

**FINAL AGENDA
CITY COUNCIL
JANUARY 2, 2001**

A meeting of the Fayetteville City Council will be held on January 2, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 5, 2000 City Council Meeting.
2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 2000 Budget. The items which are approved will become part of the 2001 Budget.
3. **TRAFFIC SIGNAL:** A resolution expressing the willingness of the City of Fayetteville to utilize Federal Aid Monies for the Signalization of State Highway 112 and Drake Street.

B. OLD BUSINESS

1. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178. The ordinance was left on the second reading as amended at the December 19, 2000 City Council Meeting.
2. **GRADING AND DRAINAGE:** An ordinance approving amendment to the City's Grading and Drainage ordinances. The ordinance was left on the second reading at the December 19, 2000 City Council meeting.
3. **HMR TAX:** An ordinance amending §35.20 of the Code of Fayetteville regarding the HMR Tax. The ordinance was left on the first reading at the December 19, 2000 City Council meeting.

C. NEW BUSINESS

1. **RZ00-25.00:** An ordinance approving rezoning request RZ00-25.00 as submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.
2. **EMERGENCY GENERATOR:** An ordinance waiving competitive bidding for purchasing a replacement emergency generator for use by the Police Department, authorizing Chris King Electric to install the new generator and remove the old generator and ratifying staff actions in obtaining an emergency generator to ensure emergency communications system maintains electrical power. The City's existing emergency generator is inoperable and parts are not readily available. A replacement generator is available.
3. **TREE SETTLEMENT:** A resolution approving a settlement agreement in Serafini, et al. Vs. City of Fayetteville, Arkansas, et al., CIV 2000-536.

Meeting of January 2, 2001

	<i>Roll</i>				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY	✓				

<i>Consent.</i>	<i>cu. es.</i>				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

Meeting of January 2, 2001

NIPOLISS.COM *H. C. S. Suspend Rules.* *PAGE 2*

REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
COODY					

GRADING & DRAINAGE. *H. C. S. TO TABLE*

REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					

Meeting of January 2, 2001

KS ORBZ
HMR Tax BT committee

REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
JORDAN	✓				
COODY					
	8-0.				

R2 00-2500

REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS	<i>left</i>				
SANTOS	<i>left</i>				
JORDAN	<i>on</i>				
COODY					

Meeting of January 2, 2001

Em. GENERAL	BD #1 ZND	# BD. 3210	PASS		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
JORDAN	✓	✓	✓		
COODY					
			2-0.		

TR E SETTLEMENT	to amend settlement.	KS to approve: RE settlement.			
REYNOLDS	✓	✓			
THIEL	✓	abstained			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
JORDAN	✓	✓			
COODY					
		5-2-1			

— meeting adjourned. 10:00 —

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL JANUARY 2, 2001

A meeting of the Fayetteville City Council will be held on January 2, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas

CONSENT AGENDA

- PASS*
1-01
2-01
1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 5, 2000 City Council Meeting.
 2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 2000 Budget. The items which are approved will become part of the 2001 Budget.
 3. **TRAFFIC SIGNAL:** A resolution expressing the willingness of the City of Fayetteville to utilize Federal Aid Monies for the Signalization of State Highway 112 and Drake Street.

B. OLD BUSINESS

- PASS*
4285
TABLED
ORD
Rev. Committee
1. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178. The ordinance was left on the second reading as amended at the December 19, 2000 City Council Meeting.
 2. **GRADING AND DRAINAGE:** An ordinance approving amendment to the City's Grading and Drainage ordinances. The ordinance was left on the second reading at the December 19, 2000 City Council meeting. *TABLED ON SECOND READING.*
 3. **HMR TAX:** An ordinance amending §35.20 of the Code of Fayetteville regarding the HMR Tax. The ordinance was left on the first reading at the December 19, 2000 City Council meeting.

*REFERRED TO ORD REVIEW COMMITTEE
on 1st. READING*

C. NEW BUSINESS

left on 1st ready
1. ✓ **RZ00-25.00:** An ordinance approving rezoning request RZ00-25.00 as submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial. *left on 1st Ready.*

PASS 4286
2. ✓✓✓ **EMERGENCY GENERATOR:** An ordinance waiving competitive bidding for purchasing a replacement emergency generator for use by the Police Department, authorizing Chris King Electric to install the new generator and remove the old generator and ratifying staff actions in obtaining an emergency generator to ensure emergency communications system maintains electrical power. The City's existing emergency generator is inoperable and parts are not readily available. A replacement generator is available.

PASS 3-01
3. **TREE SETTLEMENT:** A resolution approving a settlement agreement in Serafini, et al. Vs. City of Fayetteville, Arkansas, et al., CIV 2000-536.

ADJourned. 10:00

December 29, 2000

**FINAL AGENDA
CITY COUNCIL
JANUARY 2, 2001**

Instructions:

1. Remove Item No. 1, Bid 00-79, from your Tentative Agenda. The item will be placed on the January 16, 2001 City Council meeting.
2. Moved all remaining items up one number.
3. Add attached information for Emergency Generator to New Business and number C.3.
4. Add Tree Settlement to New Business. No information attached.

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
DECEMBER 5, 2000**

A meeting of the Fayetteville City Council was held on December 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna, Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young and Russell, City Prosecutor Casey Jones, City Clerk Heather Woodruff, Staff, Press, Audience.

ABSENT: City Attorney Jerry Rose.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes from the November 21, 2000 City Council meeting.

COST-SHARE

A resolution approving a budget adjustment in the amount of \$58,892.32 for the cost share with the Developer of the Cliff's PUD for the construction of Cliffs Boulevard and Happy Hollow Extension south of Cliffs Boulevard.

RESOLUTION 161-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT MINIMUM STANDARDS

An amendment to the Airport's Minimum Standards. This amendment will give the Airport Manager authorization to approve, after consultation, the insurance requirements for businesses operating at Drake Field.

RESOLUTION 162-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

The minutes were removed from the agenda.

Alderman Young moved to approve the consent agenda. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

RZ 00-24.00

An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry Martin for property located at 1209 Bailey Street. The property is zoned A-1, Agricultural and contains approximately 2.30 acres. The request is to rezone to R-1, Low Density Residential. The

ordinance was left on the first reading at the November 21, 2000 meeting.

Mr. Jones read the ordinance for the second time.

Mr. Jerry Martin, applicant, stated the property had two homes on it that were non-conforming. He bought the adjacent property. He was going to move one house from the two acre plot to the other plot. Then both properties would become conforming.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

Mr. Jones read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4279 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

RZ 00-26.00

An ordinance approving rezoning request RZ 00-26.00 as submitted by William Greenhaw, Attorney, on behalf of Wilma Jean Baker for property located at 1391 and 1393 Farmer Avenue. The property is zoned A-1, Agricultural and contains approximately 0.71 acres. The request is to rezone to R-S, Residential Small Lot.

Mr. Jones read the ordinance for the first time.

Mr. Greenhaw, applicant, stated the objective is to obtain a lot split. There were two houses on this one lot. One of the houses was occupied by the owners daughter. The other house is occupied by a tenant that had expressed a desire to buy it. The rezoning was a pre-requisite in order to obtain a lot split in order to give a good title to the tenant. There was no opposition at the Planning Commission level.

Mr. Conklin stated the Planning Division had not received any objections to this rezoning.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion the motion carried unanimously.

Mr. Jones read the ordinance for the second time.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Mr. Jones read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4280 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 00-27.00

An ordinance approving rezoning request RZ 00-27.00 as submitted by Hilda and Edward Hurtado, on behalf of Dewitt C. Goff for property located at 1819 South School. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.80 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Jones read the ordinance for the first time.

There was no public comment. The applicant was not present.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

WOODBURY PLACE

An ordinance approving a cost-share and bid waiver in the amount of \$38,135.00 with the Developers of McIlroy Plaza for the installation of a drainage pipe across the Woodbury Place Subdivision.

Mr. Jones read the ordinance for the first time.

Mr. Ron Petrie, Staff Engineer, stated McIlroy Center was being built at the corner of Salem Road and Wedington Drive. Just down stream from that is Woodbury Place Subdivision. When the Highway Department did the improvement to Wedington Drive that the pipe was inadequate and small. McIlroy Plaza was providing detention to make their pre-development and post-development flows the same. They were also extending this pipe approximately 550 feet across their site. They were also paying a percentage of the off-site improvements.

Alderman Daniel moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

Mr. Jones read the ordinance for the second time.

Alderman Austin moved to suspend the rules and go the third and final reading.
Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Jones read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4281 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WIRELESS COMMUNICATION

An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178.

Mr. Jones read the ordinance for the first time.

Alderman Austin stated the Ordinance Review Committee had looked at this for two meetings after it had been forwarded from the Planning Commission. They had received quite a bit of public input.

Alderman Santos noted they had a letter requesting to leave the ordinance on the first reading.

Mr. Conklin explained the intent of the amendment was to clarify the provision on replacement towers. Several months ago, Arkansas Western Gas had approached the Planning Division with a request for a replacement tower. At that time, it was determined by his office that what they intended to do would not be allowed under the current ordinance. Therefore amendments were proposed and brought forward to the Planning Commission. Those amendments were included in the ordinance which was read this evening. The issue was when they had an existing tower and they had to replace it, should they be allowed to replace it in a different location than the existing tower. The issue was if they had to replace it in the exact location that the existing communication tower was located, then communication would be disrupted. The ordinance addressed this issue, it would allow replacement within an area that was technically feasible. Another issue was to taking an existing tower and increasing its width. The Planning Commission had recommended that if they increased the width of the tower, that it would be limited to thirty-six inches maximum. It was limited to guide towers. The Planning Commission also had concerns with existing towers being left as the replacement tower was going up. They set a ninety-day period. They required a demolition permit. It had to be removed within ninety days. He had added sections in regard to noise requirements and compliance with Federal regulations in regard to lighting and signage, a section in regard to color of towers, structural integrity, inspections, security fencing and anti-climbing devices and vegetative screening requirement. So when they did have a replacement tower, they would have to bring their site up to those standards, just as if it were a new tower. He had received some additional language from Arkansas Western Gas. They would like to clarify some of the language.

Mr. Jeff Dangeau, Arkansas Western Gas Company, stated in Subsection D there seemed to be only a phrase. It did not really make a statement. He presented a proposed amendment to the Council.

Mr. Conklin stated Subsection D was taken verbatim from Section C under Co-location. It was the exact same wording. It talked about locating on existing towers.

Alderman Davis stated the intent of this was to have replacement towers and to ask for the twenty-foot additional height.

Mr. Dangeau stated there was an issue of how tall the replacement tower structure can be when they add the antenna to it. In their case, they had an existing structure that was 170 feet tall and on top of that there was a 20-foot antenna for a total of 190 feet. When they came to replace that tower, he wanted it to be clear on how tall the total structure and antenna could be. What they had originally proposed was to have a total height of 210 feet, 190 feet tower plus a 20-foot antenna. When they came away from there he wanted to make sure which it was. If they were going to be at 190 or 210 feet.

Mr. Conklin stated under E under exemptions in the ordinance it talked about existing tower. The ordinance stated existing towers the same height and height of the existing structure was as it currently existed. His interpretation was that when it states "tower structure" it was the actual structure of the tower. It did not include the height of the antenna. He believed the Arkansas Western Gas structure was 170 feet and they had an antenna 20 feet above that, then they should not be allowed to build a 190-foot tower and then add an additional 20 foot antenna. He felt the intent of the ordinance was to replace the same tower structure height. The reason why Section D of this ordinance was before them was to clarify that issue. They were allowed to replace the 170-foot tower and they were allowed to replace 20 feet of additional antenna height.

Alderman Davis asked he was trying to give them the ability to have a 40-foot antenna?

Mr. Conklin replied he was trying to give them the ability to have what they currently had. Which was a 170-foot tower and on any existing tower they could go an additional 20 feet up with an antenna. He was trying to have this applicant to build the same tower structure height and to add an additional 20 feet.

Alderman Davis stated when the committee was formed to write the cell tower ordinance one of the first items they discussed was if they wanted an abundance of small towers or if they wanted to encourage co-location. From the community input they received, they felt it was clear to have fewer towers and encourage co-location. It appears that they might have shorted this ordinance when they did not discuss or make a statement on actually tearing down an existing tower to replace with a tower doing the same services of the tower being replaced. In this situation, he

thought they did not want them to have to tear it down before they built a new one. This tower took care of EMS, Washington Regional and others. He could see where Arkansas Western Gas was abiding by what was the intent of the ordinance to allow co-location. If they were going to co-locate they were allowed to have an additional 20 feet in height.

Mr. Dangeau explained the amendment. If they wanted to limit the replacement tower to a total height of 190-foot they would take his proposed language. If they left it as it was written, that would leave the door open for them to construct a 190-foot replacement tower and add a 20-foot tower.

Alderman Young asked them to leave it on the first reading. He did not believe the drafts said what they wanted to intend. He was going to work on the wording. It needed to be crystal clear.

In response to questions from Alderman Davis, Mr. Conklin stated he wanted to make sure the language was the same for existing towers and replacement towers. He did not want to have to rewrite the language for existing towers. It has been his position from day one, that if they had a 170-foot tower structure that you would only be allowed to have a 170-foot tower structure and in fairness to the existing tower facility to allow them to go 20 feet more up, then the tower structure with antenna. Then he thought it would be fair for the replacement tower to have the same ability to go 20 feet and increase in height. He was concerned that having different language in this section of the ordinance from what they used for existing towers to allow them to go 20 feet up would be confusing.

Alderman Russell asked Mr. Conklin if it was his position that if they passed his version of the amendment that new and replacement towers would both be under the requirement that new or replacement tower plus antenna could be up to 20 feet higher than the previous tower, only.

Mr. Conklin replied that was correct.

Alderman Russell added if they had 190-foot tower plus antenna, that did not mean that they could go up to 210 feet.

Mr. Conklin replied no it does not. He had tried to make that clear from day one. Tower structure in his mind was the actual structure of the tower minus the antenna.

Alderman Austin stated they needed to make it clear that the height of the entire structure was the end of the tower structure and then there was some distance above that for the antenna. He questioned the advantage of the amendment.

Mr. Dangeau stated Mr. Conklin had interpreted the ordinance as requiring them to tear down the existing tower and put up the replacement tower in the exact same spot. To do that they would

have to inter-up communication for some period of time while the construction was going on. What they had proposed was to move 20 feet to the north and put the new tower up and move the antennas, then take the old one down.

Mr. Conklin stated he did not believe the ordinance would allow them to go from a 15-inch guide tower to a 42-inch guide tower 40 feet taller and in a different location and have the existing tower on Mt. Sequoyah and the new tower 20-30 feet away for a period of time. He had written a letter to Arkansas Western Gas to give them the option to appeal his decision to the Board of Adjustment. The other alternative was to clarify this section of the ordinance.

In response to questions, Mr. Dangeau stated they had hoped to have this project completed before winter. That was not going to happen. They needed to move as quickly as possible. The current tower was over forty years old. It had a lot of antennas on it. They would like to get it replaced with a stronger structure. One that would support more antennas.

Alderman Austin moved to amend the proposed amendment to include the suggestion of Arkansas Western Gas, excluding the word "or replacement tower" from the proposed adjustment.

Mr. Conklin stated he would sit down with the City Attorney to make sure that his interpretation was reflected in here. He wanted the words "or replacement" removed.

Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Michael Mulain, an area resident, stated he lived under the tower they were discussing. He was not sure where they were in the process and he did not know what the amendment was. It was his understanding that the whole issue was going to come before the Council again. He asked that the public be allowed time to review the changes.

Ms. Ann Prassel, resident, stated she had attended all the public meetings about this. She had never heard from them on how many or what type of antennas they expected to add to the new structure. What could they expect this tower to look like?

Alderman Davis asked them to provide a drawing what the tower and antennas would look like.

Mr. Dangeau stated the existing antennas would go back on the new one. There would be room for additional antennas. There would be no restrictions on what type of antennas might go up there.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

GRADING AND DRAINAGE ORDINANCE

An ordinance approving amendments to the City's Grading and Drainage ordinances.

Mr. Jones read the ordinance.

Alderman Davis stated he appreciated the eight citizens that worked on the committee with the aldermen and the staff. They found that from January 1, 1998 to present, the Engineering Department had reviewed approximately 213 construction projects of various types and sizes. Approximately 151 projects involved grading approval. Of those 23 that were giving approval in advance of drainage approval. The staff was not aware of any drainage or technical problems with any of these projects resulting from the approval grading in advance of the final drainage approval. They did not issue partial grading permits, but they have always been complete drainage permits. They had debated over the length of time it should have been the original drainage submittal and the acceptance of a final approval of the drainage calculations. With the help of the staff they had determined that 120 days was acceptable. The committee did find that seven of the twenty-three projects that had been giving grading approval in advance of the drainage approval had to be submitted more than two times before the drainage calculations were approved. This had caused concern for the committee. Some felt the additional submittal should result in additional fees. The City Engineering staff felt additional fees were not the answer. This was the reason they had a five to one vote. Mr. Maynard had wanted to limit the number of resubmittals per job to three. He was also hoping to have the resubmittals done within a two week period. Ms. DuVal had questions about language, but Mr. Rose thought that the language was good and did not see a reason for the change.

Alderman Austin stated the Ordinance Review Committee had felt that they needed to move this on to the City Council and give the public a chance to comment.

Mr. Richard Maynard, an area resident, stated this committee had been formed because of the problems with CMN Business Park. The committee had been formed to look at the idea of a partial permit. He thought a better phrase was phased permit. They were to look to see if they wanted this policy and if they did what conditions would they continue this policy. They had some convincing evidence that this had been done for a while. He did not hear any hard evidence that this had caused anyone any harm from doing it this way. The reason he had voted against this was under what conditions they were going to do this. One problem they discovered was that there seemed to be a lot of submittals for the drainage. There was no deadline for completion from the private engineers. The only reason he had voted against this was because it did not have a deadline. They should be looking for a reasonable amount of time between the grading approval and the drainage being approved. It was not our engineers that were holding things up, but theirs. Things were being sent in that were not complete sometimes. He was trying to set deadlines. He felt 120 days was excessive. He also thought there should be a limit on the number of submittals. It was not fair to the majority of the engineers who were trying to

do their work right to be behind a third or fourth submittal of someone else. Sometimes the problem solved itself, because there was only so much work that they could do with the grading before they ran out of work.

Mr. Beavers, City Engineer, stated they had presented the information to the committee to let them make their own conclusions. Their position, as staff, was that they tried to protect the adjacent property owners. Their manual or ordinance was not so tough that people could not understand it. It was almost verbatim in the manuals in Springdale, Rogers, Little Rock, and Springfield. They did not get the re-submittals from all of the firms. There were some firms that used them as their quality control.

Alderman Davis asked if there should be a limit on the re-submittals.

Mr. Beavers stated there were so many submittals that come in, they were including the amount of time it would be in their office. At this time, it was from four to six weeks before they could look at it. If it was going to be in a stack for six weeks, then they needed a lengthy time period. They could not have a three to four week turn around, because they could not get to it in that amount of time.

Alderman Daniel asked if he requested any additional staff.

Mr. Beavers replied they had not. They did have a vacant position that would help them with drainage that was approved last year. They had not filled it because of their move. They did not have a place to put them until they moved. They now had an office for that person and that would be a small portion of their duties. They would be hired as a stormwater engineer. Their main duty would be to get the City's master drainage study going forward and to work on their phase II stormwater regulations. There was a Federal requirement that would be enforced in the year 2003 which was going to require additional staff in order to comply with it. They were looking at monitoring, new programs to clean the drainage and the stormwater. Other cities have had to increase their taxes to pay for this program.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

2001 BUDGET

A resolution adopting the 2001 City of Fayetteville Annual Budget and Work Program.

Alderman Santos stated they had decided that they would go ahead and have this Council pass the budget and to let the new Council make the changes they wanted through the adjustment process.

Mr. Bob McKinney, an area resident, asked them to look in favor of the CAT budget. Many organizations used the channel to help in their fund raising and in promotion of their programs.

Mr. Jeff Erf, an area resident, questioned the trolley program funding.

Mr. Steve Davis replied they had done a study on the rider-ship on the trolley this last year. They had found that tourism was so little that they could not justify the expenditure of advertising and promotion funds to support it. The trolley program was going to continue. They had expanded it to include a south route. \$109,000 had been budgeted for this program. \$80,000 was in miscellaneous programs, \$10,000 in Community Development Fund, and \$20,000 was in Off-Street Parking fund for the park and ride service.

Mr. Erf asked how the route had been determined.

Mr. Davis replied the south route had been determined by taking public input from south Fayetteville residences and other committee members.

Mr. Erf questioned the funding for the impact fee study.

Mr. Davis stated the total budgeted for the study was \$100,000. City Council had approved phase I of a contract in October.

In response to questions from Mr. Erf, Mr. Davis stated there was money for bonds to fund the second wastewater treatment plant. The city had received a letter of commitment from Arkansas Department of Environmental Quality for up to eighty-million dollars in loans at 3.75 percent. If a three-quarter city sales tax was approved to fund that loan it would pay off in approximately eleven years. There would have to be a public vote on it.

Mr. Erf stated that according to the graphs it indicated that the City's expenditure would be greater than the revenues. What year would that be?

Mr. Davis replied 2001 for General Fund. Operating revenues had increased 4-5% so they were using Fund Balance, Reserves, now. That was keeping existing services at the same level. In response to questions, Mr. Davis stated there was no money budgeted for the Town Center.

NO ACTION TAKEN. ITEM WILL BE ON THE NEXT AGENDA.

2020 LAND USE PLAN

A resolution adopting General Plan 2020, Future Land Use Plan and Master Street Plan.

Mr. Conklin stated there had been five subcommittee meetings. Each of the meetings had been

public hearing and committee meeting. From there they went to the Planning Commission and had two public hearings at Planning Commission. This is the eighth public hearing.

In response to a letter from Ms. Denham, Alderman Santos stated that asking for rezoning for specific tracts of land was not appropriate in the General Use Plan.

Mr. Conklin stated they would like to have their designation changed from mixed use to some type of commercial.

Mr. Denham stated he was a property owner on the corner. The property to the north was zoned commercial. The property behind and to the south were zoned Industrial. They felt the highest and best use of the property would be commercial.

Mayor Hanna suggested they hear the appeal at the special meeting.

NO ACTION WAS TAKEN. SPECIAL MEETING WILL BE HELD DECEMBER 7, 2000.

CMN COST SHARE

An ordinance approving a bid waiver for the negotiated construction costs for the City's share of the "50/50" cost-share for the final pavement, drainage and other construction for the boulevard sections of Steele Boulevard and Van Asche Drive at the CMN Development in the amount of \$623,654.18. Approval of, and authorization for the Mayor to expend a 10% contingency in the amount of \$62,365.42 and approval of a budget adjustment in the amount of \$378,553.60.

Mr. Jones read the ordinance for the first time.

Alderman Russell questioned the need for the extra money.

Mr. Venable stated this was the final phase of the work that was going on. It covered the section of Steele Boulevard that ran from Joyce to Van Asche. It was shown as a boulevard. In 1998 the Council had approved the cost sharing on this section of the road. The first phase of the work was on the grading. There was a bridge including the cost-sharing. That had been completed. Our original estimate was somewhere around 1.3 million. They had only set up one million dollars in the CIP. He did not remember the reason why they did not put the rest of the \$300,000 in. This was the remainder of the work to be done. In response to questions from Alderman Russell he stated their original estimate was approximately 1.3 million with the amount of work that had to be done. This type of work was not cheap. The developer was paying for half of it. This was what had been agreed upon by the Council.

Alderman Russell asked if there was a signed agreement agreeing to the cost-share.

Mr. Venable stated we had agreed to pay for fifty percent for the work for the boulevard which was two twenty-eight foot lanes with media and sidewalks. This was what they had agreed to in October 1998. There had been quite a discussion at that time.

Alderman Reynolds stated the developer was going to construct smaller two-lane streets and put in smaller sidewalks. The Council had asked for the boulevard and the larger sidewalks.

Alderman Trumbo stated they had agreed to do 50/50 to go to a four-lane road rather than a two-lane road. They had to honor that commitment.

Alderman Russell asked why the original estimate was not a part of the CIP.

Mr. Venable stated they did not have enough in the budget and they did not have the exact cost in. His original estimate had been 1.3 million dollars, which was close to what they were running.

Alderman Russell asked if the 6th Street Improvement had come in under budget by this amount.

Mr. Venable stated it had been under budget by \$600,000.

Alderman Davis stated he appreciated the foresight of the people looking at the future infrastructure that may be needed in Fayetteville. He noted a couple of intersections in Fayetteville that should have been four lane rather than the two.

Alderman Austin stated this was another Council's decision. He did not want to change their decision.

Alderman Reynolds stated Benton County was in the process of constructing two huge malls. This development was going to be our tax base for the future. He did not want them to turn this down and not finish this project. They had too much invested in it. They needed to move ahead and get the tax base. He hated to see the stores in the mall area moving on down the road. Their tax money was going down now. They had some big projects and they were going to be looking at some big money projects in the next year. They were going to need this.

Alderman Daniel stated this would help move the traffic in the area.

Ms. Fran Alexander, Fox Hunter Road, asked if this was the final bill.

Mr. Venable stated yes it was. There was a ten percent contingency in case there was an overrun.

Ms. Alexander asked if it included landscaping?

Mr. Venable replied that it did. There were seventy two-inch caliper trees that would be located within this area.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried 6-1-0. Young voting nay.

Mr. Jones read the ordinance for the second time.

Alderman Russell asked if they were interested in tabling the item.

Mr. Venable stated they were already working out there. The weather had a lot to do with what they could do. In his opinion they needed to go on, but they needed to suit themselves.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried by a vote of 7-1-0. Young voting nay.

Mr. Jones read the ordinance for the third and final time.

Mayor Hanna called for the question. Upon roll call the ordinance passed by a vote of 6-1-0. Young voting nay.

ORDINANCE 4288 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 8:30 p.m.

STAFF REVIEW FORM

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of January 2, 2001

FROM:

Tim Conklin

Name

Planning

Division

Public Works

Department

ACTION REQUIRED: To approve an ordinance for RZ 00-25.00, submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-0, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0.00

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW:

_____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Staff recommended denial and on December 11, 2000, the Planning Commission voted 6-1-0 to recommend approval and forward the rezoning to the City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Hoffman: The final item on our agenda is a Rezoning for Caudle submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial. I believe that we have seen this item before and Tim could you let us know. Before you get started, Mr. Caudle do you understand that you also need five positive votes to approve this rezoning. Appeal on a rezoning request goes to City Council not District Court.

Conklin: It's going to go City Council. That's correct.

Hoffman: You still need five positive votes.

Conklin: Yes. If you don't recommend it with five positive votes then they have to appeal to the City Council. That's how they get before the City Council.

Hoffman: I think I misstated it when I was talking earlier that everybody had to go to District Court, that's not the case with you.

Conklin: On October 23, 2000, the Planning Commission heard a request for .52 acres along with adjacent property so they heard this request this evening of .52 acres with adjacent property. That total property was 1.5 acres. The request was from R-0 to C-2. Staff did not recommend that rezoning request. The Planning Commission voted unanimously 6-0-0 to deny the request. I do have those minutes attached. The applicant appealed the decision to City Council and on November 21, 2000, the City Council heard this appeal request at that time they addressed an amended request with the applicant that he did not want to rezone the entire 1.5 acres but a smaller portion, .52 acres. The City Council did request that this .52 acres be brought back to the Planning Commission for your consideration and recommendation to them. Keep in mind the applicant originally requested the C-2 in order to apply for a conditional use permit to build additional storage on this property. That is his same intent at this time. Staff's original recommendation still stands with regard to denial. We are bringing this back to you because the City Council would like for you to take a look at this rezoning. The main difference is it's a smaller area, it's 90 feet in width, 253.6 feet long rectangle that adjoins the west side mini storage facility located on Ruppel Road. Just at the last Planning Commission meeting, when we did hear this item, there was concern about the

Bill of Assurance and I just want to make sure the applicant didn't misunderstand what I said at the Planning Commission and that was I was going to go out there with out Landscape Administrator to make sure that there weren't any violations of that Bill of Assurance. We have gone out there. We counted the trees. There are substantial numbers of pine trees that are along the north/south and west/east property line. Based on those numbers and the size of those trees, that Bill of Assurance has not been violated. He's meeting that requirement to save those trees on that site. With regard to the access from Wedington Road, that access has been barricaded and is not being used for this facility. Those were the two things in the Bill of Assurance, tree preservation and the access from Wedington. Both of those, for me, are not being violated. Kim Hesse and I have taken a look at the trees and it's meeting that requirement. I just wanted to clarify any misunderstandings that the Commission may have had on that Bill of Assurance or the applicant or myself.

Hoffman: Before we get to you, Tim I have a question about that. Are you referring to the entire site or just to the subject now up for us for rezoning?

Conklin: When I talked about the Bill of Assurance, the Bill of Assurance was for the entire 5 acres.

Hoffman: So we do have a good buffer between Wedington and the site?

Conklin: With regard to trees, it's interesting, the Bill of Assurance reads 60% of the trees. He has pine trees that are spaced probably five feet apart, approximately 200 along the south, north and east property line. Overall, when you look at the total number of trees just because those pine trees are soldiered up along the property lines, he's meeting that ordinance. With regard to our current Tree Preservation Ordinance, that's something that Kim Hesse would have to take a look at with regard to the existing oak trees that are on this property that are remaining.

Hoffman: Okay. Thank Tim. Do you have a presentation that you would like to make? Tell us your name please.

Caudle: Can I give you a copy of that?

Hoffman: Yes. You need to tell us who you are even though we know.

Caudle: At the time that this came up the first time in Planning Commission meeting, the original property that was rezoned ten years ago was originally 5.5 and they rezoned the back

portion and we built the storage facilities. At the time there was an indication that there was a need for them in the area and they were right, there has definitely been a need. There has been a lot of houses built out there over these last ten years. What we find now, we came to the little piece there on the front that turns back towards the highway, kind of a backwards L, we built as many buildings as we were originally designed to do from the ten years ago plan. The thing that's come up is a need for storage in the area. The climate control is a big factor that we come up with is the fact that there is no climate control inside the City of Fayetteville. We thought we could build a building to supply the need for the people that need that type of service. Right now there are several people that have to go to Springdale. There was six people that we were renting the facility for the last several years that the FDA passed a new law that their stuff had to be in climate control, so they have all been forced to go to Springdale because there is none in the City of Fayetteville. What I was proposing was to build a building that would provide the climate control type storage facility. The original request was to just simply rezone all the lot to C-2 because it was C-2 in the back. We brought in sewer several years ago to put storage buildings on all of it. First of all, storage buildings doesn't need sewer so that money will be wasted. The original request was to be able to have just enough area there to put in this one building. As far as being declined on the entire C-2 request well that was probably asking for too much. I should have probably done it like this in the first place because we did bring in the sewer, we didn't intend to build storage buildings out front anyway. To go back 90 feet toward the highway would allow us to build this one building which is right next to what's already there, that you see on the drawing there. There are twelve buildings that sit on the property now. This will be no different, as far as appearance, than what's there. There was some concern in the Planning Commission meeting from the 23rd as far as the appearance, whether or not they like them. The lot on the front of the drawing there, on the corner of Ruppel, I think it's called Wedington Plaza, I talked with them the other day and apparently they are starting construction next month which will take up a large coverage of where we are at in the front there as far as exposure to Wedington. One thing I said in the City Council meeting was that we would be more than willing to put in a privacy fence, a nice one that has brick pillars and privacy in between them in front of this building which would separate it from Wedington and there is still plenty of room on the front of Wedington, approximately 177 feet.

Hoffman: Is that to the building or to the line of the zoning demarcation, that 177 feet?

Caudle: The length of the property, back to where it's currently R-0, is 267 as is shown on the drawing there. To rezone 90 feet forward still leaves 177 feet before we reach the Wedington Highway. We brought in the sewer and paid for it several years ago. It is

set up for an office environment and that's probably what would be built there in time. Like I said, we have no plans at this point to build anything out front. To be allowed the 90 feet in conjunction with what is already there, does allow us to build this building that there is no question there is a need for it because the people do not have an access to this type of service in this city.

Hoffman: This 90 feet gives you access completely around the building and then have some room for the fence that faces Wedington?

Caudle: The corner once you come along the bottom, the 373 corner, if you just gotten out of the line that is currently C-2 extends straight on across 253 feet at that corner, we are proposing to turn south 90 feet and then go back 253 which would allow this building to go in right next to the 12 that's already there.

Hoffman: Got it thanks.

Caudle: Like I said, it's just a case that there is a need and it is inside the existing facility with the building that's fixed to be built and the privacy fence. One of the people that had a concern about that, about allowing me to build this new building, that would be part of the concern that was stated as far as the visibility. That takes out a lot of visibility but it does make for a nice facility that offers a full service.

Hoffman: Anything else you want to say?

Caudle: No.

PUBLIC COMMENT:

Hoffman: Is there any member from the public that would like to comment on this? I see one person back there. No? Thanks.

COMMISSION DISCUSSION:

Hoffman: I'll bring it back to the Commission and the applicant for further discussion. Anybody?

-Hoover: I have a question for staff. Just because I didn't get to read the comprehensive plan before I got here but my understanding is that our future thought on this area is R-0 and that we are only putting C-2 at the nodes?

- Conklin: That is correct and with regard to the Community Commercial designation on our Future Land Use Plan, I will recommend as we have for the past five years that it be C-1 zoning which will not allow for the additional warehousing or storage facilities as a conditional use. Even if it was shown as that commercial, we would still be recommending for C-1 and not the C-2. Mr. Caudle, I do have one question, how many square feet will the storage building contain?
- Caudle: Approximately 10,000 in the new building. It is climate control. It's a different design than the other buildings, it does require a lot of different type of construction to accomplish the climate control facility.
- Marr: Where exactly is the access to this building proposed to be, is it off of Highway 16 or is it coming from this?
- Caudle: On the drawing you see the twelve buildings going down through there, on each end of that first building, originally there was access with a controlled computer type gate on the south side of that building. In the last year, we put in an access at the north end of that building for an exit only gate. There is an in and an out basically onto Ruppel from the facility. The building we are proposing, like I said, if you just extend that 273 straight across, it picks up right on the border of what is now C-2 and R-0. It's just enough to put in that building and you come right in the facility when you get down to that point, you look left at your buildings or you look right at this new building. All the access is off of Ruppel and like I said we put in an extra gate, having this many buildings and this much people coming and going, we did open up the other gate and put in another computer access gate to help with the flow of the traffic. There are times on weekends, a pretty day, you will have several people out there so it did help the flow.
- Marr: Help me understand too, where exactly when you talk about a proposed brick privacy combination fence to screen this.
- Caudle: Again on my little drawing the building that I put on the drawing, the proposed building, it says 175 feet on it, move directly out in front of it approximately 20 feet.
- Marr: Would it go the whole distance of this or just the length of that building?
- Caudle: It would go in front of the building is the way it's proposed. There is drainage on the other area there. There is a designed drainage ditch where all the buildings are drained to a point, the water that comes off the buildings and between the alleys and that is a drainage ditch that was designed for that purpose.

Marr: The reason for my questions are not to do approval of design here because I understand this is a rezoning but one of the things that would certainly make me consider it is the ability that when it did come through for design that it would be completely screened because I go back to Chairman Odom's comment when we heard this back on the 23rd that I certainly believe and agree with you that there is a need for this in the City of Fayetteville but I also believe that there are locations of commercial C-2 space to be able to do this within the city already. More importantly I want to stay consistent with the Land Use Plan of developing that into R-0. If we did this, what's important to me is the ability to take it out of sight. This is much more appealing to me, not to say I will vote for it still but much more appealing to me than what was originally presented.

Ward: I think I would be, instead of putting up a wood privacy fence, I think that south side of the building, in my case, I think it needs to be some type of, meet our Commercial Design Standards for articulation and using some type of split face block and some things like that instead of metal. I would be much more for it then than just putting up a metal building out there. I'm talking about strictly the south side of the building with some articulation and some type of material that fits into our Commercial Design Standards like block, brick and other type of products. That way you wouldn't have to be worried about putting up fences and all that type of stuff.

Caudle: I would be more than willing to look at, from the manufacturer's to what could be done as far as to brick that side of it or something to that affect. Again, your visibility right now when you drive down Wedington you look over there, this is what you see. You see those buildings as they are today. You are not going to be seeing anything different than what you are seeing today. If we did what you propose we can look into bricking that side of it, that would improve it. Whether it was a privacy fence, because there was a concern about it, the distance we set off the highway back in the trees alleviates that concern. This would be a whole lot better than what we are looking at right now as far as the concern of what's out there right now.

Hoffman: Staff, I have a question. I'm concerned about design on a rezoning. I wish that there were a way. I understand because this lot is contiguous with your existing property, why you want to put it here and why you don't want to go find another site.

Caudle: It was mentioned in the meeting on the 23rd, you've got economic assets that are already out there and you run a professional operation, you don't go out and buy property and build a building and expect to come out at all.

Hoffman: The question I have for staff is that, given the discussion that we've had tonight concerning the screening of the building or the other appearance, I'm not really for Lee's idea because they are still going to have all those garage doors facing Wedington, I'm really more interested in screening the whole building. How many overhead doors will be facing Wedington in the new building?

Caudle: Approximately 16.

Hoffman: I don't know how you would meet the Commercial Design Standards. Given the fact that we've got a reasonable proposal for screening that's contiguous and has traffic flowing out to Ruppel Road and not Wedington, is there any method that we can approve a rezoning subject to the statements, can the applicant offer Bills of Assurance for instance that would help us along the way?

Conklin: Keep in mind, this will have to come back as a Conditional Use and may have to come back as a Large Scale Development if it's over 10,000 square feet so you will have another opportunity to place any condition on there that you feel is appropriate. Also, if you rezone, it could be any C-2 use also that could go in there from a used car lot to a night club.

Hoffman: There is no way to bring the two through at the same time like we did our Conditional Use and Large Scale Developments?

Conklin: Not at this time.

Caudle: Excuse me, has that not already been done 10 years ago? It was only 10 years ago.

Conklin: If the applicant would like to voluntarily offer a Bill of Assurance he can offer that as you did, I believe, 10 years ago.

Caudle: This 90 feet is for this building and that's the only plan I have whatsoever and I would definitely have no problem doing anything there. Like I said, it's just this classification does require C-2.

Hoffman: If this use and idea would go forward.

Caudle: It is there now and it is what is required to build a climate control building that is needed.

Hoffman: You don't mind making that a condition of this?

TAPE TURNED:

Caudle: It's a survey, I don't know if it's from the right-of-way, they are calling it 267 feet and they are calling it 507 down the east side of the property which would include the R-0 and the C-2. I don't know if that's where that point of beginning is.

Conklin: With regard to that number, that is not something that we would use to map this area out. We require a legal description and we are working with Mr. Caudle to get a legal description that accurately describes that piece of property. It's clear to me that it's 90 feet south of the current C-2 zoning and that's something that we will be making sure that legal description describes, by the time we bring it forward to the City Council with an ordinance. It's 90 feet south of that existing C-2 property.

Bunch: My major concern is questioning this was to see if the remaining piece of property that I believe is currently R-0 to see if it was adequately sized to put in an R-0 development complete with setbacks and utility easements and that sort of thing.

Caudle: It's going to be approximately 253 by 150 minimum up to 170 depending on where that starts.

Bunch: That's what I was wondering.

Conklin: It's about an acre.

Bunch: I just want to make sure that it's adequately sized for a development as zoned.

Caudle: Approximately 253 by 160 give or take a little.

Hoffman: Anybody else?

MOTION:

Shackelford: I guess my take on this is, basically what we are looking at is an extension of an existing building by the same owner. We are only talking about a 90 foot strip of land with very limited access off of Ruppel Road basically through the property that the applicant already owns. As long as the front property remains R-0 which has the Wedington frontage on it and is developed R-0 and I think we meet the intent of the 2020 plan,

with that being said and the applicant being willing to do a Bill of Assurance, I'm going to make a motion that we recommend approval of RZ 00-25.00.

Ward: I'll second.

Hoffman: I have a motion by Commissioner Shackelford and second by Commission Ward, anybody else? Any other further discussion on this item?

Ward: This does have to come back no matter what happens?

Hoffman: Is it of sufficient size that we have to see it again, Tim?

Conklin: It depends on what size building he proposes on this property. If it's over 10,000 square feet, you'll see it as a Large Scale. You will see it as a Conditional Use.

Hoffman: We could at that time follow up on the discussion tonight regarding the screening and appearance and so forth.

Conklin: Yes. If the Planning Commission makes a recommendation and the City Council rezones it, most likely the conditional use recommendation is going to be for approval with Bills of Assurance.

Hoffman: Just so we are all clear, can you work with the applicant with regard to the wording of the Bills of Assurance? Since they come from the applicant, I'm not sure how to get that.

Conklin: Sure. For clarification, we are talking about use of this property for this climate controlled storage facility.

Hoffman: With screening.

Marr: Just one last question, did you investigate any other C-2 space for locating this facility other than this location?

Caudle: I looked at a couple of lots for possibly a new facility because there is a need for a storage facility. I have not found anything suitable at this point. There is some C-2 property in several areas around the city. There are a lot of factors that go into it as far as access, location and need in the area. Right now there are people who come a considerable distance because of the availability of storage in the area. I have looked.

Hoffman: Thank you. Anybody else have anything they would like to say before we call the roll?
You all ready? Nancy?

Allen: I'm not really clear of what we are requiring the applicant to do.

Hoffman: In rezonings, Tim you can take this one if you want to.

Conklin: Sure. The applicant has offered to give us a Bill of Assurance which is a legal document to tie to this rezoning that this 90 feet, with the property, will only be used for a climate controlled storage facility and will contain screening of some sort. Based on that information you need to determine whether or not you can make this recommendation to the City Council, if you feel that it's appropriate with this Bill of Assurance to rezone this to C-2. Does that clear that up?

Bunch: If in the Bill of Assurance since we can't ask for it that the applicant offers, there was some statement about making sure that it went to the Large Scale Development process in addition the Conditional Use process. I think there are some square footage limitations, if the applicant offered to us that this would come through that process, I would personally feel a little more at ease with it to make sure that we could look at it and see that it fit our standards.

Caudle: As far as the Large Scale, again I'm not familiar with all the rules as far as that's on projects over an acre, over 10,000 square feet. It has certain criteria.

Conklin: An addition of 10,000 square feet or more. Since 10 years has passed, you do need to be aware that the fee has gone from \$50 to \$900 application fee.

Caudle: Everything has gone up, I know. The only thing that I can think of that would require a Large Scale is the size of the building. What originally has been drawn out on paper could be just under it or just over it depending on whether you build it 175 foot long or 170 foot long. It's going to get that marginal there. We could keep it under the 10,000 square foot by simply taking 5 feet off the end of it.

Conklin: You wouldn't be the first developer or applicant to do that either. What I'm saying is, people are aware of that regulation in Fayetteville and we do have projects, two or three a year that come in just below that criteria.

Caudle: I understand that. If you are talking about the difference between \$50 and \$900, I don't know what else is involved.

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Hoffman: Let me make sure that no matter what happens Tim, this is going to be coming back as a Conditional Use because of the zoning?

Conklin: Yes.

Hoffman: This zoning is the only one that will permit this use without going to industrial zoning or something like that.

Conklin: That's correct.

Hoffman: That is so similar to Large Scale Development review that I would say that it would be not something that would be as important to me personally because in Conditional Uses we have a blank slate on those really, in terms of requirements that we can place, in terms of lighting, screening, appearance, hours of operation, revocation and so on. In that case, I would just prefer to let the motions stand as they were and you with your Bill of Assurance as it is.

Bunch: That's my main concern in bringing that subject up was to make sure that we have adequate opportunity for the oversight on it.

Shackelford: That was the intent of my motion knowing that we would get a chance to look at this and we could put those limitations on it in order to grant the Conditional Use.

Hoffman: No more discussion I assume? Okay, if everybody is ready, I'm going to go ahead and call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is approved on a 6-1-0 with Commissioner Marr voting no.

Hoffman: Tim is there any other business this evening?

Conklin: There is no other business.

Hoffman: With that, we are adjourned.

Planning Commission

October 23, 2000

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RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Odom: The next item that we have on tonight's agenda is a rezoning RZ 00-25.00 submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial. The recommendation of the staff is for denial of the requested rezoning based on the findings as included as a part of this report. Staff, did you want to go over that or do you have anything further?

Conklin: Sure. Staff is recommending denial of this rezoning. Back in 1999 this tract was included as part of a larger tract for C-2 zoning. At that time, Planning Commission recommended it and the City Council rezoned only the northern part of this property as C-2. That same year the Large Scale Development was processed for a mini storage and a Conditional Use at that time, if you've read the minutes, it talks about keeping this ~~piece of property R-O and developing it with an office type development~~ which is compatible with the neighborhood. Also, at that time, there was a bill of assurance that was offered to save 60% of the trees with eight inch diameter. I have met with the applicant this afternoon and went over that bill of assurance also restricted access from Wedington. Overall this property is near commercial there is a vacant C-1 property to the west staff is not recommending approval of additional commercial property in this area. If the Planning Commission did rezone it to commercial, C-1 zoning would be more appropriate than C-2. C-2 zoning allows used car sales with all type of businesses as conditional use. Dance halls and that type of use. About a month ago we did change our allowable uses in C-1 to provide more neighborhood commercial uses. The purpose of the C-2 zoning request is to be able to come back to the Planning Commissioner with a Conditional Use request for additional storage facilities on this piece of property. Staff is not in favor of additional storage facilities located in this area on this piece of property. If you have any questions, I would be more than happy to answer them.

Odom: Staff you touched on the bill of assurance that was offered. You said 1999, but you meant 1990 when that originally came through. You mentioned the bill of assurance and that 60% of the trees would remain or something to that affect and that there would be restricted access. What is the current status of how well that bill of assurance has been maintained?

Conklin: With regard to 60% of the trees being left on the site, after meeting with the applicant

today, it is difficult for me to determine whether or not that has been met. There were large pine trees located on the north and south property lines that were saved as part of the large scale development. That was approved by the Planning Commission. Those are existing. There were some trees shown, the number was twelve trees shown up in front of this facility on Ruppel Road. Those have all died in the past ten years according to the applicant. With regard to the existing trees on this property that we are looking at today, I am not sure whether or not that bill of assurance with regard to the 60% of the tree preservation would apply to those trees. The bill of assurance did apply to this piece of property that we are looking at tonight but I'm not sure what the total number of trees that were existing on the site prior to development and what remains out there today. That's going to take additional research. The applicant may be able to give more information on that. With regard to the access off of Wedington, there has been a curb cut that has been installed on Wedington and a gravel drive and gate installed on this facility. According to the applicant that gate is only used three to four times a year to bring in large moving vans onto this site. The bill of assurance is clear. It states that there shall be no access from Wedington. I did talk to the applicant today about this issue and he feels that three to four times a year and the gate is locked most of the time, doesn't count as access. A strict interpretation of that bill of assurance means no access to that facility so that would be in violation of that bill of assurance.

Odom: I would ask the applicant to please come forward at this time. Do you have any presentation that you would like to make?

Caudle, Dennis: I'll answer some of the questions that he brought up there. As far as the original bill of assurances that were given. The facility is more than did that on the trees, we kept more like 70%. There is 193 trees right not on a three and a half acre development that is there today. The number of trees was far in excess of the original request. As far as the road that was put in at the same time the new highway was being built out there which was completed the other day, to put access to that property that was the time, speaking with the state, that the road needed to be cut in there because there would be no access to that property if we didn't put in a road. Something will be built on the property sooner or later of some type. The state indicated that would be the proper time to put in the road so a road was put in. As far as use, all the use is off of Ruppel. Just several months ago we put in a we had two gates off of Ruppel and we put in another gate off of Ruppel, both electronic gates for one is a entrance gate and one is an exit gate. There is no access off of Wedington and is not to be used for that purpose. As far as the zoning that we are asking for,

the Large Scale was approved ten years ago was just completed this year. It was a long term. We put the buildings in as the area grew and as the need was. That was just completed this year. The thing that we are looking at came up with some people that rent there recently. I drove up to Bentonville and Bella Vista and Springdale and looked at the facility there. There are no climate control facilities in the City of Fayetteville of this type. All the residents of the City are forced to go to Springdale or further depending on whether they are full. What we were proposing was to put in a climate controlled facility which is exactly like the same type of building as what is there now except it will be climate controlled with heat and air. It would require going just in front of the existing buildings toward the highway, not even half way to the highway to put in the one building which would be a climate controlled facility. There was a stated by several tenants that recently had to move out because the FDA passed a law that they had to be in climate control. Now they live in Fayetteville and they are forced to go to Springdale. That's why we would like to build another building to serve the people for that purpose which would be the same thing than what is there now. It would look the same and be the same. All it's access would be off of Ruppel with the two gates. That is the purpose of why we would like to do this, it does require a C-2 is what I understand for the storage business. That's why we are asking for C-2. That's the purpose of what we are looking to do.

PUBLIC DISCUSSION:

Odom: Thank you Mr. Caudle. Let me ask now, is there any member of the audience that would like to address us on this rezoning request?

COMMISSION DISCUSSION:

Odom: Seeing none, I will close the floor to public discussion and bring it back to the applicant for questions and comments of the Planning Commission.

Ward: Not that we have much around here but I noticed in Bentonville and Rogers areas that they are putting in a lot of really nice looking office complex on the front of the road with nice looking buildings glass and brick and stone. With the large climate controlled self-storage attached to them behind them for the vendors of Wal-Mart. Those have really been filling up fast I noticed. It's a very nice looking facility from the road because it is office type areas all along the front of the road attached to it, behind it is part climate controlled storage units that these businesses can use or whatnot for

warehousing that would be something I would consider more towards than I would just a self storage property out there on Wedington Drive.

Caudle: I looked at facilities in Springdale and I've looked at them in Bentonville, I haven't been to Bella Vista or that far north. I've been as far as Bentonville and looked at the facilities. I've been to the ones in Springdale, as far as there is two different type of buildings between the two I have seen and then talking with the builder that built the one in Bentonville, which is also the one that built all the buildings that I've built over the years. That's the one that I looked at and the one he was describing. I did look at the one in Springdale which he did not build but they are a entirely different type.

Hoffman: If everybody is done speaking I have some questions too. Let me start with staff. I understand the need for expanded storage area however, I am quite opposed to having it the front on Wedington. Have you looked at the possibility of instead of rezoning, doing a Conditional Use that carries with it certain guarantees that what is constructed is not visible from Wedington along the lines of Commissioner Ward's statement either —by-landscaping, screening or by a more attractive office type of building. Is that possible to do instead of just rezoning? I couldn't be comfortable with rezoning it for the storage units to face Wedington. We are really trying to take care with this important corridor because it's just going to continue to grow and you have all the references and cross-references to College Avenue and quite frankly self-storage facilities are not the most attractive buildings in the world but there is a good need for them. That's my question for staff on the Conditional Use, when he has addressed that, I would like to ask if you considered just conditioning the existing buildings? Tim, could you go first?

Conklin: Mini storage or storage units require a Conditional Use in C-2. They are not allowed in C-1 zoning. They are not Neighborhood Commercial use. The Conditional Use part of it you can not apply for unless it's zoned C-2. This issue came up ten years ago and Mr. Caudle walked with a bill of assurance to build a mini storage on the back part that's zoned C-2. We have had what you talked about built in Fayetteville. The Keating's built some mini storage over by Brahm's on College Avenue with office and retail space up front. It's been built on Highway 265 also. I think Mr. Wilkins has built some offices up front, mini storage in the back. Overall, I'm concerned about our Commercial Design Standards and trying make it an attractive commercial area for the residents that live out on Wedington Drive. When you have a storage building it's difficult to have anything other than just a metal building due to the cost involved. I'm all in favor to have that type of mixed use if we could have some type of office or retail up front but just stand alone, I do not support that.

Hoffman: Back to the applicant, have you considered conditioning your existing buildings?

Caudle: As far as what we are talking about there, like I said I was only coming out a little not even near close to half way to the highway. This new building would only go out a little ways out from the existing fence now. The fence would be moved in front of that building and there is still the large lot, probably close to an acre. Just a fraction under probably for something would be built in the front whether it be an office. As far blocking the view, there is still plenty of room there that something can be built on the front of the property. As far as this building here where all the other, if you are driving down Wedington, you see all the ends of every one of them and you can see up the alleys. This building would face east and west which would block most of the buildings on that end with that one building instead of all the buildings on the end this would be blocked with the one building. As far as the way of prettying it up, if it's possible to do that, I would consider some kind of prettying up that side of the building if that would be something you would be interested in looking at because I just have to talk to the builder and see what could be done. Whether you can put a side on that side of the building that faces the highway that is more attractive, I would be willing to look at that for sure. Definitely something will be built in front of it, facing from this building to the highway in the future. That was one concern ten years ago.

Hoffman: They only thought is for expansion then?

Caudle: The what?

Hoffman: The only request then is for expansion, you had not considered the retro fitting of the conditioned space in the existing buildings?

Caudle: The additional space?

Hoffman: Conditioning the existing space.

Caudle: I talked to the builder, it would almost be impossible to do due to the electricity. These do require air and heat and it's just like your living room as far as humidity what they go by. Climate control factors. As far as asking about reconditioning something that we got and he said it probably could be done but is an impractical item.

Hoffman: Okay. My final question for the applicant, on the east side of the property, it looks like there is an area that is vacant and has no buildings, could that be a location for what you are proposing? On our little site plan on page 4.17, I don't know if you have the same

sheet or not.

Conklin: Since this data was received from the City with regard to building footprints, two additional storage buildings have been built. There is no additional room. They built that at the Large Scale Development plan that was approved ten years ago.

Hoffman: --That's all the questions I have.--Thank you very much. -- -- --

Conklin: I would like to just to inform you as a Commission and the applicant and public that when I did meet with the applicant today, we did talk about the existing trees on this site. I did encourage Mr. Caudle to get with our Tree and Landscape Administrator with regard to the existing oak trees on this piece of property for consideration of this development and future developments on this piece of property. I will work with Kim Hesse and go over the bill of assurance with her to make sure that it was met in 1990 and today and look at any remedies that we have to take to make sure it's not being violated.-- -- --

Ward: Mr. Caudle, what is the size of the lot? Do you know what the depth is?

Caudle: From Wedington back to where the C-2 starts is 254 feet, I believe.

Ward: You are planning on using 125 feet of that?

Caudle: Far less than that. The building where the other units are 20 wide or 30 wide and fairly long, the climate control has to be a lot wider building because of they way this is handled as far as the heat and air. This building will be 60 feet wide, twice as wide as any building there facing the other direction, it would be approximately 170 long.

Ward: So you really only need 70 feet?

Caudle: Approximately 70, what I was looking at it would be from the front of the building facing Wedington to where the fence would be re-erected there would be approximately twenty-five feet to drive around the building so you are looking at about 85 to 90 feet probably toward Wedington.

Ward: I'm just trying to work with you, in my case, I would not rezone the frontage on Wedington anything but R-0, which it is right now. We do allow a lot more uses in R-0 than we used to. There is a possibility that, I can't speak for anybody else but I would be maybe interested in helping you. I do think there is a need for some climate control

warehouse type of buildings out there and we can maybe zone C-2 a small parcel back there for you, 70 or 80 feet of it. As far as changing the whole thing to C-2, it's not going to happen tonight, I know that. Those are some ideas that you might think about.

Caudle: It's zoned half way to the highway to accomplish this building so the climate control could be completed. Again I'm trying to fulfil the need that I've had a lot of requested for. As far as the frontage, I don't intend to put a storage building out on Wedington up against the highway. I never have. When the Large Scale was done there is no more property in the C-2 area and it was just a case of there are times of the year when storage units are hard to find around the City of Fayetteville. This building here was to accomplish that.

Ward: I don't feel like I can support your change to what you need. I think it would be smart to table it or come back with a different proposal than what you have tonight for sure.

Caudle: --Not only going part way to the highway?--

Ward: We can't.

Odom: Since we are throwing, I'm going to go ahead and let you know, I'm not going to be in favor of that proposal as well. I think a lot of concession were made originally when this property was zoned C-2 with the bill of assurances and the R-0 up front. I think all this negotiation has already taken place and the work has already been done. I think we have plenty of C-2 Commercial inside the city limits of Fayetteville and so if there is a need for this type of facility I think that there are plenty of areas that this type of facility could go. So I'm not going to be in support of any proposal to accommodate this piece of property any further. I think you need to know that up front before you decide to start negotiating or doing anything of that nature. You may want to get the feel of the rest of the members of the Commissioner. Anybody else?

Marr: I agree with you completely.

Allen: As do I.

Bunch: As do I.

Hoffman: In your proposal you said you would have a 60 foot wide building with about a 25 foot drive aisle and you only have 1.5 acres here so that to me implies that would be taking up a greater part of it. In the sixty foot wide building would that be a double loaded

building with the garage doors facing Wedington and facing the other side? In other words, doors from the north and from the south?

Caudle: The facility I've seen in Bentonville, it's climate control is inside the center. There is an outer border.

Hoffman: Right. So you would have garage doors facing Wedington.

Caudle: Yes. In that facility I've seen up there. That is what I was talking about what to do on the front of it there.

Hoffman: That being the case, I always hate to be negative toward a need but I would suggest you to look elsewhere and find some land that is already zoned appropriately for this because this is an important aesthetic issue to this corridor. It was addressed ten years ago. I too would deny a zoning vote tonight.

Marr: Do we need a motion?

Odom: Yes.

Hoffman: Unless he wants to withdraw the request.

Odom: We can move to approve, we can move to deny or if we don't take any action...

Conklin: You do need to take action on it. I think our ordinance states that if you don't take any action you can deem as approved. I want you to take action on it this evening.

Odom: Not only that, it give the applicant something. We are nothing more than a body that recommends something anyway. Even if we approve it, he's got to go to the City Council. If we deny it, it give him a right to appeal it. For the applicants sake, I think we owe him the courtesy of doing something.

MOTION

Marr: I would like to move to deny RZ00-25.00 based on the comments that you have heard.

Allen: Second

Odom: We have a motion by Commissioner Marr, second by Commissioner Allen, RZ 00-

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25.00.

Caudle: The comment that was made a short time ago as far as possibly tabling it and resubmitting with only partial for this building.

Odom: You can certainly do that if you want to but I'm here to tell you right here, right now, it doesn't sound as though that's even going to fly.-----

Caudle: You are telling me that's not going to work either.

Odom: That's right. You have only one member even talking in favor of that. I would think you would be better served to go ahead and accept the denial and negotiate with the City Council if they are willing to do that. I don't know if they would be. I wouldn't delay your project any further, if I was you but that is your call. If we deny you tonight, you have the right to appeal that to the City Council.

Hoffman: If the City Council denies his request, is it six months or one year?

Conklin: It's one year.

Hoffman: It would be then another year before you could bring another idea forward.

Odom: No. That's not necessarily true. You could bring another idea forward. You can't C-2 the whole thing.

Conklin: You could modify your request and bring it forward.

Hoffman: I just want to make sure you understand what to expect.

Odom: Any further discussion? Call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is denied by an unanimous vote of 6-0-0.

Mrs Heather Woodroff November 2, 2000
City Clerk's Office

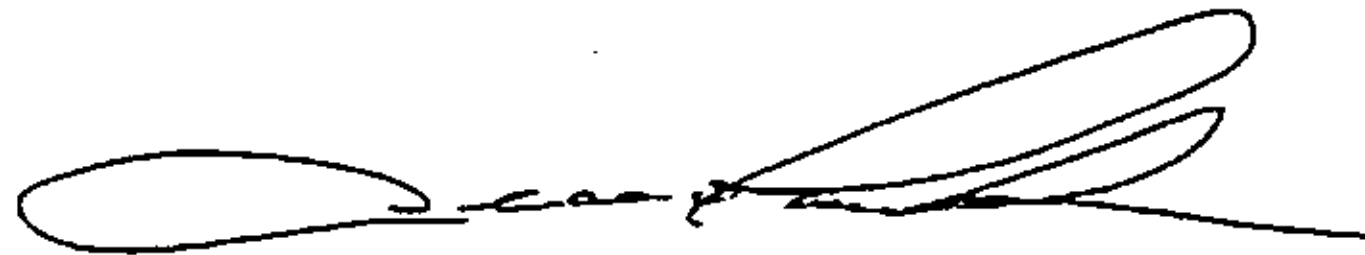
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NOV 03 2000

PLANNING DIV.

This letter will serve as my intent to appeal the decision of the October 23rd planning commission. I do request to have this matter brought before the city council at the earliest possible convenience. The reason for this request is I feel that the City planning committee did not give adequate consideration to my request from the earlier meeting.

Sincerely,



Dennis M. Caudle

one of

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NOV 03 2000

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

franchise is up for renewal. They had been negotiating a new contract with them. They have accomplished ninety-five percent of the document. They had about ten outstanding issues. The biggest issue was the institutional network. That issue was a very costly one and the most challenging one in negotiation. The question was who was going to pay for this.

Alderman Young moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the question. Upon roll call the ordinance passed unanimously.

ORDINANCE 4278 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision as requested by Dennis Caudle for RZ 00-25 for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Rose read the ordinance for the first time.

Mr. Dennis Caudle stated the Planning Commission had voted against his request. Ten years ago there had been a five acre tract. The back three and half was rezoned so the storage building could be built. The front of the property was zoned R-O at the time. It had taken a long time to complete the large scale development. There was currently a need for a climate control facility. There were none in the City of Fayetteville. He was hoping to construct one more building that would be the climate controlled. He questioned if he could table the item and only ask for eighty to ninety feet, just enough to construct the building.

Alderman Davis asked Mr. Caudle if he had any room to the east to construct the facility.

Mr. Caudle stated their property stopped at the same location were the original large scale development stopped ten years ago. He stated he was asking them what he could do that would be acceptable to them. He could build a privacy fence if they wanted.

Alderman Reynolds stated Mr. Caudle had signed a Bill of Assurance with the Planning

Commission that he would leave the front acreage as R-O so that they would have something different along the front of Wedington other than storage units.

Alderman Davis stated it was his understanding there was 254 feet . If he came eighty feet toward Wedington, he was still going to have another 174 feet of depth between the roadway and the fencing. He thought that would be adequate for an R-O complex.

In response to questions, Ms. Edwards stated the General Land Use Plan did not support the C-2 zoning at that location. It would be closer, but she did not feel that they could support it for that reason.

Alderman Davis stated it was hard to make storage units attractive, but by sitting it back 174 feet he saw a possibility. He would prefer Mr. Caudle to go back before the Planning Commission with this revision.

Mr. Caudle stated this was needed in Fayetteville. It would be no different than what was there.

Alderman Reynolds asked why the Highway Department had given him a curb cut. In the Bill of Assurance, he was supposed to have limited access to Wedington. He asked why that gate had been put up there.

Mr. Caudle stated the gate had been put up for public safe, for the fire department in the event of an emergency. It was an emergency gate. The gate was put up two months ago, when the road was put in. The State had told them to put the road in while the construction was going on. It was not an entry way. The traffic entered off Ruppel. The bill of assurance had not been violated.

Ms. Edwards stated Mr. Caudle's request had been for the whole parcel and that was what the Planning Commission denied. If he wanted to get a certain part of that parcel rezoned then the Planning Commission needed to hear the request again. If they denied that request, then he could appeal that decision.

Mr. Caudle requested that they sent his amended request back to the Planning Commission.

Alderman Russell stated he was not committing to supporting or opposing any modified request.

**Alderman Davis moved to send the amended request back to the Planning Commission.
Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.**

THE ITEM WAS REFERRED BACK TO THE PLANNING COMMISSION.

RZ 00-24.00: An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: December 11, 2000 (*revised from October 23, 2000*)

RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

Staff recommends denial of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: December 11, 2000

CITY COUNCIL ACTION:	Required <u>Yes (if recommended by PC)</u>
	☐ Approved ☐ Denied
Date: <u>January 2, 2001 (1st reading)</u>	

Comments: _____

BACKGROUND:

On October 23, 2000, the Planning Commission heard a request to rezone this 0.52 acres along with adjacent property. At that time, the applicant sought to rezone a total of 1.5 acres from R-O to C-2. Staff did not recommend the requested rezoning and the Planning Commission voted unanimously (6-0-0) to deny the request (see attached minutes). The applicant appealed the decision of the Planning Commission and his appeal was heard by the City Council on November 21, 2000. At that meeting, the City Council discussed an amended request with the applicant. The applicant indicated that he wished to amend his rezoning request to only include property which adjoins the existing storage facility to the north. The City Council did not act on the appeal, but determined that an amended request would need to be heard by the Planning Commission first (see attached minutes). At this time, the applicant is requesting that 0.52 acres be rezoned. The applicant's stated intent is still to seek a conditional use permit to locate additional mini-storage units on this site; this is only possible if the property is rezoned to C-2, Thoroughfare Commercial. Staff's original recommendation for denial is not changed by the amended request.

On July 9, 1990, the applicant requested a rezoning from A-1 to C-2 for the subject property and an adjacent tract which is located to the north and extends westward to Ruppel Road. The applicant stated that there were no immediate plans for the property however in the future he may want to develop self-storage units which would require C-2 zoning and a conditional use.

At that time, Planning staff recommended that both tracts be zoned R-O, Residential Office since the property was not within the commercial node designated on the City's adopted general plan. During discussion at the Planning Commission meeting, staff stated "The overall policy of the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue." The Planning Commission recommended that the subject tract be rezoned to R-O, Residential Office and that the back (northern) tract be rezoned C-2, Thoroughfare Commercial with a Bill of Assurance limiting the type of development on the northern tract to self-storage units and placing certain conditions on the development regarding tree preservation (see attached minutes). On July 17, 1990, the Board of Director's voted to approve the rezoning request as recommended by the Planning Commission (see attached minutes).

On August 13, 1990, the Planning Commission heard a request from the applicant regarding the newly zoned C-2 property which is north of the subject property. The request was to approve a conditional use for mini-storage units (use unit 21) within the C-2 zoning district. At that time, staff stated "As before, the staff isn't in favor of a commercial operation in this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Ruppel Road plus the tree protection plan does resolve many of the staff's concerns." Planning Commission approved the requested conditional use permit (see attached minutes). A large scale development for the self-storage units was approved by Planning Commission October 8, 1990.

At this time, the applicant has brought forward to request that the R-O tract which was originally considered in 1990 be rezoned to C-2, Thoroughfare Commercial. The purpose of this request according to information supplied by the applicant, is for an expansion of the existing self-storage development. If this business were to be expanded, the property must achieve a C-2 zoning and a conditional use or an I-1 zoning designation which would permit the self-storage units by right.

Staff does not recommend the requested rezoning for the reasons stated in 1990 and will not support a conditional use for Mini-storage at this location. The area is designated Residential on the City's adopted General Plan 2020. Maintaining some control over development along Wedington Drive is essential to limiting traffic congestion as well as creating a desirable development pattern in this highly visible, quickly developing corridor of the City.

SURROUNDING LAND USE AND ZONING

North:	Mini-storage units, C-2
South:	Airways Freight, Inc., R-O / Vacant, C-1
East:	Vacant, A-1
West:	Vacant, C-1

INFRASTRUCTURE:

Streets: Wedington Drive (Hwy 16W) is located along the south property line. Wedington Dr. is classified as a principal arterial on the City's Master Street Plan and has recently been widened to five lanes between the I-540 Bypass and Ruppel Road which is just west of this site.

Water: Six inch line on Ruppel Road; Eighteen inch line on south side of Highway 16

Sewer: Eight inch line on north side of Highway 16

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to C-2, Thoroughfare Commercial is not consistent with the land use plan. The 2000 revision of the future land use plan will designate the property as office as recommended by the subcommittee updating the plan.

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 zoning is not consistent with land use planning objectives, principles, and policies or with land use and zoning plans. While some of the adjacent property is zoned commercially, only that area which is already zoned is designated as a commercial node on the 2020 General Land Use Plan.

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

Finding: The proposed zoning is not justified at this time as it is not consistent with the City's adopted plan for growth and development in this area.

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

Finding: The proposed zoning may create or appreciably increase traffic danger and congestion. The widely varied uses which are permitted in the C-2 zoning district make it impossible to determine the precise impact of traffic for a new development in this location.

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

Finding: The proposed zoning would not alter the population density in a manner which would undesirably increase the load on public services including schools, water, and sewer facilities.

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

§161.14 DISTRICT C-2 THOROUGHFARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations.

Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

U. Unit 21. Warehousing and Wholesale.

1. Description. Unit 21 includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation.

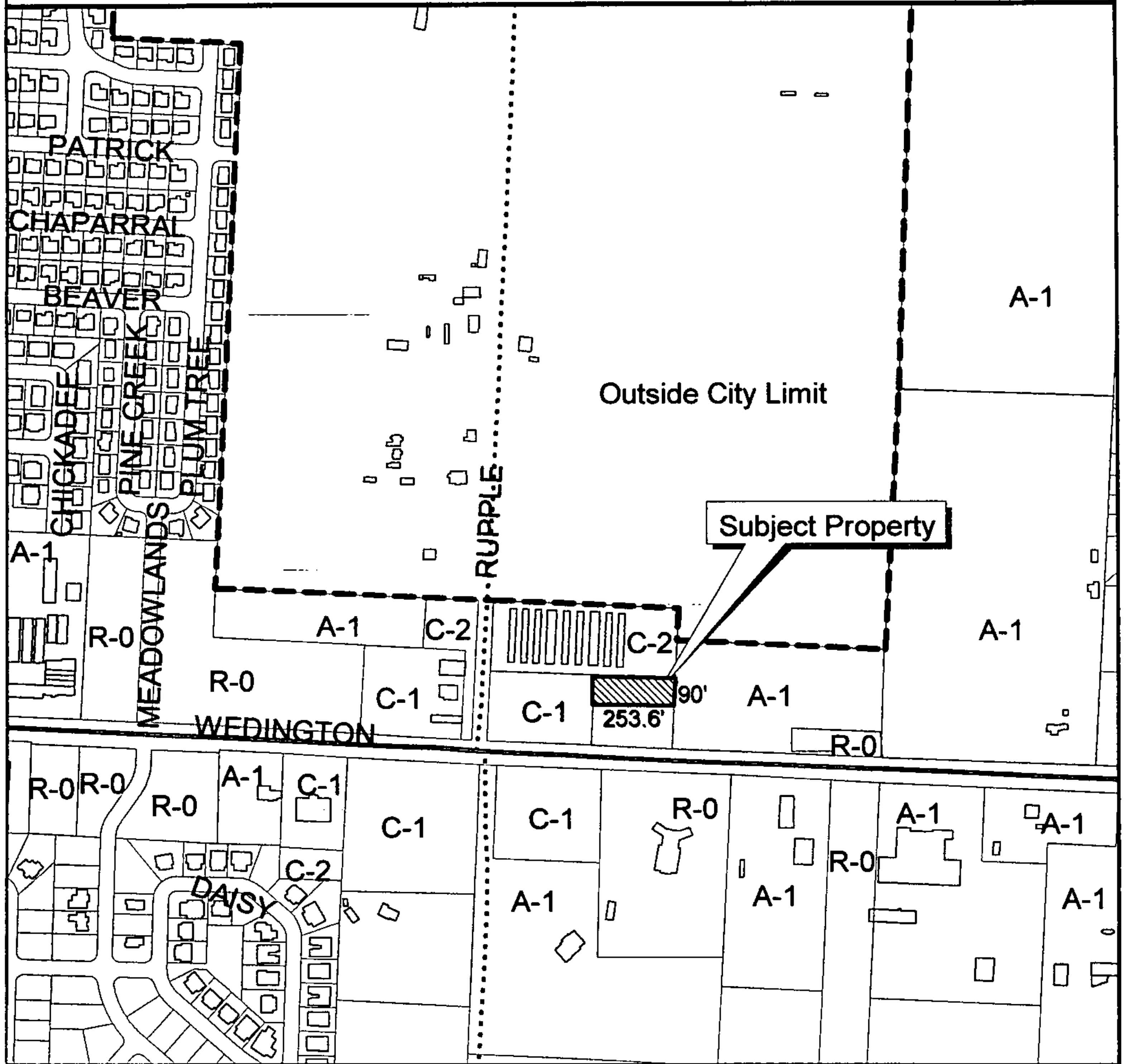
2. Included Uses.

Warehouses	
Wholesale Establishments	
Trucking Establishments	
Building Material Establishments:	-Air Conditioning -Building Materials -Electrical Supply -Glass -Heating Equipment -Lumber -Paint -Plumbing Supplies -Wallpaper
Fuel and Ice Establishments:	-Bottled Gas -Fuel Dealer -Fuel Oil -Ice House
Ministorage Units	
Monument, Including Processing	
Vending Machines	
Amusement Park	
Service Establishments: Building Services	-Disinfecting and Exterminating Services -Janitorial Service -Window Cleaning Service

Service Establishments:
Contract
Construction Service

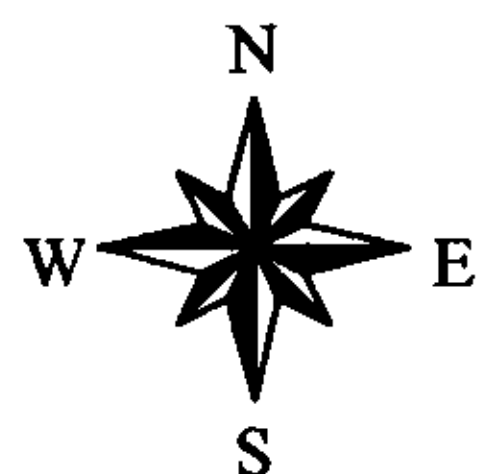
- Air Conditioning
- Building Construction
- Carpentry
- Cesspool Cleaning
- Concrete
- Decorating
- Electrical
- Furnace Cleaning
- Heating
- Heavy Construction
- Masonry
- Oil Well Drilling
- Painting
- Paper Hanging
- Plastering
- Plumbing
- Roofing
- Sheet Metal
- Stonework
- Tile Setting
- Water Well Drilling
- Housing for Caretakers

RZ00-25 Caudle Close Up

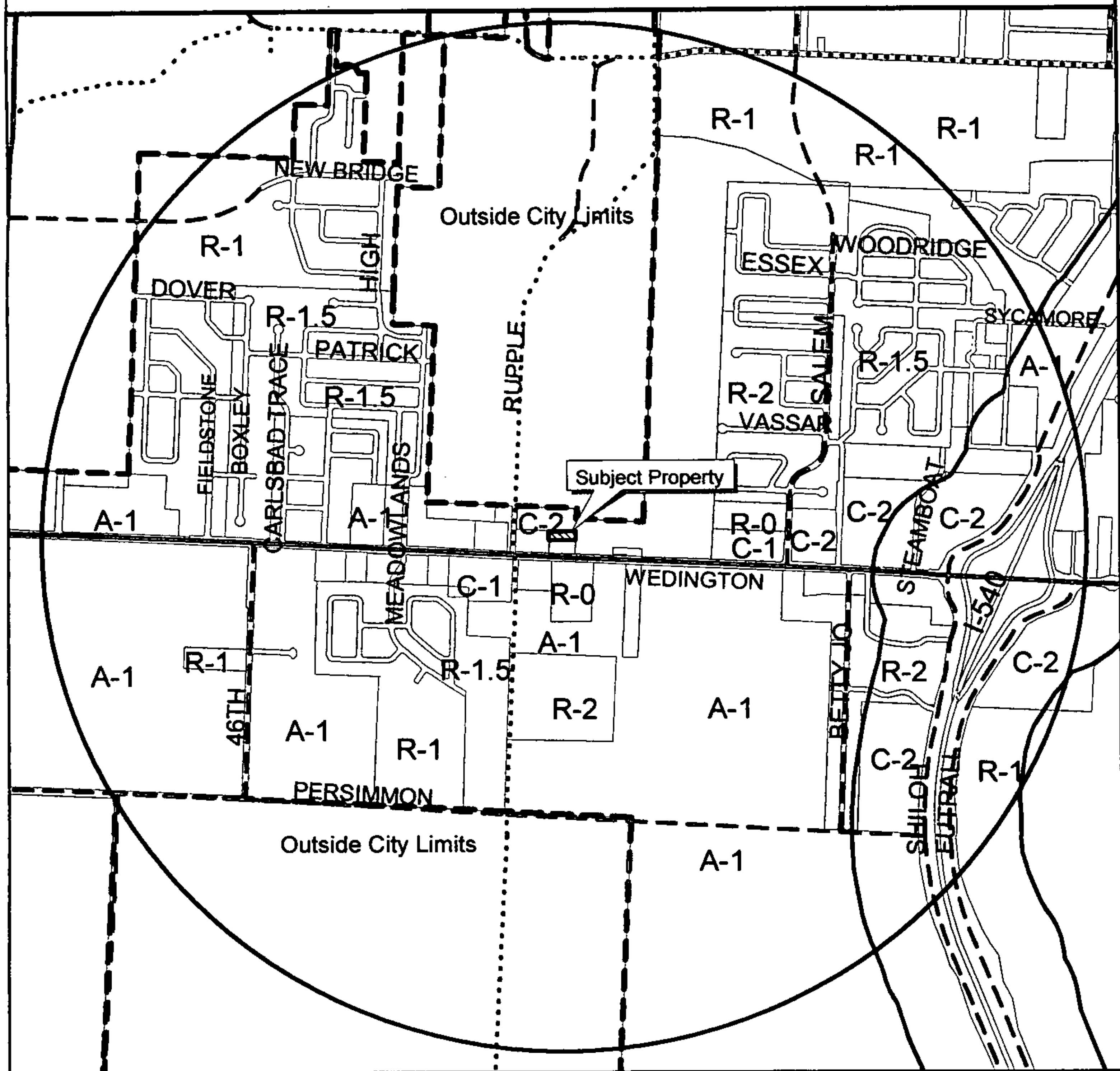


- Streets
- Zoning District
- Structures (1998)
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Fayetteville City Limits

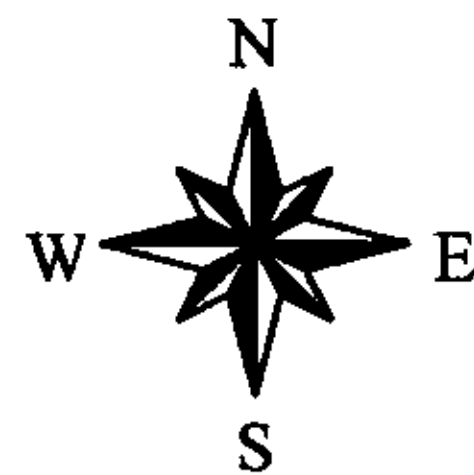
300 0 300 600 Feet



RZ00-25 Caudle One Mile Radius



- Streets
- Regional Zoning
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Design Overlay District
- Fayetteville City Limits



DESCRIPTION FOR ITEM NUMBER FIVE (5)

- A. Westside Storage, Inc.
1192 North Ruppel Road
Fayetteville, AR 72704

There are no proposed or pending sale of this property.

- B. Re-zoning change is necessary for expansion on existing business adjacent to this property.
- C. This property would be expansion of existing business in A, C-2 requirement.
- D. Sewer, water, and all utilities either on property are readily available.

**MINUTES OF A MEETING OF THE
FAYETTEVILLE CITY PLANNING COMMISSION**

A meeting of the Fayetteville Planning Commission was held on Tuesday, July 9, 1990 in the Board of Directors Room on the second floor of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Jerry Allred, Fred Hanna, J.E. Springborn, Jett Cato, J. David Ozment, and Charles Nickle

MEMBERS ABSENT: Jack Cleghorn, Gerald Klingaman and Joe Tarvin

OTHERS PRESENT: John Merrell, Becky Bryant, Don Bunn, Elaine Cattaneo, members of the press and others

Chairman Hanna advised that they have had a request to table agenda item #5 (Preliminary Plat of Green Meadows Addition) to provide time for the location of the Salem Road extension on this property to be decided. The developer feels that location will have a bearing on two phases of the subdivision. He further stated that they have had a request to table item #10 (lot split for property located on West Avenue) until further information is obtained. He advised that there will be no discussion on these two items from the Planning Commission tonight. However, if anyone in the audience has comments, they will have the opportunity to speak.

PUBLIC HEARING - REZONING PETITION #R90-14

DALE & DENNIS CAUDLE - N OF WEDINGTON DR, E OF RUPPLE RD

The first item on the agenda was a public hearing for rezoning petition #R90-14 submitted by Dennis & Dale Caudle for property located on the north side of Wedington Drive, east of Ruppel Road containing 5.05 acres. The request is to rezone from A-1, Agricultural, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this property has frontage on both Wedington Drive and Ruppel Road. As the staff understands it, the Caudles don't have any definite plans for development of this property at this time, except for the possibility of self-service storage units on some portion of the property. That use would require a C-2 zoning and a conditional use permit. The overall policy by the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue. The City has identified the following three key nodes at which commercial development would be encouraged: a) the intersection of Wedington Drive and the Bypass, b) the intersection of Wedington Drive and Ruppel Road, and c) the intersection of Wedington Drive & Double Springs Road. The staff feels that the City's plans have helped stabilize the area, protect property values and minimize traffic

problems. With respect to the nodes of commercial development, the City has been somewhat lenient about granting certain limited rezonings in the area on Wedington from the Bypass to Ruppel Road. This is an area that is emerging as an office and institutional area with all R-O uses. The staff's recommendation is to rezone this property to R-O rather than C-2 to keep it in harmony with the type of growth the City has encouraged out there. This recommendation is subject to a Bill of Assurance on tree preservation which would require the owners to submit a tree preservation plan to preserve 60% of all existing trees with the caliper of 8" or more and protect the trees during the construction paving process with a proviso that, if a few more trees needed to be removed to make a good development, the staff has the administrative discretion to negotiate with the developer to the extent of 15%.

Dale and Dennis Caudle stated that they would like to develop self-storage units on the back 3.5 acres of the property, which isn't visible from the highway. In order to do the mini-storage, they would need a C-2 zoning. He advised that they are environmentally conscientious and will save as many trees as possible. He noted that the front 1.5 acres of property along Wedington Drive could be left as A-1 or zoned to R-O. They are mainly concerned with the back 3.5 acres.

Commissioner Springborn asked if mini-storage in the back half is compatible with the recommendation relative to the preservation of the trees. Mr. Caudle answered yes. Mr. Merrell stated that he would concur with that.

In answer to a question from Mr. Merrell, Dale Caudle stated that their access to the self-storage development would be off of Ruppel Road. Dennis Caudle stated that they feel there is a need for self-storage units on that side of town, but they also realize the buildings aren't usually attractive, so they are planning to place them 300' off of Wedington.

Commissioner Allred stated that they have had prior discussion regarding mini-storage as a use by right in the C-2 zone. He asked if there is anything in the proposed new ordinances to address this situation. Mr. Merrell stated that he doesn't recall how it is addressed in the new ordinance. But, these type of facilities are a fairly good use in a C-2 zone because they tend to generate less traffic than other uses allowed in C-2 and are also relatively quiet. He stated that his opinion is that the mini-warehousing developments should be allowed by right in the C-2 zone.

Mr. Merrell stated that the staff stands by their recommendation. However, if it is the consensus of the Commission to recommend a C-2 zoning for part of this property, the staff would like to recommend that it be subject to a Bill of Assurance limiting the use of that portion of the property to mini-warehousing.

In answer to a question from Commissioner Allred, Mr. Merrell stated that there wouldn't be a screening requirement since this property abuts an A-1 zone on one side and Washington County on the other.

Dale Caudle stated that they would agree to signing a Bill of Assurance to limit the development of that property.

Planning Commission
July 9, 1990
Page 3

In answer to a question from Commissioner Nickle, Mr. Caudle stated that they have no development plans for the property fronting on Wedington Drive at this time.

Mr. Merrell stated that the staff would like the Bill of Assurance to also include the access to the back property be limited to Ruppel Road.

--- There being no one else wanting to speak to this, the public hearing was closed.

Chairman Hanna stated that mini-storage would be a compatible use for that area, and it is too bad they have to have a C-2 zoning for that use. With the Bill of Assurance that was offered, he feels that this is a reasonable request.

MOTION

Commissioner Ozment moved to recommend a rezoning of the north (back) 3.5 acres to C-2 with a Bill of Assurance that it will be limited to mini-storage development and that the access would be from Ruppel Road and to recommend a rezoning of the south (front) 1.5 acres to R-0, Residential-Office subject to staff recommendations, seconded by Cato. The motion passed 6-0-0 with Cleghorn, Tarvin and Klingaman being absent.

PUBLIC HEARING FOR REZONING PETITION #R90-16

GEORGE LEONARD MCCANDLESS - N OF SYCAMORE, W OF COLLEGE AVE

The second item on the agenda was a public hearing for rezoning petition #R90-16 for property submitted by George Leonard McCandless and represented by Steve Gunderson for property located on the north side of Sycamore, west of College Avenue. The request was to rezone from R-1, Low Density Residential, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this piece of property fronts on Sycamore and adjoins commercial property on College. He stated that it is the feeling of the staff that an R-1 zoning does overly restrict Mr. McCandless, but they feel that C-2 is too intensive for that property for the reasons pointed out in the staff report. There are several R-0 businesses on the south side of Sycamore and the staff's recommendation is to approve a rezoning to R-0.

Steve Gunderson, representing Mr. McCandless, stated that they requested a C-2 zoning, because there is a piece of property on the east side of the subject property zoned C-2. When he initially filed the petition, he wanted to have all of the property zoned in a similar manner. However, after reviewing the staff's recommendation and the city ordinances, the applicant is of the opinion that an R-0 zoning would be amenable.

Charles Richardson, who lives at the corner of Sycamore and Green Valley, stated that this is a very viable neighborhood which is anchored by Woodland School.

July 17, 1990

Mayor Martin stated that a vote for this resolution would be to authorize staff to negotiate the best figures for a contract of purchase and a vote against would only be delaying the inevitable steps to a material recovery facility.

Linebaugh asked Rose to read the resolution again.

Director Green asked if there would be time for additional public input for the subject until negotiations stopped, and Director Kelley stated that he felt a vote for location of the site was a definite indicator of where the facility should be located. He stated that discussion regarding the specific type of facility might need further public input but as far as the location of such site was concerned, the vote for or against the resolution should be taken at this meeting presently.

Upon roll call, the resolution passed by a vote of 7 to 0.

RESOLUTION 115-90 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

CAUDLE REZONING

Mayor Martin introduced consideration of a request filed in R90-16 by Dennis, Dale and Jeff Caudle for property fronting on Wedington Drive and Ruppel Road.

The parcel consists of 5.05 acres fronting on Wedington Drive and Ruppel Road. The request is to rezone from A-1, Agricultural to C-2, Thoroughfare Commercial. Staff recommended rezoning to R-O, Residential Office, to keep the area in harmony with the type of growth the City has encouraged in that location, subject to a bill of assurance on tree preservation.

The Planning Commission recommended unanimously rezoning the North (back) 3.5 acres to C-2, Thoroughfare Commercial, with a bill of assurance that it will be limited to mini-storage development and that the access would be from Ruppel Road and to recommend a rezoning of the South (front) 1.5 acres to R-O, Residential Office.

The ordinance was read for the first time. Director Marinoni, seconded by Kelley, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the second time. Director Marinoni, seconded by Kelley, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the third time.

Upon roll call, the ordinance for rezoning passed unanimously.

ORDINANCE NO. — APPEARS ON PAGE — OF ORDINANCE AND RESOLUTION BOOK

FINAL PLAT OF BROOKHOLLOW FIRST ADDITION
ERC PROPERTIES - N OF STEARNS ST, W OF OLD MISSOURI RD

The tenth item on the agenda was a final plat of Brookhollow First Addition submitted by ERC Properties and represented by Tom Hopper of Crafton, Tull & Associates for property located on the north side of Stearns Street, west of Old Missouri Road. The property is zoned R-2, Medium Density Residential, containing 7.22 acres with 25 proposed lots.

Don Bunn, City Engineer, advised that this plat went to Plat Review last Thursday, but did not go to a Subdivision Committee meeting. There didn't seem to be any problems associated with any of the easements. The staff recommends approval of this final plat.

Tom Hopper, representing the developers, stated that all the improvements are in place with the exception of jointing some of the concrete streets which will be done on the first dry day.

In answer to a question from Commissioner Klingaman, Mr. Hopper advised that the shaded half was the first phase that was filed and the second half is what is being filed now. He added that they plan to develop the property with single-family dwellings only.

MOTION

Commissioner Ozment moved to approve the final plat subject to the Plat Review comments and staff's comments, seconded by Tarvin. The motion passed 6-0-0.

CONDITIONAL USE FOR SELF-STORAGE UNITS
DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR

The eleventh item on the agenda was a conditional use for self-storage units submitted by Dale Caudle for property located on the east side of Rupple Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial, and contains 3.5 acres.

Becky Bryant, Associate Planner, advised that the Planning Commission rezoned this property from A-1 to C-2 on July 9th. As before, the staff isn't in favor of a commercial operation at this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Rupple Road plus the tree-protection plan does resolve many of the staff's concerns.

Jeff Caudle, representing Dale Caudle, stated that they are aware of the restrictions on the property and the tree preservation plan and have no problems with them.

In answer to a question from Commissioner Klingaman, Mr. Caudle stated that they have a firm understanding in regard to the tree preservation plan that a percentage of the number of trees on the property will be maintained.

Becky Bryant advised that a Bill of Assurance was signed as part of the rezoning; it details the tree preservation plan.

MOTION

Commissioner Ozment moved to grant the conditional use, seconded by Klingaman. The motion passed 5-1-0 with Ozment, Cleghorn, Tarvin, Hanna & Klingaman voting "yes" and Springborn voting "no".

MOTION

Commissioner Tarvin moved to approve the large scale development plan subject to the staff's comments, the Plat Review minutes, and the Subdivision Committee minutes. The motion was seconded by Commissioner Cleghorn. The motion passed 7-0-0.

LARGE SCALE DEVELOPMENT PLAN FOR MINI-STORAGE
DENNIS & DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR

The fourth item on the agenda was a large scale development plan for Mini-Storage submitted by Dennis & Dale Caudle for property located on the east side of Rupple Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial.

Don Bunn, City Engineer, stated that the entrance to this development is proposed to be off of Rupple Road. They were granted a conditional use just recently for the purpose of constructing mini-storage. There was a question at the Subdivision Committee meeting regarding the terms of the Bill of Assurance on tree preservation which was a condition of approval. The staff's recommendation is that the developers work with the staff to make sure that all the conditions of the Bill of Assurance are met. Also, the Fire Chief's recommendation of the placement of two fire hydrants within this development was questioned. The State Fire Code, which was adopted by the City of Fayetteville, requires a hydrant within 500' of each unit. A fire hydrant located at the entrance on Rupple Road would satisfy that requirement. However, the Chief has indicated that, because of the construction there and what he considers the unusual conditions, a fire hydrant should be located in the development about half way. It is the staff's recommendation that the large scale development be approved subject to the installation of the fire hydrants as required by the Fire Chief and working with the staff on the Bill of Assurance.

In answer to questions from Chairman Hanna, Mr. Bunn stated that the plat shows two phases of development for which they want approval at this time.

In answer to a question from Chairman Hanna, Ms. Bryant stated that the question of whether one fire hydrant placed in the middle of the development would meet the distance requirement of the ordinance was raised. She noted that the Fire Chief has stated that the ordinance gives him enough discretion to require an additional fire hydrant in certain circumstances regardless of the 500' criteria. And, he felt that there were circumstances on this property that would warrant two fire hydrants. Mr. Bunn stated that the Fire Chief felt that, if only one fire hydrant were placed in the center of the development, a fire at the entrance might preclude them reaching that hydrant.

MOTION

Commissioner Tarvin moved to approve the large scale development subject to the staff's comments, the Plat Review comments, and Subdivision Committee comments including the installation of two fire hydrants. This was followed by discussion.

Dennis Becker, representing the petitioners, stated that they agree with the staff recommendations. He noted that there isn't a fire hydrant at the corner of Rupple Road and Wedington Drive. There was not one installed in connection with the Speedee Mart development at that location. Because of this, the petitioner in this case is required to put in two. Had there been one on the corner, they would only have to install one. He stated that they were told that Speedee Mart didn't go through the large scale development process, so there was

no chance to look at the overall fire hydrant plan. Therefore, it slipped through. He suggested that in all fairness to developers, they look at this loophole between large scale development, which does its job in looking at utilities and fire hydrantes, and smaller properties-that are developed without the same detailed review. Other than that, they are in total agreement with the staff recommendations.

In answer to a question from Commissioner Cleghorn, Ms. Bryant stated that the questions about the percentage of trees to be preserved was resolved to her satisfaction. She believes that they will be able to meet the criteria.

~~Commissioner-Cato-seconded-the motion.--The-motion passed 7-0-0.~~

LARGE SCALE DEVELOPMENT PLAN FOR ADDITIONAL PARKING
TYSON'S FOODS - 2700 SOUTH SCHOOL AVENUE

The fifth item on the agenda was a large scale development plan for additional parking submitted by Skip McLoud on behalf of Tyson's Foods. The property is located at 2700 South School Avenue and zoned I-1, Light Industrial & Heavy Commercial.

Don Bunn, City Engineer, stated that this large scale development consists of the addition of 200 parking spaces at the Tyson's plant. The additional parking is required as a result of some additions inside the plant. Two issues were raised at the Subdivision Committee meeting: 1) the additional drainage that will be created by the new parking lot, and 2) the Planning staff's recommendation that they do some-landscaping within-the-parking lot, although it is not a requirement. The petitioners have agreed to look at their drainage ditches to make sure they are sized to handle the drainage properly. The staff is recommending approval of the large scale development subject to an investigation of the increase in run-off, construction of a sidewalk along South School Avenue, the Plat Review comments, and Subdivision Committee comments.

Skip McLoud, representative for Tyson's, stated that, based upon the Planning staff's recommendation on the landscaping, they have added landscaping in the center islands of the parking lot. They have studied the drainage and feel that it is adequately designed. He noted that the drainage at this time goes to the west and north slightly. The drainage that comes towards the north of the building toward the subdivision property for which the citizens were concerned should not be affected by this parking lot because there is a break in the terrain.

In answer to a question from a member of the audience, Chairman Hanna advised that the new parking lot will be to the south of the building.

MOTION

Commissioner Cato moved to approve the large scale development subject to the staff's comments, seconded by Tarvin. The motion passed 7-0-0.

CONDITIONAL USE FOR TANDEM LOT
JAY BERRYMAN - S OF SYCAMORE ST, E OF COLLEGE AVE- --

The sixth item on the agenda was a conditional use for a tandem lot in connection with the lot splits requested (the next item on the agenda) by Jay Berryman for property located south of Sycamore Street and east of College Avenue. The property is zoned R-1, Low Density Residential.

Don Bunn, City Engineer, stated that the total property is about 8.8 acres and the proposal is to split the property into three tracts. Tracts 1, 2, & 3 will

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 8th day of January, 2001, by the undersigned owners of the following described real estate located in the City of Fayetteville, Washington County, Arkansas, and more particularly described as follows, to-wit:

SEE ATTACHMENT

WHEREAS, the aforesaid owner of the real property described above has secured the approval of the Fayetteville City Council to amend the Fayetteville zoning map and rezone the above described 0.52 acres that adjoins the existing storage facility to the north from R-0, Residential Office to C-2, Thoroughfare Commercial; and

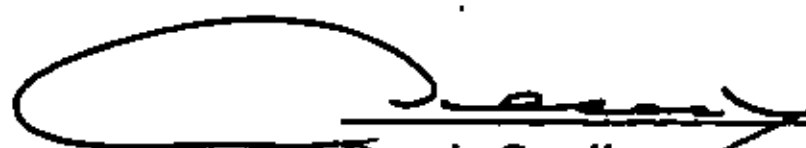
WHEREAS, the owners have promised and agreed to subject the development of said real estate pursuant to certain covenants and restrictions pertaining to same; and

WHEREAS, the owners are desirous of making a declaration of the same in the form of this Bill of Assurance with the intention of guaranteeing the preservation of certain values and amenities in the community and to bind themselves, their successors and assigns and the aforescribed real estate and its subsequent owners with the obligations and restrictions hereinafter set forth for all present and future development and use of said property.

NOW, THEREFORE, the owners declare that the above described real property shall be held, developed, transferred, sold, conveyed and occupied subject to the covenants and restrictions herein set forth:

The use of the 0.52 acres that adjoins the existing storage facility to the north shall be limited to a climate controlled storage facility and/or mini-storage facility and shall contain screening to be approved by the Planning Commission.

WITNESS my hand and seal this 8th day of January, 2001:


Dennis Caudle
ACKNOWLEDGMENT

STATE OF ARKANSAS)

)SS.

COUNTY OF WASHINGTON)

Now on this 8 day of JANUARY, 2001, came before me, the undersigned Notary Public within and for the aforesaid County and State, Dennis Caudle, who acknowledged that they had executed the foregoing Bill of Assurance for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 8 day of JAN 2001, 2001.


Notary Public
My Commission Expires: 7-11-02

LEGAL DESCRIPTION FOR BILL OF ASSURANCE (DENNIS CAUDLE)

A PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION TWELVE (12) TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE WEST LINE AT SAID FORTY ACRE TRACT WHICH IS 267 FEET NORTH OF THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE EAST 373.1 FEET; THENCE SOUTH 0 DEGREES 10 MINUTES EAST 90 FEET; THENCE EAST 253.6 FEET; THENCE NORTH 0 DEGREES 25 MINUTES EAST ALONG AN EXISTING FENCE LINE 90 FEET; THENCE WEST 254.52 FEET TO THE WEST CONTAINING A LOT OF ABOUT 22,770 SQUARE FEET MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

**TENTATIVE AGENDA
CITY COUNCIL
JANUARY 2, 2001**

A meeting of the Fayetteville City Council will be held on January 2, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the December 5, 2000 City Council Meeting.
2. **ROLLFORWARD:** A resolution approving a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 2000 Budget. The items which are approved will become part of the 2001 Budget.
3. **TRAFFIC SIGNAL:** A resolution expressing the willingness of the City of Fayetteville to utilize Federal Aid Monies for the Signalization of State Highway 112 and Drake Street.

B. OLD BUSINESS

1. **WIRELESS COMMUNICATION:** An ordinance approving an amendment to the Wireless Communication Facility Ordinance 4178. The ordinance was left on the second reading as amended at the December 19, 2000 City Council Meeting.
2. **GRADING AND DRAINAGE:** An ordinance approving amendment to the City's Grading and Drainage ordinances. The ordinance was left on the second reading at the December 19, 2000 City Council meeting.
3. **HMR TAX:** An ordinance amending §35.20 of the Code of Fayetteville regarding the HMR Tax. The ordinance was left on the first reading at the December 19, 2000 City Council meeting.

C. NEW BUSINESS

1. **BID 00-79:** A resolution awarding a contract to Harrison Davis Construction Co. of Fayetteville for their low bid of \$1,982,600.00 for the construction of the Fayetteville Senior Center. An approval of a budget adjustment in the amount of \$78,083.00 which is funded by the Council on Aging.
2. **RZ00-25.00:** An ordinance approving rezoning request RZ00-25.00 as submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

STAFF REVIEW FORM

ROLLFORWARD
A. 2 Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

the Fayetteville City Council meeting of January 2, 2001

FROM:

Steve Davis
 Name

Budget & Research
 Division

Administrative Services
 Department

ACTION REQUIRED:

The City Council is requested to approve a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 2000 Budget. The items which are approved will become part of the 2001 Budget.

COST TO CITY:

\$ See Attachment

Cost of this Request

See Attachment

Account Number

See Attachment

Project Number

See Attachment

Category/Project Budget

See Attachment

Funds Used To Date

See Attachment

Remaining Balance

See Attachment

Category/Project Name

See Attachment

Program Name

See Attachment

Fund

BUDGET REVIEW:

_____ Budgeted Item X Budget Adjustment Attached

[Signature]
 Budget Manager

[Signature]
 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Farthing
 Accounting Manager

12/19/00
 Date

Nancy Smith
 Internal Auditor

12/19/00
 Date

[Signature]
 City Attorney

12/19/00
 Date

[Signature]
 ADA Coordinator

 Date

[Signature]
 Purchasing Officer

12/20/00
 Date

STAFF RECOMMENDATION:

Staff recommends approval of the rollforward budget adjustment.

[Signature]
 Division Head

12-18-00
 Date

Cross Reference

[Signature]
 Department Director

 Date

New Item: **Yes** **No**

[Signature]
 Administrative Services Director

12/18/00
 Date

Prev Ord/Res #: _____

[Signature]
 Mayor

12/20/00
 Date

Orig Contract Date: _____

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Council

THRU: Dan Coody, Mayor
John Maguire, Administrative Services Director

FROM: Budget & Research 

DATE: January 2, 2001

SUBJECT: 2000 Budget Rollforwards

Please find attached a schedule of operating and capital amounts by fund which were included in the 2000 Budget but did not incur a financial obligation during the 2000 fiscal year. The 2000 estimated unreserved fund balance/retained earnings for the respective funds reflects the cost of the requested rollforwards. Therefore, approval for these items to be made part of the 2001 appropriations, will not impact the City's budgeted financial position. The rollforwarding of prior year's appropriated projects and items is a normal operating procedure. Approval of this request will allow the 2001 Budget to be increased to reflect the attached information. Several of the requested rollforwards include a revenue offset in the form of grant revenues. Total requested rollforwards for all funds are \$23,752,989. A summary of all rollforwards requiring City Council action is described in the table below.

City Council Approval Requested

Funding Source	Amount
General	\$ 1,883,296
Street	532,076
City Advertising & Promotion	344,913
Off Street Parking	267,829
Community Development	1,009,772
Parks Development	1,381,029
Drug Law Enforcement	21,171
Sales Tax Construction	12,440,091
Water & Sewer	3,109,432
Solid Waste	401,593
Airport	285,333
Town Center Construction	114,200
Shop	1,962,254
Total All Funds	\$ 23,752,989

In addition to the projects discussed above, \$10,138,053 of projects and items were in progress at the end of the year. The unexpended budget on these financial obligations will also be rolled forward and become a part of the 2001 budget. These items do not require additional action by Council because these items have either a contractual agreement or have been authorized by purchase order. For your information, a summary by funding source is included in the table below.

Informational Rollforwards

Funding Source	Amount
General	\$ 416,176
Street	35,309
City Advertising & Promotion	162,816
Off Street Parking	545
Community Development	30,589
Parks Development	165,396
Drug Law Enforcement	1,947
Library Construction	1,545,000
Sales Tax Construction	1,837,644
Water & Sewer	1,719,790
Solid Waste	38,372
Airport	393,972
Town Center Construction	3,412,042
Shop	378,455
Total All Funds	\$ 10,138,053

Please note that the actual non-obligated (\$23,752,989) and obligated (\$10,138,053) amounts to be rollforwarded will be less than what is requested in this memo. The actual amounts will not be determined until all of the December 2000 expenses are processed. Once a final listing has been made, it will be submitted to the Mayor for approval before the appropriation is implemented. This submitted request is to prevent any time delays in City operations and projects that would occur if prior year funding was not re-appropriated.

If you have any questions concerning the attachment or the procedure, please feel free to contact the Budget & Research Division. Thank you.

City of Fayetteville, Arkansas

- 2001 Rollforward Items

Budget & Expense Activity as of 12/18/2000

2000 Requested Rollforwards

Funding Source	2000 Budget	Estimated	Expense	Encumbrance	Remaining	Non Obligated	Obligated
General	\$ 21,456,948	\$ 21,061,239	\$ 18,450,649	\$ 416,176	\$ 2,194,414	\$ 2,194,414	\$ 416,176
- State Grants						(257,000)	0
- Federal Grants						(54,118)	0
Street	3,259,107	3,237,450	2,670,065	35,309	532,076	532,076	35,309
City Advertising & Promotion	1,918,087	1,918,087	1,410,358	162,816	344,913	344,913	162,816
Off Street Parking	466,291	466,291	197,917	545	267,829	267,829	545
Community Development	1,564,347	1,497,647	457,286	30,589	1,009,772	1,009,772	30,589
Parks Development	2,421,936	2,396,610	850,185	165,396	1,381,029	1,381,029	165,396
Drug Law Enforcement	364,120	364,120	273,176	1,947	88,997	88,997	1,947
- Drug Enforcement Grants						(67,826)	0
Library Construction	1,545,000	1,545,000	0	1,545,000	0	0	1,545,000
Sales Tax Construction	26,278,296	26,859,131	11,176,394	1,837,644	13,845,093	13,845,093	1,837,644
- State Grants						(150,000)	0
- Federal Grants						(1,255,002)	0
Water & Sewer	27,509,343	27,173,648	21,494,426	1,719,790	3,959,432	3,959,432	1,719,790
- State Cost Sharing						(850,000)	0
Solid Waste	4,999,900	4,651,709	4,211,744	38,372	401,593	401,593	38,372
Airport	3,202,770	2,851,477	1,077,899	393,972	1,379,606	1,379,606	393,972
- Federal FAA Grants						(1,094,273)	0
Town Center Construction	7,582,094	7,582,094	4,055,852	3,412,042	114,200	114,200	3,412,042
Shop	6,051,166	6,037,541	3,696,832	378,455	1,962,254	1,962,254	378,455
	\$ 108,619,405	\$ 107,642,044	\$ 70,022,783	\$ 10,138,053	\$ 27,481,208	\$ 23,752,989	\$ 10,138,053

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

**ROLLFORWARD
A. 2 Page 5**

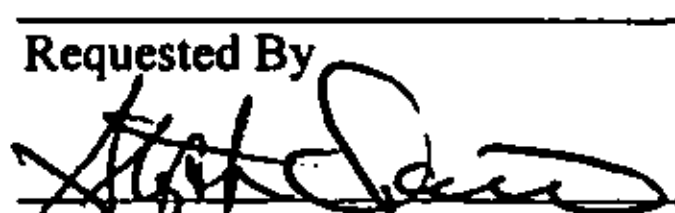
Budget Year	Department:	Various	Date Requested	Adjustment #
2001	Division:	Various	January 2, 2001	
	Program:	Various		

Project or Item Requested: 2000 Roll Forwarded funding into 2001 from various accounts and capital projects that had remaining funding at the end of 2000.	Project or Item Deleted: None. Various Use of Fund Balance Accounts.
--	--

Justification of this Increase: The funding is requested to continue current account expenses and capital projects.	Justification of this Decrease: Sufficient fund balance remains to comply with City Policy and objectives.
---	--

Increase Expense (Decrease Revenue)			
Account Name	Amount	Account Number	Project Number
See Attached			

Decrease Expense (Increase Revenue)			
Account Name	Amount	Account Number	Project Number
See Attached			

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
		Date of Approval _____					
Budget Manager	Date						
Department Director	Date	Posted to General Ledger _____					
Services Director	Date	Posted to Project Accounting _____					
Mayor	Date	Entered in Category Log _____					

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

the Fayetteville City Council meeting of January 2, 2001

FROM:

Charles Venable

Name

Division

Public Works

Department

ACTION REQUIRED: Approval of a Resolution expressing the willingness of the City of Fayetteville to utilize Federal Aid Monies for the Signalization of State Highway 112 and Drake St.

COST TO CITY:

\$7,000 (Est)
 Cost of this Request

98000 (2001 Budget)
 Category/Project Budget

TRANSPORTATION IMP.
 Category/Project Name

4470-9470-5801-06
 Account Number

Funds Used To Date

Program Name

96009-1
 Project Number

Remaining Balance

Fund

BUDGET REVIEW:

X Budgeted Item

_____ Budget Adjustment Attached

[Signature]
 Budget Coordinator

_____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Marilyn Cramer 12-18-00
 Accounting Manager Date

ADA Coordinator

Date

[Signature] 12-18-00
 City Attorney Date

Nancy Smith
 Internal Auditor

12/19/00
 Date

[Signature] 12-18-00
 Purchasing Officer Date

Grant Officer

Date

STAFF RECOMMENDATION: Approval

Division Head

Date

Cross Reference

[Signature]
 Department Director

12-14-00
 Date

New Item: Yes No

[Signature]
 Admin. Serv. Director

12/14/00
 Date

Prev Ord/Res #: _____

[Signature]
 Mayor

12/19/00
 Date

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor & City Council

From: Charles Venable - Public Works Director 

Date: December 14, 2000

Subject: Signalization of the Intersection of State Highway 112 and Drake St.

In early September a letter was received from a Jim Everett asking the City to study the subject intersection for a possible traffic signal installation. Since Garland St. (St. Hwy 112) is a part of the State Highway System a letter was sent to them asking that a study of the needs for a traffic signal be undertaken. This study has now been completed and a letter dated December 4, 2000, from the chief engineer informed us that a signal was warranted and that Federal Aid Funding could be used to install the signal. The costs of the signal installation was estimated to be \$70,000 with the City's share estimated to be \$7,000.

Since the City's Traffic Division currently has several intersections they plan to install signals using City funds during the coming year or so it is recommended that the City enter into an agreement with the State Highway Department for this intersection.

Encl:

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

TRAFFIC SIGNAL
A. 3 Page 3

Dan Flowers
Director
Telephone (501) 569-2000



November 27, 2000

P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

The Honorable Fred B. Hanna
Mayor, City of Fayetteville
41 East 29th Circle
Fayetteville, Arkansas 72701

Dear Mayor Hanna:

Reference is made to your request for a traffic signal study at the intersection of Highway 112 and Drake Street in Fayetteville.

Our study consisted of a 24-hour turning movement count, a review of accident records and an on-site investigation. Based on the results of our study, we have determined that traffic volumes at the subject intersection are currently sufficient to warrant signalization as outlined in the Manual on Uniform Traffic Control Devices.

Although the construction and engineering costs related to signalization and roadway improvements at this intersection are eligible for 80% Federal, 10% State and 10% local funding, a signal project cannot be scheduled at this time due to the current backlog of signal projects. However, should the City desire to proceed with the installation of a signal at this time, the Department can issue a permit for the signal's installation at the expense of the City. A preliminary cost estimate for this signal project is \$70,000.

If the City should desire to wait until Federal funds become available, please have your governing body pass a Resolution (sample enclosed) and return it to us. The City will be advised when a signal project can be scheduled. The City will be responsible for any additional right-of-way and utility relocation as well as providing power and maintaining the signal after installation.

If we can be of further assistance, please advise.

Yours truly,

Robert L. Walters
Chief Engineer

Enclosure

cc: Commissioner Jonathan Barnett
Director

**FEDERAL-AID PROJECT RESOLUTION
RESOLUTION NO. _____
A RESOLUTION EXPRESSING THE WILLINGNESS
OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Signalization of Highway 112 and Drake Street

WHEREAS, The City of Fayetteville understands Federal-Aid Surface Transportation funds are available for certain City projects at the following Federal participating ratios:

<u>Type Work</u>	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Match</u>
Traffic Signals	Construction & Engineering	80%	10%	10%
Intersection Improvements	Construction & Engineering	80%	10%	10%
	Right-of-Way & Utilities	-0-	-0-	100%
City projects programmed but not let to contract	All Phases	-0-	-0-	100%

NOW THEREFORE, BE IT RESOLVED BY THE CITY'S GOVERNING BOARD OF THE CITY OF FAYETTEVILLE, ARKANSAS, THAT:

SECTION I: The City will participate in accordance with its designated responsibility in this project.

SECTION II: The City is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this City project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this City project.

THIS RESOLUTION adopted this _____ day of _____, 19____.

MAYOR

ATTEST: _____



ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT
DISTRICT FOUR

TRAFFIC SIGNAL

A. 3 Page 5

SEP 19 2000

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

1919 TOWSON AVE. • P. O. BOX 1424 • FORT SMITH, AR 72902-1424 • TELEPHONE (501) 646-5501 • FAX (501) 646-8286
WASHINGTON — CRAWFORD — FRANKLIN — SEBASTIAN — LOGAN — SCOTT — POLK

September 18, 2000

The Honorable Fred Hanna
Mayor, City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Request for Traffic Signal Study
Hwy 112 @ Drake Street
Fayetteville

Dear Mayor Hanna:

Reference is made to the correspondence you recently forwarded to this office regarding traffic concerns expressed by Mr. Jim Everett. You noted in your response to Mr. Everett that you would request that the Department conduct a study to determine if signalization is currently warranted at the subject intersection.

The Department's traffic engineers have been asked to conduct the appropriate study to determine if the traffic at the location is sufficient to justify signalization. When they have completed their study and a determination has been made, you will be advised regarding the findings of the study. We have also passed on to them your availability to provide traffic count information if necessary to facilitate the study.

Thank you for your continued assistance in matters such as this. If we may provide additional information in this or other highway related matters, please let us know.

Very truly yours,

Harold Beaver
District Four Engineer

C: Assistant Chief Engineer - Operations

THE CITY OF FAYETTEVILLE, ARKANSAS

September 11, 2000

Mr. Jim Everett
67 White St.
Farmington, AR 72730

Dear Mr. Everett:

Reference is made to your letter dated September 5, 2000, regarding the traffic situation at the intersection of Garland Ave. (St. Hwy 112) and Drake St.

Since Garland Ave. is a State Highway we do not have any jurisdiction regarding traffic signals but is a function of the State Highway and Transportation Department.

I will send a copy of this letter along with yours to Mr. Harold Beaver, District 4 Engineer, located at Fort Smith, asking his department to review this need for a traffic signal at this location.

As soon as we hear back from Mr. Beaver we will be back in touch with you.

Sincerely,



Fred Hanna
Mayor

cc: District 4 Engineer Harold Beaver w/attachment
Perry Franklin

September 5, 2000

City of Fayetteville
Mayor Fred B. Hanna, Jr.
#41 E. 29th Circle
Fayetteville, Arkansas 72701

Re: Unsafe intersection

Dear Mr. Mayor;

I am sure you are a very busy man in your position so I will do my best to make my letter as brief and to the point as possible.

There is an intersection in your city that has reached a point where it is extremely unsafe to try to cross or turn at with a vehicle. The intersection I am referring to is located where Hwy.112 crosses Hwy.180 (Drake and Garland) just off the 540 bypass at exit 66.

Myself along with others have witnessed many near misses every morning and afternoon. There is a Citgo gas station at that intersection which further compounds the ability of vehicles attempting to turn left from Drake in either direction. The flow of traffic on Hwy 112 in itself prevents safe turns as motorists are forced to turn right in front of oncoming traffic. To further add to this situation there is a curve in the road.

I am only asking that someone please take a look at this situation in the morning and afternoon so appropriate action can be taken to avoid loss of life. I am sure you have bigger problems than this to deal with but I wouldn't take the time to write if it wasn't a potentially dangerous situation.

Thank you for your time.

Sincerely,



Jim Everett

cc. Perry Franklin , Traffic Superintendent

STAFF REVIEW FORM

BID 00-79
C. 1 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

the Fayetteville City Council meeting of January 2, 2001

FROM:

Charles Venable

Public Works

Name

Division

Department

ACTION REQUIRED: Approval of a Resolution awarding a contract to Harrison Davis Construction Co. of Fayetteville for their low bid of \$1,982,600 for the construction of the Fayetteville Senior Center. Approval of a budget adjustment in the amount of \$78,083 which is funded by the Council on Aging is also requested.

COST TO CITY:

\$1,982,600
Cost of this Request

\$1,904,517
Category/Project Budget

Walker Park Senior Complex
Category/Project Name

2180-4990-5722-00
2250-9250-5804-00
4470-9470-5804-00
Account Number

Funds Used To Date

Program Name

96092-1
Project Number

1,904,517
Remaining Balance

Community Development
Parks Development
Sales Tax Capital Improvement
Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

Grant Officer

Date

STAFF RECOMMENDATION: Approval of the Contract & Budget Adjustment

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Admin. Svcs Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

BID 00-79
C. 1 Page 3

DEPARTMENTAL CORRESPONDENCE

To: Mayor & City Council

From: Charles Venable - Public Works Director

Date: December 20, 2000

Subject: Award of a Contract for the Construction of the Fayetteville Senior Center

DRAFT

Bids were taken on December 15, 2000 for the construction of the Fayetteville Senior Center. Four contractors submitted bids with the low bid being submitted by the Harrison Davis Construction Co. of Fayetteville. Following is a list of the bidders and bid amounts.

<u>Bidder</u>	<u>Bid Amount</u>
1. Harrison Davis Construction Co.	\$1,982,600
2. Marinoni Construction	\$2,436,000
3. SSI, Inc.	\$2,625,000
4. Oakridge Builders	\$2,727,000

The City certified that \$2,125,000 was available to fund the project with funds being made available from the Area Agency on Aging, Community Development Block Grant dedicated HMR Tax proceeds and a 2 mil for one year real & personal property tax.

Enclosed herewith is a copy of the Architect's Letter of Recommendation and a copy of the bid tabulations.

It is recommended that the bid submitted by Harrison Davis be accepted.

Architect
City of Fayetteville
Public Works Director
Charles Venable

STAFF REVIEW FORM

RZ00-25.00

C. 2 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

for the Fayetteville City Council meeting of January 2, 2001

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an ordinance for RZ 00-25.00, submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-0, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0.00

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Staff recommended denial and on December 11, 2000, the Planning Commission voted 6-1-0 to recommend approval and forward the rezoning to the City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

for

Date

Orig Contract Date: _____

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZ 00-25 FOR A PARCEL CONTAINING
APPROXIMATELY 0.52 ACRES LOCATED AT 1192 RUPPLE
ROAD SUBMITTED BY DENNIS CAUDLE.

**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-0, Residential Office to C-2, Thoroughfare Commercial District for the real
property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is hereby
amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-25.00

Need legal from applicant.

Planning Commission

December 11, 2000

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RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Hoffman: The final item on our agenda is a Rezoning for Caudle submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial. I believe that we have seen this item before and Tim could you let us know. Before you get started, Mr. Caudle do you understand that you also need five positive votes to approve this rezoning. Appeal on a rezoning request goes to City Council not District Court.

Conklin: It's going to go City Council. That's correct.

Hoffman: You still need five positive votes.

Conklin: Yes. If you don't recommend it with five positive votes then they have to appeal to the City Council. That's how they get before the City Council.

Hoffman: I think I misstated it when I was talking earlier that everybody had to go to District Court, that's not the case with you.

Conklin: On October 23, 2000, the Planning Commission heard a request for .52 acres along with adjacent property so they heard this request this evening of .52 acres with adjacent property. That total property was 1.5 acres. The request was from R-0 to C-2. Staff did not recommend that rezoning request. The Planning Commission voted unanimously 6-0-0 to deny the request. I do have those minutes attached. The applicant appealed the decision to City Council and on November 21, 2000, the City Council heard this appeal request at that time they addressed an amended request with the applicant that he did not want to rezone the entire 1.5 acres but a smaller portion, .52 acres. The City Council did request that this .52 acres be brought back to the Planning Commission for your consideration and recommendation to them. Keep in mind the applicant originally requested the C-2 in order to apply for a conditional use permit to build additional storage on this property. That is his same intent at this time. Staff's original recommendation still stands with regard to denial. We are bringing this back to you because the City Council would like for you to take a look at this rezoning. The main difference is it's a smaller area, it's 90 feet in width, 253.6 feet long rectangle that adjoins the west side mini storage facility located on Ruppel Road. Just at the last Planning Commission meeting, when we did hear this item, there was concern about the

Planning Commission
December 11, 2000
Page 47

Bill of Assurance and I just want to make sure the applicant didn't misunderstand what I said at the Planning Commission and that was I was going to go out there with out Landscape Administrator to make sure that there weren't any violations of that Bill of Assurance. We have gone out there. We counted the trees. There are substantial numbers of pine trees that are along the north/south and west/east property line. Based on those numbers and the size of those trees, that Bill of Assurance has not been violated. He's meeting that requirement to save those trees on that site. With regard to the access from Wedington Road, that access has been barricaded and is not being used for this facility. Those were the two things in the Bill of Assurance, tree preservation and the access from Wedington. Both of those, for me, are not being violated. Kim Hesse and I have taken a look at the trees and it's meeting that requirement. I just wanted to clarify any misunderstandings that the Commission may have had on that Bill of Assurance or the applicant or myself.

Hoffman: Before we get to you, Tim I have a question about that. Are you referring to the entire site or just to the subject now up for us for rezoning?

Conklin: When I talked about the Bill of Assurance, the Bill of Assurance was for the entire 5 acres.

Hoffman: So we do have a good buffer between Wedington and the site?

Conklin: With regard to trees, it's interesting, the Bill of Assurance reads 60% of the trees. He has pine trees that are spaced probably five feet apart, approximately 200 along the south, north and east property line. Overall, when you look at the total number of trees just because those pine trees are soldiered up along the property lines, he's meeting that ordinance. With regard to our current Tree Preservation Ordinance, that's something that Kim Hesse would have to take a look at with regard to the existing oak trees that are on this property that are remaining.

Hoffman: Okay. Thank Tim. Do you have a presentation that you would like to make? Tell us your name please.

Caudle: Can I give you a copy of that?

Hoffman: Yes. You need to tell us who you are even though we know.

Caudle: At the time that this came up the first time in Planning Commission meeting, the original property that was rezoned ten years ago was originally 5.5 and they rezoned the back

portion and we built the storage facilities. At the time there was an indication that there was an need for them in the area and they were right, there has definitely been a need. There has been a lot of houses built out there over these last ten years. What we find now, we came to the little piece there on the front that turns back towards the highway, kind of a backwards L, we built as many buildings as we were originally designed to do from the ten years ago plan. The thing that's come up is a need for storage in the area. The climate control is a big factor that we come up with is the fact that there is no climate control inside the City of Fayetteville. We thought we could build a building to supply the need for the people that need that type of service. Right now there are several people that have to go to Springdale. There was six people that we were renting the facility for the last several years that the FDA passed a new law that their stuff had to be in climate control, so they have all been forced to go to Springdale because there is none in the City of Fayetteville. What I was proposing was to build a building that would provide the climate control type storage facility. The original request was to just simply rezone all the lot to C-2 because it was C-2 in the back. We brought in sewer several years ago to put storage buildings on all of it. First of all, storage buildings doesn't need sewer so that money will be wasted. The original request was to be able to have just enough area there to put in this one building. As far as being declined on the entire C-2 request well that was probably asking for too much. I should have probably done it like this in the first place because we did bring in the sewer, we didn't intend to build storage buildings out front anyway. To go back 90 feet toward the highway would allow us to build this one building which is right next to what's already there, that you see on the drawing there. There are twelve buildings that sit on the property now. This will be no different, as far as appearance, than what's there. There was some concern in the Planning Commission meeting from the 23rd as far as the appearance, whether or not they like them. The lot on the front of the drawing there, on the corner of Ruppel, I think it's called Wedington Plaza, I talked with them the other day and apparently they are starting construction next month which will take up a large coverage of where we are at in the front there as far as exposure to Wedington. One thing I said in the City Council meeting was that we would be more than willing to put in a privacy fence, a nice one that has brick pillars and privacy in between them in front of this building which would separate it from Wedington and there is still plenty of room on the front of Wedington, approximately 177 feet.

Hoffman: Is that to the building or to the line of the zoning demarcation, that 177 feet?

Caudle: The length of the property, back to where it's currently R-0, is 267 as is shown on the drawing there. To rezone 90 feet forward still leaves 177 feet before we reach the Wedington Highway. We brought in the sewer and paid for it several years ago. It is

Planning Commission

December 11, 2000

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set up for an office environment and that's probably what would be built there in time. Like I said, we have no plans at this point to build anything out front. To be allowed the 90 feet in conjunction with what is already there, does allow us to build this building that there is no question there is a need for it because the people do not have an access to this type of service in this city.

Hoffman: This 90 feet gives you access completely around the building and then have some room for the fence that faces Wedington?

Caudle: The corner once you come along the bottom, the 373 corner, if you just gotten out of the line that is currently C-2 extends straight on across 253 feet at that corner, we are proposing to turn south 90 feet and then go back 253 which would allow this building to go in right next to the 12 that's already there.

Hoffman: Got it thanks.

Caudle: Like I said, it's just a case that there is a need and it is inside the existing facility with the ~~building that's fixed to be built and the privacy fence.~~ One of the people that had a concern about that, about allowing me to build this new building, that would be part of the concern that was stated as far as the visibility. That takes out a lot of visibility but it does make for a nice facility that offers a full service.

Hoffman: Anything else you want to say?

Caudle: No.

PUBLIC COMMENT:

Hoffman: Is there any member from the public that would like to comment on this? I see one person back there. No? Thanks.

COMMISSION DISCUSSION:

Hoffman: I'll bring it back to the Commission and the applicant for further discussion. Anybody?

-Hoover: I have a question for staff: Just because I didn't get to read the comprehensive plan before I got here but my understanding is that our future thought on this area is R-0 and that we are only putting C-2 at the nodes?

Planning Commission

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- Conklin: That is correct and with regard to the Community Commercial designation on our Future Land Use Plan, I will recommend as we have for the past five years that it be C-1 zoning which will not allow for the additional warehousing or storage facilities as a conditional use. Even if it was shown as that commercial, we would still be recommending for C-1 and not the C-2. Mr. Caudle, I do have one question, how many square feet will the storage building contain?
- Caudle: Approximately 10,000 in the new building. It is climate control. It's a different design than the other buildings, it does require a lot of different type of construction to accomplish the climate control facility.
- Marr: Where exactly is the access to this building proposed to be, is it off of Highway 16 or is it coming from this?
- Caudle: On the drawing you see the twelve buildings going down through there, on each end of that first building, originally there was access with a controlled computer type gate on the south side of that building. In the last year, we put in an access at the north end of that building for an exit only gate. There is an in-and-an out basically onto Ruppel from the facility. The building we are proposing, like I said, if you just extend that 273 straight across, it picks up right on the border of what is now C-2 and R-0. It's just enough to put in that building and you come right in the facility when you get down to that point, you look left at your buildings or you look right at this new building. All the access is off of Ruppel and like I said we put in an extra gate, having this many buildings and this much people coming an going, we did open up the other gate and put in another computer access gate to help with the flow of the traffic. There are times on weekends, a pretty day, you will have several people out there so it did help the flow.
- Marr: Help me understand too, where exactly when you talk about a proposed brick privacy combination fence to screen this.
- Caudle: Again on my little drawing the building that I put on the drawing, the proposed building, it says 175 feet on it, move directly out in front of it approximately 20 feet.
- Marr: Would it go the whole distance of this or just the length of that building?
- Caudle: It would go in front of the building is the way it's proposed. There is drainage on the other area there. There is a designed drainage ditch where all the buildings are drained to a point, the water that comes off the buildings and between the alleys and that is a drainage ditch that was designed for that purpose.

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Marr: The reason for my questions are not to do approval of design here because I understand this is a rezoning but one of the things that would certainly make me consider it is the ability that when it did come through for design that it would be completely screened because I go back to Chairman Odom's comment when we heard this back on the 23rd that I certainly believe and agree with you that there is a need for this in the City of Fayetteville but I also believe that there are locations of commercial C-2 space to be able to do this within the city already. More importantly I want to stay consistent with the Land Use Plan of developing that into R-0. If we did this, what's important to me is the ability to take it out of sight. This is much more appealing to me, not to say I will vote for it still but much more appealing to me than what was originally presented.

Ward: I think I would be, instead of putting up a wood privacy fence, I think that south side of the building, in my case, I think it needs to be some type of, meet our Commercial Design Standards for articulation and using some type of split face block and some things like that instead of metal. I would be much more for it then than just putting up a metal building out there. I'm talking about strictly the south side of the building with some articulation and some type of material that fits into our Commercial Design Standards like block, brick and other type of products. That way you wouldn't have to be worried about putting up fences and all that type of stuff.

Caudle: I would be more than willing to look at, from the manufacturer's to what could be done as far as to brick that side of it or something to that affect. Again, your visibility right now when you drive down Wedington you look over there, this is what you see. You see those buildings as they are today. You are not going to be seeing anything different than what you are seeing today. If we did what you propose we can look into bricking that side of it, that would improve it. Whether it was a privacy fence, because there was a concern about it, the distance we set off the highway back in the trees alleviates that concern. This would be a whole lot better than what we are looking at right now as far as the concern of what's out there right now.

Hoffman: Staff, I have a question. I'm concerned about design on a rezoning. I wish that there were a way. I understand because this lot is contiguous with your existing property, why you want to put it here and why you don't want to go find another site.

Caudle: It was mentioned in the meeting on the 23rd, you've got economic assets that are already out there and you run a professional operation, you don't go out and buy property and build a building and expect to come out at all.

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Hoffman: The question I have for staff is that, given the discussion that we've had tonight concerning the screening of the building or the other appearance, I'm not really for Lee's idea because they are still going to have all those garage doors facing Wedington, I'm really more interested in screening the whole building. How many overhead doors will be facing Wedington in the new building?

Caudle: Approximately 16.

Hoffman: I don't know how you would meet the Commercial Design Standards. Given the fact that we've got a reasonable proposal for screening that's contiguous and has traffic flowing out to Ruppel Road and not Wedington, is there any method that we can approve a rezoning subject to the statements, can the applicant offer Bills of Assurance for instance that would help us along the way?

Conklin: Keep in mind, this will have to come back as a Conditional Use and may have to come back as a Large Scale Development if it's over 10,000 square feet so you will have another opportunity to place any condition on there that you feel is appropriate. Also, if you rezone, it could be any C-2 use also that could go in there from a used car lot to a night club.

Hoffman: There is no way to bring the two through at the same time like we did our Conditional Use and Large Scale Developments?

Conklin: Not at this time.

Caudle: Excuse me, has that not already been done 10 years ago? It was only 10 years ago.

Conklin: If the applicant would like to voluntarily offer a Bill of Assurance he can offer that as you did, I believe, 10 years ago.

Caudle: This 90 feet is for this building and that's the only plan I have whatsoever and I would definitely have no problem doing anything there. Like I said, it's just this classification does require C-2.

Hoffman: If this use and idea would go forward.

Caudle: It is there now and it is what is required to build a climate control building that is needed.

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Hoffman: You don't mind making that a condition of this?

TAPE TURNED:

Caudle: It's a survey, I don't know if it's from the right-of-way, they are calling it 267 feet and they are calling it 507 down the east side of the property which would include the R-0 and the C-2. I don't know if that's where that point of beginning is.

Conklin: With regard to that number, that is not something that we would use to map this area out. We require a legal description and we are working with Mr. Caudle to get a legal description that accurately describes that piece of property. It's clear to me that it's 90 feet south of the current C-2 zoning and that's something that we will be making sure that legal description describes, by the time we bring it forward to the City Council with an ordinance. It's 90 feet south of that existing C-2 property.

Bunch: My major concern is questioning this was to see if the remaining piece of property that I believe is currently R-0 to see if it was adequately sized to put in an R-0 development complete with setbacks and utility easements and that sort of thing.

Caudle: It's going to be approximately 253 by 150 minimum up to 170 depending on where that starts.

Bunch: That's what I was wondering.

Conklin: It's about an acre.

Bunch: I just want to make sure that it's adequately sized for a development as zoned.

Caudle: Approximately 253 by 160 give or take a little.

Hoffman: Anybody else?

MOTION:

Shackelford: I guess my take on this is, basically what we are looking at is an extension of an existing building by the same owner. We are only talking about a 90 foot strip of land with very limited access off of Ruppel Road basically through the property that the applicant already owns. As long as the front property remains R-0 which has the Wedington frontage on it and is developed R-0 and I think we meet the intent of the 2020 plan,

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with that being said and the applicant being willing to do a Bill of Assurance, I'm going to make a motion that we recommend approval of RZ 00-25.00.

Ward: I'll second.

Hoffman: I have a motion by Commissioner Shackelford and second by Commission Ward, anybody else? Any other further discussion on this item?

Ward: This does have to come back no matter what happens?

Hoffman: Is it of sufficient size that we have to see it again, Tim?

Conklin: It depends on what size building he proposes on this property. If it's over 10,000 square feet, you'll see it as a Large Scale. You will see it as a Conditional Use.

Hoffman: We could at that time follow up on the discussion tonight regarding the screening and appearance and so forth.

Conklin: Yes. If the Planning Commission makes a recommendation and the City Council rezones it, most likely the conditional use recommendation is going to be for approval with Bills of Assurance.

Hoffman: Just so we are all clear, can you work with the applicant with regard to the wording of the Bills of Assurance? Since they come from the applicant, I'm not sure how to get that.

Conklin: Sure. For clarification, we are talking about use of this property for this climate controlled storage facility.

Hoffman: With screening.

Marr: Just one last question, did you investigate any other C-2 space for locating this facility other than this location?

Caudle: I looked at a couple of lots for possibly a new facility because there is a need for a storage facility. I have not found anything suitable at this point. There is some C-2 property in several areas around the city. There are a lot of factors that go into it as far as access, location and need in the area. Right now there are people who come a considerable distance because of the availability of storage in the area. I have looked.

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Hoffman: Thank you. Anybody else have anything they would like to say before we call the roll?
You all ready? Nancy?

Allen: I'm not really clear of what we are requiring the applicant to do.

Hoffman: In rezonings, Tim you can take this one if you want to.

Conklin: Sure. The applicant has offered to give us a Bill of Assurance which is a legal document to tie to this rezoning that this 90 feet, with the property, will only be used for a climate controlled storage facility and will contain screening of some sort. Based on that information you need to determine whether or not you can make this recommendation to the City Council, if you feel that it's appropriate with this Bill of Assurance to rezone this to C-2. Does that clear that up?

Bunch: If in the Bill of Assurance since we can't ask for it that the applicant offers, there was some statement about making sure that it went to the Large Scale Development process in addition the Conditional Use process. I think there are some square footage limitations, if the applicant offered to us that this would come through that process, I would personally feel a little more at ease with it to make sure that we could look at it and see that it fit our standards.

Caudle: As far as the Large Scale, again I'm not familiar with all the rules as far as that's on projects over an acre, over 10,000 square feet. It has certain criteria.

Conklin: An addition of 10,000 square feet or more. Since 10 years has passed, you do need to be aware that the fee has gone from \$50 to \$900 application fee.

Caudle: Everything has gone up, I know. The only thing that I can think of that would require a Large Scale is the size of the building. What originally has been drawn out on paper could be just under it or just over it depending on whether you build it 175 foot long or 170 foot long. It's going to get that marginal there. We could keep it under the 10,000 square foot by simply taking 5 feet off the end of it.

Conklin: You wouldn't be the first developer or applicant to do that either. What I'm saying is, people are aware of that regulation in Fayetteville and we do have projects, two or three a year that come in just below that criteria.

Caudle: I understand that. If you are talking about the difference between \$50 and \$900, I don't know what else is involved.

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Hoffman: Let me make sure that no matter what happens Tim, this is going to be coming back as a Conditional Use because of the zoning?

Conklin: Yes.

Hoffman: This zoning is the only one that will permit this use without going to industrial zoning or something like that.

Conklin: That's correct.

Hoffman: That is so similar to Large Scale Development review that I would say that it would be not something that would be as important to me personally because in Conditional Uses we have a blank slate on those really, in terms of requirements that we can place, in terms of lighting, screening, appearance, hours of operation, revocation and so on. In that case, I would just prefer to let the motions stand as they were and you with your Bill of Assurance as it is.

Bunch: That's my main concern in brining that subject up was to make sure that we have adequate opportunity for the oversight on it.

Shackelford: That was the intent of my motion knowing that we would get a chance to look at this and we could put those limitations on it in order to grant the Conditional Use.

Hoffman: No more discussion I assume? Okay, if everybody is ready, I'm going to go ahead and call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is approved on a 6-1-0 with Commissioner Marr voting no.

Hoffman: Tim is there any other business this evening?

Conklin: There is no other business.

Hoffman: With that, we are adjourned.

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RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Odom: The next item that we have on tonight's agenda is a rezoning RZ 00-25.00 submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial. The recommendation of the staff is for denial of the requested rezoning based on the findings as included as a part of this report. Staff, did you want to go over that or do you have anything further?

Conklin: Sure. Staff is recommending denial of this rezoning. Back in 1999 this tract was included as part of a larger tract for C-2 zoning. At that time, Planning Commission recommended it and the City Council rezoned only the northern part of this property as C-2. That same year the Large Scale Development was processed for a mini storage and a Conditional Use at that time, if you've read the minutes, it talks about keeping this piece of property R-O and developing it with an office type development which is compatible with the neighborhood. Also, at that time, there was a bill of assurance that was offered to save 60% of the trees with eight inch diameter. I have met with the applicant this afternoon and went over that bill of assurance also restricted access from Wedington. Overall this property is near commercial there is a vacant C-1 property to the west staff is not recommending approval of additional commercial property in this area. If the Planning Commission did rezone it to commercial, C-1 zoning would be more appropriate than C-2. C-2 zoning allows used car sales with all type of businesses as conditional use. Dance halls and that type of use. About a month ago we did change our allowable uses in C-1 to provide more neighborhood commercial uses. The purpose of the C-2 zoning request is to be able to come back to the Planning Commissioner with a Conditional Use request for additional storage facilities on this piece of property. Staff is not in favor of additional storage facilities located in this area on this piece of property. If you have any questions, I would be more than happy to answer them.

Odom: Staff you touched on the bill of assurance that was offered. You said 1999, but you meant 1990 when that originally came through. You mentioned the bill of assurance and that 60% of the trees would remain or something to that affect and that there would be restricted access. What is the current status of how well that bill of assurance has been maintained?

Conklin: With regard to 60% of the trees being left on the site, after meeting with the applicant

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today, it is difficult for me to determine whether or not that has been met. There were large pine trees located on the north and south property lines that were saved as part of the large scale development. That was approved by the Planning Commission. Those are existing. There were some trees shown, the number was twelve trees shown up in front of this facility on Ruppel Road. Those have all died in the past ten years according to the applicant. With regard to the existing trees on this property that we are looking at today, I am not sure whether or not that bill of assurance with regard to the 60% of the tree preservation would apply to those trees. The bill of assurance did apply to this piece of property that we are looking at tonight but I'm not sure what the total number of trees that were existing on the site prior to development and what remains out there today. That's going to take additional research. The applicant may be able to give more information on that. With regard to the access off of Wedington, there has been a curb cut that has been installed on Wedington and a gravel drive and gate installed on this facility. According to the applicant that gate is only used three to four times a year to bring in large moving vans onto this site. The bill of assurance is clear. It states that there shall be no access from Wedington. I did talk to the applicant today about this issue and he feels that three to four times year and the gate is locked most of the time, doesn't count as access. A strict interpretation of that bill of assurance means no access to that facility so that would be in violation of that bill of assurance.

Odom: I would ask the applicant to please come forward at this time. Do you have any presentation that you would like to make?

Caudle, Dennis: I'll answer some of the questions that he brought up there. As far as the original bill of assurances that were given. The facility is more than did that on the trees, we kept more like 70%. There is 193 trees right not on a three and a half acre development that is there today. The number of trees was far in excess of the original request. As far as the road that was put in at the same time the new highway was being built out there which was completed the other day, to put access to that property that was the time, speaking with the state, that the road needed to be cut in there because there would be no access to that property if we didn't put in a road. Something will be built on the property sooner or later of some type. The state indicated that would be the proper time to put in the road so a road was put in. As far as use, all the use is off of Ruppel. Just several months ago we put in a we had two gates off of Ruppel and we put in another gate off of Ruppel, both electronic gates for one is a entrance gate and one is an exit gate. There is no access off of Wedington and is not to be used for that purpose. As far as the zoning that we are asking for,

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the Large Scale was approved ten years ago was just completed this year. It was a long term. We put the buildings in as the area grew and as the need was. That was just completed this year. The thing that we are looking at came up with some people that rent there recently. I drove up to Bentonville and Bella Vista and Springdale and looked at the facility there. There are no climate control facilities in the City of Fayetteville of this type. All the residents of the City are forced to go to Springdale or further depending on whether they are full. What we were proposing was to put in a climate controlled facility which is exactly like the same type of building as what is there now except it will be climate controlled with heat and air. It would require going just in front of the existing buildings toward the highway, not even half way to the highway to put in the one building which would be a climate controlled facility. There was a stated by several tenants that recently had to move out because the FDA passed a law that they had to be in climate control. Now they live in Fayetteville and they are forced to go to Springdale. That's why we would like to build another building to serve the people for that purpose which would be the same thing than what is there now. It would look the same and be the same. All it's access would be off of Ruppel with the two gates. That is the purpose of why we would like to do this, it does require a C-2 is what I understand for the storage business. That's why we are asking for C-2. That's the purpose of what we are looking to do.

PUBLIC DISCUSSION:

Odom: Thank you Mr. Caudle. Let me ask now, is there any member of the audience that would like to address us on this rezoning request?

COMMISSION DISCUSSION:

Odom: Seeing none, I will close the floor to public discussion and bring it back to the applicant for questions and comments of the Planning Commission.

Ward: Not that we have much around here but I noticed in Bentonville and Rogers areas that they are putting in a lot of really nice looking office complex on the front of the road with nice looking buildings glass and brick and stone. With the large climate controlled self-storage attached to them behind them for the vendors of Wal-Mart. Those have really been filling up fast I noticed. It's a very nice looking facility from the road because it is office type areas all along the front of the road attached to it, behind it is part climate controlled storage units that these businesses can use or whatnot for

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warehousing that would be something I would consider more towards than I would just a self storage property out there on Wedington Drive.

Caudle: I looked at facilities in Springdale and I've looked at them in Bentonville, I haven't been to Bella Vista or that far north. I've been as far as Bentonville and looked at the facilities. I've been to the ones in Springdale, as far as there is two different type of buildings between the two I have seen and then talking with the builder that built the one in Bentonville, which is also the one that built all the buildings that I've built over the years. That's the one that I looked at and the one he was describing. I did look at the one in Springdale which he did not build but they are a entirely different type.

Hoffman: If everybody is done speaking I have some questions too. Let me start with staff. I understand the need for expanded storage area however, I am quite opposed to having it the front on Wedington. Have you looked at the possibility of instead of rezoning, doing a Conditional Use that carries with it certain guarantees that what is constructed is not visible from Wedington along the lines of Commissioner Ward's statement either by landscaping, screening or by a more attractive office type of building. Is that possible to do instead of just rezoning? I couldn't be comfortable with rezoning it for the storage units to face Wedington. We are really trying to take care with this important corridor because it's just going to continue to grow and you have all the references and cross-references to College Avenue and quite frankly self-storage facilities are not the most attractive buildings in the world but there is a good need for them. That's my question for staff on the Conditional Use, when he has addressed that, I would like to ask if you considered just conditioning the existing buildings? Tim, could you go first?

Conklin: Mini storage or storage units require a Conditional Use in C-2. They are not allowed in C-1 zoning. They are not Neighborhood Commercial use. The Conditional Use part of it you can not apply for unless it's zoned C-2. This issue came up ten years ago and Mr. Caudle walked with a bill of assurance to build a mini storage on the back part that's zoned C-2. We have had what you talked about built in Fayetteville. The Keating's built some mini storage over by Brahm's on College Avenue with office and retail space up front. It's been built on Highway 265 also. I think Mr. Wilkins has built some offices up front, mini storage in the back. Overall, I'm concerned about our Commercial Design Standards and trying make it an attractive commercial area for the residents that live out on Wedington Drive. When you have a storage building it's difficult to have anything other than just a metal building due to the cost involved. I'm all in favor to have that type of mixed use if we could have some type of office or retail up front but just stand alone, I do not support that.

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Hoffman: Back to the applicant, have you considered conditioning your existing buildings?

Caudle: As far as what we are talking about there, like I said I was only coming out a little not even near close to half way to the highway. This new building would only go out a little ways out from the existing fence now. The fence would be moved in front of that building and there is still the large lot, probably close to an acre. Just a fraction under probably for something would be built in the front whether it be an office. As far blocking the view, there is still plenty of room there that something can be built on the front of the property. As far as this building here where all the other, if you are driving down Wedington, you see all the ends of every one of them and you can see up the alleys. This building would face east and west which would block most of the buildings on that end with that one building instead of all the buildings on the end this would be blocked with the one building. As far as the way of prettying it up, if it's possible to do that, I would consider some kind of prettying up that side of the building if that would be something you would be interested in looking at because I just have to talk to the builder and see what could be done. Whether you can put a side on that side of the building that faces the highway that is more attractive, I would be willing to look at that for sure. Definitely something will be built in front of it, facing from this building to the highway in the future. That was one concern ten years ago.

Hoffman: They only thought is for expansion then?

Caudle: The what?

Hoffman: The only request then is for expansion, you had not considered the retro fitting of the conditioned space in the existing buildings?

Caudle: The additional space?

Hoffman: Conditioning the existing space.

Caudle: I talked to the builder, it would almost be impossible to do due to the electricity. These do require air and heat and it's just like your living room as far as humidity what they go by. Climate control factors. As far as asking about reconditioning something that we got and he said it probably could be done but is an impractical item.

Hoffman: Okay. My final question for the applicant, on the east side of the property, it looks like there is an area that is vacant and has no buildings, could that be a location for what you are proposing? On our little site plan on page 4.17, I don't know if you have the same

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sheet or not.

Conklin: Since this data was received from the City with regard to building footprints, two additional storage buildings have been built. There is no additional room. They built that at the Large Scale Development plan that was approved ten years ago.

Hoffman: That's all the questions I have. Thank you very much.

Conklin: I would like to just to inform you as a Commission and the applicant and public that when I did meet with the applicant today, we did talk about the existing trees on this site. I did encourage Mr. Caudle to get with our Tree and Landscape Administrator with regard to the existing oak trees on this piece of property for consideration of this development and future developments on this piece of property. I will work with Kim Hesse and go over the bill of assurance with her to make sure that it was met in 1990 and today and look at any remedies that we have to take to make sure it's not being violated.

Ward: Mr. Caudle, what is the size of the lot? Do you know what the depth is?

Caudle: From Wedington back to where the C-2 starts is 254 feet, I believe.

Ward: You are planning on using 125 feet of that?

Caudle: Far less than that. The building where the other units are 20 wide or 30 wide and fairly long, the climate control has to be a lot wider building because of the way this is handled as far as the heat and air. This building will be 60 feet wide, twice as wide as any building there facing the other direction, it would be approximately 170 long.

Ward: So you really only need 70 feet?

Caudle: Approximately 70, what I was looking at it would be from the front of the building facing Wedington to where the fence would be re-erected there would be approximately twenty-five feet to drive around the building so you are looking at about 85 to 90 feet probably toward Wedington.

Ward: I'm just trying to work with you, in my case, I would not rezone the frontage on Wedington anything but R-0, which it is right now. We do allow a lot more uses in R-0 than we used to. There is a possibility that, I can't speak for anybody else but I would be maybe interested in helping you. I do think there is a need for some climate control

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warehouse type of buildings out there and we can maybe zone C-2 a small parcel back there for you, 70 or 80 feet of it. As far as changing the whole thing to C-2, it's not going to happen tonight, I know that. Those are some ideas that you might think about.

Caudle: It's zoned half way to the highway to accomplish this building so the climate control could be completed. Again I'm trying to fulfil the need that I've had a lot of requested for. As far as the frontage, I don't intend to put a storage building out on Wedington up against the highway. I never have. When the Large Scale was done there is no more property in the C-2 area and it was just a case of there are times of the year when storage units are hard to find around the City of Fayetteville. This building here was to accomplish that.

Ward: I don't feel like I can support your change to what you need. I think it would be smart to table it or come back with a different proposal than what you have tonight for sure.

Caudle: Not only going part way to the highway?

Ward: We can't.

Odom: Since we are throwing, I'm going to go ahead and let you know, I'm not going to be in favor of that proposal as well. I think a lot of concession were made originally when this property was zoned C-2 with the bill of assurances and the R-0 up front. I think all this negotiation has already taken place and the work has already been done. I think we have plenty of C-2 Commercial inside the city limits of Fayetteville and so if there is a need for this type of facility I think that there are plenty of areas that this type of facility could go. So I'm not going to be in support of any proposal to accommodate this piece of property any further. I think you need to know that up front before you decide to start negotiating or doing anything of that nature. You may want to get the feel of the rest of the members of the Commissioner. Anybody else?

Marr: I agree with you completely.

Allen: As do I.

Bunch: As do I.

Hoffman: In your proposal you said you would have a 60 foot wide building with about a 25 foot drive aisle and you only have 1.5 acres here so that to me implies that would be taking up a greater part of it. In the sixty foot wide building would that be a double loaded

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building with the garage doors facing Wedington and facing the other side? In other words, doors from the north and from the south?

Caudle: The facility I've seen in Bentonville, it's climate control is inside the center. There is an outer border.

Hoffman: Right. So you would have garage doors facing Wedington.

Caudle: Yes. In that facility I've seen up there. That is what I was talking about what to do on the front of it there.

Hoffman: That being the case, I always hate to be negative toward a need but I would suggest you to look elsewhere and find some land that is already zoned appropriately for this because this is an important aesthetic issue to this corridor. It was addressed ten years ago. I too would deny a zoning vote tonight.

Marr: Do we need a motion?

Odom: Yes.

Hoffman: Unless he wants to withdraw the request.

Odom: We can move to approve, we can move to deny or if we don't take any action...

Conklin: You do need to take action on it. I think our ordinance states that if you don't take any action you can deem as approved. I want you to take action on it this evening.

Odom: Not only that, it give the applicant something. We are nothing more than a body that recommends something anyway. Even if we approve it, he's got to go to the City Council. If we deny it, it give him a right to appeal it. For the applicants sake, I think we owe him the courtesy of doing something.

MOTION

Marr: I would like to move to deny RZ00-25.00 based on the comments that you have heard.

Allen: Second

Odom: We have a motion by Commissioner Marr, second by Commissioner Allen, RZ 00-

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October 23, 2000
Page 63

25.00.

Caudle: The comment that was made a short time ago as far as possibly tabling it and resubmitting with only partial for this building.

Odom: You can certainly do that if you want to but I'm here to tell you right here, right now, it doesn't sound as though that's even going to fly.

Caudle: You are telling me that's not going to work either.

Odom: That's right. You have only one member even talking in favor of that. I would think you would be better served to go ahead and accept the denial and negotiate with the City Council if they are willing to do that. I don't know if they would be. I wouldn't delay your project any further, if I was you but that is your call. If we deny you tonight, you have the right to appeal that to the City Council.

Hoffman: If the City Council denies his request, is it six months or one year?

Conklin: It's one year.

Hoffman: It would be then another year before you could bring another idea forward.

Odom: No. That's not necessarily true. You could bring another idea forward. You can't C-2 the whole thing.

Conklin: You could modify your request and bring it forward.

Hoffman: I just want to make sure you understand what to expect.

Odom: Any further discussion? Call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is denied by an unanimous vote of 6-0-0.

Mrs Heather Woodroff November 2, 2000
City Clerk's Office.

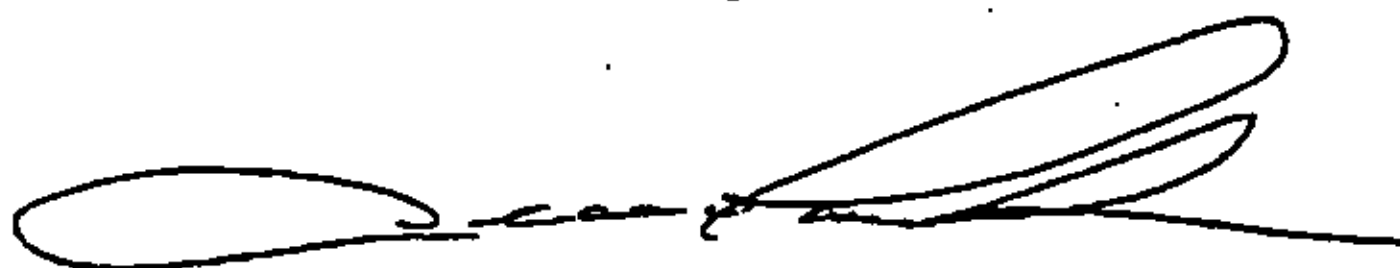
RECEIVED

NOV 03 2000

PLANNING DIV.

This letter will serve as my intent to appeal the decision of the October 23rd planning commission. I do request to have this matter brought before the City Council at the earliest possible convenience. The reason for this request is I feel that the City planning committee did not give adequate consideration to my request from the earlier meeting.

Sincerely,



Dennis M. Caudle

DMC/cf

RECEIVED

NOV 03 2000

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

franchise is up for renewal. They had been negotiating a new contract with them. They have accomplished ninety-five percent of the document. They had about ten outstanding issues. The biggest issue was the institutional network. That issue was a very costly one and the most challenging one in negotiation. The question was who was going to pay for this.

Alderman Young moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the question. Upon roll call the ordinance passed unanimously.

ORDINANCE 4278 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision as requested by Dennis Caudle for RZ 00-25 for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Rose read the ordinance for the first time.

Mr. Dennis Caudle stated the Planning Commission had voted against his request. Ten years ago there had been a five acre tract. The back three and half was rezoned so the storage building could be built. The front of the property was zoned R-O at the time. It had taken a long time to complete the large scale development. There was currently a need for a climate control facility. There were none in the City of Fayetteville. He was hoping to construct one more building that would be the climate controlled. He questioned if he could table the item and only ask for eighty to ninety feet, just enough to construct the building.

Alderman Davis asked Mr. Caudle if he had any room to the east to construct the facility.

Mr. Caudle stated their property stopped at the same location were the original large scale development stopped ten years ago. He stated he was asking them what he could do that would be acceptable to them. He could build a privacy fence if they wanted.

Alderman Reynolds stated Mr. Caudle had signed a Bill of Assurance with the Planning

Commission that he would leave the front acreage as R-O so that they would have something different along the front of Wedington other than storage units.

Alderman Davis stated it was his understanding there was 254 feet . If he came eighty feet toward Wedington, he was still going to have another 174 feet of depth between the roadway and the fencing. He thought that would be adequate for an R-O complex.

In response to questions, Ms. Edwards stated the General Land Use Plan did not support the C-2 zoning at that location. It would be closer, but she did not feel that they could support it for that reason.

Alderman Davis stated it was hard to make storage units attractive, but by sitting it back 174 feet he saw a possibility. He would prefer Mr. Caudle to go back before the Planning Commission with this revision.

Mr. Caudle stated this was needed in Fayetteville. It would be no different than what was there.

Alderman Reynolds asked why the Highway Department had given him a curb cut. In the Bill of Assurance, he was supposed to have limited access to Wedington. He asked why that gate had been put up there.

Mr. Caudle stated the gate had been put up for public safe, for the fire department in the event of an emergency. It was an emergency gate. The gate was put up two months ago, when the road was put in. The State had told them to put the road in while the construction was going on. It was not an entry way. The traffic entered off Ruppel. The bill of assurance had not been violated.

Ms. Edwards stated Mr. Caudle's request had been for the whole parcel and that was what the Planning Commission denied. If he wanted to get a certain part of that parcel rezoned then the Planning Commission needed to hear the request again. If they denied that request, then he could appeal that decision.

Mr. Caudle requested that they sent his amended request back to the Planning Commission.

Alderman Russell stated he was not committing to supporting or opposing any modified request.

Alderman Davis moved to send the amended request back to the Planning Commission.
Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

THE ITEM WAS REFERRED BACK TO THE PLANNING COMMISSION.

RZ 00-24.00: An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: December 11, 2000 (*revised from October 23, 2000*)

RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

Staff recommends denial of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: December 11, 2000

CITY COUNCIL ACTION: Required Yes (if recommended by PC)
☐ Approved ☐ Denied

Date: January 2, 2001 (1st reading)

Comments: _____

BACKGROUND:

On October 23, 2000, the Planning Commission heard a request to rezone this 0.52 acres along with adjacent property. At that time, the applicant sought to rezone a total of 1.5 acres from R-O to C-2. Staff did not recommend the requested rezoning and the Planning Commission voted unanimously (6-0-0) to deny the request (see attached minutes). The applicant appealed the decision of the Planning Commission and his appeal was heard by the City Council on November 21, 2000. At that meeting, the City Council discussed an amended request with the applicant. The applicant indicated that he wished to amend his rezoning request to only include property which adjoins the existing storage facility to the north. The City Council did not act on the appeal, but determined that an amended request would need to be heard by the Planning Commission first (see attached minutes). At this time, the applicant is requesting that 0.52 acres be rezoned. The applicant's stated intent is still to seek a conditional use permit to locate additional mini-storage units on this site; this is only possible if the property is rezoned to C-2, Thoroughfare Commercial. Staff's original recommendation for denial is not changed by the amended request.

On July 9, 1990, the applicant requested a rezoning from A-1 to C-2 for the subject property and an adjacent tract which is located to the north and extends westward to Ruppel Road. The applicant stated that there were no immediate plans for the property however in the future he may want to develop self-storage units which would require C-2 zoning and a conditional use.

At that time, Planning staff recommended that both tracts be zoned R-O, Residential Office since the property was not within the commercial node designated on the City's adopted general plan. During discussion at the Planning Commission meeting, staff stated "The overall policy of the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue." The Planning Commission recommended that the subject tract be rezoned to R-O, Residential Office and that the back (northern) tract be rezoned C-2, Thoroughfare Commercial with a Bill of Assurance limiting the type of development on the northern tract to self-storage units and placing certain conditions on the development regarding tree preservation (see attached minutes). On July 17, 1990, the Board of Director's voted to approve the rezoning request as recommended by the Planning Commission (see attached minutes).

On August 13, 1990, the Planning Commission heard a request from the applicant regarding the newly zoned C-2 property which is north of the subject property. The request was to approve a conditional use for mini-storage units (use unit 21) within the C-2 zoning district. At that time, staff stated "As before, the staff isn't in favor of a commercial operation in this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Ruppel Road plus the tree protection plan does resolve many of the staff's concerns." Planning Commission approved the requested conditional use permit (see attached minutes). A large scale development for the self-storage units was approved by Planning Commission October 8, 1990.

At this time, the applicant has brought forward to request that the R-O tract which was originally considered in 1990 be rezoned to C-2, Thoroughfare Commercial. The purpose of this request according to information supplied by the applicant, is for an expansion of the existing self-storage development. If this business were to be expanded, the property must achieve a C-2 zoning and a conditional use or an I-1 zoning designation which would permit the self-storage units by right.

Staff does not recommend the requested rezoning for the reasons stated in 1990 and will not support a conditional use for Mini-storage at this location. The area is designated Residential on the City's adopted General Plan 2020. Maintaining some control over development along Wedington Drive is essential to limiting traffic congestion as well as creating a desirable development pattern in this highly visible, quickly developing corridor of the City.

SURROUNDING LAND USE AND ZONING

North:	Mini-storage units, C-2
South:	Airways Freight, Inc., R-O / Vacant, C-1
East:	Vacant, A-1
West:	Vacant, C-1

INFRASTRUCTURE:

Streets: Wedington Drive (Hwy 16W) is located along the south property line. Wedington Dr. is classified as a principal arterial on the City's Master Street Plan and has recently been widened to five lanes between the I-540 Bypass and Ruppel Road which is just west of this site.

Water: Six inch line on Ruppel Road; Eighteen inch line on south side of Highway 16

Sewer: Eight inch line on north side of Highway 16

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to C-2, Thoroughfare Commercial is not consistent with the land use plan. The 2000 revision of the future land use plan will designate the property as office as recommended by the subcommittee updating the plan.

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 zoning is not consistent with land use planning objectives, principles, and policies or with land use and zoning plans. While some of the adjacent property is zoned commercially, only that area which is already zoned is designated as a commercial node on the 2020 General Land Use Plan.

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

Finding: The proposed zoning is not justified at this time as it is not consistent with the City's adopted plan for growth and development in this area.

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

Finding: The proposed zoning may create or appreciably increase traffic danger and congestion. The widely varied uses which are permitted in the C-2 zoning district make it impossible to determine the precise impact of traffic for a new development in this location.

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

Finding: The proposed zoning would not alter the population density in a manner which would undesirably increase the load on public services including schools, water, and sewer facilities.

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

§161.14 DISTRICT C-2 THOROUGHFARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations.

Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

U. Unit 21. Warehousing and Wholesale.

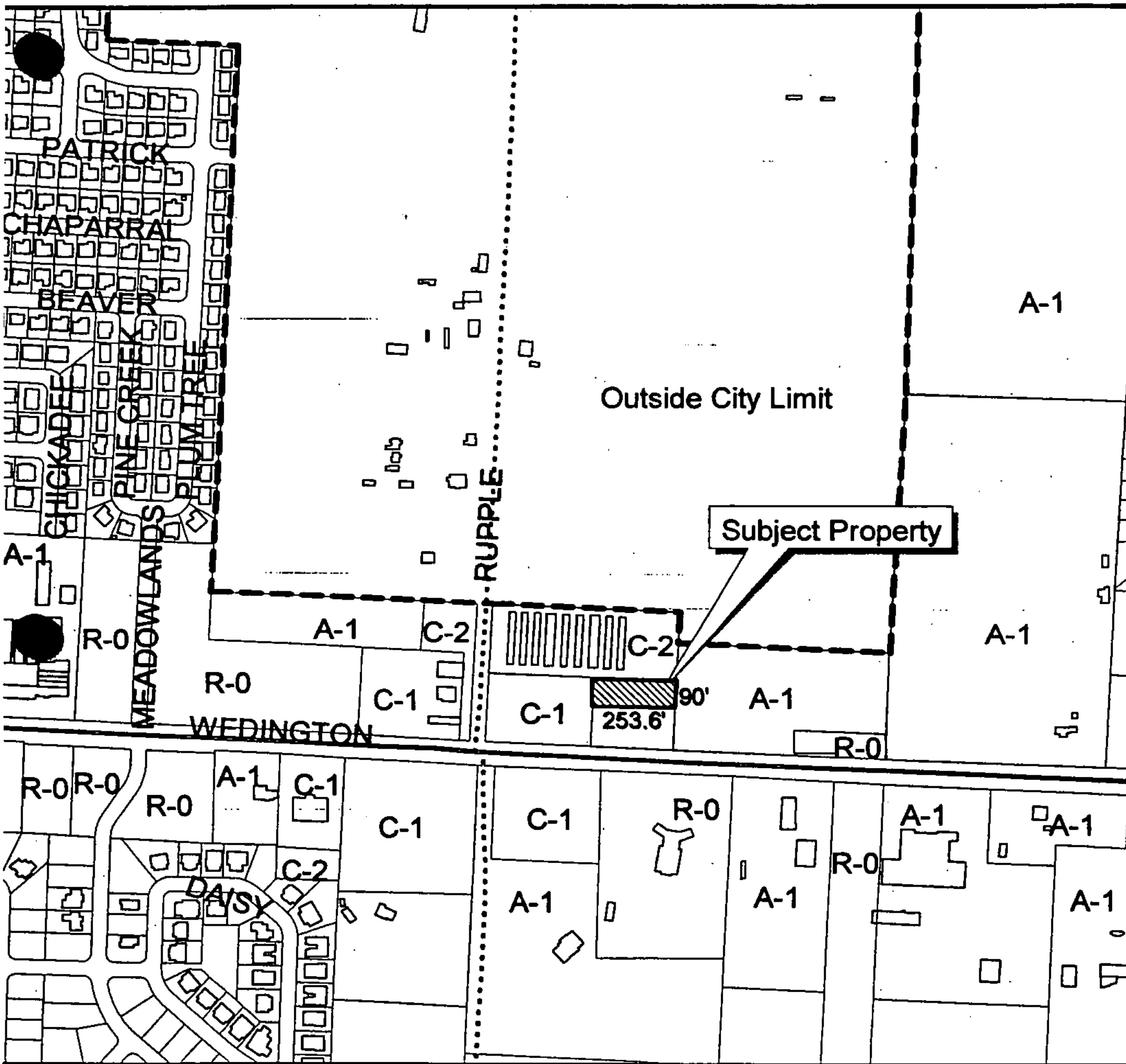
1. Description. Unit 21 includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation.

2. Included Uses.

Warehouses	
Wholesale Establishments	
Trucking Establishments	
Building Material Establishments:	-Air Conditioning -Building Materials -Electrical Supply -Glass -Heating Equipment -Lumber -Paint -Plumbing Supplies -Wallpaper
Fuel and Ice Establishments:	-Bottled Gas -Fuel Dealer -Fuel Oil -Ice House
Ministorage Units	
Monument, Including Processing	
Vending Machines	
Amusement Park	
Service Establishments: Building Services	-Disinfecting and Exterminating Services -Janitorial Service -Window Cleaning Service

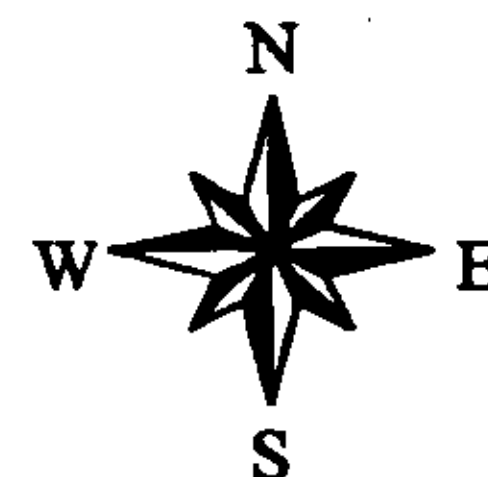
Service Establishments: Contract Construction Service

- Air Conditioning
- Building Construction
- Carpentry
- Cesspool Cleaning
- Concrete
- Decorating
- Electrical
- Furnace Cleaning
- Heating
- Heavy Construction
- Masonry
- Oil Well Drilling
- Painting
- Paper Hanging
- Plastering
- Plumbing
- Roofing
- Sheet Metal
- Stonework
- Tile Setting
- Water Well Drilling
- Housing for Caretakers

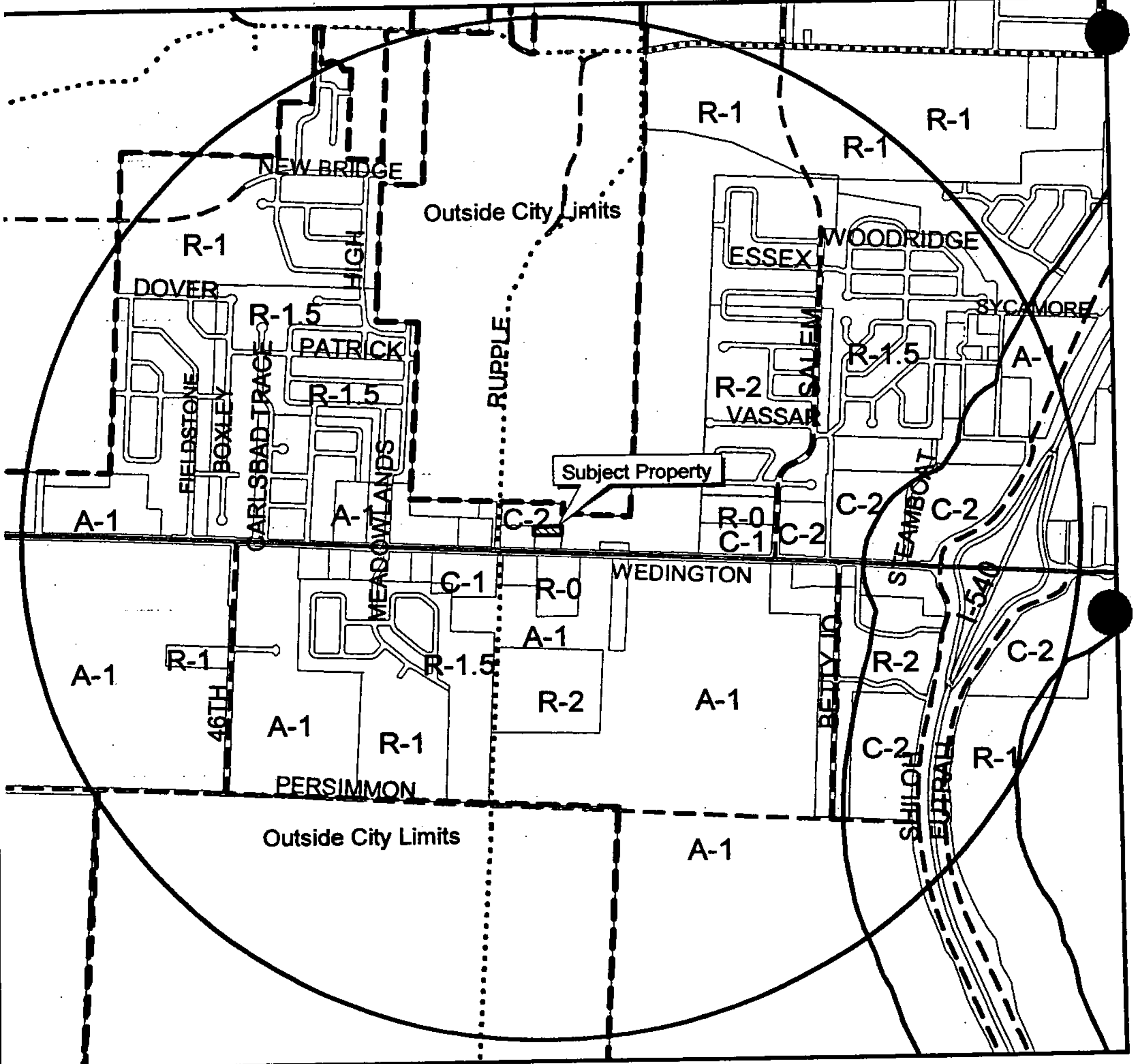


- Streets
- Zoning District
- ▽ Structures (1998)
- Master Street Classifications
- COLLECTOR
- ▬ FREEWAY/EXPRESSWAY
- ⋯ MINOR ARTERIAL
- ▬ PRINCIPAL ARTERIAL
- ▬ Fayetteville City Limits

300 0 300 600 Feet

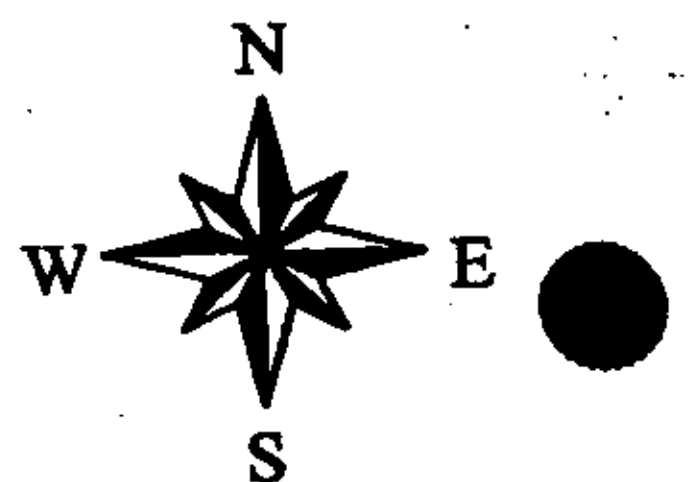


25 Caudle One Mile Radius



- Streets
- Regional Zoning
- Master Street Classifications
 - COLLECTOR
 - FREEWAY/EXPRESSWAY
 - MINOR ARTERIAL
 - PRINCIPAL ARTERIAL
- Design Overlay District
- Fayetteville City Limits

0.2 0 0.2 0.4 Miles



DESCRIPTION FOR ITEM NUMBER FIVE (5)

- A. Westside Storage, Inc.
1192 North Ruppel Road
Fayetteville, AR 72704

There are no proposed or pending sale of this property.

- B. Re-zoning change is necessary for expansion on existing business adjacent to this property.
- C. This property would be expansion of existing business in A, C-2 requirement.
- D. Sewer, water, and all utilities either on property are readily available.

**MINUTES OF A MEETING OF THE
FAYETTEVILLE CITY PLANNING COMMISSION**

A meeting of the Fayetteville Planning Commission was held on Tuesday, July 9, 1990 in the Board of Directors Room on the second floor of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Jerry Allred, Fred Hanna, J.R. Springborn, Jett Cato, J. David Ozment, and Charles Nickle

MEMBERS ABSENT: Jack Cleghorn, Gerald Klingaman and Joe Tarvin

OTHERS PRESENT: John Merrell, Becky Bryant, Don Bunn, Elaine Cattaneo, members of the press and others

Chairman Hanna advised that they have had a request to table agenda item #5 (Preliminary Plat of Green Meadows Addition) to provide time for the location of the Salem Road extension on this property to be decided. The developer feels that location will have a bearing on two phases of the subdivision. He further stated that they have had a request to table item #10 (lot split for property located on West Avenue) until further information is obtained. He advised that there will be no discussion on these two items from the Planning Commission tonight. However, if anyone in the audience has comments, they will have the opportunity to speak.

*** PUBLIC HEARING - REZONING PETITION #R90-14
DALE & DENNIS CAUDLE - N OF WEDINGTON DR, E OF RUPPLE RD**

The first item on the agenda was a public hearing for rezoning petition #R90-14 submitted by Dennis & Dale Caudle for property located on the north side of Wedington Drive, east of Rupple Road containing 5.05 acres. The request is to rezone from A-1, Agricultural, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this property has frontage on both Wedington Drive and Rupple Road. As the staff understands it, the Caudles don't have any definite plans for development of this property at this time, except for the possibility of self-service storage units on some portion of the property. That use would require a C-2 zoning and a conditional use permit. The overall policy by the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue. The City has identified the following three key nodes at which commercial development would be encouraged: a) the intersection of Wedington Drive and the Bypass, b) the intersection of Wedington Drive and Rupple Road, and c) the intersection of Wedington Drive & Double Springs Road. The staff feels that the City's plans have helped stabilize the area, protect property values and minimize traffic

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July 9, 1990
Page 2

problems. With respect to the nodes of commercial development, the City has been somewhat lenient about granting certain limited rezonings in the area on Wedington from the Bypass to Ruppel Road. This is an area that is emerging as an office and institutional area with all R-0 uses. The staff's recommendation is to rezone this property to R-0 rather than C-2 to keep it in harmony with the type of growth the City has encouraged out there. This recommendation is subject to a Bill of Assurance on tree preservation which would require the owners to submit a tree preservation plan to preserve 60% of all existing trees with the caliper of 8" or more and protect the trees during the construction paving process with a proviso that, if a few more trees needed to be removed to make a good development, the staff has the administrative discretion to negotiate with the developer to the extent of 15%.

Dale and Dennis Caudle stated that they would like to develop self-storage units on the back 3.5 acres of the property, which isn't visible from the highway. In order to do the mini-storage, they would need a C-2 zoning. He advised that they are environmentally conscientious and will save as many trees as possible. He noted that the front 1.5 acres of property along Wedington Drive could be left as A-1 or zoned to R-0. They are mainly concerned with the back 3.5 acres.

Commissioner Springborn asked if mini-storage in the back half is compatible with the recommendation relative to the preservation of the trees. Mr. Caudle answered yes. Mr. Merrell stated that he would concur with that.

In answer to a question from Mr. Merrell, Dale Caudle stated that their access to the self-storage development would be off of Ruppel Road. Dennis Caudle stated that they feel there is a need for self-storage units on that side of town, but they also realize the buildings aren't usually attractive, so they are planning to place them 300' off of Wedington.

Commissioner Allred stated that they have had prior discussion regarding mini-storage as a use by right in the C-2 zone. He asked if there is anything in the proposed new ordinances to address this situation. Mr. Merrell stated that he doesn't recall how it is addressed in the new ordinance. But, these type of facilities are a fairly good use in a C-2 zone because they tend to generate less traffic than other uses allowed in C-2 and are also relatively quiet. He stated that his opinion is that the mini-warehousing developments should be allowed by right in the C-2 zone.

Mr. Merrell stated that the staff stands by their recommendation. However, if it is the consensus of the Commission to recommend a C-2 zoning for part of this property, the staff would like to recommend that it be subject to a Bill of Assurance limiting the use of that portion of the property to mini-warehousing.

In answer to a question from Commissioner Allred, Mr. Merrell stated that there wouldn't be a screening requirement since this property abuts an A-1 zone on one side and Washington County on the other.

Dale Caudle stated that they would agree to signing a Bill of Assurance to limit the development of that property.

Planning Commission
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Page 3

In answer to a question from Commissioner Nickle, Mr. Caudle stated that they have no development plans for the property fronting on Wedington Drive at this time.

Mr. Merrell stated that the staff would like the Bill of Assurance to also include the access to the back property be limited to Rupple Road.

~~There being no one else wanting to speak to this, the public hearing was closed.~~

Chairman Hanna stated that mini-storage would be a compatible use for that area, and it is too bad they have to have a C-2 zoning for that use. With the Bill of Assurance that was offered, he feels that this is a reasonable request.

MOTION

Commissioner Ozment moved to recommend a rezoning of the north (back) 3.5 acres to C-2 with a Bill of Assurance that it will be limited to mini-storage development and that the access would be from Rupple Road and to recommend a rezoning of the south (front) 1.5 acres to R-0, Residential-Office subject to staff recommendations, seconded by Cato. The motion passed 6-0-0 with Cleghorn, Tarvin and Klingaman being absent.

PUBLIC HEARING FOR REZONING PETITION #R90-16

~~GEORGE LEONARD MCCANDLESS - N OF SYCAMORE, W OF COLLEGE AVE~~

The second item on the agenda was a public hearing for rezoning petition #R90-16 for property submitted by George Leonard McCandless and represented by Steve Gunderson for property located on the north side of Sycamore, west of College Avenue. The request was to rezone from R-1, Low Density Residential, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this piece of property fronts on Sycamore and adjoins commercial property on College. He stated that it is the feeling of the staff that an R-1 zoning does overly restrict Mr. McCandless, but they feel that C-2 is too intensive for that property for the reasons pointed out in the staff report. There are several R-0 businesses on the south side of Sycamore and the staff's recommendation is to approve a rezoning to R-0.

Steve Gunderson, representing Mr. McCandless, stated that they requested a C-2 zoning, because there is a piece of property on the east side of the subject property zoned C-2. When he initially filed the petition, he wanted to have all of the property zoned in a similar manner. However, after reviewing the staff's recommendation and the city ordinances, the applicant is of the opinion that an R-0 zoning would be amenable.

Charles Richardson, who lives at the corner of Sycamore and Green Valley, stated that this is a very viable neighborhood which is anchored by Woodland School.

July 17, 1990

Mayor Martin stated that a vote for this resolution would be to authorize staff to negotiate the best figures for a contract of purchase and a vote against would only be delaying the inevitable steps to a material recovery facility.

Linebaugh asked Rose to read the resolution again.

Director Green asked if there would be time for additional public input for the subject until negotiations stopped, and Director Kelley stated that he felt a vote for location of the site was a definite indicator of where the facility should be located. He stated that discussion regarding the specific type of facility might need further public input but as far as the location of such site was concerned, the vote for or against the resolution should be taken at this meeting presently.

Upon roll call, the resolution passed by a vote of 7 to 0.

RESOLUTION 115-90 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

CAUDLE REZONING

Mayor Martin introduced consideration of a request filed in R90-16 by Dennis, Dale and Jeff Caudle for property fronting on Wedington Drive and Ruppel Road.

The parcel consists of 5.05 acres fronting on Wedington Drive and Ruppel Road. The request is to rezone from A-1, Agricultural to C-2, Thoroughfare Commercial. Staff recommended rezoning to R-O, Residential Office, to keep the area in harmony with the type of growth the City has encouraged in that location, subject to a bill of assurance on tree preservation.

The Planning Commission recommended unanimously rezoning the North (back) 3.5 acres to C-2, Thoroughfare Commercial, with a bill of assurance that it will be limited to mini-storage development and that the access would be from Ruppel Road and to recommend a rezoning of the South (front) 1.5 acres to R-O, Residential Office.

The ordinance was read for the first time. Director Marinoni, seconded by Kelley, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the second time. Director Marinoni, seconded by Kelley, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the third time.

Upon roll call, the ordinance for rezoning passed unanimously.

ORDINANCE NO. — APPEARS ON PAGE — OF ORDINANCE AND RESOLUTION BOOK

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August 13, 1990
Page 7

**FINAL PLAT OF BROOKHOLLOW FIRST ADDITION
ERC PROPERTIES - N OF STEARNS ST, W OF OLD MISSOURI RD**

The tenth item on the agenda was a final plat of Brookhollow First Addition submitted by ERC Properties and represented by Tom Hopper of Crafton, Tull & Associates for property located on the north side of Stearns Street, west of Old Missouri Road. The property is zoned R-2, Medium Density Residential, containing 7.22 acres with 25 proposed lots.

Don Bunn, City Engineer, advised that this plat went to Plat Review last Thursday, but did not go to a Subdivision Committee meeting. There didn't seem to be any problems associated with any of the easements. The staff recommends approval of this final plat.

Tom Hopper, representing the developers, stated that all the improvements are in place with the exception of jointing some of the concrete streets which will be done on the first dry day.

In answer to a question from Commissioner Klingaman, Mr. Hopper advised that the shaded half was the first phase that was filed and the second half is what is being filed now. He added that they plan to develop the property with single-family dwellings only.

MOTION

Commissioner Ozment moved to approve the final plat subject to the Plat Review comments and staff's comments, seconded by Tarvin. The motion passed 6-0-0.

**CONDITIONAL USE FOR SELF-STORAGE UNITS
DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR**

The eleventh item on the agenda was a conditional use for self-storage units submitted by Dale Caudle for property located on the east side of Rupple Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial, and contains 3.5 acres.

Becky Bryant, Associate Planner, advised that the Planning Commission rezoned this property from A-1 to C-2 on July 9th. As before, the staff isn't in favor of a commercial operation at this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Rupple Road plus the tree-protection plan does resolve many of the staff's concerns.

Jeff Caudle, representing Dale Caudle, stated that they are aware of the restrictions on the property and the tree preservation plan and have no problems with them.

In answer to a question from Commissioner Klingaman, Mr. Caudle stated that they have a firm understanding in regard to the tree preservation plan that a percentage of the number of trees on the property will be maintained.

Becky Bryant advised that a Bill of Assurance was signed as part of the rezoning; it details the tree preservation plan.

MOTION

Commissioner Ozment moved to grant the conditional use, seconded by Klingaman. The motion passed 5-1-0 with Ozment, Cleghorn, Tarvin, Hanna & Klingaman voting "yes" and Springborn voting "no".

Planning Commission
October 8, 1990
Page 6

MOTION

Commissioner Tarvin moved to approve the large scale development plan subject to the staff's comments, the Plat Review minutes, and the Subdivision Committee minutes. The motion was seconded by Commissioner Cleghorn. The motion passed 7-0-0.

LARGE SCALE DEVELOPMENT PLAN FOR MINI-STORAGE
DENNIS & DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR

The fourth item on the agenda was a large scale development plan for Mini-Storage submitted by Dennis & Dale Caudle for property located on the east side of Ruppel Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial.

Don Bunn, City Engineer, stated that the entrance to this development is proposed to be off of Ruppel Road. They were granted a conditional use just recently for the purpose of constructing mini-storage. There was a question at the Subdivision Committee meeting regarding the terms of the Bill of Assurance on tree preservation which was a condition of approval. The staff's recommendation is that the developers work with the staff to make sure that all the conditions of the Bill of Assurance are met. Also, the Fire Chief's recommendation of the placement of two fire hydrants within this development was questioned. The State Fire Code, which was adopted by the City of Fayetteville, requires a hydrant within 500' of each unit. A fire hydrant located at the entrance on Ruppel Road would satisfy that requirement. However, the Chief has indicated that, because of the construction there and what he considers the unusual conditions, a fire hydrant should be located in the development about half way. It is the staff's recommendation that the large scale development be approved subject to the installation of the fire hydrants as required by the Fire Chief and working with the staff on the Bill of Assurance.

In answer to questions from Chairman Hanna, Mr. Bunn stated that the plat shows two phases of development for which they want approval at this time.

In answer to a question from Chairman Hanna, Ms. Bryant stated that the question of whether one fire hydrant placed in the middle of the development would meet the distance requirement of the ordinance was raised. She noted that the Fire Chief has stated that the ordinance gives him enough discretion to require an additional fire hydrant in certain circumstances regardless of the 500' criteria. And, he felt that there were circumstances on this property that would warrant two fire hydrants. Mr. Bunn stated that the Fire Chief felt that, if only one fire hydrant were placed in the center of the development, a fire at the entrance might preclude them reaching that hydrant.

MOTION

Commissioner Tarvin moved to approve the large scale development subject to the staff's comments, the Plat Review comments, and Subdivision Committee comments including the installation of two fire hydrants. This was followed by discussion.

Dennis Becker, representing the petitioners, stated that they agree with the staff recommendations. He noted that there isn't a fire hydrant at the corner of Ruppel Road and Wedington Drive. There was not one installed in connection with the Speedee Mart development at that location. Because of this, the petitioner in this case is required to put in two. Had there been one on the corner, they would only have to install one. He stated that they were told that Speedee Mart didn't go through the large scale development process, so there was

Planning Commission
October 8, 1990
Page 7

no chance to look at the overall fire hydrant plan. Therefore, it slipped through. He suggested that in all fairness to developers, they look at this loophole between large scale development, which does its job in looking at utilities and fire hydrantes, and smaller properties that are developed without the same detailed review. Other than that, they are in total agreement with the staff recommendations.

In answer to a question from Commissioner Cleghorn, Ms. Bryant stated that the questions about the percentage of trees to be preserved was resolved to her satisfaction. She believes that they will be able to meet the criteria.

~~Commissioner Cato seconded the motion. The motion passed 7-0-0.~~

**LARGE SCALE DEVELOPMENT PLAN FOR ADDITIONAL PARKING
TYSON'S FOODS - 2700 SOUTH SCHOOL AVENUE**

The fifth item on the agenda was a large scale development plan for additional parking submitted by Skip McCloud on behalf of Tyson's Foods. The property is located at 2700 South School Avenue and zoned I-1, Light Industrial & Heavy Commercial.

Don Bunn, City Engineer, stated that this large scale development consists of the addition of 200 parking spaces at the Tyson's plant. The additional parking is required as a result of some additions inside the plant. Two issues were raised at the Subdivision Committee meeting: 1) the additional drainage that will be created by the new parking lot, and 2) the Planning staff's recommendation that they do some landscaping within the parking lot, although it is not a requirement. The petitioners have agreed to look at their drainage ditches to make sure they are sized to handle the drainage properly. The staff is recommending approval of the large scale development subject to an investigation of the increase in run-off, construction of a sidewalk along South School Avenue, the Plat Review comments, and Subdivision Committee comments.

Skip McCloud, representative for Tyson's, stated that, based upon the Planning staff's recommendation on the landscaping, they have added landscaping in the center islands of the parking lot. They have studied the drainage and feel that it is adequately designed. He noted that the drainage at this time goes to the west and north slightly. The drainage that comes towards the north of the building toward the subdivision property for which the citizens were concerned should not be affected by this parking lot because there is a break in the terrain.

In answer to a question from a member of the audience, Chairman Hanna advised that the new parking lot will be to the south of the building.

MOTION

Commissioner Cato moved to approve the large scale development subject to the staff's comments, seconded by Tarvin. The motion passed 7-0-0.

**CONDITIONAL USE FOR TANDEM LOT
JAY BERRYMAN - S OF SYCAMORE ST, E OF COLLEGE AVE**

The sixth item on the agenda was a conditional use for a tandem lot in connection with the lot splits requested (the next item on the agenda) by Jay Berryman for property located south of Sycamore Street and east of College Avenue. The property is zoned R-1, Low Density Residential.

Don Bunn, City Engineer, stated that the total property is about 8.8 acres and the proposal is to split the property into three tracts. Tracts 1, 2, & 3 will

ROLLFORWARD
A. 2 Page 1

For the Fayetteville City Council meeting of January 2, 2001

Orig Contract Date:_____

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Council

THRU: Dan Coody, Mayor
John Maguire, Administrative Services Director

FROM: Budget & Research 

DATE: January 2, 2001

SUBJECT: **2000 Budget Rollforwards**

Please find attached a schedule of operating and capital amounts by fund which were included in the 2000 Budget but did not incur a financial obligation during the 2000 fiscal year. The 2000 estimated unreserved fund balance/retained earnings for the respective funds reflects the cost of the requested rollforwards. Therefore, approval for these items to be made part of the 2001 appropriations, will not impact the City's budgeted financial position. The rollforwarding of prior year's appropriated projects and items is a normal operating procedure. Approval of this request will allow the 2001 Budget to be increased to reflect the attached information. Several of the requested rollforwards include a revenue offset in the form of grant revenues. Total requested rollforwards for all funds are \$23,752,989. A summary of all rollforwards requiring City Council action is described in the table below.

City Council Approval Requested

Funding Source	Amount
General	\$ 1,883,296
Street	532,076
City Advertising & Promotion	344,913
Off Street Parking	267,829
Community Development	1,009,772
Parks Development	1,381,029
Drug Law Enforcement	21,171
Sales Tax Construction	12,440,091
Water & Sewer	3,109,432
Solid Waste	401,593
Airport	285,333
Town Center Construction	114,200
Shop	1,962,254
Total All Funds	\$ 23,752,989

In addition to the projects discussed above, \$10,138,053 of projects and items were in progress at the end of the year. The unexpended budget on these financial obligations will also be rolled forward and become a part of the 2001 budget. These items do not require additional action by Council because these items have either a contractual agreement or have been authorized by purchase order. For your information, a summary by funding source is included in the table below.

Informational Rollforwards

Funding Source	Amount
General	\$ 416,176
Street	35,309
City Advertising & Promotion	162,816
Off Street Parking	545
Community Development	30,589
Parks Development	165,396
Drug Law Enforcement	1,947
Library Construction	1,545,000
Sales Tax Construction	1,837,644
Water & Sewer	1,719,790
Solid Waste	38,372
Airport	393,972
Town Center Construction	3,412,042
Shop	378,455
Total All Funds	\$ 10,138,053

Please note that the actual non-obligated (\$23,752,989) and obligated (\$10,138,053) amounts to be rollforwarded will be less than what is requested in this memo. The actual amounts will not be determined until all of the December 2000 expenses are processed. Once a final listing has been made, it will be submitted to the Mayor for approval before the appropriation is implemented. This submitted request is to prevent any time delays in City operations and projects that would occur if prior year funding was not re-appropriated.

If you have any questions concerning the attachment or the procedure, please feel free to contact the Budget & Research Division. Thank you.

City of Fayetteville, Arkansas

- 2001 Rollforward Items

Budget & Expense Activity as of 12/18/2000

2000 Requested Rollforwards

Funding Source	2000 Budget	Estimated	Expense	Encumbrance	Remaining	Non Obligated	Obligated
General	\$ 21,456,948	\$ 21,061,239	\$ 18,450,649	\$ 416,176	\$ 2,194,414	\$ 2,194,414	\$ 416,176
- State Grants						(257,000)	0
- Federal Grants						(54,118)	0
Street	3,259,107	3,237,450	2,670,065	35,309	532,076	532,076	35,309
City Advertising & Promotion	1,918,087	1,918,087	1,410,358	162,816	344,913	344,913	162,816
Off Street Parking	466,291	466,291	197,917	545	267,829	267,829	545
Community Development	1,564,347	1,497,647	457,286	30,589	1,009,772	1,009,772	30,589
Parks Development	2,421,936	2,396,610	850,185	165,396	1,381,029	1,381,029	165,396
Drug Law Enforcement	364,120	364,120	273,176	1,947	88,997	88,997	1,947
- Drug Enforcement Grants						(67,826)	0
Library Construction	1,545,000	1,545,000	0	1,545,000	0	0	1,545,000
Sales Tax Construction	26,278,296	26,859,131	11,176,394	1,837,644	13,845,093	13,845,093	1,837,644
- State Grants						(150,000)	0
- Federal Grants						(1,255,002)	0
Water & Sewer	27,509,343	27,173,648	21,494,426	1,719,790	3,959,432	3,959,432	1,719,790
- State Cost Sharing						(850,000)	0
Solid Waste	4,999,900	4,651,709	4,211,744	38,372	401,593	401,593	38,372
Airport	3,202,770	2,851,477	1,077,899	393,972	1,379,606	1,379,606	393,972
- Federal FAA Grants						(1,094,273)	0
Town Center Construction	7,582,094	7,582,094	4,055,852	3,412,042	114,200	114,200	3,412,042
Shop	6,051,166	6,037,541	3,696,832	378,455	1,962,254	1,962,254	378,455
	\$ 108,619,405	\$ 107,642,044	\$ 70,022,783	\$ 10,138,053	\$ 27,481,208	\$ 23,752,989	\$ 10,138,053

ROLLFORWARD

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

**ROLLFORWARD
A. 2 Page 5**

Budget Year 2001	Department: Various Division: Various Program: Various	Date Requested January 2, 2001	Adjustment #
---------------------	--	-----------------------------------	--------------

Project or Item Requested: 2000 Roll Forwarded funding into 2001 from various accounts and capital projects that had remaining funding at the end of 2000.	Project or Item Deleted: None. Various Use of Fund Balance Accounts.
--	--

Justification of this Increase: The funding is requested to continue current account expenses and capital projects.	Justification of this Decrease: Sufficient fund balance remains to comply with City Policy and objectives.
---	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number	Project Number
See Attached			

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number	Project Number
See Attached			

Approval Signatures

Requested By 	Date
Budget Manager	Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

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

STAFF REVIEW FORM

TRAFFIC SIGNAL
A. 3 Page 1

X AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council meeting of January 2, 2001

FROM:

Charles Venable Public Works
 Name Division Department

ACTION REQUIRED: Approval of a Resolution expressing the willingness of the City of Fayetteville to utilize Federal Aid Monies for the Signalization of State Highway 112 and Drake St.

COST TO CITY:

\$7,000 (Est) 98000 (2001 Budget) TRANSPORTATION IMP.
 Cost of this Request Category/Project Budget Category/Project Name

4470-9470-5801-06 98000 Sales Tax Capital Imp.
 Account Number Funds Used To Date Program Name
96009-1 98000
 Project Number Remaining Balance Fund

BUDGET REVIEW: X Budgeted Item _____ Budget Adjustment Attached

Alpha Administrative Services Director
 Budget Coordinator

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Marilyn Cramer 12-18-00 _____ _____
 Accounting Manager Date ADA Coordinator Date
Kay 12-18-00 Nancy Smith 12/19/00
 City Attorney Date Internal Auditor Date
Ellie 12-18-00 _____ _____
 Purchasing Officer Date Grant Officer Date

STAFF RECOMMENDATION: Approval

Charles Venable 12-14-00 _____
 Division Head Date Cross Reference
John Maguire 12/19/00 _____
 Department Director Date
John 12/19/00 _____
 Admin. Svcs. Director Date
_____ _____ _____
 Mayor Date

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor & City Council

From: Charles Venable - Public Works Director 

Date: December 14, 2000

Subject: Signalization of the Intersection of State Highway 112 and Drake St.

In early September a letter was received from a Jim Everett asking the City to study the subject intersection for a possible traffic signal installation. Since Garland St. (St. Hwy 112) is a part of the State Highway System a letter was sent to them asking that a study of the needs for a traffic signal be undertaken. This study has now been completed and a letter dated December 4, 2000, from the chief engineer informed us that a signal was warranted and that Federal Aid Funding could be used to install the signal. The costs of the signal installation was estimated to be \$70,000 with the City's share estimated to be \$7,000.

Since the City's Traffic Division currently has several intersections they plan to install signals using City funds during the coming year or so it is recommended that the City enter into an agreement with the State Highway Department for this intersection.

Encl:

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

TRAFFIC SIGNAL
A. 3 Page 3

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

November 27, 2000

The Honorable Fred B. Hanna
Mayor, City of Fayetteville
41 East 29th Circle
Fayetteville, Arkansas 72701

Dear Mayor Hanna:

Reference is made to your request for a traffic signal study at the intersection of Highway 112 and Drake Street in Fayetteville.

Our study consisted of a 24-hour turning movement count, a review of accident records and an on-site investigation. Based on the results of our study, we have determined that traffic volumes at the subject intersection are currently sufficient to warrant signalization as outlined in the Manual on Uniform Traffic Control Devices.

Although the construction and engineering costs related to signalization and roadway improvements at this intersection are eligible for 80% Federal, 10% State and 10% local funding, a signal project cannot be scheduled at this time due to the current backlog of signal projects. However, should the City desire to proceed with the installation of a signal at this time, the Department can issue a permit for the signal's installation at the expense of the City. A preliminary cost estimate for this signal project is \$70,000.

If the City should desire to wait until Federal funds become available, please have your governing body pass a Resolution (sample enclosed) and return it to us. The City will be advised when a signal project can be scheduled. The City will be responsible for any additional right-of-way and utility relocation as well as providing power and maintaining the signal after installation.

If we can be of further assistance, please advise.

Yours truly,

Robert L. Walters
Chief Engineer

Enclosure

cc: Commissioner Jonathan Barnett
Director

FEDERAL-AID PROJECT RESOLUTION
RESOLUTION NO. _____
A RESOLUTION EXPRESSING THE WILLINGNESS
OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:

Signalization of Highway 112 and Drake Street

WHEREAS, The City of Fayetteville understands Federal-Aid Surface Transportation funds are available for certain City projects at the following Federal participating ratios:

<u>Type Work</u>	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Match</u>
Traffic Signals	Construction & Engineering	80%	10%	10%
Intersection Improvements	Construction & Engineering	80%	10%	10%
	Right-of-Way & Utilities	-0-	-0-	100%
City projects programmed but not let to contract	All Phases	-0-	-0-	100%

NOW THEREFORE, BE IT RESOLVED BY THE CITY'S GOVERNING BOARD OF THE CITY OF FAYETTEVILLE, ARKANSAS, THAT:

SECTION I: The City will participate in accordance with its designated responsibility in this project.

SECTION II: The City is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this City project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this City project.

THIS RESOLUTION adopted this ____ day of _____, 19__.

MAYOR

ATTEST: _____



**ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT**
DISTRICT FOUR

TRAFFIC SIGNAL
A. 3 Page 5
SEP 19 2000
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

4019 TOWSON AVE. • P. O. BOX 1424 • FORT SMITH, AR 72902-1424 • TELEPHONE (501) 646-5501 • FAX (501) 646-8286
WASHINGTON — CRAWFORD — FRANKLIN — SEBASTIAN — LOGAN — SCOTT — POLK

September 18, 2000

The Honorable Fred Hanna
Mayor, City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Request for Traffic Signal Study
Hwy 112 @ Drake Street
Fayetteville

Dear Mayor Hanna:

Reference is made to the correspondence you recently forwarded to this office regarding traffic concerns expressed by Mr. Jim Everett. You noted in your response to Mr. Everett that you would request that the Department conduct a study to determine if signalization is currently warranted at the subject intersection.

The Department's traffic engineers have been asked to conduct the appropriate study to determine if the traffic at the location is sufficient to justify signalization. When they have completed their study and a determination has been made, you will be advised regarding the findings of the study. We have also passed on to them your availability to provide traffic count information if necessary to facilitate the study.

Thank you for your continued assistance in matters such as this. If we may provide additional information in this or other highway related matters, please let us know.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Harold Beaver', is written over a horizontal line.

Harold Beaver
District Four Engineer

C: Assistant Chief Engineer - Operations

FILE COPY

THE CITY OF FAYETTEVILLE, ARKANSAS

September 11, 2000

Mr. Jim Everett
67 White St.
Farmington, AR 72730

Dear Mr. Everett:

Reference is made to your letter dated September 5, 2000, regarding the traffic situation at the intersection of Garland Ave. (St. Hwy 112) and Drake St.

Since Garland Ave. is a State Highway we do not have any jurisdiction regarding traffic signals but is a function of the State Highway and Transportation Department.

I will send a copy of this letter along with yours to Mr. Harold Beaver, District 4 Engineer, located at Fort Smith, asking his department to review this need for a traffic signal at this location.

As soon as we hear back from Mr. Beaver we will be back in touch with you.

Sincerely,



Fred Hanna
Mayor

cc: District 4 Engineer Harold Beaver w/attachment
Perry Franklin

September 5, 2000

City of Fayetteville
Mayor Fred B. Hanna, Jr.
#41 E. 29th Circle
Fayetteville, Arkansas 72701

Re: Unsafe intersection

Dear Mr. Mayor;

I am sure you are a very busy man in your position so I will do my best to make my letter as brief and to the point as possible.

There is an intersection in your city that has reached a point where it is extremely unsafe to try to cross or turn at with a vehicle. The intersection I am referring to is located where Hwy. 112 crosses Hwy. 180 (Drake and Garland) just off the 540 bypass at exit 66.

Myself along with others have witnessed many near misses every morning and afternoon. There is a Citgo gas station at that intersection which further compounds the ability of vehicles attempting to turn left from Drake in either direction. The flow of traffic on Hwy 112 in itself prevents safe turns as motorists are forced to turn right in front of oncoming traffic. To further add to this situation there is a curve in the road.

I am only asking that someone please take a look at this situation in the morning and afternoon so appropriate action can be taken to avoid loss of life. I am sure you have bigger problems than this to deal with but I wouldn't take the time to write if it wasn't a potentially dangerous situation.

Thank you for your time.

Sincerely,



Jim Everett

cc. Perry Franklin , Traffic Superintendent

STAFF REVIEW FORM

BID 00-79
C. 1 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of January 2, 2001

FROM:

Charles Venable Public Works
Name Division Department

ACTION REQUIRED: Approval of a Resolution awarding a contract to Harrison Davis Construction Co. of Fayetteville for their low bid of \$1,982,600 for the construction of the Fayetteville Senior Center. Approval of a budget adjustment in the amount of \$78,083 which is funded by the Council on Aging is also requested.

COST TO CITY:

<u>\$1,982,600</u> Cost of this Request	<u>\$1,904,517</u> Category/Project Budget	<u>Walker Park Senior Complex</u> Category/Project Name
<u>2180-4990-5722-00</u> <u>2250-9250-5804-00</u> <u>4470-9470-5804-00</u> Account Number	<u>Funds Used To Date</u>	<u>Program Name</u>
<u>96092-1</u> Project Number	<u>1,904,517</u> Remaining Balance	<u>Community Development</u> <u>Parks Development</u> <u>Sales Tax Capital Improvement</u> Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

<u>Accounting Manager</u>	<u>Date</u>	<u>ADA Coordinator</u>	<u>Date</u>
<u>City Attorney</u>	<u>Date</u>	<u>Internal Auditor</u>	<u>Date</u>
<u>Purchasing Officer</u>	<u>Date</u>	<u>Grant Officer</u>	<u>Date</u>

STAFF RECOMMENDATION: Approval of the Contract & Budget Adjustment

<u>Division Head</u>	<u>Date</u>	<u>Cross Reference</u>
<u>Department Director</u>	<u>Date</u>	New Item: Yes No
<u>Admin. Svcs Director</u>	<u>Date</u>	Prev Ord/Res #: _____
<u>Mayor</u>	<u>Date</u>	Orig Contract Date: _____

C. 1 Page 2

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

BID 00-79
C. 1 Page 3

DEPARTMENTAL CORRESPONDENCE

To: Mayor & City Council

From: Charles Venable - Public Works Director

Date: December 20, 2000

Subject: Award of a Contract for the Construction of the Fayetteville Senior Center

DRAFT

Bids were taken on December 15, 2000 for the construction of the Fayetteville Senior Center. Four contractors submitted bids with the low bid being submitted by the Harrison Davis Construction Co. of Fayetteville. Following is a list of the bidders and bid amounts.

<u>Bidder</u>	<u>Bid Amount</u>
1. Harrison Davis Construction Co.	\$1,982,600
2. Marinoni Construction	\$2,436,000
3. SSI, Inc.	\$2,625,000
4. Oakridge Builders	\$2,727,000

The City certified that \$2,125,000 was available to fund the project with funds being made available from the Area Agency on Aging, Community Development Block Grant dedicated HMR Tax proceeds and a 2 mil for one year real & personal property tax.

Enclosed herewith is a copy of the Architect's Letter of Recommendation and a copy of the bid tabulations.

It is recommended that the bid submitted by Harrison Davis be accepted.

Architect
Gates & Co.
Rec'd As of
Hendrick Co.

STAFF REVIEW FORM

RZ00-25.00

C. 2 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of January 2, 2001

FROM:

Tim Conklin
Name

Planning
Division

Public Works
Department

ACTION REQUIRED: To approve an ordinance for RZ 00-25.00, submitted by Dennis Caudle for property located at 1192 Ruppel Road. The property is zoned R-0, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

\$0.00

Cost of this Request

Category/Project Budget

Category/Project Name

Account Number

Funds Used To Date

Program Name

Project Number

Remaining Balance

Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY: _____

Accounting Manager

Date

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended denial and on December 11, 2000, the Planning Commission voted 6-1-0 to recommend approval and forward the rezoning to the City Council.

Division Head

Date

Cross Reference

Department Director

Date

New Item: **Yes**

Administrative Services Director

Date

Prev Ord/Res #: _____

Mayor

Date

Orig Contract Date: _____

Orig Contract Number: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN
REZONING PETITION RZ 00-25 FOR A PARCEL CONTAINING
APPROXIMATELY 0.52 ACRES LOCATED AT 1192 RUPPLE
ROAD SUBMITTED BY DENNIS CAUDLE.

**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-0, Residential Office to C-2, Thoroughfare Commercial District for the real
property described in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the official zoning map of the City of Fayetteville, Arkansas, is hereby
amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By: _____
Fred Hanna, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZ 00-25.00

Need legal from applicant.

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RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Rupple Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Hoffman: The final item on our agenda is a Rezoning for Caudle submitted by Dennis Caudle for property located at 1192 N. Rupple Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial. I believe that we have seen this item before and Tim could you let us know. Before you get started, Mr. Caudle do you understand that you also need five positive votes to approve this rezoning. Appeal on a rezoning request goes to City Council not District Court.

Conklin: It's going to go City Council. That's correct.

Hoffman: You still need five positive votes.

Conklin: Yes. If you don't recommend it with five positive votes then they have to appeal to the City Council. That's how they get before the City Council.

Hoffman: I think I misstated it when I was talking earlier that everybody had to go to District Court, that's not the case with you.

Conklin: On October 23, 2000, the Planning Commission heard a request for .52 acres along with adjacent property so they heard this request this evening of .52 acres with adjacent property. That total property was 1.5 acres. The request was from R-0 to C-2. Staff did not recommend that rezoning request. The Planning Commission voted unanimously 6-0-0 to deny the request. I do have those minutes attached. The applicant appealed the decision to City Council and on November 21, 2000, the City Council heard this appeal request at that time they addressed an amended request with the applicant that he did not want to rezone the entire 1.5 acres but a smaller portion, .52 acres. The City Council did request that this .52 acres be brought back to the Planning Commission for your consideration and recommendation to them. Keep in mind the applicant originally requested the C-2 in order to apply for a conditional use permit to build additional storage on this property. That is his same intent at this time. Staff's original recommendation still stands with regard to denial. We are bringing this back to you because the City Council would like for you to take a look at this rezoning. The main difference is it's a smaller area, it's 90 feet in width, 253.6 feet long rectangle that adjoins the west side mini storage facility located on Rupple Road. Just at the last Planning Commission meeting, when we did hear this item, there was concern about the

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Bill of Assurance and I just want to make sure the applicant didn't misunderstand what I said at the Planning Commission and that was I was going to go out there with out Landscape Administrator to make sure that there weren't any violations of that Bill of Assurance. We have gone out there. We counted the trees. There are substantial numbers of pine trees that are along the north/south and west/east property line. Based on those numbers and the size of those trees, that Bill of Assurance has not been violated. He's meeting that requirement to save those trees on that site. With regard to the access from Wedington Road, that access has been barricaded and is not being used for this facility. Those were the two things in the Bill of Assurance, tree preservation and the access from Wedington. Both of those, for me, are not being violated. Kim Hesse and I have taken a look at the trees and it's meeting that requirement. I just wanted to clarify any misunderstandings that the Commission may have had on that Bill of Assurance or the applicant or myself.

Hoffman: Before we get to you, Tim I have a question about that. Are you referring to the entire site or just to the subject now up for us for rezoning?

Conklin: When I talked about the Bill of Assurance, the Bill of Assurance was for the entire 5 acres.

Hoffman: So we do have a good buffer between Wedington and the site?

Conklin: With regard to trees, it's interesting, the Bill of Assurance reads 60% of the trees. He has pine trees that are spaced probably five feet apart, approximately 200 along the south, north and east property line. Overall, when you look at the total number of trees just because those pine trees are soldiered up along the property lines, he's meeting that ordinance. With regard to our current Tree Preservation Ordinance, that's something that Kim Hesse would have to take a look at with regard to the existing oak trees that are on this property that are remaining.

Hoffman: Okay. Thank Tim. Do you have a presentation that you would like to make? Tell us your name please.

Caudle: Can I give you a copy of that?

Hoffman: Yes. You need to tell us who you are even though we know.

Caudle: At the time that this came up the first time in Planning Commission meeting, the original property that was rezoned ten years ago was originally 5.5 and they rezoned the back

portion and we built the storage facilities. At the time there was an indication that there was an need for them in the area and they were right, there has definitely been a need. There has been a lot of houses built out there over these last ten years. What we find now, we came to the little piece there on the front that turns back towards the highway, kind of a backwards L, we built as many buildings as we were originally designed to do from the ten years ago plan. The thing that's come up is a need for storage in the area. The climate control is a big factor that we come up with is the fact that there is no climate control inside the City of Fayetteville. We thought we could build a building to supply the need for the people that need that type of service. Right now there are several people that have to go to Springdale. There was six people that we were renting the facility for the last several years that the FDA passed a new law that their stuff had to be in climate control, so they have all been forced to go to Springdale because there is none in the City of Fayetteville. What I was proposing was to build a building that would provide the climate control type storage facility. The original request was to just simply rezone all the lot to C-2 because it was C-2 in the back. We brought in sewer several years ago to put storage buildings on all of it. First of all, storage buildings doesn't need sewer so that money will be wasted. The original request was to be able to have just enough area there to put in this one building. As far as being declined on the entire C-2 request well that was probably asking for too much. I should have probably done it like this in the first place because we did bring in the sewer, we didn't intend to build storage buildings out front anyway. To go back 90 feet toward the highway would allow us to build this one building which is right next to what's already there, that you see on the drawing there. There are twelve buildings that sit on the property now. This will be no different, as far as appearance, than what's there. There was some concern in the Planning Commission meeting from the 23rd as far as the appearance, whether or not they like them. The lot on the front of the drawing there, on the corner of Ruppel, I think it's called Wedington Plaza, I talked with them the other day and apparently they are starting construction next month which will take up a large coverage of where we are at in the front there as far as exposure to Wedington. One thing I said in the City Council meeting was that we would be more than willing to put in a privacy fence, a nice one that has brick pillars and privacy in between them in front of this building which would separate it from Wedington and there is still plenty of room on the front of Wedington, approximately 177 feet.

Hoffman: Is that to the building or to the line of the zoning demarcation, that 177 feet?

Caudle: The length of the property, back to where it's currently R-0, is 267 as is shown on the drawing there. To rezone 90 feet forward still leaves 177 feet before we reach the Wedington Highway. We brought in the sewer and paid for it several years ago. It is

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set up for an office environment and that's probably what would be built there in time. Like I said, we have no plans at this point to build anything out front. To be allowed the 90 feet in conjunction with what is already there, does allow us to build this building that there is no question there is a need for it because the people do not have an access to this type of service in this city.

Hoffman: This 90 feet gives you access completely around the building and then have some room for the fence that faces Wedington?

Caudle: The corner once you come along the bottom, the 373 corner, if you just gotten out of the line that is currently C-2 extends straight on across 253 feet at that corner, we are proposing to turn south 90 feet and then go back 253 which would allow this building to go in right next to the 12 that's already there.

Hoffman: Got it thanks.

Caudle: Like I said, it's just a case that there is a need and it is inside the existing facility with the building that's fixed to be built and the privacy fence. One of the people that had a concern about that, about allowing me to build this new building, that would be part of the concern that was stated as far as the visibility. That takes out a lot of visibility but it does make for a nice facility that offers a full service.

Hoffman: Anything else you want to say?

Caudle: No.

PUBLIC COMMENT:

Hoffman: Is there any member from the public that would like to comment on this? I see one person back there. No? Thanks.

COMMISSION DISCUSSION:

Hoffman: I'll bring it back to the Commission and the applicant for further discussion. Anybody?

Hoover: I have a question for staff: Just because I didn't get to read the comprehensive plan before I got here but my understanding is that our future thought on this area is R-0 and that we are only putting C-2 at the nodes?

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- Conklin: That is correct and with regard to the Community Commercial designation on our Future Land Use Plan, I will recommend as we have for the past five years that it be C-1 zoning which will not allow for the additional warehousing or storage facilities as a conditional use. Even if it was shown as that commercial, we would still be recommending for C-1 and not the C-2. Mr. Caudle, I do have one question, how many square feet will the storage building contain?
- Caudle: Approximately 10,000 in the new building. It is climate control. It's a different design than the other buildings, it does require a lot of different type of construction to accomplish the climate control facility.
- Marr: Where exactly is the access to this building proposed to be, is it off of Highway 16 or is it coming from this?
- Caudle: On the drawing you see the twelve buildings going down through there, on each end of that first building, originally there was access with a controlled computer type gate on the south side of that building. In the last year, we put in an access at the north end of that building for an exit only gate. There is an in-and-an out basically onto Ruppel from the facility. The building we are proposing, like I said, if you just extend that 273 straight across, it picks up right on the border of what is now C-2 and R-0. It's just enough to put in that building and you come right in the facility when you get down to that point, you look left at your buildings or you look right at this new building. All the access is off of Ruppel and like I said we put in an extra gate, having this many buildings and this much people coming an going, we did open up the other gate and put in another computer access gate to help with the flow of the traffic. There are times on weekends, a pretty day, you will have several people out there so it did help the flow.
- Marr: Help me understand too, where exactly when you talk about a proposed brick privacy combination fence to screen this.
- Caudle: Again on my little drawing the building that I put on the drawing, the proposed building, it says 175 feet on it, move directly out in front of it approximately 20 feet.
- Marr: Would it go the whole distance of this or just the length of that building?
- Caudle: It would go in front of the building is the way it's proposed. There is drainage on the other area there. There is a designed drainage ditch where all the buildings are drained to a point, the water that comes off the buildings and between the alleys and that is a drainage ditch that was designed for that purpose.

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Marr: The reason for my questions are not to do approval of design here because I understand this is a rezoning but one of the things that would certainly make me consider it is the ability that when it did come through for design that it would be completely screened because I go back to Chairman Odom's comment when we heard this back on the 23rd that I certainly believe and agree with you that there is a need for this in the City of Fayetteville but I also believe that there are locations of commercial C-2 space to be able to do this within the city already. More importantly I want to stay consistent with the Land Use Plan of developing that into R-0. If we did this, what's important to me is the ability to take it out of sight. This is much more appealing to me, not to say I will vote for it still but much more appealing to me than what was originally presented.

Ward: I think I would be, instead of putting up a wood privacy fence, I think that south side of the building, in my case, I think it needs to be some type of, meet our Commercial Design Standards for articulation and using some type of split face block and some things like that instead of metal. I would be much more for it then than just putting up a metal building out there. I'm talking about strictly the south side of the building with some articulation and some type of material that fits into our Commercial Design Standards like block, brick and other type of products. That way you wouldn't have to be worried about putting up fences and all that type of stuff.

Caudle: I would be more than willing to look at, from the manufacturer's to what could be done as far as to brick that side of it or something to that affect. Again, your visibility right now when you drive down Wedington you look over there, this is what you see. You see those buildings as they are today. You are not going to be seeing anything different than what you are seeing today. If we did what you propose we can look into bricking that side of it, that would improve it. Whether it was a privacy fence, because there was a concern about it, the distance we set off the highway back in the trees alleviates that concern. This would be a whole lot better than what we are looking at right now as far as the concern of what's out there right now.

Hoffman: Staff, I have a question. I'm concerned about design on a rezoning. I wish that there were a way. I understand because this lot is contiguous with your existing property, why you want to put it here and why you don't want to go find another site.

Caudle: It was mentioned in the meeting on the 23rd, you've got economic assets that are already out there and you run a professional operation, you don't go out and buy property and build a building and expect to come out at all.

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Hoffman: The question I have for staff is that, given the discussion that we've had tonight concerning the screening of the building or the other appearance, I'm not really for Lee's idea because they are still going to have all those garage doors facing Wedington, I'm really more interested in screening the whole building. How many overhead doors will be facing Wedington in the new building?

Caudle: Approximately 16.

Hoffman: I don't know how you would meet the Commercial Design Standards. Given the fact that we've got a reasonable proposal for screening that's contiguous and has traffic flowing out to Ruppel Road and not Wedington, is there any method that we can approve a rezoning subject to the statements, can the applicant offer Bills of Assurance for instance that would help us along the way?

Conklin: Keep in mind, this will have to come back as a Conditional Use and may have to come back as a Large Scale Development if it's over 10,000 square feet so you will have another opportunity to place any condition on there that you feel is appropriate. Also, if you rezone, it could be any C-2 use also that could go in there from a used car lot to a night club.

Hoffman: There is no way to bring the two through at the same time like we did our Conditional Use and Large Scale Developments?

Conklin: Not at this time.

Caudle: Excuse me, has that not already been done 10 years ago? It was only 10 years ago.

Conklin: If the applicant would like to voluntarily offer a Bill of Assurance he can offer that as you did, I believe, 10 years ago.

Caudle: This 90 feet is for this building and that's the only plan I have whatsoever and I would definitely have no problem doing anything there. Like I said, it's just this classification does require C-2.

Hoffman: If this use and idea would go forward.

Caudle: It is there now and it is what is required to build a climate control building that is needed.

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Hoffman: You don't mind making that a condition of this?

TAPE TURNED:

Caudle: It's a survey, I don't know if it's from the right-of-way, they are calling it 267 feet and they are calling it 507 down the east side of the property which would include the R-0 and the C-2. I don't know if that's where that point of beginning is.

Conklin: With regard to that number, that is not something that we would use to map this area out. We require a legal description and we are working with Mr. Caudle to get a legal description that accurately describes that piece of property. It's clear to me that it's 90 feet south of the current C-2 zoning and that's something that we will be making sure that legal description describes, by the time we bring it forward to the City Council with an ordinance. It's 90 feet south of that existing C-2 property.

Bunch: My major concern is questioning this was to see if the remaining piece of property that I believe is currently R-0 to see if it was adequately sized to put in an R-0 development complete with setbacks and utility easements and that sort of thing.

Caudle: It's going to be approximately 253 by 150 minimum up to 170 depending on where that starts.

Bunch: That's what I was wondering.

Conklin: It's about an acre.

Bunch: I just want to make sure that it's adequately sized for a development as zoned.

Caudle: Approximately 253 by 160 give or take a little.

Hoffman: Anybody else?

MOTION:

Shackelford: I guess my take on this is, basically what we are looking at is an extension of an existing building by the same owner. We are only talking about a 90 foot strip of land with very limited access off of Ruppel Road basically through the property that the applicant already owns. As long as the front property remains R-0 which has the Wedington frontage on it and is developed R-0 and I think we meet the intent of the 2020 plan,

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with that being said and the applicant being willing to do a Bill of Assurance, I'm going to make a motion that we recommend approval of RZ 00-25.00.

Ward: I'll second.

Hoffman: I have a motion by Commissioner Shackelford and second by Commission Ward, anybody else? Any other further discussion on this item?

Ward: This does have to come back no matter what happens?

Hoffman: Is it of sufficient size that we have to see it again, Tim?

Conklin: It depends on what size building he proposes on this property. If it's over 10,000 square feet, you'll see it as a Large Scale. You will see it as a Conditional Use.

Hoffman: We could at that time follow up on the discussion tonight regarding the screening and appearance and so forth.

Conklin: Yes. If the Planning Commission makes a recommendation and the City Council rezones it, most likely the conditional use recommendation is going to be for approval with Bills of Assurance.

Hoffman: Just so we are all clear, can you work with the applicant with regard to the wording of the Bills of Assurance? Since they come from the applicant, I'm not sure how to get that.

Conklin: Sure. For clarification, we are talking about use of this property for this climate controlled storage facility.

Hoffman: With screening.

Marr: Just one last question, did you investigate any other C-2 space for locating this facility other than this location?

Caudle: I looked at a couple of lots for possibly a new facility because there is a need for a storage facility. I have not found anything suitable at this point. There is some C-2 property in several areas around the city. There are a lot of factors that go into it as far as access, location and need in the area. Right now there are people who come a considerable distance because of the availability of storage in the area. I have looked.

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- Hoffman: Thank you. Anybody else have anything they would like to say before we call the roll? You all ready? Nancy?
- Allen: I'm not really clear of what we are requiring the applicant to do.
- Hoffman: In rezonings, Tim you can take this one if you want to.
- Conklin: Sure. The applicant has offered to give us a Bill of Assurance which is a legal document to tie to this rezoning that this 90 feet, with the property, will only be used for a climate controlled storage facility and will contain screening of some sort. Based on that information you need to determine whether or not you can make this recommendation to the City Council, if you feel that it's appropriate with this Bill of Assurance to rezone this to C-2. Does that clear that up?
- Bunch: If in the Bill of Assurance since we can't ask for it that the applicant offers, there was some statement about making sure that it went to the Large Scale Development process in addition the Conditional Use process. I think there are some square footage limitations, if the applicant offered to us that this would come through that process, I would personally feel a little more at ease with it to make sure that we could look at it and see that it fit our standards.
- Caudle: As far as the Large Scale, again I'm not familiar with all the rules as far as that's on projects over an acre, over 10,000 square feet. It has certain criteria.
- Conklin: An addition of 10,000 square feet or more. Since 10 years has passed, you do need to be aware that the fee has gone from \$50 to \$900 application fee.
- Caudle: Everything has gone up, I know. The only thing that I can think of that would require a Large Scale is the size of the building. What originally has been drawn out on paper could be just under it or just over it depending on whether you build it 175 foot long or 170 foot long. It's going to get that marginal there. We could keep it under the 10,000 square foot by simply taking 5 feet off the end of it.
- Conklin: You wouldn't be the first developer or applicant to do that either. What I'm saying is, people are aware of that regulation in Fayetteville and we do have projects, two or three a year that come in just below that criteria.
- Caudle: I understand that. If you are talking about the difference between \$50 and \$900, I don't know what else is involved.

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Hoffman: Let me make sure that no matter what happens Tim, this is going to be coming back as a Conditional Use because of the zoning?

Conklin: Yes.

Hoffman: This zoning is the only one that will permit this use without going to industrial zoning or something like that.

Conklin: That's correct.

Hoffman: That is so similar to Large Scale Development review that I would say that it would be not something that would be as important to me personally because in Conditional Uses we have a blank slate on those really, in terms of requirements that we can place, in terms of lighting, screening, appearance, hours of operation, revocation and so on. In that case, I would just prefer to let the motions stand as they were and you with your Bill of Assurance as it is.

Bunch: That's my main concern in bringing that subject up was to make sure that we have adequate opportunity for the oversight on it.

Shackelford: That was the intent of my motion knowing that we would get a chance to look at this and we could put those limitations on it in order to grant the Conditional Use.

Hoffman: No more discussion I assume? Okay, if everybody is ready, I'm going to go ahead and call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is approved on a 6-1-0 with Commissioner Marr voting no.

Hoffman: Tim is there any other business this evening?

Conklin: There is no other business.

Hoffman: With that, we are adjourned.

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RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Odom: The next item that we have on tonight's agenda is a rezoning RZ 00-25.00 submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial. The recommendation of the staff is for denial of the requested rezoning based on the findings as included as a part of this report. Staff, did you want to go over that or do you have anything further?

Conklin: Sure. Staff is recommending denial of this rezoning. Back in 1999 this tract was included as part of a larger tract for C-2 zoning. At that time, Planning Commission recommended it and the City Council rezoned only the northern part of this property as C-2. That same year the Large Scale Development was processed for a mini storage and a Conditional Use at that time, if you've read the minutes, it talks about keeping this ~~piece of property R-O and developing it with an office type development~~ which is compatible with the neighborhood. Also, at that time, there was a bill of assurance that was offered to save 60% of the trees with eight inch diameter. I have met with the applicant this afternoon and went over that bill of assurance also restricted access from Wedington. Overall this property is near commercial there is a vacant C-1 property to the west staff is not recommending approval of additional commercial property in this area. If the Planning Commission did rezone it to commercial, C-1 zoning would be more appropriate than C-2. C-2 zoning allows used car sales with all type of businesses as conditional use. Dance halls and that type of use. About a month ago we did change our allowable uses in C-1 to provide more neighborhood commercial uses. The purpose of the C-2 zoning request is to be able to come back to the Planning Commissioner with a Conditional Use request for additional storage facilities on this piece of property. Staff is not in favor of additional storage facilities located in this area on this piece of property. If you have any questions, I would be more than happy to answer them.

Odom: Staff you touched on the bill of assurance that was offered. You said 1999, but you meant 1990 when that originally came through. You mentioned the bill of assurance and that 60% of the trees would remain or something to that affect and that there would be restricted access. What is the current status of how well that bill of assurance has been maintained?

Conklin: With regard to 60% of the trees being left on the site, after meeting with the applicant

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today, it is difficult for me to determine whether or not that has been met. There were large pine trees located on the north and south property lines that were saved as part of the large scale development. That was approved by the Planning Commission. Those are existing. There were some trees shown, the number was twelve trees shown up in front of this facility on Rupple Road. Those have all died in the past ten years according to the applicant. With regard to the existing trees on this property that we are looking at today, I am not sure whether or not that bill of assurance with regard to the 60% of the tree preservation would apply to those trees. The bill of assurance did apply to this piece of property that we are looking at tonight but I'm not sure what the total number of trees that were existing on the site prior to development and what remains out there today. That's going to take additional research. The applicant may be able to give more information on that. With regard to the access off of Wedington, there has been a curb cut that has been installed on Wedington and a gravel drive and gate installed on this facility. According to the applicant that gate is only used three to four times a year to bring in large moving vans onto this site. The bill of assurance is clear. It states that there shall be no access from Wedington. I did talk to the applicant today about this issue and he feels that three to four times a year and the gate is locked most of the time, doesn't count as access. A strict interpretation of that bill of assurance means no access to that facility so that would be in violation of that bill of assurance.

Odom: I would ask the applicant to please come forward at this time. Do you have any presentation that you would like to make?

Caudle, Dennis: I'll answer some of the questions that he brought up there. As far as the original bill of assurances that were given. The facility is more than did that on the trees, we kept more like 70%. There is 193 trees right not on a three and a half acre development that is there today. The number of trees was far in excess of the original request. As far as the road that was put in at the same time the new highway was being built out there which was completed the other day, to put access to that property that was the time, speaking with the state, that the road needed to be cut in there because there would be no access to that property if we didn't put in a road. Something will be built on the property sooner or later of some type. The state indicated that would be the proper time to put in the road so a road was put in. As far as use, all the use is off of Rupple. Just several months ago we put in a we had two gates off of Rupple and we put in another gate off of Rupple, both electronic gates for one is a entrance gate and one is an exit gate. There is no access off of Wedington and is not to be used for that purpose. As far as the zoning that we are asking for,

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the Large Scale was approved ten years ago was just completed this year. It was a long term. We put the buildings in as the area grew and as the need was. That was just completed this year. The thing that we are looking at came up with some people that rent there recently. I drove up to Bentonville and Bella Vista and Springdale and looked at the facility there. There are no climate control facilities in the City of Fayetteville of this type. All the residents of the City are forced to go to Springdale or further depending on whether they are full. What we were proposing was to put in a climate controlled facility which is exactly like the same type of building as what is there now except it will be climate controlled with heat and air. It would require going just in front of the existing buildings toward the highway, not even half way to the highway to put in the one building which would be a climate controlled facility. There was a stated by several tenants that recently had to move out because the FDA passed a law that they had to be in climate control. Now they live in Fayetteville and they are forced to go to Springdale. That's why we would like to build another building to serve the people for that purpose which would be the same thing than what is there now. It would look the same and be the same. All it's access would be off of Ruppel with the two gates. That is the purpose of why we would like to do this, it does require a C-2 is what I understand for the storage business. That's why we are asking for C-2. That's the purpose of what we are looking to do.

PUBLIC DISCUSSION:

Odom: Thank you Mr. Caudle. Let me ask now, is there any member of the audience that would like to address us on this rezoning request?

COMMISSION DISCUSSION:

Odom: Seeing none, I will close the floor to public discussion and bring it back to the applicant for questions and comments of the Planning Commission.

Ward: Not that we have much around here but I noticed in Bentonville and Rogers areas that they are putting in a lot of really nice looking office complex on the front of the road with nice looking buildings glass and brick and stone. With the large climate controlled self-storage attached to them behind them for the vendors of Wal-Mart. Those have really been filling up fast I noticed. It's a very nice looking facility from the road because it is office type areas all along the front of the road attached to it, behind it is part climate controlled storage units that these businesses can use or whatnot for

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warehousing that would be something I would consider more towards than I would just a self storage property out there on Wedington Drive.

Caudle: I looked at facilities in Springdale and I've looked at them in Bentonville, I haven't been to Bella Vista or that far north. I've been as far as Bentonville and looked at the facilities. I've been to the ones in Springdale, as far as there is two different type of buildings between the two I have seen and then talking with the builder that built the one in Bentonville, which is also the one that built all the buildings that I've built over the years. That's the one that I looked at and the one he was describing. I did look at the one in Springdale which he did not build but they are a entirely different type.

Hoffman: If everybody is done speaking I have some questions too. Let me start with staff. I understand the need for expanded storage area however, I am quite opposed to having it the front on Wedington. Have you looked at the possibility of instead of rezoning, doing a Conditional Use that carries with it certain guarantees that what is constructed is not visible from Wedington along the lines of Commissioner Ward's statement either by landscaping, screening or by a more attractive office type of building. Is that possible to do instead of just rezoning? I couldn't be comfortable with rezoning it for the storage units to face Wedington. We are really trying to take care with this important corridor because it's just going to continue to grow and you have all the references and cross-references to College Avenue and quite frankly self-storage facilities are not the most attractive buildings in the world but there is a good need for them. That's my question for staff on the Conditional Use, when he has addressed that, I would like to ask if you considered just conditioning the existing buildings? Tim, could you go first?

Conklin: Mini storage or storage units require a Conditional Use in C-2. They are not allowed in C-1 zoning. They are not Neighborhood Commercial use. The Conditional Use part of it you can not apply for unless it's zoned C-2. This issue came up ten years ago and Mr. Caudle walked with a bill of assurance to build a mini storage on the back part that's zoned C-2. We have had what you talked about built in Fayetteville. The Keating's built some mini storage over by Brahm's on College Avenue with office and retail space up front. It's been built on Highway 265 also. I think Mr. Wilkins has built some offices up front, mini storage in the back. Overall, I'm concerned about our Commercial Design Standards and trying make it an attractive commercial area for the residents that live out on Wedington Drive. When you have a storage building it's difficult to have anything other than just a metal building due to the cost involved. I'm all in favor to have that type of mixed use if we could have some type of office or retail up front but just stand alone, I do not support that.

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Hoffman: Back to the applicant, have you considered conditioning your existing buildings?

Caudle: As far as what we are talking about there, like I said I was only coming out a little not even near close to half way to the highway. This new building would only go out a little ways out from the existing fence now. The fence would be moved in front of that building and there is still the large lot, probably close to an acre. Just a fraction under probably for something would be built in the front whether it be an office. As far blocking the view, there is still plenty of room there that something can be built on the front of the property. As far as this building here where all the other, if you are driving down Wedington, you see all the ends of every one of them and you can see up the alleys. This building would face east and west which would block most of the buildings on that end with that one building instead of all the buildings on the end this would be blocked with the one building. As far as the way of prettying it up, if it's possible to do that, I would consider some kind of prettying up that side of the building if that would be something you would be interested in looking at because I just have to talk to the builder and see what could be done. Whether you can put a side on that side of the building that faces the highway that is more attractive, I would be willing to look at that for sure. Definitely something will be built in front of it, facing from this building to the highway in the future. That was one concern ten years ago.

Hoffman: They only thought is for expansion then?

Caudle: The what?

Hoffman: The only request then is for expansion, you had not considered the retro fitting of the conditioned space in the existing buildings?

Caudle: The additional space?

Hoffman: Conditioning the existing space.

Caudle: I talked to the builder, it would almost be impossible to do due to the electricity. These do require air and heat and it's just like your living room as far as humidity what they go by. Climate control factors. As far as asking about reconditioning something that we got and he said it probably could be done but is an impractical item.

Hoffman: Okay. My final question for the applicant, on the east side of the property, it looks like there is an area that is vacant and has no buildings, could that be a location for what you are proposing? On our little site plan on page 4.17, I don't know if you have the same

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sheet or not.

Conklin: Since this data was received from the City with regard to building footprints, two additional storage buildings have been built. There is no additional room. They built that at the Large Scale Development plan that was approved ten years ago.

Hoffman: That's all the questions I have. Thank you very much.

Conklin: I would like to just to inform you as a Commission and the applicant and public that when I did meet with the applicant today, we did talk about the existing trees on this site. I did encourage Mr. Caudle to get with our Tree and Landscape Administrator with regard to the existing oak trees on this piece of property for consideration of this development and future developments on this piece of property. I will work with Kim Hesse and go over the bill of assurance with her to make sure that it was met in 1990 and today and look at any remedies that we have to take to make sure it's not being violated.

Ward: Mr. Caudle, what is the size of the lot? Do you know what the depth is?

Caudle: From Wedington back to where the C-2 starts is 254 feet, I believe.

Ward: You are planning on using 125 feet of that?

Caudle: Far less than that. The building where the other units are 20 wide or 30 wide and fairly long, the climate control has to be a lot wider building because of they way this is handled as far as the heat and air. This building will be 60 feet wide, twice as wide as any building there facing the other direction, it would be approximately 170 long.

Ward: So you really only need 70 feet?

Caudle: Approximately 70, what I was looking at it would be from the front of the building facing Wedington to where the fence would be re-erected there would be approximately twenty-five feet to drive around the building so you are looking at about 85 to 90 feet probably toward Wedington.

Ward: I'm just trying to work with you, in my case, I would not rezone the frontage on Wedington anything but R-0, which it is right now. We do allow a lot more uses in R-0 than we used to. There is a possibility that, I can't speak for anybody else but I would be maybe interested in helping you. I do think there is a need for some climate control

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warehouse type of buildings out there and we can maybe zone C-2 a small parcel back there for you, 70 or 80 feet of it. As far as changing the whole thing to C-2, it's not going to happen tonight, I know that. Those are some ideas that you might think about.

Caudle: It's zoned half way to the highway to accomplish this building so the climate control could be completed. Again I'm trying to fulfil the need that I've had a lot of requested for. As far as the frontage, I don't intend to put a storage building out on Wedington up against the highway. I never have. When the Large Scale was done there is no more property in the C-2 area and it was just a case of there are times of the year when storage units are hard to find around the City of Fayetteville. This building here was to accomplish that.

Ward: I don't feel like I can support your change to what you need. I think it would be smart to table it or come back with a different proposal than what you have tonight for sure.

Caudle: Not only going part way to the highway?

Ward: We can't.

Odom: Since we are throwing, I'm going to go ahead and let you know, I'm not going to be in favor of that proposal as well. I think a lot of concession were made originally when this property was zoned C-2 with the bill of assurances and the R-0 up front. I think all this negotiation has already taken place and the work has already been done. I think we have plenty of C-2 Commercial inside the city limits of Fayetteville and so if there is a need for this type of facility I think that there are plenty of areas that this type of facility could go. So I'm not going to be in support of any proposal to accommodate this piece of property any further. I think you need to know that up front before you decide to start negotiating or doing anything of that nature. You may want to get the feel of the rest of the members of the Commissioner. Anybody else?

Marr: I agree with you completely.

Allen: As do I.

Bunch: As do I.

Hoffman: In your proposal you said you would have a 60 foot wide building with about a 25 foot drive aisle and you only have 1.5 acres here so that to me implies that would be taking up a greater part of it. In the sixty foot wide building would that be a double loaded

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building with the garage doors facing Wedington and facing the other side? In other words, doors from the north and from the south?

Caudle: The facility I've seen in Bentonville, it's climate control is inside the center. There is an outer border.

Hoffman: Right. So you would have garage doors facing Wedington.

Caudle: Yes. In that facility I've seen up there. That is what I was talking about what to do on the front of it there.

Hoffman: That being the case, I always hate to be negative toward a need but I would suggest you to look elsewhere and find some land that is already zoned appropriately for this because this is an important aesthetic issue to this corridor. It was addressed ten years ago. I too would deny a zoning vote tonight.

Marr: Do we need a motion?

Odom: Yes.

Hoffman: Unless he wants to withdraw the request.

Odom: We can move to approve, we can move to deny or if we don't take any action...

Conklin: You do need to take action on it. I think our ordinance states that if you don't take any action you can deem as approved. I want you to take action on it this evening.

Odom: Not only that, it give the applicant something. We are nothing more than a body that recommends something anyway. Even if we approve it, he's got to go to the City Council. If we deny it, it give him a right to appeal it. For the applicants sake, I think we owe him the courtesy of doing something.

MOTION

Marr: I would like to move to deny RZ00-25.00 based on the comments that you have heard.

Allen: Second

Odom: We have a motion by Commissioner Marr, second by Commissioner Allen, RZ 00-

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25.00.

Caudle: The comment that was made a short time ago as far as possibly tabling it and resubmitting with only partial for this building.

Odom: You can certainly do that if you want to but I'm here to tell you right here, right now, it doesn't sound as though that's even going to fly.

Caudle: You are telling me that's not going to work either.

Odom: That's right. You have only one member even talking in favor of that. I would think you would be better served to go ahead and accept the denial and negotiate with the City Council if they are willing to do that. I don't know if they would be. I wouldn't delay your project any further, if I was you but that is your call. If we deny you tonight, you have the right to appeal that to the City Council.

Hoffman: If the City Council denies his request, is it six months or one year?

Conklin: It's one year.

Hoffman: It would be then another year before you could bring another idea forward.

Odom: No. That's not necessarily true. You could bring another idea forward. You can't C-2 the whole thing.

Conklin: You could modify your request and bring it forward.

Hoffman: I just want to make sure you understand what to expect.

Odom: Any further discussion? Call the roll.

ROLL CALL:

Upon roll call RZ 00-25.00 is denied by an unanimous vote of 6-0-0.

Mrs Heather Touchette November 2, 2000
City Clerk's Office.

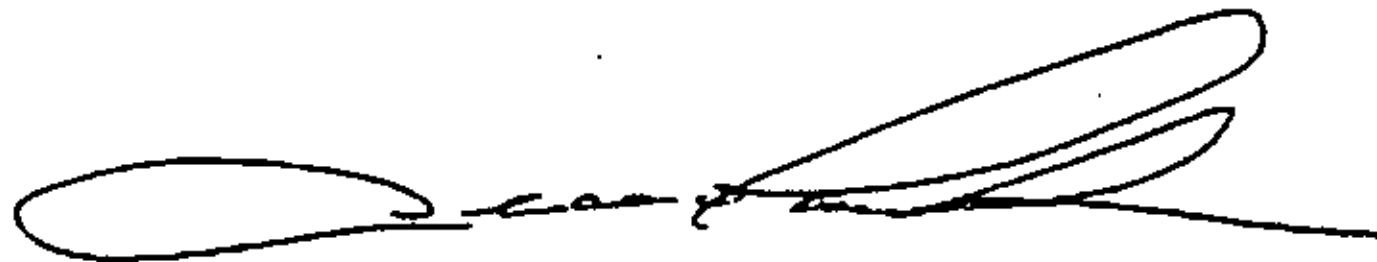
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NOV 03 2000

PLANNING DIV.

This letter will serve as my intent to appeal the decision of the October 23rd planning commission. I do request to have this matter brought before the city council at the earliest possible convenience. The reason for this request is I feel that the City planning committee did not give adequate consideration to my request from the earlier meeting.

Sincerely,



Dennis M. Caudle

DMC/cf

RECEIVED

NOV 03 2000

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

franchise is up for renewal. They had been negotiating a new contract with them. They have accomplished ninety-five percent of the document. They had about ten outstanding issues. The biggest issue was the institutional network. That issue was a very costly one and the most challenging one in negotiation. The question was who was going to pay for this.

Alderman Young moved to suspend the rules and move to the second reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the question. Upon roll call the ordinance passed unanimously.

ORDINANCE 4278 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision as requested by Dennis Caudle for RZ 00-25 for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 1.5 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Mr. Rose read the ordinance for the first time.

Mr. Dennis Caudle stated the Planning Commission had voted against his request. Ten years ago there had been a five acre tract. The back three and half was rezoned so the storage building could be built. The front of the property was zoned R-O at the time. It had taken a long time to complete the large scale development. There was currently a need for a climate control facility. There were none in the City of Fayetteville. He was hoping to construct one more building that would be the climate controlled. He questioned if he could table the item and only ask for eighty to ninety feet, just enough to construct the building.

Alderman Davis asked Mr. Caudle if he had any room to the east to construct the facility.

Mr. Caudle stated their property stopped at the same location were the original large scale development stopped ten years ago. He stated he was asking them what he could do that would be acceptable to them. He could build a privacy fence if they wanted.

Alderman Reynolds stated Mr. Caudle had signed a Bill of Assurance with the Planning

Commission that he would leave the front acreage as R-O so that they would have something different along the front of Wedington other than storage units.

Alderman Davis stated it was his understanding there was 254 feet . If he came eighty feet toward Wedington, he was still going to have another 174 feet of depth between the roadway and the fencing. He thought that would be adequate for an R-O complex.

In response to questions, Ms. Edwards stated the General Land Use Plan did not support the C-2 zoning at that location. It would be closer, but she did not feel that they could support it for that reason.

Alderman Davis stated it was hard to make storage units attractive, but by sitting it back 174 feet he saw a possibility. He would prefer Mr. Caudle to go back before the Planning Commission with this revision.

Mr. Caudle stated this was needed in Fayetteville. It would be no different than what was there.

Alderman Reynolds asked why the Highway Department had given him a curb cut. In the Bill of Assurance, he was supposed to have limited access to Wedington. He asked why that gate had been put up there.

Mr. Caudle stated the gate had been put up for public safe, for the fire department in the event of an emergency. It was an emergency gate. The gate was put up two months ago, when the road was put in. The State had told them to put the road in while the construction was going on. It was not an entry way. The traffic entered off Ruppel. The bill of assurance had not been violated.

Ms. Edwards stated Mr. Caudle's request had been for the whole parcel and that was what the Planning Commission denied. If he wanted to get a certain part of that parcel rezoned then the Planning Commission needed to hear the request again. If they denied that request, then he could appeal that decision.

Mr. Caudle requested that they sent his amended request back to the Planning Commission.

Alderman Russell stated he was not committing to supporting or opposing any modified request.

Alderman Davis moved to send the amended request back to the Planning Commission.
Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

THE ITEM WAS REFERRED BACK TO THE PLANNING COMMISSION.

RZ 00-24.00: An ordinance approving rezoning request RZ 00-24.00 as submitted by Jerry

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: December 11, 2000 (*revised from October 23, 2000*)

RZ 00-25.00: Rezoning (Caudle, pp 400) was submitted by Dennis Caudle for property located at 1192 N. Ruppel Road. The property is zoned R-O, Residential Office and contains approximately 0.52 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

Staff recommends denial of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: December 11, 2000

CITY COUNCIL ACTION:	Required <u>Yes (if recommended by PC)</u>
	☐ Approved ☐ Denied

Date: January 2, 2001 (1st reading)

Comments: _____

BACKGROUND:

On October 23, 2000, the Planning Commission heard a request to rezone this 0.52 acres along with adjacent property. At that time, the applicant sought to rezone a total of 1.5 acres from R-O to C-2. Staff did not recommend the requested rezoning and the Planning Commission voted unanimously (6-0-0) to deny the request (see attached minutes). The applicant appealed the decision of the Planning Commission and his appeal was heard by the City Council on November 21, 2000. At that meeting, the City Council discussed an amended request with the applicant. The applicant indicated that he wished to amend his rezoning request to only include property which adjoins the existing storage facility to the north. The City Council did not act on the appeal, but determined that an amended request would need to be heard by the Planning Commission first (see attached minutes). At this time, the applicant is requesting that 0.52 acres be rezoned. The applicant's stated intent is still to seek a conditional use permit to locate additional mini-storage units on this site; this is only possible if the property is rezoned to C-2, Thoroughfare Commercial. Staff's original recommendation for denial is not changed by the amended request.

On July 9, 1990, the applicant requested a rezoning from A-1 to C-2 for the subject property and an adjacent tract which is located to the north and extends westward to Rupple Road. The applicant stated that there were no immediate plans for the property however in the future he may want to develop self-storage units which would require C-2 zoning and a conditional use.

At that time, Planning staff recommended that both tracts be zoned R-O, Residential Office since the property was not within the commercial node designated on the City's adopted general plan. During discussion at the Planning Commission meeting, staff stated "The overall policy of the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue." The Planning Commission recommended that the subject tract be rezoned to R-O, Residential Office and that the back (northern) tract be rezoned C-2, Thoroughfare Commercial with a Bill of Assurance limiting the type of development on the northern tract to self-storage units and placing certain conditions on the development regarding tree preservation (see attached minutes). On July 17, 1990, the Board of Director's voted to approve the rezoning request as recommended by the Planning Commission (see attached minutes).

On August 13, 1990, the Planning Commission heard a request from the applicant regarding the newly zoned C-2 property which is north of the subject property. The request was to approve a conditional use for mini-storage units (use unit 21) within the C-2 zoning district. At that time, staff stated "As before, the staff isn't in favor of a commercial operation in this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Rupple Road plus the tree protection plan does resolve many of the staff's concerns." Planning Commission approved the requested conditional use permit (see attached minutes). A large scale development for the self-storage units was approved by Planning Commission October 8, 1990.

At this time, the applicant has brought forward to request that the R-O tract which was originally considered in 1990 be rezoned to C-2, Thoroughfare Commercial. The purpose of this request according to information supplied by the applicant, is for an expansion of the existing self-storage development. If this business were to be expanded, the property must achieve a C-2 zoning and a conditional use or an I-1 zoning designation which would permit the self-storage units by right.

Staff does not recommend the requested rezoning for the reasons stated in 1990 and will not support a conditional use for Mini-storage at this location. The area is designated Residential on the City's adopted General Plan 2020. Maintaining some control over development along Wedington Drive is essential to limiting traffic congestion as well as creating a desirable development pattern in this highly visible, quickly developing corridor of the City.

SURROUNDING LAND USE AND ZONING

North:	Mini-storage units, C-2
South:	Airways Freight, Inc., R-O / Vacant, C-1
East:	Vacant, A-1
West:	Vacant, C-1

INFRASTRUCTURE:

Streets: Wedington Drive (Hwy 16W) is located along the south property line. Wedington Dr. is classified as a principal arterial on the City's Master Street Plan and has recently been widened to five lanes between the I-540 Bypass and Ruppel Road which is just west of this site.

Water: Six inch line on Ruppel Road; Eighteen inch line on south side of Highway 16

Sewer: Eight inch line on north side of Highway 16

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to C-2, Thoroughfare Commercial is not consistent with the land use plan. The 2000 revision of the future land use plan will designate the property as office as recommended by the subcommittee updating the plan.

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 zoning is not consistent with land use planning objectives, principles, and policies or with land use and zoning plans. While some of the adjacent property is zoned commercially, only that area which is already zoned is designated as a commercial node on the 2020 General Land Use Plan.

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

Finding: The proposed zoning is not justified at this time as it is not consistent with the City's adopted plan for growth and development in this area.

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

Finding: The proposed zoning may create or appreciably increase traffic danger and congestion. The widely varied uses which are permitted in the C-2 zoning district make it impossible to determine the precise impact of traffic for a new development in this location.

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

Finding: The proposed zoning would not alter the population density in a manner which would undesirably increase the load on public services including schools, water, and sewer facilities.

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

§161.14 DISTRICT C-2 THOROUGHFARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations.

Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

U. Unit 21. Warehousing and Wholesale.

1. Description. Unit 21 includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation.

2. Included Uses.

Warehouses	
Wholesale Establishments	
Trucking Establishments	
Building Material Establishments:	-Air Conditioning -Building Materials -Electrical Supply -Glass -Heating Equipment -Lumber -Paint -Plumbing Supplies -Wallpaper
Fuel and Ice Establishments:	-Bottled Gas -Fuel Dealer -Fuel Oil -Ice House
Ministorage Units	
Monument, Including Processing	
Vending Machines	
Amusement Park	
Service Establishments: Building Services	-Disinfecting and Exterminating Services -Janitorial Service -Window Cleaning Service

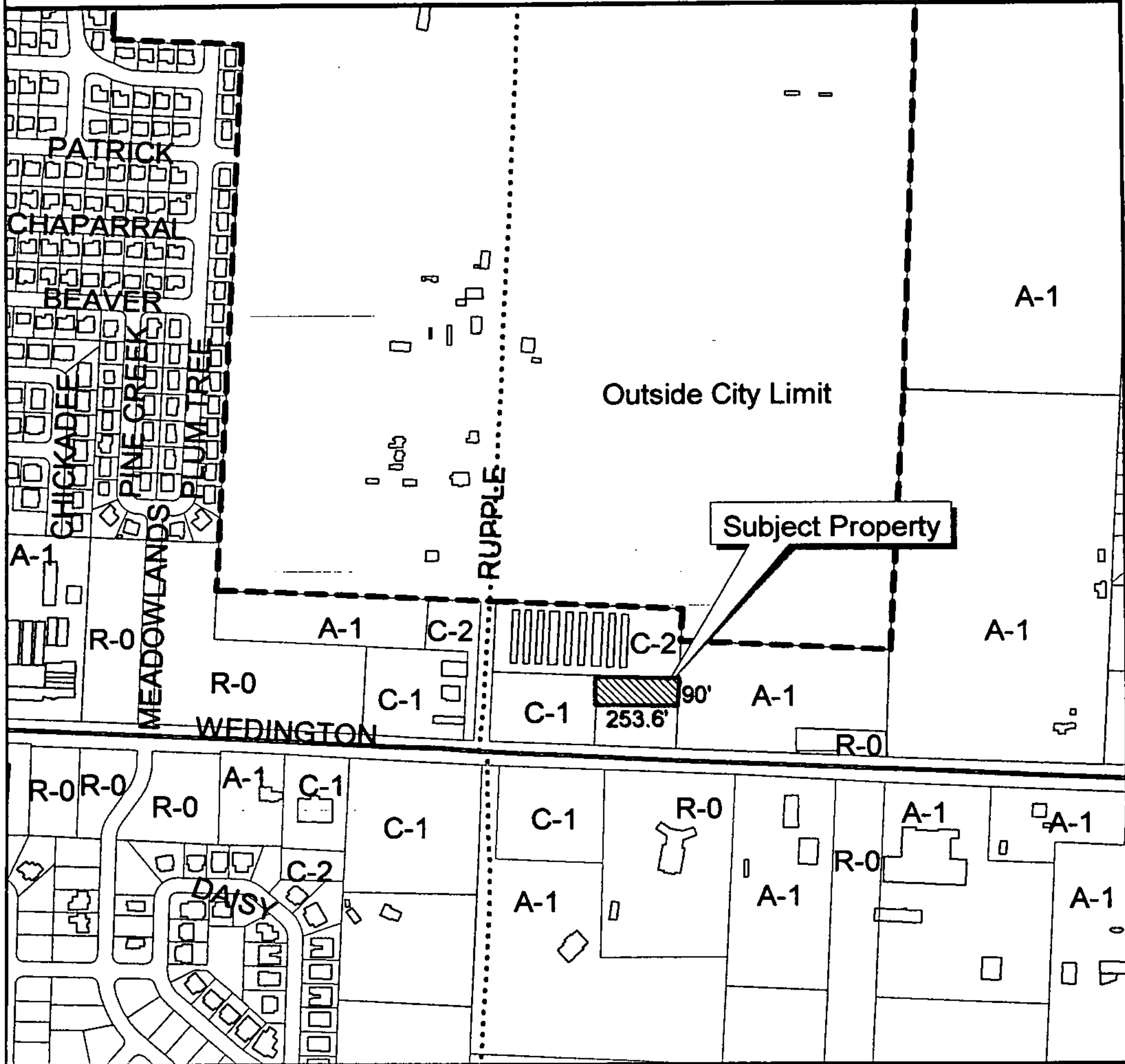
Service Establishments:
Contract
Construction Service

- Air Conditioning
- Building Construction
- Carpentry
- Cesspool Cleaning
- Concrete
- Decorating
- Electrical
- Furnace Cleaning
- Heating
- Heavy Construction
- Masonry
- Oil Well Drilling
- Painting
- Paper Hanging
- Plastering
- Plumbing
- Roofing
- Sheet Metal
- Stonework
- Tile Setting
- Water Well Drilling
- Housing for Caretakers

RZ00-23 Caudle Cross

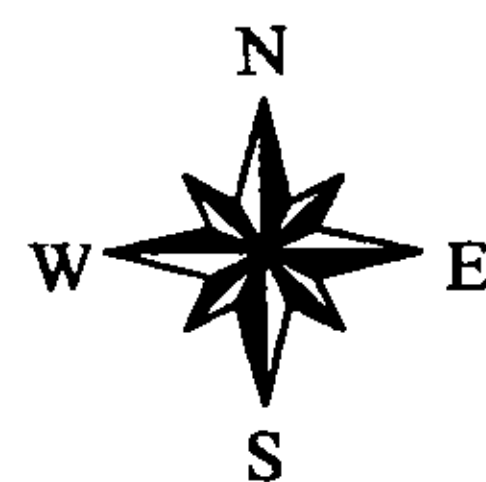
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C. 2 Page 33

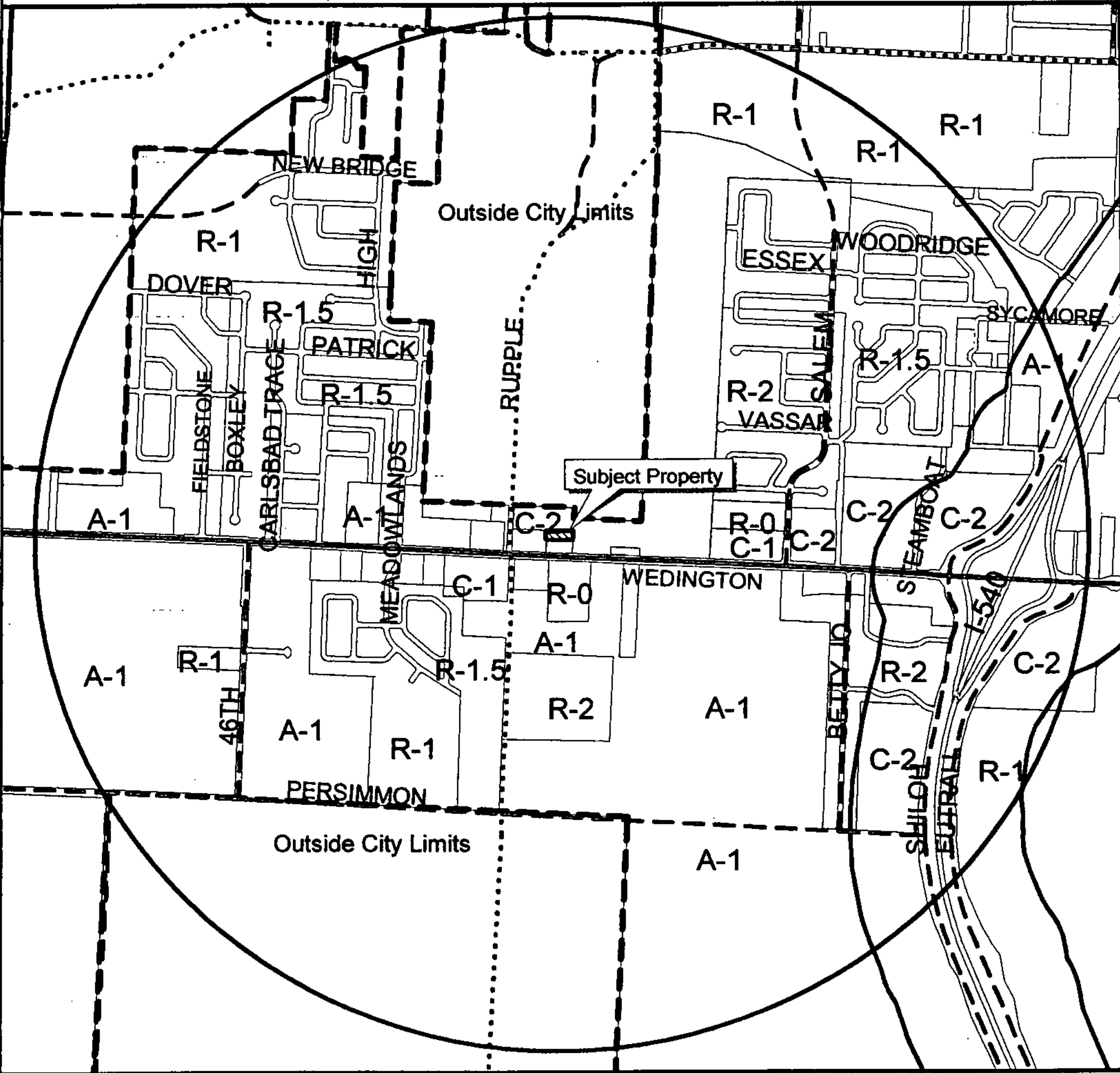


- Streets
- Zoning District
- Structures (1998)
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Fayetteville City Limits

300 0 300 600 Feet

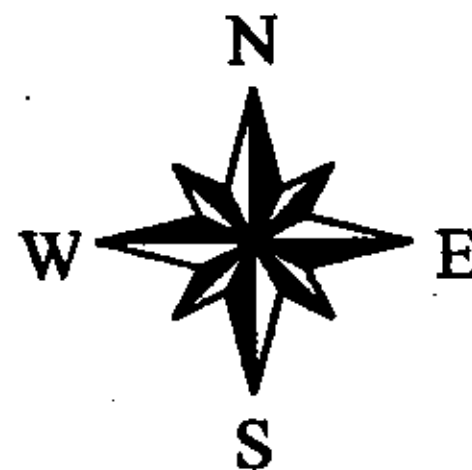


2.5 Caudle One Mile Radius



- Streets
- Regional Zoning
- Master Street Classifications
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- Design Overlay District
- Fayetteville City Limits

0.2 0 0.2 0.4 Miles



DESCRIPTION FOR ITEM NUMBER FIVE (5)

- A. Westside Storage, Inc.
1192 North Ruppel Road
Fayetteville, AR 72704

There are no proposed or pending sale of this property.

- B. Re-zoning change is necessary for expansion on existing business adjacent to this property.
- C. This property would be expansion of existing business in A, C-2 requirement.
- D. Sewer, water, and all utilities either on property are readily available.

**MINUTES OF A MEETING OF THE
FAYETTEVILLE CITY PLANNING COMMISSION**

A meeting of the Fayetteville Planning Commission was held on Tuesday, July 9, 1990 in the Board of Directors Room on the second floor of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

MEMBERS PRESENT: Jerry Allred, Fred Hanna, J.E. Springborn, Jett Cato, J. David Ozment, and Charles Nickle

MEMBERS ABSENT: Jack Cleghorn, Gerald Klingaman and Joe Tarvin

OTHERS PRESENT: John Merrell, Becky Bryant, Don Bunn, Elaine Cattaneo, members of the press and others

Chairman Hanna advised that they have had a request to table agenda item #5 (Preliminary Plat of Green Meadows Addition) to provide time for the location of the Salem Road extension on this property to be decided. The developer feels that location will have a bearing on two phases of the subdivision. He further stated that they have had a request to table item #10 (lot split for property located on West Avenue) until further information is obtained. He advised that there will be no discussion on these two items from the Planning Commission tonight. However, if anyone in the audience has comments, they will have the opportunity to speak.

PUBLIC HEARING - REZONING PETITION #R90-14

DALE & DENNIS CAUDLE - N OF WEDINGTON DR, E OF RUPPLE RD

The first item on the agenda was a public hearing for rezoning petition #R90-14 submitted by Dennis & Dale Caudle for property located on the north side of Wedington Drive, east of Ruppel Road containing 5.05 acres. The request is to rezone from A-1, Agricultural, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this property has frontage on both Wedington Drive and Ruppel Road. As the staff understands it, the Caudles don't have any definite plans for development of this property at this time, except for the possibility of self-service storage units on some portion of the property. That use would require a C-2 zoning and a conditional use permit. The overall policy by the City over the last few years has been to try to carefully plan what happens on Wedington Drive to ensure that it doesn't become a commercial strip like North College Avenue. The City has identified the following three key nodes at which commercial development would be encouraged: a) the intersection of Wedington Drive and the Bypass, b) the intersection of Wedington Drive and Ruppel Road, and c) the intersection of Wedington Drive & Double Springs Road. The staff feels that the City's plans have helped stabilize the area, protect property values and minimize traffic

Planning Commission
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problems. With respect to the nodes of commercial development, the City has been somewhat lenient about granting certain limited rezonings in the area on Wedington from the Bypass to Ruppel Road. This is an area that is emerging as an office and institutional area with all R-O uses. The staff's recommendation is to rezone this property to R-O rather than C-2 to keep it in harmony with the type of growth the City has encouraged out there. This recommendation is subject to a Bill of Assurance on tree preservation which would require the owners to submit a tree preservation plan to preserve 60% of all existing trees with the caliper of 8" or more and protect the trees during the construction paving process with a proviso that, if a few more trees needed to be removed to make a good development, the staff has the administrative discretion to negotiate with the developer to the extent of 15%.

Dale and Dennis Caudle stated that they would like to develop self-storage units on the back 3.5 acres of the property, which isn't visible from the highway. In order to do the mini-storage, they would need a C-2 zoning. He advised that they are environmentally conscientious and will save as many trees as possible. He noted that the front 1.5 acres of property along Wedington Drive could be left as A-1 or zoned to R-O. They are mainly concerned with the back 3.5 acres.

Commissioner Springborn asked if mini-storage in the back half is compatible with the recommendation relative to the preservation of the trees. Mr. Caudle answered yes. Mr. Merrell stated that he would concur with that.

In answer to a question from Mr. Merrell, Dale Caudle stated that their access to the self-storage development would be off of Ruppel Road. Dennis Caudle stated that they feel there is a need for self-storage units on that side of town, but they also realize the buildings aren't usually attractive, so they are planning to place them 300' off of Wedington.

Commissioner Allred stated that they have had prior discussion regarding mini-storage as a use by right in the C-2 zone. He asked if there is anything in the proposed new ordinances to address this situation. Mr. Merrell stated that he doesn't recall how it is addressed in the new ordinance. But, these type of facilities are a fairly good use in a C-2 zone because they tend to generate less traffic than other uses allowed in C-2 and are also relatively quiet. He stated that his opinion is that the mini-warehousing developments should be allowed by right in the C-2 zone.

Mr. Merrell stated that the staff stands by their recommendation. However, if it is the consensus of the Commission to recommend a C-2 zoning for part of this property, the staff would like to recommend that it be subject to a Bill of Assurance limiting the use of that portion of the property to mini-warehousing.

In answer to a question from Commissioner Allred, Mr. Merrell stated that there wouldn't be a screening requirement since this property abuts an A-1 zone on one side and Washington County on the other.

Dale Caudle stated that they would agree to signing a Bill of Assurance to limit the development of that property.

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In answer to a question from Commissioner Nickle, Mr. Caudle stated that they have no development plans for the property fronting on Wedington Drive at this time.

Mr. Merrell stated that the staff would like the Bill of Assurance to also include the access to the back property be limited to Ruppel Road.

~~There being no one else wanting to speak to this, the public hearing was closed.~~

Chairman Hanna stated that mini-storage would be a compatible use for that area, and it is too bad they have to have a C-2 zoning for that use. With the Bill of Assurance that was offered, he feels that this is a reasonable request.

MOTION

Commissioner Ozment moved to recommend a rezoning of the north (back) 3.5 acres to C-2 with a Bill of Assurance that it will be limited to mini-storage development and that the access would be from Ruppel Road and to recommend a rezoning of the south (front) 1.5 acres to R-O, Residential-Office subject to staff recommendations, seconded by Cato. The motion passed 6-0-0 with Cleghorn, Tarvin and Klingaman being absent.

PUBLIC HEARING FOR REZONING PETITION #R90-16

GEORGE LEONARD MCCANDLESS - N OF SYCAMORE, W OF COLLEGE AVE

The second item on the agenda was a public hearing for rezoning petition #R90-16 for property submitted by George Leonard McCandless and represented by Steve Gunderson for property located on the north side of Sycamore, west of College Avenue. The request was to rezone from R-1, Low Density Residential, to C-2, Thoroughfare Commercial.

John Merrell, Planning Management Director, stated that this piece of property fronts on Sycamore and adjoins commercial property on College. He stated that it is the feeling of the staff that an R-1 zoning does overly restrict Mr. McCandless, but they feel that C-2 is too intensive for that property for the reasons pointed out in the staff report. There are several R-O businesses on the south side of Sycamore and the staff's recommendation is to approve a rezoning to R-O.

Steve Gunderson, representing Mr. McCandless, stated that they requested a C-2 zoning, because there is a piece of property on the east side of the subject property zoned C-2. When he initially filed the petition, he wanted to have all of the property zoned in a similar manner. However, after reviewing the staff's recommendation and the city ordinances, the applicant is of the opinion that an R-O zoning would be amenable.

Charles Richardson, who lives at the corner of Sycamore and Green Valley, stated that this is a very viable neighborhood which is anchored by Woodland School.

July 17, 1990

Mayor Martin stated that a vote for this resolution would be to authorize staff to negotiate the best figures for a contract of purchase and a vote against would only be delaying the inevitable steps to a material recovery facility.

Linebaugh asked Rose to read the resolution again.

Director Green asked if there would be time for additional public input for the subject until negotiations stopped, and Director Kelley stated that he felt a vote for location of the site was a definite indicator of where the facility should be located. He stated that discussion regarding the specific type of facility might need further public input but as far as the location of such site was concerned, the vote for or against the resolution should be taken at this meeting presently.

Upon roll call, the resolution passed by a vote of 7 to 0.

RESOLUTION 115-90 APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

CAUDLE REZONING

Mayor Martin introduced consideration of a request filed in R90-16 by Dennis, Dale and Jeff Caudle for property fronting on Wedington Drive and Ruppel Road.

The parcel consists of 5.05 acres fronting on Wedington Drive and Ruppel Road. The request is to rezone from A-1, Agricultural to C-2, Thoroughfare Commercial. Staff recommended rezoning to R-O, Residential Office, to keep the area in harmony with the type of growth the City has encouraged in that location, subject to a bill of assurance on tree preservation.

The Planning Commission recommended unanimously rezoning the North (back) 3.5 acres to C-2, Thoroughfare Commercial, with a bill of assurance that it will be limited to mini-storage development and that the access would be from Ruppel Road and to recommend a rezoning of the South (front) 1.5 acres to R-O, Residential Office.

The ordinance was read for the first time. Director Marinoni, seconded by Kelley, made a motion to suspend the rules and place the ordinance on its second reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the second time. Director Marinoni, seconded by Kelley, made a motion to further suspend the rules and place the ordinance on its third and final reading. Upon roll call, the motion passed 7 to 0. The ordinance was read for the third time.

Upon roll call, the ordinance for rezoning passed unanimously.

ORDINANCE NO. APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

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FINAL PLAT OF BROOKHOLLOW FIRST ADDITION
ERC PROPERTIES - N OF STEARNS ST, W OF OLD MISSOURI RD

The tenth item on the agenda was a final plat of Brookhollow First Addition submitted by ERC Properties and represented by Tom Hopper of Crafton, Tull & Associates for property located on the north side of Stearns Street, west of Old Missouri Road. The property is zoned R-2, Medium Density Residential, containing 7.22 acres with 25 proposed lots.

Don Bunn, City Engineer, advised that this plat went to Plat Review last Thursday, but did not go to a Subdivision Committee meeting. There didn't seem to be any problems associated with any of the easements. The staff recommends approval of this final plat.

Tom Hopper, representing the developers, stated that all the improvements are in place with the exception of jointing some of the concrete streets which will be done on the first dry day.

In answer to a question from Commissioner Klingaman, Mr. Hopper advised that the shaded half was the first phase that was filed and the second half is what is being filed now. He added that they plan to develop the property with single-family dwellings only.

MOTION

Commissioner Ozment moved to approve the final plat subject to the Plat Review comments and staff's comments, seconded by Tarvin. The motion passed 6-0-0.

CONDITIONAL USE FOR SELF-STORAGE UNITS
DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR

The eleventh item on the agenda was a conditional use for self-storage units submitted by Dale Caudle for property located on the east side of Rupple Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial, and contains 3.5 acres.

Becky Bryant, Associate Planner, advised that the Planning Commission rezoned this property from A-1 to C-2 on July 9th. As before, the staff isn't in favor of a commercial operation at this location. However, the Bill of Assurance that has been signed by the developers, restricting the use of the land to self-storage units and restricting access to Rupple Road plus the tree-protection plan does resolve many of the staff's concerns.

Jeff Caudle, representing Dale Caudle, stated that they are aware of the restrictions on the property and the tree preservation plan and have no problems with them.

In answer to a question from Commissioner Klingaman, Mr. Caudle stated that they have a firm understanding in regard to the tree preservation plan that a percentage of the number of trees on the property will be maintained.

Becky Bryant advised that a Bill of Assurance was signed as part of the rezoning; it details the tree preservation plan.

MOTION

Commissioner Ozment moved to grant the conditional use, seconded by Klingaman. The motion passed 5-1-0 with Ozment, Cleghorn, Tarvin, Hanna & Klingaman voting "yes" and Springborn voting "no".

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MOTION

Commissioner Tarvin moved to approve the large scale development plan subject to the staff's comments, the Plat Review minutes, and the Subdivision Committee minutes. The motion was seconded by Commissioner Cleghorn. The motion passed 7-0-0.

LARGE SCALE DEVELOPMENT PLAN FOR MINI-STORAGE
DENNIS & DALE CAUDLE - E OF RUPPLE RD, N OF WEDINGTON DR

The fourth item on the agenda was a large scale development plan for Mini-Storage submitted by Dennis & Dale Caudle for property located on the east side of Rupple Road, north of Wedington Drive. The property is zoned C-2, Thoroughfare Commercial.

Don Bunn, City Engineer, stated that the entrance to this development is proposed to be off of Rupple Road. They were granted a conditional use just recently for the purpose of constructing mini-storage. There was a question at the Subdivision Committee meeting regarding the terms of the Bill of Assurance on tree preservation which was a condition of approval. The staff's recommendation is that the developers work with the staff to make sure that all the conditions of the Bill of Assurance are met. Also, the Fire Chief's recommendation of the placement of two fire hydrants within this development was questioned. The State Fire Code, which was adopted by the City of Fayetteville, requires a hydrant within 500' of each unit. A fire hydrant located at the entrance on Rupple Road would satisfy that requirement. However, the Chief has indicated that, because of the construction there and what he considers the unusual conditions, a fire hydrant should be located in the development about half way. It is the staff's recommendation that the large scale development be approved subject to the installation of the fire hydrants as required by the Fire Chief and working with the staff on the Bill of Assurance.

In answer to questions from Chairman Hanna, Mr. Bunn stated that the plat shows two phases of development for which they want approval at this time.

In answer to a question from Chairman Hanna, Ms. Bryant stated that the question of whether one fire hydrant placed in the middle of the development would meet the distance requirement of the ordinance was raised. She noted that the Fire Chief has stated that the ordinance gives him enough discretion to require an additional fire hydrant in certain circumstances regardless of the 500' criteria. And, he felt that there were circumstances on this property that would warrant two fire hydrants. Mr. Bunn stated that the Fire Chief felt that, if only one fire hydrant were placed in the center of the development, a fire at the entrance might preclude them reaching that hydrant.

MOTION

Commissioner Tarvin moved to approve the large scale development subject to the staff's comments, the Plat Review comments, and Subdivision Committee comments including the installation of two fire hydrants. This was followed by discussion.

Dennis Becker, representing the petitioners, stated that they agree with the staff recommendations. He noted that there isn't a fire hydrant at the corner of Rupple Road and Wedington Drive. There was not one installed in connection with the Speedee Mart development at that location. Because of this, the petitioner in this case is required to put in two. Had there been one on the corner, they would only have to install one. He stated that they were told that Speedee Mart didn't go through the large scale development process, so there was

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no chance to look at the overall fire hydrant plan. Therefore, it slipped through. He suggested that in all fairness to developers, they look at this loophole between large scale development, which does its job in looking at utilities and fire hydrantes, and smaller properties that are developed without the same detailed review. Other than that, they are in total agreement with the staff recommendations.

In answer to a question from Commissioner Cleghorn, Ms. Bryant stated that the questions about the percentage of trees to be preserved was resolved to her satisfaction. She believes that they will be able to meet the criteria.

~~Commissioner Cato seconded the motion. The motion passed 7-0-0.~~

LARGE SCALE DEVELOPMENT PLAN FOR ADDITIONAL PARKING
TYSON'S FOODS - 2700 SOUTH SCHOOL AVENUE

The fifth item on the agenda was a large scale development plan for additional parking submitted by Skip McCloud on behalf of Tyson's Foods. The property is located at 2700 South School Avenue and zoned I-1, Light Industrial & Heavy Commercial.

Don Bunn, City Engineer, stated that this large scale development consists of the addition of 200 parking spaces at the Tyson's plant. The additional parking is required as a result of some additions inside the plant. Two issues were raised at the Subdivision Committee meeting: 1) the additional drainage that will be created by the new parking lot, and 2) the Planning staff's recommendation that they do some landscaping within the parking lot, although it is not a requirement. The petitioners have agreed to look at their drainage ditches to make sure they are sized to handle the drainage properly. The staff is recommending approval of the large scale development subject to an investigation of the increase in run-off, construction of a sidewalk along South School Avenue, the Plat Review comments, and Subdivision Committee comments.

Skip McCloud, representative for Tyson's, stated that, based upon the Planning staff's recommendation on the landscaping, they have added landscaping in the center islands of the parking lot. They have studied the drainage and feel that it is adequately designed. He noted that the drainage at this time goes to the west and north slightly. The drainage that comes towards the north of the building toward the subdivision property for which the citizens were concerned should not be affected by this parking lot because there is a break in the terrain.

In answer to a question from a member of the audience, Chairman Hanna advised that the new parking lot will be to the south of the building.

MOTION

Commissioner Cato moved to approve the large scale development subject to the staff's comments, seconded by Tarvin. The motion passed 7-0-0.

CONDITIONAL USE FOR TANDEM LOT

JAY BERRYMAN - S OF SYCAMORE ST, E OF COLLEGE AVE

The sixth item on the agenda was a conditional use for a tandem lot in connection with the lot splits requested (the next item on the agenda) by Jay Berryman for property located south of Sycamore Street and east of College Avenue. The property is zoned R-1, Low Density Residential.

Don Bunn, City Engineer, stated that the total property is about 8.8 acres and the proposal is to split the property into three tracts. Tracts 1, 2, & 3 will

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

M E M O R A N D U M

TO: Mayor and City Council

FROM: Richard L. Watson, Chief of Police

DATE: December 28, 2000

SUBJECT: Police Department Generator

*Kathleen Steach
for Chief Watson*

During the ice storm, which started December 25, 2000 the Police Department generator malfunctioned and the Police Department and the 9-1-1 Communications Center were left without power. It has been determined by King Electrical Contractors and RP Power major work would be required to fix the existing generator. To further complicate this problem the parts to fix this generator are not readily available and would take at least a week to receive. Estimated costs to fix this generator were around \$5,000.

A new generator was available in Little Rock and King Electrical Contractors agreed to pick up the Generator and Install it the next day. Due to the seriousness of this situation and the forecast of another storm for Sunday we felt there was no option but to purchase the new generator.

There is funding in the Police Department's Capital Improvement project for this unit.

LINGLE & FULCHER, P.L.L.C.

JAMES G. LINGLE, P.A.
H. CLAY FULCHER, P.A.*
BARBARA E. LINGLE

ATTORNEYS AT LAW
110 S. DIXIELAND
ROGERS, ARKANSAS 72758

TEL: (501) 636-7899
FAX: (501)-636-0095

* LL.M. in Agricultural Law

E-mail: lawyers@linglelaw.com

DATE: 1-2-00 TIME: 8:45am

TO: Jerry Rose, Fayetteville City Attorney

RECEIVING NUMBER: 575-8315

FROM: H. Clay Fulcher, Esq.; James G. Lingle, Esq.

Dawn Walker, Legal Asst.; Chrissy McGuire, Legal Asst.

RE: Serafini et al. vs. City of Fayetteville et al.
CIV 2000-536, Washington County Circuit Court

NO. OF PAGES: 5 (Including Cover Page)

NOTE: If you experience difficulty with the faxed material, please call (501) 636-7899.

☒ Original will not follow ☐ Original will follow
via U.S. Mail

MESSAGE: _____

PRIVILEGED AND CONFIDENTIAL

The information following this cover sheet and contained in this facsimile transmission is confidential and covered by the attorney-client privilege. It is intended for the sole use of the person(s) to whom it is addressed. If the reader of this message is not the named addressee or an employee of agent responsible for delivering this message to the intended recipient(s), please do not read the accompanying information. Note that the dissemination, distribution or copying of this communication by anyone other than the addressee is strictly prohibited. Anyone receiving this message in error should notify us immediately by telephone and return the original of the transmission to us at the above address by U.S. Mail. Thank you for your cooperation.

SETTLEMENT AGREEMENT

WHEREAS, each of the Parties desires to resolve all claims, controversies, disputes, causes of action and disagreements existing among them without further costs, contested risks, delays and burdens of additional litigation, and without any admission, other than as may be provided herein, as to the validity of any aspect of any other party's position in the pending proceedings,

NOW, THEREFORE, in consideration of this Settlement Agreement, the mutual covenants and releases set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. The City of Fayetteville shall contribute \$225,000 in 2001 and \$225,000 in 2002 for the acquisition by the City of trail rights-of-way, conservation easements, fee simple estates, and other property interests. These sums shall be maintained by the City in a separate Tree and Trails Trust Fund (hereinafter the "Fund"). Interest income earned from the Fund shall be deposited in the Fund. Expenditures from the Fund shall be for the preservation of trees, environmentally sensitive lands, or lands with significant environmental amenities, or for additions to the City's existing system of multi-use and walking trails. No monies from the Fund shall be spent on the construction of such trails.
2. The City of Fayetteville shall establish a Tree and Trails Task Force to advise the City Council on individual acquisitions of trail rights-of-way, conservation easements, fee simple estates, and other property interests for the purposes set forth in Paragraph 1. In doing so, the Task Force will take into consideration the City's Master Plan and Multi-Use Trail Plan.
3. The Tree and Trails Task Force shall be composed of six members, all residents of Fayetteville, appointed by the City Council to two-year terms. Two of the members shall represent the two organizational plaintiffs in this action. One member shall be a member of the City of Fayetteville Planning Division. One member shall be an alderman serving on the Sidewalks and Trails Advisory Committee. One member shall be an alderman serving on the Environmental Concerns Committee. One member shall be chosen from the Tree and Landscape Advisory Committee. The City Council may approve other powers, duties and procedures for the Tree and Trails Task Force as it deems proper. The City Council will appoint members within 4 months of entering into this agreement.

4. The City of Fayetteville Landscape Administrator will send the letter attached hereto as Exhibit "A" and made a part hereof to developers, engineers and architects in the area. The attached letter will be sent by certified mail.
5. It is agreed that all Plaintiffs/Appellants, upon execution of this agreement, shall dismiss with prejudice their appeal, Case No. 2000-536 in the Circuit Court of Washington County, Arkansas, against the City of Fayetteville, Arkansas and the City of Fayetteville Planning Commission.
6. This Settlement Agreement is executed purely as a compromise of disputed claims and no legal admissions, express or implied, are made by any party.
7. The Parties agree that this Settlement Agreement be incorporated in an Agreed Order of Dismissal by the Circuit Court of Washington, County, Arkansas.
8. The Parties shall make and execute any other such documents or agreed upon orders as may be necessary to more fully effectuate the provisions and purposes of this Settlement Agreement.
9. The Parties to this Settlement Agreement represent and warrant that they have the power and authority to enter into this settlement agreement and to perform all duties and obligations herein.
10. This Settlement Agreement shall be effective immediately upon execution.

IN WITNESS WHEREOF, the Parties have caused this settlement agreement to be executed and effective this ____ day of January, 2001.

EXHIBIT "A":
LETTER ON MAYOR'S LETTERHEAD FROM LANDSCAPE ADMINISTRATOR
TO AREA DEVELOPERS, ARCHITECTS &c.

To Whom It May Concern:

As landscape administrator for the City of Fayetteville, I have the responsibility to review proposed development projects for compliance with the Tree Protection and Preservation provisions (§ 162 of the Fayetteville Code of Ordinances, recodified in § 167 of the city's Unified Development Ordinance). Recent litigation and my personal experience lead me to the conclusion that little design consideration has typically been given toward the preservation of rare and landmark trees and other aspects of the relevant ordinance.

Fayetteville law states, "Proposed development should be designed to maximize the preservation of rare and landmark trees." (Old § 162.11(A), new § 167.05(A).) The law also states, "No landmark or rare tree shall be removed from land to be developed unless the landscape administrator, who may seek consideration and recommendation from the tree and landscape advisory committee, determines there is no reasonable way the property can be otherwise developed, improved, or properly maintained and the tree saved." (Old § 162.11(B)(6), new § 167.05(B)(6).) Rare trees are large growing species that have reached a trunk diameter of 24", small species with an 8" trunk diameter, or an uncommon or endangered species. Landmark trees are trees listed on the state, national or city registry as being historically significant. (Old § 162.02, new § 151.)

Fayetteville law also provides for specified minimum canopy areas for all new subdivisions, large scale developments, and commercial developments. The minimum canopy percentage of the total area of the property depends on the zoning designation. For example, property zoned C-2 (thoroughfare commercial) has a 15% minimum canopy. (Old § 162.11(C), new § 167.05(C).)

These are requirements, but there is a provision to cover exceptional cases. "In the event a tree *cannot* be preserved as required, tree replacement, to be determined by the landscape administrator, may be required in lieu of the tree designated for preservation. Tree replacements should be of like or similar species in terms of size and ultimate canopy." (Old § 162.11(E)(1), new § 167.05(E)(1) (emphasis added).)

Fayetteville law also has a provision governing successors in interest to developers who have received approved plans. (Single-family homeowners are exempt.) That provision states: "Successors in interest of any person who as a developer of a subdivision (except single-family homeowners), large-scale development, commercial development, or conditional uses in other zones which are commercial in nature has been subject to the requirements of this chapter shall abide by the requirements and conditions to which such developer . . . was subject, including compliance with the tree preservation plan." (Old § 162.13, new § 167.07.)

Please be familiar with these and other requirements in the Tree Protection and Preservation Ordinance. My office will be happy to provide copies and discuss details of interpretation with you.

The Landscape Administrator's job is to uphold this ordinance. Therefore it is suggested that I be included in the review of these projects in the early stages of conceptual design. Many of the projects recently reviewed could easily be revised to save trees. Site design changes will be required if ways to preserve trees are obvious. My work with engineering firms has included site layouts, grading plans, water and sewer line design, etc. With this experience, I am prepared to be of assistance in the review of your development plans.

It is understood that your concern is to find the most efficient use of the property. However, it is also your obligation to meet all city requirements. Therefore, if you include me in the conceptual design process, it could very easily save you time and money.

If you need to contact me for any reason, my office telephone number is 575-8308. My mobile phone is 601-3514.

Sincerely,

Kim J. Hesse, R.L.A.
Landscape Administrator

Hesse2 MS.LTR

2



SCHOOL OF LAW
ROBERT A. LEFLAR LAW CENTER
WATERMAN HALL #107
FAYETTEVILLE, AR 72701

Facsimile Transmittal Sheet

TO: Jerry Rose	FROM: Rob LeFlar
ORGANIZATION: City Attorney	ORGANIZATION: Sierra Club
FAX #: 575-8315	FAX #: 575-2053
DATE: 1/2/2001	
TOTAL # OF PAGES INCLUDING COVER: 5 pp	

☒ URGENT ☐ FOR REVIEW ☐ REPLY ☐ COMMENT

If you do not receive all pages to this FAX, please call (501) 575-5615 for assistance.

NOTES/COMMENTS:

Jerry, here is the final settlement proposal. There are relatively minor changes in paragraph 3, compared to the version I think you have seen; and perhaps a sentence has been omitted at the end of paragraph 5 of the Hesse letter ("Exhibit A"). Please substitute this for the version distributed earlier to the aldermen.

Call me with any questions or points to discuss —

575-2709.

Rob

SETTLEMENT AGREEMENT

WHEREAS, each of the Parties desires to resolve all claims, controversies, disputes, causes of action and disagreements existing among them without further costs, contested risks, delays and burdens of additional litigation, and without any admission, other than as may be provided herein, as to the validity of any aspect of any other party's position in the pending proceedings.

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9. The Parties to this Settlement Agreement represent and warrant that they have the power and authority to enter into this settlement agreement and to perform all duties and obligations herein.
10. This Settlement Agreement shall be effective immediately upon execution.

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**EXHIBIT "A":
LETTER ON MAYOR'S LETTERHEAD FROM LANDSCAPE ADMINISTRATOR
TO AREA DEVELOPERS, ARCHITECTS &c.**

To Whom It May Concern:

As landscape administrator for the City of Fayetteville, I have the responsibility to review proposed development projects for compliance with the Tree Protection and Preservation provisions (§ 162 of the Fayetteville Code of Ordinances, recodified in § 167 of the city's Unified Development Ordinance). Recent litigation and my personal experience lead me to the conclusion that little design consideration has typically been given toward the preservation of rare and landmark trees and other aspects of the relevant ordinance.

Fayetteville law states, "Proposed development should be designed to maximize the preservation of rare and landmark trees." (Old § 162.11(A), new § 167.05(A).) The law also states, "No landmark or rare tree shall be removed from land to be developed unless the landscape administrator, who may seek consideration and recommendation from the tree and landscape advisory committee, determines there is no reasonable way the property can be otherwise developed, improved, or properly maintained and the tree saved." (Old § 162.11(B)(6), new § 167.05(B)(6).) Rare trees are large growing species that have reached a trunk diameter of 24", small species with an 8" trunk diameter, or an uncommon or endangered species. Landmark trees are trees listed on the state, national or city registry as being historically significant. (Old § 162.02, new § 151.)

Fayetteville law also provides for specified minimum canopy areas for all new subdivisions, large scale developments, and commercial developments. The minimum canopy percentage of the total area of the property depends on the zoning designation. For example, property zoned C-2 (thoroughfare commercial) has a 15% minimum canopy. (Old § 162.11(C), new § 167.05(C).)

These are requirements, but there is a provision to cover exceptional cases. "In the event a tree *cannot* be preserved as required, tree replacement, to be determined by the landscape administrator, may be required in lieu of the tree designated for preservation. Tree replacements should be of like or similar species in terms of size and ultimate canopy." (Old § 162.11(E)(1), new § 167.05(E)(1) (emphasis added).)

Fayetteville law also has a provision governing successors in interest to developers who have received approved plans. (Single-family homeowners are exempt.) That provision states: "Successors in interest of any person who as a developer of a subdivision (except single-family homeowners), large-scale development, commercial development, or conditional uses in other zones which are commercial in nature has been subject to the requirements of this chapter shall abide by the requirements and conditions to which such developer . . . was subject, including compliance with the tree preservation plan." (Old § 162.13, new § 167.07.)

Please be familiar with these and other requirements in the Tree Protection and Preservation Ordinance. My office will be happy to provide copies and discuss details of interpretation with you.

The Landscape Administrator's job is to uphold this ordinance. Therefore it is suggested that I be included in the review of these projects in the early stages of conceptual design. Many of the projects recently reviewed could easily be revised to save trees. Site design changes will be required if ways to preserve trees are obvious. My work with engineering firms has included site layouts, grading plans, water and sewer line design, etc. With this experience, I am prepared to be of assistance in the review of your development plans.

It is understood that your concern is to find the most efficient use of the property. However, it is also your obligation to meet all city requirements. Therefore, if you include me in the conceptual design process, it could very easily save you time and money.

If you need to contact me for any reason, my office telephone number is 575-8308. My mobile phone is 601-3514.

Sincerely,

Kim J. Hesse, R.L.A.
Landscape Administrator

Hesse2-MS.LTR