02080	1

Approval Signatures  Requested By  Budget Manager  Department Director  Finance & Internal Services Director  Mayor		Budget Office Use Only Type: A B C D E Date of Approval: <u>10/28/05</u> Posted to General Ledger: <u>11-28-05</u> Posted to Project Accounting: <u>11-2-05</u> Entered in Category Log: <u>11/1/05</u>	
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FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 2
Little Rock Equipment Sales
Trailer Mounted Crack Sealer
Page 5 of 8

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Bobby Ferrell
Don Marr
Lioneld Jordan
Billy Sweetser

FROM: David Bragg, Fleet Operations Supt *2288*

DATE: October 14, 2005

SUBJECT: Award of Equipment Bid

Bid #05-75 was opened on October 13, 2005 for one Trailer Mounted Crack Sealer for use by Transportation Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Southern Star Materials of North Little Rock does not meet specifications in many areas:

- 205 gallon capacity vs. 220 specified
- One loading door vs. two specified
- 56" loading height vs. 48" maximum specified (operator lifting issue)
- Sealing hose is not heated as specified
- 33 HP engine vs. 38 specified
- 5" channel frame vs. 6"x2" tubular frame specified
- Numerous other deficiencies

The second lowest bid from Little Rock Equipment Sales meets all specifications.

I recommend acceptance of the second lowest bid from Little Rock Equipment Sales in the amount of \$40,992.00.

This crack sealer is an expansion unit approved in the 2005 operating budget. Funds are available for this purchase in the Fleet Vehicle Account, Special Project 02080 – Other vehicles and equipment.

Cc:
Gary Dumas

*10/25/05
APPROVED*

*- M. W. WIMMONS -
2288*

BID: 05-75
DATE: 10/13/05
TIME: 2:00 PM
CITY OF FAYETTEVILLE



Bid 05-75, Trailer Mounted Crack Sealer

BIDDERS **Total**

1 LITTLE ROCK EQUIPMENT SALES	CLIMLINE	230DHRC	\$40,992.00	←
2 SMC1	STEPP	OJK-250-DAC	\$50,210.00	
3 SOUTHERN STAR MATERIALS	CRAFCO	EZ POUR 200	\$33,500.00	
4 SOUTHERN STAR MATERIALS	CRAFCO	SS250DC	\$40,995.00	

CERTIFIED: P. VICE PURCH MGR WITNESS DATE

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05
Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00
Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 9080
Purchase Price: \$ 40,992 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02080.1
Total Annual Budgeted Motor Pool Charges for Unit: _____ Acct. # for monthly charges: 2100.412
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for Current Unit:
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for New Unit:
Replacement: 524.00 Maintenance: 150.00 Overhead: 43.00
of Months New Unit to be in Service for 2006 Year: 12.00 Budgeted Amount: 0.00
Annual Cost: 8,604.00
Is a Budget Adjustment Needed? Difference (Over)/Under Budget: (8,604.00)
☒ No ☐ Yes, BA is attached

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

2006 Climline 230DHRC Crack Sealer Truck.

cc949, 10 year life

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

This is an expansion unit approved as a Service Expansion for the 2005 budget year.

Approval Signatures:

<u>Ty 2. Hully</u>	<u>10-28-05</u>	_____	_____
Division Head	Date	Department Director	Date
<u>2 Int R. B.</u>	<u>10/28/05</u>	_____	_____
Fleet Operations Superintendent	Date	Finance & Internal Services Dir.	Date
_____	_____	_____	_____
Budget Manager	Date	Mayor	Date

Please return original form to Fleet when signed by all.

City Of Fayetteville

(Not a Purchase Order)

Vendor # **7960** Vendor Name: **LITTLE ROCK EQUIPMENT** Requisition No. _____ Date: **10/26/2005**

Address: _____ P.O. Number _____ Expected Delivery Date: _____

City: _____ State: _____ Fob Point: _____ Taxable Yes: ☒ No: ☐

Requester: **BARBARA OLSEN** Zip Code: **050** Ship to code: **24** Division Head Approval Yes: ☒ No: ☐

Requester's Employee # **1940** Extension: **495** Quotes Attached Yes: ☐ No: ☐

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	CLIMLINE 230DHRC TRAILER	1	EA	\$40,992.00	\$40,992.00	9700.1920.5802.00	2080.1		
2	MOUNTED CRACK SEALER TRUCK		EA		\$0.00				
3	PER SPECS, BID #05-75		EA		\$0.00				
4	TO BE UNIT:		EA		\$0.00				
5	9080, FIXED ASSET #709080		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: **40,992.00**
 Tax: **EXEMPT**
 Total: **40,992.00**

Approvals:

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

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

A. 3
Barloworld Freightliner of Springdale
4 Dump Trucks
Page 1 of 12

11/15/2005
City Council Meeting Date

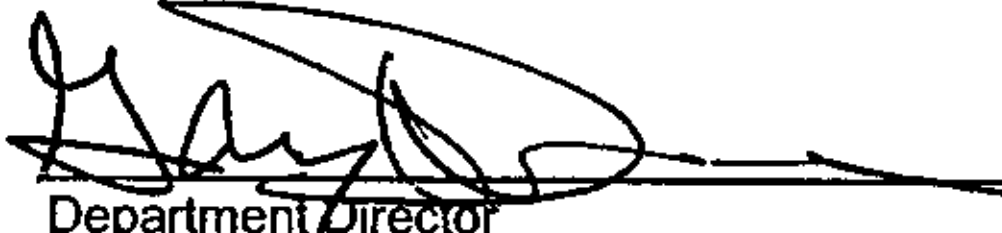
David Bragg Submitted By Fleet Operations Division Operations Department

Action Required:

A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale in the amount of \$360,932.00 for the purchase of four tandem axle dump trucks for use by Transportation Division, Trails Program, and approval of the budget adjustment to move funds to the Fleet Expense Account.

\$ 360,932.00 Cost of this request	\$ 191,708.00 Category / Project Budget	Medium/Heavy Trucks Program Category / Project Name
9700.1920.5802.00 Account Number	\$ 84,426.00 Funds Used to Date	Vehicles and Equipment Program / Project Category Name
02079.1 Project Number	\$ 107,282.00 Remaining Balance	Shop Fund Fund Name

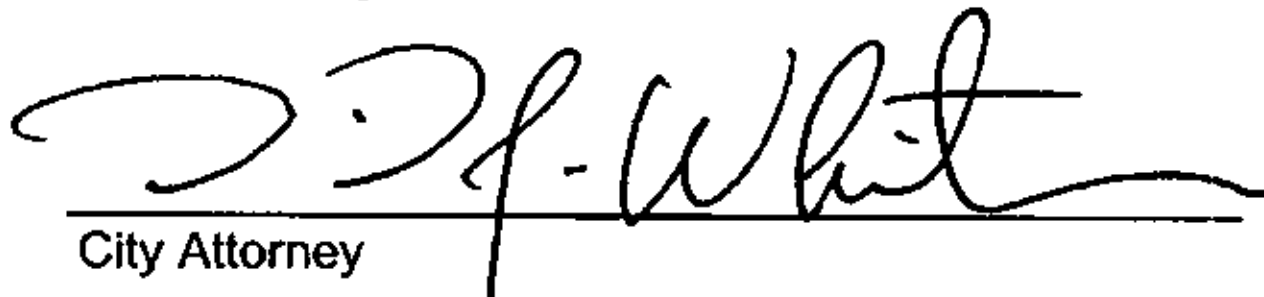
Budgeted Item ☐ Budget Adjustment Attached ☒

 10.28.05
Department Director Date

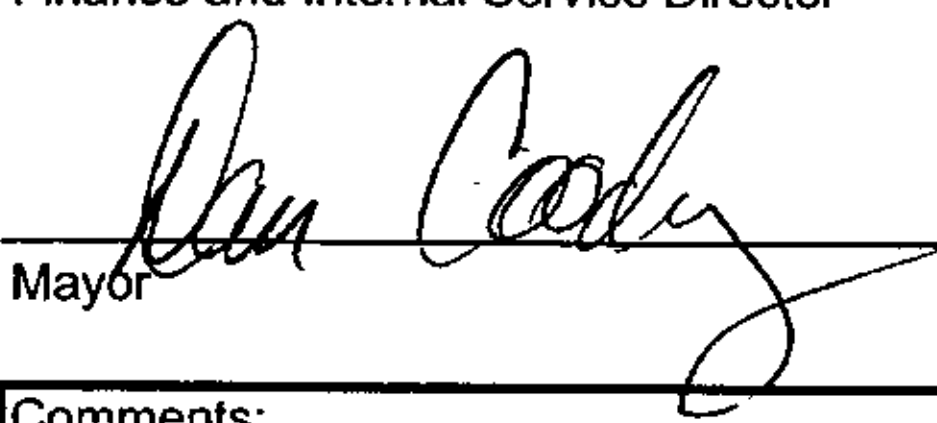
Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

 10/28/05
City Attorney Date

 11/2/05
Finance and Internal Service Director Date

 11/1/05
Mayor Date

Received in City Clerk's Office
ENTERED 10/28/05

Received in Mayor's Office
ENTERED 10/31/05

Comments:



A. 3
Barloworld Freightliner of Springdale
Dump Trucks
Page 2 of 12

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 *2005*

Date: October 27, 2005

Subject: Purchase of four Dump Trucks from Barloworld Freightliner

RECOMMENDATION: That City Council approve the purchase of four tandem axle dump trucks from Barloworld Freightliner for Transportation Division, Trails Program in the amount of \$360,932.

BACKGROUND: Bid #05-73 was opened on October 11, 2005 for four tandem axle dump trucks. Five bid responses were received. A detailed tabulation sheet is attached. The lowest bid from MHC Kenworth/Volvo does not meet specifications in many areas – most significant is an auto-shift manual transmission where an Allison automatic was specified. The second lowest bid from Barloworld Freightliner meets all specifications except a Detroit Diesel/Mercedes engine is bid in lieu of the Cummins engine specified. Freightliner does not offer Cummins power in any of their trucks and the engine bid meets all requirements of the specification except for make/manufacturer. The fourth lowest bid from Diamond International of Lowell meets all specifications.

Due to problems with 2003 Mack engines, we have been specifying Cummins model ISM engines for all heavy diesel applications. We have had good success in fire engines, solid waste and dump trucks. There are significant economies to be achieved by standardization. However, we have also researched references on the Detroit/Mercedes engine and I do not feel that I can justify rejection of the Freightliner bid.

I recommend acceptance of the second lowest bid from Barloworld Freightliner of Springdale in the amount of \$360,932.00.

These four trucks are expansion units for the recently approved trails program. 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 #02079.1.

The purchase of these expansion units was approved by the Equipment Committee on Oct. 25, 2005.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #05-73 TO BARLOWORLD FREIGHTLINER OF SPRINGDALE FOR THE PURCHASE OF FOUR (4) TANDEM AXLE DUMP TRUCKS IN THE AMOUNT OF \$360,932.00 FOR USE BY THE TRANSPORTATION DIVISION FOR THE IN-HOUSE TRAILS PROGRAM; AND APPROVING A BUDGET ADJUSTMENT TO MOVE FUNDS TO FLEET EXPENSE ACCOUNT.

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 #05-73 to Barloworld Freightliner of Springdale for the purchase of Four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 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 to move funds to Fleet Expense Account.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

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

A. 3
Barloworld Freightliner of Springdale
4 Dump Trucks
Page 4 of 12

Budget Year 2005	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested 10/27/2005	Adjustment Number
----------------------------	--	-------------------------------------	-------------------

Project or Item Requested:
\$360,932 is requested in the Fleet Operations Capital Expenses Account, Project# 02079.

Project or Item Deleted:
Move \$360,932 from Fleet Revenue Account to Fleet Expense account for the purchase of four tandem axle dump trucks.

Justification of this Increase:
Expansion trucks have been approved for purchase from this project.

Justification of this Decrease:
Recognizing revenue from Transportation, Trails Program, for the purchase of four tandem axle dump trucks.

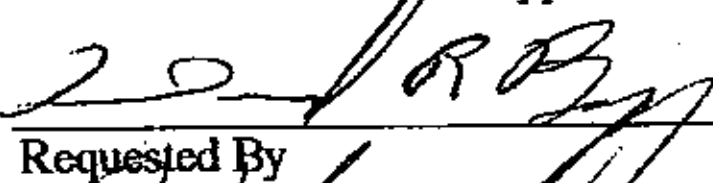
Increase Budget (Decrease Revenue)

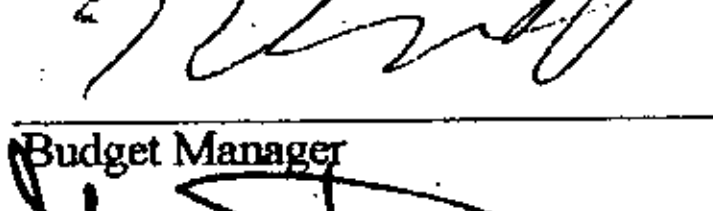
Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	360,932	02079	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Trans from Cap Improv	9700	0970	6602	47	360,932	02079	1

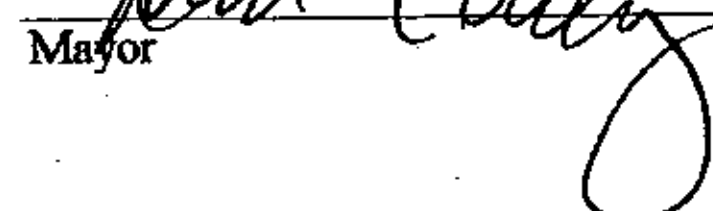
Approval Signatures

Requested By:  10/28/05
Date: 10/28/05

Budget Manager:  10-28-05
Date: 10-28-05

Department Director:  11-2-05
Date: 11-2-05

Finance & Internal Services Director:  11/1/05
Date: 11/1/05

Mayor:  11/1/05
Date: 11/1/05

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: _____



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

A. 3
Barloworld Freightliner of Springdale
4 Dump Trucks
Page 5 of 12

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Bobby Ferrell
Don Marr
Lioneld Jordan
Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: October 14, 2005

SUBJECT: Award of Equipment Bid

Bid #05-73 was opened on October 11, 2005 for four Tandem Axle Dump Trucks for use by Transportation Division. Five bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from MHC Kenworth/Volvo of Springdale does not meet specifications in many areas – most significant is an auto-shift manual transmission where an Allison automatic was specified.

The second lowest bid from Barloworld Freightliner of Springdale meets all specifications except a Detroit Diesel/Mercedes engine is bid in lieu of the Cummins engine specified. Freightliner does not offer Cummins power in any of their trucks and the engine bid meets all requirements of the specification except for make/manufacturer.

The forth lowest bid from Diamond International of Lowell meets all specifications.

Due to problems with 2003 Mack engines, we have specified Cummins model ISM engines for all heavy diesel applications since that time with good success in fire engines, solid waste, and dump trucks. There are significant economies to be achieved by standardization. However, we have also researched references on the Detroit/Mercedes engine and I do not feel that I can justify rejection of the Freightliner bid.

I recommend acceptance of the second lowest bid from Barloworld Freightliner of Springdale in the amount of \$360,932.00.

These four trucks are expansion units for the recently approved trails program. Funds are available for this purchase in the trails program special project account. Necessary funds will be transferred to the Fleet expense fund for vehicle purchase.

Cc:
Gary Dumas

APPROVED 10/25/05
3 FOR
1 AGAINST
ZRB

Fayetteville
ARKANSAS

BIDDERS		ITEM 1	ITEM 2	ITEM 3	ITEM 4	ITEM 5	ITEM 6	ITEM 7	ITEM 8	ITEM 9	ITEM 10	ITEM 11	ITEM 12	ITEM 13	ITEM 14	ITEM 15	ITEM 16	ITEM 17	ITEM 18	ITEM 19	ITEM 20	ITEM 21	ITEM 22	ITEM 23	ITEM 24	ITEM 25	ITEM 26	ITEM 27	ITEM 28	ITEM 29	ITEM 30	ITEM 31	ITEM 32	ITEM 33	ITEM 34	ITEM 35	ITEM 36	ITEM 37	ITEM 38	ITEM 39	ITEM 40	ITEM 41	ITEM 42	ITEM 43	ITEM 44	ITEM 45	ITEM 46	ITEM 47	ITEM 48	ITEM 49	ITEM 50	ITEM 51	ITEM 52	ITEM 53	ITEM 54	ITEM 55	ITEM 56	ITEM 57	ITEM 58	ITEM 59	ITEM 60	ITEM 61	ITEM 62	ITEM 63	ITEM 64	ITEM 65	ITEM 66	ITEM 67	ITEM 68	ITEM 69	ITEM 70	ITEM 71	ITEM 72	ITEM 73	ITEM 74	ITEM 75	ITEM 76	ITEM 77	ITEM 78	ITEM 79	ITEM 80	ITEM 81	ITEM 82	ITEM 83	ITEM 84	ITEM 85	ITEM 86	ITEM 87	ITEM 88	ITEM 89	ITEM 90	ITEM 91	ITEM 92	ITEM 93	ITEM 94	ITEM 95	ITEM 96	ITEM 97	ITEM 98	ITEM 99	ITEM 100	ITEM 101	ITEM 102	ITEM 103	ITEM 104	ITEM 105	ITEM 106	ITEM 107	ITEM 108	ITEM 109	ITEM 110	ITEM 111	ITEM 112	ITEM 113	ITEM 114	ITEM 115	ITEM 116	ITEM 117	ITEM 118	ITEM 119	ITEM 120	ITEM 121	ITEM 122	ITEM 123	ITEM 124	ITEM 125	ITEM 126	ITEM 127	ITEM 128	ITEM 129	ITEM 130	ITEM 131	ITEM 132	ITEM 133	ITEM 134	ITEM 135	ITEM 136	ITEM 137	ITEM 138	ITEM 139	ITEM 140	ITEM 141	ITEM 142	ITEM 143	ITEM 144	ITEM 145	ITEM 146	ITEM 147	ITEM 148	ITEM 149	ITEM 150	ITEM 151	ITEM 152	ITEM 153	ITEM 154	ITEM 155	ITEM 156	ITEM 157	ITEM 158	ITEM 159	ITEM 160	ITEM 161	ITEM 162	ITEM 163	ITEM 164	ITEM 165	ITEM 166	ITEM 167	ITEM 168	ITEM 169	ITEM 170	ITEM 171	ITEM 172	ITEM 173	ITEM 174	ITEM 175	ITEM 176	ITEM 177	ITEM 178	ITEM 179	ITEM 180	ITEM 181	ITEM 182	ITEM 183	ITEM 184	ITEM 185	ITEM 186	ITEM 187	ITEM 188	ITEM 189	ITEM 190	ITEM 191	ITEM 192	ITEM 193	ITEM 194	ITEM 195	ITEM 196	ITEM 197	ITEM 198	ITEM 199	ITEM 200	ITEM 201	ITEM 202	ITEM 203	ITEM 204	ITEM 205	ITEM 206	ITEM 207	ITEM 208	ITEM 209	ITEM 210	ITEM 211	ITEM 212	ITEM 213	ITEM 214	ITEM 215	ITEM 216	ITEM 217	ITEM 218	ITEM 219	ITEM 220	ITEM 221	ITEM 222	ITEM 223	ITEM 224	ITEM 225	ITEM 226	ITEM 227	ITEM 228	ITEM 229	ITEM 230	ITEM 231	ITEM 232	ITEM 233	ITEM 234	ITEM 235	ITEM 236	ITEM 237	ITEM 238	ITEM 239	ITEM 240	ITEM 241	ITEM 242	ITEM 243	ITEM 244	ITEM 245	ITEM 246	ITEM 247	ITEM 248	ITEM 249	ITEM 250	ITEM 251	ITEM 252	ITEM 253	ITEM 254	ITEM 255	ITEM 256	ITEM 257	ITEM 258	ITEM 259	ITEM 260	ITEM 261	ITEM 262	ITEM 263	ITEM 264	ITEM 265	ITEM 266	ITEM 267	ITEM 268	ITEM 269	ITEM 270	ITEM 271	ITEM 272	ITEM 273	ITEM 274	ITEM 275	ITEM 276	ITEM 277	ITEM 278	ITEM 279	ITEM 280	ITEM 281	ITEM 282	ITEM 283	ITEM 284	ITEM 285	ITEM 286	ITEM 287	ITEM 288	ITEM 289	ITEM 290	ITEM 291	ITEM 292	ITEM 293	ITEM 294	ITEM 295	ITEM 296	ITEM 297	ITEM 298	ITEM 299	ITEM 300	ITEM 301	ITEM 302	ITEM 303	ITEM 304	ITEM 305	ITEM 306	ITEM 307	ITEM 308	ITEM 309	ITEM 310	ITEM 311	ITEM 312	ITEM 313	ITEM 314	ITEM 315	ITEM 316	ITEM 317	ITEM 318	ITEM 319	ITEM 320	ITEM 321	ITEM 322	ITEM 323	ITEM 324	ITEM 325	ITEM 326	ITEM 327	ITEM 328	ITEM 329	ITEM 330	ITEM 331	ITEM 332	ITEM 333	ITEM 334	ITEM 335	ITEM 336	ITEM 337	ITEM 338	ITEM 339	ITEM 340	ITEM 341	ITEM 342	ITEM 343	ITEM 344	ITEM 345	ITEM 346	ITEM 347	ITEM 348	ITEM 349	ITEM 350	ITEM 351	ITEM 352	ITEM 353	ITEM 354	ITEM 355	ITEM 356	ITEM 357	ITEM 358	ITEM 359	ITEM 360	ITEM 361	ITEM 362	ITEM 363	ITEM 364	ITEM 365	ITEM 366	ITEM 367	ITEM 368	ITEM 369	ITEM 370	ITEM 371	ITEM 372	ITEM 373	ITEM 374	ITEM 375	ITEM 376	ITEM 377	ITEM 378	ITEM 379	ITEM 380
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↓ 4.18%

3774.2 EACH. D1 REFERENCE.

A. 3
Barloworld Freightliner of Springdale
4 Dump Trucks
Page 6 of 12

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

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05
Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00
Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 745
Purchase Price: \$ 90,233 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02079.1
Total Annual Budgeted Motor Pool Charges for Unit: _____ Acct. # for monthly charges: 4470.9470.5814.05, Prj.02016.1
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for Current Unit:
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for New Unit:
Replacement: 1,153.00 Maintenance: 249.00 Overhead: 100.00
of Months New Unit to be in Service for 2006 Year: 9.00 Budgeted Amount: 0.00
Annual Cost: 13,518.00
Is a Budget Adjustment Needed? ☒ No ☐ Yes, BA is attached
Difference (Over)/Under Budget: (13,518.00)

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

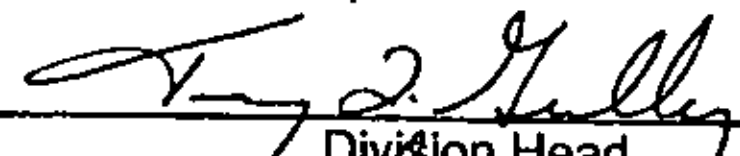
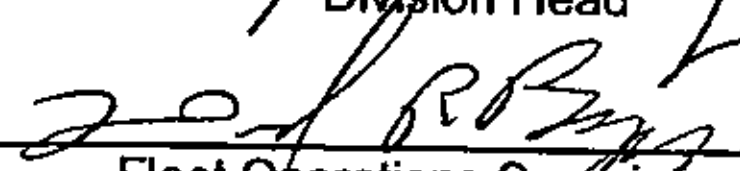
2006 Freightliner M2-112 Dump truck with Ox body.

cc705, 10 year life

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

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

Approval Signatures:

 _____ Division Head	<u>10-28-05</u> _____ Date	_____ Department Director	_____ Date
 _____ Fleet Operations Superintendent	<u>10/28/05</u> _____ Date	_____ Finance & Internal Services Dir.	_____ Date
_____ Budget Manager	_____ Date	_____ Mayor	_____ Date

Please return original form to fleet when signed by all.

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05

Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00

Unit # for Current Vehicle: Unit # for Expansion/Replacement: 746

Purchase Price: \$ 90,233 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02079.1

Total Annual Budgeted Motor Pool Charges for Unit: Acct. # for monthly charges: 4470.9470.5814.05, Prj.02016.1

Replacement: Maintenance: Overhead:

Monthly Motor Pool Charges for Current Unit:

Replacement: Maintenance: Overhead:

Monthly Motor Pool Charges for New Unit:

Replacement: 1,153.00 Maintenance: 249.00 Overhead: 100.00

of Months New Unit to be in Service for 2006 Year: 9.00 Budgeted Amount: 0.00

Annual Cost: 13,518.00

Is a Budget Adjustment Needed?

Difference (Over)/Under Budget: (13,518.00)

☒ No ☐ Yes, BA is attached

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

2006 Freightliner M2-112 Dump truck with Ox body.

cc705, 10 year life

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

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

Approval Signatures:

[Signature] 10-28-05
Division Head Date

Department Director Date

[Signature] 10/25/05
Fleet Operations Superintendent Date

Finance & Internal Services Dir. Date

Budget Manager Date

Mayor Date

Please return original form to Fleet when signed by all

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05
Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00
Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 747
Purchase Price: \$ 90,233 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02079.1
Total Annual Budgeted Motor Pool Charges for Unit: _____ Acct. # for monthly charges: 4470.9470.5814.05, Prj.02016.1
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for Current Unit:
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for New Unit:
Replacement: 1,153.00 Maintenance: 249.00 Overhead: 100.00
of Months New Unit to be in Service for 2006 Year: 9.00 Budgeted Amount: 0.00
Annual Cost: 13,518.00
Is a Budget Adjustment Needed? Difference (Over)/Under Budget: (13,518.00)
☒ No ☐ Yes, BA is attached

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

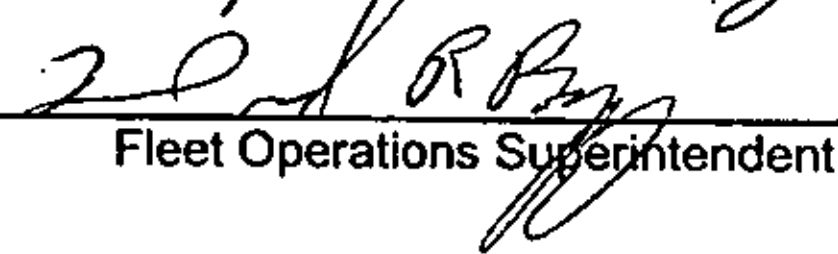
2006 Freightliner M2-112 Dump truck with Ox body.

cc705, 10 year life

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

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

Approval Signatures:

	<u>10-28-05</u>	_____	_____
Division Head	Date	Department Director	Date
	<u>10/28/05</u>	_____	_____
Fleet Operations Superintendent	Date	Finance & Internal Services Dir.	Date
_____	_____	_____	_____
Budget Manager	Date	Mayor	Date

Please return original form to Fleet when signed by all.

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Transportation Program: Trails Date of Request: 10/27/05
Expansion ☒ or Replacement ☐ Purchase from Acct. Number: 9700.1920.5802.00
Unit # for Current Vehicle: _____ Unit # for Expansion/Replacement: 748
Purchase Price: \$ 90,233 CIP Budget Amt: n/a CIP Year Budgeted: n/a Project # 02079.1
Total Annual Budgeted Motor Pool Charges for Unit: Acct. # for monthly charges: 4470.9470.5814.05, Prj.02016.1
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for Current Unit:
Replacement: _____ Maintenance: _____ Overhead: _____
Monthly Motor Pool Charges for New Unit:
Replacement: 1,153.00 Maintenance: 249.00 Overhead: 100.00
of Months New Unit to be in Service for 2006 Year: 9.00 Budgeted Amount: 0.00
Annual Cost: 13,518.00
Is a Budget Adjustment Needed? Difference (Over)/Under Budget: (13,518.00)
☒ No ☐ Yes, BA is attached

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

2006 Freightliner M2-112 Dump truck with Ox body:

cc705, 10 year life

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

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

Approval Signatures:

[Signature]
Division Head

10-28-05
Date

Department Director

Date

[Signature]
Fleet Operations Superintendent

10/28/05
Date

Finance & Internal Services Dir.

Date

Budget Manager

Date

Mayor

Date

Please return original form to Fleet when signed by all

City Of Fayetteville

(Not a Purchase Order)

Vendor # 13048

Vendor Name: BARLOWORLD FREIGHTLINER

Mail Yes: No: XX

P.O Number Expected Delivery Date: 10/28/2005

City:

State:

Fob Point:

Taxable Yes: XX No:

Divisor Head Approval Yes: No:

Requester BARBARA OLSEN 930

Requester's Employee # 1940

Extension: 495

Quotes Attached Yes: No:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FREIGHTLINER M2-112 TRUCKS	4	EA	\$90,233.00	\$360,932.00	9700.1920.5802.00	2079.1		
2	WITH OX/STAMPEDE DUMP		EA		\$0.00				
3	BODIES, PER BID SPECS, #05-73		EA		\$0.00				
4	TO BE UNITS:		EA		\$0.00				
5	745, FIXED ASSET #700745		EA		\$0.00				
6	746, FIXED ASSET #700746		EA		\$0.00				
7	747, FIXED ASSET #700747		EA		\$0.00				
8	748, FIXED ASSET #700748		EA		\$0.00				
9			EA		\$0.00				
10			EA		\$0.00				
	Shipping/Handling		Lot		\$0.00				

Special Instructions:

Subtotal: 360,932.00

Tax: EXEMPT

Total: 360,932.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

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

Nov 15, 2005
City Council Meeting Date

Marsha Farthing, Acctg Manager
Submitted By

Accounting and Audit
Division

FISD
Department

Action Required:

Approval of the fourth year engagement or a five year contract with BKD, LLP in the amount of \$59,000 for the 2005 annual financial audit.

\$ 59,000.00
Cost of this request

\$ 59,000.00
Category / Project Budget

Program Category / Project Name

1010-0500-00
Account Number

\$ -
Funds Used to Date

Program / Project Category Name

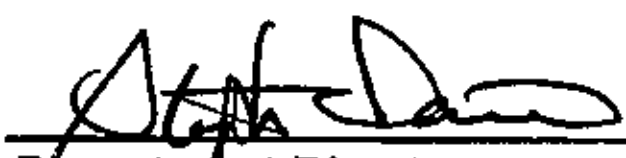
Project Number

\$ 59,000.00
Remaining Balance

Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director 10/26/05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____


City Attorney 10/27/05
Date

Original Contract Number: _____


Finance and Internal Service Director 10/26/05
Date

Received in City Clerk's Office 


Mayor 10/27/05
Date

Received in Mayor's Office 

Comments:

DEPARTMENTAL CORRESPONDENCE

To: Mayor Dan Coody and the Fayetteville City Council

Thru: Stephen Davis, Finance and Internal Services Director 

From: Marsha Farthing, Accounting Manager 

Date: November 1, 2005

Subject: Annual Audit

Recommendation

Staff recommends approval of the fourth year audit engagement with BKD,LLP.

Background

In August 2002 the City Council passed Resolution 124-02 approving a five year contract with Baird, Kurtz & Dobson (BKD), LLP, to provide independent audit services for the City. It is time to approve the engagement letter for services in connection with the audit for the year ending December 31, 2005.

Discussion

The City is required, under Arkansas statutes and applicable bond issues, to have an annual financial audit conducted by either Legislative Audit or a Certified Public Accounting firm licensed in Arkansas. Because of the requirements of bond indentures, the City has for the past thirty plus years utilized the services of a private CPA firm to perform these mandated financial audits.

BKD was selected by the City following the applicable rules and regulations concerning the procurement of auditing services. The City entered into a five-year agreement in August 2002. Under this contract BKD will provide an annual audit of the City's financial statements and a review of the City's internal control system as required by state law. In addition to the financial audit, BKD also issues a report on internal control and compliance requirements for major federal award programs as required by the Single Audit Act. The single audit is the primary mechanism used by federal agencies to ensure accountability for federal awards to non-federal entities.

Finally, BKD also provides technical assistance to the City in producing the Comprehensive Annual Financial Report (CAFR). The CAFR includes the City's

financial statements as well as statistical information required by the City's bond covenants.

Budget Impact

The cost of the 2005 audit by contract is \$59,000. The audit has been budgeted in General Fund but the costs will be allocated to the various funds of the City.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ANNUAL CONTRACT RENEWAL WITH BAIRD, KURTZ & DOBSON (BKD), LLP, IN THE AMOUNT OF \$59,000.00 TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY OF FAYETTEVILLE.

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 annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville. A copy of the engagement letter for services marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

City Of Fayetteville (Not a Purchase Order)										Requisition No.:	Date:
										P.O Number:	Expected Delivery Date:
Vendor #: 11856	Vendor Name: BKD, LLP			Fob Point:			Mail Yes: No:				
Address: 400 West Capitol Ave. Suite 2500				Zip Code: 72203	Ship to code: 201	Taxable Yes: No:		Quotes Attached Yes: No:			
City: Little Rock	State: AR			Requester's employee # 823		Division Head Approval: <i>M. Farthing</i>					
Requester: Marsha Farthing						Extension: 288					

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Annual Audit Services	1			\$9,000.00	1010-0500-00			
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
	Shipping/Handling		Lot		\$0.00				
Special Instructions:									

Subtotal: 59,000
 Tax: 59,000.00
 Total: 59,000.00

Approvals:

 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____

Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____

Purchasing Manager: _____
 IT Manager: _____
 Other: _____



October 12, 2005

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas
113 West Mountain
Fayetteville, Arkansas 72701

RECEIVED
OCT 26 2005
ACCTG. DEPT.

We are pleased to confirm the arrangements of our engagement and the nature of the services we will provide to the City of Fayetteville, Arkansas.

ENGAGEMENT OBJECTIVES

We will audit the financial statements of the City of Fayetteville, Arkansas as of and for the year ended December 31, 2005, in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States and U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments and Nonprofit Organizations*.

The objectives of our audit are:

- ✓ Expression of an opinion on the conformity of your financial statements, in all material respects, with accounting principles generally accepted in the United States of America.
- ✓ Issuance of a report on your compliance based on the audit of your financial statements.
- ✓ Issuance of a report on your internal control over financial reporting based on the audit of your financial statements.
- ✓ Expression of an opinion on your compliance, in all material respects, with the types of compliance requirements described in the *U. S. Office of Management and Budget Circular A-133 Compliance Supplement* that are applicable to each of your major federal award programs.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

- ✓ Issuance of a report on your internal control over compliance based on the audit of your compliance with the types of compliance requirements that are applicable to each of your major federal award programs.
- ✓ Issuance of a report on your schedule of expenditures of federal awards.

We will also examine the written assertion about the compliance with certain state acts made by the management of City of Fayetteville, Arkansas as of and for the year ended December 31, 2005, in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The objective of our examination is the expression of an opinion on the conformity of the subject matter of the assertion in all material respects, with the applicable criteria against which it is measured. Our report is intended solely for the information and use of the governing body, management and the State of Arkansas and is not intended to be and should not be used by anyone other than these specified parties.

OUR RESPONSIBILITIES

Auditing standards generally accepted in the United States of America, *Government Auditing Standards* and OMB Circular A-133 require that we plan and perform:

- ✓ The audit of the financial statements to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud.
- ✓ The audit of compliance with the types of compliance requirements described in the OMB Circular A-133 Compliance Supplement applicable to each major federal award program to obtain reasonable rather than absolute assurance about whether noncompliance having a direct and material effect on a major federal award program occurred.

Accordingly, a material misstatement or noncompliance having a direct and material effect may remain undetected.

Our audit of the financial statements is designed to detect misstatements and noncompliance that, in our judgment, could have a material effect on the financial statements taken as a whole. Consequently, our audit will not necessarily detect errors or fraud resulting in an immaterial misstatement of the financial statements.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

Likewise, our audit of compliance with the types of compliance requirements applicable to each major federal award program is designed to detect noncompliance having a direct and material effect on a major program. Consequently, our audit will not necessarily detect noncompliance having an indirect and material or an immaterial effect on any program.

An audit also includes obtaining an understanding of internal control sufficient to plan the audit and to determine the nature, timing and extent of audit procedures to be performed. An audit is not designed to provide assurance on internal control over financial reporting or on internal control over compliance or to identify reportable conditions. However, we will communicate to you any matter that comes to our attention that we consider a reportable condition. Because of the limits in any internal control structure, errors, fraud, illegal acts or instances of noncompliance may occur and not be detected. Also, in the future, procedures could become inadequate because of changes in conditions or deterioration in design or operation. Two or more people may also circumvent controls, or management may override the system. We are available to perform additional procedures with regard to fraud detection and prevention at your request, subject to completion of our normal engagement acceptance procedures. The actual terms and fees of such an engagement would be documented in a separate letter to be signed by you and BKD.

If, for any reason, we are unable to complete our audit of the financial statements or our audit of compliance with the types of compliance requirements applicable to each major federal award program or are unable to form or have not formed an opinion, we may decline to express an opinion or decline to issue a report as a result of this engagement. If we discover conditions that may prohibit us from issuing a standard report, we will notify you as well. In such circumstances, further arrangements may be necessary to continue our engagement.

YOUR RESPONSIBILITIES

To facilitate our audit, management is responsible for making all financial records documentation and other financial and compliance related information available to us. At the conclusion of our engagement, management will provide to us a letter acknowledging certain responsibilities outlined in this engagement letter and confirming:

- The availability of this information
- Certain representations made during the audits for all periods presented
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

Management is responsible for fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, for adjusting the financial statements to correct material misstatements and for identifying and ensuring compliance with the laws, regulations, contracts and grants applicable to your activities including your federal award programs. Management is also responsible for establishing and maintaining effective internal control over financial reporting and compliance and setting the proper tone; creating and maintaining a culture of honesty and high ethical standards; and establishing appropriate controls to prevent, deter and detect fraud, illegal acts and instances of noncompliance.

The results of our tests of compliance and internal control over financial reporting performed in connection with our audit of the financial statements may not fully meet the reasonable needs of report users. Management is responsible for obtaining audits, examinations, agreed-upon procedures or other engagements that satisfy relevant legal, regulatory or contractual requirements or fully meet other reasonable user needs.

OTHER SERVICES

We may perform other services for you not covered by this engagement letter. You agree to assume full responsibility for the substantive outcomes of those services, including any findings that may result. You also acknowledge that those services are adequate for your purposes and that you will establish and monitor the performance of those services to ensure that they meet management's objectives. Any and all decisions involving management functions related to those services will be made by you, and you accept full responsibility for such decisions. We understand that you will designate a management-level individual to be responsible and accountable for overseeing the performance of those services, and that you will have determined this individual is qualified to conduct such oversight.

ENGAGEMENT FEES

Our fees will be based on time expended plus charges for travel, long-distance telephone, copies, etc. and will not exceed \$59,000. We will issue progress billings during the course of our engagement and our statements are due when received. A finance charge equal to the federal discount rate plus 5% per year will be charged on all outstanding balances over thirty days old.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

Our engagement fee does not include any time for post-engagement consultation with your personnel or third parties, consent letters and related procedures for the use of our reports in offering documents, inquiries from regulators or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

Our fees may increase if our duties or responsibilities are increased by rule making of any regulatory body or new accounting or auditing standards. We will consult with you in the event any regulations or standards are issued that may impact our fees.

Our invoices are due within thirty days. If our invoices for this or any other engagement you may have with BKD are not paid when due, we may suspend or terminate our services for this or any other engagement. In the event our work is suspended or terminated as a result of nonpayment, you agree we will not be responsible for any consequences to you.

OTHER ENGAGEMENT MATTERS AND LIMITATIONS

Our workpapers and documentation retained in any form of media for this engagement are the property of BKD. We can be compelled to provide information under legal process. In addition, we may be requested by regulatory or enforcement bodies to make certain workpapers available to them pursuant to authority granted by law or regulation. You agree that we have no legal responsibility to you in the event we provide such documents or information.

You agree to indemnify and hold harmless BKD and its personnel from any claims, liabilities, costs, and expenses relating to our services under this agreement attributable to false or incomplete representations by management, except to the extent determined to have resulted from the intentional or deliberate misconduct of BKD personnel.

You agree that any dispute regarding this engagement will, prior to resorting to litigation, be submitted to mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The American Arbitration Association will administer any such mediation in accordance with its Commercial Mediation Rules. The results of the mediation proceeding shall be binding only if each of us agrees to be bound. We will share any costs of mediation proceedings equally.

If any provision of this agreement is declared invalid or unenforceable, no other provision of this agreement is affected and all other provisions remain in full force and effect.

This engagement letter represents the entire agreement regarding the services described herein and supersedes all prior negotiations, proposals, representations or agreements, written or oral, regarding these services. It shall be binding on heirs, successors and assigns of you and BKD.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

You agree that we will, at our discretion or upon your request, deliver financial statements or similar documents to you electronically via floppy disk, CD-ROM, e-mail or other mechanism. You recognize and accept the risk involved, particularly in e-mail delivery as the Internet is not necessarily a secure medium of communication as messages can be intercepted and read by those determined to do so.

You agree you will not modify these documents for internal use or for distribution to third parties. You also understand that we may on occasion send you documents marked as draft and understand that those are for your review purpose only, should not be distributed in any way and should be destroyed as soon as possible.

If you intend to include these financial statements and our report in an offering document at some future date, you agree to seek our permission to do so at that time. You agree to provide reasonable notice to allow sufficient time for us to perform certain additional procedures. Any time you intend to publish or otherwise reproduce these financial statements and our report and make reference to our firm name in any manner in connection therewith, you agree to provide us with printers' proofs or masters for our review and approval before printing or other reproduction. You will also provide us with a copy of the final reproduced material for our approval before it is distributed. Our fees for such services are in addition to those discussed elsewhere in this letter.

You agree to notify us if you desire to place these financial statements or our report thereon on an electronic site, such as the World Wide Web. You recognize that we have no responsibility as auditors to review information contained in electronic sites.

BKD is a registered limited liability partnership under Missouri law. Under applicable professional standards, partners of **BKD, LLP** have the same responsibilities as do partners in a general accounting and consulting partnership with respect to conformance by themselves and other professionals in BKD with their professional and ethical obligations. However, unlike the partners in a general partnership, the partners in a registered limited liability partnership do not have individual civil liability, directly or indirectly, including by way of indemnification, contribution, assessment or otherwise, for any debts, obligations or liabilities of or chargeable to the registered limited liability partnership or each other, whether arising in tort, contract or otherwise.

Audit Committee and City Council
Honorable Dan Coody, Mayor
Mr. Stephen Davis, Finance and Internal Services Director
Ms. Marsha Farthing, Accounting Manager
City of Fayetteville, Arkansas

October 12, 2005

If the above arrangements are acceptable to you, please sign the enclosed copy of this letter and return it to us.

BKD, LLP

BKD, LLP

The services and arrangements described in this letter are in accordance with our understanding and are acceptable to us.

CITY OF FAYETTEVILLE, ARKANSAS

BY *Dan Coody*
TITLE *Mayor*
DATE *10/25/05*

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

A. 5
LEECO, Inc. Bid Award
SCBA Cylinder Refill System
Page 1 of 16

November 15th, 2005
City Council Meeting Date

Tony Johnson
Submitted By

Fire
Division

Operations
Department

Action Required:

Action requested is resolution to award Bid #05-77 to LEECO for the purchase of a SCBA Cylinder Refill System in the amount of \$41,487.13 with a budget adjustment for \$41,487.13.

\$ 41,487.13	\$ 53,457.00	SCBA Refill System
Cost of this request	Category / Project Budget	Program Category / Project Name
1010.3020.5801.00	\$ 51,392.00	Fixed Assets
Account Number	Funds Used to Date	Program / Project Category Name
05052.1	\$ 2,065.00	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒


Department Director

10-21-05
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____


City Attorney

10/27/2005
Date

Original Contract Number: _____


Finance and Internal Service Director

10-27-05
Date

Received in City Clerk's Office



Mayor

10/27/05
Date

Received in Mayor's Office


Comments:

RESOLUTION NO. _____

A RESOLUTION AWARDED BID #05-77 TO LEECO, INC. FOR THE PURCHASE OF ONE (1) SCBA CYLINDER REFILL SYSTEM IN THE AMOUNT OF \$41,487.13 FOR USE BY THE FAYETTEVILLE FIRE DEPARTMENT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$41,488.

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 #05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$41,488.

PASSED and APPROVED this 15th day of November 2005

APPROVED

By: DAN GOODY, Mayor

ATTEST

By:

SONDRA SMITH, City Clerk

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

A. 5
LEECO, Inc. Bid Award
SCBA Cylinder Refill System
Page 9 of 16

Budget Year 2005	Department: Fire Division: Fire Program: Operations	Date Requested 10/20/2005	Adjustment Number
--------------------------------	--	---	--------------------------

Project or Item Added/Increased:
\$41,488 is requested to be added to the Fixed Asset account.

Project or Item Deleted/Reduced:
\$41,488 is requested to be added to the Act 833 and Act 46 revenue accounts.

Justification of this Increase:
The purchase of a SCBA refill system can be funded with funds received from the 85th General Assembly and the State of Arkansas.

Justification of this Decrease:

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fixed assets	1010	3020	5801	00	41,488	05052	1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Fire Act 833	1010	0001	4308	00	26,488	05052	1
Fire Act 46	1010	0001	4308	01	15,000	05052	1

Approval Signatures

Requested By:  Date: 10/21/05

Budget Manager:  Date: 10-27-05

Department Director:  Date: 10-21-05

Finance & Internal Services Director:  Date: 10-27-05

Budget Office Use Only

Type: A B C D E

Date of Approval

Initial Date

Posted to General Ledger

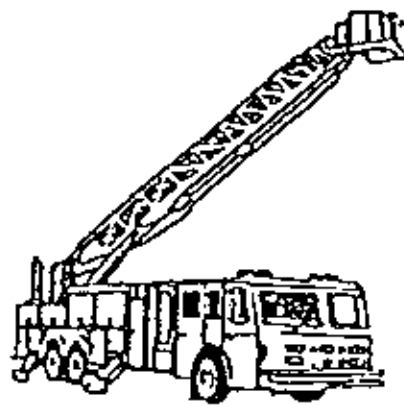
Initial Date

Posted to Project Accounting

Initial Date

Entered in Category Log

Mayor



LEECO, Inc.

Fire Equipment Sales
P.O. Box 210
1408 Highway 124 East
Damascus, AR 72039

America's



Fire Truck

800-233-5053
Office 501-335-7111
Fax 501-335-7458

October 6, 2005

City of Fayetteville
133 W. Mountain – Room 306
Fayetteville, AR 72701

Attention: Andrea Foren, Buyer

Thank you for giving us the opportunity to provide you with a bid in your search for a Compressor and a Fill Station. We are the Dealer for Eagle Compressors. We are located in Damascus, Arkansas where we have a showroom and service facility setup.

We can provide you with an Eagle Baron III 6000 psi Compressor for \$41,487.13. The Baron III is a 3 Phase, 230 volt, 21 CFM 15HP compressor rated at 75db integral noise. It has a single cabinet design with three position fill enclosure. It has four 6000 DOT cascade cylinders, a 50' integral air reel, four bank cascade control and a air monitor for CO and H2O. Attached are detailed specifications, literature and a drawing of the Baron III unit.

The above price includes shipping and handling and installation. We do require that the City of Fayetteville furnish an electrician to wire up the unit. Deliver time on this unit would be 8 to 10 weeks after receipt of the order.

We can do an optional maintenance contract for \$1260.00 if you so desire. This would be the standard filter service and it would need to be done every six months. It would include our technician going to the City of Fayetteville and changing the following parts: (1) 32507915 CL01 Cartridge, (1) 32507949 CL03 Cartridge, (1) 32709339 M394 Element, (1) 32709354 Element Gasket, (1) EC031321 Element O-Ring, (2) 32733875 O-Ring Kit Chamber, EC031384 Androl 555 Oil – Gallon, (1) EC030751 Intake Element and (1) 32731770 Micron Filter Element Kit.

If you have any questions please feel free to call us at any time. We look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Collums".
Jessica Collums, Sales

City of Fayetteville
Bid 05-77, SCBA Cylinder Refill System

Page 1 of 6



CITY OF FAYETTEVILLE

113 W. Mountain St.
Fayetteville, AR 72701

INVITATION TO BID BID # 05-77 SCBA Cylinder Refill System

Purchasing Division

BID #: 05-77

DATE ISSUED: September 26, 2005

DATE & TIME OF OPENING: October 14, 2005 at 2:00 PM

BUYER: Andrea Foren, Room 306 ~ (479) 575-8220

F.O.B. Fayetteville, AR

City of Fayetteville
Bid 05-77, SCBA Cylinder Refill System

Page 2 of 6

Notice to Bidders

The Fayetteville, Arkansas Fire Department is requesting sealed bids for a complete SCBA Cylinder Refill System purchase for the calendar year 2005. Bids may be submitted to:

Andrea Foren, Buyer
City of Fayetteville
113 W. Mountain – Room 306
Fayetteville, Arkansas 72701

To be considered, said Buyer must receive bids by not later than **2:00 PM on October 14, 2005**. All bids shall be labeled "**Bid 05-77, SCBA Cylinder Refill System**". A public bid opening will be held at that time in the office of the City Buyer. The Fayetteville, Arkansas Fire Department reserves the right to act on the Bids in any way we feel is in our best interests, and to determine solely by ourselves with whom a purchase agreement may be placed.

Bid/Contract Terms: The term of the agreement shall be from award of contract through December 31, 2005.

Questions pertaining to this project are welcomed and encouraged. Contact Fire Administration, Captain Scott Jones at 479-575-8365 for questions pertaining to the specifications, and Buyer, Andrea Foren, 479-575-8230, for questions pertaining to the bidding process.

Specifications: The buyer must approve all changes or substitutions to specifications. The system must include high-pressure air compressor, air purifier, fill station and all operating and cylinder fill controls as specified below. The system must also incorporate an integral air storage system and system shall be designed so that all cylinder refilling and operating controls and performance indicators are located on panels at the front of the appliance. All components shall be completely assembled and tested by the manufacturer and incorporated within a single appliance requiring only electrical power supply to operate system.

1.) Compressor, Air Purifier and Instrumentation

- a) External construction of system shall be fabricated steel structures and panels without visible welds, burrs, and grinding marks.
- b) All fasteners shall be concealed and access panels should have concealed hinges and push button latches.
- c) Cabinet shall be designed to minimize noise emission and should include noise abatement insulation.
- d) Should have a quick and convenient access to all key panel components (instrumentation panel), to keep from accessing thru maintenance access door.
- e) PSI – 6000
- f) ~~Charging Rate – Minimum 21.0 CFM~~
- g) Purification System
- h) Air purification system shall use disposable cartridges manufactured to provide breathing air that meets or exceeds NFPA and CGA grade E specification.
- i) Automatic Condensate Drain System.
- j) Shall have an ambient air flow control design that directs the necessary air volume to cool compressor.
- k) Shall have an air filter housing with a port and connection designed to couple to outside air intake piping or for indoor air intake.
- l) Each stage of compression shall be protected with a safety relief valve.
- m) Compressor and motor base shall be equipped with a vibration elimination system.
- n) High air temperature shutdown and gauge with sensor that measures temperature directly from the air stream. Cylinder sensors not accepted.

City of Fayetteville

Bid 05-77, SCBA Cylinder Refill System

Page 3 of 6

- o) ~~Low oil level shutdown~~
- p) Air monitor including CO and H2O electronic detectors with pre-set warning and shutdown limits
- q) Check valve to prevent backpressure to the compressor
- r) One (1) desiccant cartridge chamber
- s) One (1) purifier cartridge chamber
- t) Safety relief valve
- u) Drain valve to relieve the system pressure for maintenance
- v) System should be designed so that filling cannot occur if cartridges are not in place
- w) Control panel shall be illuminated
- x) Electrical control system shall include components with UL, NEMA or IEC approval
- y) All operating and fill control high pressure air plumbing shall be rated for 6000 psi working pressure

2.) Minimum instrumentation required:

- a) Compressor interstage and final pressure gauges
- b) Hour meter
- c) ~~Compressor final stage temperature gauge~~
- d) Illuminated power selector (on/off) switch
- e) Normal high air pressure shutdown indicator light
- f) High compressed air temperature shutdown indicator light
- g) Low oil level shutdown indicator light
- h) General fault shutdown indicator light
- i) Emergency stop button
- j) Digital Air monitor (Co and H2O) with display in PPM and CO monitor calibration. A flow panel with factory plumbed calibration gases shall be included.

3.) Fill Station

- a) Fill Station according to NFPA 1901 Standards
- b) Fill 3 cylinders simultaneously or separately
- c) Loading door must include an automatic, safety interlock to prevent filling unless door is completely closed.
- d) Three (3) fill hoses fitted with a cylinder fill adapter, shut-off and bleed off relief shall be located within the enclosure.
- e) 0 to 6000 psi adjustable regulator.

4.) SCBA Cylinder Storage and Fill Controls

- a) All control system, components, devices and piping arrangement necessary to direct the compressed high pressure breathing air to the air storage system and SCBA cylinders being filled.
- b) Shall include auxiliary outlet to fill remote air storage system and shall have a retractable air reel with 50' of hose and CGA fitting for filling remote air storage systems.
- c) Cascade control system for a 4 (four) bank system that permit filling or drawing down each air storage cylinder independently of each other while filling SCBA cylinders with controls on front panel
- d) An air storage by-pass valve shall be included to permit filling SCBA cylinders through the auxiliary outlet directly from the compressor.
- e) Storage cylinders shall be comprised of four (4) new 6000 psi, D.O.T. approved 509 cu.ft. cylinders.
- f) Dome type protective cap is to be supplied with each tank to protect the valve.
- g) System shall include a regulator package for safely filling SCBA cylinders.

5.) Warranty and Maintenance

System shall include a 1-year part and labor warranty. Buyer, requests the bidder to submit a maintenance agreement for review.

City of Fayetteville
Bid 05-77, SCBA Cylinder Refill System

Page 4 of 6

City of Fayetteville
Bid 05-77, SCBA Cylinder Refill System
Bid Form

DEADLINE: October 14, 2005 at 2:00 PM

THIS INVITATION TO BID IS BASED ON THE NEED FOR A COMPLETE SCBA CYLINDER REFILL SYSTEM, AS LISTED IN SPECIFICATIONS ATTACHED; HOWEVER, THE CITY OF FAYETTEVILLE RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING, AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

Item #	Description	Qty.	Extended Price
1	Compressor, Air Purifier & Instrumentation	1	\$ ALL ONE ITEM
2	Fill Station	1	\$ IN PRICE BELOW
3	SCBA Cylinder Storage and fill controls	1	\$ COMES TOGETHER
Total Bid Price			\$41,487.13
Please give your number of days anticipated to deliver:			8 - 10 weeks days

EXECUTION OF BID -

Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: LEECO, INC.

*BUSINESS ADDRESS: 1408 HWY 124

*CITY: DAMASCUS

*STATE: AR

*ZIP: 72039

*PHONE: 800-233-5053

FAX: 888-744-7620

*E-MAIL ADDRESS: leecofire@alltel.net

*BY : (PRINTED NAME) JESSICA COLLUMS, SALES

*AUTHORIZED SIGNATURE: 

*TITLE: SALES

*DATE: 10-06-05

City of Fayetteville
Bid 05-77, SCBA Cylinder Refill System
Terms and Conditions

Page 5 of 6

1. All bids shall be submitted in a sealed envelope and must be submitted on forms provided by the City.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bids received after the date and time set for receiving bids will not be considered.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. The bid price shall remain good and firm until project is completed.
6. All products delivered shall comply with applicable standards of quality.
7. Any exceptions to the requirements of the City of Fayetteville must be noted on the Bid Form.
8. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid. Sales tax is not to be included in the bid price. Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.
9. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville.
10. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form.
11. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
12. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
13. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.
14. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request.
16. Bids must be hand delivered or received by mail in the Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701, on or before the time of closing listed on the face of the bid.
17. Public improvement bids with a total of \$20,000 or more shall submit certificates of insurance within 10 days of notice of bid award. Certificates of insurance are to be addressed to the City of Fayetteville,

City of Fayetteville

Bid 05-77, SCBA Cylinder Refill System

Page 6 of 6

showing that the contractor carries the following insurance, which shall be maintained throughout the term of the bid. Any work sublet, the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workers' Compensation:	Statutory Amount
Comprehensive General & Automotive Liability:	\$250,000 each person.
	\$500,000 aggregate.
Property Damage Liability:	\$100,000 aggregate.

18. Public improvement bids with a total of \$20,000 or more require a 5% bid bond and if awarded, a 100% performance and payment bond to be submitted before notice to proceed is given. Contractor will be responsible for filing performance bond with the Washington County Clerks Office after a "notice to proceed" has been issued.
19. All Bidders must have a State of Arkansas Contractors License.
20. The City shall pay Contractor based on unit prices indicated in contractor's bid proposal. Progress payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
21. Contractor shall not assign his duties under the terms of this agreement. All work shall be coordinated directly with the Project Manager, or their designee.

BID 05-77, Addendum 1



Date: 9/28/05

To: All Prospective Vendors

From: Andrea Foren

RE: Bid 05-77, SCBA Cylinder Refill System

-
- **BID 05-77, has the following modifications:**

Ref: Page 6, Terms and Conditions, Item 19:

Bidders are NOT required to have a State of Arkansas Contractors License.

Please contact us if you have any problems, questions or concerns. I do apologize for any confusion this may have caused.

Thank you,

Andrea Foren

Buyer

aforen@ci.fayetteville.ar.us

(479)575-8220

Eagle Compressors, Inc.
Baron3
System Specifications
B315G

The high pressure breathing air system shall be a complete appliance designed to refill SCBA and SCUBA cylinders. It must include the high pressure air compressor, air purifier, fill station and all operating and cylinder fill controls as specified below. The system must also be designed to incorporate an integral air storage system as specified below. All components shall be completely assembled and tested by the manufacturer as a system and incorporated within a single appliance requiring only electrical power supply to operate. The system shall be designed so that all cylinder refilling and operating controls and performance indicators are located on panels at the front of the appliance allowing "at sight" operator monitoring. The manufacturer shall comply with the currently applicable NFPA, CGA and OSHA specifications as well as state and local electrical codes. The compressor design shall not permit the venting of oil contaminated air to the atmosphere.

The external construction of the high pressure breathing air system shall be appliance-like; using formed fabricated steel structures and panels without visible welds, burrs and grinding marks. All structure fasteners shall be concealed and all access panels shall include concealed hinges and push button latches. The operating and fill control panels shall be illuminated. Two full height, maintenance access doors shall be located on each end of the unit. The compressor side door shall include a shutdown switch to prevent exposure to running gear in the event it is opened while the compressor is running.

The cabinet shall be designed to minimize noise emission and include noise abatement insulation. The noise level shall not exceed 76 dB at one meter.

The cabinet configuration shall permit installation with the rear "against the wall" and include an ambient air flow control design that directs the necessary volume to cool the compressor. The cooling system shall also include an integral top discharge extractor to completely vent the resulting hot air out of the cabinet.

The cabinet shall also include an integral air filter housing with a port and connection designed to couple to outside air intake piping or for indoor air intake.

All operating and fill control high pressure air plumbing shall be rated for 6000 PSI working pressure and utilize seamless stainless steel tubing. All high pressure air plumbing connections shall use compression fit design fittings.

The electrical control system shall include components with UL, NEMA or IEC approval and housed within a NEMA 1 enclosure.

The ambient air intake and compression shall be through an air-cooled, reciprocating, four-stage compressor designed for continuous duty at 6000 PSI working pressure with a charging rate of 21.0 CFM. The air compressor design shall include a heavy-duty crankcase supporting the crankshaft with ball bearings on each end. Lubrication shall be accomplished by controlled splash of oil from the crankcase sump aided by pressure induced migration from the totally sealed crankcase.

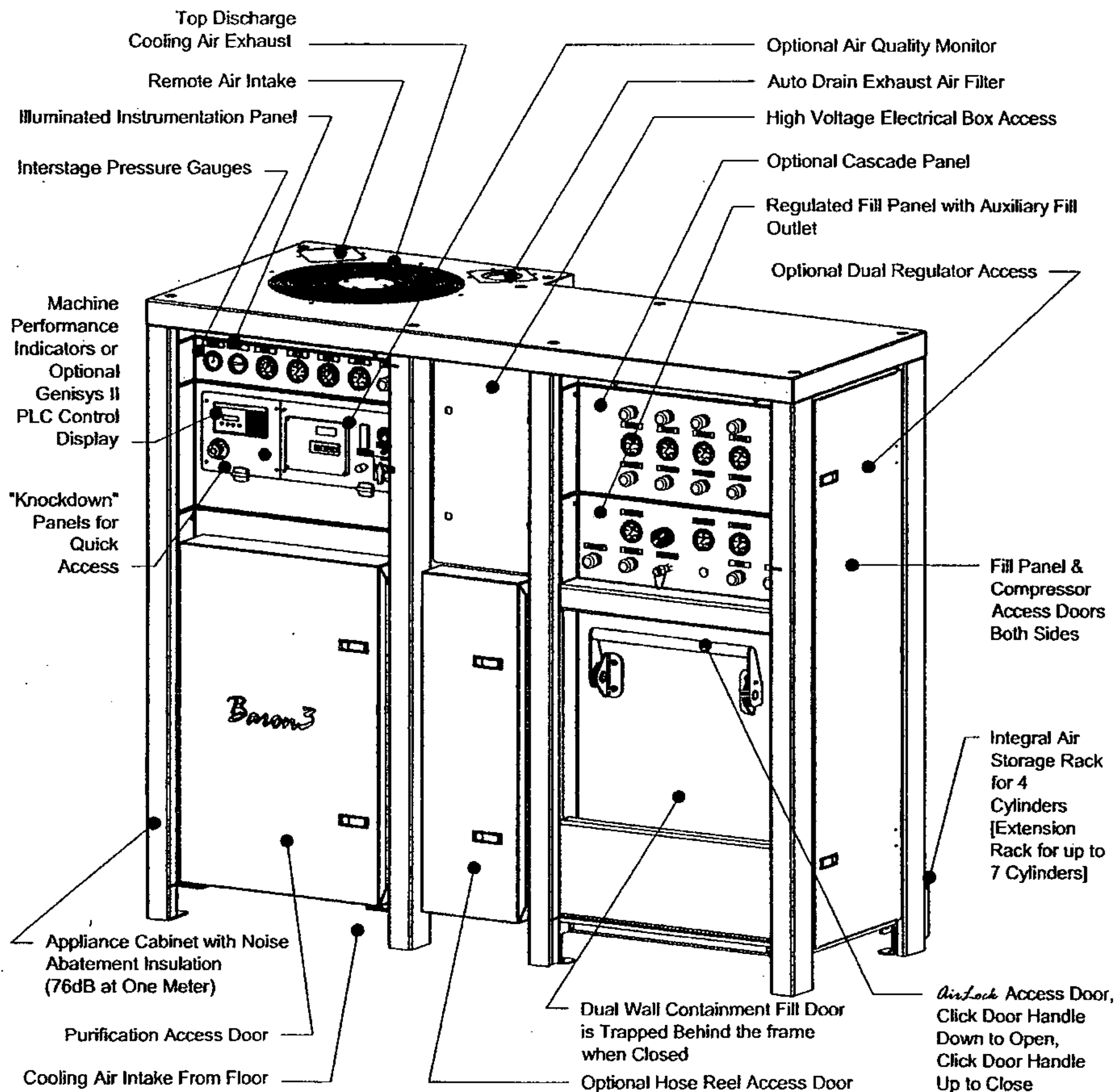
The crankcase shall be piped back to the inlet cylinder to maintain proper crankcase pressure and eliminate any discharge of oil contaminated air to the atmosphere. The cylinder arrangement shall be a balanced "V" configuration featuring double-acting, ringed pistons assuring maximum balance and air volume delivery efficiency while operating at a maximum compressor speed of 1300 RPM. Each stage of compression shall be protected with a safety relief valve. The cylinders shall include cooling fins to dissipate heat into the cooling air flow from the compressor's integral flywheel fan. Individually mounted coolers shall be located after each compression stage to cool the discharged air to 18° F. above ambient temperature. Accumulated condensation from cooling the compressed air shall be collected in moisture separators mounted on the compressor and piped to an automatic, timed drain system for proper collection and disposal. Prior to shutdowns, the compressor shall be allowed to run unloaded (with opened drains) for a timed period (Purge Cycle) in order to purge all cylinders, separators and crankcase of damaging condensation that develops as compressors cool down.

The compressor shall be v-belt driven by a NEMA design 15 HP, open drip proof electric motor wired for the electrical conditions as shown below:

EAGLEAIR.

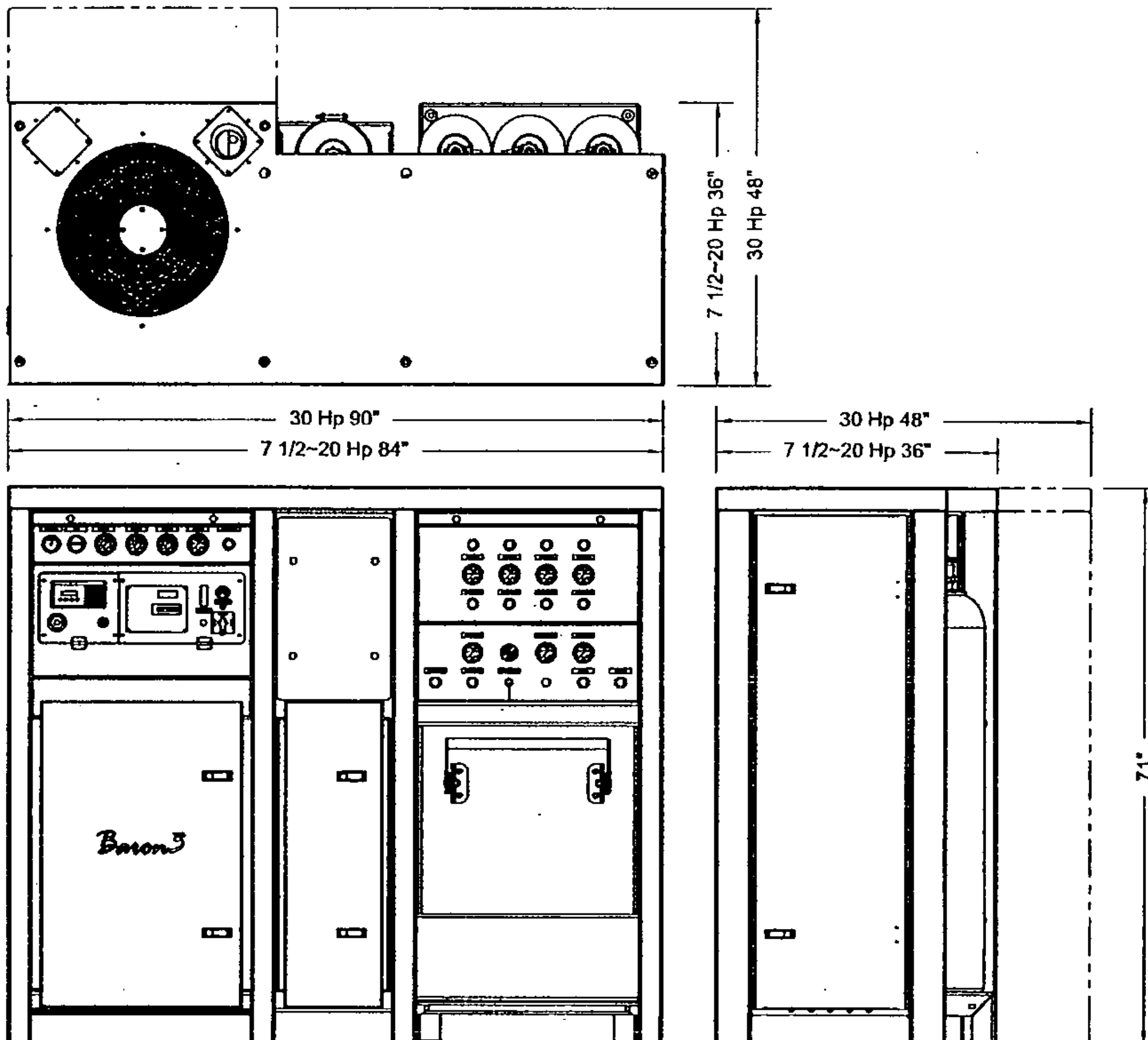
Baron3

Breathing Air System Features





Baron3 Dimensional Specifications



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

November 15, 2005
City Council Meeting Date

Kevin Springer *JS*
Submitted By

Budget & Research
Division

Finance & Internal Services
Department

Action Required:

Approve a Budget Adjustment in the amount of \$54,000 for Vehicle Fuel Maintenance.

\$ 54,000.00
Cost of this request

\$ 944,753.00
Category / Project Budget

Vehicle & Machine Maintenance
Program Category / Project Name

XXXX.XXXX.5403.00
Account Number

\$ 738,563.87
Funds Used to Date

Program / Project Category Name

N/A
Project Number

\$ 206,189.13
Remaining Balance

Various
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

[Signature]
Department Director

10/28/05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

10/28/05
Date

Received in City Clerk's Office

[Signature]
Finance and Internal Service Director

10/28/05
Date

Received in Mayor's Office

[Signature]
Mayor

10/28/05
Date

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager *KS*

DATE: October 28, 2005

SUBJECT: **Budget Adjustment Request – Vehicle & Equipment Fuel**

Recommendation:

Staff recommends that City Council approve a budget adjustment for \$54,000 for Vehicle and Machine Fuel & Maintenance costs for 2005.

Background:

For 2005, \$944,753 was budgeted Citywide for Vehicle & Machine Fuel and Maintenance costs. Currently the average fuel cost for 2005 is 40% higher than the average fuel cost in 2004. The price range for a gallon of unleaded gasoline in 2005 as been from \$1.40 to \$2.90 per gallon. Due to rising fuel costs throughout the year, it is estimated that the total cost will be \$1,008,405 by the end of 2005. This increase in fueling costs will require a budget adjustment in the amount of \$54,000.

Although there are a several programs that need additional funding, most of them can be fixed from within without the need for a budget adjustment. The only remaining areas that cannot be fixed within are the Police Department and Fire Department.

The table below shows the amount of additional budget needed by each Funding Source.

City of Fayetteville, Arkansas

2005 Vehicle & Machine Maintenance Projections

<u>Funding Source</u>	<u>Actual 2004</u>	<u>Budgeted 2005</u>	<u>Projected 2005</u>	<u>2005 Under-Funded</u>	<u>Budget Adjustment Required</u>
General Fund	\$ 275,070	\$ 333,358	\$ 389,305	\$ (55,947)	\$ 54,000
Street Fund	100,723	141,502	155,000	(13,498)	-
Water & Sewer Fund	109,626	133,746	152,000	(18,254)	-
Solid Waste Fund	193,898	287,832	271,200	16,632	-
Other Funds	38,465	48,315	40,900	7,515	-
	<u>\$ 717,782</u>	<u>\$ 944,753</u>	<u>\$ 1,008,405</u>	<u>\$ (63,552)</u>	<u>\$ 54,000</u>

Discussion:

City staff is recommending that the budget adjustment be approved in the amount of \$54,000. The funding is required to maintain the current level of operations and the increase in fueling costs are out of the City's control.

Budget Impact:

There is no net budget impact to reserves because the funding will come from increased revenue received in 2005. The funding for the \$54,000 budget adjustment will come from receiving additional Sales Tax revenue in the General Fund.

Conclusion:

If approved, the \$54,000 will be added to the Vehicle & Machine Maintenance & Fueling accounts for the Police and Fire Department. The funds are needed to maintain critical operations in 2005.

If you have any questions concerning this agenda request please contact either myself at 575-8226 or Stephen Davis at 575-8330.

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN
THE AMOUNT OF \$54,000.00 FOR VEHICLE AND MACHINE
FUEL & MAINTENANCE COSTS FOR 2005.

**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 budget adjustment in the amount of \$54,000.00 for Vehicle
and Machine Fuel & Maintenance costs for 2005.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED:

By: DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

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

A. 6
2005 Vehicle and Machine Fuel
Page 5 of 6

Budget Year 2005	Department: Various Division: Various Program: Various	Date Requested 11/15/2005	Adjustment Number
-------------------------	--	----------------------------------	-------------------

Project or Item Added/Increased:
\$33,000 in the Vehicle & Machine Maintenance Account for the Police Department.

\$21,000 in the Vehicle & Machine Maintenance Account for the Fire Department.

Project or Item Deleted/Reduced:
None. To recognize \$54,000 in additional Sales Tax Revenue.

Justification of this Increase:
The funding is needed to cover increased fuel costs in 2005.

Justification of this Decrease:
There has been an additional \$140,000 received over budgeted amounts for 2005.

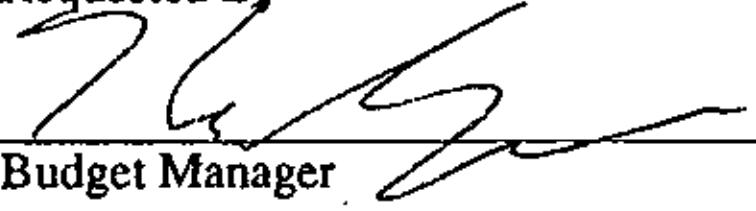
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Vehicle & machine maint	1010	2940	5403	00	33,000	
Vehicle & machine maint	1010	3020	5403	00	21,000	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Sales tax revenue	1010	0001	4104	00	54,000	

Approval Signatures

Requested By	Date
	11-28-05
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

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

B. 1
ANX 05-1728 Zaccanti
Page 1 of 38

1-Nov-05

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ANX 05-1728: (Zaccanti, 207/246): Submitted by Raymond Smith for property located at south of Salem road, east of Crystal Springs Subdivision. The property is in the Planning Area and contains approximately 80.30 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

☐

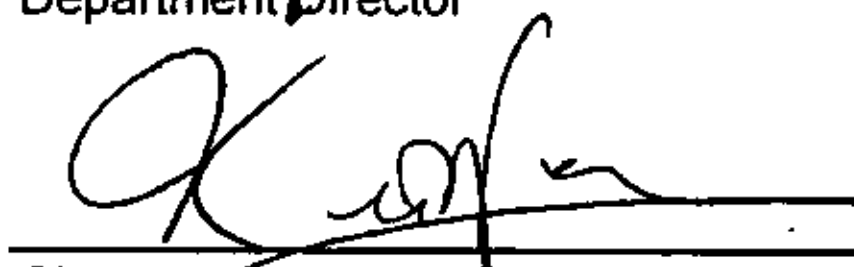

Department Director

10-13-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

10-13-05

Received in City Clerk's Office

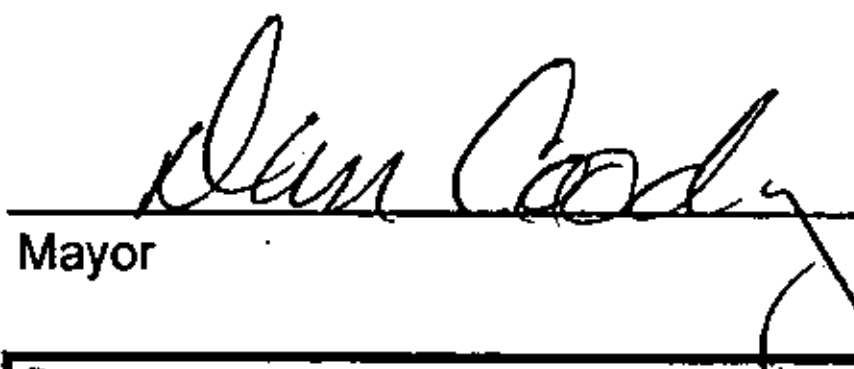



Finance and Internal Service Director

10-14-05
Date

Received in Mayor's Office




Mayor

10/17/05
Date

Comments:

Left on the second reading 11/1/05

City Council Meeting of November 1, 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: October 11, 2005

Subject: Annexation for Zaccanti (ANX 05-1728)

RECOMMENDATION

The Planning staff recommends approval of the subject annexation request submitted by Raymond Smith for approximately 80 acres of property located south of Salem Road, east of Crystal Springs Subdivision. This action will incorporate the 80-acre tract of land contiguous with the city limits into the City of Fayetteville.

BACKGROUND

The subject property consists of 80-acres owned by Alfred Sr., Al, and Helen Zaccanti. The property is located south of Salem Road immediately east of the Crystal Springs Subdivision. 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, a study of water capacity, and an assessment for sewer service 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 and has requested a rezoning to Residential Single-Family Four Units Per Acre (RSF-4) for 60 acres of the total 80 acres proposed to be annexed. Staff recommends incorporation of this property into the City of Fayetteville. Incorporation of this property will fill in land encompassed on all sides but the north by existing city limits, creating a more desirable city boundary, and ensuring 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 on October 11, 2005. The Planning Commission voted 8-0-0 to recommend approval of this annexation request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED
IN ANNEXATION PETITION ANX 05-1728 FOR PROPERTY
LOCATED SOUTH OF SALEM ROAD, EAST OF CRYSTAL
SPRINGS SUBDIVISION, CONTAINING 80.30 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. Four.

PASSED and APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
ANX 05-1728

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29 AND RUNNING THENCE S89°57'59"E 1318.90' TO A FOUND IRON PIN LOCATED AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 29, THENCE S00°15'05"W 1316.04' TO A FOUND IRON PIN LOCATED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, THENCE S 1321.97' TO A FOUND PIN LOCATED AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, THENCE S89°59'50"W 1336.15' TO A SET IRON PIN LOCATED AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, THENCE N00°31'28"E 1324.80' TO A FOUND STONE LOCATED AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 32, THENCE N00°28'32"E 1314.13' TO THE POINT OF BEGINNING. CONTAINING 80.30 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

DRAFT



PC Meeting of October 10, 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: October 4, 2005

ANX 05-1728: Annexation (ZACCANTI, 207-246): Submitted by RAYMOND SMITH for property located SOUTH OF SALEM ROAD, EAST OF CRYSTAL SPRINGS SUBDIVISION. The property is in the Planning Area and contains approximately 80.00 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owners: Alfred Sr., Al, and Helen Zaccanti

Planner: Andrew Garner

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report:

PLANNING COMMISSION ACTION	Required ☒ YES	☐ Denied
Date: <u>October 10, 2005</u>	Approved ☒ 8-0-0	
CITY COUNCIL ACTION	Required ☒ YES	☐ Denied
Date: <u>November 1, 2005 (1st reading if recommended)</u>	Approved ☐	

BACKGROUND:

Property Description and Setting: The subject property contains part of two tracts totaling approximately 80 acres owned by the Zaccanti's. It is located south of Salem Road, west of the approved Laureate Fields residential subdivision, and east of the Crystal Springs Subdivision. The property contains one single-family residence along with a chicken farming operation and pasture land. It is within the Planning Area and adjacent to the City limits along the southern and a minority of the eastern and western property lines. Surrounding land uses and zoning are depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural residential	Planning Area
South	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4)
East	Vacant/Pasture (approved Laureate Fields Subdivision)	Residential Single Family Four Units/Acre (RSF-4); Planning Area
West	Crystal Springs Subdivision; Rural residential	Residential Single Family Four Units/Acre (RSF-4); Planning Area

Proposal: The applicant proposes annexation of 80.30 acres into the City of Fayetteville.

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

INFRASTRUCTURE:

Streets: Currently the site has access to Salem Road to the north. Gypsum Road is planned to extend east-west across the southern portion of the site, and Raven Road is planned to extend north-south just west of the site. Road improvements and dedication per the Master Street Plan would be required at the time of development. The site's relation to existing and planned Master Street Plan Streets is depicted on *Table 2*.

Table 2
Existing and Planned Streets

Direction from Site	Street Name	Classification
Adjacent to northern border	Salem Road	Collector
Bisects southern portion of site	Gypsum	Collector (planned)
Approximately 20' west of the site	Raven	Collector (planned)

Water: Public water is adjacent to the site. There is a 6" waterline to the west along Gypsum Drive and a 2" waterline along Salem Road. There is a residential development on the east that has been approved and is under construction. Improvements to the water system will be required. An evaluation will need to be made at the time of preliminary plat on how the water system is to be connected with the existing systems.

Sewer: Sanitary sewer is near to the site. There is an 8" sewer main in the development to the west. There is a residential development on the east that has been approved and is under construction. A study of the downstream system shall be conducted by the developer. This development is within the sewer assessment area. The amount of the assessment will be determined by the development and will be determined at a later date.

Fire: The subject property is located approximately 2.7 miles from the Fire Station No. 7. Response time to the property is 7 minutes with a projected response time at full build-out to be approximately 7.5 minutes with 54 annual calls for service.

Police: The Fayetteville Police Department estimates that upon build out, the property would result in an increase of 120 calls per year. This estimate is not a considered to be a substantial increase in the load for police services.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as **Residential**.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: Annexation of the property will not create an island of unincorporated property and does not exacerbate problems created by the extension of peninsulas. The proposed annexation, begins fills in land that is encompassed on all sides but the north by existing city limits. Therefore, staff finds that the proposed annexation will not further exacerbate any problems associated with the current situation.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the City Limits to the south, east, and west.

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

Finding: This area is currently vacant at this time and located between developed or developing properties within the city. There is an existing subdivision adjacent to the western property line, and an approved subdivision is adjacent to the east. Structures on the subject property consist of several chicken houses and a single family dwelling. The property does not consist of defined subdivisions or neighborhoods. Annexation of the property would allow for Planning Commission review of development in accordance with City standards, and would require the same standards of development as the adjacent properties already within the city limits.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines of the existing parcels.

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

Finding: Current conditions result in a response time of 7 minutes for fire protection from Fire Station No. 7. Additionally, the City's Fire Department currently responds to calls further west of this property. Extension of water and sewer lines will occur at the time of development to aid in the improvement of services.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is mainly cleared pasture land. Tree canopy is concentrated along property lines. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property. Development outside the city does not allow for the requirement of parks, open space or tree preservation.

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Fire and police currently serve subdivisions further west of the subject property. Service shall be provided to this area with the same level of response and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in the surrounding

areas to the south, east, and west. The subject property is not being served by city utilities at this time. At the time of development the developer would be expected to improve adjacent city streets, and may be responsible for off-site street improvements, depending upon the amount of development.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. At this time, the property is agricultural in nature.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners request for annexation and request to rezone this property RSF-4, Residential single family - 4 units/acre.

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Development of 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 approximately 80 acres, and is adjacent to the Crystal Springs Subdivision in the City of Fayetteville. The annexation of the subject property will fill-in an unincorporated area surrounded on three sides by incorporated City helping create a more desirable city boundary.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 80 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

303 W. Center St. Fayetteville AR. 72701

Date: September 27, 2005

To: Suzanne Morgan, Jeremy Pate, Andrew Garner, and Jesse Fulcher

From: Dale Riggins

Subject: Re-zoning review from the Fayetteville Fire Department.

ANX05-1723 (JDM Investments LLC, 295) 5.06 acres

RZN05-1724 (JDM Investments LLC, 295) 5.06 acres

These 5.06 acres are covered by Engine 5 on N. Crossover Road.

The property is 3.1 miles from the station with a projected response time of 7 minutes to this development and 7.5 minutes when the maximum build-out is completed. When the new proposed Station 5 is built at Crossover and Old Wire, it will reduce the response time to 3 minutes to the beginning of this development.

The Fire Department anticipates 5 calls for service (3 EMS & 2 Fire/Other) once the development is completed and maximum build-out has occurred. There should be no adverse effects on our call volume or response time to this development.

ANX08-1728 (Zaccanti, 207-246) 80 acres

RZN05-1729 (Zaccanti, 207-246) 60 acres

These 60 acres are covered by Engine 7 on Ruple Road.

The property is 2.7 miles from the station with a projected response time of 7 minutes to this development and 7.5 minutes after maximum build-out is completed. The Fire Department anticipates 54 calls for service (33EMS and 21 Fire/Other) once the development is completed and maximum build-out has occurred.

Our major concern is the response time for the first arriving Engine Company and the next arriving unit. The 7 minute response time is above our response time goal of 6 minutes. This is due largely to the crossing of a major highway and the curvy and narrow Ruple road. It will take the next closest station 11 minutes to arrive on the scene which is beyond our response time goals of having all responding units on the scene within 10 minutes of the call.

If you have any other questions or concerns, please feel free to contact me for more information on run times, assignment duties, or anything else that is of a concern.



Fayetteville Fire Department

303 W. Center St. Fayetteville AR. 72701

ANX05-1627 (Old Wire Investors, LLC, 217) 29.70 acres
RZN05-1627 (Old Wire Investors, LLC, 217) 34.51 acres

These 34.51 acres are covered by Engine 5 on N Crossover Road.
The property is 2.7 miles from the station with a projected response time of 7 minutes to this development and 7.75 minutes after the maximum build-out.
When the new proposed Station 5 is built at Crossover and Old Wire, it will reduce the response time to 3 minutes to the beginning of this development.
The Fire Department anticipates 31 calls for service (19EMS and 12 Fire/Other) once the development is completed and maximum build-out has occurred. Once the new proposed Station 5 is built there should be no adverse effects on our call volume or response time to this development.

If you have any questions please feel free to call or email me

Dale Riggins
Fayetteville Fire Department



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

B. 1
ANX 05-1728 Zaccanti
Page 14 of 38

POLICE DEPARTMENT

October 3, 2005

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

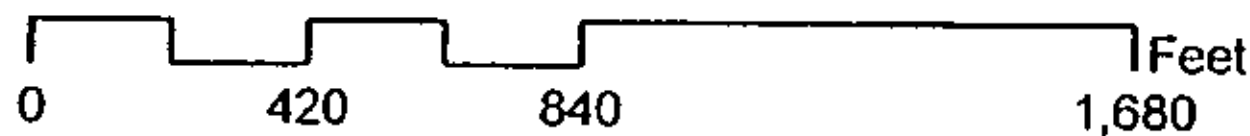
This document is in response to the request for a determination of whether the proposed Annexation ANX 05-1728 (Zaccanti, 207-246) and Rezoning RZN 05-1728 (Zaccanti, 207-246) submitted Raymond Smith for property located S of Salem Road, E of Crystal Springs S/D would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

Based on historical data of the Crystal Springs Subdivision immediately west of this proposal, estimations can be made regarding an increase in police calls for service. Upon build out of the submitted RZN, the Fayetteville Police Department can realize an estimated increase in 120 calls for service per year. The Engineering Department may provide more specific information about any potential traffic increase for this RZN.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown", is written over a horizontal line.

Captain William Brown
Fayetteville Police Department



This map was created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Management, and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre," and Arkansas Code 15-21-502 (6) which indicates that "Digital cadastre" means the storage and manipulation of computerized representations of parcel maps and linked databases."

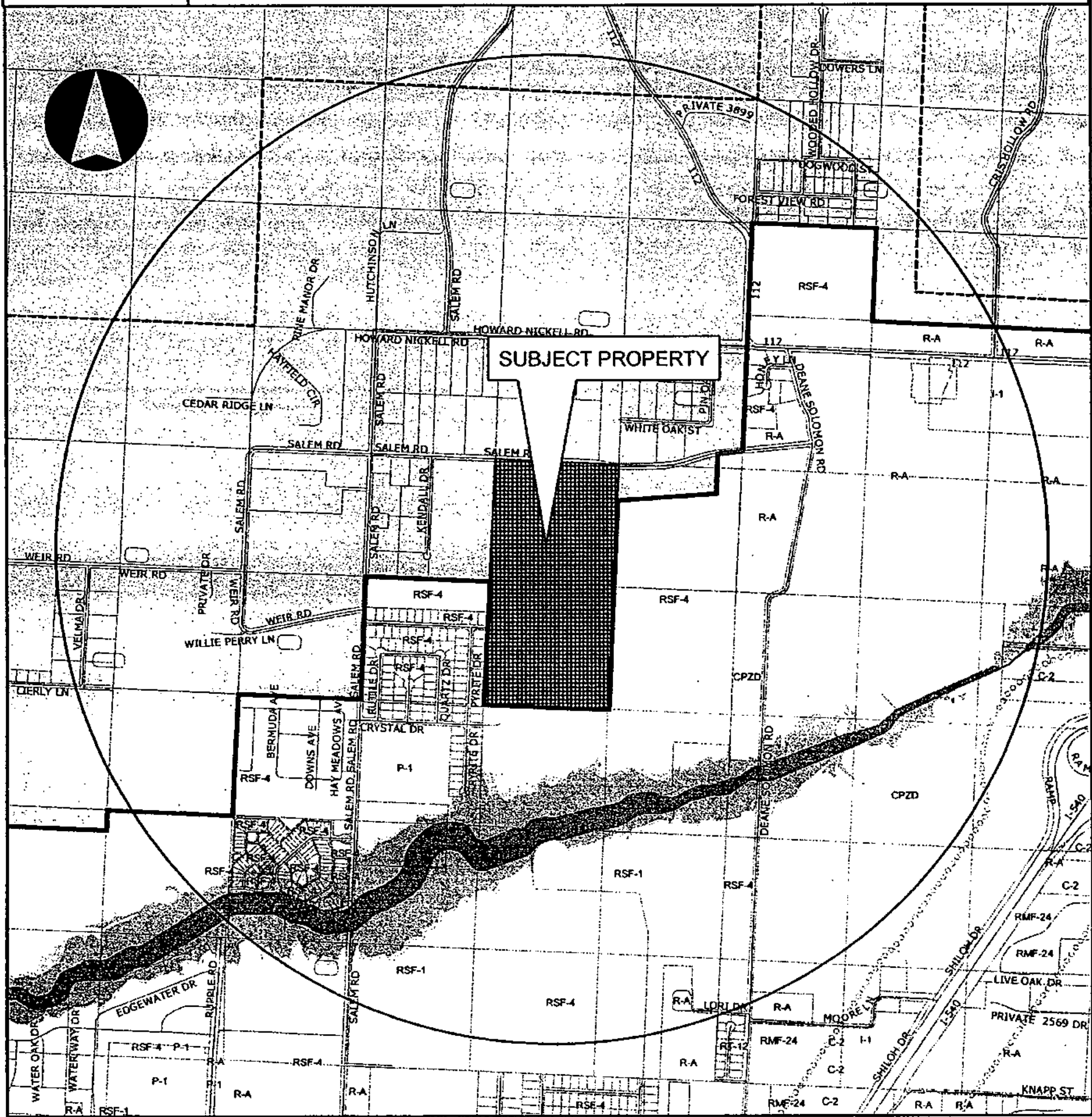
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N

The parcel lines shown are considered a graphical representation of the actual boundaries. Washington County is in no way responsible for or liable for any misrepresentation or re-use of this map. Distribution of this map is intended for informational purposes and should not be considered authoritative for engineering, legal and other site-specific uses.

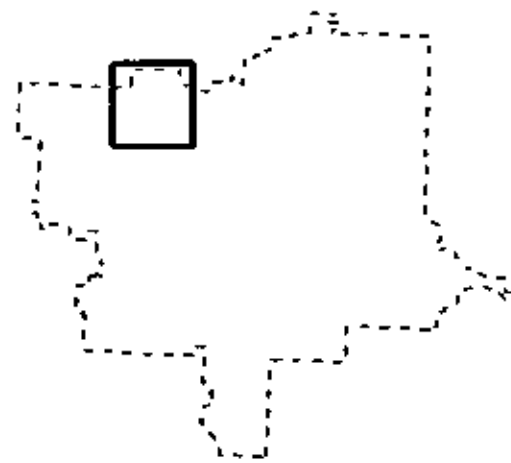
ANX05-1728

One Mile View

ZACCANTI



Overview



Legend

Subject Property
ANX05-1728

Boundary

Planning Area
Overlay District
Outside City

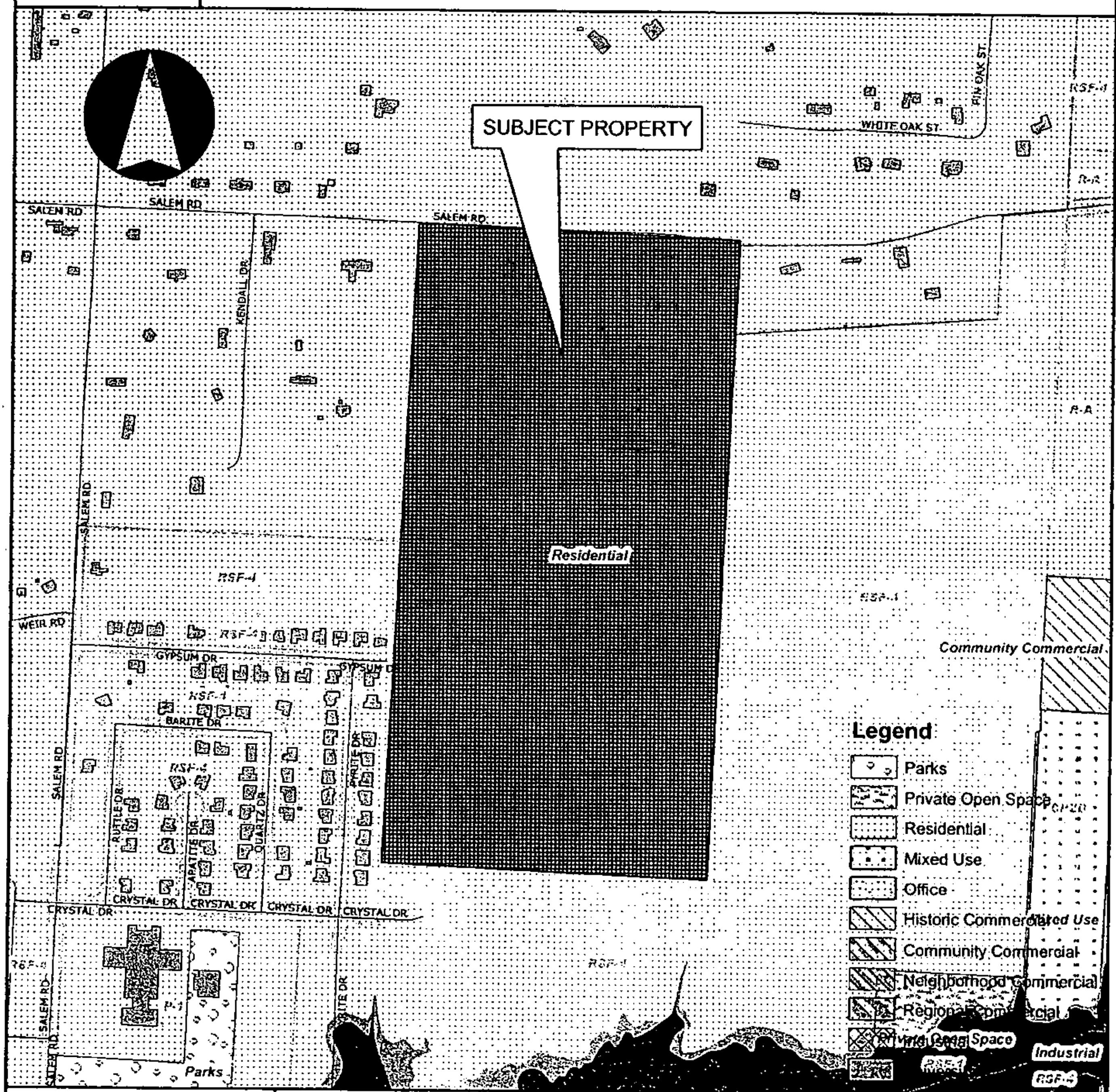
Legend

0 0.125 0.25 0.5 0.75 1 Miles

ANX05-1728

Future Land Use

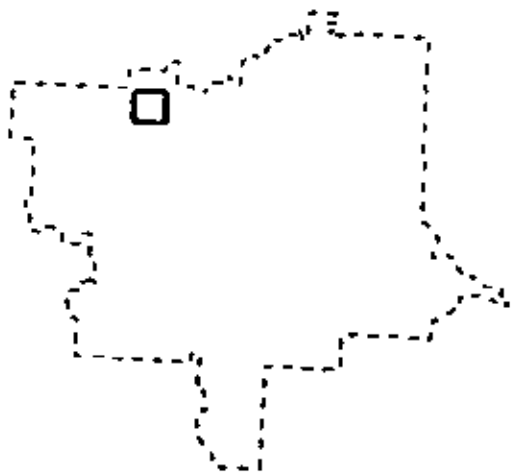
ZACCANTI



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Private Open Space
- Industrial

Overview



Legend

- Subject Property
- ANX05-1728
- Streets
- Existing
- Planned
- Boundary
- Planning Area
- Overlay District
- Outside City

Legend



October 22, 2005

City of Fayetteville, Arkansas
City Council Meeting November 1, 2005

Honorable Altermen:

Robert Reynolds

Brenda Thiel

Kyle Cook

Don Marr

Robert Rhoads

Robert Ferrell

Shirley Lucas

Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

To All Parties:

Re: New Business : ANX 05-1728 Zaccanti (80.30 acres) And Planning Commission
Appeal RZN 05-1729 Zaccanti (60 acres)

I own the property to be considered at the City Council Meeting on November 1, 2005. My wife and I purchased this property in 1953. This property has been used for farming cattle and a chicken operation.

My property is located on west Salem Road. It is bordered by Crystal Springs subdivision located on the west side and two subdivisions in process located on the south and east sides. All the properties that border my property on three sides are in the City of Fayetteville and are Zoned RSF-4. For your reference, attached in this folder are maps showing my property in relationship to City of Fayetteville boundaries and City of Fayetteville zoning.

It is my intent to annex all 80.30 acres into the City of Fayetteville. I want to retain 20 acres to live on and re-zone the remaining 60 acres to RSF-4. The reason to approve annexation for 80.30 acres and re-zone 60 acres to RSF-4 are as follows:

1. City of Fayetteville Director of Current Planning, Jeremy Pate, recommended approval for both Annexation and Re-zoning. (See attached Planning Division Correspondence containing 16 pages)

Left on second reading 11/1/05

2. All city utilities are available for connection to this 60 acres.
3. All subdivisions that adjoin this 60 acres show streets that connect into this property.
4. All properties that adjoin this 60 acres are located in the City of Fayetteville.
5. All properties that adjoin this 60 acres are zoned RSF-4.

My wife and I were married for 57 years and we raised our family here. Since she passed away in April 2004, I have decided to sale 60 acres and retain 20 acres. It is just not the same without her. I will live in my existing home until I can no longer take care of it or my small garden.

At the November 1, 2005 City Council Meeting, I sincerely hope you will approve re-zoning this 60 acres of property to RSF-4. I will tear down my chicken houses and move my cattle to acreage I own outside of Fayetteville. If you are not in favor of re-zoning, then unfortunately, I shall table my request for annexation of the 80.30 acres.

Thank you for your consideration. If you have any questions prior to the meeting, please feel free to call me at 479-442-6933 or my daughter, Mary Bassett at 479-521-5600. I look forward to seeing you on November 1.

Highest Personal Regards,



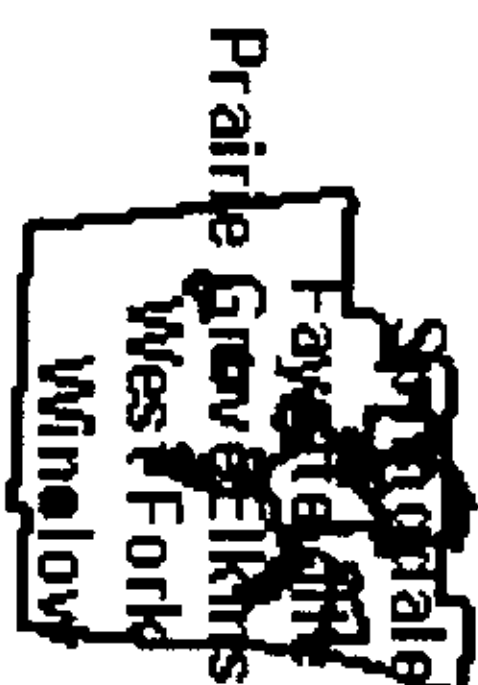
Retired Col. Alfred Zaccanti

Zaccanti Property

accant
20 of 38



Map created with ArcIMS - Copyright (C) 1992-2005 ESRI Inc.



Legend

County Street Centerlines

<all other values>

CLASS

State Highway

Local Paved

Local Gravel

Interstate

City Limits

AERIALPHOTO2005

RGB

Red: Band_1

Green: Band_2

Blue: Band_3





PC Meeting of October 10, 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, Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: September 20, 2005

ANX 05-1728: Annexation (ZACCANTI, 207-246): Submitted by RAYMOND SMITH for property located at SOUTH OF SALEM ROAD, EAST OF CRYSTAL SPRINGS SUBDIVISION. The property is in the Planning Area and contains approximately 80.00 acres. The request is to annex the subject property into the City of Fayetteville.

Property Owners: Alfred Sr., Al, and Helen Zaccanti

Planner: Andrew Garner

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report:

PLANNING COMMISSION ACTION:		Required	YES
		☒ Approved	☐ Denied
Date: <u>October 10, 2005</u>			
CITY COUNCIL ACTION:		Required	YES
		☐ Approved	☐ Denied
Date: <u>November 1, 2005 (1st reading if recommended)</u>			

BACKGROUND:

Property Description and Setting: The subject property contains part of two tracts totaling approximately 80 acres owned by the Zaccanti's. It is located south of Salem Road and east of the Crystal Springs Subdivision. The property contains one single-family residence along with a chicken farming operation and pasture land. It is within the Planning Area and adjacent to the City limits along the southern and a portion of the eastern and western property lines. Surrounding land uses and zoning are depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural residential	Planning Area
South	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4)
East	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4); Planning Area
West	Crystal Springs Subdivision; Rural residential	Residential Single Family Four Units/Acre (RSF-4); Planning Area

Proposal: The applicant proposes annexation of 80.30 acres into the City of Fayetteville.

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

INFRASTRUCTURE:

Streets: Currently the site has access to Salem Road. Gypsum Road is planned to extend east-west across the southern portion of the site, and Raven Road is planned to extend north-south just west of the site. Road improvements and dedication per the Master Street Plan would be required at the time of development. The site's relation to existing and planned Master Street Plan Streets is depicted on *Table 2*.

Table 2
Existing and Planned Streets

Direction from Site	Street Name	Classification
Adjacent to northern border	Salem Road	Collector
Bisects southern portion of site	Gypsum	Collector (planned)
Approximately 20' west of the site	Raven	Collector (planned)

Water: Public water is adjacent to the site. There is an 8" main along East Huntsville Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete a looped system. This may include an off-site connection to be determined at a later date.

Sewer: The site has access sanitary sewer. There is a 6" sewer main along the east half of the property. Sewer will need to be extended within the property at the time of development. A capacity analysis of the sewer lines and/or lift stations downstream of the site shall be conducted prior to development.

Fire: The subject property is located approximately 3.9 miles from the Fire Station #5. Response time to the property is 8 minutes with a projected response time at full build-out to be approximately 8 minutes with 34 annual calls for service. This does not take into account the decreased response time for the future Fire Station

at the Tyson complex on Huntsville Road.

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density or create an undesirable increase the load on police services nor will it create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 identifies the portion of this property within the Planning Area as Residential.

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: Annexation of the property will not create an island of unincorporated property and does not exacerbate problems created by the extension of peninsulas. The proposed annexation, begins fills in land that is encompassed on all sides but the north by existing city limits. Therefore, staff finds that the proposed annexation will not further exacerbate any problems associated with the current situation.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the City Limits to the south, east, and west.

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

Finding: This area is currently vacant at this time and located between properties within the city. There is a subdivision adjacent to the western property line. Structures on the subject property consist of several chicken houses and a single family dwelling. The property does not consist of defined subdivisions or neighborhoods. Annexation of the property would allow for Planning Commission review of development in accordance with City standards, and would require the same standards of development as the adjacent properties already within the city limits.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines of the existing parcels.

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

Finding: Current conditions result in a response time of 25 minutes for fire protection from Fire Station # 1. Additionally, the City's Fire Department currently responds to calls further west of this property. Extension of water and sewer lines will occur at the time of development to aid in the improvement of services.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property is mainly cleared pasture land. Tree canopy is concentrated along property lines. Development regulations within the City will ensure appropriate development and preservation of the existing natural features on the property. Development outside the city does not allow for the requirement of parks, open space or tree preservation.

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: Fire and police currently serve subdivisions further west of the subject property. Service shall be provided to this area with the same level of response and service as other developments in this area.

11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in the surrounding areas to the south, east, and west. The subject property is not being served by

city utilities at this time.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property. At this time, the property is agricultural in nature.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The property owners request for annexation and request to rezone this property RSF-4, Residential single family - 4 units/acre.

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this property.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Development of 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 approximately 80 acres, and is adjacent to the Crystal Springs Subdivision in the City of Fayetteville. The annexation of the subject property will fill-in an unincorporated area surrounded on three sides by incorporated City helping create a more desirable city boundary.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: No fiscal impact assessment was conducted for this annexation of 80 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

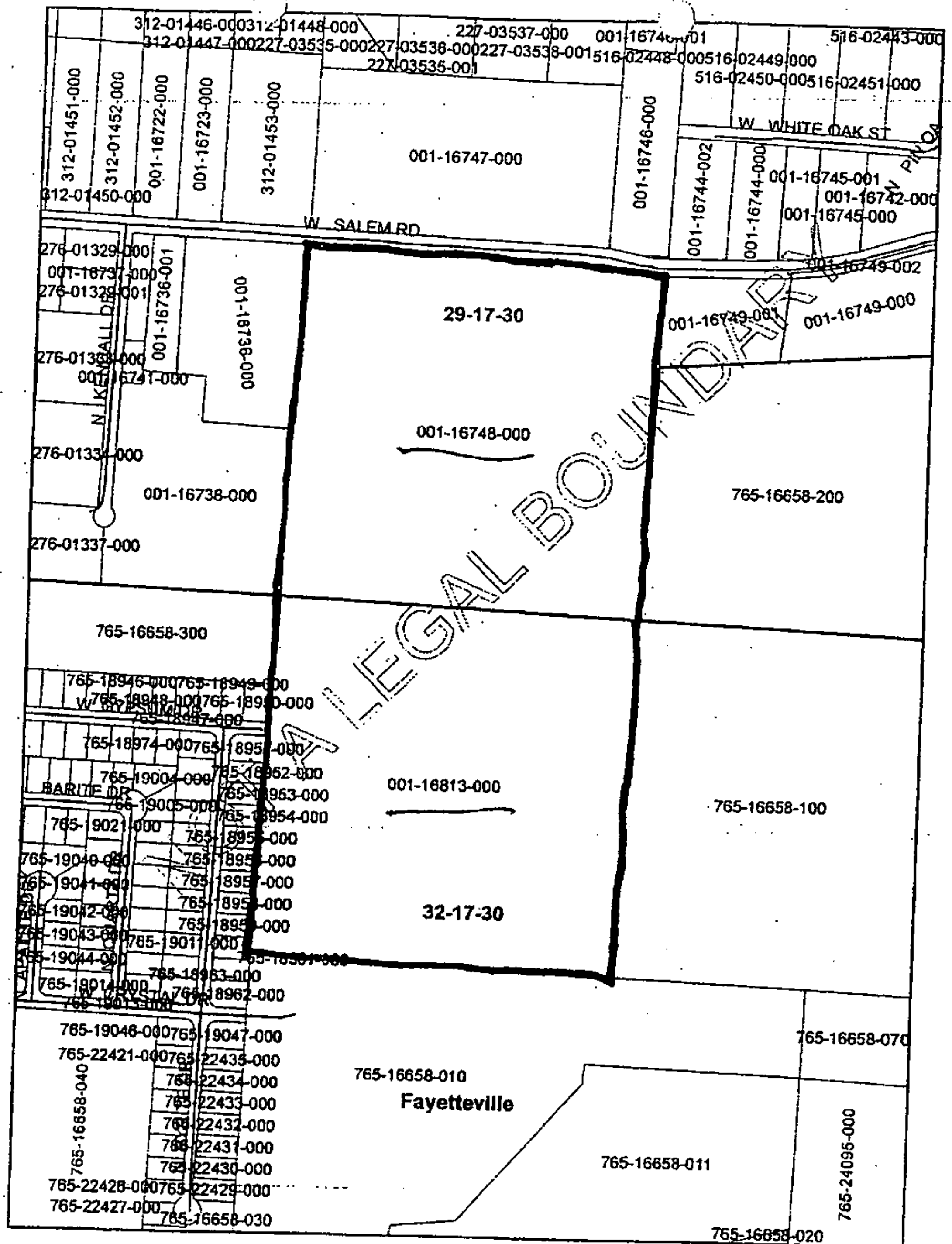
- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the 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.



County Disclaimer:

This map was created by Washington County using data created or acquired by its Assessor's office, Dept. of Emergency Management, and Road Department and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre." and Arkansas Code 15-21-502 (8) which indicates that "Digital cadastre" means the storage and manipulation of computerized representations of parcel maps and linked databases."

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PC Meeting of October 10, 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: September 20, 2005

RZN 05-1729: Rezoning (ZACCANTI, 207-246): Submitted by RAYMOND SMITH for property located at SOUTH OF SALEM ROAD, EAST OF CRYSTAL SPRINGS SUBDIVISION. The property is ZONED R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 60.00 acres. The request is to rezone the subject property to RSF-4, Residential Single-Family, 4 units per acre.

Property Owners: Alfred Sr., Al, and Helen Zaccanti

Planner: Andrew Garner

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:		Required	YES
		☒ Approved	☐ Denied
Date: <u>October 10, 2005</u>			
CITY COUNCIL ACTION:		Required	YES
		☒ Approved	☐ Denied
Date: <u>November 1, 2005 (1st reading if recommended)</u>			

Property Description and Setting: The subject property contains part of two tracts totaling approximately 80 acres owned by the Zaccanti's. It is located south of Salem Road and east of the Crystal Springs Subdivision. The property contains one single-family residence along with a chicken farming operation and pasture land. It is within the Planning Area and adjacent to the City limits along the southern and a portion of the eastern and western property lines. Surrounding land uses and zoning are depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural residential	Planning Area
South	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4)
East	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4); Planning Area
West	Crystal Springs Subdivision; Rural residential	Residential Single Family Four Units/Acre (RSF-4); Planning Area

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

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

INFRASTRUCTURE:

Streets: Currently the site has access to Salem Road to the north. Gypsum Road is planned to extend east-west across the southern portion of the site, and Raven Road is planned to extend north-south just west of the site. Road improvements and dedication per the Master Street Plan would be required at the time of development. The site's relation to existing and planned Master Street Plan Streets is depicted on *Table 2*.

Table 2
Existing and Planned Streets

Direction from Site	Street Name	Classification
Adjacent to northern border	Salem Road	Collector
Bisects southern portion of site	Gypsum	Collector (planned)
Approximately 20' west of the site	Raven	Collector (planned)

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

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

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

Police: It is the opinion of the Fayetteville Police Department that this annexation will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as Residential.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

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

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

Finding: Should the annexation request for the 80-acres north and east of the existing city limits be approved, the property is zoned R-A by default. The applicant is requesting the consideration of rezoning only the property to RSF-4. Staff finds that this zoning is compatible with the General Plan 2020 and surrounding developments within the City.

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

Finding: The proposed zoning will provide additional traffic on adjacent streets over the current zoning. Salem Road is adjacent to the northern property line of the subject property. The annexation and development of this property will also aid in the eventual connection of Gypsum Lane from Crystal Springs Subdivision west-east across the property. The existing and planned streets that surround the property will allow traffic to disperse in an efficient manner under the proposed zoning.

Police: The Fayetteville Police Department finds that rezoning this property will not result in an appreciable increase in the level of

traffic danger and congestion in the area

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

Finding: The proposed zoning will increase population density from that zoning currently in place. The 80-acre tract under an R-A zoning designation would allow for a maximum 40 single family residential dwelling units. With the proposed RSF-4 designation for the property, a maximum of 320 single family dwelling units would be permitted.

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

Police

This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.

Fire

This rezoning is in close proximity to Fire Station No. 1 and has an adequate response time of minutes.

Engineering

Water: Public water is adjacent to the site. There is a 12" main along Crossover and an 8" main in the Candlewood subdivision. Water service will need to be extended within the property at the time of development. Additional connections will be required to complete a looped system.

Sewer: A sanitary sewer main crosses the east end of the site. There is also a large diameter force main that parallels the gravity main. Sewer service will need to be extended within the property at the time of development. A study of the downstream sewer system must be completed by the developer prior to submittal of construction plans.

Streets: The site has access to Salem Road, with a stub-out to Gypsum Road to the west.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

K:\Reports\2005\PC Reports\10-10-05\RZN 05-1729 (Zaccanti).doc

161.07 District Rsf-4, Residential Single-Family - Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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

CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES

Assessor's Parcel Number 001-16748-000, SW¼ of SE¼ Section 29, Assessor's Parcel Number 001-16813-000, NW¼ of NE¼ Section 32, T17N, R30W, 80.30 acres, more or less. There are proposed or pending property sales for this property.

REASON FOR REQUESTED ZONING CHANGE

Parcel Number 001-16748-000 is currently zoned A-1 and will be annexed into the City of Fayetteville and the S½ (20 acres) zoned as R-A. Parcel Number 001-16813-000 is currently zoned A-1 and will be annexed into the City of Fayetteville and zoned as R-A. It is proposed to re-zone 60 acres of the parcels to RSF-4 for development into a single family residential subdivision.

LAND DEVELOPMENT

The development of this property is consistent with the land use of the residential areas surrounding the proposed development with slight increase in vehicle traffic.

WATER/SEWER ACCESS

An 8" existing water line and 8" sewer line are available at the Crystal Springs Subdivision to the West and also available to the South.

DEGREE TO WHICH THE PROPOSED ZONING IS CONSISTENT WITH LAND USE PLANNING OBJECTIVES, PRINCIPLES AND LAND USE AND ZONING PLANS

The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

WHETHER THE PROPOSED ZONING IS JUSTIFIED AND/OR NEEDED AT THE TIME THE REZONING IS PROPOSED

The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City of Fayetteville. Zoning this property as RSF-4 is consistent with surrounding subdivision.

**WHETHER THE PROPOSED ZONING WOULD CREATE OR
APPRECIABLY INCREASE TRAFFIC DANGER AND CONGESTION**

The proposed zoning will not create or appreciably increase traffic danger and congestion.

**WHETHER THE PROPOSED ZONING WOULD ALTER THE
POPULATION DENSITY AND THEREBY UNDESIRABLY INCREASE
THE LOAD ON PUBLIC SERVICES INCLUDING SCHOOLS, WATER,
AND SEWER FACILITIES**

This increase is not expected to undesirably increase the load on public services including schools, water and sewer facilities. Improvements planned to the Fayetteville overall wastewater treatment system and the coming on line of the new wastewater treatment facility on the western side of Fayetteville should adequately provide services to the subdivision.

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

This property is presently in the county but within the Fayetteville Growth Area. It would be impractical to maintain the A-1 or R-A zoning since it would be inconsistent with the surrounding areas already zoned as residential subdivisions,





RAYMOND C. SMITH, P.A.
ATTORNEY AT LAW

Barristers Place, Suite 11
70 North College Avenue
Fayetteville, Arkansas
72701-6101

October 14, 2005

Telephone (479)521-7011
Fax (479)443-4333
Toll Free 1-800-282-0168
Email rsmith7011@sbcglobal.net

Sondra Smith, City Clerk
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: RZN 05-1729 (Zaccanti)

Dear Madame Clerk:

This letter* is on behalf of my client, Alfred E. Zaccanti, Sr., Trustee, to make a timely appeal to the City Council from the vote of the Planning Commission at the meeting on October 10th to not recommend approval of RZN 05-1729 (Zaccanti) to the City Council. The Planning Commission at the meeting approved ANX 05-1728 for this property, but by a 4-4 vote turned down the rezoning application, although Staff recommended approval based upon findings presented. The Zaccanti property is within the Planning Area and is adjacent to the City limits along the southern property lines as well as most of the eastern and western property lines, an ideal situation and would not create an "island." The Planning Commissioners were not consistent in their voting on the rezoning applications before the commission, and failed to use the same criteria in either their approval or denial of rezoning applications. There was no basis whatsoever for the Planning Commission's decision to deny approval of RZN 05-1729, forming the basis of this appeal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond C. Smith".
Raymond C. Smith

RECEIVED

OCT 14 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Left on second reading 11/1/05

cc: Col. Alfred E. Zaccanti, Sr.

* - This notice of appeal relates back to my letter of October 12, 2005, which incorrectly identified the Planning Commission meeting on October 10, 2005, as on October 12, 2005.

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations 

From: Jeremy C. Pate, Director of Current Planning

Date: October 11, 2005

Subject: Rezoning for Zaccanti (RZN 05-1729)

RECOMMENDATION

The Planning staff recommends approval of the subject rezoning request to rezone approximately 60 acres of property from Residential-Agricultural (R-A) to Residential Single-Family Four Units Per Acre (RSF-4).

BACKGROUND

The subject property contains 60 acres and is owned by Alfred Sr., Al, and Helen Zaccanti. It is located south of Salem Road and east of the Crystal Springs Subdivision. Surrounding properties are zoned RSF-4 on three sides with unincorporated Washington County (Planning Area) to the north. The Crystal Springs Subdivision is adjacent to the western property line and the approved Laureate Fields subdivision is located adjacent to the eastern property line. The request is to rezone the subject property from R-A to RSF-4 should the preceding annexation request, ANX 05-1728, be approved. The applicant intends to develop the property for single family use in conjunction with property to the west at a maximum density of four units per acre. Development of this property for residential use at four units per acre is consistent with the surrounding development. If the annexation and rezoning are approved, future changes or additional development on this site would be regulated by the city allowing for a uniform and consistent development pattern. Staff recommends approval of this rezoning request based on findings stated herein, finding that the uses allowed will be compatible and similar to surrounding uses allowed within existing zoning districts.

DISCUSSION

This item was heard at the regular Planning Commission on October 11, 2005. The motion to recommend approval of this item failed with a 4-4-0 vote, with Commissioners Allen, Clark, Myres, and Oster voting no.

BUDGET IMPACT

None.



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1729 FOR APPROXIMATELY
60.00 ACRES LOCATED SOUTH OF SALEM ROAD, EAST OF
CRYSTAL SPRINGS SUBDIVISION 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 05-1729

THE SOUTH 1/2 OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, CONSISTING OF APPROXIMATELY 60 ACRES, MORE OR LESS.

DRAFT



RAYMOND C. SMITH, P.A.
ATTORNEY AT LAW

Barristers Place, Suite 11
70 North College Avenue
Fayetteville, Arkansas 72701-6101

Telephone (479) 521-7011
FAX (479) 443-4333
Toll Free 1-800-282-0168
Email rsmith7011@sbcglobal.net

October 12, 2005

Sondra Smith, City Clerk
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: RZN 05-1729 (Zaccanti)

Dear Madame Clerk:

This letter is on behalf of my client, Alfred E. Zaccanti, Sr., Trustee, to make a timely appeal to the City Council from the vote of the Planning Commission at the meeting on October 12th to not recommend approval of RZN 05-1729 (Zaccanti) to the City Council. The Planning Commission at the meeting approved ANX 05-1728 for this property, but by a 4-4 vote turned down the rezoning application, although Staff recommended approval based upon findings presented. The Zaccanti property is within the Planning Area and is adjacent to the City limits along the southern property lines as well as most of the eastern and western property lines, an ideal situation and would not create an "island." The Planning Commissioners were not consistent in their voting on the rezoning applications before the commission, and failed to use the same criteria in either their approval or denial of rezoning applications. There was no basis whatsoever for the Planning Commission's decision to deny approval of RZN 05-1729, forming the basis of this appeal.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. C. Smith".

Raymond C. Smith

cc: Col. Alfred E. Zaccanti, Sr.

RECEIVED

OCT 12 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE



PC Meeting of October 10, 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: ~~October 4, 2005~~ October 11, 2005

RZN 05-1729: Rezoning (ZACCANTI, 207-246): Submitted by RAYMOND SMITH for property located at SOUTH OF SALEM ROAD, EAST OF CRYSTAL SPRINGS SUBDIVISION. The property is ZONED R-A, RESIDENTIAL AGRICULTURAL, and contains approximately 60.00 acres. The request is to rezone the subject property to RSF-4, Residential Single-Family, 4 units per acre.

Property Owners: Alfred Sr., Al, and Helen Zaccanti

Planner: Andrew Garner

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>October 10, 2005</u>	Tombstones Graves and 4-4-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>November 1, 2005 (at reading if recommended)</u>		

THE PLANNING COMMISSION DISCUSSED THAT THEY WOULD PREFER ANOTHER ZONING OPTION WITH A DENSITY BETWEEN RSF-1 AND RSF-4 FOR PROPERTY NEAR THE PERIMETER OF THE CITY THAT WILL BE DEVELOPED AT TWO OR THREE UNITS/ACRE. (10/10/05)

Property Description and Setting: The subject property contains part of two tracts totaling approximately 60 acres owned by the Zaccanti's. It is located south of Salem Road and east of the Crystal Springs Subdivision. The property contains one single-family residence along with a chicken farming operation and pasture land. It is within the Planning Area and adjacent to the City limits along the southern and a portion of the eastern and western property lines. Surrounding land uses and zoning are depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Rural residential	Planning Area
South	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4)
East	Vacant/Pasture	Residential Single Family Four Units/Acre (RSF-4); Planning Area
West	Crystal Springs Subdivision; Rural residential	Residential Single Family Four Units/Acre (RSF-4); Planning Area

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

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

INFRASTRUCTURE:

Streets: Currently the site has access to Salem Road to the north. Gypsum Road is planned to extend east-west across the southern portion of the site, and Raven Road is planned to extend north-south just west of the site. Road improvements and dedication per the Master Street Plan would be required at the time of development. The site's relation to existing and planned Master Street Plan Streets is depicted on *Table 2*. Access to a proposed subdivision would be required from more than one point. Proposed development may require off-site street connections or improvements to provide that access, depending upon the development proposed.

Table 2
Existing and Planned Streets

Direction from Site	Street Name	Classification
Adjacent to northern border	Salem Road	Collector
Bisects southern portion of site	Gypsum	Collector (planned)
Approximately 20' west of the site	Raven	Collector (planned)

Water: Public water is adjacent to the site. There is a 6" waterline to the west along Gypsum Drive and a 2" waterline along Salem Road. There is a residential development on the east that has been approved and is under construction. Improvements to the water system will be required. An evaluation will need to be made at the time of preliminary plat on how the water system is to be connected with the existing systems.

Sewer: Sanitary sewer is near to the site. There is an 8" sewer main in the development to the west. There is a residential development on the east that has been approved and is under construction. A study of the downstream system shall be conducted by the developer. This development is within the sewer assessment area. The amount of

the assessment will be determined by the development and will be determined at a later date.

Fire: The subject property is located approximately 7 miles from the Fire Station No. 7. Response time to the property at maximum build-out is projected at approximately 7.5 minutes.

Police: The Fayetteville Police Department estimates that upon build out, the property would result in an increase of 120 calls per year. This estimate is not a considered to be a substantial increase in the load for police services.

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

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

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

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

Finding: Should the annexation request for the 80-acres north and east of the existing city limits be approved, the property is zoned R-A by default. The applicant is requesting the consideration of rezoning only the property to RSF-4. Staff finds that this zoning is compatible with the General Plan 2020 and surrounding developments within the City.

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

Finding: The proposed zoning will provide additional traffic on adjacent streets over the current zoning. Salem Road is adjacent to the northern property line of the property being annexed. The annexation and development of this property will also aid in the eventual connection of Gypsum Lane from Crystal Springs Subdivision west-east across the property. The existing and planned streets that surround the property will allow traffic to disperse in an efficient manner under the proposed zoning, with appropriate connections.

Police - The Fayetteville Police Department finds that rezoning this

property will not result in an appreciable increase in the level of traffic danger and congestion in the area.

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

Finding: The proposed zoning will increase population density from that zoning currently in place. The 60-acre tract under an R-A zoning designation would allow for a maximum 40 single family residential dwelling units. With the proposed RSF-4 designation for the property, a maximum of 240 single family dwelling units would be permitted.

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

Police – This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.

Fire – This rezoning is in close proximity to Fire Station No. 7 and has an adequate response time of 7 minutes.

Engineering - Water: Public water is adjacent to the site. There is a 6" waterline to the west along Gypsum Drive and a 2" waterline along Salem Road. There is a residential development on the east that has been approved and is under construction. Improvements to the water system will be required. An evaluation will need to be made at the time of preliminary plat on how the water system is to be connected with the existing systems.

Sewer: Sanitary sewer is near to the site. There is an 8" sewer main in the development to the west. There is a residential development on the east that has been approved and is under construction. A study of the downstream system shall be conducted by the developer. This development is within the sewer assessment area. The amount of the assessment will be determined by the development and will be determined at a later date.

Streets: The site has access to Salem Road, with a stub-out to Gypsum Road to the west.

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

Finding: N/A

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

K:\Reports\2005\PC Reports\10-10-05\RZN 05-1729 (Zaccanti).doc

161.07 District Rsf-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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



Fayetteville Fire Department

303 W. Center St. Fayetteville AR. 72701

Date: September 27, 2005

To: Suzanne Morgan, Jeremy Pate, Andrew Garner, and Jesse Fulcher

From: Dale Riggins

Subject: Re-zoning review from the Fayetteville Fire Department.

ANX05-1723 (JDM Investments LLC, 295) 5.06 acres

RZN05-1724 (JDM Investments LLC, 295) 5.06 acres

These 5.06 acres are covered by Engine 5 on N. Crossover Road.

The property is 3.1 miles from the station with a projected response time of 7 minutes to this development and 7.5 minutes when the maximum build-out is completed. When the new proposed Station 5 is built at Crossover and Old Wire, it will reduce the response time to 3 minutes to the beginning of this development.

The Fire Department anticipates 5 calls for service (3 EMS & 2 Fire/Other) once the development is completed and maximum build-out has occurred. There should be no adverse effects on our call volume or response time to this development.

ANX08-1728 (Zaccanti, 207-246) 80 acres

RZN05-1729 (Zaccanti, 207-246) 60 acres

These 60 acres are covered by Engine 7 on Ruppel Road.

The property is 2.7 miles from the station with a projected response time of 7 minutes to this development and 7.5 minutes after maximum build-out is completed. The Fire Department anticipates 54 calls for service (33EMS and 21 Fire/Other) once the development is completed and maximum build-out has occurred.

Our major concern is the response time for the first arriving Engine Company and the next arriving unit. The 7 minute response time is above our response time goal of 6 minutes. This is due largely to the crossing of a major highway and the curvy and narrow Ruppel road. It will take the next closest station 11 minutes to arrive on the scene which is beyond our response time goals of having all responding units on the scene within 10 minutes of the call.

If you have any other questions or concerns, please feel free to contact me for more information on run times, assignment duties, or anything else that is of a concern.



Fayetteville Fire Department

303 W. Center St. Fayetteville AR. 72701

ANX05-1627 (Old Wire Investors, LLC, 217) 29.70 acres
RZN05-1627 (Old Wire Investors, LLC, 217) 34.51 acres

These 34.51 acres are covered by Engine 5 on N Crossover Road.

The property is 2.7 miles from the station with a projected response time of 7 minutes to this development and 7.75 minutes after the maximum build-out.

When the new proposed Station 5 is built at Crossover and Old Wire, it will reduce the response time to 3 minutes to the beginning of this development.

The Fire Department anticipates 31 calls for service (19EMS and 12 Fire/Other) once the development is completed and maximum build-out has occurred. Once the new proposed Station 5 is built there should be no adverse effects on our call volume or response time to this development.

If you have any questions please feel free to call or email me

Dale Riggins
Fayetteville Fire Department



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

October 3, 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 05-1728 (Zaccanti, 207-246) and Rezoning RZN 05-1728 (Zaccanti, 207-246) submitted Raymond Smith for property located S of Salem Road, E of Crystal Springs S/D would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

Based on historical data of the Crystal Springs Subdivision immediately west of this proposal, estimations can be made regarding an increase in police calls for service. Upon build out of the submitted RZN, the Fayetteville Police Department can realize an estimated increase in 120 calls for service per year. The Engineering Department may provide more specific information about any potential traffic increase for this RZN.

Sincerely,

A handwritten signature in black ink, appearing to read "William K. Brown".

Captain William Brown
Fayetteville Police Department

CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES

Assessor's Parcel Number 001-16748-000, SW¼ of SE¼ Section 29, Assessor's Parcel Number 001-16813-000, NW¼ of NE¼ Section 32, T17N, R30W, 80.30 acres, more or less. There are proposed or pending property sales for this property.

REASON FOR REQUESTED ZONING CHANGE

Parcel Number 001-16748-000 is currently zoned A-1 and will be annexed into the City of Fayetteville and the S½ (20 acres) zoned as R-A. Parcel Number 001-16813-000 is currently zoned A-1 and will be annexed into the City of Fayetteville and zoned as R-A. It is proposed to re-zone 60 acres of the parcels to RSF-4 for development into a single family residential subdivision.

LAND DEVELOPMENT

The development of this property is consistent with the land use of the residential areas surrounding the proposed development with slight increase in vehicle traffic.

WATER/SEWER ACCESS

An 8" existing water line and 8" sewer line are available at the Crystal Springs Subdivision to the West and also available to the South.

DEGREE TO WHICH THE PROPOSED ZONING IS CONSISTENT WITH LAND USE PLANNING OBJECTIVES, PRINCIPLES AND LAND USE AND ZONING PLANS

The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

WHETHER THE PROPOSED ZONING IS JUSTIFIED AND/OR NEEDED AT THE TIME THE REZONING IS PROPOSED

The proposed rezoning is justified at this time in that it is in keeping with the policies and adopted plans of the City of Fayetteville. Zoning this property as RSF-4 is consistent with surrounding subdivision.

**WHETHER THE PROPOSED ZONING WOULD CREATE OR
APPRECIABLY INCREASE TRAFFIC DANGER AND CONGESTION**

The proposed zoning will not create or appreciably increase traffic danger and congestion.

**WHETHER THE PROPOSED ZONING WOULD ALTER THE
POPULATION DENSITY AND THEREBY UNDESIRABLY INCREASE
THE LOAD ON PUBLIC SERVICES INCLUDING SCHOOLS, WATER,
AND SEWER FACILITIES**

This increase is not expected to undesirably increase the load on public services including schools, water and sewer facilities. Improvements planned to the Fayetteville overall wastewater treatment system and the coming on line of the new wastewater treatment facility on the western side of Fayetteville should adequately provide services to the subdivision.

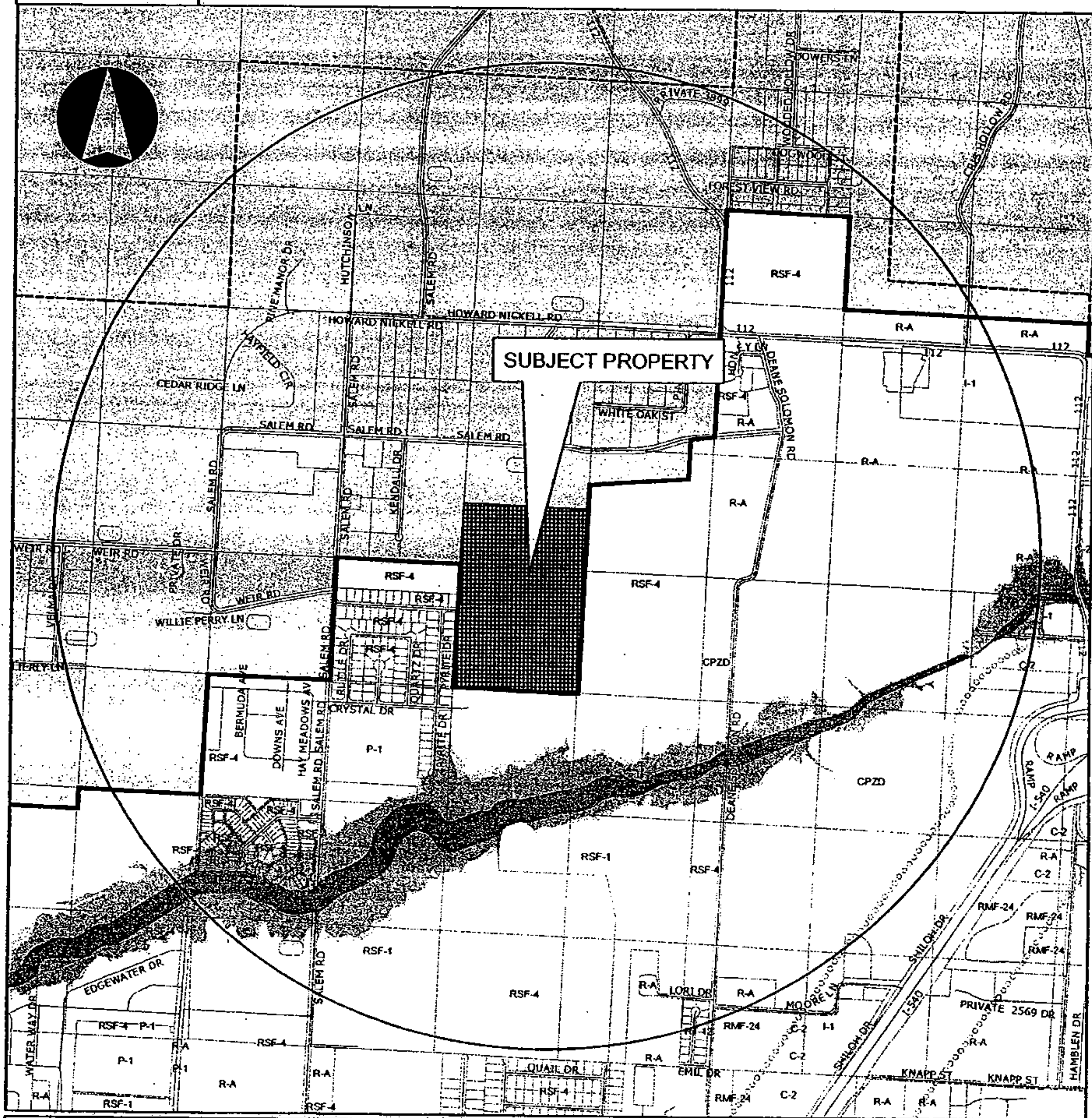
**WOULD IT BE IMPRACTICAL TO USE THE LAND FOR ANY OF THE
USES PERMITTED UNDER ITS EXISTING ZONING
CLASSIFICATION**

This property is presently in the county but within the Fayetteville Growth Area. It would be impractical to maintain the A-1 or R-A zoning since it would be inconsistent with the surrounding areas already zoned as residential subdivisions,

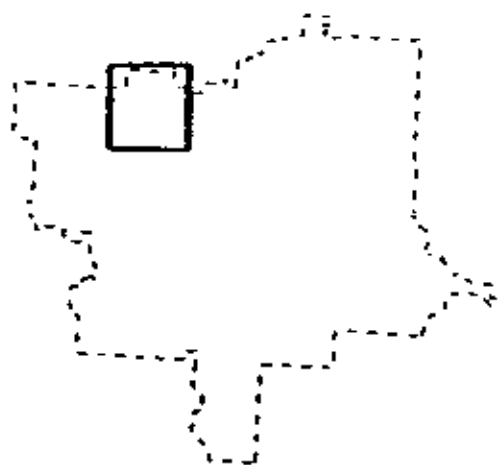
RZN05-1729

One Mile View

ZACCANTI



Overview



Legend

Subject Property
 RZN05-1729

Boundary

Planning Area
 Overlay District
 Outside City

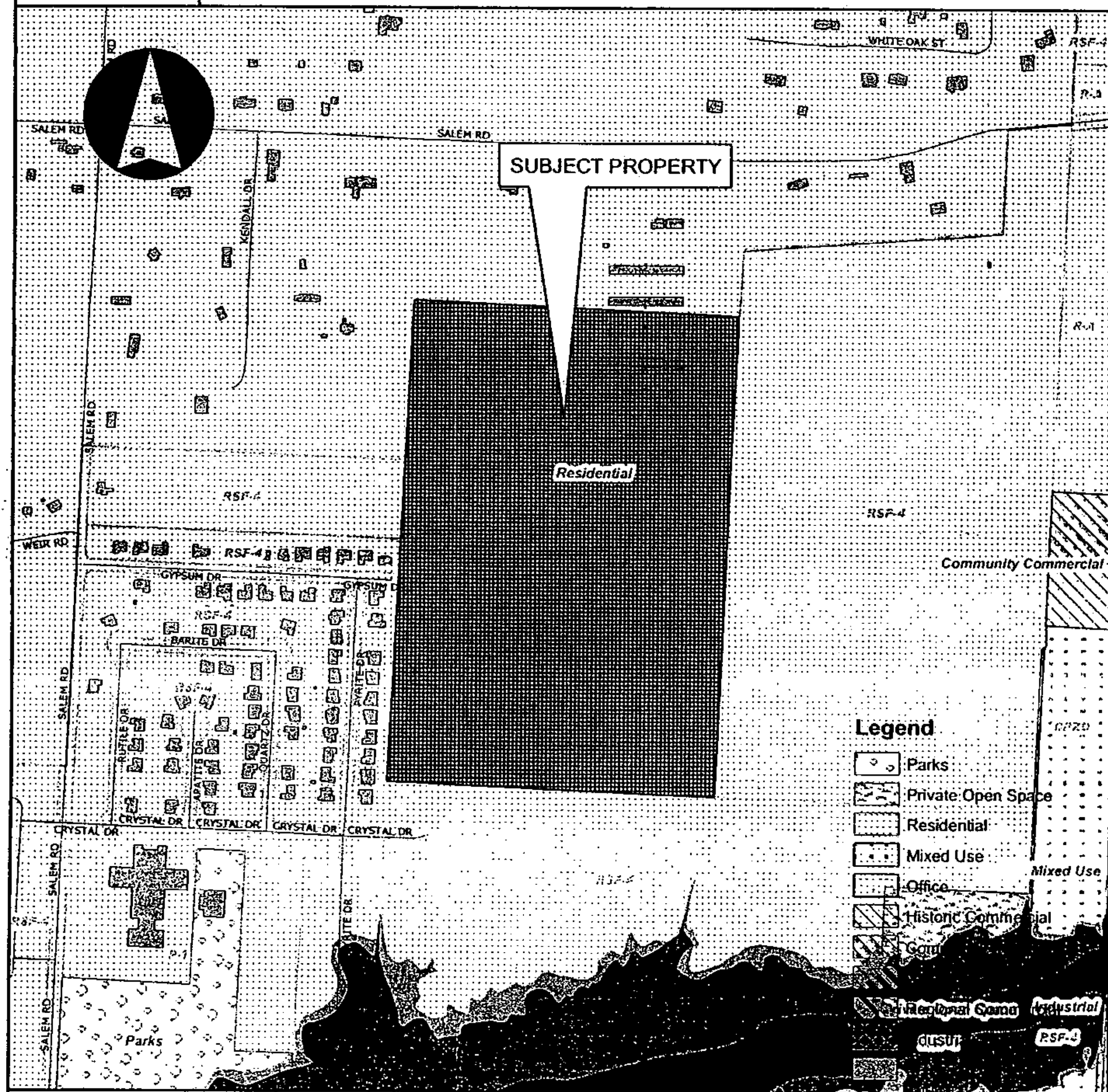
0 0.125 0.25 0.5 0.75 1

Miles

RZN05-1729

Future Land Use

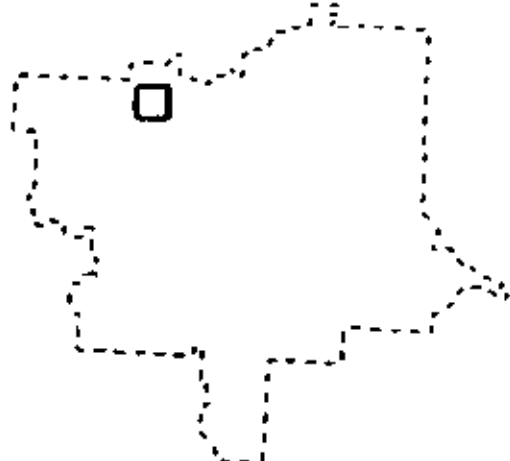
ZACCANTI



Legend

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Industrial

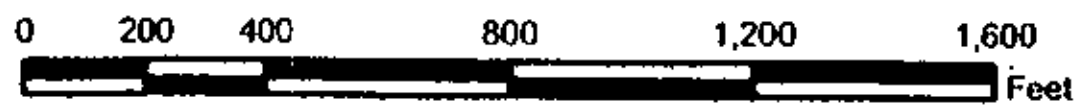
Overview



Legend

- Subject Property
- RZN05-1729
- Streets
- Existing
- Planned
- Boundary
- Planning Area
- Overlay District
- Outside City

Legend



DAVIS, WRIGHT, CLARK, BUTT & CARITHERS, PLC

ATTORNEYS AT LAW
19 EAST MOUNTAIN ST.

P. O. BOX 1688

FAYETTEVILLE, ARKANSAS 72702-1688

PHONE (479)521-7600

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<http://www.daviswrightlaw.com>

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JOHN G. TRICE
MARK W. DOSSETT

TAMERON C. BISHOP
ERIC R. GRIBBLE
CASEY D. LAWSON
J. R. CARROLL
TISHA M. HARRISON
MISSY LEFLAR
CHAD GOWENS

October 31, 2005

HAND DELIVERY

Mayor Dan Coody
Mr. Robert Reynolds
Ms. Brenda Thiel
Mr. Kyle Cook
Mr. Don Marr
Mr. Robert Rhoads
Mr. Robert Ferrell
Ms. Shirley Lucas
Mr. Lioneld Jordan

City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

RECEIVED

NOV 01 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Re: New Business: ANX 05-1728 Zaccanti (80.30 acres) and
Planning Commission Appeal RZN 05-1729 Zaccanti (60 acres)

Dear Mayor Coody and Members of the City Council:

I have been retained by Alfred E. Zaccanti, Sr., Trustee, to assist him with the annexation and rezoning of 80.30 acres located south of Salem Road and east of the Crystal Springs Subdivision.

As you know, Mr. Zaccanti submitted a request for annexation (ANX 05-1728) and a request for rezoning to RSF-4, Residential Single-Family, 4 units per acre (RZN 05-1729). The requests were recommended for approval by the Planning Division staff. On October 10, 2005, the Planning Commission voted unanimously to approve Mr. Zaccanti's request for annexation. However, the Planning Commission voted 4-4 on his request for rezoning. This split vote effectively denied approval of Mr. Zaccanti's request for rezoning. The decision has been appealed and placed on the agenda for a meeting of the City Council on **Tuesday, November 1, 2005**.

It is important to note that the Planning Division staff recommended approval of the annexation and rezoning based on the findings set forth in their report to the Planning Commission dated September

Left on the second reading 11/1/05

Mayor Dan Coody and
Fayetteville City Council
October 31, 2005
Page 2

20, 2005. I encourage you to review the Planning Commission Correspondence which I have enclosed for your convenience.

The property is an ideal situation for annexation - it is located within the Planning Area and between properties within the City limits. It is also ideal for residential development. The properties along the southern and a portion of the eastern and western property lines are already zoned RSF-4 and the surrounding land use is consistent with Mr. Zaccanti's proposed use. It is my understanding that there was no real opposition by the public at the Planning Commission meeting. A few neighboring landowners expressed concerns regarding the effect on traffic but their questions were answered by Mr. Zaccanti's representatives and the Planning Division staff.

As I understand it, there was some concern expressed by members of the Planning Commission regarding the fire response time. I respectfully submit that the Planning Commission's decision has no rationale basis and is inconsistent with other recently approved applications for rezoning. According to Dale Riggins of the Fayetteville Fire Department, Mr. Zaccanti's property is served by Fire Station No. 7 on Ruppel Road. The property is 2.7 miles from the station with a projected response time of seven minutes. Although the response time exceeds the Fire Department's goal of six minutes, the Planning Division staff notes in its correspondence to the Planning Commission that the City's Fire Department currently responds to calls further west of this property with longer response times. In addition, I understand there have been some recent developments regarding Ruppel Road which may increase the Fire Department's response time and alleviate the concerns of the Planning Commission.

Please note that Mr. Zaccanti's separate requests for annexation and rezoning need to be considered together. The property contains a single-family residence along with a chicken farming operation and pasture land. Mr. Zaccanti intends to develop 60 acres of the property for single family use at a maximum density of 4 units per acre - similar to the property to the west. If the City does not intend to rezone the property to RSF-4, then Mr. Zaccanti intends to withdraw his request for annexation and to continue farming his land.

I encourage you to approve Mr. Zaccanti's request for annexation and re-zoning.

Sincerely,

DAVIS, WRIGHT, CLARK, BUTT
& CARITHERS, PLC

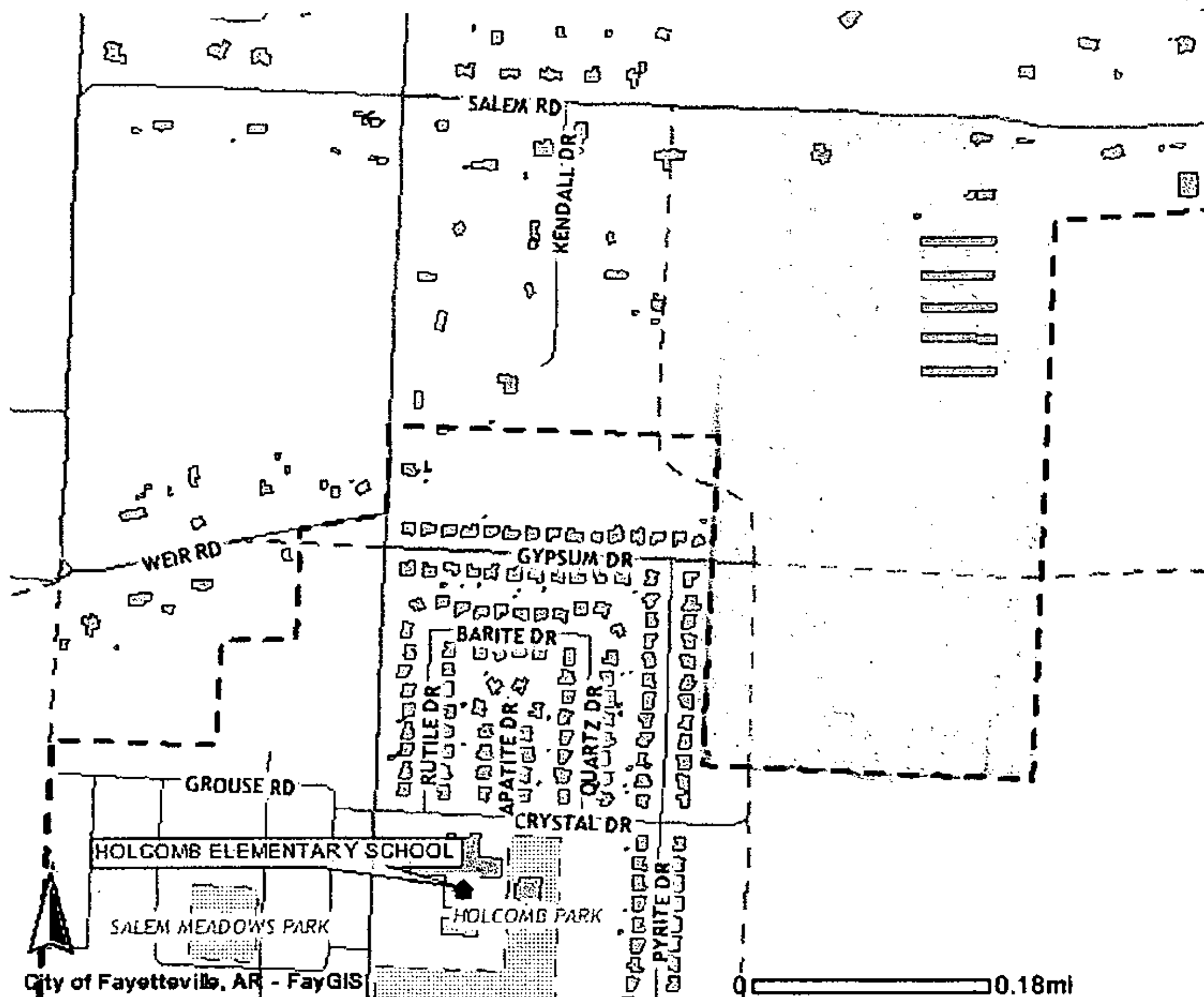


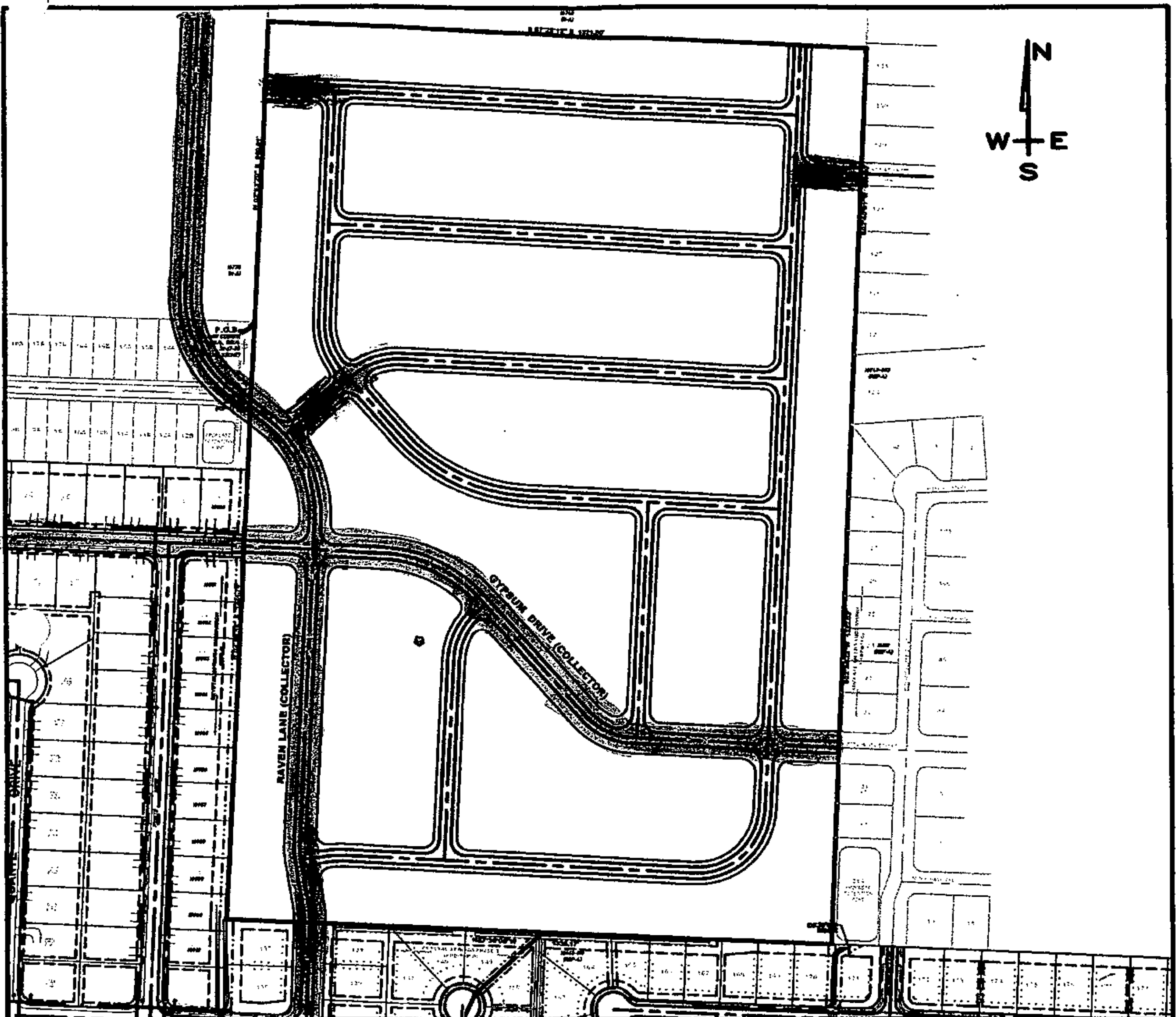
John G. Trice

JGT/lk

cc: Mr. Kit Williams, City Attorney
Ms. Sondra Smith, City Clerk

Zaccanti





JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: NTS	DATE REVISED	CHECKED BY: CBB	DRAWN BY: BEJ
DATE: 11/01/05			J:\SUBD\2005030

CONCEPT PLAT FOR:
 CHARLIE SLOAN

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

November 15, 2005
City Council Meeting Date

Kevin Springer *KS*
Submitted By

Budget & Research
Division

Finance & Internal Services
Department

Action Required:

Approve a resolution adopting the Proposed 2006 Annual Budget & Work Program and Proposed 2006-2010 Capital Improvements Program.

Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

10/18/05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

10/28/05
Date

Received in City Clerk's Office



10/28/05

[Signature]
Finance and Internal Service Director

10-28-05
Date

Received in Mayor's Office

[Signature]
Mayor

10/28/05
Date



Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager *JS*

DATE: October 28, 2005

SUBJECT: **Proposed 2006 Annual Budget & Work Program**
Proposed 2006-2010 Capital Improvements Program

Recommendation:

Consider the Proposed 2006 Annual Budget & Work Program and 2006-2010 Capital Improvements Program for adoption by the December 20, 2005 City Council meeting.

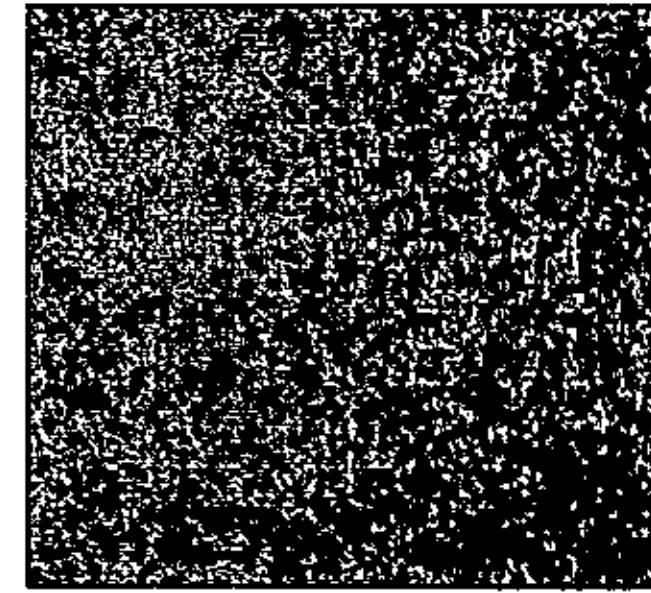
Discussion:

The Proposed 2006 Annual Budget & Work Program and 2006-2010 Capital Improvements Program documents were distributed to City Council on Friday, November 4 for consideration.

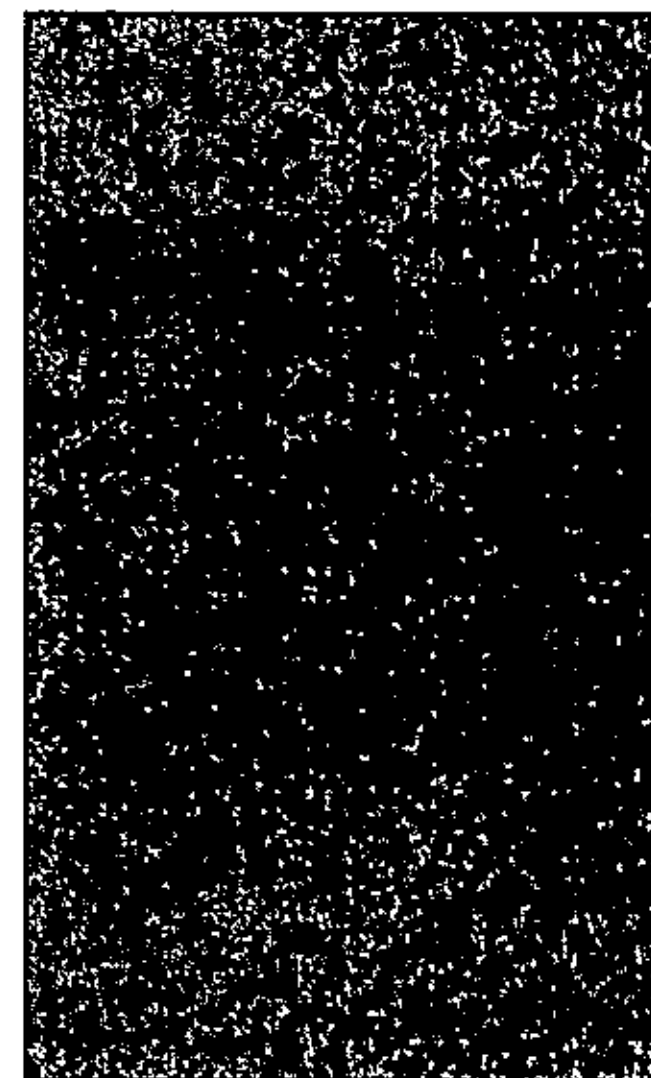
A brief overview of the Proposed 2006 Annual Budget & Work Program document is scheduled for **Tuesday, November 8** following the City Council agenda session that starts at 4:30 PM in room 326. Staff is proposing the dates below as the minimum amount of hearings for the Proposed 2006 Budget.

Date	Budget Meeting
Tuesday, November 8 2005	2006 Proposed Budget/CIP Presentation
Tuesday, November 15 2005	City Council Meeting
Tuesday, November 29 2005	Budget/CIP Working Session (agenda session)
Tuesday, December 6 2005	City Council Meeting
Tuesday, December 13 2005	Budget/CIP Working Session (agenda session)
Tuesday, December 20 2005	City Council Meeting

If you have any questions concerning the Proposed 2006 Annual Budget & Work Program or the 2006-2010 Capital Improvements Program, please feel free to contact either Stephen Davis at 575-8330 or myself at 575-8226. Thank you for your attention to this matter.

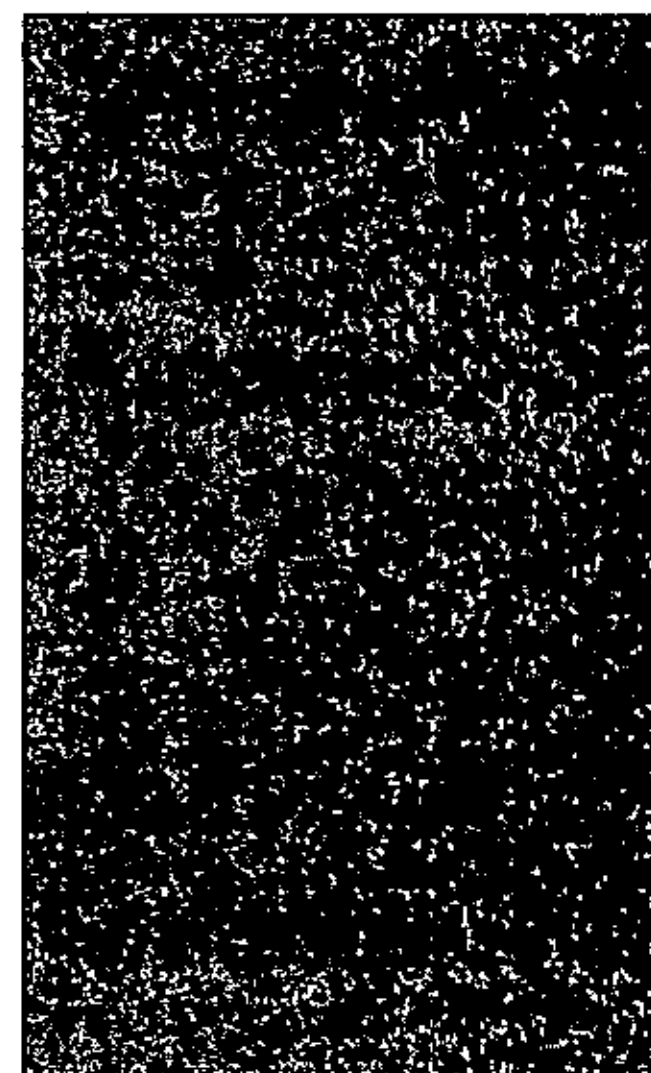


2006



City of Fayetteville, Arkansas

*Proposed Annual Budget
& Work Program
and
2006-2010 Capital
Improvements Program*



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

November 15, 2005
City Council Meeting Date

Kevin Springer *KS*
Submitted By

Budget & Research
Division

Finance & Internal Services
Department

Action Required:

Approve a resolution adopting the Proposed 2006 Annual Budget & Work Program, and Proposed 2006-2010 Capital Improvements Program.

Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

10/18/05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

10/28/05
Date

[Signature]
Finance and Internal Service Director

10-28-05
Date

Received in City Clerk's Office

[Signature]
Mayor

10/28/05
Date

Received in Mayor's Office

Comments:



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DATE: October 28, 2005

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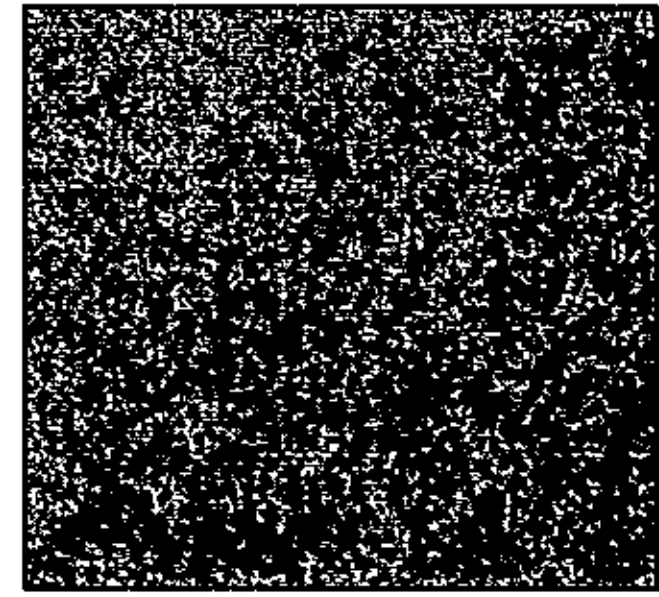
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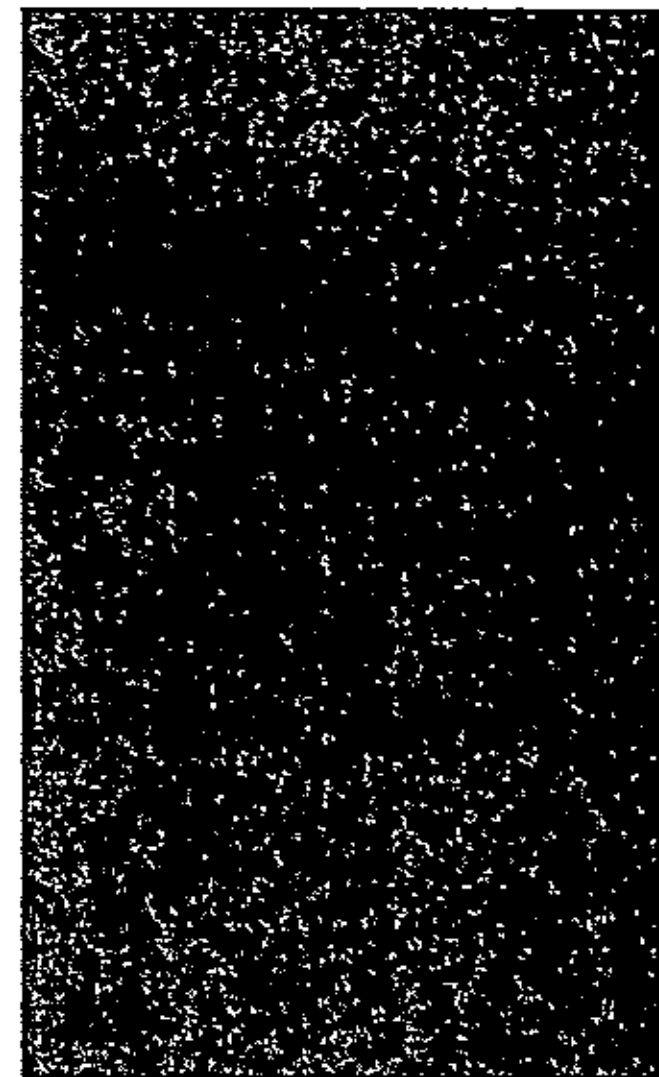
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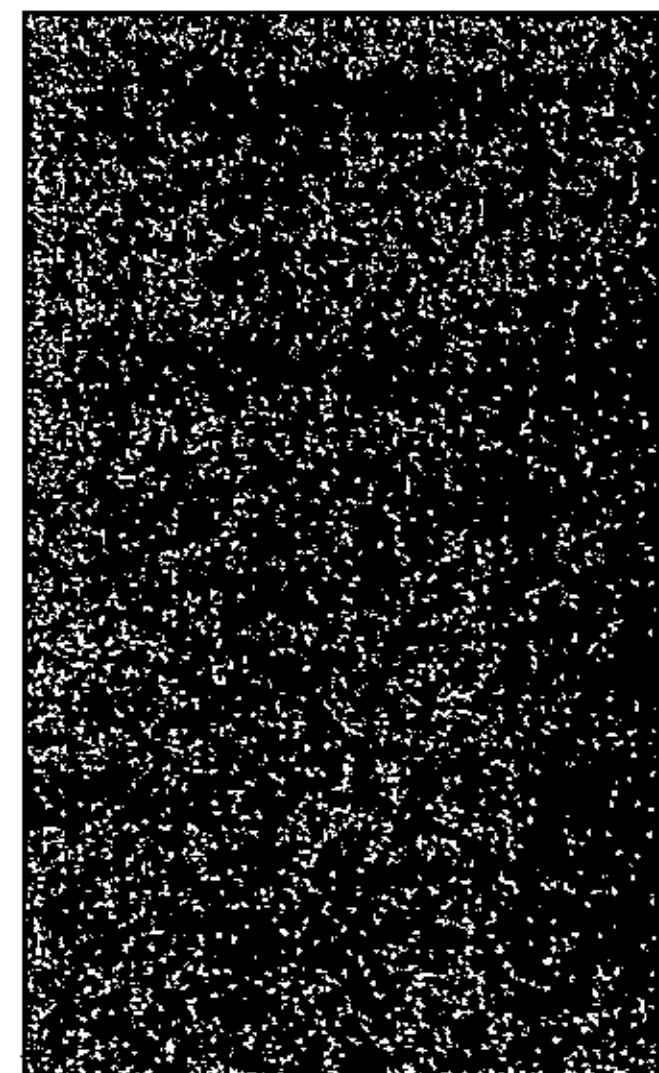


2006



City of Fayetteville, Arkansas

*Proposed Annual Budget
& Work Program
and
2006-2010 Capital
Improvements Program*



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

C. 3
ADM 05-1794 College Avenue
Right of Way Reduction
Page 1 of 22

15-Nov-05

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 05-1794: Administrative Item (620 N. College Avenue): Submitted by Robert Sharp Architect, Inc., the applicant requests to amend the Master Street Plan at 620 N. College Avenue to accommodate an existing structure and proposed development. The applicant requests that the required right-of-way for College Avenue be modified from 55' right-of-way from centerline to 30' right-of-way from centerline.

\$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

☐

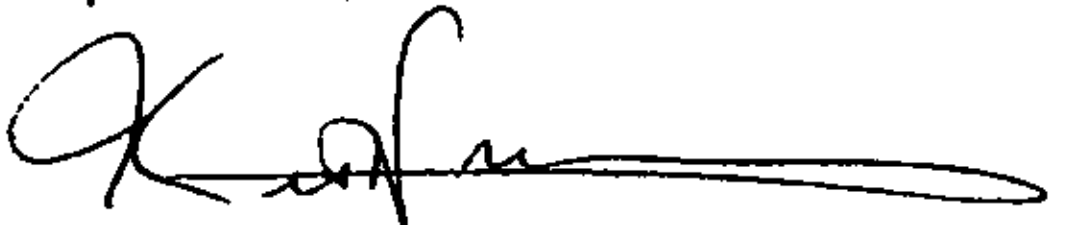
Budget Adjustment Attached

☐


Department Director 10-27-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney 10-28-05
Date

Original Contract Number: n/a


Finance and Internal Service Director 11-2-05
Date

Received in City Clerk's Office

ENTERED
10/27/05


Mayor 10/28/05
Date

Received in Mayor's Office

ENTERED
10/28/05

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: October 27, 2005

Subject: Master Street Plan Amendment for 620 N. College Avenue (ADM 05-1794)

RECOMMENDATION

Planning Staff recommends approval of a Master Street Plan amendment to reduce the right-of-way on College Avenue from 55' to 30' from centerline at 620 N. College Avenue to allow the renovation and additional construction of the existing structure on the property.

BACKGROUND

On October 24th, the Planning Commission approved the requested Master Street Plan amendment unanimously, following their previous recommendation to the City Council to reclassify College Avenue from the Downtown Master Plan area to North Street, also as recommended by Dover, Kohl & Associates. Additionally, the Board of Adjustment approved a variance to allow the structure to be constructed to the Master Street Plan right-of-way line. The existing building on this property, along with most of those along College Avenue, encroach partially or totally into the Master Street Plan right-of-way, which currently requires a total of 110 feet. In order to develop the Master Street Plan cross-section in this manner, most of the buildings along College Avenue in this area would require purchasing and demolition. It was with this in mind that the Planning Commission and Board of Adjustment made their recommendations. Discussion regarding the feasibility of future expansion of the street did occur at these meetings; the Planning Commission ultimately found that the importance of encouraging projects to continue in the manner recommended in the Downtown Master Plan policy adopted by the City Council was essential, and that future street improvements could potentially occur within the right-of-way currently existing. The Street Committee on October 25th forwarded this item to the full City Council for discussion without a formal recommendation for or against the proposal.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on October 24, 2005.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION REDUCING THE RIGHT OF WAY DEDICATION REQUIRED FROM COLLEGE AVENUE CENTERLINE FROM 55 FEET TO 30 FEET ACCOMODATING THE EXISTING STRUCTURE AND PROPOSED DEVELOPMENT FOR PROPERTY LOCATED AT 620 N. COLLEGE AVENUE AS DESCRIBED IN ITEM ADM 05-1794.

WHEREAS, numerous existing structures are within the required Master Street Plan right-of-way for College Avenue in this vicinity, including an existing structure on the subject property that would have to be removed for redevelopment if required to comply with the current Master Street Plan;

WHEREAS, the required Master Street Plan right-of-way for this portion of College Avenue is no longer necessary for road expansion;

WHEREAS, considerable expansion of College Avenue in this vicinity would be of great expense to the City to purchase properties and structures,

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the herein mentioned change.

PASSED and APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, MAYOR

ATTEST:

By: _____
SONDRA SMITH, CITY CLERK

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

C. 3
ADM 05-1794 College Avenue
Right of Way Reduction
Page 4 of 22

TO: City Council

CC: Jeremy Pate, Director of Current Planning

FROM: Kit Williams, City Attorney

DATE: October 28, 2005

RE: Variance in dedication requirements

In the past, the City Council has allowed a variance in dedication requirements of the Master Street Plan "in the event of undue hardship" pursuant to §171.30 of the Unified Development Code. I believe this is the more proper procedure than the Planning Commission's proposed amendment of the Master Street Plan itself for a single small portion of a street.

RESOLUTION NO. _____

A RESOLUTION TO VARY THE RIGHT-OF-WAY DEDICATION
REQUIREMENT FOR 620 N. COLLEGE AVENUE TO PROMOTE
REDEVELOPMENT OF THIS PROPERTY AND PREVENT UNDUE
HARDSHIP TO THE DEVELOPER

WHEREAS, pursuant to §171.03 Street Improvements of the UDC, development along a street not constructed to city's existing standards requires the developer to "Dedicate sufficient right-of-way to bring that street into conformance with the right-of-way requirements of the city's Master Street Plan, provided, the City Council may vary the right-of-way dedication requirements imposed hereby in the event of undue hardship"; and

WHEREAS, the City Council has determined that the developers of 620 N. College Avenue would suffer undue hardship because they would not be able to remodel the existing building which already encroaches on the 55 foot dedication requirements.

**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 finds that the Master Street dedication requirements for 620 N. College Avenue would impose an undue hardship for the owners seeking to renovate and enlarge their property and therefore varies the dedication requirements along North College by reducing the dedication requirements from 55 feet from N. College Avenue's centerline to 38 feet from the centerline.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED:

By: **DRAFT**

DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



PC Meeting of October 24, 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: October 20, 2005

ADM 05-1794: Administrative Item (620 N. College Avenue): Submitted by ROBERT SHARP ARCHITECT, INC., the applicant requests to amend the Master Street Plan at 620 N. College Avenue to accommodate an existing structure and proposed development. The applicant requests that the required right-of-way for College Avenue be modified from 55' right-of-way from centerline to 30' right-of-way from centerline.

Planner: SUZANNE MORGAN

RECOMMENDATION: Staff recommends approval of the requested Master Street Plan Amendment based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		Required <u>YES</u>
Date: <u>October 24, 2005</u>		☒ Approved ☐ Denied
		Motion by <u>Arthurs</u> . Second by <u>Allen</u> .
		Vote: <u>8-0-0</u>
CITY COUNCIL ACTION:		Required <u>YES</u>
Date: <u>November 15, 2005</u>		☐ Approved ☐ Denied

Property Description: The subject property is located at 620 North College Avenue, which is at the southeast corner of Rebecca Street and College Avenue. The property is zoned C-2, Thoroughfare Commercial, and is surrounded by commercial, office, and residential uses. There is currently an existing 13,270 square foot structure on this property.

Surrounding Zoning and Uses:

Direction	Land Use	Zoning
North	Tattoo Parlor	C-2, Thoroughfare Commercial
South	Parking/Commercial	C-2, Thoroughfare Commercial
East	Ambulance/Emergency Services	R-O, Residential Office
West	Commercial/Restaurant Space	C-2, Thoroughfare Commercial R-O, Residential Office

Proposal: The applicant proposes to remodel and repair the existing structure into a two-story building by adding additional area on the first floor and a second story, for a total building area of 23,125 square feet. The structure is proposed to be utilized for a variety of retail, restaurant, theater, and office uses. The existing structure is nonconforming, as it encroaches within the required building setback and Master Street Plan right-of-way setback adjacent to College Avenue. The applicant proposes to construct a new building that extends 3' 11" further into the proposed Master Street Plan right-of-way than the existing structure.

A variance to allow the existing and proposed structure to have a 0' setback and be constructed to the existing Master Street Plan right-of-way was considered by the Board of Adjustment on June 6, 2005. The Board of Adjustment approved the requested variance from the zoning regulations set forth in Chapter 161 of the Unified Development Code which require a 25' front building setback from the Master Street Plan right-of-way.

Request: The request is to amend the Master Street Plan adjacent to the subject property. College Avenue is designated a Principal Arterial street, which requires 55' right-of-way from centerline. The applicant requests that the Master Street Plan be amended to a 30' right-of-way dedication from centerline.

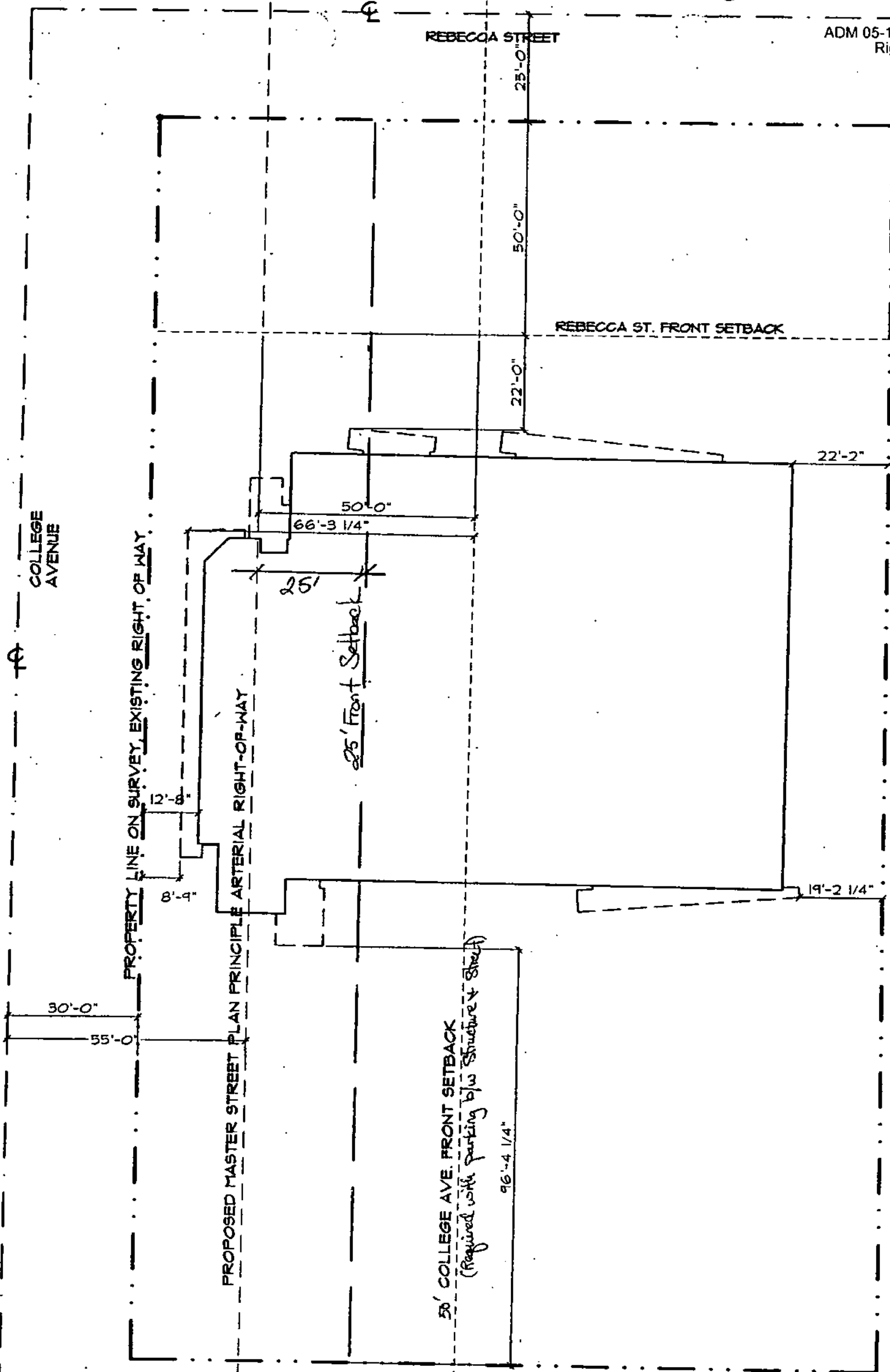
Ultimately, the applicant would like to build up to 38' 9" from the centerline of College Avenue; a 16' 3" encroachment into the Master Street Plan right-of-way. There is an existing 30' right-of-way from centerline of College Ave. It is the City Council's discretion to approve a variance of the Master Street Plan Setback and allow redevelopment and/or expansion of a structure within the Master Street Plan right-of-way setback.

No encroachments are proposed within the required building setback adjacent to Rebecca Street.

Background: The City of Fayetteville hired Dover, Kohl and Associates in 2004 to assist City Staff in drafting a Downtown Master Plan. Following an extensive and well attended public process a Downtown Master Plan was adopted by the City with recommended action items to implement the plan. The City has adopted the Downtown Master Plan document, and the proposed amendments to the General Plan 2020: "Master Street Plan – Street Classifications", is one step in changing the existing codes in order to implement the vision that will guide future development downtown. The current Master Street Plan chapter details street cross-sections that are more applicable to suburban types of development. Streets in the downtown area are unique, and the emphasis of this amendment is to enhance the inherent walkability of the downtown area.

Implementation of the Downtown Master Plan: City of Fayetteville staff has been incrementally implementing the recommendations set forth in the Downtown Master Plan. One phase of this implementation was Master Street Plan amendments to the streets within the Downtown Master Plan. On August 08, 2005, the Planning

Commission recommended approval to amend the Master Street Plan and the General Plan 2020 adopting the street classification system and cross sections as recommended by the Downtown Master Plan, which included the reclassification of College Avenue to a 60' right-of-way. The City Council approved the recommended reclassifications to those streets within the Downtown Master Plan, with the exception of College Avenue.



SITE PLAN

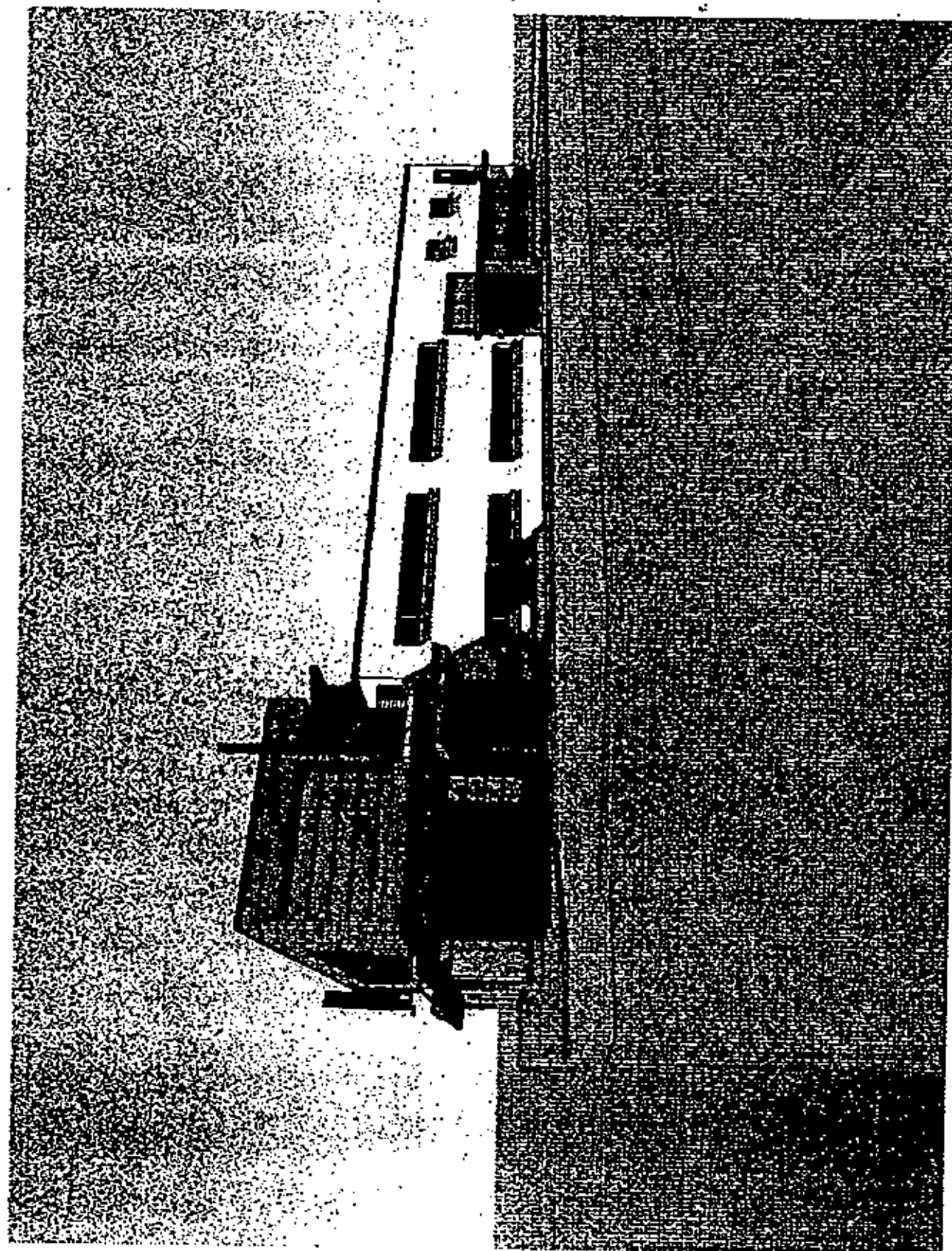
SCALE: 1/32"=1'-0"

Written Project Description

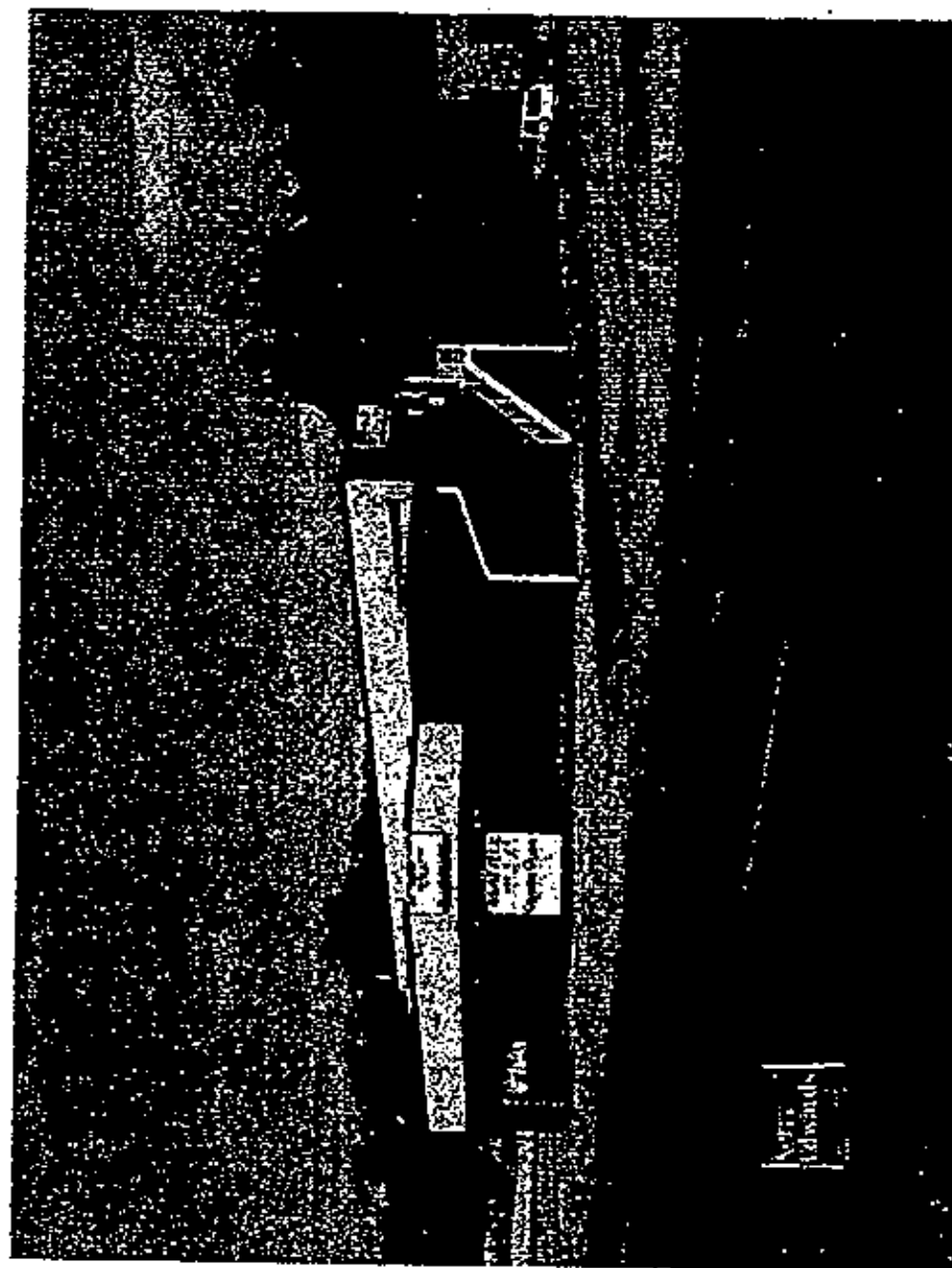
620 College Avenue

The existing building at 620 College Avenue was built in the 1950's as an automobile showroom and repair facility. For the last 20 years the building has housed a series of bars and nightclubs. The existing building contains 12,785 square feet on the first floor and 4,795 square feet on the second floor for a total of 17,580 square feet. The building will be extensively renovated, additional floor area will be added within the double high space in the back, additional canopies and balconies will be added, and additions will be made to the southwest corner of the building. After the additions are made, the building will contain 13,270 square feet on the first floor and 9,855 square feet on the second floor for a total of 23,125 square feet.

The building will provide space for a variety of retail, restaurant, theater, and offices uses. After the canopies and additions are made, the west building wall will be 6' feet from the front property line along College Avenue. The western edge of the canopy will be 4' from the front property line. The existing College Avenue right of way is 60'.



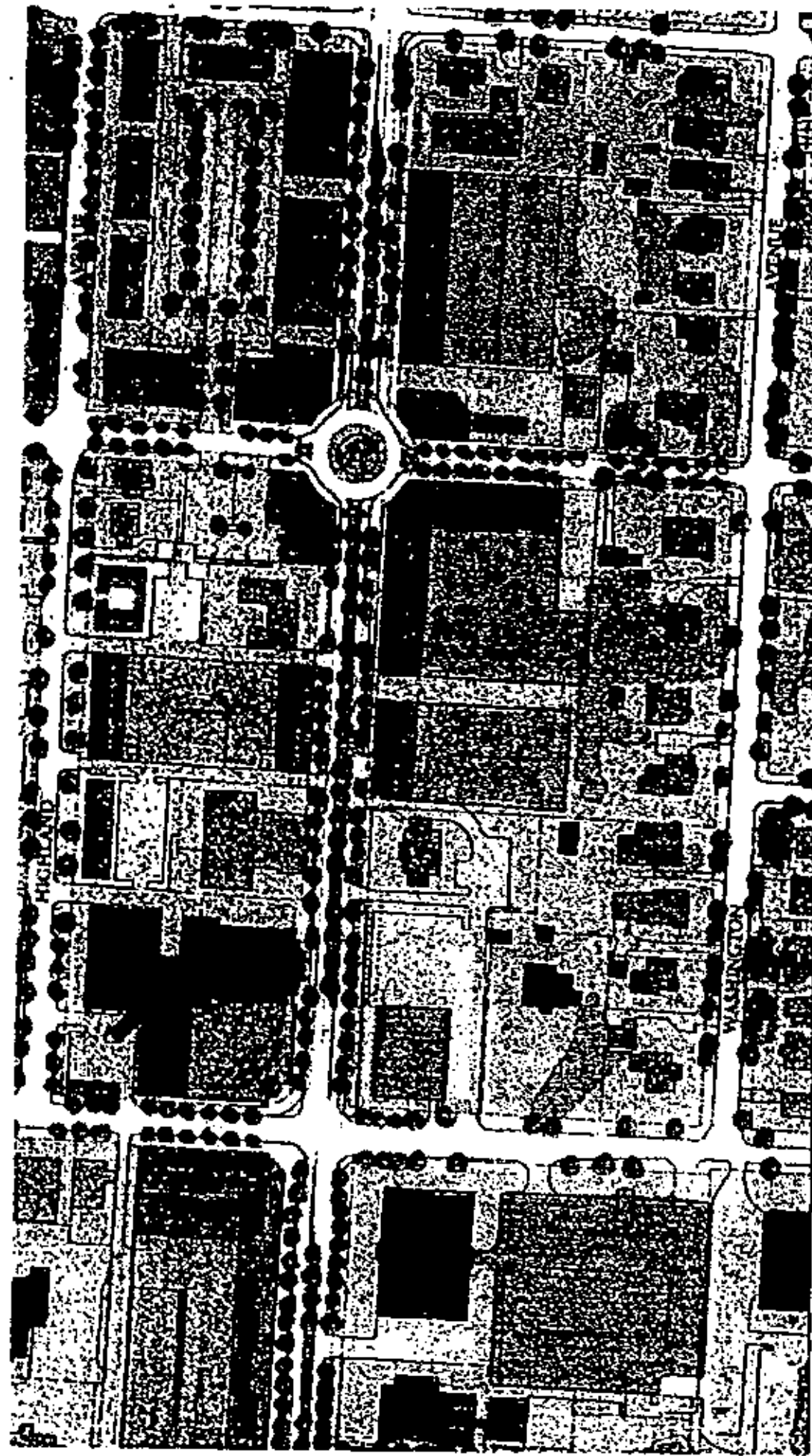
Proposed Southwest Façade of 620 Building



Existing Conditions at Southwest Corner of Building

The current Master Street Plan calls for a 110' right of way along this portion of College Avenue, however, only one building (the Thai Diner) in the vicinity would survive such an aggressive widening of College Avenue. Another factor to consider concerning the width of College Avenue is the recently adopted Downtown Master Plan which recommends a 60' right of way for College Avenue from Mountain Street to Maple Street.

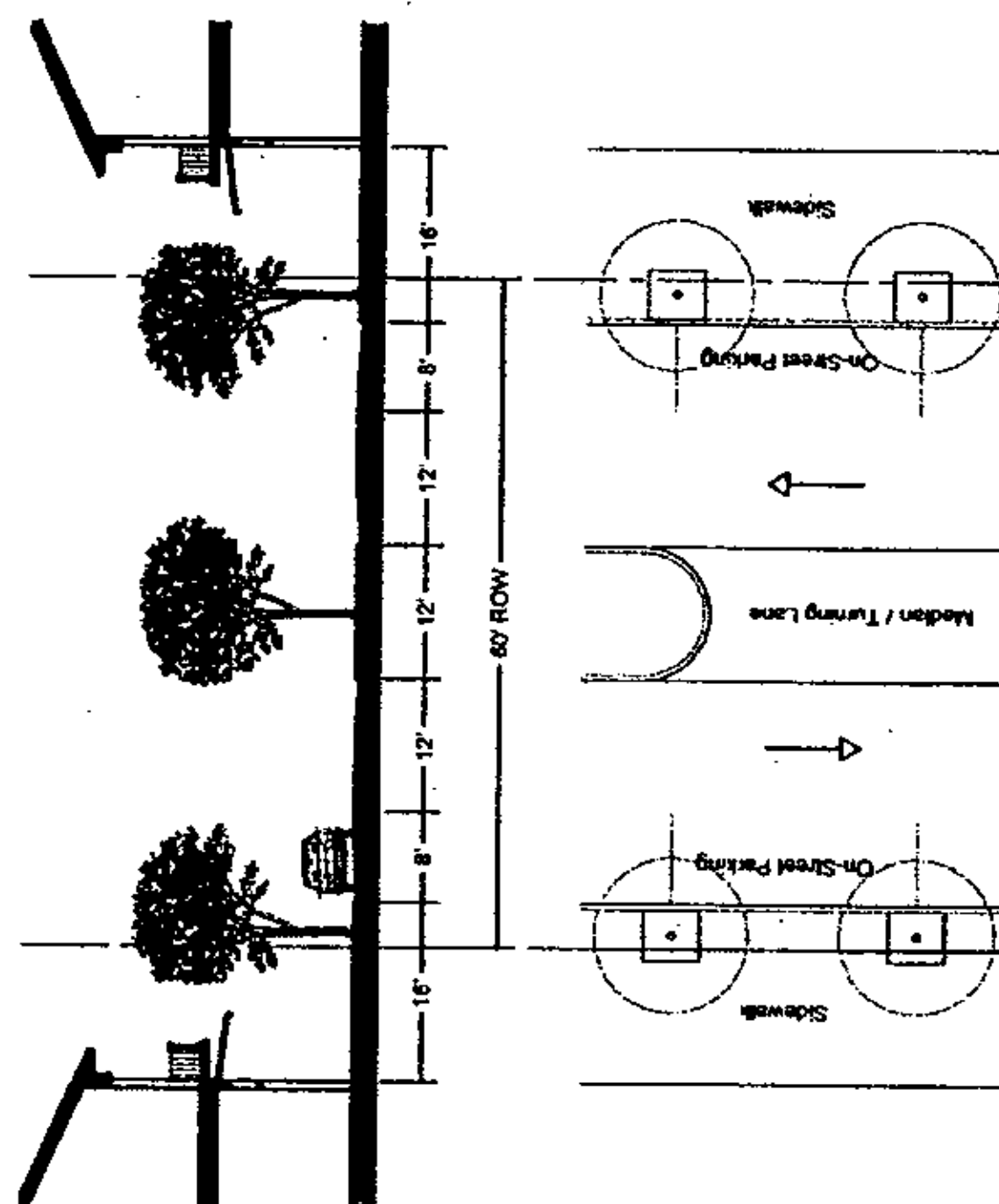
The site currently has 81 off-street parking stalls.



Proposed Design for College Avenue, Downtown Master Plan

The stated reason for this reduced right of way is to provide a street design that balances the needs of drive lanes, a landscaped median, and generous sidewalks. It seems appropriate to continue this more balanced street design all the way to North Street.

The proposed design for College Avenue is shown below:



BOULEVARD (BV 60 8/12/12/12/8)
Street = 3 Lane, Urban

Current conditions along College Avenue are shown to the right. The typical result of large setbacks, parking lots located in front of buildings, and inattention to pedestrian amenities such as sidewalks and landscaping.



Proposed changes to College Avenue streetscape include street trees, generous sidewalks, and building facades located right on the front property line.



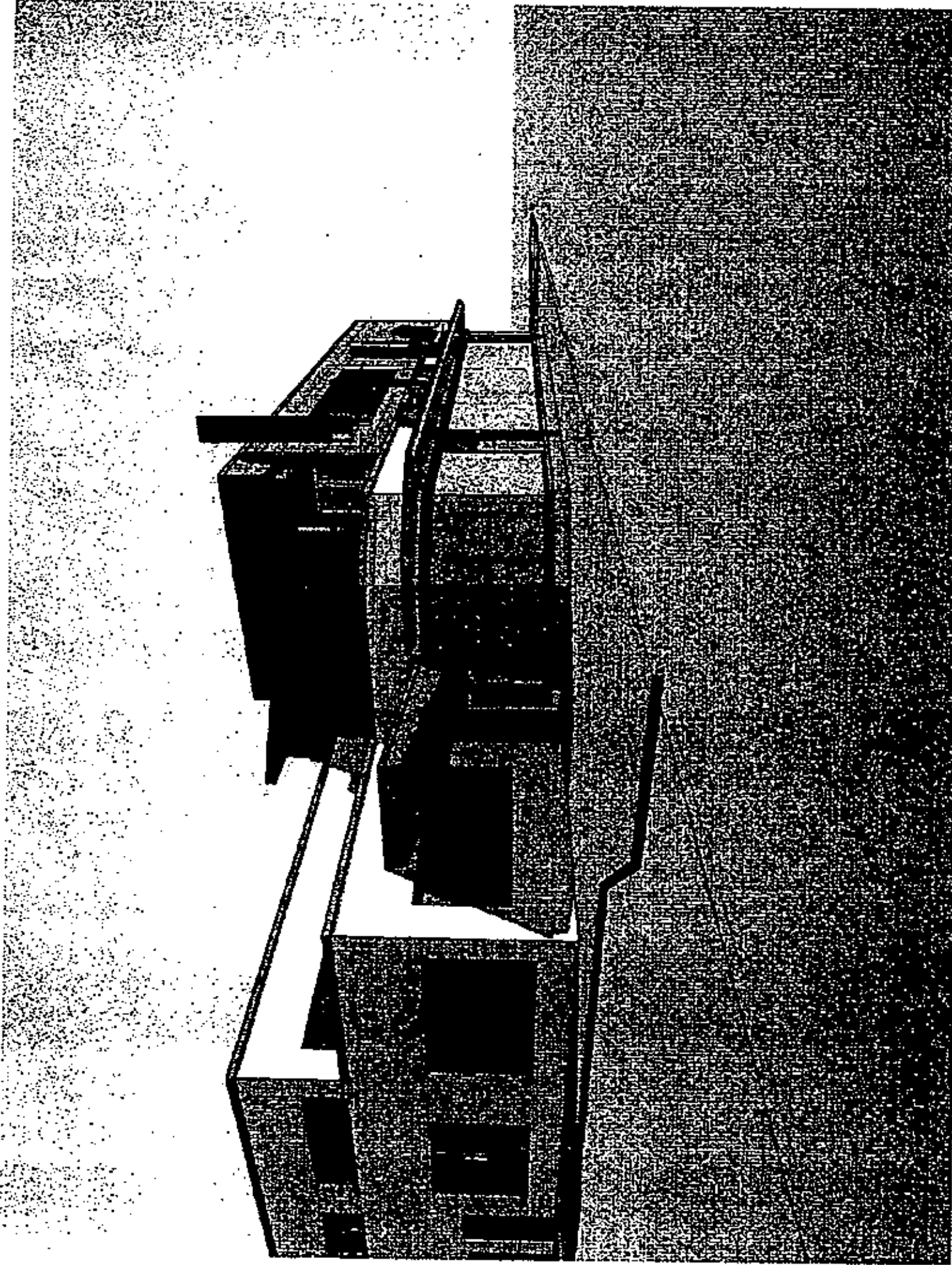
May 15, 2005

Chairman, Board of Adjustment,

**RE: SETBACK VARIANCE REQUEST
620 COLLEGE AVENUE**

The proposed building at 620 College Avenue is a mixed-use, two-story building to be located on the southwest corner of Rebecca Street and College Avenue in Fayetteville. The building will include retail, entertainment, and office space.

The existing building contains a dance club and a bar. The requested variance concerns the west building setback line. The current setback requirement along this street is 50 feet. In order to create a more civic-minded development, we are requesting a variance.



Proposed Northwest Façade of 620 College Avenue

Special Conditions: The special condition concerns the nature of the existing building and the virtual impossibility of removing the front of every existing building along College Avenue, as well as Fayetteville's stated goal of bringing building facades up to the sidewalks along an improved College Avenue. This is a rare opportunity to repair one of Fayetteville's most damaged and prominent streets.

Literal Interpretation Would not be Appropriate: The development being proposed is a superior alternative to the typical practice of lining College Avenue with surface parking lots. Urban Design principals encourage placing building facades, sidewalks, and landscaping along the public spaces of a city, with parking concealed as much as possible in the interior portions of the lot.

Special Conditions Were Not Caused by the Applicant: The building predates the Applicant's purchase of the property. The special conditions concerning urban design were expressed by the citizens, not the applicant. Clearly, these special conditions were not caused by the applicant.

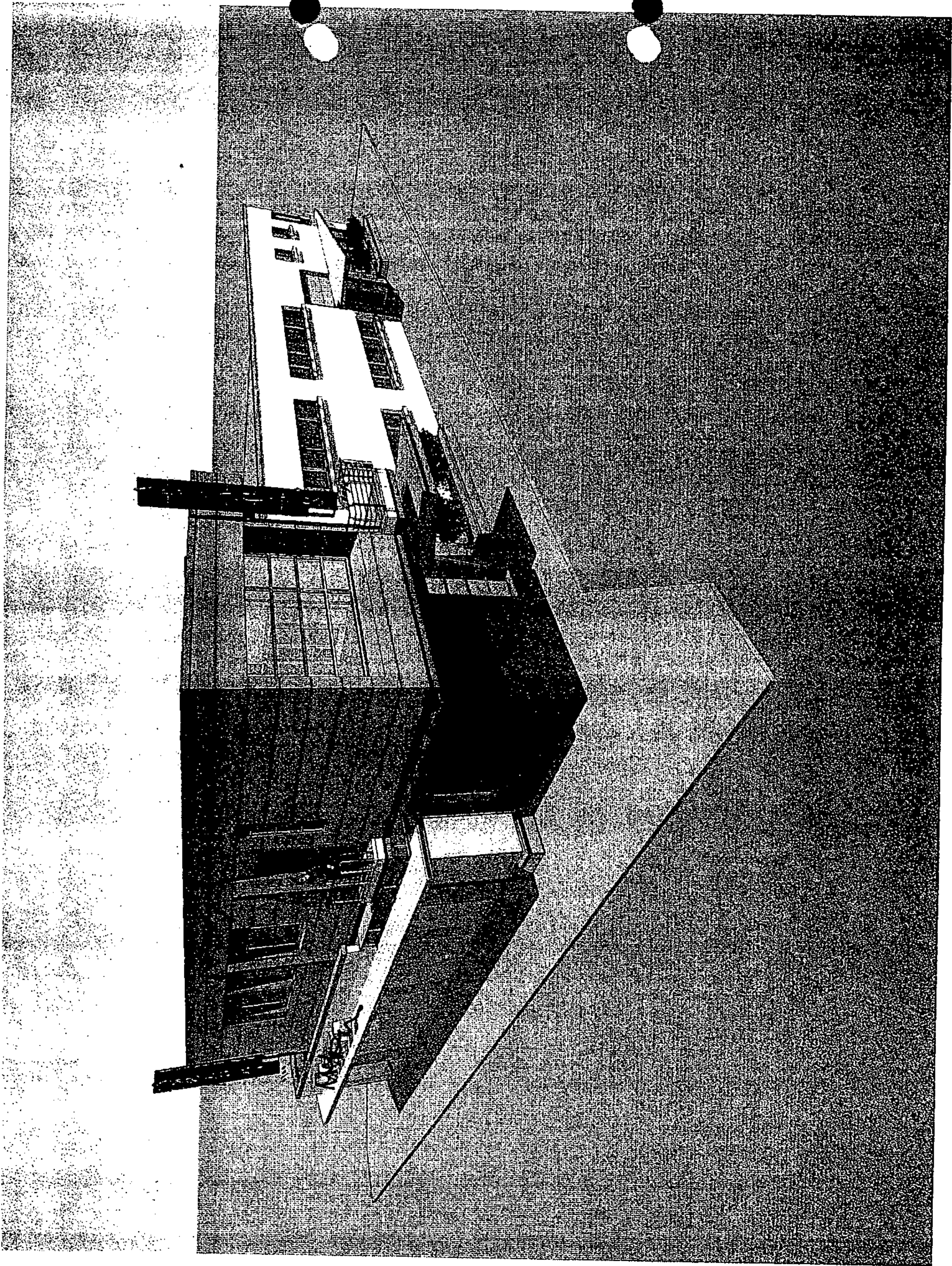
No Special Privilege: Granting this variance would not result in any special privileges for the applicant. The building footprint, use, and parking ratios are all consistent with Fayetteville's Unified Development Code. The variance is being sought for urban design and architectural reasons, not to increase project size, height, or bulk.

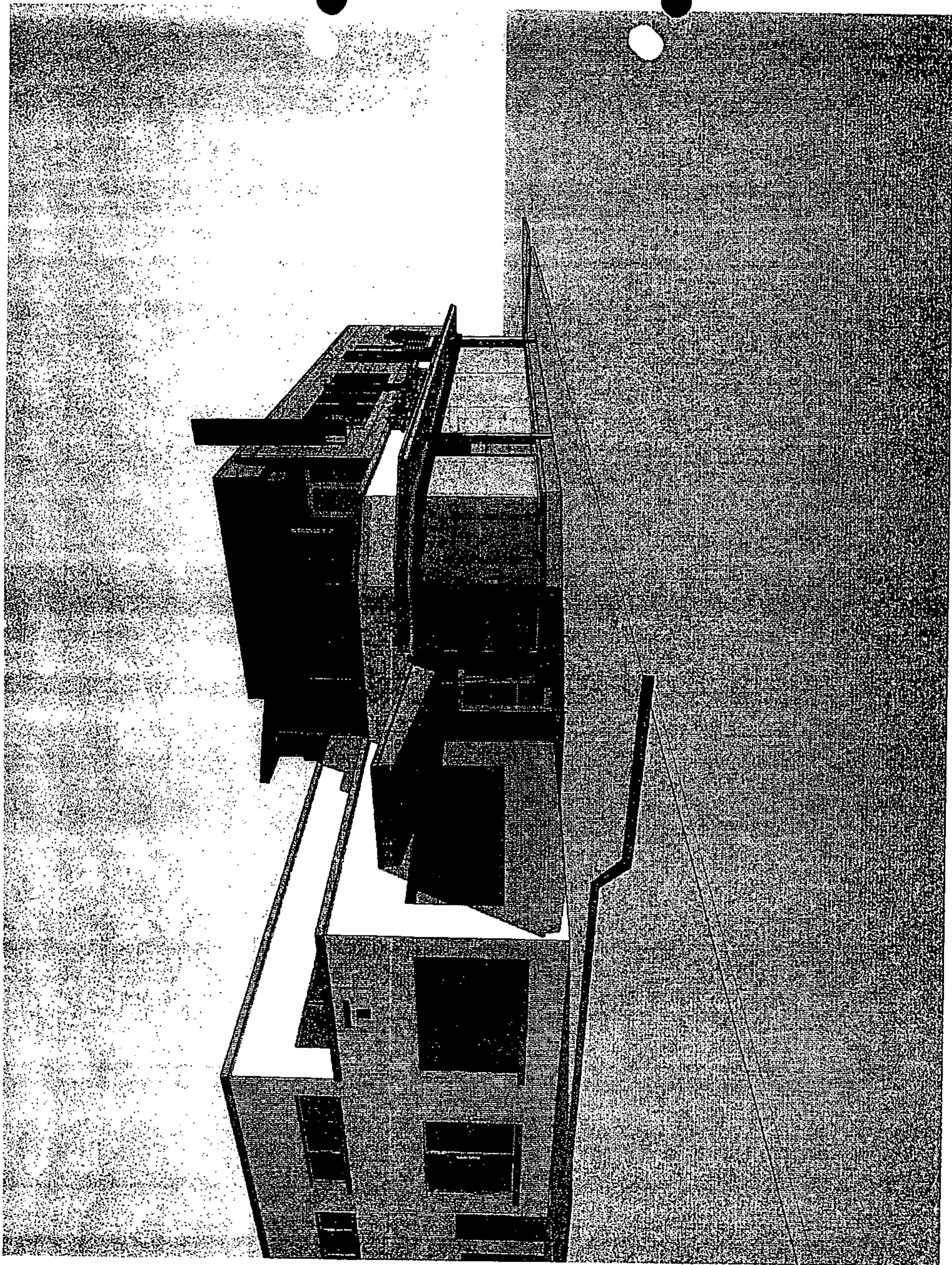
I would like to conclude this letter with a reference to Fayetteville's 2020 plan. Two of the overriding goals of this plan are the beautification of College Avenue and the encouragement of Mixed-Use development. This project could help fulfill both of these goals. I strongly feel that this portion of College Avenue should more closely resemble the area around The Square, rather than the typical strip development that is typical of College Avenue north of Sycamore Street.

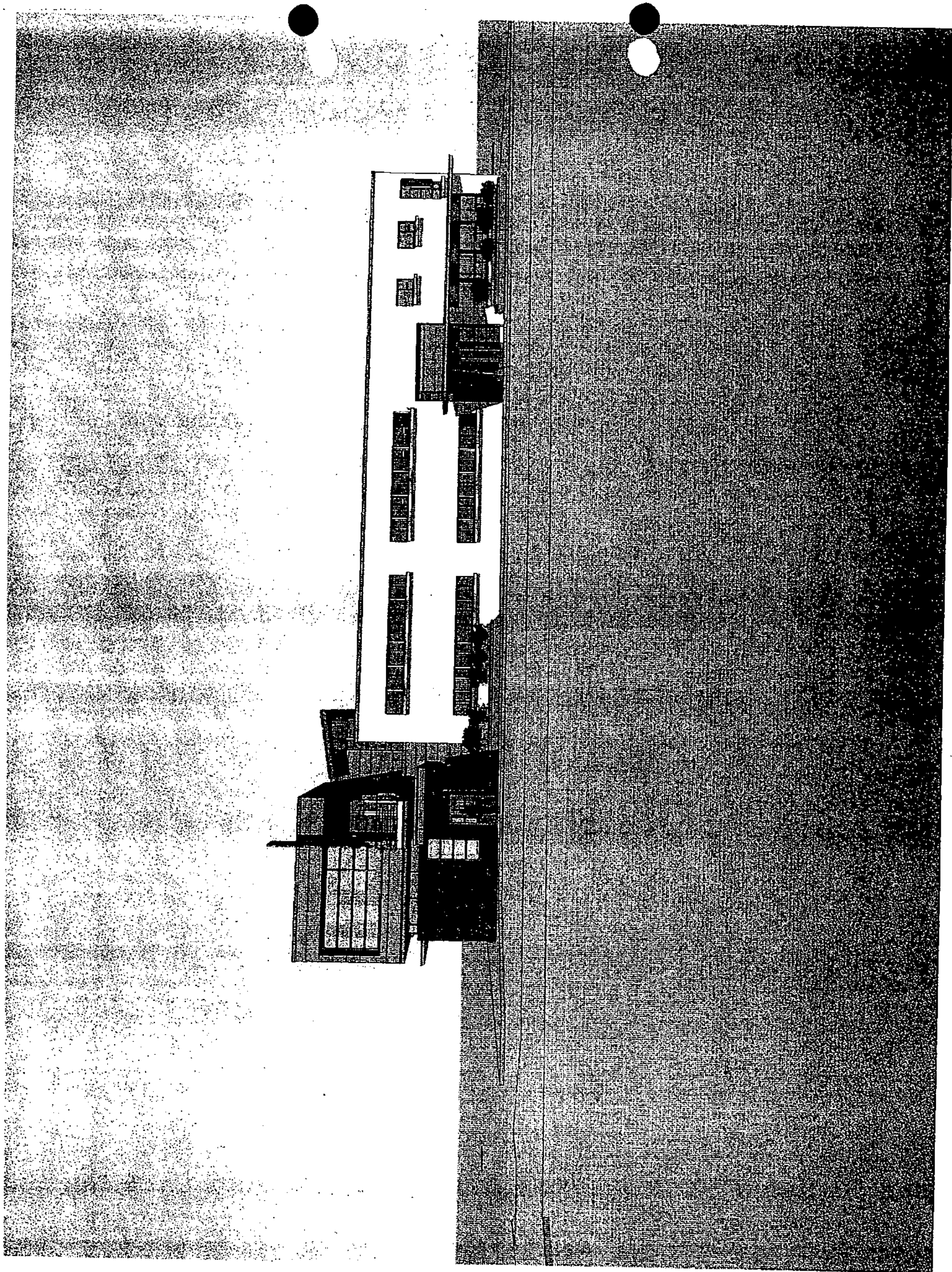
Thank you for your consideration.
Sincerely,

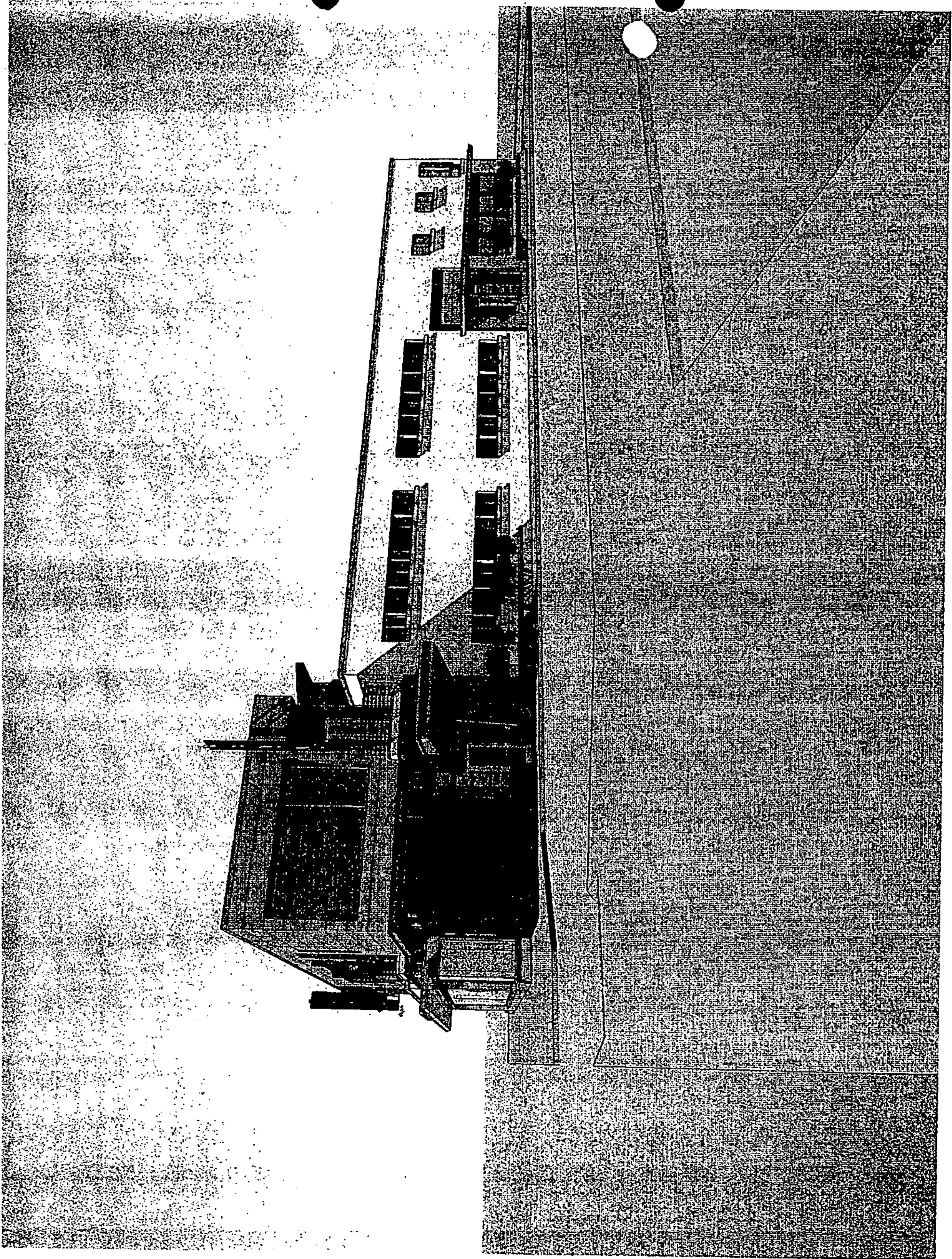


Robert Sharp, Architect





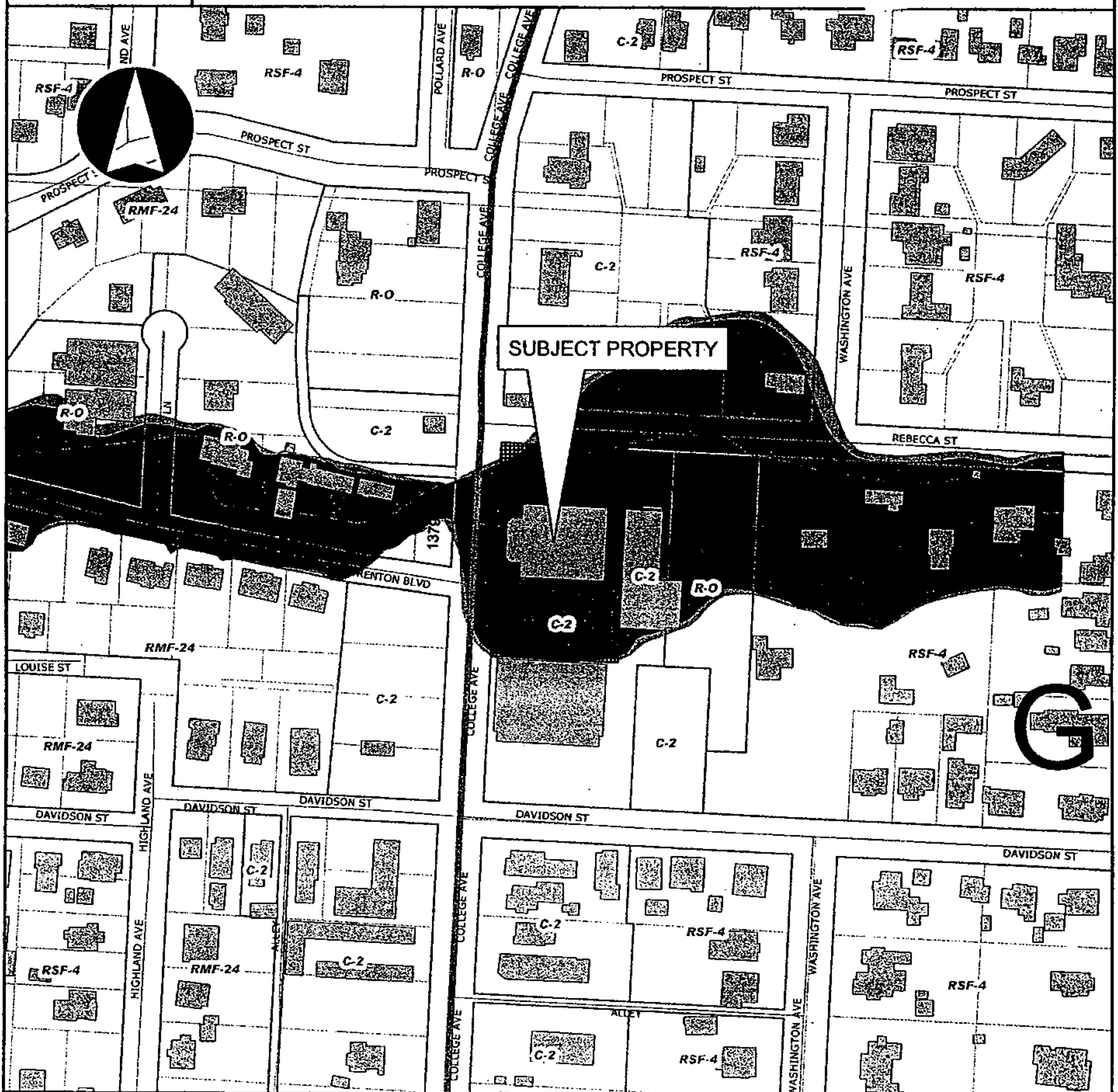




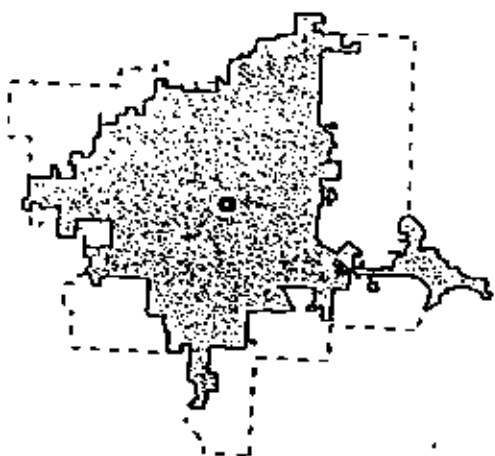
ADM 05-1794

Close Up View

620 N. College Avenue



Overview



Legend

BOA05-1539

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

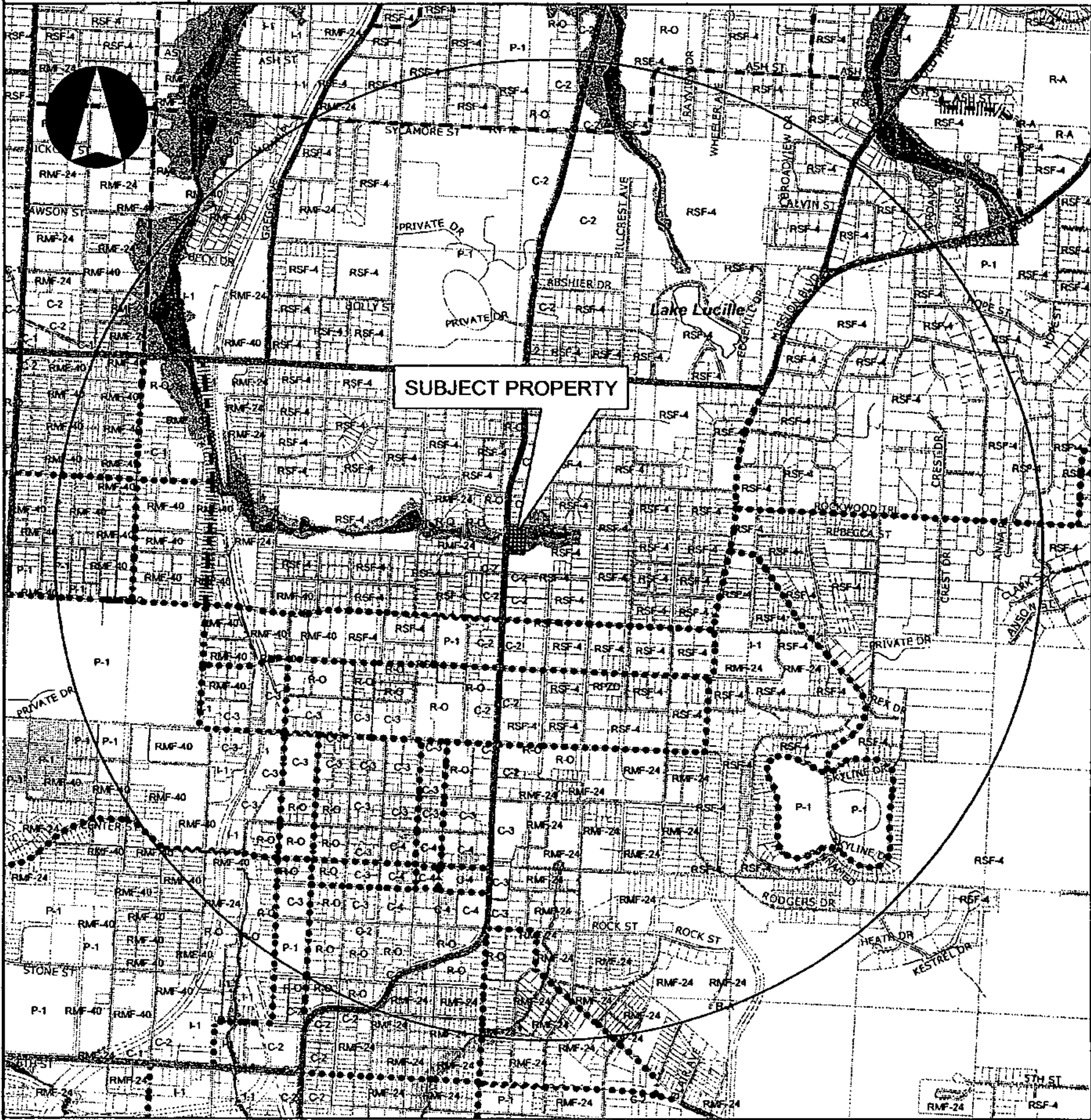
Outside City

0 50 100 200 300 400
 Feet

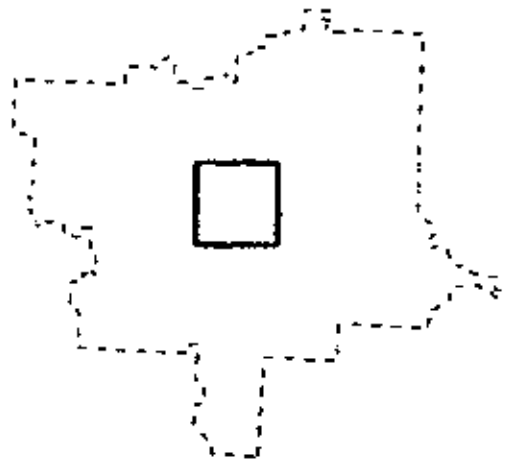
ADM 05-1794

One Mile View

620 N. College Avenue



Overview



Legend

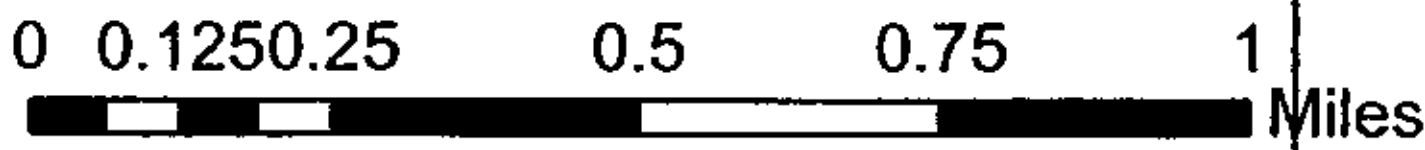
Subject Property
 BOA05-1539

Boundary

Planning Area
 Overlay District
 Outside City

Master Street Plan

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



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

C. 4
R-PZD 05-1635 Fallingwaters
Page 1 of 52

15-Nov-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

R-PZD 05-1635: (Fallingwaters, 685): Submitted by H2 Engineering for property located east of Dead Horse Mountain Road. The property is zoned R-A, Residential Agricultural, and contains approximately 136.70 acres. The request is to approve a Residential Planned Zoning District with 255 single family dwelling units.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

City Attorney

Date

Finance and Internal Service Director

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

From: Jeremy C. Pate, Director of Current Planning

Date: October 27, 2005

Subject: Rezoning for Fallingwaters (R-PZD 05-1635)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Fallingwaters, submitted by Lambreth and Carlton Investments, LLC. This action will establish a unique zoning district for a residential subdivision on a 137-acre tract located east of Dead Horse Mountain Road.

BACKGROUND

The subject property consists of approximately 137 acres located south of Stonebridge Meadows Phase II and east of Dead Horse Mountain Road. The south, east and western limits of the subject property extend to the city limits. The property is an undeveloped, heavily tree canopied hillside with frontage on Dead Horse Mountain Road. It is currently zoned R-A, Residential Agricultural.

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 large lots (8,000 square feet to 39,000 square feet) and consisting of 255 single family lots. The applicant has proposed dedication of 6.21 acres of parkland at the peak elevation of the property and dedication of lot 231 for installation of a water tower.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on October 24, 2005. A Planned Zoning District requires City Council approval as it includes zoning (land use) and preliminary plat approval. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

The applicant requests modification of condition of approval #24 to allow a maximum 258 single family lots. Should the City determine that the water tower should be located off-site, the applicant proposes that lot 231 be subdivided into three lots for development.

The property is located in the Dead Horse Mountain Road Bridge Assessment Area and will be assessed for fees proportional to the development. Recommended off-site

improvements include improvement of Dead Horse Mountain Road adjacent to the subject property, installation of a traffic signal at Stonebridge Road and Huntsville Road with Phase I of the development and the construction of a right turn lane on Huntsville Road at the aforementioned intersection.

The site is located on a steep hillside. The developer has incorporated unique street designs and tree preservation measures to minimize the amount of impact on the hillside as recommended in the proposed Hillside Ordinance. Several waivers for reduction of right-of-way dedication, street width and slope of streets have been requested by the applicant and recommended by the Planning Commission. Tree preservation requirements for a Planned Zoning District are being met. In addition, the applicant has committed to preserve 40% tree canopy on each lot and required review and written approval from a committee formed by the P.O.A. for removal of any tree greater than 4" diameter within the side or rear building setbacks. Finding the proposal compliant with the intent and spirit of the ordinance and compatible with developing land in the vicinity. Staff and the Planning Commission recommend approval of this Residential Planned Zoning District.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 05-1635, FALLINGWATERS, LOCATED EAST OF DEAD HORSE MOUNTAIN ROAD, CONTAINING APPROXIMATELY 136.70 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 R-A, Residential Agricultural, to R-PZD 05-1635 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, 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 05-1635

A PART OF SECTION 25, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°29'13"W 354.52' FROM THE NORTHEAST CORNER OF SAID SECTION 25 AND RUNNING THENCE S02°29'13"W ALONG THE EAST LINE OF SAID SECTION 25, 2272.20' TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE S02°46'19"W ALONG THE EAST LINE OF SAID SECTION 25, 1985.66', THENCE LEAVING SAID EAST LINE N87°28'15"W 1331.05', THENCE N02°43'19"E 661.13' TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE N02°43'19"E 661.12', THENCE N87°30'44"W 1322.72' TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD, THENCE ALONG SAID ROAD CENTERLINE N01°21'03"E 147.71', N02°10'27"W 113.47', N12°37'57"W 70.78', N26°23'56"W 183.58', N40°16'50"W 110.50', THENCE LEAVING SAID ROAD CENTERLINE S87°09'05"E 339.76', THENCE S55°59'34"E 68.39', THENCE S78°35'33"E 64.66', THENCE N68°26'18"E 50.69', THENCE N40°49'47"E 119.42', THENCE N67°48'02"E 111.83', THENCE N46°30'37"E 129.81', THENCE N63°19'19"E 81.77', THENCE N34°00'43"E 82.98', THENCE N41°59'59"E 127.02', THENCE N28°49'13"E 153.99', THENCE N31°14'42"E 104.87', THENCE N22°20'43"E 149.96', THENCE N23°52'34"E 226.37', THENCE N17°26'58"E 85.55', THENCE N36°21'17"E 103.73', THENCE S66°57'06"E 223.03', THENCE N84°19'20"E 226.46', THENCE N55°07'03"E 80.92', THENCE N66°06'39"E 126.81', THENCE N54°14'44"E 137.60', THENCE N59°50'18"E 212.34', THENCE N73°17'36"E 182.83', THENCE N05°55'44"W 74.86', THENCE N61°42'53"W 143.18', THENCE N54°57'40"E 216.60', THENCE N62°50'36"E 152.12', THENCE N34°36'21"E 95.96', THENCE N06°59'40"W 119.49', THENCE N42°44'46"E 440.66' TO THE POINT OF BEGINNING. CONTAINING 136.70 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN ROAD RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



PC Meeting of October 24, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Current Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~October 20, 2005~~ Updated on October 27, 2005

R-PZD 05-1635: Planned Zoning District (FALLINGWATERS, 685): Submitted by H2 ENGINEERING, INC. for property located E OF DEAD HORSE MTN RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 136.70 acres. The request is to approve a residential planned zoning district with 258 single family dwelling units proposed.

Property Owner: DEWITT C. GOFF

Submitted on behalf of: LAMBERTH/CARLTON

Planner: SUZANNE MORGAN

Findings:

Property Description: The subject property consists of approximately 137 acres located south of Stonebridge Meadows Phase II and Dead Horse Mountain Road. The south, east and western limits of the subject property extend to the city limits. The property is an undeveloped, heavily tree canopied hillside with frontage on Dead Horse Mountain Road. It is currently zoned R-A, Residential Agricultural.

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 large lots ranging from 8,000 square feet (lot 48) to 39,000 square feet (lot 30) and consisting of 258 single family lots. The applicant has proposed dedication of 6.21 acres of parkland at the peak elevation of the property and dedication of lot 231 for installation of a water tower. If the water tower is located off-site, this lot may be subdivided into 3 single family lots meeting the bulk and area requirements set forth herein. In addition, there will be 2 lots dedicated for lift stations and 3 lots reserved for detention ponds and common area.

Process: Approval of this R-PZD will allow the developer to install the required infrastructure. With final plat approval, the property will be subdivided and the property will be developed with unique development and zoning requirements. The applicant requests approval of this subdivision in six phases to stagger the final plat process and recordation of the proposed lots.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Stonebridge Meadows Golf Course and Subdivision (Phases II, III, & IV)	R-A
South	Low Density Single family, pasture, woods	Planning Area
East	Low Density Single family, pasture, woods	Planning Area
West	Low Density Single family, pasture, woods	RSF-4 & Planning Area

The following bulk and area regulations are proposed by the applicant:
R-PZD 05-1635 Falling Waters

(A) Proposed Uses.

Lots 1-257	Unit 1	City-wide uses by right
	Unit 2	City-wide uses by conditional use permit
	Unit 8	Single-family dwelling
	Unit 24	Home occupations

(B) Density.

	For entire Subdivision
Units per acre	258 units/136.7 acres = 1.89 units/acre

*The property is currently zoned R-A.

(C) Bulk and area regulations.

	Single-family dwellings (all residential lots)
Lot minimum width	70'
Lot area minimum	8,000 square feet
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted.

*The lots with the minimum width are located on the proposed cul-de-sacs.

(E) Setback requirements.

Front Building Setbacks: Range from 15' to 25', as denoted on the plat.

Rear Building Setback: 25' for all lots.

Side Building Setback: 15' for all lots.

(F) Height. Dwelling – Maximum 3 stories with a minimum 10-12 pitch roof *with modifications to be approved by the Developer or Committee (per Covenants).*

Accessory structure – 12'

(G) *Building area.* 8,000 square feet maximum per lot

Water & Sewer: Water and sewer lines are being extended to serve the development.

Access: The applicant proposes construction of a street connecting Pumpkin Drive to the north and Dead Horse Mountain Road to the west of the subject property with the first phase of development. The applicant proposes the following street stub-outs:

East: Two stub-outs

South: Two stub-outs

West: One stub-out

North: One stub-out from Pumpkin Dr. to the golf course, which could potentially be developed at some future date, and one stub-out from Street K to the north.

Adjacent Master Street Plan Streets: Dead Horse Mountain Road (Minor Arterial), Pumpkin Ridge (Local Street)

Street Standards: The applicant requests approval for a street section very unlike those required by ordinance. The following table represents City requirements compared to the applicant's request. The applicant and staff have met numerous times, along with utility companies, to determine an acceptable street cross-section for all. Additionally, much of the hillside development guidelines being generated as part of the Hillside Preservation management practices are being utilized. Staff is supportive of the proposed cross-sections and a waiver to allow slopes at intersections which exceed the maximum allowed by ordinance. One modification was made to plans submitted for Planning Commission consideration. This modification was to the intersection of Streets C and D to reduce the slope of the intersection.

Improvement	City Standard (Residential St)	City Standard (Local Street)	Falling Waters – Street Section A	Falling Waters – Street Section B
Right-of-way	40'	50'	27'	33'
Street Width	24'	28'	22'	28'
Curb/Gutter	Both Sides	Both Sides	Both Sides	Both Sides
Sidewalk	4' One Side	4' Both Sides	5' – uphill slope only	5' – uphill slope only

Street Improvements: Staff recommends the following:

- ◆ Street improvements on Dead Horse Mountain Road adjacent to the subject property, including pavement, curb, gutter, storm drain, and a 6' sidewalk at the right-of-way.
- ◆ Installation of a ~~street light~~ **traffic signal** at the intersection of Huntsville Road (Hwy 16) and Stonebridge Road. Based on the traffic study submitted by the applicant, a traffic signal at this intersection is warranted with the proposed development.
- ◆ Construction of a right-hand turn lane on Huntsville Road (Hwy 16) at the intersection of Stonebridge Road for eastbound traffic.

Parks: On June 6, 2005 the Parks and Recreation Advisory Board recommended accepting a land dedication with adequate street frontage to meet the Park Land Dedication requirements of this development.

Currently there are no neighborhood parks within a ½ mile radius of the proposed development. With 258 units, this major development creates a strong need for a neighborhood park. Additionally, this land would provide a unique recreational experience for its residents.

<i>Tree Preservation:</i>	Existing:	85.0%
	Preserved:	48.6%
	Required:	25.0%

The plat states that each lot shall maintain a minimum 40% of the existing tree canopy. The covenants state that any existing trees greater than four inches in diameter located within the side or rear setback of any lot cannot be removed unless approved in within by the Developer, Committee and City Urban Forester.

Public Comment: Staff has not received any objectionable public comment.

Background: One modification was made to Sheet 4 of the preliminary plat packet. The modification was to the intersection of Streets C and D to reduce the slope of the intersection. Staff finds that the modified intersection is acceptable.

Recommendation: Staff recommends forwarding **R-PZD 05-1635** to the City Council with a recommendation of approval and with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends the following street improvements:
 - ♦ Dead Horse Mountain Road: improvements adjacent to the property (one-half street) including pavement, curb, gutter, storm drain, and sidewalk.
 - ♦ Installation of a full traffic signal at the intersection of Huntsville Road (Hwy 16) and Stonebridge Road meeting City of Fayetteville specifications *with Phase I of the development*. Based on the traffic study submitted by the applicant, a traffic signal at this intersection is warranted. Signalization is subject to AHTD approval; should approval not be granted, an assessment for the full amount shall be paid prior to recordation of the Final Plat for Phase I.
 - ♦ Construction of a right-hand turn lane on Huntsville Road (Hwy 16) at the intersection of Stonebridge Road for eastbound traffic, per the traffic study recommendation. Construction of the turn-lane is subject to AHTD approval; should approval not be granted or there is not adequate right-of-way to install said access, an assessment for the full amount shall be paid prior to recordation of the Final Plat for Phase I.

Subdivision Committee recommended in favor of street improvements.

Planning Commission recommended in favor of street improvements.

2. Planning Commission determination of the requested waiver of the City's Street Design Standards for cross-section. *The applicant requests approval of street sections that do not meet those depicted within the General Plan 2020. Staff recommends approval of the requested street sections which will result in the reduction of disturbed area of cut and fill and the amount of canopy disturbed (reference memo).*

Planning Commission recommended in favor of the requested waiver of City Street Design Standards for street cross-sections.

3. Planning Commission determination of a waiver request to exceed the maximum grade of 4% for the first 100' of an intersection. *Staff is supportive of the requested waiver to allow slopes at intersections which exceed the maximum allowed by ordinance (reference memo).*

Planning Commission recommended in favor of the requested waiver to exceed maximum grade of intersections.

4. Planning Commission determination of a waiver request to exceed the maximum grade of 10%, with a prevision to allow up to 15% for lengths not to exceed 300', for a city street. *Staff is supportive of the proposed waiver to allow streets to be constructed at slopes which exceed the maximum allowed by ordinance (reference memo).*

Planning Commission recommended in favor of the requested waiver to exceed maximum grade of a city street.

5. Planning Commission determination of a waiver of maximum block length requirements. Several blocks within this subdivision are greater than 1400' in length. *Staff recommends approval of the waiver request for block lengths greater than 1,400' based on the steep grades of the property.*

Subdivision Committee recommended in favor of waiver request.

Planning Commission recommended in favor of the requested waiver of maximum block length requirements.

6. Planning Commission determination of a waiver of maximum distance between street lights. The ordinance requires one at a maximum distance of 300'; the applicant requests installation of one street light every 330'. *Staff recommends approval of the waiver request to allow the placement of street lights at 330' where the location of lot lines will not allow for street lights to be placed with a 300' separation. This will allow placement of lights at a reasonable distance at the property line.*

Subdivision Committee recommended in favor of waiver request.

Planning Commission recommended in favor of the requested waiver of maximum distance between street lights.

7. The subject property is located within the Dead Horse Mountain Road Bridge Assessment Area. The developer shall be proportionately assessed for the future construction of a bridge on Dead Horse Mountain Road based on the projected impact of the development upon this infrastructure, to be paid prior to recordation of the final plat. The amount to be paid shall be \$118,654.05 (see attached memo). Payment shall be prior to the final plat of each phase, with each lot being assigned an assessment cost, respectively.

8. To support a decreased street width and right-of-way in order to develop the wooded hillside sensitively, the applicant has proposed that each lot maintain a minimum 40% canopy. In addition, the covenants submitted with this project propose that no tree greater than 4" in diameter *within the side and rear building setbacks* shall be removed prior to written approval from the Developer, Committee and City Urban Forester.

9. All street stub-outs shall be constructed at a ~~24'~~ 28' minimum width with appropriate right-of-way for each street.
10. Authorization from the adjacent property owner on which the temporary cul-de-sac is located shall be obtained in writing prior to the approval of construction plans.
11. The City shall be given access to utilize all proposed utility easements located adjacent to rights-of-way in order to gain access to the street and public utilities.
12. The applicant shall dedicate 45' right-of-way from centerline of Dead Horse Mountain Road in accordance with Master Street Plan requirements.
13. An additional water tower to serve this development is required on Lot 231. Staff has worked with the applicant's engineer and the City's Engineering and Water Division to determine the appropriate size and location of the water tower required for this and future developments. The water tower shall be designed, approved, installed, inspected, and dedicated in accordance with City regulations.
14. Prior to recordation of the final plat, the owner/developer shall deed to the City of Fayetteville the property (lots) on which the lift station and water tower will be located.
15. The applicant has not specified on the plat and within the covenants the number and location of proposed subdivision signs, including the type of sign (e.g.: monument) maximum size (display area), setback from the right-of-way and height. Therefore, subdivision area signage shall be permitted in accordance with applicable city codes, for residential subdivisions located outside of the right-of-way and coordinated to not encroach into necessary easement areas.
16. Covenants shall be filed for record with the final plat of the requested subdivision.
17. The density proposed and all other development standards and zoning/bulk and area requirements (i.e. height, buildable area, etc) shall be placed on the and within the covenants in the form of a chart (see items A-G in the staff report).
18. Those lots reserved for landscaping and detention ponds shall be the responsibility of the Property Owner's Association, and indicated as such in the covenants.
19. The applicant shall dedicate 20' pedestrian access easements to the park land as denoted on the plat with the final plat of each respective Phase.
20. The applicant shall submit a deed for the park land is prior to recordation of the final plat for Phase I, or as otherwise determined by the Parks Department.
21. The applicant shall coordinate with Parks and Recreation Staff to install park boundary signs on the park land. Parks and Recreation will provide the posts, signs, and hardware.

22. All development shall meet applicable building codes for separation and other ordinances of the City of Fayetteville.
23. Allowed uses on all lots within this R-PZD, excluding those to be owned and maintained the POA, shall be restricted to Use Unit 1: City-wide Uses by Right; Use Unit 2: City wide Uses by Conditional Use; Use Unit 8: Single Family Dwellings, and Use Unit 24: Home Occupation.
24. The maximum number of dwelling units is 255 units *unless lot 231 is not required for a water tower. A maximum of 3 lots may be platted on this lot for a total of 258 dwelling units.*
25. The installation of any privacy wall/fence for the subdivision shall be coordinated with all appropriate utility companies and City of Fayetteville Planning Division to insure proper placement for construction of perimeter walls. No wall or signage shall be located within right-of-way. Any wall shall be located a minimum 2' from the right-of-way.
26. A sign shall be placed at street stub-outs indicating future street extension prior to final plat recordation (coordinate signage with the Transportation Division).
27. Silt fencing is allowed to double as tree protection fencing but a note must be included on the plan stating this. If this is not the case, all areas for preservation outside of the utility easements and right of ways must show tree protection fencing. See lots 24-29.
28. On page 12 between lots 150 and 151 a 20 foot utility and walking trail easement is proposed. Please revise tree protection fencing detail to follow this easement line.
29. The applicant shall verify that all lots meet the required 70' lot width. Those lots on a cul-de-sac shall have a lot width of 70' at the building setback.
30. Phasing: The anticipated build-out is 2011 for all six 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 1 year 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 2 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 3 years of the date of the ordinance passing.
 - Phase IV: 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.
- Phase V: All necessary permits to begin construction of the project, pursuant to the criteria established in §166, shall be obtained within 5 years of the date of the ordinance passing.
- Phase VI: All necessary permits to begin construction of the project, pursuant to the criteria established in §166, shall be obtained within 6 years of the date of the ordinance passing.

Standard Conditions of Approval:

31. 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)
 32. 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.
 - ~~33. Street lights shall be installed with a maximum separation of 300 feet along all interior streets Dead Horse Mountain Road prior to final plat.~~
 34. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
 35. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.
-

Planning Commission Action: Required: YES

☐ Approved ☐ Denied ☒ Forward to City Council ☐ Tabled

Motion to Approve: Clark

Motion Seconded by: Myres

Vote: 8-0-0

Meeting Date: October 24, 2005

Comments: A note reflecting Condition of Approval #8 shall be reflected on the final
plat.

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

Signature

Date

Findings associated with R-PZD 05-1635

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 large lots on a hill side with public amenities such as a 6 acre park and pedestrian trails 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 in the City zoned RSF-4, and R-A and those within the Planning Area; The proposal has designated all 255 buildable lots to be able to develop as single family dwellings. The streets within this proposed subdivision vary greatly from the city's street requirements due to the steep nature of the property. The proposed tree preservation, pedestrian access, and park land 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. Street widths and rights-of-way are significantly less than required by ordinance and the applicant proposes waiver of grades at each intersection due to the terrain. Staff finds the connectivity proposed from this property to surrounding properties adequate. There are two points of access from the north and west which would be constructed with Phase I of the development. All other means of ingress and egress to the property would be constructed with the future extension of streets. The access onto Dead Horse Mountain Road will be constructed with an island in which a future pump house for the water tower will be located. This pump house will be a unique feature in that it is proposed to be constructed to appear as a guard house.

- (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.

- (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 provide 6.21 acres of onsite public parkland.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Five-foot sidewalks are to be constructed on one side of all interior streets. The

sidewalk will be located on the up-hill slope of the street. Construction of sidewalks on Dead Horse Road and Pumpkin Ridge – where not adjacent to a single family lot - shall be required prior to approval of the final plat.

(7) *Street Lights.* As required by §166.03.

FINDING: The applicant has requested a waiver to place street lights 330' apart. The ordinance requires that the maximum separation of street lights is 300'.

(8) *Water.* As required by §166.03.

FINDING: Public water is being provided to the project site, pursuant to city code. The applicant shall install a water tower to service the proposed development.

(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 at standards not in accordance with the City Ordinance. The Engineering Division has

reviewed the proposed street sections and found them adequate for the proposed development due to the steep terrain of the property. The Engineering Division is still in the process of review for the waiver request to allow a greater slope at intersections than required by ordinance. This waiver request was submitted by the applicant on October 03, 2005 and thus was not available for review at Subdivision Committee.

- (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: The applicant proposes to meet the minimum tree canopy requirement of 25% canopy preservation. The applicant has also indicated that each lot shall maintain a minimum 40% of the existing tree canopy. The covenants state that any existing trees greater than four inches in diameter located within the side or rear setback of any lot cannot be removed unless approved in within by the Developer, Committee and City Urban Forester.

- (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 fits many of the goals of the intent of the Planned Zoning District. The terrain of this property is very steep and it is located near undeveloped properties within the Planning Area. To subdivide this property into large lots at a density of less than 2 units per acre, while also dedicating property for parkland and proposing restrictions which would ensure preservation of a majority of tree canopy on each lot will ensure that this property is developed to be compatible with and beneficial to adjacent properties.

(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 05-1635. 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 will require the extension of water and sewer. Due to the large development proposed, the applicant will be required to install a water tower to sustain development. The applicant shall also contribute to improve the infrastructure off-site of this property which is necessary to sustain the approximately 2,550 vehicle trips per day which will be generated with the full build-out of the subdivision.

(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~~

FINDING: The proposed Use Units (see above) 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-A, to R-PZD 05-1635, 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-A to the proposed R-PZD development for single family residential use at approximately 1.87 units per acre is consistent with the General Plan and surrounding developments

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 and will allow a unique development on the current hillside.

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

Finding: At the City's request, the applicant submitted a traffic study by Peters & Associates Engineers, Inc. which analyzed traffic danger and congestion and gave recommendations for street improvements¹. The traffic study concluded that the increased traffic volume which would result with the construction of this subdivision, would negatively impact the surrounding

¹ Peters & Associates Engineers, Inc. 2005. Traffic Study Falling Water Residential Subdivision. August 7.

traffic pattern without the installation of significant street improvements.

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, 561 future residents in this area, thereby altering the population density in the immediate vicinity. The applicant shall install significant improvements to public services to support the addition of 255 single family homes in this location.

Engineering: Public water is adjacent to the site. There is a 6" main along Dead Horse Mountain Road. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete a looped system. The City and the developers will be discussing the location of a water storage tank within the property, near the top of the hill.

The site does not have access to sanitary sewer. There is an 8" sewer system in the development to the north. Portions of the development may require a lift station for sewer service. Sewer service will need to be extended within the property at the time of development. A study of the downstream sewer system must be completed by the developer prior to submittal of construction plans.

The site will have access to Dead Horse Mountain Road a minor arterial. This development is within the Dead Horse Mountain Road bridge assessment area. Other off-site improvements may be required and will be evaluated.

The site is mostly on a hillside of mostly areas that contain 15% or greater slopes. Runoff from the site flows overland to the west to an existing swale and then north to a tributary of the West Fork of the White River.

Police: Based on historical data of similar demographic and geographic residential areas, estimations can be made regarding an increase in police calls for service; however, the estimated increase in this case would be negligible. Given the current traffic environment in this area, a development of this size may have an impact on traffic congestion. The Engineering Division may provide more specific information regarding questions about the traffic impact for Fallingwaters R-PZD.

Fire: Response to the requested 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.

Item	Subdivision	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
Falling Water	136.7	3	2.3 miles	5.0 minutes	6.0 minutes	57	23	34
Falling Water	136.7	5	3.3 miles	8.0 minutes	9.0 minutes	57	23	34

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

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 Fire Department Service Delivery Impact: Zoning Review

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
R-PZD05-1610	East Square		2.24	1	3/10 mile	1.75 minutes	1.75 minutes	0	0	0
R-PZD05-1610	Falling Water		136.7	3	2.3 miles	5.0 minutes	6.0 minutes	57	23	34
R-PZD05-1649	Falling Water		136.7	5	3.3 miles	8.0 minutes	9.0 minutes	57	23	34
RZN 05-1649	North St COC		9.1	7	1.7 miles	4.0 minutes	4.0 minutes	N/A	N/A	N/A
RZN 05-1650	Knight		5.52	6	3.0 miles	5.0 minutes	5.5 minutes	8	3	5



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 4
R-PZD 05-1635 Fallingwaters
Page 29 of 52

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 **R-PZD 05-1635: Planned Zoning District (Falling Water at Stonebridge, 685)** submitted by H2 Engineering 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.

Based on historical data of similar demographic and geographic residential areas, estimations can be made regarding an increase in police calls for service; however, the estimated increase in this case would be negligible. Given the current traffic environment in this area, a development of this size may have an impact on traffic congestion. The Engineering Department may provide more specific information regarding questions about the traffic impact for the Falling Water at Stonebridge PZD.

Sincerely,

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

Lieutenant Rob Turberville
Fayetteville Police Department

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.

Fayetteville, AR 72701

Telephone: 479-575-8206

ENGINEERING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Brent K. O'Neal, P.E., Staff Engineer
DATE: October 6, 2005
SUBJECT: Falling Water (PPL 05-1635)
Bridge Assessments-REVISED

The following is the Engineering Division's recommendation to the Planning Commission for off-site assessments:

1. BRIDGE OVER THE WEST FORK OF THE WHITE RIVER:

The Engineering Division recommends that this subdivision be assessed for a percentage of the construction costs to construct a bridge over the West Fork of the White River on Dead Horse Mountain Road. The following is a rational nexus calculation for this offsite improvement:

Approximate Dead Horse Mountain Road Bridge dimensions:

Length - 600 L.F.; Width - 60'; Surface Area of Decking - 36,000 s.f.

Projected Traffic from development - (255 Lots * 9.57 vpd/lot) - 2440 vpd

Assume 33% of vehicle trips will use Dead Horse Mountain Road and go north - 813 vpd

Minor Arterial traffic capacity = 14,800 vpd

% Traffic from development = 5.49%

West Fork of the White River Bridge Costs:

36,000 s.f.(\$60.00/s.f.) = \$2,160,000.00

Falling Water Percentage of Costs:

$0.0549(\$2,160,000.00) = \underline{\$118,654.05}$

Therefore, the Engineering Division recommends that the Falling Water be assessed \$118,654.05 for the future Dead Horse Mountain Road Bridge across the West Fork of the White River.



PC Meeting of October 10, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

TREE PRESERVATION and PROTECTION REPORT

To: Planning Commission

From: Sarah K. Patterson, Urban Forester

Date: October 5, 2005

ITEM #: R-PZD 05-1635: Planned Zoning District (Falling Water)

Requirements Submitted:

	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
T	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	136.7
square feet	5,954,652
Existing Tree Canopy	
acres	116.17
square feet	5,060,365.2
percent of site area	85%
Existing Tree Canopy Preserved	
acres	66.5
square feet	2,896,740
percent of total site area	48.6%
Percent Minimum Canopy Required	25%

FINDINGS:

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

- The only trees identified on-site are those that will be affected by the installation of roads and utilities. The Tree Chart indicates 23

significant trees, most being oaks, that will be removed. These trees are all found to be in good condition. The lot sizes allow future home builders to preserve a large amount of tree canopy. A covenant of the subdivision will also require each lot to keep a 30 foot buffer along the sides and back of lots.

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

- **Little environmental degradation should occur due to the removal of the proposed canopy. The site is very heavily wooded and sloped. It is a hope of the developers to be allowed a variance on street width so less is disturbed overall.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **The adjacent properties should not be affected by the removal of canopy. The project site is one however that can be seen from many different areas of town. It is the hope that by using canopy buffers and working roads around topography that the development will well hidden.**

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

- **The developer is asking for street width variances to minimize impact and also to reroute all utilities to the front of properties.**

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

- **The size and shape of the lot does not reduce the flexibility of design but the topography does create problems.**

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

- **The general health of the 23 identified trees was good.**

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

- **The roads maneuver through the terrain but with such a thickly wooded site tree removal is inevitable. Utilities are proposed for front access only.**

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

- **If the proposal is approved, the utilities will remain in the front reducing the amount of canopy lost. Currently 2,163,625.2 square feet of canopy will be removed by installation of roads, right of ways, and utilities. If the utilities are moved to the back additional canopy will be lost.**

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

- **Consideration has been taken during the design process. The proposal is for more narrow street widths with all front access utilities. The roads do well in most cases to follow the existing canopy.**

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

- **N/A**

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

- **No mitigation will be required.**

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

- **This project is in a Planned Zoning District.**

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

- **N/A**

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

- **Staff is recommending approval of the submitted Tree Preservation Plan.**

Recommendation: Staff recommends approval of the submitted Tree Preservation Plan associated with R-PZD 05-1635, with the following conditions:

1. Silt fencing is allowed to double as tree protection fencing but a note must be included on the plan stating this. If this is not the case, all areas for preservation outside of the utility easements and right of ways must show tree protection fencing. See lots 24-29.
2. On page 12 between lots 150 and 151 a 20 foot utility and walking trail easement is proposed. Please revise tree protection fencing detail to follow this easement line.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469

TO: Suzanne Morgan, Associate Planner
FROM: Alison Jumper Park Planner
DATE: October 6, 2005
SUBJECT: Parks & Recreation Comments

Meeting Date: October 10, 2005
Item: R-PZD 05-1635 Falling Water at Stonebridge, 685
Park District: SW
Zoned: R-PZD
Billing Name & Address: Lamberth/Carlton

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	255 @ .024 acre per unit = 6.12 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:

- On June 6, 2005 the Parks and Recreation Advisory Board recommended accepting a land dedication with adequate street frontage to meet the Park Land Dedication requirements of this development.
- Currently there are no neighborhood parks within a 1/2 mile radius of the proposed development. With 255 units, this major development creates a strong need for a neighborhood park. Additionally, this land would provide a unique recreational experience for its residents.
- A pedestrian connection between lots 247 and 248 is recommended.
- A deed for the park land is due before final plat.
- Please coordinate with Parks and Recreation Staff to install park boundary signs on the park land. Parks and Recreation will provide the posts, signs, and hardware.

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 2,440 vehicle trips (combined in and out) per average week-day.
- The AM peak hour (7:00 – 8:00 AM) and the PM peak hour (5:00 – 6:00 PM) have been determined to be the worst-case traffic conditions in the vicinity. It is estimated that approximately 191 additional vehicle trips will seek ingress and egress at the site during the AM peak hour and approximately 257 additional vehicle trips will seek ingress and egress at the site during the PM peak hour at full development of the site.
- The subdivision internal street network proposed to serve this site will serve the ingress and egress needs of the site well if constructed as two-lane roadway sections. Additionally, the proposed Pumpkin Ridge Road intersection with Dead Horse Mountain Road will serve the ingress and egress needs of the site well if constructed as a two-lane roadway section consisting of an inbound lane and an outbound lane.
- The sight distance was examined and found to be satisfactory for traffic entering Dead Horse Mountain Road from Pumpkin Ridge Road.
- Analysis for existing traffic conditions (existing traffic volumes, lane geometry and traffic control) were conducted for the adjacent street AM and PM peak hours. For the intersections included in this study all of the existing vehicle movements for existing traffic conditions presently operate at what calculates as an acceptable LOS "D" or better for the AM and PM peak hours except for the northbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "F") with "Stop" sign control.

Traffic Study

- Capacity and level of service analysis were performed for projected traffic conditions with the development of the proposed residential subdivision for the adjacent street AM and PM peak hours. All of the vehicle movements at the three intersections analyzed are projected to operate or continue to operate at an acceptable LOS "D" or better during the AM and PM peak hours except for the following:
 - The northbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "F" already exists) with "Stop" sign control for the AM and PM peak hours but improves to an acceptable LOS "C" with traffic signal control plus the addition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.
 - The southbound vehicle movements on Stone Bridge Road at Highway 16 (LOS "E") with "Stop" sign control for the PM peak hour but improves to an acceptable LOS "C" with traffic signal control plus the addition of an eastbound right-turn lane on Highway 16 at Stone Bridge Road.
 - The northbound vehicle movements on River Meadows Drive at Highway 16 (LOS "F") with "Stop" sign control for the AM and PM peak hours. With the construction of a traffic signal at the intersection of Stone Bridge Road and Highway 16, some of these vehicles would have the option of utilizing the traffic signal just to the west. These traffic volumes are low and the delay is caused by the much higher traffic volumes on Highway 16.
- For projected traffic conditions, analysis was conducted with the lane geometry and traffic control as currently exists at the intersections of Highway 16 and Stone Bridge Road and Highway 16 and River Meadows Drive and the two-lane geometry on Dead Horse Mountain Road and on the proposed Pumpkin Ridge Road. Additionally, for projected traffic conditions, analysis was also conducted with the addition of an eastbound right-



Traffic Study

turn lane on Highway 16 at Stone Bridge Road plus traffic signal control at this intersection.

- It was found that traffic signal warrants are not currently met for the intersection of Highway 16 and Stone Bridge Road with existing traffic volumes.
- It was found that traffic signal are projected to be met for the intersection of Highway 16 and Stone Bridge Road at full build-out of the Falling Water residential subdivision.

Recommendations of this study are summarized as follows:

- It is recommended that an interim design span-wire mounted traffic signal be constructed at the intersection of Highway 16 and Stone Bridge Road. Traffic signal control at this intersection is appropriate. The opportunity of cost sharing with other beneficiaries should be explored. This traffic signal could serve until Highway 16 improvements are completed.
- It is recommended that a minimum 120-foot (plus taper) eastbound right-turn lane be constructed on Highway 16 at Stone Bridge Road in order to ease the potential queuing of eastbound traffic. This should be considered an interim improvement to serve until Highway 16 improvements are completed.
- Intersection improvements (eastbound right-turn lane on Highway 16 at Stone Bridge Road) and traffic signal design at the intersection of Highway 16 and Stone Bridge Road must conform to design standards of the City of Fayetteville and AHTD and will require approval by both the City and AHTD.
- It is recommended that the new streets be constructed as a part of this development to conform to the City of Fayetteville design standards which will also require approval by the City of Fayetteville.



Traffic Study

- It is recommended that as development continues in the vicinity of the study area, the intersection of Highway 16 and River Meadows Drive should be monitored to determine the need for traffic signal control.





October 17, 2005

Jeremy Pate
Current Planner
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: FALLINGWATERS – WAIVER REQUEST

Mr. Pate,

As design has progressed on Falling Waters, the steep nature of the property is again requiring us to request a waiver from standard Fayetteville requirements. Just as the previous waivers, this waiver request will minimize the disturbance of trees and land on the site and better preserve the natural state of this property.

We request that the following intersections of streets in the development be allowed to exceed the maximum 4% grade for the first 100' from the intersection.

- Pumpkin Ridge intersecting Dead Horse Mountain: 8% avg
- Street A intersecting Pumpkin Ridge: 7.5% avg
- Street A intersecting Street C: 11% avg
- Street B intersecting Street A: 8.4% avg
- Street B intersecting Pumpkin Ridge: 8.8% avg
- Street D intersecting Street C: 12% avg
- Street F intersecting Street E: 17% avg
- Street G intersecting Street C: 7% avg
- Street H intersecting Street C: 15.5% avg
- Street I intersecting Street C: 7% avg

With the steep grades coming down the mountainside, it is impractical to attempt to maintain a 4% grade for the first 100' from the intersection. This would require an excessive amount of cut, fill, and disturbance at intersections as well as drastically increase the street slopes between intersections. We have attempted to design the intersections at the flattest possible grade, but it will still be necessary to exceed the 4% requirement on many of the intersections.

Additionally, for many of the same reasons stated previously, we are requesting a waiver from the maximum street grade requirement as well. Current standards

for the design of city streets state that the maximum allowable grade not exceed 10%, with a prevision to allow grades up to 15% for lengths not to exceed 300 feet. The finished grade profiles of the streets listed below, although not final, indicate the need for this waiver:

- Street A: 600' 16%-19% avg
- Street B: 350' 13%-16% avg
- Street C: 500' 13%-16% avg
- Street C: 350' 13% avg
- Street F: 700' 15%-17 avg
- Street G: 500' 13% avg
- Street H: 450' 18% avg
- Street I: 350' 12% avg

Thank you for your consideration in this matter. Please feel free to call if you have any questions or comments.

Respectfully,

Jeremy Thompson, E.I.
Project Engineer



THE CITY OF FAYETTEVILLE, ARKANSAS

113 West Mountain St.

Fayetteville, AR 72701

ENGINEERING DIVISION INTEROFFICE MEMORANDUM

To: Planning Commission, City of Fayetteville

From: Brent K. O'Neal, P.E.

Subject: Street slopes, Fallingwaters Subdivision

Date: October 19, 2005

CC: Ron Petrie, Matt Casey

Staff supports the proposed alignment for the intersection of streets that exceed the maximum allowed slope. The design engineer has provided information detailing the locations in their waiver request.

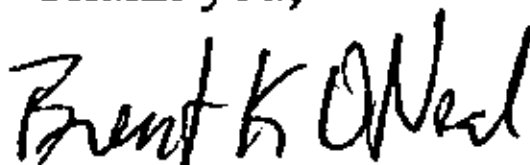
There are two potential benefits to allowing the proposed alignments: a reduction in the amount of disturbed area for cut and fill, reduces the amount of tree canopy removed with the reduced disturbed area.

The applicant has also been working with Staff on street cross-sections that are narrower than the Cities minimum standard for width and right-of-way. This also reduces the amount of disturbed area and tree removal. Two typical cross-sections have also been attached showing the proposed narrower street cross-sections.

The attached memo dated February 1996 outlines street slopes of some of the steeper streets that exist in the City of Fayetteville for comparison.

Please contact me with any questions or comments.

Thank you,


Brent K. O'Neal

FAYETTEVILLE

CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Alett Little, Planning Management Director

From: Jim Beavers, Engineering

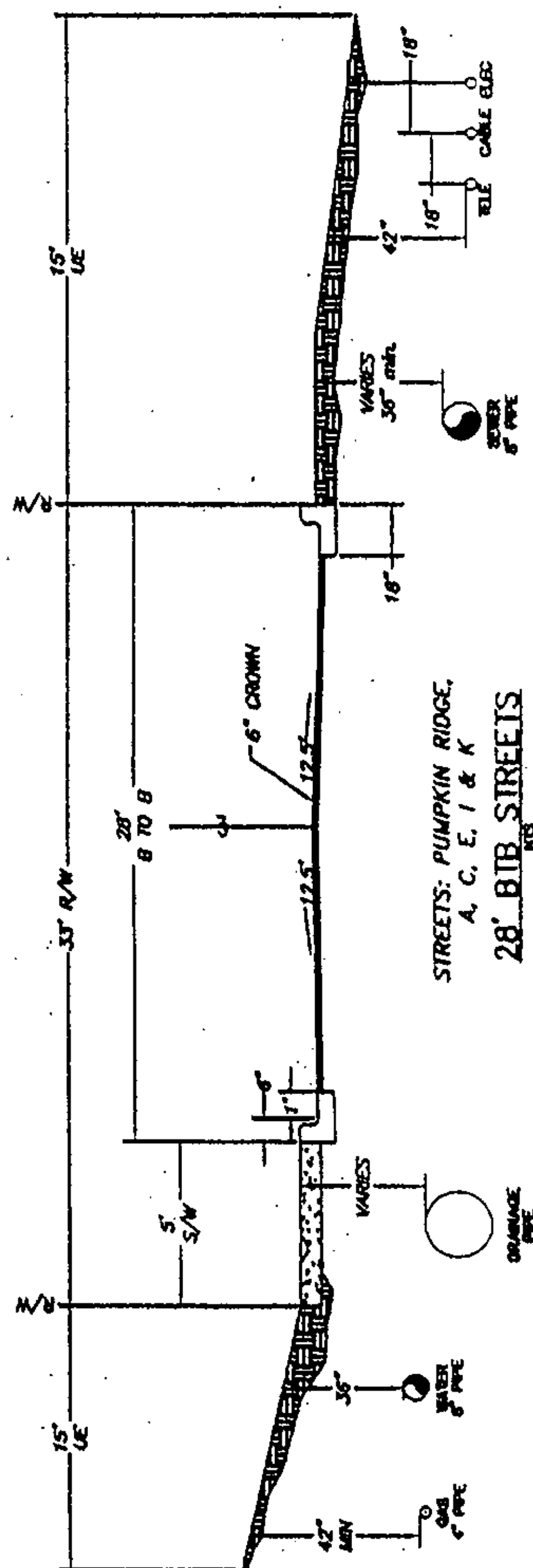
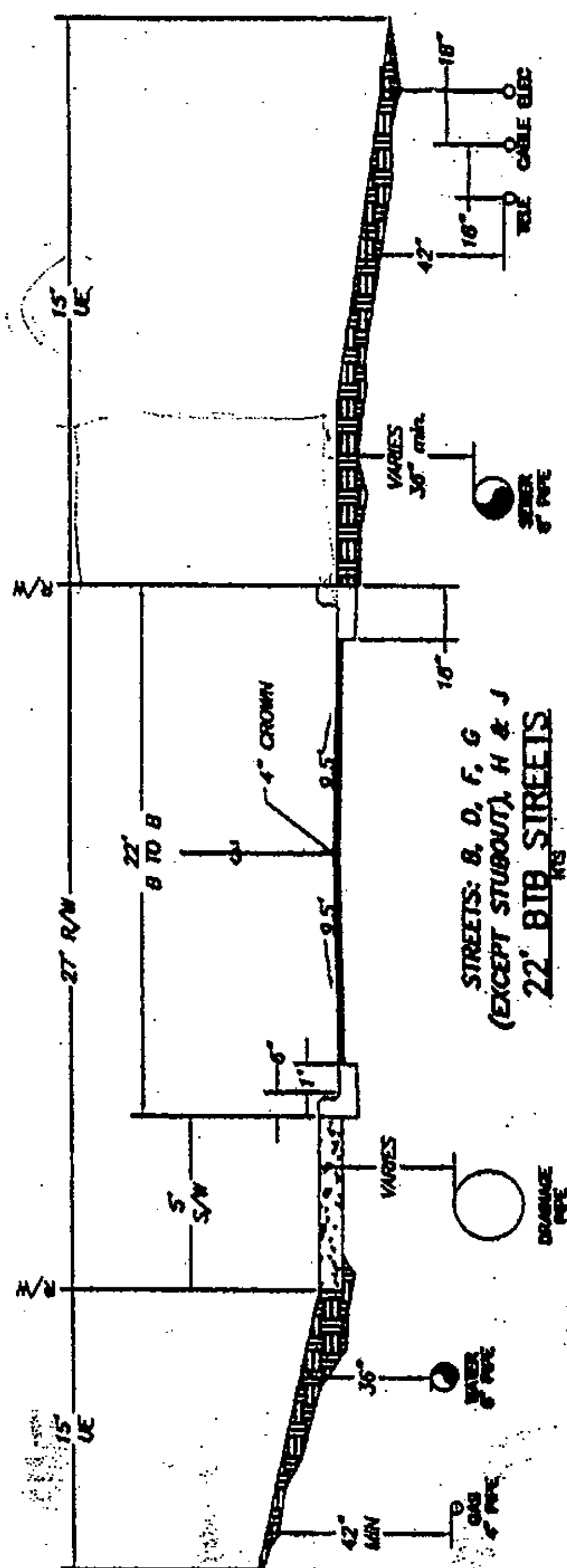
Date: 26 Feb 96

Re: street slopes

The following street slopes/grades are furnished as requested. Please note that the slopes are approximate and are based upon topographic maps, and not as-builts or surveys. Thus the slopes listed are slightly greater than actual slopes.

<u>street</u>	<u>average slope</u>	<u>maximum slope</u>
Township (N. College to Jimmie)	9 %	13 %
Ash (east of N. College)	5.5	12.5
North Street (N. College to Hillcrest)	8%	14.3
Rockwood Trail (western half)	8.5	16.5
Rogers Drive (south from Southern Heights)	12.5	16
Center Street (west of Schhol St.)	5.4	11.5
Dickson Street (east of N. College)	7.2	13.8
Meandering Way	9.3	13.5
Victoria Way	11	14.4
Marvin Gardens (proposed)	10	15
Cleveland (west of Razorback)	7	10.4

Rock Street	10.2	12
Woolsey (WEST OF THE VA)	11.3	20
Sunset Drive (CORNER CLARKSON & WOOLSEY)	10.5	20
Ruth	16	20
Anson (western half)	9	20
Arlington Terrace (west face)	18	23
Sycamore (Gregg to Woolsey)	9	13
Maple Street (east face)	6	8
Maple Street (west face)	10	13



FALLING WATERS

Proposed Phasing Schedule

Phase 1*	Jan '06 – Dec –'06
Phase 2	Jan '07 – Dec –'07
Phase 3	Jan '08 – Dec –'08
Phase 4	Jan '09 – Dec –'09
Phase 5	Jan '10 – Dec –'10
Phase 6	Jan '11 – Dec –'11

** Assumes PZD Approval occurs by the end of 2005. At the point off PZD Approval we expect to start construction of each phase and completion of same roughly every 12 months; although, if the market remains healthy we could potentially start Phases 1 and 2 at the same time.*



August 24, 2005

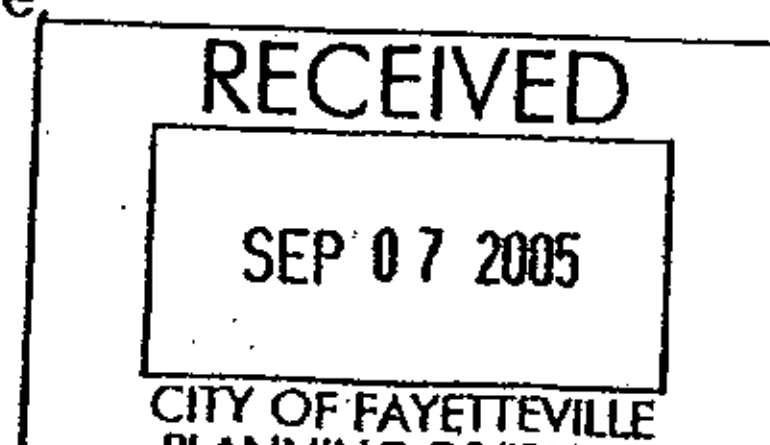
Jeremy Pate
Current Planner
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: FALLING WATER – WAIVER REQUESTS

Mr. Pate,

Falling Water is a Residential PZD located on a mountainside in southeast Fayetteville. This development has a fairly steep slope across the majority of the site. Due to the steep slopes, we are requesting a few waivers from standard Fayetteville requirements in order to minimize the disturbance of trees and land on the site and to better preserve the natural state of this property. Following is a list of our waiver requests:

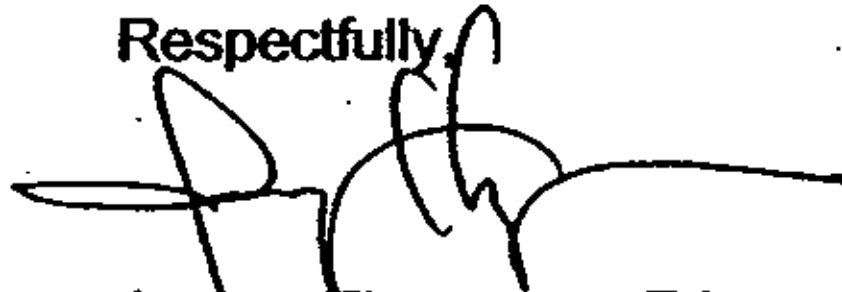
- Street lights to be placed every 330' instead of every 300'. Front lot widths in this development are approximately 110'. If this waiver is approved, street lights could be placed on every 3rd lot line as opposed to every 2nd lot line, reducing the amount of light pollution from the development.
- 3 sections of street in the development exceed the city's maximum block length of 1400'. A block on Pumpkin Ridge is approximately 1835', a block on Street B is approximately 1900' and a block on Street F is approximately 1680'. At first look, it seems that these blocks could be shortened by moving the locations of intersections. Unfortunately, the terrain we are dealing with is fairly rough and we are at the mercy of the terrain when laying out the streets. Any effort we make to shorten these block lengths would require additional streets running up and down the mountainside. Streets that run along the mountainside (with the contours) are hidden from view from a distance by trees. Streets that run up and down the mountainside are very visible from a distance. We have done our best to minimize the number of streets running up and down the mountainside, thereby reducing the visible scarring of the mountainside. Any additional streets added that run up and down the mountainside would both scar the mountainside and decrease the amount of tree canopy that we are able to preserve.



- In an effort to reduce the amount of tree canopy that is disturbed and to minimize the scarring of the mountainside, we have proposed some street sections for this development that are not in complete compliance with the City of Fayetteville's requirements. We have worked very closely with engineering and planning in an effort to provide the best street section for this mountainside. Attached, you will find an exhibit showing our two proposed cross sections. You will notice that we are also showing utilities on the street frontage instead of at the rear lot lines. We have placed the utilities here in order to eliminate the need to cut a 20' wide swath of trees along the back lot lines. We feel that our proposed street sections are the best solution for this development.

Thank you for your consideration in these matters. Please feel free to call if you have any questions or comments.

Respectfully,



Jeremy Thompson, E.I.
Project Engineer



August 24, 2005

Sarah Patterson
Landscape Coordinator
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

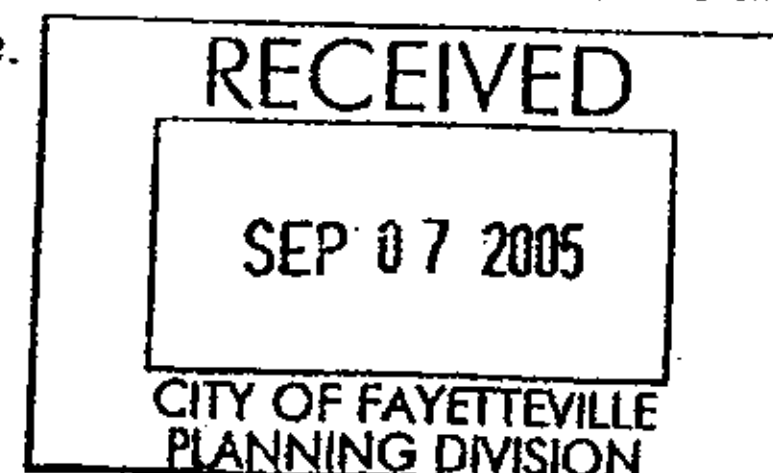
**RE: FALLING WATER
TREE PRESERVATION ANALYSIS**

Dear Sarah,

We are submitting a preliminary plat for Falling Water, a residential PZD. This project is located south of Stonebridge Golf Course, just East of Dead Horse Mountain Road. There will be 254 residential lots, 3 lots dedicated for detention, 2 lots dedicated for sewer lift stations, 1 lot dedicated for a water tower, and a 6.24 acre park area.

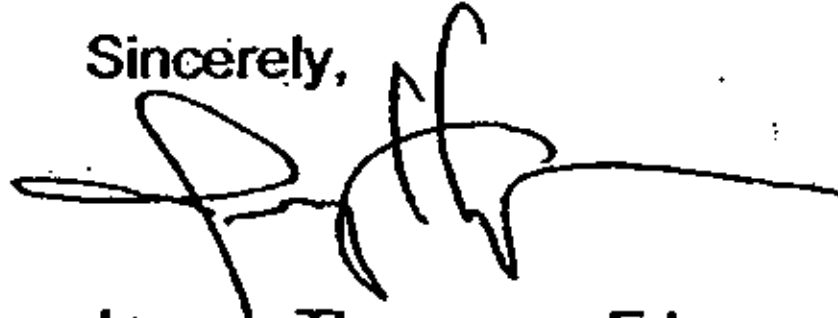
This subdivision was designed with an emphasis on minimizing impacts to existing tree canopy. We are proposing variances to the City's standard street sections in order to minimize the grading and disturbance needed for street construction. We are also proposing to place utilities along the front lot lines in order to eliminate the standard practice of cutting out a 20' wide swath of trees along the back lot lines for utilities. Also, homeowners will be required to preserve a 30' buffer along the side and back lot lines of their property. The lots in this subdivision are mostly larger than 1/3 acre, allowing the homeowners some freedom in the placement of homes on their lots. The larger lot size should allow homeowners to preserve significant trees on their property. Even though the character of the terrain limited our design options throughout the project, we believe that the resulting layout, proposed street sections, lot restrictions and lot sizes are the best alternative for this site.

The existing tree canopy takes up approximately 85% of the site. In our tree calculations for preserved tree canopy, we estimated that on lots mostly covered by trees, 40% of the tree canopy would be disturbed. The only other trees that will be disturbed are trees located in the street right-of-way, utility easements, detention areas, and where grading may need to extend outside of some of these areas. Our layout preserves canopy on approximately 48% of the site.



Thank you for your consideration of this project. Please feel free to call if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Thompson', with a long horizontal flourish extending to the right.

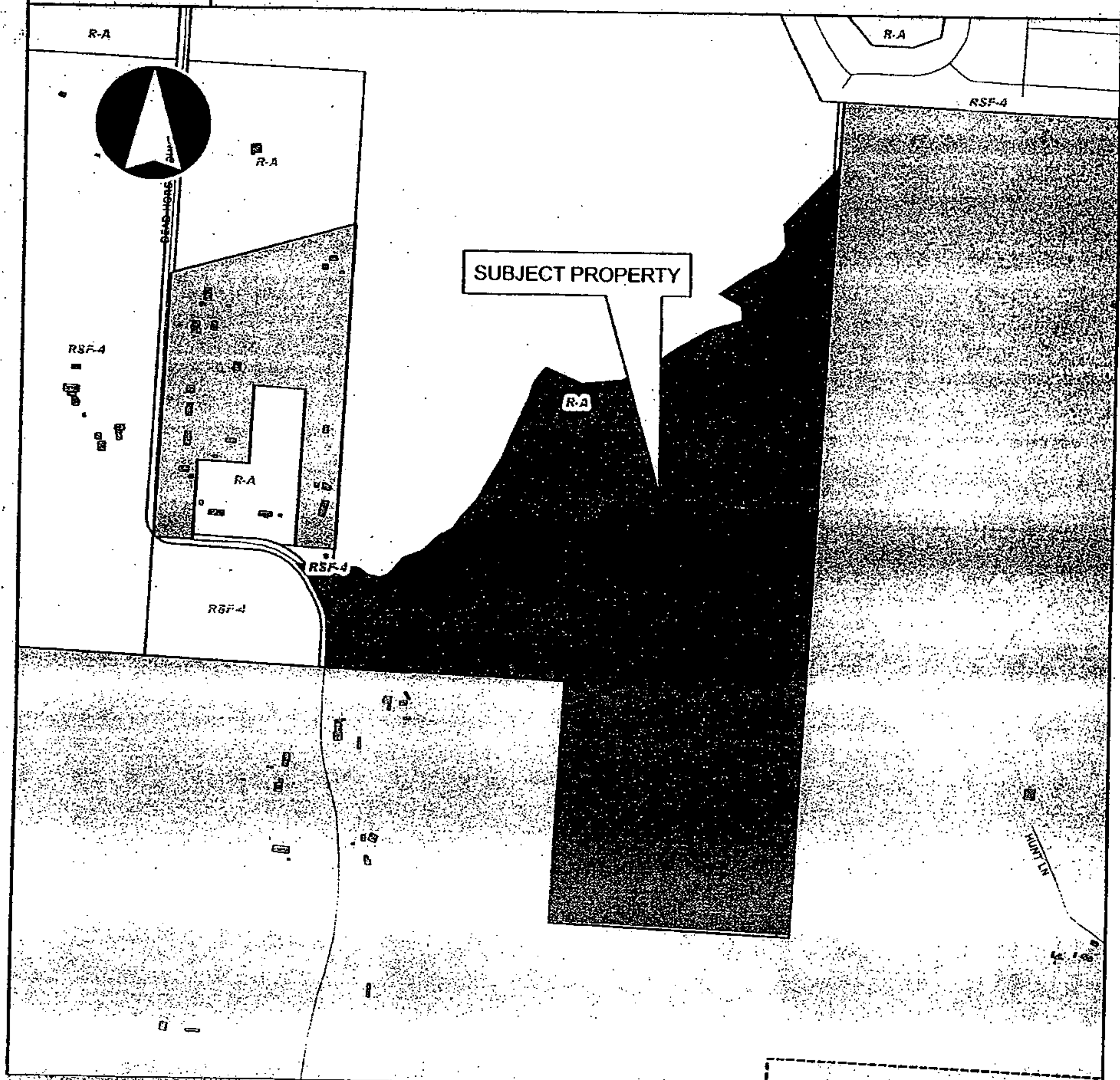
Jeremy Thompson, E.I.
Project Engineer

Cc: Jeremy Pate, Current Planner

RPZD05-1635

FALLING WATER @ STONEBRIDGE

Close Up View



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
- BaseLine Profile

- Fayetteville
- Outside City
- RPZD05-1635

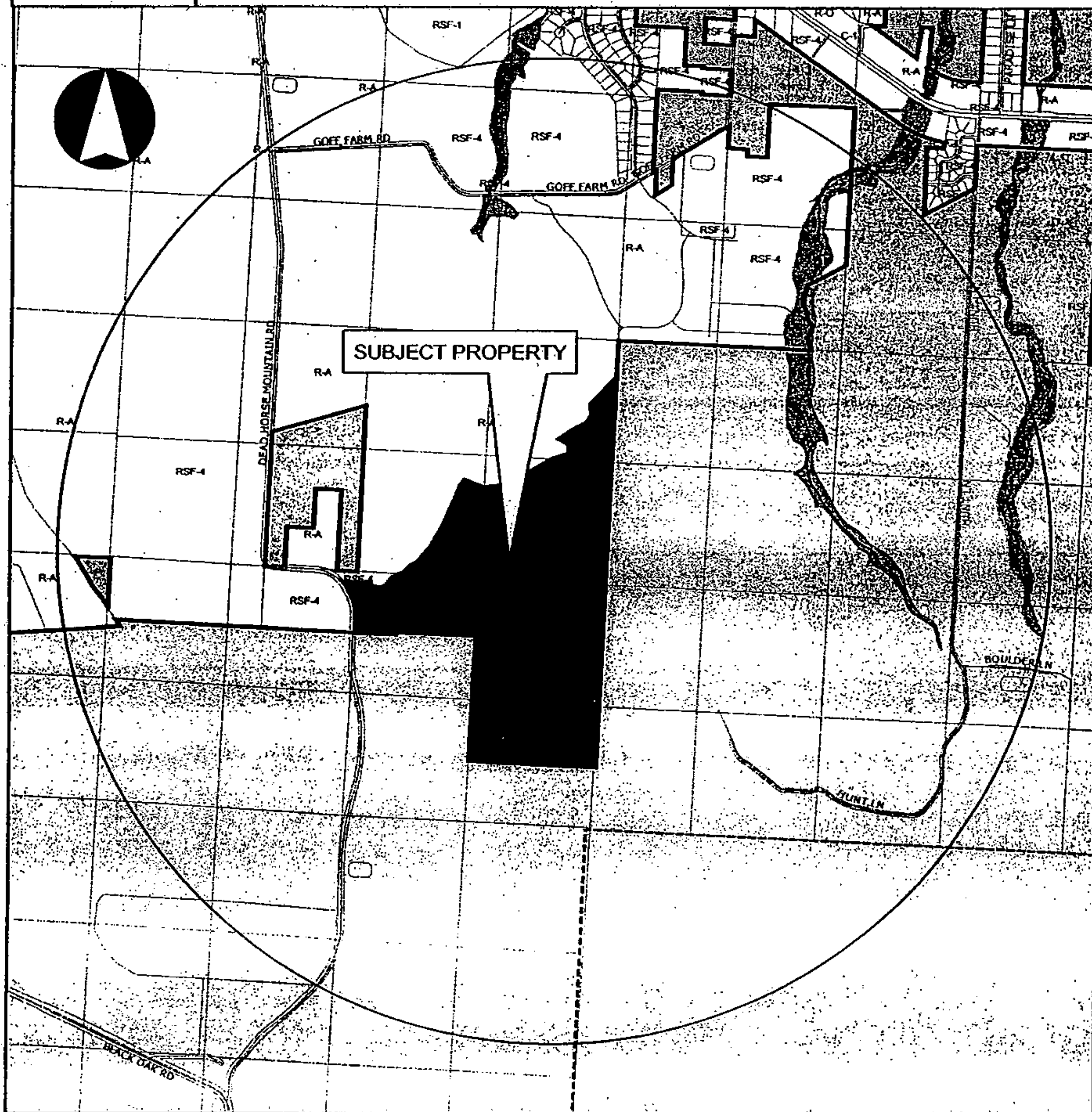
0 250 500 1,000 1,500 2,000 Feet

RPZD05-1635

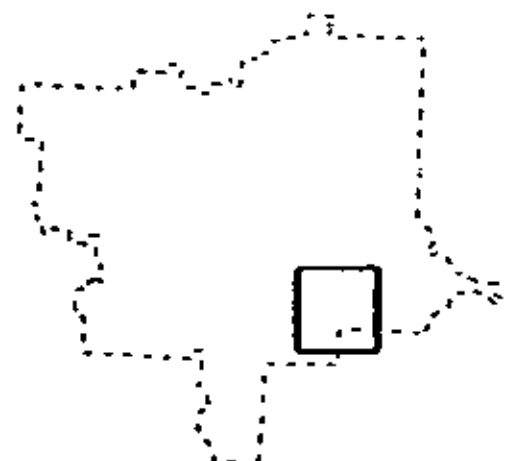
FALLING WATER @ STONEBRIDGE

C. 4
R-PZD 05-1635 Fallingwaters
Page 51 of 52

One Mile View



Overview



Legend

Subject Property

RPZD05-1635

Boundary

- Planning Area
- Overlay District
- Outside City

Master Street Plan

Master Street Plan

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

0 0.125 0.25

0.5

0.75

1

Miles

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

C. 5
RZN 05-1754 Park West Heights
Page 1 of 20

15-Nov-05
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 05-1754 (PARK WEST HEIGHTS, 208): Submitted by Mel Milholland for property located at the southeast corner of Highway 112 and Deane Solomon Road. The property is zoned R-A, Residential-Agricultural, and contains approximately 26.28 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

10-27-05
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

City Attorney

10/28/05
Date

Original Contract Number: n/a

Finance and Internal Service Director

11-2-05
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

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

Date: October 27, 2005

Subject: Rezoning for Park West Heights (RZN 05-1754)

RECOMMENDATION

Planning staff recommends approval of the subject rezoning request to rezone approximately 26.28 acres of property from Residential-Agricultural (R-A) to Residential Single-Family Four Units Per Acre (RSF-4).

BACKGROUND

The subject property contains approximately 26.28 acres owned by Tracy Hoskins. The property is currently undeveloped farmland with a few single family homes and accessory structures. The property is zoned R-A, Residential Agricultural, and identified on the General Plan 2020 as Residential. The applicant requests the property be rezoned from R-A to RSF-4 with the intention to develop the subject property for residential use. Surrounding properties to the north and west are zoned RSF-4. Development of 40 acres (zoned RSF-4) northwest of the subject property at a density of 2.4 units per acre has been approved.

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, though any entrances to future development should be carefully evaluated and placed so as not to create a hazard on the hillcrests on Hwy 112 and Deane Solomon Road. The Fire Department estimates a 7.5 minute response time to this site which meets the Department's goal to have all response vehicles at the site within 10 minutes, 90% of the time. A study of water and sewer capacity shall be conducted by the developer at the time of development application.

Staff recommends approval of this rezoning request based on findings stated within the attached staff report, finding that the uses allowed will be compatible and similar to surrounding uses allowed within existing zoning districts.

DISCUSSION

This item was heard at the regular Planning Commission on October 24, 2005. The Planning Commission voted 5-2-0 to recommend approval of this rezoning request to the City Council, with Commissioners Allen and Ostner voting no.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 05-1754 FOR APPROXIMATELY
26.28 ACRES LOCATED AT THE SOUTH EAST CORNER OF
HIGHWAY 112 AND DEANE SOLOMON ROAD FROM R-A,
RESIDENTIAL -AGRICULTURAL TO RSF-4, RESIDENTIAL
SINGLE FAMILY, 4 UNITS PER ACRE.

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

Section 1: That the zone classification of the following described property is
hereby changed as follows:

From R-A, Residential-Agricultural to RSF-4, Residential Single Family,
4 units per acre, as shown 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 05-1754

TRACK A

PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 28-17-30, THENCE S87°14'29"E 1320.14 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER (NW1/4), SOUTHWEST QUARTER (SW1/4) SAID SECTION, THENCE S02°31'02"W 34.79 FEET ALONG SAID EAST LINE TO THE SOUTHERN RIGHT-OF-WAY ARKANSAS HIGHWAY No. 112 AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE S02°31'02"W 841.64 FEET;

THENCE LEAVING SAID EAST LINE N86°59'06"W 338.87 FEET;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 175.00 FEET AND AN ARC LENGTH OF 55.75 FEET, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N77°51'32"W 55.51 FEET;

THENCE N68°43'58"W 153.21 FEET;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET AND AN ARC LENGTH OF 133.58 FEET, SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S14°39'04"W 133.48 FEET TO A POINT ON THE EAST

RIGHT-OF-WAY OF WASHINGTON COUNTY ROAD NO. 890;

THENCE ALONG SAID EAST RIGHT-OF-WAY

N07°55'08"W 215.06 FEET;

THENCE WITH SAID RIGHT-OF-WAY N25°41'08"W 166.10 FEET;

THENCE WITH SAID RIGHT-OF-WAY N14°35'08"W 576.59 FEET

TO THE SOUTHERN RIGHT-OF-WAY OF ARKANSAS HIGHWAY

NO. 112, THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY S87°35'48"E 853.75 FEET TO THE POINT OF BEGINNING, ALL LOCATED IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND CONTAINING 13.716 ACRES, MORE OR LESS.

TRACK B

PART OF THE WEST HALF (W1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF SAID SECTION 28-17-30, THENCE S87°14'29"E 1320.14 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID QUARTER (1/4) SECTION LINE

S87°14'29"E 634.01 FEET;

THENCE S00°11'32"W 628.47 FEET;

THENCE S03°03'56"W 178.40 FEET;

THENCE S03°03'56"W 161.92 FEET;

THENCE N86°57'53"W 163.83 FEET;

THENCE N03°03'56"E 88.74 FEET;

THENCE N86°59'06"W 493.28 FEET;
THENCE N02°31'02"E 841.64 FEET;
THENCE N02°31'02"E 34.79 FEET TO THE POINT OF BEGINNING, CONTAINING
12.572 ACRES, MORE OR LESS ALL LOCATED IN FAYETTEVILLE, WASHINGTON
COUNTY, ARKANSAS.

DRAFT



PC Meeting of October 24, 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: October 20, 2005

RZN 05-1754: Rezoning (PARK WEST HEIGHTS, 208): Submitted by MEL MILHOLLAND for property located at SE CORNER HWY 112 AND DEANE SOLOMON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 26.28 acres. The request is to rezone the subject property to RSF-4, Residential Single Family, 4 units per acre.

Property Owner: TRACY HOSKINS

Property Owner: MIKE & BRENDA PRICE

Planner: SUZANNE MORGAN

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		✓ Approved	○ Denied
Date: <u>October 24, 2005</u>	Motion: Vaught		
	Second: Myres		
	Vote: 5-2-0 with Allen and Ostner voting no.		
CITY COUNCIL ACTION:		Required	<u>YES</u>
		○ Approved	○ Denied
Date: <u>November 15, 2005 (1st reading if recommended)</u>			

BACKGROUND:

Property description: The subject property contains approximately 26.28 acres owned by Tracy Hoskins. The property is currently undeveloped farmland with a few single family homes and accessory structures. The property is zoned R-A, Residential Agricultural, and identified on the General Plan 2020 as Residential.

Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Vacant/Pasture (Belclair Subdivision under construction)	RSF-4 & R-A
South	Vacant/Pasture	R-A
East	Vacant/Pasture	R-A
West	Residential Single Family (Lynn Leigh Hill Estates)	RSF-4

Proposal: The applicant intends to develop the property for residential use. Therefore, the applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 Units per Acre.

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

INFRASTRUCTURE:

Streets: The site has access to Highway 112 on the north and Dean Solomon Road on the west. Improvements to Dean Solomon Road will be required along the property frontage. Off-site improvements to adjacent streets will need to be evaluated by staff at the time of preliminary plat. Rights-of-way for Highway 112 and Dean Solomon Road will also be required at the time of preliminary plat.

Water: Public water is adjacent to the site. There is a 6" waterline to the north along Highway 112. Improvements to the water system will be required which may also require off-site improvements. An evaluation will need to be made by the developer at the time of preliminary plat on how the water system is to be connected with the existing system.

Sewer: Sanitary sewer is not adjacent to the site. Developments to the south are in the process of constructing sanitary sewer mains which may connect to this development. A study of the downstream system shall be conducted by the developer. This development is within the sewer assessment area. The amount of the assessment will be determined by the development and will be determined at a later date. The large diameter sanitary sewer collection main is also planned to pass near this site.

Drainage: Runoff from most of the site flows overland to the south to a creek. Standard improvements and requirements for drainage will be required for the development.

Fire: The subject property is served by Fire Station #2, located on North Garland. The property is 3.4 miles from this station with a projected response time of 7.5 minutes. The anticipated response time to the property at the maximum build-out is 8 minutes with 24 service calls per year. The 7.5 minute response time for the first response to

arrive at the scene is 1.5 minutes longer than the Fire Department's goal. However, the Fire Department's goal to assemble all responding units to the scene within 10 minutes will be met. The service impact of this development will typically take eighteen months after the development of the property commences.

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. The Engineering Department may provide more specific information about the potential traffic increase for the rezoning. Any entrances to this development should be carefully placed so as not to create a hazard. The hillcrests on Deane Solomon and Hwy 112 should be avoided.

LAND USE PLAN: General Plan 2020 designates this site **Residential**. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed RSF-4 zoning for a single family residential use is compatible with adjacent and nearby single family residential land use. There is an existing subdivision to the west zoned RSF-4. Property to the north was recently rezoned RSF-4 and is currently being developed for a residential single family subdivision. The General Plan designates this area for residential use, which is compatible with the proposed RSF-4 zoning.

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

Finding: As population continues to increase in Northwest Arkansas and in the City of Fayetteville, the demand for residential housing increases. In response to this market, greater number of properties historically used as pasture and farmland are requested to be developed. The subject property is identified on the General Plan 2020 as residential property and is located adjacent to Hwy 112 and Deane Solomon Road, two principal roads. As such, the property owner requests that the property be rezoned to RSF-4 so that the property can be developed for single family residential use. Staff finds that to develop the property in a consistent manner to the surrounding properties and in urban densities, the rezoning is both justified and needed. As a policy, the City Council has identified this area as more suitable for residential growth than agricultural.

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

Finding: The proposed zoning will provide additional traffic on adjacent streets over the current zoning. The surrounding streets are designated a Principal Arterial and a Collector on the Master Street Plan. In addition, there is a planned Collector street to be constructed south of the property. The existing and future streets surrounding this property are designated to absorb the traffic generated by future development on the subject property. Street improvements shall be required at the time of development. Depending on the number of units proposed at the time of development and the location of access proposed onto the adjacent streets, Staff may request a traffic study to be provided by the developer at the time of development. Access onto the surrounding streets shall be evaluated to ensure safety and adequate site distance, especially at the crests of the hills on the adjacent streets.

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. The Engineering Department may provide more specific information about the potential traffic increase for the rezoning. Any entrances to this development should be carefully placed so as not to create a hazard. The hillcrests on Deane Solomon and Hwy 112 should be avoided.

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

Finding: The proposed zoning would increase population density. Under an R-A, Residential Agricultural designation, the 26.28-acre tract would allow for a maximum of 13 dwelling units (1 unit / 2 acres). With the proposed RSF-4 designation 105 dwelling units would be permitted. Rezoning the property increases the possible number of residential units and population over that which is allowed in the R-A zoning district, but the proposed rezoning is consistent with land use, zoning, and development patterns in the immediate vicinity.

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

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

Finding: N/A

Fayetteville Unified Development Code
Section 161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

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

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

(G) *Building area.* None.

Fayetteville Unified Development Code

Section 161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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

(C) *Density.*

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

(D) *Bulk and area regulations.*

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

(E) *Setback requirements.*

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

(F) *Height.* None.

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



Fayetteville Fire Department

303 W. Center St. Fayetteville AR. 72701

Date: October 13, 2005

To: Suzanne Morgan, Jeremy Pate, Andrew Garner, and Jesse Fulcher

From: Dale Riggins

Subject: October 27th Re-zoning review from the Fayetteville Fire Department.

RZN05-1754 (PARK WEST HEIGHTS, 208)

These 26.28 acres are covered by Engine 2 on North Garland.

The property is 3.4 miles from the station with a projected response time of 7.5 minutes to this development and 8 minutes when the maximum build-out is completed.

The Fire Department anticipates 24 calls for service (15 EMS & 9 Fire/Other) once the development is completed and maximum build-out has occurred.

The 7.5 minute response time is above our response time goal of having the first unit on the scene within 6 minutes, 90% of the time. Our goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time, will be met.

The service impact of this development will typically take eighteen months, after the development is started, to occur.

If you have any questions please feel free to call or email me

Dale Riggins
Fayetteville Fire Department



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

October 17, 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 Rezoning RZN 05-1754 (Park Heights, 208) submitted Mel Mulholland for property located at SE Corner of Hey 112 and Deane Solomon Rd. would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

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. The Engineering Department may provide more specific information about any potential traffic increase for this RZN. Any entrances to this development should be carefully placed so as to not create a hazard. The hillcrests on Deane Solomon and Hwy 112 should be avoided.

Sincerely,

A handwritten signature in black ink, appearing to read "William Brown".

Captain William Brown
Fayetteville Police Department

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

September 15, 2005

Project No. E-770

FAYETTEVILLE

125 West Mountain

Fayetteville, Arkansas 72701

ATTN: Planning Division

RE: Lot Split request, Park West Heights

Dear Planning Staff:

The following description and statements are provided as part of the application packet for approval processing.

5.a. Current ownership information and any proposed or pending property sales.

The current owners of the properties are shown on the application. They are Tracy Hoskins for one tract and Make Price for the other. Tracy Hoskins has power to sign for Mr. Price. Mr. Hoskins is in the process of purchasing the Price property.

5.b. Reason (need) for requesting the zoning change.

This request is made for proper zoning in development of a residential subdivision.

5.c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The property will be in keeping with existing surround developed and proposed property development and future land use.

The development will cause increased traffic flow but street design within and surrounding the proposed development are to correct several traffic pattern problems, street improvements, and coordination with the City Master Street Plan and proposed bond street improvements.

The development's appearance will certainly alter the landscape but is intended to be an attractive residential addition.

The development's signage will be limited to identification and in accordance with the City's signage regulations.

5.d. Availability of water and sewer (state size of line).

There is existing water mains available surrounding the property for looped connection, 8", 6", and 10" mains exist and will be expanded for this development are other planned future developments.

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

Thomas M. Jefcoat, RLA, REM, CPESC

REGISTRATIONS:

PE: AR, MO

PLS: AR

RLA: AR

Sanitary Sewer service is being extended from the south through Springwood, Lot 5, and property belonging to Mr. Hoskins for connection to this development, other approved development, and future proposed developments. A 12" line connection is being designed for immediate construction.

6.a. The degree to which the proposed zoning is consistent with the land use planning objectives, principals, and policies and with land use and zoning plans.

We feel the requested zoning is totally consistent.

6.b. Whether the proposed zoning is justified and/or needed at the time of the request.

Totally.

6.c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed development will alter the existing traffic pattern to improve existing dangers. Because of the project location, adjoining Hwy. 112, roadway improvements should defuse and disperse possible congestion.

6.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.

Improvements in all these area are current being addressed. Schools expansions are being proposed and land purchased. Water and sewer facilities are being expanded and under construction for this and other similar planned developments in the area.

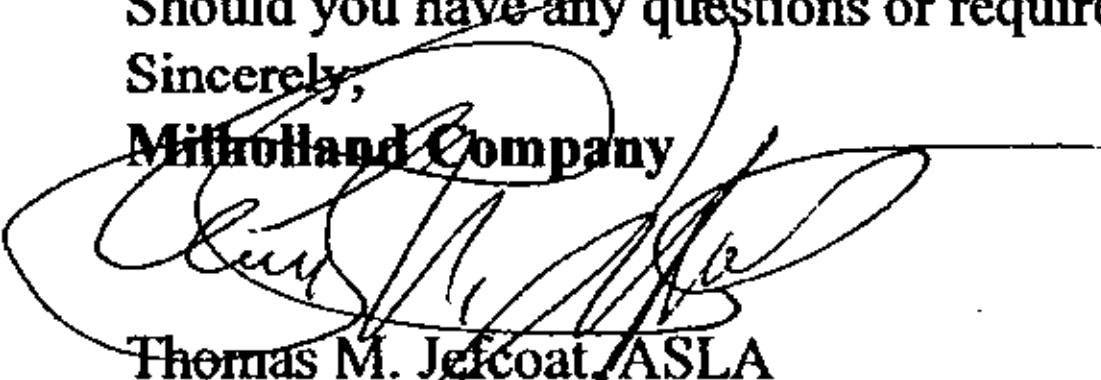
6.e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The property is currently zoned AR. This zoning density classification does not lend itself to feasible development of the property.

Should you have any questions or require additional information, please advise.

Sincerely,

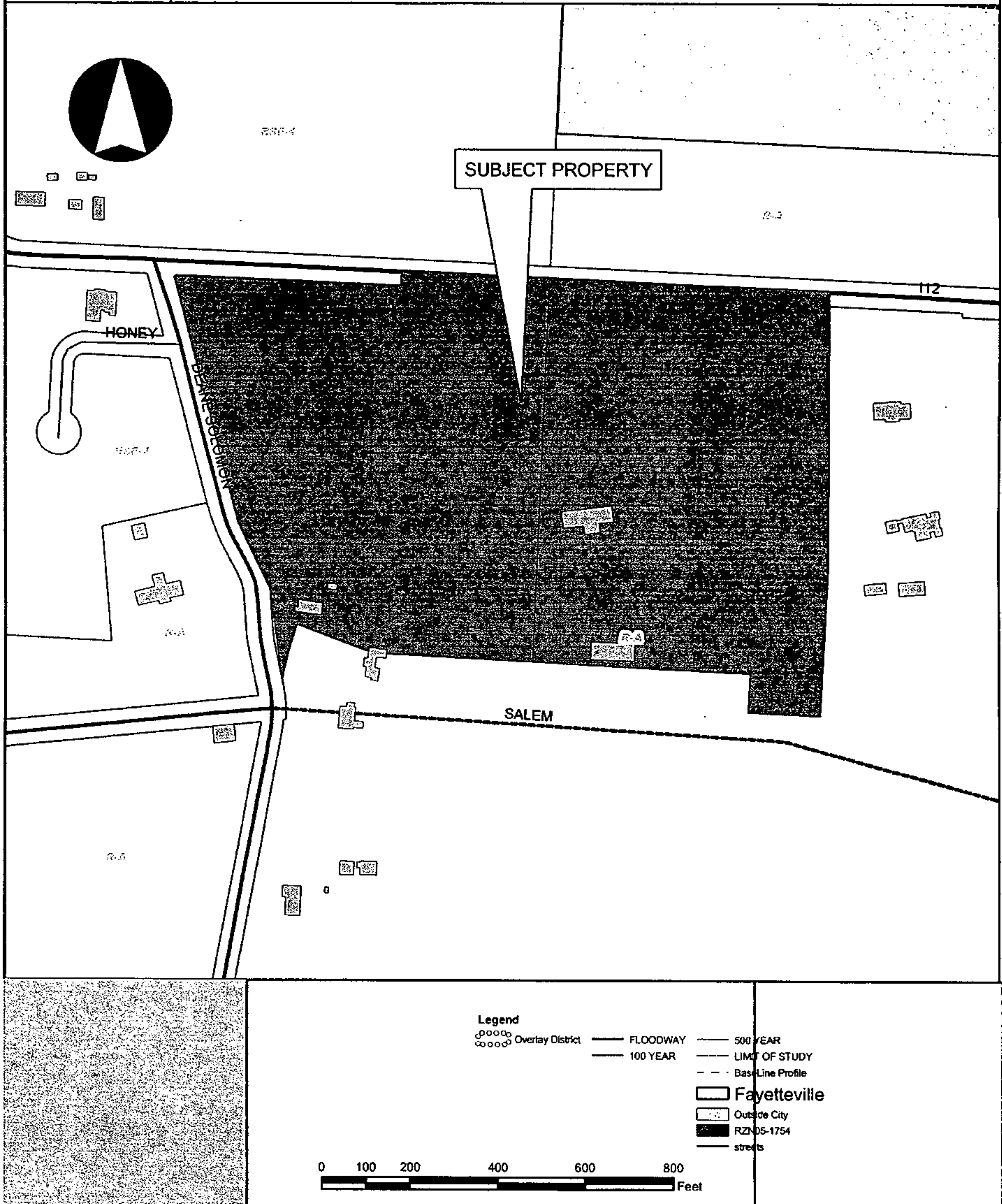
Miltholland Company


Thomas M. Jefcoat, ASLA
Senior Projects Manager

RZN05-1754

Close Up View

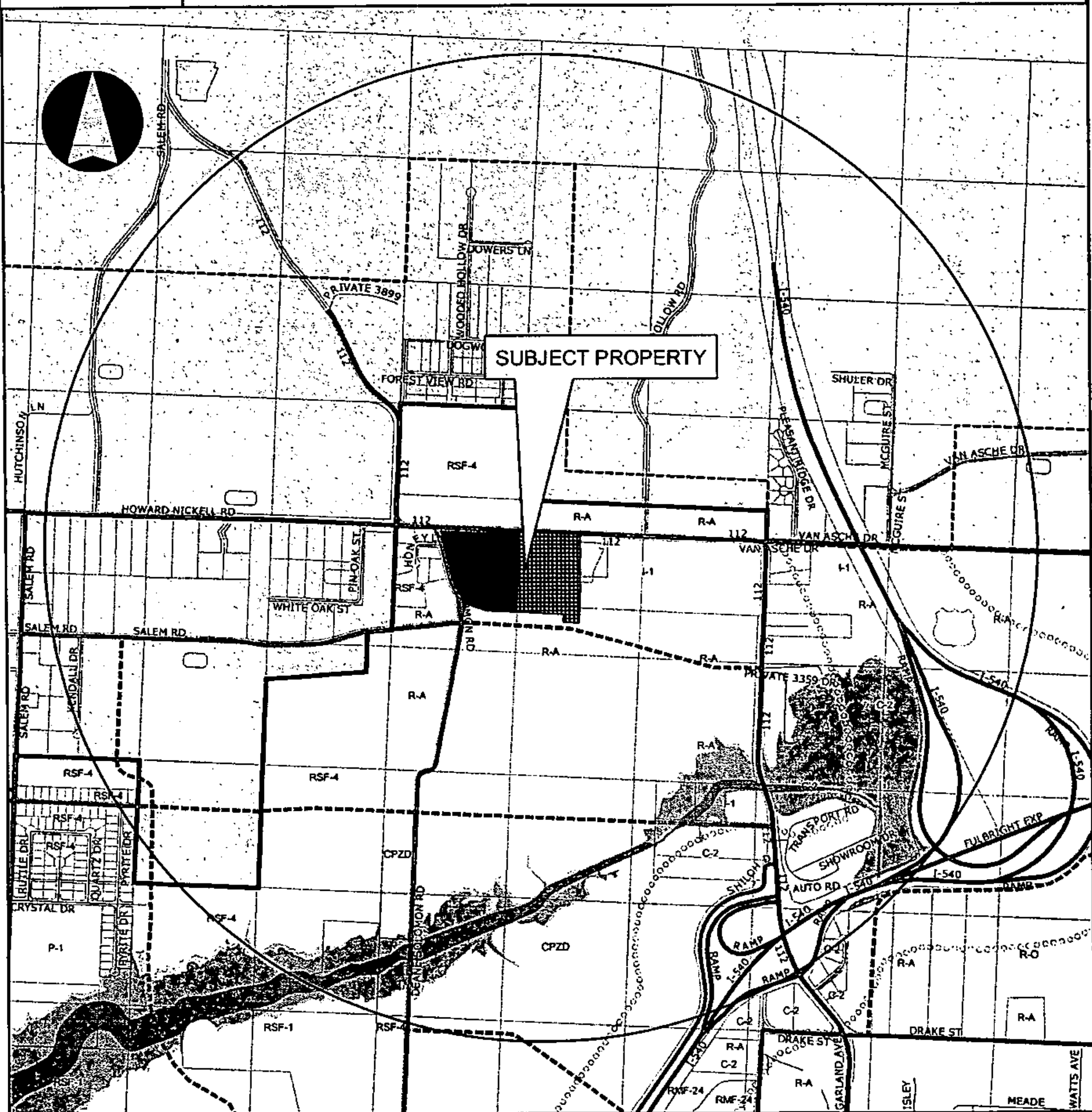
PARK WEST HEIGHTS



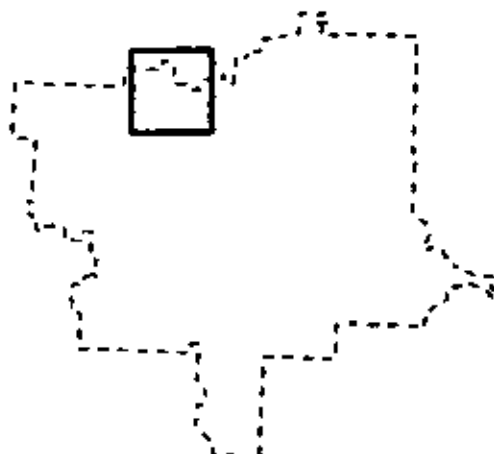
RZN05-1754

One Mile View

PARK WEST HEIGHTS



Overview



Legend

Subject Property
RZN05-1754

Boundary

Planning Area
Overlay District
Outside City

0 0.125 0.25 0.5 0.75 1 Miles

FAYETTEVILLE

C. 6
Planning Commission Appeal of
PPL 05-1733 West Haven Subdivision
Page 1 of 66

THE CITY OF FAYETTEVILLE, ARKANSAS

November 1, 2005

Sondra Smith
City Clerk
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RE: Planning Commission Appeal
PPL 05-1733 West Haven Subdivision

Dear Sondra,

I would like to appeal the Planning Commission decision regarding the approval on October 24, 2005 of PPL 05-1733 West Haven Subdivision. Please accept this letter as my appeal of this decision.

Sincerely,



Lioneld Jordan
Alderman
City of Fayetteville

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 155 APPEALS

155.01 Circuit Court

Unless set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.

(Code 1965, App. A., Art. 9(6); Ord. No. 1747, 6-29-70; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Code 1991, §160.175; Ord. No. 3925, §7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4652, 12-07-04))

State law reference(s)--Appeals to circuit court, A.C.A. §14-56-425.

155.02 Form/Time/Place

Unless an appeal is filed with the court, the following requirements shall be met:

(A) *Form.* All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error.

(B) *Time.*

(1) *Appeals.* Appeals shall be submitted within 10 working days from the date of the final action taken.

(2) *Hearings.* The entity hearing the appeal shall fix a reasonable time for hearing an appeal.

(C) *Place.* Appeals shall be filed with the following:

(1) *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk.

(2) *Zoning and Development Administrator.* Appeals made to the Planning Commission or Board of Adjustment shall be filed with the Zoning and Development Administrator.

(3) *Building Safety Division Director.* Appeals made to the Board of Adjustment, [for inspecting purposes] shall be filed with the Building Safety Division Director.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4652, 12-07-04)

155.03 Stay

An appeal shall stay all proceedings in furtherance of the action appealed from unless the person in charge of administration of the chapter certified that a stay would, in their opinion cause imminent peril to life or property.

(Code 1965, App. A., Art. 13(3); Ord. No. 1747, 6-29-70; Code 1991, §160.173; Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.04 Alderman Appeal On Behalf Of Resident

An alderman may bring an appeal on behalf of any resident of the city on actions which are appealable to the City Council as set forth below.

(Ord. No. 4100, §2 (Ex. A), 6-16-98)

155.05 Appeals From Planning Commission Decisions

(A) *Appeals to City Council.* The following Planning Commission decisions may be appealed to the City Council.

(1) *Rezoning request.* Owners of record may appeal the decision to deny a rezoning request.

(2) *Preliminary plat/LSD.* Owners of record or any member of the City Council may appeal the decision to deny or approve a preliminary subdivision plat or large scale development.

(3) *Neighborhood park.* Owners of record may appeal the decision to require joint development of a neighborhood park.

(4) *Major development - park land dedication.* An alderman representing the ward in which the proposed major development is located, or any alderman if the major development is outside the city limits may appeal the Planning Commission denial of a variance from requirements of §166.03(K).

(5) *Commercial design standards.* Appeals from decisions of the Planning Commission concerning commercial design standards shall be to the City Council.

(6) *Conditional use.* Three aldermen, two of whom must reside in the effected ward, may in unison appeal a decision by the Planning Commission approving or denying a conditional use request.

(7) *Tree preservation plan.* Owners of record or any member of the City Council wishing to contest a tree preservation plan must appeal the decision to deny or approve the preliminary subdivision plat or large scale development according to the procedures set forth in subsection (A)(2) above.

(Ord. No. 4334, 9-4-01; Ord. No. 4340, 10-2-01)

(B) *Appeals to Housing Board.*

West Haven
approved

Approved
10/24/05
PPL 05-1733
West Haven
Subdivision

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning

Date: November 1, 2005

Subject: West Haven Subdivision Preliminary Plat (PPL 05-1733)

Property: The subject property contains approximately 49.57 acres located on the west side of Wheeler Road, north of Double Tree Estates. The property is located in the Planning Area and is currently largely undeveloped with three single family homes and a trailer dispersed over the property.

Background: A subdivision for development of this site in a similar configuration as proposed was approved by the Fayetteville Planning Commission and by the Washington County Planning Office in 1998. This project was not constructed and approval of the subdivision expired. Double Tree Estates is a residential subdivision to the south that was approved and developed in 1995-1996. Street stub-outs for future development of the subject property were indicated on the Double Tree Estates plans, and required by the Planning Commission.

Proposal: The applicant proposes to create a residential subdivision with 45 single family lots. The density for the proposed subdivision is approximately 0.91 units/acre, with lot sizes ranging from 0.71-1.90 acres, similar in nature to Double Tree Estates.

Public Comment: Planning Staff has met and discussed the project with several neighbors, mainly concerned with potential adverse traffic and community character impacts caused by this project. A petition signed by approximately 40 people in Double Tree Estates and several letters and emails have been received. This written comment was principally opposed to the proposed street connection with Double Tree Estates.

Planning Commission Discussion: This project was heard at a regular Planning Commission meeting on Monday, October 24, 2005. At that meeting, a number of verbal comments were heard from the public, mainly opposed to street connection with Double Tree Estates stating that adverse traffic and community character impacts would result. After asking for any final public comment, public discussion was closed. The Planning Commission, Planning Staff, and the applicant's representative discussed and agreed on a revised street layout option to reduce potential cut-through traffic on Staci Lane. Specifically, it was discussed that: (1) Staci Lane and Timber Woods Place could become a 'T' intersection; (2) Staci Lane between Timber Woods Place and West Haven Drive could be eliminated; and (3) Timber Woods Place could be extended east along the southern portion of Lots 26 and 30, connecting with Timberview Place. A motion was made to approve the proposal as shown and recommended in the Planning Staff report. The motion did not include the potential revision to reduce cut-through traffic on Staci Lane. The Planning Commission voted 4-3-0 in favor of this request with Commissioners Myres, Clark, and Allen voting no.



THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of October 24, 2005

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: October 20, 2005

PPL 05-1733: Preliminary Plat (WEST HAVEN S/D, 280): Submitted by DAVE JORGENSEN for property located NORTH OF DOUBLE TREE ESTATES AND WEST OF WHEELER ROAD. The property is in the Planning Area and contains approximately 49.57 acres. The request is to approve a residential subdivision with 45 single family lots.

Property Owner: BLIND SQUIRREL, LLC

Planner: ANDREW GARNER

Findings:

Background: A subdivision for development of this site in a similar configuration as proposed was approved by the Fayetteville Planning Commission on June 22, 1998 and by the Washington County Planning Office on January 22, 1998. This project was not constructed and the approval of the subdivision has expired. Double Tree Estates is a residential subdivision to the south that was approved and developed in 1995-1995. Street stub-outs for future development of the subject property were indicated on the Double Tree Estates plans, and required by the Planning Commission.

Property: The subject property contains approximately 49.57 acres located on the west side of Wheeler Road, north of Double Tree Estates. The property is located in the Planning Area and is currently largely undeveloped with three single family homes and a trailer dispersed over the property.

Proposal: The applicant proposes to create a residential subdivision with 45 single family lots.

Related Issues: Property that is developed and/or subdivided in the Planning Area of the City of Fayetteville, outside of the city limits, does not allow for the enforcement of many regulations required within the City. When property within the Planning Area and one mile of the City limits develops, the City can regulate the following requirements:

- Appropriate division of land;
- Lot area – minimum 10,000 square feet;
- Lot width – minimum 75 feet;
- Right-of-way dedication in conformance with the Master Street Plan;

- Impact of traffic – On- and off-site improvements to reduce a dangerous traffic condition;
- Septic System approval from the Arkansas Health Department for lots less than 1.5 acres;
- Street connectivity; and
- City street standards.

Surrounding Land Use and Zoning: Surrounding properties are within the Planning Area and consist of large single family properties, with the Double Tree Estates Subdivision located south of the property.

Water and Septic System: Water shall be extended to serve the proposed development. The applicant proposes lots ranging from 0.71 to 1.60 acres in size with each to utilize an individual septic system. Conditional of approval of the septic systems have been provided. Prior to Final Plat approval of the subdivision, permits for each lot less than 1.5 acres in size shall be submitted.

Adjacent Master Street Plan Streets: Wheeler Road and Staci Lane (unclassified streets).

Right-of-way to be dedicated: The applicant proposes dedication of right-of-way for a total of 35' from centerline of Wheeler Road. The internal streets are shown as 50' right-of-way.

Connectivity: The applicant has indicated stub-outs to the north and west for future connectivity. Temporary cul-de-sacs would be utilized until the time that the street is extended. The temporary access easements for these cul-de-sacs shall be void at the time that the streets are extended to the west and north. Further, signs shall be installed at the end of the street stub-outs indicating future extension of right-of-way. The project would extend Staci Lane north through the project site. Timberview Place also provides a north-south connection between Staci Lane and West Haven Drive.

Public Comment: Planning Staff has met and discussed the project with several neighbors, mainly concerned with potential adverse traffic impacts cause by this project. A petition signed by approximately 40 people in Double Tree Estates requests that the decision on this project to be delayed to allow for additional time for review the proposal. Several letters and emails have be provided by residents in Double Tree Estates stating that the project will have adverse impacts on the rural and community character of the area, and would cause adverse traffic impacts and cut-through streets.

Recommendation: Staff recommends approval of PPL 05-1733 with the following conditions to address:

Conditions to Address/Discuss:

1. At the time of final plat application submittal, a permit issued by the Arkansas Department of Health shall be obtained and submitted to the Planning Division approving a septic system for each lot less than 1.5 acres.
2. Planning Commission determination of appropriate connectivity. *Staff finds that street stub-outs to the north and west, the project's extension of Staci Lane through the site, and*

connecting Staci Lane and West Haven Drive through Timberview Place provide adequate connectivity.

SUBDIVISION COMMITTEE FOUND IN FAVOR OF THIS CONDITION, AND ALSO WANTED THE PLANNING COMMISSION TO SEE THE ORIGINAL PROPOSAL TO END TIMBERVIEW PLACE IN A CUL-DE-SAC.

3. Planning Commission determination of street improvements. Staff recommends Wheeler Road be improved to 14' from centerline, with 6' sidewalks at the right-of-way. These improvements shall be shown on the plat.
4. Planning Commission determination of a waiver of street design principles for block length. Section 166.08 of the Fayetteville Unified Development Code specifies residential blocks be between 400 and 1,400 feet in length. The proposed Timberview Place block from West Haven Drive to Staci lane would be approximately 1,650 feet.

SUBDIVISION COMMITTEE FOUND IN FAVOR OF THIS CONDITION. SUBDIVISION COMMITTEE WOULD ALSO SUPPORT A WAIVER FOR LENGTH OF A DEAD END STREET IF A CUL-DE-SAC WERE PROPOSED AT THE END OF TIMBERVIEW PLACE AS PROPOSED AT THE TECHNICAL PLAT REVIEW MEETING.

5. Right-of-way in the amount of 35 feet from centerline of Wheeler Road shall be dedicated by this plat.
6. Street lights shall be provided with a minimum spacing of 300'. It is difficult to determine where the proposed street lights are located as they are shown under the roads/sidewalks. The preliminary plat shall be revised to clearly depict street lights with the required spacing.
7. The vicinity map does not match the proposed project boundary, and appears to include Assessor's Parcel Number 001-17650-000. Revise the vicinity map to accurately reflect the project boundary.
8. The temporary access easement filed with the Final Plat for the temporary cul-de-sacs shall be automatically abandoned at the time of the street extension to the north and west.
9. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to filing the final plat.
10. The proposed streets shall be constructed in accordance with City of Fayetteville standards.
11. Approval from Washington County Planning shall be obtained for this preliminary plat.

Standard Conditions of Approval:

12. 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).
13. 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.
14. All street names and addresses shall be approved by the 911 coordinator.
15. Preliminary Plat approval shall be valid for one calendar year.

Additional conditions:

- a. _____
 - b. _____
-

Planning Commission Action: Required: YES
☐ Approved ☐ Denied ☐ Tabled

Meeting Date: October 24, 2005

Comments: _____

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

Signature

Date



Arkansas Department of Health and Human Services

Division of Health

Paul K. Halverson, DrPH, Director



P.O. Box 1437, Slot H-72F Little Rock, AR 72203-1437

• 479-521-8181

• TDD: 1-800-234-4399

Mr. Mike McDonald, P.E.
McDonald Properties
4266 Carson Drive
Fayetteville, AR 72701

October 14, 2005

RE: West Haven Estates
Starr Lane off Wheeler Road
Fayetteville, AR.

Dear Mr. McDonald:

This office has received the proposed preliminary plat of the West Haven Subdivision. The soil test and pit location have been submitted.

After review of the information, approval is given for the preliminary plat by the Washington County Health Department. Final approval shall be reviewed in accordance with Arkansas Department of Health Rules and Regulations for subdivisions.

No construction is to be started on any lots until the final plans are submitted for review. If you have any questions please feel free to call me at our Fayetteville office, 521-8181 ext. 2113

Sincerely yours,

Kevin McCormick

CC: West Haven Subdivision File

Jun 09 05 11:30p

Linda Mayo

479

70

Planning Commission Appeal of
PPL 05-1733 West Haven Subdivision
Page 9 of 66**MAYO SOIL INTERPRETATION**

2861 North 56TH Street
Springdale, AR 72762
479-466-6117

McDonald Proposed Subdivision
Staci Lane
Fayetteville, Ar 72704

June 9, 2005

To Whom It May Concern,

It is proposed for a Subdivision to be developed on the property named above containing 40 +/- acres in Washington County, Arkansas. Forty-one pits were dug in various areas around the land and named by lot number. Pit results are as follows:

Lot #	Depth to Brief SWT	Depth to Mod SWT	Depth to Long SWT	ADJ Depth	System Type	Loading Rate Gal/sq.ft	Capping Fill Loading Rate Gal/sq.ft
1	21	30	--	27	Standard	0.68	--
2	22	--	--	--	Standard	0.75	--
3	16	27	--	23	Standard	0.49	--
4	15	23	--	20	Std. C.F.	0.35	0.64
5	22	30	--	27	Standard	0.68	--
6	24	27	--	26	Standard	0.64	--
7	19	25	--	23	Standard	0.49	--
8	23	29	--	27	Standard	0.68	--
9	24	27	--	26	Standard	0.64	--
10	23	25	--	25	Standard	0.59	--
11	22	25	--	24	Standard	0.54	--
12	23	27	--	26	Standard	0.64	--
13	20	26	--	24	Standard	0.54	--
14	20	23	--	22	Standard	0.44	--
15	20	29	--	26	Standard	0.64	--
16	23	25	--	25	Standard	0.59	--
17	19	31	--	27	Standard	0.68	--
18	19	26	--	24	Standard	0.54	--
19	19	25	--	23	Standard	0.49	--
20	16	24	--	21	Std. C.F.	0.40	0.68
21	26	29	--	28	Standard	0.73	--
22	23	26	--	25	Standard	0.59	--

Jun 09 05 11:30p

Linda Mayo

475

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Planning Commission Appeal of
PPL 05-1733 West Haven Subdivision
Page 10 of 66

23	17	23	-	21	Std, C.F	0.40	0.68
24	16	23	-	21	Std, C.F	0.40	0.68
25	17	31	--	26	Standard	0.64	--
26	17	27	-	24	Standard	0.54	--
27	18	29	--	25	Standard	0.59	--
28	18	27	-	24	Standard	0.54	--
29	20	27	-	25	Standard	0.59	--
30	18	29	-	25	Standard	0.59	--
31	18	27	-	24	Standard	0.54	--
32	18	-	--	--	Standard	0.75	--
33	26	-	--	--	Standard	0.75	--
34	27	-	--	--	Standard	0.75	--
35	24	-	--	--	Standard	0.75	--
36	26	-	--	--	Standard	0.75	--
37	22	33	-	29	Standard	0.75	--
38	17	24	-	22	Standard	0.44	--
39	24	-	--	--	Standard	0.75	--
40	25	-	--	--	Standard	0.75	--
41	24	38	-	33	Standard	0.75	--

As per Arkansas Department of Health guidelines, a standard septic system may be installed on the proposed lots after permit approval. Lots are sized based on three bedrooms and 370 gal/day. If Lots are to be Capping Fill systems, the appropriate loading rate is to be used with 12" deep trenches and 12" clean top soil spread over lines.

Once the Subdivision plan is prepared by an Engineer, a pit should be dug on each individual lot and reviewed by a representative of the ADH. A plan review permit application and percolation test results should then be submitted to the Little Rock Department of Health Engineering office for subdivision review and shall be signed before construction begins.

If you have any further questions, please call me at 466-6117.

Sincerely,



Linda L. Mayo, R.S.
Designated Representative
AR License 0952536

Legend: Moderate Seasonal Water Table - MSWT
Long Seasonal Water Table - LSWT

Adjusted - ADJ
Bedroom - BDRM

**Washington County Planning Department
Tech-Review Comments Memo
October 20, 2005**

Date: October 25, 2005

To: Jorgesen & Associates
Attn: Blake Jorgensen

From: Mick Frus for Juliet Richey, Washington County Planning

Re: West Haven Subdivision

After review of the above subdivision, the Washington County Planning Department's Staff, in addition to the utility companies, Washington County Contract Engineer, Health Department, Sheriff's Department, Washington County Fire Marshall, and Washington County Road Department, have the following comments:

Washington County Planning Department's Staff Comments:

According to the number(s) on the Washington County Subdivision Submittal Checklist:

4. Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.
19. Location and size of all proposed utility lines.

Washington County Roads Department Comments:

1. Part of site is in Fayetteville planning – part in County.
2. Fayetteville will inspect roads and drainage.
3. Project should be bonded to County

Washington County Contract Engineer Comments:

1. Drainage report ok.

Washington County Fire Marshall Comments:

1. Provide flow test (average).
2. Flow test on all proposed hydrants will be required prior to final plat approval.

Sheriff's Department Comments:

1. No comment

Utility Comments:

South Western Bell:

1. Request quad crossing at subdivision entrance.
2. Crossing Timberview Place from utility easement lot #35 to utility easement lot #36.
3. Any relocation or damage to existing facilities will be at the owner/developer's expense.

Cox Communications Comments:

1. Same comments as Fayetteville Tech Plat Review.

Ozarks Electric Comments

1. Same comments as Fayetteville Tech Plat Review.

If you have any further questions, please contact the Washington County Planning Office at (479) 444-1724.

WASHINGTON COUNTY PLANNING OFFICE STAFF REPORT

2615 Brink Dr., Suite 205
Fayetteville, AR 72701
(479) 444-1724
(479) 444-1786 - Fax

PB Meeting – November 3, 2005

DATE: October 24, 2005
TO: Washington County Planning Board Members
FROM: The Washington County Planning Office
RE: Project – West Haven Subdivision
Project Number – 2005-292

REQUEST: Preliminary Plat Approval for West Haven Subdivision, 52.04 total acreage with 45 lots.

BACKGROUND: The property is owned by Blind Squirrel LLC. A conditional Preliminary plat of West Haven was approved by the Planning Board February 5, 1998 total acreage of 52 split into 35 lots.

PLANNING AREA: The development is located in the Fayetteville Planning Area. Fayetteville approved this project October 24, 2005, with several conditions (attached).

INFRASTRUCTURE:

Water - The project is served by Fayetteville Water.

Sewer- This project is serviced by individual septic.

Other Utilities - The land is in the service area of Ozark Electric, Arkansas Western Gas, Cox Communications, and South Western Bell Telephone.

Streets - The property has access of WC #84 (Wheeler Road) and WC #3701 (Res. Dr. Blake Lee Lane).

PERMITS: Health Department - Before any structures may be built, a septic permit must be approved by the Health Department.

UTILITY COMMENTS:

South Western Bell:

1. Request quad crossing at subdivision entrance.
2. Crossing Timberview Place from utility easement lot #35 to utility easement lot #36.
3. Any relocation or damage to existing facilities will be at the owner/developer's expense.

STAFF COMMENTS:

Washington County Planning Department's Staff Comments:

According to the number(s) on the Washington County Subdivision Submittal Checklist:

4. Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.
19. Location and size of all proposed utility lines.

Washington County Roads Department Comments:

1. Part of site is in Fayetteville planning – part in County.
2. Fayetteville will inspect roads and drainage.
3. Project should be bonded to County
4. Note stating that County will not maintain sidewalks

Washington County Fire Marshall Comments:

1. Provide flow test (average).
2. Flow test on all proposed hydrants will be required prior to final plat approval.

STAFF REPORT:

City of Fayetteville approved this project October 24 with the attached conditions. The only items remaining to be addressed are minor utility issues (SBC) and standard notes. Staff has no issue with recommending approval of this preliminary plat contingent upon the below comments.

STAFF RECOMMENDATION: Preliminary Plat approval of West Haven Subdivision with the following conditions:

1. Addressing all of City of Fayetteville's conditions.
2. Addressing all of SBC's comments
3. Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.
4. Location and size of all proposed utility lines.
5. Part of site is in Fayetteville planning – part in County.
6. Fayetteville will inspect roads and drainage.
7. Project should be bonded to County
8. Add note stating that County will not maintain sidewalks
9. Provide flow test (average).
10. Flow test on all proposed hydrants will be required prior to final plat approval.

PLANNING BOARD ACTION: Prel. Plat: Approved _____ Denied 10/06/05 Tabled

TIM HELDER
SHERIFF



Washington County Sheriff's Office

October 20, 2005

To Whom It May Concern:

On October 20, 2005, I met with Dr. Rob Gershon and Mr. Dan Prier at the Washington County Sheriff's Office. Dr. Gershon and Mr. Prier both live in the Double Tree development located off of Wheeler Road.

Dr. Gershon and Mr. Prier wanted to address concerns about a through road within the proposed West Haven development which will adjoin the Doubletree development. Through conversations with the developer and his engineer, Dr. Gershon and Mr. Prier have developed an alternative idea which would allow emergency vehicles access from either development.

I have reviewed this idea with Dr. Gershon and Mr. Prier and find it to be acceptable for emergency law enforcement vehicle access.

Sincerely,

Jay Cantrell
Chief Deputy
Washington County Sheriff's Office



WHEELER FIRE DEPARTMENT

6946 W. WHEELER ROAD
FAYETTEVILLE, AR 72704-5744

To the Fayetteville Planning Commission:

I have been in conversation with the homeowners of Double Tree Estates. The Wheeler Fire Department feels that the addition of a twenty foot limited access passage which allows for Fire Department vehicles to enter or exit in the case of an emergency is a positive move and completely adequate for any type of emergency that the Wheeler Fire Department should encounter in either Double Tree Estates or Westhaven Housing Development.

We do not see that any additional entrances or exits in either subdivision would be of any benefit to the Wheeler Fire Department.

Respectfully,

Michael Oxford
Michael Oxford

Chief

Wheeler Volunteer Fire Department

DANIELS & KAPLAN, P.C.
ATTORNEYS AT LAW

2405 GRAND BOULEVARD
SUITE 900
KANSAS CITY, MISSOURI 64108-2519

DIRECT DIAL

TELEPHONE 816-221-3000
TELECOPIER 816-221-3006

October 10, 2005

Members of the Washington County Planning Commission:

The undersigned neighbors of Double Tree Estates were recently notified of the possible changes to the plat of the West Haven Subdivision.

Because they have not had the opportunity to evaluate and discuss the potential implications to their neighborhood, they respectfully request any decision by the Planning Commission be delayed for a period of one month so that the neighbors may have the opportunity to consider this information.

Yours very truly,



Michael J. Gorman
for the Firm

Neighbors of Double Tree Estates:

Jan Hurrell

Roger & Kay Trotter

Chris

Darbi Kun

Rob & Linda Gerson

Maureen Sokora

Rick Sokora

Richard Buck

April Webb

Eric Webb

2532 STACI Fayetteville AR

2418 Toy Dr.

1595 N. Toy AR

6114 W Jane Place

2503 Staci Ln.

6055 Jane

~ ~

2461 Staci Fay. Ar.

2541 Staci Ln

2641 Staci Ln.

Fayetteville, AR 72707

Fay, AR

Fay. Ar

FAY AR

Risa Prier 2521 Staci Lane
 Daniel Brin 5529 Staci Lane
 ER Beith 5535 W Doubletree
 J. Daniel Filler 5457 W. Wheeler
 Rick Carpenter 2575 STACI LANE FAY, AR 72704
 Jennifer Moon 2570 Staci Lay AR 72704
 Irene Haefele 2650 Staci Lane, FV. 72704
 Meredith Mda 2607 Toy, Fayetteville, AR 72704
 Jeff Long 2431 N. TOY FAYETTEVILLE, AR 72704
 Janet + Jim Norman 2515 N. TOY Fayetteville AR 72704
 Stan & John & Sandy John 2432 N TOY Fayetteville, AR 72704
 John and Carol Wright 2480 Toy Fayetteville, AR 72704
 Jason & Rebecca Wilson 2422 Staci Lane Fayetteville AR 72704
 David Elms + 5556 DOUBLETREE FAY. AR. 72704
 Jennifer Elms 5556 Doubletree Fayetteville, Ar. 72704
 Tyler Elms 5556 Doubletree Fay AR 72704
 Michael + Dottie Markuson 5662 Double Tree Dr. Fayetteville, AR 72704
 Cassandra O'Fash 2534 N Toy Dr Fayetteville, Ar 72704
 Charles & Alice Dr 2606 N Toy Dr Fayetteville, AR 72704
 Holly Stizley 2459 Toy St. Fayetteville, Ark 72704
 Emmy Luther 2584 N. Jay Dr Fayetteville, AR 72704
 Ernest Luther 2584 N Toy Dr Fayetteville AR 72704
 Melinda + Michael Thomas 6656 Gamma Pl Fayetteville AR 72704

PAGE 3

Mark & Kathy Richhardt

2563 Toy St
Fayetteville 72704

Tom & Lana Clark

2425 Stair
Fayetteville 72704

James Ted O'Keefe

2521 Toy St 72704

Rick & Janice Herring

5585 Double Tree Dr. Fay. 72704

Lucille Herring

" " "

Amy Herring

" " "

Robert R. Beitle PhD PE

**5535 W. Doubletree Drive
Fayetteville AR 72701**

Jeremy Pate
Director of Current Planning
City of Fayetteville

Dear Mr. Pate,

I am writing this letter in regards to PPL 05-1733 (West Haven S/D, 280). Should the plat receive approval it will negatively impact the rural neighborhood of Doubletree Estates. I respectfully ask you and the other members of the planning committee consider the following when this matter comes before the full Planning Committee on Monday, October 24th, 2005:

- **Our neighborhood will become a corridor effectively doubling traffic on a road that was never designed to become a major thoroughfare.**
- **There is a significant amount of foot traffic in our subdivision, and we have no sidewalks or streetlights.**
- **The concept of *connectivity* fails to create a safe environment in this unique case.**

I will expand upon each of these considerations in turn, based on my twelve years of living in the Fayetteville area since moving from the suburbs of Cleveland OH. At the time I had interviewed at several universities, and chose the University of Arkansas because of several factors which included the ability to live in a rural setting. We specifically hunted for a home that was within Fayetteville School District, and had at least an acre of land. Our realtor found our current home within the Doubletree neighborhood. We are in love with the area, especially now that we have two small children. They have grown, and we have evolved from wandering the neighborhood with strollers to riding bright and shiny bicycles. It is a simple fact that we can walk – not waste fuel – and tool about the neighborhood to visit friends who also bought homes in Doubletree for reasons just like ours. It is actually somewhat fun to come home from the University, find our other vehicle in the garage, and begin a “hunt” on my bicycle. The “hunt” is an effort to discover where my wife and children are swimming, playing, or visiting. During the “hunt” I see and talk with most of my neighbors, find the rest of my family, and get into long discussions with anybody. These experiences are typically of Doubletree: one finds people running, biking, and walking for exercise in the morning and evenings, and children moving about the neighborhood (supervised, especially for the young ones) after school or anytime of the day in the summer or on weekends.

Doubletree offers a unique setting that is quickly becoming lost in Northwest Arkansas. Approving PPL 05-1733 (West Haven S/D, 280) will significantly degrade the tranquil setting of our neighborhood.

Right now there is no pass through traffic. Doubletree Drive and Staci Lane will unreasonably bear the brunt of traffic to and from the proposed development since these streets represent direct access to Mt. Comfort/Wheeler Rd. Doubletree Drive and Staci Lane can not simply handle the combination of foot and increased traffic burden. *How can this be a safe situation? Why are we asked to bear the majority of traffic? Is this reasonable?* It is not. I daresay that although construction traffic for West Haven will be limited to the proposed entrance on Mt. Comfort/Wheeler Rd., the soon to arrive developers and real estate agents will cut through our neighborhood to show the property. Such cut throughs are virtually guaranteed, because would be buyers will be trafficked through our neighborhood and not be driven past the commercial site adjacent to the “official” entrance of West Haven.

The concept of neighborhood connectivity fails when considering this subdivision. A neighborhood that has absolutely no additional traffic now becomes a corridor. That significantly increases the risk of accident, especially when children may be involved. I believe that we have over thirty children under the age of 18 in the neighborhood, and *we have never had a traffic accident in our neighborhood!* I foresee a resounding “we told you so” the first time someone is injured. How will this be perceived?

Doubletree should not be asked to make sacrifices simply because the developer could not secure desirable access to property.

Ironically, one could consider this situation to be in direct conflict with the City of Fayetteville *Traffic Calming Policy*. The policy states

Traffic calming solutions may be warranted where there is a demonstrated need for traffic calming, and where solutions can be identified that will address the need. The needs to manage traffic through traffic calming devices might include the following:

- ☐ *Reduce neighborhood cut through traffic*
- ☐ *Reduce traffic speeds through neighborhoods*
- ☐ *Accentuate pedestrian or bicycle use*
- ☐ *Control intersection traffic flow*

Plat approval will increase neighborhood cut through traffic. Guaranteed. *There is no cut through traffic at this time!* The current road layouts in West Haven - straight and not curved - will insure that Staci Lane and Doubletree Drive could easily receive faster moving automobiles. Finally, the proposed plat does not accentuate pedestrian or bicycle use.

I am not against an individual developing their own land and creating a neighborhood that people could someday enjoy. I live in a neighborhood that was well planned and does not adversely impact another [neighborhood]. It is my hope that the developers of West Haven consider building a neighborhood that does not generate cut through traffic for Doubletree, or even the future West Haven since two stub outs exist on the proposed layout.

A simple solution exists that allows for the presence of two safe neighborhoods.

Our neighborhood and the engineering firm representing Blind Squirrel, LLC. both agree that the termination of Timber Woods Place (in West Haven) should be a cul-de-sack. Also, based on only one week of consideration, the residents of Doubletree also believe that any connection to Staci Lane be constructed as an emergency access route. These changes are cost effective for the builder, does not permit cut through traffic, and allows for passage between neighborhoods should an emergency occur.

It is my sincere hope that the residents of Doubletree and future residents of West Haven are pleased with the findings of the Planning Committee.

Sincerely,

Robert R Beitle

Robert R. Beitle Jr. PhD PE

PS. Kindly forward this to other members of the Planning Committee.

PRIER, BURCH & SCHERMERHORN

Certified Public Accountants

A Partnership of Professional Associations

Daniel L. Prier CPA, PA
Steven W. Burch CPA, PA
Erick Schermerhorn CPA, PA

3828 N. Parkview Drive
Fayetteville, AR 72703

Telephone (479) 442-6211
Fax (479) 442-6278
dan@priercpa.com
October 19, 2005

C. 6
Planning Commission Appeal of
PPL 05-1733 West Haven Subdivision
Page 22 of 66

Bentonville: (479) 273-1301
Prairie Grove: (479) 267-2388

Mr. Jeremy Pate
Director of City Planning
113 West Mountain Street
Fayetteville, AR 72701

RECEIVED
OCT 20 2005
PLANNING DIV.

RE: PPPL 05-1733:Preliminary Plat (West Haven S/D, 280)
Scheduled for the Planning Committee meeting of October 24, 2005

Dear Mr. Pate:

Thank you for taking the time to read this. I am writing to you (both in email and hard copy) as the original home property owner in Doubletree Estates on Mt. Comfort Road. My wife, Lisa, and I built the first home in this neighborhood in 1979. We then built a home next door, at 2529 Staci Lane, and moved there in 1999. As I am sure you have already heard, Doubletree Estates is a very unique and special neighborhood and lifestyle. You will find very few places like it in northwest Arkansas. That is the reason I want to personally appeal to you, the planning commission, city council, Mayor, and County Judge to make carefully thought out and no-harm-to-us decisions regarding the proposed adjoining development's impact on our area and way of life. I would like to make the following observations and points:

1. Our neighborhood is full of children and adults, who walk, bike, play, visit, and enjoy the outdoors and each other in this semi-rural setting. We have a very real sense of community.
2. The streets do not have street lights, the entrance street is not curbed and guttered, the roads were never constructed to hold up under heavy traffic, and they have no shoulders.
3. It is a highly secure neighborhood with one entrance, and neighbors watch out for each other because they watch everybody coming and going.
4. Our neighborhood is full of people who moved here because it was designed for limited amounts of traffic and safety of children and pedestrians.
5. The West Haven development will cause extreme risk to all of the above because of the street connectivity that is proposed, the number of units in the development, and the proposed stub outs that will be connected to successive developments. These street connections coupled with the natural layout of the system will naturally channel at least 70% of the traffic from West Haven and future saddle developments onto Staci Lane and then onto Doubletree. This will force these streets to be the main artery for the whole developing system.

page 2

6. There are serious potential drainage and septic issues. I have a wonderful drinking-water well that we have used for 26 years that is down terrain from this new development. The small size of the proposed lots for West Haven are a danger point for septic system caused contamination.

Problems caused by future developments should not be shouldered by the residents of Doubletree Estates. Each development should be responsible for handling its own traffic, runoff, septic problems, security, and lifestyle. Allowing a future development to affect an existing one as drastically as this one will affect Doubletree Estates is not right. No matter how you look at it, it just is not right.

In my capacity as a citizen of Washington County, City of Fayetteville planning growth area, and City of Fayetteville business community, I strongly urge you to exercise fairness, reasonableness, rightness, and common sense in making decisions that affect the lives of the people who reside in Doubletree Estates.

Thank you for your consideration.

Respectfully,



Daniel L. Prier

cc: County Judge
Mayor of Fayetteville
Ward 4 City Council members
Planning Commissioners

From: Planning
To: Jeremy Pate
Date: 10/20/05 8:40AM
Subject: Fwd: PPL 05-1733:Preliminary Plat [West haven S?D, 280]

FYI

>>> <RBMS seaside@aol.com> 10/20/05 02:07AM >>>

Dear Mr. Pate,

My family enjoys living in Double Tree Estates at lot #35 on the corner of Staci Lane and Toy Drive. Like my neighbors, we have come to love Double Tree as a unique, successful, and caring community of friends and families that is irreplaceable. As expressed by my friends, we are all concerned about the proposed connections of Double Tree Estates and New Haven subdivision, and the impact that these connections will have upon our lifestyle and property value. We all value Double Tree Estates as a exemplary model of rural life and idyllic smaller community living without leap-frog style connecting neighborhoods that spread monotonously in an endless urban sprawl of suburbia.

I understand that there are certain requirements and city codes for emergency vehicles which include at least a 20-foot wide paved second access road into a neighborhood. Another important concept is the question of a need or desire for connectivity of adjacent developments. There are many reasons for connecting neighborhoods, but they may not all apply to the rural setting of Double Tree Estates. Connectivity can in some settings decrease traffic on major arterial streets. However, Mount Comfort Road is the only major traffic artery serving this area of west Fayetteville, and all neighborhoods and school access must flow along this path. Connecting Double Tree and New Haven does nothing to change or help this necessary traffic flow. As more developments have sprung up along Mount Comfort Road, the need for automobile travel has only increased. A vision of long-range development of this western area could be formulated based on other successfully developed areas such as the model community of Madison, Mississippi, a suburb of Jackson, in which single-entrance neighborhoods have been carefully planned and promoted to preserve a small-town sense of community. Connectivity can sometimes provide more continuous and direct routes; for the residents of Double Tree, a through short-cut from New Haven would increase traffic hazards for our neighborhood without significantly benefiting anyone. At times, connectivity encourages pedestrian travel such as walking and bicycling; Double Tree residents already spend a vast amount of time enjoying the safety of our streets and yards, and a connecting through street as proposed would have the opposite effect in Double Tree--as traffic flow increases, pedestrian activities here will become more hazardous and limited. Connecting developments can in some situations improve the quality of utility connections and allow for more efficient trash and recycling collection. As we are not within the city limits and use septic systems and rural trash services, this does not apply significantly to Double Tree Estates. Most importantly, connecting these areas in some way will meet emergency access standards, providing greater access and quicker response time for emergency vehicles, as well as more evacuation alternatives. I believe that the manner in which this access is achieved can be pivotal in meeting the needs of all involved in this matter.

The current development proposal includes two connecting access roads between New Haven and Double Tree, one at the end of Staci Lane and one intersecting Staci Lane across the street from lot#14 in Double Tree. Only one of these

access points is needed. The access intersecting Staci Lane is in a hazardous location that has a very high pedestrian and child volume-this access could be eliminated from the current proposal. I would like to make an alternative suggestion for the second access point at the end of Staci Lane. In the plans, Staci Lane extends through New Haven to form a long through-street feeding directly and unnecessarily into Double Tree, decreasing the safety and beauty provided by shorter, curved streets. Instead, Staci Lane could end at its intersection with Timber Woods Place. Timber Woods could be extended through past lots # 26 and 30. This would be a more aesthetic design, and could enhance the development by encouraging slower traffic. Rather than a wide 2-way street, the emergency access connection could be a 20 foot wide, gently curved, emergency access -only, coming from the end of Staci Lane in Double Tree to intersect with Timber Woods Place. Next to this access road, a neighborhood park with benches and playground area would actually promote the goals of increasing pedestrian activities and neighborhood community. In this way, the city emergency vehicle requirements would be met, and "connectivity" in the ideal sense of the word can be accomplished. This road would not be a major cut-through for traffic between the two neighborhoods, but would enhance the safety and aesthetics of each with a small neighborhood park of sorts.

The residents of Double Tree are concerned about the hazards that increased traffic flow will bring to our neighborhood with its high pedestrian volume. Double Tree is a low-density neighborhood with no provisions for increased traffic load or traffic speed, as there are no sidewalks or streetlights. The number of peak-hour automobile trips and congestion at critical intersections will significantly increase as the new development is currently proposed. A traffic impact study may provide information for needed control of development in this area that has inadequate facilities to handle higher traffic volume. Destinations of new automobile and pedestrian traffic should also be considered. Increased traffic through our neighborhood will also increase exposure of our children to strangers and non-residents of either development, and increase the crime rate in our neighborhood, which is essentially non-existent now.

One other concern that is worth mentioning is that of septic systems. On my property, the septic lines inhibit grass growth, and dead areas can actually be seen in my yard on arial views of Double Tree. Many trees have been lost in Double Tree due to the septic lines, and a loss of tree canopy can be expected in New Haven, based on the experience in Double Tree.

At this time, the property owners in Double Tree Estates have many concerns. Each family has chosen this location for its rural feel, close neighborhood community, and sense of place and friendship unique to Double Tree. By connecting neighborhoods without careful planning, our successful, established neighborhood will lose some of its special appeal, desirability, and property value. Before approving the proposed connections between New Haven and Double Tree Estates, please consider the social impact of this growth upon our dear home, and the resultant traffic congestion, lost open space, increased crime, lost sense of community, and reduced quality of life and liveability in Double Tree. I do not want to feel that I have no ability to influence or be involved in development in my area, even though I may be severely affected by the changes. The neighbors in Double Tree moved here because of the special qualities we have found and value here. We do not want this to be destroyed by changes that are not carefully planned. We all understand that Double Tree is an irreplaceable asset to its residents and to Fayetteville, and is like a valuable jewel that is vulnerable to excessive growth.

I have given great thought to alternative ways to meet the needs of all parties involved in the decisions and proposals of New Haven development. I appreciate your consideration of my input. Please place this letter in the records and provide copies of it to each planning committee member. Thank you very much.

Meredith and Britt Mahan
444-8618

From: <huskerbuff1@cox.net>
To: <planning@ci.fayetteville.ar.us>
Date: Sun, Oct 23, 2005 12:38 PM
Subject: PPL05-1733 West Haven S/D:280

Mr. Pate,

My name is Steve Fruchtl, I live at 5665 Double Tree Drive in Double Tree Estates S/D. I am writing to object to the request of the above subject developers to gain access for their proposed subdivision through Double Tree Estates.

I have lived at my current address for 12 years with no issues and I hope to keep it the way it is. I have many neighbors with small children who use the streets to ride bikes, scooters, etc... Many of us also walk or jog through the neighborhood, which, by the way, does not have sidewalks.

You may have concerns with emergency vehicles gaining access into our subdivision with only one way in, one way out. Well, in my almost 13 years here, I am not aware of any issues pertaining to ingress and egress from Double Tree Estates.

I believe adding another 40 something homes and having that additional traffic through Double Tree will pose a safety risk to our residents.

We bought our homes loving them and the current flow the way it is. Please do not allow other street extensions to flow into Double Tree Estates and put the safety of my family and neighbors at risk.

Thank you for your time.

Sincerely,

Steve Fruchtl
5665 Double Tree Drive
Fayetteville, AR 72704
442-2991

October 20, 2005

Jeremy Pate
Director, City Planning
City of Fayetteville

Dear Mr. Pate:

I am writing to you in regard to the proposed West Haven Subdivision (PPPL 05-1733: Preliminary Plat, West Haven S/D. 280), which is being planned adjacent to the Doubletree Subdivision, in which I reside. I would also respectfully request that you forward a copy of this letter to all of the Planning Commission members, who will be reviewing this proposed plan on Monday, October the 24th at 5:30 p.m.

I have resided at 2503 Staci Lane, with my wife, two daughters and our dog, within the Doubletree community, since 1998. I have purposefully used the word community to describe our neighborhood, as this term accurately reflects how all of the residents who live in Doubletree feel about our neighborhood. I would like to provide you with a little bit of history in regard to how we were fortunate enough to discover this neighborhood, and about how important living here is to our family. In many respects, I believe that I can offer a unique perspective to you and the Planning Commission about our neighborhood.

Our family lives in a nice but modest home within the Doubletree community. In all honesty, I never believed that we could ever find a neighborhood as nice as Doubletree to live in. Approximately 7 ½ years ago, we attended a party at a friend's house on Wheeler road. As we have never driven out to this area of West Fayetteville, we took the opportunity to explore this area, after the party had ended. Upon discovering the Doubletree Subdivision, we drove by the house which we would eventually purchase (which had a for sale sign in the front yard), and we discussed how nice the neighborhood was, but we lamented that we could never afford to live in such an attractive subdivision. Approximately 4 months later, we learned that the house we had driven by within Doubletree was still for sale. We made an offer on the house, on the same day which we discovered it was available, and we moved into the neighborhood, 6 weeks later.

The best way to describe what it is like to live in Doubletree, is to simply use the words of our children, "Living in this neighborhood is like living in the park, with our friends. Our setting is idyllic, beautiful lots, rustic environment, nice homes, great neighbors, and a sense of unparalleled community. We are friends and neighbors, we socialize together, we sponsor several annual neighborhood get-togethers, and our children play with each other. Our neighborhood is safe, has low traffic, a rural feel, and it represents our collective retreat, from the stressors of everyday life.

In terms of the proposed West Haven Development, and its potential impact on our neighborhood, I have a request: Please endorse the simple principle, that "families come first". No planning principles, standards or guidelines however well intentioned, or noble, should be able to override the guiding principle of "families come first". We are not antigrowth, against having new neighbors, or against the rights of property owners (developers), to develop their own property. What we, the residents of the Doubletree Community are for, is to maintain the quality of our neighborhood, respecting the rights of others, and gaining support of the Planning Commission to embrace the concept of "families come first", and to require that all of the involved parties to work together, in order to arrive at a mutually satisfactory solution, to this dilemma.

I am aware of these solutions that have been offered to the Planning Commission, by our neighbors, in order to resolve this challenging issue. What I am requesting of the Planning Commission is that they embrace the well considered solutions offered by our Doubletree neighbors, in order to maintain a high quality of life for the residents of Doubletree and for our new neighbors in the proposed West Haven Subdivision.

I would like to conclude by offering to you a lesson I teach in my Sunday school class. A woman was walking down a lane and observed an old man was planting a sapling by the side of the road. She stopped and asked the old man why he was planting a sapling, that he surely would not live long enough in order to see the tree reach its majestic maturity. He responded by saying that he was not planting the tree for himself, but for his grandchildren and great-grandchildren.

We therefore request that your decision in this matter be guided not only by the principle of "families come first", but also by the notion that by making decisions that are in our children's and our children's children best interests, will reverberate forward in positive ways, which we can not anticipate. I strongly believe that people of good will find a way to overcome any apparent obstacles, in service of doing what is right and just.

I greatly appreciate your consideration in this matter, and I look forward to working with you in arriving at a fair and balanced solution to this situation.

Sincerely,

Robert Gershon
Proud member of the Doubletree Community since 1997

From: "Chris Primm" <cdprimm@cox-internet.com>
To: <planning@ci.fayetteville.ar.us>
Date: Thu, Oct 20, 2005 9:06 PM
Subject: New Haven Subdivision

Dear Mr. Pate,

My family moved from Savanna subdivision in Fayetteville to Double Tree in August of 2001. We were looking for a nice wooded, country setting to live yet have the safety of neighbors. Double Tree fit this criteria perfectly. At that time people snickered at you when you mentioned living on the west side of I-540, yet we knew that we were in the best kept secret in the Fayetteville area. This is a very close neighborhood that truly cares for each other. An example of this is last year when we discovered that our two year old daughter had a tumor in her shoulder. While spending many days at Arkansas Children's Hospital, our neighbors help take care of our son and watch over our house. They also had prayer groups for our daughter during this time. We frequently have neighborhood cookouts and dinners. You just don't find this in most city neighborhoods.

I know that you are considering a proposal for the New Haven Subdivision and I have no objection to that. I think that New Haven could be another Double Tree with it's own personality and low traffic flow, kid safe area. The neighbors in this new subdivision will be welcome by the current Double Tree residents. However, we do not want to compromise the safety of Double Tree by potentially more than doubling the number of cars traveling through our streets. We have no sidewalks or streetlights which could make it even more dangerous with more traffic.

Our request is for you to allow the New Haven Subdivision to have a main access directly to Wheeler Road only. An emergency entrance/exit could be easily accomplished with a green space access on Staci should it be needed. I feel that this is not a closed minded request, it is a way to allow the progress that we all need, yet conserve the integrity of the small, quiet, and most of all safe neighborhood that we currently have.

Unfortunately, we will be out of the country when the planning meeting occurs next week. Please let this letter voice our concerns.

Thanks for your consideration and action on this.

Sincerely,

Chris and Robin Primm
2595 N. Toy Drive
Fayetteville, AR 72704
479-582-0472

From: "Ernie Luther" <luther.erny@cox.net>
To: "Planning, Fayetteville" <planning@ci.fayetteville.ar.us>
Date: Thu, Oct 20, 2005 9:26 PM
Subject: PPL 05-1733: Preliminary Plat (West Haven S/D, 280)

Attention: Jeremy Pate, Director
Subject: PPL 05-1733: Preliminary Plat (West Haven S/D, 280)

In 1998 we built our retirement home in Doubletree Estates. This location was chosen after an extensive search on both sides of town. Although within a subdivision, Doubletree's relative isolation from any significant arterial the large lots and abundant trees gave a rural feeling while maintaining reasonable proximity to the city. All together, a pleasant place to live in an active and unified neighborhood. Now our serenity is in jeopardy from the West Haven subdivision which would turn our neighborhood into a "through way".

Currently, many people of all ages walk the streets of Doubletree, day and night. After school the streets and yards are busy with kids freely moving around the subdivision, riding bicycles and scooters, walking pets, or just running. I am afraid that allowing West Haven access to our streets would quickly end, or at least severely restrict, that type of activity and the atmosphere of an open and secure neighborhood.

I would like to emphasize that Doubletree Estates was designed as a low-traffic subdivision without sidewalks and street lights. The streets are only 31 feet wide -- space for two-way traffic and one parked car only. The main entrance to Doubletree from Wheeler Road does not even have curbs or gutters. Granting West Haven access to our subdivision by opening Staci Lane would surely mean many additional trips in and out through our neighborhood with increased risks to the numerous children living here.

I can understand the City's desire to foster interconnectivity between subdivisions as a general policy. But should that policy be applied when its use would cause degradation to our quality of life and be a danger to the current residents?

I would respectfully request that the Planning Commission deny West Haven access to Doubletree Estates, or restrict such access to an emergency-only capability as has been used in previous subdivisions.

I also have reservations about the septic systems and run-off from West Haven. The soil in this area perks rather poorly. Several residents of Doubletree have had problems with their septic systems. Adding 40+ new septic systems could pose a serious problem for the ground water in the area especially with lots that are frequently smaller than those in Doubletree. Further, West Haven appears to be "up hill" from Doubletree Estates and, as such, we would be the recipient of any run-off from that development. That is a condition we do not need. Personally, we already have a soil moisture problem on our lot and soil erosion is a constant battle. Therefore, I would ask that the West Haven subdivision's lots be restricted to one acre minimum, as is the case in Doubletree Estates.

I ask that you please place this email in the records and provide copies of it to the planning commission members.

From: <Arkey1@aol.com>
To: <planning@ci.fayetteville.ar.us>
Date: Thu, Oct 20, 2005 10:45 PM
Subject: Preliminary plat [West Haven S/D, 280]

Dear Mr. Pate:

My wife and I bought lot # 8 in Doubletree Estates in 1993, which is at the entrance to our neighborhood. I stress neighborhood because this is not just a subdivision. It is a neighborhood in the true sense of the word, and what most of NW Arkansas would envy. We weren't aware that there would be a phase II, but because of the large lots and space between houses, street lights and sidewalks were not required. No problem.

If we are required to connect with West Haven subdivision, sidewalks and street lights would be a necessity. Who is going to pay for these, and why should the building of another subdivision be a burden on Doubletree? Stacy street was not built to handle the two-way traffic of a thru street. This fact would drastically change the unique character of our neighborhood. Why should our[or any] neighborhood be so altered because a connecting subdivision is ill conceived and poorly planned?

Our lot lies at the lower end of the run-off from the proposed "West Haven" We have a grave concern for the forty something septic systems draining our way. Water already stands in our back yard several inches deep when rain is heavy. If a central gravity-flow system is to be used, that leaves us in the direct run-off area. We don't like that at all! We believe there are too many small lots packed into "West Haven" They need to be larger. And just where would a central drain-field be located anyway? It isn't notated on the plat. Please, if this subdivision has to be, require it to be a compliment to Doubletree and not a deterrent.

Sincerely,

David Elms

From: "Denise Simpson" <dacsimp@cox.net>
To: <planning@ci.fayetteville.ar.us>
Date: Fri, Oct 21, 2005 12:29 PM
Subject: PPL 05-1722:Preliminary Plat (West Haven S/D,280)

Dear Mr. Pate,

I wish to add my support to Double Tree Estates neighbors who oppose PPL 05-1722: Preliminary Plat (West Haven S/D,280). Their numerous letters have outlined the potential harm that West Haven, in its current rendition, would pose to our existing quality of life. I concur with both the concerns that have been expressed and the recommended solutions that have been offered.

My family and I have called Double Tree Estates home since 1997. Prior to that we resided in numerous large cities such as Atlanta, Cincinnati, Denver and even Bangkok, Thailand. We enjoyed every location but none afforded us the combined privacy AND sense of neighborhood that we have experienced here and come to prefer. Although growth and additional development are inevitable, even desirable when handled responsibly, it is disconcerting to think the planning commission might sacrifice the feel of an existing neighborhood for the convenience of a newly proposed one.

My neighbors and I are eager to preserve our quality of life in Double Tree Estates. Please utilize the proposed solution of adjoined green space to address the need for emergency access and deny West Haven residents thoroughfares to drive through Double Tree Estates. We are counting on you and the Planning Commission to protect our investment as if it were your own.

Most sincerely,

Denise Simpson
6017 Jana Place
Fayetteville, AR
479-442-5571

CC: "Lisa Prier" <lisa@priercpa.com>

OCT. 24. 2005 2:45PM

REMAX REALTORS

NO. 1038 P. 2

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Planning Commission Appeal of
PPL 05-1733 West Haven Subdivision
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October 24, 2005

Planning Commission
Fayetteville/Washington County, AR
and any other interested parties

RE: Lot#35, of the original proposed plat of West Haven Subdivision, Fayetteville, AR

To Whom It May Concern:

As we are unable to attend today's meeting due to other commitments, we still wanted to briefly voice our desire for the West Haven subdivision to not have the through street adjoining Staci Lane near Lot# 35.

We have already signed a contract and put earnest money down on Lot#35 based on the preliminary plat with plans to buy the lot and build a home on it in the coming months. From the revised plat that we have recently seen showing the through street to Staci Lane, the reshaping of Lot#35 makes it less attractive to us as well as does the extra traffic which will be passing the lot daily.

We just wanted to voice our opposition to the connecting street and voice our request to keep the cul-de-sac as originally platted, which allows Lot#35 to remain as originally drawn.

Sincerely,


Randall and Shelly Carney

From: <Julieafish@aol.com>
To: <planning@ci.fayetteville.ar.us>
Date: Mon, Oct 17, 2005 12:17 PM
Subject: RE: PPL05-1733: Preliminary Plat (West Haven S/D 280)

Dear Mr. Pate:

Four years ago we moved from a conveniently located home on the East side of Fayetteville to Doubletree Estates. In spite of the longer drive to the by-pass and the absence of city amenities like sidewalks and street lights, we decided to build our home "in the country" on our three acres of woods in Doubletree.

Our son's have safely enjoyed riding their bicycles, scooters, running back and forth to neighborhood friends and overall enjoying our piece of "Mayberry RFD." Our neighborhood is a real community of friends watching out for each other and our children.

I understand the new philosophy of trying to connect neighborhoods within the city limits but I do not want to upend the wonderful and beautiful situation we have in Doubletree when there are other options for West Haven Subdivision. I feel this new subdivision could also have the solidarity that we have developed over the years.

Mr. Pate and planning commission members, I am asking you to consider not connecting these two subdivisions via Staci Lane. If you need emergency access between the subdivisions, I'm asking you to do a comparable idea to what occurred in the Boardwalk and Park Place subdivisions--emergency green space. Apparently, West Haven has access from Wheeler Road and the potential to purchase an additional entrance from Mr. Turner.

Please consider letting us maintain the community we've had and why we moved here originally. Thank you for listening.

Sincerely,
Julie Fish

H521-4525
C409-5096

From: tom clark <tclark@fayar.net>
To: <planning@ci.fayetteville.ar.us>
Date: Mon, Oct 17, 2005 12:41 PM
Subject: PPL-050-1733 West Haven SD 280

Dear Sirs, I have lived in Double Tree Estates for 8 years. I moved to this particular area due to the quiet, relatively undeveloped country atmosphere. I have put considerable effort and expense in clearing the 2.5 acres, planting trees and shrubs, installing a watering system, constructed out-buildings, a grape arbor and a 18 x28 swimming pool, plus extensive internal renovation of the house. I have been rewarded for this expenditure by a reappraisal and a dramatic increase in my property taxes. I realize this means my property will bring more upon sale but as I intend to live here until I die that is of little comfort

There are now forty families in Double Tree using one access road. The egress granted West Haven development will greatly increase traffic on Staci Lane and Double Tree Road. This traffic will be more that would normally found in this type of development as the entrance to West Haven is on a blind curve and to get to the West Haven entrance residents will traverse an unsightly stretch of Wheeler road. It will be safer and more pleasant to use the Double Tree entrance. I believe the added traffic will greatly degrade the quality of life that I have established for myself and my family. I should not have to suffer nor have my property degraded due to desires of another property owner.

Request NO direct hard road access between Double Tree Estates and West Haven development, instead to ensure access for emergency vechiles, request Staci Lane connect to West Haven via a green space access and road. This emergency road will satisfy the connectivity guideline and preserve the character and flavor of our neighborhood. Thank you for your consideration, please ensure this correspondence is provided to the Planning Board for the 24 October meeting.

Tom Clark, 2425 Staci Ln

From: "Jack C. Kern" <jkern@uark.edu>
To: <planning@ci.fayetteville.ar.us>
Date: Mon, Oct 17, 2005 2:55 PM
Subject: West Haven Subdivision

To: Jeremy Pate, director of current city planning
From: Jack Kern, home owner in Double Tree Estates
Date: October 17, 2005
RE: PPL 05-1733:Preliminary Plat (West Haven S/D, 280)

Dear Mr. Pate:

In 2001, we purchased a lot in Double Tree Estates and built a home. Since that time, we have enjoyed the safety that comes with a self-contained neighborhood with no through traffic. We bought in this location for that reason. Although the neighborhood is without sidewalks and street lights, we feel comfortable allowing our two young children to enjoy days and evenings in the company of other neighborhood children.

While I understand the general principle of connecting streets between neighborhoods, I don't feel that principle should override the safety and community that has been established with an existing neighborhood. At the same time, I feel that future home owners of Westhaven would equally appreciate a neighborhood with no through traffic. With future connection that will likely occur at the 'stub out' points in Westhaven, Staci Lane could become a major through street from multiple subdivisions as the fastest way to Mt. Comfort Road and I-540. I don't feel that would have been the intent when Double Tree Estates was initially approved.

I am asking you to disallow connection of these two subdivisions via Staci Lane. If you need emergency access between the subdivisions, our neighborhood has come up with a comparable idea to what occurred in the Boardwalk and Park Place subdivisions -emergency green space. Given the current number of homes in Double Tree, and proposed homes in Westhaven, this would seem to be an adequate compromise.

I respectfully request that this letter be forwarded to the members of the planning commission, and become part of the legal record. Thank you for your time and attention.

Sincerely,

Jack C. Kern
Homeowner, Double Tree Estates

443-6716 - home
263-0010 - cell

From: "Jason Wilson" <jwilson@msnwa.com>
To: <planning@ci.fayetteville.ar.us>
Date: Mon, Oct 17, 2005 8:39 PM
Subject: PPL 05-1733:Preliminary Plat (West Haven S/D, 280)

Dear Mr. Pate,

We built a home and moved to Double Tree Estates in 1996. We chose Double Tree because it was a small neighborhood in which the homes were spread out. This gave us the benefit of neighbors while at the same time we had the feel of living in the country. We soon came to find out that Double Tree Estates was a very special neighborhood in terms of the sense of community between the neighbors. This sense of community is something that is often lamented in the media as a lost American ideal and yet that has been successfully fostered in Double Tree Estates due to the limited scope of our neighborhood.

The neighborhood over time grew from about 10 - 15 homes to approximately 40 homes; however, the closeness of the neighborhood remained. The home of Rob & Linda Gershon is central to the neighborhood and located at the intersection of Double Tree Drive and Staci Lane. Practically every day there are multiple neighborhood kids playing at their house. There are currently about 50 kids under the age of 18 who live in the neighborhood. They also host several neighborhood "get togethers" at their house each year. These range from a Memorial Day picnic to a Fall campfire and hayride.

One of the things we liked about the neighborhood was the limited amount of traffic in the neighborhood due to their being only one entrance/exit. This prevents all of the "pass through" traffic that you get in many of the larger, "connected" neighborhoods in Fayetteville. One of the reasons we chose Double Tree Estates as a place to raise our small children was the limited amount of traffic going through the neighborhood. It is very comforting to be able to allow your children to ride their bicycles up and down the street without a major concern of someone "passing through" the neighborhood and hitting them.

When Double Tree Estates was built, it was designed as a smaller neighborhood which was meant to be limited in access. It therefore was designed without many street lights and without any sidewalks. With the limited amount of traffic that we have in the neighborhood, neither of those are a problem. However, if the amount of traffic increased, this lack of infrastructure, could cause our roads to become very dangerous for walking or riding bicycles.

We have seen a plat of the proposed West Haven subdivision and are quite concerned about the connectivity between West Haven and Double Tree Estates. This is because the proposed connectivity will certainly increase (potentially double) the traffic that passes through Double Tree Estates. We are concerned that this increased traffic flow will decrease the quality of life we have in Double Tree Estates. This is also a safety issue in our minds due to the Gershon home, a neighborhood hub described above, being directly on the path of this volume of traffic.

We understand the city's desire to connect neighborhoods. However, we feel we have something special in our neighborhood and ask that you allow us to preserve what we currently have by enabling us to limit the traffic flowing through Double Tree Estates. If you feel a need for two ways for emergency vehicles to

access both neighborhoods, I would ask that you simply allow for an "emergency right of way" between the neighborhoods which would not be for everyday traffic. It is my understanding that this has already been done successfully in several neighborhoods around Fayetteville.

Thank you for your consideration of this issue and I ask that you please place this letter in the records and provide copies of it to the planning commission members.

Sincerely,

Jason & Rebecca Wilson

CC: <lisa@priercpa.com>

From: "Fish, Cassandra" <cassandra.fish@tyson.com>
To: <planning@ci.fayetteville.ar.us>
Date: Tue, Oct 18, 2005 11:33 AM
Subject: PPL 05-1733:Preliminary Plat (West Haven S/D, 280)

Dear Mr. Pate,

I was transferred to northwest Arkansas earlier this year. I tried to find a house in the country with some acres to purchase in the Fayetteville school district but was unable to find such a property. I was not interested in living in any of the other northwest Arkansas communities so I settled on Doubletree Estates because it offered the most "country-like" setting I could find. I specifically bought there because it is a small, self-contained neighborhood of few houses on one to three acre lots with no street lights and is outside the city limits (3 miles west of I-540).

There is only one way in and out of our heavily wooded, "natural setting" neighborhood -exactly the quiet, beauty and safety I was seeking and not the unfortunate treeless sprawl of many of the developments in the area.

I am in the process of adopting a child and intentionally chose a home located in an extremely kid-friendly and kid-safe neighborhood. The children in our neighborhood are able to safely ride bikes and scooters up and down the streets (sometimes with pets in tow), walk to one another's homes and set up lemonade stands--generally move about with out fear and all under the watchful eye of our tight-knit community.

I do not object to the West Haven development that is planned adjacent Doubletree. I do however strongly object to plans to link the two neighborhoods with through streets. I do support any plans for an emergency entrance via a green space between the the two neighborhoods-but that is all.

I object to these plans because they will forever alter the quality of life in Doubletree which is the only reason I chose to buy there. Had I known our peace and safety would be forever changed by these plans, I would not have made my home there.

Thank you for your consideration and please pass my letter on to the Planning Commissioners. Perhaps I will have a chance to meet you next Monday evening as I will be in attendance at the Planning Commissioners meeting. My neighbors and I are quite serious about voicing our concerns and making it crystal clear that we intend to protect the original intended quality of life in Double Tree.

Had I wanted "connectivity" in my neighborhood, I would have not chosen to live in the country.

Respectfully,

Cassandra Fish
Senior Director
Tyson Foods, Inc.
479-290-7475 office

From: "Emmy Luther" <luther.erny@cox.net>
To: <planning@ci.fayetteville.ar.us>
Date: Tue, Oct 18, 2005 7:15 PM
Subject: PPL 05-1733: Preliminary Plat (West Haven S/D, 280)

Dear Mr. Pate:

I thank the planning commission for granting us time in which to provide our thoughts and feelings on West Haven subdivision that could have such an impact on Doubletree Estates. Please put my letter "on record" for further meetings and provide a copy to the other committee members.

We moved to Fayetteville in 1998 after having found our subdivision 2 years earlier. The land lies pretty; and the size and number of mostly oak trees can literally take your breath away. There are a lot of "double trees" in the acreage and we are lucky to have some of them on our lot too. Finding really first-quality craftspeople in these 2 counties in NW Arkansas was just the forte* we needed to build "the retirement house of our dreams". And that was just the beginning!

Neighbors in Section 1 always walked the streets with their kids and/or dogs and everyone welcomed us in Section 2. We have a neighborhood party at least 4 times a year and most of these celebrations take place at the intersection of Doubletree Drive and Staci Lane. Doubletree is an incredibly special neighborhood—children playing in streets and yards are "music to the ears". We have a lifestyle of "neighbor...friend."

I am deeply concerned about the impact that the proposed West Haven Subdivision is going to have on Doubletree Estates.

First, that many lots generate a lot of traffic—during construction as well as after homes are occupied. Permanent connectivity to Doubletree via Staci Lane is a disaster! Think of it! Hundreds of dump trucks—you know how most of those are driven, contractor vehicles by the dozens and finally 40 families with an average of 2 cars per family making usually more than one round trip out of the neighborhood every day. Then add school buses, mail delivery, more delivery vehicles (i.e., UPS, Fed Ex), more trash collection vehicles, more door-to-door hucksters—and lots more children and adults on these streets and that's an invitation to disaster!!! Day or night.

Doubletree Drive is only 30 feet wide. There are "no parking on Doubletree Drive" signs. It's a small, thinly blacktopped street with ditches on both sides and with no curbs, gutters, or street lights. The only "pole lights" in here are for "individuals" in Section 1. Section 2 streets are 31 feet wide—a whole foot wider—because it does have curbs and gutters. However, again, no sidewalks; no streetlights.

Our streets are not wide enough for cars to park on both sides of the street and for 2 more vehicles to pass comfortably between them. Even though the cul-de-sacs were constructed so there tentatively could be future development off them, these streets just are not of a size or quality to permanently support all

of the additional traffic generated to build out and sell to West Haven too.

I understand that connectivity for fire and rescue services has been provided in other subdivisions with "green space". >From conversations with rural firefighters, I understand also how difficult it is to bring in fire trucks, hoses, ambulances, police, and first-responder vehicles to limited areas. "Green space" between Doubletree and West Haven could serve both of us as it is doing in other areas.

Second, I really don't want to give up the personal security that this neighborhood provides because it doesn't have through streets that could be "getaways". My husband travels out of town and I'm left to "keep the home fires burning". No matter how caring my next-door neighbor is, he could never protect me.

Finally, I think there are too many lots on the West Haven acreage to sufficiently handle sewer and septic fields or to control runoff that would come into our neighborhood. Sewers and drainage are issues that seem to be "big" in Fayetteville now. I am concerned whether or not they will be sufficiently addressed before the subdivision goes forward.

Visit Doubletree Estates. See how special it is. This is a great neighborhood—don't ruin it.

Please give us the consideration you would wish to have for your own home. Again, I thank you for your past cooperation and for taking time to read my letter.

Sincerely,

Emma L. Luther

Doubletree Estates

Fayetteville AR 72704-5959

Copies: Please provide to all other committee members

From: "Irene Haefe" <fleatoo@cox.net>
To: <planning@ci.fayetteville.ar.us>
Date: Wed, Oct 19, 2005 9:14 AM
Subject: PPL 05-1733: Preliminary Plat (West Haven S/D, 280)

October 19, 2005

To Mr. Pate and the SUBDIVISION COMMITTEE, as well as the PLANNING COMMISSION:

My husband, Ray, and I are new to the State of Arkansas and the neighborhood of Doubletree. We moved here seven months ago after living in Oklahoma City for twenty-one years. Leaving our family and friends was hard, but "The Natural State" is winning our hearts with its friendly people and lovely natural environment. With development in NW Arkansas, that will be a challenge for you to maintain. Our new home is Lot #37, at the north end of Staci Lane as it now exists. We are at the end of the cul-de-sac, and our property extends east to the middle of a deep ravine. Deer run through our backyard, and last week a huge owl sat on my deck with me. The neighbors have all come to introduce themselves, usually as they are "meeting and greeting" on their evening strolls. We've had many neighborhood events, including picnics and Fourth of July celebration. This is definitely a "country" neighborhood; a perfect example of what Arkansas wants to present as a way of life.

Development is inevitable, but there has to be a better solution than the sacrifice of an exemplary neighborhood. Please put my concerns on record about the proposed subdivision of West Haven. Thank you.

Sincerely,
Irene Haefe
2650 Staci Lane
Fayetteville, AR 72704

From: April Wolfe <april@aprilwolfe.com>
To: <planning@ci.fayetteville.ar.us>
Date: Wed, Oct 19, 2005 12:00 PM
Subject: PPL 05-1733: Preliminary Plat (West Haven S/D, 280)

Dear Mr. Pate,

Five years ago, my husband and I began searching for a home in the northwest Arkansas region. We looked all over northwest Arkansas and finally found what we considered to be the best kept secret in the area, Double Tree Estates. We purchased property at 2541 Staci Lane and have resided there since early 2000. We love the neighborhood so much that we are verbally committed to also purchase additional property on Staci Lane in Double Tree and have plans to build a 6000 square foot luxury home on the property. We opted for this property even over the highly sought after Clear Creek subdivision in Johnson. We think Double Tree Estates is that special. We have three children, Deric (13), Brandon (8) and Summer (2) and are very comfortable letting our kids play in the front yard, ride their bikes and have the freedom to be children. Our neighborhood has several group get-togethers each year and we are a very close nit group. We all look out for each other's kids. My son often makes the journey down Staci Lane on his bike to play with the Keever's son or vice versa. The children from nearby Toy Street are often found playing ball in the Markuson's yard. Nearly all the children can be found at one point or another in the Gershon's yard playing, as it is a central meet up point for everyone in the neighborhood. This is not your typical subdivision.

Yesterday, I sat on my front porch after my kids got home from school and watched as the school bus dropped students off and they ran to their homes to change clothes and then come out to play. I saw bike riders and walkers of all ages. A spontaneous game of touch football broke out. The girls at the end of the street were having fun playing with chalk and throwing balls. I realized sitting there that all of this was about to change with the addition of the new West Haven subdivision. Our children will no longer be free to play like this but will instead, constantly be looking over their shoulders in fear of being struck by a dump truck due to the construction traffic that will be our problem for the next 10 years. They can live in fear of the additional 176 cars that are certain to be our problem from this point further – not to mention the new access point that will give an additional entry to goodness knows who. Simply put, the streets will no longer be safe.

The West Haven subdivision proposes 44 new homes with two access points onto Staci Lane and one access point onto Wheeler Rd. To go forward with these changes would be disastrous for the Staci Lane residents. First, the entrance to Double Tree estates on Double Tree Lane has no street lights, side walks and is not curb and guttered. While Staci Lane is curb and guttered, there are neither sidewalks nor streetlights. If one assumes that each home has two cars, and that each new neighbor makes a minimum of two trips per day that is 176 more cars on our road each day. This does not include construction traffic or other traffic such as delivery vehicles or visitors. The streets in Double Tree were not constructed to deal with this level of traffic and the addition of sidewalks and streetlights, while helpful, will not make the streets safe enough to accommodate this additional influx of traffic. Furthermore, currently, Double Tree Estates is outside the city limits, making us not eligible for city police support. We will not benefit from police patrols and protection that I believe would be needed once dual or triple access points are provided to the neighborhood.

As it stands now, the single access point to Staci Lane is a protection against crime and some of the things that a larger neighborhood with more access can bring.

I understand that there are two issues that the city looks at when providing neighborhood access.

One issue is connectivity to alleviate an influx of traffic onto one road such as Wheeler Road. With all due respect, I can assure you that by providing connectivity between Double Tree and West Haven you will be creating the very situation that you are striving to prevent. The proposed plat with access to Staci Lane will force nearly all traffic from West Haven onto Staci Lane thus making Staci Lane a congested street that is not designed to handle that type of traffic volume.

Second, I understand there is an issue about emergency access. It has come to our attention that in the past, waivers have been granted for this issue with a compromise of "green space" for emergency access being reached. I believe this was the solution for East Fayetteville neighborhoods Boardwalk and Park Place. I also believe a similar agreement was reached for the residents of Mt. Sequoyah. I respectfully request that the committee consider taking this approach with the neighborhoods of Double Tree and West Haven and provide no access to Staci Lane through West Haven subdivision.

The committee has an opportunity to do something very

special and unique. It has the opportunity to keep the landscape of west Fayetteville as unchanged as possible, while still allowing growth. In addition, West Haven subdivision has the opportunity to duplicate this successful formula that Double Tree has accomplished. I challenge the city planning commission to make the tough decision and do what is right - keep these neighborhoods separate, with a green space of emergency access between the two. And should the committee choose not to do so - I ask that they look each child that currently resides in Double Tree Estates in the eye and explain to each of them why their safety isn't as important as connectivity between neighborhoods. There is no excuse for ignoring the safety of our children and our streets.

Mr. Pate, please see that all of the planning committee members receive a copy of this letter.
Thank you.

From: <BELINDSUE@aol.com>
To: <planning@ci.fayetteville.ar.us>
Date: Wed, Oct 19, 2005 12:15 PM
Subject: Double Tree Estates

Dear Mr. Pate,

As you make decisions planning for the new development next to us, please consider our comments. We have lived here for 10 years, and ask that nothing is allowed to develop that will decrease the value of our property or the value of our home life.

The proposed addition of a street coming off of Wheeler Rd. would directly effect our property as we would have an intersection in front of our house. Please conserve as much green space as possible to keep Fayetteville as natural and unique in as many areas as possible.

We are turned off by the subdivisions that have gone up so quickly, with houses that all look alike and crammed in as close as possible. Please do your part to maintain a unique character to Fayetteville, and the inevitable growth enhances a life of quiet, nature, and community. We love our house and our neighborhood, but also Fayetteville and the uniqueness it has to offer.

Sincerely,

Rick and Belinda Carpenter

From: rick herring <rherring@gmail.com>
To: <planning@ci.fayetteville.ar.us>
Date: Wed, Oct 19, 2005 5:40 PM
Subject: Double Tree Estates/ New Haven developments

Dear Mr Pate,

I know you have received numerous e-mails from my neighbors opposing access to the new New Haven development through Double Tree Estates. I would like to add my voice to theirs. We have lived here since 1992, probably among the first five or ten houses out here. We were attracted to the neighborhood because we have the feel of being in the country, yet we are reasonably close to the conveniences of the city of Fayetteville. The limited access and traffic was a great plus too. We had a blind and disabled son and this neighborhood offered him the freedom to get out of the house and play like other kids without us having to worry too much for his safety. This would not have been possible in a normal neighborhood given his limited vision and other physical disabilities. Sadly, he passed away last year from the underlying disease that caused his disabilities. However, we now have my mother living with us after my father's death last year, and have much the same situation due to Alzheimer's. We never leave her alone, but if she did happen to wander off during one of her treks in the yard, we know that she would be safe even if she happened to get in the street. We also know that we would soon have a neighbor calling us to tell us where she is, that she is safe, and to come pick her up. The one time she did wander off she ended up at the Gershon's, which is the central meeting place in the neighborhood. All of the "kids" end up there eventually. Linda had taken her in and was having coffee and a snack with her. This is probably pretty typical at the Gershon household with all the "children of all ages" in the neighborhood. It is at this site, as I understand it, that the proposed access to the new development would intersect ours. This is not a good situation as child traffic and increased auto traffic do not mix well. I hope that the connectivity issues can be resolved by the green space for emergency access and we can avoid the additional traffic in a neighborhood full of children on roads that were not designed for that much traffic.

Sincerely,
Rick and Janice Herring
5585 Double Tree Dr
Fayetteville, AR 72704-9590

—
Rick Herring

--
Rick Herring

From: "Sandy Johnson" <sandsjohnson@cox-internet.com>
To: <planning@ci.fayetteville.ar.us>
Date: Wed, Oct 19, 2005 10:04 PM
Subject: West Haven Subdivision access to Doubletree Estates

Dear Mr. Pate,

We lived in the Rolling Hills area for 16 years and then decided to look for property that was in a quiet area out of town. Six years ago, we found Doubletree Estates and loved it because it was secluded and had no thru traffic. We felt it was an ideal place to build our home.

The neighborhood has the sounds of children playing and coming and going between homes everyday. They don't have to worry about traffic, because those of us who live here are always careful and aware that children are playing and enjoying the outdoors.

We have neighborhood gatherings which take place at the Gershom's home on Staci. Their home attracts many, many kids who enjoy their outdoor hospitality.

Our neighborhood is safe and secure. The families do not have to worry about security. The streets are relatively narrow, there are no sidewalks, and there are no street lights. We feel that this will pose a serious driving safety risk, particularly at night, if the West Haven Subdivision traffic goes down Staci.

The value of our home is very much related to low traffic in the area. We are very concerned that the West Haven Subdivision traffic will significantly reduce our property values and decrease our personal and community security.

Please consider another alternative for the West Haven Subdivision outlet.

Thank you for your consideration.

Steve and Sandy Johnson
2432 N. Toy St.
Fayetteville, AR 72704

Please forward a copy to all of the committee members.
443-7199

CC: <mayor@ci.fayetteville.ar.us>, <Ward4 pos1@ci.fayetteville.ar.us>

Doubletree proposal

- While the developer has the right to develop land, compromise must occur
 - Doubletree must not shoulder traffic burden
 - Development of West Haven needs to realize this fact
- Proposal has safety and connectivity at heart

Elements of proposal

- **Paved access at Staci Lane**
 - 20 foot wide
 - Fire, police, ambulance can pass
 - Acceptable under city rules
 - Greenspace replaces some of the pavement
- **Timberview Pl**
 - cul-de-sac
 - Traffic does not dump to Staci Lane and Doubletree Drive

Proposed West Haven

Microsoft Internet Explorer

File Tools Help

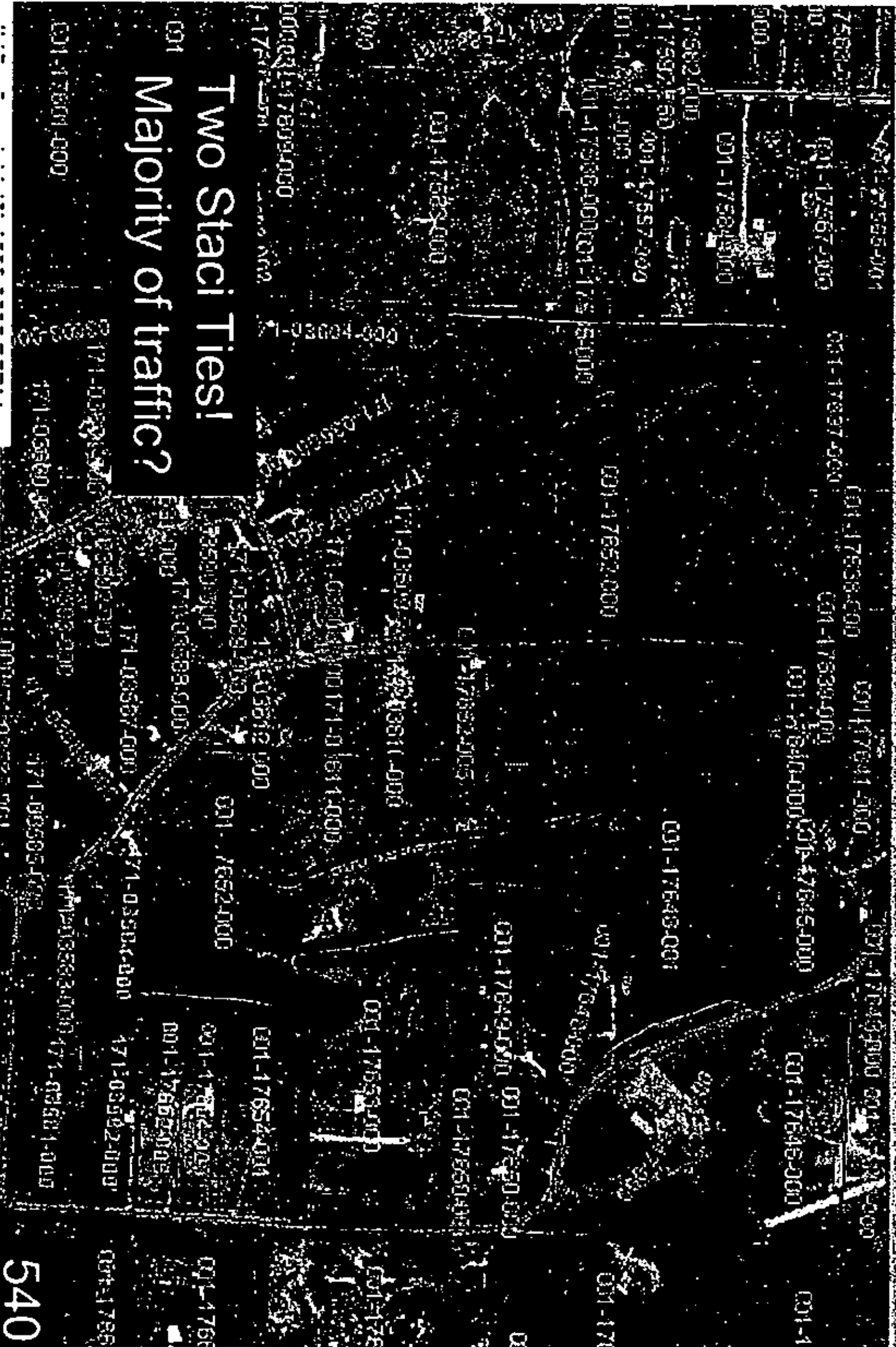


http://co.washington.ar.us/website/washington_county/viewer.htm

ton County

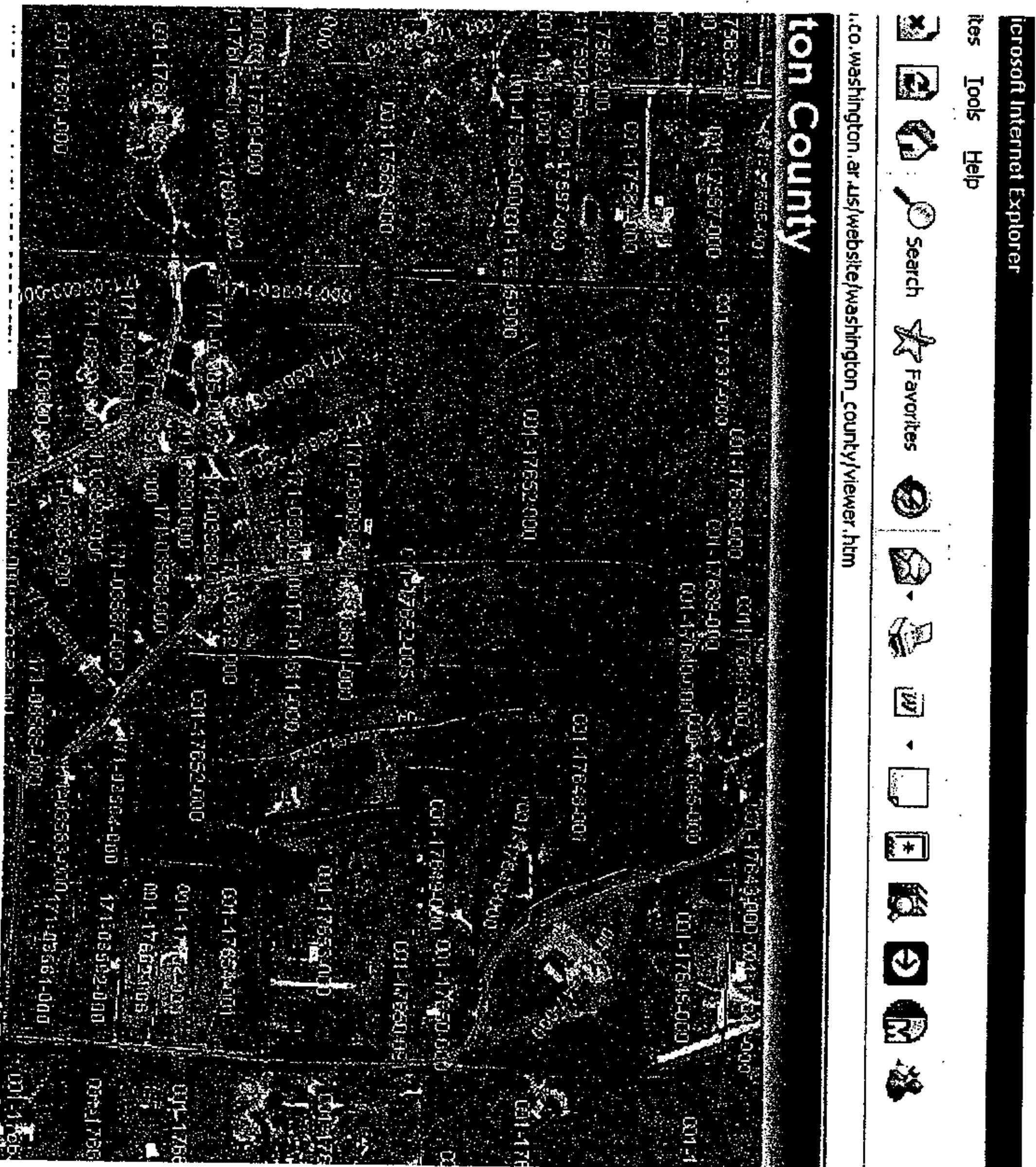


ton County



540 & Town

Subcommittee recommendation



Concerns about Staci Lane/ Doubletree Drive

- Built under “county” standards
- No streetlights and sidewalks
- Not very wide
- Lots of foot traffic
- Right through the center of the neighborhood

Show pictures

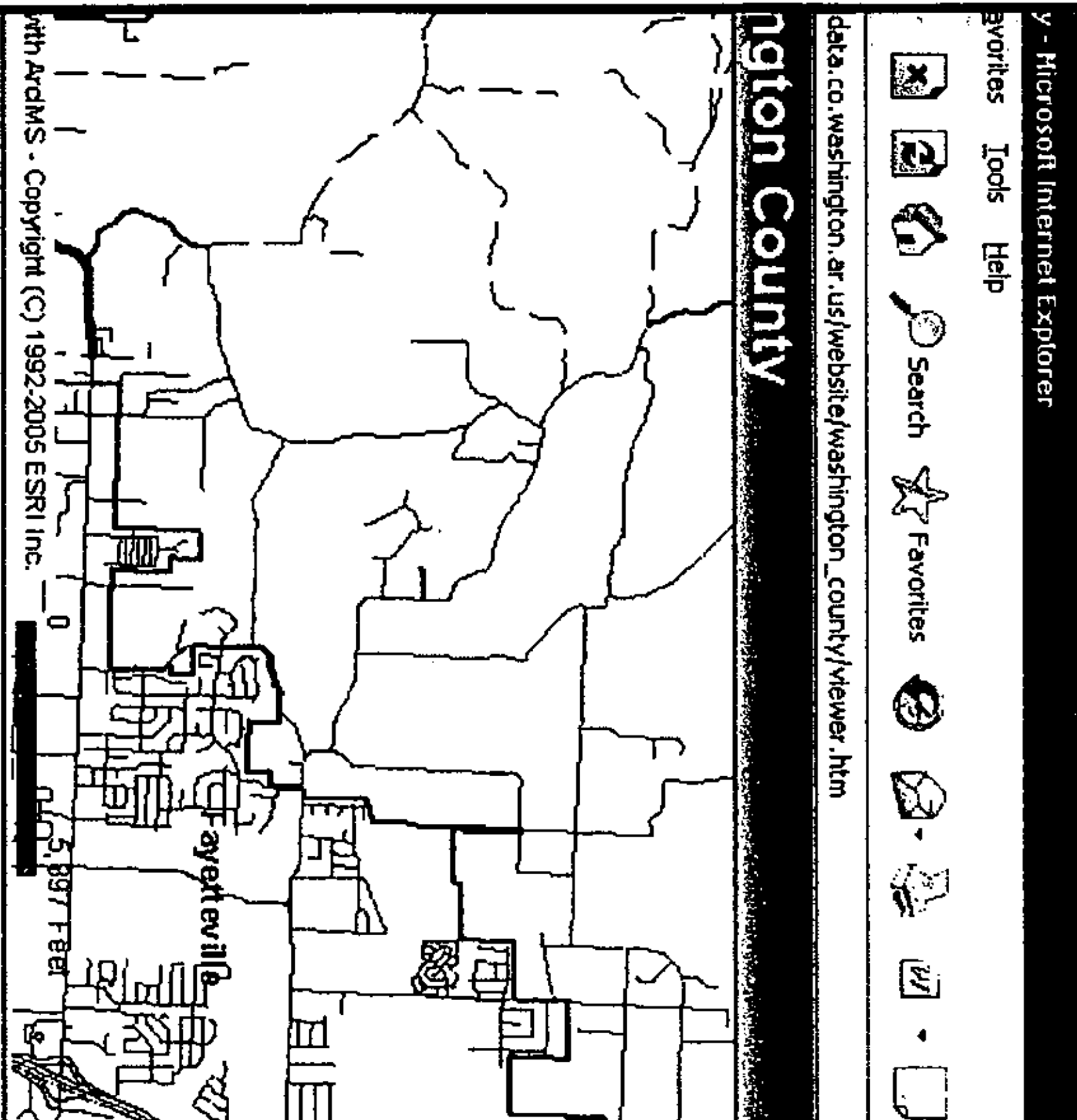
Neighborhood connection

- Staci Lane connection is for safety
 - Fire
 - Ambulance
 - Police
 - Traffic increase conflicts with this concept
- Staci Lane connection is for connectivity
 - Neighborhoods (walking, biking)
 - Master street plan
 - Conflicts with safety if road promotes cut through

Connectivity

- Limited access at Staci Lane does not critically impact master street plan
- Policy of master street plan notification was not in place when we bought homes
 - “signs shall be installed... stub out indicating future extension”
 - We bought homes in the country on roads that are not “collector streets”

- Should areas develop, you can easily continue master street plan
- If the areas do not develop, is connectivity an issue?
- Either way, you can then SOLELY rely on city standard streets with informed homeowners



Support for proposal

- Support letters received
 - County Sheriff
 - Wheeler Fire
- Jorgensen & Associates
 - Met 10/23 with neighborhood
 - Agreement on cul-de-sac (Timberview Pl)
 - Does not oppose limited access

That's the technical, now the personal

- **We bought homes in the country**
 - Country feel
 - Country “standards”
 - Feeling that is disappearing in NWA
- **Neighborhood is awesome**
- **Planning has an awesome responsibility**

Internet

Washington County



Map created with ArcIMS - Copyright (C) 1992-2005 ESRI Inc.

- Layers**

Visible Active

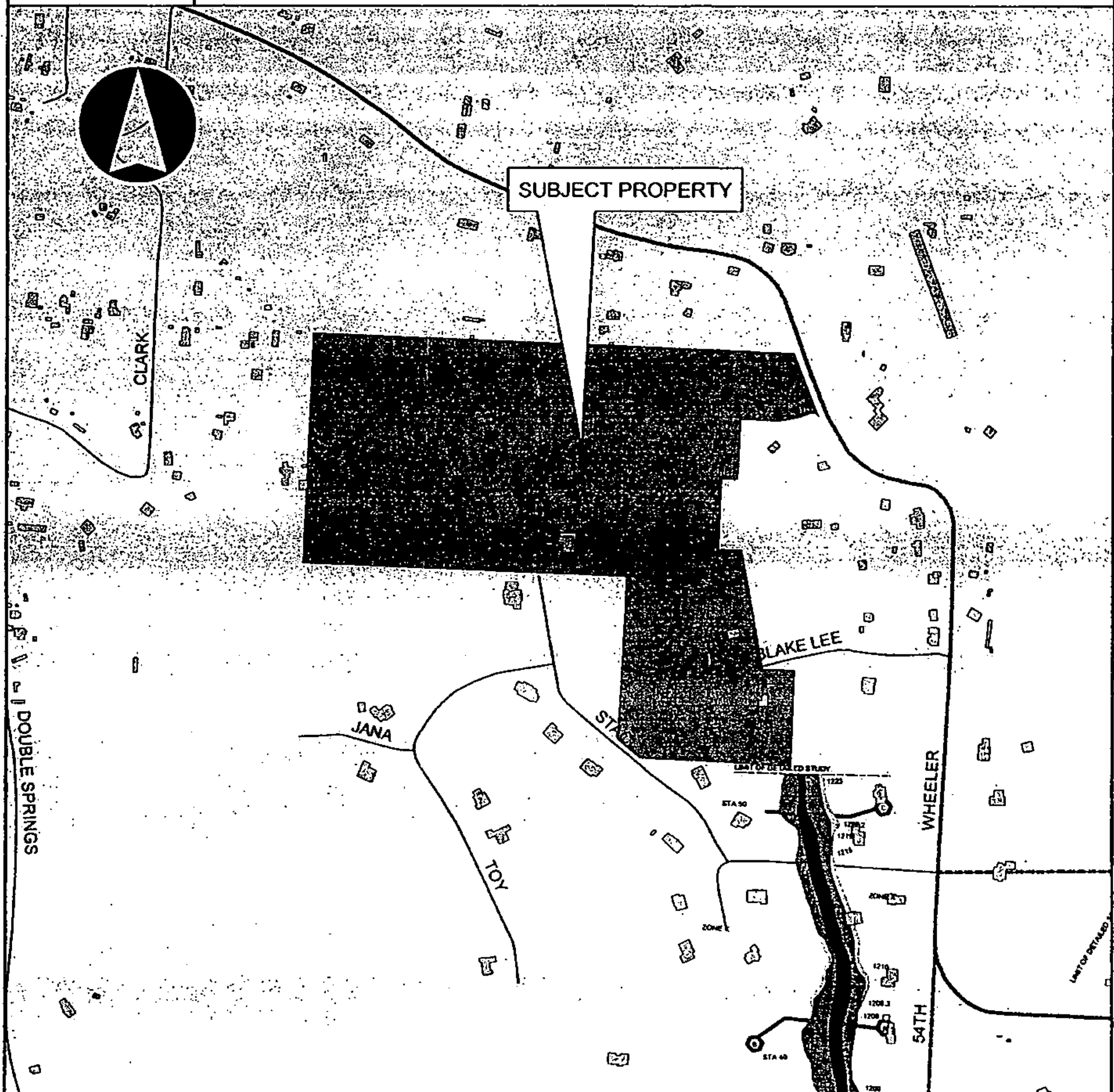
☐	☒ Building Addresses
☐	☐ DEM Addresses
☒	☐ County Street Centerlines
☐	☐ Building Footprints
☐	☐ 2005
☐	☐ County Parcel Labels Black
☒	☐ County Parcel Labels Green
☐	☐ 100' Contours
☐	☐ 50' Contours
☐	☐ 25' Contours
☒	☐ County Parcels
☐	☐ S-T-R
☐	☐ City Limits
☐	☐ County Boundary
☐	☐ USGS Soils
☐	☐ Timber Cover
☐	☐ LIDAR2004
☒	☐ AERIALPHOTO2004
☐	☐ AERIALPHOTO2006
☐	☐ AERIALPHOTO2006

Internet

PPL05-1733

Close Up View

WEST HAVEN S/D



Legend

Overlay District

— FLOODWAY

————→ 100 YEAR

500 YEAR

--- LIMIT OF STUDY

-- -- BaseLine Profile

☐ Fayetteville

☐ Outside City

PPL 05-1733

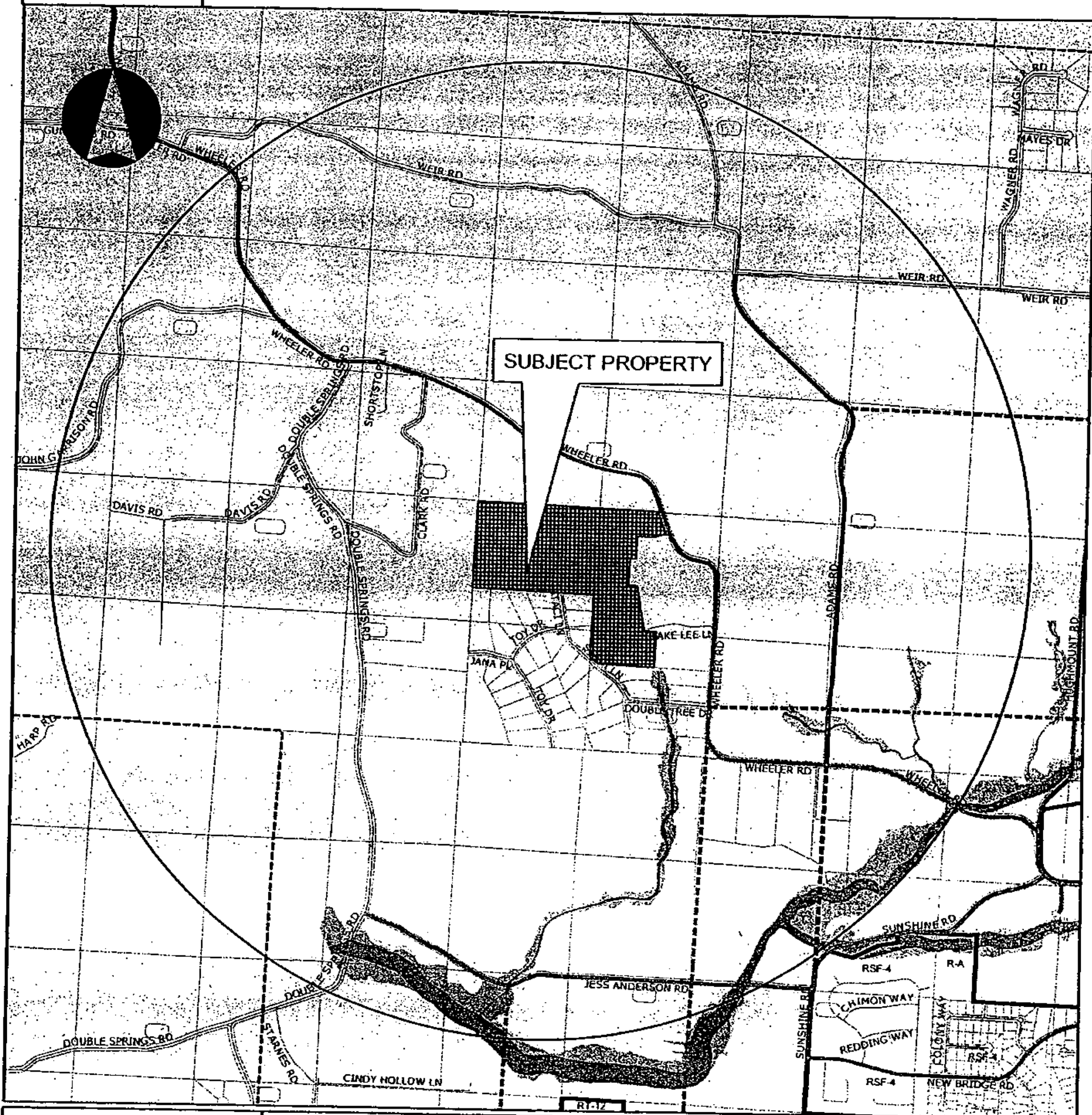
streets



PPL05-1733

One Mile View

WEST HAVEN S/D



Overview

Legend

Subject Property

PPL05-1733

Boundary

Planning Area

Overlay District

Outside City

0 0.125 0.25

0.5

Legend

0.75

1

Miles

ALDERMAN AGENDA REQUEST FORM

C. 7
Amend Chapter 117.37
Taxi Drivers Permit
Page 1 of 2

FOR: COUNCIL MEETING OF: 11-15-05

FROM: Alderman Robert Reynolds

ORDINANCE OR RESOLUTION TITLE AND SUBJECT: An Ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an Emergency.

APPROVED FOR AGENDA:


Robert Reynolds, Alderman

11/11/05
Date


David J. Whitaker
Assistant City Attorney (as to form only)

10/27/2005
Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING §117.37 (C) OF THE CODE OF FAYETTEVILLE TO CLARIFY THE REQUIREMENTS TO OBTAIN A TAXI DRIVERS PERMIT IN THE CITY OF FAYETTEVILLE; AND DECLARING AN EMERGENCY.

WHEREAS, the current Taxicab ordinance incorrectly requires Taxi Drivers to possess Commercial Drivers Licenses; and,

WHEREAS, the State of Arkansas does not issue Commercial Drivers Licenses for the purpose of driving a taxicab; and,

WHEREAS, it is therefore impossible for the Fayetteville Police Department to issue Taxi Driver Permits under the current requirements.

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

Section 1. That § 117.37 (C), Code of Fayetteville is hereby repealed, and the following is inserted in its stead:

- (C) Before any application is finally passed upon by the Chief of Police, or his duly-appointed representative, the applicant shall be required to present a current Arkansas Drivers License, with the appropriate endorsement allowing the transport of passengers for hire.

Section 2 Emergency Clause. That the City Council of the City of Fayetteville, Arkansas, hereby finds the clarification of the requirements to obtain a Taxi Drivers Permit is necessary to ensure that taxi operators are able to continue providing for the transportation needs of the citizens of the City of Fayetteville, and because of such, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and APPROVED this 1st day of November, 2005.

APPROVED

By: _____

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

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

15-Nov-05
City Council Meeting Date

Frank Johnson
Submitted By

Division

Police
Department

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to S & K Carriages.

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 ☐

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Department Director

10/28/05
Date

City Attorney

10/28/05
Date

Finance and Internal Service Director

10/28/05
Date

Mayor

Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police 

DATE: October 26, 2005

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for S & K Carriages

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to S & K Carriages.

Background:

Fayetteville City Ordinance §117.81 requires operators of nonmotorized passenger transport services to obtain a Certificate of Public Convenience and Necessity prior to operation.

Discussion:

Attached is a copy of Mr. Schreckhise's application for his certificate.

Mr. Schreckhise is making this request for up to 4 carriages. He will be providing proof of insurance and his Certificate of Veterinary Inspection.

RESOLUTION NO. _____

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO S & K CARRIAGES FOR THE OPERATION OF A NON-MOTORIZED TRANSPORTATION SERVICE.

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 grants a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a Non-Motorized Transportation Service.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED

By

DAN GOODY, Mayor

ATTEST

By:

SONDRA SMITH, City Clerk

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Steven Schreckhise

Kelly Boger

Applicant Name

Address

Phone Number

S & K Carriages

Name of Business

Steven 435-0640

Kelly 435-8433

Phone Number

18792 Strawberry Plant Rd. Fayetteville, AR 72704

Business Location

18792 Strawberry Plant Rd. Fayetteville, AR 72704

Mailing Address

Carriage Co.

Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Steven Schreckhise 8378 Autumn Run Ln. Rogers, AR 72756

Kelly Boger 18792 Strawberry Pl. Rd. Fayetteville, AR 72704

Name of person to whom complaints should be directed:

Steven or Kelly

Type of Permit Requested:

Taxicab

Limousine

Other

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

N/A

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Steven is a horse trainer and has 10 yrs experience w/ carriages and drove carriages on Kansas City Square.

Kelly was raised w/ horses and livestock and animal training. He is a fill in carriage driver for other carriage co.

Give any facts you believe tend to prove the necessity of granting a certificate:

Weddings and entertainment

List the number of vehicles that will be under your operation or control:

4

Minimum and Maximum number of vehicles to be permitted:

1
Minimum

4
Maximum

List the location of proposed depots and terminals:

Fayetteville Square

Describe the color scheme or insignia to be used to designate your vehicle:

black, white, and silver

List your days and hours of operation:

evenings, weekends, and special occasions

List any days you do not propose to provide taxicab service to the general public:

N/A

List your proposed passenger rate schedule:

Adults 10.⁰⁰ Children \$ to 10 yrs. 5.⁰⁰ 3 yrs + under free

Police Department Representative

Date

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

C. 9
USABLE Life and Blue Cross Insurance Renewal
Page 1 of 6

11/15/2005
City Council Meeting Date

Michele Bechhold
Submitted By

Human Resources
Division

Finance & Internal Services
Department

Action Required:

Approve renewal of the City's group benefit plans for 2006. Staff recommends that the City exercise the 2006 option to renew with Arkansas Blue Cross Blue Shield and USABLE for health, life and long term disability plans.

\$ 3,211,211.00
Cost of this request

\$ -
Category / Project Budget

Program Category / Project Name

Various
Account Number

\$ -
Funds Used to Date

Program / Project Category Name

Project Number

\$ -
Remaining Balance

Fund Name

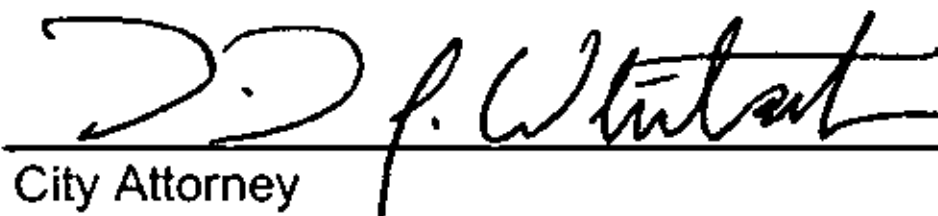
Budgeted Item ☐

Budget Adjustment Attached ☐


Department Director 10/27/05
Date

Previous Ordinance or Resolution #

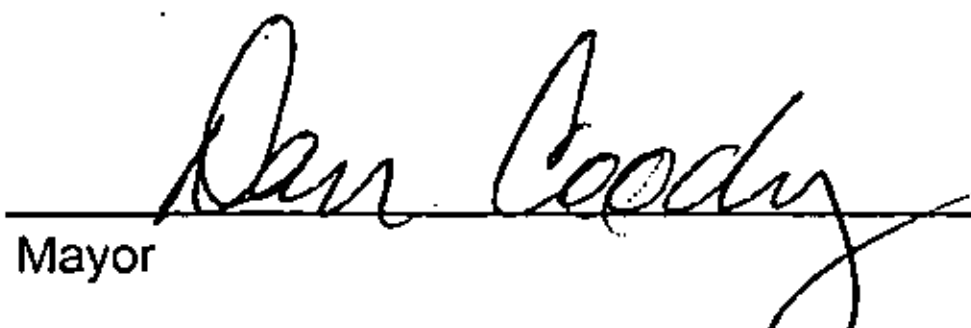
Original Contract Date:


City Attorney 10/28/05
Date

Original Contract Number:


Finance and Internal Service Director 11-2-05
Date

Received in City Clerk's Office
ENTERED
See 10/27/05


Mayor 10/28/05
Date

Received in Mayor's Office
ENTERED
10/28/05
PH

Comments:



City Council Meeting of November 15, 2005

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and City Council
THRU: Stephen Davis, Finance & Internal Services Director
FROM: Michele Bechhold, Human Resources Director
DATE: October 24, 2005
SUBJECT: Group Insurance Renewals for Plan Year 2006

Recommendation

Staff recommends approval of the renewal for group benefit plans with our existing carriers for the plan year 2006. The option to renew for 2006 would be the second of five one-year options to renew approved by Council in 2003. The original five (5) year term began in 2004. As part of the renewal with Blue Cross Blue Shield, Staff recommends adding a mail-order prescription drug benefit to the existing plan and offering a voluntary option for enrollment in a consumer driven health plan.

Discussion

The City's benefits broker, Hoffman-Henry represented by Jeff Jackson, negotiated renewal rates with the respective carriers of each of the offered benefit plans. Mr. Jackson met with the Wage & Benefit Committee and with senior management staff to discuss the results of the negotiations. These results are summarized below by type of benefit.

Major Medical – The initial renewal offer from Blue Cross Blue Shield, (BCBS), was a 2.2% increase over current rates for the same coverage. After negotiations, BCBS offered a 1% reduction in rates for the same benefits and a 0% increase on a benefit package that would retain all current coverages at the same level and add a mail-order prescription drug benefit. This mail-order drug benefit would allow for the purchase of a three month supply of maintenance medication for the cost of two months co-pay.

For example, if an employee taking a high blood pressure medication has a monthly co-pay of \$30 purchased a three month supply from a pharmacy; the cost to the employee would be \$90. If this medication was purchased through mail-order, the cost for a three month supply would be \$60. Over a one-year period the employee would save four \$30 co-pays or \$120 by purchasing through mail order.

The chart below reflects 2005 premiums and the proposed 2006 premiums for the recommended renewal of the core benefit plan.

MONTHLY MEDICAL PREMIUMS – 0% Increase with Mail Order Prescription Benefit

	2005 Individual	2005 Family	2006 Individual	2006 Family
City	\$202.04	\$453.24	\$202.04	\$453.24
Employee	\$9.16	\$60.46	\$9.16	\$60.46
Total Premium	\$211.20	\$513.70	\$211.20	\$513.70

Voluntary Consumer Driven Health Plan Option – As part of this year's renewal process Mr. Jackson introduced a consumer driven health plan design incorporating a Health Savings Account (HSA). Both the Wage and Benefit Committee and Staff recommend offering this as an option to employees. This plan combines a high deductible health plan with a tax-favored savings account for medical expenses. This plan option would be attractive to those employees who prefer to save for possible future medical expenses instead of paying a pre-determined premium amount regardless of incurred medical costs.

Health savings accounts were authorized in the Medicare Prescription Drug Improvement and Modernization Act of 2003. Offered in conjunction with a qualified health plan, both employers and employees can contribute to an HSA up to annual limits allowed by law. Employees contribute on a pre-tax basis, earnings on the account are not taxable, and withdrawals spent on health care services are not taxable. If an employee spends any money from this account on non-medical expenses they incur a tax penalty. The savings account is employee owned and is portable.

The qualified health plan, which is tied to the HSA account, is intended to function as coverage for large claims, not first dollar coverage. The plan has a \$3000 individual deductible, \$6,000 family deductible and 100% coverage after the deductible is met. There are no drug co-pays. Wellness benefits are paid at 100% up to an annual maximum of \$500.

The premiums for this plan represent an approximate 40% decrease over the cost of the City's regular major medical plan. Mr. Jackson's recommended funding formula for this plan is outlined below. The combined total of the City's contribution to the HSA and the monthly premium are equal to the City's current cost for the major medical plan. This situation allows for the creation of an additional benefit option without creating additional benefit expense to the City. It is expected that the premiums for this plan would remain fairly level for at least three years.

PROPOSED FUNDING MODEL FOR THE OPTIONAL CONSUMER DRIVEN HEALTH PLAN.

Coverage Type	City Paid Monthly Premium	Employee Paid Monthly Premium	City Contribution to Health Savings Account	Minimum Employee Contribution to Health Savings Account	Total City Cost
Individual	\$131.24	\$0	\$70.80	\$9.00	\$202.04
Family	\$296.59	\$0	\$156.65	\$9.00	\$453.24

Life & Disability Insurance – Staff recommends renewing with USAbLe Life with no change to the rates for Life, Accidental Death & Dismemberment, and Long-term Disability coverage. Mr. Jackson did bid out these products and received bids from four additional carriers. Due to complicated matters surrounding differing contract language, benefits and waiver of premium issues for those currently receiving disability benefits, Staff and the Wage & Benefit Committee want to continue to evaluate the available options. If a change of carriers is recommended, it can be accomplished during the 2006 plan year.

Dental Plan – Dental premiums are 100% employee paid. Delta Dental proposed a 13% increase over current rates. Based on this information, Mr. Jackson bid out the plan and quotes were received from three additional carriers. After reviewing this information, the Wage & Benefit Committee recommended that the City renew with Delta Dental. The three other bids did not present any significant premium savings and the dentist network they offered was not as extensive as Delta's network. The 2005 and 2006 monthly dental rates are on the following page.

	2005 Monthly Dental Rates	2006 Monthly Dental Rates
Individual	19.46	21.99
Family	64.28	72.64

Voluntary Vision Plan – Starmount, the current carrier, was selected in 2003. There will be no change in the premiums for 2006.

Budget Impact

This renewal presents no additional rate driven costs over the 2005 Budget. The cost of these benefits is budgeted within the various program budgets for 2006.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION EXERCISING THE SECOND OF FIVE ONE-YEAR OPTIONS TO RENEW EMPLOYEE GROUP POLICIES WITH USABLE LIFE TO PROVIDE LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE COVERAGE, AND WITH BLUE CROSS/BLUE SHIELD FOR THE GROUP MEDICAL PLAN.

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 exercises the second of five one-year options to renew employee group policies with USABLE Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby exercises the second of five one-year options to renew the Blue Cross/Blue Shield Group Medical Plan.

PASSED and APPROVED this 15th day of November, 2005

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

RESOLUTION NO. 173-04

A RESOLUTION EXERCISING THE FIRST OF FIVE ONE-YEAR OPTIONS TO RENEW EMPLOYEE GROUP POLICIES WITH USABLE LIFE TO PROVIDE LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND LONG TERM DISABILITY INSURANCE COVERAGE, AND WITH BLUE CROSS/BLUE SHIELD FOR THE GROUP MEDICAL PLAN

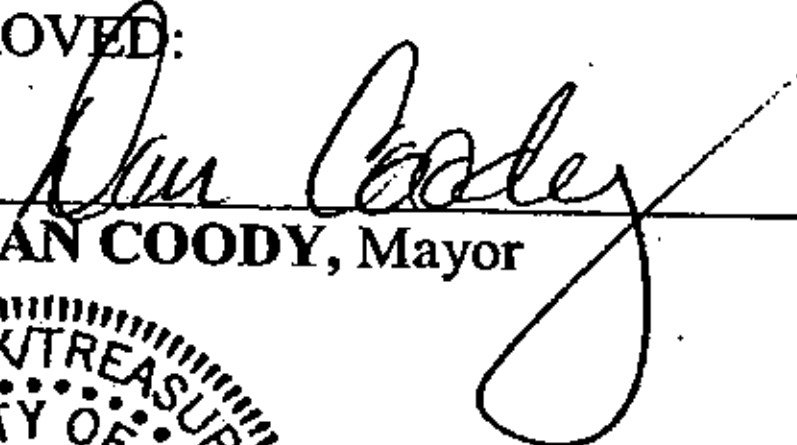
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby exercises the first of five one-year options to renew employee group policies with USable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby exercises the first of five one-year options to renew the Blue Cross/Blue Shield Group Medical Plan.

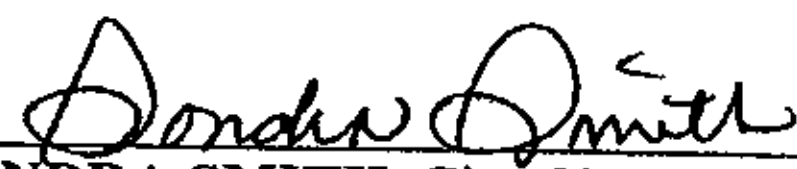
PASSED AND APPROVED this 1st day of November 2004.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

SONDRA SMITH, City Clerk



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

C. 10
Manage Wastewater Collection and
Treatment Activities
Page 1 of 4

15-Nov-05
City Council Meeting Date

David Jurgens

Submitted By

Water/Wastewater

Division

Water/Wastewater

Department

Action Required:

Approval of a Resolution stating that the City of Fayetteville is Designated Management Agency for Wastewater Collection and Treatment of Domestic Wastewater for the sewer system owned by the City of Fayetteville. There is no cost involved.

\$0.00

Cost of this request

N/A

Account Number

N/A

Project Number

\$ 113,011,587.00

Category/Project Budget

\$ 86,416,864.33

Funds Used to Date

\$ 26,594,722.67

Remaining Balance

Wastewater System Improvement

Program Category / Project Name

Water and Wastewater

Program / Project Category Name

Water/Sewer

Fund Name

Budgeted Item

☒ XX

Budget Adjustment Attached

[Signature]

Department Director

27 Oct 05
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

[Signature]

City Attorney

10/28/05

Received in City Clerk's Office

ENTERED
11/28/05
[Signature]

[Signature]

Finance and Internal Service Director

11-2-05
Date

Received in Mayor's Office

ENTERED
10/28/05
[Signature]

[Signature]

Mayor

10/28/05
Date

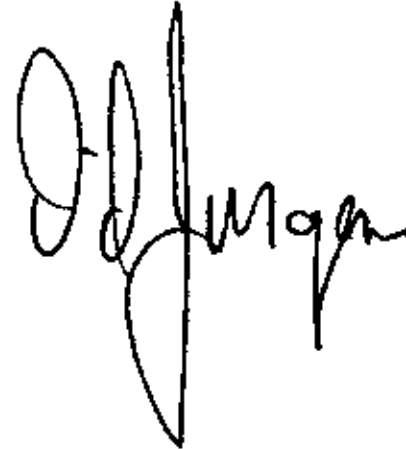
Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: David Jurgens, Water/Wastewater Director



Date: October 27, 2005

Subject: Resolution Stating that the City of Fayetteville is a Designated Management Agency for Wastewater Collection and Treatment of Domestic Wastewater

RECOMMENDATION

Fayetteville City Administration recommends the City Council adopt the resolution designating the City of Fayetteville as a Designated Management Agency for Wastewater Collection and Treatment of Domestic Wastewater for the sewer system owned by the City of Fayetteville.

BACKGROUND

In order to secure a Revolving Loan Fund (RLF) loan with the Arkansas Natural Resources Commission (previously the Arkansas Soil and Water Conservation Commission), the City Council must adopt a resolution stating that the City of Fayetteville is a Designated Management Agency for Wastewater Collection and Treatment of Domestic Wastewater.

DISCUSSION

This resolution is required pursuant to Section 208 of the Federal Water Pollution Control Act of 1972 as amended. It requires that the Designated Management Agency be formally identified as such and execute an annual plan update. The City's Capital Improvement Plan, wastewater system master plan, and annual budget meet the requirements of the annual plan update.

BUDGET IMPACT

Failure to adopt this resolution will result in the City being unable to obtain RLF funding.

RESOLUTION NO. _____

**A RESOLUTION TO MANAGE WASTEWATER COLLECTION
AND TREATMENT ACTIVITIES UNDER SECTION 208 OF THE
CLEAN WATER ACT**

DESIGNATED MANAGEMENT AGENCY RESOLUTION

WHEREAS, the Arkansas Department of Environmental Quality has been designated by the U.S. Environmental Protection Agency (EPA) to prepare the Section 208 Statewide Water Quality Management Plan and the planning area includes all Counties in Arkansas; and

WHEREAS, the Environmental Protection Agency regulations published pursuant to Section 208 of the Federal Water Pollution Control Act Amendments of 1972 require an annual plan update and the designation of a management agency with the responsibilities thereto; and

WHEREAS, the Arkansas Department of Environmental Quality is the Designated Management Agency to accomplish the continuing planning effort and will continue to coordinate the continuing planning effort.

**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 agrees to accept the designation as the Designated Management Agency for wastewater collection and treatment of domestic wastewater in the Fayetteville, Washington County, Arkansas service area and assume the duties and responsibilities of that agency as outlined in the Statewide Water Quality Management Plan.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby agrees to participate in and support the continuing Statewide Water Quality Management Planning Process as outlined in the Plan.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby agrees to accept the duties and responsibilities thereof.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

11/15/2005
City Council Meeting Date

Susan Thomas

Submitted By

Public Information

Division

General Government

Department

Action Required:

Approval of a contract with UATV, a service of the University of Arkansas, for the operation of the educational channel.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Mayor

Date

Received in City Clerk's Office



Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Dan Coody

From: Susan Thomas, Public Information & Policy Advisor

Date: October 27, 2005

Subject: Education Channel Contract Renewal

RECOMMENDATION

The Telecommunications Board and City Administration recommend approval of a contract with UATV, a service of the University of Arkansas, for the operation of the education channel.

BACKGROUND

From 1991 to 1998, the City of Fayetteville approved resolutions which in their entirety stated, "The Channel designated for educational use shall be operated by the University of Arkansas, Fayetteville, for a period of two years from the date of this resolution. The University of Arkansas, Fayetteville, shall be responsible for the programming on said channel, which shall be used only for educational purposes." (see Resolution 94-91 attached). In 1998, the Council adopted a more formal contractual agreement with the University that included specific information related to how the educational channel was to be operated. The most recent contract with UATV expired in October 2002 (Resolution 145-00 and contract attached).

DISCUSSION

The revised and updated contract includes the following changes:

1. Section II.A. Part 4 was added to provide additional guidelines for the type of programming solicited for the education channel.
2. Section II.C. Part 3 was added to include the need for UATV to coordinate with the new production studio at Fayetteville High School.
3. Section II.C. Part 5 was expanded to include specific criteria for video submissions.
4. Section II.C. Part 7 was inserted to provide a process for appealing programming decisions to the Telecom Board.

The updated contract will be in effect for two years.

BUDGET IMPACT

N/A

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE UNIVERSITY OF ARKANSAS, UATV TO OPERATE THE FAYETTEVILLE EDUCATION CHANNEL FOR A TWO-YEAR PERIOD.

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 Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV, to operate the Fayetteville Education Channel for a two-year period. A copy of the agreement, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 15th day of November, 2005.

APPROVED

By: DAN GOODY, Mayor

ATTEST

By:

SONDRA SMITH, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 11
UATV Contract
Fayetteville Education Channel
Page 4 of 16

TELECOMMUNICATIONS BOARD MEMORANDUM

TO: Mayor Dan Coody and City Council

FROM: Greg Boyle, Chair, Telecommunications Board *GB*
Susan Cromwell, Member, Telecommunications Board *SC*.

DATE: October 24, 2005

RE: UATV Contract Development

The UATV contract submitted herein was unanimously approved by the Telecommunications Board at its January, 2005 meeting. The contract language came through subcommittee action to the board between Fall '04 and January '05 when Susan Cromwell was Chair. There has been considerable turn-over of the Board since that time but the following is a statement of facts regarding the development of the UATV contract. We encourage you to endorse the new UATV Contract.

The contractual language was discussed on several occasions between Fall '04 and January '05 and revised according to input from the entire board. Former board member, Eliot Nance, chaired the board's subcommittee and worked with Larry Foley at UATV to craft the new language which met all board members' criteria for each issue defined during the revision process. The UATV contract language now specifies how the channel will be shared among educational institutions, including Fayetteville public schools, paving the way for a new collaborative environment for the city's educational channel.

Thanks for your support to help the Telecommunications Board follow up to implement the contract between the City of Fayetteville and UATV.

RESOLUTION NO. 145-00

MICROFILMED

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE UNIVERSITY OF ARKANSAS, UATV, TO OPERATE THE EDUCATIONAL ACCESS CHANNEL TO EXPIRE OCTOBER 31, 2002.

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

Section 1. That the City Council hereby authorizes the Mayor and City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV, to operate the educational access channel to expire October 31, 2002. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.



PASSED AND APPROVED this 17th day of October, 2000.

APPROVED,

By: Fred Hanna

Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff

Heather Woodruff, City Clerk



**EDUCATIONAL ACCESS ADMINISTRATION
AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE
AND UATV, UNIVERSITY OF ARKANSAS**

THIS AGREEMENT is made and entered into this 17 day of October, 2000, by and between the City of Fayetteville, a municipal corporation of the State of Arkansas (hereafter City), and UATV, a service of the University of Arkansas (hereafter UATV), for the operation of the educational channel.

**SECTION I
AGREEMENT PERIOD**

A. The agreement period shall begin the 17 day of October, 2000, and shall continue until the 31st day of October, 2002.

**SECTION II
SERVICES/DUTIES**

A. UATV hereby agrees and shall be responsible for operating the educational channel for educational purposes, which shall include the following:

1. Scheduling of programs on the educational channel.
2. Cablecasting of programs on the educational channel.
3. Promoting use of the educational channel by the Fayetteville Public School district, the University of Arkansas and other educational entities in Fayetteville.

B. UATV shall provide, oversee, administer and carry out all the activities and services set out in this Agreement with such satisfactory performance as is determined solely by the City in accordance with all the terms, provision and requirements of the Agreement.

C. In furtherance of the above referenced services and duties, the parties hereby agree as follows:

1. There shall be no charge for programs cablecast on the educational channel.
2. All communication between the City and UATV with regard to matters under this agreement will be directed through the Cable Administrator, or any other such representative as may be appointed by the City, and UATV's duly appointed representative. In the event of a disagreement over the administration of this agreement either party may appeal to the Cable Board who shall make recommendations to the Mayor or City Council, as may be required.

EXHIBIT A

3. UATV will determine programming content and technical quality under the following guidelines:
- a. Local programming will be preferred over imported programming.
 - b. Promotion of commercial products and services will be allowed on the channel only if they are an indivisible part of an imported program provided free of charge to the channel. No more than 20 percent of a week's programming may contain commercial messages and no program whose sole purpose is to promote a commercial product or service will be cablecast.
 - c. A fair and equitable division of available programming hours will be made by UATV as demanded by programming produced and submitted by the various educational entities.

4. UATV will develop policies under which decisions can be made concerning the submission of programming by the various educational entities.

5. UATV will establish an Educational Advisory Committee whose makeup will give fair representation to all the educational entities who might be users of the educational channel; set up regular meetings with the Committee; and work with the Committee to promote use of the educational channel.

6. UATV shall send a representative to the Cable Board meeting to present quarterly reports on the operations of the educational channel. The Cable Administrator will notify UATV when these reports are required.

Once UATV obtains a paid staff, quarterly written reports must be presented to the Access Operations Manager to be mailed to Cable Board members in their regular monthly packet of materials. The Operations Manager will notify UATV of the deadlines for the written reports. UATV will notify the Cable Administrator when the staff is hired.

At minimum, these reports should contain:

- a. The number of hours of programming cablecast weekly during the quarter.
- b. A breakdown of the programming as to whether it is locally produced or imported; whether it is new or repeat; and from what educational entity it was submitted.

SECTION III LEGAL AUTHORITY

A. UATV assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of UATV have been fully authorized by UATV to execute this Agreement on behalf of UATV, and that such authority shall legally bind UATV to all the terms, performances and provisions herein set forth. A copy of such resolution shall be provided upon execution of this Agreement.

B. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal authority of either UATV or the person signing the Agreement to enter into this Agreement.

**SECTION IV
COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS.**

A. UATV shall comply with all applicable laws, regulations, procedures and policies of the Federal, State and local governments.

**SECTION V
CONSIDERATION**

A. In consideration for providing access to the educational channel by the University of Arkansas, the Fayetteville Public Schools, and other educational entities as shall be determined by UATV, the City of Fayetteville grants UATV exclusive control of its educational access channel.

B. Funding for any and all use of the educational channel shall be the responsibility of those providing programming for such use. UATV is not responsible for providing production facilities for the educational channel.

**SECTION VI
ENTIRE AGREEMENT**

A. This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, assertion, statement, understanding, or other commitment antecedent to this Agreement, whether written or oral, shall have no force or effect whatsoever, nor shall any agreement, assertion, statement, understanding, or other commitment occurring during the term of this Agreement, or subsequent thereto, have any legal force or effect whatsoever unless properly executed in writing and if appropriate, recorded as an addendum to, or amendment of, this Agreement.

**SECTION VII.
TERMINATION OF AGREEMENT**

A. This agreement may be terminated by either party with a thirty day written notice.

**SECTION VIII
SEVERABILITY**

A. If any section, subsection, sentence, clause, phrase or word of this Agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or word will be deemed to be a separate, distinct and independent provision, and such holding will not affect the validity of the remaining provisions of this Agreement.

UATV

By: Larry Joly

Title: Faculty Advisor

ATTEST:

By: _____

Title: _____

CITY OF FAYETTEVILLE, ARKANSAS

By: Fred Hanna, mayor

Fred Hanna

ATTEST:

By: Heather Woodruff, City Clerk

Heather Woodruff

RESOLUTION NO. 94-91

**A RESOLUTION REGULATING PUBLIC ACCESS,
EDUCATIONAL, AND GOVERNMENTAL CABLE TELEVISION
CHANNELS PURSUANT TO THE FRANCHISE AGREEMENT
APPROVED BY ORDINANCE NO. 3413, MARCH 7, 1989.**

WHEREAS, the City of Fayetteville, Arkansas and Warner Cable Communications, Inc. have entered into a franchise agreement regarding the operation of a cable television system in the city;

WHEREAS, under Section XVII of the franchise agreement, approved by Ordinance No. 3413 on March 7, 1989, the city has the obligation and authority to regulate three cable television channels designated for public access, educational, and governmental use;

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

Section 1. Public Access Channel. The channel designated for public access shall be operated by Fayetteville Open Channel, Inc. a nonprofit corporation, for the period specified in and under the terms of the contract between Fayetteville Open Channel, Inc. and the City of Fayetteville approved by Resolution No. 161-90, October 16, 1990. Fayetteville Open Channel, Inc. shall be responsible for the programming on said channel, which shall be used only for public access purposes.

Section 2. Educational Channel. The channel designated for educational use shall be operated by the University of Arkansas, Fayetteville, for a period of two years from the date of this resolution. The University of Arkansas, Fayetteville, shall be responsible for the programming on said channel, which shall be used only for educational purposes.

Section 3. Governmental Channel. The channel designated for governmental use shall be operated by the City of Fayetteville. The city shall be responsible for the programming on said channel, which shall be used only for governmental purposes; provided, however, that said channel may from time to time be made available for use by the Fayetteville Public Schools.

Section 4. Commercial Use Prohibited. The public access, educational, and governmental channels shall not be used for commercial programming or other commercial purposes.

PASSED AND APPROVED this 21st day of May, 1991.

APPROVED:

By: *Fred S. Vrenger*
Mayor

ATTEST:

By: *Sherry L. Thomas*
City Clerk

**EDUCATIONAL ACCESS ADMINISTRATION
AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE
AND UATV, UNIVERSITY OF ARKANSAS**

THIS AGREEMENT is made and entered into this ____ day of November, 2005, by and between the City of Fayetteville, a municipal corporation of the State of Arkansas (hereafter City), and UATV, a service of the University of Arkansas (hereafter UATV), for the operation of the educational channel.

**SECTION I.
AGREEMENT PERIOD**

A. The agreement period shall begin the 1st day of November, 2005, and shall continue until the 31st day of October 2007.

**SECTION II.
SERVICES/DUTIES**

A. UATV hereby agrees and shall be responsible for operating the educational channel for educational purposes, which shall include the following:

1. Scheduling of programs on the educational channel.
2. Cablecasting of programs on the educational channel.
3. Promoting use of the educational channel by the Fayetteville Public School district, the University of Arkansas and other educational entities in Northwest Arkansas.
4. Solicit and select programming from local educational institutions which:
 - a. Promotes parental involvement in education.
 - b. Supports and encourages professional development for teachers.
 - c. Disseminates information which affects the educational institutions and education professionals in Northwest Arkansas.
 - d. Educates the public about the availability of educational opportunities in Northwest Arkansas.

B. UATV shall provide, oversee, administer and carry out all the activities and services set out in this Agreement with such satisfactory performance as is determined solely by the City in accordance with all the terms, provision and requirements of the Agreement.

C. In furtherance of the above referenced services and duties, the parties hereby agree as follows:

1. There shall be no charge for programs cablecast on the educational channel.
2. All communication between the City and UATV with regard to matters under this agreement will be directed through the Cable Administrator, or any other such representative as may be appointed by the City, and UATV's duly appointed representative. In the event of a disagreement over the administration of this agreement

either party may appeal to the Telecommunications Board who shall make recommendations to the Mayor or City Council, as may be required.

3. UATV will work in cooperation with the Fayetteville Public Schools television production studio to facilitate FPS live studio broadcasts. UATV will also fully consider request from live broadcast from other educational institutions but is under no obligation to provide the studio or equipment.
4. UATV will determine programming content and technical quality under the following guidelines:
 - a. Local programming will be preferred over imported programming.
 - b. Promotion of commercial products and services will be allowed on the channel only if they are an indivisible part of an imported program provided free of charge to the channel. No more than 20 percent of a week's programming may contain commercial messages and no program whose predominant purpose is to promote a commercial product or service will be cablecast.
 - c. A fair and equitable division of available programming hours will be made by UATV as demanded by programming produced and request for live broadcasts submitted by Fayetteville Public Schools and the various educational entities.
5. UATV will maintain policies under which decisions can be made concerning the submission of programming by the various educational entities. All programming submitted to UATV for broadcast must meet the following criteria;
 - a. It must be on one of the following formats; DV Cam, Mini-DV or S-VHS
 - b. It must contain 30 seconds of bars and tone at the beginning of the program.
 - c. It must not contain any discernable audio or visual deficiencies.
 - d. Programming must be of suitable or appropriate subject matter that relates to the purposes and objectives of the Educational channel.
 - e. All pre-produced programming and requests for live broadcast must be submitted to UATV well in advance of the requested broadcast time. The UATV Staff will retain the right to determine the broadcast schedule of said programs, with full consideration given to its other programming.
6. UATV will establish an Educational Advisory Committee whose makeup will give fair representation to all the educational entities who might be users of the educational channel; set up regular meetings with the Committee; and work with the Committee to promote use of the educational channel.
7. If a program submitted for broadcast on the educational channel is rejected or determined to be unsuitable for broadcast the producer or a representative of said programming will be allowed to appeal that decision to the Telecommunications Board.
8. The UATV Staff will present quarterly written reports to the Telecommunications Board regarding the programming and operations of the station during the previous

quarter. At minimum, these reports should contain:

- a. The number of hours of programming cablecast weekly during the quarter.
- b. A breakdown of the programming as to whether it is locally produced or imported; whether it is new or repeat; live or pre-produced and from what educational entity it was submitted.

SECTION III. LEGAL AUTHORITY

A. UATV assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of UATV have been fully authorized by the University of Arkansas to execute this Agreement on behalf of UATV, and that such authority shall legally bind UATV to all the terms, performances and provisions herein set forth. A copy of such resolution shall be provided upon execution of this Agreement.

B. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal authority of either UATV or the person signing the Agreement to enter into this Agreement.

SECTION IV. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS.

A. UATV shall comply with all applicable laws, regulations, procedures and policies of the Federal, State and local governments.

SECTION V. CONSIDERATION

A. In consideration of UATV administering and supervising the programming of the Education Channel on the City's behalf, the City of Fayetteville grants UATV exclusive control of its educational access channel.

B. Funding for any and all use of the educational channel shall be the responsibility of those providing programming for such use. UATV is not responsible for providing production facilities for the educational channel.

SECTION VI. ENTIRE AGREEMENT

A. This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, assertion, statement, understanding, or other commitment antecedent to this Agreement, whether written or oral, shall have no force or effect whatsoever, nor shall any agreement, assertion, statement, understanding, or other commitment occurring during the term of this Agreement, or subsequent thereto, have any legal force or effect whatsoever unless properly

executed in writing and if appropriate, recorded as an addendum to, or amendment of, this Agreement.

**SECTION VII.
TERMINATION OF AGREEMENT**

A. This agreement may be terminated by either party with a thirty day written notice to the appropriate individual as set forth in Section II, to C.2. above.

**SECTION VIII.
SEVERABILITY**

A. If any section, subsection, sentence, clause, phrase or word of this Agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or word will be deemed to be a separate, distinct and independent provision, and such holding will not affect the validity of the remaining provisions of this Agreement.

Signed this the ____ day of _____, 2005.

UATV

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
D.O. PEDERSON
Vice Chancellor

By: _____
DAN COODY
Mayor

WITNESS:

ATTEST:

By: _____

By: _____
Sondra Smith, City Clerk

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
November 15, 2005**

A meeting of the Fayetteville City Council will be held on November 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Presentation on the findings of the 2005 Fayetteville Citizen Survey given by Molly Longstreth, Director of U of A Survey Research Center

A. CONSENT:

- 1. Approval of the October 4, 2005 City Council Meeting Minutes.**
- 2. Little Rock Equipment Sales – Trailer Mounted Crack Sealer:** A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account.
- 3. Barloworld Freightliner of Springdale – 4 Dump Trucks:** A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.
- 4. Baird, Kurtz & Dobson, LLP (BKD) Contract:** A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville.

5. **LEECO, Inc. Bid Award – SCBA Cylinder Refill System:** A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488.
6. **2005 Vehicle and Machine Fuel:** A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005.

B. UNFINISHED BUSINESS:

1. **ANX 05-1728 Zaccanti:** An ordinance annexing that property described in annexation petition ANX 05-1728 for property located south of Salem Road, east of Crystal Springs Subdivision, containing 80.30 acres. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*
2. **Planning Commission Appeal - RZN 05-1729 Zaccanti:** An ordinance rezoning that property described in rezoning petition RZN 05-1729 for approximately 60.00 acres located south of Salem Road, east of Crystal Springs Subdivision from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*

C. NEW BUSINESS:

1. **2006-2010 Proposed CIP Adoption:** A resolution adopting the proposed 2006-2010 (CIP) Capital Improvements Program.
2. **2006 Proposed Annual Budget Adoption:** A resolution adopting the proposed 2006 Annual Budget and Work Program.

- Alderman
Thiel - List
of improvements
made in the past*
3. **ADM 05-1794 College Avenue Right of Way Reduction:** A resolution to vary the right-of-way dedication requirement for 620 N. College Avenue to promote redevelopment of this property and prevent undue hardship to the developer.

- Planning Commission
minutes*
4. **R-PZD 05-1635 Fallingwaters:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1635, Fallingwaters, located east of Dead Horse Mountain Road, containing approximately 136.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

- Traffic*
5. **RZN 05-1754 Park West Heights:** An ordinance rezoning that property described in rezoning petition RZN 05-1754 for approximately 26.28 acres located at the south east corner of Highway 112 and Deane Solomon Road from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

6. **Planning Commission Appeal of PPL 05-1733 West Haven Subdivision:**

7. **Amend Chapter 117.37 - Taxi Drivers Permit:** An ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an emergency.

8. **S & K Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.

9. **USable Life and Blue Cross Insurance Renewal:** A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage, and with Blue Cross/ Blue Shield for the Group Medical Plan.

Consent 10. **Manage Wastewater Collection and Treatment Activities:** A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act.

Consent 11. **UATV Contract – Fayetteville Education Channel:** A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV to operate the Fayetteville Education Channel for a two-year period.

D. INFORMATIONAL:

Council Tour: November 14, 2005 – 4:30 PM

*Added: City of Elkins Agreement.
Need resolution from Kit.*

*Added: Mission Boulevard & Lafayette
Street Rezoning Study.*

✓ 10/26/05	11/15/05	Farthing, Marsha	Accounting	Agenda	BKD five year contract for the annual financial audit	city clerk	10/26/05	10/27/05
✓ 10/26/05	11/15/04	Johnson, Tony	Fire Department	Agenda	Action requested is resolution to award Bid #05-77 to LEECO for the purchase of a SCBA Cylinder Refill System in the amount of \$41,487.13 with a budget adjustment for \$41,487.13.	City Clerk	10/26/05	10/27/05
✓ 10/27/05	11/15/05	Thomas, Susan	Administration	Agenda	Approval of a contract with UATV, a service of the U of A for the operation of the educational channel.	City Clerk	10/27/05	10/28/05
✓ 10/27/05	11/15/05	Bechhold, Michele	Human Resources	Agenda	Blue Cross and USABLE renewal for 2006.	City Clerk	10/27/05	10/28/05
✓ 10/27/05	11/15/05	Pate, Jeremy	Planning	Agenda	RZN 05-1754 (Park West Heights, 208)	City Clerk	10/27/05	10/28/05
✓ 10/27/05	11/15/05	Pate, Jeremy	Planning	Agenda	ADM 05-1794 (620 N. College Avenue)	City Clerk	10/27/05	10/28/05
✓ 10/28/05	11/15/05	Jurgens, David	Water/Wastewater	Agenda	Approval of a resolution stating that the City of Fayetteville is Designated Management Agency for Wastewater Collection and Treatment of Domestic Wastewater for the sewer system owned by the City of Fayetteville.	City Clerk	10/28/05	10/31/05

10/28/05	11/15/05	Planning	Agenda	R-PZD 05-1635: (Fallingwaters, 685) Property located east of Dead horse Mountain Road.	City Clerk	10/28/05	10/28/05
<u>10/28/05</u>	11/15/05	Pate, Jeremy					
<u>10/28/05</u>	11/15/05	Johnson, Frank	Police	Agenda S & K Carriage Certificate of Public Convenience	City Clerk	10/28/05	10/28/05
<u>10/28/05</u>	11/15/05	Springer, Kevin	Budget	Agenda Vehicle Fuel Maintenance Budget Adjustment	City Clerk	10/28/05	10/28/05
<u>10/28/05</u>	11/15/05	Springer, Kevin	Budget	Agenda 2006 Annual Budget and Work Program Proposed Adoption	City Attorney	10/28/05	
<u>10/28/05</u>	11/15/05	Bragg, David	Fleet Operations	Agenda A resolution awarding Bid #05-75 to Little Rock Equipment Sales in the amount of \$40,992 for the purchase of a trailer mounted crack sealer for use by Transportation Division	City Clerk	10/28/05	11/1/05
<u>10/28/05</u>	11/15/05	Bragg, David	Fleet Operations	Agenda A resolution awarding Bid #05-73 to Bartoworld Freightliner of Springdale in the amount of \$360,932 for the purchase of four tandem axle dump trucks for use by Transportation Division.	City Clerk	10/28/05	11/1/05

11X14

Agenda Meeting
11/2/05

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
November 15, 2005**

A meeting of the Fayetteville City Council will be held on November 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Presentation on the findings of the 2005 Fayetteville Citizen Survey given by Molly Longstreth, Director of U of A Survey Research Center

A. CONSENT:

1. Approval of the October 4, 2005 City Council Meeting Minutes.

2. Little Rock Equipment Sales – Trailer Mounted Crack Sealer: A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account.

3. Barloworld Freightliner of Springdale – 4 Dump Trucks: A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.

4. Baird, Kurtz & Dobson, LLP (BKD) Contract: A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville.

- ✓ 5. **LEECO, Inc. Bid Aware – SCBA Cylinder Refill System:** A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488.
- ✓ 6. **2005 Vehicle and Machine Fuel:** A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005.

B. UNFINISHED BUSINESS:

- ✓ 1. **ANX 05-1728 Zaccanti:** An ordinance annexing that property described in annexation petition ANX 05-1728 for property located south of Salem Road, east of Crystal Springs Subdivision, containing 80.30 acres. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*
- ✓ 2. **Planning Commission Appeal - RZN 05-1729 Zaccanti:** An ordinance rezoning that property described in rezoning petition RZN 05-1729 for approximately 60.00 acres located south of Salem Road, east of Crystal Springs Subdivision from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre. *This ordinance was left on the Second Reading at the November 1, 2005 City Council Meeting.*

C. NEW BUSINESS:

- ✓ 1. ^② **2006 Proposed Annual Budget and 2006-2010 CIP Adoption:** A resolution adopting the proposed 2006 Annual Budget and Work Program, and the Proposed 2006-2010 Capital Improvements Program.

- ✓ 2. ^① **ADM 05-1794 College Avenue Right of Way Reduction:** A resolution to vary the right-of-way dedication requirement for 620 N. College Avenue to promote redevelopment of this property and prevent undue hardship to the developer.

- ✓ 3. **R-PZD 05-1635 Fallingwaters:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1635, Fallingwaters, located east of Dead Horse Mountain Road, containing approximately 136.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

- ✓ 4. **RZN 05-1754 Park West Heights:** An ordinance rezoning that property described in rezoning petition RZN 05-1754 for approximately 26.28 acres located at the south east corner of Highway 112 and Deane Solomon Road from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

- ✓ 5. **Planning Commission Appeal of PPL 05-1733 West Haven Subdivision:**

- ✓ 6. **Amend Chapter 117.37 - Taxi Drivers Permit:** An ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an emergency.

- ✓ 7. **S & K Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.

Change 2
resolutions

a
resolution
adopting
the
proposed
2006 -
2010
(CIP)
Capital
Improvement
Project.
CCC

Check Spelling
USA Usable
8. **Usable Life and Blue Cross Insurance Renewal:** A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage , and with Blue Cross/ Blue Shield for the Group Medical Plan.

9. **Manage Wastewater Collection and Treatment Activities:** A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act.

10. **UATV Contract – Fayetteville Education Channel:** A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV to operate the Fayetteville Education Channel for a two-year period.

D. INFORMATIONAL:

Council Tour: November 14, 2005 – 4:30 PM

"Northwest Arkansas' Most Widely Read Newspaper"

AFFIDAVIT OF PUBLICATION

I, Erin Emis, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Ainao Agunda was inserted in the regular editions on
November 14, 2005.

PO# _____

** Publication Charge: \$ 252.94

Subscribed and sworn to before me this

14 day of November, 2005.

Sharlene D. Williams

Notary Public

Sharlene D. Williams
Notary Public

State of Arkansas

My Commission Expires: _____

My Commission Expires

October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

NOV 21 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
NOVEMBER 15, 2005**

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on November 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

**Call to Order
Roll Call
Pledge of Allegiance**

Presentation on STOPS - Woodland Junior High Littering Program

A. CONSENT:

1. Approval of the October 4, 2005 City Council Meeting Minutes.

2. Little Rock Equipment Sales - Trailer Mounted Crack Sealer: A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account.

3. Barloworld Freightliner of Springdale - 4 Dump Trucks: A resolution awarding Bid #05-73 to Barloworld Freightliner of Springdale for the purchase of four (4) Tandem Axle Dump Trucks in the amount of \$360,932.00 for use by the Transportation Division for the In-house Trails Program; and approving a budget adjustment to move funds to the Fleet Expense Account.

4. Baird, Kurtz & Dobson, LLP (BKD) Contracts: A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$59,000.00 to provide independent audit services to the City of Fayetteville.

5. LEECO, Inc. Bid Award - SCBA Cylinder Refill System: A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488.

6. 2005 Vehicle and Machine Fuel: A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005.

7. Manage Wastewater Collection and Treatment Activities: A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act.

8. UATV Contract - Fayetteville Education Channel: A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas UATV to operate the Fayetteville Education Channel for a two-year period.

B. UNFINISHED BUSINESS:

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C. NEW BUSINESS:

1. 2006-2010 Proposed CIP Adoption: A resolution adopting the proposed 2006-2010 (CIP) Capital Improvements Program.

2. 2006 Proposed Annual Budget Adoption: A resolution adopting the proposed 2006 Annual Budget and Work Program.

3. ADM 05-1794 College Avenue Right of Way Reduction: A resolution to vary the right-of-way dedication requirement for 620 N. College Avenue to promote redevelopment of this property and prevent undue hardship to the developer.

4. Planning Commission Appeal of PPL 05-1733 West Haven Subdivision:

5. Mission Boulevard and Lafayette Street Rezoning Study: A resolution to refer a rezoning study and possible rezoning amendment of the Mission Boulevard and Lafayette Street area to the Planning Commission.

6. R-PZD 05-1635 Fallingwaters: An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1635, Fallingwaters, located east of Dead Horse Mountain Road, containing approximately 136.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

7. RZN 05-1754 Park West Heights: An ordinance rezoning that property described in rezoning petition RZN 05-1754 for approximately 26.28 acres located at the south east corner of Highway 112 and Deane Solomon Road from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

8. Amend Chapter 117.37 - Taxi Drivers Permit: An ordinance amending §117.37 (C) of the Code of Fayetteville to clarify the requirements to obtain a Taxi Drivers Permit in the City of Fayetteville; and declaring an emergency.

9. S & K Carriages: A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.

10. Usable Life and Blue Cross Insurance Renewal: A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage, and with Blue Cross/Blue Shield for the Group Medical Plan.

11. City of Elkins Sewer Agreement: A resolution to approve a contract with the City of Elkins concerning their sewer rates and other matters.

**D. INFORMATIONAL:
Council Tour: None**

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: **November 16, 2005**

RE: **Passed Ordinances and Resolutions from City Council meeting
of November 15, 2005**

1. **Little Rock Equipment Sales – Trailer Mounted Crack Sealer:** A resolution awarding Bid #05-75 to Little Rock Equipment Sales for the purchase of one (1) Trailer-Mounted Crack Sealer in the amount of \$40,992.00 for use by the Transportation Division; and approving a budget adjustment to move funds to the Fleet Expense Account;
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4. **LEECO, Inc. Bid Award – SCBA Cylinder Refill System:** A resolution awarding Bid # 05-77 to LEECO, Inc. for the purchase of one (1) SCBA Cylinder Refill System in the amount of \$41,487.13 for use by the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$41,488;

5. **2005 Vehicle and Machine Fuel:** A resolution approving a budget adjustment in the amount of \$54,000.00 for vehicle and machine fuel & maintenance costs for 2005;
6. **Manage Wastewater Collection and Treatment Activities:** A resolution to manage Wastewater Collection and Treatment Activities under Section 208 of the Clean Water Act;
7. **UATV Contract – Fayetteville Education Channel:** A resolution authorizing the Mayor and the City Clerk to execute an agreement between the City of Fayetteville and the University of Arkansas, UATV to operate the Fayetteville Education Channel for a two-year period;
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13. **S & K Carriages:** A resolution granting a Certificate of Public Convenience and Necessity to S & K Carriages for the operation of a non-motorized transportation service.

14. USable Life and Blue Cross Insurance Renewal: A resolution exercising the second of five one-year options to renew the employee group policies with Usable Life to provide Life, Accidental Death and Dismemberment, and Long Term Disability insurance coverage , and with Blue Cross/ Blue Shield for the Group Medical Plan.