FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
APRIL 17, 2001

A meeting of the Fayetteville City Council will be held on April 17, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the April 3, 2001 meeting.

2. **LSD 01-5.00:** A resolution approving a waiver of right-of-way dedication for 15th Street as required by Section 166.10(c) for LSD 01-5.00 submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD for property located at 85 W. 15th Street.

3. **TCA CABLE:** A resolution approving an extension with TCA Cable Partners to temporarily operate the cable communication system until June 30, 2001.

4. **UNIFORMS:** A resolution awarding a contract with Cintas Corporation for Bid No. 01-25 to provide uniforms.

5. **DOUBLE SPRINGS RD:** A resolution approving a city-utility agreement between the City of Fayetteville, and Arkansas Western Gas Co. for the necessary adjustments for the Double Springs Road Bridge over Owl Creek.

6. **DOUBLE SPRING BRIDGE REPLACEMENT:** A resolution approving funding for a bridge replacement on Double Springs Road in the amount of $229,537; and approval of a budget adjustment.

7. **AD 01-13.00:** A resolution adopting the drainage study for floodplain and floodway delineation for Mud Creek Tributary at CMN Business Park, Phase II, prepared by Holloway, Updike and Bellen, Inc. for Milholland Company, dated September 2000.

B. OLD BUSINESS

1. **GRADING AND DRAINAGE:** An ordinance amending the City's Grading and Drainage Ordinance. This ordinance was tabled on the second reading at the January 2, 2001 City Council meeting.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

C. NEW BUSINESS

1. **PHYSICAL ALTERATION OF LAND:** An ordinance amending Section 169.03 of the Code of Fayetteville, Physical Alteration of Land.

2. **STORMWATER AND DRAINAGE:** An ordinance amending Section 170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control.

3. **COMMUNITY DEVELOPMENT BLOCK GRANT:** A resolution accepting the 2001 Community Development Block Grant in the amount of $665,000.00.

4. **RZA 01-1.00:** An ordinance approving annexation request RZA 01-1.00 as submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville.

5. **RZ 01-6.00:** An ordinance approving rezoning request RZ 01-6.00 submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural, and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

6. **AD 01-12.00:** An ordinance approving an amendment to Chapter 161, Zoning, of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18.

7. **RULES OF ORDER:** A resolution amending the Rules of Order and Procedures of the Fayetteville Mayor/City Council by adding paragraph D.6. to suspend or waive by two-thirds vote of the membership of the City Council including the Mayor. Therefore a motion to suspend the rules requires six affirmative votes to pass.

8. **BAUM BASEBALL STADIUM:** An ordinance allowing the University of Arkansas to use Fireworks for the annual occasion of the celebration of fireworks night marking the end of the Razorback Baseball Season at Baum Stadium.

9. **J.D. CHINA:** An appeal of a Planning Commission decision for Large Scale Development LSD 00-36, J.D. China.

10. **FAYETTEVILLE YOUTH CENTER:** An appeal of a Planning Commission decision for Large Scale Development LSD 01-4.00, Fayetteville Youth Center.

(1)

Meeting of April ~~3~~ 17, 2001

	Roll		BD 4J. Consent.		
JORDAN	✓		✓		
REYNOLDS	✓		✓		
THIEL	✓		✓		
YOUNG	✓		✓		
ZURCHER	✓		✓		
TRUMBO	✓		✓		
DAVIS	✓		✓		
SANTOS	✓		✓		
COODY	✓				

	On Consider. BD.	On 3RD BD.	PASS		
Bramine Ordinance ORD.					
JORDAN	✓	✓	N/		
REYNOLDS	✓	✓	N/		
THIEL	✓	✓	N/		
YOUNG	✓	✓	N/		
ZURCHER	✓	✓	N		
TRUMBO	✓	✓	N/		
DAVIS	✓	✓	N/		
SANTOS	✓	✓	N/		
COODY					

(2)

Meeting of ~~April 3, 2001~~ 4/17

Physical Dev. Cond.					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
COODY					

Stormwater.					
JORDAN					
REYNOLDS					
THIEL					
YOUNG					
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
COODY					

Meeting of April 3, 2001

Com. Dev.	KS				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
COODY					

PZA 01-600					
JORDAN					
REYNOLDS					
THIEL	left in				
YOUNG	KS ready				
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
COODY					

4

Meeting of April ~~3~~ 11, 2001

	RZ 01-600				
JORDAN					
REYNOLDS					
THIEL	left in				
YOUNG	last week.				
ZURCHER					
TRUMBO					
DAVIS					
SANTOS					
COODY					

AD 01-12.00	KS LJ 2ND	RD LJ 3RD	PASS		
JORDAN	✓	✓	✓		
REYNOLDS	✓	✓	✓		
THIEL	✓	✓	✓		
YOUNG	✓	✓	✓		
ZURCHER	✓	✓	✓		
TRUMBO	✓	✓	✓		
DAVIS	✓	✓	✓		
SANTOS	✓	✓	✓		
COODY					

(5)

Meeting of April ~~8~~ 17, 2001 to Dany.

Rules of order cls.					
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
COODY					
	7-1-0.				

Baum Baseball.	1st BD.	2nd BD.	pass	Emergency	
JORDAN	✓	✓	✓	✓	
REYNOLDS	✓	✓	✓	✓	
THIEL	✓	✓	✓	✓	
YOUNG	✓	✓	✓	✓	
ZURCHER	✓	✓	✓	✓	
TRUMBO	✓	✓	✓	✓	
DAVIS	✓	✓	✓	✓	
SANTOS	✓	✓	✓	✓	
COODY					

(6)

Meeting of April ~~3~~ 17, 2001

JD chimes	# BD to Dev				
JORDAN	✓				
REYNOLDS	✓				
THIEL	✓				
YOUNG	✓				
ZURCHER	✓				
TRUMBO	✓				
DAVIS	✓				
SANTOS	✓				
COODY					
	5-3-0.				

Youth center	# RR Suzanne Rule.	Res of support. KS BD			
JORDAN	✓	✓			
REYNOLDS	✓	✓			
THIEL	✓	✓			
YOUNG	✓	✓			
ZURCHER	✓	✓			
TRUMBO	✓	✓			
DAVIS	✓	✓			
SANTOS	✓	✓			
COODY					
	7-1-	7-1-0.			

meeting adjourned. 11:10pm

FINAL AGENDA
APRIL 17, 2001

INSTRUCTIONS:

1. Add attached minutes to Consent, A.1.

2. Add attached Resolution to Item A.5. Double Springs Road.

3. Move Item C.5., AD 01-13.00 to the Consent Agenda to become Item A.7.

4. Item No. 1 under New Business has been broken down into two items. Please use attached ordinances.

5. Item No. C.8 on your tentative agenda under New Business has been moved to Item C.3. under New Business on your final agenda.

6. Add attached information for Items C.9 and C. 10.

NOMINATING COMMITTEE REPORT

AIRPORT BOARD
Otto J. Loewer, One new position, five-year term ending 12/31/06
Dave Bowman, One new position, five-year term ending 12/31/06

BOARD OF ADJUSTMENTS AND BOARD OF SIGN APPEALS
Michael Andrews, One five-year term ending 03/31/06
Michael Green, One five-year term ending 03/31/06

CIVIL SERVICE COMMISSION
Larry Bittle, One six-year term ending 03/31/07

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
Thomas Campbell, One full five-year term ending 03/31/06
Matt Bodishbaugh, One alternate one-year term ending 03/31/02
Stan Johnson, One alternate one-year term ending 03/31/02

ENVIRONMENTAL CONCERNS COMMITTEE
James Shumate, One expired term ending 06/30/02

PARKS AND RECREATION ADVISORY BOARD
Kyle Cook, One unexpired term ending 12/31/02

PLANNING COMMISSION
Don Bunch, One three-year term ending 03/31/04
Sharon Hoover, One three-year term ending 03/31/04
Alice Bishop, One three-year term ending 03/31/04

YOUTH ADVOCACY COMMITTEE, formerly Juvenile Concerns Committee
Kay DuVal, One unexpired term ending 05/31/01
Catherine Roland, One unexpired term ending 05/31/01

****

ADVERTISING AND PROMOTION COMMISSION
Curtis Shipley, Public at Large position for term expiring 04/01/05
Ching Mong, Manager of Quality Inn for term expiring 04/01/05

Fayetteville
CHAMBER OF COMMERCE

March 14, 2001

TO: Heather Woodruff
City Clerk

FROM: Marilyn Johnson
Director, Convention and Visitor Development

RE: A&P Commissioners appointment for ratification by City Council

Arkansas law 26-75-605 (2)(d) Vacancies on the commission, whether resulting from expiration of a regular term or otherwise, in any of the four tourism industry positions provided for in subdivision (a) (1) or in the at-large position provided for in subdivision (a) (3) shall be filled by an appointment made by the remaining members of the commission, with the approval of the governing body of the city.

At a meeting on March 12, 2001, the Advertising and Promotion Commissioners considered vacancies on the Commission and recommend reappointing the following:

Curtis Shipley – Public at Large position for term expiring 4/1/05
Ching Mong – Manager of Quality Inn for term expiring 4/1/05

The Commission respectfully requests approval of the above appointments at the next City Council meeting. Their applications are attached.

In addition, the Commission has an additional vacancy (a term expiring 4/1/01 for an owner or manager of a hotel, motel or restaurant). This is due to the fact that Alex Jerde is not longer the general manager of the Hilton Fayetteville. I am requesting that you advertise the vacancy for this position.

Thank you very much.

ACCREDITED

123 WEST MOUNTAIN • P.O. Box 4216 • FAYETTEVILLE, ARKANSAS 72702-4216 • (501) 521-1710 • FAX (501) 521-1791

FINAL AGENDA
CITY COUNCIL
APRIL 17, 2001

A meeting of the Fayetteville City Council will be held on April 17, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the April 3, 2001 meeting.

49-01 2. **LSD 01-5.00:** A resolution approving a waiver of right-of-way dedication for 15th Street as required by Section 166.10(c) for LSD 01-5.00 submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD for property located at 85 W. 15th Street.

50-01 3. **TCA CABLE:** A resolution approving an extension with TCA Cable Partners to temporarily operate the cable communication system until June 30, 2001.

51-01 4. **UNIFORMS:** A resolution awarding a contract with Cintas Corporation for Bid No. 01-25 to provide uniforms.

52-01 5. **DOUBLE SPRINGS RD:** A resolution approving a city-utility agreement between the City of Fayetteville, and Arkansas Western Gas Co. for the necessary adjustments for the Double Springs Road Bridge over Owl Creek.

53-01 6. **DOUBLE SPRING BRIDGE REPLACEMENT:** A resolution approving funding for a bridge replacement on Double Springs Road in the amount of $229,537; and approval of a budget adjustment.

54-01 7. **AD 01-13.00:** A resolution adopting the drainage study for floodplain and floodway delineation for Mud Creek Tributary at CMN Business Park, Phase II, prepared by Holloway, Updike and Bellen, Inc. for Milholland Company, dated September 2000.

B. OLD BUSINESS

FAILED 1. **GRADING AND DRAINAGE:** An ordinance amending the City's Grading and Drainage Ordinance. This ordinance was tabled on the second reading at the January 2, 2001 City Council meeting.

C. NEW BUSINESS

left on 1st reading

PHYSICAL ALTERATION OF LAND: An ordinance amending Section 169.03 of the Code of Fayetteville, Physical Alteration of Land.

2. **STORMWATER AND DRAINAGE:** An ordinance amending Section 170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control.

left on 1st

3. **COMMUNITY DEVELOPMENT BLOCK GRANT:** A resolution accepting the 2001 Community Development Block Grant in the amount of $665,000.00.

PASS 55-01

4. **RZA 01-1.00:** An ordinance approving annexation request RZA 01-1.00 as submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville.

left on 1st reading

5. **RZ 01-6.00:** An ordinance approving rezoning request RZ 01-6.00 submitted by Michele Harrington on behalf of TMC and Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural, and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

left on 1st reading

PASS 4-3-01

6. **AD 01-12.00:** An ordinance approving an amendment to Chapter 161, Zoning, of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18.

DENIED

7. **RULES OF ORDER:** A resolution amending the Rules of Order and Procedures of the Fayetteville Mayor/City Council by adding paragraph D.6. to suspend or waive by two-thirds vote of the membership of the City Council including the Mayor. Therefore a motion to suspend the rules requires six affirmative votes to pass.

PASS 4-3-01

8. **BAUM BASEBALL STADIUM:** An ordinance allowing the University of Arkansas to use Fireworks for the annual occasion of the celebration of fireworks night marking the end of the Razorback Baseball Season at Baum Stadium.

appeal denied

J.D. CHINA: An appeal of a Planning Commission decision for Large Scale Development LSD 00-36, J.D. China.

10. **FAYETTEVILLE YOUTH CENTER:** An appeal of a Planning Commission decision for Large Scale Development LSD 01-4.00, Fayetteville Youth Center.

appeal withdrawn on mon.

56-01 (11)

meeting adjourned at

Res of support of boys & girls club

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
APRIL 3, 2001

A meeting of the Fayetteville City Council was held on April 3, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Santos, Jordan, Reynolds, Thiel, Young, Trumbo, and Davis, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

ABSENT: Randy Zurcher

NOMINATING COMMITTEE REPORT

Alderman Santos moved to appoint:

NOMINATING COMMITTEE REPORT

AIRPORT BOARD
Otto J. Loewer, One new position, five-year term ending 12/31/06
Dave Bowman, One new position, five-year term ending 12/31/06

BOARD OF ADJUSTMENTS AND BOARD OF SIGN APPEALS
Michael Andrews, One five-year term ending 03/31/06
Michael Green, One five-year term ending 03/31/06

CIVIL SERVICE COMMISSION
Larry Bittle, One six-year term ending 03/31/07

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
Thomas Campbell, One full five-year term ending 03/31/06
Matt Bodishbaugh, One alternate one-year term ending 03/31/02
Stan Johnson, One alternate one-year term ending 03/31/02

ENVIRONMENTAL CONCERNS COMMITTEE
James Shumate, One expired term ending 06/30/02

PARKS AND RECREATION ADVISORY BOARD
Kyle Cook, One unexpired term ending 12/31/02

PLANNING COMMISSION
Don Bunch, One three-year term ending 03/31/04
Sharon Hoover, One three-year term ending 03/31/04
Alice Bishop, One three-year term ending 03/31/04

YOUTH ADVOCACY COMMITTEE, formerly Juvenile Concerns Committee
Kay DuVal, One unexpired term ending 05/31/01
Catherine Roland, One unexpired term ending 05/31/01
****

ADVERTISING AND PROMOTION COMMISSION
Curtis Shipley, Public at Large position for term expiring 04/01/05
Ching Mong, Manager of Quality Inn for term expiring 04/01/05

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

CONSENT

APPROVAL OF THE MINUTES: Approval of the March 20, 2001 City Council minutes.

PARKING DECK: A resolution approving a contract amendment in the amount of $26,750.00 with Garver Engineers in connection with the design of the parking deck on the E.J. Ball lot.

RESOLUTION 45-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GENERATORS: A resolution awarding Bid No. 01-13 in the amount of $111,778.00 to Williams Tractor for the purchase of two trailer mounted generator sets.

RESOLUTION 46-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RESEARCH AND TECHNOLOGY: A resolution requesting appropriations from the Department of Finance and Administration Disbursing Officer for money held in escrow for the Research and Technology Park.

RESOLUTION 47-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CELL PHONES & PAGERS: A resolution amending the Rules of Order and Procedure of the Fayetteville Mayor/City Council by adding a restriction against use of Cell Phones and Pagers during meetings.

REMOVED FROM CONSENT AGENDA. DISCUSSED UNDER NEW BUSINESS.

Alderman Santos moved to approve the Consent Agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

CIVIL SERVICE: An ordinance granting authority to the Fayetteville Civil Service Commission to appoint and remove the Police and Fire Chief; and for other purposes. The ordinance was tabled on the third reading at March 20, 2001 City Council meeting.

Alderman Davis stated the Mayor had mentioned to Alderman Jordan that he was going to add another position to the committee.

Mayor Coody stated they could add the position to the committee.

Alderman Jordan stated he would like to have a rank and file fireman, Captain or below.

Alderman Davis added this committee was only for this one hiring.

Mayor Coody stated they could add the position and asked Ms. Woodruff to add the position to the committee list.

Alderman Trumbo stated this was symbolic and it was not binding and it could change.

Mr. Williams stated that was correct. It was not binding on the Mayor.

Mayor Coody asked shall the ordinance pass. Upon roll the motion failed by a vote of 1-6-0. Trumbo voting yea.

ORDINANCE FAILED BY A VOTE OF 1-7-0.

NEW BUSINESS

VA 01-3.00: An ordinance approving VA 01-3.00 submitted by Bleaux Barnes for property located along the south side of Appleby Road and to the west of the Quail Creek Subdivision. The request is to vacate that portion of the existing Appleby Road right-of-way in excess of the Master Street Plan requirement.

Mr. Williams read the ordinance for the first time.

Alderman Davis stated this was a right-of-way which had been vacated. It's access to the Master Street Plan was no longer needed.

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

Mr. Chris Bracket, Jorgensen and Associates, stated this had been an oversight when they took the Preliminary Plat through. They did not know that there was existing right-of-way along Appleby. They showed a dedication that went along with the Master Street Plan. When they brought the Final Plat through, it had been brought up by the City that there was existing right-of-way. They were dedicating what was required by the Master Street Plan. Where the right-of-way was there would be a drainage easement. The city will still have options on this property. It would not be right-of-way, but easement.

Mr. Williams stated the Planning Commission had approved this subject to the applicant paying a reimbursement of $815.40. He asked if this had been paid.

Ms. Dawn Warrick, City Planner, stated they had not paid to date. They were waiting for the Council's action. The applicant had agreed to pay that amount.

Alderman Trumbo 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. Williams read the ordinance for the third and final time.

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

ORDINANCE 4305 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RULES OF ORDER AND PROCEDURE: Discussion of amendments to the Rules of Order and Procedure of the Fayetteville Mayor/City Council.

Alderman Thiel stated she thought it would be a good idea to review and go over some of the policies and possibly discuss some revisions. She read some of the rules relating to conduct required of the public and of the council. She stated she had been contacted by several people wishing to impose a time limit on each speaker. She thought that a time limit should be set for public comment. She did not believe that designating a reasonable time limit would be an infringement of anyone's freedom of speech. It simply allowed everyone an equal opportunity to speak. She had been contacted by several people complaining about some of the lengthy public comments. She had also discovered that many cities had a time limit policy, including Little Rock. In Little Rock, a speaker is allowed three minutes then if there are questions from the Council, the time is extended to allow for questions.

Alderman Davis stated the Mayor was in charge of the meeting. He could set them at his will within the boundaries of the rules. If he wanted to set a time limit, he could.

Alderman Thiel stated there was even a device to help keep the time. Legislatures use this too. It was a device with three lights and a buzzer. She thought it would be a way to give everyone an opportunity to speak before the council. She wanted it to be considered a reasonable amount of time. She liked the idea of it being in their policy. She thought it would help their meetings go better. She did not believe it was unique.

Alderman Santos stated he was not in favor of setting a time limit. They might have to remind people to not abuse their privilege and speak too long. He thought they could do it in a friendlier way than setting a time limit.

Mayor Coody stated he could see an argument for both sides. An impartial and impersonal time limit would be handy for them to help avoid making someone mad. On the other hand, he thought this might be a reaction to the last meeting that they had.

Alderman Thiel stated it was not a reaction. She had a number of people call and asked her to do something about this right after she was elected. She had only spoken with one person who did not believe this was a good idea. She realized the Mayor had the prerogative of setting the time, but then it became subjective.

Alderman Young stated if the Mayor set a time and stuck with it, then those people should have nothing to complain about. Now, if he set a time and did not follow for one, but did for another. There was no difference between the Council setting a time and the Mayor setting the time. The time is the time.

Mayor Coody stated he would try and do a better job of trying to keep people on track.

CELL PHONES & PAGERS: A resolution amending the Rules of Order and Procedure of the Fayetteville Mayor/City Council by adding a restriction against use of cell phones and pagers during meetings.

Alderman Young stated if they passed this he would like to see a sign in front of the meeting door, stating no cell phones.

Mr. Williams stated this would need to be made a part of their procedure. There might be a couple of other things that might be coming along in the future, along with some other recommendations. He thought it was better to address it and put it into the procedure.

Alderman Trumbo moved to pass the resolution on cell phones. Alderman Davis seconded the motion.

Mr. Bobby Ferrell, an area resident, asked if they would be allowed to have a cell phone if it had a vibrator.

Alderman Young moved to amend the resolution to add "silent mode". Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Erf, an area resident, asked if there was a decision made on the three minute issue.

Mayor Coody replied he was going to be more strict.

Mr. Erf encouraged the Mayor to run a tight meeting and that when people strayed off the subject to bring them back in line. He encouraged him to cut people off if they were repetitive. He did believe the three minute limit was appropriate. He asked that they try and keep people from repeating themselves or what others have said.

Alderman Santos stated he had seen the Planning Commission have a sign up sheet, when there was a lot of people who wanted to speak.

Alderman Young stated they did not even have to have a sign up sheet, if people would just start to drift toward the podium.

Upon roll call the motion carried unanimously.

RESOLUTION 48-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VICE-MAYOR: Election of a Vice-Mayor.

Alderman Trumbo moved to appoint Bob Davis vice-mayor. Alderman Jordan seconded the motion.

Mayor Coody explained that he had asked Bob Davis before the election, if he was to win the election would he stand as Vice Mayor. It had been before his election. He was not aware of the rules and procedure at that time.

Upon roll call the motion carried by a vote of 6-0-1. Davis abstaining.

AMENDMENT TO BID WAIVER: An ordinance approving an amendment for a bid waiver, Ordinance 4289, Section C, to change the total cost from $27,000.00 to $35,000.00.

Mr. Williams stated that before they could consider this, since it was not brought up at agenda session, they would need to vote to suspend the rules in order to consider an item which was not originally on their agenda.

Alderman Trumbo moved to suspend the rules. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

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

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

Mayor Coody asked shall the emergency clause pass. Upon roll call the motion carried unanimously.

ORDINANCE 4306 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:00 p.m.

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 17, 2001.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve a waiver of right-of-way dedication for 15th Street as required by §166.10(C) for LSD 01-5.00 submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD for property located at 85 W. 15th Street.

COST TO CITY:

$0		
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 Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____

Accounting Manager	Date	ADA Coordinator	Date
by: [signature] City Attorney	04/05/01 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommends approval of this request. Planning Commission voted 9-0-0 to forward this to City Council.

[signature] Division Head	3-30-01 Date	Cross Reference
[signature] Department Director	4-05-01 Date	New Item: Yes No
[signature] Administrative Services Director	4/5/01 Date	Prev Ord/Res#: _____
Mayor	Date	Orig Contract Date: _____

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF RIGHT-OF-WAY DEDICATION FOR 15TH STREET AS REQUIRED BY §166.10 (C) FOR LSD 01-5.00 SUBMITTED BY MCCLELLAND CONSULTING ENGINEERS, INC. ON BEHALF OF RANDY SALSBURY OF ALLIED STORAGE, LTD. FOR PROPERTY LOCATED AT 85 W. 15TH STREET.

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

Section 1. That the City Council hereby Waives right-of-way dedication for 15th Street as required by §166.10 (c) for LSD 01-5.00 submitted by Mcclelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, Ltd. for property located at 85 W. 15th Street.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

PC Meeting of 26 March 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Allied Storage, LSD

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Sara Edwards, Ron Petrie P.E.
DATE: March 22, 2001

Project: **LSD 01-5.00: Large Scale Development (Allied Storage, LTD, pp 601)** was submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD. for property located at 85 W. 15th Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 14.98 acres The request is to add additional storage buildings.

Findings: The applicant is requesting to build three new storage buildings southeast of the existing storage buildings. Two buildings are 4,200 square feet and the third building is 4,500 square feet. The existing storage buildings on site were originally approved as a large scale development on March14, 1994, and an expansion was approved on February 22, 1999.

Recommendation: Approval subject to the conditions listed below.

Conditions of Approval:

1. Planning Commission determination of a waiver request from the Master Street Plan requirements for a Principal Arterial Street which requires fifty-five feet from centerline be dedicated. The applicant is proposing not to dedicate any additional right-of-way. Currently, fifty feet exists and City Council approval is required not to require the additional right-of-way dedication. *Staff is in support of this waiver due to the existing sidewalk, landscaping, buildings and pavement already in place.*

2. No additional sidewalk improvements are being requested.

3. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

4. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to

additional review and approval. All improvements shall comply with City's current requirements.

5. Large Scale Development approval to be valid for one calendar year.

6. Prior to the issuance of a building permit the following is required:
   a. Grading and drainage permits
   b. Separate easement plat for this project
   c. Project Disk with all final revisions
   d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Background:

The proposed Large Scale Development was reviewed at the February 28, 2001 Technical Plat review and the March 15, 2001 Subdivision Committee meeting.

Discussion at the Subdivision Committee meeting included street right-of-way and sidewalk requirements.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments.

INFRASTRUCTURE:

a) Water. Existing.

b) Sanitary sewer. Existing.

c) Streets. Existing.

d) Grading and Drainage. A preliminary grading plan and drainage report has been submitted. A final plan and report will be required prior to beginning construction.

PLANNING COMMISSION ACTION: __yes__Required
_____Approved _____Denied

Date: _____

Comments:

_____

_____

_____

CITY COUNCIL ACTION: _____Required
_____Approved _____Denied

Date: __/__/__

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
by

_____
title

_____
date

LSD 01-5.00
A. 2. Page 6

RECEIVED
MAR - 1 2001
PLANNING DIV.

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

P.O. Box 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

FY012106

March 1, 2001

Ms. Sara Edwards
Planning Commission
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Request for Waiver
LSD Submittal for Allied Storage, Ltd. Co.

Dear Sara:

On behalf of Allied Storage, Ltd. Co., we would like to request a waiver on the requirement to increase the Right-of-Way (R-O-W) dedication along 15th Street (Arkansas Highway 16) an additional five feet to 55 feet from the street centerline.

The original storage buildings along 15th Street were designed and constructed based on the 50 foot R-O-W that was required at that time. All storage buildings are required to have a minimum of 25 feet of paving around and between buildings to allow customers to access the storage units. The buildings along the street have the 25 feet of paving around the front. The existing fence is set along the edge of the paving. The current 50 foot R-O-W ends right at the fence line. If Allied Storage were required to dedicate another five feet for R-O-W, they would be obligated to relocate their fence, paving and all buildings located along the street. This would impose an exorbitant cost on the owner that we feel is not justified at this time.

Thank you for your assistance with this matter. Please call if you should have any questions or comments.

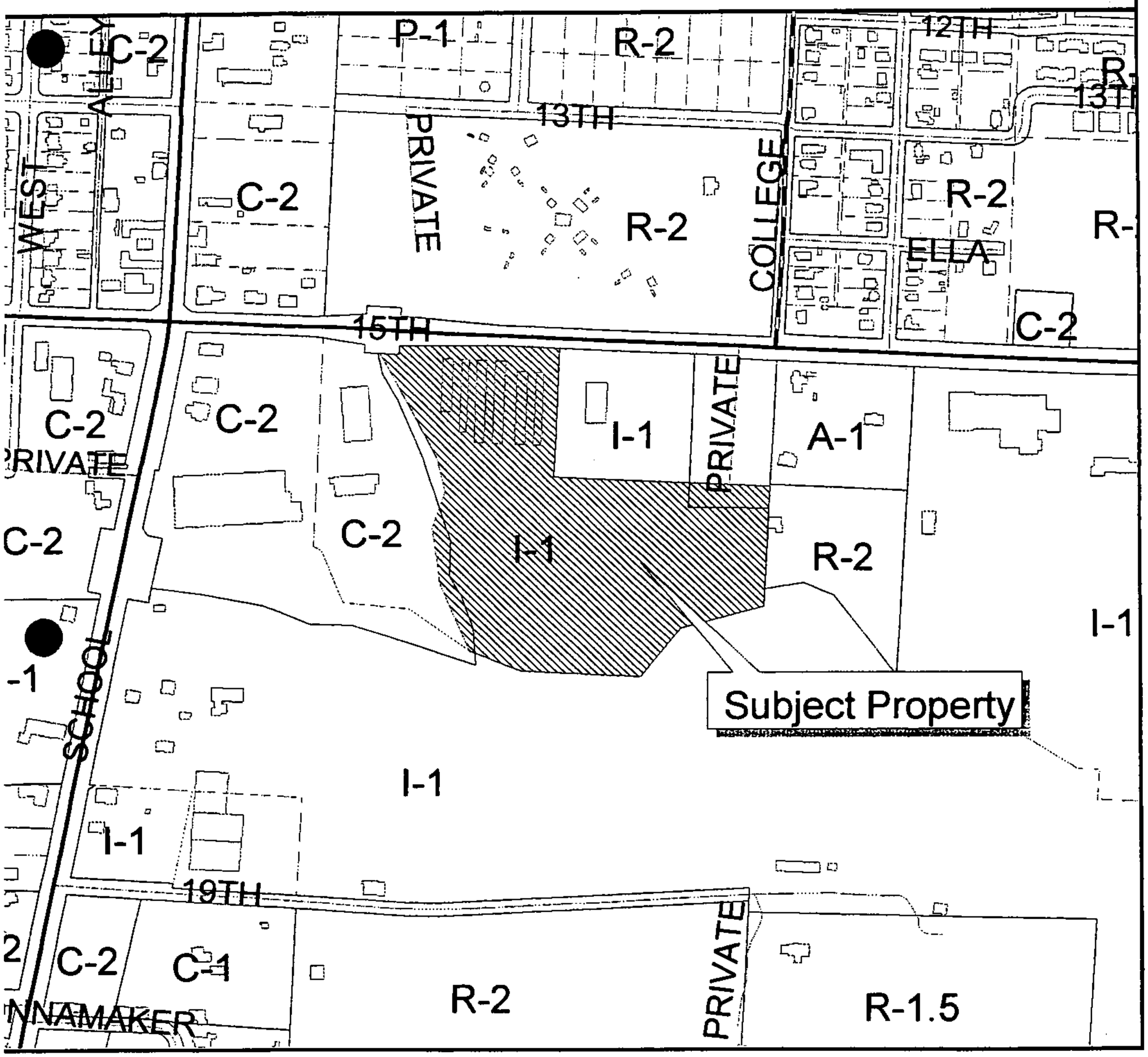
Sincerely,

MCCLELLAND CONSULTING ENGINEERS, INC.

Carole Jones, E.I.
Project Engineer

C: Randy Salsbury, Allied Storage, Ltd. Co.

LSD01-5 Allied Storage Close Up

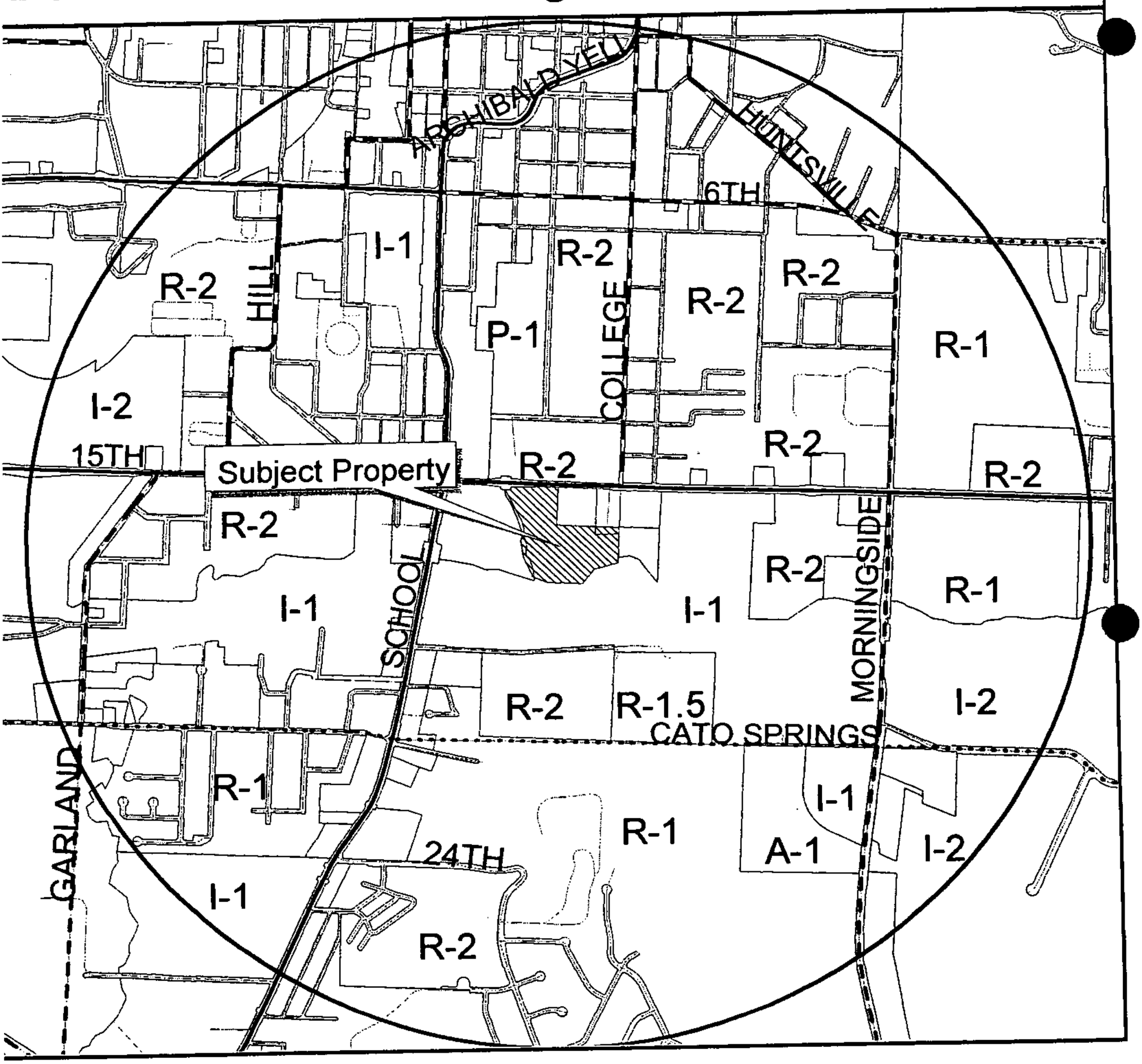


Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Structures (1998)

300 0 300 600 Feet

N
W E
S

LSD01-5 Allied Storage One Mile Radius



Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- STREETS

0.2 0 0.2 0.4 Miles

N W E S

Consent Agenda:
Approval of minutes from the March 12, 2001 meeting.

LSD 01-5.00: Large Scale Development (Allied Storage, LTD, pp 601) was submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD. for property located at 85 W. 15th Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 14.98 acres The request is to add additional storage buildings.

Odom: Good evening. Welcome to the March 26, 2001, meeting of the Fayetteville Planning Commission. The first item that we are going to cover tonight is the consent agenda. Items on the consent agenda will be approved without discussion. We have two items on the consent agenda. The first item is the approval of the minutes of the March 12, 2001, meeting. The second item on the consent agenda is LSD 01-5.00 submitted by McClelland Consulting Engineers, Inc. on behalf of Randy Salsbury of Allied Storage, LTD. for property located at 85 W. 15th Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 14.98 acres The request is to add additional storage buildings. Does any member of the audience or member of the Planning Commission wish to remove either of those items from the consent agenda to discuss? Seeing none, I'll ask that you call the roll for the consent agenda.

ROLL CALL:

Upon roll call the consent agenda is approved by unanimous vote of 9-0-0.

STAFF REVIEW FORM

_X__ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF April 17, 2001 **MAYOR'S APPROVAL** _____

FROM:

Kit Williams	City Attorney	Legal
Name	Division	Department

ACTION REQUIRED:

A resolution approving an extension with TCA Cable Partners to temporarily operate the cable communications system until June 30, 2001.

COST TO CITY:

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 Coordinator | Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney (signature)	Date 4/2/01	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:
Pass Resolution

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

CROSS REFERENCE

New Item: Yes (No)

Previous ~~Ordinance~~/Resolution No.: 18-01

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING TCA CABLE PARTNERS TO TEMPORARILY OPERATE THE CABLE COMMUNICATIONS SYSTEM.

WHEREAS, the City of Fayetteville, Arkansas ("City") passed and adopted an Ordinance (hereinafter referred to as the "Franchise") granting a non-exclusive franchise; and

WHEREAS, the Franchise is currently held by TCA Cable Partners ("TCA"); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) TCA provided notification to the City of TCA's intent to seek renewal of the Franchise under 4 U.S.C. §546(a-g); and

WHEREAS, pursuant to Section 47 U.S.C. §546(a) the City properly commenced franchise renewal proceedings; and

WHEREAS, the City and TCA have agreed, pursuant to 47 U.S.C. §546(h), to conduct franchise renewal negotiations informally in an attempt to reach a mutually acceptable franchise agreement; and

WHEREAS, the City and TCA are interested in continuing informal discussions and negotiations regarding franchise renewal; and

WHEREAS, both the City and TCA desire to expressly reserve all of their respective rights under state and federal law.

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

Section 1. The City hereby authorizes TCA to operate the cable television system in the City of Fayetteville, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on May 1, 2001 and continuing through either the date of which TCA's Franchise is either renewed or until June 30, 2001 whichever shall first occur.

Section 2. This Resolution shall become effective upon the occurrence of both of the following conditions:

1) The resolution being passed and adopted by the City Council of the City of Fayetteville, and;

2) TCA's acceptance of this resolution and the franchise for the terms specified in paragraph (1) above, provided TCA accepts and agrees to this extension.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ACCEPTANCE

TCA Cable Partners, hereby acknowledges the City of Fayetteville, Arkansas' Resolution No. _____ ("Resolution") and Ordinance No. _____, attached hereto and referenced in the Resolution ("Franchise") and hereby accepts each a nd every terms, provision and recital of the Resolution and agrees to be bound by the terms and provisions of the Franchise in accordance with the Resolution.

Dated: _____, 2001

TCA CABLE PARTNERS

By: _____

Its: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2001.

_____
Notary Public

My Commission Expires:

_____

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of April 17, 2001

FROM:

Peggy Vice	Purchasing	Administrative Services
Name	Division	Department

ACTION REQUIRED: Approve a contract with Cintas Corporation the low bidder in Bid #01-25 to provide uniforms.

COST TO CITY:

$ Est-$45,000 Cost of this Request	$154,225 City Wide Category/Project Budget	Uniforms/Personal Equipment Category/Project Name
5302.00 Object Code Account Number	$56,781 Funds Used To Date	City Wide Program Name
N/A Project Number	$97,241 Remaining Balance	City Wide Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager	4/2/01 Date	Internal Auditor	4/2/01 Date
City Attorney	4-2/01 Date	ADA Coordinator	Date
Purchasing Manager	4-2-01 Date		

STAFF RECOMMENDATION: Staff recommends approval.

Division Head	4-2-01 Date	Cross Reference
Department Director	Date	New Item: **Yes** **No**
Administrative Services Director	4/3/01 Date	Prev Ord/Res #:
Mayor	4/4/01 Date	Orig Contract Date:

STAFF REVIEW FORM

Description Cintas- Uniforms Meeting Date April 17, 2001

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

RESOLUTION NO. _____

A RESOLUTION AWARDING BID 01-25 TO CINTAS CORPORATION AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND SAME TO PROVIDE UNIFORMS FOR CERTAIN CITY EMPLOYEES FOR THE REMAINDER OF CALENDAR YEAR 2001.

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

Section 1. That the City Council hereby Awards Bid 01-25 to Cintas Corporation and Approves a Contract between The City of Fayetteville and same to provide uniforms for certain city employees for the remainder of calendar year 2001.

Section 2. That the City Council hereby authorizes the Mayor to sign such a Contract with Cintas Corporation.

PASSED AND APPROVED this ____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody & City Council

THRU: John Maguire

FROM: Peggy Vice PVice

DATE: March 30, 2001

SUBJECT: Bid 01-25 Uniforms

Staff recommends award of bid and approval of contract with low bidder Cintas Corporation to provide uniforms. The contract is for the remainder of 2001 and is renewable for five years based on availability of budget. Cintas is the current provider. Uniforms are currently worn by personnel in Street, Meter, Building Maintenance, Traffic, Fleet, Airport, Parks & Recreation, Water/Sewer, Sidewalk & Trails and Sanitation & Recycling.

A copy of the bid tabulation is attached for your review. Bids were sent out to eight uniform companies and six companies submitted bids. The low bidder was determined by factoring in all items. The 6% of invoice versus $1.00 per invoice from Cintas and price difference in the name and division tags were the determining factor between Cintas and Ameripride.

CITY OF FAYETTEVILLE, ARKANSAS
Bid 2001-1
Uniforms

ITEM #	DESCRIPTION	Ameripride UNIT PRICE	Aramark UNIT PRICE	Cintas UNIT PRICE	Clean UNIT PRICE	Rental UNIT PRICE	Unifirst UNIT PRICE	
1	22 Poly Cotton Shirt/11 Cotton Jean	$5.00	$5.81	$5.20	$7.45	$5.95	$7.33	
2	11 Poly Cotton Shirt/ 11 Cotton Jean	$3.90	$5.30	$4.50	$5.95	$5.85	$5.24	
3	18 Poly Cotton Shirt/ 9 Cotton Jean	$4.00	$4.65	$4.30	$6.26	$4.76	$6.00	
4	9 Poly Cotton Shirt/ 9 Cotton Jean	$3.12	$4.24	$3.60	$4.76	$4.68	$4.29	
5	22 Poly Cotton Shirt/ 11 Pant	$4.90	$4.46	$5.20	$6.45	$5.10	$6.89	
6	11 Poly Cotton Shirt/ 11 Pant	$3.75	$3.96	$4.50	$4.95	$5.00	$4.89	
7	18 Poly Cotton Shirt/ 9 Pant	$3.90	$3.57	$4.30	$5.46	$4.08	$5.72	
8	9 Poly Cotton Shirt/ 9 Pant	$3.00	$3.17	$3.60	$3.96	$4.00	$3.98	
9	11 Cotton Jean Only	$1.95	$3.33	$2.70	$3.95	$4.00	$3.14	
10	9 Cotton Jean Only	$1.56	$2.67	$2.16	$3.16	$3.20	$2.57	
11	11 Poly Cotton Pant Only	$1.88	$1.98	$2.70	$2.95	$3.75	$2.80	
12	9 Poly Cotton Pant Only	$1.50	$1.58	$2.16	$2.36	$3.00	$2.29	
13	22 Poly Cotton Shirt Only	$3.66	$2.48	$3.40	$4.45	$3.10	$3.85	
14	11 Poly Cotton Shirt Only	$1.88	$1.98	$2.70	$2.95	$3.00	$1.76	
15	9 Poly Cotton Shirt Only	$1.50	$1.58	$2.16	$2.36	$2.40	$1.44	
16	2 Poly Cotton Service Jacket	$0.50	$0.90	$0.50	$0.49	$0.60	$0.91	
17	2 Poly Cotton Sport Jacket	$0.50	$0.90	$0.50	$0.49	$0.60	$0.91	
18	Dress Uniform Shirt	$4.00	$2.56	$2.70	$3.95	$3.10	$2.67	
19	Name Emblem Charge	$1.00	$0.80	$0.75	$0.00	$0.60	$21.90	add/person
20	City Division/Emblem Charge	$3.00	$1.30	$1.25	$1.00	$2.00	$1.00	
21	Energy/Pollution Charge	6% of invoice	$0.00	$1.00/invoice	$8.00	$3.50/account	$3.00	
22	Delivery Charge	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
23	Other Charges	$0.00	1% of invoice	$0.80	$0.00	$1.00/suit	$0.00	
24	Number of days until startup	14	22	21	21	20	28	
25	Restocking Charge	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
26	Size Change Charge	$0.00	$0.00	$0.00	$1.00	$0.00	$0.00	
27	Repair Fee/Charge	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	
28	Replacement Charges							
	Shirt	$21.00	$9.95	$14.00	$1.15	$0.00	$0.00	
	Jean	$21.00	$18.00	$19.00	$1.15	$15.00	$0.00	
	Pant	$21.00	$14.00	$17.00	$1.15	$15.00	$0.00	
	Jacket	$21.00	$22.00	$23.00	$1.15	$30.00	$0.00	
	Jacket Sport	$21.00	$22.00	$24.00	$1.15	$30.00	$0.00	
	Dress Shirt	$21.00	$14.00	$17.00	$1.15	$15.00	$0.00	
29	Increase % per year	3%	3%	2%	0%	0%	3%	
	Replacements of worn garments free of charge?	Yes	Yes	Yes	Yes	Yes	Yes	
	Are repairs provided free of charge?	Yes	Yes	Yes	Yes	Yes	Yes	
	Are size changes provided free of charge?	Yes	Yes	Yes	No	Yes	Yes	
	One specific Customer Srevice Representative?	Yes	Yes	Yes	Yes	Yes	Yes	

Renewal

All Contract #'s
119, 121, 123, 159
177, 658, 1790, 1794
Customer No. 1795, 1796 & 2778

CINTAS
THE UNIFORM PEOPLE

STANDARD UNIFORM RENTAL

Date _____

Customer City Of Fayetteville

Phone _____

Address 113 W. Mountain City Fayetteville State AR Zip 72701

The undersigned (hereinafter called "CUSTOMER") orders from CINTAS CORPORATION or any of its subsidiaries (hereinafter called "COMPANY") a Rental Garment Service for all of the Customer's garment rental requirements during the term of this agreement, at the prices and upon the conditions, as outlined below:

Any	employees to be furnished	5 + c/o	changes of	cotton sh/jean	per week	@	5.20	per person per week
Any	employees to be furnished	2	changes of	jacket	per week	@	.50	per person per week
Any	employees to be furnished	2	changes of	stylish jacket	per week	@	.50	per person per week
Any	employees to be furnished	4 + c/o	changes of	sh/cotton jean	per week	@	4.30	per person per week
Any	employees to be furnished	5	changes of	sh/cotton jean	per week	@	4.50	per person per week

All garments will be cleaned and maintained by the Company. Any garments that require replacement due to normal wear will be replaced by the Company at no charge to the Customer.

Unless specified otherwise, the garments supplied under this agreement are not flame retardant or acid resistant and contain no special flame retardant or acid resistant features. They are not designed for use in areas of flammability risk or where contact with hazardous materials is possible. Flame retardant and acid resistant garments are available from Company on request. Customer warrants that none of the employees for whom garments are supplied pursuant to this agreement require flame retardant or acid resistant clothing.

Customer agrees to notify Company, in writing, of any hazardous materials that may be picked up by Company in the soiled garments or other textiles serviced under this agreement. In no case will hazardous materials be present to the extent that they may be harmful to Company's employees.

The weekly service charge for any individual leaving the employ of the Customer can be terminated, but only after all garments issued to that individual, or the value of same, have been returned to the Company. All garments remain the property of the Company. In the event of rental items being lost, stolen, or destroyed by fire, acid, paint, gross neglect, or otherwise, the Customer will pay for said rental items at the following rates:

REPLACEMENT VALUE

ITEM	Shirt	VALUE 14.00	ITEM	~~3x5 Scraper Mat~~	VALUE ~~75.00~~
ITEM	Cotton Jean	VALUE 19.00	ITEM	~~Hand Soap Service~~	VALUE ~~7.00~~
ITEM	Jacket	VALUE 23.00	ITEM	~~Mop Handle~~	VALUE ~~10.00~~
	Stylish Jacket	24.00			

~~This service agreement is effective as of the date of execution above and shall remain in effect for sixty (60) months from the date of installation. The agreement shall be automatically renewed for the same period of time unless the Company is notified, to the contrary, in writing, sixty days in advance of the expiration of the then current term. Upon each anniversary date of this agreement, the Company will automatically increase the prices then in effect by the amount of the increase in the Consumer Price Index for the previous twelve month or 5%.~~

Customer hereby agrees to indemnify and hold the Company harmless from any claims arising out of or associated with the use of the product, including any claims allegedly arising from defects.

The Company guarantees to deliver the highest quality textile rental service at all times. Any complaints about the quality of the service which have not been taken care of in the normal course of business must be sent by registered letter to the Company's General Manager. If the Company then fails to resolve any material complaint in a reasonable period of time, the Customer may terminate this agreement provided all rental items are paid for at the rates listed above as replacement values or returned to the Company in good and usable condition.

Additional employees and products may be added to this agreement upon written or verbal request of the Customer. In the event of cancellation of this service agreement by the Customer prior to the termination date, other than for failure of the Company to perform under its guarantee, the Customer will pay the greater of 50% of the weekly service charge per week for the unexpired term, or buyback all the garments and other products in inventory at the rates listed above as replacement value.

The Customer certifies that the Company is in no way infringing upon any existing contract between the Customer and any other uniform rental service.

Terms of Payment: 10th E.O.M. or C.O.D. 30 days ARI BG

Firm City Of Fayetteville

Accepted by Dian Boyd

By _____

CINTAS LOCATION NO. 065

Please Print Name & Title _____

CINTAS
THE UNIFORM PEOPLE

Customer No. _____

STANDARD UNIFORM RENTAL

Date _____

Customer City Of Fayetteville Phone _____

Address 113 W. Mountain City Fayetteville State AR Zip 72701

The undersigned (hereinafter called "CUSTOMER") orders from CINTAS CORPORATION or any of its subsidiaries (hereinafter called "COMPANY") a Rental Garment Service for all of the Customer's garment rental requirements during the term of this agreement, at the prices and upon the conditions, as outlined below:

Any	employees to be furnished	4	changes of	sh / cotton jean	per week	@	3.60	per person per week
Any	employees to be furnished	5	changes of	cotton jean	per week	@	2.70	per person per week
Any	employees to be furnished	4	changes of	cotton jean	per week	@	2.16	per person per week
Any	employees to be furnished	5	changes of	Oxford/sh	per week	@	2.70	per person per week
Any	employees to be furnished		changes of		per week	@		per person per week

All garments will be cleaned and maintained by the Company. Any garments that require replacement due to normal wear will be replaced by the Company at no charge to the Customer.

Unless specified otherwise, the garments supplied under this agreement are not flame retardant or acid resistant and contain no special flame retardant or acid resistant features. They are not designed for use in areas of flammability risk or where contact with hazardous materials is possible. Flame retardant and acid resistant garments are available from Company on request. Customer warrants that none of the employees for whom garments are supplied pursuant to this agreement require flame retardant or acid resistant clothing.

Customer agrees to notify Company, in writing, of any hazardous materials that may be picked up by Company in the soiled garments or other textiles serviced under this agreement. In no case will hazardous materials be present to the extent that they may be harmful to Company's employees.

The weekly service charge for any individual leaving the employ of the Customer can be terminated, but only after all garments issued to that individual, or the value of same, have been returned to the Company. All garments remain the property of the Company. In the event of rental items being lost, stolen, or destroyed by fire, acid, paint, gross neglect, or otherwise, the Customer will pay for said rental items at the following rates:

REPLACEMENT VALUE

ITEM ~~Shop Towels~~	VALUE ~~.35~~	ITEM ~~3 x 5 Coffee Mat~~	VALUE ~~50.00~~
ITEM ~~30" Magic~~	VALUE ~~17.00~~	ITEM ~~22" Magic~~	VALUE ~~15.00~~
ITEM ~~Air Freshner Service~~	VALUE ~~27.50~~	ITEM ~~Swipe Towels~~	VALUE ~~.85~~
~~3 x 10 Mat~~	~~75.00~~	~~3 x 4 Mat~~	~~45.00~~

~~This service agreement is effective as of the date of execution above and shall remain in effect for sixty (60) months from the date of installation. The agreement shall be automatically renewed for the same period of time unless the Company is notified, to the contrary, in writing, sixty days in advance of the expiration of the then current term. Upon each anniversary date of this agreement, the Company will automatically increase the prices then in effect by the amount of the increase in the Consumer Price Index for the previous twelve month or 5%.~~

Customer hereby agrees to indemnify and hold the Company harmless from any claims arising out of or associated with the use of the product, including any claims allegedly arising from defects.

The Company guarantees to deliver the highest quality textile rental service at all times. Any complaints about the quality of the service which have not been taken care of in the normal course of business must be sent by registered letter to the Company's General Manager. If the Company then fails to resolve any material complaint in a reasonable period of time, the Customer may terminate this agreement provided all rental items are paid for at the rates listed above as replacement values or returned to the Company in good and usable condition.

Additional employees and products may be added to this agreement upon written or verbal request of the Customer. In the event of cancellation of this service agreement by the Customer prior to the termination date, other than for failure of the Company to perform under its guarantee, the Customer will pay the greater of 50% of the weekly service charge per week for the unexpired term, or buyback all the garments and other products in inventory at the rates listed above as replacement value.

The Customer certifies that the Company is in no way infringing upon any existing contract between the Customer and any other uniform rental service.

30 days A.R.I. BB

Terms of Payment: 10th E.O.M. or C.O.D. Firm City Of Fayetteville

Accepted by Brian Boyd By _____

CINTAS LOCATION NO. 065 Please Print Name & Title _____

ADDENDUM TO CITY OF FAYETTEVILLE

This agreement between the City of Fayetteville and Cintas Corporation will take effect upon the signing of the agreement through December 31, 2001, and is renewable for five (5) consecutive one-year terms after December 31, 2001.

Increases are negotiable through the City of Fayetteville Purchasing Office, not to exceed 2% per year.

This agreement between the City of Fayetteville and Cintas Corporation is renewable subject to the availability of City of Fayetteville funds on an annual basis.

City of Fayetteville Representative

Brian Boyd

Cintas Corporation Representative

Cintas Corporation 580 N. Monitor Road P.O. Box 149 Springdale, AR 72765-0149 Office: 501-751-7934 Fax: 501-751-6537 www.cintas.com

NEW CUSTOMER FACT SHEET

Customer: City of Fayetteville Contact: Peggy Vice Phone: _____

s N/A **This New Customer Fact Sheet amends and supplements the Service Agreement between Cintas and Customer. The additional charges listed below are subject to adjustment by Cintas.**

CREDIT/BILLING

- ☑ COD Terms Explained ($____ Service Charge if Amount Due is Carried to Following Week)
- ☐ Credit Terms Explained – Charge Payments Due 10 Days After End of Month
- ☐ Tax Exempt Number _____ 30 days after receipt of invoice A.R.D
- ☐ Even Billing Explained

MISCELLANEOUS

- ☑ Weekly Minimum Charge Explained.....$ _____ /week
- ☐ Make-Up Charge Explained (After Installation).....$ .80 per garment
- ☐ Seasonal Sleeve Change Cost Explained Add'l. $ ~~.20~~ per change per week. 5.20 22sh + 11pants BB
- ☐ Environmental/Delivery Charge Explained 1.00 per invoice $_____ per change per week.
- ☐ Lost or Damaged Charges Explained (Refer to Service Agreement for Listing of Charges for Garments)
- ☑ Size Change Policy: Customer agrees to have employees measured by a Cintas representative using garment "size samples". A charge of $_____ per garment will be assessed for employees size changed within 4 weeks of installation.

BULK BILLING PROCEDURE

☐

ITEM	DESCRIPTION	WKLY CHG	L/R
Air Freshener			
Hand Soap			
Mops			
Scraper/Comfort Spring	See Agreement		
Walk-off Mats			

☑ EPA Regulations prohibit (40 CFR 261,262) the transport of textiles bearing free liquid. Shop towels may not be used to clean up oil or solvent spills. Appropriate shop towel container in place at $ _____ MSDS sheets received.

PROGRAM ITEMS

- ☐ Shirt Color: Polyester Pant Color: cotton jean Jacket Color: 20
- ☐ Uniform Colors Appropriate Based on Soil Conditions

EMBLEM DESCRIPTION

- ☐ Emblem Style: Name-Script ✓ Block: ____ Company-Script: ✓ Block: ____ Other: ____
- ☐ Emblem Color: Name: .75 Company: 1.25
- ☐ Emblem Charges Explained: Name: $ .75 each Script Company: $ 1.25 each
- ☑ Custom Emblems: Embroidered: _____ Other: _____
- ☐ Custom Emblem Charges Explained: $ _____ Each when Ordering: _____

Color	Script	Block	Proknit
Navy	0200	1298	BK2098
Grey	0300	1398	BK3098
Brown	0500	1598	
Green	0400	1498	
Red	0800	1898	BK2898
Burgundy			BK0698

☑ Artwork Charge for LogoMat $125.00

SPECIAL INSTRUCTIONS

- ☑ Special Cut Garments Explained? (+30% premium for 3XL+, 48W+, all LJ's, 19:+)
- ☑ Uniform Storage: Lockers: _____ each per week, Laundry Lock-up: _____ each per week.
- ☐ Company Paid/Employee Paid/Split Program What %____ Enrollment Agreements? Yes_____ No ____
- ☐ Birthday _____
- ☐ Referrals: _____

Prepared by: Brian Boyd Customer Signature: _____ Date: _____

City of Fayetteville
Bid 01-25
Uniform Rental

Std 65/35 Poly Cotton Blend Shirt w/pocket W/ 100% Cotton Jean

Weekly Rental

22 Shirts & 11 Pants 5.20

11 Shirts & 11 Pants 4.50

18 Shirts & 9 Pants 4.30

9 Shirts & 9 Pants 3.60

Std 65/35 Poly Cotton Blend Shirt w/pkt W/ Std 65/35 Poly Cotton Blend Pant

Weekly Rental

22 Shirts & 11 Pants 5.20

11 Shirts & 11 Pants 4.50

18 Shirts & 9 Pants 4.30

9 Shirts & 9 Pants 3.60

100% Cotton Jean

Weekly Rental

11 Pants Only 2.70

9 Pants Only 2.16

Std Poly Cotton Blend Pant
Weekly Rental

11 Pants Only 2.70

9 Pants Only 2.16

Std 65/35 Poly Cotton Blend Shirt w/pocket
Weekly Rental

22 Shirts Only 3.40

11 Shirts Only 2.70

9 Shirts Only 2.16

Poly Cotton Blend Jackets

Lined Service Jacket or Lined Sport Jacket

Weekly Rental

2 Jackets .50

Weekly Rental

2 Jackets .50

Dress Uniform Shirt w/pocket

11Shirts 2.70

Additional Charges

Name/Emblem Charge	.75	/ea
City Division/Emblem Charge	1.25	/ea
Energy/Pollution Charge	1.00	/ea
Delivery Charge	0	/ea
Other Charges not listed Please Specify: Makeup	.80	/ea
Number of days until Startup	21	/days
Restocking Charge	0	/ea
Size Change Charge	0	/ea
Repair Fee/Charge	0	/ea
Replacement Charges (Attach list if different for each type of clothing)		/ea

Increase for renewal of contract: % Per Year 2%

Proposed delivery schedule: City of Fayetteville Water, Water Meter, Sewer and Airport will be serviced on Wednesdays. Sanitation, Recycling, Park Maintenance, Traffic Shop, Fleet, Street Department, Sidewalk & Trails and Building Department will be serviced on Thursdays. During a holiday, Cintas will notify each department and put notices up when their service will be, two weeks prior to delivery.

Submitted By:

Bidder: Cintas Uniform Address: 580 N. Minister Rd.

Telephone: 501-751-7934

Fax: 501-751-6537

By: Jim Burns Title: G.M.

Bidder understands that specific quantities are unknown at this time. A list of divisions currently utilizing uniforms is attached.

LOST/REPLACEMENT PRICES-City of Fayetteville

65% Polyeter/35% Cotton Shirts
Long Sleeve $14.00
Short Sleeve $14.00

65% Polyster/35% Cotton Pants
Work Pant $17.00

100% Cotton Jean
$19.00

Oxford Button Down Executive Style Shirt
$17.00

Perma Lined Sport Jacket
$24.00

Lined Service Jacket
$23.00

Cintas Corporation 580 N. Monitor Road Springdale, AR 72764 Office: 501·751·7934 Fax: 501·751·6537 www.cintas-corp.com

City of Fayetteville
Bid 01-25
Uniform Rental

		Yes or No
1.	Are replacements of worn garments provided free of charge?	Yes
2.	Are repairs provided free of charge?	Yes
3.	Are size changes provided free of charge?	Yes
4.	Is there one specific "Customer Service Representative" that will receive and respond to customer phone calls.	Yes, Trained & Certified

Please list at least three references with contact names and phone numbers that you are currently servicing in the Fayetteville/Springdale area with approximately the same number of employees as the City of Fayetteville.

City of Fayetteville
Uniforms
REQUEST FOR BID
01-25

To be considered, written bids must be received by March 12th, 2001 no later than 11:00 a.m. in the format set forth in the accompanying documents. A non-responsive or incomplete bid will not be considered. Bids received after this deadline will not be considered. Bids should be hand delivered or mailed to the following address:

City of Fayetteville
Attn: Peggy Vice
Purchasing Division
113 West Mountain Street
Fayetteville, AR 72701
Telephone: (501) 575-8289
Fax: (501) 575-8257

The outside of the envelope must be clearly marked with the bid name and number.

1. It shall be clearly understood that any costs incurred by the bidder in responding to this request for bid is at the bidder's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the bidder for any expense so incurred, regardless of whether or not the bid is accepted.

2. Any inquiries or requests for explanation in regard to the City's requirements should be made to the above listed number. The names of any persons or firms submitting questions, clarifications, or requests will not be disclosed until after the deadline for submitting.

3. Any conditions or expectation on the part of the bidder for performance by the City must be set forth in the bid.

4. At the discretion of the City, one or more bidders may be asked for more detailed information before final award is made.

5. The City will not be responsible for misdirected bids. Bidders should call the Purchasing Office at (501) 575-8289 to insure receipt of their bid documents prior to opening time and date listed above.

6. Bidders must provide the City with their bid signed by a person having legal authority to submit bids on behalf of the bidder.

City of Fayetteville
Bid 01-25
Uniform Rental

Std 65/35 Poly Cotton Blend Shirt w/pocket W/ 100% Cotton Jean

Weekly Rental

22 Shirts & 11 Pants_____

11 Shirts & 11 Pants_____

18 Shirts & 9 Pants_____

9 Shirts & 9 Pants_____

Std 65/35 Poly Cotton Blend Shirt w/pkt W/ Std 65/35 Poly Cotton Blend Pant

Weekly Rental

22 Shirts & 11 Pants_____

11 Shirts & 11 Pants_____

18 Shirts & 9 Pants_____

9 Shirts & 9 Pants_____

100% Cotton Jean

Weekly Rental

11 Pants Only_____

9 Pants Only_____

Std Poly Cotton Blend Pant
Weekly Rental

11 Pants Only_____

9 Pants Only_____

Std 65/35 Poly Cotton Blend Shirt w/pocket
Weekly Rental

22 Shirts Only_____

11 Shirts Only_____

9 Shirts Only_____

Poly Cotton Blend Jackets

Lined Service Jacket or Lined Sport Jacket

Weekly Rental

2 Jackets_____

Weekly Rental

2 Jackets_____

Dress Uniform Shirt w/pocket

11Shirts_____

Additional Charges

Name/Emblem Charge _____/ea

City Division/Emblem Charge _____/ea

Energy/Pollution Charge _____/ea

Delivery Charge _____/ea

Other Charges not listed
Please Specify: _____/ea

Number of days until Startup _____/days

Restocking Charge _____/ea

Size Change Charge _____/ea

Repair Fee/Charge _____/ea

Replacement Charges _____/ea
(Attach list if different for each type of clothing)

Increase for renewal of contract: % Per Year _____

Proposed delivery
schedule:_____
_____
_____
_____

Submitted By:

Bidder:_____ Address:_____

Telephone:_____ _____

Fax: _____ _____

By:_____ Title: _____

Bidder understands that specific quantities are unknown at this time. A list of divisions currently utilizing uniforms is attached.

List of Divisions Currently Utilizing Uniforms

Division	Division Address	Number of Employees
Meter	1475 Cato Springs Road	17
Building Maintenance	115 N Church	12
Traffic	1455 Happy Hollow Road	4
Fleet	1525 Happy Hollow Road	12
Airport	4500 South School	1
Parks & Recreation	1455 Happy Hollow Road	15
Street	1525 Happy Hollow Road	27
Water/Sewer	1475 Cato Springs Road	44
Sidewalk & Trails	1525 Happy Hollow Road	2
Sanitation & Recycling	1560 S Happy Hollow Rd	43

City of Fayetteville
Bid 01-25
Uniform Rental

		Yes or No
1.	Are replacements of worn garments provided free of charge?	_____
2.	Are repairs provided free of charge?	_____
3.	Are size changes provided free of charge?	_____
4.	Is there one specific "Customer Service Representative" that will receive and respond to customer phone calls.	_____

Please list at least three references with contact names and phone numbers that you are currently servicing in the Fayetteville/Springdale area with approximately the same number of employees as the City of Fayetteville.

City of Fayetteville
Fayetteville, AR
501/575-8289

Bid 01-25
Uniforms

Change Item #8 to read:

8. Bidder guarantees firm and fixed pricing for the first full year of the term, the City may consider annual adjustment of prices and fees limited to an annual adjustment of prices and fees for the remaining terms. This adjustment must be requested in writing not-less-than sixty days prior to the end of the then current term.

PEGGY VICE
PURCHASING MANAGER

City of Fayetteville, Arkansas
Uniform Bid
Bid No. 01-25

1. All bids shall be submitted on forms provided by the City.

2. Bidders shall not include state or local sales tax in their bid.

3. Bids received after the date and time set for receiving bids will not be considered.

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City which may consist of accepting or rejecting a portion of the bid as submitted.

5. The City shall be able to adjust the weekly quantities, number of changes, sizes, points of deliveries, colors and exercise any other standard commercial option as may be available in a contract of this type with proper notification to the vendor.

6. Each bidder shall state on the face of the bid form the proposed delivery schedules for each location. (Day of the week, with Holiday provisions)

7. The awarded bid price for each item shall remain good and firm for a period of one (1) year from the date of the contract. The City will reserve the option to renew the contract for four (4) additional one (1) year periods.

8. Bidder guarantees firm and fixed pricing for the entire term, or any extensions thereto, however, the City may consider annual adjustment of prices and fees limited to an annual adjustment of prices and fees. This adjustment must be requested in writing not-less-than sixty days prior to the end of the then current term.

9. All bid prices shall be FOB each point of delivery as specified in the bid form.

10. All merchandise furnished shall be sufficiently serviceable to meet accepted commercial standards. Cleaning, maintenance and replacement schedules at the responsibility of the Vendor shall be completed on a weekly basis. Replacement of buttons, zippers, and necessary repairs and mending will be completed within 2 weeks of notification. Whenever questions regarding standards of quality of merchandise arise, they shall be settled prior to the next delivery by mutual agreement of the Department/Division Head or their designee and the vendor or his representative.

11. Replacement of non-repairable, worn or improperly sized merchandise will be completed within two weeks of notification.

12. Provision of paragraph 10 & 11 shall be considered as normal wear and shall be maintained by the vendor at no charge to the City.

13. Unnecessary damage which may be construed as abuse may be charged to the City upon mutual agreement of the appropriate department/division head or their designee and the vendor or his authorized representative.

14. Responsibility for loss of merchandise shall be as follows:

    a. While merchandise is in the possession of the Vendor, sole responsibility shall remain with the vendor.

    b. While merchandise is in the possession of the City or their designee, sole responsibility shall remain with the City.

    c. Loss of merchandise at time of termination of employee will be the responsibility of the City.

    d. Loss of merchandise at time of termination of contract period will be the responsibility of the City.

15. Substitutions of merchandise shall not occur without the prior mutual agreement of the department/division head or their designee and the vendor or his authorized representative.

16. Substitutions of merchandise due to the temporary inability of the vendor to furnish the proper size, color or type will be allowed for a period not to exceed 30 days per employee. Any extra costs associated with the substitutions such as name/division, emblems, delivery or set up costs, etc. will be the assumed by vendor.

17. Vendor shall maintain proper insurance on employees, helpers and vehicles while on City property. The City shall assume no responsibility in case of accident.

18. Vendor shall schedule all deliveries to conform to normal working hours at each delivery point.

19. Vendor shall maintain sufficient stock of merchandise to service a new employee within 14 days of initial order with serviceable items such as those specified above.

20. Vendor shall supply with each applicable piece of merchandise appropriate insignia/identification approved by the City consisting of the following:

    a. Employees first name as requested shall be placed on each shirt above the right shirt pocket. This insignia shall be 1-1/2" x 3-1/2".

    b. Approved City of Fayetteville Logo shall be placed above the left shirt pocket. This insignia shall be 2-1/2" x 4" with department/division identification.

c. Insignia/identification such as those listed above shall also be included with jackets furnished.

21. Specification of color shall be determined by the appropriate department/division.

22. The City desires individual employee measurement on-site at the department/division within ten (10) days of notification of award and delivery of finished product within twenty (20) days after date of order. All uniforms will be fitted to each individual's requirements for size, including but not limited to length of arms, legs, neck, torso, waist, etc.

23. Delivery of uniforms shall be at proper appropriate locations and be by separate individual packages. Uniforms shall be hung on hangers and hung in a way to keep uniforms in a neat appearance. Pants should be folded over hangers so crease is in front and back of leg.

24. A detailed statement shall be furnished to Finance Division, Accounts Payable, 113 W. Mountain, Fayetteville, AR 72701 on a monthly basis. This statement shall be for the previous calendar month and agree with the individual delivery documents furnished by the vendor at the time of delivery at each location. These delivery documents shall be approved by the appropriate department/division head or designee prior to payment. Discrepancies which may prevent payment shall be called to the attention of the vendor prior to receipt of the next statement.

25. Initial delivery shall begin with full coverage of all employees within 14 days from date of award. Any variance requested by the bidder shall show on the face of the bid form.

26. Choice of either long sleeve or short sleeve shirts, with option to alternate between sleeve length w/season- 2 times per year. Also the choice of jean style or work style pants shall remain for a period of one year for each employee. This choice shall remain applicable for a period of one (1) year from the date of award and exercise of this option shall occur only at time of contract renewal.

27. Failure to comply with any provisions or conditions during the contract period in a timely manner shall result in a written notification to the vendor by the City. Failure to correct any such conditions on a timely basis from said written notification shall result in termination proceedings to be initiated by the City. This shall consist of written notification to the vendor stating the cause of such action, along with terms and conditions which will be exercised in the course of such termination action.

28. Bidder understands and agrees that upon City's request, to provide and/or demonstrate recommended product samples to assist in the evaluation process.

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of **April 17, 2001**

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of the **City-Utility Agreement** between the City of Fayetteville, and Arkansas Western Gas Co. for the necessary adjustments for the **Double Springs Rd. Bridge over Owl Creek** - (An 80%-20% AHTD Project)

COST TO CITY:

$4,044.85	$129,200	Double Springs Rd. Bridge Over Owl Creek- Utility Adjustmts.
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5817-00	$2,539.77	Bridge and Drainage Imprvts.
Account Number	Funds Used To Date	Program Name
98036	$126,660.23	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marsha Huckaby — Accounting Manager — 3/29/01 Date

ADA Coordinator — Date

by Dan J. Whitak — City Attorney — 3/29/01 Date

Nancy Smith — Internal Auditor — 3/29/01 Date

P Price — Purchasing Officer — 3/30/01 Date

STAFF RECOMMENDATION: Approval of the Agreement with AWG Co.

Jim Beavers — Division Head — 3/28/01 Date

Cross Reference

Department Director — 4/2/01 Date

New Item: **Yes X** **No**___

John Magnison — Administrative Services Director — 4/3/01 Date

Prev Ord/Res #:

Orig Contract Date:

Dan Coody — Mayor — 4/4/01 Date

Orig Contract

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD
Jim Beavers, City Engineer JB

From: Sid Norbash, Staff Engineer SN

Date: March 28, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
City-Utility Contract with Arkansas Western Gas Co.

The above referenced project is a Highway Department Project with 80%-20% cost share with the City of Fayetteville.

This project includes a new bridge to replace the existing bridge over the Owl Creek, and some street improvements as well.

The Highway Department has prepared the attached agreement between Arkansas Western Gas Co. and the City of Fayetteville.

The **cost** of this agreement to the City will be 20% of $20,224.25 or **$4,044.85.**

The Staff is requesting the Council's approval of the attached agreement with Arkansas Western Gas Co.

SN/sn
attachments: vicinity map
Agreement

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RECEIVED
MAR 0 2 2001

Dan Flowers
Director
Telephone (501) 569-2000

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

February 28, 2001

Mr. Sid Norbash
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Job 040152 (Utilities)
BRN-9142 (1)
Owl Creek Str. & Apprs.
(Fayetteville) (S)
Route - Section -
Washington County

Dear Mr. Norbash:

We have reviewed and approved the proposed adjustment plans for Arkansas Western Gas Company for the relocation of gas facilities on the above referenced project.

An agreement covering the eligible reimbursable adjustment costs between the City of Fayetteville and Arkansas Western Gas Company has been prepared by the Department. The original and five (5) copies of this agreement is enclosed for your review and concurrence.

If this agreement meets with your approval, please have the instruments executed by the utility and the city and return the original and two (2) copies to this office for our further handling. One extra copy is provided for the city and the utility to have as a temporary file copy until the approved copies are returned with our authorization for you to issue the Work Order Letter.

The adjustment work should not be started until work authorization is received from this office.

Sincerely yours,

Danny J. Cornett
Utility Coordinator
Utilities Section
Right of Way Division

DJC/dah
Enclosures
cc Master Files

AC ☒

LS ☐

CITY-UTILITY RELOCATION AGREEMENT
Between
Arkansas Western Gas Company
And
City of Fayetteville

Project No. 040152 Location Owl Creek Str. & Apprs.

FAUS BRN-9142 (10)

THIS AGREEMENT, made and entered into _____ day of _____, 20 _____, by and between the *City of Fayetteville* of Arkansas, acting by and through its duly authorized officials, hereinafter referred to as the "City", and the *Arkansas Western Gas Company* acting by and through its duly authorized representatives, hereinafter referred to as the "Owner",

The City proposes to make city street improvements as specified under the above referenced job number, and the "Owner" will adjust or relocate its existing facilities as set out in the attached plans and cost estimate.

The "City" has requested that the Arkansas State Highway and Transportation Department assist the "City" by providing technical assistance for cost estimate and plan approval, for making the contractual arrangements between "City" and "Owner", and for processing billing for reimbursement.

This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 96-167 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

DESCRIPTION OF WORK:
Abandon in place approximately 1,455 LF of 2 3/8 inch steel gas line to clear construction. Restore the function by installing 1,570 LF of 3/8 inch steel pipe. The existing 1,455 LF of gas line is 100% reimbursable by prior rights. Work to be by force account.

The required adjustment is 100% eligible for reimbursement for the actual cost which is estimated to be $20,224.25 of which $20,224.25 is to be paid by the City and -0- is to be borne by Owner.

(1) FHWA PORTION 80% (2) CITY PORTION 20%
(3) STATE PORTION _____

Owner will not commence work until authorized by the City/Department and will then endeavor to begin within 30 calendary days and complete within 45 calendar days thereafter.

On completion of said work, "Owner" is responsible for the cleanup and restoration of the work area including the disposal of surplus materials and debris.

(1) Expenses incurred under an actual cost agreement may be billed to the City/Department monthly in increments of $5,000.00 or more.

(2). Payment will be 100% of lump sum bills and 90% of actual cost bills, final 10% being released on completion of audit.

(3). Final billing must include all supporting detail. "Owner" shall also submit one (1) set of "as-built" drawings at this time.

"Owner" must maintain cost records and accounts to support the agreed adjustment/relocation work. Said records to be retained and available for inspection for a period of three (3) years from date of final payment.

"Owner" shall be responsible for any and all hazards to persons, property, and traffic.

With respect to traffic control, Owner shall adhere to the requirements of the "Manual of Uniform Traffic Control Devices", as amended and supplemented.

Owner shall save the City/Department its officers and employees harmless in all circumstances.

Notwithstanding anything hereinbefore written, neither, the "Owner" nor the "City" by execution of this agreement waives or relinquishes any rights which either may legally have within the limits of the Law or Constitution, either State or Federal.

CITY OF FAYETTEVILLE	ARKANSAS WESTERN GAS COMPANY
_____	_____
Title	Title
_____	_____
Title	Title

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **April 17,2001**

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Double Springs Rd. Bridge Replacement Project. Approval of:
(a) funding of this project in the estimated amount of $229,537.
(b) the related budget adjustment.

COST TO CITY:

$229,537	Deposited to date $28,300 $129,200	Double Springs Rd. Bridge Replacement
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5817-00	-0-	Bridge and Drainage Imprvts.
Account Number	Funds Used To Date	Program Name
98036	$129,200	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager	3/29/01 Date	ADA Coordinator	Date
City Attorney	3/29/01 Date	Internal Auditor	3/29/01 Date
Purchasing Officer	3/30/01 Date		

STAFF RECOMMENDATION: Approval of funding and budget adjustment.

Division Head	04/2/01 Date	Cross Reference
Department Director	4/2/01 Date	New Item: **Yes** __ **No X**
Administrative Services Director	4/3/01 Date	Prev Ord/Res #: 138-92
		Orig Contract Date: 9-15-1992
Mayor	4/4/01 Date	Orig Contract ____

Staff Review Form

Description/ Double Springs Rd. Bridge Meeting Date 4-17-2001
Project Name

Comments: Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Don Bunn, Assistant PWD
Jim Beavers, City Engineer for B.

From: Sid Norbash, Staff Engineer sn

Date: March 27, 2001

Re: **Double Springs Rd. Bridge (AHTD Project)**
20% Cost Sharing with the Highway Department

Per attached Resolution 138-92, the above referenced project is a Highway Department Project with 80%-20% cost share with the City of Fayetteville,

This project includes a new bridge to replace the existing bridge over the Owl Creek, and some street improvements as well.

On 10-19-2000, based on interim estimates, the Highway Department estimated the City's share for 20% to be $180,811 (see attached documents). Recently (2-27-2001) the Highway Department prepared the attached revised cost estimate, which estimates the City's share to be $229,537 or $48,726 higher than the previous estimate.

The Staff is requesting that the Council approve the following:
(a) funding of this project in the estimated amount of $229,537.
(b) the related budget adjustment.

Please be advised that the actual final cost to the City could be slightly higher or lower, depending on the actual bids and construction costs.

SN/sn
attachments

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE 20% COST SHARING OF THE DOUBLE SPRINGS ROAD BRIDGE OVER OWL CREEK AND TO APPROVE A BUDGE ADJUSTMENT OF $72,037.00

WHEREAS, the Board of Directors of Fayetteville agreed to pay its 20% share of the cost of construction of the Double Springs Road bridge over Owl Creek and designated this as its top priority bridge project by Resolution #138-92 on September 15, 1992; and

WHEREAS, the State Highway Department is now prepared to move forward and let contracts for the bridge at an estimated cost to the City of Fayetteville of $229,537.

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

Section 1. The City Council hereby reaffirms its agreement to pay 20% of the construction costs for the Double Springs Road bridge over Owl Creek and authorizes the Mayor to pay such cost share to the Arkansas High Department.

Section 2. The City Council hereby approves the Budget Adjustment in the amount of $72,037.00 for this project. The Budget Adjustment is attached hereto as Exhibit A.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Public Works	Date Requested	Adjustment #
2001	Division:	Engineering	March 19, 2001	
	Program:	Sales Tax Capital		

Project or Item Requested:

$72,037 is requested in the Double Springs Road Bridge capital project.

Project or Item Deleted:

$72,037 from the Miscellaneous Drainage Improvements Project.

Justification of this Increase:

The additional funding is to cover the City's 20% cost share match of the revised estimates of the project.

Justification of this Decrease:

Sufficient funding remains in project to meet objectives.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Bridge & Drainage Imprvs	72,037	4470	9470		5817	00	98036	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Bridge & Drainage Imprvs	72,037	4470	9470		5817	00	97041	40

Approval Signatures

[signature]	3-19-2001
Requested By	Date
[signature] for SW	3-19-2001
Budget Manager	Date
Department Director	Date
A. 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 _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

C:\DATA\FORMS\BA-ADJ\BA_01007.WK4

RESOLUTION NO. 138-92

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF FAYETTEVILLE, ARKANSAS TO MATCH FEDERAL-AID BRIDGE REPLACEMENT AND REHABILITATION MONIES FOR THE BRIDGE ON DOUBLE SPRINGS ROAD OVER OWL CREEK.

WHEREAS, the City of Fayetteville understands Federal-Aid Bridge Replacement and Rehabilitation funds are available for replacement or rehabilitation of eligible structures; and

WHEREAS, the City has determined that the top priority bridge is on Double Springs Road over Owl Creek; and

WHEREAS, the City understands that their matching portion of this project will be 20% of the total cost, and should the escrowed City matching funds be inadequate to cover the City's obligation, the Department may cause this deficiency to be withheld from the allotment of gasoline tax returnable to the City;

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

Section 1. That the City of Fayetteville will participate in accordance with its designated responsibility in this project.

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this bridge improvements on city streets. A copy of the agreement is attached hereto and made a part hereof.

Section 3. The City of Fayetteville pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to construct this project.

PASSED AND APPROVED this 15th day of September, 1992.

APPROVED:

By: Fred A. Koegler
Mayor

ATTEST:

By: Sherry L. Thomas
City Clerk

Job 040152, Owl Creek Str. & Apprs. (Fayetteville)
FAP No. 118-9142-001
Total Cost Estimate Based on Interim Estimates
Prepared by Lorie Tudor, 10/19/00

	Total	Federal (80%)	City (20%)
Actual PE charges (thru 10/13/00)	$ 70,055	$ 56,044	$ 14,011
Estimated ROW	42,000	33,600	8,400
Estimated Utilities	62,000	49,600	12,400
Estimated Construction	635,000	508,000	127,000
Estimated CENG (15%)	95,000	76,000	19,000
	$ 904,055	$ 723,244	$ 180,811
Less Deposits by City			(19,900)
Estimated Amount Due From City			$ 160,911

Bridge Length: 110 ft.
Cross Section: 2 -11 ft. lanes, 8 ft. shoulders (38 ft. total width)

Raised 8 ft. from lowest point of existing roadway

Total length of bridge and approaches - 1,500 ft.

Post-it® Fax Note 7671	Date 10/19/00	# of pages ▶ 1
To [redacted]rlie Venable	From Lorie Tudor	
Co./Dept.	Co.	
Phone #	Phone # 569-2485	
Fax # 501-575-2257	Fax #	

RECEIVED
FEB 27 2001
Engr.

Job 040152, Owl Creek Str. & Apprs. (Fayetteville) (S)
F.A.P. BRN-9142-(1)
Cost Estimate Based on Revised Interim Estimate dated 02/09/01
(Project now includes a 100' X 28' Temporary Bridge
and a 143' X 7' Retaining Wall at the City's pump station)

	Total	Federal (80%)	City (20%)
Actual PE charges (thru 01/06/01)	$ 106,437	$ 85,150	$ 21,287
Estimated ROW	42,000	33,600	8,400
Estimated Utilities	62,000	49,600	12,400
Estimated Construction	815,000	652,000	163,000
Estimated CENG (15%)	122,250	97,800	24,450
	$ 1,147,687	$ 918,150	$ 229,537
Less Deposits by City			(28,300)
Estimated Amount Due From City			$ 201,237

Bridge Length: 116 ft.
Cross Section: 2 -11 ft. lanes, 8 ft. shoulders (38 ft. total width)

New bridge will be raised approximately 8' from lowest point of the existing roadway

Total length of bridge and approaches - 1,500 ft.

Jim,
Please call and let us know whether or not to move forward with this project based on this revised estimate.

Thanks,
Lorie

AHTD
Programs & Contracts
Mr. Frank Vozel
P.O. Box 2261
LR 72201 - 2261

...st-it® Fax Note 7671		Date 2/27/01	# of pages ▶ 1
...Jim Beavers		From Lorie Tudor	
...Dept.		Co.	
...one #		Phone # 569-2485	
...x # 575-2512		Fax #	

TOTAL P.01

Add to U.D.O., Chapter 170:

§170.3(B)(7). Projects not requiring detention. Any land which requires a stormwater drainage management, drainage, and erosion control permit that does not require detention may receive, with the approval of the City engineer, a permit allowing grading before final drainage calculations are approved. Any grading permit issued before approval of final drainage permit may be subject to reasonable conditions imposed by the city engineer.

Add to U.D.O., Chapter 169:

§169.03(B)(10). Projects not requiring detention. If a plan does not require detention, the City Engineer may permit grading before final drainage permit are approved. Any grading permit issued before approval of final drainage calculations may be subject to reasonable conditions imposed by the City Engineer.

Add to U.D.O., Chapter 153:

§153.07(D) Failure to obtain approval of final drainage permit within 120 days of issuance of a grading permit.

A stop work order may be issued by the City Engineer for all grading on projects issued grading permits before approval of drainage permit if such permit are not approved within 120 days of the issuance of said grading permit. The 120 day period includes the time for all City reviews, including the time between submittal and review of the drainage calculations (time in queue) and any submittals and subsequent reviews. Any stop work order shall be made only upon a finding by the City Engineer that continued delay in providing drainage calculations is unreasonable on the part of the drainage permit applicant. Any stop work order issued under this provision shall expire upon the approval of final drainage permit and compliance with any conditions contained in the drainage permit.

Draft

STAFF REVIEW FORM

X AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

r the Fayetteville City Council meeting of **April 17, 2001.**

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUIRED: To approve a resolution for AD 01-13.00 to adopt the drainage study for floodplain and floodway delineation for Mud Creek Tributary at CMN Business Park II, Phase II, prepared by Holloway, Updike and Bellen, Inc. for Milholland Company, dated September, 2000.

COST TO CITY:

$

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
by: D. J. Whitaf	04/05/01		
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommends approval.

Division Head	3-30-01 Date	Cross Reference
Department Director	4-5-01 Date	New Item: **Yes**
Administrative Services Director	4/5/01 Date	Prev Ord/Res #: _____
Mayor	Date	Orig Contract Date: _____
		Orig Contract Number: _____

RESOLUTION NO. _____

A RESOLUTION APPROVING AD 01-13.00 TO ADOPT THE DRAINAGE STUDY FOR FLOODPLAIN AND FLOODWAY DELINEATION FOR THE UNNAMED TRIBUTARY (MCT-3) TO MUD CREEK AT CMN BUSINESS PARK II, PHASE II, PREPARED BY HOLLOWAY, UPDIKE AND BELLEN, INC. FOR MILHOLLAND COMPANY, DATED SEPTEMBER, 2000.

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

Section 1. That the City Council hereby Approves AD 01-13.00 to adopt the drainage study for Floodplain and Floodway Delineation for the Unnamed Tributary (MCT-3) to Mud Creek at CMN Business Park II, Phase II, prepared by Holloway, Updike and Bellen, Inc. for Milholland Company, dated September, 2000.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAINAGE STUDY

for

FLOODPLAIN AND FLOODWAY DELINEATION
MUD CREEK TRIBUTARY
CMN BUSINESS PARK II, PHASE II

FAYETTEVILLE, ARKANSAS

Prepared for
Milholland Company

Holloway, Updike and Bellen, Inc.
Consulting Engineers
Muskogee - Tulsa

REGISTERED PROFESSIONAL ENGINEER
TERRY L. BODINGS
15072
11/29/00
OKLAHOMA

September 2000

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9676
11/29/00
DEREK GARVIN

HOLLOWAY, UPDIKE AND BELLEN, INC.

ENGINEERS

818 East Side Boulevard
Post Office Box 1543
Muskogee, Oklahoma 74402
(918) 682-7811
(918) 682-4551 Fax

Max Holloway
Jay Updike
Bruce Bellen
Joe Reid
Terry Eddings
Gaila Hiebert
Greg Armstrong

October 25, 2000

Brock Hoskins, P.E.
Garver Engineers
3810 Front Street, Suite 10
Fayetteville, AR 72703

Re: Drainage Study for MCT-3
CMN Business Park, Fayetteville, AR

Dear Brock:

Enclosed are nine copies of the final Drainage Study for the referenced project.

Included in Appendix A is a Floodplain and Floodway Plan Sheet showing the 100 year Floodway and Floodplain Boundary. The 100 year flood elevation just upstream of the Shiloh Drive Bridge Box is 1205.34 versus 1205.05 from the TWH Consulting Drainage Study. A comparison of the 100 year flood profile from this study with the TWH study is included in Appendix B along with the Q25 and Q100 freeboard at Van Ashe and Shiloh Streets.

If you have any questions or require any additional information, please call.

Sincerely yours,

HOLLOWAY, UPDIKE AND BELLEN, INC.

Terry Eddings

Terry Eddings PE
Vice President

TE:tbp 005070

Enclosures

TABLE OF CONTENTS
DRAINAGE STUDY
MUD CREEK TRIBUTARY

I. Introduction 1

II. Methods and Assumptions 2

III. Results 2

TABLE

100 Year Ultimate Developed Floodplain and Floodway Data Chart

APPENDIX A

APPENDIX B

DRAINAGE STUDY FOR FLOODPLAIN AND FLOODWAY DELINEATION MUD CREEK TRIBUTARY CMN BUSINESS PARK II, PHASE II FAYETTEVILLE, ARKANSAS

I. INTRODUCTION:

The purpose of this study was to determine the 100 year floodplain and floodway for the unnamed tributary (MCT3) to Mud Creek which flows across the CMN Business Park II, Phase II. Previous studies by Milholland Company dated December 1998, Garver Engineers dated May 1999 and TWH Consulting dated October 1999 were utilized for this study.

The following tasks were completed for this study:

A. Verified and utilized drainage areas and previous estimates of runoff from TWH Consulting study.

B. Verified elevation and structure data to ensure continuity between plans, previous studies, survey and hydraulic model.

C. Developed DTM and contours along MCT3 using surveyed cross sections.

D. Developed HEC-RAS model of MCT3 from survey data (September 2000)

E. Mapped boundaries of the 100 year floodplain and floodway.

II. METHODS AND ASSUMPTIONS:

HEC-RAS Version 2.2 was used for development of hydraulic models. Peak flows from the TWH Consulting study were used for this model. Downstream starting water surface elevations were taken from the Garver Engineers study using the Effective Existing Condition model. Surveyed cross sections of the completed channel, taken in September 2000, were used for this model. Due to planed Stream Enhancement Mitigation, higher roughness co-efficients were used to reflect the planting of trees in the overbanks and placement of rip rap in the channel.

Project Stationing begins with Station 0+00 at the centerline of Mud Creek. See

Appendix A for Floodplain and Floodway Plan Sheet showing cross section location and stationing. Appendix B contains a comparison of this study's cross sections with the TWH Consulting HEC-2 model cross sections.

III. RESULTS:

A summary of 100 year water surface elevation along with floodplain and floodway widths is presented in the following table:

River Station	Station ID	100 year WSEL	100 year flood plain width	Flood way Width	100 year WSEL w/ Encroach	Change in WSEL
175	1	1187.50	390	124	1187.50	0.00
185	2	1187.50	367	138	1187.49	-0.01
375	3	1187.68	192	54	1187.75	0.07
535	4	1191.18	40	40	1191.17	-0.01
705	5	1194.27	180	56	1194.58	0.31
965	6	1194.60	142	142	1195.26	0.66
1100	7	1196.48	152	64	1196.32	-0.16
1250	8	1197.50	164	61	1198.30	0.80
1400	9	1199.82	102	32	1200.60	0.78
1550	10	1205.34	88	88	1205.34	0.00
WEST BRANCH						
1585	10.3	1205.23	63			
1610	10.5	1205.53	73			
EAST BRANCH						
1625	10.2	1205.65	88			
1650	10.6	1205.95	50			

100 YEAR ULTIMATE DEVELOPED
FLOODPLAIN AND FLOODWAY DATA

APPENDIX A

HEC-RAS OUTPUT TABLE

HEC-RAS PLOTTED PROFILE

HEC-RAS PLOTTED CROSS SECTIONS

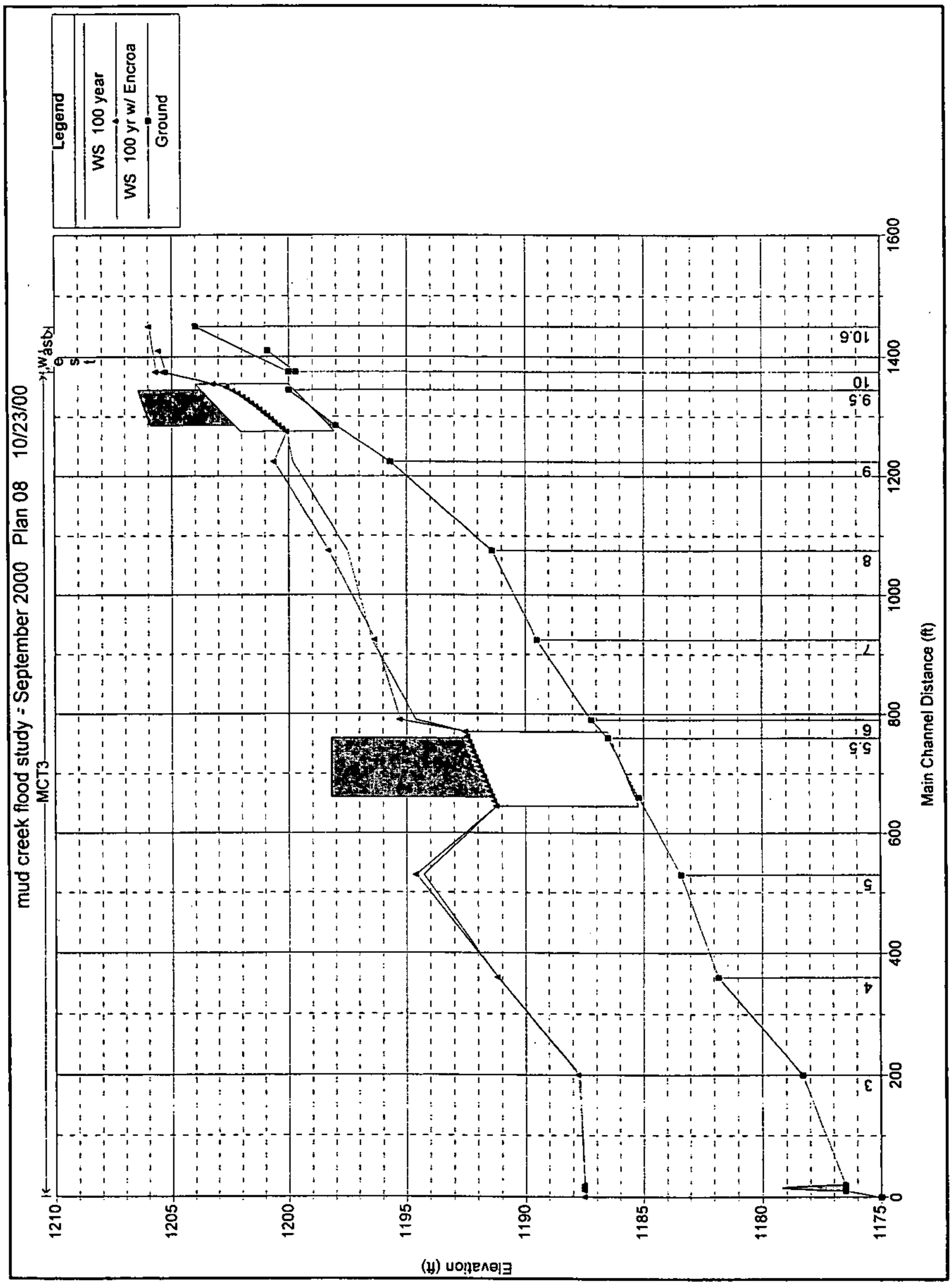
FLOODPLAIN AND FLOODWAY PLAN SHEET

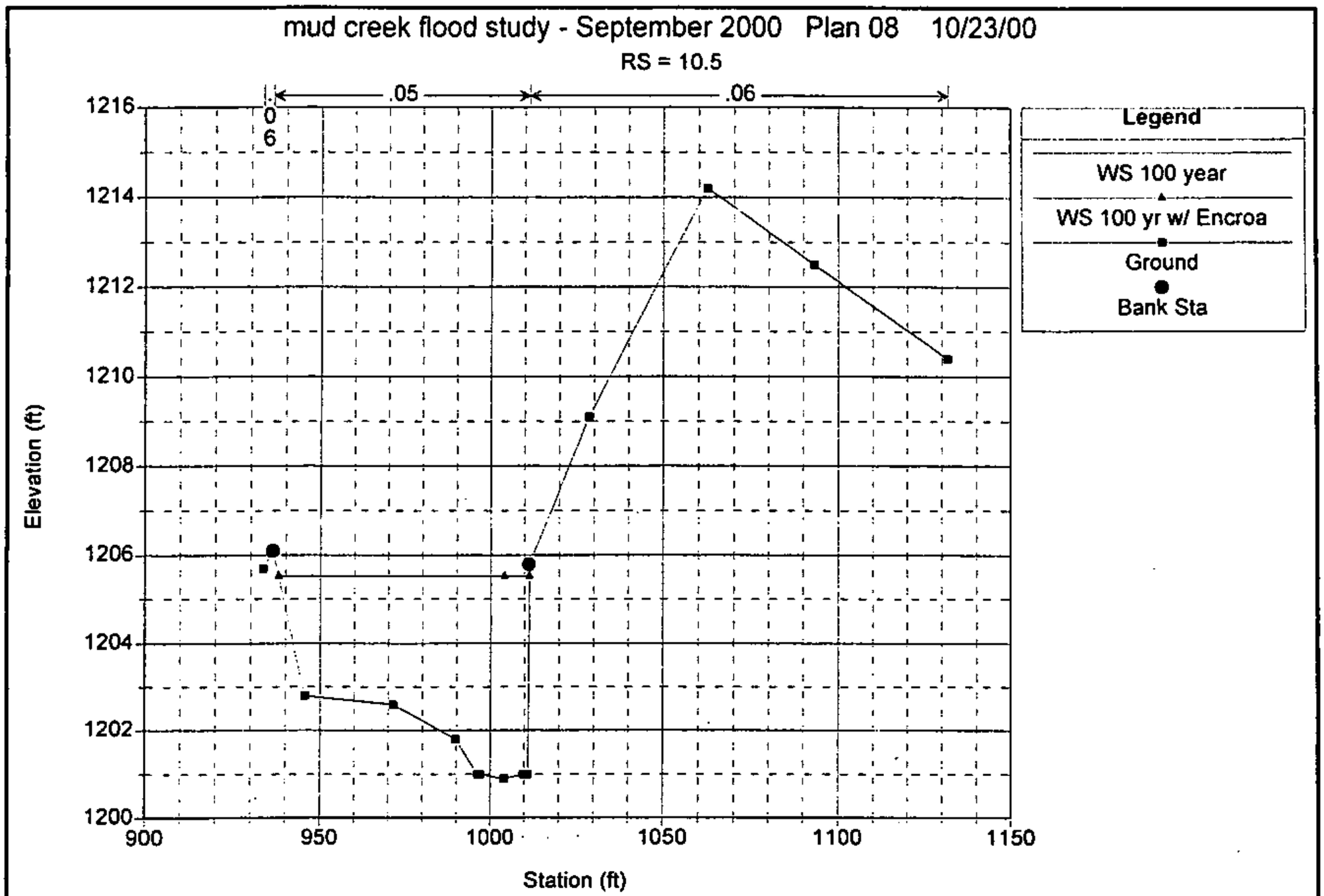
HEC-RAS Plan: Plan 07

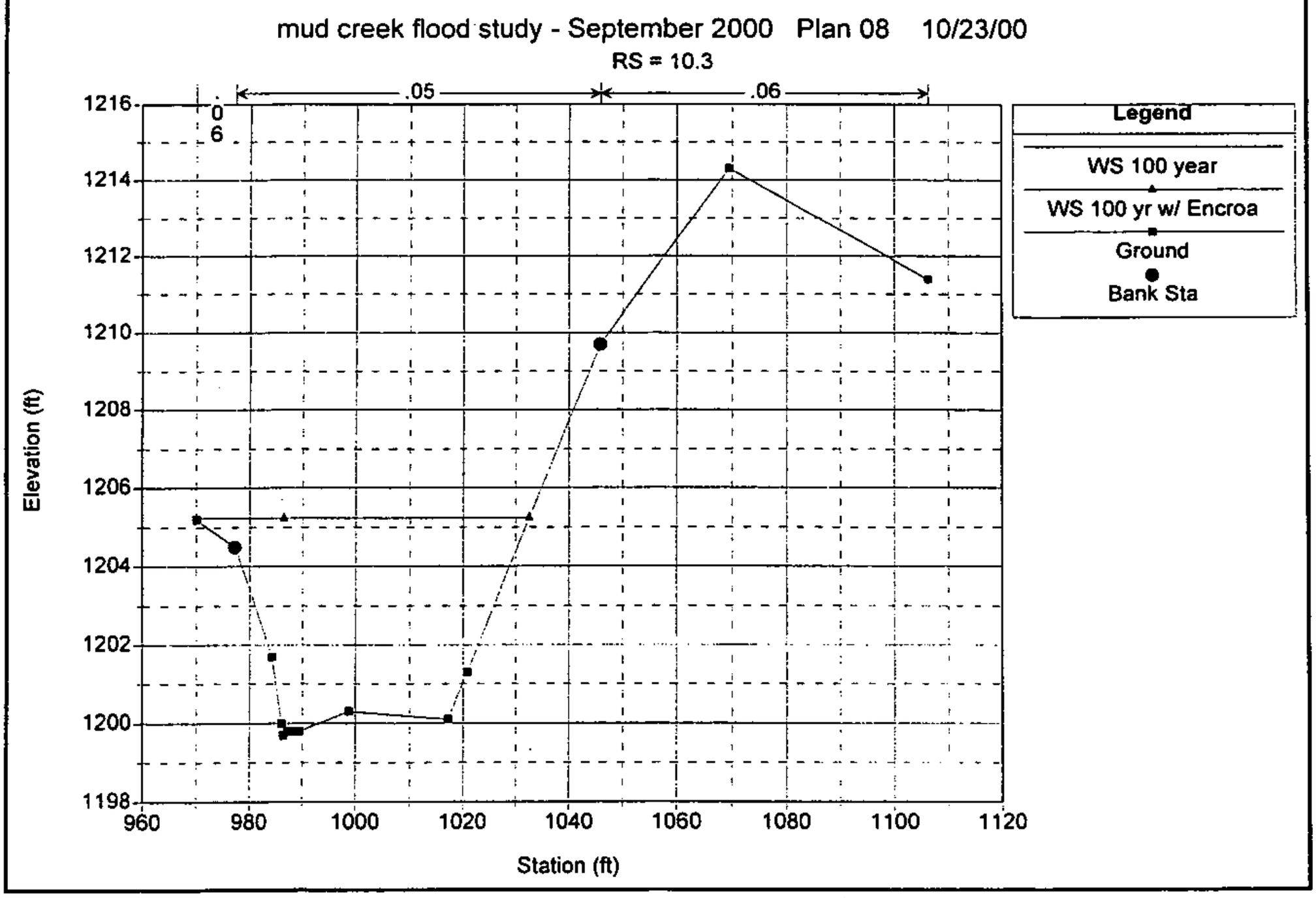
Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
west	10.5	1236.80	1200.90	1205.53		1205.94	0.006768	5.16	239.79	73.47	0.50
west	10.5	1236.80	1200.90	1205.53		1205.94	0.006768	5.16	239.79	73.47	0.50
west	10.3	1236.80	1199.70	1205.23		1205.71	0.005821	5.57	224.15	62.55	0.49
west	10.3	1236.80	1199.70	1205.23		1205.71	0.005821	5.57	224.15	62.55	0.49
east	10.6	318.23	1204.00	1205.95	1205.95	1206.74	0.033381	7.13	44.85	30.22	1.00
east	10.6	318.23	1204.00	1205.95	1205.95	1206.74	0.033381	7.13	44.85	30.22	1.00
east	10.2	318.23	1200.00	1205.65		1205.69	0.000531	1.79	189.22	50.42	0.15
east	10.2	318.23	1200.00	1205.65		1205.69	0.000531	1.79	189.22	50.42	0.15
MCT3	10	1554.60	1200.00	1205.34	1202.85	1205.67	0.002767	4.67	365.12	87.63	0.36
MCT3	10	1554.60	1200.00	1205.34	1202.85	1205.67	0.002767	4.67	365.12	87.63	0.36
MCT3	9.5	Culvert									
MCT3	9	1554.60	1195.70	1199.82	1199.82	1201.00	0.022174	9.96	215.37	102.02	0.95
MCT3	9	1554.60	1195.70	1200.60	1200.60	1202.71	0.029865	11.65	133.41	32.00	1.01
MCT3	8	1571.10	1191.40	1197.50		1197.90	0.006199	6.74	410.69	163.68	0.52
MCT3	8	1571.10	1191.40	1198.30		1199.01	0.007074	7.91	272.98	60.51	0.57
MCT3	7	1571.10	1189.50	1196.48		1196.85	0.007880	6.49	410.44	152.22	0.49
MCT3	7	1571.10	1189.50	1196.32		1197.37	0.017987	9.62	227.70	63.89	0.74
MCT3	6	1571.10	1187.20	1194.60	1194.31	1195.38	0.014805	8.51	302.54	141.75	0.66
MCT3	6	1571.10	1187.20	1195.26	1194.31	1195.69	0.007551	6.59	404.08	160.72	0.48
MCT3	5.5	Culvert									
MCT3	5	1655.50	1183.40	1194.27		1194.52	0.003031	4.54	542.96	180.47	0.31
MCT3	5	1655.50	1183.40	1194.58		1195.03	0.004740	5.53	327.89	56.36	0.37
MCT3	4	1655.50	1181.80	1191.18	1191.18	1193.07	0.041156	11.03	150.04	39.95	1.00
MCT3	4	1655.50	1181.80	1191.17	1191.17	1193.07	0.041518	11.07	149.48	39.83	1.01
MCT3	3	1655.50	1178.30	1187.68		1188.03	0.006091	5.77	467.29	191.58	0.42
MCT3	3	1655.50	1178.30	1187.75		1188.52	0.011250	7.61	255.93	54.40	0.55
MCT3	2.5	1655.50	1176.50	1187.51	1183.93	1187.58	0.000982	2.87	1106.55	367.40	0.18
MCT3	2.5	1655.50	1176.50	1187.50	1183.93	1187.65	0.001924	3.75	630.25	138.06	0.24
MCT3	2.05	Inline Weir									
MCT3	2	1653.70	1176.50	1187.50		1187.57	0.000989	2.88	1102.97	367.40	0.18
MCT3	2	1653.70	1176.50	1187.49		1187.64	0.001932	3.75	628.91	138.06	0.24
MCT3	1	1653.70	1175.00	1187.50	1182.54	1187.56	0.000680	2.71	1254.91	389.60	0.15
MCT3	1	1653.70	1175.00	1187.50	1182.54	1187.61	0.001183	3.31	713.72	124.17	0.18

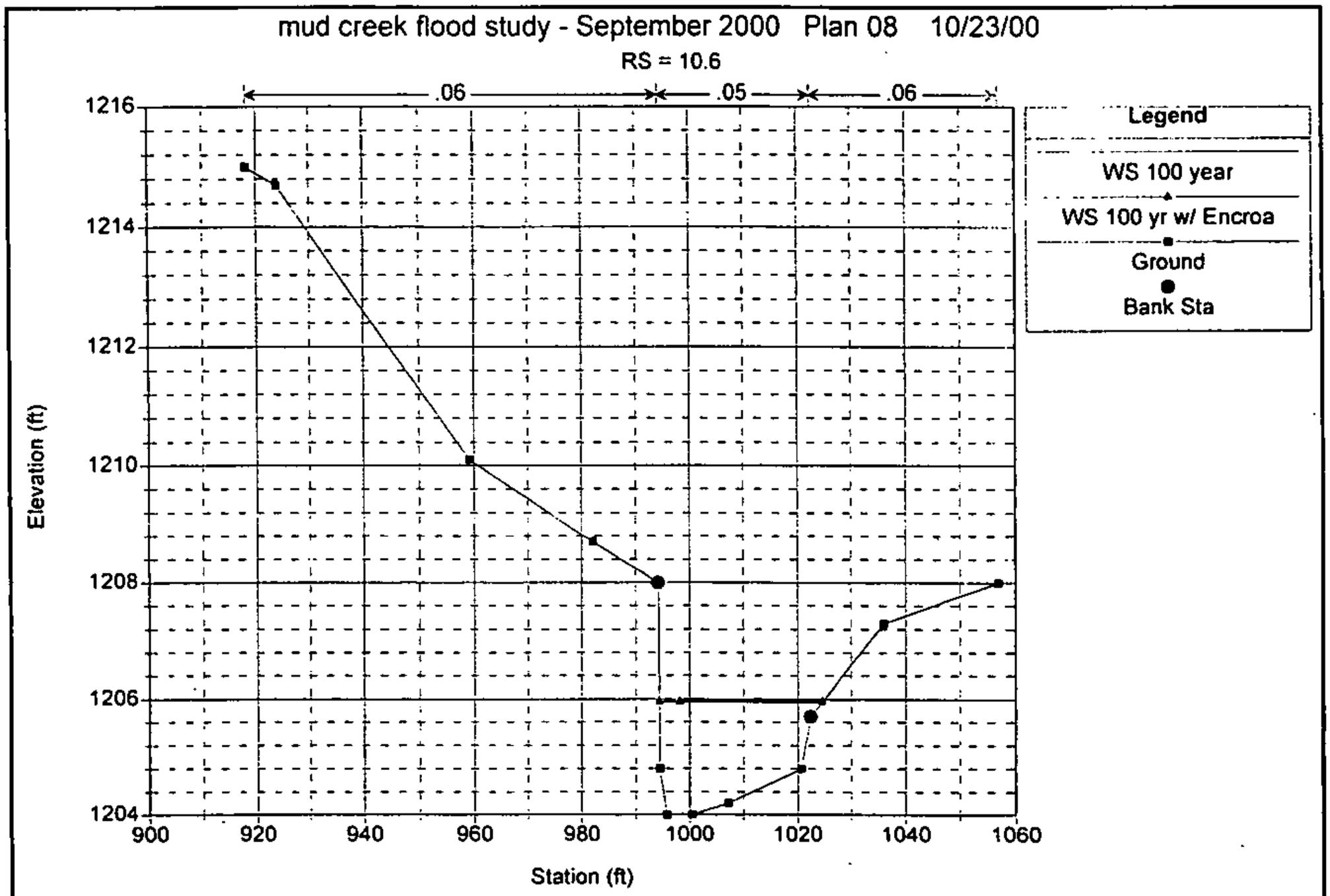
HEC-RAS Plan: Plan 07

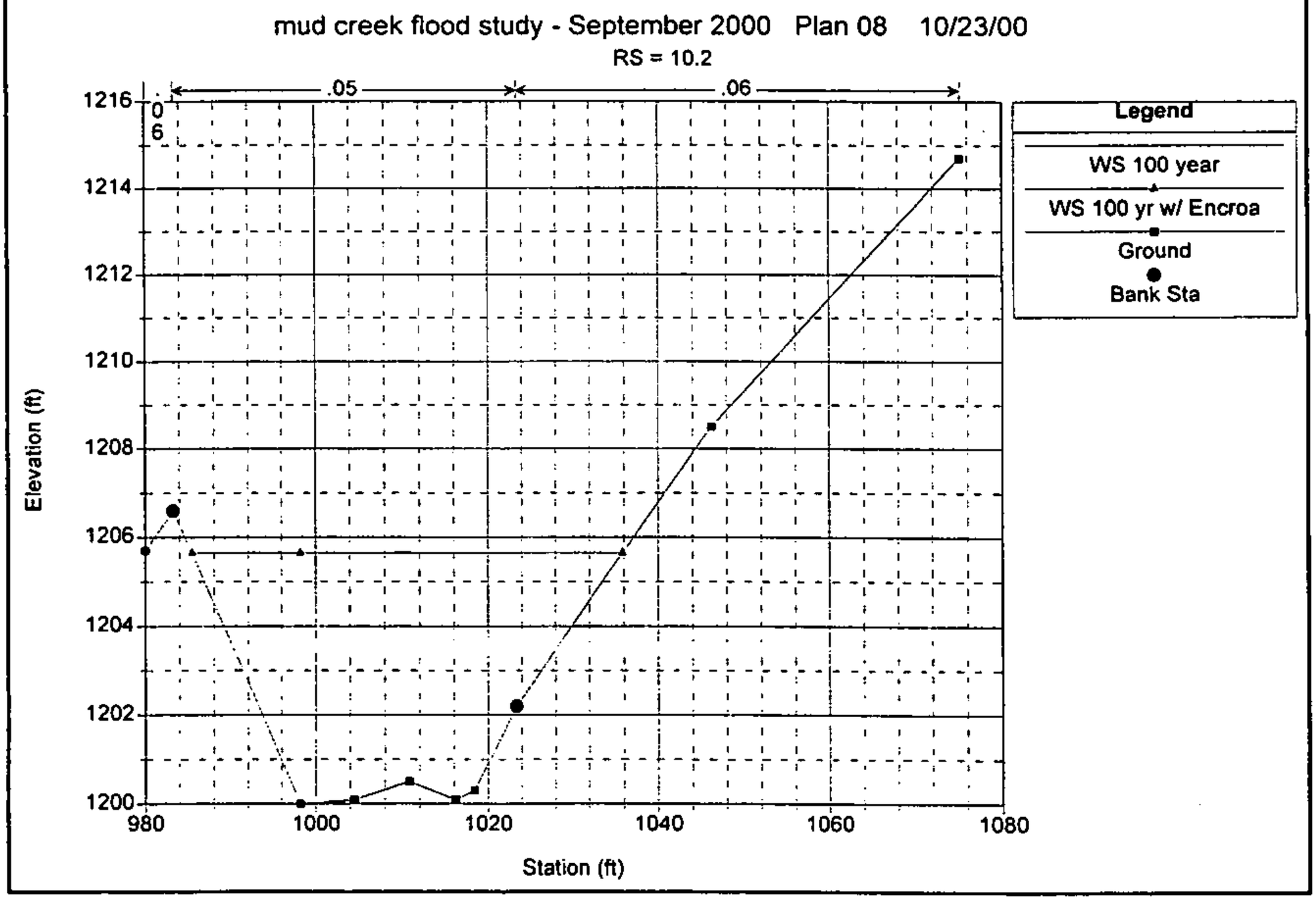
Reach	River Sta	W.S. Elev	Prof Delta WS	E.G. Elev	Top Width Act	Q Left	Q Channel	Q Right	Enc Sta L	Ch Sta L	Ch Sta R	Enc Sta R
		(ft)	(ft)	(ft)	(ft)	(cfs)	(cfs)	(cfs)	(ft)	(ft)	(ft)	(ft)
west	10.5	1205.53		1205.94	73.47		1236.80			936.30	1011.40	
west	10.5	1205.53	0.00	1205.94	73.47		1236.80			936.30	1011.40	
west	10.3	1205.23		1205.71	62.55	2.76	1234.04			977.30	1045.90	
west	10.3	1205.23	0.00	1205.71	62.55	2.76	1234.04			977.30	1045.90	
east	10.6	1205.95		1206.74	30.22		317.92	0.31		994.30	1022.50	
east	10.6	1205.95	0.00	1206.74	30.22		317.92	0.31		994.30	1022.50	
east	10.2	1205.65		1205.69	50.42		301.04	17.19		983.30	1023.40	
east	10.2	1205.65	0.00	1205.69	50.42		301.04	17.19		983.30	1023.40	
MCT3	10	1205.34		1205.67	87.63	51.33	1473.21	30.06		970.00	1030.00	
MCT3	10	1205.34	0.00	1205.67	87.63	51.33	1473.21	30.06		970.00	1030.00	
MCT3	9.5	Culvert										
MCT3	9	1199.82		1201.00	102.02	324.26	1079.79	150.55		975.40	1007.40	
MCT3	9	1200.60	0.78	1202.71	32.00		1554.60		975.40	975.40	1007.40	1007.40
MCT3	8	1197.50		1197.90	163.68	424.74	750.30	396.06		981.30	1002.80	
MCT3	8	1198.30	0.79	1199.01	60.51	338.07	1016.77	216.26	956.48	981.30	1002.80	1016.99
MCT3	7	1196.48		1196.85	152.22	370.23	705.17	495.70		990.10	1010.00	
MCT3	7	1196.32	-0.16	1197.37	63.89	161.98	1015.40	393.72	978.85	990.10	1010.00	1042.74
MCT3	6	1194.60		1195.38	141.75	199.83	1020.20	351.07		984.90	1008.10	
MCT3	6	1195.26	0.67	1195.69	160.72	243.09	891.69	436.32		984.90	1008.10	
MCT3	5.5	Culvert										
MCT3	5	1194.27		1194.52	180.47	200.38	1198.59	256.53		981.30	1021.30	
MCT3	5	1194.58	0.31	1195.03	56.36		1527.52	127.98	981.30	981.30	1021.30	1037.66
MCT3	4	1191.18		1193.07	39.95		1655.50			978.60	1019.30	
MCT3	4	1191.17	-0.01	1193.07	39.83		1655.50		978.60	978.60	1019.30	1019.30
MCT3	3	1187.68		1188.03	191.58	611.83	1003.40	40.27		987.00	1016.70	
MCT3	3	1187.75	0.06	1188.52	54.40	318.80	1336.70		962.30	987.00	1016.70	1016.70
MCT3	2.5	1187.51		1187.58	367.40	225.51	727.35	702.64		979.90	1013.00	
MCT3	2.5	1187.50	-0.01	1187.65	138.06		947.46	708.04	979.90	979.90	1013.00	1117.96
MCT3	2.05	Inline Weir										
MCT3	2	1187.50		1187.57	367.40	225.28	728.23	700.19		979.90	1013.00	
MCT3	2	1187.49	-0.01	1187.64	138.06		947.44	706.26	979.90	979.90	1013.00	1117.96
MCT3	1	1187.50		1187.56	389.60	152.89	725.02	775.79		983.10	1009.90	
MCT3	1	1187.50	0.00	1187.61	124.17		885.69	768.01	983.10	983.10	1009.90	1107.27

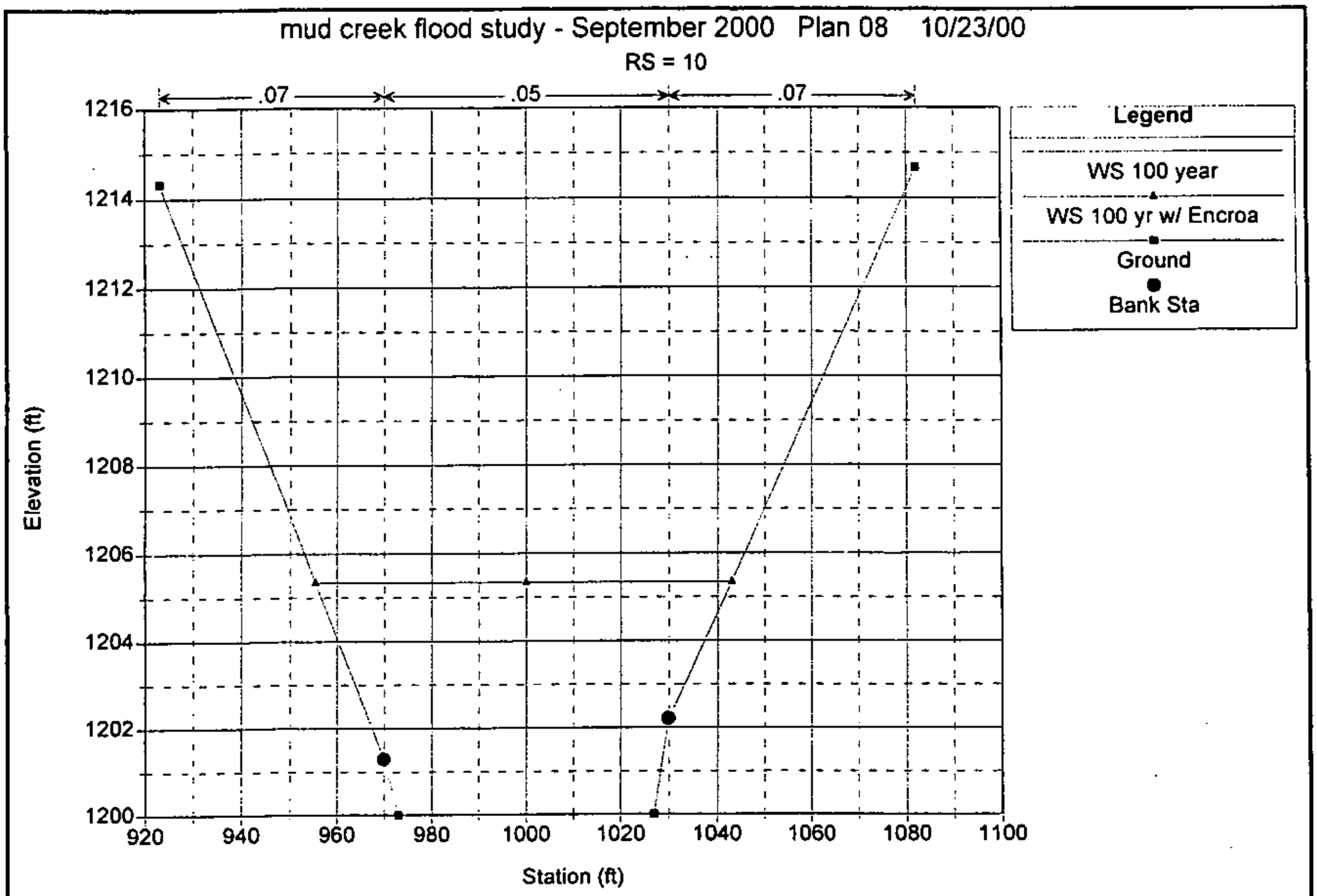

mud creek flood study - September 2000 Plan 08 10/23/00
MCT3
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Elevation (ft)
Main Channel Distance (ft)
1210
1205
1200
1195
1190
1185
1180
1175
0
200
400
600
800
1000
1200
1400
1600
3
4
5
5.5
6
7
8
9
9.5
10
10.6

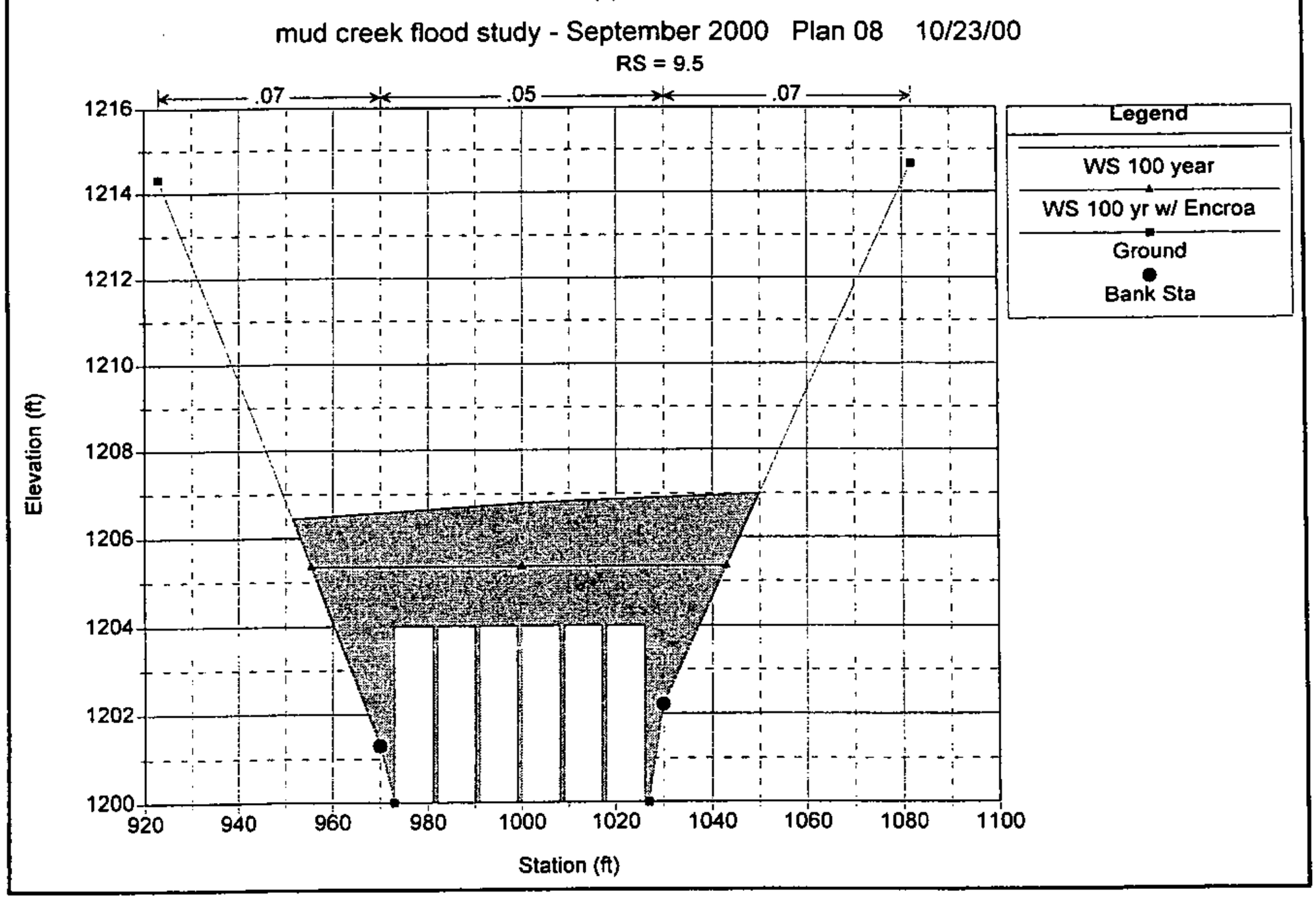

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 10.5
.05
.06
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
Station (ft)
1216
1214
1212
1210
1208
1206
1204
1202
1200
900
950
1000
1050
1100
1150

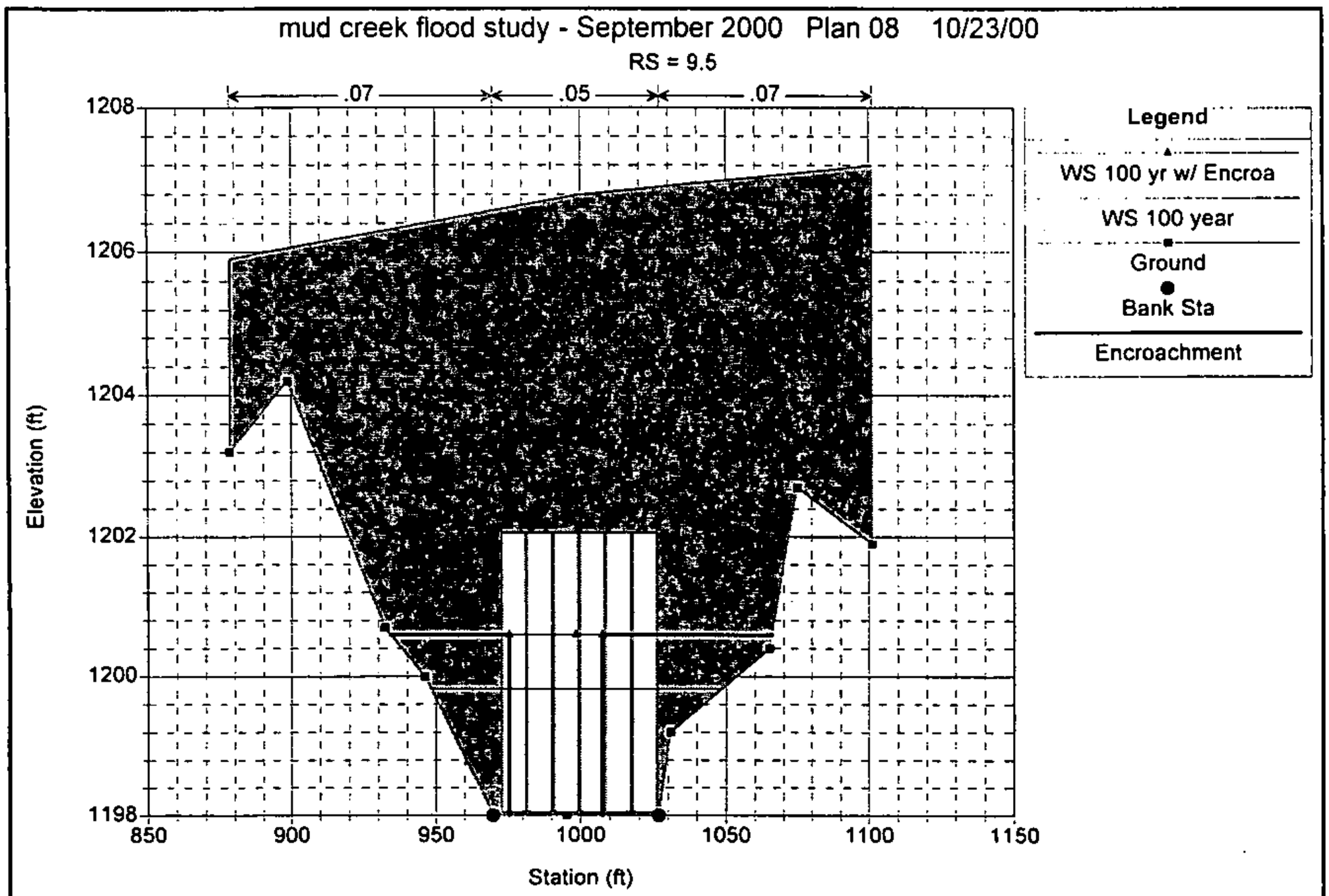

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 10.3
.05
.06
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
Station (ft)
1216
1214
1212
1210
1208
1206
1204
1202
1200
1198
960
980
1000
1020
1040
1060
1080
1100
1120

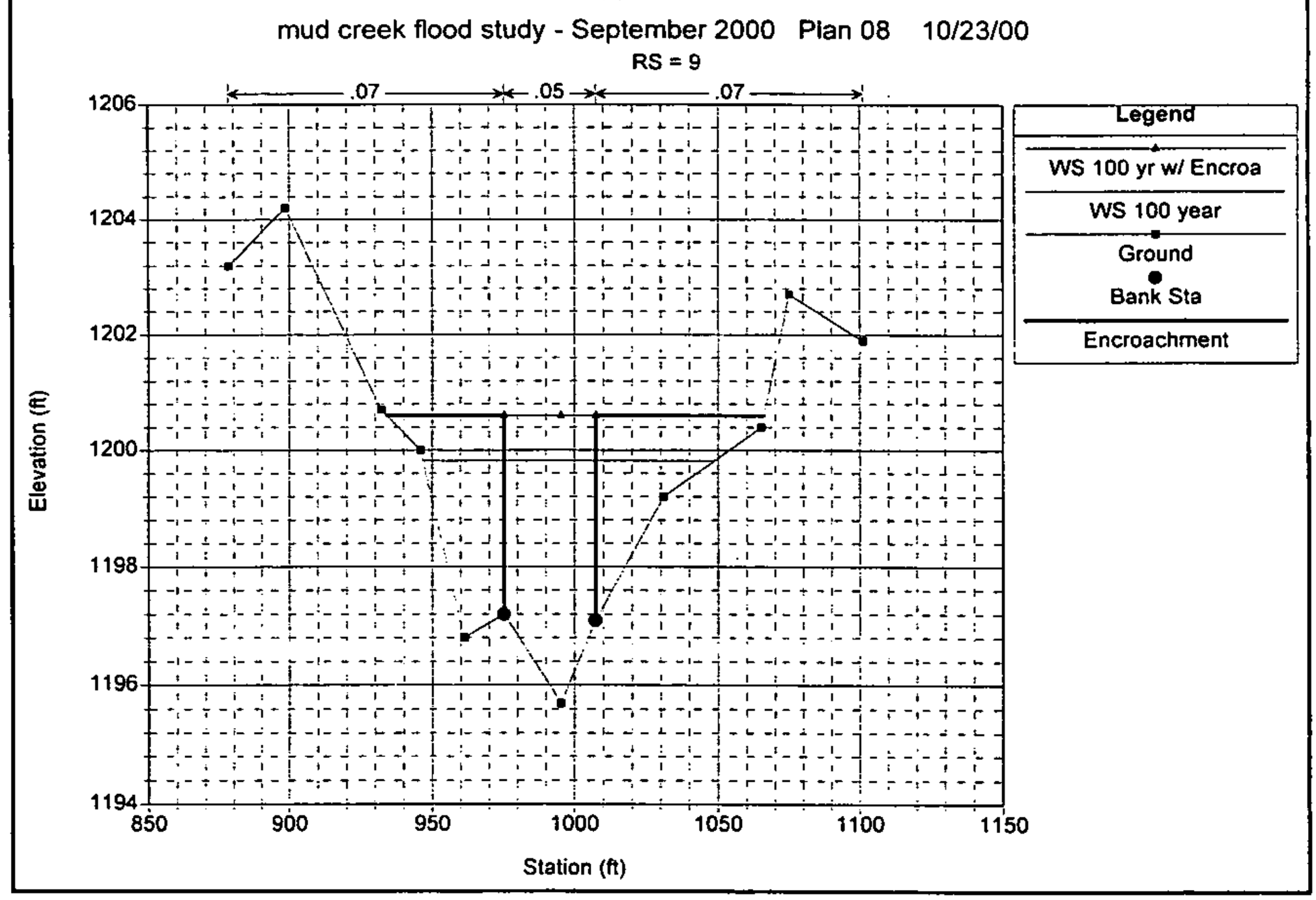

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 10.6
.06
.05
.06
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1216
1214
1212
1210
1208
1206
1204
900
920
940
960
980
1000
1020
1040
1060
Station (ft)

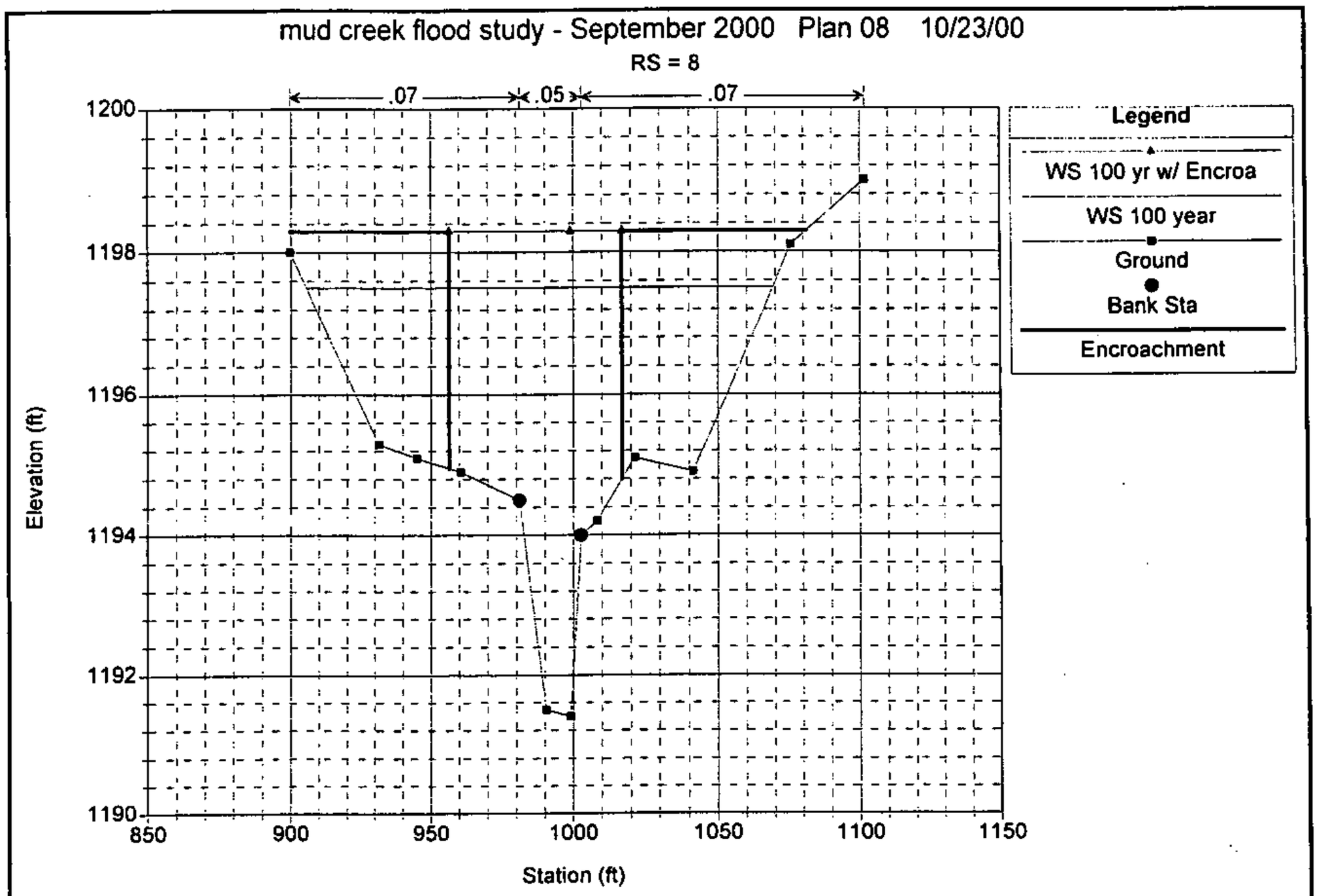

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 10.2
.05
.06
.06
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1216
1214
1212
1210
1208
1206
1204
1202
1200
980
1000
1020
1040
1060
1080
Station (ft)

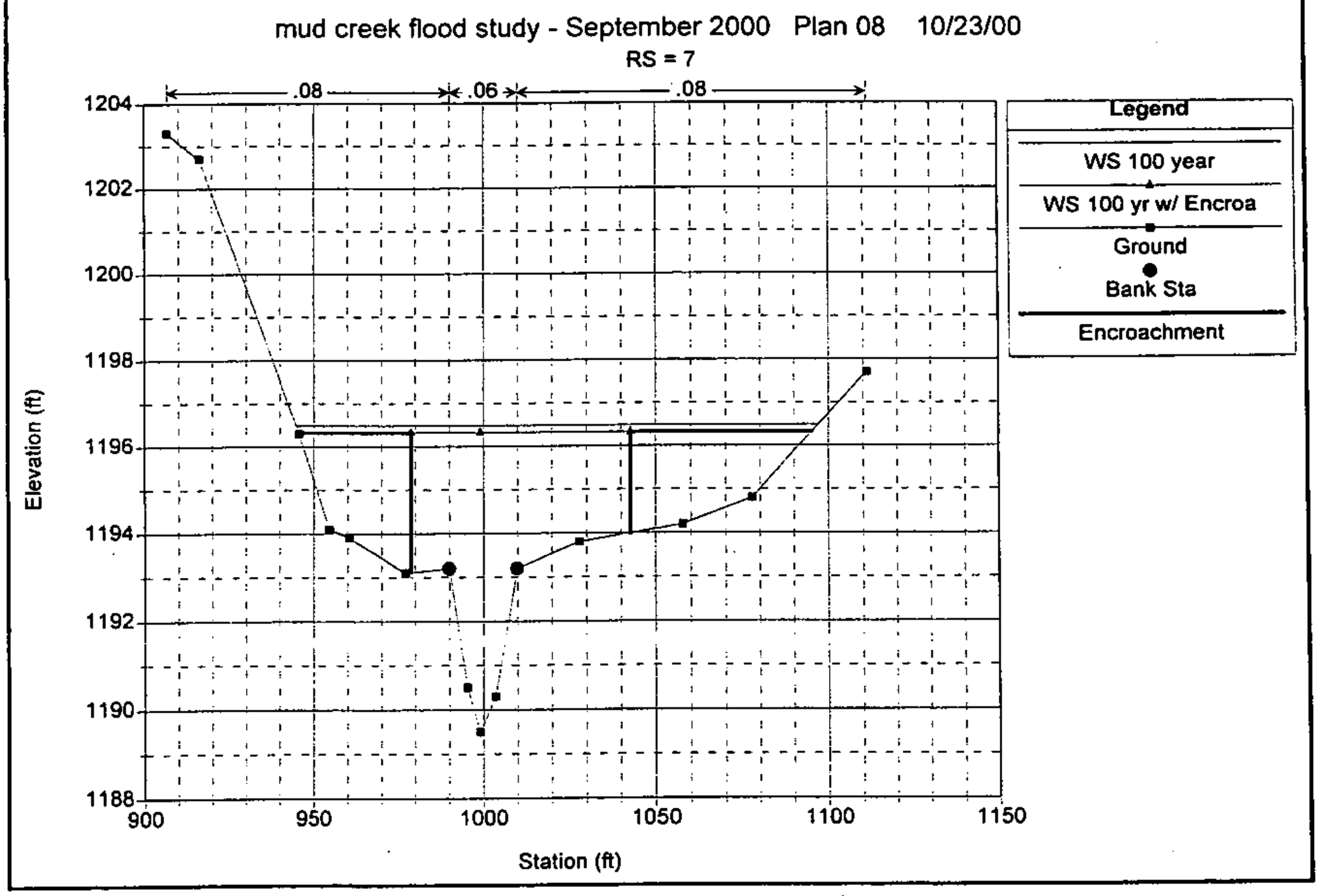

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 10
.07
.05
.07
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1216
1214
1212
1210
1208
1206
1204
1202
1200
920
940
960
980
1000
1020
1040
1060
1080
1100
Station (ft)

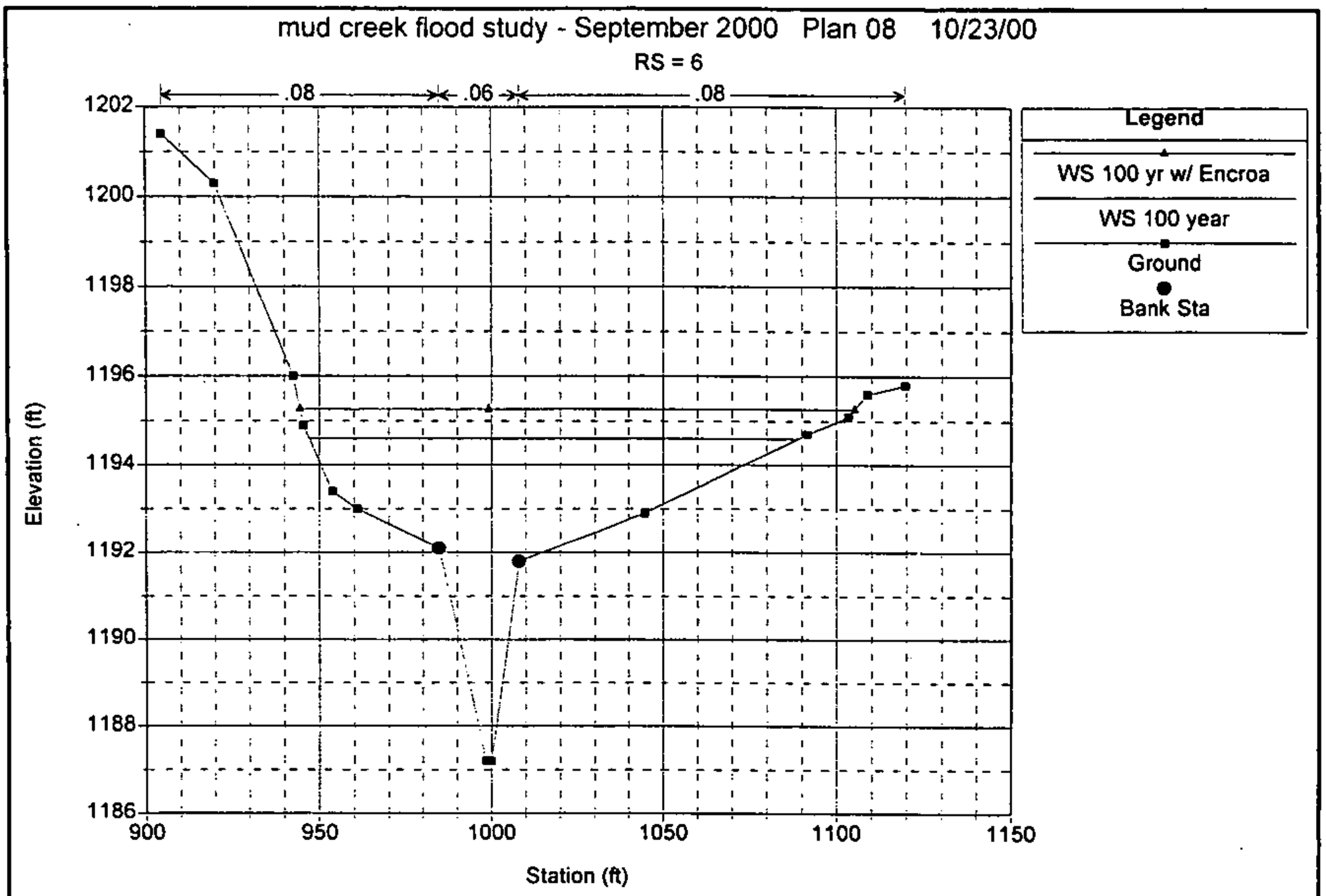

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 9.5
.07
.05
.07
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1216
1214
1212
1210
1208
1206
1204
1202
1200
920
940
960
980
1000
1020
1040
1060
1080
1100
Station (ft)

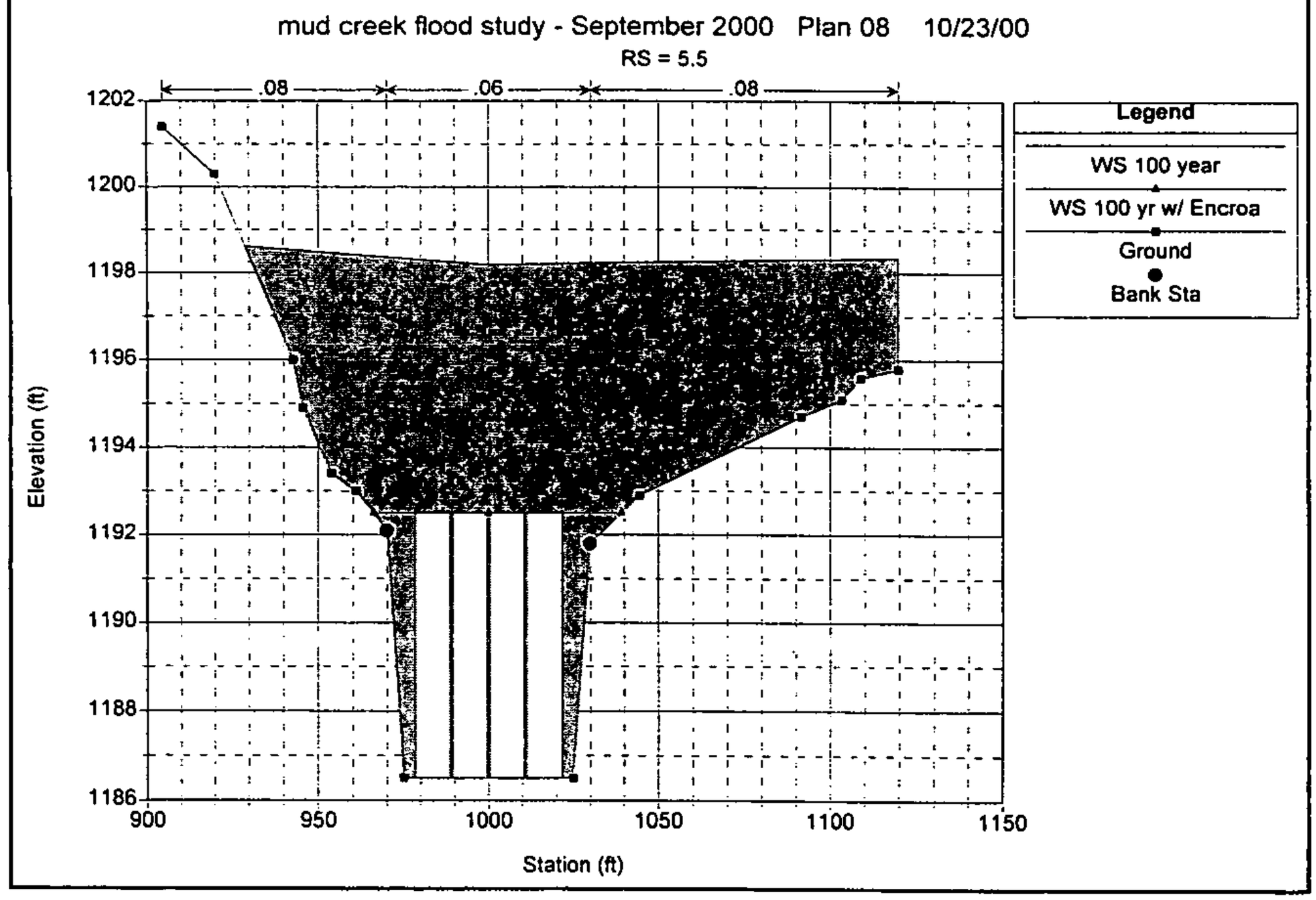

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 9.5
.07
.05
.07
1208
1206
1204
1202
1200
1198
Elevation (ft)
850
900
950
1000
1050
1100
1150
Station (ft)
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Encroachment

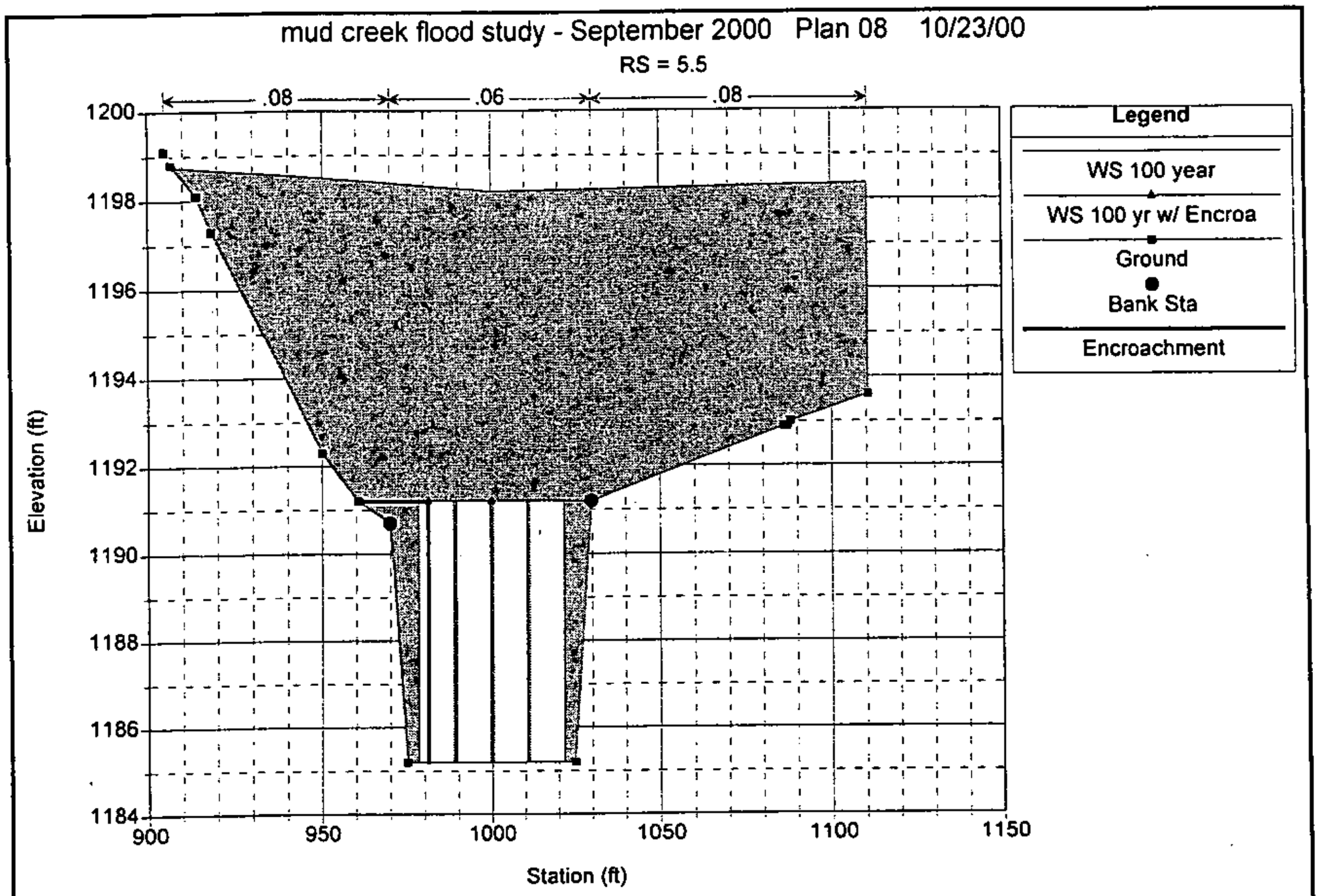

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 9
.07
.05
.07
1206
1204
1202
1200
1198
1196
1194
Elevation (ft)
850
900
950
1000
1050
1100
1150
Station (ft)
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Encroachment

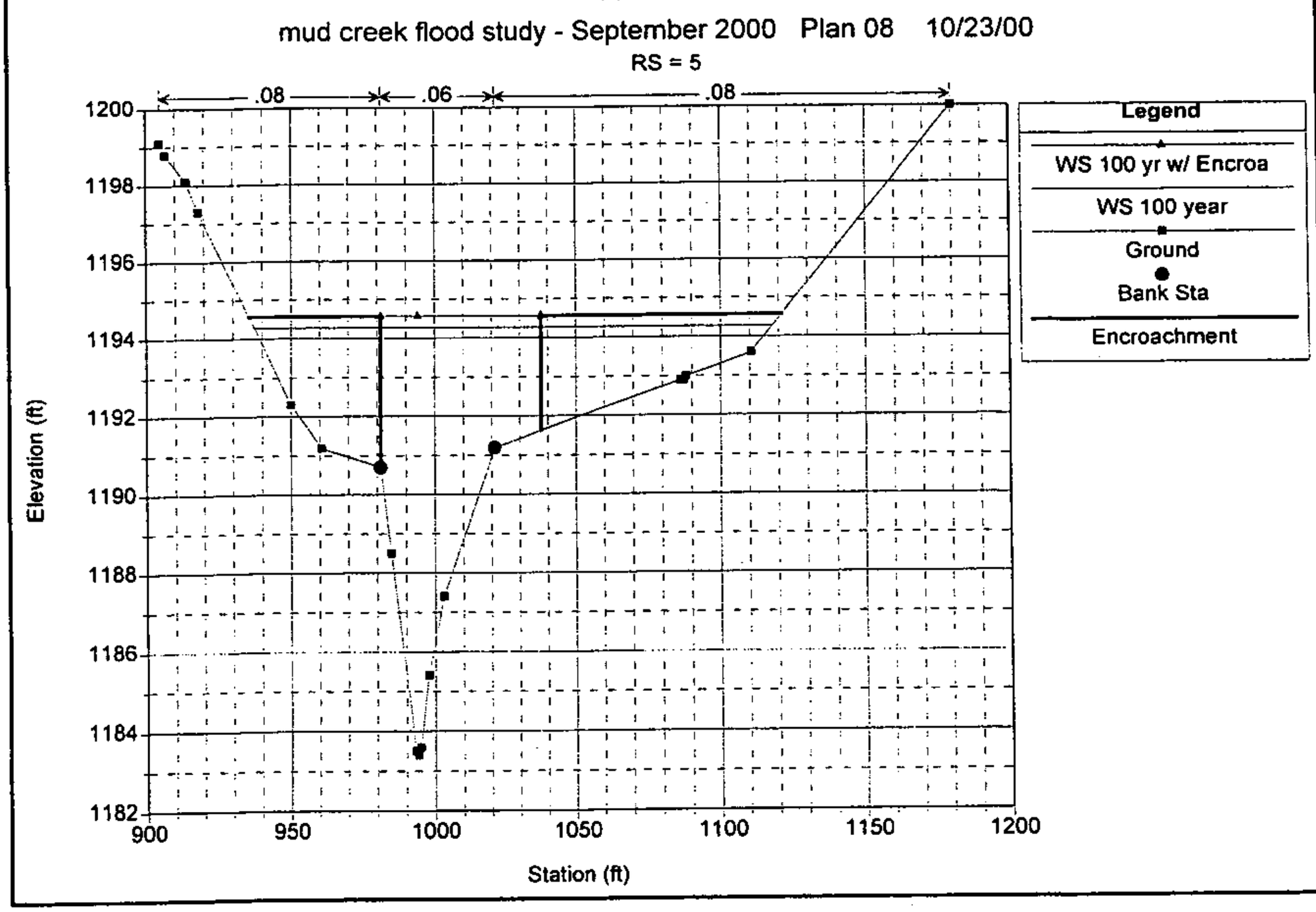

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 8
.07
.05
.07
1200
1198
1196
1194
1192
1190
Elevation (ft)
850
900
950
1000
1050
1100
1150
Station (ft)
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Encroachment

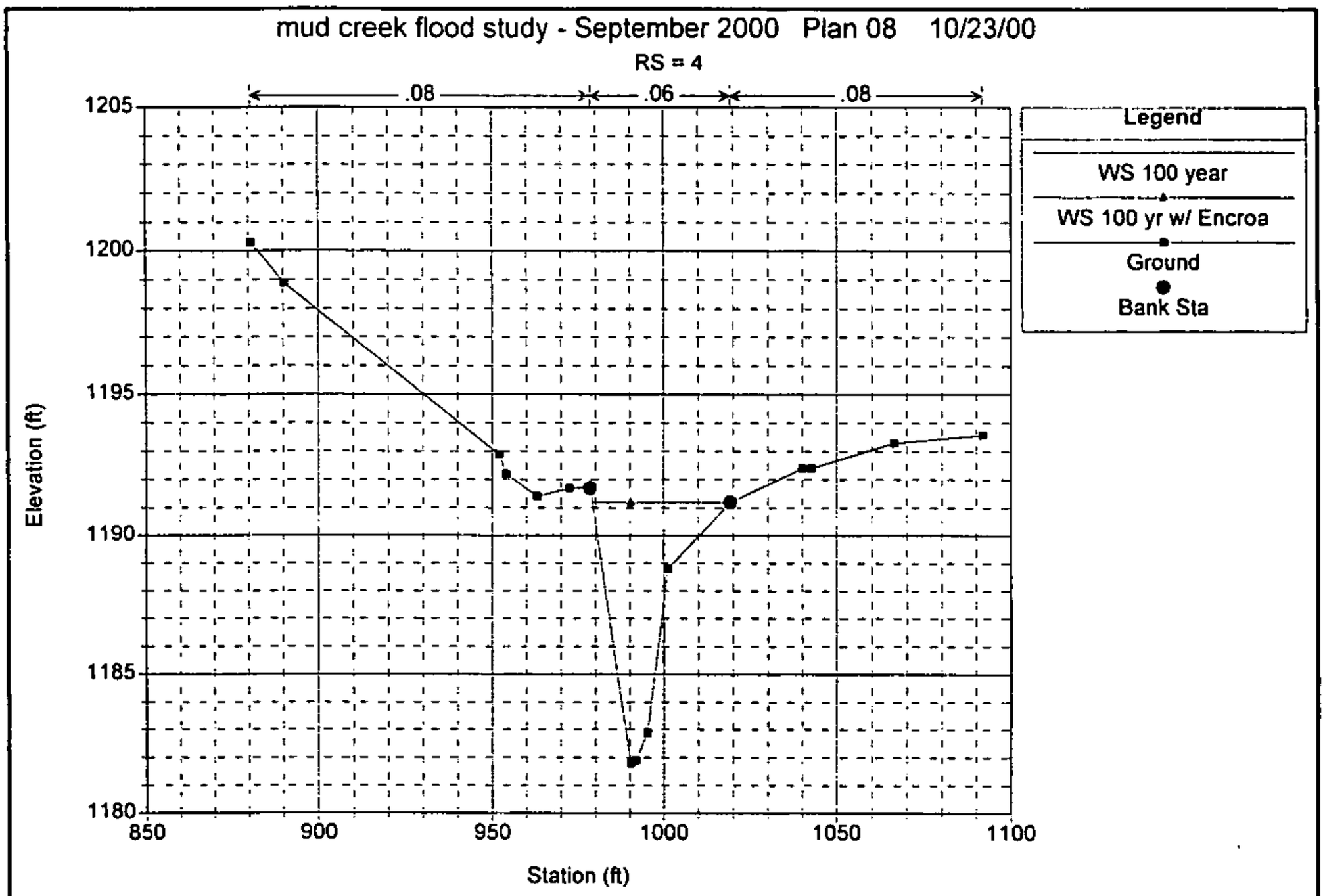

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 7
.08
.06
.08
1204
1202
1200
1198
1196
1194
1192
1190
1188
Elevation (ft)
900
950
1000
1050
1100
1150
Station (ft)
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment

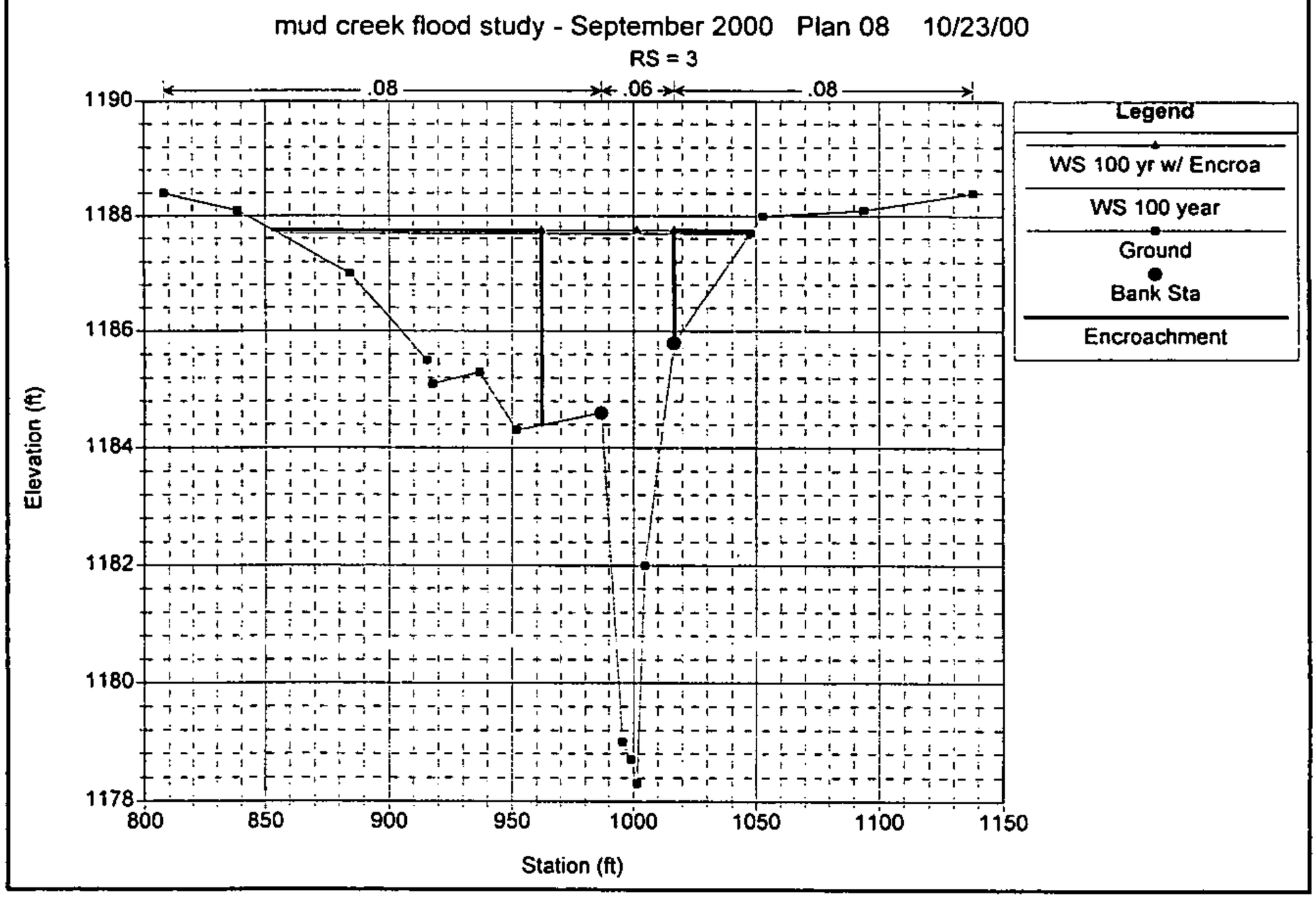

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 6
.08
.06
.08
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Elevation (ft)
1202
1200
1198
1196
1194
1192
1190
1188
1186
900
950
1000
1050
1100
1150
Station (ft)

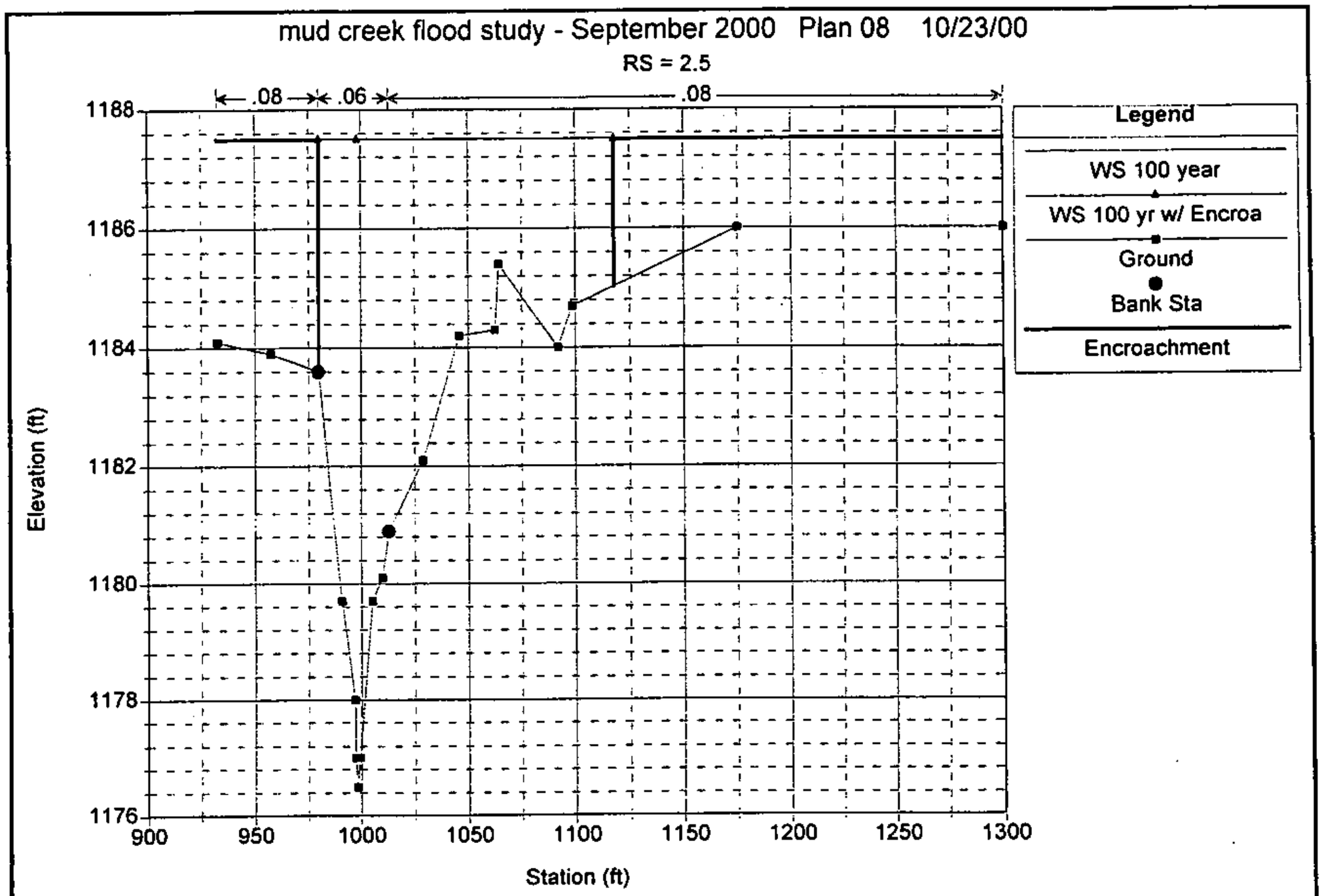

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 5.5
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1202
1200
1198
1196
1194
1192
1190
1188
1186
900
950
1000
1050
1100
1150
Station (ft)

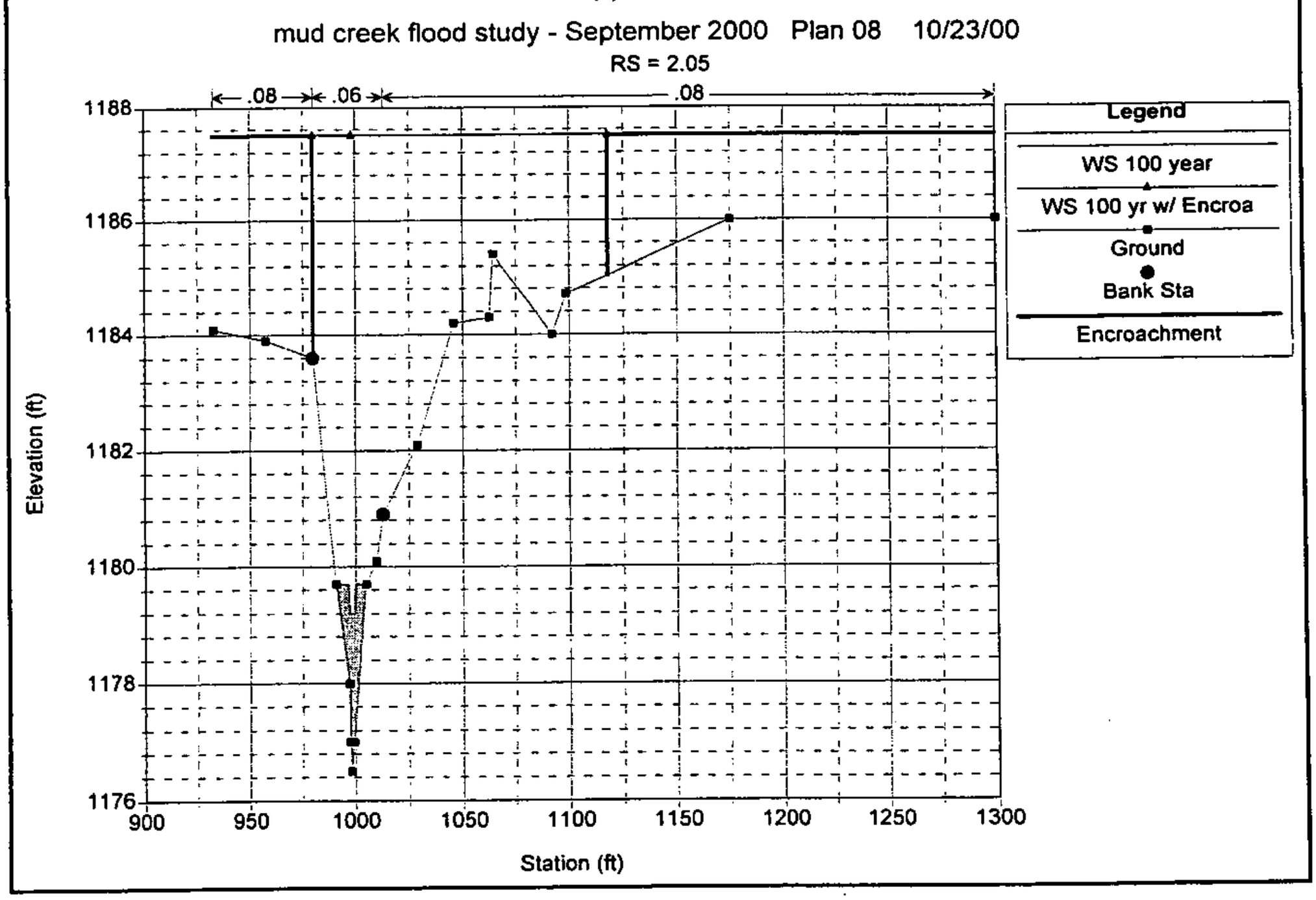

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 5.5
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment
Elevation (ft)
1200
1198
1196
1194
1192
1190
1188
1186
1184
900
950
1000
1050
1100
1150
Station (ft)

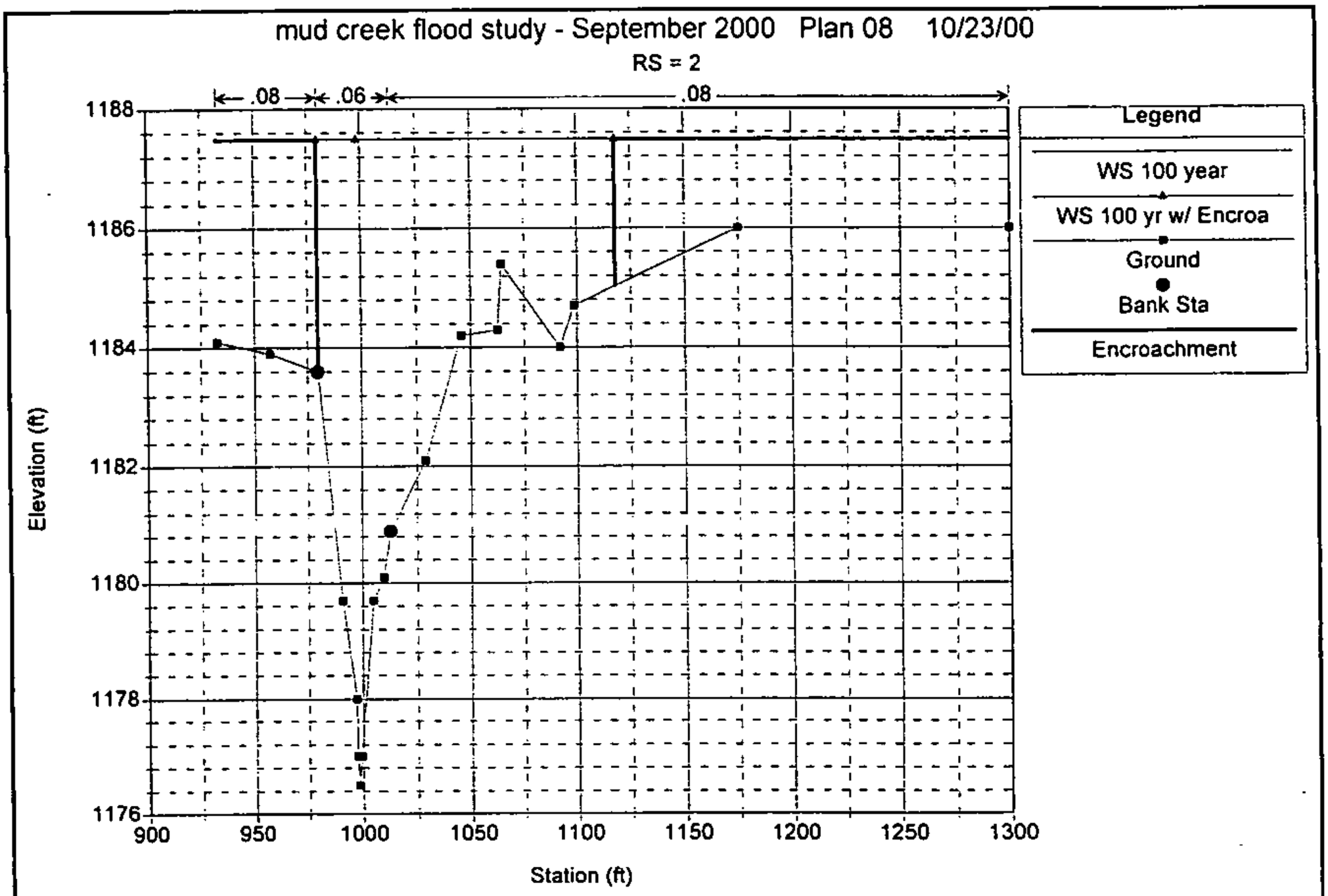

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 5
.08
.06
.08
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Encroachment
Elevation (ft)
1200
1198
1196
1194
1192
1190
1188
1186
1184
1182
900
950
1000
1050
1100
1150
1200
Station (ft)

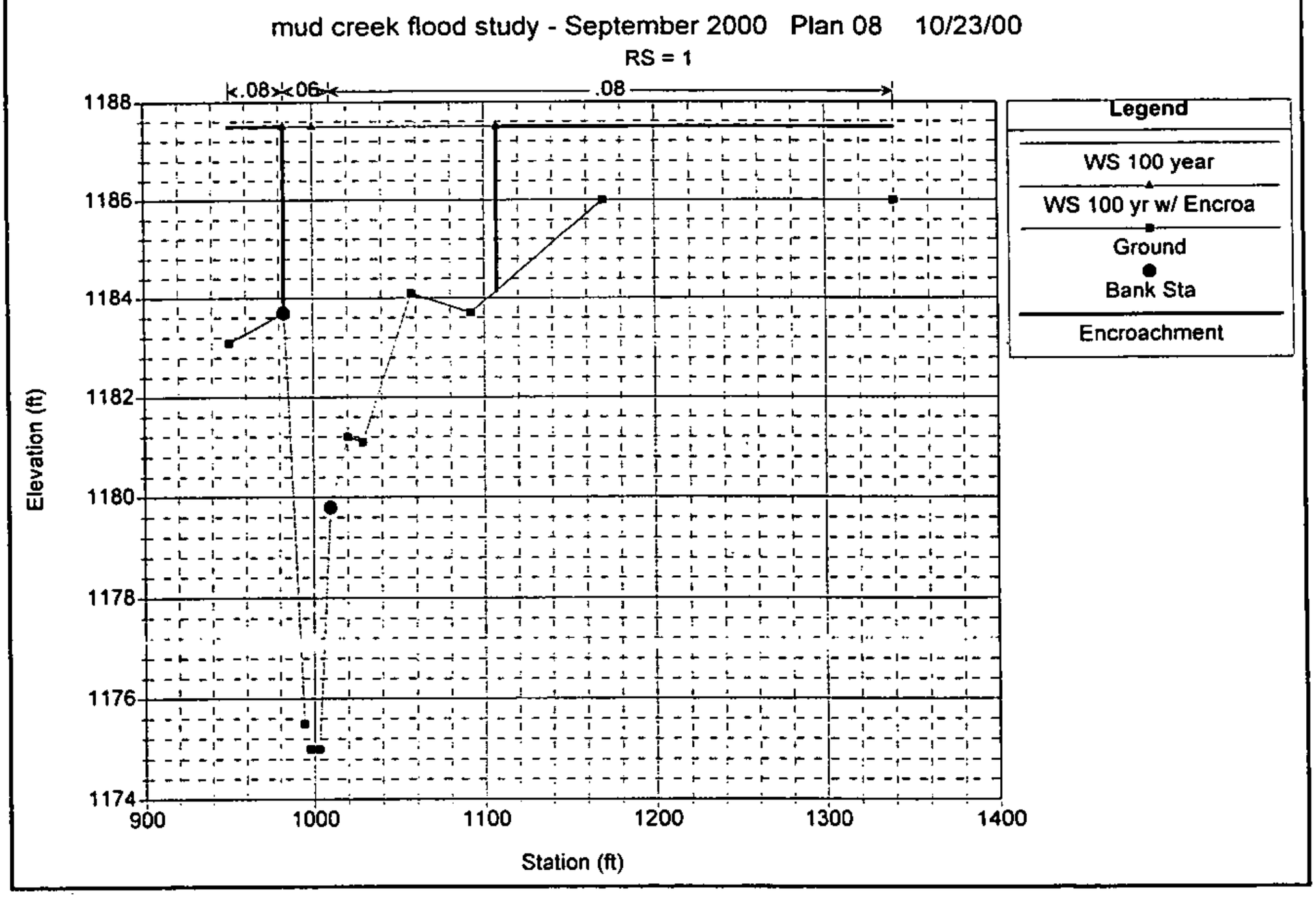

mud creek flood study - September 2000 Plan 08 10/23/00
RS = 4
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Elevation (ft)
1205
1200
1195
1190
1185
1180
850
900
950
1000
1050
1100
Station (ft)


mud creek flood study - September 2000 Plan 08 10/23/00
RS = 3
.08
.06
.08
Legend
WS 100 yr w/ Encroa
WS 100 year
Ground
Bank Sta
Encroachment
Elevation (ft)
1190
1188
1186
1184
1182
1180
1178
800
850
900
950
1000
1050
1100
1150
Station (ft)


mud creek flood study - September 2000 Plan 08 10/23/00
RS = 2.5
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment
Elevation (ft)
1188
1186
1184
1182
1180
1178
1176
900
950
1000
1050
1100
1150
1200
1250
1300
Station (ft)


mud creek flood study - September 2000 Plan 08 10/23/00
RS = 2.05
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment
Elevation (ft)
1188
1186
1184
1182
1180
1178
1176
900
950
1000
1050
1100
1150
1200
1250
1300
Station (ft)


mud creek flood study - September 2000 Plan 08 10/23/00
RS = 2
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment
Elevation (ft)
1188
1186
1184
1182
1180
1178
1176
900
950
1000
1050
1100
1150
1200
1250
1300
Station (ft)


mud creek flood study - September 2000 Plan 08 10/23/00
RS = 1
.08
.06
.08
Legend
WS 100 year
WS 100 yr w/ Encroa
Ground
Bank Sta
Encroachment
Elevation (ft)
1188
1186
1184
1182
1180
1178
1176
1174
900
1000
1100
1200
1300
1400
Station (ft)

APPENDIX B

MISCELLANEOUS PROJECT DATA AND RESULTS

. . . . . Effects of Mitigation on Hydraulic Model

. . . . . Starting Water Surface Elevations Computations

. . . . . Hydrology

. . . . . Elevation Check

. . . . . Section Location Comparison

. . . . . Freeboard Comparison

. . . . . 100 year Water Surface Comparison

ffects of Mitigation on Hydraulic Model
MN Business Park

The small curbs added in the boxes take up only a very small portion of the flow area. The also run in the direction of flow and should not cause any significant losses.

192 sf
0.25 sf blockout
0.13% area blockage on Shiloh

240 sf
0.25 sf blockout
0.10% area blockage on Van Asche

Plantings for the riparian habitat will increase the "n" values for the overbanks, riprap will increase "n" values in the channel.

The rock check dams are very small (6" to 12" in height). These will impact low flows, but the infrequent design storms will show little change. These wiers will be submerged by 5 to 7 feet in a 100 year flood. In essence they raise the effective flowline of the creek in the immediate vicitity of the check structure.

Near the confluence of the trib with mud creek, an encased sewer line has been built as a wier across the channel. This has been modeled as a normal section and as a wier for comparison. The two models showed very sinilar water surface profiles, with differences only in the hundreths position

Starting Water Surface Elevations for Hydraulic Models
CMN Business Park

100 year	1187.50

The starting water surface elevation for the MCT3 study was derived from the Effective Existing Conditions Model of Mud Creek.

Confluence Sta = 1.1

100 year WSEL @ 1.021 = 1186.82
100 year WSEL @ 1.246 = 1188.71

$$\frac{1188.71-1186.82}{1.246-1.021} = 8.4 \text{ ft/mi (avg slope of water surface)}$$

El @ Sta 1.1

1186.82+(1.1-1.021)*8.4 = 1187.48 (Use 1187.5)

MN Business Park

lows as Determined in Previous Study
enerated by Milholland Company and used in previous study by TWH Consulting

Station	Flow (cfs) Return Period 25	100
255	1188.60	1653.70
490		
685	1190.70	1655.50
810		
950		
1170	1128.40	1571.10
1365		
1445	1118.80	1554.60
west trib	890.12	1236.80
east trib	229.03	318.23

hese flows were calculated using a modified rational. HUB performed a heck of areas and flows before using them for the current study.

or more detailed information on the Hydrology refer to the CMN Business ark Phase II- Phase I Drainage study (Milholland Company, 1998)

Elevation Check
CMN Business Park

Elevations of the structures were compared between the survey and the plans to confirm that the same elevation datum had been used

Location	Plan Elevation	Survey (measured) Elevation
Shiloh, Upstream	1200.00	1200.00
Shiloh, Downstream	1198.00	1198.05
Van Asche, Upstream	1186.50	1186.50
Van Asche, Downstream	1185.00	1185.20

The structures (80 & 125' long respectively) were built according to plan

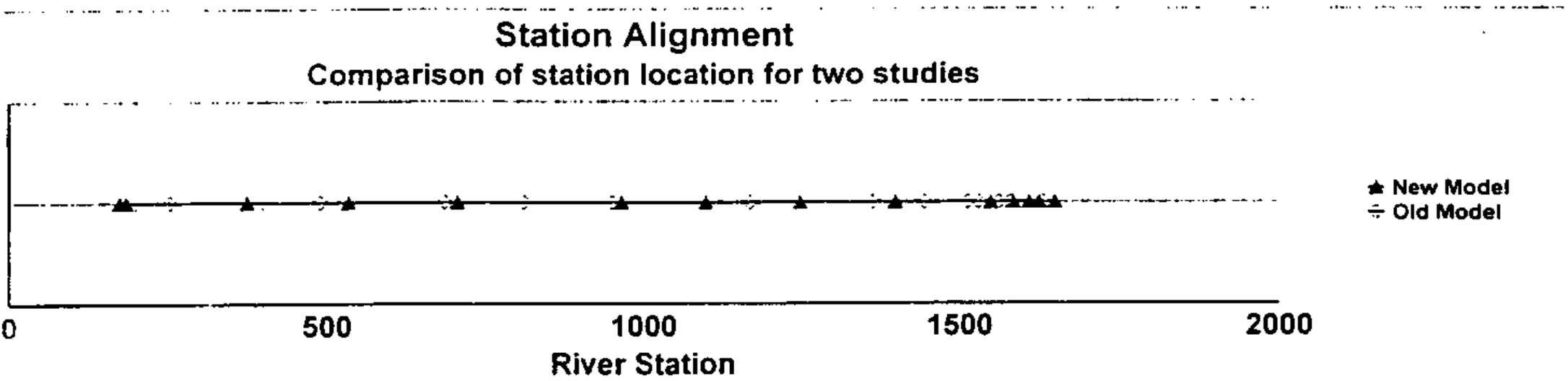
Excepting the downstream invert of the Van Asche Structure appears to be 0.20 ft higher than the original plan elevation.

tions Location Comparison
N Business Park

r station is determined upstream from the confluence with Mud Creek
ions used in the HUB study are from field surveyed sections.

IUB :ion ID	River Station	Downstream Reach Length
1	175	
2	185	10
3	375	190
4	535	160
5	705	170
6	965	260
7	1100	135
8	1250	150
9	1400	150
10	1550	150
Vest	1585	35
	1610	25
East	1625	75
	1650	25

Previous Model Section Stations
255
490
685
810
950
1170
1365
1445
1513
1563
1531
1581
1631



:board Comparisons
I Business Park

	Min Road Elev		TWH model			
			water surface		Freeboard	
	Van Asche	Shiloh	Van Asche	Shiloh	Van Asche	Shiloh
year	1197.79	1206.13	1194.07	1204.06	3.72	2.07
year	1197.79	1206.13	1195.63	1205.05	2.16	1.08

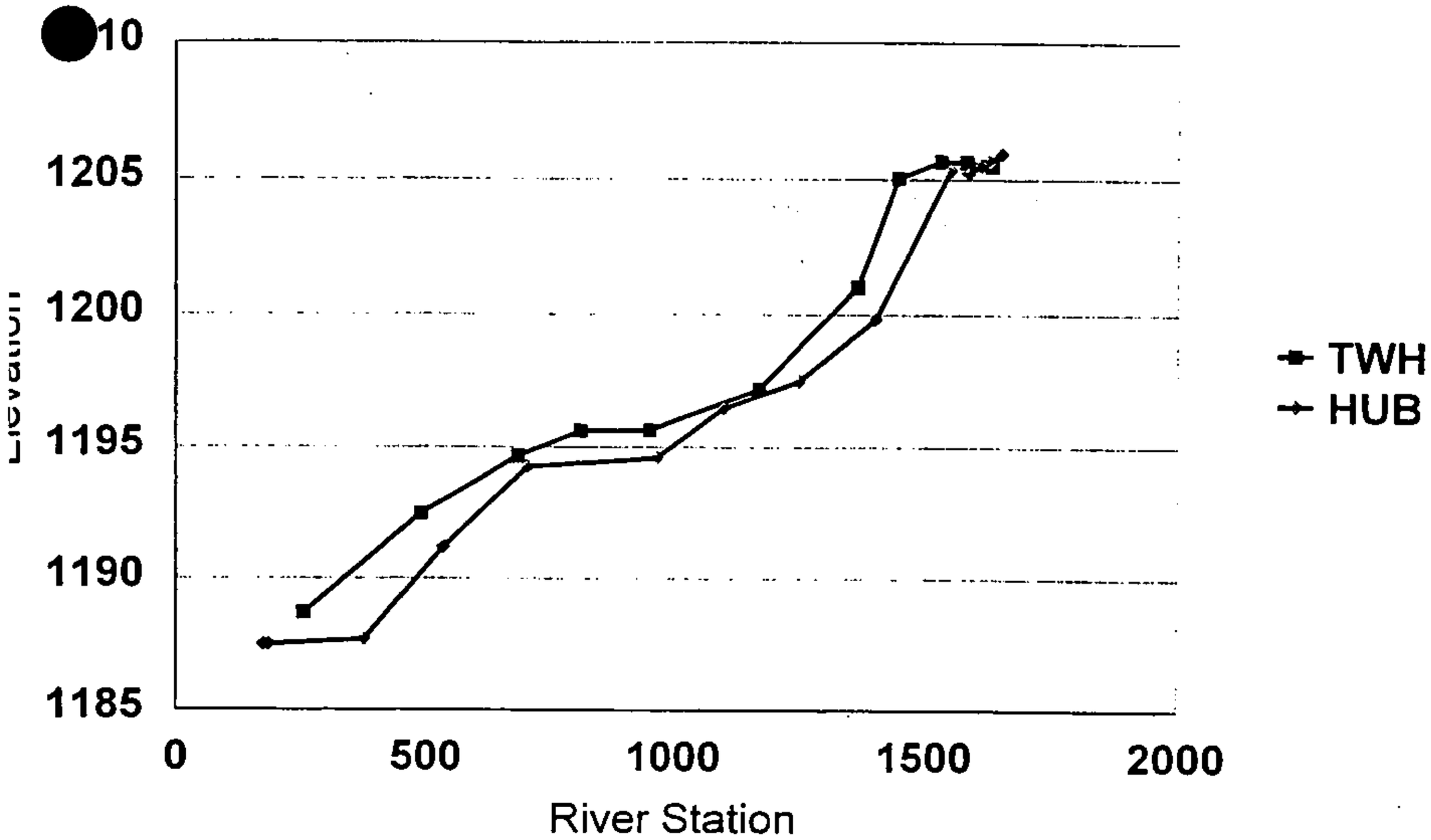
	HUB Model (Sept. 2000)				HUB Model with Ultimate Encroachments			
	water surface		Freeboard		water surface		Freeboard	
	Van Asche	Shiloh	Van Asche	Shiloh	Van Asche	Shiloh	Van Asche	Shiloh
year	1193.91	1204.04	3.88	2.09	n/a	n/a	n/a	n/a
) year	1194.60	1205.34	3.19	0.79	1195.26	1205.34	2.53	0.79

/r Floodplain and Encroachment Summary
N Business Park

.iver ation	Station ID	100 year WSEL	100 year floodplain width	Floodway Width	CL Creek Station	100 year WSEL w/ Encroach	Change in WSEL
75	1	1187.50	390	124	996.50	1187.50	0.00
85	2	1187.50	367	138	996.45	1187.49	-0.01
375	3	1187.68	192	54	1001.85	1187.75	0.07
535	4	1191.18	40	40	998.95	1191.17	-0.01
'05	5	1194.27	180	56	1001.30	1194.58	0.31
365	6	1194.60	142	142	996.50	1195.26	0.66
100	7	1196.48	152	64	1000.05	1196.32	-0.16
250	8	1197.50	164	61	992.05	1198.30	0.80
400	9	1199.82	102	32	991.40	1200.60	0.78
550	10	1205.34	88	88	1000.00	1205.34	0.00
st Branch							
585	10.3	1205.23	63		1011.60		
610	10.5	1205.53	73		973.85		
st Branch							
625	10.2	1205.65	88		1003.35		
650	10.6	1205.95	50		1008.40		

100 Year Water Surface Comparison

HUB vs TWH Model of CMN Business Park



ORDINANCE NO. _____

AN ORDINANCE REPEALING §169.03 OF THE CODE OF FAYETTEVILLE PHYSICAL ALTERATION OF LAND AND INSERTING §169.03 IN ITS STEAD TO CLARIFY THE LAW CONCERNING GRADING AND STORMWATER MANAGEMENT, DRAINAGE AND EROISON CONTROL PERMITS

DRAFT

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

Section 1. That §169.03 of the Code of Fayetteville, Physical Alteration of Land; Permits Required/Exceptions is hereby repealed and the following is inserted in its stead:

CHAPTER 169: PHYSICAL ALTERATION OF LAND

§169.03 PERMITS REQUIRED/EXCEPTIONS

A. Permit Required. No grading, filling, excavation or land alteration of any kind shall take place without first obtaining (1) a grading permit pursuant to this Chapter except as specified in §169.03 B; (2) a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §§170.03 C and 170.03D; and (3) an Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by State law.

B. Exceptions Where No Grading Permit Is Required. Grading permits are not required for the following:

1. Excavation Below Finish Grade. Excavations below finished grade for basements, footings, swimming pools, hot tubs, septic systems, retaining walls, and like structures authorized by a valid building permit.

2. Cemetery Graves. Cemetery Graves.

3. Refuse Disposal. Refuse Disposal sites controlled by other regulations.

4. Single Family/Duplex. Construction of one single family residence or duplex except where the average slope across the lot is 15 percent or greater or where any portion of the planned grading activities is contained within the 100 year floodplain.

DRAFT

5. Building Additions. Building additions of less than 1,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition.

C. Grading Permit Application and Approval. No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Any application for a required grading permit under this Chapter shall be submitted concurrently with the application and calculations for a drainage permit if such drainage permit is required by §170.03. Coordination with Chapter 167, Tree Protection and Preservation, is required.

D. Permit Posted. A copy of the grading permit cover page shall be posted at or near the street right of way line and shall be clearly visible from the street.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FINAL 1.
C.1

DRAFT

ORDINANCE NO. _____

AN ORDINANCE REPEALING §169.03 OF THE CODE OF FAYETTEVILLE PHYSICAL ALTERATION OF LAND AND INSERTING §169.03 IN ITS STEAD TO CLARIFY THE LAW CONCERNING GRADING AND STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL PERMITS

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

Section 1. That §169.03 of the Code of Fayetteville, Physical Alteration of Land; Permits Required/Exceptions is hereby repealed and the following is inserted in its stead:

CHAPTER 169: PHYSICAL ALTERATION OF LAND

§169.03 PERMITS REQUIRED/EXCEPTIONS

A. Permit Required. No grading, filling, excavation or land alteration of any kind shall take place without first obtaining (1) a grading permit pursuant to this Chapter except as specified in §169.03 B; (2) a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §§170.03 C and 170.03D; and (3) an Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by State law.

B. Exceptions Where No Grading Permit Is Required. Grading permits are not required for the following:

1. Excavation Below Finish Grade. Excavations below finished grade for basements, footings, swimming pools, hot tubs, septic systems, retaining walls, and like structures authorized by a valid building permit.

2. Cemetery Graves. Cemetery Graves.

3. Refuse Disposal. Refuse Disposal sites controlled by other regulations.

4. Single Family/Duplex. Construction of one single family residence or duplex except where the average slope across the lot is 15 percent or greater where any portion of the planned grading activities is contained within the 100 year floodplain.

5. Building Additions. Building additions of less than 1,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition.

C. Grading Permit Application and Approval. No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Any application for a required grading permit under this Chapter shall be submitted concurrently with the application and calculations for a drainage permit if such drainage permit is required by §170.03. Coordination with Chapter 167, Tree Protection and Preservation, is required.

D. Permit Posted. A copy of the grading permit cover page shall be posted at or near the street right of way line and shall be clearly visible from the street.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FINAL 2.
C.1

ORDINANCE NO. _____

DRAFT

AN ORDINANCE REPEALING §170.03 OF THE CODE OF FAYETTEVILLE, STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL AND INSERTING § 170.03 IN ITS STEAD TO CLARIFY THE LAW CONCERNING PERMITS

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

Section 1. That §170.03 of the Code of Fayetteville, Stormwater Management, Drainage and Erosion Control, Permits Required, is hereby repealed and the following is inserted in its stead:

CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

§170.03 PERMITS REQUIRED.

A. Applicability. This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the City, except as specified in §§170.03C and 170.03D below.

B. Permit Application. Any application for a drainage permit shall be submitted according to §170.05 below and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by §169.03. The drainage permit application shall include at the time of submission the calculations required by §170.05 B. 7. The application also shall state whether or not detention is required and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §170.07 below. The City Engineer shall make the final determination regarding detention.

C. Project Not Requiring Detention. Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit. Any grading permit issued prior to the issuance of a required drainage permit shall be subject to the following:

1. Insufficient or Incomplete Drainage Permit Application. If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

2. Deadline for the Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the Applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the Applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

3. Insufficient or Incomplete Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.

4. Stabilization and Revegetation After Stop Work Order. If a stop work order is issued pursuant to §§170.03 C. 3., the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in §§169.04 B. and 169.06 F. 4.

5. Termination of Stop Work Order. Any stop work order issued pursuant to §§170.03 C. 2 or 170.03 C. 3. shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.

D. Exceptions Where No Drainage Permit Is Required. Drainage permits are not required for the following:

1. Single-Family/Duplex. One single-family or duplex residence, with or without a second "granny residence" where allowed, built on one individual lot that is either a part of a larger subdivision that has been issued an approved stormwater management, drainage, and erosion control permit or an existing platted tract of land. This exemption shall not apply to any individual, family, firm, company or organization constructing more than one residence, with or without an additional "granny" house, in a specific approved subdivision or development or on a platted tract of land.

2. Commercial/Industrial. One commercial or industrial structure, or complex, built on an individual lot that is part of a larger subdivision that has been issued an approved stormwater, drainage, and erosion control permit. This exemption

shall not apply to any individual, family, firm, company or organization constructing more than one building or complex, on an individual lot within an approved subdivision.

3. Existing Commercial/Industrial. Existing commercial or industrial structure where additional structural improvements are less than 500 square feet.

4. Maintenance. Maintenance, grading, clearing or filling activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

5. Agriculture. Bona fide agricultural pursuits for which a soil conservation plan has been approved by the local soil and water conservation district.

6. Emergency. Action taken under emergency conditions either to prevent imminent harm or danger to persons or to protect property from imminent danger of fire, violent storms, or other hazards.

C. Status of Previous Approvals. Projects with unexpired permits approved and all preliminary plats approved by the City Engineer prior to June 20, 1995, shall meet only the requirements in effect when the permit was approved.

<u>OTHER CHANGES:</u>

§§170.03 B. 1, 170.03 B. 2, 170.04 B: Change "stormwater management, drainage, and erosion control permit" to "drainage permit".

§§170.04 B, 170.04 D.2: Change "construction permit" to "drainage permit".

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

STAFF REVIEW FORM

_X_ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF April 17, 2001 **MAYOR'S APPROVAL** _____

FROM:

Kit Williams	City Attorney	Legal
Name	Division	Department

ACTION REQUIRED:
Consideration of ordinances for physical alteration of land and storm water management, drainage and erosion control as recommended by the City Council Ordinance Review Committee

COST TO CITY:

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 Coordinator	Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENDA:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 4-5-01	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head	Date
Department Director	Date
Administrative Services Director	Date 5/6/01
Mayor	Date

CROSS REFERENCE

New Item: ~~Yes~~ No

Previous Ordinance/~~Resolution No.~~: §160.03 & 170.03

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Planning Department
City Council Members

From: Kit Williams, City Attorney Kit

Date: April 5, 2001

Re: **Consideration Of Ordinances For Physical Alteration Of Land And Storm Water Management, Drainage And Erosion Control As Recommended By The City Council Ordinance Review Committee**

Attached are the proposed revised ordinances on drainage and grading form the Ordinance Review Committee. These are probalby not the unanimous recommendcation from that committee and may be further amended at the City Council level.

I am recommending their inclusion in the April 17th City Council Meeting unless Planning wants them run through the Planning Commission before the whole City Council looks at them.

CHAPTER 169: PHYSICAL ALTERATION OF LAND

§169.03 PERMITS REQUIRED/EXCEPTIONS

A. Permit Required. No grading, filling, excavation or land alteration of any kind shall take place without first obtaining (1) a grading permit pursuant to this Chapter except as specified in §169.03 B; (2) a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §§170.03 C and 170.03D; and (3) an Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by State law.

B. Exceptions Where No Grading Permit Is Required. Grading permits are not required for the following:

1. Excavation Below Finish Grade. Excavations below finished grade for basements, footings, swimming pools, hot tubs, septic systems, retaining walls, and like structures authorized by a valid building permit.

2. Cemetery Graves. Cemetery Graves.

3. Refuse Disposal. Refuse Disposal sites controlled by other regulations.

4. Single Family/Duplex. Construction of one single family residence or duplex except where the average slope across the lot is 15 percent or greater where any portion of the planned grading activities is contained within the 100 year floodplain.

5. Building Additions. Building additions of less than 1,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition.

C. Grading Permit Application and Approval. No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Any application for a required grading permit under this Chapter shall be submitted concurrently with the application and calculations for a drainage permit if such drainage permit is required by §170.03. Coordination with Chapter 167, Tree Protection and Preservation, is required.

D. Permit Posted. A copy of the grading permit cover page shall be posted at or near the street right of way line and shall be clearly visible from the street.

CHAPTER 169: PHYSICAL ALTERATION OF LAND

§169.03 PERMITS REQUIRED/EXCEPTIONS

A. Permit Required. No grading, filling, excavation or land alteration of any kind shall take place without ~~a grading permit~~: first obtaining (1) a grading permit pursuant to this Chapter except as specified in §169.03 B; (2) a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") except as specified in §§170.03 C and 170.03D; and (3) an Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by State law.

B. ~~**Exception.** Exceptions to this rule are as follows~~: **Exceptions Where No Grading Permit Is Required.** Grading permits are not required for the following:

1. Excavation Below Finish Grade. Excavations below finished grade for basements, footings, swimming pools, hot tubs, septic systems, retaining walls, and like structures authorized by a valid building permit.

2. Cemetery Graves. Cemetery Graves.

3. Refuse Disposal. Refuse Disposal sites controlled by other regulations.

4. Single Family/Duplex. Construction of one single family residence or duplex except where the average slope across the lot is 15 percent or greater where any portion of the planned grading activities is contained within the 100 year floodplain.

5. Building Additions. Building additions of less than 1,000 square feet where associated land alteration activities are not beyond the scope of what is necessary to construct said addition.

~~**6. Grading Plan Approval.**~~ **C. Grading Permit Application and Approval.** No grading permit shall be issued until the grading plan, endorsed by a registered architect, landscape architect, or engineer, is approved by the City Engineer. A separate permit shall be required for each site; it may cover both excavations and fills. Any application for a required grading permit ~~required~~ under this ~~c~~Chapter shall be ~~combined~~ submitted concurrently with ~~a~~ the application and calculations for a drainage permit~~, application under Chapter 170, Stormwater Management, Drainage and Erosion Control~~, if such drainage permit is required by §170.03. Coordination with Chapter 167, Tree Protection and Preservation, is required.

~~C~~D. **Permit Posted.** A copy of the grading permit cover page shall be posted at or near the street right of way line and shall be clearly visible from the street.

CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

§170.03 PERMITS REQUIRED.

A. Applicability. This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the City, except as specified in §§170.03C and 170.03D below.

B. Permit Application. Any application for a drainage permit shall be submitted according to §170.05 below and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by §169.03. The drainage permit application shall include at the time of submission the calculations required by §170.05 B. 7. The application also shall state whether or not detention is required and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §170.07 below. The City Engineer shall make the final determination regarding detention.

C. Project Not Requiring Detention. Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit. Any grading permit issued prior to the issuance of a required drainage permit shall be subject to the following:

1. Insufficient or Incomplete Drainage Permit Application. If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

2. Deadline for the Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the Applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the Applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

C. Project Not Requiring Detention. Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit. Any grading permit issued prior to the issuance of a required drainage permit shall be subject to the following:

1. Insufficient or Incomplete Drainage Permit Application. If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

2. Deadline for the Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the Applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the Applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

3. Insufficient or Incomplete Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.

4. Stabilization and Revegetation After Stop Work Order. If a stop work order is issued pursuant to §§170.03 C. 3., the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in §§169.04 B. and 169.06 F. 4.

5. Termination of Stop Work Order. Any stop work order issued pursuant to §§170.03 C. 2 or 170.03 C. 3. shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.

D. Exceptions Where No Drainage Permit Is Required. Drainage permits are not required for the following:

1. Single-Family/Duplex. One single-family or duplex residence, with or without a second "granny residence" where allowed, built on one individual lot that is either a part of a larger subdivision that has been issued an approved stormwater management, drainage, and erosion control permit or an existing platted tract of land. This exemption shall not apply to any individual, family, firm, company or organization constructing more than one residence, with or without an additional

"granny" house, in a specific approved subdivision or development or on a platted tract of land.

2. Commercial/Industrial. One commercial or industrial structure, or complex, built on an individual lot that is part of a larger subdivision that has been issued an approved stormwater, drainage, and erosion control permit. This exemption shall not apply to any individual, family, firm, company or organization constructing more than one building or complex, on an individual lot within an approved subdivision.

3. Existing Commercial/Industrial. Existing commercial or industrial structure where additional structural improvements are less than 500 square feet.

4. Maintenance. Maintenance, grading, clearing or filling activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

5. Agriculture. Bona fide agricultural pursuits for which a soil conservation plan has been approved by the local soil and water conservation district.

6. Emergency. Action taken under emergency conditions either to prevent imminent harm or danger to persons or to protect property from imminent danger of fire, violent storms, or other hazards.

C. Status of Previous Approvals. Projects with unexpired permits approved and all preliminary plats approved by the City Engineer prior to June 20, 1995, shall meet only the requirements in effect when the permit was approved.

OTHER CHANGES:

§§170.03 B. 1, 170.03 B. 2, 170.04 B: Change "stormwater management, drainage, and erosion control permit" to "drainage permit".

§§170.04 B, 170.04 D.2: Change "construction permit" to "drainage permit".

CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

§170.03 PERMITS REQUIRED.

A. Applicability. This chapter shall apply to all land within the corporate limits of the City of Fayetteville. ~~and the Fayetteville planning area, n~~N*o* person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, ~~except as hereinafter exempted~~ or, grading, clearing, or filling activities, without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the City~~,~~ . ~~The City issues two types of stormwater management, drainage and erosion control permits as identified in the following subsection:~~ except as specified in §§170.03C and 170.D below.

~~**1. Construction Permit.** Construction permit applications for stormwater management, drainage and erosion control shall be required prior to initiating any construction, development, or alteration activities, and shall be approved by the City Engineer.~~

~~**2. Grading Permit.** Grading permit applications shall be submitted in accordance with Physical Alteration of Land, Chapter 169. The grading permit requirements may be combined into the stormwater management, drainage and erosion control permit when determined appropriate by the City Engineer.~~

~~**B. Exemptions.** All construction grading, clearing, filling, or remodeling activities shall have a stormwater management, drainage, and erosion control permit approved before a building permit is issued or subdivision is approved, except for the following:~~

B. Permit Application. Any application for a drainage permit shall be submitted according to §170.05 below and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by §169.03. The drainage permit application shall include at the time of submission the calculations required by §170.05 B. 7. The application also shall state whether or not detention is required and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §170.07 below. The City Engineer shall make the final determination regarding detention.

C. Project Not Requiring Detention. Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit. Any grading permit issued prior to the issuance of a required drainage permit shall be subject to the following:

1. Insufficient or Incomplete Drainage Permit Application. If the drainage permit application, including the required calculations, is determined by the City Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

2. Deadline for the Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the Applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the Applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.

3. Insufficient or Incomplete Revised Application. A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.

4. Stabilization and Revegetation After Stop Work Order. If a stop work order is issued pursuant to §§170.03 C. 3., the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in §§169.04 B. and 169.06 F. 4.

5. Termination of Stop Work Order. Any stop work order issued pursuant to §§170.03 C. 2 or 170.03 C. 3. shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.

D. Exceptions Where No Drainage Permit Is Required. Drainage permits are not required for the following:

1. Single-Family/Duplex. One single-family or duplex residence, with or without a second "granny residence" where allowed, built on one individual lot that is either a part of a larger subdivision that has been issued an approved stormwater management, drainage, and erosion control permit or an existing platted tract of land. This exemption shall not apply to any individual, family, firm, company or organization constructing more than one residence, with or without an additional

"granny" house, in a specific approved subdivision or development or on a platted tract of land.

2. Commercial/Industrial. One commercial or industrial structure, or complex, built on an individual lot that is part of a larger subdivision that has been issued an approved stormwater, drainage, and erosion control permit. This exemption shall not apply to any individual, family, firm, company or organization constructing more than one building or complex, on an individual lot within an approved subdivision.

3. Existing Commercial/Industrial. Existing commercial or industrial structure where additional structural improvements are less than 500 square feet.

4. Maintenance. Maintenance, grading, clearing or filling activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

5. Agriculture. Bona fide agricultural pursuits for which a soil conservation plan has been approved by the local soil and water conservation district.

6. Emergency. Action taken under emergency conditions either to prevent imminent harm or danger to persons or to protect property from imminent danger of fire, violent storms, or other hazards.

C. Status of Previous Approvals. Projects with unexpired permits approved and all preliminary plats approved by the City Engineer prior to June 20, 1995, shall meet only the requirements in effect when the permit was approved.

OTHER CHANGES:

§§170.03 B. 1, 170.03 B. 2, 170.04 B: Change "stormwater management, drainage, and erosion control permit" to "drainage permit".

§§170.04 B, 170.04 D.2: Change "construction permit" to "drainage permit".

STAFF REVIEW FORM

XX AGENDA REQUEST
___ CONTRACT REVIEW
XX GRANT REVIEW

For the Fayetteville City Council meeting of April 17, 2001

FROM:

Yolanda Fields	Community Development	Admin Services
Name	Division	Department

ACTION REQUIRED:
Consideration of the 2001 Community Development Block Grant Agreement and Funding Approval.

COST TO CITY:

$665,000 (revenue)	$665,000 (revenue)	CDBG Grant
Cost of this Request	Category/Project Budget	Category/Project Name
2180.0918.4320.00	$ -0-	Grant Funding
Account Number	Funds Used To Date	Program Name
	$665,000 (revenue)	Community Development
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager for SLD — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: HUD

Accounting Manager — 3/28/01 Date — Internal Auditor — 3/29/01 Date

City Attorney — 3/29/01 Date — ADA Coordinator — Date

Purchasing Officer — 3/30/01 Date

STAFF RECOMMENDATION:
Request acceptance of Funding Approval and approval of Agreement.

Division Head — 3-28-01 Date

Department Director — Date

Administrative Services Director — 4/3/01 Date

Mayor — 4/3/01 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract Number: _____

C:\DATA\BLANKFOR\AGENDA.BLK

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

FROM: Yolanda Fields, CD Coordinator

DATE: March 28, 2001

SUBJECT: 2001 Community Block Grant Agreement

The U.S. Department of Housing & Development (HUD) awarded $665,000 in Community Development Block Grant (CDBG) funds to the City of Fayetteville for 2001. The City of Fayetteville has been an Entitlement City since 1974. The CDBG grants are based on a formula allocation method which is based on such factors as population, percent of low/moderate income individuals, and number of housing units. Grant amounts vary from year to year and are also dependent on funding levels authorized by congress through the annual federal budget process.

Staff requests your approval of the Agreement and Funding Approval. Please feel free to contact me at 575-8290, if you have any questions.

CD Block Grant
C. 8. Page 4

I/Agreeme

Title I of the Housing and Community Development Act (Public Law 930383)

U.S. Department of Housing and U n Development
Office of Community Planning and Development
Community Development Block Grant Program

City's file copy

HI-00515R of 20515R

1. Name of Grantee (as shown in item 5 of Standard Form 424)	3. Grantee's 9-digit Tax ID Number	4. Date use of funds may begin
City of Fayetteville	71-6018462	01/01/01
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424)	5a.Project/Grant No. 1	6a.Amount Approved
113 West Mountain Fayetteville, Washington County, AR 72701	B-01-MC-05-0001	$665,000
	5b.Project/Grant No. 2	6b.Amount Approved
	5c.Project/Grant No. 3	6c.Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name)	Grantee Name
Charles Blevins	Honorable Dan Coody
Title	Title
Acting CPD Director	Mayor
Signature: Charles Blevins — Date: 2-16-01	Signature — Date

7. Category of Title I Assistance for this Funding Action (check only one)	8. Special Conditions (check one)	9a. Date HUD Received Submission	10. check one
[X] a. Entitlement, Sec 106(b) [ ] b. State-Administered, Sec 106(d)(1) [ ] c. HUD-Administered Small Cities, Sec 106(d)(2)(B) [ ] d. Indian CDBG Programs, Sec 106(a)(1) [ ] e. Surplus Urban Renewal Funds, Sec 112(b) [ ] f. Special Purpose Grants, Sec 107 [ ] g. Loan Guarantee, Sec 108	[ ] None [X] Attached	11/12/00 9b. Date Grantee Notified: MAR 9 2001 9c. Date of Start of Program Year: 01/01/01	[X] a. Orig. Funding Approval [ ] b. Amendment Amendment Number

11. Amount of Community Development Block Grant	FY	FY	FY 2001
a. Funds Reserved for this Grantee			$665,000
b. Funds now being Approved			$665,000
c. Reservation to be Cancelled (11a minus 11b)			- 0 -

12a. Amount of Loan Guarantee Commitment now being Approved

12b. Name and complete Address of Public Agency

12c. Name of Authorized Official for Designated Public Agency

Title

Signature — Date (mm/dd/yyyy)

Loan Guarantee Acceptance Provisions for Designated Agencies: The public agency hereby accepts the Grant Agreement executed by the Department Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153 176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By

24 CFR 570 form HUD-7082 (4/93)

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT THE 2001 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF $665,000.00

WHEREAS, The City of Fayetteville has received Community Development Block Grants as an Entitlement City since 1974; and

WHEREAS, The City of Fayetteville has been able to use these Community Development Block Grants for numerous beneficial community projects throughout Fayetteville; and

WHEREAS, The City of Fayetteville has been awarded $665,000.00 in Community Development Block Grant funds for 2001.

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

Section 1. The City Council hereby approves the U.S. Department of Housing and Urban Development Funding Approval Agreement and authorizes the Mayor to sign said Agreement and to accept the $665,000.00 Community Development Block Grant.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

E.O. 12372
SPECIAL CONTRACT CONDITION
WATER OR SEWER FACILITIES

Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 17, 2001.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZA 01-1.00 submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex subject property into the City of Fayetteville.

COST TO CITY:

$0		
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 Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	ADA Coordinator	Date
by: D. J. Whitel	04/03/2001		
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-30-01 Date	**Cross Reference**
Department Director	4-5-01 Date	New Item: **Yes** **No**
Administrative Services Director	4/5/01 Date	Prev Ord/Res#: _____
Mayor	Date	Orig Contract Date: _____

ORDINANCE NO.____

AN ORDINANCE ANNEXING THAT PROPERTY DESCRIBED IN ANNEXATION PETITION RZA01-1.00 FOR A PARCEL CONTAINING APPROXIMATELY 40 ACRES LOCATED EAST OF SUNSHINE ROAD AND NORTH OF HIGHWAY 16 AS SUBMITTED BY MICHELE A. HARRINGTON ON BEHALF OF TMC & ASSOCIATES

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That the above described property is hereby assigned to Ward No. _____.

Section 3. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect that the zoning of the property described above shall be A-1, Agricultural.

PASSED AND APPROVED this _____ day of _____, 2001.

APPROVED:

By:_____
Dan Coody, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION FOR RZA 01-1

THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, ALSO BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S00°11'07"E 1314.80 FEET TO AN ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S89°58'09"W 1322.57 FEET TO A SET RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N00°12'58"W 1319.20 FEET TO THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S89°50'24"E 1323.30 FEET TO THE POINT OF BEGINNING, CONTAINING 40.00 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 40.00 ACRE TRACT BEING SUBJECT TO A FIFTEEN (15) FOOT WIDE SEWER LINE EASEMENT, A FIFTY (50) FOOT WIDE ELECTRIC EASEMENT ALONG THE EAST BOUNDARY, AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

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, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: March 21, 2001

RZA 01-1.00: Annexation (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 26, 2001**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-26-01\tmc_rza.wpd

BACKGROUND:

The subject property is located just west of the future phases of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive. The site is north and west of the Fieldstone Subdivision, however, access to that development is not available from this location.

The 40 acre tract is surrounded on three sides (north, south and west) by county property and on the east by undeveloped R-1 property. The area is well within the City's Planning Area boundary, it is situated at the far western edge of Fayetteville. This property is currently claimed by the Farmington School District.

Should this property be successfully annexed into the City of Fayetteville, the applicant wishes to develop a single family residential subdivision under R-1 zoning. Annexation of this tract would provide for an orderly development which would comply with all City ordinances, specifically those regarding, tree preservation, access, grading, drainage, storm water, park land, sidewalks, land use and others. The property would make better use of infrastructure as well as natural resources as an addition to the City of Fayetteville than it would if left to develop under county standards with no oversight regarding land use. It is not in the City's best interest to encourage unregulated development with potentially hundreds of septic systems adjacent to the City limits and within the Planning Area which is designated as the area into which the City expects to grow in the future. It is for these reasons that staff recommends approval of the requested annexation.

SURROUNDING LAND USE AND ZONING

North:	County property, Residential, Agricultural
South:	County property, Residential, Agricultural
East:	Vacant (future phases of Bridgeport Subdivision), R-1
West:	County property, Residential, Agricultural

STAFF COMMENTS:

In an effort to include all City division or departments which may be affected by this proposed annexation, a "Level of Service" report was generated and each Public Works Division Head as well as the Administrative Services Director, Asst. Public Works Director, Chief of Police and Interim Fire Chief were asked to respond. The responses which were received are included as a part of this report.

LAND USE PLAN: General Plan 2020 designates this site Residential.

From: "OMI/Fayetteville (FAY)" <omifay@omiinc.com>
To: <dwarrick@ci.fayetteville.ar.us>
Date: 3/20/01 4:35PM
Subject: Rezoning Report

Dawn,

Re: RZA 01-1.00 & RZ 01-6.00

Current level of service:
The wastewater treatment plant (WWTP/OMI) operates and maintains sewer lift station # 7 (a.k.a Hamstring Creek) at 2034 North County Road # 877, which will receive wastewater discharged from the areas in question for these two proposed rezoning actions. This lift station is at approximately 60% capacity during dry weather flow, but does experience overflow conditions during significant rainfall events.

Impact of proposed annexation:
Under the proposed low-density residential zoning, the additional loading to this station would be negligible during dry weather conditions, but would become a small percentage of the overall wastewater that overflows at this location during significant rainfall events. The City's ongoing plan to deal with sewer overflow problems, however, should be more than capable of dealing with this additional loading as the proposed sewer improvements are put in place over the next 3-5 years.

We hope that this response is sufficent for your needs. Have a nice day!

Billy Ammons
WWTP/OMI
1500 North Fox Hunter Road
Fayetteville, AR 72701
501.443.3292
email - omifay@ch2m.com

Annexation / Rezoning
Level of Service Report

Division: Engineering **Date:** 3/19/01

Name / Title: Ron Petrie, Staff Engineer

Project: **RZA 01-1.00: Annexation (TMC & Associates, pp 359)** was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. **Current level and/or type of service provided (describe):**

   The Engineering Division will review the proposed development for compliance with Water & Sewer Standards, Minimum Street Standards, Grading requirements, and the Drainage Criteria Manual.

2. **Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:**

   This project will have little effect on the Engineering Review level of service. The developer's of this property should be aware that water will not available until the final phase of Bridgeport Subdivision (Phase VI) is completed. Also, there will be a $200.00 per lot assessment for sewer improvements in the Hamstring Creek Basin. The Assistant Public Works Director, Don Bunn, should address the sewer plant capacity.

Annexation / Rezoning
Level of Service Report

Division: INSPECTION **Date:** 3-20-1

Name / Title: BERT RAKES, INSP. DIV. DIR.

Project: **RZA 01-1.00: Annexation (TMC & Associates, pp 359)** was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):

NONE

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

ADDITIONAL PROPERTY CLEAN UP, LE TALL GRASS, WEEDS, TRASH AND INOPERABLY/UNLICENSED VEHICHLES. PERMITS & INSPECTION ADDED LOAD OF DEVELOPING.

RECEIVED
MAR 15 2001
PLANNING DIV.

Annexation / Rezoning
Level of Service Report

Division: Parks & Recreation **Date:** 3-15-01

Name / Title: Connie Edmonston / Superintendent

Project: **RZA 01-1.00: Annexation (TMC & Associates, pp 359)** was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):

None

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

If this property were annexed, Parks would review the subdivision for a park according to the Park Land Dedication Ordinance. Currently there is a park called Red Oak that connects Fieldstone, Willow Springs & Bridgeport subdivisions.

Annexation / Rezoning
Level of Service Report

Division: Street **Date:** 3-15-01

Name / Title: Randy Allen / Street Superintendent

Project: **RZA 01-1.00: Annexation (TMC & Associates, pp 359)** was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):

None.

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:

An increase in responsibility for Right-of-Way, Street, and Drainage maintenance.

Annexation / Rezoning
Level of Service Report

Division: Sidewalk and Trails **Date:** March 16, 2001

Name / Title: Keith Shreve, Development Coordinator

Project: **RZA 01 - 1.00: Annexation (TMC & Associates, pp 359)** was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the City.

RZ 01 - 6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Please provide comments regarding the impact of the proposed annexation and rezoning which will be forwarded to the Planning Commission and City Council for their consideration when reviewing these requests. Responses and additional information may be continued on the back of this report or on additional pages as necessary.

1. Current level and/or type of service provided (describe):
The Sidewalk and Trails Division currently does not provide any services to this area.

2. Statement regarding the impact of the proposed annexation on the level and/or type of service provided by your division:
Immediate impact would be minimal. Sidewalk construction would be required as development occurred, with the cost born by the developer/owner.

If street improvements (to existing County roads), were made by the City then sidewalk construction costs would be included with the street improvements.

FILED
'01 FEB 27 PM 1 51
MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS

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

Case No. CC 2001-6

ORDER OF ANNEXATION

Now on this 26th day of February, 2001, this cause comes on to be heard, the Petitioners, Bob Covey and Tammy Covey, husband and wife, represented by their attorney, Michele A. Harrington, of Harrington, Miller, Neihouse & Krug, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and the oral and documentary evidence adduced, the Court being well and sufficiently advised finds:

1. The Petition in this cause was filed on January 24, 2001, at which time this Court fixed February 26, 2001, at 10:30 a.m., as the date of hearing for said cause, and that a full thirty (30) days notice of hearing was given as required by law and the proof of publication of said notice is now on file with the Clerk of this Court and the Court has jurisdiction of this cause.

2. The Court is satisfied that the allegations of the petition are sustained by the proof; that the limits of the territory to be annexed have been properly filed; that a majority of the property owners having a freehold interest in the property hereinafter described joined in the petition and constitute of the real owners of the area affected.

3. The land proposed to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

See Exhibit "A" attached

4. The area is not unusually large and it is contiguous and adjacent to and adjoins the present corporate limits of the City of Fayetteville, and it is peculiarly adapted for urban purposes and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

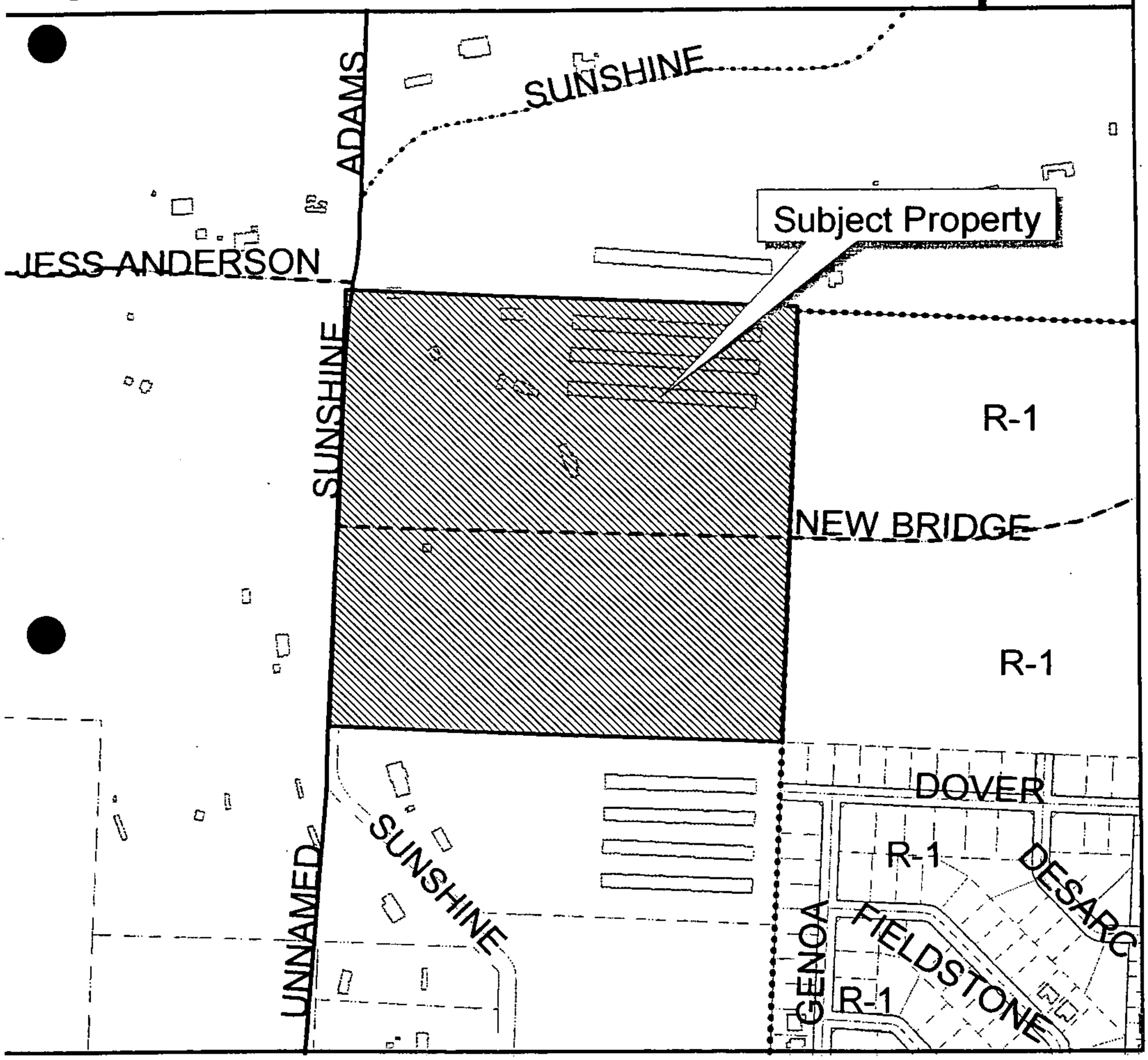
IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq., and this Order shall be duly recorded by the Clerk of Washington County.

JERRY HUNTON, County Judge

THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, ALSO BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S00°11'07"E 1314.80 FEET TO AN ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S89°58'09"W 1322.57 FEET TO A SET RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N00°12'58"W 1319.20 FEET TO THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S89°50'24"E 1323.30 FEET TO THE POINT OF BEGINNING, CONTAINING 40.00 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 40.00 ACRE TRACT BEING SUBJECT TO A FIFTEEN (15) FOOT WIDE SEWER LINE EASEMENT, A FIFTY (50) FOOT WIDE ELECTRIC EASEMENT ALONG THE EAST BOUNDARY, AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

EXHIBIT "A"

RZA01-1 TMC Close Up

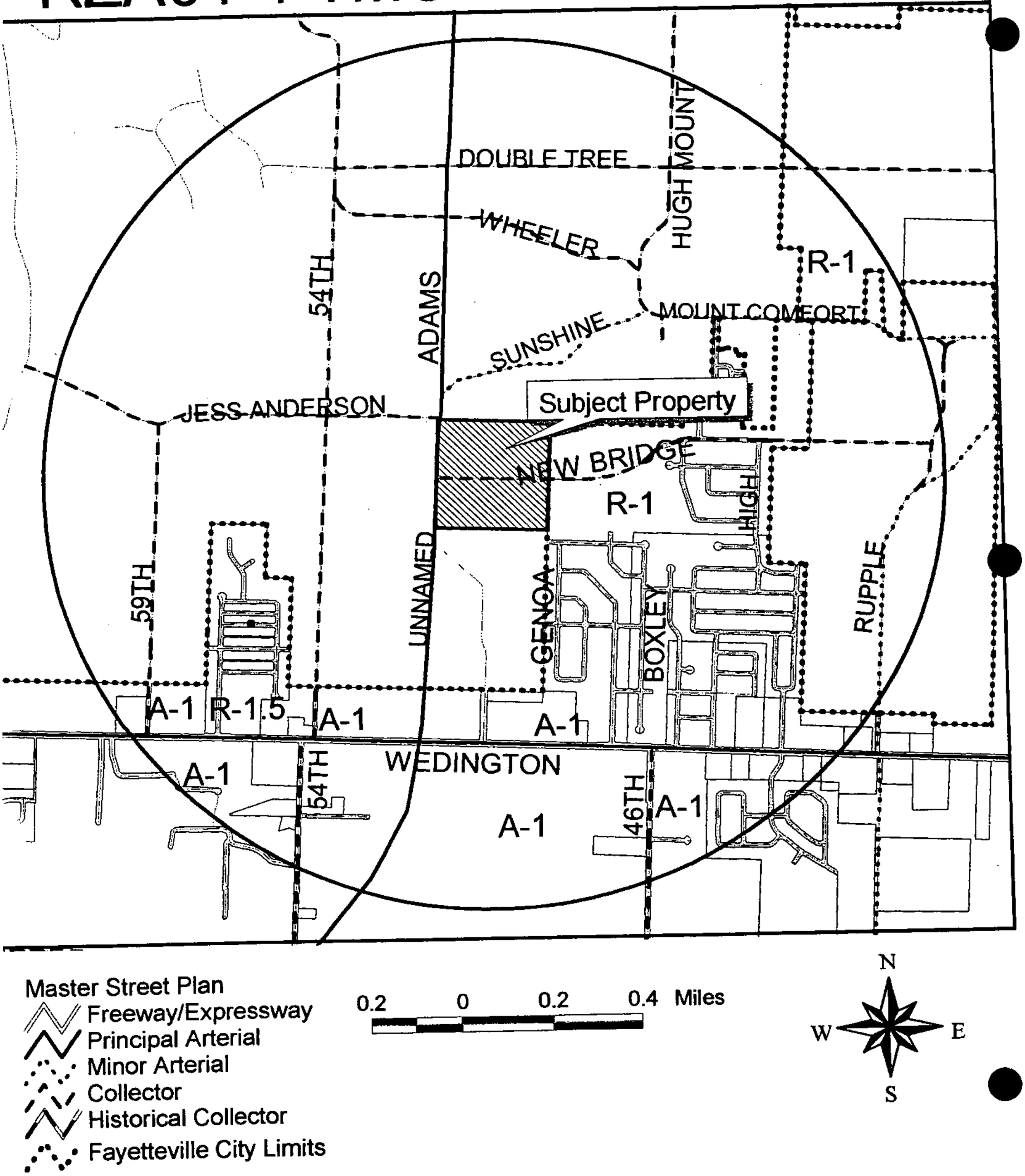


Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Structures (1998)
- Fayetteville City Limits

400 0 400 Feet

N
W E
S

RZA01-1 TMC One Mile Radius



RZA 01-1.00: Annexation (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city.

Odom: The next item that we have on tonight's agenda is item number eight, RZA 01-1.00, Annexation submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is in the City Planning Area and contains approximately 40 acres. The request is to annex into the city. Staff's recommendation is for approval of the requested annexation based on the findings included as a part of this report. Staff, do you have anything further?

Warrick: I do have a memo that is dated today from Don Bunn, the Assistant Public Works Director, with regard to sewer capacity. This is an additional piece of information.

Odom: "I have not calculated the remaining treatment plant capacity since January of 2000. The remaining plant capacity at that time was calculated to be 2.5 years. It is my best estimate at this time that there is about 1.5 years remaining assuming we use the same criteria as we did last year. I should have the new numbers within a couple of weeks or so. Thank you". That's from Don Bunn, the Assistant Public Works Director. Would you like to make a presentation at this time?

Krug: Yes, very briefly. In fact, I'll make a presentation on this item and item nine at once. I know you have to vote on them separately but the two are connected. We are here to present for the Commissioners review the annexation and then the rezoning of a 40 acre tract of land that is bounded on three sides by property in Washington County and on the east side by the unfinished phases of Bridgeport Subdivision. The request for the zoning of the property will be to R-1 for a residential development.

PUBLIC COMMENT:

Odom: Thank you. Any member of the audience wish to address us on this annexation and rezoning request?

COMMISSION DISCUSSION:

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

Hoffman: I have a question for staff, has the Fire Department reviewed, I don't see any communication regarding the availability of fire service to this area?

Warrick: We did send them a request for a level of service report. I received back from them that they had no comment with regard to this annexation.

Hoffman: Where approximately is the nearest fire station? If we annex it, we have to serve it, right?

Conklin: I believe Garland Avenue and Eagle would be the nearest fire station. This is something that staff has initiated this year. We have been sending out to all the City divisions and departments a request for them to comment on all proposed annexations into the City of Fayetteville. I know there is always a lot of concern about capacity and the ability for these services and facilities to serve additional land area and development within the City so you will start seeing these interdepartmental memos coming back and being brought forward to the Commission for your information. I do want to make sure that the Commission and City Council are educated when they do make these decisions because it does impact all the different city services and divisions here in the City of Fayetteville.

Hoffman: My concern is because, we have kind of a dilemma, we have a request for area that's directly adjacent to the City limits, it would preferable for it to get put in under City standards. Can we service them adequately when the time comes?

Conklin: I guess the only other, the fire department is not here respond to this, we do allow fire contracts within two miles from the City limits. The City of Fayetteville does allow people to pay for service in these areas. I don't believe there is any moratorium on having people sign up for those contracts on fire service outside our city limits. Apparently there must be some capacity there to serve that development within that two mile area outside our City limits.

Hoffman: If and when this were subdivided, we would have the appropriate fire hydrants put in and all the apparatus, we wouldn't have the trucks there within probably 30 minutes.

Conklin: Looking at this annexation, that is one of the reasons staff is recommending approval because we will be able to get fire protection, have the development comply with our grading and stormwater ordinances, tree ordinances, street standards, also the lots are going to be on sewer which means you are going to have more houses on less land, more people on less acreage, hopefully have a compact urban form rather than having a

County Planning area subdivision on septic systems that require larger lots, fewer people consuming more land. There is always two sides on these annexations but staff did recommend based on those findings.

MOTION:

Estes: I would move that we approve RZA 01-1.00. The reason is that annexation of this tract would provide for an orderly development which would comply with all of our City ordinances specifically those regarding tree preservation, access, grading, drainage, stormwater, parkland, sidewalks, land use and others.

Marr: Second.

Odom: I have a motion and second to approve RZA 01-1.00, any further discussion? Call the roll.

ROLL CALL:

Upon roll call RZA 01-1.00 is approved by a unanimous vote of 9-0-0.

STAFF REVIEW FORM

X Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 17, 2001.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 01-6.00 submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

COST TO CITY:

$0		
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 Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	ADA Coordinator	Date
by: D.P. Whitel City Attorney	04/03/01 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-30-01 Date	**Cross Reference**
Department Director	4-5-01 Date	New Item: **Yes** **No**
Administrative Services Director	4/5/01 Date	Prev Ord/Res#:_____
Mayor	Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ01-6.00 FOR A PARCEL CONTAINING APPROXIMATELY 40 ACRES LOCATED EAST OF SUNSHINE ROAD AND NORTH OF HIGHWAY 16 AS SUBMITTED BY MICHELE A. HARRINGTON ON BEHALF OF TMC & ASSOCIATES

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 A-1, Agricultural to R-1, Low Density Residential 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 _____, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZ01-6.00

THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION TWO (2), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, ALSO BEING DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S00°11'07"E 1314.80 FEET TO AN ALUMINUM MONUMENT AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S89°58'09"W 1322.57 FEET TO A SET RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N00°12'58"W 1319.20 FEET TO THE NORTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE S89°50'24"E 1323.30 FEET TO THE POINT OF BEGINNING, CONTAINING 40.00 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 40.00 ACRE TRACT BEING SUBJECT TO A FIFTEEN (15) FOOT WIDE SEWER LINE EASEMENT, A FIFTY (50) FOOT WIDE ELECTRIC EASEMENT ALONG THE EAST BOUNDARY, AND ANY OTHER EASEMENTS OF RECORD, IF ANY.

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, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: March 21, 2001

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 26, 2001**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-26-01\tmc_rz.wpd

BACKGROUND:

The subject property is located just west of the future phases of Bridgeport Subdivision. Access is from WC 887, Sunshine Road and from WC 882, Jess Anderson Road. Eventually access will be available through Bridgeport by way of the Master Street Plan collector New Bridge Drive. The site is north and west of the Fieldstone Subdivision, however, access to that development is not available from this location.

The 40 acre tract is surrounded on three sides (north, south and west) by county property and on the east by undeveloped R-1 property. The area is well within the City's Planning Area boundary, it is situated at the far western edge of Fayetteville. This property is currently claimed by the Farmington School District.

Annexation of the property is being requested as a precursor to this rezoning request.

SURROUNDING LAND USE AND ZONING

North:	County property, Residential, Agricultural
South:	County property, Residential, Agricultural
East:	Vacant (future phases of Bridgeport Subdivision), R-1
West:	County property, Residential, Agricultural

INFRASTRUCTURE:
Surrounding roads (Jess Anderson Rd., Wheeler Road, Sunshine Road) are all county roads and are not built to City standards. Construction of portions of at least two Master Street Plan streets will be the responsibility of the developer of this property in order to provide the required street connections.

Water and sewer connections will be available when the adjacent phase (the final phase - VI) of Bridgeport Subdivision is completed.

Additional per lot sewer fees will be required of any development due to sewer improvement needs in the Hamestring Creek Basin.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-1, Low Density Residential is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed zoning is consistent with the General Plan 2020 which calls for this property to develop with a residential land use.**

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

Finding: **The proposed zoning is justified at this time, it is consistent with the General Plan 2020 and is compatible with adjacent properties. Development of this property under R-1 zoning represents a more efficient use of infrastructure than an A-1 residential development with larger lots that may have the potential in the future to be further divided.**

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

Finding: **The proposed zoning could provide for a maximum of 160 single family homes. This would be an increase from the amount of traffic currently generated by this site. Further review at the time of development will be necessary to implement any controls or improvements needed as a result of traffic generated by a proposed project. Connectivity and extension of the City's Master Street Plan will be required at the time of development.**

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

Finding: **The proposed zoning will alter population density. The load on public services will be determined by a proposed development. The property is currently served by the Farmington School District. Water and sewer utilities will be available to the site when the final phases of the Bridgeport subdivision are completed and accepted by the City. Phase 4 has been approved, phases 5 and 6 are still under construction.**

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**

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

2. UsesPermissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq.ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

Rezoning Application dated 3.2.01

Item #6.

a. The proposed zoning change is from A-1 (the automatic zoning upon annexation) to R-1 for the purpose of building single family homes within the restrictions of the R-1 zone.

b. The reason for the requested zoning change is that a single family residence subdivision is not permitted in the A-1 zone.

c. (1) The development of this property into a single family residential subdivision will be the same type of use as the surrounding properties (similar residential development in the area) ;

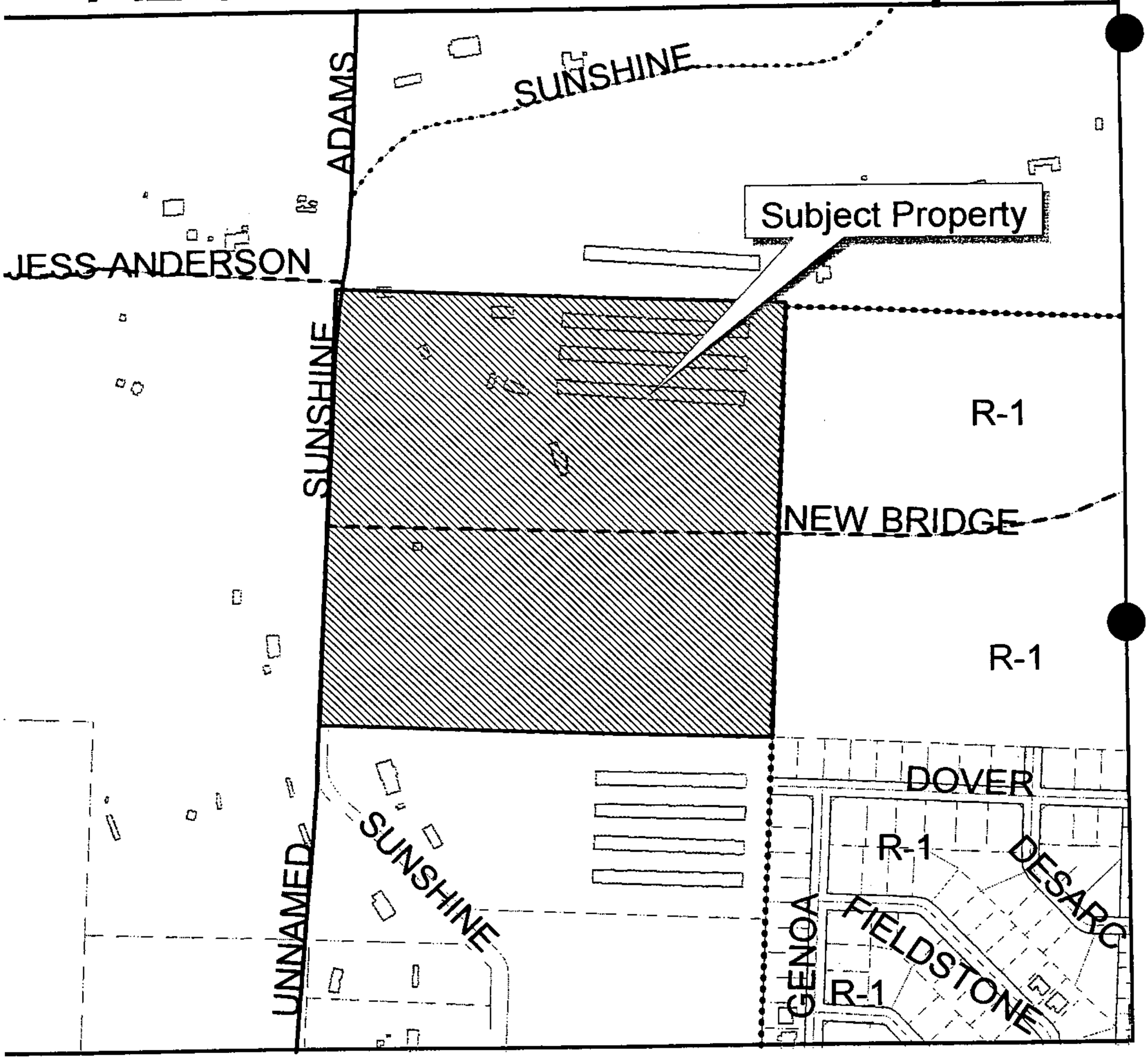
(2) The road in front of the property to be rezoned will be improved in accordance with City ordinances when the property is developed; the county road (Sunshine) is newly paved to Mt. Comfort. There is very little traffic and only a few residences on the existing road. There is a street stubbed out to this property in Bridgeport Subdivision which will be connected through this development.

(3) The proposed development will be harmonious in appearance with the development in the area.

(4) Signage will involve only the subdivision signs.

d. Water line (8") is stubbed out at end of Newbridge Road from Bridgeport Subdivision Phases IV, V, and VI, and 8" gravity sewer passes through the property; manholes are already in place.

RZ01-1 TMC Close Up

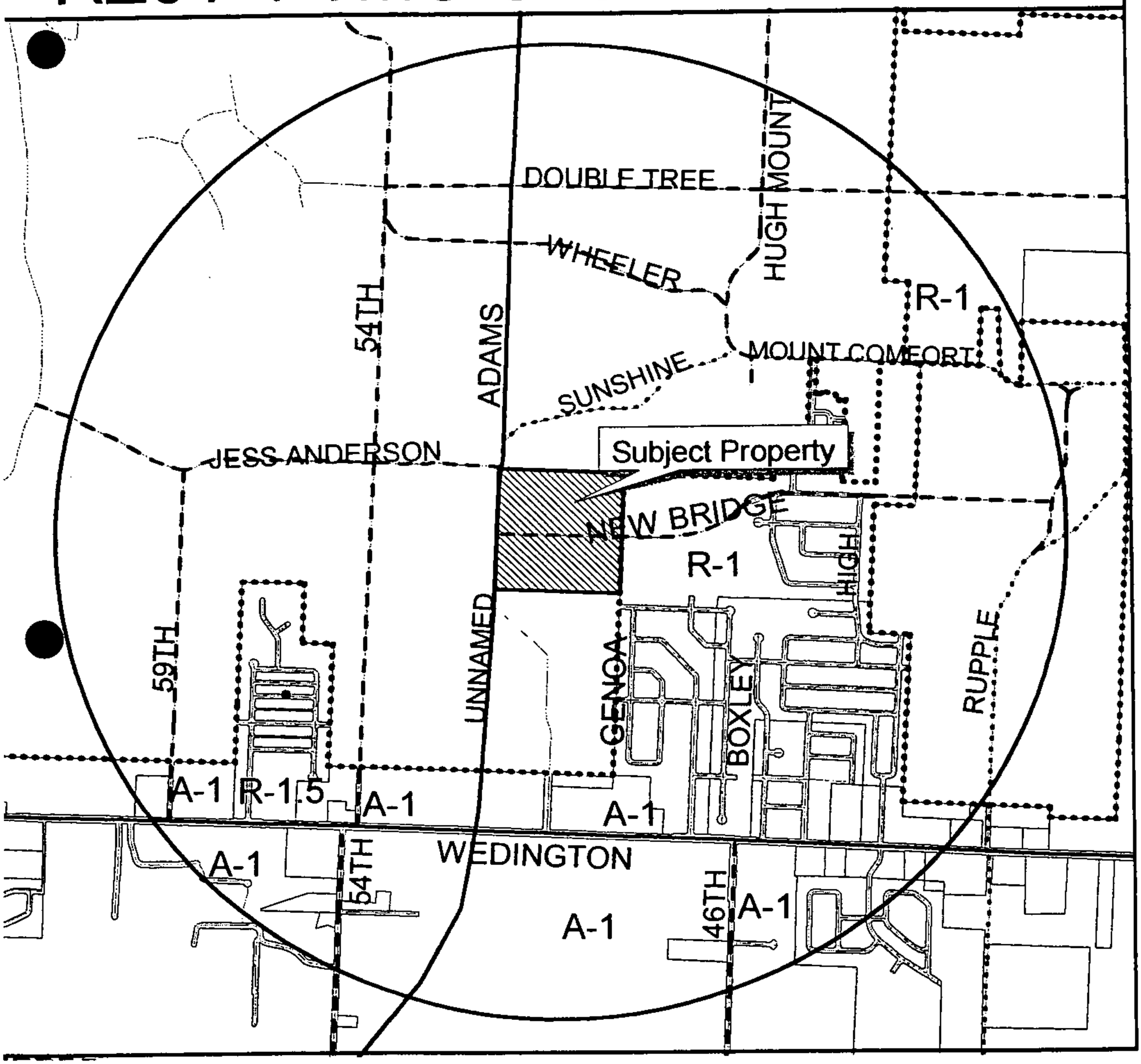


Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Structures (1998)
- Fayetteville City Limits

400 0 400 Feet

N
W E
S

RZ01-1 TMC One Mile Radius



Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Fayetteville City Limits

0.2 0 0.2 0.4 Miles

N
W E
S

RZ 01-6.00: Rezoning (TMC & Associates, pp 359) was submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential.

Odom: The next item is the rezoning RZ 01-6.00 submitted by Michele A. Harrington on behalf of TMC & Associates for property located east of Sunshine Road and north of Highway 16. The property is zoned A-1, Agricultural and contains approximately 40 acres. The request is to rezone to R-1, Low Density Residential. The staff's recommendation is for approval of the requested rezoning based upon the findings as a part of this report. Did you have additional presentation on this?

Krug: I have no additional presentation.

PUBLIC COMMENT:

Odom: Any member of the audience wish to address on the rezoning issue?

COMMISSION DISCUSSION:

Odom: Seeing none, I'll close the floor to public discussion and bring it back to the Planning Commission for questions, comments or actions.

MOTION:

Estes: I move that we approve and forward RZ 01-6.00. The reason being that rezoning this property to R-1, Low-Density Residential is consistent with the land use plan and compatible with all of the surrounding land uses in this area.

Marr: Second.

Odom: We have a motion and a second to approve RZ 01-6.00. Any further discussion?

Hoffman: I have one additional comment. When a preliminary plat comes through, I would like to reinstitute the practice of stating that the water and sewer tap availability is limited. That's not for the rezoning, I don't think, but when a plat comes through I would like that note to be added to the plats. Just an FYI.

Conklin: Thank you commissioner Hoffman. The applicant should be aware of that and I'm glad

you brought that up. Yes, our sewage treatment plant is reaching or is near capacity in the near future and the City cannot guarantee that if a development comes in two and a half years from now on this piece of property that there will be sewer taps available. We try to advise all the applicants that come to the Planning Division with regard to the current sewage treatment plant capacity issue. Thank you.

Odom: Any further discussion? Will you call the roll?

ROLL CALL:

Upon roll call RZ 01-6.00 is approved by a unanimous vote of 9-0-0.

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

r the Fayetteville City Council meeting of **April 17, 2001.**

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUIRED: To approve ~~a resolution~~ an ordinance for AD 01-12.00 to amend Chapter 161 Zoning of the Unified Development Ordinance to include additional multi-family zoning districts, RMF-6, RMF-12, and RMF-18, submitted by the City of Fayetteville, Planning Division.

COST TO CITY:

$

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 | 4/04/01 Date | ADA Coordinator | Date

Purchasing Officer | Date

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 9-0-0 to recommend to City Council.

Division Head | 3-30-01 Date

Department Director | 4-5-01 Date

Administrative Services Director | 4/5/01 Date

Mayor | Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #:_____

Orig Contract Date:_____

Orig Contract Number:_____

ORDINANCE NO. _____

AN ORDINANCE APPROVING AD 01-12.00 TO AMEND CHAPTER 161 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCE TO INCLUDE ADDITIONAL MULTI-FAMILY ZONING DISTRICTS, RMF-6, RMF-12 AND RMF-18, SUBMITTED BY THE CITY OF FAYETTEVILLE PLANNING DIVISION.

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

Section 1. That the City Council hereby Approves AD 01-12.00 to Amend Chapter 161 Zoning Regulations of the Unified Development Ordinance to include additional Multi-family Zoning Districts, RMF-6, RMF-12, and RMF-18, submitted by the City of Fayetteville Planning Division.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Planner
THRU: Tim Conklin, City Planner
DATE: March 22, 2001

AD 01-5.00: Administrative Item (Multi-family Zoning Districts) was submitted by the Planning Division to amend the Unified Development Ordinance to include additional multi-family zoning districts.

RECOMMENDED MOTION:
Planning Commission recommendation for approval of the creation of three new zoning districts, RMF-6, RMF-12 and RMF-18 as defined in this report.

Background:

During the General Plan 2020 update which was adopted by City Council December 19, 2000, there was discussion regarding the large range of permitted density within the R-2, Medium Density Residential zoning district. Currently a property zoned R-2 may be developed with anywhere between 0 and 24 units per acre. An additional implementation strategy regarding residential areas was added to the General Plan and is shown below:

Excerpted from General Plan 2020, Chapter 6: **GUIDING POLICIES AND IMPLEMENTATION STRATEGIES**

Residential Areas: Implementation Strategies

6.3.m Develop an ordinance that provides a transition in multi-family zoning density from 6 units per acre to the current 24 units per acre allowed under R-2 Medium Density Residential zoning.

The following zoning districts (RMF-6, RMF-12 & RMF-18) have been designed to address this issue. The intent is to create districts which permit the same uses and provide for the same land area requirements as the current R-2, Medium Density Residential district, while allowing for a progression of densities. If adopted by City Council, applicants would have three more possible

districts to use when considering a rezoning request. Having these options will also provide greater flexibility for staff, the Planning Commission and the City Council. Because the density ranges are tighter, the impact of a development in one of these districts will be more targeted and specific and will therefore be easier to predict. The result is a development which matches the zoning district with regard to density without the need for bills of assurance limiting number of units. Another benefit to having more of a density progression in the multifamily districts is that neighbors can better determine the impact of proposed developments. There is less guess work involved when the number of units allowed by right is narrower.

§161.061 DISTRICT RMF-6 LOW DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Low Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single family residential areas.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

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 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 6

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

§161.062 DISTRICT RMF-12 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Moderate Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a moderate density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

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 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 12

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

§161.063 DISTRICT RMF-18 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL.

A. Purpose. The Medium Density Multi-family Residential District is designed to permit and encourage the development of multifamily residences at a low density that is appropriate to the area.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

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 4	Cultural and Recreational Facilities
Unit 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 18

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms One Bedroom No Bedroom	 2,000 Sq. Ft. 1,700 Sq. Ft. 1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

AD 01-12.00: Administrative Item (Multi-family Zoning Districts) was submitted by the Planning Division to amend the Unified Development Ordinance to include additional multi-family zoning districts.

Odom: Item number ten on tonight's agenda is an administrative item AD 01-5.00 submitted by the Planning Division to amend the Unified Development Ordinance to include additional multi-family zoning districts. The recommendation is for Planning Commission recommendation for approval of the creation of three new zoning districts, RMF-6, RMF-12 and RMF-18 as defined in this report. Staff, would you like to go over those three recommendations?

Warrick: Staff developed these three additional zoning districts based on the General Plan 2020 update process which was initiated this past fall and was adopted by City Council in December of 2000. During this discussion on amendments and updates there was a lot of discussion with regard to the large range of permitted density within the R-2 zoning district which ranges between 4 and 24 units per acre as permitted. As a result of discussion about that range of variable allowable density, staff developed three new zoning districts RMF-6, RMF-12 and RMF-18. The RMF stands for Residential Multi-Family, the number represents the maximum density permitted per acre, units per acre. Each of these zoning districts is based on the R-2 zoning district, the land area requirements and the uses permitted by right as well as by Conditional Use are also represented in each of these three districts. We developed these as a way to better regulate the amount of density that can be seen and these three zoning districts, if approved by City Council, would be an available option for rezoning requests in the future.

PUBLIC COMMENT:

Estes: Thank you Dawn. Does any member of the audience wish to comment on this administrative item? Yes sir, if you would please come to the podium and identify yourself?

Maynard: My name is Richard Maynard, 1717 Sang Avenue. I'm here both as a citizen and property owner and also have permission from our neighborhood association to speak on this matter. May I ask a question of staff? When we talked before it was the R2-6, R2-12, R2-18, R2-24, is what you are recommending, does that replace that idea?

Conklin: It's just a different name. The zoning ordinance and the zoning map, we are required to have individual districts created with legal descriptions and I can't just combine R-2 and have subdistricts underneath that. Most ordinances that I've researched, they are

independent from each other. We still have the R-2 with 24, then we created these three additional categories to allow for the different densities that we are proposing.

Maynard: There is not just R-2 anymore, there is R2-24 and then these three other categories, is that right?

Conklin: No. We made R-2, we did not change the title of that zoning district.

Maynard: It's basically the same thing, right?

Conklin: It is exactly the same thing. We are adding three new zoning districts to create three new densities.

Maynard: First of all, again I would like to thank Tim Conklin and Dawn Warrick and staff, I think this is a really good idea in just it's simplicity. I come from a neighborhood that is a mixed zoning and has a huge infill situation as some of you may remember. Certainly zoning is a protection that we need. The problem before was with just an R-2 zoning we were never quite sure what we were getting. I think one good thing that this does is it keeps everybody honest. In other words, somebody can't say "I want to put in just a few duplexes", get the zoning and somehow change their mind or sell it to somebody else who decides to change their mind. I don't know if that's happened or not but certainly this will prevent that from happening, I assume. It almost takes the place of a Bill of Assurance. When I say "almost" I still think you might want a Bill of Assurance for another reason. I think the other thing it does, it makes it a little more difficult to jump from an R-1 zoning to a very high density which is almost R-3. It doesn't prevent anybody from doing that and I think they should be given that opportunity to do that but certainly psychologically it works in that. I think this is a wonderful idea. Certainly in neighborhoods like mine where we really need that zoning for our own security so we know what we are moving into. I think some neighborhoods who think they are secure because it's all filled in with R-1 zoning also can be protected by this because they never know what the future will bring. The one thing I do want to say is that all of these things will mean nothing unless I think there is more respect and more deference given to the present zoning. It certainly was in our case. I think this Board and staff take great care when something changes from residential to commercial or agricultural to industrial or something like that. I'm not so sure in the past that the same kind of care and the same kind of deference has been given when something moved from R-1 to R-2. Even in this case, moving from R-1 to the first category, which will probably be duplexes, certainly makes a major change into the character of the neighborhood. I don't know quite how to say it without telling you all to do your jobs but without going

back, certainly in our situation I felt when we came up here a year and a half ago that the burden was upon us who had the zoning to prove why it should be kept that way. It was not upon the petitioner to make their case very strongly on why it needs to change. That really threw me for a loop because I was not prepared to argue it that way. Nothing else in our society works that way. I don't have to prove my innocence for example. I think the same principle needs to be applied here. The question is asked "Well, how does the present zoning not fit the findings of fact?" In other words, the question is "Why should we change this at all?", instead of "Why not?". That's what I would like to encourage and see happening. Certainly zoning, I am the property owner certainly but I do think some property owners get a little bit confused, they think their ownership of the property extends to the zoning and that's not true at all. It's the City's and more specifically it is the citizens. If we are asked to give up part of our rezoning, we should at least be told why and how at least it's not going to harm us, even if the zoning meets the findings of fact, how that's going to change the character of the neighborhood, how that's going to affect the neighbors. I do think this is very good resolution and I would encourage you all to pass it. Thanks.

Odom: Thank you Richard. Any other member of the audience?

COMMISSION DISCUSSION:

Odom: I'll close the floor to public discussion and bring it back to the Planning Commission.

MOTION:

Marr: I would like to move for approval of administrative item 01-5.00. Having been a member of the 2020 revision plan, I want to thank Tim and Dawn for their work on it. It's consistent with what we heard in public comment and I think it's a very well written document.

Allen: I'll second.

Odom: We have a motion by Commissioner Marr and second by Commissioner Allen to approve AD 01-5.00. Do we have any further discussion? Call the roll.

ROLL CALL:

Upon roll call AD 01-5.00 is approved by a unanimous vote of 9-0-0.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE RULES AND PROCEDURES OF THE FAYETTEVILLE MAYOR/CITY COUNCIL BY ADDING A PROVISION FOR SUSPENSION OR WAIVER OF THESE RULES TO STATE WHEN THE RULES MAY BE SUSPENDED OR WAIVED

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

Section 1. That the Fayetteville City Council hereby amends its Rules of Order and Procedure by adding paragraph D.6. Suspension Or Waiver Of The Rules:

"D. 6. **Suspension Or Waiver Of The Rules**.

These Rules may be suspended or waived by a two-thirds vote of the membership of the City Council including the Mayor. Therefore a motion to Suspend the Rules requires six (6) affirmative votes to pass."

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE UNIVERSITY OF ARKANSAS TO USE FIREWORKS FOR THE ANNUAL OCCASION OF THE CELEBRATION OF FIREWORKS NIGHT MARKING THE END OF THE RAZORBACK BASEBALL SEASON AT BAUM BASEBALL STADIUM

WHEREAS, the Fayetteville Code of Ordinances, §94.04, Sale and Use of Fireworks allows the use of fireworks within the City only on certain dates in July; and,

WHEREAS, the Athletic Department of the University of Arkansas wishes to annually celebrate the end of the Razorback Baseball Season at Baum Baseball Stadium with fireworks; and

WHEREAS, the City of Fayetteville wishes to join with the University of Arkansas in this annual celebration of "Fireworks Night" and allow fireworks in a safe and proper manner to commemorate that event.

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

Section 1. That the City Council hereby amends §94.04 (c) by adding following language after the last sentence in subsection (c):

> "It shall also be lawful for the University of Arkansas to conduct the annual "Fireworks Night" to celebrate and congratulate the Razorback Baseball Team at its last home game of the year in or near Baum Baseball stadium. Said fireworks display shall comply with all applicable regulations and laws of the State of Arkansas."

Section 2. The City Council hereby determines that this Code of Fayetteville must be changed immediately to allow the University of Arkansas to safely celebrate "Fireworks Night" for the University of Arkansas Razorback

Baseball team during their last home game on May 4th or 5th of 2001. Therefore, an emergency is declared to exist and this ordinance being necessary for the public safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

STAFF REVIEW FORM

_X__ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF April 17, 2001 **MAYOR'S APPROVAL** _____

FROM:

Kit Williams	City Attorney	Legal
Name	Division	Department

ACTION REQUIRED:

An Ordinance Allowing The University Of Arkansas To Use Fireworks For The Annual Occasion Of The Celebration Of Fireworks Night Marking The End Of The Razorback Baseball Season At Baum Baseball Stadium

COST TO CITY:

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 Coordinator | Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 4-3-01	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Pass Ordinance

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

CROSS REFERENCE

New Item: Yes (No)

Previous Ordinance/~~Resolution~~ No.: 4242

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE UNIVERSITY OF ARKANSAS TO USE FIREWORKS FOR THE ANNUAL OCCASION OF THE CELEBRATION OF FIREWORKS NIGHT MARKING THE END OF THE RAZORBACK BASEBALL SEASON AT BAUM BASEBALL STADIUM

WHEREAS, the Fayetteville Code of Ordinances, §94.04, Sale and Use of Fireworks allows the use of fireworks within the City only on certain dates in July; and,

WHEREAS, the Athletic Department of the University of Arkansas wishes to annually celebrate the end of the Razorback Baseball Season at Baum Baseball Stadium with fireworks; and

WHEREAS, the City of Fayetteville wishes to join with the University of Arkansas in this annual celebration of "Fireworks Night" and allow fireworks in a safe and proper manner to commemorate that event.

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

Section 1. That the City Council hereby amends §94.04 (c) by adding following language after the last sentence in subsection (c):

> "It shall also be lawful for the University of Arkansas to conduct the annual "Fireworks Night" to celebrate and congratulate the Razorback Baseball Team at its last home game of the year in or near Baum Baseball stadium. Said fireworks display shall conform to §2002.2 of the Arkansas Fire Prevention Code (1991 Edition)."

Section 2. The City Council hereby determines that this Code of Fayetteville must be changed immediately to allow the University of Arkansas to safely celebrate "Fireworks Night" for the University of Arkansas Razorback

Baseball team during their last home game on May 4th or 5th of 2001. Therefore, an emergency is declared to exist and this ordinance being necessary for the public safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of April, 2001.

APPROVED:

BY: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

Vice Chancellor for Finance and Administration

406 Administration Building
Fayetteville, Arkansas 72701
(501) 575-5828
Fax: (501) 575-5400

March 29, 2001

VIA FACSIMILE
501-575-8315

Kit Williams
City Attorney Division
113 West Mountain
Fayetteville AR 72701

Dear Mr. Williams:

Each year for the past six years, the University of Arkansas has celebrated Razorback baseball by holding a "Fireworks Night" at the end of each season. Over the years, this event has grown to be a Fayetteville tradition and average attendance for each year's game and display is approximately 3,800 people. In previous years, University officials have worked with your predecessor, Mr. Jerry Rose, to seek the kind assistance of the Office of the City Attorney in obtaining the necessary variance to conduct the fireworks display from private property located immediately south of Baum Stadium. Consistent with past practice, therefore, I am requesting on behalf of the University of Arkansas, a variance from the City of Fayetteville's fireworks ordinance to conduct the annual "Fireworks Night" at Baum Stadium on May 4, 2001, when the Razorbacks host the LSU Tigers. The rain date for this event is May 5, 2001.

The fireworks display will take place immediately following the completion of the baseball game at approximately 9:30 p.m. but should not be later than 10:30 p.m. As in the past, the University will obtain all necessary approvals and coordinate with all appropriate officials to conduct the display, including the State Fire Marshall, the Fayetteville Fire Chief, the Fayetteville Police Department, and the University of Arkansas Police Department. As I stated, the fireworks display originates from land located to the south of Baum Stadium with the approval of the owners of the property, the heirs of William Centers, III.

In order to move forward with the planning process as expeditiously as possible, I would appreciate your assistance in obtaining a variance from the City of Fayetteville to allow "Fireworks Night."

The University of Arkansas is an equal opportunity/affirmative action institution.

I look forward to hearing from you at your earliest convenience. We appreciate the City's support of the Arkansas Razorbacks.

Sincerely,

Donald O. Pederson
Vice Chancellor for Finance
& Administration

DOP:jmm
xc: Honorable Dan Coody
J. Frank Broyles
Matt Shanklin
Scott Varady

Monday, April 09, 2001

RECEIVED
APR 0 9 2001
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Ms. Heather Woodruff
Fayetteville City Clerk
113 W. Mountain St.
Fayetteville, Arkansas 72701

Dear Ms. Woodruff,

0.-09-01P01:52 RCVD

At the request of several of my constituents, I am making a formal appeal of two decisions made by the Planning Commission at their March 26, 2001 meeting. The particulars of the appeals are listed below. I would like to state up front that I am not personally committed to overturning the recommendations of City staff and the decisions of the Planning Commission, however, I cannot the ignore the public outcry for the City Council to entertain further public discussion of these items. Please include these appeals on the agenda for the City Council meeting of April 17, 2001.

1. LSD 00-36.00 Large Scale Development (J.D. China)

   Please consider this appeal as a question of whether the letter and intent of the Tree Preservation Ordinance under UDO Section 167.05 have been followed. Constituents have expressed their concern to me that the provisions of this ordinance to "maximize preservation of Rare and Landmark Trees" have not been honored.

2. LSD 01-4.00 Large Scale Development (Fayetteville Youth Center)

   Please consider this appeal as a question of whether the letter and intent of the Fayetteville Drainage Manual Section 9.2.2.4 has been honored regarding the waiver of the bend radius required for open channels, and UDO Section 172.01 has been honored regarding the waiver to permit 30 feet rather that 24 feet for drive aisle width, and the waiver to permit an unknown number of additional parking spaces. These issues are very important, as they will add a considerable amount of impermeable surface to a site that is primarily floodplain and floodway as shown on the Flood Insurance Rate Map.

There have been many questions raised by the public regarding the siting of this facility and the amount of public funding already invested, as well as future commitments of public funds. Citizens are also curious about the private funding required by the Reynolds Foundation grant to the Youth Center. Would you please ask the Youth Center staff to provide to the Council any and all grant applications and award notifications including any and all stipulations and conditions associated with this project?

Thank You,

Kevin Santos, Alderman

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, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: March 21, 2001

CU 00-37.00: Conditional Use (J.D. China, pp 520) was submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains approximately 1.86 acres. The request is for parking in a R-2 zone for a proposed development in a C-2 zone and for parking in excess of that permitted.

RECOMMENDED MOTIONS:

Staff recommends approval of the conditional use permitting parking for a restaurant in the R-2, Medium Density Residential zoning district subject to the following condition:

Staff recommends approval of the conditional use permitting 20 parking spaces in excess of those allowed by ordinance subject to the following condition:

1. Planning Commission approval of the accompanying large scale development.

PLANNING COMMISSION ACTION: Required YES
O Approved O Denied

Date: March 26, 2001

Comments: _____

_____

_____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-26-01\jdchina.wpd

BACKGROUND:

This property is located directly west of Burger King on Sixth Street. A lot split was approved for this property on May 11, 2000 which split this property from property on the west. The proposal is for a 6,200 square foot restaurant with 58 parking spaces and a drive thru. Approximately 8 parking spaces are proposed to be located on the R-2 property at the north portion of the site. Beyond the development, a 13,015 s.f. tree easement has been established to preserve existing canopy in perpetuity. This easement will screen the restaurant development from surrounding residential properties.

SURROUNDING LAND USE AND ZONING

North:	Multi-family residential (across Mitchell Street), R-2
South:	Industrial (Love Box Co.), I-1
East:	Restaurant (Burger King), C-2 / Vacant, R-2 (to the north)
West:	Vacant home, C-2 / Residential, R-2 (to the north)

GENERAL PLAN DESIGNATION Residential

§ 163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting approval of two conditional uses for this property. A conditional use to allow parking in excess of that permitted by ordinance as provided by §172.01(D)(2) and a conditional use to allow parking in a residential district which is built to serve a commercial use in another district as provided by §172.01(E)(2).**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

2. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: **The Planning Commission is empowered by §172.01 to grant the requested conditional uses.**

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: **The granting of the conditional uses with safeguards and conditions as prescribed in the accompanying large scale development will not adversely affect the public interest.**

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: **The applicant has complied with specific rules governing the individual conditional use requests.**

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: **Access for this development has been limited to West 6th Street with cross access to the east and west.**

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **Refer to large scale development.**

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: **A dumpster with screening will be located on the site as approved by the Solid Waste Division and reviewed during the development review process.**

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: **Utilities were reviewed and easements requested as needed by City staff and utility representatives during the development review process. All new utilities shall be located underground. Utilities on site shall be screened in accordance with Commercial Design Standards.**

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: **Refer to large scale development.**

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: **Wall and freestanding signs are proposed and reflected on the elevations submitted for Commercial Design Standards review.**

(g.) Required yards and other open space; and

Finding: **The project complies with yard and open space requirements.**

(h.) General compatibility with adjacent properties and other property in the district.

Finding: **This project is generally compatible with adjacent properties and with other property in the district.**

excerpted from UDO Chapter 172 - Parking and Loading

D. Standards for the Number of Spaces, by Use.

1. Off-Street Parking.

Except as provided in a. and b. below, off-street parking spaces shall conform to the requirement in Table 3. below. Parking requirements shall be met at the time any building or structure is erected, enlarged, or increased in capacity, changed in use, or any outdoor use is established or enlarged.

a. In C-3 and C-4 zoning districts, parking requirements are waived for any existing structure with a change of use. New construction, razed buildings or enlarged buildings shall conform to the parking requirements of the City of Fayetteville. For enlarged buildings, additional parking spaces will be calculated by the amount of square footage that is added.

b. In C-3 and C-4 zoning districts, parking requirements are waived for the square footage "footprint" of any building which existed and has been removed since October 1, 1995, in order to rebuild.

2. Maximum Number Allowed. Parking lots may contain up to 20% more spaces than the required minimum. Any additional spaces above 20% shall be allowed only as a conditional use and shall be granted in accordance with Chapter 163, governing applications of conditional uses; procedures, and upon the finding that additional spaces are needed.

Table 3. PARKING RATIOS
(Use/ Required Spaces)

Commercial

Auditorium	1 per 4 seats
Barber or beauty shop	2 per chair
Eating places: excluding drive-throughs and restaurants offering entertainment	1 per 200 square feet of floor area
Hotels and motels	1 per room, plus 1 additional space per employee
Amusement	1 per 200 square feet of floor area
Retail	1 per 250 square feet of floor area
Coin-operated laundry	1 per 3 machines
Regional antique and furniture store	1 per 500 square feet of floor area
Restaurants with entertainment	1 per 3 occupants based on current adopted Standard Building Code, City of Fayetteville
Hospital and convalescent home	1 per bed
Gas service stations	4 per each enclosed service bay
Commercial recreation-large sites	1 per 1000 square feet of site area

E. Parking Lot Location Standards. The location of all required and nonrequired parking lots with five or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

1. Permitted Locations by Right. Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

2. Permitted Locations as a Conditional Use.

a. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.

b. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Cross Reference: Use Conditions, Chapter 163.

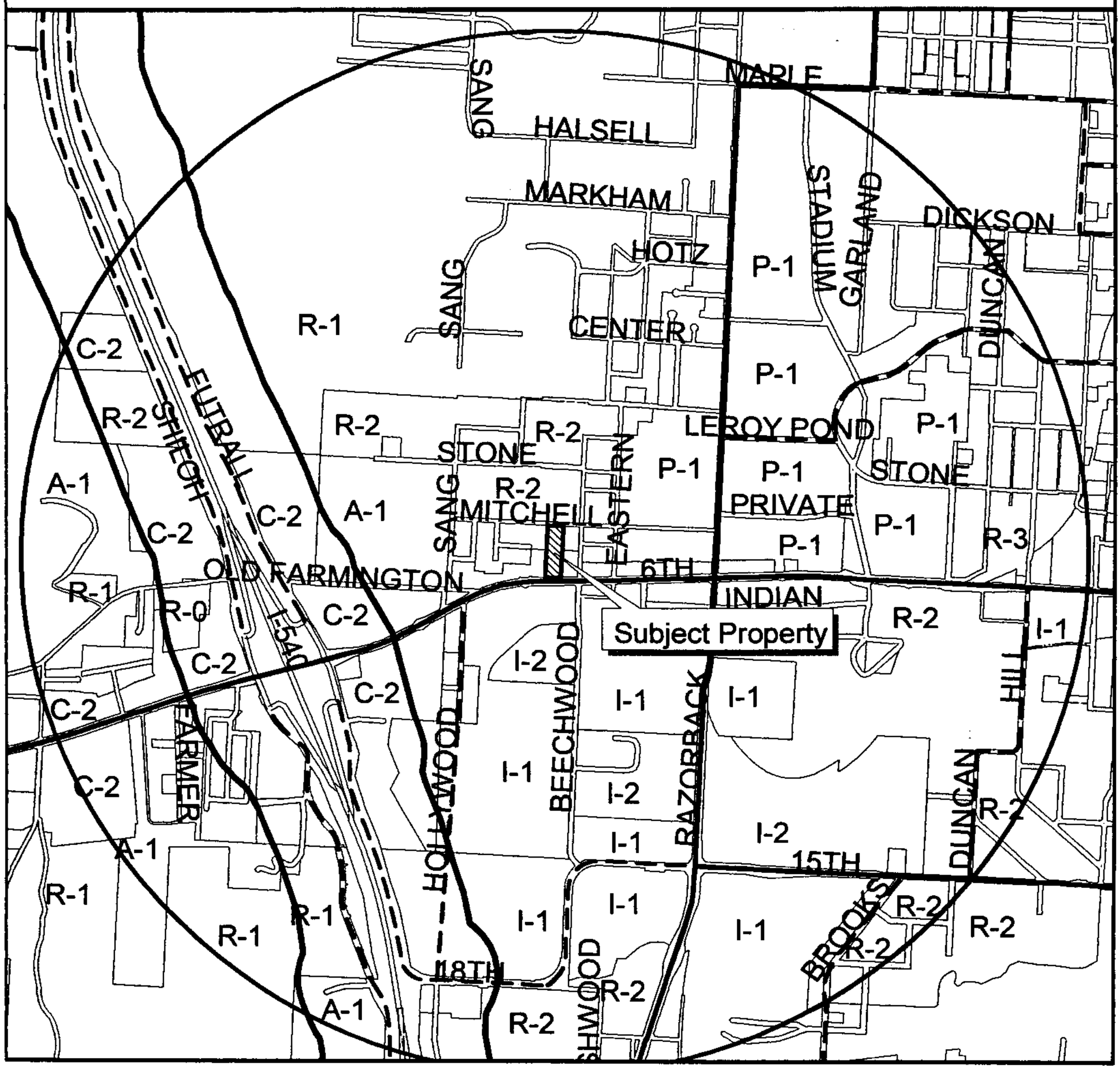
CU00-37 J.D. China Close Up

STREETS
Zoning District
Master Street Classifications
COLLECTOR
FREEWAY/EXPRESSWAY
MINOR ARTERIAL
PRINCIPAL ARTERIAL
Structures (1998)

100 0 100 200 Feet

N
W E
S

CU00-37 JD China One Mile Radius



STREETS
Regional Zoning
Design Overlay District
Master Street Classifications
COLLECTOR
FREEWAY/EXPRESSWAY
MINOR ARTERIAL
PRINCIPAL ARTERIAL

0.2 0 0.2 0.4 Miles

N
W E
S

New Business:

CU 00-37.00: Conditional Use (J.D. China, pp 520) was submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains approximately 1.86 acres. The request is for parking in a R-2 zone for a proposed development in a C-2 zone and for parking in excess of that permitted.

Odom: The first item we have on tonight's agenda under new business is conditional use 00-37.00 for JD China submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains approximately 1.86 acres. The request is for parking in a R-2 zone for a proposed development in a C-2 zone and for parking in excess of that permitted. Staff's recommendation is for approval of the conditional use permitting parking for a restaurant in the R-2, Medium Density Residential zoning district subject to the condition of approval that the Planning Commission approve of the accompanying large scale development. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval. We would ask that the Commission make two separate motions, one with regard to allowing parking for a restaurant in the R-2 district and the second conditional use to approve is for 20 parking spaces in excess of those allowed by ordinance. Just so our record is clear, we would like two motions on that.

Odom: One is to allow parking in an R-2...

Conklin: R-2 zoning district to serve the restaurant and then the second conditional use will be the 20 parking spaces in excess of what's allowed by right.

Odom: I ask the applicant to please come forward. Are you the applicant?

Feinstein: Yes. I'm Andy Feinstein with Engineering Design Associates. Mr. Chair, Planning Commissioners, it's our pleasure to present this project to you. As your notes say, this is a 6,200 square foot facility. They are relocating from their current location at Evelyn Hills Shopping Center in an attempt to have more visibility and a little better traffic flow in front of their facility. They have the seating capacity of almost 200 patrons and that's why we thing the request for additional parking is consistent with other restaurants in this area. Do want me to discuss the large scale or just the conditions before you now?

Odom: Let's just talk about the conditions. We are going to do that separately.

Feinstein: That's basically it. If you have any questions, I'll be happy to answer them.

PUBLIC COMMENT:

Odom: We'll do questions after the public comment section. Let me ask if there is any member of the audience that would like to address us on this conditional use request? Any member of the audience here to discuss this issue?

COMMISSION DISCUSSION:

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

Hoffman: I would like to move for approval of this project in two separate motions. First to be the granting of the variance of the parking and the second to be the overall LSD.

Odom: Let's just do one at a time then.

MOTION:

Hoffman: I'll move for approval of the parking variance for CU 00-37.00 for the 20 parking spaces in excess of those allowed by ordinance.

Odom: We have a motion then which deals with the additional 20 parking spaces in excess of those allowed by ordinance.

Shackelford: I'll second.

Odom: Motion by Commissioner Hoffman, second by Commissioner Shackelford, do we have any further discussion on that particular motion? Will you call the roll?

ROLL CALL:

Upon roll call the parking variance for 20 parking spaces in excess of those allowed by ordinance for CU 00-37.00 is approved by a unanimous vote of 9-0-0.

Hoffman: I'll go ahead and move for approval of the conditional use. At Subdivision Committee

and agenda session we did have specific discussion regarding the tree preservation plan. The applicant has purchased additional property in order to meet that requirement. The Commercial Design Standards were found to be...

Odom: Let's address that with regard to the LSD. If you have a motion with regard to parking in an R-2 zoning, we should address that first.

Hoffman: I'm confused.

MOTION:

Estes: I move that we approve conditional use 00-37.00 with the specific provision of allowing approximately 8 parking spaces to be located on the R-2 property at the north portion of the site.

Hoffman: I'll go ahead and second the motion.

Odom: We have a motion by Commissioner Estes, second by Commissioner Hoffman to allow the parking in the R-2 zoning. Any further discussion? Are we all on the same page? Will you call the roll?

ROLL CALL:

Upon roll call CU 00-37.00 is approved, with the specific provision of allowing approximately 8 spaces to be located on the R-2 property at the north portion of the site, by a unanimous vote of 9-0-0.

PC Meeting of 26 March 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

J.D. China, LSD

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Sara Edwards, Ron Petrie P.E.**
DATE:	**March 26, 2001**

Project: **LSD 00-36.00: Large Scale Development (J.D. China, pp 520)** was submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains 1.86 acres. The request is for a restaurant.

Findings: This property is located directly west of Burger King on Sixth Street. A lot split was approved for this property on May 11, 2000 which split this property from property on the west. The proposal is for a 6,200 square foot restaurant with a drive-thru and 58 parking spaces A conditional use has been requested for additional parking and for parking in an R-2 zoning district. Cross access has been provided to properties to the east and west. Enclosed as a part of this packet is information relating to a Bill of Assurance that was executed as part of the rezoning of this property in 1990.

Recommendation: Approval subject to the eleven (11) conditions listed below.

Conditions of Approval:

1. Planning Commission determination of compliance with the Tree Protection and Preservation Ordinance. The requirement is 15% preservation of canopy in a C-2 zone and 20% preservation of canopy in an R-2 zone. The applicant is proposing to preserve 21% of the entire site in tree canopy which will preserved in perpetuity with the granting of a tree easement. This preservation area is located at the north end of the property in the R-2 zone.

§167.05 TREE PROTECTION IN NEW SUBDIVISIONS, LARGE SCALE DEVELOPMENTS, COMMERCIAL DEVELOPMENTS AND ON GRADING

B. Preservation Plan.

6. Removal. *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.*

7. Significant to Site. *The saving of a rare or landmark tree or a tree shown to*

be significant to the site shall be considered upon application for any variance under Chapter 156 of the UDO.

2. Approval shall be subject to Planning Commission approval of a Conditional Use to allow 20 parking spaces in excess of that allowed by code for a total of 58 parking spaces and for parking in a different zoning district. *For a 6,200 square foot restaurant, 38 spaces are allowed (1 per every 200 feet plus an additional 20%).*

3. Bicycle parking racks shall be provided in accordance with §172.03 Bicycle Parking Rack Requirements.

4. Planning Commission determination of a variance request from §169.02(C)(2) of the grading ordinance which states, "The Maximum length of any cut or fill slope without a terrace shall be one hundred feet as measured along the ground." *The Engineering Staff supports this variance request (See letter from applicant).*

5. The freestanding sign shall not exceed fifteen feet in height and shall comply with the sign ordinance.

6. Planning Commission determination of compliance with Commercial Design Standards including signage. The applicant is proposing a brick and EFIS building with a metal roof and a fifteen foot tall freestanding sign. *Staff has advised the applicant that the sign on the building will not be allowed to extend over the height of the roof.*

§166.14 SITE DEVELOPMENT STANDARDS AND CONSTRUCTION AND APPEARANCE DESIGN STANDARDS FOR COMMERCIAL STRUCTURES.
D. Design Elements Guidelines for Commercial Structures.

1. The elements to avoid or minimize include:
- ***a.*** *Unpainted concrete precision block walls.*
- ***b.*** *Square "boxlike" structures.*
- ***c.*** *Metal siding which dominates the main facade.*
- ***d.*** *Large blank, unarticulated wall surfaces.*
- ***e.*** *Large out of scale signs with flashy colors.*

7. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

8. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

9. Sidewalk construction in accordance with current standards to include a six foot sidewalk and a ten foot greenspace.
10. Large Scale Development approval to be valid for one calendar year.

11. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Background:

The proposed Large Scale Development was originally reviewed at the December 27, 2000 Technical Plat review and was placed on hold by the applicant to resolve some drainage issues. The project was presented again at the February 27, 2001 Technical Plat Review and the March 15, 2001 Subdivision Committee meeting.

Discussion at the Subdivision Committee meeting included tree preservation, stormwater detention, and Commercial Design Standards.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments, including the determination of variance requests and commercial design standards.

INFRASTRUCTURE:

a) Water. Existing.

b) Sanitary sewer. Existing.

c) Streets. Existing.

d) Grading and Drainage. A preliminary grading plan and drainage report has been submitted. A final plan and report will be required prior to beginning construction.

PLANNING COMMISSION ACTION: __yes__Required
_____Approved _____Denied

Date: _____

Comments:

_____

_____

_____

CITY COUNCIL ACTION: _____Required
_____Approved _____Denied

Date: ___/___/___

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
by

_____
title

_____
date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Planning Commissioners

FROM: Kim J. Hesse, Landscape Administrator

DATE: March 23, 2001

SUBJECT: LSD 00-36 / J.D. China

I recommend approval of the tree protection plan for J.D. China Restaurant, to be located west of Burger King on Sixth St.

The front portion of the property is zoned C-2, commercial use. The site is a narrow, deep tract of land that is primarily tree covered with an average slope of 10%. It is this portion of the site, fronting on 6th street, that is zoned commercial and where the restaurant and associated parking is proposed. There are several existing Red and White Oak trees ranging from 15 to 24" D.B.H in this area. Four of these trees meet the city's definition of a rare tree. Toward the rear of the property, the portion zoned residential, the site begins to level off and is heavily forested in oak, hickory and pine.

I have worked with the engineering representative for this project since summer of last year to develop a tree friendly design. Originally, the developer of the property had planned to purchase only the commercial zoned portion of the site. After several attempts to locate the building and parking around the larger trees, it became apparent that due to the width of the site and the slope of the existing topography, little could be done to preserve existing trees if it were to be developed. In order for pedestrians, including handicapped individuals, to drive onto the site, park and walk to the building, extensive grading is required. It was my opinion that the only way to save the required canopy, or any canopy at all, was to limit the size of the development. It was at this point that the developer decided to purchase additional adjoining property in order to preserve the minimum percent canopy required for this zone. As a result, the proposal before you includes .37 acres in forested land that meets the required percentage of preserved canopy for the entire development.

It is true that the largest of the existing trees are to be removed. The ordinance does state that it is my discretion as to whether I believe the site can be reasonably developed and maintained and the trees saved. If I do not believe it can, I can approve removal of rare trees. This is a commercially zoned piece of property. The land is surely priced accordingly. It is not my discretion as to what is developed on a site or if a site can be utilized for it's zoned use. I can intervene only if the proposed use can be developed in a such a way as to save trees. I **was not** able to find a way to reasonably grade this site for this use and save trees. Since additional land was purchased with the intent to save the minimum percent canopy, I feel an obligation to approve the tree preservation plan. The canopy that is being preserved is heavily forested and will sustain value for buffering adjacent residential zoning, wildlife habitat, pollution remediation and several other benefits.

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA AVENUE
SPRINGDALE, ARKANSAS 72764
501-756-1266
FAX: 501-756-2129

RECEIVED
MAR 12 2001
PLANNING DIV.

March 12, 2001

Planning Commission
City of Fayetteville
Fayetteville, AR

RE: Large Scale Development
J.D. China Restaurant
EDA #0491

Dear Sir or Madame,

Development of this site requires considerable grading and site disturbance because of the steepness of the existing ground. There is over twenty-five *(25)* feet of grade change across the developed area. The narrowness of the tract of land also contributes to limiting the options in the site plan to provide adequate room to grade for adequate vehicular movement and drainage. A continuous slope of over 100 feet in length will exist in the drive aisle areas upon completion of the site improvements. We respectfully ask that the Commission waive the requirements of section 169.02(C)(2) as it relates to length of cut slope.

Please call should you need additional information or have any questions.

Sincerely,

Andy Feinstein
Project Manager

AWF/awf

xc:file

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Sara Edwards
Associate Planner

From: Kit Williams, City Attorney

Date: March 7, 2001

Re: Bill of Assurance

After conferring with Jerry Rose and examining the Bill of Assurance and the Decree from the Chancery Court declaring such Bill of Assurance null and void, I believe we cannot enforce said Bill of Assurance. However, the Court Decree clearly finds that the "property remains subject to any Tree Protection and Preservation Ordinances implemented by the City of Fayetteville."

IN THE CHANCERY COURT OF WASHINGTON COUNTY, ARKANSAS

FILED FOR RECORD
'00 NOV 14 AM 10 48
WASHINGTON CO AR
K HARNESS

DOUGLAS T. LEE and JENNIFER S. LEE,
HUSBAND AND WIFE — PLAINTIFFS

VS. — CASE NO.: E 2000-1861

FAYE SWANEY SOUTHERLAND — DEFENDANT

CONSENT DECREE

Now on this 14 day of ~~October~~ November, 2000, comes on to be heard in the above matter, and the plaintiffs and defendant announces that they have stipulated and agreed as to a consent decree herein and based upon their stipulations and the matters presented hereunder, the Court being well and sufficiently advised in the premises finds:

1. That the defendant was duly served with service of summons in the time, manner and form as prescribed by law.

2. The Court further finds and the parties do hereby stipulate that the defendant owns the following real property situated in Washington County, Arkansas, to-wit.

LOT 10 OF THE BERT LEWIS SUBDIVISION AS PER PLAT ON FILE WITH THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING IRON; THENCE WEST 200.18 FEET; (RECORD=206.38 FEET); THENCE NORTH 225.42 (RECORD=200.00 FEET) FEET TO A SET IRON ON THE NORTH RIGHT-OF-WAY OF WEST 6TH STREET (STATE HIGHWAY 180) AS SHOWN ON THE CITY OF FAYETTEVILLE, ARKANSAS, MASTER STREET PLAN FOR THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF LOT ELEVEN (11) OF THE

BERT LEWIS SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 495.65 FEET TO AN EXISTING IRON ON THE WEST LINE OF SAID LOT ELEVEN (11), SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY OF MITCHELL STREET AS SHOWN ON THE CITY OF FAYETTEVILLE, ARKANSAS, MASTER STREET PLAN; THENCE N89°59'33"W ALONG SAID RIGHT-OF-WAY 153.38 FEET TO A SET IRON; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 505.62 FEET TO A SET IRON ON SAID NORTH RIGHT-OF-WAY OF WEST 6TH STREET; THENCE N86°17'16"E 153.70 FEET TO THE POINT OF BEGINNING, CONTAINING 1.77 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

3. The Court further finds and the parties do hereby stipulate and the defendant consents, that on or around September 18, 1990, she executed a Bill of Assurance, thereby placing upon her property the restrictive covenants as set out in the complaint herein; that the aforesaid covenants were placed upon the real property prior to any tree ordinances of the City of Fayetteville; that since that time, the City of Fayetteville has made provisions for the Tree Protection and Preservation on C2 thoroughfare commercial property; that as a result of the change in the conditions as it applies to the C2 thoroughfare property, the restrictions contained in the aforesaid Bill of Assurance are so restrictive that they destroy its value for purposes for which the restriction was originally promulgated to prevent; that said restrictions imposes an unreasonable restraint on the development of the property herein and prevents the free alienation, sale and transfer of the aforesaid property as set out in the plaintiffs' complaint; that by reason of the substantial change in the circumstances as set out in plaintiffs' complaint and other matters presented herein, and the undue hardship and restriction imposed upon the lands, the aforesaid Bill of Assurance executed by the defendant herein on the 12th day of September, 1990, and filed for record on the 4th day of October, 1990, at 8:30 a.m. and filed for record in Book 1387 at Page 726 through 728 in the Office of the Circuit Clerk and Ex-Officio

Recorder of Washington County, Arkansas, should be declared null and void and held for naught leaving the aforesaid property subject to the Tree Protection and Preservation Ordinances of the City of Fayetteville, Arkansas.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THIS COURT that the Bill of Assurance executed by the defendant herein as hereinabove set out be and the same is hereby declared null and void and held for naught and the Clerk of this Court be and she is hereby directed to make any marginal notations necessary or to take other steps in order to implement and carry out this order herein; that the aforesaid property remains subject to any Tree Protection and Preservation Ordinances implemented by the City of Fayetteville, Arkansas.

IT IS SO ORDERED.

MARYANN GUNN, CHANCERY JUDGE

APPROVED AS TO FORM:

PETER G. ESTES, JR.,
Attorney for Plaintiffs

GARY L. CARSON
Attorney for Defendant

R90-23

BILL OF ASSURANCE

This declaration of a Bill of Assurance made this 12th day of September, 1990, 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 Board of Directors to amend the Fayetteville zoning map and rezone the above described property from R-2, Medium Density Residential, 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 aforedescribed 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:

I.

A tree preservation plan shall be submitted prior to any construction or development subject to the following: a) the preservation of 60 percent of all existing trees with a caliper of 8 inches or more, b) the protection of trees to be preserved during the construction and paving process, and c) the understanding that the staff has the administrative authority to

FILED FOR RECORD
'90 OCT 4 AM 8 30
WASHINGTON CO ARK
A. KOLLMEYER

Fayetteville City Clerk

reduce by as much as 10 percent the percentage of trees to be preserved if the unforeseen removal of certain trees is deemed necessary during the construction process.

WITNESS my hand and seal this 12 day of Sept, 1990.

Faye Sweeney Southerland

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
)SS:
COUNTY OF WASHINGTON)

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, duly qualified, commissioned and acting within and for the aforesaid County and State, Faye Sweeney Southerland, to me well known, 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 12 day of Sept., 1990.

Marilyn Mothershead

My Commission Expires:

2-1-93

R9C-23

4. A part of the SE¼ of the SW¼ of Section 17, T-16-N, R-30-W described as beginning at a point which is North 526.04 feet and West 206 3/8 feet from the SE Corner of said 40 acre tract; thence West 153 3/8 feet; thence South to the Northerly Right-of-Way of U.S. Highway No. 62; thence along said Right-of-Way to a point due South of the point of beginning; thence North to the point of beginning.

REZONING PETITION R90-24
ERMEL FOX - N OF 6TH ST, W OF LEWIS AVE (1800 W. 6TH ST)

The request was to rezone from R-2, Medium Density Residential, to C-2, Thoroughfare Commercial, and R-O, Residential-Office.

MOTION

Commissioner Nickle moved to recommend a rezoning to C-2 on the portion of the subject property south of the dividing line (a line running directly east of the north right-of-way line of the existing Kaywood Lane) subject to the staff's comments including the tree preservation bill of assurance and to recommend that the remainder of the property be left R-2, seconded by Springborn. **The motion passed 6-0-0.**

REZONING PETITION R90-25
WADE WINKLE - SW CORNER OF LEWIS AVE & MITCHELL ST

The request was to rezone from R-2, Medium Density Residential, to R-O, Residential-Office.

This petition was withdrawn by Mr. Elsass, the representative of the applicant.

REZONING PETITION R90-26
BILLIE SWANEY - NW CORNER OF 6TH ST & LEWIS AVENUE (6095 LEWIS AVE)

The request was to rezone from R-2, Medium Density Residential, to C-2, Thoroughfare Commercial.

MOTION

Commissioner Nickle moved to recommend a rezoning to C-2 on the portion of the subject property south of the dividing line (a line running directly east of the north right-of-way line of the existing Kaywood Lane) subject to the staff's comments including the tree preservation bill of assurance and to recommend that the remainder of the property be left R-2, seconded by Springborn. **The motion passed 6-0-0.**

REZONING PETITION R90-27
FAYE SOUTHERLAND - W OF LEWIS AVE, N OF 6TH ST

The request was to rezone from R-2, Medium Density Residential, to C-2, Thoroughfare Commercial.

MOTION

Commissioner Nickle moved to recommend a rezoning to C-2 rezoning on the portion of the subject property south of the dividing line (a line running directly east of the north right-of-way line of the existing Kaywood Lane) subject to the staff's comments including the tree preservation bill of assurance and to recommend that the remainder of the property be left R-2 , seconded by Springborn. **The motion passed 6-0-0.**

REVISED FINAL PLAT OF GADDY ACRES
BOB GADDY - S OF MISSION BLVD, E OF WHIPPOORWILL LN

The ninth item on the agenda was a revised final plat of Gaddy Acres submitted by Doug Hemingway of Professional Surveyors on behalf of Bob Gaddy for property located south of Mission Boulevard and east of Whippoorwill Lane. The property

September 18, 1990

REZONE III

Mayor Martin introduced consideration of an ordinance rezoning property as requested in R90-23 located at 1740 W. 6th as requested by Kirk Elsass on behalf of the property owner.

The Planning Commission voted 6 to 0 to rezone from R-2, Medium Density Residential to C-2, Thoroughfare Commercial, the portion of the property that lies south of a dividing line that runs directly east from the northern right-of-way line of the existing Kaywood Lane.

The ordinance was read for the first time. Director Kelley, seconded by Marinoni, 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 Kelley, seconded by Marinoni, 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 and final time.

Upon roll call, the ordinance passed unanimously.

ORDINANCE NO. APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

REZONE IV

Mayor Martin introduced consideration of an ordinance rezoning property as requested in R90-24 located at 1800 W. 6th as requested by Kirk Elsass on behalf of the property owner.

The Planning Commission voted 6 to 0 to rezone from R-2, Medium Density Residential to C-2, Thoroughfare Commercial,the portion of the property that lies south of a dividing line that runs directly east from the northern right-of-way line of the existing Kaywood Lane.

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 and final time.

Upon roll call, the ordinance passed unanimously.

ORDINANCE NO. APPEARS ON PAGE OF ORDINANCE AND RESOLUTION BOOK

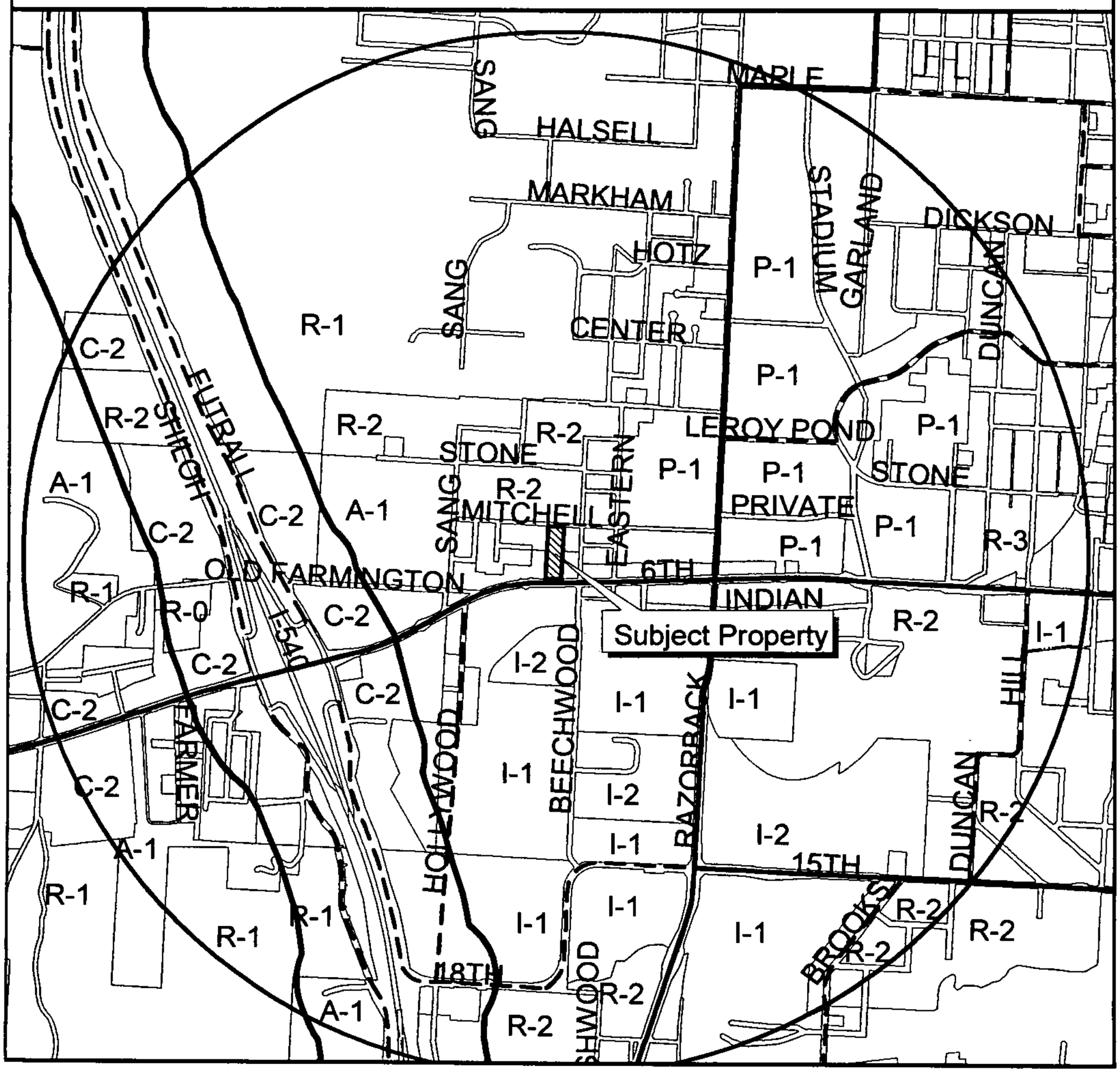
LSD00-36 JD China Close Up

STREETS
Zoning District
Master Street Classifications
COLLECTOR
FREEWAY/EXPRESSWAY
MINOR ARTERIAL
PRINCIPAL ARTERIAL
Structures (1998)

100 0 100 200 Feet

N
W E
S

LSD00-36 JD China One Mile Radius



STREETS
Regional Zoning
Design Overlay District
Master Street Classifications
COLLECTOR
FREEWAY/EXPRESSWAY
MINOR ARTERIAL
PRINCIPAL ARTERIAL

0.2 0 0.2 0.4 Miles

N
W E
S

LSD 00-36.00: Large Scale Development (J.D. China, pp 520) was submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains 1.86 acres. The request is for a restaurant.

Odom: The next item that we have on tonight's agenda is LSD 00-36.00 submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains 1.86 acres. The request is for a restaurant. The staff recommendation is for approval subject to eleven conditions of approval. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval. Kim Hesse, our Landscape Administrator did submit a memo with regard to the tree protection preservation plan and that is before you this evening. Mr. Chairman, I will read that into the record if you would like.

Odom: Go ahead at this time.

Conklin: It's dated March 23, 2001. LSD 00-36.00, J.D. China. "I recommend approval of the tree protection plan for J.D. China Restaurant to be located west of Burger King on 6th Street. The front portion of the property is zoned C-2, Commercial Use. The site is a narrow deep tract of land that it primarily tree covered with an average slope of 10%. It is this portion of the site fronting on 6th Street that is zoned commercial and where the restaurant and associated parking in proposed. There are several existing red and white oak trees ranging from 15 to 24 inch DBH in this area. Four of these trees meet the City's definition of a rare tree. Toward the rear of the property, the portion is zoned residential, the site begins to level off and is heavily forested in oak, hickory and pine. I have worked with the engineering representative for this project since summer of last year to develop a tree friendly design. Originally, the developer of the property had planned to purchase only the commercial zoned portion of the site. After several attempts to locate the building and parking around the larger trees, it became apparent that due to the width of the site and the slope of the existing topography, little could be done to preserve existing trees if it were to be developed. In order for pedestrians, including handicapped individuals, to drive onto the site, park and walk to the building, extensive grading is required. It was my opinion that the only way to save the required canopy, or any canopy at all, was to limit the size of the development. It was at this point that the developer decided to purchase additional adjoining property in order to preserve the minimum percent canopy required for this

zone. As a result, the proposal before you includes .37 acres in forested land that meets the required percentage of preserved canopy for the entire development. It is true that the largest of the existing trees are to be removed. The ordinance does state that it is my discretion as to whether I believe the site can be reasonably developed and maintained and the trees saved. If I do not believe it can, I can approve removal of rare trees. This is a commercially zoned piece of property. The land is surely priced accordingly. It is not my discretion as to what is developed on a site or if a site can be utilized for it's zoned use. I can intervene only if the proposed use can be developed in such a way as to save trees. I was not able to find a way to reasonably grade this site for this use and save trees. Since additional land was purchased with the intent to save the minimum percent canopy, I feel an obligation to approve the tree preservation plan. The canopy that is being preserved is heavily forested and will sustain value for buffering adjacent residential zoning, wildlife habitat, pollution remediation and several other benefits."

Odom: Thank you. There were no further conditions of approval?

Conklin: No further conditions of approval. We do have a signed conditions of approval on this project.

Odom: Mr. Feinstein, do you have a presentation that you would like to make with regard to to the large scale development?

Feinstein: Yes. We've tried to meet early on and several times with Kim and various planning staff to iron out some of the difficulties on this site. As Kim's letter states, it's a long narrow lot. We have almost 25 feet of relief from street level at curb to the top of the site. It's going to require significant grading. There will be retaining walls when we get done, on at least two of the sides. It's very similar to what you see at Burger King drive through area. There is a retaining wall on two sides of their tract. Working around the trees was very difficult, trying to go through plan after plan to come up with some feasible design that would save these rare trees. Unfortunately they are located not in one convenient area as we would wish, but throughout the site. To do what we were directed by the client, we found no way to preserve these trees. As the letter states, we have acquired a residential tract as more or less a tree bank which the City has required we put into easement. That's basically it. If there are questions from the Board, I would be glad to answer those.

Odom: We'll do that question and answer session after we take public comment.

PUBLIC COMMENT:

Odom: Any member of the audience wish to address us on the large scale development portion of this, please come forward at this time.

Moorman: My name is Barbara Moorman, I live at 3460 Finger Road. I'm talking only about, I think if I read the map correctly, the part of the property that's zoned as C-2. The trees on this property, as you know, are large and they are visible from Highway 62. Highway 62 West is a really dismal drive and it's a dangerous one with entrances and exits onto and off of the highway to and from a very confusing hodge-podge of eat shops, pawn shops, salvage stores and massive parking lots. These trees that we are talking about removing provide one of a few pleasant sites in this area right now. In 1990, as I'm sure you know, the City required and got a Bill of Assurance in exchange for rezoning this lot C-2. The Bill of Assurance required that a minimum of 50%, the absolute minimum of 50%, of the trees over 8 inches in diameter on this C-2 lot should be saved. This past November, the prospective owners took the Bill of Assurance to court and got the Bill of Assurance rescinded. Why did the judge agree to get rid of the requirement to save 50% of these trees? Because, the City now has a tree protection ordinance to protect the trees and doesn't need the Bill of Assurance. When I looked at the plat map, called existing conditions and tree preservation plan, I could not tell which trees were supposed to stay and which were supposed to be cut, I asked two members of the planning staff and the Landscape Administrator. I never found out how to read the plan which doesn't show any difference between a tree to be cut and a tree to stay and which doesn't list trees to be cut. All three people told me, I think though I find it hard to believe, that all the trees are to be cut. The trouble is, that without a tree protection ordinance we saved 50% of these trees but because we now have a tree protection ordinance, we lose all of them. I want to point out that the City must of had something in mind as a possible use for this land when it required the Bill of Assurance in the first place. I don't think the City would have willingly rezoned something C-2 and then left it without any possible C-2 use. Surely we still have that much imagination. The Landscape Administrator maintains, as in her memo of March 23, 2001, that we just heard, that it isn't up to her to decide what is to be developed on a site. She believes she can intervene only, and I'm quoting, "if the proposed use can be developed in such a way as to save trees". Therefore, following that reasoning, if someone proposes a use that would wipe out the trees, it's okay, she's powerless. I don't believe that's what our present tree ordinance says. I believe that's the direction in which our new tree ordinance is going and I think the arrangement that's being made here, which is total mitigation, total replacement, I think that may suggest something about the new ordinance but it doesn't comply with the one that we've got now. The

one we've got now says "reasonably developed". It doesn't say "developed with a proposed plan". I hope that you'll decide to go with the present tree ordinance and not with the one that hasn't been formulated yet. Thank you.

Odom: Thank you Ms. Moorman. Any other member of the audience wish to address us on the large scale development? Seeing none, I'll bring it back to the applicant and Planning Commission and close the floor to public discussion for questions and comments of the applicant.

COMMISSION DISCUSSION:

Estes: One issue before us, for our consideration is the Commercial Design Standards. At both Subdivision and agenda, we had a discussion, the sign that extends above the roof periput and we've been promised that that will not happen but yet we see it again this evening. Can you speak to that?

Feinstein: Yes. That's unfortunate that that hasn't been fixed and we'll take care of that. I wonder too, I haven't actually seen that document, I wonder if perhaps there is a problem with our elevation. The building is going to sit considerably higher than the sign location. The sign will be just off the right-of-way in the landscaped area.

Estes: Do you need to take a look at the elevation sketches? Can we fix that?

Feinstein: No problem.

Odom: Item number five states "the freestanding sign shall not exceed fifteen feet in height and shall comply with the sign ordinance." Staff, it's my understanding that the sign ordinance does not allow the sign to be above the roof line?

Conklin: That is correct and we did make that statement at Subdivision Committee. We will not permit a sign that stands above the roof line.

Estes: Item number five, the freestanding sign, Mr. Conklin, is that the monument sign or pole sign?

Conklin: That is the pole sign. If you look at your south elevation, there is a wall sign and that wall sign is what we are concerned about.

Estes: We have it as a condition of approval that the sign on the building will not be allowed to

extend over the height of the roof and that's item number six and is the applicant in agreement with that condition?

Feinstein: Yes.

Bunch: A couple of housekeeping items. On the drawings you are showing temporary grading construction easements on both the east and west side, have those been secured?

Feinstein: No, those in the process. We've gotten verbals on both of those. The owners of Burger King are amenable. I need to talk with them, as well, about the curb connections and make sure they are comfortable with that at this time since we will be doing some improvements on their tract right there, tying the curb in is really at their pleasure I guess. The easements will be in hand before we start construction.

Bunch: On of my main concerns was I didn't see a signed agreement in our packet and this is spilling over onto other people's property. I wanted to dot the i's and cross the t's on that. I will applaud the cross connections on the south side where you are accessing both the east and west properties. One question on the area immediately to the north of the freezer, in between the parking spaces, is that a landscaped area or paved area? Basically, it's the width of the building extending from the edge of the building north to the end of the zone C-2?

Feinstein: Right. That's just going to be a landscaped area. At this point we have no plans for that area. The owner's did not want to put any permanent trees in that area at this time.

Bunch: For future expansion or something like that but would be landscaped in the interim?

Feinstein: Yes. At least in grass.

Hoffman: Before I got confused on our item numbers, I started to talk about the tree mitigation and my views on it and we discussed at Subdivision and agenda session that fact that this is an urban in-fill lot in an already developed area. Under this same ordinance we have the same concerns with the St. Paul's Church and the library that's going to be coming before us, it's almost impossible to build on any small lot with large trees on it without impacting those trees in some way. While it's unfortunate, I do believe that it's better to try to promote attractive development particularly in this side of town. I do want to commend the applicant for purchasing the additional property behind as a buffer to the neighborhood behind the site. We also specifically discussed the variance required that would need to be incorporated in the motion for the grading in excess of

100 feet with no terrace. The nature of the lot would also make it un-buildable if we had to put a terrace in the middle of the building and in the parking lot. For those, Tim could you clarify that for me real quick?

Conklin: Yes. Condition number four addresses the variance request from Section 169.02(C)(2) of the grading ordinance which states, "The maximum length of any cut or fill slope without a terrace shall be one hundred feet as measured along the ground." That was put in place with the last grading ordinance revision to avoid grading hillsides completely down. In the situation with trying to build a parking lot and building to keep it one level, there is a variance request with regard to that ordinance. Engineering is in favor of that variance request and does support that request.

MOTION:

Hoffman: Thank you. That was my understanding. This is not a similar situation to the apartments that completely scraped the hillside off. For that reason, I would be in support of this large scale development. With those items being said, I'll go ahead and move for approval of LSD 00-36.00 with the provision that the grading approval be granted, subject to all staff comments.

Marr: I'll second.

Odom: We have a motion and second to approve LSD 00-36.00 incorporating a variance as outlined in item number four and all the other staff comments. Do we have any further discussion? Call the roll.

ROLL CALL:

Upon roll call LSD 00-36.00 is approved by a unanimous vote of 9-0-0.

LSD 00-36.00: Large Scale Development (J.D. China, pp 520) was submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains 1.86 acres. The request is for a restaurant.

Hoffman: Our second item to consider is LSD 00-36.00 which is a large scale development for J.D. China submitted by Andy Feinstein of Engineering Design Associates on behalf of Jennifer Lee for property located at 1740 W. 6th Street. The property is zoned C-2/R-2, Thoroughfare Commercial/Medium Density Residential and contains 1.86 acres. The request is for a restaurant. Staff?

Conklin: This property is located directly west of the Burger King on 6th Street. A lot split was approved on May 11, 2000, which split this property on the west. The proposal is for a 6,200 square foot restaurant, 58 parking spaces and a drive-through. Conditions to address and discuss: Planning Commission determination of compliance with the Tree Protection and Preservation Ordinance. The applicant is proposing to preserve 21% of the entire site in tree canopy. The requirement in a C-2 zone is 15% preservation of canopy. That is located on an R-2 portion on the north end of the site. Once again, we are asking for tree easements to guarantee that tree preservation will remain. This will be preserved in perpetuity due to the granting of a tree easement. Street lights are required every 300 feet. If it is determined that the existing street lights are not adequate additional lights may be required. ADA spaces shall be located in compliance with the federal ADA guidelines. Compliance will be determined by Perry Franklin, Traffic Superintendent. One of the concerns was these four ADA spaces on the east side of the building, they need to be closest to the front door. There was some discussion with regard to the location of those and the front door. A conditional use has been requested in order to provide parking spaces in excess of that allowed by code. For a 6,200 square foot restaurant, 38 spaces are allowed (1 per every 200 feet plus an additional 20%). The applicant is requesting to provide an additional 20 spaces for a total of 58 spaces.

Hoffman: Let me stop you here for one second. This is our usual restaurant variance request, does this mean that we have to send it on to the Planning Commission?

Conklin: Yes.

Hoffman: I wish we could change that.

Conklin: I tried and was unsuccessful in that attempt. Let's wait another eight months or so and we'll try again. don't like to get hit over the head too much at City Council. Number

five, the applicant is requesting a variance from §169.02(C)(2) length of cut slope, of the grading ordinance which limits the lengths of cuts to 100 feet. Jim probably can explain that variance better than I can.

Beavers: When the grading ordinance was amended it was due to the Lindsey project north of the elementary school. Council amended it. The grading ordinance required a terrace if we cut or fill slopes after a length of 100 feet. You can see how the grading of the parking lot is greater than 100 feet.

Hoffman: This is a pretty small site compared to that other one though. Is it going to adversely create any drainage problems for anybody else?

Beavers: No.

Hoffman: Anything else?

Beavers: No.

Hoffman: Sidewalks?

Keith Shreve - Public Lands Maintenance

Shreve: No comment.

Hoffman: They are showing their ramps through the driveways?

Shreve: Yes. Everything is on the drawing.

Hoffman: Who determines the street lights, why don't we know that by now?

Edwards: Perry asked them to go out and look if there are streetlights and they needed to show it on the drawing. I guess that was overlooked on their part. We are waiting on that.

Hoffman: Thanks. Kim, do you want to address the tree preservation plan? Do you want to enlighten us a little bit on the easement an so forth and they've done?

Kim Hesse - Landscape Administrator

Hesse: We've been working on this probably over a year. They brought it to me early to try to

figure out ways they could save some of these large trees but you can't. You can see the existing contours. The only way to really do that would be to preserve all these trees in the back and the client actually purchased this piece of property for tree preservation. This is a full forest. It's a good environment to keep and preserve. We are losing some large trees.

Hoffman: Are these trees, that are shown on the site, every tree on this site or are they the ones over twelve inches?

Hesse: This is the tree line. It's a wooded site.

Hoffman: So they will be saving about this much back here?

Hesse: Yes. It provides a buffer for the apartments back there. It's probably a good solution. Yes, we are going to lose a lot of large trees and that's what citizens are going to see when they drive by, but we are preserving a lot.

Hoffman: What have they done about replacements for the front landscaping parking lot requirements?

Hesse: They've met all the requirements.

Hoffman: Are they replacing other than Bradford trees and so forth?

Hesse: Yes. They are meeting the minimum canopy requirements. Their landscaping is meeting the standards of all the others, parking lot which they have done. I recommend it be approved. I don't have a problem with that. They worked with me early on this but we couldn't find any way to save those large trees.

Hoffman: I want to thank the applicant for that because it's a pleasant change to have this to look at rather than one that has been brought in with trees cut down and have to go back like we did on a previous project. Thank you very much for your work on it, Kim.

PUBLIC COMMENT:

Hoffman: I'll take public comment on this if anybody is here to address us on this issue.

Reynolds: I'd like to thank these folks for taking the time doing all this extra work and buying the extra land to clean this piece of property. This is the number one entry to the City of

Fayetteville. We've been looking at this for years. We couldn't have picked a better restaurant or people to go out there and take that over than these people. They have been in business about 30 years. They do a good job. I think you are going to see an excellent project here. Everybody I know is on the City Council highly recommends this. Bob Reynolds, City Council.

Hesse: I'm Steve Hesse with Engineering Design Associates.

Anderson: I'm Mike Anderson with Engineering Design Associates. Any Feinstein is on holiday so we are here. If there are any questions, we can answer them.

COMMISSION DISCUSSION:

Hoffman: I'll bring it to the Subdivision Committee.

Ward: Did we talk with Engineering on sidewalks?

Hoffman: We'll have to grant a variance for the parking and cutting and filling. You are satisfied with the retaining wall? Otherwise, I'm generally not for grading variances on cutting and filling but on a smaller site like this that's in an already developed area and not going to be impacting a pristine hillside. This is right on 6th Street.

Beavers: The ordinance requires a terrace and they can make the argument that the building breaks it up and divides that.

Ward: What's the building going to look like?

Conklin: They are proposing these elevations. Just one comment with regard to this. Just looking at it this morning, the sign, we don't allow signs to be sitting above the roof line. That will need to be revised. Why don't we have the engineering firm go over the materials and their proposal. Hanna?

McNeil: The materials is brick and EFIS and a metal roof.

Hoffman: Will you introduce yourself?

McNeil: Hanna McNeil.

Hoffman: Would you bring a materials sample board to the Planning Commission meeting? It's

much easier to have an example of the brick. I know that sometimes those are subject to change after we've approved them but you can work on staff on that to make sure that the general attempts to match. We would just like to get a fair representation of the building materials and color scheme.

Conklin: We did discuss with them using materials similar to the building to screen their freezer on the back of the building. All roof mounted utility and mechanical equipment will have to be screened. Make sure your periput is high enough. They do show a pole sign 15 feet tall.

Hoffman: Is it meeting our sign ordinance requirements?

Conklin: I haven't done the exact calculation on it. It will have to meet it. Burger King does have a pole sign. Blockbuster has a monument sign. Burger King is right next door to it with a pole sign. I think it's appropriate.

Hoffman: I notice we have cross access and is this a location that is safe for traffic between Burger King, J.D. China and the eventual site to the south?

Conklin: The Burger King is already constructed. They do have a drive in front of their building that allows, if you came off of Mitchell Street you could go to Burger King and come through to J.D. China. I think it does work.

Hoffman: We are going to construct it for this?

Conklin: It will be constructed. They are also working with Burger King to grade part of the site down, is that correct, to avoid some retaining walls in this area?

Anderson: Right now we are still calling. First we were going to try to take some of that wall out.

Hesse: Based on the final grading we've done, I think we will leave it.

Conklin: There will be access be the east and west for this development.

Hoffman: We are meeting our driveway standards. These are such small lots, we don't have much choice. It's just hard to take a left on that road but that's everybody's problem.

Conklin: Just one other thing I want to bring up. There was a Bill of Assurance that was agreed to years ago with regard to tree preservation, that's been to the courts and we talked

with Kit Williams about it and it's his understanding is we do not have to enforce that Bill of Assurance and that we have to comply with the tree preservation protection ordinance today. That's the only other issue that staff worked out ahead of time. I just bring it up because that information is in the file, in case someone brings that up to you at the meeting.

Hoffman: We ought to have an explanation of that in our packets.

Conklin: Kit will be at the meeting.

Hoffman: He didn't say a word . We had a whole attorney there. We are happy to have him there. We have to keep that going.

Reynolds: These folks have been working on this project since October of last year. Their lease has lapsed where they are at and as soon as we can put everything together so that they can get started before the monsoons, they would sure appreciate it.

Hoffman: That's one reason I was asking can we work on a way to administratively approve parking variances? I know we can't do it on the cutting and filling because those implications could be greater on another site but restaurant parking variances are so common.

Conklin: That would be basically changed in the ordinance. They don't like that. When I went to Council, they wanted everyone reviewing the public hearing setting and the findings to be made and the additional parking needs to be made. I think it would be difficult for me because I'm already somewhat biased to bring that ordinance forward and understand the parking that these facilities need, if I basically change the ordinance administratively then you would never see them. I don't think that's what they wanted. So we don't have any problems at Planning Commission with regard to articulation and blank walls, I think they have done a pretty good job. If you start going back further towards the back of the building, it's always difficult because you've got your restaurant equipment and freezer, they do show some columns there and brick.

Conklin: Staff is comfortable.

Ward: There is a conditional and variance both that the full Planning Commission has to look at.

Conklin: Yes, with regard to the parking.

Hoffman: I'll take discussion or motions.

Estes: Jim, with the length of the cut slope, are the pre-development flows going to be equal to or less than post-development flows, particularly thinking about dumping water over onto the Burger King parking lot?

Beavers: They are providing detention under the parking lot. Without it, they would be damaging property across the street. I really think that has been the hold up hasn't it? They have been working since October to get the drainage in.

Hoffman: Is that what these are, big drainage pipes?

Hesse: Yes. They are big drainage pipes that will be buried under that paved area.

Hoffman: Then a gully over here and then out?

Hesse: We are getting an off-site drainage easement underneath the highway. It doesn't go under Burger King at all.

Anderson: We are trying to look at what the most cost affective thing is and we may do some downstream themes and not do this.

Hoffman: That will be known as you are issued drainage permits right? Have you all changed those ordinances yet?

Beavers: That brings up a problem because if detention is required we require it to be known at this time. We don't say "Well, maybe you will do something different later."

Anderson: Maybe we have to come back to the Planning Commission. I think we want to go with the plans as they are and if we have to come back to Planning Commission we will.

Hoffman: Again, I don't have heartburn with that because this is a highly developed area. I think we can accommodate them.

MOTION:

Estes: I would move that we forward LSD 00-36.00, the large scale development for J.D. China onto the full Commission.

Ward: I'll second that.

Hoffman: I'll concur. Thank you gentlemen. We'll see you at the next Planning Commission meeting. This is a reminder to staff if we can have something on the old tree easement, Bill of Assurance. We need to include a positive affirmation of the Commercial Design Standards. We need to give them direction at Commission that we accepted those.

Ward: Our comments were that Hanna is going to bring a board showing the actual materials colors and that we had to problem with the way the building is designed and it does meet Commercial Design Standards.

Application for Federal Assistance

	2. Date Submitted 11/15/00	Applicant Identifier B-01-MC-05-0001
1. Type of Submission: Application: Construction Preapplication: Non - Construction	3. Date Received by State	State Application Identifier
	4. Date Received by Federal Agency	Federal Identifier

5. Applicant Information

Legal Name City of Fayetteville, Arkansas	Organizational Unit Municipal Government
Address 113 West Mountain Street Fayetteville, AR 72701 Washington	Contact Yolanda Fields, Community Development Co 501-575-8290
6. Employer Identification Number (EIN): 71-6018462	7. Type of Applicant: Municipal
8. Type of Application: Type: New	9. Name of Federal Agency: U.S. Department of HUD
10. Catalog of Federal Domestic Assistance Number: Catalog Number: 14-218 Assistance Title: Community Development Block Grant	11. Descriptive Title of Applicant's Project: Community Development
12. Areas Affected by Project: Fayetteville, Arkansas	

13. Proposed Project:		14. Congressional Districts of:	
Start Date 01/01/01	Start Date 12/31/01	a. Applicant 3	b. Project 3

15. Estimated Funding:		16. Is Application Subject to Review by State Executive Order 12372 Process?
a. Federal	$635,000	Review Status: Program covered Date::
b. Applicant	$0	
c. State	$0	
d. Local	$0	17. Is the Applicant Delinquent on Any Federal Debt? No
e. Other	$0	
f. Program Income	$10,000	
g. Total	$ 645,000	

18. To the best of my knowledge and belief, all data in this application/preapplication are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative Fred Hanna	b. Title Mayor	c. Telephone Number 501-575-8330
d. Signature of Authorized Representative Fred Hanna		e. Date Signed 11/15/00

CITY OF FAYETTEVILLE

2001 CONSOLIDATED ACTION PLAN

"Helping to Make a Better Community"

Submitted November 15, 2000

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CONSOLIDATED ACTION PLAN - 2001

INTRODUCTION

The City of Fayetteville is a participant in the Community Development Block Grant (CDBG) Entitlement Cities Program and is awarded funds annually to carry out eligible activities in pursuit of these statutory goals:

- **Provide Decent housing** - - which includes:

assisting homeless persons obtain affordable housing;
assisting persons at risk of becoming homeless;
retention of affordable housing stock;
increase the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability;
increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence;
and providing affordable housing that is accessible to job opportunities.

- **Provide a suitable living environment** - - which includes:

improving the safety and livability of neighborhoods;
increasing access to quality public and private facilities and services;
reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods;
restoring and preserving properties of special historic, architectural, or aesthetic value; and
conservation of energy resources.

- **Expand economic opportunities** - - which includes:

job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses);
the provision of public services concerned with employment;
the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan;
availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices;
access to capital and credit for development activities that promote the long-term economic and social viability of the community; and
empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

Community Development Focus in 2001

Public Access and Participation: CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff, and special purpose committees, input from community stakeholders and resources holders is integrated to designate action priorities.

Two formal public hearings were held to present and discuss proposed CDBG activities for fiscal year 2001. The meetings were well attended by non-profit agency representatives but citizen attendance was low. In response to the perennial difficulty in engaging the general public and particularly the constituency most affected by Community Development programs and activities, the Community Development Division has attempted alternate outreach activities in 2000 that met with some success.

A special proclamation was presented by the Mayor. Presentations, displays, and activities were planned during National Community Development Week which spotlighted CDBG activities and generated notice in the media. Since the City's annual Springfest event coincided with National Community Development Week, staff and volunteers set up a festival booth and spent the day talking with citizens, providing information, and passing out buttons and lemonade.

In accordance with Fayetteville's Citizen Participation Plan, the 2001 Consolidated Action Plan is submitted for a 30 day citizen review period. Citizen comments on the plan are encouraged and may be submitted to:

Yolanda Fields, Coordinator
City of Fayetteville Community Development Division
113 West Mountain Street
Fayetteville, AR 72701

As of November 14, 2000, no public comments addressing the 2001 Action Plan were received.

Housing Housing rehabilitation and housing issues are a primary focus of Community Development activities. The City is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 1999, the City has focused on developing partnerships with outstanding local private non-profit entities with expertise in specialized housing activities. One of these organizations is a resident-led volunteer group comprising citizens residing in the designated Community Development Target Area. Also, as in past years, we continue to work closely with Habitat for Humanity in Fayetteville. This focus on developing partnership will continue in 2001.

Analysis of Impediments to Fair Housing The city is in the process of updating it's "Analysis of Impediments to Fair Housing" (AI). CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing," which flows from HUD's obligation under Section 808 of the Fair Housing Act.

The AI is conceived as an effort to affirmatively further fair housing choice by identifying all impediments to fair housing choice which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the process of developing the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit, and private sectors, thereby promoting relationship-building and consensus on fair housing issues. The AI process will help describe a clearer picture of housing conditions for LMI households in Fayetteville, and aid us in defining current and future housing directions.

Public Services Utilization of CDBG funds for the provision of public services, particularly those which serve LMI groups, has been, and continues to be a focus of the Community Development Division. The Community Development Division has carried out two main service programs in recent years. The Taxi Voucher Elderly Transportation program, and the Yvonne Richardson Community Center. 2001 brings new opportunities for collaboration through an alliance with Fayetteville Boys & Girls Club.

The Taxi Voucher program provides subsidized cab fare for our city's elder citizens, allowing an inexpensive transportation choice for many who would not have transportation available otherwise. This simple, cost effective program receives unwavering support from those who use it to go shopping, to the doctor, post office, church, out to eat, or any number of other destinations. The program is hugely successful in providing our elders opportunity to participate in community life and to live independently.

CDBG funds along with matching grants and private donations were used to build the Yvonne Richardson Community Center (YRCC) in the SE Fayetteville designated Community Development Target Area. CDBG has continued to fund staff salaries and improvements to the Center since 1995. CDBG continues to support YRCC costs in 2001.

In an excellent example of collaborative partnership and innovative programing, Fayetteville Boys & Girls Club has proposed to establish a Boys & Girls Club branch unit at Jefferson Elementary School. Jefferson Elementary is located in the predominately LMI Target Area neighborhood. Boys & Girls Club aims to provide a safe after-school environment comprising recreational and educational activities designed to promote leadership, academic performance, health, self esteem, and life skills education. CDBG dollars will contribute approximately one quarter of the cost of this program.

In addition, CDBG will provide a small amount of funding for an annual Neighborhood Clean-up Day activity in the Target Area, and partially fund costs for the city's Free Trolley.

Public Facilities - Community Needs CDBG has historically supported community services facilities projects in Fayetteville. Through the last decade, CDBG dollars have assisted construction or renovation of facilities for local non-profit organizations such as Youthbridge, Children's House, Head Start, Fayetteville Free Health & Dental Clinic, YRCC, as well as renovations and improvements to City parks, streets, sidewalks and other infrastructure.

Consolidated Plan research and consultation has shown a strong consensus among non-profit service providers that the most important gap in the city's continuum of care network, is for transitional living / life skills training type facilities serving a number of groups characterized as being at risk for poverty and/or homelessness. Due to scale and costs of this type of project, Community Development has chosen to support those projects which are carried out by organizations with vision and expertise in serving the particular unique group. The city's support with CDBG dollars, even in relatively small amount, provides leverage to attract funding from outside public and foundation grants and private funding.

CONSOLIDATED ACTION PLAN - 2001

I. AVAILABLE RESOURCES

A. Resources- Federal / State The City is the recipient of only one formula grant program, the Community Development Block Grant. The Community Development office has been a recipient of an allocation from the State HOME Program administered by the Arkansas Development Finance Authority since 1992; the application process is a competitive one and receipt of funds is not guaranteed. The City also receives a small Title XX grant awarded by the Area Agency on Aging of Northwest Arkansas that is specifically earmarked for the Elderly Taxi Program. Private non-profit organizations in Fayetteville receive no formula allocations and are funded through competitive State allocations administered by the Arkansas Department of Human Services, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities.

The City anticipates the CDBG formula allocation in 2001 will be approximately $635,000. The City did not receive a HOME grant allocation in 2000, however currently the city has HOME Grant funds remaining from previous grant years. Due to changes in HOME Grant application procedures in 2000, Fayeteville will apply for further HOME funding in 2001 after existing funding has been expended.

The Area Agency on Aging Elderly Taxi Program grant in 2001 will be $4,000.

B. Resources - Municipal Government

The City of Fayetteville has earmarked General Revenues for expanding the existing free trolley service, adding a southern route which will include the Low/Mod income Southeast community. Trolley riders can transfer to other transportation from downtown stops.

The City's Street Division has estimated $80,000 for street overlay and repair of streets located in the designated Community Development Target Area.

The City's Budget Division has budgeted approximately $10,000 for maintenance of city-owned buildings occupied by area non-profit agencies performing public service activities.

C. Resources - Local

The Southeast Fayetteville resident-led group, facilitated by Consensus Organizing Institute has applied for funding for two years to cooperatively fund activities promoting home ownership by low and moderate income families and to carry out other community development activities:

• Levi Strauss Foundation	$150,000
• Bank of Fayetteville	315,000
• Resource pool	100,000
• Loans / recoverable grants	533,000
• Technical assistance	21,000
• Development Team	101,720
Total	$687,720

II. DESCRIPTION OF ACTIVITIES

A. Housing Services

- **Residential Rehabilitation**
  This allocation provides forgivable and partially repayable loans to low and moderate income persons for rehabilitation of owner-occupied housing.

  The following services are offered:
  - Comprehensive rehabilitation up $20,000
  - Emergency Repair up to $5000
  - Mobile Home emergency repair up to $3500

  The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, those that alleviate deferred maintenance conditions, safety devices, and replacement of principal fixtures and components. $122,977 is allocated and includes salary and program delivery costs for management and oversite of all housing programs and activities.

  Location: Citywide, applicants are prioritized according to established criteria to give preference on the waiting list to those most in need of services. Priority criteria include; Very Low Income, Elderly, Disabled, Single parented household, Located in Target Area, Length of time on waiting list.

- **Pathways to Independence -SOURCES, Inc.**
  This is a cooperative program with the non-profit agency, SOURCES for Community Independent Living, Inc. This activity will provide low cost, $2500 or less, accessibility repairs to homes occupied by disabled/elderly persons. 10 homes will be improved. The improvements will be accomplished without regard to tenancy status (owner or renter). Additionally, SOURCES will compile a resource guide to accessible housing in NWA. $32,095 CDBG is allocated.

- **Life Styles, Inc.**
  $11,077 is allocated to Life Styles, Inc. for installation of an alarm system, and renovations to two bathrooms in the facility for persons with developmental disabilities. The alarm system will provide "in case of emergency" security to residents of the Life Styles Residential Transitional Program.

- **South Fayetteville Community Development Corporation (SFCDC)**
  $80,000 in CDBG funds will match $220,000 of cash and in-kind from other sources to develop, market, and sell 4 affordable ownership housing units. The CDBG funds will be used to subsidize the unit development cost for the SFCDC in order to preserve affordability to the buyer. Recaptured funds from the sales will finance future projects, thus extending the capacity of CDBG dollars to impact affordable home ownership in the city.

  This project will also promote capacity building of the newly formed, resident-based, non-profit organization. Under controlled conditions, and with technical assitance from community resource holders, SFCDC will gain expertise in housing development. The successful completion of this process will set precedents for future public/private/business cooperative endeavors.

B. Public Services

- **Southeast Fayetteville - Yvonne Richardson Community Center**
  A portion of staff and program costs, $43,538, for the Center. This activity matches CDBG funds with city General Revenues for salaries and maintenance of the facility.

  Location: 240 E. Rock

- **Fayetteville Elderly Taxi Program**
  This program provides an alternative transportation choice for elderly residents of Fayetteville through subsidized cab fare. $24,000 CDBG funds are combined with $4,000 Title III funds awarded to the City by the Area Agency on Aging of Northwest Arkansas.

  Location: Citywide

- **Fayetteville Free Trolley**
  This allocation will subsidize operation costs of the Fayetteville Free Trolley based on a percentage of riders originating from the Hillcrest Towers public housing apartments. The City has also begun operation of a second Trolley route to the South which encompasses the designated Target Area. $9,000 is allocated.

  Location: Downtown central and South Fayetteville. Target Area.

- **Fayetteville Boys and Girls Club**
  This is a new program in 2001 which will provide a positive, structured, after-school environment for 1st - 5th grade students attending Jefferson Elementary school in the designated CD Target Area. The program will provide sports and recreational activities, as well as programs designed to promote self-esteem, healthy lifestyles, good decision-making, and appreciation of cultural diversity. Homework support and tutoring resources

will be developed. This project will match $16,640 of CDBG funds with $35,000 from the Bureau of Justice Affairs and $12,115 in cash and in-kind from the Boys and Girls Club.

C. *Public Facilities - Community Needs*

- **Project for Victims of Family Violence**
  $87,500 additional funding for women's shelter facilities construction.

  Location: Suppressed

- **Sage House**
  $87,500 for construction costs. Transitional housing facility for abused spouses leaving shelters. 15 affordable units, up to 2 years residency.

  Location: Suppressed

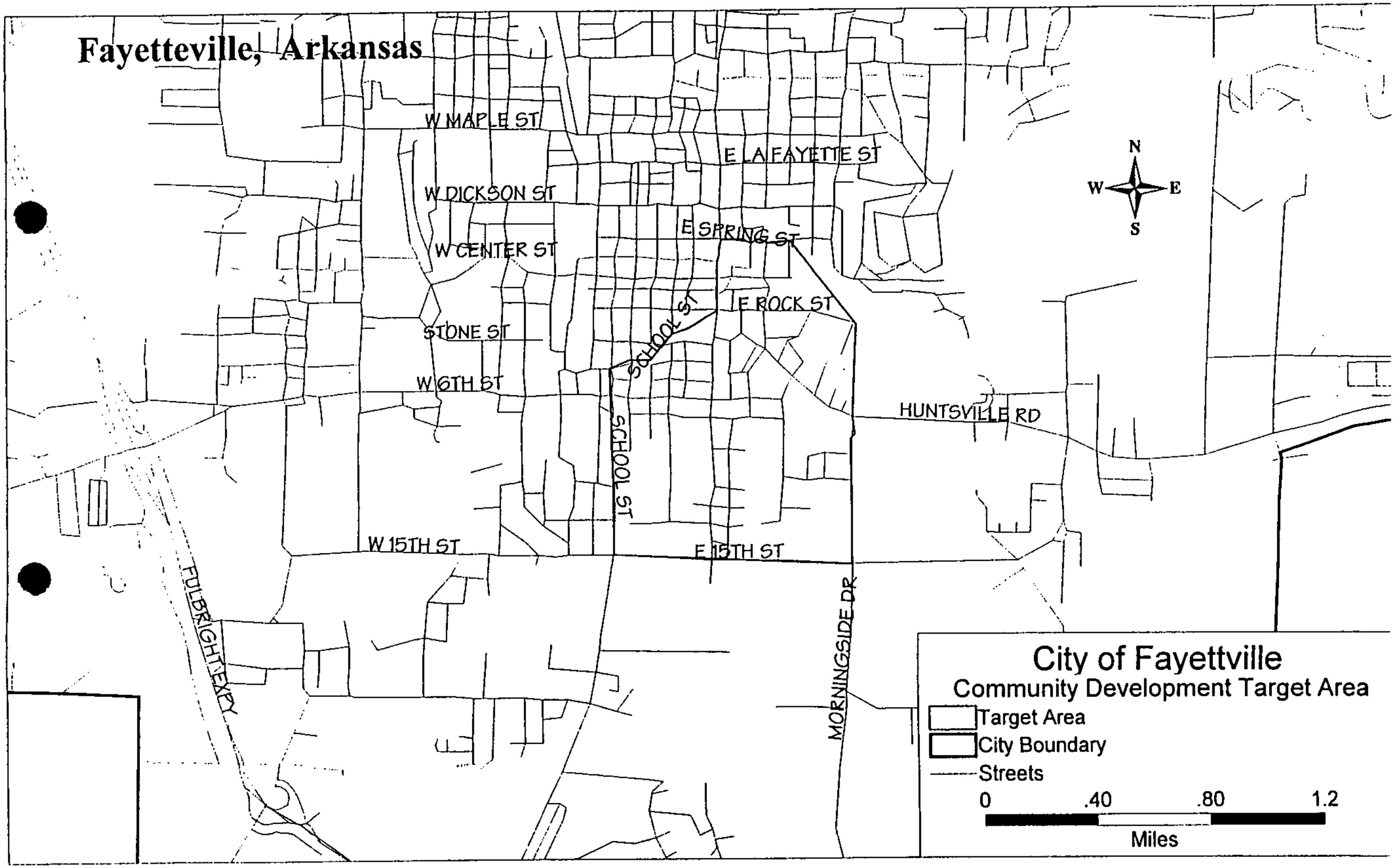
- **Quality Life Associates** - Traumatic Brian Injury Retraining Facility
  $100,000 is allocated for facility pre-development costs. The allocation is conditional based on receipt of other grants for construction that are currently under submission. Total facility construction cost is $1.5 million. QLA has acquired land to site the project.

  Location: 6.4 acres in central/northwestern Fayetteville

D. *Administration and Indirect Costs*
Administration funds are used for the salary and benefits of the Community Development Coordinator, office supplies, travel and training costs, Fair Housing activities, studies, and other costs associated with administration of community development activities. Indirect costs are those charged by the City for office space, maintenance, postage and services provided by other City divisions. $114,994 is allocated.

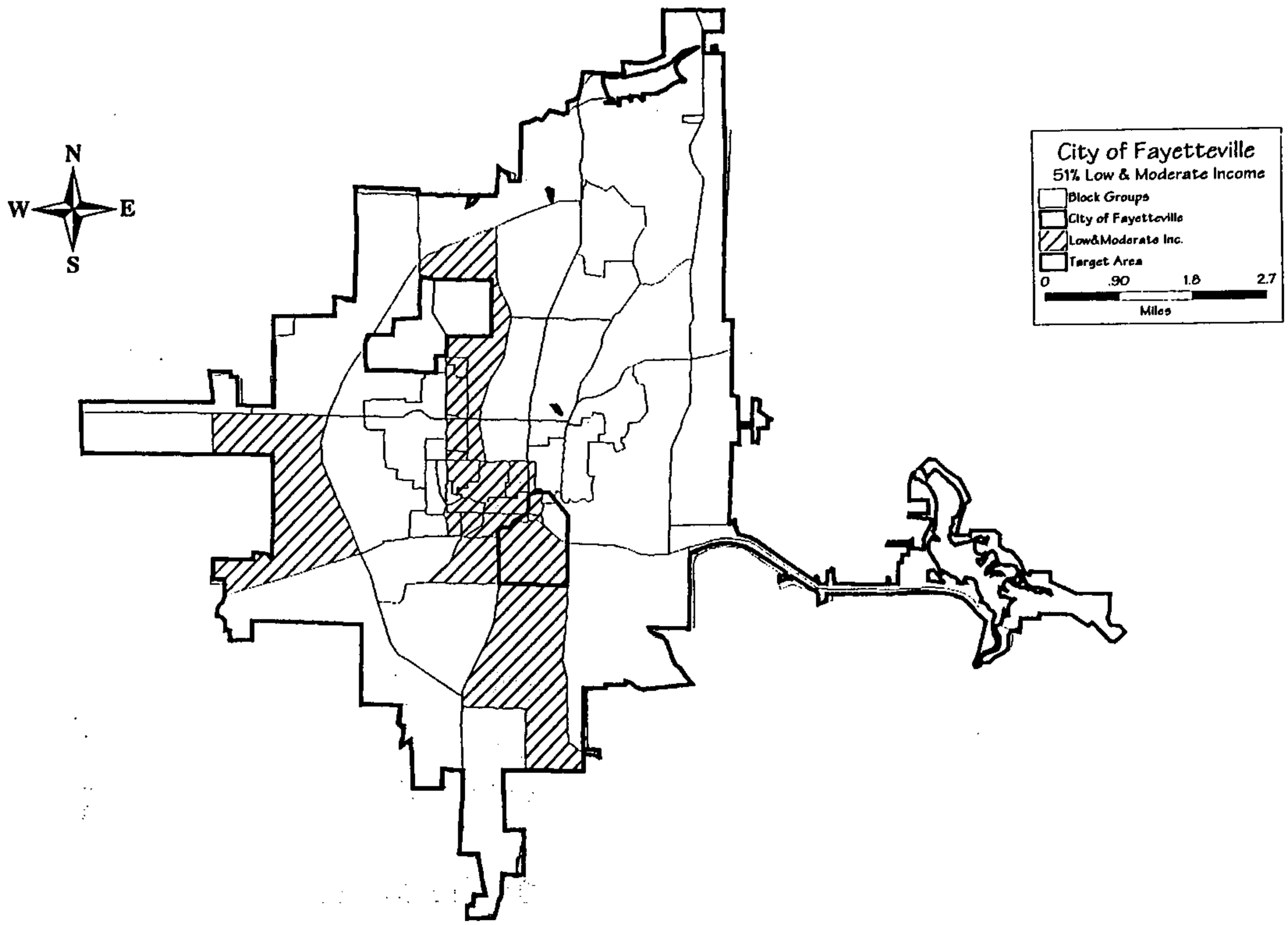
Location: City Administration Building, 113 West Mountain Street

Fayetteville, Arkansas



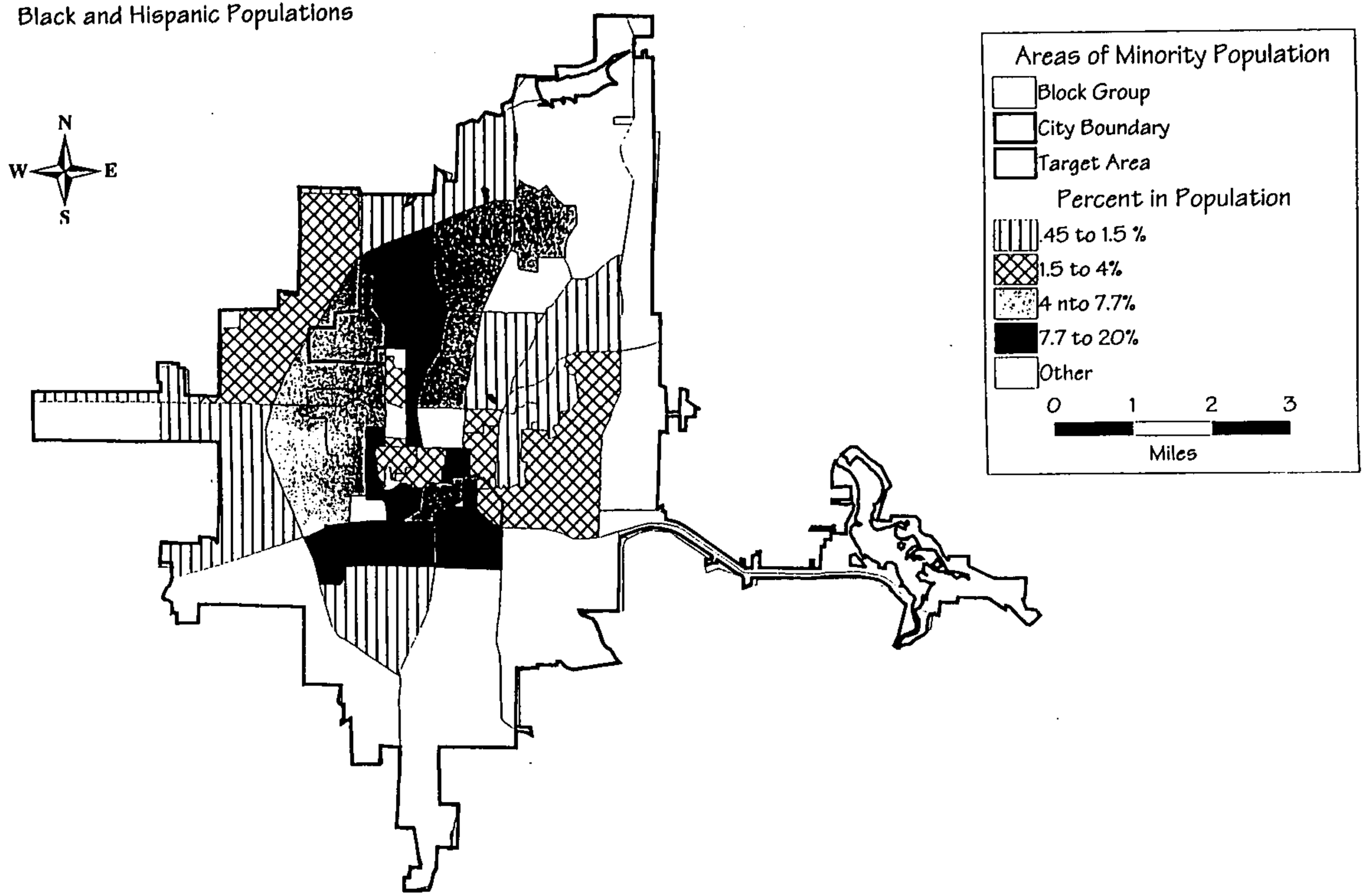
City of Fayetteville

Areas of Low and Moderate Income



Fayetteville Arkansas, Areas of Minority Concentration by Block Group

Black and Hispanic Populations



Funding Sources

Entitlement Grant (includes reallocated funds)		
CDBG	$635,000	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$635,000
Prior Years' Program Income NOT previously programmed or reported		
CDBG	$0	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$0
Reprogrammed Prior Years' Funds		
CDBG	$87,016	
ESG	$0	
HOME	$0	
HOPWA	$0	
Total		$87,016
Total Estimated Program Income		
Program Income	$10,000	
Total		$10,000
Section 108 Loan Guarantee Fund		$0
TOTAL FUNDING SOURCES		$732,016
Other Funds		
Area Agency on Aging	$4,000	
Total		$4,000
Submitted Proposed Projects Totals		$731,821
Un-Submitted Proposed Projects Totals		$0

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	Administration	21A General Program Administration	CDBG	$ 114,994
			ESG	$ 0
0001	Planning and Administration	570.206	HOME	$ 0
			HOPWA	$ 0
	General management and oversite of CDBG Program and indirect costs.	1 People (General)	ASSISTED HOUSING	$ 0
			PHA	$ 0
			TOTAL	$ 114,994
	Salary and indirect costs, Fair Housing activities, studies, travel & training. Indirect costs are those charged to the division for office space, maintenance, postage, and services provided by other city divisions.		Total Prior Funding	$ 0

Help the Homeless?	No	Start Date:	01/01/01
Help those with HIV or AIDS?	No	Completion Date:	12/31/01

Eligibility:	570.208(a)(1) - Low / Mod Area
Subrecipient:	Local Government
Location(s):	N/A

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Housing Services	14H Rehabilitation Administration	CDBG	$ 159,972
			ESG	$ 0
0002	Housing	570.202	HOME	$ 0
			HOPWA	$ 0
	Address current housing conditions for low and moderate income residents by carrying out the listed in-house activities, as well as enlisting new avenues of cooperation and innovation by partnering with local non-profit housing providers.	20 Households (General)	ASSISTED HOUSING	$ 0
			PHA	$ 0
			TOTAL	$ 159,972
			Prior Funding	
	Residential Housing Rehabilitation, Emergency Repair, Mobile Home Repair. Includes salary for Housing Specialist. $122,997. Lead Based Paint Hazard Control $25,000. Pathways to Independence - low cost accessibility improvements for persons with disabilities. $38,647. Life Styles, Inc. - alarm system and bathroom repairs at residential living facility for persons w/developmental disabilities. $11,077. SFCDC-4 affordable home ownership units in the Target Area. $80,000.		CDBG	$ 86,177
			Total Prior Funding	$ 86,177

Help the Homeless?	No	Start Date:	01/01/01
Help those with HIV or AIDS?	No	Completion Date:	12/31/01

Eligibility:	570.208(a)(1) - Low / Mod Area
Subrecipient:	Local Government
Location(s):	Community Wide

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Public Services	05 Public Services (General)	CDBG	$ 95,678
			ESG	$ 0
003	Public Services	570.201(e)	HOME	$ 0
			HOPWA	$ 0
	Expand opportunities for provision of public services for low/mod income persons and neighborhoods in these areas: education, employment training, recreation, child care, transportation. In partnership with outside service provider agencies, CDBG seed dollars will leverage public and private resources in pursuit of priority goals.	400 People (General)	ASSISTED HOUSING	$ 0
			PHA	$ 0
			TOTAL	$ 95,678
			Total Prior Funding	$ 0

Elderly transportation / Taxi Voucher program $24,000. Staff costs for the Yvonne Richardson Community Center $43,888. Fayetteville Free Trolly - subsidize operation cost $9,000. Annual Neighborhood Clean-up $2500. Boys & Girls Club after school programs Jefferson Elementary School $16,640.

Help the Homeless?	No	Start Date:	01/01/01
Help those with HIV or AIDS?	No	Completion Date:	12/31/01

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Addresses

Community Wide

Target Area

240 E Rock, Fayeteville, AR 72701

612 South College Ave, Fayetteville, AR 72701

U.S. Department of Housing & Urban Development
CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Public Facilities and Improvements	03 Public Facilities and Improvements (General)	CDBG	$ 275,000
			ESG	$ 0
0004	Public Facilities		HOME	$ 0
		570.201(c)	HOPWA	$ 0
	In cooperation with specialized private non-profit agencies serving specific special needs populations, address the priority need for transitional housing facilities in Fayetteville. The facilities will serve those low income, special needs populations, particularly those at risk for homelessness, in the following categories: Spouses and children leaving abusive home evironments; abused children; homeless persons; and persons reintegrating from medical or mental health facilities. The facilities will provide supportive housing in conjunction with life skills / employment development programs designed to promote and increase independent living for special needs clients.		ASSISTED HOUSING	$ 0
		3 Public Facilities	PHA	$ 0
			TOTAL	$ 275,000
			Total Prior Funding	$ 0

Additional funding - Women's shelter construction $87,500. Additional funding - Sage House $87,500. Quality Life Associates, Traumatic Brain Injury Retraining Facility $100,000.

Help the Homeless?	No	Start Date:	01/01/01
Help those with HIV or AIDS?	No	Completion Date:	12/31/01

Eligibility: 570.208(a)(2) - Low / Mod Limited Clientele

Subrecipient: Local Government

Location(s): Addresses

Suppressed Suppressed

2623 N Gregg St, Fayetteville, AR 72701

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

   (a) The dangers of drug abuse in the workplace;
   (b) The grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

   (a) Abide by the terms of the statement; and

   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the

workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

   (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents

for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

Signature/Authorized Official

Date

Mayor

Title

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2001,(a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its notification, inspection, testing and abatement procedures concerning lead-based paint will comply with the requirements of 24 CFR §570.608;

Compliance with Laws -- It will comply with applicable laws.

Fred Hanna — 11/8/00

Signature/Authorized Official — Date

Mayor

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas, 72701

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

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This

definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701
Engineering Division

TO: Fayetteville City Council

THRU: Mayor Dan Coody

FROM: Jim Beavers, City Engineer

DATE: April 12, 2001

RE: Boys and Girls Club
Channel relocation - bend radius.

The developer has proposed to relocate the existing natural channel to the south property line area. Engineering has requested, and the developer has agreed to constructed the new channel with more natural features, including irregularities, bends, pools, plantings, potentially wetlands . . . The proposed new 30 ft. channel will have bends with a radius of approximately 35 ft.

The Stormwater Management, Drainage and Erosion Control ordinance is Chapter 170 of the Unified Development Ordinance. This ordinance adopted the Drainage Criteria Manual.

Section 170.02 of the UDO states "The city council hereby adopts by reference the Drainage Criteria Manual . . . and as may be amended from time to time. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter."

Chapter 9 of the Drainage Criteria Manual addresses open channel flows.

Section 9.1 includes the statement "Generally speaking, the natural channel or the man-made channel that most nearly conforms to the character of the natural channel is the most efficient and desirable."

Section 9.2.2.4 of the Drainage Criteria Manual states: "Bend Radius. The minimum bend radius required for open channels is 25' or 10 times the bottom width, whichever is larger."

Variances are defined in Chapter 156 of the UDO.

Section 156.04 states

"Certain variances of the stormwater management, drainage and erosion control regulations may be applied for as follows:

Criteria. A variance may be granted from any requirement of the stormwater management, drainage and erosion control regulations using the following criteria:

(A) Special circumstances. There are special circumstances applicable to the subject property or its intended use; and

(B) Results. The granting of the variance will not result in:

1. Surface water runoff. An increase in the rate or volume of surface water runoff;

2. Adjacent property. An adverse impact on any adjacent property, wetlands, watercourse or water body;

3. Water quality. Degradation of water quality; or

4. Objectives. Otherwise impairing attaining the objectives of chapter 170.

It is my opinion as the City Engineer that the requirement for the larger bend radius should generally be applied to smaller channels. To require the larger bend radius would distract from or defeat the other goal of the drainage criteria manual to have channels that "most nearly conform to the character of the natural channel". Therefore I support the variance request.

4/17/01
C.C.

RECEIVED
APR 13 2001
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

West Side Youth Center: Questions

A Youth Center on Rupple Road, as proposed by the Fayetteville Youth Center Inc. will involve a hefty commitment by the City, including a probability that taxes will be raised. Key questions have been left unanswered to date, some concerning the site selection, others related to City finances, fairness in distribution of City services, and possible procedural improprieties.

Here are a few questions, collected from several sources, that should be answered publicly and for the record before the City allows the west side location to become inevitable.

1. How, when, by whom and on the basis of what supporting information was the site selection consultant company (New Solutions) chosen?

2. Was there a Needs Study done? When? by whom? Was it presented to anyone in the City? To whom?

3. Project timetable--FYC officials rush the process warning the grant may be lost if the deadline isn't met. Who created the project's timetable--the FYC or the Reynold's Foundation? Why should the city be rushed into a huge costly project and in the process violate and contravene its own planning procedures?

4. The proposed YC is next to the McIlroy subdivision Meadowlands I and II. It is within the boundaries of what was proposed in 1997 as Meadowlands III. Will Meadowlands III come back to life? A preliminary plat was filed in 1997 when the developers were hoping the new middle school would go there. Meadowlands III was being discussed as recently as 1999 when one of the owners, Butch Robertson, was asking the Planning Commission to rezone his land with the Youth Center in mind. Mr. Robertson is quoted in the Planning Commission minutes of 2/22/99 as follows: "... we feel like somewhere in the 10 to 15 acres range coupled with the 10 acre park would give a tremendous complex there and that would leave roughly 20 acres for apartments. ... What we are trying to do is something really positive for the western side of Fayetteville. It really needs a shot in the arm." Fred Hanna, the Parks Board, and the Planning Commission at different times agreed to the owner's request that the City accept 6 acres of land next to the YC site in lieu of any park land dedication required for any development by the Meadowlands owner in the SW quadrant of Fayetteville. Question is: will Meadowlands III come back for approval AFTER the YC is completely approved and the City has agreed to pay for infrastructure?

5. Is there any relationship, personal or professional, between the owners of Meadowlands and anyone connected with the Donald W. Reynolds Foundation?

6. The middle school project was proposed to go in Meadowlands. When Meadowlands III was before the planning commission in 1997 Butch Robertson, at that time one of the Meadowlands owners, allegedly stated that his contribution in exchange for getting the middle school at Meadowlands was "related ... to marketability for his development" (unsigned memo addressed

to Charles Venable in Planning Department files). He wanted the City to help substantially in funding the paving of Rupple Road to the project. The middle school site was changed and moved north on Rupple Road. Not long after that, the site that had been proposed and ultimately rejected for the school was chosen for the Youth Center by a team selected apparently by the Youth Center. Is it accurate to suppose that the Meadowlands site for the Youth Center was a replacement for the school project that Meadowlands had lost?

7. How successful is the Meadowlands subdivision? (Assessor's records in March 2001 indicated a number of lots still owned by WHM Land Investments.)

8. How does the Youth Center interact / coordinate with the Yvonne Richardson Center and with the Nadine Baum Center? Does the City fund all 3? Is there any overlap in projects, goals, activities, people reached?

9. What is the "Working Agreement" between the Youth Center and the Parks Board? Is there a similar agreement with the Richardson Center? With the Nadine Baum Center?

10. What is the relationship of the Youth Center to the School District? Physical plant (present Youth Center - the land belongs to the school district but who owns the building and the amenities, e.g. the pool)?

11. Where has funding (cash or in kind) for the Y.C. come from over the past 10 years? (its own endowment? City of Fayetteville? School District? fees?)

12. How does the Youth Center award contracts?

13. Do salaries and wages paid by the Youth Center have the same constraints (minimum wage, full time / part time, health benefits, hiring policies, open to FOI) as salaries and wages paid by the City?

14. Is the Youth Center subject to the same hiring policies as the City?

15. Has the Youth Center Board asked the Reynolds Foundation for an extension to allow the City of Fayetteville time to consider the questions of site and funding?

16. Is the Reynolds Foundation aware of how little official public input the City has had in this site selection?

17. Has the present Youth Center been functioning up to standards recently? If not, why not?

18. The HMR tax raise for parks passed in 1995: the ballot issue did not mention the Youth Center. The ballot issue reads as follows: "levying an additional tax of 1% upon the gross receipts of hotels, motels, restaurants, cafes and cafeterias in the city to be used by the City Parks & Recreation Department for the promotion and development of City parks and recreation areas." Why have Stockland and Benberg allegedly said that the voters approved the new Youth Center through approval of this tax? John Benberg sent a letter to the City Council on December 18, 2000, just before the Council voted its intent to raise taxes again, saying, "...the citizens of Fayetteville have once already expressed their support for our organization via approval of the HMR tax." And Tom Stockland wrote, to the Council, around the same time: "The taxes were

specifically advertised to address several capital needs including renovation of the FYC." The fact appears to be that the Youth Center was not mentioned on the ballot and many people were voting for parks.

19. Time and again City officials say "we can't afford to lose the grant". Is there a misconception here? It needs to be emphasized that the $9 million from Reynolds is not going to the City but rather to a private corporation (non-profit). The City has already been asked for money to help FYC sustain this grant. In other words, the City is not GETTING money; the City is NOT getting $9.2 million. Instead, the City will have to SPEND almost that much to get the Youth Center going and to provide it with infrastructure. The City will be making a seemingly open-ended contribution and it will have to raise taxes to do this. Exactly how much will this Youth Center cost the City? Over how many years? Where will the money come from? Will other projects of the City or of other non-profits suffer because of the City''s obligation to the Youth Center?

20. What firm commitment did the YC have from ANYONE in the City for any City support or funding prior to December 2000 when the Council passed its resolution of intent to raise taxes. How was this (were these) commitment(s) made known to the public? Who was involved in the commitment(s)?

21. The mayor can spend no more than $20,000 on one item, unilaterally. Did Fred Hanna or Public Works director Venable ever tell the YC that an amount of money over $20,000 was being committed at any one time? (for streets, for parking lots) Did either make an "in-kind" agreement (such as a land bank promise) of a value over $20,000? Is there any amount of money implied in the Youth Center working agreement with the Parks Department that would require City Council approval?

22. What intertwining of School District funding and activities with City of Fayetteville and private funding and activities is legally allowed? (geographical boundaries and tax base of the City and of the School District are not the same).

23. Does the grant project really meet the Reynolds Foundation's program guidelines? (note restrictions on public monies, requirement of leverage for private funding and for a diversity of non-government funding streams.

24. Two middle schools, according to DemGaz April 8, cost $4.5 million each. Is the $15 million YC replacing some of the physical plant of the West Middle School? of both these schools? If so, it is functioning as part of the city government and 1) may not suit the Reynolds grant guidelines, 2) should come before the public in all its dealings.) In other words - does it do what the city would do if the city were doing its job?

25. How much do property values go up when an amenity such as a middle school or a Youth Center goes in?

26. Prestige Properties, developer of Serenity Place, has allegedly folded, retreated, or gone bankrupt. Did land values go up, did subdivisions take off, did the City commit to extra expenses as a result of what this company did before it vanished from the Fayetteville scene?

27. How many Youth Centers does the City have? Should the City consider the pros and cons of

a single, centrally located (as in Library, as in Town Center, as in City Hall, as in Farmers' Market, Walton Arts Center, etc.) Youth Center as opposed to 4 (North, South, East, West) Youth Centers? Because, if a YC is sited out West, the east part of town, heavily populated, will be wanting one too. The south side NEEDS one. etc. Has this debate ever taken place?

28. Is the Fayetteville Youth Center budget available to the public? Has it been examined and discussed by the Planning Commission, by the Parks Board, by the City Council?

29. Has the FYC application to the Reynolds Foundation been made public (including "total project costs"? Has it been examined officially by the City?

30. Has the correspondence between the FYC and the Reynolds Foundation, including the grant award (with conditions and with "total project costs", "3 years of independently audited financial statements", and "ownership or acquisition plan for project site"), been made available to the public and to the City?

31. Has the FYC applied for a time extension to its grant to allow the City to get more information and allow discussion?

32. Who will provide transportation? Who will maintain the fleet? Who will provide jobs? Who will sign contracts? What rules will apply (FOI? benefits? City regulations on labor questions?)

33. Were wetlands and floodplain studies requested before or after the transfer of property from McIlroy-Robertson or WHM to (a) the Youth Center? (b) the City for parking lots and grounds?

34. What collateral effects will this Center have on traffic?

35. What effect will be produced on traffic, sewer, water, and air pollution by the impetus this facility will give to Westside development?

36. Do the City's actions (overlooking or regularizing the irregularities and/or illegalities noted by the Planning Commission on March 26) set legal precedents for similar treatment by other developers?

37. How does this project conform to the City''s 2020 Plan and the introduction to the City''s UDO, where compactness, bike- and pedestrian-friendly connectivity, traffic reduction, and rejection of new infrastructure were adopted as goals and/or policies?

38. Who's liable for insurance premiums and accidents when transporting kids?

39. How many non-sports related activities will be offered according to the grant proposal? How many non-sports related activities have been offered at the present Youth Center?

40. Is naming the new Youth Center after Donald Reynolds part of the grant obligation?

41. Do we know the geographic distribution of Fayetteville's children?

42. Have we identified the most at risk and at need of Fayetteville's children? If so, do we know if there are any geographic patterns to where those children live?

43. Has the City done a needs assessment survey of its at risk and at need children? If so, what have we identified as the needs of these children?

44. What city funding is now going, in any way, to address the needs of those children? What organizations and/or programs are currently receiving public money? What specific services are being provided with that money? What documentation do we have on the results being produced by the money being spent on existing programs?

45. Is spending money on infrastructure to support the proposed Youth Center the most effective use of that money to meet the needs of Fayetteville's children, particularly its most at risk children? What other options are available for using that money to meet the needs of these children? Should we not, as a community, have these discussions and make these decisions?

46. What specific programs would the new Youth Center offer to our city's most at need and ask risk children? Could those programs be offered elsewhere on a more cost effective basis?

47. How would low income children from other parts of Fayetteville access the new Youth Center? If their only reasonable access is to be bussed in, does that mean they would only be able to use the Youth Center on a more limited basis then children from more affluent families? How much more limited? If there is a significant discrepancy in the Youth Center's availability to different income groupings, is it fair and just to pour public money into supporting such a facility?

Monday, April 09, 2001

RECEIVED
APR 09 2001
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Ms. Heather Woodruff
Fayetteville City Clerk
113 W. Mountain St.
Fayetteville, Arkansas 72701

Dear Ms. Woodruff,

04-09-01P01:52 RCVD

At the request of several of my constituents, I am making a formal appeal of two decisions made by the Planning Commission at their March 26, 2001 meeting. The particulars of the appeals are listed below. I would like to state up front that I am not personally committed to overturning the recommendations of City staff and the decisions of the Planning Commission, however, I cannot the ignore the public outcry for the City Council to entertain further public discussion of these items. Please include these appeals on the agenda for the City Council meeting of April 17, 2001.

1. LSD 00-36.00 Large Scale Development (J.D. China)

   Please consider this appeal as a question of whether the letter and intent of the Tree Preservation Ordinance under UDO Section 167.05 have been followed. Constituents have expressed their concern to me that the provisions of this ordinance to "maximize preservation of Rare and Landmark Trees" have not been honored.

2. LSD 01-4.00 Large Scale Development (Fayetteville Youth Center)

   Please consider this appeal as a question of whether the letter and intent of the Fayetteville Drainage Manual Section 9.2.2.4 has been honored regarding the waiver of the bend radius required for open channels, and UDO Section 172.01 has been honored regarding the waiver to permit 30 feet rather that 24 feet for drive aisle width, and the waiver to permit an unknown number of additional parking spaces. These issues are very important, as they will add a considerable amount of impermeable surface to a site that is primarily floodplain and floodway as shown on the Flood Insurance Rate Map.

There have been many questions raised by the public regarding the siting of this facility and the amount of public funding already invested, as well as future commitments of public funds. Citizens are also curious about the private funding required by the Reynolds Foundation grant to the Youth Center. Would you please ask the Youth Center staff to provide to the Council any and all grant applications and award notifications including any and all stipulations and conditions associated with this project?

Thank You,

Kevin Santos, Alderman

CC. 9/17/01

Please place copies of this in the boxes of the Mayor and Council. Tim Conklin and John Maguire should also get copies. If you know how to get a copy to Hanna McNeil (?), please do, as I believe she will be answering questions for the Youth Center.

Thanks,
Kevin

A Youth Center on Rupple Road, as proposed by the Fayetteville Youth Center Inc. will involve a hefty commitment by the City, including a probability that taxes will be raised. Key questions have been left unanswered to date, some concerning the site selection, others related to City finances, fairness in distribution of City services, and possible procedural improprieties.

Here are a few questions, collected from several sources, that should be answered publicly and for the record before the City allows the west side location to become inevitable.

Barbara Moorman

---

1. How, when, by whom and on the basis of what supporting information was the site selection consultant company (New Solutions) chosen?

2. Was there a Needs Study done? When? by whom? Was it presented to anyone in the City? To whom?

3. Project timetable--FYC officials rush the process warning the grant may be lost if the deadline isn't met. Who created the project's timetable--the FYC or the Reynold's Foundation? Why should the city be rushed into a huge costly project and in the process violate and contravene its own planning procedures?

4. The proposed YC is next to the McIlroy subdivision Meadowlands I and II. It is within the boundaries of what was proposed in 1997 as Meadowlands III. Will Meadowlands III come back to life? A preliminary plat was filed in 1997 when the developers were hoping the new middle school would go there. Meadowlands III was being discussed as recently as 1999 when one of the owners, Butch Robertson, was asking the Planning Commission to rezone his land with the Youth Center in mind. Mr. Robertson is quoted in the Planning Commission minutes of 2/22/99 as follows: "... we feel like somewhere in the 10 to 15 acres range coupled with the 10 acre park would give a tremendous complex there and that would leave roughly 20 acres for apartments. ... What we are trying to do is something really positive for the western side of Fayetteville. It really needs a shot in the arm." Fred Hanna, the Parks Board, and the Planning Commission at different times agreed to the owner's request that the City accept 6 acres of land next to the YC site in lieu

of any park land dedication required for any development by the Meadowlands owner in the SW quadrant of Fayetteville. Question is: will Meadowlands III come back for approval AFTER the YC is completely approved and the City has agreed to pay for infrastructure?

5. Is there any relationship, personal or professional, between the owners of Meadowlands and anyone connected with the Donald W. Reynolds Foundation?

6. The middle school project was proposed to go in Meadowlands. When Meadowlands III was before the planning commission in 1997 Butch Robertson, at that time one of the Meadowlands owners, allegedly stated that his contribution in exchange for getting the middle school at Meadowlands was "relat[ed] ... to marketability for his development" (unsigned memo addressed to Charles Venable in Planning Department files). He wanted the City to help substantially in funding the paving of Rupple Road to the project. The middle school site was changed and moved north on Rupple Road. Not long after that, the site that had been proposed and ultimately rejected for the school was chosen for the Youth Center by a team selected apparently by the Youth Center. Is it accurate to suppose that the Meadowlands site for the Youth Center was a replacement for the school project that Meadowlands had lost?

7. How successful is the Meadowlands subdivision? (Assessor's records in March 2001 indicated a number of lots still owned by WHM Land Investments.)

8. How does the Youth Center interact / coordinate with the Yvonne Richardson Center and with the Nadine Baum Center? Does the City fund all 3? Is there any overlap in projects, goals, activities, people reached?

9. What is the "Working Agreement" between the Youth Center and the Parks Board? Is there a similar agreement with the Richardson Center? With the Nadine Baum Center?

10. What is the relationship of the Youth Center to the School District? Physical plant (present Youth Center - the land belongs to the school district but who owns the building and the amenities, e.g. the pool)?

11. Where has funding (cash or in kind) for the Y.C. come from over the past 10 years? (its own endowment? City of Fayetteville? School District? fees?)

12. How does the Youth Center award contracts?

13. Do salaries and wages paid by the Youth Center have the same constraints (minimum wage, full time / part time, health benefits, hiring policies, open to FOI) as salaries and wages paid by the City?

14. Is the Youth Center subject to the same hiring policies as the City?

15. Has the Youth Center Board asked the Reynolds Foundation for an extension to allow the City of Fayetteville time to consider the questions of site and funding?

16. Is the Reynolds Foundation aware of how little official public input the City has had in this site selection?

17. Has the present Youth Center been functioning up to standards recently? If not, why not?

18. The HMR tax raise for parks passed in 1995: the ballot issue did not mention the Youth Center. The ballot issue reads as follows: "levying an additional tax of 1% upon the gross receipts of hotels, motels, restaurants, cafes and cafeterias in the city to be used by the City Parks & Recreation Department for the promotion and development of City parks and recreation areas." Why have Stockland and Benberg allegedly said that the voters approved the new Youth Center through approval of this tax? John Benberg ssent a letter to the City Council on December 18, 2000, just before the Council voted its intent to raise taxes again, saying, "...the citizens of Fayetteville have once already expressed their support for our organization via approval of the HMR tax." And Tom Stockland wrote, to the Council, around the same time: "The taxes were specifically advertised to address several capital needs including renovation of the FYC." The fact appears to be that the Youth Center was not mentioned on the ballot and many people were voting for parks.

19. Time and again City officials say "we can t afford to lose the grant". Is there a misconception here? It needs to be emphasized that the $9 million from Reynolds is not going to the City but rather to a private corporation (non-profit). The City has already been asked for money to help FYC sustain this grant. In other words, the City is not GETTING money; the City is NOT getting $9.2 million. Instead, the City will have to SPEND almost that much to get the Youth Center going and to provide it with infrastructure. The City will be making a seemingly open-ended contribution and it will have to raise taxes to do this. Exactly how much will this Youth Center cost the City? Over how many years? Where will the money come from? Will other projects of the City or of other non-profits suffer because of the City s obligation to the Youth Center?

20. What firm commitment did the YC have from ANYONE in the City for any City support or funding prior to December 2000 when the Council passed its resolution of intent to raise taxes. How was this (were these) commitment(s) made known to the public? Who was involved in the commitment(s)?

21. The mayor can spend no more than $20,000 on one item, unilaterally. Did Fred Hanna or Public Works director Venable ever tell the YC that an amount of money over $20,000 was being committed at any one time? (for streets, for parking lots) Did either make an "in-kind" agreement (such as a land bank promise) of a value over $20,000? Is there any amount of money implied in the Youth Center working agreement with the Parks Department that would require City Council approval?

22. What intertwining of School District funding and activities with City of Fayetteville and private funding and activities is legally permissable? (geographical boundaries and tax base of the City and of the School District are not the same).

23. Does the grant project really meet the Reynolds Foundation's program guidelines? (note restrictions on public monies, requirement of leverage for private funding and for a diversity of non-government funding streams.

24. Two middle schools, according to DemGaz April 8, cost $4.5 million each. Is the $15 million YC replacing some of the physical plant of the West Middle School? of both these schools? If so, it is functioning as part of the city government and 1) may not suit the Reynolds grant guidelines, 2) should come before the public in all its dealings.) In other words - does it do what the city would do if the city were doing its job?

25. How much do property values go up when an amenity such as a middle school or a Youth Center goes in?

26. Prestige Properties, developer of Serenity Place, has allegedy folded, retreated, or gone bankrupt. Did land values go up, did subdivisions take off, did the City commit to extra expenses as a result of what this company did before it vanished from the Fayetteville scene?

27. How many Youth Centers does the City have? Should the City consider the pros and cons of a single, centrally located (as in Library, as in Town Center, as in City Hall, as in Farmers' Market, Walton Arts Center, etc.) Youth Center as opposed to 4 (North, South, East, West) Youth Centers? Because, if a YC is sited out West, the east part of town, heavily populated, will be wanting one too. The south side NEEDS one. etc. Has this debate ever taken place?

28. Is the Fayetteville Youth Center budget available to the public? Has it been examined and discussed by the Planning Commission, by the Parks Board, by the City Council?

29. Has the FYC application to the Reynolds Foundation been made public (including "total project costs"? Has it been examined officially by the City?

30. Has the correspondence between the FYC and the Reynolds Foundation, including the grant award (with conditions and with "total project costs", "3 years of independently audited financial statements", and "ownership or acquisition plan for project site"), been made available to the public and to the City?

31. Has the FYC applied for a time extension to its grant to allow the City to get more information and allow discussion?

32. Who will provide transportation? Who will maintain the fleet? Who will provide jobs? Who will sign contracts? What rules will apply (FOI? benefits? City regulations on labor questions?)

33. Were wetlands and floodplain studies requested before or after the transfer of property from McIlroy-Robertson or WHM to (a) the Youth Center? (b) the City for parking lots and grounds?

34. What collateral effects will this Center have on traffic?

35. What effect will be produced on traffic, sewer, water, and air pollution by the impetus this facility will give to Westside development?

36. Do the City's actions (overlooking or regularizing the irregularities and/or illegalities noted by the Planning Commission on March 26) set legal precedents for similar treatment by other developers?

37. How does this project conform to the City s 2020 Plan and the introduction to the City s UDO, where compactness, bike- and pedestrian-friendly connectivity, traffic reduction, and rejection of new infrastructure were adopted as goals and/or policies?

38. Who's liable for insurance premiums and accidents when transporting kids?

39. How many non-sports related activities will be offered according to the grant proposal? How many non-sports related activities have been offered at the present Youth Center?

40. Is naming the new Youth Center after Donald Reynolds part of the grant obligation?

From: Kevin Santos <ksantos@uafphpl.uark.edu>
To: <hwoodruff@ci.fayetteville.ar.us>
Date: 4/13/01 7:58AM
Subject: Fwd: more youth center questions

Heather,

Here's more.

Thanks,
Kevin

>1. Do we know the geographic distribution of Fayetteville's children?
>
>2. Have we identified the most at risk and at need of Fayetteville's
>children? If so, do we know if there are any geographic patterns to
>where those children live?
>
>3. Has the City done a needs assessment survey of its at risk and at
>need children? If so, what have we identified as the needs of these
>children?
>
>4. What city funding is now going, in any way, to address the needs of
>those children? What organizations and/or programs are currently receiving
>public money? What specific services are being provided with that
>money? What
>documentation do we have on the results being produced by the money
>being spent on existing programs?
>
>5. Is spending money on infrastructure to support the proposed Youth
>Center the most effective use of that money to meet the needs of
>Fayetteville's
>children, particularly its most at risk children? What other options
>are available for using that money to meet the needs of these children?
>Should we not, as a community, have these discussions and make these
>decisions?
>
>6. What specific programs would the new Youth Center offer to our
>city's most at need and ask risk children? Could those programs be offered
>elsewhere on a more cost effective basis?
>
>7. How would low income children from other parts of Fayetteville
>access the new Youth Center? If their only reasonable access is to be
>bussed in,
>does that mean they would only be able to use the Youth Center on a more
>limited basis then children from more affluent families? How much more
>limited?
>If there is a significant discrepancy in the Youth Center's availability to
>different income groupings, is it fair and just to pour public money into
>supporting such a facility?
>

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

January 12, 2001

Neal Pendergraft, Attorney
Donald W. Reynolds Foundation
112 West Center
Fayetteville, Arkansas 72701

Dear Neal,

As you know, a meeting with members of the Fayetteville Youth Center Board and City staff was held January 4. The meeting was called in order to bring me up to date on the Boys and Girls Club proposed new facility on Rupple Road and to review the facts regarding the City's commitment to assist this project in coming to fruition.

The importance to the City of this project is evidenced by the financial commitment authorized by the City Council of approximately $4.3 million. The funding appropriated in the 2001 Annual Budget includes $124,000 for the extension of water and sewer lines to the project site and $395,000 to assist with the building cost as well as the leasing of approximately nine acres of City park land to the Boys and Girls Club. Additionally, the City is committed to constructing Rupple Road to the site at an estimated cost of $1.0 million, contributing $300,000 to the construction of the parking facilities, and assessing two mils of property tax for two years with an estimated collection amount of $2.4 million.

You can be assured that the overall plan to build at the Rupple Road location has my approval and total commitment. I believe this facility is very important to our City.

If I can ever be of assistance to the Donald W. Reynolds Foundation or to you, please call.

Sincerely,

Dan Coody

Dan Coody
Mayor

cc: Tom Stockland

Cost from the City of Fayetteville as addressed in letter from Mayor Dan Coody.
See attached letter

Funds appropriated in the 2001 Annual Budget

Extension of water and sewer line to the project site	$124,000
Assist in the building cost	$395,000

Funds to be appropriated

Construction of Rupple Road	$1,000,000

At the Street Committee meeting April 10, 2001, this figure has been estimated to be about $583,000.

Parking lot facilities	$300,000
Two mils of property tax for two years with an estimated amount	$2,400,000

DEPARTMENT OF THE ARMY
LITTLE ROCK DISTRICT, CORPS OF ENGINEERS
POST OFFICE BOX 867
LITTLE ROCK, ARKANSAS 72203-0867

REPLY TO
ATTENTION OF

JAN 11 2001

Planning, Environmental and Regulatory Division
Regulatory Branch

FILE No. 16858

Ms. Shannon Holbrook
FTN Associates Ltd.
3 Innwood Circle
Suite 220
Little Rock, Arkansas 72211

Dear Ms. Holbrook:

Please refer to your letter of December 20, 2000, concerning a Section 404 determination on a 19-acre site bisected by Owl Creek. The property is located in the SE 1/4 of section 12, T. 16 N., R. 31 W., Fayetteville, Washington County, Arkansas. This letter is to provide information on the extent of the waters of the United States, including wetlands, on the property and the Department of the Army permit requirements pursuant to Section 404 of the Clean Water Act.

My review of your report concurs with your delineation of a total of approximately 0.1 acre of wetlands in two areas and 870 linear feet of waters of the U.S. This concurrence is based on the 1987 Corps of Engineers Wetlands Delineation Manual, appropriate guidance, and Department of the Army regulations.

Please read the attached "Notification of Administrative Appeal Options and Process and Request for Appeal" which describes your options regarding this action.

This wetland and jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Please be advised that the discharge of dredged or fill material in waters of the U. S., including wetlands, requires a Department of the Army permit prior to the beginning of work in most situations. A permit is required pursuant to Section 404 of the Clean Water Act and Corps of Engineers implementing regulations, 33 Code of Federal Regulations (CFR) 320 - 330. The clearing of wetlands with mechanized equipment; landleveling;

construction of ditches, dikes, and dams; placement of fill to raise the elevation of a site; and stabilization of banks are examples of activities that routinely require a permit. All these activities involve the discharge of dredged or fill material in waters of the United States.

The headwaters of Owl Creek located on this property appear to meet the definition of an ephemeral stream, therefore, this project might qualify for authorization under the Nationwide Permits. Normally this would require offsetting mitigation for the wetlands and riparian buffer along the relocated stream. A combination of both wetland mitigation and buffers could be considered in the event you wish to apply for a permit. You should also furnish comments from the City of Fayetteville regarding floodplain issues.

Your cooperation in the Regulatory Program is appreciated. If you have any questions, please contact me at (501) 324-5295 and refer to No. 16858.

Sincerely,

Kenneth H. Lyon

Kenneth H. Lyon
Project Manager

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

RECD JAN 12 2001

U.S. ARMY CORPS OF ENGINEERS - LITTLE ROCK DISTRICT
REGULATORY BRANCH
BASIS FOR JURISDICTIONAL DETERMINATION

Applicant: FAYETTEVILLE YOUTH CENTER Action No. 16858

DETERMINATION

1. XX This site has been determined to contain jurisdictional waters of the United States based on:
   a. ___ its location on a waterway now used, used in the past or susceptible for use in interstate commerce (Section 10 waterbody).
   b. ___ its location on an interstate waterbody.
   c. ___ its location on isolated waters of the United States containing a linkage to interstate or foreign commerce through the presence of:
      ___ commercial timber and/or other merchantable forest products
      ___ habitat for migratory birds
      ___ oil, gas, sand, gravel or other minerals of commerce
      ___ other: _____
   d. ___ its location on an impoundment of a water otherwise defined as a water of the United States.
   e. XX its location on a tributary of any of the waters described in items a., b., c., and d. above.
   f. XX its location on wetlands as determined by the occurrence of hydrophytic vegetation, hydric soils, and wetland hydrology according to criteria established in the 1987 Corps of Engineers Manual.
   g. ___ its location on wetlands located adjacent to waters described in items a., b., c., d., and e. above.
   h. ___ the fact that its location includes property below the ordinary high-water mark of a waterbody as determined by known gage data or by the presence of physical markings including, but not limited to, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter or debris, or other characteristics of the surrounding area.
   i. ___ its potential to impact structures designed to maintain the course, location, or condition of a navigable waterway.
   j. ___ other: _____

2. ___ This site has been determined NOT to contain any jurisdictional waters of the United States.

January 9, 2001
Date

Kenneth H. Lyon
Kenneth H. Lyon
Project Manager

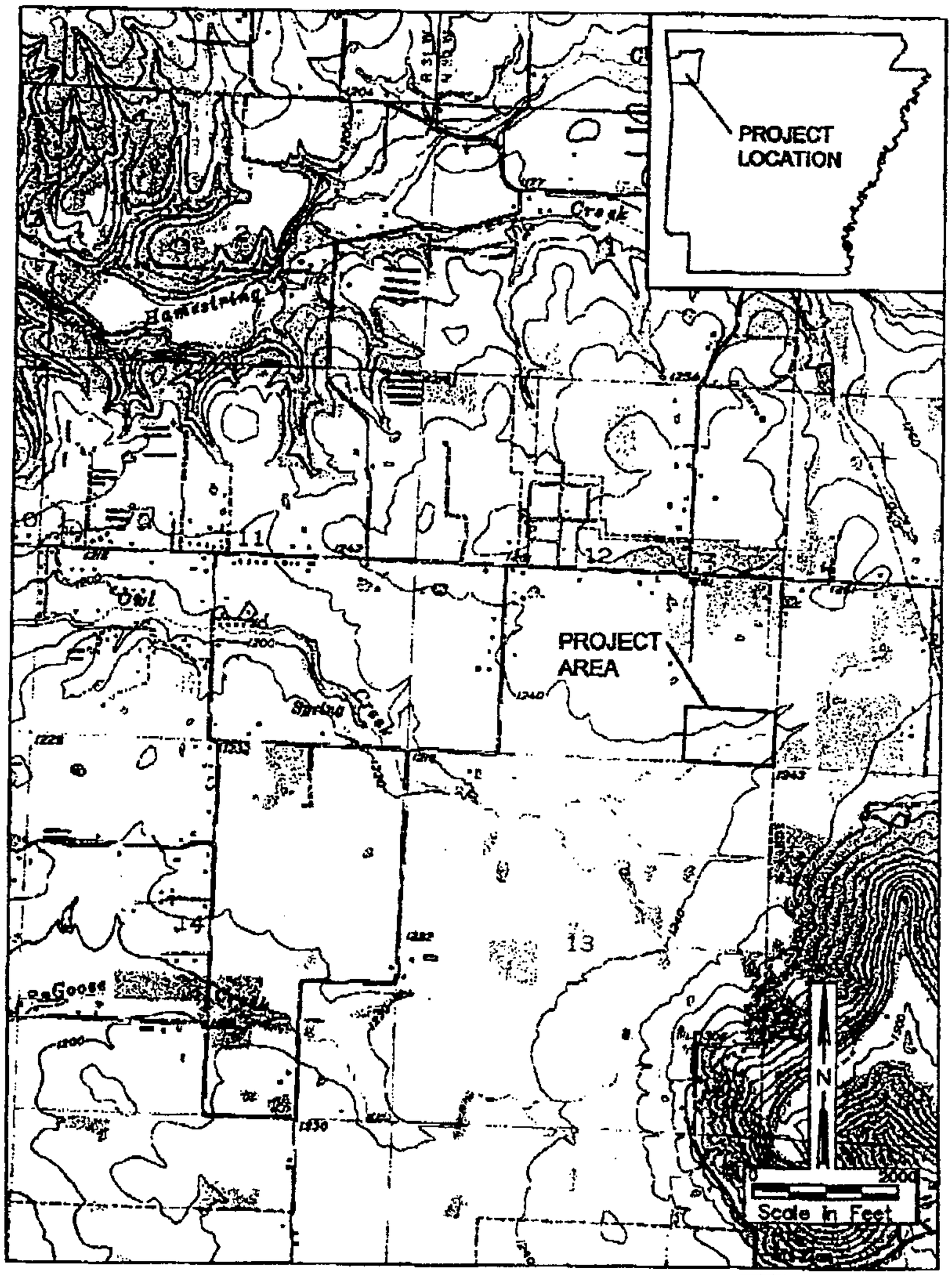


Figure 1. Project location and vicinity map.

ACTION NO. 16858
Fayetteville Youth Center
WETLAND DELINEATION REVIEW
Sec 12, T. 16 N., R. 31 W.
Jan. 8, 2001 SHEET 1 OF 7

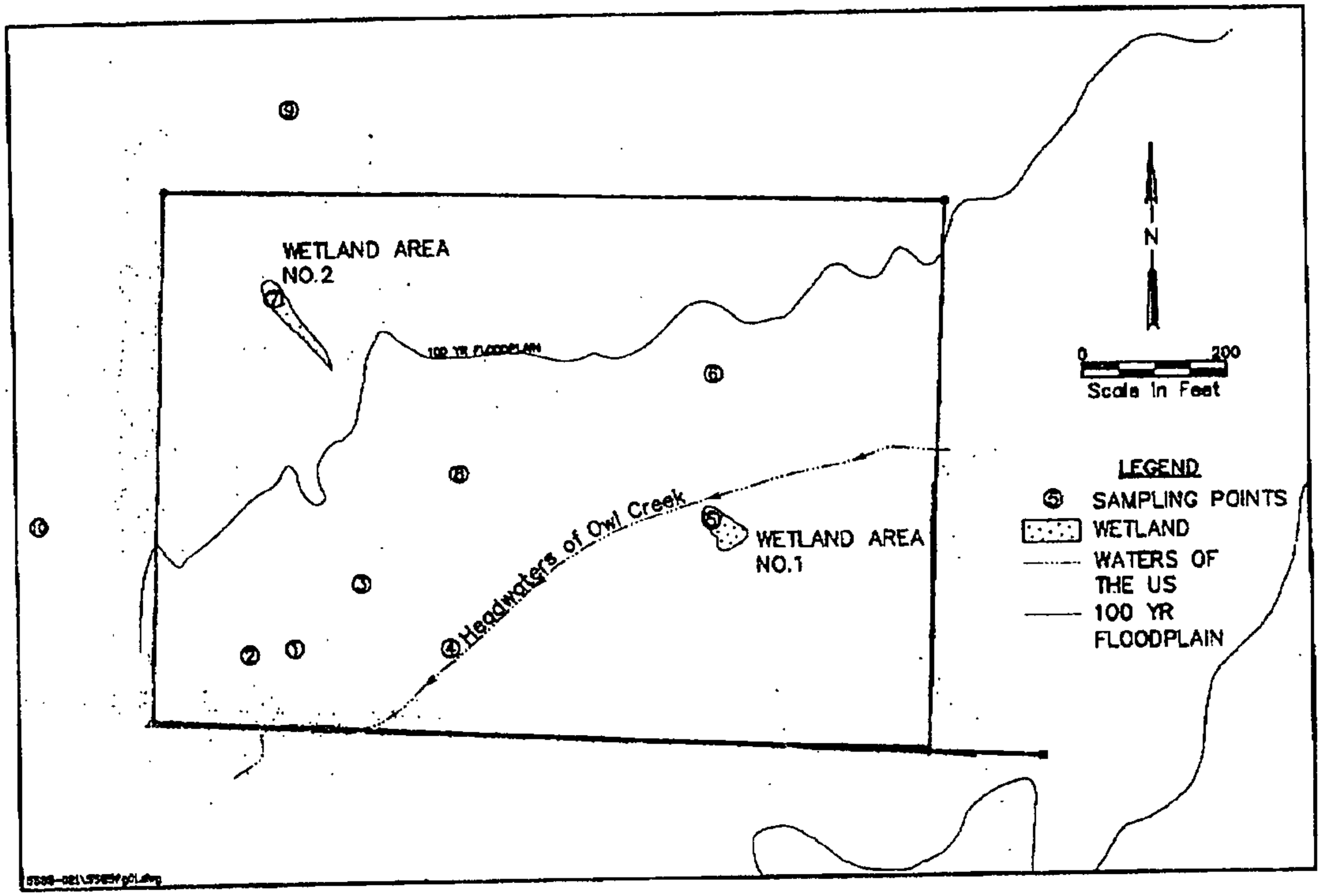


Figure 2. Location of wetland sampling points and wetlands within the project

ACTION NO. 16858
Fayetteville Youth Center
WETLAND DELINEATION REVIEW
Sec 12, T. 16 N., R. 31 W.
Jan. 8, 2001 SHEET 2 OF 2

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Farnsworth Group		File Number: 16858	Date:
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
XX	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Ken Lyon
phone - (501) 324-5295

If you only have questions regarding the appeal process you may also contact:
Mr. James Gilmore, Appeal Review Officer
CESWD-ETO-R, 1100 Commerce Street
Dallas, Texas 75242-0216
phone - (214) 767-2457 fax - (214) 767-9021
e-mail – james.e.gilmore@swd02.usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:

SUSAN E. ANDERS, AIA

AR AR. 2991 FL AR. 0014774

January 11, 2001

Mr. Mike Hill
Fayetteville Youth Center
915 California Drive
Fayetteville, AR 72701

Dear Mike,

In response to your request for information regarding the Fayetteville Youth Center Site selection, the following is a summary of the Master Planning Committee's activities from approximately October 1998 through March 1999, with specific emphasis on the site selection phase of work. The committee's work was completed in June of 1999.

On October 22, 1998 the Master Facility Planning Committee (MFPC) met for the first time. The agenda was to introduce the committee members to one another, to review the work to date from Strategic Planning Committee, and to discuss the goals for the MFPC and a schedule for those events.

The first task for our consideration would be the site selection. Ideally, we would have started this phase of work at the conclusion of the Strategic Plan. Our completion goals for all phases of work for Both the Strategic Plan and the Master Facilities Plan completion goals for all phases of work had been adjusted to respond to the filing requirements for the Donald W. Reynolds Foundation grant application. Therefore, the MFPC's work began with monthly meetings, thus ensuring ample time for consideration of the mission and the vision of the new Youth Center, the assumptions and criteria for the site selection, and the broadest possible view of the sites to be considered. The committee members were compromised of a student representative, two community members with extensive construction experience, a city representative, several board members, and a Youth Center staff member.

To begin the site selection process, we first needed to review the completed work that would inform our considerations and direction.

History of the Fayetteville Youth Center:
There were two aspects that surfaced during the historical investigation. First, the institution was over 50 years old and there was clear understanding of the need for a 50-100 year plan. The limitations on the facility in its existing location, lack of control of the property, the inability to change and expand the program offerings, difficult vehicular access, difficult directions for the first time user, difficult handicap accessibility and lack of acreage to grow both in the building and the playing fields were well known to the staff and the board. Second, a diverse population within the city had, at one time, used the Youth Center and it enjoyed much success by the children and the parents. Clearly, the Youth Center wanted and needed to return to the kind of facility that would attract all of Fayetteville's children.

POST OFFICE BOX 852 • FAYETTEVILLE, AR • 72702
PHONE: 501-443-4814 • FAX: 501-582-1646
E-MAIL SPA_SEA@MSN.COM

Strategic Plan Objectives related to the Facility:
The Youth Center was to "think big" and "dream big". Through the course of community focus groups, surveys, and committee retreats, the new Youth Center was to be recognized for design, housed in a 100-year building(timeless in appearance), with instant visual impact, excitement, and anticipation. The visitor would experience the site the minute one hits the property line by car, bicycle, or foot and community's expectation would be exceeded. The facility would appeal to all ages and socioeconomic groups, with a safe and secure feeling, accessible and easy to find. Finally, flexible design and construction to accommodate changing needs and seamless additions, along with construction quality allowing for practical and affordable maintenance was paramount to respond to the existing facilities' difficulties.

Youth Center Relationships with Potential Influence on the Building and Site:
The Fayetteville Public Schools and the City of Fayetteville were two of the most prominent relationships that needed definition and agreement (in writing) as to the shared usage and maintenance of the building and grounds. Issues of scheduling, personnel, equipment ownership and storage, maintenance of facilities (grounds and satellites in particular), programming responsibility, program staffing, and facility access (who had precedent usage) would have an enormous impact on the programming phase of our work. The existing facility had experience difficulty with all of the above. Therefore, in a series of meetings with Schools, the Parks Dept. of the City and the Youth Center were held, and an agreement for future relations between all three was reached. Chief among the points outlined was the Program Management, which stated the programs that would need facility and staff by the Youth Center. This gave the MFPC clarity and direction regarding the need for playing fields, what kind and how many, as well as the building program needs and their interior and exterior adjacencies. (See the attached **Recreation in Fayetteville** document)

Site Visits:
There were 3 Site Visits (Columbus, IN, Miami, FL, and Cambridge, MA) that various MFPC members participated in through the fall of 1998. At each visit there were some 5-7 facilities that were visited. Some were Boys and Girls clubs, while others were city owned and managed facilities. At each of sites, we met with architects, staff, and children to query their perceptions and use of the facility and grounds. Some of locations had many similarities to the Youth Centers needs, and the built examples help reveal the range limitations that we might encounter. The Strategic Planning goal was "to dream big" and these site visits did more to inform the MFPC and the Youth Center board as to needs and possibilities for the next 50 to 100 years.

It is with this preface that the work of site selection began.

On November 19, 1998, the MFPC's meeting reviewed the Draft Strategic Plan, with specific focus on the mission and the vision statements. Second, the assumptions for site selection and the criteria for site selection were discussed and proposed. (See the Final Report 7/19/99 for detailed information) Clear and easy access to the site, clean approach, known as a city wide gathering place for children, a flexible facility that responded easily to program needs, adjacent playing fields with preferential use by the Youth Center and/or ample acreage (25 acres) to expand over time if there were no playing fields adjacent to the property were a few of the criteria were a few of the criteria. These points would be in foundation or "litmus test" for any site that was presented to the committee. Finally, 6 sites were presented, with the City offering 5 of the 6. All of the City sites were in various locations and were ranked by the Pros and Cons based upon topography, acreage amount, location with the city, ease of access, and physical features. (Crossover Park – ranked 6, Gregory Park – ranked 5, Research Park – ranked 4, City Water and Sewer Facility – ranked 3, Walker Park – ranked 2) A negotiated lease would accompany any of these sites, but that was not the primary focus

POST OFFICE BOX 852 • FAYETTEVILLE, AR • 72702
PHONE: 501-443-4814 • FAX: 501-582-1646
E-MAIL SPA_SEA@MSN.COM

of our evaluation at this meeting. The last site was National Home Center property on the I-540 By-pass. This site far out ranked the other sites presented, with the drawbacks being cost and availability. The meeting was adjourned with various committee members tasked with site questions that would be presented at the December meeting. All of the members were to consider and investigate any additional sites that could be considered at the next meeting. This information was presented to the board at the December meeting for review and approval. (See attached 11/19/98 meeting notes for detailed information.)
As a footnote to this meeting, the MFPC defined good access to any of the sites by the proximately to the I-540 By-pass. The reasoning was that the potential growth within the city could most easily be determined by vehicular arteries, existing and future. The 25-year City Street Plan shows the completion a ring road around the east side of the city but topography and growth makes an accurate guess to the approximate location of the road impossible. Therefore, we choose to focus on the existing By-pass as the best and most well known short term and long-term access.

On December 17, 1998, the MFPC's meeting started with notification that the board had approved the November meeting's work and direction. The National Home Center property findings were discussed, with the conclusion that the property should not be pursued further because of cost. The remaining properties were discussed, all owned by the City. It was determined that the Youth Center should try to pursue ownership of the property, if possible, considering a lease arrangement when all other options had been exhausted. The 25 acre requirement was then reviewed because site availability constraints. The site visit trips(IN, MA, FL) had been completed and the members felt that 15 – 20 acres would be adequate based upon and the physical arrangements that had been visited and the Strategic Plan's program offerings. The MFPC then agreed to delay a site recommendation to the board until February because more time was needed to identify possible sites and magnitude of the decision. In addition, we agrees that if we were unable to find a site that met our assumptions and criteria, then we would proceed with the other scheduled work without a site. After much discussion and review of the map of Fayetteville, 7 additional sites were tapped for investigation. Members volunteered to report pertinent facts about the sites identified at the January meeting. At the close of the meeting the architectural selection process was discussed in detailed, as this was the next but concurrent phase of work. This information was presented to the board at the January meeting for review and approval. (See attached 12/17/98 meeting notes for detailed information.)

On January 15, 1999, the MFPC's meeting started with notification that the board had approved the December meeting's work and direction. Schedules for the architectural RFP and the first Charrette, thus beginning the programming phase of work were then reviewed. We immediately began the reports on the 7 additional sites. The sites were the old winery off of Highway 112(not pursued), Sang and Cleveland(pursued further), Rupple Road off of Highway 16(pursued further), Mt. Comfort Road near the new middle school(pursued further), Campbell Soap at 15th St. (pursued further), School Road near 19th St.(not pursued), and Mt. Comfort Road south of Williams Ford(not pursued). (Detailed discussion is presented in the attached meeting notes.) An additional site was also considered near the Razorback Golf course owned by Mr. Schelgel, and a report would be given at the next meeting. At this point, the committee revisited the City owned Cato Springs Road site because it had many of the attributes of the Campbell Soap property without the cost. The potential jail location is a drawback and terms with the City were unknown. Information regarding these two issues would be reported at the next meeting. Concerns regarding cost of ownership(the purchase price) and the effects upon fund raising were discussed. It was acknowledged that a property would not be recommended to the board if the cost was not in the best interest of the rest of the project. Additional concerns regarding the board's confusion at the January meeting over a City owned site and a privately owned site were discussed. One of the board members on the committee clarified that the assumptions and criteria reviewed and approved by the board would dictate the recommendation of the site and the MFPC would make the best site recommendation that would address the Strategic Plan and associated costs. (Additional detailed comment is noted in the 1/15/99 meeting notes.)

POST OFFICE BOX 852 • FAYETTEVILLE, AR • 72702
PHONE: 501-443-4814 • FAX: 501-582-1646
E-MAIL SPA_SEA@MSN.COM

This information was presented to the board at the February meeting for review and approval. (See attached 1/15/99 meeting notes for detailed information.) An additional January meeting was scheduled to discuss the new site reports and remain on schedule.

On January 27, 1999, the MFPC's meeting focused on the additional sites being considered. The site were Sang and Cleveland(not pursued), Mt. Comfort Road near the middle school(not pursued), Cato Springs Road owned by the City – ranked 4, Campbell Soap at 15th St. – ranked 3, the Schelgel property - ranked 2, and Rupple Road off Highway 16 - ranked 1. (Additional detailed comment is noted in the 1/27/99 meeting notes.) It was agreed that a recommendation be made at the February board meeting that both the Rupple Road and The Schelgel property be pursued simultaneously to obtain a specific agreement for acquisition. A subcommittee was formed to negotiate terms for the property if board approval was given on February 9, 1999. This information was presented to the board at the February meeting for review and approval. (See attached 1/27/99 meeting notes for detailed information.)

Additional meetings were held by the MFPC from February through May of 1999 related to the Facility Design Consultant selection and the Facility Programming (what is needed in the building/grounds, how much space, what are the adjacencies with buddle diagrams and preliminary cost estimates).

On March 24, 1999, the MCFP's meeting started with notification that the board had approved the January meeting's work and direction. Issues regarding the consultant selection and the facility program were also discussed. Specific to the site selection, the subcommittee presented the details of the negotiation for each of the sites. The assumptions and criteria were reviewed again along with the specifics of the two sites. The MFPC concluded that the Rupple Road site would be the final recommendation to the board at the April meeting based upon the following: good utility access, good vehicular access from the planned 4 lane widening of Highway 16, good soils – favorable for both building and playing field design and maintenance, good site location adjacent to a neighborhood and planned future housing, and favorable terms with the property cost less than the second property. Preliminary agreement had also been negotiated with the City regarding Rupple Road, the park land requirement, and the lease/ownership of the park property to be used as a part of the acreage total. A written agreement with the City would be pursued if the board had voted to approve the recommendation. Additional issues were discussed related to other phases of the Committee's work. This information was presented to the board at the April meeting for review and approval. (See attached 3/24/99 meeting notes for detailed information.)

The board approved the recommendation and agreement in April and a letter of intent was sent. The remainder of the MFPC's work is documented in the Final Report dated July 19, 1999. In addition, more detailed aspects of the issues discussed herein are available in that same report. Attached are copies of the meeting notes and agreement referenced in this letter.

Please let me know if you have any questions or need for additional information.

Sincerely,

Susan E. Anders, AIA

POST OFFICE BOX 852 • FAYETTEVILLE, AR • 72702
PHONE: 501-443-4814 • FAX: 501-582-1646
E-MAIL SPA_SEA@MSN.COM

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMEBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES 10/22/98

DATE: 10/23/98

CC: JEFF KONIG, DAVID, MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB

Thank you again for attending our Master Facility Planning Committee Meeting yesterday at McIlroy Bank. Outlined below is a summary of our discussion for your review. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

At the close of the meeting, we scheduled the next meeting for November 19, 1998, 11:30am-1:00pm at the McIlroy Bank Training room (the same location as the first meeting). We will discuss the initial sites available, and the February/April Charrette dates. There will be fax with the sites being considered sent to your offices on November 13, 1998.

In addition, the December meeting was scheduled for December 17, 1998, 11:30am-1:00pm at the McIlroy Bank Training room. We will be finalizing the site selection recommendations(if feasible and appropriate) for the January FYC Board's consideration, as well as discussing the method and schedule for architectural consultants.

Summary of the October 22, 1998 meeting.

Attendees: David McClinton, Charlie Venable, Howard Hamilton, Tim Webb, O.E. Luttrell, and Mark Paul

1. What is the project - history ***hand out***
2. What is the Process - Phases ***hand out***
3. Where are we in the Process - ½ complete w/ Strategic Plan, start of Master Facility Plan
4. Mission, Time Commitment, and Issues for the Committee - see ***hand out***
5. Master Facility Plan Products - see memo ***hand out***
6. General schedule - Nov. 98- Sept. 99

   Executive Summary to the Donald Reynolds Foundation May 31, 99

   Final Submittal to the Donald Reynolds Foundation September 30, 99

7. 3 Overlapping jobs -

Master Plan

Architectural consultant selection - Notify architectural team/teams May1, 99; Release preliminary program concept docs. June 1, 99; Selection of schematic design September 1, 99

New site selection – end of Jan. 99

8. Indiana Site Visit October 27-28, 1998

CC. Attendees

Jeff Konig

Grant Johanson

RECREATION IN FAYETTEVILLE

A New Set of Working Procedures and Responsibilities for the Parks and Recreation Division and the Youth Center.

In order to define and improve the current working relationship between the Fayetteville Youth Center (FYC) and the Fayetteville Parks and Recreation Division, it is recommended that a new set of operating procedures be established. Currently, both agencies are working under many verbal and assumed agreements. These arrangements lead to poor communication, indirect accountability and to feelings of apprehension. Increased communication and a new set of operating procedures will assist with the working relationship and will benefit both agencies.

The goal of the FYC and the Parks and Recreation Division is to work in cooperation to enhance the recreation facilities and programs offered in the City of Fayetteville. The FYC and the Parks and Recreation Division must become partners in meeting the needs of the citizens of Fayetteville. The Parks and Recreation Division believes this would best be accomplished by defining and streamlining our responsibilities and procedures. The City of Fayetteville is recommending the merging of facility and program management for all recreation offerings. This merging will provide administrative accountability for all services provided to the citizens.

The following is a detailed set of new operating procedures and responsibilities for the FYC and the Fayetteville Parks and Recreation Division. It is recommended that this new alignment go into effect January 1, 2000. This new alignment will benefit the operation of both the FYC and the Parks and Recreation Division. All facility or service agreements between the Parks and Recreation Division, Public School System, and the FYC should have written documentation or contracts. In addition to the new operating procedures listed below, it is recommended that representatives from both agencies meet a minimum of two times per year to discuss any programming or facility issues effecting the recreational offerings to the citizens.

FACILITY MANAGEMENT

Fayetteville Youth Center: The FYC will be responsible for working with the Fayetteville School System to provide the staffing, programming and maintenance for the following facilities: Asbell Gymnasium, Holcomb Gymnasium, Vandergriff Gymnasium, Washington Gymnasium and the Youth Center

Fayetteville Parks and Recreation: The Fayetteville Parks and Recreation Division will be responsible for providing the staffing, programming, and maintenance for the fifty-four city and school parks, including the following facilities which are utilized for sport programming: Asbell Soccer/Softball Complex, Babe Ruth Baseball Complex, Gary Hampton Softball Complex, Lewis St. Soccer Complex, Walker Baseball/Soccer Complex, and the Wilson Softball Field. In addition, the Parks and Recreation Division will be responsible for working with the Fayetteville School System and PTA organizations to provide enhancements to school playgrounds.

PROGRAM MANAGEMENT

Fayetteville Youth Center: The FYC will be responsible for the management and staffing of the following programs and activities. The FYC must coordinate with the Fayetteville School System for use of their facilities. The FYC will be responsible for the majority of sports and activities held at indoor recreation facilities.

Basketball {Youth and Adult}
Baton
Camps {Environmental Study, Spring Break, Christmas, Basketball, Summer}
Cheerleading
Dance
Fishing Rodeo
Flag Football {Youth}
Football {6th/7th Grade Tackle Football}
Gymnastics
Karate
Ping Pong
School Kids Connection
Swim Lessons and Team {Youth Center Pool}
Volleyball {Youth/Adult and Ozark Volleyball Club}
Track
Special Events - {Easter in the Park}

Fayetteville Parks and Recreation: The Fayetteville Parks and Recreation Division will be responsible for the management and staffing of the following programs and activities. The Parks and Recreation Division will be responsible for the majority of sports and activities held at outdoor recreation facilities.

Baseball {Bambino and Babe Ruth}
Flag Football {Adult}
Hobby Use Groups {Ozark Flyers, Ultimate Frisbee, Horseshoe, Ozark Volleyball Club etc.}
Sand Volleyball
Soccer {Youth and Adult}
Softball {Youth and Adult}
Swim Lessons {Wilson Pool}
Tennis Lessons
Special Events in Parks {Sand Volleyball, Gulley Run, Concert in the Parks and the Friends of Youth Softball Tournament *(Proceeds from softball tournament go to FYC)*}

FINANCIAL

The City of Fayetteville will continue their financial support of the FYC!

Beginning January 1, 2000, the FYC Board of Directors will become responsible for the management and operation of the yearly budget allocation given to the FYC. The Board of Directors will have the responsibility for prioritizing the use of these funds. Currently, the FYC receives an annual allocation of $228,923 from the City. This figure includes $182,694 from the Parks and Recreation Division budget and $46,229 from the Fleet Division.

The allocation for 2000 is projected to be $253,671 from the City of Fayetteville. This figure includes $207,442 from the Parks and Recreation Division and $46,229 from the Fleet Division. The additional funds will help offset additional costs associated with the operation and maintenance of the three community gymnasiums. The allocation increase includes $15,178 to assist with the funding of gym supervisors. The remaining monies needed to fund these three gym supervisors will come from the playground supervisor and tennis instructor positions which are currently not being utilized by the FYC. The allocation increase also includes $9,570 for the total cost of two gym custodians. The FYC will be responsible for funding a gym supervisor at the new Washington school gymnasium.

The FYC Board of Directors will have the ability to adjust the salaries and benefits provided to all of the FYC Staff. The money allocated by the City of Fayetteville for the Director's and Assistant Director's salary and benefits will not change, only the Board of Directors for the FYC will be given the authority to alter these allocations if deemed necessary. Beginning January 1, 2000, the salary and benefits allocated for the Assistant Director position will be reverted back to the FYC general operations. The funding for the FYC Director's salary and benefits will remain with the City until retirement in February and then will also be reverted back to the FYC general operations budget.

The FYC Board of Directors and staff will be responsible for providing to the Public Works Director an annual financial report detailing their use of the City of Fayetteville's allocation. This report will be reviewed by the Director of Public Works and will be used in determining the FYC allocation for the following year. Special requests, such as funding for additional vehicles and programs must be presented in May for the following budget year.

PROJECTED BUDGET

General Operations	**$207,442**
General	$143,284
Personnel	$42,396
FYC Director $24,431	
FYC Asst. Dir. $17,965	
Fleet	$21,762*
City Fleet Maintenance	**$46,229***
Total Allocation	**$253,671**

*Remains within the City budget for disbursement

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMEBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES FOR 11/19/98

DATE: 11/20/98

CC: JEFF KOENIG, DAVID MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB, JACKIE NEW

Outlined for your review is a summary of our discussion during the November 19, 1998 MFCP meeting. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

At the close of the meeting, we confirmed the next meeting on December 17, 1998, 11:30am-1:00pm at the McIlroy Bank Training room (the same location). We will be finalizing the site selection recommendations (if feasible and appropriate) for the January FYC Board's consideration, as well as discussing the method and schedule for architectural consultants. If there is time, we will review the slides from all three site visits.

We have scheduled the first Charrette for February 23, 1998 form 8:00am –1:00pm. Please be sure that your calendars are marked as this is a very important part of our work.

Our discussion and initial finds from these meeting notes will be presented at the December Board meeting.

Summary of the November 19, 1998 meeting.

Attendees: David McClinton, Jeff Koenig, Charlie Venable, Howard Hamilton, Tim Webb, Grant Johanson, Mark Paul , Jackie New and Susan Anders

1. We reviewed the draft Strategic Planning document, specifically focusing on the draft mission statement and draft vision statement. We discuss the importance of youth development within the proposed facility and on the proposed site.

2. We discussed the ***assumptions*** for the evaluation and selection of the site, proposing the following draft:

   - Present relationship with the school system to remain the same in future

     Elementary schools – most used

     High and Middle Schools

   - New site will be owned by FYC or have a 99 year lease

- If the site is leased, there will be a negotiated lease for the land use and operation
- All services rendered to an organization or institution, such as the City of Fayetteville or Fayetteville public Schools, will be offered under a negotiated service/operation agreement
- Playing fields must be adjacent to the new facility that have preferential use for FYC

3. We discussed the *criteria* for the site selection, proposing the following draft:

- Consider the political issues related to location
- Good accessibility

  Vehicular/parking

  Flat topography

  Visible from the road

- Approach to the site
- City wide facility
- The broader population of Fayetteville should be considered, in addition to the existing population base served
- Vehicular traffic is primary, pedestrian traffic is secondary as a primary means of getting to the site
- Transportation will be expanded beyond the present offering
- Space for multiple fields

  Multi-purpose fields

  Soccer

  Flag football

  Skateboard park

  Jogging trials

  Roller hockey

  Tennis courts

  Pool

- New Site will need a minimum of 25 acres, if the are no playing fields adjacent to the site with preferential usage by FYC

- Best location available

4. We reviewed all of the offered by the City of Fayetteville sites, and discussed additional sites that may be investigated for the December meeting (refer to the handouts from the meeting). A map of the City of Fayetteville with 5 proposed locations was reviewed and discussed. The five sites are as follows and are rated 1-6, with 1 best and 6 worst:

   - Crossover Park (northeast) – Cons: too small, topography too rolling, location exceeds service perameters, and the city does not own the property, it is only leasing

     Rated 6

   - Gregory Park (central) – Pros: centrally located, beautiful land. Cons: Topography too rolling, property size is too small, and limitation on usage/development of the property by the VA

     Rated 5

   - Research Park (northwest) – Pro: Topography is flat, sufficient land, close to 71By-Pass. Cons: Present accessibility is difficult, located on the outside of the by-pass, no utilities available currently, building usage atypical for the surrounding area

     Rated 4

   - City Water and Sewer Facility (southwest) – Pros: Good accessibility, close to the 71 By-pass, topography is flat, located in the south part of town. Cons: Property may be too at 20 acres, new jail is across the railroad tracks

     Rated 3

   - Walker Park (south-central) – Pros: Known location by city residents, located in the south part of town, playing fields adjacent, senior center adjacent, parking available, and close to other fields and facilities currently used by FYC. Cons: Senior location adjacent-added relationship to negotiate for field use, maintenance, and land use, safety and security, scheduling problems with field usage-currently the fields are difficult to access because of existing programming

     Rated 2

The last site discussed is privately owned and will be further investigated by Howard Hamilton for the December meeting. We assume there is 22-28 acres available. It is at the corner of 71By-pass and Old Farmington Road off 6th street.

- National Home Center site (southwest) – Pros: Great access from the north, south, east and west and the population growth from any direction, great visibility, central location but still in southern quadrant of town, topography is flat, close to existing educational facilities, FYC would own the land, approach to the site is good and aesthetically

pleasing, frontage road in place, utilities currently available. Cons – Privately owned/ associated cost, and it is in the overlay district

Rated 1

CC: Attendees

O. E. Luttrell

FYC Board of Directors

A

Community COMMONS

FAYETTEVILLE FAMILY AND YOUTH CENTER

"A new community focus"

Site List/ Site Short List

The Master Facility Planning Committee met several times to discuss and rate the following properties. They are noted by their location within the city and the property's response to both the criteria and assumptions, as well as, its' buildability. After long discussions, access to 71 Bypass or I-540 was crucial in the consideration of the accessibility to best serve Fayetteville's growing population throughout the city.

Rating	Availability	Description
		November 19, December 17, 1998 and January 15, and January 27, 1999 meeting results:
Rated 1	For Sale	• Rupple Road property off of Highway 16 (west-central) - There is approximately 20 acres available for the FYC new site. The property is priced at $10,000 per acre. Highway 16 is scheduled to be widened to 5 lanes in the next two years. The widening will extend to Rupple Road. It is perceived that the owner would donate 9 acres per the city's request for a green space in the development but a road to the property would need to be provided to the property (the distance being ½ mile). ***This property will be recommended to the board.***
Rated 2	For Sale	• Ben Schlegel property (northwest)- There is 70 acres available, priced at $8,000. per acre and the owner is interested in selling any part of the property. Access is by Deane Solomon Road, which is a narrow 2-lane road. Other ways to access are difficult at this time. The property is adjacent to part of the City's Research Park property and there could be a combination of the two. ***This property will be recommended to the board.***
Rated 3	For Sale	• Campbell Soup property on 15th street (south) - The property owner has been slow to respond to our inquiries, therefore the committee assumes marginal interest. There was some concern expressed about its location across from a factory and the public image of the new FYC. We will continue to pursue general information about the property but it is not high on the list.
Rated 4	For Lease	• City owned property on Cato Springs Road (southwest) - The jail's location is planned about 2000 yards from the property. The committee is very concerned about the perceived safety and image to the community. Therefore is property will remain low in ranking.
Rated 5	Sold	• National Home Center site (southwest) – Pros: Great access from the north, south, east and west and the population growth from any direction, great visibility, central location but still in southern quadrant of town, topography is flat, close to existing educational facilities, FYC would own the land, approach to the site is good and aesthetically pleasing, frontage road in place, utilities currently available. Cons – Privately owned/ associated cost, and it is in the overlay district
Rated 6	For Lease	• Walker Park (south-central) – Pros: Known location by city residents, located in the south part of town, playing fields adjacent, senior center adjacent, parking available, and close to other fields and facilities currently used by FYC. Cons: Senior location adjacent-added relationship to negotiate for field use, maintenance, and land use, safety and security, scheduling problems with field usage-currently the fields are difficult to access because of existing programming
Rated 7	For Lease	• Research Park (northwest) – Pro: Topography is flat, sufficient land, close to 71By-Pass. Cons: Present accessibility is difficult, located on the outside of the by-pass, no utilities available currently, building usage atypical for the surrounding area
Rated 8	For Lease	• Gregory Park (central) – Pros: centrally located, beautiful land. Cons: Topography too rolling, property size is too small, and limitation on usage/development of the property by the VA
Rated 9	For Lease	• Crossover Park (northeast) – Cons: too small, topography too rolling, location exceeds service parameters, and the city does not own the property, it is only leasing

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES FOR 12/17/98

DATE: 12/18/98

CC: JEFF KOENIG, DAVID MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB, JACKIE NEW

Outlined for your review is a summary of our discussion during the December 17, 1998 MFCP meeting. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

At the close of the meeting, we confirmed the next meeting on January 15, 1998, 11:30am-1:00pm at the McIlroy Bank Training room (the same location). We will be finalizing the site selection recommendations (if feasible and appropriate) for the February FYC Board's consideration, as well as discussing the method and architectural consultants.

We have scheduled the first Charrette for February 23, 1998 from 8:00am –1:00pm. Please be sure that your calendars are marked, as this is a very important part of our work.

Our discussion and initial finds from these meeting notes will be presented at the January Board meeting.

Summary of the December 17, 1998 meeting.

Attendees: Jeff Koenig, Charlie Venable, Howard Hamilton, Tim Webb, Grant Johanson, Mark Paul , O. E. Luttrell and Susan Anders

1. We reviewed the status of the National Home Center property. Howard Hamilton reported that the property was sold to Jim Lindsey and it is presently under contract to another party. There is a 60-day due diligence period, but we assume that the property will not be available. The possible purchase price would have been, plus or minus$2. Mil. The committee decided that, at that price, the property should not be considered further.

2. We discussed the remaining properties previously considered, all of which are owned by the city. It was decided that FYC should pursue ownership of property first, and then, after all of those options are exhausted, a lease arrangement should be considered.

3. We discussed the acreage quantity of 25, which was decided in November. After completing all three site visits, some of the committee members felt it might be too much or at least too limiting to our selection. The committee agreed that a range between 15 and 25 acres is more appropriate. At this time 15 acres is probably a feasible amount base upon the known programs being discussed in the strategic plan, which would include multiple balls fields, walking trails, adequate parking, building area, etc. 25 acres would allow for future growth

many years to come, and for the unforeseen activity. It was recognized that a site that is sized properly now may become too small and can be difficult to grow later.

4. It was agreed that the magnitude of the site selection decision is important enough to delay our schedule by one month. Additional sites need to be identified and investigated to fully pursue an ownership option for FYC. It was agreed that at the January board meeting we will report our status in locating additional sites, with our best recommendation in February.

5. In the event that we are unable to locate a site that satisfies our assumptions and criteria, the committee agreed that the selection must be delayed, if necessary. We will proceed with the remainder of the schedule without a site. Although this is not desired or recommended by the committee, it was agreed upon that the selection is too important a decision to force because of a schedule. The committee will do its utmost to proceed through the selection process to a recommendation to the board, as it is appropriate and prudent.

6. After much discussion and review of the City of Fayetteville map, 7 additional sites were identified for further investigation. They are as follows:

• The old winery off of Highway 112	Tim
• Property at Sang and Cleveland	Tim
• A site at the end of Rupple road off of Highway 16	O.E.
• Mt. Comfort Road near the new middle school	O.E.
• A site across from Campbell Soup, on 15th street	Charlie
• A site off of School Road, near 15th street	Charlie
• Mt. Comfort Road south of Williams Ford	Jeff

These sites will be reported on at the January meeting.

7. At the conclusion of the meeting, the architectural selection process was briefly discussed. We will discuss this issue further at the January meeting but we will have a separate meeting devoted to the requirements within the RFP. It was decided that we should follow some of the guidelines set forth in a public bid for accountable and documentation purposes.

8. We discussed what kinds of firms to consider and the consultant combination options. All local consultant, a combination of local and out of town consultants and only out of town consultants were discussed. The consensus was not to pursue out of town consultants based upon the comments that were made during our site visits. This was due to the difficulties associated with distance and service, and attracting the attention of a large firm with a project of this size. It was agreed that local representation, either through a local office or by teaming with a local architect, is recommended. It was also decided that four firms should be contacted for introductory information: Wischmeyer Architects, Cromwell Architects, Wittenberg, Delony and Davidson, and Hailey, Amirmoez, and Associates. All of these firms have local offices but regional in scope of work. The firms are also have an institutional focus compatible to this project. There may be other firms contacted, but these firms will

serve to start the process. Susan will contact all of these firms to request written information that will be presented at the January meeting.

The next meeting is January 15.

CC: Attendees

David McClinton

FYC Board of Directors

Jackie New

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES FOR 1/15/99

DATE: 1/18/99

CC: JEFF KOENIG, DAVID MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB, JACKIE NEW

Outlined for your review is a summary of our discussion during the January 15, 1999 MFCP meeting. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

At the close of the meeting, we confirmed the next meeting on January 27, 1999, 11:30am-1:00pm at the McIlroy Bank Training room (the same location). We will be finalizing the site selection recommendations based upon the terms for acquisition for the sites being considered. This recommendation will be given to the FYC Board for consideration on Feb. 9, 1999.

In addition, we scheduled a meeting on February 4, 1999 from 11:30am –1:00pm to draft the RFP for consultant teams.

We have changed the scheduled the Charrette of February 23, 1998 from 8:00am –1:00pm to March 8, 1999(Monday) form 8:00am – 1:00pm. (The room was not available on March 9.) Please be sure that your calendars are marked, as this is a very important part of our work.

Summary of the January 15, 1999 meeting.

Attendees: Jeff Koenig, Charlie Venable, Howard Hamilton, Tim Webb, Grant Johanson, Mark Paul , O. E. Luttrell, Jackie New and Susan Anders

1. We reviewed the finds for the following properties:

- The old winery off of Highway 112 — Tim

There is approximately 116 acres to the property. Although the exact cost of the property was not known at the meeting, it was perceived that the cost would exceed the committee's comfort in pursuing the property. In addition, the property is very close to the City's property in the Research Park, which has been offered to FYC. The committee would prefer to recommend the City's property if this location becomes more desirable through the course of our evaluation. The October meeting notes rank the City's property 4th of those considered in that meeting. The committee decided not to pursue the old winery property further.

- Property at Sang and Cleveland — Tim

  There is approximately 25 acres to this privately owned land. The owner was out of town, but there was some interest shown by the owner. Tim will pursue further discussions regarding terms of acquisition and report to the committee on Jan. 27. There is a possibility of a donation of the property because the owner has committed a park on the land to the surrounding property owners. This property is highly desirable because of its location within Fayetteville, it's neighborhood setting, and it's easy accessibility to the by-pass.

- A site at the end of Rupple road off of Highway 16 — O.E.

  There is approximately 25 acres available to this property that has previously been considered for a middle school. Although the property can be bought for $10,000 per acre, the owner may consider a donation of part of the land with the donation of road access to the property. O.E. is pursuing the owner's interest and terms for the next meeting.

- Mt. Comfort Road near the new middle school — O.E.

  The acreage amount is not known (there is at least 20-25 acres) but a family that may or may not be interested in selling the property owns the property. O. E. and Mark are pursuing discussions with the family to ascertain their interest and terms.

- A site across from Campbell Soup, on 15th street — Charlie

  There is approximately 36 acres to this property owned by Valasic (Campbell Soup). Howard will pursue a discussion will the company for their interest and terms. It is felt that the company would sell the property for a reduced negotiated amount because it is for FYC.

- A site off of School Road, near 19th street — Charlie

  There is approximately 32 acres (5 acres on School Ave. and the remainder on 19th street) available for a cost of $1 million. The committee will not pursue this property further because of its location in an industrial area and expense.

- Mt. Comfort Road south of Williams Ford — Jeff

  This property is for sale for $1.7 million. The committee will not pursue this property further because of expense.

A site owned by Ben Schelgel near the Razorback golf course considered for the first time in this meeting. Mark Paul will find out information for the next meeting.

The committee decided to revisit the City owned property on Cato Springs Road. There is a possibility that the proposed Jail is not as close to this property as originally thought. If the Jail is far enough away and could in no way hinder the approach to FYC or be perceived by the public as being too close, then the committed would like to reconsider this property. It has many of the same attributes as the Campbell Soup property and would only require an

agreement with the City for acquistion. Charlie will find out more about the jail and report at the next meeting.

There are 6 sites that will be reported on at the January 27 meeting.

2. Jackie brought a concern about the cost associated with private ownership. There is a considerable amount of fund raising that is needed for other aspects of the Youth Center's success. The burden of the high cost of property may be difficult to achieve, along with the other fund raising. The committee agreed with her concern. Although a dollar amount not exceed was not set, the group acknowledged that a $1 million property would probably not be recommended but a $250,000 property might be attainable. It was acknowledged that a donation of the property or some combination of donation and money would be preferred. The committee will have terms and an action plan in place for any of the property in the final recommendations to the FYC Board.

3. Howard addressed some confusion on the part of the Board regarding the City property and the pursuit of the private ownership of land for FYC. Howard clarified that the properties offered by the City all had some significant deficiencies in meeting the need criteria that the committee has previously recommended to the Board. It is under that premise and the desire for private ownership that other properties have been discussed. At the next Board meeting in February, the Board will be assured that the committee will recommend the best property available to meet the needs of the Strategic Plan in combination with monetary considerations, whether the City or a private property owner is involved.

4. The introductory information packages from Wischmeyer Architects, Cromwell Architects, Wittenberg, Delony and Davidson, and Hailey, Amirmoez, and Associates were reviewed. Individual members of the committee will review the submittals in depth on their own and return the information to Howard's office. There was not much discussion of the material but a meeting on February 4 was scheduled for more in-depth review. This meeting will focus on drafting an RFP and a time line for the consultants.

The next meeting is January 27.

CC: Attendees

David McClinton

Kevin Renner

FYC Board of Directors

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES FOR 1/27/99

DATE: 1/29/99

CC: JEFF KOENIG, DAVID MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB, JACKIE NEW, KEVIN RENNER

Outlined for your review is a summary of our discussion during the January 27, 1999 MFCP meeting. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

The recommendations noted these meeting notes will be given to the FYC Board on Feb. 9, 1999.

In addition, we confirmed the meeting on February 4, 1999 from 11:30am –1:00pm to draft the RFP for consultant teams.

We have changed the scheduled the Charrette of February 23, 1998 from 8:00am –1:00pm to March 8, 1999(Monday) from 8:00am – 1:00pm. (The room was not available on March 9.) Please be sure that your calendars are marked, as this is a very important part of our work.

Summary of the January 27, 1999 meeting.

Attendees: Jeff Koenig, David McClinton, Charlie Venable, Howard Hamilton, Tim Webb, Mark Paul , O. E. Luttrell, Jackie New and Susan Anders

1. The primary purpose of the meeting was to follow-up with additional information on the properties that best suit the FYC site needs and to make a recommendation, if appropriate, to the FYC Board on February 9.

   We reviewed the finds for the following properties:

   - Property at Sang and Cleveland — Tim

     The property owners were contacted. They will consider FYC's usage of the property but they are not ready to pursue discussions at this time because of strained relations with the adjacent property owners. The property is very difficult to access because of the surrounding neighborhood. Thus, with the perceived traffic increase and the difficulty in developing with neighborhood access only, this property will not be pursued further.

- Mt. Comfort Road near the new middle school — O.E.

  The family owned property is not available at this time due to family illness. Therefore this property will not be pursued further.

- A site at the end of Rupple road off of Highway 16 — Mark/O.E.

  There is approximately 20 acres available for the FYC new site. The property is priced at $10,000 per acre. Highway 16 is scheduled to be widened to 5 lanes in the next two years. The widening will extend to Rupple Road. It is perceived that the owner would donate 9 acres per the city's request for a green space in the development but a road to the property would need to be provided to the property (the distance being ½ mile). This property will be recommended to the board.

  Rated 1

- The Ben Schelgel property — Mark

  There is 70 acres available, priced at $8,000. per acre and the owner is interested in selling any part of the property. Access is by Deane Solomon Road, which is a narrow 2-lane road. Other ways to access is difficult at this time. The property is adjacent to part of the City's Research Park property and there could be a combination of the two. This property will be recommended to the board.

  Rated 2

- A site across from Campbell Soup, on 15th street — Howard

  The property owner has not returned phone calls by this meeting. We assume that the slowness of the call indicates marginal interest. There was some concern expressed about its location across from a factory and the public image of the new FYC. We will continue to pursue general information about the property but it is not high on the list.

  Rated 3

- The City owned property on Cato Springs road — Charlie

  The jail's location is planned about 2000 yards from the property. The committee is very concerned about the perceived safety and image to the community. Therefore is property will remain low in ranking.

  Rated 4

Four people on the committee have been assigned the action of further negotiations, should the board approve the committee's recommendation on the 9th: Jeff Koenig, O.E. Luttrell, Mark Paul, and Charlie Venable.

2. The following recommendations will be made to the Board on February 9.

The Rupple Road property and the Schelgel property will be pursued simultaneously to obtain a specific agreement for acquisition. The terms of either agreement will be brought to the Board for the approval once negotiated. The following upper limits are recommended for each property. **It is hoped that much better terms could be negotiated and presented to the board but this represents board-approved boundaries for negotiations.**

Rupple Road – 9 acres donated, 11 acres purchased at an amount not greater than $110,000 and the City would assist in providing the 1/2 mile road off of Highway 16.

Schelgel Property – 20 acres be purchased at an amount not greater than $160,000.

3. Howard will clarify how the City property has been considered at the February 9 meeting. (See Jan. 15 meeting notes for specific discussion.)

The next meeting is February 4. RFP

CC: Attendees

Grant Johanson

Kevin Renner

FYC Board of Directors

SUSAN ANDERS, AIA

TO: MASTER FACILITY PLANNING COMMITTEE MEMBERS

FROM: SUSAN ANDERS

SUBJECT: MEETING NOTES FOR 3/24/99

DATE: 3/27/99

CC: JEFF KOENIG, DAVID MCCLINTON, CHARLIE VENABLE, GRANT JOHANSON, MARK PAUL, O.E. LUTTRELL, HOWARD HAMILTON, TIM WEBB, MIKE HILL, JACKIE NEW

Outlined for your review is a summary of our discussion during the March 24, 1999 MFCP meeting. If there are questions about the summarized contents of the meeting, please do not hesitate to call and clarify any of the discussion points.

At the close of the meeting, we confirmed the next meeting on April 7, 1999, at the McIlroy Bank Training room (the same location). We will be interviewing the architects, discussing the interviews, and making a recommendation, if possible, for the FYC Board's consideration.

We have scheduled the second Charrette **for May 5, 1999 from 8:00am –1:00pm**. Please be sure that your calendars are marked, as this nears the conclusion of this phase of our work.

Our discussion and initial finds from these meeting notes will be presented at a special board meeting to be held on March 24, 1999 at 5:00pm.

Summary of the March 24, 1999 meeting.

Attendees: Jeff Koenig, Charlie Venable, Tim Webb, Grant Johanson, Mark Paul , O. E. Luttrell, Kevin Renner, and Susan Anders

1. We briefly discussed the proposals that were received on Monday, March 22. Each member of the MFPC was given a copy of the proposals for their review for the upcoming interviews. We scheduled the interviews for Wednesday April 7, 1999 from 12:15pm-4:00pm, (*this was changed from 1:30-4:30*) at the Training Room of the McIlroy Bank. The first interview will begin at 12:30 with Wittenberg, Delony, & Davidson, with the second beginning at 2:00 with Wischmeyer. Each team has one hour to present. The MFPC was urged to review the submittals and be prepared to ask questions of the consultants.

2. Jeff Koenig presented the details of the each of the sites that his subcommittee has been negotiating. (See the attached report) As the report outlines, and after reviewing the assumptions and criteria again, the MFPC will recommend the Rupple Road property to the FYC Board as the final site selection. The main points for recommendation to the FYC Board are good utility access, good vehicular access - both to and from Hwy. 16 with the widening planned for the next 12-24 months, good soils - favorable for a building site and playing fields, it is located in a neighborhood – with future housing planned, and the property costs less than the second property. Jeff thinks that the Rupple Road property owner may reduce the cost of the purchase price and, as soon as the Board has voted, he will

begin to pursue this further. Additional negotiation is needed with the City of Fayetteville to insure a written agreement regarding the road, the park land requirement and commitment and the lease or ownership of the park property. The subcommittee will also pursue these issues after the Board vote.

3. We reviewed the results of the Building Survey that was given at Charrette I. We also looked at some slides of aesthetic options that may best suit FYC and the goals of the Strategic Plan. There are 3 possible options; 1. Nature as the built form, 2. Classical styling, 3. Playful styling. The purpose of showing these options is to prepare for the architectural interviews and to begin to think of which option the building program should reflect.

4. There will additional meetings through April, but they will not be scheduled until the first draft of program has been reviewed, which is scheduled for April 9 or before.

5. Again, the next meetings are April 7, 12:15-4:00 for the interviews and May 5, 8:00am-1:00 for Charrette II.

cc. MFPC Members

FYC Board of Directors

NOTE: The FYC Board approved the MFPC's recommendation of the Rupple Road property. Jeff was contacted the next morning to finalize the negotiation with the City and Mr. Robertson. The Board agreed that the property owners, Robertson and Schlegel, need to be notified of the decision. The MFPC will discuss how this should be done on April 7. The Board discussed the need for a press release about the project as a whole and the property in specific, but nothing was decided. I told the Board that the Executive committee has been discussing a mid-May press release that first focused on the Strategic Plan before the site and building become the focus.

TO: FYC Master Facilities Planning Committee Members

FROM: Jeff Koenig, Charles Venable, O.E. Lutrell

SUBJECT: Proposed Youth Center Sites, Preliminary Property Negotiations.

Site "A"

Tract of land located in the S ½, SE ¼, SE ¼, Sec 12, T16N R31W containing 20 acres or less.

Property Owners - Discussions were conducted with Butch Robertson. Butch Robertson indicated that Hayden McIlroy was a partner in this land consideration.

Availability of Property - The land is available for purchase. The Owners have already agreed to donate 3.2 acres of land to fulfill their "greenspace" park donation obligations. With anticipated additional developments, an additional six (6) to seven (7) acres will be required to fulfill their "greenspace" park donation requirements. The Owners have agreed to make these donations in advance to facilitate our efforts to secure land for FYC. An additional ten (10) acres can be purchased from the Owners at a cost of $10,000/acre. At this time, pending additional negotiations, the price is firm. The Owners (Butch Robertson) agreed to grant FYC first right of refusal, with no option money requirement.

Access to the Property - A street (Rupple Road) will have to be constructed from Highway 16 south to the property. This will require construction of approximately one-half mile of City street. The Master Street Plan indicates Rupple Road is to be a minor arterial (four lanes undivided) and will eventually connect to Highway 62. At this time, the street could be constructed to less than four lanes (recommend a 36 foot curb and gutter section) which would serve for several years before upgrading would be required. A recent rezoning of the property between Highway 16 and the proposed FYC property was obtained in order to allow the Owners (Butch Robertson) to sell this property (immediately north of the proposed FYC site) to developers for an apartment complex. These future developers and other property owners will be responsible for a portion of the street construction costs. An actual breakdown of the responsibilities of each party will have to be determined at a later date. The Owners (Butch Robertson) has indicated a desire to work with us in any way required to provide access to the property provided they do not have to commit to investing in a road prior to when their adjacent property is developed. Mayor Fred Hanna has indicated his desire to Jeff Koenig and Charles Venable to support this site for the FYC and does not anticipate any problems in providing access. He also anticipated no problems concerning the "greenspace" park lands being designated for the FYC.

Location of Water Lines – An eighteen (18) inch water line will be available along Highway 16 in the very near future. An eight (8) inch water line extends along Meadow Land Drive. Since the property immediately north of the site has been rezoned for an apartment complex, the water line will be extended from Highway 16 south along the proposed Rupple Road. Water should be readily available.

Location of Sewer Lines – An eight (8) inch sanitary sewer line is adjacent to the west and south boundaries of the site.

Site "B"

Tract of land located in the S ½, NE ¼, NE ¼, Sec 32, T17N R30W containing 20 acres more or less.

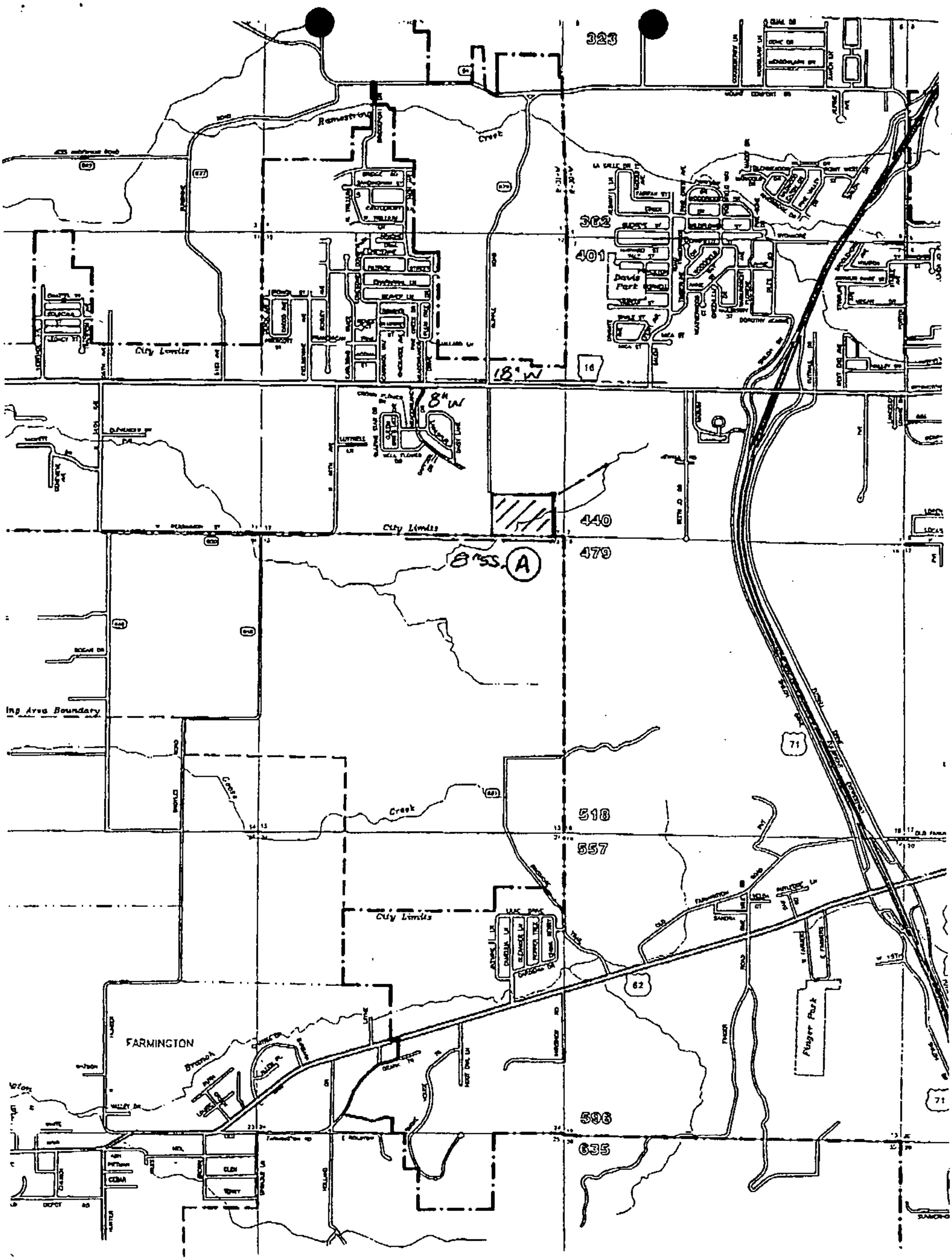
Property Owners - Discussions were conducted with Ben and Sylvia Schelgel.

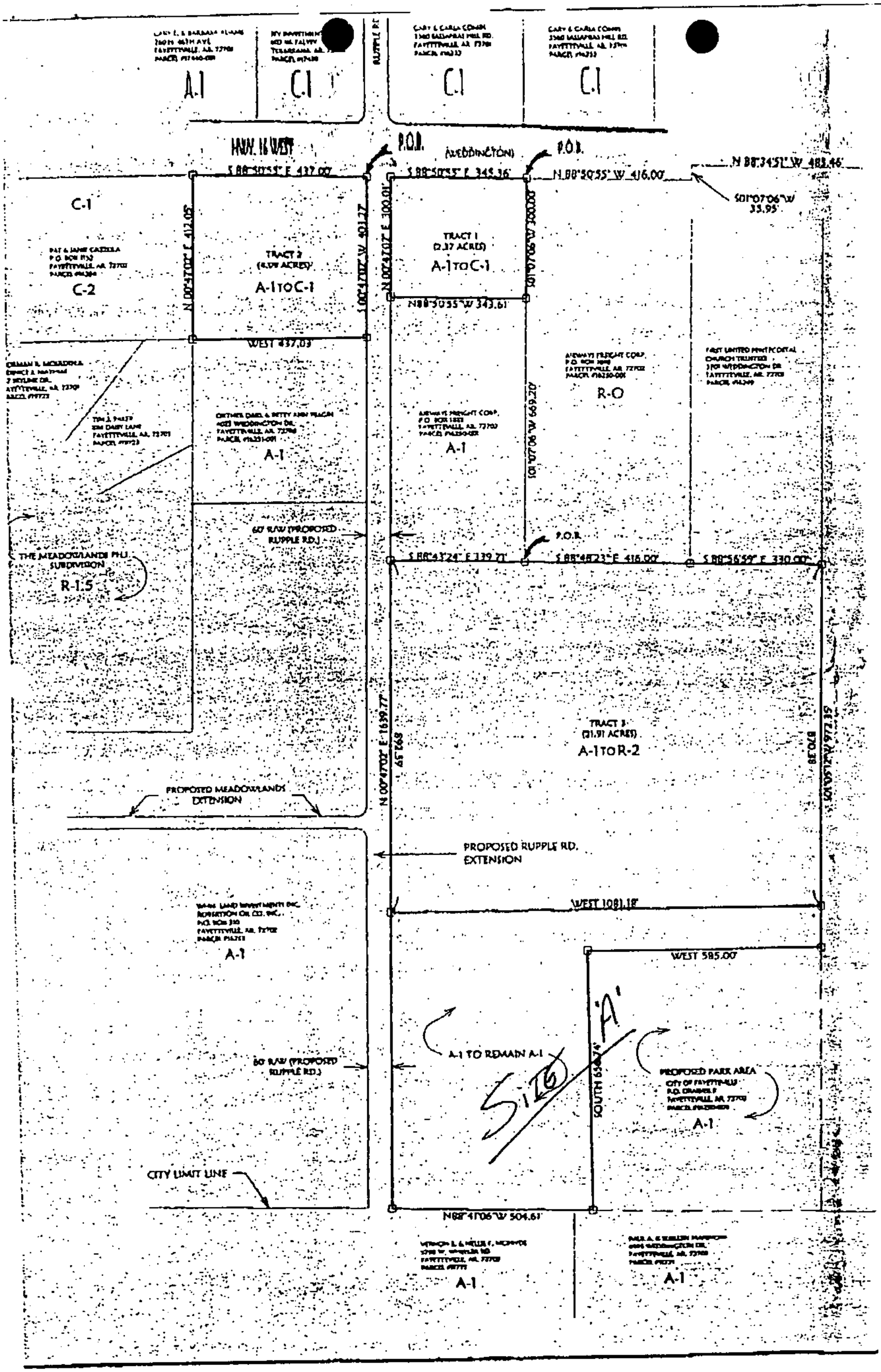
Availability of Property - The land is available for purchase. Eighteen (18) acres can be purchased from the Owners at a cost of $8,000/acre. The Owners have agreed to donate two (2) additional acres to the FYC. The Owners have expressed their willingness to negotiate and are anxious to sell the property. The Owners have agreed to grant FYC first right of refusal, with no option money requirement.

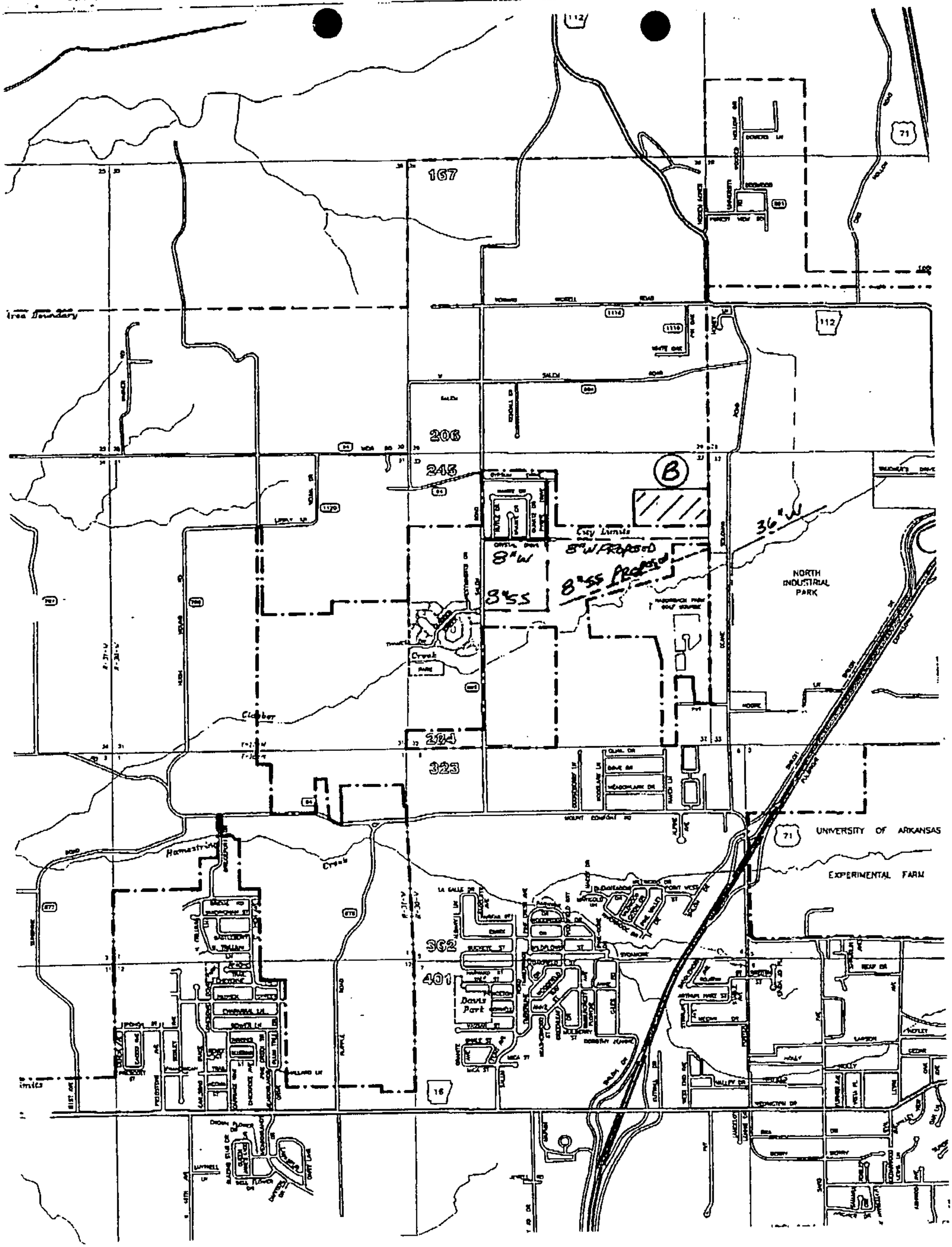
Access to the Property - At this time no access is available to the property. Access can be gained by constructing a street from Deane Solomon Road, westward a distance of approximately 330 feet through property owned by the City of Fayetteville to the east boundary of the proposed property. The property requiring access was acquired by the City in conjunction with the Research & Technology Park. It is anticipated that the City would grant FYC access unless some problem exists with restrictions imposed by the Research & Technology Park or access across the middle of the property would render the property unusable. More questionable would be the willingness of the City to build and donate 330 feet of street that at this time is not on the Master Street Plan. When the next phase of Crystal Springs Subdivision is constructed, Crystal Drive (which is connected to Salem Road at its west end) will be extended eastward to connect with Deane Solomon Road. Access can then be made available to this street from the south part of the property. Deane Solomon Road is a narrow, unimproved 2-lane paved road with very poor access at its intersection with Mount Comfort Road. Deane Solomon is connected to Salem Road by a narrow, winding dirt road.

Location of Water Lines – An eight (8) inch water line is located along Crystal Drive which is approximately 1,500 feet west of the southwest corner of the proposed property. It is anticipated this line will be extended eastward to Deane Solomon Road when the next phase of Crystal Springs Subdivision is constructed. There is also a thirty-six (36) inch water line located in the Research & Technology Park that could also be tapped, and a line extended along Deane Solomon Road that could also serve the property. This line is located about 700 feet from the southeast corner of the property.

Location of Sewer Lines – An eight (8) inch sanitary sewer line is located approximately 1,500 feet west of the southwest corner and serves the Crystal Springs Subdivision. It is proposed to extend the sewer line eastward when the next phase of Crystal Springs subdivision is constructed.


323
Remstring
Creek
362
401
Davis Park
City Limits
18" W
8" W
440
479
8" SS.
A
City Limits
Ing Area Boundary
Creek
518
557
City Limits
62
FARMINGTON
Byronah
Lake
596
635
71
Finger Park


A-1
C-1
C-1
C-1
HWY. 16 WEST
P.O.B.
(WEDDINGTON)
P.O.B.
S 88°50'55" E 437.00'
S 88°50'55" E 345.36'
N 88°50'55" W 416.00'
N 88°34'51" W 488.46'
S01°07'06"W 33.95'
C-1
C-2
N 00°47'02" E 412.05'
TRACT 2
(4.09 ACRES)
A-1 TO C-1
S 00°47'02" W 401.27'
N 00°47'02" E 300.01'
TRACT 1
(2.37 ACRES)
A-1 TO C-1
S01°07'06"W 300.00'
N88°50'55"W 343.61'
WEST 437.03'
R-O
S01°07'06"W 669.20'
A-1
A-1
60' R/W (PROPOSED RUPPLE RD.)
P.O.B.
S 88°43'24" E 339.71'
S 88°48'23" E 416.00'
S 88°56'59" E 330.00'
THE MEADOWLANDS PH.I SUBDIVISION
R-1.5
N 00°47'02" E 1639.77'
TRACT 3
(31.91 ACRES)
A-1 TO R-2
S00°05'42"W 2127.39'
PROPOSED MEADOWLANDS EXTENSION
PROPOSED RUPPLE RD. EXTENSION
A-1
WEST 1081.18'
WEST 585.00'
60' R/W (PROPOSED RUPPLE RD.)
A-1 TO REMAIN A-1
SOUTH 653.74'
'A'
SITE
PROPOSED PARK AREA
A-1
CITY LIMIT LINE
N88°41'06"W 504.61'
A-1
A-1


167
206
245
324
323
362
401
B
8"W
8"SS
8"W PROPOSED
8"SS PROPOSED
36"W
City Limits
NORTH INDUSTRIAL PARK
UNIVERSITY OF ARKANSAS
EXPERIMENTAL FARM
Davis Park
Creek
Clabber
Hamestring
Area Boundary
112
71
16

PC Meeting of 26 March 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Fayetteville Youth Center, LSD

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Sara Edwards, Ron Petrie P.E.
DATE: March 22, 2001

Project: **LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439)** was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Findings: This property is located south of Wedington and east of the future extension of Rupple Road. Access will be provided to this property by way of the City constructing Rupple Road along with a multi-use trail subject to City Council approval. The floodplain and floodway is proposed to be relocated to a channel on the east and south sides of this property. There are also wetlands on this property that will require the U.S. Army Corp of Engineers approval prior to any development. The Fayetteville Boys and Girls Club will consist of a gymnasium, pool, classrooms, football fields as well as other amenities. The applicant is proposing to provide 326 parking spaces.

Recommendation: Approval subject to the twenty (20) conditions listed below.

Conditions of Approval:

1. Planning Commission determination of off-site improvements required as part of this development. Staff is recommending that the applicant not be responsible for any off-site improvements. Please note that the City has expressed an intent to construct Rupple Road south of Wedington to the Fayetteville Boys and Girls Club as a two-lane street. However, the final determination and approval, including the funding for the street, requires future approval by the City Council. Staff is also recommending that no improvements be made to Persimmon at this time.

2. Construction traffic to the Fayetteville Boys and Girls Club may not access the proposed Rupple Road extension during construction of the proposed street. Access for construction of the Fayetteville Boys and Girls Club will be provided by means of a

separate haul road which will be designed by the private development engineer and coordinated with the City.

3. Approval shall be subject to approval of a conditional use allowing for a recreational facility in an A-1 zoning district. All conditions of approval contained as part of the conditional use approval will be required to be met as part of this large scale development.

4. Approval shall be subject to Council approval of the lease agreement allowing for the Fayetteville Boys and Girls Club to utilize City park land for parking and other facilities.

5. The site plan shall indicate the landscaping required along the future extension of Persimmon Road in compliance with Commercial Design Standards. One tree per every 30 feet and a continuous planting of shrubs is required along Persimmon.

6. No freestanding signs shall be permitted. A monument sign will be allowed in compliance with the Sign Ordinance.

7. A floodplain development permit, conditional letter of map revision, and Section 404 permit from the US Army Corp of Engineers are required for this project prior to any site work. A letter of map revision is required to be submitted prior to a Final Certificate of Occupancy.

8. The proposed relocated channel shall be designed to be as "soft and natural" as the layout will allow. The channel lining shall consist of plants. If armoring of the bends is required, such armoring will use a product which can be hidden with turf or landscaping. Rip-rap will not be used as a channel lining.

9. The Parking Regulations do not adequately address parking for this type of development. Therefore the applicant is proposing to evaluate the number of parking spaces based upon similar uses in other cities.

10. Bicycle parking racks shall be provided in accordance with §172.03 Bicycle Parking Rack Requirements.

11. The applicant is requesting a waiver for the driveway entrance width. The applicant is requesting a 30 foot wide driveway. The maximum allowed is 24 feet.

12. The water extension will be designed by the development engineer and funded by the City subject to approval by the City Council.

13. The applicant is requesting a waiver of section IX.2.2.4 of the Drainage Criteria Manual in order to have a channel bend of less than the 10 times the bottom width as required.

14. Planning Commission determination of compliance with Commercial Design Standards including signage. The applicant is requesting to use brick, EFIS, and metal siding. The final color choices have not been finalized. The applicant will submit the final colors to the Subdivision Committee for approval.

§166.14 SITE DEVELOPMENT STANDARDS AND CONSTRUCTION AND APPEARANCE DESIGN STANDARDS FOR COMMERCIAL STRUCTURES.

D. Design Elements Guidelines for Commercial Structures.

1. The elements to avoid or minimize include:

a. *Unpainted concrete precision block walls.*
b. *Square "boxlike" structures.*
c. *Metal siding which dominates the main facade.*
d. *Large blank, unarticulated wall surfaces.*
e. *Large out of scale signs with flashy colors.*

15. As of March 21, 2001 a proper Preliminary Grading Plan application had not been received. Such application was requested prior to the March 26, 2001 Planning Commission meeting.

16. Approval of the preliminary plat PP 01-2.00: McIlroy and subsequent final plat to create the tracts of land for the Fayetteville Boys and Girls Club and City Parks Division.

17. Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

18. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

19. Large Scale Development approval to be valid for one calendar year.

20. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits
    b. Separate easement plat for this project
    c. Project Disk with all final revisions
    d. Completion of all required improvements or the placement of a surety with the City

(letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Background:

The proposed Large Scale Development was reviewed at the February 28, 2001 Technical Plat review and the March 15, 2001 Subdivision Committee meeting.

Discussion at the Subdivision Committee meeting included the proposed south Rupple extension, the proposed water line extension, overhead utilities, storm water, parking and Commercial Design Standards.

The Subdivision Committee forwarded the Large Scale Development to the full Planning Commission subject to all staff comments and in support of the requested variances.

INFRASTRUCTURE:

a) Water. Will require an extension from Wedington or Meadowlands.

b) Sanitary sewer. Existing.

c) Streets. Will require the construction of Rupple Road south of Wedington Drive.

d) Grading and Drainage. A preliminary grading plan and drainage report has been submitted. A final plan and report will be required prior to beginning construction.

PLANNING COMMISSION ACTION: __yes__Required
_____Approved _____Denied

Date: _____

Comments:

_____
_____
_____
_____

CITY COUNCIL ACTION: _____Required
_____Approved _____Denied

Date: ___/___/___

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

_____
by

_____
title

_____
date

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA
SPRINGDALE, ARKANSAS 72764
1-501-756-1266
FAX: 1-501-756-2129

March 7, 2001

Sara Edwards
Development Coordinator
The City of Fayetteville, Arkansas
113 W. Mountain Street
Fayetteville, Arkansas 72701

RE: Variance of Channel Bend Radius - Drainage Manual 9.2.2.4

Dear Ms. Sara Edwards:

Per section 9.2.2 (3) *Bend Radius*

The minimum bend radius required for open channels is 25' or 10 times the bottom width, whichever is larger.

We would like to vary from this standard for the following reasons:

1) The proposed 30 foot wide bottom width would yield a 300' bend radius - thereby making a very large portion of the site unusable.

2) The hydraulic calculations indicate that the 30 foot bottom width is required to convey the 100 year flow. This is partly due to a very minimal slope and the fact that the channel will be allowed to be grown up with thick vegetation.

3) Velocities are expected to be very low, thereby minimizing the chance of the flowing water to overtop the channel at the curves or cause erosion, which may have been part of the reason for the "Bend Radius" standard.

4) In accordance with recommendations by the City of Fayetteville's engineering staff, the final channel grading will attempt to make the channel appear more natural by showing a "meandering" alignment. The channel would then contain many bends which may vary in radii. This "meandering" effect would be nearly impossible to create if the "Bend Radius" standard is upheld.

If you have any questions or need additional information, please call.

Respectfully yours,

R. Michael Anderson
Landscape Architect

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA
SPRINGDALE, ARKANSAS 72764
1-501-756-1266
FAX: 1-501-756-2129

March 6, 2001

Sara Edwards
Development Coordinator
The City of Fayetteville, Arkansas
113 W. Mountain Street
Fayetteville, Arkansas 72701

RE: Boys and Girls Club LSD 01-4.99 PP# 439 - Waiver Request for Drive Aisle Width

Dear Ms. Sara Edwards:

We are requesting a waiver in the drive aisle width from the required twenty four (24) feet to thirty (30) feet for our main entrance to the Boys and Girls Club. All other drive aisle will be the required twenty four feet. We feel that the increased width is needed because of the high traffic volumes we anticipate from the overlapping of sporting events. We will have people arriving and departing games and events at the same time. Also, most of the parking areas will be accessed from this main drive aisle. A wider drive aisle will allow better and safer flow of traffic and emergency vehicles. Additionally, a large portion of the Boys and Girls Club use will be from after school programs. The majority of these children will be arriving by bus. The extra width will better accommodate the requirements of buses. Lastly, the main drive aisle helps set up the round-about and entrance into the building. As you can see from the site plan, we are lining the drive aisle with green space and plantings. The long sweeping curve and extra width of the drive helps us establish a strong visual axis to the entrance of the building. If you have any questions or comments please call.

Respectfully yours,

R. Michael Anderson
Landscape Architect

cc: file:0399-3

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA
SPRINGDALE, ARKANSAS 72764
1-501-756-1266
FAX: 1-501-756-2129

March 5, 2001

Sara Edwards
Development Coordinator
The City of Fayetteville, Arkansas
113 W. Mountain Street
Fayetteville, Arkansas 72701

RE: Fayetteville Boys and Girls Club, LSD 01-4.00 PP#439

Dear Ms. Sara Edwards,

As asked by your staff, we have evaluated the parking of the Jones Center in Springdale to better understand our site requirements and what we propose to provide. The Jones Center is a facility of similar uses except we propose one more football field. The total square footage of the Main Complex, the Family Service Center, Storage Building, and Maintenance Building is 287,830 square feet. The total parking provided for all facilities is 712 spaces, or 1 per every 404 square feet. There are 519 spaces provided in the main parking area at the Main Complex. This is 1 space per every 452 square feet of main building. If you were to apply these ratios to the Boys and Girls Club proposed 85,556 square feet, we would need somewhere between 189 and 212 spaces. We propose to provide 326 spaces, 1 per 265 square feet. We feel that the additional spaces are required to accommodate the overlap in traffic caused by having multiply sports activities on multiply fields and courts. Also, the Boys and Girls Club have done parking surveys during games at their current facility and have determined a need for over 300 parking spaces. Please call if you need any further information or have any questions.

Respectfully yours,

R. Michael Anderson
Landscape Architect

cc: file:0399-3

Approved A Resolution 12-19-00

Hank Parker 395,000 - 2001

Fayetteville Youth Center

BOYS & GIRLS CLUBS
915 California Drive
Fayetteville, Arkansas 72701 • Phone 442-9242

2002 Rupple Rd & Persammon - $1 M
Water Lin. $ 124,000
Parking Lot $ 300,000
2001 —
2003

RECEIVED
DEC 18 2000
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

DATE: December 18, 2000

TO: Members of the
Fayetteville City Council

FROM: John Benberg, Executive Director
Fayetteville Boys & Girls Club (Youth Center)

SUBJECT: funding request for new facility

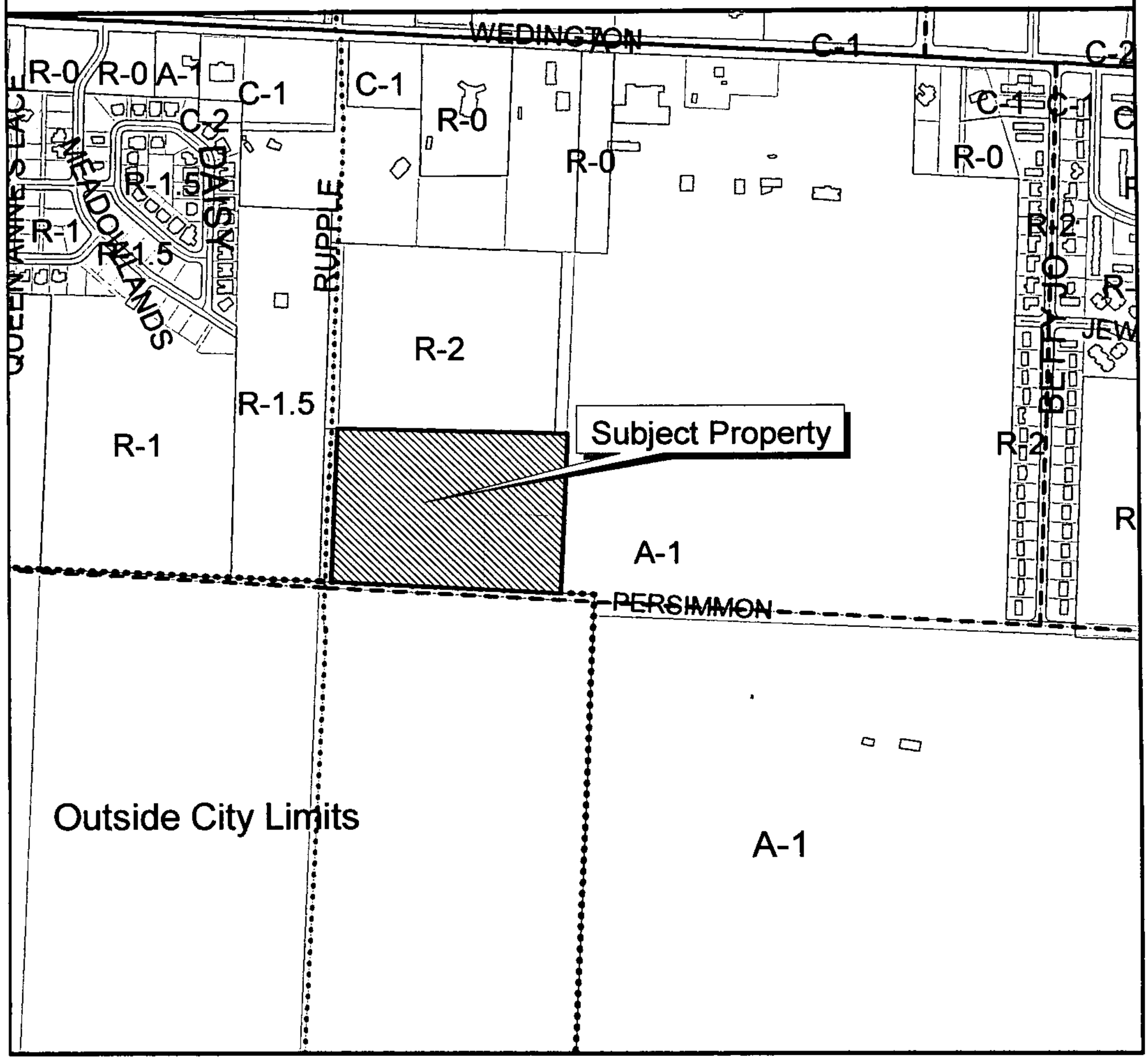
We offer this short letter to reiterate our request for City support toward construction of a new facility and ask that you approve a 2-mill extension at the next Council meeting. This unique project requires that a sizable supplemental fundraising challenge be met to leverage over $9.26 million from the Donald W. Reynolds Foundation—we feel the option described above is more than appropriate since the citizens of Fayetteville have once already expressed their support for our organization via approval of the HMR tax.

This project has value on several different levels: (1) the community has a "one-time, life-time" opportunity to realize the benefits of a world class facility for youth and families at a fraction of its overall cost; (2) construction will take place at approximately $90 per square foot—much less than other tax-assisted projects; (3) portions of our current operation can be brought on site at the new location to create efficiencies, and (4) the facility is designed to maximize the ability of staff and volunteers to engage youthful users in a meaningful way. For these and many other reasons, we believe this project has to be viewed as an excellent investment for the future of Fayetteville.

A commitment has been made by our Board to provide reasonable transportation for youth from all parts of the community, including those that have joined through the Jefferson Elementary School branch, so they may receive full benefit of the new facility. Our scholarship component will be expanded and aggressively promoted to ensure all can access our full continuum of programs, services and activities regardless of financial means. We will seek and find new partners to help us fulfill our mission of helping young people, particularly those from disadvantaged circumstances, to acquire the skills and capabilities necessary for future success.

Raising generations of well equipped youth will have positive quality of life implications for all in our community—we stand ready to help make that happen with your support.

LSD01-4 Fayetteville Youth Center Close Up

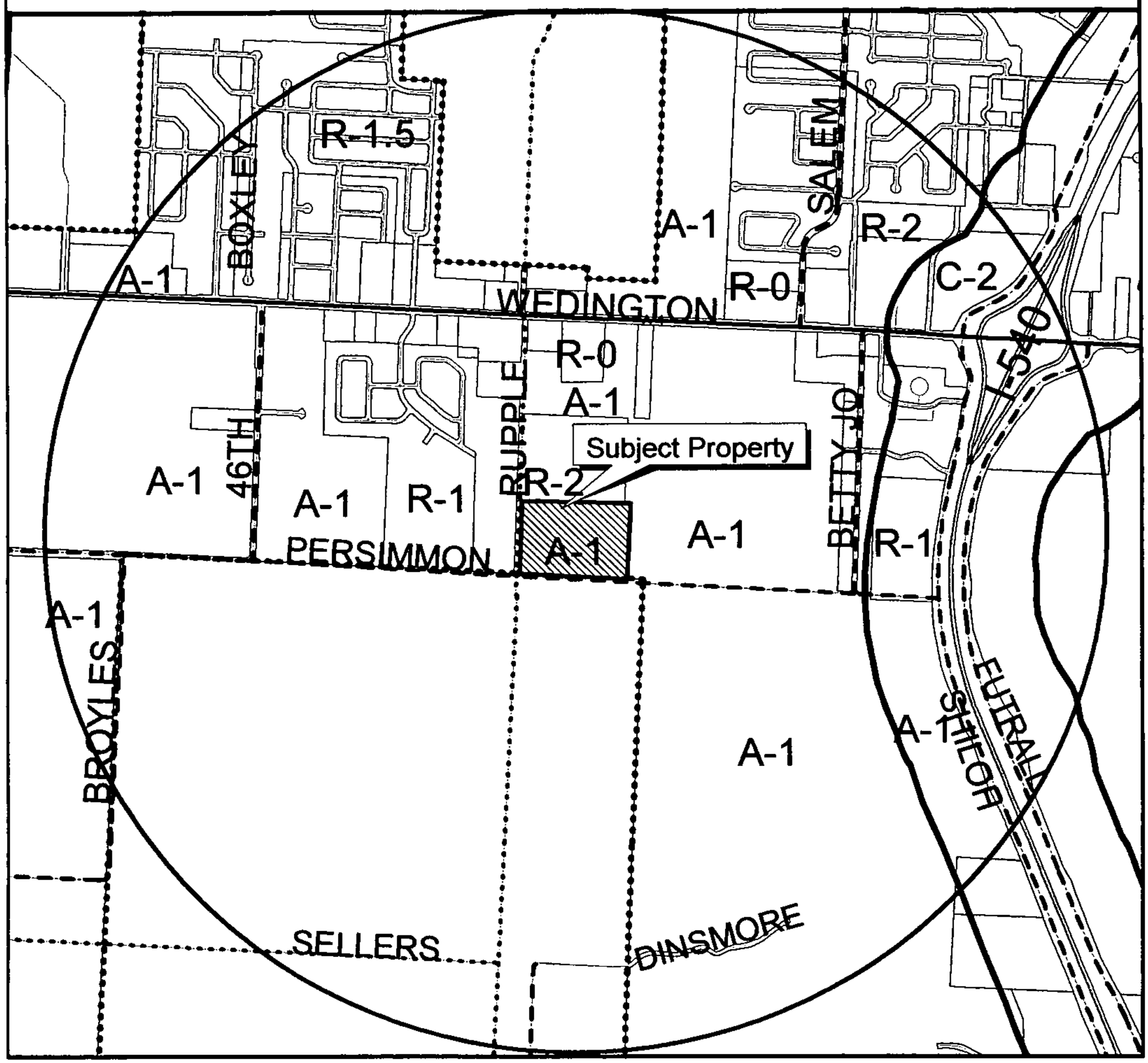


Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Structures (1998)
- Fayetteville City Limits

500 0 500 1000 Feet

N W E S

LSD01-4 Fayetteville Youth Center One Mile Radius



Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Design Overlay District
- Fayetteville City Limits

0.2 0 0.2 0.4 Miles

N W E S

PC Meeting of 26 March 01

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

TO:	**Fayetteville Planning Commission Members**
THRU:	**Tim Conklin, City Planner**
FROM:	**Sara Edwards, Ron Petrie P.E.**
DATE:	**March 26, 2001**
RE:	**Additional information regarding projects below.**

PP 01-2.00: Preliminary Plat (McIlroy, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf Hayden McIlroy for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1/R-1.5/C-1/R-2/R-1, Agricultural/Moderate Density Residential/Neighborhood Commercial/Medium Density Residential/Low Density Residential and contains approximately 90 acres.

LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Fayetteville Youth Center
BOYS & GIRLS CLUBS
915 California Drive
Fayetteville, Arkansas 72701 • Phone 442-9242

Aug 2003 _ Bldg. MUST BE Completed

LET 2001 Spring

DATE: November 1, 2000

TO: Members of the Fayetteville City Council

FROM: John Benberg, Executive Director
Fayetteville Boys & Girls Club (Youth Center)

SUBJECT: new facility plans/impact

Per the request made at Tuesday's agenda session I am writing to provide additional information about our proposed new facility and its anticipated benefits to our community. Included in this packet are (1) the August 11 press release announcing our grant award, (2) a letter from Tom Stockland, our Chief Volunteer Officer, about City support for this project, (3) a National Programs brochure from the Boys & Girls Clubs of America (BGCA), and (4) a copy of our most recent sports programs brochure. The architectural renderings of our building will be displayed and referenced in our short presentation to you on November 7th.

Our organization is in the midst of a planned growth cycle—an evolution from "swim and gym" provider to world-class youth development organization with a full continuum of programs, activities and services. This direction is largely based on a strategic plan, developed last year with City support, which featured input from local stakeholders and visits to other communities to view the finest youth facilities in existence. In simplest terms, we have a blueprint for success and are eager to make it happen.

A major step toward implementation of the strategic plan was to re-affiliate with the BGCA, a move made last fall. In re-joining this international organization, we gained access to their extensive menu of age and gender appropriate programs (see enclosed brochure) that are perfect complements to our existing recreational sports foundation. So, we now have programmatic tools to teach life skills, develop leadership abilities, enhance academic achievement and prepare youth for employment that can be implemented quickly with adequate resources and space. Other benefits from the BGCA affiliation include ready-made staff and Board development packages, outcome measures for certain programs, organizational effectiveness evaluations, model polices/manuals and a direct connection to over 50,000 industry professionals around the globe.

To: Fayetteville City Council
From: Tom Stockland, Chief Volunteer Officer
Fayetteville Youth Center d/b/a Fayetteville Boys & Girls Club

As you know, the Fayetteville Boys & Girls Club has received a grant in excess of nine and a quarter million dollars from the Donald W. Reynolds Foundation. In 1995, the citizens of Fayetteville approved the HMR taxes. The taxes were specifically advertised to address several capital needs including renovation of the Fayetteville Youth Center. In 1996, the Fayetteville Youth Center began the process of attempting to renovate its facility through work with an architect. The renovation was estimated to cost roughly five million dollars that made funding solely from HMR prohibitive. The Fayetteville Youth Center applied for a grant from the Donald W. Reynolds Foundation for approximately four and a half million dollars to be used in the renovation of the current Fayetteville Youth Center. Although making it through several stages of the grant process to the site visit, we were notified that for a grant to be considered that a strategic plan would be necessary. It was the belief of the Donald W. Reynolds Foundation's staff that there had not been enough long term planning to justify the renovation of the building. The Donald W. Reynolds foundation provided a grant of about $60,000 to pay a portion of the stategic plan, the City of Fayetteville made a commitment of nearly $100,000 and the Fayetteville Youth Center paid the remaining portion of the plan. Through the strategic plan, we learned that we could not meet the needs and desires of our citizens through a renovation of the current facility. The building is essentially land locked with no room for expansion, and we learned a new facility was the only construction we could justify. Interestingly, the staff of the Donald W. Reynolds Foundation had made that determination independently and was very comfortable that the stategic planning process would reach the same conclusion.

We applied for a new grant to the Donald W. Reynolds Foundation requesting in excess of $14,000,000 for a new facility. The grant we were given was to construct the facility as drawn without the competitive pool and fieldhouse which reduces the projected costs of the facility to slighty more than $11,000,000. Value engineering will allow us to reduce the cost somewhat; however, without additional funds we will have to reduce the scale of the building to some degree. We expect this model facility to be built at a cost of around $90 a square foot. I would note that the Council has supported much more expensive projects such as the Senior Center and Library using taxpayer monies as the bulk of their financial support. The city has an opportunity to support a more reasonably priced facility for our youth and we have already raised 70% to 80% of the costs from private funding. The fact that our facility is not as expensive should not be interpreted as "cheap construction" since we can point to the two recently completed middle schools which costs between $65 and $70 a square foot. This facility will be a first class facility for our youth.

The grant we obtained will not pay all of the fees associated with constructing the building. The Fayetteville Youth Center will be responsible for a portion of the architect's fees, a portion of the engineering fees, all of the surveyors fees, all of the fees related to wetland delineation and various other fees. The grant will not pay for anything

Fayetteville Youth Center
BOYS & GIRLS CLUBS
915 California Drive
Fayetteville, Arkansas 72701 • Phone 442-9242

John Benberg, Executive Director
Fayetteville Boys & Girls Club
(501) 442-9242

August 11, 2000
"FOR IMMEDIATE RELEASE"

The Fayetteville Boys & Girls Club (FBGC) is privileged to announce a $9,260,413 capital grant award from the Donald W. Reynolds Foundation for construction of a new facility off Wedington Drive in west Fayetteville. This new facility, envisioned to be in excess of 80,000 square feet, will include gymnasia, pool, classrooms, computer labs and other spaces along with outdoor playing fields specifically designed to support an exciting menu of sports and age-appropriate developmental programs for area youth.

"It (the grant award) is great news and something we have been working toward for a long time," said Tom Stockland, local attorney and current President of the FBGC Board of Directors. "We owe the Reynolds Foundation a tremendous debt of gratitude for the money, obviously, but also for seeing our potential and pushing us in the right direction as an organization."

The former Fayetteville Youth Center serves over 3,000 members now, with a lot more expected in the new facility. Executive Director John Benberg, who succeeded the retired Dale Clark in March of this year, says the additional space is long overdue but there is more to the new facility than just that. "We told Trustees and staff of the Reynolds Foundation that we wanted to be part of making Fayetteville and Washington County a national model for how communities support their young people, and that kind of goal is consistent with their mission. It also sends a message that all kids, regardless of means or talents, deserve a nice place to go and a strong menu of top quality programs. The Reynolds folks have made the facility possible, so the rest is up to us and the greater Fayetteville community."

Of course a new building will not materialize instantly, there are lots of things to be done before construction even begins. For example, as a requirement of the Reynolds grant, the FBGC must raise a Restricted Fund for Building Maintenance, Repair and Equipment as well as funds for construction costs not covered by the grant. "We are gathering ourselves as an organization to prepare for fundraising, facility design modifications, decisions about programming and everything else that goes with an opportunity like this" said Stockland. "This community and northwest Arkansas in general has demonstrated a real willingness to step up and support good causes, so we are optimistic that a facility like this for area youth will be viewed in a very positive light."

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Street Committee Members

From: Bob Davis - Chairman

Date: September 18, 2000

Subject: Street Committee Meeting

There will be a meeting of the Street Committee on ~~September 26~~ OCT 10, 2000 in Room ~~111~~ 326 following the City Council Agenda Session.

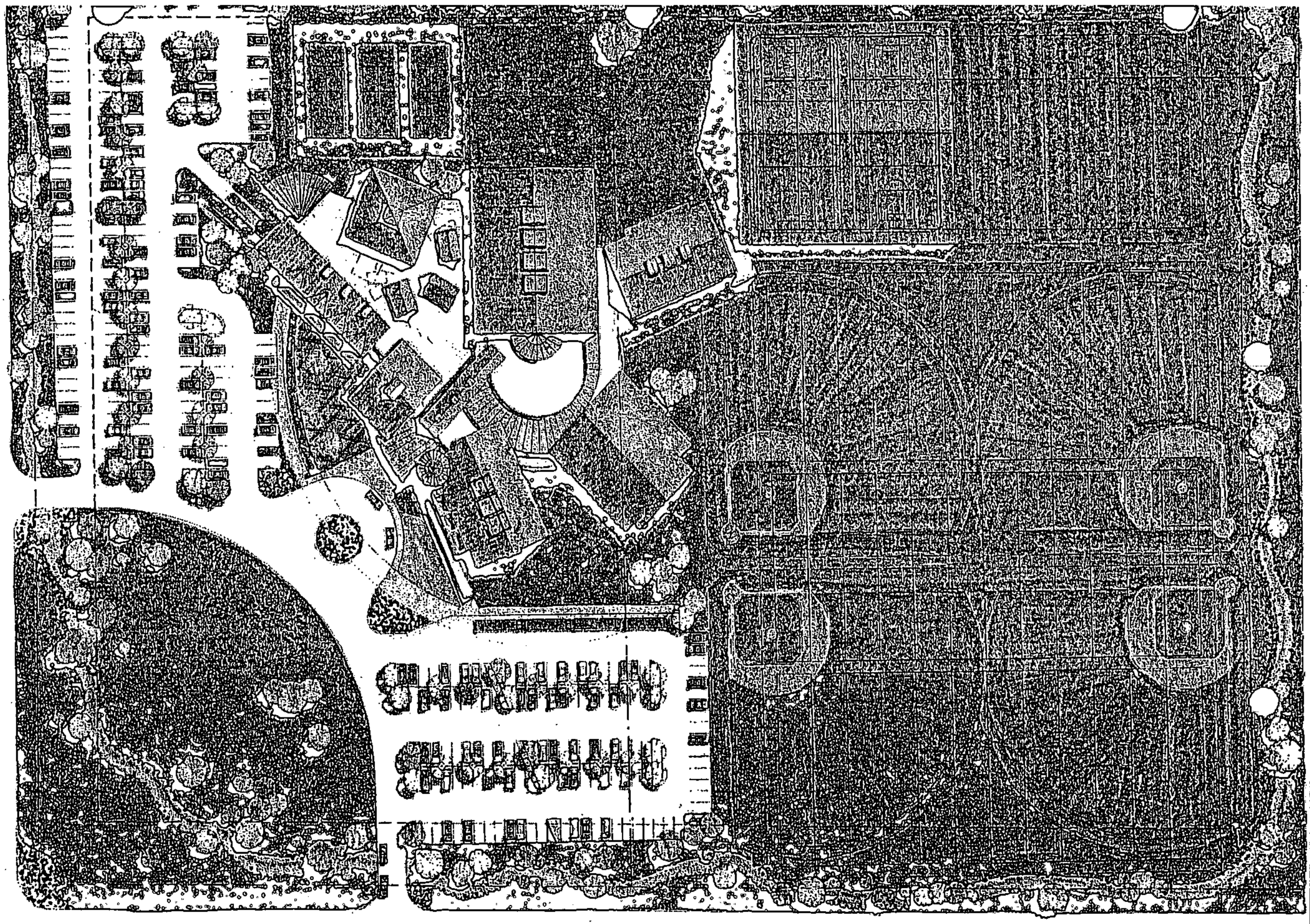
The purpose of the meeting will be to discuss the design and construction of the section of Rupple Road from Highway 16 South, approximately one-half mile to serve the Fayetteville Boys and Girls Youth Club Center that is to be located in the S.E. 1/4 of the S.E. 1/4 of Sec. 12 T16N R31W.

Enclosed are copies of the proposed site plan and maps showing the proposed site.

encls:

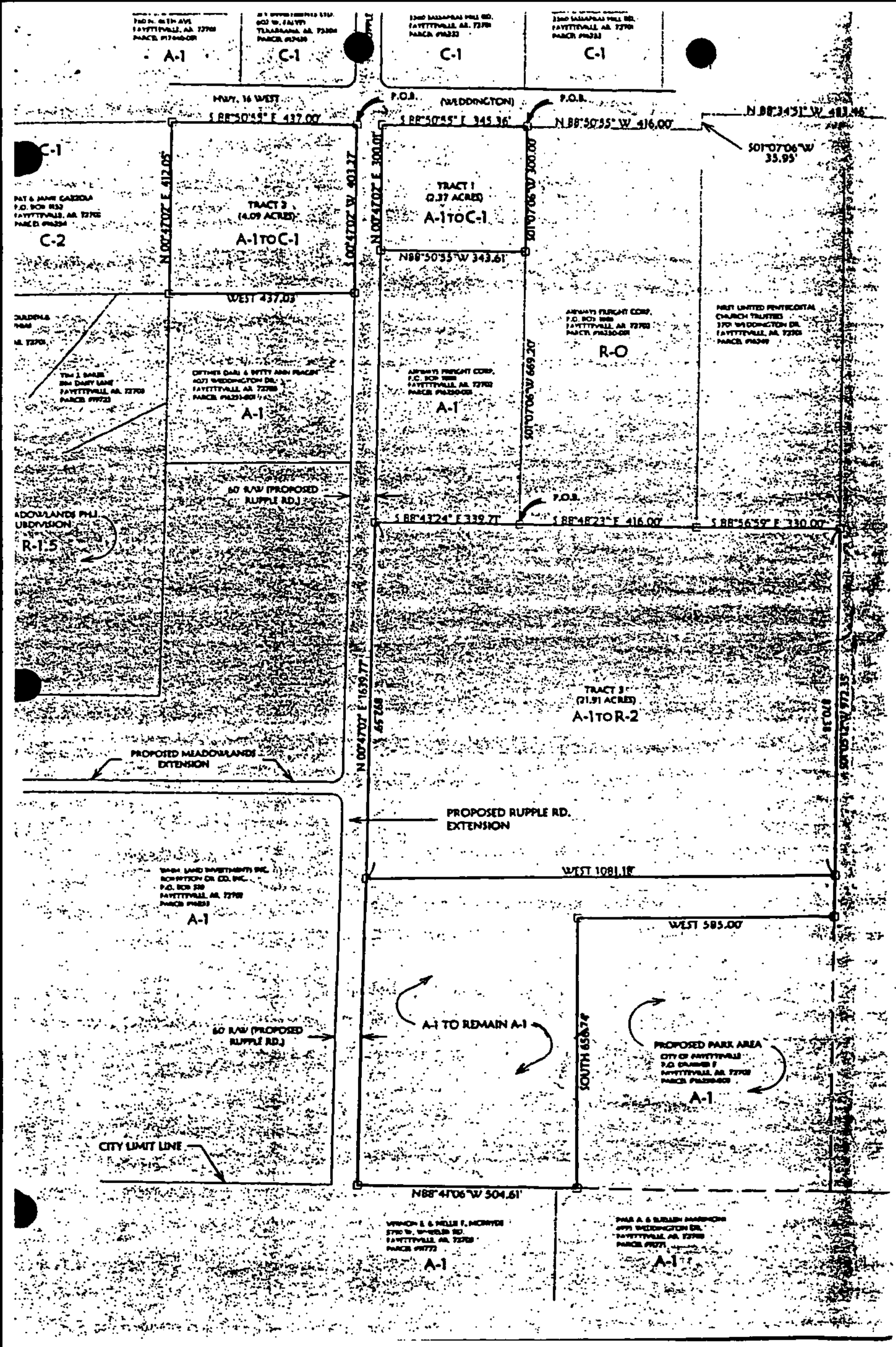
cc: Charles Venable
Jim Beavers
Tim Conkliln
Connie Edmonston
Ron Petrie

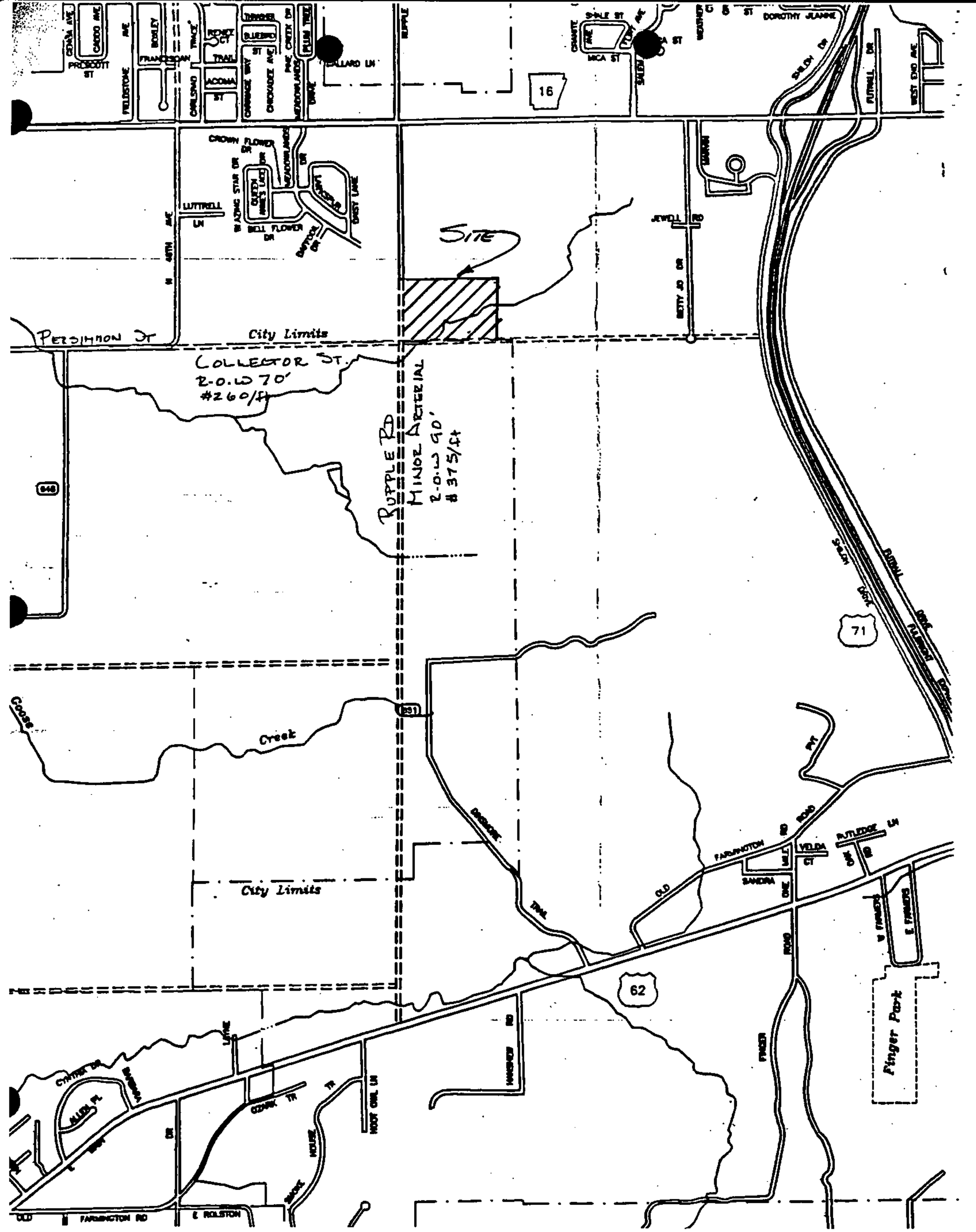
2650' Rupple Rd @ $300 = $800,000 ±
Persimmon - 102,000 ±
Parking Lot - 150,000 ±

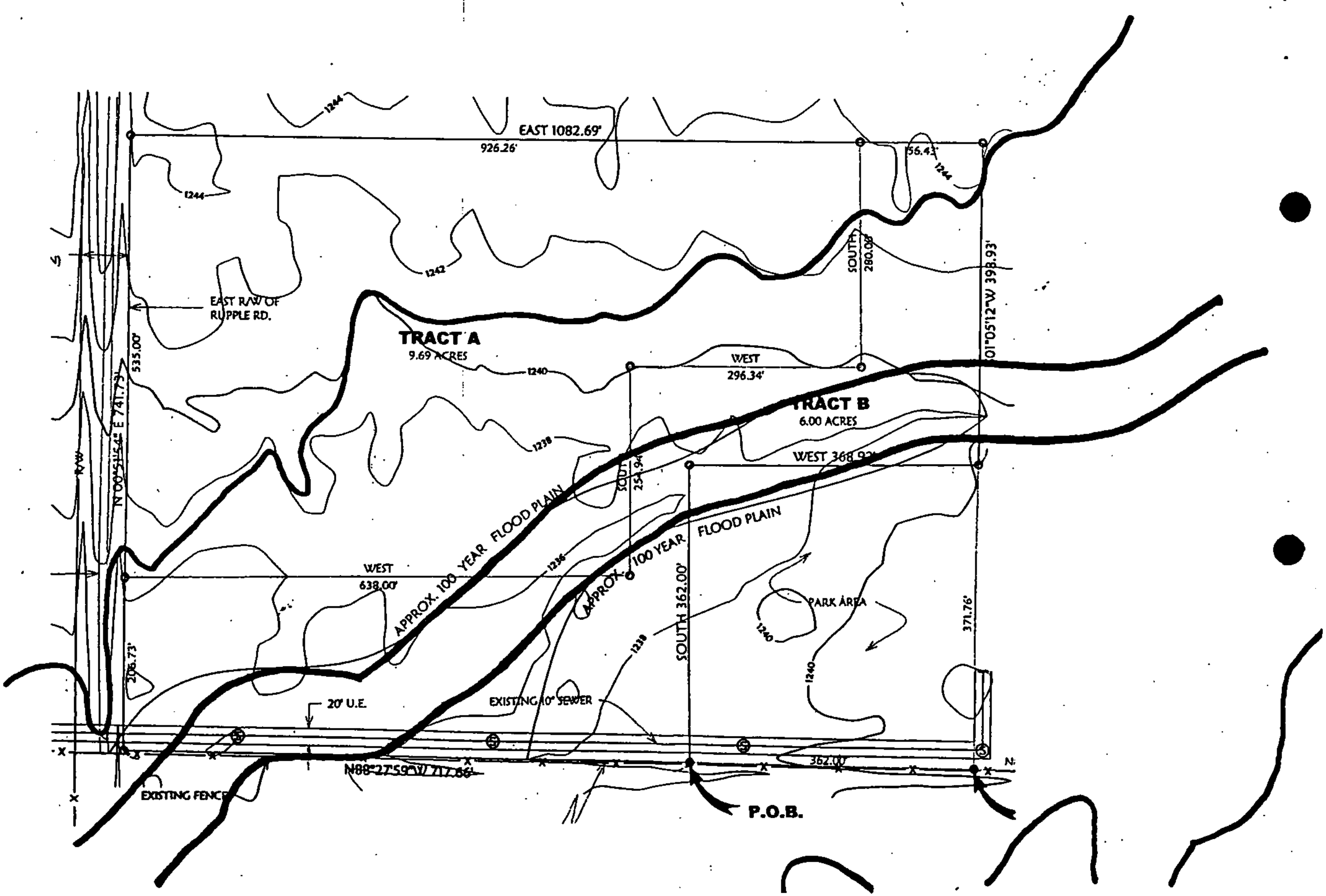


SITE PLAN

NORTH


A-1
C-1
C-1
C-1
HWY. 16 WEST
P.O.B.
(WEDDINGTON)
P.O.B.
S 88°50'55" E 437.00'
S 88°50'55" E 345.36'
N 88°50'55" W 416.00'
N 88°34'51" W 413.46'
S01°07'06"W
35.95'
C-1
C-2
N 00°47'07" E 412.05'
TRACT 2
(4.09 ACRES)
A-1 TO C-1
S 00°47'07" W 403.27'
N 00°47'07" E 300.00'
TRACT 1
(0.37 ACRES)
A-1 TO C-1
S01°07'06"W 300.00'
N88°50'55"W 343.61'
WEST 437.03'
A-1
A-1
R-O
S01°07'06"W 669.20'
60' R/W (PROPOSED
RUPPLE RD.)
P.O.B.
S 88°43'24" E 339.71'
S 88°48'23" E 416.00'
S 88°56'59" E 330.00'
R-1.5
N 00°47'07" E 1639.77'
TRACT 3
(21.91 ACRES)
A-1 TO R-2
S00°58'26"W 772.35'
PROPOSED MEADOWLANDS
EXTENSION
PROPOSED RUPPLE RD.
EXTENSION
A-1
WEST 1081.18'
WEST 585.00'
60' R/W (PROPOSED
RUPPLE RD.)
A-1 TO REMAIN A-1
SOUTH 656.74'
PROPOSED PARK AREA
A-1
CITY LIMIT LINE
N88°41'06"W 504.61'
A-1
A-1


SITE
PERSIMMON ST
City Limits
COLLECTOR ST.
2-0.W 70'
#260/ft
RUPPLE RD
MINOR ARTERIAL
2-0.W 90'
#375/ft
City Limits
Goose
Creek
Finger Park
16
71
62
391
DOROTHY JEANNE
SHILOH DR
FUTRELL DR
WEST END AVE
JEWELL RD
BETTY JO DR
LUTTRELL LN
BELL FLOWER DR
CROWN FLOWER DR
DAISY LANE
PROSPECT ST
FRANCISCAN TRACE
PEBBLESTONE AVE
ACOMA ST
TRAIL
BLUEBIRD ST
PLUM TREE
BALLARD LN
MICA ST
SALEM ST
FARMINGTON RD
OLD FARMINGTON RD
VELDA CT
SANDRA
RUTLEDGE LN
FINGER ROAD
W FINGER
E FINGER
HANCOCK RD
HOOT OWL LN
HOUSE
OZARK TR
ALLEN PL
CYNTHIA DR
BARBARA
E ROLSTON
OLD FARMINGTON RD


EAST 1082.69'
926.26'
56.43'
1244
1242
1240
1238
1236
EAST R/W OF
RUPPLE RD.
TRACT A
9.69 ACRES
TRACT B
6.00 ACRES
WEST
296.34'
WEST 368.92'
WEST
638.00'
SOUTH
280.08'
SOUTH
254.94'
SOUTH 362.00'
S01°05'12"W 398.93'
N00°51'54" E 741.75'
535.00'
206.73'
371.76'
362.00'
APPROX. 100 YEAR FLOOD PLAIN
APPROX. 100 YEAR FLOOD PLAIN
PARK AREA
20' U.E.
EXISTING 10" SEWER
N88°27'59"W 717.86'
EXISTING FENCE
P.O.B.

11/01/00

Water:

Option A (preferred)

The Master Water Study recommends a 12 inch water line along Rupple for a future grid.
2600 lf X $65 = 169,000

Option B
Extend existing 8 inch line from the Meadowlands SD to the Youth Center. Approximately 1150 lf of 8 inch line. 1150 X $50 = $57,500

Sanitary Sewer:

Sanitary sewer exists on the south and east property lines. The services may be private. The potential public sanitary sewer would be approximately 325 lf x $50 = $16,250

Rupple Rd - $1 mill
Persimmon -

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED
SEP 25 2000
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

DEPARTMENTAL CORRESPONDENCE

To: Charlie Venable, P.E., Public Works Director
Jim Beavers, P.E., City Engineer

From: Ron Petrie, P.E., Staff Engineer

Date: September 25, 2000

Re: Rupple Road (South) Extension

Attached is a copy of a preliminary layout for the Rupple Road Extension from Highway 16 West to the future location of the Reynolds Youth Center.

The following is a summary of the costs associated with this project:

ESTIMATED STREET LENGTH— 2,650 L.F.
*ESTIMATED COST FOR L.F.---- $275.00

ESTIMATED COST FOR RUPPLE ROAD EXTENSION = $728,750.00

*Estimated Cost per L.F. was derived from previous projects of similar scope. See the attached summary. It was assumed that the street section will be the same as a collector street.

Please do not hesitate to call if you have any questions or need additional information.

FAYETTEVILLE

FILE COPY

THE CITY OF FAYETTEVILLE, ARKANSAS

June 22, 1999

Mr. Butch Robertson
2980 Oakland Zion
Washington County Road 83
Fayetteville, AR 72203

Dear Butch:

Reference is made to your telephone conversation with Charles Venable on June 17, regarding the extension of Rupple Road from Highway 16 south. This extension depends upon the youth center's plans for a new complex located in the S1/2 of the SE1/4, SE1/4, SEC17, T16N, R31W.

As you are aware, Fayetteville's Master Street Plan indicates Rupple Road to be a minor arterial, and as such will require at least 90 feet of right-of-way to contain the proposed four lane with sidewalks located along each side. At the present time, 60 feet of right-of-way exists. Therefore, an additional 30 feet of right-of-way will be required. There are several tracts of land adjacent to the proposed street from which the right-of-way will have to be obtained.

Beginning at Highway 16, a 4 +/- acre tract, located on the west side, and a 2.3 +/- acre tract located on the east side, were recently rezoned from A-1 to C-1. At this time it appears that the additional right-of-way will be required from the 4 +/- acre tract at the large scale development stage. Also, the construction of two lanes of the street will be required from the 4 +/- acre and the 2.3 +/- acre tract.

The property immediately south of the 4 +/- acre tract is owned by Orther Darl and Betty Ann Feagin and appears to contain a little over four acres. Right-of-way will be required from this tract also and will vary from 30 feet at the north property line to approximately 10 feet at the south property line. The property located south of the Feagins appears to belong to you. A small amount of right-of-way will be required from this parcel of land.

The properties located on the east side of Rupple Road and immediately south of the 2.3 +/- acre tract belongs to Airways Freight Corporation. Right-of-way will vary across this parcel from zero feet at the north boundary to approximately 25 feet at the south property line. The property south of this tract is presently in your ownership and contains the 22 +/- acre tract that was recently rezoned from A-1 to R-2, and the proposed youth center site containing 19 +/- acres. Right-of-way will be required from both of these tracts at the time of large scale development.

13 WEST MOUNTAIN 72701 501 521-7700

The cost for one-half of a two-lane street will also be the responsibility of each of these developments, as well as possibly some off-site improvements. These will be determined at the time of Planning Commission action.

The initial street will more than likely be constructed to less than four lanes, and will probably be similar to the type section we are building north of Mt. Comfort Road which is a 36 foot curb and gutter section with a trail located on one side.

As you know, I cannot guarantee the City will fund the construction of the remaining portions of the street that are not covered by the large scale developments without requiring you to contribute as well when the next phase of Meadowlands comes forth. However, I will recommend to the City Council that the City fund the remaining cost of the street and that the action you are taking with the youth center cover any upcoming development costs you have in the Meadowlands Subdivision that pertains to Rupple Road. This would not extend to the proposed Persimmon Street extension that runs along the south side of your property.

Hopefully everything can be worked out with the youth center and funding will become available for them so that this much needed facility can become a reality. We appreciate your working with them to locate the center.

If you have questions regarding Rupple Road, please do not hesitate to contact me.

Sincerely,

Fred

Fred Hanna
Mayor

FH:msm

c City Council Members

FAYETTEVILLE YOUTH CENTER

We never know how high
we are

Til we are called to rise

And then, if we are true to
plan

Our statures reach the sky

E. Dickinson

STRATEGIC PLAN

New Solutions

Table of Contents

INTRODUCTION 1

Rationale and Purpose 1
Planning Process and Participants 2
Process Calendar 2

EXECUTIVE SUMMARY 6

PURPOSE, MISSION, VALUES & VISION 9

MANDATES 10

SWOT ANALYSIS 11

VISION OF SUCCESS OUTCOMES 16

STRATEGIC ISSUES & STRATEGIES

Operations 17
Leadership 22
Staff 25
Programs 27
Stewardship 29
Facilities 32
Financial Stability 34
Public Relations 36

PROGRAM AGENDA 38

PERFORMANCE MONITORING & EVALUATION PLANS 42

Fayetteville Youth Center

VISION

In the 21st century, the Fayetteville Youth Center is a youth-centered and family-based organization dedicated to:

- Helping participants develop the social and moral competencies necessary for achieving their full potential;
- Offering a broad variety of indoor and outdoor programs, aimed at the different levels and facets of development;
- Presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process;
- Providing a positive and constructive environment for interaction among youth, families and adults from diverse backgrounds; and
- Including the community as an active partner in ensuring that youth are equipped to become productive citizens.

FYC's campus is alive inside with people—and outside with trees and plants. Facilities are safe, neat, clean, multi-functional, unique, convenient, and playful. The Center is inviting, exciting, stimulating, full of life and light, and most important, it is a place where dreams are created and fulfilled.

Introduction

Background

The Fayetteville Youth Center (FYC) is an organization that served the youth of Fayetteville for over 50 years. With a minimum of resources, a caring and dedicated staff partners with the city and the local school district to provide recreational programs for a large number of the community's children. Most of these children participate in basketball, football or softball programs that bring together children of a particular "neighborhood." These programs utilize either city or school owned ball fields and gymnasiums. The center, itself, serves mainly as a drop in facility, primarily catering to the needs of children from the lower socio-economic class. After school programs, held both at the center and in neighborhood schools, address the needs of many of the cities latch key children. Additional outreach programs for youth are provided in the housing projects where the children reside. A swim program trains swim teams, provides lessons for non-swimmers, and also offers free-swim time for both individuals and families. In addition to these programs, adults use the center's facility for basketball and volleyball activity.

FYC is well known for doing a great deal with very little. It is also viewed as a "status quo" organization that has not changed much over its lifetime. FYC is not unlike a number of other youth centers across the country who, because of diminishing financial resources, have not been able to keep up with and respond to the needs of a changing society. The numbers and types of resources utilized to maintain and expand FYC's programming and facilities have remained constant for a very long time. The Center remains largely dependent on United Way funding and city "contracts for services." The staff and board, in the past, saw the organization's existence dependent on these two funding sources. This dependence has its benefits and its disadvantages. The City and United Way funding help keep the youth center's doors open and provide services to thousands of youth, especially in the recreational sports arena. That same dependence and its limited funding, however, has served to paralyze the Center's energy to expand its focus and address the increasingly larger population of youth and broader dimensions of youth development that lie beyond the grasp of recreational sports programs.

Rationale and Purpose of the Strategic Plan

Very much like hundreds of small town cities across the United States, Fayetteville's population, demographics, and needs of the community's youth and families have dramatically changed over the last 50 years. Fayetteville shares the challenges of youth development in a society where the social fabric has become unraveled in so many ways. The mainstays of youth development in the past—families, stay-at-home moms, caring neighborhoods, and churches—often aren't there to provide the environment and support a child needs to grow into his/her full potential.

> "It's part of a growing understanding across America that youth centers can be remade into vibrant hubs of local activity and become places where social fabric is slowly reknit." "They can help kids in every sort of community—from inner-city to leafy suburbs—thrive despite an environment that includes broken homes, two working parents, alcoholism, or drug use,"(Christian Science Monitor Aug 6, '97).

The FYC board and staff have come to a point where they feel the urgency to move beyond their current operation. They want to play a more meaningful role in the development of all youth in their community. They are determined to expand their funding base and sources, programs, and facilities in an effort to better serve the community's youth and families.

In this effort to better meet the needs of the youth and families in the Fayetteville area, the FYC board and staff made the decision to become a stronger and more viable organization; one that seeks to more effectively and continually address the societal needs of a changing community. Toward that end, the Center entered into a strategic planning process that has produced a plan to chart FYC's course into the twentieth century.

Planning Process & Participants

> We never know how high
> we are
>
> Til we are called to rise
>
> And then, if we are true to
> plan
>
> Our statures reach the sky
>
> E. Dickinson

The Fayetteville Youth Center feels "called to rise" and, with some assistance, its "statures will touch the sky." After a substantial search for professional consultants to assist the Center's volunteer board and professional staff, the firm New Solutions was engaged to facilitate the planning process. Following consultation with the FYC board and Executive Director, a planning process was drafted by the consultant. The agreed upon concrete product of the process was a strategic plan that would provide a blueprint for the Center's future operations and programming. A less tangible, but an equally important product, was also envisioned. The planning process was designed to serve as an energizing force to help establish the future of FYC. Therefore, the process participants included a good balance of community stakeholder representatives. It was felt that a high level of organizational and community involvement would produce plans that were more widely understood, accepted, and supported.

Having agreed upon this, FYC realized that the process could demand a great deal of time and commitment. To make the best use of the time of everyone involved, the process was guided by a steering committee with significant input from stakeholders, board and staff. A Strategic Planning Committee was composed of FYC staff, a youth representative (a FYC member), a city official, three community persons (two served as FYC volunteers), the FYC project's master planner, and two board members. This committee drafted a series of recommendations during three two-day retreats held over the course of six months. The recommendations served as drafts for staff and board refinement. Additional board and staff input was secured through a series of individual interviews, board meetings, work sessions, and phone conferencing. Greater stakeholder input was gathered through individual and focus group interviews and program surveys.

Process Calendar

The entire planning process was conducted over the course of ten (10) months. A calendar of process events and participants provides a conceptual picture of the breadth and depth of the process and the variety of participants involved. It also provides the reader and plan implementors with an understanding of how and when decisions were made.

Introduction:

August 1998 At the August FYC Board meeting, an overview of the planning processes was presented; agreement on process, reporting, and stakeholder groups was negotiated.

Mission and Vision Development:

September and October 1998 The October FYC Board meetings, staff work sessions and a steering committee retreat were utilized to conduct stakeholder analysis, reach clarification of organizational values, and create FYC's mission and (working) vision statements. These statements were later tested for soundness and receptivity during interviews with focus groups and key community leaders.

Internal Environmental Scan:

September, October, and November, 1998 Individual staff and board interviews, board work sessions and phone conferences were used to identify internal resources, strengths and weaknesses. The internal scan process resulted in the identification of a prioritized number of organizational strengths and weaknesses and an organizational resolve to build on the strengths and shore up the weaknesses as FYC plans for the future.

The methods used for the internal scan included the following:

- a review of historical records and board minutes
- a review of previous FYC studies
- a review of program announcements
- individual staff and board interviews
- priority setting work sessions with the board

External Environmental Scan:

While the internal scan also identified a prioritized number of potential threats and opportunities, an external scan was conducted in an effort to have a comprehensive picture of the current and projected future environment. The external scan process resulted in a board determination to take advantage of the opportunities that fit with FYC's mission and to strategically plan for potential threats.

September, October, and November 1998 Data collection methods used for the external scan include the following:

- interviews of three focus groups made up of representatives of the broad variety of stakeholders
- interviews with key community persons
- review of local and national demographic studies

- review of societal trend books
- review of appropriate news articles
- site visits to model buildings and programs

October 1988 Three separate focus groups and a series of individual interviews with key community leaders were conducted. The focus groups were comprised of a cross section of community members and leaders, including present and potential FYC clients. The focus of the group and individual interviews was threefold:

- To identify the community's youth development issues and present and future needs in terms of programs and facilities.
- To further refine the criteria different stakeholders use to judge FYC's performance.
- To provide an external perception of FYC's strengths and weaknesses.

September 1988 The work at the steering committee retreat also granted an external perspective on the Youth Center's strengths and weaknesses.

November 1998 Data collected from both the internal and external scans--including key issues and trends posing threat or opportunity--were identified and analyzed. Information from this review was shared and discussed with board, staff, steering committee members and stakeholder groups for reaction and comment. Following this review, the FYC's November 1998 board work session was devoted to conducting a SWOT (strengths, weaknesses, opportunities and threats) analysis and framing the first few strategic challenges confronting FYC as it moves forward toward its preferred future.

Strategic Issues Development:

October, November, and December 1998 Site visits were made to prototypical sites in the U.S. where programs & facilities were studied. A seven-person group (made up of staff, board, and members of the strategic and master facilities planning committees) visited nine sites in three different areas of the country. Information gathered from the site visits was shared with the strategic planning and master facilities planning committees, board, and staff.

December 1988 A white paper outlining FYC's current status and the results of the SWOT analysis was circulated to the staff, board, and strategic plan steering committee. The paper later served as a resource document for the January 1999 steering committee retreat and the staff and board work sessions. In each of these instances, the participants were concerned with:

- Developing a "vision of success" and corollary preferred outcomes;
- Conducting an analysis of the variance between the current status of FYC and its preferred future; and
- Identifying the strategic issues (challenges) FYC must address as it moves from its current status toward its preferred future.

Strategy Development:

January and February 1999 An informal program interest survey was administered to over one hundred (100) potential and current FYC users. The respondents included a broad cross-section of the at-large community, including youth. The resulting data was

added to information collected and documents produced during earlier steps in the strategic planning process. All of this information served to inform the development of strategies.

February 1999 During the steering committee retreat, the committee:

- Drafted a set of practical alternative strategies for resolving the strategic issues (challenges);
- Identified potential barriers to the alternative strategies; tested each of the strategies as to their practicality and discarded those without strong potential; and
- Prioritized the resulting list of strategies.

FYC board and staff work sessions refined the steering committee's draft recommendations and defined the set of strategies that will be employed to realize FYC's preferred future.

March 1999 A special FYC board and staff work session analyzed the results of the program survey and the focus group data and drafted a working program agenda. A first draft of the strategic plan was circulated to board and staff for comment. Revisions and refinements were then added. The draft was used, in part, as a guide for the master facilities steering committee in their plan deliberations.

April 1999 The draft strategic plan was circulated to key stakeholders for comment.

May 1999 The strategic plan was finalized and adopted as the working document to guide FYC toward its preferred future.

Action Plan Development:

April and May 1999 The board and staff developed first year action plans for each of the eight strategic issue areas. They also developed an evaluation plan that considers the agreed upon "vision of success" outcomes and identifies the type of evaluation data to be collected.

Executive Summary

FYC Today

The youth center is an organization that has served the youth of Fayetteville for over 50 years. With a minimum of resources, a caring and dedicated staff has partnered with the city and the local school district, to provide recreational programs for a great number of the community's children. Most of these children participate in basketball, football or softball programs that bring together children of a particular "neighborhood." These programs utilize either city or school owned ball fields and gymnasiums. The center itself, serves mainly as a drop in facility, primarily catering to the needs of children from the lower socio-economic class. After school programs, held both at the center and in neighborhood schools, address the needs of many of the cities latch key children.

Very much like hundreds of small town cities across the United States, Fayetteville's population, demographics, and needs of the community's youth and families have dramatically changed over the last 50 years. Fayetteville shares the challenges of youth development in a society where the social fabric has become unraveled in so many ways. The mainstays of youth development in the past—families, stay-at-home moms, caring neighborhoods, and churches—so often don't provide the environment and support a child needs to grow into his/her full potential. However, FYC is not unlike a number of other youth centers across the country who, because of diminishing financial resources, have not been able to keep up with and respond to the needs of a changing society.

FYC Tomorrow

The board and staff have come to a point where they feel the urgency to move beyond their current operation. They want to play a more meaningful role in the development of all youth in their community. They are determined to expand their funding base and sources, programs, and facilities in an effort to better serve the community's youth and families. To facilitate these goals, the FYC board and staff made the commitment to become a stronger and more viable organization; one that seeks to more effectively and continually address the societal needs of a changing community. The newly developed strategic plan, complete with mission, vision and strategy statements, articulates this commitment and charts FYC's course into the twentieth century.

New Mission

The mission of the Fayetteville Youth Center is to provide opportunities for positive social, physical and moral development of youth through:

- A broad range of recreational, leisure, educational, and cultural activities.
- Helping participants to develop a value system that will improve the quality of their lives and lead them to become productive citizens.
- Involving staff, board members, families, and the community in effective participation toward this mission.

New Vision

In the 21st century, the Fayetteville Youth Center is a youth-centered and family-based organization dedicated to:

- Helping participants develop the social and moral competencies necessary for achieving their full potential;
- Offering a broad variety of indoor and outdoor programs, aimed at the different levels and facets of development;
- Presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process;
- Providing a positive and constructive environment for interaction among youth, families and adults from diverse backgrounds; and
- Including the community as an active partner in ensuring that youth are equipped to become productive citizens.

Vision of Success Outcomes and Strategies

The external and internal data, collected as part of the planning process, provided the Fayetteville Youth Center a clear picture of the organization and its present and potential place within the community. It defines the strengths to build on, the weaknesses and threats to address, the societal issues to target, and the opportunities and trends to pursue. A clearly articulated picture of both present and preferred future allows the FYC to identify which challenges to address as it proceeds toward its future.

FYC chose to elaborate on its earlier vision statement and describe, in more detail, the types of outcomes the Center would realize if it were successful in reaching a preferred future. The FYC board adopted a comprehensive list of vision of success outcomes for each of eight (8) strategic categories (operations, leadership, staff, programs, stewardship, facilities, financial stability, and public relations). Strategies were created for each of the outcome statements. The strategies spell out approaches the staff and board will use to realize their vision of success and provide the framework for developing detailed action plans. The FYC board also determined that the outcomes would serve as the backbone (benchmarks) of their progress evaluation plan.

Strategic Focus Statements

The following strategic focus statements challenge the Fayetteville Youth Center to reach an ideal, act as internal "guideposts" for operation and programming efforts, and capture the spirit of the more comprehensive strategic plan. During the years ahead, the Fayetteville Youth Center will place emphasis on:

Strengthening the capacity of FYC to enhance youth and family development by:

- Fortifying FYC internal operations and external communications

- Identifying and drawing upon all resources of the community to realize FYC's mission
- Collaborating with individuals, agencies and organizations that can provide assistance in realizing FYC's mission

Expanding services to youth and families by:

- Providing a broad array of family activities and programs
- Removing access barriers for all youth and family participation

Serving as a vehicle for reknitting the community's social fabric by:

- Purposefully designing and offering programs that create integration and interaction of different neighborhood, gender, generation, racial and ethnic groups.
- Extending hours of operation to better service the needs of children, teens, families, seniors and other adults.

The Fayetteville Youth Center board and staff worked effectively over the course of ten months to develop a strategic plan that represents a conceptual blueprint for FYC's future. They are committed to using this plan as a means of determining appropriate responses to the various situations that will confront them as they move forward. It will serve as the ultimate basis for all decision making and action.

Purpose, Mission, Values and Vision

The purpose, mission, values and vision statements that follow represent the collective effort of many groups and individuals; including FYC's board and staff, strategic planning steering committee, focus groups, and key community leaders.

Purpose

The primary purpose of the Fayetteville Youth Center is to provide a wide range of development opportunities that are youth-oriented and family-based. It's secondary purpose is to address the leisure, recreational, and fitness needs of the community's adult population.

Mission

The mission of the Fayetteville Youth Center is to provide opportunities for positive social, physical and moral development of youth through:

- A broad range of recreational, leisure, educational, and cultural activities.
- Helping participants to develop a value system that will improve the quality of their lives and lead them to become productive citizens.
- Involving staff, board members, families, and the community in effective participation toward this mission.

Values

At the Fayetteville Youth Center we believe in and stress the following values:

- A respect for all youth and their worth.
- A caring attitude and demeanor on the part of all staff.
- A safe, welcome, neat, and clean environment.
- Respect and appreciation of others and their differences.
- Positive role modeling by all staff.
- Teamwork that is modeled and taught by all staff.
- Courteous behavior of all staff and users.
- Rules and policies that are followed and enforced —consequences are consistent and clear.
- Wholesome competition that guides all recreational sports programs.
- Opportunity for all children to play in recreational sports programs.

Vision

In the 21st century, the Fayetteville Youth Ceneter is a youth-centered and family-based organization dedicated to:

- Helping participants develop the social and moral competencies necessary for achieving their full potential;
- Offering a broad variety of indoor and outdoor programs, aimed at the different levels and facets of development;
- Presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process;
- Providing a positive and constructive environment for interaction among youth, families and adults from diverse backgrounds; and
- Including the community as an active partner in ensuring that youth are equipped to become productive citizens.

FYC's campus is alive inside with people—and outside with trees and plants. Facilities are safe, neat, clean, multi-functional, unique, convenient, and playful. The Center is inviting, exciting, stimulating, full of life and light, and most important, it is a place where dreams are created and fulfilled.

Mandates

After much executive steering committee discussion of possible informal and formal mandates, only three mandates were agreed upon. These were given high priority in developing the strategic plan. They are:

- The Youth Center is to remain an organization focused on the recreational needs of children and youth; and
- The needs of disadvantaged youth and their development remains an overarching issue in the entire planning process.
- To respond to stakeholder requests and the larger concept of youth development, FYC programs are to be expanded beyond recreational sports.

SWOT Analysis

The Youth Center's strengths, weaknesses, opportunities and threats (SWOT) were identified through a variety of techniques and gathered from a variety of stakeholders, as mentioned in the process and participation section of this document. A SWOT analysis prepared FYC to focus on identifying key strategic issues (challenges) stemming from the convergence of current societal issues and trends, and its mandates, mission, strengths, weaknesses, opportunities and threats (SWOT). After reviewing all of these, the following categories were assigned to the SWOTs that appeared to naturally group together. The eight categories later served as a framework for FYC's strategic plan.

Operations

Strengths

- cost effectiveness/cost of programs
- Transportation

Weaknesses

- Inefficient Operations
- Lack of vision
- Communication among staff and between staff and board
- Supervision of participants
- Financial systems
- Leadership & management
- No program budget/evaluation system
- Condition of facilities
- Staff training

Opportunities

- Untapped strengths of staff and board
- Grant support
- Greater volunteer recruitment
- Junior Staff Program

Threats

- Level of staff and board development
- Weak financial controls
- Little organizational planning

Leadership

Strengths

- A caring, dedicated executive director
- Possesses a historical understanding of FYC.

Weaknesses

- Limited board direction provided
- Ambiguity concerning number of years of Executive Director's future service
- Limited experience with fundraising

Opportunities
- National Affiliation training

Staff

Strengths
- Caring & dedicated staff
- Volunteers

Weaknesses
- Limited staff training
- Inadequate supervision
- Salary & benefit packages

Opportunities
- Greater volunteer recruitment
- Junior Staff Program (civic work and for credit)
- National Affiliation
- External fundraising

Threats
- Low level of staff development
- High staff turnover

Programming

Strengths
- Basketball, Softball, & Football programs
- Summer Camps
- Kids Connection
- Indoor Pool ("at least one private indoor pool can be accessed very inexpensively; one of FYC's swim teams left to work out at the Jones Center")
- Everyone has the opportunity to participate
- Scholarships/Accessibility ("a policy needs to be developed and applied uniformly")
- Transportation system
- A place for kids to go

Weaknesses
- Not serving all levels of the youth community ("FYC does not serve a wide range of children at the present facility")
- Program narrowness
- Limited hours of operation

Opportunities
- In-house programming for a broader population (e.g., differently-abled; adventure)
- Teen programs
- Family-oriented programs
- Greater collaboration with U of A and businesses and other organizations (e.g., hospitals, Walton Art Center)
- National Affiliation
- Hispanic population
- Adult fitness and recreational needs
- After school tutoring
- Youth advisory board

- FYC's expertise in running recreational sports programs
- Community meeting space
- Roller Hockey/Skate Boarding

Threats

- Competition from for-profit recreational facilities
- Further dividing the haves and have nots

Since societal trends and needs are ever evolving and are important to consider when planning programs, they were added to the programming SWOT analysis.

Trends

- A concern for quality of life continues to increase; a search for personal health & safety (Emmet, Crow & Shaw, 1993).
- Public is increasingly concerned with exercise and body shaping (Iconoculture, Abraham, et.al. 1998).
- The family movement is increasingly capturing the attention of individuals, churches & non-profits. With little or no time during the workday to share, moms & dads are looking for more "family oriented" activities and programming. (Abraham, Meeban & Samuel, 98)
- Northwest Arkansas citizenry continues to become more diverse. (96 Special Census)
- Technology is the major driving force of changes and eventually will connect virtually every household. (Abraham, et al. 98)
- A great number of studies have proved that when youth are actively involved in recreational and youth development activities, the juvenile crime decreases remarkably.

Social Needs

- Increasing numbers of single parent and two-parent families (after school care, drop-in care & summer camps).
- Divorce rates approaching 60 to 70 percent (family-oriented activities).
- Productive and responsible activities for teenagers.
- Weekend activities for youth.
- Ethics education
- Integration of minority population
- Recreational, leisure & cultural opportunities.

Demographics

- Fayetteville has large percentage of young people. The population in the 0-17 age group represents 25 percent; 18-34 age group represents 29 percent; 35-54 age group represents 27 percent. Only 19 percent of the population are over 55 years.
- City of Fayetteville has a fairly high median income ($30,000—higher than Springdale), yet a fairly substantial percentage (20%) of the population lies below the poverty level and almost 11 percent of our families living below the poverty level (greater than Springdale in both cases).
- The overall profile of Fayetteville is a highly educated citizenry. Over 82 percent of the population have graduated from high school and another 62 percent have pursued education beyond high school.
- Juvenile crimes have increased in the area each year. Most (90%) of these crimes are committed by youth over the age of 12.

Stewardship

Strengths

- A variety of untapped strengths
- Longevity of member's tenure

Opportunities

- Untapped strengths of board
- Recruitment of other community leaders to serve on the board.

Weaknesses

- Board Apathy
- Board meetings are very short with little time for frank discussion.
- Board size may be too large to efficiently conduct business.

Threats

- Board leadership needs to be stronger.
- Low level of board development

Facilities

Strengths

- Swimming Pool
- Location

Weaknesses

- Deteriorating facilities
- Lack of a risk management plan
- Swimming Pool deterioration
- Does not provide for ease of supervision

Opportunities

- Construction and operation funding from grants.
- Friends of Youth Trust revival

Threats

- FYC closing
- Possible law suits

Trends

- A concern for quality of life continues to increase; a search for personal health & safety.
- The demand for accountability has been on the increase from all public and non-profit institutions (Reinventing Government Osborne & Gaebler, 1993). The public wants to know that its investment is well placed and producing promised dividends. If institutions cannot demonstrate effectiveness and efficiency, stakeholders are likely to withdraw their support. (Strategic Planning for Public and Nonprofits, John Bryson, 1995).

Financial Stability

Strengths

- Cost effectiveness/cost of program participation ("consider a sliding scale")
- Partnerships with schools, city & parks & recreation department ("two-sided coin")
- Longevity in the community ("not a corner on the market of children's activities")

Opportunities

- Grant funding
- Fundraising

- Endowment Trust development
- Capitalize on FYC's history & goodwill
- More public relation programs

Weaknesses

- Fundraising ("A responsibility of both staff & board")
- Public relations ("not near the level it should be")
- School, city & parks & recreation department relationship ("roles & responsibilities need to be defined")

Threats

- Relationship with city, schools & parks & recreation department ("change in leadership might mean change in agreement")
- Competition for United Way funds
- A very dependent budget (United Way and City monies make up largest part)

Trends

- Northwest Arkansas economy is strong and projected to get stronger (NWAR Chamber)
- Increased philanthropic activity in Northwest Arkansas (Local hospital feasibility study)

Public Relations

Strengths

- Little noted

Opportunities

- Public Relations - develop a plan
- Capitalize on FYC's history & goodwill

Weaknesses

- Public Relations - little staff expertise; no organizational PR plan

Threats

- Negative Reputation Perspectives - condition of facilities and level of supervision

Trends

- Technology is the major driving force of change and eventually will connect virtually every household. (Abraham, et al. 98)

Vision of Success Outcomes, Strategic Issues, and Strategies

Vision of Success Outcomes

Following the SWOT analysis, the Fayetteville Youth Center had a fairly clear picture of the strengths it wants to build on, the weaknesses and threats it needs to address, the societal issues it is best prepared to target, and the opportunities and trends it is in a position to consider. In short, FYC had determined its present state and now could formulate its preferred future state. Having a clearly articulated picture of both present and preferred future allowed the Center to identify those challenges it will address as it proceeds toward its future.

FYC chose to elaborate on their earlier vision statement and describe, in more detail, the types of outcomes the Center would realize if they were successful in reaching its preferred future. The FYC board decided that the outcomes could also serve as the backbone of their progress evaluation plan. With the input and assistance of the steering committee and staff, the board adopted a set of "vision of success" outcomes.

Strategic Issues

Taking into consideration the vision of success outcomes and the results of the SWOT analysis, the steering committee drafted a list of strategic issues for each SWOT category and provided the potential consequences for each. The FYC board and staff then refined the list of strategies and confirmed the strategic issues they would deal with in the next 6 months to a year.

Issue Specific-Strategies

The strategic planning steering committee reviewed the vision of success outcomes and drafted a list of alternative strategies for each of the eight strategic issue areas. For each alternative strategy, the committee considered implementation barriers and identified ways to overcome the barriers. In the view of the committee, none of the final strategies had insurmountable barriers.

The staff and board then refined the strategies and identified the top three (or more) strategies they felt had the greatest potential and should be initially considered. Those strategies are presented in bold type.

What follows is the heart of the strategic plan, complete with the strategic issues, vision of success outcomes, and strategies collected under each of the eight strategic areas. While the areas are presented separately for easier reading, the point is made that these areas are inextricably tied to one another. In many cases the same strategies serve a number of different strategic issue areas. The collective efforts made in all of these areas are critical to the future success of the Fayetteville Youth Center.

CU 01-2.00: Conditional Use (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of John Benberg of Fayetteville Youth Center Inc. DBA Boys & Girls Club of Fayetteville, Inc. for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 14.93 acres. The request is for a commercial recreation, large site (use unit 4) in a A-1/R-2 zone.

LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Odom: The next item we have on the agenda is related, it is a conditional use. It is item number five on tonight's agenda, conditional use 01-2.00 submitted by Mike Anderson of Engineering Design Associates on behalf of John Benberg of Fayetteville Youth Center Inc. DBA Boys & Girls Club of Fayetteville, Inc. for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 14.93 acres. The request is for a commercial recreation, large site (use unit 4) in a A-1/R-2 zone. Staff's recommendation is for approval of the conditional use subject to the following conditions: Planning Commission approval of the proposed large scale development (LSD 01-4). Lighting for this facility shall comply with §172.01(C)(4) and light poles shall not exceed 30' in height. If lighting for ball fields is proposed in the future, a request shall be submitted to the Planning Division for review and approval. Staff are there any further conditions of approval?

Warrick: There are no further conditions. I do have one correction in the description of the project and that is that the site for the Youth Center project is located solely within the A-1 zoning district and that R-2 is incorrect.

Bunch: Can I make a recommendation at this time? That we look at the LSD simultaneously with the discussion on the conditional use since the findings on the conditional use all reference the large scale.

Odom: Staff, we may need two votes but it is okay that we give consideration with regard to the LSD at this time?

Conklin: Sure if that will help you better understand.

Bunch: I recommend that the votes be separate but we go ahead and consider since all the

findings say refer to the large scale development.

Odom: As we consider this project we are also going to be considering LSD 01-4.00 the large scale development submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility. Staff's recommendation is for approval subject to twenty conditions listed below. Staff, do you want me to read the twenty conditions of approval?

Conklin: Yes, I think it would be beneficial to the public.

Odom: Item number one, Planning Commission determination of off-site improvements required as part of this development. Staff is recommending that the applicant not be responsible for any off-site improvements. Please note that the City has expressed an intent to construct Rupple Road south of Wedington to the Fayetteville Boys and Girls Club as a two-lane street. However, the final determination and approval, including the funding for the street, requires future approval by the City Council. Staff is also recommending that no improvements be made to Persimmon at this time. Item number two, construction traffic to the Fayetteville Boys and Girls Club may not access the proposed Rupple Road extension during construction of the proposed street. Access for construction of the Fayetteville Boys and Girls Club will be provided by means of a separate haul road which will be designed by the private development engineer and coordinated with the City. Item number three, approval shall be subject to approval of a conditional use allowing for a recreational facility in an A-1 zoning district. All conditions of approval contained as part of the conditional use approval will be required to be met as part of this large scale development. Item number four, approval shall be subject to Council approval of the lease agreement allowing for the Fayetteville Boys and Girls Club to utilize City park land for parking and other facilities. Item number five, the site plan shall indicate the landscaping required along the future extension of Persimmon Road in compliance with Commercial Design Standards. One tree per every 30 feet and a continuous planting of shrubs is required along Persimmon. Item number six, no freestanding signs shall be permitted. A monument sign will be allowed in compliance with the Sign Ordinance. Item number seven, a floodplain development permit, conditional letter of map revision, and Section 404 permit from the US Army Corp of Engineers are required for this project prior to any site work. A letter of map revision is required to be submitted prior to a Final Certificate of Occupancy. Item number eight, the proposed relocated channel shall be designed to be as "soft and natural" as the layout will allow. The channel lining shall consist of plants. If armoring

of the bends is required, such armoring will use a product which can be hidden with turf or landscaping. Rip-rap will not be used as a channel lining. Item number nine, the Parking Regulations do not adequately address parking for this type of development. Therefore the applicant is proposing to evaluate the number of parking spaces based upon similar uses in other cities. Item number ten, bicycle parking racks shall be provided in accordance with §172.03 Bicycle Parking Rack Requirements. Item number eleven, the applicant is requesting a waiver for the driveway entrance width. The applicant is requesting a 30 foot wide driveway. The maximum allowed is 24 feet. Item number twelve, the water extension will be designed by the development engineer and funded by the City subject to approval by the City Council. Item number thirteen, the applicant is requesting a waiver of section IX.2.2.4 of the Drainage Criteria Manual in order to have a channel bend of less than the 10 times the bottom width as required. Item number fourteen, Planning Commission determination of compliance with Commercial Design Standards including signage. The applicant is requesting to use brick, EFIS, and metal siding. The final color choices have not been finalized. The applicant will submit the final colors to the Subdivision Committee for approval. Item number fifteen, as of March 21, 2001 a proper Preliminary Grading Plan application had not been received. Such application was requested prior to the March 26, 2001 Planning Commission meeting. Item number sixteen, approval of the preliminary plat PP 01-2.00: McIlroy and subsequent final plat to create the tracts of land for the Fayetteville Boys and Girls Club and City Parks Division. Item number seventeen, Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives). Item number eighteen, staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements. Item number nineteen, Large Scale Development approval to be valid for one calendar year. Item number twenty, prior to the issuance of a building permit the following is required: a. Grading and drainage permits; b. Separate easement plat for this project; c. Project Disk with all final revisions; d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval. Thank you for reading those twenty conditions your last night on the Commission.

Beavers: Item number 15, I requested that be on here. That's an item for discussion and not a condition of approval. I would request that you remove that as a condition of approval and something that we can discuss later during the meeting. That references a preliminary grading application. That's something I think we should still talk with the applicant but it was wrong for me to request that be a condition of approval.

Odom: I will remove item number fifteen as a condition of approval but it will remain for discussion.

Beavers: Thank you sir.

Odom: Would you like to make any presentation at this time Mike?

Anderson: I don't know if you had a chance to take a look at this. In your packets you probably have a plan that has a little more detail and here is an idea of floor plan. I think you can all see the model, if you had a chance to look at that. We talked about a bunch of the issues. Part of the land is owned by the Boys and Girls Club and the rest is to be owned by the Parks Department. It is a cooperative effort between those groups. One of the things Commissioner Allen talked about earlier or asked a question about wetlands, we have had a wetlands determination on the site. When I talk about the site, it's tracts 4, 5 and 6 of the preliminary plat that we just looked at. We had approximately 1/10th of an acre of wetlands that was delineated and accepted by the Corps of Engineers on tracts 5 and 6. We are in the process of doing some kind of mitigation for that, we are not exactly for sure what that is. It is probably going to be related to channelization that we are doing when we talked about the CLOMR. One of the things that we are doing on the site, currently there is a FEMA regulated floodway that runs through the site and what we are talking about doing is relocating that channel along to our southern boundary. Part of that relocation we would be doing some mitigation for the wetland. Basically, I'm here to answer some questions. Have we talked about the conditional use or the waiver that we are asking for?

Odom: We'll do the questions after the public comment.

PUBLIC COMMENT:

Odom: Let me ask, at this time, if there is any member of the audience that would like to

address the large scale development, please come forward at this time.

Moorman: My name is Barbara Moorman, 3450 Finger Road. I heard someone say a little while ago that we are in the business of planning but I believe that this entire project has happened without the kind of overall planning that's required by the 2020 Plan and by the City Code, the UDO, which requires that your plans promote a compact city, you promote connectivity, not just for cars but for pedestrians and bicycles, that you consider significant environmental resources and that you plan your developments where there is already existing infrastructure. I think there have been so many irregularities in this particular process that you ought to see some red flags. The question about the site and why it was chosen, back in 1997, there was a proposal presented for Meadowlands III. At that time the hope on the part of the developers was that the middle school would go right where the youth center is planned now. When the City didn't want to extend Rupple Road for the middle school at that location and the middle school was moved north on Rupple Road, the youth center moved in to fill the vacuum. At the time that this was going on, one of the owners at that time who is no longer one of the owners, Butch Robertson, said and this is from your minutes February 1999, "What we are trying to do is something really positive for the western side of Fayetteville. It really needs a shot in the arm." So that was the view back in 1999. In 1997 when the hope was to have the middle school there, the middle school was going to be the shot in the arm. I do not necessarily think this is true myself but I know the perception exists on the part of some people and you really need to dispel it, if it's false, that the site was chosen for promotion of development on the west side of Fayetteville, which of course can't help but take off with the attractions of the middle school and youth center. The irregularities that I'm talking about that have to do with the site, the site was officially selected by a committee that was chosen by the youth center, as far as I know it was not chosen by the City. Certainly it was not chosen by the City Council. I don't think that you chose it either. The City did contribute $80,000 to the conducting of that study. That was begun in the summer of 1998. The use of this 9 million dollar grant from the Reynolds Foundation to impose this particular site on the City I think is questionable. I've never seen an explanation of why the Reynolds Foundation is insisting on this particular site. I haven't even seen evidence that they are insisting on this particular site but this is the common perception. I don't think the City needs to violate the principals on the 2020 Plan just to get the money and obey the dictates of a foundation headquartered in Las Vegas. Other irregularities that I see in this process, the wetlands for instance, they were not even investigated until the 30th of November, that's after the deed was granted to the youth center which happened in the previous month. This project was all accepted before there was any wetland determination made on this site that's already a floodplain. As far as the streets

go, I've never seen any approval by the City Council of the street plan, however, reference has been made to agreements with the previous administration that you all are trying to honor and indeed there were agreements but I think they were rather irregular agreements. There was a letter from the former Mayor, a letter of understanding, promising to support infrastructure payments by the City, and this is a quote, "I will recommend to City Council that the City fund the remaining cost of the street [that is Rupple Road] and that the action you are taking with the Youth Center cover any upcoming development costs you have in the Meadowlands Subdivision that pertains to Rupple Road." Yet, you all don't have in front of you that kind of vaporous Meadowlands III which was proposed and then withdrawn before it even got to you, that was back in 1997 that happened. The land bank is another issue. This banking of six acres toward future development in the southwest quadrant, you don't have a subdivision on the table so you don't know whether that six acres satisfies a requirement for the subdivision or not. Then there is a reference November 28, 2000, in an agenda memo for a Parks Board meeting that states that the City has agreed to fund street improvements by constructing Rupple Road at an estimated cost of one million dollars. This same document mentions other infrastructures that I don't think the City had committed at the time and I've never seen commitment approved by the City Council. I gather what you just did was say it doesn't matter. I think that's reflective of the chaos of the whole procedure. I think the main issues are the site, how it was chosen, why it should have been chosen and why there was such a rush to choose it and I think the lack of regular approval. You've just seen the lot split situation and you just regularized it but it started out in 1996 with that first grant of parkland to the City and there was never a legal lot split then. It's been going on since 1996, all these lot splits. I know you just regularized it but I think that's just part of the sort of upside down backwards way things have been done here. I think that all of these things have been more or less incremental, one thing is done irregularly and you say "Oh well that's done so we have to do the next thing." It all adds up to a great big decision that's going to affect, just think of the traffic on Highway 62 and that's minor in my view but it's a pretty major disruption. I think this needs more study. I think there is no urgency. I think you need to find out what's proposed for the rest of Meadowlands. I urge you to stand back to think, to review, to study, to get all those past agreements in front of you. Somebody said you didn't have them, you certainly should have and put your house in order before you act on this. Thank you.

Odom: Any other member of the audience wish to address us? I also ask that if any member of the audience has a cell phone or pager with them that they turn them off. It's disruptive for them to go off during the meeting, I've heard them go off twice now. You may listen outside the room and you can hear us from the glass if you wish them to

remain on.

Garcia: David Garcia, 120 N. Block just off the capital square here. I'm also a member of the City of Fayetteville's ad hoc neighborhood outreach committee which you may or may not be familiar with. That's a new committee that has been charged by the Mayor with looking at the communication between government and the City residents, looking at problems with miscommunication and how citizen access to local government can be approved. I can by no means speak to you as an official member of that committee or speak on behalf of that committee. There is no way in which I am authorized to do that. I did want to mention it because I did want you to know that for the past several weeks, I've been one of the group of citizens that's been looking at questions of communication between local government and local citizens. There is some communication from local citizens that you should perhaps be aware of in considering this proposed youth center. I heard one of the Commissioners say that this project was fairly problematic and I would say that I would have to agree. For example, I know of one local media outlet that is investigating the relationship between members of the Hanna administration, the McIlroy family and the youth center and park center board to see if there are any financial relationships or financial benefit to be gained by any of those parties out of these unusual unorthodox arrangements. I have no idea the reporters from that media outlet will find anything or not but I would say that makes this project very problematic. I can tell you from attending various community meetings and a number of other City committee meetings that wetlands issues are becoming very serious in the City of Fayetteville, that people are starting to pay very close attention to them and you should know that they will not be treated as lightly by the rest of the City government or by the City's residents as they have in the past. So, wetlands is a very serious topic. Finally, again in several community meetings and discussing this project with some folks that do a lot of work with low income residents in the city, I've heard an increasing mutter, an increasing background upset about the location of this youth center, about why it's not being located in south Fayetteville where it is very much more obviously needed at this point in time, low income kids. A lot of low income kids that would have much more difficulty getting out to the proposed center than they would some place like the park on the south side of town. So, there is a growing concern about this project in the City. As one of those who's looking at communication between government and citizens, I'm communicating that to you that this is a problematic project. Thank you.

Odom: Any other member of the audience wish to address us at this time?

COMMISSION DISCUSSION:

Odom: Seeing none, I'll close the floor to public discussion and bring it back to the applicant for questions and comments of the Planning Commission. Jim, do you want to go ahead and begin the discussion with the item that you had previously slated as condition number 15?

Beavers: Yes sir. Thank you. The grading plan application is a form that was put together by Engineering some years ago and we revised it after the CMN and Kohl's large scale went through. We have a problem and I think it's a technicality that Engineering can just work with the applicant on in that the owner of that property, until you get the final plat, and rarely for a preliminary application might be that you have to have Mr. McIlroy sign it as a property owner and the City to sign it as a property owner, a lot of the grading is on the City property. This is a form that Engineering came up with some years ago, it's not in the ordinance, it does not allow any construction to happen and I would just say that when you get ready to submit your final grading plan that we get together and make sure that all the property owners are represented properly on the final grading application. It should just be an item for discussion and not a condition of approval.

Odom: Mike, do you have any comment or questions on that?

Anderson: No. We have had a bunch of discussion about. We have neighbors to the east, Ozark Electric and to the south is Paul Marinoni and obviously where the creek comes onto us and where it exits us, it will affect them somewhat. I think, at the very least, if they don't sign the application that we have some kind of understanding that everybody knows what it is that we are doing and is comfortable with that. We'll work with the staff with whatever they need.

Odom: Any Planning Commissioners have any questions of the staff and the applicant with regard to that issue? Commissioner Shackelford was poking fun at me on item number eight, a condition of a approval, the proposed relocated channel shall be designated as soft and natural, do you want to tell me what exactly you mean by that? It sounds like a shampoo or something.

Beavers: You have a natural drainage way out there right now that's very shallow and does include some wetlands either in it or close by and we don't want to see a ditch there. We want to see the new channel which will be much larger in size and relocated to the property line, to look as natural as we can get it. In particular, administration has

expressed the desire to limit or not allow rip rap where we can get away from it. That's why there were comments. There are many other products in there that can be used besides rip rap and have the channel look more natural.

Anderson: If I might address that. We are also in the process, not only getting approval from the City but we need to get approval from the Corps of Engineers and respect a 404 permit to do the work. That is one of their comments also, they would like it as natural as it can. What we are going to do is accommodate that and meet with the Corps next week, we've got some ideas to go over to make it look more natural, work with the Corps of Engineers. Everybody has a concern about that. When we first looked at that channel, our first response was what quantity of water do we have coming and what size ditch does that require? We basically did just a channel down through there. After getting everybody's comments, I think that we are in agreement, we would like it look more natural. In respect of that, one of the things we are looking at doing, we talked about the wetlands mitigation, the Corps of Engineers would like us to create some wetlands within the channel to do some mitigation and actually do some plantings within the channel and within the channel banks to make it more natural. There is another requirement that the Corps of Engineers has that we are working with, is that they require a buffer adjacent to the channel that is left natural or allowed to back into a natural condition. That's another aspect we are going to work with to soften that and make it more natural. I think we'll be able to accomplish it.

Odom: We want more than natural, we want soft and natural. Did you have any other items on the conditions of approval that you wanted to cover?

Anderson: No. I think everything here we had discussed pretty much. We've had several meetings with the staff, they have bent over backwards to meet with us and help iron out all the difficulties with the site and with the whole process. I appreciate their major effort.

Marr: I have a question of condition 9 that there is not enough adequate parking. One of the things I don't like is leaving it fully open-ended which is what this appears to be to me. I also heard in the earlier part of the presentation that you wanted to develop a site where there is more walk-in traffic. I guess I want to understand a little bit better, what is the requirement on what you think we are going to ask for, as I'm looking at the drawing there is a number of spaces there, versus what the allowance is? The other thing is I do support this project, I do not support the method in which we've gone about some of this. I believe that there should be a time when you have such a close alliance between the Boys and Girls Club and the City that obviously there are things

that they are going to work more closely together on than maybe a for profit business. I don't want to do that at the expense of a for profit business. I also think that the City should use it as an example to follow the processes. I still feel the same way even though I voted for the last one, I will vote for this one. There is just a lot of open-ended stuff in here still. We are talking about a large scale item and normally I'm the parking police on the Planning Commission, normally I'm wanting more parking for places, even that is open-ended. If you could speak to that a little bit.

Anderson: It doesn't say inadequate, it just says that at this point in time, I don't think we were able to definitively determine exactly what the parking would be required for this. In meeting with the staff, they asked us to look at some adjacent facilities. Also, prior to that, the youth center did their own survey and came up with a need at their current facility at somewhere from 300 to 320 spaces. We looked at the closest facility to this, probably the Jones Center in Springdale. Tim might read that letter.

Conklin: I'll let you read it.

Anderson: This is a letter dated March 5, 2001, to Sara Edwards, "As asked by staff, we have evaluated the parking of the Jones Center in Springdale to better understand our site requirements and what we propose to provide. The Jones Center is a facility of similar uses except we propose one more football field. The total square footage of the main complex and family services center storage building and maintenance building is 287,830 square feet. The total parking provide for all facilities is 712 spaces or one per every 404 square feet. There are 515 spaces provided in the main parking area at the main complex. This is one space per every 452 square feet of the main building. If you were to apply these ratios to the Boys and Girls Club proposed 85,556 square feet, we would need somewhere between 189 and 212 spaces. We proposed to provide 326 spaces, 1 per 265 square feet. We feel that the additional spaces are required to accommodate the overlap in traffic caused by having multiple sport events on multiple fields and courts. Also, the Boys and Girls Club has done parking surveys during the games at their current facilities and have determined a need for over 300 parking spaces." We just kind of looked at that and started looking at the individual uses in the building. I guess there are ratios for those. I was hard for us to determine how many spaces we needed. From the beginning the Boys and Girls Club talked about 300 to 320 spaces and we ended up with 320 spaces. I don't know if that answers your question but we think that we are adequately parked. We don't think we are too underparked or overparked.

Marr: I've never met anybody who's overparked, including my own business.

Conklin: Our parking ratios are very difficult to apply in this situation. We had to approve additional parking at the Gary Hampton softball fields. The ratio that we used there in the beginning did not work, we had people parking off Salem Road onto the grass and all over the place. These facilities and what the Parks and Recreation Division is telling staff, when you have events you have multiple people driving cars. You may have grandmothers and grandfathers watching their kids play sports, multiple people attending these events. Therefore, your traditional one car per family is not the norm anymore. It's important that they do have adequate parking on this site. There is nowhere else to park. You are not going to be able to park on Rupple Road once it's complete. Staff is in support of the numbers that they are showing on this large scale development. Once again, we are always concerned about providing too much parking at these type of athletic facilities that are proposed. Just my experience up at the Jones Center, I believe they are going to need this much parking.

Marr: Can we add that as a number, not to exceed some maximum?

Conklin: Sure.

Odom: Amend condition number nine to read "A maximum of 326."

Marr: Yes. I just wanted to throw that out.

Odom: Do you have an objection to that?

Anderson: No. If we had to we could come back and talk to you again about it so I don't have a problem with that I don't think.

Bunch: About the item ten, bicycle racks. Bicycle racks, I believe, are based on the ratio of number of parking places. If I read the drawing correctly, there is only one place that a bicycle rack is shown, does that reflect the accurate ratio?

Anderson: No, it doesn't. When I read this, it was the first time that I had a clue that there was some kind of regulation. We'll meet whatever that is.

Conklin: Staff is working on getting that regulation to all the engineers and developers out there so they can properly plan for that. I apologize for this developer not having that in front of him during the planning process. It's one of those regulations that after it's passed it does become affective after 30 days. We do need bicycle racks, especially at the Fayetteville Boys & Girls Club. They say they don't have a problem complying with

the ratio we'll have.

Anderson: I'm sure we'll need and use them.

Estes: Mr. Beavers, item number 12, the water extension will be designed by the development engineer and funded by the City, is the City going to pay for the water extension in addition to Rupple Road?

Beavers: Yes sir. There may be some cost share on the water line depending on if it comes from Wedington or if it comes from Meadowlands.

Conklin: That money, $124,000, is included in the 2001 budget approved December 19, 2000.

MOTION:

Estes: I feel somewhat troubled and perplexed at times as we look at these three items and the reason is, there is just not the information available that I would like to have personally and we've heard my fellow Commissioners articulate that from time to time. We've looked at the preliminary plat and we have approved that and that is nothing more, in my mind, an attempt to reduce to plat form previous lot splits to conform with what has been done in the past. We now have before us two matters, one is of course a large scale development which we've been discussing and the second is the conditional use for a recreation facility. When City Council considers this matter they are going to be spending money. I would be in hopes that they would have more information available to them than we have had available to us. I share the concerns of public comment and again I share some of the concerns of my fellow Commissioners. With all of that said, let me do this, I move that we approve Conditional Use 01-2.00, that is the request for a commercial recreation large site in an A-1, R-2 zoning.

Ward: I'll second.

Odom: We have a motion to approve Conditional Use 01-2.00 for a recreational facility in an A-1 zone. Do we have any further discussion on the Conditional Use? Call the roll.

ROLL CALL:

Upon roll call CU 01-2.00 is approved by a unanimous vote of 9-0-0.

MOTION:

Estes: I move that we approve LSD 01-4.00 subject to the conditions of approval, with condition of approval number nine to be amended to read "equal to or less than 326 parking spaces", that condition of approval number 15 be deleted and that in the motion the request for a waiver of section IX.2.2.4 of the grading/drainage criteria manual in order to have a channel bend of less than ten times the bottom width as required. In addition, the finding of a determination that the proposed large scale development meets with and complies with the Commercial Design Standards including signage and the addition of a condition of approval number 21, that grant documents be provided to the City Council prior to funding of the off-site improvements. The reason for that additional condition of approval is I want the City Council to have more information than we had before they spend taxpayer money.

Shackelford: I'll second.

Odom: We have a motion and a second to approve LSD 01-4.00, do we have any further discussion?

Hoffman: A friendly amendment or something on number fourteen. That Commercial Design Standards haven't been approved because we don't have anything. They have to come back to the Subdivision Committee.

Odom: In the requirement of number 14 is that the applicant does have to submit the final colors to the Subdivision for approval.

Hoffman: Final colors and materials.

Estes: The mover accepts that amendment.

Shackelford: So does the second.

Bunch: Does Commissioner Estes in his motion, in requesting condition number 21 of the grant documents, does that include the site selection process and the minutes from the site selection committee and that sort of thing to help develop some understanding of how this site was chosen and how it came to be? What specific documents would you like to have to allow City Council to have better information to work with than we had?

Estes: All grant documents, that would include the feasibility study, that would include the site

selection process and the minutes of any public comment and hearings.

Hoover: I've got one question. I do support this project. I did notice that we have the detention pond at the front of the building along the street edge, I know we have no ordinance against that but I guess I would like to urge the applicant to maybe explore other possibilities unless perhaps you've got some grand scheme that this is going to be a beautiful detention pond, I don't know.

Anderson: I think it has to do more with site layout, it naturally all flows to that point and for us to detain that, that's where it goes.

Hoover: Are there alternative methods like creating this into a wetland or something that's rather pleasing to look at?

Anderson: We would entertain that idea. I guess the problem, once you make it into a wetlands, now it becomes regulated and it might cease to function as a detention pond. For it to function it would need to be maintained as such and mowed and kept to the grading.

Hoover: I guess I would urge, maybe the City if there is some alternative methods because some of them that I've seen basically seem like a square box dug into the ground with some concrete channels.

Conklin: I conferred with our City Engineer. We have, in the past, allowed applicants or developers to plant trees within detention ponds. Also, with regard to the slopes of this detention pond, they will not require a railing like we had on Commerce Park at Old Missouri and Joyce Boulevard. Soft and natural. We'll work on that with our City Engineer.

Hoover: Trees are an option?

Beavers: Yes ma'am. You see the square rectangular because it's the most economical to the developer but we will work with them for any configurations and natural pond. Again, that would take more space and cost more.

Hoover: I just encourage the applicant to take that into consideration. I think, at some point, this might perhaps be a busy intersection that we travel and it would be nice to have this corner looking as good as we can. Thank you.

Allen: Since the motion was rather lengthy with a number of friendly amendments, I wondered

if it could be read back? Can that be done?

Odom: Do you want to try it again Bob?

Allen: I wondered, I thought maybe from the recorder, maybe. I just wanted to have it all clear in my mind exactly, before we voted.

Warrick: The motion was to approve the large scale development subject to conditions of approval stated with the following changes or additions: Condition number 9 to state that "The number of parking spaces shall equal or be less than 326." Condition number 14, the last sentence to be modified to read "The applicant will submit the final colors and materials to the Subdivision Committee for approval." Deletion of condition number 15 as stated. Addition of condition number 21 which states "All grant documents shall be forwarded to the City Council prior to consideration of expenditure of funds, including feasibility study, site selection information and all minutes from public hearings."

Allen: Very well done.

Estes: In addition, granting the waiver of section IX.2.2.4 of the drainage criteria manual in order to have a channel bend of less than ten times the bottom width as required.

Stockland: Condition 21, the grant documents, the City has our feasibility study and site selection study. As far as minutes that were talked about, this wasn't a youth center deal, it was done by professionals and what we got was that final package. As far as site selection, minutes and those types of things are not in the youth center's possession, if they exist at all. I was a little concerned about what additional the City wants. I know there is a grant application that's a two or three page document. I don't know if the City has it. If you want it you can have it, you are welcome to everything in our file. I really think everything substantial in our file has been delivered to the City, at least the two studies, I know the City has those. I am concerned if you are looking for us to deliver something more than what we have delivered to the City, or is it just a matter of don't deliver it to City staff, individually deliver it to each Council person.

Estes: My concern was that I wanted the City Council to have more information than we have available. Whatever was delivered to the Donald W. Reynolds foundation to secure this grant, I would like to have that made available to the City Council prior to their consideration of funding of the off-site improvements.

Stockland: I'm representing to you they already have the feasibility study and site selection. About the only other thing that might be in that is the grant application which we can deliver whenever. If I deliver the grant application and if in fact they've already got the other documents, have we met that condition?

Estes: Yes.

Anderson: Item number 11, I don't think we've even discussed or talked about. It should probably be included in the motion.

Estes: As an addition to my motion, granting the waiver for the driveway entrance width from 24 feet to 30 feet. The reason that I would grant that waiver is that this is going to be a facility, it's in the western part of the City, children are going to have to be bussed there from schools. The wider driveway will allow the school buses to get in and get out and provide a wider turning radius and that would be the reason I would request that we grant that waiver.

Shackelford: That's fine with my second as well.

Allen: Back to condition 21, that means that you have no record of minutes for the selection of this site and process that was used?

Stockland: We have the report of the consultant. We did not drive the site selection. The consultant we hired drove it. She had, about the only input we had was to give them a list of our stakeholders and she included people from the City and schools and users and she developed a report and gave it to us. The Fayetteville Youth Center did not do the study. We were not the driving force and that was by design. I don't know if those minutes exist. I know there was six site visits where Susan Anderson, the building committee went and looked at various other centers around the country and there probably is some record of that. As far as if there is a record of every focus group, we certainly don't have it. When we engaged new solutions, they were to give us a report. That's what we got and that's what we gave to the Reynolds Foundation.

Allen: Who hired the consultants?

Stockland: The Fayetteville Youth Center.

Marr: I would suggest that the consultant at least be contacted to see if there are additional minutes and if there are that those are submitted. If there are not, then there are none.

Stockland: That's my question whether we are supposed to affirmatively go out and try to dig up additional documents.

Odom: I think it would be good if you could, if there are any try to obtain those.

Conklin: Is this the strategic plan?

Stockland: Yes. That's not the site selection. That's the cover sheet of the strategic plan, I don't think you have it all there.

Conklin: I included the first 15 pages that talked about the planning process that you went through. The Commissioners did have that this evening. The City does have in it's possession a binder of documents related to the Fayetteville Boys and Girls Club. What I submitted to you this evening were parts of that I thought you needed to read prior to this meeting including the November 1, 2000, letter from John Benberg to the City Council, included the August 11, 2000, letter from John Benberg, a memo from Bob Davis to the street committee members talking about Rupple Road and having the City place that on the CIP, I also included a letter from Staff Engineer, Ron Petrie to Charlie and Jim talking about how much Rupple Road would cost to build dated September 25, 2000, a June 22, 1999, letter to Mr. Butch Roberson from Fred Hanna talking about the right-of-way required for Rupple Road and improvement with regard to utilities and road construction and also the first 15 pages of the strategic plan. That was in your packet of information. I'll ensure that the City Council, when they hear this funding request, meet your conditions and I'll work with Tom Stockland and the Boys and Girls Club with any additional documents to forward to them.

Bunch: In the Fayetteville Capital Improvement Program under "Unfunded Projects", there is a reference to the Rupple Road area improvements. It reads "This project involves various street improvements to the area of Rupple Road. The final scope of this project is to be determined by City Council." It has a number on it of $3,500,000, can somebody kind of enlighten us a little bit as to what that includes? I realize it's different than the one that's already funded for the improvements on Rupple Road north of Highway 16.

Beavers: I'm just not sure. I would have to go back and find the document. That could be talking about Rupple all the way down to 62.

Bunch: Is that included property acquisition and such in the county are to push it all the way through to 62? We've had quite a few different numbers presented to us on the cost of

this.

Beavers: That CIP process is a very rough number on the project and I can't say that it does or does not include right-of-way.

Bunch: It was probably one of those numbers that every time the project comes back up it gets reevaluated for current costs. Until it becomes a funded project, it's probably just a ball park estimate. Thank you.

Odom: Any further questions or discussion? Seeing none, will you call the roll?

ROLL CALL:

Upon roll call LSD 01-4.00 was approved by a unanimous vote of 9-0-0.

LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Hoffman: Let's go on to our fourth item which is a large scale development LSD 01-4.00 Fayetteville Youth Center submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility. This is also a conditional use in addition to the large scale development.

Conklin: Yes, the conditional use will be associated with this property. This property is zoned A-1. It's located south of Wedington, east of the future extension of Rupple Road. Access will be provided to this property by way of the City constructing Rupple Road subject to City Council approval. The floodplain and floodway is proposed to be relocated to a channel on the east and south sides of this property. There are also wetlands on this property that will require the U.S. Army Corp of Engineers approval prior to any development. The applicant is proposing to provide 326 parking spaces. With regard to the floodplain and floodway relocation, that will require a conditional letter of map revision. That will have to be done by the engineering firm. The City will have to sign off on that. FEMA will have to review that and approve it. Once it's relocated and constructed, they will do a letter of map revision which will change the actual floodplain map, the location of the floodway and floodplain. The floodplain and floodway are shown on your plat. The area within the thicker dashed line is the area of floodway, the solid line further up into this area is the floodplain.

Hoffman: They are going to be relocated down?

Conklin: It's going to be relocated on the City property. It's currently partially on the property owned by the Boys and Girls Club. That's a fairly substantial change in what will occur out in this area. Conditions to address and discuss, construction traffic to the Youth Center may not access Rupple Road. Access for construction will be provided by means of a separate haul road. We can talk about that in more detail. Number two, a floodplain development permit, conditional letter of map revision, letter of map revision, and Section 404 permit are required for this project. Number three, the Parking Regulations do not adequately address parking for this type of development. Therefore the applicant is proposing to evaluate the number of parking spaces based upon similar

uses in other cities. It's been a challenge for staff to understand how much parking is needed for this type of facility. Our ratios really don't work in this type of situation so we have asked them to look at other cities and come back to the Planning Commission to present those findings. Number four, the applicant is requesting a waiver for the driveway entrance width. The applicant is requesting a 30 foot wide driveway. The maximum allowed is 24 feet. Water will be extended by the City from the Meadowlands Subdivision subject to contract approval by the City Council. Is that still a true statement Jim?

Beavers: That's something we need to discuss.

Conklin: Number six, the applicant is requesting a waiver of section IX.2.2.4 of the Drainage Criteria Manual in order to have a channel bend of less than the 10 times the bottom width as required. The bend in the channel is located in the southeast corner, not meeting the Drainage Criteria Manual. Number seven, Planning Commission determination of compliance with Commercial Design Standards including signage. Now we are down at the south end of this preliminary plat with this Boys and Girls Club, planning the parking lots facing Rupple Road and Persimmon Street. Just so everybody is aware, once again, Persimmon Street we are not asking the Fayetteville Boys and Girls Club or Hayden McIlroy WHM Investments to improve any of Persimmon Street. Rupple Road is by the City. That's what we plan on doing. This sidewalk that they are showing on this plat is by Fayetteville Boys and Girls Club, is that correct?

Anderson: Along Rupple Road?

Conklin: Is that the trail? That's by the City.

Hoffman: No sidewalk on Persimmon?

Conklin: No sidewalk on Persimmon. When you go out there to the Boys and Girls Club grand opening and you look out that parking lot, it's just going to be a channelized creek and there won't be any street improvements or sidewalk improvements. Once again, that is a recommendation staff is making. During this past two or three years of correspondence with prior administration and Boys and Girls Club and Site Selection Committee, there was never any indication that the Boys and Girls Club would be required to build Persimmon Street. I'm trying to bring forward the understanding that they had with Mayor Hanna and Charles Venable and bring that to the Commission. Of course, you make those decisions, as staff we can only make recommendations,

including the Mayor and the Public Works Director. I'm trying to honor those and it's a little unique because all developers would typically be required to do those type of improvements adjacent to a Master Street Plan. Boys and Girls Club, I don't think I've mentioned this yet, they got a grant from the Reynold's Foundation, 9.2 million dollars. They are working with the City trying to make this happen on this piece of property. That's all I have.

Hoffman: I do have a question about Persimmon Street. On the property to the south, with the Marinoni's and the other people who might develop, would the City be responsible for half of the construction of the cost of that street?

Conklin: It depends on what's developed down there. If you can prove some type of rational nexus formula that they are responsible for 100%, it could be. My guess is, we are going to be responsible for part of it. I don't think we are going to be able to make a developer build all of it.

Jim Beavers - City Engineer

Beavers: When we talk about the CIP, one thing I want to point out is, our sales tax collections are going down and our budgets are getting tighter. We probably won't have any money to do a cost share with developers in forthcoming years. When we talk about when the City builds half of the street, it will be something the City Council to decide. We get around 2005, 2006, we are out of street money. It may be that they have to build the whole street.

Conklin: In the future, if you have those timing issues the City can't extend the infrastructure the only way you can develop is by building the streets, we've seen that in the past happen too. Covington Park is an example where we extended Township, the developer paid for that because he couldn't develop without getting Township extended. We'll probably be heading towards that in the future. I do expect our impact fee consultant to have information back this week and that's another thing we can start taking a look at with regard to whether or not we can start assessing some impact fees for different types of infrastructure. We'll have to see where that goes too. We definitely need to think towards the future and how we pay for future infrastructure and how that impacts our services as we develop.

Hoffman: Thank you. I agree. The consultant, when he comes back with his recommendation, that's going to go through a public hearing and ordinance review and so on and so forth. It's really not going to impact this project which is a major project for the City of

Fayetteville as well as the Boys and Girls Club. We are kind of stuck with what we got on a tight budget. Do you want to go ahead and talk about the rest of the drainage issues and wetlands and stuff?

Beavers: Let me address the water line first. Mike, when we met last week, did we agree that EDA would design it?

Anderson: I think that's what we said, yes.

Beavers: We are going to take a bid waiver to the Council?

Anderson: What we discussed is, if we waited for a bid we could probably get it cheaper than at the City.

Beavers: I guess we don't know if it's coming from the Meadowlands?

Anderson: We don't know yet. I don't know that it matters a lot in what we are thinking other than it would be a different place.

Hoffman: The only thing I can think of is we have to buy the easement across from Meadowlands.

Anderson: No. We would have McIlroy dedicate it. One of the things we have been discussing with them is initially that road would have to come down to Rupple. What we would want to do it to have the waterline in such a position that you would be in the right place for that future road. If we come that way there is a little coordination there. If it comes down Rupple then it's just there. It shouldn't be an issue as far as Planning Commission is concerned, it will come one way or the other.

Hoffman: I think we need to make a note on the plat that the water is going to be provided from Meadowlands or from Rupple and that the plat will amended when the engineering study is finalized.

Anderson: Right now we show it coming out of Meadowlands. That may not be what we do.

Beavers: One thing you might want on the grading application we noted there wasn't all the signatures and we need that before Planning Commission. On grading and drainage, I'll start with the panel, you made the comment that EDA has agreed to this. We show this on the final plan and it really needs to be shown and I would like to note and if you have

any discussion regarding the waiver. That was really meant for the small channels and I don't think really applies to what we are doing here. I think we've asked them to make this channel as soft and natural as they could, maybe a shallow pool to make it look like wetlands or such. They have told me that it's so flat it's probably going to grow up that way naturally. As far as the drainage that's acceptable as a preliminary report but not as a final. They are proposing detention in the southwest corner. It's real borderline on whether or not that's required. I think it is but the numbers are close, it's really a judgement call. We have the adjacent property owner, Mr. McBride here and he may want to address the drainage. We've already talked about Rupple Road. We have every intent to get that in the CIP and have that constructed.

Hoffman: How much fill needs to be put to the football field to get it out of the floodplain?

Beavers: I don't remember.

Anderson: It's almost more of a function of the channel, we are putting the whole thing into the channel, as long as it's above the channel there is some fill there, probably 3 to 5 feet we are showing to put that together.

Conklin: We are relocating the floodplain/floodway. Your ultimate build-out calculations are going to contain that 100 year storm within that channel. They will be completely outside that once it's all redone.

Hoffman: I understand that. I'm just wondering. Now, do we have any ponds or just marshy areas in there?

Anderson: It's really flat. There's poor drainage.

Conklin: Why don't you show the Subdivision Committee where the wetlands are?

Anderson: I'm not sure on these plans...

McNeil: There's a little section right here and then there is one other section. It's right here, that's number two. Number one is right there.

Hoffman: I'm not quite ready to talk about wetlands yet, just a second. We'll do that after we've gotten through all the staff comments, gone through public comment and then we'll come back and discuss specific issues.

Beavers: The haul road is an issue that we can work out. I made it clear that they can't interfere with our construction. If they want the haul road to come down Rupple Road, I don't know if the timing will work out, we probably can't give them the elevations of the trail. We recommend their haul road come through the Meadowlands. It's my understanding that if McIlroy can furnish that right-of-way, if they don't want to it's something we'll have to look at.

Hoffman: It's going to have to be there one way or another. That item is going to need to be known before this goes to Planning Commission. I will request that you work toward a final solution before it goes forward. Jim, do you have anything else?

Beavers: No.

Hoffman: Sidewalks, we've pretty much covered our multi-use trail. That will eventually hookup through the south and then also to the sidewalk along Wedington.

Edwards: Kim did give me her comments.

Hoffman: Do you want to read her comments?

Edwards: She says "No existing trees are to be affected by this development and the landscape plan meets parking lot landscaping commercial design standards."

Hoffman: Thank you very much. Kim, parks?

Rogers: I have one question I'll have to have clarified. This proposed property line for dedication of park land to the City of Fayetteville, I don't understand what that's supposed to mean.

Anderson: Before the final plat, there is no line there. That's just a line that dedicates that lot number five.

Rogers: If I can meet you afterwards go over wetlands and marsh on the plat. I don't know if that needs to be called out on here.

Conklin: It needs to be called out on the plan.

Hoffman: I don't know if that falls under engineering or parks but yes, let's go ahead and note now that we'll put that wetlands note on the plan subject to all federal and state

regulations.

Rogers: I can't tell the wetlands area and the one is here and the other is here.

Hoffman: They'll take care of them on both plats. Is there any further staff comments before I take public comment?

Rogers: I just want to put this on record, after we receive the deed, I'll change the park lease agreement. We're ready to go on it, we are just waiting for it to be processed.

Conklin: What process are you talking about?

Rogers: Well the lease agreement has to be approved by going to City Council.

Conklin: The actual lease agreement for this project, okay.

Rogers: The additional six acres or actually 5.37 for the dedication. That warranty deed that I received at preliminary wanted to look over the call out plan description is going to change.

PUBLIC COMMENT:

Hoffman: We'll make sure that gets in the record when we get it back. That's all. We'll go ahead and take public comment now. Yes sir, can you go ahead and introduce yourself?

McBride: I'm Brian McBride. I'm the property owner of the land caddy corner from the southwest corner. We are very concerned about the drainage. I assume that, from the plat, that everything is coming to that southwest corner as far as the drainage goes.

Hesse: Yes.

McBride: We already have a problem in Owl Creek, not only our property but even farther down. As development has occurred and dumped more water into that. Owl Creek is a very shallow drainage. It's very hard, it does not absorb a lot of moisture. We are seeing a lot of flooding going on down Owl Creek. We are concerned about what kind of retention there is going to be as far as not overloading that creek.

Hoffman: Let me understand something, I'm going to interrupt you just for a second to make sure

I understand. When you relocate all this floodplain, is it flowing this way?

Anderson: Correct.

Hoffman: For some reason I thought it was flowing uphill. How could I possibly think that? Then what they've done is level out the football field, created another drainage ditch along the southern property line, does that then go into the open field detention system or does it bypass it?

Anderson: It bypasses it. We are retaining, the development that we are doing, the creek is being re-channeled basically to handle the existing flows and I don't know if Steve has looked at the future development but that's what the channel is for, to handle everything upstream from us basically.

Hoffman: At this point what I want to encourage is that you get with Mr. McBride and explain because their calculations, Jim jump in here anytime, are going to have to prove that they don't exceed the existing runoff that is currently generated by this site and the peak flows are no worse than they are. They have to detain it and let it gradually go. If they put that in their numbers, they have met the ordinances but I certainly understand your concerns. I want you to communicate directly.

Anderson: What's hard to understand about it is, right now it's just kind of a little channel out in the pasture, it doesn't look like much. When we get done and you go through the calculations it says that it's 30 feet wide and 3 ½ feet deep, so it's going to look totally different. It won't go back to what it was when it crosses Mr. McBride's and Mr. Marinoni's property. It's kind of hard to understand when you look at that. You are going to have these channels coming at you that looks huge and goes back to the small. That's the way the numbers say it should be.

Estes: The relocated channel, you've got a future box culvert by others, does your relocated channel go under Persimmon Street?

Anderson: It would go under Persimmon Street.

Estes: What happens after it passes under Persimmon Street?

Anderson: It goes back to the natural channel. That's what I was just talking about. When Marinoni develops the channelization will go on and then there will be another box culvert immediately under Rupple.

Estes: This existing channel is marked by the shaded large hash marks, is that correct?

Anderson: That's the floodway. Those two lines here is where water comes down. You can kind of see it on this. It's not a real well defined channel. We were really surprised to find it was on the map.

Hoffman: Jim, I have a question for you. Is there a reason to think we are going to need to require off-site improvements before Persimmon is put in, to handle this drainage? We are just kind of re-channeling and stopping at the property line and saying it's just going from there before all this other development is done. Have you looked at that?

Beavers: No. Persimmon is a future unknown base. I have thought about making sure that the way this channel permeates, I think it ought to be some kind of a pool, a weir structure or something to slow the water down and try to reduce the erosion on Mr. McBride's and Mr. Marinoni's property. That would be a final design submittal. We haven't got to that yet.

Hoffman: As our ordinances stands now, on a large scale we have to have that before we can approve the plan?

Beavers: No. That's really an erosion control issue.

Rogers: I also have a question or statement. By redirecting this floodplain, that's also going to cost the City more money for two blocks more.

Hoffman: That's why I asked if you were bypassing the detention pond. A lot of engineers don't understand. I would sure like to know more.

Hesse: The detention pond is basically designed to take all of our increase pavement impervious areas and all we are doing is channelizing the off-site, all the upstream stuff and taking it around this.

Hoffman: That currently goes where the football field is.

Conklin: The purpose of the channelization is to be able to build a parking lot where the floodway currently exists and build a football field where the current floodway exists. To do that you have to move it. They are just moving it. I guess my question is, where does the channelization end, is it at the property line right here or does it go across Persimmon?

Anderson: It would be at the property line.

Hesse: We've talked with Mr. Marinoni who's very willing to work with us. I'm sure we could get a temporary drainage easement from him for construction.

Anderson: That's what Jim was alluding to when we talk about signatures. It's our intention that Mr. Marinoni sign something as well as the power company because those are the beginning and end of our channelization, we will obviously have to be worked on. The other thing that Tim brought up and just so everyone is clear, where we begin the channelization and where we end the channelization are to the two end and beginning of the existing channel as they come onto this. We are not moving any place else different. They are entering and existing our property in the same place.

Hoffman: You are not making it go faster by re-channelization.

McNeil: Her statement, we are not creating more culvert for future development because we are starting and ending in the exact same place where it starts and begins right now.

Hoffman: Actually you are because when the property is developed because of your re-channelization, there will be two culverts.

McNeil: There will be anyway.

Anderson: There would have anyway because there is a floodway there anyway. The floodway downstream stays the same, the floodplain stays the same downstream.

Hoffman: I'm beginning to get a grip but not much of one this morning.

Conklin: Since we haven't seen your conditional letter of map revision, I want to ask a question. You are not impacting the floodplain or floodway off-site right? All changes to those boundary lines are on site?

Hesse: Yes.

Conklin: I would request that.

Hesse: That's a requirement of FEMA.

Conklin: I don't want to sign a piece of paper with the boundaries changing someone else's

property. Thank you.

McBride: How does the drainage down Rupple Road affect this? There are already culverts coming down Rupple Road now that come all the way from 16. That created part of our problem, I think, in the fact that water from 16 comes all the way down. We are looking at eventually all this 90 acres that we talked about earlier, is it all going to come to this one point?

Beavers: When we design Rupple, if we end up picking up all that water whether it's in an ditch or pipe, eventually it will get three blocks down to this corner. That's our concern, this is one little piece of property. You start adding on all these other development and they are going to come to this one point then we really create a major funnel.

Hoffman: As properties develop and create more runoff, there is a natural occurrence of that and you have undeveloped properties at the very end of it, does that mean they end up with bigger detention ponds? What do they do?

Beavers: As the other property develops they may require detention.

Hoffman: Upstream it's retained.

Beavers: It should. There may be a case where we need a regional detention or something. We might need to look at that.

Hoffman: That might be a thing to look at because we've got several large tracts that could conceivably have that that could be incorporated into some landscaped area or something like that. At this point, is there any other member of the public that would like to address us? Let's go on and touch on Commercial Design Standards and then come back and try to fit all the drainage and utility issues into a motion.

Conklin: I think I'll let Hanna McNeil go over those.

McNeil: That's a front elevation of what the building will look like coming off of the circular drive with a canopy. Basically the way that this building is designed it's several buildings that come together and that's what you are seeing in these different elevations. As an example, you have a gym that comes out so you have one section.

Hoffman: Where is that on the plan?

McNeil: If you are looking here, this is the main entrance coming in and this over here is a leisure pool, this is a gymnasium and this is a gymnasium. Then this over here is kind of a multi-purpose, arts and crafts and classroom at this section. You have some big structures so what we have done is we've designed it so each of these kind of look like a collection of buildings. It's not one huge mass building, it's broken down so it sits more to scale, especially depending on how much residential you get around. Since it is a Boys and Girls Club, they want to encourage it so it's a little bit more lower scale. There is a variation in materials anywhere from brick to EFIS, to metal. What we are basically doing is each of the elevations has a different appearance. All have similar in common but we are changing it because we don't want it to look like one big massive building. That's kind of what you are seeing here.

Hoffman: You'll need to bring a materials board.

Conklin: It helps the Commission. I guess it's a requirement. They are asking you for a materials board.

Hoffman: We usually get one and this is a really important project.

Conklin: Most architects bring sample boards.

McNeil: This is the first time.

Conklin: I didn't tell you that.

McNeil: You didn't.

Conklin: In defense of Hanna McNeil, I told her to bring the elevations. I'll start making sure I tell everybody to bring sample boards.

Hoffman: I think it would be great.

McNeil: I don't have a problem putting one together but I will be very honest, I'm just going to throw one together.

Hoffman: Those things are going to change. If you change manufacturer's and specifications and things like that but they need to stay in the general tone of what the Planning Commission approves because if we approve a blue roof and you come back with a red one, he's going to send you back to Planning Commission. That's what I mean.

McNeil: I'll be honest. In this scene right now, I've shown the roof all one color. We are not going to do real bright roofs or whatever but we may do some variations on the others so they look like collections of smaller buildings and it's a broken down scale. I don't have a problem doing it, I just know that we'll be back because there is no way at this point I'll have anything.

Conklin: I don't think it's that big of a problem. If you don't think it's a problem coming here at 8:30 in the morning.

McNeil: As long as I don't have to go through the whole process.

Conklin: Only Subdivision. That's what I typically do to take the heat off of my own architectural desires.

McNeil: We would like to look at using three or four different colors of brick, they would all be variations but, at this point, we really haven't gotten into how that pattern is going to work out. I'll be glad to put something together.

Hoffman: This building is going to be a really important civic use to the City of Fayetteville. I think that citizens have a right to see what's going to be planned and what it's going to look like.

McNeil: This is a big project for us. It's an important one that I've worked on for 2 ½ years now. Trust me, we will put ultimate care into the design.

Hoffman: I understand.

Estes: I would like to emphasize what you just said, this is going to be the anchor project for this developed area once it's done. It's a considerable amount of public money going into this. I compliment you on what I would say is your overall design scheme of the separate buildings and the articulated lines. I think that's a very good idea. You do have a substantial project to work on, as I know you are very much aware, it's very significant.

McNeil: The other thing we talked about, we built a model and we could bring that to the Planning Commission.

Hoffman: That would be great. Put in on the floor in front of us.

McNeil: It will show you how the roofs are broken up and how this things works around. I would be glad to bring that at that point.

Conklin: For the record, do you have any metal sidewalls?

McNeil: We are considering some metal sidewalls up high. I think again when we look at the model, there are areas way in here that you will never really see. It's going to be a cost issue of doing some metal panels.

Conklin: That's what we are worried about. It looks really great on this piece of paper.

McNeil: You can't really tell here but if you look, this building way back here, you won't really see it ever at some point, you may see a little portion of where the skylight comes around and reflects the climbing wall. Some of those we are looking at because it's a huge cost issue to put EFIS way up there and it's also a maintenance issue. There are some things we are looking at metal panels.

Hill: My name is Mike Hill, I'm on the Board. One of the concerns we have, we want like everyone else would when we build a project, to be as maintenance free as possible. Obviously, from an EFIS standpoint, being out there and my concern is and I know things have improved over the years, in homes and other construction, there are certain people that don't allow EFIS as much as possible. It gets hail storm damage, you get mold in this part of the country. Where it's great in California, it's not real good in this humidity and mold processes here. Our concern is that whatever product we put up there is something that won't look unsightly 25 years down the road. Those are the issues and nothing has been completely decided but our feeling as a Board is that we look at something that doesn't have much of an aging process. That's all.

Estes: Specifically, Hanna what I was looking at is the north and east elevation, I understand the refinish metal but if you are going to use that, if we could somehow get away from just that flat unarticulated surface.

McNeil: We would run reveals. Even if this is EFIS, we would articulate certain joints because it's such a big building, you need to do stuff to break it down.

Estes: That is not showing on the east and north elevation. There is some of that on the southwest elevation there on the tower.

Hoffman: A reveal, you are talking about a depression in the joint, so it's really not by a window

or anything?

McNeil: No. It's not a window but it could be that based on a scale that reveal is 12 inches high and we accent it with a different color. Even if we did that with metal, we would do the exact same thing, change materials color so that the same affect would be there.

Estes: I don't know how to spell architect, but it would seem to me that EFIS is not the best selection in materials.

McNeil: It's not something that we really looked at but the City Council has a problem with the metal panel.

Hoffman: We need to move this meeting along. I know that you are going to come back to Subdivision Committee with design revisions on this, let's leave it at that, can we? She doesn't really know what she's going to do yet. We are going to go ahead and go forward on the project but she's going to come back on the Commercial Design Standards as she develops. If that's okay with everybody, I'm going to leave that part of it to be determined, to make that clear at Planning Commission that we are approving a general design that certainly is broken up into many different facets.

McNeil: I'll be glad to bring the model.

Hoffman: Do that. We'll just say it's not completely designed and we want everybody to be involved in this design process as possible. They are all welcome to come back to the Subdivision Committee when we know more about the materials. Does anybody else have anything to say before I try motions?

Ward: Don't we have variances to run over real quick. The first one we are looking at is the variance for the driveway from 24 to 30 feet and they are asking for a wider drive aisle because of school buses and so on turning in and out of there.

Anderson: Yes. There are several issues there. We think that aesthetically it sets up the easements a little better and makes the entrance seem more important. We have school buses. All the parking lots basically empty into that. We think it's a safer deal if it were a little bit wider.

Ward: I know personally that's something allowable. It looks to me like you have as much parking as you can get for these kind of clubs as needed. You have two football fields, that brings on 500 or 600 cars because every kid out there is 8 cars.

Anderson: We don't think we are over parked.

Hoffman: I think you've done a good job breaking that up with islands.

Anderson: We wish we had more parking.

Ward: I guess there is also a variance for channel bend radius. It's more of an engineering decision I think.

Hoffman: Would you recommend that Jim?

Beavers: Yes.

Ward: Is there any other variances to discuss?

Conklin: No.

Anderson: The conditional use for a youth center on an A-1 property?

Conklin: That's Planning Commission.

Hoffman: We'll recommend it. Personally I would have liked to spent more time looking at this and I will do so before the Planning Commission meeting. I would like to say that it is certainly needed. My son is grown now, and used the youth center facilities for games and activities and it has certainly outgrown. I have a question, what's happening to the old youth center?

Hill: I can tell you that right now the land is owned by the Fayetteville Public Schools. The building has been built over the years. There were certain agreements that said that "At the point in time that the facilities are no longer used for recreation, it would revert back to the school." We have been visiting with the schools, talking with the City about what the process is because obviously the youth center can't afford to have both sites. We are working along those lines that in combination with working with the City and the Parks and Recreation people as well as the school, the agreement was in place that it reverts back to the school.

Hoffman: Thanks. Do you want to try a motion?

MOTION:

Ward: I'll go ahead and make a motion that we approve and forward to the full Planning Commission LSD 01-4.00 Fayetteville Youth Center for the Fayetteville Boys and Girls Club, with all the conditions that we've addressed the main seven and there are some things like you need to get the signatures for the grading permits that are needed and number five, water to be extended by the City from the Meadowlands Subdivision or could come down Rupple Road, could be added on there or a few things like that. I think we'll go ahead and say at Subdivision that we support all the variances that you are requesting as far as the radius for the creek bed, the wider drive aisles and so on, get the drainage study stepped up as soon as possible so you can sanctify the adjoining property owner's concerns and make sure we put on the plats all the added things we talked about during this discussion, the wetlands and so on, subject to all the federal regulations.

Estes: I second.

Hoffman: Thank you all very much. We appreciate it and look forward to seeing you at the Planning Commission.

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, Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: March 21, 2001

CU 01-2.00: Conditional Use (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of John Benberg of Fayetteville Youth Center Inc. DBA Boys & Girls Club of Fayetteville, Inc. for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 14.93 acres. The request is for a commercial recreation, large site (use unit 4) in a A-1/R-2 zone.

RECOMMENDED MOTION:

Staff recommends approval of the conditional use subject to the following conditions:

1. **Planning Commission approval of the proposed large scale development (LSD 01-4).**

2. **Lighting for this facility shall comply with §172.01(C)(4) and light poles shall not exceed 30' in height. If lighting for ball fields is proposed in the future, a request shall be submitted to the Planning Division for review and approval.**

   *4. **Illumination of Parking areas.** Parking areas may be illuminated. All lighting shall be: shielded and directed away from adjoining properties; attached to on-site buildings or fences where possible; and shall not be excessively bright or cause a glare that would be hazardous to pedestrians or vehicles. Only high pressure sodium lighting or energy equivalent are allowed.*

PLANNING COMMISSION ACTION: **Required** **YES**
O **Approved** O **Denied**

Date: **March 26, 2001**

Comments: _____

_____

_____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-26-01\youth_ctr.wpd

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting a conditional use to permit the location of a youth center (use unit 4 - Cultural and Recreational facility) within the A-1, Agricultural zoning district as provided by §161.03.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: **The Planning Commission is empowered by §161.03 to grant the requested conditional use.**

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: **The granting of the conditional use with conditions and safeguards as recommended for the conditional use as well as the large scale development will not adversely affect the public interest.**

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: **The applicant has complied with specific rules governing the requested conditional use.**

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to

automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: **Refer to large scale development.**

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **Refer to large scale development.**

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: **Refer to large scale development.**

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: **Refer to large scale development. Utilities were reviewed by City staff as well as utility representatives and requirements were made at the time of development review.**

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: **Commercial design standards requirements for landscaping along front property lines provide for a landscaped area along the west and south sides of this project.**

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: **Wall signage has been proposed and is reflected on the elevations of the building for Commercial design standards review.**

(g.) Required yards and other open space; and

Finding: **The project complies with yard and open space requirements of the A-1 zoning district.**

(h.) General compatibility with adjacent properties and other property in the district.

Finding: **Adjacent properties are or are predicted to be residential. The project has been designed to be generally compatible with residential development. The elevations of the structure must be reviewed and approved by the Planning Commission with regard to Commercial Design Standards requirements.**

§161.03 DISTRICT A-1 AGRICULTURAL.

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished;
prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum: Residential Nonresidential	 2 acre 2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building

which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

ENGINEERING DESIGN ASSOCIATES, P.A.
134 WEST EMMA AVENUE
SPRINGDALE, ARKANSAS 72764
501-756-1266
FAX: 501-756-2129

February 16, 2001

Mr. Tim Conklin
Senior Planner
Planning Department
City of Fayetteville, Arkansas

RE: **Conditional Use Permit**
Boys & Girls Club

Dear Mr. Conklin,

Please find attached an application for a Conditional Use Permit for the above referenced project. As stated in the application the request is for the City to allow the conditional use of "commercial recreation, large site" to take place within an A-1 zone. The Project Area will consist of 3 separate lots. The Boys and Girls club will own a 9.51 acres tract containing the building & most of the associated parking. The City of Fayetteville Parks Department will own the other 2 tracts totaling 5.42 acres for a total project area of 14.93 acres. Land immediately to the South of the project is not within the current city limits.

As the associated Large Scale Development plans indicate the development proposes a single building occupying 73,787 square feet of the site but containing an 11,769 square foot mezzanine for a total heated square footage of 85,556. The preliminary site plan calls for 326 parking spaces which is felt to be a sufficient number to serve a facility of this type. A parking summary appears on the LSD plans.

The hours of operation for the center will be 9:00 am - 9:00 pm Monday through Friday, 8:00 am - 9:00 pm Saturday, and 1:00 pm - 6:00 pm on Sundays. There will be approximately 20 to 25 employees during peak hours. The Club anticipates a membership of 3,500 to 4,500 with an average daily usage of 175. Peak hour usage will be from 4:00 - 5:00 when 250 members could be using the facility.

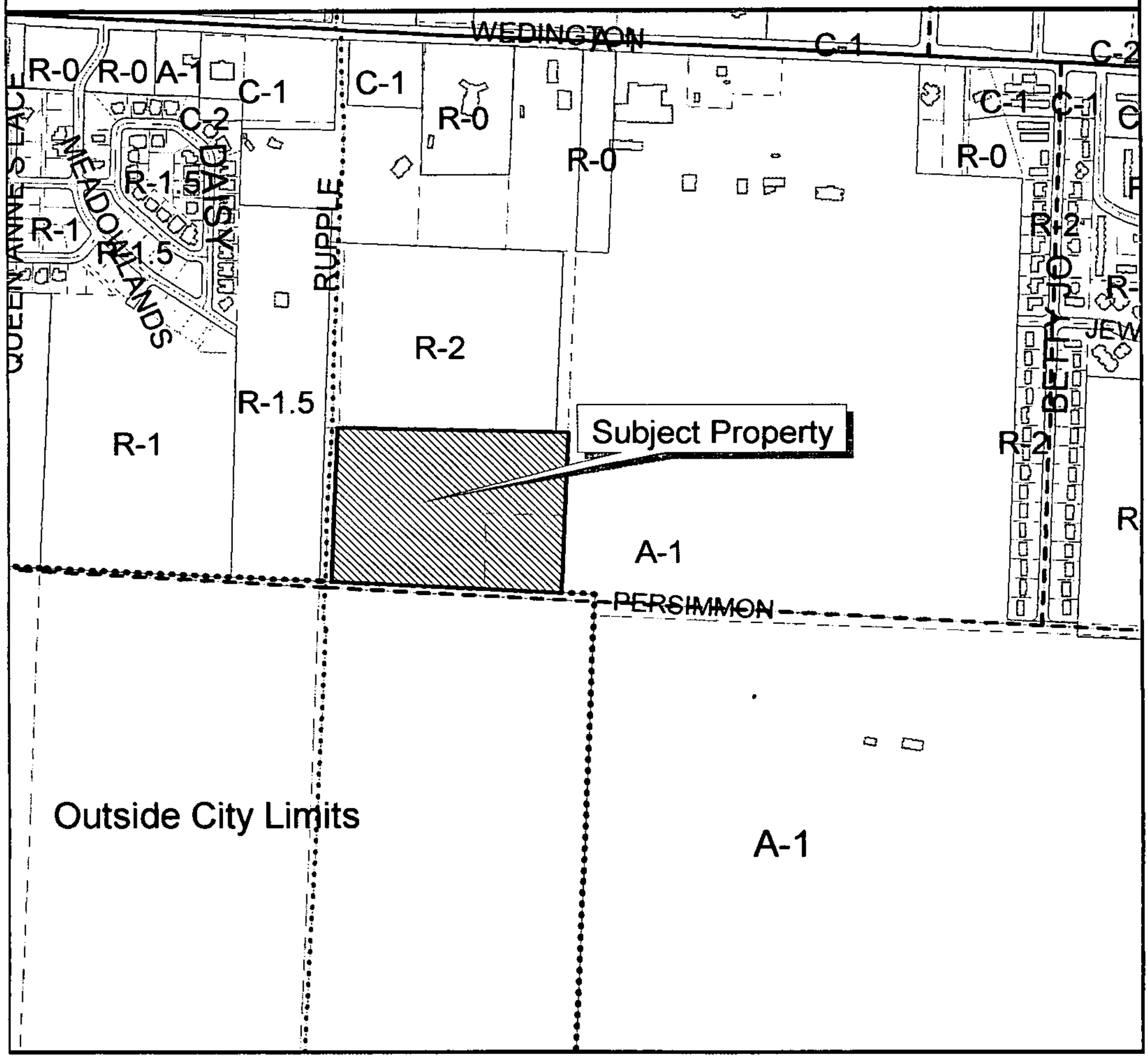
Site lighting will consist of cutoff lighting fixtures directed downward to the parking areas and low bollard type lighting near the building. The playing fields will not be lighted at this time and security lighting for the building has yet to be determined.

I hope this will allow you to complete your review. Please do not hesitate to call should you have any questions or need additional information.

Sincerely,

Andy Feinstein
Project Manager

CU01-2 Fayetteville Youth Center Close Up

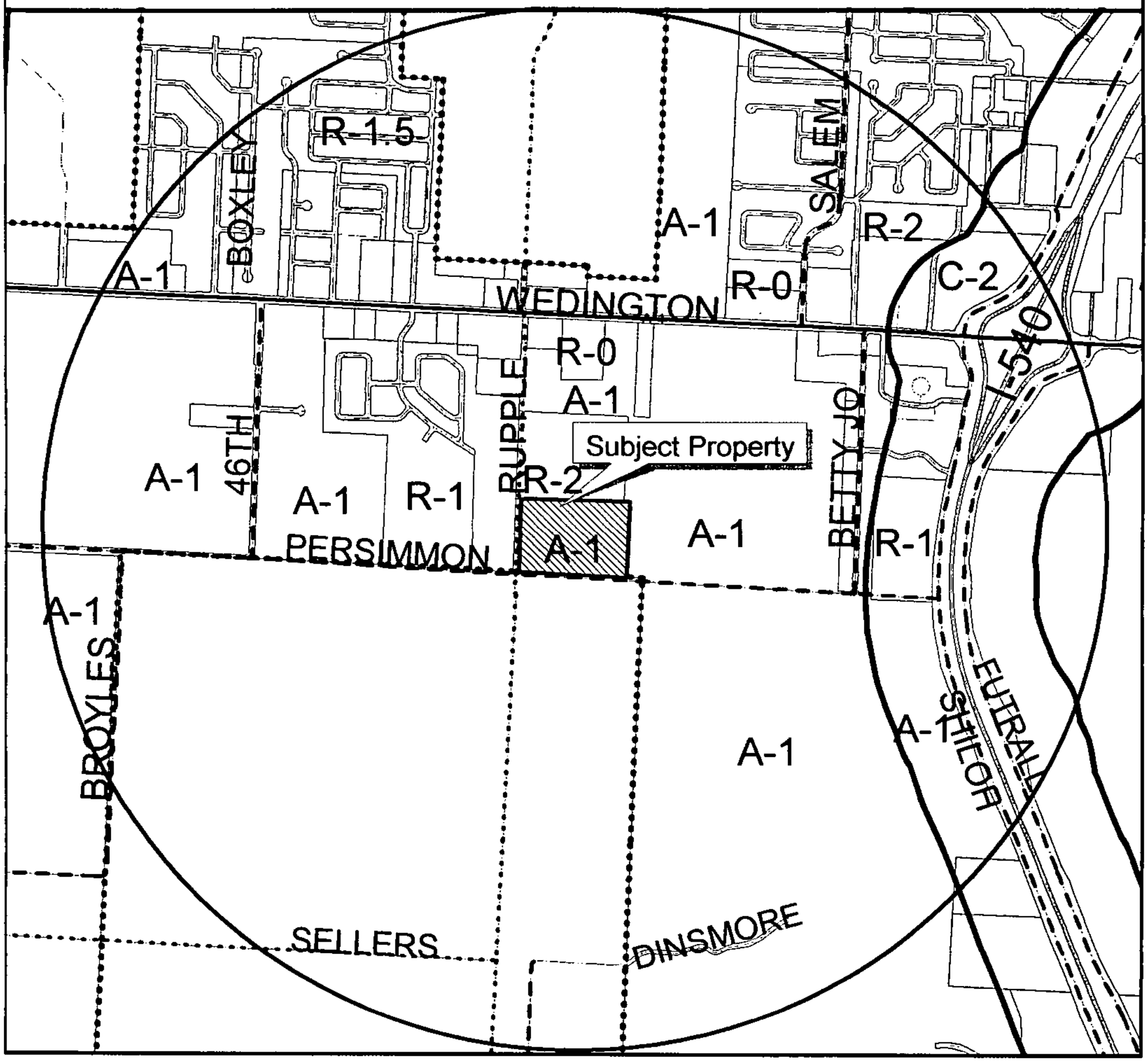


Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Structures (1998)
- Fayetteville City Limits

500 0 500 1000 Feet

N W E S

CU01-2 Fayetteville Youth Center One Mile Radius



Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historical Collector
- Design Overlay District
- Fayetteville City Limits

0.2 0 0.2 0.4 Miles

N W E S

CU 01-2.00: Conditional Use (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of John Benberg of Fayetteville Youth Center Inc. DBA Boys & Girls Club of Fayetteville, Inc. for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 14.93 acres. The request is for a commercial recreation, large site (use unit 4) in a A-1/R-2 zone.

LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Odom: The next item we have on the agenda is related, it is a conditional use. It is item number five on tonight's agenda, conditional use 01-2.00 submitted by Mike Anderson of Engineering Design Associates on behalf of John Benberg of Fayetteville Youth Center Inc. DBA Boys & Girls Club of Fayetteville, Inc. for property located south of Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 14.93 acres. The request is for a commercial recreation, large site (use unit 4) in a A-1/R-2 zone. Staff's recommendation is for approval of the conditional use subject to the following conditions: Planning Commission approval of the proposed large scale development (LSD 01-4). Lighting for this facility shall comply with §172.01(C)(4) and light poles shall not exceed 30' in height. If lighting for ball fields is proposed in the future, a request shall be submitted to the Planning Division for review and approval. Staff are there any further conditions of approval?

Warrick: There are no further conditions. I do have one correction in the description of the project and that is that the site for the Youth Center project is located solely within the A-1 zoning district and that R-2 is incorrect.

Bunch: Can I make a recommendation at this time? That we look at the LSD simultaneously with the discussion on the conditional use since the findings on the conditional use all reference the large scale.

Odom: Staff, we may need two votes but it is okay that we give consideration with regard to the LSD at this time?

Conklin: Sure if that will help you better understand.

Bunch: I recommend that the votes be separate but we go ahead and consider since all the

findings say refer to the large scale development.

Odom: As we consider this project we are also going to be considering LSD 01-4.00 the large scale development submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility. Staff's recommendation is for approval subject to twenty conditions listed below. Staff, do you want me to read the twenty conditions of approval?

Conklin: Yes, I think it would be beneficial to the public.

Odom: Item number one, Planning Commission determination of off-site improvements required as part of this development. Staff is recommending that the applicant not be responsible for any off-site improvements. Please note that the City has expressed an intent to construct Rupple Road south of Wedington to the Fayetteville Boys and Girls Club as a two-lane street. However, the final determination and approval, including the funding for the street, requires future approval by the City Council. Staff is also recommending that no improvements be made to Persimmon at this time. Item number two, construction traffic to the Fayetteville Boys and Girls Club may not access the proposed Rupple Road extension during construction of the proposed street. Access for construction of the Fayetteville Boys and Girls Club will be provided by means of a separate haul road which will be designed by the private development engineer and coordinated with the City. Item number three, approval shall be subject to approval of a conditional use allowing for a recreational facility in an A-1 zoning district. All conditions of approval contained as part of the conditional use approval will be required to be met as part of this large scale development. Item number four, approval shall be subject to Council approval of the lease agreement allowing for the Fayetteville Boys and Girls Club to utilize City park land for parking and other facilities. Item number five, the site plan shall indicate the landscaping required along the future extension of Persimmon Road in compliance with Commercial Design Standards. One tree per every 30 feet and a continuous planting of shrubs is required along Persimmon. Item number six, no freestanding signs shall be permitted. A monument sign will be allowed in compliance with the Sign Ordinance. Item number seven, a floodplain development permit, conditional letter of map revision, and Section 404 permit from the US Army Corp of Engineers are required for this project prior to any site work. A letter of map revision is required to be submitted prior to a Final Certificate of Occupancy. Item number eight, the proposed relocated channel shall be designed to be as "soft and natural" as the layout will allow. The channel lining shall consist of plants. If armoring

of the bends is required, such armoring will use a product which can be hidden with turf or landscaping. Rip-rap will not be used as a channel lining. Item number nine, the Parking Regulations do not adequately address parking for this type of development. Therefore the applicant is proposing to evaluate the number of parking spaces based upon similar uses in other cities. Item number ten, bicycle parking racks shall be provided in accordance with §172.03 Bicycle Parking Rack Requirements. Item number eleven, the applicant is requesting a waiver for the driveway entrance width. The applicant is requesting a 30 foot wide driveway. The maximum allowed is 24 feet. Item number twelve, the water extension will be designed by the development engineer and funded by the City subject to approval by the City Council. Item number thirteen, the applicant is requesting a waiver of section IX.2.2.4 of the Drainage Criteria Manual in order to have a channel bend of less than the 10 times the bottom width as required. Item number fourteen, Planning Commission determination of compliance with Commercial Design Standards including signage. The applicant is requesting to use brick, EFIS, and metal siding. The final color choices have not been finalized. The applicant will submit the final colors to the Subdivision Committee for approval. Item number fifteen, as of March 21, 2001 a proper Preliminary Grading Plan application had not been received. Such application was requested prior to the March 26, 2001 Planning Commission meeting. Item number sixteen, approval of the preliminary plat PP 01-2.00: McIlroy and subsequent final plat to create the tracts of land for the Fayetteville Boys and Girls Club and City Parks Division. Item number seventeen, Plat Review and Subdivision comments (to include written staff comments mailed to the applicant or his representative, and all comments from utility representatives). Item number eighteen, staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements. Item number nineteen, Large Scale Development approval to be valid for one calendar year. Item number twenty, prior to the issuance of a building permit the following is required: a. Grading and drainage permits; b. Separate easement plat for this project; c. Project Disk with all final revisions; d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy. Staff, do we have any further conditions of approval?

Conklin: There are no further conditions of approval. Thank you for reading those twenty conditions your last night on the Commission.

Beavers: Item number 15, I requested that be on here. That's an item for discussion and not a condition of approval. I would request that you remove that as a condition of approval and something that we can discuss later during the meeting. That references a preliminary grading application. That's something I think we should still talk with the applicant but it was wrong for me to request that be a condition of approval.

Odom: I will remove item number fifteen as a condition of approval but it will remain for discussion.

Beavers: Thank you sir.

Odom: Would you like to make any presentation at this time Mike?

Anderson: I don't know if you had a chance to take a look at this. In your packets you probably have a plan that has a little more detail and here is an idea of floor plan. I think you can all see the model, if you had a chance to look at that. We talked about a bunch of the issues. Part of the land is owned by the Boys and Girls Club and the rest is to be owned by the Parks Department. It is a cooperative effort between those groups. One of the things Commissioner Allen talked about earlier or asked a question about wetlands, we have had a wetlands determination on the site. When I talk about the site, it's tracts 4, 5 and 6 of the preliminary plat that we just looked at. We had approximately 1/10th of an acre of wetlands that was delineated and accepted by the Corps of Engineers on tracts 5 and 6. We are in the process of doing some kind of mitigation for that, we are not exactly for sure what that is. It is probably going to be related to channelization that we are doing when we talked about the CLOMR. One of the things that we are doing on the site, currently there is a FEMA regulated floodway that runs through the site and what we are talking about doing is relocating that channel along to our southern boundary. Part of that relocation we would be doing some mitigation for the wetland. Basically, I'm here to answer some questions. Have we talked about the conditional use or the waiver that we are asking for?

Odom: We'll do the questions after the public comment.

PUBLIC COMMENT:

Odom: Let me ask, at this time, if there is any member of the audience that would like to

address the large scale development, please come forward at this time.

Moorman: My name is Barbara Moorman, 3450 Finger Road. I heard someone say a little while ago that we are in the business of planning but I believe that this entire project has happened without the kind of overall planning that's required by the 2020 Plan and by the City Code, the UDO, which requires that your plans promote a compact city, you promote connectivity, not just for cars but for pedestrians and bicycles, that you consider significant environmental resources and that you plan your developments where there is already existing infrastructure. I think there have been so many irregularities in this particular process that you ought to see some red flags. The question about the site and why it was chosen, back in 1997, there was a proposal presented for Meadowlands III. At that time the hope on the part of the developers was that the middle school would go right where the youth center is planned now. When the City didn't want to extend Rupple Road for the middle school at that location and the middle school was moved north on Rupple Road, the youth center moved in to fill the vacuum. At the time that this was going on, one of the owners at that time who is no longer one of the owners, Butch Robertson, said and this is from your minutes February 1999, "What we are trying to do is something really positive for the western side of Fayetteville. It really needs a shot in the arm." So that was the view back in 1999. In 1997 when the hope was to have the middle school there, the middle school was going to be the shot in the arm. I do not necessarily think this is true myself but I know the perception exists on the part of some people and you really need to dispel it, if it's false, that the site was chosen for promotion of development on the west side of Fayetteville, which of course can't help but take off with the attractions of the middle school and youth center. The irregularities that I'm talking about that have to do with the site, the site was officially selected by a committee that was chosen by the youth center, as far as I know it was not chosen by the City. Certainly it was not chosen by the City Council. I don't think that you chose it either. The City did contribute $80,000 to the conducting of that study. That was begun in the summer of 1998. The use of this 9 million dollar grant from the Reynolds Foundation to impose this particular site on the City I think is questionable. I've never seen an explanation of why the Reynolds Foundation is insisting on this particular site. I haven't even seen evidence that they are insisting on this particular site but this is the common perception. I don't think the City needs to violate the principals on the 2020 Plan just to get the money and obey the dictates of a foundation headquartered in Las Vegas. Other irregularities that I see in this process, the wetlands for instance, they were not even investigated until the 30th of November, that's after the deed was granted to the youth center which happened in the previous month. This project was all accepted before there was any wetland determination made on this site that's already a floodplain. As far as the streets

go, I've never seen any approval by the City Council of the street plan, however, reference has been made to agreements with the previous administration that you all are trying to honor and indeed there were agreements but I think they were rather irregular agreements. There was a letter from the former Mayor, a letter of understanding, promising to support infrastructure payments by the City, and this is a quote, "I will recommend to City Council that the City fund the remaining cost of the street [that is Rupple Road] and that the action you are taking with the Youth Center cover any upcoming development costs you have in the Meadowlands Subdivision that pertains to Rupple Road." Yet, you all don't have in front of you that kind of vaporous Meadowlands III which was proposed and then withdrawn before it even got to you, that was back in 1997 that happened. The land bank is another issue. This banking of six acres toward future development in the southwest quadrant, you don't have a subdivision on the table so you don't know whether that six acres satisfies a requirement for the subdivision or not. Then there is a reference November 28, 2000, in an agenda memo for a Parks Board meeting that states that the City has agreed to fund street improvements by constructing Rupple Road at an estimated cost of one million dollars. This same document mentions other infrastructures that I don't think the City had committed at the time and I've never seen commitment approved by the City Council. I gather what you just did was say it doesn't matter. I think that's reflective of the chaos of the whole procedure. I think the main issues are the site, how it was chosen, why it should have been chosen and why there was such a rush to choose it and I think the lack of regular approval. You've just seen the lot split situation and you just regularized it but it started out in 1996 with that first grant of parkland to the City and there was never a legal lot split then. It's been going on since 1996, all these lot splits. I know you just regularized it but I think that's just part of the sort of upside down backwards way things have been done here. I think that all of these things have been more or less incremental, one thing is done irregularly and you say "Oh well that's done so we have to do the next thing." It all adds up to a great big decision that's going to affect, just think of the traffic on Highway 62 and that's minor in my view but it's a pretty major disruption. I think this needs more study. I think there is no urgency. I think you need to find out what's proposed for the rest of Meadowlands. I urge you to stand back to think, to review, to study, to get all those past agreements in front of you. Somebody said you didn't have them, you certainly should have and put your house in order before you act on this. Thank you.

Odom: Any other member of the audience wish to address us? I also ask that if any member of the audience has a cell phone or pager with them that they turn them off. It's disruptive for them to go off during the meeting, I've heard them go off twice now. You may listen outside the room and you can hear us from the glass if you wish them to

remain on.

Garcia: David Garcia, 120 N. Block just off the capital square here. I'm also a member of the City of Fayetteville's ad hoc neighborhood outreach committee which you may or may not be familiar with. That's a new committee that has been charged by the Mayor with looking at the communication between government and the City residents, looking at problems with miscommunication and how citizen access to local government can be approved. I can by no means speak to you as an official member of that committee or speak on behalf of that committee. There is no way in which I am authorized to do that. I did want to mention it because I did want you to know that for the past several weeks, I've been one of the group of citizens that's been looking at questions of communication between local government and local citizens. There is some communication from local citizens that you should perhaps be aware of in considering this proposed youth center. I heard one of the Commissioners say that this project was fairly problematic and I would say that I would have to agree. For example, I know of one local media outlet that is investigating the relationship between members of the Hanna administration, the McIlroy family and the youth center and park center board to see if there are any financial relationships or financial benefit to be gained by any of those parties out of these unusual unorthodox arrangements. I have no idea the reporters from that media outlet will find anything or not but I would say that makes this project very problematic. I can tell you from attending various community meetings and a number of other City committee meetings that wetlands issues are becoming very serious in the City of Fayetteville, that people are starting to pay very close attention to them and you should know that they will not be treated as lightly by the rest of the City government or by the City's residents as they have in the past. So, wetlands is a very serious topic. Finally, again in several community meetings and discussing this project with some folks that do a lot of work with low income residents in the city, I've heard an increasing mutter, an increasing background upset about the location of this youth center, about why it's not being located in south Fayetteville where it is very much more obviously needed at this point in time, low income kids. A lot of low income kids that would have much more difficulty getting out to the proposed center than they would some place like the park on the south side of town. So, there is a growing concern about this project in the City. As one of those who's looking at communication between government and citizens, I'm communicating that to you that this is a problematic project. Thank you.

Odom: Any other member of the audience wish to address us at this time?

COMMISSION DISCUSSION:

Odom: Seeing none, I'll close the floor to public discussion and bring it back to the applicant for questions and comments of the Planning Commission. Jim, do you want to go ahead and begin the discussion with the item that you had previously slated as condition number 15?

Beavers: Yes sir. Thank you. The grading plan application is a form that was put together by Engineering some years ago and we revised it after the CMN and Kohl's large scale went through. We have a problem and I think it's a technicality that Engineering can just work with the applicant on in that the owner of that property, until you get the final plat, and rarely for a preliminary application might be that you have to have Mr. McIlroy sign it as a property owner and the City to sign it as a property owner, a lot of the grading is on the City property. This is a form that Engineering came up with some years ago, it's not in the ordinance, it does not allow any construction to happen and I would just say that when you get ready to submit your final grading plan that we get together and make sure that all the property owners are represented properly on the final grading application. It should just be an item for discussion and not a condition of approval.

Odom: Mike, do you have any comment or questions on that?

Anderson: No. We have had a bunch of discussion about. We have neighbors to the east, Ozark Electric and to the south is Paul Marinoni and obviously where the creek comes onto us and where it exits us, it will affect them somewhat. I think, at the very least, if they don't sign the application that we have some kind of understanding that everybody knows what it is that we are doing and is comfortable with that. We'll work with the staff with whatever they need.

Odom: Any Planning Commissioners have any questions of the staff and the applicant with regard to that issue? Commissioner Shackelford was poking fun at me on item number eight, a condition of a approval, the proposed relocated channel shall be designated as soft and natural, do you want to tell me what exactly you mean by that? It sounds like a shampoo or something.

Beavers: You have a natural drainage way out there right now that's very shallow and does include some wetlands either in it or close by and we don't want to see a ditch there. We want to see the new channel which will be much larger in size and relocated to the property line, to look as natural as we can get it. In particular, administration has

expressed the desire to limit or not allow rip rap where we can get away from it. That's why there were comments. There are many other products in there that can be used besides rip rap and have the channel look more natural.

Anderson: If I might address that. We are also in the process, not only getting approval from the City but we need to get approval from the Corps of Engineers and respect a 404 permit to do the work. That is one of their comments also, they would like it as natural as it can. What we are going to do is accommodate that and meet with the Corps next week, we've got some ideas to go over to make it look more natural, work with the Corps of Engineers. Everybody has a concern about that. When we first looked at that channel, our first response was what quantity of water do we have coming and what size ditch does that require? We basically did just a channel down through there. After getting everybody's comments, I think that we are in agreement, we would like it look more natural. In respect of that, one of the things we are looking at doing, we talked about the wetlands mitigation, the Corps of Engineers would like us to create some wetlands within the channel to do some mitigation and actually do some plantings within the channel and within the channel banks to make it more natural. There is another requirement that the Corps of Engineers has that we are working with, is that they require a buffer adjacent to the channel that is left natural or allowed to back into a natural condition. That's another aspect we are going to work with to soften that and make it more natural. I think we'll be able to accomplish it.

Odom: We want more than natural, we want soft and natural. Did you have any other items on the conditions of approval that you wanted to cover?

Anderson: No. I think everything here we had discussed pretty much. We've had several meetings with the staff, they have bent over backwards to meet with us and help iron out all the difficulties with the site and with the whole process. I appreciate their major effort.

Marr: I have a question of condition 9 that there is not enough adequate parking. One of the things I don't like is leaving it fully open-ended which is what this appears to be to me. I also heard in the earlier part of the presentation that you wanted to develop a site where there is more walk-in traffic. I guess I want to understand a little bit better, what is the requirement on what you think we are going to ask for, as I'm looking at the drawing there is a number of spaces there, versus what the allowance is? The other thing is I do support this project, I do not support the method in which we've gone about some of this. I believe that there should be a time when you have such a close alliance between the Boys and Girls Club and the City that obviously there are things

that they are going to work more closely together on than maybe a for profit business. I don't want to do that at the expense of a for profit business. I also think that the City should use it as an example to follow the processes. I still feel the same way even though I voted for the last one, I will vote for this one. There is just a lot of open-ended stuff in here still. We are talking about a large scale item and normally I'm the parking police on the Planning Commission, normally I'm wanting more parking for places, even that is open-ended. If you could speak to that a little bit.

Anderson: It doesn't say inadequate, it just says that at this point in time, I don't think we were able to definitively determine exactly what the parking would be required for this. In meeting with the staff, they asked us to look at some adjacent facilities. Also, prior to that, the youth center did their own survey and came up with a need at their current facility at somewhere from 300 to 320 spaces. We looked at the closest facility to this, probably the Jones Center in Springdale. Tim might read that letter.

Conklin: I'll let you read it.

Anderson: This is a letter dated March 5, 2001, to Sara Edwards, "As asked by staff, we have evaluated the parking of the Jones Center in Springdale to better understand our site requirements and what we propose to provide. The Jones Center is a facility of similar uses except we propose one more football field. The total square footage of the main complex and family services center storage building and maintenance building is 287,830 square feet. The total parking provide for all facilities is 712 spaces or one per every 404 square feet. There are 515 spaces provided in the main parking area at the main complex. This is one space per every 452 square feet of the main building. If you were to apply these ratios to the Boys and Girls Club proposed 85,556 square feet, we would need somewhere between 189 and 212 spaces. We proposed to provide 326 spaces, 1 per 265 square feet. We feel that the additional spaces are required to accommodate the overlap in traffic caused by having multiple sport events on multiple fields and courts. Also, the Boys and Girls Club has done parking surveys during the games at their current facilities and have determined a need for over 300 parking spaces." We just kind of looked at that and started looking at the individual uses in the building. I guess there are ratios for those. I was hard for us to determine how many spaces we needed. From the beginning the Boys and Girls Club talked about 300 to 320 spaces and we ended up with 320 spaces. I don't know if that answers your question but we think that we are adequately parked. We don't think we are too underparked or overparked.

Marr: I've never met anybody who's overparked, including my own business.

Conklin: Our parking ratios are very difficult to apply in this situation. We had to approve additional parking at the Gary Hampton softball fields. The ratio that we used there in the beginning did not work, we had people parking off Salem Road onto the grass and all over the place. These facilities and what the Parks and Recreation Division is telling staff, when you have events you have multiple people driving cars. You may have grandmothers and grandfathers watching their kids play sports, multiple people attending these events. Therefore, your traditional one car per family is not the norm anymore. It's important that they do have adequate parking on this site. There is nowhere else to park. You are not going to be able to park on Rupple Road once it's complete. Staff is in support of the numbers that they are showing on this large scale development. Once again, we are always concerned about providing too much parking at these type of athletic facilities that are proposed. Just my experience up at the Jones Center, I believe they are going to need this much parking.

Marr: Can we add that as a number, not to exceed some maximum?

Conklin: Sure.

Odom: Amend condition number nine to read "A maximum of 326."

Marr: Yes. I just wanted to throw that out.

Odom: Do you have an objection to that?

Anderson: No. If we had to we could come back and talk to you again about it so I don't have a problem with that I don't think.

Bunch: About the item ten, bicycle racks. Bicycle racks, I believe, are based on the ratio of number of parking places. If I read the drawing correctly, there is only one place that a bicycle rack is shown, does that reflect the accurate ratio?

Anderson: No, it doesn't. When I read this, it was the first time that I had a clue that there was some kind of regulation. We'll meet whatever that is.

Conklin: Staff is working on getting that regulation to all the engineers and developers out there so they can properly plan for that. I apologize for this developer not having that in front of him during the planning process. It's one of those regulations that after it's passed it does become affective after 30 days. We do need bicycle racks, especially at the Fayetteville Boys & Girls Club. They say they don't have a problem complying with

the ratio we'll have.

Anderson: I'm sure we'll need and use them.

Estes: Mr. Beavers, item number 12, the water extension will be designed by the development engineer and funded by the City, is the City going to pay for the water extension in addition to Rupple Road?

Beavers: Yes sir. There may be some cost share on the water line depending on if it comes from Wedington or if it comes from Meadowlands.

Conklin: That money, $124,000, is included in the 2001 budget approved December 19, 2000.

MOTION:

Estes: I feel somewhat troubled and perplexed at times as we look at these three items and the reason is, there is just not the information available that I would like to have personally and we've heard my fellow Commissioners articulate that from time to time. We've looked at the preliminary plat and we have approved that and that is nothing more, in my mind, an attempt to reduce to plat form previous lot splits to conform with what has been done in the past. We now have before us two matters, one is of course a large scale development which we've been discussing and the second is the conditional use for a recreation facility. When City Council considers this matter they are going to be spending money. I would be in hopes that they would have more information available to them than we have had available to us. I share the concerns of public comment and again I share some of the concerns of my fellow Commissioners. With all of that said, let me do this, I move that we approve Conditional Use 01-2.00, that is the request for a commercial recreation large site in an A-1, R-2 zoning.

Ward: I'll second.

Odom: We have a motion to approve Conditional Use 01-2.00 for a recreational facility in an A-1 zone. Do we have any further discussion on the Conditional Use? Call the roll.

ROLL CALL:

Upon roll call CU 01-2.00 is approved by a unanimous vote of 9-0-0.

MOTION:

Estes: I move that we approve LSD 01-4.00 subject to the conditions of approval, with condition of approval number nine to be amended to read "equal to or less than 326 parking spaces", that condition of approval number 15 be deleted and that in the motion the request for a waiver of section IX.2.2.4 of the grading/drainage criteria manual in order to have a channel bend of less than ten times the bottom width as required. In addition, the finding of a determination that the proposed large scale development meets with and complies with the Commercial Design Standards including signage and the addition of a condition of approval number 21, that grant documents be provided to the City Council prior to funding of the off-site improvements. The reason for that additional condition of approval is I want the City Council to have more information than we had before they spend taxpayer money.

Shackelford: I'll second.

Odom: We have a motion and a second to approve LSD 01-4.00, do we have any further discussion?

Hoffman: A friendly amendment or something on number fourteen. That Commercial Design Standards haven't been approved because we don't have anything. They have to come back to the Subdivision Committee.

Odom: In the requirement of number 14 is that the applicant does have to submit the final colors to the Subdivision for approval.

Hoffman: Final colors and materials.

Estes: The mover accepts that amendment.

Shackelford: So does the second.

Bunch: Does Commissioner Estes in his motion, in requesting condition number 21 of the grant documents, does that include the site selection process and the minutes from the site selection committee and that sort of thing to help develop some understanding of how this site was chosen and how it came to be? What specific documents would you like to have to allow City Council to have better information to work with than we had?

Estes: All grant documents, that would include the feasibility study, that would include the site

selection process and the minutes of any public comment and hearings.

Hoover: I've got one question. I do support this project. I did notice that we have the detention pond at the front of the building along the street edge, I know we have no ordinance against that but I guess I would like to urge the applicant to maybe explore other possibilities unless perhaps you've got some grand scheme that this is going to be a beautiful detention pond, I don't know.

Anderson: I think it has to do more with site layout, it naturally all flows to that point and for us to detain that, that's where it goes.

Hoover: Are there alternative methods like creating this into a wetland or something that's rather pleasing to look at?

Anderson: We would entertain that idea. I guess the problem, once you make it into a wetlands, now it becomes regulated and it might cease to function as a detention pond. For it to function it would need to be maintained as such and mowed and kept to the grading.

Hoover: I guess I would urge, maybe the City if there is some alternative methods because some of them that I've seen basically seem like a square box dug into the ground with some concrete channels.

Conklin: I conferred with our City Engineer. We have, in the past, allowed applicants or developers to plant trees within detention ponds. Also, with regard to the slopes of this detention pond, they will not require a railing like we had on Commerce Park at Old Missouri and Joyce Boulevard. Soft and natural. We'll work on that with our City Engineer.

Hoover: Trees are an option?

Beavers: Yes ma'am. You see the square rectangular because it's the most economical to the developer but we will work with them for any configurations and natural pond. Again, that would take more space and cost more.

Hoover: I just encourage the applicant to take that into consideration. I think, at some point, this might perhaps be a busy intersection that we travel and it would be nice to have this corner looking as good as we can. Thank you.

Allen: Since the motion was rather lengthy with a number of friendly amendments, I wondered

if it could be read back? Can that be done?

Odom: Do you want to try it again Bob?

Allen: I wondered, I thought maybe from the recorder, maybe. I just wanted to have it all clear in my mind exactly, before we voted.

Warrick: The motion was to approve the large scale development subject to conditions of approval stated with the following changes or additions: Condition number 9 to state that "The number of parking spaces shall equal or be less than 326." Condition number 14, the last sentence to be modified to read "The applicant will submit the final colors and materials to the Subdivision Committee for approval." Deletion of condition number 15 as stated. Addition of condition number 21 which states "All grant documents shall be forwarded to the City Council prior to consideration of expenditure of funds, including feasibility study, site selection information and all minutes from public hearings."

Allen: Very well done.

Estes: In addition, granting the waiver of section IX.2.2.4 of the drainage criteria manual in order to have a channel bend of less than ten times the bottom width as required.

Stockland: Condition 21, the grant documents, the City has our feasibility study and site selection study. As far as minutes that were talked about, this wasn't a youth center deal, it was done by professionals and what we got was that final package. As far as site selection, minutes and those types of things are not in the youth center's possession, if they exist at all. I was a little concerned about what additional the City wants. I know there is a grant application that's a two or three page document. I don't know if the City has it. If you want it you can have it, you are welcome to everything in our file. I really think everything substantial in our file has been delivered to the City, at least the two studies, I know the City has those. I am concerned if you are looking for us to deliver something more than what we have delivered to the City, or is it just a matter of don't deliver it to City staff, individually deliver it to each Council person.

Estes: My concern was that I wanted the City Council to have more information than we have available. Whatever was delivered to the Donald W. Reynolds foundation to secure this grant, I would like to have that made available to the City Council prior to their consideration of funding of the off-site improvements.

Stockland: I'm representing to you they already have the feasibility study and site selection. About the only other thing that might be in that is the grant application which we can deliver whenever. If I deliver the grant application and if in fact they've already got the other documents, have we met that condition?

Estes: Yes.

Anderson: Item number 11, I don't think we've even discussed or talked about. It should probably be included in the motion.

Estes: As an addition to my motion, granting the waiver for the driveway entrance width from 24 feet to 30 feet. The reason that I would grant that waiver is that this is going to be a facility, it's in the western part of the City, children are going to have to be bussed there from schools. The wider driveway will allow the school buses to get in and get out and provide a wider turning radius and that would be the reason I would request that we grant that waiver.

Shackelford: That's fine with my second as well.

Allen: Back to condition 21, that means that you have no record of minutes for the selection of this site and process that was used?

Stockland: We have the report of the consultant. We did not drive the site selection. The consultant we hired drove it. She had, about the only input we had was to give them a list of our stakeholders and she included people from the City and schools and users and she developed a report and gave it to us. The Fayetteville Youth Center did not do the study. We were not the driving force and that was by design. I don't know if those minutes exist. I know there was six site visits where Susan Anderson, the building committee went and looked at various other centers around the country and there probably is some record of that. As far as if there is a record of every focus group, we certainly don't have it. When we engaged new solutions, they were to give us a report. That's what we got and that's what we gave to the Reynolds Foundation.

Allen: Who hired the consultants?

Stockland: The Fayetteville Youth Center.

Marr: I would suggest that the consultant at least be contacted to see if there are additional minutes and if there are that those are submitted. If there are not, then there are none.

Stockland: That's my question whether we are supposed to affirmatively go out and try to dig up additional documents.

Odom: I think it would be good if you could, if there are any try to obtain those.

Conklin: Is this the strategic plan?

Stockland: Yes. That's not the site selection. That's the cover sheet of the strategic plan, I don't think you have it all there.

Conklin: I included the first 15 pages that talked about the planning process that you went through. The Commissioners did have that this evening. The City does have in it's possession a binder of documents related to the Fayetteville Boys and Girls Club. What I submitted to you this evening were parts of that I thought you needed to read prior to this meeting including the November 1, 2000, letter from John Benberg to the City Council, included the August 11, 2000, letter from John Benberg, a memo from Bob Davis to the street committee members talking about Rupple Road and having the City place that on the CIP, I also included a letter from Staff Engineer, Ron Petrie to Charlie and Jim talking about how much Rupple Road would cost to build dated September 25, 2000, a June 22, 1999, letter to Mr. Butch Roberson from Fred Hanna talking about the right-of-way required for Rupple Road and improvement with regard to utilities and road construction and also the first 15 pages of the strategic plan. That was in your packet of information. I'll ensure that the City Council, when they hear this funding request, meet your conditions and I'll work with Tom Stockland and the Boys and Girls Club with any additional documents to forward to them.

Bunch: In the Fayetteville Capital Improvement Program under "Unfunded Projects", there is a reference to the Rupple Road area improvements. It reads "This project involves various street improvements to the area of Rupple Road. The final scope of this project is to be determined by City Council." It has a number on it of $3,500,000, can somebody kind of enlighten us a little bit as to what that includes? I realize it's different than the one that's already funded for the improvements on Rupple Road north of Highway 16.

Beavers: I'm just not sure. I would have to go back and find the document. That could be talking about Rupple all the way down to 62.

Bunch: Is that included property acquisition and such in the county are to push it all the way through to 62? We've had quite a few different numbers presented to us on the cost of

this.

Beavers: That CIP process is a very rough number on the project and I can't say that it does or does not include right-of-way.

Bunch: It was probably one of those numbers that every time the project comes back up it gets reevaluated for current costs. Until it becomes a funded project, it's probably just a ball park estimate. Thank you.

Odom: Any further questions or discussion? Seeing none, will you call the roll?

ROLL CALL:

Upon roll call LSD 01-4.00 was approved by a unanimous vote of 9-0-0.

LSD 01-4.00: Large Scale Development (Fayetteville Youth Center, pp 439) was submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility.

Hoffman: Let's go on to our fourth item which is a large scale development LSD 01-4.00 Fayetteville Youth Center submitted by Mike Anderson of Engineering Design Associates on behalf of Fayetteville Youth Center Inc. DBA The Boys & Girls Club of Fayetteville Inc. for property located south Hwy 16 and east of Rupple Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is for a recreation facility. This is also a conditional use in addition to the large scale development.

Conklin: Yes, the conditional use will be associated with this property. This property is zoned A-1. It's located south of Wedington, east of the future extension of Rupple Road. Access will be provided to this property by way of the City constructing Rupple Road subject to City Council approval. The floodplain and floodway is proposed to be relocated to a channel on the east and south sides of this property. There are also wetlands on this property that will require the U.S. Army Corp of Engineers approval prior to any development. The applicant is proposing to provide 326 parking spaces. With regard to the floodplain and floodway relocation, that will require a conditional letter of map revision. That will have to be done by the engineering firm. The City will have to sign off on that. FEMA will have to review that and approve it. Once it's relocated and constructed, they will do a letter of map revision which will change the actual floodplain map, the location of the floodway and floodplain. The floodplain and floodway are shown on your plat. The area within the thicker dashed line is the area of floodway, the solid line further up into this area is the floodplain.

Hoffman: They are going to be relocated down?

Conklin: It's going to be relocated on the City property. It's currently partially on the property owned by the Boys and Girls Club. That's a fairly substantial change in what will occur out in this area. Conditions to address and discuss, construction traffic to the Youth Center may not access Rupple Road. Access for construction will be provided by means of a separate haul road. We can talk about that in more detail. Number two, a floodplain development permit, conditional letter of map revision, letter of map revision, and Section 404 permit are required for this project. Number three, the Parking Regulations do not adequately address parking for this type of development. Therefore the applicant is proposing to evaluate the number of parking spaces based upon similar

uses in other cities. It's been a challenge for staff to understand how much parking is needed for this type of facility. Our ratios really don't work in this type of situation so we have asked them to look at other cities and come back to the Planning Commission to present those findings. Number four, the applicant is requesting a waiver for the driveway entrance width. The applicant is requesting a 30 foot wide driveway. The maximum allowed is 24 feet. Water will be extended by the City from the Meadowlands Subdivision subject to contract approval by the City Council. Is that still a true statement Jim?

Beavers: That's something we need to discuss.

Conklin: Number six, the applicant is requesting a waiver of section IX.2.2.4 of the Drainage Criteria Manual in order to have a channel bend of less than the 10 times the bottom width as required. The bend in the channel is located in the southeast corner, not meeting the Drainage Criteria Manual. Number seven, Planning Commission determination of compliance with Commercial Design Standards including signage. Now we are down at the south end of this preliminary plat with this Boys and Girls Club, planning the parking lots facing Rupple Road and Persimmon Street. Just so everybody is aware, once again, Persimmon Street we are not asking the Fayetteville Boys and Girls Club or Hayden McIlroy WHM Investments to improve any of Persimmon Street. Rupple Road is by the City. That's what we plan on doing. This sidewalk that they are showing on this plat is by Fayetteville Boys and Girls Club, is that correct?

Anderson: Along Rupple Road?

Conklin: Is that the trail? That's by the City.

Hoffman: No sidewalk on Persimmon?

Conklin: No sidewalk on Persimmon. When you go out there to the Boys and Girls Club grand opening and you look out that parking lot, it's just going to be a channelized creek and there won't be any street improvements or sidewalk improvements. Once again, that is a recommendation staff is making. During this past two or three years of correspondence with prior administration and Boys and Girls Club and Site Selection Committee, there was never any indication that the Boys and Girls Club would be required to build Persimmon Street. I'm trying to bring forward the understanding that they had with Mayor Hanna and Charles Venable and bring that to the Commission. Of course, you make those decisions, as staff we can only make recommendations,

including the Mayor and the Public Works Director. I'm trying to honor those and it's a little unique because all developers would typically be required to do those type of improvements adjacent to a Master Street Plan. Boys and Girls Club, I don't think I've mentioned this yet, they got a grant from the Reynold's Foundation, 9.2 million dollars. They are working with the City trying to make this happen on this piece of property. That's all I have.

Hoffman: I do have a question about Persimmon Street. On the property to the south, with the Marinoni's and the other people who might develop, would the City be responsible for half of the construction of the cost of that street?

Conklin: It depends on what's developed down there. If you can prove some type of rational nexus formula that they are responsible for 100%, it could be. My guess is, we are going to be responsible for part of it. I don't think we are going to be able to make a developer build all of it.

Jim Beavers - City Engineer

Beavers: When we talk about the CIP, one thing I want to point out is, our sales tax collections are going down and our budgets are getting tighter. We probably won't have any money to do a cost share with developers in forthcoming years. When we talk about when the City builds half of the street, it will be something the City Council to decide. We get around 2005, 2006, we are out of street money. It may be that they have to build the whole street.

Conklin: In the future, if you have those timing issues the City can't extend the infrastructure the only way you can develop is by building the streets, we've seen that in the past happen too. Covington Park is an example where we extended Township, the developer paid for that because he couldn't develop without getting Township extended. We'll probably be heading towards that in the future. I do expect our impact fee consultant to have information back this week and that's another thing we can start taking a look at with regard to whether or not we can start assessing some impact fees for different types of infrastructure. We'll have to see where that goes too. We definitely need to think towards the future and how we pay for future infrastructure and how that impacts our services as we develop.

Hoffman: Thank you. I agree. The consultant, when he comes back with his recommendation, that's going to go through a public hearing and ordinance review and so on and so forth. It's really not going to impact this project which is a major project for the City of

Fayetteville as well as the Boys and Girls Club. We are kind of stuck with what we got on a tight budget. Do you want to go ahead and talk about the rest of the drainage issues and wetlands and stuff?

Beavers: Let me address the water line first. Mike, when we met last week, did we agree that EDA would design it?

Anderson: I think that's what we said, yes.

Beavers: We are going to take a bid waiver to the Council?

Anderson: What we discussed is, if we waited for a bid we could probably get it cheaper than at the City.

Beavers: I guess we don't know if it's coming from the Meadowlands?

Anderson: We don't know yet. I don't know that it matters a lot in what we are thinking other than it would be a different place.

Hoffman: The only thing I can think of is we have to buy the easement across from Meadowlands.

Anderson: No. We would have McIlroy dedicate it. One of the things we have been discussing with them is initially that road would have to come down to Rupple. What we would want to do it to have the waterline in such a position that you would be in the right place for that future road. If we come that way there is a little coordination there. If it comes down Rupple then it's just there. It shouldn't be an issue as far as Planning Commission is concerned, it will come one way or the other.

Hoffman: I think we need to make a note on the plat that the water is going to be provided from Meadowlands or from Rupple and that the plat will amended when the engineering study is finalized.

Anderson: Right now we show it coming out of Meadowlands. That may not be what we do.

Beavers: One thing you might want on the grading application we noted there wasn't all the signatures and we need that before Planning Commission. On grading and drainage, I'll start with the panel, you made the comment that EDA has agreed to this. We show this on the final plan and it really needs to be shown and I would like to note and if you have

any discussion regarding the waiver. That was really meant for the small channels and I don't think really applies to what we are doing here. I think we've asked them to make this channel as soft and natural as they could, maybe a shallow pool to make it look like wetlands or such. They have told me that it's so flat it's probably going to grow up that way naturally. As far as the drainage that's acceptable as a preliminary report but not as a final. They are proposing detention in the southwest corner. It's real borderline on whether or not that's required. I think it is but the numbers are close, it's really a judgement call. We have the adjacent property owner, Mr. McBride here and he may want to address the drainage. We've already talked about Rupple Road. We have every intent to get that in the CIP and have that constructed.

Hoffman: How much fill needs to be put to the football field to get it out of the floodplain?

Beavers: I don't remember.

Anderson: It's almost more of a function of the channel, we are putting the whole thing into the channel, as long as it's above the channel there is some fill there, probably 3 to 5 feet we are showing to put that together.

Conklin: We are relocating the floodplain/floodway. Your ultimate build-out calculations are going to contain that 100 year storm within that channel. They will be completely outside that once it's all redone.

Hoffman: I understand that. I'm just wondering. Now, do we have any ponds or just marshy areas in there?

Anderson: It's really flat. There's poor drainage.

Conklin: Why don't you show the Subdivision Committee where the wetlands are?

Anderson: I'm not sure on these plans...

McNeil: There's a little section right here and then there is one other section. It's right here, that's number two. Number one is right there.

Hoffman: I'm not quite ready to talk about wetlands yet, just a second. We'll do that after we've gotten through all the staff comments, gone through public comment and then we'll come back and discuss specific issues.

Beavers: The haul road is an issue that we can work out. I made it clear that they can't interfere with our construction. If they want the haul road to come down Rupple Road, I don't know if the timing will work out, we probably can't give them the elevations of the trail. We recommend their haul road come through the Meadowlands. It's my understanding that if McIlroy can furnish that right-of-way, if they don't want to it's something we'll have to look at.

Hoffman: It's going to have to be there one way or another. That item is going to need to be known before this goes to Planning Commission. I will request that you work toward a final solution before it goes forward. Jim, do you have anything else?

Beavers: No.

Hoffman: Sidewalks, we've pretty much covered our multi-use trail. That will eventually hookup through the south and then also to the sidewalk along Wedington.

Edwards: Kim did give me her comments.

Hoffman: Do you want to read her comments?

Edwards: She says "No existing trees are to be affected by this development and the landscape plan meets parking lot landscaping commercial design standards."

Hoffman: Thank you very much. Kim, parks?

Rogers: I have one question I'll have to have clarified. This proposed property line for dedication of park land to the City of Fayetteville, I don't understand what that's supposed to mean.

Anderson: Before the final plat, there is no line there. That's just a line that dedicates that lot number five.

Rogers: If I can meet you afterwards go over wetlands and marsh on the plat. I don't know if that needs to be called out on here.

Conklin: It needs to be called out on the plan.

Hoffman: I don't know if that falls under engineering or parks but yes, let's go ahead and note now that we'll put that wetlands note on the plan subject to all federal and state

regulations.

Rogers: I can't tell the wetlands area and the one is here and the other is here.

Hoffman: They'll take care of them on both plats. Is there any further staff comments before I take public comment?

Rogers: I just want to put this on record, after we receive the deed, I'll change the park lease agreement. We're ready to go on it, we are just waiting for it to be processed.

Conklin: What process are you talking about?

Rogers: Well the lease agreement has to be approved by going to City Council.

Conklin: The actual lease agreement for this project, okay.

Rogers: The additional six acres or actually 5.37 for the dedication. That warranty deed that I received at preliminary wanted to look over the call out plan description is going to change.

PUBLIC COMMENT:

Hoffman: We'll make sure that gets in the record when we get it back. That's all. We'll go ahead and take public comment now. Yes sir, can you go ahead and introduce yourself?

McBride: I'm Brian McBride. I'm the property owner of the land caddy corner from the southwest corner. We are very concerned about the drainage. I assume that, from the plat, that everything is coming to that southwest corner as far as the drainage goes.

Hesse: Yes.

McBride: We already have a problem in Owl Creek, not only our property but even farther down. As development has occurred and dumped more water into that. Owl Creek is a very shallow drainage. It's very hard, it does not absorb a lot of moisture. We are seeing a lot of flooding going on down Owl Creek. We are concerned about what kind of retention there is going to be as far as not overloading that creek.

Hoffman: Let me understand something, I'm going to interrupt you just for a second to make sure

I understand. When you relocate all this floodplain, is it flowing this way?

Anderson: Correct.

Hoffman: For some reason I thought it was flowing uphill. How could I possibly think that? Then what they've done is level out the football field, created another drainage ditch along the southern property line, does that then go into the open field detention system or does it bypass it?

Anderson: It bypasses it. We are retaining, the development that we are doing, the creek is being re-channeled basically to handle the existing flows and I don't know if Steve has looked at the future development but that's what the channel is for, to handle everything upstream from us basically.

Hoffman: At this point what I want to encourage is that you get with Mr. McBride and explain because their calculations, Jim jump in here anytime, are going to have to prove that they don't exceed the existing runoff that is currently generated by this site and the peak flows are no worse than they are. They have to detain it and let it gradually go. If they put that in their numbers, they have met the ordinances but I certainly understand your concerns. I want you to communicate directly.

Anderson: What's hard to understand about it is, right now it's just kind of a little channel out in the pasture, it doesn't look like much. When we get done and you go through the calculations it says that it's 30 feet wide and 3 ½ feet deep, so it's going to look totally different. It won't go back to what it was when it crosses Mr. McBride's and Mr. Marinoni's property. It's kind of hard to understand when you look at that. You are going to have these channels coming at you that looks huge and goes back to the small. That's the way the numbers say it should be.

Estes: The relocated channel, you've got a future box culvert by others, does your relocated channel go under Persimmon Street?

Anderson: It would go under Persimmon Street.

Estes: What happens after it passes under Persimmon Street?

Anderson: It goes back to the natural channel. That's what I was just talking about. When Marinoni develops the channelization will go on and then there will be another box culvert immediately under Rupple.

Estes: This existing channel is marked by the shaded large hash marks, is that correct?

Anderson: That's the floodway. Those two lines here is where water comes down. You can kind of see it on this. It's not a real well defined channel. We were really surprised to find it was on the map.

Hoffman: Jim, I have a question for you. Is there a reason to think we are going to need to require off-site improvements before Persimmon is put in, to handle this drainage? We are just kind of re-channeling and stopping at the property line and saying it's just going from there before all this other development is done. Have you looked at that?

Beavers: No. Persimmon is a future unknown base. I have thought about making sure that the way this channel permeates, I think it ought to be some kind of a pool, a weir structure or something to slow the water down and try to reduce the erosion on Mr. McBride's and Mr. Marinoni's property. That would be a final design submittal. We haven't got to that yet.

Hoffman: As our ordinances stands now, on a large scale we have to have that before we can approve the plan?

Beavers: No. That's really an erosion control issue.

Rogers: I also have a question or statement. By redirecting this floodplain, that's also going to cost the City more money for two blocks more.

Hoffman: That's why I asked if you were bypassing the detention pond. A lot of engineers don't understand. I would sure like to know more.

Hesse: The detention pond is basically designed to take all of our increase pavement impervious areas and all we are doing is channelizing the off-site, all the upstream stuff and taking it around this.

Hoffman: That currently goes where the football field is.

Conklin: The purpose of the channelization is to be able to build a parking lot where the floodway currently exists and build a football field where the current floodway exists. To do that you have to move it. They are just moving it. I guess my question is, where does the channelization end, is it at the property line right here or does it go across Persimmon?

Anderson: It would be at the property line.

Hesse: We've talked with Mr. Marinoni who's very willing to work with us. I'm sure we could get a temporary drainage easement from him for construction.

Anderson: That's what Jim was alluding to when we talk about signatures. It's our intention that Mr. Marinoni sign something as well as the power company because those are the beginning and end of our channelization, we will obviously have to be worked on. The other thing that Tim brought up and just so everyone is clear, where we begin the channelization and where we end the channelization are to the two end and beginning of the existing channel as they come onto this. We are not moving any place else different. They are entering and existing our property in the same place.

Hoffman: You are not making it go faster by re-channelization.

McNeil: Her statement, we are not creating more culvert for future development because we are starting and ending in the exact same place where it starts and begins right now.

Hoffman: Actually you are because when the property is developed because of your re-channelization, there will be two culverts.

McNeil: There will be anyway.

Anderson: There would have anyway because there is a floodway there anyway. The floodway downstream stays the same, the floodplain stays the same downstream.

Hoffman: I'm beginning to get a grip but not much of one this morning.

Conklin: Since we haven't seen your conditional letter of map revision, I want to ask a question. You are not impacting the floodplain or floodway off-site right? All changes to those boundary lines are on site?

Hesse: Yes.

Conklin: I would request that.

Hesse: That's a requirement of FEMA.

Conklin: I don't want to sign a piece of paper with the boundaries changing someone else's

property. Thank you.

McBride: How does the drainage down Rupple Road affect this? There are already culverts coming down Rupple Road now that come all the way from 16. That created part of our problem, I think, in the fact that water from 16 comes all the way down. We are looking at eventually all this 90 acres that we talked about earlier, is it all going to come to this one point?

Beavers: When we design Rupple, if we end up picking up all that water whether it's in an ditch or pipe, eventually it will get three blocks down to this corner. That's our concern, this is one little piece of property. You start adding on all these other development and they are going to come to this one point then we really create a major funnel.

Hoffman: As properties develop and create more runoff, there is a natural occurrence of that and you have undeveloped properties at the very end of it, does that mean they end up with bigger detention ponds? What do they do?

Beavers: As the other property develops they may require detention.

Hoffman: Upstream it's retained.

Beavers: It should. There may be a case where we need a regional detention or something. We might need to look at that.

Hoffman: That might be a thing to look at because we've got several large tracts that could conceivably have that that could be incorporated into some landscaped area or something like that. At this point, is there any other member of the public that would like to address us? Let's go on and touch on Commercial Design Standards and then come back and try to fit all the drainage and utility issues into a motion.

Conklin: I think I'll let Hanna McNeil go over those.

McNeil: That's a front elevation of what the building will look like coming off of the circular drive with a canopy. Basically the way that this building is designed it's several buildings that come together and that's what you are seeing in these different elevations. As an example, you have a gym that comes out so you have one section.

Hoffman: Where is that on the plan?

McNeil: If you are looking here, this is the main entrance coming in and this over here is a leisure pool, this is a gymnasium and this is a gymnasium. Then this over here is kind of a multi-purpose, arts and crafts and classroom at this section. You have some big structures so what we have done is we've designed it so each of these kind of look like a collection of buildings. It's not one huge mass building, it's broken down so it sits more to scale, especially depending on how much residential you get around. Since it is a Boys and Girls Club, they want to encourage it so it's a little bit more lower scale. There is a variation in materials anywhere from brick to EFIS, to metal. What we are basically doing is each of the elevations has a different appearance. All have similar in common but we are changing it because we don't want it to look like one big massive building. That's kind of what you are seeing here.

Hoffman: You'll need to bring a materials board.

Conklin: It helps the Commission. I guess it's a requirement. They are asking you for a materials board.

Hoffman: We usually get one and this is a really important project.

Conklin: Most architects bring sample boards.

McNeil: This is the first time.

Conklin: I didn't tell you that.

McNeil: You didn't.

Conklin: In defense of Hanna McNeil, I told her to bring the elevations. I'll start making sure I tell everybody to bring sample boards.

Hoffman: I think it would be great.

McNeil: I don't have a problem putting one together but I will be very honest, I'm just going to throw one together.

Hoffman: Those things are going to change. If you change manufacturer's and specifications and things like that but they need to stay in the general tone of what the Planning Commission approves because if we approve a blue roof and you come back with a red one, he's going to send you back to Planning Commission. That's what I mean.

McNeil: I'll be honest. In this scene right now, I've shown the roof all one color. We are not going to do real bright roofs or whatever but we may do some variations on the others so they look like collections of smaller buildings and it's a broken down scale. I don't have a problem doing it, I just know that we'll be back because there is no way at this point I'll have anything.

Conklin: I don't think it's that big of a problem. If you don't think it's a problem coming here at 8:30 in the morning.

McNeil: As long as I don't have to go through the whole process.

Conklin: Only Subdivision. That's what I typically do to take the heat off of my own architectural desires.

McNeil: We would like to look at using three or four different colors of brick, they would all be variations but, at this point, we really haven't gotten into how that pattern is going to work out. I'll be glad to put something together.

Hoffman: This building is going to be a really important civic use to the City of Fayetteville. I think that citizens have a right to see what's going to be planned and what it's going to look like.

McNeil: This is a big project for us. It's an important one that I've worked on for 2 ½ years now. Trust me, we will put ultimate care into the design.

Hoffman: I understand.

Estes: I would like to emphasize what you just said, this is going to be the anchor project for this developed area once it's done. It's a considerable amount of public money going into this. I compliment you on what I would say is your overall design scheme of the separate buildings and the articulated lines. I think that's a very good idea. You do have a substantial project to work on, as I know you are very much aware, it's very significant.

McNeil: The other thing we talked about, we built a model and we could bring that to the Planning Commission.

Hoffman: That would be great. Put in on the floor in front of us.

McNeil: It will show you how the roofs are broken up and how this things works around. I would be glad to bring that at that point.

Conklin: For the record, do you have any metal sidewalls?

McNeil: We are considering some metal sidewalls up high. I think again when we look at the model, there are areas way in here that you will never really see. It's going to be a cost issue of doing some metal panels.

Conklin: That's what we are worried about. It looks really great on this piece of paper.

McNeil: You can't really tell here but if you look, this building way back here, you won't really see it ever at some point, you may see a little portion of where the skylight comes around and reflects the climbing wall. Some of those we are looking at because it's a huge cost issue to put EFIS way up there and it's also a maintenance issue. There are some things we are looking at metal panels.

Hill: My name is Mike Hill, I'm on the Board. One of the concerns we have, we want like everyone else would when we build a project, to be as maintenance free as possible. Obviously, from an EFIS standpoint, being out there and my concern is and I know things have improved over the years, in homes and other construction, there are certain people that don't allow EFIS as much as possible. It gets hail storm damage, you get mold in this part of the country. Where it's great in California, it's not real good in this humidity and mold processes here. Our concern is that whatever product we put up there is something that won't look unsightly 25 years down the road. Those are the issues and nothing has been completely decided but our feeling as a Board is that we look at something that doesn't have much of an aging process. That's all.

Estes: Specifically, Hanna what I was looking at is the north and east elevation, I understand the refinish metal but if you are going to use that, if we could somehow get away from just that flat unarticulated surface.

McNeil: We would run reveals. Even if this is EFIS, we would articulate certain joints because it's such a big building, you need to do stuff to break it down.

Estes: That is not showing on the east and north elevation. There is some of that on the southwest elevation there on the tower.

Hoffman: A reveal, you are talking about a depression in the joint, so it's really not by a window

or anything?

McNeil: No. It's not a window but it could be that based on a scale that reveal is 12 inches high and we accent it with a different color. Even if we did that with metal, we would do the exact same thing, change materials color so that the same affect would be there.

Estes: I don't know how to spell architect, but it would seem to me that EFIS is not the best selection in materials.

McNeil: It's not something that we really looked at but the City Council has a problem with the metal panel.

Hoffman: We need to move this meeting along. I know that you are going to come back to Subdivision Committee with design revisions on this, let's leave it at that, can we? She doesn't really know what she's going to do yet. We are going to go ahead and go forward on the project but she's going to come back on the Commercial Design Standards as she develops. If that's okay with everybody, I'm going to leave that part of it to be determined, to make that clear at Planning Commission that we are approving a general design that certainly is broken up into many different facets.

McNeil: I'll be glad to bring the model.

Hoffman: Do that. We'll just say it's not completely designed and we want everybody to be involved in this design process as possible. They are all welcome to come back to the Subdivision Committee when we know more about the materials. Does anybody else have anything to say before I try motions?

Ward: Don't we have variances to run over real quick. The first one we are looking at is the variance for the driveway from 24 to 30 feet and they are asking for a wider drive aisle because of school buses and so on turning in and out of there.

Anderson: Yes. There are several issues there. We think that aesthetically it sets up the easements a little better and makes the entrance seem more important. We have school buses. All the parking lots basically empty into that. We think it's a safer deal if it were a little bit wider.

Ward: I know personally that's something allowable. It looks to me like you have as much parking as you can get for these kind of clubs as needed. You have two football fields, that brings on 500 or 600 cars because every kid out there is 8 cars.

Anderson: We don't think we are over parked.

Hoffman: I think you've done a good job breaking that up with islands.

Anderson: We wish we had more parking.

Ward: I guess there is also a variance for channel bend radius. It's more of an engineering decision I think.

Hoffman: Would you recommend that Jim?

Beavers: Yes.

Ward: Is there any other variances to discuss?

Conklin: No.

Anderson: The conditional use for a youth center on an A-1 property?

Conklin: That's Planning Commission.

Hoffman: We'll recommend it. Personally I would have liked to spent more time looking at this and I will do so before the Planning Commission meeting. I would like to say that it is certainly needed. My son is grown now, and used the youth center facilities for games and activities and it has certainly outgrown. I have a question, what's happening to the old youth center?

Hill: I can tell you that right now the land is owned by the Fayetteville Public Schools. The building has been built over the years. There were certain agreements that said that "At the point in time that the facilities are no longer used for recreation, it would revert back to the school." We have been visiting with the schools, talking with the City about what the process is because obviously the youth center can't afford to have both sites. We are working along those lines that in combination with working with the City and the Parks and Recreation people as well as the school, the agreement was in place that it reverts back to the school.

Hoffman: Thanks. Do you want to try a motion?

MOTION:

Ward: I'll go ahead and make a motion that we approve and forward to the full Planning Commission LSD 01-4.00 Fayetteville Youth Center for the Fayetteville Boys and Girls Club, with all the conditions that we've addressed the main seven and there are some things like you need to get the signatures for the grading permits that are needed and number five, water to be extended by the City from the Meadowlands Subdivision or could come down Rupple Road, could be added on there or a few things like that. I think we'll go ahead and say at Subdivision that we support all the variances that you are requesting as far as the radius for the creek bed, the wider drive aisles and so on, get the drainage study stepped up as soon as possible so you can sanctify the adjoining property owner's concerns and make sure we put on the plats all the added things we talked about during this discussion, the wetlands and so on, subject to all the federal regulations.

Estes: I second.

Hoffman: Thank you all very much. We appreciate it and look forward to seeing you at the Planning Commission.

Fayetteville Youth Center

915 California Drive
Fayetteville, Arkansas 72701 • Phone 442-9242

September 17, 1999

Mr. Phil Thomas, Vice President Grants & Facilities
DONALD W. REYNOLDS FOUNDATION
1701 Village Center Circle
Las Vegas, NV 89134

Dear Mr. Thomas:

Enclosed is our final application from the Fayetteville Youth Center for a grant from the DONALD W. REYNOLDS FOUNDATION in the amount of $14,832 ,000 to build a new facility on an expanded campus. The amount of the request reflects only those costs associated with the construction of the new facility and its furnishings. No land purchase, field improvements, or parking areas are included.

For 60 years the Fayetteville Youth Center has been a vital part of our community. As our community has grown and changed, the FYC facility has not kept pace. It is time for a new facility, one that meets the demands and needs of today while it remains flexible enough to meet the demands and needs of the next generations.

The Fayetteville Youth Center board and staff have just completed an intensive strategic planning process that involved a broad range of constituents. The urgent message sent to the board is that the facility is no longer adequate and it is a detriment to the successful implementation of FYC programs.

Research supports that more and more youth centers are having dramatic effects on the juvenile delinquency in a community. Fayetteville must have a quality facility to attract all members of its community if it is to counteract the negative influences that are so prevalent in our society today. It is clear that the current facility cannot be changed enough to attract such a broad audience.

The proposed Donald W. Reynolds Family and Youth Center will be an important part of our community. It will be the melting pot for the different cultures that exist in Northwest Arkansas and help the community to learn to respect and value all its members.

The board joins me in expressing appreciation to you for including our proposal in this phase of the Foundation review process. We stand ready to respond to any questions that you or your staff may have as you review our proposal. We very much look forward to the opportunity to discuss this proposal with the Foundation staff. Thank you for your consideration.

Sincerely,

Dale D. Clark

Dale D. Clark
Director

Enclosures

The Donald W. Reynolds Family and Youth Center: A Community Commons Executive Summary

The Fayetteville Youth Center asks the Donald W. Reynolds Foundation to consider a request for $14,832,000 to construct a new facility for youth and families dedicated to:

- Helping participants develop the social and moral competencies necessary for achieving their full potential.
- Offering a broad variety of indoor and outdoor programs aimed at different levels and facets of development.
- Presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process.
- Providing a positive and constructive environment for interaction among youth, families, and adults from diverse backgrounds.
- Including the community as an active partner in insuring that youth are equipped to become productive citizens.

The Institution. The Fayetteville Youth Center serves Fayetteville and surrounding communities by providing youth- and family-oriented recreational and sports programming for all members of the community, regardless of their ability to pay. The broad range of services includes swim lessons for all ages and ranges of ability, youth basketball leagues, summer camp activities for area children, and afterschool care for latchkey children. It is estimated that the FYC serves more than one-third of all Fayetteville school-age youth.

In 1941 the Fayetteville Youth Center was formed as a Boys Club with a membership of 30. In 1960 the name was changed to the Fayetteville Youth Center. Current membership exceeds 3,000. It is a nonprofit organization governed by a 15 member board and has a 1999 operating budget of $840,000. Program activities and memberships generate the greatest source of income (64%). United Way (14%), City of Fayetteville (14%), the Fayetteville School System, donations, and other miscellaneous sources (8%) provide the balance of the budget. The current value of the building and maintenance endowment is $279,000.

The mission of the Fayetteville Youth Center is to provide opportunities for positive social, physical, and moral development of youth by: providing a broad range of recreational, leisure, educational, and cultural activities; helping participants develop a value system that will improve the quality of their lives and lead them to become productive citizens; and involving staff, board members, families, and the community in effective participation toward this mission.

The Project. The new Donald W. Reynolds Family and Youth Center will be an 126,970 square foot state-of-the-art facility and fieldhouse incorporating the best combination of technology and functionality to create an environment everyone in the community will want to utilize. Total cost of the facility, equipment, and furnishings is $14,832,000. The new facility will allow the FYC to improve its current sports programming, expand the types of sports programming offered, offer educational and cultural programming to the youth and the adult population, and provide a more wholesome environment.

It is expected that the new facility will greatly increase the capacity of the FYC to include more youth in greater numbers of programs. Realizing that increased programming will create additional costs, the board has worked with a consultant to review fees and program sponsorship costs. Increased scholarships created through increased fundraising will be provided to those needing some financial assistance.

Justification. In the last 15 years, the Fayetteville community has experienced a population increase of 26%. The FYC recognizes the need for proactive programming that addresses social issues. For nearly 60 years, the citizens of Fayetteville have turned to the FYC to provide quality programming, and the FYC has responded by creating programs children want to participate in and ones to which their parents want to send them.

Before applying to the Donald W. Reynolds Foundation for a capital grant, the FYC board engaged in an intensive ten-month strategic planning process that was completed in the spring of 1999 and included a broad representation of the FYC's many constituents. The planning process produced a new vision and a revised mission for the Fayetteville Youth Center. In the planning process, the need for a new facility was clearly articulated by all constituents. A new facility is key to the FYC realizing its new vision and to its ability to meet the rapidly changing demands of our growing community.

The Fayetteville Youth Center, Inc.
A Proposal to Build
The Donald W. Reynolds Family and Youth Center

Through an intense ten-month reflection and strategic planning process, the board and staff of the Fayetteville Youth Center have created a new vision. In the 21st century, the Fayetteville Youth Center is a youth-centered and family-based organization dedicated to:

- Helping participants develop the social and moral competencies necessary for achieving their full potential.
- Offering a broad variety of indoor and outdoor programs aimed at different levels and facets of development.
- Presenting a kaleidoscope of opportunities for youth and families to be actively engaged in the growth process.
- Providing a positive and constructive environment for interaction among youth, families, and adults from diverse backgrounds.
- Including the community as an active partner in insuring that youth are equipped to become productive citizens.

The Fayetteville Youth Center board and staff recognize the urgency to create a space in Fayetteville where children, their parents, and people from all walks of life can come together on a common ground. This ground must be neutral and inviting. They have created a vision of a new center where people will learn to play together and, as a result, will learn to better understand each other. The board and staff envision a future facility that serves healthy, happy youth with involved and active parents. They envision a future facility where all members of the community are comfortable and eager to participate.

The Fayetteville Youth Center asks the Donald W. Reynolds Foundation to consider a request for $14,832,000 to construct a new facility dedicated to this vision. Central to the vision is a state-of-the-art facility kept in the most pristine manner that invites people across the community to participate there whether it is for sports or recreational programs, community meetings, self-directed exercise, or team events. No other such facility exists in Fayetteville, and no other institution offers programs that are so widely accepted and utilized by such a variety of community members. The current facility is outdated and cannot meet the needs of a rapidly changing society. Only a flexible new facility will meet the demands of our community and help the Fayetteville Youth Center to fully realize its vision.

The Institution. The Fayetteville Youth Center (FYC) is located between the University of Arkansas and Fayetteville High School. It serves Fayetteville and surrounding communities by providing youth- and family-oriented recreational and sports programming for all members of the community, regardless of their ability to pay. The broad range of services includes swim lessons for all ages and ranges of ability, youth basketball leagues, summer camp activities for area children, and afterschool care for latchkey children. The FYC is the predominate provider of sports for elementary age children and serves as an important supplement for Fayetteville junior and senior high school sports programs. It is estimated that the FYC serves more than one-third of all Fayetteville school-age youth.

In 1941 the Fayetteville Youth Center was formed as a Boys Club with a membership of 30. In 1960 the name was changed to the Fayetteville Youth Center and association with the Boys Club of America was discontinued because at the time the national organization did not include girls. Current membership exceeds 3,000 , and the FYC provides most of the organized programs that are offered on an affordable or free basis to low-income children in Fayetteville. It is a nonprofit organization governed by a 15 member board and has a 1999 operating budget of $840,000. Program activities

and memberships generate the greatest source of income (64%). United Way (14%), City of Fayetteville (14%), the Fayetteville School System, donations, and other miscellaneous sources (8%) provide the balance of the budget. The FYC operates within its budget and does not carry over programmatic debts from year to year. The current value of the building and maintenance endowment is $279,000.

In order to offer scholarships to low-income youth for all of its programs, the FYC is creative in its utilization of resources: it involves more than 170 volunteers as coaches and assistants in youth and adult programs, it utilizes public school facilities for many of its programs, it provides adult sports leagues, and it works with the University of Arkansas faculty and graduate students to continually improve its programming.

The FYC has always been a market-driven provider of services responding to the needs of the community as they arise. It is through the leadership provided at the FYC that Northwest Arkansas has a Big Brothers/Big Sisters program, a girl's softball league, and a youth basketball program. It provides programming that reaches across age and socioeconomic boundaries. Through its transportation and scholarship programs, it reaches out to the lower socioeconomic children. It provides an excellent latchkey program for children after school, a summer feeding program for disadvantaged youth, and an outreach program that goes into low-income neighborhoods encouraging participation in FYC activities.

Young adults and teens are an important part of the FYC. Teens participate in basketball programs, girl's softball, martial arts, swim and dance classes, arts and crafts classes, and a variety of other programs. Senior citizens utilize the pool for lap swimming and comprise most of the members of water aerobics classes.

The FYC is a United Way member agency; therefore, it is not active in the solicitation of private annual gifts. However, the board and staff recognize that in order to fulfill their vision of the future, they must take firm control and engage in fundraising activities that benefit the youth and the new FYC. These activities will include major gift solicitation to increase the endowment of the FYC, creation of an advisory board made of citizens who share influence and affluence and are willing to help open doors for the FYC, increasing sponsorship fees, establishing higher membership fees, and making fundraising a top priority for the executive director. Board members will continue to support the FYC through directed gifts to United Way (until such a time that the Center establishes its own annual fund), to participate in fundraising events, and to encourage area businesses to serve as sponsors for FYC teams.

Before applying to the Donald W. Reynolds Foundation for a capital grant, the FYC board engaged in an intensive strategic planning process. The ten-month process completed in the spring of 1999 involved many different stakeholders in the community including community leaders, youth, parents, staff, board members, and other defined groups in the larger Fayetteville community. The strategic plan now serves as the blueprint for the Center's future operations and programming. The process to create the plan also served as an energizing force to create momentum for the future of the FYC.

Many changes have occurred since the completion of the strategic planning process. One of these is the announced retirement of Dale Clark, the executive director of the FYC, in early 2000. For the past 30 years Mr. Clark has provided exemplary leadership and vision to the FYC and has become highly regarded within the community. Since acquiring his Bachelor of Science degree in recreation in 1959, Mr. Clark has been involved in a number of recreation programs and has led the growth of the Fayetteville Youth Center to its current level. He has been responsible for hiring staff that have the highest degree of certification available and they have become leaders within the community on

youth issues. To find a leader for the next stage of growth for the FYC, the board is conducting a national search. The result of the board's work to review its mission, core values, vision and strategic plan place the FYC in a strong position to hire the best possible candidate.

A new executive director will be expected to lead the fundraising efforts of the FYC. Should the Donald W. Reynolds Foundation grant this capital request, the new leader of the FYC will have the ideal platform from which to begin discussions with potential donors—opportunities created through a new facility.

A direct result of the strategic planning process was a revision of the mission statement to match the new vision of the FYC. The revised mission of the Fayetteville Youth Center is to provide opportunities for positive social, physical, and moral development of youth by:

- Providing a broad range of recreational, leisure, educational, and cultural activities;
- Helping participants develop a value system that will improve the quality of their lives and lead them to become productive citizens; and
- Involving staff, board members, families, and the community in effective participation toward this mission.

The strategic planning process also caused the FYC to investigate rejoining the Boys and Girls Club of America. In discovering that the FYC shared the core characteristics of this national organization, that its membership was more inclusive than in the past, and that the mission, values, and beliefs were very similar to those of the FYC, the decision was made by the board to join in order to benefit from national legislative efforts, to gain access to the benefits for employees, and to participate in the training and training materials. In particular, the FYC board was drawn to the principle that "no proof of good character is required." The FYC shares the belief with the Boys and Girls Club that the FYC should be a place where unacceptable habits and attitudes can be changed. This is unique in its approach in Northwest Arkansas. The formal announcement of this association and subsequent name change will occur late in September 1999.

In the planning process, the need for a new facility was clearly articulated by all constituents. During interviews with key informants, focus groups with parents, business leaders, and FYC members, and steering committee retreats, the following desired outcomes were identified:

- The facilities must appeal to all ages and socioeconomic groups.
- The facilities must exceed community expectations.
- The facilities are accessible and easy to find.
- The facility is timeless in appearance.
- The facilities offer instant visual impact, excitement, and anticipation.
- A visitor experiences the site the minute he/she hits the property line.
- The facilities are recognized nationally for design.
- The design and construction are flexible enough to accommodate changing needs and seamless additions.
- Construction quality allows for practical and affordable maintenance.

The Project. The new Donald W. Reynolds Family and Youth Center will be state-of-the-art and will incorporate the best combination of technology and functionality to create an environment everyone in the community will want to utilize. The new facility will allow the FYC to improve its current sports programming, expand the types of sports programming offered, offer educational and cultural programming to the youth and the adult population, and provide a more wholesome environment.

The new facility is designed as a pinwheel allowing for easy future expansion, control of all facilities, and creative and functional use of space. The facility will include 126,970 square feet including a 36,000 square foot fieldhouse. The centralized public entry will allow visual access and improved security, a top concern of parents.

Currently, FYC has limited space for non-sport activities such as arts and crafts, library holdings, computers, and more. In the new facility there will be a substantial amount of dedicated square feet to activities that are non-sport in nature. This space will include a game room, a teaching and preparation kitchen, arts, crafts, and painting areas, a library, a computer room with Internet access, and a dedicated space for teens.

The program areas for the new Donald W. Reynolds Family and Youth Center have been developed in consideration of the input gained from interviews and surveys of varying constituent groups, the knowledge gained from the site visits to exemplary centers across the United States, and the expert knowledge of the consultants from Moody/Nolan LTD., Inc., advisors to the architectural firm who have many years of experience in the planning of recreational facilities across the country. As a result, the following areas are planned: a climbing wall, three gymnasiums, a dance/exercise class, an indoor jogging track, a fitness area with weights and exercise machines, a competitive pool and a leisure pool with spa, a wet classroom, and lockers for men, women, and families.

These areas have been designed to encourage family participation at the new Donald W. Reynolds Family and Youth Center. For example, the board of directors and planning committees envision a youth center where parents will work out in the fitness room while their child has basketball practice or swim lessons. The advantage for the parent is that the basketball courts and swimming pool will be visible from the fitness area. This will allow parents to observe practice without being present in the program area. The board's vision for a typical day at the new facility begins with the senior population attending water aerobics classes, pre-schoolers attending arts and crafts classes or receiving swim lessons. At noon the exercise areas begin to fill up with people in the pool, the fitness area, or playing pick-up basketball on one of the three courts. By early afternoon the afterschool children arrive and begin to work on their homework on the computers, read quietly in the lounge, or participate in one of the sports activities that is scheduled. And finally, at the end of the day, parents arrive early so that they can exercise while their child is in a scout meeting and before they all head home for dinner together. The essence of the vision is a facility that is inviting to a wide range of ages, abilities, interests, and incomes—a melting pot of all community members who come to know and respect each other through recreation.

It is expected that the new facility will greatly increase the capacity of the FYC to include more youth in greater numbers of programs. Realizing that increased programming will create additional costs, the board has worked with a consultant to review fees and program sponsorship costs. It is inevitable that fees will be increased just as the cost of sponsorship will be increased. However, the Board is committed to the involvement of low-income youth in its programs. Therefore, scholarship funds will be increased to accommodate a greater number of participants needing some financial assistance as the result of increased fees.

Justification for the Donald W. Reynolds Family and Youth Center. In the last 15 years, the Fayetteville community has experienced a population increase of 26%. It is expected to continue to grow at a phenomenal rate. The FYC recognizes the growing need for proactive programming that addresses social issues. Our community, like the rest of the nation, has a growing population of single parent homes and homes where both parents work. All children in our community must have quality recreational, educational, and cultural programs. For nearly 60 years, the citizens of Fayetteville have

turned to the FYC to provide this programming, and the FYC has responded by creating programs children want to participate in and ones to which their parents want to send them.

Only a new facility can fully meet the changing needs of our rapidly growing community. In the long-range strategic planning process, the board discovered that the community needs more than just a place for children to play or to go after school. The planning process revealed that the new FYC must be family-oriented and child-centered, it must make parents and children feel equally secure, and it must encourage social and moral competencies to be developed to their full potential. The new FYC must offer a broad variety of programs aimed at different levels and facets of development and a kaleidoscope of opportunities for youth and families to be actively engaged together in the growth process must be the hallmark. The Donald W. Reynolds Family and Youth Center will have a positive and constructive environment for interaction among youth, families, and adults from diverse backgrounds and it will include the community as an active partner in insuring that Fayetteville youth are equipped to become the most productive citizens they can become.

A number of trends have been identified by research that support the need for a strong and vital family and youth center:

- The family movement is increasingly capturing the attention of individuals, churches and nonprofits. With little or no time during the workday to share, moms and dads are looking for more family oriented activities and programming. (Abraham, Meeban and Samuel, 1998.)
- Northwest Arkansas citizenry continues to become more diverse. (1996 Special Census.)
- Technology is the major driving force of changes and eventually will connect virtually every household. (Abraham, et al. 1998)
- A great number of studies have shown that when youth are actively involved in recreational and youth development activities, the juvenile crime rate decreases remarkably.
- Juvenile crime in Fayetteville has increased each year since 1993. Most of these crimes are committed by youth over the age of 12.
- 20% of the Fayetteville population lives below the poverty level (11% of families.)

The opportunity for the FYC to meet current and future programming demands is very limited due to the quality and availability of space at its current facility. Each year the FYC is approached to consider new programming ideas, but the lack of space limits the capability of the facility to accommodate new programming requests.

With a new facility, the Fayetteville Youth Center will be able to expand its efforts to provide quality programming for the Fayetteville community. Its ability to impact a large number of youth and families will be greatly increased and the realization of its vision will be within reach.

The Donald W. Reynolds Family and Youth Center will be a vital link to answering the demands and opportunities that are present in Fayetteville. The new facility will meet these demands and provide a quality facility for our youth to learn some of the essentials of life—friendly competition, teamwork, and healthy lifestyles. In a community of the size of Fayetteville, youth centers are an important part of life for the entire community. The Donald W. Reynolds Family and Youth Center will be the central location for quality recreational, educational, and cultural programs for children and families far into the next century.

PART III QUESTIONNAIRE (Please type all responses *on this form*.)

NAME OF INSTITUTION: Fayetteville Youth Center, Inc.
d/b/a Boys and Girls Club of Fayetteville, Arkansas Inc.

MAILING ADDRESS: 915 California Boulevard

(Street and P.O. Box) Fayetteville, Arkansas 72701

CHIEF EXECUTIVE OFFICER: Dale D. Clark

TELEPHONE: AREA CODE: 501 NUMBER: 442-9242

FAX: AREA CODE: 501 NUMBER: 521-7714

Email:

PROJECT DESCRIPTION: Family and Youth Center/ Boys and Girls Club
(e.g., 30,000ft2 Sciences Class/Lab Building, Boys & Girls Club, Museum & Cultural Center)

By signing in the spaces below, the Chief Executive and Chief Volunteer Officers acknowledge that this application is complete, accurate and has the full approval of the applicants governing body. (Required)

Dale D. Clark
(CEO signature)
Dale D. Clark
Director

(CVO signature)
Kevin Renner
Board President

(type names and titles)

PLEASE PROVIDE THE INFORMATION REQUESTED IN THE SPACE PROVIDED.

	YES	NO
Has this organization applied previously for a grant from the Donald W. Reynolds Foundation?	XX	
Has this organization ever received a grant from the Donald W. Reynolds Foundation?	XX	

If yes to either of the above, please provide the following information for all prior applications, and please note if your organization has previously applied under a different name(i.e., a name change has occurred, your agency was a partner beneficiary in a prior submission for the same project). Also, please asterisk prior submissions that are the same or very similar to the current request.

Year	Project Name	Amount Request/Gift	Applicant Name
*1996	Renovation and Addition Master Plan	$5,428,000/-0-	Fayetteville Youth Center
1998	Strategic and Long Range Plan	$ 62,500/$62,500	Fayetteville Youth Center

(use attachment if necessary)

*1996 application was for the renovation of the existing facility. Through the long range and strategic planning process, it became clear that a new facility was critical to meeting the new vision and mission of the Fayetteville Youth Center.

1.0 Status of Planning

	YES	NO
1.1 Is the proposed facility referenced in the applicant's Strategic or Long Range Plan?	XX	
1.2 Does the applicant currently own the site? If no, please briefly describe lease or contractual arrangement here.		XX

Letter of intent with options to purchase has been signed by the Board of Directors.

1.3 Has an architect been engaged?	XX	
a. To advise regarding site and/or footprint?	XX	
b. To advise in program planning?	XX	
c. To prepare schematics?	XX	
d. To complete all architectural work?		XX
e. To estimate cost?	XX	
1.4 Which of the following have been completed?		
a. Site selection?	XX	
b. Early Schematics?	XX	
c. Final Schematics?		XX
d. Building Elevations?	XX	
e. Design Development?		XX
f. Building Aesthetics?	XX	
g. Construction Documents?		XX
1.5 If an architect has been engaged to perform any of the work described above, will this same architect be engaged to design and oversee construction of the building?	XX	

1.6 If an architect has not been engaged, when and how will a selection be made?

Not applicable

1.7 Briefly describe the type of, and manner in which, internal and external constituents were involved in contributing to the project's architectural design.

Board, staff, parents, patrons, and community leaders were involved in the design through interviews, focus groups, planning committees, public charettes, and board committees. Design ideas were drawn from exemplary sites the building committee visited and architectural recommendations from Moody/Nolan LTD., Inc.

2.0 Estimated Construction Costs

2.1 Describe how the proposed construction costs were developed and by whom. (Please create an "Exhibit A" for this answer and attach following page 7 of the questionnaire.)

2.2 Total Project Cost: $ 14,832,000

a. The portion of the project cost to be funded by the applicant $ -0-
b. Total request of the Donald W. Reynolds Foundation (i.e., construction, built-ins, equipment & furnishings)[2.2-2.2.a] $ 14,832,000
c. Percentage of total project requested of the Foundation: [2.2.b/2.2] 100 %

2.3 Construction costs (costs attributable to the building plus 10-ft. from the exterior face including built-in furnishings, performance and payment bonds.) [2.3.a + 2.3.b] $ 12,546,385

a. Construction Costs $ 12,466,735
b. Cost of built-ins $ 79,650
c. Gross square feet[1] 126,970 ft.^{2}
d. Usable square feet[1] 118,410 ft.^{2}
e. Cost per gross square foot [2.3/2.3c] $ 98.81 ft.^{2}

2.4 Loose furnishings and equipment[2] [2.4.a + 2.4.b] $ 765,000

a. Itemize major furnishings in 2.4 (not included in built-ins) in an "Exhibit B" to this questionnaire, following page 7. $ 115,000
b. Itemize major equipment included in 2.4 in "Exhibit C" to this questionnaire. $ 650,000

2.5 Architects Fee $ 878,240

Basis of fee (percentage or other arrangement): 7% of construction costs

2.6 Other Costs: [2.6.a + 2.6.b + 2.6.c + 2.6.d] $ 242,375

[1] The computation of this should be based on the standards of the American Institute of Architects (AIA).

[2] It is the Foundation's policy that all first priority furnishings and equipment needed to support programs housed in the new facility, should be on hand when the building initially opens. The estimated cost of these items should be included in the project and if appropriate, in the grant request.

a. Construction, materials testing, & inspection fees $ 40,000

b. Legal fees, copies, blueprinting, etc. $ 8,000

c. Other Professional Services / Fees (Itemize on "Exhibit D") $ 169,375

d. Other Soft Costs (If amount exceeds 0.25% of Construction Costs, Itemize on an "Exhibit E") $ 25,000

2.7 Contingency (Not to exceed 5% of Total Project Cost in 2.2): $ 400,000

a. Basis: 3% inflationary contingency

2.8 Request of the Foundation (total of all costs listed in 2.3 through 2.7 minus 2.2a. This total must equal 2.2b). $ 14,832,000

2.9 Total cost per square foot (including construction, built-ins, equipment, performance and all items requested of the Foundation) (2.8/2.3c) $ 116.82

	YES	NO
2.10 If the above costs are not exempt from sales tax, have the estimated taxes been included in the above estimates?	XX	

3.0 Fundraising Activities

3.1 Please list total private support (non-government, private gifts) to the organization for each of the last three years.

	1996	1997	1998
United Way	94,000	95,000	96,500
Memberships and Program fees	367,497	403,296	442,751
Donations	12,746	20,224	19,882
Miscellaneous	13,017	4,058	11,124
	$487,260	$522,578	$570,257

3.2 What is the percentage of total private support that is unrestricted for each of the last three years?

All private support received in the last three years has been unrestricted.

3.3 Does the institution conduct an annual fund drive and if so, please provide the goals and results for each of the last three years?
Our organization is included as a participating member of the annual United Way Fund Drive. As a result, we do not have an annual fund drive.

3.4 Percentage of governing board that contributed dollars to the annual fund drive in each of the last three years?

Not applicable % (1998)

Not applicable % (1997)

Not applicable % (1996)

3.5 Percentage of staff that contributed dollars to the annual fund drive in each of the last three years?

Not applicable % (1998)

Not applicable % (1997)

Not applicable % (1996)

3.6 Has the institution conducted a capital fund campaign during the last three years?

YES	NO
	XX

3.7 If yes, please provide the following information:

a. What was the financial goal? not applicable
b. What were the results of the campaign? $ not applicable
c. What period of time did the campaign require? not applicable
e. What were the major items funded by the campaign?
Not applicable

3.8 Does your organization have a paid marketing, fundraising, and/or development professional(s) on staff? Please describe, including any professional organizations, memberships, or engaged consultants in these areas.

No paid staff exists for the FYC. However, a fundraising and marketing consultant has been engaged to conduct a fundraising feasibility study. Cindy Webb has more than 15 years of experience in professional fundraising, including seven years as the Senior Development Officer in the College of Education and Health Professions at the University of Arkansas.

4.0 Endowment

4.1 Provide the current market value of the agency's endowment. Identify the market value of any other funds that act as an endowment.

$279,000

4.2 What is the income or total return from the endowment and/or funds acting as an endowment? Please provide figures for the last three years.

1996 - $ 8,245* *received $100,000 memorial gift late in 1996
1997 - $14,981
1998 - $13,506

4.3 What percentage of the endowment is unrestricted? -0- %

All funds are restricted for capital improvements.

5.0 Budget for Operations in the New Building

5.1 What is the estimated operating budget for the program(s) to be housed in the proposed facility in years one, two, three? (Attach "Exhibit F" is additional space is needed.)

	Year One	Year Two	Year Three
Payroll/Personnel Expense	885,000	910,000	935,000
Vehicle Expense	100,000	110,000	120,000
Operating Expenses	240,000	250,000	260,000
Maintenance Expense	50,000	65,000	75,000
Program Expense	150,000	165,000	180,000
	$1,425,000	$1,500,000	$1,570,000

5.2 How does this operating budget compare to the operating budget for these same programs as they are currently being conducted?

	1999 Budget
Payroll/Personnel Expense	$535,000
Vehicle Expense	70,000
Operating Expenses	95,000
Maintenance Expense	25,000
Program Expense	115,000
	$840,000

5.3 If additional operating funds will be necessary, how will they be secured?
Increased program fees, membership fees, and an annual fundraising drive will be implemented in the new facility.

PART IV SUPPLEMENTAL INFORMATION

1. Be sure to label Exhibits A, B, C, D, E, & F (see 2.1, 2.4.a., 2.4.b., 2.6.c, 2.6.d. and 5.1.) including the applicant's name, and include these supplemental forms with the questionnaire.

2. Provide the Executive Summaries of the agency's Strategic Plan, Master Facilities Plan & Capital Campaign Feasibility Study that include the facility described in this proposal.

3. Provide one copy of the organization's audited financial statements covering each of the last three years.

4. Furnish a site plan, floor plan[3], elevations, and artist's rendering of the proposed facility[4].

5. Provide a roster of Board of Directors/Trustees including volunteer titles and professional affiliations.

Applicants have the option (i.e., this is not required) of adding an appendix (*8 pages or less*) with supportive materials descriptive of their organization, programs, clients or proposal. All applicants are urged to note the following:

- If more than one organization will occupy, benefit or otherwise play a role in the successful utilization of the project, a formal letter(s) of commitment is required.
- All application materials become the property of the Foundation.
- Video and audiotapes should *not* be submitted.
- Do not solicit or submit endorsement letters.
- Applicants are encouraged to contact the Foundation staff with any questions regarding the questionnaire or application. Direct communications with Foundation Trustees is discouraged.
- Applicants are urged to submit their applications as early in the submission period as possible.

Revised: 4/96, 1/97, 6/98, 7/99

[3] Please identify the intended locations for the program(s) that will be located in the new facility.
[4] Please submit architectural drawings and plans on paper no larger than 8.5" x 11".

DONALD W. REYNOLDS, 1999-00 GRANT APPLICATION
FAYETTEVILLE YOUTH CENTER, INC.

Exhibit A

The construction costs were developed by The Wischmeyer Architects using Historical Cost Data of recent similar facilities completed by their Youht and Recreational Center Consultant – Moody/Nolan LTD, Inc. Construction cost data was supplemented using Mean's Square Foot Cost Data – 1996 and further adjusted for inflation.

DONALD W. REYNOLDS, 1999-00 GRANT APPLICATION
FAYETTEVILLE YOUTH CENTER, INC.

Exhibit B
Major Furnishings

Classroom furnishings	$20,000
Teen Center furnishings	20,000
Conference Room furnishings	15,000
Way Finding Signage	15,000
Administrative Office furnishings	10,000
Lobby furnishings	10,000
Library furnishings	10,000
Nursery furnishings	10,000
Locker room furnishings	5,000
	$115,000

DONALD W. REYNOLDS, 1999-00 GRANT APPLICATION
FAYETTEVILLE YOUTH CENTER, INC.

Exhibit C
Major Equipment

Climbing Wall	$100,000
Fitness & Exercise Equipment	150,000
Pool Equipment & Timing System	70,000
Maintenance Equipment	60,000
Gymnasium/Gymnastics Equipment	60,000
Administrative Phones & Pager System	50,000
Teen Center Computers & Game Systems	40,000
Administrative Office Computer Systems	35,000
Kitchen & Concession Equipment	35,000
Security System	25,000
Arts & Crafts Equipment	15,000
Fieldhouse Equipment	10,000
	$650,000

DONALD W. REYNOLDS, 1999-00 GRANT APPLICATION
FAYETTEVILLE YOUTH CENTER, INC.

Exhibit D
Other Professional Services/Fees

Site / Civil Engineering / Aquatic Consultant / Estimating:

1.35% of construction costs	$169,375

Fayetteville Family and Youth Center: Strategic Plan Executive Summary

The Fayetteville Youth Center Board of Directors has developed over the past ten months a strategic plan for the growth and future of the Youth Center. The process involved many different stakeholders in the community including community leaders, youth, parents, staff, board members, and other defined groups in the larger Fayetteville community.

As part of the planning process, a revised mission statement was developed and a vision for the future of the Center was created.

The FYC board adopted a comprehensive list of outcomes for each of eight strategic categories, operations, leadership, staff, programs, stewardship, facilities, financial stability, and public relations. Strategies were created for each of the outcome statements. The strategies outline approaches the staff and board wil use to realize their vision of success and provide the framework for developing detailed action plans. Progress toward the outcomes will serve as the measure for evaluation in the future.

The FYC Board of Directors established strategic focus statements that will help guide future planning processes.

- Strengthen the capacity of FYC to enhance youth and family development by:
  - Fortifying internal operations and external communications
  - Identifying and drawing upon all resources of the community to realize the mission
  - Collaborating with individuals, agencies, and organizations that can provide assistance in realizing the mission
- Expand services to youth and families by:
  - Providing a broad array of family activities and programs
  - Removing access barriers for all youth and family participation
- Serve as a vehicle for reknitting the community social fabric by:
  - Designing and offering programs that create integration and interaction of different neighborhood, gender, generation, racial, and ethnic groups
  - Extending hours of operation to better service the needs of children, teens, families, seniors, and other adults.

This plan will serve as the basis for all future decision making and action. The board is developing a work plan for the next 12 months to be enacted by the staff and board.

Fayetteville Family and Youth Center: A Community Commons

In October 1998, the Fayetteville Youth Center Board of Directors voted to investigate a new facility to house the future programs, activities, and services provided to Fayetteville and surrounding communities. After months of strategic planning and site visits, a new site has been selected and an architectural firm has been hired to design a new facility.

The decision to relocate was made after analysis of the existing site proved that the growth and flexibility of the current site had been exhausted.

The new center design incorporates the best facets of three top Youth and Family Centers across the country. Elements of the new design include a colorful and lively atmosphere, lots of natural light, feeling of safety, organized traffic flow, clear entrance, good access, flexible interior spaces, playful architecture, functional space, central monitoring and attractive landscaping.

Using this information, the Board adopted 11 objectives for the design of the new facility that include a nationally recognized facility, a 100-year design, and facilities that exceed community expectations.

The Board also set forth specific criteria to be used in the site selection among which the following must be met:

- The new site will be owned by the Youth Center or available for a 99 year lease
- Playing fields must be adjacent to the new facility
- Easily accessible, flat topography, visibility from the road and plenty of parking, and
- Ample space for multiple fields.

Two sites met these criteria and others as outlined in the Master Facility Plan Report. The site recommended to the Board is located in west Fayetteville and near some planned new developments. Five lane road access is planned by the City to be constructed in the next two years. Part of the land would be donated as city green space and the balance purchased at a cost of approximately $80,000 for an 18 acre site.

The architectural firm of Wischmeyer Architects has been selected to prepare site plans, floor plans, building elevations, and architectural renderings. They are a national firm with a local office. They have contracted with a national architectural firm to access the expertise of a former Youth Center director with more than 20 years of experience in Youth Center operations to serve as a staff consultant in the design and program development of the Fayetteville Youth Center.

A letter of intent for the land purchase has been executed and initial drawings will be completed by September 15, 1999.

Fayetteville Family and Youth Center: Institutional Development
Plan Executive Summary

As the next step in preparing for its future, the FYC Board of Directors have directed that an institutional development plan be created. This process has begun and will be completed by the end of the year.

The first step in this process is a feasibility study with community leaders and decision-makers to determine the community support to engage in a capital fundraising campaign and the development of an annual fundraising campaign. As of the date of this grant submission, 50% of interviews for the feasibility study have been completed.

As this process nears completion, an advisory board of community leaders who have both influence and affluence will be created to map the direction of the capital fundraising campaign. These individuals will be well-informed ambassadors for the FYC to the community and will serve as the foundation of private giving to the FYC.

The advisory board will help to determine fundraising goals, gift amounts, and number of gifts to reach desired goals. They will provide input for an appropriate timeframe and will help to determine the appropriate budget for the process.

Members of the Board, staff, and the advisory committee will receive training for the fundraising effort that will include developing prospect lists, initiating calls, content of fundraising calls, follow up, and determination of priorities.

One person will serve as chair and other leaders will be named in categories that will be recommended by the advisory board.

The capital fundraising campaign will result in an annual giving campaign that will be conducted with a broad audience and on a regular basis.

Members of the community will be polled to determine what appropriate special events should be incorporated into the FYC calendar to raise additional dollars.

The result of the planning process, to be completed in December 1999, will be a written plan of action for the capital and annual fundraising efforts of the FYC.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION

FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1998 AND 1997

WITH

REPORT OF CERTIFIED PUBLIC ACCOUNTANT

The Board of Directors
Fayetteville Youth Center, Inc.
Nonprofit Organization

I have audited the accompanying balance sheets of Fayetteville Youth Center, Inc. Nonprofit Organization as of December 31, 1998 and 1997, and the related statements of activity and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. My responsibility is to express an opinion on these financial statements based on my audits.

I conducted my audits in accordance with generally accepted auditing standards. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audits provide a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Fayetteville Youth Center, Inc. Nonprofit Organization at December 31, 1998 and 1997, and the results of its operations and its cash flows for the years then ended in conformity with generally accepted accounting principles.

CPA

George A. Byram
Fayetteville, Arkansas
March 2, 1999

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
BALANCE SHEET
DECEMBER 31, 1998 AND 1997

Assets	1998	1997
Cash	$ 51,360	$ 58,161
Prepaid Insurance	6,589	4,045
Restricted Cash	93,744	5,000
Facilities and Equipment net of Accumulated Depreciation	796,462	822,227
Total Assets	$ 948,155	$ 889,433

Liabilities and Fund Balance		
Accounts Payable	$ 2,948	$ 13,041
Deferred Membership Revenue	30,369	24,011
Fund Balance:		
Designated for Capital Additions	6,551	10,739
Designated for Concessions	1,423	536
Designated for Other	300	5,000
Designated for Study	92,477	
Undesignated	17,625	13,879
Net Investment in Facilities and Equipment	796,462	822,227
Total Fund Balance	914,838	852,381
Total Liabilities and Fund Balance	$ 948,155	$ 889,433

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF ACTIVITY
YEARS ENDED DECEMBER 31, 1998 AND 1997

	1998	1997
Support and Revenue		
Memberships	$ 42,763	$ 40,405
United Fund	96,500	95,000
City of Fayetteville	97,300	97,000
Fayetteville School System	18,333	20,000
Donations	19,882	20,224
Program Activities	399,988	362,891
Auxiliary Activities	5,880	1,002
Other Sources	5,244	3,056
Total Support and Revenue	685,890	639,578
Expenses		
Program Services:		
Membership Activities	100,537	89,594
Salaries and Instruction	437,956	413,147
Total Program Expenses	538,493	502,741
Supporting Services:		
General Administration	120,901	110,891
Facilities Maintenance	25,282	26,992
Depreciation	29,953	34,831
Other Expense	1,281	4,213
Total Supporting Services	177,417	176,927
Total Expenses	715,910	679,668
Deficiency of Support and Revenue over Expenses	$ (30,020)	$ (40,090)

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF CASH FLOWS
YEARS ENDED DECEMBER 31, 1998 AND 1997

	1998	1997
Cash Flow from Operations:		
Deficiency of Support and Revenue over Expenses	$ (30,020)	$ (40,090)
Depreciation not using cash	29,953	34,831
(Deficiency) of Support and Revenue over Cash Expenses	(67)	(5,259)
Other Resources (Uses):		
(Increase) in Prepaid Insurance	(2,544)	
(Increase) in Restricted Cash	(88,744)	(5,000)
Increase (Decrease) in Accounts Payable	(10,093)	7,318
Increase (Decrease) in Deferred Membership Revenue	6,358	(1,651)
Grants Received in excess of Project Costs	92,477	
Purchase of Facilities and Equipment	(4,188)	(4,227)
Other Resources		190
(Decrease) in Cash	$ (6,801)	$ (8,629)

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1998 AND 1997

Note 1: Summary of Significant Accounting Policies

The financial statements of Fayetteville Youth Center, Inc. Nonprofit Organization have been prepared on the accrual basis. The significant accounting policies followed are described below to enhance the usefulness of the financial statements to the reader.

Fund Accounting

To ensure observance of limitations and restrictions placed on the use of resources available to the organization, the accounts of the organization are maintained in accordance with the principles of fund accounting. This is the procedure by which resources for various purposes are classified for accounting and reporting purposes into funds established according to their nature and purpose. The fund balances of the organization are reported as follows:

* Undesignated fund balance, which includes amounts available for operation and support activities.

* Designated for capital additions.

* Designated for concessions and other.

* Designated for long-range planning study which includes development of strategic, master facilities and institutional development plans.

Membership Revenue

Membership fees are recognized over the period to which they relate.

Restricted Cash

Restricted cash represents donated funds that have restrictions as to the use of those funds.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1998 AND 1997

Note 2: Facilities and Equipment

A summary of facilities and equipment follows:

	1998	1997
Building	$ 951,523	$ 951,523
Swimming Pool	935,603	935,603
Equipment	159,304	155,116
	2,046,430	2,042,242
Less Accumulated Depreciation	1,249,968	1,220,015
	$ 796,462	$ 822,227

Depreciation is provided over the estimated useful lives of the assets on a straight-line basis.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION

FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1997 AND 1996

WITH

REPORT OF CERTIFIED PUBLIC ACCOUNTANT

The Board of Directors
Fayetteville Youth Center, Inc.
Nonprofit Organization

I have audited the accompanying balance sheets of Fayetteville Youth Center, Inc. Nonprofit Organization as of December 31, 1997 and 1996, and the related statements of activity and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. My responsibility is to express an opinion on these financial statements based on my audits.

I conducted my audits in accordance with generally accepted auditing standards. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audits provide a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Fayetteville Youth Center, Inc. Nonprofit Organization at December 31, 1997 and 1996, and the results of its operations and its cash flows for the years then ended in conformity with generally accepted accounting principles.

CPA

George A. Byram
Fayetteville, Arkansas
March 4, 1998

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
BALANCE SHEET
DECEMBER 31, 1997 AND 1996

Assets	1997	1996
Cash	$ 58,161	$ 66,790
Prepaid Insurance	4,045	4,235
Restricted Cash	5,000	
Facilities and Equipment net of Accumulated Depreciation	822,227	852,831
Total Assets	$ 889.433	$ 923,856

Liabilities and Fund Balance		
Accounts Payable	$ 13,041	$ 5,723
Deferred Membership Revenue	24,011	25,662
Fund Balance:		
Designated for Capital Additions	10,739	14,966
Designated for Concessions	536	353
Designated for Other	5,000	
Undesignated	13,879	24,321
Net Investment in Facilities and Equipment	822,227	852,831
Total Fund Balance	852,381	892,471
Total Liabilities and Fund Balance	$ 889,433	$ 923,856

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF ACTIVITY
YEARS ENDED DECEMBER 31, 1997 AND 1996

Support and Revenue	1997	1996
Memberships	$ 40,405	$ 40,799
United Fund	95,000	94,000
City of Fayetteville	97,000	91,999
Fayetteville School System	20,000	20,000
Donations	20,224	12,746
Program Activities	362,891	326,698
Auxiliary Activities	1,002	10,055
Other Sources	3,056	2,962
Total Support and Revenue	639,578	599,259
Expenses		
Program Services:		
Membership Activities	89,594	77,438
Salaries and Instruction	413,147	381,707
Total Program Expenses	502,741	459,145
Supporting Services:		
General Administration	110,891	109,209
Facilities Maintenance	26,992	27,398
Depreciation	34,831	39,645
Other Expense	4,213	3,634
Total Supporting Services	176,927	179,886
Total Expenses	679,668	639,031
Deficiency of Support and Revenue over Expenses	$ (40,090)	$ (39,772)

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF CASH FLOWS
YEARS ENDED DECEMBER 31, 1997 AND 1996

	1997	1996
Cash Flow from Operations:		
Deficiency of Support and Revenue over Expenses	$ (40,090)	$ (39,772)
Depreciation not using cash	34,831	39,645
(Deficiency) of Support and Revenue over Cash Expenses	(5,259)	(127)
Other Resources (Uses):		
Decrease in Due from Endowment Fund and Other Receivables		2,700
(Increase) in Restricted Cash	(5,000)	
Increase in Accounts Payable	7,318	4,715
Increase (Decrease) in Deferred Membership Revenue	(1,651)	2,103
Purchase of Facilities and Equipment	(4,227)	
Other Resources	190	291
Increase (Decrease) in Cash	$ (8,629)	$ 9,682

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1997 AND 1996

Note 1: Summary of Significant Accounting Policies

The financial statements of Fayetteville Youth Center, Inc. Nonprofit Organization have been prepared on the accrual basis. The significant accounting policies followed are described below to enhance the usefulness of the financial statements to the reader.

Fund Accounting

To ensure observance of limitations and restrictions placed on the use of resources available to the organization, the accounts of the organization are maintained in accordance with the principles of fund accounting. This is the procedure by which resources for various purposes are classified for accounting and reporting purposes into funds established according to their nature and purpose. The fund balances of the organization are reported as follows:

* Undesignated fund balance, which includes amounts available for operation and support activities.

* Designated for capital additions.

* Designated for concessions and other.

Membership Revenue

Membership fees are recognized over the period to which they relate.

Restricted Cash

Restricted cash represents donated funds that have restrictions as to the use of those funds.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1997 AND 1996

Note 2: Facilities and Equipment

A summary of facilities and equipment follows:

	1997	1996
Building	$ 951,523	$ 950,268
Swimming Pool	935,603	935,603
Equipment	155,116	152,144
	2,042,242	2,038,015
Less Accumulated Depreciation	1,220,015	1,185,184
	$ 822,227	$ 852,831

Depreciation is provided over the estimated useful lives of the assets on a straight-line basis.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION

FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1996 AND 1995

WITH

REPORT OF CERTIFIED PUBLIC ACCOUNTANT

The Board of Directors
Fayetteville Youth Center, Inc.
Nonprofit Organization

I have audited the accompanying balance sheets of Fayetteville Youth Center, Inc. Nonprofit Organization as of December 31, 1996 and 1995, and the related statements of activity and cash flows for the years then ended. These financial statements are the responsibility of the Organization's management. My responsibility is to express an opinion on these financial statements based on my audits.

I conducted my audits in accordance with generally accepted auditing standards. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. I believe that my audits provide a reasonable basis for my opinion.

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Fayetteville Youth Center, Inc. Nonprofit Organization at December 31, 1996 and 1995, and the results of its operations and its cash flows for the years then ended in conformity with generally accepted accounting principles.

CPA

George A. Byram
Fayetteville, Arkansas
February 18, 1997

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
BALANCE SHEET
DECEMBER 31, 1996 AND 1995

Assets	1996	1995
Cash	$ 66,790	$ 57,108
Other Receivables		2,700
Prepaid Insurance	4,235	4,526
Facilities and Equipment net of Accumulated Depreciation	852,831	892,476
Total Assets	$ 923,856	$ 956,810

Liabilities and Fund Balance		
Accounts Payable	$ 5,723	$ 1,008
Deferred Membership Revenue	25,662	23,559
Fund Balance:		
Designated for Capital Additions	14,966	14,966
Designated for Concessions	353	59
Undesignated	24,321	24,742
Net Investment in Facilities and Equipment	852,831	892,476
Total Fund Balance	892,471	932,243
Total Liabilities and Fund Balance	$ 923,856	$ 956,810

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF ACTIVITY
YEARS ENDED DECEMBER 31, 1996 AND 1995

Support and Revenue	1996	1995
Memberships	$ 40,799	$ 39,325
United Fund	94,000	92,000
City of Fayetteville	91,999	90,422
Fayetteville School System	20,000	20,000
Donations	12,746	14,255
Program Activities	326,698	285,610
Auxiliary Activities	10,055	11,052
Other Sources	2,962	8,422
Total Support and Revenue	599,259	561,086
Expenses		
Program Services:		
Membership Activities	77,438	45,355
Salaries and Instruction	381,707	357,796
Total Program Expenses	459,145	403,151
Supporting Services:		
General Administration	109,209	104,578
Facilities Maintenance	27,398	32,793
Depreciation	39,645	40,509
Other Expense	3,634	3,188
Total Supporting Services	179,886	181,068
Total Expenses	639,031	584,219
Deficiency of Support and Revenue over Expenses	$ (39,772)	$ (23,133)

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
STATEMENT OF CASH FLOWS
YEARS ENDED DECEMBER 31, 1996 AND 1995

	1996	1995
Cash Flow from Operations:		
Deficiency of Support and Revenue over Expenses	$ (39,772)	$ (23,133)
Depreciation not using cash	39,645	40,509
Excess (Deficiency) of Support and Revenue over Cash Expenses	(127)	17,376
Other Resources (Uses):		
Decrease in Due from Endowment Fund and Other Receivables	2,700	8,985
Decrease in Restricted Cash		804
Increase (Decrease) in Accounts Payable	4,715	(1,935)
Increase (Decrease) in Deferred Membership Revenue	2,103	(1,476)
Purchase of Facilities and Equipment		(1,300)
Other Resources (Uses)	291	(131)
Increase in Cash	$ 9,682	$ 22,323

See accompanying notes.

FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1996 AND 1995

Note 1: Summary of Significant Accounting Policies

The financial statements of Fayetteville Youth Center, Inc. Nonprofit Organization have been prepared on the accrual basis. The significant accounting policies followed are described below to enhance the usefulness of the financial statements to the reader.

Fund Accounting

To ensure observance of limitations and restrictions placed on the use of resources available to the organization, the accounts of the organization are maintained in accordance with the principles of fund accounting. This is the procedure by which resources for various purposes are classified for accounting and reporting purposes into funds established according to their nature and purpose. The fund balances of the organization are reported as follows:

* Undesignated fund balance, which includes amounts available for operation and support activities.

* Designated for capital additions.

* Designated for concessions.

Membership Revenue

Membership fees are recognized over the period to which they relate.

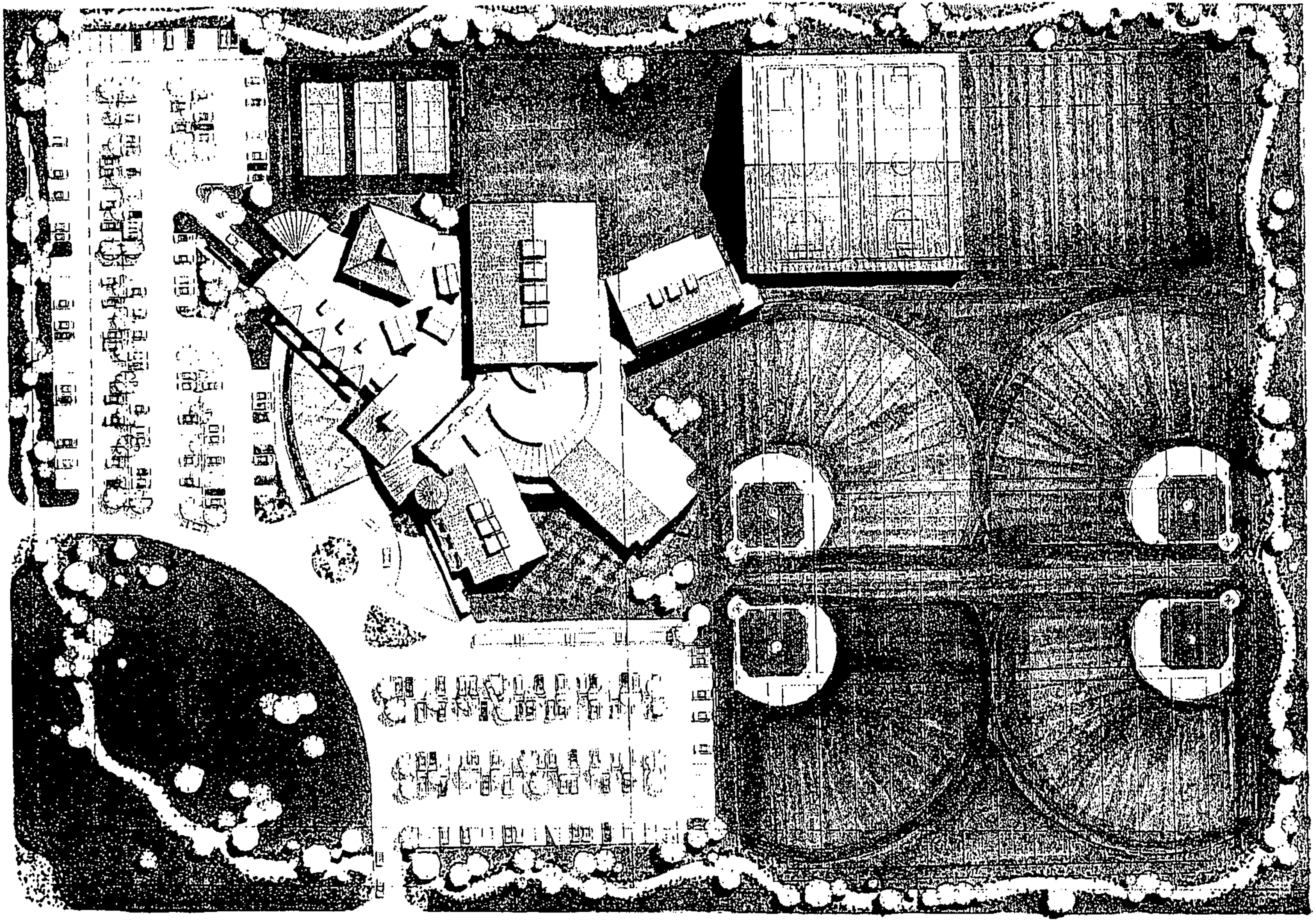
FAYETTEVILLE YOUTH CENTER, INC.
NONPROFIT ORGANIZATION
NOTES TO FINANCIAL STATEMENTS
YEARS ENDED DECEMBER 31, 1996 AND 1995

Note 2: Facilities and Equipment

A summary of facilities and equipment follows:

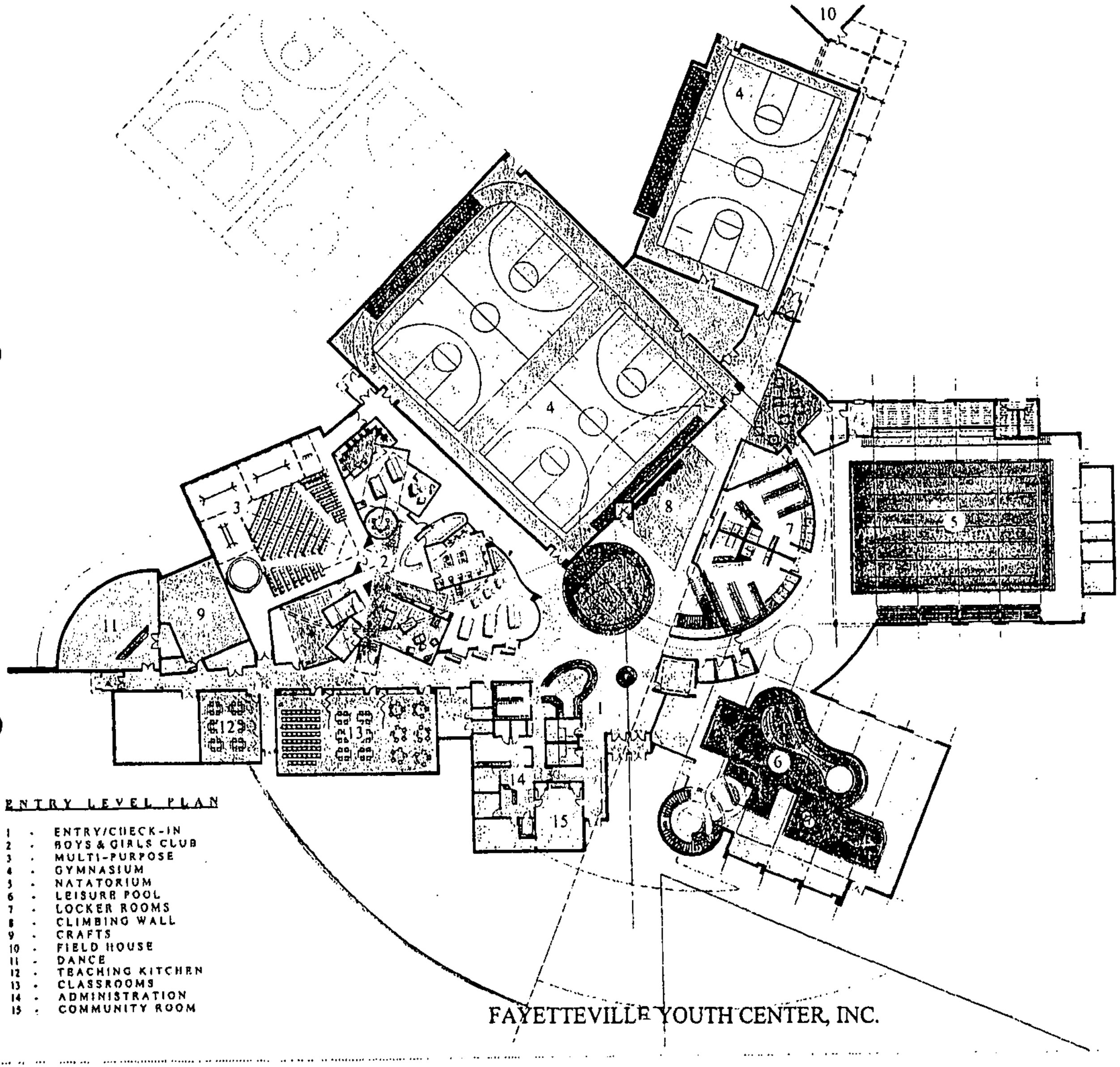
	1996	1995
Building	$ 950,268	$ 950,268
Swimming Pool	935,603	935,603
Equipment	152,144	152,144
	2,038,015	2,038,015
Less Accumulated Depreciation	1,185,184	1,145,539
	$ 852,831	$ 892,476

Depreciation is provided over the estimated useful lives of the assets on a straight-line basis.



FAYETTEVILLE YOUTH CENTER, INC.
SITE AN

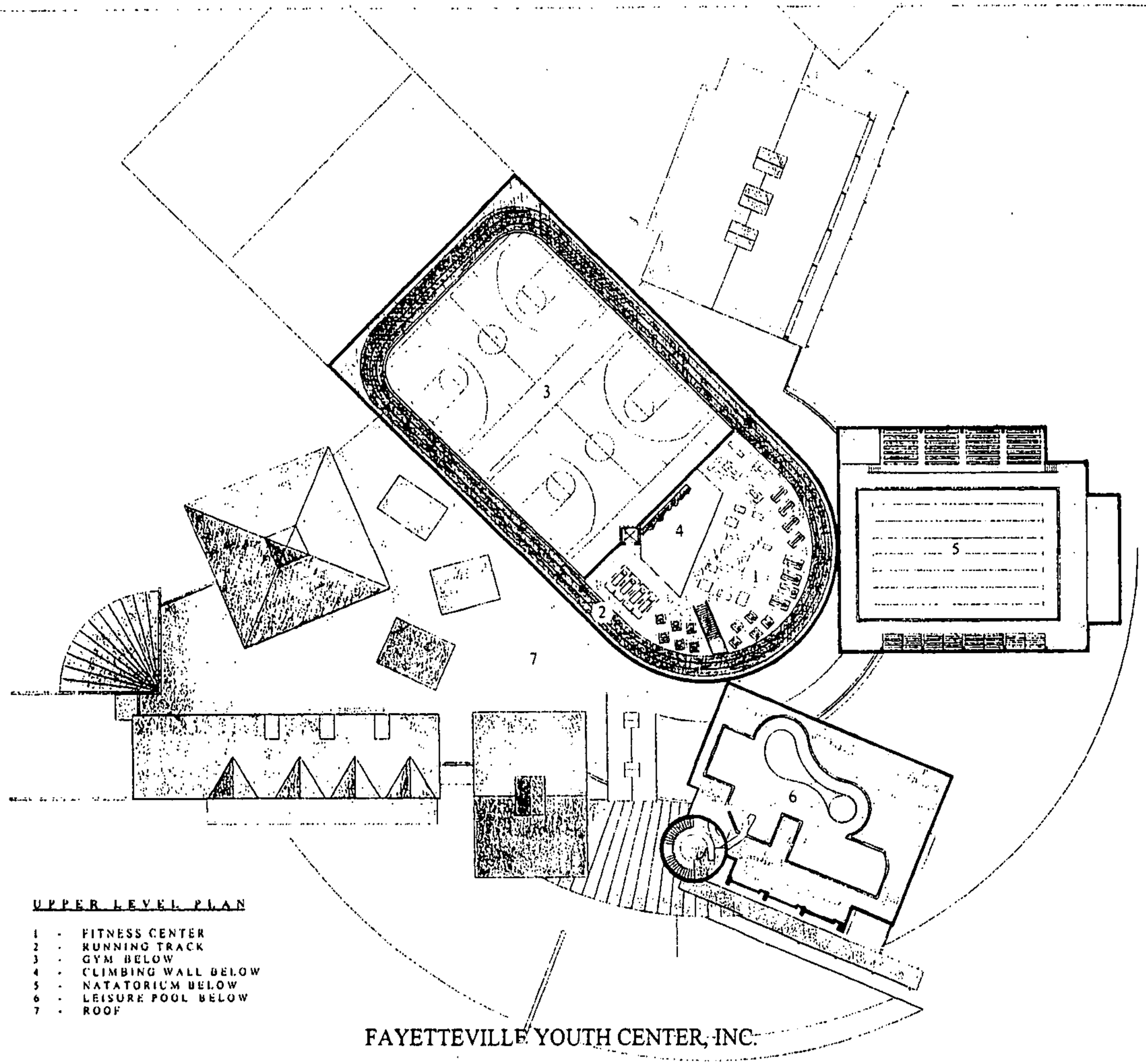
NORTH



ENTRY LEVEL PLAN

1 - ENTRY/CHECK-IN
2 - BOYS & GIRLS CLUB
3 - MULTI-PURPOSE
4 - GYMNASIUM
5 - NATATORIUM
6 - LEISURE POOL
7 - LOCKER ROOMS
8 - CLIMBING WALL
9 - CRAFTS
10 - FIELD HOUSE
11 - DANCE
12 - TEACHING KITCHEN
13 - CLASSROOMS
14 - ADMINISTRATION
15 - COMMUNITY ROOM

FAYETTEVILLE YOUTH CENTER, INC.

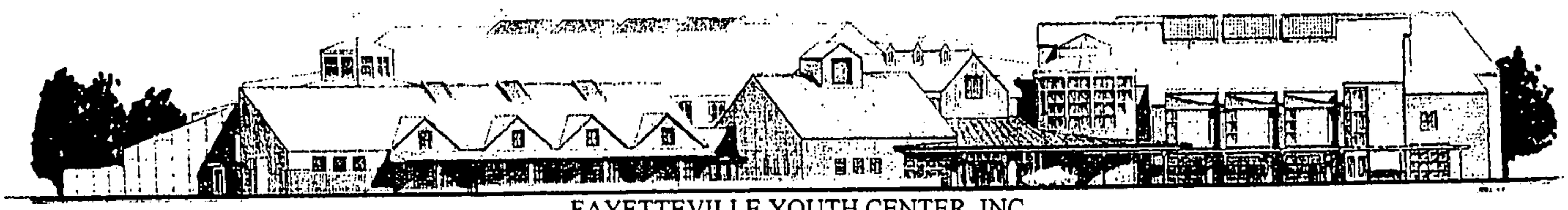


UPPER LEVEL PLAN

1 - FITNESS CENTER
2 - RUNNING TRACK
3 - GYM BELOW
4 - CLIMBING WALL BELOW
5 - NATATORIUM BELOW
6 - LEISURE POOL BELOW
7 - ROOF

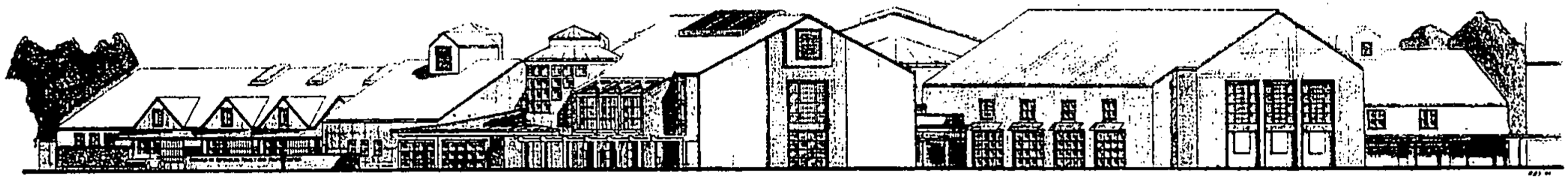
FAYETTEVILLE YOUTH CENTER, INC.

ENTRY VIEW



FAYETTEVILLE YOUTH CENTER, INC.

WEST-ELEVATION



SOUTH ELEVATION

NORTH-WEST ELEVATION

FAYETTEVILLE YOUTH CENTER, INC.

Fayetteville Youth Center Fact Sheet

- In 1941 the Fayetteville Youth Center was opened as a boys club. Its stated purpose was to work with young boys in order to prevent delinquency. The primary program was boxing. Boxing was eventually dropped, yet the Center continues its efforts to help prevent delinquency before it begins.

- Today the Fayetteville Youth Center offers a wide variety of programs for children. These programs include full aquatic activities such as swimming instructions for ages 2 and up, youth competitive swims, and family swimming. A youth basketball program serving an estimated 1,200 boys and girls in grades 1-12 has been added to the Youth Center's activities.

- Flag football for boys and girls in 4th through 6th grade is offered, and tackle football for boys in 4th through 7th grade.

- In addition, FYC provides a drop-in arts and crafts program. This program is available to participants in summer day camp and School Kids Connection as well as throughout the school year.

- A dance program of tap, jazz, and ballet serves from 70 to 100 participants every semester. Cheerleading and baton are offered regularly. Karate is offered two evenings per week and participation has been good for 15 years.

- Gymnastic classes for ages 2 years through high school have also been successful, with an enrollment of approximately 100 children every 8 weeks.

- The Youth Center began girls softball in 1980. By 1996 there were 490 girls participating. Currently, the City of Fayetteville is building four lighted fields to serve the softball interest.

- Ten years ago the Fayetteville Youth Center started soccer in the area. The interest and involvement of youth and parents in this program grew to more than 800 participants annually. Consequently, the program is now managed by a group of volunteers.

- In addition to the central facilities on California Drive, the FYC operates community gymnasiums at three different locations: Asbell, Holcomb, and Vandergriff Elementary Schools.

- FYC also offers an afterschool licensed child care program in conjunction with the Fayetteville public schools at six elementary schools which serves 220 different youngsters each day. A summer day camp program can also be found. This day camp serves an estimated 180 children each day. A summer hot lunch program in conjunction with the Jefferson Elementary school serves an average of 250 meals each day during the summer months.

- Currently the FYC has a vehicle fleet of 5 buses and 2 vans. These vehicles not only make it possible to offer transportation from every elementary school to FYC twice a week, they are also utilized by the summer day camps and the School Kids Connection program. Participation in FYC programs is funded through scholarships and transportation programs are provided by the city.

- The FYC has received outstanding program awards from the Arkansas Recreation and Parks Association for its day camp, School Kids Connection, transportation, and Outreach programs. The Outreach program is a cooperative program between the University of Arkansas, the Youth Center, and the City of Fayetteville where a recreation program is taken to the residents of subsidized housing areas.

- Answering a community need, a program similar to Big Brothers, Big Sisters to serve the youth of this area was developed by the FYC. Funding from a local foundation was received to support the effort for a period of five years, until funding could be secured for the nationally affiliated program, which is now running in Northwest Arkansas.

DONALD W. REYNOLDS FOUNDATION

September 11, 2000

John Benberg
Executive Director
Fayetteville Youth Center
915 California Boulevard
Fayetteville, AR 72701

Dear Mr. Benberg:

We have received the two (2) originals of the August 10, 2000 Construction Grant Agreement for the family and youth center to benefit the Fayetteville Youth Center (Youth Center). Enclosed is one (1) original of the fully executed Construction Grant Agreement and the Certification of Foundation Representative. Please retain these for your files.

As a reminder the Fayetteville Youth Center, as a condition prior to construction, must secure the 20% ($1,852,083) Restricted Maintenance Fund. However, before any funding of our grant may begin, the Foundation requires Fayetteville Youth Center to provide the following in association with the signed Construction Grant Agreement:

- Evidence of clear title for the land (9.69 acres) that the Youth Center will own.
- A copy of the 99-year lease with City of Fayetteville for the land (9 acres) that the Youth Center will be leasing.
- Written certificate stating the identity and certifying the signature of Grantee Representative.
- EXHIBIT "A" – Preliminary Site Plan
- EXHIBIT "C" – Restricted Fund Agreement
- EXHIBIT "E" – List of Furnishings and Equipment
- EXHIBIT "A" TO EXHIBIT "H" - Memorandum of Grant Agreement

Please inform the Foundation of an estimated date by which to receive the items listed above.

We look forward to working together.

Sincerely,

Philip Thomas
Senior Program Officer

1701 VILLAGE CENTER CIRCLE · LAS VEGAS, NEVADA 89134-6303 · (702) 804-6000 · FAX (702) 804-6099
http://www.dwreynolds.org

STEVEN L. ANDERSON
President

DONALD W. REYNOLDS FOUNDATION

CERTIFICATION OF FOUNDATION REPRESENTATIVE

In accordance with paragraph 2.2 of our Construction Grant Agreement, below is the signature of the DONALD W. REYNOLDS FOUNDATION Representative in connection with any and all agreements between the Grantee and the Foundation. His authorized signature is as follows:

_____.

I hereby certify that the above signature is the true and correct signature of Mr. Phil Thomas, Senior Program Officer.

Steven L. Anderson, President

1701 VILLAGE CENTER CIRCLE · LAS VEGAS, NEVADA 89134-6303 · (702) 804-6000 · FAX (702) 804-6099
http://www.dwreynolds.org

RECEIVED
SEP 0 5 2000
Donald W. Reynolds Foundation

CONSTRUCTION GRANT AGREEMENT

by and between

DONALD W. REYNOLDS FOUNDATION,
a Nevada non-profit corporation

and

Fayetteville Youth Center,
an Arkansas non-profit corporation

CONSTRUCTION GRANT AGREEMENT

THIS CONSTRUCTION GRANT AGREEMENT ("Agreement"), is made and entered into as of the 10th day of August, 2000, by and between Fayetteville Youth Center, an Arkansas non-profit corporation ("Grantee"), and the DONALD W. REYNOLDS FOUNDATION, a Nevada non-profit corporation ("Foundation").

RECITALS

WHEREAS, Grantee submitted the final application package the terms and conditions of which are incorporated herein by reference ("Grant Request") to Foundation for a grant to be used to build a Youth Center ("Project") on Grantee's existing real property which site location is shown on the preliminary site plan attached hereto and incorporated by reference as Exhibit "A";

WHEREAS, Foundation has approved a grant to Grantee in the Grant Amount to construct the Project and to purchase furnishings and equipment, all as further described in the Grant Request; and

WHEREAS, Foundation, in reliance upon the representations and warranties made by Grantee in this Agreement, is willing to fund the Grant Request in accordance with all terms and conditions in this Agreement.

NOW THEREFORE, in consideration of the mutual promises and the representations and warranties of Grantee contained in this Agreement, Foundation and Grantee do hereby agree as follows:

SECTION 1
GRANT : TERMS AND CONDITIONS

1.1 Grant. Foundation hereby agrees to fund a grant in an amount not to exceed $9,260,413 (the "Grant Amount") for the sole purpose of constructing and furnishing the Project described in the Grant Request and in reliance on and subject to, as the case may be, (a) the terms and conditions set forth in this Agreement, (b) the terms and conditions in the cover letter dated August 10 2000 from Foundation and addressed to John Benberg, Executive Director of Grantee attached hereto and incorporated by reference as Exhibit "B", and (c) Grantee's representations and warranties set forth in this Agreement.

9/11/00 JB

1.2 Restricted Fund for Project Maintenance.

(A) Grantee shall create a restricted source of funds for the building maintenance and repair (the "Restricted Fund") pursuant to a "Restricted Fund Agreement", a form of which is attached hereto as Exhibit "C", which shall set forth the terms and conditions of the Restricted Fund and shall cause said funds to be set aside. Grantee agrees that upon execution of this Agreement and execution and delivery of the Restricted Fund

Agreement to the Foundation, Grantee shall promptly and diligently initiate a fund raising campaign for the sole purpose of establishing the Restricted Fund. The Restricted Fund shall be initially funded and maintained in the amount of $1,852,083. Prior to commencement of any construction of the Project, Grantee shall execute the Restricted Fund Agreement and initiate the fund raising campaign contemplated therein. No part of the Restricted Fund shall be comprised of any monies from the Grant Amount. Concurrent with execution of the Restricted Fund Agreement, Grantee shall submit an in-depth report detailing the fund raising campaign which will fund the Restricted Fund, including, but not limited to, a list of potential donors, target dates for monetary goals, and the strategies by which Grantee intends to pursue its goal of achieving full funding of the Restricted Fund.

(B) The earnings, as defined in the Restricted Fund Agreement ("Annual Available Funds"), generated by the Restricted Fund Corpus (defined in the Restricted Fund Agreement) are restricted for use solely for purposes of maintaining and upkeeping the Building (defined below) in a manner similar to other "first class" buildings owned and maintained by non-profit organizations in the city or county in which the Building is located. The Restricted Fund is intended to provide funding to keep the Building in sound structural condition while maintaining an attractive exterior and interior appearance. Annual Available Funds may be used for remodeling the existing structure or for repairs and maintenance of heating and air-conditioning equipment, repairs or modifications of the electrical service or repairs and modification of the plumbing system, including water and sewer. Up to twenty percent (20%) of the Annual Available Funds may be used for the purpose of purchasing furnishings and equipment to replace worn out or obsolescent Furnishings and Equipment of the kind which were initially purchased and installed as part of the Foundation Grant. The Restricted Fund shall not be used to operate the Project or for any other purpose, including, but not limited to, ordinary custodial or housekeeping care or maintenance.

(C) For the purposes of this Agreement "Furnishings and Equipment" shall mean those capital items (and related installation) that are necessary for the Project to be used for its intended purpose including, but not limited to, furniture, fixtures and equipment, and as more fully set forth in Exhibit "B" attached hereto and incorporated by reference. Exhibit "B" may be provided supplementally so long as it is provided prior to approval or acceptance of any bids for construction, furnishings, or equipment.

(D) Grantee shall submit a quarterly report to Foundation known as the "Confidential Update on Restricted Fund Report", a form of which is attached hereto as Exhibit "D", which report shall set forth all cash and pledges, outstanding and paid, received to date. The first report shall be submitted by Grantee to Foundation no more than twenty (20) days after the end of the first calendar quarter following the date the Restricted Fund was established, and quarterly thereafter.

(E) Grantee shall not occupy any portion of the project for normal business use and functions prior to the Restricted Fund being fully funded by cash and/or pledges. This

does not preclude or exclude the Grantee and its vendors working in the facility to adequately complete the installation, testing, punch list and necessary training of project-related equipment and machinery

SECTION 2
REPRESENTATIVES

2.1 Grantee Representative. Grantee shall appoint a "Grantee Representative" who shall be vested with the authority to act on and in behalf of Grantee. Grantee shall submit in writing to Foundation a certificate stating the identity and certifying the signature of Grantee Representative. Grantee Representative shall be no more than one reporting level from the Chief Executive Officer of Grantee's organization. All acts and agreements approved by, entered into, or executed by Grantee Representative shall be binding on Grantee.

2.2 Foundation Representative. Foundation appoints Phil Thomas as "Foundation Representative". Foundation Representative will be paid by the Foundation and shall be responsible solely to Foundation and shall owe no duty to Grantee in the performance of his duties as Foundation Representative. Foundation will send Grantee a written notification certifying Foundation Representative's signature. Foundation Representative responsibilities shall include, without limitation, the following:

(A) Project plan review to insure that the Project's plans and specifications accurately reflect the Project as it was described in the Grant Request.

(B) Visits to the Project during any phase of construction on behalf of Foundation in order to satisfy Foundation that Project construction is proceeding in accordance with the plans and specifications thereof.

(C) Monitor all equipment purchases to ensure that the same are necessary to the operation of the Project and that such purchases are within the Project's equipment budget.

2.3 Access to Project and Information. Grantee shall provide Foundation Representative with full and complete access to the following:

(A) The Project construction site and the Project during construction and at all times thereafter.

(B) All books and records related to the Project in any manner, including, but not limited to, invoices, bills of material, lien waivers, payment records, architectural reports, surveys, or any other information which may reasonably relate to the progress of the Project or any problems which may materialize.

(C) Any of Grantee's staff or employees, any employees or agents of the architect or any employees or agents of any construction contractor or sub-contractor for purposes of discussing any aspect of the Project, construction or maintenance thereof.

2.4 Foundation Representative Office Support. Grantee shall, at its sole cost and expense, make such telephone and secretarial services available to Foundation Representative as may be reasonably necessary for the performance of Foundation Representative's duties related to the Project while at the Project's location.

SECTION 3
DESIGN AND CONSTRUCTION

3.1 General. The Grantee, its selected architectural firm and its selected general contractor ("Project Team") shall create and submit to Foundation a "Gantt chart" setting forth all dates related to the Project, including each phase of the Project's construction as fully set forth in Section 3.3.

3.2 Project Phases. Grantee shall adhere to the following project phases.

(A) Planning Phase. Prior to engaging in or continuing with any further design, Grantee shall begin and/or complete the process of selecting an architectural firm and general contractor. The architectural firm shall prepare the plans and specifications. The general contractor shall begin to seek and acquire all permits, licenses and regulatory approvals necessary to commence the construction of the improvements. The general contractor shall work with the architect throughout all design phases to provide information pertaining to means and methods of construction, general construction, and scheduling that will be reflected in the plans and specifications to acquire accurate market pricing (collectively called the "Planning Phase").

(B) Design Phase. Upon completion of the Planning Phase, the Project Team shall prepare a project design using its best efforts to complete any necessary or required construction documents in a timely manner (collectively called the "Design Phase").

(C) Construction Phase. Upon completion of the Design Phase, Grantee shall establish the general contractor's contract amount ("Construction Costs"). Grantee shall use its best efforts to substantially complete all aspects of work to complete the Project in a timely manner (collectively called the "Construction Phase").

3.3 Beginning Planning. Grantee shall commence and diligently pursue construction of the Project, beginning with the Planning Phase, by, October 11, 2000; provided, however, if Grantee has not commenced the Planning Phase by December 11, 2000, Foundation may, at its sole option, elect to terminate this Agreement by giving written notice to Grantee.

3.4 Architectural Firm. Prior to engaging an architectural firm for the planning, designing and construction supervision of the Project, Grantee shall furnish Foundation Representative with the credentials of the proposed architectural firm. Grantee shall have made reasonable effort, prior to furnishing credentials to Foundation Representative, to ensure that the architect is qualified for the project and is in good standing in its professional arena. It is Foundation's

desire that such firm shall be competent to design and supervise the Project within the Project's budget parameters and the stated scope of work in the Grant Request. If Foundation Representative has no reasonable objection to the engagement of the architectural firm, Grantee may proceed to retain such firm. A copy of the contract between Grantee and the architectural firm shall be furnished to Foundation as well as any subsequent amendments or modifications of such contract. Grantee shall notify Foundation of the name of the architect that has been designated as the supervising architect. Such supervising architect shall certify all Fund Requests (as defined below) and calculate the percentage completion of the project in all Fund Requests.

(A) The architectural firm shall promptly prepare a "timeline" of events which shall include the following: when the plans and specifications will be prepared; when the construction bids will be let; when the construction will commence; and an estimated completion date.

(B) The architect shall require a topographic survey with boundaries and legal description of the site, any soil studies which may be necessary or appropriate and shall assist Grantee in obtaining an appropriate Phase I environmental audit from a firm regularly engaged in performing such studies and in taking such corrective measures as may be required.

(C) When the Schematic Design has been completed it will be submitted along with a preliminary cost estimate, to the Foundation Representative who shall review them for compliance with the Grant Request and the Grant Amount.

(D) The final plans and specifications shall be prepared after the Schematic Design Presentation Package has been approved. A final budget will also be prepared showing an architectural breakdown of Construction Costs. The final budget shall identify any costs not included in the Grant Request, which are to be donated to Grantee by persons other than Foundation. All plans, specifications, or other documents described in this Section 3.4 shall be submitted to Foundation Representative for his review prior to submitting the Project for bids.

3.5 Cost Projection. Grantee and the architect shall prepare and furnish to Foundation Representative, simultaneously with the final plans and specifications, a detailed cost projection for:

(A) All labor, materials and services necessary for construction of the building in accordance with the plans and specifications as stated in the Grant Request.

(B) All Furnishings and Equipment, including the installation charges for such items as included in the Grant Request. The list of Furnishings and Equipment and related installation charges shall be set forth in Exhibit "E" and incorporated herein by reference.

3.6 Bid Process. When the plans and specifications have been reviewed and approved by Grantee,

Grantee shall invite bids from the general contractor to construct, furnish and equip the Project, as the case may be. Grantee shall select the "best bid" for both the construction and for the various items of Furnishings and Equipment. The criteria for selection of the "best bid" shall include such factors as cost, quality of workmanship, reputation and ability to complete the Project on or before project completion. Grantee shall not be required to obtain competitive bids on furnishings or equipment where such bid would be in the aggregate less than Ten Thousand Dollars ($10,000).

3.7 Construction Contract. When a general contractor has been selected, Grantee shall furnish a fully executed copy of the construction agreement between such general contractor and Grantee to Foundation and any modifications or amendments thereof shall also be furnished to Foundation immediately.

3.8 Payment and Performance Bond. The general contractor shall be required to post a payment and performance bond in an amount at least equal to the Construction Costs as security to Grantee for the full and faithful performance of all obligations of the general contractor. This bond premium may be included in the Construction Costs.

3.9 Insurance Coverage. Prior to commencement of actual construction, Grantee shall obtain, at a minimum, the following types of insurance coverage:

(A) Workmen's compensation.

(B) Fire and extended coverage (in builders risk completed value form).

(C) Builders risk insurance for the full insurable value of all the Project's improvements, Furnishings and Equipment.

(D) Comprehensive general liability insurance of not less than the Grant Amount, naming both Grantee and Foundation as additional insureds.

(E) Any other insurance coverage(s) as may be deemed reasonable and necessary.

These coverages are to be considered as Construction Costs under the Grant Request and evidence of such coverage shall be furnished to Foundation within ten (10) days of commencement of construction on the Project.

3.10 Project Completion. All phases of the Project, including procurement and installation of all furnishings and equipment shall be completed by August 11, 2003 ("Project Completion").

3.11 Completion Report. Within 30 days after completion of the Project and prior to final payment hereunder, Grantee shall deliver to the Foundation a "Completion Report" consisting of a certificate of occupancy and "as built" drawings and materials for the Project.

SECTION 4
PUBLICITY

4.1 Donor Recognition. The Project shall be named the Donald W. Reynolds Youth Center and shall be known as such for all purposes (The "Building"). No interior or external portion of the Project shall ever be given or known as any other name except with the prior written approval of Foundation. The plans and specifications shall provide for a space in the Project to display a plaque describing Mr. Donald W. Reynolds and to display a bronze bust of Mr. Reynolds in a prominent and suitable location both of which locations shall be subject to the reasonable satisfaction of Foundation.

4.2 Publicity Policy. Grantee hereby acknowledges receipt of the Foundation's Publicity Policy and agrees to comply with such policy.

SECTION 5
REPRESENTATIONS AND WARRANTIES

The following representations and warranties are true and correct as of the signing of this Agreement and each request for payment by Grantee shall constitute an affirmation that the following representations and warranties remain true and correct as of the date of such request and, unless Foundation is notified to the contrary prior to the disbursement of the requested payment, will be true and correct on the date of such payment. Grantee hereby represents and warrants that:

5.1 Exempt Status. Grantee is organized and has operated exclusively for one or more of the purposes set forth in Section 170(c)(2)(B) of the Internal Revenue Code of 1986 as amended from time to time ("Code"), and that Grantee is an organization described in Section 509(a)(1) of the Code. If at any time Grantee's status changes, Grantee shall immediately notify Foundation of any change or changes thereof.

5.2 Title. Grantee has good and marketable title in fee simple to the real property upon which the Project is to be constructed, subject only to reasonable rights-of-way, easements, conditions, covenants and restrictions which will not interfere with the construction and operation of the Project, and written proof thereof shall be furnished to Foundation in a form satisfactory to Foundation.

5.3 Authority. Grantee has taken all action necessary to authorize (a) the execution and delivery by Grantee of this Agreement and any related documents required in connection therewith to which Grantee is a party and (b) the consummation of the transactions contemplated in this Agreement and any related documents required in connection therewith. A copy of Grantee's corporate resolution authorizing this Agreement and any related documents required in connection therewith is attached hereto and incorporated by reference as Exhibit "F".

5.4 Ability to Perform. The Project can be constructed, furnished and equipped on the site in full compliance with all laws, rules, orders, ordinances, directions, regulations and requirements of federal, state, county and municipal authorities now in force or which hereafter may be in

force ("Requirements"), which shall impose any duty upon Grantee with respect to the improvement, use, occupation or alteration of the Project by Grantee, including, but not limited to, the Americans with Disabilities Act ("ADA"). The Project shall have the following features:

(A) The Project shall be free standing and shall not share a common wall with any other building(s);

(B) The Project shall be approximately 69,220 gross square feet in size computed in accordance with common or accepted methods;

(C) The Project shall have 1 floor; and

(D) The exterior finish of the Project shall be of stucco and masonry.

5.5 Construction. All construction related to the Project shall be performed within the perimeter of the site as shown on Exhibit "A" and shall be in accordance with the plans and specifications approved by Grantee and its architect and as furnished to Foundation.

5.6 Compliance. The anticipated use of the Project complies with all applicable zoning ordinances, building codes, regulations and ADA requirements affecting the premises, and all requirements for such use have been or will be satisfied before construction of the Project commences.

5.7 Payment of Obligations. Grantee shall pay all obligations incurred by Grantee for the cost of designing, constructing, and furnishing as required by Section 6.7 of this Agreement.

5.8 No Litigation. Grantee has no knowledge, actual or constructive, of any claim, fact, circumstance or any other event which may or could give rise to any action, suit, claim, damages or other liability or proceeding against Grantee or any of its real property.

5.9 Licenses: Permits. Grantee possesses or will obtain prior to commencement of construction all franchises, certificates, licenses, permits and other authorizations from governmental or regulatory authorities that are necessary for the construction, ownership, maintenance, or operation of the Project and Grantee is not in violation of these licenses, permits or agreements or any requirements in any respect.

5.10 No Untrue Statements. The representations, warranties and statements made by Grantee to Foundation do not contain any untrue statement, and, when taken together, do not omit to state any material fact necessary to make such representations, warranties and statements, in light of the circumstances in which they are made, and are not misleading.

5.11 No Modification. No specific warranty or representation contained herein shall be deemed to modify or limit any general warranty or representation.

5.12 Reliance on Warranties. Grantee acknowledges that all of the representations, warranties and

covenants made by Grantee in this Agreement were material inducement to Foundation to approve the Grant Request and enter into this Agreement and Grantee further acknowledges that all of the representations, warranties and covenants contained herein are made with the knowledge and expectation that Foundation is placing complete reliance thereon.

SECTION 6
PROGRESS PAYMENTS, PROCEDURE

The Grant Amount shall be distributed to Grantee in progress payments according to the following provisions.

6.1 Bank Account. Unless disapproved by Foundation in writing, Grantee will open and maintain at Grantee's expense, an account at a bank selected by Grantee ("Account"). The Account shall be used exclusively for the payment of the costs of designing, constructing, furnishing and equipping the Project.

6.2 Account Requirements. The Account shall be set-up in such a manner that Grantee shall receive monthly statements and a return of all checks charged to the Account. Funds in the Account shall be subject to withdrawal only by checks signed by at least two (2) persons who shall be either two (2) authorized officers of Grantee, or one (1) or more authorized officers of Grantee and Grantee Representative. Grantee shall notify Foundation of any change of any person authorized to sign checks drawn on the Account. The Account may be an interest bearing account and such interest shall be accounted for and considered as a part of the Grant Amount.

6.3 Funding the Account. At such time as funds are first required for the Account, and monthly thereafter until construction of the Project is completed, Grantee Representative will prepare and submit to Foundation a Fund Request, the form of which is attached hereto as Exhibit "G".

6.4 Fund Requests. All Fund Requests shall contain the following:

(A) A reasonable estimate of the amount of cash needed in the Account to pay bills received and approved for payment by Grantee in connection with the design, construction, or furnishing of the Project during the immediately preceding month.

(B) A statement of the balance in the Account as of the date of the Fund Request.

(C) The Fund Request submitted by Grantee Representative must include the signature of the architect certifying the percentage of completion of the Project as of the date of the Fund Request.

6.5 Fund Request Limit. In no event shall the funds already distributed, when added to the funds being requested in any Fund Request, be a greater percentage of the Grant Amount than the percentage of completion certified by the architect.

6.6 Providing Funds Pursuant to a Fund Request. If the funds requested by Grantee pursuant to a Fund Request are reasonable and approved by Foundation, Foundation shall, no later than ten (10) full business days after Foundation approval of the Fund Request, provide funds by check or wire transfer to the Account.

6.7 Grantee Payment Obligations. Grantee shall, within (10) full business days after Grantee receives funding from Foundation pursuant to a Fund Request, make payment for all incurred obligations that were set forth in the Fund Request.

6.8 Limitation on Aggregate Funds. In no event shall the aggregate amount, which is or has been, paid by Foundation for Construction Costs exceed the Grant Amount.

6.9 Excess Costs. If the Construction Costs exceed the Grant Amount, then Grantee will pay from its general operating funds or other funds not restricted for any other purpose, and not the Restricted Fund, such excess amounts necessary in order to complete the Project or Grantee may initiate a fund raising campaign for purposes of paying such excess amounts.

6.10 Surplus Grant Funds. Should the Construction Costs be less than the Grant Amount, including all amounts theretofore paid by Foundation with respect to the Project, Foundation shall be obligated to provide funds only to the extent of actual costs. Any surplus left in the Account shall be returned to Foundation.

6.11 Retainage. All contracts for the construction or furnishing of the Project, including any installation thereof, shall provide that at least five percent (5%) of all bills rendered for services rendered or materials furnished shall not be payable until all work or materials called for by any such contracts has been completed or furnished to the Project and accepted by the architect and Grantee.

6.12 Additional Purchases. If, from time to time subsequent to initial approval of any construction contracts related to the Project, Grantee desires to purchase, or contract for purchase, any Furnishings and Equipment not already specified in said contracts, Grantee shall deliver a copy of any such contract to Foundation Representative. All such purchases and contracts shall specify a delivery date and an installation date and when possible, the net delivered and/or installed cost. Foundation reserves the right to reject any such purchases described in this Section 6.12 that Foundation determines in its sole judgment are unnecessary, and upon such rejection, Grantee shall pay for any such rejected items out of Grantee's general operating funds or other funds not restricted for any other purpose.

6.13 Expenditure Restrictions. In no event shall any of the following costs or expenses be paid by any means whatsoever, directly or indirectly, from the Account with any portion of the Grant Amount without the express prior written approval of Foundation:

(A) Any amounts expended for the extension of sewer, water, gas, electrical, steam or other utility lines beyond ten (10) feet from the Project;

(B) Any amounts expended for demolition or removal of any existing structure(s) at the site;

(C) Any amounts expended for land surveys:

(D) Any amounts expended for soil testing not included in the contractor's bid;

(E) Any amount expended for Grantee's legal services;

(F) The cost of special consultants retained by Grantee's architects and/or Grantee other than those covered by the architect's basic fee;

(G) The cost of reproductions of working drawings and specifications issued by the architect and/or Grantee for the purpose of bidding and construction, other than those to be provided by the architect, the cost of which is covered by their basic fee;

(H) Any amounts required to be expended by Grantee in accordance with the contract between Grantee and its architect or general contractor, in excess of the cost of constructing the Project as provided in the construction documents; and

(I) Any amounts included in the Grant Request as a "contingency". Unforeseen costs and expenditures may arise, in which case the Grantee may request in writing, additional funding up to five percent (5%) of the original Grant Amount which must be approved by the Foundation in its sole and absolute discretion. These additional costs must be explained by Grantee in writing and be explained to Foundation's satisfaction before approval of such additional funding will be considered.

6.14 Lien Waivers. Grantee shall obtain partial lien waivers from all persons performing labor or furnishing materials to the Project at the time of all payments therefor, and a general lien waiver prior to any final payment.

6.15 Change Orders. Any changes in the plans which Grantee may wish to make in the course of the Project's construction, shall be approved in writing in advance by the architect and Grantee Representative and such approved change order shall be submitted to Foundation no later than ten (10) days from such approval. Foundation's consent will only be required if (a) any such changes would cause the Construction Costs to exceed the detailed cost projection in 3.5, or (b) if the aggregate of all change orders exceeds one percent (1%) of the bid approved for the Construction Costs, and as the same was submitted to Foundation.

6.16 Final Payment. Prior to approval or payment from the Account of any bill representing final payment on any contract for construction of any portion of the Project, Grantee's Representative and the architect shall execute and forward to Foundation a document certifying that all work called for by said contract has been completed and accepted, and such notification shall be included in the Fund Request.

SECTION 7

DEFAULT IN PERFORMANCE

7.1 Events of Default. Each of the following shall be considered an "Event of Default" and shall entitle Foundation to the remedies provided for in Section 7.2, as well as any and all other remedies, whether at law or in equity, provided for or otherwise available to Foundation or as otherwise provided for in this Agreement:

(A) Breach of Agreement. If Grantee fails or refuses to comply with any of the covenants, conditions, agreements or obligations contained in this Agreement or any other instrument or document given in connection with this grant.

(B) Breach of Warranty. If Grantee breaches any representation or warranty contained in this Agreement or any other writing given in connection with the Grant Request.

(C) Breach of Construction Contract. If Grantee shall fail or refuse to comply with any term or condition of the construction contract.

(D) Not in Accordance with Plans. If the description, area, character or condition of the Project is different from the information provided to Foundation or the construction of the Project is not in compliance with the plans and specifications of the Project.

7.2 Rights and Remedies Upon Default.

(A) If any Event of Default occurs, Foundation may, at its option and in addition to any and all other rights or remedies provided Foundation in this Agreement or at law or equity, terminate this Agreement if such Event of Default is not cured within fifteen (15) days following notice by Foundation to Grantee of such default. During such fifteen (15) day period, Foundation will suspend any payment(s) to Grantee, pending Grantee's cure, provided that, if Grantee fails to cure, Foundation's obligation under this Agreement shall cease pursuant to Section 7.3. If the Event of Default is not curable within fifteen (15) days, or at all, no notice of default is required and Foundation may terminate this Agreement by notice as provided in Section 10.4.

(B) Foundation shall immediately terminate this Agreement and any current or future funding obligations to Grantee upon Grantee's being organized or operated for a purpose other than those described in Section 170(c)(2)(B) of the Code or upon Grantee not being an organization described in Section 509(a)(1) of the Code.

7.3 Effect of Termination. In the event of termination of this Agreement, Foundation shall have the right to require the balance in the Account to be paid over to Foundation and to refrain from making any further advance or payments hereunder. Further, in the event of any such termination, any and all of Foundation's obligations hereunder shall cease and neither Grantee nor any other person shall have any rights whatsoever against Foundation.

7.4 Effective Date of Termination. Termination pursuant to this Section 7 shall be effective upon the expiration of the fifteen (15) day cure period if Grantee has not cured the Event of Default.

If the Event of Default is not cured or curable within fifteen (15) days termination shall be effective when notice is given.

7.5 Foundation's Right of Termination. Notwithstanding any other provision of this Agreement, including Section 10.3, Foundation shall have the absolute right, if there is any Event of Default not timely cured or a Use Restriction breach as provided in Section 8.1, to recover from Grantee, its successor or assigns, all sums paid by Foundation hereunder, together with interest and reasonable attorneys' fees.

7.6 Use of the Foundation and Donald W. Reynolds Names. Notwithstanding any other provision of this Agreement, Foundation may, in its sole absolute discretion, declare that its name and the name of Donald W. Reynolds may no longer be used in any way by, or in connection with, the Project or Grantee. In such event the plaque, bust and all other evidence at the Project or elsewhere which refers to Foundation or Mr. Reynolds shall be returned forthwith to Foundation and any further reference to Foundation and Mr. Reynolds by, or in connection with, the Project or the Grantee shall be unauthorized and illegal.

SECTION 8
USE RESTRICTION

8.1 Use Restriction. It is expressly agreed by Grantee, its successors or assigns, that the Project shall be used solely for the philanthropic or charitable purposes generally set forth in the Grant Request ("Use Restriction"). Any use of the Project which is inconsistent with the Use Restriction shall be considered a willful and material breach of this Agreement.

8.2 Binding. Grantee hereby agrees that the use restriction set forth in Section 8.1 shall run with the land and be binding upon Grantee, its successors and assigns and shall bind all persons with any right, title or interests in the Project or any part thereof, their heirs, successors and assigns, for a term of twenty-one (21) years from Project Completion. The parties agree to file a Memorandum of Grant Agreement in the real property records in the county the Project is located in, the form of which is attached hereto as Exhibit "H". No act or omission upon the part by Foundation shall be a waiver of the operation or enforcement of this restriction or its rights in the event of Grantee's default.

SECTION 9
FURTHER COMMITMENTS BY GRANTEE

9.1 Further Commitments. Grantee does further agree as follows:

(A) To submit to Foundation full and complete annual reports on the manner in which the funds are spent and the progress made in accomplishing the purposes of this grant.

(B) To maintain records of receipts and expenditures and to make Grantee's books and records available to Foundation at reasonable times.

(C) Grantee shall not use the Grant Amount or any portion thereof to undertake any activity for any purpose other than those set forth in Section 1.1 of this Agreement and the Grant Request.

9.2 Project Evaluation.

(A) Between the time of award notification and building dedication, Grantee shall provide the Foundation annually with:

(1) Current copies of the Grantee's annual certified financial audit. Grantee's annual certified audit shall include a written statement, on the Grantee's auditor's letter head, that is specific to the review of the account established for the Restricted Fund and the Account for the payment of the cost of designing, constructing and furnishing the project as required in Section 6.1.

(2) A three to five page written report describing the plans and achievements of the Grantee toward meeting the needs relating to the program areas to be accommodated in the Project.

(B) After completion of the Project, the Foundation may, at its option, send representatives to make physical site visits to the Project from time to time. Grantee shall submit a written report up to five (5) pages annually within 90 days of the Grantee's fiscal year end that shall:

(1) describe the utilization of the building over the past fiscal year,
(2) show the contribution the Project has made to the achievement of the agency's purpose as described in the Grant Request,
(3) the use of the Restricted Fund income as prescribed in the Restricted Fund Agreement.
(4) anticipated expenses for the upcoming year to be funded from the Restricted Fund.

SECTION 10
GENERAL TERMS AND CONDITIONS

10.1 No Agency. Grantee understands and agrees that neither Foundation nor Foundation Representative is the agent or representative of Grantee for any purposes whatsoever.

10.2 No Liability. This Agreement shall not be construed to make Foundation liable to materialmen, contractors, subcontractors, craftsmen, laborers, engineers, architects, or others for goods or services delivered or provided by such persons to the construction site or the Project.

10.3 No Third-Party Beneficiaries. Notwithstanding any other provision of this Agreement to the

contrary, the terms, covenants and conditions contained in this Agreement are for the sole benefit of the parties hereto, and no reliance or benefit is intended to be granted to any person or company not a party to this Agreement.

10.4 Notices. All notices shall be in writing and shall be sent to the respective addressees of the parties as follows:

Grantee: Fayetteville Youth Center
915 California Boulevard
Fayetteville, AR 72701

Attn: John Benberg, Executive Director

Foundation: DONALD W. REYNOLDS FOUNDATION
1701 Village Center Circle
Las Vegas, NV 89134-6303
Attn: Steven L. Anderson, President

A notice may be hand delivered or mailed, postage prepaid, first class, registered or certified mail, return receipt requested. Any notice sent by mail shall be deemed to have been received on the third business day following the date of mailing.

10.5 Applicable Law. This Agreement has been delivered and accepted in, and shall be a contract made under and shall be entered into and governed by the laws of the State of Nevada. Any action or proceeding against Grantee or Foundation arising out of or relating to this Agreement shall be instituted only in federal or state court in Clark County, Nevada having jurisdiction, and each party waives any objection which it may now or hereafter have to the laying of venue of any such suit, action or proceeding, and each party hereby irrevocably submits to the jurisdiction of any such court in any suit, action or proceeding.

10.6 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remainder of such provision or the remaining provisions of this Agreement.

10.7 Section Headings. The section headings and title headings contained herein are for convenience only and do not define, limit, construe or amplify the contents of such sections.

10.8 Drafting. This Agreement shall not be construed either for or against Grantee or Foundation, but shall be interpreted in accordance with the general tenor of its language.

As of the date above first written, this Agreement has been executed in multiple original counterparts, each of which constitutes the original agreement, and an executed counterpart delivered to each signatory as of the day and year first above written.

FOUNDATION:

DONALD W. REYNOLDS FOUNDATION,
a Nevada non-profit corporation

By: Steven L. Anderson
Name: Steven L. Anderson
Its: President

GRANTEE:

Fayetteville Youth Center,
an Arkansas non-profit corporation

By:
Name: Thomas D Stockland
Its: President, Board of Directors

LIST OF EXHIBITS

EXHIBIT "A" - Preliminary Site Plan
EXHIBIT "B" - Cover Letter from Foundation to Grantee
EXHIBIT "C" - Restricted Fund Agreement
EXHIBIT "D" - Confidential Update on Restricted Fund Report
EXHIBIT "E" - List of Furnishings and Equipment
EXHIBIT "F" - Resolution of Grantee
EXHIBIT "G" - Fund Request
EXHIBIT "H" - Memorandum of Grant Agreement

EXHIBIT "C"

Restricted Fund Agreement
Establishing The
Restricted Fund for Building Maintenance, Repair and Equipment

TO BE ATTACHED

FORM

RESTRICTED FUND AGREEMENT
ESTABLISHING THE
RESTRICTED FUND FOR BUILDING MAINTENANCE
FOR THE
DONALD W. REYNOLDS _____ BUILDING
with
"Recipient Organization's Name"

1. **Creation of Fund.** This instrument ("Restricted Fund Agreement") creates and establishes a restricted interest-bearing fund to be known as the Restricted Fund for Building Maintenance ("Restricted Fund") for the Donald W Reynolds _____ Building ("Building") located in _____ County, _____. This Restricted Fund has been authorized by action of the Board of Directors of *(Recipient Organization Name)*, Incorporated, a _____ non-profit corporation ("Grantee").

2. **Consideration.**

   1. WHEREAS, Grantee is named as the recipient of a _____ ($X,XXX,XXX) grant ("Foundation Grant") by the DONALD W. REYNOLDS FOUNDATION, a Nevada non-profit corporation ("Foundation") for the construction and furnishing of the Building;

   2. WHEREAS, a Construction Grant Agreement ("Agreement") was made and entered into by and between Grantee and Foundation on _____, _____ and sets forth the contractual commitments of Grantee and Foundation with respect to the Foundation Grant;

   3. WHEREAS, one of the commitments made by Grantee in the Agreement required Grantee to promptly and diligently initiate a fund raising campaign for the sole purpose of establishing a restricted source of funds for the Building's maintenance and repair ("Restricted Fund"); and

   4. WHEREAS, Grantee and Foundation now desire to set forth the criteria pursuant to which the Restricted Fund will be established and operated.

   NOW, THEREFORE, in consideration of the grant commitments made by Foundation to Grantee in the Agreement, and in consideration of the donations to be made by contributors hereto in the future, Grantee hereby creates and establishes the Restricted Fund. The Restricted Fund shall receive donations, gifts, subscriptions, and realized bequests to be held and administered pursuant to the following terms and provisions.

3. **Funding of the Restricted Fund.** Donations, gifts, subscriptions, and bequests specifically designated by contributors as contributions to this Restricted Fund, together with all charitable

donations, gifts, subscriptions, bequests and other grants made to Grantee, which are unrestricted by the donor or Grantee and which are hereafter designated by Grantee's Board of Directors or its Executive Committee to be added to and become part of this Restricted Fund, are to be held pursuant to the terms of this instrument.

4. **Restricted Fund Corpus**. Under the terms of the Agreement, Grantee makes a commitment to raise funds for the Restricted Fund in the amount of twenty percent (20%) of the Foundation Grant, or _____ ($X,XXX,XXX) and it shall be considered fully funded when it has cash and securities in said combined minimum amount ("Restricted Fund Corpus"). Grantee covenants and agrees that the Restricted Fund Corpus will be funded by cash or pledges which pledges shall be pledged to be paid within three (3) years after Project Completion. No disbursements shall be made from the Restricted Fund until such a time in the future as Grantee and Foundation agree in writing that it is appropriate to commence disbursement of the Restricted Fund Corpus. If, at any time until such a written agreement to disburse funds is made by Grantee and Foundation, if the balance of the Restricted Fund Corpus falls below _____ ($X,XXX,XXX) and remains below such amount for twenty-four (24) consecutive months or longer ("Shortfall"), Grantee shall replace the Shortfall from its other assets or funds to the extent that Grantee's other assets or funds may be legally used for such purpose.

5. **Application and Use of Earnings Generated by the Restricted Fund Corpus.** For purposes of this paragraph, the terms "earnings generated by the Restricted Fund Corpus" and "annual available funds" are hereby defined as those funds in the Restricted Fund which have been designated by the Board of Directors or the Executive Committee of Grantee as earnings on the Restricted Fund as opposed to Restricted Fund Corpus. This definition will allow capital gains on investments to be designated by Grantee as earnings, or not, at the discretion of the Board of Directors or the Executive Committee of Grantee. Notwithstanding the foregoing, if at any time, the value of the Restricted Fund Corpus falls below _____ ($X,XXX,XXX), the such Board of Directors or Executive Committee shall not have the power to designate capital gains on investments as earnings until the Restricted Fund Corpus value has risen to said amount. The earnings generated by the Restricted Fund Corpus are restricted for use solely for purposes of maintaining and upkeeping the Building in a manner similar to other "first class" buildings owned and maintained by non-profit organizations in the city or county in which the Building is located. The Restricted Fund is intended to provide funding to keep the Building in sound structural condition while maintaining an attractive exterior and interior appearance. Annual available funds may be used for remodeling the existing structure or for repairs and maintenance of heating and air-conditioning equipment, repairs or modifications of the electrical service or repairs and modification of the plumbing system, including water and sewer. Up to twenty percent (20%) of the annual available funds may be used for the purpose of purchasing Furnishings and Equipment to replace worn out or obsolescent Furnishings and Equipment of the kind which were initially purchased and installed as part of the Foundation Grant. No part of the Restricted Fund Corpus or the income generated thereby, shall be used or expended for ordinary custodial care or for any purpose other than those purposes expressly authorized by this paragraph 5 and by paragraphs 6 and 7 below.

6. **Management of the Restricted Fund**. Grantee is hereby authorized to engage the services of one or more federally insured banking institutions for the management of the Restricted Fund and to negotiate and pay the management fees charged by those banks from the Restricted Fund. The Institution shall manage the Restricted Fund in accordance with the investment policy adopted by Grantee's Board of Directors, as the same may be amended from time-to-time.

7. **Inspection of Restricted Fund Books and Records by Foundation**. Foundation, its representatives, agents, accountants or attorneys, shall have the right to inspect the books, records, and vouchers related to the Restricted Fund at any time during the normal business hours of 9:00 a.m. to 5:00 p.m., in the time zone in which Grantee maintains the Building. In order to exercise this right of inspection, Foundation shall give Grantee two (2) days written notice of such inspection. The Restricted Fund funds, books and records shall be kept separate from any other funds, books and records of Grantee.

8. **Annual Statement.** Grantee shall provide Foundation an annual statement of the Restricted Fund setting forth the cash balance and securities balance, if any, within ninety (90) days of the end of Grantee's fiscal year.

9. **Changed Circumstances - Use of Restricted Fund**. Although no disbursements are to be made from the Restricted Fund Corpus until Grantee and Foundation agree in writing that it is appropriate to commence disbursement of the Restricted Fund Corpus, Grantee and Foundation agree that even in light of the best maintenance and upkeep, physical facilities such as the Building do not last in perpetuity. In the event the Board of Directors of Grantee should determine that the Building has exceeded its useful life and should be replaced, the purposes for which the Restricted Fund are held by Grantee shall be subject to review and modification by Grantee and Foundation. In the event Foundation no longer exists and no successor has been appointed then, Grantee's Board of Directors shall devote the Restricted Fund and any balance therein to the following purposes, in order of preference: (i) to maintenance and upkeep of any building or facility named for Donald W. Reynolds; (ii) to maintenance and upkeep in "first class" condition of buildings and facilities providing substantially the same educational, research, and public service mission as the Building; (iii) to maintenance and upkeep in "first class" condition of buildings and facilities providing educational, research, and public service missions reasonably related to those of Grantee; or (iv) to education, research, and public service as Grantee's Board of Directors determines is appropriate considering the charitable and philanthropic mission and history of Foundation.

10. **Third Parties**. The terms and provisions of this instrument comprise the commitment and agreement of Grantee, its successors and assigns, to Foundation and to every person or legal entity who shall have made a donation, gift, subscription or bequest to the Restricted Fund.

11. **Applicable Law**. This Restricted Fund Agreement has been delivered and accepted in, and shall be a contract made under and shall be entered into and governed by the laws of the State of Nevada. Any legal suit, action or proceeding against Grantee or Foundation arising out of or relating to this Restricted Fund Agreement shall be instituted in any federal or state court in Clark County, Nevada, and each party waives any objection which it may now or hereafter

have to the laying of venue of any such suit, action or proceeding, and each party hereby irrevocably submits to the jurisdiction of any such court in any suit, action or proceeding.

12. **Severability**. Whenever possible, each provision of this Restricted Fund Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Restricted Fund Agreement shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remainder of such provision or the remaining provisions of this Restricted Fund Agreement.

13. **Section Headings**. The section headings and title headings contained herein are for convenience only and do not define, limit, construe or amplify the contents of such sections.

14. **Drafting**. This Restricted Fund Agreement shall not be construed either for or against Grantee or Foundation, but shall be interpreted in accordance with the general tenor of its language.

15. **Approval, Ratification, and Adoption by Board of Directors**. The Restricted Fund Agreement has been approved, ratified and adopted by the action of Grantee's Board of Directors on _____, _____.

GRANTEE: _____
a *(NV, AR, OK)* non-profit corporation

By: _____

Name: _____

Its: _____

Exhibit D

Quarterly Report

Confidential Update on Restricted Fund

Individual, Corporate, Organization, Foundation Donors

Date:_____

Organization Name:_____

Restricted Fund Goal: $_____

Projected Construction Completion Date:_____

Quarterly Report*

(please circle appropriate quarter)

1 2 3 4 5 6 7 8 9 10 11 12 Final

Donor/Prospect Name, Title	Association**	Solicitation *** Method, Staff, Team	Target Solicitation Goal	Target Solicitation Date	Solicitation Date	Pledge Date	Pledge **** Amount	Gift Paid to Date	Balance To Be Paid

"Funding Request Summary" Instructions

The *Funding Request Summary* workbook should be used to submit funding requests to the DONALD W. REYNOLDS FOUNDATION.

The enclosed CD contains the *Funding Request Summary* workbook file (Microsoft Excel 97 format) and a CD copy of these instructions (Word 97 format). When using this file, please follow these instructions:

- A copy of the *Funding Request Summary* file should be saved to one of your organization's computers. That copy becomes the working file for submitting funding requests. The original CD should be stored in a safe location.
- *NO CENTS ARE TO BE INCLUDED IN THE AMOUNTS FOR ANY OF THE WORKSHEETS. PLEASE ROUND TO THE NEAREST DOLLAR FOR ANY INVOICE OR CONTRACT AMOUNTS CONTAINING CENTS.*
- The form has been set up to allow you to move from cell to cell by pressing the "Tab" key. After inputting data into a cell, press the "Tab" key rather than the "Enter" key to proceed to the next cell.
- To return to a previous cell in the application, press "Shift+Tab" simultaneously.
- Excel will automatically perform all calculations once your data has been input.
- At the bottom of your screen, you will see what looks like several file tabs. Each lists the name of a worksheet. In order to move from one worksheet to another, click on the tab of the worksheet to be completed.

A hard copy of the CD format is included with these instructions. Please refer to this copy when reading the instructions initially. ***The cells highlighted in red are the only cells in which data may be entered.*** Nine (9) worksheets comprise this workbook.

1. Funding Request Summary
2. Design Detail
3. Design Contracts
4. Construction Detail
5. Construction Contracts
6. Furnishings & Equipment Detail
7. Furnishings & Equipment Contracts
8. Other Project Costs Detail
9. Other Project Costs Contracts

FUNDING REQUEST SUMMARY WORKSHEET

This worksheet is the summary sheet for the other eight (8) worksheets.

Following is the list of cells in the *FUNDING REQUEST SUMMARY* worksheet that requires your input. All other cells in this worksheet are completed automatically when inputting data into the other worksheets.

- FUNDING PERIOD - "BEGINNING" and "ENDING"
  Enter the beginning and ending dates for the current funding request.

- REQUEST NO.
  The first funding request is Request #1. For subsequent requests, enter the next sequential request number.

- GRANTEE REPRESENTATIVE and ARCHITECT
  These two cells are not completed in Excel. These cells require actual signatures and dates of approval.

- GRANT CATEGORY TRANSFERS [Line 2]
  Limits are set for the four categories included in the Summary worksheet. These limits are predetermined between your organization and the Foundation. At times, it may be necessary to change these amounts. On this line you may ***(with Foundation approval)*** transfer dollar amounts from one category to another.
  When transferring funds between categories there will always be two (2) entries. One entry serves to increase the total dollar amount of one category (entered as a positive [+] number) while decreasing the total dollar amount of another category (entered as a negative [-] number).

The total of Line 2 should always equal zero. If the amounts are entered incorrectly and the total does not equal zero, the error message "ERR!" will be shown.

- PROJECT BANK ACCOUNT BALANCE AS OF THIS FUNDING REQUEST
  Enter the current project bank account balance.

DETAIL WORKSHEETS

- DESIGN DETAIL
- CONSTRUCTION DETAIL
- FURNISHINGS & EQUIPMENT DETAIL
- OTHER PROJECT COSTS DETAIL

These Detail Worksheets are intended to represent the *design, construction, furnishings & equipment*, or *other project costs* portions of the funds ***relating to invoices*** received from various vendors/contractors in the funding period for the current request. These are not intended to be continuation sheets throughout the duration of the project. The detail sheets contain one section, the ***Invoice Summary***, which contains 40 lines for itemizing current incurred project expenses. Invoices will determine the relevant worksheet to complete for the current funding request.

The following is the list of cells in each of the four (4) Detail Worksheets that requires your input:

Invoice Summary – Completes and updates Lines 4, 5, and 6 in the FUNDING REQUEST SUMMARY worksheet.

- PREVIOUS FUNDING REQUEST FOR DESIGN/CONSTRUCTION/FURN & EQUIP/OTHER PROJECT COST
  This is a cumulative cell for each worksheet. The totals from the previous funding requests are to be entered into this cell for each category on the separate worksheets.

- REQUEST/INV. NO.
  Enter the vendor's/contractor's request or invoice number.

- DATE
  Enter the date corresponding to your vendor's/contractor's request or invoice number.

- INVOICE AMOUNT
  Enter the dollar amount of the Request/Invoice.

- DESCRIPTION OF SERVICES
  Enter a brief description of the services provided correlating to the Request/Invoice.

CONTRACT WORKSHEETS

- DETAIL CONTRACTS
- CONSTRUCTION CONTRACTS
- FURNISHINGS & EQUIPMENT CONTRACTS
- OTHER PROJECT COSTS CONTRACTS

These Contract Worksheets are intended to represent the *design, construction, furnishings & equipment*, or *other project costs* portions of the funds *relating to the contracts* the Grantee has signed in agreement with various vendors / contractors. The worksheets have two sections: 1.) the ***Contract Summary***, with 25 lines available to enter information and 2.) the ***Change Order Summary***, with 10 lines available for itemizing change orders.

Note: Change Orders are supplements or amendments to the original contracts signed which change the total dollar amount of the contract.

These Contract Worksheets were designed for utilization during the entire project. More specifically, information entered into the *Contract Summary* section of these worksheets will remain for the duration of the project. However, the *Change Order Summary* section of each of the four (4) worksheets is to be cleared each time with totals moving to the *Total Changes Approved by Foundation in Previous Months* cell.

"Funding Request Summary" Instructions

When these Contract Worksheets are completed, the *FUNDING REQUEST SUMMARY* worksheet will update as follows:

- The totals of these worksheets will represent the ORIGINAL CONTRACT(S) AMOUNT [Line 7] for each of the four category columns.
  Note: The combined contract totals for the entire project may, in some instances, exceed the original grant amount.

After you have entered the detail in the *Contract Summary* section you can "Arrow" down to the beginning of the *Change Order Summary* section. Once in the *Change Order Summary* section, press the "Tab" key and you will be taken to the first cell that will allow data entry.

The following is the list of cells in each of the four (4) Contract Worksheets that requires your input:

Contract Summary – Completes Lines 7, 9, and 10 of the FUNDING REQUEST SUMMARY worksheet.

- VENDOR/CONTRACTOR
  Enter the name of the firm(s) engaged for design, construction, furnishings & equipment, or other project costs work.

- CONTRACT DATE
  Enter the date the contract became effective.

- CONTRACT AMOUNT
  Enter the dollar amount of the contract.

- DESCRIPTION OF SERVICES
  Enter a brief description of the services to be provided.

Change Order Summary – Completes Lines 8, 12, 13, and 14 of the FUNDING REQUEST SUMMARY worksheet.

- TOTAL CHANGES APPROVED BY FOUNDATION IN *PREVIOUS* MONTHS
  Enter the total dollar amount of the change order(s) that were approved in previous periods.

- CHANGE ORDER NO.
  Enter the change order number that was approved.

- DATE APPROVED
  Enter the date the change order was approved

- AMOUNT
  Enter the dollar amount of the change order.

- DESCRIPTION
  Enter a brief description of the approved change order.

PRINTING THE FILE

Go to the "File" menu. Select "Print". Under "Print Range", select "All". Under "Print What", select "Entire Workbook" and click OK. The complete workbook (nine pages) should print. Please return *ONLY* these nine pages to the Foundation after the appropriate signatures have been obtained (Grantee Representative and Architect). Copies of invoices or contracts should not be attached to the funding request worksheet, but should be retained with your records.

EXHIBIT "G"

FUNDING REQUEST SUMMARY

GRANTEE: _____ FUNDING PERIOD BEGINNING _____ ENDING _____

PROJECT NAME: _____ REQUEST NO. _____

CONSTRUCTION GRANT AGREEMENT DATE: _____

APPROVALS

Grantee Representative _____ Date

Architect _____ Date

Administrative Officer _____ Date

Foundation Representative _____ Date

Executive Vice President _____ Date

SAMPLE NOT USE DON

	DESIGN	%COMP.	CONSTRUCTION	%COMP.	FURN. & EQUIP.	%COMP.	OTHER PROJECT	%COMP.	TOTALS	%COMP.
GRANT SUMMARY										
1 ORIGINAL GRANT AMOUNT									-	
2 Grant Category Transfers									0	
3 ADJUSTED GRANT CATEGORY TOTALS	-		-		-		-		-	
4 Less Previous Funding Requests			-		-		-		-	
5 **CURRENT PAYMENT DUE**	-		-		-		-		-	
6 Balance of Grant to Fund	-	#DIV/0!	-	#DIV/0!	-	#DIV/0!	-	#DIV/0!	-	#DIV/0!
CONTRACT SUMMARY										
7 ORIGINAL CONTRACT(S) AMOUNT	-		-		-		-		-	
8 Net Changes by Change Orders [Line 14]	-		-		-		-		-	
9 CONTRACT AMOUNT TO DATE [Line 7 + 8]	-		-		-		-		-	
10 BALANCE TO COMPLETE [Line 9 - 4 - 5]	-		-		-		-		-	

CHANGE ORDER SUMMARY	ADD(+) DEDUCT(-)		ADD(+) DEDUCT(-)		ADD(+) DEDUCT(-)		ADD(+) DEDUCT(-)		TOTALS
12 Total changes approved by Foundation in previous months	-		-		-		-		-
13 Total changes approved by Foundation this month	-		-		-		-		-
14 **NET CHANGES by Change Order**	-		-		-		-		-

15 PROJECT BANK ACCOUNT BALANCE AS OF THIS FUNDING REQUEST _____

16 CURRENT DESIGN FEES (DESIGN LINE 7) AS A % OF CURRENT CONSTRUCTION CONTRACT AMOUNT (CONSTRUCTION LINE 7) _____ #DIV/0!

FUNDING REQUEST - DESIGN DETAIL

Project Name: 0

Request No: 0

Total Contract Amount for Design ..... -

Original Grant Amount for Design..... -

Invoice Summary

Previous Funding Requests for Design.....

Current Funding Request for Design..... -

Request/ Inv. No.	Invoice Date	Invoice Amount	Description of Services

SAMPLE
DO NOT USE

FUNDING REQUEST - DESIGN CONTRACTS

Project Name: 0

Request No: 0

Total Contract Amount for Design ..... -

Original Grant Amount for Design..... -

Contract Summary

Vendor/Contractor	Contract Date	Contract Amount	Description of Services

SAMPLE
DO NOT USE

Change Order Summary

Total changes approved by Foundation
in *previous* months.....

Total changes approved by Foundation
in *this* month..... -

Change Order No.	Date Approved	Amount	Description

FUNDING REQUEST - CONSTRUCTION DETAIL

Project Name: 0

Request No: 0

Total Contract Amount for Construction ..... -

Original Grant Amount for Construction..... -

Invoice Summary

Previous Funding Requests for Construction.....

Current Funding Request for Construction..... -

Request/ Inv. No.	Date	Amount	Description

SAMPLE
DO NOT USE

FUNDING REQUEST - CONSTRUCTION CONTRACTS

Project Name: 0

Request No: 0

Total Contract Amount for Construction ..... -

Original Grant Amount for Construction..... -

Contract Summary

Vendor/Contractor	Contract Date	Contract Amount	Description of Services

SAMPLE
DO NOT USE

Change Order Summary

Total changes approved by Foundation
in *previous* months.....

Total changes approved by Foundation
in *this* month..... -

Change Order No.	Date Approved	Amount	Description

FUNDING REQUEST - FURNISHINGS & EQUIPMENT DETAIL

Project Name: **0**

Request No: 0

Total Contract Amount for Furnishings & Equipment ..... -

Original Grant Amount for Furniture & Equipment..... -

Invoice Summary

Previous Funding Requests for Furn & Equip.....

Current Funding Request for Furn & Equip..... -

Request/ Inv. No.	Date	Amount	Description

SAMPLE
DO NOT USE

FUNDING REQUEST - FURNISHINGS AND EQUIPMENT CONTRACTS

Project Name: 0

Request No: 0

Total Contract Amount for Furnishings & Equipment..... -

Original Grant Amount for Furnishings & Equipment..... -

Contract Summary

Vendor/Contractor	Contract Date	Contract Amount	Description of Services

SAMPLE
DO NOT USE

Change Order Summary

Total changes approved by Foundation in *previous* months.....

Total changes approved by Foundation in *this* month..... -

Change Order No.	Date Approved	Amount	Description

FUNDING REQUEST - OTHER PROJECT COSTS DETAIL

Project Name: 0

Request No: 0

Total Contract Amount for Other Project Costs ..... -

Original Grant Amount for Other Project Costs..... -

Invoice Summary

Previous Funding Requests for Other Project Cost.....

Current Funding Request for Other Project Costs..... -

Request/ Inv. No.	Date	Amount	Description

SAMPLE
DO NOT USE

FUNDING REQUEST - OTHER PROJECT COSTS CONTRACTS

Project Name: 0

Request No: 0

Total Contract Amount for Other Project Costs ..... -

Original Grant Amount for Other Project Costs..... -

Contract Summary

Vendor/Contractor	Contract Date	Contract Amount	Description of Services

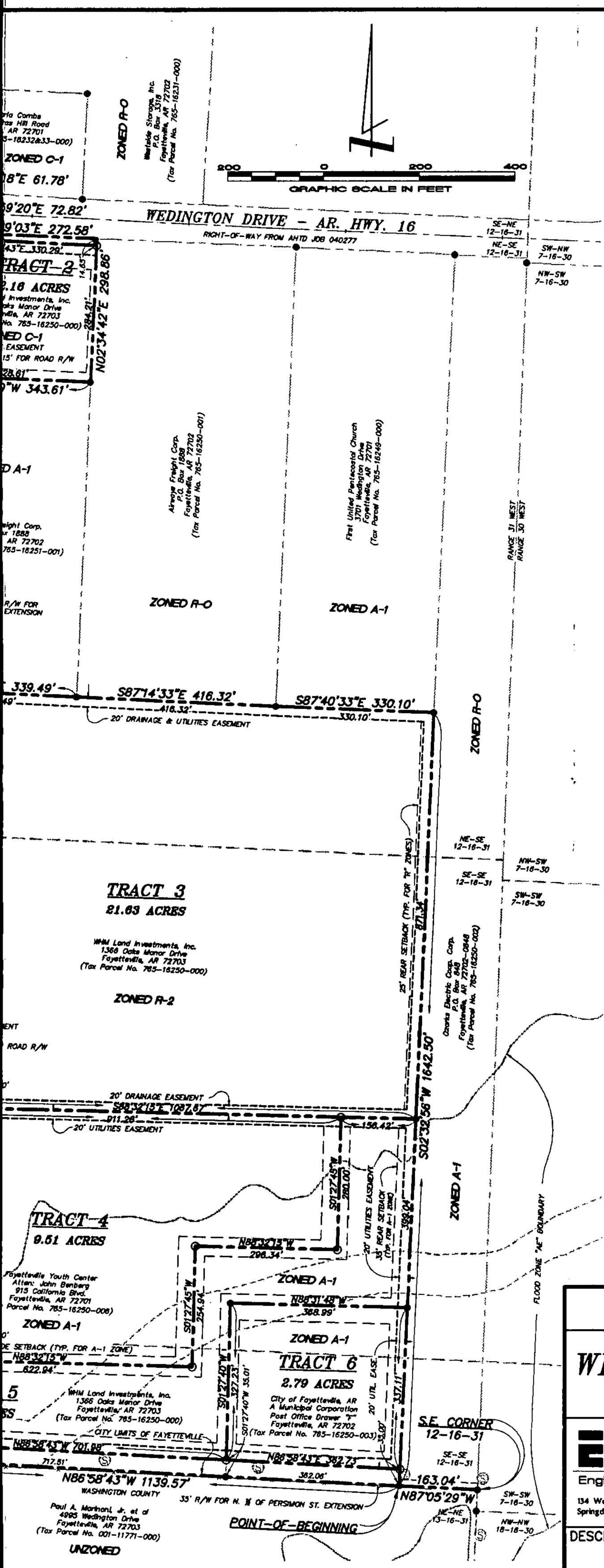
SAMPLE
DO NOT USE

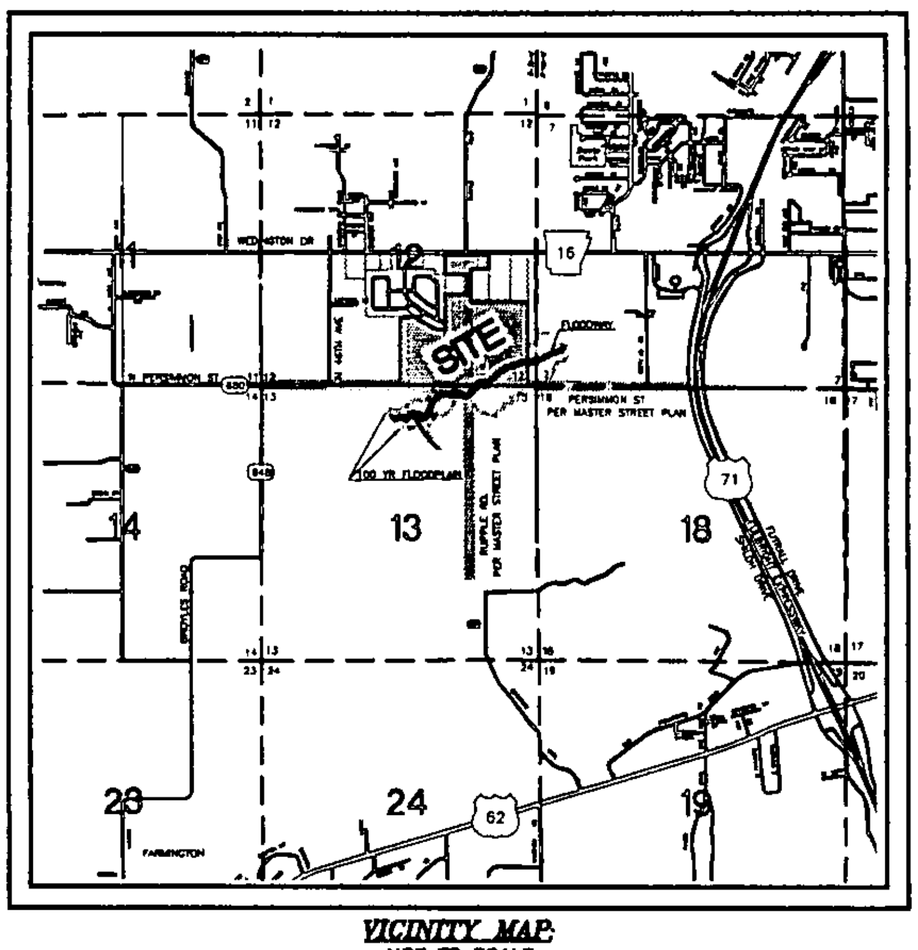
Change Order Summary

Total changes approved by Foundation in *previous* months.....

Total changes approved by Foundation in *this* month..... -

Change Order No.	Date Approved	Amount	Description





VICINITY MAP:
NOT TO SCALE

CERTIFICATE OF APPROVAL OF WATER & SEWER SYSTEM:

I hereby certify that the water distribution systems and sewage collection system installed in the subdivision fully meet the requirements of the Arkansas State Board of Health and the City of Fayetteville.

Date _____ City Engineer _____

CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE:

I hereby certify that the street and drainage system installed in this subdivision fully meet the requirements of the City of Fayetteville.

Date _____ City Engineer _____

CERTIFICATE OF PARK LAND DEDICATION AND MONEY IN-LIEU:

I hereby certify that this Final Plat complies with Section 159.30(K) with the owner's dedication of _____ acres and paying in-lieu $_____.
Warranty Deed for park land recorded as follows:

Book #_____, Page #_____, Book #_____, Page #_____,

Book #_____, Page #_____

Date _____ Parks & Recreation Superintendent _____

CERTIFICATE OF APPROVAL OF BUILDING SET-BACK DIMENSIONS:

I hereby certify that all building setback dimensions shown on this plat are in accordance with the current setback requirements.

Date _____ City Planner _____

CERTIFICATE OF APPROVAL FOR RECORDING:

This Plat was approved by the Fayetteville Planning Commission at a meeting held _____, 2001.

Date _____ Secretary _____

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

We hereby certify that all utility easements, including cable television easements, platted in this subdivision are shown as requested and were approved by the undersigned utilities of the City of Fayetteville, Arkansas.

Date _____ Electric _____ Date _____ Cable Television _____

Date _____ Gas Service _____ Date _____ City of Fayetteville _____

Date _____ Telephone _____

CERTIFICATE OF APPROVAL OF SIDEWALKS:

Construction of all sidewalks shall be inspected by the City Sidewalk and Trails Coordinator to comply with the City Specifications. The developers shall be responsible for the construction and completion of all sidewalks shown on this Final Plat.

Date _____ Sidewalk/Trails Coordinator _____

CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:

I hereby certify that this plat has complied with the requirements of the tree protection and preservation ordinance of the City of Fayetteville Code.

Date _____ Landscape Administrator _____

PRELIMINARY PLAT

WHM LAND INVESTMENTS, INC.
FAYETTEVILLE, ARKANSAS

EDA
Consulting Engineering
Landscape Architecture
Land Surveying
Engineering Design Associates, P.A.
134 West Emma Avenue
Springdale, Arkansas 72764
(501) 756-1266
Fax: (501) 756-2129

DRAWN BY: MBM CHECKED BY: RMA
DATE: 3-06-01
SCALE: 1"= 200'
JOB NUMBER: 0399
FILE NAME: 0399RPLT.DWG

DESCRIPTION: CITY ATLAS PAGE 439

SHEET 1 OF 1

C:\Land Projects_MBM\0399A\dwg\0399SPLT.dwg 03/16/01 03:15:08 PM CST

d within the corporate limits
g situated in the Southeast
Township 16 North, Range 31
llan, Washington County,
rly described as follows,

9"W 163.04 feet from a 3/4"
orner of said Section 12,
et to a point; thence
point; thence N02°35'39"E
e S88°31'48"E 304.89 feet to
long a non-tangential curve to
35.00 feet, an interior angle of
and distance of S52°48'35"E
tangent to the previous
t to a point; thence
point; thence N01°28'12"E
e S86°59'51"E 436.92 feet to
16.75 feet to a point; thence
point; thence N02°20'55"E
e S86°57'31"E 139.41 feet to a
1.84 feet to a point; thence
point; thence N77°46'18"E 61.78
9'20"E 72.82 feet to a point;
et to a point; thence
point; thence N87°23'19"W
e S02°14'38"W 668.42 feet to
39.49 feet to a point; thence
point; thence S87°40'33"E
e S02°32'56"W 1642.50 feet to
ining 93.02 acres (4,051,751
to all rights-of-way,
of record or fact.

CATION:

of Tracts 4, 5, 6 & 7 lie within
l hazard areas inundated by
d elevations determined, as shown
nagement Agency's Flood Insurance
43C0095 D, Effective Date: July 27,
awing from digital information
etteville's GIS Department.

IRAGE:

shown and described hereon is a
that the monuments have been
ract or parcel of the subdivision
etteville, Arkansas.

REGISTERED
STATE OF
ARKANSAS
NO. 1174
MICHAEL R. MARIE
PROFESSIONAL LAND SURVEYOR

Land Surveyor
SIGNATURE
PLS No. 1174

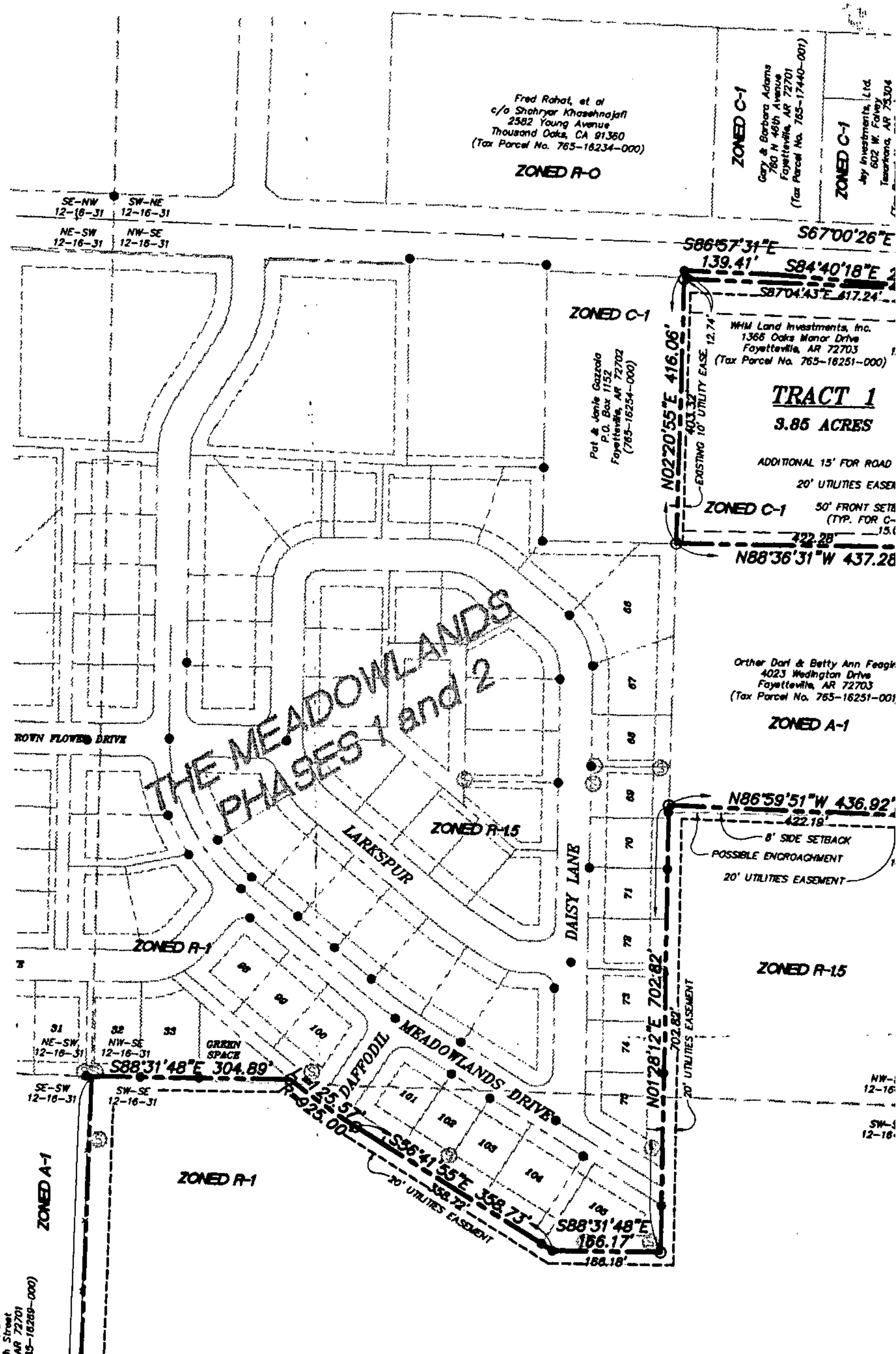
ERSHIP AND DEDICATION:

representing one hundred percent
estate, shown and described hereon,
hip, all streets and alleys as shown
ies prescribed by law. The owners
Fayetteville and to the public utility
le television company holding a
of Fayetteville) the easements as
urpose of installation of new
isting facilities. Also established
and egress to said easements, the
of buildings, structures, or fences
he right to remove or trim trees

l Land Investments, Inc.

etteville Youth Center

y of Fayetteville



OWNER:
FAYETTEVILLE YOUTH CENTER, INC. DBA
THE BOYS & GIRLS CLUB OF FAYETTEVILLE
819 CALIFORNIA DRIVE
FAYETTEVILLE, ARKANSAS 72701
1-501-442-9242

CITY OF FAYETTEVILLE PARKS DEPARTMENT
1455 S HAPPY HOLLOW ROAD
FAYETTEVILLE, ARKANSAS 72701
1-501-444-3471

WHM LAND INVESTMENTS, INC.
1366 OAK'S MANOR DRIVE
FAYETTEVILLE, ARKANSAS 72701
1-501-521-1294

ZONING:
CURRENT ZONE A-1
PROPOSED USE: UNIT 4 CULTURAL AND RECREATIONAL FACILITIES
USE PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION

SETBACK:
FRONT YARD 35 FEET
SIDE YARD 20 FEET
REAR YARD 35 FEET

CONDITIONAL USE REQUEST:
USE UNIT 4 – CULTURAL AND RECREATIONAL FACILITIES

PARKING:
TOTAL SPACES PROVIDED 328
TOTAL HANDICAP REQUIRED 8
TOTAL HANDICAP PROVIDED 8

SITE DATA:
TOTAL AREA 14.93 ACRES
BUILDING 83,556 SQ FT

NOTE:
1. A CONDITIONAL USE FOR COMMERCIAL RECREATION IN A-1 ZONE HAS BEEN APPLIED FOR.
2. A WAIVER FOR TREE PRESERVATION PLAN HAS BEEN APPLIED FOR.
3. A WETLAND DETERMINATION HAS BEEN MADE. THERE IS 0.1 ACRES OF WETLANDS ON THE PROJECT SITE.
4. A WAIVER FOR DRIVE ISLE WIDTH FROM 24 FEET TO 20 FEET FOR THE MAIN DRIVE ISLE HAS BEEN APPLIED FOR.
5. A VARIANCE TO SECTION 9.2.3.4 OF THE DRAINAGE MANUAL RADIUS OF CHANNEL BENDS HAS BEEN APPLIED FOR.
6. AT THIS TIME NO LOCATION FOR A SIGN HAS BEEN DETERMINED. A SEPERATE SUBMITTAL FOR A SIGN WILL BE MADE WHEN A LOCATION HAS BEEN DETERMINED.

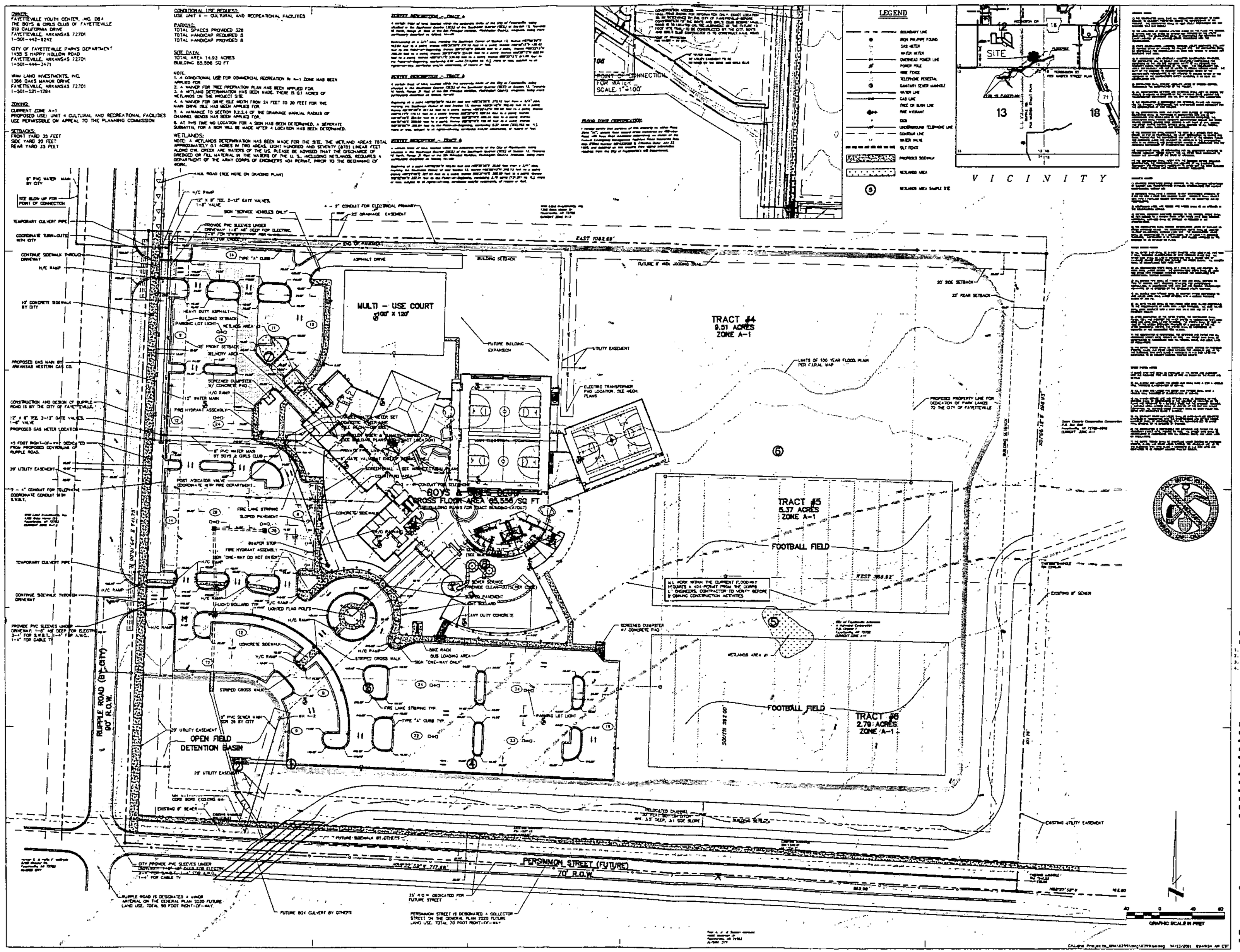
WETLANDS:
NOTE: A WETLANDS DETERMINATION HAS BEEN MADE FOR THE SITE. THE WETLAND AREAS TOTAL APPROXIMATELY 0.1 ACRES IN TWO AREAS. EIGHT HUNDRED AND SEVENTY (870) LINEAR FEET ALONG CHI. CREEK ARE WATERS OF THE US. PLEASE BE ADVISED THAT THE DISCHARGE OF DREDGED OR FILL MATERIAL IN THE WATERS OF THE U. S., INCLUDING WETLANDS, REQUIRES A DEPARTMENT OF THE ARMY CORPS OF ENGINEERS 404 PERMIT, PRIOR TO THE BEGINNING OF WORK.

SURVEY DESCRIPTION – TRACT A

SURVEY DESCRIPTION – TRACT B

SURVEY DESCRIPTION – TRACT C

FLOOD ZONE CERTIFICATION



Wischmeyer architects

Farnsworth GROUP
ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS
34 East Mountain, Suite 100
Fayetteville, Arkansas 72701
479-444-0806, 479-444-0816 fax

EDA
Engineering Design Associates, P.A.
Consulting Engineers
Land Surveyors
134 West Sixth Avenue
Springdale, Arkansas 72764
(479) 756-1164 Fax (479) 756-2129
EDA PROJECT 0099

PROJECT:
A NEW FACILITY FOR
DONALD W. REYNOLDS
FAYETTEVILLE BOYS & GIRLS CLUB
RUPPLE ROAD
FAYETTEVILLE, ARKANSAS 72705

REVISIONS:
1. SUBMITTED FOR REVIEW 2-20-01
2. SUBMITTED FOR REVIEW 3-7-01
3. SUBMITTED FOR APPROVAL 3-16-01
4. REVISED FLOOR PLAN 4-13-01

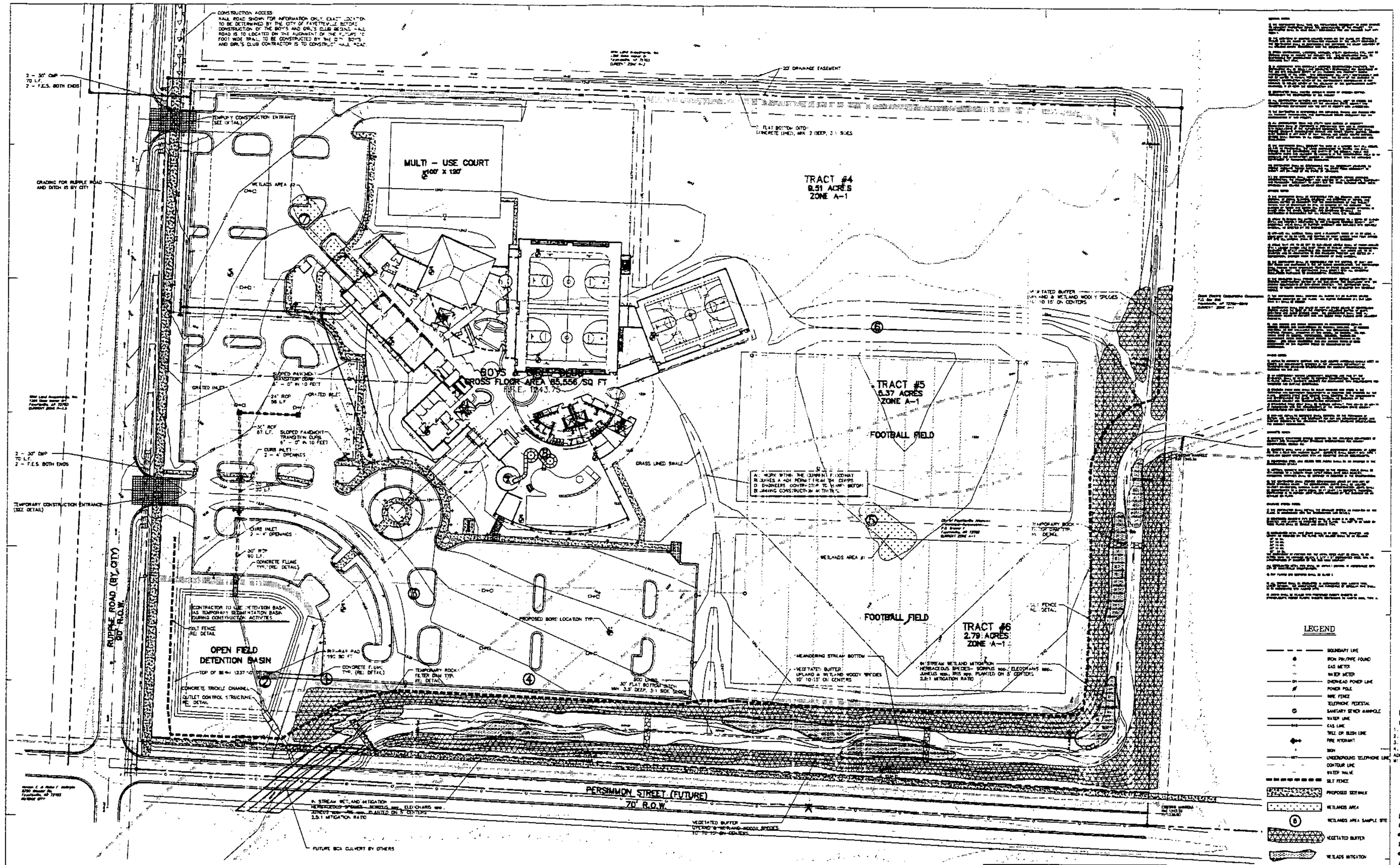
DATE:
DRAWN:
APPROVED:
BOOK NO:
FILE NO:
SHEET TITLE:

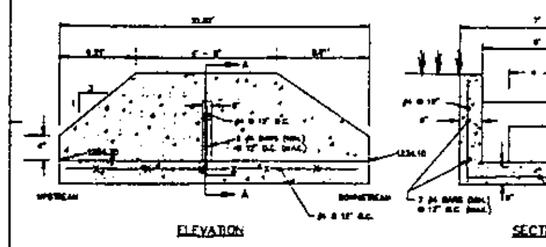
SITE LAYOUT
AND
UTILITY PLAN

SHEET NUMBER:

CE-1
PLAT PAGE #439

PROJECT NO. 7000102

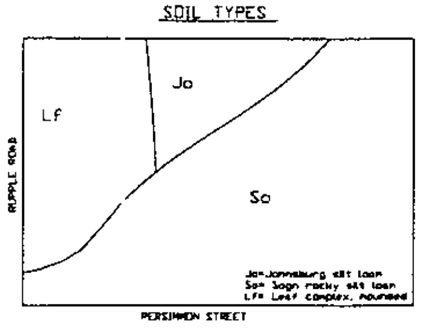


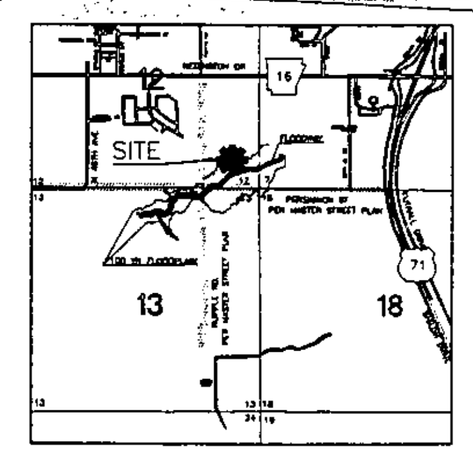


DETENTION POND OUTLET STRUCTURE

NOTES

1. CONCRETE MATERIAL TO HAVE MINIMUM DRY DENSITY AS DETERMINED BY A.S.T.M. D-4564-79 (STANDARD PROCTOR) AT A 28 DF PROCTOR OPTIMUM MOISTURE VALUE.
2. CONCRETE COMPRESSIVE STRENGTH 3,000 P.S.I. MINIMUM AT 28 DAYS WITH 5%-6% AIR ENTRAINMENT.
3. WEEP HOLES 3" FROM BOTTOM AT 6' O.C.
4. REINFORCEMENT AS SHOWN.
5. CONTROL JOINTS TO BE 10' O.C. AND FILLED/SEALED.
6. CHAMFER ALL EXPOSED EDGES.





Wischmeyer architects

Farnsworth GROUP
ENGINEERS
ARCHITECTS
SURVEYORS
SCIENTISTS

EDA
Engineering Design Associates, P.A.
Consulting Engineering
Landscape Architecture
Land Surveying
104 West Sonne Avenue
Springdale, Arkansas 72764
(501) 756-1366
Fax: (501) 756-7329
EDA PROJECT 0399

PROJECT:

A NEW FACILITY FOR
DONALD W. REYNOLDS
FAYETTEVILLE BOYS & GIRLS CLUB
RUPPLE ROAD
FAYETTEVILLE, ARKANSAS 72705

REVISION:
1. SUBMITTED FOR REVIEW 2-20-01
2. SUBMITTED FOR REVIEW 3-7-01
3. SUBMITTED FOR APPROVAL 3-19-01
4. REVISED CHANNEL TO MEANDER AND ADDED VEGETATED BUFFER AND WETLANDS MITIGATION 4-13-01

DATE:
DRAWN:
APPROVED:
BOOK NO:
FILE NO:
SHEET TITLE:

GRADING AND TREE PRESERVATION PLAN

SHEET NUMBER:

CE-2
PLAT PAGE #439

PROJECT NO: 7900102

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Heather Woodruff, City Clerk

From: Kit Williams, City Attorney KW

Date: April 18, 2001

RE: Resolutions & Ordinances passed April 17, 2001 by City Council

Attached are all the Resolutions and Ordinances passed by the City Council on April 17, 2001:

(1) LSD 01-5.00: A Resolution approving a waiver of right-of-way dedication for 15th Street as required by Section 166.10 (C)

(2) A Resolution approving an extension with TCA Cable Partners to temporarily operate the cable communication system until June 30, 2001

(3) A Resolution awarding a contract with Cintas Corporation for Bid No. 01-25 to provide uniforms

(4) A Resolution approving a city-utility agreement between the City of Fayetteville and Arkansas Western Gas Company for Double Springs Road Bridge over Owl Creek

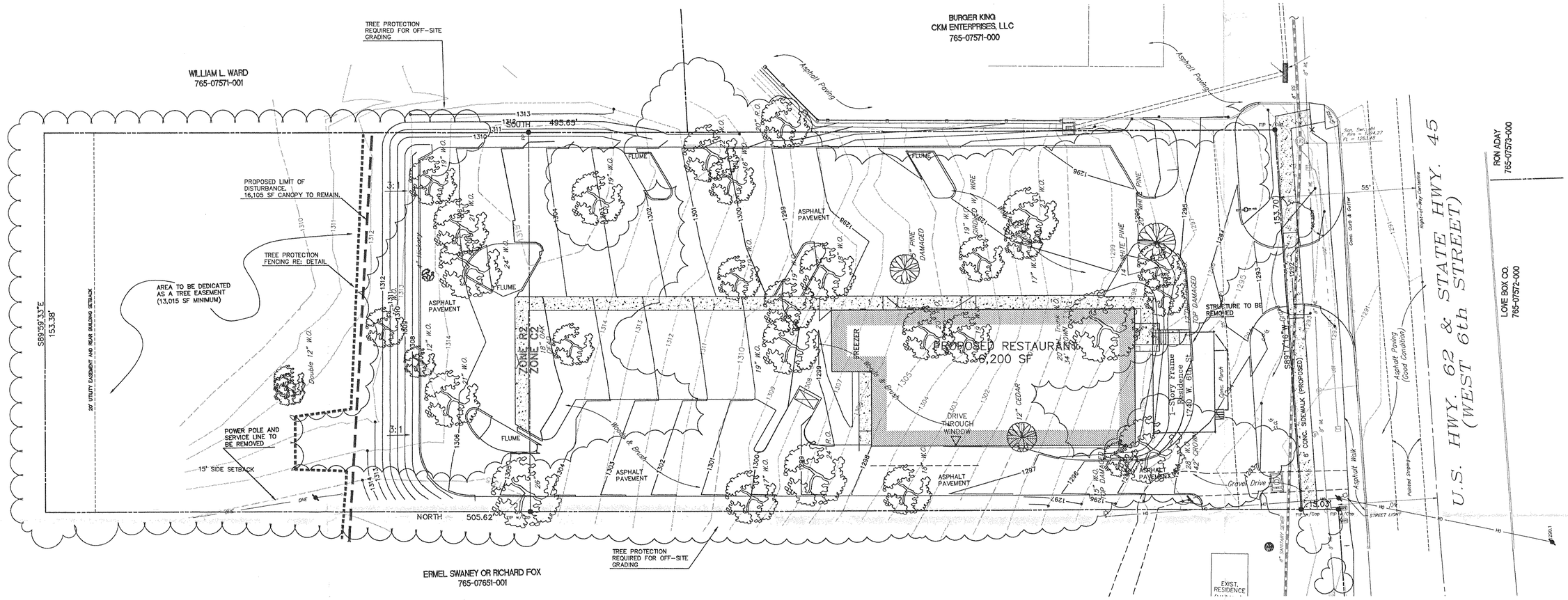
(5) A Resolution approving funding for a bridge replacement on Double Springs Road in the amount of $229,537 and approval of budget adjustment

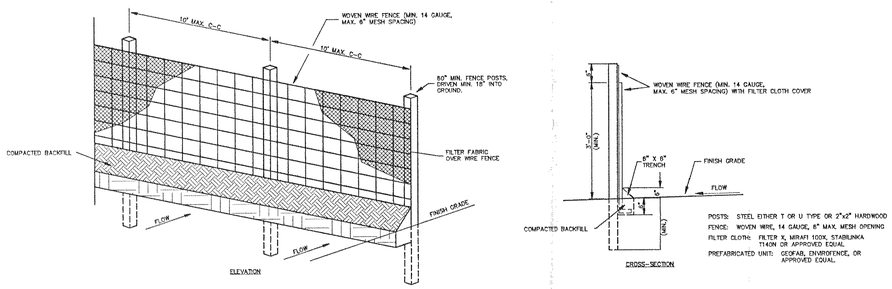
(6) A Resolution adopting drainage study for floodplain and floodway delineation for Mud Creek Tributary at CMN Business Park, Phase II, dated September, 2000

(7) A Resolution accepting the 2001 Community Development Block Grant in the amount of $665,000.00

(8) AD01-12.00 - An Ordinance approving an amendment to Chapter 161, zoning, of the Unified Development Ordinance to include additional multi-family zoning districts

(9) An Ordinance allowing the University of Arkansas to use fireworks for the annual celebration of fireworks night marking the end of the Razorback baseball Season at Baum Stadium.





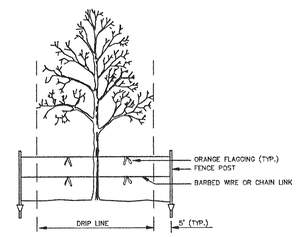
1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
2. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
4. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

POSTS: STEEL EITHER T OR U TYPE OR 2"x2" HARDWOOD
FENCE: WOVEN WIRE, 14 GAUGE, 6" MAX. MESH OPENING
FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL
PREFABRICATED UNIT: GEOFAB, ENVIROFENCE, OR APPROVED EQUAL.

SILT FENCE

TREE PROTECTION NOTES:

1. ALL TREES SHOWN ON THIS PLAN TO BE RETAINED SHALL BE PROTECTED DURING ALL PHASES OF DEMOLITION/CONSTRUCTION WITH TEMPORARY FENCING. IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY TO COORDINATE WITH LANDSCAPE CONTRACTOR.
2. TREE PROTECTION FENCES SHALL BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR GRADING).
3. FENCES SHALL COMPLETELY SURROUND TREE OR CLUSTERS OF TREES. SHALL BE LOCATED 5' FROM THE OUTERMOST LIMITS OF THE TREE BRANCHES (DRIP LINE) AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROJECT IN ORDER TO PREVENT THE FOLLOWING:
   A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT OR MATERIALS.
   B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6 INCHES CUT OR FILL) OR TRENCHING.
   C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
   D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CEMENT TRUCK CLEANING, AND FIRES.
4. EXCEPTIONS TO INSTALLING FENCES 5' FROM TREE DRIP LINES MAY BE PERMITTED IN THE FOLLOWING CASES:
   A. WHERE PERMEABLE PAVING IS TO BE INSTALLED, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA.
   B. WHERE TREES ARE CLOSE TO THE PROPOSED BUILDING: ERECT THE FENCE NO CLOSER THAN 6 FEET TO THE BUILDING.
5. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TREE TRUNK, PROTECT THE TRUNK WITH STRAPPED-ON PLANKING TO A HEIGHT OF 8 FEET (OR TO THE LIMITS OF LOWER BRANCHES) IN ADDITION TO THE REDUCED FENCING PROVIDED.
6. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN AREAS OF UNPROTECTED ROOT ZONES (UNDER DRIP LINES), THOSE AREAS SHOULD BE COVERED WITH 4 INCHES OF ORGANIC MULCH TO MINIMIZE SOIL COMPACTION.
7. ALL GRADING WITHIN PROTECTED ROOT ZONE AREAS SHALL BE DONE BY HAND OR WITH SMALL EQUIPMENT TO MINIMIZE ROOT DAMAGE. PRIOR TO GRADING, RELOCATE PROTECTIVE FENCING TO 2 FEET BEHIND THE GRADE CHANGE AREA.
8. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED WITH A CLEAN CUT FLUSH WITH THE BACKFILL ROOT AREAS. BACKFILL WITH EARTH FREE OF ROCKS AND DEBRIS. ROOT AREAS EXPOSED BY ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER THEM WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
9. PRIOR TO EXCAVATION OR GRADE CUTTING WITHIN TREE DRIP LINES, MAKE A CLEAN CUT BETWEEN THE DISTURBED AND UNDISTURBED ROOT ZONES WITH A ROOT SAW OR SIMILAR EQUIPMENT TO MINIMIZE DAMAGE TO REMAINING ROOTS.
10. TREES MOST HEAVILY IMPACTED BY CONSTRUCTION ACTIVITIES SHOULD BE WATERED DEEPLY ONCE A WEEK DURING PERIODS OF HOT, DRY WEATHER. TREE CROWNS SHOULD BE SPRAYED WITH WATER PERIODICALLY TO REDUCE DUST ACCUMULATION ON THE LEAVES.
11. ANY TRENCHING REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
12. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIP LINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
13. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
14. ALL PRUNING MUST BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE NATIONAL ARBORIST ASSOCIATION PRUNING STANDARDS FOR SHADE TREES) BY A CERTIFIED ARBORIST.



TREE PROTECTION T.P.

N.T.S.

20 0 20 40

GRAPHIC SCALE IN FEET

CALL BEFORE YOU DIG 1-800-482-8998 ARKANSAS ONE CALL SYSTEM

LEGEND

- BOUNDARY LINE
- LOT LINE
- IRON PIN/PIPE FOUND
- MAIL BOX
- GAS METER
- WATER METER
- OVERHEAD POWER LINE
- POWER POLE
- WIRE FENCE
- TELEPHONE PEDESTAL
- SANITARY SEWER MANHOLE
- WATER LINE
- GAS LINE
- TREE OR BUSH LINE
- FIRE HYDRANT
- DECIDUOUS TREE
- CONIFEROUS TREE
- SIGN
- UNDERGROUND TELEPHONE LINE
- CONTOUR LINE
- WATER VALVE
- WOOD FENCE
- FLOW LINE
- SILT FENCE
- PROPOSED SIDEWALK

BOUNDARY INFORMATION PROVIDED BY OTHERS.
EDA IS NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS CAUSED BY THE USE OF BOUNDARY INFORMATION.

TREE PRESERVATION SUMMARY:

SITE AREA = 76,787.51 SF (1.76 AC)

CURRENT ZONING: C2 and R2
(29,909.17 SF, 0.69 AC IN R2)
(46,878.34 SF, 1.08 AC IN C2)

TOTAL SITE AREA = 76,787.51 SF (1.76 AC)
15% OF SITE AREA IN C2 ZONE = 7,032 SF (0.15 * 46,878.3 = 7032 SF)
20% OF SITE AREA IN R2 ZONE = 5,981 SF (0.20 * 29,909.17 = 5,981 SF)
CANOPY REQUIRED TO REMAIN = 13,014 SF (7,032 + 5,981)
CANOPY PROPOSED TO REMAIN 16,105 SF (0.37 AC.)
OR 21% OF TOTAL SITE AREA

file (w/ agenda packet 4-17-01)

EXISTING CONDITIONS AND TREE PRESERVATION PLAN

J.D. CHINA RESTAURANT
FAYETTEVILLE, ARKANSAS

EDA Consulting Engineering, Landscape Architecture, Land Surveying
Engineering Design Associates, P.A.
134 West Emma Avenue, Springdale, Arkansas 72764
(501) 756-1266, Fax: (501) 756-2129

DRAWN BY: AWF CHECKED BY: RMA
DATE: 8-31-00
SCALE: 1' = 20'
JOB NUMBER: 0491
FILE NAME: 0491LSD.DWG
DESCRIPTION:
SHEET 3 OF 4

D:\Land Projects_awf\0491\dwg\0491LSD.dwg 03/05/2001 03:38:20 PM CST